UNITED STATES OF AMERICA

Congressional Record

PROCEEDINGS AND DEBATES OF THE 91st CONGRESS
SECOND SESSION

VOLUME 116—PART 5

MARCH 3, 1970, TO MARCH 11, 1970
(PAGES 5597 TO 7070)

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UNITED STATES GOVERNMENT PRINTING OFFICE, WASHINGTON, 1970

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SENATE—*Tuesday, March 3, 1970*

The Senate met at 11:30 o'clock a.m. and was called to order by the President pro tempore (Mr. Russell).

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

In the words of the poet William M. Vories—1908:

"Let there be light, Lord God of Hosts,
Let there be wisdom on the earth.
Let broad humanity have birth.
Let there be deeds, instead of boasts.
"Within our passioned hearts instill
The calm that endeth strain and strife;
Make us Thy ministers of life;
Purge us from lusts that curse and kill.
"Give us the peace of vision clear
To see our brothers' good our own,
To joy and suffer not alone—
The love that casteth out all fear.
"Let woe and waste of warfare cease,
That useful labor yet may build
Its homes with love and laughter filled.
God, give Thy wayward children peace."

Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Monday, March 2, 1970, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

The PRESIDENT pro tempore. Under the order heretofore entered, the Senator from Arkansas (Mr. McClellan) is now recognized for 30 minutes.

Mr. MANSFIELD. Mr. President, will the Senator yield to me without having any of the time taken away from his time?

Mr. McCLELLAN. I yield.

ORDER FOR RECOGNITION OF SENATOR McGOVERN

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, at the conclusion of the remarks by the distinguished Senator from Missouri (Mr. Eagleton) today, the distinguished Senator from South Dakota (Mr. McGovern) be allowed to proceed for not to exceed 20 minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that at the conclusion of the remarks of the distinguished Senator from South Dakota there be a morning hour with a time limitation of 3 minutes on statements.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT TO 11:30 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 11:30 o'clock tomorrow morning.

The PRESIDENT pro tempore. Without objection, it so ordered.

ORDER FOR RECOGNITION OF SENATOR AIKEN TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that after the approval of the Journal tomorrow, the distinguished Senator from Vermont (Mr. Aiken) be recognized for not to exceed 30 minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION TODAY

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Arkansas is recognized for 30 minutes.

ESTABLISHMENT OF A COMMISSION ON POPULATION GROWTH AND THE AMERICAN FUTURE

Mr. McCLELLAN. Mr. President, a decade, measured by the dimensions of history, is but a moment. But the deeds of men during that brief timespace may well have a dominant effect on civilization. The dark depression days of the 1930's will always linger hauntingly in the minds of those charged with assaying and dealing with our economy. Man's inhumanity to man was never more starkly displayed than during the all-consuming war of the 1940's which changed the maps and thinking of the world, and gave rise to an international body whose efficacy was promptly challenged before we were settled into the 1950's. The exciting, adventurous exploration of space during the 1960's opened new vistas for mankind, and the whole world paused to marvel and wonder at the significance of this latest manifestation of man's advanced technological achievements.

Regardless of how we may characterize these eras, however, there is a disturbing thread—a hallmark—that runs through each of them. In each instance it seems that America was reacting—not acting—we were seeking to cope with a threat, a problem, rather than trying to prevent it. Even the national resolve to conquer space was undertaken only as a reaction to sputnik.

This costly hallmark of the past—living from crisis to crisis—too often made us the pawns rather than the masters of our destiny. Today, as we stand on the threshold of the seventies, it is a time for reviewing, reassessing, and rededicating our efforts toward the achievement of a grander destiny—a destiny that focuses on man and his environment.

America did not simply move from its rural agrarian state to today's highly industrialized, technologically oriented society, it plunged pellmell into a race to achieve an ever-increasing rate of productivity at the lowest possible dollar cost with little, if any regard for interrelated values. In pursuit of this objective we have achieved much—an affluence unmatched anywhere in the world—a standard of living unparalleled in the history of mankind—boundless educational and vocational opportunities, and a degree of comfort, mobility, and luxury never before enjoyed.

Measured by these standards America may well be the envy of the rest of the world. But somehow, somewhere along the way, the individual American seems to have been lost in the shuffle.

Early Americans, through great individual effort crisscrossed the Nation to conquer and claim their dominion, and when they had fanned out to its farthest reaches, they began regrouping and collecting at the crossroads to form the centers of today's population. Millions answered the beckoning call of the cities, and the migration continued until today 70 percent of the population lives on 1 percent of the land.

The path leading to this heavy concentration of a technological, oriented people has been strewn with litter and beclouded by pollution. So much so that many of today's scientists are prophesying doom lest we launch an immediate and massive campaign to clear our air, clean our streams, and intelligently handle the gigantic waste created by our industrialized system.

Thus far we have only nibbled at the periphery of the problem, but a series of recent efforts have been made at the Federal level:

First. In 1964 Congress passed the Water Resources Research Act which authorized Federal assistance in the establishment of State water resources research centers.

Second. In 1965 the Water Resources Planning Act was adopted, which set up the Water Resources Council to help establish river basin commissions.

Third. A solid waste disposal program was enacted in 1965, along with a Water Quality Act and in 1966, the Clean Water Restoration Act was passed, establishing a national policy of improved water quality, and requiring the development of State water quality standards, and authorizing a multibillion-dollar grant program for municipal sewage treatment plant construction.

Fourth. The Clean Air Act of 1965, and the Air Quality Act of 1967 required the establishment of State air quality standards and Federal automobile emission standards.

Fifth. The Highway Beautification Act of 1965, and the Highway Act of 1968, controlling junk yards, required that social and environmental factors be considered in public hearings on locations and designs in Federal-aid highway projects.

Sixth. And just recently, the National Environmental Policy Act of 1969, declaring as a national policy, the use of all practicable means to create and maintain conditions under which man and nature can exist in productive harmony and fulfill the social, economic, and other requirements of present and future generations of Americans.

This last act, representing the most comprehensive legislation to date dealing with the problems of America's future environment, was signed into law on the first day of this decade of the 1970's.

It was particularly appropriate that the President made the signing of this legislation his first official act of the 1970's. Taking note of that fact the President added:

> I have become convinced that the 1970's absolutely must be the years when America pays its debt to the past by reclaiming the purity of its air, its waters and our living environment. It is literally now or never.

The leadership of the Congress likewise announced its concern over the quality of life in America today and, on the first day of this session of Congress, a constitutional amendment was introduced to recognize and protect the right of every person to a decent environment.

Mr. President, I share the concern over the deteriorating quality of our air and our water and agree that we must protect and preserve these life-sustaining necessities.

Certainly when our cities, those shining citadels of yesteryear, are shrouded in suffocating smog, when lifegiving streams are choked with raw sewerage, chemicals, debris, and dead animals, and the truck gardens that used to surround our towns, are today's garbage dumps, it is time to act—to save us from ourselves. It is a time to inventory our resources, to establish values, to reorder our priorities, and to restructure our institutions to meet the task. It somehow seems incongruous to reach for the stars and ignore the deteriorating life-supporting systems of our own planet.

If we do not act to control the pollution and waste now generated by 200 million people, we could well be literally inundated by garbage by the end of the century when the population reaches 300 million. America has only 30 years to deal with its third 100 million people—it had 300 years for the first 100 million. New housing, hospitals, industries, schools—whole new towns—will be needed to accommodate this monumental addition to our present population. It is obvious that today's metropolitan areas—already bursting at the seams—cannot accommodate even a fraction of this multitude, nor can we ever hope to rid the skies of pervasive pollution by allowing further concentration of people and industries into already congested areas.

The expression of concern at the highest levels of government augur well for the future. But they alone are not enough, Mr. President. It is not enough simply to launch shotgun campaigns to edify our people, beautify our country, and purify the air we breathe and the water we drink.

If we are ever to recapture America the beautiful and bestow upon present and future generations the proposed "right to a decent environment," we must do more than simply amend the Constitution. We must plan and act now in a concerted effort to avoid further congestion of our metropolitan areas, to decentralize industry, and to seek a more logical, orderly national growth pattern.

In April 1968, when the Permanent Subcommittee on Investigations was deeply involved in studying the patterns of violence and riots in our cities, I was asked to suggest an answer to those critical problems. My reply is as applicable today as then:

> The best answer—particularly as a long-range solution—is to adopt measures and policies that will discourage further migration from the rural areas into the cities.
>
> The government, in my judgment, should encourage and assist industry to decentralize, and as it expands to build its plants in the open spaces, in the rural communities. There should be a housing program and other programs designed to get people out of the city slums—those who are willing to work. And I'd associate with this, a training program to prepare unskilled slum people for jobs.
>
> This would give these people a better life, open up to them some of the opportunities they claim to want. It would also stop congesting the cities, help relieve the transportation and pollution problems.

In this connection it should be noted that the Committee on Government Operations reported and the Senate passed, in 1968 and again last year, legislation to create a commission to study and recommend programs to alleviate the critical problems related to the disproportionate population concentration, and promote a more balanced economic growth pattern for the Nation. Such a commission would make an in-depth review of the maldistribution of population and industry and suggest methods for developing rural areas and for reshaping growth trends. The study envisioned by such a commission has never been undertaken. Legislation to establish a similar commission, proposed by the administration and charged with studying the problems of population growth and the American future, was likewise reported by the committee and passed by the Senate during the first session of the 91st Congress. This bill, S. 2701, was passed by the House February 18, with minor amendment, and at the conclusion of my remarks I shall ask for its immediate consideration.

Both bills resulted from a recognition of the fact that the intense concentration of population in a relatively few areas of the Nation, caused by heavy development of industries in limited sections of the country has created critical problems of transportation, pollution, crime, housing shortages, water shortages, and an acute lack of recreational facilities. On the other hand, many rural areas are not participating in the industrial expansion and the general economic advancements experienced by the Nation as a whole. Some of these are losing population and are not keeping pace with our overall national growth. Mr. President, obvious ways to encourage industry to provide jobs in rural areas would be through various tax incentives and more soundly devised land use policies; many others will undoubtedly be suggested as we focus further on the problem.

Certainly we in Arkansas are constantly seeking new industries for our State and our people, however, in this endeavor we have stressed the desire for "clean" industries. In this connection, I recently advised a group of businessmen seeking a site for an industry, notorious for its polluting waste products, that we were always looking for activities that would create new jobs and protect our environment, especially our streams and air. What we want are industries interested in working with our State's pollution control commission, which reported $10,000,000 in construction expenditures for water pollution control equipment during the 1969 fiscal year, and we expect this figure to increase in coming years as progress is made toward achieving Arkansas' water and air quality goals. The commission is the first to recognize that the goals will be obtainable only with continued assistance and cooperation of the government, industry,

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and the general public. We have made progress, and still more can be obtained by the addition of those industries which reflect a consciousness and a responsibility in working to protect the bountifulness of our great State.

Water is one of the basic catalysts for developing new towns—and apparently hundreds of new towns will be needed to accommodate the fantastic increase in population expected by the end of this century. In recognition of clean water as the central objective of environmental management, I introduced, with my colleague, Senator J. W. FULBRIGHT, Senate Joint Resolution 172, designating the first full week in May of each year as "Clean Water for America Week." I am pleased that the Senate promptly passed this resolution—on February 17, 1970—as a means of dramatizing the very real accomplishments of the past, the importance of water resource planning for the future, and the urgency with which we must attack some present-day pollution problems.

Fortunately, the abundance of quality water is one of Arkansas' greatest assets and one of ever-increasing value. Obviously, however, the water of our State—or any State—will not retain its high quality unless a national cooperative effort is undertaken to clean up all of America's waterways. The same is true of air pollution—it, too, knows no boundaries—State, National, or international.

The administration's commitment to improve the quality of our environment, as manifested in the President's 37-point message of February 10, is commendable. But, while we are working on specific programs to improve our environment, I urge the administration to launch an immediate campaign aimed at reducing the congestion of our cities—the prime centers of pollution—and reversing the massive influx into the overly concentrated metropolitan areas. We should seek to halt the sprawling, haphazard, and ofttimes unmanageable growth of urban areas and give them—and especially our decaying inner cities—time to restructure and clean up; while at the same time seeking to develop the potential of our rural areas. The adoption and implementation of a national policy to achieve these objectives would:

First, ease the proliferating population growth in the main centers of pollution;

Second, relieve the major metropolitan areas of their growing pains and pressures; and

Third, afford an opportunity for prudent, orderly, growth in rural areas for present and future generations.

Such a policy is, of course, much easier enunciated than implemented, especially in a democratic society of 200 million free citizens. The individual vocational choices of our citizens are not always so clearly "free," however, since most are drawn, often as not, to a particular location by the simple expediency and necessity of getting and keeping a job.

Those jobs, as well as educational opportunities, cultural activities, and higher standards of living are generally found only in the large metropolitan areas. Little wonder, then, that so many of our citizens have made and are making the not so free choice of migrating and staying in urban areas.

But I suggest that this need not be, Mr. President; I suggest that alternatives can be devised so that real meaning is given to the nature of our citizens' choices.

As we stand on the threshold of the seventies, let us look beyond this decade and the next; let us adopt as a national policy a coordinated program to prepare for the future development and settlement of America. In so doing, let us resolve to exhalt our resources, not exploit them. Let us use them in a manner calculated to benefit the greatest number of individual Americans—not the privileged few. We know that a population crisis is coming. Let us prepare for it, in a rationalized, orderly way that will accommodate our people in a setting that will enhance their lives as individuals, not as numberless, faceless members of a collective group in metropolitan conglomerates.

Three approaches readily come to mind:

First. Use of the Federal grant-in-aid programs.

Second. Use of Federal land holdings.

Third. Use of Federal procurement contracts.

I. USE OF THE FEDERAL GRANT-IN-AID PROGRAMS

I urge this administration to call upon each Federal agency and department to review each grant in every aid program with a view of determining whether the grant will alleviate or aggravate the population and pollution problems of our metropolitan areas; or whether it can be so directed as to promote the decentralization of our industries and thus contribute to the national policy of spreading our economic bases and population in less-developed areas in the country, thereby reducing the pollution potential.

Since World War II, Federal grants-in-aid have skyrocketed. For fiscal year 1946 grants totaled $0.9 billion; they rose to $3.6 billion a decade later—fiscal year 1956—and almost quadrupled during the next decade—fiscal year 1966—to $12.6 billion, and now, just 5 years later, Federal aids have more than doubled, with an estimated $28 billion forecast for the 1971 fiscal year.

According to an analysis accompanying the current budget, approximately $19 billion of the $28 billion of total Federal aids will be spent in standard metropolitan statistical areas—SMSA's. This is an increase of about $15 billion or nearly 300 percent over the amount of aid provided to these urban areas in 1961, and almost $5 billion in the short span of only 3 years. This analysis includes programs that provide financial assistance to urban communities to help them meet their public service needs. It also includes grants made to States that subsequently benefit metropolitan areas. The major increase in Federal grants for urban areas occur in law enforcement, model cities, and public assistance.

The report notes that between 1960 and 1968, more than 75 percent of the population growth occurred in the metropolitan complexes, with the result that about two-thirds of the population lives in 233 metropolitan areas.

Clearly, then, Federal grant money follows the population today, and much of it will have to continue doing so under present programs, but we could divert and redirect some of these funds in an effort to decentralize industry and promote population growth in rural areas of the country.

The opportunities for redistributing and channeling growth through the use of grants-in-aid are practically unlimited.

Grants-in-aid have long been used by the Government as a device for furthering national policies and goals. Indeed, the beginnings of this type of aid can be traced back beyond the Constitution to the ordinance of 1785, by which the Congress of the confederation dedicated a section of every township in the Federal domain for the maintenance of public schools.

These grants have mushroomed to the point that today we have at least 581 domestic assistance programs and activities being administered by 47 Federal departments and agencies. Another compilation lists 1,315 operating Federal assistance programs.

Many of these programs are designed for wide application in all areas of the country; others are peculiar to particular sections. For example, the postwar housing programs that spawned much of today's suburbia, slum clearance, urban mass transportation and renewal, model cities, and so forth, and other similar programs were designed to aid the cities. Given the agrarian nature of the early history of America, it is natural that many other Federal aid programs were drawn to assist the rural areas, with such agricultural-oriented legislation as crop subsidies, soil conservation, reclamation, irrigation, and so forth. Again, some of these programs have mixed application—some directed to a particular area or activity; others slanted to a given area, such as the public facility loan program, emphasizing aid to small places with populations under 10,000. Another, grants for comprehensive planning purposes—"701" program—relates directly to the problem we face today. The "701" program provides financial assistance to help State and local governments to solve planning problems, including those resulting from the increasing concentration of people in metropolitan and other urban areas and the outmigration from and lack of coordinated development of resources and services in rural areas.

The Small Business Investment Act of 1958, designed to promote development and expansion of small business with the objective of providing maximum employment and buying power as well as improving the national economy likewise has a financing program scaled to benefit the smaller, rural areas.

Perhaps the program that has the most potential for far-reaching and effective results in developing our rural areas is the Public Works and Economic Development Act of 1965. Its objective is simply to try to create new jobs in areas with abnormally high unemployment or extremely low income to finance public works and development facilities which are necessary to encourage and support commercial and industrial enterprises that will create new opportunities for permanent jobs and economic growth.

Under this program local economic development districts are organized and required to submit an overall economic development program—OEDP—before it can be designated as a redevelopment area eligible for EDA grants and loans.

The OEDP must set forth the area's problems and potentials, goals and priorities, and finally an appropriate program of projects. These OEDP's must be updated annually, thus the communities involved must review their progress and revise their programs.

All districts must contain at least one growth center. These centers are typically medium-size cities whose expansion can reasonably be expected to alleviate the distress of the several redevelopment areas encompassed in the district. By linking lagging areas with adjacent communities, the growth center provides new opportunities for jobs and service close to home. Under the concept, many of the unemployed and underemployed rural populace will choose to commute or move to nearby growth centers rather than to move to distant big cities.

An excerpt from the foreword of the 1968 progress report of the Economic Development Administration describes the potentials of this device for orderly growth, as follows:

> In recent past, our attention has been focused on the vast migration of the rural unemployed to our larger urban centers. We now understand that this movement to the city has not provided the answer to the lack of opportunity for the rural poor. The disproportion in our cities between job seekers and suitable jobs has added immeasurably to our urban ills. Many have traveled to the wrong place.
>
> Accordingly, one objective of regional economic development, whether it takes place in rural or urban areas, must be to achieve throughout the nation a reasonable balance between jobs and people.
>
> The EDA programs can and do offer an alternative (to the current migration trends from the rural areas to the cities in search of jobs)—a more decentralized and diversified urbanization process with a potential for enhancing rather than destroying social as well as economic values and the quality of American life.

I am happy to say that the program is working well in my State of Arkansas, as indicated by the following examples:

First. Industrial park development: The Economic Development Administration provided a $1,206,000 grant to the Pine Bluff-Jefferson County Port Authority to develop a waterfront industrial park in connection with the city's port. This 372-acre industrial park was created by land fill in a low, swampy area near the river. It has all of the necessary public utilities, including railroad spurs and will be served by superhighway within the next 3 years. Two firms are now building in the new park area. It is expected that 1,500 new jobs will be created by the time the industrial complex is completed.

Second. Five county industrial and municipal water distribution system: EDA provided $839,500 to the Southwest Arkansas Water District to assist it in constructing a five-county water distribution system to carry water from Lake Millwood to industrial sites and municipalities in Southwest Arkansas. As a result of that project, the Nekoosa-Edwards paper mill, located near Ashdown, provided 1,350 jobs and a payroll of more than $9 million annually for southwest Arkansas residents. More importantly, there are seven cities in southwest Arkansas which lay along the distribution canal that can draw on this 50 million gallon-per-day industrial water supply.

Third. Water and sewer system improvements to existing municipal facilities: Many municipalities cannot expand their industrial development efforts because of the inadequacies of local water and sewer systems to absorb the additional demands that would be made on the system. Such was the case at Fort Smith, Ark., where EDA provided $2,219,090 to expand the city's water and sewer facilities, to build access roads to industrial sites, and to provide day-care services for low-income working mothers. It is estimated that 1,342 new jobs were created immediately, with an expected 1,750 jobs to result from the entire economic development program connected with this grant.

Fourth. Southwest technical institute: EDA's primary objective is to create new jobs. When the old Shumaker Ordinance Works closed after the Korean war, approximately 4,000 jobs were lost to the community. The property which was sold to Brown and Root Engineering has since been developed into an industrial complex housing primarily technical industries such as electronics, munition production, and other jobs requiring skilled workers. The State, in conjunction with private industry, entered into a partnership with the Economic Development Administration to create an industrial technology institute to train highly skilled technicians. There is no way to adequately estimate how many jobs this will create, but it is a known fact that many of the industries locating in the industrial park are attracted there by the availability of highly skilled workers. It is expected that the institute will have the capacity to train 2,000 workers annually when it gets into full scale operation.

Mr. President, these are but a few illustrative examples of many I could cite that have worked well in Arkansas. I have such great confidence in the potential benefits to be derived from this program that this year, as chairman of the appropriations subcommittee, I sought to retain the full funding for the operational activities of EDA, and we were successful in restoring $4.5 million which had been cut from the funds for development facilities by the House. And my colleagues may be sure that in so doing I was—and am—fully cognizant of our Government's tight financial situation, as indicated in my testimony last May urging support for this program.

I am hopeful that we can enlarge this program in the future, to the full extent that prudent investments and the prospects of fruitful results allow.

II. USE OF FEDERAL LAND HOLDINGS

According to President Nixon's environment message, the Federal Government owns one-third of all the land in the United States—more than 750 million acres. The President stated that this land might be put to better us, emphasizing the need for additional park and recreational areas. I support that objective, but suggest that we not limit the use of public land to park and recreation.

I suggest that we explore the possibility of using Federal land grants in furtherance of a national policy to decentralize our industrial base and reverse our population migration to the urban areas.

The use of public lands has long been employed by the Government as an efficacious means of implementing a national objective. As previously indicated, the beginning of this type of aid can be traced back to the ordinance of 1785, when the Congress of the Confederation dedicated a section of every township in the Federal domain for the maintenance of public schools.

Again in the area of education, Congress passed the Morrill Act in 1862, to establish a system of land-grant colleges and universities to be operated on the income from public lands—30,000 acres or its equivalent in scrip for each Member of Congress—for each State. From this beginning we have developed a national system of higher education in every State of the Union and the Commonwealth of Puerto Rico.

Every schoolboy knows of the role Federal land grants for railroads played in the early development of this country. Congress granted more than 188 million acres of land for this purpose during the period from 1850 to 1880. Also from 1827 to 1866, the Federal Government granted 4.5 million acres of land for canals.

More recently, Congress enacted the Federal Property Act of 1949, authorizing grants of Federal surplus land for educational, health, public airports, wildlife conservation, and historic monuments purposes. Also under that authority, such property may be conveyed at 50 percent of the fair market value for use for park and recreational purposes.

The General Services Administration, which is responsible for administering the Federal Property Act, reports that excess and surplus Federal real property is currently held in each of the 50 States. Since 1949, the GSA has disposed of Federal real property having a total acquisition cost of $6.5 billion.

The Housing Act of 1961 contained a provision to assist State and local governments in preserving open-space land in and around urban areas which, for economic, social, conservation, recreational, or esthetic reasons, is essential to the proper long-range development and welfare of the Nation's urban areas and their suburban environs. The Department of Housing and Urban Development advises that some 300,500 acres of land have been devoted to this program.

In 1964, Congress enacted Public Law 88-608, a temporary law to provide for transfer of title of Federal lands that are required for orderly growth and development of a community or are chiefly valuable for residential, commercial, agricultural, and industrial or public uses or development. This act has been extended until June 30 of this year and thus far 30,052 acres have been sold under this authority for $1,918,897.

Grants to States and their political subdivision for planning, acquisition, and development of public outdoor recreation areas and facilities were provided for in the Land and Water Conservation Act of 1965—Public Law 88-578. This act has provided $502 million for recreational land acquisition over the past 5 years and has been described as one of the most important general acts designed to promote a national land use policy. Last year Congress enlarged the fund to $1 billion over 5 years by dedicating revenues received from mineral development on the Outer Continental Shelf.

Mr. President, all of this is by way of saying that there is ample precedent for using public lands in furtherance of national policies.

As with the grant-in-aid programs, I urge the administration to direct each Federal agency and department charged with administering our land-grant programs to review them with a view toward using them to implement a national policy of developing rural areas for future growth, and using existing property in urban areas, to the fullest possible extent for open spaces; that is, parks and recreational purposes. I also suggest the administration explore the feasibility of establishing a Federal land-grant program for the specific purpose of developing existing and new communities in rural areas.

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Such a program would facilitate the decentralization of our industrial complex; create new centers of employment and population growth; help areas of lagging growth; reduce the pressure of our compacted metropolitan areas; and promote environmental control, which can be more readily implemented in new industries and accomplished faster in metropolitan areas if population pressures are eased.

We have been blessed with only one crop of land and it is incumbent upon us to put it to the best possible use for the greatest number of our people.

Obviously, the happenstance of the location of Federal property will have a limiting effect on its use; however, there is always the possibility of exchanging Government-owned parcels for others to obtain a desirable tract for use under this proposed program.

III. USE OF FEDERAL PROCUREMENT CONTRACTS

In fiscal year 1969, the Government expended approximately $55 billion for the procurement of goods and services—$43 billion for defense purposes, and the remainder—$12 billion—by the civilian branch of the Government.

The two basic statutes which govern military and nonmilitary procurement were enacted more than 20 years ago. During that time the Federal budget rose from $40 billion to $200 billion and procurement from $9 billion to $55 billion. Despite this phenomenal increase in Federal procurement, the magnitude of expenditures involved and an awareness of the fact that practices and procedures by which goods and services are secured are varied, uncoordinated, and lacking in uniformity, no comprehensive review of Federal procurement policies and practices has been undertaken since the first Hoover Commission filed its report in 1949.

Accordingly, last year Congress passed legislation, reported by the Committee on Government Operations, to establish a Commission on Government Procurement, to study problems in this area, and make appropriate recommendations—Public Law 91-129.

The language of the law offers general guidelines to the Commission but does not attempt to limit the scope of its inquiries into the multifaceted field of Government procurement.

I urge the administration to appoint promptly the best qualified people available to this Commission, and charge them with the duty of exploring the possibility of seeking a better balanced economy through the use of Federal procurement practices and policies, to the extent that prudent management will allow. Certainly we must constantly seek to obtain a full dollar's worth for every tax dollar spent on Government procurement, but it may well be that money spent in seeking to decentralize industries and to reverse present population trends will prove to be the best possible investment over the long pull. I am not suggesting that we launch an antipoverty system of procurement, but I do believe that we have had sufficient experience with small business set-asides in procurement to determine if a similar device can be used to further the national policy of seeking a more evenly distributed population growth, and facilitate efforts to restore our environment.

Mr. President, each of these suggestions is offered in the prevailing spirit of making a concerted effort to protect and restore not only the environment of America, but to enhance the quality of life for every American. I am convinced that every American—present and future—will benefit from a national policy that seeks an orderly, balanced economic and population growth, in a quality environment.

Human needs, wants, desires, and aspirations have always been uppermost in the minds of those concerned with setting national policies.

So is was the beginning of this Nation, and so it is today when in recent years we have adopted national policies and programs seeking full employment, better education, decent housing, and the elimination of poverty. Now let us proclaim a policy that will assure every American a better life in a better environment. Let those at the national level show the way by utilizing the full force and power of the Federal establishment toward these noble ends.

Let us begin by coordinating existing Federal programs that may lend themselves to the achievement of a national policy of decentralizing industry and encouraging economic and population growth in our rural areas so that we might ease the pressures on our cities—the prime source of pollution—and increase the opportunities for providing a better living environment for all our citizens.

The Economic Development Administration has been successful in this area on a modest scale. I suggest, therefore, that we expand its role and enlist its expertise, experience, and facilities in the implementation of this national policy.

Any effort to try to adjust the present maldistribution of population—especially in this country—will tax the resources, ingenuity, and best minds of America. That it will be difficult is obvious, however, it is equally clear that such an effort will be in the best interest of our people and our future generations. This Nation has shown time and again that once we have the will, the determination and dedication, anything is possible. One has only to remember the great mobilization for—and execution of—America's war effort—the tremendous success of the Marshall plan—and the leap-frogging technological advances that saw this Nation place men on the moon within a short decade, to know that it can be done.

I am sure that we are equal to the task, Mr. President, and I urge that we begin immediately to launch this massive undertaking.

Mr. President, a Gallup poll taken in 1968 showed that 56 percent of Americans would choose a rural life if they were free to do so, that only 18 percent would choose a city life, and 25 percent would chose a suburban life.

Let me point out that if we are going to solve the problems of congestion, pollution, and the environment, the wise thing to do is to establish programs which will carry jobs out to where the people are, and not further concentrate industry in overcrowded areas where there are already too many people, and where we have the most difficult problems with pollution, transportation, and general living conditions.

Thus, I suggest that the matters I have discussed today merit the attention and consideration of Congress and the administration.

Mr. PERCY. Mr. President, will the Senator from Arkansas yield?

Mr. McCLELLAN. I am happy to yield to the Senator from Illinois.

Mr. PERCY. I should like to commend the distinguished Senator from Arkansas for a very thought-provoking speech. I am sorry I was not here for all of it but I intend to study it very carefully.

The Senator from Arkansas has touched on a subject of great interest to me. I have noticed with great alarm the continued concentration of populations in the urban areas which has added not only to the environmental problem but to the overloading of schools and to the overloading of the welfare programs. Congestion of people in this country today is almost unbearable.

Mr. McCLELLAN. I believe I gave four examples of how Federal grants-in-aid, in this instance, the EDA programs, helped to establish new industries in Arkansas. These four projects probably provided 5,000 jobs. The people involved would probably be on relief or would have to go to some metropolitan area in search of a job, had these programs not been implemented in Arkansas. I do not have a complete blueprint or all the answers, but I believe that it is a wise thing, and that it would be a desirable national policy to try to take the jobs out to where the people are and stop the influx of people into overcrowded areas.

Unless we reverse the population trend to the cities, we cannot hope to remedy many of the pressing problems that prevail in the metropolitan areas today.

Mr. PERCY. We have experienced in Illinois, not only migration from the South where the people there simply did not have the industrial opportunity but also migration within the State. Southern Illinois is a beautiful section of the country. We educate thousands of young people at Southern Illinois University, but most of them do not live in the area and do not wish to stay there to build up the community.

I believe that we must move into some kind of decentralization, such as in the St. Louis and Chicago regions, and find some incentive to encourage people to move into the rural areas so that they can have a better life.

Once more I commend the distinguished Senator from Arkansas for a very perceptive and thoughtful speech.

Mr. McCLELLAN. I am glad to have the support of the distinguished Senator from Illinois. This is not an idea, a plan, or a scheme to injure or detract from the metropolitan, highly developed communities in the Nation. It is a suggestion designed to prevent more injury to them while at the same time, encouraging growth in our rural, less-populated areas. This is a sensible thing to do.

I thank the Senator from Illinois.

Mr. President, I ask the Chair to lay before the Senate the message from the House of Representatives on S. 2701.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 2701) to establish a Commission on Population Growth and the American Future, which was to strike out all after the enacting clause, and insert:

That the Commission on Population Growth and the American Future is hereby established to conduct and sponsor such studies and research and make such recommendations as may be necessary to provide information and education to all levels of government in the United States, and to our people, regarding a broad range of problems associated with population growth and their implications for America's future.

MEMBERSHIP OF COMMISSION

Sec. 2. (a) The Commission on Population Growth and the American Future (hereinafter referred to as the "Commission") shall be composed of—

(1) two Members of the Senate who shall be members of different political parties and who shall be appointed by the President of the Senate;

(2) two Members of the House of Representatives who shall be members of different political parties and who shall be appointed by the Speaker of the House of Representatives; and

(3) not to exceed twenty members appointed by the President.

(b) The President shall designate one of the members to serve as Chairman and one to serve as Vice Chairman of the Commission.

(c) The majority of the members of the Commission shall consitute a quorum, but a lesser number may conduct hearings.

COMPENSATION OF MEMBERS OF THE COMMISSION

Sec. 3. (a) Members of the Commission who are officers or full-time employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(b) Members of the Commission who are not officers or full-time employees of the United States shall each receive $100 per diem when engaged in the actual performance of duties vested in the Commission.

(c) All members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5 of the United States Code for persons in the Government service employed intermittently.

DUTIES OF THE COMMISSION

Sec. 4. The Commission shall conduct an inquiry into the following aspects of population growth in the United States and its foreseeable social consequences:

(1) the probable course of population growth, internal migration, and related demographic developments between now and the year 2000;

(2) the resources in the public sector of the economy that will be required to deal with the anticipated growth in population;

(3) the ways in which population growth may affect the activities of Federal, State, and local government;

(4) the impact of population growth on environmental pollution and on the depletion of natural resources; and

(5) the various means appropriate to the ethical values and principles of this society by which our Nation can achieve a population level properly suited for its environmental, natural resources, and other needs.

STAFF OF THE COMMISSION

Sec. 5. (a) The Commission shall appoint an Executive Director and such other personnel as the Commission deems necessary without regard to the provisions of title 5 of the United States Code governing appointments in the competitive service and shall fix the compensation of such personnel without regard to the provisions of chapter 51 and subtitle II of chapter 53 of such title relating to classification and General Schedule pay rates: *Provided*, That no personnel so appointed shall receive compensation in excess of the rate authorized for GS–18 by section 5332 of such title.

(b) The Executive Director, with the approval of the Commission, is authorized to obtain services in accordance with the provisions of section 3109 of title 5 of the United States Code, but at rates for individuals not to exceed the per diem equivalent of the rate authorized for GS–18 by section 5332 of such title.

(c) The Commission is authorized to enter into contracts with public agencies, private firms, institutions, and individuals for the conduct of research and surveys, the preparation of reports, and other activities necessary to the discharge of its duties.

GOVERNMENT AGENCY COOPERATION

Sec. 6. The Commission is authorized to request from any Federal department or agency any information and assistance it deems necessary to carry out its functions; and each such department or agency is authorized to cooperate with the Commission and, to the extent permitted by law, to furnish such information and assistance to the Commission upon request made by the Chairman or any other member when acting as Chairman.

ADMINISTRATIVE SERVICES

Sec. 7. The General Services Administration shall provide administrative services for the Commission on a reimbursable basis.

REPORTS OF COMMISSION: TERMINATION

Sec. 8. In order that the President and the Congress may be kept advised of the progress of its work, the Commission shall, from time to time, report to the President and the Congress such significant findings and recommendations as it deems advisable. The Commission shall submit an interim report to the President and the Congress one year after it is established and shall submit its final report two years after the enactment of this Act. The Commission shall cease to exist sixty days after the date of the submission of its final report.

AUTHORIZATION OF APPROPRIATIONS

Sec. 9. There are hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such amounts as may be necessary to carry out the provisions of this Act.

Mr. McCLELLAN. Mr. President, this Commission would conduct and sponsor studies and research and make such recommendations as may be necessary to provide information and education to all levels of government in the United States, and to the public, regarding a broad range of problems associated with population growth and their implications for America's future.

The Commission would be composed of two Members from the Senate, two from the House, and not to exceed 20 members to be appointed by the President.

The Commission would conduct an inquiry into the following aspects of population growth in the United States and its foreseeable social consequences:

First, the probable course of population growth, internal migration, and related demographic developments between now and the year 2000;

Second, the resources in the public sector of the economy that will be required to deal with the anticipated growth in population; and

Third, the ways in which population growth may affect the activities of Federal, State, and local government.

The PRESIDING OFFICER (Mr. Byrd of West Virginia in the chair). The time of the Senator from Arkansas has expired. Under the previous order, and without objection, the Senator will be recognized for an additional 3 minutes.

Mr. McCLELLAN. Mr. Presdent, I think we have a different matter before the Senate now.

The PRESIDING OFFICER. That is true, but under the previous order, the Senator can be recognized for 3 additional minutes.

Mr. McCLELLAN. I ask unanimous consent to proceed for 3 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCLELLAN. Mr. President, fourth, the impact of population growth on environmental pollution and on the depletion of natural resources; and fifth, the various means appropriate to the ethical values and principles of this so-

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ciety by which our Nation can achieve a population level properly suited for its environmental, natural resources, and other needs.

Mr. President, the House amended the bill by adding the last two sections, (4) and (5), which I have just read; reduced the per diem for members not otherwise employed by the Government from $150 to $100 a day; and added the following language, under the reporting section—(section 8 of the bill—page 5, line 8, ", in order that the President and Congress may be kept advised of the progress of its work, the commission shall, from time to time, report to the President and the Congress such significant findings and recommendations as it deems advisable."

Mr. President, I move that the Senate concur in the House amendments.

The motion was agreed to.

Mr. PERCY subsequently said: Mr. President, this morning the Senate adopted a measure which will create a Commission on Population Growth and America's Future.

I believe that this is one of the most significant actions taken by the Senate. The House has also approved the action.

We have, of course, tremendous leadership now, at the Presidential level, in what I consider to be one of the most important long-range problems faced by our country, if not by the world.

The ice was broken by President John F. Kennedy, who took a firm, courageous, and forthright position. Certainly the most complete and searching analysis of the problem has been made in the Presidential message of President Richard M. Nixon. That was a statement that required courage. It was based on a tremendous amount of research. I believe that it charted for the future a definite program of research, development, evaluation, and study to determine what effect population growth will have on the quality of life in America and in the world.

Mr. President, we should take into account, I believe, the tremendous work which has already been done in the private sector as we in the Government begin work in this area.

We are the benefactors today, as we now go to work on the problem of environmental control, of the years of research done by the private foundations and the great universities of this country in conservation and environmental control.

In fact, some of the very men appointed to the Council on Environmental Quality, such as Russell Train, Under Secretary of the Interior, Laurence Rockefeller, and others, have come out of the area of foundations on education, or other private organizations, which have been working in the field of environmental control. They come fully equipped and will give to Government all the background and experience they have acquired.

In the area of population control, Government previously has been exceedingly timid and cautious and has, perhaps, given too much weight to political considerations rather than practical considerations.

Private foundations and philanthropies have courageously and boldly moved ahead throughout the years in this field, both in the United States and abroad. I need mention only the pioneering and outstanding work done by the Ford Foundation in India with the many programs which it has carried on through the years.

Certainly the Rockefeller Foundation has specialized in this area. John D. Rockefeller III has devoted more years of his life to this one subject than any other subject, and certainly he is one of the most knowledgeable and experienced men in this area. He has not only worked on it in the United States of America, to try and understand what it will do to the quality of life in America if we do not arrest our present population growth, but he has also consulted with world leaders, and chiefs of state, to see whether world assistance and leadership could be elicited in this activity.

I commend the President of the United States. I commend the Congress of the United States for now laying out a structure of commission members, both Government as well as members from private life, to move forward now in an orderly fashion to focus the attention of the country and the world on this problem.

I believe that President Nixon deserves great credit, bipartisan credit on both sides of the aisle, for the forthright position he has taken on an action that has now enabled Congress to move ahead in this field.

ORDER OF BUSINESS

The PRESIDING OFFICER. Under the previous order, the able Senator from Missouri (Mr. EAGLETON) is now recognized for not to exceed 15 minutes.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Geisler, one of his secretaries.

EDUCATIONAL REFORM—MESSAGE FROM THE PRESIDENT (H. DOC. NO. 91–267)

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which was referred to the Committee on Labor and Public Welfare:

To the Congress of the United States:

American education is in urgent need of reform.

A nation justly proud of the dedicated efforts of its millions of teachers and educators must join them in a searching re-examination of our entire approach to learning.

We must stop thinking of primary and secondary education as the school system alone—when we now have reason to believe that young people may be learning much more *outside* school than they learn in school.

We must stop imagining that the Federal government had a cohesive education policy during a period of explosive expansion—when our Federal education programs are largely fragmented and disjointed, and too often administered in a way that frustrates local and private efforts.

We must stop letting wishes color our judgments about the educational effectiveness of many special compensatory programs, when—despite some dramatic and encouraging exceptions—there is growing evidence that most of them are not yet measurably improving the success of poor children in school.

We must stop pretending that we understand the mystery of the learning process, or that we are significantly applying science and technology to the techniques of teaching—when we spend less than one half of one percent of our educational budget on research, compared with 5% of our health budget and 10% of defense.

We must stop congratulating ourselves for spending nearly as much money on education as does the entire rest of the world—$65 billion a year on all levels—when we are not getting as much as we should out of the dollars we spend.

A new reality in American education can mark the beginning of an era of reform and progress for those who teach and those who learn. Our schools have served us nobly for centuries; to carry that tradition forward, the decade of the 1970s calls for thoughtful redirection to improve our ability to make up for environmental deficiencies among the poor; for long-range provisions for financial support of schools; for more efficient use of the dollars spent on education; for structural reforms to accommodate new discoveries; and for the enhancement of learning before and beyond the school.

When educators, school boards and government officials alike admit that we have a great deal to learn about the way we teach, we will begin to climb the up staircase toward genuine reform.

Therefore, *I propose that the Congress create a National Institute of Education* as a focus for educational research and experimentation in the United States. When fully developed, the Institute would be an important element in the nation's educational system, overseeing the annual expenditure of as much as a quarter of a billion dollars.

I am establishing a President's Commission on School Finance to help States and communities to analyze the fiscal plight of their public and non-public schools. We must make the nation aware of the dilemmas our schools face, new methods of organization and finance must be found, and public and non-public schools should together begin to chart the fiscal course of their educational planning for the Seventies.

I propose new steps to help States and communities to achieve the Right to Read for every young American. I will shortly request that funds totalling $200 million be devoted to this objective during Fiscal 1971. The basic ability to read is a right that should be denied to no one, and the pleasures found in books and libraries should be available to all.

I propose that the Department of Health, Education and Welfare and the Office of Economic Opportunity begin

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now to establish a network of child development projects to improve our programs devoted to the first five years of life. In fiscal 1971, a minimum of $52 million will be provided for this purpose.

NEW MEASUREMENTS OF ACHIEVEMENT

What makes a "good" school? The old answer was a school that maintained high standards of plant and equipment; that had a reasonable number of children per classroom; whose teachers had good college and often graduate training; a school that kept up to date with new curriculum developments, and was alert to new techniques in instruction. This was a fair enough definition so long as it was assumed that there was a direct connection between these "school characteristics" and the actual amount of learning that takes place in a school.

Years of educational research, culminating in the Equal Educational Opportunity Survey of 1966 have, however, demonstrated that this direct, uncomplicated relationship does not exist.

Apart from the general public interest in providing teachers an honorable and well-paid professional career, there is only one important question to be asked about education: *What do the children learn?*

Unfortunately, it is simply not possible to make any confident deduction from school characteristics as to what will be happening to the children in any particular school. Fine new buildings alone do not predict high achievement. Pupil-teacher ratios may not make as much difference as we used to think. Expensive equipment may not make as much difference as its salesmen would have us believe.

And yet we know that something does make a difference.

The *outcome* of schooling—what children learn—is profoundly different for different groups of children and different parts of the country. Although we do not seem to understand just what it is in one school or school system that produces a different outcome from another, one conclusion is inescapable: *We do not yet have equal educational opportunity in America.*

The purpose of the National Institute of Education would be to begin the serious, systematic search for new knowledge needed to make educational opportunity truly equal.

The corresponding need in the school systems of the nation is to begin the responsible, open measurement of how well the educational process is working. It matters very little how much a school building costs; it matters a great deal how much a child in that building learns. An important beginning in measuring the end result of education has already been made through the National Assessment of Educational Progress being conducted by the Education Commission of the States.

To achieve this fundamental reform it will be necessary to develop broader and more sensitive measurements of learning than we now have.

The National Institute of Education would take the lead in developing these new measurements of educational output. In doing so it should pay as much heed to what are called the "immeasurables" of schooling (largely because no one has yet learned to measure them) such as responsibility, wit and humanity as it does to verbal and mathematical achievement.

In developing these new measurements, we will want to begin by comparing the actual educational effectiveness of schools in similar economic and geographic circumstances. We will want to be alert to the fact that in our present educational system we will often find our most devoted, most talented, hardest working teachers in those very schools where the general level of achievement is lowest. They are often there because their commitment to their profession sends them where the demands upon their profession are the greatest.

From these considerations we derive another new concept: *accountability*. School administrators and school teachers alike are responsible for their performance, and it is in their interest as well as in the interest of their pupils that they be held accountable. Success should be measured not by some fixed national norm, but rather by the results achieved in relation to the actual situation of the particular school and the particular set of pupils.

For years the fear of "national standards" has been one of the bugaboos of education. There has never been any serious effort to impose national standards on educational programs, and if we act wisely in this generation we can be reasonably confident that no such effort will arise in future generations. The problem is that in opposing some mythical threat of "national standards" what we have too often been doing is avoiding accountability for our own local performance. We have, as a nation, too long avoided thinking of the *productivity* of schools.

This is a mistake because it undermines the principle of local control of education. Ironic though it is, the avoidance of accountability is the single most serious threat to a continued, and even more pluralistic educational system. Unless the local community can obtain dependable measures of just how well its school system is performing for its children, the demand for national standards will become even greater and in the end almost certainly will prevail. When local officials do not respond to a real local need, the search begins for a level of officialdom that will do so, and all too often in the past this search has ended in Washington.

I am determined to see to it that the flow of power in education goes toward, and not away from, the local community. The diversity and freedom of education in this nation, founded on local administration and State responsibility, must prevail.

THE NATIONAL INSTITUTE OF EDUCATION

As the first step toward reform, we need a coherent approach to research and experimentation. Local schools need an objective national body to evaluate new departures in teaching that are being conducted here and abroad and a means of disseminating information about projects that show promise.

The National Institute of Education would be located in the Department of Health, Education, and Welfare under the Assistant Secretary for Education, with a permanent staff of outstanding scholars from such disciplines as psychology, biology and the social sciences, as well as education.

While it would conduct basic and applied educational research itself, the National Institute of Education would conduct a major portion of its research by contract with universities, non-profit institutions and other organizations. Ultimately, related research activities of the Office of Education would be transferred to the Institute.

It would have a National Advisory Council of distinguished scientists, educators and laymen to ensure that educational research in the Institute achieves a high level of sophistication, rigor and efficiency.

The Institute would set priorities for research and experimentation projects and vigorously monitor the work of its contractors to ensure a useful research product.

It would develop criteria and measures for enabling localities to assess educational achievement and for evaluating particular educational programs, and would provide technical assistance to State and local agencies seeking to evaluate their own programs.

It would also link the educational research and experimentation of other Federal agencies—the Office of Economic Opportunity, the Department of Labor, the Department of Defense, the National Science Foundation and others—to the attainment of particular national educational goals.

Here are a few of the areas the National Institute of Education would explore:

(a) *Compensatory Education*. The most glaring shortcoming in American education today continues to be the lag in essential learning skills in large numbers of children of poor families.

In the last decade, the Government launched a series of ambitious, idealistic, and costly programs for the disadvantaged, based on the assumption that extra resources would equalize learning opportunity and eventually help eliminate poverty.

In some instances, such programs have dramatically improved children's educational achievement. In many cases, the programs have provided important auxiliary services such as medical care and improved nutrition. They may also have helped prevent some children from falling even further behind.

However, the best available evidence indicates that most of the compensatory education programs have not measurably helped poor children catch up.

Recent findings on the two largest such programs are particularly disturbing. We now spend more than $1 billion a year for educational programs run under Title I of the Elementary and Secondary Education Act. Most of these have stressed the teaching of reading, but before-and-after tests suggest that only 19% of the children in such programs improve their reading significantly; 13%

appear to fall behind more than expected; and more than two-thirds of the children remain unaffected—that is, they continue to fall behind. In our Headstart program, where so much hope is invested, we find that youngsters enrolled only for the summer achieve almost no gains, and the gains of those in the program for a full year are soon matched by their non-Headstart classmates from similarly poor backgrounds.

Thoughtful men recognize the limitations of such measurements and would not conclude that the programs thus assessed are without value. It may be necessary to wait many years before the full impact of such programs on the lives of poor youngsters can be ascertained. But as we continue to conduct special compensatory education for the disadvantaged, we must recognize that our present knowledge about how to overcome poor backgrounds is so limited that major expansion of such programs could not be confidently based on their results.

While our understanding of what works in compensatory education is still inadequate, we do know that the social and economic environment which surrounds a child at home and outside of school probably has more effect on what he learns than the quality of the school he now attends. Therefore, the major expansion of income support proposed in the Family Assistance Plan should also have an important educational effect.

The first order of business of the National Institute of Education would be to determine what is needed—inside and outside of school—to make our compensatory education effort successful. To help get this process under way now, I have also reactivated the National Advisory Council on the Education of Disadvantaged Children, and have appointed a slate of distinguished educators who will make recommendations and help monitor our efforts in this field. The nation cannot afford defeat in this area.

(b) *The Right To Read.* In September, the nation's chief education officer, Dr. James E. Allen, Jr., proclaimed the Right to Read as a goal for the 1970's. I endorse this goal.

Achievement of the Right to Read will require a national effort to develop new curricula and to better apply the many methods and programs that already exist. Where we do not know how to solve a reading problem, the National Institute of Education would undertake the research. But often we find that someone does know how, and the Institute would make that knowledge available in forms that can be adopted by local schools.

In some critical areas, we already know how to work toward achieving the Right to Read for our nation's children. In the coming year, I will ask the Congress to appropriate substantial resources for two programs that can most readily serve to achieve this new commitment—the program that assists school libraries to obtain books, and the program that provides funds through the states for special education improvement projects.

I will shortly ask Congress to increase the funds for these two programs—funds which are available to public and non-public schools alike—to $200 million. I shall direct the Commissioner of Education to work with State and local officials to assist them in using these programs to teach children to read. This is a purpose which I believe to be of the very highest priority for our schools, and a right which, with the cooperation of the nation's educators, can be achieved for every young American.

(c) *Television and Learning.* Most education takes place outside the school. Although we often mistakenly equate "schooling" with "learning," we should begin to pay far greater attention to what youngsters learn during the more than three-quarters of their time they spend elsewhere.

In the last twenty years, there has been a revolution in the way most boys and girls—and their parents—occupy themselves. The average high school student, for example, by the time he graduates, has spent 11,000 hours in school—and 15,000 hours watching television.

Our goal must be to increase the use of the television medium and other technological advances to stimulate the desire to learn and to help teach.

The technology is here, but we have not yet learned how to employ it to our full advantage. How can local school systems extend and support their curricula working with local television stations? How can new techniques of programmed learning be applied so as to make each television set an effective teaching aid? How can television, audio-visual aids, the telephone, and the availability of computer libraries be combined to form a learning unit in the home, revolutionizing "homework" by turning a chore into an adventure in learning?

The National Institute of Education would examine questions such as these, especially in that vital area where out-of-school activities can combine with modern technology and public policy to enhance our children's education. It will work in concert with other organizations and agencies dedicated to the educational uses of television technology. Prominent among these is the Corporation for Public Broadcasting, which the Congress established in 1967 as a private entity to channel and shape the use of Federal funds in support of public broadcasting. With its authorization for Federal funds expiring shortly, the time has come to extend the Federal support for the Corporation to stimulate its continuing growth and improvement. Accordingly, the Secretary of Health, Education, and Welfare is today transmitting a bill to authorize funds for the Corporation for a three-year period. This will permit the Corporation to grow in the orderly and planned way so important to a new undertaking. A portion of the annual Federal funding would be based on matching the dollars raised by the Corporation from non-Federal sources. The Congress did not intend that the Corporation derive its funds solely from the Federal Government. Therefore, increased contributions from private sources should be stimulated during the early years through the incentive offered in the matching process.

(d) *Experimental Schools.* As a bridge between basic educational research and actual school practices, I consider the Experimental Schools program to be highly important. Accordingly, I renew my request to the Congress to appropriate the full amount asked—$25 million in Fiscal Year 1971.

The Secretary of Health, Education, and Welfare is today transmitting a bill to establish the National Institute of Education. We have taken a similar approach in biomedical research through the National Institutes of Health; this effort in education would be an historic step forward.

THE PRESIDENT'S COMMISSION ON SCHOOL FINANCE

I am today signing an Executive Order establishing a President's Commission on School Finance, to be in existence for two years, reporting to the President periodically on future revenue needs and fiscal priorities for public and non-public schools.

(a) *From Quantity to Quality.* Over the past twenty years the public schools have experienced the greatest expansion in their history. Enrollments increased by 80%—from 25 million to 45 million pupils—in those two decades.

But now the period of steep enrollment growth in the schools is over: The birthrate has been declining for about ten years and the number of pupils in the public schools is expected to rise only slightly in the decade ahead. This means that the schools, no longer faced with a problem of sharply increasing numbers, will now be able to concentrate on finding improved educational methods. They can now shift their emphasis from quantity to quality.

(b) *Future Financial Needs.* Despite this leveling-off of enrollments, additional resources will be necessary, particularly if the present rate of growth in *per pupil* expenditures continues. Yet, because we have neglected to plan how we will deal with school finance, we have great instability and uncertainty in the financial structure of education.

(c) *Disparity Among Districts and States.* The continuing if narrowing gap in educational expenditures between rich and poor States and rich and poor school districts is cause for national concern. Differences in dollars per pupil are not in themselves wrong; in a democracy, communities should have the right to provide extra support to their schools if they wish. But some areas with a low tax base find it difficult or impossible to provide *adequate* support to their schools, a problem that crosses State lines in an era of mobility—when the poorly taught of one area frequently become unemployed adults elsewhere.

The need is apparent for a central body to study the different approaches being pioneered by States and local districts, and to disseminate the information about successes achieved and problems encountered at the local level.

(d) *Sources of Funds for Education.* State support accounts for 38% of school revenues, Federal support for about 8%, with 54% of the burden carried locally. Of the local funds, almost all come from property taxes, but that tax base is not keeping up with educational expenditures. A major review of the tax resources and needs of education is in order.

The best method of providing direct Federal monetary aid to education, and the one most consistent with local control of education, is through the system of revenue sharing which I proposed to the Congress in August. Much of the tax revenue which the Federal government would return to the States will probably be used where two-fifths of State and local funds now go—to the schools. Revenue sharing proposals which would total five billion dollars annually by 1975 will help States and localities meet their educational and other needs in the way that ensures the most diversity and the most responsiveness to local need—without Federal domination.

A related and important reform is urgently needed in the present program of grants to schools in Federally-impacted areas. As presently constituted, this program neither assists States to determine their own education expenditures nor redirects funds to the individual districts in greatest need. That is why, in the Federal Economy Act submitted to the Congress last week, I called for a thoroughgoing reform of this program. The President's Commission on School Finance will examine the combined effects of this reform, the potential of revenue sharing for educational finance, and the impact of savings accruing to states under the proposed Family Assistance Program, and will assist State and Federal agencies to plan effectively for these important changes.

(e) *Possible Efficiencies*. Many public and non-public school systems make inefficient use of their facilities and staff. The nine-month school year may have been justified when most youngsters helped in the fields during the summer months, but it is doubtful whether many communities can any longer afford to let expensive facilities sit idle for one-quarter of the year.

Thousands of small school districts—some without schools—continue to exist, resulting in inequities in both finance and education. On the other hand, some of our large city school systems have become too large, too bureaucratic, and insensitive to varying educational needs.

The present system of Federal grants frequently creates inefficiency. There are now about 40 different Federal categorical grant programs in elementary and secondary education. This system of carving up Federal aid to education into a series of distinct programs may have adverse educational effects. Federal "pieces" do not add up to the whole of education and they may distract the attention of educators away from the big picture and into a constant scramble for special purpose grants. Partly for this reason, I will continue to recommend to the Congress plans for consolidation of grants into packages that are truly useful to States and localities receiving them. This would place much more administrative control of these Federal funds in local hands, removing red tape and providing flexibility.

(f) *Non-Public Schools*. The nonpublic elementary and secondary schools in the United States have long been an integral part of the nation's educational establishment—supplementing in an important way the main task of our public school system. The nonpublic schools provide a diversity which our educational system would otherwise lack. They also give a spur of competition to the public schools—through which educational innovations come, both systems benefit, and progress results.

Should any single school system—public or private—ever acquire a complete monopoly over the education of our children, the absence of competition would neither be good for that school system nor good for the country. The nonpublic schools also give parents the opportunity to send their children to a school of their own choice, and of their own religious denomination. They offer a wider range of possibilities for education experimentation and special opportunities for minorities, especially Spanish-speaking Americans and black Americans.

Up to now, we have failed to consider the consequences of declining enrollments in *private* elementary and secondary schools, most of them church supported, which educate 11% of all pupils—close to six million school children. In the past two years, close to a thousand nonpublic elementary and secondary schools closed and most of their displaced students enrolled in local public schools.

If most or all private schools were to close or turn public, the added burden on public funds by the end of the 1970s would exceed $4 billion per year in operations, with an estimated $5 billion more needed for facilities.

There is another equally important consideration: these schools—non-sectarian, Catholic, Protestant, Jewish and other—often add a dimension of spiritual value giving children a moral code by which to live. This government cannot be indifferent to the potential collapse of such schools.

The specific problem of parochial schools is to be a particular assignment of the Commission.

In its deliberations, I urge the commission to keep two considerations in mind. First, our purpose here is not to aid religion in particular but to promote diversity in education; second, that nonpublic schools in America are closing at the rate of one a day.

EARLY LEARNING

In the development of the mind, child's play is serious business. One of my first initiatives upon taking office was to commit this Administration to an expansion of opportunities during the First Five Years of Life. That commitment was based on new scientific knowledge about the development of intelligence—that as much of that development takes place in the first five years as in the next thirteen.

We have established a new Office of Child Development in the Department of Health, Education, and Welfare. I am now directing that Department and the Office of Economic Opportunity jointly to establish a network of experimental centers to discover what works best in early childhood education.

An experimental program of this nature is necessary as we expand our child development programs. The Early Learning Program will also provide us with a strong experimental base on which to build the new day care program, involving $386 million in its first full year of operation, which I have proposed as part of the Family Assistance Plan.

The experimental units of the Early Learning Program, working with the National Institute of Education, will study a number of provocative questions raised in recent years by educators and scientists:

—A study of language and number competence between lower and middle-class children shows a significant difference by the time a child is four years old, but the difference is said to become "awesome" by the time the child enters first grade. If this is so, what effect should it have on our approach to compensatory education in the early years?

—A study of poor children in Washington, D.C., conducted by the National Institute of Mental Health, indicates a decline in I.Q.s of infants between the ages of 14 and 21 months—a decline that can be forestalled by skillful tutoring during their second year. If this is true, how should it affect our approach to the education of the very young?

—Many child development experts believe that the best opportunity for improving the education of infants under the age of three lies not in institutional centers but at home, and through working with their mothers. What might we do, therefore, to communicate to young women and mothers—especially to those in or near poverty—the latest information on effective child development techniques with specific suggestions about its application at home?

THE FUTURE OF LEARNING IN AMERICA

The tone of this message, and the approach of this Administration, is intended to be challenging. America's educators have the capacity and dedication to respond to that challenge.

For most of our citizens, the American educational system is among the most successful in the history of the world. But for a portion of our population, it has never delivered on its promises. Until we know why education works when it is successful, we can know little about what makes it fail when it is unsuccessful. This is knowledge that must precede any rational attempt to provide our every student with the best possible education.

Mankind has witnessed a few great ages when understanding of a social or scientific process has expanded and changed so quickly as to revolutionize the process itself. The time has come for such an era in education.

There comes a time in any learning process that calls for reassessment and reinforcement. It calls for new directions in our methods of teaching, new understanding of our ways of learning, for a fresh emphasis on our basic research, so as to bring behavioral science and advanced technology to bear on problems that only appear to be insuperable.

That is why, in this field more importantly than in any other, I have called for fundamental studies that should lead to far-reaching reforms before going ahead with major new expenditures for "more of the same."

To state dogmatically "money is not the answer" is not the answer. Money will be needed, and this Administration is prepared to commit itself to substantial increases in Federal aid to education—to place this among the highest priorities in our budget—as we seek a better understanding of the basic truths of the learning process, as we gain a new confidence that our education dollars are being wisely invested to bring back their highest return in social benefits, and as we provide some assurance that those funds contribute toward fundamental reform of American education.

As we get more education for the dollar, we will ask the Congress to supply many more dollars for education.

In the meantime, we are committing effort and money toward finding out how to make our education dollars go further. Specifically, the 1971 budget increases funds for educational research by $67 million to a total of $312 million. Funds for the National Institute of Education would be in addition to this increase.

Nearly a century ago, Benjamin Disraeli advised Parliament that "upon the education of the people of this country the fate of this country depends." That is no less true in the United States today, where nearly one person out of three is teaching or studying in one of our schools and colleges and where the greatest social controversy of our generation has centered.

This Administration is committed to the principle and the practice of seeing to it that equal educational opportunity is provided every child in every corner of this land.

I am well aware that "quality education" is already being interpreted as "code words" for a delay of desegregation. We must never let that meaning take hold. Quality is what education is all about; desegregation is vital to that quality; as we improve the quality of education for all American children, we will help them improve the quality of their own lives in the next generation.

We must not permit the controversy about the progress toward desegregation to detract from the shared purpose of all—better education, and especially better education for the poor of every race and color.

That is why this Administration has committed itself to finding the reason—all other things seeming equal—why so much educational achievement remains unequal. We commit ourselves to the realizable dream of raising the American standard of learning.

Teachers and taxpayers alike must not accept the *status quo* in the process of teaching. We must make the schooling fit the student. We must improve education in those areas of life outside the school where people learn so much or so little. We must discover how to begin educating the young mind when it really begins to learn.

By demanding educational reform now, we can gain the understanding we need to help every student reach new levels of achievement; only by challenging conventional wisdom can we as a nation gain the wisdom we need to educate our young in the decade of the 70s.

RICHARD NIXON.

THE WHITE HOUSE, *March 3, 1970*.

EXECUTIVE MESSAGES REFERRED

As in executive session, the President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations received today, see the end of Senate proceedings.)

METHODS OF ARMY TRAINING IN VIOLATION OF ARMY REGULATIONS

Mr. EAGLETON. Mr. President, yesterday I sent the Secretary of the Army a letter regarding the situation at Fort Leonard Wood in Missouri. It was the third communication I had sent him on this subject in a week. It urged, in the strongest terms, that the Secretary look into allegations "that methods of training are being used that may well be in violation of Army regulations—and that these methods have caused such a general state of low resistance in the trainees as to make them highly susceptible to such contagious diseases as spinal meningitis and pneumonia."

During the past month 18 soldiers at Fort Leonard Wood have contracted spinal meningitis. Three have died of it. One other boy has died of pneumonia. This is a tragedy. Maj. Gen. W. T. Bradley, commanding officer of Fort Leonard Wood, has stated:

> The occurrence of meningococcal disease in our training centers is a well-known and established phenomenon.

All right. Yet reports from soldiers and their parents indicate that the Army has been lax in dealing with this meningitis crisis. These reports allege that base officials—through at best unthinking and insensitive action and through at worst unconscionable and perhaps illegal action—have increased the likelihood that upper respiratory diseases, often a forerunner of meningitis and pneumonia, would spread, and they have.

I do not make this statement lightly. I have asked three times in 1 week that the Secretary of the Army give his immediate attention to seeing that proper preventive action is taken to stop this mounting death toll and that he investigate the entire situation at Fort Leonard Wood.

The seriousness of the situation goes to the very heart of this Government's responsibilities to our servicemen as they fulfill their responsibilities to the Nation.

In the past 2 weeks, reports of exhausting duty, extensive harassment, and inadequate medical assistance at Fort Leonard Wood have come to my office. As I stated in a letter to the Secretary of the Army on February 23:

> I have received some mail concerning conditions at Fort Leonard Wood. The mail not only deals with the meningitis cases at Fort Leonard Wood, but also, and just as importantly, the overly exhausting routine which the trainees are required to perform which weakens their physical condition to the point that they are susceptible to serious illness. These letters indicate that the men are often awakened at 4:00 a.m. and do not return to their barracks until 9:00 p.m. at which time they are then obliged to do all of the bunk details, shoe shining, cleaning up, etc. One letter indicates a situation where a trainee had an 18 hour K.P. duty and then on successive nights guard duty and fire watch duty.

There have also been disturbing reports about the adequacy of medical assistance, harassment of soldiers who go to the hospital, and of alleged intimidation of soldiers from going on sick call.

It was only yesterday that I learned about the trainee at Fort Leonard Wood who died on February 17 of pneumonia. The St. Louis Globe Democrat interviewed Pvt. Burman Dyer, whose wife is critically ill with meningitis after visiting him at the base February 22. Private Dyer told of the circumstances surrounding the death from pneumonia of Pvt. Larry Breeling, a 4-year enlistee and a member of his company.

According to Dyer, Breeling became ill in early February and was sent to the base hospital where his condition was diagnosed as pneumonia. Dyer said of Breeling:

> They gave him penicillin and sent him back on duty within 24 hours. He could not take his physical training test when he came back. He was still too sick.

Dyer stated that 2 nights later he and some members of his company discovered Breeling apparently delirious in his bed. Once again I quote:

> He was screaming and shouting and yelling for them to leave him alone. A sergeant who was in charge of our building that night told us to quiet him down or else he was asking for a court martial.

The next morning Breeling was discovered dead in his bed.

This is not an isolated instance.

Pvt. Steven G. Lagermann died of meningitis on February 24. In the last letter he wrote to his parents before his death he stated:

> Mom, is there any possible way you could get me some of those penicillin pills? I found out that at least one guy died here because his resistance was so low . . . so to save our lives we need the medication . . . you go to the hospital and they give you two aspirins and send you back into the field . . . there were only 125 in the field today out of 220 . . . rest are sick.

Lagermann's father said that in a telephone conversation with his son, Steven stated:

> You have to have at least a 104 degree temperature before they would pay any attention to you.

The St. Louis Post Dispatch stated that about 400 trainees a day are being treated for respiratory ailments. Spokesmen for the Army at Fort Leonard Wood acknowledged that hospital admissions for upper respiratory infections—running 100–150 a day in mid-February—have been reduced. However, from most accounts, many are inadequately treated and others fear harassment in the hospital if they go on sick calls.

The father of Pvt. Henry Iglauer, who

died on February 11 of meningitis, wrote me on February 17:

> Henry died last week, and I am enclosing a clipping from the St. Louis Post Dispatch, of some of the details. I am writing you, however, because in all our grief and in our loss of our only son, we would like to do something about protecting the rest of the men at Ft. Leonard Wood.
>
> In the last week we have had ample opportunity to talk to enlisted men, junior and senior officers alike, and the stories we can piece together from their comments are unbelievable in the 1970's. The treatment of these young men—the youth of our country—is actually inhuman. Neither did my son have, nor do we have any objection to physical fitness. My son enjoyed the rigors of creating and keeping a healthy body. But the Army is tearing down step by step, day by day, the physical being of the men under their command. The biggest complaint of everyone there is the lack of sleep which these men suffer.
>
> Men are being scared not to go on sick call because "if they miss 5 days of duty they will be re-cycled and have to start all over again." Men are told in the very beginning that if they go on sick call they have to pack up all their belongings and return them to the supply depot first, before they can go on sick call. This is a chore when you are well. Much more so when you are sick.

Mr. Iglauer also told me that one of his son's friends told him of a soldier in the hospital with measles and 101 degree fever. On the second day he was told to mop the floors in the hospital. I have been told of similar situations by other reliable sources.

The situation at Fort Leonard Wood necessitates an immediate and full investigation. After three letters I have still not received the courtesy of a reply from the Secretary of the Army or from anyone on his staff. However, I am not concerned with courtesy or governmental amenities, but rather with action.

I want to know if the accepted procedures in dealing with an outbreak of meningitis, as described by the Office of the Surgeon General, were followed. These procedures call for the hospitalization of those with a fever of over 99.6 degrees. They call for an evaluation by the post surgeon and a reduction of the total number of hours of training. They call for an increase in hot meals. Were these procedures followed? If not, why not?

I want to know if Army regulations have been broken. Have these men been denied adequate rest? Has medical attention been adequate? Was a man suffering from pneumonia released from the hospital? Why was not a man suffering from a delirium brought in? Does harassment occur in the hospital or retaliation occur upon leaving?

In the last 4 days I have received many letters and phone calls from parents of inductees and reservists and the men themselves, asking if they should report to Fort Leonard Wood. They ask me, "What should I do?" How can a public official with serious doubts about the situation at Fort Leonard Wood answer such a question? I honestly do not know.

These and other questions must be answered, and answered fully, completely and promptly.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD my correspondence with Secretary of the Army Resor, including my letter to him dated February 23, 1970, my telegram to him of February 27, 1970, and my letter to him of March 2, 1970.

There being no objection, the correspondence was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, D.C., February 23, 1970.

Hon. STANLEY R. RESOR,
The Pentagon,
Arlington, Va.

DEAR MR. SECRETARY: Enclosed you will find a Xerox copy of a news article from the February 13, 1970 issue of the *St. Louis Post Dispatch*.

I have received some mail concerning conditions at Fort Leonard Wood. The mail not only deals with the meningitis cases at Fort Leonard Wood, but also, and just as importantly, the overly exhausting routine which the trainees are required to perform which weakens their physical condition to the point that they are susceptible to serious illness.

These letters indicate that the men are often awakened at 4:00 a.m. and do not return to their barracks until 9:00 p.m. at which time they are then obliged to do all of the bunk details, shoe shining, cleaning up, etc. One letter indicates a situation where a trainee had an 18 hour K.P. duty and then on successive nights guard duty and fire watch duty.

Mr. Secretary, I was an enlisted man in the U.S. Navy and I realize that there is always some griping by recruits, etc. I personally used to "gripe like hell."

However, the tone and tenor of the mail to which I have referred, in my judgment, transcends the routine or expected gripe. In my judgment, it indicates the possibility of some substantial problems at Fort Leonard Wood which need attention and improvement.

I respectfully ask that with all due haste you examine both the health status and the physically exhausting training rigors as they have existed or do continue to exist at Fort Leonard Wood.

Your very truly,
THOMAS F. EAGLETON,
U. S. Senator.

FEBRUARY 27, 1970.

Hon. STANLEY R. RESOR,
Secretary, U.S. Department of the Army, The Pentagon, Arlington, Va.

MR. SECRETARY: I have just received a report of the third death this month of a recruit at Fort Leonard Wood, Missouri, from spinal meningitis. Fourteen other cases have been reported this month, and there were nine cases in January.

In light of the obvious crisis that exists, I urgently request that preventive action be taken immediately to avert the possibility of any further deaths, and I further request that an immediate investigation be ordered by your office of conditions at the base, including methods of training, as I requested in my letter to you February 23, to which I have not yet received a reply.

This investigation must be made with all possible speed to determine whether conditions at the base contributed to the current health situation and whether changes and improvements must be made.

THOMAS F. EAGLETON,
U.S. Senator.

U.S. SENATE,
Washington, D.C., March 2, 1970.

Hon. STANLEY R. RESOR,
Secretary, U.S. Department of the Army, The Pentagon, Arlington, Va.

DEAR MR. SECRETARY: Since my telegram to you last Friday it has been revealed in the press that another trainee at Fort Leonard Wood died in February—this time of pneumonia—bringing the total number of deaths at the base last month to four, three of them from spinal meningitis.

It was also disclosed this morning in a St. Louis newspaper that the wife of another trainee is in critical condition with spinal meningitis apparently contracted after a visit February 22 at Fort Leonard Wood with her husband, who is in basic training there.

This woman is a teacher at a high school with more than 4,100 students and taught for four days after visiting her husband before becoming visibly ill. School officials are now worried she may have infected some of the students.

It is my information that hundreds of cases of respiratory infections are now being treated daily at Fort Leonard Wood. Base spokesmen continually are quoted as saying that nothing unusual is occurring. I don't think they can be believed.

For a week now I have been getting an increasing number of letters and phone calls from the parents of boys now undergoing basic training at Fort Leonard Wood. These letters and phone calls consistently allege that methods of training are being used that may well be in violation of Army regulations—and that these methods have caused such a general state of low resistence in the trainees as to make them highly susceptible to such contagious diseases as spinal meningitis and pneumonia. I outlined some of these to you in a previous letter.

Letters written home before their deaths by two of the meningitis victims are revealing—and they should not go unheeded.

I have received calls from parents whose sons told them as recently as yesterday that trainees are still being intimidated from going on sick call—and this with more than 25 cases of spinal meningitis reported in the last two months, with four young men dead, with base officials admitting they have a high incidence of respiratory disease among trainees.

Even sick call may not be of much help. The young man who died of pneumonia was allowed a very short stay at the base hospital and then was sent back to his barracks—where he died within two days.

The facts are serious. So are the reports I have received from the worried parents of trainees about the type of training their sons have been forced to undergo. In light of the facts, these allegations warrant an immediate and extensive investigation, and I again request that you order that an investigation be made.

Yours very truly,
THOMAS F. EAGLETON,
U.S. Senator.

Mr. SYMINGTON subsequently said: Mr. President, earlier this morning I was at a meeting of the Committee on Armed Services, which heard for the first time the distinguished Secretary of the Army and Chief of Staff, General Westmoreland. Therefore, it was not possible for me to be in the Chamber when my distinguished colleague, Senator EAGLETON, delivered a short address with respect to the problems we now face at the Army encampment at Fort Leonard Wood in Missouri.

I want to commend my colleague for his logical and constructive interest in this matter. We have had an epidemic of meningitis there, and four tragic deaths.

What the Senator has done guarantees that the matter will be looked into by the Army; and I have already requested, as a member of armed services, that they do so.

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ORDER OF BUSINESS

The PRESIDING OFFICER. In accordance with the previous order, the Senator from South Dakota (Mr. McGOVERN) is recognized for not less than 20 minutes.

CONGRESSIONAL RESPONSIBILITY AND THE HIDDEN POLICIES OF SOUTHEAST ASIA

Mr. McGOVERN. Mr. President, only 10 days ago the Congress received the President's message on U.S. foreign policy for the 1970's. Described by the President as the "first annual report on U.S. foreign policy," it espoused a new "Nixon doctrine." Mr. Nixon described the report as "the most comprehensive statement on U.S. foreign policy ever made in this century."

With regard to Asia and the Pacific, the major theme of the message was that future U.S. policy would be shaped in accordance with the Guam doctrine, first described by the President on July 25, 1969, and later restated in his November 3 Vietnam address.

Summarizing the key elements of his Guam approach, the President made these three points:

First. The United States will keep all its treaty commitments.

Second. We shall provide a shield if a nuclear power threatens the freedom of a nation allied with us, or of a nation whose survival we consider vital to our security and the security of the region as a whole.

Third. In cases involving other types of aggression we shall furnish military and economic assistance when requested and as appropriate. But we shall look to the nation directly threatened to assume the primary responsibility of providing the manpower for its defense.

The President said:

> This approach requires our commitment to helping our partners develop their own strength. In doing so, we must strike a careful balance. If we do too little to help them—and erode their belief in our commitments—they may lose the necessary will to conduct their own self-defense or become disheartened about prospects of development. Yet, if we do too much, and American forces do what local forces can and should be doing, we promote dependence rather than independence.

Yet, today we are waging a serious military operation in Laos. There is no longer any question about that, as the majority leader said here yesterday. It includes the training and direction of local forces and an aerial bombardment running at an estimated rate of 500 sorties daily, although there seems to be some dispute as to the exact level.

We are doing all of this in violation of the Geneva Accords of 1962, and we are doing it—and more—without the knowledge of the Congress and the American people. We have read reports about this in the press over past months, but it is also fair to say that no Member of Congress—certainly not this Member of Congress—knows fully what our operations are in Laos.

How does this square with the President's pledge that we shall keep our international commitments? What has happened to the pledge that we signed at Geneva in 1962 that we would not participate in military operations or paramilitary operations or arms aid in Laos?

I had a discussion with a distinguished member of the press this morning who told me there was nothing in the Geneva agreement that foreclosed the possibility of us granting military aid or participating in military operations if it were so requested by the Government of Laos.

I checked very carefully on the Geneva accords which we signed in 1962 and I find that that member of the press is mistaken.

Article IV of the agreement specifically prohibits military or paramilitary assistance by any outside power in the state of Laos.

Mr. President, I ask unanimous consent to have printed at the conclusion of my prepared remarks the text of the Geneva settlement of July 23, 1962.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. McGOVERN. Mr. President, I call special attention to article IV to which I find no exception whatsoever in the remaining portion of this document.

How does the roughly $300 million in annual military and supporting military aid we are pouring into this tiny little kingdom square with the President's warning that "if we do too much, and American forces do what local forces can and should be doing, we promote dependence rather than independence?"

An even more serious question is raised by the secretive character of our hidden war in Laos. In his televised foreign policy speech of last November 3, the President said:

> I believe that one of the reasons for the deep division about Vietnam is that many Americans have lost confidence in what their government has told them about our policy. The American people cannot and should not be asked to support a policy which involves the overriding issues of war and peace unless they know the truth about that policy.

We not only do not know the truth about our heavy involvement in Laos but also we are increasingly in the dark about what is really going on in Vietnam.

The senior Senator from Missouri (Mr. SYMINGTON), who is in the Chamber, has been chairing a special committee looking into these matters. He probably knows more about them than any other Member of Congress. He has discharged that obligation with great care and wisdom, as he always does. But other Members of Congress are increasingly in the dark about what is really going on in Laos, Vietnam, and Southeast Asia. Indeed, the entire Southeast Asia involvement is more and more riddled with confusion and contradiction.

I am grateful for the reduction in our forces in Vietnam which the President made. I credit him for his steps of a de-escalatory nature. But I challenge anyone to explain what our present policy really is that distinguishes it strongly from the course we have followed in Vietnam for the past decade. I ask if anyone really believes that our present policy will lead to the disengagement of American forces from Southeast Asia in the next decade.

Three years ago I described our Southeast Asian policy as one of "madness." It is nothing less than that, and it is getting more intolerable. It was bad enough to make the initial blunders that drew us into the Southeast Asian tangle. To continue these blunders under a new public relations umbrella and a policy of secrecy is to mislead the American people.

It has been said that we should forgo further discussion of the issue of Vietnam and Southeast Asia and move on to other issues. But Southeast Asia is a cancer in the American body politic that must be removed before we can satisfactorily confront the serious areas of neglect in our own society and around the world.

It is all well and good to talk about saving our environment—I am all for that—or rebuilding our cities; or ending poverty, poor health care and bad housing; but none of those things will be adequately addressed as long as we are pouring our money, energy, and blood into the caldron of Southeast Asia. There is a special note of irony in the current environmental commotion, in that while we are talking about the crucial issues of ecology and pollution, we are polluting the water and soil of South Vietnam with chemical defoliants. No one can read the scholarly analysis of this biological and chemical campaign in Vietnam, described in depth by Thomas Whiteside in the February 7, 1970, issue of the New Yorker magazine, without deploring the folly that passes for policy in Southeast Asia.

Mr. President, I ask unanimous consent that the article which I have referred to may be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. McGOVERN. Mr. President, if we do not end our military and political machinations in that area soon, I tremble for the future of our society and our place in the world. What we are now doing to the people of Southeast Asia and what we are doing to ourselves is an affront to every principle of decency and commonsense.

I indict our policy in Southeast Asia, first, because we are backing a corrupt, repressive regime in Saigon that does not merit the sacrifice of one American or Vietnamese life. That regime has neither the support nor the respect of its own people. It probably has less integrity, less intelligence, less commonsense, and less reason to exist than the coalition of Vietnamese forces which challenge it.

Two elected members of the South Vietnamese Assembly, Tran Ngoc Chau and Hoang Ho, have recently been sentenced by a drumhead military court for advocating what I advocate—a broadened coalition government in the south capable of negotiating a settlement of the war.

Deputy Tran Ngoc Chau is a retired colonel with the South Vietnamese Army and a former province chief and mayor

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of Danang. He wears South Vietnam's most exalted decoration for valor and patriotism. He was elected to the South Vietnamese Assembly by his own people. He has been supplying valuable material to the American CIA. Yet, because the Thieu-Ky regime feared his political independence, they convened a five-man military trial, and after 35 minutes of "deliberation," condemned him to 20 years in jail. A second deputy, Hoang Ho, was sentenced to death on a similar charge, but he avoided capture by fleeing the country and some 20,000 people of the best political skill in South Vietnam have done the same thing.

The runnerup presidential candidate in the 1967 election, Truong Dinh Dzu, has been in jail ever since the election—and will stay there for another 3 years—for the same crime of advocating a broader political base in South Vietnam and a negotiated end of the war.

The Thieu-Ky regime, which we claim to be backing in the interest of self-determination, actually stays in power only because we hold it in power. It jails or exiles its critics, bans its newspaper opponents, and rejects any suggestion of broadening its own political base.

There are an estimated 30,000 political prisoners in Vietnam—mostly non-Communists—with views toward ending the war approximately like the congressional critics in our own country. An equal number have fled Vietnam. A much larger number doubtless belong to South Vietnam's silent but sullen majority.

Indeed, most of the indigenous, competent leadership of South Vietnam is either in these dissenting, jailed, or exiled groups—or with the National Liberation Front.

Many thoughtful non-Communist people have turned in despair to the National Liberation Front because they found no other viable alternative, not because they wanted to endorse the Communist ideology.

The constituency of the Thieu-Ky regime are the opportunists, the military adventurers, the black marketeers, pimps and prostitutes, and others who profit from this regime—plus the enormous American military and economic presence that subsidizes and supports that regime at the expense of the American people.

Let me say flatly: There will be no peace in Vietnam and no end to our involvement until we loosen our embrace of the Thieu-Ky regime. That regime will never be accepted by the people of Vietnam, and as long as we insist on keeping it in power, we will have to stay there to hold it in power. We say we must stay in Vietnam to preserve self-determination; but we are really there for precisely the opposite reason: to prevent self-determination.

Such a policy is not in our national interest. Our interest is in encouraging the emergence of a broadly representative coalition in Saigon that is capable of negotiating a settlement of the war with the National Liberation Front and Hanoi. That process could begin overnight, if we would relax our grip on General Thieu and let indigenous political forces begin to form in South Vietnam.

My second indictment of our policy in Southeast Asia is that we are waging a secret war in Laos which is repugnant to the principles and security of a free society. It is absolutely incredible that a great nation such as ours could be conducting a major military operation in a foreign country without the knowledge of either its citizens or its Congress. But that is the fact. In spite of the painful lessons of Vietnam, we are going down the same road in Laos, and we are doing it in secret.

Laos is a kingdom of less than 3 million persons and about the size of Oregon. Its people are 95 percent rural. They are an easygoing, congenial people who want little more of life than a chance to grow some rice, catch a few fish, tend their huts, and rear their families. But for many years we have been trying to convert them into a powerful, modernized military bastion to turn back some kind of great imaginary Communist combine involving Russia, China, Hanoi, and the Pathet Lao. This enormously costly and foolish effort, which we have financed and directed, has been enough to have killed, wounded, or made homeless a third of the 3 million population.

Having done much to build up one group of Laotians to fight the others, we have discovered that "our" Laotians do not very much relish the fight. The consequence has been more and more American airpower, American advisers, and CIA operatives. All of this has been regarded as such delicate stuff that it was not proper to tell either the Congress or the American people about it.

Our Government and the Laotian Government have a deliberate policy designed to prevent either the press or the Congress from learning the nature and extent of American involvement in Laos. Reporters are carefully prevented from reaching northeastern military region II, where most of the American military activities are occurring. The planes which could take Americans there belong to Air America or Continental Airways—private companies chartered by the CIA and AID. It requires clearance from the American Embassy in Saigon for reporters to board these planes, and that clearance is not given.

Writing in the March 1, 1970, Washington Star, Tammy Arbuckle reports that Central Intelligence Agency and American military are warned that if a correspondent does show up in their area, they are to disappear. "You should have seen this place empty when they heard the press was coming," an American said while relating one such incident.

"These CIA people consider the American public as enemy No. 1, I think even worse than Hanoi," an American staffer at Vientiane told reporter Arbuckle.

It is both ironic and highly disturbing that while American newsmen are being blocked from reporting the news in Laos, the Vice President and other administration spokesmen have sought to intimidate critical press reports and commentary in our own country.

But in spite of efforts by the administration, the military, and the CIA—and this is not a partisan judgment; these things have been going on in previous administrations—to wage a secret war in Laos, certain alarming facts are now beginning to emerge.

It appears that we are carrying on B-52 and tactical bombing raids in Laos that are comparable to or greater than the raids over North Vietnam at their heaviest—raids in clear violation of the Geneva accords of 1962 brought about to a great extent through the able diplomacy of Averell Harriman. There is no way that that accord or document can be interpreted as a legal cover for this aerial bombardment.

To say that North Vietnam is also guilty of international violations is to say that we will set American policy according to the illegal standards of others. Furthermore, as Senator MANSFIELD has reminded us:

> There are other signatories of the accord. Have the others immersed themselves in the war? Has the Soviet Union? The United Kingdom? France? Indeed, has China?

It seems clear that we invited the recent Communist offensive in the Plaine des Jarres by encouraging an American trained, equipped, and directed Laotian army to seize this area last September, thus upsetting a more or less stable military line that had existed for several years. There is growing evidence that the CIA and American military personnel—apparently in civilian garb—are directing Laotian military operations.

Defense Secretary Laird has said that the President will not send American combat troops to Laos without asking for permission from Congress. I suppose we should give thanks for small favors. But it is a measure of how far we have permitted the constitutional responsibility of the Congress to deteriorate when we accept such a condescending assurance as satisfactory. It is not satisfactory at all; it is an outrage.

The Constitution places in Congress the power to declare war. This is not something the President should regard as a courtesy to be extended at his discretion. Furthermore, why does anyone suppose that conducting massive air raids over Laos at a rate of several hundred sorties a day is not war? Sending American planes and pilots to bomb a foreign country is as serious an act of war as an attack with forces on the ground. It may not be as unpopular in domestic American politics, but it is definitely an act of war.

If Congress is to recover its constitutional responsibility and regain public confidence, we had better assert without delay our control over the unofficial and unknown war now raging in Laos and the undeclared, seemingly endless war in Vietnam. Both of these wars should be ended now. At the very least, we should take the time and make the effort to learn what the CIA and the military and the President are up to in Southeast Asia.

Mr. President, some 2 years ago I wanted to ask for a closed session of the Senate to discuss this matter and our overall involvement in Southeast Asia. I

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was persuaded not to make that request at that time, on the grounds that this is a matter that ought to be discussed openly. But we are told that this is classified information. The Senator from Missouri (Mr. SYMINGTON) has had great difficulty in getting clearance from the executive branch to release the information that he has.

With that thought in mind, I would like to suggest something that I believe has been on the minds of other Senators.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. McGOVERN. I ask unanimous consent to proceed for 1 additional minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McGOVERN. Toward that end, I would suggest as a first step that the Senate be given a full report by the administration of what we are now doing in Southeast Asia. Since the administration regards this as classified information, a closed session of the Senate should be held to hear this information, if it is classified, to be provided either directly by the administration or through the Foreign Relations Committee, chaired by Senator FULBRIGHT, and the special subcommittee chaired by Senator SYMINGTON. The Senate should then discuss whether the policy is in our national interest, and in any event should fully inform the American people as to the nature and operation of that policy. Any policy which cannot stand the light of day and the judgment of the American people is a policy we should not be pursuing.

Whether you agree with our involvement or not, at least we ought to know where it is, where we are heading, and what is involved.

The truth is not always easy or reassuring, but it is the essential foundation of a free society.

Mr. President, I ask unanimous consent to insert in the RECORD several other articles relating to our involvement in Laos.

The PRESIDING OFFICER. Without objection it is so ordered.

(See exhibit 3.)

EXHIBIT 1

DECLARATION ON THE NEUTRALITY OF LAOS, JULY 23, 1962[1]

The Governments of the Union of Burma, the Kingdom of Cambodia, Canada, the People's Republic of China, the Democratic Republic of Viet-Nam, the Republic of France, the Republic of India, the Polish People's Republic, the Republic of Viet-Nam, the Kingdom of Thailand, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland and the United States of America, whose representatives took part in the International Conference on the Settlement of the Laotian Question, 1961–62;

Welcoming the presentation of the statement of neutrality by the Royal Government of Laos of July 9, 1962, and taking note of this statement, which is, with the concurrence of the Royal Government of Laos, incorporated in the present Declaration as an integral part thereof, and the text of which is as follows:

"THE ROYAL GOVERNMENT OF LAOS,

"Being resolved to follow the path of peace and neutrality in conformity with the interests and aspirations of the Laotian people, as well as the principles of the Joint Communiqué of Zurich dated June 22, 1961, and of the Geneva Agreements of 1954 in order to build a peaceful, neutral, independent, democratic, unified and prosperous Laos, Solemnly declares that:

"(1) It will resolutely apply the five principles of peaceful co-existence in foreign relations, and will develop friendly relations and establish diplomatic relations with all countries, the neighboring countries first and foremost, on the basis of equality and of respect for the independence and sovereignty of Laos;

"(2) It is the will of the Laotian people to protect and ensure respect for the sovereignty, independence, neutrality, unity, and territorial integrity of Laos;

"(3) It will not resort to the use or threat of force in any way which might impair the peace of other countries, and will not interfere in the internal affairs of other countries;

"(4) It will not enter into any military alliance or into any agreement, whether military or otherwise, which is inconsistent with the neutrality of the Kingdom of Laos; it will not allow the establishment of any foreign military base on Laotian territory, nor allow any country to use Laotian territory for military purposes or for the purposes of interference in the internal affairs of other countries, nor recognise the protection of any alliance or military coalition, including SEATO.

"(5) It will not allow any foreign interference in the internal affairs of the Kingdom of Laos in any form whatsoever;

"(6) Subject to the provisions of Article 5 of the Protocol, it will require the withdrawal from Laos of all foreign troops and military personnel, and will not allow any foreign troops or military personnel to be introduced into Laos;

"(7) It will accept direct and unconditional aid from all countries that wish to help the Kingdom of Laos build up an independent and autonomous national economy on the basis of respect for the sovereignty of Laos;

"(8) It will respect the treaties and agreements signed in conformity with the interests of the Laotian people and of the policy of peace and neutrality of the Kingdom, in particular the Geneva Agreements of 1962, and will abrogate all treaties and agreements which are contrary to those principles.

"This statement of neutrality by the Royal Government of Laos shall be promulgated constitutionally and shall have the force of law.

"The Kingdom of Laos appeals to all the States participating in the International Conference on the Settlement of the Laotian Question, and to all other States, to recognize the sovereignty, independence, neutrality, unity and territorial integrity of Laos, to conform to those principles in all respects, and to refrain from any action inconsistent therewith."

Confirming the principles of respect for the sovereignty, independence, unity and territorial integrity of the Kingdom of Laos and noninterference in its internal affairs which are embodied in the Geneva Agreements of 1954;

Emphasising the principle of respect for the neutrality of the Kingdom of Laos;

Agreeing that the above-mentioned principles constitute a basis for the peaceful settlement of the Laotian question:

Profoundly convinced that the independence and neutrality of the Kingdom of Laos will assist the peaceful democratic development of the Kingdom of Laos and the achievement of national accord and unity in that country, as well as the strengthening of peace and security in South-East Asia;

1. Solemnly declare, in accordance with the will of the Government and people of the Kingdom of Laos, as expressed in the statement of neutrality by the Royal Government of Laos of July 9, 1962, that they recognise and will respect and observe in every way the sovereignty, independence, neutrality, unity and territorial integrity of the Kingdom of Laos.

2. Undertake, in particular, that—

(*a*) they will not commit or participate in any way in any act which might directly or indirectly impair the sovereignty, independence, neutrality, unity or territorial integrity of the Kingdom of Laos;

(*b*) they will not resort to the use or threat of force or any other measure which might impair the peace of the Kingdom of Laos;

(*c*) they will refrain from all direct or indirect interference in the internal affairs of the Kingdom of Laos;

(*d*) they will not attach conditions of a political nature to any assistance which they may offer or which the Kingdom of Laos may seek;

(*e*) they will not bring the Kingdom of Laos in any way into any military alliance or any other agreement, whether military or otherwise, which is inconsistent with her neutrality, nor invite or encourage her to enter into any such alliance or to conclude any such agreement;

(*f*) they will respect the wish of the Kingdom of Laos not to recognise the protection of any alliance or military coalition, including SEATO;

(*g*) they will not introduce into the Kingdom of Laos foreign troops or military personnel in any form whatsoever, nor will they in any way facilitate or connive at the introduction of any foreign troops or military personnel;

(*h*) they will not establish nor will they in any way facilitate or connive at the establishment in the Kingdom of Laos of any foreign military base, foreign strong point or other foreign military installation of any kind;

(*i*) they will not use the territory of the Kingdom of Laos for interference in the internal affairs of other countries;

(*j*) they will not use the territory of any country, including their own for interference in the internal affairs of the Kingdom of Laos.

3. Appeal to all other States to recognise, respect and observe in every way the sovereignty, independence and neutrality, and also the unity and territorial integrity, of the Kingdom of Laos and to refrain from any action inconsistent with these principles or with other provisions of the present Declaration.

4. Undertake, in the event of a violation or threat of violation of the sovereignty, independence, neutrality, unity or territorial integrity of the Kingdom of Laos, to consult jointly with the Royal Government of Laos and among themselves in order to consider measures which might prove to be necessary to ensure the observance of these principles and the other provisions of the present Declaration.

5. The present Declaration shall enter into force on signature and together with the statement of neutrality by the Royal Government of Laos of July 9, 1962, shall be regarded as constituting an international agreement. The present Declaration shall be deposited in the archives of the Governments of the United Kingdom and the Union of Soviet Socialist Republics, which shall furnish certified copies thereof to the other signatory States and to all the other States of the world.

In witness whereof, the undersigned Plenipotentiaries have signed the present Declaration.

Done in two copies in Geneva this twenty-third day of July one thousand nine hundred and sixty-two in the English, Chinese, French, Laotian and Russian languages, each text being equally authoritative.

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[1] Treaties and Other International Acts Series 5410.

PROTOCOL TO THE DECLARATION ON THE NEUTRALITY OF LAOS

The Governments of the Union of Burma, the Kingdom of Cambodia, Canada, the People's Republic of China, the Democratic Republic of Viet-Nam, the Republic of France, the Republic of India, the Kingdom of Laos, the Polish People's Republic, the Republic of Viet-Nam, the Kingdom of Thailand, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland and the United States of America;

Having regard to the Declaration on the Neutrality of Laos of July 23, 1962;

Have agreed as follows:

Article 1

For the purposes of this Protocol—

(*a*) the term "foreign military personnel" shall include members of foreign military missions, foreign military advisers, experts, instructors, consultants, technicians, observers and any other foreign military persons, including those serving in any armed forces in Laos, and foreign civilians connected with the supply, maintenance, storing and utilization of war materials;

(*b*) the term "the Commission" shall mean the International Commission for Supervision and Control in Laos set up by virtue of the Geneva Agreements of 1954 and composed of the representatives of Canada, India and Poland, with the representative of India as Chairman;

(*c*) the term "the Co-Chairmen" shall mean the Co-Chairmen of the International Conference for the Settlement of the Laotian Question, 1961–1962, and their successors in the offices of Her Britannic Majesty's Principal Secretary of State for Foreign Affairs and Minister for Foreign Affairs of the Union of Soviet Socialist Republics respectively;

(*d*) the term "the members of the Conference" shall mean the Governments of countries which took part in the International Conference for the Settlement of the Laotian Question, 1961–1962.

Article 2

All foreign regular and irregular troops, foreign para-military formations and foreign miliary personnel shall be withdrawn from Laos in the shortest time possible and in any case the withdrawal shall be completed not later than thirty days after the Commission has notified the Royal Government of Laos that in accordance with Articles 3 and 10 of this Protocol its inspection teams are present at all points of withdrawal from Laos. These points shall be determined by the Royal Government of Laos in accordance with Article 3 within thirty days after the entry into force of this Protocol. The inspection teams shall be present at these points and the Commission shall notify the Royal Government of Laos thereof within fifteen days after the points have been determined.

Article 3

The withdrawal of foreign regular and irregular troops, foreign para-military formations and foreign military personnel shall take place only along such routes and through such points as shall be determined by the Royal Government of Laos in consultation with the Commission. The Commission shall be notified in advance of the point and time of all such withdrawals.

Article 4

The introduction of foreign regular and irregular troops, foreign para-military formations and foreign military personnel into Laos is prohibited.

Article 5

Note is taken that the French and Laotian Governments will conclude as soon as possible an arrangement to transfer the French military installations in Laos to the Royal Government of Laos.

If the Laotian Government considers it necesary, the French Government may as an exception leave in Laos for a limited period of time a precisely limited number of French military instructors for the purpose of training the armed forces of Laos.

The French and Laotian Governments shall inform the members of the Conference, through the Co-Chairmen, of their agreement on the question of the transfer of the French military installations in Laos and of the employment of French military instructors by the Laotian Government.

Article 6

The introduction into Laos of armaments, munitions and war material generally, except such quantities of conventional armaments as the Royal Government of Laos may consider necessary for the national defence of Laos.

Article 7

All foreign military persons and civilians captured or interned during the course of hostilities in Laos shall be released within thirty days after the entry into force of this Protocol and handed over by the Royal Government of Laos to the representatives of the Governments of the countries of which they are national in order that they may proceed to the destination of their choice.

Article 8

The Co-Chairmen shall periodically receive reports from the Commission. In addition the Commission shall immediately report to the Co-Chairmen any violations or threats of violations of this Protocol, all significant steps which it takes in pursuance of this Protocol, and also any other important information which may assist the Co-Chairmen in carrying out their functions. The Commission may at any time seek help from the Co-Chairmen in the performance of its duties, and the Co-Chairmen may at any time make recommendations to the Commission exercising general guidance.

The Co-Chairmen shall circulate the reports and any other important information from the Commission to the members of the Conference.

The Co-Chairmen shall exercise supervision over the observance of this Protocol and the Declaration of the Neutrality of Laos.

The Co-Chairmen will keep the members of the Conference constantly informed and when appropriate will consult with them.

Article 9

The Commission shall, with the concurrence of the Royal Government of Laos, supervise and control the cease-fire in Laos.

The Commission shall exercise these functions in full co-operation with the Royal Government of Laos and within the framework of the Cease-Fire Agreement or cease-fire arrangements made by the three political forces in Laos, or the Royal Government of Laos. It is understood that responsibility for the execution of the cease-fire shall rest with the three parties concerned and with the Royal Government of Laos after its formation.

Article 10

The Commission shall supervise and control the withdrawal of foreign regular and irregular troops, foreign para-military formations and foreign military personnel. Inspection teams sent by the Commission for these purposes shall be present for the period of the withdrawal at all points of withdrawal from Laos determined by the Royal Government of Laos in consultation with the Commission in accordance with Article 3 of this Protocol.

Article 11

The Commission shall investigate cases where there are reasonable grounds for considering that a violation of the provisions of Article 4 of this Protocol has occurred.

It is understood that in the exercise of this function the Commission is acting with the concurrence of the Royal Government of Laos. It shall carry out its investigations in full co-operation with the Royal Government of Laos and shall immediately inform the Co-Chairmen of any violations or threats of violations of Article 4, and also of all significant steps which it takes in pursuance of this Article in accordance with Article 8.

Article 12

The Commission shall assist the Royal Government of Laos in cases where the Royal Government of Laos considers that a violation of Article 6 of this Protocol may have taken place. This assistance will be rendered at the request of the Royal Government of Laos and in full co-operation with it.

Article 13

The Commission shall exercise its functions under this Protocol in close co-operation with the Royal Government of Laos. It is understood that the Royal Government of Laos at all levels will render the Commission all possible assistance in the performance by the Commission of these functions and also will take all necessary measures to ensure the security of the Commission and its inspection teams during their activities in Laos.

Article 14

The Commission functions as a single organ of the International Conference for the Settlement of the Laotian Question, 1961–1962. The members of the Commission will work harmoniously and in cooperation with each other with the aim of solving all questions within the terms of reference of the Commission.

Decisions of the Commission on questions relating to violations of Articles 2, 3, 4 and 6 of this Protocol or of the cease-fire referred to in Article 9, conclusions on major questions sent to the Co-Chairmen and all recommendations by the Commission shall be adopted unanimously. On other questions, including procedural questions, and also questions relating to the initiation and carrying out of investigations (Article 15), decisions of the Commission shall be adopted by majority vote.

Article 15

In the exercise of its specific functions which are laid down in the relevant articles of this Protocol the Commission shall conduct investigations (directly or by sending inspection teams), when there are reasonable grounds for considering that a violation has occurred. These investigations shall be carried out at the request of the Royal Government of Laos or on the initiative of the Commission, which is acting with the concurrence of the Royal Government of Laos.

In the latter case decisions on initiating and carrying out such investigations shall be taken in the Commission by majority vote

The Commission shall submit agreed reports on investigations in which differences which may emerge between members of the Commission on particular questions may be expressed.

The conclusions and recommendations of the Commission resulting from investigations shall be adopted unanimously.

Article 16

For the exercise of its functions the Commission shall, as necessary, set up inspection teams, on which the three member-States of the Commission shall be equally represented. Each member-State of the Commission shall ensure the presence of its own representatives both on the Commission and on the inspection teams, and shall promptly replace them in the event of their being unable to perform their duties.

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It is understood that the dispatch of inspection teams to carry out various specific tasks takes place with the concurrence of the Royal Government of Laos. The points to which the Commission and its inspection teams go for the purposes of investigation and their length of stay at those points shall be determined in relation to the requirements of the particular investigation.

Article 17

The Commission shall have at its disposal the means of communication and transport required for the performance of its duties. These as a rule will be provided to the Commission by the Royal Government of Laos for payment on mutually acceptable terms, and those which the Royal Government of Laos cannot provide will be acquired by the Commission from other sources. It is understood that the means of communication and transport will be under the administrative control of the Commission.

Article 18

The costs of the operations of the Commission shall be borne by the members of the Conference in accordance with the provisions of this Article.

(*a*) The Governments of Canada, India and Poland shall pay the personal salaries and allowances of their nationals who are members of their delegations to the Commission and its subsidiary organs.

(*b*) The primary responsibility for the provision of accommodation for the Commission and its subsidiary organs shall rest with the Royal Government of Laos, which shall also provide such other local services as may be appropriate. The Commission shall charge to the Fund referred to in sub-paragraph (*c*) below any local expenses not borne by the Royal Government of Laos.

(*c*) All other capital or running expenses incurred by the Commission in the exercise of its functions shall be met from a Fund to which all the members of the Conference shall contribute in the following proportions:

The Government of the People's Republic of China, France, the Union of Soviet Socialist Republics, the United Kingdom and the United States of America shall contribute 17.6 per cent each.

The Governments of Burma, Cambodia, and the Democratic Republic of Viet Nam, Laos, the Republic of Viet Nam and Thailand shall contribute 1.5 per cent each.

The Governments of Canada, India and Poland as members of the Commission shall contribute 1 per cent each.

Article 19

The Co-Chairmen shall at any time, if the Royal Government of Laos so requests, and in any case not later than three years after the entry into force of this Protocol, present a report with appropriate recommendations on the question of the termination of the Commission to the members of the Conference for their consideration. Before making such a report the Co-Chairmen shall hold consultations with the Royal Government of Laos and the Commission.

Article 20

This Protocol shall enter into force on signature.

It shall be deposited in the archives of the Governments of the United Kingdom and the Union of Soviet Republics, which shall furnish certified copies thereof to the other signatory States and to all other States and to all other States of the world.

In witness whereof, the undersigned Plenipotentiaries have signed this Protocol.

Done in two copies in Geneva this twenty-third day of July one thousand and nine hundred and sixty-two in the English, Chinese, French, Laotian and Russian languages, each text being equally authoritative.

[From the New Yorker, Feb. 7, 1970]

EXHIBIT 2

A REPORTER AT LARGE: DEFOLIATION

(By Thomas Whiteside)

Late in 1961, the United States Military Advisory Group in Vietnam began, as a minor test operation, the defoliation, by aerial spraying, of trees along the sides of roads and canals east of Saigon. The purpose of the operation was to increase visibility and thus safeguard against ambushes of allied troops and make more vulnerable any Vietcong who might be concealed under cover of the dense foliage. The number of acres sprayed does not appear to have been publicly recorded, but the test was adjudged a success militarily. In January, 1962 following a formal announcement by South Vietnamese and American officials that a program of such spraying was to be put into effect, and that it was intended "to improve the country's economy by permitting freer communication as well as to facilitate the Veitnamese Army's task of keeping these avenues free of Vietcong harassments," military defoliation operations really got under way. According to an article that month in the New York Times, "a high South Vietnamese official" announced that a seventy-mile stretch of road between Saigon and the coast was sprayed "to remove foliage hiding Communist guerrillas." The South Vietnamese spokesman also announced that defoliant chemicals would be sprayed on Vietcong plantations of manioc and sweet potatoes in the Highlands. The program was gathering momentum. It was doing so in spite of certain private misgivings among American officials, particularly in the State Department, who feared, first, that the operations might open the United States to charges of engaging in chemical and biological warfare, and, second, that they were not all that militarily effective. Roger Hilsman, now a professor of government at Columbia University, and then Director of Intelligence and Research for the State Department, reported, after a trip to Vietnam, that defoliation operations "had political disadvantages" and, furthermore, that they were of questionable military value, particularly in accomplishing their supposed purpose of reducing cover for ambushes. Hilsman later recalled in his book, "To Move a Nation," his visit to Vietnam, in March, 1962: "I had flown down a stretch of road that had been used for a test and found that the results were not very impressive. . . . Later, the senior Australian military representative in Saigon, Colonel Serong, also pointed out that defoliation actually aided the ambushers—if the vegetation was close to the road those who were ambushed could take cover quickly; when it was removed the guerrillas had a better field of fire." According to Hilsman, "The National Security Council spent tense sessions debating the matter."

Nonetheless, the Joint Chiefs of Staff and their Chairman, General Maxwell Taylor, agreed that chemical defoliation was a useful military weapon. In 1962, the American military "treated" 4,940 acres of the Vietnamese countryside with herbicides. In 1963, the area sprayed increased fivefold to a total of 24,700 acres. In 1964, the defoliated area was more than tripled. In 1965, the 1964 figure was doubled, increasing to 155,610 acres. In 1966, the sprayed area was again increased fivefold, to 741,247 acres, and in 1967 it was doubled once again over the previous year, to 1,486,446 acres. Thus, the areas defoliated in Vietnam had increased approximately three hundredfold in five years, but now adverse opinion among scientists and other people who were concerned about the effects of defoliation on the Vietnamese ecology at last began to have a braking effect on the program. In 1968, 1,267,110 acres were sprayed, and in 1969 perhaps a million acres. Since 1962, the defoliation operations have covered almost five million acres, an area equivalent to about twelve per cent of the entire territory of South Vietnam, and about the size of the state of Massachusetts. Between 1962 and 1967, the deliberate destruction of plots of rice, manioc, beans, and other foodstuffs through herbicidal spraying—the word "deliberate" is used here to exclude the many reported instances of accidental spraying of Vietnamese plots—increased three hundredfold, from an estimated 741 acres to 221,312 acres, and by the end of 1969 the Vietnamese cropgrowing area that since 1962 had been sprayed with herbicides totalled at least half a million acres. By then, in many areas the original purpose of the defoliation had been all but forgotten. The military had discovered that a more effective way of keeping roadsides clear was to bulldoze them. But by the time of that discovery defoliation had settled in as a general policy and taken on a life of its own—mainly justified on the ground that it made enemy infiltration from the North much more difficult by removing vegetation that concealed jungle roads and trails.

During all the time since the program began in 1961, no American military or civilian official has ever publicly characterized it as an operation of either chemical or biological warfare, although there can be no doubt that it is an operation of chemical warfare in that it involves the aerial spraying of chemical substances with the aim of gaining a military advantage, and that it is an operation of biological warfare in that it is aimed at a deliberate disruption of the biological conditions prevailing in a given area. Such distinctions simply do not appear in official United States statements or documents; they were long ago shrouded under heavy verbal cover. Thus, a State Department report, made public in March, 1966, saying that about twenty thousand acres of crops in South Vietnam had been destroyed by defoliation to deny food to guerrillas, described the areas involved as "remote and thinly populated," and gave a firm assurance that the materials sprayed on the crops were of a mild and transient potency: "The herbicides used are nontoxic and not dangerous to man or animal life. The land is not affected for future use."

However comforting the statements issued by our government during seven years of herbicidal operations in Vietnam, the fact is that the major development of defoliant chemicals (whose existence had been known in the thirties) and other herbicidal agents came about in military programs for biological warfare. The direction of this work was set during the Second World War, when Professor E. J. Kraus, who then headed the Botany Department of the University of Chicago, brought certain scientific possibilities to the attention of a committee that had been set up by Henry L. Stimson, the Secretary of War, under the National Research Council, to provide the military with advice on various aspects of biological warfare. Kraus, referring to the existence of hormone-like substances that experimentation had shown would kill certain plants or disrupt their growth, suggested to the committee in 1941 that it might be interested in "the toxic properties of growth-regulating substances for the destruction of crops or the limitation of crop production." Military research on herbicides thereupon got under way, principally at Camp (later Fort) Detrick, Maryland, the Army center for biological-warfare research. According to George Merck, a chemist, who headed Stimson's biological-warfare advisory committee, "Only the rapid ending of the war prevented field trials in an active theatre of synthetic agents that would, without injury to human or animal life, affect the growing crops and make them useless."

After the war, many of the herbicidal materials that had been developed and tested for biological-warfare use were marketed for civilian purposes and used by farmers and homeowners for killing weeds and controlling brush. The most powerful of the herbicides were the two chemicals 2,4-dichlorophenoxyacetic acid, generally known as 2,4-D, and 2,4,5-trichlorophenoxyacetic acid, known as 2,4,5-T. The direct toxicity levels of these chemicals as they affected experimental animals, and, by scientific estimates, men, appeared then to be low (although these estimates have later been challenged), and the United States Department of Agriculture, the Food and Drug Administration, and the Fish and Wildlife Service all sanctioned the widespread sale and use of both. The chemicals were also reported to be shortlived in soil after their application. 2,4-D was the bigger seller of the two, partly because it was cheaper, and suburbanites comonly used mixtures containing 2,4-D on their lawns to control dandelions and other weeds. Commercially, 2,4-D and 2,4,5-T were used to clear railroad rights-of-way and power-line routes, and, in cattle country, to get rid of woody brush, 2,4,5-T being favored for the last, because it was considered to have a more effective herbicidal action on woody plants. Very often, however, the two chemicals were used in combination. Between 1945 and 1963, the production of herbicides jumped from nine hundred and seventeen thousand pounds to about a hundred and fifty million pounds in this country; since 1963, their use has risen two hundred and seventy-one percent—more than double the rate of increase in the use of pesticides, though pesticides are still far more extensively used. By 1960, an area equivalent to more than three per cent of the entire United States was being sprayed each year with herbicides.

Considering the rapidly growing civilian use of these products, it is perhaps not surprising that the defoliation operations in Vietnam escaped any significant comment in the press, and that the American public remained unaware of the extent to which these uses had their origin in planning for chemical and biological warfare. Nevertheless, between 1941 and the present, testing and experimentation in the use of 2,4-D, 2,4,5-T, and other herbicides as military weapons were going forward very actively at Fort Detrick. While homeowners were using herbiciday mixtures to keep their lawns free of weeds, the military were screening some twelve hundred compounds for their usefulness in biological-warfare operations. The most promising of these compounds were test-sprayed on tropical vegetation in Puerto Rico and Thailand, and by the time full-scale defoliation operations got under way in Vietnam the U.S. military had settled on the use of four herbicidal spray materials there. These went under the names Agent Orange, Agent Purple, Agent White, and Agent Blue—designations derived from color-coded stripes girdling the shipping drums of each type of material. Of these materials, Agent Orange, the most widely used as a general defoliant, consists of a fifty-fifty mixture of *n* butyl esters and of 2,4-D and 2,4,5-T. Agent Purple, which is interchangeable with Agent Orange, consists of the same substances with slight molecular variations. Agent White, which is used mostly for forest defoliation, is a combination of 2,4-D and Picloram, produced by the Dow Chemical Company. Unlike 2,4-D or 2,4,5-T, which, after application, is said to be decomposable by micro-organisms in soil over a period of weeks or months (one field test of 2,4,5-T in this country showed that significant quantities persisted in soil for ninety-three days after application), Picloram—whose use the Department of Agriculture has not authorized in the cultivation of any American crop—is one of the most persistent herbicides known. Dr. Arthur W. Galston, professor of biology at Yale, has described Picloram as "a herbicidal analog of DDT," and an article in a Dow Chemical Company publication called "Down to Earth" reported that in field trials of Picloram in various California soils between eighty and ninety-six and a half per cent of the substance remained in the soils four hundred and sixty-seven days after application. (The rate at which Picloram decomposes in tropical soils may, however, be higher.) Agent Blue consists of a solution of cacodylic acid, a susbtance that contains fifty-four per cent arsenic, and it is used in Vietnam to destroy rice crops. According to the authoritative "Merck Index," a source book on chemicals, this material is "poisonous." It can be used on agricultural crops in this country only under certain restrictions imposed by the Department of Agriculture. It is being used herbicidally on Vietnamese rice fields at seven and a half times the concentration permitted for weed-killing purposes in this country, and so far in Vietnam something like five thousand tons is estimated to have been sprayed on paddies and vegetable fields.

Defoliation operations in Vietnam are carried out by a special flight of the 12th Air Commando Squadron of the United States Air Force, from a base at Bien Hoa, just outside Saigon, with specially equipped C–123 cargo planes. Each of these aircraft has been fitted out with tanks capable of holding a thousand gallons. On defoliation missions, the herbicide carried in these tanks is sprayed from an altitude of around a hundred and fifty feet, under pressure, from thirty-six nozzles on the wings and tail of the plane, and usually several spray planes work in formation, laying down broad blankets of spray. The normal crew of a military herbicidal-spray plane consists of a pilot, a co-pilot, and a technician, who sits in the tail area and operates a console regulating the spray. The equipment is calibrated to spray a thousand gallons of herbicidal mixture at a rate that works out, when all goes well, to about three gallons per acre. Spraying a thousand-gallon tankload takes five minutes. In an emergency, the tank can be emptied in thirty seconds—a fact that has particular significance because of what has recently been learned about the nature of at least one of the herbicidal substances.

The official code name for the program is Operation Hades, but a more friendly code name, Operation Ranch Hand, is commonly used. In similar fashion, military public-relations men refer to the herbicidal spraying of crops supposedly grown for Vietcong use in Vietnam, when they refer to it at all as a "food-denial program." By contrast, an American biologist who is less than enthusiastic about the effort has called it, in its current phase, "escalation to a program of starvation of the population in the affected area." Dr. Jean Mayer, the Harvard professor who now is President Nixon's special adviser on nutrition, contended in an article in *Science and Citizen* in 1967 that the ultimate target of herbicidal operations against rice and other crops in Vietnam was "the weakest element of the civilian population"—that is, women, children, and the elderly—because in the sprayed area "Vietcong soldiers may . . . be expected to get the fighter's share of whatever food there is." He pointed out that malnutrition is endemic in many parts of Southeast Asia but that in wartime South Vietnam, where diseases associated with malnutrition, such as beri-beri, anemia, kwashiorkor (the disease that has decimated the Biafran population), and tuberculosis, are particularly widespread, "there can be no doubt that if the (crop-destruction) program is continued, (the) problems will grow."

Whether a particular mission involves defoliation or crop destruction, American military spokesmen insist that a mission never takes place without careful consideration of all the factors involved, including the welfare of friendly inhabitants and the safety of American personnel. (There can be little doubt that defoliation missions are extremely hazardous to the members of the planes' crews, for the planes are required to fly very low and only slightly above stalling speed, and they are often targets of automatic-weapons fire from the ground.) The process of setting up targets and approving specific herbicidal operations is theoretically subject to elaborate review through two parallel chains of command; one chain consisting of South Vietnamese district and province chiefs—who can themselves initiate such missions—and South Vietnamese Army commanders at variosu levels; the other a United States chain, consisting of a district adviser, a sector adviser, a divisional senior adviser, a corps senior adviser, the United States Military Assistance Command in South Vietnam, and the American Embassy in Saigon, ending up with the American ambassador himself. Positive justification of the military advantage likely to be gained from each operation is theoretically required, and applications with such positive justification are theoretically disapproved. However, according to one of a series of articles by Elizabeth Pond that appeared toward the end of 1967 in the *Christian Science Monitor:*

"In practice, [American] corps advisers find it very difficult to turn down defoliation requests from province level because they simply do not have sufficient specific knowledge to call a proposed operation into question. And with the momentum of six years' use of defoliants, the practice, in the words of one source, has long since been "set in cement."

"The real burden of proof has long since shifted from the positive one of justfying an operation by its [military] gains to the negative one of denying an operation because of [specific] drawbacks. There is thus a great deal of pressure, especially above province level, to approve recommendations sent up from below as a matter of course."

Miss Pond reported that American military sources in Saigon were "enthusiastic" about the defoliation program, and that American commanders and spotter-plane pilots were "clamoring for more of the same." She was given firm assurances as to the mild nature of the chemicals used in the spray operations:

"The defoliants used, according to the military spokesman contacted, are the same herbicides . . . as those used commercially over some four million acres in the United States. In the strengths used in Vietnam they are not at all harmful to humans or animals, the spokesman pointed out, and in illustration of this he dabbed onto his tongue a bit of liquid from one of . . . three bottles sitting on his desk."

As the apparently inexorable advance of defoliation operations in South Vietnam continued, a number of scientists in the United States began to protest the military use of herbicides, contending that Vietnam was being used, in effect, as a proving ground for chemical and biological warfare. Early in 1966, a group of twenty-nine scientists, under the leadership of Dr. John Edsall, a professor of biochemistry at Harvard, appealed to President Johnson to prohibit the use of defoliants and crop-destroying herbicides, and called the use of these substances in Vietnam "barbarous because they are indiscriminate." In the late summer of 1966, this protest was followed by a letter of petition to President Johnson from twenty-two scientists, including seven Nobel laureates. The petition pointed out that the "large-scale use of anticrop and 'nonlethal' antipersonnel chemical weapons in Vietnam" constituted "dangerous precedent" in chemical and biological warfare, and it asked the President to order it stopped. Before the end

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of that year, Dr. Edsall and Dr. Matthew S. Meselson, a Harvard professor of biology, obtained the signatures of five thousand scientists to co-sponsor the petition. Despite these protests, the area covered by defoliation operations in Vietnam in 1967 was double that covered in 1966, and the acreage of crops destroyed was nearly doubled.

These figures relate only to areas that were sprayed intentionally. There is no known way of spraying an area with herbicides from the air in a really accurate manner, because the material used is so highly volatile, especially under tropical conditions, that even light wind drift can cause extensive damage to foliage and crops outside the deliberately sprayed area. Crops are so sensitive to the herbicidal spray that it can cause damage to fields and gardens as much as fifteen miles away from the target zone. Particularly severe accidental damage is reported, from time to time, to so-called "friendly" crops in the III Corps area, which all but surrounds Saigon and extends in a rough square from the coastline to the Cambodian border. Most of the spraying in III Corps is now done in War Zones C and D, which are classified as free fire zones, where, as one American official has put it, "everything that moves in Zones C and D is considered Charlie." A press dispatch from Saigon in 1967 quoted another American official as saying that every Vietnamese farmer in that corps area knew of the defoliation program and disapproved of it. Dr. Galston, the Yale biologist, who is one of the most persistent critics of American policy concerning herbicidal operations in Vietnam, recently said in an interview, "We know that most of the truck crops grown along roads, canals, and trails and formerly brought into Saigon have been essentially abandoned because of the deliberate or inadvertent falling of these defoliant sprays; many crops in the Saigon area are simply not being harvested." He also cited reports that in some instances in which the inhabitants of Vietnamese villages have been suspected of being Vietcong sympathizers the destruction of food crops has brought about complete abandonment of the villages. In 1966, herbicidal operations caused extensive inadvertent damage, through wind drift, to a very large rubber plantation northwest of Saigon owned by the Michelin rubber interests. As the result of claims made for this damage, the South Vietnamese authorities paid the corporate owners, through the American military, nearly a million dollars. The extent of the known inadvertent damage to crops in Vietnam can be inferred from the South Vietnamese budget—in reality, the American military budget—for settling such claims. In 1967, the budget for this compensation was three million six hundred thousand dollars. This sum, however, probably reflects only the barest emergency claims of the people affected.

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According to Representative Richard D. McCarthy, a Democrat from upstate New York who has been a strong critic of the program, the policy of allowing applications for defoliation operations to flow, usually without question, from the level of the South Vietnamese provincial or district chiefs has meant that these local functionaries would order repeated sprayings of areas that they had not visited in months, or even years. The thought that a Vietnamese district chief can initiate such wholesale spraying, in effect without much likelihood of serious hindrance by American military advisers, is a disquieting one to a number of biologists. Something that disquiets many of them even more is what they believe the long-range effects of nine years of defoliation operations will be on the ecology of South Vietnam. Dr. Galston, testifying recently before a congressional subcommittee on chemical and biological warfare, made these observations:

"It has already been well documented that some kinds of plant associations subject to spray, especially by Agent Orange, containing 2,4-D and 2,4,5-T, have been irreversibly damaged. I refer specifically to the mangrove associations that line the estuaries, especially around the Saigon River. Up to a hundred thousand acres of these mangroves have been sprayed. . . . Some (mangrove areas) had been sprayed as early as 1961 and have shown no substantial signs of recovery. . . . Ecologists have known for a long time that the mangroves lining estuaries furnish one of the most important ecological niches for the completion of the life cycle of certain shellfish and migratory fish. If these plant communities are not in a healthy state, secondary effects on the whole interlocked web of organisms are bound to occur. . . . In the years ahead the Vietnamese, who do not have overabundant sources of proteins anyhow, are probably going to suffer dietarily because of the deprivation of food in the form of fish and shellfish.

"Damage to the soil is another possible consequence of extensive defoliation. . . . We know that the soil is not a dead, inert mass but, rather, that it is a vibrant, living community. . . . If you knock the leaves off of trees once, twice, or three times . . . you change the quality of the soil. . . . Certain tropical soils—and it has been estimated that in Vietnam up to fifty per cent of all the soils fall into this category—are laterizable; that is, they may be irreversibly converted to rock as a result of the deprivation of organic matter. . . . If . . . you deprive trees of leaves and photosynthesis stops, organic matter in the soil declines and laterization, the making of brick, may occur on a very extensive scale. I would emphasize that this brick is irreversibly hardened; it can't be made back into soil. . . .

"Another ecological consequence is the invasion of an area by undesirable plants. One of the main plants that invade an area that has been defoliated is bamboo. Bamboo is one of the most difficult of all plants to destroy once it becomes established where you don't want it. It is not amenable to killing by herbicides. Frequently it has to be burned over, and this causes tremendous dislocations to agriculture."

Dr. Fred H. Tschirley, assistant chief of the Crops Protection Research Branch of the Department of Agriculture, who made a month's visit to Vietnam in the spring of 1968 in behalf of the State Department to report on the ecological effects of herbicidal operations there, does not agree with Dr. Galston's view that laterization of the soil is a serious probability. However, he reported to the State Department that in the Rung Sat area, southeast of Saigon, where about a hundred thousand acres of mangrove trees had been sprayed with defoliant, each single application of Agent Orange had killed ninety to a hundred per cent of the mangroves touched by the spray, and he estimated that the regeneration of the mangroves in this area would take another twenty years, at least. Dr. Tschirley agrees with Dr. Galston that a biological danger attending the defoliation of mangroves is an invasion of virtually ineradicable bamboo.

A fairly well-documented example not only of the ecological consequences of defoliation operations but also of their disruptive effects on human life was provided last year by a rubber-plantation area in Kompong Cham Province, Cambodia, which lies just across the border from Vietnam's Tay Ninh Province. On June 2, 1969, the Cambodian government, in an angry diplomatic note to the United States government, charged the United States with major defoliation damage to rubber plantations, and also to farm and garden crops in the province, through herbicidal operations deliberately conducted on Cambodian soil. It demanded compensation of eight and a half million dollars for destruction or serious damage to twenty-four thousand acres of trees and crops. After some delay, the State Department conceded that the alleged damage might be connected with "accidental drift" of spray over the border from herbicidal operations in Tay Ninh Province. The Defense Department flatly denied that the Cambodian areas had been deliberately sprayed. Late in June, the State Department sent a team of four American scientists to Cambodia, and they confirmed the extent of the area of damage that the Cambodians had claimed. They found that although some evidence of spray drift across the Vietnamese border existed, the extent and severity of damage in the area worst affected were such that "it is highly unlikely that this quantity could have drifted over the border from the Tay Ninh defoliation operations." Their report added, "The evidence we have seen, though circumstantial, suggests strongly that damage was caused by direct overflight." A second report on herbicidal damage to the area was made after an unofficial party of American biologists, including Professor E. W. Pfeiffer, of the University of Montana, and Professor Arthur H. Westing, of Windham College, Vermont, visited Cambodia last December at the invitation of the Cambodian government. They found that about a third of all the rubber trees currently in production in Cambodia had been damaged, and this had happened in an area that normally had the highest latex yield per acre of any in the world. A high proportion of two varieties of rubber trees in the area had died as a result of the damage, and Dr. Westing estimated that the damage to the latex-producing capacity of some varieties might persist for twenty years. Between May and November of last year, latex production in the affected plantations fell off by an average of between thirty-five and forty per cent. According to a report by the two scientists, "A large variety of garden crops were devastated in the seemingly endless number of small villages scattered throughout the affected area. Virtually all of the . . . local inhabitants . . . depend for their well-being upon their own local produce. These people saw their crops . . . literally wither before their eyes." The Cambodian claim is still pending.

Until the end of last year, the criticism by biologists of the dangers involved in the use of herbicides centered on their use in what were increasingly construed as biological-warfare operations, and on the disruptive effects of these chemicals upon civilian populations and upon the ecology of the regions in which they were used. Last year, however, certain biologists began to raise serious questions on another score—possible direct hazards to life from 2,4,5-T. On October 29th, as a result of these questions, a statement was publicly issued by Dr. Lee DuBridge, President Nixon's science adviser. In summary, the statement said that because a laboratory study of mice and rats that had been given relatively high oral doses of 2,4,5-T in early stages of pregnancy "showed a higher than expected number of deformities" in the offspring, the government would, as a precautionary measure, undertake a series of coordinated actions to restrict the use of 2,4,5-T in both domestic civilian applications and military herbicidal operations. The DuBridge statement identified the laboratory study as having been made by an organization called the Bionetics Research Laboratories, in Bethesda, Maryland, but gave no details of either the findings or the data on which they were based. This absence of specific information turned out to be characteristic of what has been made available to the public concerning this particular research project. From the beginning, it seems, there was an extraordinary reluctance to discuss details of the purported ill effects of 2,4,5-T on animals. Six weeks after the publication of the DuBridge statement, a journalist who was attempting to obtain a copy of the full report made by Bionetics and to discuss its details with some of the government officials concerned encountered hard going. At the Bionetics Laboratories, an official said that he couldn't talk about the study, because "we're under wraps to the National Institutes of Health"—the government agency that commissioned the study. Then, having been asked what the specific doses of 2,4,5-T were that were said to have increased birth defects in the fetuses of experimental animals, the Bionetics official cut off discussion by saying, "You're asking sophisticated quesions that as a layman you don't have the equipment to understand the answers to." At the National Institutes of Health, an official who was asked for details of or a copy of the study on 2,4,5-T replied, "The position I'm in is that I have been requested not to distribute this information." He did say, however, that a continuing evaluation of the study was under way at the National Institute of Environmental Health Sciences, at Research Triangle Park, North Carolina. A telephone call to an officer of this organization brought a response whose tone varied from wariness to downright hostility and made it clear that the official had no intention of discussing details or results of the study with the press.

The Bionetics study on 2,4,5-T was part of a series carried out under contract to the National Cancer Institute, which is an arm of the National Institutes of Health, to investigate more than two hundred compounds, most of them pesticides, in order to determine whether they induced cancer-causing changes, fetus-deforming changes, or mutation-causing changes in experimental animals. The contract was a large one, involving more than two and a half million dollars' worth of research, and its primary purpose was to screen out suspicious-looking substances for further study. The first visible fruits of the Bionetics research were presented in March of last year before a convention of the American Association for the Advancement of Science, in the form of a study of possible carcinogenic properties of the fifty-three compounds; the findings on 2,4,5-T were that it did not appear to cause carcinogenic changes in the animals studied.

By the time the report on the carcinogenic properties of the substances was presented, the results of another part of the Bionetics studies, concerning the teratogenic, or fetus-deforming, properties of the substances, were being compiled, but these results were not immediately made available to biologists outside the government. The data remained—somewhat frustratingly, in the view of some scientists who had been most curious about the effects of herbicides—out of sight, and a number of attempts by biologists who had heard about the teratological study of 2,4,5-T to get at its findings appear to have been thwarted by the authorities involved. Upon being asked to account for the apparent delay in making this information available to biologists, an official of the National Institute of Environmental Health Sciences (another branch of the National Institutes of Health) has declared, with some heat, that the results of the study itself and of a statistical summary of the findings prepared by the Institute were in fact passed on as they were completed to the Commission on Pesticides and Their Relationship to Environmental Health, a scientific group appointed by Secretary of Health, Education, and Welfare Robert Finch and known—after its chairman, Dr. E. M. Mrak, of the University of California—as the Mrak Commission. Dr. Samuel S. Epstein, chief of the Laboratories of Environmental Toxicology and Carcinogenesis at the Children's Cancer Research Foundation in Boston, who was co-chairman of the Mrak Commission panel considering the teratogenic potential of pesticides, tells a different story on the availability of the Bionetics study. He says that he first heard about it in February. At a meeting of his panel in August, he asked for a copy of the report. Ten days later, the panel was told that the National Institute of Environmental Health Sciences would be willing to provide a statistical summary but that the group could not have access to the full report on which the summary was based. Dr. Epstein says that the panel eventually got the full report on September 24th "by pulling teeth."

Actually, as far back as February, officials at the National Cancer Institute had known, on the basis of a preliminary written outline from Bionetics, the findings of the Bionetics scientists on the fetus-deforming role of 2,4,5-T. Dr. Richard Bates, the officer of the National Institutes of Health who was in charge of coordinating the Bionetics project, has said that during the same month this information was put into the hands of officials of the Food and Drug Administration, the Department of Agriculture, and the Department of Defense. "We had a meeting with a couple of scientists from Fort Detrick, and we informed them of what we had learned," Dr. Bates said recently. "I don't know whether they were the right people for us to see. We didn't hear from them again until after the DuBridge announcement at the White House. Then they called up and asked for a copy of the Bionetics report."

At the Department of Agriculture, which Dr. Bates said had been informed in February of the preliminary Bionetics findings, Dr. Tschirley, one of the officials most intimately concerned with the permissible uses of herbicidal compounds, says that he first heard about the report on 2,4,5-T through the DuBridge announcement. At the Food and Drug Administration, where appropriate officials had been informed in February of the teratogenic potential of 2,4,5-T, no new action was taken to safeguard the public against 2,4,5-T in foodstuffs. In fact, it appears that no action at all was taken by the Food and Drug Administration on the matter during the whole of last year. The explanation that F.D.A. officials have offered for this inaction is that they were under instructions to leave the whole question alone at least until December, because the matter was under definitive study by the Mrak Commission—the very group whose members, as it turns out, had such extraordinary difficulty in obtaining the Bionetics data. The Food Toxicology Branch of the F.D.A. did not have access to the full Bionetics report on 2,4,5-T until after Dr. DuBridge issued his statement, at the end of October.

Thus, after the first word went to various agencies about the fetus-deforming potential of 2,4,5-T, and warning lights could have flashed on in every branch of the government and in the headquarters of every company manufacturing or handling it, literally almost nothing was done by the officials charged with protecting the public from exposure to dangerous or potentially dangerous materials—by the officials in the F.D.A., in the Department of Agriculture, and in the Department of Defense. It is conceivable that the Bionetics findings might still be hidden from the public if they had not been pried loose in midsummer through the activities of a group of young law students. The students were members of a team put together by the consumer-protection activist Ralph Nader—and often referred to as Nader's Raiders—to explore the labyrinthine workings of the Food and Drug Administration. In the course of their investigations, one of the law students, a young woman named Anita Johnson, happened to see a copy of the preliminary report on the Bionetics findings that had been passed on to the F.D.A. in February, and its observations seemed quite disturbing to her. Miss Johnson wrote a report to Nader, and in September she showed a copy of the report to a friend who was a biology student at Harvard. In early October, Miss Johnson's friend, in a conversation with Professor Matthew Meselson, mentioned Miss Johnson's report on the preliminary Bionetics findings. This was the first that Dr. Meselson had heard of the existence of the Bionetics study. A few days previously, he had received a call from a scientist friend of his asking whether Dr. Meselson had heard of certain stories, originating with South Vietnamese journalists and other South Vietnamese, of an unusual incidence of birth defects in South Vietnam, which were alleged to be connected with defoliation operations there.

A few days later, after his friend sent him further information, Mr. Meselson decided to obtain a copy of the Bionetics report, and he called up an acquaintance in a government agency and asked for it. He was told that the report was "confidential and classified," and inaccessible to outsiders. Actually, in addition to the preliminary report there were now in existence the full Bionetics report and a statistical summary prepared by the National Institute of Environmental Health Sciences, and, by nagging various Washington friends, Dr. Meselson obtained bootlegged copies of the two latest reports. What he read seemed to him to have such serious implications that he got in touch with acquaintances in the White House and also with someone in the Army to alert them to the problems of 2,4,5-T, in the hope that some new restriction would be placed on its use. According to Dr. Meselson, the White House people apparently didn't know until that moment that the reports on the adverse effects of 2,4,5-T even existed. (Around that time, according to a member of Nader's Raiders, "a tremendous lid was put on this thing" within government agencies, and on the subject of the Bionetics work and 2,4,5-T "people in government whom we'd been talking to freely for years just shut up and wouldn't say a word.") While Dr. Meselson awaited word on the matter, a colleague of his informed the press about the findings of the Bionetics report. Very shortly thereafter, Dr. DuBridge made his public announcement of the proposed restrictions on the use of 2,4,5-T.

In certain respects, the DuBridge announcement is a curious document. In its approach to the facts about 2,4,5-T that were set forth in the Bionetics report, it reflects considerable sensitivity to the political and international issues that lie behind the widespread use of this powerful herbicide for civilian and military purposes, and the words in which it describes the reasons for restricting its use appear to have been very carefully chosen:

"The actions to control the use of the chemical were taken as a result of findings from a laboratory study conducted by Bionetics Research Laboratories which indicated that offspring of mice and rats given relatively large oral doses of the herbicide during early stages of pregnancy showed a higher than expected number of deformities.

"Although it seems improbable that any person could receive harmful amounts of this chemical from any of the existing uses of 2,4,5-T, and while the relationships of these effects in laboratory animals to effects in man are not entirely clear at this time, the actions taken will assure safety of the public while further evidence is being sought."

These actions, according to the statement, included decisions that the Department of Agriculture would cancel manufacturers' registrations of 2,4,5-T for use on food crops, effective at the beginning of 1970, "unless by that time the Food and Drug Administration has found a basis for establishing a safe legal tolerance in and on foods," and that the Departments of Agriculture and the Interior, in their own programs, would

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stop the use of 2,4,5-T in populated areas and in all other areas where residues of the substance could reach man. As for military uses of 2,4,5-T, the statement said, "The chemical is effective in defoliating trees and shrubs and its use in South Vietnam has resulted in reducing greatly the number of ambushes, thus saving lives." However, the statement continued, "the Department of Defense will [henceforth] restrict the use of 2,4,5-T to areas remote from the population."

All this sounds eminently fair and sensible, but whether it represents a candid exposition of the facts about 2,4,5-T and the Bionetics report is debatable. The White House statement that the Bionetics findings "indicated that offspring of mice and rats given relatively large oral doses of the herbicide during early stages of pregnancy showed a higher than expected number of deformities" is, in the words of one eminent biologist who has studied the Bionetics data, "an understatement." He went on to say that "if the effects on experimental animals are applicable to people it's a very sad and serious situation." The actual Bionetics report described 2,4,5-T as producing "sufficiently prominent effects of seriously hazardous nature" in controlled experiments with pregnant mice to lead the authors "to categorize [it] as *probably dangerous*." The report also found 2,4-D "potentially dangerous but needing further study." As for 2,4,5-T, the report noted that, with the exception of very small subcutaneous dosages, "all dosages, routes, and strains resulted in increased incidence of abnormal fetuses" after its administration. The abnormalities in the fetuses included lack of eyes, faulty eyes, cystic kidneys, cleft palates, and enlarged livers. The Bionetics report went on to report on further experimental applications of 2,4,5-T to another species:

"Because of the potential importance of the findings in mice, an additional study was carried out in rats of the Sprague-Dawley strain. Using dosages of 21.5 and 46.4 mg/kg [that is, dosages scaled to represent 21.5 and 46.4 milligrams of 2,4,5-T per kilogram of the experimental animal's body weight] suspended in 50 per cent honey and given by the oral route on the 6th through 15th days of gestation, we observed excessive fetal mortality (almost 80 percent) and a high incidence of abnormalities in the survivors. When the beginning of administration was delayed until the 10th day, fetal mortality was somewhat less but still quite high even when dosage was reduced to 4.6 mg/kg. The incidence of abnormal fetuses was threefold that in controls even with the smallest dosage and shortest period used. . . .

"It seems inescapable the 2,4,5-T is teratogenic in this strain of rats when given orally at the dosage schedules used here."

Considering the fetus-deforming effects of the *lowest* oral dosage of 2,4,5-T used in Bionetics work on rats—to say nothing of the excessive fetal mortality—the White House statement that "relatively large oral doses of the herbicide . . . showed a higher than expected number of deformities" is hardly an accurate description of the results of the study. In fact, the statistical tables presented as part of the Bionetics report showed that at the lowest oral dosage of 2,4,5-T given to pregnant rats between the tenth and fifteenth days of gestation thirty-nine per cent of the fetuses produced were abnormal, or three times the figure for control animals. At what could without much question be described as "relatively large oral doses" of the herbicide—dosages of 21.5 and 46.4 milligrams per kilogram of body weight of rats, for example—the percentage of abnormal fetuses was ninety and a hundred per cent, respectively, or a good bit higher than one would be likely to deduce from the phrase "a higher than expected number of deformities." The assertion that "it seems improbable that any person could receive harmful amounts of this chemical from any of the existing uses of 2,4,5-T" also appears to be worth examining for this is precisely what many biologists are most worried about in relation to 2,4,5-T and allied substances.

It seems fair, before going further, to quote a cautionary note in the DuBridge statement: "The study involved relatively small numbers of laboratory rats and mice. More extensive studies are needed and will be undertaken. At best it is difficult to extrapolate results obtained with laboratory animals to man—sensitivity to a given compound may be different in man than in animal species. . . ." It would be difficult to get a biologist to disagree with these seemingly sound generalities. However, the first part of the statement does imply, at least to a layman, that the number of experimental animals used in the Bionetics study had been considerably smaller than the numbers used to test commercial compounds other than 2,4,5-T before they are approved by agencies such as the Food and Drug Administration and the Department of Agriculture. In this connection, the curious layman could reasonably begin with the recommendations, in 1963, of the President's Science Advisory Committee on the use of pesticides, which proposed that companies putting out pesticides should be required from then on to demonstrate the safety of their products by means of toxicity studies on two generations of at least two warm-blooded mammalian species. Subsequently, the F.D.A. set up new testing requirements, based on these recommendations, for companies producing pesticides. However, according to Dr. Joseph McLaughlin, of the Food Toxicology Branch of the F.D.A., the organization actually requires applicants for permission to sell pesticides to present the results of tests on only *one* species (usually, in practice, the rat). According to Dr. McLaughlin, the average number of experimental animals used in studies of pesticides is between eighty and a hundred and sixty, including animals used as controls but excluding litters produced. The Bionetics studies of 2,4,5-T used both mice and rats, and their total number was, in fact, greater, not less, than this average. Including controls but excluding litters, the total number of animals used in the 2,4,5-T studies was two hundred and twenty-five. Analysis of the results by the National Institute of Environmental Health Sciences found them statistically "significant," and this is the real purpose of such a study: it is meant to act as a coarse screen to shake out of the data the larger lumps of bed news. Such a study is usually incapable of shaking out anything smaller; another kind of study is needed to do that.

Thus, the DuBridge statement seems to give rise to this question: If the Bionetics study, based on the effects of 2,4,5-T on two hundred and twenty-five experimental animals of two species, appears to be less than conclusive, on the ground that "the study involved relatively small numbers of laboratory rats and mice," what is one to think of the adequacy of the tests that the manufacturers of pesticides make? If, as the DuBridge statement says, "at best it is difficult to extrapolate results obtained with laboratory animals to man," what is one to say of the protection that the government affords the consumer when the results of tests of pesticidal substances on perhaps a hundred and twenty rats are officially extrapolated to justify the use of the substances by a population of two hundred million people—not to mention one to two million unborn babies being carried in their mothers' wombs?

The very coarseness of the screen used in all these tests—that is, the relatively small number of animals involved—means that the bad news that shows up in the data has to be taken with particular seriousness, because lesser effects tend not to be demonstrable at all. The inadequacy of the scale on which animal tests with, for instance, pesticides are currently being made in this country to gain F.D.A. approval is further indicated by the fact that a fetus-deforming effect that might show up if a thousand test animals were used is almost never picked up, since the studies are not conducted on that scale; yet if the material being tested turned out to have the same effect, quantitatively, on human beings, this would mean that it would cause between three and four thousand malformed babies to be produced each year. The teratogenic effects of 2,4,5-T on experimental animals used by the Bionetics people, however, were not on the order of one in a thousand. Even in the case of the lowest oral dose given rats, they were on the order of one in three.

Again, it is fair to say that what is applicable to rats in such tests may not be applicable to human beings. But it is also fair to say that studies involving rats are conducted not for the welfare of the rat kingdom but for the ultimate protection of human beings. In the opinion of Dr. Epstein, the fact that the 2,4,5-T used in the Bionetics study produced teratogenic effects in *both* mice and rats underlines the seriousness of the study's implications. In the opinion of Dr. McLaughlin, this is even further underlined by another circumstance—that the rat, as a test animal, tends to be relatively resistant to teratogenic effects of chemicals. For example, in the late nineteen-fifties, when thalidomide, that disastrously teratogenic compound, was being tested on rats in oral dosages ranging from low to very high, no discernible fetus-deforming effects were produced. And Dr. McLaughlin says that as far as thalidomide tests on rabbits were concerned, "You could give thalidomide to rabbits in oral doses at between fifty and two hundred times the comparable human level to show any comparable teratogenic effects." In babies born to women who took thalidomide, whether in small or large dosages and whether in single or multiple dosages, between the sixth and seventh weeks of pregnancy, the rate of deformation was estimated to be one in ten.

Because of the relatively coarse testing screen through which compounds like pesticides—and food additives as well—are sifted before they are approved for general or specialized use in this country, the Food and Drug Administration theoretically maintains a policy of stipulating, as a safety factor, that the maximum amount of such a substance allowable in the human diet range from one two-thousandth to one one-hundredth of the highest dosage level of the substance that produces no harmful effects in experimental animals. (In the case of pesticides, the World Health Organization takes a more conservative view, considering one two-thousandth of the "no-effect" level in animal studies to be a reasonable safety level for human exposure.) According to the standards of safety established by F.D.A. policy, then, no human being anywhere should ever have been exposed to 2,4,5-T, because in the Bionetics study of rats *every* dosage level produced deformed fetuses. A "no-effect" level was never achieved.

To make a reasonable guess about the general safety of 2,4,5-T for human beings, as the material has been used up to now, the most appropriate population area to observe is probably not the relatively healthy and well-fed United States, where human beings are perhaps better equipped to withstand the assault of toxic substances, but South Vietnam, where great numbers of civilians are half-starved, ravaged by disease, and

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racked by the innumerable horrors of war. In considering any potentially harmful effects of 2,4,5–T on human beings in Vietnam, some attempt has to be made to estimate the amount of 2,4,5–T to which people, and particularly pregnant women, may have been exposed as a result of the repeated defoliation operations. To do so, a comparison of known rates of application of 2,4,5–T in the United States and in Vietnam is in order. In this country, according to Dr. Tschirley, the average recommended application of 2,4,5–T in aerial spraying for woody-plant control is between three-quarters of a pound and a pound per acre. There are about five manufacturers of 2,4,5–T in this country, of which the Dow Chemical Company is one of the biggest. One of Dow Chemical's best-sellers in the 2,4,5–T line is Esteron 245 Concentrate, and the cautionary notes that a drum of Esteron bears on its label are hardly reassuring to oneone lulled by prior allegations that 2,4,5–T is a substance of low toxicity:

"Caution—may cause skin irritation, avoid contact with eyes, skin, and clothing keep out of the reach of children."

Under the word "warning" are a number of instructions concerning safe use of the material, and these include, presumably for good reason, the following admonition:

"Do not contaminate irrigation ditches or water used for domestic purposes."

Then comes a "notice":

"Seller makes no warranty of any kind, express or implied, concerning the use of this product. Buyer assumes all risk of use or handling, whether in accordance with directions or not."

The concentration of Esteron recommended—subject to all these warnings, cautions, and disclaimers—for aerial spraying in the United States varies with the type of vegetation to be sprayed, but probably a fair average would be three-quarters to one pound acid equivalent of the raw 2,4,5-T per acre. In Vietnam, however, the concentration of 2,4,5-T for each acre sprayed has been far higher. In Agent Orange, the concentrations of 2,4,5-T have averaged *thirteen times* the recommended concentrations used in the United States. The principal route through which quantities of 2,4,5-T might be expected to enter the human system in Vietnam is through drinking water, and in the areas sprayed most drinking water comes either from rainwater cisterns fed from house roofs or from very shallow wells. It has been calculated that, taking into account the average amount of 2,4,5-T in Agent Orange sprayed per acre in Vietnam by the military, and assuming a one-inch rainfall (which is quite common in South Vietnam) after a spraying, a forty-kilo (about eighty-eight-pound) Vietnamese woman drinking two litres (about 1.8 quarts) of contaminated water a day could very well be absorbing into her system a hundred and twenty milligrams, or about one two-hundred-and-fiftieth of an ounce, of 2,4,5-T a day; that is, a daily oral dosage of three milligrams of 2,4,5-T per kilo of body weight. Thus, if a Vietnamese woman who was exposed to Agent Orange was pregnant, she might very well be absorbing into her system a percentage of 2,4,5-T only slightly less than the percentage that deformed one out of every three fetuses of the pregnant experimental rats. To pursue further the question of exposure of Vietnamese to 2,4,5-T concentrations in relation to concentrations officially considered safe for Americans, an advisory subcommittee to the Secretary of the Interior, in setting up guide-lines for maximum safe contamination of surface water by pesticides and allied substances some time ago, recommended a concentration of one-tenth of a milligram of 2,4,5-T in one litre of drinking water as the maximum safe concentration. Thus, a pregnant Vietnamese woman who ingested a hundred and twenty milligrams of 2,4,5-T in two litres of water a day would be exposed to 2,4,5-T at six hundred times the concentration officially considered safe for Americans.

Moreover, the level of exposure of Vietnamese people in sprayed areas is not necessarily limited to the concentrations shown in Dr. Meselson's calculations. Sometimes the level may be far higher. Dr. Pfeiffer, the University of Montana biologist, says that when difficulties arise with the spray planes or the spray apparatus, or when other accidents occur, an entire thousand-gallon load of herbicidal agent containing 2,4,5-T may be dumped in one area by means of the thirty-second emergency-dumping procedure. Dr. Pfeiffer has recalled going along as an observer on a United States defoliation mission last March, over the Plain of Reeds area of Vietnam, near the Cambodian border, during which the technician at the spray controls was unable to get the apparatus to work, and thereupon dumped his whole load. "This rained down a dose of 2,4,5-T that must have been fantastically concentrated," Dr. Pfeiffer has said. "It was released on a very watery spot that looked like headwaters draining into the Mekong River, which hundreds of thousands of people use. In another instance, he has recalled, a pilot going over the area of the supposedly "friendly" Catholic refugee village of Ho Nai, near Bien Hoa, had serious engine trouble and dumped his whole spray load of herbicide on or near the village. In such instances, the concentration of 2,4,5-T dumped upon an inhabited area in Vietnam probably averaged about a hundred and thirty times the concentration recommended by 2,4,5-T manufacturers as both effective and safe for use in the United States.

Theoretically, the dangers inherent in the use of 2,4,5-T should have been removed by means of the steps promised in the White House announcement last October. A quick reading of the statement by Dr. DuBridge (who is also the executive secretary of the President's Environmental Quality Council) certainly seemed to convey the impression that from that day onward there would be a change in Department of Defense policy on the use of 2,4,5-T in Vietnam, just as there would be a change in the policies of the Departments of Agriculture and the Interior on the domestic use of 2,4,5-T. But did the White House mean what it certainly seemed to be saying about the future military use of 2,4,5-T in Vietnam? The White House statement was issued on October 29th. On October 30th, the Pentagon announced that no change would be made in the policy governing the military use of 2,4,5-T in South Vietnam, because—so the Washington *Post* reported on October 31st—"the Defense Department feels its present policy conforms to the new Presidential directive." The *Post* article went on:

"A Pentagon spokesman's explanation of the policy, read at a morning press briefing, differed markedly from the written version given reporters later.

"When the written statement was distributed, reporters were told not to use the spokesman's [previous] comment that the defoliant . . . is used against enemy 'training and regroupment centers.'

"The statement was expunged after a reporter asked how use against such centers conformed to the Defense Department's stated policy of prohibiting its use in 'populated areas.' "

But the statement wasn't so easily expunged. A short time later, it was made again, in essence, by Rear Admiral William E. Lemos, of the Policy Plans and National Security Council Affairs Office of the Department of Defense, in testimony before a subcommittee of the House Foreign Affairs Committee, the only difference being that the phrase "training and regroupment centers" became "enemy base camps." And in testifying that the military was mounting herbicidal operations on alleged enemy base camps Rear Admiral Lemos said:

"We know . . . that the enemy will move from areas that have been sprayed. Therefore, enemy base camps or unit headquarters are sprayed in order to make him move to avoid exposing himself to aerial observation."

If one adds to the words "enemy base camps" the expunged words "training and regroupment centers"—centers that are unlikely to operate without an accompanying civilian population—what the Defense Department seems actually to be indicating is that the "areas remote from the population" against which the United States is conducting military herbicidal operations are "remote from the population" at least in part *because* of these operations.

As for the Bionetics findings on the teratogenic effects of 2,4,5–T on experimental animals, the Department of Defense indicated that it put little stock in the dangers suggested by the report. A reporter for the *Yale Daily News* who telephoned the Pentagon during the first week in December to inquire about the Defense Department's attitude toward its use of 2,4,5–T in the light of the Bionetics report was assured that "there is no cause for alarm about defoliants." A week or so later, he received a letter from the Directorate for Defense Information at the Pentagon which described the Bionetics results as based on "evidence that 2,4,5–T, when fed in large amounts to highly imbred and susceptible mice and rats, gave a higher incidence of birth defects than was normal for these animals." After reading this letter, the *Yale Daily News* reporter again telephoned the Pentagon, and asked, "Does [the Department of Defense] think defoliants could be affecting embryo growth in any way in Vietnam?" The Pentagon spokesman said, "No." And that was that. The experimental animals were highly susceptible; the civilian Vietnamese population, which even under "normal" circumstances is the victim of a statistically incalculable but clearly very high abortion and infant-mortality rate, was not.

Nearly a month after Dr. DuBridge's statement, another was issued, this one by the President himself, on United States policy on chemical and biological warfare. The President, noting that "biological weapons have massive, unpredictable, and potentially uncontrollable consequences" that might "impair the health of future generations," announced it as his decision that thenceforward "the United States shall renounce the use of lethal biological agents and weapons, and all other methods of biological warfare." Later, a White House spokesman, in answer to questions by reporters whether this included the use of herbicidal, defoliant, or crop-killing chemicals in Vietnam, made it clear that the new policy did not encompass herbicides.

Since the President's statement did specifically renounce "all other methods of biological warfare," the reasonable assumption is that the United States government does not consider herbicidal, defoliant, and crop-killing operations against military and civilian populations to be part of biological warfare. The question therefore remains: What does the United States government consider biological warfare to consist of? The best place to look for an authoritative definition is a work known as the Joint Chiefs of Staff Dictionary, an official publication that governs proper word usage within the military establishment. In the current edition of the Joint Chiefs of Staff Dictionary, "biological warfare" is defined as the "employment of living organisms, toxic biological products, and plant-growth regulators to produce death or casualties in man, animals, or plants or defense against such action." But the term "plant-growth

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regulators" is nowhere defined in the Joint Chiefs of Staff Dictionary, and since a certain technical distinction might be made (by weed-control scientists, for example) between plant-growth regulators and defoliants, the question of whether the Joint Chiefs consider military defoliation operations part of biological warfare is left unclear. As for "defoliant agents," the Dictionary defines such an agent only as "a chemical which causes trees, shrubs, and the other plants to shed their leaves prematurely." All this is hardly a surprise to anyone familiar with the fast semantic legerdemain involved in all official statements on biological warfare, in which defoliation has the bafflingly evanescent half-existence of a pea under a shell.

To find that pea in the official literature is not easy. But it is reasonable to assume that if the Department of Defense were to concede officially that "defoliant agents" were in the same category as "plant-growth regulators" that "produce death . . . in plants," it would thereby also be conceding that it is in fact engaging in the biological warfare that President Nixon has renounced. And such a concession seems to have been run to earth in the current edition of a Department of the Army publication entitled "Manual on Use of Herbicides for Military Purposes," in which "antiplant agents" are defined as "chemical agents which possess a high offensive potential for destroying or seriously limiting the production of food and defoliating vegetation," and goes on "These compounds include herbicides that kill or inhibit the growth of plants; plant-growth regulators that either regulate or inhibit plant growth, sometimes causing plant death. . . ." The admission that the Department of Defense is indeed engaging, through its defoliation and herbicidal operations in Vietnam, in biological warfare, as this is defined by the Joint Chiefs and as it has been formally renounced by the President, seems inescapable.

Since the DuBridge statement, allegations, apparently originating in part with the Dow Chemical Company, have been made to the effect that the 2,4,5-T used in the Bionetics study was unrepresentative of the 2,4,5-T generally produced in this country, in that it contained comparatively large amounts of a certain contaminant, which, according to the Dow people, is ordinarily present in 2,4,5-T only in trace quantities. Accordingly, it has been suggested that the real cause of the teratogenic effects of the 2,4,5-T used in the Bionetics study may not have been the 2,4,5-T itself but, rather, the contaminant in the sample used. The chemical name of the contaminant thus suspected by the Dow people is 2,3,6,7-tetrachlorodibenzo-*p*-dioxin, often referred to simply as dioxin. The 2,4,5-T used by Bionetics was obtained in 1965 from the Diamond Alkali Company, now known as the Diamond-Shamrock Company and no longer in the business of manufacturing 2,4,5-T. It appears that the presence of a dioxin contaminant in the process of manufacturing 2,4,5-T is a constant problem among all manufacturers. Three years ago, Dow was obliged to close down its 2,4,5-T plant in Midland, Michigan, for several months and partly rebuild it because of what Dow people variously described as "a problem" and "an accident." The problem—or accident—was that workers exposed to the dioxin contaminant during the process of manufacture came down with an acute skin irritation known as chlor-acne. The Dow people, who speak with considerable pride of their toxicological work ("We established our toxicology lab the year Ralph Nader was born," a Dow public-relations man said recently, showing, at any rate, that Dow is keenly aware of Nader and his career), say that the chlor-acne problem has long since been cleared up, and that the current level of the dioxin contaminant in Dow's 2,4,5-T is less than one part per million, as opposed to the dioxin level in the 2,4,5-T used in the Bionetics study, which is alleged to have been between fifteen and thirty parts per million. A scientist at the DuBridge office, which has become a coordinating agency for information having to do with the 2,4,5-T question, says that the 2,4,5-T used by Bionetics was "probably representative" of 2,4,5-T being used in this country—and presumably in Vietnam—at the time it was obtained but that considerably less of the contaminant is present in the 2,4,5-T now being produced. Evidently, the degree of dioxin contamination present in 2,4,5-T varies from manufacturer to manufacturer. What degree of contamination high or low, was present in the quantities of 2,4,5-T shipped to South Vietnam at various times this spokesman didn't seem to know.

The point about the dioxin contamination of 2,4,5-T is an extremely important one, because if the suspicions of the Dow people are correct and the cause of the fetus deformities cited in the Bionetics study is not the 2,4,5-T but the dioxin contaminant, then this contaminant may be among the most teratogenically powerful agents ever known. Dr. McLaughlin has calculated that if the dioxin present in the Bionetics 2,4,5-T was indeed responsible for the teratogenic effects on the experimental animals, it looks as though the contaminant would have to be at least ten thousand times more teratogenically active in rats than thalidomide was found to be in rabbits. Furthermore, it raises alarming questions about the prevalence of the dioxin material in our environment. It appears that under high heat the dioxin material can be produced in a whole class of chemical substances known as trichlorophenols and pentachlorophenols. These substances include components of certain fatty acids used in detergents and in animal feed.

As a consequence of studies that have been made of the deaths of millions of young chicks in this country after the chicks had eaten certain kinds of chicken feed, government scientists are now seriously speculating on the possibility that the deaths were at the end of a chain that began with the spraying of corn crops with 2,4,5-T. The hypothesis is that residues of dioxin present in the 2,4,5-T remained in the harvested corn and were concentrated into certain byproducts that were then sold to manufacturers of chicken feed, and that the dioxin became absorbed into the system of the young chicks. One particularly disquieting sign of the potential of the dioxin material is the fact that bio-assays made on chick embryos in another study revealed that all the embryos were killed by one twenty-millionth of a gram of dioxin per egg.

Perhaps an even more disquieting speculation about the dioxin is that 2,4,5-T may not be the only material in which it appears. Among the compounds that several experienced biologists and toxicologists suspect might contain or produce dioxin are the trichlorophenols and pentachlorophenols, which are rather widely present in the environment in various forms. For example, a number of the trichlorophenols and pentachlorophenols are used as slime-killing agents in paper-pulp manufacture, and are present in a wide range of consumer products, including adhesives, water-based and oil-based paints, varnishes and lacquers, and paper and paper coatings. They are used to prevent slime in pasteurizers and fungus on vats in breweries and are also used in hair shampoo. Along with the 2,4,5-T used in the Bionetics study, one trichlorophenol and one pentachlorophenol were tested without teratogenic results. But Dr. McLaughlin points out that since there are many such compounds put out by various companies, these particular samples might turn out to be—by the reasoning of the allegation that the 2,4,5-T used by Bionetics was unusually dirty—unusually clean.

Dr. McLaughlin tends to consider significant, in view of the now known extreme toxicity and possible extreme teratogenicity of dioxin, the existence of even very small amounts of the trichlorophenols and pentachlorophenols in food wrappings and other consumers products. Since the production of dioxin appears to be associated with high-temperature conditions, a question arises whether these thermal condtiions are met at *any* stage of production or subsequent use or disposal of such materials, even in minute amounts. One of the problems here seems to be, as Dr. Epstein has put it, "The moment you introduce something into the environment it's likely to be burned sooner or later—that's the way we get rid of nearly everything." And most of these consumer products may wind up in municipal incinerators, and when they are burned, the thermal and other conditions for creating dioxin materials may quite possibly be met. If so, this could mean a release of dioxin material into the entire environment through the atmosphere.

Yet so far the dioxin material now suspected of causing the fetus-deforming effects in experimental animals has never been put through any formal teratological tests by any company or any government agency. If the speculation over the connection between dioxin in 2,4,5-T and the deaths of millions of baby chicks is borne out, it might mean that, quite contrary to the assumptions made up to now that 2,4,5-T is rapidly decomposable in soil, the dioxin material may be extremely persistent as well as extremely deadly.

So far, nobody knows—and it is probable that nobody will know for some time—whether the fetus deformities in the Bionetics study were caused by the 2,4,5-T itself, by the dioxin contaminant, or by some other substance or substances present in the 2,4,5-T, or whether human fetuses react to 2,4,5-T in the same way as the fetuses of the experimental animals in the Bionetics study. However, the experience so far with the employment of 2,4,5-T and substances chemically allied to it ought to be instructive. The history of 2,4,5-T is related to preparations for biological warfare, although nobody in the United States government seems to want to admit this, and it has wound up being used for purposes of biological warfare, although nobody in the United States government seems to want to admit *this*, either. Since 2,4,5-T was developed, the United States government has allowed it to be used on a very large scale on our own fields and countryside without adequate tests of its effects. In South Vietnam—a nation we are attempting to save—for seven full years the American military has sprayed or dumped this biological-warfare material on the countryside, on villages, and on South Vietnamese men and women in staggering amounts. In that time, the military has sprayed or dumped on Vietnam *fifty thousand* tons of herbicide, of which twenty thousand tons have apparently been straight 2,4,5-T. In addition, the American military has apparently made incursions into a neutral country, Cambodia, and rained down on an area inhabited by thirty thousand civilians a vast quantity of 2,4,5-T. Yet in the quarter of a century since the Department of Defense first developed the biological-warfare uses of this material it has not completed a single series of formal teratological tests on pregnant animals to determine whether it has an effect on their unborn offspring.

Similarly, officials of the Dow Chemical Company, one of the largest producers of 2,4,5-T, although they refuse to divulge how much 2,4,5-T they are and have been producing, admit that in all the years that they had produced the chemical before the DuBridge statement they had never made formal teratological tests on their 2,4,5-T, which they are now doing. The Monsanto Chemical Company, another big producer, had, as far as is known, never made such tests, either, nor, according to an official in the White House, had any other manufacturer. The Department of Agriculture has never required any such tests from manufacturers. The Food and Drug Administration has never required any such tests from manufacturers. The first tests to determine the teratogenic efforts of 2,4,5-T were not made until the National Institutes of Health contracted for them with Bionetics Laboratories. And even then, when the adverse results of the tests became apparent, it was, as Dr. Epstein said, like "pulling teeth" to get the data out of the institutions involved. And when the data were obtained and the White House was obliged, partly by outside pressure and publicity, to act, the President's science adviser publicly presented the facts in a less than candid manner, while the Department of Defense, for all practical purposes, ignored the whole business and announced its intention of going on doing what it had been doing all along.

There have been a number of reports from Vietnam both of animal abortions and of malformed human babies that are thought to have resulted from spraying operations in which 2,4,5-T was used. But such scattered reports, however well founded, cannot really shed much more light on the situation. The fact is that even in this country, the best-fed, richest, and certainly most statistics-minded of all countries on earth, the standards for testing materials that are put into the environment, into drugs, and into the human diet are grossly inadequate. The screening system is so coarse that, as a teratology panel of the Mrak Commission warned recently, in connection with thalidomide, "the teratogenicity of thalidomide might have been missed had it not produced malformations rarely encountered." In other words, had it not been for the fact that very unusual and particularly terrible malformations appeared in an obvious pattern—for example, similarly malformed babies in the same hospital at about the same time—pregnant women might still be using thalidomide, and lesser deformations would, so to speak, disappear into the general statistical background. As for more subtle effects, such as brain damage and damage to the central-nervous system, they would probably never show up as such at all. If such risks existed under orderly, normal medical conditions in a highly developed country, how is one ever to measure the harm that might be done to unborn children in rural Vietnam, in the midst of the malnutrition, the disease, the trauma, the poverty, and the general shambles of war?

Exhibit 3

Laos 1: New Round in a Pocket War

(By Henry Kamm)

VIENTIANE, LAOS.—Last September the Government forces in this divided country scored an unexpected spectacular military success: They drove the North Vietnamese invaders and their feeble local client, the Pathet Lao, from the Plaine des Jarres, a strategic region in the mountainous north that had been held by the Communists since 1964.

The mood in Vientiane then was one of elation, the more so since the surprise victory followed a Communist dry-season offensive that had moved the Communists further westward than they had been in previous campaigns. The war in Laos has followed a pattern of North Vienamese advances during the dry season, to be abandoned when the summer rains make supply and support of the troops impossible.

But even in their elation, Laotian officials and the Americans, whose aerial bombing and logistic support and tactical counsel are the sine qua non of resistance to the invasion, said that no doubt the territorial gains of the summer would be erased when the Communists returned to the offensive early in 1970.

This is what happened in the last two weeks. The Government forces, following American counsel not to put up a great struggle, withdrew from the plain as the Communist offensive got rolling. They withdrew with minimal losses and in reasonable order. Thus, the situation in Laos last week was back to where it was last summer, with the Communists in command of the plain that controls the country's major roadways.

The Communist forces were said to be consolidating their gains. They have retaken positions they held last June, and they have two or three more months of favorable weather for what ever military action they may decide to take.

But they have also to contend with the fact that in their hasty retreat from the Plaine des Jarres last September they left behind great stocks of supplies spread in caches throughout the plain that sustained their operations. These supplies were lost, and the plain has to be restocked under heavy American bombardment of their main route of supply.

Reports, not denied by the United States, have circulated of the use of the big B-52 bombers on two occasions. The American bomber, which has been used to pound the Ho Chi Minh trail in eastern Laos bordering South Vietnam, had not previously been committed in northern Laos.

NOT CRITICAL

The situation, in the view of Laotian and American military sources as well as uninvolved experts, is difficult, as it is every year at this time, but not critical. And yet, the United States and other countries of the West show signs of alarm, and speak of the likelihood of American escalation and the possibility of the commitment of American ground troops. Reporters from all over the world flock here to discuss around the swimming pool of the Lane Xang Hotel the sometimes conflicting briefing of meager military action by Laotian and American officials. Meanwhile, the Laotian Chief of Staff went to a royal wedding in Nepal this weekend and the people of Vientiane yawn and complain that the hot season seems to be early this year.

Viewed from Vientiane, the excitement seems overblown and the result of a long and angry debate focused on a false issue. No serious observer here believes that the North Vietnamese will go far enough to raise the issue of a commitment of American ground forces—or that America could do in Laos what she is being pressed to undo in Vietnam.

HEAVY BOMBING

The United States is countering the North Vietnamese invasion of Laos, a violation of the Geneva Accords of 1962, with heavy bombing and a dominant position in equipping and counseling the Government forces, regular and clandestine—equally in violation of the 1962 agreement. The United States feels that since North Vietnam does not admit its invasion, it would give Hanoi a negotiating advantage in conceding the American riposte.

The controversy engendered in the American Congress and press by this policy of secrecy is regarded by independent observers here as stemming from two causes: concern over so obvious a departure from the American tradition of informing the public on what the Government is doing, and fear that the secrecy cloaks developments which may be drawing the United States into another Vietnam. This fear, however, in the opinion of knowledgeable sources here, is based on an exaggerated view of North Vietnam's objectives in Laos.

The North Vietnamese, as these analysts see the situation, have shown no indication that their aim in Laos, as distinct from South Vietnam, is to take over a country. Their aim is thought to be twofold:

In southern Laos, Hanoi's objective is to control the region of the Ho Chi Minh trail, the vital lifeline from North Vietnam to its forces and the Vietcong in South Vietnam. The Government of Premier Souvanna Phouma recognizes this goal and has said it will not interfere with this aspect of the war in Vietnam.

PLAN IN NORTH

In northern Laos, Hanoi seeks to maintain sufficient pressure in support of the Pathet Loa to prevent the power vacuum of this feeble and uncohesive country from being filled by an anti-Communist government. In conversation with friendly diplomats, North Vietnamese officials have emphasized that they will never accept a Laotian government they cannot trust.

How far Hanoi's aims will eventually reach, no one professes to know. But serious observers are convinced that while North Vietnam remains at war with America and the South, it will not challenge the world with open take-over of a neighbor that offers it no advantages and is difficult to occupy. The belief here is that the North Vietnamese offensive will end with limited gains and will lead to no significant escalation by either side.

The pity of the argument centering on the chance of escalation, in the eyes of observers whose principal concern is the people of Laos, is that it beclouds the tragic fact that the present level of hostilities is enough to have killed, maimed or made into constantly shuffling homeless as much as a third of a population estimated at three million.

[From the Columbus Citizen-Journal, Feb. 27, 1970]

The Hidden War In Laos

(By James Reston)

WASHINGTON.—In his definitive foreign policy speech of last Nov. 3, President Nixon said: "I believe that one of the reasons for the deep division about Vietnam is that many Americans have lost confidence in what their Government has told them about our policy. The American people cannot and should not be asked to support a policy which involves the overriding issues of war and peace unless they know the truth about that policy."

Well, you can say that again about Nixon and his policy in Laos. He has withheld the truth about important United States military operations in that country. As he is deescalating the war in Vietnam and claiming a lot of credit for it, he is escalating the war in Laos and refusing to release the facts about it.

The result is that the President, and the United States Senate, are now arguing about U.S. military actions well known to the enemy in Laos, but officially withheld from the American people. In fact, State and Defense Department officials have testified in executive session about what our "advisers" and airmen are doing there, but they have claimed executive privilege on this testimony, and have refused to release it to the public.

All the Nixon Administration has conceded publicly is that it has certain "advisers" in Laos and has authorized high-level bombing of part of the enemy's supply trail that runs from North Vietnam through Laos into South Vietnam.

In addition to these high-level bombing raids, however, U.S. airmen have been flying fighter support missions for the Laotian army in the Plaine des Jarres and even closer to the North Vietnamese and Chinese borders, training the Meo mountain tribesmen to fight the North Vietnamese and the Laotian Communists, and according to some senators, concealing the identity of the American military assistance by transfer-

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ring regular armed services personnel to the Central Intelligence Agency, and assigning military supply missions to nonmilitary U.S. private airline carriers.

It should be noted that a great deal of information about U.S. military action there has been printed. The main issue is not so much about the facts, but about the right of the Administration to try to conceal the facts, and to suppress the facts even after its own officials have confirmed them in private congressional committee hearings.

Here, for example, is an exchange between Sen. Barry Goldwater of Arizona and Sen. Stuart Symington of Missouri in the Senate on Feb. 25:

"GOLDWATER. Does the senator mean that the United States has troops in combat in Laos?

"SYMINGTON. It depends on a definition.

"GOLDWATER. I mean Americans engaged in fighting on the ground.

"SYMINGTON. I am not in a position to answer any questions . . . in open session at this time . . . because the transcript has not been released as yet on any meaningful basis.

"GOLDWATER. The reason I ask is that it has not been any secret that we have been flying fighter support missions in support of the Laotian army up on the Plaine des Jarres. The senator, I know, has known about that for a long time. If the information is classified, I will not press the point."

The point of this exchange is that the information about U.S. fighter support was in fact put on a "secret" basis so far as the Administration was concerned. Symington, of course, knew it was a fact but was not free to discuss it until Goldwater blurted out the truth.

There was another sharp debate in the executive meeting of the Senate Foreign Relations Committee Thursday over this same issue of what information senators have the right to request and what information the executive branch has the right to withhold. During a private interrogation of William J. Porter, who has been nominated as Nixon's ambassador in Korea, Chairman J. William Fulbright asked about the implications of deploying U.S. nuclear weapons in that part of the world.

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Porter replied that he had been instructed not to discuss this question even with members of the Foreign Relations Committee in secret session. Fulbright observed that in 25 years he had never had such a reply during a confirmation hearing and demanded to know who had so instructed the ambassador. All Porter would say was that he had been instructed "on higher authority." This was something new, the chairman observed: "Was the ambassador taking the Fifth Amendment?"

What is happening, in short, is precisely what Nixon himself warned against in his Nov. 3 speech. Members of the Senate are losing confidence in what the Government is telling them about Laos, members of the press on the scene are being condemned for reporting what they see, and the President and the Foreign Relations Committee are getting into a nasty confrontation over the constitutional question of what information can be withheld, released, or suppressed.

"The American people cannot and should not be asked to support a policy which involves the over-riding issues of war and peace," the President said, "unless they know the truth about that policy." Maybe they should not, but they are in Laos, and the President knows it.

[From the Washington (D.C.) Evening Star, Feb. 25, 1970]

Two Viet Deputies "Guilty"; One Appeals to Nixon

(By Donald Kirk)

SAIGON.—A military court today officially ended the case of two National Assembly deputies accused of aiding the Communists by sentencing one to death and the other to 20 years in prison.

It was clear immediately after the five-man court passed the sentence, however, that the politically combustible case was far from over.

One of the deputies, Tran Ngoc Chau, appealed to President Nixon to intercede and promptly began what turned out to be a day-long press conference in his office in the assembly building. He challenged police to "come and get me."

U.S. CASUALTIES CITED

Chau was sentenced to 20 years in prison, for secret contacts with his brother, now serving a life sentence for his activities as a Communist intelligence officer.

Chau said police would have to "capture me with bayonets and other weapons and beat me until I'm unconscious" before he would leave the assembly building.

(Chau, 46, said he sent a plea by cable to President Nixon to intercede in behalf of himself and other Vietnamese politicians, in jail, the Associated Press reported.)

("For these liberties you take for granted, 40,000 of your sons and over 200,000 of our sons have died," he told Nixon. "Let not their sacrifices be in vain.")

Only a single guard watched outside the assembly, an old French-built opera house in the center of Saigon, while Chau, dressed in a blue short-sleevd shirt and black tie, talked to reporters in the office of the deputy speaker.

Police were forbidden by law from arresting him inside the building without an order from the speaker of the House.

Although police eventually might capture Chau, it appeared unlikely the government would ever be able to carry out its sentence against the other deputy, Hunyh Van Tu, generally known by the alias of Hoang Ho, who was sentenced to death.

Ho's wife explained her husband had left a note in his house saying he was "going abroad to a free country." Ho was convicted of treason on charges of having given classified information to a senior Communist leader and having formed the "Association of Patriotic Newspapermen," a Communist front.

The entire case amounted to a test of power for the government of President Nguyen Van Thieu, who insisted on prosecuting the charges against the wishes of the American Embassy and opposition politicians, many of them afraid to voice their feelings.

OBJECTIONS IN PRIVATE

The reason American officials objected—in private, never publicly—was that Chau had provided information to American agents while serving several years ago as chief of the Upper Delta province of Kien Hoa, still heavily influenced by local Viet Cong guerrillas despite gains in the past year in the allied pacification program.

The indictment said that Chau had informed American agents—probably representatives of the Central Intelligence Agency—of meetings with his brother, Capt. Tran Ngoc Hien, but had never told his South Vietnamese superiors.

In interviews with reporters in his home here, Chau has charged both U.S. officials and Thieu "betrayed" him by not blocking the government's case. "I am no Communist, I am a genuine nationalist fighting for the cause," Chau reiterated today after the 20-minute trial.

Besides reflecting on American-Vietnamese relations, the case symbolized the question of the power of the executive branch of the government here as opposed to the National Assembly. The accused deputies were immune from prosecution under the Constitution until 102 deputies signed a petition waiving that immunity.

Chau claimed some of the deputies were "bribed," said he would appeal to such organizations as the International Parliamentary Union, the International Human Rights Commission and the International Association of Lawyers.

At the bottom of the government's distaste for Chau and Hoang Ho is that both of them appear sympathetic with moves for compromise to end the war. Thieu has repeatedly indicated his government will resist a coalition and fight to the end.

Chau made clear today his views had not changed. He urged Thieu to "cooperate with opposition leaders, reconcile with Buddhists, build a genuine nationalist force capable of extricating South Vietnam from the clutches of the Communists and heavy dependence on foreign countries."

VIEWED AS NEUTRALISM

This statement might not appear pro-Communist in itself but government officials view it as an appeal for a "neutral" foreign policy. They believe neutrality would play into the hands of the Communists, who also call for a "neutral" position.

The case of Chau follows a series of widely publicized government efforts at stifling neutralist opposition and preventing contacts with the enemy.

A military court late last year sentenced four former government officials, among others, for having masterminded a Communist spy ring.

Chau's brother also figured in the arrest and conviction last year of Nguyen. Lau, editor of the Saigon Daily News, an English language newspaper shut down by the government.

Lau was accused of providing Chau's brother with press credentials and introducing him to contacts in Saigon from whom he hoped to obtain intelligence secrets.

The PRESIDING OFFICER. The Senator's time has expired. Under the previous order, the Senate will now proceed to the transaction of routine morning business, in which statements of Senators will be limited to 3 minutes.

Mr. FULBRIGHT. Mr. President, before the morning hour starts, I ask unanimous consent that the time of the Senator from South Dakota be extended for a minute or two, so that I may make a comment.

Mr. SYMINGTON. Mr. President, reserving the right to object, I ask unanimous consent that the time be extended 5 minutes.

The PRESIDING OFFICER. Is there objection? The Chair hears none. The Senator from South Dakota is recognized for 5 additional minutes, in continuation of his previous order.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. McGOVERN. I yield to the Senator from Arkansas.

Mr. FULBRIGHT. I compliment the Senator on a very thoughtful speech. I agree with practically everything the Senator has said.

With particular reference to the question of the information which the Senate has and the participation of the Senate in decisions for proceeding in Laos, of course, I have a very special interest, as I know the Senator from Missouri has. The Senator from Missouri is on the floor and, of course, will speak for himself about the difficulties his subcommittee has had in obtaining the release of the hearings which have been held about Laos.

I only wish to say to the Senator that I think he has made a great contribution, and as far as I am concerned, I am very anxious to follow on with this, with the information from the subcommittee of the Senator from Missouri, and also additional information, I would hope, and additional advice, from the administration itself. I shall request this week, or as soon as I can, that we have further consultations with the administration preparatory to a discussion of this matter on the Senate floor. Unless this material is made available, I do not see any alternative to a secret session of the Senate.

I would be interested, myself, in seeing the Senate discuss this matter in secret session, because it is of such importance that it ought to be discussed.

Mr. McGOVERN. I think the Senator has considered that matter for some time. He mentioned it to me the other day.

Mr. FULBRIGHT. I have. I have the feeling that we are at one of those periods not unlike the period in August of 1964, and later the follow-on period in February of 1965, in which we got involved in Vietnam. At that time the maneuvering of the administration was such that, because of my lack of foresight and that of others—because no one foresaw it—we did not have a proper discussion of what was involved.

I shall do everything I can, in cooperation with the Senator from South Dakota, the Senator from Missouri, and others, and the leadership of the Senate, to see that this time, whatever the result may be, it will be discussed by the Senate, and that the Senate, and I would hope the country, is informed of what is involved. If, then, they make a decision to go down that road, that is their privilege, but we should never again permit a decision of that kind to be made without knowing what is involved, under a misapprehension or false information as to what is involved.

I commend the Senator from South Dakota on a very significant speech.

Mr. McGOVERN. I thank the Senator. I think he and the Senator from Missouri (Mr. SYMINGTON) know more about this problem than the rest of us do, and that they, in consultation with other Senators, are the ones who should make the judgment as to whether it would be useful to request a secret session.

I do not feel that I am in as good a position to make that judgment as the Senator from Arkansas and the Senator from Missouri, but I know some of the things that must be on their minds, and I would hope, if we cannot obtain release of the material that Senator SYMINGTON's subcommittee has compiled, that at least the other Members of the Senate will have the opportunity to discuss it in a closed session, and then make some judgment about what other steps should be taken.

Mr. FULBRIGHT. One last word. The Senator from Missouri has done an outstanding job in the conduct of the hearings of the subcommittee. He has an excellent staff, and has given countless hours to the hearings on that matter. It would be a great tragedy if those hearings are not made public and the Senator from Missouri is not given the opportunity, in the Senate, and I would hope in a public session of the Senate, to go into this matter.

Mr. McGOVERN. I could not agree more. I think what the Senator from Missouri has been doing may turn out to be one of the most important investigations ever conducted in the history of the Senate.

Mr. SYMINGTON. Mr. President, will the Senator yield?

Mr. McGOVERN. I yield.

Mr. SYMINGTON. First, I thank both the distinguished Senator from South Dakota and the able chairman of the Committee on Foreign Relations for their kind remarks.

Let me at this time commend the majority leader for his talk on Laos yesterday, which I did not have the privilege of hearing but read in the RECORD this morning, and I also commend the distinguished Senator from South Dakota for his outstanding presentation today of this Laotian problem.

Our subcommittee effort started largely as the result of Senators on the other side of the aisle bringing up the importance of tailoring our military establishment, justifying its size, to our commitments.

As a result, I went to the able chairman, the Senator from Arkansas, presented the problem, and he agreed an investigation of foreign commitments would make sense. So for over a year we have been trying to find out what are our commitments, what is the truth, the importance of which the Senator from South Dakota pointed out so well this afternoon.

I must add, in all sincerity, that we have had excellent support from the Department of Defense in attempting to find this truth. Where we have run into trouble is with the Department of State. For some reason, that Department apparently does not want to bother with the Senate Foreign Relations Committee. I have come to this conclusion after serving on many other Senate committees, and think it not only a denigration of the Committee of Foreign Relations and all its members, but also of the Senate itself. I have never seen anything like this before in all my years in Government.

Inasmuch as the Committee on Foreign Relations is one of the great committees of the Senate, it obviously shows some form of contempt for the Senate. We do not get answers to our letters for many weeks. We completed these Laos hearings over 4 months ago; and to date have gotten nowhere from the standpoint of a meaningful release of their contents. I have an article here, which I ask unanimous consent to have printed in the RECORD at the end of my remarks. It is entitled "Laos: What United States Is Doing," written by George Sherman, and published in the Washington Sunday Star of March 1, 1970.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

The PRESIDING OFFICER. The time of the Senator from South Dakota has again expired.

Mr. SYMINGTON. I ask unanimous consent to proceed for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SYMINGTON. This article by Mr. Sherman has in it much information that in our hearings has been tightly classified by the Department of State. It was obviously given to this reporter by someone in the executive branch. In addition, considering that 4 long months have gone by, it has events in it which we were not told in executive session, no doubt because they had not happened at the time we had our hearings.

I have been to Laos many times. Some of the things I was told we were told later in the hearings; but other activities we were told about in the hearings I was not told about out there, even though I am a member of both the Armed Services Committee and the Foreign Relations Committee, and went into Laos on that basis. It was information kept from me in Laos, just as it is being kept from the American people today.

This matter has nothing to do with politics. It is simply a question as to whether or not the Senate of the United States, under the "advice and consent" clause, does or does not have anything to do with foreign policy.

If it does, then the way the State Department has operated has been effective in blocking the truth from other Members of the Senate and the American people; information by the people in just about all the other countries of the world. I am sure that the distinguished Senator from Arkansas will agree to that, because we constantly get accurate information from newspapers in Hong Kong, in Paris, in London, in Bangkok, and so forth. One can only wonder why the Government of the United States has refused over a period of years to give us the truth with respect to Laos.

I am surprised that apparently the new administration not only does not want to renounce the obvious Laotian errors that were made in the past, but now seems to want to embrace them and carry them on.

I might add that this is not a question of what the subcommittee can or cannot release. It is being released in bits and pieces by the executive branch; at the same time they deny us the right to release it through the Foreign Relations Committee.

One final point: the Senator brought up in his talk the importance of the Geneva accords. There is only one possible reason we can continue to violate those accords. It is not a violation of security to say that the reason given us in committee is that we violated the Geneva accords because the North Vietnamese first violated those accords.

If that is the reason why we are in Laos, then why is it so important to keep it all so secret? It is the only reason we can justify killing the enemy up there, and also some of the civilian population, through bombing, way up in North Laos, closer to the Chinese border than the Ho Chi Minh trails. It is the only way we can justify to the American people why we think it is necessary, in the interest of the security of the United States, to have their sons killed in action in Laos.

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Mr. McGOVERN. As a practical matter, does not the Senator think it is important for us to remember that countries other than North Vietnam and the United States signed the Geneva accords, and that the rest of the countries are generally abiding by it? Is there any evidence that Britain or France or Poland or even Russia or China are heavily involved in Laos?

Mr. SYMINGTON. No, I do not think there is any such evidence.

Mr. McGOVERN. So that we have some responsibility to the other countries. It is not just a matter, is it, of trying to gear our conduct according to what the North Vietnamese do? We are a member of the family of nations and presumably ought to be concerned about how our word is evaluated in other countries, especially those with which we jointly signed the Geneva settlement of 1962.

Mr. SYMINGTON. Mr. President, I close by again commending the distinguished Senator from South Dakota for, as he has done before, urging that the American people now be cut in on this war we are waging in Laos. The people have the right to know.

Mr. McGOVERN. I thank the Senator for his kind words.

EXHIBIT 1

[From the Washington Sunday Star, Mar. 1, 1970]

LAOS: WHAT THE UNITED STATES IS DOING

(By George Sherman)

Washington sources revealed yesterday more details on the United States' involvement in the secret war in Laos and its direct tie to the war in Vietnam.

According to these sources, upwards of 200 combat sorties a day are being flown by U.S.-marked planes against North Vietnamese armed forces which have overrun the Plain of Jars and threaten the military and political balance in Laos.

More than 200 other air missions are flown against the Ho Chi Minh infiltration trail farther south through the 125-mile jungle panhandle of Laos from North to South Vietnam. In all, there are from 400 to 500 sorties of U.S. Air Force planes over Laos every day.

According to these sources, U.S. B52s flew missions for two successive days over the Plain of Jars, "around" Feb. 17 and 18. The raids, which have provoked charges in the Senate of escalating U.S. involvement in Laos, were approved directly by President Nixon, the sources say.

They also say that the attacks did not accomplish their purpose—stopping the drive of parts of two North Vietnamese divisions of nearly 16,000 men—across the Plain of Jars. The claim is that the political decision to use the strategic bombers was delayed too long in Washington, despite advance warning of North Vietnamese moves.

Also, the sources say, by the time the U.S. commander in Vietnam, Gen. Creighton W. Abrams, ordered the B52 raids, the North Vietnamese forces "grouped" in the rolling Plain of Jars had vacated their sites. Abrams is said to give priority to B52 raids against enemy concentrations in South Vietnam and truck convoys along the Ho Chi Minh trail, since they are more directly related to American ground fighting—and lives—in the South.

According to the sources, the U.S. ambassador in Laos, G. Murtrie Godley, asked for as many sorties as possible—not just B52 raids—when it was clear early this month that the North Vietnamese were massing for a major offensive. The request went to Abrams, who relayed it to Hawaii to Adm. John S. McCain, commander of U.S. Forces in the Pacific, and from there to Secretary of Defense Melvin S. Laird and the President.

Under the presidential decision, the B52 raids were limited in scope and time. There was not the saturation bombing many observers predicted when U.S. aircraft, working with the Laotian government, evacuated 18,000 persons from the Plain of Jars early in February.

Also in the present scheme B52 raids in the Plain of Jars—which have never been officially announced—must be ordered directly by Washington. Decisions on raids along the Ho Chi Minh trail against highly selected targets, and in South Vietnam, are left to Abrams.

TRIBESMEN FLY

The present rate of 200 sorties a day around the Plain of Jars represents a jump from 30 a day at the beginning of the enemy offensive, the sources say. The raids are usually conducted with a Meo tribesman riding behind the pilot to point out enemy caves.

According to the sources, there is the real danger that the surge of air sorties in North Laos is hurting the attacks on the Ho Chi Minh trail.

Sources here say the plan is to work out a more flexible plan for rationing the use of air power—the strategic B52s and tactical planes—between Laos and South Vietnam. The matter of priorities and coordination is believed to have been high on the agenda of a series of top-secret conferences in Saigon Thursday and Friday.

The top military men and diplomats dealing mith Southeast Asia—U.S. ambassador to South Vietnam Ellsworth Bunker, U.S. ambassador to Thailand Leonard Unger, as well as McCain, Abrams and Godley—were there.

Sources here and reports of the meetings from Saigon confirm the tight link the Nixon administration sees between the two wars, in Laos and South Vietnam. Experts say Hanoi is using the offensive in northern Laos to try to end the highly effective American air interdiction of the Ho Chi Minh trail farther south.

MOVE TO SOUTH

The North Vietnamese ploy, in this view, is to either blackmail or force out of office altogether Laotian Premier Souvanna Phouma. Their immediate aim, after taking the Plain of Jars and the important road junction at Muong Soui, is to move southwest against the two key bases of Meo tribal units—the chief fighting force of the Laotian government.

There is little doubt in informed circles here that the North Vietnamese can overrun these two bases at Sam Thong and Long Chien, less than 100 miles north of Vientiane, Souvanna Phouma's capital. Once in control of the bases, and having wiped out pro-government "neutralist" forces and occupied their territory, Hanoi could threaten to wipe out Souvanna Phouma and his capital if he refuses to stop American bombing of the Ho Chi Minh trail.

The sources here claim that such an order would be catastrophic to the American war effort in South Vietnam. They contend it would destroy all hope of turning the war over to the South Vietnamese and withdrawing American ground forces, since Hanoi would be free to infiltrate as many men and massive supplies as needed to take over South Vietnam.

EFFORT DOUBLED

At the moment, these sources say Hanoi is already mounting a massive new supply effort along the Ho Chi Minh trail—even with heavy U.S. air raids. It is double what it was last year at this time, the sources said, and may be preliminary to another big enemy offensive.

The amount of supplies being moved south has gone straight up since the dry season began in October and is expected to continue to climb until the May rains come.

According to these sources, the North Vietnamese put into the trail, at the northern entrance in the Mu Gia Pass, an average of 700 trucks a week during the first three weeks of February. An average of 350 a week—each carrying 4 tons of supplies—was able to reach the southern terminal in the Ashau Valley. In the week ending Feb. 17 American planes are reported to have taken out 495 trucks—90 percent of them at night. But 442 trucks still got through that same week.

The North Vietnamese maintain special logistic and antiaircraft forces along the trail—in addition to the estimated 65,000 combined fighting and supply forces conducting the campaign in the north. They have tried to establish some Soviet-made ground-to-air missiles, but the jungle terrain makes these SAM weapons difficult to operate.

Nevertheless, officials say, American plane losses over the Ho Chi Minh trail reached the point in mid-February where sorties had to be turned away from truck convoys and against antiaircraft installations for three days one week. In November, American plane losses were 18, in December 16, in January 15 and in February 14.

The American bombing has been so successful, it is claimed, that Soviet trucks have become a leading import for the war effort into Hanoi.

According to these sources, the Soviet Union is sending 160,000 tons—about 30 shiploads—of supplies and equipment a month into Haiphong harbor.

They say that 75 percent of all North Vietnamese military imports—including those from China and the Soviet Union—come by sea, 25 percent by land over the railroad from China, but that no major Soviet items are sent by land because of Chinese pilferage in transit.

The major problem facing the Nixon administration is how to counter this coordinated drive in Laos and South Vietnam without becoming "over involved."

Sources note that the limited use of air power in Laos on the Ho Chi Minh Trail—admitted by the President—is the first test of the "Nixon doctrine" for lessening American involvement in Asian wars.

Secretary of Defense Melvin R. Laird repeated on Thursday the President's claim that no American ground forces are in Laos. He insisted that there had been no change of policy, that all efforts in Laos still were to protect the American position in Vietnam.

But his definition was broad enough, observers noted, to allow for use of American air power in other places than the Ho Chi Minh Trail. The sources have now provided details of operations farther north.

The planes all carry U.S. Air Force markings, the sources say, since they have been requested officially by the Laotian government.

FIVE UNITS USED

The sorties around the Plain of Jars are flown mainly by T28 jet fighter-trainers, F4 Phantom supersonic jet fighter-bombers and F105 Thunderchief jet fighter-bombers based at five sites in neighborhood Thailand—Udorn, Takhli, Nakhon Phantom, Ubon and Korat air bases.

Five wings—375 aircraft—are stationed at the five bases, one to a base, and all five are concentrating on the two "wars" in Laos.

Part of another F4 wing, stationed near Danang in South Vietnam, is also engaged in the Laotian operations, the source say.

In addition big AC47 gunshipe—with guns sticking out of their bellies and sides—are used to interdict trucks and men moving toward South Vietnam.

The problem to be resolved, sources claim, is whether the United States can frustrate

North Vietnamese advances in the North and along the Ho Chi Minh Trail. It was frankly admitted that the real stumbling block is the unwillingness—or inability—of the Laotians, including the Meo tribesmen to fight off the North Vietnamese.

The claim heard here is that saturation bombing by B52s and lesser bombers could stop the North Vietnamese drive in the North especially along the main road in Laos.

But because of political considerations—the uproar of critics and fear of escalating the Vietnam war—Nixon has so far kept the bombing limited and has forbidden bombing near the North Vietnamese border in the North.

TRANSACTION OF ROUTINE MORNING BUSINESS

The **PRESIDING OFFICER**. Under the previous order, the Senate will now proceed to the transaction of morning business in which Senators' remarks will be limited to 3 minutes.

Mr. FULBRIGHT. Mr. President, I did not anticipate that the Senator from South Dakota was going to speak, and I have some comments on the same subject which I wish to make at this time.

WHAT IS THE NATIONAL INTEREST OF THE UNITED STATES IN LAOS?

Mr. FULBRIGHT. Mr. President, the time has come to take a close hard look at what is the real, the genuine national interest of the United States in Laos.

Although the administration refuses to admit it, reliable press reports indicate that the military involvement of the United States in that remote kingdom is growing by the day. The Government of the United States may soon have to decide whether to go all the way in Laos—that is, to make it another Vietnam—or to get out.

Senators will note that I said "the Government of the United States" may have to decide this. The Government includes Congress as well as the President, and I, for one, am not going to accept a decision in which Congress does not play its proper constitutional role. In view of our tragic experience in Vietnam, I do not think Congress and the people will accept it either. Congress can play its proper role only if it can debate—in public—the nature and extent of the present U.S. involvement in Laos. If the American people are going to be asked to entangle themselves in another Asian quagmire, they are entitled, at a minimum, to know the truth about how and why they got there. I, therefore, again call upon the administration to declassify the hearings which were held on Laos last October by the Subcommittee on U.S. Security Agreements and Commitments Abroad of the Foreign Relations Committee headed by the distinguished Senator from Missouri (Mr. SYMINGTON).

But there is a more fundamental question even than what we are now doing in Laos. That question is: How important is Laos to the national security of the United States and to the peace and well-being of the American people? This is the crucial, the all-important issue upon which all other decisions are dependent.

It would be difficult to make a case that Laos has any intrinsic importance to the United States. It has an area of 89,000 square miles, a little larger than the State of Utah, and a population of 2.5 million, approximately equal to metropolitan Washington. It has no significant natural resources. Its total gross national product is scarcely more than Montgomery County, Md., spends on its public schools. The Lao people by all accounts are peaceful, gentle souls. The 1954 edition of the Encyclopedia Americana devotes less than one column to the country.

The importance of Laos to the United States, if any, stems not from the country itself but rather from its geographical location and its relationship to the rest of Southeast Asia and especially to Vietnam.

A most illuminating article on this point, as well as upon the policy of Vietnamization, was published in the Washington Star March 1 under the byline of Mr. George Sherman. I ask unanimous consent that the entire article be printed in the RECORD at the conclusion of my remarks.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

(See exhibit 1.)

Mr. FULBRIGHT. The article is based on interviews with the usual anonymous sources—who we can be sure are administration officials willing to present a one-sided case in private rather than the full facts in public. These sources, according to the article, "confirm the tight link the Nixon administration sees between the two wars, in Laos and South Vietnam." Further, these sources say, "there is the real danger that the surge of air sorties in North Laos is hurting the attacks on the Ho Chi Minh trail." The article then goes on:

> Experts say Hanoi is using the offensive in northern Laos to try to end the highly effective American air interdiction of the Ho Chi Minh trail farther south.
>
> The North Vietnamese ploy, in this view, is to either blackmail or force out of office altogether Laotian Premier Souvanna Phouma. Their immediate aim, after taking the Plain of Jars and the important road junction at Muong Soui, is to move southwest against the two key bases of Meo tribal units—the chief fighting force of the Laotian government.
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> There is little doubt in informed circles here that the North Vietnamese can overrun these two bases at Sam Thong and Long Chien, less than 100 miles north of Vientiane, Souvanna Phouma's capital. Once in control of the bases, and having wiped out pro-government 'neutralist' forces and occupied their territory, Hanoi could threaten to wipe out Souvanna Phouma and his capital if he refuses to stop American bombing of the Ho Chi Minh trail.
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> The sources here claim that such an order would be catastrophic to the American war effort in South Vietnam. They contend it would destroy all hope of turning the war over to the South Vietnamese and withdrawing American ground forces, since Hanoi would be free to infiltrate as many men and massive supplies as needed to take over South Vietnam.

There are several interesting points about this anonymous revelation of what we can safely assume is the administration view.

For the first time, American bombing of the Plain of Jars is explicitly related to American bombing of the Ho Chi Minh Trail, but in a most curious way. On the one hand, we are told that bombing in the north—which, be it noted, did not prevent a Communist takeover of the Plain of Jars—has already diverted planes from attacks on the Ho Chi Minh Trail. On the other hand, we are told that if we do not prevent a Communist victory in the north—presumably by more bombing—then we will have to stop bombing the trail anyway.

Finally, we are told that if American air strikes against the Ho Chi Minh Trail are indeed stopped, either through diversion to the north or as a consequence of Communist pressure on Souvanna Phouma, then all hope of Vietnamization will be destroyed. This confirms a suspicion many of us have had about the fragility of the policy of Vietnamization. How can you say you are Vietnamizing the war in Vietnam when the success of this effort is totally dependent on indefinite continuation of massive air attacks on the Ho Chi Minh Trail?

Aside from Vietnam, Laos is said to be important to the United States because it borders on Thailand. If Laos goes Communist, so runs this argument, then Thailand can be expected to go next—and then Burma and Cambodia and Malaysia, and so on. This is the domino theory which even Dean Rusk once privately admitted to the Senate Foreign Relations Committee that he did not believe in.

More ominous, perhaps, is the possibility that a Communist victory in Laos would trigger the United States-Thai contingency plan which Secretary of Defense Laird has publicly disavowed, but which nonetheless was updated last summer.

It is also interesting in this connection that high officials of the administration—if I may resort to the journalistic technique to protect individuals—have made the argument to members of the Foreign Relations Committee that Laos is even more important than Vietnam.

Mr. President, the fact that high officials of the administration think this scares me to death. It suggests an ominous and dangerous future for us in that remote country. If Vietnam was important enough to justify the commitment of half a million American troops, then in this view how many more could justifiably be committed to Laos, which is one of the few worse places than Vietnam to fight a war?

All of this has gotten things completely out of proportion. Let us take a fresh look at our interests in Asia, attempting to put first things first.

It is wildly absurd to say that Laos and Vietnam, singly or together, have the capability of doing harm to the United States—except as we permit it through embroiling ourselves in interminable wars in those countries. What we are really concerned about in Southeast Asia is the power of mainland China, or more accurately, the extension of that power beyond China's borders.

We can all agree, I think, that the mainland Chinese are hostile to the United States. It is in our national in-

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terest, therefore, to counter or deal with that hostility as best we can. Fighting wars in peripheral, insignificant countries is certainly not the best way to do this. On the contrary, it may well be the worst way.

I dare say the simple presence of the United States in Vietnam and Laos inspires greater Chinese interest in those countries than would otherwise be the case. Certainly the Russian presence in Cuba excited a greater American interest in that country than had previously been manifest.

Furthermore, Chinese hostility to the United States does not necessarily imply Chinese aggressiveness against China's smaller neighbors. Irrational though they may be, the Chinese Communists can scarcely equate Laos and Vietnam with Japan, the Soviet Union, and India—unless we force them to do so. Madness in Washington may very well beget madness in Peking.

Finally, Mr. President, one's assessment of the importance of Vietnam and Laos to the United States has to be balanced against the cost of protecting whatever U.S. interest one perceives in those two countries. There is room for honest differences of opinion on both sides of this equation. Although I do not share this view myself, I can understand how one might possibly argue that the U.S. national interest in Laos justifies the expenditure of, let us say, $200 million a year and the loss of some hundreds of American lives—if, and I emphasize if, this would achieve American objectives or at least maintain the status quo.

The question we have to face now is how much more, in blood and money, are we willing to spend if this does not achieve our objectives. And the cost is not just what we spend in Laos, or Vietnam. The most important part of the cost is that which cannot be quantified, either in money or lives. This is what we are doing to ourselves. It is the corruption of our national life.

Even if we assume that our objectives in Southeast Asia are desirable, we have to ask ourselves, Are they possible of attainment at any reasonable cost? It seems clear to me that the answer has to be in the negative.

Two centuries ago, Edward Gibbon began his epic work, "The Decline and Fall of the Roman Empire" with these words:

> In the second century of the Christian era, the Empire of Rome comprehended the fairest part of the earth, and the most civilized portion of mankind. The frontiers of that extensive monarchy were guarded by ancient renown and disciplined valour. The gentle but powerful influence of laws and manners had gradually cemented the union of the provinces. Their peaceful inhabitants enjoyed and abused the advantages of wealth and luxury. The image of a free constitution was preserved with decent reverence: the Roman senate appeared to possess the sovereign authority, and devolved on the emperors all the executive powers of government.

That is not a very inaccurate description of the United States in the last half of the 20th century of the Christian era. But let us listen to Gibbon further:

> It was reserved for Augustus to relinquish the ambitious design of subduing the whole earth, and to introduce a spirit of moderation into the public councils. Inclined to peace by his temper and situation, it was easy for him to discover that Rome, in her present exalted situation, had much less to hope than to fear from the chance of arms; and that, in the prosecution of remote wars, the undertaking became every day more difficult, the event more doubtful, and the possession more precarious, and less beneficial.

I wish the administration would give heed to the lessons of history. Surely President Nixon would rather be referred to by future historians as Gibbon referred to Augustus and not as the man who presided over the decline and fall of the American Republic. He talked like it in expounding his Nixon doctrine. I wish he would act like it in Southeast Asia.

[From the Washington Star, Mar. 1, 1970]

EXHIBIT 1

LAOS: WHAT THE UNITED STATES IS DOING

(By George Sherman)

Washington sources revealed yesterday more details on the United States' involvement in the secret war in Laos and its direct tie to the war in Vietnam.

According to these sources, upwards of 200 combat sorties a day are being flown by U.S.-marked planes against North Vietnamese armed forces which have overrun the Plain of Jars and threaten the military and political balance in Laos.

More than 200 other air missions are flown against the Ho Chi Minh infiltration trail farther south through the 125-mile jungle panhandle of Laos from North to South Vietnam. In all, there are from 400 to 500 sorties of U.S. Air Force planes over Laos every day.

According to these sources, U.S. B52s flew missions for two successive days over the Plain of Jars, "around" Feb. 17 and 18. The raids, which have provoked charges in the Senate of escalating U.S. involvement in Laos, were approved directly by President Nixon, the sources say.

They also say that the attacks did not accomplish their purpose—stopping the drive of parts of two North Vietnamese divisions of nearly 16,000 men—across the Plain of Jars. The claim is that the political decision to use the strategic bombers was delayed too long in Washington, despite advance warning of North Vietnamese moves.

Also, the sources say, by the time the U.S. commander in Vietnam, Gen. Creighton W. Abrams, ordered the B52 raids, the North Vietnamese forces "grouped" in the rolling Plain of Jars had vacated their sites. Abrams is said to give priority to B52 raids against enemy concentrations in South Vietnam and truck convoys along the Ho Chi Minh trail, since they are more directly related to American ground fighting—and lives—in the South.

According to the sources, the U.S. ambassador in Laos, G. Murtrie Godley, asked for as many sorties as possible—not just B52 raids—when it was clear early this month that the North Vietnamese were massing for a major offensive. The request went to Abrams, who relayed it to Hawaii to Adm. John S. McCain, commander of U.S. Forces in the Pacific, and from there to Secretary of Defense Melvin S. Laird and the President.

Under the presidential decision, the B52 raids were limited in scope and time. There was not the saturation bombing many observers predicted when U.S. aircraft, working with the Laotian government, evacuated 18,000 persons from the Plain of Jars early in February.

Also in the present scheme B52 raids in the Plain of Jars—which have never been officially announced—must be ordered directly by Washington. Decisions on raids along the Ho Chi Minh trail against highly selected targets, and in South Vietnam, are left to Abrams.

TRIBESMEN FLY

The present rate of 200 sorties a day around the Plain of Jars represents a jump from 30 a day at the beginning of the enemy offensive, the sources say. The raids are usually conducted with a Meo tribesman riding behind the pilot to point out enemy caves.

According to the sources, there is the real danger that the surge of air sorties in North Laos is hurting the attacks on the Ho Chi Minh trail.

Sources here say the plan is to work out a more flexible plan for rationing the use of air power—the strategic B52s and tactical planes—between Laos and South Vietnam. The matter of priorities and coordination is believed to have been high on the agenda of a series of top-secret conferences in Saigon Thursday and Friday.

The top military men and diplomats dealing with Southeast Asia—U.S. ambassador to South Vietnam Ellsworth Bunker, U.S. ambassador to Thailand Leonard Unger, as well as McCain, Abrams and Godley—were there.

Sources here and reports of the meetings from Saigon confirm the tight link the Nixon administration sees between the two wars, in Laos and South Vietnam. Experts say Hanoi is using the offensive in northern Laos to try to end the highly effective American air interdiction of the Ho Chi Minh trail farther south.

MOVE TO SOUTH

The North Vietnamese ploy, in this view, is to either blackmail or force out of office altogether Laotian Premier Souvanna Phouma. Their immediate aim, after taking the Plain of Jars and the important road junction at Muong Soui, is to move southwest against the two key bases of Meo tribal units—the chief fighting force of the Laotian government.

There is little doubt in informed circles here that the North Vietnamese can overrun these two bases at Sam Thong and Long Chien, less than 100 miles north of Vientiane, Souvanna Phouma's capital. Once in control of the bases, and having wiped out pro-government "neutralist" forces and occupied their territory, Hanoi could threaten to wipe out Souvanna Phouma and his capital if he refuses to stop American bombing of the Ho Chi Minh trail.

The sources here claim that such an order would be catastrophic to the American war effort in South Vietnam. They contend it would destroy all hope of turning the war over to the South Vietnamese and withdrawing American ground forces, since Hanoi would be free to infiltrate as many men and massive supplies as needed to take over South Vietnam.

EFFORT DOUBLED

At the moment, these sources say Hanoi is already mounting a massive new supply effort along the Ho Chi Minh trail—even with heavy U.S. air raids. It is double what it was last year at this time, the sources said, and may be preliminary to another big enemy offensive.

The amount of supplies being moved south has gone straight up since the dry season began in October and is expected to continue to climb until the May rains come.

According to these sources, the North Vietnamese put into the trail, at the northern entrance in the Mu Gia Pass, an average of 700 trucks a week during the first three weeks of February. An average of 350 a week—each carrying 4 tons of supplies—was able to reach the southern terminal in the Ashau Valley. In the week ending Feb. 17 American planes are reported to have taken out 485 trucks—90 percent of them at night. But 442 trucks still got through the same week.

The North Vietnamese maintain special logistic and antiaircraft forces along the trail—in addition to the estimated 65,000 combined fighting and supply forces conducting the campaign in the north. They have tried to establish some Soviet-made ground-to-air missiles, but the jungle terrain makes these SAM weapons difficult to operate.

Nevertheless, officials say, American plane losses over the Ho Chi Minh trail reached the point in mid-February where sorties have to be turned away from truck convoys and against antiaircraft installations for three days one week. In November, American plane losses were 18, in December 16, in January 15 and in February 14.

The American bombing has been so successful, it is claimed, that Soviet trucks have become a leading import for the war effort in Hanoi.

According to these sources, the Soviet Union is sending 160,000 tons—about 30 shiploads—of supplies and equipment a month into Haiphong harbor.

They say that 75 percent of all North Vietnamese military imports—including those from China and the Soviet Union—come by sea, 25 percent by land over the railroad from China, but that no major Soviet items are sent by land because of Chinese pilferage in transit.

The major problem facing the Nixon administration is how to counter this coordinated drive in Laos and South Vietnam without becoming "over involved."

Sources note that the limited use of air power in Laos on the Ho Chi Minh Trail—admitted by the President—is the first test of the "Nixon doctrine" for lessening American involvement in Asian wars.

Secretary of Defense Melvin R. Laird repeated on Thursday the President's claim that no American ground forces are in Laos. He insisted that there had been no change of policy, that all efforts in Laos still were to protect the American position in Vietnam.

But his definition was broad enough, observers noted, to allow for use of American air power in other places than the Ho Chi Minh Trail. The sources have now provided details of operations farther north.

The planes all carry U.S. Air Force markings, the sources say, since they have been requested officially by the Laotian government.

FIVE UNITS USED

The sorties around the Plain of Jars are flown mainly by T28 jet fighter-trainers, F4 Phantom supersonic jet fighter-bombers, and F105 Thunderchief jet fighter-bombers based at five sites in neighboring Thailand—Udorn, Takhli, Nakhon Phanom, Uban and Korat air bases.

Five wings—375 aircraft—are stationed at the five bases, one to a base, and all five are concentrating on the two "wars" in Laos.

Part of another F4 wing, stationed near Danang in South Vietnam, is also engaged in the Laotian operations, the sources say.

In addition big AC47 gunships—with guns sticking out of their bellies and sides—are used to interdict trucks and men moving toward South Vietnam.

The problem to be resolved, sources claim, is whether the United States can frustrate North Vietnamese advances in the North and along the Ho Chi Minh Trail. It was frankly admitted that the real stumbling block is the unwillingness—or inability—of the Laotians, including the Meo tribesmen, to fight off the North Vietnamese.

The claim heard here is that saturation bombing by B52s and lesser bombers could stop the North Vietnamese drive in the North, especially along the main road in Laos.

But because of political considerations—the uproar of critics and fear of escalating the Vietnam war—Nixon has so far kept the bombing limited and has forbidden bombing near the North Vietnamese border in the North.

MESSAGE FROM THE HOUSE—ENROLLED BILL SIGNED

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the Speaker had affixed his signature to the enrolled bill (H.R. 11702) to amend the Public Health Service Act to improve and extend the provisions relating to assistance to medical libraries and related instrumentalities, and for other purposes.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

Report on Special Pay to Certain Officers of the Armed Forces

A letter from the Deputy Secretary of Defense, reporting, pursuant to law, that the permissive authority vested in the Secretary of Defense to pay special pay to certain officers was not exercised during calendar year 1969; to the Committee on Armed Services.

Report on Shipments by the Department of Defense of Chemical Munitions

A letter from the Secretary of State, transmitting, pursuant to law, a classified report on shipments by the Department of Defense of Chemical Munitions (with an accompanying report); to the Committee on Armed Services.

Report on Special Pay for Duty Subject to Hostile Fire

A letter from the Deputy Secretary of Defense, transmitting, pursuant to law, a report on special pay for duty subject to hostile fire, for the calendar year 1969 (with an accompanying report); to the Committee on Armed Services.

Temporary Admission Into the United States of Certain Aliens

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, copies of orders entered granting temporary admission into the United States of certain aliens (with accompanying papers); to the Committee on the Judiciary.

Report on Survey of Lender Practices Relating to the Guaranteed Student Loan Program

A letter from the Acting Secretary of Health, Education, and Welfare, transmitting, pursuant to law, a report on a survey of practices of lending institutions relating to the guaranteed student loan program, dated February 1970 (with an accompanying report); to the Committee on Labor and Public Welfare.

Proposed Legislation To Provide for the Settlement of the Labor Dispute Between Certain Carriers by Railroad and Certain of Their Employees

A letter from the Secretary, transmitting a draft of proposed legislation to provide for the settlement of the labor dispute between certain carriers by railroad and certain of their employees (with an accompanying paper); to the Committee on Labor and Public Welfare.

BILLS AND A JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. JACKSON:

S. 3529. A bill for the relief of Johnny Trinidad Mason, Jr.; to the Committee on the Judiciary.

By Mr. TYDINGS:

S. 3530. A bill for the relief of Miss Rosario Grandy Ochoa; to the Committee on the Judiciary.

By Mr. PROUTY (for himself, Mr. Javits, Mr. Murphy, Mr. Schweiker, Mr. Scott, and Mr. Smith of Illinois):

S. 3531. A bill to establish a National Institute of Education, and for other purposes; to the Committee on Labor and Public Welfare.

(The remarks of Mr. Prouty when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. NELSON:

S. 3532. A bill to amend the Federal Food, Drug, and Cosmetic Act so as to require a warning on the label of all oral contraceptive drugs regarding possible dangers to the health of persons using such drugs; to the Committee on Labor and Public Welfare.

By Mr. BROOKE:

S. 3533. A bill to amend title II of the Social Security Act so as to remove the limitation upon the amount of outside income which an individual may earn while receiving benefits under such title;

S. 3534. A bill to amend title II of the Social Security Act so as to encourage recipients of monthly benefits thereunder to accept employment in job-training programs and day-care centers;

S. 3535. A bill to amend title II of the Social Security Act to provide for an increase in the amount of widow's and widower's benefits payable thereunder;

S. 3536. A bill to amend title II of the Social Security Act to allow certain widows who are not under a disability to receive reduced benefits thereunder at age 50;

S. 3537. A bill to amend the Social Security Act to extend, in certain cases entitlement to the health insurance benefits provided under title XVIII thereof to individuals who have not attained age 65 but are married to individuals who have attained such age and are entitled to such benefits; and

S. 3538. A bill to amend title II of the Social Security Act and the Internal Revenue Code of 1954 to provide that an individual may elect to have any employment or self-employment performed by him after attaining age 65 excluded (for both tax and benefit purposes) from coverage under the old-age, survivors, and disability insurance system; to the Committee on Finance.

S. 3539. A bill for the relief of Cosimo Lanata; and

S. 3540. A bill for the relief of George K. Liu; to the Committee on the Judiciary.

(The remarks of Mr. Brooke when he introduced the first six bills appear later in the Record under the appropriate heading.)

By Mr. HRUSKA (for himself, Mr. Allott, Mr. Bible, Mr. Boggs, Mr. Cook, Mr. Cotton, Mr. Curtis, Mr. Dole, Mr. Dominick, Mr. Eastland, Mr. Ervin, Mr. Fannin, Mr. Fong, Mr. Goldwater, Mr. Griffin, Mr. Hansen, Mr. Hollings, Mr. Miller, Mr. Pastore, Mr. Scott, Mr. Smith of Illinois, Mr. Stevens, Mr. Tower, and Mr. Young of North Dakota):

S. 3541. A bill to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968, and for other purposes; to the Committee on the Judiciary.

(The remarks of Mr. Hruska when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. GRIFFIN:

S.J. Res. 178. A joint resolution to provide for the settlement of the labor dispute between certain carriers by railroad and certain of their employees; to the Committee on Labor and Public Welfare.

(The remarks of Mr. GRIFFIN when he introduced the joint resolution appear later in the RECORD under the appropriate heading.)

S. 3531—INTRODUCTION OF THE NATIONAL INSTITUTE OF EDUCATION ACT

Mr. PROUTY. Mr. President, I would like to call to the attention of my colleagues in the Senate that the President has today issued a message on education reform. This is a slight change from the yearly Presidential message on education, and I would like to make a few comments on the content of his message and what it means to us in the Congress and the Nation at large.

In recent weeks our educational system has been the subject of much debate, with many discussions on student unrest, desegregation, and national priorities. Indeed it is becoming increasingly evident that the school system of this Nation is the focus of our attention as we try to maintain a healthy economy and at the same time improve the quality of living for all citizens. We worry about education expenditures, not only in relation to the particular outcomes desired as products, but also in relation to the total functioning of the economy as these expenditures are made. We worry about the increasing instances of civil disorder caused by present inequities in our schools that deny equal opportunities for all that we seek. We worry about the great feelings of uncertainty aroused in our youth as they become increasingly dissatisfied with our attempts to maintain a society affording opportunity to maximize individuality and self-fulfillment instead of disassociation from the community and stagnation of ideals.

In short we still hold to the American dream that education is the key to realization of equal opportunity, self-fulfillment, the perpetuation of society, and more importantly, the improvement of our culture. Yet, as our problems become more complex and interrelated through improvements in technology and ever-faster rates of progress, we become increasingly unable to define those problems or delineate possible solutions.

Our discussions tend to become fragmented as they dwell upon accusations of blame, assertions of righteousness, or complaints disguised as so-called definitions. Rather, we should be concentrating on a definition of goals and reasonable ways in which all can contribute to their achievement, as well as systematic evaluation that can really isolate the problems and tell us from where to proceed.

This is what the President is now asking us to do, and I wish to commend him for this effort and will support his recommendations to bring about improvements. This message is just the beginning, for many ideas are being reviewed and generated into additional proposals that will enhance these preliminary steps and lead to a larger attack on our problems. The reforms that are called for in this message are basic to any future undertakings, and I am sure that they will meet the concurrence of many and be readily adopted.

The major request made by the President is for a searching re-examination of our entire approach to learning, the factors that bring it about, and the attitudes that must be changed to improve its effect. He has called for an end to the shibboleths that we understand the mystery of the learning process, that we know which programs are most effective, that we make best use of Federal policy and moneys, and that schools alone are the means to a better educational system. These beliefs are untrue, but they have dominated the development of most policies and programs to date. The result is a patchwork of fragmented and often ineffective programs that are not responsive to local or individual needs, that are not efficient uses of our resources, and that are not accommodating the needs of our society as a whole.

The President has made four recommendations concerning areas in which we already know some of the directions that must be taken.

The first is for creation of a National Institute of Education that would be similar to the National Institutes of Health as a focus for educational research, evaluation, experimentation, and dissemination. As the sponsor of legislation that would create such an Institute, I would like to speak more about this later when I introduce a bill to make this possible.

A second recommendation of the President's is for a commission to study the problems of school finance. As evaluation and development of new programs are taking place, we must prepare to make changes by reassessing our resources and planning ways to improve their availability.

A third recommendation calls for establishment of a network of child development projects. The early learning program of experimental centers across the Nation will complement and give a more solid base to this very rapidly expanding field of concern. As one who has long been interested in programs for younger children, I am particularly pleased with this proposal. In 1968 when I introduced the Handicapped Children's Early Education Assistance Act that was subsequently enacted into law, I did so in recognition that the early years are most crucial in a person's life. For the handicapped, early detection and corrective training can do much to alleviate problems that would be hopeless later if not met with in time. What is most encouraging is to see this recognition of the crucial early years now being carried over to the benefit of all children. At the same time, as the family assistance program is meeting with more widespread acceptance, it is imperative that the day care component be developed adequately to meet the need. In this regard, I have recently introduced a bill, S. 3480, the Comprehensive Headstart Child Development Act of 1970, which would consolidate the major day care programs now in existence and foster research and development of new programs. Our bill called for creation of a National Institute for Early Childhood Development and Education. Most assuredly, the President's recommendation for a network of experimental centers is consonant with our intent. I am hopeful that as hearings are conducted on this and related bills, the specific mechanism to implement such centers will be the Institute we recommended.

Finally, the President has recommended that for those who already are in school, the whole fabric of their education must be improved by focusing on problems of reading and equality of opportunity that can be expanded by improved learning skills. The right-to-read program has been discussed frequently in recent months since its announcement by Commissioner of Education, James E. Allen. However, I do not think that many have taken time to assess the benefits that could be derived from this program and am, therefore, grateful that the President has again called it to our attention and committed more resources.

For those who think the right-to-read program will benefit only a certain sector of our school population, I would like to say that the benefits will be much more widespread. It is true that improved reading will do much to equalize the opportunities of education for many of our disadvantaged students. But more than this, it will help all students by stressing the individuality of the learning process and by improving the educational climate of all our classrooms. Those who have visited a schoolroom lately may have been dismayed at the seeming lack of motivation or actual learning taking place. They would be the first to recognize, however, that improved reading and learning skills could go a long way in helping all. For those who are disadvantaged students, reading can open new avenues to self-fulfillment and self-expression. Where there is now only consternation and frustration for lack of wherewithal to proceed, or where there is only punitive or custodial attention given, think of the importance of being able to proceed on one's own. For those who try hard to reach these students, but who cannot because too many have tuned out and demand discipline rather than teaching, think of the progress they could be leading in more constructive ways. And for those who are more fortunate in having some skills developed already, think of the fun and benefits they could enjoy if more classroom attention could be directed to learning experiences instead of remediation, discipline, and boredom. While I am convinced that the right-to-read program must be focused on students at every level, I am certain that its success in the early grades especially will foster even greater benefits later on. In an age of increasing desire for individuality and specialization, it is imperative that all students be given the learning skills to proceed on their own, and the right to read is the most essential first step.

In implementing this and the other three recommendations of the President in his message on education reform, I am sure we will be doing the right thing. I ask my colleagues to join with me in supporting the President and in helping our Nation's children.

Mr. President, at this time, I introduce for myself, Mr. Javits, Mr. Dominick, Mr. Griffin, Mr. Murphy, Mr. Schweiker, Mr. Scott, and Mr. Smith of Illinois, a bill, on behalf of the administration, entitled the National Institute of Education Act. This bil would carry out one of the four recommendations made by the President today in his message on education reform. It would create a National Institute of Education similar in function to the National Institutes of Health.

For those who know the many benefits that have accrued under direction of the National Institutes of Health and who also know how fragmented and ineffective our present education research efforts are, I am sure the need to consider this legislation will be obvious. For those who may not be as familiar with the situation of education research and experimentation, I would like to make a few remarks that will explain the need and the ways in which this Institute will bring about reorganization and improvement.

As I stated earlier in my comments on the President's education reform message, it is most important that we reassess our thinking on the nature of the learning process and the best methods to encourage learning. This bill would create the mechanism whereby systematic research and experimentation could be carried out in furtherance of this goal.

Specifically, the Institute would not only conduct research and experimentation of its own, but would also coordinate and foster other efforts carried out by other agencies capable to similar activities. It would also engage in the training of educational researchers or other professionals and serve as a resource center to help State and local agencies with their individual efforts for reform.

At the present time, our research efforts in education are somewhat ineffective because of a lack of coordination and insufficient resources directed to the effort. Whereas nearly 10 percent of the defense budget and 5 percent of the health budget is devoted to research, in education this amount is less than one-half of 1 percent.

Worse yet, there is too little cordination because most research is conducted on an individual project basis through a wide variety of auspices such as universities, research organizations, regional labs, research coordinating units, special compacts of the States, and even school districts themselves. As a result, we know very little about the learning process, the factors in the school and out that affect it, which programs are most effective or why, and what changes should be made.

The new Institute would be a separate entity located in the Department of Health, Education, and Welfare. Like the National Institutes of Health, it could use an interdisciplinary approach to investigate the whole variety of factors which constitute the learning process. For the first time, it would be given the resources and authority to carry on more disciplined inquiry of a quality level.

Following the lead of the National Science Foundation, the Director whould be empowered to hire top-level experts for limited periods of time. They would direct on-going research and plan future activities. Further, the importance of research, experimentation, evaluation, and dissemination would at long last be recognized by making the Director of the Institute equal in stature to the Commissioner of Education.

Although it will be a separate entity outside of the Office of Education, the Director will also report to the Assistant Secretary for Education. Thus a new thrust will be possible. It would be engendered in such a way as to have an impact on present programs, and yet not be too tied to the old order. Finally, as the Institute develops its resources and capabilities, it may take over much of the research now going on within the Office of Education and other agencies.

With nearly one out of every three Americans attending an educational institution, and with over $60 billion being spent yearly, it is imperative that we seek a systematic approach to improvement. Particularly, it must be responsive to a variety of objectives so that all our citizens will benefit, not just the disadvantaged or the college-bound. The creation of a National Advisory Council on Education Research will insure top-level coordination and relevance to urgent national priorities.

Without reiterating many of the comments I made earlier about the need for research, I would like to note my agreement with the President on his enumeration of certain areas which should be investigated without haste. Other than the subject of the learning process itself, there is the matter of new measurement and evaluation techniques. These are especially needed in the schools and it is time that new techniques be developed to help school people, as well as research people.

There is also the matter of better teaching techniques and methods to strengthen the teaching profession. By stressing the need for greater accountability by teachers and administrators, we can improve the teacher's role. This calls for the use of flexible standards to evaluate not only the learning achieved by each student, but also the progress made by those who engender it and who should be rewarded accordingly.

The President is indeed correct that we must consider productivity above all else. We must take whatever steps are necessary to increase it, regardless of how unpopular they may have seemed in the past.

The National Institute can do this by establishing model programs where many factors can be controlled and evaluated. These experimental efforts can be highly creative and of long duration so that all ramifications can be considered. They can explore programs such as compensatory education to see what long-term effects are brought about when it is properly managed and when it is not. We already know that many schools divert the supplemental funds to be used for disadvantaged students and use them to make such programs equal to those of other students. What we must know more about are the progressive effects of this handicap and procedures that can be used to stop it.

Other model programs can explore avenues of education such as television and extracurricular learning experiences. The recent acclamation given to "Sesame Street," the new television program for preschoolers, is well deserved for it has proven how effective technology can be. The potentials of communications technology should be explored more fully and the Institute could provide an excellent vehicle to do this.

Indeed the catalytic power of such an institute could be most helpful with regard to this and many other subjects mentioned by the President that need further development. Just as the National Institutes of Health became a catalytic power behind improvements in health and medicine, the Institute can become a catalytic force behind reform in education.

Such a hope was voiced yesterday by the Carnegie Commission on Higher Education in its report entitled "A Chance To Learn: An Action Agenda for Equal Opportunity in Higher Education." Reports such as this are important and constructive, especially since many of their recommendations pertain to the whole spectrum of the education structure. But reports alone are not enough.

Mr. President, it is time that we stop calling for reform and time that we develop a better mechanism to bring it about. I believe the bill I am introducing today would accomplish this objective and hope my colleagues will support it. At this time, I ask unanimous consent that the bill and a section-by-section analysis also be printed in the Record following my remarks.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill and material will be printed in the Record as requested by the Senator from Vermont.

The bill (S. 3531) to establish a National Institute of Education, and for other purposes, introduced by Mr. Prouty (for himself and other Senators), was received, read twice by its title, referred to the Committee on Labor and Public Welfare, and ordered to be printed in the Record, as follows:

S. 3531

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Institute of Education Act".

FINDINGS AND DECLARATION OF POLICY

Sec. 2. The Congress hereby declares it to be the policy of the United States to provide equality of educational opportunity to all persons regardless of race, color, religion, sex, national origin, or social class. Although the American educational system has pursued this objective, it has not attained it. Inequalities of opportunity remain pronounced. To achieve equality will require far more dependable knowledge about the processes of learning and education than now exists or can be expected from present research and experimentation in this field. While the direction of the education system remains primarily the responsibility of State and local governments, the Federal Government has a clear responsibility to provide leadership in the conduct and support of scientific enquiry

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into the educational process. The purpose of this Act is to establish a National Institute of Education to conduct and support educational research, and disseminate educational research findings throughout the nation.

ESTABLISHMENT OF NATIONAL INSTITUTE OF EDUCATION

SEC. 3. (a) There is established in the Department of Health, Education, and Welfare a National Institute of Education (hereinafter referred to as the "Institute"). The Institute shall be headed by a Director who shall be appointed by the President with the advice and consent of the Senate. The Director shall perform such duties as are prescribed by the Secretary of Health, Education, and Welfare (hereinafter referred to as the "Secretary").

(b) Section 5316 of title 5, United States Code, relating to positions in Level V of the Executive Schedule, is amended by adding the following paragraph at the end thereof:

"(130) Director, National Institute of Education, Department of Health, Education and Welfare."

FUNCTIONS OF THE INSTITUTE

SEC. 4. The Secretary, through the Institute, shall conduct educational research; collect and disseminate the findings of educational research; train individuals in educational research; assist and foster such research, collection, dissemination, or training through grants, or technical assistance to, or jointly financed cooperative arrangements with, public or private organizations, institutions, agencies, or individuals; promote the coordination of such research and research support within the Federal Government; and may construct or provide (by grant or otherwise) for such facilities as he determines may be required to accomplish such purposes. As used in this Act the term "educational research" includes research, planning, surveys, evaluations, investigations, experiments, developments, and demonstrations in the field of education.

EMPLOYMENT OF PERSONNEL

SEC. 5. The Secretary may appoint and compensate without regard to the provisions of title 5, United States Code, governing appointments in the competitive service and chapter 51 and subchapter III of chapter 53 of such title, relating to classification and general schedule rates, such technical and professional personnel as he deems necessary to accomplish the functions of the Institute.

NATIONAL ADVISORY COUNCIL ON EDUCATIONAL RESEARCH

SEC. 6. (a) The President shall appoint a National Advisory Council on Educationl Research which shall—

(1) review and advise the Secretary and the Director on the status of educational research in the United States, and present to the Secretary such recommendations as it may deem appropriate for the strengthening of such research and the improvement of methods of collecting and disseminating the findings of educational research;

(2) advise the Secretary and the Director of the Institute on matters of general policy arising in the administration of this Act;

(3) conduct such studies as may be necessary to fulfill its functions under this section; and

(4) prepare an annual report to the Secretary on the current status and needs of educational research in the United States, which the Secretary shall transmit to the President with such recommendations as he may make.

(b) The Council shall be appointed by the President without regard to the civil service laws and shall consist of 15 members appointed for terms of three years; except that (1) any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term, and (2) the terms of office of the members first taking office shall begin on the date of enactment of this Act, and shall expire as designated at the time of appointment, five at the end of three years, five at the end of two years, and five at the end of the first year. One of such members shall be designated by the President as Chairman. Members of the Council who are not regular full-time employees of the United States shall, while serving on the business of the Council, be entitled to receive compensation at rates to be determined by the Secretary, but not exceeding the per diem equivalent for GS–18 for each day so engaged, including traveltime, and, while so serving away from their homes or regular places of business, may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

(c) The Secretary shall provide to the Council such professional, clerical, and other assistance as may be required to carry out its functions.

(d) The Council is authorized, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, to employ and fix the compensation of such personnel as may be necessary to carry out its functions. The Council is further authorized to obtain services in accordance with the provisions of section 3109 of title 5, United States Code, and it may enter into contracts for the conduct of studies and other activities necessary to the discharge of its duties.

GENERAL PROVISIONS

SEC. 7. (a) In administering the provisions of this Act, the Secretary is authorized to utilize the services and facilities of any agency of the Federal Government and of any other public or nonprofit private agency or institution, in accordance with agreements between the Secretary and the head thereof, on a reimbursable basis or otherwise.

(b) Payments under this Act to any individual or to any organization, institution, or agency may be made in installments, and in advance or by way of reimbursement, with necessary adjustments on account of overpayments or underpayments.

(c) The Secretary is authorized to accept gifts to the Institute and to apply them to carry out his functions under this Act; and is similarly authorized to accept voluntary and uncompensated services, notwithstanding the provisions of section 3679(b) of the Revised Statutes (31 U.S.C. 665(b)).

(d) Funds available under this Act shall be available for transfer to any other Federal department or agency (including constituent agencies of the Department of Health, Eudcation, and Welfare) for use (in accordance with an interagency agreement) by such agency (alone or in combination with funds of that agency) for purposes for which such transferred funds could be otherwise expended by the Secretary under this Act, and the Secretary is likewise authorized to accept and expend funds of any other Federal agency for use under this Act.

(e) All laborers and mechanics employed by contractors or subcontractors on all construction projects assisted under this act shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a–276a–5). The Secretary of Labor shall have with respect to the labor standards specified in this section the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 5 U.S.C. 133z–15) and section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276(c)).

APPROPRIATIONS AUTHORIZED

SEC. 8. There are authorized to be appropriated for the fiscal year ending June 30, 1971, and for each fiscal year thereafter, such sums as may be necessary to carry out this Act, which shall remain available until expended.

The analysis, presented by Mr. PROUTY is as follows:

SECTION-BY-SECTION ANALYSIS OF NATIONAL INSTITUTE OF EDUCATION ACT

SECTION 1. SHORT TITLE

Section 1 of the bill provides that this legislation may be designated by the short title of "National Institute of Education Act".

SECTION 2. FINDINGS AND DECLARATION OF POLICY

Section 2 declares it to be the policy of the United States to provide equality of educational opportunity to all persons regardless of race, color, religion, sex, national origin, or social class. In order to further this purpose the bill would establish the National Institute of Education to conduct and support educational research, and disseminate educational research findings throughout the Nation.

SECTION 3. ESTABLISHMENT OF NATIONAL INSTITUTE OF EDUCATION

Section 3 would establish a National Institute of Education within the Department of Health, Education, and Welfare, under a Level V Director appointed by the President with the advice and consent of the Senate.

SECTION 4. FUNCTIONS OF THE INSTITUTE

Section 4 would direct the Secretary, acting through the Institute, to conduct, and collect and disseminate the findings of, educational research (defined to include research, planning, surveys, evaluations, investigations, developments, and demonstrations in the field of education); to train individuals in such research; to aid such research through grants to, or other appropriate arrangements with, public or private organizations or individuals; and to promote the coordination of educational research and research support within the Federal Government. The section would also authorize the Secretary to construct or provide for the construction of facilities required to accomplish the bill's purposes. The Secretary may procure through appropriate contract any of the functions (such as the conduct of research) that the section would instruct him to perform directly.

SECTION 5. EMPLOYMENT OF PERSONNEL

Section 5 would authorize the Secretary to appoint and compensate, without regard to the civil service and classification laws, such technical and professional personnel as he deems necessary to accomplish the functions of the Institute. The provision is modeled upon 42 U.S.C. § 1873(a), which provides a similar authority to the Director of the National Science Foundation. It is contemplated that one way the Secretary will make use of this authority is to appoint persons of distinguished qualifications in the field of education, or in a field having application to education or research, as Fellows of the National Institute of Education.

SECTION 6. NATIONAL ADVISORY COUNCIL ON EDUCATIONAL RESEARCH

This section would provide for the establishment of a National Advisory Council on Educational Research. The Council would advise the Secretary and the Director of the Institute on the status of educational research in the United States, and present appropriate recommendations to the Secretary with respect thereto, as well as advise the Secretary and the Director on matters of general policy arising in the administration of the bill. The Council would also prepare an annual report to the Secretary on the current status and needs of educational research in the United States, which the Secretary would transmit, with his recommendations, to the President.

SECTION 7. GENERAL PROVISIONS

Section 7 contains general administrative provisions which include authority in the Secretary to utilize the services and facilities of other agencies of the Federal Government and of public or non-profit private agencies or institutions, authority to accept gifts, and a provision making the Davis-Bacon Act applicable to construction project assisted under the bill.

SECTION 8. APPROPRIATIONS AUTHORIZED

The bill would authorize to be appropriated for the fiscal year June 30, 1971, and thereafter, such sums as may be necessary, which would remain available until expended.

S. 3533 THROUGH S. 3538—INTRODUCTION OF BILLS RELATING TO SOCIAL SECURITY REFORM

Mr. BROOKE. Mr. President, the plight of the elderly has long been a matter of great concern to me.

Ever since coming to the U.S. Senate, and even before then, as a private citizen, I have frequently been confronted with the deplorable and degrading conditions in which many of our older citizens are forced to live.

I think it must be safe to say that there is not a single American who does not know of an elderly couple living in poverty on an inadequate pension, or a poor widow who cannot afford hot food or medical attention, or a man who has worked all his life but who now receives inadequate income to provide a decent life for himself and his wife.

It is not necessary to have read a great deal about the plight of the elderly to know that such problems are widespread. Our older citizens themselves are becoming far more aware of the inequities of their conditions, and they are organizing, marching, picketing, holding rallies, and making their views well known to their fellow countrymen.

I applaud these efforts, for they are in the best traditions of representative democracy.

But our senior citizens should not have to take to the streets to secure fair treatment from their Government. Older people who have worked all their lives or are unable to earn the income required to maintain themselves in good health and a reasonable degree of comfort, deserve our prompt attention and our aid. It is a national disgrace that 6 million persons over the age of 65 are presently living in poverty.

In the years since I have been in the Senate, I have seen great changes wrought in the social security system. We have expanded and improved the coverage and administration of medicare and medicaid. We have increased social security benefits substantially: by 12½ percent in 1967, and by an additional 15 percent in 1969. Even now, the Senate Committee on Finance is considering additional legislation designed to increase the benefits to our elderly and to allow them to live better lives despite ever-rising costs of goods and services.

In order to facilitate these deliberations, I am introducing today a series of six bills designed to improve the coverage of our social security system.

First, I believe that the limitation upon the amount which an older person may earn before losing part or all of his social security benefits should be removed entirely. Social security, since its inception, has been intended as a floor below which no worker or his dependents should fall as a result of the loss or reduction of income due to old age or disability. For far too many of the elderly and the disabled, this pension has become their sole source of income. But for many others, it is a secure base upon which they can build through lower paying, or less time consuming, but nevertheless rewarding employment. An older person never knows when illness or family emergency may require that even limited employment be terminated. For such persons—for all persons over age 65—a permanent income base should be maintained, unaffected by the vicissitudes of earnings or other income.

This security is not present, however, if their payments are reduced every time annual earnings rise above $1,680, as in the present law, or $2,200 per year, or $3,000 per year, as some other proposals have suggested. Such ceilings can and frequently do result in a dollar for dollar loss in income for older persons who want to continue as productive members of society. Alternatively, they lead an older person to earn less than he or she wants to earn or may be capable of earning. In either case, the earnings limitation is a disincentive to work, and as such is contrary to our goal of a nation of free and self-supporting citizens. I strongly urge that this punitive and counter-productive ceiling be removed. The first bill which I am introducing would accomplish this goal.

Recognizing, however, that as a practical matter it may not be possible to remove the earnings limitation entirely at this stage, I am submitting another bill which would disallow entirely the limitation for older persons participating in particularly worthwhile public service programs. I refer, in this case, to older persons who contribute their talents to day-care centers and job-training programs.

Under the President's new welfare proposals, it will be necessary to create and staff a large number of day-care facilities, and to expand greatly the quality and quantity of job-training programs. Our older citizens, who have worked all their lives, raised their families, and learned the skills which only long experience can teach, are in a unique position to make invaluable contributions to these programs. I believe they should receive every incentive to do so. A complete removal of the earnings limitation for this crucial kind of public service would serve both as a recognition of the need for the contribution and as a reward for those who chose this path. The second bill which I am introducing would accomplish this goal.

A third matter which deserves to be corrected is the serious decline in income which is often encountered as a result of the death of a spouse. Expenditures for certain items, such as housing, heat, water and electricity, transportation and similar services remain essentially the same. The only decline in costs which may be encountered is in the area of food or clothing or medical services. And depending upon individual circumstances, even these adjustments may be minimal. At the present time a widow or widower is entitled to only 82½ percent of the benefits which the couple received jointly during the life of the spouse. The bill which I am introducing would raise this entitlement to 90 percent, which I believe to be a more realistic figure in view of the expenses involved.

Another problem frequently arises with regard to dependent spouses who have not themselves attained the age of eligibility, but yet are dependent upon the older partner's income from social security payments. The death of the social security recipient frequently leaves the dependent partner destitute, and faced with the alternatives of returning to work at the age of 50 or 60, or receiving welfare. Many persons in such circumstances would want to return to work, and should be encouraged to do so. But there are others who, for physical or emotional reasons, may be unable to assume the responsibilities of employment. Such persons should be permitted the alternative of choosing to receive a portion of the spouse's social security benefits, though at a permanently reduced level geared to the age of the intended recipient. As a safeguard against fraud, the legislation which I am proposing contains a requirement that the marriage shall have lasted for at least 10 years in order for the dependent spouse to be eligible for this provision.

Closely related to this problem is the case of a dependent spouse under the age of 65 who is not eligible to participate in medicare, and yet is dependent upon the husband's or wife's social security payments and finds the cost of adequate private insurance prohibitive. Some provision should be made for including such persons under the medicare system, if the family income is insufficient to enable them reasonably to secure medical insurance from any other source. Therefore, a fifth bill, which I am introducing, woud permit dependent spouses to be included in the medicare benefits of the qualified partner if their joint income does not exceed $5,000 per year.

The last bill which I am proposing today pertains to the problem of social security deductions from the earnings of older persons. Many of our elderly citizens have found, to their surprise and dismay, that a social security tax is deducted from their earnings even in cases where those earnings are within the present limitation and where the persons are themselves recipients of social security benefits. In some cases, an individual may wish to have these taxes deducted in order to acquire additional quarters of work and thereby qualify for full social security benefits. In the vast majority of instances, however, the tax simply amounts to a further reduction in an already limited income. Therefore, I am proposing a bill which would permit a person over 65 to elect to have his wages

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from employment or self-employment excluded from the social security tax.

I am hopeful that these proposals will receive prompt consideration, and will help to bring some needed measure of relief to those who deserve to enjoy, not to dread, the rest of their retirement years.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bills, introduced by Mr. BROOKE, were received, read twice by their title, and referred to the Committee on Finance, as follows:

S. 3533. A bill to amend title II of the Social Security Act so as to remove the limitation upon the amount of outside income which an individual may earn while receiving benefits under such title;

S. 3534. A bill to amend title II of the Social Security Act so as to encourage recipients of monthly benefits thereunder to accept employment in job-training programs and day-care centers;

S. 3535. A bill to amend title II of the Social Security Act to provide for an increase in the amount of widow's and widower's benefits payable thereunder;

S. 3536. A bill to amend title II of the Social Security Act to allow certain widows who are not under a disability to receive reduced benefits thereunder at age 50;

S. 3537. A bill to amend the Social Security Act to extend, in certain cases entitlement to the health insurance benefits provided under title XVIII thereof to individuals who have not attained age 65 but are married to individuals who have attained such age and are entitled to such benefits; and

S. 3538. A bill to amend title II of the Social Security Act and the Internal Revenue Code of 1954 to provide that an individual may elect to have any employment or self-employment performed by him after attaining age 65 excluded (for both tax and benefit purposes) from coverage under the old-age, survivors, and disability insurance system.

S. 3541—INTRODUCTION OF A BILL TO AMEND THE OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968.

Mr. HRUSKA. Mr. President, I introduce, on behalf of the Attorney General, proposed amendments to title I of the Omnibus Crime Control and Safe Streets Act of 1968. I am joined by Senator EASTLAND, the chairman of the Judiciary Committee, and 22 of our colleagues, who are: Mr. ALLOTT, Mr. BIBLE, Mr. BOGGS, Mr. COOK, Mr. COTTON, Mr. CURTIS, Mr. DOLE, Mr. DOMINICK, Mr. ERVIN, Mr. FANNIN, Mr. FONG, Mr. GOLDWATER, Mr. GRIFFIN, Mr. HANSEN, Mr. HOLLINGS, Mr. MILLER, Mr. PASTORE, Mr. SCOTT, Mr. SMITH of Illinois, Mr. STEVENS, Mr. TOWER, and Mr. YOUNG of North Dakota.

I ask that the bill be appropriately referred.

THE BLOCK GRANT PROGRAM

As enacted in 1968, title I created the Law Enforcement Assistance Administration (LEAA) within the Department of Justice and authorized it to establish and administer a large-scale program of Federal grants to State and local governmental units to assist in strengthening and improving law enforcement at every level throughout the country. The LEAA program has quickly become the chief weapon in the Nation's war against crime.

The program is one of block grants, rather than categorical grants; that is, instead of making individual project grants to cities, counties, or particular law enforcement agencies, LEAA makes the bulk of its appropriated funds available in annual lump-sum grants to the States. The States then disburse the funds pursuant to comprehensive law enforcement plans prepared and adopted by State law enforcement planning agencies and approved by LEAA. These State planning agencies are maintained by annual planning grants from LEAA which pay up to 90 percent of the cost of establishment and operation, the remainder of the cost being paid from State and local funds.

Once a State has submitted a plan acceptable to LEAA, the State may then apply for annual block grants of action funds to implement the programs and projects specified in the plan. Eighty-five percent of the action funds appropriated annually to LEAA is distributed in block grants to the States on the basis of population. The remaining 15 percent is allocated among the States and local governmental units in the discretion of LEAA. Each State must subgrant at least 40 percent of its planning funds and 75 percent of its action funds to local governmental units to permit such units to participate in the State's criminal justice reform program. These grant funds may be utilized by the States and local units to pay specified percentages of the cost of programs and projects included in the States' comprehensive law enforcement plans; the remainder of the cost must be paid from non-Federal funds.

COMPREHENSIVE PLANS IN EVERY STATE

During fiscal year 1969, the first full year of LEAA's existence, acceptable comprehensive plans for criminal justice reforms were submitted by all 50 States, the District of Columbia, Puerto Rico, Guam, and the Virgin Islands. Planning grants totaling almost $19 million, more than $25 million in action grants, and $4 million in discretionary grants were awarded in fiscal year 1969. In addition, LEAA made $6.5 million available through its Office of Academic Assistance for studies in colleges and universities by law enforcement and corrections personnel and promising students preparing for law enforcement careers. LEAA is also involved in research on crime control and prevention through its research arm, the National Institute of Law Enforcement and Criminal Justice, which utilized $3 million for wide-ranging research projects in fiscal 1969.

The Congress appropriated $268 million for LEAA for the current fiscal year. The overwhelming bulk of these funds will flow to the cities, counties, and States to help improve police departments, court systems and corrections agencies. The allocation of $236 million announced by the Attorney General on January 19, 1970, includes $182,750,000 to States in block grants for action programs; $21 million to States in block grants for planning programs; and $32,250,000 in discretionary Federal funds, with a major part earmarked for the Nation's large cities. Also, awards have been made of $18 million to colleges and universities to finance criminal justice studies for local and State law enforcement officers; $7.5 million has been allocated to the National Institute of Law Enforcement and Criminal Justice to conduct research; $1.2 million has been allocated for Federal technical assistance to State and local criminal justice; and $1 million has been earmarked for LEAA's Criminal Justice Information and Statistics Service to be utilized by Federal, State, and local governments.

GROUNDWORK LAID FOR SIGNIFICANT PROGRESS

As the above indicates, LEAA has made an impressive start during the first year and a half of its existence. The groundwork has been laid for a comprehensive national program that promises significant progress in reducing and preventing crime and making the Nation safe for all of its citizens. Particularly promising, I believe, has been the success of the block grant concept. Prior to the establishment of LEAA, few States had central planning agencies for criminal justice reform and even fewer had developed long-range plans for statewide improvement programs. Now every State in the Union has a planning agency and is well along, in active cooperation with its cities and other local governmental units, in the implementation of detailed 5-year criminal justice reform programs emphasizing State and local initiative and based upon State and local evaluations of resources, needs and priorities. In addition, some 450 local and regional planning boards have been established throughout the country to assist in title I planning. The value of this State, regional and local involvement in the national campaign to reduce crime will remain long after Federal financial assistance under title I of the act has ceased.

In addition, the bill proposes a number of amendments to the act that, on the basis of a year's experience, appear necessary to bring about better utilization of the appropriated funds. All of these amendments are explained in a section-by-section analysis submitted by the Attorney General. I ask unanimous consent that the analysis be inserted in the RECORD at the conclusion of my remarks. I shall discuss here several of the proposed changes which I consider to be the most significant.

The act presently requires that 40 percent of all planning funds and 75 percent of all action funds granted to a State under the "block grant" formula must be made available to local governmental units. In some States, this does not result in the most effective use of allocated funds. It is proposed that the act be amended to permit LEAA to waive the requirements that a designated percentage of a grant be allocated to local governments when strict adherence within a State is inappropriate in view of the division of law enforcement responsibilities or would not contribute to the efficient development or operation of a law enforcement plan.

To strengthen the provisions relating

to grants for educational purposes, it is proposed that LEAA be authorized to develop and support regional and national training programs, workshops and seminars for State and local law enforcement personnel, to provide grants for the development of college and university courses related to law enfrocement, and to expand the present program of grants for loans to teachers and others who are preparing for careers in the field of law enforcement.

Recognizing that in certain isolated instances participation in the LEAA program would be impossible if the provision of matching local funds is required, an amendment is included specifically to provide that discretionary funds may be granted, within prescribed limitations, without matching funds. The amendment would permit LEAA to fund the entire cost of worthy programs in areas, such as Indian reservations, where matching local funds are simply not available. The goal of full participation throughout the country is dependent upon this use of discretionary funding.

EXPANSION OF PROGRAM FOR CORRECTIONAL FACILITIES

Finally, I am especially pleased that the administration's bill proposes the expansion of the LEAA program to provide specifically for grants for the construction, acquisition or improvement of State and local correctional facilities and the improvement of correctional programs and practices. The provisions of the administration's bill are similar to S. 2875, which I introduced on September 9, 1969.

I commented at that time that the condition of the jails and prisons of this country constitutes a national disgrace to which relatively little in the way of additional effort and resources has been committed. The result of this inattention is that these institutions corrupt rather than correct, contaminate rather than rehabilitate, and thus contribute to the high rate of recidivism—the endless cycle of arrest, imprisonment, release and rearrest—which has plagued us for so long.

It is time that the Nation faces up to the fact that the outdated and outworn institutions must be replaced, and that facilities must be created where they are presently lacking. The unpleasant truth is that for years to come we will continue to send hundreds of thousands of juveniles, youths, and adults to institutions of various kinds. If we are ever to make any significant inroads on the problems of crime and delinquency, we must establish a system of institutions where it is possible to provide modern and effective programs of rehabilitative treatment.

Some small effort at reform has been made. Under the Omnibus Crime Control and Safe Streets Act of 1968, resources are made available for the improvement of prison facilities. But they are not enough, for under the present provision of the act the bulk of the funds rightfully is committed to a wide range of law enforcement activities. Only token sums so far have been applied to correctional construction purposes.

Pursuant to the proposed amendment, hopefully large sums of money would be earmarked specifically for correctional purposes. Allocation of the funds would follow the same formula as in part C of the present act. Eighty-five percent of the annual appropriation would go directly to the States in the form of block grants, based on the relative population of each State. The remaining funds would be allocated by the administrators of the Law Enforcement Assistance Administration to projects where additional assistance is particularly urgent.

The States would obtain these funds in the same way they now obtain block grants under the Safe Streets Act, by incorporating their requirements in the same comprehensive law enforcement plans that they now submit to the Law Enforcement Assistance Administration. The projects to be funded under this amendment would meet certain basic criteria to be worked out jointly by the Law Enforcement Assistance Administration and the Federal Bureau of Prisons. These criteria are intended among other things to assure that the design of new facilities would be economical and provide adequately for rehabilitative treatment programs.

LEAA BEST AGENCY FOR ADMINISTERING BILL

I am convinced that the Law Enforcement Assistance Administration provides the best procedure for administering the provisions of this bill. The machinery is already established and functioning. The States would retain the responsibility for their own planning and for setting their own priorities. Also, the Law Enforcement Assistance Administration, under its existing authority, is already encouraging the development of modern correctional programs, which include prototypes and models for correctional institutions. The additional provisions contained in this bill fit very properly into this effort.

Mr. President, the fact that every State has responded to the national leadership offered by the creation of the Law Enforcement Assistance Administration is the best indication that the program was needed and is one with which the States were ready to proceed. I believe that the changes offered by these amendments will permit the expansion and technical perfection necessary to the achievement of our important goals of reducing crime and making the streets safe again. I am hopeful, therefore, that this bill will receive the early consideration of the Congress.

I ask unanimous consent that the text of the bill, the letter of transmittal from the Attorney General to the Vice President and analysis be printed at this point in the Record.

The **PRESIDING OFFICER**. The bill will be received and appropriately referred; and, without objection, the bill, letter, and analysis will be printed in the Record.

The bill (S. 3541) to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968, and for other purposes, introduced by Mr. Hruska (for himself and other Senators), was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the Record, as follows:

S. 3541

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Omnibus Crime Control and Safe Streets Act Amendments of 1970."

Sec. 2. The Omnibus Crime Control and Safe Streets Act of 1968 (82 Stat. 197) is amended as follows:

(1) Subsection (c) of section 203 is amended by inserting the following before the period at the end of the first sentence:

": *Provided,* That the Administration may waive this requirement, in whole or in part, upon a finding that the requirement is inappropriate in view of the respective law enforcement responsibilities of the State and its units of general local government or that adherence to the requirement would not contribute to the efficient development of the State plan required under this part".

(2) Subsection (c) of section 301 is amended to read as follows:

"The portion of any Federal grant made under this section used for the purposes of paragraph (5) or (6) of subsection (b) of this section may be up to 75 per centum of the cost of the program or project specified in the application for such grant. The portion of any Federal grant made under this section used for the purposes of paragraph (4) of subsection (b) of this section may be up to 50 per centum of the cost of the program or project specified in the application for such grant. The portion of any Federal grant made under this section to be used for any other purpose set forth in this section may be up to 60 per centum of the cost of the program or project specified in the application for such grant: *Provided,* That no funds granted under this section shall be used for land acquisition."

(3) Subsection (d) of section 301 is amended by changing the word "part" in the first sentence to "section"; by inserting before the word "personnel" in the first sentence the words "police and other regular law enforcement"; and by adding the following immediately before the period at the end of the final sentence: ", nor to the compensation of personnel engaged in research, development, demonstration or other short-term programs".

(4) Paragraph (2) of section 303 is amended by adding the following before the semicolon:

": *Provided,* That the Administration may waive this requirement, in whole or in part, upon a finding that adherence to the requirement, in whole or in part, upon a finding that adherence to the requirement would not result in an appropriately balanced allocation of funds between the State and the units of general local government in the State or would not contribute to the efficient accomplishment of the purposes of this part"

(5) Section 306 is amended to read as follows:

"Sec. 306. (a) Eighty-five per centum of the funds appropriated to make grants under this part for a fiscal year shall be allocated by the Administration among the States according to their respective population for grants to the State planning agencies of such States. The remaining fifteen per centum of such funds, plus any additional amounts made available by virtue of the application of the provisions of section 509 to the grant to any State, may, in the discretion of the Administration, be allocated among the States for grants to State planning agencies or used by the Administration for grants or contracts for the purposes of this title to units of general local government, public or private agencies, State or local law enforcement officers or agencies, institutions of higher education, or combinations of the foregoing, according to the criteria and on the terms and conditions the Administration

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determines consistent with this title: *Provided*, that no funds under this section shall be used for land acquisition: *Provided further*, that 30 per centum of the funds to be utilized as the Administration determines shall be allocated for projects receiving at least 25 per centum non-Federal funding.

"(b) If the Administration determines, on the basis of information available to it during any fiscal year, that a portion of the funds allocated to a State for that fiscal year for grants to the State planning agency of the State will not be required by the State, or that the State will be unable to qualify to receive any portion of the funds under the requirements of this part, that portion shall be available for reallocation to other States for grants to their State planning agencies or for grants under the second sentence of subsection (a) of this section."

(6) Section 406 is amended as follows:

(a) By striking the phrase "in areas directly related to law enforcement or preparing for employment in law enforcement" in the first sentence of subsection (b) and inserting in lieu thereof the phrase "in areas related to law enforcement or suitable for persons employed in law enforcement";

(b) By striking the words "tuition and fees" in the first sentence of subsection (c) and inserting in lieu thereof "tuition, books and fees"; and

(c) By adding at the end of the section the following new subsections:

"(d) For the purposes of Section 1781 of Title 38, United States Code, no grant or loan made under this section shall be considered a duplication of benefits, and for the purposes of any program assisted under Titles I, IV, X, XIV, XVI, or XIX of the Social Security Act, no grant or loan made under this section shall be considered income or resources.

"(e) Full-time teachers or persons preparing for careers as full-time teachers of courses related to law enforcement or suitable for persons employed in law enforcement, in institutions of higher education which are eligible to receive funds under this section, shall be eligible to receive assistance under subsections (b) and (c) of this section as determined under regulations of the Administration.

"(f) The Administration is authorized to make grants to or enter into contracts with institutions of higher education, or combinations of such institutions, to assist them in planning, developing, strengthening, improving, or carrying out programs or projects for the development or demonstration of improved methods of law enforcement education, including—

"(1) planning for the development or expansion of undergraduate or graduate programs in law enforcement;

"(2) education and training of faculty members;

"(3) strengthening the law enforcement aspects of courses leading to an undergraduate, graduate or professional degree; and

"(4) research into, and development of, methods of educating students or faculty, including the preparation of teaching materials and the planning of curricula.

The amount of a grant or contract may be up to 75 per centum of the total cost of programs and projects for which a grant or contract is made."

(7) At the end of Part D, the following new section 407 is added:

"SEC. 407. The Administration is authorized to develop and support regional and national training programs, workshops and seminars to instruct State and local law enforcement personnel in improved methods of crime prevention and reduction and enforcement of the criminal law. Such training activities shall be designed to supplement and improve, rather than supplant, the training activities of the States and units of general local government, and shall not duplicate the activities of the Federal Bureau of Investigation under section 404 of this title."

(8) Parts E and F are redesignated Parts F and G, respectively, and the sections thereof renumbered 601 through 622, and 701, respectively, and the following new Part E is inserted immediately after section 407.

"PART E—GRANTS FOR CORRECTIONAL INSTITUTIONS AND FACILITIES

"SEC. 501. It is the purpose of this part to encourage States and units of general local government to develop and implement programs and projects for the construction acquisition and renovation of correctional institutions and facilities, and for the improvement of correctional programs and practices.

"SEC. 502. A State desiring to receive a grant under this part for any fiscal year shall, consistent with the basic criteria which the Administration establishes under section 504, incorporate its application for that grant in the comprehensive State plan submitted to the Administration for that fiscal year in accordance with section 302 of this title.

"SEC. 503. The Administration is authorized to make a grant under this part to a State planning agency if the agency has on file with the Administration a comprehensive State plan which conforms with the requirements of section 303 of this title, and, in addition—

"(1) sets forth a comprehensive statewide program for the construction, acquisition or renovation of correctional institutions and facilities in the State and the improvement of correctional programs and practices throughout the State;

"(2) provides satisfactory assurances that the control of the funds and title to property derived therefrom shall be in a public agency for the uses and purposes provided in this part and that a public agency will administer those funds and that property;

"(3) provides satisfactory assurances that any part of the cost of any program or project which under the basic criteria established by the Administration cannot be paid from Federal funds, will be paid from non-Federal sources;

"(4) provides for advanced techniques in the design of institutions and facilities;

"(5) provides satisfactory assurances that the personnel standards and programs of the institutions and facilities will reflect advanced practices;

"(6) sets forth policies and procedures designed to assure that the Federal funds made available will not supplant State or local funds, but will supplement and, to the extent practicable, increase the amounts of funds that would, in the absence of Federal funds, be made available for the purposes of this part;

"(7) sets forth procedures under which the State planning agency shall not finally disapprove an application for funds from an appropriate agency of any unit of general local government within the State without first affording the agency reasonable notice and opportunity for a hearing; and

"(8) provides, where feasible and desirable, for the sharing of correctional institutions and facilities on a regional basis.

"SEC. 504. The Administration shall, after consultation with the Federal Bureau of Prisons, by regulation prescribe basic criteria to be applied by the State planning agencies under sections 502 and 503. In addition to other matters the basic criteria shall provide—

"(1) the general manner in which a State planning agency shall determine priority of projects based upon (a) the relative need of the areas within the State for correctional facilities, (b) the relative ability of the recipient agency in an area to support a program of construction and operation of the facilities, and (c) the extent to which the project contributes to an equitable distribution of assistance under this part;

"(2) general standards of design, construction and equipment for correctional institutions and facilities for different types of offenders; and

"(3) the proportions of the costs of various programs and projects, and component elements thereof, which may be paid from Federal funds.

"SEC. 505. Eighty-five per centum of the funds appropriated to make grants under this part for a fiscal year shall be allocated by the Administration among the States for grants to the State planning agencies of the States, pursuant to Section 503. Such funds may be used to pay up to 75 per centum of the cost of programs or projects specified in the applications for such grants. The remaining fifteen per centum of the funds appropriated for this part may, in the discretion of the Administration, be allocated among the States for grants to the State planning agencies or used by the Administration for grants or contracts for the purpose of this part to units of general local government or other appropriate grantees or contractors, according to the criteria and on the terms and conditions the Administration determines. No funds awarded under this part shall be used for land acquisition.

(9) Section 608 (as redesignated by this Act) is amended by inserting the following before the period at the end of the section: ", and to receive and utilize, for the purposes of this title, funds or other property donated or transferred by other Federal agencies, States, units of general local government, public or private agencies or organizations, institutions of higher education or individuals".

(10) Section 617 (as redesignated by this Act) is amended to read as follows:

"SEC. 617. (a) The Administration may procure the services of experts and consultants in accordance with section 3109 of title 5, United States Code, at rates of compensation for individuals not to exceed the daily equivalent of the rate for GS–18.

"(b) The Administration is authorized to appoint, without regard to the civil service laws, technical or other advisory committees to advise the Administration with respect to the administration of this title as it deems necessary. Members of those committees not otherwise in the employ of the United States, while engaged in advising the Administration or attending meetings of the committees, shall be compensated at rates to be fixed by the Administration but not to exceed the daily equivalent of the rate for GS–18, and while away from home or regular place of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently."

(11) Section 619 (as redesignated by this Act) is amended by deleting the word "August" and inserting in lieu thereof the word "December".

(12) Section 620 (as redesignated by this Act) is amended to read as follows:

"SEC. 620. There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this title. Funds appropriated for any fiscal year shall remain available for obligation until expended."

(13) Section 701 (as redesignated by this Act) is amended by adding the following new subsection:

"(1) The term 'correctional institution' means any place for the confinement or rehabilitation of juvenile offenders or individuals charged with or convicted of criminal offenses."

SEC. 3. Subsection (c) of section 5108 of title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"(10) The Law Enforcement Assistance Administration may place a total of 25 positions in GS-16, 17, and 18."

The letter and analysis, presented by Mr. HRUSKA, are as follows:

OFFICE OF THE ATTORNEY GENERAL,
Washington, D.C., February 17, 1970.

THE VICE PRESIDENT,
U.S. Senate,
Washington, D.C.

DEAR MR. VICE PRESIDENT: Enclosed for your consideration and appropriate reference is a legislative proposal "To amend Title I of the Omnibus Crime Control and Safe Streets Act of 1968, and for other purposes."

Title I of the Omnibus Crime Control and Safe Streets Act established the Law Enforcement Assistance Administration (LEAA) within the Department of Justice to effectuate the declared policy of the Congress "to assist State and local governments in strengthening and improving law enforcement"

The LEAA has made an impressive start during the first year of its existence, fiscal year 1969. During this year the groundwork has been laid for a comprehensive national program which promises significant progress in the reduction and prevention of crime in the years to come. For example:

Acceptable comprehensive plans for criminal justice reforms were submitted to LEAA by all 50 States, the District of Columbia, Puerto Rico, Guam and the Virgin Islands.

LEAA awarded grants of almost $19 million for the development of State plans and more than $25 million for implementation of these plans.

LEAA made $6.5 million available for studies in colleges and universities by law enforcement and corrections personnel.

The National Institute of Law Enforcement and Criminal Justice, the research arm of LEAA, utilized $3 million for wide-range research projects on crime control and prevention.

State participation is especially significant in light of the fact that prior to the establishment of this program few States had central planning agencies for criminal justice reform and even fewer had developed long-range plans for statewide improvement programs. Now every State has a planning agency and is actively cooperating with its cities and other units of local government.

Our experience during this year has indicated that several amendments to the Act would bring about better utilization of the appropriated funds. Also, since the basic Act carries appropriation authorization only through fiscal year 1970, it is now necessary to provide for subsequent appropriations. The enclosed legislative proposal would amend the Act to achieve these purposes.

All of the amendments are explained in the section-by-section analysis accompanying this letter, but the following represent the most significant changes proposed.

The Act presently requires that 40% of all planning funds and 75% of all action funds granted to a State under the "block grant" formula must be made available to local governmental units. This does not always result in the most effective use of allocated funds. We propose that the Act be amended to permit LEAA to waive the requirement that a designated percentage of a grant be allocated to local governments when strict adherence within a State is inappropriate in view of the division of law enforcement responsibilities or would not contribute to the efficient development or operation of a law enforcement plan.

To strengthen the provisions relating to grants for educational purposes, we propose that LEAA be authorized to develop and support regional and national training programs, workshops and seminars for State and local law enforcement personnel, to provide grants for the development of college and university courses related to law enforcement, and to expand the present program of grants for loans to teachers and others who are preparing for careers in the field of law enforcement.

Recognizing that in certain isolated instances participation in the LEAA program would be impossible if the use of matching local funds is required, we propose an amendment specifically to provide that discretionary funds may be granted, within prescribed limitations, without matching funds. The goal of full participation throughout the country is dependent upon this use of discretionary funding.

Finally, an effective corrections system has an important place in any plan for crime control. Consequently, we are proposing the expansion of the LEAA program to provide specifically for grants for the construction, acquisition or improvement of State and local correctional facilities and the improvement of correctional programs and practices. The criteria for the awarding of grants to States would require assurance that the programs and projects funded would incorporate advanced techniques in design and advanced practices in personnel standards and programs.

The fact that every State has responded to the national leadership offered by the creation of the Law Enforcement Assistance Administration is the best indication that the program was not only needed, but that it is one with which the States were ready to proceed. We believe that the changes offered by these amendments will permit the expansion and technical perfection necessary to the achievement of our important goal.

The early introduction and prompt consideration of this legislation is requested.

The Bureau of the Budget has advised that enactment of this proposed legislation would be in accord with the Program of the President.

Sincerely,

______ ______,
Attorney General.

SECTION-BY-SECTION ANALYSIS OF A BILL TO AMEND TITLE I OF THE OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968, AND FOR OTHER PURPOSES

SEC. 1. Enacting and title clause.

SEC. 2. Amendments to the Omnibus Crime Control and Safe Streets Act:

(1) *Amendment to section 203(c)*. This amendment would permit LEAA, in its discretion, to waive the requirement in section 203(c) that each State planning agency assure that at least 40 per centum of all planning funds granted to it by LEAA for any fiscal year will be made available to local governmental units within the State to permit such units to participate in the formulation of the State's comprehensive law enforcement plan.

(2) *Amendment to section 301(c)*. This amendment recasts the language of subsection (c) of section 301 to make it clear that the various percentage limitations on Federal expenditures set forth in the subsection apply only to block grants to State planning agencies made under section 301, and not to discretionary grants made under section 306.

(3) *Amendment to section 301(d)*. This amendment complements amendment (2) by changing the word "part" in the first sentence of section 301(d) to "section" so that the limitations on the use of block grant funds under that section to compensate law enforcement personnel will not apply to discretionary grants under section 306. The remaining changes made by the amendment are intended to make it clear that the personnel compensation restrictions set out in the section are limited. The amendment would provide that the use of grant funds for the salaries of personnel engaged in research, development, demonstration projects, or short-term programs would not be subject to the limitations set forth in section 301(d). They would, however, remain subject to the State and local matching fund requirements set forth in section 301(c).

(4) *Amendment to section 303(2)*. This amendment is a companion to amendment (1). It would permit LEAA to waive, in appropriate cases, the requirement that 75 per centum of the action funds granted to a State for a fiscal year be made available to local units of government to permit them to participate in the implementation of criminal justice reform programs.

(5) *Amendment to section 306*. This amendment would modify the present language of section 306 and designate it as subsection (a), and would add a new subsection (b). The modifications in the present language would make it clear that LEAA may utilize the 15 per centum discretionary funds for direct grants to local governmental units or for grants or contracts to other grantees appropriate to the purposes of title I. Of the discretionary funds, 20 per centum may be utilized to finance programs or projects in their entirety. No other grant may be for more than 75 per centum of the cost of the program or project.

The new subsection (b) would authorize LEAA to reallocate funds allocated to a State for any fiscal year but not utilized by that State during the year. LEAA would be permitted to use such unclaimed funds for grants under part C to other State planning agencies, local units or other appropriate grantees, thus assuring utilization of all funds appropriated by Congress for the purposes of the Act.

(6) *Amendment to section 406*. This amendment would make a number of changes and additions to the provisions under which LEAA makes grants to colleges and universities for loans and grants to persons enrolled in law enforcement studies who are either employed in law enforcement or are students desiring to pursue law enforcement careers.

Amendment (a) would conform the language in subsection (b) describing the types of degree and certificate programs that qualify under the loan provisions, with the language of subsection (c), describing the programs that qualify under the grant provisions. It would then be clear that the applicable standards are the same in both cases, as they should be.

Amendment (b) would amend the grant subsection to permit grant funds to be used for the purchase of books as well as for tuition and fees.

Amendment (c) would add three new subsections to section 406:

New subsection (d) would incorporate language, which is standard in Federal student aid legislation, to permit persons receiving Veterans Administration or Social Security assistance to receive LEAA funds concurrently without endangering their VA or Social Security benefits.

New subsection (e) would authorize LEAA to authorize loans and grants (and forgiveness and cancellation benefits) for persons employed or preparing for employment as full-time teachers of courses related to law enforcement.

New subsection (f) would authorize LEAA to make grants for the development and revision of programs of law enforcement education and for the development of curriculum materials.

(7) *Addition of a new section 407*. This amendment would add a new section authorizing LEAA to develop and support regional and national training programs and training teams to instruct State and local law enforcement personnel in improved methods

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of law enforcement. The section would provide explicitly that LEAA's training activities would not duplicate those of the Federal Bureau of Investigation under section 404.

(8) *Addition of new Part E concerning correctional institutions and facilities.* This amendment would add a new part to title I to establish a specific program of grants for the purpose of the construction, acquisition and renovation of correctional institutions and facilities and the improvement of correctional programs.

(9) *Amendment to section 508.* This section is redesignated section 608, and is amended to authorize LEAA to receive and utilize funds or other property transferred by other Federal agencies or donated from outside sources.

(10) *Amendments to section 517.* This section is redesignated section 617, and is revised to authorize LEAA to appoint individual consultants as well as technical advisory committees, and to provide that the technical consultants and committees may be appointed without regard to the civil service and classification laws. The amendment would also provide a maximum daily rate of compensation for consultants and technical committee members not to exceed the daily equivalent of the rate for GS-18.

(11) *Amendment to section 519.* This section is redesignated section 619, and as amended would change the deadline for submission of LEAA's annual report to the President and the Congress from August 31 to December 31.

(12) *Amendment to section 520.* This section is redesignated section 620, and would authorize the appropriation of funds for fiscal year 1971 and beyond. It is proposed that the Act be amended to authorize the appropriation for those fiscal years of such sums as Congress might deem to be necessary for the purposes of title I. The amendment would also add a provision permitting funds appropriated for LEAA to remain available until expended.

(13) *Amendment to section 601.* This section is redesignated section 701, and the amendment would add a definition of "correctional institution".

SEC. 3. This section would amend 5 U.S.C. 5108 to authorize LEAA to place a total of 25 positions in GS-16, 17, and 18.

Mr. TOWER. Mr. President, I am very pleased to join today with my distinguished colleague from Mississippi (Mr. EASTLAND) and my distinguished colleague from Nebraska (Mr. HRUSKA) in cosponsoring the Omnibus Crime Control and Safe Streets Acts Amendments of 1970. Mr. EASTLAND and Mr. HRUSKA have already gone into the details of this measure, and I will not elaborate on their fine work at this point. Nevertheless, I think that it is urgent that we thoroughly consider the full implications of this program.

In 1968, we here in the Senate overwhelmingly approved, after a lengthy debate, the Omnibus Crime Control and Safe Streets Act of 1968. The passage of this measure was in a large way a response to the great upheavals that we were experiencing at that time. I think that it is significant to note that since that time, while we have had some unnecessary and destructive upheavals in this country, the tone and the severity and the numbers of these disorders have been far less than previously experienced. I do not ascribe this situation directly to the measure of 1968, but I think that it would be untrue to say that it was not a great aid in controlling the situation.

Particularly the Law Enforcement Assistance Administration—LEAA—has been instrumental in helping the State governments to deal with problems of crime, both organized and unorganized. The LEAA has awarded grants to the agencies of the several States for both planning and development as well as for actual agency operation in the amount of some $44 million. From the statistics and testimony that are available, this seems to have been money well spent. It has aided the States to become more professional in their fight to protect the law-abiding citizens of the Nation.

Mr. President, now that this measure has proven its efficacy, we should move to make even more sound the LEAA. The amendments proposed would allow LEAA to develop and support regional and national training programs for State and local law enforcement agencies. Likewise, LEAA could assist colleges and universities in developing courses and programs in the field of law enforcement. These programs, where they have previously been instituted on a small scale, have proven themselves to be highly effective in producing a more efficient and understanding policemen. I specifically endorse this proposal and deem it of the highest priority.

Further, these amendments would waive in certain instances the necessity of a locale providing matching funds in order to participate in these programs. This is important because certain locales, in many instances the most needy locales, simply cannot afford to put up a share of the money that these programs cost. Until our proposal for revenue sharing is finally implemented, I believe that it is highly necessary that everyone be given the opportunity to participate; the Nation needs sound and reasoned law enforcement in every section, not just in those which currently have a surfeit of funds.

Mr. President, these amendments do contain a rather controversial section on direct grants of funds to cities which would waive the requirements that a set percentage of funds granted under this measure must go to the State government involved. Mayors in many major cities in the Nation have testified that they simply are not receiving their "fair" share of the moneys provided and are being slighted by their State governments. I believe that this is one area the Judiciary Committee must examine very carefully in its hearings. I personally am sending a letter to the Governor of the State of Texas and the mayors of the 25 largest cities in the State to obtain their feelings on this provision. When the facts are in from my State, I will make a report to the Senate and will, of course, make this information available to the Judiciary Committee for their use. Until the facts on this matter are in, I must reserve judgment. We must give the issue further study.

Therefore, Mr. President, with the one exception which I have noted, that with the capability and vigor of the Judiciary Committee I am confident can be solved, I am looking forward to the early passage of this important piece of legislation. Under the direction of President Nixon, we are making progress in the fight against crime; we have a good program that we can make better. I hope that everyone will join with the Judiciary Committee in making the hearings on this matter meaningful so that a good, strong measure will emerge which will again receive overwhelming support.

ADDITIONAL COSPONSORS OF BILL

S. 3466 THROUGH S. 3472

Mr. SCOTT. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from Oregon (Mr. HATFIELD) be added as a cosponsor of S. 3466 through S. 3472, the environmental control bills.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 3522

Mr. JAVITS. Mr. President, I ask unanimous consent that at its next printing the name of the Senator from Nevada (Mr. CANNON) be added as a cosponsor of the bill (S. 3522) to provide for the efficient disposal of motor vehicles, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

VOTING RIGHTS ACT AMENDMENTS OF 1969—AMENDMENTS

AMENDMENT NO. 544

Mr. SCOTT (for himself, Mr. HART, Mr. BAYH, Mr. BURDICK, Mr. COOK, Mr. DODD, Mr. FONG, Mr. KENNEDY, Mr. MATHIAS, and Mr. TYDINGS) proposed amendments to the bill (H.R. 4249) to extend the Voting Rights Act of 1965 with respect to the discriminatory use of tests and devices, which were ordered to be printed.

(The remarks of Mr. SCOTT when he proposed the amendments appear later in the RECORD under the appropriate heading.)

ANNOUNCEMENT OF WATER POLLUTION HEARINGS BY THE COMMITTEE ON THE DISTRICT OF COLUMBIA

Mr. TYDINGS. Mr. President, on March 25 and 26 the committee will hold public hearings on water pollution in the National Capital region. The hearings begin at 9:30 a.m. in room 6226 of the New Senate Office Building. The committee will discuss the following topics:

The extent, sources, and costs of water pollution in the National Capital region;

The institutional, financial, and legal means required to restore water quality in the area;

Preliminary steps that could be taken at once to improve the region's water quality;

The scope and adequacy of Federal, State and local programs to abate water pollution as they pertain to the National Capital region;

The problems in achieving water quality caused by the Washington metropolitan area's unique governmental structure;

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A review of past efforts and accomplishments, including unheeded prior recommendations and unfulfilled commitments;

The impact of the administration water pollution proposals on the National Capital region; and

The special problems of Rock Creek, Blue Plains, and the Anacostia River.

Witnesses are required to submit to Mrs. Edith Moore of the committee, room 6218, New Senate Office Building, 75 copies of their written testimony by noon, March 24. Because of the large number of people wishing to testify, witnesses are requested to be prepared to present a 5- to 10-minute verbal summary of the statement. Any questions about the hearings should be directed to Mr. Terence Finn at 225–4524.

ADDITIONAL STATEMENTS OF SENATORS

SPECIAL MILK PROGRAM

Mr. YOUNG of North Dakota. Mr. President, the recent proposal to terminate the special milk program is one that, in my opinion, would be a step backward in our efforts to improve the nutritional standards of all Americans.

Since its inception in 1954, the special milk program has fostered improved dietary habits and improved nutrition for millions of children. Today, over 17 million children participate in this program.

As an indication of the support for this program in Congress, the House of Representatives has approved legislation extending and expanding the authorization. The House vote on this was an overwhelming 384 to 2.

We continually hear of the need to improve nutrition among the people of the Nation. Just a few days ago the Senate approved legislation to vastly increase the school lunch program. We have approved legislation to greatly expand the food stamp program. To discontinue a program that has proved so valuable and well accepted simply would not make sense in light of our other increased efforts in this area.

I share the concern over the need to practice governmental economy wherever possible, but I do not feel that this is the place to do it. I am hopeful that the legislation extending the special milk program will be approved by the Senate and that the funds needed to carry it out will be approved.

FORCED INTEGRATION IS IMMORAL

Mr. BYRD of West Virginia. Mr. President, a very perceptive article on forced integration appeared in the Wall Street Journal on February 26. It was written by Vermont Royster, the editor of the newspaper.

In his article, he says:

> We have tried to apply to our schools the methods we would not dream of applying to other parts of our society.

Forcing children to do what no bureaucrat would probably have the temerity to attempt to force adults to do is immoral, Mr. Royster contends, and I think his point is well taken. He says:

> In fleeing from one moral wrong of the past, for which we felt guilty (forced segregation), we fled all unaware to another immorality. The failure is tragic because in so doing we heaped the burdens upon our children, who are helpless.

This is indeed the tragedy. The damage that is being done to our children, Negro and white, as well as to our public schools by impractical doctrinaire, pseudoliberal experimentation is incalculable. Our society will be reaping a bitter harvest from the attempts to enforce school integration for years to come.

The article by Mr. Royster should be widely read. I believe Senators will find it of considerable interest.

I ask unanimous consent that the article, entitled "Forced Integration: Suffer the Children," be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FORCED INTEGRATION: SUFFER THE CHILDREN

(By Vermont Royster)

"Surely it is time to face up to a fact that can no longer be hidden from view. The attempt to integrate this country's schools is a tragic failure."

The words of Stewart Alsop in Newsweek will serve as well as any. They are startling, honest and deeply true. Whatever anyone else says otherwise, however shocked we may be, we know he is right.

The proof lies in the fact that Congress, in a confused sort of way, has made it clear that it no longer thinks forced integration is that way to El Dorado. Since Congress is a political body, that in itself might be evidence enough. But Mr. Alsop has also put the statement up for challenge to a wide range of civil rights leaders, black and white, ranging from Education Commissioner James Allen to black militant Julius Hobson, and found none to deny it. Beyond that, we have only to look around ourselves, at both our white and our black neighbors, to know that the failure is there.

But that only plunges us into deeper questions. Why is it a failure? And why is it tragic? Why is it that something on which so many men of good will put their faith has at last come to this? Where did we go wrong?

And those questions plunge us yet deeper. For to answer them we must go back to the beginning. It is the moment for one of those agonizing reappraisals of all our hopes, emotions, thoughts, about what is surely the most wretched of all the problems before our society.

A SIMPLE PROPOSITION

We begin, I think, with a simple proposition. It is that it was, and is *morally* wrong for a society to say to one group of people that because of their color they are pariahs—that the majesty of law can be used to segregate them in their homes, in their schools, in their livelihoods, in their social contacts with their fellows. The wrong is in no wise mitigated by any plea that society may provide well for them within their segregated state. That has nothing to do with the moral question.

In 1954, for the first time, the Supreme Court stated that moral imperative. Beginning with the school decision the judges in a series of decisions struck down the legal underpinnings of segregation.

Since emotions and prejudices are not swept away by court decisions there were some white people in all parts of the country who resisted the change. But they were, for all their noise, in the minority. The great body of our people, even in the South where prejudice had congealed into custom, began the task of stripping away the battens of segregation. Slowly, perhaps, but relentlessly.

Then some people—men of good will, mostly—said this was not enough. They noticed that the mere ending of segregation did not mix whites and blacks in social intercourse. Neighborhoods remained either predominantly white or black. So did schools, because our schools are related to our neighborhoods. So did many other things. Not because of the laws, but because of habit, economics, preferences—or prejudices, if you prefer.

From this came the concept of "de facto" segregation. This Latin phrase, borrowed from the law, describes any separation of whites and blacks that exists in fact and equates it with the segregation proscribed by law. The cause matters not. These men of good will concluded that if segregation in law is bad then any separation that exists in fact is equally bad.

From this view we were led to attack any separation as de facto segregation. Since the first attack on segregation came in the schools, the schools became the first place for the attack on separation from whatever cause. And since the law had served us well in the first instance, we chose—our lawmakers chose—to use the law for the second purpose also. The law, that is, was applied to compel not merely an end to segregation but an end to separation by forced integration.

It was at this point that we fell into the abyss. The error was not merely that we created a legal monstrosity, or something unacceptable politically to both whites and blacks. The tragedy is that we embraced an idea *morally* wrong.

That must be recognized if we are to understand all else. For what is wrong about forced integration in the schools is not its impracticality, which we all now see, but its immorality, which is not yet fully grasped.

Let us consider.

Imagine, now, a neighborhood in which 95% of the people are white, 5% of them black. It is self-evident that we have here a de facto imbalance. We do no have legal segregation, but we do not have integration either, at least not anything more than "tokenism."

Let us suppose also that for some reason—any reason, economics, white hostilities, or perhap black prejudice against living next door to whites—the proportion does not change. The only way then to change it is for some of the whites to move away and, concurrently, for some blacks who live elsewhere to move into this neighborhood. One is not enough. Both things must happen.

CREATING AN IMBALANCE

Or let us suppose the proportion does change. Let us suppose that for some reason—any reason, including prejudice—large numbers of white families move out of the neighborhood, making room for black people to move in, so that after a few years we have entirely reversed the proportions. The neighborhood becomes 95% black, 5% white.

Again we have an imbalance. Again we do not truly have segregation but call it that, if you wish; de facto segregation. In any event we do not have integration in the sense that there is a general mixing together of the blacks and whites.

Now suppose that we act from the assumption that this is wrong. That it is wrong to have the neighborhood either 95% white or 95% black. That the mix, to be "right," must be some particular proportion.

What action is to be taken? In the first instance, do we by law forcefully remove some of the white families from the neighborhood so that we can force in the "proper number of black families? Or, in the second instance, do we by law prohibit some of the white

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families from moving out of the neighborhood? If we do either, who decides who moves, who stays?

The example, of course, is fanciful. We do none of this. No one has had the political temerity to propose a law that would send soldiers to pick people up and move them, or to block the way and prevent them from moving. No one stands up and says this is the moral thing to do.

Stated thus baldly, the immorality of doing such things is perfectly clear. No one thinks it moral to send policemen, or the National Guard bayonets in hand, to corral people and force them into a swimming pool, or a public park or a cocktail party when they do not wish to go.

No one pretends this is moral—for all that anyone may deplore people's prejudice—because everyone can see that to do this is to make of our society a police state. The methods, whatever the differences in intent, would be no different from the tramping boots of the Communist, Nazi or Fascistic police states.

All this being fanciful, no one proposing such things, it may seem we have strayed far from the school integration program. But have we?

The essence of that program is that we have tried to apply to our schools the methods we would not dream of applying to other parts of society. We have forced the children to move.

There are many things wrong with the forcible transfer of children from school to school to obtain the "proper" racial mix. It is, for one thing, wasteful of time, energy and money that could better be applied to making all schools better.

To this practical objection there is also the fact that in concept it is arrogant. The unspoken idea it rests upon is that black children will somehow gain from putting their black skins near to white skins. This is the reverse coin of the worst segregationist's idea that somehow the white children will suffer from putting their white skins near to black skins.

Both are insolent assertions of white superiority. Both spring from the same bitter seed.

Still, the practical difficulties might be surmounted. The implied arrogance might be overlooked, on the grounds that the alleged superiority is not racial but cultural; or that, further, both whites and blacks will gain from mutual association. That still leaves the moral question.

Perhaps it should be restated. It is moral for society to apply to children the force which, if it were applied to adults, men would know immoral? What charity, what compassion, what morality is there in forcing a child as we would not force his father?

It is a terrible thing to see, as we have seen, soldiers standing guard so that a black child may enter a white school. You cannot help but cringe in shame that only this way is it done. But at least then the soldiers are standing for a moral principle—that no one, child or adult, shall be barred by the color of his skin from access to what belongs to us all, white or black.

But it would have been terrifying if those same soldiers had been going about the town rounding up the black children and marching them from their accustomed school to another, while they went fearfully and their parents wept. On that, I verily believe, morality will brook no challenge.

Thus, then, the abyss. It opened because in fleeing from one moral wrong of the past, for which we felt guilty, we fled all unaware to another immorality. The failure is tragic because in so doing we heaped the burdens upon our children, who are helpless.

MUST WE TURN BACK?

Does this mean, as many men of good will fear, that to recognize as much, to acknowledge the failure of forced integration in the schools, is to surrender, to turn backward to what we have fled from?

Surely not. There remains, and we as a people must insist upon it, the moral imperative that no one should be denied his place in society, his dignity as a human being, because of his color. Not in the schools only, but in his livelihood and his life. No custom, no tradition, no trickery should be allowed to evade that imperative.

That we can insist upon without violating the other moral imperative. So long as he does not encroach upon others, no man should be compelled to walk where he would not walk, live where he would not live, share what company he would shun, think what he would not think, believe what he believes not.

If we grasp the distinction, we will follow a tragic failure with a giant step. And, God willing, not just in the schools.

ADDRESS BY THE VICE PRESIDENT BEFORE TRUNK AND TUSK CLUB

Mr. GOLDWATER. Mr. President, last week it was the pleasure and honor of the Trunk and Tusk Club, a Republican fundraising organization, to have had the Vice President of the United States, Spiro Agnew, address them.

This speech covered the legal and ethical questions of the Chicago trial. It was so well done that I would like to afford Senators the opportunity of reviewing it. I ask unanimous consent that the speech be printed in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

Address by the Vice President

The gathering here in Phoenix, Arizona, is a partisan one. We can be justly proud of our partisanship for President Nixon has accomplished much in the past year.

It is tempting—and indeed it may be fitting—to give a partisan speech before a partisan audience. Tonight, however, I would like to forgo that temptation and talk to you and all Americans about a national problem.

I refer to calculated assaults on our last bastion of individual rights, the administration of justice.

The trial of the Chicago Seven—or eight, as the original docket read—has now been concluded. The jury has reached its verdict, the judge has passed sentences, and the appeal procedure has begun.

This trial served as the stormy footnote to the turbulent 1968 Democratic National Convention. The trial itself should have tested the constitutionality of the 1968 Civil Rights Act. I say should have because that issue may have been obscured by the contest of personalities and a script written for drama rather than the administration of justice.

I do not intend to comment on the conduct of the trial nor the finer points of law. The point is not what these particular men—judge, advocates, defendants and spectators—did in this particular time. What is significant is what disruption does at all times to the system of justice.

I contend that if our courts are not sanctuaries of dispassionate reason we cannot have justice. We cannot have social or civil progress. Emotional demonstration and guerrilla theatre must end at the court house door. The rights of petition and assembly do not extend into the halls of justice although they are appropriate when lawfully exercised outside. Within the courtroom, dissent must be orderly and supported by logic. The rule is persuasion, not intimidation.

As Supreme Court Justice Hugo L. Black cautioned in 1966:

"Once you give a nervous, hostile and ill-informed people a theoretical justification for using violence in certain cases, it's like a tiny hole in the dike; the rationales rush through in a torrent, and violence becomes the normal, acceptable solution for a problem. . . . A cardinal fact about violence is that once initiated it tends to get out of hands. It's limits are not predictable."

A corollary conclusion is . . . violence rewarded breeds further violence and perpetual violence ultimately produces a brutal counterreaction.

Civil disobedience, at best, is a dangerous policy, since it opens the path for each man to be judge and jury of which laws are unjust and may be broken. Moreover, civil disobedience leads inevitably to riots, and riots condoned lead inevitably to revolution. This is a clear and present danger today.

"Justice is founded in the rights bestowed by nature upon man. Liberty is maintained in the security of justice." These two sentences are inscribed on a wall of the Justice Department building in Washington. I do not believe the first sentence is true.

I doubt that justice is founded in the rights of nature, because we know that nature is not always just. Each generation of youth discovers the beauty of nature anew and is stunned by the magnitude of it, perhaps to the extent of confusing beauty with justice. Yes, nature is beautiful. But it can also be brutal and predatory.

We might ask what justice exists in the jungle where carniverous animals devour the weak and gentle? What justice is there in life where disease often cripples and kills the young and good?

What we regard as justice today does not exist by virtue of nature, but by the free will of mankind. Justice began the day we rejected the nature of savages and started something called civilization. Civilization progressed as we challenged and contested with the bestiality in ourselves. It advanced as we began to conquer the natural forces of fire, flood, famine and disease.

No, I do not believe that natural rights or human rights or even legislated rights can flourish without sufficient definition and protection under a judicial system.

For so long as we have free will, so long as we attempt to separate right from wrong, we are contributors to our own destiny or our own doom.

No natural or human right is enforceable except as a civil right. It is only when society acknowledges it as a right and backs it by the power of the state and the respect of a majority of its responsible citizens that that right exists.

If we consider the time it has taken civilization to progress from primitive savagery to sophisticated jurisprudence, we realize some amazing facts. Five hundred million years of evolution preceded the present state of civilization. Barely 2,500 years have passed since the early laws of Moses and Hamurabi established the foundations of justice. Only seven centuries ago, the Magna Carta produced the principle that a nation and its leaders would "deny justice to none, nor delay it."

So those who condemn civilization for not having moved fast enough are wrong. At the same time those who would be complacent are just as wrong. A look at Nazi Germany, Communist China or Castro's Cuba proves that ten centuries of civilized progress can be destroyed overnight.

If civilization is still a veneer, then civilized justice clearly requires constant, tender and protective care. Out of progress have come some painful lessons. We have learned that there must be a framework for justice. In America, the Constitution provides the ground rules for freedom, justice and order. The Constitution establishes basic rights and in doing so imposes corresponding responsibilities. The Constitution also establishes a representative government empowered to enact laws and Courts which may rule on them.

Laws may conflict with other laws and with constitutional rights. Constitutional rights supersede laws. The Courts alone can resolve these conflicts. They stand independent of all other branches of government. Federal court judges are appointed for life to secure their personal independence from past, present and future influences. Society has encased its courts in these protective layers because it values justice. Justice depends on dispassion and compassion as well a knowledge of the law. But passion has no place in the courtroom. Raw passion has never contributed a thing to the administration of justice.

Nor has pressure. The citizens of this country are free to pressure Congress. They may petition and parade and protest before the President. They may howl and yowl and tax our patience. But when they move open rebellion into the court room, they remove from our midst all hope of justice.

The case of the Chicago Seven proves this point. The trial could have provided a significant test of the constitutionality of the 1968 antiriot law.

As it happened, the outrageous courtroom conduct totally obfuscated the constitutional question. Instead of a clear test of law we saw a perverse display of arrogance, vilification and childish braggadocio.

The Chicago Seven were not interested in the Constitution nor in improving justice. Defendant Abbie Hoffman said, "this trial isn't about legal niceties. It's a battle between a dying culture and an emerging one."

Except for one traumatic lapse, the Civil War, our culture has peacefully evolved for 181 years at an almost revolutionary speed. We have moved from a concept of "laissez-faire liberty" to a recognition that liberty requires continuous care. We have learned that it is not enough to say all men are equal and all enterprise, free. We must assure equal opportunity and secure fair play.

During the course of this century alone we have restricted the "anything goes liberty," which led to robber barons and watered stock; which permitted monopolies and prevented labor unions. We have advanced individual liberty by providing social security, unemployment insurance, collective bargaining, medicare and medicaid. We have struck down laws giving sanction to discriminatory practices. We have witnessed an unprecedented—and some feel excessive—protection of individual liberties. Moreover, and perhaps more importantly, we have enacted laws affording equal opportunity where the motivation was humanistic and compassionate, not legalistic.

This peaceful revolution has, to a great extent, been the product of our courts. The Courts are the operating rooms of freedom where cancerous invasions of individual and group rights are excised by trained judicial surgeons so that the patient—our free society—can survive. And while the operation is performed on an antiseptic atmosphere, the patient does not remain in quarantine. He returns to everyday life strengthened and more vital.

Our courts do not need lectures from self-appointed social critics. They do not need the antics of the guerilla theatre. They do not need lawyers who confuse themselves with disciples of a new cult. They do need skilled advocates to be catalysts to the cause of justice and reporters who have not predetermined the guilt or innocence of the accused.

The Courts have been put above and beyond the rough and tumble for a reason. The Judicial branch does not represent a majority nor a minority, but all society past, present and future. Elected officials in the Executive and Legislatve branches are directly responsible to their electorate, they are subject to pressure. The Judiciary is independent. The Supreme Court is responsible to its own conscience and to posterity. The Courts are a bastion in defense of individuals and minorities. But decisions are made to favor the majority not the minority but to fairly interpret the Constitution and laws of the United States.

The case of the Chicago Seven concerns neither the rights of the majority nor the minority. It concerns the right of society to be protected against a mob. It points once again to the dangerous confusion between a minority and a mob. A responsible minority has rights and any law-abiding political minority has the right under our Constitutional system to persuade our people to make it a majority.

A mob represents neither a political majority nor a minority. A mob is a mob—unruly, mindless, passionate, inchoate, coercive and oppressive. It represents only a dangerous threat to democracy, individual civil rights and progress. It invites tyranny and repression.

Today's left-wing extremists like to invoke the revolutionary principles of our nation's founding fathers as their precedent. There is no parallel. That is the New Left's Big Lie.

The founding fathers rebelled against a system which deprived them of the right to be represented and the right to dissent. Today's revolutionary has both of these rights. But lacking a constructive purpose, he finds no logical way to bring others to his point of view. So he engages in destruction for the sake of relieving his frustration with himself.

The founding fathers proposed a positive system of government . . the most superb social organization in human history. Today's radical thought is solely negative and nihilistic in content.

Those who advocate revolution and those who encourage them pervert the ideals of our founding fathers and distort the facts. Those who smash windows and seize university buildings destroy by their injustice whatever justice their cause ever had.

If we confuse these people with legitimate political minorities, we do a cruel disservice to every minority group in this country.

If we romanticize the revolutionary's role in present America, we diminish the efforts of every responsible, conscientious citizen.

If we capitulate before their terroristic tactics, we endanger the fabric of our freedom.

We stand at an extraordinary moment in our nation's history—a moment which demands nobility from ordinary men.

We are challenged to exercise calm in the face of moral outrage.

We must enforce the law with dispassion and disregard the provocation of passion.

We must distinguish the mob from the minority and not find any minority guilty for the sins of a mob.

We must not tolerate abuse nor violence by a mob yet continue to assure the rights of petition and public assembly.

These are formidable challenges for humans without inexhaustible patience. In a time of incessant confrontation, it is all too easy to begin to hate. It is all too effective to initiate repressive measures. Yet, if we fall prey to hate and repression, the mob has won. Destroying a mob is relatively easy; the difficulty lies in not destroying ourselves.

One of the wives of the convicted Chicago defendants said, "we will dance on your graves." We cannot let this happen anymore than we can permit our court rooms to become circuses; our campuses, bedlams; our streets, battlegrounds.

We are not going to retreat to Dark Age repression and we cannot go forward to enlightenment without sanity and reason.

So we are going to stand our ground with patience and dignity.

The months and years ahead will not be easy. But no one has ever said that freedom was easy. And I am confident that our culture will emerge stronger and wiser for the test.

Confrontation is not novel to our citizens, only its form is new. We have faced dictators before . . . only they had foreign accents. Now we face an enemy within, and, as Abraham Lincoln said: "If destruction be our lot we must ourselves be its author and finisher. As a nation of freemen we must live through all time, or die by suicide."

Ladies and gentlemen, suicide is alien to the American spirit. Ours is the spirit of John Paul Jones; we "have not yet begun to fight."

THE SALT NEGOTIATIONS—PROSPECTS FOR LIMITING THE ARMS RACE

Mr. SYMINGTON. Mr. President, recently Mr. Boris Yarochevsky, correspondent for the Soviet Union Tass news agency interviewed me here at the Capitol and I took the liberty at that time to give him my thoughts about the possibilities of improved relationships between his country and the United States.

In view of the objective reporting of my statement, I ask unanimous consent that the Tass news story be inserted at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR SYMINGTON

(By Tass Correspondent B. Yarochevsky)

WASHINGTON, February 20.—The idea about the need to establish control over arms race is gaining ground among the wide circles of U.S. public and is ever stronger supported by U.S. Congressmen.

Senator Stuart Symington gave an interview to a Tass correspondent in which he commented on the strategic arms limitation talks between the Soviet Union and the United States that will be resumed in April in Vienna. Senator Symington said that these talks provide an excellent opportunity to start tackling the problem on which the destiny of entire mankind largely depends. If we fail to stop the dangerous and costly race of missile and nuclear armaments the history might not give us another such chance he said.

We pin great hopes on the talks with the Soviet Union, Symington said. If further and even more dangerous spiralling of the arms race is prevented, more funds, efforts of the best scientists and material values will be given to the improvement of life of our peoples and the solution of the problems facing mankind.

The Senator said that the talks in Vienna must provide basis for the improvement of relations between the peoples of the Soviet Union and the United States, must help remove distrust and suspicions. The fact that every one of the two countries can destroy the other binds us to approach the program of arms limitation with complete responsibility and with the awareness of its importance for the destinies of our peoples and entire mankind.

ENVIRONMENTAL QUALITY

Mr. SCOTT. Mr. President I always felt that the fight for environmental quality

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must be a cooperative venture. Citizens, all levels of government, and private industry must recognize the problems and work hand in hand to solve them. Armco Steel Corp. with large plants in Pennsylvania has shown a willingness to move forward. I ask unanimous consent to reprint in the RECORD the attached letter from Mr. C. William Verity, Jr., president of Armco Steel Corp., and excerpts from Armco's booklet describing its pollution control efforts.

There being no objection the material was ordered to be printed in the RECORD, as follows:

ARMCO STEEL CORP.,
Middletown, Ohio, February 18, 1970.

Hon. HUGH SCOTT,
U.S. Senate,
Washington, D.C.

DEAR SENATOR SCOTT: The spotlight of national publicity has created increased public awareness of the serious problems of air and water pollution. But the picture is not all dust and dirt, smog and grime.

Armco and many other companies have been quietly meeting and solving pollution problems for years. Armco is committed to clean water and clean air at all of our operations. We are sincerely proud of our accomplishments and would like you, as a concerned public official, to know where we stand as we enter the 1970's.

Since we launched our accelerated air and water pollution control program in 1964, Armco has invested about $75 million in equipment to improve our environment. Several of our major plants are now virtually pollution-free. By the end of this year or early in 1971 every Armco Steel plant will be operating new facilities to control air and water quality.

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Our efforts in this important fight are now gaining increasing national recognition. A few days ago the National Society of Professional Engineers selected the air and water pollution systems at our Middletown, Ohio Works as "one of the outstanding engineering achievements of 1969."

Enclosed is our new booklet which contains a progress report and our commitment to bring our share of industrial pollution under full control.

We would be happy to have your comments, suggestions and support in this challenging, costly, but vital long-range effort.

Sincerely,

BILL VERITY.

ARMCO STEEL CORP.

There was a time when clear-water creeks and a walk around the block for a fresh breath of air were taken for granted in this country.

No more. "Unsafe for Swimming" warnings and dust-stained sidings are becoming signs of the times.

What went wrong? Nothing—and everything. We just found that we could live a whole lot better if the things we need could be mass produced. That resulted in the industrial revolution.

Smoke-filled skies were once a sign of prosperity. Now they're a sign of destruction. As a result, millions of Americans are now concerned with the pollution prosperity built.

This booklet is a progress report that was created to show you how one company—Armco—has set about to analyze and correct its part of the growing problems of air and water pollution.

We're proud of the distance we've come, and we're determined to continue this costly and difficult job until we can report that pollution at Armco has been licked.

There is still a lot of work to be done. But we feel it's important that you realize that pollution abatement to Armco isn't just a couple of nine-letter words.

They're fast becoming a very large reality. A reality that had already cost Armco over $97 million by the end of the 1960's. To eliminate all existing sources of pollution will require an additional $50 million.

A reality which commands the talents of engineers, research scientists and operating employees working around the clock to correct old problems and make sure we don't create new ones. Consistent with Armco's policy, all new facilities will be built with the best available air and water pollution abatement equipment.

Wordsworth said, ". . . and 'tis my belief that every flower loves the air it breathes." It is our belief that you and your family and their families for generations to come should be able to breathe the air they love.

BUTLER WORKS

A remarkable example of the tendency of man to pollute his environment was found in the earliest existence of the Grecian city of Troy. Archeologists say that the people of Troy merely dropped their food scraps on the floor (bones and everything else apparently) and went on living on top of them. Gradually the floor level rose and eventually the door would not open. Their solution? They merely adjusted the door.

Armco's pollution abatement started 40 years ago at the Butler, Pa., Works. As early as 1929, the plant safely pumped mill waste to large settling basins. An acid neutralization plant came along in '37 and a second pickle liquor treatment facility was installed in 1943.

In 1953, management authorized an experimental water clarifier that served as the forerunner of many of today's modern clarification techniques.

At the start of the '70's, Butler Work's six old open hearth furnances are part of the dusty past.

In October, 1969, Butler began operation of a modern electric furnace shop. The new, bright blue shop is complete with high energy scrubbers which wash dirt particles from the air.

Very clean air, however, often results in very dirty water. So Butler engineers literally had to move mountains to make room for the second of three water clarification units. Engineers whacked the tops off a couple of good sized Pennsylvania hills before they had room to locate their electric shop and new anti-pollution equipment.

All-in-all, the effort Butler Works has put into pollution abatement has underwritten the future of the lush, green country that surrounds the plant and nearby Connequenessing Creek. As of November 1969, this plant ranked among the cleanest industrial plants in the world.

AMBRIDGE WORKS

The Ambridge, Pa., Works is located on the banks of the Ohio River where the river defies common knowledge and flows north. North, that is, before it starts winding its way 1,000 miles to the south, bound for the Gulf of Mexico.

Ambridge Works hasn't really ever had to worry about population. The smoke that once rose from a lone power plant stack was brought under control in 1962 by a "dry cyclone" dust remover.

Water problems were eliminated from the plant two decades ago. Today, water that isn't cleaned and recirculated is allowed to settle clear, then skimmed free of oil before being allowed to flow back into the Ohio—well above state standards for water purity. There are now no polution problems at Ambridge.

THE FUTURE

But what of the future? In nature there's neither reward nor punishment—just consequences. Armco therefore, has chosen to attack the pollution problems of the future instead of sitting on its abatement laurels.

For example, Armco now has a special section of research and technology devoted to fundamental studies in pollution abatement.

A new process for separating waste oils that was developed in this laboratory is now being successfully used in full-scale operation.

When Armco engineers design any new facility, they automatically build in ample pollution controls. No more clean-up and add-on.

Armco scientists devote themselves to pollution problems far in the future. Take noise pollution. Instead of building, then correcting inherent noise problems, our scientists and engineers are striving to design noise-free facilities.

Then there's the problem of by-products. Today the disposal of solid residue is a continuing operating cost, but research is underway to develop means of reusing some of these by-products to help defray a part of the cost of pollution abatement.

One of the steel industry's remaining unsolved pollution headaches is that of periodic emissions of gas and smoke from coal coking operations. The company is working with other steel companies, universities and the government to develop reliable control techniques to solve this difficult operating problem. Control devices will be added to all Armco coke plants as soon as such devices are developed.

We've about reached a point in history in which our society will deny any group, steel company, motorist, city sewage plant or homeowner the right to threaten our environment.

As the Armco Policy on Pollution Abatement states, with support from legislative bodies, private groups—and you—it is realistic to hope for improvement, and to dream of a day when our lakes and rivers and skies are clean again.

Whatever needs to be done, it's clear that a major clean-up has started. The immediate challenge, we believe, is not only to stop pollution from becoming worse as both population and industry continue to grow, but to roll it back.

It is our belief that you and your families should be able to enjoy the earth you've inherited.

At Armco, pollution is out. Clean air and water are in. You have our pledge.

MENTAL HEALTH OF CHILDREN

Mr. RIBICOFF. Mr. President, the board of trustees of the American Psychiatric Association have recently pledged full support for the thoughtful and far-reaching conclusions contained in the Report of the Joint Commission on the Mental Health of Children which was published in 1969.

In the February issue of the Journal of American Psychiatry the trustees give their "enthusiastic approval and support of the spirit and principles underlying the findings of the Joint Commission on Mental Health of Children."

As one who supported the formation and work of the Joint Commission and is committed to implementing its major recommendations, I am encouraged and heartened by the trustees' statement.

With the full consultation and assistance of many interested persons, we are now preparing a program to implement the major recommendations of the Joint Commission report to establish a national child advocacy system. As a result, I hope to introduce legislation on this subject in the near future.

Mr. President, the excellent statement of the American Psychiatric Association is worthwhile reading for everyone. I ask unanimous consent that it appear at this point in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

POSITION STATEMENT ON CRISIS IN CHILD MENTAL HEALTH: CHALLENGE FOR THE 1970'S, THE FINAL REPORT OF THE JOINT COMMISSION ON MENTAL HEALTH OF CHILDREN

(This statement was approved by the Board of Trustees of the American Psychiatric Association on December 12, 1969, upon recommendation of the Association's Task Force on the Report of the Joint Commission on Mental Health of Children, comprised of: J. Cotter Hirschberg, M.D., Stanislaus Szurek, M.D., Milton E. Senn, M.D., Kent Zimmerman, M.D., Exie Welsch, M.D., Richard S. Ward, M.D., Walter E. Barton, M.D., and Robert L. Robinson, ex officio

(The trustees have requested the task force to continue its work of studying and recommending positions on the technical reports of the Joint Commission as necessary, and also to advise on implementation of the Joint Commission's recommendations.)

FOREWORD

The final report of the Joint Commission on Mental Health of Children is vast in scope and detail. Its many recommendations, reaching into all areas of national life, do not lend themselves to blanket endorsement. They call for extensive study, adaptation, and modification to accord with political, social, and economic realities in the long-range process of implementation. In the course of that process in the years ahead, the Association will be called upon to adopt many "positions" on specific proposals of the Commission. But there is, we believe, an obligation on the part of the Association to offer an initial reaction to the report and some extended commentary about its findings and recommendations by way of suggesting a stance of organized psychiatry with which it is hoped the overwhelming majority of psychiatrists will agree.

The following commentary is offered in that context. It is largely based on the findings of a task force appointed in 1968 to formulate a position statement on the Commission's final report for consideration by the trustees. The trustees are most grateful to the task force for its assistance.

APPROVAL AND COMMENDATION

The trustees hereby record their enthusiastic approval and support of the spirit and principles underlying the findings of the Joint Commission on Mental Health of Children. The Association may be prideful that it was instrumental in initiating the Commission in 1965. We wish to express our gratitude and congratulations to all who made possible so great an achievement, and most especially to Senator Abraham Ribicoff, who spearheaded the authorizing legislation in the Congress, to the many allied organizations and agencies that participated, to the officers and staff of the Commission, and to the hundreds of professionals and concerned citizens from our own and cooperating disciplines who gave to the effort so much of their knowledge and time.

It is the intent of the Commission in its final report to alert the nation to its past failures in meeting the needs of young people from birth to adulthood, the price that we are paying and must pay for our failure, and the promise that lies in remedying that neglect. It pleads for a new kind of society, a child-respecting society, and it projects a comprehensive blueprint for structuring it. In the new society there will be three priorities of equal emphasis: 1) the provision of comprehensive services to ensure the maintenance of the health and mental health of all children and youth; 2) the provision of all needed remedial services for all children in trouble—the mentally ill, the delinquent, the mentally retarded, and other handicapped children and youth; and 3) the establishment of a highly structured advocacy system at every level of government to ensure that the first two goals are in fact realized and sustained.

In our view the Commission's program is thoroughly in accord with the American tradition and, in our affluent society, is economically feasible. If such a program were to capture the imagination of the American people and their leaders, its gradual implementation would bring about desperately needed changes in the quality of American life and would, in due time, vastly strengthen the nation's resolve and capacity to deal with its awesome problems. Adoption of the goals and the intent of the recommendations would, in the Commission's own words, "rekindle the spirit of generosity, of magnanimity, of neighborliness, of gentleness and compassion, and of zest and adventure that are part of the American heritage."

SPECIFIC COMMENTARY AND INTERPRETATION

Some matters of emphasis

It is important that the psychiatrist reader understand that the final report goes far beyond an assessment of the clinical needs of the mentally ill and retarded children and youth. Indeed, while the report pledges equal priority to social, economic, and educational measures to promote mental health on the one hand, and to remedial measures to meet the clinical needs of the mentally ill on the other, by far the greater portion of the text is devoted to the former.

The fact that so many experts from so many disciplines were able to agree on the Commission's comprehensive and innovative program for the nation is, of course, one of the report's outstanding virtues and imparts to it a quality of great historical significance.

Nevertheless, the trustees feel compelled to point out that had the work of the Commission and its final report been closely focused around the psychiatrist's view of the needs of the child, the relative emphasis on preventive and remedial needs would have been more balanced. While the clinician's view of the needs of the emotionally ill child is adequately and even admirably stated in parts of the report, it is by no means highlighted. Nor have the lengthy sections dealing with environmental reform been properly conceptualized to relate to the clinician's view of the child's needs in various stages of development.

Because they are not sufficiently highlighted in the report, we urge upon all concerned with carrying out the Commission's program that the following general considerations are by far the most critical ones in planning comprehensive health services for children aged one to five.

Provision for identification, comprehensive diagnosis, and treatment of childhood mental disorders is, indeed, of equal importance with provisions for prevention and the promotion of mental health.

There is telling need and promise of extremely productive results in improving our presently inadequate medical services to the child in his first five years of life, especially by providing family planning services, sound prenatal care, improved obstetrical management, and comprehensive pediatric services. In the age range one to five it is the general physician, the obstetrician, the pediatrician, and the child psychiatrist who can play the most telling roles in providing these services.

Well-baby clinics have been the principal agency to serve mother and child after birth. But in general they are of service only during the first year of life and, in the main, are primarily limited to pediatric assistance. Also, our day care centers, as presently conceived, are inadequate to meet the needs of children under five because of their relative divorcement from the interplay of child and family. A new mechanism, a new "thing," something that might be titled "child and family development center," is needed to ensure the availability of comprehensive health services, including not only pediatric care but also genetic counseling, child neurology, child psychiatry, obstetrics, gynecology, and related services.

We also urge—as the Commission has not—that the newly developing community mental health centers be viewed as a major potential resource for the delivery of services to children. Indeed, we believe that provision for such services should be specifically added to the present five requirements of community mental health centers in their regulations governing federal funding of such centers.

In projecting the kinds of needs that must be met in a total network and continuum of services, we would have them structured around the following headings:

1. Services to normal children and normal families concerned with developmental and situational tasks. These services are both preventive and actual and include such community resources as pre- and post-natal health services, well-baby clinics, day nurseries, preschool programs, family and children's agencies, public health nursing, and other public health services.
2. Services to normal children with problems in growth and development, which would not require specialized psychiatric help but could be handled by such community resources as the family physician or pediatrician, school health clinics, recreational services, vocational services, and the community resources offered within many church-related activities.
3. Services to families in trouble.
4. Services to children who demonstrate a need for early intervention for minor emotional disturbances of an order that can be handled by psychologically and educationally aware agencies and educational programs and remedial services.
5. Services to emotionally disturbed children who need specialized psychiatric treatment but who are still able to reside in their own families and their own communities. Such services would include special educational programs in the schools, pediatric-psychiatric outpatient services, community mental health clinics, therapeutic nursery schools, group casework and group psychotherapy, and therapy for parents and families.
6. Services for emotionally disturbed children who need placement away from their families either because of their own degree of emotional illness or because of disrupted family structure, but children who are still able to function within their own communities. Such services would entail foster care, boarding families, adoptive homes, group homes, and community youth centers.
7. Services to children with severe emotional illness requiring hospitalization in residential treatment centers, or inpatient psychiatric centers, or children's psychiatric hospitals for treatment and rehabilitation to facilitate their early return to family and community. Such services may be provided in a general hospital, in a community mental health center, or a specialized psychiatric hospital for children followed by aftercare and rehabilitation. Child psychiatric hospital care must be upgraded to ensure adequate staffing and treatment programs, the provision of proper schooling and vocational rehabilitation, as well as concomitant casework with the parents and often with the entire family.

With reference to state hospital care for emotionally ill children, the Commission has

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been justified in noting the grave inadequacies of state hospital facilities. Such facilities, however, if adequately staffed and programmed, can provide an essential service for some severely ill children. They should not be perceived as "end of the road" institutions. It is gratifying that the Commission has indicated its favorable disposition to the American Phychiatric Association's recommendations regarding state hospital care for children issued in 1964(1).

The above points are made not so much by way of taking exception to the Commission's findings but rather by way of pointing up the medical view of the most *essential* elements to be incorporated initially into a national program for children and youth. As the program unfolds it must be the purpose of psychiatrists to urge these points of view upon the myriad of planning groups that will be involved, and particularly upon the neighborhood child development councils. If they are to guarantee comprehensive health services for every child, then they must fully grasp what the needs actually are. Further, they must understand that the one-to-five age period is the period of most vital need for health services. The report appears to convey the overall impression that after age three the child's needs can be met primarily through educational services.

Be that as it may, psychiatrists generally will be able to lend their unqualified endorsement to what the final report does say about the emotionally disturbed and mentally ill children in our country. The poverty of our present resources and methods for treating the emotionally ill child is not exaggerated by the Commission and adds up to an appalling reflection of the nation's past indifference and neglect of these children. The Commission makes a strong and convincing plea for the reorganization of our entire system of remedial services into an effective network and continuum of services that will indeed meet the needs of every ill child in relation to his stage of development. Again, it is gratifying that the Commission, in this regard, quotes approvingly from the American Psychiatric Association's report on *Planning Psychiatric Services for Children*(1).

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Moreover, psychiatrists will generally applaud the report's treatment of the school as part of the development process. Indeed, the report's general approach to the impact of contemporary American society on growth and development opens up a very wide range of collaborative roles for psychiatrists and child psychiatrists in the unfolding of the program. To be sure, these roles are not spelled out, and in some measure the report reflects doubts about reliance on the medical model as the matrix around which to construct a system for the identification, diagnosis, and treatment of the mentally ill child. Nevertheless, the report does not gainsay and indeed implicitly accepts the reality that the clinical psychiatrist is uniquely qualified to give leadership in integrating the multiple input of many disciplines in assessing the total needs of the child; the psychiatrist's role in the implementation of the program can be rationally projected only in that context.

The Advocacy System

The basic theme of the final report is to "urge the creation of a network of comprehensive, systematic services, programs, and policies which will insure every American the opportunity to develop his maximum potential. Such a network would interrelate all those services and institutions which affect the lives of our young. The line between the preventive and remedial nature of services would be blurred by designing and coordinating services to meet the developmental needs of the total child." The statement will meet with the general approval of our profession.

To achieve the goal, the Joint Commission would interpose an "advocacy system" cutting across every level of the American body politic—national, state, and local.

Briefly, at the top of the advocacy structure there would be a President's Advisory Council on Children, endowed with the power and prestige of the President's office in relation to his Cabinet, the Congress, the Bureau of the Budget, and more than a score of federal agencies involved in one way or another with programs for children and youth. To reinforce the Advisory Council a strong staff unit would be created in the Department of Health, Education, and Welfare.

Counterpart child development agencies with staffs would be established by state governments with the crucial mission of developing comprehensive state plans for securing the range of services envisaged as essential by the Commission.

At the city-county level of government, local child development authorities would be created to serve as coordinating, planning, and policy setting bodies for the range of services required in its jurisdiction.

At the neighborhood level the Commission recommends the establishment of child development councils throughout the nation whose primary function would be to act as direct advocates for every child in the community they serve. To them would fall the responsibility and prerogative of ensuring that complete diagnostic treatment and preventive services are available to all children in the neighborhood. The councils would comprise the foundation of the advocacy system. Under their aegis, it is hypothesized, no child would be lost in a bureaucratic morass and no child in need would be shunted from one agency to another, receiving little help from any. The council structure would guarantee the availability of services.

In the Commission's view, only by superimposing such a child-oriented advocate structure can we hope to bring some semblance of order out of the system (or nonsystem) of fragmented services that now obtains. Only thus can we expect to rally sufficient support at the grass roots of the body politic to plan for and eventually provide the essential range of services required. The Commission emphasizes, quite correctly, that the advocacy structure at all levels would not be responsible for providing direct services, but rather only with planning, coordinating, facilitating, and guaranteeing that such services shall be available. The work of the councils would be financed by federal and state funds.

The trustees believe that the advocacy structure as recommended by the Commission is basically rational, sound, sensible, and feasible. Such a concept will find precedent in community involvement, for example, in planning community hospitals under the Hill-Burton program, and in the federally financed comprehensive state community mental health planning of recent years. Moreover, we quite agree with the Commission on emphasizing the advocacy function of the councils at every level as distinguished from administrative responsibility for financing and operating direct services. We further agree with the Commission's suggestions as to how to proceed to institute the advocacy system beginning with the President's Advisory Council on Children, namely:

First, the creation of the President's Advisory Council.

Second, the establishment of state child development agencies in each state, and the initiation of comprehensive planning (federally financed).

Third, the establishment of at least one local child development authority in each state.

Fourth, the establishment of as many as 100 child development councils, with at least one in each state.

Fifth, the creation of about ten evaluation centers in representative communities to study, test, and evaluate the goals proposed for the councils and thereby lay the groundwork for ultimately spreading the council structure to the point that no child in America grows up in a community without one.

Manifestly, such an elaborate structure will take many years to build, and it would be fruitless to attempt a beginning except at the White House level. The trustees urge upon the President of the United States that he give immediate attention to the proposal and the need to establish the Advisory Council at the national level as a starting point to initiate the advocacy structure. The trustees will further urge upon the President that at least two members of the proposed Advisory Council should be physicians selected from those specialties most concerned with the health and mental health of children from age one to five, especially from the ranks of psychiatry, obstetrics, and pediatrics. Indeed, we shall urge such appropriate professional representation on the councils and staffs of the entire advocacy structure so far as is feasible.

Manpower and training

That section of the final report that deals with the human resources needed to structure a child-oriented society is altogether farsighted and innovative. In being innovative the recommendations are also controversial, but this is all to the good by way of stimulating fresh thinking and quickening action to overcome manpower and womanpower shortages and to improve the utilization and distribution of manpower in the field.

To begin with, the Commission quite properly asks for the creation of a federal manpower policy to come to grips with the need for staffing the entire advocacy system, a policy that will accommodate a vast expansion of federally supported training facilities and personnel and the financing thereof. There is nothing impracticable about the proposal. It will be incumbent on the President's Advisory Council on Child Development to ensure that an adequate staff is employed to carry out the research and planning that must underlie the development of the policy. The trustees fully support this proposition and, with some qualifications, all of the basic recommendations of the final report on how this nation can develop the manpower needed to carry out the implementation of the advocacy system.

For example, it is recommended that the National Institute of Mental Health should allocate a minimum of 50 percent of its training funds to the education of specialists in work with children and youth. The repercussions of such an arbitrary ruling, if it were to be made, would have no small impact on psychiatric education today, not to mention the other disciplines. Nevertheless, the figure 50 percent is certainly not exaggerated in relation to the need. The trustees urge NIMH to give serious consideration to the extent to which the recommendation could be feasibly entertained in relation to other priorities at the present time.

The trustees are also favorably disposed toward many of the other specific recommendations of the Joint Commission in the manpower field, notably that recipients of federal training grants should agree to serve for a reasonable period in child and adolescent mental health work; that the federal government should undertake tax incentives as an instrument to encourage mental health professionals to work in areas that are receiving few or no services; that a national service program could be launched to allow young people to participate in service activities in deprived areas such as ghettos, Appalachia, etc.

Further, we approve the recommendations petraining to clinical training of child care workers to meet the need of the child in the first five years of life, and the need to have such training carried out in clinical settings. We would emphasize that these settings must be adequately financed if they are to do the job adequately. In general, it is one of the unique contributions of the report as a whole that it emphasizes "growth and development" as a basic science in the field of human behavior and demonstrates its vital relevance to the teaching and training of all professionals and paraprofessionals. Clearly, clinical psychiatrists have an immense responsibility in the clinical training of all of the professions serving children.

All in all, the Commission's recommendations proposing the rapid development of paraprofessionals are to be applauded. We agree in principle with the need for a new hierarchy of careers, the restructuring of old ones, and with the concept of inventing a "career ladder" that would allow child care workers to move up as they move either vertically or horizontally across the personnel structure of the field.

We do not share the Commission's seeming enthusiasm for the British model of a Doctorate in Medical Psychology. We are similarly uncertain about training a new "profession in child development" to serve as administrators of the child development councils, to supervise day care and preschool facilities, to act as child-parent counselors, and to supervise paraprofessional workers in home visit programs, etc. It is not that either concept lacks merit, but in our view they should be posed as merely examples of experimental patterns that might be tried out. It would be premature to forge full speed ahead at this time with rigid plans for producing new kinds of professionals.

Research

The trustees are fully supportive of the Commission's recommendations concerning increased support for research and with its goal of establishing a "research climate" throughout our society. Specifically, we support the proposal that ten child health research centers be established under the auspices of the National Institute of Mental Health and the National Institute of Child Health and Human Development to undertake long-range studies in such problem areas as the development of a more adequate system of nosology, diagnosis, and classification, longitudinal studies of the natural history of emotional disorders in children, childhood autism, the effects of various kinds of therapeutic intervention, and many other areas.

We are particularly pleased to note that the Commission has been farsighted enough to recommend equal support for basic and applied, including clinical, research. In our view, the latter is just as "basic" as the former. Admittedly, as the report states, it is difficult to define clinical concepts in objective, measurable terms, making clinical research more difficult and demanding than laboratory investigations. The problem is to assemble clinical data that are comparably based on comparably diagnosed patients, on comparable treatment programs, and on comparable therapists. Be that as it may, in our view the difficulties should not be allowed to discourage far more emphasis on supporting clinical research than has been given it in the past.

All in all, the Commission's findings on research are fully consonant with our view of the essentiality of preserving an eclecticism in research policy so necessary to avoid the shutting off of any promising directions of investigation. We would emphasize the relating of evaluation to applied research in the report. The need for continuous evaluation and assessment of results throughout the advocacy system will be ongoing and fundamental, and most particularly in the early demonstration projects designed to elicit the know-how to further implementation of the system.

American society and its impact on youth

The Commission's final report presents the American people with what may be appropriately called a series of analytical essays on the impact of American society on young people. They cover such topics as the interrelationships of poverty and mental health, minority groups as a special risk, education and mental health, problems in employment, public assistance, and various environmental programs. These chapters are most admirable syntheses of existing knowledge and attitudes in behavioral science concerning what a truly child-oriented society would be like. Again, it would be inappropriate for the trustees to lend a blanket endorsement to the vast range of recommendations in the areas that the Commission has projected; it will be for individual psychiatrists in their roles of "citizen advocates" to relate to these recommendations according to their own consciences. In their totality, the recommendations add up to what is tantamount to a national political platform that the majority of psychiatrists, we venture, would support over the long haul. Indeed, one may hope that the Commission's platform for a child-oriented and child respecting society will receive the earnest consideration of both of our great political parties. Generally, in the view of the trustees, it is realistic and practicable to look to the achievement of the Commission's goals by the year 2000, and many of them much sooner than that. Such achievement is essential if the causes of deterioration of our society are to be remedied and if its upward thrust toward a better life for all is to be sustained.

There are two general recommendations which the trustees would specifically endorse.

First, the Commission recommends that the Congress or the President's Advisory Council on Child Development should establish a body, a consortium, or a permanent study group comprising many who participated in the work of the Commission, and others, to impart expertise of the highest order to the gradual implementation of the advocacy system. The precise form such a body might take is not spelled out in the report, but it would serve as a highly prestigious "voice for children," and as a strategy and planning group to assist in analyzing and coping with the problems that will inevitably attend the development of the advocacy system. The proposition calls for further study, and the trustees will be pleased to cooperate with others in undertaking it.

Second, child psychiatrists, and general psychiatrists for that matter, will particularly applaud the report's emphasis on such matters as improved programs for preschool children, adoption and foster care practices, legal and probation services, homemaker services, family and premarital counseling services, and others, all of them essential from the clinician's point of view in meeting developmental needs.

CONCLUDING COMMENTS—COMMITMENT TO ACTION

Manifestly, the Commission's detailed blueprint for a new society adds up to a very large order. The Commission itself has not attempted to put a price tag on its program, but it has been estimated by some who participated in its work that a national investment in the range of six to ten billion dollars a year would be required to make it fully operable. Such sums are modest enough when viewed as the price we must pay to cope with the disaster-threatening problems of our time. Implementation of the recommendations calls for a "shift in strategy for human development" in our nation, a qualitative change in values and attitudes. Ultimately, such a program can be carried out only by eliciting the support of a very large segment of the entire body politic. A beginning must be made initially by enlisting the interest, understanding, and support of leadership groups in our society—the range of professions, social and political interest groups, federal, state, and local political administrations, and the vast array of existing public and private agencies that comprise our present "nonsystem" of services for children and youth. Professional societies such as our own will have many vital roles to play in arousing this kind of support, and the trustees pledge the American Psychiatric Association to lend all possible support to this end.

In addition to those indicated above, other initial steps that the trustees consider it appropriate for the Association to undertake are these:

1. We urge all members of the Association to read the final report of the Commission and give thoughtful consideration to what they may do both in their professional capacity and as citizens to further its objectives. (The full text of the report will be published by Harper and Row, New York City, early in 1970. In the meantime, an excellent summary of its major findings is available in pamphlet form[2], from the Joint Commission on Mental Health of Children, Inc., 1700 18th St., N.W., Washington, D.C. 20009, for $1.50 a copy.)

2. The trustees will urge the following actions on the President of the United States and the Secretary of Health, Education, and Welfare: a) that they publicly acknowledge the exciting challenge to the American people presented by the Joint Commission on Mental Health of Children and commend it to further study by relevant key personnel in their administration; b) that they proceed with all feasible dispatch to convene a conference of all relevant members of the President's Cabinet and of administrative heads of federal programs serving children and youth to consider strategy and planning for inaugurating the advocacy system; c) that immediate consideration be given to the appointment of the President's Advisory Committee on Children and the establishment of a high-level supporting staff in the Department of Health, Education, and Welfare to plan for the extension of the advocacy system to states, cities, counties, and communities; d) that they use their good offices to help ensure that a significant portion of the agenda of the forthcoming White House Conference on Children and Youth shall be devoted to a consideration of the final report of the Joint Commission.

3. The trustees will similarly urge upon Senators and Representatives that they similarly express their support of the advocacy program and that they initiate and facilitate supportive legislation to launch it.

4. The trustees will call upon the APA Commission on the Delivery of Mental Health Services and the APA Committee on Financing of Mental Health Care to scrutinize carefully the range of health and mental health services for young people as put forth by the Commission and attempt to propose a suitable delivery service system and the financing thereof to assure their realization. The attention of the Commission is particularly invited to the report's failure to define the potential role of the community mental health center in future delivery systems. Indeed, very little is said about these centers other than to note that they have thus far failed to provide significant services for children.

It appears to the trustees that the role of these centers could be rendered far more effective if they were adequately funded and staffed. We would add the comment that, in general, the report performs a magnificent service in itemizing the kinds of services that

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are needed. It fails, however, to delineate the institutions and modalities through which they can be delivered. The Commission and the Committee could contribute much to remedying the deficiency.

5. The trustees will call upon the Association's district branches and their appropriate councils, committees, and task forces to review the report from the vantage point of their own interest fields and to make such recommendations as they may wish as to how the Association can exercise a telling influence in furthering the advocacy program.

6. The trustees will explore and cooperate with other concerned national associations and agencies regarding what steps may be taken together by way of convening conferences of professional and public leaders to consider the implications of the final report's major recommendations and what steps may be taken, and in what sequence, to further their implementation. We have in mind especially the American Medical Association, the National Association for Mental Health, the Council of State Governments, and member and affiliate organizations of the Joint Commission on Mental Health of Children. The trustees will also call the attention of the Association of American Medical Colleges to the implications of the report for curriculum planning.

7. In general, as interest in and understanding of the Commission's program grows, the trustees will be prepared to entertain proposals for cooperative action to implement it from all appropriate sources.

REFERENCES

[1] American Psychiatric Association: Planning Psychiatric Services for Children, Washington, D.C., 1964.

[2] Joint Commission on Mental Health of Children, Inc.: Digest of Crisis in Child Mental Health: Challenge for the 1970's, Washington, D.C., 1969.

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SECRETARY FINCH'S DESEGREGATION PRONOUNCEMENTS

Mr. TOWER. Mr. President, I have sometimes been critical of the Department of Health, Education, and Welfare concerning its handling of school desegregation matters and the fact that it has oftentimes been impossible for local school districts to implement plans that the Office for Civil Rights has come up with. Having been critical, I feel that it is incumbent upon me to cite positive steps that the Department takes. I note particularly the statement of March 1 by the Secretary of Health, Education, and Welfare, Robert H. Finch, in which he noted that the past decisions concerning desegregation plans issued by the courts were found to be, in his own words, "Totally unrealistic and moving in the wrong direction."

Likewise, Secretary Finch opposed forced busing, commenting that for school districts to spend great portions of their resources to purchase buses is counterproductive for limited resources must be spent for noneducation items. Secretary Finch went even further when he stated that he thought the legal distinction between de facto and de jure school systems should no longer be a valid basis for making decisions concerning the problems of desegregation that confront this Nation at this time.

Mr. President, I commend Secretary Finch for those forthright statements and earnestly believe that a new, more rational approach will be taken by his Department in the confusing area of school desegregation. The old policies are inadequate for the seventies. New, forward-looking policies which concentrate on equality of opportunity and education are required immediately. I have often stated and always believed that working together we can find a solution to the vexing problem of securing equality of opportunity and at the same time promoting educational goals. I am convinced that Secretary Finch will be attempting to help find these reasonable solutions.

A CALL FOR HELP IN THE SIERRAS

Mr. CANNON. Mr. President, in the dark and bitter cold, on the snowy slopes of the Sierras, determined and dedicated men of the Tahoe Douglas Fire District, the Trans-Sierra rescue team and the Tahoe Douglas sheriff's department, responded to the call for help.

After lying with a leg broken in two places, counting eternal minutes, while his friend, Art Petty, went for help, I am sure Gary Edin's appreciation for the unselfish service of the rescue team is equal to the value of his life.

Mr. Edin wrote me of his recent experience, to express his appreciation to those who responded to the call. I wish to insert his letter into the Record as a monument to those men who faced those darkened icy slopes to help another human being.

There being no objection, the letter was ordered to be printed in the Record, as follows:

February 3, 1970.

Hon. Howard Cannon,
The U.S. Senate,
Washington, D.C.

Dear Sir: On Sunday, February 1, 1970, I and Art Petty, a stockbroker friend from San Francisco, went snowmobiling. We were on the slopes above the Glenbrook, Nevada area, east of U.S. Highway 50 when misfortune occurred. At about 5:00 p.m. as the sun was setting, our snowmobile slipped into an icy ravine and overturned on my leg, breaking it in two places. My friend was unhurt, and after trying to comfort me somewhat, set out for help. He made his way down the slopes to the highway, where he caught a ride to the Glenbrook Fire Station and arrived wet and cold.

The firemen took him in, gave him hot coffee, dry clothes and boots and immediately started organizing for the rescue. They worked out a plan and together with off-duty firemen, the Sheriffs Department and members of the Trans-Sierra Rescue Team began their search for me.

They carried a considerable amount of survival equipment including a stretcher and sled. In the dark they retraced Art's steps over the mountains to the ravine where in the cold I laid waiting for them—each minute seeming like an hour.

When the rescue team arrived they went to work building fires and making a splint for my leg in preparation for our journey down the mountain. They secured me on the stretcher and slid and carried me to the warmth and safety of a Douglas County ambulance. The rescue operation was completed about 11:00 p.m.—six hours after my mishap.

Sir, my hat is off to the men of the Tahoe Douglas Fire District, the Trans-Sierra Rescue Team and the Tahoe Douglas Sheriffs Department. They are real professionals and I owe my life to their dedication and unselfish service. In this small way, I'd like to say to these men thank you—thank you for my life.

Sincerely,

Gary Edin,
Real Estate Developer.

Stateline, Nev.

ADDRESS BY ROBERT C. MARDIAN

Mr. GOLDWATER. Mr. President, Robert C. Mardian has recently been appointed to assist Vice President Agnew with his assignment to study what can be done to better race relations across this country.

I have known this young gentleman for many years ago and I know his complete dedication to the idea of a united people. He will be a great asset to the Vice President in this task and prove to be, as he has always been, a completely fair and honest person.

Recently in New Orleans Mr. Mardian addressed the Louisiana School Boards Association. So that Senators might have a better understanding of my endorsement of his dedication, I ask unanimous consent that his remarks be printed in the Record.

There being no objection the address was ordered to be printed in the Record, as follows:

School Desegregation

The racial composition of our schools, both public and private, in the North and the South, in the East and the West, has resulted from causes as numerous as the sum of the factors which motivate human behavior.

One of the contributing factors was undoubtedly segregation laws, prevalent mostly in the South, which prohibited negroes from the common use of public facilities, including public schools. But there is no credible evidence that without these laws racial separatism in the south today would be any different than it is in Harlem, Watts, South Chicago or any other area of the north which has a substantial negro community.

Racial separatism is not only national in scope, but national in origin. Yet, although school segregation in the north has been given little attention, segregation of the schools in the South is the subject of one of the most serious domestic crises of our time.

The legal justification for the concern with southern school segregation is predicated on the constitutional prohibition against State action which results in discrimination on account of race, and the fact that the Southern States took such action through the passage of laws requiring the segregation of the races in public facilities, including the schools.

Despite the constitutional requirement of a causal connection between the prohibited State action and the alleged discrimination enunciated in the first *Brown* case some lower courts have summarily concluded from the holding in *Brown I* that the Constitution requires an elimination of all racially identifiable schools in *all* of the States which enacted the proscribed laws.

The court in *U.S.* vs. *Jefferson County Board of Education* stated the proposition thusly: "The similarity of pseudo de facto segregation in the South to actual de facto segregation in the North is more apparent than real. Here school boards, utilizing the dual zoning system, assigned Negro teachers to Negro schools, and selected Negro neighborhoods as suitable areas in which to locate Negro schools. Of course the concentration of Negroes increased in the neighborhood of the school. Cause and effect came together. In this circuit, therefore, the location of

Negro schools with Negro faculties in Negro neighborhods and white schools in white neighborhoods cannot be described as an unfortunate fortuity: It came into existence as State action and continues to exist as racial gerrymandering, made possible by the dual system."

It is this legal conclusion that has prompted many civil rights compliance officials to equate racial balance with school desegregation and, although often unarticulated in the emotionally charged atmosphere of negotiations with southern school districts, it is this concept that has, in practice, generated the greatest resistance to school desegregation.

This, as well as other important aspects of the school desegregation problem that have arisen since the *Brown* cases, are, I believe, deserving of a reassessment.

If we accept the concept that a causal connection must be established between the prohibited State action and the illegal discrimination, a discussion of any specific case is impossible without reference to the facts of the particular case. A discussion of the history of racial separatism in this country is, however, germane to a resolution of the question of causation as well as the other issues raised in the desegregation of previously segregated schools.

Every student of law or Government knows, or should know, that laws such as segregation or miscegenation statutes, result from an evolutionary process. This process involves, in the first instance, an acceptance of a concept as a folkway. As it gains wider acceptance, it is elevated to the status of a custom. Upon gaining even wider acceptance it may attain the status of a mores, and ultimately, it may gain the sanction of law.

Because slavery, the great shame of this Nation, was more profitable in the South than in the North, it is not difficult to understand why racial separatism, a lesser form of slavery, had a swifter evolution as a legal principle in the South than it did in the North. As a result of this evolution, the slave States enacted laws which gave recognition to the existing social mores of the time. Slavery, however, was more than simply tolerated by law in this country. It had the higher sanction of the organic act which was and is the fountainhead of all of our laws: The United States Constitution. At this juncture in our history racial separatism became a way of life and was considered neither morally nor legally wrong by the white race which established it. The white race segregated itself in the North and the South, not because State action compelled it, but because adherence to social mores required it.

By virtue of the same evolutionary process, however, a free people will not permit a previously established legal concept to remain if enlightened social progress demonstrates that the law contravenes current social mores. In the area of racial separatism this reverse evolutionary process started when the Constitution was amended at the cost of a bitter and bloody civil war. But even a constitutional amendment cannot bypass the evolutionary process because it alone cannot eradicate the social mores or customs that were the precursors of the old law. Twenty-eight years after the enactment of the constitutional amendments, the Supreme Court gave recognition to this fact when it granted legal sanction to a hypocritical doctrine permitting states to furnish separate but equal facilities. This was done in defiance to what the Supreme Court would describe fifty-eight years later as a "simple constitutional mandate."

Those laws and their descendants are the legal justification for the present distinction in the treatment of the problem in the North and the South; but few, if any would contend that those laws caused racial separatism. The most that can be said is that the legislation sanctioned a continuation of the racial separatism that was a part of the nation's social culture. Racial separatism in its basest form, racial prejudice, is still a part of this nation's culture and segregation exists today, not by reason of law, but in spite of it.

Legislation can, however, act as a precursor for the reverse evolutionary legal process. The rapidity with which the reverse objective can be achieved will, if history is a criterion, depend upon the public acceptance of the new legislation which, in turn, depends upon the equity with which the reversionary law is implemented and administered. Unless the new law is implemented in a fashion which demonstrates an appreciation of the factors which came into existence because of public reliance on the old law, resistance to the new law will be in direct proportion to the factors wihch have not been given recognition. This principle has not, however, been accepted by some who seek to eliminate segregation in a manner which fails to make allowances for the problems generated by the previously sanctioned laws and which has tended to polarize public opinion against the reverse evolutionary process.

The adoption of school desegregation plans requiring inordinate busing of children and the manipulation of grade structures in such fashion as to make teaching and learning secondary in importance to racial balance; the rejection of what could realistically be achieved in favor of plans that could only lead to total rejection and a reaffirmance of old prejudices; the attempt to overcome all of our social, economic and cultural prejudices by legal mandate directed to but one of their manifestations, has, despite claims to the contrary, proved less than rewarding. Nor will the problem be solved by pious pronouncements of moral concern expressed by politicians from northern States that have more per capita segregation in their schools than many of the southern States. With the realization that the segregation in the North and South differ only with respect to morally irrelevant matters, the hypocrisy of such pronouncements have, in my opinion, reinforced resistance to the reverse evolutionary process.

This is not to say that there are not situations where legal enforcement can, to a large extent, eradicate separatism in the schools. This is especially true in communities where mixed racial housing patterns exist and, but for such prior laws, integrated schools would exist in much the same fashion as they do elsewhere in the United States. This was the situation in *Green vs. County Board of Education*, where the court stated that the school district could integrate the schools by the simple expediency of drawing a geographic attendance zone in such a fashion that gave cognizance to the existing housing patterns. The court there held invalid a so-called "freedom of choice plan" permitting the parents to choose the school their child would attend, which included provisions for the busing of the white children from the immediate vicinity of one school to the "white" school they were previously attending under a recently abolished segregation law. This so-called "freedom of choice" resulted in a total segregation of the only two schools in the district.

The application of the language of that case to an entirely different factual situation involving a totally segregated housing community in an urban area where immediate desegregation can only be accomplished by the busing of children from their own community to a totally different environment has proved unrealistic.

It is this type of confusion that has clouded the entire problem of school integration and which prompts me to attempt a clarification of the specific issues involved. The confusion has resulted from several causes. One is the natural reluctance, dictated in part by precedent, of our highest court to address itself to broad issues where the specific issues of a particular case do not require it. Another is the highly emotional nature of the subject itself. Still another, and probably the most cogent, is one which is an outgrowth of both of the foregoing reasons: the failure or inability of the persons who address themselves to the subject to define their terms. As a result, "freedom of choice," "neighborhood school," "racial balance" and "busing" are terms which have excited an immediate "for" or "against" response, but very little constructive thought.

Although it is true that some of the ambiguity in the definition of terms has resulted from a misconception indulged in by the Supreme Court itself in the Brown cases, it is my belief that some of the confusion that has obtained is a direct result of our failure to take heed of what the Supreme Court actually did say in those historic decisions.

FREEDOM OF CHOICE

One misconception of the court and the plaintiffs in the Brown cases was their opinion that racial segregation in the schools could be abolished by the simple expedient of requiring "Negro children to forthwith be admitted to schools of their choice." Despite the urgings of the Negro plaintiffs to require "freedom of choice" the court was fearful that this might result in too severe a dislocation of the Southern school system. It ordered instead an "effective gradual adjustment to be brought about from existing segregated systems to a system not based on color distinction."

In practice, however, many southern school boards ultimately faced with court action or termination of Federal financial assistance who were unable or unwilling to try to gain local acceptance of complicated plans for the "effective gradual adjustment" envisioned by the Supreme Court, adopted the free choice plan which was simple to devise and relatively easy to implement.

For many of the same reasons that caused racial separatism in the first place, these plans did not result in an avalanche of black choices for white schools as anticipated by the Supreme Court and the blacks and the schools stayed largely segregated. It was with this background and the facts of the *Green* case that the Supreme Court held that the abolition of segregation laws and the other discriminatory acts, even when coupled with freedom of choice, would not discharge the obligation of formerly dual school systems if such acts failed to achieve integration of the schools.

Subsequent to the *Green* case, in *Holmes* vs. *Alexander*, the court ordered the implementation of desegregation plans in 30 school districts which were employing variations of freedom of choice and for the first time held, by implication at least, that freedom of choice would no longer be tolerated in school districts which still maintained racially identifiable schools.

It is difficult to argue with the holding of the *Green* case in the light of the facts of that case, but in view of the fact that it took 14 years to decide *Green* and 15 years to decide *Holmes* vs. *Alexander* I do not think mutual understanding is promoted by the charge that school districts that adopted free choice plans have been guilty of illegal conduct for 15 years. Nor is it fair to suggest that the problems which the court has described as "deep rooted," "complex," and requiring time for solution have disappeared by the simple passage of time, during which many school districts were operating under plans that the Supreme Court had previously suggested met constitutional standards.

I do not mean to say that the charge of "foot dragging" is not an accurate description of the past and present policies of many southern school districts. What I am saying

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is that none of the branches of our Federal Government, legislative, executive, or judicial, can claim clean hands in the whole mess that has plagued the school desegregation issue for the past 15 years.

We cannot, however, continue to argue the past for the purpose of assessing the blame. Regardless of what might have been or what many think the law should be, any doubt that may have existed with reference to freedom of choice has now been erased. Unless freedom of choice will result in the instant integration of a formerly dual system it does not meet the constitutional standards that have been established by the Supreme Court.

BUSING

Some urge busing as a tool which would take children from their own community to a totally different community for the purpose of achieving a particular ratio of black and white children in a school. The other extreme suggests school buses should not be used if the buses are used to effectuate any plan of desegregation. Neither view, in my opinion, is consistent with constitutional requirements. In the *Brown* case the court contemplated that desegregation plans should be formulated "within the limits set by normal geographic school districting." I believe that if a school district has employed busing in the transportation of children, it would seem illogical, if not illegal, to fail to require continued use of school buses for the transportation of children within normal geographic school zones in order to effectuate the transition from a dual to a unitary system. I do not think the Supreme Court will require the busing of children beyond normal geographic school zones to effectuate a desegregation plan unless the school district has used inordinate busing in the past for the purpose of perpetuating a dual system. Nor do I construe the term "racial balance" as synonymous with "desegregation."

Although the Supreme Court did not define the word "normal" in the phrase "within limits set by normal geographic school districting" I think its meaning is clear; "normal" as established by the past history and practice of the school district involved.

NEIGHBORHOOD SCHOOLS

No other topic brings the true problem of school desegregation into sharper focus than the issue of neighborhood schools. It points up more eloquently than anything else the fact that desegregation of schools is but one facet of a problem which touches the entire range of our social institutions. To send a black child to a white school far from his own neighborhood only to send him back to a segregated ghetto for the balance of his daily life may be as destructive as the continuation of a socio-economic system that relegates most black people to a substandard existence in a totally black environment.

While I do not suggest that school desegregation can await a solution of the economic plight of the Negro, I am convinced that true integration of schools or any other social institution will never be achieved until black people are given the opportunity to achieve an economic status that will permit them to drive their children out of the ghetto permanently, rather than having them bused into a sometimes hostile environment for the limited purpose of attending school.

The issues of "neighborhood schools" and "busing" are closely intertwined with the most important question yet to be decided by our highest court: What is a desegregated school? Until this issue is resolved we will continue to have differing views as to the future of "neighborhood schools."

To some the term "neighborhood school" indicates a gerrymandered school zone designed to perpetuate segregation of the races. To others, "neighborhood school" indicates a school which represents a normal geographic constituency. The former view can be answered with certainty. The law forbids the drawing of a school zone in a fashion designed to foster or perpetuate segregation.

A school zone which represents the normal geographic constituency of a school but which retains the racial identifiability of the school is the difficult question to which the Supreme Court has not addressed itself, except with its reference to "normal geographic limits" in the *Brown* case. The Court did, however, note in the *Green* case that a school enrollment which fails to represent its normal constituency in and of itself, is persuasive evidence of discrimination. If this be a valid criteria for determining whether or not discrimination exists, it is difficult at best to suggest that a school enrollment which does in fact represent its normal geographic constituency is a segregated school simply because residential housing patterns are segregated. It is my view that geographic zoning is not only permissible but in most cases the only logical method of abolishing the dual system. However, I also think that it is the obligation of the school district in the selection of logical alternatives, to select those which will achieve the greatest degree of desegregation.

RACIAL BALANCE

As I have said, "racial balance" and "integration" are not synonymous. It is not surprising, however, for the public to be misled when eminent Members of the Congress of the United States believe them to be and use them interchangeably with respect both to the racial composition of the school enrollment and school faculty.

With respect to school faculties, I believe that by and large, if the school administrators were truly color blind, integration would ordinarily result in an approximate "racial balance," for, if discrimination did not in fact exist, the law of averages would dictate that faculty assignments would not reflect the color of a teacher's skin. This is not true, however, where the terms are employed with reference to pupil enrollment unless geographic boundaries are disregarded. Except where housing patterns are racially balanced, school enrollment will not be racially balanced. Color blindness on the part of a school administrator will not only *not* eliminate this problem but would in fact perpetuate it.

While it is true that housing patterns are sometimes dictated by the desire of ethnic groups to congregate amongst themselves, as evidenced by the Italian, Irish, Polish and other enclaves in our urban areas, housing patterns are more often than not, as I have stated, dictated by economic factors. To fail to be aware of the fact that housing patterns are a cause and not a result of school segregation, in the South as well as the North, is to fail to treat realistically with the problem.

CONCLUSION

If my remarks here are interpreted as sympathetic to the problems of the southern school trustee, that interpretation would be correct. I would like to add, however, that I would be doubly sympathetic if I were addressing the Chicago or New York City school boards if they were faced with the same problems you are. The problem is, however, yours and not theirs and I would like to address myself for a few moments to your obligation as I see it.

If I were to sum up in one word the opinions I have read and heard expressed by southern school officials with respect to the future of public education in the South that word would be "chaotic." This prediction could well be true but it does not have to be. I think it may well depend on the qualities of leadership and courage that you people demonstrate in the immediate days ahead. The most real problem you face is not educational, such as disparity in pupil achievement, faculty problems, or lack of facilities or funds. Your most difficult problem is the social one. That of the cultural lag between social mores and the new law. You have the burden of finding an accommodation to the fact of racial prejudice until such time as our customs and our mores catch up to the law.

I do not mean to infer that the task is less than monumental. But I firmly believe that what happens to public education in Louisiana rests largely in your hands. You will not be true to yourselves or your obligations to attempt, to paraphrase an English statesman, to "buy peace in our time" by collaborating with those who would avoid meeting the problem by establishing a white academy in each of your districts. Each of you has an obligation to face the problem in your time and to make public education work. It cannot work unless it includes the black as well as the white community. The white community of the South has not and probably will not accept the leadership of northerners with respect to the racial problems of the South. It will, however, accept your leadership if you have the qualities and courage that true leadership demands.

The hallmark of America around the world is its fine sense of sportsmanship. When an official makes a bad call we rarely force the game to be called by spilling out on the field as in some foreign countries. We may jeer and hoot, but we permit the game to go on. Often the one who jeers the loudest is most likely to be the one who insists that the game continue. It is the American way. Free public education made America what it is; it is as American as apple pie. It must go on and you people, by and large, will determine whether it does or not.

I know the task is difficult, but everything we and our forefathers have achieved since this Republic was established was achieved by overcoming the most severe adversity. I am confident that this critical point in our history will pass as have our other crises, and that this Nation, North and South, East and West, will be the stronger for having met the challenge and conquered it.

RENEGOTIATION BOARD UNDERMANNED

Mr. PROXMIRE. Mr. President, the Renegotiation Board is the last chance the public has to recover excessive profits or improper expenses of defense contractors. It is in itself a weak weapon, for it is only the final watchdog or the last chance the public has to rectify earlier mistakes. Some have compared it to the safety man on a football team who is the only barrier between the offensive halfback and the goal line.

But over the years, even this final watchdog has had its teeth pulled. In fiscal year 1969—the latest year for which we have figures—prime military contracts amounted to $36.9 billion. Of this amount, $25 billion alone went to the 100 largest defense contractors.

Yet in fiscal year 1971 the Renegotiation Board will have only 250 employees—of whom 70 will be in civil service grade GS–6 or below—to act as safety men for these billions of expendi-

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tures. Thus less than 180 professionals are employed to guard the billions spent in defense contracts.

This is really demanding that a pygmy perform a giant's job.

Some improvements have been made in the last few years. Some further improvements in men and money can still be made. But in addition to improving the Renegotiation Board, we should also improve the entire process of procurement.

The Budget Bureau has been asleep for years. The Council of Economic Advisers has done virtually nothing to set out the economic effects of these vast expenditures on prices, inflation, and the bidding up of scarce manpower and scarce commodities. The Pentagon itself fires those who try to save money, as it did in the case of A. E. Fitzgerald. Their objective is to spend as much as they possibly can. And the Congress has been lax over the years in scrutinizing defense procurement in a critical way. Finally, last year, under the pressure from the critics, we made a good beginning.

In testimony before the House Committee on Government Operations, Admiral Rickover has commented on some of these problems. Particularly, he has criticized the inadequacy of the funds we spend on the Renegotiation Board.

I ask unanimous consent that an article in the New York Times today entitled "Rickover Says Agency To Recover Excess Profits Is Hopelessly Understaffed" be printed at this point in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the New York Times, Mar. 3, 1970]

Rickover Says Agency To Recover Excess Profits Is Hopelessly Understaffed

(By Robert M. Smith)

Washington, March 2.—Vice Adm. Hyman G. Rickover has told Congress that the agency responsible for recovering excess profits was so understaffed that it could not hope to scrutinize the billions of dollars the Government spends on defense procurement.

The Admiral told a subcommittee of the House Committee on Government Operations last September that the Renegotiation Board had "miniscule staff and funds" but "immense responsibilities." His testimony was released by the committee today.

Admiral Rickover is deputy commander for nuclear propulsion of the Naval Ships System Command and director of the Division of Naval Reactors of the Atomic Energy Commission. He has become well-known as a critic of defense contracting procedures and excess profits.

The admiral criticized the Renegotiation Board for relying on contractors' reports of costs and profits rather than examining them independently. He also lamented the exemptions to the Renegotiation Act that put many contracts beyond the board's scrutiny.

Lawrence E. Hartwig, the board's chairman, said he had just received a copy of the admiral's testimony today and would not be able to comment until he had read it carefully.

INDEPENDENT AGENCY

The board was set up in 1951 as an independent agency appointed by the President and empowered to recover excess profits on defense and space contracts. In the current fiscal year, the Government is spending $20.3-billion on defense procurement.

Admiral Rickover told the subcommittee that in 1968 the board had 184 employes and a budget of $2.6-million.

"The Renegotiation Board has about seven headquarters accountants to review the cost and profit statements of 4,354 contractors during the entire year," he said. That is about as effective, he continued, "as putting a band-aid on cancer."

The admiral noted the "large block of defense work not even covered by renegotiation," and cited computers as an example.

"The theory . . . is that the government is assured of reasonable prices if the contractor sells significant amounts of similar articles in commercial markets.

"If the computers the Department of Defense uses were the same as those used by banks and department stores, the exemption might not be too bad. But today many of our computers, particularly the larger ones, are developed specifically for military applications. Where much of the research and development work is paid for by the Government, that exemption is not appropriate."

Admiral Rickover also criticized the practice of basing profits on costs. "Inefficient contractors can get just as much profits as efficient ones, sometimes more," he argued. "When profits are determined as a percentage of costs, the inefficient contractor with high costs gets more profit than the efficient contractor with the lower cost."

The admiral suggested nine steps Congress could, take to improve the work of the Renegotiation Board. One was "to initiate a thorough review of the board's operations by an agency such as the General Accounting Office."

But if Congress does not want to implement any of those recommendations, the admiral said, it should consider one other move; giving board members a small share of all excess profits they recovered.

THE GROWTH OF LITERATURE ON THE SEA AND MARINE CAREERS

Mr. FONG. Mr. President, one evidence of the increase in public interest in a subject is the number of books devoted to it, and particularly the books designed to be helpful to young people interested in that particular field. I am happy to note the publication of a new book, "Opportunities in Oceanographic Careers," written by Odom Fanning, a well-known science writer who has served as public affairs officer for the National Council on Marine Resources and Engineering Development.

Books such as this are a stimulant to our young people. They are supplemented by the efforts of some of our great universities to answer the questions of youth who want to play a role in the vital fields of marine science and engineering.

Mr. Fanning's books contains much useful information for young ocean careerists, and shows both the glamor and hard work of a career in the sea. But his prediction of a seventeen-fold increase of jobs in the sea, from today's 5,800 to 100,000 by the end of the decade, raises an important question.

I think there is little doubt that 100,000 new jobs will be needed—but whether they will actually be available is quite another matter. Ocean research and development are fields in which the Federal Government has a strong role to play. Except in fields of high economic return, such as offshore oil and gas, the Federal Government must assume leadership, and back that leadership with sufficient funds.

Unless a priority is assigned to the oceans, not only as a realm of economic and social value but as a primary component of our environment, the growth of ocean research and development will continue to be leisurely.

The expectations of our young people should be met. There should be jobs in marine careers—because America needs a strong ocean development program. The national sea grant program is an indication of what a relatively small amount of funding can do, if properly spent, to produce the kinds of results the Nation needs. But sea grant alone cannot produce 100,000 jobs. That will take a major thrust into the oceans, and that thrust, in turn, will take the active support of the administration and the Congress.

We must not lose sights of the value to the Nation in a strong ocean program in these days of conflicting demands on the Federal budget. An investment in the oceans will repay us manyfold in social and economic return, and in international leadership, and will meet the rising expectations of our youth.

A TIME TO SPEAK OF SMALL BUSINESS

Mr. MONTOYA. Mr. President, the time has come, it may be said, to speak of many things; of shoes and ships and business small, and cabbages and kings.

I trust those of my colleagues who seem to have a liberal tolerance for rhetoric will pardon the poetry on this occasion, but I thought it a proper introduction for my remarks here today.

On February 20, 1970, the Senate Small Business Committee celebrated its 20th birthday. Twenty years ago Congress committed itself to the principle that small businesses are the mainstay of our free, competitive enterprise system by establishing committees of Congress to protect and foster the growth of our Nation's small businesses and by later enacting the Small Business Act, which created the Small Business Administration. This concern with the fate of small business rests upon deeply ingrained concepts of democracy and upon the prevailing belief in dispersion of economic power, equality of opportunity, and a sense of fairplay.

And since that original commitment was made, Congress has been constantly striving to foster a healthy economic foundation on which the Nation's small businesses can survive, grow, and prosper.

The competitive climate for small businesses in the 1970's will be quite different from that which existed 20 years ago. Already there exist several serious economic conditions which threaten small businesses.

Presently, of course, they are faced with inflation and the fact that the cost of doing business has increased to the point where many small firms are unable to maintain their profit margins. As the money supply has tightened, the cost of borrowing has increased, and the development of many smaller businesses has been impeded. And, of course, many

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small businessmen are struggling just to survive, without hope of expansion in the immediate future.

Another growing problem is the accelerated rate of merger activity and the appearance of conglomerates, which tend to promote undue concentration of economic power in many fields of business. Small businesses are witnessing an alarmingly disproportionate increase in the growth of giant corporations and conglomerates, a condition aggravated by an apparently weak enforcement of antitrust statutes and laws dealing with unfair business practices. Last year merger activity increased 37.5 percent over 1968, with a recorded 6,132 mergers announced involving assets of over $8 billion. Certainly, our Government's antitrust and tax policies are not as effective as they should be to abate this ominous trend.

Big business, while the most formidable competitor of small business, is not solely responsible for conditions unfavorable to our Nation's small businesses. There are many anti-small-business policies and activities within the Federal Government—some that merely neglect the interests of small business; others that are patently detrimental to small business.

It seems to me that too often the policymakers fail to recognize that, if competition is the lifeblood of the free enterprise system, then small business is the lifeblood of that same competition.

To narrow the subject down, I turn now to a case in point with which I am familiar—Government procurement. Government requirements for goods and services regularly make up an impressive percentage of the Gross National Product, and this is, of course, why Government procurement is of such vital importance to the small business community, and, in turn, why the small business community is important to the welfare of the Nation.

As chairman of the Senate Small Business Subcommittee on Government Procurement, I am particularly aware of the lack of an inspired approach to increasing small business participation in Government procurement. It is becoming increasingly apparent to me that, if abused, procurement discretion may work to the detriment of the growth and prosperity of small business.

The statistics speak for themselves: the percentage of Government prime contract dollars going to small business for the last 4 fiscal years has dropped at an average annual rate of 1.4 percent. It seems to me that, if it is the aim of our Government to foster the growth of small businesses, we would do well to direct more of the Government's multibillion-dollar annual purchases to the many competent small businesses in our country.

Out of $55.5 billion spent by the Government in fiscal year 1969 for goods, services, construction, research and development, small business received $8.8 billion, or 15.9 percent. This is despite the fact that there are many small businesses willing and able to fill Government requirements. Although I sometimes wonder why small businessmen would become involved in doing business with the Government, since they must compete against big business in an atmosphere favorable to their giant competitors.

Many small businesses that are capable of performing Government contracts refuse to get involved. After all, the Federal Government is a huge, impersonal organization, and entering into a business relationship with Uncle Sam is replete with pitfalls. I am sure that many businessmen with previous experience in the field of Government contracting are not sure sometimes whether they are doing business with the Federal Government, whether they are getting the business, or whether the Government is trying to give them the business.

The military particularly feels that many procurements, such as for missile and space systems, are beyond the productive and financial resources of smaller concerns. Consequently, many contracts are awarded to large corporations with little or no competition. However, the Government has ways of providing contract financing and productive facilities on the same contracts for which small businesses were left out because of their lack of financial and productive resources.

And small business is not doing well at all in the military research and development field. Figures for the last fiscal year show that only $197.6 million, or 3.7 percent of the military's total R. & D. expenditures of $5.3 billion went to small business firms. Not only does this lack of effort in channeling R. & D. contracts to small businesses mean that many small, capable firms are missing out on the R. & D. procurement dollar, but they are being precluded from sharing in the technological know-how generated by Government-financed R. & D. activity. The Federal Government's R. & D. activities have tended to concentrate advanced technology in a handful of giant corporations, rather than promote dissemination of new technology throughout the business community.

Obviously, directing a larger amount of R. & D. contracts to small businesses could promote more effective dissemination of technological know-how resulting from Government research and development expenditures.

When you consider first, the declining percentage of procurement dollars going to small business firms; second, the increased share of military contract dollars going to the very largest suppliers; third, the decreasing types of contracts considered suitable for production in small plants; and, fourth, the insignificant percentage of research and development contracts awarded to small firms—then one is convinced that the Federal agencies describe their failure to increase small business participation in Government procurement with their own statistics.

The recently instituted program of cutbacks in defense expenditures seems likely to force even further reductions in military contract dollars going to small businesses.

For small business defense contractors, the chips are down. The acid test of true concern will be gaged by the response of the procuring agencies as we see whether they stand by small business during this critical period.

SENATOR PEARSON'S KANSAS COOPERATIVE COUNCIL SPEECH

Mr. PEARSON. Mr. President, I was honored with an invitation to address the Kansas Cooperative Council on February 2, of this year in Topeka, Kans. Unfortunately, I was unable to fulfill this engagement. Mr. President, I ask unanimous consent that the statement which I had prepared for that gathering be printed in the RECORD at this point.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR JAMES B. PEARSON

It is indeed a real pleasure to have this opportunity to be with you, the directors, managers, participants and friends of the cooperatives in Kansas.

The cooperative organization has made a great economic and social contribution to the nation and to the State of Kansas. There is no question but that cooperatives will continue to play a vital role in our society. And, indeed, I would suggest that we may be on the verge of a new era which will see cooperatives breaking fresh ground and making new contributions to the nation's welfare.

Without venturing too far into the uncertain field of prognostication and without attempting to lay out a detailed blueprint of action, I would like to briefly identify two general areas where cooperatives may be performing increasingly important roles in the future.

First, I would point to the general area of organized farmer bargaining. The immediate prospects for extensive and successful organized farmer bargaining are not particularly bright. However, it seems to me that there is a much greater awareness among farmers of the potentials for organized marketing and I believe this awareness will continue to deepen and to broaden and will eventually lead to some effective action in a number of areas.

Those of you in the rural cooperatives are closely associated with farm marketing and therefore you will have the opportunity to become involved, in not too many years, in what may very well be a major new ingredient to the American agricultural scene.

Secondly, I would suggest that cooperatives might well play an active and important role in the rural development movement. Surely the necessity for rural development is one of the greatest challenges facing the nation today. We must halt the migration from the rural to the urban communities. Today that migration is made up of the unskilled who find few opportunities in the city, and sooner or later slide back into the ghetto communities and the welfare rolls. The other part of that migration from the countryside to the cities is made up of the young, those with the skills and the energies and the dedication so vital to the leadership of rural America.

President Nixon recognized this problem in the State of the Union Message wherein he stressed the need for rural development and a balanced population growth. It would be my hope that this Message signals not only a greater understanding of the problem, but more effective programs for the future.

It is essential that we expand economic and social opportunities in rural America so that those who choose to do so will have the freedom to remain there rather than being forced to the already overcrowded and overburdened cities.

Now it seems to me that cooperatives not only have a great stake in the whole rural development movement, but that they can, in fact, contribute a great deal to it.

The economic and social development of a community is very much dependent upon the resources and energies of the community itself. The Federal Government can only do so much. The rest is up to the people themselves. Those associated with cooperatives, because of their connection with both the agricultural and business sectors of our rural communities, are, in many cases, ideally suited to play leading roles in community development efforts.

Also the principles of cooperative organization might well be applied very successfully in many types of community development efforts.

There are, of course, many other ways in which cooperatives can get involved in this whole rural development effort. However, it is not the purpose of my statement today to attempt to discuss these in any detail. But the point I do want to emphasize again is that rural development on a broad and meaningful scale has now become a national necessity and the opportunities for cooperatives to participate in this great effort are great indeed.

Now let me make just a few brief comments about the current debate on farm legislation. As all of us know, the Food and Agriculture Act of 1965 expires this year. The House Agriculture Committee held extensive hearings last fall, but has not yet reported out a new bill. The Senate Agriculture Committee has yet to begin hearings.

The Administration while adopting a most cooperative role, has not, and from all indications will not, asume a strong leadership position, but hopes for a consensus among farm organizations and the Congress—and perhaps this is the best approach.

At the moment, there are only two major proposals before the Congress. One, called the Agriculture Adjustment Act of 1969, embodies the approach favored by the American Farm Bureau Federation. It would call for the gradual phasing out of the present price support and production control program by 1975. While the present program was being phased out, a land retirement program would be substituted.

The other major proposal has been referred to as the "coalition farm bill" because of the fact that it has been endorsed by 22 farm organizations. Essentially, this bill would provide for the permanent extension of the present program with certain modifications such as a rather substantial increase in the price support level for wheat.

Also I would point out that when the Senate Agriculture Committee begins its hearings, the Wheat Marketing Act, which had its origin in this organizaton, is going to get very serious and careful consideration by the Committee. I think this proposal adds an important new dimension to the debate on farm legislation and I think all of you can have some pride in the fact that it's going to get some very serious consideraton.

Over the past two or three years, Hal Hellebust in particular has put a great deal of time and his energy into this proposal. I think he deserves our appreciation.

I was asked by the chairman of this conference to comment on several subjects. In further response to that suggestion, I should like to make some observations regarding the war in Vietnam and inflation.

The President's Vietnam policy, which has offered so much hope to the American people and which has gained the support not only of the majority of Congress but our allies around the world, is a remarkable achievement.

A quick look back at the past year should be helpful.

When the Administration took office, the direction of the war had already changed somewhat. The bombing north of the parallel had ceased, and the Paris peace talks had commenced.

Yet the frustrations and the opposition to the war throughout the country was so strong and so wide that there was a demand for withdrawal by both the so-called hawks and the so-called doves alike.

The President's position was that he had a plan, but that such a plan could not be disclosed in precise detail without losing the flexibility and maneuverability so essential in both military and diplomatic affairs. Moreover, the President insisted that any plan of withdrawal be contingent upon the progress in the Paris talks, the level of fighting maintained by the enemy and the ability of the Saigon Government to defend itself.

Regardless of political affiliation or persuasion, the country as a whole found it difficult to accept the Administration's position. Faith had been granted before, reliance had been made upon misleading and false predictions, the country generally had been confused as to our purposes and goals in Vietnam.

But through his skilled leadership the President prevailed. Public confidence rose, the public opinion polls indicated that there was wide support for the President's policy, demonstrations and debate diminished.

How was this achieved? Well, on the military front the President publicly abandoned any goal of a "military victory". Moreover he committed the United States to a gradual troop withdrawal. It was stated that U.S. withdrawals would not depend solely on progress in Paris, but would be undertaken primarily with reference to the enemy activity and the readiness of the South Vietnamese forces.

Military strategy was changed. The great emphasis was upon Vietnamization whereby the ARVN, or South Vietnamese forces were to be prepared to assume a larger combat role. The United States combat orders were altered to limit our offensive search and destroy missions. The policy of "maximum pressure" was replaced with a policy of "protective reaction" and the main focus was upon training of the ARVN forces.

At home the draft, which had been so abrasive to our young men, was reformed whereby a lottery system calling the 19 year old first and limiting one's vulnerability to one year, went a long way in establishing fairness in the Selective Service System. The draft call in the last quarter of 1969 was reduced by 50,000, and the first call in the first quarter of 1970 was stretched out.

This change in tactics seemed to bear fruit. Infiltration from the North dropped. On the political front, the Administration proposed, with President Thieu's endorsement, that the NLF participate in a coalition supervisory government which would hold elections under international auspices. And the President declared that the United States was not committed to any particular government or any particular form of political settlement.

And so the change in attitude throughout this country in relation to the war is the result of a precisely calculated series of actions and events which have indeed substantially changed the course of our policies in Vietnam and throughout Southeast Asia.

But we still face difficult choices ahead. The withdrawal of a hundred and ten thousand U.S. troops by April is, of course, good news. But as our troops are withdrawn, the danger increases to our remaining forces and increases our dependence upon the will and ability of the ARVN forces. If the Communist forces seek to launch another allout offensive, we may have some serious decisions to make in regard to the withdrawal policy.

However, the key point is that the President has done a truly remarkable job with regard to the war in Vietnam within his first year. The question remains that in view of the very difficult and awful problems ahead, will the political pressures and the public emotions permit him to continue on his course. And I would suggest that the pressures from now on will come not so much from the "dovish" element of public opinion, but from the "hawkish" right, which, in the face of any reversals, will demand that this country apply new and complete military pressures.

A word about inflation.

The Consumer Price Index rose on an average of 6.1 percent during 1969. This is the greatest increase in the cost of living since the days of the Korean War in 1951. Moreover, the Wholesale Price Index was up 4.8 percent in the last year and interest rates were the highest since the days of the Civil War.

The 1950 dollar is worth 62 cents in 1970.

The problem of inflation is more than how much we get for our money or considerations of a balanced budget. If it remains unchecked, it can virtually destroy our economy. Yet the corrective measures which must be taken both in our monetary and fiscal policies must be made with such care and precision that a slowdown in our economy with the resulting halt of the cost of living will not slide into a recession.

The problem is to maintain or achieve some balance between the supply of money and demand and the supply of goods and services produced and offered for sale.

The causes of inflation can be identified. Prior to Fiscal Year 1970, the Federal Government spent $56 billion more than it took in in revenues in the prior three years. This was, of course, an enormous increase in the supply of money.

Organized labor achieved enormous successes in their wage demands which, of course, added to the cost of production.

The psychology of inflation was an important factor. Many thought it wise to buy now because tomorrow the prices would be higher. Many were borrowing money at high interest rates because of the fear that the rates would go higher. For the same reason, business expanded their production capacity, businessmen built up their inventories and wage increases were granted—all on the basis that prices would go up. New and expanded Federal programs added to the mounting pressure.

The Administration's strategy for checking inflation and avoiding a recession primarily rests on a policy of cutting Federal spending. In Fiscal Year 1970 the Federal Government had a surplus of $1.5 billion. The President's budget proposal for the next Fiscal Year anticipates a surplus of $1.3 billion. The surpluses themselves hold no magic solution, but they do represent a policy of the Government to cut the money supply and to show that it means business in fighting inflation.

Economic indicators indicate that this policy is effective. The Gross National Product in the final quarter of last year showed no "real" growth. The cut in Federal expenditures next year anticipates that there will be a flat first half of 1970, with no real growth in the Gross National Product. This will represent three quarters without economic growth. It will provide increased unemployment, idle machines and workers and, as many economists agree, the maximum pressure that can be exerted to deflate our economy.

It's then anticipated by the Administration that the last half of 1970 will show an economic growth rate, relieve the unemployment situation, while halting inflation. It is quite apparent that the President hopes the Federal Reserve Board will ease up on interest rates and, indeed, some relaxation of the monetary policy is essential if the President's plan is to succeed.

It seems to me that one of the fundamental facts to be learned from the new budget is that Federal resources are limited. We must recognize that there are limits on spending. This requires a reordering of priorities. We simply are not going to be able to have new or expanded programs without reducing old programs or raising new taxes.

What this Administration plan also reveals is that spending cuts are the last opportunities we have to halt inflation. If this plan fails, then I would anticipate that Government economists would be seriously looking at wage and price controls or tax increases or both a year from now.

In conclusion just let me say that we all recognize that rural America has an especially vital stake in the Administration's effort to reduce the high cost of our involvement in Vietnam and to bring inflation under control. No sector of society has felt the burden of these problems more, no sector will benefit more from their solution.

CITATION OF ARIZONA STATE COUNCIL, KNIGHTS OF COLUMBUS, BY FREEDOM FOUNDATION AT VALLEY FORGE

Mr. GOLDWATER. Mr. President, the Arizona State Council of the Knights of Columbus has been cited this year by the Freedom Foundation at Valley Forge for its Americanization programs.

I ask unanimous consent that a brief description of this activity be printed in the Record.

There being no objection the citation was ordered to be printed in the Record, as follows:

The Freedom Foundation at Valley Forge, Pennsylvania announced its 21st year of awards to those organizations who did an outstanding job to bring about a better understanding of the American way of life.

The Arizona State Council of the Knights of Columbus in Arizona was cited for its Americanization Program through the 30 Councils throughout the 14 Counties of Arizona. The Arizona State Council of the Knights of Columbus will receive the George Washington Honor Gold Medal for this activity. The State Council uses the Parochial School System throughout the State of Arizona at no cost to the aliens in conducting citizenship classes. The facilities are open to conduct these classes in the spring and fall. Air conditioning and heat are furnished. Use of the audio-visual equipment is available. In addition, the professional nun bilingual faculty has frequently volunteered to teach these courses at no expense. The lighting and free parking are all available at no cost. If the city, county, State or Federal Government were to fund this program, it is estimated that it would cost from $50,000 to $60,000 a year.

The Arizona State Council of the Knights of Columbus represents over 5,000 Knights of Columbus throughout Arizona and have absorbed all of the administrative costs involved in this program.

Amil Ajamie, State Deputy of the Knights of Columbus said, "The men involved in our Americanization Program have been doing an ennobling patriotic work for years. We are pleased their efforts have been recognized by the Freedom Foundation and will be the recipients of this great national award from an outstanding group of patriotic men and women who comprise the Freedom Foundation. Our citizenship classes are truly representative of America. They comprise all races, all religions and all creeds. We have joined in our communities throughout the State with good men to do good things in feeding at the base-root of our American System—the immigrant stock. We know these new citizens will make substantial and continuing contributions to our great country as millions have in the past.

But, we are not alone in this activity. Other outstanding social and fraternal organizations have also been doing good work. Mrs. Placida Smith of the Friendly House in Phoenix has been doing a wonderful job for 36 years. Similarly, the YMCA in Phoenix and in Tucson have conducted these classes. Also through the years the American Legion and various Masonic Lodges have been active in this work.

On behalf of the Knights of Columbus we are pleased to continue with this active family of good people in Arizona who do this most needed work in helping aliens become citizens.

U.S. ECONOMIC POLICY

Mr. JAVITS. Mr. President, I ask unanimous consent that the remarks I made on March 2 at the annual alumni dinner of the Amos Tuck Graduate School of Business Administration of Dartmouth College concerning the economic policy of the United States be inserted in the Congressional Record. At the press conference preceding this address, I also urged the administration to review its policy regarding wage and price guidelines.

There being no objection the address was ordered to be printed in the Record, as follows:

Combating Inflation and Recession: The Economic Battleground in a Political War

1970 stands to be a watershed year for our economy. It is always difficult to engage in political prophecy, but one thing is clear: the stakes are very high, both politically and economically.

The American economy is now in an exceedingly critical transitional phase characterized by the continuing inflation seen in steadily increasing price levels and by a deepening threat of recession. As we move through this transition, there are many dangers that we must face—rising unemployment; all-time high interest rates; a drastic housing slump; and perhaps the worst bear bond market this country has seen since World War II which contributes to the financial crises of our state and municipal governments. We also see deteriorating business profits, which have sent stock prices plummeting to six year lows; and the problems small businesses are having in obtaining financing. And there is the added problem of declining real income in the pockets of many of our blue and white collar workers which contributes to rising labor unrest and strikes.

In his recent testimony before the Joint Economic Committee, the Chairman of the Council of Economic Advisors, Dr. Paul McCracken, stated, "Indeed, the popular cliche of the day is that we are headed for the worst of both worlds—a recession with inflation." Cliches often are truths—and this is the double world the United States economy is now in. I am hopeful that this unsatisfactory state of affairs is transitional and that its life span will be short. We must be sobered by the fact that we are already in a mini-recession or on its threshold. But, it is not yet clear whether from this transitional period will emerge a strengthened, stable economy, a continuing inflationary spiral or a recession deeper than any presently foreseen. It is clear that our present monetary and fiscal policies will go far to determine what lies on the other side of the transitional period.

Judging by the testimony of key administration witnesses which I have heard as the ranking Republican member of the Joint Economic Committee of the Congress, there is something new in the economics of 1970: the use of advertising techniques to soften the language of today's hard economic realities.

The word "recession" is clearly not an "acceptable" term—its public relations image is bad. Instead, we have the following "sanitized" phrases of warning from the Administration: ". . . the very small monetary expansion of the second half of 1969 may portend an even slower rise of GNP," and ". . . there is a question whether the rate of real output can long remain essentially flat without more adverse consequences than we have so far experienced." We also have the recent speeches of responsible Council of Economic Advisors and Treasury officials purporting to change the definition of what constitutes a recession, which is classically two or more quarters of negative real economic growth.

The political consequences for the Administration could be grave, notwithstanding the fault of the Democratic Party for getting us into our present economic dilemma via the fiscal improvident policies of the last years of the Johnson Administration. For we are now more than a year into the new administration, and if we do find ourselves in a downturn that is finally agreed to be a recession, it will be known as President Nixon's—not President Johnson's—recession.

The question that must be asked is whether the new fiscal-monetary policy mix of the Administration and the Federal Reserve is moving our present highly inflationary economy toward the desired goal of economic growth and relative—I stress "relative"—price stability. We should not be fanatic on price levels. I am convinced that the highly restrictive monetary and fiscal policies of 1969 and early 1970 will soon begin having their downward effects on the price level. It would be the greatest of follies to work toward the goal of a zero price increase. A 2–3% range of annual price increases could be built into our equation of future expectations. Let us recognize that if our annual price increase is in the range of 2–3%, we would be doing far better in terms of price stability than most of the other developed countries of the world and doing enough to maintain and improve our international competitive position.

Surveying the monetary scene, I have confidence in the new Chairman of the Federal Reserve, Dr. Arthur Burns. His economic tour de force before the Joint Economic Committee on February 18 demonstrated to all that there is a new wind blowing at the Fed—a steady wind that should stabilize the rather violent fluctuations of the money supply which we have experienced in the recent years. It is also clear that it is only a matter of weeks before the overly restrictive monetary policy of the last six months at the Fed is eased. I am confident that this easing will be gradual—say in the 3% range—as it must be if the economy has any chance of stabilizing in the context of reduced inflation and steady real economic growth.

It also seems clear that history will record that in 1969 man not only reached the moon, but also that economists realized the importance of monetary policy in the economy. We all owe a debt in this regard to Dr. Milton Friedman, whose name, I believe, is likely to rank with Keynes as an economic theorist.

But what concerns me in the monetary area is the lag effect. As Chairman Burns has pointed out, in such sectors of the economy as housing where pent-up demand is considerable, the easing of money could have a quick stimulative effect on the economy. However, there are many more sectors where this is not true. For example, if money is eased tomorrow, how long would it take to

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affect the demand for automobiles to the extent of persuading manufacturers to step up production and re-hire those workers who have been laid off? This, in turn, would determine the time needed to re-stimulate the steel industry and other feeder industries that depend on automobile production.

I would suggest, therefore, that while in the housing sector the lag between easier money and expanded production may be three months or less, in other sectors the lag could stretch from six to nine months. Six to nine months can be an exceedingly long time, particularly in our cities where the young and the black unemployed are concentrated. It also must not be forgotten that in addition to dealing with such tangibles as whether the amount of money in circulation has increased, we are also dealing with the enormously important intangible of consumer confidence. Once confidence is lost, it is difficult to regain to which our lagging stock market gives ample testimony. Accordingly, an increase in the money supply should now come promptly and no longer be deferred.

This Administration and the nation may have the extreme good fortune of inadvertently having a flexible fiscal policy at just the right time. Keynesian economics and the lessons of the early Kennedy years have persuaded us that tax relief can serve as an important stimulus in a slumping economy. The two-stage phase-out of the surtax and the phasing in of the Tax Reform Act of 1969 may—notwithstanding higher social security taxes—prove to be the medicine needed to help get this economy moving again. This is perhaps the first Administration in our history that may have a built-in flexible fiscal (tax) policy in the right direction at the exact time such a policy is needed.

In terms of the budget, I urge the Administration to concentrate on the goals it wishes to achieve. The primary goal should be to get the economy moving again—from a slightly negative rate of real economic growth to a 4 percent real annual growth rate.

Let us also recognize that the Administration's proposed $1.3 billion projected budget surplus for fiscal 1971 should not be a shibboleth. In my view, the principle of a figure in the black, no matter how small, really isn't important except for the gamesmanship of the 1970 elections. The Administration and the Congress would do well to study and back the sophisticated economic thinking of Dr. Herbert Stein of the Council of Economic Advisors. His thesis is—as I understand it—that shifts of a few billion dollars one way or another in relation to the mythical balanced-budget line have little real meaning in a trillion dollar economy. I would not become overly concerned if the budget moves to a slight deficit position as we take steps to get the economy moving again just as I would not find it particularly meaningful if the projected budget calls for a $5-billion surplus rather than a $1.3-billion surplus. A $25 billion deficit is clearly improvident fiscal policy, but concern over whether the budget has a $5-billion surplus or a $5-billion deficit is academic.

In looking at the budget, we should all be aware that in real dollar terms, the Administration has proposed that the U.S. Government spend approximately $10-billion less this than last fiscal year. Thus, the budget is restrictive and Federal government spendings in fiscal 1971 will have a less stimulative effect than they had in fiscal 1970—regardless of whether the budget is in small surplus or small deficit. It is my view speaking now as a Republican that modern day Republicanism still has to prove to the country and the world that it is capable of effectively managing the American economy. 1970 will be the test. I urge the President not to stand too rigidly by the concept of a balanced budget, if the economy increasingly becomes unbalanced toward recession. There are higher priorities even than a balanced budget. As the President stated, "We have learned that Government is often the cause of wide swings of the economy." The corollary of this is that Government actions can prevent wide swings, and it is the duty of the Government to cushion its citizens from economic upheaval in areas over which they have no control.

The Administration is asking us to take much on faith, as to its budgetary activities; but in certain critical areas, we do not have the time, and we must act now.

In housing, the Administration should take immediate steps to alleviate the shortage of funds available for home construction. The administration recognized the existence of the problem beginning last fall, but has been slow to act and only now is sending forward proposals. During this time, housing starts dropped to a level of slightly less than 1.2 million housing starts per annum, when the Congress and Administration has clearly recognized that an average annual rate of 2.6 million starts for 10 years is needed.

Let us act immediately to implement, at least, the extremely constructive suggestions made by Dr. Burns to increase the availability of funds for housing. Dr. Burns suggested that steps be taken to develop a secondary market for conventional mortgages by allowing banks holding mortgages to borrow from the FED's discount window; and by authorizing the expansion of the authority of national banks to lend on mortgages.

Dr. Burns also made the extremely important suggestion of subsidizing the interest on loans extended by home loan banks for a definite, short period of time. This technique has already been successfully used in the college student loan field. The Congress should act on this suggestion which would help to alleviate the housing crises we are facing, and I shortly will introduce legal action for this purpose. I am pleased to note that Secretary Romney has adopted and even strengthened Dr. Burns' proposals in his statement before the House Banking and Currency Committee on February 24.

I am extremely concerned by one statistic. The nationwide unemployment rate is presently 3.9 percent and will go higher. The rate of unemployment of our black citizens is already 6.4 percent. As unemployment rises to 4 or 4.3 percent or higher, nationwide, the record indicates that the 6.4 percent of black unemployment—almost double the average—will spurt ahead at an even faster rate. One reason for this is clear—seniority plays an important role in determining who is laid off in a slump period, and in the trades and in the plants the black worker usually does not have seniority. It is spurious and dangerous to argue, as is done in some quarters: "So be it: we have had higher unemployment rates in the past." This nation's tolerance of unemployment rates—particularly urban unemployment—is far lower now than it was a decade ago. And if we are to be just to those in our cities who have lost their jobs through no fault of their own and largely because of the inequities of our society, we must act now. If we are serious about the problems of crime in our cities—crime that is directly and inversely related to decent job opportunities and urban unemployment rates—we must act now.

For this reason, I look with great apprehension on the seeming lack of a spirit of urgency within the Administration over the growing threat of unacceptable levels of unemployment.

We have been told by the President's Council of Economic Advisors to plan for an average unemployment rate of 4.3 percent this year. This means, of course, that the rate in individual months will go higher than that. The recent rise in the unemployment rate, to 3.9 percent, coupled with the news we read about cutbacks in various industries, raises the ominous possibility that unemployment will become a much more crucial issue in the immediate months ahead.

But what, in the meantime, has happened to our standards of what constitutes an acceptable level of unemployment? The Administration for some reason has refused to give us their full thinking on this matter. The American people thus have no way of knowing at what point their Government is prepared to respond to a rise in unemployment—the 4.5 percent, 5 percent, or even 6 percent level—with a massive and effective effort to eliminate the privation which would be incurred. I urge the President and his Council of Economic Advisors to give us some confidence that they will name a rate above which the Government will do everything within its power to reduce unemployment or to provide other effective relief.

The Administration has made some commendable progress in recognizing the problem by drafting the manpower bill, which I introduced for the Administration last year. This bill would automatically appropriate an additional percentage of manpower training funds if the unemployment rate should reach 4.5 percent or more for three months in a row. Under the current level of appropriations, the amounts to be released under this plan would total $170-million per annum. The bill constitutes a very significant milestone in labor policy, and the principles it contains deserve bipartisan support. But if past experience is any guide, the trigger mechanism, and the additional amounts to be appropriated, will prove to be clearly unequal to the potential threat. The last time unemployment rose above 4.5 percent for the required amount of time, the rate was closer to 5.5 percent by the time the three months was up. Is this what the true measure of the Administration's concern is: that 5 percent or more unemployment constitutes a rate at which the Government will respond with $170-million?

I submit that the need is greater than the Administration admits. Defense cuts alone, for example, are expected to reduce job openings by 1.3-million during the coming year. Therefore, I intend to introduce in the near future an amendment to the Administration's bill which will significantly strengthen and refine the trigger mechanism and provide an increasingly greater amount of manpower training funds if the unemployment rate climbs higher than 4.5 percent.

We also must consider the establishment of public service employment programs in order to provide jobs for those of the 700,000 persons who need them and who will become unemployed with each one percent rise in the unemployment rate. And let us remember that for every additional person unemployed, the fear of unemployment will come to rest on the shoulders of five to ten others and their families.

Another area of crisis is state and local financing. Again the possibility of short-term interest subsidy programs should be explored. It would be tragic if the Administration's innovative revenue-sharing program would be rendered meaningless because high interest rates cost the cities more than they gain from the revenue the Federal Government plans to share with them.

Finally, we must look closely at the effects that the repeal of the investment credit will have on corporate profits (and this affects the 26 million investors in the stock market) and on the ability of our business concerns to modernize and automate in order to remain competitive at home and abroad. Remaining competitive is an essential element for continued economic growth and continued full employment.

It should be noted that the Treasury is committed to make available to me by June 30, 1970, "a study of the various alternative proposals for depreciation reform and the estimated revenue effects thereof."

I urge the Treasury to act promptly to institute reforms of the depreciation schedules—thereby insuring that business investment remains at high enough levels to guarantee the continued competitiveness of American industry. I am hopeful that the Administration will move quickly to adopt revised depreciation schedules as a stabilization and growth tool which could be most useful if, to use Secretary Kennedy's phrase—"in the months to come, the economy should begin to slide off too far . . ." I would hope that Secretary Kennedy keeps an open mind on legislation or administrative action in this area this year.

In conclusion, I am confident that the Federal Reserve under Dr. Burns will move gradually to ease the unduly restrictive monetary policy of the past six months and that the disruptive effects of yo-yo monetary policy are now history and not present policy.

I urge the President and his economic advisors not to let the economy slip out of their control as it did for the Johnson Administration during its closing years. If the signs of a deepening recession become more prevalent, the Administration and the Congress must lay the contingency ground work today to enable the Federal Government to act promptly to put our economy on the tracks of steady, sustained growth.

NOMINATION OF JUDGE CARSWELL

Mr. HANSEN. Mr. President, just last Friday the Judiciary Committee favorably reported to the Senate the nomination of G. Harrold Carswell to be an Associate Justice of the U.S. Supreme Court. I noted over the weekend that two more of our colleagues, Senator PEARSON and Senator SMITH of Illinois, have announced their intention to support the President's nominee. I commend them for announcing their intention publicly and intend to join them in support of Judge Carswell.

The Supreme Court has been without its full complement of Justices since Mr. Fortas submitted his resignation to former Chief Justice Warren last May 14, 1969. Although I am not a lawyer, I can fully appreciate the difficulties that are experienced in the administration of justice with only eight men deciding the cases. Almost a year has passed with no change in this situation.

Cases which reach the Supreme Court usually involve difficult legal issues. These cases have been the subject of scrutiny by other lower courts and, in some cases, judges on these courts are not unanimous in their decisions or rulings. Commonsense dictates that the highest court in the land has an odd number of judges so that tie votes can be resolved in favor of one party or the other. Both justice and the expeditous administration of justice demand no less.

We must remedy this problem as soon as practicable. The Judiciary Committee has held hearings and considered the nomination on its merits. By a vote of 13 to 4, the committee reported it to the Senate. The record is before us and it is time for us to act.

I urge this body to consider Judge Carswell's nomination early and favorably. Only then will the Supreme Court regain its position as a functional third branch of Government.

RHODESIA

Mr. BROOKE. Mr. President, at 1 minute past midnight on Monday, March 2, Southern Rhodesia unilaterally declared itself a republic. This is a startling step backward in the history and progress of the world.

The year 1960 marked the beginning of a decade of independence in Africa. In that year alone, 17 new nations were born amid glowing dreams and uneasy speculation. By the end of the decade, 42 independent states blanketed the African Continent. Contrary to the fears of many Westerners, none of those states has gone Communist. None has declined in productivity or per capita income; in fact, all have increased their economic output. True, three African states have engaged in civil war—but that is a remarkable record when one compares it with the history of the West. And all of these states have expanded—some more rapidly than others, some more colorfully than others—the political and economic opportunities available to their people. The free peoples of Africa have shown great progress, and even greater potential.

By contrast, the decade of the 1970's has begun with the birth of the so-called Republic of Rhodesia. I hope, for the sake of Africa and for the peace of the world, that this event is an historical anomoly, not a harbinger of things to come.

The other nations of Africa became independent in order to end alien domination; the Government of Rhodesia seeks to clamp oppression even more tightly upon the face of the land.

The other African nations sought, through independence, to expand political participation; the Government of Rhodesia has chosen to imprison political opponents and deny significant representation to blacks.

The other nations of Africa utilized their independence to give their people greater economic opportunity; the Government of Rhodesia continues a policy of driving people from their homes and circumscribing their chances for advancement.

Rhodesia is a rich and fertile land, with 240,000 white settlers and an indigenous black population of 4.5 million persons. The tax load is probably the only aspect of government policy which is apportioned equitably, yet so great is the poverty among the blacks that they bear less than 1 percent of the burden. Most of the African inhabitants are still subsistence farmers, and even these people are being driven from fertile tribal areas to make room for the plantations and truck gardens of the wealthy white colonialists. The constitution in fact insures that the land shall be equally divided, in quantity if not in quality, between the 5 percent who are white and the 95 percent who are black.

Rhodesia's new constitution, adopted last year in a referendum of the nation's 90,000 voters, denies the right of majority rule to the people of Rhodesia forever. Its inflexible and unjust terms can only serve to provoke the very turbulence and disorder which its founds seek to avoid.

Mr. President, there is not much the United States can do about the internal affairs of another state, no matter how reprehensible its programs or unjust its political philosophy. Rhodesia, like other nations, must find its own salvation.

But while America cannot solve Rhodesia's problems, it does not have to support them. And support—both moral and political—is exactly what the illegal Rhodesian regime derives from the continued presence of an American consulate in the capital city of Salisbury.

Surely we do not need a full-fledged consular office and staff to look after the affairs of 1,000 American citizens and less than $3 million worth of trade per year. Britain, with its much greater economic investment, its many thousands of resident British citizens, and its close family ties with many of the English-speaking settlers, has yet had the wisdom and the courage to sever all ties with the self-styled new Republic. Many other Western governments have let it be known unofficially that they would withdraw their representatives if the United States would do the same.

There is no cold war being fought in Rhodesia. There are no strategic resources there which cannot be obtained elsewhere. There are no vital ports or airbases, no communications installations, there are not even any neighboring states whose security requires our continued presence in the country.

There is little enough we can do to further the struggle for justice and human dignity beyond our own borders. But here in Rhodesia we have a natural opportunity to take a stand which is more than rhetoric, less than direct involvement, and which in terms of the welfare of the people and our own international image, will cost absolutely nothing.

I was encouraged by the statement issued from the White House over the weekend that our policy toward Rhodesia is still under review. I would hope that the foregoing points would be given the most careful consideration. And I hope, at the end of that review, that the consulate will be closed, as an indication that we reject unequivocally the principle of white supremacy, and share a common faith in the future of free men.

RITA HAUSER, CHAMPION OF HUMAN RIGHTS

Mr. PROXMIRE. Mr. President, I have great admiration and respect for the U.S. representative to the United Nations Human Rights Commission, Mrs. Rita Hauser. Since President Nixon named Mrs. Hauser to the Human Rights Commission she has skillfully fought a tireless battle to achieve American ratification of several Human Rights Conventions, among them the Genocide Convention. Mrs. Hauser, a member of the American Bar Association, argued forcefully in favor of ABA's endorsement of the Genocide Convention at the recent ABA's House of Delegates meeting. Her efforts as well as those of many of America's leading lawyers, such as Nicholas Katzenbach, Irwin Griswold, Bruno Bitker, and Bernard Segal, failed by a mere four votes to convince the ABA delegates to support the Genocide Convention.

Undaunted, Mrs. Hauser immediately issued a statement saying, "We will press on" and renewed her efforts to swing the vital force of American public opinion behind the convention. The ABA's failure to endorse ratification, she argued, is not decisive because of the closeness of the vote. Moreover, she pointed out that the ABA's leading experts in the field of international, criminal, and constitutional law all favored ratification.

Carrying her case directly to the American people, Mrs. Hauser recently appeared on the "Today" television program. Hugh Downs, the moderator, was hopefully correct when in introducing her he said Mrs. Hauser "will testify in favor of ratification before the Senate Foreign Relations Committee in the near future."

Early in the interview Mrs. Hauser said:

> I think it is very important for the people in this country who are interested in the Convention to make their feelings felt to the Senate Foreign Relations Committee where the matter now is lying, particularly with Senator Fulbright who has to call hearings and take action on the Senate side.

Discussing the fact that the first opposition to the Genocide Convention seemed to come from those in the South who feared interference in civil rights practices, Mrs. Hauser noted that now this opposition is bringing Vietnam into the picture worrying about our boys being tried by kangaroo courts in North Vietnam. Mrs. Hauser feels this argument is absurd because the North Vietnamese today have our prisoners and they "can try them for anything they care to try them for, whether or not we sign this treaty does not change that situation one bit."

Under existing law, Mrs. Hauser pointed out, Americans can be tried by the courts of the place in which the crime has been committed. She said:

> If you go to Paris and steal a pocketbook, you are subject to trial by the courts of France.

The genocide treaty does not affect this.

Responding to a question from Pauline Frederick concerning the chances of Senate ratification in view of the ABA opposition, Mrs. Hauser forthrightly expressed views I wholeheartedly endorse:

> The American Bar Association's views are important, but they do not make foreign policy in this country.

Mrs. Hauser astutely observed:

> By failing to ratify (the Genocide Convention) many countries in the UN, particularly the Soviet group, accuse us of the commission of genocide in Vietnam. And while it seems simplistic to you or me, they do make points by arguing why else do you not ratify this convention. The only reason you have not ratified it is that obviously you are doing it.

I strongly endorse Mrs. Hauser's well-reasoned and well-presented views, and I ask unanimous consent that the full transcript of her interview be printed in the RECORD.

There being no objection, the transcript was ordered to be printed in the RECORD, as follows:

INTERVIEW OF MRS. RITA HAUSER

HUGH DOWNS. Shocked by the Nazi atrocities in Germany, the United Nations General Assembly in 1948 unanimously approved a convention to prevent and punish the crime of genocide, and genocide is defined as acts intended to destroy a national or ethnic or racial or religious group. The United States played a leading role in drafting and approving this convention and was one of the first signers, but the United States Senate has never ratified the convention, although 75 other nations have done so, including the Soviet Union. Well now President Nixon has asked the Senate to approve the genocide convention. But the American Bar Association, as in 1949, has just announced its opposition.

Mrs. Rita Hauser, United States Representative on the Commission of Human Rights, who is dedicated to ratification of the convention, will testify in favor of ratification before the Senate Foreign Relations Committee in the near future; and she is our guest here this morning, the guest of Pauline Frederick, NBC's United Nations Correspondent. Welcome to Today, Mrs. Hauser.

RITA HAUSER. Thank you.

DOWNS. Pauline, do you want to start?

PAULINE FREDERICK. Mrs. Hauser, why is there serious opposition in the United States to genocide, especially in an organization like the Bar Association, after what we know about the atrocities in Nazi Germany?

HAUSER. I wouldn't say, Pauline, that there's serious opposition. It's limited opposition, which sits perhaps the most with the very conservative wing of the Bar. You see 20 years ago when this was first proposed, our country had very little in the way of Civil Rights legislation, and many States Rights oriented lawyers felt that we would do by treaty what we had not yet been able to do in Federal legislation. That's all behind us because we have a tremendous number of laws in civil rights.

The other day when the ABA set in Atlanta, we put this question before it again, and I have to say that I'm extremely gratified at the fact that while we barely missed a majority by four votes, we carried almost 50 percent of the body, and we had very strong support in favor of ratification now. I think it's very important for the people in this country who are interested in the convention to make their feelings felt to the Senate Foreign Relations Committee where the matter now is lying, particularly with Senator Fulbright, who has to call hearings and take action on the Senate's side.

The President made a very strong message; he was backed by not only Secretary of State Rogers but Attorney General Mitchell, all of whom find no Constitutional problems and find that we ought to get going with this.

FREDERICK. Well, Mrs. Hauser, there—as you indicated the first opposition seemed to come from those in the South who feared interference in our civil rights policies in this country. Now I believe they're bringing Vietnam into it. What is this argument being presented by the opposition that ties in with Vietnam?

HAUSER. Well some of the opposition argued that somehow, in a way they couldn't quite explain, since it isn't correct, that the Song My massacres, assuming they were in any way genocidal, would be used as an excuse, if we ratify this treaty, for our boys to be tried in some sort of kangaroo court by the North Vietnamese.

Now this is an absurd argument because under existing international law today the North Vietnamese have our prisoners, and they can try them for anything that they care to try them for, whether or not we sign this treaty doesn't change that situation one bit.

FREDERICK. Well, under this treaty, could Americans be tried by a foreign tribunal under any circumstances?

HAUSER. Yes, they would be tried by the courts of the place in which they committed the wrongful act, which is existing law. In other words if you go to Paris and you steal a pocketbook, you are subject to trial by the courts of France.

DOWNS. Even as a United States citizen.

HAUSER. Of course.

DOWNS. Yes. How does it impinge on states rights?

HAUSER. Well, originally, as you know, we limited civil rights legislation here, and many of the southerners would argue that our federal government didn't have the power to pass all that legislation that it has. And they were fearful that by enacting a treaty dealing with civil rights we would do what we couldn't do through the Congress. The so-called Bricker Amendment fight. That's of course all ancient history, because we've done all that in the Congress now, and their position has been proved improper under all the Supreme Court decisions on the subject.

DOWNS. Opposition to the United States ratifying the convention on genocide, the convention against the crime of genocide would make it appear as though those opposing were in favor of genocide. Well that's not necessarily the case, and it's much more complicated than that. And Pauline Frederick this morning has brought Mrs. Rita H. Hauser who is United States Representative on the Commission of Human Rights to the United Nations, and we are talking about the subject why there is opposition by the American Bar Association, for example, and it might be a good idea to review briefly just what the points of the convention are, so we have an idea what there is urging to ratify and what the opposition is.

HAUSER. The convention essentially makes genocide an international crime, and genocide is defined as acts such as killing or destroying the economic life of any ethnic racial, religious group, and the acts would be those with intent to destroy them in whole or in part.

This came out essentially of the Nazi period, as you noted before, in which indeed the Nazis attempted to eliminate physically not only the Jews but many other ethnic groups in Europe.

Now, we are interested in ratifying this convention, Hugh, not because this country commits genocide but to the contrary, to adhere to a rule of law internationally and demonstrate that we never have and I am sure never intend to commit genocide. By failing to ratify this many countries in the UN, particularly the Soviet group, accuse us of the commission of genocide in Vietnam. And while it seems simplistic to me or to you, they do make points by arguing why else do you not ratify this convention? The only reason you haven't ratified it is that obviously you are doing it. And it's for this reason that the President last week told the Senate that failure to ratify this convention, which 75 countries adhere to, is very detrimental to our foreign relations.

DOWNS. To our image.

HAUSER. Indeed.

FREDERICK. Mrs. Hauser, what are the chances of the Senate ratifying what the American Bar Association opposed?

HAUSER. I think the chances are very good. We—as I said to you earlier—carried the issue almost with a majority, had a very strong showing from everywhere in the country, and I am sure the Senate will appreciate that.

The American Bar Association's views are important, but they do not make foreign policy in this country, and I'm sure Senator

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Fulbright and the other members of the committee will be aware of the great interest that so many Americans have in this subject.

DOWNS. What if genocide is practiced within a given country, such as reports coming out of Brazil now that certain groups are hunting down Indians and killing them to get their lands? In what way can an international body treat that?

HAUSER. Well, there's a perfect illustration, because Brazil is a party to the convention, and when you are a party, you have to make genocide a domestic crime, so that now if assuming there was any genocide here, any country could raise this in the world forum and take it before the Security Council if it were a threat to world peace, and otherwise attack any country practicing genocide within its borders. If that country has agreed that genocide is indeed an international crime.

FREDERICK. Is this question going to be brought before the Human Rights Commission, which began its sessions yesterday?

HAUSER. The question of the Brazilian Indians?

FREDERICK. That's right.

HAUSER. We had discussed that before, and now some fairly detailed reports that have come around—the Brazilian government will have to put in its answer fairly soon to these charges, and then we'll be able to debate it in full.

DOWNS. When will you testify?

HAUSER. I don't know when Senator Fulbright plans to call hearings, but it should be soon.

DOWNS. You'll be on that hearing. Thank you very much, Mrs. Rita Hauser, who is United States Representative on the Commission of Human Rights. And thank you, Pauline, for bringing her.

REALISTIC PAYMENTS LIMITATION IN FARM PROGRAMS

Mr. BAYH. Mr. President, I ask unanimous consent to have printed in the RECORD the recent testimony of former Under Secretary of Agriculture, John Schnittker, before the Senate Agriculture Committee. In his statement, Professor Schnittker urged the committee to adopt a realistic payments limitation—a limitation that would not adverse'y affect the family farmer nor endanger production control programs.

Mr. President, I believe that a $10,000 payment limitation per commodity meets these two tests. In fact, within the next few days I plan to introduce such an amendment to the coalition farm bill that I have cosponsored.

There being no objection, the testimony was ordered to be printed in the RECORD, as follows:

STATEMENT BY JOHN A. SCHNITTKER

I am John Schnittker, Professor of Economics at Kansas State University, Manhattan, Kansas. I am speaking only for myself today, not for any institutions or association. I hope I can contribute to a stronger agricultural economy, and to a pattern of federal spending which distinguishes more clearly than in the past, between high and low priority public programs.

I congratulate the Chairman on his statement to the Senate a few weeks ago supporting the Food and Agriculture Act of 1965 as effective legislation, and as the base from which to consider future farm policies. The 1965 Act has succeeded beyond expectations. It requires some amendments, but the basic approach is sound.

The 1965 Act stands out in sharp contrast to the phantom character of the Administration's farm policy.

After one year, we cannot be sure what program the Administration wants for farmers, or whether it wants any program at all. No bill has yet been advanced to Congress over the signature of the President or the Secretary.

The failure of the Administration to come to the support of farmers, and of legitimate farm price and income stabilization programs has been a calculated failure. It requires the Senate and the House of Representatives to address themselves to these questions even more seriously than in previous years.

Congress must lead the struggle to continue and to improve farm programs in 1970, since the President and the Administration will not.

The Food and Agriculture Act of 1965 provides a workable base from which to begin this effort. It should be amended, however, to adapt it to future needs, to treat commodity producers in different regions of the country more equitably, and to limit total payments to individual producers.

Farm programs were once needed to help small family farmers. Most farmers were in this group in the 1930's.

It is different today. We have 3 million farms, but only 1 million are serious producers. Most of the benefits of the commodity programs now go to relatively few farmers. One-third of our farmers market 90 per cent of our farm products; six per cent market 50 per cent.

Benefits from farm programs are distributed approximately in proportion to production on any farm. So price support programs help few persons on really small farms achieve the better life they want.

For the future, commodity-oriented farm policies must be designed principally for full-time farmers. We also need programs directed to the problems of small farmers and poor people in rural areas. Some form of minimum income or family assistance plan would reach many thousands of small farmers now almost entirely missed by price support programs.

Some of the federal funds now paid to our largest farmers would be better spent on other programs for farm or rural people. We should design and finance future policies affecting large farmers and small farmers in line with the real needs of the two groups. and in line with overall national needs.

THE 1965 ACT

The key features of the Food and Agricultural Act of 1965 were:

1. a system of direct payments to farmers for cotton, feed grains, and wheat;

2. revised price support loan formulas effectively setting parity prices aside and linking feed grains, wheat and cotton to world markets; and

3. effective acreage control programs.

Direct payments replaced high price supports, and voluntary (payment-based) acreage diversion replaced (supplemented, in the case of cotton and wheat) the former rather rigid system of acreage allotments.

These features of the 1965 Act should serve as building blocks for future programs for commercial agriculture.

FEED GRAINS

The feed grain program in the 1965 Act is good legislation. Price support and payment formulas are flexible. The Secretary of Agriculture has discretion to administer the program toward a wide-enough range of income and cost objectives.

Feed grain payments under this Act have been set at levels which encouraged just enough farmers to participate in acreage diversion, to reduce the stored surplus and later to gear annual crops to current needs. This is the kind of formula that should apply to all the commodity programs.

Existing law would permit surplus-free stabilization of feed grain supplies in the 1970's. If present price support loan levels were continued, annual expenditures would probably range from the current level of $1.5 billion a year, to perhaps $2 billion a year by 1973 or 1974, if yields rise faster than feed grain utilization, as I expect. There is adequate authority in present law, either to stabilize farm income and total program costs to reduce them, or to allow cost increases as described above. The range in which market prices could be supported under existing law is wide enough to suit almost any point of view on farm policy for the past 3 years.

It is extremely important, however, to expand feed grain exports. To this end, it would be better if the loan level for corn were to be related to world price levels, and if feed grain payment levels were set strictly according to acreage diversion and income targets. No other amendments are needed in the feed grain program.

It is feasible, however, for Congress to set a maximum level on total payments to producers of feed grains (in fact, any commodity) in advance, and to require the payment program to operate within that authorization.

WHEAT

The 1965 wheat program was a constructive change from the previous approach. Wheat is now priced as a feed grain; wheat and feed grain acreages are interchangeable on farms; wheat prices in the market are required to be supported near world price levels. The Secretary of Agriculture has adequate discretion in administering *most* features of the wheat program.

The payment (certificate) formula is too rigid, however. Payments are tied to parity prices, which are now obsolete except as a guide to the past, and should be systematically removed from the law. Wheat program costs to the federal government must increase by some $30 million each year as a result of this feature.

The payment formula for wheat should be amended to provide the opportunity for the Executive Branch and Congress to determine payment levels in advance, on a year-to-year basis through the budget and appropriations process.

COTTON

The cotton program in the 1965 Act is seriously in need of amendment. We ought to start out fresh, although the basic idea of competitive level price supports supplemented by direct payments is as sound for cotton as for the grains.

Payments of $900 million per year, mostly to large-scale cotton producers, are exorbitant by any standard. Cotton payments should be made only on the amount of cotton used in the United States, now some 8 million bales per year. This would be the same as in the wheat program. The payment level per pound should not be fixed as it is in present law. Congress and the Executive Branch should have the freedom to set maximum payments from year to year in the budget and appropriations process.

The present language in the law setting a minimum payment of 9 cents per pound on the domestic allotment could be retained if language requiring total payments to be the equivalent of 65 per cent of parity on a fixed amount of cotton were to be deleted.

The "snap-back provision" exempting cotton from payment limitations must be deleted to make an across-the-board limitation on payments to individual farmers effective for cotton.

Acreage allotments for cotton should also be phased out or eliminated.

UNEQUAL TREATMENT

Feed grains, wheat, and cotton production are concentrated in different geographic regions. Unequal treatment of these commodities under our payment programs is, in fact, unequal treatment of the farmers who live in different parts of the country.

Rigid payment programs noted above require large direct income subsidies to cotton producers, and to a lesser extent to wheat producers. Payments to feed grain producers, however, include little or no direct income subsidy. Nearly the entire feed grain payment serves the function of production control, not income subsidy.

This is well illustrated in a tabulation made available last year by Secretary Hardin:

A FUNCTIONAL CLASSIFICATION OF DIRECT PAYMENTS TO FARMERS IN 1968

Program	Total payments (million dollars)	Supply management		Income supplement	
		Million dollars	Percent	Million dollars	Percent
Cotton	784	276	35	508	65
Feed grains	1,369	1,221	89	148	11
Wheat	746	384	51	362	49
Total	2,899	1,881	65	1,018	35

I repeat: feed grain payments in 1968 were almost entirely devoted to limiting output (supply management), while only ⅓ of total cotton payments served that function.

In 1970, nearly the entire amount of $900 million for cotton payments will be an income subsidy, since the national acreage allotment for cotton has been increased, and cotton acreage is not severely limited on many farms. It certainly cannot be argued that a major part of cotton payments are for supply management.

One-half of all wheat payments in 1968 were direct income subsidies, but the 1970 figure will be lower, since the national acreage allotment has been reduced and wheat farmers must leave more of their land idle this year.

There is no justification for unequal treatment of producers in different regions. I urge the Senate to modify the payment formulas for cotton and wheat so that this situation can be corrected.

A PAYMENT LIMITATION

One major new provision should be added to the 1965 Act. *I urge the Senate to adopt a limitation on payments to any producer of farm products or owner of agricultural land.*

If the limitation applies to all programs together, including wool and sugar, it should not be higher than $20,000.

Alternatively, a limitation of $10,000 could be applied to each commodity program. This could be administered somewhat more effectively. I have argued on another occasion that the ceiling could be as low as $5,000 per program, but I believe the higher figure of $10,000 would be a better choice for 1970.

A ceiling of $10,000 *per program* would be similar on many farms to a ceiling of $20,000 *per farm,* since most farmers have several crops. The $10,000 figure would affect more producers, however. Approximately 25,000 farmers—still less than 1 per cent of all farmers—would be affected by such a ceiling. In 1968, this included 3.4 per cent (15.097) of all cotton producers with about 45 per cent of total cotton acreage, 0.4 per cent (5,428) of all feed grain producers with 6 per cent of total productilon, and 0.6 per cent (4,861) of all wheat producers with 10 per cent of all wheat production. Payments to these farmers (not counting sugar and wool) would have been reduced by about one-half, or by $250 million a year, if a $10,000 ceiling had been in effect in 1968 or 1969. Adding sugar and wool would increase savings materially, while affecting few additional producers.

Only 10,000 producers would have been affected by a $20,000 per farm limitation in 1968. Payments on those farms would have been reduced by about one-half—from $380 million to $200 million—for a saving of $180 million. Two per cent of all feed grains, 3–4 per cent of all wheat, and around 28 per cent of all cotton produced was grown on farms that would have been affected.

Acreage diversion programs would be workable with payment limits at levels mentioned above. For the grains, such small proportions are grown on large farms that production control would easily continue to be effective.

Cotton payments, however, serve the function of enhancing income, not of limiting production. I know it will be argued that cotton cannot be produced without huge subsidies. Some fear that our payments balance will suffer for lack of cotton to export.

I say it is ridiculous to pay cotton farmers $900 million a year to produce cotton worth only slightly more than $1 billion, and to produce cash exports of some $300 million per year. Our federal funds are too scarce, our public needs too great, and our balance of payments problems not nearly important enough to justify such payments.

It is regrettable that the argument has again been made in 1970, that limiting payments to large farmers would destroy the farm programs and hurt small farmers. This claim is absolutely without foundation, as shown earlier.

Put another way, this argues that the way to help small farmers is to pay out more federal money to big farmers. This is a serious distortion.

A payment limitation will be difficult for some producers. Land values inflated by huge payments may come down. Some areas may produce less cotton, but many large growers, relieved of allotments, would produce more.

I urge Congress to adopt a limit of 10,000 *per program* to apply to 1971 and subsequent crops. Congress should also provide firm directives against evasion of this provision.

THE SET-ASIDE (ADMINISTRATION BILL)

The set-aside is not so different from acreage diversion programs operating under existing law. It would give farmers valuable new alternatives in using their land, but it would also bring some problems.

The bill as it stands, however, defies analysis. It includes unnecessarily broad administrative discretion for price supports, and virtually no guidelines. Under it, farm price supports, farm income and farm program spending could be substantially increased, or materially reduced by executive action.

A degree of discretion is essential to good administration. But the extent of discretion in the new bill is neither desirable nor useful.

A comprehensive and sympathetic analysis of the set-aside proposal by Professor Tweeten of Oklahoma State University a few weeks ago came to the following conclusions:

If cotton, feed grains, and wheat program costs paid by the federal government *were to be fixed* at recent levels, the set-aside would bring farmers $.5 billion less net income in 1971, than the present program.

If total net income were to be maintained at recent levels, the set-aside would cost the government about $.5 billion more than the existing programs would cost in 1971.

This is not a high recommendation. Even so, the set-aside idea has features leading to greater flexibility, especially for cotton, which ought to be examined.

FARM ORGANIZATION PROPOSALS

My general views on two proposals made by farm organizations are probably clear from my earlier statements.

The Farm Bureau bill features a 5-year transition to long-term land retirement contracts as the only means for limiting output. This will not work, in my opinion. Long-term land retirement is a useful and efficient supplement, but not a replacement for annual acreage diversion programs.

I favor a long-term program, and I had something to do with developing the Cropland Conversion and Cropland Adjustment Programs. Long-term contracts should be expanded and annual diversion programs reduced over time if we are to maintain reserve productive capacity in agriculture. But long-term contracts alone are not enough.

The other major feature of the Farm Bureau bill relates to compensation for low-income farmers, and is an idea deserving much greater study and support.

The Coalition bill has good features arising out of the 1965 Act. It includes, however, a number of provisions which lack merit. These include a minimum loan rate and minimum total price support for grains, an export payment for wheat, and a minimum price support level and acreage diversion program for oilseeds.

The extra annual cost of perhaps $1 billion or more each year for these features would not be a good investment, considering the distribution of farm program benefits and the clear need for greater funding of many other programs.

Present law and various bills apply to much more than cotton, feed grains and wheat. I will be glad to respond to questions on any aspect of agricultural legislation.

EDUCATION—THE NEED FOR ADEQUATE FUNDING

Mr. MONTOYA. Mr. President, throughout my years in public service I have always considered education to be of primary importance and have consistently sought expanded and improved educational assistance programs at both the Federal and the State level. In my opinion, education is the single most significant factor in our fight to eliminate poverty, hunger, inadequate health care, poor housing, discrimination, and many other dire social and economic problems facing our Nation today. We can have no more worthy objective than providing a sound education for every American child and a chance to allow him to become all that his ambitions and abilities permit him to become.

Because there is no single area of national responsibility more important and more urgent than education, it is imperative that our Federal educational assistance programs receive full funding whenever possible.

Mr. President, we have all heard a great deal in recent months about the need to cut back Federal spending in order to curb runaway inflation. Inflation is the most serious threat to the financial well-being of every American citizen today. Every individual living in this country has felt this inflationary squeeze, and all agree that forceful action from the Federal Government is required to deal with this problem.

I, too, believe we must do everything possible to keep Federal expenditures down to a minimum. But I strongly assert that our failure to slash $1.4 billion for education—the amount needed to bring the amounts appropriated by Congress in line with the original administration request—will not contribute to the inflationary spiral when coupled with cutbacks in less essential areas. This, Congress has already done. The facts are plain for everyone to read. When comparing congressional action on the original appropriations bill with the administration's original total requests submitted in 1969, we find that Congress actually provided $5.6 billion under the President's recommendations.

It is clear, then, that Congress has responded to the challenge of cutting costs to hold down inflation. We have pared back the administration budget sharply in line with our concern for inflationary pressures. At the same time, figures show we have asserted our constitutionally assigned powers to reorder national priorities away from nonessential spending and closer to critical human needs.

Mr. President, education is only a small part of the total annual Federal budget, especially when we compare it with massive defense expenditures. For decades Congress has accepted without question exorbitant military budget requests. In the meantime the Department of Defense has grown into a monster, devouring the bulk of our tax dollars. In the past year Congress for the first time began to shoulder the burden of giving a thorough review to the military budgets, and as a result, we were able to cut down by several billion dollars without detriment to our national defense. The DOD funds we were able to save were four times greater than the amount we appropriated over the budget request for education.

Despite these savings, the President went ahead and vetoed the fiscal year 1970 appropriations bill for the Departments of Health, Education, and Welfare and Labor, calling the bill inflationary. The President stated he would accept $449 million of the increases in the bill, leaving a net increase of $690 million. The House of Representatives has cut $364 from the bill Mr. Nixon vetoed on January 27, and now the Senate has approved the same amount but with an amendment cutting 2 percent of the funds from the total bill. This amount is actually $232 million above the total the President said he would accept.

The Senate agreed to this amendment because the President has again threatened to veto this new bill if the Senate did not make further cuts. I wish to state that I am opposed to this move to appease the administration. I find this war against education outrageous.

In my own State of New Mexico, the President would reduce Federal education funds by $2.6 million: Vocational education would be cut by $894,072 below the amount appropriated by Congress. Libraries and community services would be slashed by $151,616. Elementary and secondary education would be cut by $375,990.

Mr. President, I ask unanimous consent to have inserted at this point in the Record a breakdown of Office of Education obligations for New Mexico.

There being no objection, the material was ordered to be printed in the Record, as follows:

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, OBLIGATIONS IN THE STATE OF NEW MEXICO

Program	1969 actual	1970 budget requests	1970 conference agreement
OFFICE OF EDUCATION			
Elementary and secondary education:			
Assistance for educationally deprived children (ESEA I):			
Basic grants	$9,794,395	$9,875,844	$9,875,844
State administrative expenses	150,000	150,000	150,000
Grants to States for school library materials (ESEA II)	288,109		283,617
Supplementary educational centers and services (ESEA III)	1,112,240	860,486	1,108,128
Strengthening State departments of education (ESEA V):			
Grants to States	319,982	319,982	319,982
Grants for special projects			
Acquisition of equipment and minor remodeling (NDEA III)[1]			
Grants to States	525,835		
Loans to nonprofit private schools			
State administration	13,333		
Guidance, counseling, and testing (NDEA V)	100,396		100,238
Subtotal, elementary and secondary education	12,304,290	11,206,312	11,837,809
Instructional equipment:			
Equipment and minor remodeling (NDEA III):[1]			
Grants to States			596,353
Loans to nonprofit private schools			
State administration			13,333
Subtotal, instructional resources			609,686
School assistance in federally affected areas:			
Maintenance and operations (Public Law 81-874)	10,219,522	6,147,000	11,209,000
Construction (Public Law 81-815)	229,219		
Subtotal, SAFA	10,448,741	6,147,000	11,209,000
Education professions development:			
Preschool, elementary, and secondary:			
Grants to States (EPDA B-2)	142,814	155,814	173,273
Training programs (EPDA parts C and D)	183,920		
Subtotal, education professions development	326,734	155,814	173,273
Teacher Corps	456,756		
Higher education:			
Program assistance:			
Strengthening developing institutions (HEA III)	159,660		
Colleges of agriculture and the mechanic arts (Bankhead-Jones)	169,625	172,614	172,614
Undergraduate instructional equipment and other resources (HEA VI-A)	73,684		
Construction:			
Public community colleges and technical institutes (HEFA I—Section 103)		307,654	307,654
Other undergraduate facilities (HEFA I—Section 104)	1,361,848		184,264
Graduate facilities (HEFA II)	300,000		
State administration and planning (HEFA I—Section 105)	80,506	62,013	62,013
Student aid:			
Educational opportunity grants (HEA IV-A)	954,594	381,399	332,197
Direct loans (NDEA II)	1,040,703	826,911	1,185,068
Higher education—Continued			
Insured loans:			
Advances for reserve funds			
Interest payments	$59,250		
Work-study programs (HEA IV-C)	1,288,791	$972,393	$972,393
Special programs for disadvantaged students:			
Talent search	113,000		
Personnel development:			
College teacher fellowships (NDEA IV)	509,300		
Training programs (EPDA Part E)	59,000		
Subtotal, higher education	6,169,961	2,722,984	3,216,203
Vocational education:			
Basic grants	1,547,049	1,524,933	2,311,486
Innovation		214,256	214,256
Work-study			57,719
Cooperative education		219,993	219,993
Consumer and homemaking education		96,223	128,358
Programs for students with special needs			256,821
Research			210,303
Subtotal, vocational education	1,547,049	2,055,405	3,398,936
Libraries and community services:			
Grants for public library services (LSCA I)	255,312	163,798	255,312
Construction of public libraries (LSCA II)	132,985		105,859
Interlibrary cooperation (LSCA III)	40,842	40,842	40,842
State institutional library services (LSCA IV-A)	39,509	39,509	39,509
Library services for physically handicapped (LSCA IV-B)	25,073	25,073	25,073
College library resources (HEA II-A)	196,710		
Librarian training (HEA II-B)	8,380		
University community service programs (HEA I)	121,677	121,677	121,677
Adult basic education (Adult Education Act):			
Grants to States	289,178	314,106	314,106
Special projects and teacher education	933,162		
Educational broadcasting facilities			
Subtotal, libraries and community services	2,042,828	705,005	902,378
Education for the handicapped:			
Preschool and school programs for the handicapped (ESEA VI)	175,883	175,883	175,883
Teacher education and recruitment	291,082		
Research and innovation	132,876		
Media services and captioned films for the deaf	352,753		
Subtotal, education for the handicapped	952,594	175,883	175,883
Research and training:			
Research and development:			
Educational laboratories	862,244		
Research and development centers			
Vocational education	50,000	15,000	15,000
Subtotal, research and training	912,244	15,000	15,000
Colleges for agricultural and the mechanic arts (2d Morrill Act)	50,000	50,000	50,000
Promotion of vocational education (Smith-Hughes Act)	43,107	([2])	([2])
Education in foreign languages and world affairs	99,838		
Civil rights education	367,646		
Total, Office of Education	35,721,788	23,233,403	31,588,168
Total, Office of Education comparable basis[3]	30,637,560	23,233,403	31,588,168

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[1] This program is funded from both the elementary and secondary appropriation and the new instructional equipment appropriation in 1970.

[2] Included under Basic Grants—Vocational Education.

[3] The 1969 actual column shows obligations for project type programs where the State by State distribution cannot be predicted in advance, and therefore, is not shown in the 1970 column. For this reason the 1969 comparable figure excludes obligations for project type programs.

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DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

OBLIGATIONS FOR THE STATE OF NEW MEXICO

Program	President's compromise	2d House action
OFFICE OF EDUCATION		
Elementary and secondary education:		
Assistance for educationally deprived children (ESEA I):		
Basic grants	$9,888,110	$9,875,844
State administrative expenses	150,000	150,000
Grants to States for school library materials (ESEA II)		283,617
Supplementary educational centers and services (ESEA III)	1,003,331	860,486
Strengthening State departments of education (ESEA V):		
Grants to States	319,982	319,982
Grants for special projects		
Acquisition of equipment and minor remodeling (NDEA III): [1]		
Grants to States		
Loans to nonprofit private schools		
State administration		
Guidance, counseling, and testing (NDEA V)	100,396	100,969
Subtotal, elementary and secondary education	11,461,819	11,590,325
Instructional equipment:		
Equipment and minor remodeling (NDEA III): [1]		
Grants to States		
Loans to nonprofit private schools		
State administration		
Subtotal, instructional resources		334,183
School assistance in federally affected areas:		
Maintenance and operations (Public Law 81-874)	11,209,000	10,778,000
Construction (Public Law 81-815)		
Subtotal, SAFA	11,209,000	10,778,000
Education professions development:		
Preschool, elementary, and secondary:		
Grants to States (EPDA B-2)	155,814	173,273
Training programs (EPDA parts C and D)		
Subtotal, education professions development	155,814	173,273
Teacher Corps		
Higher education:		
Program assistance:		
Strengthening developing institutions (HEA III)		
Colleges of agriculture and the mechanic arts (Bankhead-Jones)	172,614	172,614
Undergraduate instructional equipment and other resources (HEA VI-A)		
Construction:		
Public community colleges and technical institutes (HEFA I—Sec. 103)	307,654	307,654
Other undergraduate facilities (HEFA I—Sec. 104)		184,264
Graduate facilities (HEFA II)		
State administration and planning (HEFA I—Sec. 105)	62,013	63,013
Student aid:		
Educational opportunity grants (HEA IV-A)	332,197	332,197
Direct loans (NDEA II)	826,911	1,185,068
Insured loans:		
Advances for reserve funds		
Interest payments		
Higher education—Continued		
Work-study programs (HEA IV-C)	$972,393	$972,393
Special programs for disadvantaged students:		
Talent search		
Personnel development:		
College teacher fellowships (NDEA IV)		
Training programs (EPDA Pt. E)		
Subtotal, higher education	2,673,782	3,216,203
Vocational education:		
Basic grants	1,974,392	1,974,392
Innovation	214,256	214,256
Work-study		28,860
Cooperative education	219,993	219,993
Consumer and homemaking education	96,223	112,296
Programs for students with special needs		128,359
Research		101,033
Subtotal, vocational education	2,504,864	2,779,189
Libraries and community services:		
Grants for public library services (LSCA I)	209,555	255,312
Construction of public libraries (LSCA II)		105,859
Interlibrary cooperation (LSCA III)	40,842	40,842
State institutional library services (LSCA IV-A)	39,509	39,509
Library services for physically handicapped (LSCA IV-B)	25,073	25,073
College library resources (HEA II-A)		
Librarian training (HEA II-B)		
University community service programs (HEA I)	121,677	121,677
Adult basic education (Adult Education Act):		
Grants to States	314,106	314,106
Special projects and teacher education		
Educational broadcasting facilities		
Subtotal, libraries and community services	750,762	902,378
Education for the handicapped:		
Preschool and school programs for the handicapped (ESEA VI)		
Teacher education and recruitment		
Research and innovation		
Media services and captioned films for the deaf		
Subtotal, education for the handicapped	175,883	175,883
Research and training:		
Research and development:		
Educational laboratories		
Research and development centers		
Vocational education	15,000	15,000
Subtotal, research and training	15,000	15,000
Colleges for Agriculture and the Mechanic Arts (2d Morrill Act)	50,000	50,000
Promotion of Vocational Education (Smith-Hughes Act)		
Education in Foreign Languages and World Affairs		
Civil Rights Education		
Total, Office of Education	28,996,924	30,014,434
Total, Office of Education comparable basis [2]		

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[1] This program is funded from both the elementary and secondary appropriation and the new instructional equipment appropriation in 1970.

[2] The 1969 actual column shows obligations for project type programs where the State by State distribution cannot be predicted in advance, and therefore, is not shown in the 1970 column. For this reason the 1969 comparable figure excludes obligations for project type programs.

Mr. MONTOYA. Mr. President, the State of New Mexico is not a rich State. Fourteen percent of the State's education revenues is derived from Federal sources. Only four States in the Nation receive a higher percentage of their total education funds from the Federal Government. Only three other States receive less in local and other revenues than New Mexico. A tremendous burden has been placed on the State government to provide enough money to educate New Mexico's young people. If the Federal funds are further reduced, as Mr. Nixon is proposing, New Mexico will suffer greatly as a result.

During the past year I have continually emphasized the fact that not only New Mexico but the Nation as a whole simply cannot afford this low priority given to our Federal educational programs. In October of last year I introduced Senate Joint Resolution 163, a resolution to increase permissible funding levels for all Office of Education programs until Congress completed action on the fiscal year 1970 appropriations bill. I was deeply gratified that the resolution became a part of the continuing resolution passed at that time as well as all subsequent continuing resolutions.

I ask unanimous consent to insert at this point in the Record the statement I made at the time of introducing this resolution on October 28, 1969, and additional statements my colleagues and I made at the time my resolution was passed in the Senate, November 13, 1969.

There being no objection the statements and insertions were ordered to be printed in the Record, as follows:

[From the Congressional Record, Oct. 28, 1969]

Senate Joint Resolution 163—Introduction of Senate Joint Resolution Authorizing Increased Funding for U.S. Office of Education Programs

Mr. Montoya. Mr. President, I introduce on behalf of myself and Mr. Pell, Mr. Randolph, Mr. Javits, Mr. Bayh, Mr. Burdick, Mr. Cannon, Mr. Church, Mr. Cook, Mr. Cranston, Mr. Eagleton, Mr. Goodell, Mr. Gore, Mr. Gravel, Mr. Harris, Mr. Hart, Mr. Hartke, Mr. Hughes, Mr. Kennedy, Mr. Mathias, Mr. McGovern, Mr. McIntyre, Mr. Metcalf, Mr. Mondale, Mr. Moss, Mr. Nelson, Mr. Pastore, Mr. Ribicoff, Mr. Schweiker, Mr. Spong, Mr. Williams of New Jersey, Mr. Yarborough, Mr. Allen, Mr. Dodd, and Mr. Tower, a joint resolution which increases permissible funding levels for all programs under the U.S. Office of Education to the level set by H.R. 13111, the fiscal year 1970 appropriation bill for the Department of Labor and the Department of Health, Education, and Welfare, instead of that set by either the much reduced amount in the President's budget request or the fiscal year 1969 appropriations.

Mr. President, a glance at the tabulation will show that the amounts in the House-passed H.R. 13111 are $1 billion, $25 million over the budget request and approximately $600,000 over the fiscal year 1969 appropriation. The resolution we are introducing today would permit the Office of Education to expend funds at the greater level in H.R. 13111 until Congress completes action on the appropriation bill.

As you know, Mr. President, Congress has not yet completed action on fiscal year 1970 appropriations for programs in the U.S. Office of Education. As I pointed out on September 10 when I sponsored a joint resolution (S.J. Res. 148) providing similar school aid relief to federally impacted areas, the unavoidable delay in appropriations causes much uncertainty and many difficulties for education agencies which must function for several months not knowing the total amount of funds with which they have to operate. The continuing resolution presently in effect authorizes the Department of Health, Education, and Welfare, among other agencies, to expend funds at last year's rate or the President's fiscal year 1970 budget request, whichever is the lesser. A review of the above tabulation will show that this is simply not adequate.

The House-passed H.R. 13111 provides, as I have stated, for education programs, funds of more than $1 billion over the President's budget request. I feel confident that the Senate will uphold, and even increase, the amounts voted by the House. In light of the nearly assured action of Congress to amend the President's budget request, the present continuing resolution represents the imposition of an unnecessary hardship on federally funded education programs. This interim funding procedure is creating havoc with most school budgets and is particularly harmful to school programs involving vocational education, education for the handicapped, aid for educationally deprived children, aid to federally impacted areas, and direct loans for college students. We in Congress must not penalize the schools for our own unavoidable procedural inefficiencies.

If we do not enact this joint resolution promptly, Mr. President, we will, in fact, be penalizing our schools and our Nation's children. Unless we act now, schools will necessarily be forced to make drastic cuts in services, personnel, equipment, materials, and other vital areas. This will have the resultant effect of a poor quality education. Let us demonstrate our commitment to quality education by enacting this resolution and freeing the necessary funds for all education programs.

The resolution we are proposing is identical with one introduced in the other body, cosponsored by 227 Members of the House. Debate on that will be occurring today. I am hopeful that that measure will be adopted by the House today. By evincing our strong support for the measure now being introduced, we can assure our colleagues in the House of our collective support for meeting the educational needs of our children and schools thus enabling them to avoid any specious argument to the contrary which may be offered by those who have not assessed the depth of our commitment. I am very pleased to state that the resolution, which has strong bipartisan support, is one which can command the allegiance of all Senators of both parties. I wish to thank my colleague, the Senator from Rhode Island (Mr. PELL), chairman of the Education Subcommittee, and my colleague, the Senator from West Virginia (Mr. RANDOLPH), senior member of the Committee on Labor and Public Welfare, and my colleague, the Senator from New York (Mr. JAVITS), ranking Republican member of the full committee, for joining with me at this time in presenting this resolution to the Senate on our behalf and on behalf of all those who have joined us in cosponsoring this measure.

Mr. President, this measure affects every State in the Nation and it affects every program administered by the U.S. Office of Education. Some programs would be assisted more than others, some States more than others. But in the final analysis, all States and thus children and scholars throughout the Nation will benefit if this measure is enacted.

Mr. President, a State-by-State breakdown of the various levels of funding involved may be found in the CONGRESSIONAL RECORD of October 21, 1969, at pages S12900–S12957. All States will benefit in the end. Quality education will be enhanced.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD the text of the joint resolution.

The PRESIDING OFFICER. The joint resolution will be received and appropriately referred; and without objection, the joint resolution be printed in the RECORD.

The joint resolution (S.J. Res. 163) to supplement the joint resolution making continuing appropriations for the fiscal year 1970 in order to provide for carrying out programs and projects, and for payments to State educational agencies and local educational agencies, institutions of higher education agencies, institutional agencies and organizations, based upon appropriation levels as provided in H.R. 13111 which passed the House of Representatives July 31, 1969, and entitled "An Act making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1970, and for other purposes," introduced by Mr. MONTOYA (for himself and other Senators), was received, read twice by its title, referred to the Committee on Appropriations, and ordered to be printed in the RECORD.

[From the CONGRESSIONAL RECORD,
Oct. 28, 1969]

S.J. RES. 163

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provisions of section 101(b) and section 101(d) of the joint resolution entitled "Joint resolution making continuing appropriations for the fiscal year 1970, and for other purposes," approved June 30, 1969 (83 State. 38), in addition to the sums appropriated by such joint resolution, such additional sums are appropriated out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, for the Department of Health, Education, and Welfare for the fiscal year 1970, as may be necessary for carrying out programs and projects and for making payments to State and local educational agencies, institutions of higher education, and other educational agencies and organizations, of the amounts to which they would be entitled for the fiscal year 1970 pursuant to the provisions of those paragraphs captioned "Office of Education" in the, H.R. 13111, which passed the House of Representatives on July 31, 1969, entitled "And Act making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1970, and for other purposes."

[From the CONGRESSIONAL RECORD, Nov. 13,
1969]

CONTINUING APPROPRIATIONS, 1970

Mr. HARRIS. Mr. President, I would say further I think it is extremely important that we pass this continuing resolution with the portion of it dealing with education, and that we not accept the pending amendment.

Mr. President, lastly, I wish to pay tribute to the distinguished Senator from New Mexico (Mr. MONTOYA), whose leadership has been so important during the last weeks and months in bringing us to the point where we could see these increased educational funds becoming a reality. I hope the Senate will vote down the pending amendment and agree to the continuing resolution which is now before the Senate.

Mr. YARBOROUGH. Mr. President, as chairman of the Senate Committee on Labor and Public Welfare, I wish to take this opportunity to express my appreciation for the role that my friend and colleague, Senator JOSEPH MONTOYA, has played in fighting for increased funds for education. It was through his leadership and perseverance that the Senate Appropriations Committee, on which both he and I sit, passed unanimously House Joint Resolution 966—the continuing resolution, including substantial spending provisions for education programs.

Senator MONTOYA spearheaded the drive in the Senate to provide these needed moneys for the education of all American youngsters, and it was his sponsorship of such a resolution in the Senate which prompted the House to take action on education appropriations under the continuing resolution, which resulted in passage by that body of a measure adding more than $1 billlion to the administration's budget for temporary education funding.

The actions of the Congress this year to date in appropriating funds for education have been nearly revolutionary. Education has come to the floor as a matter of urgent National priority; and Senator MONTOYA's role in this fight for improving both the quality and quantity of the education services we provide our young people comes as no surprise to me nor, I am sure, to any other Member of the Senate familiar with his record.

As a member of the Senate Committee on Labor and Public Welfare since 1958, and now as chairman of that committee since the beginning of this session of the Congress, I have had the opportunity to scrutinize the education voting records of many of my colleagues. JOSEPH MONTOYA has always been on the side of progressive education legislation.

In particular, as author of the Bilingual Education Act, I can testify to Senator MONTOYA's dedication to the improvement of educational opportunities for the children of Spanish descent who suffer serious educational disadvantages. New Mexico, like my own State of Texas, has a high concentration of children from such families. I am most thankful for Senator MONTOYA's support in providing legislation specifically designed to assist these children.

Senator MONTOYA's effective marshalling of support for the continuing resolution containing increased funds for education merits the appreciation, not only of the citizens of his State and of mine, but of the entire Nation.

Just yesterday afternoon the Subcommittee on Education, under the chairmanship of Senator PELL of Rhode Island, reported to the full Committee on Labor and Public Welfare the Elementary and Secondary Education Amendments of 1969, which vastly improve the educational program for the children in this country. I know that Senator MONTOYA, with his fine record of supporting education legislation, will join with like-minded Senators in supporting this bill when it comes to the floor of the Senate.

SENATE SUPPORT OF EDUCATION IS VITAL TO NATIONAL WELL-BEING

Mr. RANDOLPH. Mr. President, education is a key to the economic and social strength of our Nation, a hope in part for coping with the turbulence and uncertainties of our complex age, and a means for fulfillment of service and success in individual lives.

It is fundamental to the American ideal of equality of opportunity for worthwhile development of individual abilities. The American commitment to equality of opportunity is more fully realized through quality education which must be made available to all who can benefit from it.

Education is expected to produce citizens equipped to live and work in a rapidly changing society.

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Education—quality education—is vital to our growth and well-being.

But the process of teaching and learning can be no better than the people determine it to be; therefore, these are problems to be shared by all of us—requiring utilization of every source of support.

Now before the Senate is House Joint Resolution 966, the continuing resolution which will allow over a $1-billion increase in funds for the operation of many important educational programs on a temporary basis. Educators charged with the responsibility for providing quality education for the Nation's youth have experienced a most difficult situation since this school year began. Many programs cannot be carried forward because of a lack of funds and because of other administratively imposed budgetary restrictions.

Mr. President, the education of Americans is a priority matter. Time wasted is time lost. These years of schooling are not a biding time until adulthood but a time for growth in knowledge as well as stature. On these crucial years an educational base for productive life must be built.

It was my privilege to join with the able Senator from New Mexico (Mr. Montoya) and other colleagues in sponsoring an education funding resolution similar to the provisions of the measure now before the Senate. It is gratifying that our diligent colleagues on the Appropriations Committee have recommended approval of this altered procedure to fund the education programs at the level approved by the House of Representatives until Congress has completed action on the Department of Health, Education, and Welfare appropriations legislation. It is my hope that the Senate will voice its support for a realistic program of educational assistance by approving this resolution.

As a member of the Senate Education Subcommittee, I have participated actively in the formulation of the many education assistance programs of this decade. These have been landmark measures. We have broken new ground, and we will continue to refine and build. In a sense the Congress made a national commitment to quality education. But that commitment has been lessened by our inability to provide the necessary funds to implement education programs. The pending resolution is a revitalization of our commitment. It is tangible evidence of the growing support to provide increased funding for education.

The Presiding Officer. If there be no further amendment to be proposed, the question is on the engrossment of the amendment and third reading of the joint resolution.

The amendment was ordered to be engrossed, and the joint resolution to be read a third time.

The joint resolution was read the third time.

The Presiding Officer. The joint resolution having been read the third time, the question is, Shall it pass?

The joint resolution (H.J. Res. 966) was passed.

Mr. Mansfield. Mr. President, the junior Senator from New Mexico (Mr. Montoya) is necessarily absent from the Senate today. I would not want this opportunity to pass without paying tribute to him for his untiring efforts in behalf of American education. Today we have passed a continuing resolution providing for the release of operating funds for education programs. It is no exaggeration to say that the single most important force behind this victory for education was Joseph Montoya.

Education this year has been recognized as a matter of national urgency and deserving of national priority. We have acknowledged a mandate from the people in support of education programs, and we have seen that mandate reflected in the appropriations process, through the leadership of such men as Joseph Montoya.

We cannot believe in education, however, or profess to, without supporting every opportunity which comes our way to provide a quality education for every child in this country. There are many who profess to believe in education, and there are many who do support education measures when a vote is called. But how many are there who consistently take the positive action which is so vital to the success of legislation which supports the public schools of this country?

Such a man is Joseph Montoya. He is not only a supporter but a leader in the cause of progressive education legislation, and the results of his leadership have been seen today, with the passage of this resolution which is so vital to the operation of our schools.

I ask unanimous consent to have printed in the Record remarks which Senator Montoya would have made had he been here.

There being no objection, the statement was ordered to be printed in the Record.

[From the Congressional Record, Nov. 13, 1969]

Statement of Senator Montoya

I wish to thank the distinguished Chairman of the Committee on Appropriations, the Honorable Richard Russell, for his cooperation in reporting the continuing joint resolution for our consideration today. I know that it was not easy for him to agree to do so because of the Montoya-Cohelan amendment in the joint resolution pertaining to education funds.

I wish to stress as strongly as I can that I do not want to leave any indication or implication whatsoever that the distinguished Committee Chairman is any less sensitive than I to the education needs of our country. As a member of, and now Chairman of the Appropriations Committee, Senator Russell has served this country for many years in a dedicated and loyal manner. He has assisted on and presided over many bills appropriating great sums of money for education—normally far more than was appropriated by the other body.

I do appreciate, however, that there was some concern on the part of the committee chairman and others that we might be establishing a precedent by adopting this amendment with respect to education appropriations.

But more is at stake here than a precedent with respect to the nature of a continuing resolution. The very concept of providing a sound education for our nation's children is at stake.

I stand here as a spokesman for three allied interests. I speak for my constituency in New Mexico, for Senators who have joined with me in cosponsoring Senate Joint Resolution 163, and for the millions of students, teachers, and educators across the Nation.

My message is simple, and I shall try to be as brief as possible, knowing well the terrific pressures of time and circumstances under which Congress is working.

The continuing joint resolution before us provides, of course, funding for all those agencies whose fiscal year 1970 appropriation bill has not yet become law. The previous continuing resolution expired on October 31, 1969, and the agencies affected have been without obligating and funding authority since. While the agencies have been able to operate on a temporary and uncertain basis during this interim, the time has run out for them and they must have legislative authority to make payrolls that have become due. For example, this Friday the Department of Defense military personnel payroll becomes due as do those of the Weather Bureau and the Architect of the Capitol. Also this weekend, the payroll for the Coast Guard is due. Next week the payrolls for the personnel at the Tennessee Valley Authority, the Department of Defense civilian personnel, and every other agency whose appropriation bill has not been enacted, will become due. We must enact this continuing joint resolution today, unchanged from that passed by the House in H.J. Res. 966, if these agencies are to pay their employees on time.

I think every Senator fully understands that aspect and appreciates the need for urgency. We have no time for a Senate-House Conference. We must approve H.J. Res. 966 without amendment.

Of course, at this moment the subject of great concern for all of us is that portion of the continuing resolution which pertains to the interim funding of education programs. There are few among us who would not agree that education ranks very high as a national priority. That is not the issue. Rather, the issue is whether we should express our belief in the importance of education by supporting a continuing resolution which would fund education programs at a level substantially above last year's appropriations and this year's administration budget request. On this issue, at least 47 of our colleagues here in the Senate have committed themselves to education as an action priority by cosponsoring S.J. Res. 163, which I introduced. Thus, at least 47 members of this body have already stated that we should fund education programs during this interim period at the level provided for in the House-passed HEW appropriation bill for FY 1970.

H.J. Res. 966 as passed by the House was amended on the floor of the House to include the language of S.J. Res. 163. This provision simply states that the Office of Education programs will be funded during this interim period at the level contained in the House-passed HEW appropriation bill for FY 1970 (H.R. 13111), instead of at the lesser levels represented either by last year's appropriations or this year's budget request.

Briefly, H.R. 13111 represents an increase of approximately $605.5 million over last year's appropriation and more than $1 billion over this year's administration budget request.

The question has been asked as to why we should provide funding of education programs during this interim period at the House-passed level for FY 1970 instead of at the traditional level provided for in a continuing resolutions, of last year's appropriation or the new budget request, whichever is lesser. This is a fair question and deserves a straight answer.

The House in its wisdom has recognized the severe inadequacy of both the fiscal year 1969 appropriation and this year's administration budget request. Although we have authorizations for education programs totalling nearly $9 billion for FY 1970, the budget request for FY 1970 and last year's appropriations are far below this amount.

In order to remedy this inadequacy and more realistically approximate the true needs of education, the House, late in July, passed H.R. 13111. Many Senators, probably a majority, silently applauded this action on the part of the House. Although encouraged by the positive trend established by the other body, I have found that many Senators agree that the increases voted by the House do not go far enough. The Senate, during the past 10 years, except for one instance, has traditionally appropriated more money for education than has the House. There is no reason to feel that we will not do so again. Unfortunately, however, unavoidable delays have put final passage of the appropriations bill for HEW in the Senate in the uncertain future. It may be late November or early December before the Senate will have an opportunity to vote on the bill. In the meantime, we cannot cheat on our obligations to provide for sufficient funding for education programs.

From my point of view, one that is shared by the other cosponsors of S.J. Res. 163, logic and obligation demand that we uphold as a minimum the level established by H.R. 13111 while awaiting passage of the final appropriations bill. We must firmly establish our intention to meet the real financial requirements of quality education programs; and the surest way of establishing our intention is through immediate passage of H.J. Res. 966 as passed by the House. With such passage, positive gains for education, although still not adequate, become an accomplished feat in terms of desperately-needed funding.

Such action speaks with greater integrity than the acceptance of past funding levels with a promise that things will get better sometime in the future.

Thus, some specific and crucial dollar amounts are inherent in S.J. Res. 163 as incorporated into the House passed H.J. Res. 966, as compared with the one under which the U.S. Office of Education has been operating since July 1, 1969 (P.L. 91–33). Overall, the House-passed H.J. Res. 966 would add approximately $1 billion for Federal education programs. More specifically, H.J. Res. 966 would add approximately $400 million for school assistance in Federally affected areas; $350 million for elementary and secondary education programs; $26.5 million for Libraries and community services; $200 million for vocational education; and make a number of other needed additions to the presently authorized spending levels for Office of Education programs.

In New Mexico, for example, H.J. Res. 966 as passed by the House, would add $1.2 million for Elementary and Secondary Education; $5.1 million for school assistance in federally affected areas; and $900 thousand for vocational education. We face a school crisis in New Mexico—as I am sure other States do—and this measure will greatly alleviate our finanical problems.

I must admit that I do not view with pleasure the necessity of making an issue of a continuing resolution. Such a procedure acts to undermine a tradition of non-controversiality which is normally a part of a continuing resolution. Nevertheless, I feel even more strongly that we must not, for the sake of tradition, hold up desperately-needed funds for our education programs. As one Senator has put it, the exigencies of time demand extraordinary action. I ask on behalf of a sound education system in this country for the support of all Senators.

[From the Congressional Record, Nov. 13, 1969]

Mr. Mansfield. Mr. President, I also wish to include in the Record a statement in praise of Senator Montoya which would have been delivered by the Senator from Washington (Mr. Magnuson). Senator Magnuson is likewise necessarily absent from the Chamber. I subscribe wholeheartedly to his remarks about the junior Senator from New Mexico, and ask unanimous consent that they be printed at this point in the Record.

There being no objection, the statement was ordered to be printed in the Record.

[From the Congressional Record, Nov. 13, 1969]

Senator Joseph M. Montoya's Leadership in Behalf of American Education

Mr. Magnuson. Mr. President, it is one of the most useful, though informal, functions of Members of the United States Senate, to call attention from time to time to the accomplishments of those who distinguish themselves by helping to perpetuate the ideals of service on which the health of our free democratic society depends.

It is a special pleasure for me, therefore, as Chairman of the Labor-HEW Subcommittee of the Senate Appropriations Committee, to join with my colleagues on both sides of the aisle in paying tribute to our distinguished colleague, Senator Joseph M. Montoya, in connection with the vital role he has played in providing additional funds for education which will be of such benefit to the Nation's school districts.

Senator Montoya's leadership has never been more illuminating than the way in which he has responded to the call to speak up in behalf of America's educational objectives. Education has been one of the interests closest to his heart. In his judgment there is no more worthy objective than the full attainment of our educational goals. He feels that those of us with the awesome responsibility of helping prepare youth for their life roles as employed adults and citizens must assume that responsibility by making available tools which educators and school administrators can seize upon and use to enhance and improve our national education system.

As a result, Senator Montoya has championed and voted for every substantive improvement in educational opportunities for the American people since he came to Congress—from preschool projects to graduate education. And in securing passage of this—his most recent effort—he has been working behind the scenes, giving selflessly of his ideas and energies, so that this education resolution may be enacted.

Of course many other accomplishments by Senator Montoya could be cited here, and over his many years of public service he has demonstrated that he is a devoted and loyal son of, and willing to work hard for the best interest of, the State of New Mexico and this Nation.

Mr. President, Senator Montoya's contributions remain of the highest quality and utmost importance, and we cannot do less than warmly applaud his earnest and effective efforts.

Mr. MONTOYA. Mr. President, in my State of New Mexico, one of the most important Federal education programs is aid to impacted schools. Yet this program has borne the major brunt of the President's attack against this year's education budget. It would appear, from press accounts, that one of the principal reasons for the President's veto of appropriations for both the entire Department of Labor and the entire Department of Health, Education, and Welfare is the fact that one particular wealthy school district in Maryland is receiving impacted funds.

Many States, however, are not rich, and States such as my own—with many heavily impacted school districts—cannot tolerate the exorbitant cutbacks Mr. Nixon has proposed.

Congress originally passed impacted aid legislation in recognition of the need to compensate local school districts for additional burdens imposed on them by increased Federal activity in their area. The essence of this burden is precisely that of an added requirement to serve large numbers of children of Government employees and military families, many of whom do not contribute to local tax rolls.

Twenty-nine percent of the total Federal education funds allocated to New Mexico in fiscal year 1969 was in the form of impacted aid. Full Public Law 874 entitlements for New Mexico in 1970 amount to $12.5 million. Yet the President originally requested a total of only $6.1 million for this purpose, $4.3 million below the 1969 level.

The people of New Mexico are presently paying a greater percentage of their personal income for public education than the citizens of all other States but two. The loss of $4.3 million for impacted aid in New Mexico will be a serious economic blow to New Mexico's school districts, which are already heavily overburdened. Many of these districts have gone into debt. The New Mexico State Legislature has found it necessary to call on the residents to pay additional taxes for education.

Because of this critical need, in the last session of Congress I introduced a resolution, Senate Joint Resolution 148, to permit the Department of Health, Education, and Welfare to make allocations to local educational agencies under Public Law 874, school aid to federally impacted areas, based on full entitlements.

I ask unanimous consent to have my introduction statement of September 10, 1969, on this resolution inserted at this point in the Record.

There being no objection the statement and insertions were ordered to be printed in the Record, as follows:

Senate Joint Resolution 148—Introduction of a Joint Resolution Providing School Aid to Federally Impacted Areas

Mr. Montoya. Mr. President, I introduce on behalf of myself and Senators Anderson, Allen, Bennett, Bible, Burdick, Cannon, Cranston, Dodd, Eagleton, Fulbright, Gurney, Harris, Hart, Mansfield, Mondale, Moss, Murphy, Muskie, Sparkman, Spong, Stevens, Thurmond, Tydings, Williams of New Jersey, Yarborough, and Young of North Dakota, a joint resolution to authorize the Department of Health, Education, and Welfare (HEW) to begin making allocations to local educational agencies under the Public Law 874, school aid to federally impacted areas, based upon the full entitlement for that school district instead of upon the much reduced amount in the President's budget request.

As you know, Mr. President, until Congress completes action upon an appropriation measure for an executive agency, that agency can expend funds only at the rate authorized under a continuing resolution. The continuing resolution presently in effect authorizes HEW, among other agencies, to expend funds at last year's rate or the fiscal year 1970 budget request, whichever is the lesser. This procedure has undoubtedly caused much uncertainty and many difficulties in the past on the part of agencies which must function for several months not knowing the total amount of funds they will have to operate with. Inconvenient as this may be, however, we have yet to devise a more efficient approach.

This interim funding procedure, however, is creating havoc with most school budgets and particularly those school districts which have a heavy concentration of Federal activity. We are all familiar with the Public Law 81–874 program which authorizes payments based on a formula to school districts which are federally impacted and which are thus deprived of a tax base for funding their educational system. Congress has decreed time and time again—usually at appropriation time—that we have a responsibility to assist these school districts because the Federal Government is in effect depriving them of school taxes. And we have decreed time and time again that we should meet our responsibility fully by paying full entitlement and not merely lipservice as represented by the small amounts that are usually recommended by the executive branch.

This year, Mr. President, the schools with

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heavy concentrations of Federal activity are feeling a heavy crunch, and unless this resolution is enacted promptly, there is no prospect of any immediate relief for them. We are faced with the prospect of not having final action on the appropriation measure for HEW until late this year. The Senate Appropriations Committee is not even contemplating resuming hearings on the HEW, appropriation bill until mid-October.

In the meantime, HEW is bound by the continuing resolution which only authorizes them to make payments under this program based on last year's appropriation of the President's fiscal year 1970 budget request, whichever is lower.

Unfortunately, the President's fiscal year 1970 budget request is substantially below either full entitlement for fiscal year 1970 or last year's appropriation. Figures supplied me by HEW show that appropriations for fiscal year 1969 were $505,900,000 and full entitlement for fiscal year 1970 totaled $650,594,000, but yet the President's fiscal year 1970 budget request is only $187,000,000. Further, the President's recommended budget would provide for payments only for the so-called A category children and no payments at all for the B category children. The A category children, as you know, are those whose parents both live and work on Federal property. The B category children are those whose parents work but do not live on Federal property. Thus, school districts with B category children in them, would receive no funds under this program whatsoever for their B category children unless Congress acts to amend the President's budget request.

Fortunately, Mr. President, the Congress will probably act to amend the President's budget request. The House has already increased the President's budget request for Public Law 874 funds from $187 million to $585 million. This represents almost full entitlement for each school district for fiscal year 1970 for both A and B category children. I, and others in the Senate, have pledged to seek at least the same level of funding as has the House. I am confident that we will be successful.

However, until we do pass on the HEW appropriations, HEW can allocate funds under the Public Law 874 program, and all other education programs, based on the extremely small Presidential budget request. Thus, unless we move immediately to remedy this, many school districts throughout the country which are dependent on these funds are going to be thrown into a financial panic.

I have secured from HEW a listing of all the applications which they have already received for funding under this program. The listing of applications already received and for which little or no funding will be available unless this resolution is adopted, includes school districts from the west coast to the east coast to the Gulf of Mexico. This, then, is a national problem. Apparently no State is being spared.

Mr. President, unless this joint resolution is enacted promptly, the school districts that are being denied their funding under the Public Law 874 program will be faced with the decision of making drastic cuts either in personnel, in services, equipment, materials, or in other vital areas all with the resultant effect of a poor quality education. Congress has pledged itself to a quality education for all American children. Let us demonstrate that commitment by enacting this resolution and freeing the necessary funds under the Public Law 874 program immediately. We may well have to provide this same type of emergency relief for other education programs in the future if Congress does not soon enact the HEW appropriation bill. However, for the meantime, let us begin by seeking early release of funds for the Public Law 874 program based on the full amount which the school districts are entitled to for both "a" and "b" category children.

Mr. President, I ask unanimous consent that the text of my joint resolution be printed at this point in the Record.

The Presiding Officer. The joint resolution will be received and appropriately referred; and, without objection, the joint resolution will be printed in the Record.

The joint resolution (S.J. Res. 148) to amend the joint resolution making continuing appropriations for the fiscal year 1970 in order to provide for payment to local educational agencies of full entitlements pursuant to the provisions of title I of Public Law 874, 81st Congress, introduced by Mr. Montoya, for himself and other Senators, was received, read twice by its title, referred to the Committee on Appropriations, and ordered to be printed in the Record.

S.J. Res. 148

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That section 101(b) of the joint resolution entitled "Joint Resolution making appropriations for the fiscal year 1970, and for other purposes", approved June 30, 1969 (83 Stat. 38), is amended by inserting after "Elementary and Secondary Education Act of 1965, as amended" a colon and the following: "*Provided further,* That such amounts as may be necessary shall be available to pay local educational agencies full entitlements for the fiscal year 1970 pursuant to the provisions of title I of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress").

Additional Cosponsor of Joint Resolution

SENATE JOINT RESOLUTION 144

Mr. Byrd of West Virginia. Mr. President, on behalf of the Senator from New Mexico (Mr. Anderson), I ask unanimous consent that, at the next printing of Senate Joint Resolution 144, to provide for the appropriation of funds to assist school districts adjoining or in the proximity of Indian reservations, to construct elementary and secondary schools and to provide proper housing and educational opportunities for Indian children attending these public schools, the name of the Senator from Wisconsin (Mr. Nelson) be added as a cosponsor.

The Presiding Officer. Without objection, it is so ordered.

Mr. MONTOYA. Mr. President, I further ask unanimous consent to have inserted at this point in the Record the statement I made at the time the conference report on the Labor-HEW appropriations bill was considered on January 20, of this year.

There being no objection the statement was ordered to be printed in the Record, as follows:

Appropriations for the Departments of Labor, and Health, Education, and Welfare, and Related Agencies, 1970—Conference Report

Mr. Magnuson. It is a small amount in the bill, but for a pretty important objective—and I see the Senator from New Mexico is here—we added $15 million for bilingual education. There are several million youngsters to be served.

Mr. Montoya. 3 million youngsters.

Mr. Magnuson. 3 million youngsters in this country who need this special assistance, so that they can take full advantage of their schooling.

Mr. Montoya. That is right. Those youngsters are handicapped, because when they go to school they cannot speak the English language.

IS THE ADMINISTRATION USING LIVES TO BALANCE THE BUDGET?

Mr. President, President Nixon has announced his intention of vetoing the pending HEW-Labor-OEO Appropriations Act if Congress adopts it in the form approved by a conference committee. The President bases his opposition on increased inflation he claims would be caused by funds added by Congress to the amount he asked for.

Certainly we added $1.262 billion. Most of it, $919 million, was added to the Federal contribution for support of America's public schools. Moreover, I see no reason at all for cutting such an essential expenditure, and if the President, in his wisdom, does veto the measure, I shall vote to override that veto.

President Nixon's own Commissioner of Education, James E. Allen, Jr., recently expressed public dissatisfaction with education's place among the Nixon administration's domestic priorities. A 50-member urban education task force appointed last year by Secretary of Health, Education, and Welfare Finch has recently recommended a $5 to $7 billion annual increase in Federal funds for urban schools. Congress has sought to respond to an increasingly acute crisis through such added funds. Now the President responds to such an urgent situation by holding the sword of a veto over the head of our Nation's children. It is terribly sad to see such shortsightedness on the part of an administration.

Local school districts are now taxed to the absolute limit, as voter rejection of larger numbers of school bond issues shows. Federal spending for public schools dipped in 1969, according to the National Education Association. Yet such signals are ignored by the administration.

How can we pour $30 billion annually into Vietnam and cut our schools and health expenditures? How can we subsidize some already oversupported elements of America's business community, yet shortchange our children? How can we assume so many costs around the world while ignoring health and education needs?

In my own State of New Mexico, such a veto would immediately deprive our schools of $8.4 million in funds for education. Federally impacted areas would be struck a body blow, and such areas are many all over the west.

The cut in medical research and health funds is an equal tragedy, for such slashes hurt twice. Once in immediate losses, and again in terms of long-reaching effects that will be felt for years. Research teams are being broken up, as relatively modest Federal backing is cut or withdrawn. Medical research, medical school faculty salaries, and aid to medical students is being hamstrung. Laboratory animals will be sold or destroyed. Invaluable files and research results will be lost or disposed of. Close working relationships will be broken up. Demoralization is already setting in across the land in the ranks of researchers, faculties and students. Early reports are reaching us of the first such signs of this.

Every major educational, medical, hospital, dentistry and public health association in America has joined in begging the President to refrain from exercising his veto on this measure. A spokesman for the National School Boards Association has predicted that some schools will have to close their doors early or drop programs—which could force dropout-prone, less motivated students onto our streets, creating problems in every American city.

In health the picture is as gloomy, as leaders in this area have assured us we will be unable to train the 70,000 additional doctors the Nation requires. How can the administration use lives to balance the budget?

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One example that immediately comes to mind is Government's failure to provide some $40 million to train workers in coronary care units in our hospitals. This could mean that 50,000 people might die in the next 12 months who need not perish.

The last time a President of the United States vetoed a major education measure of this type was in 1859, when President Buchanan did so. We all know President Nixon is a compassionate man with decent instincts. I fervently hope his compassionate feelings will override reasons he has given recently as grounds for threatened veto of this measure. If not, then America will have totally turned its order of priorities around in the past year.

Each of the three American scientists who recently participated in the winning of the Nobel Prize for Medicine have had their research funds cut by the Federal Government. Dr. Max Delbruck, of California Institute of Technology at Pasadena, has his funds cut 8 percent. Dr. Alfred D. Hershey, of the Carnegie Institution of Cold Spring, N.Y., had his funds cut 10 percent, Dr. Salvador E. Luria of MIT lost 9 percent of his money for research.

Mr. President, such facts speak for themselves. In addition to cutting aid to education, libraries, hospitals, Job Corps, OEO, conservation, antipollution moneys, and funds for acquisition of new national parks, the President now seeks to cripple basic areas of endeavor essential to national wellbeing for years to come. We must prevent him from doing so. Our duty as Senators is clear. We must override any Presidential veto.

Under the Bilingual Education Act, which the Senator from Texas and I sponsored here, we would be able to give, under this program, instruction to children before they started in the first grade, so they could be on a competitive level with their counterparts in the educational system. I think this is sorely needed. We have had some very good pilot programs, and this kind of instruction has proved itself out. HEW is for it, and the educators who have tried it are for it. In fact, other educators throughout the country are copying it.

I commend the Senator from Washington, because he was very sympathetic to this particular program, as well as to other educational programs. In fact, I do not think there is a valid, credible, logical argument for saying that this expenditure for education in inflationary, that it feeds the fires of inflation. I do not think so. I think that uppermost in our minds should be whether or not we are going to establish education as one of the top priorities in this country, and I think that we have ample room here to justify this additional expenditure, in view of the fact that we cut expenditures in the defense budget, we cut foreign aid, and we cut other programs that do not relate to our domestic priorities. That is what the Senator from Washington and his subcommittee were doing, and that is what we were aware of when the full Appropriations Committee acted upon this bill.

I think that Congress itself has reacted similarly in giving an overwhelming vote to this appropriation. I commend the Senator from Washington.

Mr. MAGNUSON. May I, right at that point, state for the RECORD that the vote on final passage on this bill in the Senate was 88 to 4.

Mr. MONTOYA. That is right. I am hopeful that the President will realize that education should have a top priority in this country, and that this expenditure is in proper order, because the representatives of the people—those in the House of Representatives and we here in the Senate—have spoken for and on behalf of the people and the educators of this country, who sorely need this Federal funding to upgrade the school systems.

We need this type of money. We need to imbue our local systems with Federal moneys, because school bond issues have been going down the drain. The taxpayers at the local level are overburdened with taxation to support their school systems, and it is up to us to establish this as a top priority, and to give it due consideration, as we are giving it in this bill, and I commend the Senator from Washington because he was the great leader in this movement to put education in the forefront.

Without a good, healthy educational system, America will retrogress, and many of our individuals, many of our children, will be dropouts, and they will continue in that cycle of adversity—of economic adversity, if you please—unless we do something for them.

Mr. MAGNUSON. I thank the Senator for that contribution. I wish to make it clear again that I gather this, though I have no direct word from the administration, that the main objection is we are above—and when they say "above," I do not know; above what? Above a budget estimate originally sent up, and then a dozen or more amendments afterwards, changing their minds clear up until November?

It is a little like when I was handling the truth-in-packaging bill. We said that they should stop the practice, in retail stores, of permitting the marketing of goods "10 cents off," when one could ask the question, "Off from what,"

It is the same way with this matter. Off the budget, yes. We were not off from the budget at all. If you include the $1.226 billion that they asked for forward financing on title I of ESEA, which I agreed to. As a matter of fact, the total budget request for HEW—and I hope these figures will be stated completely in the RECORD; I wish I could capitalize them—was $19,834,125,700 for all these functions; and the total appropriation in this bill, the current total, is $19,747,153,200, or $86,972,500 under the request of the administration.

But we shifted the priorities. What did this shift include? We took money from one thing and we put it in the Hill-Burton program—$104 million more than the budget. In the NIH training grants and research we put $56 million, but I understand they are not objecting to that, and I hope that is true. We did more for health manpower, we added $16,449,000.

The next big item was $312 million for elementary and secondary education, which includes the bilingual libraries, guidance, supplementary centers, title I and many other matters. Impacted aid, $398 million and higher education, direct student loans, $67,100,000.

The last one is vocational education. That is $209 million.

Those items are approximately 85 to 90 percent of what we are talking about. If there is any need in this country in the whole spectrum of education, it is for vocational education, and not one person who testified before our committee suggested that we cut back on vocational education. That is what this is all about.

We understand that there is not too much argument about the rest of it. At least, I hear this.

It is a very strange thing that is happening to the impacted areas program, for which the Senate voted 73 to 9. That is a strange political switch. The Senate voted 73 to 9 to increase aid to impacted areas, and then the suggestion is made that we turn around and say we did not mean it. The committee thought the Senate meant it, and when we went to conference, we came out with the House figure. That is a substantial increase over the President's budget.

The vote in the House on this bill, which is substantially the same as the Senate—was 293 to 120. The teller vote on the amendment I mentioned was 242 to 106, and the vote in the House on the conference report December 22 was 261 to 110.

Mr. MONTOYA. Mr. President, will the Senator yield?

Mr. MAGNUSON. I yield.

Mr. MONTOYA. As the Senator well remembers, I introduced the amended continuing resolution in the Senate.

Mr. MAGNUSON. The Senator is correct.

Mr. MONTOYA. And 47 Senators joined in cosponsorship of that joint resolution with me, indicating to me that there is an overwhelming sentiment in this body for the additional funding for educational purposes such as are provided in this bill.

Mr. MAGNUSON. The continuing resolution in many cases provided much more than the President's budget.

Mr. MONTOYA. The amended continuing resolution provided the type of funding that is now in this bill.

Mr. MONTOYA. Finally, Mr. President, during consideration of the education funds for fiscal year 1970 before the Labor-HEW Subcommittee on the Senate Appropriations Committee, I presented a comprehensive statement on December 1, 1969, setting forth my views on education and funding needs for New Mexico. I ask unanimous consent to have inserted the text of this statement in the RECORD. I have deleted most of the supporting charts since updated figures have been inserted above.

There being no objection the statement was ordered to be printed in the RECORD, as follows:

EDUCATION—THE ESSENCE OF A FREE DEMOCRATIC SOCIETY

Mr. Chairman: This year, I have received from my constituents in New Mexico a great number of letters and telegrams expressing deep concern over the possibility that our crucial and vital educational programs may be crippled by inadequate appropriations. In response to these expressions of alarm, I have assured my constituents that I regard the full funding of our education programs as among the most urgent measures coming before the United States Congress, and further, that I intend to give it the utmost priority.

So great is the fundamental duty and moral obligation of this nation to universal education, that education as a concern of Congress transcends mere priority. Indeed, the very essence of a free, democratic society is based upon its promotion of education. In the esteemed words of Thomas Jefferson:

"I know no safe depository of the ultimate powers of the society but the people themselves, and if we think them not enlightened enough to exercise their control with a wholesome discretion, the remedy is not to take it from them, but to inform their discretion."

Mr. Chairman, our schools are the vehicles through which we achieve the general enlightenment of the citizenry. The greatest internal threat to our democratic society is to allow anything which would undermine or limit the educational potential of the people. I share the fears of my constituents in believing that worthy and necessary education programs will be severely limited by inadequate appropriations.

Our commitment as a nation to quality education is not just a matter of historical precedent. As our society grows more and more complex, the demands on education and the need for an enlightened citizenry increase. One of the marks of our times is the zealousness with which we are pursuing our commitment to the solution of pressing social problems. The thing which we must remember is that our pursuit of social justice is rendered meaningless without a parallel commitment to the improvement of education. In fact, the two are inextricably bound. This is not simply a matter of equating social justice with intelligence, and the conditions of social malaise with ignorance. In a more immediate sense we will need a large number of highly-motivated, well-trained young people to conceive of and implement solutions to social problems facing our society. We must show ever greater concern for the future of these young people and the ultimate progress of what is to be their country by providing them with upgraded basic, vocational, and higher education.

The surest way to preserve the prosperity and vitality of our nation is to extend the availability of education and constantly improve its quality. The more education and enlightenment our citizens receive, the more likely they are to be equal to any emergency, to be patient with complex problems and the fallibility of fellow men, to be above the influences of anxiety, superstition, and prejudice, and to be on guard against neglecting their own welfare, that of their families, and that of their country. As many of our most distinguished economists point out, better education is clearly the most effective and efficient means for overcoming poverty, lack of opportunity, and hard-core unemployment. Increasingly we are coming to recognize the fact that better education is the key to reducing the current nine billion dollars spent annually on welfare programs.

Mr. Chairman, it is inconceivable to me that, particularly in this era of explosive social unrest, the Nixon Administration is prepared to cripple, rather than assist, our Nation's educational system. Congress, in its wisdom and as an expression of the will of the people, has authorized approximately $8.9 billion for educational programs in FY '70. The Nixon Administration would like to cut this by approximately 64% recommending appropriations of only $3.2 billion. In effect, the Nixon Administration is suggesting a budget decrease substantially below the "bare bones" budget requested by President Johnson for FY '69. What will happen to the millions of children affected by this regression on the part of the Nixon Administration?

Pressure from the Nixon Administration to cut education appropriations drastically is evidence of a depressing disparity between campaign promises and actual performance. I refer specifically to a letter issued by Mr. Nixon on October 1, 1968. With your permission, Mr. Chairman, allow me to read a portion of that letter. It begins:

"As we wind up the 1968 campaign, I ask your help in achieving the goals to which Governor Agnew and I are dedicated:

"American opportunity begins in the classrooms of this nation for young and old alike;

"When we talk about cutting the expense of government—either Federal, State, or local—the one area we can't short-change is education;

"Education is the one area in which we must keep doing everything that is necessary to help achieve the American Dream;

"We call upon every citizen to join with us in an action program for education."

I have called this letter to your attention, Mr. Chairman, not because I wish to embarrass or denigrate our President, but rather, as an indication of the recognized obligation to fullfill an overridingly important duty to the American people. I submit for the record the full text of the letter, which was reproduced by the National Committee of Teachers for Nixon-Agnew as part of the campaign platform presentation to the voters by Candidate Nixon.

Mr. Chairman, it is unconscionable for us not to support our federal education programs with adequate and full funding when there is a shortage of some two million teachers in the United States, when there are at least four million classrooms which should be built, when a majority of our schools and colleges lack adequate books and library resources, and most importantly when so many millions of our youth are lacking opportunities for the full development of their potential.

Small wonder it is that I do not stand alone in my plea for full funding of education programs. Our distinguished colleagues in the Senate, Senators Yarborough, Harris, Muskie, Moss, and Javits, among others, have recently spoken eloquently of their dismay over the proposed Administration budget cuts in funds for education and the pressing need for adequate fiscal support for all Federally-supported education programs. Furthermore, groups that represent education interests throughout the country—such as the National Citizens Committee to Save Education and Library Funds and the Emergency Committee for Full Funding of Education Programs—have joined together to focus upon and publicize the threat to education posed by the Administration's proposed budget cuts.

It is time for us all to examine the value system which permits vast military expenditures and meager education funding. The nation is spending billions upon billions for defense systems, some of which are of really questionable utility. I believe that it is most crucial for us to scrutinize our military budget for non-essential expenditures. Cuts in spending for unwarranted and wasteful military projects will bring many billions of dollars into our national treasury. In turn, these funds should be invested in the education of the future leaders and citizens of this country. And with our current three billion dollar budget surplus, we can afford to do more.

We cannot and should not make a lesser commitment to our children than that which went into the recent lunar landing feat. Yet, here we are not asking for the moon; we ask merely that all education programs be funded at their authorized levels. Indeed, if these programs were funded at authorization level, we would still be spending only 2.5 per cent of the total federal budget and ½ percent of our Gross National Product. I don't believe that this is too large an investment to make in the future of our nation. Let us not forget that many thousands of the engineers and technicians who made that lunar feat possible are the products of our American Education System, and that if we want, 20 years from now, to witness a comparable feat, we are well advised to provide the financing necessary now.

I doubt that there is a single member of this Committee who is not pleased by the action of the House of Representatives in voting to restore and increase funds for many of our Federal education programs. H.R. 13111 has added about one billion dollars for education assistance, including $978.547 million for nine major educational assistance programs for our schools, colleges, and libraries.

Text of letter reproduced by the National Committee of Teachers for Nixon-Agnew:

RICHARD M. NIXON,
Washington, D.C., October 1, 1968.

To My Fellow Americans:

As we wind up the 1968 campaign, I ask your help in achieving the goals to which Governor Agnew and I are dedicated:

American opportunity begins in the classrooms of this nation for young and old alike;

When we talk about cutting the expense of government—either federal, state, or local—the one area we can't short-change is education;

Education is the area in which we must keep doing everything that is necessary to help achieve the American Dream;

We will call upon every citizen to joint with us in an Action Program for Education.

In the final weeks ahead, the campaign will be an exciting adventure. I ask you to participate in that adventure by volunteering to help me and Governor Agnew. People who are committed to our goals of a better America can reach out to their friends and neighbors and enlist them in our campaign.

Only through people-to-people contact can we hope to restore decency and stability to out national life and create a better society for all. Your influence in our behalf is our most powerful campaign tool.

Will you volunteer to help? Write me in Washington.

Sincerely yours,
RICHARD M. NIXON.

I strongly commend the House for its action and wholeheartedly and enthusiastically endorse all of the increases which it voted. But I am not satisfied that we have done enough in some areas. In fact, in a few areas, the House has taken a step backward from last year's funding level.

Mr. Chairman, I do not wish to belabor this Committee with too long and detailed an account of the need for funds in *all* areas of education. However, I should like to at least review the impact of the Administration's major proposed cuts both nationwide and in my own State of New Mexico. In addition, I should like to point out the need for increased funding in a number of long-neglected areas such as bilingual education. P.L. 874 and P.L. 815 impact aid, library assistance, educational broadcasting and vocational education. I also wish to touch upon the absolute necessity for the forward funding of our education programs.

SECTION I. ELEMENTARY AND SECONDARY EDUCATION (INCLUDING AID TO FEDERALLY IMPACTED AREAS)

All of us recognize, Mr. Chairman, that the purpose of the Elementary and Secondary Education Act is to help educationally deprived students, including the schools in districts serving these students. Perhaps this, more than any other single piece of education legislation, is the most important. It is precisely during the early processes of education that we must make the greatest effort in order to motivate and equip our youngsters with the basic skills which are so essential in preparing them to enter vocational training, employment, or higher education. Without these skills and motivation it is nearly impossible for a citizen to fulfill his role in our society.

Funds for operating our Elementary and Secondary Education Act programs have never been adequate to meet the needs of those to be served. In spite of this, the Administration's budget requests are $110.5 million below the Johnson budget for FY 1970, and $2.2 billion below the level of expenditures authorized by Congress.

I am gratified therefore, that the House has underscored the importance of early childhood development by voting increases, not only in each area cut by the Administration, but also in other areas of elementary and secondary education. I fully support their action. I should like to comment upon and emphasize the need for the additional funds voted by the House. Further, I should like to discuss other areas which I consider of major importance, but which the House has not acted upon.

A. *Assistance for educationally deprived children (ESEA, I)*, I believe, Mr. Chairman, that we would also be pennywise and pound foolish if we did not increase funds for ESEA Title I programs for over 9 million educationally deprived children in this country, since any curtailment in these services will result in the need for more services in future years if the educational deficiencies of these children are to be overcome.

Based on known needs, it has been recommended by the Emergency Committee for Full Funding of Education Programs, among others, that at least $1.5 billion be authorized for ESEA Title I during FY 1970 and $1.75 billion for FY 1971. In FY 1969, over $1.1 billion were appropriated for the program, and for FY 1970 the Administration budget has proposed that $1.2 billion be allocated. The House would raise this amount to nearly $1.4 billion for FY 1970.

Mr. Chairman, it has been estimated that 50% of a child's learning capacity is set by the age of 4 and 80% by the age of 8. Neglect at these ages has led to failure in later schooling, and approximately one-fifth of the Nation's children do not attain literacy levels required for available employment. Moreover, an estimated 18 million Americans 18 years and over have less than an 8th grade education, 7 million have less than a fifth-grade education, and 57 million have less than a high school education. And more than 800,000 students annually drop out of high school before graduation.

These children—the failures of our educational systems—are disproportionately concentrated among the urban and rural poor. And they are costly to society since they reappear in our spiralling crime statistics, our juvenile delinquency rolls, in our penal and corrective institutions, and on our welfare rolls.

Mr. Chairman, the impact of the Title I program in my own State of New Mexico has been great indeed. It has provided opportunities for thousands of deprived school children from severely disadvantaged environments to receive instructional and service benefits which would previously have been impossible for the school system to offer.

During New Mexico's regular school term, 50,002 children out of an eligible 50,228 participated in the 1968–69 projects, including 47,700 public and 4,302 private school children. Of these, 1,807 are in kindergarten; 32,544 are in grades 1–6; and 17,651 are in grades 7–12. Additionally, 696 children residing in private institutions for neglected children are participating in Title I activities, as are 1,055 dropouts and 709 handicapped children. Increased funding of this program will not only enable the schools to continue meeting these needs, but will also help provide educational and training programs for those not presently able to participate because of funding restrictions.

Recognizing that this is one of the major purposes of Title I, and because of the clear and compelling need for equalization—for Federal sharing of educating poor and disadvantaged children concentrated in poor school districts caught in a desperate financial squeeze, as is the case in my State of New Mexico—I strongly endorse increasing funds for this crucial program to the recommended level of $1.5 billion for FY 1970 and $1.75 billion for FY 1971.

In this connection, Mr. Chairman, it is important to note that a report was issued recently by the Washington Research Project and the NAACP Legal Defense Fund documenting a number of both proven and suspected abuses that have come to light concerning the manner in which federal, state and local government and/or school officials are using Title I funds. I have obtained a copy of the Report, and it is my understanding that it is based upon audits which the U.S. Department of HEW has conducted in 24 states, as well as field work which the Washington Research Project conducted in 9 states in Southern areas of the Nation.

I believe each of us in Congress should study the Report as well as HEW's audit reviews in detail, and offer legislation designed to correct the kinds of abuses reported in those documents which result in the intended beneficiaries being denied the benefits to which they are entitled under the Act.

Meanwhile, under no circumstances should we cut back on essential Title I monies, since it is the correction of these distressing abuses that is at stake here rather than a question of holding back funds required for meeting the special needs of educationally deprived children.

B. *P.L. 81–874 impacted area aid* (*operations and maintenance*).

In 1951, The Congress in its wisdom passed P.L. 81–874 in recognition of the necessity to compensate local school districts for the additional burden imposed upon them by increased Federal activity in their areas. The essence of this hardship, which is as valid today as the day it was enacted 18 years ago, is precisely that of an added and often staggering requirement to educate the children of large numbers of government employees and military families. Many of these people are assigned to an area for a short duration and do not contribute to the tax rolls. Furthermore, most military bases also provide post exchanges for their personnel, and this too cuts into local income because of exemption from local and state sales taxes. Moreover, there exists no authority for local communities to levy taxes on the government facilities themselves. A school District can be and is supported by taxes paid by corporations. Therefore, it is only fair that the Federal Establishment support in a similar fashion the public educational systems of its installations.

Finally, and this is an area of special concern for me, Impacted Areas Aid covers those students who live on Indian Reservations but attend the public schools.

In spite of the intent of Congress, the Nixon Administration has cut the funding of P.L. 81–874 from the F.Y. 1969 appropriation level of $505.9 million to the absurdly low level of the $187 million. This represents a cut of nearly $319 million. The House of Representatives has seen the folly of the Administration budget cut, and has, in H.R. 13111, restored and raised appropriations for P.L. 81–874 to $585 million. As commendable as this increase is, it still falls short of the F.Y. '70 authorization of $650.6 million, which is based upon 100% entitlement.

If we allow the Nixon budget cut to stand, in serious doubt is the fate of school districts with a heavy concentration of children who fall under the 3(b) provision of P.L. 81–874, those whose parents work but do not live on Federal property. The Administration has decided not to allocate one penny of the "b" children's $436.5 million entitlement for F.Y. '70.

Mr. Chairman, in relatively wealthy states this may not present such an overwhelming blow, but in states such as my own, with many heavily impacted school districts and slender tax bases, it represents an intolerable burden.

Of 60,193 impacted area students in New Mexico, 40,022 are in the "b" category. To cut off funds for these children will mean a loss of $6.4 million in desperately-needed dollars to poor school districts in New Mexico that have relied upon and received these funds since enactment of this legislation.

I fail, Mr. Chairman, to understand the rationale or purpose behind slashing funds for P.L. 81–874 Federal assistance since it is the Federal government itself which has placed the heavy financial burden upon the affected school districts. We have been told that cuts are being made in the budget in order to curb inflation. If this indeed is the reason, I suggest, Mr. Chairman, that the Administration provide us with data and explication on how P.L. 81–874 provision 3 (b) funding specifically contributes to inflation and further why provision 3(b) is more inflationary than provision 3(a).

Even aside from the question of inflation, the House and the Senate have in the past affirmed a policy of fully funding 3(b) entitlements under P.L. 81–874. This congressional mandate must not be ignored since it involves the Federal government's very basic obligation to these school districts and its duty to keep faith with millions of children and their right to a quality, not a second-rate, education.

As a long-time supporter of P.L. 81–874 funding for our poorer school districts, I cannot overemphasize how essential it is for Congress to provide full 100 percent entitlement (or $650.6 million nationwide) for both "a" and "b" category students. Under no circumstances should either program be summarily cut off.

C. *P.L. 81–815, impacted area aid* (*construction*). The Administration has requested $15.167 million under the P.L. 81–815 program for school construction in federally impacted areas. Although $79.347 million has been authorized, the House has taken no action to increase the appropriation here above the level requested by the Administration.

Mr. Chairman, I most strenously urge that we increase funds for the P.L. 81–815 program. As my constituents in New Mexico will attest, many children in Federally impacted areas in New Mexico attend classes in buildings which have been condemned as firetraps and are overcrowded and substandard. I am sure that this situation is multiplied manyfold nationwide.

And that nationwide P.L. 815 funding picture is essentially as follows:

Estimated approved unfunded applications

Fiscal year 1967	$14, 127, 983
Fiscal year 1968	35, 586, 642
Fiscal year 1969	106, 751, 880
Fiscal year 1970	80, 000, 000
Total	226, 446, 505

Mr. Chairman, all funds appropriated over the past years for P.L. 815 impacted school construction have been used up by the U.S. Office of Education. Yet there still remain over $226 million in approved applications which are still unfunded.

As in the case of P.L. 81–874, we in Congress intended that poor districts which carry more than their fair share of added complications arising through no fault of their own should receive the sustenance they so vitally need. We cannot, in all conscience, afford to block long-range planning and construction for better educational services in these areas of greatest need. I submit that everything we have learned over the years spells out the need for putting teeth into the legislation which we enacted to remedy the unbelievable situation that prevails in our impacted poor school districts.

Mr. Chairman, as you know, we do not have a dollar authorization on P.L. 815; it is an entitlement. Once those applications are approved, the school districts are entitled to the money. Since I am sure that no one here would want to jeopardize the future of children who are being affected, I strongly recommend that P.L. 81–815 appropriations be increased from the requested $15.167 million to at least $226.5 million. This amount represents a realistic appraisal of fiscal year 1970 entitlements, with allowances for meeting the unpaid applications of the past three years.

D. *Bilingual education* (*ESEA, title VII*). ESEA, Title VII, is still another program which warrants an increase in funding. Although Congress authorized $40 million for bilingual education for FY 1970, the Administration has requested only $10 million, and the House has not increased that amount.

As you know, Mr. Chairman, being a cosponsor of the bilingual legislation which was incorporated into the 1967 ESEA Amendments, I have been increasingly concerned over the severely inhibiting forces that blunt the intellectual development and distort the self-concepts of Spanish-speaking, Indian, and other non-English speaking children in the United States. Many of those attending schools in New Mexico drop out of school because the language barrier becomes insurmountable for them. Their language and writing problems are at the root of their eventual economic, social, and political problems.

Today, there are about three million children in the United States whose mother tongue is not English. Nearly two million are Spanish-speaking children between the ages of three and thirteen, from the large concentrations of Spanish-speaking populations to be found in California, Texas, Arizona, Colorado, New Mexico, and large cities such as New York, Chicago, and Miami. Thus, Bilingual Education is an area of concern throughout the Nation—in the cities as well as in rural areas.

Since many of these non-English speaking youngsters suffer from poverty, cultural isolation, and language rejection, they are subject to virtual destruction as contributing members of society. Further, the communications gap, combined with misunderstanding, soon destroys the educational aspirations which parents have for their children, or children have for themselves.

Mr. Chairman, the poignancy of such a child's situation is overwhelmingly tragic. Through no fault of his own, he must struggle in the classroom to learn math, history, and science in a language he barely understands and from a teacher who does not speak his mother tongue.

Small wonder that failing grades, frustration, and a sense of inferiority and worthlessness cause them to drop out of school. Many Spanish-surnamed youngsters, for example, average only 7.1 years of education, compared with nine years for Negroes and 12.1 years for Anglo-Americans. The non-English speaking child is too often destined to a lifetime of functional illiteracy, unemployment, and minimal or inadequate income.

For other monolingual children, however, it is not too late. We in Congress can help provide them with an opportunity to fully pursue knowledge to the best of their ability in their mother tongue and with what little English they might know. In this way, they can feel secure in a situation which will allow them to maintain their full identity and emotional integrity, and to experience interaction and integration with their peers with a minimum of academic and cultural shock.

If we are to do so, however, we must act now before it is too late for them. We must increase this token amount of $10 million to the originally authorized $40 million. Certainly the $369,059 share that would be allocated to my State of New Mexico for bilingual education purposes under a $10 million appropriation will not do the job adequately.

Mr. Chairman, by funding this program at the $40 million level, we will be assisting at least 300,000 of these 3 million disadvantaged youth, and thereby will add to the strength and greatness of our country. Experimentation with bilingual education has already proved dramatically successful. Additionally, this area of special education—which is a most important means of finding answers to the Southwest's most persistent educational problems, the high rate of failure and dropouts among millions of children with limited English-speaking ability—might well make use of an exciting new approach to basic skill development which has recently received a great deal of national attention. I refer specifically to the *dropout* prevention program in Texarkana, U.S.A. The local school systems there have contracted with a private firm to teach basic math and reading to educationally deprived youngsters. The firm will get paid according to the actual achievement of the student. Such innovative approaches as performance contracting, combined with new techniques in bilingual education, lead one to believe that our society can ill afford to invest any less than the full authorization in such a potentially productive and exciting program.

Mr. Chairman, in the past two years during which this new bilingual program has been authorized, it has been the "orphan child"—the forgotten program. For FY 1968, Congress authorized $15 million to get the program underway, but we appropriated nothing. For FY 1969, we authorized $30 million, and appropriated but $7.5 million. Thus, although $45 million had been authorized for FY's 1968 and 1969, Congress has thus far appropriated a total of only $7.5 million. This is intolerable and should be corrected.

Again, I restate my request because I consider it of such importance. We must appropriate the full $40 million authorized for FY 1970 or lose the trust of 3 million disadvantaged children and their parents, as well as those educators who are looking to this program as an answer to the many perplexing problems involved in teaching the language handicapped.

SECTION II. HIGHER EDUCATION (INCLUDING STUDENT AID PROGRAMS AND TEACHER TRAINING)

Mr. Chairman, College administrators throughout my State have repeatedly advised me on how they have been able to use to enormous advantage funds under the Higher Education Act, the Higher Education Facilities Act, and various student aid programs, in order to maximize offerings to students. They are, however, most apprehensive about the fact that under the Nixon Administration budget they will not be able to fill a great many of these needs.

A. *Strengthening developing institutions (HEA III) and improvement of graduate facilities (HEA V).*

The Nixon Administration's proposal to reduce funds by $5 million for Title III programs, and to totally eliminate funds for Title X will defer urgently needed higher education developmental programs, including faculty development, student personnel programs, electronic data processing, intercampus transportation, etc. The Johnson budget would have allowed $35 million for Title III and $750,000 for Title X. The Congress has authorized for FY 1970, $70 million and $5 million, respectively, for both of these programs.

Mr. Chairman, many of our school systems today are faced with a funding squeeze at every turn. The taxpayers' load is already too heavy, and they are being swamped by the tidal wave of inflation. Hence they cannot be expected to meet even their basic obligations if federal funds are cut off. Because of rising costs of education, including higher staff and faculty salaries, higher enrollments, etc., they are left with little or nothing to enrich the quality and impact of their educational programs.

Colleges and universities will continue to need these funds because the programs involved are of high priority. But they have little hope of receiving the money unless we restore funds to at least the level recommended under the Johnson budget.

B. *Higher Education Facilities Act—Construction of graduate facilities (title I) and construction of undergraduate facilities (title II).*

Mr. Chairman, these graduate and undergraduate facilities construction programs for which President Johnson requested $20 million and $87 million, respectively, and for which Congress authorized $120 million and $711.4 million for FY 1970. The Nixon Administration is prepared to phase out both programs completely, whereas the House would provide $33 million for Title II undergraduate facilities construction.

The Nixon Administration has suggested that colleges and universities should be encouraged to finance construction from non-Federal sources. However, they overlook the fact that two-thirds of the construction projects would be so financed any way, and that tax reform proposals on charitable giving may make it more difficult to attract private funds for college construction. Moreover, in many states, most institutions of higher learning cannot use any more bonded indebtedness, nor can they borrow money at the current commercial market rate of interest.

Mr. Chairman, in poorer states such as New Mexico, where, despite a slender tax base, a concerted effort is being made by educators to develop an adequate higher educational system, these cuts come at an extremely crucial time. The State has provided for a series of state bond issues from 1967 through 1975, using all of the state's general obligation bonding capacity, to provide higher education facilities needed for expanding enrollments. Careful studies of existing facilities, enrollment projections, utilization, etc., indicate that, with federal funding of Titles I and II at levels near those authorized by Congress, the building needs of New Mexico higher education could be met by this combined federal and state funding.

But if there is no funding for four-year and graduate institutions under Titles I and II, as the Nixon Administration's budget proposes, prospects for meeting our building needs over the next 7 or 8 years are very dim. And without these construction programs, crowded conditions will become even worse than they are now. If we do not act to increase these appropriations, valuable years of planning will have gone down the drain.

Nationwide, the effect of retrenchment will be multiplied many times over in terms of the ability of our colleges and universities to meet the needs of their students. This can be seen quite readily by examining the need for facilities as expressed in institutional requests. During FY 1969, 40 states requested $794.5 million for Title I graduate facilities alone, and many institutions declined to file because they could not meet the necessary matching requirements.

I most strongly urge expansion of funds for higher education facilities construction to at least twice the level requested by President Johnson—$174 million for undergraduate and $86 million for graduate facilities—since both serve very essential functions and are in need of expansion to accommodate their increasing enrollment of differing constituencies. While funding of these programs at the $174 million and $86 million level is still far below the levels authorized by Congress, nevertheless it would make a very great difference to my own State of New Mexico in trying to meet its building needs.

C. *Student aid programs.*

Mr. Chairman, an unmistakable fact about our student aid programs is that the need continues to grow. Should funding of federal student aid programs decline or fail to keep pace with growing enrollments and accelerating costs, either we will be forced to serve only those whose high incomes make them able to pay high tuition, or else we will be forced to give up the search for excellence in education in favor of more modest, less effective, but less expensive educational programs.

These alternatives are unacceptable and not in the best interests of a society such as ours. That is why I, along with many other members of Congress, expressed alarm over diminished appropriations for a number of student assistance programs which would have short-changed our youth had it not been for Senate Emergency action in securing enactment of P.L. 91-455, the Emergency Insured Loan Act of 1969. I fully and vigorously support appropriating the full amounts authorized for each of the programs in the Act, for the reasons that follow.

(1) *College work-study and cooperative education programs (HEA IV-D)*

(a) *College work-study.*—The Administration budget proposed that $154 million be budgeted for the College Work-Study Program in FY 1970, as compared with $139.9

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million spent in FY 1967. The House bill also authorized the $154 million amount.

While this may on surface appear to be a substantial increase, it must be remembered that wages paid to students through this program increase each year in line with prevailing wage rates, and also that the number of institutions which qualify to participate in the program has increased 20 percent. Nationally, 20,000 fewer students would be able to receive funds through the program in FY 1970. Additionally, there is the requirement included in H.R. 13111 now before us that cooperative education is to be allocated 1% of the total amount appropriated for Work-Study Programs.

(b) *Cooperative education.*—In the higher education appropriation now before the Senate cooperative education is allocated 1% of the total amount appropriated for Work-Study Programs. I strongly urge that it would be much better and sounder public policy for cooperative education to have an appropriation that is for a specific amount rather than a percentage of the Work-Study appropriation.

For reasons that will be briefly set forth, the appropriation for fiscal year 1970 for cooperative education should be $8,750,000 and for fiscal 1971 it should be $10,750,000.

An appropriation in a specific amount rather than as a percentage of money appropriated for work-study is vitally necessary to plan effectively and execute efficiently the expansion cooperative education curricula in colleges, universities and community colleges.

A statutory linkage between what is generally known as "work-study" and cooperative education will perpetuate a confusion as to the real meaning of cooperative education. Work-study in H.R. 13111 is a form of direct financial student-aid for part-time work that is highly desirable and that has made it possible for many low-income students to secure higher education. Cooperative education, on the other hand, is a basic strengthening of higher education through which students learn through working in educationally related full-time jobs which have been secured for them by their colleges and universities. During their work periods, students are paid full wages and earn enough, while learning through work, to meet the major costs of tuition and living expense. Students economically disadvantaged are thus able to go forward in higher education, but this is not the only importance of this invention in the educational process. Perhaps more important is that cooperative education creates a weld between classroom theory and work reality. A university student who alternates between on-campus study and off-campus work learns to cope with and improve upon his society. One reason educators are increasingly enthusiastic about cooperative education is that they see in it a method that will ease student unrest by providing a relevance between education and the practical affairs of life.

There are now 141 colleges, universities and community colleges with cooperative education programs serving over 80,000 students. Students in these programs in 1969, will have earned over $160,000,000 in the work phases of these programs, and it is significant that no portion of these earnings will have been met by government subvention. These earnings represent real purchasing power, and to some extent taxable income, and are substantially different in their economic meaning from money distributed under the federal work-study student financial assistance programs.

Cooperative education is now so widely approved by educators that the U.S. Office of Education, Bureau of Higher Education, has in recent months received requests from over 700 colleges, universities and community colleges to be sent guidelines and application forms for grants to establish cooperative education programs. The requests relate to a very broad spectrum of academic training in engineering, science, health sciences, business, liberal arts, public administration, architecture, agricultural sciences, education, community planning, and a wide range of technical-vocational studies.

To start a cooperative education program, a school in higher education requires an initial annual investment of between $40,000 to $75,000, depending upon the size of the school. This support must be available for periods up to five years to allow a successful transformation of the school's study courses and for the training of professional faculty staffs to direct the cooperative education programs, including arrangements for job assignments. After the change-over to cooperative education is successfully accomplished, the program becomes totally independent of further federal grants-in-aid. Furthermore, it must be noted that the starting-up grants are not a form of financial aid to students, but rather the beginning of a process in which the students, too, become independent of federal aid.

An appropriation of $8,750,000 for cooperative education for fiscal year 1970 will serve to assist only a portion of the over 700 institutions of higher education that have asked for grants. It is estimated that with this amount of money between 125 and 250 schools can successfully adopt cooperative education. Once under way, the programs in these schools within five years will have enrolled between 200,000 and 250,000 students. Some measure of the economic significance of these statistics is that in their alternate work periods these students will earn, at 1969 levels, between $400,000,000 and $500,000,000 in annual wages. It is evident that this substantial condition of self-reliance is totally different from student financial aid contemplated in H.R. 13111.

My own personal knowledge of cooperative education is based on my studies of the subject and my experience as chairman of the first state-wide conference on cooperative education in New Mexico in 1966, which was the beginning of a subsequent series of state-wide conferences.

My distinguished colleague, Senator George Murphy, was Chairman of the most recent of these conferences held in Los Angeles, and I am especially gratified that he joins me in bi-partisan support of expanding cooperative education.

(2) *Educational opportunity grants* (*HEA IV–A*). This program was initiated under the Higher Education Act of 1965 and is designed to make the benefits of a higher education available to extremely disadvantaged students. Our colleges and universities have mounted an aggressive recruiting program among disadvantaged students and have thus far turned up approximately 200,000 applicants who have been approved by review panels examining the applications of colleges applying for funds for the program.

The House saw fit to reduce the $175.6 million (FY 1970) requested by both Presidents Johnson and Nixon to $159.6 million. Since most of the money ($110 million estimated) for the program would be absorbed by renewal grants for students already in the program, and because of the forward funding authorized for first-year grants in this program, the effect of this year's budget request would be to decrease by 40,300 (F.Y. 1970) the number of students receiving first-year grants.

The Nixon budget would mean that in my State of New Mexico, only about 53 percent of over-all needs will be met.

I would, therefore, like to see funds for initial-year grants alone under the EOG program increased to at least the level voted by the Congress under P.L. 91–95 for the next two fiscal years, thereby making $125 million available for FY 1970 and $170 million for FY 1971.

As you know, the law reads that in addition to awards for initial year grants, there shall be made available "such sums as may be necessary" for renewal of grants made in previous years, and it is estimated that $110 million would be needed for such awards during FY 1970. Hence, there would be available a grand total of at least $235 million for FY 1970 (110 million (est.) for renewal-type grants and $125 million for initial-year grants.)

(3) *Direct National Defense Education Act* (*title II*) *loans.* For the 1969–70 academic year, the Administration recommended that only $155 million be made available for NDEA loans, and the House increased this amount by about $74 million. This is much less than the regional panel-approved requests for $273 million nationally, and the Administration request is substantially below the $193.4 million in NDEA funds available during the last school year. If funded at the Nixon Administration's requested level, this means that participation would be down to 398,000 from the 442,000 students supported under the program during the 1968–69 school year. And in my State of New Mexico, only $830,600 in funds would be available for FY 1970—or only 45.71% of the $1.8 million in Regional Panel-approved funds.

Mr. Chairman, as you know, the Congress, after concentrating on doubts raised as to whether a subsidized insured loan program, or whether expansion of NDEA loans would be the most effective means of providing greater educational opportunities, added two additional provisions to the Emergency Insured Loan Act of 1969. P.L. 91–95 authorizes: (1) a temporary increase in interest rate up to 10% (from the present 7%) for the Guaranteed Insured Loan Program, providing $20 million for FY 1970 and $40 million for FY 1971 in "special allowances", based on periodic three-month reviews; and (2) increased the authorization for the NDEA loan program by $50 million for fiscal year 1970 and $75 million for fiscal year 1971, making the total authorization $325 million in 1970 and $375 million in 1971. Under NDEA, the student pays 3% interest, and the Government pays the rest at the prevailing rate.

I strongly support both of these actions. We must not rely exclusively upon the Guaranteed Insured Loan Program to "take up the slack" for people in lower income categories, as the Nixon Administration has suggested. We must expand funds for the NDEA Title II program so that low- and moderate-income families will not have to pay unreasonable, rigid, and inflated interest rates in order to send their children to college.

The incomes of many people in my state—while not at the poverty level—still fall well below the $15,000 level which is the criterion for eligibility for Title IV guaranteed student loans. The only help to be given these families—who are ineligible for programs for the extremely disadvantaged, but still cannot afford to be saddled with a heavy load of debt for years to come—is to turn to the direct government loans provided by Title II of NDEA.

Because I feel any other approach would be inimical to both the best interests of the Nation and our less affluent but well motivated youth, I cannot over-emphasize the importance of appropriating the funds proposed, with respect to both NDEA and guaranteed loan programs—and that, as provided by P.L. 91–95, it be made retroactive to August 15th in order that those banks making loans to students for this academic year on the promise that the incentive increase in interest rates would be enacted may know that Congress does keep its word. Needless to say, failure to do so will make liars of all of us—not only in the eyes of the banking sector, but also in the eyes of needy students, teachers, and parents.

(4) *Health Professions Student Loan Fund (Part C. Title VII, Public Health Service Act)*. Mr. Chairman, we must use a similar approach to the Health Professions Students Loan Fund as we have in the case of NDEA loans to which I have just referred—namely, expanding funds. (Both programs operate similarly, with the student paying 3% interest and the government paying the rest at the prevailing rate.)

As already discussed above, one of the key features of the 1970 budget was to place greater reliance on guaranteed insured loans. Congress under P.L. 91–455 enacted on October 22, 1969, providing incentives to banks to make loans to students pursuing higher education by authorizing a temporary increase in interest payments up to 10% (from the present 7%) for the Guaranteed Insured Loan Program. This will unquestionably relieve the problem to some extent and will most certainly help more students from affluent situations. But this action should be viewed as complementary to, rather than as supplanting, programs for needier students under NDEA and the Health Professions Student Loan Fund.

Mr. Chairman, there is growing concern about the need for additional physician and related health professional personnel. The Health Professions Student Loan Fund is in its sixth year of operation, but, as indicated by the following comparison, funds for the program have been drastically reduced from the 1967 level of support:

Fiscal year	Number of schools [1]	Enrollment	Millions of dollars allocated	Percent of loan requests funded	Percent of students assisted
1967	196	58,874	$25.3	93.0	34
1968	217	64,741	26.7	80.7	36
1969	231	69,393	26.4	72.0	33
1970 (estimate)	243	74,855	15.0	36.0	18

[1] All medical professions—i.e., schools of medicine, dentistry, osteopathy, optometry, pharmacy, podiatry, and veterinary schools.

In 1967, 196 schools—of which 88 were medical schools—with enrollments of 58,874 students, requested $27,175,233 in loans for that fiscal year under the Health Professions Student Loan Fund. The Federal Government funded $25,325,000, or 93.2% of requests. In 1970, however, we now have 243 schools with enrollments of 74,855; of these, 100 are medical schools with enrollments of 36,414 medical students. All students for all schools have collectively requested in excess of $41 million in loan funds, but the 1970 budget provides but $15 million, plus $4.8 million in funds transferred from the scholarship program, for meeting these requests. That amount, which has been paid out to schools already under statutory advance obligational authority, represents a shocking reduction from 93.2% to 36% of the 1967 funding level.

Mr. Chairman, our colleges and universities—particularly medical and dental schools—are increasing their enrollments, and new schools are coming into existence. If we are going to assure students careers in medical and paramedical professions, we must increase the availability of funds for their training.

In connection with the "scholarship program", it should be added that the House recommendation to transfer $4.8 million of the $16 million needed for that program to the Health Professions Student Loan Fund—leaving $11.219 million for scholarships—does not increase the total amounts available to students. The Scholarship program is a companion program directed to those students of exceptional financial need. If the House action is supported, the net effect will be that those students needing financial assistance the most will get the least; that funds will be taken away from students previously assisted under the scholarship program, thus requiring schools to renege on their commitments and obligations to students this year. Accordingly, Mr. Chairman, I most strongly recommend that there be no transfer of scholarship funds and that the $4.8-million in transferred funds be restored to the program so that money will be available to fund the scholarship program at full statutory entitlement (i.e., 10% of enrollments of all schools, times $2000, under the statutory formula).

In short, Mr. Chairman, we must ensure that enrolled students as well as new students will be able to continue and/or pursue medical careers. We must also open the door to potential medical manpower talent. No worthy student should be denied entrance to medical school because of financial inability.

There is great concern being voiced over the fact that because the curriculum in medical school is so demanding it is impossible for medical students to work at the time as they pursue their studies; indeed, many medical schools frown upon students working their way through school because of the danger of deterring the quality of product coming out of the school. Yet, many medical students are forced to do just that because of the ever-increasing high cost of living.

Former Secretary of HEW John Gardner, now Chairman of the Urban Coalition, has just made public the Coalition's 76-page report "Rx for Action," which states that there is a massive inflation of the cost of medical care precisely *because* adequate facilities and medical manpower have not been available.

If we are to change the pattern of health care services, reduce skyrocketing costs of health care, and get our "health care house" in order, there must be adequate Federal funds available under the Health Professions Student Loan Fund and scholarship programs so that more potential medical and paramedical personnel can be trained—and under no circumstances should we—in the name of economy—permit those currently in medical school to terminate or disrupt their studies by failing to provide adequate funds under these programs.

In light of the seriousness of the growing shortage of doctors and other medical personnel in this country, I should like to see the Health Professions Student Loan Fund expanded to the $35 million authorized under the 1968 Health Manpower Act, so that those seeking medical careers may pursue them. Otherwise, our Nation will continue to be deprived of the health manpower it so desperately needs.

(d) *Education Professions Development Act (Part V. HEA)*. In general, Mr. Chairman, all programs under EPDA—including the Teacher Corps—must necessarily be construed to be very valuable projects in helping to fill crucial education manpower shortages and upgrade our teaching programs. Thus, any reductions in funds for these purposes will either cut back such projects or else increase the national competition in securing grants.

As you know, funds for parts C, D, and F, of EPDA are discretionary monies to be awarded on the basis of acceptable proposals submitted to the Commissioner of Education. Under parts C, D, and F, there are 10 categories of programs ranging from Basic studies, Career Opportunities to Vocational Education and Special Education.

Because of the Administration's decision to reduce the Basic Studies Program by $8 million, several fellowship and training institutes programs are being dealt a serious blow. On September 24, 1969, Associate Commissioner of Education Dr. Don Davies, announced that proposals for Basic Studies under Parts C and D will no longer be accepted. One effect of this decision will be to cut out further institute or fellowship programs in the important areas of Bilingual Education, Teaching English to Speakers of Other Languages, Reading, and Remedial English.

Mr. Chairman, I find it hard to understand why programs such as these which are of such relevance to minority language groups should be cut out. It is ironic that at a time when the Commissioner of Education has called for a massive attack on problems of reading that programs such as this directly relevant to reading problems should be singled out for reduction.

The Bilingual Education Fellowship Program at the University of New Mexico, for example, is just starting to train the specialists who will make it possible for school systems to carry on this initiative. During FY 1969, $257,680 was awarded UNM to train teachers in bilingual education. Only four other bilingual teacher training programs exist nationwide, training less than 200 teachers in fiscal year 1969—the first year of the program.

To eliminate these five programs for even one year will be a major setback for those providing the leadership that will be needed for grappling with the problems resulting from the multilingual and multicultural societies within which we live, and for the fulfillment of those objectives which I have already outlined under my discussion of bilingual education.

Accordingly, Mr. Chairman, I strongly recommend that the Committee express the intent of the Congress that proposals for the Basic Studies Program under Parts C and D of EPDA continue to be accepted by the Commissioner of Education; that funds in the amount of $8 million be restored to the Basic Studies Program; and that a total of at least $80 million be obligated by the Department of HEW for the award of grants.

Additionally, Mr. Chairman, Part F, Title V, designated to help train teachers in the vocational education field, will in turn suffer unless funds are increased from the $5.75 million currently allocated. As in the case of bilingual and special education programs, if we are increasing our vocational education emphasis in the program sense, it follows that we must ensure that there are a sufficient number of trained professionals to help educate our youth in these fundamental and important areas.

Therefore, I strongly support the recommendation to increase the expenditures under Part F (Vocational Education) to at least $20 million for FY 1970, thereby making a total of $25.5 millions available. I think this request is modest because it is my understanding that there are at least $35 million in requests for vocational education training that could be funded if money was available.

SECTION III. LIBRARY AND COMMUNITY SERVICES PROGRAMS

Mr. Chairman, the Nixon Administration's announced intention to give low priority to library materials, services and construction represents the largest cut of all in our educational program—66% of the entire slash in education funds. Yet, in celebration of National Library Week, during April of this year, Mr. Nixon commented most eloquently on the vital contribution made by libraries to the intellectual life of our Nation; then, he proceeded to get our progress towards intellectual development back by virtually putting our libraries out of business:

1. The Nixon budget calls for only one-half—approximately $17.5 million—of the FY 1969 appropriation for Title I grants, under the Library Services and Construction act, which have been so useful in prodding

local and State Governments to spend money to improve and expand their library systems.

2. The Nixon budget asks that no funds at all be provided under Title II of the same Act—the construction portion for new libraries—although the FY 1969 appropriation was $9.185 million.

3. The Nixon budget cuts to zero the $50 million provided under the FY 1969 appropriation for Title II of the Elementary and Secondary Act, funds that would provide library materials and textbooks for public and private schools. House action would, however, authorize $50 million for this program.

4. The Nixon budget slashes to $12.5 million the FY 1969 appropriation of $25 million for college library resources under Title II-A of the Higher Education Act.

5. Title II-B funds under the same Act for librarian training plus research have been reduced under the Nixon Budget from $11.25 million to $6 million.

6. Under Title VIII of the Higher Education Act, the Congress had authorized $4 million for a new program of planning and startup of "networks of knowledge," but the Nixon Administration has allocated no funds whatsoever for this important program of encouraging institutional resources sharing between higher education institutions with limited resources, development of computer hookups, and other creative and developmental projects.

7. And finally, the Nixon budget schedules at a $4.5 million level, instead of the $5.5 million FY 1969 appropriation, funds under Title II-C of the Higher Education Act which would permit continuation of a program which has elicited much praise for its great contribution and assistance to colleges and universities throughout the country—namely the ongoing program of cataloguing and acquisition of materials by the Library of Congress in order that libraries all across the nation will not waste millions of dollars in a duplication of effort to stay abreast of new publications.

Mr. Chairman, we are all aware of the importance of good books and library services in the whole learning process. With the ever-increasing explosion of knowledge, these cuts are indeed a tragedy which we cannot allow to happen. Education is a continuing and enriching process, and there is a special relationship between the quality of library facilities and the quality of education our schools and colleges can offer. Moreover, our libraries are essential social and educational institutions that encourage the extension and active generation of ideas through books, tapes, films, records, printouts, and video-tapes. They are universities of all the people, and our librarians are dedicated, overworked men and women who render an incalculable service in helping the people to reach the world's collected informational and intellectual resources.

Mr. Chairman, all of these library programs have been of special benefit to ghetto schools and small, rural school districts where money for such purposes remains extremely scarce. In my own State of New Mexico, with its high percentage of Indians, migrants, and Spanish-speaking minorities, the demands for library service are extremely heavy. If the drastic cuts in financial assistance proposed by the Nixon Administration are permitted to stand, New Mexico's allotment for Library Resources under Title II of ESEA will drop from $255,312 to $127,656. As a result, there will be serious cultural and educational deprivation for many preschool children from illiterate homes, migrant workers, people on welfare, and others representing the very core of desperate need and loneliness. The lively interest in summer reading programs for children will suffer—and in an area where a key cause of failure in school is inability to read. Other energetic self-improvement programs for serving the community will also take their toll—talking book machines and other aids to the blind and handicapped, information used for vocational and adult education, and 4 to 6 state library regional bookmobiles providing service to 18 Indian pueblos and a large rural segment of the population.

Additionally, as a result of the proposed cuts in program funding, it is estimated that the reduction in books purchased in New Mexico will be down to 17,200 from 275,200. Students in New Mexico affected by these reductions number 267,000 and they cut across all ethnic groups. There are no other funding sources in New Mexico with which to meet these needs. We were short a total of 550 school libraries at the end of FY 1969, and there is no prospect of closing the gap unless the level of Federal funding is increased.

Mr. Chairman, I am also greatly concerned over the monstrous accumulation of information and paperwork which is slowly burying us and has slowed information retrieval to a mere crawl. Clearly, the problem is critical, since a researcher must be able to find out in a reasonable amount of time what results are known concerning problem X. There is no question that the knowledge explosion demands new techniques for arranging and generalizing our rapid increase in knowledge about many processes. But as our present libraries and research facilities grow in size, they also become increasingly difficult to use. Our present cumbersome library system is likely to be obsolete by the end of the century, and it is by no means too early to start planning a radical reorganization of the system now, since libraries of the future will have to make heavy use of automation. The new "networks for knowledge" programs, under Title VIII of the Higher Education Act is a start in this direction.

This is not, of course, to say that we will be abandoning personal contact with books or proposing the use of machines where human beings can perform the task more efficiently, but without some degree of mechanization, information retrieval will become impossibly difficult within a few decades. The alternative can only be for libraries to abandon any degree of completeness.

In the face of all these very fundamental operational and financial needs of our libraries and librarians, who are begging for materials and funds so that they may expand and do their job, we cannot afford to curtail library assistance funds. If we do, our children will pay the hidden price in terms of loss of great dividends in knowledge and wisdom. Further, it could prove ruinously expensive to the Nation as a whole.

I most strongly urge that we restore funds for our library Assistance Programs to at least the level recommended by the House, so that we may continue with the vast improvements needed in our library systems. I would also urge that we act to add funds for the new and innovative "networks of knowledge" program, under Title VIII of the Higher Education Act (Institutional Sharing of Resources)—for which no funds whatsoever have been provided—to at least the $4 million authorized level, in light of the threat posed by the ever-increasing "knowledge explosion" and the criticality of finding new techniques for reorganizing our present cumbersome research and library systems.

Nor can we underestimate, Mr. Chairman, the far-reaching and exciting consequences of such great social tools as educational TV and radio facilities programs in changing the lives of American citizens. The Educational Broadcasting Facilities program—as distinguished from the Public Broadcasting Act of 1967—is a matching grant program which provides the catalyst for construction of new educational TV and radio stations and the improvement of facilities of existing stations. Grants go to public school systems, colleges and universities, and other public and private agencies in order to enable them to purchase the equipment they need to produce instructional and public broadcasting programs and transmit them to the public.

We must have the wisdom to match our technical genius to the needs of education. This program would not only provide for economy in education, but also efficiency, and would assure quality education to youngsters and adults who might not otherwise be able to receive it. It is an excellent medium for teaching such subjects as bilingual education and mathematics, and is also most productive in terms of vocational education programs and basic adult educational courses. Many anti-poverty and youth programs could be greatly enhanced by making the products of this program as widely available as possible. For those without TV sets, equipment secured through the program could be set up in libraries and other facilities to make such instruction available to those with a real desire to better themselves.

I know of the Chairman's excellent work on the Commerce Committee and his deep and continuing interest in the health of the television industry. In this connection, I am sure that Mr. Chairman recognizes the merit of Educational Broadcasting Facilities grants and the inadequacy of the $4 million House-passed appropriation. In House floor debate, as set forth in the CONGRESSIONAL RECORD, volume 115, part 16, page 21458. Mr. Macdonald of Massachusetts offered an amendment to increase the House appropriation from $4 million to $8.625 million. Unfortunately, because of House rules, the Chairman of the HEW Subcommittee was obligated to raise a point of order. This foreclosed the opportunity to have floor action on this item. I feel sure that if the Senate Committee were to increase the amount up to or above the level suggested by Mr. Macdonald, this might well be an item which could be accepted by the House in a conference situation. I emphasize that action on the Macdonald amendment was occasioned by procedural grounds rather than substantive merit.

I hope we can be instrumental in directing the fruits of our technology to great, rather than trivial purposes, and I most strongly urge full funding for programs such as this.

SECTION IV. VOCATIONAL EDUCATION

Mr. Chairman, the House has indicated the high priority it places on vocational education in striking at the root causes of poverty by increasing the $279.216 million budget request by $131.5 millions—for a total of $488.716 million. This includes the addition of $40 million for students with special needs; $10 million for the vocational work-study program; plus over $33 million for research and development. Last year, Congress authorized over $822 million in Federal aid to vocational education for FY 1960, under the new 1968 Amendments to the Act.

In February of 1967, the American Vocational Association surveyed the States to get estimates of Federal funds that would be necessary in order for the States to move towards the goal of meeting the vocational education needs of all persons of all ages in all communities. Estimates were projected through 1970, and revealed the following:

Estimated Federal funds needed for vocational technical education, 1970	$1,213,616,689
Estimated local and state support available for vocational technical education, fiscal year 1970	1,045,666,676

It is certainly evident that the current budget is much less than adequate if the needs for vocational technical education are to be met.

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Mr. Chairman, because I believe it is basic to most of our domestic problems, I have set as among the highest of our national priorities the full funding of vocational and occupational education programs. Indeed, the past years have been a period of intensive social experimentation and soul-searching characterized by a new responsiveness to old and widespread problems of human distress. A healthy and rapidly expanding economy caused in part by soaring technological advancement has been accompanied by serious national problems centering around the growing social and economic disparities caused by underemployment and unemployment.

Regrettably, the new technology has rendered many of our fellow citizens helpless. It has created a demand for workers possessing higher levels of educational skills and an attendant decrease in demand for the lesser skilled. Moreover, we are still faced with the problem of providing a relevant education for almost 80 percent of American youth who do not graduate from college. Our high dropout statistic is viewed by many as a reflection of the failure of the school system.

At present, there are four exits to the high school: (1) higher education; (2) a diploma and immediate employment; (3) a diploma with no preparation for any activity in contemporary life; or (4) the dropout door. The latter two undesirable exits indicate that we are not fulfilling our educational mission; that we must restructure our educational programs so as to offer a *total* educational program for all.

The Vocational Education Act of 1963 and the 1968 amendments to the Act were indications of a growing indication that no one ought to leave our educational system without a marketable skill. Meanwhile, there is serious talk about a guaranteed national income or negative income tax for those unable to join the economic mainstream. Should we irrevocably adopt such remedies before ensuring that we have done all we can to develop our manpower?

Mr. Chairman, I submit that this Nation must place a whole new emphasis on occupational and vocational education if we are to avoid manpower shortages in our rapidly-expanding economy within the next few years. Moreover, unless we provide more meaningful education for young people today, we will be continue to see an increase in the turmoil in American schools because we will be contributing to unemployment by turning out another crop of unprepared workers for the job market. Furthermore, we will be doing grave injury to the future prospects of thousands of young people throughout the Nation who so badly need the high quality vocational education which the Vocational Education Amendments can help supply them.

Vocational education opportunities are especially vital to severely depressed areas in my State of New Mexico, where unemployment is high and skills are few. If New Mexico is to progress—if it is to provide increased employment opportunities for our citizens—it must attract industry. But to attract industry, we must have the lure of a ready and trained workforce. With a reservoir of skilled people and the congregating of industry and business in the state, however, the economic vitality of the area would leap forward since people would be put to work, given added buying power, and taken off the relief rolls.

It has been estimated that the vocational offerings in the State of New Mexico should be tripled immediately. This estimate has been provided by the State Department of Vocational Education and is based upon the fact that only approximately 10% of the 44% of students entering college actually receive a baccalaureate degree. It is the feeling of the Department that the State could use to good advantage at least $3.5 million in federal funds alone, and that unless the $1.9 million in Federal funds available to New Mexico for FY 1970 under the Nixon Budget is increased to at least the $3.5 million level, very little expansion can take place in the vocational area.

Mr. Chairman, I wish to include in the record at this point a chart (Fig. 5) prepared by the New Mexico State Vocational Education staff, showing projected needs for the State for 1969–70 and also for 1970–71. It may be noted that known needs approximate $7 million in federal funds for 1969–70, plus $5.5 million in state or local funds, for a total of $12.9 million; and for 1970–71, still more funds will be needed—$8.2 million in Federal funds, $6.3 million in state or local funds—for a $14.5 million total.

I have been tremendously impressed with the results we have achieved so far in my State of New Mexico with Federal vocational education assistance. I believe funds for the entire vocational education program should be increased to the maximum extent possible, since it meets a need that cannot be met by any other segment of education in the country. Indeed, the recent Annual Report of the National Advisory Council on Vocational Education bears out these findings.

In this connection, it is important to note that the 1968 Vocational Education Amendments (P.L. 90–576) stipulated that a definite percentage of each State's total allocation for vocational education be spent on vocational programs designed to serve three specific categories of students—15% for academically and socio-economically disadvantaged persons, 15 percent for postsecondary individuals, and 10 percent for physically or mentally handicapped individuals. Funds for these purposes are, of course, essentially, but I would like to point out that if Congress maintains 1970 vocational education appropriations at the administration-recommended level, any given State will be likely to receive about the same allotment for FY 1970 as it received for FY 1969. From this same amount, the State must earmark at least 40 percent of its funds for disadvantaged, postsecondary, and handicapped programs. This would leave the State with but 60 percent of their 1969 allocation to spend on ongoing programs. The net effect is obvious—effective and successful programs currently operating will be sacrificed, and in cities and towns not meeting the qualifications necessary to establish programs for the disadvantaged and handicapped, the effect would be magnified when the State's allotment is disbursed to local school districts. Thus, failing to increase vocational education appropriations will frustrate vocational educators, whose hopes have been raised by passage of the 1968 amendments.

Additionally, Mr. Chairman, I don't want to see any of these vocational education programs suffer, since they fill gaps not filled by present programs. I refer specifically to those programs authorized by the 1968 amendments for which no funds have been requested by the administration—i.e., work-study grants, the program for students with special needs, and the establishment of residential voc. ed. schools.

The work-study grants, for example, fill a gap not filled by college work-study, by OEO programs, or any other Federal program. It has permitted aid to students in existing vocational education schools and enabled many of them to acquire skills fitting them for today's job market. Summer programs utilizing these monies have kept thousands of youth off the street while providing them an education which they consider relevant. I question therefore whether the $10 million in funds added by the House is adequate and would recommend increases to as near the $35 million level authorized by Congress as is possible.

FIGURE 11.—PROJECTION OF VOCATIONAL EDUCATION NEEDS FOR NEW MEXICO

Item	1969–70			1970–71		
	Federal	State or local	Total	Federal	State or local	Total
Regular vocational	$3,842 000	$3,842,000	$7,684,000	$3,842,000	$3,842,000	$7,684,000
Home economics	238,000	166,600	404,600	238,000	166,600	404,600
Cooperative vocational education	238,000	0	238,000	238,000	0	238,000
Work-study	238,000	47,600	285,600	238,000	47,600	285,600
Special needs	272,000	0	272,000	272,000	0	272,000
Research	50,000	0	50,000	50,000	0	50,000
Residential and/or area vocational school construction:						
Farmington	671,287	671,288	1,342,575			
Silver City	750,000	750,000	1,500,000			
Las Vegas				750,000	750,000	1,500,000
Clovis				750,000	750,000	1,500,000
Las Cruces				750,000	750,000	1,500,000
Curriculum development	68,000	0	68,000	68,000	0	68,000
Exemplary programs	349,000	0	349,000	349,000	0	349,000
M.D.T.A. training	498,087	30,000	528,087	498,087	30,000	528,087
M.D.T.A. supervision	55,515	0	55,515	55,515	0	55,515
Metro-rural supervision	36,982	0	36,982	36,982	0	36,982
State advisory council	50,000	0	50,000	50,000	0	50,000
Total	7,356,871	5,507,488	12,864,359	8,185,584	6,336,200	14,521,784

The program of aid for those with special needs, for which Congress authorized $40 million for FY 1970, has also been cut out entirely by the Nixon budget, but was restored by the House. As our former Vice President, Hubert Humphrey, has pointed out, we have, for example, 6 million mentally retarded in this country and over 5 million are trainable. Two million now hold jobs, which means another three million could be trained and employed. In the food service industry alone, it is estimated that there are 300,000 jobs waiting to be filled in the next 10 months. If properly trained in this and other appropriate areas, many of these people could hold down useful and productive jobs instead of costing the government some $3,500 per year in welfare benefits. In addition to adding to our economy, we would also gain each time a mentally retarded or other person with special needs had new dignity added to his or her life.

The $55 million which we in Congress authorized for establishment of residential vocational education institutions would also carry out the original intent of the Act, but no funds whatsoever have been provided for this purpose. Generally speaking, I favor the area vocational school concept but experience with the Job Corps, a few residential programs run by vocational educators under MDTA, and residential experience in Junior Colleges, demonstrates that there are those whose home and neighborhood environments make training away from home desirable. Moreover, a large number of potential students of vocational education live in isolated areas where a meaningful vocational education curriculum is impossible. It is for these and other reasons that I believe an adequate

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system of occupational preparation must provide residential school facilities wherever their absence presents an obstacle to anyone in need of eductaion and training. Therefore, I recommend that we appropriate at least $25 million for the residential school program.

In short, then, Mr. Chairman, both precedent and common sense tell us that our strength, creativity and further growth depend upon our capacity to develop the talents and potentialities of our valuable human resources. Both precedent and common sense also tell us that there is no sounder investment than the few dollars we invest today in vocational education. They will pay off in handsome dividends tomorrow in the form of increased tax dollars, and a reduction in costs of welfare and crime in the community, state and Nation. Because of the awesome responsibility which we have in helping to prepare youth for their life roles as employed adults and citizens, I most strongly urge that we act to meet the $1.2 billion in known vocational education needs of our students and society by appropriating funds to a level of at least $792.65 million, and thus, make it possible to mesh vocational eduaction with the total purposes of education and the achievement of our national goals.

SECTION V. FORWARD FUNDING

In closing, Mr. Chairman, allow me to comment briefly upon one last matter of great concern. With the exceptions of Title I of ESEA, Title I of HEA and the EOG Program, we do not have forward funding for any of our federally supported education programs. This imposes an almost debilitating handicap upon our school systems. Without forward funding, the job of effective program planning becomes nearly impossible; quite simply the present method of appropriation, which each year seems to occur later than in the one before, does not allow educators with sufficient lead-time.

The operation of our schools is desperately in need of modern management technique which will make them more efficient and effective. One of the necessary conditions for helping our school systems develop an internal management capability is sufficient time to conduct program planning. Forward funding for all education programs, including vocational education, would allow educators, through added time and flexibility, a chance to conduct their work in a more rational and competent manner.

ORDER OF BUSINESS

The PRESIDING OFFICER. What is the will of the Senate? Is there further morning business?

Mr. SYMINGTON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HOLLAND in the chair). Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

VOTING RIGHTS AMENDMENTS OF 1969

The PRESIDING OFFICER. Under the previous order, the Chair lays before the Senate the unfinished business, which will be stated.

The ASSISTANT LEGISLATIVE CLERK. A bill (H.R. 4249) to extend the Voting Rights Act of 1965 with respect to the discriminatory use of tests and other devices.

The Senate proceeded to consider the bill.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ALLEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLEN. Mr. President, I rise in opposition to the amendment in the nature of a substitute offered by the Senator from Pennsylvania (Mr. SCOTT), which in effect would continue sections 4 and 5 of the Voting Rights Act of 1965 for an additional period of 5 years.

It would make what is supposed to be a concession as regards the States not now covered by the automatic triggering device of the act by banning the literacy requirements for voting in those States. That, in the judgment of the junior Senator from Alabama, is certainly a poor concession, because we do not need less literate voters. We need more literate voters.

The device that was used in 1965 to trigger the provisions of the act against the seven Southern States was unfair and discriminatory at the time of the enactment of the 1965 Voting Rights Act, because it automatically convicted, passed judgment upon, and held to be guilty those Southern States which had literacy tests for voting, in which fewer than 50 percent of the voting age population of those States were registered to vote on November 1, 1964, or actually participated in the November elections of 1964.

Both facts had to coincide. They had to have the literacy test or device as the act referred to it, and they had to have fewer than 50 percent of the voting-age population registered or voting in November 1964. No proof was necessary as to those States that they had been guilty of discrimination, that they were using the literacy tests or devices to discourage voting or to discriminate against anybody in the exercise of his or her franchise.

Then, too, another unfair feature of the act, sections 4 and 5, was and is the fact that if a State had more than 50 percent of its voting age population registered or participating in the 1964 election, then in those counties in that State where fewer than 50 percent were registered or voting, those counties came under the provisions of the act. They were automatically found to be guilty of discrimination, whether or not they were in fact guilty of discrimination.

Then, of course, if counties in a State had the required 50 percent voting and the State as a whole had fewer than 50 percent qualified voters, then the act applied and applies to those counties, even though they have a sufficient number of qualified voters in that county or in those counties.

Now, the Scott amendment, in seeking to continue sections 4 and 5 of the Voting Rights Act of 1965 uses the same 1964 figures, no matter if every man or woman in a State 21 years of age or over has since the enactment of the Voting Rights Act qualified as a voter and participated in the 1968 election. If every single person in that State has qualified as a voter, still under the provisions of the Scott amendment the State would be held up to contempt, and would be adjudged as automatically being guilty of discrimination.

So if they are going to extend the provisions of the act, if they are going to keep sections 4 and 5 in the act, why can they not base the test on the 1968 figures? The Scott amendment, or any extension of sections 4 and 5, whether by a simple extension of the act or by the Scott amendment, any amendment that simply extends sections 4 and 5 for another 5 years fails to take into account any action by a State in the last 5 years.

Now, in 1965 the 50 percent goal was set up as a proper criterion. If a State supposedly had 50 percent of its population 21 years of age or over registered or voting, then it did not come under the automatic provisions of the act.

Let us look at the record of the States covered by the automatic provision. In just a moment I am going to explain what I mean by the automatic provision as distinguished from the so-called pocket trigger of the act.

In the State of Alabama in 1968 white registration was 82.5 percent, and nonwhite registration was 56.7 percent. We have come up to this goal that was set in 1965 as being a test of whether a State was discriminating or not. If a State did not have 50 percent of the eligible persons qualified to vote and actually participating it was conclusively presumed to be discriminating and made subject to the provisions of the act.

If 50 percent is the proper goal, the State of Alabama has reached that goal. I daresay an average between 82.5 percent and 56.7 percent would be somewhere in the neighborhood of 65 percent. In other words, the State of Alabama has reached a point where approximately 65 percent of our 21 years of age and over population are qualified to vote. Yet the 1965 act states if you have 50 percent you are not going to be automatically covered.

Let us look at other States covered by the act. Georgia, in 1968, had a white registration of 84.7 percent, and a nonwhite registration of 56.1 percent; there, again, an average of 65 percent, overall.

Mr. President, on this 50 percent provided for in the 1965 act it did not have to be 50 percent of the nonwhite population. It did not refer to white or black, majority or minority. A State could have failed to be included under the automatic trigger if 50 percent of its voting age population was registered to vote or voted, even though every single one of that 50 percent were white, or every single one of that 50 percent were black. No differentiation was made between the two, showing how illogical the goal of standard of 50 percent is, because it does not take into consideration any ratio between the white and black population.

Now, let us go on. In Louisiana the percentage of white registration in 1968 was 87.9 percent. Nonwhite, 59.3 percent.

There again, it was some 65 or 70 percent of the population. Yet the goal that was set was 50 percent. They came up to 65 percent or 70 percent, and they say, "No, that does not matter. We are looking back to the past. We are not concerned with what the situation is now. We are going to apply the same rule, using the 1964 figures, not taking into account whether any discrimination, if any existed, has been eliminated, not taking into account whether every man or woman in the State has registered and voted in 1968. We are going to use this 1964 figure."

Why are they going to use the 1964 figure? Because the target was agreed upon at the outset. The target was the Southern States, and is the Southern States.

(At this point, Senator BYRD of Virginia assumed the chair as Presiding Officer.)

Mr. ALLEN. In Mississippi, 92.4 percent of the white citizens 21 years of age or over registered in the spring and summer of 1968. It is higher than that now, I am confident. The percentage of nonwhite registration in Mississippi was 59.4 percent.

North Carolina, 78.7 percent white; 55.3 percent nonwhite.

South Carolina, 65.6 percent white; 50.8 percent nonwhite.

Virginia, 67 percent white; nonwhite, 58.4 percent.

Mr. President, they use the word "device." We hear a lot about the devices that the States are using, and of using literacy tests as a device. Well, the people who framed the 1965 Voting Rights Act and the people who framed the Scott amendment to the 1965 Voting Rights Act used a device, and it discriminated against the Southern States, because they chose the Southern States as the target. They said, "How are we going to decide? How are we going to devise a way to hit them without hitting the rest of the country?" They devised it by saying it applies to those States that have the device of a literacy test for voting and that had fewer than 50 percent of the voting age population actually registered to vote or actually voting. It applied where those two conditions coincided, and they coincided only in the Southern States. So this method was devised, and this device was used to hit just the Southern States.

Mr. President, the 1965 Voting Rights Act was enacted before I had the honor of representing the people of Alabama in the U.S. Senate. I am told by Senators who participated in that debate that since the State of Texas had only 44 percent of its voting age population registered and voting in 1964, it would have come under the provisions of the automatic triggering device except that it did not have a device such as a literacy test. It had only one of the two component parts of the test. Therefore, the automatic trigger contained in the bill did not trigger it against the State of Texas, even though some of the other States that were covered had a larger percentage of voters registered and voting than did the State of Texas, but they had the so-called device in the form of a literacy test.

I am glad the State of Texas is not covered by the automatic trigger, because I think the use of the automatic trigger, picking out the target to start with and then picking out how to hit that target, is unfair, discriminatory, and unconstitutional.

What is the effect of the automatic trigger and how does that differ from the law with reference to the rest of the country? I do not believe it is clearly understood that we have in fact a Voting Rights Act that applies to the entire country. When we speak of extending the Voting Rights Act, some people understand that to mean that if it is not extended, we will not have any Voting Rights Act; that it will expire on August 6, 1970. Well, that is not exactly right.

The automatic triggering device set up in sections 4 and 5 are the only temporary sections in the act. There are 19 sections in the Voting Rights Act of 1965. Seventeen of those apply throughout the entire country. Only sections 4 and 5 apply only to the Southern States.

Mr. President, I am happy to note in the chair the distinguished senior Senator from the State of Virginia (Mr. BYRD). I notice from the report of the House of Representatives on the Voting Rights Act when it was reported back to the House some interesting comments as to the State of Virginia. It stated in its report that—

> Virginia's record under coverage of the Voting Rights Act is further evidence that Virginia does not practice racial discrimination in voting. According to evidence supplied the committee by the Department of Justice, not a single Federal registrar has been sent into a single precinct in a single county or city in Virginia; and no Federal observers have been dispatched to oversee a single election anywhere in Virginia.

(At this point Senator BYRD of West Virginia assumed the chair as Presiding Officer.)

Mr. ALLEN. Virginia is covered by the automatic trigger. It is held to be guilty without a trial. That offends our principles of Anglo-Saxon justice and due process—to be held guilty without a trial.

That is exactly what has been done with respect to the great State of Virginia, and I know that that is resented by the distinguished senior Senator from Virginia, and by the people of that great State.

Mr. BYRD of Virginia. Mr. President, will the distinguished Senator from Alabama yield?

Mr. ALLEN. I am happy to yield to the Senator from Virginia.

Mr. BYRD of Virginia. I am very grateful to the Senator from Alabama for bringing out the facts in regard to the State which I have the honor and the responsibility to represent.

As the Senator from Alabama has so eloquently stated in his address to the Senate today, these figures and these statements dramatize the unfairness of this so-called voting rights law.

The Senator from Alabama has been giving an extremely graphic presentation of the case as to the unfairness of this law, and the fact that it applies to only one section of our Nation.

Of course, I, as a Virginian, am very proud of the fact that despite this unfair law, which applies to only six States plus a part of a seventh State, not one single Federal registrar has come into Virginia.

There has been no evidence presented that there was any need for a Federal registrar to come into our State, and, as the Senator from Alabama has pointed out, the record clearly shows that there has been no voting discrimination in Virginia, and as a result of that, the law regarding Federal registrars coming into the State has not been necessary insofar as Virginia is concerned.

The fact that concerns me so deeply, just as it concerns the Senator from Alabama, is the unfairness of this proposition and the double standard that is being used, again, by the Federal Government, in applying the Voting Rights Act to only a few States.

Congress has done the same thing in regard to the busing of schoolchildren to achieve racial balance.

One of the most interesting exchanges I have heard during the time I have been a Member of the Senate occurred several weeks ago, when the distinguished and able Senator from Connecticut (Mr. RIBICOFF), in a debate with the Senator from New York (Mr. JAVITS), pointed out: Now, you want to have racial balance in the schools of the Southern States, and so do I, said the Senator from Connecticut, but he added, I can point out that within your own city of New York, just within a few blocks of where you live, there are a dozen schools which are 99 percent black, and there is no racial balance. This was the substance of Senator RIBICOFF's remarks.

The Senator from New York replied, in effect—though not in these exact words—Well, things are different in New York. We have a different problem there, segregation because of residential pattern. We have a little different problem and we have to have time to work it out.

And incidentally, I heard the Senator from New York state on this floor the other day something I never expected to hear him state, in regard to this busing problem. He said, in effect that so far as New York is concerned this is a matter that must be worked out by the State. He talked like a States' righter. I never expected to hear the Senator from New York sound like a States' righter.

When he says that is a matter that has got to be worked out by the States, I agree. But when some of us, like the Senator from Alabama and the Senator from North Carolina, say that these matters pertaining to Virginia and Alabama and North Carolina should be worked out by those States, then we are treated with derision by some other Members of the Senate who term us States' righters.

As far as I am concerned, I do believe that the individual States do have certain rights and certain responsibilities.

I think one of the troubles in this country today is that we have centralized too much authority in Washington. Many have tried to say, "We can run everything from Washington; let us consolidate everything here in the city of Washington, because we know best how to proceed." Yet we cannot even run the District of Columbia.

I say this country is too big, it is too diverse, and the conditions are too different to try to run this great country of 200 million persons out of the city of Washington.

I am grateful to the Senator from Alabama for bringing out these facts about the State of Virginia, and I am proud of the record of the State of Virginia, in that we have no discrimination in voting, as the record so clearly shows, just as the Senator from Alabama read into the official RECORD of the Senate a few moments ago.

Again I express my gratitude to my colleague from Alabama.

(Mr. BYRD of Virginia assumed the chair as Presiding Officer at this point.)

Mr. ALLEN. I appreciate the contribution the distinguished Senator from Virginia has made to this discussion. I have long been an admirer of the senior Senator from Virginia, even while in Alabama, before coming to the Senate. I was a great admirer of his distinguished father, and I feel that the able senior Senator from Virginia is a worthy successor to that great and noble statesman, who represented the State of Virginia in this Chamber for so many years.

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Mr. ERVIN. Mr. President, will the Senator from Alabama yield for a question?

Mr. ALLEN. I am happy to yield.

Mr. ERVIN. I ask the Senator from Alabama if he agrees with the Senator from North Carolina in the observation that Senators from the great Old Dominion have made a most significant contribution to the constitutional and governmental philosophy of America.

Mr. ALLEN. There is no doubt about that.

Mr. ERVIN. I ask the Senator from Alabama if he does not agree with the statement made by a great President born in Virginia, Woodrow Wilson, when he said:

> When we resist the concentration of power, we fight the processes of death, because the concentration of power is what always precedes the destruction of human liberties.

Mr. ALLEN. Yes, I certainly agree with that.

Mr. ERVIN. I ask the Senator from Alabama if he does not agree with the Senator from North Carolina that, in opposing the so-called Scott substitute, we are fighting against the concentration of power here in the Federal Government, and by so doing are opposing the concentration of power which can only destroy human liberties by destroying the Constitution itself.

Mr. ALLEN. I do agree with the comment of the distinguished Senator from North Carolina.

Mr. ERVIN. I should like to ask the distinguished Senator from Alabama if the Supreme Court of the United States, speaking through Chief Justice Salmon P. Chase, did not state, in the great case of Texas against White, that a State is composed not only of the State government but is also composed of all the people who reside in the territory which constitutes the geographic extent of the State.

Mr. ALLEN. Yes, that was a very wise statement.

Mr. ERVIN. Does not the Senator from Alabama agree with the Senator from North Carolina that Chief Justice Warren virtually admitted in his opinion in South Carolina against Katzenbach that the Voting Rights Act of 1965 was a bill of attainder, and that the only way that the Chief Justice could reach the rather fantastic conclusion that the Voting Rights Act of 1965 was not unconstitutional was upon his statement that the prohibition on bills of attainder in the Constitution of the United States, both in respect to Congress and the States, did not apply to the States?

Mr. ALLEN. Yes, I certainly agree with the Senator.

Mr. ERVIN. Can the Senator from Alabama surmise one thing which the Senator from North Carolina has not been able to surmise: That is, how Chief Justice Warren could reach that fantastic conclusion in view of the fact that the definition of bills of attainder made by the Supreme Court of the United States in such famous and sound cases as ex parte Garland and Cummings against Missouri was this, in substance: That a bill of attainder is a legislative act which condemns persons, or persons who can be ascertained, for wrongdoing without a judicial trial, and on that basis inflicts punishment upon them?

Mr. ALLEN. I would say to the distinguished Senator from North Carolina that the junior Senator from Alabama is unable to fathom or rationalize the thought processes or reasoning of the former Chief Justice of the United States.

Mr. ERVIN. I ask the distinguished Senator from Alabama if he does not recall that the law which was involved in Cummings against Missouri was a statute passed by the Legislature of Missouri in the political climate which condemned everything southern, immediately after the close of what one of my professors called the "uncivil war." That statute even forbade a minister of the Gospel, who had been a sympathizer with the Confederacy, from saving the souls of sinners by preaching the Gospel of the Lord Jesus Christ?

Mr. ALLEN. I am glad to get the comments of the distinguished Senator from North Carolina in this matter.

Mr. ERVIN. Does not the Senator from Alabama recall that the Supreme Court of the United States in Cummings against Missouri held that Missouri passed a bill of attainder when it declared that no person who had been a sympathizer with the Confederacy could preach the Gospel, and that he was deprived not only of the privilege of trying to save sinners for the benefit of the Lord, but also was punished by being deprived of practicing his profession as a minister of the Gospel?

Mr. ALLEN. I would say to the distinguished Senator from North Carolina that the reasoning behind some of the opinions alluded to by him remind me somewhat of the reasoning behind some of the more recent decisions of the U.S. Supreme Court.

Mr. ERVIN. I ask the distinguished Senator from Alabama if he does not also recall that ex parte Garland involved an act of Congress which denied to a lawyer who had been sympathetic to the Confederacy the right to practice law, and that the Supreme Court of the United States held that that act of Congress was unconstitutional as a bill of attainder forbidden by the Constitution, in that it condemned the lawyer by a legislative fiat and punished him by depriving him of the right to exercise and practice his profession as a lawyer.

Mr. ALLEN. I certainly agree with the distinguished Senator from North Carolina. I would say further that if I am allowed to participate for any great length of time in a colloquy with the distinguished Senator, I will get the benefit of a mighty fine short course in constitutional law, because I regard the distinguished Senator from North Carolina as possibly the greatest constitutional authority not only in the Senate but also in the entire United States.

I would certainly like to substitute some of the offhand opinions of the distinguished Senator from North Carolina for some of the reasoned and deliberate opinions of some of the Justices of the Supreme Court.

Mr. ERVIN. Will the Senator from Alabama accept the assurance of the Senator from North Carolina that the Senator from North Carolina is deeply grateful to the Senator from Alabama for the high compliment which he has paid to the Senator from North Carolina, but the Senator from North Carolina is deeply regretful of the fact that the Warren Court has reversed everything the Senator from North Carolina has known concerning constitutional law and has left the Senator from North Carolina totally ignorant on that subject insofar as its modern state is concerned?

Mr. ALLEN. I thank the distinguished Senator, and I admire his modesty.

Mr. ERVIN. I ask the Senator if the Voting Rights Act of 1965 did not condemn the elected officials of Virginia, North Carolina, South Carolina, Georgia, Alabama, Mississippi, and Louisiana of violating the 15th amendment based on a triggering device created by section 4(b) of the act without a judicial trial; and on that basis—and that basis alone—punish the seven States I have mentioned by depriving those States and their governments and their elected officials and their people of the power to exercise the power vested in them to prescribe literacy tests by four separate provisions of the Constitution.

Mr. ALLEN. Yes, it certainly did.

Mr. ERVIN. Does not the Senator from Alabama agree with the Senator from North Carolina that under all of the decisions up to the time of the decision in South Carolina against Katzenbach, the Voting Rights Act of 1965 constituted a bill of attainder prohibited by the Constitution of the United States?

Mr. ALLEN. That is correct.

Mr. ERVIN. Does the Senator from Alabama think that the Senator from North Carolina is in error when he says that any judge or any court which can distinguish any difference between Cummings against Missouri and ex parte Garland and the Voting Rights Act of 1965 must be capable of unscrewing the inscrutable?

Mr. ALLEN. I would agree with the comment of the distinguished Senator.

Mr. ERVIN. Does not the Senator from Alabama agree with the Senator from North Carolina that the Voting Rights Act of 1965 nails shut the doors of every Federal court in the South and in all other areas of this country except the doors of the District Court of the District of Columbia?

Mr. ALLEN. Yes; that is correct. It caused even such a liberal jurist as Mr. Justice Black to dissent from that provision, saying that it was unfair, improper, and too great a burden to place on a State, to require it to go to a far and distant place, to a strange court, to lay its case before the strange court. He even drew a parallel between that type of despotism, that type of bureaucracy, and the action of the King of England, King George III, which was referred to in our own Declaration of Independence, where one of the grievances against the Crown was the fact that the Crown was requiring the colonists to go to distant points, to distant courts, before distant magistrates, far removed from the place where they kept their public records, the thought being that such a burden would be placed upon them, such a vexation would be placed upon the colonists that they would go ahead and observe the decrees and the orders. That caused Justice Black, together with other reasoning, to dissent from the majority opinion in the case of Katzenbach against South Carolina.

Mr. ERVIN. Does not the Senator from Alabama agree with the Senator from North Carolina that the Founding Fathers inserted the due process clause in the fifth amendment to guarantee every litigant in any legal controversy in a Federal court the right to have a fair trial, which contemplated and necessarily included the right to have a fair opportunity to present the evidence in support of their cause?

Mr. ALLEN. Yes, sir; very definitely that was embodied in the thinking behind the due process clause. As the distinguished Senator has pointed out, the States alluded to as Southern States were deprived of that due process because they were held to be guilty by this triggering device without looking into the merits of the case at all—guilty without trial. That offends every principle of Anglo-Saxon justice, to deprive someone of life, liberty, or property without due process of law, but that is exactly what happened in this case.

Mr. ERVIN. Does not the Senator from Alabama agree with the Senator from North Carolina that the only way in which Chief Justice Warren was able to reach this fantastic conclusion in South Carolina against Katzenbach was that the Voting Rights Act of 1965 was not unconstitutional under the due process clause, because the due process clause does not protect the States?

Mr. ALLEN. As the junior Senator from Alabama stated to the distinguished senior Senator from North Carolina, he is unable to fathom or to rationalize the thought processes of the former Chief Justice of the United States and he does not know how that eminent jurist reached that conclusion. He got there by a method best known to himself, in the opinion of the junior Senator from Alabama.

Mr. ERVIN. The Senator from North Carolina would like to ask the Senator from Alabama whether Chief Justice Warren's conclusion that the equal protection clause does not protect the States in a right to a fair trial necessarily has to be extended to the public officials of the State which exercised the power of the States, and also to the people of the State who are deprived of the right to exercise their constitutional powers?

Mr. ALLEN. That is certainly true. As the Senator pointed out, the State is composed not only of the territorial limits, but the State government is composed of people residing therein; and this was taking their property, their rights, without due process of law. It certainly operated against the citizens of the respective States.

Mr. ERVIN. Does not the Senator from Alabama share the inability of the Senator from North Carolina to comprehend how any court can reach the conclusion that State officials and the people of the States are not persons within the meaning of the due process clause, which declares that a person shall not be deprived of his life, liberty, or property without due process of law?

Mr. ALLEN. I certainly do not understand why they were unable to observe that principle.

Mr. ERVIN. Does not the Senator from Alabama recall in the celebrated Dartmouth College case that Daniel Webster defined due process of law in substance as the law of the land, a law which proceeds upon inquiry and the rendering of judgment only after notice and a hearing?

Mr. ALLEN. I believe that was the definition of the distinguished Senator.

Mr. ERVIN. The Senator from North Carolina asks the Senator from Alabama that if the court was correct in holding in substance that the due process clause affords no protection to the States, no protection to the officers of the States, and no protection to the people of the States, then could not Congress also pass a law authorizing the Department of Justice to bring suit against a State, and to abolish the State and require that its case be decided solely upon the allegations of the Attorney General and that the State be denied any notice or any opportunity to be heard? Yet that would be a valid judgment abolishing a State.

Mr. ALLEN. That necessarily follows from the conclusion they reached in that case.

Mr. ERVIN. I want to thank the Senator from Alabama.

Mr. ALLEN. I thank the Senator from North Carolina for his outstanding contribution to the discussion of this iniquitous Voting Rights Act.

Mr. President, I commend again the distinguished senior Senator from Virginia for his contribution to this discussion. He said that this is another illustration of the application of the double standard, another illustration of the denial to the people of the South of the equal protection law, another illustration of applying one rule in the South and one rule outside the South.

He called attention to the statement from unexpected quarters here on the Senate floor, that when it was suggested desegregated policies of the Federal Government now being applied in the South be applied likewise in the North, that those comments or those protests from some of the Senators in the area to which these policies might be applied under such rule, made them sound like States' righters themselves. The distinguished Senator from Virginia stated that he was proud to be a States' righter.

Mr. President, I call attention to the fact that we hear a lot of discussion about the advisability of extending the Voting Rights Act of 1965 throughout the country. That is proposed by the President. I admire and applaud him for the position he takes in this matter, but I would like to call attention to the fact that we already have a Voting Rights Act applicable throughout the country, but it is just not being enforced anywhere except in the South by the automatic triggering device. The 17 other sections of the act, all of the sections except 4 and 5, apply throughout the country.

It is just that sections 4 and 5 say that the States that back in 1964—way back then—did not come up to a certain standard are guilty of discrimination.

The Attorney General can send in voting registrars to register anyone in Alabama, or anyone in the South, who is 21 years of age, whether he can read or write, or whether, I assume, he is mentally defective, as long as he is not confined in an institution. Federal registrars will come in and register the voters. They send down vote observers to be there at the time of the voting, to be in the voting place to observe the counting of the votes—all without any evidence whatsoever that the States have been guilty of any discrimination whatsoever.

As the distinguished Senator from North Carolina pointed out, they are adjudged to be guilty without a trial, without any due process of law, without any finding based on a hearing. They are guilty by a mathematical formula devised retrospectively to fit the situation they desire to cover.

All of the sections but sections 4 and 5 apply throughout the country, the difference being that in the other States of the Union outside of the South, they have to prove discrimination. They have to go in and prove discrimination in voting and in not allowing the free exercise of the franchise or the registration to vote.

Let us see what other sections of the Voting Rights Act of 1965 apply. Let us see what is provided by that act.

In the first place—and this is going to

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be the law, irrespective of whether sections 4 and 5 are renewed prior to August 6, 1970, when they become inoperative—this would apply in the South. It would apply outside the South, even if the Scott amendment is rejected and the administration amendment, which is the House bill, is defeated in the effort to extend sections 4 and 5, and only those.

If all of those proposals are defeated, and the so-called act is supposedly to expire, the act will not expire. It is only sections 4 and 5. The remaining 17 sections are permanent law until repealed. Nobody is even suggesting repealing them, because they apply to everyone. And as has been brought out in the debate on the Senate floor, if they hit on a rule that sections outside of the South are willing to abide by, we will not have any protest from the people of the South—certainly not from the people of Alabama. That is all we want, equal protection of the law, and it is something we are not getting. And we resent it very deeply.

All of the sections but 4 and 5 will continue to apply no matter what happens to the Scott amendment or what happens to the administration bill or what happens to the simple extension of the act.

We will have a nationwide act, but it is going to take proof of guilt in the matter of discrimination before it can be triggered. We have an automatic trigger which hits the Southern States because of some formula that they hit on back in 1965 to date back to the South in 1964. And those States are held to be guilty, even though the States have long since passed the standard which was set in the 1965 act. Then, as to the rest of the country—and that would include the South—if sections 4 and 5 are allowed to expire, if they prove discrimination, they can in effect trigger all of the provisions of the act as to that particular State, if it is found to be guilty of discrimination. And that would apply everywhere.

So we will have a Voting Rights Act no matter what happens with reference to the Scott amendment, which certainly ought to be tabled or rejected, because it provides that same double standard, that same standard for the South, a punitive standard, a finding of guilt without a trial, and a different situation throughout the country which demands proof of guilt.

Why can we not have that same rule in Alabama or in the South? Why not require our people to be found to be guilty?

What does the automatic triggering, which would be continued under the amendment of the distinguished Senator from Pennsylvania, do? As I stated a moment ago, it provides that the Attorney General can send registrars to Southern States to register the lame, the halt, the blind, the mental defective, and register anyone that is 21 years of age. He can have election observers there to look over everyone's shoulder in the conduct of the election, the counting of the votes.

We are held to be guilty. We are declared to be discriminating against people automatically, because we did not come up to a predesignated formula of 1964.

So, by the formula that was set we had no opportunity to get out from under the automatic trigger by the performance of any act. One could tell by looking at the census figures, the registration figures, who was going to be covered and who was not going to be covered.

If all of the pending amendments and all of the pending bills are defeated—and I rather believe that is what ought to be done—it just leaves us where we are. We would have a National Voting Rights Act of 17 sections.

My preference would be to throw it all out the window. No one is being discriminated against in Alabama. No one is refused the right to register. And even though they send Federal registrars into Alabama to register everyone in sight and meet the people out in the street and register them there on the sidewalk, even after all of that effort, the regular registrars—and I have the exact figures in my office, but I did not know that I was going to make any remarks this afternoon—registered about three times as many voters in Alabama as did the Federal registrars, even though they were in the streets, herding people in to register to vote.

No one has any difficulty registering in Alabama.

I read the statistics into the RECORD. I am sure the distinguished Senator from Louisiana (Mr. LONG) whom I notice in the Chamber, will be interested in the fact that in the great State of Louisiana in 1968, the percentage of white registration was 87.9 percent and the percentage of nonwhite registration was 59.3 percent.

Yet because far back in 1964 they had just slightly under 50 percent registered, they are covered by the automatic trigger provision; whereas, now, by applying the same formula to 1968 they would be out from under the automatic trigger; but not the act for they would still be covered by the act. The whole country is covered.

It is not fair to say to the fine people of Louisiana, who have now gotten an overall registration of some 70 percent or 75 percent, that just because way back in 1964 they did not have as much as 50 percent, they will still come under that provision. I wish to say to the Senator from Louisiana that his State has done great wonders in registering people since 1964, but Louisiana is still going to be covered by this automatic trigger, and it is going to be found guilty of discrimination even though the very figures show they are not guilty of discrimination, by raising the percentage of voters from under 50 percent to approximately 75 percent overall.

So it shows that no reward and no consideration is given to the States that may have performed great wonders in registering every citizen in the State.

I might say that if every single person in one of these States involved, every single person white and black, 21 years of age or over, had been registered to vote since 1964, and if every single eligible person in that State had voted in the 1968 election, that is not going to help. They are still going to be held under the provisions of the act to be guilty automatically of discrimination, even though every single person in the State 21 years of age or over is registered to vote and did vote in 1968. They cannot purge themselves of this condition in which they were in 1964. Senators have heard of the expression "purge yourself of contempt" when a judge finds some person in contempt. That person is able to get out from under that sentence or order of court directed against him by purging himself of contempt, and doing what the judge said he needs to do to purge himself of that wrongdoing.

Assume for the sake of argument that the States involved, the seven Southern States, had been guilty of discrimination—and I say again that this mathematical formula agreed upon in advance certainly did not prove any discrimination—and the States rise from a registration of less than 50 percent up to 75 percent in 5 or 6 years. They have purged themselves of that charge, that automatic finding of discrimination by that excellent accomplishment on their part.

Mr. LONG. Mr. President, will the Senator yield at that point?

Mr. ALLEN. I yield to the distinguished Senator from Louisiana.

Mr. LONG. Mr. President, let me see if I understand what the Senator is saying. At the time we were talking about this act back in 1965, seven States were singled out, as I recall. Louisiana was one of those States. The standards fixed at that time had to deal with the percentage of the minority race registered.

Mr. ALLEN. No. It had to do with the overall number of people. As the distinguished Senator will recall, it took the incidence of two circumstances: one, they had to have a literacy test or device that discouraged voting or registering; and two, they had to have fewer than 50 percent of their 21-year-old-and-over population registered. If they had the voting device, the literacy test, they had to have registered more than 50 percent, white or black—it does not say, and that is the irony of it. It does not protect the minority group at all.

To pose a hypothetical case, if the State of Louisiana had had the literacy test, which it did, or some device, as they call it, that was said to discourage voting, then if they had 50 percent of the 21 years of age and over people of Louisiana registered to vote, even though not a single one of those was of the minority group, then they were not subject to the automatic trigger.

Mr. LONG. Yes. Now, I recall that back at that time there were some places in which there was some discrimination against Negro registrants. I criticized that and I felt that where someone had discriminated against a Negro registrant one could justify the Federal Government doing something about it. But I contended it was not fair to impose Federal authority on the great number of people who had done nothing but encourage the Negroes to register and participate.

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For the life of me today I would have to say I do not believe anyone in Louisiana is aware of any impediment to Negroes registering or any denial of equal rights under the law to Negroes.

Mr. ALLEN. I am sure that is true.

Mr. LONG. Also I note, according to the chart to which the Senator made reference, the number of Negroes registered increased by about 100 percent. There had been 31.6 percent registered prior to 1965 and in 1968 there were 59.3 percent registered.

Mr. ALLEN. Yes.

Mr. LONG. Even the whites, who have been voting much longer, had only 87.9 percent registered in 1968.

Mr. ALLEN. The Senator is correct.

Mr. LONG. Negro registration is gaining on white registration because more progress is being made, but no one is discouraging Negroes from registering. I understand the Senator to say we are still being punished by a legislative finding based on two facts in 1965.

Mr. ALLEN. The Senator is correct.

Mr. LONG. When they finish it will exist in 1968, 1969, and 1970.

Mr. ALLEN. The Senator is correct. I would like to say that when Louisiana was put under the provisions of the automatic triggering device, Louisiana was not put under that provision because of any actual finding of discrimination. Louisiana was put under that provision because they did not come up to the predesignated and prechosen formula that was devised for the purpose of getting Louisiana under the automatic provision. It was an automatic formula aimed at getting Louisiana under the act.

Mr. LONG. That is right. I recall that at the time it was as if it were said that the act shall apply to the following States: Alabama, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, and Virginia. I recall the then Senator from Virginia, Senator Harry Byrd, the father of our present distinguished Senator from Virginia, compared Virginia with Texas and demanded the right to know by what standard one could contend that Virginia should be covered by that law and not Texas. Let us face it; it was planned that way. There is no way under the sun the formula could have been figured out that would provide that Virginia would be covered by this law but not Texas, other than by starting out with a predetermined conclusion that Texas should not be covered in any event but that Virginia should be.

Mr. ALLEN. The Senator is exactly right. The junior Senator from Alabama understands, although he was not here at the time, there was reference to Southern States using devices to discourage voting. There are different kinds of devices, as the Senator knows. I say that those who are responsible for perpetuating these provisions of the 1965 Voting Rights Act used a device to get the States under it that they wanted under it.

The way they kept Texas out, as I stated, was that they required the concurrence of two facts: First, that they had to have a literacy test; and second, that they had to have fewer than 50 percent of the voting population registered or voting. They realized that Texas did not have a literacy test, even though it had only 44 percent of her 21-year-olds and over of the population registered. Texas was let out. I am glad Texas was. I am not critical of that, because I do not think any State should be put under this automatic trigger; to be adjudged guilty without some sort of hearing. That is why Texas was let out. Texas did not have a literacy test, and it required the concurrence of the two factors to accomplish that triggering action.

Mr. LONG. At the time that was worked out, Texas had a poll tax and we in Louisiana did not have one, and Texas had been more successful in keeping people away from voting by way of the poll tax than Louisiana had done.

Mr. ALLEN. That is right. Texas had only 44 percent of its citizens 21 years of age and older registered. I believe in Louisiana the figure was a shade under 50 percent.

The Scott amendment seeks to freeze this automatic trigger provided by sections 4 and 5 for another 5 years, no matter if a State registered every man, woman, and child in the State. If the State registered everybody, that State would not get out from this act because it is held to an accounting for the manufactured situation back in 1964.

Mr. LONG. May I say to the Senate that I cannot, for the life of me, understand why, if someone is interested in protecting the rights of citizens to vote, he would not want to assure that right to other citizens, even if they came from Texas or from New York or California. I see the distinguished Senator from California (Mr. CRANSTON) presiding. If any citizens are discriminated against and denied the right to vote, they ought to be permitted to register and vote if they are qualified.

I must say it seems a travesty to this Senator that certain persons are anxious to protect the rights of people in the States of other Senators, that they can muster the courage to vote to help achieve the right to vote for citizens in Alabama and Louisiana, but cannot help their own citizens to get the right to vote.

Mr. ALLEN. That is passing strange, I will say to the Senator from Louisiana.

I would like to call to the attention of the Senator from Louisiana that even if sections 4 and 5 of the act are allowed to expire—and I certainly hope they will be allowed to expire, and I would like to see the whole act thrown out, but even if sections 4 and 5 are allowed to expire—17 sections will still be left, because the Voting Rights Act of 1965 has 17 permanent sections applying, strange to say, to all 50 States of the Union. Only sections 4 and 5 apply to the seven Southern States.

What happens there is that by not complying with the manufactured formula, the coverage under the act is automatically frozen on the States involved and they are automatically found to be guilty of discrimination, enabling the Attorney General to send in voter registrars and election observers, and to provide that if the legislature of the great State of Louisiana wants to pass any laws changing its registration laws or changing the election or voting laws, it has to come hat in hand to Washington to get the approval of the Attorney General or of the district court here in Washington of any act that the sovereign State of Louisiana wants to adopt.

By automatically triggering the act, a State has to come here, hat in hand, and get their approval, and get them to say, "Well, we OK this. We do not believe it is designed to discriminate against people who want to vote." But that is not true of the rest of the country. As to them, it must first be proved in court that they are guilty of discrimination before the act applies. But we folks down South are just automatically guilty without a trial. Folks up North, under this act—I am not talking about my opinion; I am discussing the act itself—are innocent until proved guilty. In the South our fellows are guilty, and it takes us 5 years to prove we are innocent. We cannot even get absolved of guilt by proving we have not discriminated for 5 years. The act is not 5 years old yet, so we are not eligible to come in yet and try to get out from under the act. So we are not only found guilty, but we cannot prove our innocence for 5 years. That is what it boils down to.

I feel sure the Senator from Louisiana would feel that is un-American and a denial of due process of the law not just to the States, but to the people of the Southern States. We resent the double standard applied against us.

Mr. LONG. Is it correct to say that even though we have a higher percentage of our electorate, or even a higher percentage of our Negro citizens registered than would be the case in some of the other States, we are nevertheless guilty without trial?

Mr. ALLEN. That is right. I want the Senator from Illinois (Mr. PERCY) to hear this. Under the terms of the Scott amendment, every single black citizen 21 years of age and over in Louisiana can be registered and Louisiana would still not come out from under this act.

Mr. LONG. What the Senator is saying reminds me of some of the legislative history when this act went on the statute books. I was successful in having an amendment added to the bill so that when it could be established that in a county or parish a very high percentage of Negro citizens was registered and there had been no discrimination, they could go to the district court in the District of Columbia and ask that any Federal voting registrar there should be removed.

In that case I made my argument by showing a great number of southern counties where 100 percent of all the Negro citizens of voting age were registered. I made my argument on the basis that it was difficult to see how one could register more than 100 percent. If we did that, I would think someone would try to put somebody in jail. So we were successful in getting some small consideration for counties and parishes which had registered a very high percentage of Negro citizens.

Is there anything in the bill to take

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into consideration the fact that a State or county within a State may have managed to register a very high percentage of Negro citizens?

Mr. ALLEN. No. As I stated to the Senator from Louisiana, no matter if every single person in Louisiana were registered, and even if every single person from 1965 until this time had been registered, Louisiana would not be out from under that act.

Mr. LONG. Well, I hope they would not try to get us to register more than 100 percent of our citizens, which would suggest that somebody was voting twice. That would not seem right, either. But it seems to me that, at a minimum, there should be some consideration for a State or county that had done what the Congress wanted us to do, or the county, if the county has done what Congress said they want us to do. If we did it, you would think they would give us some consideration, other than finding us guilty without a trial.

Mr. ALLEN. I agree with the distinguished Senator. I point out, speaking of registering more than 100 percent of the people, that yesterday the distinguished Senator from Nebraska (Mr. CURTIS) was talking about the direct election of the President of the United States, and he was opposed to it. He spoke of the fact that there might be fraud or corruption in elections; and, strange to say, he was not talking about any area down where we come from, but he was saying that the reason he liked the electoral college method of electing the President was because if there was fraud or corruption in any State, it would be insulated, and the vote in that particular State would not be thrown into the whole pool of popular votes. He said he liked that principle, and he made the comment that he did not want to see the election determined by tombstones in Chicago. What he meant by that I do not quite understand; perhaps the Senator from Louisiana may recall his comment on that.

But I do not believe that, down Alabama way or down Louisiana way, we register more than 100 percent of our people. But even if, as in the case posed by the distinguished Senator from Louisiana, you did register every one of them, you would not be out from under the provisions of the act.

I appreciate and thank the distinguished Senator from Louisiana for his contribution to the discussion.

I point out, as I suggested a moment ago, that even if sections 4 and 5 of the act are permitted to expire—and for that to happen, we are going to have to defeat the Scott amendment, defeat the administration proposal, and defeat the bill calling for the simple extension of the act for 5 years—we would still have a Voting Rights Act applying to all 50 States, and I want the distinguished Senator from Illinois to understand that if these sections are permitted to expire on August 6, 1970, we are going to have the Voting Rights Act of 1965 still in force and effect, applying to the whole country.

We hear a whole lot about that the President's proposal is so novel and so strange, that he would come out for a Voting Rights Act that applies throughout the country.

The perpetrators, or the planners, of the 1965 Voting Rights Act, made it apply to the whole country, but they did not find anyone guilty of discrimination unless they lived in these seven Southern States. So we are automatically guilty of discrimination, and they proceed against us without any proof of discrimination except a failure to comply with the 1964 manufactured formula, and on that basis, they are able to send voting registrars and election observers down into the South to register every person there over 21 years of age; and I assume over in Georgia they can register all those over 18 years of age.

If the legislature of any of those States wants to provide any change whatsoever in their election laws, they have got to come to Washington and get the approval of the Attorney General for that change, or, in the alternative, they can go to the Federal district court here in Washington and point out to the Attorney General or the district court that their proposed change does not discriminate against anyone on voting. They have got to prove it to them.

In the report to the House of Representatives when this bill was reported to the House by the Celler committee over there, they pointed out, in the minority report:

> The District Court for the District of Columbia already has a huge backlog of over 4,000 civil cases. With the median time of 28 months required from the time of filing an action in this court to the disposition after trial,[9] this provision of the committee-Celler bill will contribute to a long delay in the hearing of such cases. In the meantime, State voter qualifications and standards are suspended without relief. If such drastic effects must be visited upon the States involved, resolution of this class of cases should be handled expeditiously.

So they can look forward to a delay of some 28 months before they could even get a hearing.

This provision of the Voting Rights Act of 1965 shocked even Mr. Justice Black, who, I guess everyone will concede, is the leading activist member of the Court. It even shocked him to require, by this automatic trigger, that any change in the voting or registration laws in one of these States which had not been found guilty of discrimination except by a mathematical formula, nevertheless would mean they have got to come in to Washington on any change in the laws as to the States that were covered. That would be the case if all the States were covered, and the automatic trigger would hit only the Southern States, and the States outside the South would have to be found to be guilty of discrimination before this provision could be invoked.

That caused Mr. Justice Black, in the case of South Carolina against Katzenbach, to throw up his hands in horror at such a provision of the law. He said:

> Section 5—

That is the very thing we are talking about here, section 5 of the Voting Rights Act of 1965—

> Section 5, by providing that some of the States cannot pass State laws or adopt State constitutional amendments without first being compelled to beg Federal authorities to approve their policies, so distorts our constitutional structure of government as to render any distinction drawn in the Constitution between State and Federal power almost meaningless. One of the most basic premises upon which our structure of government was founded was that the Federal Government was to have certain specific and limited powers and no others * * *.

Mr. President, I surely would like to transplant that language from this opinion over to some of the other opinions of that distinguished jurist, because I agree with his reasoning in this case. I just wish he had applied the same reasoning to some of the other opinions he has written.

Let me read that again:

> One of the most basic premises upon which our structure of government was founded was that the Federal Government was to have certain specific and limited powers and no others, and all other power was to be reserved either to the States respectively, or to the people—

That sounds like a states' rights Democrat from the South talking—

> Certainly if all the provisions of our Constitution which limit the power of the Federal Government and reserve other power to the States are to mean anything, they mean at least that the States have power to pass laws and amend their constitutions without first sending their officials hundreds of miles away to beg Federal authorities to approve them * * *.
>
> I cannot help but believe that the inevitable effects of any such law which forces any one of the States to entreat Federal authorities in far-away places for approval of local laws before they can become effective is to create the impression that the State or States treated in this way are little more than conquered provinces—

Amen, as the Senator from North Carolina would say if he were here—

> and if one law concerning voting can make the States plead for this approval by a distant Federal court or the U.S. Attorney General, other laws on different subjects can force the States to seek the advance approval not only of the Attorney General but of the President himself or any other chosen members of his staff.

So Mr. Justice Black, in dissenting from this opinion upholding the Voting Rights Act of 1965, said that he could not go this. It just went too far. It disregarded our whole scheme of our federal system, our division of power between the States and the Federal Government, the fact that the Constitution is a grant of power by the States to the Federal Government and that under the 10th amendment all powers not ceded to the Federal Government are reserved to the States, respectively, or to the people.

So this would destroy the federal system. And if they have to come to Washington for approval of one statute, they could be made to come to Washington for approval of any statute. So that the National Government would have a veto power, following it out to its logical conclusion, as suggested by Mr. Justice Black. The Federal Government, under that conclusion, could arrogate unto itself the power to veto any act of a State legislature.

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I do not believe that any Member of the Senate is willing to go quite that far. Some of us possibly believe more in States rights than others, but I do not believe that any Senator would be willing to see this procedure followed to its logical conclusion of allowing the Federal Government to veto a State enactment.

I see the distinguished Senator from North Carolina (Mr. ERVIN) in the Chamber. A moment ago I read as follows from the dissenting opinion of Mr. Justice Black in the case of South Carolina against Katzenbach:

> Section 5, by providing that some of the States cannot pass State laws or adopt State constitutional amendments without first being compelled to beg Federal authorities to approve their policies, so distorts our constitutional structure of government as to render any distinction drawn in the Constitution between State and Federal power almost meaningless. One of the most basic premises upon which our structure of government was founded was that the Federal Government was to have certain specific and limited powers and no others, and all other power was to be reserved either to the States respectively, or to the people. Certainly if all the provisions of our Constitution which limit the power of the Federal Government and reserve other power to the States are to mean anything, they mean at least that the States have power to pass laws and amend their constitutions without first sending their officials hundreds of miles away to beg Federal authorities to approve them * * *.

I stated that I wished we were able to substitute this language and this line of reasoning, which the distinguished justice has outlined in this dissenting opinion, for some of the other opinions of the Supreme Court and possibly some that the Justice, himself, wrote.

Mr. ERVIN. Mr. President, will the Senator yield for a question?

Mr. ALLEN. I yield.

Mr. ERVIN. Is not the practical effect of the Voting Rights Act of 1965 in operation this: That the States may exercise the powers reserved to them by the 10th amendment to the Constitution of the United States provided the exercise of those powers is satisfactory to the Attorney General of the United States or to a three-judge Federal district court sitting in the District of Columbia?

Mr. ALLEN. I certainly agree with the distinguished Senator from North Carolina. Even the eminent Mr. Justice Black stated that following the line of reasoning of the Court on section 5 to its logical conclusion would arrive at the proposition that the Federal Government could demand approval by it of any enactment of a State legislature. The Federal Government would have the veto power. I think it necessarily follows from the language of the Justice.

Mr. ERVIN. Does the Senator know of any other statute that has been passed by Congress or by the legislature of any of the 50 States that precludes a legislative body from making a statute conforming to the Constitution of the United States and the constitution of the State effective without first getting prior consent of the judiciary branch of the Federal Government?

Mr. ALLEN. I do not know of any such provision.

Mr. ERVIN. Does not the Senator from Alabama agree with the Senator from North Carolina that it always has been the policy of this country that the act of a State legislature goes into effect immediately upon its enactment or the date that the legislation specifies and that if anyone claims that the act is unconstitutional, he must challenge its validity in the courts?

Mr. ALLEN. Yes, that certainly is a basic principle of our law.

Mr. ERVIN. Does not the Senator from Alabama agree with the Senator from North Carolina that this reverses the tradition in this country and the practice in this country in that respect? It raises the presumption that the act of a State legislature, even though it is adopted in the full exercise of its constitutional powers and even though it is perfectly in harmony with the Constitution, is invalid until either the Attorney General or the district court of the District of Columbia says to the contrary.

Mr. ALLEN. That is exactly the provision of Section 5.

Mr. ERVIN. Is the Senator from Alabama familiar with the doctrine of the separation of powers, both with respect to the relationship between the Federal Government and the States and the relationship between the several branches of the Federal Government?

Mr. ALLEN. Yes, I am familiar with the doctrine of separation of powers but I see that doctrine being eroded all the time by our Federal Government. I see it being eroded by the judiciary taking over the prerogatives of the legislative branch. I see it being eroded by the executive taking over the powers of the legislative branch. I see it certainly being taken over in the Voting Rights Act of 1965.

Mr. ERVIN. Will the Senator from Alabama accept the assurance of the Senator from North Carolina that so far as the Senator from North Carolina has been able to ascertain no one charges the State of North Carolina or any of the 39 counties covered by this act with having discriminated against anybody in recent years in the right to register and vote on account of race?

Mr. ALLEN. I am sure that what the distinguished Senator from North Carolina says is the absolute truth in the matter.

I noted also, as the distinguished Senator from Virginia (Mr. BYRD) pointed out, that there has not been one single complaint of discrimination in the great State of Virginia and that there has not been one single Federal registrar or election observer sent into Virginia, because there is no need for them. There has been no discrimination there. Yet the 1965 Voting Rights Act convicted Virginia of discrimination automatically because Virginia did not comply with a manufactured, predesignated formula that was prepared for the express purpose of putting Virginia, North Carolina, Alabama, and the other Southern States under the automatic triggering provision of the Voting Rights Act of 1965.

Mr. ERVIN. Will the Senator from Alabama accept the assurance of the Senator from North Carolina that the Senator from North Carolina honestly believes that the renewal of this act would have no impact whatever upon North Carolina, simply because virtually all the people of North Carolina, both white and black, are able to read and write the English language?

Mr. ALLEN. Yes; I accept that statement with full assurance that it is correct.

Mr. ERVIN. Will the Senator from Alabama accept the assurance of the Senator from North Carolina that the Senator from North Carolina opposes the extension of this act because the extension of the act by the Senate of the United States would show that the Senate of the United States has less respect for the constitutional and legal standing of the people of North Carolina than it has for the constitutional and legal standing of crap shooters, pimps, and prostitutes?

Mr. ALLEN. I would certainly accept any statement made by the Senator from North Carolina as being absolutely correct. I would also accept his opinion of the law on any constitutional question before I would the opinion of the Justices of the Supreme Court, the only trouble being that the Senator from North Carolina is in the Senate rather than on the Supreme Court of the United States, where I would like to see him as well, though the Nation is fortunate also to have him in the Senate.

Mr. TYDINGS. Mr. President, will the Senator from Alabama yield on that point?

The PRESIDING OFFICER (Mr BELLMON in the chair). Does the Senator from Alabama yield to the Senator from Maryland?

Mr. ALLEN. I am happy to yield to the Senator from Maryland.

Mr. TYDINGS. Does not the Senator from Alabama think that the Senator from North Carolina would make an outstanding justice of the Supreme Court?

Mr. ALLEN. I think he would. I think he would be approved unanimously by the Senate. I would endorse him and, in doing so, hope that it would not hurt him.

Mr. TYDINGS. In my remarks in the Judiciary Committee report in opposition to the present nominee of the President, I say how highly desirable the Senator from North Carolina would be. He is among many of the distinguished jurists, lawyers, and advocates of the Old Confederacy of the South, so to speak, who are members of the strict constructionist philosophy, who are conservative, but are men of basic fairness and erudition whose legal standing would not be questioned.

I was delighted to hear the Senator from Alabama make reference to the obvious qualifications of the distinguished Senator from North Carolina.

As a matter of fact, this was an issue brought up in the Judiciary Committee on a number of occasions; namely, the qualifications of the Senator from North Carolina.

I was, as all my colleagues were, rather distressed when the distinguished Senator from North Carolina advised us

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that he did not think he would take the job if it were offered to him. The Senator from North Carolina will recall some of our conversations within the Judiciary Committee. We all have great respect for his ability, even if we cannot agree with him as thoroughly as the Senator from Alabama does.

It is always an experience and a treat to engage in debate with the Senator from North Carolina. I think that one of the more educational aspects of debating with the Senator from North Carolina is the great facility he has for making a telling point by the recollection of an anecdote or a story from his broad experience as a practitioner before the courts, as a trial judge and, indeed, as an associate justice of the Supreme Court of North Carolina.

Mr. President, I would hope that some day, an historian of the Senate would make a compilation of "Ervin Anecdotes," so to speak, which would put together all the stories he has told in debate on the floor of the Senate during his years of service here.

My only problem is, I enjoy them so much at the time, that later I cannot recall them when I need them.

Having said that, I will now yield the floor.

Mr. ERVIN. Mr. President, I should like to ask unanimous consent that the able and distinguished junior Senator from Alabama (Mr. ALLEN) be permitted to yield to me for an observation, without losing his privilege of the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

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Mr. ERVIN. Mr. President, I wish to assure my good friends, the junior Senator from Alabama and the senior Senator from Maryland, that I do not expect such nice things will be said about me at my funeral service as those which have just been said about me on the floor of the Senate.

I would also like to say that I do not exactly accept the designation of being a strict constructionist of the Constitution.

My position on the Constitution is that every provision of the Constitution which confers a power, or grants a power to the Federal Government, or makes a reservation of power to a State, should be interpreted in the most liberal manner to affect that granting of power, but that no grant of power should be inserted in the Constitution, and no reservation of power should be inserted in the Constitution, by usurpation.

I agree perfectly with what George Washington, who was President of the Constitutional Convention of 1787, said in his Farewell Address to the American people, that the Constitution should never be changed by usurpation, that it should always be changed by an amendment as provided in article V.

I believe that this course should be pursued, because usurpation is the customary weapon by which a free government is destroyed.

Free government in the United States today is being destroyed by the Congress and the Supreme Court of the United States usurping the power to amend the Constitution of the United States.

Mr. President, I know of no better illustration to show the truth of what I have just said, than the Voting Rights Act of 1965 and the proposal to extend it.

Now, with reference to my appointment as a Justice of the Supreme Court of the United States, if any President were foolish enough to make such an appointment, it would not take effect for two reasons:

The first I illustrate by a statement I heard in North Carolina between Tom Rollins of Asheville, N.C., and my father in the 1920's, when a vacancy occurred in the U.S. Court of Appeals for the Fourth Circuit. That is the circuit which compromises my State and the State of the distinguished Senator from Maryland. Tom Rollins and my father and I had a lawsuit together and we had met to prepare the case for trial.

My father said to Tom, "Tom, I have read about the suggestion to nominate you to fill the vacancy on the U.S. court of appeals for this circuit. If you are interested in receiving the appointment, I will be delighted to undertake to get endorsements from the bar in your behalf."

Tom thanked my father and said, "I will not let you do that. I had a friend down in Alabama many years ago who was practicing law and he had a good, fine clientele and was enjoying the respect of the people that knew him; but he was so foolish as to accede to the request of his friends that they be permitted to nominate him for an appointment to a Federal judgeship. He said that the recommendations of his friends received favorable action from the President, who announced at a press conference that he was going to appoint this friend of mine to a Federal judgeship."

He said, "The next day my friend vanished. And he has never been heard of since. The only clue they had to the cause of his disappearance was the fact that the day that he disappeared, and just a few moments before he disappeared, he received a telegram reading as follows: 'All is discovered. Flee at once.'"

If the President were to offer me an appointment to the Supreme Court of the United States, knowing the charges that would be made—some valid and some invalid—against me, I would follow the example of the Alabama lawyer and I would flee at once.

In the second place, the Constitution of the United States provides in effect that any Member of Congress who has voted to increase the emoluments of some public officer for other than the office which he occupies is ineligible for appointment to the Supreme Court of the United States.

And I think that is a pretty good constitutional principle for anyone to follow under any circumstances, even though in times past it has not been followed by some of those Senators who later became occupants of the Supreme Court.

Mr. BYRD of West Virginia. Mr. President, will the distinguished Senator yield?

Mr. ERVIN. The Senator from Alabama has the floor.

Mr. BYRD of West Virginia. Mr. President, under the unanimous consent order the able Senator from North Carolina has the floor.

Mr. ERVIN. The Senator is correct.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield?

Mr. ERVIN. I yield.

Mr. BYRD of West Virginia. Mr. President, the Constitution does not indeed say that a Member of Congress cannot be appointed to any civil office, the emoluments of which he voted to increase. It says that the Member of Congress cannot be appointed to any civil office, the emoluments of which have been increased during his term of office. So it makes no difference as to how the Member of Congress may have voted.

Mr. ERVIN. The Senator from West Virginia, who is—I will not say a strict constructionist—a liberal constructionist of the Constitution is right in this instance, as he always is when he undertakes to point out a precise statement in the Constitution.

Mr. BYRD of West Virginia. I thank the illustrious Senator, who is, without a doubt, the greatest constitutional lawyer in this body.

Mr. ALLEN. Mr. President, I appreciate the contribution made by my distinguished friend, the able senior Senator from North Carolina. And I appreciate, too, the comments made by the very able and distinguished senior Senator from Maryland (Mr. TYDINGS). I am delighted that he shares the high regard that the junior Senator from Alabama has regarding the constitutional authority and ability of the distinguished Senator from North Carolina.

I should like to say to the distinguished Senator from Maryland that the junior Senator from Alabama is going to follow the recommendation of the Senator from North Carolina in voting on the extension or nonextension of sections 4 and 5 of the Voting Rights Act of 1965 as being unconstitutional. And I do hope that the distinguished senior Senator from Maryland will follow the suggestion and the opinion of the distinguished Senator from North Carolina.

The Senator from North Carolina mentioned the fact that 39 of his counties are covered by the automatic triggering device of the 1965 Voting Rights Act, I would surmise from this that these counties had fewer than 50 percent of voting-age population registered or voting even though North Carolina as a whole had more than 50 percent. This triggered the act as to those 39 counties.

Mr. President, I have some other remarks to make with regard to the pending bill. I know that the membership of the Senate, which has turned out in great force today to hear this discussion, is anxious to hear these remarks. However, I see the distinguished Senator from Texas in the Chamber. And I know that he wishes to speak with respect to the bill or a phase of the bill.

Mr. President, I ask unanimous consent that I might yield to the Senator from Texas (Mr. TOWER) without losing my right to the floor at the conclusion of his remarks.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. TOWER. Mr. President, a matter of the most grave concern is currently before us here in the Senate. We are poised to decide whether or not the Nation shall meet its obligation to guarantee to its citizens the right to vote and make certain that one part of the Nation is not discriminated against on the basis of outmoded criteria. In the nearly 5 years that have passed since the 1965 Voting Rights Act, more than 800,000 new voters have been registered in the area of the Nation covered by the act. In addition, more than 50 percent of the minority group voters in those areas are now registered to vote. This is a higher figure than that for minority group members in many sections of the country not covered by the act. In addition, more than 400 members of minority groups have been elected to State and local offices in the areas covered by the act. I believe that this shows the good faith effort that has been made.

These figures point up the fact that the act has achieved its goals and that vindictive legislation is no longer necessary. In my opinion, it never was. In fact, the right to vote is more secure in the areas covered under the act than in many areas excluded from its coverage. In order to secure the blessings of Federal protection, it is necessary to extend the coverage of the act to all areas and to eliminate the most oppressive and undemocratic aspects of the old act.

One needed change, Mr. President, is the provision of H.R. 4249 which would amend section 5 of the Voting Rights Act of 1965. Briefly stated, section 5 now forbids covered States and counties from instituting changes in their voting laws unless the proposed change is consented to by the Attorney General or is approved by the U.S. District Court for the District of Columbia.

Experience has shown that, while section 5 imposes a considerable burden upon those who are subject to it, this particular provision of the 1965 act has been of limited effectiveness. Some 430 laws have been submitted to the Department of Justice pursuant to section 5. Of those, only 22 have been found by the Department to be objectionable. Furthermore, the laws which are submitted deal with a wide range of subjects—for example, changes of municipal boundaries, alteration of requirements for candidacy and relocation of polling places. Under the statute, Department of Justice personnel have 60 days in which to determine whether a submission has discriminatory purpose or will have discriminatory effect. Obviously, in most cases, it is difficult, within that period of time, to make the requisite determination, unless the responsible persons have a detailed knowledge of conditions in the locality.

H.R. 4249 would eliminate the cumbersome "Pre-clearance" process and would restore a proper balance between the executive branch and the courts, and between the Federal Government and State and local governments. This bill would authorize the Attorney General to seek injunctive relief, including preliminary relief, against any voting law or practice which he finds to have discriminatory purpose or effect. This measure would constitute an adequate safeguard against State and local enactments which interfere with 15th amendment rights. At the same time, the bill would place the adjudicating function in the courts, where it properly belongs.

In conclusion, Mr. President, I support the administration's efforts to secure the right to vote for all Americans in all sections of the country. In 1970, conditions are different than they might have been in 1965. I would prefer that the prerogative of guaranteeing the right to vote be left with the several States, for the Constitution makes them primarily responsible for this action. However, the Congress has stated that it wishes to make at least minimal guarantees on the national level. Mr. President, if we are really devoted to making these guarantees, then we must extend the reformed Federal coverage to all the States of the Nation and not confine our activities to only a few. It may be easier to vote for legislation that will not affect our States—my own State of Texas is virtually exempt from voting rights coverage under the present formula—but this is by far not the best way to legislate. Voting rights must be guaranteed by the Federal Government to all the States, if they are going to be guaranteed in any one of them.

I shall vote for fair treatment and for H.R. 4249. The administration should be complimented for its desire not to perpetuate injustice while at the same time assuring that everyone in the Nation has a chance to secure to himself the most precious possession in a democratic government: The right to vote.

Mr. President, my own State of Texas is not included in the coverage of the present act. Therefore, I am, in effect, asking that the provisions of the voting rights legislation be extended to any State which is not now encumbered with it. I think it manifestly unjust that my State be excluded when another State is included.

I might note that there are various forms of voting rights abuse other than discrimination on the basis of race or color, and that these abuses exist in far greater and more intense proportions outside the States covered than they do in the States that are covered by the Voting Rights Act of 1965.

I do not think the authorities in Cook County, Ill., could be too happy about some of the things that have gone on there; and I am sure the same is true in Duval County and Jim Wells County in Texas. As a matter of fact, they wrote the book on abuse of voting rights in those areas.

Therefore, I hope we will be fair and give fair treatment.

I thank the Senator for yielding.

Mr. ALLEN. Mr. President, will the Senator yield?

Mr. TOWER. I yield.

Mr. ALLEN. Mr. President, the Senator has been discussing, I believe, the administration bill, which would apply the Voting Rights Act throughout the country. I certainly applaud the Senator's position in this matter; and I applaud the President's fairness and his statesmanship in advocating the extension of the coverage of the act throughout the country.

I would like to ask the distinguished Senator from Texas if it is not a fact, however, that if the Scott amendment is defeated, if the administration bill is defeated, if the simple 5-year extension of the bill is defeated, and if sections 4 and 5 are allowed to expire, we would have 17 sections of the Voting Rights Act of 1965 still applicable throughout the 50 States of the Union?

Mr. TOWER. That is my understanding.

Mr. ALLEN. That would give us, then, a Voting Rights Act, so that really it is not necessary to have the administration bill—just defeat them all would accomplish the same purpose, would it not?

Mr. TOWER. I think what the Senator from Alabama says is correct, but I happen to be a pragmatist and we must think in terms of being able to strike a compromise, which I think the administration bill is.

Mr. ALLEN. Actually, then, it is not a novel suggestion on the part of the President to have a nationwide application of the Voting Rights Act.

Mr. TOWER. It certainly is not a novel idea on the part of the President or anyone else. Much of the substance of the administration bill was part of the Ford-McCulloch substitute offered in the House at the time the 1965 act was enacted. As a matter of fact, I offered the same measure as a substitute in the Senate. It was defeated here, as it was in the House, and we have the present act. Really, this is not a new idea to make that general law applicable and fair to everyone because this concept was embodied in the substitute offered in 1965 and which was defeated.

Mr. ALLEN. Is it not a fact that the only difference in the application of the Voting Rights Act is under sections 4 and 5? The States, and the people of those States, covered by this formula are automatically found to be guilty of discrimination, whereas, under the other 17 sections of the act it takes proof of discrimination to prove their guilt?

Mr. TOWER. That is correct, on the premise that discrimination has been found to exist in those particular States. Therefore, they were presumed to be guilty until proven innocent. I think this flies in the teeth of our Anglo-Saxon concept of our law of right.

Mr. BAYH. Mr. President, will the Senator yield?

Mr. ALLEN. Mr. President, the Senator from Texas has the floor. I had yielded to him.

Mr. TOWER. I have completed my remarks.

Mr. ALLEN. Does the Senator from Indiana wish me to yield to him so that he may ask a question?

Mr. BAYH. If the Senator from Texas has completed his remarks, I ask that the Senator recognize me briefly.

Mr. ALLEN. Mr. President, I call attention to the fact that I have the floor after the Senator from Texas has concluded.

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The PRESIDING OFFICER. The Senator from Alabama has the floor.

Mr. BAYH. Mr. President, will the Senator from Alabama yield to me for an observation?

Mr. ALLEN. Mr. President, may I be recognized?

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. ALLEN. Mr. President, I yield to the Senator from Indiana.

Mr. BAYH. Mr. President, I listened with a great deal of interest to the comment of the Senator from Alabama. I recognize that he and I differ with respect to whether we should have an extension of the Voting Rights Act. However, I must say I concur in his judgment that the enforcement provision of the measure passed by the House is, in my judgment, just a subterfuge; it adds nothing. The provision contained in the 1957 Civil Rights Act, plus those contained in sections 2 and 12(d) of the act we are presently discussing, the 1965 act, give the Attorney General the power in all States that the administration would give under the subterfuge of new legislation.

I have a rather detailed speech that I shall make at the appropriate time dealing with this very question. It seems to me we have to ask ourselves whether section 5 is needed or not. The Senator from Alabama does not think it is. The Senator from Indiana happens to think it is. I shall present my reasoning for believing this, but I think the Senator from Alabama is absolutely accurate in saying that we are going through a charade here to suggest that the provisions of the bill passed in the House add anything new relative to enforcement.

We deal with the residency limitation, as in H.R. 4249. We deal with literacy tests, nationwide, as in H.R. 4249. The distinguished Senator from Pennsylvania deals with these in his substitute, which I gladly support. But the important thing in this whole business is whether section 5 is needed, and that is provided by extension of the 1965 act. That is why I think the Scott-Hart proposal is vital.

The Senator from Alabama, I think, wipes away a lot of the veneer and gets down to the nitty-gritty. I compliment him for putting it in perspective.

Mr. ERVIN. Mr. President, will the Senator yield?

Mr. ALLEN. Let me answer first. I appreciate the remark of my good friend the distinguished Senator from Indiana, but I believe the Senator from Indiana is putting words in the mouth of the Senator from Alabama that he did not utter, two of those words being that the administration's action was a "subterfuge" and that it was a "charade." On the contrary, the Senator from Alabama congratulated the Senator from Texas and the President on their fairness and statesmanship in proposing a bill which applies throughout the entire country.

I would say further to the distinguished Senator from Indiana that he does not need to be for the Scott amendment, which proposes to extend for another 5 years this discriminatory and unfair and vicious condemnation of the Southern States, in order to get a bill applicable throughout the country, because if sections 4 and 5 of the Voting Rights Act of 1965 were allowed to expire—and that could be done by the defeat of the Scott amendment, by the defeat of the House bill, by the defeat of the simple extension of the bill—then we would have 17 sections of the 1965 Voting Rights Act applicable throughout the country. But the difference would be that the Southern people would have to be found to be guilty of discrimination, just as the people of the North would have to be found to be guilty of discrimination, before the provisions of the act were triggered; whereas under the present system, the act is triggered by the existence of the unfair formula dating back to 1964.

I am surprised to hear that my good friend the Senator from Indiana, who has always been fair and has always been anxious to get at the heart of these problems and vote in a statesmanlike fashion, I am sure, according to the dictates of his conscience, does not feel it is not right and proper to impose this on the people of Alabama and the South. I know that he likes the people of Alabama, because he visited the great State of Alabama when one of our counties was taken over by the electorate, by the black citizens of Greene County. He showed his respect for our State by coming down and visiting our county when the black officials elected in Greene County, Ala., took over that county government.

To say that we in Alabama and the South discriminate against any person for any reason in allowing him to exercise his franchise is certainly far from being the case.

So I know that the distinguished Senator from Indiana, loving the people of my State as he does, would not like to see them branded under this automatic trigger, as provided by sections 4 and 5, of discriminating against anybody in the exercise of his franchise. If a formula had been set in 1965 based on conditions in 1964, and there had been a great change in that time, and if the registration in some of the Southern States had increased far beyond the standard set in 1965, I know he would be willing to see this automatic trigger provision allowed to expire so that the people of Alabama and the South could be put on the same basis as people throughout the country, and that we would not have two standards, and that the people of Alabama and the South would have the equal protection of our laws.

I know he would want to see that, and I know that he believes in fair play and that he would like to see sections 4 and 5 expire so that the remaining 17 sections could apply throughout the country, and we would not be branded as being guilty of discrimination unless we were actually found to be guilty of discrimination. I know the Senator from Indiana does not want to allow a State to be branded as being guilty of resorting to discrimination without some proof of it. I feel sure the Senator from Indiana, at the proper time, will so express himself on the floor of the Senate.

Mr. BAYH. Mr. President, will the Senator yield to permit me to respond to his eloquence?

Mr. ALLEN. I yield to the distinguished Senator.

Mr. BAYH. I appreciate the compliment that my friend from Alabama has paid me, and I want to apologize if I put words in his mouth. That is very unfair, and it is not good hygiene. I did not intend to attribute to him the "charade" and the "subterfuge" language. Neverthless, I think it is accurate. Those are the words of the Senator from Indiana.

What I was trying to say and think I did say, although perhaps we lost sight of it, was that I agreed with the Senator from Alabama when he asked questions of the Senator from Texas. His questions led me to believe that it was the opinion of the Senator from Alabama that we would still have adequate voting rights legislation if this measure were defeated.

I concur that we will have on the books all of these sections that the Senator from Alabama referred to, plus the provisions of the 1957 Civil Rights Act. The real question is whether sections 4 and 5—with particular emphasis on section 5—are important to see to it that the people in the particular area covered get a chance to vote.

I appreciate the fact that the Senator from Alabama suggested that I have compassion for the citizens of his State. I do.

I think it is most unfortunate that we have permitted—and I suppose to a certain extent we are all guilty—this to be directed in such a way that it seems to be an indictment of all the people of one State or another, or of a certain region. But what I would like to have a chance to point out at a later opportunity, and in some detail, is that in my judgment unfortunate practices are being followed by a few either unscrupulous or thoughtless people in the States involved. These practices, I feel, reflect unfairly on the masses of the people of the State involved. There is only one way in which the people who live in those areas can be protected from this type of unfortunate activity.

I think that the Senator from Alabama, in referring to the Greene County incident, struck on one of those unfortunate incidents. It is one of the reasons why I accepted the invitation of the elected officials of Greene County to go into the State of the distinguished Senator from Alabama.

It just seems to me that when there are officials who leave the names of black candidates off the ballots, this indicates that there has not been the kind of change in that particular area, so far as those particular public officials are concerned, that I would like to see and that the distinguished junior Senator from Alabama would like to see. Perhaps he does not agree that that is going on. I know him well enough to believe that he would not be any part of a program to deny access to the ballot merely because people's faces happen to be black. Yet that is exactly what happened in Greene County.

It seems to me that if we are going to open up the system and let everybody

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have an opportunity to participate, so that no one is on the outside, we must take the steps necessary to see to it that the ballot is protected for everybody.

I appreciate the opportunity to express these views. We are not going to change each other's mind, but we are going to try to appreciate each other's position.

I appreciate the tolerance of the Senator from Alabama. I thank him for yielding.

Mr. ALLEN. Discussing further the fairness and compassion of the distinguished Senator from Alabama with respect to the bill and the people involved, when we say that Alabama, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, and Virginia are involved with the automatic trigger, and the vicious device that the automatic trigger applies against these States, we are talking about the people of the States—not merely the States, not merely the State governments, not merely the territorial boundaries of the States, not merely the land of the States, but the people of Alabama and the other Southern States.

It is an indictment against the whole people. I believe it was Edmund Burke who said you cannot indict a whole people; but that is what the Senator from Indiana would do when he says that the automatic triggering device set by the 1965 Voting Rights Act should be continued, and that it should have been put in, in the first place, without any trial, without any hearing, by agreeing upon a mathematical formula with a target set out and designated and agreed upon in advance, so as to accomplish a desired result, to automatically say that those people are guilty of discrimination because they do not live up to a mathematical formula fixed back in 1964, and no matter how much they may have changed with respect to the registration of citizens of that State, that we are still going to follow that same formula; we are still going to say that just because, by this mathematical formula set back in 1964, they were presumed to be guilty of discrimination, that they are still guilty of discrimination.

I call the attention of the distinguished Senator from Indiana to the fact that in the spring and summer of 1968—and I rather imagine there have been a whole lot of people registered since then—the voting strength of nonwhites in the State of Alabama increased from 19.3 percent of those eligible to register up to 56.7 percent. We have come up to the formula. We have come up to the standard which was set back in 1964. We have complied with that standard.

Mr. BAYH. Mr. President, will the Senator yield?

Mr. ALLEN. I yield.

Mr. BAYH. Would the Senator from Alabama repeat the dates to which he has referred?

Mr. ALLEN. Yes. Prior to the Voting Rights Act of 1965, the percentage of nonwhite registration in Alabama was 19.3 percent, and it had increased, by the spring and summer of 1968, to 56.7 percent. The Voting Rights Act of 1965 required only a 50 percent registration; so I point out to the Senator from Indiana that we have come up to the standard that they said the Southern States should come up to. We have complied with that.

Mr. BAYH. Will the Senator yield?

Mr. ALLEN. Let me finish this thought.

According to the argument of the Senator from Indiana, and the formula that he espouses, even though, in the State of Alabama and the other Southern States, every single eligible person in those States had been registered and voted in the 1968 election, the extension bill of the distinguished Senator from Pennsylvania would say that "We find that the people of Alabama, on account of the condition that existed there in 1964, are still guilty of discrimination in registering voters." Even though every single person in that State eligible to register had been registered, it does not make one single bit of difference, under this formula.

Now I yield to the distinguished Senator from Indiana.

Mr. BAYH. I appreciate the Senator from Alabama stating for us the improvements that have been made through 1965, 1966, 1967, and on into 1968. I wonder if the Senator from Alabama feels that it would be a fair assessment to suggest that the passage of the 1965 Voting Rights Act had something to do with this marked increase in registration.

Mr. ALLEN. I am glad the distinguished Senator asked me that question. The Attorney General did send into the sovereign State of Alabama voting registrars, who met people on the sidewalks, who went out into the highways and byways, and registered anybody who was 21 years of age—the lame, the halt, the blind, the illiterate—and still the regular, duly constituted registrars in the State of Alabama registered more than three times the number registered by the Federal registrars.

I feel that this is the answer to the question of the distinguished Senator from Indiana. There is no discrimination in Alabama, and we resent the fact that an effort is being made to say that automatically, without a hearing, our people are guilty of discrimination.

If we allow sections 4 and 5 of the Voting Rights Act to expire, we will have, as the Senator from Indiana has said, a Voting Rights Act applicable to all 50 States, and if anyone in Alabama or the South, or the great State of Indiana, is guilty of discrimination, if they are trying to hinder or prevent people from registering or voting, or if they are trying to have corrupt elections, then it is possible for the Attorney General to go into court and invoke the provisions of the Voting Rights Act of 1965.

But the difference is—and I think the Senator from Indiana, in his fairness, should realize this—that under the present law and under the extension provided by the Scott amendment, those provisions are automatically invoked as to the Southern States, and are invoked as against all States outside of the South only on proof of guilt. But he is wronging the people of Alabama; he is indicting the people of Alabama of discrimination and unfair practices without a hearing, whereas he demands a hearing for the State of Indiana.

They could have all sorts of improper practices, all sorts of discrimination, all sorts of prevention of people from voting there, and it would take proof of those acts before the 17 sections of the Voting Rights Act could be invoked. But without any proof of discrimination, just because in 1964 a certain set of facts existed, according to a predetermined formula, they are going to continue to say that they find that we are guilty of discrimination in Alabama and the South, but in the other parts of the Nation they are not.

Mr. BAYH. Mr. President, will the Senator yield?

Mr. ALLEN. In just a moment.

This is another example of the double standards that are being applied in this country to our section of the country. We want and expect, but have not been receiving, the equal protection of our laws.

As I said earlier, if the Senator will agree on what he is willing to abide by in Indiana, we will abide by it in Alabama. But give us the same rule as that in Indiana. Prove that we are guilty of wrongdoing. Do not bring up some mathematical formula and say, "Because back in 1964 you did not comply with this, therefore, you are still guilty, whereas you have to show that I am guilty in Indiana."

Do not apply that kind of standard to us. If the Senator decides what he is willing to abide by, we will abide by it, too. I am perfectly willing to allow sections 4 and 5 of the Voting Rights Act to expire and live under the remaining provisions of it, just as the Senator from Indiana would be required to do. The same rule would apply in Indiana and in Alabama. We can live with it if the Senator can.

I yield to the distinguished Senator, provided I do not lose my right to the floor.

Mr. BAYH. I appreciate my friend the Senator from Alabama yielding to me again.

I do not want to keep interrupting, but I want the RECORD to show that my concern about voting rights is not an effort to indict the people of Alabama or of the other States involved. I have great compassion for them. But I have absolutely no tolerance for the few conniving individuals who will use any scheme, any subterfuge, to deny people the right to vote.

What we can do to get at these public officials I do not know, except to say that they are violating the law. We have given them 4 years now, and they have not changed their ways in many communities. I think it is a source of embarrassment to the people living in these communities. But we have not been able to change sufficiently the course of conduct which led to the enactment of the 1965 act.

Although the Senator from Alabama suggests that the Alabama registration effort was really responsible for the increase from 19.3 percent to 56.7 percent in that 4-year period, I would respectfully suggest that a reasonable interpretation could be made, by men of good faith, that the reason why the Alabama registrars were so active was that they had no alternative because of the provisions of the act. I do not think it was a sudden change of heart that saw, in that 4-year period, the registration of a million black voters. I do not think that just came about by accident. I think there is a direct relationship between the passage of the Voting Rights Act of 1965 and the fact that now a million black American citizens have the right to vote who did not have the right before.

Does the Senator from Alabama have any figures that we could use to show the type of registration effort that went on in Alabama from 1960 to 1964, before the Voting Rights Act of 1965 was passed, so that we can get some relationship between voluntary State action from 1960 to 1964 and the action that the Senator from Alabama feels was voluntary from 1964 to 1968?

Mr. ALLEN. No; I do not have any figures on that. All I can say to the distinguished Senator from Indiana is based on observation of our Democratic primary there. I might say at this time, parenthetically, that we have the greatest vote in our primary. Yet, the Voting Rights Act of 1965 confined us to the November election. We cannot make them turn out and vote.

I think the Senator from Indiana would possibly like the thought that the Democrats there in the general election have not been given too much trouble by the Republicans, so the Democrats do not turn out. But it gives a rather false figure in the general election.

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I say to the distinguished Senator from Indiana, in answer to his question as to the increase in registration, that the number of votes cast in each general election for Governor, which is the big race in Alabama, has been going up at the rate of approximately 200,000 per election, prior to the adoption of Voting Rights Act.

Mr. BAYH. I have been searching through my papers here to find these figures. I will put them in the RECORD so that the distinguished Senator from Alabama will have the chance to examine them and discuss their authenticity. I do not want to mislead him or anyone who reads this RECORD.

If we look at some of the figures, we see what causes me concern. In the 3 years, for example, between 1964 and 1967, the general period to which the Senator referred, the nonwhite registration went from 19.3 to 51.6 percent in Alabama. In Mississippi it went from 6.7 to 59.8 percent. This is consistent in that area. But if we look at a similar period before the Voting Rights Act was passed, there was almost no activity at all. In Mississippi, for example, less than 10,000 black voters were registered in the entire decade ending in 1964, while over a quarter of a million were registered between 1964 and 1967.

So I think one has to ask himself, in good conscience, Did not the Voting Rights Act serve as a prod? Did it not serve as a warning to those local officials who were not doing their job that "We're are going to make you do your job if you do not give your fellow citizens the right to vote"? I see no other reason for this sudden increase in registration.

I am concerned about the fact that despite the Voting Rights Act of 1965, there still has been a pattern which I will discuss in some degree of particularity later, a pattern which belies a good-faith concern. There still are a number of unscrupulous officials in these areas who have not seen the light of day, which I am willing to concede most of the people of Alabama and the rest of the South have seen. Unless we continue to tell those public officials, "We are not going to let you get away with it," they are going to follow those old habits, those old patterns. It is not my effort to indict the whole people of the Senator's State or the rest of that area. I think most of them are wonderful, God-fearing people.

Mr. ALLEN. Mr. President, the distinguished Senator from Indiana has mentioned his fear or his feeling that there are certain unscrupulous officials in Alabama and the South who are possibly seeking to prevent people from registering and voting.

I am sure that the Senator would be the first to concede that that situation does not exist in Greene County, Ala., which he visited when the black citizens took over the county government.

Mr. BAYH. I hope that is not the thought the Senator conveyed earlier. I expressed concern that the only way the black candidates were able to get elected there was by having to go to court and sue the election officials who had taken their names off the ballot. There was an unfortunate situation there, which the Senator from Alabama, I am sure, would not want to be associated with. But someone down there was responsible for having a situation in which there were preliminary ballots which had names of black candidates on them, and they were pointed out to the Federal observers, and when everybody went into the voting booth, there was no question that the names of the black candidates had been left off.

It is this kind of activity, it is this resorting to the old ways, that concerns me. I think it would also concern my good friend from Alabama. If we could be sure that kind of thing would not happen, I would say, let us not have an extension at all.

Mr. ALLEN. The Senator mentions one county. He is concerned about the situation in that county, even though there are sufficient black voters in the county to take over the entire government of that county. So, apparently, there has been no discrimination made in registering voters in the State of Alabama. His concern has been expressed with respect to one situation whereas this law that he is asking to have extended, the automatic triggering device, applies to seven Southern States.

He said, "How will we be able to get at a situation like that?" The Senator well knows, under the other provisions of the act, that the 17 sections are not involved, in the expiration of the automatic triggering device; that it will be possible to go into court and get the remedy there. But that is the very point. We have to prove discrimination. If the Senator knows of discrimination going on in Southern States, I would like for him to come forward, because we are automatically covered; but, if sections 4 and 5 are allowed to expire, all that would have to be done would be to go into court and prove discrimination, and that would trigger the sections involved. It is not necessary to indict all the people of a region. It is not necessary to apply a formula devised in 1965 when there has been such a great change in voter registration throughout the entire Southern States.

I feel that it is unfair, discriminatory, and vicious, to apply the yardstick of 1964 figures when there has been such a remarkable change in the registration of eligible persons.

Mr. BAYH. Does the Senator believe it is acceptable practice, and an indication of good faith and a change of conscience for election officials in a given county, if in only one county, to leave the names of black candidates off the ballots so that when the voters go into the voting booths, even though a majority of them are black voters, none of the previously qualified black candidates are on the ballot?

Mr. ALLEN. I am not advised that that was the situation.

Mr. BAYH. That is what the Supreme Court of the United States said.

Mr. ALLEN. Well, the Senator spent more time in the county after the takeover by the black citizens than the Senator from Alabama did, so I will have to accept what the Senator said.

Mr. BAYH. I do not wish to mislead the Senator. I was there for a matter of perhaps 12 hours. I was glad to have a chance to be there and be invited by these officials. I would go back if invited again. But the record shows what happened; those candidates had to go to court and sue and have the election thrown out, and a new special election held in which their names were mandated by the court to appear on the ballot. When their names appeared, they got a majority of the votes, and they were able to get into the system and exercise participatory democracy. I do not think this kind of practice is the kind of practice that the Senator from Alabama would condone. I know that he is fairer than that. I do not think he would like to have that kind of thing go on, any more than I.

Mr. ALLEN. Had there been no sections 4 and 5, would there have been anything to prevent bringing such a suit?

Mr. BAYH. That particular suit could have been brought under other sections of the bill, but it is highly unlikely that a majority of the voters in the community could have registered without provisions of the sections to which the Senator from Alabama referred.

Mr. ALLEN. So it was not necessary to have sections 4 and 5, the automatic triggering device, to get the relief that the Senator from Indiana says was obtained.

Mr. BAYH. That is accurate, but I think the Senator is using only half the thought. I suggested that it would have been impossible, in my judgment, for the citizens who were given the right to vote by court action to have had the right in any other way, because they would not have been registered. It was the ability to get on the rolls and cast their votes which was provided by the Civil Rights Act of 1965.

Mr. ALLEN. The Senator is confusing two aspects there. He is talking about registering and then getting on the ballot, which are two different things. The suit did not allow black citizens to come in and register. The suit allowed them to go on the ballot. Is that not correct?

Mr. BAYH. That is correct. The reason I brought up the Greene County suit was that the Senator from Alabama, in good conscience, was expressing the inequity of our requesting the extension of the act and the use of 1964 criteria which he believes are no longer applicable in 1968. In my judgment, it is unfortunate to have to use such criteria in the first place. We used it only because of the pattern of conduct that was calculated to deny black voters access to the voting booth and the registration rolls. It would seem to me that if we could see a change in the pattern of conduct which led to the establishment of criteria in the first place, then there would be no reason to use the old criteria.

I pointed out the events in one county in Alabama. But in my remarks later on, when I have an opportunity to go into some detail—and I hope that the Senator from Alabama will listen—I will cite several examples of activities on the part of officials that I think are unscrupulous, or certainly unfair.

The whole purpose is to deny black voters access to the voting booth or the registration rolls or the ballot, today, not 1964, but today. As long as this pattern of conduct exists, I think we have an obligation to take what steps are necessary to keep it from being a success. That is the concern of the Senator from Indiana. I appreciate the Senator differentiating between candidacy and registration.

Mr. ALLEN. Well, I appreciate the remarks of my good friend from Indiana, but I seriously doubt it is within the province of the Senator from Indiana to be the moral arbiter, judge, and jury of the actions in this matter regarding our State.

According to the Senator from Indiana, even his espousal of continuation of sections 4 and 5, even if every single black citizen of Alabama over the age of 21 years and every single white citizen in Alabama over the age of 21 years was registered to vote in Alabama, he would continue to apply, under this extension, the provisions of sections 4 and 5; because no matter what the performance in the States has been since the 1965 act, they are still going to use the 1964 figure under this formula; and there lies the point that seems so unfair to me that, in the first place, it was conceived in unfairness because it was designed to apply to seven particular States.

Then they sat down to devise a device, if you please, to make the law, or the automatic triggering provision of the law, applicable to these States. And they used then the November 1, 1964, figures, or the general election. They had to have 50 percent of the eligible citizens registered on November 1, or voting in the November election.

Then, irrespective of the increase that has taken place in the registration and irrespective of the fact that every one of the States has come up to this standard that was prescribed in 1965—artificial though it was—they still say, "Let us extend the provision. Let us not update the figures. Let us not give you any credit for the registrations you have had there. Let us not give you any credit for opening the registration booths to anyone 21 years of age or over. Let us go back to the old figures. Whether you have made any effort to add voters to the registration list, whether you have had remarkable success, whether you have registered every citizen in the county or State, we will still go back to the 1964 figure."

That seems to the junior Senator from Alabama to be an absolutely indefensible position.

Mr. BAYH. Mr. President, will the Senator yield for one last question and then I shall not continue to try the patience of my friend, the Senator from Alabama.

Mr. ALLEN. I yield.

Mr. BAYH. I will put this in its proper perspective, because I can understand why my distinguished friend, the Senator from Alabama, would be sensitive about the application of the act to a small area consisting of a few States.

It is my opinion that we have an abundant record. In fact, the problem and the activity—which led to the disenfranchising of tens of thousands and hundreds of thousands of people—exist in that area where the act is applied. That is why a formula was drafted which applied to that area.

If our distinguished friend, the Senator from Alabama, can show us that this same pattern of lack of concern and of lack of access to the ballot exists in other States outside of this area, then I think his case is significantly strengthened. But in discussing this whole matter with the attorney general of Mississippi, Attorney General Summer, at page 384 of our hearings, we discussed the reason for the old standard.

The attorney general suggested, as the Senator from Alabama is suggesting, that there is no longer a need for the old standard. He suggested that even before the 1964 Voting Rights Act in Mississippi:

> Registration offices were being opened to these people where they had not previously had an inclination or opportunity to register and vote. It was being done.

This is the chief law enforcement officer of the State of Mississippi testifying before the Senate Judiciary Subcommittee on Constitutional Rights, chaired by our distinguished colleague, the Senator from North Carolina.

But what Mr. Summer ignored or overlooked was the fact that only 6.7 percent of the nonwhite voters in the whole State of Mississippi, only 28,000 Negroes were registered to vote in 1964. How much had been done before that?

First, let me point out what was done under the act. The number went from 28,000 voters in Mississippi before the act to more than one-quarter of a million black voters after the act had been enacted.

If what the Attorney General said was in fact actually happening, and if the job was being done before, I wonder how one could reasonably explain the fact that, in the entire decade before 1964 in Mississippi, there were less than 10,000 black voters registered in the whole 10-year period. Yet almost a quarter of a million were registered in the 4-year period after the passage of the Voting Rights Act.

It is that problem and the results that have been accomplished because of the act that lead me to take issue with my friend, the Senator from Alabama.

I look forward to having a chance to discuss this further with the Senator in great detail.

Mr. ALLEN. Mr. President, I thank my friend, the Senator from Indiana, for the comments. The Senator has still not answered why a standard is set in 1965 requiring a 50-percent registration, excluding all States that had a 50-percent registration of eligible citizens and setting that up as a standard. And then when the States comply with that, and come up to the 50-percent standard—some going as high as 75 percent, or even if they were to go to 100 percent—the rule would still be the same.

And even after this act is renewed, if it is, as to sections 4 and 5, that adds another 5 years. If, in that time they did qualify and register every citizen in the State that was eligible to register, they could not get out from under the act because it would require that they have to go in and prove that they have not discriminated, nor used a device for 10 years. Obviously, the States involved had to have a literacy test, or they would not be under the provisions of the act.

So no matter how the Southern States comply, no matter how free they are from discrimination, they would be convicted of discrimination automatically.

If the people of Indiana were being singled out for a charge of discrimination against them, and a Senator would come in with a bill and say, "Let us set up a formula that will charge the people of Indiana with discrimination, and we will convict them without a hearing," I can imagine how the Senator from Indiana would speak out against such a bill.

The Senator from Indiana would not like to have the people of his State charged, and not only charged but also convicted without a hearing, with discrimination.

The Senator would say, "Oh, we have a lot of illustrations of discrimination in a suitcase. I carry them around in my suitcase and pull them out on demand. I have a lot of illustrations. And at the proper time I will pull them out of the suitcase."

If he has these illustrations, even without sections 4 and 5, all he has to do is to go into court and invoke the provisions of this act. They can have Federal registrars there in a matter of days. They can have Federal voting observers there is a matter of days.

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If the people of the Southern States want to pass a minor change in their statutory law having to do with registration or election laws, does the Senator think they could pass that? No; they would have to submit it to the Attorney General or the District court here in Washington and say, "Look here. We want to pass this law. We have some needed changes in the law that everybody down there wants, black and white. What about letting us pass it?"

If they go into district court, the district court is 2½ years behind on its cases. They could submit it to the Attorney General. If the Federal Government wants to veto the law all they have to do is say, "We cannot pass the law because it discriminates."

I do not imagine the Senator from Indiana would like that type treatment. He would not like the people of his State to be charged by Congress with discrimination, with unfair election practices, with discouraging voting, or with discouraging registration.

Mr. BAYH. Mr. President, will the Senator yield?

Mr. ALLEN. I yield.

Mr. BAYH. Mr. President, I hope the Senator does not have the idea, and I am sure he is not trying to convey the impression, that I am purposely not going into this detail. It is my opinion that the Senator from Alabama was in the midst of a speech, and he has been very kind to the Senator from Indiana. After the Senator has had his say, tomorrow or the next day, or whenever my turn comes, I will be glad to go down the list that concerns me.

Mr. ALLEN. Mr. President, I am sorry the Senator from Indiana misconstrued what the junior Senator from Alabama said. The junior Senator from Alabama said the Senator from Indiana has a number of complaints; that he has a handbag full of them and at the proper time he was going to bring them up. I was not suggesting the Senator did not have those cases.

The point is that if the Senator has these instances where discrimination has been used, even if sections 4 and 5 of the act are allowed to expire, all he would have to do is go in and prove these instances of discrimination to trigger the act; whereas, now they are automatically triggered and the people of Alabama and the South automatically are charged and convicted by an act of Congress without due process of law. Is that due process of law to pass a statute? I do not believe the Senator from Indiana feels it is.

Mr. BAYH. Mr. President, will the Senator yield

Mr. ALLEN. I yield.

Mr. BAYH. Mr. President, I doubt very much if the distinguished Senator is aware of the type of activity that is resorted to in some areas, because I am sure he would not want to associate himself with it in any way. Some of this activity is very difficult. It is on a narrow line and requires careful investigation before one can really see the intent of it.

But I am concerned about such practices as converting city council positions to election at large when enough black voters are registered in two councilmanic districts in a given city so that they can elect two black councilmen to the city council.

I am concerned about the fact that when a black citizen, a black voter qualifies and declares himself a candidate for an office in a State in question, the office is abolished.

I am concerned about another type of activity in which a black citizen qualifies and declares his candidacy for a certain office and it is just decided they are not going to have any elections; that they are going to add 2 more years to the term of a white incumbent.

This type of activity is fundamentally unfair. I am sure my friend from Alabama would not want to associate himself with it and that he probably does not know it is going on, but it is. It is a subtle effort to deny citizens of this country access to the ballot box and full citizenship. That is the reason for the need for this legislation that concerns the Senator from Indiana.

Mr. ALLEN. Mr. President, I appreciate the explanation of the distinguished Senator from Indiana, but his explanation points up the fact that there is no need for a blanket indictment of an entire people; and that is what the extensions of sections 4 and 5 by an act of Congress would be because it provides that these practices which the Senator from Indiana is referring to are being carried on in these States involved. They are automatically convicted. That is the common practice, in other words. That is the effect of extending sections 4 and 5, as the Scott amendment would do.

I do not believe the Senator from Indiana needs to have a blanket indictment of an entire people in order to prove his instances, if there be any. I say that not in derogation of what the Senator has said but on the premise that the other side has not yet been heard. To indict a whole people without a hearing is certainly unfair. That is what the Scott amendment in the nature of a substitute would do.

The point that the Senator from Alabama is seeking to make is that by allowing sections 4 and 5 of the Voting Rights Act of 1965 to expire—and that is what we would do by the defeat of the Scott amendment, by defeat of the House bill, and by the defeat of a bill which is standing in the wings, providing for a simple extension of the 5 years of the Voting Rights Act—that would leave us with the whole machinery of the Voting Rights Act still in full force and effect but it would apply to every one of the 50 States, and if a State discriminates, if there are unfair election practices, then suit could be brought in court and an interlocutory order obtained which would call into force and effect the provisions of the Voting Rights Act of 1965.

I would like to read from the committee report at the time the House bill was reported by the House committee which outlines what would be left in the Voting Rights Act of 1965 if sections 4 and 5 were allowed to expire. Actually, it is the whole act because this just applies to the triggering of the provisions against the Southern States.

Under the permanent provisions of the Voting Rights Act—that would be sections 1 through 19, leaving out sections 4 and 5:

> When the Attorney General brings a suit under the 15th Amendment—

And this act is supposed to implement the 15th amendment, which says that the rights of citizens of the United States shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude, and the Congress shall have power to enforce this article by appropriate legislation—

> When the Attorney General brings a suit under the 15th Amendment to protect voting rights against racial discrimination, the court is empowered to enter either an interlocutory order or a final judgment requiring the Civil Service Commission to appoint Federal examiners to register voters—

I believe the Senator from Indiana has left the Chamber. I wanted him to hear these remarks, to see what would still be available to him, to help him with the instances that he has in his portfolio.

> In such suit, the court is empowered to suspend the use of literacy tests "for such periods as it deems necessary."

There is your literacy test out the window.

> In such suit, the court retains jurisdiction "for such period as it may deem appropriate" and during that period, the State cannot implement any change in its voting laws until the court determines that the new law will not have the purpose or effect of racial discrimination or until the Attorney General of the United States has failed, within 60 days after submission, to object to the new law.

That is a provision that applies against the Southern States without any lawsuit. They are just automatically covered by that. That is the eminent unfairness of this thing. They are convicted in advance. They are indicted. They are indicted and convicted in advance. I do not know of any other statute anywhere that automatically convicts a citizen, a group of citizens, or the citizens of a State in advance of any hearing. That is not due process of law. It looks like the Supreme Court would strike down such a law.

As I remarked a couple of hours ago, that is something that caused Mr. Justice Black to dissent from the holding of the Supreme Court upholding the constitutionality of the Voting Rights Act.

This is what can still be done even if sections 4 and 5 of the Voting Rights Act are allowed to expire. This is a triggering device that takes place in a court proceeding and on proof and an opportunity to be heard. That is just the basic Anglo-Saxon system of justice, which gives the accused a right to be heard, to be confronted by witnesses against him, and not to be convicted in advance.

That is exactly what sections 4 and 5 of the Voting Rights Act of 1965 do.

If we are going to have a Voting Rights Act, let us have it apply to the whole country.

As I suggested to the distinguished Senator from Texas (Mr. TOWER) a while ago, the suggestion of the President that the Voting Rights Act be applied uni-

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formly throughout the Nation is fine. I applaud him for that. I applaud his fairness and his statesmanship. But actually it is not necessary, because we already have a Voting Rights Act applicable to the entire country. I guess people lose sight of that fact, because nobody comes in and says that people outside of the South are guilty of any discrimination. But our people are just judged guilty, convicted, and sentenced. Then we have these registrars and election observers come in on us. We have to go hat in hand to Washington to try to get approval of any change we might make in the laws, or seek to make. That gives the Federal Government a veto power against an act of a State legislature.

They can say, "Well, no, that is no good. Sorry. That discriminates." Everybody in the State is for it, but still the Federal Government says it discriminates; therefore, under the Voting Rights Act, it is prohibited.

So there is a strong Voting Rights Act, and if there are cases of discrimination, as the distinguished Senator from Indiana stated—and he stated he was going to bring those instances in here and put them in the RECORD—I invite him to bring them in, and invoke the provisions of the Voting Rights Act requiring proof, and give the other side an opportunity to be heard.

I object to the fact that the people of Alabama and the South are denied the right to come in and be heard and present their side of this controversy. I had always assumed there were two sides to a question. Under sections 4 and 5 there is only one side. The people of the South are guilty. That is what it says. They are guilty because they did not comply, and there is no opportunity to get them to comply, because the situation is dated back to what existed a year before the act.

It was very easy to calculate to what States the law would apply. They figured it up and said:

> If we use this method, it will apply to Alabama, North Carolina, South Carolina, Virginia, Georgia, Mississippi, and Louisiana. They are the States we want to get. So we will hit on this formula.

The formula, of course, was, and is, in the first place, that they had to have a device, as they called it—a literacy test or some method that the perpetrators of this act felt would bring those particular States under the provisions of the Voting Rights Act.

As I suggested earlier, this act sets up a device to outlaw devices, because it uses this formula, which is nothing more than a device to make it apply to certain given States. So, in the first place, they had to have a device—a literacy test. Then, if fewer than 50 percent of the registered voters registered or voted in the 1964 election and had a device, they were automatically covered and automatically condemned by the act as being guilty. So the Scott amendment refers to the 1964 election, or every one of the States would be out from under it. It was dated back to the 1964 election. No matter how many people have been registered since that time, no matter if all of the people in a State were registered as of now, they are still going to apply the criterion of the 1964 election, which shows that they are still using a device—and they try to outlaw devices under the bill—in order to lock these particular States in under the automatic triggering device of the bill.

What do I mean by the automatic triggering device? It means that these States are guilty without proof.

That is something that was discussed on the floor of the Senate for 2 weeks or more just last month—whether or not we are going to have uniformity of operation of a Federal policy, or law. The particular policy involved there was the Federal public school desegregation policy, and the Senate voted overwhelmingly, in a truly great display of statesmanship, that the Members of this body believe that we are one nation, under God, and that we are going to treat the people of every section of this country alike, and we are not going to have one desegregation policy in the South and an entirely different one in the North.

I hope the Senate will again assert that principle: That we are going to have one rule by which we outlaw discrimination in registration, improper election procedures, and discriminatory practices in election; that we are not going to have one Federal rule covering that in the North and an entirely different rule in the South; that we are not going to say that the people of the South are guilty unless they are proved to be guilty; that we are not going to say only to the people of the North, "You are innocent until you are proved guilty."

Mr. President, the other day we had a visit from the President of France. While I am not any great student of French law, I understand that in French law a person is guilty until he is proved innocent, whereas under the English law—the old English common law on which the decision law of our country is based—a man is innocent until he is proved guilty. That is a distinction that we have.

Are you going to follow the French law with respect to Alabama and the South? Are you going to say, "Yes, those fellows are guilty down there, even though they have about 75 percent of the eligible people registered and qualified to vote?" Are we going to say, "They are guilty of discrimination. Why? Because they did not live up to this 1964 criterion set back in 1964?"

It seems passing strange to me that the people in the South would be convicted without a hearing, based on a mathematical formula designed to convict them without any hearing. But we are going to have the French law applied against us; we are guilty until we are proved innocent.

When can we prove we are innocent? Under the Scott amendment, we can prove we are innocent 5 years from now. Five years from now we can go in and petition the court, and show them we are not guilty of discrimination down there, and have not been for 10 years. Five years from now, we can go in and prove we are not guilty; and if we can ever get a hearing, and they do not extend this law again for another 5 or 10 years, we might get out from under the automatic conviction provided by this bill.

People outside the South have the English common law applied to them. I feel that many people do not even realize that we do have, in the Voting Rights Act of 1965, a national law, a law applicable to all the 50 States. Senators say, "Let us renew the Voting Rights Act or let's let it die," but the Voting Rights Act is going to stay here until it is repealed, and none of these provisions provides for any repeal of the act itself. All any of these bills would do is extend the Voting Rights Act for 5 years under certain terms and conditions; some may add a modified presidential voting situation, and others abolish a literacy test, outside the South—of course, they are already abolished in the South.

I asked the distinguished Senator from Pennsylvania, when he was explaining his amendment abolishing literacy tests throughout the country, if he was trying to get a less literate electorate. He stated that he was not, but he sought to abolish literacy tests all over the country. We have had them abolished for us in the South and we, of course, feel that that is discriminatory.

But the provisions of sections 4 and 5 are the vicious provisions. The whole act is vicious. The whole act is an invasion of State sovereignty. But the most vicious feature is in sections 4 and 5, which hold as a matter of law that the people of the South are guilty of discrimination, that they are guilty of hindering registration, and that they are guilty of improper election practices. That is what sections 4 and 5 do.

So the Voting Rights Act, in all of its viciousness as an invasion of States' rights and State sovereignty, is turned upon the people of the South, without a hearing, and without any opportunity to present our side of the matter, whereas outside the South it takes a hearing, and it takes a court procedure to trigger the provisions of the act.

Mr. President, going on with the thumbnail sketch of the 1965 Voting Rights Act as it applies throughout the Nation, even with sections 4 and 5 out—and that seems to be the great issue before the Senate at this time—I read as follows:

> In such suit the court retains jurisdiction "for such period as it may deem appropriate," and during that period the State cannot implement any change in its voting laws until the court determines that the new law will not have the purpose or effect of racial discrimination or until the Attorney General of the United States has failed, within 60 days after submission, to object to the new law.

That is what takes place in a court proceeding when discrimination has been found to exist. Then the court can order the type of proceeding and require the approval of the Attorney General on any change in the voting laws. But without any proof the people of the South are subjected to this vicious proceeding, and the people of the South, in order to change one of their laws, have to come in and ask the permission of the Attorney General or the Federal district court in Washington. Why could not the Federal district court in the State itself be allowed to pass on this question? I un-

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derstand that the Federal district court in Washington has about 4,000 cases on its docket and that it would take about 2½ years before a case could come up for hearing. So this is a vicious provision, requiring our people to come to Washington for approval.

We have had some of our statutes approved. We have complied with this law because we in Alabama are law-abiding people, as are the people of the other States of the South. We make out as best we can by obeying the laws. We ask only for the equal protection of the laws.

As I said to the distinguished Senator from Indiana (Mr. BAYH), when we were engaged in a colloquy earlier:

> You set the law that all States are required to comply with, and we will go along with it. You just pick it out.

We have on the books a law that potentially applies to all 50 States. But only the South has it triggered against us, while the sections of the country outside the South have to be hauled into court and discrimination or improper practices proved against the other States. That is what we object to.

Our people comprise our State. A State, as the distinguished Senator from North Carolina said earlier this afternoon, is not only the State government; it is not only the public officials in a State; it is not only the land within the boundaries of the State; it is the people of the State.

This section, automatically finding the people of the South guilty of discrimination, is a blanket indictment against every responsible person in every one of the seven Southern States, because they say: Without any proof, without any hearing, without any notice to you, they say, as a matter of law, that you are all guilty of discrimination, you are guilty of unfair practices, you cannot change your election laws down there, you cannot change your registration laws, unless you come to Washington and get approval here. You have to register everybody down there who is 21 years of age or over. We are going to send registrars down there to see that they are registered. We are going to send election observers down there to see that you have fair elections, because we found you guilty. You, the people of the South, are guilty of improper practices.

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That is what sections 4 and 5 say.

Forty-three other States are not covered by the automatic trigger. All States are covered by the act. Only the seven Southern States to which I have alluded from time to time are covered by the automatic trigger. That is what we object to.

If the automatic trigger provisions, sections 4 and 5, are permitted to expire, I am ready to vote. I am ready to vote on any phase of the bill. If any law is passed that applies uniformly throughout the country, believing as I do in the Constitution, which guarantees equal protection of the law to every citizen, I certainly will withdraw my objection to the other 17 sections in the Voting Rights Act, because it would apply to everybody. We are not asking special treatment, but we are asking equal treatment. That is all we ask.

I am glad that the distinguished Senator from Pennsylvania has entered this Chamber. We have been discussing his amendments some little while, and I wish the Senator had been here all the while. I think he would have enjoyed the discussion. I doubt that he would have been enlightened, but he would have been interested.

Mr. SCOTT. I am sure the Senator from Pennsylvania would have been intensely interested. I do not labor under the impression that the Senator from Pennsylvania and the Senator from Alabama are going to persuade each other. But a certain amount of elucidation and adumbration is indeed good for the soul. Therefore, I am sure that whatever I have missed during necessary absences from the Chamber is to my disadvantage, although perhaps not entirely to my discomfort.

I wonder whether the Senator would be good enough to yield to me to make a statement which would appear at the conclusion of his remarks today. It would be for that purpose only, and with the understanding that he would not lose his right to the floor.

Mr. ALLEN. With that understanding, Mr. President, I yield. I have some additional remarks that I know Senators would be glad to hear, and I hope the Senator from Pennsylvania will remain after he has made his remarks at this time.

Mr. SCOTT. I thank the Senator.

I have a meeting with a number of farmers from Pennsylvania later this evening, and there, too, I have an opportunity to become enlightened by these gentlemen and those who have often been good enough to say that they approve of the positions I have taken on farm legislation. But before doing so, I would like the opportunity to hear further the Senator from Alabama.

(The subsequent remarks of Mr. SCOTT, dealing with a modification of the pending amendment, appear at the conclusion of Mr. ALLEN's address.)

Mr. ALLEN. Mr. President, I have been discussing the provisions of the 1965 Voting Rights Act applicable to the entire 50 States of the Union, pointing out that even if sections 4 and 5 are allowed to expire we will have a Voting Rights Act applicable to the entire Nation, the only difference being that the Southern States will not be singled out for conviction without notice and without a hearing, and all of the States of the Union will be on the same basis—that discrimination, that barriers to registration or voting, that improper election practices must be provided as to any State in the Union, including the Southern States.

And I stated that if sections 4 and 5 of the act are allowed to expire, then the remaining sections of the act being applicable to all 50 States, there will be no objection by the junior Senator from Alabama to closing the debate. The people of Alabama and the South are willing to abide by any law that is applicable throughout all 50 States of the Union.

We are asking only for equal protection of the law. We do not wish to submit to a Federal law that condemns the people of the South automatically of discrimination and convicts them without a hearing, without notice, and without having an opportunity to be confronted by witnesses against us, whereas the people in sections outside of the South are innocent until proved guilty.

We want to be on the same identical basis as the people of the other States of the Union. And when we decide upon provisions of law that will be applicable throughout the Union, then the Senate will not hear protest from this Senator. The Senator from Alabama does not want special privileges. The Senator from Alabama does not want unequal treatment. The Senator from Alabama does not want special provisions of the law applicable to him in a favorable fashion. As long as the same law applies uniformly throughout the Union, there can be no proper protest from the people of the South.

I feel that there will be none. So, if we can remove the automatic trigger provided by sections 4 and 5, I am willing to proceed with respect to the permanent sections of the act, which are all of the 19 sections except sections 4 and 5.

Going on with the provisions of the 1965 Voting Rights Act, the permanent provisions, it reads: "When Federal examiners have been appointed under such suit" and that would be all States on the same basis, they have to be convicted of discrimination before the provisions of the act are triggered, whereas it is now the people of the South that are convicted and punished without a hearing.

I continue to read:

> When Federal examiners have been appointed under such suit, the Attorney General may require the Civil Service Commission to send Federal observers to the local voting precinct to oversee the process of voting and the tabulation of votes.

That is applicable throughout the country. I am certainly agreeable.

I continue to read:

> No State may enforce a literacy test with respect to a registrant who has completed the sixth grade in a non-English-speaking school.
>
> Criminal penalties of 5 years in jail or a $5,000 fine, or both, can be imposed upon anyone convicted of depriving, attempting to deprive, or conspiring to deprive any person of his voting rights on account of race or for destroying, defacing, mutilating, or altering ballots or official records; and
>
> The Attorney General is empowered to bring a suit for an injunction when he has reasonable grounds to believe that any person is about to engage in any act prohibited by the Voting Rights Act.

So, those are general provisions for the Nation. And it probably comes as a surprise to many who have confined their study of the bill to a reading of the newspaper that there is a Voting Rights Act applicable throughout the country, the difference being or the salient features of it being that the Southern States are automatically convicted of discrimination and the punitive provisions of the Act are made applicable, whereas, in the other 43 States of the Union it takes a suit and proof of discrimination before the punitive features of the act are triggered.

So that under the automatic provisions of the act without any notice whatsoever, without any proof of discrimination, the people of the South are indicted and convicted of discrimination, of improper practices, of setting up barriers to the registration of voters, whereas the other provisions of the act, outside of sections 4 and 5, while they are applicable throughout the country, they are applicable in sections outside the Southern States only on the filing of suits and the finding of discrimination.

So that is the point we make—the improper application of the laws, the application of one rule for the South and another rule for the North, the requiring of proof of discrimination for the North, the automatic conviction of the Southern States, of the people of the Southern States.

Mr. President, I yield to the distinguished Senator from South Carolina with the understanding that I do not lose my right to the floor.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. THURMOND. Mr. President, I commend the distinguished and able Senator from Alabama for the magnificent fight he has made in trying to preserve the right of the States to uphold the Constitution and prevent a law being renewed here which would punish certain States of the Union and favor other parts of the country.

Mr. President, in reviewing a legislative enactment it is standard procedure to consider the emotional, political, and economic climate existent at the time of its formulation and passage. The matter under discussion before this body today is H.R. 4249 which would amend the Voting Rights Act of 1965. In our deliberations we should review the 1965 act and be reminded of the circumstances surrounding its enactment, in order that the language of this law may be read and interpreted in the context of its birth.

A landslide at the polls had just been realized and emotionalism was at a high point. Mr. President, the atmosphere in Washington was then charged with the heavy intoxication of political victory too easily won and the victors were consumed by an insatiable lust to punish the States that stood before the tide and cast their lot for Senator GOLDWATER and in opposition to the Democrat standard bearer. The States that supported Senator GOLDWATER in the presidential election in 1964 were: South Carolina, Georgia, Alabama, Mississippi, Louisiana, and Arizona. These States were, with the exception of Senator GOLDWATER's home State, States of the old South. The pulses of the architects of the 1965 act surely must have quickened when they realized that the dissenting States, almost without exception, were southern. A formula was designed to inflict the punishment. It was relatively simple: If 50 percent of the population eligible to vote was not registered in the State in 1964 or if 50 percent of those eligible did not vote in the 1964 elections then the State fell into the web of the Voting Rights Act and assumed a status unequal to the position enjoyed by the other States of the Union.

Mr. President, the States affected by the act were South Carolina, Georgia, Alabama, Mississippi, Louisiana, Alaska, and Virginia. There were a number of counties in North Carolina affected and one county in Arizona. Every State that voted for BARRY GOLDWATER was covered under the act.

The primary justification utilized by the advocates of the 1965 plan was that it was necessary to enact legislation to protect the voting rights of citizens. Certainly no one can nor does object to this laudable goal. No one objected to that goal at the time of the act's passage.

South Carolina has certainly held true to the constitutional requirement that all qualified people be registered and allowed to vote. This fact is borne out by the history of the State for no one has ever been convicted in any State or Federal court of violating anyone's right to vote in the Palmetto State.

South Carolina's history of nondiscrimination in voting was noted by Attorney General Katzenbach in his testimony before the House Judiciary Committee.

Mr. Katzenbach, in discussing section 3(a) of the proposed act said:

> The premise of Section 3(a) . . . is that the coincidence of low electoral participation and the use of tests and devices results from racial discrimination in the administration of the tests and devices. That this premise is generally valid is demonstrated by the fact that in six out of seven States in which tests and devices would be banned statewide by Section 3(a), voting discrimination has unquestionably been widespread in all but South Carolina and Virginia.

In spite of its clean record which was admitted by Attorney General Katzenbach, South Carolina was placed under the onus of the legislation because it fell within the formula.

In South Carolina in 1964, there were 1,266,251 eligible voters. Of these people, 772,572 were registered but only 524,764 of them voted. Therefore, less than 50 percent of the eligible voters participated in the election of 1964. Congress said that because of this, South Carolina was guilty of not registering her Negro citizens.

Mr. President, there are various reasons why the population of South Carolina did not participate in the election of 1964 to a great extent. For one thing, it is a rural State primarily and transportation has always been a problem. The history of the State shows that for many, many years the Democrat primary was the main election in South Carolina and in 1968 this was still the case and so people do not participate in the general elections.

The primary reason, however, why voter participation was down in 1964 especially among the blacks was simply a matter of apathy. Negro voters did not want to support Mr. GOLDWATER and they did not want to support Mr. Johnson. This fact is better understood when one remembers that Lyndon Johnson did not try to establish himself as a great liberal until after he had won the Presidency in 1964.

These facts, of course, were completely disregarded in 1965 and the zealots pushed the legislation along stampeding over fact, truth, and constitutionality.

Mr. President, to argue that the act is anything other than an instrument for the infliction of political punishment is futile. Besides citing the names of the States that voted for GOLDWATER and comparing them with the States that went under the 1965 act, and examining the arbitrary formula, there are only two other aspects that we need to cite to show that this action was arbitrary, capricious, unreasonable, totally discriminatory and designed for political punishment.

These two aspects which indicate the noxious nature of this curious contrivance are: First, the requirement that court cases under this act be brought in the District of Columbia court.

The reason for taking cases into the District of Columbia court was not for the purpose of obtaining justice but rather for moving into a forum which was partially, if not totally, predisposed to be blind and deaf to any arguments fostered by the Southern States. This point was admitted by Mr. Joseph Rauh, the darling of the old-line leftists, when he testified before the Constitutional Rights Subcommittee on Thursday, July 10, 1969. Mr. Rauh said:

> What stops these things now is they have got to come for approval to the Attorney General or the district court here, people who are sympathetic to civil rights.

Courts are not supposed to be sympathetic to any social or political cause or movement.

Mr. President, the second and other unreasonable aspect of this legislation occurred in its application. In determining the population of the State for the purpose of finding out whether or not the statute was applicable to illiterates, military personnel, persons incarcerated in penal institutions and persons confined to mental institutions and even students in colleges and universities were counted in determining the population. These people, of course, were all either disqualified from voting or ineligible to vote under State law. This action was an absurd and arbitrary thing to do and no reasonable man can justify the inclusion of people who were barred by law from voting in the population of the State. In South Carolina it is estimated that some 85,000 people who were under a disability or were not qualified were counted in the population.

A general rule in the law is that arbitrary, capricious, unreasonable, and discriminatory actions by governmental agencies will not be allowed to stand Certainly, any reasonable man will have to admit that taking into account unqualified voters as part of the population falls within this rule and the fact that the failure by the Bureau of the Census and of the Attorney General to expunge these people from these population figures was raised in various arguments in the Congress and in the courts, but they were ignored.

Mr. President, this sort of arbitrary action is certainly a poor precedent and is the type of thing that results from

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legislation too hastily drawn and enacted in an emotional furor.

Mr. President, clearly this act abridged the Constitution.

It seems that few, if any, of this body at the time of the enactment of the 1965 Act were cognizant of the constitutional rules and precedents that were being violated. It is doubtful that the advocates of its extension are going to listen to any arguments regarding the Constitution at this time. However, I shall make a few brief observations concerning the constitutionality of the act of 1965.

The act, in abolishing the literacy test, and purporting to regulate the elections of South Carolina violates her right to prescribe reasonable voter qualifications and regulate her elections as recognized in article I, sections 2 and 4 and the 17th amendment to the Constitution of the United States, and further impinged upon the rights of her inhabitants under the fifth amendment to the Constitution of the United States and its article IV, section 2.

Even if Congress were not prohibited from enacting this legislation, the act was not "appropriate" and therefore violated the 15th amendment.

The act deprived South Carolina and her citizens of their constitutional rights because of the failure of certain of her electorate to vote in November 1964. It constituted a bill of attainder and ex post facto law prohibited by article I, section 9 of the Constitution of the United States and further constituted an unlawful attempt by Congress to exercise powers exclusively reserved to the judiciary under article III of the Constitution.

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Mr. President, the act created an arbitrary and irrebuttable presumption of a violation of the 15th amendment solely by South Carolina and certain other sovereign States, violated the principles of equality of statehood, deprived her inhabitants of rights guaranteed under article IV, section 2 and the fifth amendment to the Constitution of the United States, and exceeded the powers granted Congress under the 15th amendment to the Constitution of the United States.

So much, Mr. President, for the 1965 act. Although I think that it is unconstitutional, the Supreme Court said otherwise, not that anybody expected them to turn it down, and therefore it stands as a lawful, although lamentable, act of Congress.

As of November 3, 1969, 843,007 people were registered to vote in South Carolina. Of that figure, 640,185 were white and 202,679 were nonwhite. In 1965, when the Voting Rights Act was enacted there were 142,780 Negroes registered to vote in South Carolina. This means that from the time of the enactment of the Voting Rights Act until November 3, 1969, only 59,899 Negroes were added to the voting rolls in South Carolina.

There are a number of reasons why this figure of more than 59,000 exists.

One reason is population growth. During the period between the enactment of the Voting Rights Act in 1965 and 1969 the population of South Carolina grew 13.6 percent. Also, a number of highly successful voter registration drives have swept the State and a number of people both Negro and white have been signed up to vote.

The State of South Carolina has reregistered since 1965 and because of the intensive registration effort made throughout the State a great number of people were placed on the rolls.

There are those who have tried to directly relate the 1965 act to the increase in registration in South Carolina but there is no direct relationship and none can be proved. One might say that during the period the 1965 act was in force a number of people were registered in South Carolina but no one can make the statement that because of the 1965 act more than 59,000 were registered.

When we consider the elements that constitute the factors in the increase in registration for South Carolina the effect of the Voting Rights Act pales notably.

Mr. President, we have reviewed the climate in which the Voting Rights Act of 1965 was enacted. It is only proper that we look at South Carolina and take cognizance of the climate there now.

A development which has taken place in South Carolina since 1964 and which is a strong basis for believing that the extension of the present act is unnecessary is that a number of politicians in the State have sought and obtained the Negro block vote. A number of legislators and officials in South Carolina now owe their political lives to the Negro vote. This situation has come about largely as a result of the Democrat Party becoming so liberal that moderate and conservative elements have withdrawn from it and a two-party system has developed. As a consequence, the voting behavior has changed drastically since 1964, the year that GOLDWATER ran and the year in which Republicanism came to the forefront in the State of South Carolina.

The fact that politicians have been elected by the block vote was referred to by Senator TYDINGS when he testified before the Constitutional Rights Subcommittee. Senator TYDINGS said:

> Since the passage of the Voting Rights Act there has been a significant increase in the number of Negroes registered to vote and running for office in southern states . . . The voting Negro vote was a major factor in elections across the South.

He said further:

> It resulted in a winning margin for a United States Senator from South Carolina.

Senator TYDINGS went on to point out that in other States Negroes were being elected to public office including the legislature and lesser posts with greater and greater frequency. The important factor to which Senator TYDINGS alludes was that not only Negro but white politicians are being elected by the Negro vote.

Some argue that suddenly thousands and thousands of Negroes are going to be disfranchised and denied the right to vote in South Carolina if the Voting Rights Act of 1965 expires, or if H.R. 4249 is enacted. This is absurd for no officeholder is going to disfranchise his supporters. There are too many politicians whose political lives depend on that vote and they will not let it go. The fact is that their focus will be to increase its size and strength.

The purpose for which the Voting Rights Act was theoretically enacted was to protect the right of people to vote. Those rights are being protected now not as a result of the 1965 act, but because of natural political growth and involvement by Negroes throughout South Carolina and other States.

South Carolina has taken perhaps the greatest step forward of any State of the Union to guarantee and protect the right to vote, for it has enacted the most comprehensive and modern voting rights code ever devised. Many other States have come to South Carolina specifically to study our voting procedures. We are the only State of the Union that I know of that has a totally computerized election process. Every voter in South Carolina is registered on a computer in the capital city and if he should die or be incarcerated in prison or move or otherwise become ineligible or unable to vote, his name is automatically purged from the records. Two weeks prior to any election the machine is run and a punch-out of all those individuals registered who are eligible to vote in each precinct is distributed to each registrar in every county in the State. These records are also available to individuals who wish to purchase them at a nominal cost.

This code and this computerized procedure, which is the most modern that I know of in the world, certainly guarantees to every individual who is qualified the right to register, vote, and participate in political affairs in the State of South Carolina. I challenge everyone in this Senate to compare their State laws with the laws of the State of South Carolina and with our computer program and election practices and you will find our system is superior.

Mr. President, I submit that because of the developments which are not connected with the 1965 act that have occurred naturally in the political climate of South Carolina, there is no justification for the continuance of the Voting Rights Act of 1965.

The proposal has been made by the administration that the Voting Rights Act be amended. That amendment is known as H.R. 4249. This proposal would expand the Voting Rights Act to apply uniformly throughout the United States. It would outlaw literacy tests throughout the country including Massachusetts, New York, and other States where they are presently utilized. It would change residency requirements for the purpose of voting in a presidential election.

H.R. 4249 provides that the Attorney General could bring an action in the district courts of the United States where he believes that a State or political subdivision is utilizing some practice or procedure that has the purpose or effect of denying the right to vote on account of race or color.

Mr. President, the amendment also establishes a National Advisory Commission on Voting Rights which will look into voting practices and voter fraud and report back to the Attorney General.

This Commission would help in cleaning up elections in this country.

The National Advisory Commission on Voting Rights would be appointed by the President and composed of not more than nine members. The Commission would undertake a study of voting laws and will also study the impact of fraudulent and corrupt practices upon voting rights. Mr. President, it is an open secret, as we have witnessed during election night reports on national television, that voter fraud is rampant in various places across the country.

One of the reasons why this voting rights amendment of 1969 is being so zealously opposed may be because the big-city bosses know that if this Commission is established it will determine without any question that voting practices in Chicago and a lot of other northern cities are shot through with fraud and corruption. If this fraud and corruption is uncovered, if laws are enacted to stop it, then we may find that the balance of political power may be switched in some of these areas and the old guard will be turned out in favor of people who are elected by fair and honest election procedures.

Had it not been for President Nixon's vigilance in the election of 1968 to make sure that Operation Eagle Eye was established in Chicago, Ill., the election could have very well been once again denied him by that city.

Speaking of fraud, under the 1965 act a great number of illiterates and others who were not qualified were allowed to register to vote. One of the reasons the States have had laws concerning voting age and voter qualification is to make sure that people who are competent to cast an intelligent vote are registered and those who are not were kept off the rolls. This is precisely why we do not let 12-year-olds or 6-year-olds vote in this country. They are simply incompetent to vote.

The 1965 Voting Rights Act allows people who have no more intelligence and not much more education than a 6-year-old to vote. The law said, in effect, that it is not all right for juvenile incompetents to vote but it is all right for adult incompetents to vote.

When a man goes into a voting booth and he cannot read or he cannot write obviously he is going to have to have someone go in with him in order to cast a vote. Generally, these people have no idea what the whole process is about and they have to be instructed how to vote. In those States where you vote a straight-party ticket they are often ordered to vote for one particular party. In the case of South Carolina, they are told to vote Democrat.

All too often, the people hanging around polling places belong to the predominant political party and their job is to go into the polling booth and make sure that the voter votes for the right ticket. What usually happens, I am convinced, is that the assistant goes in and does the voting himself. You can see that this is nothing more than voter fraud, and is a practice which has been perpetrated throughout South Carolina since the Voting Rights Act of 1965 has been the law.

This is an unfortunate misuse of people's rights, and in fact it is a denial of those rights.

This kind of voter fraud undoubtedly will be discovered by the National Advisory Commission on Voting Rights if it is established.

Mr. President, the Attorney General has testified to the effect that the present act is cumbersome and ineffective. Only a small percentage of State election laws have been found objectionable. Out of 436 such laws or regulations only 22 have been objected to.

H.R. 4249 would provide for enforcement of its provision through the courts, where it belongs, and would leave the Justice Department free to exercise its proper role as prosecutor.

Mr. President, I am firmly of the opinion that the Voting Rights Act of 1965, which was a product of hate and a desire for revenge and punishment must lapse in its present form.

I do not feel that this kind of legislation is necessary, but if the Congress deems it necessary to enact a Voting Rights Act at the national level it should apply to all States—not just certain States to which it now applies.

Mr. President, H.R. 4249, is not limited to only one geographic area as is the present act, but covers the entire Nation. Some argue that denial of voting rights is confined to but one section of the Nation. That is not true. A higher percentage of blacks voted in 1968 in South Carolina and Mississippi than voted in Watts or Harlem. We must not turn our backs on these disenfranchised citizens throughout the Nation; we must not forget them simply because of their geographical locality.

Mr. President, I am tired of the bigotry and hypocrisy of certain people in the country who are attempting to continue to enforce the unconstitutional voting rights law. They are simply trying to punish the South; and yet there is more discrimination in the city of Chicago than there is in the State of South Carolina. There is more segregation in the schools of Chicago than in the schools of South Carolina.

If a person is qualified to vote, he should be allowed to vote, anywhere in this country. The advocates of the extension of the act say that it has been beneficial to voters. Well, why should not voters over the Nation have what benefits there are in this act? I am surprised, Mr. President, that the civil rightists, the humanitarians, the equalitarians, and all other such groups have not come forward and eagerly supported this legislation, since it applies to all of the people in all of the States on an equal basis.

Perhaps the truth is, Mr. President, that these organizations are primarily interested in nothing more than getting votes for certain politicians in this country and are not at all concerned with equity and fairplay.

Mr. President, I do not favor any extension of the present law. I think it is unnecessary; I think it is unfair; I think it is unwise. I think it never should have been enacted in the first place. Under the Constitution, the States can fix voter qualifications. But under this law, literacy tests were abandoned and abolished. They were abandoned and abolished by the 1965 Voting Rights Act. In my State today and the other States to which this act applies, which have literacy requirements in order to vote, the Constitution has gone down the drain. Any illiterate in my State can vote today, although the State law does not permit him to do so. The State constitution does not permit him to do so. The present situation prevails because Congress desired to punish certain States for voting as they did in 1964, when they passed the 1965 act.

The Voting Rights Act of 1965 should be allowed to die. If new legislation is necessary, then, I repeat, let it apply nationwide. Let it apply in New York as well as in South Carolina. Let it apply in Massachusetts as well in South Carolina or Mississippi or Alabama. Let it apply in Chicago, and let it apply in Detroit and in other cities and other States of this Nation, not just in certain selected States where the people voted for Senator GOLDWATER for President in 1964.

Mr. President, this is a very important matter from the standpoint of the equality of States, about which the Constitution speaks. I am convinced that although a majority—it was not a unanimous decision—of the Supreme Court held this act constitutional, one of these days, if there should be .. test before an appropriate, a fair, a just, and an unbiased Supreme Court, they will hold it unconstitutional. How could the Supreme Court hold such a law constitutional, when it violates the very fundamentals of the Constitution?

Article I, section 2, provides that the States can fix voter qualifications. That is what the State of South Carolina did. The State of South Carolina fixed voter qualifications by saying that any citizen who can read and write the Constitution—which merely means that he can read and write—is eligible to vote. It went further and said that if he cannot read and write, but owns $300 worth of property, he still can vote. But that qualification, which is a very low literacy requirement, was nullified and abolished by the 1965 act. How can Congress pass a law that would have the effect of nullifying and abolishing a section of the Constitution? That is what this 1965 act did.

I have argued that this law should not be continued, and I do not think it should be continued. I think it is very unfair and very unjust. The law is entirely unnecessary and should not be reenacted.

Mr. President, again I say that if this law is going to be enacted in any shape or form whatever, it should apply to all the people in all the States. Why should not those interested in civil rights, in humanitarianism, in equality of justice, and in every other right of an equal nature be just as interested in seeing that individuals in any State of the Nation have the same right as those in other States of the Nation? Why should certain States be singled out?

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There is no evidence that South Carolina has deprived anybody of voting. I was Governor of the State from 1947 to 1951, and we saw to it that every citizen, black and white, everybody who wanted to vote, had the right to vote. There has not been a single instance since then, there has not been a single case brought in court, and there has been no charge that any individual, black or white, has been denied the right to vote in South Carolina. Why should South Carolina be under this law?

It is very unfortunate that a little less than half of the registered voters in my State failed to go to the ballot box and vote. People cannot be made to vote. They have a right to register and not vote, and they have a right to vote. Someone may say there was intimidation or there was pressure on them. I challenge that, and I say, "No." That is untrue. There is no pressure on any voter in South Carolina to stay away from the polls. There has been no pressure on any voter. Every citizen in my State has had the right to vote since 1947. I know, because, as I have said, I was Governor then, and I have been in public office practically ever since. Anyone qualified to vote in my State has the right to vote.

If this law is going to be renewed, I say it should apply to all the States and all the people, and not apply just to certain States that went for Senator GOLDWATER in the 1964 election.

I thank the distinguished Senator from Alabama for yielding to me.

Mr. ALLEN. I thank the distinguished Senator from South Carolina for his outstanding contribution to this discussion. I appreciate very much what he has had to say.

I suggest to the distinguished Senator, who was speaking of the formula under which South Carolina came under the provisions of the 1965 Voting Rights Act—the automatic trigger provision—that merely because South Carolina was just a few percentage points under the required 50 percent it did become subject to the automatic trigger provision of the Voting Rights Act.

I suggest to the distinguished Senator that had the vote percentage in his State been a little bit different from that—had it been slightly above 50 percent—in all likelihood the formula would have been different, because the target was picked out first, and then the formula devised to bring the particular States involved under the provisions. So if South Carolina had a 55-percent registration, the chances are that the requirement would have been placed around 56 to 60 percent.

Mr. THURMOND. I think the distinguished Senator from Alabama is eminently correct. I believe it was determined to find some formula by which the States that voted for GOLDWATER for President could be punished, and this particular formula was worked out.

I was told that a great deal of study had to be made and statistics considered before the formula was arrived at so as to catch the States which voted for Senator GOLDWATER, and in catching those States in the net, a few counties in North Carolina, Virginia, and Arizona were counted.

Mr. ALLEN. I thank the distinguished Senator from South Carolina.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

Mr. ALLEN. Mr. President, I ask unanimous consent that the request for a quorum call may be made without my losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The bill clerk proceed to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SPARKMAN in the chair). Without objection, it is so ordered.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 15931) making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1970, and for other purposes; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. FLOOD, Mr. NATCHER, Mr. SMITH of Iowa, Mr. HULL, Mr. CASEY, Mr. MAHON, Mr. MICHEL, Mr. SHRIVER, Mrs. REID of Illinois and Mr. Bow were appointed managers on the part of the House at the conference.

The message also announced that the House had agreed to the amendments of the Senate to the bill (H.R. 8020) to amend title 37, United States Code, to provide entitlement to round trip transportation to the home port for a member of the naval service on permanent duty aboard a ship overhauling away from home port whose dependents are residing at the home port.

VOTING RIGHTS ACT AMENDMENTS OF 1969

The Senate continued with the consideration of the bill (H.R. 4249) to extend the Voting Rights Act of 1965 with respect to the discriminatory use of tests and devices.

AMENDMENT NO. 544

Mr. SCOTT. Mr. President, at this time I modify my amendment No. 519 as follows:

On line 2, page 3, after (a) strike out all through line 8 on page 4 and insert in lieu thereof the language which I send to the desk. I ask that the clerk restate the amendment, following which I will say further what I have done here.

The PRESIDING OFFICER. The clerk will state the amendment as modified.

The assistant legislative clerk read as follows:

Strike out all after the enacting clause, and insert in lieu thereof the following:

"That this Act may be cited as the 'Voting Rights Act Amendments of 1970'.

"SEC. 2. The Voting Rights Act of 1965 (79 Stat. 437; 42 U.S.C. 1973 et seq.) is amended by inserting therein immediately after the first section thereof, the following title caption:

" 'TITLE I—VOTING RIGHTS'

"SEC. 3. Section 4(a) of the Voting Rights Act of 1965 (79 Stat. 438; 42 U.S.C. 1973b) is amended by striking out the words 'five years' wherever they appear in the first and third paragraphs thereof, and inserting in lieu thereof the words 'ten years'.

"SEC. 4. The Voting Rights Act of 1965 (79 Stat. 437; 42 U.S.C. 1973 et seq.) is amended by adding at the end thereof the following new title:

" 'TITLE II—SUPPLEMENTAL PROVISIONS

" 'APPLICATION OF PROHIBITION TO OTHER STATES

" "SEC. 201. (a) Prior to August 6, 1975, no citizen shall be denied, because of his failure to comply with any test or device, the right to vote in any Federal, State, or local election conducted in any State or political subdivision of a State as to which the provisions of section 4(a) of this Act are not in effect by reason of determinations made under section 4(b) of this Act.

" '(b) As used in this section, the term 'test or device' means any requirement that a person as a prerequisite for voting or registration for voting (1) demonstrate the ability to read, write, understand, or interpret any matter, (2) demonstrate any educational achievement or his knowledge of any particular subject, (3) possess good moral character, or (4) prove his qualifications by the voucher of registered votes or members of any other class.

" 'RESIDENCE REQUIREMENTS FOR VOTING

" 'SEC. 202. (a) The Congress hereby finds that the imposition and application of the durational residency requirement as a precondition to voting for the offices of President and Vice President, and the lack of sufficient opportunities for absentee registration and absentee balloting in presidential elections—

" '(1) denies or abridges the inherent constitutional right of citizens to vote for their President and Vice President;

" '(2) denies or abridges the inherent constitutional right of citizens to enjoy their free movement across State lines;

" '(3) denies or abridges the privileges and immunities guaranteed to the citizens of each State under article IV, section 2, clause 1 of the Constitution;

" '(4) in some instances has the impermissible purpose or effect of denying citizens the right to vote for such officers because of the way they may vote;

" '(5) has the effect of denying to citizens the equality of civil rights, and due process and equal protection of the laws that are guaranteed to them under the fourteenth amendment; and

" '(6) does not bear a reasonable relationship to any compelling State interest in the conduct of presidential elections.

" '(b) Upon the basis of these findings, Congress declares that in order to secure and protect the above-stated rights of citizens under the Constitution, to enable citizens to better obtain the enjoyment of such rights, and to enforce the guarantees of the fourteenth amendment, it is necessary (1) to completely abolish the durational residency requirement as a precondition to voting for President and Vice President, and (2) to establish nationwide, uniform standards relative to absentee registration and absentee balloting in presidential elections.

" '(c) No citizen of the United States who is otherwise qualified to vote in any election for President and Vice President shall be denied the right to vote for electors for President and Vice President, or for President and Vice President, in such election because of the failure of such citizen to comply with any durational residency requirement of such State or political subdivision; nor shall any citizen of the United States be denied the right to vote for electors for President and Vice President, or for President and Vice President, in such election because of the failure of such citizen to be physically present in such State or political subdivision at the time of such election, if such citizen shall have complied with the requirement prescribed by the law of such State or political subdivision providing for the casting of absentee ballots in such election.

" '(d) For the purpose of this section, each State shall provide by law for the registration or other means of qualification of all duly qualified residents of such State who apply, not later than thirty days immediately prior to any presidential election, for registration or qualification to vote for the choice of electors for President and Vice President, or for President and Vice President in such election; and each State shall provide by law for the casting of absentee ballots for the choice of electors for President and Vice President, or for President and Vice President, by all duly qualified residents of such State who may be absent from their election district or unit in such State on the day such election is held and who have applied therefor not later than seven days immediately prior to such election and have returned such ballots to the appropriate election official of such State not later than the time of closing of the polls in such State on the day of such election.

" '(e) If any citizen of the United States who is otherwise qualified to vote in any State or political subdivision in any election for President and Vice President has begun residence in such State or political subdivision after the thirtieth day next preceding such election and, for that reason, does not satisfy the registration requirements of such State or political subdivision he shall be allowed to vote for the choice of electors for President and Vice President, or for President and Vice President, in such election, (1) in person in the State or political subdivision in which he resided immediately prior to his removal if he had satisfied, as of the date of his change of residence, the requirements to vote in that State or political subdivision, or (2) by absentee ballot in the State or political subdivision in which he resided immediately prior to his removal if he satisfies, but for his nonresident status and the reason for his absence, the requirements for absentee voting in that State or political subdivision.

" '(f) No citizen of the United States who is otherwise qualified to vote by absentee ballot in any State or political subdivision in any election for President and Vice President shall be denied the right to vote for the choice of electors for President and Vice President, or for President and Vice President, in such election because of any requirement of registration that does not include a provision for absentee registration.

" '(g) Nothing in this section shall prevent any State or political subdivision from adopting less restrictive voting practices than those that are prescribed herein.

" '(h) The term "State" as used in this section includes each of the several States and the District of Columbia.

" '(i) The provisions of section 11(c) shall apply to false registration, and other fraudulent acts and conspiracies, committed under this section.

" 'JUDICIAL RELIEF

" 'SEC. 203. Whenever the Attorney General has reason to believe that a State or political subdivision (a) has enacted or is seeking to administer any test or device as a prerequisite to voting in violation of the prohibition contained in section 201, or (b) undertakes to deny the right to vote in any election in violation of section 202, he may institute for the United States, or in the name of the United States, an action in a district court of the United States, in accordance with sections 1391 through 1393 of title 28, United States Code, for a restraining order, a preliminary or permanent injunction, or such other order as he deems appropriate. An action under this subsection shall be heard and determined by a court of three judges in accordance with the provisions of section 2282 of title 28 of the United States Code and any appeal shall be to the Supreme Court.

" 'PENALTY

" 'SEC. 204. Whoever shall deprive or attempt to deprive any person of any right secured by section 201 or 202 of this title shall be fined not more than $5,000, or imprisoned not more than five years, or both.

" 'SEPARABILITY

"SEC. 205. If any provision of this title or the application of any provision thereof to any person or circumstance is judicially determined to be invalid, the remainder of this Act or the application of such provision to other persons or circumstances shall not be affected by such determination.'.

"Amend the title so as to read: 'An Act to extend the Voting Rights Act of 1965 with respect to the discriminatory use of tests, and for other purposes.'."

Mr. SCOTT. Mr. President, I ask unanimous consent that the amendment be reprinted so that clean copies may be made available.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCOTT. Mr. President, the language, which I have just submitted as a modification to my amendment, is the language contained in amendment No. 503 submitted by the Senator from Arizona (Mr. GOLDWATER) with 29 of our colleagues as cosponsors.

In preparing the substitute, the section on residency requirements was drafted to parallel as closely as possible the language which is contained in H.R. 4249. Since the preparation of that substitute, the language of Senator GOLDWATER's amendment has been studied, and it is obvious that not only does Mr. GOLDWATER's amendment carry out the intent of the language contained in the original substitute, but, more importantly, it provides for voting rights to many citizens not otherwise covered by the original language.

The proposal of the Senator from Arizona (Mr. GOLDWATER) reduces the residency requirement from 60 days to 30 and gives to citizens the right to register and vote by absentee ballots.

As the Senator pointed out in his testimony before the Constitutional Rights Subcommittee on February 19, having been his party's nominee for President in 1964, he has more reason than most persons to examine the workings of the Nation's election machinery.

I am privileged to modify my amendment to include the language of amendment No. 503 and express my appreciation to the Senator for the contribution he has made in this most important area.

Mr. GOLDWATER. Mr. President, the distinguished Senator from Pennsylvania (Mr. SCOTT) has graciously made a modification in the substitute amendment which is now pending before the Senate. In doing so, he agreed to incorporate into the substitute the entire text of the proposal which I have introduced, on behalf of myself and 29 other Senators, to enhance the right of U.S. citizens to vote for their President.

Although our proposal has been formally presented to the Judiciary Committee when I testified before the Subcommittee on Constitutional Rights on February 19, the committee reported the voting rights measure without recommendation and without any amendments.

Therefore, I welcome the willingness of the senior Senator from Pennsylvania to include our amendment as a part of his substitute measure. In view of the fact that his legislation is endorsed by a majority of the members of the Judiciary Committee, I would like to feel that this move signifies that my amendment would have been reported favorably by the committee had there been an opportunity for a vote there.

Mr. President, I intend to explain my amendment in detail later in these deliberations. Suffice it to say at this time that the total benefit from the proposal might be the extension of the right to vote for President and Vice President to nearly 10 million citizens. Many Americans are now denied this basic right to vote for no other reason than that they happen to move their homes during an election year or be absent from their homes on election day.

My amendment will correct this archaic situation by completely abolishing the durational residency requirement as a precondition to voting for President and Vice President. It will also spell out the right of citizens to register absentee and to vote by absentee ballot for such officers.

Mr. President, there are as many as 4 million Americans who have moved from one State to another and who are barred from voting in presidential elections solely because of lengthy State residence requirements.

There are also nearly 1,000,000 more citizens who are long-time residents of a State, but who are disfranchised merely because they move to a different county or city in that same State.

In addition, there are estimated to be from 3 to 5 million citizens who are denied a voice in choosing their President and Vice President because they are not allowed to register absentee or to obtain absentee ballots. This category of citizens not only includes those Americans who travel within the United States for various reasons at election time, but it also encompasses a great many Americans who are temporarily outside the United States. They may be serving overseas as Foreign Service Officers or other governmental civil servants. They might be students who are attending foreign colleges. Or they may be plain tourists who are visiting friends or seeing new places overseas.

In any event, they are all fully qualified American citizens who find themselves without the right to vote solely because of outmoded, unneeded legal technicalities.

The amendment which I have offered and which has been added to the substitute proposal would correct this unjust situation. It would protect for millions of American citizens their inherent constitutional right to vote for the officers who will lead their Nation.

The way my amendment is worded it could be included with any version of the voting rights law which the Senate

XUM

decides to pass. And, standing on its merits, it clearly should be adopted as a part of the bill which the Senate clears.

On this point, I must state that I have not fully made up my mind as to which version of the bill should pass.

Frankly, I can see some merits in both of them. But I shall have more to say on this subject later.

For now, I want to express my deep appreciation to the Senator from Pennsylvania for the kind step which he has taken today by modifying his amendment to include my own. There are millions of Americans who would benefit from his action in the event the substitute should eventually be approved. If I may speak for these citizens, let me say to the Senator that we are grateful for his endorsement of this proposal.

THE GRAVE HAZARDS OF SEWAGE SLUDGE DISPOSAL AT SEA

Mr. **WILLIAMS** of New Jersey. Mr. President, the recent controversy regarding the disposal of wastes into the waters off our Nation's coasts is greatly alarming. An interim progress report of the U.S. Marine Laboratory at Sandy Hook made clear that the dumping of sewage sludge just 4 miles from the New Jersey shoreline is having a tragic effect on the marine environment and beach ecology.

XUM

Based on this preliminary study and other information which I gathered, on February 20, 1970, I introduced a bill designed to cope with this problem on a nationwide basis. This past weekend I was shocked by additional evidence which came to my attention reinforcing the critical need for this proposed legislation.

On February 6, 1970, a report was submitted to the Coastal Engineering Research Center of the Department of the Army showing that sewage wastes dumped off New Jersey contain a substantial amount of materials which are known to be highly toxic and cancer producing. This study, entitled "Preliminary Analyses of Urban Wastes, New York Metropolitan Region," was conducted by M. Grant Gross of the Marine Sciences Research Center at the State University of New York, Stony Brook, N.Y. Sewage sludge samples were taken from 17 treatment plants serving 11.9 million persons in the New York-New Jersey area. And specific attention was paid to the effects of these waste discharges on man if inadvertently introduced into the human food supply. I cannot help but repeat the preliminary evidence that many of the elements found in sewage sludge dumped in New Jersey waters and affecting New Jersey residents "are common industrial materials, and are known to be highly toxic to marine organisms; some are carcinogenic."

In a different study conducted by the Scientific Advisory Committee of the Smithsonian Institution's Oceanography and Limnology Program there was a similar finding of fact:

> A great deal of data have been collected which make it clear even at this interim stage of the study that a sewage dumping area of approximately 14 square miles has been damaged. The benthic macrofauna have been severely impoverished in contrast to that of the surrounding area and several species that normally tolerate polluted conditions are absent. Also, the studies suggest that the impoverishing effect of the dredge spoil area (about 7 square miles) are at least as severe as that of the sewage sludge.

And it was these government scientists whom the Army Corps of Engineers was waiting to hear from before making any decisions regarding sewage sludge dumping sites. On February 21, 1970, the district engineer of the Corps' New York district announced that the question of moving the dumping areas further out into the ocean must be answered by the "competent scientists from the Smithsonian Institution who are working on the problem."

But after finding for themselves that the sewage-dumping area has been severely damaged and with the knowledge of the State University of New York study showing that such wastes were filled with cancer-producing materials—what did these government scientists recommend to the Corps of Engineers?

> In answer to the Corps question as to whether waste should be dumped in restricted areas as at present or dumped more evenly over the entire bottom, our advice at this time is that restricted dumping is the best course. We do not know the relationship of rates of disposal and the destruction of the benthic population. The coring program suggested above should answer these questions. Until answers are available authorization for wide dispersal of sludge and dredge spoils would run the risk of possibly destroying the benthic population in the entire area.
>
> Likewise, in answer to the question of whether cellar dirt, sewage sludge, and dredge spoils should be separated as at present or simply dumped together, we believe that the present practice of segregation is best. Dumping the material together would probably only complicate the already difficult task of studying the chemistry of these wastes. When a budget of the material entering and leaving through decomposition and current activity can be drawn up, and the relationship of the chemistry of the various wastes to each other is known, we will be in a better position to evaluate the prudence of segregation against conglomeration of wastes.
>
> The Advisory Committee recommends that the Corps attempt to maintain records of what and how much is dumped at the various waste disposal areas. This information will be valuable in eventually drawing up a quantitative budget for the waste disposal in the area.

Mr. President, it is with utter disbelief that I bring this evidence to the attention of my Senate colleagues. There is something seriously wrong here. We are told by independent researchers that wastes disposed of at sea contain highly toxic, cancerous elements. We are told by Government oceanographers that the sludge dumped into the New York Bight has impoverished the 14-square-mile disposal site. Yet, in spite of this overwhelming evidence we are told by these same Government scientists that it is best to continue the dumping off the New Jersey coast until further studies are made. Is the Corps of Engineers obsessed with science for science's sake? They have a monomania for keeping records and making complex, time-consuming analyses. But at the same time they keep dumping and dumping and dumping toxic, cancer-producing, highly dangerous wastes into our precious seas.

Even though we do not presently have all of the answers to the problem of how to deal with waste disposal at sea, it is clear from the bulk of the information available now that we have destroyed the ecological balance of current ocean dumping sites and have risked the health of persons who eat fish from these waters and who swim off nearby beaches. The Corps of Engineers is ignoring the real content of its own studies and studies available to them. Instead they seem to be following only the short-sighted, self-serving, and inconsistent conclusions of their own scientists.

As I pointed out to my Senate colleagues last week, the Army Corps of Engineers has refused to make any immediate decision requiring that sewage sludge and other industrial wastes be dumped at least 100 miles out in the Atlantic. Corps officials stated that New York and New Jersey officials were living in "ivory towers" because they did not understand the impossibility of dumping wastes further off the coast of the United States. I think that there can no longer be a question about who in fact does not understand the present reality. There is no longer time for discussion. The health and the lives of the American people cannot be compromised.

I ask unanimous consent that the report of the Marine Sciences Research Center of the State University of New York and the report of the Smithsonian Institution's Scientific Advisory Committee be printed in the RECORD.

There being no objection, the two reports were ordered to be printed in the RECORD, as follows:

TECHNICAL REPORT NO. 5: PRELIMINARY ANALYSES OF URBAN WASTES, NEW YORK METROPOLITAN REGION

(By M. Grant Gross, research oceanographer, Marine Sciences Research Center, State University of New York, Stony Brook, N.Y.)

(NOTE.—The Technical Report Series is published by the Marine Sciences Research Center, State University of New York, as a means of making preliminary technical data available to the scientific community and interested members of the lay public. Issuance of a technical report does not constitute formal publication as defined in the International Rules of Zoological and Botanical Nomenclature. Additional copies of a Technical Report may be obtained from the Marine Sciences Research Center, State University of New York, Stony Brook, New York 11790.)

ABSTRACT

Preliminary analyses were made of 17 sewage sludge samples from sewage treatment plants serving 11.9 million persons in the New York Metropolitan Region. The sludges consist of about 55 per cent organic matter, which, in turn, accounts for about 55 per cent of the total oxygen demand of the sludges. About 45 per cent of the sludge consists of aluminosilicate material, chemically similar to shale. The samples are enriched, compared to sedimentary rocks and soils, in the following elements: silver (150x), chromium (10x), copper (50x), lead (50x), tin (30x), and zinc (30x). All of these elements are common industrial materials, and are known to be highly toxic to marine organisms; some are carcinogenic. Further stud-

ies are required to determine the chemical form in which they occur in the sludges and whether they are released to organisms or to sea water after dumping or deposition of the sludges.

These preliminary analyses indicate the semi-quantitative spectrochemical analyses may be useful for determining order-of-magnitude concentrations of at least 24 elements commonly occurring in sewage sludges. Other techniques are required to detect other possible pollutants, with usable precision. Loss on ignition is a useful technique to use in analysis of organic matter (volatile matter) in sewage sludges not containing large amounts of hydrous aluminosilicates.

INTRODUCTION

Work began in August 1969 to study the chemical composition of waste solids from the New York Metropolitan Region that were dumped in the ocean. Specific attention was given to minor element concentration of these wastes which were likely to be toxic or carcinogenic to marine organisms, or to man if inadvertently introduced into the human food supply. Included in this project is the evaluation of existing analytical techniques and commercial laboratories to determine their applicability for scientific studies of these materials and to regulatory agencies requiring information about the chemical composition of the wastes. Analytical techniques found to be satisfactory, could then be used to study the dispersion of wastes in the ocean, chemical speciation, and reactions among wastes, sea water, and marine organisms.

Sewage sludges were collected in August and September 1969 by Corps of Engineers personnel from 17 sewage treatment facilities (Table 1) in the New York Metropolitan Region. These facilities serve a population of 11.9 million persons, about 75 per cent of the region's sewered population (Interstate Sanitation Commission, 1969), and many industrial concerns (Federal Water Pollution Control Administration, 1965). Consequently, the samples analyzed provide a significant sample of the solids discharged by dumping of sewage sludges. The complete sampling program will include more than a single set of samples from these plants.

Initial emphasis has been on the development of sample-handling techniques and evaluation of screening techniques for later development of analytical procedures necessary to obtain a more complete characterization of these wastes. This has proven to be a formidable task because the samples are heterogeneous in composition, unpleasant to handle, and difficult to store, grind, and homogenize. Preliminary results presented here are the initial step in a larger study and will be used primarily in developing and evaluating other more precise techniques.

TABLE 1.—PLANTS SAMPLED AND POPULATION SERVED [1]

Sample number	Plant location	Type of treatment	Population served (thousand)
690818001	Wards Island plant: Wards Island, Manhattan.	Secondary	1,470
690818002	Hunts Point plant: Loster St. and Ryawa Ave., Bronx, N.Y.	do	770
690818003	Newtown Creek plant: 329 Greenpoint Ave., Brooklyn, N.Y.	Intermediate	2,500
690818004	Bowery Bay plant: 43–01 Berrian Blvd., Astoria, Queens, N.Y.	Secondary	1,000
690818005	Tallmans Island plant: 127th St. and East River College Pt., Queens, N.Y.	do	251
690819001	Port Richmond plant: 180 Richmond Ter., Staten Island, N.Y.	Primary	60
690819003	Rockaway plant: 106–21 Beach Channel Dr., Rockaway, Queens, N.Y.	Secondary	90
690819004	Jamaica plant: 150–20 134 St., Jamaica, Queens, N.Y.	do	415
690819005	26th Ward plant: Brooklyn, N.Y	do	385
690910001	West Co. Department of Public Works: Division of Sewers, joint treatment plant, Ludlow dock (south) Yonkers, Westchester County, N.Y.	Primary	415
690904001	Sewage disposal plant No. 2: Nassau County, East Rockaway, Long Island.	Secondary	600
690904002	Glencove plant: Morris Ave., Glencove, N.Y	do	25
690904003	Long Beach plant: Pt. of National Blvd. and Bay Long Beach, Nassau County, N.Y.	do	29
690925001	Wilson Ave. Newark Bay facility: Newark, N.J.	Primary	2,899
690925003	Joint meeting of Essex and Union Counties, 500 South 1st St., Elizabeth (Union County), N.J.	do	465
690925005	Bergen County sewer: Little Ferry, N.J	do	5
690925007	Middlesex County Sewage Authority: Sayreville, N.J.	do	500
	Total population served		11,939

[1] Interstate Sanitation Commission, 1968. Annual Report, New York. 104 pp. (available from the commission, 10 Columbus Circle, New York 10019).

SAMPLING TECHNIQUES AND SAMPLE STORAGE

Sample collection

Sludge samples were collected by Corps of Engineers personnel, placed in one-liter polyethylene jars with screw caps, and delivered the same day to the Marine Sciences Research Center where they were frozen. Jar lids were kept loose to permit gases to escape while the samples were still unfrozen.

Stored frozen samples were removed from the deep-freeze unit and thawed by placing the containers in water in a fume hood. When thawed, each sample was poured into an aluminum-foil-lined shallow tray and placed under the infra-red heaters. The shallow sludge layer commonly dried within three hours forming a flaky, fibrous solid which was sealed in a plastic bag. The aluminum foil was discarded after each sample to avoid contamination.

The samples were frozen in liquid nitrogen and ground (3–5 min) while frozen (Spex Industries Freezer Mill, model 6700). The fine powder was mixed and then placed in a labelled plastic vial for storage. Attempts to grind sludges at room temperatures using conventional grinding apparatus were unsuccessful owing to the large hair content and the tendency of the sample to char and coat the sides of the grinding chamber when heated during grinding. Both problems were avoided by use of the liquid-nitrogen grinding technique. The freeze-grinding technique will also be useful for handling polluted sediment samples containing fibrous debris.

OPTICAL EMISSION SPECTROCHEMICAL ANALYSES

Preliminary chemical analyses on the samples were made using semi-quantitative spectrochemical analyses (Harvey, 1965). This technique provides a semi-quantitative analysis for the concentration of 24 elements in the sludges. The technique does not however differentiate between those elements present in silicate minerals included in the sludges, organic matter, or newly formed phases, such as sulfides. It does however provide useful data for preliminary evaluation and establishing the concentration range, permitting realistic selection of more precise analytical techniques for future analyses.

In spectrochemical analyses a 10-milligram sample of ashed sludge mixed with 10 milligram of high purity graphite and vaporized in a D. C. arc. Light is emitted at various wavelengths characteristic of the elements in the sample. The intensity of each spectral line is a function of the concentration of that element in the sample. Intensities of selected spectral lines, corrected for background, are calculated as line-to-background ratios and multiplied by previously determined sensitivity factors for the spectral lines used. Sensitivity factors are determined by analysis of the spectrum from standard samples handled in the same manner. The technique is discussed by Harvey (1965).

TABLE 2.—COMPARISON ON SPECTROCHEMICAL ANALYSES OF STANDARD ROCK SAMPLES WITH THE PREFERRED ANALYTICAL DATA

[In percent]

Element	Sulfide Ore-1		Syenite Rock-1		Tonalite T-1	
	Source [1]	Source [2]	Source [1]	Source [2]	Source [1]	Source [3]
Si	15	16.2	13	27.8	17	29.3
Al	4.7	5.1	2.7	5.1	12	8.8
Fe	25	24	1.8	6.0	2.2	4.2
Ti	0.48	0.47	0.35	0.29	0.54	0.36
Mn	0.082	0.06	0.10	0.25	0.044	0.06
Ca	2.1	2.9	8.5	7.2	2.8	3.7
Mg	2.1	2.4	2.5	2.5	1.1	1.1
Na	0.43	0.74	2.5	2.6	3.7	3.3
K	0.2	0.50	6.0	2.3	4.7	1.0
P	0.5	0.04	0.5	0.09	0.5	0.06
Ba	0.05	0.02	0.05	0.03	0.05	0.068
B	0.002	0.002	0.003	0.01	0.002	0.001
Co	0.05	0.05	0.002	0.002	0.004	0.0013
Cr	0.03	0.036	0.01	0.005	0.006	0.0024
Cu	0.5	0.8	0.002	0.002	0.007	0.0047
Ni	1.1	1.3	0.06	0.004	0.001	0.0013
Pb	0.05	0.02	0.08	0.05	0.03	0.0037
Sr	0.01	0.01	0.01	0.03	0.02	0.041
V	0.004	0.02	0.004	0.009	0.007	0.0096
Zr	0.003	0.01	0.09	0.3	0.02	0.017

[1] Pacific Spectrochemical Laboratories, Inc., Sept. 29, 1969.

[2] Weber, G.R., 1965. Second report of analytical data for CAAS syenite and sulphide standards. Geochemica et Cosmochimica Acta. 29:229–248.

[3] W. K. L. Thomas, 1963. Standard Geochemical sample T–1. Supplement 1. Pt. 1. Chemical analysis of T–1. Geological Survey Division, Ministry of Commerce and Industry, Government Printer, Dar Es Salaam.

Accuracy and precision of spectrochemical data

Accuracy of the analyses was checked by submitting a set of analyzed standard rock samples for analysis along with several samples of sludges. The results (Table 2) indicate that the data agree within an order of magnitude and usually within a factor of 5 for all elements; the data are least satisfactory for P, Pb, and Ni. Spectrochemical analyses are not completely insensitive to the chemical form of the element. Best agreement was obtained with the sulfide ore standard sample that most closely correspond to the composition of the sludges. Less satisfactory agreement was obtained with silicate rock samples (Syenite rock-1, Tonalite T-1). These results indicate that the analytical results are accurate to within an order of magnitude and are thus useful for preliminary analyses, screening of samples and planning of other analytical procedures. Most of the data are within a factor of 2 or 3 of the preferred analyses of the standard samples.

Two possible sources of error were investigated. These were: (1) sample heterogeneity causing different subsamples to differ significantly in chemical composition; and (2) variation between analyses performed at different times. The data (Table 3) suggests that sample heterogeneity is a severe problem. Three different subsamples were taken from a single sludge sample, each was separately ground and analyzed. These data indicate that the variability in the results is especially severe for Ba, Cr, Cu, K, Ni, and Pb. For other elements, the variability is within the two-to-three-fold variability expected of semi-quantitative analyses.

Variation between analyses performed at different times (Table 4) is usually within a factor of two times the amount reported. For example, a value reported as 0.1 per cent would normally lie between 0.05 and 0.2 per cent. These data are quite useful for screening purposes. Other elements, including Co, Cr, K, Na, Ni, Mo, and Pb, exhibit 5-fold variation (values range from 5 to 1/5 times the amount reported); these data are therefore useful only to indicate order of magnitude concentrations. For example a value reported as 1 per cent might be from 5 per cent to 0.2 per cent.

Although this technique of spectrochemical technique provides data (Table 5) for 24 elements there are several potentially troublesome elements in sewage sludges that can not be detected by this technique, including As, Be, Bi, Cd, Ce, Ga, Hg, Sb, Th, Y, Yb (Table 6). Several of these elements are known to be toxic or carcinogenic (Figure 2) to marine organisms (Bowen, 1966). Their concentrations in the sludges should be checked. This problem is currently under investigation, using other more sensitive techniques.

TABLE 3.—SPECTROCHEMICAL ANALYSES OF REPLICATE SAMPLES FROM UNMIXED SAMPLES

[In percent]

	6908–190031	6908–190032	6908–190033		6908–190031	6908–190032	6908–190033
	Sept. 29, 1969	Sept. 29, 1969	Dec. 10, 1969		Sept. 29, 1969	Sept. 29, 1969	Dec. 10, 1969
Silicon	11.0	12.0	11.0	Silver	0.0035	0.0020	0.0015
Iron	1.8	1.8	1.1	Sodium	2.1	1.1	1.6
Aluminum	5.0	4.1	3.0	Zinc	.30	.38	.12
Calcium	1.6	3.0	1.8	Zirconium	.014	.017	.010
Magnesium	.77	.99	.73	Cobalt	.0080	.0049	.0053
Copper	.20	.23	.056	Potassium	1.3	.69	2.1
Barium		.046	.050	Strontium	.012	.0071	.0095
Boron	.0031	.0053	.0020	Arsenic	.06		
Phosphorus	.52	.84	.37	Mercury	.09		
Titanium	.85	.51	.29	Antimony	.008		
Lead	.18	.17	.016	Thallium	.10		
Manganese	.039	.027	.0095	Beryllium	.0003		
Chromium	.37	.21	.035	Gallium	.003		
Nickel	.061	.039	.012	Yttrium	.009		
Bismuth				Ytterbium	.004		
Molybdenum	.0087	.0084	(1)	Cerium	.04		
Tin	.056	.035	.024	Other elements	(3)	(3)	(3)
Vanadium	.014	.0084	.0079	Loss on ignition (sulfate ash)	40.40	38.55	52.50
Cadmium	[2].006						

[1] Trace.

[2] Not detected, concentration less than value listed.

[3] Nil.

TABLE 4.—SPECTROCHEMICAL ANALYSES OF DUPLICATE SAMPLES AFTER GRINDING AND MIXING. ANALYSES MADE AT DIFFERENT TIMES

[In percent]

	6908–19001		6908–19004		6908–18002		6908–18005	
	Sept. 29, 1969	Dec. 10, 1969	Sept. 29, 1969	Dec. 10, 1969	Sept. 29, 1969	Dec. 10, 1969	Sept. 29, 1969	Dec. 10, 1969
Silicon	9.4	11.0	16.0	14.0	9.0	8.9	9.5	10.0
Iron	1.4	1.9	2.3	1.8	2.0	2.6	1.8	1.5
Aluminum	4.6	4.1	3.0	3.0	4.3	2.5	4.8	2.7
Calcium	1.6	1.5	2.4	2.4	1.3	1.8	1.5	1.4
Magnesium	1.0	.8	.72	.83	.89	.69	.82	.80
Copper	.19	.15	.16	.11	.13	.14	.13	.11
Barium	.068	.066	.076	.065	.045	.059	.063	.042
Boron	.0030	.0030	.0024	.0025	.0038	.0024	.0036	.0034
Phosphorus	.37	.51	1.0	.11	1.3	.91	.63	.70
Titanium	.83	.47	.49	.39	.48	.38	.53	.27
Lead	.18	.056	.084	.065	.096	.055	.089	.056
Manganese	.019	.025	.047	.047	.024	.017	.030	.040
Chromium	.47	.23	.14	.071	.32	.11	.22	.085
Nickel	.048	.048	.043	.025	.023	.19	.046	.033
Bismuth	[1].002		[1].002		[1].002			
Molybdenum	.0075	.0037	.0083	(2)	.0070	.0016	.0076	(2)
Tin	.056	.031	.049	.39	.039	.034	.037	.022
Vanadium	.013	.013	.0073	.0039	.010	.015	.0082	.0080
Cadmium					[1].006			
Silver	.0031	.0028	.0025	.0021	.0022	.0014	.0027	.0021
Sodium	2.6	1.7	1.3	.65	1.8	1.2	1.4	1.1
Zinc	.26	.23	.26	.26	.36	.25	.17	.17
Zirconium	.020	.013	.013	.011	.011	.012	.013	.012
Cobalt	.0094	.0052	.0083	.0029	.0089	.0036	.0055	.0031
Potassium	1.8	2.7	.76	1.1	.83	2.7	.83	1.8
Strontium	.013	.014	.010	.011	.0014	.0015	.011	.0075
Arsenic					[1].06			
Mercury					[1].09			
Antimony					[1].008			
Thallium					[1].10			
Beryllium					[1].0003			
Gallium					[1].003			
Yttrium					[1].009			
Ytterbium					[1].004			
Cerium					[1].04			
Loss on ignition (sulfate ash)	41.6	46.25	36.8	48.40	47.70	53.75	49.00	55.40

[1] Not detected, concentration less than value listed.

[2] Trace.

TABLE 5.—SPECTROCHEMICAL ANALYSES OF SEWAGE SLUDGES, NEW YORK METROPOLITAN REGION[1]

	New York City								
	Wards Island	Hunts Point	Newtown Creek	Bowery Bay	Tallmans Island	Port Richmond	Rockaway	Jamaica	26th Ward
Silicon	7.0	8.9	11.0	10.0	10.0	11.0	11.0	[2] 14.0	9.50
Iron	1.0	2.6	1.2	[2] 3.2	1.5	1.9	1.1	1.8	.97
Aluminum	1.7	2.5	2.5	2.7	2.7	[2] 4.1	3.0	3.0	3.0
Calcium	1.2	1.8	3.7	1.6	1.4	1.5	1.8	2.4	2.1
Magnesium	.63	.69	.59	[2] .84	.80	.80	.73	.83	.63
Copper	.056	.14	.16	.19	.11	.15	.056	.11	.088
Sodium	[2] 2.0	1.2	1.3	1.7	1.1	1.7	1.6	.65	1.1
Titanium	.17	.38	.23	[2] .56	.27	.47	.29	.39	.24
Chromium	.050	.11	.080	.25	.085	.23	.035	.071	.11
Potassium	2.5	[2] 2.7	1.7	2.7	1.8	[2] 2.7	2.1	1.1	1.0
Phosphorus	.29	.91	.65	.77	.70	.51	.37	[3] .11	.30
Barium	[3] .040	.059	[2] .10	.071	.042	.066	.050	.065	.048
Boron	.0016	.0024	.0034	.0020	.0034	.0030	.0020	.0025	.0017
Lead	[4] .005	.055	[2] .12	[2] .12	.056	.056	.016	.065	.023
Manganese	.014	.017	.021	.029	.040	.025	.0095	.047	.015
Nickel	.0069	.019	.025	[2] .090	.033	.048	.012	.025	.026
Molybdenum	.0011	.0016	.0033	.0039	[4] .002	.0037	[3,4] .002	(5)	.0021
Tin	.021	.034	.028	.048	.022	.031	.024	.039	.029
Vanadium	.0076	[2] .015	.0059	.011	.0080	.013	.0079	.0039	.0073
Bismuth	[5] .002		[4] .002	[5] .002		[4] .002		[4] .002	[5] .002
Silver	.0015	.0014	.0016	[2] .0033	.0021	.0028	.0015	.0021	.00092
Zinc	[3] .069	.25	.24	[2] .29	.17	.23	.12	.26	.16
Zirconium	.0053	.012	.027	.021	.012	.013	.010	.011	.0068
Cobalt	.0015	.0036	.0039	[2] .0061	.0031	.0052	.0015	.0029	.0029
Strontium	.0096	[2] .015	.0097	[2] .015	.0075	.014	.0095	.011	.092
Arsenic	[5] .06					[5] .06			
Mercury	[5] .09					[5] .09			
Antimony	[5] .008					[5] .003			
Thorium	[5] .10					[5] .10			
Beryllium	[5] .0003					[5] .0003			
Gallium	[5] .003					[5] .003			
Yttrium	[5] .009					[5] .009			
Ytterbium	[5] .004					[5] .004			
Cerium	[5] .04					[5] .04			
Other elements	(6)	(6)	(6)	(6)	(6)	(6)	(6)	(6)	(6)
Loss on iginition (sulfate ash)	64.55	53.75	49.10	47.90	55.40	46.25	52.50	48.40	59.00

	Nassau County, N.Y.			New Jersey				
	Nassau County No. 2	Glencove	Long Beach	Newark Bay	Elizabeth	Bergen County	Middlesex County	New York—Yonkers
Silicon	8.0	6.6	8.3	[3] 5.6	6.1	10.0	5.3	12.0
Iron	1.3	[3] .50	1.3	.54	.69	1.4	.79	1.9
Aluminum	1.9	1.8	[3] 1.3	2.0	1.3	4.5	1.0	1.9
Calcium	1.4	.81	5.5	.52	.95	1.1	.57	2.0
Magnesium	.52	.36	.55	[3] .22	.47	.75	.25	.86
Copper	.13	[2] .34	.047	[3] .038	.059	.081	.044	.15
Sodium	.62	[3] .25	.64	.47	.75	.39	.15	.63
Titanium	.23	.17	.24	.25	.26	1.2	.72	.26
Chromium	.17	.064	.020	.15	.14	[2] .81	.021	.063
Potassium	.69	.36	.47	.34	.78	.81	.18	1.7
Phosphorus	1.3	.28	.77	.29	.56	[2] 2.1	.78	.92
Barium	.045	.053	.051	.045	.041	.069	.072	.046
Boron	[2] .0038	.0013	.0020	[3] .0011	.0020	.0031	[2] .0038	.0030
Lead	.049	.042	[3] .035	.050	.023	.069	.035	.092
Manganese	.023	[3] .0078	.021	.034	.019	.044	.011	[2] .050
Nickel	.026	.031	.0085	.019	.017	.019	[3] .0044	.026
Molybdenum	[3,4] .002	.0025	[3,4] .002	.0050	[2] .0091	[3,4] .002	[3,4] .002	.0080
Tin	.033	.064	.023	.0068	.028	.019	.0091	.032
Vanadium	.00073	.019	[4] .002	.0019	.0023	.0034	.0035	.0027
Bismuth	[3,4] .002				[5] .002			.002
Silver	.0016	.0023	.0011	.00072	.0016	.0015	[3] .00035	.0019
Zinc	.17	.12	.16	.15	.12	.13	.082	.27
Zirconium	.0048	.0084	[3] .0047	.0081	.0069	.0081	.0094	[2] .036
Cobalt	.0026	.0015	.0030	.0059	.0034	.001	.00082	.0026
Strontium	.0059	.0042	.0085	.0045	.0041	.0081	.0041	.0091
Arsenic	[5] .06				[5] .06			
Mercury	[5] .09				[5] .09			
Antimony	[5] .008				[5] .008			
Thorium	[5] .10				[5] .10			
Beryllium	[5] .0003	[5] .0003	[4] .0003	[5] .003	[5] .0003			[4] .0003
Gallium	[5] .003			.0014	[5] .003	[4] .003	[5] .003	[4] .003
Yttrium	[5] .009				[5] .009			
Ytterbium	[5] .004				[5] .004			
Cerium	[5] .04				[5] .04			
Other elements	(6)	(6)	(6)	(6)	(6)	(6)	(6)	(6)
Loss on ignition (sulfate ash)	65.25	75.15	57.10	77.85	73.70	50.60	79.13	52.80

[1] Analyst: H. W. Johnson, Pacific Spectrochemical Laboratories.

[2] Maximum value for element.

[3] Minimum value for element.

[4] Trace, less than.

[5] Not detected, less than.

[6] Nil.

TABLE 6.—REPRODUCIBILITY OF SPECTROCHEMICAL ANALYSES IN GROUND, WELL-MIXED SEWAGE SLUDGES

Semiquantitative (±0.5 times amount reported)	Qualitative (±5 times amount reported)	Insufficient sensitivity
Si, Fe, Al, Ca, Mg, Cu, Ba, P(?), Mn(?), Ag, Zn, V, Ni(?), Sr, Zr	Mo, Na, Pb, Cr, K, Co, Sn	Cd, Bi, As, Hg, Sb, Th, Be, Ga, Y, Yb, Ce

Application of spectrochemical analyses

Preliminary results from spectrochemical analyses suggest that they have substantial promise as a screening analytical procedure, useful to obtain information about the order-of-magnitude concentrations for many common industrial pollutants. The technique is relatively simple, rapid, inexpensive, and useful for the analysis of small samples of a wide range of pollutants and polluted substances. The results are relatively insensitive to the chemical form of the element. Among the disadvantages are the fact that spectrochemical analyses do not provide information about the chemical form of the element in the substance analyzed. Consequently the data provide little information about an element's probable behavior in the ocean or its availability to marine organisms.

The decision whether to use spectrochemical analyses depends on the precision required. If the material to be analyzed varies widely in concentration, then spectrochemical analyses can provide useful information. On the other hand, if variations of a few per cent are significant or if information about chemical species is essential, then spectrochemical analyses have little utility. We are continuing our analysis of the samples to obtain more information which will permit a better evaluation of spectrochemical analyses as a screening tool at the termination of the project.

CARBON ANALYSES

Carbon, the most abundant element in sewage sludges, has received particular attention. Attempts have been made to characterize the carbonaceous compounds in sewage sludges because oxygen-demanding substances and their potential to marine organisms as a food source. Furthermore, common and relatively simple analytical procedures for determining organic matter and carbon (Table 7) in sludges have been evaluated to determine their utility in routine analyses of sludges for monitoring or tracer experiments.

The simplest technique to determine the abundance of organic matter in sludges is the loss-on-ignition (LOI) procedure where a preweighed sample is heated at 550°C for one to four hours and the weight loss (in per cent) is used as a measure of the amount of organic matter, also known as volatile matter (American Public Health Association, 1965, p. 425). Loss on ignition was determined in conjunction with the spectrochemical analyses. These data are compared (Figure 3) to the total carbon content as determined by dry combustion in CO_2-free oxygen at 1500°C in an induction furnace with the CO_2 given off analysed by gasometric techniques. Precision and accuracy of the total carbon (C-Total) analyses is about 3 per cent with a normal yield of about 95 per cent of the theoretical carbon content for simple sugars and carbohydrates (Gross, in press). Comparison of the LOI data and total carbon data indicates good agreement (±10 per cent). Total organic matter as determined by LOI techniques indicates that it is about 1.9 x total carbon; this is in good agreement with the values of 1.8 reported by previous studies of the relationship between carbon content and organic matter in soils (Jackson, 1958).

Carbon occurs in several different forms: (1) elemental carbon such as coal or graphite; (2) carbonate carbon, and (3) as organic matter. All three forms are recovered with good accuracy and precision by the high-temperature dry-combustion technique. Carbonate carbon is determined by collecting the CO_2 evolved after the sample is acidified. Results of these analyses (Table 8) indicate that carbonate-cabonate is not abundant in the sludge samples analyzed and can generally be ignored without introducing substantial error.

Oxidizable carbon was determined by wet combustion using 0.4 N $K_2Cr_2O_7$ in H_3PO_4 heated to 160°C. Carbon dioxide evolved was analyzed to determine the abundance of oxidizable carbon. These data (Table 8) indicate that an average of about 65 per cent of the total carbon was decomposable by this technique. Oxidizable carbon would presumably be most significant as the oxygen-demanding carbon species when present in water or possibly useful for organisms as a food source.

TABLE 7.—ANALYTICAL TECHNIQUES

Property measured (quantity reported)	Technique	Estimated precision
Minor element concentration (percent by weight)	Optical emission spectroscopy	Semiquantitative, or order of magnitude.
Total carbon (percent by weight)	Combustion in O_2 at $T > 1500°$ C, CO_2 analyzed	Quantitative, ±2 percent of amount reported.
Carbonate-carbon (percent by weight)	Acidification (H_3PO_4) CO_2 analyzed after heating sample	Quantitative, ±10 percent of amount reported.
Oxidizable carbon (percent by weight)	$K_2Cr_2O_7$ in H_3PO_4, heated to 160° C analyzed	Quantitative, ±5 percent of amount reported.
Reducing capacity (MEQ/g)	$K_2Cr_2O_7$ in H_3PO_4, heated to 160° C, excess Cr_2O_7 back titrated with $Fe(NH)(SO_4)$.	Quantitative, ±5 percent of amount reported.
Sulfide (MEQ/g)	Acidification (HCl) of sample with As-free Zn, H_2S precipitated in Zn acetate solution. Excess iodine and HCl added, back titrated with Na Theosulfate.	Semiquantitative ±10 percent of amount reported.

Excess $K_2Cr_2O_7$ remaining after oxidation of the organic carbon and other reducible species was determined by back-titration with ferrous ammonium sulfate. This technique provides an estimate, similar to the standard COD analysis of the total oxygen-demanding substances in the sludges. The data (Table 8) indicate that approximately 55 per cent of the total reducing capacity (or oxygen demand) of the sludges is due to oxidizable carbon compounds. We are now working to determine the nature of the other oxygen-demanding substances in the sludges.

The sulfide concentration in the sludges was determined (Table 8) to see if sulfide species might contribute significantly to the reducing capacity of the sludges, but little sulfide is present in the samples when analyzed. None of the samples smelled of H_2S when delivered.

Several sludges had a strong petroleum odor when dried. Analyses of hexane extractable materials is planned for later in the project.

TABLE 8.—SOME CHEMICAL PROPERTIES OF SEWAGE SLUDGES, NEW YORK METROPOLITAN REGION

Sample number	Carbon				Reducing capacity (MEQ/g)	Sulfide (MEQ/g)
	Total (percent)	Carbonate (percent)	Oxidizable-Carbon (percent)	Oxidizable-Carbon (MEQ/g)		
690818001	34.4	0.5	21.8	72.7	131.2	0.1
690818002	31.8	0	23.5	78.3	118.2	.3
690818003	30.8	1.5	20.9	69.7	114.1	.4
690818004	28.5	0	18.3	61.0	110.2	.2
690818005	28.4	.3	20.9	69.7	110.1	.2
690819001	25.4	.3	18.1	60.3	123.8	.3
690819003	29.6	.2	21.1	70.3	127.9	.3
690819004	27.8	.1	20.3	67.7	106.3	.3
690819005	36.4	2.0	18.8	62.7	120.4	.2
690904001	31.7	0	21.5	71.6	117.2	.2
690904002	40.9	0	22.9	76.3	139.4	.2
690904003	28.9	0	17.9	59.7	118.7	.2
690910001	29.9	0	17.9	59.7	110.1	.2
690925001	39.7	0	27.7	92.3	162.4	.2
690925003	41.9	0	23.1	77.0	153.2	.2
690925005	17.7	0	13.2	44.0	95.8	.1
690925007	47.2	0	25.7	85.7	181.2	.1
Average	32.4	.3	20.8	69.3	125.9	.2

Note: Analyst; Y-J Liang, Marine Sciences Research Center, State University of New York, Stony Brook, N.Y.

Carbon analyses of sludges

Data now available now suggest that total-carbon or loss-on-ignition analyses are useful techniques to estimate the amount of organic matter in sludges or sludge-polluted sediment. Total carbon analyses are the most precise but require expensive equipment and a trained technician. Loss on ignition appears to provide useful data, accurate to ±10 per cent, and can be done with simple equipment by relatively unskilled personnel. The loss-on-ignition technique is most satisfactory in samples where other components such as silicate minerals are anhydrous and do not, therefore, break down on heating. Loss-on-ignition tests are often seriously in error for clay-rich samples owing to the decomposition of clay minerals.

DISCUSSION OF ANALYTICAL DATA

Despite the limitations of the techniques used for these preliminary studies, the data provide some interesting information about the general composition of sewage sludges. The loss-on-ignition data and organic contents calculated from total carbon analyses indicate that the sludges are about 55 per cent organic matter by weight. The available analytical data provide little information about the probable composition of this organic matter except that about 65 per cent of the organic matter is oxidizable by $K_2Cr_2O_7$ and constitutes about 55 per cent of the total oxygen demand of these materials (Table 8).

Alumino-silicates, chemically analogous to shales (Pettijohn, 1957 p. 106) make up about 45 per cent of the sludges. Comparison of the chemical composition of these alumino-silicates and sales (Table 9) suggest that the silicates in the sludges are enriched in Ti, Ca, and Na by a factor of about two.

Because of their apparent similarities to sedimentary rocks and soils, I have compared the minor element composition of the sludges analyzed to these naturally occurring deposits. From these data it appears that several potentially toxic or carcinogenic elements are significantly enriched in the sludges: Ag (150x), Cr (10x), Cu (50x), Pb (50x), Sn (30x), and Zn (30x). All of these elements are common industrial materials, and most have been widely recognized as waterborne pollutants in other areas (Bowen, 1966). It is interesting to note that all these elements are known to be enriched in the organic (humus) parts of soils. As yet we have no data on their occurrences in the sludges but will attempt to determine if they are more abundant in the organic or nonorganic phases.

Based on these preliminary data, it is not possible to estimate the toxicity of these elements in the sludges. If they are available to marine organisms (which is not yet proven) then it is important to determine the valence and chemical speciation as the toxicity to organisms and chemical reactions in sea water will be controlled by such factors.

TABLE 9.—ABUNDANCE OF MAJOR ELEMENTS IN TYPICAL SEWAGE SLUDGE AND NATURAL SEDIMENT DEPOSITS

[In percent]

Sewage sludges					Sedimentary rocks	
As element		As oxides		Carbon-free sludge [1]	Shale [2]	Sandstone
Si	10	SiO_2	21.4	63.6	58.1	78.3
Ti	.25	TiO_2	.4	1.2	.65	.25
Al	2.5	Al_2O^3	4.8	14.3	15.4	4.8
Fe	1.3	FeO	1.7	5.0	6.1	1.3
Mg	.6	MgO	1.0	3.0	2.4	1.2
Ca	1.5	CaO	2.1	6.2	3.1	5.5
Na	.75	Na_2O	1.0	3.0	1.3	.45
K	1.0	K_2O	1.2	3.6	3.2	1.3
C	31	Organic [2]	56		.80	
P	.55	P_2O_5	1.2		.17	.08
		CO_2			2.6	5.0

[1] Chemical composition recalculated, and adjusted to 100 percent after subtracting carbon and phosphorus content.

[2] Pettijohn, F. J., 1957, p. 107. Fe_2O_3 recalculated as FeO.

Occurrences of minor elements in sludges

Analysis of the data reveals that the minor element concentrations tend to form two clusters. Those plants serving the highly industrialized metropolitan districts tend to the highest concentrations of typical industrial pollutants. New York City's Bowery Bay plant (Table 5) had the highest Fe, Mg, Ti, Pb, Ni, Ag, Zn, Co, and Sr. Similar but slightly lower concentrations occurred in sludges from plants in Hunts Point, Bergen County, New Jersey and Yonkers, New York. The second group includes primarily residential areas such as Long Beach, Nassau County, N.Y. and Newark Bay, N.J. It is interesting to note, however, that the highest Cu concentrations were found in sludges from Glen Cove.

The next step in the data analysis will be to take the data reported here together with additional analyses and to analyze them with a computer program for factor analysis. From this approach one can obtain a clearer picture of which elements tend to occur together and to select the best element to use as a tracer for specific groups of industrial or municipal pollutants.

SITE VISIT REPORT: STONY BROOK AND SANDY HOOK

On December 17 and 18, 1969 the Scientific Advisory Committee selected by the Oceanography and Limnology Program of the Smithsonian Institution visited the Marine Sciences Research Center at Stony Brook, Long Island, and the laboratories of the Bureau of Sport Fisheries and Wildlife at Sandy Hook, New Jersey. The objective was to review the work being conducted at these two locations concerning the disposal of solid wastes in the New York Bight area. This work is being supported by the Department of the Army, U.S. Corps of Engineers.

MEMBERS PRESENT

December 17

William Aron, SI.
Martin A. Buzas, SI.
B. H. Ketchum, WHOI.
J. L. McHugh, Interior.
Virgil J. Norton, URI.
Donald O'Connor, Manhattan College.
Observers: Kenneth Osborn, CERC, Louis Pinata, COE, Robert H. Wuestefeld, COE.

December 18

William Aron.
Martin A. Buzas.
James H. Carpenter, Johns Hopkins (for Donald W. Pritchard).
B. H. Ketchum.
J. L. McHugh.
Robert Thomann (for O'Connor).
Observers: Kenneth Osborn, Louis Pinata, Robert H. Wuestefeld.

Dr. Donald W. Pritchard and Dr. Karl M. Wilbur are members of the Review Committee but could not participate in the site visits.

REVIEW OF EXISTING PROGRAMS

1. Stony Brook (Gross): The work at Stony Brook is concerned with the chemical characteristics of the source material, and is clearly an important part of the overall problem. The trace metal studies may be valuable in determining the toxicity of different sources of waste materials, and may also serve as a means of identifying different sources of sludge in the natural environment. The methods seem to be well thought out and logical, with the original screening by emission spectroscopy followed by atomic absorption spectroscopy for specific element. No data were presented at our meeting so that it is impossible to evaluate how much promise the trace element methodology holds to serve the two objectives listed above. The state of the element (whether as mineral, as sulfides, or as readily soluble forms) is also being determined. This would give clues as to the availability or toxicity of elements to organisms.

The major characteristics of each of the sludge samples, including the grain size and settling rate, the total organic carbon, the chemical oxygen demand, and the sulfide content are also being determined. The first two of these would be important in order to evaluate how far the material might be transported by ocean currents. The studies of organic chemistry should be more detailed than is proposed, since the character of the organic carbon present will have more to do with its rate of decomposition than will the total amount of organic carbon. Difficulties encountered in sample preparation for analyses have greatly delayed the study, but these difficulties are now apparently resolved. Because of these delays, however, all of the proposed studies may not be completed. Only six months are left in the study and up to the time of our meeting efforts have been concentrated on samples from some sewage plants and on limited bottom samples taken by the Sandy Hook Laboratory in the sewage sludge area.

On the whole the program being conducted at Stony Brook seems to be progressing well. Careful attention should be given to establishment of sampling design suitable for statistical analysis. The Investigator has, or is planning to obtain, multiple sources of funds to carry on this work. We believe that he should be asked to report to the Corps concerning his entire program wherever it impinges upon the objectives of this particular investigation.

2. *Sandy Hook* (Walford, Pearce, Drexler, Gibson, Wicklund): There are four main parts to the investigations which will be discussed below. Dr. Walford introduced these, and named the various organizations with whom they are carrying on cooperative investigations. It is commendable that they have initiated these cooperative investigations in specific areas where the competence at Sand Hook is not sufficient to handle the problem.

a. *Circulation:* The circulation is being studied by taking hydrographic stations periodically at 27 locations in the Bight, and also by releasing drift bottles and seabed drifters at these locations to determine net flow. It is proposed to make direct current measurements, but none of these were available for discussion.

A tremendous amount of data has been accumulated and are presented in the report. There has been virtually no interpretation as yet. The one interpretation presented in the report was based upon falacious reasoning; the plots of bottom temperatures and salinities show the change of these characteristics with depth of the water column and do not necessarily reflect a flow of water which was the interpretation. If the interpretation of the tremendous amount of data which has been collected is to be of value to the program, the assistance of a physical oceanographer is needed, but this support is not available at Sandy Hook. Although cooperation with WHOI in the draft bottle and seabed drifter analyses is already underway, a physical oceanographer should be consulted as soon as possible to supervise the collection of further data and the analysis of the data already obtained.

b. *Chemistry:* Phosphorous compounds, nitrate, chlorophyll and heavy metals are being measured. The analyses for the heavy metals are being made by Sandy Hook personnel at the Federal Water Pollution Control Administration (FWPCA) laboratory at Metuchen, using the atomic absorption spectrometer. Sediments were analyzed for lead, chromium and copper. The dredge spoil area had high concentrations of hydrophobic materials. Tissue analysis for heavy metals on a worm and a clam indicated concentrations of chromium and lead higher than that recommended as acceptable by the FWCPA. At present the results are regarded as only tentative. Evidently many of the samples frozen for various analyses have yet to be analyzed.

The proposed measurement of phosphorus and nitrogen periodically at fixed locations will probably be of little use in evaluating disposal operations. The concentrations of these nutrients in coastal waters are already fairly well known. The very high concentration of phosphorus found at several stations could be due to a recent dump. Samples taken before, during, and after dumping would be required to show how much fertilizer is added and how rapidly it disperses. It is conceivable that a close network of samples following a dump could show the direction of currents and rate of mixing using the nutrients as a tracer. This would require, however, a very different plan of operation than the one proposed.

The study of the distribution of heavy metals in sediments and organisms should be closely coordinated with the studies at Stony Brook. This would insure consistent methods and help to avoid unnecessary duplication of work. In the opinion of the Advisory Committee, Dr. Grant Gross should be assigned the responsibility for this coordination.

c. *Pelagic studies:* Stations are sampled monthly and in some cases semi-monthly for zooplankton. Over 700 samples have been taken to date, but the report indicates many of these are not yet analyzed. As might be expected, the zooplankton show seasonal periodicity in abundance and composition, but do not clearly show any direct effects of the disposal operations. Limited observations indicated that water from the sewage sludge area inhibits phytoplankton growth. The report does not indicate whether or not these studies are continuing.

Trawls for finfish again indicate, as expected, seasonal periodicity. Fish were found in the sewage and dredge spoil areas. It is not known if these fish are taking up the high concentration of heavy metals in these areas. It was indicated that there is a high incidence of fin rot disease which apparently originated in the New York Bight area.

Studies of zooplankton and fishes have limited value to the evaluation of the disposal operation. The water masses are not static, nor are the animals. Most, if not all, species in the area are seasonal migrants and the geographic ranges of the species listed are very much greater than the relatively small area affected by waste disposal. During these migrations these fish are subject to a multitude of factors that affect their abundance, their size, growth rates and other characteristics. It would be significant if it could be demonstrated that fishes are excluded from the area affected by disposal operations.

The results obtained to date do not show clearly any direct effects of the disposal operations, and the committee is not sure that they would be expected to. The circulation in this general area is quite rapid, and the zooplankton would be moved in and out of the dump area rather quickly. To evaluate the effect of the disposal operations on zooplankton, observations could be taken directly behind the barge rather than at fixed locations as is now being done, although we recognize the difficulty of sampling in this manner. Toxicity and behavioral studies in the laboratory are planned, but it was pointed out in our discussions that adequate controls are essential for such studies, and the preliminary report does not indicate that adequate controls are being used.

XUM

3. *Benthic:* By far the most useful part of the research being undertaken at Sandy Hook is the work on benthic organisms and sediments. The data on sediments indicate that dredge spoil and sewage sludge can be recognized by their grain size distribution. Analyses of the organic content of the sediment indicates that the organic matter in the dredge spoil area remains confined, while in the sewage sludge area there is considerable dispersal to the east and northeast.

The dredge spoil area and sewage sludge area are devoid of any normal benthic invertebrate populations In the summer months these areas are depleted of dissolved oxygen. At each sludge site the part devoid of life appears to be a circular area of about 2 miles (Fig. 27), which suggests that the portion affected is about 6 square miles. The area in which amphipods (generally more sensitive than most other major benthic organisms) are affected may be considerably larger, but the report is not specific on this point. Charts showing the distribution and abundance of amphipods and other common benthic organisms would be helpful.

Experiments carried out on horseshoe crabs, lobsters, crabs, and snails in aquaria suggest that sewage sludge and dredge spoil produce infections in these animals. The experimental design of these studies should include replication so that the data can be treated statistically.

At the meeting at Sandy Hook it was reported that there was a good set of surf clams this last year. Studies of the rate of growth of these on a transect including both contaminated and uncontaminated bottom sediments would be valuable in order to evaluate the effect of waste disposal on this important commercial species. Other than samples collected for this specific purpose, it does not seem necessary to do much more extensive field work in the Benthic studies during the balance of the contract period.

GENERAL CONSIDERATIONS AND RECOMMENDATIONS

The circulation in the New York Bight is rapid and variable, depending upon tides, river flow, and winds. There are isolated spots of upwelling, and there is a landward indraft of seawater to provide the source necessary for mixing in the Hudson River and other estuaries of the area. A great deal of data have been collected which make it clear even at this interim stage of the study that a sewage dumping area of approximately 14 square miles has been damaged. The benthic macrofauna have been severely impoverished in contrast to that of the surrounding area and several species that normally tolerate polluted conditions are absent. Also, the studies suggest that the impoverishing effect of the dredge spoil area (about 7 square miles) are at least as severe as that of the sewage sludge. The interim report, however, does not permit evaluation of the rate of spreading, or the possible synergistic effects resulting from the interaction of solid wastes and the approximately one billion gallons of sewage effluent which enter the New York Bight daily.

In general, the Advisory Committee agreed that the Sandy Hook Laboratory has undertaken too much for its facilities and staff to handle adequately. The breadth of some of the problems, pelagic studies for example, is greater than needed, and only distantly related to the present study. The panel believes that Sandy Hook should concentrate its efforts in areas of obvious strength such as in benthic ecology. Studies of hydrography and chemistry should be carried out in cooperation with other laboratories wherever competent scientists are available. A greater effort should be made in general to communicate with other laboratories on a regular basis.

The chemical investigations at Stony Brook and at Sandy Hook should be closely coordinated. It is clear that this is not being adequately done at present. Gross, although he has not submitted a report nor presented us with any data, appears to have a better command of the subject than anyone at Sandy Hook and should be the coordinator in charge of these investigations.

At this point, it seems apparent that several of the questions asked by the Corps will not be answered by the research currently underway. Several of the studies suggested in the report prepared by Gross and Wallen are not being carried out at present. Some of these are fundamental in answering the Corps questions.

One of the most serious gaps in our knowledge is that the geometric configuration (in three dimensions) of the waste material is unknown. A rough calculation given below indicates that much of the sludge dumped over the last forty years may still be in place on the bottom. If true, this would indicate that the rate of decomposition in the marine environment is very slow and raises a danger signal that we may already have exceeded safe limits of disposal. The assumptions underlying this calculation, however, are numerous, and facts are needed in order to justify them. The assumptions and the calculation follow:

Sludge disposed, 1968 = 40×10^6 cubic yards.
5% solids = 2×10^6 cubic yards.
= 1.5×10^6 cubic meters.
Area covered = 10 square miles.
= 26×10^6 square meters.
Depth (single observation) = 1 meter.
Time of discharge = 40 years.
Assume half of 1968's supply to be the average for the 40-year period.

$$\text{Depth} = \frac{0.5\times1.5\times10^6\times40}{26\times10^6} = 1+ \text{ meters}$$

This is about the same as the single measurement of the depth of accumulation which is available. On the other hand, a considerable amount of water may be incorporated in the sludge on the bottom. For example, in Chesapeake Bay some sediments contain 70% water and 30% solids. If similar proportions exist in the New York Bight, the estimated depth might be 4 meters or more, which would suggest that 75% of the sludge had been decomposed.

Little data are available on the quantity and characteristics of the various materials discharged. The stabilization and oxidation, both aerobic and anaerobic, of the organic material should be assessed; the fate of relatively non-conservative constitutents should be measured or estimated and the reactions of the various chemical and physical components should be evaluated.

We recommend an extensive coring program to delineate the size of the sludge bank and the depth to which the material has accumulated. This will allow an accurate calculation of what is there and will serve as a basis for assessment of the past and as a base line for the future. The coring program should include studies of the sediments as well as the fauna contained therein. Studies of shelled organisms such as Foraminifera and Ostracods should be particularly helpful. Because of their small size, high densities, and ubiquitious distribution, these organisms can serve as tracers of environmental deterioration. A change in faunal composition from a normal shelf fauna to one indicative of disposal areas will document the destruction of the normal marine fauna. Such a faunal change, for example, occurred at the Orange County, California outfall where the normal marine fauna were replaced in an area around the outfall. Dating and correlation of cores should be possible through a stratigraphy of artifacts. Once faunal changes are dated and correlated, we will know when and how quickly the environment in the disposal areas changed.

The trace metal contents of the sludge and of the water and sediments in the disposal area are important in evaluating possible biological effects. The proposed studies of carbon, chemical oxygen demand and sulfide content should also provide valuable needed data. While all of these studies are desirable, the Committee believes the study of the organic chemistry of the sludges and spoils should be expanded. Specifically, studies of the petro-chemicals should be made to determine whether or not they are of petroleum or of natural origin. An understanding of the chemistry of the deposits will greatly aid in estimation of rates of decomposition. To avoid duplication of analyses, and insure complete coverage of the various aspects involved, close cooperation between all investigators should be maintained. The participating laboratories should be asked to propose specific steps to insure this cooperation.

Studies of pelagic organisms will be difficult to apply to the present problem. Such studies should be carried out by the laboratory at Sandy Hook, but in connection with their basic mission rather than with this problem. Laboratory and field studies on the toxicity of the sludge to plankton and fish is, however, directly related to the disposal problem. If possible some of these toxicity studies should be carried out behind a dumping barge. Studies of fin rot disease, its cause, effect and possible contagiousness should also be investigated further. If the disease is contagious, migrating fishes who contract it could cause widespread dispersal. Such studies should be given very high priorities.

The benthic studies have successfully outlined the areas damaged by the waste dispersal. As far as the Corps is concerned, extensive sampling of the benthonic organisms should no longer be required. Monitoring several stations within and outside of the contaminated areas should be sufficient to detect further changes. These stations should be sampled in replicate, and on a set schedule so that statistical analyses of the data will be possible.

Measurement of rate of growth, bacteria content, and concentration of toxic substances in surf clam populations near and outside of the contaminated areas should be undertaken to evaluate the effect of waste disposal on this important commercial species.

Laboratory studies on the effect of wastes on the macrofauna should be conducted with replicates and controls. With proper experimental design, such studies can usefully augment field observations.

In answer to the Corps questions as to whether waste should be dumped in restricted areas as at present or dumped more evenly over the entire bottom, our advice at this time is that restricted dumping is the best course. We do not know the relationship of rates of disposal and the destruction of the benthic population. The coring program suggested above should answer these questions. Until answers are available, authorization for wide dispersal of sludge and dredge spoils would run the risk of possibly destroying the benthic population in the entire area.

Likewise, in answer to the question of whether cellar dirt, sewage sludge, and dredge spoils should be separated as at present or simply dumped together, we believe that the present practice of segregation is best. Dumping the material together would probably only complicate the already difficult task of studying the chemistry of these wastes. When a budget of the material entering and leaving through decomposition and current activity can be drawn up, and the relationship of the chemistry of the various wastes to each other is known, we will be in a better position to evaluate the prudence of segregation against conglomeration of wastes.

The Advisory Committee recommends that the Corps attempt to maintain records of what and how much is dumped at the various waste disposal areas. This information will be valuable in eventually drawing up a quantitative budget for the waste disposal in the area.

Mr. WILLIAMS of New Jersey. Mr. President, I also ask unanimous consent that an excellent article which appeared in this Sunday's New York Daily News, showing the disastrous effect which sludge dumping has had on the New Jersey fishing industry, be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Charges Pollution of New Jersey Water Sinks State Fishing Industry

(By Lester Abelman)

Pollution of New Jersey waters has become so widespread and destructive that there is "hardly" any commercial fishing in the state, a commercial fishing association official said yesterday.

"We have very few commercial fishermen and few fish to catch," said Leonard Nelson, president of the North Jersey Commercial Fishermen's Association. "Pollution is responsible for the scarcity of most of our fish."

He said the pollution crisis has become so serious that in the last three years there has been an outbreak of fish diseases affecting as many as 15 species in the New York Harbor area.

John Clark, acting director of the Sandy Hook Marine Laboratory noted another result of polluted waters.

Many fish in New Jersey waters have neither tails nor fins. This fact stems from pollution, not from some evolutionary mutation, according to Clark.

"Bacteria live in the waters normally and are usually harmless because they are low in numbers," he added. "But when you fill up a bay with organic matter, they live in profusion and attack the fish. The fish develop fin rot, which eats away their tails and fins. They wither away; scales and skin tissue sluff away."

Clark said that such fish will not harm a human if eaten, but that the poor appearance of the fish makes it less marketable.

The officials noted that pollution does more than deform fish; it kills them or, in the case of shellfish, makes them unfit for human consumption. The result has been a disaster for the New Jersey fishing industry.

Clark explained that most fish are found inside a 30-mile limit from the coast, where the depth of the water is no more than 120 feet.

He said these waters have become polluted by sewage and industrial waste.

The experts estimated that one third of New Jersey's shell-fishing areas have been closed because of pollution. Contaminated shellfish can spark human diseases such as hepatitis and typhoid.

SALISBURY, MD.—NEW SITE OF U.S. INDOOR OPEN TENNIS CHAMPIONSHIPS

Mr. TYDINGS. Mr. President, Salisbury, Md., is the county seat of Wicomico County. It could well be considered the all-American city. It has a population of around 18,000 citizens and is the shopping center of the Delmarva Peninsula. It is a city which has great civic pride, industrial progress, and enlightened government.

It is also the site of the U.S. Indoor Open Tennis Championship Tournament.

I should like to talk a bit about why Salisbury, Md., was chosen as the site of the U.S. Indoor Open Tennis Tournament.

In order to recite that story, we need to tell the history of a remarkable young man named Bill Riordan. Bill Riordan is not a native Eastern Shore man. As a matter of fact, he is a fairly recent "immigrant." But Bill Riordan has a remarkable degree of energy, ingenuity, business ability, and civic pride. On top of that, he is an outstanding sportsman, tennis player, and promoter.

When he arrived in Salisbury, Md., there were four tennis courts, with cracked cement and the grass growing through the cracks. Perhaps the tennis playing community numbered not more than 10 times the number of courts. Today, there are over 40 tennis courts in Salisbury, Md. And some of the top young tennis players in the Eastern United States are growing up and developing their tennis in programs that Bill Riordan has developed on the public courts of Salisbury.

More important than that, whenever the great international tennis players, the top world's players, talk about indoor tennis these days, they talk about Salisbury, Md.

In 1964, the 7th Regiment Armory in New York City, where the indoor championships had been held for 60 years, was in need of repair. The U.S. Lawn Tennis Association asked Bill Riordan, who sponsored a most successful series of junior tournaments and a successful senior tournament in the great Salisbury Civic Center, if he would agree to take on the national indoor tournament for 1 year. No one else seemed to want it.

Bill Riordan reached out and Salisbury, Md., has not been the same since. The Eastern Shore of Maryland has not been the same since, and all of us in Maryland—who are proud of our sporting prowess—have not been the same since, either.

Bill Riordan took that tournament and with the support of the community leadership in Salisbury, he made the U.S. Indoor Open Tennis Championship the top tournament in the United States, and because of this it has never moved back to New York. It has stayed in Salisbury, Md.

As a matter of fact, the great tennis players enjoy Salisbury. They enjoy the sport, the warmth of the people there, and they stay in private homes in the area. In a sense, it is like the good old days of top tournament tennis.

This year, the first U.S. Indoor Open Tennis Championship Tournament was held in Salisbury and Bill Riordan, of course, was its manager, director, and the man responsible for its great success.

In the preliminary drawings were such great tennis names as Rod Laver, the No. 1 tennis player in the world, Tony Roche, Arthur Ashe, Stan Smith, Cliff Richey, and a great many other tennis players of international note.

It was a great tournament. All Marylanders are proud of Bill Riordan, of Salisbury, Md., and of the U.S. Indoor Open Tennis Championships.

I ask unanimous consent to have printed in the Record an article entitled "The Salisbury Stakes Are Much Higher Now," written by Steve Guback, as published in the Washington Star's Sportsweek for February 15, 1970.

There being no objection, the article was ordered to be printed in the Record, as follows:

The Salisbury Stakes Are Much Higher Now—A $50,000 Dish—Bill Riordan Turns Unwanted Tournament Into Tennis Super Bowl

(By Steve Guback)

Take the whacky combination of a socked-in flight at National Airport, four tennis courts with grass sprouting between the cracks and a half-dozen small urchins who nominated him for president of a tennis club. That's how Bill Riordan turned Salisbury, Md., into the biggest upset in tennis.

"When I first heard of Salisbury," says Riordan, a short, rapid-talking Irishman from New York City, "all I could say was: 'What?' I had to look it up on the map and it was just a dot."

With a population of somewhere around 18,000, Salisbury is still a dot on most maps, halfway between the Atlantic Ocean and the Chesapeake Bay. But nowadays words such as Riordan, Delmarva, Wicomico and Salisbury are as common to the tennis vocabulary as serve, volley, expense payment and deuce.

They're going to play the U.S. Indoor Open Tennis Championship, the first one, this week at Salisbury and that's almost like Pete Rozelle staging the Super Bowl at Natchitoches, La.

Rod Laver, Roy Emerson, Arthur Ashe—all the big tennis names—will make the trek to the tiny Eastern Shore community, the center of the Delmarva Peninsula's poultry and truck farming industries.

How it all happened is Bill Riordan's story.

In 1954, Riordan quit his job as a merchandise manager in a Denver department store and decided to go into the retail dress business on his own. He spent nine months travelling around, looking for the right spot. He was en route from Denver to New York when bad weather grounded his plane in Washington.

"As long as I was grounded, I put in a call to my broker," Riordan recalled, "and said, 'Hey, you got anything in this area?' He told me about a situation in Salisbury. All I could say was, 'What?' I went down to the lobby of the Washington Hotel, got the bell captain and we found it on the map.

"Next day I rented a car and drove over there. I was so impressed with the Bay Bridge and the area, I thought I had discovered the last frontier of the East."

Riordan went into the retail dress business in Salisbury, opened his shop, and settled back in the peace and quiet.

Bill was looking for quiet, but not this quiet. So he kicked up a little noise about why nobody was playing tennis.

"We had four courts in town and they were all cracked," Riordan said. "Maybe a half-dozen adults were playing tennis and no kids. It was absolutely dead. Well, one day the Wicomico Recreation Association called and said they were going to organize a Salisbury tennis club.

"I went to the meeting. It was raining like hell. There were eight kids, all in the fifth or sixth grade. I was the only adult. One of the kids nominated me for president.

"I immediately declined. 'I go back to Colorado in the summers,' I said. The kid was a real sharpie, though.

" 'That's all right,' he said, 'When you leave, the vice-president can take over.' So I was nominated and elected by six urchins at the meeting."

What followed is what Harry Golden would call an "only-in-America" tale.

XUM

First Riordan got a junior development program going. Then he had the high schools playing the game. Then he moved into the new Wicomico Youth and Civic Center in 1959 and put on a junior tournament.

"By that time some of the adults wanted a tournament, too," Riordan recalled. "I couldn't imagine anything worse to handle, but in a not very lucid moment I agreed."

In that first tournament of 1960, Paul Cranis, a Philadelphian, beat Doyle Royal, the University of Maryland tennis coach, in the final.

"I don't think we had more than nine people watching," Riordan said, "and that included my wife."

The next year the junior development program was in need of funds, and Riordan was back in the tourney business. This time he was wiser.

"All we needed, I figured, was two good finalists and six losers," Riordan explained. "My brother had gone to college with Dick Savitt, who had two legs on the National Indoor Championship trophy. Savitt wanted a warmup before the Nationals the next week and said he'd play. I knew Vic Seixas and he agreed to come.

Savitt beat Seixas in that final and we showed a grand profit of $55. I swore I'd never run another. We had $1,100 gross receipts and I personally had sold $980 of the tickets."

By now, however, Riordan was really too smart to quit. The junior program still needed funds and Riordan had learned that the successful way to promote was to set up "patron boxes" and get business sponsorship.

He enticed the local Symington Wayne Co. to back the event, got Whitney Reed, then the U.S. No. 1-ranked player, to appear and wound up with a $2,600 profit.

Things were rolling now. In 1963, Riordan obtained the crowd-pleasing Chuck McKinley, who was to win Wimbledon that year, and got the city to back the event.

To assure good crowds, he gave every student in the local schools a free ticket to the Saturday afternoon semifinals and sent along two more freebies for their parents for Saturday night.

"It was the old Madison Ave. saturation technique," he explained. "We packed the place—2,500 kids in the afternoon and 3,000 adults at night. For the Sunday finals, only 600 showed up—but they were all paid."

When a bewildered out-of-town writer asked Riordan to explain the difference between the attendance of the two days, Riordan thought quickly: "Well, you gotta remember," he said, in his best city-slicker style, "Salisbury is a Saturday night town."

By now, however, the tournament was netting a $4,000 profit and word reached the front office of the USLTA.

The Seventh Regiment Armory in New York, where the National Indoor Championships had been held for 60 years, was in need of repairs. The USLTA asked Riordan to take the National Indoors for one year, 1964. Nobody else wanted it.

Riordan reached out and Salisbury hasn't been the same since.

The kid in the greasy overalls at the filling station knows more about Stan Smith than he does about Bubba Smith.

Now you can't get a hotel room in Salisbury in mid-February if you haven't made a reservation in December. The 1967 finals at Salisbury, between Ashe and Charlie Pasarell, produced the highest television rating in the history of the sport.

"It's really been amazing," says Riordan, simply.

There are 40 tennis courts sprinkled about the town now, instead of the old four, including a new Michael R. Riordan Outdoor Center named after Bill's brother who was killed two years ago in a California landslide. The Riordans put up $100,000 to help get it built.

Riordan's love for tennis goes back a long way, to the day when he was a 10-year-old and his father took him for the first time to Forest Hills.

"I saw Johnny Doeg, the first left-hander to win the national championship, beat Frank Shields in the finals, 16–14 in the fifth," Riordan says, with total recall.

The West Side Tennis Club Stadium was only a deep lob from where the Riordans lived in Forest Hills. Bill's father, a retail businessman, was a sports buff, who dabbled in owning prize fighters. Bill's earliest sports recollections are of visiting old Madison Square Garden—"Row 1, Seat 1"—two or three times a week.

Bill went to prep school in New Jersey, attended Georgetown University (playing No. 2 on the tennis team) and worked for a spell at Garfinckels as stock boy in the fur department before going into the Army. He enlisted the day after Pearl Harbor as a private and was a major at 23.

Riordan's role as a tennis builder has given him numerous honors.—Sports Magazine's annual service award, Maryland's Salesman of the Year Award and a berth on the USLTA's executive committee among others.

He is not without his problems, however. He has the first U.S. Indoor Open, with its $50,000 prize money. But as the sport grows and the guarantees increase, Riordan fears that little Salisbury may be priced out of the market. He has not been a staunch advocate of open play.

At 49, Riordan is financially well off and thinks he'll continue at his hectic pace for only a couple of years more. He has a son at Georgetown Prep and coaches the tennis team, making the trip from Salisbury twice a week. He has been approached about becoming the school's business manager.

"I think I'll wait until Billy graduates. That's two years more," Riordan says. "Something like that, though, and a home in Potomac appeals to me for my golden years."

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 15931) making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1970, and for other purposes.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 14465) to provide for the expansion and improvement of the Nation's airport and airway system, for the imposition of airport and airway user charges, and for other purposes; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. Staggers, Mr. Friedel, Mr. Dingell, Mr. Pickle, Mr. Springer, Mr. Devine, and Mr. Watson; and on the tax provision of the Senate amendments, Mr. Mills, Mr. Boggs, Mr. Watts, Mr. Byrnes of Wisconsin, and Mr. Betts were appointed managers on the part of the House at the conference.

MISSOURI RIVER BASIN

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 702, S. 3427.

The PRESIDING OFFICER. The bill will be stated by title.

The Legislative Clerk. S. 3427, to increase the authorization for appropriation for continuing work in the Missouri River Basin by the Secretary of the Interior.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 3427

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby authorized to be appropriated for fiscal years 1971 and 1972 the sum of $32,000,000 for continuing the works in the Missouri River Basin to be undertaken by the Secretary of the Interior pursuant to the comprehensive plan adopted by section 9(a) of the Act approved December 22, 1944 (Public Law Numbered 534, Seventy-eighth Congress), as amended and supplemented by subsequent Acts of Congress. No part of the funds hereby authorized to be appropriated shall be available to initiate construction of any unit of the Missouri River Basin project, whether included in said comprehensive plan or not.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum, with the understanding that the Senator from Alabama (Mr. Allen) will not lose his right to the floor.

The PRESIDING OFFICER. Without objection, the clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the Senate by Mr. Geisler, one of his secretaries.

PROPOSED LEGISLATION RELATING TO RAIL STRIKE—MESSAGE FROM THE PRESIDENT (H. DOC. NO. 91-268)

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, which, with the accompanying paper, was referred to the Committee on Labor and Public Welfare:

To the Congress of the United States:

Once again this nation is on the brink of a nationwide rail strike.

A nationwide stoppage of rail service would cause hardship to human beings and harm to our economy, and must not be permitted to take place.

In two previous disputes, when the railroad employers and unions have not been able to settle their differences, the President has recommended, and the Congress has enacted, special legislation to avert a stoppage. I am taking similar action to protect the public interest today.

The legislation I propose is closely related to the facts of this dispute. After all the procedures of the Railway Labor Act had been exhausted, and after extensive mediation under the auspices of the Secretary of Labor, the parties finally reached an agreement incorporated in a Memorandum of Understanding dated December 4, 1969. That Memorandum was ratified by an overall majority of all the members voting as well as by the majority of those voting in three of the four unions.

However, the majority of the voting members of one union, the Sheetmetal Worker's International Association, failed to ratify the Memorandum. I am forwarding to you today legislation that merely makes that Memorandum the contract between the parties. We must not submit to the chaos of a nationwide rail stoppage because a minority of the affected workers rejected a contract agreed to by their leadership. The public interest comes first.

Four days ago, I sent to the Congress a measure to protect the public interest in cases where a strike or lockout in the transportation industry imperils the national health and safety. In that message I stressed two principles: first, that the health and safety of the Nation must be protected against damaging work stoppages; second, that collective bargaining should be as free as possible from Government interference.

The legislation I am submitting with this message to resolve this dispute abides by those two principles. We will protect the national interest, and we will limit Government interference to enforcing the contract to which responsible agents of the parties agreed.

I urge the Congress to act quickly on my proposal, so that a crippling stoppage can be averted and the Nation's travellers and shippers can depend on uninterrupted service.

RICHARD NIXON.

THE WHITE HOUSE, *March 3, 1970.*

SENATE JOINT RESOLUTION 178—INTRODUCTION OF A JOINT RESOLUTION RELATING TO THE THREATENED RAILROAD STRIKE

Mr. GRIFFIN. Mr. President, I ask unanimous consent that I may be recognized, with the understanding that the Senator from Alabama (Mr. ALLEN) will not lose his right to the floor.

THE PRESIDING OFFICER. Is there objection? The Chair hears none, and the Senator from Michigan may proceed.

Mr. GRIFFIN. Mr. President, the President has sent a message to the Congress calling the attention of the Congress and the Nation to the fact that we are, once again, on the brink of a nationwide railroad strike.

Secretary Schulz has patiently and diligently used every tool and device at his command in an effort to try to settle this railroad dispute.

As it now appears, unless voluntary action is taken on the part of the parties before then, there will be a nationwide railroad strike, which will begin at 12:01 on Thursday morning.

The President, under these circumstances, has sent to the Congress a joint resolution and asks for its earliest possible consideration and enactment.

On two previous occasions, under previous administrations, it has been necessary when railroad employers and unions have not been able to resolve their differences, for the President to recommend and for the Congress to enact special legislation to avert such a stoppage.

Thus, the proposal made by this President is consistent with the action which has been required on two previous occasions.

The joint resolution which I shall offer would put into effect, as law, the memorandum of understanding dated December 4, 1969, which was agreed to by those representing the railroad unions and those representing management, and which was ratified by a majority of the employees involved but which was not ratified by the members of one of the unions involved.

I have conferred with the distinguished majority leader, and I am assured that the chairman of the Committee on Labor and Public Welfare will be promptly notified and, I hope and I am sure, that the chairman of that committee will see that this joint resolution receives the earliest possible consideration.

Mr. President, I send to the desk the joint resolution and ask that it be appropriately referred.

The PRESIDING OFFICER. Without objection, the joint resolution will be received and appropriately referred.

The joint resolution (S.J. Res. 178) to provide for the settlement of the labor dispute between certain carriers by railroad and certain of their employees, introduced by Mr. GRIFFIN, was received, read twice by its title, and referred to the Committee on Labor and Public Welfare.

ORDER FOR RECOGNITION OF SENATOR ALLEN WHEN UNFINISHED BUSINESS IS LAID BEFORE THE SENATE

Mr. ALLEN. Mr. President, I am advised by the acting majority leader, the distinguished Senator from West Virginia (Mr. BYRD), that he desires to make a motion to adjourn for tomorrow.

I ask unanimous consent that I may yield to the distinguished Senator from West Virginia for that purpose, with the further understanding that on tomorrow, or such day as we do adjourn to, that when the unfinished business is laid before the Senate, the Chair will recognize the junior Senator from Alabama.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, on tomorrow, upon completion of the address by the able senior Senator from Vermont (Mr. AIKEN), under the previous order, there be a period for the transaction of routine morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS ON TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that during the period for the transaction of routine morning business on tomorrow, Senators may be recognized for speeches and that those speeches not be in excess of 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR CONSIDERATION OF THE UNFINISHED BUSINESS TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, upon the completion of routine morning business on tomorrow, the Chair lay before the Senate the unfinished business.

The PRESIDING OFFICER. Without objection, it is so ordered.

VOTING RIGHTS ACT AMENDMENTS OF 1969

Mr. BYRD of West Virginia. Mr. President, for the information of Senators, before the Senate adjourns, what is the pending question?

The PRESIDING OFFICER. The pending question is agreeing to the amendment No. 544 by Senator SCOTT and others as a substitute for H.R. 4249.

Mr. BYRD of West Virginia. I thank the distinguished Presiding Officer.

PROGRAM

Mr. BYRD of West Virginia. Mr. President, the able minority leader (Mr. SCOTT) late today modified his amendment, No. 519, and it is now replaced by amendment No. 544. By way of recapitulation of the orders for tomorrow, the Senate will convene at 11:30 tomorrow morning. Following the disposition of the reading of the Journal, the distinguished senior Senator from Vermont (Mr. AIKEN) will be recognized for not to exceed 30 minutes, following which there will be a period for the transaction of routine morning business with permission to Senators to make speeches not exceeding 3 minutes in length. At the close of the morning business tomorrow, the Chair will lay before the Senate the unfinished business, H.R. 4249, an act to extend the Voting Rights Act of 1965. The pending question at that time will be on agreeing to the amendment No. 544 by Senator SCOTT, and others, as a substitute for H.R. 4249. When the unfinished business is laid before the Senate, unless some other matter is made the pending business prior thereto, paragraph 3 of rule VIII of the Standing Rules of the Senate will preclude nongermane matter for the 3 hours subsequent thereto.

XUM

ADJOURNMENT UNTIL 11:30 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move in accordance with the previous order that the Senate stand in adjournment until 11:30 tomorrow morning.

The motion was agreed to, and (at 6 o'clock and 10 minutes p.m.) the Senate adjourned until tomorrow, March 4, 1970, at 11:30 a.m.

NOMINATIONS

Executive nominations received by the Senate, March 3, 1970:

IN THE NAVY

The following-named officers of the U.S. Navy for temporary promotion to the grade of lieutenant commander in the staff corps, as indicated, subject to qualification therefor as provided by law:

MEDICAL CORPS

Amis, Edward Stephen, Jr.
Amundsen, Duane George
Anderson, Jim Douglas
Anthony, James Alvin
Antle, Regg Vince
Apfelbaum, Jay Henry
Bailey, Ralph Emerson
Bisbee, Allan Charles
Blackman, Edward Leonard
Boffman, Harry Randolph, Jr.
Bondurant, Robert Eugene
Bowie, James Dwight
Braun, Edward Michael
Brindley, Jack William
Briseno, Charles George
Britt, James Clyde
Brotman, Sheldon
Brown, Forrest Carroll
Brumfield, James Douglas
Bruther, William Francis
Buchta, Richard Michael
Buckner, George Standley, Jr.
Burke, Ronald Kingston
Burrows, William Mead, Jr.
Butcher, Michael Dane
Caldwell, Craig Wilson
Campbell, Barry Blair
Campbell, James Anthony
Capell, Robert Donald
Carr, William Alexander
Carter, Conwell Banton
Chambers, Robert Edward
Childers, Marvin Alonzo, II
Christensen, Mahlon Frank
Clark, Thomas Alan
Clyde, Harrie Robert
Coker, Joe Edward
Coley, Leslie Leroy
Colgan, Diane Leslee
Colley, David Perkinson
Cooley, William Emory, Jr.
Cooper, Lavid Lawrence.
Cornell, Cornelius John, Jr.
Culp, Larry H.
Curry, John Lamar
Daniels, Bruce Lynn
Danziger, Franklin Samuel
Davis, Claude Dewey, Jr.
Dehner, Louis Powell
Devore, Jay Samuel
Dobelbower, Ralph Riddall
Duane, Lawrence Joseph, Jr.
Duckworth, Dyce Jerome
Eckert, David William
Fields, Marvin Harvey
Fleming, James Gregory
Getz, Lawrence Gilbert
Gibbon, Peter Douglas
Gillette, John Roger
Gilson, Mayo Dean
Gingrich, Samuel Philip
Goldburg, Bert Richard
Granatir, Robert Francis
Habib, Michael Anthony
Halpin, Thomas Joseph H.
Ham, Charles Lindell
Harder, David Franklin
Harter, Gary Lyon
Hauser, James Lincoln
Hayes, Hamilton Richard
Hays, William Alton, Jr.
Hazlett, Donald Arthur
Heisler, Stephen
Hitt, Curtis Lee
Hodgers, John Henry
Hood, Stephen Thomas
Horn, Michael D.
Horton, Douglas Leslie
Houk, William Michael
Hubbard, Ronald Eugene
Hulsing, Darel John
Hunt, Hugh Blair
Jackman, William Martineau
Jacquet, James Martin, Jr.
Johnson, David Gary
Johnson, Paul Elmer
Jones, Robert Norwood
Juhala, Curtis Alfred
Kimball, Michael William
Kleve, Roger Albert
Knapp, Robert Sinclair
Knuff, Robert Joseph
Koenig, Harold Martin
Koenigsberg, Daniel Meir
Kunz, Arthur Ernest, Jr.
Lambert, Robert McMillan
Lamberty, Leonard Kenneth
Leist, Frederick Douglas
Lesser, Philip Steven
Lichtman, David Michael
Loecker, Thomas Henry
Lohner, Thomas
Louviere, Robert Lee
Love, Robert Alexander III
Lyman, William Michael
Lynch, Thomas Patrick
Lytle, Gary Scott
Mabry, Nicholas Rivero
MacNabb, George Malcolm, Jr.
Mann, Ralph Jerry
Martinson, Alice Marie
Mason, Jack Fabian
Mattheis, Kenneth Robert
Maxon, Harry Russell, III
McAlary, Brian Gerard
McArtor, Robert Dennis
McConnel, Charles Stewart
McCormick, Hugh Bernard
McDonald, Harrison Robert
McKean, Joseph Dewey, Jr.
McKinney, Douglas Edgar
McMillan, Donald Malcolm
Meade, Clyde Kingstone
Meek, Tom Joffre, Jr.
Meinecke, Henry Milton
Michalko, Charles Harold
Myster, Stuart Howard
Nelson, Fred Ritchie Trew
Nelson, Richard Arnold
Niccolini, Robert
Nicholson, Thomas Cornell
Noel, Kenneth Robert
Pautler, Thomas George
Pease, Gary Lee
Pepine, Carl John
Petit, Paul Edward
Philips, Wallace Merritt, Jr.
Pries, Richard Edwin
Pritham, Howard George
Prosin, Michael Allan
Pryor, Norman Dale
Pulliam, Morris Wade
Rasmussen, Bruce David
Richardson, George Robert
Rosenthal, Myer Hyman
Routenberg, John Albert
Roy, Thomas Sherrard, II
Rust, Robert Edward, Jr.
Sanford, Frederic Goodman
Satko, Frank Gregory
Savin, Max
Severy, Philip Robert
Sheffer, Lee Allan
Shetterly, Roger Davis
Sire, David John
Smith, Gerrold Rex
Smith, John James, III
Snyder, David Michael
Spader, Bryan Dale
Spence, Clarence Howard
Spencer, Donald Lynn
Stearns, James Michael
Steinkuller, Paul Gilbert
Stenberg, Michael Donald
Stice, Richard Bell
Stickney, Roger Wilde
Stringer, Douglas Lynn
Stubblefield, Wayne
Sweeney, John Charles
Talton, Brooks Mims, Jr.
Talton, Hugh Johnston
Taylor, Benjamin Thomas
Taylor, Gary Stevens
Tenney, Richard Dean
Thomas, Herbert Cushing, Jr.
Tuxill, Thomas Galster
Unsicker, Carl Lester
Voth, Gayle Vernon
Walsh, David Guy
Walsh, John Patrick
Walsh, John Joseph, Jr.
Ward, Franklin Ruel
Weaver, Clyde Marquis
Weaver, Jerry Octave
White, Matthew
Williams, Theodore Guy
Wilson, Don Allen

Woodburn, Richard
Yecies, Jerold Joseph

SUPPLY CORPS

Abbott, Gerald William
Abernethy, James Robert Jr.
Akers, John Robert
Aleva, David Andrew
Altman, William, Jr.
Anderson, David Karl
Anderson, Louis Gary
Anttila, Robert Matthew
Armistead, William Bright
Baker, Charles Edmund, Sr.
Baker, Roland Jerald
Barnes, Edmund Lee, Jr.
Barnes, Francis Stoddard
Barton, Kenneth Dale
Bauer, James Francis
Bean, John Raymond
Beer, Robert Oakley, Jr.
Benner, Willard James
Berger, Paul
Bergeron, Wilfred Joseph, Jr.
Bianco, Thomas Anthony, Jr.
Blankenfeld, Emmitt Elon
Boardman, Albert Eugene
Bondi, Peter Albert
Bratschi, Gilbert Wayne
Bridwell, Donald Leroy
Brochu, Robert Adelard
Bromen, Roger Raymond
Brown, Bernard Elton
Brown, Reed Eaton
Bryan, Edward Lewis
Buhr, Joseph David
Burks, Leroy
Burnett, Michael Howard
Burnham, John Kenneth
Burry, John Blaze, Jr.
Butler, Paul Kyle
Butler, Wesley Earnshaw
Cantrall, Edward Loren
Carr, Jeffrey Allen
Carre, Darwin Beach, Jr.
Carroll, John Perry
Casanova, Kenneth Evelio
Caven, Terry Farres
Chalupsky, Raymond Jerome
Chaney, Keith Raymond
Chappell, Ralph Lathan
Chenoweth, Denver, Jr.
Chew, Edward Howard, Jr.
Cleary, Richard Thomas, III
Conser, Richard Lewis
Contreras, Paulino
Conway, James D.
Cook, Kendall Raymond
Crabb, Dal Ed
Crevier, Stanley Michael
Cromer, David William
Cushway, Dave Merritt
Daeschner, William Edward
Dahm, Eugene Emile
Danner, Glenn Richard
Davee, Francis William
Davidson, James Patrick
Davis, Fredric Cook
Davis, John James
Day, William Maurice
Delasfuentes, Jose, Jr.
Dell, Jack Vining
Diener, Thomas Edwin
Dieterle, Edward Robert
Draper, Walter Scott, IIII
Driggers, Raymond Lavern
Dudley, James Robert, Jr.
Earle, Samuel Broadus, III
Eaton, Edward Smith
Eldridge, Robert Moore
Endt, Henry Joseph, Jr.
Epperly, Paul Judson
Evans, Don Randolph
Fahrenthold, Harvey Keith
Falconer, Douglas William
Faust, John Nicholas, III
Fava, Ernest Edward
Fellows, Fred Yates, III
Fenick, Robert William
Fields, Billy Joe
Fike, Charles Rowland
Fincke, Edwin August
Fitzgerald, Thomas Patrick
Fleming, James Alexander, Jr.
Fleming, John Moultrie, Jr.
Foerster, Kent Noel
Foley, Richard Lynde
Ford, John Edwin
Frantz, Harold Wayne
Frassato, Robert Charles
Gaines, James Edward
Gainey, John Michael, III
Garmus, David Paul
Geary, John Paul
Gibson, Nelson McKinley, Jr.
Grant, Robert David
Grim, James Woodrow
Growney, Kevin Joseph
Guerriero, Domenic Pelligri
Gustafson, Lawrence Charles
Haas, Willard Morris
Haase, Larry Lynn
Hale, Ronald Arthur
Harms, Herbert Martin
Harrington, Phillip Henry
Harte, Edwin Theodore
Hatchett, William Joseph, Jr.
Hekman, John Gilbert
Henderson, Andy Leroy
Henshall, Joseph
Hensley, Norman Wesley
Hern, William Ray
Hernandez, Edward Simon, Jr.
Higgins, Richard Louis
Hodapp, Charles Aloysius
Hogan, Brian Thomas
Hopkins, William Leslie
Horhutz, Randolph John
House, Steven Howard
Hunter, Curtis Stanley, Jr.
Iaquinta, Francis Samuel
Janse, Anthony Ludwig
Johnson, Jerry Ralph
Johnson, Thomas Lawrence
Jones, William Marcus
Karosich, James Charles
Kasriel, Jerome David
Kaufman, James David
Kibler, Thomas Caldwell
King, Charles Eugene
King, William Delano
Kosch, Charles Arthur
Kraus, Joseph
Krehely, Donald Edward
Kreimer, Robert Maurice
Kuhns, Howard Edwards
Kuster, Ulrich Emil
LaMade, John Steele
Lambright, John James
Lamparter, Theodore Albert
Lampman, Charles Major, III
Lara, Harry Lee
Larsen, James Andrew
Laurent, Daniel Henri
Lempka, Gerald Arnold
Lines, Lee Robert
Littlefield, Belton James
Logan, Don Edward
Looney, Richard Glenn
Lunn, James William
Lynch, David Read
Lynch, Michael Gerald
Lynch, Thomas Joseph
MacDonald, Alan Ramsay
Maley, Michael Denton
Mandel, Allan Lee
Manning, Gary Clifford
Manning, Huey Allen
Marohn, Louis Norman
Marshall, William Baker, III
Matalavage, Joseph Anthony
Matheny, Arthur Leroy
Maxon, Bruce Ethan
McClure, John Marvin
McKechnie, John Joseph, Jr.
McLaughlin, Robert John
Mendez, Ramon Eduardo
Merrell, Billy Joe
Miller, Ernest Baldwin, III
Miller, James Rush
Miller, Kenneth Frederick
Monroe, James Leslie Dukes
Moreland, Richard Dean
Morgan, George Parker, Jr.
Morgan, Ronald Dean
Morris, John David, III
Morris, William Richard
Moum, Jerry Davis
Myers, Cecil Earle, Jr.
Nair, Sterling Edward, Jr.
Natole, Robert Lester
Nolan, John Walter
Nyenhuis, Keith Eugene
O'Connor, Joseph Andrew
O'Hare, Shamus James
Orahood, Douglas William
Overhalser, Dennis Dee
Palmatier, Philip Earl.
Pankey, Beverly St. Clair
Parks, Leonard Cranford
Payne, Billy Irish
Pearson, David Edward
Pedersen, Carl Jens
Perkins, Robert Darol
Perrill, Frederick Eugene
Phillips, Garth Vaughn
Phillips, James Donald
Phillips, Marvin Ray
Popik, Michael John
Porter, Robert Cleve
Prescott, Gordon Wayne
Pressley, Joseph Larry
Price, Clifford Ronald
Price, Robert Francis
Quarles, James Michael
Quigley, Patrick Joseph
Quinn, John Thomas
Quinn, Kenneth James
Rasmussen, Paul Duane
Redman, William Ernest, Jr.
Reed, William Henry
Reynolds, Kevin Thomas
Rhodes, William David, Jr.
Rice, Richard Ray
Ridings, James, Jr.
Ringberg, David Allen
Rittenhouse, Ferness Levere
Rodgers, Gary Lee
Rosson, Bobby Joe
Roy, Roger Charles
Rueckert, Jon
Ryland, Charles Wayne
Sandeen, John King
Sapera, Leonard Joseph
Sareeram, Ray Rupchand
Sattler, Roger Charles
Savage, Horace Jay
Scharff, Richard Darrell
Schroyer, Charles David
Schuster, Gerald Dee
Shaw, Robert Harris, Jr.
Sherman, Bruce Leslie
Sherman, Huson Barry
Sikes, James Eugene
Singleton, Harold Loyd
Smith, Arthur Homer
Smith, Billy Gene
Smith, Leo Louis, Jr.
Smith, Olen Brown, Jr.
Smith, William Dewitt, Jr.
Snyder, James Ray
Standish, John Alden
Starkey, Benjamin Thomas, Jr.
Starnes, Bobby Franklin
Steen, George Samuel, Jr.
Stewart, James Ronald, Jr.
Straw, Edward McCown.
Sullivan, Edward Francis.
Suter, David Floyd
Szalapski, Jeffery Paul
Taube, Arden Raymond
Thomas, Dudley Jerome
Thomas, Robert Louis
Thompson, Robert Howard
Titus, Robert George
Tomcheck, John Kenneth
Torrey, Tracy Everett
Trbovich, George Melvin
Treanor, Richard Craig
Trotter, Edgar Stoker, Jr.
Tully, Albert Paul, Jr.
Turner, David Benjamin

XUM

Vanness, Robert Louis
Varner, Robert Nolan
Vaughan, Woodrow Wilson, Jr.
Verhage, Ronald Glenn
Vonradesky, Charles Willi R. II
Wagoner, John Deal
Wallace, James Joseph
Waller, Terry George
Watrach, Dennis Kenneth
Weaver, Edwin Richard, Jr.
Weber, Jerome Joseph
Welborn, James Hill
Wells, Michael Vance
Wheeler, Lawrence David
Whitman, Carl David
Whittington, Richard Guy
Wilcox, Harold Edgar, Jr.
Williams Robert Joseph
Wilson, Michael George
Windbigler, John J.
Wingard, Bobby Norman
Wolf, Carl George
Wood, Leonard Leroy
Woodward, Joseph Albert
Wootten, John Francis
Worsena, Richard Francis
Yeoman, William Ray
Young, Everett Boyd
Young, Robert Reese
Zeppieri, Ronald James
Zumbro, Sherrod Branson

CHAPLAIN CORPS

Aronis, Alexander Basile
Asher, William Carroll Lynn
Bohula, Edwin Victor
Brannan, Curtis Ward
Cram, Norman Lee, Jr.
Curran, Wade Hampton, Jr.
Daly, John Raymond, Jr.
Dando, George William
Deruiter, Peter John, Jr.
Dillon, Thomas James
Dowd, Patrick, Arthur
Doyle, James Michael
Eckles, James Warren
Erick, Robert James
Fullilove, Ray Weldon
Goode, James Gilmer
Hall, John Louis
Harris, Donald Bell
Hedwall, Ronald Lee
Howe, Merlen Floyd
Johnson, Thomas Frederick
Kane, Brian Edward
Kerner, William Byron
Kirk, Alston Shepherd
Lauer, Robert Erwin
Long, Richard Albert
McHorse, George Ray
Page, David Garth
Pegnam, John William
Powell, David J.
Richards, Gerald Thomas
Rubino, Salvatore
Schumacher, Gordon Bruce
Thompson, Joseph James
Weeks, Robert Martin
White, Davis Edward
Williams, James Augustus
Wishard, John William

CIVIL ENGINEER CORPS

Absalom, George Marshall, III
Baker, John Lowell
Bass, William Martin, Jr.
Bell, Robert Bernard Jr.
Bilden, Richard Peter
Black, Dorwin Clay
Block, Neil
Brennan, John Paul
Brown, Gerald Lee
Buckner, Ernest Wesley
Buffington, Jack Eugene
Callahan, James Frederick
Callender, Gordon Warren Jr.
Camden, Edward Brydges
Campbell, Donald Berlin
Carnell, Donald Lee
Chapla, Paul Anthony
Clarren, George
Coston, Vernie Richard
Crumbley, Don Carroll
Cunningham, Robert Browning Jr.
Doctor, Richard Peter
Drennon, Patrick William
Endebrock, Robert Neal
Farlow, David Earl
Faulk, John Robert
Finn, James Robert
Fluharty, David Henning
Fowler, George Edward III
Frauenfelder, Henry Roger
Gallen, John James Jr.
Garbe, Warren Murray
Gardiner, George Henry Jr.
Gerdel, David Holland
Goin, Paul Thurman
Goins, Philip Allen
Hale, Hugh Dillon, II
Hall, Royce Herman, Jr.
Heffernan, Thomas John
Heine, William Anton, III
Henley, Joseph Leo
Jackson, Bruce Lawellin
Jackson, Gerald William
Jensen, Allen Halvor
Johnson, Howard George
Kasner, Jon Broughton
Kay, William Howard Jr.
Kennedy, Robert Joseph
Kunz, Joseph David
Kurtz, Lewis Albert, Jr.
Laufersweiler William Joseph, III
Leap, Joseph Brian
Lockhart, Allen Clifford
Lukey, John Gordon
Luzum, Gerald Dean
MacCall, Bruce Leonard
Martinelli, Salvatore Aldo
Matthews, George Russell
McCahill, Dennis Francis
McKibben, Don Robert
Mergner, James Thaddeus
Michna, Thomas Benjamin
Miles, John Henry Thomas
Miller, David Bergenthal
Monney, Neil Thomas
Morrison, Paul Albert
Mossman, James Boone
Myers, Theodore Scott
O'Connell, Brian John
Odom, Melton Lee
Olsen, Allen Neil
Olson, Harold Martin
Opager, Ludwig Herman Jr.
Pensyl, J. Dick
Perrine, Robert Thomas
Petty, Larry Kiningham
Quigley, Stephen Jerome
Quinn, Thomas Patrick
Rabke, Walter Edward
Redderson, Roy Henry
Riffey, Alan Kent
Ringel, Duane Arthur
Robertson, William Edmond, Jr.
Ross, Gerald Harry
Rugless, James Michael
Sandrini, Louis Michael
Schneider, John David
Schwirtz, Henry John
Shalar, Alexander
Shank, George Edward
Sherman, Myron Bernard
Simon, Charles Ray
Smith, Alan Edward
Smith, Erik Theodore, Jr.
Smith, Jerrold Michael
Stokes, Stephan Robert
Street, Clifford Gail
Struthers, Lynn Carol
Sturmer, Donald Charles
Vanroyen, William Shipman
Watson, James Preston
Wells, Donald Raymond
Wells, James Laurence
Wheeler, David Earl
Williams, Richard Lyle
Woll, Jerry Dewayne
Zimmermann, Gerard Alan

JUDGE ADVOCATE GENERAL'S CORPS

Broussard, Barry David
Brush, James Dillon, II
Buchholz, Duane Carl
Byrne, Edward Mark
Carroll, James Edward
Horst, Carl Henry
Ise, William Henry
Kjos, Wendell Arthur
Little, Harvey Edward
Martens, John Jerry
McCoy, Dennis Frederick
McGovern, Peter John
Michael, George Lewis, III
Patterson, Donald Ross
Pierce, Charles David
Rapp, Michael Duer
Reed, Robert Frederick
Roach, Joseph Ashley
Ross, James Edward
Sanftner, Thomas Richard
Studler, John Armitage
Walker, John Allen
Wimberly, Bennie Charles
Young, Donald Paul

DENTAL CORPS

Baycar, Robert Stephen
Bennett, Steven Laurel
Bickenbach, Alan Paul
Bleeke, James Morris
Burke, Robert Stuart
Cassidy, Michael Ferguson
Coggeshall, William Thomas
Coker, Mack Elbert
Cornell, Michael Thomas
Davis, Norman Lindell
Drysdale, Robert Bruce
Ebert, Patrick Corcoran
Fletcher, Ernest Clinton
Foy, Crawford Edward, Jr.
Gant, Lewis Edward
Garre, David Colfax
Harnett, Jeffrey H.
Hawse, Richard Allen
Hinman, Robert Winfield
Hirst, Robert Charles
Howe, David James
Kehoe, Joseph Clark
King, Ronald Coulter
Kjome, Robert Louis
Lawrence, Robin Merrill
Lohr, John Roy
Mansfield, Thomas Wallace
Martin, Richard Leonard
McDavid, Paul Thomas, Jr.
Milford, Michael Louis
Mittlehauser, Donald Lowell
Moll, Richard Steig
Morris, Don Raymond
Neal, John Clarence, Jr.
Nelson, Emory Russell
Nickerson, James Worth, Jr.
Nicklin, Charles Ross
Nieusma, Gerald Edwin
Ocallaghan, Leo John, Jr.
Paulk, Glenn Lamar, Jr.
Payne, William Thomas
Petri, William Henry, III.
Pfeifer, David Lewis
Ridley, Michael Travis
Roberston, Gustav Robert, Jr.
Romero, Charles Joseph
Sadler, John Frank, Sr.
Schemick, Michael, Jr.
Schutt, Charles Evan
Sepe, Walter William
Shanley, James John
Shoemaker, Philip Witherell
Shore, Paul Thomas
Snell, William Howard, Jr.
Souliotis, Theodore Arthur
Splitgerber, Thomas Clark
Stanton, Herbert Joseph
Stob, John Albert
Tagge, David Lee
Taylor, Kent Lee
Vaillant, Dennis Peter
Vanness, Allan Leslie
Webster, Roger Allan

White, Donald Joseph
Wible, James Howard
Yavorsky, John Dennis
Zendt, Robert Richard

MEDICAL SERVICE CORPS

Andrews, James Robert
Armstrong, Joseph Cunningham
Baird, John Robert
Barrows, Joseph Richard
Baumhofer, Anne Hermine
Beckner, William McCarty
Behling, Daniel Wayne
Benedict, William Herbert
Bennett, Floyd Edward
Bergner, John Franklin, Jr.
Biesiadny, Lawrence Louis
Bolton, Ronald Raye
Bonds, Billy Robert
Branscum, William Edsel
Brouillette, Donald Edward
Brown, Gary Dale
Brown, Seth Edsel
Brumfield, Harker Deverde, Jr.
Carnahan, Clarence Lee
Cassel, Dallas Eugene
Cerruti, Alfred Stephen
Chan, Robert Sherman
Chatelier, Paul Richard
Christian, Elgin Ray
Coan, Richard Manning
Conley, Walter Raymond
Connolly, John Francis
Corbett, Myron Ronald
Cottet, Laverne Edith Boyd
Coxe, Robert Frederick
Cusick, Richard Allen
Dailey, George Lee
Dasler, Adolph Richard
Delaughter, John Douglas
Denison, Neslund Edward
Dewhirst, James Jay
Diebner, William Earl
Dilley, Paul Olin
Drozd, Joseph John, Jr.
Duckett, Jack
Duncan, Alexander Robert
Dupes, James Leonard
Ebert, Alvin George
Emma, Carleton Warren
Fancher, James Edward
Faulkner, James Alfred
Fink, Francis Aloysius
Fishel, David Wilburn
Flewelling, Lloyd Joseph
Funderburk, Lester Ray, Jr.
Furr, Paul Arthur
Gendron, Eugene George
Gillentine, James Donald
Glassford, Kenneth Franklin
Goble, Joe Edward
Gooch, Roy Lee
Green, Ronald Kay
Gregory, Bert Conduff, Jr.
Groce, William Edward
Grothaus, Roger Harry
Heller, Billy Lee
Hempey, Ralph Clifford
Hendren, John Elbert
Henson, Frank Neal
Holiman, Frederick Lee
Horrobin, Robert William
Hoss, William Frederick, Jr.
Houk, Marvin Richard
Jimenez, Pedro
Johns, Jack Elton
Johnson, Paul William
Kehoe, John Joseph, Jr.
Kennedy, Patrick John
Kinsella, Lawrence Thomas
Knight, John Robert
Kozik, John Richard
Krueger, Vernon Arthur
Laclair, Bernard Wilford
Langston, Ollen Curry
Lewis, Eddie Winford, Jr.
Lewis, John Robert, Jr.
Lind, Marvin Dale
MacConnell, Thomas Walter
Machir, Daniel Franklin
McAllister, Robert George
McConnell, Alton Ewing, Jr.
McGuire, James Stuart
McKelvy, Patsy Lurleen
Meek, Artie Edward
Morin, Richard Albert
Murrell, William Raymond
Myers, Wessel Hugh
Myrah, James Leonard
Nathan, Howard Wayne
Newell, Richard Lee
Null, Clyde William, Jr.
Owens, Norman Kenneth
Palmer, David Deforest
Palmer, George James, Jr.
Parker, Henry Eugene
Parrish, William Carroll
Pate, Clyde Talmage, Jr.
Pearson, Herbert Duard
Peck, John Allen
Peterson, Robert Victor
Peterson, Warren Roger
Pickering, James Carl Lee
Piersol, Eugene Clark
Poquis, Robert Mendoza
Prelosky, Richard Nicklos
Price, Charles Allen
Price, Hudson Bryan
Quick, James Donald
Rector, Douglas Eugene
Rhoads, Teddy Roosevelt
Robinson, George Wayne
Rovario, Emile Eugene
Royals, William Edward
Rutledge, Bobby Gene
Saine, Floyd Dean
Sawyer, Albert Louis
Saye, Clarence Boswell
Scanlin, Patrick Joseph
Schoenmann, Donald Leonard
Siplon, Donald Lowell
Skelly, Robert Stanley, Jr.
Smith, Jack Willard
Soule, George Irven
Sparks, Jonathan Carlton
Stayton, Richard Allan
Stewart, Shannon Dewitt
Stockman, Roger Emanuel
Stout, Forrest Dale
Stringham, Stanley Clayton
Taylor, Berlin Jackson
Taylor, Hollis Blackwell
Tharp, David Carlton
Theisen, Charles Joseph, Jr.
Thompson, Curtis Robert
Thomsen, Paul David
Tucker, John Russell, Jr.
Turner, John Randolph
Turviville, Leslie Homer
Ulmer, James Mitchell
Waldeisen, Lewis Edward
Wallace, Robert James
Walsh, John Patrick
Warren, Phyllis Imogene
Wesson, Billy Ralph
Williamson, Lee Paul
Zentmyer, Robert Kenneth

NURSE CORPS

Agrell, Diane Judith
Auld, Barbara Ethel
Barkus, Phyllis Margaret
Bartik, John Mary
Beatty, Florence Winifred
Becktell, Beatrice Diane
Blank, Norma June
Bogdanski, Mary Ann
Carroll, Maria Kathryn
Clinton, Bobbie Kay
Conway, Lorraine
Cote, Clarence William
Covington, Norma Ann
Cronin, Claire Mary
Curtis, Rose Marie
Dyer, Alice
Farrell, Helen Louise
Fellenz, Patricia Ann
Fleury, Phyllis Jean
Gregg, Leah Sue
Griffiths, Marcia Clausen
Handlin, Sondra Kay
Hausmann, Abigail Margaret
Hicks, Elaine Bianchi
Hicks, Shirlee Christine
Hudak, Geraldine Joyce
Huskey, Bobby Gene
Hvizdo, Barbara Ann
Lee, Mary Ann
Leonard, Dorothy Gertrude
Lopresto, Gail Rude
Maxwell, Hattie Elam
McCaughey, Anne Marie
McDonald, Patricia Kathaleen
Megonnell, Joann Helen
Miller, Judith Huddle
Newton, Katheryn Eleanor
Noble, Vera Josephine
Pack, Valaine
Pawlak, Marcellene Agnes
Pritchard, Virginia Lee
Reynolds, Ann Darby
Robel, Joyce Jean
Schneider, Blanche Margaret
Schroder, Beverly Ann
Schultz, Cynthia Ann
Sheehan, Lona Wallace
Stangelo, John Elaine
Teagle, Beverly Elaine
Thibodeaux, Bunice
Wills, Jacquelyn Sue
Young, Carol Ann

The following-named officers of the U.S. Navy for temporary promotion to the grade of lieutenant in the staff corps, as indicated, subject to qualification therefor as provided by law:

SUPPLY CORPS

Allega, Timothy James
Allen, Daniel William, Jr.
Allen, Dennis Jean
Anderson, William Michael
Auerbach, Eugene Edmond
Baird, Paul Theodore
Baker, David
Baldino, Anthony David
Barnett, Orlando Tyrone
Barrett, Sean Carl
Baum, Christopher Charles
Baynes, William Thomas
Bays, William David
Beamer, George Patrick
Beckett, John Clayton
Benbow, Robert Thomas
Bingham, Alfred Aloysius, III
Blumette, Lawrence Paul
Boal, Donald Stuart
Bond, Robert Charles
Bordenave, Lee Joseph
Bray, Richard Lee
Brogan, Thomas Michael
Brown, William Timothy
Burge, Homer David, Jr.
Burge, Ray Scott
Burmeister, Edward Drake, Jr.
Byers, David Chapman
Cameron, Alan Spencer
Campbell, Richard Parker, Jr.
Campbell, Thomas Andrew
Cantrell, Floyd Orin
Cassidy, John Patrick
Cassidy, William Farrell
Chamberlin, Edward Robert
Chenault, David Walker
Chute, Clyde Wayne
Clark, Alexander Bayard, III
Clary, Neal Thurston, Jr.
Cliff, John Alan
Cloud, Burt Murphree, Jr.
Coleman, James Samuel, III.
Collins, Ralph, Jr.
Connelly, Stephen Arthur
Conradteberlin, Viggo Paul
Crane, Grant
Crognale, Stanley Joseph, Jr.
Dahlgren, Norman Henry, Jr.
Daley, Robert William
Daly, Charles Arthur
Davis, David Hampton
Davis, Kenneth Edward, Jr.
Davis, Samuel, III
Dexter, Stephen Thompson
Dingeldey, Peter Edward
Dobbert, Clarence Frederick
Doubleday, Ross Justin
Dreher, Darrell Lee
Dreyer, Leo Phillip
Droms, William George
Drowty, Dennis Robert

Duff, Donald Dennis
Dunteman, James Michael
Dwyer, Ross Thomas, III
Early, Lawrence Joseph, Jr.
Edgerton, Donald Kenneth
Embry, Lloyd Bertis
Erickson, William Victor
Eustis, Ernest Lewis, III
Evanoff, Richard Allen
Evans, Michael James
Findley, Norman Painter, III
Fortin, Raymond Franklin
Fossum, Jeffrey Evan
Foster, Howard Ray
Franyo, Richard Louis
Freeny, Ronald Nelson
Garner, Darrell William
Garrett, George William
Geel, Kenneth Gregory
George, Robert Lee
Gibson, John Justin
Gish, Thomas Robert
Griffen, Richard Daniel, Jr.
Griggs, Thomas George, III
Gruver, William Rolfe
Guth, Michael Harold
Hallenbeck, Gerald Thomas
Harkins, Maurice Alexander, Jr.
Harris, William Eldon
Havasy, Robert
Havener, William Jeffrey
Haverty, Lawrence Joseph, Jr.
Haynes, James Michael
Heffler, Henry
Heiselberg, Gary Lee
Hemmy, Victor Howard, Jr.
Henry Robert Francis
Hickey, William Vincent, Jr.
Higgins, William Francis, Jr.
Hilton, David Eastwood
Hutchins, Richard Atherton
Ingram, John Carter
Ireland, Dennis Wayne
Jaeggi, Kenneth Vincent, Jr.
James, Daniel Victor, Jr.
Jepson, Francis Edward, Jr.
Johnson, Darold Leroy
Johnson, William Franklin, Jr.
Jordan, Larry Jim
Joye, Erwin Michael
Kalas, Frank Joseph, Jr.
Kamel, Mohsen
Karg, Herbert William, Jr.
Keenan, Frederick
Keller, Frank Boyd
Kelley, Charles Everett, Jr.
Kellum, William Carlisle
Kelly, James Michael
Kennedy, William Ellis, Jr.
Kice, Charles Jeffrey
Killian, Charles Edwin
Kinsey, Joseph William
Konz, Donald Wayne
Krisman, Dennis William
Kutsko, James Andrew
Lang, Thomas Frederick
Layton, David Hoyle, Jr.
Lazerow, Arthur Stanley
Leenstra, Richard Byron
Lemburg, Myrl Lee
Leniart, Peter Joseph
Leverentz, James Michael
Libby, Kurt William
Lincoln, Samuel Ankeney, III
Lingle, Jan Christian
Loveday, Leonard Norman
Lynch, Peter Joseph, III
Lynn, Wayne Reed
Mahn, Gary Leroy
Major, Samuel James, Jr.
Maloney, Francis Lane, Jr.
Mangin, Garrett Nicholas, II
Martens, Richard Lawrence
Martin, James Michael
Masters, Merlyn Maurice
McAdams, Joseph Lloyd, Jr.
McCabe, Raymond Leonard, Jr.
McCook, Kevin William
McEver, Harold Bruce
McGinnis, William James
McQueen, James Daniel, Jr.
McQuinn, Dale Eugene
Meiners, Richard James
Melton, Harold Keith
Middleton, George Robert
Mills, Kenneth Brewster
Molino, Robert Larry
Moore, Beryl Grant, II
Morisky, Richard James
Muir, Anthony Moyer
Neale, John Cox
Nelson, Thomas Russell
Niblock, Edward Gould
Nicol, Robert Lloyd
Norton, Phillip Gerald
Ogrosky, Charles Everett, III
Oswald, Edwin Lawrence
Ott, Gene Franklin
Overson, Alonzo Robert
Packard, Ralph Kempton, Jr.
Parks, Michael Blake
Patterson, Alexander Zachar, II
Patton, John Cragar
Pearson, Richard Gordon
Perisho, James Calvert
Pettis, David Wilson, Jr.
Pomaski, Thomas Raymond
Potts, John Arthur
Prinn, Brian Thomas
Rabinowitz, Daniel
Rae, Allan Nicholson
Rathbun, Roger Earl
Regan, John Justin
Reis, Peter Steven
Rost, David Larry
Rouzer, William Wolf
Rumble, Henry Darden, Jr.
Samolis, Thomas John
Sandalls, William Thomas, Jr.
Saylor, Clarence Murray, Jr.
Scarola, Joseph Ralph
Schechter, Kenneth Alan
Schnepf, Charles Aloysius
Schramm, Frederick Charles, Jr.
Scott, Jerry Walter
Scudi, John Turner
Semet, Robert John
Senn, Lavern Kenneth
Seyfried, Philip Joseph, Jr.
Shaw, Mark Charles
Shelton, Billy Ronald
Siegel, Gary
Skalleberg, Richard Arne
Slane, Robert Lawrence
Smith, Edmund Niels
Smith, Frank Walker, III
Smith, Ronald Earl
Spadafora, William Henry
Sprague, Douglas Robert
Stafford, Michael Douglas
Stankeivicz, David Fred
Stanton, William Hugh
Stasiowski, John Francis
Stevens, William Allen
Sullivan, Michael Patrick
Sutherland, John Wallace
Sutherland, Michael Thomas.
Tabb, Donald Cameron, Jr.
Teare, Harry Bradley
Thomas, William Joseph, Jr.
Tompkins, Alan Mark
Tracy, Richard Tillotson
Ullrich, James Marshall
Vanleuvan, Richard Welton
Vaughan, Larry Edward
Velte, Duane Robert
Volkmann, John Michael
Vuyosevich, John Andrew
Wagner, David Lynn
Watson, Andrew Jess
Weaver, Willis Stanley
Webber, Carl Maddra
Whitlock, Robert Eldon
Williams, Edward Leo, III
Wilson, Richard Davis
Worthen, Winston Kent
Young, Robert Maynard
Zuckerman, Richard Engle

CIVIL ENGINEER CORPS

Altstaetter, James Lee
Ames, William David
Ankrum, George Theodore
Antoniak, Peter Richard
Ayres, Larry Lee
Bankert, Frederick Ball, III
Bone, Albot Wade
Brookman, Peter James
Bruce, Charles Jere
Buchanan, Robert Douglas, Jr.
Cooney, Thomas Allen
Crain, George Kellogg, II
Daughtridge, William Franklin, Jr.
Dean, Hilbert Dwayne
Defreytas, Joel Charles, Jr.
Fesler, Jeffrey Blair
Furick, Robert Paul
Gardner, James Kyle
Garrigan, James Terry
Geibel, Bruce Burgee
Gossett, James William
Guinosso, Andrew John
Guy, Leonard Philip, III
Hanley, William Joseph
Heath, John Emery
Hemme, Glenn Darwin
Hoff, Michael Leroy
Holcombe, Ronald Frederick
Jackson, James Otos
Jobe, Eugene George
Johnson, Kenneth Vernon
Jones, Frederick Joseph
Jones, Lloyd Kenneth
Koons, James Edward
Larsen, Quentin John
Lenehan, Thomas Francis, III
Leubecker, Stephen Tyson
Lowery, Edward Joseph, Jr.
MacCaferri, Don Achille
Mason, Robert David
McCormack, Richard Francis
Milner, Ronald Albert
Morss, James Clarence
Murphy, Aidan Thomas
Nash, David Julian
Necker, David Chester
Palmborg, James Glenn
Ramsey, James Melvin
Raymond, John Joseph
Reim, Kenneth Ray
Rice, Richard Hardwicke, Jr.
Royal, Clifford Harper
Rudegeair, Edward Andrew
Ryberg, Richard Edward, Jr.
Sawyer, John Timberlake
Shelton, Michael William
Sherron, John Thomas
Shoup, George Michael, Jr.
Siler, Richard Terry
Smith, Louis Martin
Smith, Robert John
Somers, Allen Harry
Sopko, David Charles
Spence, Gordon David, Jr.
Stone, Bruce Tuttle
Tomiak, Walter Wayne
Turner, Oscar Downey, Jr.
Urbani, Donald Louis
Walter, Harold William
Ward, Carter Studdert
Werner, Max Alfred, III
Wickerham, Arthur Eugene
Wiesner, Gerald Neal
Wong, Stephen Eu Chin
Wynn, Alfred Lee
Yanuck, Rudolph Raymond, Jr.
Zaist, William John

MEDICAL SERVICE CORPS

Ackley, Paul Nelson
Alewine, Charles Maynard
Aubin, John Edward
Bauley, Raymond Philip
Benedict, Walter Franklin
Benedito, Jose Peralta, Jr.
Bielawski, Jerome Joseph
Bolster, Harold Guy, Jr.
Borgia, Julian Frank
Brant, Robert Henry
Brubaker, Ralph Wesley
Buckley, William Michael
Bufano, Thomas Joseph
Cagle, Eddie Clarence
Campbell, Robert Eugene
Chitwood, Carl Steven
Conway, Michael Francis
Cowart, Paul Ray
Daniel, Paul Edwin

Donohue, Avon Robert, Jr.
Fregeau, Wilfred Armand
Galbreath, Robert Sheridan
Gardner, Gerald Laverne
Giron, Sagat Macaraeg
Gray, Donald Russel
Hazelton, Robert Henry, Jr.
Holstien, Elmer, Jr.
Hopkins, Robert Frank
Howard, Ivan Dean
Jackam, David Charles
Kellner, John Robert
Kennedy, Arthur Edmund
Lamasters, Michael Beach
Mataldi, Elio
McCalment, Theodore Emil, Jr.
McCracken, Gary Owen
Mills, Thomas Gilbert
Moore, Arthur William
Myers, Charles Michael
O'Brien, John Zepherino
Petersen, Neil Robert
Potts, James Conrad
Profita, Salvatore John
Pron, Sergei Frank
Relinski, Robert George, Jr.
Rider, Jackie Bruce
Roets, Gerald Edward
Romine, Damond Terrance
Ross, James Lowell
Russell, Jim L.
Sawyers, Earley William
Scholtes, Robert Joseph
Siggers, Adolph Lavelle
Steiner, Joseph Randolph
Talcott, Bruce Edwin
Tenopir, Stanley Joseph
Thomas, Whitney Proctor
Vaught, Charles Ronald
Wallace, Anson Arlington, Jr.
Wildes, Dudley Joseph
Wilkinson, John Preston
Woods, Ronald Stafford
Ziner, Anthony John

NURSE CORPS

Bloshinski, Elizabeth Rose
Cords, Marvin Dale
Mitchell, Mary Catherine

The following-named officers for temporary promotion to the grade of lieutenant commander in the line, subject to qualification therefor as provided by law:

Hanzel, Joseph A., Jr.
Tillotson, Perry S.

The following-named officers for temporary promotion to the grade of lieutenant in the line and staff corps, as indicated, subject to qualification therefor as provided by law:

LINE

Arsuaga, Miguel J.
Bogle, Aubrey W., III
Brooks, Robert E.
Clevenger, Vaughn W.
Hemmerle, George E.
Lamprou, Peter S.
Lauer, Klaus W.
Meador, Garry R.
Nolty, Gerald W.
Norwood, Michael J.
Paddock, John F., Jr.
Peterson, Carl M., II
Riley, Michael D.
Shewell, Daniel J.
Stockdale, Elwyne E.
Zarichny, Russell J.

SUPPLY CORPS

Kurz, Robert R.
Laing, Robert B., Jr.

CIVIL ENGINEER CORPS

Best, Thomas D.
Fisher, William G., Jr.

The following-named officers for permanent promotion to the grade of lieutenant (junior grade) in the line and staff corps, as indicated, subject to qualification therefor as provided by law:

LINE

Bogle, Aubrey W., III
Clevenger, Vaughn W.
Lamprou, Peter S.
Lumpkin, Claude C., III
Seaquist, Larry R.
Zarichny, Russell J.

SUPPLY CORPS

Boardman, Albert E.
Laing, Robert B., Jr.

CIVIL ENGINEER CORPS

Black, Dorwin C.
Fisher, William G., Jr.
Gerdel, David H.
Quigley, Stephen J.
Street, Clifford G.

MEDICAL SERVICE CORPS

Talcott, Bruce E.

The following-named (Naval Reserve officers) to be permanent lieutenants (junior grade) and temporary lieutenants in the Dental Corps of the Navy, subject to qualification therefor as provided by law:

Curreri, Robert C.
Davidson, Warren S.
Heilman, Mark E. J., IV.
Paulus, Helen M.
Tooker, Darrell T.

The following-named (Naval Reserve Officers Training Corps candidates) to be permanent ensigns in the line or staff corps of the Navy, subject to qualification therefor as provided by law:

Burroughs, Niles P.
Clemons, David M.
Cotton, Robert L.
Day, Marvin G.
Lampert, Brian J.
Mahoney, Dennis M.
McDowell, Lane C.
Noble, Mark R.
Post, Richard A.
Schallock, Donald A.
Spratten, Nicholas L.
Thomson, James S.
Young, Wendall R.
Ehmcke, Lance D.

The following-named (Naval Enlisted Scientific Education Program candidates) to be permanent ensigns in the line or staff corps of the Navy, subject to qualification therefor as provided by law:

Foster, Michael S.
Modzelewski, Daniel M.

The following-named officers for temporary promotion to the grade of chief warrant officer, W-2, subject to qualification therefor as provided by law:

Abenante, Ralph P.
Allemand, Lawrence J.
Allen, Richard R.
Anderson, Jackson R.
Archibald, Robert J., III
Armstrong, Hugh, Jr.
Atchison, Ernest R.
Augustad, Robert L.
Bailey, Albert R.
Bailey, Vern E.
Beck, William A., Jr.
Bennett, Rethel C.
Bergst, Donald H.
Bird, Charles E.
Bitzel, Gerald D.
Boone, Horace E.
Boulay, William C.
Brooks, Harold F.
Brown, Gordon R.
Burke, Maxwell
Carlton, Robert F.
Cassada, Maxey F.
Cassady, John M.
Christiansen, Robert C.
Clark, Richard A.
Connolly, George E.
Dickinson, Edwin L.
DiPaolo, Francis P.
Dougherty, James H.
Duckworth, George E.
Evans, Paul A.
Finch, Dan D.
Franklin, Harrison L.
Frederick, Louis E.
Garrison, Billie A.
Gilbert, Lawrence T.
Glick, John W.
Graham, Charles P.
Gray, Ivan E.
Gregory, William J.
Grimes, Howell J.
Hall, Wilford C.
Hannan, Edward C.
Hannon, Billie G.
Hawks, Oda E.
Hebert, Julian B.
Henson, James M.
Herrington, Hollis F.
Hinman, Leroy T.
Hollen, Danny L.
Howell, Gilbert W.
Hughes, William N.
Johnson, James D., Jr.
Johnston, Jerry R.
Justinger, Richard M.
Keller, Everette R.
King, Orville C., Jr.
Kinner, Richard E.
Kondziela, Jack
Korka, William J.
LaFond, Paul A.
Lauder, Richard O.
Lear, Gerald S.
Lilly, Doyne J.
Lowe, Richard W.
Lutes, Jack
MacLeod, John D.
Maloney, William J.
McCormack, Walter F.
McManus, Theodore G.
McWilliams, Burnham P.
Meade, Joe D., III
Melton, James H.
Miller, Gerald J.
Mitchell, Burl W.
Morrell, George W.
Moudry, Joseph R.
Murray, William F., Jr.
Myers, Edward F.
Nally, James
Offe, Duane A.
Olson, Neal D.
Overfelt, Garland H.
Parrish, Wendell L.
Patterson, Richard L.
Pochkowski, Joseph D.
Posey, James A., Jr.
Price, Loyd H.
Priddy, Glenn R.
Reddix, Charles J.
Reynolds, Eugene N.
Richards, Donald P.
Richardson, David L.
Richey, James H.
Riddle, Billie D.
Ryan, James D.
Sadowski, Donald E.
Scott, Louis E.
Seals, William T.
Sell, Howard M., Jr.
Seymour, John C.
Shaffer, Darrell C.
Siglin, Daniel F.
Sijersen, Erick J.
Smith, Eldred C.
Soule, Louis M.
Spata, August
Steger, Earl L.
Stroup, William E.
Sunquist, Donald H.
Sweigart, Donald R.
Tounzen, Albert O., Jr.
Truman, Harold S.
Tucker, Howard A.
Turnquist, Arnold C.
Tyrrell, Thomas S.
Wald, Howard B.
Williams, Harold E., Jr.
Williams, Richard B.

XUM

Wilson, Robert H.
Windell, Marion A.
Winslette, Charles L.
Winslow, Robert L.
Woods, Melvin I.
Yates, Henry R., Jr.
Young, Harold J.

The following-named officers for transfer to and appointment in the Civil Engineer Corps of the Navy in the permanent grade of lieutenant (junior grade) and the temporary grade of lieutenant:

Carlson, Richard E.
Franz, John P.
Jokela, Carl R.
Probst, Lawrence E.

Ensign Richard T. Campbell for transfer to and appointment in the line of the Navy in the permanent grade of ensign.

Lieutenant Commander Vincent S. Averna for transfer to and appointment in the Judge Advocate General's Corps of the Navy in the permanent grade of lieutenant and the temporary grade of lieutenant commander.

Lieutenant Donald E. Edington for transfer to and appointment in the Judge Advocate General's Corps of the Navy in the permanent grade of lieutenant (junior grade) and the temporary grade of lieutenant.

The following-named officers for transfer to and appointment in the Supply Corps of the Navy in the permanent grade of lieutenant (junior grade) and the temporary grade of lieutenant:

Coffin, Charles E., III
Gray, Cameron R.
Griswold, Robert E.
Marshall, John P.
Quirk, David J.
Tate, David J.
Thomas, Gary L.
Young, Jeffrey A.

The following-named officers for transfer to and appointment in the Supply Corps of the Navy in the permanent grade of ensign:

Brent, Robert S.
Henderson, Roger H.
Huban, George H., Jr.
Lippert, Keith W.
Schoenfeld, John D.
Stein, John R.

IN THE MARINE CORPS

The following-named officers of the Marine Corps for permanent appointment to the grade of first lieutenant:

Peter A. Acly
Robert L. Adams
William S. Alexander
Elizabeth J. Allen
David S. Althaus
Lester E. Amick III
Christen V. Anderson
Thomas M. Anderson
Timothy J. Anderson
James L. Anderson
John W. Anuszewski
Rodney A. Arena
Rufus A. Artmann, Jr.
Ashton D. Asensio
Michael D. Ashworth
Richard G. Averitt
Paul C. Bacon
Ronnie J. Bailey
David L. Baker
Raymond F. Baker
Wheeler L. Baker
John J. Banning
John C. Barber
James J. Barta
Allen C. Bartel
John M. Basel
Michael J. Baum
David C. Beaty
James H. Beaver
Lawrence C. Begun
Charles A. Bellis
Roy B. Bentson
Donald L. Best
Joseph A. Betta
Carolyn K. Bever
John L. Bilodeau
Willie R. Bishoff, Jr.
Walter R. Bishop
William R. Black, Jr.
Gary A. Blair
Robert J. Boardman
David A. Boillot
John A. Boivin
George J. Bolduc
Lynn L. Boyer III
Frank A. Bozanich
Bernard F. Bradstreet
Clifford A. Brahmstadt
Ian Brennan
Robert Bright III
James A. Brinson
George M. Brooke
Richard C. Brookes
Michael B. Brown
Richard M. Brown
Kenneth H. Bruner
James F. Buchli
Paul D. Budd
Robert J. Buechler
Mark C. Bunton
Victor L. Burgess
Ronald L. Burton
Donald J. Buzney
Mark A. Byrd
Douglas Caldwell
Carl P. Campbell
Donald F. Carey
Joseph R. Carlisle
Michael R. Carter
Howard C. Carver III
Michael R. Cathey
Merritt N. Chafey
Charles R. Champe
Richard E. Chapa
Roger G. Charles
Jonathan C. Chase
Bruce B. Cheever II
Maurice L. Chevalier
Robert E. Chiesa
Edward E. Chipman
Leslie A. Christian
Kenneth L. Christy
Stephen E. Chupik
John J. Clair III
Clair W. Clark II
Raymond J. Clatworth III
Roger W. Click
John J. Cochenour
Michael G. Coe
John R. Cole
Clelland D. Collins
Charles A. Collins
Gary E. Colpas
Peter L. Colt
Michael C. Connor
William C. Conrad
Blair P. Conway
Thomas M. Cook
Ronald J. Cornetta
Stephen E. Cox
Braford L. Craddock
John P. Cress
Randolph E. Crew
James C. Crockett
Stephen Cucchiara
William L. Culver
John T. Cummins, Jr.
Paul R. Daigle
Lawrence P. Dale
William E. Davidson, Jr.
Crane Davis
Dean R. Davis
Elmer H. Davis
Carson R. Day
Andrew P. Decker
Alan C. Decraene
Terence T. Deggendorf
Richard J. Deichl
Jack E. Deichman
Wayne A. Deines
Robert C. Delones
Michael P. Delong
James D. Delp
John R. Dempsey
Richard E. Dennis
Charles F. Depreker
Robert P. Devere
Bernard M. Devinny
Michael J. Dineen
William R. Donnelly
Robert C. Dopher, Jr.
Stuart A. Dorow
Kevin M. Doyle
Wayne C. Doyle
John W. Dumas
Charles C. Dunn
Robert L. Earl
Thomas B. Edwards
James S. Ehmer
Michael B. Ellzey
Dalton R. Ellis, Jr.
William P. Etter
John S. Evans, Jr.
Michael L. Evans
William C. Evans
James J. Ewing
Jonathan P. Feltner
Michael J. Ferguson
Patrick J. Finneran
John W. Fitch
Thomas E. Fitzpatrick
John R. Fogg
John J. Folan
James L. Foresman
Donald R. Forester
Richard R. Foulkes
Robert W. Fout
Stephen P. Freiherr
Claude R. Fridley
William P. Friese
Douglas D. Frisbie
Leonard R. Fuchs, Jr.
James R. Fuller
Charles S. Gaede
John P. Galligan
Domonick P. Gandiana
William J. Ganter
Algimantas V. Garsys
John R. Gazdayka
David M. Gee
George F. Getgood
James A. Gettman
Robert E. Gleisberg
Daniel M. Glynn
James A. Goebel
William G. Goodwin
Adrian J. Gordon
Lawrence O. Graeber
Robert L. Graler
Alfred Grieshaber
Grant P. Gustafson
Steven P. Hadar
John R. Hagan
Larry E. Hamblin
David W. Hammel
Arlen J. Hanle
Robert W. Hansen
Norman F. Hapke
John T. Hart
Michael J. Hart III
Patrick C. Harwell
David W. Haughey
David M. Hauntz
Paul Hayes
Eldwin D. Heely
Klauspeter Heinemeyer
Howard L. Helms
Floyd P. Henry
Edward W. Hermansen
Richard L. Herrington
Preston E. Hicks
William R. Higgins
Thomas A. Hobbs
Harold D. Hockaday
James C. Hodges
Charles O. Hoelle
Emile W. Hoffman
Robert C. Holden
Robert J. Holihan
John N. Holladay
Richard E. Holt
Franz H. Honeycutt
Richard G. Hoopes
Raymond A. Hord
Joseph R. Horton
Patrick G. Howard
John M. Hudock
Lucien N. Hudson, Jr.
Richard B. Hudson
Larry D. Hunt
Frederick L. Huntington I
James W. Hust
Robert H. Hutchinson
Robert P. Isbell
William P. Isbell
Nathan D. Jacobs
Albert E. James, Jr.
Joseph L. Janc
Herman R. Jennette, Jr.
Richard M. Jessie, Jr.
Russell L. Johnson
Russell H. Johnson
Ronald P. Johnson
Anderson Jones
James F. Jones
Sidney A. Jones III
Stuart C. Jones
Harold D. Kadolph
Frank J. Kaiser
William B. Kalish
Michael R. Kanne
John F. Karch
William W. Kastner
Wayne S. Keck
William R. Keefe
Joseph A. Kelleher
Edwin C. Kelley
Jack H. Kemeny
Edward R. Kenney
Lloyd E. Kenney
Gerald L. Keys
John A. Kieffer
Gary J. Kiel
John P. Kiley
Ronald D. Kincade
Charles W. King
William J. Kirkpatrick
John J. Kispert
Harold W. Knotts
Joseph J. Kollar
Nicholas L. Kopchinsky
Kevin L. Kuluvar
Richard H. Kunkel, Jr.
Richard C. Kurth
Gregory S. Kuzniewski
Albert S. Kyle
Richard O. Laing
Howard W. Langdon, Jr.
Michael D. Langston
Robert L. Lanham
John P. Larrison
John D. Lawson
Fitzhugh B. Lee
Edward G. Lewis
Francis E. Lewis
James T. Lewis
Richard F. Liebler
Richard E. Link
Dennis L. Lister
Robert M. Lloyd
Charles H. Loeffler
Gary L. Loomis
Earle S. Lott
Francis B. Lovely
John S. Lowery, Jr.
Forest L. Lucy
Warren R. Madsen
John C. Malinowski, Jr.
Marion R. Mann
Philip M. Marrie
Justin M. Martin
Thomas A. Martindale
John H. Masters, Jr.
Steven R. Matulich
John F. Matus
Douglas B. May
Robert M. McBride
Dennis M. McCarthy
Michael E. McClung
Paul R. McConnell
Orval W. McCormack
Patrick J. McDonald, Jr.
Michael M. McElwee
Thomas M. McEntire
George L. McGaughey
Arthur L. McGinley
George R. McKay
Donald S. McKee
James H. McKelligon
John P. McMinn
Daniel D. McMurray
James R. McNeece
William D. McSorley
David E. Melchar
Richard Metli
Patrick A. Michel
John C. Millen
Eugene D. Miller III
Rodney A. Miller
Edward H. Mills
Wallace W. Mills
John W. Moffett
Carl W. Monk, Jr.
John W. Monk
Walter H. Moos
Michael D. Morgan
Ronald H. Morgan
Michael K. Morrison
Michael K. Morrow
Gary W. Moser
Cyril V. Moyher
Garrell S. Mullaney
Michael R. Mullen
John J. Munn
Stephen A. Munson
William H. Munyon
Edward J. Murphy
James P. Murphy
James E. Murray
John K. Narney
Richard O. Neal
Rafael Negron
Marion W. Neighbors
Jan H. Nelson
Robert B. Newlin
Roy D. Newman
Raymond J. Norton
Henryk Nowicki
James M. O'Brien, Jr.
John J. O'Brien
Robert J. Orourke
Edward M. Oshaughnessy
Eugene M. Ozment
Jerry G. Paccassi II
Peter Pace
Robert A. Packard
Matt Parker
Paul D. Parker II
David B. Peake
Richard E. Peasley
Anthony J. Pesavento
David W. Peters
Linn B. Peterson
George M. Pfeiffer, Jr.
Lloyd O. Phelps
George Philip
James B. Phipps, Jr.
Gerald E. Plant
Bernard H. Plassmeyer
Bernard T. Polentz
Richard J. Popps
John C. Powers
Ronald E. Pruiett
Kenneth R. Ptack
Henry P. Purdon
Harry Q. Radcliffe
James K. Ramaker
William E. Ransbottom
Charles D. Raper
David G. Ray
Nathaniel H. Reed
Thomas L. Reilly
Joseph H. Reinhardt
Joseph F. Renaghan
Richard L. Reuther
Rockne C. Rhoda
Orin J. Riddell II
Durwood W. Ringo, Jr.
Francis A. Ritchey III
Larry E. Roberson
Joseph A. Robitaille
Craig S. Roepke
Raymond A. Roll
Robert N. Roman
Michael G. Roth
Randolph C. Rounds, Jr.
James R. Ryan
Michael D. Ryan
George N. Samaras
Jack L. Sammons
James C. Sanborn
Michael B. Sandberg
Andrew R. Sargent
Edward A. Saunders
Donald A. Scheer
Charles W. Schillinger
John A. Schmid
William J. Schmitt
Karl R. Schroeder
Peter G. Shutz
Richard S. Scivicque
James F. Seagraves
Jules B. Selden
James D. Selim
William C. Sellmer
Richard A. Sergo
Kenneth L. Shackleford, Jr.
Rodney E. Shapiro
Dennis R. Shaw

William J. Sheahan
Michael M. Sheedy
Loren H. Shellabarger
Kermit H. Shelly, Jr.
Michael F. Shields
Michael R. Shuttleworth
Walter F. Siller, Jr.
David P. Skiles
Gregory G. Sloan
John J. Slough
Ronald F. Smee
Clinton A. Smith
Daniel M. Smith
Michael D. Smith
Ray L. Smith
Frederick G. Snocker
Kenneth A. Solum
Deforest D. Spindler
Richard D. Spitz
Jeffrey L. Spoon
Jonathan B. Stad
Christopher C. Staley
Charles Steele
Martin R. Steele
Edward R. Stepien
Jack A. Stevens
Norman R. Stocker
Ronald M. Stoll
John B. Strange
John J. Sullivan
Stephen I. Szabolcs
Robert Tait, Jr.
Bayard V. Taylor
Cecil V. Taylor
William P. Taylor
Benjamin L. Tebault
William J. Tehan III
Robert F. Thompson
William G. Thrash
Raymond S. Tiney, Jr.
Warren S. Titcomb
Charles Toeniskoetter
Owen J. Toland
Alan S. Toppelberg
Clyde R. Trathowen
John B. Tritsch
Thomas R. Trompeter
Courtney L. Tucker
William M. Tucker
Colin B. Tweddell
Carl W. Ulrich
Daniel V. Urban
Thomas R. Utley
Peter H. Vanzandt
Douglas C. Vassy
David A. Vetter
John R. Voneida
Bob C. Walker
Robert W. Waller
Charles F. Warford
Clifford B. Warren III
Robert G. Warren
Arthur S. Weber, Jr.
Harry R. Weber III
David E. Weir
Marshall R. Wells
Donald T. Welsh
Joseph R. Welsh
Gerrit L. Wiescamp
Edward J. Wietecha
David E. Wilbur
Thomas L. Wilkerson
James G. Williams
Michael J. Williams
Richard F. Williams
John T. Williamson
Brooks C. Wilson
Bruce B. Wilson
Frank A. Wiseman
Stephen M. Wistrand
Terry L. Wojcik
Charles E. Wolfe
James Wolfe
Dalney E. Wooldridge II
Theodore R. Woollens
Carroll L. Wright
Ronald J. Wroblewski
John W. Wuethrich
James F. Wzorek, Jr.
James A. Yorg
Walter R. Young
George A. Zahn
Jeffrey M. Zimmerman
Lawrence R. Zinser

The following-named officers of the Marine Corps for temporary appointment to the grade of first lieutenant:

Albert A. Acri
Andrew W. Adams
Walter A. Akahosi
Richard L. Alderson
Robert H. Aldrich
Richard L. Ale
Charles B. Alexander III
John E. Allen
Thomas E. Allen
Joseph N. Anderson
Scott D. Anderson
Russell A. Andress
Donald A. Angle
William V. Arbacas, Jr.
Michael V. Avery
Howard R. Bacharach
John M. Baldwin
Jeri D. Balsly
Allen Baltezore
Terry L. Barnes
Thomas C. Baumgaertel
Stephen A. Beaulieu III
Bruce H. Beckett
Michael R. Beggs
Joseph F. Bellegarde, Jr.
Martin R. Berndt
William D. Berry
Alfred F. Bessette
James P. Bessey
Harold C. Boehm, Jr.
William J. Boese
Steven A. Bosshard
Thomas G. Bowman
Michael F. Boyer
William W. Boykin
Charles J. Boyle
James W. Brady
Donald R. Bragg
Donald B. Braun
James M. Bridges
Richard H. Briggs
William D. Briggs
Stephen A. Brixey
Donald G. Brophy
Wendell J. Bruce, Jr.
David G. Buell
Duncan H. Burgess
Thomas R. Burnham
Joe W. Burns
Richard P. Bush
Robert C. Butler
William S. Buttrill
Harold D. Byerly
Don E. Caldwell
Donald A. Calvin
Richard W. Campbell
Stanley E. Carlin
Thomas M. Carlin
Victor E. Carlin
Emerson F. Carr
William A. Carter
Vincent Cerqua
Marcus P. Chekenik
Thomas R. Childers, Jr
Joseph B. Chopek
William R. Christoph
Dennis E. Clancey
Charles B. Clark, Jr.
Robert D. Clarke
Jose T. Coccovaldez
Larry D. Cohen
Gary R. Coldren
Michael D. Conrad
Joel L. Cooley
Robert M. Corrigan
Martin J. Costello
John K. Covey
Robert W. Cowin
William H. Cox
Jerry L. Creed
Michael J. Cross
John L. Croston
Wayne T. Crowder
Ronald K. Culp
Michael T. Curtis
Ray H. Davis
William J. Dawson
Hugh H. Dearing
Michael A. Decker
Richard E. Deneut, Jr.
Terrence M. Denight
William F. Deubler
Jesse A. Dobson
Howard G. Dodd
William A. Doig, Jr.
John P. Doolittle
John E. Drury
Cyril P. Dubrachek
Richard H. Duff
George R. Dunham
Perry R. Dunn
Douglas C. Earle
Stephen A. Edwards
Robert C. Eikenberry
Robert R. Epps
Steven C. Erickson
Harold J. Ermish
Kenneth W. Estes
Donald H. Estey, Jr.
Bernard H. Eveler
Jerry M. Farrow
Francis P. Faubion
Robert J. Fawcett
John C. Feeney
Robert G. Fender
George F. Fish
Charles S. Fisher
Jean V. Fitzsimmons
Frederick J. Florian
Ray E. Folsom
Robert G. Fordyce
Michael A. Fowler
George M. Francis
Edward R. Friedrich
Charles O. Fulcher
Burton F. Ganeles
Milton J. Gainer
William D. Gardner
Robert B. Garey
William R. Garland
Robert D. Garner
James E. Gass, Jr.
Robert W. Geary
Ronald M. Gilbert
Leon E. Gingras
Joseph H. Girdwood
William S. Glover
Joel L. Goza
John H. Gray
Michael R. Greene
Edward C. Grimes
Richard C. Guess, Jr.
Dennis V. Hacker
Lawrence B. Hagel
John M. Hamilton
Jerry G. Hanks
James R. Hannemann
Edward L. Hardister
Thomas C. Hayden III
John W. Heath
James G. Heidmous
Ralph M. Henderson
Ross J. Hieb
Earl M. Hinson
Tommie S. Hodge
George W. Holbert
Ronald C. Hood III
Herbert H. Hooper
David S. Horton
Michael A. Hough
Carl K. Houghton
John E. Howard
Edwin D. Hughes
Marvin E. Hughes
Jack M. Hulce
Bobby E. Humeston
Neil V. Huning
Randolph S. Hunter
Clarence E. Hutson
Timothy A. Jacques
Dennis J. Jenkins
Gordon D. Jennings
Jose L. Jimenez
Erick T. Johanson
Charles A. Johnson
David F. Jones
Perc L. Jones
William R. Jones
Gordon E. Kampen
James V. Kelly
Edward S. Kendig
Michael B. Kennedy
Dennis W. Kerrigan
Scott D. Ketchie
Carl E. King
Richard A. Klarmann
Merritt B. Kleber
Phillip J. Kolczynski
Daniel P. Kollay
William J. Kopp
Rudolph J. Kosits
George V. Kuck Jr.
Henry L. Kunkel
Terry D. Labar
James P. Lamphron
Edward R. Langston, Jr.
John R. Lasher, Jr.
Robert L. Laudun
Thomas L. Laws
Harvey C. Lee
Robert B. Lees
Edward M. Leonard
William H. Leppig
Kenneth B. Levan
James L. Lewis
Stephen T. Linder
Jimmie A. Lindsay
Daniel J. Long
Robert Lopes
Henry C. Lorange
Roger L. Lorenz
Richard C. Lottie
John M. Lowry
Richard G. Mace
Merle E. Mackie, Sr.
Anthony V. Madda
Eugene C. Madenford
Robert Magnus
Ronald J. Makovich
Michael V. Maloney
Herbert H. Markle
Darrell F. Martin
John P. Martin
Ronald E. Marx
Paul P. Mason
Jack D. Mathis
Chester C. Mattox
Keith L. Maxfield
John P. May
James E. Mayo
William H. McBride
Timothy A. McBrier
Philip L. McCallum
Dennis A. McConaghy
Peter R. McDonald
Robert C. McDonough, Jr.
Michael P. McGee
Walter E. McGuire, Jr.
John H. McLees, Jr.
Kenneth E. McNutt
Ellory M. Medor
Gary F. Medrano
James A. Messerschmidt
Elmer L. Messick
Donald F. Miller
Douglas L. Miller
Frank L. Miller
Paul W. Miller
Herbert Minx, Jr.
David M. Mize
Roger C. Moll
William Morgan, Jr.
Wayne V. Morris
Daniel J. Moseler
Michael J. Moylan
John R. Murray
James Muschette, Jr.
Freddie Napier
Clarence M. Nelson, Jr.
Leonard L. Nicholson
Juan C. Nogueira
Andrew L. Normand, Jr.
Arthur W. Nottingham
Francis P. Novak
Billie F. Nowark
Johnnie M. Ochoa
George A. O'Connell
George A. O'Connell
William E. O'Connor
Jerry W. Odell
Dennis O. Olson
Richard J. Olsen
Martin E. O'Malley
Hugh J. O'Neill
Richard H. Osborn, Jr.
Charles W. Overton
Nat M. Pace, Jr.
Lewis H. Palumbo
Garry L. Parks
Thomas D. Pasquale
Robert L. Pegan
Stephen E. Petit
Gordon W. Phelps
Thomas J. Pitman
Arthur M. Plummer
Geoffrey W. Pomroy
Charles R. Porter
John H. Post, III
Charles R. Provini
Robert W. Pryce Jones
Harry C. Pugliese
Terrance T. Puida
Jesse P. Pullin
Paul F. Quinn
Kerry O. Randel
James A. Rawls
Michael A. Ray
Ross Rayburn
Richard P. Red
Charles G. Reed
Edwin L. Reffelt
Viet S. Reid
Charles Ribalta
Coy W. Richardson
Garlan W. Richter
George R. Rickley
Jeffrey L. Riggs
Charles L. Riley
Joseph F. Rizzo
William L. Roach
John M. Roake
James B. Robertson, Jr.
Kenneth D. Roebuck
William C. Rogers
Michael P. Rose
Timothy C. Rosenhan
Lester D. Roth
John F. Rush
David P. Russell III
Stephen Russin
Charles A. Sakowicz
Manuel J. Salas
Angelo Salustro
Terrance M. Sampson
James R. Sandberg
Joseph P. Santosuosso
James A. Schaver
William P. Schmeisser
Robert C. Schneidler
Walter Schuette
William L. Sciba, Jr.
John R. Scott
John T. Seabrook
Thomas R. Sellers
Michael L. Shanklin
Charles F. Shepard
David H. Shepherd
William A. Shetler
David F. Shewmake
Roy M. Shoemaker
Kenneth P. Shrum
David S. Simon
Victor A. Simpson
Thomas L. Slaughter
Wharton S. Smith, Jr.
John D. Snakenberg
Charles W. Spencer
Thomas E. Spiller
Daniel F. Spond
Herbert B. Stafford
Robert A. Stone
Russel M. Stromberg
Alan E. Strong
Garth K. Sturdevan
Kenneth M. Sullivan
Patrick Sullivan
Timothy D. Sutton
Donald H. Tanaka
Jimmy D. Tappon
Robert B. Tedrick
David M. Tesh
Gary G. Thomas
William G. Thomas
Charles E. Thompson
Wayne L. Thompson
David L. Tibbetts
Edward T. Timperlake
James L. Todd
John S. Tolmie, Jr.
Joseph R. Tosi, Jr.
Terry N. Tracy
Robert D. Tuke
Kenneth M. Ture
James T. Turner, Jr.
Thomas W. Tyler
Arthur F. Uhlemeyer
Henry F. Walker
Raymond L. Walters
Cecil E. Ward
James J. Ward
Stephen A. Ward III
Jesse L. Webb
Lewis T. Webb
Joseph A. Wellington
David M. Wells
Robert W. Wetzel
John N. Whipple
Edward B. Wild
Herbert W. Williams
Leroy Williams
James F. Wilson
John T. Wilson
Joseph C. Wilson
Phillip H. Wilson
Gerald L. Witkoski
Nolan W. Wright, Jr.
James J. Yantorn
John W. Yarrison
Kenneth H. Yazel
William C. Young
Bernard G. Zickefoose
Martin J. Zigovsky

The following-named officer of the Marine Corps for permanent appointment to the grade of captain:

William H. Ganz

U.S. CIRCUIT JUDGE

William E. Miller of Tennessee to be a U.S. circuit judge, sixth circuit vice Clifford O'Sullivan, retired.

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HOUSE OF REPRESENTATIVES—*Tuesday, March 3, 1970*

The House met at 12 o'clock noon.

Rev. Clarence W. Cranford of the Calvary Baptist Church, Washington, D.C., offered the following prayer:

We thank Thee, O God, for the privilege of living in a free nation. We do not all think alike, but we thank Thee that we are all free to express our opinions. We do not all believe alike, but we thank Thee that we are free to worship Thee according to the dictates of our conscience. We do not all vote alike but we thank Thee that we are free to vote for the candidate of our choice.

These are not easy days, our Father, in which to try to lead or to make decisions. Changes happen faster than we can assimilate them. Problems rise faster than we know how to solve them. But in the midst of our changes and problems, keep us sensitive to the leading of Thy spirit. Help us to be flexible enough that we do not try to resist every change that comes along, but may we be firm enough in our convictions not to be swept along by every new idea that demands our acceptance.

Unite us in a common love for our country. Unite us in a desire to serve the common good.

We thank Thee for those who dare to believe that ours is a nation under God. May we never give up until we have truly achieved liberty and justice for all.

We ask this humbly because we need Thy help. We ask it in faith because we believe in Thy wisdom and love. Amen.

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THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Leonard, one of his secretaries, who also informed the House that on the following dates the President approved and signed bills of the House of the following titles:

On February 26, 1970:

H.R. 8664. An act to authorize an increase in the number of flag officers who may serve on certain selection boards in the Navy and in the number of officers of the Naval Reserve and Marine Corps Reserve who are eligible to serve on selection boards considering Reserves for promotion;

H.R. 9485. An act to remove the $10,000 limit on deposits under section 1035 of title 10, United States Code, in the case of any member of a uniformed service who is a prisoner of war, missing in action, or in a detained status during the Vietnam conflict; and

H.R. 11548. An act to amend title 10, United States Code, to permit naval flight officers to be eligible to command certain naval activities and for other purposes.

On February 28, 1970:

H.R. 14789. An act to amend title VIII of the Foreign Service Act of 1946, as amended, relating to the Foreign Service retirement and disability system, and for other purposes.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed the following resolution:

S. Res. 362

Resolved, That the Senate has heard with profound sorrow the announcement of the death of Honorable James B. Utt, late a Representative from the State of California.

Resolved, That a committee of two Senators be appointed by the Presiding Officer to join the committee appointed on the part of the House of Representatives to attend the funeral of the deceased Representative.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That, as a further mark of respect to the memory of the deceased, the Senate do now adjourn.

The message also announced that the Presiding Officer, pursuant to Senate Resolution 362, appointed Mr. MURPHY and Mr. CRANSTON to join the committee appointed on the part of the House of Representatives to attend the funeral of the Honorable James B. Utt, late a Representative from the State of California.

REV. CLARENCE W. CRANFORD

(Mr. ANDREWS of Alabama asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ANDREWS of Alabama. Mr. Speaker, it is a special pleasure for me today to welcome my good friend and minister, Dr. Clarence W. Cranford, pastor of Calvary Baptist Church in Washington, D.C., to the House of Representatives. I want to thank him for those words of quiet inspiration that he has just given us.

Dr. Cranford is truly one of the outstanding clergymen in this city and, indeed, this Nation. He has been pastor of the Calvary Baptist Church since 1942—an outstanding testimony to his ability and faithful service.

A native of Sharpsville, Pa., Dr. Cranford was graduated from Bucknell University in 1929, and Crozer Seminary in 1932. He received an honorary doctor of divinity degree from Bucknell in 1942. He is today a trustee of that great university.

Before coming to Calvary Baptist Church, he served in pastorates at Logan Baptist Church in Philadelphia, Pa., and the Second Baptist Church in Richmond, Va.

Dr. Cranford has carried the message of Christ abroad on many occasions. His preaching missions for the U.S. Air Force have included Korea, Japan, Germany, Italy, Greece, Crete, and Libya. He has also made trips to Russia, Brazil, and Peru.

Dr. Cranford served as president of the American Baptist Convention from 1957 to 1958, and is today a member of the board of directors of the Minister's Life & Casualty Union.

An author of considerable note, Dr. Cranford's works include "Taught by the Master," "Devotional Life of Young People," "His Life, Our Pattern," "The Seven Last Words," and "The Overflowing Life."

He married the late Kathryn Young in 1938, and is the father of a son, Richard, and a daughter, Carolyn. His first wife passed away in 1961. Dr. Cranford married another lovely lady, the former Dorothy Schultz, in 1963.

A close friend of the late Dr. Peter Marshall, Chaplain of the Senate, Dr. Cranford delivered the last address prepared by that great clergyman, who, realizing that he was too ill to make it to the Senate, asked his good Baptist friend, Clarence Cranford, to address the Senate for him.

Certainly Dr. Cranford has labored long and well in the vineyard of the Lord. I am so very pleased that he was able to be with us today.

HAPPY BIRTHDAY, LEWIS DESCHLER

The SPEAKER pro tempore (Mr. DENT). The distinguished Speaker of the House, the gentleman from Massachusetts (Mr. McCORMACK) is recognized.

(Mr. McCORMACK asked and was given permission to address the House for 1 minute.)

Mr. McCORMACK. Mr. Speaker, those of us who have served in the Congress throughout the years and who serve here now realize the integrity, the value, the ability, the vision, the heart, and the goodness of the gentleman who I refer to as the "man of wisdom."

He has played a very vital and important part in the traditions and proceedings of the House of Representatives, and in the Congress of the United States. He is one who seeks no publicity. He performs the duties of his important position always having the interest of the House and of the Congress of the United States at heart. He is not only a great man but a good man—a man of deep faith, a man of sincere convictions, a man who occupies a position of trust that he fulfills and performs to the maximum extent humanly possible in the service of this body and of the Congress of the United States.

Anyone who might want to write a book which would be one of the most popular books that could be conceived, and one which would be greatly in demand and widely distributed, could do so by writing a book about the gentleman whose name I am about to mention. He has endeared himself, as I have said, in the minds and hearts of all of us, and of all of our colleagues who have preceded us in service in this body during the period of time that he has occupied the prominent position that he does, and which, praise God, he will continue to occupy for many years to come.

I have the pleasure of announcing to my colleagues that this is the birthday of that humble and brilliant gentleman, our distinguished Parliamentarian, Lewis Deschler.

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman yield?

Mr. McCORMACK. I yield to the distinguished gentleman from Michigan.

Mr. GERALD R. FORD. Mr. Speaker, I am grateful that the distinguished Speaker has spoken out on behalf of a friend of all of us. The House of Representatives, I have said many times, is the people's House. We have 435 Members elected from 435 districts. Hopefully, every 2 years we get the support of our constituents, and we more nearly than any other branch of the Federal Government reflect the views of the American people. Because of the size of the House, and because of our diversity coming from so many congressional districts, we could not do our job in an orderly and responsible manner unless we had responsible rules and parliamentary decisions that were based upon such rules and not based upon the whim and fancy of an individual.

Lew Deschler, for 43 years, has performed the function of advising the Speaker and the various Chairmen of the Committee of the Whole on what the rules were and what the precedents have been. Although on occasion I have not always agreed 100 percent with those decisions by the Chair, nevertheless I believe that those decisions have been based upon the rules and the precedents of the House of Representatives. Certainly in the House of Representatives the distinguished Parliamentarian has the respect, the admiration, and the affection of all Members on both sides of the aisle for his devoted service to all Members of the House of Representatives.

I join with the Speaker in wishing him many more years of great and continued service. In the years ahead I extend to him the best of health, happiness, and success.

Mr. ALBERT. Mr. Speaker, will the gentleman yield?

Mr. McCORMACK. I yield to the distinguished gentleman from Oklahoma.

Mr. ALBERT. Mr. Speaker, I cannot pass up the opportunity to join the distinguished Speaker and the distinguished minority leader in wishing Lew Deschler a happy birthday, and many more of them. I concur in what the distinguished minority leader said when he told the House that Lew Deschler is a master Parliamentarian, that he is the one person who has kept the House and its Committees of the Whole on the right track when parliamentary questions have arisen. He is, as the Speaker has said to many foreign visitors in my presence, the greatest living Parliamentarian.

But I do not think that Lew Deschler's talents end there. I think he is more than an interpreter of the Rules of the House, more than a great Parliamentarian. He is an outstanding instrument of the House itself in all of its phases. I doubt that over the past decades any one man has been closer to our great Speakers or has been of more assistance to them in reaching sound conclusions, not only on parliamentary questions, but on all questions important to the House itself. Certainly to me Lew Deschler has been one of the best and finest friends and most dependable advisers I have ever had in my lifetime. There are not enough metaphors in the book to describe Lew. He is the anchor of the House; he is the Gibraltar of the House; he is an indispensable instrument in the efficient and wise operation of this great organization beloved by us all.

Mr. ARENDS. Mr. Speaker, will the gentleman yield?

Mr. McCORMACK. I yield to the distinguished gentleman from Illinois (Mr. ARENDS).

Mr. ARENDS. Mr. Speaker, very early in one's service in the House he learns that without Lew Deschler, our beloved and brilliant Parliamentarian, this great deliberative body, of which we are so proud, would degenerate into a town meeting of distinguished citizens where much is said but little accomplished. We would become so snarled in procedural questions that there would be little time for matters of substance.

It would be no exaggeration to say that Lew Deschler is the embodiment of the House of Representatives. He is what has made the House a continuing body. He has served here no less than 43 years and since 1928 he has been our Parliamentarian.

Members come and go. Only one Member—the distinguished gentleman from New York (Mr. CELLER)— has been here longer than Lew. Speakers come and go, as the political majority has changed. Lew Deschler has served as Parliamentarian under Nicholas Longworth of Ohio, John N. Garner of Texas, Henry T. Bankhead of Alabama, Sam Rayburn of Texas, Joseph W. Martin, Jr. of Massachusetts, and our present distinguished Speaker JOHN W. MCCORMACK of Massachusetts.

As a matter of fact, Lew Deschler was serving as Parliamentarian when our beloved Speaker MCCORMACK first came to Congress.

Little do the people know how important Lew is to the House of Representatives. He symbolically sits on the Speaker's right. He is the right arm of whoever sits in the Speaker's chair, as Speaker or as Chairman of the Committee of the Whole. That he has served in this capacity for so long, whoever is Speaker and whatever the political complexion of the House, in itself bespeaks not only the ability and diligence of our Parliamentarian; it also bespeaks his fairness.

Someone at one time said, "The greatest men are often those of whom the noisy world hears the least." I know no one of whom this would be more descriptive than Lew Deschler. He is not a self-seeker for glory. He has that all too rare "passion for anonimity." He is one "who works unseen and is greater than he seems." Unknown by most he has contributed more to the House of Representatives than many who make headlines.

If Lew were to write his memoirs, and I think he should, it could well be entitled, "Forty-Three Years in Congress Without a Vote." While he has not voted on legislative issues, he has often had a larger voice in how issues have been resolved than many of us who did vote.

Today is Lew's 65th birthday. I congratulate him and extend to him my very best wishes for many, many more. On this memorable day we are actually congratulating ourselves on being so fortunate to have a man of Lew's ability and character as our Parliamentarian.

Mr. RIVERS. Mr. Speaker, will the gentleman yield?

Mr. McCORMACK. I yield to the distinguished gentleman from South Carolina (Mr. RIVERS).

Mr. RIVERS. Mr. Speaker, as one who has consulted the Parliamentarian perhaps as much as anyone else, I want to add my humble efforts to those encomiums so justly heaped on the shoulders of this unassuming and great American. Not everybody becomes the age which Lew Deschler has attained and very few, if any, will ever serve in this House 40 years as our Parliamentarian.

Mr. Speaker, Lew Deschler is the embodiment of our rules of order. He is the embodiment of law and order. He is the embodiment of the House of Representatives. He is the right hand of the Speaker, and he is the image of Congress.

Mr. Speaker, no man is more justly deserving of the nice things being said about him than is Lew Deschler. I hope as the twilight years come upon him and the shadows lengthen that he will be reminded of our affection for him and our love for the things he has done for this House—which he loves and which we all love.

I thank the Speaker for yielding.

Mr. HARSHA. Mr. Speaker, will the gentleman yield?

Mr. McCORMACK. I yield to the distinguished gentleman from Ohio (Mr. HARSHA).

Mr. HARSHA. Mr. Speaker, I thank the distinguished Speaker for yielding.

Mr. Speaker, I have the honor and privilege of representing the city of Chillicothe, Ohio, which is Lew Deschler's hometown. On behalf of myself and the citizens of Chillicothe, I extend our deepest and best wishes to this great man Lew Deschler, on his 65th birthday.

As has been pointed out by my colleagues, Lew Deschler is not only an outstanding Parliamentarian, but he is also a great American, and he has brought distinguished honor to the city of Chillicothe by his outstanding service here in the Congress of the United States.

We wish him many, many more and happy birthdays in the future.

Mr. McCULLOCH. Mr. Speaker, will the gentleman yield?

Mr. McCORMACK. I yield to the distinguished gentleman from Ohio (Mr. MCCULLOCH).

Mr. McCULLOCH. Mr. Speaker, if I may, I should like to join with everyone who has spoken so well of my longtime friend, Lew Deschler. He not only belongs to Chillicothe, but he also belongs to Ohio.

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That great Speaker before the time of many here, Nicholas Longworth, brought Lew to Washington, where he learned quickly and well. I am sure no parliamentary body in the world has a better guide than Lew Deschler of Ohio. Lew, I wish for you just as many more such happy birthdays as you desire.

Mr. **FLOOD**. Mr. Speaker, will the gentleman yield?

Mr. **McCORMACK**. I yield to the distinguished gentleman from Pennsylvania.

Mr. **FLOOD**. Mr. Speaker, I hasten to subscribe to the sheer eloquence which has been inspired by this occasion.

Lew sits now to the Speaker's right. As he has heard these words, I know he is embarrassed by what we say.

I shall not attempt to gild the lily, Mr. Speaker and Lew. On this occasion, in the very best American tradition, we always sing, "Happy Birthday to you." Lew knows better than I that under the rules of the House I cannot lead such a song, but I assure him that our hearts sing, "Happy Birthday to you; Happy Birthday to you; Happy Birthday, dear Lew, Happy Birthday to you."

Mr. **BOW**. Mr. Speaker, it must give a man a feeling of great personal satisfaction to know that he is one of three or four in the entire world upon whom responsibility is rested to assure the smooth and orderly daily functioning of the legislative process so fundamental to free government. Lewis Deschler is such a man. As Parliamentarian of the U.S. House of Representatives, Lewis Deschler assures the fair and orderly procedure of business in what I consider the most important legislative body in the free world. His is a vital function. He performs it admirably. We are fortunate, indeed, to have in our service the world's outstanding authority on the rules of parliamentary procedure.

Beyond that, we are fortunate to have as our Parliamentarian an affable gentleman, a tireless worker and an impartial arbiter.

Moreover, I feel personally privileged to have Lew as my good friend of many years, with whom I share many fond memories.

It is a pleasure to wish him happy birthday today, and to do so not only for myself but for all of the people of our native State, Ohio.

Mr. **PETTIS**. Mr. Speaker, I would not like to have this opportunity go by without publicly thanking Lewis Deschler for all the help he has given me during my service in Congress. When I first became a Member of this body, the rules and traditions of the House were new to me, and I, like many others in their first few years of service, found myself frequently in touch with Lewis Deschler for the answers to such questions as: What do I do under this or that circumstance? What rule applies to this circumstance? and a host of others. He has always been patient and he has always had time for those of us "learning the ropes." And I shall forever be in his debt.

Mr. **McCORMACK**. Mr. Speaker, I might also say that in congratulating our distinguished friend, the No. 1 Parliamentarian in the world, Lew Deschler, we also want Lew, when he goes home tonight, to convey to Mrs. Deschler also our congratulations and extend to her our deep feelings of friendship and respect.

GENERAL LEAVE

Mr. **McCORMACK**. Mr. Speaker, I ask unanimous consent that all Members may extend their remarks at this point in the RECORD and may also have 5 legislative days in which to extend their remarks on the subject of one of the great immortals of our time, Lewis Deschler.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

SPECIAL ORDER TODAY ON THE PRESIDENT'S DECISION IN RESPECT TO THE GLASS INDUSTRY

(Mr. **DENT** asked and was given permission to address the House for 1 minute.)

Mr. **DENT**. Mr. Speaker, last week I took the floor on the question of tariff and trade and the upcoming decision by the President of the United States affecting the glass industry. I predicted at that time that he would not give any relief.

It is not bad enough that he did not give any relief; but he went before the public and the people of this great country and said he did give them relief.

So this afternoon I have a special order for 1 hour. I am going to deal with the problem now facing the glassworkers in the great State of Pennsylvania and in my district, this afternoon, right after all the other business of the House is through.

"BENIGN NEGLECT" OR MALIGNANT BETRAYAL?

(Mr. **RYAN** asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. **RYAN**. Mr. Speaker, it was dismaying to read the words of the Chairman of the Civil Service Commission, Robert E. Hampton, announcing the Nixon administration's relaxation of what was already an unsatisfactory Federal equal employment opportunity program. He stated, on February 26:

> We're not telling the Federal Government to go out and hire minorities. We do not advocate pressure on Government managers.

Despite the statistics, which starkly reveal patterns of discrimination in Federal employment, the Nixon Administration, already doing too little, evidently intends to do even less to provide equal employment opportunities in the Federal civil service.

This posture is not surprising in the light of past administration actions, such as, upon taking office, the awarding of defense contracts to textile firms which were not carrying out affirmative action plans. Last August, in testifying before the Subcommittee on Labor of the Senate Committee on Labor and Public Welfare, the Chairman of the Equal Employment Opportunity Commission opposed the granting of cease and desist authority to the Commission. This authority, which I have supported by my sponsorship of H.R. 6228, is essential.

Despite Mr. Hampton's subsequent disclaimer of any weakening of equal employment efforts, as reported in the Washington Post of February 28, his statement is another manifestation of this administration's failure to use the full power of the Federal Government to insure equal opportunity. The White House may characterize the administration's attitude as "benign neglect." To me it is malignant betrayal.

HUMPHREY VERSUS CARSWELL OR CARSWELL VERSUS HUMPHREY

(Mr. **WAGGONNER** asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. **WAGGONNER**. Mr. Speaker, there is an amusing sidelight to the debate over the nomination of Judge Carswell in the current issue of National Review which I would like to call to the attention of the Members, even though we have no voice in his confirmation.

Great wells of crocodile tears have been shed by some of the more extreme liberals over the Carswell nomination, the most proficient weeper being, perhaps, Hubert Humphrey. This little item will, I believe, put that particular criticism into perspective. It follows:

ARTICLE IN NATIONAL REVIEW

Judge Carswell shouldn't sit on the Supreme Court, quoth the Democratic Policy Council (H. Humphrey, chairman), because Justices "must be devoid of any record of racial bias, intolerance or discrimination" and as we all know Mrs. Carswell once sold a lot the deed for which contained a racial covenant, aha! Come to find out, from 1947 to 1964 Humphrey lived in a house that, according to the deed, mustn't "be sold, leased to or occupied by any person of Negro blood except as to occupancy by domestic servants while employed on the premises by the owner." We can all breathe easy—if Judge Carswell isn't confirmed, Nixon won't *dare* nominate Humphrey.

ILLINOIS MUST MAKE AMENDS TO THE POMPIDOUS

(Mr. **FINDLEY** asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. **FINDLEY**. Mr. Speaker, Illinois must make amends for extreme bad manners during the state visit Saturday to Chicago by President and Madame Pompidou of France.

All 11 million of us must hang our heads in shame for the crude acts of a very few hundred. Never before in history has a President of the United States felt he must apologize to a visiting chief of state for treatment received any place in this country. What a wretched pity that Illinois should thus make history, requiring Mr. Nixon first to telephone his apology and then to make a special unscheduled trip to New York to express his regrets in the most personal way possible.

When I was in Paris 3 weeks ago discussing with French officials the forthcoming tour, I expressed confidence that both Congress and Chicago would accord the Pompidous a warm, respectful reception. Inwardly I felt some concern that some of my colleagues on Capitol Hill might indulge in bad manners, but I never had the slightest doubt that Chicago would be decent in every way.

The reception in Congress was outstanding, but in Chicago, so grotesque and out of character as to be unbelievable.

What can be done to make amends?

A good way to start is to flood the Elysee Palace in Paris with letters of apology and good will.

I appeal to all citizens of the State to join in this direct means of showing our distinguished visitors of last week that the ugliness and hate of the crowd that jostled Madame Pompidou and caused her such concern was not the true Illinois spirit which is one of decency, friendship, and understanding. Address your apology to President and Madame Georges Pompidou, Paris, France.

OPPOSITION TO THE APPOINTMENT OF JUDGE CARSWELL TO THE SUPREME COURT

(Mr. GROSS asked and was given permission to address the House for 1 minute.)

Mr. GROSS. Mr. Speaker, the Congressional Record of last Thursday carries a statement by a Member of Congress in which he opposes the appointment of Federal Judge C. H. Carswell to the U.S. Supreme Court. The Member of Congress states as one of his reasons that Mr. Carswell, in 1956, participated as an incorporator in the transfer of a municipal golf course to private owners in his home city of Tallahassee for the purpose of preventing Negroes from using the golf course.

Mr. Speaker, I have in my possession copies of documents in the Montgomery County, Md., courthouse covering the sale of two residential properties in the said Montgomery County, which were subject to the following racial covenant:

> None of the lots above can be sold, leased to, or occupied by any person of Negro blood except as to occupancy by domestic servants while employed on the premises by the owner.

The first of these two properties was sold in 1948 by Mr. and Mrs. Joseph Geeraert to Mr. and Mrs. H. Humphrey. For 16 years, Mr. Humphrey lived in this property, protected by a racial covenant. Then in 1964, in the midst of a political campaign, Humphrey filed an affidavit of disclaimer.

In 1957, Mr. and Mrs. Karl F. Poehlmann sold the residential property adjoining that of the Humphreys to Mr. and Mrs. George McGovern. This Montgomery County, Md., property was likewise covered by the racial covenant as previously set forth.

Mr. McGovern lived in this racially protected residence for 12 years and in 1969 sold it to Mr. Cornelius P. Cacho and the sale was made subject to the racial covenant.

The question is, What makes a racial covenant on a golf course a Carswell sin but when applied to the Humphrey-McGovern homes it becomes a virtue. Or is this a case of the Humphrey-McGovern pot applying another and different coat of paint to the Carswell kettle?

PERMISSION FOR SUBCOMMITTEE ON HOUSING, COMMITTEE ON BANKING AND CURRENCY TO SIT DURING GENERAL DEBATE TODAY

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the Subcommittee on Housing of the Committee on Banking and Currency may be permitted to sit during general debate today.

The SPEAKER pro tempore (Mr. Holifield). Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

PROPOSED AMENDMENT ON IMPACT AID

(Mr. CEDERBERG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CEDERBERG. Mr. Speaker, I take this time to express my concern about what may be going to happen in regard to the impact area program under the Senate version of the HEW appropriation bill.

Mr. Speaker, if I understand the so-called Spong amendment, the Spong amendment reduces class A percentage of entitlement for the legitimate impact program, and brings class B impact up to the same percentage level as class A. If that is the case, I certainly hope that the House will not accept the Spong amendment.

Mr. Speaker, I recognize the legitimacy of class A impact where you have students and the parents living on military installations, and they go to schools in the adjoining school district, but under class B where the students live off the base I think you have got a different situation altogether.

The Spong amendment, as I understand it, in the Senate version equates the two with the same percentage of entitlement.

Now we have been talking about the principle of impact aid around here for a long time, and I hear some rumors that we may perhaps be in the position of now accepting the Senate bill. Well, I think the principle is the same today as it was 6 or 8 weeks ago. So I would urge the Members to be very serious in going down this road, and equating class A with class B in the impact aid program.

ENTITLEMENT TO ROUND TRIP TRANSPORTATION

Mr. HÉBERT. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 8020) to amend title 37, United States Code, to provide entitlement to round trip transportation to the home port for a member of the naval service on permanent duty aboard a ship overhauling away from home port whose dependents are residing at the home port, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

> Page 1, line 8, strike out "naval service" and insert "Uniformed Services".
>
> Page 1, line 10, strike out all after "Secretary" over to and including "service" in line 1 on page 2 and insert "concerned, a member of the Uniformed Services".
>
> Page 2, strike out all after line 16 and insert:
>
> "(2) The following new item is inserted in the analysis:
>
> " '406b. Travel and transportation allowances: members of the Uniformed Services attached to a ship overhauling away from home port.' "
>
> Amend the title so as to read: "An Act to amend title 37, United States Code, to provide entitlement to round trip transportation to the home port for a member of the Uniformed Services on permanent duty aboard a ship overhauling away from home port whose dependents are residing at the home port."

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

PROPOSED AMENDMENT TO IMPACT AID

(Mr. O'HARA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. O'HARA. Mr. Speaker, my good friend, the gentleman from Michigan (Mr. Cederberg), has addressed himself to the so-called Spong amendment. While I have no strong feelings about the Spong amendment one way or the other I think I ought to clarify this matter.

The House bill contained a provision which was not in the vetoed bill, which said that you could not pay any category "B" entitlements until 90 percent of category "A" entitlements had been paid.

The Spong amendment, as I understand, simply struck out that provision, and both entitlements will be paid at about 78 percent of their entitlement at full funding.

In other words, since by law the full entitlement for "B's" is half of the entitlement for "A's"—category "A" would get 78 percent of 100 percent, and category "B" would get 78 percent of 50 percent.

The difference is not terribly great because they were only to receive 90 percent in category A in the first place and now they will get, apparently, 78 percent. Category B will get some little benefit but I do not think it makes a great deal of difference. I have talked to people who

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are interested in the impacted area program and who have impacted area schools and while they have a preference one way or the other, depending on whether they have more A or B, they do not feel strongly about this issue.

Mr. CEDERBERG. Mr. Speaker, will the gentleman yield?

Mr. O'HARA. I yield to the gentleman.

Mr. CEDERBERG. One of my staff members discussed this with the people at the Oscoda School District serving Wustsmith Air Force Base and they said that this is disastrous because we have several hundred people living on the base and children living on the base going to this school and while we only have a much smaller amount of class B that class A is the true impact of parents or children who live on the base. If we reduce that class A impact and add it to the class B which already has a tax base under the support of class B while class A has none, then I think we have made a serious mistake.

APPOINTMENT OF CONFEREES ON H.R. 14465, EXPANSION AND IMPROVEMENT OF NATION'S AIRPORT AND AIRWAY SYSTEM

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 14465) to provide for the expansion and improvement of the Nation's airport and airway system, for the imposition of airport and airway user charges, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments and request a conference with the Senate thereon.

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The SPEAKER. Is there objection to the request of the gentleman from West Virginia? The Chair hears none, and appoints the following conferees: Messrs. STAGGERS, FRIEDEL, DINGELL, PICKLE, SPRINGER, DEVINE, and WATSON.

As to the tax provision of the Senate amendments, the Chair appoints Messrs. MILLS, BOGGS, WATTS, BYRNES of Wisconsin, and BETTS.

AMERICAN EDUCATION—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 91-267)

The SPEAKER laid before the House the following message from the President of the United States; which was read and referred to the Committee on Education and Labor and ordered to be printed:

To the Congress of the United States:

American education is in urgent need of reform.

A nation justly proud of the dedicated efforts of its millions of teachers and educators must join them in a searching re-examination of our entire approach to learning.

We must stop thinking of primary and secondary education as the school system alone—when we now have reason to believe that young people may be learning much more *outside* school than they learn in school.

We must stop imagining that the Federal government had a cohesive education policy during a period of explosive expansion—when our Federal education programs are largely fragmented and disjointed, and too often administered in a way that frustrates local and private efforts.

We must stop letting wishes color our judgments about the educational effectiveness of many special compensatory programs, when—despite some dramatic and encouraging exceptions—there is growing evidence that most of them are not yet measurably improving the success of poor children in school.

We must stop pretending that we understand the mystery of the learning process, or that we are significantly applying science and technology to the techniques of teaching—when we spend less than one half of one percent of our educational budget on research, compared with 5% of our health budget and 10% of defense.

We must stop congratulating ourselves for spending nearly as much money on education as does the entire rest of the world—$65 billion a year on all levels—when we are not getting as much as we should out of the dollars we spend.

A new reality in American education can mark the beginning of an era of reform and progress for those who teach and those who learn. Our schools have served us nobly for centuries; to carry that tradition forward, the decade of the 1970s calls for thoughtful redirection to improve our ability to make up for environmental deficiencies among the poor; for long-range provisions for financial support of schools; for more efficient use of the dollars spent on education; for structural reforms to accommodate new discoveries; and for the enhancement of learning before and beyond the school.

When educators, school boards and government officials alike admit that we have a great deal to learn about the way we teach, we will begin to climb the up staircase toward genuine reform.

Therefore, *I propose that the Congress create a National Institute of Education* as a focus for educational research and experimentation in the United States. When fully developed, the Institute would be an important element in the nation's educational system, overseeing the annual expenditure of as much as a quarter of a billion dollars.

I am establishing a President's Commission on School Finance to help States and communities to analyze the fiscal plight of their public and non-public schools. We must make the nation aware of the dilemmas our schools face, new methods of organization and finance must be found, and public and non-public schools should together begin to chart the fiscal course of their educational planning for the Seventies.

I propose new steps to help States and communities to achieve the Right to Read for every young American. I will shortly request that funds totalling $200 million be devoted to this objective during Fiscal 1971. The basic ability to read is a right that should be denied to no one, and the pleasures found in books and libraries should be available to all.

I propose that the Department of Health, Education, and Welfare and the Office of Economic Opportunity begin now to establish a network of child development projects to improve our programs devoted to the first five years of life. In fiscal 1971, a minimum of $52 million will be provided for this purpose.

NEW MEASUREMENTS OF ACHIEVEMENT

What makes a "good" school? The old answer was a school that maintained high standards of plant and equipment; that had a reasonable number of children per classroom; whose teachers had good college and often graduate training; a school that kept up to date with new curriculum developments, and was alert to new techniques in instruction. This was a fair enough definition so long as it was assumed that there was a direct connection between these "school characteristics" and the actual amount of learning that takes place in a school.

Years of educational research, culminating in the Equal Educational Opportunity Survey of 1966 have, however, demonstrated that this direct, uncomplicated relationship does not exist.

Apart from the general public interest in providing teachers an honorable and well-paid professional career, there is only one important question to be asked about education: *What do the children learn?*

Unfortunately, it is simply not possible to make any confident deduction from school characteristics as to what will be happening to the children in any particular school. Fine new buildings alone do not predict high achievement. Pupil-teacher ratios may not make as much difference as we used to think. Expensive equipment may not make as much difference as its salesmen would have us believe.

And yet we know that something does make a difference.

The *outcome* of schooling—what children learn—is profoundly different for different groups of children and different parts of the country. Although we do not seem to understand just what it is in one school or school system that produces a different outcome from another, one conclusion is inescapable: *We do not yet have equal educational opportunity in America.*

The purpose of the National Institute of Education would be to begin the serious, systematic search for new knowledge needed to make educational opportunity truly equal.

The corresponding need in the school systems of the nation is to begin the responsible, open measurement of how well the educational process is working. It matters very little how much a school building costs; it matters a great deal deal how much a child in that building learns. An important beginning in measuring the end result of education has already been made through the National Assessment of Educational Progress being conducted by the Education Commission of the States.

To achieve this fundamental reform it will be necessary to develop broader and more sensitive measurements of learning than we now have.

The National Institute of Education

would take the lead in developing these new measurements of educational output. In doing so it should pay as much heed to what are called the "immeasurables" of schooling (largely because no one has yet learned to measure them) such as responsibility, wit and humanity as it does to verbal and mathematical achievement.

In developing these new measurements, we will want to begin by comparing the actual educational effectiveness of schools in similar economic and geographic circumstances. We will want to be alert to the fact that in our present educational system we will often find our most devoted, most talented, hardest working teachers in those very schools where the general level of achievement is lowest. They are often there because their commitment to their profession sends them where the demands upon their profession are the greatest.

From these considerations we derive another new concept: *accountability*. School adminstrators and school teachers alike are responsible for their performance, and it is in their interest as well as in the interest of their pupils that they be held accountable. Success should be measured not by some fixed national norm, but rather by the results achieved in relation to the actual situation of the particular school and the particular set of pupils.

For years the fear of "national standards" has been one of the bugaboos of education. There has never been any serious effort to impose national standards on educational programs, and if we act wisely in this generation we can be reasonably confident that no such effort will arise in future generations. The problem is that in opposing some mythical threat of "national standards" what we have too often been doing is avoiding accountability for our own local performance. We have, as a nation, too long avoided thinking of the *productivity* of schools.

This is a mistake because it undermines the principle of local control of education. Ironic though it is, the avoidance of accountability is the single most serious threat to a continued, and even more pluralistic educational system. Unless the local community can obtain dependable measures of just how well its school system is performing for its children, the demand for national standards will become even greater and in the end almost certainly will prevail. When local officials do not respond to a real local need, the search begins for a level of officialdom that will do so, and all too often in the past this search has ended in Washington.

I am determined to see to it that the flow of power in education goes toward, and not away from, the local community. The diversity and freedom of education in this Nation, founded on local administration and State responsibility, must prevail.

THE NATIONAL INSTITUTE OF EDUCATION

As the first step toward reform, we need a coherent approach to research and experimentation. Local schools need an objective national body to evaluate new departures in teaching that are being conducted here and abroad and a means of disseminating information about projects that show promise.

The National Institute of Education would be located in the Department of Health, Education, and Welfare under the Assistant Secretary of Education, with a permanent staff of outstanding scholars from such disciplines as psychology, biology and the social sciences, as well as education.

While it would conduct basic and applied educational research itself, the National Institute of Education would conduct a major portion of its research by contract with universities, non-profit institutions and other organizations. Ultimately, related research activities of the Office of Education would be transferred to the Institute.

It would have a National Advisory Council of distinguished scientists, educators and laymen to insure that educational research in the Institute achieves a high level of sophistication, rigor and efficiency.

The Institute would set priorities for research and experimentation projects and vigorously monitor the work of its contractors to insure a useful research product.

It would develop criteria and measures for enabling localities to assess educational achievement and for evaluating particular educational programs, and would provide technical assistance to State and local agencies seeking to evaluate their own programs.

It would also link the educational research and experimentation of other Federal agencies—the Office of Economic Opportunity, the Department of Labor, the Department of Defense, the National Science Foundation and others—to the attachment of particular national educational goals.

Here are a few of the areas the National Institute of Education would explore:

(a) *Compensatory Education*. The most glaring shortcoming in American education today continues to be the lag in essential learning skills in large numbers of children of poor families.

In the last decade, the Government launched a series of ambitious, idealistic, and costly programs for the disadvantaged, based on the assumption that extra resources would equalize learning opportunity and eventually help eliminate poverty.

In some instances, such programs have dramatically improved children's educational achievement. In many cases, the programs have provided important auxiliary services such as medical care and improved nutrition. They may also have helped prevent some children from falling even further behind.

However, the best available evidence indicates that most of the compensatory education programs have not measurably helped poor children catch up.

Recent findings on the two largest such programs are particularly disturbing. We now spend more than $1 billion a year for educational programs run under Title I of the Elementary and Secondary Education Act. Most of these have stressed the teaching of reading, but before-and-after tests suggest that only 19% of the children in such programs improved their reading significantly; 13% appear to fall behind more than expected; and more than two-thirds of the children remain unaffected—that is, they continue to fall behind. In our Headstart program, where so much hope is invested, we find that youngsters enrolled only for the summer achieve almost no gains, and the gains of those in the program for a full year are soon matched by their non-Headstart classmates from similarly poor backgrounds.

Thoughtful men recognize the limitations of such measurements and would not conclude that the programs thus assessed are without value. It may be necessary to wait many years before the full impact of such programs on the lives of poor youngsters can be ascertained. But as we continue to conduct special compensatory education for the disadvantaged, we must recognize that our present knowledge about how to overcome poor backgrounds is so limited that major expansion of such programs could not be confidently based on their results.

While our understanding of what works in compensatory education is still inadequate, we do know that the social and economic environment which surrounds a child at home and outside of school probably has more effect on what he learns than the quality of the school he now attends. Therefore, the major expansion of income support proposed in the Family Assistance Plan should also have an important educational effect.

The first order of business of the National Institute of Education would be to determine what is needed—inside and outside of school—to make our compensatory education effort successful. To help get this process under way now, I have also reactivated the National Advisory Council on the Education of Disadvantaged Children, and have appointed a slate of distinguished educators who will make recommendations and help monitor our efforts in this field. The nation cannot afford defeat in this area.

(b) *The Right To Read*. In September, the nation's chief education officer, Dr. James E. Allen, Jr., proclaimed the Right to Read as a goal for the 1970's. I endorse this goal.

Achievement of the Right to Read will require a national effort to develop new curricula and to better apply the many methods and programs that already exist. Where we do not know how to solve a reading problem, the National Institute of Education would undertake the research. But often we find that someone does know how, and the Institute would make that knowledge available in forms that can be adopted by local schools.

In some critical areas, we already know how to work toward achieving the Right to Read for our nation's children. In the coming year, I will ask the Congress to appropriate substantial resources for two programs that can most readily serve to achieve this new commitment—the program that assists school libraries to obtain books, and the program that

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provides funds through the states for special education improvement projects.

I will shortly ask Congress to increase the funds for these two programs—funds which are available to public and non-public schools alike—to $200 million. I shall direct the Commissioner of Education to work with State and local officials to assist them in using these programs to teach children to read. This is a purpose which I believe to be of the very highest priority for our schools, and a right which, with the cooperation of the nation's educators, can be achieved for every young American.

(c) *Television and Learning.* Most education takes place outside the school. Although we often mistakenly equate "schooling" with "learning," we should begin to pay far greater attention to what youngsters learn during the more than three quarters of their time they spend elsewhere.

In the last twenty years, there has been a revolution in the way most boys and girls—and their parents—occupy themselves. The average high school student, for example, by the time he graduates, has spent 11,000 hours in school—and 15,000 hours watching television.

Our goal must be to increase the use of the television medium and other technological advances to stimulate the desire to learn and to help teach.

The technology is here, but we have not yet learned how to employ it to our full advantage. How can local school systems extend and support their curricula working with local television stations? How can new techniques of programmed learning be applied so as to make each television set an effective teaching aid? How can television, audio-visual aids, the telephone, and the availability of computer libraries be combined to form a learning unit in the home, revolutionizing "homework" by turning a chore into an adventure in learning?

The National Institute of Education would examine questions such as these, especially in that vital area where out-of-school activities can combine with modern technology and public policy to enhance our children's education. It will work in concert with other organizations and agencies dedicated to the educational uses of television technology. Prominent among these is the Corporation for Public Broadcasting, which the Congress established in 1967 as a private entity to channel and shape the use of Federal funds in support of public broadcasting. With its authorization for Federal funds expiring shortly, the time has come to extend the Federal support for the Corporation to stimulate its continuing growth and improvement. Accordingly, the Secretary of Health, Education, and Welfare is today transmitting a bill to authorize funds for the Corporation of a three-year period. This will permit the Corporation to grow in the orderly and planned way so important to a new undertaking. A portion of the annual Federal funding would be based on matching the dollars raised by the Corporation from non-Federal sources. The Congress did not intend that the Corporation derive its funds solely from the Federal Government. Therefore, increased contributions from private sources should be stimulated during the early years through the incentive offered in the matching process.

(d) *Experimental Schools.* As a bridge between basic educational research and actual school practices, I consider the Experimental Schools program to be highly important. Accordingly, I renew my request to the Congress to appropriate the full amount asked—$25 million in Fiscal Year 1971.

The Secretary of Health, Education, and Welfare is today transmitting a bill to establish the National Institute of Education. We have taken a similar approach in biomedical research through the National Institutes of Health; this effort in education would be an historic step forward.

THE PRESIDENT'S COMMISSION ON SCHOOL FINANCE

I am today signing an Executive Order establishing a President's Commission on School Finance, to be in existence for two years, reporting to the President periodically on future revenue needs and fiscal priorities for public and non-public schools.

(a) *From Quantity to Quality.* Over the past twenty years the public schools have experienced the greatest expansion in their history. Enrollments increased by 80%—from 25 million to 45 million pupils—in those two decades.

But now the period of steep enrollment growth in the schools is over: The birthrate has been declining for about ten years and the number of pupils in the public schools is expected to rise only slightly in the decade ahead. This means that schools, no longer faced with a problem of sharply increasing numbers, will now be able to concentrate on finding improved educational methods. They can now shift their emphasis from quantity to quality.

(b) *Future Financial Needs.* Despite this leveling-off of enrollments, additional resources will be necessary, particularly if the present rate of growth in *per pupil* expenditures continues. Yet, because we have neglected to plan how we will deal with school finance, we have great instability and uncertainty in the financial structure of education.

(c) *Disparity Among Districts and States.* The continuing if narrowing gap in educational expenditures between rich and poor States and rich and poor school districts is cause for national concern. Differences in dollar per pupil are not in themselves wrong; in a democracy, communities should have the right to provide extra support to their schools if they wish. But some areas with a low tax base find it difficult or impossible to provide *adequate* support to their schools, a problem that crosses State lines in an era of mobility—when the poorly taught of one area frequently become unemployed adults elsewhere.

The need is apparent for a central body to study the different approaches being pioneered by States and local districts, and to disseminate the information about successes achieved and problems encountered at the local level.

(d) *Sources of Funds for Education.* State support accounts for 38% of school revenues, Federal support for about 8%, with 54% of the burden carried locally. Of the local funds, almost all come from property taxes, but that tax base is not keeping up with educational expenditures. A major review of the tax resources and needs of education is in order.

The best method of providing direct Federal monetary aid to education, and the one most consistent with local control of education, is through the system of revenue sharing which I proposed to the Congress in August. Much of the tax revenue which the Federal government would return to the States will probably be used where two-fifths of State and local funds now go—to the schools. Revenue sharing proposals which would total five billion dollars annually by 1975 will help States and localities meet their educational and other needs in the way that ensures the most diversity and the most responsiveness to local need—without Federal domination.

A related and important reform is urgently needed in the present program of grants to schools in Federally-impacted areas. As presently constituted, this program neither assists States to determine their own education expenditures nor redirects funds to the individual districts in greatest need. That is why, in the Federal Economy Act submitted to the Congress last week, I called for a thoroughgoing reform of this program. The President's Commission on School Finance will examine the combined effects of this reform, the potential of revenue sharing for educational finance, and the impact of savings accruing to states under the proposed Family Assistance Program, and will assist State and Federal agencies to plan effectively for these important changes.

(e) *Possible Efficiencies.* Many public and non-public school systems make inefficient use of their facilities and staff. The nine-month school year may have been justified when most youngsters helped in the fields during the summer months, but it is doubtful whether many communities can any longer afford to let expensive facilities sit idle for one-quarter of the year.

Thousands of small school districts—some without schools—continue to exist, resulting in inequities in both finance and education. On the other hand, some of our large city school systems have become too large, too bureaucratic, and insensitive to varying educational needs.

The present system of Federal grants frequently creates inefficiency. There are now about 40 different Federal categorical grant programs in elementary and secondary education. This system of carving up Federal aid to education into a series of distinct programs may have adverse educational effects. Federal "pieces" do not add up to the whole of education and they may distract the attention of educators away from the big picture and into a constant scramble for

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special purpose grants. Partly for this reason, I will continue to recommend to the Congress plans for consolidation of grants into packages that are truly useful to States and localities receiving them. This would place much more administrative control of these Federal funds in local hands, removing red tape and providing flexibility.

(f) *Non-Public Schools.* The nonpublic elementary and secondary schools in the United States have long been an integral part of the nation's educational establishment—supplementing in an important way the main task of our public school system. The nonpublic schools provide a diversity which our educational system would otherwise lack. They also give a spur of competition to the public schools—through which educational innovations come, both systems benefit, and progress results.

Should any single school system—public or private—ever acquire a complete monopoly over the education of our children, the absence of competition would neither be good for that school system nor good for the country. The nonpublic schools also give parents the opportunity to send their children to a school of their own choice, and of their own religious denomination. They offer a wider range of possibilities for education experimentation and special opportunities for minorities, especially Spanish-speaking Americans and black Americans.

Up to now, we have failed to consider the consequences of declining enrollments in *private* elementary and secondary schools, most of them church supported, which educate 11% of all pupils—close to six million school children. In the past two years, close to a thousand non-public elementary and secondary schools closed and most of their displaced students enrolled in local public schools.

If most or all private schools were to close or turn public, the added burden on public funds by the end of the 1970s would exceed $4 billion per year in operations, with an estimated $5 billion more needed for facilities.

There is another equally important consideration: these schools—non-sectarian, Catholic, Protestant, Jewish and other—often add a dimension of spiritual value giving children a moral code by which to live. This government cannot be indifferent to the potential collapse of such schools.

The specific problem of parochial schools is to be a particular assignment of the Commission.

In its deliberations, I urge the commission to keep two considerations in mind. First, our purpose here is not to aid religion in particular but to promote diversity in education; second, that nonpublic schools in America are closing at the rate of one a day.

EARLY LEARNING

In the development of the mind, child's play is serious business. One of my first initiatives upon taking office was to commit this Administration to an expansion of opportunities during the First Five Years of Life. That commitment was based on new scientific knowledge about the development of intelligence—that as much of the development takes place in the first five years as in the next thirteen.

We have established a new Office of Child Development in the Department of Health, Education and Welfare. I am now directing that Department and the Office of Economic Opportunity jointly to establish a network of experimental centers to discover what works best in early childhood education.

An experimental program of this nature is necessary as we expand our child development programs. The Early Learning Program will also provide us with a strong experimental base on which to build the new day care program, involving $386 million in its first full year of operation, which I have proposed as part of the Family Assistance Plan.

The experimental units of the Early Learning Program, working with the National Institute of Education, will study a number of provocative questions raised in recent years by educators and scientists:

—A study of language and number competence between lower and middle-class children shows a significant difference by the time a child is four years old, but the difference is said to become "awesome" by the time the child enters first grade. If this is so, what effect should it have on our approach to compensatory education in the early years?

—A study of poor children in Washington, D.C., conducted by the National Institute of Mental Health, indicates a decline in I.Q.s of infants between the ages of 14 and 21 months—a decline that can be forestalled by skillful tutoring during their second year. If this is true, how should it affect our approach to the education of the very young?

—Many child development experts believe that the best opportunity for improving the education of infants under the age of three lies not in institutional centers but at home, and through working with their mothers. What might we do, therefore, to communicate to young women and mothers—especially to those in or near poverty—the latest information on effective child development techniques with specific suggestions about its application at home?

THE FUTURE OF LEARNING IN AMERICA

The tone of this message, and the approach of this Administration, is intended to be challenging. America's educators have the capacity and dedication to respond to that challenge.

For most of our citizens, the American educational system is among the most successful in the history of the world. But for a portion of our population, it has never delivered on its promises. Until we know why education works when it is successful, we can know little about what makes it fail when it is unsuccessful. This is knowledge that must precede any rational attempt to provide our every student with the best possible education.

Mankind has witnessed a few great ages when understanding of a social or scientific process has expanded and changed so quickly as to revolutionize the process itself. The time has come for such an era in education.

There comes a time in any learning process that calls for reassessment and reinforcement. It calls for new directions in our methods of teaching new understanding of our ways of learning, for a fresh emphasis on our basic research, so as to bring behavioral science and advanced technology to bear on problems that only appear to be insuperable.

That is why, in this field more importantly than in any other, I have called for fundamental studies that should lead to far-reaching reforms before going ahead with major new expenditures for "more of the same."

To state dogmatically "money is not the answer" is not the answer. Money will be needed, and this Administration is prepared to commit itself to substantial increases in Federal aid to education—to place this among the highest priorities in our budget—as we seek a better understanding of the basic truths of the learning process, as we gain a new confidence that our education dollars are being wisely invested to bring back their highest return in social benefits, and as we provide some assurance that those funds contribute toward fundamental reform of American education.

As we get more education for the dollar, we will ask the Congress to supply many more dollars for education.

In the meantime, we are committing effort and money toward finding out how to make our education dollars go further. Specifically, the 1971 budget increases funds for educational research by $67 million to a total of $312 million. Funds for the National Institute of Education would be in addition to this increase.

Nearly a century ago, Benjamin Disraeli advised Parliament that "upon the education of the people of this country the fate of this country depends." That is no less true in the United States today, where nearly one person out of three is teaching or studying in one of our schools and colleges and where the greatest social controversy of our generation has centered.

This Administration is committed to the principle and the practice of seeing to it that equal educational opportunity is provided every child in every corner of this land.

I am well aware that "quality education" is already being interpreted as "code words" for delay of desegregation. We must never let that meaning take hold. Quality is what education is all about; desegregation is vital to that quality; as we improve the quality of education for all American children, we will help them improve the quality of their own lives in the next generation.

We must not permit the controversy about the progress toward desegregation to detract from the shared purpose of all—better education, and especially better education for the poor of every race and color.

That is why this Administration has committed itself to finding the reason—

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all other things seeming equal—why so much educational achievement remains unequal. We commit ourselves to the realizable dream of raising the American standard of learning.

Teachers and taxpayers alike must not accept the *status quo* in the process of teaching. We must make the schooling fit the student. We must improve education in those areas of life outside the school where people learn so much or so little. We must discover how to begin educating the young mind when it really begins to learn.

By demanding educational reform now, we can gain the understanding we need to help every student reach new levels of achievement; only by challenging conventional wisdom can we as a nation gain the wisdom we need to educate our young in the decade of the 70s.

RICHARD NIXON.
THE WHITE HOUSE, *March 3, 1970*.

IMPROVING THE QUALITY OF THE AMERICAN EDUCATIONAL SYSTEM

(Mr. GERALD R. FORD asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. GERALD R. FORD. Mr. Speaker, improving the quality of the American educational system has long been one of this Nation's most urgent and compelling needs.

President Nixon has wisely concluded that an administration in which reform is the watchword would be failing in its overall mission if reform of our educational system were not made a high priority objective.

I have carefully studied the President's message on education reform. I not only fully concur with his recommendations but also urge that the Congress act with the greatest possible dispatch in implementing them. Nothing is more important than a quality education for all of America's young people. I believe the President's proposals will help us move toward that goal.

The overall thrust of the President's proposals clearly is to promote as good an education for the child from the slums as the youngster from the suburbs. This, I believe, is the key to solving many of America's most perplexing social problems. We must bend every effort to achieve equality of educational opportunity.

Meantime, let the President's words be particularly heeded by those who would spend additional billions on Federal aid to education without measuring the results. As the President said, we are willing to spend more on education but we must also learn how to invest those dollars wisely.

Mr. ANDERSON of Illinois. Mr. Speaker, the President has sent to the Congress his message on education reform. This message indicates the administration's willingness courageously and squarely to face the great educational problems of the next decade. The President proposes, for example, an intensive Federal initiative in studying the problems of educating the disadvantaged. For nearly 5 years we have spent over $4 billion under title I of the Elementary and Secondary Education Act without having yet determnied what methods work best to raise the achievement level of the disadvantaged. This problem will be the central concern of the President's proposed National Institute of Education.

The problem of how to meet the rising costs of education—public and private—within the framework of our available sources of revenue—Federal, State, and local—is also addressed in the President's message. He has established by Executive order a Commission on School Finance to study and recommend alternative solutions to the problems of school finance for the future. These initiatives by the President show a commendable willingness to meet and solve the problems of education in the 1970's.

Mr. ARENDS. Mr. Speaker, I am pleased to add my support today to the President's message on education reform. This message constitutes a major comprehensive initiative for the future of American education. In it are addressed such problems as the need for more effective educational research, the need for specific attention to the problems of school finance, the improvement of the reading ability of America's schoolchildren, and the importance of preschool, early childhood education. The President has made a major commitment in each of these areas.

In laying out the Federal strategy for education in the next decade, the President notes that his administration is "prepared to commit itself to substantial increases in Federal aid to education." But this new support will not reinforce the mistakes and inequities of the past. Rather the President is committed to the constructive use of Federal resources contingent on their ability to produce real and tangible educational results. I support the President in his efforts to make the Federal role in education more meaningful.

Mr. AYRES. Mr. Speaker, today I am introducing a bill to establish a National Institute of Education, as requested by President Nixon in his message on elementary and secondary education. The President speaks of the need to reform education to meet more fully the needs of these times, and he acknowledges the critical role of Federal assistance in accomplishing that task. A new National Institute of Education would be the major national instrument for developing the kind of research and experimentation we must have to move education forward.

I am convinced that the type of activity envisaged by President Nixon—which would be authorized by the bill I have introduced—can help achieve for education the same kind of progress we have seen in medical fields through the National Institutes of Health.

Mr. Speaker, the American people this year will spend over $65 billion for education, public and private, from kindergarten through the graduate schools. This enormous sum is close to one-half the educational expenditures for the total population of the world, although we are less than one-tenth of the world's people.

It is hard to justify, therefore, our continued failures to meet some of the most urgent educational needs. If money alone were any assurance of success in education we surely would not have high school graduates who can barely read, nor over a half million school dropouts each year, nor great differences in educational opportunity. Yet, these conditions do exist in America. With all the splendid accomplishments of our educational system—and we should not ignore those accomplishments to cite only failures—we still have a long way to go before education has realized its potential to improve American life.

The key to achieving this goal is research and experimentation and the application of research findings to educational practices. We must discover the most effective educational techniques and then assure that there is a "delivery system" by which these can be appled in all kinds of schools in every section of the Nation. The analogy between medical care and education is not at all farfetched. We believe that the accomplishments of medical research can be duplicated in education. If we are only approximately correct in this belief there can be a very bright future indeed for American education. The proposed National Institute of Education is a door opening on the future.

The President proposes to move forward on a number of related fronts. He is establishing a Commission on School Finance to assist both public and private schools to make the maximum use of available resources, and he is proposing new programs aimed at progesss in reading and in child development. Taken together, these new initiatives focus upon the fundamental conditions of progress in education. They are an exciting and realistic new approach to old problems.

I urge the Congress to support the President's program for education.

Mr. ALBERT. Mr. Speaker, the President's message on education reform has just been handed me. The Congress has waited 14 months for the President to set forth his concepts of educational policies and legislative recommendations. Until this time the administration's approach to the crying educational needs of this country have been negative. I say negative because of the Executive's opposition to congressional action taken during the 91st Congress.

This opposition was openly manifested with the Presidential veto of the bill carrying Federal funds to support preschool, elementary, and secondary schools, student assistance and college support programs and projects in every area of the Nation.

Never has education been so important to our Nation's economic growth, to the future manpower requirements and to the solution of its social problems.

Never has the burden been heavier on the local property taxpayer who traditionally has carried the major load of financing school needs. Reduced Federal support at this critical time of educational need most certainly will not lighten

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this burden. Equally critical though is the fact that reduced effort at this time will simply increase the future need for remedial type programs in the field of job placement, overcoming educational deficiencies, welfare and dependency.

I have talked to the Chairman of the Education and Labor Committee of the House and I know that it is his intention to give the President's recommendations the immediate and active attention of that committee.

In this effort, the House leadership will be most active in assisting the scheduling of reported legislation for congressional action.

Mr. GRIFFIN. Mr. Speaker, I have read with great interest the President's message on education reform. Certainly, in this age of space exploration a definite need exists for improvement of our educational system.

Further, I applaud the President's announced intention of seeing "to it that the flow of power in education goes toward, and not away from, the local community". Nevertheless, his words are different from his deeds.

To start the flow of power in education to the local community, President Nixon should have supported the Whitten-Jonas amendments.

The Whitten-Jonas amendments would prevent HEW from devising desegregation school plans which lead to the closing of schools, busing of students, and the elimination of freedom of choice. These amendments are necessary because Secretary Robert Finch does not know what is going on in his own Department.

President Nixon strongly opposed these amendments.

Yesterday's media quoted Secretary Finch as criticizing a Federal court decision on busing students in Charlotte, N.C., and calling it "unrealistic, because they say that you shall take the percentages in the district as a whole and apply those and force those on each district—or each school within that district."

That is exactly what HEW has done in submitting desegregation plans to Federal courts in Mississippi. HEW has insisted that the faculty ratio in each school be the same as the racial ratio of the community. This is contradictory to Finch's statement in the press.

In Jackson, Miss., there are eight high schools. HEW's desegregation plan would have provided for four high school zones. HEW's plan would have two schools composed only of the 10th grade. It would destroy the traditional continuity concept of high schools where the 10th, 11th, and 12th grades go to one school.

HEW's plan for the junior high schools in Jackson would have done the same thing.

Fortunately, the Federal district judge did not accept HEW's plan. The court order provided for eight zones for the eight high schools and seven zones for the seven junior high schools.

HEW's zone map was a jigsaw-puzzle-affair designed to integrate bodies. It would have required transporting students out of their own zone into another zone.

The first reform in education is for Mr. Finch to learn what is going on in his own Department of Health, Education, and Welfare.

Americans tend to group themselves along racial and ethnic lines. That is human nature and there is nothing we can do about it. Voluntary association is certainly one of our most cherished and basic rights. In the matter of operating schools we should admit and understand that voluntary association is a part of our nature.

To do otherwise is to be dishonest.

Accordingly, when there is compulsory mixing of the races, there is conflict and tension. At any school in the Nation where there is a high ratio of blacks to whites, you will find racial conflict and racial tension. That is the reason that freedom of choice is the only way to preserve a stable learning environment.

To underscore the fact that Americans voluntarily group themselves along racial lines, I would point out that 90 percent of the members of the radio and television galleries of the House and Senate live in white segregated neighborhoods here in the Washington area. Three out of four will not even live in Washington, D.C.

There are 62 policymakers in the Office of Education, Department of Health, Education, and Welfare, listed in the Congressional Directory. Forty-three will not live in Washington, D.C.; they live in Maryland or Virginia. Of the 19 living in Washington, nine live west of Rock Creek Park, a white area. They have freedom of choice.

In the South, blacks and whites live on every other street and on every other farm. This is not true in the North. Rural and small towns outside the South do not provide job opportunities for blacks. As a consequence, they are concentrated in the larger metropolitan areas and they are segregated.

We have recently heard northern politicians resisting efforts to apply to their own areas the same standards of desegregation that are applied to Southern States. One of them referred to this attitude as "monumental hypocrisy." Few could deny the charge.

I think that it is time that we recognize the fact that freedom of association, freedom from fear of being assaulted and robbed, freedom from profane abuse, and freedom of choice in school attendance are fundamental American ideals and are necessary if we are to live in peace and harmony in this country.

Therefore, Mr. Speaker, I implore my colleagues to accord the people of the South the same rights enjoyed by the rest of the Nation.

This is the reform needed in America.

GENERAL LEAVE

Mr. GERALD R. FORD. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to extend their remarks on the message from the President on education.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

THE LABOR-HEW APPROPRIATION BILL

(Mr. CONTE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CONTE. Mr. Speaker, I surely do not want to trespass on the patience of the House, but I wish to inform the House that I intend to offer a motion when the conference report request is taken up on the HEW appropriation bill. My motion will be to instruct the conferees to accept the five Senate amendments.

Mr. Speaker, yesterday, on March 2, the Evening Star editorialized on how politics was the art of compromise, and on how this bill before us today is proof of that proposition. That, Mr. Speaker, is the issue.

There are only 4 months left in this fiscal year and we are considering a bill for it. That it is late is all too obvious. That a compromise should, and must, be accepted at this time should also be obvious.

I know that some of my colleagues like the Whitten amendments, and some, like myself, do not. I know that some of my colleagues like the Spong amendment, and others like myself, do not. And I know that some of my colleagues like the Cotton-Eagleton amendment and others do not.

But at this critical time, let us face the fact that each of us cannot have everything that he wants. Therefore, we should look to the best possible compromise and settle HEW appropriations for fiscal 1970, once and for all.

Let us engage in the art of compromise for the sake of all those who will suffer if we do not. After all, who is suffering? The students of America; the health facilities of America; the libraries of America; and so many other worthy beneficiaries.

The point, Mr. Speaker, is that the issue is no longer whether we like one part of the bill and dislike another part. The point, rather, is whether we are at this time going to serve all the people by supporting programs that go to the very heart of this great Nation.

I think the answer is clear. I think my motion to instruct the managers on the part of the House will implement that answer—which, I repeat, is the only answer at this time. Therefore, I urge my colleagues to support me here and now, for the benefit of all our people, and in the spirit of worthy compromise.

Mr. ALBERT. Mr. Speaker, will the gentleman yield?

Mr. CONTE. I yield to the distinguished majority leader.

Mr. ALBERT. I desire to associate myself with the remarks of the gentleman from Massachusetts. I am not satisfied with the bill in the form in which it has come back to us from the Senate, but the hour is late. This bill has been sent back and forth. The House had it, the Senate had it, the House had it again, then the Senate, and then the White House. The House had it again, the Senate has had it, and now it is back to us again. We are in the last third of the fiscal year, and it seems to me that, although this represents no victory completely for anybody, it is not a total defeat for anybody. We ought to dispose of this matter and go on with next year's bill just as early as possible. I regret many of the cuts below the House bill which have been made by the Senate. But I think we have done the best we can this year. We must get this matter disposed of.

I join the gentleman, and I hope that Members will join him in trying to dispose of this matter once and for all today.

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman yield?

Mr. CONTE. I yield to the distinguished minority leader.

Mr. GERALD R. FORD. Mr. Speaker, it is crystal clear that I would have preferred the House version, particularly and especially with the Michel amendment. The Senate version of the bill does raise many, many questions. The Spong amendment is one; the 15-percent limitation on floor is another; the deletion of certain other language is a third. The Spong amendment is particularly objectionable.

However, the Senate version does achieve one major objective that I and many others fought for: the 2-percent spending limitation which will save approximately $347 million.

I agree with the distinguished majority leader that the time has come for the Congress to make a final decision on the fiscal year 1970 appropriation bill for the Departments of Health, Education, and Welfare and Labor. I feel that way even though I have many reservations as to the Senate version and even though I would have preferred the House version with the Whitten amendment. I do feel that the better course of action today is to move to instruct the conferees to accept the Senate version.

I will, however—and I say this with emphasis—join with those on this side of the aisle and others on the other side of the aisle in seeking to write good, substantive legislation as it affects impacted aid. The present impacted aid legislation is a distortion of the basic intent of the law passed in the 1950's. I will also work with others to try to write a good Department of Health, Education, and Welfare and Department of Labor appropriation bill for fiscal year 1971, but those are battles we can fight in the future, and the one we should end today is the one that can be ended by supporting the gentleman from Massachusetts (Mr. CONTE).

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COMPROMISE ON DEPARTMENTS OF HEALTH, EDUCATION AND WELFARE AND LABOR APPROPRIATION BILL SHOULD BE SUPPORTED

(Mr. COHELAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COHELAN. Mr. Speaker, I take this opportunity to congratulate the gentleman from Massachusetts and to associate myself with his remarks. To be very frank, I am heartbroken over a number of items in this bill that affect me as far as the money categories are concerned. Everyone here is very familiar with the fight that has gone on since last July. I think the basis for settlement involved here today is a sound one, and I intend to support it. At the appropriate time I will be associating myself with the motions to be made by the gentleman from Massachusetts (Mr. CONTE). I urge that we dispose of this matter today.

HEW APPROPRIATIONS

(Mr. WHITTEN asked and was given permission to address the House and to revise and extend his remarks.)

Mr. WHITTEN. Mr. Speaker, I am disappointed that the minority leader, my friend and colleague, the gentleman from Michigan (Mr. GERALD R. FORD), in his official position, has seen fit to oppose the sending of the HEW appropriations bill to conference. While stating he will support the motion to instruct the conferees on the part of the House to accept the Senate bill and will, therefore, oppose our motion to table such effort. His statement, of course, means that now the House conferees and our Members are up against both the Republican leadership as well as the Democratic leadership which has opposed us all along.

I realize what this will mean in the final vote.

I do appreciate my friend's statement that he will support our efforts to include provisions of a similar nature in the bill now being considered by the Appropriations Subcommittee for the next fiscal year, beginning July 1, 1970.

I wish my friend, the minority leader, would prevail upon the President to restrain Secretary Finch and limit him to the authority Mr. Finch has under the law and prevent him from assuming powers he does not have; and further prevail upon the Attorney General to enter on behalf of the executive department cases on the side of parents of all creeds, colors, and races when either Secretary Finch, a Federal judge, or judges, or even the Supreme Court, is urged to take action which would likely seriously endanger and damage the quality of education of our youth, all of whom are attending schools fully desegregated as that term is defined in the Civil Rights Act of 1964. After all the courts are completely dependent upon the President to carry out their orders, just as the judges are dependent upon the Congress for their pay.

Our Constitution provides for three equal and coordinate branches of government. Unfortunately, the Court and for a time the executive branch have overlooked the people's branch, the Congress. This we need to correct.

Mr. Speaker, I cannot help but say that while I realize the pressures are great to finish the conference on this bill making appropriations for Health, Education, and Welfare since two-thirds of the fiscal year are gone, I must say, however, that to accept the Senate amendments is to jeopardize our schools. We know what will happen to our schools nationwide for the remainder of this fiscal year, especially in view of the action of the Senate.

As you all know, the amendments which have been popularly known by my name, since I first offered them on behalf of many of my colleagues, sections 408 and 409, read as follows:

> SEC. 408. No part of the funds contained in this Act may be used to force any school district to take any actions involving the busing of students, the abolishment of any school or the assignment of any student attending any elementary or secondary school to a particular school against the choice of his or her parents or parent.
>
> SEC. 409. No part of the funds contained in this Act shall be used to force any school district to take any actions involving the busing of students, the abolishment of any school or the assignment of students to a particular school as a condition precedent to obtaining Federal funds otherwise available to any State, school district or school.

The Senate retained these amendments but added at the beginning the words "Except as required by the Constitution" to each of them. These six simple words seem to mean little and if properly interpreted might not mean too much, for all legislation is subject to the Constitution. However, in this instance, Mr. Speaker, not only certain Senators but the press and representatives of the Department of Health, Education, and Welfare have used this Senate language, which the Senate added to last year's bill, to justify them to ignore the clear provisions of the two amendments and have announced that this language, again added by the Senate, will be so construed as to again avoid the provisions which we originally got into the appropriation bill for Health, Education, and Welfare to stop what is now going on.

I would call attention to the fact that our Committee on Appropriations has approved the language we offered and disapproved the Senate addition, first, by a vote of 24 to 15; earlier this year by a vote of 34 to 14; and recently by a vote of 30 to 13. The Members of the House live close to the people.

To support that belief last year this language, as the House wrote it, was originally retained on the floor by a vote of 131 to 103; and this year was retained by a vote of 145 to 122.

Mr. Speaker, I say to my colleagues from all over the United States that to take this action now is to invite further destruction of our educational system nationwide. Even if my colleague does help us with the new bill which becomes effective July 1. How can anyone escape the connection between what has happened in our schools and what the courts the President, and the Congress have done heretofore?

As I pointed out to the Appropriations Committee, the American people permitted the courts to allow the destruction of property rights so essential if people are to work and save. This they must be permitted to do if they are to enjoy the fruits of their labor. After property rights were broken down in the South it spread all over the country, ending up with the burning of great sections of Cleveland, Ohio, Detroit, Washington, and hundreds of cities all over the United States.

As I pointed out before the committee

and later before the House, the Federal Government because the courts put the rights of the criminal ahead of the citizen, destroyed the protection of the person of our people from assault and battery, rape, and the many heinous crimes which prevail in Washington and elsewhere. These actions were permitted to start in my section of the country and now the condition has spread all over the United States, to the point that in most big cities the people are afraid to go out at night and in many cases are afraid to go into many areas in the daytime. In Washington alone last year we had 18,000 robberies, 9,000 burglaries, and another 9,000 cases of crimes of violence. Honestly we are facing conditions of the "Middle Ages."

Mr. Speaker, there is one other thing that is required in addition to protecting property rights and the rights of a person to protection from assault and battery or armed robbery if our society is to last, and that is a system of education for our people. We had the best; yet we are letting it be destroyed from within. Today when the House of Representatives goes along with the Senate, which has modified these provisions which we sponsored our Nation will have taken another step toward destroying public education, thereby the development of our youth, and for the future weakened our Nation for tomorrow. Here, again, it is in the South now but this, too, will spread over the United States and your public education systems will end up just as they have in our section and as they are in Washington, where education hardly exists, where policemen patrol the school corridors and youngsters are assaulted, raped, and robbed.

As I pointed out when this matter was up before, I know of one person in my State, and there are hundreds of others, whose son already goes to one school; the next child, a daughter, goes by bus 12 miles in another direction to a different school—and next year will be bused 12 miles in another direction to another school—against everybody's wishes, to create a racial mix satisfactory to HEW and a Federal judge.

Mr. Speaker, we have schools open to peoples of all races; but because of the promotion and actions by the Department of Health, Education, and Welfare and their influence and prodding of the Federal courts, we now see that instead of students being allowed to go to the school of their choice as is provided by title IV of the Civil Rights Act of 1964, they are being assigned to schools against their wishes, against their best interests all because of race, creed, and color.

This whole system of forced integration is being recognized more and more as a failure, and for this House of Representatives today to postpone for even 4 months a correction of this course of action is to invite further destruction.

Despite my activity in this area for 5 years, helping to try these cases, I have never been able to get Mr. Finch, the Secretary of Health, Education, and Welfare, to discuss this problem with me. He has sent his Commissioner of Education, Mr. Allen, to see me. Mr. Allen, as you will recall, was the superintendent of education in the State of New York—the State which, by a vote of 2 to 1, prohibited not only Mr. Allen, who sponsored it, but all others from forced integration of their schools by busing. Other States have joined this course of action. Mr. Allen incidentally is a citizen of West Virginia, a fine State but hardly one to qualify Mr. Allen to pursue his belief at home.

Mr. Speaker, I have before me statements from superintendents of schools in my area who point out that we have home economics students being sent to schools where they do not have the equipment for teaching this subject. We have youngsters in the lower grades who are going to schools where all the facilities are large, constructed for seniors and juniors. We have juniors and seniors going to schools with low blackboards, low drinking fountains, low commodes—facilities intended for elementary school students. The resignation of teachers and the employment of whoever is available, the interchange of facilities and faculty members is unbelievably disastrous. One parent, discussing the math teacher, said she was "fine until she got into fractions, long-division, and decimals." In all, 475 schools have been closed and the students forced to overcrowd in the remaining buildings—all to mix the races to a predetermined ratio.

Mr. Speaker, before closing I would like to say that this Congress and the American people are deeply indebted to our friends on the Appropriations Subcommittee for Health, Education, and Welfare. From beginning to end our friends have stood by their beliefs in a public school system operated where education came first, operated in line with the Civil Rights Act of 1964, but not to suit the whim of some official, minor or major, either in the Department of Health, Education, and Welfare or in the Department of Justice. Today if this House of Representatives overrides this group and directs this House to accept the Senate amendments, they are going counter to good judgment, letting down our friends, failing to stand up for the House of Representatives as a joint and equal body, showing a lack of trust in our friends who would act for the best interests of all in conference, if permitted to do so.

I repeat, we follow a short-sighted policy here today; and those who vote to override the motion of the chairman to table this motion so we can send this bill to conference, and those who later vote to instruct the conferees to take the Senate bill, are voting for a continuation of present policies which are leading to the destruction of education on a national scale, just as certainly as short-sightedness destroyed the protection of life and property, as I have pointed out to you.

I conclude: How can you embarrass or make anyone or his children feel more inferior than to tell him you are going to transport his children all across a city or 12 miles through the country so the children can sit by members of another race?

How can you ruin anything, or any institution or any essential part of America, at any greater speed than to leave it up to those who are now in the saddle following the advice of a Swedish psychologist, whose views so far have torn up a country without any resulting benefits? It is a sad day for the schoolchildren of the United States.

INEQUITY IN PROPOSALS ON IMPACT AID

(Mr. ANDREWS of North Dakota asked and was given permission to address the House for 1 minute.)

Mr. ANDREWS of North Dakota. Mr. Speaker, it would be my hope the House in its haste to wind up this appropriation bill, which has been around far too long now, would not overlook the fact that there is a great inequity in one of the amendments proposed by the other body, the amendment that would lump sum both the category A and the category B impact aid. In my own State of North Dakota, we are spending nearly 7 percent of our income for education, which is as much or more than almost any other State in the Nation. We, unfortunately, do not have the tax resources in our rural State which has less industry per capita than any other.

We are doing our best to educate our children with the limited resources we have. We have school districts which have accepted thousands of young boys and girls from these airbases within our State and are educating them to the best of their ability. Grand Forks has 2,911 A students out of a total student body of 11,534. The average cost per student is $604.93. The A payment received last year was $409 per student. Our district cannot afford the $200 subsidy, much less stand to have it increased. I am sure the Minot district feels the same way. If this 78 percent lump sum across-the-board figure goes through they will have to turn away these young Americans from their schools as of July 1 of this year or increase their taxes by 10 mills—a 9 percent hike.

This is not fair to the cities. If the schools close, it is not fair to the children of our Air Force people. It is a very inequitable situation.

It would be my hope that we can seek a remedy immediately that will give the type of relief needed and will recognize that there is a vast difference between the total impact of category A students and the limited impact of category B students.

I recognize the situation in the House. There are far more B students in far more districts. I have more schools with B students than A in my own congressional district, but I must speak out for the equity of full funding for the A students. This is an obligation of the Federal Government entered into when those bases were constructed and must be honored.

APPROPRIATIONS FOR HEALTH, EDUCATION AND WELFARE

(Mr. SMITH of Iowa asked and was given permission to address the House

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for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Iowa. Mr. Speaker, I would not take this time except there may not be a debate later on, if there is a motion to table made rather rapidly.

I am not surprised by the minority leader liking this bill, but I am surprised by the majority leader liking the bill.

Mr. ALBERT. Mr. Speaker, will the gentleman yield?

Mr. SMITH of Iowa. I yield to the gentleman from Oklahoma.

Mr. ALBERT. The gentleman is mistaken. I do not like the bill.

Mr. SMITH of Iowa. I correct those words to say the gentleman is supporting acceptance of the bill as the Senate passed it.

It surprises me what a difference 2 weeks will make. Two weeks ago, they said the amount reported out by the Appropriations Committee was not enough, and some of these people who claim to be superfriends of education added $80 million more. Now they come in, just 2 weeks later, and support a bill $267 million under what we reported and they opposed 2 weeks ago. Only 2 weeks following that cry of "too little," they now say, "Lay over and play dead." Support for education and health seems to have been exuding at the rate of about $20 million per day.

How inconsistent can one be?

What is this $267 million reduction made by the Senate which will be made if the Senate bill is accepted as is?

It is: air pollution, $6.15 million; construction of mental health centers, $6.3 million; rubella vaccinations, $10 million; cancer research, $9.6 million; heart, $10.7 million; loans for nursing and doctor student, $15.5 million; other health programs, $56 million; NDEA loans for students, $33.3 million; deprived children under title I, $57.9 million; bilingual education, $3.75 million; library programs, $39.6 million; vocational education, $23.7; and various other programs.

It is a total of $347 million. For every dollar added 2 weeks ago by this group which said that bill was to low and now supports, accepting the Senate bill, about $4 has been taken out by the Senate. A vote for the Senate bill as is, is a vote to not even try to negotiate some reductions in these cuts.

So far as the category A students are concerned, that is $20.6 million shifted from A to B. Under the House bill, they would receive $138.9 million, under the Senate bill, category A is cut to $118.3 million. I quite agree that certainly they deserve a higher percentage of entitlement, but perhaps the A student supporters ought to get smart sometime and quit letting the B's use them as a tool. They should come in early in the year and start working on their own cause instead of letting the B school representatives negotiate for them and have a chance to sell them out.

I also would like to point out that the House committee provided full funding for the claims under the "black lung" or coal mine safety legislation.

Mr. CEDERBERG. Mr. Speaker, will the gentleman yield?

Mr. SMITH of Iowa. I yield to the gentleman from Michigan.

Mr. CEDERBERG. I want to again express concern regarding the results of this Spong amendment and the effect it will have on the school districts who have a great impact of category A students because they are living on military installations.

Mr. SMITH of Iowa. I agree. That have a much better cause for support.

Mr. CEDERBERG. I say this is a very severe impact on those school districts.

Mr. SMITH of Iowa. And they are the ones which really do not have as many alternative places to secure the money.

Mr. CASEY. Mr. Speaker, will the gentleman yield?

Mr. SMITH of Iowa. I yield to the gentleman from Texas.

Mr. CASEY. I believe that we are bound by the House position when we go to conference, and, that the gentleman, along with myself and most Members of the conference on the House side, will insist on the House version and remove this Spong amendment.

Mr. SMITH of Iowa. We would insist on that. Also, I might say education and health cases are far behind in this bill, compared to the bills and program supported by the Appropriations Committee last July. Alleged friends of education and health have been digging dry holes around here for all these 7 months and as a result have recipients of education and health aid in this country from $200 million to $300 million.

HEALTH, EDUCATION, AND WELFARE APPROPRIATIONS

(Mr. HANNA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HANNA. Mr. Speaker, I should like to ask the gentleman from Pennsylvania (Mr. FLOOD) a question.

At this point in time, does the gentleman believe it would be advantageous for us to come out with the House version of this bill as against what has been recommended by the Senate?

Mr. FLOOD. As the debate develops the position of the gentleman from Pennsylvania will be made very clear on certain motions.

Mr. HANNA. May I ask the gentleman a second question?

Does the action taken, regardless, in either direction today, on the motions which might be made, preclude the House from coming forward with a further bill, quite quickly, in terms of a supplemental?

Mr. FLOOD. Well, regardless of what action is taken pro or con on my position, we will go to conference.

Mr. HANNA. Does this preclude us from coming in with a supplemental bill very early in terms of making other arrangements if they are dictated by conditions in the country?

Mr. FLOOD. I am in no position to say, but I have heard it said earlier this afternoon that there will be no supplemental regarding these items.

Mr. HANNA. Mr. Speaker, I believe this House should keep open the possibility of addressing itself to the supplemental, and certainly I believe we owe the country at this point in time the consideration of the fact that there should be a natural flow of funds, because while we are arguing about what funds ought to flow, there are none flowing. I can tell you in my school districts they are very concerned that there is no money at the present time that they can be assured of nor a time that they can be assured of having them. I hope that we will give this some consideration.

Mr. O'HARA. Mr. Speaker, will the gentleman yield?

Mr. HANNA. Yes. I yield to the gentleman.

Mr. O'HARA. I would like to say to the gentleman from Iowa, although I am unhappy with the amounts provided in the Senate bill, they are a lot more than we would have had if we followed the advice of the gentleman from Iowa at any stage of the proceedings.

Mr. CONTE. Mr. Speaker, will the gentleman yield to me?

Mr. HANNA. I yield to the gentleman from Massachusetts.

Mr. CONTE. I want to associate my remarks with those of the gentleman from Michigan in what he just said; also I want to tell the House what the parliamentary situation will be here shortly. I will offer a motion to accept the Senate amendments, and I understand the gentleman from Pennsylvania will then move to table that motion. You should vote "no" on the motion to table, if you are for a compromise bill and any motion.

APPOINTMENT OF CONFEREES ON HEW BILL

(Mr. CASEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Iowa. Mr. Speaker, will the gentleman yield?

Mr. CASEY. I am pleased to yield to the gentleman from Iowa.

Mr. SMITH of Iowa. I want to point out that a very incorrect statement was just made, because the bill we reported out and amendments, which I fully supported, would have resulted in a bill more than $700 million over the budget, which is $200 million to $300 million more than these programs will get now. I wanted to reshape it by adding some for higher education and deprived children and reducing category B of Impact Act. But the building of windmills over dry holes and maneuvering by the gentleman from Michigan and others has in the end resulted in a bruising loss both in time and money for the very causes they claimed to support.

HEW APPROPRIATION BILL

(Mr. MICHEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. MICHEL. Mr. Speaker, when the gentleman from Pennsylvania (Mr.

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FLOOD) moves to send this bill to conference, I suspect he will also immediately move the previous question and anticipating a motion to instruct by the gentleman from Massachusetts (Mr. CONTE) and a nondebatable motion to table that, I should like to say a few words with respect to this bill.

I should like to make it clear that I am not happy with what the Senate did in modifying the so-called Whitten amendment and personally do not like either the Spong amendment or the Eagleton amendment to that proposed by Senator COTTON.

Senator COTTON's original amendment was for all practical purposes, a version of my own, which failed in the House by a narrow margin. Members will recall that I proposed to limit the expenditures in this bill to 97.5 percent of the amount appropriated, exclusive of appropriations for salaries and expenses of the Social Security Administration, activities of the Railroad Retirement Board, operation, maintenance and capital outlay of the U.S. Soldiers Home, and payments into the social security and railroad retirement trust funds. Senator COTTON's amendment changed the percentage figure to 98 percent, which for all practical purposes, reduces this bill by another $347 million. My original amendment would have cut an additional $431 million.

For me, the money reductions in this bill far outweigh all the other considerations, for I have said time and time again that they were too high and the President as a matter of fact, vetoed the bill for being $1.2 billion over his budget. After the House sustained the President's veto of this measure, our Appropriations Committee cut $446.5 million from the vetoed bill.

Then on the House floor $80 million was added to impacted aid making a net reduction of $366 million. Now, if you take that reduction and add it to the $347 million that will be saved by way of the 98-percent ceiling limitation, we have effected an overall cut from the vetoed bill of $713 million.

This surely makes the fight worthwhile, and as I said, while I do not like the modifying of the Whitten amendments, and find the Spong amendment distasteful, I am going to support the final version of this bill.

I should point out, however, Mr. Speaker, that the addition of the Eagleton amendment to the Cotton amendment will cause us a great deal of trouble, for that amendment says that—

> No amount specified in any appropriation provision contained in this act may be reduced by more than 15 per centum.

Now to achieve the 2-percent reduction provided for in section 411, the administration would have to make up this $347 million reduction by:

First. By eliminating all funds in the bill above the President's alternative budget as proposed to the House on February 2—to the extent permitted by the 15-percent limitation.

Second. Next, the administration will have to eliminate all funds in excess of President Nixon's original budget as submitted to the Congress last April to the extent permitted by the 15-percent limitation.

Since the new plan of the Department of Health, Education, and Welfare does not call for any reduction in appropriations provided in the bill for impacted area aid, basic grants to the States for vocational education and hospital construction under the Hill-Burton program, further reductions are required, each of which would reduce selected items below the levels proposed in the President's original budget of last April. I should like to place in the RECORD at this point the cuts below the President's original April budget that will come about as a result of the Eagleton proviso.

	Amount of additional reduction	
	Reserves	Selected items
Health:		
Health services research and development	−$179,000	
Comprehensive health planning and services	−257,000	
Regional medical programs	−2,643,000	
Dental research	−699,000	
Neurological diseases and stroke	−849,000	
Allergy and infectious diseases	−1,485,000	
General medical sciences	−1,322,000	
Eye Institute	−402,000	
Arthritis and metabolic diseases	−414,000	
Environmental health sciences	−755,000	
General research and services	−1,672,000	
Health manpower	−25,000	
Dental health	−63,000	
National Library of Medicine	−310,000	
OE:		
Elementary and secondary education	−425,000	
Higher education	−146,000	−$7,350,000
Vocational education	−100,000	
Education for the handicapped	−1,745,000	
Research and training	−1,783,000	
Education in foreign languages and world affairs		−2,700,000
Libraries and community services		−2,600,000
SRS:		
Work incentives		−18,000,000
Rehabilitation services and facilities	−777,000	
Mental retardation	−1,325,000	
Maternal and child health and welfare	−1,864,000	
Development of programs for the aging	−601,000	
Rehabilitation research and training	−2,247,000	
Total, plan II additional reductions	−52,728,000	

In consultation with officials of HEW this morning, it is my understanding that four additional actions will be taken as follows:

The Work Incentive program would be reduced by $18 million as shown in the above table because current estimates show these funds are not likely to be needed until 1971. The 1971 budget provides an increase for the work incentive program.

The table also shows three items of reduction proposed related to activities which would be reduced to lower funding levels in the 1971 budget, recently submitted to Congress. These are: First, college teacher fellowships under higher education, reduction of $7.4 million; second, college library resources, reduction of $2.6 million; and third, foreign language and area studies, reduction of $2.7 million.

In addition to the above, $21 million placed in reserve last summer as a part of the President's plan to reduce 1970 outlays will continue to be held in reserve. These items are reflected in the new plan. It should be noted that $15.2 million previously placed in reserve from funds budgeted for the National Heart and Lung Institute and the National Cancer Institute will be released from reserve. These funds are being released in order to expedite the increased heart and cancer research effort identified by the President in his 1971 budget.

Because of the 15-percent limitation and the fact that it applies to all amounts specified within the act, it becomes necessary to drop the $10 million in rubella funds added for 1970. The Department still believes that it can maintain its original program for rubella vaccination without this $10 million. Should it prove that additional rubella funds are required later in the year, consideration would then be given to the release of this $10 million from reserve and the identification of some other form of savings to take its place.

It should be noted that this plan differs from the one provided by the Department to the Senate on February 26 which was used as a basis for determining the effect of section 411—before the amendment sponsored by Senator EAGLETON was approved. The approval of this additional proviso on the floor of the Senate makes the original plan presented to the Senate on February 26 inoperable. The February 26 plan, as originally presented to the Senate, called for reductions aggregating to $107.8 million to be taken against activities within appropriations—not permitted by the Eagleton proviso. Thus, a new plan was required.

In summary, the new plan would reduce the House bill by $347 million, 2 percent. It would still result in a 1970 budget for the Department of Health, Education, and Welfare that is $232 million above the aggregate level proposed by the President in his February 2 letter to the Speaker of the House and about $550 million above the aggregate appropriation level for the Department as proposed in the President's original budget of April 1969.

PERMISSION FOR COMMITTEE ON RULES TO FILE PRIVILEGED REPORTS

Mr. COLMER. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until tonight to file certain privileged reports.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 15931, DEPARTMENTS OF LABOR AND HEALTH, EDUCATION, AND WELFARE APPROPRIATIONS, 1970

Mr. FLOOD. Mr. Speaker, pursuant to clause 1 of rule XX of the Rules of the

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House, and by the direction of the Committee on Appropriations, I move to take from the Speaker's table the bill—H.R. 15931—making appropriations for the Departments of Labor and Health, Education, and Welfare and related agencies, for the fiscal year ending June 30, 1970, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the Conference requested by the Senate.

The Clerk read the title of the bill.

The SPEAKER. The Clerk will report the motion offered by the gentleman from Pennsylvania.

The Clerk read as follows:

Mr. FLOOD moves to take from the Speaker's table the bill (H.R. 15931) making appropriations for the Departments of Labor and Health, Education, and Welfare and related agencies, for the fiscal year ending June 30, 1970, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference requested by the Senate.

CALL OF THE HOUSE

Mr. HALL. Mr. Speaker, I make the point of order that pursuant to clause 4, rule XIII, and the unanimous consent of the House on yesterday, and notwithstanding the Parliamentarian's birthday, a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 35]

Aspinall
Baring
Bolling
Brock
Burton, Utah
Bush
Carey
Celler
Chisholm
Clay
Collins
Conyers
Dawson
Dellenback
Diggs
Edmondson
Edwards, La.
Fallon
Fulton, Tenn.
Gallagher
Goldwater
Hagan
Hawkins
Jarman
Jones, Ala.
Kirwan
Kluczynski
Kyros
Leggett
Lennon
Lowenstein
McCarthy
McDonald, Mich.
McEwen
Macdonald, Mass.
Mahon
Mailliard
Mann
Meeds
Miller, Calif.
Morton
Moss
Ottinger
Pike
Powell
Rees
Ruppe
Saylor
Snyder
Steiger, Wis.
Taft
Teague, Calif.
Teague, Tex.
Thompson, Ga.
Tunney
Van Deerlin
Watkins
Widnall

The SPEAKER. On this rollcall 372 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

APPOINTMENT OF CONFEREES ON H.R. 15931, DEPARTMENTS OF LABOR AND HEALTH, EDUCATION, AND WELFARE APPROPRIATIONS, 1970

The SPEAKER. The gentleman from Pennsylvania (Mr. FLOOD) is recognized for 1 hour.

Mr. CONTE. Mr. Speaker, a point of order.

The SPEAKER. The gentleman will state his point of order.

Mr. CONTE. Mr. Speaker, I have a motion at the desk, and as I was about to offer the motion the gentleman from Missouri raised the point of order that a quorum was not present, and that was the status of the House at the time that the quorum was called.

Mr. FLOOD. Mr. Speaker, may I be heard? My reason for addressing the Chair was——

The SPEAKER. The Chair will ask the gentleman from Massachusetts: Does he make a point of order that a quorum is not present?

Mr. CONTE. No. The gentleman from Massachusetts states he was on his feet seeking recognition as the Clerk read the motion of the gentleman from Pennsylvania (Mr. FLOOD) and the gentleman from Missouri (Mr. HALL) raised the point of order that a quorum was not present. We are standing in this position at this time.

The SPEAKER. If the gentleman has a point of order, he can state it now.

Mr. CONTE. I have a motion at the desk to instruct the conferees.

The SPEAKER. The Chair will state that is not in order at this particular moment. It will be in order later, after the motion of the gentleman from Pennsylvania (Mr. FLOOD) is acted on.

Mr. CONTE. I want to thank the Chair.

The SPEAKER. The gentleman from Pennsylvania (Mr. FLOOD) is recognized for 1 hour.

Mr. FLOOD. Mr. Speaker, I made a motion to have the bill in question taken from the Speaker's desk and had hoped that the Speaker would rule on that motion immediately. I cannot prevent the gentleman from Massachusetts or anybody else from making some kind of a motion at that time. I have no intention to debate my motion to take from the Speaker's desk at this time, and I hope the Chair will rule on my motion. Then the gentleman from Massachusetts will be in a position to make his motion if he has that in mind.

Mr. COHELAN. Mr. Speaker, I rise in support of the motion to be made by my colleague, the gentleman from Massachusetts, to instruct the conferees to accept the Senate provisions of the HEW-Labor appropriations bill. I support this compromise with mixed emotions. I have fought along with the gentleman from Massachusetts on numerous occasions this year to perfect this bill and I support my colleague now with a certain sense of reluctance.

First, I am unhappy that the Senate gave the 2 percent discretionary language to the President. As most Members will remember, this House defeated a similar amendment offered by the gentleman from Illinois (Mr. MICHEL). The Michel amendment was defeated by a vote of 205 to 189 on February 19. If it were not so late in this fiscal year, I would fight to defeat this discretionary language because it is an abdiction of congressional responsibility.

But the time is late and we must all realize that this fight began last spring with the Joelson amendment. It was taken up again in the fight over the continuing resolution, the Cohelan resolution, and in the attempt to override the President's veto. By accepting this discretionary language, we are, in effect, giving the President an item veto. But the time of the year dictates that we settle for this compromise.

My acceptance of the compromise does not mean that I will stop my fight to establish education and health programs as our Nation's highest priorities. I will continue this fight because I feel that this Nation is at a crossroad. To fulfill the promise of America, to fulfill the promise of equal opportunity, an educational system is required that will give the requisite skills to all our citizens. We cannot run away from the necessary goal; we cannot run away from the increased Federal, State, and local costs for education. In accepting this compromise, I again want to serve notice that I will continue to fight for full funding of our educational system.

After the long struggle, I cannot help wondering where our Nation's priorities lie. The President blithely requests $1.5 billion for an expanded ABM system that most technical experts do not feel will work, and then vetoes an education bill that exceeds his inadequate budget request for HEW by $1.2 billion. I cannot subscribe to this confused logic.

This 2-percent discretionary language will allow the President, according to most estimates, to cut $347 million from the House-passed bill. This will be $232 million above the President's February 2, 1970, revised request. Just think, Mr. Speaker, in a potential trillion-dollar economy, inflation and a possible recession will be thwarted by a mere $347 million. Elementary economics tell us such reasoning is unacceptable. More importantly, the proposed cut will come from those ESEA programs that are attempting to overcome the inadequacies of our school system. Having the honor to represent most of the city of Oakland I know the effectiveness of ESEA programs. I realize they do not create a radical change in our school system but they do constitute a very necessary beginning.

Before my time expires, Mr. Speaker, I said that I support the Senate additions with mixed emotions. I was very happy to see that the Senate again made the pernicious Whitten amendment subject to constitutional guarantees by adding the crucial words "except as required by the Constitution" before sections 408 and 409. As a traditional opponent of these amendments, which, without the crucial words, attempt to strip HEW of the authority to enforce court-ordered desegregation and title VI of the Civil Rights Act of 1964, I was pleased to see the Senate make these necessary changes.

The Senate is to be commended for removing the mischievous section 410, the Jonas amendment, which could have created chaos in those school districts that are moving to end unconstitutional desegregation. It would have done this by reinstitutionalizing the so-called freedom of choice plans as a surrogate for a meaningful attempt to desegregate. We are all well aware, the Supreme Court has already ruled in Green against Kent County—1968—that freedom of choice could not be used to thwart court-ordered desegregation. I feel that these changes are beneficial contributions by the Senate.

Mr. Speaker, I want to return briefly to this Presidential discretionary language. To some people it may symbolize a retrenchment of this Congress on the priorities for health and education. I do not subscribe to this view. The lateness of the fiscal year dictates that we accept this compromise, but it will not be acceptable in the future. This Congress has, in numerous instances, voted to make education and health our highest domestic priority. We will continue to fight to implement this goal.

I want to make the legislative history clear at this point. As I understand the Cotton amendment as modified by the Eagleton amendment, the President has the discretionary power to cut 2 percent from the total appropriations except in three trust funds—social security, railroad retirement, and the Soldiers' Home, but places a ceiling of 15 percent for each line item. This is vitally important because if, for example, ESEA bills were to be considered en bloc and not as individual line items, some vital programs could be cut far beyond 15 percent. This will not be allowed to happen under the Cotton-Eagleton amendment.

Before finishing my statement, I wish to commend the chairman of the subcommittee, the gentleman from Pennsylvania (Mr. FLOOD), for his handling of this measure. Although we have disagreed in some instances I know that we both share the general goal that education and health must have the highest priority in our Nation. I look forward to working with him to implement this goal in the months and years ahead.

Mr. CONTE. Mr. Speaker, it is late, very late, into fiscal 1970, and we are still debating HEW appropriations for that year. Meanwhile, the agencies involved continue to operate on continuing resolutions.

I think it is time to compromise for the sake of the children and hospitals affected by further delay. The other body has added five amendments to the bill this body sent over. I am not happy with all of them, and I know many of my colleagues feel the same way. However, on the whole, I do think it is a good compromise bill, and therefore I urge my colleagues to accept it by supporting my motion to instruct conferees to accept those amendments.

Let us take a closer look at the amendments tacked on by the other body. To begin with, the amendments Nos. 2 and 3 by Senator MATHIAS, would modify the so-called Whitten provisions. This is the same modification, yes the same modification, that the administration has fully supported and that this body accepted by a vote of 216 to 180 on December 18, 1969.

This is also the same modification that the Secretary of Health, Education, and Welfare, Robert Finch, said in a letter to all the Senators last December "would cripple the efforts of this Department to enforce the mandate of the Supreme Court and to protect the constitutional rights of all Americans to an equal opportunity in education."

I fought hard for this amendment in the past, and I strongly endorse it once again.

The amendment of the Senate, No. 4, by Senator SCOTT, would delete the so-called Jonas amendment. This section, if not amended by Senator SCOTT, would have cut off all HEW education funds to school districts which have adopted and implemented desegregation plans other than freedom of choice.

The constitutional implications of this action are obvious, and they have been clearly presented in this body at an earlier date. Simply stated, the Jonas amendment would legalize unconstitutional freedom-of-choice plans and fly right in the face of title VI of the Civil Rights Act.

Both the Jonas and Whitten amendments would be dangerous and illegal steps backward in the fight for equal rights for all Americans. I, for one, do not want to be associated with such an effort, and I hope many of my colleagues feel the same way.

The amendment of the Senate, No. 1, by Senator SPONG, affects the impact aid provisions. It would treat both A and B students equally in terms of the $505 million available. More specifically, without the Spong amendment, because A's would be funded before B's, A's are funded at 90 percent and B's at 72 percent of their authorization. The authorization provides that reimbursement for B's is one-half that for A's.

Thus, if A gets $100 and B gets $50, under the language of the bill without the Spong amendment, A would be entitled to 90 percent of $100 and B to 72 percent of $50. Under the Senate amendment, both A and B would get 78 percent of the amount to which they were entitled; that is, $100 in the case of A and $50 in the case of B.

The amendment is discussed further at page 5423 in the RECORD for February 28, 1970.

I want the record clear on the fact that I do not support or approve of this amendment. However, in the spirit of compromise in conjunction with the other amendments, I would be willing to accept it.

Finally, the amendment of the Senate, No. 5, by Senators COTTON and EAGLETON, sets a mandatory spending ceiling on the bulk of the bill. There are minor exceptions in dollar terms, so the money subject to the limit is $17.3 million.

Two further points should be made on the Cotton amendment. It has a proviso that no appropriation can be cut by more than 15 percent. However, a question was raised as to whether this 15 percent applied to an overall item, or just to a line item. Senator EAGLETON clarified the matter with a second proviso which said that the 15-percent cut only applied to line items, not overall items.

Furthermore, the legislative history of this amendment is clear in showing that neither impact aid nor Hill-Burton money will be cut.

Further material on this amendment appears on pages 5209 and 5227 in the RECORD for February 27, 1970.

I said at the outset that it is late in the year. There are only 4 months left. I think it is high time that we all accepted a fair compromise, and settled this matter once and for all.

I know that some of my colleagues like the Whitten amendments, and that others, like myself, do not.

I know that some of my colleagues like the Spong amendment, and others, again like myself, do not.

And I know that some of my colleagues like the Cotton-Eagleton amendment, and others do not.

But at this critical time, let us face the fact that each of us cannot have everything. Therefore, we should look to the best possible compromise and settle HEW appropriations now.

Let us engage in the art of compromise for the sake of all those who will suffer if we do not. After all, who is suffering? Students, libraries, hospitals, and many other worthy beneficiaries of this bill.

The issue is no longer whether we like one part of the bill and dislike another. The issue now is whether we are going to serve all the people and programs that go to the roots of this great Nation of ours.

I think the answer is clear. I think my motion to instruct will implement this answer. Therefore, I urge my colleagues to support me in it.

Mr. Speaker, if there is no objection, I would like to include in the RECORD an editorial entitled "The Compromised Bill," which appeared in the Evening Star on March 2, 1970. It follows:

THE COMPROMISED BILL

Politics, it has been said, is the art of compromise. If so, this year's Health, Education and Welfare money bill should rank among the outstanding political documents of the generation.

In the course of the bill's odyssey through the House and the Senate, to the White House and back again to the Hill, the fine art of compromise has been injected into almost every paragraph. It has been hammered out of shape by Southern representatives in an attempt to cripple the federal government's ability to enforce integration. It has been pounded back into shape by Northern senators, who amended the Southern amendments and left them meaningless.

A defiant House ignored the threat of a second presidential veto and voted an appropriation of $19.4 billion—$400 million above the limit set by the White House. The Senate voted to equal the spendthrift total and then undertook to keep the administration happy by directing it to cut the expenditures back to $19 billion. The White House, in return, passed the word along that one place the cuts would not be made was in school aid to federally impacted areas—a source of income for which legislators of both parties have developed an inordinate fondness.

The last political horse trade—the 2 percent cut in return for a promise that impact aid will not be trimmed—may well be the key that will finally free the bill for final passage and presidential approval. But that is the only good thing that can be said about it.

The presidential veto of the original $19.7 billion appropriation was accompanied by a reasoned essay on the evils of impact aid. Federal payments to districts suddenly overburdened by a massive influx of federal employes made sense in the 1950s. It was, however, never intended to be a permanent federal contribution to local school systems.

The time had come, administration spokesmen said, to begin cutting back on impact aid. That's what was said a few weeks ago as the President prepared to veto the first HEW appropriation bill. In the interval, logic has bowed to political expediency and the aid program has become inviolable. In the Washington area, the Senate bill will mean a $5 million increase in impact aid to Virginia, and a comparable increase for Maryland. The bill also could reduce a $10 million appropriation for construction and modernization of hospitals in the District by $1.5 million.

It is wrong. The Washington area, which includes the richest county in the United States, already is getting more than its fair share of impact aid. The District, with massive unsolved health problems, needs all the hospital help it can possibly get.

But on the theory that a seriously compromised loaf is better than none, the House should accept the Senate's curious product. There are only four months to go in the fiscal year covered by the present HEW bill, and any further delay would make it almost impossible for any benefit to be derived from increases in any area. Perhaps next time Congress can produce a bill that is more attentive to the needs of the people and less concerned with the preservation of sacred cows.

Mr. BOLAND. Mr. Speaker, I will vote for the motion instructing the conferees to accept the Senate's version of the fiscal 1970 Labor-HEW appropriations bill. But I will do so with reluctance—indeed, with great reluctance. A compromise bill hammered out after months of disagreement and debate, this legislation falls far short of the ideal envisioned by educators at the start of this Congress. Yet it would be palatable, at least, were it not for one startling provision: the one calling for a uniform 78-percent entitlement for both category "A" and category "B" of the impact aid program.

XUM

Category "A"—the section offering financial aid to school districts that educate the children of Federal employees and military personnel living on Defense Department bases—should be funded at 100 percent of entitlement. Even President Nixon, something less than ecstatic about the impact aid program, has cited the pressing need for 100-percent entitlement under category "A." Yet the Senate's legislation seeks merely 78 percent—woefully short of the need. Faced with soaring enrollment rates and shrinking revenue sources, many school districts throughout the United States are caught in a financial squeeze of almost unprecedented severity. Men and women living on military bases contribute nothing to a community's tax base, yet they are sending more and more children to community schools. Recognizing the need to provide financial assistance to these schools, the Congress enacted legislation explicitly designed to meet the need. We should not—indeed, we must not—violate the pledge we made in enacting such legislation. Let me cite just one example of the financial and educational difficulties the Senate bill would cause: Chicopee, Mass., a community in my congressional district that educates the children from nearby Westover Air Force Base, would lose the staggering sum of $374,000 under the Senate's legislation—a loss that would pose a major threat to Chicopee's school system.

I have urged President Nixon to honor his apparent commitment to the category "A" program by sending up a supplemental bill later this year—a supplemental bill that would take up the financial slack in fiscal 1970's impact aid program.

Any attempt to achieve this goal today would be fruitless. For one thing, President Nixon would veto any legislation that exceeds the financial limits of the Senate bill. Even if we were to fund fiscal 1970 programs under a series of continuing resolutions—instead of under a conventional appropriations bill—spending would be limited to the level authorized before we enacted the celebrated package of amendments known as the Joelson package. It is plain—indeed, conspicuous that further efforts to increase educational spending would be futile.

We need an education bill now.

Hundreds of programs—programs ranging all the way from student scholarships to health centers—are lagging far behind schedule because of the long debate on this appropriations bill.

I vote for it in the hope that President Nixon will send us a supplemental bill later in the session.

Mr. FLOOD. Mr. Speaker, I move the previous question on my motion.

The previous question was ordered.

The SPEAKER. The question is on the motion of the gentleman from Pennsylvania.

The motion was agreed to.

MOTION OFFERED BY MR. CONTE

Mr. CONTE. Mr. Speaker, I offer a motion.

The Clerk read as follows:

> Mr. CONTE moves that the managers on the part of the House at the conference on the disagreeing votes of the two houses on the bill H.R. 15931 be instructed to agree to the amendments of the Senate.

MOTION TO TABLE OFFERED BY MR. FLOOD

Mr. FLOOD. Mr. Speaker, I offer a motion.

The Clerk read as follows:

> Mr. FLOOD moves to lay on the table the motion to instruct the managers on the part of the House.

The SPEAKER. The question is on the motion of the gentleman from Pennsylvania (Mr. FLOOD).

Mr. WAGGONNER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 164, nays 222, not voting 44, as follows:

[Roll No. 36]

YEAS—164

Abbitt
Abernethy
Adair
Alexander
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Ashbrook
Bennett
Bevill
Blackburn
Blanton
Bray
Brinkley
Brooks
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burleson, Tex.
Burlison, Mo.
Cabell
Caffery
Carter
Casey
Cederberg
Chappell
Clancy
Clark
Clausen, Don H.
Clawson, Del
Collier
Collins
Colmer
Cowger
Cramer
Crane
Daniel, Va.
Davis, Ga.
Davis, Wis.
de la Garza
Delaney
Derwinski
Devine
Dickinson
Dorn
Dowdy
Downing
Duncan
Edwards, Ala.
Evins, Tenn.
Fascell
Feighan
Fisher
Flood
Flowers
Flynt
Foreman
Fountain
Frey
Fuqua
Galifianakis
Garmatz
Gettys
Giaimo
Gibbons
Gonzalez
Goodling
Green, Oreg.
Griffin
Gross
Hagan
Haley
Hammerschmidt
Hastings
Hays
Hébert
Henderson
Hogan
Hull
Hungate
Hunt
Ichord
Jarman
Johnson, Pa.
Jonas
Jones, N.C.
Jones, Tenn.
Kazen
Kee
King
Kleppe
Kuykendall
Landrum
Latta
Long, La.
Long, Md.
Lukens
McFall
McKneally
McMillan
Miller, Ohio
Mills
Mizell
Montgomery
Natcher
Nichols
Olsen
O'Neal, Ga.
Passman
Patman
Pepper
Perkins
Pettis
Pickle
Pirnie
Poage
Poff
Preyer, N.C.
Price, Tex.
Pryor, Ark.
Pucinski
Purcell
Quillen
Randall
Rarick
Rivers
Roberts
Rogers, Colo.
Rogers, Fla.
Rooney, N.Y.
Roudebush
Ruth
Satterfield
Scherle
Schneebeli
Scott
Sebelius
Shipley
Shriver
Sikes
Skubitz
Slack
Smith, Iowa
Steiger, Ariz.
Stephens
Stubblefield
Stuckey
Sullivan
Teague, Tex.
Thomson, Wis.
Ullman
Waggonner
Wampler
Watson
Watts
White
Whitten
Winn
Wright
Wyman
Young
Zablocki
Zion

NAYS—222

Adams
Addabbo
Albert
Anderson, Calif.
Anderson, Ill.
Annunzio
Arends
Ashley
Ayres
Barrett
Beall, Md.
Belcher
Bell, Calif.
Berry
Betts
Biaggi
Biester
Bingham
Blatnik
Boggs
Boland
Bow
Brademas
Brasco
Broomfield
Brotzman
Brown, Calif.
Brown, Mich.
Brown, Ohio
Burke, Mass.
Burton, Calif.
Byrnes, Wis.
Byrne, Pa.
Button
Camp
Carey
Chamberlain
Clay
Cleveland
Cohelan
Conable
Conte
Corbett
Corman
Coughlin
Culver
Cunningham
Daddario
Daniels, N.J.
Dellenback
Denney
Dennis
Dent
Diggs
Dingell
Donohue
Dulski
Dwyer
Eckhardt
Edwards, Calif.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Farbstein
Findley
Fish
Foley
Ford, Gerald R.
Ford, William D.
Fraser
Frelinghuysen
Friedel
Fulton, Pa.
Gallagher
Gaydos
Gilbert
Gray
Green, Pa.
Griffiths
Grover
Gubser
Gude
Hall
Halpern
Hamilton
Hanley
Hanna
Hansen, Idaho
Hansen, Wash.
Harrington
Harsha
Harvey
Hathaway
Hechler, W. Va.
Heckler, Mass.
Helstoski
Hicks
Holifield
Horton
Hosmer
Howard
Hutchinson
Jacobs
Johnson, Calif.
Karth
Kastenmeier
Keith
Koch
Kyl
Kyros
Landgrebe
Langen
Lloyd
Lowenstein
Lujan
McClory
McCloskey
McClure
McCulloch
McDade
Macdonald, Mass.
MacGregor
Madden
Marsh
Martin
Mathias
Matsunaga
May
Mayne
Melcher
Meskill
Michel
Mikva
Miller, Calif.
Minish
Mink
Minshall
Mize
Mollohan
Monagan
Moorhead
Morgan
Morse
Mosher
Murphy, Ill.
Murphy, N.Y.
Myers
Nedzi
Nelsen
Nix
Obey
O'Hara
O'Konski
O'Neill, Mass.
Patten
Pelly
Philbin
Pike
Podell
Pollock
Price, Ill.
Quie
Railsback
Reid, Ill.
Reid, N.Y.
Reifel
Reuss
Rhodes
Riegle
Robison
Rodino
Roe
Rooney, Pa.
Rosenthal
Rostenkowski

Roth
Roybal
Ryan
St Germain
St. Onge
Sandman
Saylor
Schadeberg
Scheuer
Schwengel
Sisk
Smith, Calif.
Smith, N.Y.
Springer
Stafford

Staggers
Stanton
Steed
Stokes
Stratton
Symington
Talcott
Thompson, N.J.
Tiernan
Udall
Van Deerlin
Vander Jagt
Vanik
Vigorito
Waldie

Weicker
Whalen
Whalley
Whitehurst
Wiggins
Williams
Wilson, Bob
Wold
Wolff
Wyatt
Wydler
Wylie
Yates
Yatron
Zwach

NOT VOTING—44

Aspinall
Baring
Bolling
Brock
Burton, Utah
Bush
Celler
Chisholm
Conyers
Dawson
Edmondson
Edwards, La.
Fallon
Fulton, Tenn.
Goldwater
Hawkins

Jones, Ala.
Kirwan
Kluczynski
Leggett
Lennon
McCarthy
McDonald, Mich.
McEwen
Mahon
Mailliard
Mann
Meeds
Morton
Moss
Ottinger

Powell
Rees
Ruppe
Snyder
Steiger, Wis.
Taft
Taylor
Teague, Calif.
Thompson, Ga.
Tunney
Watkins
Widnall
Wilson, Charles H.

So the motion was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Taylor for, with Mr. Kluczynski against.

Mr. Lennon for, with Mr. Morton against.

Mr. Mann for, with Mr. Widnall against.

Mr. Mahon for, with Mr. Watkins against.

Mr. Brock for, with Mr. Celler against.

Mr. Thompson of Georgia for, with Mr. Charles H. Wilson against.

Until further notice:

Mr. Aspinall with Mr. McDonald of Michigan.

Mr. Edmondson with Mr. Mailliard.

Mr. Edwards of Louisiana with Mr. Bush.

Mr. Fulton of Tennessee with Mr. Taft.

Mr. Jones of Alabama with Mr. Ruppe.

Mr. Baring with Mr. Goldwater.

Mr. Fallon with Mr. Steiger of Wisconsin.

Mr. Leggett with Mr. Burton of Utah.

Mr. Tunney with Mr. Teague of California.

Mr. Meeds with Mrs. Chisholm.

Mr. Kirwan with Mr. Conyers.

Mr. Hawkins with Mr. Ottinger.

Mr. Rees with Mr. Powell.

Mr. Moss with Mr. McCarthy.

Mr. EILBERG changed his vote from "yea" to "nay."

Messrs. RUTH, KUYKENDALL, FOREMAN, HAMMERSCHMIDT, and ROUDEBUSH changed their votes from "nay" to "yea."

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the motion of the gentleman from Massachusetts (Mr. Conte).

Mr. FLOOD. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 231, nays 152, not voting 47, as follows:

[Roll No. 37]

YEAS—231

Adair
Adams
Addabbo
Albert
Anderson, Calif.
Anderson, Ill.
Anderson, Tenn.
Annunzio
Arends
Ashley

Ayres
Barrett
Beall, Md.
Belcher
Bell, Calif.
Berry
Betts
Biaggi
Biester
Bingham
Boggs
Boland

Bow
Brademas
Brasco
Brooks
Broomfield
Brotzman
Brown, Calif.
Brown, Mich.
Brown, Ohio
Burke, Mass.
Burton, Calif.
Burton, Utah

Button
Byrne, Pa.
Byrnes, Wis.
Camp
Carey
Celler
Chamberlain
Clay
Cleveland
Cohelan
Collier
Conable
Conte
Corbett
Corman
Coughlin
Culver
Cunningham
Daddario
Daniels, N.J.
Dellenback
Denney
Dennis
Dent
Diggs
Dingell
Donohue
Dulski
Duncan
Dwyer
Eckhardt
Edwards, Calif.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Farbstein
Feighan
Findley
Fish
Foley
Ford, Gerald R.
Ford, William D.
Fraser
Frelinghuysen
Friedel
Fulton, Pa.
Gallagher
Garmatz
Gaydos
Gilbert
Goodling
Green, Pa.
Griffiths
Grover
Gubser
Gude
Hall
Halpern
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Idaho

Hansen, Wash.
Harrington
Harsha
Harvey
Hathaway
Hechler, W. Va.
Heckler, Mass.
Helstoski
Hicks
Horton
Hosmer
Howard
Hutchinson
Jacobs
Johnson, Pa.
Karth
Kastenmeier
Keith
Koch
Kuykendall
Kyl
Kyros
Langen
Lloyd
Lowenstein
Lujan
Lukens
McClory
McCloskey
McClure
McCulloch
McDade
Macdonald, Mass.
MacGregor
Madden
Martin
Mathias
Matsunaga
May
Mayne
Melcher
Meskill
Michel
Mikva
Miller, Calif.
Minish
Mink
Minshall
Mize
Monagan
Moorhead
Morgan
Morse
Mosher
Murphy, Ill.
Murphy, N.Y.
Myers
Nedzi
Nelsen
Nix
Obey
O'Hara
O'Konski
Olsen
O'Neill, Mass.
Patten

Pelly
Pepper
Perkins
Pettis
Philbin
Pike
Podell
Price, Ill.
Quie
Quillen
Railsback
Reid, Ill.
Reid, N.Y.
Reifel
Reuss
Rhodes
Riegle
Robison
Rodino
Roe
Rogers, Colo.
Rooney, Pa.
Rosenthal
Rostenkowski
Roth
Roybal
Ryan
St Germain
St. Onge
Sandman
Scheuer
Schwengel
Smith, Calif.
Smith, N.Y.
Springer
Stafford
Stanton
Steed
Stokes
Stratton
Sullivan
Symington
Talcott
Thompson, N.J.
Thomson, Wis.
Tiernan
Van Deerlin
Vander Jagt
Vanik
Vigorito
Waldie
Weicker
Whalen
Whalley
Wiggins
Williams
Wilson, Bob
Wold
Wolff
Wyatt
Wydler
Wylie
Yates
Yatron
Zion
Zwach

NAYS—152

Abbitt
Abernethy
Alexander
Andrews, Ala.
Andrews, N. Dak.
Ashbrook
Bennett
Bevill
Blackburn
Blanton
Bray
Brinkley
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burleson, Tex.
Burlison, Mo.
Cabell
Caffery
Carter
Casey
Cederberg
Chappell
Clancy
Clark
Clausen, Don H.
Clawson, Del
Collins
Colmer
Cowger
Cramer
Crane
Daniel, Va.

Davis, Ga.
Davis, Wis.
de la Garza
Delaney
Derwinski
Devine
Dickinson
Dorn
Dowdy
Downing
Edwards, Ala.
Evins, Tenn.
Fascell
Fisher
Flood
Flowers
Flynt
Foreman
Fountain
Frey
Fuqua
Galifianakis
Gettys
Giaimo
Gibbons
Gonzalez
Gray
Green, Oreg.
Griffin
Gross
Hagan
Haley
Hastings
Hays
Hébert
Henderson

Hogan
Hull
Hungate
Hunt
Ichord
Jarman
Johnson, Calif.
Jonas
Jones, N.C.
Jones, Tenn.
Kazen
Kee
King
Kleppe
Landgrebe
Landrum
Latta
Long, La.
Long, Md.
McFall
McKneally
McMillan
Marsh
Miller, Ohio
Mills
Mizell
Montgomery
Natcher
Nichols
O'Neal, Ga.
Passman
Patman
Pickle
Pirnie
Poage
Poff

Pollock
Preyer, N.C.
Price, Tex.
Pucinski
Purcell
Randall
Rarick
Rivers
Roberts
Rogers, Fla.
Rooney, N.Y.
Roudebush
Ruth
Satterfield
Schadeberg
Scherle

Schneebeli
Scott
Sebelius
Shipley
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Iowa
Staggers
Steiger, Ariz.
Stephens
Stubblefield
Stuckey
Taylor

Teague, Tex.
Ullman
Waggonner
Wampler
Watson
Watts
White
Whitehurst
Whitten
Winn
Wright
Wyman
Young
Zablocki

NOT VOTING—47

Aspinall
Baring
Blatnik
Bolling
Brock
Bush
Chisholm
Conyers
Dawson
Edmondson
Edwards, La.
Fallon
Fulton, Tenn.
Goldwater
Hawkins
Holifield
Jones, Ala.

Kirwan
Kluczynski
Leggett
Lennon
McCarthy
McDonald, Mich.
McEwen
Mahon
Mailliard
Mann
Meeds
Mollohan
Morton
Moss
Ottinger
Powell

Pryor, Ark.
Rees
Ruppe
Saylor
Snyder
Steiger, Wis.
Taft
Teague, Calif.
Thompson, Ga.
Tunney
Udall
Watkins
Widnall
Wilson, Charles H.

So the motion was agreed to.

The Clerk announced the following pairs:

Mr. Fallon for, with Mr. Mann against.

Mr. Steiger of Wisconsin for, with Mr. Brock against.

Mr. Widnall for, with Mr. Snyder against.

Mr. Watkins for, with Mr. Thompson of Georgia against.

Until further notice:

Mr. Aspinall with Mr. Bush.

Mr Mahon with Mr. Ruppe.

Mr. Charles H. Wilson with Mr. Saylor.

Mr. Blatnik with Mr. Taft.

Mr. Moss with Mr. Teague of Texas.

Mr. Pryor of Arkansas with Mr. McDonald of Michigan.

Mr. Fulton of Tennessee with Mr. Mailliard.

Mr. Rees with Mr. Conyers.

Mr. Meeds with Mr. McEwen.

Mr. Tunney with Mr. Morton.

Mr. Mollohan with Mr. Goldwater.

Mr. Hawkins with Mr. Kirwan.

Mr. Kluczynski with Mr. McCarthy.

Mr. Udall with Mr. Powell.

Mr. Ottinger with Mrs. Chisholm.

Mr. Baring with Mr. Jones of Alabama.

Mr. Udall with Mr. Holifield.

Mr. SCHWENGEL changed his vote from "nay" to "yea."

Mr. DICKINSON changed his vote from "yea" to "nay."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER. The Chair appoints the following conferees: Messrs. Flood, Natcher, Smith of Iowa, Hull, Casey, Mahon, Michel, Shriver, Mrs. Reid of Illinois, and Mr. Bow.

PERMISSION TO FILE CONFERENCE REPORT ON H.R. 15931, DEPARTMENTS OF LABOR, AND HEALTH, EDUCATION, AND WELFARE AND RELATED AGENCIES APPROPRIATIONS, 1970, UNTIL MIDNIGHT TONIGHT

Mr. FLOOD. Mr. Speaker, I ask unanimous consent that the managers on the part of the House have until midnight tonight to file a conference report on the bill (H.R. 15931) making appropriations for the Departments of Labor, and Health, Education, and Welfare and related agencies, for the fiscal year ending June 30, 1970.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

PERMISSION FOR SPECIAL EDUCATION SUBCOMMITTEE, COMMITTEE ON EDUCATION AND LABOR, TO SIT DURING GENERAL DEBATE TODAY

Mr. HATHAWAY. Mr. Speaker, I ask unanimous consent that the Special Education Subcommittee of the Committee on Education and Labor be allowed to sit this afternoon while the House is in session during general debate.

The SPEAKER. Is there objection to the request of the gentleman from Maine?

There was no objection.

CONSENT CALENDAR

The SPEAKER. This is Consent Calendar day. The Clerk will call the first bill on the Consent Calendar.

ADMISSION TO THE UNITED STATES OF CERTAIN INHABITANTS OF THE BONIN ISLANDS

XUM

The Clerk called the bill (H.R. 4574) to provide for the admission to the United States of certain inhabitants of the Bonin Islands.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

PROVIDING GRADE OF LIEUTENANT GENERAL FOR OFFICER SERVING AS CHIEF OF THE NATIONAL GUARD BUREAU

The Clerk called the bill (H.R. 15143) to amend title 10, United States Code, to provide the grade of lieutenant general for an officer serving as the Chief of the National Guard Bureau, and for other purposes.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. KOCH. Mr. Speaker, reserving the right to object, may I make certain inquiries of the chairman concerning the bill?

The SPEAKER. The gentleman from New York reserves the right to object.

Mr. KOCH. Mr. Speaker, was this bill supported by the Department of Defense?

Mr. PHILBIN. No; the bill was not supported by the Department of Defense.

Mr. KOCH. My second question, Mr. Speaker, is this: Is this General Wilson the same major general who requested members of the National Guard to engage in counterprotests with respect to the moratorium and in effect politicized the National Guard?

Mr. PHILBIN. I do not have any information along that line.

Mr. MONTGOMERY. Mr. Speaker, will the gentleman yield to me at that point?

Mr. KOCH. Yes.

Mr. MONTGOMERY. I thank the gentleman for yielding. I believe I can answer the gentleman's question further. As I understand it, the Department of Defense, with respect to your first question, has taken no stand on this matter. I have seen nothing in writing pertaining to any objections to promoting the National Guard chief to lieutenant general.

As to your second question, I would like to ask the gentleman from New York what is wrong with a military officer being patriotic and requesting National Guardsmen to fly the American flag and burn their porch lights in protest to something like the November 13–15 moratorium in Washington. I think the general should be commended for taking that action. The gentleman from New York should have a better point of objection than just because the general was patriotic.

Mr. KOCH. May I respond to the gentleman, because I have a very high regard for him. My reason for objecting is not because someone demonstrates his patriotism. We should all be patriotic. But I want to make something very clear; namely, that a general may not under our form of government in any way politicize the people who are under his command. When the general sends out instructions that the people under his command should keep their porch lights on and have their automobile lights on as a counterdemonstration to the November moratorium, that is wrong. It is what happens in nations where the military dominates the civilians. If the general wants to engage in politics, let him get out of the Army and into the public arena.

Mr. Speaker, I continue my objection to the item.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. KOCH. Mr. Speaker, I object.

The SPEAKER. Objection is heard.

AUTHORIZING RECOMPUTATION OF MILITARY RETIRED PAY UNDER CERTAIN CIRCUMSTANCES

The Clerk called the bill (H.R. 15142) to authorize any former Chairman of the Joint Chiefs of Staff to recompute his military retired pay under certain circumstances.

There being no objection, the Clerk read the bill, as follows:

H.R. 15142

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding any other provision of law, an officer of an armed force who—

(1) served as Chairman of the Joint Chiefs of Staff;

(2) after he was retired, but before October 1, 1963, was ordered to active duty; and

(3) was released from that active duty after July 31, 1969;

shall, effective as of the date he was released from that active duty, be entitled to retired pay computed under the formula set forth in the table in section 1402(a) of title 10, United States Code, but using the monthly basic pay prescribed at the time of his release from that active duty for an officer serving in pay grade O–10. The provisions of this paragraph do not affect or modify any prior commitment made by such officer in regard to participation in the Retired Serviceman's Family Protection Plan.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

TO PROHIBIT USES OF LIKENESSES OF GREAT SEAL OF THE UNITED STATES AND SEALS OF THE PRESIDENT AND VICE PRESIDENT

The Clerk called the bill (H.R. 14645) to amend title 18 of the United States Code to prohibit certain uses of likenesses of the great seal of the United States, and of the seals of the President and Vice President.

There being no objection, the Clerk read the bill, as follows:

H.R. 14645

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 713 of title 18, United States Code, is amended to read as follows:

"§ 713. Use of likenesses of the great seal of the United States, and of the seals of the President and Vice President

"(a) Whoever knowingly displays any printed or other likeness of the great seal of the United States, or of the seals of the President or the Vice President of the United States, or any facsimile thereof, in, or in connection with, any advertisement, poster, circular, book, pamphlet, or other publication, public meeting, play, motion picture, telecast, or other production or on any building, monument or stationery, for the purpose of conveying, or in a manner reasonably calculated to convey, a false impression of sponsorship or approval by the Government of the United States or by any department, agency, or instrumentality thereof, shall be fined not more than $250 or imprisoned not more than six months, or both.

"(b) Whoever, except as authorized under regulations promulgated by the President, knowingly manufactures, reproduces, sells, or purchases for resale, either separately or appended to any article manufactured or sold, any likeness of the great seal of the United States, or of the seals of the President or Vice President, or any part thereof, except for manufacture or sale of the article for the official use of the Government of the United States, shall be fined not more than $250 or imprisoned not more than six months, or both.

"(c) A violation of subsection (a) or (b) of this section may be enjoined at the suit of the Attorney General upon complaint by any authorized representative of any department or agency of the United States."

SEC. 2. The analysis of chapter 33 of title 18, United States Code, immediately preceding section 701 of such title, is amended by striking:

"713. Use of likenesses of the great seal of the United States."

and substituting therefor:

"713. Use of likenesses of the great seal of the United States, and of the seals of the President and Vice President."

SEC. 3. The amendments made by this Act shall not make unlawful any preexisting use of the design of the great seal of the United States or of the seals of the President or Vice President of the United States that was lawful on the date of enactment of this Act, until one year after the date of such enactment.

With the following committee amendments:

Page 2, line 12, after "President" insert "and published in the Federal Register".

Page 2, line 15, after "ness" strike "of the great seal of the United States, or".

Page 2, line 16, after "any" insert "substantial".

The committee amendments were agreed to.

Mr. DONOHUE. Mr. Speaker, the bill H.R. 14645, as amended by the committee, would amend section 713 of title 18, United States Code, in the following respects:

First. The present provisions of section 713, providing criminal penalties for misleading use of likenesses of the great seal, are to be extended to likenesses of the seals of the President or Vice President.

Second. The existing provisions would be designated subsection (a) and the enumeration of proscribed uses would be increased. The elements of the offense as defined by those provisions would be changed so that a use would be barred when the use either, first, was for the purpose of conveying a false impression of sponsorship or approval by the Federal Government, or second, could be reasonably calculated to convey such a false impression.

Third. A new subsection (b) would be added to the section providing that the manufacture, reproduction, sale, or purchase for resale of any likeness of the seals of the President or the Vice President would be subject to Government authorization and regulation and providing criminal penalties for violations.

Fourth. A new subsection (c) would provide authority to the Attorney General to enjoin violations of subsections (a) or (b) upon complaint by authorized representatives of Federal departments or agencies.

The bill H.R. 14645 was introduced in accordance with the recommendations of an executive communication from the Attorney General of the United States. The Attorney General stated in the communication that the Secretary of State joined in urging enactment of the legislation.

The present language of section 713 makes it a misdemeanor punishable by a fine of not more than $250, imprisonment for not more than 6 months, or both, to use a likeness of the great seal of the United States for the purpose of conveying and in a manner calculated to convey the false impression that the material bearing the likeness of the seal is sponsored or approved by an agency of the Federal Government. The amendments recommended by the Department of Justice would be made to the existing language which would become subsection (a) of the revised section. Clearly the same prohibitions as to misleading use which are now applicable to use of likenesses of the great seal of the United States should apply to likenesses of the seals of the President or Vice President. The Department has suggested that the list of items in connection with which misrepresentative use of the seals is prohibited would be enlarged to encompass posters, public meetings, buildings, monuments, and stationery.

These amendments are consistent with the basic purpose of the law and will make it more effective. The revised language of the present section as subsection (a) would include another change concerning the definition of the elements of offenses in violation of the provisions of that subsection. The present language states the use in violation of the terms of the section must be "for the purpose of conveying and in a manner reasonably calculated to convey" the false impression of Government sponsorship or approval. The revised language of subsection (a) would prohibit such use of any of the three seals "for the purpose of conveying, or in a manner reasonably calculated to convey," such a false impression. The use of the disjunctive in this manner would clarify the law and make it more effective.

The committee disagreed with one aspect of the language proposed by the Justice Department as a part of new subsection (b). The Attorney General recommended that unless authorized by regulations promulgated by the President that any manufacture, reproduction, sale or purchase for resale, either separately or appended to any article manufactured or sold, of likenesses of the great seal of the United States, and of the seals of the President or Vice President, would be subject to criminal penalties of a fine of $250 or 6 months' imprisonment. The committee has concluded that such prohibitions should not be applied to likenesses of the great seal in view of actual use of likenesses of the great seal of the United States by our citizens. The average citizen regards the great seal as the emblem of his country and holds it in much the same pride and esteem as he does the flag. Further, he assumes that he has the right to use and display likenesses of the seal. The committee felt that this right should not be restricted.

The committee found that there is a clear distinction to be made between the use of likenesses of the great seal and those of the seals of the President or Vice President. The seals of the President and Vice President are official seals of those offices. Their distinct identification with those high offices, and the fact that the seals of the President and the Vice President have the character of official symbols of those offices, require the regulation and protection proposed in subsection (b), concerning manufacture and sale of likenesses of those two seals.

It is recommended that the amended bill be considered favorably.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AUTHORIZING WAIVING OF REQUIREMENT OF PERFORMANCE AND PAYMENT BONDS

The Clerk called the bill (H.R. 10068) to amend the act of April 29, 1941, to authorize the waiving of the requirement of performance and payment bonds in connection with certain contracts entered into by the Secretary of Commerce.

There being no objection, the Clerk read the bill as follows:

H.R. 10068

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of April 29, 1941 (55 Stat. 147) as amended (40 U.S.C. 270e), is hereby further amended by adding a new section 2 to read as follows:

"SEC. 2. The Secretary of Commerce may waive the Act of August 24, 1935 (49 Stat. 793–4), with respect to contract for the construction, alteration, or repair, of vessels of any kind or nature, entered into pursuant to the Act of June 30, 1932 (47 Stat. 382, 417–8), as amended, the Merchant Marine Act, 1936, or the Merchant Ship Sales Act, 1946, regardless of the terms of such contracts as to payment or title."

Mr. DONOHUE. Mr. Speaker, the bill, H.R. 10068, would add a new section 2 to the act of April 29, 1941. The present language of the act includes authority for the Secretaries of the Army, Navy, and Air Force to waive performance and payment bonds in connection with contracts for construction, alteration, and repair of vessels. The same authority is provided for Coast Guard contracts by the same law. The new section added by this bill would grant the Secretary of Commerce similar discretionary authority to waive such bonds in connection with contracts for the construction, alteration, or repair of vessels pursuant to the Economy Act of 1932, the Merchant Marine Act of 1936, and the Merchant Ship Sales Act of 1946.

The bill, H.R. 10068, was introduced in accordance with the recommendation of an executive communication transmitted to the Congress by the Department of Commerce which recommends its enactment.

In recommending this legislation, the Department of Commerce pointed out that the inflexible requirement of a bond in every case by the Miller Act, 40 U.S.C. 270a, in all contracts by that Department for ship construction, alteration, or repair adds unnecessary cost to many of these contracts. This bill would make it possible for the Department of Commerce to determine, in the same manner as is now done by the military departments, that when the risk involved does not require such bonds, the requirement may be waived. The potential savings in this connection relates to the fact that without the requirements, bidders on ship construction contracts would not have to include amounts for bond premium expenses in their bids.

This amendment would permit the Commerce Department to follow a similar course in these particular contracts as is now being followed in connection with the ship construction subsidy program under section 504 of the Merchant Marine Act of 1936. The Miller Act does not apply to these contracts which represent most of the ship construction in which the Maritime Administration presently participates, and this is because under section 504 contracts, the private operator rather than the United States obtains title to the vessels. It was the practice of the Department of Commerce prior to February 23, 1966, to require contractors to furnish performance and payment bonds with respect to this construction even though it was not required under the Miller Act. However, on recommendation of the Comptroller General, a change was made in this practice on that date and the Department determined that thereafter a successful bidder for construction of a vessel with aid under section 504 of the Merchant Marine Act of 1936 would not be required to furnish performance or payment bonds if the Department determined that the bidder has financial assets of a magnitude sufficient to cover its performance and payment obligations.

The amendment added by this bill would, therefore, make it possible for the Department to proceed in the same manner as regards bond waiver as is now the practice under the Army, Navy, Air Force, and Coast Guard contracts. Further, the granting of this authority would permit the Department to follow a similar course concerning waiver of bonds as was recommended by the Comptroller General in 1966 in connection with ship subsidy contracts under the Merchant Marine Act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AFFIRMING COMPUTATION OF OVERSEAS COST-OF-LIVING ALLOWANCES FOR UNIFORMED SERVICE PERSONNEL

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The Clerk called the bill (H.R. 14322) to amend section 405 of title 37, United States Code, relating to cost-of-living allowances for members of the uniformed services on duty outside the United States or in Hawaii or Alaska.

There being no objection, the Clerk read the bill as follows:

H.R. 14322

Be is enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the text of section 405 of title 37, United States Code, is amended to read as follows:

"Without regard to the monetary limitations of this title, the Secretaries concerned may authorize the payment to a member of a uniformed service who is on duty outside the United States or in Hawaii or Alaska, whether or not he is in a travel status, of—

"(1) a per diem based upon the cost of quarters to the member when compared to the member's basic allowance for quarters under section 403 of this title; and

"(2) a per diem considering all elements of the cost of living (other than quarters) to the member and his dependents, including the cost of subsistence and other necessary incidental expenses.

However, dependents may not be considered in determining a per diem allowance under this section for a member in a travel status."

With the following committee amendment:

Delete all after the enacting clause, and substitute in lieu thereof the following:

"That the text of section 405 of title 37, United States Code, is amended by adding the following additional language at the end thereof:

"'A station housing allowance may be prescribed under this section without regard to costs other than housing costs and may consist of the difference between basic allowance for quarters and applicable housing cost. Housing cost and allowance may be disregarded in prescribing a station cost of living allowance under this section.'"

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The SPEAKER. This concludes the call of the Consent Calendar.

EXCLUDING EXECUTIVE OFFICERS AND MANAGERIAL PERSONNEL OF WESTERN HEMISPHERE BUSINESSES FROM THE NUMERICAL LIMITATION OF WESTERN HEMISPHERE IMMIGRATION

Mr. FEIGHAN. Mr. Speaker, I move to suspend the rules and pass the bill (S. 2593) to exclude executive officers and managerial personnel of Western Hemisphere businesses from the numerical limitation of Western Hemisphere immigration, as amended.

The Clerk read as follows:

S. 2593

Be it enacted by the Senate and House of Representative of the United States of America in Congress assembled, That (a) section 101(a)(15)(H) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15) H)), is amended to read as follows:

"(H) an alien having a residence in a foreign country which he has no intention of abandoning (i) who is of distinguished merit and ability and who is coming temporarily to the United States to perform services of an exceptional nature requiring such merit and ability; or (ii) who is coming temporarily to the United States to perform temporary services or labor, if unemployed persons capable of performing such service or labor cannot be found in this country; or (iii) who is coming temporarily to the United States as a trainee; and the alien spouse and minor children of any such alien specified in this paragraph is accompanying him or following to join him."

(b) Section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)) is amended by adding at the end thereof the following new subparagraphs:

"(K) an alien who is the fiancée or fiancé of a citizen of the United States and who seeks to enter the United States solely to conclude a valid marriage with the petitioner within ninety days after entry, and the minor children of such fiancée or fiancé accompanying him or following to join him.

"(L) an alien who, immediately preceding the time of his application for admission into the United States, has been employed continuously for one year by a firm or corporation or other legal entity or an affiliate or subsidiary thereof and who seeks to enter the United States temporarily in order to continue to render his services to the same employer or a subsidiary or affiliate thereof in a capacity that is managerial, executive, or involves specialized knowledge, and the alien spouse and minor children of any such alien if accompanying him or following to join him."

SEC. 2. Section 212(e) of the Immigration and Nationality Act (8 U.S.C. 1182(e)) is amended to read as follows:

"(e) No person admitted under section 101(a)(15)(J) or acquiring such status after admission whose (i) participation in the program for which he came to the United States was financed in whole or in part, directly or indirectly, by an agency of the Government of the United States or by the government of the country of his nationality or his last residence, or (ii) who at the time of admission or acquisition of status under section 101(a)(15)(J) was a national or resident of a country which the Secretary of State, pursuant to regulations prescribed by him, had designated as clearly requiring the services of persons engaged in the field of specialized knowledge or skill in which the alien was engaged, shall be eligible to apply for an immigrant visa, or for permanent residence, or for a nonimmigrant visa under section 101(a)(15)(H) or section 101(a)(15)(L) until it is established that such person has resided and been physically present in the country of his nationality or his last residence for an aggregate of at least two years following departure from the United States: *Provided,* That upon the favorable recommendation of the Secretary of State, pursuant to the request of an interested United States Government agency, or of the Commissioner of Immigration and Naturalization after he has determined that departure from the United States would impose exceptional hardship upon the alien's spouse or child (if such spouse or child is a citizen of the United States or a lawfully resident alien), or that the alien cannot return to the country of his nationality or last residence because he would be subject to persecution on account of race, religion, or political opinion, the Attorney General may waive the requirement of such two-year foreign residence abroad in the case of any alien whose admission to the United States is found by the Attorney General to be in the public interest: *And provided further,* That the Attorney General may, upon the favorable recommendation of the Secretary of State, waive such two-year foreign residence requirement in any case in which the foreign country of the alien's nationality or last residence has furnished the Secretary of State a statement in writing that it has no objection to such waiver in the case of such alien."

SEC. 3. (a) Section 214(c) of the Immigration and Nationality Act (8 U.S.C. 1184(c)) is amended by inserting after "101(a)(15)(H)" the language "or (L)".

(b) Section 214 of the Immigration and Nationality Act (8 U.S.C. 1184) is amended by adding at the end thereof the following new subsection:

"(d) A visa shall not be issued under the provisions of section 101(a)(15)(K) until the consular officer has received a petition filed in the United States by the fiancée or fiancé of the applying alien and approved by the Attorney General. The petition shall be in such form and contain such information as the Attorney General shall, by regulation, prescribe. It shall be approved only after satisfactory evidence is submitted by the petitioner to establish that the parties have a bona fide intention to marry and are legally able and actually willing to conclude a valid marriage in the United States within a period of ninety days after the alien's arrival. In the event the marriage with the petitioner does not occur within three months after the entry of the said alien and minor children, they shall be required to depart from the United States and upon failure to do so shall be deported in accordance with sections 242 and 243. In the event the marriage between the said alien and the petitioner shall occur within three months after the entry and they are found otherwise admissible, the Attorney General shall record the lawful admission for permanent residence of the alien and minor children as of the date of the payment of the required visa fees."

The SPEAKER. Is a second demanded?

Mr. MESKILL. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. FEIGHAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 2593, as approved by the Senate, proposed to exclude executive officers and managerial personnel of Western Hemisphere businesses from the numerical limitation on Western Hemisphere immigration. The Committee on the Judiciary amended this bill by striking all after the enacting clause and inserting the provisions of H.R. 15356, a bill jointly sponsored by all the members of Subcommittee No. 1, Immigration and Nationality. Thus, the bill before us today is, in content, the House bill.

The purpose of this bill is to facilitate the temporary admission into the United States of executive, managerial, and specialist personnel of international organizations, fiancees of U.S. citizens, and persons of distinguished merit and ability. It would also alter the provisions of the Immigration and Nationality Act regarding the 2-year foreign residency requirement for aliens in the United States as exchange visitors.

Under the present law, aliens of distinguished merit and ability are allowed only to fill positions temporary in nature. Temporary in this context is interpreted to mean that the position will cease to exist within a specified time. The need for the change is particularly acute for academic institutions. The proposed amendment to section 101(a)(15)(H)(i) would allow professors, doctors, and other individuals of distinguished merit and ability to fill permanent positions in universities and other institutions for a limited period. The present restrictive nature of the law often deprives our students and institutions the benefit of knowledge and services of these exceptional persons.

The restriction of this visa to persons of distinguished merit and ability will assure that there is no one in the domestic labor market capable of providing comparable services. The terms "distinguished merit and ability" have been interpreted in judicial and administrative decisions to require a degree of skill and recognition substantially beyond the ordinary.

A further amendment to section 101(a)(15)(H) would delete the word "industrial" from subsection (iii). This amendment would permit alien trainees to enter the United States to engage in training other than of an industrial nature. The Immigration and Naturalization Service presently permits trainees to participate in agriculture, commerce, finance, government, transportation, or the professions. Therefore, this amendment would merely make the law accord with existing administrative practice.

The spouse or minor child accompanying or following to join an alien who is issued a visa pursuant to section 101(a)(15)(H)—that is, an H-type visa—would be entitled to the same nonimmigrant classification.

Second, the bill would create a new category of nonimmigrant classification for the fiancee or fiance of a U.S. citizen who seeks to enter the United States for the purpose of contracting a marriage to such person within 90 days. Under existing law, the fiance or fiancee of a citizen must either marry abroad and seek entry as the spouse of a citizen or the alien fiancee or fiance must apply for an immigrant visa under the preference or nonpreference provisions of Eastern Hemisphere limitation or under the Western Hemisphere numerical limitation. At present, nonpreference numbers are not immediately available for applicants who are natives of the Eastern Hemisphere and oversubscription of available numbers for the Western Hemisphere have created a waiting period of 1 year to receive a visa number.

Alien fiancees and fiances are not eligible for nonimmigrant visas under the existing law since they plan to remain permanently in the United States and, thus, are not bona fide nonimmigrants.

Under the bill, if a valid marriage to the petitioner were not concluded within 90 days, the alien would be subject to deportation proceedings. Upon conclusion of the marriage within the prescribed period, the alien would be accorded permanent resident status.

Enactment of this amendment would eliminate substantial hardship to many citizens who are forced to leave the United States, marry abroad, and return. The expenses occasioned by this laborious process render it virtually prohibitive in many instances.

The bill would facilitate temporary admission into the United States of executive managerial and specialist personnel of international corporations, firms, and other legal entities.

Since the enactment of the act of October 3, 1965, the transfer of international personnel into the United States has become extremely difficult, particularly from Canada. International personnel being transferred to the United States under the present law must await an immigrant visa number under the Western Hemisphere numerical limitation or, if the alien is a native of the Eastern Hemisphere, he must await an immigrant visa number in either the third of sixth preference category under the numerical limitation for the Eastern Hemisphere.

Currently, the number of persons holding approved visa petitions far exceeds the number of visas available within the numerical ceilings. The oversubscription of the allotment of visa numbers available for immigrants who are natives of the Western Hemisphere has created a waiting period of approximately 1 year from the time the petition is filed until that particular person's name is reached on the waiting list to receive a visa number. The waiting period to receive a number in the third preference for the Eastern Hemisphere is now approximately 13 months. The sixth preference visa is presently current. However, a long wait in the sixth preference periodically occurs when the demand for sixth preference visa numbers increases.

Under the present law international personnel are not eligible to receive nonimmigrant visas if the services they are to perform are permanent in nature. Since they cannot receive nonimmigrant visas they are forced to apply for immigrant visas under the numerical limitations. Because the majority of these persons intend to remain in the United States for only a limited duration, the issuance of immigrant visas to them represents a misuse of immigrant visa numbers and improperly deprives visa numbers from qualified immigrants intending to remain permanently in the United States ultimately to become citizens.

The bill would permit temporary admission of aliens who had been employed abroad for 1 year by a corporation, firm, or other legal entity or an affiliate or subsidiary thereof, in a capacity that is executive, managerial, or requires specialized knowledge and who is entering the United States to continue employment with the same employer. It is anticipated that the words "firm" and "legal entity" will be interpreted in the broad sense to include all bona fide forms of business organizations including partnerships, sole proprietorships, and labor organizations.

It should be emphasized that by definition, the applicability of this section is limited to managerial, executive, and specialist personnel.

Under the exchange visitor program, the alien, after the termination of his stay in the United States, is required to leave the United States and spend foreign residency for 2 years abroad before he may be eligible for permanent residence in the United States.

The final section of the bill would limit the applicability of the 2-year foreign residency requirement for exchange visitors and add two additional grounds for waiver of the 2-year residency requirement.

The exchange visitor program was enacted into law for the primary purpose of facilitating an interchange of persons, knowledge, and skills between the United States and other countries of the world.

Under the present section 212(e), the exchange visitor is prohibited from adjusting status or obtaining an immigrant visa or a nonimmigrant visa under section 101(a)(15)(H) unless he has resided for 2 years outside the United States.

This bill would amend section 212(e) so that the foreign residency requirement would be applicable only in two situations: First, where the exchange visitor participated on a program financed by the U.S. Government or his own government, and second, regardless of financing, if at the time the alien acquired exchange visitor status his country of nationality or last residence was one which the Secretary of State had designated as clearly requiring the services of persons engaged in the field of specialized knowledge or skill in which the alien was engaged.

Persons from developing countries clearly requiring the aliens skills will be obligated to fulfill the foreign residency requirement.

The proposed amendment to section

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212(e) would also eliminate the existing provision allowing exchange visitors to fulfill the 2-year residency requirement in a foreign country other than that of his nationality or last residence. The alien exchange visitor would be required to return to his homeland.

The bill retains the provisions for waiver of the 2-year foreign residency requirement in cases of hardship to the U.S. citizen or permanent resident spouse or child of the alien exchange visitor, and the provision for waiver upon the request of an interested U.S. Government agency where such waiver is discerned to be strongly in the national interest.

It adds two additional grounds of waiver of the foreign residency requirement. One ground provides for a waiver if the alien cannot return to his home country because he would be subject to persecution on account of race, religion, or political opinion. A second new ground of waiver is provided, upon the favorable recommendation of the Secretary of State, in cases where a statement in writing is obtained from the alien's home country that it has no objection to such waiver in the case of such alien. The statement must be sent by officials of the government of the alien's home country to the Secretary of State, who would then determine whether or not to recommend a waiver. The final decision whether to grant a waiver of foreign residency rests within the sound discretion of the Attorney General.

The bill will alleviate unnecessary hardships and facilitate the entry of exceptional persons into the United States.

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Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. FEIGHAN. I am happy to yield to the gentleman.

Mr. GROSS. Mr. Speaker, I thank the gentleman for yielding.

How many does he anticipate are going to be brought in—additional persons who will be enabled to come to the United States under the terms of this proposed legislation?

Mr. FEIGHAN. First, so far as fiances are concerned, I could not give you a good estimate on that. But, of course, any fiance of a U.S. citizen would have to qualify under all the rules and regulations of the immigration laws.

Mr. GROSS. If the gentleman will yield at that point, it deals both with fiancees and fiances; does it not?

Mr. FEIGHAN. That it is correct—either male or female.

Mr. GROSS. Yes.

Mr. FEIGHAN. Yes, that is correct. With reference to entrance for temporary purposes of international executive or a person of exceptional ability, I could not tell you exactly how many would be coming. However, testimony before the subcommittee indicated the number would not be excessive.

But I know that many countries, particularly Canada, have, previous to the 1965 act, been able to bring their executives over to this country, have them trained for a year, maybe longer, and then they have been able to bring them back to Canada or send them elsewhere. How many would come I do not know, but I do know that the Government of Canada is very much concerned because the oversubscription of visa numbers causes an international executive to wait a period of approximately a year. Moreover, he was forced to apply for an immigrant visa which he has no desire to obtain because he only wants to come here temporarily.

Mr. GROSS. Specifically, who is going to make the determination that the individual must be a person of distinguished merit and ability, and that he must be coming to the United States temporarily to perform exceptional services? Who will specifically make that determination?

Mr. FEIGHAN. The Attorney General will make that decision.

Mr. GROSS. There have been a good many cases of marriages for fraudulent purposes on the part of aliens. Does the gentleman anticipate an increase in the number of fraudulent marriages for the purpose of individuals getting into this country?

Mr. EILBERG. Mr. Speaker, will the gentleman yield?

Mr. FEIGHAN. I yield to the gentleman from Pennsylvania.

Mr. EILBERG. There is no indication, Mr. Speaker, that any such result will occur. In fact, the criminal code provides severe penalties for perjury, for making false statements on applications, for submitting false applications, for conspiracy, and for fraud. Last year there were over 10,000 prosecutions for various types of fraud.

Mr. MESKILL. Mr. Speaker, will the gentleman yield?

Mr. FEIGHAN. I am happy to yield to the gentleman from Connecticut.

Mr. MESKILL. I thank the gentleman for yielding. I would like to respond to the gentleman from Iowa by saying that there is a provision in the law at this time which provides that if a marriage of this kind is terminated within 2 years of the day on which it is entered into, there is a presumption, and the person who has come into this country to enter such a marriage then has to prove to the satisfaction of the Attorney General that the marriage was not fraudulent. There is a presumption of fraud.

Mr. RODINO. Mr. Speaker, will the gentleman yield?

Mr. FEIGHAN. I yield to the gentleman from New Jersey.

Mr. RODINO. Mr. Speaker, I would also like to call to the attention of the gentleman from Iowa, since he has asked a question regarding the executives and the numbers that might be admitted under that category, that in the hearings before our committee in the statement of Calvin Reynolds, Director of Personnel and Employee Relations, National Foreign Trade Council, there was an estimate made that in a 2-year period, 1967 to 1968, the reporting international companies brought to the United States as immigrants only 765 persons.

Mr. EILBERG. Mr. Speaker, will the gentleman yield further?

Mr. FEIGHAN. I yield to the gentleman from Pennsylvania.

Mr. EILBERG. I think for the record it should appear that the fiance who marries a U.S. citizen within 90 days after temporary admission would become a permanent resident of this country through regular immigration procedure. A petition would be filed by the American citizen to exempt the alien spouse from the annual numerical limitation on visa issuance. Upon approval of the petition the alien spouse, regardless of place of birth, would be eligible to apply for permanent resident status under section 245. The required fee which must be submitted with the application would be considered as payment of the visa fee when the application is approved.

Mr. KAZEN. Mr. Speaker, will the gentleman yield?

Mr. FEIGHAN. I am happy to yield to the gentleman from Texas.

Mr. KAZEN. In your dissertation and in your explanation of the bill you kept using the word "temporarily" and the words "for a limited period of time." What definition do you have in the bill for a limited period of time?

Mr. FEIGHAN. With reference to the fiances, the period is 90 days. With reference to the international executives, in our hearings we had brought out, without specifically placing it in the law, a period of 3 years, but it would be subject to an extension granted by the Attorney General.

Mr. KAZEN. Would it be the Attorney General's duty to limit or define the temporariness of the visit at the time that the applicant is admitted?

Mr. FEIGHAN. Yes.

Mr. KAZEN. Suppose a man would want to come in here to take a permanent position for a period of 10 years. Is this a temporary visit?

Mr. FEIGHAN. Indeed not. No; the bill did not specifically put in the time limitation, but it is very specifically set out in the hearings and the report that:

> A survey of international corporations indicates that a 3-year admission under the proposed "L" type visa would be sufficient. However, this should not be construed as a basis to deny bona fide requests for a renewal or extension, nor should the "L" visa holder be barred from due consideration of an application for adjustment of status if he should subsequently decide to seek permanent residence status in the United States. This would conform to the opportunity available to other nonimmigrants.

Mr. KAZEN. But there is some kind of cap on this temporary business, is there not?

Mr. FEIGHAN. There is a cap, but it is not legally defined in the statute.

Mr. KAZEN. I thank the gentleman.

Mr. MESKILL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 2593, as amended by the Judiciary Committee, is not a bill to add to the number of immigrants presently admissible to the United States under the numerical ceilings set by the Immigration Act of 1965.

S. 2593 is not an immigration bill—it is a nonimmigrant bill; concerned with the temporary admission of nonimmigrants. It is also not a bill to provide a back door avenue for increased admission of aliens who will ultimately stay permanently in the United States.

The purpose of S. 2593 is to correct

and ease some of the problem areas; to modernize and update the Immigration and Nationality Act to bring it in tune with the increasingly international nature of our economic and cultural society.

It is designed to provide immediate relief in areas where experience has demonstrated the best interests of the United States are not being served by the present law.

S. 2593 makes three changes in the present law and two additions in regard to the temporary admission of aliens:

First. Present law permits persons of distinguished merit and ability to come for a temporary period only to fill temporary positions. College professors cannot come as exchange professors to fill a permanent university professorship for the college year; orchestra leaders cannot come to lead a permanent municipal symphony orchestra for a season; world famous surgeons cannot come to the United States to fill a permanent chair of medicine at a medical school for even a few months.

S. 2593 removes the requirement that their temporary admission be allowed only if the services to be performed are temporary in nature. They still can come only for a temporary period—but they can fill permanent positions, during this temporary stay.

Obviously, it is the non-profit institutions, the cultural organizations and the colleges and universities that will benefit from this change.

Testimony before the committee and reports from the Executive Departments all favor this change.

Second. Existing law authorizes the temporary admission of trainees only to industrial training positions. By interpretation this restriction to industrial fields only has long since been made virtually meaningless. S. 2539 proposes to strike the limiting adjective "industrial" for trainees admitted for temporary stays.

This change also has the support of all the departments concerned.

Third. S. 2539 proposes a new category of nonimmigrants—for fiances or fiancees of U.S. citizens who wish to enter the United States for the purpose of marriage.

The present law prohibits their admission as visitors and the fiance must qualify as an immigrant or a private bill must authorize their admission. Under the bill, U.S. citizens may file a petition and the betrothed can be admitted for marriage for 90 days. If the marriage does not take place, the betrothed would be deported. This addition to the law is favored by all executive departments.

Fourth, S. 2593 creates a new nonimmigrant classification for employees of international companies and organizations to be admitted to the United States for temporary tours of duty with the same employer or affiliate company.

This provision will eliminate problems now faced by American companies having offices abroad and transferring company personnel. American companies with branches in Canada and other countries of the Western Hemisphere and Canadian companies with affiliates in the United States have been particularly hampered in transferring personnel because delays of a year or more have resulted due to long waiting lists. This is so because they have been forced to seek admission as immigrants. The French citizen president of IBM had to obtain an immigrant visa to come to the United States in order to assume his new position. The official of a union with headquarters in northwest United States had to wait a year before a visa number became available for him to come to fill his job at the union headquarters in the United States. Such international transfers are not properly immigrant movements, since these executives and managers of international companies are coming to the United States to fill temporary tours of duty, after which they will be subject to transfer elsewhere throughout the world.

S. 2593 will allow such personnel, providing they have been employed for at least 1 year by the organizations concerned, to come to the United States as nonimmigrants. This change will not only recognize a problem that has handicapped the growth of American enterprises throughout the world and has crippled international trade of the United States, but it will also relieve some of the pressure upon immigrant visas which have been improperly used for such intercompany transfers in the past. The proposal has the complete support of all the executive departments and was favored by testimony before the committee.

Testimony before the committee established that the number of temporary admissions under the "L" category will not be large. The class of persons eligible for such nonimmigrant visas is narrowly drawn and will be carefully regulated and monitored by the Immigration and Naturalization Service. Provision has been made in section 3 of the bill for the filing of a petition with the Attorney General by the employer company. Consideration of the petition will initially involve verification of the prior employment of the individual for a continuous period of at least 1 year by the same firm or a company affiliated with the firm located in the United States as a parent, subsidiary, branch or affiliate. The investigation will also verify the qualifications of the applicant as of managerial, executive or specialized knowledge caliber and bona fides of the employee. The committee is convinced that no international company would jeopardize or endanger its future need for intercompany executive rotation by attempting to misuse or abuse the petition procedure to make it a back door avenue for immigration. As other nonimmigrants, international company visa holders will be eligible to apply for adjustment of status. However, those who apply for "L" visas are expected to be those whose employers contemplate a limited and temporary detail, not normally exceeding perhaps 1 to 3 years. This is not to say that bona fide requests for a renewal or extension should not be considered, nor should the "L" visa holder be barred from due consideration of an application for adjustment of status if he should subsequently decide to seek immigrant status.

The committee anticipates that the petition procedure will be administered speedily and efficiently, so that while review will be thorough, it will not handicap the international companies with undue delays.

Creation of this new category will correct an unanticipated consequence of the 1965 amendments and also meet a new and growing need for recognition of the worldwide nature of the responsibilities and problems faced by American businessmen. As stated before, this proposal has the complete support of all the executive departments.

Fifth. Finally, S. 2593 proposes liberalizing amendments with respect to exchange visitors. These changes were initiated as executive communications and the entire exchange problem has been the subject of committee hearings extending over a number of years. Under the changes, the 2-year foreign residence requirement would be applicable to only two categories of exchange visitors:

Aliens in Government-sponsored programs—United States or country of nationality or last residence sponsorship; or

An alien who the Secretary of State has determined is a national or resident of a country requiring the services of persons engaged in his field of specialized knowledge or skills.

Furthermore, the amendment would add two additional possible waiver grounds:

First, if the alien cannot return to his country of nationality or residence because of race, religion, or political opinion; and

Second, if the foreign country of the exchange visitor's nationality or last residence has stated in writing that it has no objection to such waiver in the case of such alien.

These changes in the exchange visitors section of the Immigration Act will go a long way toward easing the problems and difficulties that have developed during the last 9 years in the administration of the exchange program.

Mr. Speaker, I urge passage of S. 2593.

Mr. GROSS. Mr. Speaker, will the gentleman yield to me?

Mr. MESKILL. I am happy to yield to the gentleman from Iowa.

Mr. GROSS. If the marriage is not consummated within 90 days, either or both the fiancee and fiance would be subject to deportation?

Mr. MESKILL. Either one? Do you mean the one that is not an American citizen?

Mr. GROSS. One or the other, whichever it might be, would be subject to deportation. Is that correct?

Mr. MESKILL. That is correct.

Mr. GROSS. But you have inserted a waiver in the bill, have you not, that for various reasons, religious, racial, or something else, they need not be deported? Is that correct?

Mr. MESKILL. My understanding is that provision does not apply to the fiancee. The waiver provisions concern exchange visitors only.

Mr. GROSS. It would not apply to a fiancee?

XUM

Mr. MESKILL. It only applies to exchange visitors.

Mr. EILBERG. Mr. Speaker, will the gentleman yield?

Mr. MESKILL. I yield to the gentleman.

Mr. EILBERG. The subcommittee and full committee adopted section I, and the K-type visa, which does not contain at all the provisions that the gentleman from Iowa is referring to. K visa permits the fiance to come to the United States for 90 days to be married in that period or deported.

Mr. GROSS. Of course, if the gentleman will bear with me, there have been numerous fraudulent marriages for the purpose of getting individuals into this country and then we have seen bills come out of the Committee on the Judiciary to set aside the penalties that the gentleman mentioned awhile ago for such fraud. I am in doubt about this legislation. I am against the liberalization of immigration laws. We must protect, certainly at this time, the labor market in this country. With the population expansion we are having we really do not need an expansion of immigration.

Mr. MESKILL. I share the gentleman's concern and the questions he is raising were raised, some by me and some by other members of the subcommittee, during the course of the hearings, particularly concerning the fiancee and the fiance. I raised questions about fraudulent marriages at that time and I learned under the provisions of the existing law that if a marriage is entered into within the 90 days and then the person has the marriage annulled or there is a divorce within 2 years, there is a presumption that the marriage was entered into fraudulently and the person involved is subject to deportation. If he or she can satisfy the Attorney General that the marriage was entered into in good faith and there was not an attempt to evade the immigration laws of this country that would be true.

XUM

Mr. GROSS. Mr. Speaker, if the gentleman will yield further for one quick question, what has brought about the necessity for this legislation at this time? Can the gentleman very briefly pinpoint it?

Mr. MESKILL. What happens here, particularly with reference to servicemen who come back to this country, is that they have been refused permission to marry while in service in a foreign country. However, they come back to this country and are discharged. In order to marry the lady or man of their choice, depending upon whether it is a fiancee or fiance, they have to go back to, for instance, Vietnam, Japan, Korea, or Germany or wherever the country may be for the marriage there and then bring the spouse to this country for an administrative adjustment.

Mr. GROSS. But the bill is not limited to servicemen is it?

Mr. MESKILL. No, it is not. It applies to students who go abroad and travelers to other countries, to any U.S. citizens.

Mr. GROSS. And, the other feature of the bill, the bringing into this country of the so-called distinguished person, the specially equipped person, that phase of the bill is due to the fact that U.S. investors are moving abroad with its investments, and so forth?

Mr. MESKILL. The reason for this change is due to the fact that under the present law they can come on only a temporary visa to fill a temporary job. The colleges and universities who have permanent jobs and who may wish to have a visiting professor come in and teach for a semester are barred from doing this because these professors are coming in to fill a permanent job. This really changes the law and brings it more in line with reality and with the intent of the original law.

Mr. GROSS. But that is not limited to education. These may be persons brought in by reason of industry of this country; is that not correct?

Mr. MESKILL. This is a separate category entirely. The international executives provisions are a brandnew category and have their own provisions governing the screening or the testing for admission.

Mr. EILBERG. Mr. Speaker, will the gentleman yield?

Mr. MESKILL. I shall be happy to yield to the gentleman.

Mr. EILBERG. I wish to point out to the gentleman that under the GI Fiancee Act of 1946 a great number of fiancees, over 5,000, were admitted to the United States. The Immigration and Naturalization Service and the Department of State have had experience in depth in handling these fiancee cases. So this is not a new thing in our law at all.

Mr. FEIGHAN. Mr. Speaker, I yield such time as he may consume to the gentleman from New Jersey (Mr. RODINO).

Mr. RODINO. Mr. Speaker, I voice my support of S. 2593, as amended, to modernize certain provisions of the Immigration and Nationality Act regarding the admission of nonimmigrants. The amendments proposed by this bill before us today will serve the best interests of the United States. Certain limitations and conditions in existing law which have caused difficulties in administration, have produced hardship and have denied the United States the services of highly qualified persons, are removed by this bill. This bill is actually a consolidation of proposals which were contained in bills introduced by several members of the Judiciary Committee—proposals which are fully endorsed and supported by the executive branch. My colleagues on the committee have discussed various provisions of the bill, and I would like to direct my remarks to section 2, which proposes significant changes in the provisions regarding exchange visitor visas.

The Mutual Educational and Cultural Exchange Act was designed to promote better understanding among nations through the exchange of scholars, students, trainees, and others. However, there developed, in addition to Government-sponsored programs, "participating programs" which offered an opportunity for aliens to come to the United States to take positions—interns, residents, teachers—for which they could receive compensation. Thus, the exchange visa became, to a certain degree, a type of work visa—not fully within the concept of that act.

The years of experience with the requirement that an exchange visitor must reside in his country of last residence or nationality or a third country for at least 2 years has, in many instances, resulted in hardship to the exchange visitor, and has not served to promote a healthy feeling or understanding between the exchange visitor and the United States.

It is not unfair to state that participating programs were easily made available by the Department of State, and that institutions, particularly hospitals, have utilized the exchange program more as a vehicle of recruitment than as a basis for training. Evidence before the committee clearly establishes that many institutions exist primarily with exchange visitor personnel.

The committee has consistently supported the foreign residence requirement even over the pleas of citizens, communities, and Members of Congress. If it were thought that further adherence to the 2-year foreign residence requirement would serve the best interests of the exchange visitor and the United States, this amendment would not be offered. Hearings have been held on several occasions on the amendments proposed in this bill, and the committee has unanimously agreed that the applicability of the required foreign residence should be limited to two categories of exchange visitors and not continue a blanket coverage.

Thus, exchange visitors who are accepted in government-sponsored programs or who have those skills and abilities which are needed in their own countries must return to that country for at least 2 years before seeking reentry into the United States. In addition, four categories of waivers are possibly available to the exchange visitors subject to the foreign residence requirement.

Waivers will be granted for hardship to the alien's U.S. citizen spouse, permanent resident alien spouse and/or children, fear of persecution, intervention of a U.S. Government agency, or upon the written statement that the subject's home country does not require his return.

Whether or not the 2-year foreign residence requirement will be applicable in each case will be determined at the time the exchange visitor acquires the J-type exchange visitor status. However, it is not intended that an alien already in the United States as an exchange visitor, and not in a government-sponsored program, would automatically be exempted from the 2-year residence requirement if he or she changes from one exchange program to another. It is anticipated that at the time an exchange visitor applies to change programs, a determination will be made as to whether or not this new program would make the foreign residence applicable in this case.

Over 500 private immigration bills are pending before the committee designed to exempt exchange visitors from the 2-year foreign residence requirement. In an overwhelming number of these cases the beneficiary was not selected by any government, received no governmental financial assistance, and is of no interest to his home country. It is not reasonable to force a person to return home to an atmosphere where he cannot utilize his abilities to the fullest extent.

This amendment to section 212(e) of the Immigration and Nationality Act first came to the Congress as an executive communication in the 90th Congress and is recommended and endorsed in this Congress by the executive departments. The amendment will eliminate an area in the exchange program which grew up through improper management and circumvention of intention. The amendment will eliminate from the law that troublesome area which has plagued, I am sure, all Members of Congress and will tend to reestablish the true intent and integrity of an excellent and well serving exchange program.

Mr. McEWEN. Mr. Speaker, I am grateful for the opportunity to express my full support for this much-needed legislation. If I were able to be present, I would certainly vote in favor of this measure. This bill has great significance for many areas of our country and is particularly important to the economic growth of several areas in the 31st District of New York. I am especially hopeful that it will alleviate the problem of restrictions now placed on the interchange of executive, managerial, and skilled personnel of American and Canadian companies who seek to bring these employees to their facilities located in our country.

The chairman of the Subcommittee on Immigration and Nationality, the gentleman from Ohio (Mr. FEIGHAN), and all the members of that committee are to be commended for their early recognition of this problem and for their vigorous efforts to solve it, efforts which I hope will prove fruitful.

I submit for the RECORD, at this point, the statement I made before the Subcommittee on Immigration and Nationality of the Judiciary Committee in which I outlined the economic benefits this type of legislation can bring to northern New York:

Mr. Chairman: I welcome and appreciate this opportunity to present to you and the members of your Committee a brief resume of the adverse economic effect that the Immigration and Nationality Act of 1965 has had on my Congressional District in Northern New York.

First, I would quickly sketch for you the geographic and economic picture of this district. Four of the six counties border directly on the Canadian Provinces of Quebec and Ontario, and the others are but a short driving distance from Canada. Five of the six counties, including the four that border directly on Canada, have been, and are, designated by the Economic Development Administration as qualified for full financial assistance. All six counties of the district, and particularly the four counties immediately adjacent to Canada, have branches or subsidiary companies of Canadian corporations, and these branch or subsidiary plants of Canadian corporations have been, and still are, a substantial source of employment for residents of my Congressional District. In fact, the establishment of industries in these counties by Canadian parent corporations has been increasing. Notwithstanding the assistance of the Economic Development Administration and other federal programs and agencies, a greater increase in job opportunities has resulted from the establishment of the plants of these Canadian companies.

Until the Immigration and Nationality Act of 1965 became effective, there was a relatively free interchange of personnel that was advantageous to both Canadian and American companies located in Northern New York and to their employees.

Prior to July, 1968, a Canadian company with an American subsidiary could, within a reasonable time, transfer needed skilled production workers and management personnel from Canada to their United States plant in my district. They could also hire scientific, technical or other professional people in Canada to fill positions for which no Americans could be found and who had been certified for clearance by our Department of Labor. Now, the delays are inordinately long and, in some cases, actually threaten the opening or continuation of such operations.

If need required, and time would permit, I could describe numerous specific situations. I shall, however, cite the example of one company in one village in one county of my district.

In the Village of Rouses Point in the County of Clinton in the extreme northeast corner of the State of New York is located Ayerst Laboratories Incorporated, a major manufacturer of pharmaceutical products that affords employment to hundreds of my constituents. Due to their continuing growth, they have a need for additional highly qualified men and women with Ph.D., M.S. and B.S. degrees in the sciences and engineering. Only through filling of these positions can job opportunities for skilled and semi-skilled nonprofessional personnel be retained and expanded.

In addition to the needs of this plant, Ayerst Laboratories plans to open a research center, which will mean additional jobs for an area designated by the E.D.A. as qualified for full financial assistance. The present law is, however, hampering and may delay the anticipated January, 1970, opening of this new research center. This Committee can readily understand what this means to the economy of the area that I have described. Ayerst officials have indicated that this center would create approximately 60 new jobs for U.S. citizens.

But before these 60 new jobs can be created, Ayerst must first transfer a trained nucleus staff of 16 people from its major research facility in neighboring Montreal, but, unfortunately, six of those 16 persons are native-born Canadians who fall under the Western Hemisphere numerical limitation for immigration to the United States. With an indicated current delay of 10 months in obtaining their required visas, Ayerst cannot expect those six employees to be available to the research center prior to June of 1970. Ironically, and this I believe to be most important, each of the six involved has already received Department of Labor certification for entry into the United States, while, at the same time, strange as it may seem, another seven of the transferees are of Eastern Hemisphere origin for whom a delay of not more than three months on any one of them is anticipated.

Mr. Chairman, lest you, or any member of this Committee, think that Ayerst Laboratories is not making an effort to recruit qualified professional and technical employees from United States sources, I have a report placed in my hands by Ayerst Laboratories Incorporated entitled "Report of Professional and Technical Recruitment Program January 1, 1965–September 1, 1969", which describes the considerable effort that this company makes to recruit its needed professional and technical personnel. During this time, Ayerst has extended 232 offers of employment to professional and technical personnel. Of that number, 182 accepted employment and reported for work, while during that 57-month period, 73 employees terminated, resulting in a net gain of 109 employees, or a retention rate of 60%.

The recruiting of these 182 employees was the result of some 500 prospects being invited for in-plant interviews, and these 500 prospects were the result of screening an estimated 60,000 contracts from sources such as employment agencies, national advertisements, campus interviews, etc. A total of some 65 colleges and universities are visited or revisited yearly by Ayerst Laboratories. Another 85 such institutions are advised of the company's needs, and some 130 odd personnel agencies, including state employment services, are appraised regularly of Ayerst requirements.

Notwithstanding all of these efforts, Ayerst reports that it has not been able, at any time during the past 57 months, to fill all of its vacancies.

This report points out that after studying the situation carefully, this company recognized a number of adverse factors that they encountered in obtaining the number of qualified employees needed, two of which factors were their remoteness from metropolitan areas in the United States and northern climatic conditions. As a result of this, some three years ago, they decided to extend their recruiting efforts into Canada with the result that they realized a considerable improvement. They report that the favorable results were due to:

"1. Availability of a greater number of scientific and technical personnel and a smaller number of positions available in Canada as compared with the United States.

2. No climatic readjustment required.

3. Greater opportunities for advancement in the United States.

4. The proximity of Rouses Point to a major Canadian metropolitan area.

The report then points out, and I quote: "Unfortunately . . . that source of personnel has just about been closed to us because of current regulations. At this time there is a delay of approximately ten months between the time of application and the granting of a visa for Canadians as well as other Western Hemispheric citizens. That situation promises to worsen rather than improve."

Mr. Chairman, I would ask that I be permitted to submit this report that it might be received by the Committee as a part of its records in this hearing.

The problems of Ayerst Laboratories Incorporated illustrate the way in which the present Act has hurt the economy of Northern New York, and it is inhibiting other Canadian companies from locating branches in the United States. This results from their inability to bring Canadian technicians and management to this country when needed to aid in training local help and in managing a substantial investment. Some of these jobs would be temporary and others permanent, but, without exception, permanent new jobs would be created for my constituents. Without the assurance that they can have such Canadian employees available during the crucial stages of construction and start up and have experienced managers in the plant after production has begun, these corporations are understandably reluctant to establish plants in America.

I have received a letter from Mr. Chester J. Malley, the Director of the Montreal Office of the New York State Department of Commerce, which very well details specific instances where the present law slows the economic growth of Northern New York, particularly Clinton County.

Mr. Malley indicates that the present Act inhibits Canadian firms from establishing branch plants in my district which would create approximately 230 new jobs in an area where jobs are badly needed. I might add that the personnel to fill positions at both the Ayerst facility and the various plants mentioned in Mr. Malley's letter would most likely come from two counties of my district; thus, helping the economic situation for two counties which have been designated by the E.D.A. as having unemployment rates substantially higher than the national average.

Mr. Malley points out another way in which the Act adversely affects all of us and that is the bearing it has on the balance of payments. Many of these companies would make significant investments in machinery and equipment in the United States.

I have visited with nearly all the Canadian management personnel and their counterparts in American firms in my district which have felt the affect of the present law. It is obvious that some type of relief is needed. I do not presume to tell this Committee how it should amend the Act, but only ask that legislative action be taken as soon as possible to ease the present restrictions on executive, middle management, scientific, technical, highly skilled and professional personnel where it will not be detrimental to the interests of American labor and business.

I am most appreciative to you, Mr. Chairman, and the members of this Committee, for your recognition of the problem and your early and vigorous efforts to solve it.

Mr. FEIGHAN. Mr. Speaker, I have no further requests for time.

Mr. MESKILL. Mr. Speaker, I have no further requests for time.

The SPEAKER pro tempore (Mr. ALBERT). The question is on the motion offered by the gentleman from Ohio (Mr. FEIGHAN) that the House suspend the rules and pass the bill S. 2593, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title was amended so as to read: "An act to amend the Immigration and Nationality Act to facilitate the entry of certain nonimmigrants into the United States, and for other purposes."

A motion to reconsider was laid on the table.

XUM

GENERAL LEAVE

Mr. FEIGHAN. Mr. Speaker, I ask unanimous consent that all Members may have 3 legislative days in which to revise and extend their remarks, and to include extraneous material, on the bill S. 2593.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

PROVIDING FOR THE ADMISSION TO THE UNITED STATES OF CERTAIN INHABITANTS OF THE BONIN ISLANDS

Mr. FEIGHAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4574) to provide for the admission to the United States of certain inhabitants of the Bonin Islands.

The Clerk read as follows:

H.R. 4574

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provisions of any other law, nothing contained in title II of the Immigration and Nationality Act, as amended, except for section 212(a) (9), (10), (11), (12), (13), (23), (27), (28), and (29), section 215, and section 241(a) (1), (6), and (7) of the Act (8 U.S.C. 1151 et seq.) shall limit, restrict, deny, or otherwise affect the entry into the United States or its outlying possessions, as defined in section 101(a) (29) and (38) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(29) and (38)), within two years after the enactment of this Act, or the departure from the United States or its outlying possessions, of not more than two hundred and five inhabitants of the Bonin Islands, and the children described in section 2 of this Act, who present a document of identity and nationality issued by the Military Governor of the Bonin Islands or by a United States consular officer in Japan. This section shall not grant any privileges, rights, benefits, exemptions, or immunities to such inhabitant or child which are not specifically granted by this Act.

SEC. 2. This Act applies to—

(1) natives of the Bonin Islands, or of Japan, who are nationals of Japan and who resided in such islands on November 15, 1967, including an inhabitant temporarily absent from the islands on that date; and

(2) any inhabitant of the Bonin Islands who was born to eligible parents after November 15, 1967, but before two years after the enactment of this Act and continued to reside in the islands or in the United States or its outlying possessions;

and has taken no affirmative steps to acquire another foreign nationality.

SEC. 3. Any person who enters the United States under the provisions of this Act shall, upon completion of the residence and physical presence requirements of section 316 (a) of the Immigration and Nationality Act (8 U.S.C. 1427(a)), be deemed to have been lawfully admitted to the United States for permanent residence as of the date of such entry, for the purpose of petitioning for naturalization.

The SPEAKER pro tempore. Is a second demanded?

Mr. DENNIS. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Ohio (Mr. FEIGHAN), will be recognized for 20 minutes, and the gentleman from Indiana (Mr. DENNIS), will be recognized for 20 minutes.

Mr. FEIGHAN. Mr. Speaker, the purpose of H.R. 4574 is to provide for the admission to the United States or its outlying possessions of less than 205 inhabitants of the Bonin Islands. The bill merely exempts the Bonin Islanders from certain grounds of exclusion to make it easier for them to apply for entry, if they desire.

The islanders who would benefit from this bill, although legally Japanese citizens, trace their ancestry to New England sailors who first settled on the Bonin Islands around 1830.

Before World War II nearly 6,400 Japanese colonists, in addition to the descendants of the original Yankee settlers, lived on Chichi Jima, the only inhabited island of the Bonin group.

When combat in the Pacific forced the evacuation of the islands in 1944, the settlers were removed to Japan. After the war, the United States allowed the descendants of the original settlers to return to the Bonin Islands. The U.S. Navy had jurisdiction over the islands from December 1945, when the U.S. Marines occupied Chichi Jima, until June 26, 1968, when the islands reverted to Japan. During this period, the Navy employed the islanders, subsidized their economy, and provided education in English. The islanders, dependent upon the U.S. Navy for over two decades, evidenced pride in their American heritage and have demonstrated their loyalty to the United States during this long period of occupation.

In the 1950's, the islanders twice petitioned by signature for U.S. citizenship. In December 1967, an informal poll taken by the U.S. Navy indicated the apprehension the islanders felt to reversion to Japanese rule. Many stated they desired to emigrate to the United States or the territories.

On April 18, 1968, an executive communication recommending legislation to facilitate the entry of the Bonin Islanders into the United States and its territories was sent to the Congress and bills were introduced in both bodies shortly thereafter. A bill passed the Senate before the island reverted to Japan on June 26, 1968.

The bill before the House today is supported by the Defense, State, and Justice Departments and offers an opportunity to the islanders to come to the United States or its outlying possessions by relaxing certain provisions of the Immigration and Nationality Act. They would not be exempted from the classes of aliens who are subject to exclusion or admission because of criminal, immoral, narcotics, or subversive grounds, nor would they be exempted from the provisions which relate to the deportation of aliens excludable at the time of entry or deportable on subversive grounds. The bill waives certain grounds for exclusion such as health, public charge provisions, and exclusionary provisions which could not relate to the subjects since they have not previously resided in the United States. However, it should be stressed that section 241(a) (1) of the Immigration and Nationality Act, which provides for the deportation of any alien who at the time of entry was within one or more of the classes of aliens excludable by law existing at the time of such entry, is specifically not waived and at the time a record of admission of the beneficiaries of this legislation is created they must be found fully qualified. The legislation is necessary because of the oversubscription of the nonpreference numbers and because of the inability of the subjects to acquire preference status.

I would like to read part of a letter from Irene Savory Lambert, a descendant of one of the original settlers of the Bonin Islands. Mrs. Lambert, married to a U.S. serviceman, wrote this letter in behalf of her friends and relatives on the island:

> The people in the ages between 17 and 30 who were brought up and educated under the United States Navy Administration are experiencing difficulties in their adjustment. After being exposed to the American way of life for the past 22 years, I know I would face conflicts and difficulties on the Island. This new life was not what we desired and it was one over which we had no voice. We were totally unaware of reversion and found ourselves unprepared to compete with the Japanese. Those of us who are in school here in Guam do not have a future on the Island. We would like to become a part of the American community and contribute our services to this community . . . After being taught the American values for 25 years, we cannot help but to think and act as American citizens.

The circumstances surrounding the Bonin Islands present a unique situation—one which the members of this committee unanimously decided warrants favorable action. I urge its approval.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. FEIGHAN. Mr. Speaker, I am very happy to yield to the distinguished gentleman from Iowa.

Mr. GROSS. My concern with this bill has always been what may well be wrapped up in the return to Japan of Okinawa.

Mr. FEIGHAN. That is a very significant observation. Pursuant thereto, we have a letter from the Department of State under date of January 12, 1970, which states:

> The circumstances in the Ryukyu Islands, that is Okinawa, are completely different and we definitely do not anticipate a requirement for special immigration legislation in connection with their return to the Japanese administration.

As I said before, this is a very unique situation. The beneficiaries of this legislation are decendants of Americans. Speaking for myself, I know that assurance includes the members of the Subcommittee on Immigration and Nationality as well as of the full committee. We would not be interested at all in entertaining any legislation where similar action on behalf of any other area which reverted to a foreign country.

Mr. GROSS. If the gentleman will yield further, I am pleased to have that assurance from the committee, but I would have liked to have had that kind of assurance from the Department of State when representatives came over to see me in behalf of this bill. I could not get that kind of an unequivocal statement from the State Department, I will say to the gentleman.

Mr. FEIGHAN. What I just read was from the Department of State signed by H. G. Torbert, Jr., Acting Assistant Secretary for Congressional Relations.

Mr. GROSS. If you read that again, you will find it is qualified. I find no real qualification in your statement that the committee is not interested in and will not entertain legislation of this nature in behalf of Okinawans.

Mr. FEIGHAN. That is correct.

Mr. GROSS. That is that the committee is not interested in and will not entertain legislation to permit immigration into this country from Okinawa or other of the Ryukyus when Japan takes over.

With that assurance, I am not so much disturbed. But I hope that the assurance the gentleman has given the House will be left in the Record—the statement that the committee will not entertain legislation to bring Ryukyuans into this country. There are thousands on Okinawa, and I am sure there are a good many hundred, if not several thousands, who would find it to their advantage later on to come to the United States rather than to go back under Japanese dominion.

Mr. FEIGHAN. That will certainly remain in the Record because it is the firm conviction of the members of the subcommittee as well as the full committee.

Mr. DENNIS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is a bill which is supported by every department of the Government of the United States which is involved, and it is a bill which is simply designed to do justice, in a humanitarian manner, to a small group of simple people who are good Americans in spirit, and who wish to become Americans in law and in fact.

Back in the sailing-ship days of the last century, sailors of American whaling vessels landed from time to time on the Bonin Islands. They soon had the situation and the local girls well in hand. The result was that they left behind them a sturdy race of descendants with names such as Savory, Lambert, and Washington, who, though nationals of Japan, have always been in many respects American in viewpoint and outlook.

When the Second World War came along, the Japanese evacuated these people to the Japanese mainland, and when the war was over, we brought them back to the islands. They have worked there for 23 years for the American Navy. Now that the islands have been returned to Japan, they are very unhappy about it, and that is the genesis of this bill.

The bill can affect a maximum of 205 individuals, assuming that all of them want to take advantage of the bill.

All the bill does is this: There are certain requirements in our immigration statutes for entry into the United States. One of them is the ability to read some language. Another involves restrictions upon unskilled labor. These people are unskilled laborers. They are fishermen and sailors. Some of them cannot read. Therefore, they cannot be admitted.

This bill waives those requirements so they can be admitted for permanent residence, looking later on toward naturalization, if they desire it, after they desire it, after they have stayed the requisite, usual, 5 years. The bill does not waive criminal requirements and other moral requirements, the serious other requirements of the law. So all the bill does is to provide that these people may be admitted through waiver of the requirements that I have mentioned. If thereafter they stay 5 years in American territory and have good moral character, they can be deemed lawfully admitted as of the day of their entry for purposes of naturalization.

The bill would extend an opportunity for entry and for naturalization of a small group of loyal people who want to be Americans and who could not otherwise qualify for entry. It is a truly unique situation, unlike any other, and absolutely constitutes no kind of precedent for some other and different case.

It is anticipated that most of those who might be admitted under the bill will go to Guam and continue to work for the U.S. Navy, as they have done in the past. So the measure is merely an act of humanitarian justice to a small group of people who have served this country well and who wish to continue to serve her in the future as they have in the past.

Mr. EILBERG. Mr. Speaker, will the gentleman yield?

Mr. DENNIS. I yield to the gentleman from Pennsylvania.

Mr. EILBERG. In his remarks the gentleman referred to someone named Savory. It happens that I have a letter from a man named Savory. Without reflecting in any way on his lineage and ancestry, in the context the gentleman described, I think it is interesting to place in the Record in support of the bill the following letter from Jimmy Savory, who is a sergeant in the Marine Corps presently stationed at Camp Pendleton, Calif., addressed to the chairman of the committee. It is dated February 10, 1970. The letter is as follows:

> Camp Pendleton, Calif.,
> *February 10, 1970.*
>
> Dear Mr. Celler: I was informed by the legal officer that the House of Representatives have proposed a House Bill H.R. 4574, a special consideration for the Bonin Islanders to come to the United States.
>
> I haven't been to the island in five years. Since my departure from the island the Japanese Government gained full control of the island. Since the change over in June 1968, they seemed to be having a rough time to compete with the Japanese, perhaps due to lack of Japanese schooling.
>
> I guess I was lucky enough to make a break through and joined the Marine Corps. I finally got naturalized in Hawaii. I guess the Marine Corps have been pretty good to me, two tours in Vietnam without a scratch.
>
> Well, I hope the proposed House Bill goes through. Any information concerning this bill will be greatly appreciated. Thank you.
>
> Sincerely,
>
> Sgt. Jimmy B. Savory.

Mr. DENNIS. Mr. Speaker, I thank the gentleman for his contribution, which underlines what I said. Of course, no reflection is intended on anybody, these people are Americans in spirit, and we ought to pass this legislation for them.

Mr. RODINO. Mr. Speaker, H.R. 4574, as previously mentioned, was an Executive communication. The possible grounds for exclusion which are waived in the bill pertain primarily to health inasmuch as there are no Ameircan consular or public health officers on the island to examine possible applicants or issue visas. During Navy occupation, there were no personnel on the island who were qualified to determine and certify these grounds for exclusion. The Department decided it was necessary, therefore, to waive these exclusionary provisions.

It must be kept in mind that Navy personnel stationed on Chichi Jima were intimately acquainted with the islanders and advised the Department of the Navy that they found no evidence of narcotic addicts, insanity, and so forth.

It must be kept in mind that this bill would allow the entry under parole into the United States or the possessions rather than an admission. Consequently, the subjects, if they enter U.S. territory, would have no legal status and would be continuously under the jurisdiction of the Immigration and Naturalization Service. After 5 years of physical presence their status could be adjusted retroactively to that of permanent resident to the date of initial entry. Of course,

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during this 5-year period any person could be deported if they came within one of the specified grounds for deportation.

Nevertheless, the more dangerous and detrimental grounds for deportation are not waived—convictions for crimes, immorality, and so forth, would be normally the subject of a record.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Ohio that the House suspend the rules and pass the bill H.R. 4574.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. FEIGHAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous matter in connection with the bill H.R. 4574.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

HOOD RIVER COUNTY, OREG.

Mr. DONOHUE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 914) for the relief of Hood River County, Oreg., as amended.

The Clerk read as follows:

H.R. 914

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Hood River County, Oregon, is relieved of all liability to the United States for any amounts owed by such county to the United States for amounts claimed by the United States Forest Service, Department of Agriculture, for alleged timber trespass arising out of timber sales during the period 1946 through 1961, inclusive, from the land described as follows:

One hundred and sixty acres of land, more or less, located in Hood River County which land is more fully described as the northwest quarter of the northeast quarter and the north half of the northwest quarter and the southeast quarter of the northwest quarter of section 9, township 1 south, range 8 east, of the Willamette meridian.

The SPEAKER pro tempore. Is a second demanded?

Mr. SMITH of New York. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Massachusetts (Mr. Donohue) will be recognized for 20 minutes, and the gentleman from New York (Mr. Smith) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Massachusetts (Mr. Donohue).

Mr. DONOHUE. Mr. Speaker, as amended, this bill will relieve this Oregon county of liability for $84,841.36, representing timber sale revenues over a 15-year period on a 160-acre tract of land subsequently held by the Government to be Federal land. The committee has deleted provisions which would have provided for a conveyance of the land to the county and for the payment of subsequent revenues from timber sales received by the United States.

Therefore, the amended bill would merely relieve Hood River County in Oregon of liability to pay the United States an amount equal to the money paid the county as proceeds of timber sales on these 160 acres of land $84,841.36 which was considered by both the United States and the county to be part of the Hood River County Forest when the timber was cut in the period from 1946 through 1961. Upon further investigation of the title of the land, the United States asserted and established that title to the land had never passed from the United States.

A similar bill with the same amendment limiting relief to a relief of liability passed the House in 1968. During the 90th Congress testimony at a committee hearing established that prior to title questions being raised in private litigation, the county in good faith regarded itself the owner of the 160 acres of forest land. The county had regarded itself as the owner of the land for more than 40 years since the county had received a sheriff's deed to the property after delinquent tax foreclosure proceedings against the tract in 1922. The basis for the Government's determination that the land belonged to the Federal Government involved the discovery of an 1892 communication in the files of the Department of the Interior indicating that this particular property had been included in a large block of land that was intended for later designation as the Cascade Forest Reserve. This was based on the fact that on March 28, 1892, all of section 9 was withdrawn from entry under the public land laws for the purpose of creating the Cascade Forest Reserve.

This particular letter was dated a few months before the State of Oregon selected the 160 acres as "lieu" lands by filing indemnity selection list No. 226 on December 27, 1892. Hood River County traced its title from this selection, for the State conveyed the 160 acres to a private owner, Mr. Edward Jones, on January 2, 1893. As has been outlined above, the county subsequently acquired the land as the result of foreclosures of delinquent taxes which had accrued subsequent to its conveyance to private ownership and prior to 1922. The Government's position is, in substance, that notwithstanding the selection by the State, its subsequent conveyance to a private individual, and the acquisition of title by tax foreclosure proceedings by the county, and the subsequent 40 years during which the county asserted its rights as owner of the land, the U.S. Government still had title to the land and further never parted with title to the property.

Prior to discovery of the question concerning title in the county, the Forest Service assisted the county in the management of this particular property along with more than 26,000 acres of the Hood River County forest lands. The Forest Service relied on county records in determining the title and boundaries of forest land subject to management. On the assumption that Hood River County was the owner of the 160-acre tract, the Forest Service, acting under contracts with the county, planned, supervised, and carried out on behalf of the county five separate sales of timber from the property between 1946 and 1961. The Hood River County received from those sales a total of $84,841.36. The amount claimed by the United States is based on this payment to the county.

The inequity to which H.R. 914 is addressed arises out of this assertion of rights by the Federal Government in the light of the particular circumstances concerning title and ownership of this specific tract. As a practical matter, no one was aware of the technicalities of the title situation until late 1961, after Hood River County had been considered the owner of the property for over the 40 years which elapsed since the 1922 tax foreclosure. It is also clear that the Government acted after five timber sales had been made on that assumption by the U.S. Forest Service acting for Hood River County. The amended bill will grant relief which, as a practical matter, is unavailable through judicial proceedings. The claim of the Government against Hood River County arose under circumstances demonstrating complete good faith upon the part of Hood River County which treated the 160 acres as its own property for over 40 years after 1922.

The committee has further been advised that payment would impose a substantial economic hardship to Hood River County if the U.S. Government would force a payment of $84,841.36. The total budget of this small county for the previous fiscal year was $1,686,313, of which $351,744 was raised from taxes imposed directly on its citizens and their property. A timber trespass judgment for $84,841.36 would represent approximately 5 percent of Hood River County's total annual budget. Since any such judgment would have to be paid from additional tax revenue, a judgment for $84,841.36 would mean a 1-year increase of almost 25 percent in the total direct taxes imposed on the citizens of Hood River County. If the judgment was for double damages—approximately $169,000—this would represent 10 percent of the county's total annual budget, and a 1-year tax increase of almost 50 percent over the present level of taxation.

The bill, as amended by the committee, would relieve the county of the obligation to pay the United States the $84,841.36 claimed by the Government but would not grant the other relief originally included in the bill. The bill, H.R. 914, as introduced would have also provided for a conveyance of the disputed 160 acres and would have further required a payment to the county of an amount equal to the money paid the United States as the result of sale of timber from the property since assertion of title by the Federal Government. The committee deleted the other provisions so that the bill does not alter the position of the parties as regards ownership of the land. As has been noted, the repayment would impose a heavy burden on the county and it is felt that the

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amended bill provides for an equitable adjustment of the matter and is fair in the light of all the circumstances.

In this connection it should be noted that the General Accounting Office in its report to the committee on the bill has indicated it would have no objection to relief as is now provided in the amended bill if it is determined that repayment would work such a hardship. Accordingly, it is recommended that the amended bill be considered favorably.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. DONOHUE. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, I note the Department of Agriculture looks at this bill with a jaundiced eye. Was the committee not impressed with the statement by the Department of Agriculture as follows:

> The State of Oregon was informed in 1894 that tract A was not subject to selection because it had been withdrawn for forest reserve purposes. This information was a part of the official records relating to the tract when the county first undertook to tax it and undertook to dispose of it by tax deed. All of this was a matter of public record when the timber was sold from it.

Mr. DONOHUE. Mr. Speaker, that was the information that was before the committee. The discovery that the land belonged to the United States and was never granted to the State of Oregon was not made until some time in the early part of the 1960's.

Mr. GROSS. But the report says, according to them, that is the Department of Agriculture, that the State of Oregon was informed in 1894 of this fact.

Mr. DONOHUE. In 1892 the State of Oregon selected certain forest land and in 1893 deeded this particular 160-acre tract to a private individual. However, the Department holds that several months before, the Federal Government had included this land as a part of a large tract which was reserved by the United States for the purpose of establishing the Cascade Forest Reserve. The communication to the State concerning that reserve is what the Department has referred to.

Mr. GROSS. The report also goes on to say:

> This special enrichment to Hood River County would be in addition to the benefits received by the State of Oregon from that part of tract B granted to it pursuant to its selection in lieu of school funds.

Mr. DONOHUE. That was a provision relating to the original grant to the State of Oregon, but does the gentleman from Iowa not see what happened? The State of Oregon, after it was granted this land, proceeded to sell it or deed it over to private individuals.

This particular tract was deeded to a family named Jones in 1893. They held it until sometime in 1922 when, due to their inability to pay taxes, the Hood River County took the land over under a tax deed.

They proceeded, with the assistance of our Forestry Service to log timber from it.

Private litigation concerning adjoining lands developed in some way or another in 1959 or 1960. Then, when as the result of inquiries from parties to that litigation the Federal Government searched the title, they found that title to this particular tract had never passed to the State of Oregon. The Government therefore held that the State could not validly deed it to this private individual.

Mr. GROSS. There is no question, is there, that the State or the county, or both, profited from the use of this timberland? Is there any question about that?

Mr. DONOHUE. There is not any question, but in view of the fact that it was done innocently by the county, thinking that it had clear legal title to the land.

Mr. GROSS. All right; but they have profited thereby.

I am sorry that this bill is up under a suspension of the rules procedure, by which it cannot be amended, because I know of no reason why the county or the State, or both, should not over a period of time make orderly payments on this $84,000.

Mr. DONOHUE. The bill, as originally presented to the Congress and referred to the Judiciary Committee, also provided that since the United States took back the land and logged timber from it and derived approximately $103,000 of benefit, that amount would be paid to the Hood River County. Also it was originally provided that the 165 acres be deeded to the Hood River County.

Mr. GROSS The gentleman certainly would not penalize the county for having its hand out and its hat, too, if they could get it. But I am glad the committee did not bring out a bill to provide that the Federal Government pay them $103,000.

What I believe the county ought to do, since they got the benefit from this land, is to make orderly payments over a period of years, if necessary, and pay the Federal Government the $84,000.

Mr. DONOHUE. If the gentleman will permit me to suggest, it was brought out in our hearings that in the event they were required to pay this money back to the United States, because of the narrow tax base, it would practically bankrupt the county.

Mr. GROSS. That is pretty hard to believe, that a county in the great State of Oregon, a whole county, would be bankrupt by paying, say, $5,000 or $10,000 a year over a period of years on an obligation it owes the U.S. Government. I am just not about to absorb that.

Mr. DONOHUE. I think the premise may be rather sound, if they knowingly went on this tract and logged this timber, but they did it most innocently, with the impression and idea that they owned the land. They acquired it from this Jones family because they had failed to pay their taxes.

Mr. GROSS. But, having found out they did not own it——

Mr. DONOHUE. They did not find that out, may I suggest to the gentleman, until sometime early in the 1960's.

Mr. GROSS. The gentleman means to say that Hood River County could not over a period of years pay this? Is there no other industry but timber in that county? Do they raise any apples or fruit or anything else?

Mr. DONOHUE. I might suggest to the gentleman that the U.S. Government evidently was of the impression that that property was owned by the Hood River County, because with the assistance of the U.S. Forest Service they logged the timber from the tract.

Mr. ULLMAN. Mr. Speaker, will the gentleman yield?

Mr. DONOHUE. I am pleased to yield to the gentleman from Oregon.

I would like to reason with the gentleman from Iowa.

Mr. Speaker, today we are considering H.R. 914, for the relief of Hood River County, Oreg., from Forest Service claims for alleged timber trespass. I appreciate the opportunity to express my support for this bill, because it is most important to the people of a very fine community in my district. I would like to present a summary of their problem at this time.

Through the error of the U.S. Land Office and the State of Oregon, a 160-acre tract of public timberland in Hood River County was deeded to a private citizen in 1894. Because of unpaid taxes, title to this tract was transferred to the county in 1922. For over 40 years, all parties assumed that Hood River County held legal title to the tract. During that period timber sales were made from the tract in the value of $84,841.36 and the proceeds were received by the county.

In 1962 the error of 1894 was discovered and the Forest Service is now pressing claims against the county in the amount of $84,841.36 for "timber trespass." This is the amount of money received from timber sales made when all parties assumed that Hood River County owned the timber. I strongly urge Congress to consider the inequity of this claim since the Forest Service, the State of Oregon, and all others considered this tract non-Federal land for over 70 years. I also ask you to consider the financial strain this claim would place on the people of this area.

Hood River County has a population of under 15,000 people and an assessed valuation of only $18 million. The economy of this county is entirely dependent on agriculture, lumber, and recreation, and the loss of 160 acres of harvestable timber coupled with the burden of repaying nearly $85,000 in past revenues would be a serious handicap to their economic well-being. This county has been declared an economically depressed area in past years, and has suffered from high unemployment. Therefore, you can understand why this legislation is so important to the county.

As you may know, the Department of Agriculture has issued unfavorable reports on this legislation, although the General Accounting Office has no objection to its enactment. The Department mainly objected to the features of sections 2 and 3 of the original bill, which the House Judiciary Committee has removed from the measure we are considering today. Sections 2 and 3 would have returned this tract to the county and provided for the repayment of all funds received from timber sales made by the Forest Service since 1963. However, the amended measure which I am

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urging that you approve today, would simply relieve the county from paying the $84,841.36 claim for "timber trespass." I consider this a reasonable compromise.

I now urge my colleagues to consider the equity of this legislation, and to give it their fair consideration and approval.

I would like to defer to the other gentleman from Iowa (Mr. Kyl) who served on the Public Land Law Review Commission. The Commission made an intensive study of this whole problem, and this particular case came under the purview of their study.

Would the gentleman from Iowa (Mr. Kyl) be interested in relating his information, if the gentleman from Massachusetts would yield to him on this particular matter?

Mr. DONOHUE. Mr. Speaker, I yield 5 minutes to the gentleman from Iowa (Mr. Kyl).

Mr. KYL. Mr. Speaker, the case which the House reviews today is one of many rising primarily in the public land States, but not restricted to them. Broadly speaking, most such instances involve in varying degree a kind of trespass or adverse possession. There is no general manner in which administrative agencies can solve such problems and, therefore, the specific matter comes before the Congress.

It is a plain matter of fact that very honest disputes between the Federal Government and private individuals or lower governmental subdivisions do occur. It is important to note that these disputes in many, if not most, cases, do not start with any intentional wrongdoing. For instance, a primary reason for the problems is that in the less-heavily populated areas where there are vast areas of unoccupied lands, actual metes and bounds property descriptions are frequently poor or nonexistent.

Equity demands that the Congress take some action in many such cases, and I believe the matter in which we are involved today is one such case demanding action. Without basic legislation for settling these disputes, administering agencies do become highly technical in preserving the Federal sovereignty. The agencies cannot be blamed for their actions because, under traditional sovereign doctrine, this is their responsibility. It seems to me that the Congress must ultimately consider basic general law to assist the individual or governmental subdivision in its disputes against the Federal Government. Under present interpretations, adverse claimants have no use of such devices as equitable estoppel or laches. The Government, in brief, is not bound by acts of its agents.

It is at least interesting to note that the sovereign immunity doctrine has no constitutional or statutory basis. Nonetheless, the doctrine is established, and, in specific cases, the Congress rather than the courts must seek equity.

In the Hood River County case before us, there is no provable mischief or malice on the part of the county. The adverse possession over a long period of time was in good faith. There was apparently a documented record of private ownership. The county acquisition followed normal, legal means. The county's claim to the land was further substantiated by cooperative agreements with the Federal Government. For a very long time, the county thought it owned the land and there was no expression or action to the contrary.

For these reasons, I believe we should pass this legislation.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. KYL. I yield to the gentleman.

Mr. GROSS. Let nothing I have said be construed to mean that I accuse anyone within the State government of Oregon or the county of Hood River in the State of Oregon as having done something wrong or resorted to some malicious practice.

Mr. KYL. I understand.

Mr. GROSS. I do not do that at all.

The gentleman says that the county is unable to pay to the Federal Government $84,000.

Does the gentleman know the county's budget?

Mr. KYL. I would have to yield to the gentleman from Oregon (Mr. Ullman) for an answer to that.

Mr. ULLMAN. Mr. Speaker, will the gentleman yield?

Mr. DONOHUE. I yield to the gentleman from Oregon.

Mr. ULLMAN. Very briefly, Hood River County has a population of under 15,000 people. It has an assessed valuation of only $18 million. It is entirely dependent upon agriculture and a small amount of timber and recreation. The loss of 168 acres of harvestable timber, coupled with the burden of repaying $84,000 in basic revenue, would represent an extremely serious handicap to this county. It has been declared an economically depressed area. For most of the last 20 years it has suffered from very high unemployment on top of that. The gentleman has made the point that if this were a matter between two private individuals, there would not be any questions about it. They had adverse possession. The law would be completely on the side of Hood River County. They would have complete access to the court and any court in the country would rule for the county.

The only reason we have kept this before the Congress is the fact that we do not have the same rights and privileges under the law as a private individual would have and, therefore, we have to come to the Congress because the Congress is the only recourse.

All we are asking here is what any court in the land would grant if this were a private case.

I think the gentleman is a very reasonable gentleman and if he thoroughly understood this case he would say that we are absolutely right—that these people should have justice.

Mr. GROSS. Mr. Speaker, if the gentleman from Massachusetts will yield further, with all due respect to the gentleman from Oregon, I am not interested in a hypothetical case as to what happens between two individuals; I am interested in the facts as they concern this case and that is all.

Mr. ULLMAN. Mr. Speaker, if the gentleman from Massachusetts will yield further, reference has been made to the report by the Department of Agriculture. The Department's objection was primarily to some additional features that were in the bill. In the original bill this asked for a return of this 160 acres to the county and the reimbursement for whatever timber was sold since 1962 when the revelation was made of the fact that they do not own it. That is primarily what the objection is about. However, it is very interesting to note that the General Accounting Office, an arm of the Congress, has no objection to the bill.

Mr. Speaker, I think in all equity the gentleman would agree that this is a matter of basic equity.

I appreciate very much the remarks of the gentleman from Iowa (Mr. Kyl), because the Public Land Law Review Commission has found this to be an extremely serious problem in hundreds of thousands of cases across the country.

I think that he as a member of that very important Commission, being an expert on this, has made this statement. I would also say the gentleman from Pennsylvania (Mr. Saylor), who I think has been on the Commission, has studied this matter too, and I would like to hear what he has to say on it.

Mr. SAYLOR. Mr. Speaker, will the gentleman yield?

Mr. DONOHUE. I yield to the gentleman from Pennsylvania.

Mr. SAYLOR. Mr. Speaker, I want to say that this case points up a very serious problem, not just alone in Hood County, Oreg., but you can duplicate this in almost every western State. The thing that disturbs me is that several years ago at the instance and request of a number of Members of Congress, the Committee on the Judiciary reported out a similar bill in southwestern California, and the then President vetoed it because of the precedent that it set.

I am afraid that if we move in these cases on a piecemeal basis we may be asking for a Presidential veto if President Nixon follows the same pattern that his predecessor did in the case in California.

The SPEAKER pro tempore. The gentleman from Massachusetts has consumed 18 minutes of his total time.

Mr. DONOHUE. Mr. Speaker, I might suggest to the gentleman from Pennsylvania that the purport of this bill, as amended, is not to give Hood County anything, in the way of title to the disputed tract. It is merely relieving them of $84,000-plus, because of their economic inability to meet that obligation which was all brought about most honestly and most innocently. Certainly if there was ever a case of equity in my opinion, something that our good President, as a good lawyer, should and will recognize, it is this case.

Mr. SAYLOR. Mr. Speaker, I might say to my colleague that, I appreciate the title problems involved in this case the equities are all with the county, but this is not a case between individuals, so unfortunately individual equity does not apply. All I can say is that if we pass this I am afraid that the gentleman's committee is going to be besieged with

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other cases from the West from other Members who have a similar situation.

Mr. DONOHUE. Mr. Speaker, the gentleman can be assured, may I say to the gentleman, that such cases will be considered individually on their merit, and if they are as meritorious as this one, I know that our committee will treat them accordingly.

Mr. KYL. Mr. Speaker, will the gentleman yield further?

Mr. DONOHUE. I yield further to the gentleman from Iowa.

Mr. KYL. Mr. Speaker, there are some rather ridiculous aspects to a case of this nature. We are talking about title to 160 acres of land. I would ask the gentleman from Pennsylvania (Mr. SAYLOR), if it is not true that the Federal Government could transfer to Hood County, or to any city there, 160 acres of land, without cash, if it were to be used for recreational or school purposes?

Mr. SAYLOR. Mr. Speaker, if the gentleman will yield further, that is correct. They could not only transfer 160 acres, they could transfer 640 acres every year.

Mr. KYL. Each year.

Mr. SAYLOR. That is correct, if they use it for recreational purposes.

Mr. KYL. Mr. Speaker, if the gentleman will yield further, we face a most difficult situation in the basic question that is involved here. The Department of Defense are almost obligated to give negative responses on some kind of requests; they become overly involved, they become overly technical in the point of law, because of the complete acceptance——

The SPEAKER pro tempore. The time of the gentleman from Massachusetts has expired. The Chair recognizes the gentleman from New York (Mr. SMITH).

Mr. SMITH of New York. Mr. Speaker, I yield myself such time as I may require.

Mr. KYL. Mr. Speaker, will the gentleman yield?

Mr. SMITH of New York. Mr. Speaker, I will yield to the gentleman from Iowa in just a moment.

Mr. Speaker, I rise in support of the bill H.R. 914, and I want to associate myself with the remarks of the gentleman from Iowa (Mr. KYL), and the gentleman from Oregon (Mr. ULLMAN), and the gentleman from Massachusetts (Mr. DONOHUE).

Now I will be happy to yield to the gentleman from Iowa.

Mr. KYL. Mr. Speaker, will the gentleman yield?

Mr. SMITH of New York. I yield to the gentleman.

Mr. KYL. I would like to conclude with this one thought about the difficulty presented here. The departments do become overly technical and they are obligated to do so because of our utter subservience to a complete sovereign immunity which prevents any individual or any locality in a situation just like this from finding or obtaining any equity through the courts. They have to come to the Congress to get this equity.

The gentleman from Pennsylvania spoke about a case which has been subject to veto. It is a case in which a group of people living along the Colorado River in the State of California thought they owned the land. They have title to the land, they paid for the land. They have title insurance on the titles they hold on the land. Suddenly, the Federal Government comes to them and says:

"This land is the result of erosion of the Colorado River and therefore the land belongs to the U.S. Government and you do not own it."

Those people cannot sue the Government. They cannot employ any of the usual procedures that are permitted in cases of an individual against an individual. There is no way to settle such a problem except by congressional action and we are always going to have to face this threat of vetos on the basis of sovereign immunity and sovereign domination. But I think we do have to make an attempt sometime to try to do equity in these situations.

Mr. SMITH of New York. I thank the gentleman.

Mr. HUNGATE. Mr. Speaker, will the gentleman yield?

Mr. SMITH of New York. I yield to the gentleman.

Mr. HUNGATE. As I understand the original bill, and the gentleman from New York can correct me if I am in error please, the original bill sought payment for timber that had been cut by the U.S. Government in excess probably of $100,000 and it sought the restoration of 160 acres, of the title, and sought relief from an $84,000 claim that the Government made on the county.

There were these things and the committee decided not to pay them the $100,000 they were seeking for timber on this land and the committee decided not to give them title to the 160 acres. The committee seeks to relieve them of the liability of $84,000 which represents, and I think this would represent about 25 percent a year of the amount of taxes they would get. In other words, it is a substantial sum and represents a substantial sum for this county. I want to make this clear—you cannot get any court in the land and there is no legal claim and that is why we have to have the Congress to act in matters of equity. That is what is being appealed to and what really appealed to me, the equity involved, to see that the Government of the United States acted so far as the timber sales that were made on the assumption by the U.S. Forest Service acting for the Hood River County, that they owned the land.

If we ever had an opportunity to assert our claim that we assist people to come to the U.S. Government and if we do not see that equity is done here, then you are not allowing anything.

Mr. SMITH of New York. I thank the gentleman.

Mr. ULLMAN. Mr. Speaker, will the gentleman yield?

Mr. SMITH of New York. I yield to the gentleman from Oregon.

Mr. ULLMAN. I would just like to add along with the points I have made that all of the money involved here was collected while the timber was under the management of the Federal Government under contract during 1945 and 1955 and they renewed the agreement to maintain the land for the county. They held these timber sales and this amount of money was collected and all during the time the Federal Government managed the land for the county on the assumption that the county owned the land.

The SPEAKER. The question is on the motion of the gentleman from Massachusetts that the House suspend the rules and pass the bill H.R. 914, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

CALL OF THE HOUSE

Mr. STAGGERS. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 38]

Addabbo
Anderson, Ill.
Anderson, Tenn.
Ashley
Aspinall
Baring
Barrett
Berry
Boland
Bolling
Brock
Brotzman
Brown, Ohio
Buchanan
Bush
Button
Celler
Chisholm
Clark
Clay
Cohelan
Conyers
Dawson
Diggs
Downing
Dwyer
Edmondson
Edwards, La.
Evins, Tenn.
Fallon
Foley
Fulton, Tenn.
Goldwater
Grover
Gubser
Hastings
Hawkins
Hébert
Jones, Ala.
Kastenmeier
Keith
Kirwan
Kluczynski
Leggett
Lennon
Lukens
McCarthy
McDonald, Mich.
McEwen
Macdonald, Mass.
Mahon
Mailliard
Mann
Meeds
Mizell
Moorhead
Morton
Moss
Murphy, N.Y.
Ottinger
Pettis
Powell
Preyer, N.C.
Rees
Reid, N.Y.
Rogers, Colo.
Rosenthal
Ruppe
Sisk
Snyder
Springer
Steiger, Wis.
Taft
Teague, Calif.
Teague, Tex.
Thompson, Ga.
Tunney
Vander Jagt
Watkins
Wright

The SPEAKER. On this rollcall 350 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

CONFERENCE REPORT ON H.R. 15931, DEPARTMENTS OF LABOR, AND HEALTH, EDUCATION, AND WELFARE, AND RELATED AGENCIES APPROPRIATIONS, 1970

Mr. FLOOD submitted the following conference report and statement on the bill (H.R. 15931) making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1970, and for other purposes:

XUM

CONFERENCE REPORT (H. REPT. No. 91-863)

The Committee of Conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 15931) "making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies for the fiscal year ending June 30, 1970, and for other purposes," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows: That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, and 4, and agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment, as follows: In lieu of the matter proposed by said amendment insert:

"SEC. 410. From the amounts appropriated in this Act, exclusive of salaries and expenses of the Social Security Administration, activities of the Railroad Retirement Board, operations, maintenance, and capital outlay of the United States Soldiers' Home and payments into the Social Security and Railroad Retirement trust funds, the total available for expenditure shall not exceed 98 per centum of the total appropriations contained herein: *Provided*, That in the application of this limitation, no amount specified in any appropriation provision contained in this Act may be reduced by more than 15 per centum."; and the Senate agree to the same.

DANIEL J. FLOOD,
WILLIAM H. NATCHER,
NEAL SMITH
(as instructed),
W. R. HULL, Jr.,
BOB CASEY,
ROBERT H. MICHEL,
GARNER E. SHRIVER,
CHARLOTTE T. REID,
FRANK T. BOW,
Managers on the Part of the House.

WARREN G. MAGNUSON,
RICHARD B. RUSSELL,
JOHN STENNIS,
ALAN BIBLE,
SPESSARD L. HOLLAND,
NORRIS COTTON,
CLIFFORD P. CASE,
HIRAM L. FONG,
J. CALEB BOGGS,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 15931) making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies for the fiscal year ending June 30, 1970, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report as to each of such amendments, namely:

In accordance with the directions of the House, the managers on the part of the House agreed to each of the five amendments of the Senate, as follows:

Amendment No. 1—Deletes language proposed by the House in connection with "School assistance in Federally affected areas" of Title II—Department of Health, Education, and Welfare.

Amendment No. 2—Inserts language in section 408 of Title IV—General Provisions.

Amendment No. 3—Inserts language to section 409 of Title IV—General Provisions.

Amendment No. 4—Deletes section 410 of Title IV—General Provisions.

Amendment No. 5—Inserts a new section 410 to Title IV—General Provisions. (Carried in the Senate-passed bill as section 411.)

DANIEL J. FLOOD,
WILLIAM H. NATCHER,
NEAL SMITH
(as instructed),
W. R. HULL, Jr.,
BOB CASEY,
ROBERT H. MICHEL,
GARNER E. SHRIVER,
CHARLOTTE T. REID,
FRANK T. BOW,
Managers on the Part of the House.

Mr. FLOOD. Mr. Speaker, I ask unanimous consent for the immediate consideration of the conference report on the bill (H.R. 15931) making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1970, and for other purposes.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. FLOOD. Mr. Speaker, I ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The Clerk read the statement.

The SPEAKER. The gentleman from Pennsylvania is recognized.

Mr. FLOOD. Mr. Speaker, I do not intend to presume upon the time of the House any longer on this bill. We had a record vote on the motion to table the motion to instruct the managers on the part of the House to agree to the Senate amendments. That motion to table was defeated. We then had a record vote on the motion to instruct. That motion passed by a substantial majority.

We did the only thing we could do under these circumstances. We went to conference and agreed to the Senate amendments. That is reflected in this conference report—we report to the House as we were instructed to report—period.

Mr. OTTINGER. Mr. Speaker, I view the conference report on the 1970 Labor-HEW appropriation with mixed feelings. After the prolonged legislative struggle we have waged to demonstrate the depth of our commitment to the educational and health needs of this Nation, I deeply regret that we are faced with a bill that will allow expenditures of only $19 billion, so far short of the demonstrated and urgent need. It is tragic that medical research, hospital construction, schools, and libraries must bear the brunt of the battle against inflation when there are so many low-priority programs we could have reduced or eliminated this year with less damage to the future of America.

I cannot be reconciled to our abdication of full choice of the allocations contained in this bill. In my speech of February 19, I warned about setting such a precedent in giving the President control over any part of an appropriation bill, a demand which is sure to come from the other end of Pennsylvania Avenue with increasing frequency once the dam has been breached. The cynicism of the administration in winning passage of this provision shows clearly in the President's agreement to accept more than his original request for impact aid, after chastising Congress in his veto message for perpetuating "this unfair program." All doubts about the political basis for the veto vanished with this action.

We do, however, owe a debt to the Senate for defusing sections 408, 409, and 410, the Jonas and Whitten amendments so clearly designed to blunt desegregation of the South's dual school system. This much we have to commend this conference report to us. I urge that we not consider any longer such mischievous legislative attempts to hold back the march toward justice and equal opportunity in this land.

Mr. Speaker, in the months ahead we will have many another opportunity to test our commitment to the pressing domestic problems that we defer longer at our peril. Students in crowded, ill-equipped classrooms, patients in cancer wards, heart and stroke victims, and all the committed and concerned people of this Nation are watching us. The President too will have such an opportunity, but the history of this appropriation bill makes it clear that the Congress will be constrained to provide the leadership so desperately needed in the difficult weeks and months ahead. It is a challenge I am certain we will rise to.

Mr. RARICK. Mr. Speaker, the enactment of the HEW appropriation bill without the freedom of choice provision which this House inserted, would be a mistake. It simply means that we are again providing from the people's pockets the funds to complete the destruction of the people's schools. It will mark the death knell of public education in the United States.

While the President and his Secretary of HEW, Mr. Finch, have lately been making noises which suggest that they dearly love public education and the community or neighborhood school, their actions belie their protestations. All of us here know who it was who operated to emasculate the bill in the other body, and see the development of a new coalition to carry out their true wishes with the bill.

Again, and again, I have pointed out that freedom of choice is the law of the land, and again I call that to the attention of the House. The Constitution commands nothing like busing of children, of teachers, of janitors to bring about a quota system. Nor has this Congress so commanded.

Such a command, attributed to some mystic, hard to find, miscellaneous small print in the Constitution is really the totally illegal, arbitrary fiat of men who have usurped power by wearing judicial robes. I will not even dignify their acts as acts of a court, for they are patently in violation of our own Constitution and of every civilized concept of the administration of justice.

Suppose that the Supreme Court, in a carefully prepared case, were to decide that our history as a predominantly

Christian nation is in itself evidence of some kind of a violation of the first amendment, forbidding the Congress to establish a religion. The evidence would show that the Armed Forces have long provided chaplains, that religious institutions enjoy tax privileges, that ministers of religion are by custom granted many benefits, that God is invoked in the Congress and even by the courts.

Do you see a parallel between these findings and the years of tortuous writhings of the leftists on the bench in trying to conclude that the natural discrimination—freedom of people, leading them to live their lives with their own kind, free to make their own associations, is somehow proof positive of a growth to be rooted out at all costs—even the destruction of society itself?

So, in our hypothetical case, the Supreme Court would hand down an order that, since it had determined Christianity was bad and in violation of the first amendment, it must be destroyed. The Supreme Bench might then delegate to the district courts the details of destroying the religion, but in this delegation establish a guideline that they decree the compulsory and public practice of the religions of the world which have been discriminated against—obviously with public approval.

We have no trouble in seeing that the Constitution, despite such reasoning, does not command that some of us become Buddhist, others worship animals and stones, and the proper quota make their sacrifices to the gods and goddesses of the pantheon.

Why, then, do we have difficulty in seeing through the initial dishonesty and its propaganda repetition about schools? There is no more a constitutional command that schools in any part of the country be integrated than there is that the people become atheist, or Taoist, or worse.

And, Mr. Speaker, the court orders requiring such things as busing, pairing, transfers, and the like, have no more validity that would such an order proliferating religions to the satisfaction of some sick judge.

In the Civil Rights Act of 1964, the Congress spoke. It said plainly that desegregation did not mean forced integration, and that nothing in that law gave any officer of the Federal Government, or the judge of any court, any authority to order such things.

In the current HEW appropriations bill, we forbade the expenditure of funds for these things. Our prohibition in that appropriation bill was the law of the land, and it has been flagrantly violated.

If the Constitution gives no authority for such decrees, and the law enacted by Congress gives no authority for such fiat, from whence do the judges obtain their power? From on high?

The American people know and understand the answer to that question. The judges have no such power as that which they claim. Freedom of choice is the law of the land.

In the HEW appropriation bill upon which we are now acting, this House again placed our prohibition on the use of the funds for forced racial quota transfers. In the other body certain words were added to our command. The command is still there, but the words may fool some people. They are intended to do just that—to be a weapon of psychological warfare against our own American people.

The bill now says that "except as provided by the Constitution" our prohibitions will apply. Of course they will. Nothing in the Constitution requires integration, as I have already demonstrated in the comparison with a religious reconstruction example.

So these words are legal surplusage, the sort of thing which amateur lawmakers stick into a law, and which are well known to be meaningless.

We long ago agreed that a law which contravenes the Constitution is a nullity. It is a nullity whether or not it includes in its opening phrase "except as prohibited by the Constitution"—and a law which forbids that commanded by the Constitution is likewise a nullity whether or not it includes in its opening phrase "except as provided by the Constitution."

So the law is not changed by the new appropriations bill, despite the fact that the dishonest opinionmakers will shout loudly to the people that the race mixers have won a victory.

The fact remains that the bill is bad law, because it is the vehicle by which public education will be destroyed. We have seen the failure of the executive branch to abide by the law—and the failure of the judicial branch to obey the law.

If the legislative branch now abdicates its responsibility, as it appears prepared to do, to what power are the American people to appeal? Such a vote seems to show that the Congress approves of the destruction of the schools and desires to let the bureaucrats continue to misuse the children whom they have kidnaped. It will be so interpreted by the bureaucrats, and with the help of the controlled media, the people.

Mr. Speaker, from one end of this Nation to the other the American people are demanding explanations for the denial of their freedoms. They are awake and they are complaining. I fear that we have not heard their voice, but assuredly we will. They will stand for their children, they will speak louder, and more often. They will keep the pressure on. The American people will be heard, for this is their Government.

Mr. FLOOD. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER. The question is on the conference report.

Mr. GROSS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were refused.

Mr. MINSHALL. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. The Chair will count. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 324, nays 55, not voting 51, as follows:

[Roll No. 39]

YEAS—324

Adair
Adams
Addabbo
Albert
Alexander
Anderson, Calif.
Anderson, Ill.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Arends
Ashley
Ayres
Beall, Md.
Belcher
Bell, Calif.
Berry
Betts
Bevill
Biaggi
Biester
Bingham
Blanton
Blatnik
Boggs
Boland
Bolling
Bow
Brademas
Brasco
Bray
Brooks
Broomfield
Brown, Calif.
Brown, Mich.
Broyhill, N.C.
Broyhill, Va.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton, Calif.
Burton, Utah
Button
Byrne, Pa.
Byrnes, Wis.
Cabell
Camp
Carey
Carter
Casey
Cederberg
Celler
Chamberlain
Clark
Clausen, Don H.
Clawson, Del
Clay
Cleveland
Cohelan
Collier
Conable
Conte
Corbett
Corman
Coughlin
Cowger
Culver
Cunningham
Daddario
Daniels, N.J.
Davis, Ga.
Davis, Wis.
de la Garza
Delaney
Dellenback
Denney
Dennis
Dent
Derwinski
Diggs
Dingell
Donohue
Downing
Dulski
Duncan
Eckhardt
Edwards, Calif.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Farbstein
Fascell
Feighan
Findley
Fish
Fisher
Flood
Flowers
Foley
Ford, Gerald R.
Ford, William D.
Foreman
Fraser
Frelinghuysen
Frey
Friedel
Fulton, Pa.
Galifianakis
Gallagher
Garmatz
Gaydos
Giaimo
Gilbert
Gonzalez
Goodling
Gray
Green, Oreg.
Green, Pa.
Griffiths
Grover
Gubser
Gude
Hall
Halpern
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Hansen, Wash.
Harrington
Harsha
Harvey
Hastings
Hathaway
Hays
Hechler, W. Va.
Heckler, Mass.
Helstoski
Hicks
Hogan
Holifield
Horton
Hosmer
Howard
Hull
Hungate
Hunt
Hutchinson
Jacobs
Johnson, Calif.
Johnson, Pa.
Jones, Tenn.
Karth
Kastenmeier
Kazen
Kee
King
Kleppe
Koch
Kuykendall
Kyl
Kyros
Landgrebe
Langen
Latta
Lloyd
Long, Md.
Lowenstein
Lujan
Lukens
McClory
McCloskey
McClure
McCulloch
McDade
McFall
McKneally
MacGregor
Madden
Marsh
Martin
Mathias
Matsunaga
May
Mayne
Melcher
Meskill
Michel
Mikva
Miller, Calif.
Miller, Ohio
Mills
Minish
Mink
Minshall
Mize
Mollohan
Monagan
Moorhead
Morgan
Morse
Morton
Mosher
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nichols
Nix
Obey
O'Hara
O'Konski
Olsen
O'Neill, Mass.
Patten
Pelly
Pepper
Perkins
Philbin
Pickle
Pike
Pirnie
Podell
Poff
Preyer, N.C.
Price, Ill.
Price, Tex.
Pryor, Ark.
Pucinski
Purcell
Quie
Quillen
Railsback
Randall
Reid, Ill.
Reid, N.Y.
Reifel
Reuss
Rhodes
Riegle
Roberts
Robison
Rodino
Roe
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roth
Roudebush
Roybal
Ruth
Ryan
St Germain
St. Onge
Sandman
Satterfield
Schadeberg
Scherle
Scheuer
Schneebeli
Schwengel
Scott
Sebelius
Shipley
Shriver
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Springer
Stafford
Staggers
Stanton
Steed
Stephens
Stratton
Stubblefield
Sullivan
Symington
Talcott

XUM

Taylor
Thompson, N.J.
Thomson, Wis.
Tiernan
Udall
Van Deerlin
Vander Jagt
Vanik
Vigorito
Waldie
Wampler
Watts
Weicker
Whalen
Whalley
White
Whitehurst
Widnall
Wiggins
Williams
Wilson, Bob
Wilson, Charles H.
Winn
Wold
Wolff
Wright
Wyatt
Wydler
Wylie
Yates
Yatron
Young
Zablocki
Zion
Zwach

NAYS—55

Abbitt
Abernethy
Ashbrook
Bennett
Blackburn
Brinkley
Buchanan
Burke, Fla.
Caffery
Chappell
Clancy
Collins
Colmer
Cramer
Crane
Daniel, Va.
Devine
Dickinson
Dorn
Edwards, Ala.
Flynt
Fountain
Fuqua
Gettys
Gibbons
Griffin
Gross
Hagan
Haley
Hébert
Henderson
Jarman
Jonas
Jones, N.C.
Landrum
Long, La.
McMillan
Montgomery
O'Neal, Ga.
Passman
Patman
Poage
Pollock
Rarick
Rivers
Rogers, Fla.
Saylor
Sikes
Steiger, Ariz.
Stuckey
Teague, Tex.
Waggonner
Watson
Whitten
Wyman

NOT VOTING—51

Anderson, Tenn.
Aspinall
Baring
Barrett
Brock
Brotzman
Brown, Ohio
Bush
Chisholm
Conyers
Dawson
Dowdy
Dwyer
Edmondson
Edwards, La.
Fallon
Fulton, Tenn.
Goldwater
Hawkins
Ichord
Jones, Ala.
Keith
Kirwan
Kluczynski
Leggett
Lennon
McCarthy
McDonald, Mich.
McEwen
Macdonald, Mass.
Mahon
Mailliard
Mann
Meeds
Mizell
Moss
Ottinger
Pettis
Powell
Rees
Rogers, Colo.
Ruppe
Snyder
Steiger, Wis.
Stokes
Taft
Teague, Calif.
Thompson, Ga.
Tunney
Ullman
Watkins

XUM

So the conference report was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Fulton of Tennessee for, with Mr. Mann against.

Mr. Mailliard for, with Mr. Lennon against.

Until further notice:

Mr. Aspinall with Mr. Brock.
Mr. Fallon with Mrs. Dwyer.
Mr. Edmondson with Mr. McDonald of Michigan.
Mr. Meeds with Mr. Mizell.
Mr. Macdonald of Massachusetts with Mr. Keith.
Mr. Leggett with Mr. Ruppe.
Mr. Kluczynski with Mr. Brotzman.
Mr. Moss with Mr. Pettis.
Mr. Rogers of Colorado with Mr. Snyder.
Mr. Barrett with Mr. Watkins.
Mr. Anderson of Tennessee with Mr. Bush.
Mr. Jones of Alabama with Mr. Goldwater.
Mr. Ichord with Mr. Teague of California.
Mr. Dowdy with Mr. Thompson of Georgia.
Mr. Ottinger with Mr. McEwen.
Mr. Ullman with Mr. Taft.
Mr. Edwards of Louisiana with Mr. Brown of Ohio.
Mr. Mahon with Mr. Steiger of Wisconsin.
Mr. Tunney with Mrs. Chisholm.
Mr. Stokes with Mr. Rees.
Mr. McCarthy with Mr. Conyers.
Mr. Baring with Mr. Powell.
Mr. Kirwan with Mr. Hawkins.

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. FLOOD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks prior to the vote on my motion to table today, and also prior to the vote on the conference report just agreed to, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

CHANGE OF CALL OF SPECIAL ORDERS TODAY

Mr. HECHLER of West Virginia. Mr. Speaker, I ask unanimous consent that my special order for today may be called following that of the gentleman from Pennsylvania (Mr. DENT), and that the gentleman's special order may be called prior to mine.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

ANNUNZIO INTRODUCES LEGISLATION TO PROTECT SAVINGS AND LOAN COOPERATIVE VENTURE

(Mr. ANNUNZIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ANNUNZIO. Mr. Speaker, today I have introduced legislation that would expand, on a permanent basis, a temporary ruling by the Federal Home Loan Bank Board concerning the liquidity requirements of insured savings and loan institutions.

The Board has ruled that after December 1, 1970, savings and loans can no longer include as liquidity items deposits held in certain commercial banks.

For instance, after that date, savings and loans will no longer be able to count as liquidity items deposits held in the Bank for Savings and Loan Associations in Chicago, Ill. The Bank for Savings and Loan Associations received its charter as a commercial bank from the State of Illinois in December 1966 and it began operations in the fall of 1967. The stock of the bank, except for director qualifying shares, is owned by 155 State-chartered savings and loan associations in Illinois. The bank serves only savings and loan associations and it does not deal with the general public. The bank is fully examined by the commissioner of banks and trust companies of the State of Illinois and it is my understanding that these examinations have shown the bank to be competently managed.

Since the Bank for Savings and Loan Associations does not deal with the general public but only with the savings and loan industry, providing many of the same functions that the Federal Home Loan Bank system does in the way of advances and loans, the bank is not federally insured. If the bank did deal with the general public, of course there would be a need for insurance since there would be a number of small depositors but since the bank handles only savings and loan deposits, the insurance for the most part would be of little value to savings and loans, particularly since there is a limit of insurability of $20,000 for each account.

My bill would make certain the temporary reprieve granted to savings and loans. The bill provides that any such bank in operation on February 6, 1970, would be in the "liquidity" category for savings and loans. To my knowledge the Bank for Savings and Loans in Chicago is the only such bank that would be affected by my legislation.

As was pointed out earlier, the Bank for Savings and Loans was chartered in 1966 and has operated successfully since then. In correspondence with the Federal Home Loan Bank Board concerning the change in liquidity requirements which would have put the Bank out of business, not one word has been said or written by the Board indicating any weakness in the management of the bank nor has it been suggested that the bank is operating in anything but a highly competent manner.

Mr. Speaker, unless my bill is enacted, the savings and loan industry in Illinois would suffer a great hardship in December of this year. These savings and loans have banded together to make more funds available and to make certain that any excess funds are channeled to savings and loans which are in need of mortgage money.

In this time of critical housing shortages, this body should do everything possible to encourage the creating of reserve lending institutions such as the Bank for Savings and Loans so that idle funds can be channeled into institutions which have a need for them.

It is my hope that speed action can be taken on this legislation so that when the December deadline approaches, the Bank for Savings and Loans will not be forced out of existence.

ALLENTOWN EVENING CHRONICLE OBSERVES 100TH ANNIVERSARY

(Mr. ROONEY of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROONEY of Pennsylvania. Mr. Speaker, I am privileged today to bring to the attention of my colleagues a century of service by the Evening Chronicle newspaper of Allentown, Pa.

One hundred years ago today this newspaper published its first edition under the name "Daily Chronicle." During the past century its pages daily have chronicled the events which marked the development of the community it serves and of a growing nation which in its infancy had placed a high value on a free press.

Obviously, Mr. Speaker, for any newspaper to survive for a century is a tribute to that newspaper's acceptance by its readers. The Evening Chronicle has developed and maintained a high standard of responsible and responsive journalism. Through its standard, Allentown and the Lehigh Valley have benefitted immeasurably.

Today, the Evening Chronicle is one of three newspapers published by the Call-Chronicle Newspapers, Inc., serving a seven-county area of eastern Pennsylvania. I am pleased to have this opportunity to review for my colleagues the history of this fine newspaper, and to declare publicly my warmest congratulations upon the achievement of this publishing milestone and best wishes for many more years of distinguished journalistic service to the Lehigh Valley community.

The Evening Chronicle was first published on March 3, 1870, from the office of the Lehigh Register, located on Hamilton Street, east of 7th in Allentown. Through the years it underwent a series of name changes, but always carried "Chronicle" in its logotype.

The first edition was the Daily Chronicle, which by 1880 had become the Chronicle and News. By 1890 it was the Daily Chronicle and News. "And Evening Item" was added to this title in the 1920's and was dropped again by 1930. In 1940 the name was changed to the Evening Chronicle, which it remains today. At the same time, the Chronicle name was added to the Sunday Call-Chronicle.

The Chronicle actually traces its history to December 3, 1868, when Robert Iredell and Morgan R. Wills arrived in Allentown from Norristown, where they published the Herald and Free Press. When Iredell and Wills left Allentown, in Iredell's pocket was an option to buy the Lehigh Register, a weekly founded in 1846 by August L. Ruhe but operated in 1868 by Elisha Forrest.

By May of 1869, Robert Iredell was installed as publisher of the Register and had taken up residence in Allentown. He moved cautiously because he was a Republican and the son of a Republican in a city that was Democratic and where the two principal newspapers were the Allentown Democrat, a weekly, and the Lehigh Valley Daily News.

But eventually he issued the first Daily Chronicle on March 3, 1870. The full press run of the four-page paper consisted of 1,000 copies, which the public purchased avidly. He continued to publish the weekly Register, which finally went out of existence shortly before World War I.

On May 8, 1875, he acquired the Daily News and changed the name of the paper to the Chronicle and News. In 1877, he purchased the Morning Herald, which was carried briefly in the nameplate, but then was dropped. That same year, he became postmaster of Allentown, continuing in that position through the administrations of Presidents Garfield, Arthur, and Cleveland.

Iredell died at the age of 49 on October 22, 1893, but the Chronicle survived him and has continued to function in the tradition he established. The personal journalism of his era is a thing of the past, but he made the Chronicle a potent community force and it has continued to be that during the various changes of ownership and under the guidance of various editors and publishers.

Since 1935, the Chronicle has been part of the Call-Chronicle Newspapers, Inc. Its publisher is Donald P. Miller, son of the late David A. Miller, who was copublisher of the Morning Call with the late Royal W. Weiler and J. C. Shumberger when they acquired the Chronicle in 1935 to keep its ownership local.

Although the Chronicle was Republican by tradition, its editorial policy has become independent, giving it greater latitude in commenting on the issues of the day. Its news presentation historically has been accurate and objective, regardless of its editorial attitude on the current issues.

Through the years, the Chronicle has gained widespread recognition as one of the best written and best edited newspapers in the country. Although it is 100 years old it is modern in its approach to the news and issues. There is no hesitancy to try editorial and mechanical innovations, a fact that has helped to keep the Chronicle young despite its 100 years as a vital part of the daily life in Allentown and the Lehigh Valley.

SALUTE TO THE CITY OF CUERO

(Mr. KAZEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. KAZEN. Mr. Speaker, it is with great pride and admiration that I join the Lone Star State and the Nation in saluting the city of Cuero, Tex., for winning the honor and distinction as an All America City of 1969. This citation and recognition was recently announced by Look magazine and the National Municipal League.

Cuero, with a population of 8,000, is the county seat of De Witt County and located in the northeastern part of the 23d Congressional District, which I am honored and privileged to represent in Congress. Cuero's economy is based on agribusiness industries; it is a leading broiler, egg and turkey producing area with 80 percent of its farm income stemming from poultry and livestock.

As one reads the Look magazine article of March 10, 1970, for which I request permission to insert in the RECORD so that my colleagues may share with me the pleasure and joy of this recognition, I am moved to ask a most appropriate question: What makes a city?

A city is a community of institutions, businesses and people banded together for the purpose of creating and living in a healthy, industrious environment. It is a community that takes pride in its surroundings and whose neighborhoods desire and aspire for a better future for their present inhabitants as well as for the youth of tomorrow. There is a spirit of local patriotism—an allegiance to the community to make it a better place in which to live.

Cuero is an example of the melting pot history of our Nation, for here you see a joining together of various ethnic and racial groups, with diverse and rich cultural backgrounds, who joined together with a positive attitude of building and doing for the common good. Citizens of Cuero are a freedom loving people, a model community that exemplifies citizen participation in the practice of democracy with peace and prosperity and a deep sense of patriotism, at a time when other parts of our Nation are wracked with civil disturbances and radical demonstrators who desecrate our American flag and tear at the fabric of our society.

Cuero's popular and hard-working mayor, the Honorable Jack Edgar, commenting on this great honor, remarked:

> This is undoubtedly the greatest honor that has ever been bestowed on our city . . .

And I would like to add my comments by saying that, while receiving this award is indeed cause for celebration and a festive occasion, it also carries with it a mandate to follow through with the tradition of great citizenship it symbolizes. It is also a time for rededication to the principles that brought this award and distinction to the people of Cuero.

Mr. Speaker, I extend my sincere and enthusiastic congratulations to all the citizens of Cuero for meriting this outstanding recognition. Well done, Cuero.

The article referred to follows:

LOOK AND THE NATIONAL MUNICIPAL LEAGUE SALUTE CUERO, TEX., "ALL AMERICAN CITY" OF 1969

(By Thomas Barry)

You expect cattle and superlatives. You get both in Cuero (pop. 8,000), an old ranching town in the rolling green tableland of south Texas, 50 miles from the Gulf. The Chisholm Trail to Missouri began near Cuero in 1866 and, according to a local pamphlet, handled ten million cattle by the turn of the century—"the greatest movement of animals under the control of men in all history." Mayor Jack Edgar, who retired here after 30 years in the Army, swears that the town today holds "more barbecue parties per person than any in the nation."

What you don't expect in Cuero (a Spanish word for raw, or green, hides) is a phone book full of German names. They belong to descendants of immigrants who fled coastal hurricanes in 1875, many bringing their porticoed homes with them, board by board. Another surprise is a high school team called the Gobblers—until you learn that Cuero is the Turkey Capital of the World, serving a region that ships over a half-million birds annually.

Agriculture, some oil and gas production and light industry carried Cuero into the mid 1960's as a rich, conservative, close-knit community. Low taxes and abundant quail and deer hunting made it a good place to work and retire. (One quarter of Cuero's teachers and seven out of nine lawyers are native-born; 1,400 residents—a big proportion—are over 65.) Problem was, most of the wealth poured right into the town's three banking institutions, boasting deposits of $27 million. Over a 50-year period, the school system received a scant $400,000 for improvements—as enrollment tripled. Housing became dilapidated, especially in the Negro district west of the Southern Pacific tracks. Social and municipal services decayed. Young people were leaving town because no new jobs were available.

In late 1965, the prospect that Cuero's three small hospitals couldn't measure up to Federal Medicare requirements led to the formation of a committee headed by Clifton Weber, an auto dealer. This group proposed a new $1.7 million hospital and got unusual response from a community of reluctant spenders. The town voted five to one to establish a hospital district, then passed a $750,000 bond issue and finally, fortified by $850,000 in Federal money, donated $170,000 more in a fund drive. "Usually you can't tax and solicit contributions at the same time," says Will Cockrell, the lanky, 35-year-old city

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manager who arrived in 1967. "But they did it."

The hospital provoked a remarkable turnabout in Cuero, an accelerating willingness to work, spend and (with swallowed pride, perhaps) seek out the much maligned Federal dollar. With representatives from Mexican-American and Negro minorities (35 and 10 percent, respectively), a Public Housing Authority got to work in 1966, designating four building sites and winning approval for 110 units for the elderly and the poor. The Jaycees, meanwhile, helped tear down and remove some 40 unused shacks. Cuero's Industrial Foundation raised $40,000 toward a building that was leased to a furniture-manufacturing plant; it now employs 55 Cueroites and will hire 75 more this year. The city matched a $105,000 Federal grant for an outdoor recreation project. The school system raised salaries and will have a new junior high, thanks in part to a $1.4 million bond issue passed four to one last fall—"at a time," says Superintendent Elgin Sims, "when 80 percent of these are failing in Texas." With a brand-new nursing home and 50 city blocks newly paved by citizen assessment, City Manager Cockrell says humbly: "The people here have done more than we can say grace over."

MENINGITIS AT FORT LEONARD WOOD

(Mr. SYMINGTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. SYMINGTON. Mr. Speaker, there is widespread concern in St. Louis County over the outbreak of meningitis at Fort Leonard Wood. Since December, 32 cases of meningitis have been diagnosed, and three servicemen have died of this disease. Many of my constituents have written expressing concern for their sons and husbands, and I share that concern.

I requested and have received a report on this disease and its treatment from Gen. W. T. Bradley, Commanding Officer, Fort Leonard Wood. It reads, in part:

> Because the clinical picture may change so rapidly and abruptly, every patient suspected of having meningococcal disease should be treated with urgency. Emphasis in control is placed on the regulation of environmental factors such as avoidance of overcrowding where trainees congregate, adequate sleeping space for trainees, adequate ventilation, avoidance of excessive fatigue, eight hours of sleep for every trainee (including) compensatory time for night exercises or duty, good personal hygiene and good general physical conditioning. Also encouraging men to report to sick call upon first developing any sign or symptom of an illness, and many other measures aimed at protecting the individual soldier and limiting the spread of the disease.

Mr. Speaker, these recommendations do not entirely coincide with the statements of one of the young men who died of this disease, at Fort Leonard Wood. In a letter to a friend shortly before his death, this young man expressed the following concerns:

> My cold, if that's all it is, is a killer. Every time I sneeze my neck hurts at the socket. Going on sick call is almost a complete impossibility because of the absurd company rule that anyone desiring to do so (besides having to to line up for 4:30 formation) must pack all his belongings (including field gear and bedding) in a duffel or what have you and cart it over to supply. Crazy, yes! The excuse is that they have no idea whether or not we'll be going to hospital, so we'd better prepare. Lug all that stuff to supply. Hell, I had to run it from there to barracks on first day and that was almost impossible when I was well. To do it when I'm sick they must be kidding. Anyway, the discouragement is there.
>
> Oh that other piece of advice about 2-man rooms. I'm in a seven men room, as is over half the platoon. Two fellows in the room snore like dogs and I'll have to learn to fall asleep to that. The probability of getting 2-man rooms is much less than seven man rooms. Of course there are some 56 of us in our platoon.
>
> Also the SDI finally admitted that there have been 4 cases of diagnosed meningitis in the battalion so far and 2 in Charley company. Wow, meningitis—I know nothing about it. The SDI himself didn't know if it was spinal meningitis or not. We still get 6 hours sleep only.

I can well appreciate the rigors of military training, Mr. Speaker, but it is evident that the living conditions and treatment procedures outlined in the report I received are not the same as those experienced by this young man. I have written to Secretary Resor, General Bradley, and the Surgeon General requesting that they furnish me with information regarding changes in treatment procedures and living conditions which are being instituted at Fort Leonard Wood to remove these discrepancies. It is my understanding that an immunization program has already been initiated, and I am encouraged by that action.

I have also received expressions of concern from parents whose sons are about to enter training at Fort Leonard Wood, and I can appreciate their concern as well. I have requested that these same officials assure me at the earliest possible time that young men can be safely accepted for training at Fort Leonard Wood, so that I, in turn, can reassure their parents.

I cannot overemphasize, Mr. Speaker, the urgency of this matter. The St. Louis Globe-Democrat today reported the death of an 11-year-old Centralia, Mo., girl and the critical condition of a St. Louis County teacher, suffering from the same disease. Both of these individuals had visited Fort Leonard Wood recently. I am most anxious, therefore, that Secretary Resor, General Bradley, and General Jennings respond at the earliest possible time.

DISPARITY BETWEEN URBAN RENEWAL AND RURAL RENEWAL PROGRAMS

(Mr. MIZE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MIZE. Mr. Speaker, the recent grant of $5,710,000 to a Kansas community of some 18,000 people for an urban renewal project, prompted the State director of the Farmers Home Administration to point out some of the disparity which presently exists between urban renewal programs, and rural renewal programs.

As E. Morgan Williams, the Farmers Home Administration director for Kansas states in a letter to me:

> One town in Kansas can get a $5,710,000 grant for urban renewal, while we have only $1,730,000 for the entire State of Kansas for rural water and sewer development this year.
>
> Of this $1,730,000 we have allocated to us, only $330,000 is grant money while the rest are loan funds. The loan funds will be paid back with interest. The one $5,710,000 grant is equal to 3.3 years total water and sewer money for Kansas at the present rate of funding.
>
> We have financed 150 water districts over the years and have used only $1,600,000 of grant money for all those projects. $5,170,000 grant money represents 17 years of grant money for water and sewer development at the present rate of funding.
>
> Rural people don't ask for large grants but would like to be able to borrow rural renewal money in reasonable quantities. It seems there are probably only two ways to work toward more loan funds; (1) more direct appropriations for water and sewer loans, (2) clearing up the present technical difficulties with the Bureau of the Budget, which has caused FHA to lose $50 million worth of insured loan authority to purchase and resell municipal and quasi-municipal water and sewer organization's tax-exempt bonds. This difficulty has cost rural people millions of dollars and has slowed water development all across the country.

As Mr. Williams points out, this is a disparity which needs to be corrected. With all the emphasis upon the reversal of the migration of people from rural communities to the urban areas, we must do everything possible to make the rural communities as attractive and livable as possible. The Farmers Home Administration has the programs to assist rural residents in acquiring homes, farms, farm improvements, water systems and sewer systems. Additional funds are needed to implement these programs at effective levels, not only in Kansas but in other States where a large percentage of the land is still outside the urban complexes. As we review the appropriation requests for fiscal year 1971, we must keep the adequate funding of these programs in mind.

CCC CALLUP OF RESALE WHEAT AGGRAVATES BOXCAR SHORTAGE

(Mr. KLEPPE asked and was given permission to address the House for 1 minute, to revise and extend his remarks and to include extraneous matter.)

Mr. KLEPPE. Mr. Speaker, for several months an acute shortage of boxcars has hampered the movement of grain from country elevators in North Dakota and other Great Plains States. Cash grain buyers have millions of dollars, borrowed at high interest rates, tied up in wheat and feed grains which remain on the farms or in warehouses, awaiting boxcar availability.

Last week, the Interstate Commerce Commission ordered, effective March 27, return by all railroads of boxcars to the lines which own them. Penalties for failure to comply become effective June 1. This order should result in return of a substantial number of cars to the shortage-plagued areas. By that time, however, the new crop will begin moving to market and the problem could get worse, instead of better, if the ICC order is not firmly enforced.

Further complicating the problem is the call for delivery of farm resealed wheat by Commodity Credit Corporation. I have sent the following telegram, in connection with this matter, to Secretary of Agriculture Clifford M. Hardin:

FEBRUARY, 27, 1970.

Hon. CLIFFORD M. HARDIN,
Secretary, U.S. Department of Agriculture,
Washington, D.C.

The acute shortage of available boxcars for movement of grain from North Dakota and other great plains States will be further aggravated by CCC callup of 1964–65–66 crop wheat under reseal.

I understand March 31 is delivery date for earlier crops and May 31 for 1966 resealed wheat. This will come at a time when 1970 crop wheat from the southern plains will begin moving to market.

Hopefully the ICC order under ex parte 241 effective March 27 will result in substantial return of cars from other carriers to midwestern and western railroads. This is a "wait-and-see" possibility for warehousemen who have been unable for months to get cars needed to move cash grain on which they are paying high interest.

I realize there is currently a strong demand for hard spring wheat to fill export demands, especially from west coast ports. If the United States does not supply these dollar markets, our competitors will. This would be disastrous not only for U.S. wheat growers but for the United States and its already unfavorable balance of payments position.

I believe it would be possible to meet these export demands and contribute to a solution of the grain car shortage, at the same time, by postponing the CCC call for delivery of 1966 crop resealed wheat for another year or until such time as there is an adequate supply of grain cars to move both commercial and Government-owned grain. I strongly urge you to consider this now, in the light of the critical car shortage.

TOM KLEPPE,
Member of Congress.

THE EDDIE HARRISON CASE

(Mr. McCULLOCH asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous material.)

Mr. McCULLOCH. Mr. Speaker, once in a while the criminal process—which we would prefer to think of as a system—works. Once in a while when a crime is committed, a man is apprehended and convicted and sentenced to jail and then rehabilitated. Once in a while.

Edward Bennett Williams, the noted criminal defense attorney, has said that in his wide experience he has seen this process work only once.

Why does the criminal process so seldom accomplish its purpose? There are many reasons. But as I indicated on the floor of this Chamber last February 17, the reason most often overlooked is the sad plight of our correctional institutions. At a time when people are afraid to go out at night because of crime, it is easy to emphasize the need to detect and arrest criminals. It is not easy to convince these frightened citizens that they should spend their tax money for the criminals, as they do when they establish and support correctional institutions.

So the tax money is not spent. The convicted are committed to inhuman treatment, hardened, educated in the ways of crime, and then turned out upon society. The result, of course, is a rising crime rate.

For too long a time we have satisfied ourselves with a comforting theory that correctional institutions correct. They do not. I would be hard pressed to match the one case known to Edward Bennett Williams were it not for the case of Eddie M. Harrison. Mr. Harrison is a remarkable man. Having been sentenced to a mandatory life term, he has served 8½ years. Yesterday, the President commuted his sentence because, from all accounts, Mr. Harrison needs no further rehabilitation and society needs Mr. Harrison.

The columns of William Raspberry and an editorial from the Washington Post set forth the facts of this most unusual case far better than I could. They are as follows:

[From the Washington (D.C) Post, Jan. 18, 1970]

REHABILITATION GOAL STRESSED

(By William Raspberry)

There are a couple of ways of looking at it:

Eddie Harrison is lucky to be alive, even if he will be spending a lot of time in jail. Or:

Eddie Harrison is the helpless victim of rules that don't make any sense; by any standard of justice and common sense, he would be living a productive life on the outside.

If the name Eddie Harrison rings a bell, it is because it has often been in the news. The 27-year-old youth worker recently lost his fourth appeal from a murder conviction stemming from the slaying, nearly 10 years ago, of George (Cider) Brown. He's expecting the marshals to come calling any day to take him back to jail.

Meanwhile, Eddie Harrison is free on personal bond, which is one of the more interesting aspects of his case.

More interesting still is the "why" of his imminent return to jail. Not the off-the-cuff reasons: Because he killed a man, or because the law says he has to go.

I mean the fundamental "why"—why we think it makes sense to send people to jail at all. The usual answers have to do with protecting society, rehabilitating criminals or punishing wrongdoers.

We must be punishing Eddie Harrison, because in his case, the first two answers don't make sense.

No one can suppose Harrison represents a threat to society. While he was still serving the first 8½ years of his life sentence, Harrison, a recreation specialist, used to be taken to baseball games on the outside, along with other prisoners.

He went under guard, of course, but officials acknowledged that they allowed him to go to the refreshment stands without a guard. He never attempted to escape, they said.

They made the statement in support of Harrison's highly unusual request that he be freed on personal bond during his latest appeal. Still more unusual, the request was granted. And for 16 months, Harrison, convicted murderer, worked for UPO as a work-site foreman in a job-training program.

That's how much of a threat to society he is.

That, also, is an indication of how well he has been rehabilitated. He first went to jail a bitter, resentful 18-year-old dropout. (The slaying took place when he was 17.)

Over the next several months, he "went through a lot of changes, including being nasty, toying with the Black Muslim thing and condemning whitey," he said. "Then I decided that stuff wasn't helping anybody."

So Harrison quit playing games and started hitting the books. He not only became a model prisoner but educated himself far better than the public schools had managed to do.

He also started working on a proposal for helping young first-offenders get off the criminal treadmill. In fact, he talks more about his proposal these days than he does about serving the rest of his sentence.

His is the kind of rehabilitation that corrections officials dream about. It is what we keep telling ourselves is the aim of our whole correctional system.

But is it? If Eddie Harrison represents the ideal of what we want our correctional institutions to do, *What the hell are we sending him back to jail for?*

For the rest of his life, quite possibly. More probably for another seven years, which is how long it will be before he's eligible for parole from his life sentence.

And even that is a waste. Not as much a waste as it might have been, to be sure. Harrison spent 16 months on death row before his sentence was commuted to life.

But Eddie Harrison needs to be out where he can do some good, working with youngsters of the sort he used to be when he was growing up at 4th and M Streets.

About the only way that can happen is through executive clemency. You listening, Mr. President?

[From the Washington (D.C.) Post, Jan. 19, 1970]

INSIDER'S PROPOSAL ON CRIME

(By William Raspberry)

Don't be surprised that Eddie Harrison's proposal for doing something about Washington's crime makes more sense than some ideas that our learned leaders have come up with.

Harrison knows at first hand about crime and criminals, having grown up in a neighborhood where the law-abiding kid was a misfit and having spent 8½ years in jail on a murder rap.

He will be returning to jail any day now to complete his life sentence.

Harrison says he shot George (Cider) Brown accidentally, but that's another story. The point is that his background qualifies him as something more than a layman/theoretician.

The central thesis of Harrison's proposal is this: youthful slum dwellers become criminals chiefly because their environment predisposes them to criminality. The best way to set things right is to put these young men, particularly first offenders, into an environment that predisposes them to decency.

And you know very well that he isn't talking about prison. No matter that we call them by such names as "reformatories" and "correctional institutions," jails and prisons do as much to reinforce criminality as the worst slum around.

For youngsters from the slums, the decency-encouraging environment doesn't exist. Harrison wants to build one.

First he wants you to understand the kind of dilemma that faces youngsters in the ghetto. They can't make it in the ghetto unless they accept the standards of the ghetto—which means stealing, robbing, lying, cheating and whatever else it takes to beat The Man.

But the same standards of conduct that are necessary for making it in the ghetto tend to render it impossible to make it *out* of the ghetto, into the mainstream, the decent job, respectability.

Harrison wants to establish an experimental Community Resource Center to which selected first offenders and recidivists could be committed as an alternative to prison.

After learning, through testing, the aptitudes, abilities, education and ambition of those committed to the center's care, Harrison would begin working toward "the establishment of normal healthy attitudes."

To do this, he would enlist the aid of every agency that could be of help—from the Department of Labor to the YMCA and Big Brothers of America.

He would provide personal counseling, job development, skills training, remedial education and housing outside the ghetto—even outside the city, if necessary. In short, a decent environment.

And how long would he keep them?

"The average length of time between arraignment and final disposition is 10 months. During this crucial period, when a defendant is highly receptive to rehabilitation, we propose to administer our intensive program of social-related remediation, specifically to those placed on personal or monetary bail. . . .

"Those adjudged guilty would be sentenced to a term of participation in the Community Resource Center (for so long as they showed sufficient improvement to warrant their remaining out of prison) . . . For those adjudged innocent, the same services would be made available, with the exception that they would not be *required* to participate."

According to Harrison, too many youthful offenders view pretrial release as "an opportunity to 'go for broke' and continue unlawful activity as a means of gaining money to have a last fling before being incarcerated."

He would offer an alternative; "an opportunity to reform before it is too late."

Harrison acknowledges that his proposal has its limits: "The cold fact is that the hardened criminal, one who earns his livelihood committing crimes, is beyond help and will be a problem as long as he is in society."

[From the Washington (D.C.) Post,
Jan. 28, 1970]

HARRISON: IS FREEDOM A POSSIBILITY?

(By William Raspberry)

From a purely technical point of view, there is a possibility that Eddie Harrison will soon be a free man. But from a practical standpoint, it's hard to like his chances.

Harrison, now 27, is convicted of the 1960 slaying of George (Cider) Brown, a local gambling figure—a killing he claims was accidental although he has lost four appeals from his murder conviction.

But almost no one who has had any contact with Harrison—even those who believe the murder conviction was a good one—sees any sense in sending him back to jail. He is, by all accounts, a remarkably rehabilitated man.

It is one thing, however, to say that it will do no good to make Harrison complete his life sentence; quite another to get him out.

Lawrence M. Traylor, acting pardon attorney for the Justice Department, explained the possibilities.

There are basically three ways a convict can be released short of his full sentence: parole, pardon and commutation.

Parole won't be a possibility for Harrison for another seven years or so. Pardons usually are granted convicts who already have served their time, primarily as a means of restoring full citizenship status. Moreover, there has not been a presidential pardon in the past two years. That leaves commutation.

Traylor, who has talked to Harrison, is noncommital about his chances for commutation—and for good reason.

The pardon attorney's job is to review applications for executive clemency (including pardons and commutations) and pass them along to the attorney general for recommendations to the President.

Over the past six months, President Nixon has granted just four commutations. Three of those were for terminal illness (the most frequent category of commutation); the fourth was for Dr. Thomas Matthews, the much-admired head of the National Economic Growth and Reconstruction Organization (NEGRO), who had been jailed for his refusal to pay income taxes.

That is precious little action—and precious little ground for optimism on Harrison's part—when you consider that Traylor's office gets from 500 to 600 applications for executive clemency every year.

It may even be worse than that. Commutations generally are granted only to prisoners who are dying or who have served nearly all their sentences.

"Using our regular standards, he (Harrison) is a little premature in applying," Traylor said.

The implication is that Harrison ought to serve a few more years and then apply for commutation. It is an implication that defies logic.

It would be a tragic waste, it seems to me, if Traylor, the attorney general and the President insist on applying the "regular standards" to a most unusual young man.

Harrison probably is strong enough, "together" enough not to be destroyed by spending another few years behind bars. But that is not the only consideration.

Somehow it ought to be possible to take into account that while further incarceration might not destroy him, it certainly cannot help him. Jail already has done as much for him as it can. Even his jailers admit that.

Then there is the fact that, during the 16 months he was free on appeal, Harrison demonstrated he has some ideas and some talents that are needed to help divert some other young Washingtonians from the road that leads to jail.

Harrison not only deserves and needs his freedom. We, deserving or not, need him.

Traylor said there is no particular reason to believe that a letter-writing campaign, directed at either the attorney general or the President, would enhance Harrison's chances for favorable consideration.

Maybe. But it couldn't hurt.

[From the Washington (D.C.) Post, Feb. 18, 1970]

CLEMENCY FOR SOCIAL ENDS

In one of the four commutation cases on which he has acted to date President Nixon clearly used his pardoning power for a social end. He released Dr. Thomas W. Matthew after the latter had served only two months of a sentence for an income-tax violation because of the constructive work Dr. Matthew was doing in the field of "black capitalism." This use of the pardoning power for a laudable social purpose suggests that other sentences may be shortened where it can be shown that similar benefits would accrue.

One of the cases now pending is that of Eddie M. Harrison who was convicted of participting in the murder of a gambler when Eddie was 17. For that crime he was sentenced to life in prison. But he made such a remarkable record in prison that Circuit Judges McGowan and Leventhal released him on personal bond pending appeal of his case. Circuit Judge Burger, now Chief Justice of the United States, noted in an opinion on the case last June that the court had no authority to alter the mandatory sentence but indirectly suggested "executive clemency" because of indications that "some of the rehabilitative purposes of imprisonment may already have been achieved. If we believe, as we must, in these concepts," he added, "there is a duty to recognize such manifestations and encourage such progress."

Since his release Eddie Harrison has been training disadvantaged youths at the United Planning Organization and going the extra mile to help them work out their problems. Because of his background and experience he is said to have been unusually successful in helping other young people. One supervisor has described Eddie Harrison as "the most effective counselor that I have ever seen." A young man who has apparently straightened out his own life and is now helping to steer other disadvantaged young people away from potential crime has a formidable claim to consideration under the principle that the President appears to have laid down.

I am very pleased with the action taken by the President yesterday. We are all indebted to William Raspberry and the Washington Post for bringing this matter to light. Justice was done.

DEMOCRAT POLICY COUNCIL INCREDIBLE

(Mr. DEVINE asked and was given permission to address the House for 1 minute and to revise and extend his remarks and to include extraneous matter.)

Mr. DEVINE. Mr. Speaker, in their desire to disparage President Nixon and his efforts toward a solution of the Vietnam conflict, the members of the Democrat Policy Council have brought forth a confusing "interim platform on Vietnam." This statement is ambiguous in many respects. To mention two, though it criticizes the Vietnam policies of President Kennedy and Johnson, it neglects to point out that former Vice President Humphrey was one of its main authors. Second, while calling for withdrawal of all U.S. troops within 18 months, it simultaneously calls for negotiations to continue with a new top level U.S. peace negotiator.

What the Democrats fail to consider is that with unilateral American withdrawal promised within a limited time there is no reason for the North Vietnamese to negotiate or make any concessions—they need only wait for the lapse of 18 months to achieve their full goals.

This ambiguity, and others, are pointed out in an editorial from the Portland Oregonian. I commend this editorial to the attention of my colleagues.

[From the Portland Oregonian, Feb. 11, 1970]

DEMOS' VIET PLATFORM

The Democratic Policy Council of 50 of the party's leaders, including former Vice President Hubert Humphrey and other prospective presidential candidates, have drafted a statement on Vietnam repudiating the Vietnam policies of the Democratic administrations of John F. Kennedy and Lyndon Johnson.

The declaration adopted Monday in Washington contrasts sharply with former President Johnson's spirited defense of his Vietnam policies on a television interview last weekend. It calls, in effect, for a break with the current government in Saigon, fostered during the years of Democratic power in the White House, and asks a limit of 18 months on the withdrawal of U.S. troops, whose numbers mounted steadily in Vietnam throughout the Kennedy and Johnson years.

"Our schedule of withdrawal," the policy paper reads, "should not be dependent upon the progress of the Paris peace talks, the level of violence, or the progress of so-called Vietnamization."

This scarcely squares with another part of the declaration, which calls for an immediate appointment of a new top level U.S. peace negotiator in Paris, presumably for the purpose of pressing for some agreement which the Council has written off as a factor in

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U.S. withdrawal. Nor does the abandonment of these criteria for the pace of U.S. withdrawal recognize the necessity of the protection of U.S. troops in the exceedingly difficult operation of withdrawal under fire.

The Democrats' interim platform on Vietnam was drafted largely by Averell Harriman, who served as the chief U.S. negotiator in Paris under President Johnson. It is said to represent his views.

It gives nominal credit to the Nixon policy of gradual withdrawal of American troops as "a desirable first step." But the overall effect will certainly be to undermine that policy by holding out to Hanoi the promise of unilateral American action regardless of what might be done by Hanoi or Saigon. Why, then, should Hanoi make any concession toward the achievement of a political understanding in Vietnam, which the Democratic Policy Council says it wants?

The best that can be said of the declaration is that it presents a plan of sorts for American withdrawal; but it is no plan at all for peace in Vietnam. It reflects the luxury of irresponsibility of the leaders of a party out of power. The Democrats in control in the Kennedy and Johnson administrations were denied that luxury.

GALLAGHER INTRODUCES TWO BILLS TO TRANSPLANT A HEART INTO COMPUTERS USED BY LARGE CREDIT CARD FIRMS

(Mr. GALLAGHER asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. GALLAGHER. Mr. Speaker, I rise today more in sorrow than in anger to introduce two bills which have been made necessary, in my judgment, by the manner in which humans have used the computer.

Let me immediately say that I believe computer technology promises enormous benefits for individual business firms, our economy in general, and should be an invaluable tool in solving our Nation's ills. While aspects of computerization do hold many threats to the quality of American life, most particularly to the privacy of the individual, its capacity for good is, in the abstract, limitless.

But certain applications of computer technology seem to be strangely insensitive to the individuals whose dossiers comprise the input and output of the systems. I refer specifically to large credit card firms which have an appalling record of indifference to and neglect of human appeals to accurately reflect the individual's credit transactions.

At the end of my speech today, I shall insert three descriptions of current operating practices. One is a letter to me, dated February 17, 1970, from a New York writer; the second is a description in the September 4, 1969, issue of the New York Times of the case of an Army major; and the third is an article from the March 1970 issue Dun's Review, published by Dun and Bradstreet.

The two cases represent but an infinitesimal portion of the concern which has been expressed to me since my Special Subcommittee on Invasion of Privacy began studies of computer privacy in 1966 and initiated congressional consideration of the credit industry in 1968. The article, "The Computer and the Law," is a brief description of the incredible legal lacuna in which computer applications are taking place and suggests the necessity for prompt legislative action.

TWO NEW BILLS

The first bill I introduce today provides that a willful and persistent refusal of a creditor to make corrections in the account of a consumer shall relieve the consumer of liability thereon. My studies have disclosed that large credit firms are using computer-generated letters to express concern to customers who complain. These complaints are seldom if ever acted upon or even acknowledged by real people. This is highlighted by the widely known practice of American Express and other large firms to create a wholly fictitious name to sign to routine replies. This name is merely a code for the computer program which, incidentally, all of us may be some day. In the New York Times excerpt below the names are "L. Bush" and "L. James." In Mr. Boeth's case, it is "M. Sandone." One is compelled to ask the question so often heard on the popular television show: "Will the real 'L. Bush' stand up, please?"

This first bill, Mr. Speaker, will flush out these phantoms and flush out the humans who must be made responsible for responding to humans. In current situations, the first time an individual is aware that he has been unable to reach a responsible person is when he receives a communication from a collection agency, demanding immediate payment of a charge he has been disputing for months.

That is why the second bill I am introducing today is important. This bill will prohibit creditors from reporting disputed accounts to credit bureaus as delinquent. In the New York Times story, Major Raines is concerned about the firm's mistake damaging his career and his security clearance; Mr. Boeth is deeply distressed about his credit rating and with apparently excellent cause. For if the Diners Club could not even report to itself the facts accurately, what will it report to an outside body?

As was discussed by Dr. Alan Westin at my credit bureau hearings in March 1968, a real weapon in the hands of a dissatisfied consumer is refusal to pay for an item when it fails to meet the standards established at the time of purchase. These complaints are then, according to Dr. Westin, translated into a purposeful derogatory item reported by the merchant to the local credit bureau. It is bad enough when a merchant will vindictively damage the credit rating of a customer who complains; it is impermissible for credit ratings to be routinely damaged because of the failures of internal procedures in large credit card companies.

COMPUTER USE IS THE ISSUE

Few issues have so aroused many segments of our society as has the issue of trying to talk to a business firm's computer. It is among the most frequent complaints to many "action columns" run by newspapers around the country, and I know the volume of my mail on this issue has been extremely high through the years. It is inconceivable to these citizens that public service firms—depending solely upon the good will of their customers—have not been able to bring their own business machines under rational human control. It is incredible to those who have appealed to me that artificial names will be created, not for the convenience of a credit card holder, but merely to make computer programs run easier. And, in my judgment, it is extremely dangerous to the future of both the computer and American society to allow the computer to "take the rap" for corporate carelessness or indifference.

We have seen, Mr. Speaker, that the computer can be effective in controlling the fraudulent use of credit cards. Can we not ask that, at the same time, the computer be used wisely and compassionately, that it be employed in such a manner to preserve the privacy, the dignity, to say nothing of the tempers, of thousands of Americans?

To put it bluntly, private industry now seems to treat many of its customers the way militants claim the Establishment treats our citizens. At least one of the basic causes of the disenchantment with the Establishment is that organizations and Federal agencies seem frequently to be unresponsive to legitimate demands. As I have said often in the past, we are beyond the time when information about the citizen can be regarded as the sole property of the owners of data bases in which it resides. Computerized information systems are not rattling the bones of labeled skeletons as they manipulate dossiers; that smooth mechanical whirring is frequently the sound of human dignity and personal privacy being destroyed.

This is one reason why I am pleased we seem to be close to passing a bill in the 91st Congress which will open up the credit industry by allowing the individual to know the full range of information on him in these private repositories. One of the main results of my March 1968 hearings has been to shred the shroud of secrecy around these credit files and to create a rational atmosphere in which an individual's documents will be available for his corrections and additions.

But what of the cases, where a man's credit rating, so vital to enjoying the fruits of our Nation's prosperity and so important to both employment opportunity and insurance coverage, is fatally damaged by the inability of the managers of computer billing systems to make automation work for both their own good and for the good of their customers?

CONCLUSION

It seems, from the thousands of complaints that have reached public attention, that some completely automated firms are deliberately trying to destroy the future of the computer. My bills are aimed at preserving the privacy and economic integrity of abused individuals; the health of the companies involved by, hopefully, persuading them to accelerate internal reforms; and perhaps most important, to permit the computer to be used for its many valuable functions without being permanently tarnished by current practices. In short, I am trying to transplant a human heart and a human brain into computer applications.

Mr. Speaker, I include the letter, the New York Times story, and the article

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referred to above at this point in the RECORD, along with the text of my two bills:

FEBRUARY 18, 1970.

Hon. C. E. GALLAGHER,
New House Office Building,
Washington, D.C.

DEAR MR. GALLAGHER: I wonder if you have room in your files for one more case history of a Credit Card customer being pushed around by computers, ignored by the issuers of the card, and finally left with a blackened credit rating through no fault of his own. The story is about me, naturally enough, but it must have happened almost identically to thousands of other people—and what is horrifying about the story is not its complexity but its simplicity and triviality. It all happened so routinely.

(1) Last May I bought a round-trip plane ticket to London, and charged it to my Diner's Club account, Card No. 1728–3920–1, specifying to the travel agent that I wished to pay it off in installments—as one is permitted to do on plane tickets with a Diner's Club card. No bill arrived for the ticket until Aug. 1, but when it did come, Diner's Club included the full amount of the ticket—$300—under "current charges" and asked for immediate payment in full.

(2) I began writing letters to Diners Club, explaining that they had made a mistake in billing me for the ticket and that I wished to pay it off in installments, as originally specified to the travel agent. At first I got no answer to these letters, but every time I got a dunning notice from Diner's Club I wrote to the name signed at the bottom. Finally, in October, I did get an answer, from someone who signed himself "M. Sandone." It was only a form letter, but it said very politely and straightforwardly that they were aware of my inquiry, were looking into it, and would let me know.

(3) All this while I was paying off the ticket in installments every month at a rate of $25 per month, plus any interest charges. At the same time I paid all new charges to my Club card each month as I was billed for them, never taking more than five days to put my check in the mail. And of course I waited to hear from "M. Sandone" about my inquiry.

(4) I never heard from M. Sandone again, of course. Instead, late in January—on January 23, 1970—I received a letter from a Mr. ——— of 10 Columbus Circle, NYC, a lawyer and bill collecting agent for Diner's Club, threatening that "legal proceedings will be instituted immediately" unless I paid the full balance by return mail. I called Mr. ——— and asked him if he knew of my correspondence with M. Sandone; he said no, that these threatening letters go out "automatically" when a case is turned over to him, and he never investigates the background of the customer's "lateness" in paying. When I explained what had happened, however, Mr. ——— was affable enough, said that such mistakes were made all the time and promised to try to straighten it out—although he admitted that Diner's Club was so fouled up internally that it would take months.

(5) That was all until last week, when a telegram arrived from Mr. ——— office, signed by a Mr. ——— and again threatening legal action unless I paid the balance by return mail. I called Mr. ——— and he said that he indeed had gone back and investigated my claim that I had bought the ticket on the installment plan. Whatever the truth of the matter, Mr. ——— said, the fact was that Diner's Club had *recorded* the ticket as calling for immediate payment; Diner's Club did not care whether a mistake had been made about this or not, and did not care who had made the mistake. All Diner's Club cared about was getting its money immediately. This seemed to me a high-handed and unfair answer, but *it was nevertheless the only answer I had ever received to the substance of my inquiry the previous August.* And since there did not seem to be anything I could do about it, I sent a check the same day for the full unpaid balance of the previous bill—which was the full unpaid balance of that wretched plane ticket.

(6) I was relieved to be done with it, and I had only one request. I asked Mr. ——— whether Diner's Club would note in its communications with the New York Credit Bureau that my lateness in paying off the ticket was not lateness at all but merely the result of a perfectly routine inquiry by me which the Diners Club had said it was looking into but in fact *wasn't* looking into—that my "lateness" was the result of a Diners Club snafu, in other words, and not my own malefaction. This question made Mr ——— angry (for the first time). He replied that there would be no explanation of any kind—that the Credit Bureau would simply be told that my bill had been "cleared up" eight months late and could draw its own conclusions. He said that the Diners Club already "had more people answering mail than most Post Offices" and that it could not be blamed for making mistakes now and then.

And so there it is—a big fat black mark against my credit rating even though a) the original mistake was Diners Club's (or travel agent's), b) Diner's Club had promised that it was looking into my inquiry when it wasn't, and c) I was paying off the charges in regular monthly fashion all along and then paid off the whole amount the very same day that I received an answer to that inquiry. I could hardly be less of a deadbeat, but what recourse is there? The Diners Club makes thousands and thousands of such mistakes, I understand, but will not accept any of the responsibility. The Credit Bureau *knows* that Diners Club makes thousands of such mistakes, but takes all credit information from Diners Club at face value. Who finally can be made to take responsibility for this *routine* maligning of something as important as a credit rating?

And I am not just guessing wildly about the substance of Diner's Club report to the Credit Bureau. As it happened, Diners Club would not even admit *to itself* that I was a routine customer making a routine inquiry. My Diners Club card has been lifted, and they have sent me a card by which I may apply for *reinstatement* by supplying a lot more credit information—as if any sane man would ever again confide any information at all to those almighty and uncontrollable computers and the ignorant and irresponsible businessmen who pretend to run them.

What recourse for me and those like me?

Sincerely yours,

RICHARD BOETH.

[From the New York Times, Sept. 4, 1969]

PERSONAL FINANCE: MAN VERSUS CREDIT COMPUTER

(By H. Erich Heinemann)

Fred B. Raines is a major in the United States Army. He has a charming wife, Mary Louise—"Polly" to her friends—four lively daughters, and a bouncy little dog named Cricket.

Major Raines also once had an American Express Credit Card, account number 042 378 727 4. It wasn't a particularly large account, but it was paid on time and Fred Raines clearly believed that having the card was a useful convenience.

But then, last Feb. 7—although Major Raines didn't know it at the time—the TROUBLE started. On that date, a clerk at the Morgan Guaranty Trust Company decided, for reasons that have never been made clear, that a check for $100 that Polly Raines had made out to American Express had bounced.

The check didn't bounce; it was paid by the Fort Knox (Ky.) National Bank four days later, on Feb 11. But Morgan Guaranty—which collects payments made to American Express—thought that it had, and that was the beginning of a Kafkaesque nightmare for Fred Raines.

For almost six months, Major Raines tried to convince American Express that he didn't owe them the $100. At least 10 times he telephoned "Mr. L. Bush," his American Express customer service representative in New York, from Tampa, Fla., where he is now stationed.

Repeatedly, he was assured that there had been an error, which would be taken care of in a few days. He sent a photocopy of the canceled check to New York.

Repeatedly, he received tougher and tougher collection notices from American Express, culminating with a warning last month that "the use of a card after it has expired or has been revoked is a crime, punishable by fine or imprisonment under the laws of many states."

That collection notice, now claiming $108.51, including penalties and late charges, demanded that payment be made and the card be returned immediately. The next day, Aug. 15, Major Raines wrote to American Express, "I have read with interest and much disgust the provisions and demands in your letter and am happy to comply. Unfortunately, I cannot return my credit card to you. I have destroyed it. Said destruction took place on or about 5 August as I contemplated the monumental inefficiency which has led us to this point."

Today, Fred Raines's problems with American Express have—hopefully—been straightened out. In a final burst of outrage at American Express, he sent a copy of the 21-page dossier setting forth, day by day, the record of his problems with the company to The New York Times, which brought it to the attention of senior officials at American Express.

On Aug. 22, Clark B. Winter, vice president in charge of public relations at American Express, wrote to "express on behalf of the company our sincere apologies for what appears to be a series of unfortunate errors on the part of the several departments concerned." The steps that had led to the mix-up, Mr. Winter said, "I must admit are difficult to understand."

Mr. Winter assured Major Raines that his account had been completely cleared on the American Express books, told him to ignore any further computer-generated collection notices, and—to make amends—enclosed a new credit card, with a new account number, bearing the company's highest credit rating.

Major Raines says that he is satisfied with the apology, but a lurking fear and some fundamental questions still remain. He is now assigned to the United States Strike Command, based at MacDill Air Force Base, doing highly secret work.

At 35 years of age, Fred Raines—a Reserve Officers Training Corps graduate of Virginia—is a career officer in the Army—and he knows that a record of credit difficulties could hurt his chances for advancement, or even his security clearance. So he is keeping a complete file of his troubles with American Express, just in case.

More basically, however, Major Raines is asking questions about a society in which months of effort were unsuccessful in breaking through to communicate with a human being, rather than the giant American Express computer down on Lower Broadway.

"It is amazing," he said in his letter to the company last month, "that in this day and age, I, the victim, am the only person who possesses a file [recording the communications on the problem] other than the misprogramed machine regurgitations on which you apparently solely rely."

"I cannot help but ask," he added, "whatever happened to the human brain?"

The difficulty, in part, as Major Raines later discovered was that "L. Bush" and

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later "L. James" with whom he repeatedly communicated at American Express were not real people at all, but rather were simply code designations to route an inquiry to the proper section of the vast American Express clerical force.

So when Mr. Bush, or Mr. James, or Miss Murray, Mr. Bush's "assistant" answered the phone, it was almost always somebody new, who did not know the details of the account, and did not know what the previous communications had been.

In its defense, American Express argues that cases like the Raines affair—while they occur "far too often"—are "fortunately proportionately few" in relation to the company's more than three million credit card accounts.

The basic trouble, according to Mr. Winter, is the quality of the company's work force, "which we're doing everything we can to improve." Among other things, he said recently, American Express is planning to set up major regional data-processing centers outside New York City, where the quality of the available labor is higher.

"But we goofed," he added, "and we're not proud of it."

[From Dun's, March 1970]

THE COMPUTER AND THE LAW

(By Stanley H. Lieberstein)[1]

Can a company be sued because it does not have a computer? "I have no doubt," says Milton Wessel, an attorney who specializes in computer law, "that in the near future, failure to use computers will be the subject of a lawsuit. The failure to use the latest technology is frequently the subject of stockholder derivative actions."

What Wessel is talking about is a growing threat to companies today: the legal liabilities involved in the use of computers. Up to now, as industry has devoted its energies to the technical problems, the legal aspects of EDP have largely been ignored. Now, though, there is a rising wave of lawsuits in the courts, ranging all the way from charges of negligence and embezzlement to invasion of privacy. So it is obviously time for company managements to begin taking a hard look at all the possible areas of litigation and what they can do to protect themselves against them.

Take negligence. Several months ago, a federal court awarded $480,811 in damages to three wholesalers of auto and electronics parts who had sued IBM. The wholesalers contended that the computerized inventory-control system supplied by IBM's Service Bureau Corp. had consistently failed to perform as represented. The court agreed. In another case, a wholesale grocery company collected $53,200 from IBM for the negligent installation of a leased computer that made errors in shipping and billing.

In these cases, the suits were against the manufacturer. But companies that use computers can also be sued for negligence. Company management and directors have a duty to stockholders to exercise what the law calls "the care of an ordinary, prudent and diligent man" in performing their corporate duties. This applies to the use of computers, no less than to the issuance of a registration statement or to a stock transaction. For example, if the directors or management fail to undertake a reasonable study of whether computers should be installed, fail to consider the cost of using computers against the cost of not using them, or fail to find out whether competitors are using computers, they are open to a stockholders' derivative action.

Then there is the area of injury because of failure to use computers. The point again is that the law imposes an obligation on a company to exercise due care. So if a customer is injured by reason of, say, a defective part in a car or an airplane, and it was possible to use a computer to pretest the reliability of that component (such as by mathematical models or simulation), then the manufacturer and the user are open to liability for negligence.

One of the easiest crimes to commit with computers is embezzlement. Just recently, it was reported that a company employee stole a box of presigned continuous-form checks, which he then used after leaving the company without even having to forge the name. A more common type of fraud is for a computer operator to add fictitious names to the payroll and then cash the checks himself.

Because embezzlement is so easy, it is essential that companies set up internal controls of computer input. For one thing, they should limit access to program tapes. For another, the various functions associated with the computer should be divided among different people, each of whom has an assigned but independent responsibility. For example, if the job of authorizing the creation of checks is kept separate from the job of distributing them, there is much less chance for the type of embezzlement described above.

Internal controls, it should be added, are just as essential for companies that use computer-service bureaus. Automatic Data Processing, the large New Jersey service company, handles EDP programs for thousands of companies. Yet, as President Frank Lautenberg says: "The errors made by computers are of huge proportions, and the client who abandons his own control responsibilities is abandoning good judgment. It's like depending on your bank to come up with the right balance every time."

There are many ways in which computers can be used to commit fraud. Say, for example, that major stockholders in a closely held company wanted to inflate the value of the stock by distorting financial facts about the company. Incredible as it may seem, many lawyers believe they could inflate inventory, investments or property value, or manipulate reserve funds, by altering computer tapes. One type of manipulation, fairly simple and yet hard to prove, would be to change the entries for quantity and money in an inventory tape and then offset the changes by altering corresponding accounts.

In this connection, the recent Bar Chris decision—a landmark case in determining the legal responsibilities of executives—is important. The court ruled in Bar Chris ("The Legal Traps of Executives," Dun's, *May 1969*) that a registration statement must disclose every fact about a company that might influence the decision of a prospective investor. Many lawyers have interpreted this to mean that registration statement must state whether or not a company is using EDP, and if so what steps have been taken to prevent fraud.

PROTECTING THE RECORDS

Not only must a company protect itself against fraud or embezzlement arising from the use of computers, it must also protect the computer records themselves. If a company inadvertently opens up company records or secrets to competitors, or fails to set safeguards to protect them in other ways, it subjects itself to lawsuits by injured third parties, including creditors and stockholders.

The job of protecting computer programs is a particularly critical one, because at present there is no truly viable legal means at hand. However, on the strength of a re-
programs may soon be changed.
cent court decision, the rules on patenting

As a general policy, the Patent Office has refused to grant patents for computer programs on the premise that they constitute the performance of mental steps and "thinking" cannot be patented. This policy was challenged last year by Charles D. Prater, an R&D manager, and James Wei, manager of long-range analysis, of Mobil Oil Corp. Prater and Wei had devised a program and apparatus for analyzing spectrographic data and decided to apply for a patent. Sure enough, their application was rejected by the Patent Office, and this decision was upheld by the Board of Appeals.

The case was further appealed to the U.S. Court of Customs and Patent Appeals, and last August the court issued a decision that has made it a landmark case in this area. The court reversed the Patent Office and decided that a patent could be issued because the applicants' program involved more than mere mental steps. The precedent thus established is that a computer program can be patented if it can be shown that it involves a series of mechanical or electrical manipulations not dependent on the intervention of a human being—in other words, tying the software to the hardware. The court, however, limited its opinion to the facts of just the one case.

What is particularly significant about the Prater and Wei decision is the interpretation given it by William E. Schuyler Jr., the new Commissioner of Patents. Last October, Schuyler announced that he was rescinding the Patent Office guidelines prohibiting the issuance of patents for computer programs. Giving the case far more latitude than the limits of the court opinion, the Commissioner said: "We now will consider patent applications for computer programs on the basis of the merits of the specific inventions sought to be protected, rather than refuse consideration for reasons such as those discarded by the court in the Prater and Wei case."

Now Schuyler has ordered a study on program patent protection, leading possibly to new legislation. And besides protection, one of the major benefits he expects from software patents is lower costs. As he puts it: "Rather than force a second member of the computer software industry to [spend] manpower and money to produce the same or similar programs as those produced by the first, is it not more desirable to afford the second member an opportunity to acquire the right to use the program upon payment of a fee to the first?"

Computer output must be protected in several ways. Tapes must be protected physically from erasure and from exposure to heat and other physical conditions that would destroy them. Management must also take safeguards to prevent the theft of tapes, just as it must prevent the theft of any of its valuable properties, and take reasonable care to prevent the loss of proprietary information contained on the tapes.

A company can protect proprietary computer information in the same manner that it protects its other trade secrets: by limited exposure and by strict agreements with employees and others to whom the knowledge is entrusted. For the thousands of companies that use service bureaus, this means a written agreement spelling out in the most exact details who will be liable or responsible for what and and all the possible ramifications involved.

For example, unless an agreement specifies that the computer tapes belong to the client company, the courts will find that the tapes or other means on which data is stored belong to the service bureau. The agreement should also spell out who has access to the information and under what circumstances, and the employees of the service bureau should be held responsible for keeping the information in confidence.

Whether a company is dealing with a service bureau or directly with a computer manufacturer, there are other stipulations it should make sure to get in writing. For one, the time period within which the bureau or manufacturer has a right to correct any errors in computer operations should be spelled out. Beyond that time, the client company should have the right to go elsewhere for computer service and be able to hold the bureau or manufacturer responsible for any damages suffered.

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[1] Stanley H. Lieberstein is a member of the New York Bar.

Also, there is all too often a marked difference between what the computer is expected to do for the company and what it actually does once it is operating. So when deciding to buy or rent a computer, the company should make sure to get a tight agreement that spells out explicitly what the computer will do.

TAXES AND CREDIT

Other kinds of legal complications have also been opened up by computers. For one, they have created tax headaches. In addition to the regulations on writing off hardware, for example, companies must now take into consideration the new set of guidelines for handing software costs just released by the Internal Revenue Service.

According to the new guidelines, if a company develops its own programs, it may treat them as research and experimental costs and deduct them currently. If software is rented, the rental may also be deducted currently. If the programs are bought and they are included in the cost of the computer, the total cost can be depreciated over the computer's estimated life. Both company-developed and bought programs can be capitalized and amortized for a period of not less than five years. If a company wants to amortize software costs in less than five years, it must prove they have a useful life commensurate with the shorter time.

Since the whole subject of computer law is a new one, there are many areas of conflict yet to be resolved. Perhaps most serious in this age of credit is the very widespread problem of mistakes in customer accounts.

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As practically everyone knows, the job of correcting computerized errors in billings is often long and time-consuming. As just one example, it took four years for a New York publishing company to stop billing the Chesapeake Public Library in Virginia for a service that had been paid for in advance. The company eventually acknowledged that the bill had been paid, but somehow could not get the message across to its computer.

The real problem here, of course, is the possible damage to a company's or individual's credit rating while the account is being straightened out. It is almost impossible for the customer to trace the reason for the damage, because he does not have access to the credit information on him. As the computer spews out more and more data on everyone, the problem is bound to get even more critical, and experts in the field are already suggesting a law that would require all centers for storage of information (*i.e.*, data banks) to notify every individual about whom they possess data and to afford the individual access to the data for verification.

In all the areas of contention arising from the computer, the law will become clearer as more of the cases now in litigation are settled. The trend of court decision, however, can be inferred from the opinion in the case against IBM. Said the court: "His [the wholesaler's] whole business was wrapped around the spool of magnetic tape, which was not in his possession and was not even his property." Thus there is the implication that the individual is to a large extent at the mercy of computer technology.

H.R. 16266

A bill to prohibit creditors from reporting disputed accounts to credit bureaus as delinquent

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. Any creditor who reports to any credit bureau or credit reporting agency as delinquent any consumer account the obligor of which has given written notice to the creditor that the amount of the account is in dispute, unless the dispute has been resolved by a final judgment of a court of competent jurisdiction, shall be fined not more than $5,000, or imprisoned not more than one year, or both.

SEC. 2. For the purposes of this Act, the terms "creditor" and "consumer" have the meanings defined in section 102 of the Truth in Lending Act (15 U.S.C. 1602).

H.R. 16267

A bill to provide that the willful and persistent refusal of a creditor to make corrections in the account of a consumer shall relieve the consumer of liability thereon

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. Any creditor who refuses for more than sixty days after receipt of written notice of an error in a consumer credit account either

(1) to make correction of the error in accordance with the notice or

(2) to furnish a detailed and specific explanation of why the notice of error is itself in error shall be deemed for all purposes to have waived any right to collect or enforce any liability purported to be stated in the account as of the date referred to in the notice of error, or if there is no such date, as of the date of receipt of the notice of error.

SEC. 2. For the purposes of this Act, the terms "credit", "creditor", and "consumer" have the meanings defined in section 102 of the Truth in Lending Act (15 U.S.C. 1602).

PRESIDENT POMPIDOU OWES THE PEOPLE OF CHICAGO AN APOLOGY

(Mr. PUCINSKI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PUCINSKI. Mr. Speaker, President Nixon's apology to President Pompidou yesterday was somewhat premature and obviously based on misinformation provided the President. President Nixon apparently had not been informed that whatever embarrassment President Pompidou might have experienced in Chicago last Saturday may have been of his own doing.

Mr. Speaker, the Chicago Tribune carried a story this morning which sheds more light on what happened on that occasion. And I shall place it in the RECORD at the conclusion of my remarks.

There were 10,000 people around the Palmer House Saturday night for a meaningful purpose; people who in a spirit of dignity and solemnity, were trying to express their feelings to President Pompidou. Their conduct was exemplary in trying to tell the French President his policies in the Middle East will lead to a war America does not want.

I can assure you there was no incident to mar the solemnity of the occasion. When President Pompidou arrived at the Palmer House he emerged from his car smiling, the police had a 15-foot aisle cleared for him and the only people who got in his way were news and television photographers. There was not a single incident to interrupt him as he walked through the hotel to the dinner.

Obviously, President Pompidou mistook a mob of newspaper reporters and photographers for demonstrators.

Mr. Speaker, the Chicago Tribune quotes Deputy Police Superintendent James M. Rochford as stating that the police had cleared the hotel lobby for Pompidou's departure immediately after the dinner and he blamed the French party for abruptly changing their plans without notifying the police. Instead of leaving directly after dinner, Pompidous's party paused at a reception in the hotel. When the French did decide to leave, they did not notify the police but went on their own into the lobby where they ran into about eight demonstrators.

The Tribune quotes Mayor Daley as stating he knows of nothing during the visit for which "anyone is required to apologize."

He further stated:

> Compliments are due to those who turned out to demonstrate for the orderly manner in which they exercised their rights as American citizens.
>
> The Chicago Police Department fulfilled its responsibilities to both the visitors and the citizens in an exemplary manner.

Mr. Speaker, I believe that if President Nixon had been there and seen what took place he would conclude that if an apology is in order, it is owed to the people of Chicago by the President of France.

I think President Nixon acted too hastily in his apology yesterday. He overreacted. There is some reason to ask if President Pompidou sought a provocation.

The French President realized well that his visit to America was a diplomatic disaster for himself, but not because of protests regarding his Middle East policy.

His mission to America was a disaster because at no point had he captured the imagination of the American people.

Mr. Pompidou did not answer a single significant question of concern to Americans in our continued relations with the French.

His speeches were provincial and without substance.

In Chicago he talked about air pollution. He might as well have talked about motherhood.

At no point did Mr. Pompidou tell the American people when the French will assume their responsibility for the collective security of Europe from Communist aggression through NATO.

At no point did Mr. Pompidou tell the American people when his prosperous country—made prosperous with American help—plans to start paying back on that debt.

At no time did he tell us what contribution his country plans to make to restore peace in the Middle East.

Finally, this is the first time that a head of State met with our President and failed to issue a joint statement at the end of the visit. Obviously, he wanted to make no commitment to America.

Mr. Pompidou knows well that his political fortunes in his own country are at an all-time low with 46 percent of the

French people opposing his Middle East policy.

We have a right to ask if President Pompidou wanted the United States and her people as a setting for his own political advantages.

And when we saw through this facade and a large segment of the American people showed him in a dignified and peaceful way that they would not be used in this manner, the French President began to cry foul and had to have the President of the United States bail him out.

Mayor Daley quite correctly stated the case when he said he knows of nothing which occurred during the visit of President Pompidou to Chicago for which "anyone is required to apologize."

If anything, I believe that in retrospect it is Mr. Pompidou who ought to apologize to the people of Chicago and in particular to the Police Department of Chicago. More than 500 policemen maintained dignity around the Palmer House on Saturday night earning for them the gratitude, not the denunciation, by the French President.

May I remind the House that Mr. Pompidou had been well forewarned of the deep feelings of resentment in the United States against the French policy of unilaterally escalating the conflict in the Middle East. I myself was in France a few weeks ago and talked to Mr. Pompidou's assistants and told them of the depth of emotions in this country because of our fear of another major conflict in the Middle East.

If anything, Mr. Pompidou and his associates underestimated the depth of feeling in this country against France's present policies in the Middle East. He failed to understand how bitterly we Americans resent another Munich of which he is the modern architect.

Mr. Speaker, it is my sincere hope that now that the visit has been completed, both Mr. Pompidou and President Nixon will quietly reassess this experience. They will find that the manifestation in America was not directed at the French people but rather at the policy of France and, to a great extent, the policy of our own Government which fails to recognize that the only way we can restore peace in the Middle East is to restore parity of power.

It would be my hope that both President Pompidou and President Nixon will now quietly and dispassionately evaluate the growing crises in the Middle East and that President Pompidou will lift the embargo so that Israel can strengthen her defensive capability with the 50 French Mirages for which she has already paid $60 million. I hope further that President Nixon will decide to sell Israel the additional 25 Phantoms and the 80 Hawks so that this too can help Israel strengthen her defense posture. Responsible Israeli officials have stated time and again that they will end the daily raids only when Israel's defense posture is so secure that she is certain of her ability to defend herself in the event of an invasion.

Mr. Speaker, there is no question in my mind that only through parity of power in the Middle East can we get the Arab world and Israel to sit down and work out an acceptable solution for peace in the Middle East.

Mr. Pompidou's visit gave all of us as Americans an opportunity to emphasize this dramatic point.

The Chicago Tribune article follows:

CITY SECURITY FOR POMPIDOU IS DEFENDED

(By Michael Kilian)

Deputy Police Supt. James M. Rochford said yesterday that the official French party was primarily to blame for any embarrassment suffered by French President Georges Pompidou at the hands of pro-Israel demonstrators during his visit here last week-end.

In a statement issued by the police public information office, Rochford replied to French charges that Chicago police "either thru incompetence or design" relaxed security to the point where a confrontation between Pompidou and the demonstrators was unavoidable.

PROTEST JET SALE

At issue were demonstrations Saturday night protesting the recent sale of French jet fighters to Libya. More than 10,000 persons, most of them Jewish, confronted Pompidou as he arrived at the Palmer House for a dinner, and a small group of protesters accosted him inside the hotel lobby as he departed.

French officials contended this was "unheard of treatment for a French chief of state." Just before Pompidou's departure from Chicago, they complained the police had permitted an international incident which served to mar the French President state's visit.

President Nixon issued an apology yesterday for the demonstrations in Chicago.

TELLS STRENGTH OF POLICE

Rochford said security precautions around the Palmer House were stronger than those provided for Nixon's visit to the Sheraton Blackstone last month. Five hundred policemen were used at the Palmer House compared to only 200 at the Blackstone, he said.

Responding to French complaints that Pompidou's party had to pass thru a crowd of protesters to get into the Palmer House, Rochford said a 15-foot aisle had been cut thru the crowd.

He said Pompidou was apparently bothered by the "vocal quality" of the protest, and had confused a mob of newsmen and state department, and city officials for demonstrators.

BLAMES CHANGE IN PLANS

Rochford admitted that the police had agreed to clear the hotel lobby for Pompidou's departure, but blamed the French for abruptly changing their plans.

Instead of leaving directly after the dinner, Pompidou's party paused at a reception in the hotel. When the French did decide to leave, they did not notify the police but went on their own into the lobby where they ran into about eight demonstrators, Rochford said.

Mayor Daley said he knows of nothing during the visit for which "anyone is required to apologize."

"COMPLIMENTS ARE DUE"

"Compliments are due to those who turned out to demonstrate for the orderly manner in which they exercised their rights as American citizens," he said.

"The Chicago police department fulfilled its responsibilities to both the visitors and the citizens in an exemplary manner."

Gov. Ogilvie, who acted as host to Pompidou during his stay, reiterated his position of favoring Israel in the Mideast crisis, but said the dispute over the jet fighters had nothing to do with the official welcome.

TELL OGILVIE ROLL

Ogilvie was observed to have interceded with police on Pompidou's behalf to prevent any embarrassment to the French party.

Jewish politicians in Chicago justified the demonstrations and took exception to Nixon's apology.

City Treasurer Marshal Korshak called the demonstration "peaceful." Ald. Jack I. Sperling (50th) said he resented Nixon's apology. Ald. Paul Wigoda (49th) charged Nixon was embarrassing Chicago and said he would march in such a protest again. Ald. Leon Despres (5th), who is of French-Jewish anancestry, said Chicago showed no discourtesy to Pompidou.

Rochford said Pompidou's life was never in danger during the protest.

MORE ORGANIZATIONS JOIN DRIVE TO REPEAL TITLE II

(Mr. MATSUNAGA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MATSUNAGA. Mr. Speaker, a political miracle is in the making as the drive to repeal title II of the Internal Security Act of 1950 gains ever-widening support from concerned individuals and organizations throughout the Nation.

Nine national Jewish organizations, through their coordinating body, the National Jewish Community Relations Advisory Council in New York, have now joined the effort to bring about the repeal of the Emergency Detention Act. This support was expressed in a resolution recently forwarded to the House Committee on Internal Security.

These nine national organizations comprise the council together with 82 local Jewish community organizations in cities throughout the United States.

In a recent newsletter, the distinguished journalist, I. F. Stone, termed the present wave of support for title II repeal legislation, which passed the Senate last December, as a "political miracle." He further commented that—

> If it passes the House, it will rid the law books of a fascistic piece of legislation.

A news article from the February 27, 1970, issue of the Pacific Citizen takes note of this surging nationwide support from a significant number of Jewish organizations. For the information of my colleagues, the article is inserted at this point in the CONGRESSIONAL RECORD:

NINE NATIONAL JEWISH GROUPS FOR REPEAL

NEW YORK.—An imposing array of Jewish organizations joined in urging Congress to repeal the so-called Emergency Detention Act on Feb. 6.

They did so through their coordinating body, the National Jewish Community Relations Advisory Council in New York, in a resolution forwarded to the House Internal Security Committee, now considering a bill (S. 1872) passed by the Senate last December.

Nine national Jewish organizations comprise the council, together with 82 local Jewish community organizations in cities throughout the United States. The nine are American Jewish Committee, American Jewish Congress, B'nai B'rith-Anti-Defama-

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tion League, Jewish Labor Committee, Jewish War Veterans of the USA, National Council of Jewish Women, Union of American Hebrew Congregations, Union of Orthodox Jewish Congregations of America, United Synagogue of America.

I. F. STONE'S WEEKLY

The I. F. Stone's Weekly, published by an outstanding Jewish journalist, commenting at length on the Title II repeal bill called the present wave of support for the bills a "political miracle" in view of the unanimous action last December in the Senate.

"If it passes the House, it will rid the law books of a fascistic piece of legislation," the newsletter declared in its Jan. 12 issue.

Reviewing the history of previous repeal attempts, the attack from "unexpected non-Left source" launched by JACL in 1968 saw the Senate passage of the repealer "as something of a miracle."

Urging readers to tell their congressmen to vote for repeal, the Weekly regretted the Inouye bill won everybody's support in the civil rights coalition "except curiously the B'nai B'rith's Anti-Defamation League."

PERSONAL STATEMENT

Mr. KEITH. Mr. Speaker, I wish to advise the Chair that I was unavoidably absent on the rollcall just concluded. Had I been here, I would have voted "yea."

THE TARIFF AND ITS EFFECTS ON THE GLASS INDUSTRY

The SPEAKER pro tempore (Mr. MATSUNAGA). Under previous order of the House, the gentleman from Pennsylvania (Mr. DENT) is recognized for 60 minutes.

(Mr. DENT asked and was given permission to revise and extend his remarks and include extraneous matter.)

Mr. DENT. Mr. Speaker, last week I spoke on this floor and discussed the possibility of some action by the President of the United States to give relief to the harassed glass industry of my area of the country. I noted also at that time that the President had given tariff relief to the upright piano manufacturers. A report came out of the White House, and I am sorry to say the report does not appear to be factual. I would not say that the President deliberately tried to fool the people of my State and the people of this great country as to what he did or did not do with respect to the glass tariff, but I will say that he succeeded in fooling them. The headlines in my own daily paper in my district say that the President's decision helps the glass industry. The senior Senator of my State of Pennsylvania, Senator HUGH SCOTT, called the newspapers in my area and told them that this was a blessing for the glass industry, that is, the President's decision was a blessing, he reported. If Mr. SCOTT said that, then I am afraid Mr. SCOTT does not know the difference between a blessing and the last rites, because this spells the complete and final liquidation of the glass industry in this country.

I believe the letter from Fred B. Zoll, Jr., representing Libbey-Owens-Ford Co. tells more eloquently than I the real danger in the President's decision.

I predict the acceleration of the near liquidation of our glass industry.

We will always have an industry of course, we are just too big to die off completely.

The real threat is that the foreigners will have such a large portion of our glass market that we will be dependent upon foreign suppliers for the major part of our needs.

The letter follows:

LIBBEY-OWENS-FORD CO.,
Washington, D.C., February 9, 1970.

Hon. JOHN H. DENT,
Rayburn House Office Building,
Washington, D.C.

DEAR MR. DENT: Many times in the past we have written to you about our problems in the flat glass industry in general and the sheet glass industry in particular. Though our success has been less than spectacular in achieving solutions to our problems, through your good help we have continued to bring to the attention of those in government making decisions affecting us, the impact of government trade policies on our industry. The purpose of this letter is to bring you up to date on this situation and once again ask for your help.

Without belaboring the details, recently the Tariff Commission issued two reports (which were the results of earlier hearings) regarding the sheet glass industry. In both instances, the conclusions of the Commission were that imports have caused injury to our industry and some relief is urgently needed (i.e., return to the 1930 tariff level). These reports are now on the President's desk awaiting his action, which, by law, if his action is affirmative and meaningful, must be made by February 27.

Since the issuance of the Tariff Commission's reports, industry representatives of management and labor have met with Mr. Flanigan and Mr. Colson of the President's staff, as well as the Trade Information Committee, chaired by Mr. Louis Krauthoff, to explain the full ramifications of the decisions which they are about to make.

Additionally, as those gentlemen involved already know, we have, through the good help of Senators Scott, Randolph, Baker and Bellmon, asked the President to meet with the Presidents of the corporations and unions, as well as the interested Senators, to give them an opportunity to explain fully to the President the conditions which have resulted in affirmative majority recommendations by the Tariff Commission.

We truly believe that this will be the last appeal we will make to you on behalf of the sheet glass industry if affirmative steps are not taken immediately. For an industry, in which imports supply nearly 32% of domestic consumption, which has lost over one fourth of its employees since 1964, there is no time left for continued debate. Suggestions and discussions of such remedies as adjustment assistance is mere quibbling over what sort of funeral will be afforded our industry over which government policies have decreed a death sentence.

We would indeed be grateful if, on our behalf, you would urge the President to take the steps indicated by the Tariff Commission reports. Such action, additionally, would reaffirm his dedication to the policies set forth in his recent trade message which stated that, an industry, to qualify for relief, should establish its qualification through just such procedures as those which we have followed.

A data sheet of pertinent facts culled from the Tariff Commission reports is attached.

Sincerely yours,

F. B. ZOLL, Jr.

Mr. Speaker, 10 years ago I told this House that unless they did something about trade and tariff, something about the impact of imports, that they might find themselves in a Nation devoid of certain types of mechanical genius that we have been able to foster in this great Nation of ours.

Right now, today, I understand there is not a single watchmaker learning the trade. You cannot prosecute any kind of a war without watchmakers who do the fine work on bombsights and the other intricate mechanisms that go into a modern war machine.

Mr. Speaker, if we were at war with a nation, any nation in the world, we would gladly raise our standards and shoulder arms and go down fighting in order to save our Nation. What do we save when we go into a war? Do we go into a war just to fight and shoot and kill a man? No. We go into a war to protect our institutions, to save our factories, and protect the lives of our people and the right of our people to happiness and the pursuit of happiness in an industrial economy and that means a job.

Here we have a new land of "invasion" from abroad. The President of the United States in his statement just last week said that we must make greater private investments overseas in order to help those countries get back on their feet and become independent. We wonder why, then, we have to take our money and put it into these foreign countries with which to build factories and plants in order to provide jobs. Why, then, are the Japanese, the British, the French, the Italians, and the rest of them coming here putting their money into buying American plants and producing American domestic products? This invasion is an invasion of $12 billion in 1968. Foreign investors have come into the United States in the last year to build plants in this country. The Japanese have bought coal mines in this country. They are buying up our timber faster than our timber matures in this country. But we find the President saying that what he has done is this; he will give relief to the workers. In a story which appeared in the Wall Street Journal conveying the idea to the people that he rolled the tariff back to the 1962 level on glass. He did no such thing. He kept the present tariff that is on right now for the next 2 years. This tariff was established—the base of it—in 1967, and from 1967 to 1969 we increased the importers' share of the American market from 31 percent to 46 percent.

Here are the facts as they read out.

The American Saint Gobain Co. is a subsidiary of the Saint Gobain syndicate, the largest glassmakers in Europe. They bought the American Window Glass Co. when it reached the point that it could not withstand foreign competition. This is now an American producer. This company joined other American producers to fight for imports. They know that imports have forced the American companies out of business. Now they are being rewarded by the President with relief and "American made" financial disaster for trying to sell instead of importing.

This means that you and I as taxpayers are going to have to pay 650 workers who have lost their jobs permanently at the glass manufacturing company at Arnold, Pa., the plant that has just been shut down and will be finally phased out within the next few weeks. These 650 workers were awarded 85 percent of their wages for the next year.

The company is going to try to get aid and assistance from the Government of the United States for the loss of their plant. Five hundred workers have now been awarded assistance under the Trade Act amounting to $1.232 million for the present year.

What kind of logic is it for this country of ours to deny a man an opportunity to work and then feed him the sop that he can have relief? We are subsidizing every item that comes into this country because when we pay our workers for not working we subsidize foreign competition that caused their job losses in the first place.

It may interest the President of the United States and the Congress of the United States to hear this particular figure. The January employment in the four-county area of Allegheny, Beaver, Washington, and Westmoreland Counties—which is my district, and the district represented by Mr. GAYDOS—the job loss in January, was 27,600 jobs. Remember, every time you lose a job in industry you lose three jobs in service industries. The economic figures for the State of Pennsylvania show that we have a total work force of 5,014,200 people working in the labor force. In that labor force we have in manufacturing, 1,581,000 workers, which is roughly about 3.25 men and women who are in service, nonmanufacturing, that are kept by one worker in a factory.

Mr. Speaker, I want to thank the gentleman from West Virginia (Mr. HECHLER) for allowing me to proceed ahead of his special order. The gentleman from West Virginia was entitled to the first special order today. However, I have to attend a large dinner tonight for the Pennsylvania farmers. And, speaking of farmers, it might interest the Members to know that while we talk free trade for American products made in our factories, we have a tight-fisted protectionist policy on foreign products.

You cannot bring cotton into the United States, except under very tight regulations and quotas. But you can bring manufactured textiles. You cannot bring wheat and you cannot bring flour into the United States in unlimited amounts. Why, then, is it so important to protect the jobs and the welfare of the farmers of this country of ours and at the same time we say that it is not important to protect the workers?

I am for protecting the farmer and the worker and the business people of my whole country. Let us cut the double talk; let us not be the continuing victim of international blackmail.

Mr. Speaker, I wish to discuss the problem being created for American industry and American labor by our outmoded Trade Agreements Act.

The President of the United States either ignored the facts in the case of the glass industry, or was misinformed by the international industrialist whom he has named as the chief trade negotiator, Mr. Gilbert. This man for many years was connected with Gillette razor blade company with many foreign-based companies, some of which I visited oveseas.

In the case of the pianos that were manufactured in Arkansas, the President found room to give relief to that industry. The facts, of course, were such that the merited relief came too late to help save that industry. In 1960 we imported 4,200 upright pianos and this figure jumped to 29,000 in 1969. Japan exported 94 percent of all the pianos imported into the United States.

President Nixon suspended the Kennedy round tariff reduction, which went into operation January 1, and gave an increase of 2 percent in tariffs to the piano manufacturers. I cannot believe that 2 percent will do much good to the piano industry. Incidentally, this only affects upright pianos, so it is my prediction that the Japanese will start shipping baby grands, spinets, and any other forms that pianos and organs can come in. I do not believe that you can buy an American made toy piano, once a great seller at Christmastime in this country. For all purposes, the upright piano has joined the line of consumer goods that are no longer manufactured, or if they are they are manufactured in insignificant numbers and volume.

I would not charge the President with deliberate lying, however, there are some very serious mistakes in the newspaper report.

I can give you two instances where the Labor Department awarded, and the President allowed, relief in the form of "trade act assistance" which paid some 500 workers approximately $1,232,000 for 1 year for injury under the Trade Act. The story by the Wall Street Journal staff reporter is in error: the President did not give relief to the glass industry or its workers because the plea of the glass workers was based upon the present tariff and the damage done by its provisions about 4 years ago.

President Kennedy raised tariffs right after the passage of the trade agreements, which called for reductions in tariffs. He raised the glass tariffs because he was convinced that the industry was injured seriously because of the imports. The industry was almost holding its own under the Kennedy formula. When President Johnson reduced the tariff the industry started to slide again.

The story claims President Nixon was allowing the Kennedy rates of 1962, but this is not the case, nor is it the truth. What he did do was hold the present rates, which are lower than the Kennedy rates. It was this lowering of rates that made it impossible for the American industry to compete. What the President did was to mislead completely the American glass workers and the American people, whether by intent or by a lack of understanding of the problem.

The glass tariff caused the loss of 1,323 jobs in the flat glass sector of the glass industry in 1968, 1,100 in 1969, and another 650 workers are now winding up their jobs at the American St. Gobain plant in Arnold, which has been struggling to stay in existence since the tariff reduction in 1967. This plant will be closed permanently, and another plant in Jeannette, Pa., my hometown, has reduced its labor force from 900 to slightly over 300. The third St. Gobain glass plant affected is in Okmulgee, Okla.

It may interest the Congress, the President, and the Tariff Commission to know the seriousness of the plight of the glass industry as shown by the fact sheet attached hereto. In 1968 our American industry operated at only 44 percent of its capacity. Imports accounted for 32 percent of our consumption for that year.

Since 1969, 1,100 were added to the 1,323 who lost their jobs since 1967, and added to that are the 650 who lost their jobs on a permanent basis without any hope of getting back into the industry. These are the vital statistics.

The facts were available to the President and the Tariff Commission; I know they were since I made them available myself. However, the President saw the problem differently through his Federal trade negotiator.

American consumption dropped 2.8 percent from 1964 to 1968, while imports increased 31.9 percent. Import relationship was 30.6 percent to American products in 1968.

I understand also from the release from the President's office that the reason he could not give relief to the glass industry was that the European Common Market, especially the Belgians, would get angry and hinted or threatened retaliation. This is international blackmail, plain and simple, or, to quote the Belgian Ambassador:

> Such action could result in retaliation abroad against U.S. exports.

I pose this question to Congress, the President, and the Tariff Commission: Who are we that we should decide whose jobs should be sacrificed in this idiotic trade policy? We have not been ordained to decide the lives of people, or who lives on relief, who goes on unemployment and who gets uprooted from their homes so that some other workers in another industry can be protected. You cannot rehabilitate an industry by giving that industry expert advice or so-called Government aid, or to retrain workers for other jobs that are nonexistent. What kind of logic is the President using when he says, according to the report, that the Department of Commerce will approve loans, tax benefits, and technical assistance for companies eligible for the trade adjustment aid. Would not Belgium be angry at that, too? And, why should the working taxpayer pay out millions of dollars to industries who want to operate and workers who want to work. Is that sound economics?

I include a table at this point:

TARIFF COMMISSION DATA PERTINENT TO THE SHEET GLASS CASE

	1964	1968	Percent change
I. Idle capacity (data in thousands of short tons):			
Sheet glass:			
Production capacity	1,393	1,545	+10.9
Production	777	681	−12.4
Unused capacity	616	864	+40.3
Apparent U.S. consumption	1,001	973	−2.8
Imports	238	314	+31.9
Ratio, imports to production	30.6	46.1	
II. Indexes of production, demand, and employment (1957–59=100):			
Industrial production	132	165	+25.0
Housing starts, nonfarm	111	110	−0.9
Nonresidential construction	124	153	+23.4
Automobile production	151	175	+15.9
Sheet glass production	117	103	−12.0
Output per man-hour	115	118	+2.6
Man-hours of work, sheet glass	102	87	−14.7
Imports, sheet glass	140	184	+31.4
III. Share of the U.S. market, imports versus domestic shipments (data in millions of pounds):			
Sheet glass:			
Apparent consumption	2,002.7	1,974.8	−1.4
Of which:			
Imports	476.9	628.7	+31.8
Domestic shipments	1,530.0	1,352.8	−11.6
Ratio, imports to consumption	23.8	31.8	

	1964	1968	Change	Percent change
IV. Impact upon employment of production workers:				
Sheet glass:				
Domestic employment	9,369	8,046	−1,323	−14.1
Domestic shipments (millions of pounds)	1,530.0	1,352.8	−177.2	−11.6
Imports (millions of pounds)	476.9	628.7	+151.8	+31.8
Ratio, imports to shipments	31.2	46.5	85.7	
V. Impact upon earnings:				
Sheet glass:				
Domestic shipments				
Quantity (millions of pounds)	1,530.0	1,352.8	−177.2	−11.6
Value (millions of dollars)	$143.9	$141.5	−$2.4	−1.7
Unit value (dollars per pound)	$0.094	$0.105	+$0.011	+11.7
Domestic earnings before taxes (millions of dollars)	$18.1	$8.2	−$9.9	−54.7
Ratio, earnings/pound of shipments	$0.012	$0.006	−$0.006	−50.0
Imports:				
Quantity	476.9	628.7	+151.8	+31.8
Value: (millions of dollars):				
F.o.b. origin	$30.3	$44.3	+$14.0	+46.2
U.S. market	$42.0	$62.2	+$20.2	+48.1
Unit value (dollars per pound)	$0.088	$0.099	+$0.011	+12.5
Ratio, value of imports/shipments	29.2	44.0		
Ratio, domestic earnings/sales, before taxes	12.6	5.2		

At this point I would like to have the Members read the comments from our local newspapers, especially from Jeannette and New Kensington, the two cities most affected by this adverse decision.

There are other newspaper articles attached.

[From the Jeannette (Pa.) News-Dispatch, Mar. 2, 1970]

MUST BATTLE ON

A little bit of satisfaction, perhaps, but not nearly enough, is that which is realized by action taken at the White House on Friday morning to retain existing tariff rates on imported sheet and flat glass, to help waylay further inroads into American glass production by imports from Belgium and elsewhere. The so-called status quo step taken by President Richard M. Nixon, in weighing advice offered him by foreign trade advisors, is considered to be better than reports and rumors that the flat glass tariff on imports might even be lowered, as a compromise to improving the United States export picture.

That at least the status quo is retained is the point on which United States Senator Hugh Scott based his statement, in announcing the decision Friday, that the action is "extremely good news for . . . citizens employed in the sheet glass industry." He said further that the decision offers a "new breath of life" thereby. And it is believed that possibly the Senator's 11th hour intervention is responsible for the two year extension being put into effect, instead of another reduction. For his press aide told this writer that his meeting with the President Friday morning was the first meeting of the Chief Executive with any Senator on an industry-tariff problem.

But there's hardly denying the immediate retort of our Congressman, Representative John H. Dent, who's been closer than close to such trade protection matters for years, that the status quo move is really not enough. Harking back to Sen. Scott's "breath of life" statement, one might say that yes, the flat glass industry retains a fleeting bit of breath via this move, to keep it as alive as it has been. But as Rep. Dent reminds, employment has been reduced and plants closed down under the present simply extended tariff rate.

What definitely and really is needed is considerable more new breath, in the direction of stiffer tariffs, in order that the flow of imported glass will be slowed and the domestic sheet glass market regained to increase production anew and put layed-off glassworkers back to work. And it's good to know that our Congressman Johnny won't stop his efforts to turn this tariff situation around for the better. He's already on record once again, as many times previously, having spoken at length on the situation of trade and tariff agreements on the floor of the House last Wednesday, as reported in full in the February 25 Congressional Record, which is replete with a number of the "back home" communications, many from this area, dispatched in this cause.

And as reported in this newspaper, where the latest glass tariff decision news was first revealed Friday, Cong. Dent said he plans to take to the floor of the House for another hour Tuesday, to denounce "these disgraceful trade and import policies. . . ." And would that Sen. Scott and Pennsylvania's other United States Senator, Richard S. Schweiker should determine to do likewise in what can be called this battle for retaining American industry . . . a battle which shouldn't be considered lost.

[From the New Kensington (Pa.) Dispatch, Feb. 28, 1970]

GLASS TARIFF: NO CHEERING IN A-K OVER DECISION

Alle-Kiski reaction to President Nixon's keeping the flat-glass import tariff at its existing level was anything but good.

The President made the decision yesterday to keep the present tariff at one and one-half cents per square foot until Jan. 31, 1972. It had been hoped, by local people interested in the matter, that the tariff rates would be increased and not just kept at the present rate.

Mayor William Demao of Arnold had this to say: "I am very much disappointed with the President's decision. I'm of the opinion the administration conceded to foreign pressure.

"Keeping the tariff at the present level isn't going to do the employes of the Arnold plant and the city of Arnold any good. With tariffs at the present level, our glass plant has been shut down for more than 650 days since February, 1968. Tariffs continuing at that level mean we still won't be operating," he said.

Demao said he and city officials will continue to battle for increased tariffs on foreign sheet glass imports.

Al Giulioli, national board member of the Window Glass Cutters League of America, commented, "This is not exactly just what we wanted but it is better than nothing. Although it puts us in the ball game the present tariff rates are not helping the Arnold plant. I am thankful to all those public officials who helped keep this tariff in effect."

William Barnes, president of the Arnold local of the United Glass and Ceramic Workers of North America, pointed out, "I am very much disappointed in President Nixon's reaction. I went down to Washington with a committee to protest the not raising of the tariff rates.

"I think the condition of this country is in pretty bad shape when foreign importers are able to shut down our plants—and that's just what they're doing. If I get permission from the membership of our union I would like to organize a protest march on Washington to let them know just how we feel about the action."

The announcement of the action was made by Sen. Hugh Scott (R-Pa.) following a meeting with the President. There were rumors, when the announcement came, that the tariff would be lifted instead of being kept at the present level.

The domestic industry has fallen off 25 per cent in the past six years at a time when foreign imports increased 31 per cent.

In addition to the tariff extension, Scott said President Nixon agreed to adjust assistance for workers and manufacturers damaged by imports. Scott said such assistance would be available immediately. Details on the assistance program, however, were not disclosed.

Sen. Scott called the President's action "tremendously good news" for Pennsylvanians employed in the industry. Comments by local officials, though, seem to indicate this is not the feeling of glassworkers in general.

[From the Jeannette (Pa.) News-Dispatch, Feb. 27, 1970]

HOW WILL IT AFFECT ASG?—EXTEND GLASS TARIFF RATE

President Nixon today extended the existing tariff rates on imported sheet glass for two more years, leaving in doubt what effect this would have on the operations of American Saint Gobain Corp. in Jeannette and Arnold.

U.S. Sen. Hugh Scott, R-Pa., announced the President's decision in a telephone call to the News-Dispatch shortly before noon today.

Scott hailed the action as "extremely good news for Pennsylvania citizens employed in the sheet glass industry," but this interpretation was disputed sharply by Congressman John H. Dent, D-Pa.

Rep. Dent, Jeannette, back home for the weekend when told by The News-Dispatch of the decision, reiterated the opinion he has expressed previously:

"This doesn't mean a thing. It just extends the tariff as it is now and we have been losing our plants under that."

"Arnold is closed down, Jeannette is down to 370 workers from 600 and Okmulgee is operating at 65 per cent under the existing tariff and that is what is what we will have for the next two years," Dent said in referring to plants of ASG.

"In my opinion, this is just a sop but will have no practical effect in helping the domestic sheet glass industry regain the market lost to the imports," Dent added. "It is not the kind of relief the glass industry needs."

* * * reverse the trend towards lowering the tariff, however. The tariff had been scheduled to be reduced by 1½ cents per square foot (about .1 cent per pound).

The President had the option of raising the tariff—the glass industry, union and Jeannette area municipal officials had been pressing for a return to the higher statutory rates of the 1930s—lowering it or retaining it at the present level and he took the third option. These rates will remain in effect until Jan. 31, 1972.

SCOTT PLEASED

Sen. Scott said he met with President Nixon this morning when the decision was made. In addition to extending the tariff he said "adjustments assured for workers and manufacturers damaged by imports are available immediately. This meeting is the first such direct meeting of the President with any Senator on an industry-tariff problem. And I am pleased to report success for Pennsylvania."

An aide to Sen. Scott said that this action kills reports that the tariff was reduced. Jerry Laughlin, the Senator's press secretary stated that hope is that with the extension of the tariff as promised, the Pennsylvania flat glass industry "has a new breath of life." He emphasized that this decision was "far and beyond anything expected," in view of trends to reduce tariff. He said there was never any real hope that tariff rates would go back to those in effect under the 1962 Kennedy round of negotiations or earlier.

It was understood from Scott's office that there was a strong possibility that the 1½ cents rate would have been eliminated if intervention had not been made.

TO DENOUNCE POLICIES

Rep. Dent expressed the hope that the glass industry "may be able to keep operating what we have," but he was doubtful of that possibility. He said he intends to file a "strong protest" with the President and will take the floor of the House for one hour next Tuesday to denounce the "disgraceful" trade and import policies of the administration.

Rep. Dent predicted that ASG and other domestic glass firms "will stay in business by having the products made overseas and shipping them into the United States . . . they can do it cheaper that way. But this does not mean anything to the worker in putting food on the table."

"The glass industry is dying everywhere in the nation under this tariff and all we get is an extension of the same rates," Dent pointed out.

Jeannette city officials had organized a countywide campaign to help save jobs in the glass industry, circulating petitions and going to Washington twice to testify on the need for tariff relief.

The Jeannette plant of ASG has a $5.6 million a year payroll, the loss of which would hit hard at the community.

[From the Jeannette (Pa.) News-Dispatch, Mar. 2, 1970]

ASG STUDYING TARIFF, DENT CONTINUES ATTACK

Officials of American Saint Gobain Corp. at the Kingston, Tenn., headquarters today withheld comment on President Nixon's extension of the present tariff on sheet glass imports until they have had an opportunity to study the order in detail.

A spokesman for the Jeannette plant of ASG said today corporate headquarters has not yet received a copy of the presidential order and wanted to go over the "fine points" before issuing a public statement.

President Nixon on Friday continued until 1972 the current 20 per cent tariff rate on imports, an obvious disappointment to industry, union and municipal officials who were hoping for a rollback to higher tariffs to help the domestic producers compete with foreign-made glass.

OTHER PROVISIONS

In addition the President ordered tax benefits, retraining programs and relocation allowances, but all details of these provisions were not spelled out.

The Tariff Commission was split at 3–3 on the tariff issue and the 1962 trade expansion act provides for the President to act when the commission is split. The President could have reduced the rate, by 1½ cents per square foot but decided against this.

While industry sources were hesitant to comment, Congressman John H. Dent, Jeannette, was not.

DENT ISSUES STATEMENT

Rep. Dent, who on Friday told The News-Dispatch that the President's action "doesn't mean a thing" in providing help to the Jeannette plant, operating on a reduced schedule, and Arnold, which is closed down, followed this up with a statement released from his Greensburg office Saturday.

Dent pointed out President Nixon had the authority to raise the rate and had been urged to do this by many industry, labor and public officials.

"The decision to continue the tariff at its present rate is a decision to tolerate the present decline of the U.S. flat glass industry and the loss of jobs by workers in that industry," Dent said. "About 650 workers at the American St. Gobain plant in Arnold, have lost their jobs and over 600 at the Jeannette plant—and it all happened at the same rate of tariff the President has extended for two more years," Dent added.

STATE DEPARTMENT DECISION

"This decision was not made with any consideration of the evidence presented in support of a higher tariff, nor was it made with any concern for a basic American industry and the hundreds of workers who man that industry. It was made by diplomats in our State Department who are more interested in the sensitivities of their foreign counterparts than they are the stomachs and self-respect of their own countrymen.

"We are the greatest economy in the world but we are losing fast and this decision is a good example of why we are on the decline. It is our own stupidity—not wage demands or prices—that is destroying our economic base. With his decision the President has said to the flat glass industry and its workers: 'You have proven that you are dying from a cancerous growth of unfair import competition, but we'll wait two more years to see if you finally pass on and if you don't, maybe I'll give you some more time to suffer.'"

Dent continued:

"The President's decision also permitted workers who have lost their jobs in this industry to apply for Federal relief at the rate of two-thirds of their earnings for one year. What good is that to a man in his 40's or 50's with a family to support whose only skill is making glass? What does he do? Where does he go? And who wants it?

DON'T WANT HANDOUT

"My workers want their jobs back, not a Federal handout. They do not want relief. They want the dignity of work and they want to properly care for their families and educate their children.

"This was an absolutely ludicrous decision, and anyone who says it was 'good' just is not aware of the facts. It was an affront to the American worker and I would only caution workers in other import-sensitive industries like steel and textiles to be aware of the lack of concern this decision demonstrates the Nixon Administration has for them.

"I have no intention of remaining silent now that the decision has been made. I will be speaking out each week in Congress on the sad record of our country's experience in foreign trade. In my opinion, our displaced workers will soon be taking to the streets in a demonstration against their government's tolerance of job-taking imports. These demonstrations will push those of students off the front pages of newspapers and will make them look like Sunday school picnics. This is a serious and unfortunate prediction, but we are in a serious and unfortunate position—and it has been of our doing."

About $40 million worth of sheet glass—close to 40 per cent of the U.S. market—is imported each year, most of it from Belgium.

[Press release of Congressman JOHN H. DENT]

DENT CRITICIZES PRESIDENT'S ACTION ON GLASS TARIFF

Congressman John H. Dent (D-Pa) today criticized President Nixon's recent decision to continue the present tariff rate on flat glass for two additional years. The President had the authority to increase the rate, and had been urged to do so by the U.S. industry, labor and many public officials including Congressman Dent.

"The decision to continue the tariff at its present rate is a decision to tolerate the present decline of the U.S. flat glass industry and the loss of jobs by workers in that industry," Dent said. "About 650 workers at the American St. Gobain plant in Arnold, Pennsylvania, have lost their jobs and over 600 at the Jeannette, Pennsylvania, plant—and it all happened at the same rate of tariff the President has extended for two more years," Dent added.

"This decision was not made with any consideration of the evidence presented in support of a higher tariff, nor was it made with any concern for a basic American industry and the hundreds of workers who man that industry. It was made by diplomats in our State Department who are more interested in the sensitivities of their foreign counterparts than they are the stomachs and self-respect of their own countrymen.

"We are the greatest economy in the world but we are losing fast and this decision is a good example of why we are on the decline. It is our own stupidity—not wage demands or prices—that is destroying our economic base. With his decision the President has said to the flat glass industry and its workers: 'You have proven that you are dying from a cancerous growth of unfair import competition, but we'll wait two more years to see if you finally pass on and if you don't, maybe I'll give you some more time to suffer.'

"The President's decision also permitted workers who have lost their jobs in this industry to apply for Federal relief at the rate of ⅔ of their earnings for one year. What good is that to a man in his 40's or 50's with a family to support whose only skill is making glass? What does he do? Where does he go? And who wants it?

"My workers want their jobs back, not a Federal handout. They do not want relief. They want the dignity of work and they want to properly care for their families and educate their children.

"This was an absolutely ludicrous decision, and anyone who says it was 'good' just is not aware of the facts. It was an affront to the American worker and I would only caution workers in other import-sensitive industries like steel and textiles to be aware of the lack of concern this decision demonstrates the Nixon Administration has for them.

"I have no intention of remaining silent now that the decision has been made. I will be speaking out each week in Congress on the sad record of our country's experience in foreign trade. In my opinion, our displaced workers will soon be taking to the streets in a demonstration against their Government's tolerance of job-taking imports. These demonstrations will push those of students off the front pages of newspapers and will make them look like Sunday school picnics. This is a serious and unfortunate prediction, but we are in a serious and unfortuante position—and it has been of our own doing."

[From the Wall Street Journal, March 2, 1970]

Nixon Authorizes Aid for Firms, Workers in Sheet-Glass Field—Move Would Help Them Adjust to Import Competition; Slated Cut in Tariff Levels Is Deferred

WASHINGTON.—President Nixon authorized Government assistance for companies and workers in the sheet-glass industry to help them adjust to growing import competition.

Rejecting Tariff Commission recommendations that called for further duty increases, Mr. Nixon also decided to continue temporarily the existing glass tariffs, raised in 1962. The White House said these duties, mainly on window glass, average about 20%. They were slated to drop back to 14% this year, but Mr. Nixon deferred any reduction until Feb. 1, 1972. Then these duties will be reduced to 14% over three years, unless the Government later finds this would injure U.S. industry.

Ironically, one of the U.S. glass makers that will be eligible for Government loans or special Federal tax advantages, as trade adjustment assistance, is American Saint Gobain Corp., controlled by Compagnie de Saint Gobain of France, Europe's largest glass producer. The French-controlled company has sheet-glass factories in Jeannette and Arnold, Pa. It was one of a group of U.S. producers that had petitioned for higher glass tariffs.

The Commerce Department approves loans, tax benefits and technical assistance for companies eligible for the trade adjustment aid; the Labor Department authorizes unemployment or job-retraining benefits for workers displaced by import competition.

"The President's authorization for adjustment assistance applies to all firms and workers in the sheet-glass industry," the White House said.

U.S. imports of sheet glass currently total about $45 million a year, mainly from Western Europe, the United Kingdom, Japan and Taiwan. Other countries such as Israel are starting to export sheet glass, and Tariff Commission analysts said U.S. imports are likely to increase further.

Nixon aides said they've been under pressure from members of Congress who wanted the President to increase glass duties further. The European Common Market countries, led by Belgium, informed the U.S. recently that such U.S. action could result in retaliation abroad against U.S. exports.

The glass case was the second tariff decision by the President within a week. Last Tuesday, the White House announced Mr. Nixon had approved some increases in U.S. duties on pianos, and had authorized trade adjustment assistance to U.S. manufacturers and workers in this industry.

Tariff Commission officials said they expect to receive numerous additional petitions soon from worker groups, seeking adjustment assistance. On Friday, the commission said it would consider a request for such aid from workers at a Woonsocket, R.I., plant of Uniroyal Inc. The plant makes rubber-soled footwear, and the workers' petition asked the commission to find that their jobs are being jeopardized by an increasing volume of imports. The commission previously ruled favorably on petitions from workers at several steel factories.

In a related development, the Tariff Commission ruled, in a four-to-two decision, that imports of steel bars, reinforcing bars and shapes from Australia have "injured" the domestic steel industry. The commission's decision follows an earlier Treasury determination that an Australian company, Broken Hill Proprietary Co. of Melbourne, had "dumped" about $5.4 million of these steel products in the U.S. at less-than-fair-value prices in the year ended in May 1969.

Scott, Dent Don't Agree on Glass Tariff

President Nixon's extension of existing tariff rates on imported sheet glass for two more years was praised yesterday by Sen. Hugh Scott, R-Pa., and condemned by Rep. John H. Dent of Ligonier, D-Pa.

Dent, back home for the weekend, expressed concern for the effect of the extension on the operations of American St. Gobain Corp. plants in Jeannette and Arnold. Arnold is closed, Dent said, and Jeannette is down to 370 workers from 600.

"This is just a sop," said Dent. "It extends the tariff as it is now, and we have been losing our plants under that."

Scott, on the other hand, hailed the tariff extension as "extremely good news for Pennsylvania citizens employed in the sheet glass industry."

Tariff Clause Invoked for Piano Firms

President Nixon yesterday invoked for the first time the "escape clause" of the Trade Agreements Act of 1962 to provide assistance to an American industry claiming damage from import competition.

The President authorized adjustment assistance for firms and workers in the piano industry to help them adjust to foreign competition, mainly from Japan.

While the assistance is being put into effect, he suspended temporarily the Kennedy Round tariff reductions, which on Jan. 1 dropped from 13.5 per cent to 11.5 per cent. He reestablished the 13.5 per cent rate for three years.

The duty was scheduled to drop to 8.5 per cent on Jan. 1, 1972. Mr. Nixon's action postpones the reductions for three years after which they again will be in order. The planned tariff reductions in grand pianos are not affected.

Experts on trade agreements said that the President's action did not represent a major shift in policy from his commitment to support freer trade.

Piano imports numbered 4,900 in 1960, 15,000 in 1967, 24,000 in 1968 and 29,000 in 1969.

Japan provided 68 per cent of the imports in 1964 and 94 per cent in 1969. Most of the other imported pianos came from Britain, Ireland and Germany.

The trade agreements act provides that firms hurt by competition may be given technical, financial and tax assistance to adjust to the competition. It provides that aid to workers may include training assistance and relocation and readjustment allowances.

The domestic piano industry is centered mainly in New York, Michigan, Illinois, Indiana and North Carolina. There also are producers in a half-dozen other states.

[Press release of Congressman JOHN H. DENT]

Dent Leading Effort by Pennsylvania Congressmen to Increase Tariff on Foreign Sheet Glass

U.S. Rep. John H. Dent (D-Pa.) is spearheading a drive by Pennsylvania Congressmen to urge President Nixon to increase the duty rate on imported sheet glass. The glass industry petitioned the Tariff Commission for relief from the most-favored-nation rates of duty presently applicable to some foreign procedures and the President is required by statute to issue his decision by February 27, if he chooses to increase the duty. The industry contends that foreign competition is responsible for damage it its production and employment.

Two of the Nation's sheet glass plants are located in Pennsylvania; both in Dent's Congressional District. They are the American Saint Gobain Co. facilities at Arnold and Jeannette.

Dent said the elimination of the escape-clause rates on this and heavy sheet glass and the reduction of the escape-clause rates on single and double strength sheet glass in 1967, permitted a "flood" of foreign imports which put both plants under severe pressure. "As a result," Dent said, "the Arnold plant experienced 19 months during which its operations were virtually suspended. This was followed by a 100-day period of an attempt to place the plant back into production, which culminated in the plant's being placed on standby and 600 workers being laid off in September, 1969. The remaining sheet glass plant in Pennsylvania, at Jeannette, is now operating on a sharply reduced basis, and its continued operation even on that basis is in grave doubt.

"The seriousness of the plight of the sheet glass industry and its workers is shown by the fact that in 1968, the latest full year for which the Tariff Commission had data, the industry operated only at 44 per cent of its capacity. Imports accounted for 32 per cent of domestic consumption of sheet glass in that year. The 1968 employment was down by 1,323 jobs from the 1964 level.

"Since 1968, there has been a further sharp decline in business conditions in the sheet glass industry. An additional 1,100 workers have lost their jobs, and in addition to the woes caused by the rising flood of imports, the monetary policies used in the battle against inflation have thrown the housing industry into a severe recession, directly affecting the market for sheet glass."

Dent said he had received virtually "100 per cent" support from Pennsylvania's Congressional delegation in the effort to influence President Nixon's decision. He said a letter would be sent to the President early this week containing the signatures of nearly all Pennsylvania Congressmen. He also said he was scheduled to meet Wednesday, February 18, with key White House advisors to further discuss the matter. "I've been struggling to save this industry and its workers from unfair foreign competition ever since I first came to Congress," Dent added, "but this is the last big one because if the President's decision is not favorable, there just will not be any American sheet glass industry left to fight for."

I now yield to the gentleman from Pennsylvania, (Mr. GAYDOS).

Mr. GAYDOS. Mr. Speaker, I appreciate the consideration of my colleague from Pennsylvania in yielding to me and wish to compliment him on his untiring efforts along these lines, efforts which I understand he will be making every week for the next 10 weeks.

Mr. Speaker, I rise in support of the observations made about the threat of foreign imports by my good friend and colleague from Westmoreland County in Pennsylvania, JOHN H. DENT.

It has become increasingly evident the United States, once the world's greatest exporter of goods, now is being converted into one of the greatest importers. We see more and more products pouring into this Nation from abroad under the labels of textiles, leather, oil, glass, electronic equipment, and steel.

We have begun importing a new product. I have seen it advertised in a shop near the Federal Building in Pittsburgh. The advertisement is a decal to be displayed on automobile bumpers and contains the message "Unemployment—Made in Japan."

The sign is meant to be funny, I suppose, but I find more truth than humor in it. Steelworkers in my 20th Congressional District are not chuckling over the slogan. I doubt very much if the glass workers in Mr. DENT's district find it amusing. I do not believe you will hear any belly laughs from people in the industries already feeling the squeeze of foreign competition.

The slogan is practically a veiled threat and in recent months, we have read with considerable interest remarks placed in the RECORD by many of my colleagues who look with alarm at the growing threat to American industries from overseas manufacturers. I share their concern because I am disturbed over the inadequate protection given our steel industry. I have expressed this concern on several occasions during the past year.

Our steel industry is protected by a few sheets of flimsy paper. They are nothing more than paper promises that European and Japanese manufacturers will try not to exceed tonnage limits they place upon themselves; they will try not to change the quality of the mix of products shipped to our shores.

How fragile these paper promises are becomes stark clear with the realization they are not formal government to Government agreements. They are merely a one-sided unilateral arrangement, letters of intent. There are no penalties incurred for violation of the arrangement—unless the foreign producer wants to engage in a private little game of wrist slapping. These self-imposed limits were conceived by the overseas manufacturers after Congress became riled at the 18 million tons of steel dumped into the United States in 1968. The limitations were a stall, an effort to lull the Congress from mandating quotas. The strategy worked. At least it did for the Japanese. The howls of outrage heard in the Congress were quieted with the announcement of the voluntary restraint plan.

But what did Japan do in 1969? It exceeded its own imposed limit of 5.75 million tons by nearly one-half million; it changed its product mix, selling less than in 1968, but enjoying it more because of a higher profit on better grade steel.

However, the Japanese producers have generously announced they will credit the excess tonnage to their 1970 quota, which incidentally is already automatically increased 5 percent over the arrangement. I suppose they will follow the same path if they exceed this year's limit, crediting any excess to their 1971 total, which goes up another 5 percent. But what happens to any excess in 1971? The arrangement is only for 3 years. What happens in 1971 if the Japanese take the bull by the horns and unload all the steel they can on the United States? What will be the excess be credited to then—bad experience?

I confess, Mr. Speaker, to a feeling of uneasiness in dealing with Japan. It appears to me they have an advantage on us when it comes to horse trading. It seems we always come out holding the short end of the stick.

It was just 25 years ago Japan was a beaten enemy, but the United States not only nursed her back to health, but helped create a country that now is in third place in the world's industrial race and has reached a stage of growth where it can bite the hand that feeds it.

Spared the responsibility and expense of protecting itself, Japan's gross national product reached $167 billion last year and is anticipated to climb to $200 billion in 1971. That, Mr. Speaker, is about one-fifth the size of the American economy.

Under the terms of the United States-Japan Security Treaty, the availability of air and naval bases to America, after June of this year, will depend solely on Japan's good will. However, now we can not use them against a third party without Japan's consent. The same rule will apply to Okinawa when the United States gives that island back in 1972.

In world trade we have seen Japan stanchly refuse to curtail the flow of textiles despite the knowledge it is hurting American jobs and costing us business. It successfully uses a maze of tariffs and legal roadblocks to keep more than 100 important American products from reaching the Japanese market, but it has continued to pour its own products into practically every store and home in the United States, including the cafeteria in the Longworth House Office Building. I was amazed, chagrined, and angered one day in January when I discovered during my lunch that the knife I was using was stamped "Made in Japan." These are some of the reasons why I have little faith that letters of intent from foreign steel manufacturers will stem the tide of imports if those producers decide they want more of the American market to feed their own economic appetites. However, I recognize the fact the letters, as weak as they are, still are the only protection our steel industry has unless Congress sees fit to build more substantial bulwarks through mandated quotas.

That is why I became concerned in January when published reports indicated the administration actually was weighing the possibility of discarding this flimsy paper protection. The White House theory, according to the report, was to use the liberalization of import quotas as a club to knock down domestic prices in the fight against inflation.

Any easing or discarding of the present quotas, I feel, will throw thousands of steelworkers out of work. The idea of sacrificing American jobs to foreign producers on the altar of inflation is appalling. I wrote to the White House January 22, asking for an official confirmation or denial of the report. On January 30, I received a letter from William E. Timmons, Deputy Assistant to the President, acknowledging receipt of my letter and assuring me it would be brought to the President's attention "as soon as possible." In the ensuing 4 or 5 weeks, I have not heard another word.

On February 2, Industry Week, an industrial magazine, carried a more detailed article about the plan to liberalize import quotas. It quoted Kenneth N. Davis, Jr., Assistant Secretary of Commerce, as being opposed to the idea, saying—

> We must stop inflation but certainly not by sending U.S. jobs to overseas competition.

The article also said it appears the liberalization plan is getting the greatest attention from the President's Council of Economic Advisers.

In view of this information, I wrote a second letter to the White House on February 26, repeating my request for an official confirmation or denial. I pointed out there is a growing apprehension among steel people over what course the administration will pursue. I am hopeful I will receive an official and informative reply in the near future. If not, I shall continue to write in the hopes of getting it eventually.

Mr. Speaker, it was said in the well last week that this Nation already has 350,000 textile workers and 140,000 steelworkers out of work because of the difference between exports and imports in these particular industries. I venture to say these figures will be drops in a bucket if the administration decides to open the gates and import unemployment.

FURTHER MESSAGE FROM THE PRESIDENT

A further message in writing from the President of the United States was communicated to the House by Mr. Leonard, one of his secretaries.

THREATENED NATIONWIDE STOPPAGE OF RAIL SERVICE—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 91–268)

The SPEAKER laid before the House the following message from the Presi-

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dent of the United States, which was read and referred to the Committee on Interstate and Foreign Commerce and ordered to be printed:

To the Congress of the United States:

Once again this nation is on the brink of a nationwide rail strike.

A nationwide stoppage of rail service would cause hardship to human beings and harm to our economy, and must not be permitted to take place.

In two previous disputes, when the railroad employers and unions have not been able to settle their differences, the President has recommended, and the Congress has enacted, special legislation to avert a stoppage. I am taking similar action to protect the public interest today.

The legislation I propose is closely related to the facts of this dispute. After all the procedures of the Railway Labor Act had been exhausted, and after extensive mediation under the auspices of the Secretary of Labor, the parties finally reached an agreement incorporated in a Memorandum of Understanding dated December 4, 1969. That Memorandum was ratified by an overall majority of all the members voting as well as by the majority of those voting in three of the four unions.

However, the majority of the voting members of one union, the Sheetmetal Workers' International Association, failed to ratify the Memorandum. I am forwarding to you today legislation that merely makes that Memorandum the contract between the parties. We must not submit to the chaos of a nationwide rail stoppage because a minority of the affected workers rejected a contract agreed to by their leadership. The public interest comes first.

Four days ago, I sent to the Congress a measure to protect the public interest in cases where a strike or lockout in the transportation industry imperils the national health and safety. In that message I stressed two principles: first, that the health and safety of the Nation must be protected against damaging work stoppages; second, that collective bargaining should be as free as possible from Government interference.

The legislation I am submitting with this message to resolve this dispute abides by those two principles. We will protect the national interest, and we will limit Government interference to enforcing the contract to which responsible agents of the parties agreed.

I urge the Congress to act quickly on my proposal, so that a crippling stoppage can be averted and the Nation's travellers and shippers can depend on uninterrupted service.

RICHARD NIXON.

THE WHITE HOUSE, *March 3, 1970.*

JOSEPH A. YABLONSKI: A PROFILE IN COURAGE

The SPEAKER pro tempore (Mr. MATSUNAGA). Under a previous order of the House, the gentleman from West Virginia (Mr. HECHLER) is recognized for 45 minutes.

(Mr. HECHLER of West Virginia asked and was given permission to revise and extend his remarks and include extraneous matter.)

Mr. HECHLER of West Virginia. Mr. Speaker, today, March 3, would have been the 60th birthday of Joseph A. Yablonski—a man who gave new meaning to the word "courage."

"Jock" Yablonski left a great legacy and a challenge for the future. He helped coal miners and all people to realize that every human being has basic rights—the right to live, to work, and to breathe as human beings, the right to speak out without intimidation, the right to be represented by those who do not sell you out, the right to see the hard-earned dues of the miners used for their benefit instead of lining the pockets of the big boys, and the right of everyone to enjoy freedom in the United States of America.

It took a remarkable type of courage on the 29th of May 1969 when "Jock Yablonski made the great decision to announce he would challenge the entrenched, corrupt, well-disciplined and dictatorial despotism run by the top officials of the United Mine Workers of America. It took courage in the face of threats, sneers and smears.

He stood up for an ideal.

And although the forces of pagan savagery sent their paid lackeys to kill a man, they will never kill the ideal which Jock Yablonski stood for.

BIOGRAPHICAL STATEMENT

Joseph A. Yablonski was born on March 3, 1910, in Pittsburgh, Pa. He attended public schools in California, Pa., until he undertook his first job at the age of 15 at a coal mine owned by Jones & Laughlin Steel Co. As the oldest son in his family, his earnings went for family support.

Mr. Yablonski worked in the coal fields in various capacities throughout the depression and was actively engaged in the labor strife of the 1920's and 1930's, serving as a picket, worker, and as a labor organizer.

His father was killed in a coal mine accident in May of 1933.

Mr. Yablonski participated in organizing Vesta No. 6 in 1933 for the United Mine Workers of America.

One week after transferring to the Crescent No. 1 mine in 1934, which had over 1,200 members, he was unanimously elected president of Local Union 1787 of the UMWA and chairman of the mine committee.

He was elected to represent 15,000 members of District 5 as the executive board member of District 5, for 8 years from 1934 to 1942. The executive board represented these men in the International UMWA and also conducted negotiations on wages, hours, and working conditions with the coal industry.

In 1942 he was elected to represent approximately 35,000 coal miners on the international executive board of the UMWA. Mr. Yablonski then served as a troubleshooter for John L. Lewis on union problems of all varieties, traveling throughout the United States and Canada. He has served continuously in this capacity for 27 years and has been reelected by the UMWA membership of district 5 seven times during this period.

Mr. Yablonski has also served as the U.S. representative, coal division, at the International Labor Organization Conference in Istanbul, Turkey—1956.

He was appointed as a member of Governor Lawrence's bituminous mine law study commission in 1960. This work served as the basis for the revision of the Pennsylvania mining law.

In 1965 Mr. Yablonski personally intervened with Governor Scranton to successfully demand an amendment of the Pennsylvania law to grant compensation for coal dust disease—coal workers pneumoconiosis.

He was elected and served as both president of district 5 and as a member of the international executive board, from 1958 to 1966.

In 1954 he organized the Centerville Clinic, Inc., a nonprofit corporation designed for group medical practice for coal miners. The clinic has a budget of over $1 million. Since 1954 he has served, without compensation, as chairman of the board of directors.

He resigned as president of district 5 in 1966.

In 1965 he was appointed by the president of the UMWA as a member of the UMWA organizing committee with responsibilities throughout the country.

In March 1969, Mr. Yablonski was elected by the board of directors of the Brownsville General Hospital as the chairman of the board to serve without compensation.

MRS. MARGARET YABLONSKI

Mr. Speaker, the people throughout the Nation, and especially those who work in the mines, know a great deal about Joseph A. Yablonski. Many people in every State and in foreign nations as well have learned a great deal more about his life and ideals since his tragic death only 2 months ago. In the months and years to come, there will be many articles, addresses, books, and other material about this man, what he represented and what he tried to do. I do not pretend to indicate that he had no faults. In the rough and tumble competition of union politics, you could not survive if you were some kind of a namby-pamby. He had enemies. He made mistakes. He played along with the crowd that all too frequently was neglecting the rank-and-file coal miner at the expense of the leaders. We will read and hear a great deal more about all aspects of his life.

Somehow, in the bright searchlight glare of publicity which has followed one of the most dastardly crimes of the century, we have heard and read a great deal about the life and work of Joseph A. Yablonski, but overlooked have been his wife and daughter Charlotte, who are with us no more. I would like today to add a few words about these two brave ladies who not only aided Mr. Yablonski immeasurably in his efforts, but also were outstanding personalities who each made unique contributions in different fields.

Msgr. Charles Owen Rice, who conducted the funeral services for Mr. and Mrs. Yablonski and their daughter, Char-

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lotte, also officiated at the marriage of Joseph Yablonski and Margaret Wasicek. They settled down in California, Pa., and in the late 1940's moved to Clarksville, Pa. Mrs. Yablonski said:

> My schooling consisted of one year at Grove City College and then came the depression. There were six of us in the family and my father insisted I go to California State and become a teacher. My parents were immigrants. I never knew anyone who loved America more than my mother. My mother taught herself how to read and she could discuss such things as "Hamlet" with any of us. We've all always loved to read.

Mrs. Yablonski soon developed into a talented playwright. One of her plays, "Shorty" ran a performance at the Pittsburgh Playhouse. Her husband helped her with the background for the play. Asked whether the subject of the play was coal mining and the human problems of the miners, Mr. Yablonski responded with a smile: "What else?" As Mrs. Yablonski described it:

> I used to sit with my husband and he'd tell me about incidents that he recalled from his mining experiences. That's how "Shorty" was born, although the inspiration came from a man who lived across from our farm.

Mrs. Yablonski was asked by a Pittsburgh Press reporter, Barbara Cloud, how many plays she had written.

> Oh, about this high—

She laughed, indicating a spot to her waist—

> I guess about 50 or 60. I try to show what life is. I hope I don't preach. I use my husband as a bouncing board when ideas start forming.

MISS CHARLOTTE YABLONSKI

West Virginians will always have a particularly soft spot in their hearts for the talented, sensitive girl who left us when Mr. and Mrs. Yablonski did. Charlotte received her A.B. and master's degree from West Virginia University, and her last job before embarking on her father's campaign was director of the community action, antipoverty program for Monongalia County, W. Va., with headquarters in the university city of Morgantown.

At West Virginia University, her professors made the following appraisal of Charlotte:

> She was conscientious, intellectually superior, had a deep compassion for others and a genuine concern for making society a better place in which to live.

One West Virginian who knew Charlotte well, Mrs. G. Robert Nugent, president of the League of Women Voters of West Virginia wrote me this letter on February 2, 1970:

> Charlotte Yablonski was a personal friend of mine in the sense that we shared a common objective—we loved West Virginia and cared about helping the poor in the state. In 1968, she applied for the position of director of the Monongalia Community Economic Opportunity Council (the OEO program). I was a member of the board of this council and was one of the persons interviewing applicants for the job. After talking to the four top applicants, the interviewers agreed she was the most outstanding. The most outstanding because she understood the needs of the poor and had a feeling for the way to go about helping them. She was also the best educated of the applicants though this was not a criterion we used in selecting directors. However, we had our doubts as to whether she would be acceptable to the community. Some felt a university-trained woman would have difficulties both because of town-gown tensions—and because she was a woman. However, we decided that she was strong enough to hold her own in this situation.
>
> She worked long hours during her stay in Monongalia County. OEO directors do not have an easy time of it anywhere. The conflicts that swirl around these programs are numerous and can be intense. Some of us who knew her best felt her difficulty in the late stages of her tenure resulted chiefly from antagonisms among the people in the poverty areas toward her which seemed to have been brought on by the campaign her father was waging for the UMWA for leadership. Of course, no one could say this was the case with certainty but Charlotte herself made a public statement to this effect during the crisis she went through with the poverty groups in Osage in this county. With good judgment, she resigned from her job when she knew she was no longer acceptable to the poor as their chief spokesman.
>
> That the life of this young, idealistic, dedicated, bright young woman should have been taken so senselessly is a source of outrage and deep grief to me—as it should be and is to others.

Mr. Speaker, I would also like to place into the RECORD an analysis of the various antipoverty programs which was prepared by Miss Charlotte Yablonski. This reveals her insight into the problems of less fortunate people, and her deep compassion and sensitivity toward their problems:

> Therefore have been many successful OEO programs. Some of these successes cannot yet be fully measured—Head Start, Follow Through, Upward Bound, etc.
>
> The kind of thing, however which most excites us is community organization. We mean by this fairly large groups of people working and learning together—not on activities but on issues. Many poor people have felt helpless and hopeless to make decisions (which can be enforced) which meaningfully effect their lives. They have been un or undereducated and felt it impossible to deal with institutions. Their choices have been limited by virtue of their being poor—their leadership qualities have been stifled rather than encouraged and they have been excluded from particapatory democracy.
>
> Many of these people are now learning through experiencing the benefits which accrue to them through community organization. I am not talking about radical confrontation groups. I am talking about common interest groups: groups who educate themselves and one another as to their rights under law. By learning and helping to enforce these laws, they are going through an educational process—which keenly interests and involves them and develops their leadership potential. Through this kind of involvement we find that these families long labeled by social agencies as "multi-problem families" no longer have these same problems. When people are learning, working, achieving—progressing—the fringe benefit of pride develops—they begin to look better in appearance. Relationships with family friends, etc. again become important and so are handled more responsibly. They are taking an active part in shaping their own lives so those multi problems disappear and one or two main problems emerge: 1. lack of gainful employment and 2. inadequate income.
>
> Another benefit is, of course, that kind of institutional change which these groups help to achieve. Institutions are designed to serve people—yet over the years they have become rooted in tradition, bound by red tape procedures which made sense at the time they were initiated (in the 1920's and 1930's) but which are out-of-step, illogical and time-consuming for 1969–70. These institutions at times realize the need for change, but by virtue of the previously mentioned facts require legislative change. Our community organizations are seeing the need for promoting changes in the laws that effect them as well as the need for administrative and service reforms.

Mr. Speaker, I think it is very fitting that a scholarship in honor of Miss Charlotte Yablonski was established by the division of social work of West Virginia University, the school from which Miss Yablonski received her master's degree. In announcing the scholarship, Dr. Leon H. Ginsberg, professor and director of social work at West Virginia University, said:

> Those of us who knew and respected Miss Yablonski decided that a memorial scholarship, in honor of her life, would help us do something to insure that more young people like her would serve in overcoming the social problems of the United States. We think she would be pleased with a scholarship bearing her name.

Miss Charlotte Yablonski was termed "one of the area's most prominent young social workers" by Dr. Ginsberg. She had served as a social worker with narcotics addicts at Mercy Hospital in Pittsburgh, prior to her coming to Morgantown as director of the antipoverty program.

TRIBUTE BY KENNETH YABLONSKI

On Sunday, March 1, over 300 coal miners and their families assembled at Park Junior High School, Beckley, W. Va., for a birthday tribute to Jock Yablonski. His sons, Kenneth and Joseph A. Jr., delivered moving tributes to their late father. Kenneth also added a beautiful tribute to his mother and sister. Among the things which Kenneth said were these:

> I don't have much more to say than my brother, except to thank you for the wonderful outpouring of emotion you have shown me, and you only reaffirmed in me my belief what a great man my father was. But if I may, I'd like to take just a minute or two of your time and tell you what wonderful people my sister and my mother were. You know, no man anywhere had the support at home that my father had.
>
> My mother from the day my father declared his candidacy seldom if ever left our house, because she was afraid there might be a phone call of some importance for my father. From May 29th until the day the campaign was over, I don't think my mother ever really knew she had a man in the house any more, except what she read in the newspapers and what my father told her on the telephone. He was away constantly, and when he did come home he was tired, and he was beat, and many times disappointed because people who knew better had let him down. She was the person who picked him up. Many times when I came home from being out and doing the little I could do, and I'd gotten despondent, she picked me up. She gave us strength; she was an eternal optimist.
>
> She'd say: "Don't worry, we're going to win."
>
> My Dad would answer: "Marge, you don't even know what you're talking about, you're not out there, you don't even see some of the things that are going on."
>
> She'd say: "I don't care. We're going to win."
>
> And until the day my father and mother and sister died, she believed that, and I still believe it.
>
> My sister had such compassion in her—I don't have the words to describe it. She

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was 25 years old. She had worked in the Hill District in Pittsburgh with drug addicts, then came down into your state of West Virginia in the poverty program. She was a girl with special training and education. She didn't have to do that kind of work. She could have taken the easy way in life. And when my father declared his candidacy, she could hardly wait to get into the campaign. She couldn't wait. She was just like a horse under bridle, and we were holding her back.

At home she worked on publications. She went down to Pittsburgh to do some publicity work for my father, and she finally went down to Washington to work for my brother Chip at the National Headquarters. She told me once when we were sending out watchers' certificates at the National Headquarters: "I've just got to do these. I've got to have a part of this thing."

That is the way she was.

So I say to you, ladies and gentlemen, no man had such support as my father had in them. God should be so good to any of us to have the help that he had.

WHY DID JOCK YABLONSKI RUN?

Mr. Speaker, a great deal has been said and written about Jock Yablonski's decision to break with the top leadership of the United Mine Workers of America and announce the crucial decision on May 29 to run for the presidency. I spent a great deal of time with Mr. Yablonski, and shared the campaign platform with him every weekend he was in the West Virginia coal fields. I had the opportunity to have many conversations with him while traveling by car or plane to or from campaign rallies, or relaxing in the homes of his many friends among the coal miners.

I know that he had been deeply disturbed by a number of developments within the union. When one is an officer in an organization, he has several choices: to suffer silently, to argue for change while remaining loyal to the organization, or publicly breaking with the organization. I know that Jock Yablonski was a man with deep loyalties. He thought long and hard before deciding to make a clean break with the United Mine Workers of America, because of his strong loyalty to his union.

> I have been part of this leadership—

He said:

> I have participated in and tolerated the deteriorating performance of his (Boyle's) leadership—but with an increasing troubled conscience, I will no longer be beholden to the past.

I know from conversations with Mr. Yablonski that the widening gap between the leadership and the rank and file troubled him. Much of this came to a head and was epitomized by UMWA President Boyle's appearance at the scene of the tragedy in Farmington, W. Va., on November 22, 1969, just 2 days after 78 miners had been entombed in a gassy grave at Consol No. 9 Mine. It infuriated Mr. Yablonski to see Tony Boyle proclaim in soothing terms over national television:

> As long as we mine coal, there's always this inherent danger.

Then President Boyle seemed more interested in apologizing for the company when he added:

> Consolidation was one of the best companies to work with as far as cooperation and safety are concerned.

This brought to a head the whole burning issue of the "sweetheart" relationship between the coal operators and the leadership of the UMWA.

Mr. Yablonski felt strongly about the dictatorship and lack of opportunity in the union. It is true that he supported this tyranny when it was a benevolent dictatorship under John L. Lewis. In fact, it is ironic that Mr. Yablonski had led the move to change the UMWA constitution so it was necessary to be nominated by 50 locals instead of five, thus helping the incumbent entrench himself in office. Writing in "Mountain Life and Work," Mrs. Jeanne Rasmussen commented: "It was a rule that nearly came back to haunt him."

Yet when the campaign was launched, Mr. Yablonski saw even more clearly than he had dreamed how the tyranny and intimidation of a dictatorship could operate—from the karate chop delivered on the back of his neck in an Illinois hotel room, through the Boyle toughs who infiltrated and threateningly took down names at every Yablonski rally, to the threats to pensioners that their pensions would be taken away if they did not go down the line for Tony Boyle and George Titler. It may be that Jock Yablonski did not fully realize how deep seated was the anger in the coalfields generated by the utter helplessness of the average rank and file member sold out by his own union.

The deep loyalty to the union which kept Jock Yablonski in line for so long showed up in his many campaign speeches. It was just one of Mr. Boyle's many unfair and untrue contentions that Jock Yablonski was a "traitor" to the union. At Oakwood, Va., he said:

> The United Mine Workers of America is an organization that I love. I've been in it all my working life and I wouldn't do a thing in the world to harm it—contrary to what some people might say or the propaganda that is being spread by some individuals.

He added:

> You know, I get a big kick out of all of the pamphlets they're putting out. They're grinding them out every hour on the hour. They're repeating the things I used to say about Tony Boyle—when they wrote my speeches and handed them to me and said 'make the speech.' They're saying all the great things and the good things that I said about Tony Boyle. But you don't see anything in those pamphlets and those records where Tony Boyle says: 'every time this union's in trouble, we send Joe Yablonski,' whether it's Novia Scotia or Alabama—whether it's New Mexico or northern Pennsylvania! And today, Joe Yablonski is supposed to be garbage!
>
> Well, Joe Yablonski is the same person that he's been all of his life, and by the eternal God, he's going to stay that way! Certainly we differ, and it's good for this organization for men to have differences of opinion. But we (coal miners) don't need to be talked *to;* we need to be talked *with*. We need to derive strength from each other, and in this way, we can correct all the problems that confront this great union.
>
> We've made them get out of their swivel chairs and made them come into the areas where the dust is and meet the men who dig the coal and pay their (international officers) salaries, and by God! You know they would have never gotten out of their swivel chairs and come down into the boon-docks if it hadnt' been for us being a candidate.
>
> So if there's nothing ever accomplished but making them aware of the fact that there are coal miners that have feelings and have beliefs and have families and have responsibilities—then we've done quite a bit! But we're not through. We're not through. We're just starting!

With all the substantive issues which motivated Mr. Yablonski to plunge into the campaign—the corruption, the despotism, the failure to protect the rank and file, the sweetheart relationships with coal operators, the money which was embezzled, the deprivation of thousands of miners and their widows and families of just benefits under the welfare and retirement fund, and the many other issues, there was perhaps one other mentioned only casually by one person, Monsignor Rice. After the funeral services were over and when he had more time to reflect, Monsignor Rice penned a very perceptive article for the Catholic News Service. The article was datelined January 14, 1970. Buried in the article was this single sentence: "Yablonski, like many another man in his late 50's, wanted to give his life more significance, wanted to sacrifice and serve." That single sentence may be the unspoken reason that this tough-minded, gravel-voiced labor leader, blessed with an artistic wife, a daughter who was a compassionate social worker and two lawyer sons with a sense of social justice, may have decided to cross his personal Rubicon on May 29, 1969.

The entire article by Monsignor Rice follows:

ARTICLE BY MSGR. CHARLES OWEN RICE

(NOTE.—The author of the following article has been active in labor-management affairs for many years. He was a friend of murdered labor leader Joseph A. Yablonski, his wife and daughter. From his knowledge of the coal miners' union, he details for NC News Service his impressions regarding the factors that led to the slaying of the Yablonskis and their likely aftermath.)

PITTSBURGH.—Sudden death is no stranger to the coal fields. Miners and their families simply live with the prospect of men being crushed, burned or choked to death. But death at the turn of the year came to the coal mining district of southwestern Pennsylvania in an unfamiliar and more frightful fashion.

Joseph A. (Jock) Yablonski, his wife Margaret and his daughter Charlotte were shot to death, probably during the night of Dec. 30. Their bodies were not found until four days later when a son, Kenneth, worried about no answer to the telephone, drove out to investigate. He stepped into a scene of horror and slaughter.

The most eerie feature of the dreadful sight in the pleasant home in its almost rustic setting was that so little was disturbed—there was no sign of struggle. Death came and went neatly. Mother and daughter lay dead in their beds, the father lay as if the fatal shot caught him while reaching for a shot gun to fend off death.

The ugly deed profoundly shocked coal miners and their families—and these people were not the sort to be upset easily by the harshness and cruelty of life, or of other human beings. Men have been killed by other men in the coal fields but it has been a long, long time since a man's family was killed along with him. There may have been similar incidents a century ago when the terror of the Molly Maguires was all that stood between the hard coal miner and the rapacity of the owner. But since then there have not been parallels anywhere in the labor union movement.

Even the history of gangsterdom does not supply plentiful parallels.

The Pennsylvania State Police and the FBI have been understandably close mouthed about their investigations. If they have leads on the killers, they would be ill advised to tell us. Substantial rewards have been posted by the United Mine Workers of America and the Polish National Alliance. The union offer is the larger, $50,000; the alliance, $10,000. The total might be enough to tempt persons who know something significant. That would appear to be the best hope of a solution.

Personally I believe that if the killers are revealed they will be found to have already departed this world and those who commissioned them, while under suspicion, will not be indictable.

The question is: Was this motivated by union politics?

Only a month before the killings it was made official that Joseph Yablonski had lost in his bid for the presidency of the United Mine Workers against the incumbent, W. A. (Tony) Boyle. Jock, as the dead man was known, did not accept the verdict of the union counters, but vowed to keep on fighting and revealing.

He was in a position to reveal, and had already revealed during the campaign. Yablonski had been of the household of the miners' union and had done the unthinkable—he ran for the presidency and retained his job in the union. He needed a federal court order, but he managed that too.

Yablonski's sons, Kenneth and Joseph, both lawyers, one in Washington, Pa., and the other in Washington, D.C., had no qualms about blaming the union and demanding that the leadership of the union stay away from the funeral and the wake.

No top member of the national or district staff showed his face and, what was surprising and significant, no important leader from any other union was visible at the obsequies. Even the major politicians, governors, senators, congressmen, and state officials who are underfoot on all sorts of union occasions, were not about. I was chief concelebrant at the funeral Mass and while I did not gawk around I would have noticed, or been told, if notables had been there.

Important political figures from the locality and the county, however, were solid in attendance and that tells much about Yablonski, who led a full and vigorous political existence for more than a quarter of a century in that part of the country. He was king maker and a power, and his clout was statewide, mostly but not exclusively, on the Democratic side of politics.

Jock was 59 when he was killed, his wife two years younger, and his daughter 26. He was about the last of the old style UMW organizers and one of the best they ever had. He could organize with his head, his tongue and his fists. It was a tough league but in it Jock moved poised and confident.

He had just established himself as a man to watch and develop when I met him in the late 1930s. Other rising young men of labor had their eyes on the total CIO picture but Yablonski focused on the United Mine Workers. He rose in the bailiwick of Phillip Murray but he was with John L. Lewis all the way and when the split came in a few years he went with John L. and delivered for John L.

Lewis had formed the Congress of Industrial Organizations (CIO) in 1936, as he used UMW money and talent to organize the unorganized workers in the steel, electric, textile, rubber, aluminum, chemicals and oil industries. President Franklin D. Roosevelt and the New Deal helped and were helped, but Lewis split with Roosevelt on the issue of the war. Phil Murray, a vice president of the UMW and head of the steel workers' drive, accepted the presidency of the CIO at Lewis' urging, but they fell out over Roosevelt.

Yablonski was very important to Lewis because he beat Murray and Murray's men within their own district of the mine workers. Eventually Jock rose to entire control of that district, Number 5, and was placed on the national executive board. It was not in him to settle for being another labor skate or even a statewide political power. He had literary interests. He and his wife had authored a play that was produced in Pittsburgh. He had an eager and questing mind and a healthy ambition.

Devoted to Lewis, he did not kick over the traces while the old warrior was living even though Lewis, as he doffed the mantel of leadership, placed it on some one else—"Tony" Boyle. After Lewis died Jock waited for the next national miners' election and entered the lists.

He had a great deal of help. Ralph Nader, who despised the old leadership's neglect of the men and its wallowing in luxury, was attracted by Yablonski, as charming as he was tough.

Joseph L. Rauh, Jr., Washington, D.C., lawyer and politician, and other liberal reformers stepped up to help.

But the UMW had a system and traditions. The union is just a skeleton of its former self; old John Lewis' dictatorial way with banks, pension funds, contracts and contacts did not serve as the once great organization was battered by the fell sweep of circumstance, the market and mechanization. Boyle's leadership was more of the same with less drive and strength, but internal elections were still controllable.

Jock knew that his chances were slim but something stirred in him. While Lewis was living he would not even criticize, much less revolt. He had loyalty to the great old man, probably even more than to the miners. But with Lewis gone, the miners remained—them and his conscience.

At the funeral in Washington, Pa., (Jan. 9) young Kenneth Yablonski rose in the church. (I had been told he had something to say and at the proper moment I brought him to the fore). He said that his father regretted not having done more for the miners and regarded the last few months of fighting for the miners and against the entrenched leadership as the greatest and best of his life. Then and there I saw the father in a new light.

Back in the 30s I had officiated at the marriage of Margaret and Joseph. We had been very close but our closeness was a victim of that graver matter of the quarrel between giants and, while we never quarreled, we did not see each other until I was transferred to Washington County in 1959 as pastor of the parish from whose church they were buried. We became friendly again but we were all busy and promised each other that one day we would see more of each other.

Yablonski, like many another man in his late 50s, wanted to give his life more significance, wanted to sacrifice and serve. His death may do what his life could not. A new deal may come to the miners and their way of life.

So much depends on the leadership that may arise and whether we can prevent it from being either corrupted or suffocated. In the mines, as in the factories and shops, you have only so much talent. The unions have to compete with management and the professions these days when a good man rising from the ranks is a rarity. But good men have risen in the past and may rise again How long until they hear the siren song of power?

Today the young of the workers are less idealistic than the young of the professions or of management; but idealism must affect them sooner or later and one must not despair.

At any rate the spotlight will be on the union and the industry and no longer will miners troop into unsafe mines where either a quick death or a slow one are the choices The spotlight may protect the persons and the integrity of the potential leaders who are there and need only to be motivated, protected and identified.

The United Mine Workers today is a financial institution impersonating a labor union and the financial stakes are enormous. Lawyers and reformers have fuel for fires that may burn as long as the most stubborn underground coal fire, and public interest will attend the maneuverings for money.

Due to doctors, Congressmen and Nader raiders, a great measure of safety has come to the mines and the same forces fight for democracy and financial accountability.

A new day may be dawning for the coal miner, but promises and oratory have been his main diet for so long that he may be pardoned a certain low grade cynicism as he waits to see what will happen next.

JOCK YABLONSKI'S PLATFORM

When Joseph A. Yablonski faced the cameras, lights, and microphones in a Mayflower Hotel room on May 29, 1969, he made the following statement and outlined his basic platform which follows:

STATEMENT BY JOSEPH A. YABLONSKI ANNOUNCING CANDIDACY

Today I am announcing my candidacy for the Presidency of the United Mine Workers of America.

I do so out of a deep awareness of the insufferable gap between the Union leadership and the working miners that has bred neglect of miners' needs and aspirations and generated a climate of fear and inhibition. For thirty-five years I have been associated with the Union. I have seen this organization stand as the only bulwark against the oppression and greed of the coal operators and the insensitivity and corruption of government in the coal mining areas. I have seen the courage and determination of coal miners and union organizers under the leadership of John L. Lewis against the combined power of industry and government who were determined to break the Union's will and return the miners to their subterranean serfdom. Years later we participated in the establishment of the pioneering Welfare & Retirement Fund and built an unprecedented chain of hospital and health care facilities throughout many coal mining regions.

In an otherwise harsh and hostile environment, the miners relied on their Union, trusted their Union and gave the Union their undivided loyalty. But in recent years, the present leadership has not responded to its men, has not fought for their health and safety, has not improved grievance procedures, has not rooted itself in the felt needs of its membership and has rejected democratic procedures, freedom to dissent and the right of rank and file participation in the small and large issues that affect the Union.

In recent months the shocking ineptitude and passivity of the Union's leadership on black lung disease—not to mention its ignoring this massive disability of its men for years—became apparent to the nation, not just to those inside the Union. The leadership's inaction toward obtaining workmen's compensation laws, outside of Pennsylvania, to include payments for black lung disability became apparent to the nation. The abject follow-the-leader posture of the leadership toward the coal industry became apparent to the nation. I have been part of this leadership. I participated in and tolerated the deteriorating performance of this leadership—but with increasingly troubled conscience, I will no longer be beholden to the past. I can no longer tolerate the low state to which our

Union has fallen. My duty to coal miners, as I see it, it not to withdraw but to strive for leadership of this Union, to reinvigorate its activity with its idealism and to make it truly a Union of 110,000 working miners rather than a Union of inaccessible bureaucrats.

I know the coal industry. I have worked in the mines and know the agony of it. Like most coal miners, I have lost dear friends, and beloved relatives in the mines. When my father died in the mines, I took his place as did so many sons of fallen miners. I know from involvement the experience of organizing miners and administering their affairs within the Union and with industry and government. And I know that the coal industry is booming, with record production and profits—a state of affairs that dramatically changes the economic environment for miners from one of decline to one of growth. Thus, the miners have an even greater claim on safer working conditions, broader economic benefits and considerations from managements. Coal is the most inexhaustible and promising multiple energy source for the remainder of the century. Men make this possible by working in inhumane conditions in the dark and under the ground. These men must never be subjugated by King Coal.

At this point, I want to state clearly the program that I will run on for the nomination and election to the Presidency of the UMWA. This program embraces the most fundamental issues confronting our Union and, as such, I welcome discussion and debate with any other candidates.

1. The occupational violence to life and limb in the mines requires engineering, legal and individual safeguards, not profuse mouthfuls of fatalism. Coal mining is this nation's most dangerous occupation; traumatic accidents take the lives of one out of 300 coal miners every year, at a rate fourteen times as high as the national average for all workers, and thousands of other miners are injured annually; "black lung" disease seriously attacks the lungs of half the miners literally to strangulate their ability to breathe. If elected, I will initiate a series of immediate and longer term improvements along these lines:

a. Expand the Safety Division of the UMW to guarantee a response to safety complaints of miners and to protect miners who make reports. The Division will support effective mine safety committees whose sole purpose is safety and not the perpetuation of incumbent Union leaders in office.

b. Vastly expand Union and publicly supported research in health and safety. The government spends billions in subsidies for various industries. I pledge that the government will receive the strongest persuasions to pay attention to miners' lives over industry profits.

c. Undertake independent investigation of all coal miner complaints in order to monitor the work of Federal and State mine inspectors. No matter how well the pending mine health and safety law is written, it will not be adequately enforced without an adequate Union fighting for its men's health and safety.

d. Push for continual Federal and State legislative and administrative improvements in response to new facts and innovations for health and safety. Included here are workmen's compensation payments for black lung, greater payments for other injuries, and the establishment of a worker's legal right to sue the coal operator for negligence resulting in the worker's injury.

e. Assure that every labor-management contract from now on contains all possible safety and health protections and a special coal operator safety fund for advanced safety improvements beyond the law.

f. Push for adoption by management of the principle that miners are to be paid during the period when a mine is temporarily closed because of the negligence or lack of care by a mine operator.

g. Provide information, assistance and protection to all mine safety committees for dissemination to the men.

h. Work to eliminate the present Federal Coal Mine Safety Board of Review. Appeals from inspectors' orders or closures should be made directly to an expert commission of mine inspectors selected by the Director of the U.S. Bureau of Mines. These inspectors will investigate and reverse or sustain the finding of the original inspector. Appeals from this decision would go directly to a court.

2. I will immediately call for a special convention of delegates (*democratically elected by secret ballot by all local unions*) in order to establish procedures under which every member in each district can determine by secret vote the selection of District Officers and the rules which govern his District.

3. In order to give greater opportunities to younger men for leadership positions in the Union, I will recommend (*and work for*) mandatory retirement of all Union officials at age 65—without special compensation or plush retirement plans. An organization without the nourishment of youth is destined for decay. I will work to obtain the brightest young minds from our Universities and from the grass roots of coal producing states for staffing and leading our Union to meeting the pressing problems of today and tomorrow.

4. I will modernize present antiquated grievance procedures in order to create stability in the Union. This will restore confidence of the membership in the Union and eliminate the unjustified discharges of large numbers of miners and the prolonged work stoppages which result therefrom.

5. I will strengthen and improve the financial structures of the local unions so that they can generate local initiative to meet local challenges. Improved financial structures used for local union purposes are essential to a strong horizontal and vertical Union organization.

6. I will impress upon the Trustees of the Welfare and Retirement Fund the need to liberalize eligibility rules and Fund benefits and make needed reforms. At the next contract negotiations with the coal industry, I shall demand a substantial increase in the 40¢ per ton royalty (unchanged since 1952) that goes into the Fund for pensions to retired miners. The rising cost of living and the spectacular profit registered by coal corporations demand this increase.

7. I will use the financial and political resources of our Union to advance the betterment of members and their families. For example, my Administration will establish credit unions and other financial services to all members with the help of the expertise and assistance of the National Bank of Washington which our Union owns. We will also address ourselves to the grossly inadequate level of taxation of coal companies in the various states and communities which deprives these communities of needed educational and social services. Better schooling for miners' children and the creation of a scholarship fund in all coal mining areas will receive our closest attention. The coal industry has a broad responsibility to the community that provides it with such massive profits and we intend to see that that responsibility is observed. No longer will this Union tolerate the coal industry's control over state and local government to the detriment of the coal miner. I will not tolerate this Union being subservient to the coal industry in Washington.

8. A Union must retain an arms length relationship with management. All the dealings of Union leadership must be open and observable by the membership—including Union reports. Union relationships with other organizations and Union expenditures. Openness in Union activities includes making it easy for a member to obtain information. I pledge an open Administration that encourages, even demands, active participation by the membership collectively and individually. I pledge an end to demeaning and unproductive ties to the coal industry including the severance of the Union's membership in the National Coal Policy Conference. This Conference has as its purpose the opposition to air pollution controls and the promotion of coal. Whatever stands we take on these issues, we should arrive at and take alone. We must no longer compromise our stands in an industry-dominated organization that cares little about the working man. The Union's annual contribution of $75,000 to $100,000 to the NCPC will be devoted instead to the UMWA's Safety Division.

9. There are thousands of miners who are still not members of our Union. These men work for wages ranging from $12 to $16 a day; these men are often sick and old and therefore can be exploited by inhumane managers in inhumane working conditions because they have no other employment opportunities. Who cares for these men? The Union must care for these men and develop an organizing drive that is substance, not form or rhetoric. If elected, I will never allow this Union to forget our poorer brethren.

10. Merit, not kinship, shall be the basis for advancement in administrative positions under my Administration. Moreover, if elected, I shall make it a policy that no relatives of mine, no matter how meritorious, shall be added to the Union payroll. I make this one exception to the merit criterion to emphasize that there will be no crew of my relatives coming on the Union payrolls.

THE YABLONSKI PHILOSOPHY

One aspect of Mr. Yablonski's personality which always struck me was the breadth and depth of his interest in every type of person, human problem. Whereas President Boyle shook hands gingerly, almost as though he wore white gloves, Jock Yablonski usually clapped a calloused hand on your shoulder. On the stump, he would characteristically peel off his coat, loosen his tie and shirt collar, and always have trouble every now and then hitching up his trousers while he spoke. He never used a note, even for statistics, frequently resorted to expressive and explosive profanity, but eschewed the bitter personal vitriol which the likes of George Titler felt necessary to use in order to attract attention. Jock Yablonski was sensitive to people, and you could tell this when he patiently listened to the scores of genuine hard-luck stories from miners and their widows deprived of their pensions, their compensation, blacklisted by the union or management, or turned down on legitimate grievances.

He was also sensitive to a broad range of problems which never ceased to amaze me. Riding around between stops, he talked about a wide variety of subjects totally unrelated to the critical, uphill fight in which he was engaged. Returning to the Greenbrier Airport from an address at Rupert, W. Va., we talked about farming practices in the rolling country of the Greenbrier Valley, recent

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popular literature, Broadway plays, the changing tastes of the younger generation, and some of Mr. Yablonski's experiences in West Virginia while John F. Kennedy was running for President.

I was very interested in the revealing comments made by Mr. Yablonski in a session held in a private home in Beckley, W. Va. Forty or fifty miners were present at the meeting held on August 30, 1969, taped by Jeanne Rasmussen. Among the comments, Mr. Yablonski said:

> There's a broad field of work that we all could be involved in to improve the quality of life of our people. A union has more obligation to its members than just what the day wage rate is, or the hour wage rate. There's a whole sphere of things that we can be working on to improve the quality of life of people who live in this whole Appalachian area. I'm sick and tired of the kind of treatment we've been getting from politicians in Appalachia. They don't want any diversification of industry; they don't want to go ahead and improve the quality of education. They want to keep the status quo, and they permit the tearing up of the hillsides; the polluting of the streams—tear up everything there is without any regard to the future, neither for the nation or the people that are going to be living in it. I think it's a union's responsibility to be concerned about the future of the people. About the future of the areas. And I think this is an area that we can all work in and work together! But first, we've got to build the kind of a union that men are gonna have confidence in. . . . believe in!

THE REIGN OF TYRANNY

On July 13, 1969, in an address at Beckley, W. Va., Mr. Yablonski described the procedures within the United Mine Workers of America as follows:

> I've been an officer of this organization for 35 years, and all I had to do, if I was only concerned with myself, was to just let things go, coast into retirement and forget about everything. But I want to say very frankly, that isn't the way it's going to be with me.
>
> When I see my union moving in a direction of unconcern for men who have to engage in the dangerous conditions of coal mining, then it's time that somebody speaks up, *regardless of what the sacrifice may be*.
>
> You've always been told that we have a great democratic organization . . . and I hear somebody stand up in front of the United States Senate and insult the senators by saying the United Mine Workers are more democratic than the senate of the United States! Let me say this to you: How democratic is an organization—when a man who's served it for 35 years announces he's going to become a candidate for office, and they hire an expert karate thug to hit him from behind in order to try to paralyse him! That's what happened to me in Springfield, Ill. This morning, in the Williamson paper, an advertisement put there said: 'Stay out of District 30, Joe Yablonski." Now let me say this to Tony Boyle . . . to all of his thugs . . . to all that he's able to hire: Joe Yablonski is not gonna stay out of anywhere!! Joe Yablonski is gonna go into every mining town and carry the message of the coal miner!
>
> You know this "Reign of Tyranny" that they're putting on—trying to scare people from going to meetings. . . . trying to scare the pensioners; trying to scare a fellow from stand up and expressing himself. Who the hell do they think they are? In Gestapo Germany? No! This is the United States of America! And let me say this to you: Hundreds of thousands of dollars that are being spent, taken out of the treasury—it belongs to coal miners . . . and this campaign is being investigated right now by the Federal Bureau of Investigation and the Justice Department—and when those people start investigating, you're not fooling around with some type of county courthouse investigator! They (the incumbent UMWA leadership) know! They know where they violated the law. They know and they're afraid. They know because they know the spotlight of truth is going to be shined upon them . . . and they're going to have to answer! (taped at Beckley, W. Va., Sunday, July 13, 1969—JR.)

At the end of the campaign, he summed up the fear and intimidation tactics in the following terms, in an interview with Jeanne Rasmussen over WOAY-TV, December 8, 1969:

> It's certainly rather deplorable that so much mud-slinging had to occur in this campaign, instead of a real debating and discussion of the issues that concern the coal miners and their families. It could have been much better, had we met jointly in the forums of the mine areas to discuss the many issues that confront the coal miners and that they are really interested in, insofar as their organization is concerned. I asked for this on May 29, when I announced my candidacy. Six days later, I was discharged from my job, and from then on, the viciousness started, because I had the AUDACITY to become a candidate within the framework of the United Mine Workers of America!
>
> Prior to the time the United Mine Workers were organized in this area, many coal miners were afraid to attend organizing meetings, because they were afraid the Baldwin-Felts would report them to the coal companies and they would lose their jobs. Isn't it a rather tragic thing that today they're afraid to attend meetings because they're afraid of their union officials? These are the people who are supposed to represent them: to extend to them their rights of freedom: to extend to them their right to stand up and be heard: and extend to them their right to even dissent, if they want to dissent: this is the way democracy really works, and this is the way it's going to work after December 9th, because I know that men who are oppressed and coerced will resent it when they have the opportunity to demonstrate it, and they will demonstrate it on December 9 that the time has come for a change . . . and to bring about a union that is meaningful and responsive to the needs of its members.

POLITICS OF FEAR

And at the Beckley, W. Va., miners' meeting on August 30, 1969, Mr. Yablonski added:

> Long years of coercion and intimidation that's been practiced in the union—that's made this dictatorship possible and made it have the strength that it has. You know, we had a lot of unemployment throughout the Appalachian area, and many men have seen other men blackballed; seen them go down the road without a job. So there's been a lot of fear on the part of some of our people. But you know, this fear—and fear is that way—is just buried and covered over. I remember in the days when they had no union, there was a lot of fear. Everybody was afraid of the company, and they didn't trust their neighbors; didn't trust each other to talk to one another—because they didn't know which one was gonna tell the company about the other! But when it all broke into the open, nothing could stop it! And this is the same. Fear of a dictatorship—when it breaks into the open (and you've seen other dictatorships fall, not only in organizations, but in nations), when people break out and they really feel the strength in their own hands and through their own actions, there's nobody gonna stop them! I hope we're able to get the membership of our organization to develop the courage, that courage that coal miners have been known to have. If we can get them to stand up—with that kind of courage—God bless anybody who gets up in front of them to try to support this dictatorship, 'cause they'll run over top of them like a steam-roller!

AUTONOMY

On the popular subject of autonomy, Jock Yablonski told an October miners' meeting this:

> We've got lots of work to do. First thing we have to do is make sure no more George Titlers ever come down the pike.
>
> We have to give the membership of our union the right to elect all of their district officers. But not only are they going to have the right to elect their district officers, the constitution that sets up the rules on the election—is going to guarantee every individual coal miner that he has the right to run, if he wants to run. And to make sure we don't have some smarty come along and get himself elected to a four-year term and then sell out the coal miners two months after he's elected, we have to put a *recall* provision in that constitution. Then, you'll see the difference! You'll see the men that you picked—honestly, diligently, devotedly—working in your interests, and they should be doing that! They should be finding new ways of providing service to the people that they have the honor of representing!
>
> We started out in this program to make this a better organization; to render greater service to the men who work in the mines, and their families, and this we intend to do! So, we've been in the fight—five months. When I went into this, a lot of my friends said, "Aren't you getting tired?"
>
> You know what my answer is? We're just starting!

At Oakwood, Va., in November 1969, Jock Yablonski outlined his philosophy on pension benefits:

PENSIONERS

> Coal miners in this country, as members of the UMWA, used to be the trailblazers in the labor movement—and lo and behold! We've become the trailers! Men working in steel mills, automobile plants, rubber plants and other diversified industries have got better working conditions, better pensions, better sick leave, better considerations than coal miners have and by God, I don't like it! There's no industrial worker anywhere in the world that should have a better pension than a coal miner. He's the man that works, that sweats, that's in the danger and unhealthy conditions in order to make the wheels of industry in this country turn, and and if it wasn't for him, they'd come to a standstill!
>
> Why should a disabled coal miner be denied benefits? Why should he have his hospital card taken away from him? Why should the widow of a coal miner be kicked out and denied benefits and not have a hospital card for herself and her children? These things are wrong—and they're wrong because you and I permit them to *stay* wrong! If we don't do something about it, it will continue that way!
>
> So now, I want to also tell you something else. I'm supposed to be against the pensioners. Against the pensioner having the right to vote. You know, in the local union where I hold my membership, there's 520 pensioners. I know these men personally, as I know many other pensioners throughout the jurisdiction of our union; and I hope I will drop dead right now if I will ever try to prevent a pensioner from getting everything that he is ever able to get from this union—including the right to vote and including the right to be a member! But that don't stop them from grinding out propa-

> ganda! (Boyle told the membership that Yablonski had gone to court to try and prevent the pensioners from voting, which is completely untrue!—J) There's one thing I do object to as far as pensioners are concerned: I object to these pensioners being in local unions where Carson Hibbitts votes them, or where Archie Woods votes them or where Ray Thornsberry votes them, whether they show up to vote or not! You're damn right I'm going to be opposed to that! I'm opposed to these pensioners being intimidated or coerced or threatened. You know, they *earned* these pensions! Nobody give 'em anything that they didn't earn! There's nobody has a right to threaten to take it away from them! These men have a right to vote without intimidation from anyone. Let them vote their own conscience. Let them vote for whoever they want to vote for! This is what true democracy means! The same for them as it is for everybody else!

STEALING THE ELECTION

At the climax of the campaign, Mr. Yablonski spoke as follows on December 4, 1969, at Summersville, W. Va.:

> Some people say that they're going to steal the election. And I hear this from coal miners. They say: "You'll have no trouble winning at our mine, you're going to get 90% of the vote, but they're going to steal it from you." Well, I don't know whether any of these fellows are going to be interested in going to jail for Tony Boyle! You know, the net is around him already. The United States Department of Labor issued a report last week on mismanagement, financial mismanagement of this organization by its president and its executive officers. The Justice Department has had a grand jury in session and many men have been called before it. You know, after the Labor Department issued its report, Boyle came out with a very feeble statement and said, "well, that's Joe Yablonski." Well, I don't know when I got control of the Labor Department. I guess if the Justice Department finds some indictments against some union officials, they'll accuse me of having control of the Justice Department!
>
> I guess Tony Boyle must see me behind every post, and every tree, and under every bed . . . and my shadow follows him everywhere he goes!

RESPONSIBILITY

At the last major rally of the campaign, held in Man, W. Va.—Logan County—December 7, 1969, Mr. Yablonski sounded this note:

> You know, you say to a young fellow: "How come you didn't go to work in a coal mine?" And he looks at you in the eyeball and he says: "My father worked in a mine. He can't get his breath. He has to open the kitchen door when it's zero weather outside to leave some fresh air in the house so he can get a little oxygen in his lungs. . . ." (And you know what he got for it? He got kicked in the teeth . . . by having the president of District 29 (George Titler) up there in Beckley make an Olga agreement with the coal operators that throws him out of this industry when he's 11% disabled with silicosis and pneumoconiosis!) And the young man says, "if that's the kind of industry you want me to go to work in, well no thanks! There's other ways for me to make a living!"
>
> And do you blame him?
>
> It is our responsibility. When we're the leaders of this organization, it's our responsibility to make these mines safe! And it's our responsibility to make these mines healthy! And this is the most important thing that we can do . . . because there isn't anything that God has ever given anyone that's more precious than life . . . and more valuable than health!

AFTERMATH OF THE ELECTION

I telephoned Jock Yablonski the day after the election. I was very depressed, even though the unofficial reports made it evident that although Mr. Boyle had overwhelming majorities among pensioners Jock Yablonski had carried a clear majority among the working miners. I felt very low, but it was his determination which cheered me up. I recall he said: "We're going to fight on. I'm not conceding anything. We're going to keep on fighting to bring justice to the coal miners."

On December 14, 1969, a postelection rally was held by Yablonski supporters in the high school at Sophia, W. Va. That was the last time I saw Jock Yablonski. Although the weather had turned extremely bad, and it was snowing, some 300 enthusiastic miners and their families attended the rally. They came from West Virginia, Virginia, Kentucky, Pennsylvania, Ohio, Illinois, and Indiana. Also present was Jock Yablonski, his son Chip and his nephew, Eddie; his brother, Edward; Mike Trbovitch, Joe Daniel, and others from Pennsylvania; Elmer Brown, Jock's vice presidential running mate; representatives of the West Virginia Disabled Miners & Widows Association; the West Virginia Black Lung Association; Drs. Hawet Wells and Donald Rasmussen of the physicians for miners health and safety committee and others like Karl Kafton, Harry Patrick, and Bill Fetty.

Jeanne Rasmussen wrote this account of the meeting in Sophia, W. Va.:

> Despite the fact that seven carloads of "Boyle goons" turned up at the meeting—to stand in the parking lot, the hallways; to make obscene gestures, write down names and perch like vultures in the darkened corners of the high school gymnasium—nothing seemed to dampen the enthusiastic response of the Yablonski people.
>
> "Well maybe we lost the skirmish—but we're still gonna win the war!" Yablonski shouted to the cheering audience. "We haven't given up! We're gonna fight this thing all the way . . ."
>
> Joseph Yablonski died in battle—fighting for a union he loved. Fighting for a union he hoped to save; to preserve; to make democratic and responsive and responsible to its membership. He did not die peacefully, or bravely, or with the dignity usually afforded a great leader. He died grasping for life, and for the lives of his wife and daughter, while "hired" beer-drinking punks pulled the trigger for a despotic union leadership whose only power was by absolute control. But even death could not silence the prophecy of Jock Yablonski's words:
>
> "Tony Boyle must see me behind every post and every tree and under every bed . . . and my shadow follows him everywhere he goes . . .
>
> "The *spotlight of truth* is going to be shined upon them . . . *and they're going to have to answer.*"

No account of Jock Yablonski would be complete without mention of the loyal support of Dr. Donald Rasmussen of Beckley, W. Va., and Dr. Hawet E. Wells of Athens, W. Va. Both of these men had worked independently for several years, Dr. Rasmussen as a pulmonary specialist, and Dr. Wells as a pathologist, in pinpointing the nature and deadly effects of pneumoconiosis.

They both traveled extensively in support of Jock Yablonski's candidacy, and unselfishly spent great sums of their own money to help the coal miners of West Virginia.

During his life, Jock Yablonski gave new hope and confidence to the miners who had been unrepresented in the highest councils. He faced every issue with eloquence, sincerity, and with that touch of greatness which comes with personal leadership.

Jock Yablonski's work is unfinished. On Sunday, at a birthday tribute in Beckley, W. Va., speaker after speaker expressed the thought that the greatest monument we can build—the only real monument we can build—to this man is to carry on his unfinished work.

I feel it is appropriate to close this birthday tribute to Joseph A. Yablonski with the last words which he spoke to me over the telephone from Clarksville, Pa.: "We are going to keep on fighting to bring justice to the coal miners."

Mr. PUCINSKI. Mr. Speaker, will the gentleman from West Virginia yield?

Mr. HECHLER of West Virginia. I am glad to yield to the gentleman from Illinois.

Mr. PUCINSKI. I congratulate and commend our distinguished colleague for taking this time today to pay tribute to the memory of Jock Yablonski. I know the distinguished gentleman from West Virginia was a very close friend of Mr. Yablonski, and I know that he had been most helpful in trying to give this brave and dedicated union member an opportunity to carve out a new dimension of leadership in an industry that so desperately needs that kind of leadership. I was deeply grieved when I learned of Mr. Yablonski's tragic death. It was a brutal crime, one of the most brutal in the history of this country. Within an hour after I had learned of this tragedy I wired Attorney General Mitchell demanding, as a member of the House Education and Labor Committee that had worked very closely with Mr. Yablonski on important legislation, particularly in the field of mine safety, demanding that all of the evidence be impounded, that the Federal authorities take over the house in which the crime was committed, and that the full resources of the Federal Government be used to investigate this heinous crime.

I said in my telegram to the Attorney General that Jock Yablonski was a victim of this brutal murder because he had been working with a number of Federal agencies in trying to bring about long-needed reforms in an industry that played a key role in the vitality of this country.

I said then that Jock Yablonski was murdered to seal his lips, and I say now that he was murdered to seal his lips. The consicence of this country will never be able to rest until we bring to full justice all those who directly or indirectly had anything to do with this crime.

Mr. Yablonski was working with a number of Federal agencies. He had worked closely with my own committee. The gentleman in the well had made a Herculean contribution toward seeing that a good mine safety bill was passed

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in this country, and Jock Yablonski also made a great contribution in the face of all sorts of pressures by vested interests that did not want a Federal mine safety bill.

I had many occasions to ask Jock if he was afraid that he would be threatening his existence because of the strong position he took in the labor movement. He was a very brave man. He said, "Yes, but those are the chances you take." He spent a great deal of time with our committee. I believe now that the Attorney General and the FBI and all the resources of this Federal Government ought to be used to get to the bottom of this tragic murder. There is no question in my mind that behind this murder lies a fantastic story of intrigue and deceit of greedy people who are trying to block efforts of the Federal Government to get to the bottom of the situation that has prevailed for too many years.

So it seems to me we cannot just rest with prosecuting those who are responsible for this crime. We have to find out those who masterminded this crime and find out what were their purposes and what was their intent.

So far as I know, there are still a great number of questions that must be resolved. I know this: That when we get to the bottom of this bizarre crime, this attack on Jock Yablonski and his wife and daughter, when we uncover all those who were engaged and in some way involved in this tragedy, we will then be able to act in this Congress to bring about corrective legislation.

I congratulate the gentleman from West Virginia, my colleague, for taking this special order. Jock Yablonski was a personal friend of mine. He was a great American of Polish descent. He was a member of the Polish National Alliance which has offered a reward of $10,000 for apprehension of the killers.

Jock Yablonski was one of those marvelously brave Americans who believe that one man with courage is a majority. He exemplified that spirit. We miss men like him, not only in the labor movement, but in industry and politics and in every single level of social endeavor.

So I thank my colleague, the gentleman from West Virginia, for taking this time today to remind this House of the great tragedy that struck this country when Jock Yablonski and his wife and daughter were brutally murdered 2 months ago.

Mr. HECHLER of West Virginia. Mr. Speaker, I deeply appreciate the remarks of the gentleman from Illinois, my colleague, with which I fully concur. The gentleman has made a major contribution to the discussion of this issue. I believe it is through the efforts of Members like the gentleman from Illinois that we can make some progress in this difficult area.

I believe the FBI should be congratulated for that agency deserves the lion's share of the credit for ferreting out those who were initially associated with the murders. The grand jury is doing a fine job in unraveling the tangled skein of evidence relating to those who put up the money for this dastardly crime. I would simply ask the gentleman from Illinois this question: Can the committee on which he serves maintain an aggressive oversight over the administration of the Federal Coal Mine Health and Safety Act, and also over the activities of the Department of Labor in investigating the December 9 election, as well as activities of the Department of Justice, the Internal Revenue Service, and all the other Federal agencies that are involved. I raise this point because the gentleman is a very active member of the Committee on Education and Labor.

Mr. PUCINSKI. Mr. Speaker, I assure my colleague, the gentleman from West Virginia, that I consider the murder of Jock Yablonski and his daughter of such monumental brutality that I am watching every move very carefully, and it is my firm hope that we will get the full answers to every single question that surrounds this murder, right down to the lowest echelon. If the constituted authorities fail to get for us the evidence and the information as to the circumstances and the conspiracy which led to the assassination of Jock Yablonski and his family, I am going to urge my own committee to conduct its own investigation, with subpena powers, and put under oath witnesses so we will find out what is going on when a man cannot seek an office in a union without jeopardizing the lives of himself and his family.

So my friend and my colleague in the well has my assurance I do not intend to rest or stop merely with the arrest of those who are now in custody. This is just the top of the iceberg. We know there is a great deal more below that iceberg which needs public disclosure. I shall do everything I can to make sure it comes to full light.

Mr. HECHLER of West Virginia. I thank my friend from Illinois.

I believe with that type of assurance and aggressive activity we will get to the bottom of this dastardly crime.

I would point out also in addition to and beyond this there is an area which is made more serious by the firing of the Bureau of Mines Chief, Jack O'Leary; namely, the administration of the Federal Coal Mine Health and Safety Act, which the committee of the gentleman from Illinois brought to the floor.

One of Jock Yablonski's major achievements during his life was to make sure that an effective act passed Congress. He, his friends, and supporters were frequently up here on Capitol Hill to talk with Members of the Senate and the House in support of strong health and safety provisions. They were here more frequently and more effectively, I might add, than the present president of the United Mine Workers of America.

It was the competition which was created by Jock Yablonski's candidacy that produced an effective piece of legislation, and even forced Mr. Boyle to take a much tougher position on the legislation than he was otherwise taking.

I would hope also, in addition to getting to the bottom of the crime, that the agencies of the Congress would aggressively oversee the administration of this act. There must be a full-scale investigation of the United Mine Workers Union and the UMW welfare and retirement fund.

I should also like to underline the fact at this point, Mr. Speaker, I have a labor record which is viewed by the AFL–CIO and COPE as 100 percent. The latest tabulation by the AFL–CIO again gave me a 100-percent rating on bills that are of interest and concern to organized labor. The Steel Workers did likewise, as did other interested labor organizations.

Therefore, when I advance any criticism of the United Mineworkers Union I want it very clearly understood that I am interested in a strong union, a clean union, and an effective union.

This is what Jock Yablonski was interested in, too. He was a loyal man, loyal to his union. It took many, many years before he would condescend to take this great step, to cross this personal Rubicon and to run for the presidency of the UMWA. He ran in order to give the rank and file of the miners aggressive representation, not to weaken the union or the labor movement.

Those in the labor movement need have no fear from those of us who are interested in cleaning up this union, because by doing this our goal is to strengthen organized labor. We are aware of the danger that this occasion might be used as an excuse for some type of vendetta against other unions or other parts of organized labor. This we reject and will fight against those who are concerned with crippling or weakening the labor movement.

Mr. MIKVA. Mr. Speaker, will the gentleman yield?

Mr. HECHLER of West Virginia. I shall be glad to yield to the distinguished gentleman from Illinois.

Mr. MIKVA. Mr. Speaker, I wish to commend the gentleman in the well and to associate myself with his remarks.

I merely want to add that like the gentleman in the well, I pride myself on my labor credentials. I think Mr. Yablonski was a labor leader of the old school who believed that the leadership of unions ought to be committed to the welfare of the membership rather than any power base or self-dealing concerns of union leaders. I hope that that kind of leadership will again find its way into the top ranks of the Mine Workers Union, the kind of leadership which, in my opinion, is certainly needed.

Joseph Yablonski helped bring coal miners from the bottom of the economic ladder to a level where they could share in the rights and opportunities of America.

The great strength that he brought to this cause was the crusading strength which characterized the early traditions of securing justice for mineworkers. The labor movement—and America—will miss the moral leadership of Joseph A. Yablonski.

Mr. HECHLER of West Virginia. Mr. Speaker, I certainly appreciate the contributions made in the remarks by my colleague, the gentleman from Illinois (Mr. MIKVA). It reminds me of another phrase in Monseigneur Rice's statement when he characterized the present leadership of the United Mine Workers Union

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as a financial institution masquerading as a labor union. I think that ties in directly with what the gentleman from Illinois was indicating.

Mr. MIKVA. Mr. Speaker, I join my colleague, the gentleman from West Virginia (Mr. HECHLER), in paying tribute to the late Joseph A. Yablonski. Americans across the Nation mourned the loss of this leader, his wife, and daughter. The tragedies of the Yablonski slayings even overshadowed another tragedy—the decline of the United Mine Workers Union as one of the most powerful forces for reform in labor-management relations.

Joseph Yablonski was a member of the old school which helped bring miners from the bottom of the economic ladder to a level where they could share in the rights and opportunities of America.

The great strength that he brought to this cause was the crusading strength which characterized the early efforts of securing justice for mine workers. The labor movement—and America—will miss the moral leadership of Joseph A. Yablonski. We can all hope that the qualities of that kind of leadership can again be found in the Mine Workers Union.

Mr. BUTTON. Mr. Speaker, today I join with many others in observing the 60th birthday of a man who was a great leader, Joseph A. Yablonski. The tragedy of this observance is that Mr. Yablonski is no longer alive to receive our well wishes. He died while doing his utmost to serve his fellow laborers in the United Mine Workers of America.

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For 35 years, he was associated with organized labor and shared with this Nation's 110,000 working miners their hopes for better working conditions and a better life. Joseph Yablonski pioneered for reform in mine safety in an industry that takes the lives of 1 out of every 300 coal miners each year at a rate 14 times greater than the national average for all workers. He was instrumental in seeking passage of workmen's compensation laws in Pennsylvania to protect miners from health risks including the dread black lung disease. He campaigned for national recognition of a black lung safety act and constantly championed the rights of the union membership over the rights of any of its leaders.

He represented the best in organized labor. It is my hope, and the hope of everyone who joins in this observance of his birthday, that the ideals Joseph Yablonski stood for will not pass away with his death.

DETERGENT POLLUTION CONTROL ACT OF 1970

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. PUCINSKI) is recognized for 30 minutes.

Mr. PUCINSKI. Mr. Speaker, I have today introduced legislation to combat one of our most serious water pollutants—phosphates in detergents.

Phosphates, a basic ingredient in 90 percent of all detergents and household cleaning products are being dumped into our lakes and streams at a fantastic rate. Recent studies have indicated that detergent sources account for 70 percent of the phosphate inputs that compose our municipal wastes in the United States. This fact coupled with the startling revelation that municipal wastes are responsible for over 60 percent of the pollutants that affect our lakes and streams makes very evident the urgent need to take effective action.

It has been estimated that the phosphate input annually into Lake Michigan is over 15 million pounds and the lake retains over 95 percent of that amount. Dr. A. F. Bartsch of the Federal Water Pollution Control Administration has indicated that phosphates accelerate "eutrophication" or the aging process of the lake in which its waters become more fertile and acquire a greater capability to grow algae and other forms of unwanted living matter. In a 1968 study conducted by the Federal Water Pollution Control Administration, it was determined that approximately 3,500 square miles of inshore areas of Lake Michigan were extensively polluted.

Swimming beaches have been closed in Chicago, Milwaukee, and other areas when large mats of foul-smelling algae have been deposited on the beaches. This tragic situation is compounded by the health hazards that are posed by dead and rotting fish as well as the water being contaminated by the sewage.

At the Conference on Pollution of Lake Michigan and its tributary basin, experts pointed to the excessive quantities of algae caused by phosphates and related that the algae mats have caused short filter runs in water treatment plants. When the runs are shorter than 20 hours, the result is a loss in revenue because it is a reduction in plant capacity and the use of larger amounts of wash water.

Although there are many other sources of pollutants to our environment, detergents are flowing into our water resources and creating havoc and destruction with our plant and animal life at a rapid pace.

According to the United States-Canadian International Joint Commission, 50 to 70 percent of the total input of phosphorus from all municipal and industrial wastes into Lake Erie and other lower Great Lakes stems from detergents. If the polyphosphates in detergents are not controlled, the Commission predicted that in 16 years the input would top 70 percent.

Unless we act to control the polluting of our water resources, we will continue to degrade our waters beyond the point of no return, and lose one of our priceless recreational and lifegiving bodies.

My bill takes a very important step in ending pollution caused by phosphates in detergents by declaring that phosphorous would be banned in detergents by June 30, 1972, under the enforcement of the Secretary of the Interior.

My bill also provides the Secretary of the Interior with the authority to establish standards of ability, biodegradability, toxicity, and of effects on the public health and welfare which must be met by all synthetic detergents. Under this section, the Secretary will prescribe and publish the standards in the Federal Register on or before June 30, 1971. Detergents will be required to be in compliance with the standards a year later, after June 30, 1972. Violators will be guilty of a misdemeanor and upon conviction of such will be subject to a first offense fine of up to $5,000 and a fine of up to $20,000 for subsequent violations.

The standards shall be designed to insure that synthetic detergents will not encourage the growth of algae, will decompose in sewage treatment processes, will not pollute surface or ground waters receiving effluent from these processes, will not be toxic to fish and wildlife, and will not pose hazards to human health.

My bill also provides for a $10 million a year Federal assistance program for the next 5 years to accelerate the development and manufacture of near or nonpolluting detergents. Under this section, the Secretary of the Interior would inventory and report existing technology and assist in the research and development of ingredient formulations which would eliminate pollution from detergents.

I have introduced this legislation to combat one of the most devastating pollutants of our water resources. If we refuse to act to restore our waters to a pure State we will have destroyed a basic link in our ecological cycle. In our quest for growth we have bypassed the repair of the damage inflicted upon our natural resources, If we continue to do so, the problem will cease to exist and so will human beings.

CORRUPTION OF BUSINESS BY ORGANIZED CRIME

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia (Mr. POFF) is recognized for 10 minutes.

Mr. POFF. Mr. Speaker, on February 10, 1970, Attorney General Mitchell spoke in New York City before the Bond Club. Mr. Mitchell impressed his audience with the great threat that organized crime poses to legitimate business. He made this impression by citing several examples of the effects of organized crime infiltration of business.

His first example, although no names were mentioned, apparently concerned the air freight trucking operations out of New York's Kennedy Airport. He stated:

> There is strong evidence to warrant a suspicion that the entire air freight trucking industry at this airport is controlled by organized crime; that it is trapped between a racketeer dominated trade union on the one hand and a racketeer trade association on the other.

His second example concerned the hijacking of trucks. This, of course, can affect any industry which ships goods by truck. His last example detailed certain of the techniques used to loot securities from our brokerage houses.

The thrust of the entire address was that organized crime poses an ever-increasing danger to our legitimate organizations. He did conclude, however, on a somewhat hopeful tone. He made reference to a proposed bill which has passed the other body. That bill is title IX of S. 30, the Organized Crime Control

Act of 1969, introduced in the Senate as S. 1861 by Senators McCLELLAN and HRUSKA, and in the House as H.R. 10312 by myself. This bill contains most effective devices to aid in the fight against organized crime. As stated by Mr. Mitchell it would, "permit us to order forfeiture of property owned by an organized criminal. It would permit us to require dissolution of his business and would empower the courts to enjoin him from ever again entering that sort of business."

This provision is now before the House Committee on the Judiciary. I am hopeful that we will have an opportunity to add this weapon to law enforcement as soon as possible. The need is clearly there, and it would appear that this bill fills at least a part of the need.

The address follows:

ADDRESS BY THE HONORABLE JOHN N. MITCHELL

1. INTRODUCTION

It is a pleasure to accept the invitation of the Bond Club to be the speaker this evening.

Many of you may have reasonably expected that I would come back from Washington and tell you what's going to happen to interest rates; or the oil import quota; or to our antitrust policy.

Personally, I would like to talk on these subjects. But that might hurt my image among the Washington columnists. They have dubbed me, among other things, "Mr. Tough," the "Iron Chancellor," and the "Inquisitor General."

In order not to let down my Washington columnist friends, I am going to talk briefly about the problem of organized crime and its growing infiltration into legitimate business, including yours.

Rather than deal in vague generalities, I would like to offer you a few specific case histories which we have developed. Take the example of air freight.

2. AIRPORT EXAMPLE

Air freight is one of the nation's fastest growing and most promising industries.

Its total volume has increased 800 percent in the last 15 years to where it now flies almost 2.5 billion ton miles a year.

An integral part of the success of the air freight industry is the speed and efficiency with which products are moved to and from an airport, generally by truck.

There is a rather large airport in this country which over the years has experienced rather curious phenomena. The first was that one local union slowly became the dominant union. This is a local union which we know is controlled by elements connected with the organized criminal syndicate.

Simultaneously an air freight trucking organization was organized which became incorporated into a larger trucking organization.

Suddenly, two men publicly listed as being members of a prominent organized crime family appeared as consultants to the trucking organization.

Then the trucking organization's dues increased 750 percent in 5 years and its initiation fee went up to $5,000.

The net result is that, in our opinion, there is strong evidence to warrant a suspicion that the entire air freight trucking industry at this airport is controlled by organized crime; that it is trapped between a racketeer dominated trade union on the one hand and a racketeer trade association on the other.

We have received reports that truckers who do not belong to the trucking association find themselves the victims of sabotage and constant labor problems with their unions. They find it difficult to obtain business. Freight that is scheduled to be shipped on non-trucking association trucks has a curious habit of not arriving at all or arriving badly damaged.

One airline, for example, tried to switch to a non-organization trucker and a threat was issued to shut down the entire airport.

Whenever any goods are shipped on a truck from this airport, members of organized crime are in a position to inspect them and to steal whatever appears to be of value.

The operation of organized crime at this airport is not confined to air freight trucking operations. Recent investigations have indicated that organized crime is involved in airline terminal operations.

Recently a large shipment of antibiotics was stolen from the terminal. The average fence would find it difficult to dispose of this specialized antibiotic.

We have evidence to indicate that organized crime provided the marketing operations by arranging to have the pharmaceuticals transported to major European cities where the drugs were easily sold on the black market.

Thus, organized crime not only steals but provides a smooth system through which goods stolen by an independent thief can be disposed of.

The total picture at this particular airport amounts to this: organized crime exacts a tariff on the trucker, a tariff on the truck driver, a tariff on the airline, a tariff on the sender, on the recipient and indirectly on the eventual consumer.

It also underwrites thefts by providing a marketing system. Our investigations of this airport have resulted in several criminal cases and this investigation is continuing.

3. TRUCK THEFT EXAMPLES

Organized crime is very active in another facet of the trucking industry. It facilitates the hijacking of trucks in much the same way as it facilitates other thefts by providing a conduit for stolen goods.

Because of its activities in loan sharking, and because of the corruption in some unions, organized crime has forced otherwise unwilling laborers in the trucking industry to point out especially valuable shipments.

Members of La Cosa Nostra who operate warehouses and their own trucking companies as fronts permit their facilities to be used for storage of stolen goods. Members of La Costa Nostra often depend on their own hijacking operations for revenue to pay their Cosa Nostra dues.

A few years ago Joe Valachi's name was a household word. He was the prominent La Cosa Nostra figure who exposed the internal organization of La Cosa Nostra families and the La Cosa Nostra Commission before the McClellan Committee.

He recently testified in a trial involvng armed hijacking. According to Valachi, in 1959 when both he and a defendant were being held at the West Street Federal House of Detention in New York, the defendant complained bitterly about the cut his family was taking from each of his hijackings.

The defendant was a member of what was then the Profaci Family, and according to Valachi the Family got about $1500 from each of his jobs. It was a very simple arrangement. The defendant had to pay the money to retain his membership in La Cosa Nostra and to benefit from its distribution network.

4. SECURITIES EXAMPLE

Finally, let me draw your attention to your area of business where organized crime is operating with a great deal of efficiency and profit: The area of securities transactions. In the first nine months of 1969, $45 million in securities was lost or stolen from banks and brokerage houses.

The recent conviction involving thefts from Orvis Brothers demonstrates how vulnerable the securities market is to organized crime.

One of the defendants in that case was a margin clerk for Orvis Brothers. The margin clerk entered into a scheme with three members of the Vito Genovese family. The clerk stole every customer's check he could lay his hands on—a total of $90,000—and turned them over to the organized criminals.

The organized criminals opened bogus bank accounts in the name of Orvis Brothers and they even had a phony corporate seal. Within a day or two after depositing the stolen checks in the bogus accounts, the criminal confederates started to draw payroll checks totalling up to 80 percent of the deposited accounts.

The scheme was uncovered when a bank in Queens became suspicious of the sudden activity.

We are becoming more aware every day of how vulnerable securities are to organized crime. Recently, two men were arraigned here for the theft of over $2 million from a New York bank. Another prosecution is pending for the theft of stock warrants. Because of the volume of transactions in securities, the possibility for organized crime exploitations are endless.

But they are variations on the same theme. Utilizing bribes, or threats, or loansharked debts, the organized criminal makes a contact inside a securities house.

He then activates his wide-spread and rather sophisticated marketing structure in order to dispose of the stolen goods.

But we too are becoming more imaginative every day in attempting to deal with this problem.

For example, quite recently our undercover agents were able to make contact with an organized crime middleman. He claimed he had almost a million dollars in Treasury bonds and other securities stolen from a New York brokerage house.

One morning last August, our New York Strike Force was able to arrange a meeting with the middleman who insisted on seeing at least $130,000 in cash or checks. While we could have arrested the middleman at that time, we were anxious to recover the securities and find the principals.

At noon our Strike Force contacted the securities house from which the bonds were stolen. The securities house consulted the New York Stock Exchange. By 2 P.M., we had cashier's checks totaling $130,000. We brought the checks to the middleman who produced some of the stolen bonds. This arrest gave us a lead to an organized racketeer who was subsequently arrested and charged with participating in counterfeiting in another city.

We are now negotiating with the New York Stock Exchange to set up a permanent fund of about $250,000. We plan to use the fund as front money in undercover purchases of stolen securities. As in the original case I cited, we do not expect that any of the money will ever be lost, although there is a remote possibility that something could go wrong.

The Exchange's great interest in helping us stop these thefts is shown by its willingness to negotiate on the establishment of this fund under appropriate safeguards.

Another new response we are developing is to initiate a lightning-fast inspection of banks which we suspect may have dealings in stolen securities.

The bank to be inspected is selected by our Organized Crime Coordinating Committee which is made up of representatives from the Department of Justice, and Federal and State agencies.

During the inspection, these agencies will comb the bank's records for prospective leads to organized gangsters and their business operations.

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5. THE FEDERAL EFFORT

I think that these examples should cause you to re-think your traditional concepts about organized crime. While organized crime's major income is still from gambling—probably in excess of $20 billion a year—it is aggressively moving into the area of big business where it is as resourceful as any legitimate businessman.

And, of course, organized crime has a big competitive advantage because it utilizes physical intimidation, political corruption, blackmail and bribery as standard operating procedures.

The airport freight industry I mentioned earlier is now seriously infiltrated by organized crime and many shippers are reluctant to use this facility.

We can all anticipate the reluctance of banks to accept pledges if there is a substantial risk that commercial paper has been stolen and fraudulently negotiated. We can appreciate how a manufacturer will react to a new order with an apparently good credit rating when there is a likelihood that the customer might have a false credit rating, or that the goods, if they are valuable, may be hijacked in transit.

The Department of Justice, in the last year, has launched a major campaign to eliminate organized crime. We almost doubled our budget to $61 million this fiscal year. We have asked for another increase next year.

We have dispatched highly trained Strike Forces throughout the nation. These are special teams of Justice Department lawyers and agents from other federal agencies whose orders are to concentrate on breaking the back of the criminal syndicate.

They select the known members of an organized crime family and they investigate them for possible violations of tax laws, mail fraud laws, conspiracy laws, and the whole network of federal criminal statutes.

We are also hoping to develop some new weapons. There is a proposed bill, just passed by the Senate, which utilizes civil remedies to attack organized crime.

This bill would permit us to order forfeiture of property owned by an organized criminal. It would permit us to require dissolution of his business and would empower the courts to enjoin him from ever again entering that sort of business.

We can jail an organized racketeer, but generally another comes to replace him. I think you can appreciate how much damage we could do if we could seize his trucking firm, if we could force him to forfeit his warehouse and if we could destroy his contacts by barring him from a certain type of business.

CONCLUSION

It is true that the Federal Government is going after organized crime—that we have selected it as a target and that we mean to put it out of business.

Some persons have argued that these extraordinary measures are in some way unfair: That we are persecuting the Mafia. My view is that the business community, which is being victimized by organized crime, has a right to demand that the government counterattack. For too many years, the government's effort, though well-meaning, was understaffed and underfunded.

Now we are striking back. Our indictments against organized criminals last year were 30 percent over the year before. And most of our Strike Forces are just getting started.

You can help us. When you have even the slightest suspicion that organized crime is involved in your industry, I urge you to contact our Strike Force headquarters here in New York City.

I also know that occasionally in the past businessmen have contacted the Federal Government but the Federal Government did not have adequate resources to investigate your complaints.

I have asked for more resources and, with the strong backing of the President, Congress has given the Department of Justice the money and the manpower to finally launch a broad attack on organized crime, particularly its infiltration into legitimate business.

STATEMENT OF GOV. RAYMOND P. SHAFER, OF PENNSYLVANIA, ON THE OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. BIESTER) is recognized for 10 minutes.

Mr. BIESTER. Mr. Speaker, on Thursday, February 26, 1970, Gov. Raymond P. Shafer, of Pennsylvania, presented the following testimony before the House Judiciary Subcommittee No. 5 on the subject of the Omnibus Crime Control and Safe Streets Act of 1968:

TESTIMONY BY GOV. RAYMOND P. SHAFER

Mr. Chairman: We, the members of the Committee on Law Enforcement, Justice and Public Safety, are grateful for this opportunity to meet with you and discuss one of the most significant pieces of legislation ever enacted by Congress the Omnibus Crime Control and Safe Streets Act of 1968.

As Chairman of the Committee, I will attempt to express the general view of the Governors and our concerns about certain attacks being made on the role of the states in administering the Act.

There is no need to tell the distinguished members of this Subcommittee why we feel this program is of highest importance to the people of our states.

Every American suffers from the devastating problems created by crime. Each of us, in effect, is victimized because we live in fear of the criminal and are subjugated to the law of the jungle in what is supposed to be the most civilized Nation in the history of the world.

Concerned and responsible citizens are attempting to do something about this state of crisis. Congressmen, Governors, community officials, citizens are striving, in a common cause, to re-establish an orderly society in which respect for the law is an indispensable condition of respect for human rights.

This Congress enacted the Omnibus Act as part of that common effort. And now you are back to determine if those entrusted with the responsibility to make it work have done their job.

The questions asked by the distinguished Chairman of the Judiciary Committee in the opening statement of these hearings could not have been better stated.

He placed heavy emphasis on the need to determine whether the states have been effective in their role since they "bear substantial responsibility for the implementation of innovative programs and policies to strengthen public safety, improve the court system and modernize correction facilities."

We Governors say the states have been effective in carrying out their responsibilities under the Act.

We admit to shortcomings, but they are far outweighed by the positive planning and action that was achieved with the first year's funds.

Let's briefly consider what has taken place:

Every state has established a crime-planning agency.

Every state has a comprehensive crime-fighting plan.

More than 1,000 citizens, representing state, community and professional points of view, serve on boards established to set priorities and oversee state administration of the program.

Although there is a shortage of trained personnel, competent staffs are being put together by the state agencies.

Citizens of the states are being made aware of the effort and, consequently, there is good public acceptance and involvement—a key to winning the battle. (A recent survey by International City Management Association in cities with more than 25,000 population showed that the majority of the people are informed about the programs being undertaken.)

And, in my personal estimation, the largest and most important achievement is the fact that for the first time the Federal, state and local governments are working and planning together against the criminal elements.

We have heard much about the need to strengthen the Federal system if we are to preserve our democratic way of life. This joint effort of our governments provides us with one of the most critical tests of that system in modern times. If we fail, then all other current efforts to strengthen Federalism could be doomed.

That is why it is so important for Congress not to respond favorably to attacks on the role of the states in administering the Act.

The attacks are premature.

Certainly you cannot expect any measurable crime reduction from the action programs now under way when the money for them was not made available until eight months ago.

Many of those who criticize the states for not producing results, or instant success, appear to be those who have been unable to do very much about the rising crime rate in their own communities for years.

The information you need to make a fair judgment about the effectiveness of the states is too insufficient at this time.

And the evidence you have received in testimony from the distinguished Governors of New York and Illinois about their programs should indicate to you that the states can be effective.

So, we need time. Not a lot of it, but enough to make it possible for you to fairly judge our efforts.

That is why every Governor urges you not to destroy the block grant provisions of the Act, or reduce the percentage of block grant funds made available to the states.

If the fight against crime and the improvement of our criminal justice system is to occur, then the planning for the attack must be comprehensive—and it can't be comprehensive if every community is allowed to go its own way.

As the LEAA staff has so well pointed out:

Up to now, coordination of criminal justice in the United States has been non-existent. Communities didn't plan with each other's needs in mind, and varying components of criminal justice never worked together. Police, courts and corrections all worked at arm's length, aware of each other's existence, but not each other's needs.

The comprehensive state plans are *beginning* to change that—and I emphasize *beginning*.

To take that planning power away from the states and return it to Washington would create an uncoordinated and unworkable system, and create unbearable competition between communities.

I can understand the concern among some mayors and community officials about the sensitivity of the states to the urban crime problems. The record of the states in providing assistance to combat the problems of urban America in this century has not been outstanding.

But that is changing. And the Omnibus

Act is one of the reasons. Prior to the establishment of this program, few states had central planning agencies for criminal justice reform, and even fewer had developed long-range plans for state-wide improvement, as Attorney General Mitchell has pointed out.

In my own State, the program has had a tremendous impact. Although we haven't satisfied everyone, including the National League of Cities, we have had excellent cooperation from our communities, including our two largest cities.

Our crime control program was well under way when the Omnibus Bill became law. In 1967, the State's first Crime Commission was established.

That Commission is now responsible for administering the Omnibus program and the Juvenile Delinquency Prevention and Control Act of 1968.

What have we accomplished:

Eight regional crime control planning councils and a citizen's advisory council to the Commission have been created.

Some $1.4 million in action grants have been awarded and more than $700,000 in planning grants. It should be noted that Pennsylvania awarded 3.5 percent more money to communities than required by the Act.

How have we used the money?

A residential center for the treatment of delinquent girls.

A pre-release center for helping inmates about to be released adjust to civilian life.

A new program of aftercare for juvenile offenders.

A neighborhood program for youth gangs.

Workshops for juvenile probation officers and juvenile court judges.

A computer-based criminal justice information system in one community.

Creation of a police-community relations unit in another community.

In addition, $186,554 went to communities for dealing with the prevention and control of riots.

These programs have become a very important part of Pennsylvania's "Crusade against Crime"—a citizen's effort to win the fight.

In the past few years, Pennsylvania has taken significant steps to deal with the consequences as well as attack the causes of crime.

Through constitutional revision, we are reforming and modernizing our court system throughout the Commonwealth.

We are reforming our entire corrections system, including the establishment of prerelease centers, regional jails, youth development centers and forestry units.

Local police forces are being trained by State Police and minimum salaries were established for local police officers.

An organized crime strike force has been increased under the Crime Commission and is presently investigating the infiltration of business and industry by organized criminals.

The Commission has also provided us with the first comprehensive assessment of our criminal justice system through in-depth studies. Goals have been set.

In addition, we have undertaken special urban-focused State programs to attack the problems that cause crime.

I point these things out to you as evidence that a State can respond effectively with her communities.

It is also used to respond to the criticism of the National League of Cities that we are ignoring, or not doing enough for urban areas, with LEAA funds.

The fact is that in Pennsylvania we gave our two major urban areas—Philadelphia and Pittsburgh—almost 42 percent of all grants. These two areas will receive 58 percent of all action grants in 1970.

I certainly would not call this insensitivity to the urban need.

The remainder of the funds have gone and will go to six other regions, which contain our other ten metropolitan areas.

That is my case for the block grant and its retention.

The other Governors here have their strong views on this matter, which you will hear.

I urge you to resist the attempts to change the block grant provision until we have had a sufficient time to prove to you that we, who so deeply believe in the Federal system, can or cannot do the job.

We are not seeking this out of sheer pride, or a desire to get more dollars at the State level. We are doing it because we firmly believe that the states are the right best instrument to carry out the responsibility and help us defeat the criminal.

The burden is on us to produce. If we fail, we want that failure to be judged fairly, not on the basis of intergovernmental jealousies or unwarranted charges.

Thank you.

TAKE PRIDE IN AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. Miller) is recognized for 5 minutes.

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a nation. Based on a 5-year average, from 1962 to 1967, Americans consumed 32.3 percent of the world's refined copper. The Soviet Union consumed 13 percent.

URBAN MASS TRANSPORTATION—ONE OF THE NATION'S MOST IMPORTANT DOMESTIC PRIORITIES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. Barrett) is recognized for 15 minutes.

Mr. BARRETT. Mr. Speaker, today the Subcommittee on Housing of the House Committee on Banking and Currency began 2 weeks of hearings on proposed long-term financing for one of the Nation's most important priorities, urban mass transportation.

Every Member of this House has seen the result of the near collapse of our transportation systems in all of our cities both large and small. We all know that little money and less attention have been paid to public transportation facilities in our cities over the past two decades. Most of our large cities have extensive public transportation facilities both rail and buslines and many are close to a state of collapse. We have seen the transportation system of the cities of New York and Chicago increase their fares by almost 50 percent in the past year and a half. Commuter railroad systems are also in a state of near collapse. Following my remarks, I would like to insert into the Record a Wall Street Journal article of last Thursday describing the woes of commuter transportation problems in the New York metropolitan area.

But not all is so bleak. Probably one of the most successful urban mass transportation lines in the country today has been developed in my own city of Philadelphia. The Lindenwold Line has demonstrated how efficient and pleasant public mass transportation can be and how it has cut down on traffic to the inner city, attracted growing ridership, and finally, demonstrated how existing technology can benefit public transportation. The motorists of Philadelphia and southern New Jersey who use the Ben Franklin Bridge have contributed to the financing of this successful subway line. By increasing the toll over the bridge and earmarking these funds for the subway line, it has been shown that mass transportation can be subsidized by a user's tax and has shown that it can take motorists off our choked city streets. An additional benefit has been that property values along the subway's route have increased dramatically. The use of latest equipment including a very high degree of automation has cut costs considerably. For instance, on a similar 14.5-mile one-way trip, the Long Island Railroad charges $1.20. A similar trip on the Lindenwold line costs 60 cents.

Mr. Speaker, I was very pleased at the successful results that this Philadelphia transit system has provided the Nation. I only wish that more cities could develop and run such a highly successful and pleasant mass transportation system.

Following my remarks, I insert in the Record the Wall Street Journal article that I have already discussed and an article in the New York Times regarding the success of the Lindenwold line:

Jack Dillon's Commute Is Horrid, But He Loves His Job and His Home

Westport, Conn.—Jack Dillon, aged 46, makes $50,000 a year writing ads for Polaroid cameras. Jack likes his job, his boss likes Jack's work and his wife likes the life his salary allows them to live.

There is only one flaw in this happy picture. Jack Dillon, like many other men who work in New York City and earn lots of money doing it, has chosen to live in a nice colonial house on a wooded lot in this affluent town on the shore of Long Island Sound. That means he is one of the 24,000 commuters who ride the New Haven branch of the Penn Central Railroad to work and back each day.

And that in turn means Jack Dillon considers it something of a victory if he gets to work no more than an hour behind schedule—or two and a half hours after he leaves home. There have been days, Jack Dillon says wearily, when the 50-mile trip from Westport to Manhattan has taken five and six hours, and at least once every two weeks it takes three hours. "Actually, it's probably more often than that," he says, "but I can't bring myself to believe it."

Even on those rare days when Jack Dillon's train runs on time, riding it is no bargain—the cars are always filthy, often unheated and usually so crowded that some commuters have to stand.

THE CHOICE IS COSTLY

The men who ride the New Haven into New York each day, Jack Dillon included, are convinced theirs is the worst railroad in the country. But their daily fate in fact is not that different from the one that befalls most of the 220,000 commuters who ride to New York City on seven different train lines each morning and ride back to the suburbs of Connecticut, Westchester County, Long Island and New Jersey each evening.

XUM

For these men, with the possible exception of 30,000 Jerseyites who ride the generally reliable Erie-Lackawanna, commuting has come to mean more than an uncertain trip on a shoddy train. New York's commuter railroads have made fathers strangers to their families, played havoc with business schedules, broken up some marriages, cost men promotions, prompted a lot of heavy drinking and may even have created a new species of neurosis.

Ironically, most of the men visited with such misfortune are, by the standard gauges, successes—they earn good money, hold important jobs and have arrived or consider themselves on the way up in their professions. They have chosen suburbia because, at first glance, it seems to offer the best of both worlds—a chance to work in the cities where the action is and to live in the country where the grass is. And they have learned the cost of that choice can be high.

It means spending up to 20 hours a week getting to and from work, if the trains run on time. It means accepting an almost complete split between work and social life, since office colleagues may be separated by as much as 100 miles once they arrive at their homes. It means limited, if any, involvement in community life; for most long-distance commuters, home is a place to sleep and little else. It means the burden of raising children falls almost exclusively on wives, since husbands are so seldom present.

It also means, of course, avoidance of the muggers, the strikers and the surly, distrustful merchants of the city. Being robbed, or worse, is a constant danger in New York, but some people in Westport leave their doors open. Cashing a check in the city is all but impossible for a stranger and is very tough for a resident. In the suburbs, many merchants take checks without even asking for identification. Persuading a New York gas station attendant to clean your windshield when you buy gas is out of the question. In the suburbs, it is done automatically.

XUM

Jack Dillon is probably representative of most of the regulars on the New Haven, which serves the affluent communities strung out along the eastern shore of Westchester County and lower Connecticut. On a typical day, he leaves his wife, Jean, and daughter, Cathy, 15, at 7:35 a.m. If all goes right, he arrives home again a little before 8 p.m.—after two train trips of 90 minutes each, 20 minutes of driving to and from the Westport station and 10 minutes of walking to and from the offices of Doyle Dane Bernbach Inc., the advertising agency where he works. In recent months, however, all has seldom gone right, and Jack Dillon has routinely spent five to seven hours a day on his commuter.

Like most commuters' families, the Dillons have had to devise a life style to adjust to the railroad. They do not, for example, see each other over the dining table. Jean Dillon makes breakfast or lunch her own main meal of the day. Around 7 p.m., she serves dinner to Cathy (another daughter, 19-year-old Linda, is away at Skidmore College in Upstate New York) and to her mother, who lives with the family. At 10 p.m., she serves dinner to Jack who eats from a tray while working in his study or watching television with Jean.

"There's no way of telling when Jack will get here," says Jean, "so I have to make things that can be kept warm." Steak, for example, is out, "unless Jack calls from the station. He likes it rare and that's something that can't wait in the oven all night."

The Dillons say their family life has been circumscribed by the New Haven, but they don't think it has suffered greatly. "We've never been much for the togetherness thing anyway," says Jack. He sees little of daughter Cathy, but believes "kids in this kind of town have their own world," and he says, "As far as I can see, ours are happy. Even though I can't spend the time with them that I'd like, they know I'm available when they need me." He feels that this lack of close father-daughter bonds is offset by his belief that Cathy is getting a far better education in the Westport schools than she would get in New York's public schools.

What about Jean Dillon? "Well, I do get bored," she says. To fill the long hours, she resorts to playing bridge several times a week and to looking forward to the weekends.

For the Dillons and their friends, weekends in Westport can get pretty hectic. "Sometimes we go to two parties, plus having another couple over to play bridge," says Jean. Another Westporter agrees that people in town often play very hard on weekends. "They're compensating for the weekdays when there's no time to do anything but ride the train and sleep," he says. The people Jack Dillon sees on these busy weekends aren't always familiar to him. His commuting hours give him little time or chance to get chummy with neighbors or townsfolk. "When I think about it," he says, "most of my friends are actually my wife's friends."

The Dillons have found, like many other suburbanites, that a brutal commute by the man of the house can alter a family's recreational habits. For Jack's first decade in the ad business (he began his career working for General Electric's advertising department just after World War II), they lived in suburban New Jersey, where both were born and raised, 40 miles closer to Manhattan than they are now. But Jack was a boating enthusiast and he tired of traveling 60 miles each weekend to the Jersey coast, so the Dillons chose Westport as a place where boat and family could live side by side.

But then, as Jack Dillon began putting in more and more time at work and on the train, he found the rest of the family taking to hobbies they could pursue on their own. Two summers ago, Jack was out of action for a time with an ulcer. "I managed to get the boat out for exactly one trip," he says, "which I figure cost me $1,100." Last spring, he sold the boat, and he says, "It was like a great weight being lifted from my shoulders."

Now, Jean concentrates on bridge with friends. Cathy's leisure time is consumed by caring for and riding the horse her father bought her, and Jack spends his infrequent spare time writing fiction. He has sold some short stories.

With the boat gone, the Dillons could leave Westport for a town that might offer an easier commute, but they say they've come to love their home, their friends and their town. "Westport gives the illusion of permanency," says Jack. "If I stopped to think about it, I'd know it's silly. Still, I doubt if we'll leave even after the kids are grown." In the early 1950s, Westport was called an "exurb" or a suburb beyond the suburbs, and was popular with people who didn't have to commute daily—successful artists and writers and those wealthy enough not to have to work. To the status conscious, Westport came to mean social arrival. A Madison Avenue cliche about the town even arose: "Put it on the train and see if it gets off at Westport."

The chic, refurbished carriage houses and barns and the large estates have now been joined by rows of split-levels, and the original exurbanites today have as neighbors plenty of interchangeable corporate employes who transfer in and out of the New York area with metronome regularity. The rush to Westport has sent property values skyrocketing, and real estate men tell Jack Dillon he could get $80,000 for the spacious four-bedroom house he paid $45,000 for seven years ago.

But Jack dismisses the thought of a move. Commute notwithstanding, the Dillons can think of no place in the New York area where they'd rather live, and leaving New York is out of the question; Jack loves Doyle Dane, and besides he thinks he couldn't begin to match his present earnings by going to work for an advertising agency in another city.

So, as far as Jack Dillon can see into the future, it's going to be Westport and the New Haven Railroad. On a recent morning, he took a reporter along with him on the trek from home to work. It begins when Jack climbs into his high-powered Oldsmobile 442 convertible for the drive to the station. He is very fond of the big, fast car and has equipped it with special springs and shock absorbers and expensive radial tires. All that equipment is of little use five minutes later, as Jack Dillon and his big car sit immobile in the small traffic jam that builds up each morning on the roads approaching the Westport station.

Jack wishes he could drive all the way into New York, but the day is gray and cold and it may snow, so he has decided against it. Besides, the few times he has driven in, it has cost him $4 or $4.50 just to park in midtown Manhattan. That, plus the thought of a roundtrip of 100 miles, most of it in heavy traffic, makes even the railroad a better way to go.

A TYPICAL DAY

Finally, Jack pulls into the station parking lot—in time to hear a loudspeaker tell the crowd gathered on the platform that the 8:10 to New York will be "about 10 minutes late." At 8:45, in pulls the train, a collection of dirty, unmatched cars, the front cars jammed full. "Rear five cars for seats!" the conductor yells. When the commuters pile on, he adds: "Sorry folks, there's no heat in these cars. That's why there are seats." On this winter day, the temperature is seven degrees.

Some commuters elect to walk forward and stand in warm cars for the hour and a half to New York. Others, like Jack, choose to huddle in their overcoats and bear the cold. "They were supposed to leave heat in these cars all night," a trainman explains to the shivering riders. "I guess somebody goofed."

Several cars ahead of Jack Dillon's the heat in the coaches is overwhelming. Passengers pile overcoats in overhead racks and loosen their ties in anticipation of a long, stuffy trip. "The only time it's hotter than this," one rider remarks, "is in the summer when the air-conditioning doesn't work." Most commuters spend their travel time reading—a quiet hour that many prize. The uninterrupted reading time, say some commuters, offset the grief of missed appointments and cold dinners caused by late trains.

The train rolls in to Grand Central about an hour behind schedule and Jack hustles off to his office a few blocks away.

AND BACK HOME

Seven hours later, it's time to face the railroad again. Many commuters of late have taken to staying in town two or three nights a week, particularly if they have important meetings the next day, but Jack Dillon considers that a bad habit and tries to avoid it. Another Connecticut man agrees: "You can imagine what that starts," he says. "At first it's fun—a good dinner, a movie, a few drinks and a quick walk to the office the next morning. But after a while you become a zombie. You wander around, looking up old friends, hitting the singles bars. Unless you're looking for trouble, you're better off on the miserable train."

The evening train ride is as bad as the morning trip. On one recent evening, after riders had boarded the train for Connecticut and doffed their hats and coats, a conductor came through the cars announcing a late start. Most of the commuters hurried off the train to call home—and the train pulled out immediately, carrying several hundred briefcases and overcoats and a few dozen passengers.

The shortage of seats seems more acute in the evening. "If I'm catching the 6:08, I try to get on board at least 20 minutes early," Jack says. Sure enough, on this evening Jack and his guest find the 6:08 chock-full of passengers at 5:45. "Whenever I try to catch the early train, the 5:25," says Jack, "I usually wind up waiting for the 6:08 anyway because the 5:20 is crowded by 5:10."

As soon as he finds a seat, Jack throws his coat and briefcase on it as a claim and pushes his way forward to a bar car to buy two Scotches. He used to buy a 16-ounce can of beer that, when the train ran on time, would last him most of the way home. But as service has continued to deteriorate, Jack says he has "escalated" to harder stuff.

Indeed, the liquor industry may be the only beneficiary of the crumbling service on the New Haven. "On a really bad night," says one veteran rider, "we drain the bar car of everything but the rum. Guys pour themselves off the train at their stations, and you can guess how the wives react to that."

Is it all worth it? Some people are starting to wonder. Frederick B. Charatan, a psychiatrist, recently conducted a study of 100 commuters who ride daily from the Long Island towns of Syosset and Long Beach to Manhattan. He found riders who complained of fatigue, headaches, indigestion, muscle pains, anxiety and even sexual problems—all allegedly brought on by the train ride.

"I JUST CAN'T TAKE IT"

Three-fourths of those under study reported one or another such symptom. Two-thirds of them said commuting affected their performance on the job, and just over half said it hurt their relationships with their families. One commuter, on a questionnaire, wrote: "I have solved the commuting problem by changing jobs so as to keep off that damned Long Island Rail Road. I just can't take it any longer." Another commuter, not involved in Mr. Charatan's study, recently filed a $50,000 claim against the railroad for allegedly bringing on "commuter neurosis."

Other costs of commuting are more tangible. A recent study by Pitney Bowes Inc. of Stamford, Conn., near Westport, found that commuters to New York pay up to 10% of their income in transportation-related expenses. A man living in Stamford and working in Stamford who earns $24,000 and claims three exemptions and standard deductions will take home $19,355, the study showed.

A man of the same circumstances and income who lives in Stamford and works in Manhattan takes home $17,112. The $2,243 difference goes for train tickets (Jack pays $23.50 a week), parking fees at the train station, subway fare in New York, and New York State and city taxes.

All of which is little comfort to Jack Dillon, who has decided to stick it out. "I know I'm probably wasting hours and days of my life on this miserable train," he says, "but I just don't quite know what else to do."

Easy Ride on a Philadelphia Transit Line

(By Robert Lindsey)

Philadelphia, February 15.—There's a mass transit system here that is disproving one of the most cherished axioms of modern life—that man can't be divorced from his automobile.

A high-speed transit system that went into service here a year ago yesterday is regularly drawing more than 40 per cent of its passengers from among people who formerly drove to work.

The popular line—which runs the 14.4 miles between downtown Philadelphia and suburban Lindenwold, N.J., in 22 minutes—is the first suburban commuter system built from the ground up to benefit from the advances made in the last 15 years in automation, electronics and lightweight materials.

Carlos C. Villerreal, administrator of the Department of Transportation's Urban Mass Transportation Administration, said this about the system:

"The Lindenwold Line has shown dramatically that an efficient public transportation system that has speed, runs on time and has clean equipment will attract a growing ridership by affording the motorist a chance. It is also an example of how the implementation of existing technology can provide immediate benefits to public transportation."

AUTO TRAFFIC PROFITS

Officials of the Delaware River Port Authority, which runs the line, say it shows that modern technology can create an attractive, successful—and perhaps even a profitable—rapid transit system as long as it is freed from the railroad industry's traditional labor restrictions.

The system also has provided the country's best example so far of how a governmental agency can use profits from auto traffic—in this case, bridge tolls—to subsidize mass transportation and take motorists off choked city streets.

The question of whether motorists should help subsidize mass transportation was raised recently in New York, where the Port of New York Authority has rejected attempts to divert some of its profits from bridge and tunnel tolls into mass transit projects.

Urban planners and others have argued for decades that the country's major cities face slow strangulation by auto traffic unless an attractive mass transit alternative is provided. .

VOLUME INCREASES

Although it may be too soon to conclude that the concepts proven here will work elsewhere, the system so far is clearly a success.

Its passenger volume has increased monthly since it opened—to a current daily level of 30,000 riders. It has eased congestion on roads parelleling the line and has accelerated the suburbanization of a grassy, lightly populated stretch of communities southeast of Philadelphia.

"My house has gone up in value $8,000 since they put in the high-speed line," a middle-aged insurance executive said recently as he sat in a deep, high-backed seat on one of the silver-skinned Lindenwold trains. While he spoke, the trains, which are built by the Budd Company, accelerated gently up to 75 miles an hour.

Florence Schuck, a secretary riding to her job in Philadelphia, said:

"It used to take me an hour to drive in to work, sometimes an hour and a quarter. Now it takes me only 22 minutes. It's really a wonderful way to go to work."

Except for a barely audible whine in the train's electric motor and a distant hiss of air outside, the car was nearly silent as it glided smoothly over seamless welded rail. There were no bounces, jerking or clicking.

Irvin Shoemaker, a lawyer commuting from Lindenwold to Camden, N.J., said:

"I don't think I'd ever want to drive again. With the parking problem at Camden, it was getting impossible to take your car. I really didn't realize how good public transportation could be."

According to a recent poll by the Delaware River Port Authority, 40 per cent of the transit line passengers had commuted regularly before the line was built.

Twelve per cent used cars when they traveled over the route previously, but they were not regular commuters. This group—primarily young, unmarried girls—got jobs in Philadelphia and at other points along the line after the line went into service.

The rest of the riders either had used buses or trains on short segments of the route, or a combination of private and public transportation.

Traffic volume on roads along the line has declined. Auto movements over the Benjamin Franklin and Walt Whitman Bridges—the main routes between Philadelphia and South Jersey—dropped 2 per cent during 1969.

Although the service lost $700,000 in its first year, when patronage was light at first, officials expect to make a $15,000 "operating profit" this year.

The profit would be the difference between fare income and expenses—principally salaries and electricity. It does not include amortization of the construction costs, which is being absorbed by revenue from bridge tolls.

The transit line is operated by the Port Authority Transit Corporation, a subsidiary of the Delaware River Port Authority. To pay for the $94-million transit system, the Port Authority doubled tolls to 50 cents on its two other principal properties—the Ben Franklin Bridge, over the Delaware between Philadelphia and Camden, and the Walt Whitman Bridge, between South Philadelphia and Gloucester City, N.J.

The transit link was built, along the rights of way of two older lines—a deteriorated, 34-year-old Port Authority rail line over the Franklin Bridge that was carrying about 8,000 riders daily between Philadelphia and Camden and the Pennsylvania-Reading Seashore Line between Camden and Lindenwold.

MEASURE OF EFFICIENCY

The line employs 210 persons, or the equivalent of about one employe for every 145 daily riders, a measure of efficiency that Port Authority officials here contend is by far the lowest in the world. One official, who asked not to be identified, said:

"We've automated just about everything we could. The low labor cost is the one reason we have a chance of going in the black.

"But if we tried to use the same equipment with the kind of labor 'manning' contracts some of the railroad unions require, or if we were an existing railroad and tried to introduce new automated equipment over a union contract, we couldn't possibly do it. I think it's pretty clear: To make a go of it in this business now, you've got to start from scratch."

The advantages of an automated system can be seen in comparing it with a suburban run of the Long Island Rail Road.

The Lindenwold system can run a train with six cars, carrying about 500 passengers, and pay the salary of only one on-board employee.

On the Long Island line, a train with six cars would generally have four on-board employees—an engineer and three trainmen to collect the fares. Manpower requirements are negotiated by the railroad and the United Transportation Union.

FARE STRUCTURE

How the labor savings pay off is evident in the fare structures. The Long Island charges $1.20 for a 14.5-mile, one-way trip between Manhattan and Bayside, L. I. On the Lindenwold Line, a trip of a comparable length costs 60 cents.

To visitors, the most striking aspect of the Lindenwold Line is its high degree of automation!

Passengers deposit coins in a machine at each station and receive a ticket about the size of a playing card. On the back, the ticket is coated with brown metal oxide that is similar to the coating of magnetic tape.

They insert the tickets into a turnstile-like gate. Within a second, electronic sensors scan the tickets, confirm it if it is valid, return it and open the gate. At the passengers' destination a similar machine confirms that the proper fare was paid and keeps the ticket.

The fare is 30 to 60 cents, depending on the distance traveled. Trains run every four minutes during rush-hours and every 12 minutes during mid-week.

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TELEVISION MONITOR

The stations are spacious, with low, clean lines and a conspicuous absence of attendants. But each station is watched by at least one television camera that is monitored 24 hours a day from a central control station.

Security units are dispatched to the station if vandalism is observed. When a passenger has trouble with the automated fare system, the transit employe watching the TV screens can tell the passenger how to use the system by talking over a special telephone line that links the monitoring room with each station.

Each train has one crewman, a motorman who pushes only two buttons: one that closes the door and another that starts the train rolling down the track. Unless he has to stop in an emergency, the motorman does nothing else; the rest of the run is controlled automatically.

The train is accelerated, slowed up on curves, braked and stopped automatically at each of the 12 stations on the route by electrical signals transmitted to the train through rails and wayside markers.

"It's like a kid's super-sized electric train run by remote control," a Port Authority official remarked.

WILDERNESS PROPOSALS

(Mr. SAYLOR asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SAYLOR. Mr. Speaker, I am today introducing legislation to designate certain additional areas of this Nation as wilderness areas. In doing so, I invite my colleagues to join me in this effort by sponsoring similar legislation.

In 1964, the Congress declared it to be the national policy to secure for the American people, of present and future generations, the benefits of an enduring resource of wilderness. In support of this declaration, Congress established the National Wilderness Preservation System to be administered for the use and enjoyment of the American people.

With the passage of the Wilderness Act, 54 areas of the national forests already established as wilderness, wild and canoe areas became units of the National Wildlife Preservation System. The act also provides for possible additions to the system and requires the Secretaries of Agriculture and Interior to review, within 10 years, or by September 1974, all primitive areas of the National Forests, all roadless units of the National Park and Wildlife Refuge systems and report to the President as to their suitability for preservation as wilderness. These eligible areas total 140.

At the halfway mark, the Forest Service has held hearings on 15 of the 34 primitive areas, with only five being added to the system. The National Park Service has held hearings on only 17 of the 50 areas which qualify for consideration and of these proposals, only five have emerged as bills before Congress.

The Bureau of Sport Fisheries and Wildlife has held public hearings on 30 of 56 areas and while 22 of these have been introduced in Congress, only one bill has been enacted into law. This is the Great Swamp Refuge in New Jersey.

Since the passage of the Wilderness Act, approximately 40 wilderness proposals have been recommended by the President to the Congress. However, in the last 5 years Congress has added only six areas to the system, in addition to the Pasayten Wilderness which was a part of the North Cascades National Park. These six additions are the San Rafael Wilderness, Calif.; the San Gabriel Wilderness in California; Great Swamp National Wildlife Refuge Wilderness Area, N.J.; Mount Jefferson Wilderness, Oreg.; Ventana Wilderness, Las Padres National Forest, Calif.; and Desolation Wilderness, Eldorado National Forest, Calif.

Mr. Speaker, President Nixon in his environmental message to Congress pointed up the need for more additions to our wilderness preservation system when he said:

> Conditioned by an expanding frontier, we came only late to a recognition of how precious and how vulnerable our resources of land, water and air really are.

The period of expansion and exploration, the great era of successive western frontiers, has now become a part of our American past. In this Nation's early history the wilderness was a foe to be conquered. Today, we have a new purpose under the Wilderness Act—to preserve some remnants of that once vast wilderness from the onrush of a marching modern civilization.

The legislation which I introduced today will designate twenty-eight areas as additions to the wilderness preservation system. I urge my colleagues to support this legislation and, again invite them to join with me in individually sponsoring similar legislation to preserve, for the use of this and future generations, some of the America that tempered and formed our national character.

RETIRED GOVERNMENT EMPLOYEES GET GOOD NEWS FROM BANKING COMMITTEE INQUIRY

(Mr. PATMAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PATMAN. Mr. Speaker, for a number of years there has been a strange inequity concerning the handling of retired Government employees' annuity checks. The Treasury Department has held that a retired Government employee, whether he be military or civilian, who wishes to have his paycheck sent directly to a financial institution, must have that check sent to a commercial bank.

This has meant that the other financial institutions, credit unions, savings and loans, and mutual savings banks, could not offer this service to retired Government customers. It was a handicap to the institutions and a hardship to the retired person. In addition, the benefits to the commercial banking system, which already has a monopoly on checking accounts, were immense.

On October 27 of last year, I wrote to the Secretary of the Treasury asking that Treasury regulations be changed so that all financial institutions could receive retired Government employees' checks. I was informed shortly thereafter that Treasury could not make such a change because the Comptroller General had ruled that commercial banks were the only responsible banking institutions that could serve as an attorney in fact, a legal nicety that must be met in the deposit of paychecks or retirement checks.

Faced with this correspondence, I then asked the Comptroller General to determine whether or not the initial ruling was still valid since Public Law 90-365 (13 U.S.C. 492(b)) provided that Government employees could make payroll deductions for the deposit to their savings account in all financial institutions, not merely commercial banks.

I received a reply from the Comptroller General stating that the Treasury Department had misinterpreted the original GAO ruling and that the other financial institutions were, indeed, qualified to receive retired Government employees' checks.

Based on this information, I again wrote the Secretary of the Treasury asking that agency, in light of the Comptroller's rulings, to reconsider the restriction on retirement checks. On February 25 of this year, I received a reply from Mr. Paul W. Eggers, General Counsel of the Treasury, stating that the Treasury Department was revising its regulations so that all financial institutions which are covered under Public Law 90-365 would be eligible to receive Government employees retirement checks.

This ruling is particularly important because hopefully it will mean that additional funds will flow into savings institutions and thus provide more money for home mortgages.

Mr. Speaker, there are still a number of inequities involving the deposit of paychecks and retirement checks but the ruling by the Treasury Department clearly eliminates the most glaring inequity.

Currently, the Department of Defense, in cooperation with the Treasury, is trying to resolve a situation which I have brought to their attention concerning the allotment of pay of retired employees. Under administrative regulations, retired servicemen are allowed to have allotments but these must be made out at the time the serviceman retires and cannot be altered throughout the remaining life of the retired serviceman. Nor can any new allotments be started. Such a ruling, indeed, works a hardship on retired persons since they must charter their allotment course not based on current income but on income at the time of their retirement.

While I realize that constant changing of allotments could work a hardship on payroll offices, there should at least be an "open season" on allotment changes periodically so that retirees could have some latitude in handling their financial affairs.

Mr. Speaker, I am including as part of my remarks the February 25 letter from Treasury General Counsel, Paul Eggers, which outlines in detail his agency's decision to change the handling of retired Government annuity checks:

THE GENERAL COUNSEL
OF THE TREASURY,
Washington, D.C., February 25, 1970.

Hon. WRIGHT PATMAN,
Chairman, House Banking and Currency Committee, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: I am replying on behalf of Secretary Kennedy to your letter of February 9 asking that this Department revise its regulations to make credit unions eligible to receive retirement checks of Federal employees. You referred to our reply of November 7, 1969, on this matter in response to your letter of October 27, 1969, in which reply we stated that the Comptroller General had ruled that the Government was protected against risk of loss in sending retirement checks to an attorney in fact only where the attorney in fact was a responsible banking institution. You stated that this matter has been further considered by the Banking and Currency Committee and the General Accounting Office, and you informed us that in a letter of February 3 the Assistant Comptroller General advised you that the GAO would have no legal objection to Treasury's recognition of similar powers of attorney executed in favor of responsible credit unions.

Mr. Robert Keller, Assistant Comptroller General, has supplied us with a copy of his letter of February 3. In view of the position taken by the GAO in this letter we intend to revise appropriately the regulations in question, 31 CFR Part 360. We believe that the appropriate revision is to substitute for the provision describing a special power of attorney as one naming a banking institution or trust company as attorney in fact (section 360.12(c)) a description of a special power of attorney as one naming a "financial organization." We would include among the definitions in the regulations the definition of a "financial organization" provided in the legislation of the 90th Congress to which you referred in your October 27, 1969 letter (Public Law 90–365, 31 U.S.C. 492(b)). Under that definition a "financial organization" means "any bank, savings bank, savings and loan association or similar istitution, or Federal or state chartered credit union." We believe that a change in our regulations limited to credit unions would cause confusion and dissatisfaction, that the GAO's new ruling would embrace all components of the definition quoted, and that a credit union which is a Federal or state chartered one is a "responsible credit union" within the meaning of Mr. Keller's letter.

For the record, I would like to add that the correctness of the application by the Treasury Department of the GAO instruction in this area should not be judged by an analysis of the Comptroller General's decision, A–3551, August 12, 1956, alone. While that decision was rendered in the context of proposed regulations applying only to banks, the reason the proposed regulations were framed in terms of banking institutions was the earlier ruling of the Comptroller General, 17 Comp. Gen. 245 (1937), which advised this Department that the GAO would interpose no objection to the endorsement of annuity checks under a special power of attorney in favor of "a reputable bank or trust company."

We trust that this proposed action satisfactorily meets your request.

Sincerely yours,

PAUL W. EGGERS,
General Counsel.

ENVIRONMENTALISTS SHOULD GUARD AGAINST USE OF MILITANT, DIVISIVE TACTICS

(Mr. SISK asked and was given permission to extend his remarks at this point in the RECORD and to include an editorial.)

Mr. SISK. Mr. Speaker, I yield to no man in the fervor with which I extol the virtues of clean water and fresh air. But I think the Nation is in some danger of going on a bad trip brought on by the injection of too much emotion and too little thought on the subject of preserving the environment.

Recently, the Fresno Bee, one of the outstanding newspapers owned by the McClatchy Newspapers of California, published an editorial which I believe contained a caution which we should follow in our consideration of this subject.

I particularly call your attention to one paragraph in the editorial which quoted a University of California sociologist as saying:

> Scratch the planners and self-declared ecologists and you will often find a dictator. They would cancel the 20th century to get clean air.

Mr. Speaker, I herewith am including the full text of the editorial, which appeared in the Fresno Bee of February 23, 1970, in the RECORD at this point:

ENVIRONMENTALISTS SHOULD GUARD AGAINST USE OF MILITANT, DIVISIVE TACTICS

The intensity of the movement to save the environment is so great it already has reached the proportions of a historic phenomenon. Less than a year ago comparatively few people were actively engaged in a battle against pollution. Today almost everyone has joined the action.

Tempers are beginning to flare and the subject—which requires above all else some dispassionate discourse—is becoming emotional. The many teach-ins scheduled on campuses across the country in April will add fuel to the fire.

Like other movements of social betterment which have faltered or failed because of overreaction, the environmental fight also could be lost. Militancy often disrupts more than it unites. Divisive tactics often turn what is a good endeavor into a passing fancy.

Fortunately, there are some voices being uttered for an application of common sense in the environmental movement so the momentum of concern nationwide is not lost.

Robert Theobald, a commentator on social and economic issues, has warned the war on pollution could backfire unless cooler heads become involved. In a recent article in the Los Angeles Times, Theobald commented:

"The growing howl about pollution, the environment and ecology threatens to lessen rather than increase, the prospect of man kind's survival. If this chorus of concern is to achieve fundamental results, its directions must be fundamentally changed.

"I am in no way denying the critical nature of the ecological crisis. I am arguing that the increasing hysteria threatens to damage our chances of dealing with its realities."

It is Theobald's thesis ecologists are presently planning to use old-fashioned divisive political techniques to achieve their goals. There is a danger just at a time when man's survival depends not upon conquering nature or other people but in cooperating with nature and other people.

John Scott, a sociologist at the University of California at Davis, observed in a recent interview:

"Scratch the planners and self-declared ecologists and you will often find a dictator. They would cancel the 20th century to get clean air."

He was referring to those militants who call for coercive governmental control on growth. Man must get along with fellow man in the environmental movement just as much as in any other field. The environment is one thing which cannot be torn down just for the convenience of building a new system.

THANK YOU, BOB WEST

(Mr. PATMAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PATMAN. Mr. Speaker, a very rare and exceptional man retired from our Government at the end of February, Mr. Robert E. West, of Honey Grove, Tex. I have never known an individual who so harmoniously and effectively combined the practical hard-nosed qualities of a successful businessman with such an inborn motivation and urge to help other people. Bob West is probably best known to many of the older Members of the House as the lifetime friend and companion of the former Speaker, the Honorable Sam Rayburn, who incidentally was known, in addition to his other remarkable qualities, for his outstanding ability to read character. Mr. Rayburn admired and respected Bob West for his sturdy independence, his frank, forthright opinions, tremendous stability, and his infallible judgment. There was good reason for this great bond of friendship, for each mirrored the virtues of the other, and they shared a background rooted in the soil of northeast Texas soil which each had tilled as young men and neighbors.

In December of 1961, it was my great pleasure to administer the oath of office to Bob West, when he assumed leadership of SBA for the entire Southwest area. Since that time he has served with the greatest possible distinction abiding by the rules and procedures of his Government with meticulous and scrupulous integrity and meeting the needs of the people and of small business with superlative efficiency.

For the record, I will say that Bob West brought to SBA a wealth of business and governmental experience that enabled him to administer its several programs in an effective and efficient manner. SBA's mission is as vital to the economy of America and to the very well-being of the Nation today as it was in 1953 when the agency was established.

Under his fervent and dedicated leadership, the loan programs have grown as follows:

Type of loans:	*1961*	*1970*
Business and EOL loans	2, 178	5, 389
Disaster	4, 929	30, 826
Development company (502) loans	9	161
Totals	7, 116	36, 376

This is an increase of 29,260 loans in effect today over 1961.

During this period, the Southwestern area of the United States was plagued by seven major physical disasters. Under Bob West's diligent leadership, there were approximately 39,300 loans approved for an amount in excess of $180 million to assist homeowners and businessmen to rehabilitate their properties.

He was presented a special act award

by SBA Administrator Robert C. Moot for extraordinary measures taken to assist the people of southwest Texas and for extending loans totaling over $18 million to those stricken by Hurricane Beulah which occurred on the lower Texas coast in 1967. His efforts played a major part in the restoration of the ravaged areas.

During Bob West's tenure as SBA area administrator, he was responsible for administering all programs in the Southwestern area which is comprised of five States: Texas, Louisiana, Arkansas, Oklahoma, and New Mexico with one area office and nine regional offices and two branch offices. Under his guiding hand, SBA programs were promoted and expanded to further aid the people, such as:

	1961	*1970*
Bank participations in SBA Financing (percent)	35.5	55.15
Counselling activities (cases per year)	700	3,720
SBA SW Area Personnel	292	529

The SBA voluntary subcontracting program was originated in 1963. During 1969, SBA subcontracting specialists, working this program with 28 participating prime contractors' plants in this area, assisted them in placing orders totaling $342,809,148 with small business firms.

From December 1961 through February 1970, the Southwest area processed 523 certificate of competency referrals, representing $124.8 million worth of Government contracts. As a direct result of this program, 111 sizable Government contracts were awarded small firms of the five-State area. Not only did this program capture $24.5 million worth of contracts for small firms, but it also resulted in an average savings of over $33,600 per contract certified—the difference in the price bid by small firms "rejected" by the procuring agencies and the price offered by the next low bidders. Thus, this one program resulted in a direct total saving to the taxpayers of $3.7 million under the administration of Mr. Robert E. West.

XUM

He leaves a Government career with the knowledge that he has contributed a great service to the citizens of the Southwestern area of the United States and to the country as a whole. We will be forever indebted to him for his many and kind acts of cooperation. For his dedicated and concerned leadership in a continuing program of aid for our people who needed help to help themselves, we sincerely and deeply say, "Thank you."

May I add just one more comment—that Bob West on more than one occasion discussed with the highest leadership in our land whether he would accept the position of SBA Administrator, but his decision was to remain with the area and the people he knew best. Bob West, I think, carrying out a commitment he made to Sam Rayburn to stay where he would be close to the people who are working hard to make a go of it—the small farmer and rancher—Bob also had a successful career in the old Farm Security Administration—and the small businessman. Bob West will go on to other work, now that he has left the Government. And I know that his activities in what we call the "private sector" will be equally constructive and rewarding. Today, I say "Thank you," Bob West, from the bottom of my heart for all that you have done for our people, and for you and Mrs. West, your children, and your grandchildren, I ask the continued blessing of the Lord, who has given you the strength and the will to make His world a better place for all families.

ROBERT WEST RETIREMENT

(Mr. ROBERTS asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. ROBERTS. Mr. Speaker, I certainly want to thank my distinguished colleague, Mr. PATMAN, for his kind remarks concerning the retirement of my good friend and constituent, Robert West, as the area Director of the Dallas Small Business Administration Office.

Mr. PATMAN has, as always, done an outstanding job of tracing the career and contributions of Mr. West. There is little I can add except to say that I am delighted that Mr. West is moving back to Honey Grove. I am reluctant to see him retire from Federal service but pleased to once again have the benefit of his counsel as a full-time constituent.

THE STATE OF THE ECONOMY

(Mr. PODELL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PODELL. Mr. Speaker, I fear that this country will be experiencing the effects of both inflation and recession in the months ahead. The measures designed by the administration to curb the expansion of the economy have not had the desired effect of halting the rising prices. Manufacturers may be producing less now, but they are charging more. Indeed, the rate of price increases has been more rapid than at any other time since the early part of the Korean war. We seem to be in the midst of what economists have called the "worst of two worlds"—a sluggish economy and an inflationary price spiral.

Last week, we learned from Mr. Nixon's advisers, the unemployment rate will rise to between 4.3 percent and 5 percent in the early 1970's—and that was a conservative estimate. Is there any level of unemployment which can be termed "acceptable" given the social costs resulting from a man's being out of work? The unemployed and the people living on other types of fixed income see their savings eaten up by inflation. Our present economic situation also creates the underemployed—the individual whose income is cut because he is working fewer hours.

The construction industry is refusing to build because of the high interest rate on loans. The urban landscape is no longer dotted with the sight of large cranes, cement mixers, and other signs of construction that has meant employment for so many. Houses continue to fall into disrepair. It is easy to condemn them to disuse; it is quite another to get others constructed in their place.

What is the cause of the inflation? The President has said it is a direct result of increased Government spending and the huge deficit accumulated over the years. In this decade, the Federal Government has spent a total of $57 billion more than it has earned. When expenditures exceed income by so much for so long, inflation is not a surprising result.

Yet, this is not the entire story. Government spending may be an important factor in the inflationary economy. But "government spending" is a huge and encompassing term. It covers the spending of almost $200 billion. So large an amount leaves much room for interpretation. Which part of that spending is most responsible for that inflation?

The President's recent veto of the Health, Education, and Welfare appropriations bill was a clear indication of his views on causes of inflation. Spending totaling less than 1 percent of the entire Federal budget led to the veto of the entire Health, Education, and Welfare appropriations. It is a sad commentary on the priorities of the present administration when less than a billion dollars for the health, education, and welfare of our citizens is considered inflationary, and $11.9 billion for the second phase of the antiballistic system is not.

We have been told that the national defense outlays in 1971 will require a smaller proportion of the Federal budget than at any time since the demobilization period following World War II. Yet, national outlays for national defense still total $73.6 billion in absolute terms. Defense is still the largest single item in our budget—whether one calculates in absolute or percentage terms.

By the end of the next fiscal year, we will have spent $104.5 billion to fight the war in Vietnam. I hold that the costs of the war and of our defense are the major causes of the present inflation.

Cost overrun in the Defense Department is looked upon as a natural occurrence.

Cost overrun in the Defense Department is looked upon as natural. For years such overrun has not been given the scrutiny that the spending of such large amounts deserve. Just as you can expect death and taxes, so, in recent years, you can expect cost overrun in defense contracts. I hold that this is another cause of inflation that often goes unnoticed.

Finally, let us look for causes of inflation in the policies of some of the largest firms in our economy. If I were to record the major price increases in the last years, it would read like a "who's who" of American industry. Their price system was actually quite fluid—but always in one direction—upward.

These price increases fell on the consumer. His salary in real terms continued to decrease. A man earning the same salary today as he did in 1958, would be able to buy only two-thirds of the goods and services he could buy with the same amount in 1958. A "moderate" budget for a family of four in New York was estimated to be $11,236.

It is time to examine the Federal budget and its practices; we must regulate the policies of banks who charge in interest what the market will bear.

We hear rumors that defense spending will be cut, yet the war in Vietnam continues to rage. We hear that some banks may lower their interest rate by a half of 1 percent. I hear it that this may be too little and too late.

DEPARTMENT OF LABOR'S BUREAU OF LABOR STANDARDS

(Mr. BURTON of California asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. BURTON of California. Mr. Speaker, I want to call the attention of the House to the fact that the Department of Labor's Bureau of Labor Standards is being reorganized. Secretary of Labor Schultz announced on February 9 that "we have erected a modern functional structure for this vital Bureau that will better serve our existing responsibilities and also be capable of meeting new challenges as they arise." That goal is to be lauded and I, for one, hope that one of the "new challenges" will come this year upon the enactment of a comprehensive occupational health and safety bill.

There are certain safety programs in the Bureau of Labor Standards whose fate is unclear from the Department's press release. Specifically, I would like to know more about what will happen to the longshore safety program, established under amendments to the Longshoremen's and Harbor Workers' Compensation Act a decade ago. The act provides for rulemaking by the Secretary of Labor after broad consultation with all sections of the industry. That authority has led—as Secretary Schultz himself pointed out in his testimony on occupational health and safety before the Select Subcommittee on Labor—to a better-than-40-percent reduction in the longshore accident frequency rate; to a better-than-40-percent cut in lost-time accidents in our Nation's second most hazardous industry.

That reduction is a result of teamwork and expertise gathered over the years in the Bureau's longshore and maritime safety division; of effective regulations promulgated after extensive consultations between the industry and men in the Bureau knowledgeable and experienced in the industry.

I must ask, Mr. Speaker, what will happen to that team and that expertise? Will it be fragmented in the course of the Bureau's reorganization? Will the personnel who have led the Bureau's most effective and successful safety program be scattered? Will longshore safety lose its identity within the Bureau, placing the second most hazardous workplace in America on the same footing with an industry whose accident frequency rate is some 90 percent lower? What will happen, for instance, to the development of container safety regulations so vitally needed now that containerization is mushrooming on the waterfront?

The Bureau of Labor Standards and the Secretary of Labor have not answered these important questions, Mr. Speaker. The organization chart attached to the Department's press release fails to show a place for longshore safety. The chart does show advisory committees to be at the right hand of the Director of the Bureau. Yet, a labor-management safety advisory committee met here in Washington in late December and received not a hint of an impending reorganization.

There are many questions to be answered about the Bureau's reorganization as it has been announced. It would seem only right and logical that the Bureau would—as it does so well in developing safety regulations—engage in broad consultations with those it serves prior to implementing major changes in its methods of operation.

I am placing the Department of Labor's press release in the Record at this point:

Labor Unit Remodels for Safety Tasks

Secretary of Labor George P. Shultz announced today that the 35-year-old Bureau of Labor Standards will be modernized to meet rapidly increasing responsibilities in the occupational safety and health field.

Originally a promotional agency for the entire field of labor standards without enforcement authority, the Bureau in the past dozen years was delegated regulatory responsibility for safety in longshoring and harbor work, Government contractors providing goods and services and performing construction, and Federally-assisted facilities erected under the Vocational Rehabilitation and Arts and Humanities Acts.

In addition, the Bureau develops standards for youth safety under the Fair Labor Standards Act and is responsible for improving Federal employee safety. The Bureau also must be prepared for additional duties if Congress enacts a comprehensive Occupational Safety and Health Act.

"We believe we have erected a modern functional structure for this vital Bureau that will better serve our existing responsibilities and also be capable of meeting new challenges as they arise," Secretary Shultz said.

The Bureau's work will center in five Offices:

(1) *Standards Development*—to assist in the development of a nation-wide program for improving safety and other working conditions through research and development of sound standards and effective administrative procedures. Four divisions in this office will cover safety, general employment, workmen's compensation and youth standards.

(2) *Evaluation*—to review program operations and standards of the Bureau, other Federal agencies, and the States in order to evaluate their effectiveness, and to make recommendations for programs and standards improvement.

(3) *Field Services*—to direct and coordinate all Bureau field operations.

(4) *Information and Publications*—to answer public requests for information and assistance on Bureau programs, and to supplement its resources for administering laws by the preparation of a comprehensive information and publications program.

(5) *Training*—to develop training programs in safety and other labor standards areas for Bureau personnel and for States, labor, industry and other groups.

Regional offices under the Washington Office of Field Services will be mini-Bureaus in designated geographical areas. These offices will carry out all the agency's programs of enforcement and work with State labor officials, legislative commissions, labor, management and interested groups. Various district offices will report to their appropriate regional offices.

The Bureau's work with the Federal Safety Council is upgraded to the Director's Office. The Bureau will also be assisted by Advisory Committees composed of labor, management, State officials and the public.

Staff offices, including a continuing budgetary and personnel administrative division, have been supplemented by a new Division of Management Information and Data Systems, to facilitate management and to utilize fully modern data-processing techniques.

The new organization is scheduled to become effective March 1. A chart of the new organization structure is attached.

MARTIN LUTHER KING'S BIRTHDAY: A NATIONAL HOLIDAY

(Mr. MADDEN asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. MADDEN. Mr. Speaker, Dr. Martin Luther King, Jr., during his lifetime, was in the forefront as one of our outstanding Americans citizens fighting for justice, freedom, and civil rights for all Americans. He was assassinated on April 4, 1968, almost 2 years ago.

Dr. King possessed outstanding ability and talent and by reason of his personality and brilliance converted millions of our Amercan citizens to the fairness and justice of the right of everybody to enjoy their constitutional rights regardless of race, religion, or color. His assassination can be bracketed along with that of the late President John F. Kennedy, Senator Robert F. Kennedy, and other great American leaders who fought for the cause of human justice, as one of the most deplorable incidents against the right of free speech and a defiance to the citadels of representative government in this century.

Mr. Speaker, I submit resolution No. 1132, adopted by the Common Council of the city of Gary, Ind., on the 17th day of February 1970, signed by the presiding officer, William P. McAllister and Richard Gordon Hatcher, mayor of the city of Gary.

Resolution No. 1132

A resolution petitioning the Congress of the United States of America to declare the Birthday of Dr. Martin Luther King, Jr., a national holiday and official day of celebration in the United States of America

Whereas, Dr. Martin Luther King, Jr., was born on January 15, 1929, and was assassinated on April 4, 1968, and

Whereas, Dr. Martin Luther King, Jr., was a founder and the principal advocate of non-violence as a means of effecting social and political change,

Whereas, Dr. Martin Luther King, Jr., devoted his life to the attainment of human dignity and equality for all mankind, and,

Whereas, the life and achievements and dreams of Dr. Martin Luther King, Jr., are an inspiration to all men of good will and are in the highest traditions of American ideals.

Now, therefore, be it resolved, that the Common Council of the City of Gary, Indiana does hereby petition the Congress of the United States of America to declare January Fifteenth a national holiday and official day of celebration in the United States of America in honor of Dr. Martin Luther King, Jr

The Clerk of the Common Council is directed to cause copies of this resolution to be suitably prepared and sent to Congressman Ray J. Madden, and to Senator Vance Hartke, and to Senator Birch Bayh, and to President Richard M. Nixon.

Passed by the Common Council of the City of Gary, Indiana this 17th day of February, 1970.

WILLIAM P. MCCALLISTER,
Presiding Officer.

Attest:

BETTY MALINKO,
City Clerk.

Presented by me to the Mayor for his approval and signature this 18th day of February, 1970.

BETTY MALINKO,
City Clerk.

Approved and signed by me this 24th day of February, 1970.

RICHARD GORDON HATCHER,
Mayor of the City of Gary, Ind.

NEW YORKERS KILLED IN VIETNAM IN 1969

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, the war in Vietnam goes on. The casualties mount. In 1969, the first year of the Nixon administration, those Americans killed in the Vietnam war numbered 9,365. I am at this time placing in the RECORD the names of those young men who prior to their induction into the Armed Forces resided in the State of New York and who died in that war during 1969.

The death of anyone in any war is a tragedy. I list the names of the young men from New York so as to facilitate the reading of those names at the several churches and synagogues in the city and State of New York who have now undertaken to conduct special memorial services where these names will be read aloud. The war will not end until all of us finally share the personal tragedy that so many Americans are required to bear.

The list of names follows.

LIST OF CASUALTIES INCURRED BY U.S. MILITARY PERSONNEL IN CONNECTION WITH THE CONFLICT IN VIETNAM—NEW YORK—TOTAL 786

(Deaths reported from January 1 through December 31, 1969)

DEATHS RESULTING FROM HOSTILE ACTIONS

Army

Abruzese, Robert Alexander, Hartsdale.
Acevedo, Roberto, New York.
Adams, Charles Wesley, McLean.
Adiutori, Richard, New York.
Aiken, Larry Delarnard, Jamaica.
Akerley, Dennis, Grahamsville.
Allen, Dean Brooks, Delmar.
Ambrosio, Frank Carl, Deer Park.
Anderson, Robert Lee, Middletown.
Arniotis, Dimitrios G., Jamaica.
Asher, Alan, New York.
Autorino, Joseph G., Jr., Rosedale.
Aviles, Alfredo Edwardo, New York.
Babey, David Paul, Rochester.
Bailey, Fred McKinley, New York.
Baranowski, Bishop Skip, Cortland.
Barbiere, Charles Louis, New York.
Bariglio, Richard Louis, Long Island.
Barry, Edward Francis, Wantah.
Bauer, William Henry, New York.
Bausch, Barry Ralph, Elmont.
Beckman, Robert Carl, New York.
Bellemare, Andri Remi, New York.
Bellwood, Richard Roy, New York.
Bennett, Richard Jay, Earlville.
Benvenuto, Theodore F., Jr., Uniondale.
Bernstein, Alan Martin, Flushing.
Best, Oliver Adrian, Jr., New York.
Best, Thomas Emanuel, New York.
Bethea, Henry, Montrose.
Bethea, Raymond Lewis, New York.
Beverly, Francis M., Jamaica.
Bonapart, Paul, New York.
Bonventre, Thomas S., Elmont.
Bortle, Jonathan R., Macedon.
Bouttry, Charles Edward, New York.
Bowdler, Gary Lee, North Tonawanda.
Brady, John Patrick, Jr., Kingston.
Braithwaite, Arnim N., New York.
Brasile, Terrence Carmine, Ridgewood.
Brathwaite, Roger Clayton, New York.
Briales, Miguel Eugenio, New York.
Brow, Christopher, Albany.
Brown, James Arthur, New York.
Brown, Stanley Alton, Albany.
Brown, William Joseph, Poughkeepsie.
Browne, Earl Frederick, New York.
Bruce, Robert, Fishkill.
Bruckner, Howard Russell, Scarsdale.
Brunn, Chris Fredrick, East Setauket.
Brush, Richard Bernard, Nanuet.
Brustman, Douglas John, Jamaica Estates.
Buckley, Robert Walter, Uniondale.
Bukowski, David Frederick, West Islip.
Burnett, James Sandford, Jr., Water Mill.
Burt, William Robert, Jr., New York.
Butler, Merle Floyd, II, Lakewood.
Calamia, Jack, New York.
Calhoun, Steven Brian, New York.
Camerlengo, Joseph Vincent, New York.
Canamare, George Joseph, Cedarhurst.
Carapezza, Richard Allan, Rochester.
Carbone, Richard, Huntington Station.
Carlin, Stephen Bernard, Oceanside.
Carlucci, Anthony Jack, New York.
Carpenter, Walter Andrew, Binghamton.
Chandler, Charles, Albany.
Collazo, Carlos Manuel, North Bay.
Colon, Harry Joseph, New York.
Conklin, Larry James, Endicott.
Connell, Vaughn David, West Islip.
Conway, Leroy, New York.
Corbett, Mark Charles, Buffalo.
Cornwell, John Bruce, Silver Creek.
Couture, John Victor, Hampton Bays.
Coyle, Gary Joseph, Wellsville.
Creamer, Francis P., New York.
Cregon, Kevin Francis, New York.
Crespo, Jose, Arverne.
Cribbs, Martin Joseph, Schenectady.
Cristen, Ronald Arthur, Smithtown.
Crocker, David Rockwell, Jr., Schenectady.
Cruise, William Michael, Jr., Wappingers Falls.
Cruz, Luis Phillip, New York.
Cushman, Harold Edward, Clark Mills.
Dacey, Betrand Jahn, New York.
Daley, Walton Garland, New York.
Dalke, Burton Ward, Tonawanda.
Daly, Richard Vincent, New York.
Davenport, Albert Ashley, New York.
Davis, Arthur Raymond, Frankfort.
Davis, James Gregory, New York.
Davis, John Henry, New York.
De Bono, Anthony Jay, College Point.
De Felice, Lawrence Joseph, Copiague.
De Luca, Thomas Steven, Jr., Mineola.
De Maria, Frank F., Jr., New York.
De Marinis, Thomas Joseph, New York.
De Meola, Raymond Warren, Blauvelt.
De Rubeis, Fernando, New York.
De Vault, Marvin Andrew, New York.
Decker, Berton, Kerhonkson.
Decker, Michael Thomas, Kirkwood.
Deitch, David, New York.
Denardis, Claude Charles, Schenectady.
Derda, James Michael, Albuquerque.
Desmore, Lawrence, White Plains.
Dickerson, Stanley Heman, Troupsburg.
Diliberto, Kim Michael, Massapeaqua.
Dinunzio, Carl Lawrence, Jr., Derby.
Doane, Stephen Helden, Walton.
Dobash, John Ernest, Syracuse.
Dolvin, James Richard, St. Albans.
Dominkowitz, Michael John, New York.
Doria, Richard Albert, White Plains.
Doty, Vaughn Ormon, Rainbow Lake.
Douglas, Clark Robert, Corning.
Doyle, Michael Walter, Newfane.
Durpe, Charles Vaughn, Olean.
Dyer, Martin Barry, Jr., New York.
Earley, Clarence Andrew, New York.
Echevarria, Jose Anibal, Jr., New York.
Elam, Walter Alan, New York.
Elder, Eugene, New York.
Ellis, Frank Joseph G., Jr., Syracuse.
Ellison, Greg Benson, Bellmore.
Emery, Charles Henry, Jr., Buffalo.
Eriksen, Alf Edward, Lindenhurst.
Evans, George Augusta, New York.
Fanella, Lawrence Andrew, Syracuse.
Farrar, Errold Rufus, Mattydale.
Fassel, Gary Carl, Buffalo.
Fernhoff, Curtis, Flushing.
Fields, Michael David, New York.
Finger, David Harold, Eden.
Fisher, Richard James, West Monroe.
Fiume, James Rocco, Jackson Heights.
Flieger, Gerrard John, New York.
Force, Rodger Dennis, Millport.
Foreman, John William, Manlius.
Forest, Donald Steven, Rochester.
Freeman, Furnace, Jr., New York.
Freeman, Ronald William, Dunkirk.
Fry, George Harold, Pavilion.
Fuerst, George Joseph, New York.
Fuller, Michael Allan, New York.
Funk, Joseph John, Bay Shore.
Funk, Robert Nelson, Penfield.
Gamboa, David Hercliff, Jr., Yonkers.
Garbys, Stephen Michael, Bellerose.
Gardner, Wilhimon, New York.
Gates, Richard Palmer, Johnstown.
Gearing, William Carl, Jr., Rochester.
Gentile, James Raymond, Watertown.
George-Pizarro, Arthur, New York.
Glassey, John Girard, East Meadow.
Glynn, John Joseph, Jr., New York.
Glynn, Peter John, New York.
Godley, Louis Henry, New York.
Goetzer, Joseph James, Jr., New York.
Goggin, John Phillip, New York.
Gordils, Louis Alfredo, New York.
Goss, Jeffrey Kenneth, New York.
Graham, Johnnie, Jr., New York.
Grayson, Joe Edward, Roosevelt.
Green, Richard Hershel, Flushing.
Greene, Richard Hayward, New York.
Griffin, Hallia Leon, Jr., New York.
Groh, Charles Dieter, New York.
Grompone, James John, Greenvale.
Gruhn, Robert Ayers, Rochester.
Halen, James Paul, Bay Shore.
Hall, Clarence Jay, Genesee.
Hall, James Henry, Hollis.
Hamilton, John David, Jr., Rochester.
Hamilton, Robert Theodore, South Ozone Park.
Hendrix, Robert Edward, Rome.
Herbert, Reginald Milmen, New York.
Hernandez, Julio, Jr., New York.
Hilerio-Padilla, Luis A. N., Yonkers.
Hill, Hugh Gilbert, Jr., New York.
Hill, Orville Edward, New York.
Hillard, William James, II, Kennedy.
Hillman, Ronald Joseph, New York.
Hitro, Bernard George, Jr., Buffalo.
Hogan, Edward Joseph, New York.
Hopkins, Paul Robert, Syracuse.
Horan, John William, New York.
Hordern, David James, New York.
Howard, Eli Page, Jr., Pelham.
Huestis, John Edward, Goshen.
Huffman, Ronald Peter, New York.
Huggs, Harold Sylvester, Jamaica.
Hunt, Daniel Thomas, New York.
Hurlihe, Richard Raymond, Poughkeepsie.
Hyman, William Alton, Jamaica.
Hynes, Robert John, Long Island City.
Jackson, Thomas Peter, Jr., Westbury.
Jamieson, Gary Lee, Binghamton.
Johnson, William Lovett, New York.
Joy, Richard Dennis, Binghamton.
Jules, George Henry, New York.

XUM

Kangro, Lauri, New York.
Karaman, Fred, Endicott.
Katz, Elker Gurth, Niagara Falls.
Kaufman, Jay Allen, New York.
Kazmierczak, Robert Joseph, Lackawanna.
Keeler, William Charles, Hamburg.
Keitt, Charles Joseph, New York.
Kelly, Michael Joseph, Jr., Syracuse.
Kent, Kenneth Ross, Dundee.
Kerr, Wesley Sheppard, New York.
Kidd, Peter Alan, Sinclairville.
Kiehaber, Andrew John, New York.
Kiener, Kenneth Richard, Woodside.
Klotz, Michael Peter, Hudson.
Kneeland, Paul James, Lockport.
Kozma, Carl Noel, Hicksville.
Krieger, Frank Anthony, Buffalo.
Kronthaler, Paul John, Buffalo.
Kucich, John Andrew, Jackson Heights.
Kulpa, Richard Walter, Utica.
Kupchinskas, Paul Norman, New York.
Kurtowicz, James David, Buffalo.
La Gray, Ernest James, Utica.
La Polla, John Anthony, Frankfort.
Lallave, Alfred, New York.
Lambert, Dennis Michael, New York.
Lamby, Charles Michael, Derby.
Langhorn, Garfield M., Riverhead.
Laureano-Lopez, Ismael, New York.
Lawyer, Alfred Lewis, New York.
Lee, James Howard, Lockport.
Lee, Marzel Ray, New York.
Lehman, Peter Allen, Cold Spring Harbor.
Levato, Frank, New York.
Levinson, Jay Barry, New York.
Little, Paul Frederick, New York.
Lopez, Ricardo, New York.
Love, Daniel Haley, Watkins Glen.
Luckenbach, Richard Mate, Sodus.
Lund, Willard Spencer, Bayport.
Lynch, Carl Donald, New York.
Lynch, Michael, Amsterdam.
Lynch, Peter, Goshen.
Lyons, Thomas Joseph, Jamaica.
MacMillan, Gordon Alan, East Meadow.
Madison, Henry, Jr., Buffalo.
Magri, Giuseppe, New York.
Malin, Michael Lee, Angola.
Mancuso, Salvatore, Ossining.
Manino, Salvatore, Patrick, New York.
Manning, Robert Thomas, New York.
Marasco, Joseph Allen, Somers.
Marchese, Thomas Vincent, Buffalo.
Marciano, Louis Vincent, New York.
Margoni, Frank Joseph, Carmel.
Margro, James Anthony, New York.
Markunas, Thomas William, New York.
Masinski, John George, New York.
Massa, Luis Alberto, New York.
May, Thomas Andrew, Buffalo.
Mayers, Ralph Emerson, III, Bedford Hills.
Mazal, Roger James, Valatie.
McCarron, William P., Jr., Flushing.
McCarthy, Brian Francis, New York.
McCarthy, John Neal, Glen Cove.
McConnyhead, James, Jr., New York.
McGovern, Michael John, Jr., Cambria Heights.
McGrath, Daniel William, Levittown.
McKinney, Hugh Rufus, New York.
McNeilly, James H., Scotia.
McParlane, Michael Joseph, Flushing.
McZeal, Martin Allen, Rome.
Meagher, Christopher W., New York.
Mears, Joseph Harry, Middleburg.
Meeker, Robert Irwin, Woodmere.
Meyer, Burt Joseph, Jr., Flushing.
Mezzatesta, Frederick, Whitesboro.
Michael, Timothy Shawn, Cicero.
Miller, Allen Robert, Edmeston.
Miller, Cecil Vernon, New York.
Miner, George Louis, Southold.
Minotti, Anthony John, Alden.
Mitchell, Michael John, New York.
Mongelli, Alexander A., New York.
Monish, Ronald Anthony, New York.
Moody, Stephen True, Malverne.
Morales, Victor David, New York.
Mott, Joseph Anthony, Buffalo.
Motto, Thomas Nicholas, Mineola.
Muench, Joseph Earl, Grand Island.
Mulvey, Lawrence Patrick, New York.
Murphy, Joseph Thomas, Jr., Glen Falls.
Murray, Dennis Brian, Glen Cove.
Musco, Vincent James, Schenectady.
Namer, Martin Yale, New York.
Nass, Winford Allen, Centerport.
Nelson, David Charles, Hollis.
Nelson, Richard William, Valley Stream.
Neske, Joseph Edwin, East Islip.
Nogiewich, William Peter, Huntington Station.
Noldin, Richard John, New York.
Nowlin, Fletcher Jacob, Rochdale Village.
Nurzynski, Joseph Anthony, Buffalo.
O'Connor, Michael Patrick, Troy.
O'Donnell, John Michael, Long Island City.
O'Neill, Anthony Joseph, New York.
Oberle, Stewart William, New York.
Olsen, John Andrew, St. James.
Oquenco, Fruto James, New York.
Orr, Robert Thomas, Canastota.
Ortega, William Jr., New York.
Ortiz-Ramirez, Juan, New York.
Palmer, Walter, New York.
Pape, John Charles, West Babylon.
Parker, James Edward, Blauvelt.
Pavan, Kenneth Alan, Niagara Falls.
Pawlowski, Theodore J., Buffalo.
Pellew, David Seeley, Goshen.
Peteroy, Bruce Edward, New York.
Petersen, Carl Robert, Watertown.
Peterson, Roy Keith, New York.
Petsos, Phillip Chris, Rochester.
Petteys, Cornel, Wynantskill.
Phillips, David Jeffrey, Buffalo.
Pickel, George William, Astoria.
Pignataro, Julius Philip, Ozone Park.
Plotkin, Stephen Lewis, New York.
Poggi, Michael Louis, Peekskill.
Poldino, Thomas, Lindenhurst.
Potter, James Frank, Newark.
Prchal, Charles Robert, Sound Beach.
Prete, Robert Nicholas, Piffard.
Prosser, Irvin Willis, Jr., Sauquoit.
Pyle, Howard MacDonald, Jr., Pleasantville.
Quinn, Ronald Gene, Hilton.
Quinn, William Daniel, III, East Northport.
Rahilly, Andrew Stephen, New York.
Reed, Bruce Edward, Peekskill.
Reggio, Gerard Michael, Pt. Jefferson Sta.
Reiter, Bruce Martin, New York.
Reiter, Lesley Steven, New York.
Ricciardo, Ronald Francis, Deer Park.
Rio, Jose Tomas, New York.
Ritz, David Gerald, Croghan.
Rivera, John Asdrubal, New York.
Rivera, Juan, New York.
Rivera, Miguel Angel, New York.
Rivera, Santos, Jr., New York.
Rivera-Delvalle, Manuel A., New York.
Rivera-Garcia, William, New York.
Robinson, George Ray, New York.
Roche, Jon Patrick, Canisteo.
Rodriguez, David, New York.
Roe, John Phelen, Clinton.
Romeo, Duane Clark, Apalachin.
Romesser, Richard James, North Java.
Rosa, John Michael, Brentwood.
Rose, Andrew Clayton, Burlington Flats.
Rosendietcher, Howard, New York.
Ross, David Seth, Astoria.
Rossi, Rudolph, Howard Beach.
Rountree, Harvey F., Jr., New York.
Rudolph, Walter William, Manhasset.
Rumsey, Jay Dee, Elmira.
Rundle, James, Jr., Kingston.
Russo, Joseph Charles, New York.
Ruttan, James Earl, Watertown.
Ryan, John Thomas, New York.
Salanitro, Gary Charles, Huntington Station.
Saltz, Eric Donn, Plainview.
Sandman, Mitchell Harvey, Syosset.
Santiago, Alexander P., Jr., New York.
Santiago, Felipe Obed, New York.
Santiago, Humberto Ruiz, Jr., New York.
Santinello, Ralph Michael, New York.
Saunders, Bruce, New York.
Scavella, Allan Napoleon, New York.
Schell, Robert Charles, Jr., Horseheads.
Schifrin, Raymond Richard, Laurelton.
Schmidt, Daryl Jay, North Tonawanda.
Schmidt, Richard Martin, New York.
Schofer, Karl Andrew, Massapequa.
Schulte, Henry Gerard, New Paltz.
Scibelli, Thomas Anthony, New Hyde Park.
Scott, Duane Carl, Friendship.
Scott, William Gravelle, Jr., Scarsdale.
Seddig, Walter S., New York.
Senor, John Joseph, Kingston.
Settimi, Ronald Mark, Niagara Falls.
Shavel, Fredrick Stanley, Richmond Hill.
Shelton, Timothy John, Lindenhurst.
Sheradin, Robert Donald, Geneva.
Sherlock, Stephen Andrew, Kingston.
Sidelko, George, New Hartford.
Sikorski, Sigmond Michael, Ozone Park.
Silverstein, Gerald Leon, New York.
Simancas, Luis Jose, New York.
Simmons, Bradley Joseph, Ancramdale.
Sims, Harry, New York.
Sinclair, Gary Philip, Queens Village.
Sinclair, John James, New York.
Sisley, William Edward, Angola.
Skomski, James Mark, Cheektowaga.
Slaven, Richard E., Elmira.
Smith, George Julius, Jr., New York.
Smith, James Lee, New York.
Smith, James Robert, Long Island.
Soltan, Lawrence William, Bay Shore.
Somma, Ryuzo, Medford.
Soto-Concepcion, Jose, New York.
Stec, Robert Michael, Schenectady.
Stone, Lester Ray, Jr., Harpursville.
Sullivan, James Michael, Glendale.
Swane, Brian Edward, Massapequa.
Swanstrom, Douglas Gaylord, Ellington.
Swidonovich, Nicholas John, New York.
Swisher, Larry Raymond, Buffalo.
Taisler, Joseph Andrew, Woodside.
Tanzola, Carl Joseph, Jr., East Meadow.
Taylor, Vincent Andrew, Jamaica.
Thibodeau, Wallate Fred, Kingston.
Thibou, Allan Courtney, New York.
Thielges, Charles Theodore, Buffalo.
Timian, Frank Edward, Lockport.
Tokarski, Stanley Richard, New York.
Tomaszewski, Thomas David, Buffalo.
Toole, Terry Edward, Auburn.
Toro, Jose Miguel, New York.
Torpie, William James, Hawthorne.
Torre, Pasquale, New York.
Tortorici, Frank, New York.
Trinchitella, Francis A., Port Washington.
Tripodo, Benedict John, New York.
Turiano, Benjamin Robert, Corona.
Turner, Willie George, New York.
Turzilli, Stephen Edward, New York.
Urbanczyk, Joseph Michael, Lackawanna.
Urrutia, Anthony John, New York.
Vad, Henry Joseph, New York.
Valesko, Joseph, Jr., Canandaigua.
Vallen, Donald William, Jr., New Hyde Park.
Van Cook, Donald F., Jr., New York.
Vanderbrook, Gary Laurence, Buffalo.
Verry, Frederick Alfred, Jamestown.
Vitro, Vito, Mamaroneck.
Walls, Albert Calvin, Jr., White Plains.
Walsh, John Michael, Valley Stream.
Walters, Bruce Elliott, New York.
Walters, James Reese, Riverhead.
Warren, John Earl, Jr., New York.
Watson, Arthur, New York.
Weigle, Thomas Herman, South Farmington.
Whitford, Lynn Cecil, Crown Point.
Wick, Michael Raymond, College Point.
Widomski, Daniel Albin, Buffalo.
Wier, Michael Broderick, Buffalo.
Wilhelm, Richard Thomas, Rochester.
Williams, Amos Levern, New York.
Williams, Joseph Jermiah, Holcomb.
Wilson, William Bernard, Campbell.
Winkler, Gary John, North Babylon.
Winters, Michael John, Saugerties.
Winters, William John, Boonville.
Wrazen, Gerald, Buffalo.
Youngkrans, Allan T., Jr., Utica.
Zapolski, Lawrence Edward, Jamaica.

Air Force

Albanese, John Ernest, Jr., Medina.
Burke, Walter Francis, Flushing.
Colasucnno, Vincent, New York.
Coon, John Lemoine, Phelps.
Dart, Walter Joseph, Jr., Kingston.
Dice, Richard Carl, Sea Cliff.
Englehardt, Albert Alois, Bayside.
Gerstenlauer, Peter F., Merrick.
Pitches, James Sutherland, Yonkers.

Marine Corps

Adams, Woodrow William, Amityville.
Armenio, Robert William, New York.
Arnott, David Bruce, Liverpool.
Arroyo, Ramon Jaime, New York.
Baker, Paul Joseph, Troy.
Barca, John, Jr., New York.
Baurle, Matthew John, Gloversville.
Beeching, Earl Peter, Norwich.
Betancourt, James, New York.
Bey, Nelson, New York.
Boryszewski, Stephen J., Buffalo.
Boule, Thomas Michael, Syracuse.
Brady, Michael Edwin, Rochester.
Brezinski, Charles Anthony, Oyster Bay.
Bruno, Edward, Long Beach.
Bullock, Dan, New York.
Burns, Frederick John, Merrick.
Bushey, William Timothy, Mahopac.
Butts, Roy John, New York.
Carabba, Richard Aloysius, New York.
Carey, William James, Astoria.
Carloni, James Francis, Buffalo.
Catherman, Robert Ray, Baldwinsville.
Christie, Larry Edward, Waddington.
Clute, Michael Allen, Hinsdale.
Cockerl, James Calvin, Lynbrook.
Colorio, Joseph, Massapequa.
Cornish, Larry Irving, Canandaigua.
Costanza, Kenneth David, Rochester.
Crudo, Richard Frank, East Meadow.
Cummings, James Edward, Buffalo.
Cusumano, Anthony Michael, New York.
De Michelle, Craig Norman, Fresh Meadows.
Dedek, John Francis, Oak Hill.
Demetris, Vasilios, New York.
Diakow, Robert, New York.
Epps, James, New York.
Erskine, Albert, New York.
Evangelista, Frank Paul, Flushing.
Evans, Paul Michael, Buffalo.
Fellows, David Thomas, Caledonia.
Ficara, Joseph, White Plains.
Flint, Raymond Lloyd, Skaneateles.
Foster, Daniel John, New York.
Frisbie, Jared Arthur, Selkirk.
Galea, Michael, New York.
Garity, Charles Joseph, Jr., Flushing.
Garlo, Michael, Fishkill.
Gaston, Juan, New York.
Gatto, Daniel Arthur, Amsterdam.
Giertti, Anthony Alfred, Baldwin.
Gladney, John Willie, Albany.
Green, Larry, Niagara Falls.
Gyore, Allan Ronald, Lowville.
Hively, Robert Lynn, Corning.
Hoppough, Dennis Karl, Rochester.
Howe, Frank Robert, Port Chester.
Hughes, Graham, Rochester.
Jimenez, Anastacio, New York.
Johnson, Robert Lee, Falconer.
Jourdanails, Thomas F., Jr., Waterford.
Joyce, Walter Aloysius, Scarsdale.
Kane, Bruce Edward, Deer Park.
Kane, Dennis James, West Babylon.
Keeble, Edwin Augustus, Jr., New York.
Kitson, John Francis, Levittown.
Klingman, Ronald Arthur, Levittown.
Koehler, David James, Clarence Center.
Labianca, Michael, Jackson Heights.
Labombard, Clifford George, Albany.
Lackner, Michael Alexander, Deer Park.
Landi, George Francis, New York.
Larkin, William Ronald, Hempstead.
Leahy, Richard James, Albany.
Lenhard, Howard Thomas, Suffolk.
Lynch, James Joseph, III, Pine Plains.
MacFarlane, William Joseph, South Ozone Park.
Malabe, Judio, New York.
Maldonado, Abrael, New York.
McCabe, Michael Richard, New York.
McCarthy, Robert Alan, Alden.
McDowell, Robert J., Jr., Binghamton.
McManus, John, New York.
McGrade, Gerald, New York.
Merkle, Edward Daniel, Seneca Falls.
Miles, Larry Allen, Buffalo.
Moore, James Charles, Jr., Spencer.
Morina, Anthony Joseph, Havenstraw.
Morka, Peter Joseph, New York.
Morrissey, Richard Thomas, Uniondale.
Murphy, Dennis Gerard, Copiague.
Noonan, Thomas Patrick, Jr., Maspeth.
O'Connell, Daniel Gerard, Copiague.
O'Toole, Lawrence P., II, New York.
Oliver, Bernard George, Jr., Willsboro.
Orbino, Dennis Michael, Syracuse.
Ornelas, Jack Michael, Whitestone.
Ozger, Islam, New York.
Ozimek, Ronald Robert, Depew.
Parker, George Joseph, Jr., Rochester.
Parker, Richard Eugene, New York.
Parker, Stephen Vance, New York.
Paulsen, Gerard Francis, Cambria Heights.
Perez, David, New York.
Pierce, Ronald Shafer, Kenmore.
Purvis, Bernard George, Wheeler Lane.
Quillen, Lloyd Daniel, New York.
Reed, David Neal, Rochester.
Riale, Richard William, Lowville.
Riley, Dennis Leroy, Hanover.
Riley, Thomas John, Bayside.
Rivera, David, New York.
Rivera, Emilio, Beacon.
Rocco, Richard Michael, Amsterdam.
Rogers, William James, IV, Buffalo.
Rossini, Ronald Stephen, Sidney.
Rubin, Roy Garland, New York.
Santiago, Robinson, New York.
Schmidt, Robert Gustave, Levittown.
Scolnick, David, Brentwood.
Seiler, William Joseph, Rochester.
Seminara, Charles Benjamin, Syracuse.
Senese, Christopher Leigh, Rochester.
Shipman, James Robert, Syracuse.
Simonds, Harold Riley, Gloversville.
Slattery, James Dennis, New York.
Slingerland, Harold J., Jr., Ravena.
Smith, James William, Jr., Washingtonville.
Smolarek, Edwin Joseph, Jr., Buffalo.
Spark, Michael Melvin, New York.
Sroka, John Michael, Jr., Clark Mills.
Stahl, John Joseph, Floral Park.
Stahlecker, Gary Robert, West Henrietta.
Starkey, Richard William, Schenectady.
Steen, Antony Michael, Troy.
Stoddard, Marcus William, Minesville.
Sutherland, Reginald J., Hartsdale.
Swan, Wayne Robert, Arkport.
Swanson, Raymond William, New York.
Temple, Malone Bennett, New York.
Thomas, Daniel Patrick, Jr., Niagara Falls.
Thompson, Harry Nathaniel, New York.
Thornlow, Gary William, East Rockaway.
Thornton, Curtis Francis, North Syracuse.
Tirado, Daniel, New York.
Townley, Cyril Harris, New York.
Turner, Brendan Xavier, Uniondale.
Valle, Hector, New York.
Walker, John Frederick, Solvay.
Walker, John Joseph, New York.
Washington, Willie James, Rockaway.
Watts, Richard Allen, Schenectady.
Wood, Raymond Charles, Napanoch.
Yaskanich, William Robert, Wurtsboro.
Zimmer, Jerry Allen, Maine.

Navy

Caprio, Michael James, Vestal.
Clerkin, Joseph, Central Islip.
Doherty, Martin Stephen, New York.
Gebbie, Ronald Jackson, Rochester.
Gray, William Russell, Jr., Fulton.
Gutloff, Peter Emmanuel, New York.
Meyer, Lowell Wayne, Riverhead.
Moore Robert Victor, Cortland.
Mulrooney, George, Astoria.
Nolan, Michael Francis, Jr., Schuylerville.
Peterson, Carl Jerrold, New York.
Ramirez, Nelson, New York.
Razzano, Robert Thomas, Cohoes.
Reardon, Richard John, Huntington.
Rost, James Francis, Jr., Malverne.
Swagler, Craig Everett, Endwell.
Thomas, James Weldon, Buffalo.
Tyrrell, Walter Ripley, Chemung.
Welch, Stephen Martin, Syracuse.
Wiltsie, Joseph Carl, Cazenovia.

DEATHS RESULTING FROM OTHER CAUSES

Army

Agar, Anthony Philip, Larchmont.
Alfonso, Ronald Joseph, New York.
Alivento, Francis Dominick, New York.
Andino, Nelson, New York.
Batterson, John Peddie, Jr., Larchmont.
Benbow, Evans, Jr., New York.
Boise, Richard Howard, Marion.
Boothe, Ronald Charles, Geneva.
Branch, James, Jamaica.
Broullon, Anthony Joseph, Hempstead, L.I.
Brown, Roger, New York.
Burns, Ernest Doom, New York.
Caballero, Henry John, New York.
Caines, Frederick Alfred, New York.
Carney, Walter John, New York.
Casey, Thomas Jerome, Jr., Wantaugh.
Coles, Leonard Ashworth, Webster.
Collins, Michael, New York.
Connolly, Terrace Charles, New York.
Cordova, Oscar, New York.
Cox, Eugene Thomas, Jackson Heights.
Cummings, Kenneth Thomas, New York.
De Vega, Duane Alfred, New York.
Decker, David Franklin, Hudson.
Denhoff, Alan Brian, Canton.
Devine, Thomas Edward, Beacon.
Dewyea, Ronald Richard, Perrysburg.
Downey, Gerald Joseph, Brockport.
Duncan, Leon Timothy, Buffalo.
Dupre, Larry David, Cleveland.
Edelman, Irwin Leon, Sea Cliff.
Felden, Anthony Wayne, New York.
Frye, John R., Poughkeepsie.
Gapinski, Robert Victor, Buffalo.
Gatti, Dennis Albert, New York.
Genchi, Bernardino Francis, North Babylon.
Green, George Richard, Jr., North Babylon.
Gulbrandsen, Robert Eivend, New York.
Havens, Kenneth Gage, Oneida.
Hayes, William John, Rockaway Beach.
Iozzia, Salvatore, New York.
Irving, Stanley Nixon, New York.
Janowsky, Carl Emil, Jr., Ithaca.
Josephs, Noel Fitzroy, New York.
Keeler, William Howard, Patterson.
Kilgen, John Edward, Northport.
Koneval, Arthur Paul, Rensselaer.
Lapes, Donald Arthur, Hempstead.
Laracuente, Ernesto Luis, New York.
Marfurt, Richard August, Jr., Rockville Centre.
Martinez, Israel, Jr., Great Neck.
Mason, Robert Scott, Jr., Babylon.
Matulonis, John, New York.
Mayer, Robert P., Forest Hills.
Mendez-Quintana, Edward, New York.
Mitchell, Dana Wesson, Skaneateles.
Morgan, Melvin David, Jr., Pittsford.
Nieves, David, New York.
Nulton, James Edward, II, Waverly
O'Keefe, Michael Andrew, Jr., New York.
Ortega, William, New York.
Patterson, Stanley, New York.
Perez, Louis Antonio, New York.
Perez, Wilfred, New York.
Perry, Grafton Lawrence, New York.
Reikmanis, Viesturs, Freeport.
Reitz, Michael Robert, Cuba.
Rentas, Jose Carmelo, Jr., New York.
Reynolds, George F., Jr., Oneonta.
Robinson, Donald Frederick, Long Beach.
Rodriguez, Israel, New York.
Rudy, Paul Charles, Central Islip.
Ryan, Thomas Kevin, Albany.
Sheridan, Eugene Raymond, Petersburg.

Sheridan, Robert Roy, Central Islip.
Shumbris, Eugene Paul, Bayside.
Simpkins, Timothy Hayes, New York.
Smith, Barry James, Rochester.
Snell, Raleigh John, Jr., Flushing.
Stacy, Walter Robert, Salamanca.
Tryon, Gary Paul, Unadilla.
Vega-Diaz, Hector Manuel, New York.
Vultaggio, Anthony, Ridgewood.
Walker, Richard Duane, Elmira.
Wallenbeck, Frank C., Buffalo.
Ward, John Francis, New York.
Washington, Glenn, New York.
White, James Lee, New York.
Williams, Willey Edgar, Jr., New York.
Williamson, William Curtis, Central Islip.
Woodworth, Marc Alan, Auburn.

Air Force

Buschmann, John Richard, New York.
Closson, James Stanley, Saratoga Springs.

Marine Corps

Agard, Rowl and Nathaniel, New York.
Alderman, James Muriel, Binghamton.
Berger, Donald Joseph, Williamsville.
Bernstein, Jack, Woodside.
Best, Charles Hyman, New York.
Bink, James Cleveland, Jr., Selkirk.
Bossong, Frank W., Central Islip.
Brodie, Raymond Herbert, Jr., Middleburg.
Brown, George Washington, New York.
Bruce, Jeffrey Richard, Rochester.
Carlson, Wayne Louis, Endicott.
Deyneka, Carl, Skaneateles.
Edwards, Ronald Charles, New Rochelle.
Ellis, John Michael, Springville.
Geluso, Salvatore Anthony, Jamaica.
Giglio, Philip, New York.
Hasenflug, James Michael, Bethpage.
Jones, Roger Larry, Binghamton.
Jones, William Barton, Oneonta.
Jouvert, Victor Modesto, New York.
Liscum, Ronald Francis, Homer.
Lonergan, Harold Sherman, Albany.
Malone, Richard Lee, Williamson.
Marsh, Robert Allen, Binghamton.
Patrone, John Thomas, Long Island City.
Pfeifer, Ronald Edwin, Bellerose.
Powers, Martin Robert, New York.
Regan, Martin Joseph, Woodside.
Ricetti, Christopher John, Islip Terrace.
Roeckl, Charles, Huntington.
Shropshire, Ronald Lee, New York.
Silveira, Leonel Mendonca, New York.
Thacker, James, Rochester.
Turso, Donald Arthur, Harrison.
Winslow, John Kempe, Hartwick.

Navy

Dilger, Herbert Hugh, Valley Stream.
Horn, Donald Francis, Barneveld.
Lederman, Melvin, New York.
Lisiewski, Frederick Allen, New York.
Naschek, Marvin Joel, New York.

TONKIN, LAOS, AND PEACE

(Mr. BROWN of California asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BROWN of California. Mr. Speaker, is this not madness?

All the tragic lessons we were supposed to have learned from our cruel adventurism in Vietnam over the past decade now are seemingly forgotten as we bumble and blunder into newer and potentially more serious Southeast Asian involvements.

What is happening today in Laos could happen tomorrow in Cambodia, in Thailand or any one of a number of hotspots throughout Southeast Asia—or other parts of the world.

And, predictably, the U.S. reaction would be similar.

While this country surely is not alone at fault in precipitating these apparently endless series of "brinks," the foreign and military policy managers in our Government succeed time after time in picking out optimal means of further endangering world peace.

The locales, the characters, the heroes, and bad guys all differ, but the scenario amazingly always stays the same.

For years, Russia loomed as the bogeyman which could be blamed for every action the United States took as it gradually built up friendships with antidemocratic and repressive—often military—regimes all over the globe.

Now, the strawman is mainland China.

Certainly, China may soon pose some sort of threat from its completely unproven and unverified missile fleets. And so, the Military Establishment overreacts by calling for a multibillion-dollar ABM system.

Certainly, China and her Hanoi ally, have abridged some of the agreements reached in the 1962 Geneva accords. And so, unilaterally, without congressional consent—indeed, even as a blatant affront to last year's Senate "national commitments" resolution—America's behind-the-scenes military involvement in Laos broadens tremendously.

Of course, given the implications of the now infamous Tonkin Gulf resolution, President Nixon probably can do anything he wants in Southeast Asia because there always are new bogeymen, new strawmen to be found who could be termed "threats" to this country's national security.

The situation in Laos vividly points out how Congress has almost lost its constitutional powers over foreign policy—and it demonstrates clearly that as the powers of Congress wane, that slack gets fully picked up by the military leaders who are more than willing to allocate every possible dollar to their overbloom schemes and intrigues.

We should make no mistake. In Laos today, American troops and equipment are fully involved in what could become an even deeper commitment than we have experienced in Vietnam.

That anyone could believe that the nature of our activities in Laos could be kept hidden from the Congress and the American public over a long period of time was sheer nonsense. And to disguise those efforts in the shoddy cloaks devised by the CIA and its Pentagon friends was even more foolish.

Our objective of peace in Southeast Asia as a key to worldwide peace fades away as long as we pursue these ridiculous policies.

I am appalled by the recent reports from Laos, and I feel that the time is ripe for decisive and positive congressional action to reverse our foreign policy direction.

Six years ago, in the pressure and turmoil of the Tonkin incident, Congress willingly went along with the administration and hardly questioned the overall implications of the resolution thrust before it.

That must not happen today in regard to Laos—or for Cambodia and Thailand, as well.

We realize that Congress was misled on the Tonkin Gulf resolution, and we know also how much we have suffered because of it.

Now it is time for Congress to both rescind our past mistakes—we cannot forget them—and to assure that no further glaring errors are caused by congressional laxity.

Therefore, tomorrow I shall introduce a broad joint resolution which would serve to repeal the Tonkin Gulf resolution—as well as eliminating earlier similar resolutions and laws pertaining to commitment of American military forces in foreign conflicts—and which also would put Congress on record as opposing the undercover activities and so-called secret warfare now going on in Laos.

In its nine sections the resolution:

First. Repeals existing legislation—including the Tonkin Gulf resolution—relating to the use of American military forces outside the United States.

Second. Seeks to terminate the national emergency proclaimed in 1950 by President Truman, and which is employed as a reason for many of our activist military policies.

Third. Calls for accelerated withdrawal of American troops from Vietnam, and establishment of an international peace-seeking force for Southeast Asia.

Fourth. States that utilization of paramilitary and other so-called civilian agents of our Government in Southeast Asian countries such as Laos violates the national commitments resolution passed by the Senate last year.

Fifth. Proclaims that secret and undercover American-sponsored or funded programs in Southeast Asia should be ended immediately.

Sixth. Declares that bombing missions by U.S. aerial forces in Laotian, Cambodian, or Siamese air space should be discontinued as soon as possible.

Seventh. Calls for a joint congressional resolution on national commitments. This would put the House on record as the Senate did last year.

Eighth. Renews the need for a broader civilian popular government in South Vietnam.

Ninth. Asks for a multicountry huge economic reconstruction program for Southeast Asia.

This broad resolution contains a commonsense approach which will enable Congress and the Nation to undertake a serious quest for worldwide peace.

Laos is the latest folly of a crisis oriented bureaucracy—but with appropriate congressional action, it also could be the last. This type foreign policy has brought us in Laos to yet another brink. The Tonkin Gulf resolution was used by both Presidents under which it has been in effect as the excuse for escalations throughout Southeast Asia.

With this resolution I shall introduce tomorrow, the Congress can remove this blot on its record and take a strong stand on the ever-deepening quagmire that is opening in Laos.

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CONTROVERSY RAISES NEW QUESTIONS ABOUT PROPOSED UNDERSEA LONG-RANGE MISSILE SYSTEM

(Mr. BROWN of California asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BROWN of California. Mr. Speaker, later in this session we will be asked to approve funds for the Navy's new strategic weapons system known as ULMS—the undersea long-range missile system; $5.4 million was spent for initial research and development on this system in fiscal year 1969 and the Congress approved another $10 million for further formulation of the ULMS concept and preliminary hull design in fiscal year 1970.

For fiscal year 1971 the Navy has more than quadrupled the fiscal year 1970 amount and is requesting $44 million to prepare for engineering development. If we approve the Navy's request, by June or July of this year we will have approved $60 million for this system. And at that point, I am afraid we will have reached the point of no return as far as ULMS is concerned because pressures to go on after such a significant expenditure of funds will then be irresistible.

It may well turn out, of course, that in the judgment of the country and the Congress, we do need an entirely new nuclear missile submarine equipped with a new generation missile as proposed by the Navy. We must, however, reach this decision after the fullest possible scrutiny, because ULMS will ultimately cost tens of billions of dollars.

We must have a clear and unequivocal statement of the threat ULMS would counter and we must be told what ULMS will finally cost. And we must ask these questions now, before we have spent billions of dollars on research and development—as we have with the ABM—and we again find ourselves manufacturing threats to justify the system.

Indeed, there is serious question about the need for a follow-on to our Polaris/Poseidon deterrent as proposed in ULMS. Only 1 year ago, the Senate Armed Services Committee recommended deletion of all ULMS funds and termination of the program, because projected costs were not matched by operational priorities. Five million dollars appropriated by the House Appropriations Committee was upped to $10 million in conference after Navy contentions that threats to Minutemen—protected by Safeguard—"indicates a high probability that our sea-based force will come to be the cornerstone of our strategic deterrent." Are we to take this as a criticism of the highly touted Safeguard, as a realistic assessment of the Soviet threat, or as a desperate attempt by the Navy to keep a foot in the door? Anything less than $10 million, according to the Navy, would keep the program in a "holding status." Mr. Speaker, is this not where this program should be while we attempt to negotiate cutbacks in strategic weapons systems at the SALT talks?

The administration tells us that we must quadruple last year's spending on ULMS and move ahead with the program. In his recent posture statement, Secretary Laird informed us that "a combination of technological developments and the decision by the Soviets to undertake a worldwide ASW effort might result in some increased degree of Polaris/Poseidon vulnerability beyond the mid-1970's." In short, therefore, we "must" spend tens of billions of dollars to cope with something the Soviet Union might do in 1977 or so.

Mr. Laird might ask himself if a stepped-up U.S. ULMS program might not provoke a Soviet ASW response, thus upsetting the balance and providing the Navy with the justification it is looking for to go ahead with full ULMS deployment. Future Soviet ASW threats are indeed remote when we realize that current U.S. strategic planning assumes in a nuclear emergency the Soviets might be able to locate one or two of our 41 Polaris/Poseidon submarines, but there is no guarantee they could destroy even one.

I urge all Members to familiarize themselves with the issues surrounding ULMS, so that when the time comes to authorize or terminate this system, and appropriate or deny funds for it, we can make our decision having studied all the factors involved in proceeding with deployment. The Democratic Study Group's fact sheet on ULMS describes the system and provides a balanced assessment of arguments for and against proceeding with it. I also enclose articles from the Armed Forces Journal and the New York Times, in addition to a DSG staff commentary on points raised by the Navy in the most recent Armed Forces Journal article:

ULMS (UNDERSEA LONG-RANGE MISSILE SYSTEM)

DESCRIPTION

ULMS is a Navy program featuring a new nuclear submarine and new long-range MIRVed missiles. The new missiles would have a range of over 5,000 miles and over 20 missiles could be carried in each new submarine. ULMS would multiply by 10 the undersea area in which we could hide our submarines, due to the increased range of the missiles. The new missiles, because of their increased length may be stored externally and fired from a horizontal position, as opposed to the vertically launched Poseidon and Polaris missiles. Commonality between the ULMS missile and the Air Force's follow-on to the Minuteman may also be possible.

The ULMS submarines would be larger and quieter than the existing Polaris submarines and would be capable of attaining greater depths. Concepts being studied include very slow moving mammoth submarines serviced by smaller shuttle vessels and even an unpowered undersea missile-firing barge. First delivery of an ULMS submarine could be in the late 1970s.

COST

In FY 1969 a total of $5.4 million in R. & D. funds was spent on study of the ULMS concept. The Administration requested $20 million for FY 1970 for preliminary submarine hull design and preparation for engineering development in FY 1971. No official estimates have been released for the total cost of ULMS. If our current Polaris/Poseidon submarine fleet were replaced with the follow-on ULMS, the total cost could reach $25 billion.

FISCAL YEAR 1970 CONGRESSIONAL ACTION

The Senate Armed Services Committee deleted the entire $20 million requested. The House Armed Services Committee authorized the full $20 million, noting the need to hit targets from 360 degrees around the Soviet Union and the need to increase the area in which our submarines hide. The authorizing conference provided $10 million.

The House Appropriations Committee appropriated $5 million for ULMS. DOD then requested funding at the authorized level from the Senate and the appropriations conference provided the full $10 million.

RATIONALE

Soviet ASW advances, particularly in the area of acoustics, could jeopardize the Polaris/Poseidon deterrent during the 1970s. We must therefore increase the ocean area in which our submarines may hide by increasing the range of the missiles they carry in addition to deploying a quieter submarine with greater depth capability. A new submarine will also be needed in the late 1970s as a follow-on to our aging Polaris force.

Increased Soviet SS–9 deployment places our land-based deterrent in danger, necessitating an increase in the capability of our sea based deterrent. ULMS will do this by providing us with the capability to penetrate the Soviet defense perimeter at any point. ULMS will also be able to operate from U.S. harbors, eliminating travel time to and from station in addition to reducing the need for foreign submarine bases. DOD studies show that increasing our undersea capability increases the survivability of our deterrent at less cost than up-grading our Minuteman force through silo hardening, introducing mobile launchers, or ABM deployment.

CRITIQUE

There is no evidence whatsoever of Soviet advances in ASW that could jeopardize our Polaris/Poseidon force. Hedging against a "greater than expected" Soviet threat with ULMS development could force the Soviet Union to develop an ASW capability that would indeed jeopardize Polaris/Poseidon. The enormous cost of ULMS, however, makes it a very cost-ineffective response to increased ASW capability. More effective responses include perfecting our own undersea countermeasure programs and deploying additional Polaris-type submarines.

While Soviet SS–9s may jeopardize our land-based missiles, they in no way affect our 656 Polaris and Poseidon missiles, which are more than sufficient to deter any Soviet attack. Replacement of Polaris/Poseidon with ULMS would not increase the credibility of our undersea deterrent. Our land-based deterrent is already in theory being given additional protection by the Safeguard ABM.

In addition, U.S. commitment at this time to a new strategic weapons system such as ULMS could seriously jeopardize the SALT talks and lead to another upward spiral in the arms race. Faced with ULMS, it is unlikely that the Soviet Union will agree to weapons limitations until they have developed an appropriate response.

[From the Armed Forces Journal, Jan. 24, 1970]

NAVY LAGS IN DEFENSE OF ULMS

Would full-scale replacement of SLBMs (Submarine Launched Ballistic Missiles—the Polaris/Poseidon submarine system) with ULMS (Underwater Long-range Missile System) as the sea prong of the nation's nuclear deterrent shield prove more of a provocation than a deterrent to the Soviet Union?

That question is tentatively posed as one of a number of major objections—to which the Navy has no ready answer—to development of ULMS set forth by the House of Representatives' Democratic Study Group in a new fact sheet on ULMS.

The DSG memorandum—circulated primarily among liberal Democratic members of the House—describes the proposed system, its cost, and recent Congressional action

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taken on DoD requests. It also considers the official "rationale" used so far to support ULMS development as well as a "critique" which brings out six major objections to ULMS:

(1) There is no evidence of Soviet ASW advances that could jeopardize the present Polaris/Poseidon force.

(2) ULMS, in fact, hedging against a greater-than-expected Soviet threat, could force the Soviets to develop such an ASW capability that *would* jeopardize the current SLBM force.

(3) The enormous cost of ULMS makes it a very cost-ineffective response to increased Russian ASW capability; more effective responses include perfecting U.S. undersea countermeasure programs and deploying added Polaris submarines.

(4) Russia's SS–9 missiles do not jeopardize Polaris/Poseidon at all.

(5) Replacement of SLBMs with ULMS would not increase the credibility of the U.S. undersea deterrent.

(6) Commitment to such new weapons systems could jeopardize the SALT talks.

THE SILENT SERVICE

The Navy either could not or would not answer the points raised by DSG. Six phone calls made by The Journal to various officials of the Navy's Office of Information and the Naval Material Command brought nothing but hedging, referrals to other officials and promises to call back.

But at Journal presstime the Navy has not come across with the promised calls, much less with answers to any of the DSG-raised objection.

Until it does, it must be conceded that DSG has scored an important "first-strike" hit against what is expected to be one of the Navy's more important programs over the next two decades.

BRUCE CASSABOOM.

[From the New York Times, Feb. 9, 1970]

NAVY REQUESTING A NEW SUB FLEET—SEEKS $44 MILLION—PROJECT SCORED BY DEMOCRATS

(By Robert M. Smith)

WASHINGTON, February 7.—The Navy has asked Congress for $44-million to pay for research on a nuclear-armed submarine fleet that Democratic liberals think is unnecessary and could "lead to another upward spiral in the arms race."

The budget request for ULMS, or underwater long-range missile system, is more than four times this year's appropriation. The funds would go for the research and development of a larger, quieter nuclear submarine that would carry new, long-range missiles.

The missiles would be of the MIRV variety in that each missile would contain a cluster of independently targetable reentry vehicles. The vehicles are powerful nuclear warheads that can be aimed at widely separated targets.

A report on ULMS, prepared by the House Democratic Study Group, says that the new system could cost $25-billion if it replaces the current Navy fleet of nuclear subs and "could seriously jeopardize the SALT talks." These strategic arms limitation talks between the Soviet Union and the United States are scheduled to be resumed in Vienna in April.

TOTAL COST UNAVAILABLE

The Defense Department says that no total projected cost is available for ULMS because the system is still in the development stage.

The Navy has explained that it wants ULMS for the following reasons:

Soviet advances in the nineteen-seventies in antisubmarine warfare could jeopardize the American fleet of Polaris submarines and Polaris subs converted to carry Poseidon missiles.

The ULMS subs could be deployed over most of the oceans of the world—instead of in limited areas—and would be harder to find. They could be spread over a wider area because their missiles would have a longer range. In addition, the ULMS subs would be quieter craft than the Polaris subs and harder to find by sonar.

If Soviet missiles are able to pinpoint and destroy America's land-based retaliatory missiles—the Minuteman missiles in their underground silos—the United States will need more of a sea-based deterrent.

Dr. Robert A. Frosch, an Assistant Secretary of the Navy, told the House Defense Appropriations Subcommittee last June:

"If the Soviet threat indicates the need to move additional strategic offensive force capability to sea, the pursuance of an orderly but vigorous development program now would permit us to deploy an increased capability, highly survivable sea-based system."

As the Polaris system gets old, a new submarine force will be needed to replace it.

The Democratic Study Group attacked each of these reasons.

The study group is a 10-year-old coalition of liberal House Democrats whose interests have recently come to include military spending.

The study group's response to the Navy position was:

"There is no evidence whatsoever of Soviet advances in [antisubmarine warfare] that could jeopardize our Polaris-Poseidon force. Hedging against a 'greater than expected' Soviet threat with ULMS development could force the Soviet Union to develop a capability that would indeed jeopardize Polaris-Poseidon."

According to the study group while Soviet missiles may come to threaten the United States arsenal of land-based Minuteman missiles, they would not affect the 656 Polaris and Poseidon missiles the United States will have, "which are more than sufficient to deter any Soviet attack."

The report also points out that some Minuteman sites are going to get additional protection from proposed expansion of the Safeguard antiballistic missile system.

Finally, the group said, a commitment to a new nuclear system like ULMS "could seriously jeopardize the SALT talks. Faced with ULMS, it is unlikely that the Soviet Union will agree to weapons limitations until they have developed an appropriate response."

[From the Armed Forces Journal, Feb. 14, 1970]

ULMS IS "PEACE BUILDING BLOCK": NAVY

The Navy says its proposed ULMS (Undersea Long-Range Missile System) would be the most indestructible "building block for peace" available to the U.S. in the foreseeable future.

Navy officials say full-scale ULMS deployment could tip the hair-trigger balance of nuclear terror in favor of the United States—practically if not technologically—by creating an insurmountable ASW problem for Russia.

Such a development would approach the "technological breakthrough" in the arms race that strategists apparently have been striving for.

ULMS would minimize the danger of a surprise nuclear attack, Navy spokesmen say, and thus enhance the chances for world peace.

The ULMS and the grand oceanic strategy it represents would be more of a deterrent to the Soviet Union than a provocation was one of the points Navy officials stressed in answering for The Journal six major objections to ULMS posited in a recent ULMS fact sheet put out by the House of Representatives' Democratic Study Group (Journal 24 January).

ULMS, the Navy says, has a system survivability which would provide the one factor making credible to the Russians a U.S. pledge not to strike the first nuclear blow.

THE COCKED PISTOL

At present, officials claim, all the Russians really have to go on is America's word. Soviet strategists now see in CONUS enough nuclear firepower to completely wipe out the USSR.

Most of it is on a 15-minute "cocked-pistol" alert. Thus Soviet planners would pay little attention to a "never-strike-first" pledge because they are required—simply as a matter of practical planning—to fear that someday, by design or accident, the American nuclear pistol will go off.

The Soviets thus must build up their own ability to strike first, increasing as they do so (as they see it) the temptation for the U.S. itself to strike first.

The Navy argues that moving the bulk of U.S. nuclear firepower to sea where Soviet planners know they cannot destroy it with a surprise attack—and where its survivability time would be measured in hours or days instead of minutes—would make credible the "never strike first" pledge. In addition, of course, a shift to a sea-based deterrent, Navy officials observe, would remove U.S. cities and military installations from the line of fire.

With a nuclear deterrent relatively secure from surprise attack, a two-fold message would be conveyed to potential aggressors:

(1) A surprise attack upon the United States would gain no military advantage, and would unquestionably result in disaster for the attacker;

(2) The U.S. does not desire, nor need, to resort to a first strike to insure its own security.

Navy and JCS studies both have concluded, officials told the Journal, that "no significant portion" of a sea-dispersed surface ship force—with no defense except its own mobility—"could be destroyed immediately in a first strike."

GOES LAIRD ONE BETTER

In claiming ULMS as the ultimate in strategic nuclear deterrence, the Navy goes one step further than Secretary of Defense Melvin R. Laird, who recently called ULMS one of the best offensive systems that could be considered and said he puts it "very high on the list" of offensive strategic capabilities which ought to be considered.

The Administration is asking $44-million for ULMS research and development in FY 71. The Administration asked for $20-million last year, but only got $10-million—in a successful reclama against a Senate wipeout of the original request.

ULMS now exists only in early but reportedly highly promising developmental studies. The system would be essentially an upgrading of the Polaris/Poseidon submarine fleet, and would be equipped with missiles of greatly increased range over that of Polaris/Poseidon.

One disadvantage of the Polaris submarine is its limited range. To reach their targets Polaris submarines have to operate within roughly 800 miles of the Eurasian shoreline.

Although currently beyond enemy detection, Polaris submarines are nonetheless thus confined to a relatively limited 800-mile belt which the Soviets someday might be able to saturate with more effective ASW ships and devices. Poseidon adds an increased number of warheads to Polaris, but no significant increase in range.

By its quantum increase in range ULMS promises to create a hopefully insoluble ASW problem for any U.S. enemy.

SOVIET DILEMMA CUBED

The extent of the potential Soviet problem with ULMS is illustrated by the fact that, for every hundred miles range increase of a submarine, the opposing ASW problem

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goes up, not by the square, but almost by the cube, because a third dimension, depth, is involved, as well as area.

Not only would ULMS be operating in a greatly expanded *area* from which attacks could be launched against any U.S. enemy, but it could attack from virtually every sector of the globe—Navy officials point out that the Minuteman ICBM can be launched against the USSR only through a small pie-shaped sector across the top of the world.

On-station replenishment and relief of personnel would minimize the percentage of time ULMS vessels would need to be in vulnerable ports, and would simultaneously increase the percentage of the nuclear offensive force which could be maintained in continuous readiness at sea.

Some Navy officials told The Journal that, based on SecDef Laird's estimate of a Russian "first strike capability by the mid-'70s," they consider it imperative to sea-base the bulk of the nation's nuclear striking power by the end of that time period.

Doing so, they said, "removes the major danger of a nuclear surprise attack," provides a "more stable posture," and eliminates the need for a "hair-trigger posture" which makes "high noon instant retaliation inevitable."

Related note: a *New York Sunday Times* article on ULMS observes that:

(1) Although proposed FY 71 R&D funds for ULMS are earmarked for a larger, quieter nuclear submarine to carry the new long-range missiles, the new submarines would be needed in any case as the present Polaris fleet ages.

(2) The $44-million R&D figure is four times the amount of last year's appropriation, but DoD says no total projected cost for the complete system is available because ULMS is still in the development stage—the DSG says the final ULMS force could cost up to $25-billion.

BRUCE CASSABOOM.

[From the Armed Forces Journal, Feb. 14, 1970]

NAVY ANSWERS OBJECTIONS TO ULMS

Here are the six major objections to ULMS presented by the Democratic Study Group (Journal 24 Jan.) and the Navy's answers to each:

(1) There is no evidence of Soviet ASW advances that could jeopardize the present Polaris/Poseidon force.

Someday there may be such advances or breakthroughs and it might be too late then to start developing appropriate countermeasures.

(2) ULMS, by hedging against a greater-than-expected Soviet threat, could force the Soviets to develop such an ASW capability that would jeopardize the current SLBM force.

Because ULMS would create ASW problems for the Soviets, it would instead force the Soviets to reorient their strategy and build other weapons.

(3) The enormous cost of ULMS makes it a very cost-ineffective response to increased Russian ASW capability; more effective responses include perfecting U.S. undersea countermeasure programs and deploying added Polaris subarines.

Figures show that the cost of (1) a fully mobile Minuteman system, (2) silo hardening, and (3) ULMS are "roughly comparable." Increasingly the operating area of the main nuclear attack force—the sea launching pad—without the need for buying new sophisticated weapons (ULMS would build on the Polaris system as a base) is very cost-effective. The sheer expense to the enemy, in addition, becomes "an almost unmanageable problem". It would take three Soviet subs to cover each ULMS vessel.

(4) Russia's SS–9 missiles do not jeopardize Polaris/Poseidon at all.

"No, they jeopardize the United States! And the name of the game is preserve the United States, not the Navy. They [DSG] have lost sight of this."

(5) Replacement of SLBMs with ULMS would not increase the credibility of the U.S. undersea deterrent.

For the reasons stated earlier, it is precisely the purpose of ULMS to optimize this deterrence.

(6) Commitment to such new weapons systems could jeopardize the SALT talks.

Navy officials did not address themselves to this objection specifically, but other pro-ULMS sources point out that an ULMS production commitment—even if it does come—is not likely to occur in a time frame which would jeopardize the SALT talks—scheduled to start in earnest in a few months.

DSG STAFF COMMENTARY ON NAVY ULMS RATIONALE AS EXPRESSED IN THE ARMED FORCES JOURNAL, FEBRUARY 14, 1970

1. The Navy's assertion regarding future Soviet ASW capabilities is of course speculative. Presumably the Navy will keep us alert to such new Soviet ASW developments. At present, however, there is not sufficient evidence of Soviet advances in ASW technology to warrant deployment of the ULMS system. According to Admiral Levering Smith, the Poseidon Project Manager, our present undersea deterrent is now invulnerable.

2. The Navy's argument that ULMS will force the Soviet Union to build "other weapons" is surely a poor argument in its favor since it is official U.S. policy to try to limit the arms race. Once the Soviet Union builds "other weapons," we will have to respond with "other weapons" of our own. The Navy seems to be arguing in favor of a permanent arms race.

3. Since the Navy has never officially estimated the cost of ULMS, it is difficult to see how it can compare ULMS costs to estimates regarding Hard Rock Silos or Mobile Minutemen. In fact, Hard Rock Silos for 1,000 Minutemen would cost about $6 billion. ULMS would cost far more. While ULMS may "build on Polaris as a base," it will still require a new submarine and all new missiles in its current concept. If the Navy wishes to debate ULMS on economy grounds, the least it can do is tell the Congress how much the system will finally cost.

4. Is the Navy suggesting that the United States could conceivably be preserved without the Navy?

5. The Navy has never demonstrated (or officially contended) that our current undersea deterrent is not "optimized." If the U.S. undersea deterrent is endangered neither by foreseeable Soviet ASW advances, SS–9 deployment, nor anything else, how can upgrading it serve any purpose?

6. A "production commitment" is not necessary to jeopardize the SALT talks. Significantly stepped up development could perform the same function, because such stepped up development would give Soviet hardliners an excuse for delay so that an appropriate Soviet response could be developed. U.S. ULMS deployment, as the Navy admits, "could tip the hair-trigger balance of nuclear terror in favor of the United States." Since development gets us closer to deployment of a potential doomsday system, the Soviet Union would be foolish indeed to agree to arms cutbacks in the face of accelerated development of such a system.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. KLUCZYNSKI (at the request of Mr. GRAY), for today and the remainder of the week, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. PUCINSKI, for 30 minutes, today; to revise and extend his remarks and include extraneous matter.

(The following Members (at the request of Mr. WINN) and to revise and extend their remarks and include extraneous matter:)

Mr. STEIGER of Wisconsin, for 30 minutes, today.

Mr. POFF, for 10 minutes, today.

Mr. BIESTER, for 10 minutes, today.

Mr. MILLER of Ohio, for 5 minutes, today.

(The following Members (at the request of Mr. PUCINSKI) and to revise and extend their remarks and include extraneous matter:)

Mr. GONZALEZ, for 10 minutes, today.

Mr. BARRETT, for 15 minutes, today.

Mr. ALEXANDER, for 60 minutes, on March 9.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. ANDERSON of Illinois to extend his remarks during the 1-minute rule today following the President's message on education.

Mr. PERKINS and to include extraneous material.

Mr. CONTE to revise and extend his remarks made today on H.R. 15931.

Mr. ROBERTS to extend his remarks today immediately following those of Mr. PATMAN.

Mr. BOLAND to extend his remarks immediately preceding the vote on the motion to instruct conferees on H.R. 15931, today.

Mr. DONOHUE prior to passage of H.R. 14645 and H.R. 10068 on the Consent Calendar.

Mr. KOCH during the colloquy on H.R. 15143.

Mr. ULLMAN, Mr. DONOHUE, Mr. HUNGATE, and Mr. KYL to revise their remarks made today on H.R. 914.

Mr. PHILBIN in five instances and to include extraneous matter.

(The following Members (at the request of Mr. WINN) and to include extraneous matter:)

Mr. WYATT.

Mr. BURTON of Utah in five instances.

Mr. HOGAN in two instances.

Mr. ASHBROOK.

Mr. BELL of California.

Mr. BERRY.

Mr. PELLY in two instances.

Mr. ARENDS.

Mr. SCHERLE.

Mr. BROTZMAN.

Mr. REID of New York in three instances.

Mr. BUTTON.

Mr. BROYHILL of Virginia in two instances.

Mr. HOSMER in four instances.

Mr. MIZE.

Mr. COWGER.

Mr. AYRES.

Mr. WYMAN in two instances.

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Mr. Derwinski in three instances.
Mr. Blackburn.
Mr. Duncan in two instances.
Mr. Thompson of Georgia.
Mr. Coughlin.
Mr. Springer.
Mr. Lloyd.
Mr. King in five instances.
Mr. Horton in three instances.
Mr. Grover.
Mr. Wydler.
Mr. Findley.
Mr. Pollock.
Mrs. Heckler of Massachusetts.
Mr. Don H. Clausen in two instances.
Mr. McClure.
Mr. Bob Wilson in three instances.
Mr. Lujan in two instances.
Mr. Morse.
Mr. Quie.
Mr. Keith.
Mr. Skubitz in two instances.

(The following Members (at the request of Mr. Pucinski) and to include extraneous matter:)

Mr. Corman in five instances.
Mr. Hanna in five instances.
Mr. Ottinger in two instances.
Mr. Pucinski in 10 instances.
Mr. O'Hara in two instances.
Mr. Karth in two instances.
Mr. Brown of California in 10 instances.
Mr. Mahon.
Mr. Matsunaga.
Mr. Gonzalez.
Mr. Hungate in eight instances.
Mr. Bennett in three instances.
Mr. Bingham in three instances.
Mr. Fraser.
Mr. Murphy of New York in two instances.
Mr. Burke of Massachusetts in two instances.
Mr. Rodino.
Mr. Gallagher.
Mr. Evans of Colorado in two instances.
Mr. Carey.
Mr. Fountain in two instances.
Mr. Taylor in two instances.
Mr. Mikva in six instances.
Mr. Edwards of Louisiana.
Mr. Ryan in three instances.
Mr. Steed in two instances.
Mr. Gibbons in two instances.
Mr. Rarick in two instances.
Mr. Boland.
Mr. Cohelan in three instances.
Mr. Evins of Tennessee.
Mr. Helstoski.
Mr. Murphy of Illinois.
Mr. Friedel in three instances.
Mr. Stephens in three instances.
Mr. Edwards of California in three instances.

ENROLLED BILL SIGNED

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 11702. An act to amend the Public Health Service Act to improve and extend the provisions relating to assistance to medical libraries and related instrumentalities, and for other purposes.

BILLS PRESENTED TO THE PRESIDENT

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee did on March 2, 1970, present to the President, for his approval, bills of the House of the following titles:

H.R. 11651. An act to amend the National School Lunch Act, as amended, to provide funds and authorities to the Department of Agriculture for the purpose of providing free or reduced-price meals to needy children not now being reached; and

H.R. 14733. An act to amend the Public Health Service Act to extend the program of assistance for health services for domestic migrant agricultural workers and for other purposes.

ADJOURNMENT

Mr. MIKVA. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 31 minutes p.m.), the House adjourned until tomorrow, March 4, 1970, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1705. A letter from the Architect of the Capitol, transmitting the semiannual report of expenditure from money appropriated for the period July 1–December 31, 1969, pursuant to the provisions of section 105(b) of Public Law 88–454; to the Committee on Appropriations.

1706. A letter from the Deputy Secretary of Defense, transmitting the report of members of the Armed Forces entitled to special pay for duty subject to hostile fire for calendar year 1969, pursuant to the provisions of 37 U.S.C. 310; to the Committee on Armed Services.

1707. A letter from the Deputy Secretary of Defense, transmitting a report relative to special pay for certain officers for calendar year 1969, pursuant to the provisions of 37 U.S.C. 306; to the Committee on Armed Services.

1708. A letter from the Under Secretary of the Navy, transmitting the semiannual report, by grade and age group, of certain officers entitled to incentive pay, pursuant to the provisions of 37 U.S.C. 301(g); to the Committee on Armed Services.

1709. A letter from the Administrator, Small Business Administration, transmitting the second monthly report on the implementation of the business loan and investment fund, pursuant to the provisions of section 301 of Public Law 91–151; to the Committee on Banking and Currency.

1710. A letter from the Acting Secretary of Health, Education, and Welfare, transmitting a draft of proposed legislation to establish a National Institute of Education, and for other purposes; to the Committee on Education and Labor.

1711. A letter from the Acting Secretary of Health, Education, and Welfare, transmitting a report relative to the guaranteed student loan program accessibility, pursuant to the provisions of section 6, Public Law 91–95; to the Committee on Education and Labor.

1712. A letter from the Secretary of State, transmitting the ninth annual report on the activities of the East-West Center relative to cultural and technical interchange for the year ending June 30, 1969, pursuant to the provisions of Public Law 86–472; to the Committee on Foreign Affairs.

1713. A letter from the Director, U.S. Information Agency, transmitting the 32d semiannual report of the Agency for the period January 1–June 30, 1969, pursuant to the provisions of section 1008 of Public Law 402, 80th Congress; to the Committee on Foreign Affairs.

1714. A letter from the Comptroller General of the United States, transmitting a report on the opportunity for the Army to save on the cost of temporary lodging for student officers at Fort Rucker, Ala., Department of the Army; to the Committee on Government Operations.

1715. A letter from the Acting Secretary of Health, Education, and Welfare, transmitting a draft of proposed legislation to amend the Communications Act of 1934 to provide continued financing for the Corporation for Public Broadcasting; to the Committee on Interstate and Foreign Commerce.

1716. A letter from the Executive Director, Federal Communications Commission, transmitting a copy of the report on backlog of pending applications and hearing cases as of January 31, 1970, pursuant to the provisions of section 5(e) of the Communications Act, as amended; to the Committee on Interstate and Foreign Commerce.

1717. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting copies of orders entered in the cases of certain aliens found admissible to the United States, pursuant to the provisions of section 212(a) (28) (I) (ii) of the Immigration and Nationality Act; to the Committee on the Judiciary.

1718. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting copies of orders entered in cases in which the authority contained in section 212(d) (3) of the Immigration and Nationality Act was exercised in behalf of certain aliens, together with a list of the persons involved, pursuant to the provisions of section 212(d) (6) of the act; to the Committee on the Judiciary.

1719. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting copies of orders suspending deportation, together with a list of the persons involved, pursuant to the provisions of section 244(a) (1) of the Immigration and Nationality Act, as amended; to the Committee on the Judiciary.

1720. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting copies of orders suspending deportation, together with a list of the persons involved, pursuant to the provisions of section 244(a) (2) of the Immigration and Nationality Act, as amended; to the Committee on the Judiciary.

1721. A letter from the Administrator, General Services Administration, transmitting a prospectus proposing construction of a post office and courthouse at Aberdeen, Miss., pursuant to the provisions of section 7(a) of the Public Buildings Act of 1959 (73 Stat. 480), as amended; to the Committee on Public Works.

1722. A letter from the Comptroller General of the United States, transmitting the first annual report on the examination of financial statements of the Disabled American Veterans national headquarters for the year ended December 31, 1968, and the life membership fund and service foundation for the year ended June 30, 1969, pursuant to the provisions of the act of June 17, 1932, as amended by Public Law 90–208; to the Committee on Veterans' Affairs.

1723. A letter from the Secretary of the Army, transmitting the annual report of the Chief of Engineers on civil works activities for the fiscal year ended June 30, 1968; to the Committee on Public Works.

1724. A letter from the Secretary of Labor, transmitting a draft of proposed legislation to provide for the settlement of the labor dispute between certain carriers by railroad and certain of their employees; to the Committee on Interstate and Foreign Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MILLER of California: Committee on Science and Astronautics. Assessment of space communications technology (Rept. No. 91–859). Referred to the Committee of the Whole House on the State of the Union.

Mr. SISK: Committee on Rules. House Resolution 860. Resolution for consideration of H.R. 14169, a bill to amend section 402 of the Agriculture Trade Development and Assistance Act of 1954, as amended, in order to remove certain restrictions against domestic wine under title I of such act (Rept. No. 91–860). Referred to the House Calendar.

Mr. MATSUNAGA: Committee on Rules. House Resolution 861. Resolution for consideration of H.R. 11832, a bill to provide for the establishment of an international quarantine station and to permit the entry therein of animals from any other country and the subsequent movement of such animals into other parts of the United States for purposes of improving livestock breeds, and for other purposes (Rept. No. 91–861). Referred to the House Calendar.

Mr. MADDEN. Committee on Rules. House Resolution 862. Resolution for consideration of S. 2910, an act to amend Public Law 89–260 to authorize additional funds for the Library of Congress James Madison Memorial Building (Rept. No. 91–862). Referred to the House Calendar.

Mr. FLOOD: Committee of conference. Conference report on H.R. 15931 (Rept. No. 91–863). Ordered to be printed.

XUM

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ANNUNZIO:

H.R. 16234. A bill to amend the Federal Home Loan Bank Act; to the Committee on Banking and Currency.

By Mr. AYRES (for himself, Mr. Gerald R. Ford, Mr. Quie, Mr. Bell of California, Mr. Erlenborn, Mr. Esch, Mr. Eshleman, Mr. Steiger of Wisconsin, and Mr. Hansen of Idaho):

H.R. 16235. A bill to establish a National Institute of Education, and for other purposes; to the Committee on Education and Labor.

By Mr. BOGGS:

H.R. 16236. A bill to continue for a temporary period the existing suspension of duty on heptanoic acid; to the Committee on Ways and Means.

By Mr. BROYHILL of Virginia:

H.R. 16237. A bill to amend the Land and Water Conservation Fund Act of 1965, as amended, and for other purposes; to the Committee on Government Operations.

H.R. 16238. A bill to authorize the Council on Environmental Quality to conduct studies and make recommendations respecting the reclamation and recycling of material from solid wastes, to extend the provisions of the Solid Waste Disposal Act, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 16239. A bill to amend the Clean Air Act so as to extend its duration, provide for national standards of ambient air quality, expedite enforcement of air pollution control standards, authorize regulation of fuels and fuel additives, provide for improved controls over motor vehicle emissions, establish standards applicable to dangerous emissions from stationary sources, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 16240. A bill to amend the Federal Water Pollution Control Act, as amended; to the Committee on Public Works.

H.R. 16241. A bill to amend the Federal Water Pollution Control Act, as amended; to the Committee on Public Works.

H.R. 16242. A bill to establish an Environmental Financing Authority to assist in the financing of waste treatment facilities, and for other purposes; to the Committee on Public Works.

H.R. 16243. A bill to amend the Federal Water Pollution Control Act, as amended, to provide financial assistance for the construction of waste treatment facilities, and for other purposes; to the Committee on Public Works.

By Mr. FRASER:

H.R. 16244. A bill to extend the District of Columbia Compulsory Immunization Statute; to the Committee on the District of Columbia.

By Mr. FRIEDEL:

H.R. 16245. A bill to amend the Interstate Commerce Act, as amended, in order to make unlawful, as unreasonable and unjust discrimination against and an undue burden upon interstate commerce, certain property tax assessments of common and contract carrier property, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. KEE:

H.R. 16246. A bill to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968, relating to law enforcement assistance, to encourage the States and units of local government to provide civil service coverage for all law enforcement personnel other than elected officials; to the Committee on the Judiciary.

By Mr. LANDGREBE:

H.R. 16247. A bill to establish nondiscriminatory school systems and to preserve the rights of elementary and secondary students to attend their neighborhood schools, and for other purposes; to the Committee on Education and Labor.

By Mr. MACDONALD of Massachusetts:

H.R. 16248. A bill to amend the Railroad Retirement Act of 1937 to provide a 15 percent across-the-board increase in annuities and pension thereunder (with a minimum retirement annuity of $80 a month); to the Committee on Interstate and Foreign Commerce.

By Mr. MATHIAS:

H.R. 16249. A bill to provide for the withdrawal of the right of entry for mining purposes with respect to certain real property located in Kern County, Calif.; to the Committee on Interior and Insular Affairs.

By Mr. MIKVA:

H.R. 16250. A bill to prohibit the importation, manufacture, sale, purchase, transfer, receipt, or transportation of handguns, in any manner affecting interstate or foreign commerce, except for or by members of the Armed Forces, law enforcement officials, and, as authorized by the Secretary of the Treasury, licensed importers, manufacturers, dealers, and pistol clubs; to the Committee on the Judiciary.

By Mr. NELSEN:

H.R. 16251. A bill to amend the Interstate Commerce Act, as amended, in order to make unlawful, as unreasonable and unjust discrimination against and an undue burden upon interstate commerce, certain property tax assessments of common and contract carrier property, and for other purpses; to the Committee on Interstate and Foreign Commerce.

By Mr. O'KONSKI:

H.R. 16252. A bill to amend the Internal Revenue Code of 1954 to provide a tax credit for investments in certain economically lagging regions; to the Committee on Ways and Means.

By Mr. OTTINGER:

H.R. 16253. A bill to establish a National Advisory Commission on School Finance to conduct a comprehensive study of the problems of financing elementary and secondary education in America; to the Committee on Education and Labor.

By Mr. PODELL:

H.R. 16254. A bill to reduce mortgage interest rates charged middle-income families, and for other purposes; to the Committee on Banking and Currency.

By Mr. PRICE of Illinois:

H.R. 16255. A bill to amend title XVIII of the Social Security Act to provide payments for chiropractors' services under the program of supplementary medical insurance benefits for the aged; to the Committee on Ways and Means.

By Mr. PUCINSKI:

H.R. 16256. A bill to amend the Federal Water Pollution Control Act to ban polyphosphates in detergents and to establish standards and programs to abate and control water pollution by synthetic detergents; to the Committee on Public Works.

By Mr. ROE:

H.R. 16257. A bill to amend the Federal Food, Drug, and Cosmetic Act to include a definition of food supplements, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. SAYLOR:

H.R. 16258. A bill to designate certain lands as wilderness; to the Committee on Interior and Insular Affairs.

By Mr. SCHEUER (for himself, Mr. Helstoski, Mr. Roe, and Mr. Tiernan):

H.R. 16259. A bill to provide for the elimination of the use of lead in motor vehicle fuel and the installation of adequate antipollution devices on motor vehicles, and for other purposes; to the Committee on Ways and Means.

By Mr. SCHNEEBELI:

H.R. 16260. A bill to provide that the interest on certain insured loans sold out of the Agricultural Credit Insurance Fund shall be included in gross income; to the Committee on Ways and Means.

By Mr. WIDNALL:

H.R. 16261. A bill to provide long-term financing for expanded urban mass transportation programs, and for other purposes; to the Committee on Banking and Currency.

By Mr. BRADEMAS (for himself, and Mr. Reid of New York):

H.R. 16262. A bill to establish a National Institute of Education, and for other purposes; to the Committee on Education and Labor.

By Mr. FINDLEY:

H.R. 16263. A bill to prohibit diversion of highway revenue; to the Committee on Public Works.

By Mr. GERALD R. FORD:

H.R. 16264. A bill to reduce budget outlays by restructuring or terminating certain outmoded or uneconomic Federal programs; to the Committee on Government Operations.

By Mr. GERALD R. FORD (for himself, Mr. Button, Mr. Coughlin, Mr. Derwinski, Mr. Fish, Mr. Harvey, Mr. Horton, Mr. Hosmer, Mr. Keith, Mr. Kuykendall, Mr. McClory, Mr. McCloskey, Mr. McDade, Mr. Morse, Mr. Mosher, Mr. Robison, Mr. Whitehurst, and Mr. Brown of Michigan):

H.R. 16265. A bill to provide a consolidated, comprehensive child development program in the Department of Health, Education, and Welfare; to the Committee on Education and Labor.

By Mr. GALLAGHER:

H.R. 16266. A bill to prohibit creditors from reporting disputed accounts to credit bureaus as delinquent; to the Committee on Banking and Currency.

H.R. 16267. A bill to provide that the willful and persistent refusal of a creditor to make corrections in the account of a consumer shall relieve the consumer of liability thereon; to the Committee on Banking and Currency.

By Mr. GIBBONS:

H.R. 16268. A bill declaring a public interest in the open beaches of the Nation, providing for the protection of such interest, for the acquisition of easements pertaining to such seaward beaches and for the orderly management and control thereof; to the Committee on Interior and Insular Affairs.

By Mr. HOGAN:

H.R. 16269. A bill to amend the District of Columbia Teachers' Salary Act of 1955 to increase the salaries of teachers, school officers, and other employees of the Board of Education of the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. LUJAN (for himself, Mr. McCLOSKEY, Mr. POLLOCK, Mr. VANDER JAGT, Mr. HARRINGTON, Mr. HALPERN, Mr. MANN, Mr. BURTON of Utah, Mr. REIFEL, Mr. QUIE, Mr. NELSEN, Mr. HALEY, Mr. LUKENS, and Mr. BURKE of Florida):

H.R. 16270. A bill to authorize the Secretary of Health, Education, and Welfare to make Indian hospital facilities available to non-Indians under certain circumstances; to the Committee on Interstate and Foreign Commerce.

By Mr. MONAGAN:

H.R. 16271. A bill to reorganize the executive branch of the Government by transferring to the Secretary of Health, Education, and Welfare and the Secretary of the Interior certain functions of the Secretary of Agriculture, and for other purposes; to the Committee on Agriculture.

By Mr. STAGGERS (for himself and Mr. SPRINGER):

H.R. 16272. A bill to provide more effective means for protecting the public interest in national emergency disputes involving the transportation industry and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. STEIGER of Wisconsin:

H.R. 16273. A bill to provide more effective means for protecting the public interest in national emergency disputes involving the transportation industry and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. MORSE:

H.R. 16274. A bill to amend the Water Resources Research Act of 1964, to increase the authorization for water resources research and institutes, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. FRASER:

H.J. Res. 1108. Joint resolution to amend the Constitution to provide for representation of the District of Columbia in the Congress; to the Committee on the Judiciary.

By Mr. HAGAN:

H.J. Res. 1109. Joint resolution proposing an amendment to the Constitution of the United States relating to the freedom of choice; to the Committee on the Judiciary.

By Mr. ZION:

H.J. Res. 1110. Joint resolution authorizing the President to proclaim the fourth week of April of each year as "National Coin Week"; to the Committee on the Judiciary.

By Mr. CHAMBERLAIN:

H.J. Res. 1111. Joint resolution proposing an amendment to the Constitution of the United States providing that citizens of the United States who are 18 years of age or older and are members of the Armed Forces of the United States shall not be prevented from voting in certain election on grounds of their age; to the Committee on the Judiciary.

By Mr. STAGGERS (for himself and Mr. SPRINGER):

H.J. Res. 1112. Joint resolution to provide for the settlement of the labor dispute between certain carriers by railroad and certain of their employees; to the Committee on Interstate and Foreign Commerce.

By Mr. DIGGS:

H. Con. Res. 520. Concurrent resolution authorizing the printing of an additional 1,000 copies of House Report 91-610, 91st Congress, first session, entitled "Report of Special Study Mission to Southern Africa" for the use of the Committee on Foreign Affairs of the House of Representatives; to the Committee on House Administration.

By Mr. PODELL:

H. Con. Res. 521. Concurrent resolution expressing the sense of Congress that the United States should sell Israel aircraft necessary for Israel's defense; to the Committee on Foreign Affairs.

By Mr. DENT:

H. Res. 863. Resolution to amend the rules of the House to abolish joint sponsorship of bills, memorials or resolutions; to the Committee on Rules.

By Mr. O'HARA:

H. Res. 864. Resolution to amend the rules of the House to abolish joint sponsorship of bills, memorials or resolutions; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BURTON of California:

H.R. 16275. A bill for the relief of Mrs. Serafia R. Impang; to the Committee on the Judiciary.

By Mr. GIAIMO:

H.R. 16276. A bill for the relief of William E. Carroll; to the Committee on the Judiciary.

By Mr. THOMPSON of Georgia:

H.R. 16277. A bill for the relief of John R. Hammond and the Public Health Service, Department of Health, Education, and Welfare; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

409. By the SPEAKER: Petition of the council of the city of Burbank, Calif., relative to repealing the Emergency Detention Act of 1950; to the Committee on Internal Security.

410. Also, petition of the city council of Boston, Mass., relative to an increase in social security benefits; to the Committee on Ways and Means.

EXTENSIONS OF REMARKS

FEDERAL CIVILIAN EMPLOYMENT, JANUARY 1970

HON. GEORGE H. MAHON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1970

Mr. MAHON. Mr. Speaker, I include a release highlighting the January 1970 civilian personnel report of the Joint Committee on Reduction of Federal Expenditures:

FEDERAL CIVILIAN EMPLOYMENT, JANUARY 1970

Total civilian employment in the Executive, Legislative and Judicial Branches of the Federal Government in the month of January was 2,929,564.

It should be noted that the Legislative and Judicial Branches are included for the first time in this series of reports on Federal personnel and pay beginning with this report for January 1970.

These figures are from reports certified by the agencies as compiled by the Joint Committee on Reduction of Federal Expenditures.

EXECUTIVE BRANCH

Civilian employment in the Executive Branch in the month of January totaled 2,893,748. This was a net decrease of 18,913 as compared with employment reported in the preceding month of December. Employment by months in fiscal year 1970, which began July 1, 1969, follows:

Month	Employment	Increase	Decrease
July 1969	3,049,502	+9,140	
August	3,015,864		−33,638
September	2,945,752		−70,112
October	2,927,741		−18,011
November	2,913,598		−14,143
December	2,912,661		−937
January 1970	2,893,748		−18,913

Total employment in civilian agencies of the Executive Branch for the month of January was 1,641,667, a decrease of 8,120 as compared with the December total of 1,649,787. Total civilian employment in the military agencies in January was 1,252,081, a decrease of 10,793 as compared with 1,262,874 in December.

Civilian agencies of the Executive Branch reporting the largest decreases were Post Office Department with 13,816, and Agriculture Department with 2,152. The largest increase was reported by Treasury Department with 6,502. These changes were largely seasonal.

In the Department of Defense the largest decreases in civilian employment were reported by the Army with 4,379, Navy with 3,270 and Air Force with 2,521.

Total Executive Branch employment inside the United States in January was 2,654,372, a decrease of 16,200 as compared with December. Total employment outside the United States in January was 239,376, a decrease of 2,713 as compared with December.

The total of 2,893,748 civilian employees of the Executive Branch reported for the month of January 1970 includes 2,589,645 full time employees in permanent positions. This represents a decrease of 5,515 in such employment from the preceding month of December. These figures are shown in Table 2 of the accompanying report.

The total of 2,893,748 civilian employees certified to the Committee by the Executive Branch agencies in their regular monthly personnel reports includes some foreign nationals employed in U.S. Government activities abroad, but in addition to these there were 107,181 foreign nationals working for U.S. agencies overseas during January who were not counted in the usual personnel reports. The number in December was 108,516.

LEGISLATIVE AND JUDICIAL BRANCHES

Employment in the Legislative Branch in the month of January totaled 29,020. Employment in the Judicial Branch in the month of January totaled 6,796. (The Legislative and Judicial Branches are included for the first time.)

In addition, Mr. Speaker, I would like to include a tabulation, excerpted from the joint committee report, on personnel employed full-time in permanent positions by executive branch agencies during January 1970, showing comparisons with June 1969 and the budget estimates for June 1970:

FULL-TIME PERMANENT EMPLOYMENT

Major agencies	June 1969	January 1970	Estimated June 30, 1970[1]
Agriculture	83,425	81,946	83,000
Commerce	25,364	25,166	25,600
Defense:			
Civil functions	31,214	30,368	30,700
Military functions	1,225,877	1,182,908	1,165,900
Health, Education, and Welfare	102,941	100,515	102,500
Housing and Urban Development	14,307	14,244	14,900
Interior	58,156	59,085	59,300
Justice	35,106	36,090	37,600
Labor	9,723	9,795	10,300
Post Office	562,381	562,981	567,000
State	24,658	24,103	23,900
Agency for International Development	15,753	14,838	15,000
Transportation	60,386	60,819	63,600
Treasury	79,982	84,820	86,700
Atomic Energy Commission	7,047	6,983	7,000
Civil Service Commission	4,970	4,957	5,300
General Services Administration	36,176	35,979	36,400
National Aeronautics and Space Administration	31,733	31,533	31,400
Office of Economic Opportunity	2,856	2,057	2,400
Panama Canal	14,731	14,679	14,700
Small Business Administration	4,099	4,032	4,100
Selective Service System	6,584	6,583	6,600
Tennessee Valley Authority	11,987	12,281	12,300
U.S. Information Agency	10,500	10,249	10,200
Veterans' Administration	147,606	146,337	148,500
All other agencies	26,200	26,297	27,800
Contingencies			10,000
Total	2,633,762	2,589,645	2,602,800

[1] Source: 1971 Budget Document; figures rounded to nearest hundred.

ALLENTOWN EVENING CHRONICLE'S 100TH ANNIVERSARY

HON. RICHARD S. SCHWEIKER

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

Tuesday, March 3, 1970

Mr. SCHWEIKER. Mr. President, today marks the 100th anniversary of the first printing of the Allentown, Pa., Evening Chronicle. During the past century, this fine newspaper has provided its readers, and the Allentown community, with valuable information and public services.

Founded by Robert Iredell, a man from my home county of Montgomery, the Evening Chronicle is to be commended for its long life and tireless efforts in the field of newspaper journalism. I have extended my congratulations to the paper in a telegram to its publisher, Mr. Donald P. Miller, and I ask unanimous consent that my message be printed in the Extensions of Remarks:

There being no objection, the message was ordered to be printed in the RECORD, as follows:

Congratulations on the Evening Chronicle's Anniversary. Your newspaper served the Allentown area with distinction the past 100 years, and has upheld the standards of its founder, Robert Iredell, who was from my home county. He would be proud of your efforts today. My sincere best wishes for another successful 100 years.

EDITORIAL CALLS FOR AN "OPEN RULE" FOR AN OPEN FORUM

HON. R. LAWRENCE COUGHLIN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1970

Mr. COUGHLIN. Mr. Speaker, the subject of reforming the rules and procedures of the Congress is receiving more and more attention in my congressional district and the adjoining city of Philadelphia.

Editorials and comments on the needs for congressional reform are appearing in newspapers and are being aired by radio and television stations.

The heightened interest by the communications media in the way we, as Congressmen, operate is indicative of the growing concern with the role of the Congress as an institution of Government.

Many of my constituents write me, puzzled about the operations of the Congress, questioning why certain things cannot be done and expressing their doubts about our ability to deal with the pressing issues of our times. They are, in fact, questioning the credibility of the Congress itself. Regardless of how each of us feels about the particular aspects of congressional reform, I think we all must acknowledge that we must establish the Congress as a credible instrument of Government—capable of furnishing the responsibility and responsiveness our constituents want and expect.

I believe that the question of congressional reform must be discussed thoroughly on the floor of the House. We cannot afford to restrict severely or, perhaps, even choke off an open discussion by the Members of the House.

The following editorial was written and presented by Peter W. Duncan, editorial director of WCAU-TV in Philadelphia. I feel it is a fair and honest appraisal of how we must approach the issue of congressional reform in the House.

The editorial follows:

AN "OPEN RULE" FOR AN OPEN FORUM

The Congress of the United States is, in many ways, a closed shop. Legislators are elected by many, but the real power in Congress is held by relatively few.

For example, committee chairman can have what is essentially dictatorial powers over a piece of legislation. If a committee chairman doesn't want to let a bill out onto the floor of the House, he just doesn't let it out.

This is just one area where Congressional reform is being urged. It should become accepted procedure for the committee members to vote on whether to let a bill out onto the floor for discussion. The majority would decide.

That's just one example, but there is a great deal which should be openly discussed when the reform legislation comes to the floor. But, here again, the system now in use might close off that discussion. If the House Rules Committee sends the reform legislation out under what is called a Closed Rule, then there'll be no discussion. Congressmen either take it or leave it.

An Open Rule would open the bill up for discussion on the floor of the House. There could be amendments and open debate.

When the Congressional reform legislation comes out of committee, WCAU–TV urges the Rules Committee to send it out under the Open Rule so discussion can take place.

Because of the importance of Congressional reform legislation, it deserves an open forum.

WRC EDITORIAL IN OPPOSITION TO PRE-TRIAL DETENTION AND RESPONSE OF REPRESENTATIVE HUNGATE

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1970

Mr. HUNGATE. Mr. Speaker, with regard to the District of Columbia crime bill package, I hope my colleagues will find interesting WRC–TV's-NBC-editorial in opposition to pretrial detention and my remarks in response thereto:

The Washington community and indeed the entire nation is faced with a crime problem of staggering proportions. In the search for a solution there is nothing that can justify infringing on the personal freedom and constitutional rights of the individual.

That is exactly the thrust of proposals now being put forward to keep alleged criminals off the streets by pre-trial or preventive detention.

The time to repudiate such procedure is *now*.

Pre-trial detention would permit a judge to hold a person accused of a serious crime in jail without bond for a fixed period of time—if after a hearing the accused is deemed a danger to the community. It would apply particularly to those who are released for one alleged offense and are accused of committing another crime before their original trial takes place.

Proponents declare such a measure is absolutely necessary to cut down on crime and get the habitual offender off the street.

Opponents of pre-trial detention say it cannot be done under the constitution.

WRC–TV agrees with that position and believes that the answer lies not in diminishing the rights of the individual but in improving the whole spectrum of law enforcement. Speedy and certain justice, not repressive law, is the fundamental solution to the crime problem. And along with it must go a correctional system that rehabilitates rather than destroys.

It will take money and know-how—and a great deal of both.

But it is the only way for a free society to accomplish the task.

(This editorial was broadcast at various times throughout the day on February 16 and February 17, 1970.)

XUM

Remarks by the Honorable William L. Hungate in Response to WRC–TV Editorial on Pretrial Detention

To say that pre-trial detention is constitutionally prohibited is to worship form and ignore facts and the practices now existing in most States which detain not only defendants charged with serious crime, but even some material witnesses.

To quote a typical State constitution:

"All persons shall be bailable by sufficient sureties, except for capital offenses, when the proof is evident or the presumption great."

Typical State statutes provide that material witnesses may be taken into custody and required to give bond to be released.

It is urged that an alternative to preventive detention is speedier trials, however, a defendant charged by strong evidence with a serious crime probably has no interest in a speedy trial, if free without bond. Delaying trial delays probable confinement and increases chances prosecution witnesses will be unavailable.

Legally, bail guarantees appearance for trial; historically it's used "de facto" by courts to consider the seriousness of the crime, defendant's past record and available evidence connecting him with the crime's commission, and community climate regarding crime.

Under present D.C. bail provisions, our principle options are two:

Release all defendants prior to trial, no matter how clearly dangerous or how serious the crime.

Or, detain the most dangerous defendants charged with the most serious crimes in the most crime-ridden areas, based on the insight and experience of trial judges applying appropriate relevant historical guidelines.

The preventive detention proposal would improve on actual practice in many States, since the judge would now have to give reasons for holding the defendant.

ALLENTOWN EVENING CHRONICLE'S 100TH ANNIVERSARY

HON. HUGH SCOTT

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

Tuesday, March 3, 1970

Mr. SCOTT. Mr. President, today officially marks the celebration of the 100th anniversary of the Allentown Evening Chronicle, a fine publication that has served Pennsylvania readers for so long.

I would like to call to the attention of my colleagues the congratulatory letter I sent to the Pennsylvanians who have worked long and hard to make the Allentown Evening Chronicle the monument to journalistic excellence that it represents today and has represented for a hundred years.

Mr. PRESIDENT, I ask unanimous consent that the letter be printed in the Extensions of Remarks.

There being no objection the letter was ordered to be printed in the Record, as follows:

U. S. Senate,
Washington, D.C., February 16, 1970.

Dear Friends at the Allentown Evening Chronicle: On the hundredth anniversary of the Allentown Evening Chronicle, I extend my sincerest congratulations and best wishes to those who have carried on the fine tradition of its founding. This institution which has weathered the effects of passing years, continues to serve as a tribute to the community of Allentown, the Commonwealth of Pennsylvania and the entire nation.

The great historical tradition of the Iredell family that has been carried on proves the importance of quality and high standards in the rush of time and waves of change. I hope that good fortune will stay with you and allow you to continue your most commendable efforts to improve information and communication processes for the people of the Commonwealth.

Sincerely,

Hugh Scott,
U.S. Senator.

REPRESENTATIVE COWGER REPORTS FROM CONGRESS

HON. WILLIAM O. COWGER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1970

Mr. COWGER. Mr. Speaker, the February issue of my monthly newsletter has just been mailed to my constituents. I would like to have my colleagues have an opportunity to read my report:

Report From Congress

(By Bill Cowger)

PRESIDENTIAL VETO

On October 1, 1968, Richard M. Nixon, in his campaign for the Presidency, stated, "When we talk about cutting the expenses of government, either Federal, State or local, the one area we can't shortchange is education". Last year Congress labored long and hard on the appropriation bill for the Department of Labor, and Health, Education and Welfare. The total appropriation was $19.7 billion, which was $1.2 billion in excess of the White House request. I voted to increase the appropriation for education for I felt as did the President in his speech in 1968 that "the one area we can't shortchange is education". President Nixon vetoed the HEW bill as being "inflationary". A motion to override the President's veto failed to receive the necessary two-thirds majority (226–191). I voted to override the President's veto because of the funds needed in education and health. The additional educational money would provide for more elementary and secondary education (not teacher's salaries), vocational education, libraries, loans for nurses training, student loans, public health grants and hospital construction. Incidentally, health research in the fields of cancer and heart disease would also be included in the bill. The direct effect in the City of Louisville alone could be in excess of $3 million. I was the only Congressman from Kentucky or Southern Indiana who did not follow his political party in this vote.

I agree with the Administration that fighting inflation is one of our gravest challenges today. It is interesting to note that just the day after the President's veto, Congress passed another extensive and expensive foreign aid bill. I have always fought inflation and the rising cost of living by voting for cuts in agriculture, defense, foreign aid and the space programs. As a matter of fact, I have consistently voted against foreign aid and agricultural subsidies. I feel that we must continue to reduce the budget by establishing a meaningful list of priorities. I will not, however, disregard our needs in the fields of education and health.

POLICE ASSISTANCE ACT OF 1970

After six months of research and study, I recently introduced a comprehensive local police assistance act to help law enforcement agencies combat crime in urban areas. As the Chairman of the Task Force on Urban Affairs, I have been working closely with the National League of Cities in preparing this legislation. My bill would provide $500 million annualy for five years in direct grants to cities with a population of over fifty thousand to improve the effectiveness of local police services. I feel that the primary responsibility for police protection rests with local government. Tax money on the federal level should be returned to the cities to effectively fight the rising crime rate. My bill has received the endorsement and backing of the U.S. Conference of Mayors and the National League of Cities. Incidentally, I have also joined as a co-sponsor of legislation known as the Hartke Amendment to the Safe Streets Act of 1968. George Yenowine has joined our Congressional staff as Administrative Assistant to replace Lew Tingley, who has accepted the position of Executive Director of the Louisville and Jefferson County Convention and Visitors Bureau.

Mr. Yenowine is a graduate of the University of Kentucky and was for several years an advertising executive in Louisville.

RATINGS

Recently I was presented the Distinguished Service Award from the Americans for Constitutional Action. The ACA is a conservative organization, primarily interested in votes on constitutional legislation. I had received a 63% conservative rating for my votes to cut appropriation bills. Incidentally, last year the Congressional Quarterly gave me an 83% liberal rating for my voting record concerning urban legislation. The Americans for Democratic Action, a liberal organization, has recently given me a rating of 30%. COPE, an affiliate of the AFL–CIO, rated me 50% on my votes involving organized labor.

These ratings are confusing, for each group selects individual votes that serves their own purpose. I shall continue to cast conservative votes to reduce the budget in an attempt to slow inflation. At the same time, I will have a liberal voting record in matters that concern our cities, in the fields of health, education and the fight against poverty.

POLICY COMMITTEE

During this past year, I was appointed by the Republican Congressional Leadership to membership on the Policy Committee. We meet once a week to discuss pending legislation and recommend a Party position. I took the place of Congressman Donald Rumsfeld, who was appointed to President Nixon's cabinet.

BIGGEST CHRISTMAS PARTY

My annual Christmas Party for children of servicemen in the Vietnam war zone was the biggest and best yet. There were over 200 children and their mothers attending.

Santa made his appearance, accompanied by Frosty the Snowman, and had a present for all the children, plus snacks, games to play and entertainment.

DOD AWARDS CERTIFICATE OF ESTEEM TO UNIVERSITY OF TEXAS

HON. ROBERT PRICE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1970

Mr. PRICE of Texas. Mr. Speaker, the Department of Defense has awarded the certificate of esteem to the University of Texas in Austin. This award is not

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lightly given; it is confined to those instances in which an individual or an organization, acting in a civilian capacity, renders the Department an outstanding patriotic service in an overseas assignment.

The University of Texas rendered such a service last summer by sending representatives of its noted Drama Department on a USO-sponsored tour overseas. For 12 weeks University of Texas collegians entertained our servicemen in the East and West Mediterranean commands with a stellar review entitled "Here's US!"

Those of us who have served our country abroad in the armed services know full well that shows from home provide a general tonic for the troops and serve as a big morale booster. This fact is recognized by the Department of the Army, for as Army Secretary Resor stated in a letter to University of Texas President Norman Hackerman:

> Entertainment from home is extremely popular without servicemen and women throughout the world and is among the most effective of the recreational programs designed to stimulate and maintain high group morale in the Armed Services.

Mr. Speaker, I am particularly proud that the University of Texas has achieved this coveted award. It constitutes official recognition of the fact that this great Texas institution is achieving high standards of excellence in the arts as well as the sciences. I congratulate the university for a patriotic service performed and a job well done.

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RANDOLPH SMOKE-OUT TRADING CIGARETTES FOR SCHOLARSHIPS

HON. JAMES A. BURKE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1970

Mr. BURKE of Massachusetts. Mr. Speaker, I would like to take this time to call to the attention of the membership of the House of Representatives an excerpt of an article appearing in the March 2, 1970, edition of Newsweek magazine entitled "Kicking the Habit."

Described in the article are the notable efforts of the residents of Randolph, Mass., which I have the great pleasure of representing in the U.S. House of Representatives.

Randolph residents gave up cigarettes for a day, depositing what they normally would have spent on cigarettes into a scholarship fund for high school students, or as Newsweek so succinctly phrases it: "Randolph smoke-out: Trading cigarettes for scholarships."

My congratulations go to the residents of Randolph for their courageous efforts in "Kicking the Habit."

The article follows:

Randolph Smoke-Out: Trading Cigarettes for Scholarships

Last week, smokers among the 28,000 residents of Randolph, Mass., were asked to give up cigarettes for a day, turning over what they would have spent for a day's supply to a scholarship fund for local high-school youngsters. "I remembered the old statistics about the amounts this country spends on education, alcohol and cigarettes," says Arthur P. Mullaney, the high-school guidance counselor who came up with the idea, "and I thought if everybody pitched in toward a scholarship fund we'd have our money, save lives and get our priorities straight." The campaign began with sermons on the hazards of smoking in all the town's churches. Cigarette counters in many stores were draped in black. At the end of the day it appeared that the scholarship fund had reaped $3,500.

REPRESENTATIVE CRANE REPORTS FROM CONGRESS

HON. BENJAMIN B. BLACKBURN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1970

Mr. BLACKBURN. Mr. Speaker, at the end of his third month as a Member of Congress Mr. Crane of Illinois has summarized his activities in the House in a newsletter report to his constituents. Because it may be of interest to other Members, I insert the text of Mr. Crane's first newsletter in the Record:

Crane Sworn In; Visits President; Receives 200 Supporters From District

(By Phil Crane)

At a few minutes after noon on Monday, December 1, 1969, Philip M. Crane officially began his term as a Member of Congress from Illinois' 13th District. House Republican Leader Gerald R. Ford asked that he be sworn in, and Representative Ed Derwinski of the 4th District escorted the new Member to the front of the House Chamber, where Speaker John McCormack administered the oath of office.

Following the formal ceremony the scene was re-enacted for photographers in the Speaker's chambers. Crane said that he regarded his new office as a "great honor," and added: "I am looking forward to the opportunity to implement some of the ideals that led me to make the race for Congress and for which my supporters worked so hard this fall."

The December 1 occasion represented a last-minute change in plans. It had been expected that Crane would take his seat on Wednesday, December 3; but the date was moved up so that he would be able to take part in the debate and vote on a House Resolution expressing support of the current U.S. policy in Vietnam.

Later in the afternoon Congressman Crane paid a visit to the White House, calling on President Richard M. Nixon. The President extended his personal congratulations and best wishes to the new Congressman, whom he has known for some time. Crane took the opportunity to thank the President for his support and congratulatory telephone call on election night.

The new Member's first Congressional votes were recorded that same afternoon: they were cast in support of the Administration's Vietnam policy on preliminary roll calls. On the following day Crane submitted his own resolution of support for that policy, and voted with the 333 to 55 majority on the very similar resolution that the House adopted.

FANS GATHER IN DISTRICT OF COLUMBIA

The "Crane Campaigners," nearly 200 strong, came to Washington December 3 to honor their new Congressman, Philip M. Crane. They came by air, filling two planes that left O'Hare before dawn, and were greeted on arrival at Washington's National Airport by the Congressman and Mrs. Crane.

After a bus trip to Capitol Hill the group took part in the official opening of the Congressman's office. Crane cut a ceremonial ribbon placed across the doorway of his Longworth Building suite, and with his gracious wife, Arlene, greeted each of their well-wishers as they entered. Passes to the House and Senate galleries were handed out: The House passes newly signed—by hand—by Crane himself. The visitors had the opportunity to inspect their Congressman's offices and, if they wished, to wander down the hall and visit those of Congressman Ed Derwinski of Illinois' 4th District as well.

The Congressman and Mrs. Crane posed for dozens of pictures, taken by members of the visiting group and by official photographers. Mrs. Crane, the mother of seven, particularly charmed the dozen or so children who had accompanied their parents. Later, the group was taken on a special, after-hours tour of the White House.

A high point of the day was a luncheon at the Statler-Hilton Hotel in downtown Washington. Several of the Illinois Republican delegation in the House attended. Special guests included House Republican Leader Gerald R. Ford and the man Crane supplants as "low man" on the seniority "totem pole"—Congressman Barry M. Goldwater, Jr., of California.

Ford said that Phil Crane "fits the pattern of excellent representative from the 13th District," and Goldwater and the Illinois delegation members offered their welcomes to the Congressional "club."

The visitors spent the remainder of the afternoon seeing the House and Senate in session and stopping back, individually or in smaller groups, to Crane's office. That evening the Congressman and Mrs. Crane received their supporters once again, this time at a reception held at the Capitol Hill Club, a semi-official social retreat for Washington Republicans.

The "Crane Campaigners" returned to Chicago later that evening, tired out from the day's activities but glad they had made the trip. And the Congressman and Mrs. Crane turned their attention again to getting settled into the routine of official Washington.

CRANE MAKES FIRST SERVICE ACADEMY APPOINTMENTS

Thirty-seven young men from the 13th District have been nominated by Congressman Philip M. Crane to the three U.S. service academies for the classes entering in September of this year.

The potential officers were selected on the basis of tests administered by the Civil Service Commission and their high school grades. The nominees are:

To the U.S. Military Academy at West Point, New York: Michael F. Crowe, Glenview, and Kevin R. Kelsey, Northfield, who both graduated from Loyola Academy; John M. Fitzpatrick, Arlington Heights, John Hersey High School; John G. Flesch, Des Plaines, Elk Grove West High School; Douglas A. Grant, Winnetka, New Trier West H.S.; Shellie H. Hart, Evanston, Evanston Township H.S.; Robert K. Meyers, Morton Grove, Niles Community West H.S.; David R. Stadfeld, Palatine H.S.; and John Valentino, Mount Prospect, Prospect H.S.

To the U.S. Naval Academy at Annapolis, Maryland: Frederick W. Baetzey, Rolling Meadows, and Kenneth J. Glueck, Palatine, both graduates of Fremd High School; Joseph

A. Conroy, Rolling Meadows, and Gregory A. Padovani, Mt. Prospect, from Forest View High School; Robert A. Dussman, Winnetka, and Gerald R. Mack, Glenview, from Loyola Academy. Mr. Dussman graduated in 1969 and Mr. Mack was a member of the class of 1968.

Also: Timothy R. Erickson, Morton Grove, Niles Township West H.S.; Michael J. Herrero, Buffalo Grove, Wheeling H.S.; David J. Kaskie, Arlington Heights, St. Viator; William H. King, IV, Winnetka, New Trier East H.S.; and Michael N. Lyon, Arlington Heights, who attended Fermin Lasuen H.S. in San Pedro, California.

Others were Jeffrey A. McCracken, Evanston, Evanston Township H.S.; Kevin J. Rielley, Glenview, Glenbrook South H.S.; Michael A. Ryder, Mt. Prospect, John Hersey H.S.; Bradford S. Schwartz, Skokie, Niles North H.S.; Gene P. Sheldon, Palatine, Palatine H.S.; Raymond P. Wiggers, Jr., Wilmette, New Trier H.S.; and Leslie T. Maiman, Glencoe, who graduated from Campion High School Praire du Chien, Wisconsin.

To the U.S. Air Force Academy, Colorado Springs, Colorado: Gary R. Abramson, Mt. Prospect. Forest View High School; James R. Camphouse and David K. Reily, both of Des Plaines and graduates of Elk Grove High School; James C. Chalfant, Palatine, Fremd H.S.; Thomas R. Coldren, Evanston, Evanston Township H.S.; and Ronald J. Cuff, Prospect Heights, Wheeling High School. Also: Peter M. Gavares, and David Schulman, both Northbrook graduates of Glenbrook High School; Geoffrey W. Kinka, Palatine, St. Viator; and Samuel J. Wit, Jr., Arlington Heights, Arlington H.S.

These young men will be accepted by the academies upon evaluation of the results of their physical and competitive academic examinations.

MAN OF THE YEAR BROTHERHOOD AWARD

HON. JAMES R. GROVER, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1970

Mr. GROVER. Mr. Speaker, for many years, now it has been common knowledge that one of the most difficult elected positions any man could hold is that of being a member of a local school board. As a former school board trustee, I know from personal experience the hours are long, the financial remuneration is nil, and frequently the abuse is plentiful. As a matter of fact, there are times when one wonders how we succeed in obtaining the services of a good man to run for school board office.

A. Terry Weathers is a member of the board of education of the Farmingdale school system which is within my congressional district. In my years as a New York State legislator, a decade ago, I met Mr. Weathers and admired his vision and zeal as one of the most articulate, progressive innovators in the field of education today. He has been a leading authority for all school boards within New York State explaining the plight and the needs of education. In recognition of his accomplishments, the interservice clubs of Farmingdale—Kiwanis, Rotary, and Lions—on February 22 presented to Mr. Weathers the Man of the Year Award.

I know this award has gone in the past to deserving and outstanding men of good will; but this year, it has gone to a man who is the epitome of humaneness, charity, and an articulate spokesman for education. The service clubs of Farmingdale are to be congratulated for making such an excellent choice.

FREEDOM'S CHALLENGE, A VOICE OF DEMOCRACY

HON. JAMES A. McCLURE

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1970

Mr. McCLURE. Mr. Speaker, I would like to make a part of the RECORD the following speech delivered by Miss Cindy Putman of Caldwell, Idaho, State winner of the Voice of Democracy contest, sponsored by the Veterans' of Foreign Wars and its Auxiliary. I commend it to your attention because it illustrates that, at least, some of our young people today feel a deep devotion to their country:

FREEDOM'S CHALLENGE, A VOICE OF DEMOCRACY

(By Cindy Putman)

The dawn is cold and a white crust of ice trims every leaf, every blade of grass—as if some unknown seamstress had sewn fine lace all through the night in preparation for this historic moment.

Just a few feet away stands the red-coated British soldiers awaiting the command of their officer which will bring this occasion to its climax.

My heart goes out to the young, lonely figure standing in the midst of the soldiers. What is he thinking? Why doesn't he plead for his life?

The noose is put around his neck, but this young patriot stands with head erect as he gives his life to defend a way of life in which he believes.

The final comand is given and the noose tightens around his neck, but his final words shall echo forever in the hearts of Americans: "I only regret that I have but one life to give for my country."

ONE LIFE FOR FREEDOM—ONE VOICE FOR DEMOCRACY

There are those who think Nathan Hale was a fool. They feel that he was not justified in giving his life for America. Where do we draw the line beyond which personal responsibility ends? Are we justified in defending the principles for which it stands?

America was a great land when Columbus discovered it. . . . The acceptance of personal responsibilities has made it a great nation.

In 1775, Patrick Henry said "I know not what course others may take, but as for me, give me liberty or give me death."

TOTAL COMMITMENT

Have American principles become less important to freedom loving people in the last 200 years? Perhaps our answer lies in one's understanding of freedom. There are many people who view freedom as absence from responsibility, but in reality freedom can not survive without individual responsibility.

The Golden Gate Bridge in San Francisco is suspended by one large cable, consisting of thousands of smaller wires. Each wire has but one purpose, to support the wires surrounding it and as a unit suspend the bridge. It takes every wire to accomplish this task. One wire could not hold up the bridge alone, yet that one wire is necessary to accomplish the ultimate goal. So it is in building the bridge of freedom. The strength of America's bridge depends upon each individual's contribution of basic American ideals.

This then is freedom's challenge: to instill in the individual American citizen the desire to accept personal responsibility for democracy . . . to enforce our bridge of freedom with our personal commitment. This is the responsibility of every true American.

ENVIRONMENT PROTECTION LEGISLATION

HON. CHARLES E. BENNETT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1970

Mr. BENNETT. Mr. Speaker, the quiet conservation crisis of the 1960's has grown into a large environmental emergency—our No. 1 domestic problem in the 1970's.

Over the last few years I have been proud to be a cosponsor of the landmark conservation bills passed by Congress and enacted into law—the Wilderness ct and the Land and Water Conservation Act. I was also the chief sponsor of the legislation establishing the National Key Deer Refuge in South Florida in 1953, to protect the tiny, white-tailed Key deer, which has grown in population from only 30 in 1949 to now over 300; and the Fort Caroline National Memorial established in 1951 at the site of the French 16th century colony, which began the settlement of what is now the United States and is located in the present city limits of Jacksonville, Fla., on the St. Johns River.

In 1969, the Congress founded the Council on Environmental Policy, which was similar to legislation I have pushed in the last several Congresses. I have been active in other environmental laws, for example, the plan to study the St. Augustine-Fort Caroline trail, America's oldest road, 1565–70, for possible inclusion in the national trails system.

Mr. Speaker, I have introduced in this Congress, four proposed bills which would help clean up pollution in the air, rivers, lakes, and waterways, and insure adequate outdoor recreation areas for the enjoyment of future generations.

These four bills I have introduced have been proposed by the administration: H.R. 15872, to assist development of comprehensive programs for water pollution control and enforce antipollution standards in interstate and intrastate waters; H.R. 15873, the new program to provide financial assistance for the construction of waste treatment facilities; H.R. 15871, to beef up the Clean Air Act by strict national standards for air quality, and H.R. 15870, to expand the Land and Water Conservation Act, including a provision to allow the sale of surplus Federal property to augment park funds and another to provide for such sales to State and local governments for park and recreation purposes at public benefit discounts of up to 100 percent.

In his state of the Union speech, President Nixon said:

> Clean air, clean water, open spaces—these should once again be the birthright of every American. If we act now—they can be.

In Jacksonville, public officials and private groups are working for a cleaner city. I have assisted them and will continue to do so. In the last year, over $4 million in Federal funds have been approved for antipollution measures and outdoor recreation for the area of my representation.

I believe the antipollution and environmental bills I have will help us to protect our natural beauty and the quality of our everyday life. I am hopeful for early hearings and that the measures will be reported for full House action as soon as possible.

DEMOCRATIC COUNCIL POLICIES

HON. THOMAS M. PELLY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1970

Mr. PELLY. Mr. Speaker, in a desperate search to find some issue with which to degrade President Nixon and bolster their party's flagging chances in the upcoming congressional elections, the Democratic Party Council has now put forth a pronouncement on Vietnam, calling for total withdrawal of U.S. troops within 18 months.

The hypocrisy of this move, Mr. Speaker, will not be ignored by the American people. For we all know that it was the Democratic Party which directed this Nation's course as we put more and more troops into Vietnam. The greatest irony of all is that two of the main architects of our escalating Vietnam policy, former Vice President Hubert Humphrey and W. Averell Harriman, are now in the forefront calling for this dangerous, self-defeating withdrawal timetable.

But, Mr. Speaker, the American people realize the truth about the war in Vietnam: that it has taken a Republican President to reverse the trend and begin bringing our troops home; that only if we continue to support President Nixon in his responsible actions toward an honorable peace, one which assures the right of self-protection to the Vietnamese people, will peace in Asia and in the world be a real possibility.

I commend to the attention of my colleagues two recent editorials which discuss the dangers of the Democratic Policy Council's proposed plan, and state clearly why the American people will not be fooled, either:

POLICIES AND POLITICS

The Democratic Party, hard pressed for a winning issue in the forthcoming congressional elections, has come up with a formal position pronouncement on the Vietnam War. It may well turn out to be self-defeating.

As proclaimed by the 76-member Democratic Policy Council, headed by former Vice President Hubert Humphrey, the party has arrived at two major conclusions on the conflict:

1. All United States forces, both combat and support troops should be withdrawn from Vietnam within 18 months under "a firm and unequivocal commitment" by our government.

2. "Our continued unconditional support of the Thieu government in Saigon, as now constituted, is not only unjustifiable but delusive."

These policy declarations were formulated by a committee headed by W. Averell Harriman, our former chief negotiator at the Paris Vietnam talks. They sing a much different tune than he and most other party leaders sang when the war was being escalated under two Democratic administrations.

The Democratic masterminds underestimate public common sense. Opinion polls show the majority of Americans are solidly behind President Nixon and his responsibly considered withdrawal program. The majority knows the President would like nothing better than to have all U.S. troops out of Vietnam in 18 months. But it also knows that the rigid deadline demanded by the Democrats would only hamstring his efforts.

There are two other questions the majority of Americans might well raise. If the Democratic policy makers don't think the Thieu government merits our support, what do they suggest as an alternative? And how come Mr. Humphrey, who only recently came all out for the Nixon disengagement policy, now goes along tacitly with a party declaration which tends to undermine it?

WITHDRAW ALL TROOPS?

The Democratic Policy Council declares all U.S. troops should be withdrawn from Vietnam within 18 months.

The council is headed by former Vice President Hubert Humphrey who, as second man to Lyndon B. Johnson, helped build up our forces in Vietnam.

The suggestion that the council adopt the withdrawal timetable came from Averell Harriman, who applauded when the United States first moved into Vietnam on a large scale.

Apparently the Democrats hope to win some congressional seats this year, and possibly the presidency later, by claiming they were never hawks.

All of us know better than that. The Democrats created the mess in Vietnam.

Americans realize that President Nixon has done more to end the Vietnam war in the past year than was done in the previous four years.

Nixon continues to wind down that way in a way and at a pace that will allow the South Vietnamese to build their own defense and choose their own way of life.

In this endeavor, Nixon has the support of most Americans.

Yet there are those who not only seek to direct the course the President should take; they would even tie his efforts to a fixed timetable.

This kind of tactic is exactly what Hanoi wants.

It undermines the President's efforts. It gives false hope of our surrender to the enemy to the extent the enemy refuses to negotiate in Paris toward peace.

The Democrats are changing the idea of peace at any price to surrender at any price.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1970

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive, or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,400 American prisoners of war and their families.

How long?

ASTRONAUT GORDON GIVES ROCHESTER CUB SCOUTS AN EMOTIONAL GREETING

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1970

Mr. HORTON. Mr. Speaker, during the first week of February, I had the exhilarating experience of accompanying Astronaut Richard F. Gordon, pilot of the command module on the Apollo 12 moon shot to a press conference at the Rochester Planetarium.

His advice to young people which typifies his life was:

> To give everything of himself, everything he's got from day to day; for this is what makes men great . . . to do anything well requires a broad base of study and knowledge on which to start . . . and no matter what his life's work is, enjoy it! . . . study and enjoy it!

There is something special about such a man that discounts the trivia and grasps the important values in life. Children of all times have a way of siphoning out the real from the phony. To them, there is something extremely attractive about a man who risks a lot for a cause in which he believes.

I was with Astronaut Gordon when he walked out of the press conference and saw five little boys in their Cub Scout uniforms giving him a salute. Gordon's response matched their spontaneity.

I would like to share with my colleagues a column by Cliff Carpenter in the Democrat and Chronicle on February 4 about this day in the lives of these Cub Scouts which they will never forget:

FIVE CUB SCOUTS AND A HERO

(By Cliff Carpenter)

This is a true story of five boys and a hero. We tell it because all small boys ought to have a hero, and all heroes ought to have small boys around.

It began Monday morning when Mrs. T. S. (Pat) Kasberger of 38 Duncott Rd., Fairport, den mother of Cub Scout Den 1, Fairport Troop 325, took a deep breath, squared her pretty shoulders and prepared for a trying day. This was the day she was to take the Den 1 cubs to the Planetarium on East Avenue. They were going there because the boys had begun studying missiles and rockets and space travel in school, and the Planetarium has exhibits about things like that.

So in the late afternoon Mrs. Kasberger drove up to the Planetarium, and her station wagon disgorged Ricky Walzer, 9; Dan Osborn, 9; Todd Goddard, 8; Jay Sober, 9, and Mark Kasberger, 9, all immaculately dressed in cub uniforms.

What they didn't know that at that moment, inside the Planetarium, astronaut Richard F. Gordon, pilot of the command module on the historic Apollo 12 moon shot, was concluding a press conference.

A quiet, solid, muscular man with sideburns, wearing a neat business suit and side vents, Gordon had answered technical questions with patience and competence. If he was more eloquent at any one time than another, it was when he was asked what advice he would have for young people:

"To give everything of himself, everything he's got from day to day; for this is what makes men great . . . to do anything well requires a broad base of study and knowledge on which to start . . . and no matter what his life's work is, enjoy it! . . . study and enjoy it!"

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And with that Astronaut Gordon shook hands with the Planetarium staff and, flanked by Congressman Frank Horton, headed for the door.

Meanwhile, just inside the door, Mrs. Kasberger and Den 1 were asking why so many policemen and deputy sheriffs and television trucks were on hand. Five small jaws dropped and five pairs of eyes bugged when a kindly cop told them, "We've got Astronaut Dick Gordon with us . . . the command module pilot."

An then it happened, a spontaneous thing from the hearts of children.

The five blue-clad cubs lined up, and as the astronaut appeared they snapped off the neatest salute the Planetarium ever will see. Den 1 knew a hero when it saw one! And Gordon responded the way a hero should . . . he walked away from his escorts and over to the five small boys standing at attention, and he shook hands with each one in turn and he had some quiet words of friendship and praise.

And then he was gone, and one dazed member of Den 1 looked at his hand and looked up at Mrs. Kasberger and said: ". . . he shook hands with me. I'm not gonna wash this hand, ever!"

Later we telephoned Mrs. Kasberger to ask her how the trip home went. "They spent most of the trip opening car windows and yelling at everybody, 'We saw the astronaut . . . we shook hands with the astronaut . . .'"

And that is the true story, except for an epilogue.

When last seen in the gathering dusk of their own neighborhood, the five members of Den 1 were solemnly contemplating charging the other kids a nickel apiece to shake hands with them . . . after all, they would be shaking hands with the astronaut too, in a second-hand sort of way.

Yes, it is a time when small boys need heroes, and heroes need small boys . . . and it doesn't hurt grownups a bit to watch such episodes, if they happen to be lucky enough to be on hand.

BERKELEY'S AUTO REBELLION

HON. JEFFERY COHELAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1970

Mr. COHELAN. Mr. Speaker, it is difficult in this day and age when the media demands fast-paced news for constructive acts being undertaken by individual citizens to be given adequate coverage. In a recent article that appeared in the California Living magazine of the San Francisco Sunday Chronicle on February 15, there was a discussion of the constructive work being done in the city of Berkeley, Calif., which I have the privilege of representing, which displays the initiative being shown in the area of city planning by the "Berkeley Anti-Car Rebellion."

Under the leadership of Messrs. Albert Raeburn and Calder Hayes, the "Berkeley Anti-Car Rebellion" seeks a halt to what they term the "Los Angelization" of the city of Berkeley. This group opposes crosstown freeways, street-widening projects, the creation of fast-traffic streets, and other situations that would place more importance on automobiles than people.

Mr. Speaker, at this point I would like to insert this article by Mr. Gerald Adams entitled "Berkeley's Auto Rebellion" in the RECORD and I commend the reading of this article to my colleagues:

BERKELEY'S AUTO REBELLION

(By Gerald Adams)

As Berkeley rebellions go, this one is strange but—excuse the expression—relevant . . . so much so that it could spread across the nation.

The tyrant it seeks to overthrow is the automobile.

Its rebels are largely middle class families.

Its weapons are the peaceful ones of persuasion.

Its battle cry is really a plea: Don't let cars ruin the city as a place to live.

And, it's successful. After four years, the Berkeley Anti-Car Rebellion has wrought these changes:

Children, once targets for speeding cars, now play outside without danger on a number of streets that used to be speedways.

The trend of taking space from people for parking has been reversed: Car parking spaces—in shopping districts—have been filled in for plazas.

Families who feared their homes would be removed for street widening projects are suddenly resting easily thanks to a virtual moratorium on such projects.

Before the revolution is over, the entire populace could be riding around town on bicycles and free buses.

As cities from Paris to Petaluma suffer from a glut of cars (in the French capital, police want to kick the Unknown Soldier's tomb out of the Arch of Triumph because of the traffic it creates), smog and traffic-beset citizens here should learn how Berkeleyans began to overthrow their automated yoke.

"We've simply learned to say, 'Automobile, slow down!'," says planning commissioner Albert Raeburn, who chairmans that group's circulation committee.

If there are any Mario Savios in this Berkeley rebellion they are Establishmentarian citizens like onetime planning commission chairman Calder Hayes and Raeburn who took their fight to the chambers of City Hall. It is men like these who have bucked the pressure to utilize state gas tax-financed road funds, and who oppose those who insist on accommodating the auto.

"Family interests are more important than automotive interests," declares Raeburn who cites some of the testimony that has led to the big change.

Mrs. William Gilbert in southeast Berkeley told of a speeding meat truck that overturned on the front lawn where her children usually play. Fortunately, the kids were indoors.

Mrs. Mary Jane Johnson of southwest Berkeley told of a car that went through a schoolyard fence, narrowly missing a group of youngsters at play.

Mrs. Rosalind Lepawsky recalled her anger on hearing that 50 Berkeley streets were recommended for widening. "What offended me," she recalls, "was the insanity of destroying the topography of a city to make way for more cars."

Another woman said she had to hose the soot off her flowers, so thick had the traffic dirt gotten. One mother reported losing four pet cats—all killed by cars.

For a community that was to vote $20 million in bonds by a four-to-one margin just to underground its part of the rapid transit line, the 1965 proposal to widen 50 streets was an environmental insult, to judge by the outpouring of 300 citizens at a planning commission public hearing in November of that year.

Since then, Berkeley's anti-car rebels have begun their siege. Mrs. Johnson, a leader in the NAACP, helped organize a city-wide environmental group called Urban Care. Mrs. Lepawsky worked on the same project. Mrs. Gilbert joined up with neighbors in the Emerson School district to commission a transportation study (they persuaded the city and the A/C Transit Co. to help finance it).

Meanwhile Raeburn, an old political pro who had managed election campaigns for Assemblyman Robert Crown, Congressman Jeffery Cohelan and several Berkeley councilmen, was busy buttonholing other planning comimssioners and city councilmen on behalf of a plan written by his circulation committee.

He and Calder did their lobbying well, for on Aug. 13, 1968, the Berkeley City Council unanimously approved a document that could be a Magna Carta for American pedestrians, children and families.

Titled rather unmemorably the Circulation Amendment to the Berkeley Master Plan, it is apparently unique.

"If there's another city in the country that's done this much," says U.C. Planning Professor T. J. Kent, "we don't know about it."

Briefly, the amendment declares that the city is basically opposed to the following: crosstown freeways like those which bisect neighboring Oakland, street-widening projects, one-way streets, creating more fast-traffic streets and the destruction of homes or trees either for speeding up traffic or parking cars.

What it favors are things like these: parks, panoramas, open spaces, preserving trees, home delivery service, bicycle paths, pedestrian paths and every form of transportation that keeps people out of cars.

It also introduces some sophisticated planning techniques like reducing population potential in certain family neighborhoods on the theory that fewer people bring fewer cars. (Imagine a city government voting to reduce population!)

Is it working? Since the Circulation Amendment's passage, there have been plenty of changes in Berkeley.

One section actually has had its population potential slashed. It's a 40-block area of single family homes, most of them occupied by blacks, near the northern BART station. The population limit was reduced by almost a third so that its quality of family life would be undisturbed.

Spaces for parking cars have been turned back to pedestrians. Mini-plazas, tiny islands of greenery, benches and water fountains, have replaced more than 74 parking spaces along commercial Shattuck Avenue.

Residential streets in both rich and blue-collar neighborhoods have become safe for children to cross and even to play in thanks to installation of some 18 sets of diverters and chokers. Diverters prevent cars from using streets as thoroughfares; Chokers, which are bits of cement, prevent cars from parking at intersections, thereby permitting pedestrians and drivers to see oncoming traffic more easily.

And it's now open season on street-widening projects. The projected widening of Hearst Avenue was halted for at least a year; that of Ashby Avenue, an arterial lined by modest-income homes, delayed indefinitely.

A proposal to cut a new street through a family residence block has been dumped.

Not all these decisions have been accepted without opposition. Police and firemen have been less than wild about the traffic diversions as has Dr. Richard Garrett, an orthopedic surgeon in the Claremont Avenue area, who resents the unfairness of installing them along his usual driving path and not along others.

Raeburn is the first to admit that these are piecemeal solutions, but he has broader plans.

For one thing, he's convinced that people must start leaving their cars at home in favor of buses and bicycles.

He also believes in free public transportation which he's urging the city to investigate. "It's cheaper than building a bunch of those

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expensive parking structures," says the economist.

Others echo him. Joseph Engbeck, father of two, is so anxious to ease the flow of cars which use his street as a shortcut that he has personally contacted a Los Angeles firm which builds minibuses.

Jim Burleigh, a young man who heads the firm called Peoples Architecture, is trying to scrounge a fleet of used vans and VW buses for the north side of town. "You could dispatch them like a fleet of taxis and charge a nickel a ride," he adds.

Raeburn's ideas are grander still. As a land use economist, a member of the Bay Area Transportation Study's advisory committee and chairman of the now-defunct Berkeley Transit Impact Commission, the 57 year old commissioner cannily foresees these possibilities:

1. Bicycles for commuters to ride between home and BART station. Publicly owned, their locks could be opened by means of passkeys available with commuter tickets.

2. "We could legislate a requirement that all new buildings transfer the moneys that would ordinarily be spent on parking facilities to a fund for bicycles or free shuttle buses."

These and other issues will be aired at a civic goals conference of Berkeley's Urban Care Feb. 28 at the Claremont Hotel. Among the questions on tap: Should 120,000-population Berkeley lower its population limit, currently 180,000?

While many questions will remain unanswered that day, one has already been decided: Berkeley officially places more importance in people than on cars!

WORLD PEACE THROUGH LAW CENTER

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1970

Mr. HUNGATE. Mr. Speaker, in further reference to the World Peace Through Law Center, I believe my colleagues will be interested in the following recent action of this international organization.

As a result of resolutions adopted at its biennial conference in Bangkok, Thailand, last year, the organization's president, Charles S. Rhyne, has announced establishment of a Special Committee on the Review of the United Nations Charter.

It seems to me that many amendments could be made to the United Nations Charter which would improve the functions of the United Nations and strengthen the forces who seek peaceful settlement of international disputes.

President Rhyne has appointed Dr. Max Habicht of Geneva, Switzerland, as chairman of the special committee on which it will be my privilege to serve. I know my colleagues are concerned that improvements be made in the U.N., and I shall report on the committee's progress.

It is hoped that the committee will complete its work by April 1, 1971, so that the charter review may be presented to the Fifth World Conference on World Peace Through Law to be held in July 1971.

The resolutions adopted concerning the United Nations and its charter follow:

RESOLUTION 3: STRENGTHENING UNITED NATIONS CHARTER

Whereas, the stated purpose of the World Peace Through Law Center has been to work together to build law rules and legal institutions for World Peace Through Law;

Whereas, time is of the essence due to the spread of arms and tensions in the world; and

Whereas, the United Nations is the most realistic center for effective law rules and institutions,

Resolved, that the Center establish forthwith a special study committee on possible revision and strengthening of the United Nations.

RESOLUTION 19: INTERNATIONAL MEDIATION AND CONCILIATION SERVICE AND COMPULSORY ARBITRATION OF INTERNATIONAL DISPUTES

Whereas, the need for utilizing all promising procedures for peacefully settling disputes between nations is all too evident,

Resolved, that the Bangkok Conference urges the establishment within the framework of the United Nations of a permanent available service of competently trained mediators and conciliators to facilitate peaceful settlements between nations in conflict; and

Further resolved, that the United Nations Charter be amended to provide a method for the compulsory arbitration of international disputes.

FREEDOM'S CHALLENGE

HON. EDWIN W. EDWARDS

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1970

Mr. EDWARDS of Louisiana. Mr. Speaker, it is difficult to refrain from using cliches and speaking in platitudes when one is describing an outstanding young person such as Bryant Copeland of Lake Charles, the winner of the Voice of Democracy contest in Louisiana whose winning speech I wish to insert in the CONGRESSIONAL RECORD today. You will excuse me, therefore, for saying that it is gratifying, heartwarming, and encouraging during these times when some of our most pressing problems are emanating from protesting, dissenting youth who abuse our flag, our institutions, and all authority, including our laws and the principles on which our Nation was founded.

Bryant, who I am sure speaks for the majority of the fine young people of Louisiana and hopefuly for the majority of our youth across the land, gives us, in his sincere and eloquent remarks, reason to hope and to believe that the fate of our country is not in jeopardy after all. He lets us know that young people are aware of their responsibilities and challenges and are willing to apply their energies to constructiveness rather than to the destructiveness engaged in by the few who occupy so much of the news. Bryant appreciates his priceless heritage of freedom as an American and he is ready to accept the challenge of maintaining it. May we be equally as aware of freedom's challenge and ready to meet it. Godspeed to Bryant and his contemporaries who share the views he outlines in his speech called "Freedom's Challenge."

The speech follows:

FREEDOM'S CHALLENGE

(By Bryant Shive Copeland)

When Benjamin Franklin emerged from the final session of the Constitutional Convention, it is said that he was asked, "What shall it be, Mr. Franklin, a monarchy or a republic?"

Franklin responded, "A republic—if you can keep it."

This indeed is the challenge of freedom placed upon succeeding generations of Americans by our country's founding fathers. And for today's generation of Americans, we can have freedom—if we can keep it. This is freedom's challenge.

When presented the Gold Medal for History and Biography by the Academy of Arts and Letters, Carl Sandburg said, "We find it momentous that Lincoln used the word 'responsibility' nearly as often as he used the word 'freedom'. The free men . . . of the world can well ask themselves every day and almost as a ritual, 'Who paid for my freedom and what the price?' and 'Am I somehow beholden?' The question is not rhetorical. It is a burning and terrible historical question."

Am I somehow beholden? I feel that I am. I feel that, to use the words of a popular song, "freedom isn't free . . ." For freedom is a public and a private trust. My freedom is legitimate and just only when it does not deny you your freedom. My country is free only when it respects the freedom of its neighbor. Keeping this delicate balance of self-regulated freedom is one of its challenges.

A second challenge is the challenge to extend freedom to everyone. Wendell Willkie put it this way, "Freedom is an indivisible word. If we want to enjoy it, and fight for it, we must prepare to extend it to everyone, whether they are rich or poor, whether they agree with us or not, no matter what their race or color of their skin." For you see, freedom is not something which can be the sole property of any individual or nation. There is a marvelous contagion about freedom that spreads the quest for it far and wide. So the second challenge is that of extending freedom—responsible freedom—to everyone.

A third challenge of freedom is the challenge of peace. Although we must wage wars at times in the preservation of freedom, it is evident that the very nature of war is incompatible with freedom. Freedom in its truest sense is impossible unless it abounds mutually with peace.

How can I meet these challenges of freedom? Surely the answers are not easy. One can meet the challenge to balance the exercise of freedom with the over-exercise of freedom, that is the balance between freedom and infringement, by obeying the laws of the land. This seems a simple task, but in reality too many of us have tried to break or bend the law when observance of the law was inconvenient. No matter how incidental or unimportant a law seems, it must be obeyed if freedom is to be preserved and the balance between freedom and infringement kept.

The challenge to extend freedom can be met individually by every citizen. By one's attitude and by his example, he can show his willingness to extend freedom to everyone. The student who refuses to tolerate prejudice and injustice helps to further the cause of freedom just as dynamically as does the nation when it commits its people and resources to freedom's cause.

The challenge of peace is one that has never been met very long by any person or nation. Our record in this respect is not good. But perhaps if one would wage peace with as much energy as he wages war, peace could be achieved. If the energies and talents of every student were channeled with the same fervor that one employs in waging war, perhaps true freedom—that is freedom with peace could someday be achieved.

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Thus we see how we can meet freedom's challenge as individual students and citizens. If we meet Freedom's Challenge, we will be equal to Franklin's charge concerning it . . . the charge to *keep it*.

Freedom will be ours if we can only meet Freedom's Challenge and . . . keep it.

UNITED STATES AND THE WORLD: MR. NIXON ON TARGET

HON. DONALD G. BROTZMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1970

Mr. BROTZMAN. Mr. Speaker, a long-needed document was given to the American people, and indeed to all the people of the world, in the form of President Nixon's recent "State of the World" message.

The greatest significance of this message is that at last a clear-cut definition of American foreign policy has been laid out, one which takes into consideration conditions throughout the world, and during both war and peace times. Equally important, this newly set forth policy recognizes the realities of the world as they are now—not as they were in 1945.

The Miami Herald explained in an editorial of February 19 why this message is "President Nixon's masterpiece to date." I insert this editorial in the RECORD:

UNITED STATES AND THE WORLD: MR. NIXON ON TARGET

His lucid description of the state of the world in 1970, and the proper role of the United States in it, is President Nixon's masterpiece to date.

Coolly and dispassionately, he sets forth the facts as he sees them and the conclusions he has drawn from those realities.

The overall effect of the 40,000-word message to Congress is a 360-degree view of this planet's continents, as seen from the highest peak of international power, which is the Presidency of the United States.

Mr. Nixon recognizes the disparity of interest between the United States and its allies, on the one hand, and the Communist powers. He speaks plainly of the present hostility of Red China and the intransigence of the Soviet Union. Yet he says the 25-year-old cold war "makes no sense" now that communism no longer is monolithic and the U.S. has lost its monopoly on nuclear weapons.

To replace recurrent crises, the President proposes negotiations—"patient, detailed, and specific"—to reconcile the true national interests of all parties, if possible.

Some of his thoughts on relations with the Soviet Union have been glossed over by others in the past. For instance: "The overwhelming majority of the war material that reaches North Vietnam comes from the U.S.S.R., which thereby bears a heavy responsibility for the continuation of the war. This cannot help but cloud the rest of our relationship with the Soviet Union."

As to America's friends and partner, Mr. Nixon's main theme is a shift from U.S. dominance to partnership everywhere.

The U.S., he notes, possesses 95 percent of the Free World's nuclear arsenal, and thus has the duty for atomic defense. But the rest of the Free World, he says, has more manpower than this country, and must do its full part, accepting the job of coping with insurgency wherever it breaks out.

He renounces isolationism while insisting that America's partners rise to their own defense and economic development.

He voices determination to keep the U.S. strong militarily and economically.

To those who demand instant cessation of hostilities, Mr. Nixon remarks that peace is "far more than the absence of war," adding: "If we are less strong than necessary, and the worst happens, there will be no domestic society to look after."

He accepts his constitutional role as the final arbiter of this nation's dealings with others, and he points out the directions he has chosen for this decade. Specific parts of his statement will be applauded in some quarters, booed in others, received coldly elsewhere. At least, everyone, at home and abroad, knows where he stands.

International relations are Mr. Nixon's special strength. He is correct in calling this document "a watershed in American foreign policy."

PETER J. HANLON: CONSERVATIONIST OF THE YEAR

HON. ROY A. TAYLOR

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1970

Mr. TAYLOR. Mr. Speaker, it was my privilege last Friday evening to attend the 25th Annual Dinner of the North Carolina Wildlife Federation. This is the largest statewide conservation organization in North Carolina and has accomplished much in promoting conservation and sound wildlife programs in our State.

At this awards dinner, honors were bestowed upon a Federal employee and upon the National Forest Service, as Mr. Peter J. Hanlon, supervisor of national forests in North Carolina, received the Governor's Award as Conservationist of the Year.

It has been my privilege to work closely with Mr. Hanlon for 10 years and to observe his dedication and willingness to serve the public in every way possible. I commend the North Carolina Wildlife Federation for its selection of Supervisor Hanlon for this important recognition.

As justification for the award, the banquet program read as follows:

After receiving his degree in Forestry from Syracuse University and subsequent employment as a consulting forester in private industry, Peter J. Hanlon entered government service in 1934. Early assignments included: Superintendent of a Civilian Conservation Corps encampment in Pennsylvania after which he assumed charge of another CCC camp in West Virginia; Ranger; and Management Analyst Officer of the U.S. Forest Service in Pennsylvania.

Since being promoted in 1961 to the position of Forest Supervisor with the duties of protection and management of 1,127,000 acres of woodland in the Nantahala, Croatan, Pisgah and Uwharrie National Forests, Pete has been a champion of the multiple-use concept of our national forests.

With the experience obtained in working with the wildlife agencies of other Appalachian states, he was a "natural" to come to North Carolina in his present assignment. His hobbies are hunting and fishing—though he hunts without a gun—and claims to be an outstanding authority on fishing for fun! Whether it be a request for modification of the Timber Stand Improvement Program, an experimental project for trout streams, the planting of chestnut trees and shrubs which are beneficial to wildlife, or the slashing of vegetation to provide deer browse in times of emergency, Pete is always sympathetically cooperative to any sound proposal that will conserve wildlife in the National Forests.

Big things have happened since he came to North Carolina—the establishment of the Shinning Rock Wild Area, the "Cradle of Forestry in America" (a facility in the Pisgah Forest), and the pending approval for the inclusion of the Chatooga River in the Wild and Scenic Rivers National System.

As an interested citizen in the many conservation affairs of his state, he has served on: The Asheville Agricultural Development Council Board of Directors, the Asheville Federal Executive Council, U.S.D.A. Club, Haywood Technical Advisory Committee, Advisory Committee of the Outward Bound School, Governor's Advisory Committee on Forestry, N.C. Forestry Association, N.C. Forestry Council, Fontana Conservation Round-up Advisory Committee, and the Board of Directors of the Asheville-Biltmore Botanical Gardens.

Pete's untiring efforts, spirit of cooperation, and patient understanding in the cause of conservation have paved the way for the true multiple-use of our National Forests to the recreational benefit of the public.

V.F.W. VOICE OF DEMOCRACY CONTEST "FREEDOM'S CHALLENGE"

HON. E. Y. BERRY

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1970

Mr. BERRY. Mr. Speaker, I would like to take this opportunity to congratulate Richard Thomas Mattingly, Jr., Spearfish, S. Dak., on being named South Dakota's winning contestant in the 1970 Veterans of Foreign Wars Voice of Democracy contest.

When there is so much unrest among our young people today it is indeed encouraging to know that there are youth in whom we can place our confidence and who are sincerely interested in facing up to the responsibilities and challenges of this new decade.

Richard's speech is as follows:

We, the youth of America, are faced with many problems concerning our personal future as well as the future of this country. We are faced with furthering our education; the draft; prosperity versus poverty; and a variety of militant minorities.

If, as emerging adults, we concentrate on any one of these problem areas to the exclusion of the others, we in fact are losing sight of the "Big Picture"—we are not allowing ourselves to develop a total awareness of that which will soon be our responsibility—freedom's challenge. While we have the time to look forward and to prepare to face this, our most important responsibility as mature citizens, we must study, dissect and analyze each facet of freedom's challenge if we are to chart a course of freedom for ourselves and for those who follow.

The great French writer Laboulaye placed the following words in the mouth of one of his American characters:

"A free country is a country where each citizen is absolute master of his conscience, his person, his goods. If the day ever comes when individual rights are swallowed up by those of general interest, that day will see the end of Washington's handiwork: we will have a master."

Our freedom, the freedom of life, liberty and the pursuit of happiness, is being ever challenged today. "Challenged by what?" one may ask. Challenged, not by one factor alone, but by the ever-changing events in this world today. It is the responsibility of the youth of this country to accept this challenge; to preserve the rights and the liberties our forefathers fought for; to provide and guarantee a better and more promising future of self-determination for the American generations to follow.

Webster defines freedom as "the power to make one's own choices or decisions without constraint from within or without. It is the right of enjoying all the privileges of citizenship in a community or the like". This is the type of freedom the American people possess today as assured by the Constitution and Bill of Rights. However, each citizen must know and exercise the responsibilities of his freedom in accordance with the laws of this society.

In exercising the power to make one's own choices and decisions, we must provide those who differ or dissent from the opinion of the majority with the right to express their views so that all "sides of a question" are considered in determining the will of the majority. It has been a long fight to retain our freedom and liberty. However, the fight for freedom of the individual will be successful only when one realizes that freedom has its limits. The challenge of the American people is to consider the opinion of the minority in conjunction with that of the majority and to compromise on the ideas of each to insure the continued freedom and right of expression for all. If the will of the minority or the majority is imposed without consent or compromise upon the other, anarchy and turmoil will overrun this Nation.

The right to make and change the laws governing our society is guaranteed to us by our Constitution. However, this does not give any individual or group the license to break or defy the law without the voted consent of the majority.

We, the youth of today, must face up to the responsibilities, good or bad, that we will meet in the approaching years. We must continue guiding and helping our country to remain on the road of continued freedoms for all. If the road becomes rough, as it has on occasions in the past, we cannot give in to ideas or situations we do not believe in. We must strive for what we know is right. Strive not only for our freedom but for the freedom of future Americans. To continue this battle for freedom and liberty for all, we must stand tall and steadfast as a unit; a unit with one common goal: to provide and guarantee independence for all mankind.

TRIBUTE TO HILARY PIEPER

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1970

Mr. HUNGATE. Mr. Speaker, I was saddened to learn of the death of my good friend and fellow Democrat, Hilary Pieper, O'Fallon, Mo., on February 28, 1970.

He was an outstanding member of his community, a devoted family man, a citizen who contributed much to the growth, development, and improvement of the county in which he lived and whose integrity and faithful service as a member of the Democratic party was truly exemplary. He will be deeply missed by all who knew him.

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FREEDOM'S CHALLENGE

HON. CARL D. PERKINS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1970

Mr. PERKINS. Mr. Speaker, each year the Veterans of Foreign Wars of the United States and its ladies auxiliary conducts a Voice of Democracy Contest. This year over 400,000 school students participated in the contest competing for the five scholarships which are awarded as the top prizes. The contest theme was "Freedom's Challenge."

I insert in the RECORD the winning speech from the State of Kentucky as delivered by Ronald Wheeler, 604 Kincaid St., Ashland, Ky., of my congressional district. It follows:

FREEDOM'S CHALLENGE

Challenges—since the beginnings of time have flowed forth to mankind as a mighty river flows forth to the land. A river that springs from a small stream and gradually builds as it travels onward, leaving its mark on all it passes and all it contains. So is this river like the challenges of mankind. For the challenges that face us today started out as one basic challenge, one basic call. It was freedom's challenge that set the wave of History crashing through the land of Time, like a mighty river, swelling and roaring with its own momentum.

Challenges, brought by freedom, have kept mankind progressing onwardly. This mighty river did not become so great just because of a few tributaries. It was fed by millions; some large and many small. So it is with the progress brought by freedom's challenge. It, too, is fed by millions, whose part is both great and small. From the few leaders of the land, to the mall populace, labeled as the "average citizen", that controls the real power. You see, the challenge of freedom entails work; and with these workings of freedom there comes progress. Progress of many types. Progress labeled as "inalienable rights"; progress labeled as "equality"; progress labeled as "being just what I want to be"; progress labeled as "freedom."

But this challenge—specifically—should it be considered in terms of motivation or responsibilities? Is freedom's challenge in the motivation of remaining free, to be challenged and to challenge those things that affect us most; or is it in the responsibilities that must be met to keep that freedom? Responsibilities such as being informed on what goes on around us; being open minded to things which are new and different; being active enough in those things which are available to us as a means of change to better ourselves and those around us. To answer whether freedom's challenge lies in motivation or responsibilities would be impossible. The truth of the matter is, the challenge falls between the two.

But the river flows on and man continues to be challenged. And it seems, with each new conquest, greater challenges call to him. This was the case with his lunar conquest for now the extreme most reaches of space call him "just beyond the next hill." This should be our example with freedom's challenge. The more we conquer with our freedom the more we shall have to conquer. The more we conquer with our freedom the more we progress and the more we benefit ourselves and others. For who knows, maybe someday we will evolve into a perfect utopia.

But that will take work and our tools must be used to their fullest extent. What tools do I speak of? The tools of democracy: voting, voicing our opinions, attending and participating in local government meetings, and using, in general, the freedom by which we are challenged to its greatest potential. And with time, these tools will increase beyond our present speculations.

But unless we do accept this challenge of freedom in motivation and responsibilities, we will fall back into a stagnated pool—unmotivated—unchallenged. Challenges—since the beginnings of time have flowed forth to mankind, but today they flow to us; and we must meet them with freedom's challenge.

ISA YUSUF ALPTEKIN—DEFENDER OF FREEDOM

HON. JOHN M. MURPHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1970

Mr. MURPHY of New York. Mr. Speaker, Isa Yusuf Alptekin is the kind of man you meet once in a lifetime—a man of multiple accomplishments, a hero, but most of all, an eloquent defender of freedom-seeking people against the ruthless suppression of human rights. You know this, Mr. Speaker, for you kindly and warmly greeted Mr. Alptekin and his son, Arslan, during their recent visit to the Nation's Capital. Accompanied by Gulamettin Pahta and my good friend, Milton J. Clark, they came to my office for advice. That was all they sought—advice on how they could best bring before the world the plight of the forgotten people of Eastern Turkestan. Mr. Speaker, I include in behalf of Mr. Alptekin and the subjugated Turkic people his biography and unedited appeal from the people of Eastern Turkestan to the nations of the free world. This moving appeal will not, I pray, go unnoticed or unrewarded.

The material follows:

ISA YUSUF ALPTEKIN

Isa Yusuf Alptekin was born in 1908 in the city of Yangihissar, a subdistrict of Kashgar in Eastern Turkestan. He attended a local religious school and at the age of 20 proceeded to Western Turkestan as an employe of the Chinese consulate. His stay in Western Turkestan coincided with a period of severe Bolshevik oppression, which led in turn to a violent outbreak of national resistance. These events were profoundly moving for young Alptekin, who became involved in politics and took part in the national liberation movement

While in Western Turkestan, Alptekin established contact with Eastern Turkestani nationalists living there and worked closely with them. His objectives were to prevent Soviet infiltration of Eastern Turkestan and, at the same time, to secure full autonomy for his land under Chinese domination.

The outbreak of a large-scale uprising against Chinese rule in 1933 opened the way for the Soviets to intervene in concert with Chinese war lords to suppress the national movement in Eastern Turkestan. Because of this tragedy, Alptekin went to Nanking, then capital of China, to work for the expulsion of the Soviets from Eastern Turkestan and for the granting by the central government of China of full autonomy to his country. He represented Eastern Turkestan in the parliament of China between 1933–1946.

Chinese atrocities in Eastern Turkestan became the cause for another large-scale revolt in 1944. It was at this time that the central government of China was forced to grant to the native people the right of administering the internal affairs of their own land. Thus, after a long exile, Alptekin found his way home. In 1947 he was appointed Secretary General of the provincial government of Eastern Turkestan.

When Eastern Turkestan was overrun by the Peking regime in 1949, Alptekin was forced to leave again and seek asylum in India. He lived for five years in Kashmir until his departure for Turkey in 1955. He now has Turkish nationality and resides in that country.

During his stay in China in the years between 1933 and 1946, Alptekin published the magazines ALTAY and TIYANSHAN in both Turkic and Chinese languages. He carried on his struggle for the freedom of Eastern Turkestan between 1946 and 1949 while publishing the magazine ALTAY and the Newspaper ERK in Urumchi.

He has travelled far and wide representing the cause of his motherland, exploring avenues for its liberation. For this purpose he has visited Hong Kong, the Philippines, Malaysia, Ceylon, Burma, India, Pakistan, Saudi Arabia, Egypt, Jordan, Lebanon, Syria, Iraq, Afghanistan, Aden, Somali and West Germany.

He has met and talked with such statesmen and leaders as Mahatma Gandhi, Pandit Nehru, Mohammad Ali Jinnah, Mohammad Ali (the Prime Minister of Pakistan in 1955), Field Marshal Ayub Khan, Kings Abdulaziz Ibn Saud and Faysal of Saudi Arabia, King Farouk of Egypt, King Hussein of Jordan, King Zahir Shah of Afghanistan, Prime Minister Abdulkarim Kasim of Iraq, President Cevdet Sunay of Turkey, Prime Minister Suleiman Demirel of Turkey, and others. During his trips he has met not only state leaders but also has interviewed a great number of chiefs of various political parties, dignitaries and journalists.

Alptekin has participated in international conferences and delivered speeches on the subject of Turkestan, managing to secure resolutions in favor of the national cause of his country: the Afro-Asian Conference held in New Delhi in 1960, the Baghdad Conference of Islamic countries held in 1963, the World Congress of Islam held in Karachi in 1964, the Afro-Asian Islamic Conference held in Mogadiscio, Somalia, in 1965, and Mutamar Islam held in Mecca in 1965.

His eloquent defense of this cause has also been appreciated by the Turkish people, so that he is often invited to give lectures in universities, plants and student unions. In 1968 alone, he lectured on twenty six occasions.

Alptekin is now President of the Eastern Turkestani Immigrants' Association in Istanbul and also the head of the National Center for the Liberation of Eastern Turkestan. He has a very good command of Turkish and Chinese, which he speaks as fluently as his mother tongue. He also speaks English and Russian to some extent.

AN APPEAL FROM THE PEOPLE OF EASTERN TURKESTAN TO THE NATIONS OF THE FREE WORLD

ATROCITIES

We are the people who sought refuge in the free world to escape the horrors of an inferno in this modern age of civilization. In our homeland from which we have been exiled and for whose liberation we have been fighting are 10 million captive people suffering over the years under the most horrible and the most brutal subjugation of imperialism. Our land possesses rich sources of wealth, both on surface and underground. It covers an area of 2,000,000 square kilometers. Yet, the rightful owners of the country do not have any right to benefit from their own resources due to their deprivation of all facilities.

This is the land we call "Eastern Turkestan". Geographically, it is linked with Outer Mongolia, Western Turkestan, Afghanistan, Kashmir, Tibet and China Proper. The name "Sinkiang", which the Chinese arbitrarily applied to this land, means *"New Dominion"*, suggestive of the historical fact that Eastern Turkestan had been outside the borders of the Chinese empire only a century ago.

This is the unfortunate land we belong to and this is the land we left as its unfortunate exiles. We are here in the free world with a mission of difficult task. Our immediate aim is to give alarm to the free world against the "Yellow Peril" which, in the event of erroneous identification and lack of decisive action, may at any time cause destruction to the whole world of freedom and mankind. Needless to say, the Soviet Union is the primary target of this peril. It is also our aim to publicize the importance of our homeland and to arouse interest for it in the free world.

It will be a great achievement for the people of Eastern Turkestan, now under the Red Chinese domination, if they are given an assurance at this moment of despair.

ENTREATY

The people of Eastern Turkestan wish:

That the nations of the free world use their good office to persuade the Government of Nationalist China to declare that Eastern Turkestan is independent;

That the nations of the free world especially the Moslem states try to bring the problem of Eastern Turkestan before the United Nations Organization as an item for debate;

That the influx of Chinese colonists from China to Eastern Turkestan be protested; and that genocide and persecution be condemned;

That academic institutes be founded to undertake research work concerning Eastern Turkestan;

That a freedom movement for the people of Eastern Turkestan be sponsored;

That the children of the Eastern Turkestani exiles be granted scholarships to study in various countries of the world.

ISA YUSUF ALPTEKIN,
President of National Liberation Center of Eastern Turkestan and former Secretary General of the Government of Eastern Turkestan.

MAJ. GEN. CHARLES BROWN: AN OUTSTANDING CHIEF

HON. TOM STEED

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1970

Mr. STEED. Mr. Speaker, one of Oklahoma's outstanding contributions to our armed services, Maj. Gen. Charles P. Brown, has just completed 2½ years as commander of Fort Sill to take a new assignment in Vietnam. He has achieved an outstanding record at this important post.

Mr. Bill Bentley, publisher of the Lawton Constitution, paid tribute to the general's work this week in the following editorial:

AN OUTSTANDING CHIEF

Maj. Gen. Charles P. Brown, who relinquished his command at Fort Sill Friday in preparation for a new assignment in Vietnam, provided outstanding leadership during an eventful and trying two and one-half years as boss of the big U.S. Army Artillery Center.

During this critical period when large numbers of Americans were fighting, or preparing to fight in the jungles of Asia, Fort Sill was turning out large numbers of freshly-trained artillery men and new commissioned and noncommissioned officers. This task alone was a challenging one.

But the Army and Fort Sill have been performing their essential duties under abnormal conditions. During the course of his service, General Brown was forced to handle some unpleasant duties that had nothing to do with training combat soldiers. He was called upon to cope with the unique situation of having Communists or fellow-travelers in uniform conducting anti-war and anti-American demonstrations and activities on post. Trials for such misconduct attracted New York radicals and other malcontents to harass the Army and Fort Sill. Gen. Brown deserves special commendation for the skilled manner in which he handled these difficult situations.

During the same period, Fort Sill was directed on more than one occasion to provide trained forces for possible use in quelling racial disturbances in some of the larger cities. This, too, proved disruptive to the primary mission of the post. But these added assignments were carried out in a professional manner.

Lawton and Fort Sill were fortunate to have the services of General Brown at this particular time in history when the post celebrated its 100th birthday. As a native Oklahoman, he considered it an honor and a privilege to help plan and execute the year-long celebration that brought an abundance of favorable publicity to the base. His presence and participation served to enrich the proceedings.

Over the years, Fort Sill has had many outstanding commanders. In the opinion of those in a position to know, Gen. Brown ranks with the very best. His demonstrated pride in the Army and in the country he serves has made a deep and lasting impression on the people of this area.

Lawton, in particular, is grateful for his warm friendship and the fine spirit of cooperation that has existed during his tenure. Like many others, we regret having to say farewell. But farewells are common for those who serve in the armed forces. So, to General and Mrs. Brown, we speak for the community in saying, "so long and good luck." We hope they will be coming back soon to make their permanent home on Oklahoma soil.

NATIONAL ASSOCIATION OF COUNTIES SUPPORTS PRESIDENT NIXON'S PROGRAM FOR IMPROVED QUALITY OF OUR ENVIRONMENT

HON. CHESTER L. MIZE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1970

Mr. MIZE. Mr. Speaker, it pleased me to note in the February 19 edition of News Views, published by the National Association of Counties, the excellent editorial on "A Meaningful Environmental Message" by Bernard Hillenbrand, the executive director of the association. Under leave to extend my remarks, I bring this editorial to the attention of my colleagues:

A MEANINGFUL ENVIRONMENTAL MESSAGE

(By Bernard Hillenbrand)

Congratulations, Mr. President, your environmental message may very well be the most significant message sent to Congress in modern times. Such leadership toward mobilizing the nation for a massive battle against pollution is critically important.

The National Association of Counties has been working diligently in the areas of water, air and solid waste pollution control and in the acquisition of open space land—so perhaps we are more aware of the need for creation of an overall coordinated effort led by the federal government. President Nixon's proposals can unite the elements necessary to accomplish pollution control.

NACO endorses the 37-point program the President outlined in his call for "new philosophies of land, air and water use." We in county government who are involved in the local grassroots implementation of such programs hope that a constant review and constructive appraisal of such a multifaceted program, can play a role in guiding it to success. However, several areas are of immediate concern to local officials all over the country.

We must question whether $10 billion will really be adequate funding for a water pollution control program of the magnitude envisioned. But, it is a healthy start even though local government will have to come up with $6 billion of the $10 billion. A $4 billion federal commitment over the next four years, however, will remove some of the uncertainty we have had in the past when large sums have been authorized, but smaller appropriations have been passed by Congress.

One of the most important proposals for local governments is creation of Environment Financing Authority (EFA). If the EFA is to be successful, the interest rates charged to cities and counties must be well below the interest rate for other municipal tax exempt bonds. If the EFA will only handle bonds of "financial basket cases" at the city and county level, then it will not accomplish its purpose. NACO proposes that a 3% interest rate be set, believing that this will stimulate the necessary local response. Because counties are faced with many urgent priorities such as schools, hospitals, mass transit, and mental health facilities, a powerful financial incentive will be needed to gain implementation of water pollution control programs. Since it will be the cities and the counties that are going to be ordered by the courts to end pollution or possibly face punitive fines, it will be necessary to aid their fight for local funds by providing lower interest rates.

We hope that the Treasury is able to make available subsidies to local government at no additional cost to the federal government—by issuing taxable government bonds.

Another appealing aspect of the President's message is the proposal to include in the price of many items such as cars and refrigerators the cost of disposal of those items.

We support the full funding proposed for the Land and Water Conservation Fund and we support the idea of disposing of surplus federal lands and returning them to the localities for park development and recreation purposes. We feel the federal government holds too much property most of which is exempt from local property taxes.

If the President's proposals for pollution control are translated into action, we believe it will capture public imagination and could lead to enormous strides toward improving our environment.

SAVE YOUR VISION WEEK—1970

HON. HENRY HELSTOSKI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1970

Mr. HELSTOSKI. Mr. Speaker, this week of March 1–7 marks the 43d annual observance of Save Your Vision Week, and the 7th successive year this worthwhile event has been nationally proclaimed by the President under authority of a joint resolution approved on December 30, 1963.

I believe it is appropriate that we in the Congress publicly express our appreciation to the Nation's optometrists who initiated Save Your Vision Week in 1937 as a means of increasing public awareness of the need for preservation and improvement of functional vision. I am proud to say that optometrists in my own district and many other members of the New Jersey Optometrist Association have had a great deal to do with the success of this special week down through the years.

Good vision is an important aspect of general good health and well-being. Continuing studies have provided mounting evidence of the tremendous role the visual system plays in the education of our children; during the working years of an individual in modern society, good vision is essential for efficient performance on the job; and in the golden years, today's citizens find good vision one of their most valuable sensory resources for pursuit of hobbies, viewing of television, and many other activities which occupy the free time our great American system has provided them.

Many of us in this House of Representatives have introduced legislation which we believe reflects the deep concern of this body for eye safety and vision care. I personally have had the privilege of introducing H.R. 14456 to require that impact-resistant eyeglasses be provided for members of the Nation's Armed Forces, for the purpose of assuring maximum possible protection from eye injuries. Enactment of another bill I introduced, H.R. 7876, would protect the general public from the dangers inherent in the use of cellulose nitrate and other flammable materials used in eyeglass frames. I have also introduced H.R. 2367 to include optometrists as providers of services to medicare beneficiaries under title XVIII of the Social Security Act. Reviewing the legislative activity on this Congress, I am gratified to find the 91st Congress is highly conscious of the importance of good vision, and I thank my colleagues for the concern we all share.

We in the Congress, as well as all Americans, owe a great debt of thanks to optometrists, researchers in the field of optics, and to other health care professionals generally who have made major contributions resulting in better visual care for the general public.

On the occasion of Save Your Vision Week, I would like to commend these outstanding professional people for their fine work, and wish them well in their future endeavors.

Mr. Speaker, in accordance with the intent of the joint resolution of 1963, the President has issued a proclamation on Save Your Vision Week, which I request be considered as part of my remarks on this subject.

The proclamation follows:

SAVE YOUR VISION WEEK, 1970

By the President of the United States of America a Proclamation:

Sight is one of man's greatest gifts. The preservation of that gift is one of his greatest challenges.

Modern research has developed the technology for preventing nearly one-half of all new cases of blindness in this country. Cataracts that cruelly deprive older people of their sight can now be corrected surgically. Regular examinations can detect visual disorders, especially among school children who need good sight in order to learn.

In the case of disorders such as glaucoma—which can rob a person of much of his sight before he is aware that a problem exists—early detection is essential if treatment is to be effective.

To impress upon each person in this country the urgent need for eye care, the Congress by joint resolution approved December 30, 1963 (77 Stat. 629), has requested the President to proclaim the first week in March of each year as Save Your Vision Week.

Now, therefore, I, Richard Nixon, President of the United States of America, do hereby proclaim the week of March 1, 1970, as Save Your Vision Week; and I invite appropriate officials of State and local governments to issue similar proclamations.

I also call upon our citizens, especially those in the communications media, the health care professions, and other interested organizations to unite during that week in support of programs to improve and protect the vision of Americans.

In Witness Whereof, I have hereunto set my hand this twenty-third day of February, in the year of our Lord nineteen hundred seventy, and of the Independence of the United States of America the one hundred ninety-fourth.

RICHARD NIXON.

Mr. Speaker, it is estimated that more than 30,000 Americans become blind each year. Early detection and proper treatment would prevent at least half of these tragedies. Those who act in time can often protect the irreplaceable gift of eyesight. Eye examinations at stated intervals can detect sight defects early enough for proper treatment.

Every American should make a practice of obtaining eye examinations at regular intervals, and those who cannot afford the services of a professional can obtain this professional treatment through public and private health agencies.

It should be impressed upon all Americans that vision is most valuable to us in our everyday life and we should take every precaution to maintain good eyesight. We should practice Save Your Vision Week not just during 1 week set aside to focus attention on this problem, but through the other 51 weeks of the year as well.

THE GOOD OF THE PEOPLE

HON. JAMES A. BURKE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1970

Mr. BURKE of Massachusetts. Mr. Speaker, an editorial appearing in the February 7, 1970, Leather and Shoes weekly magazine brings out some very significant aspects of the worsening condition of our domestic footwear industry because of the increases in shoe imports into the United States. It follows:

THE GOOD OF THE PEOPLE

Governments are supposed to be run for the good of the people. This is particularly true of our government as evidenced by the frequent occurrence of the phrase in the Constitution and inaugural addresses. Lately one begins to wonder.

Our foreign economic policy has been tied to the age old dream of free trade mutually beneficial to all participants. We have come to the reluctant conclusion that there ain't

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no such animal. Everybody wants to take advantage of our free trade policy not for mutual benefit but for their own. The very thought that we might want to protect some of our industries and workers from economic chaos meets with accusations of selfishness, of greed, of 19th Century Protectionist thinking. When a man is losing his shirt is it treason if he complains of the cold?

Just now the atmosphere in American shoe towns is pretty chilly. More closings this week and rumors of more coming up. Just what does it take to convince our legislators that unrestricted imports are not for the good of the people here at home, regardless of how much profit they bring to flourishing foreign manufacturers and their low-paid workers.

Once it was the dream of workingmen everywhere to travel to America to get a decent job. Now they stay home and our accommodating foreign economic policy sees to it that the job is sent to them.

This is neither rhetoric nor exaggeration. Just look at the record.

Baseball is America's national pastime, yet those U.S. citizens who once made ball gloves for a living do so no more. Their jobs have been taken over by Japanese workers. Not hundreds, not thousands, but hundreds of thousands of jobs have been taken from American workers and exported to Europe and Asia in textiles, electronics, scientific instruments, glass opticals and shoes. This is for the good of the people?

Of course those responsible for this growing menace to U.S. workers and small businessmen are not unaware of the harm being done. They have admitted in public utterances time after time that 'something must be done for injured industries and workers'. In other words they pay lip service to 'the good of the people'. But that's all it has been up to now, lip service.

It is difficult to imagine that our Department of Commerce does not yet know what's wrong with the shoe manufacturing business. Yet they indulge in a long and 'thorough' and 'difficult' investigation of the industry's problems. That they are not sincere is evident by their approach. They are not studying the shoe manufacturing business, they are studying the entire footwear industry, which is another matter entirely. Shoe manufacturing is being badly hurt. *Shoe retailing is not. And shoe importing is booming.*

If there were any honesty whatsoever in this study now occupying so much time and being made at so much cost to the people, the study would get down to the simple procedure of studying jobs lost, production declines, and the profit and loss statements of manufacturers, disregarding any retailing or importing or other activities individual shoe firms might have.

Shoe manufacturing has never been regarded as a high profit business. Those who have been at the lower end of the profit picture are already out of business. Those who have been at the higher end are now feeling the pinch. Meanwhile the 'study' goes on amid a confusion of voices of importers, retailers and those with other than manufacturing interests.

But, gentlemen, this is a government study being carried on by a body dedicated to the good of the people. What bothers us is that we're not quite sure as to *which people.*

A BRIEF FOR PREVENTIVE DETENTION

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1970

Mr. HUNGATE. Mr. Speaker, I believe my colleagues will find useful the following article which quite clearly presents the reality of the need for preventive detention:

A Brief for Preventive Detention

(By Ronald L. Goldfarb)

A 19-year-old drug addict with a long criminal record—his initials are P.D.—robs a savings and loan association in Washington, D.C., with the aid of two companions. As they leave, there is a gun battle with police and a bystander is wounded but not killed. Several blocks away, the getaway car crashes into a bus and the three men are captured. Arrested on assault and armed robbery charges, P.D. posts a $5,000 bond and is released while awaiting trial. Eleven days after that a local liquor store is held up, a janitor recognizes P.D. and he is rearrested at a friend's home. At his presentment a few days later, bail is set at $10,000; again P.D. is able to get a bond and goes free.

Before he comes to trial on any of the charges, he attempts to rob a neighborhood gas station at gunpoint, but an off-duty policeman who happens to be present subdues him after a struggle. This time, bail is set at $25,000. But P.D.'s lawyer pleads that his client cannot afford it and therefore will be incarcerated just because of his poverty. He also argues that P.D. has good ties in the community—for example, he is employed locally and has lived there all his life—and that he has never failed to show up in court when ordered in the past. Moreover, members of P.D.'s family and a clergyman appear to say that they will assure his presence in the future. Bail is reduced to $15,000, which P.D. can afford, and he is released.

Less than a month later, two men stick up a bank; when an alarm goes off, they panic and shoot into the crowd of customers, killing one person and wounding two others. Photographs taken by the bank's concealed camera identify P.D. as one of the robbers and he is arrested once again. Now, since he is charged with a capital offense, P.D. is denied bail and, during a court appearance, an angry judge tells him: "It is a disgrace that my colleagues on this court have had their hands tied and were unable to lock you up before this. Untold and unnecessary ravage has been wreaked upon this community as a result of our impotence."

Exaggerated as it may sound, this kind of case has happened countless times in just about every American city. It illustrates a problem which has been occurring in American courts with increasing frequency and which has provoked a passionate debate about criminal law reform that is likely to be resolved in Congress this year. The problem is the commission of repeated crimes (increasingly involving violence) by men already charged with other crimes and free on bail awaiting trial. The issue is whether to solve the problem by adopting some scheme of preventive detention, a loose and provocative term used to describe procedures under which defendants deemed dangerous could be incarcerated during the time between their arrest and trial.

In July, 1965, I was asked to testify before a Senate subcommittee which was holding hearings on bail reform. On the morning of my appearance, a subcommittee lawyer cornered me outside the hearing room to ask if I would discuss preventive detention when I testified, along with the other points I wished to make about the money bail system. No one else was willing to go on record regarding this touchy subject. Today, the subject is no longer taboo. Not only has the Nixon Administration submitted a bill to authorize consideration of danger to the community in setting conditions of pretrial release or as a basis for denying release, but so have Senators Charles Goodell, Joseph Tydings, Robert Byrd and Roman Hruska, and Representative William McCulloch, each joined by other colleagues. Chances are that one of these bills will be passed in 1970.

The subject is an explosive one and there has been considerable critical reaction. But the line-ups of opponents and proponents is full of surprises. For example, along with the Nixon Administration, the major advocates in the Senate of preventive detention are Maryland's Tydings—a young, liberal, Kennedyesque legislator who has been a brave advocate of progressive legislation—and the present darling of the doves, New York's Goodell. Leading the opposition with the American Civil Liberties Union is Senator Sam Ervin Jr. of North Carolina, a conservative who is one of the Senate's leading spokesmen on constitutional matters. (Such straight-shooters as New York County District Attorney Frank Hogan have also come out against the procedure.)

No doubt, one reason for widespread, instinctive reactions against preventive detention is that it sounds like something it is not meant to be. Other countries that practice an inquisitorial form of criminal investigation condone a police practice of arrest for investigation (called in some places preventive detention) which is anathema to the sense and spirit of our accusatorial criminal justice system. Senator Ervin made this haunting comparison when he described recent proposals as reminiscent of "devices in other countries that have been tools of political repression" and a "facile police state tactic."

The preventive detention legislation that recently has been proposed in this country would vest the power to detain not in the police but in the courts, and, at that, would subject it to limitations and protections which make it different in kind from the foreign practices. A better label could probably be found which might more correctly reflect the content of the proposals and avoid emotional comparisons.

A problem which most perplexes the critics of preventive detention is that it would allow people's liberty to be taken away precipitously on the basis of predicted behavior. The inexact and unscientific nature of all prediction, they argue, militates against using such an inquisitorial technique. Furthermore, it is feared that cautious judges will over-predict danger to play it safe—and innocent men will inevitably go to jail without trials.

Suppose you are a judge confronted with this situation: A man is before you charged with committing a violent crime; he pleads not guilty and asks to be released until his trial. Your investigative report convinces you that he has ties in the community and will appear for trial. However, there is persuasive evidence indicating that if he is released, he would be likely to commit another violent crime. Thus the community would be in danger. You know that the traditional law of pretrial criminal procedure has been clear: The only proper purpose for denying a defendant his freedom before trial is to deter flight, not potential criminality. You are aware that the time between arrest and trial is critical to a defendant. With court delays of sometimes a year or more, a defendant obviously wants to be free to live with his family, earn a living and prepare his defense.

What do you do? Do you allow the defendant to go free because your judicial hands are tied by law? Or do you stretch your legal powers and restrain him because, by your own lights, you think he endangers public safety? Why should a judge not take into consideration a defendant's danger to the community in deciding what to do with him? It seems a natural and commonsensical step.

Former Supreme Court Justice Robert Jackson explained why not in a venerable dissent: "The practice of admission to bail, as it has evolved in Anglo-American law, is not a device for keeping persons in jail upon mere accusation until it is found convenient

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to give them a trial. On the contrary, the spirit of the procedure is to enable them to stay out of jail until a trial has found them guilty." And, in another case two decades ago, Justice Jackson wrote: "Imprisonment to protect society from predicted but unconsummated offenses is so unprecedented in this country and so fraught with danger of excesses and injustice that I am loath to resort to it. . . ."

Yet, as a practical matter, judges often keep certain defendants whom they consider dangerous in jail. They do so by setting bail at such a high figure that the defendant cannot possibly pay it, or by denying him bail altogether. In both instances, the judge exceeds his lawful authority. Nevertheless, according to Prof. Abraham Goldstein of Yale Law School, this technique for pre-trial detention "has been so widespread that fewer persons are released on bail in most of our states, where there is nominally an absolute right to bail, than in England, where there is no such right."

Recent developments have highlighted the need for reform. Studies done in the early sixties demonstrated that money bail, as it has been administered in American courts:

Inherently discriminates against poor people and prejudices their subsequent trials and sentencing;

Allows judges to manipulate bail to punish, to proselytize, and for other ulterior purposes;

Sloughs off responsibility for pre-trial justice to bondsmen, who accumulate undue power and have a corrupting influence on justice officials;

Is less effective than simpler, fairer techniques for insuring against flight.

As a result of these disclosures, a Federal law—the Bail Reform Act of 1966—*required* Federal judges to release defendants before trial except in capital cases; henceforth, they could establish conditions for pre-trial release, but they could not deny it. While the Act only applied in the Federal Courts, its supporters hoped that, if it worked, it would be a prototype for the states to adopt.

The act applied justice more evenly, but did not do anything about dangerous defendants and left the old, covert methods for dealing with the problem uncertain. By failing to authorize judges to consider potential danger to the community as a reason for denying pre-trial release, many observers feel that the Bail Reform Act focused on the problem with a hand over one eye. The blind spot, moreover, was nowhere more evident than in the Government's own back yard.

Because Washington, D.C., is governed by Federal law, because 40 per cent of all Federal offenses occur there, and because its crime rate receives nationwide attention, the new act had a particularly alarming impact in the District. Washington's able Chief of Police, Jerry V. Wilson, relates this telling episode of modern urban history:

Shortly before the beginning of 1969, armed robberies in the District had become a critical problem; they were occurring at a rate of about 700 a month. Only 11 days after his Inauguration, President Nixon promised in a message on crime that he would recommend legislation to permit preventive detention of hard-core recidivists. Shortly after that announcement, the number of armed robberies in the capital suddenly dropped off to around 300 a month. This steep slack lasted for several months.

Then, in April, the United States Court of Appeals for the District of Columbia noticed an upsurge in the number of appeals from high bail by defendants who had been imprisoned before trial because they could not raise the money; four times the usual number had been filed within a few months. Ruling in one of these appeals—*U.S.* v. *James E. Leathers*—the appellate court recognized the disquiet of trial judges who feel that the Bail Reform Act gives them no way to protect the public safety. Nevertheless, the court ruled that they must follow the letter of the law and assure pre-trial release.

Thereafter, armed robberies in the capital rose as precipitously as they had dropped four months earlier, reaching an all-time high in September of over 800 a month.

"What this suggests to me," says Donald Santarelli, an Associate Deputy Attorney General, "is that the trial judges, who had been critical of the Bail Reform Act, followed the President's endorsement of preventive detention and took a tougher stance on releasing defendants before trial in serious violent crimes." Santarelli, who framed the Administration's preventive detention bill, continues: "This resulted in many more detentions before trial of violent offenders through the setting of high money bonds—a practical evasion of the Bail Reform Act. It was followed by a significant reduction in armed robbery offenses during the following four months. But the Leathers decision in April resulted in the sharp rise because release of this type offender was ordered."

Judge Charles W. Halleck of the District's General Sessions Court agrees with this interpretation. According to Halleck, "a few judges effectively cut armed robbery rates about 40 per cent in a few months simply by denying pre-trial release to this predictable category of offenders."

Judge Tim Murphy of the General Sessions bench describes what happened this way:

"Before the Leathers case, there was a concentrated effort by the judges to 'sock it to 'em,' which we rationalized on our interpretation of the law and our reading of the recidivism problem. Leathers caught us between the eyes and took away our arguments, so we began to do our best to obey the law as it was laid out for us. We could no longer deny bail on the pretext of fear of flight. Nor could we justify high bonds by the section of the new law that allowed us to take into account the nature of the offense in determining pre-trial release." (This provision meant only that the judge could force men to report to the authorities each day, give up their driver's licenses until they appear for trial or satisfy other, similar "conditions.")

Judge Murphy is not alone in believing that, despite Bail Reform Act, Federal judges in other parts of the United States (as well as state court judges all over) continue to detain defendants through the subterfuge of setting high bail or simply denying it outright, on the ground of risk of flight or danger. Most judges feel they must. Says Judge Murphy: "There are widows and orphans in this city who plague my conscience because I try to follow my oath of office and adhere to the Bail Reform Act strictly, even when releasing certain defendants violates my common sense, reason and experience."

Statistics on the dimensions of the problem are inconclusive. They are interpreted in different ways by friends and foes of preventive detention.

In 1966, a Presidential commission studying crime in the District of Columbia found that out of 2,776 defendants who were released on bail before their trials, 207 of them were later charged with committing another crime while they were free; of these, 124 were accused of violent crimes. The District of Columbia Police Department conducted a study of robbery holdups, the category of offense which is central to the present dispute. Between July 1, 1966, and June 30, 1967, the department found, 130 individuals were released on bond after being indicted on this charge. Of this group, 45 defendants—just short of 35 per cent—were reindicted for at least one additional felony while free on bond.

In testimony before the House Judiciary Committee last October, Attorney General John Mitchell referred to a study by the United States Attorney's office in D.C. showing that of 557 persons indicted in the District for robbery in 1968, 345 were released prior to trial and 242 of these—or 70 per cent—later re-arrested.

Those who oppose preventive detention point out that these figures relate to unproven charges, and not convictions. They claim, moreover, that the percentages are low and the problem therefore minimal. The pro's point out that the statistics include only reported crime, estimated to be about 50 per cent of the true picture, and cases in which police believe they have enough evidence to bring someone to trial (in the armed robbery category, this is a mere 14 per cent). Whatever the percentages, says Senator Tydings, "it is no consolation to the dead, the robbed, wounded, maimed or terrorized citizens against whom these crimes have been committed that this experience is part of what some people would call a 'statistically insignificant number of crimes.' "

Of the bills now before Congress that provide for some form of preventive detention, the most likely to survive are the Administration bill, the Tydings bill and the Goodell bill. Here is how all three would work: In prescribed cases, the prosecutor could request the court to detain a dangerous defendant until the trial. He would have to demonstrate that the case meets the criteria spelled out in the law. Prior to any detention there must be a hearing immediately or within a few days, a record, a high standard of proof (clear and convincing), the right to appeal and to have counsel—all of which are more than defendants get under the present unofficial system. Each bill prefers conditional release when it is appropriate, and they all allow—not require—detention only in limited categories of cases. The two Senators' bills pertain only to felonies and repeaters while the Administration bill covers some misdemeanors and first offenders. Only Senator Goodell's bill is limited to crimes involving actual force and not mere threats.

The Tydings bill would apply to the District of Columbia only, while the Goodell and Administration bills would reform the 1966 Bail Reform Act and affect all Federal jurisdictions. The Tydings and Administration bills cover more crimes and leave preventive detention in the hands of the appropriate "judicial official"; the Goodell bill would empower only a three-judge district court to order detention (a cumbersome, expensive procedure that would be impossible in many areas). Each bill requires a speedy trial (within 60 days under the Administration bill, 30 days under the Tydings and Goodell bills) for people preventively detained.

Senator Goodell argues that any preventive detention bill should be tied to court and correctional reform. He criticizes the Administration bill as "sloppily drawn and unconstitutional." He attempted to meet one key problem by including a provision requiring civil commitment of those detained—meaning they would be confined in some place other than an ordinary jail or prison. This element is important, since one of the most perplexing questions about any preventive detention scheme is how to rationalize throwing men into inadequate correctional institutions with hardened convicts before their guilt or innocence is determined. The civil commitment required by the Goodell bill would be similar to the procedures for confining a drug addict, a chronic alcoholic or the mentally ill in an institution.

The Tydings bill implies such a provision; the Administration bill suggests it, but does not require it. None of the bills provides financial compensation for those detained and then acquitted; the Administration bill

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gives credit on sentencing for time in jail before trial.

The logic of the foes of such legislation is sometimes hysterical. One civil liberties spokesman said during a recent conference on preventive detention that he would prefer the present money bail system's dishonesty and higher rates of detention to "this pernicious doctrine."

The standard argument made by opponents is that preventive detention would not be necessary at all if the time between arrest and trial could be shortened. The courts can only move so quickly, however; there will always be some period of time before trial—and many a defendant needs such a delay to prepare his defense. The preventive detention legislation proposed so far, moreover, requires the prosecution to go to trial within a specified time period, which is in all the proposals far shorter than normal delays.

Simply to say that speedy trials generally are the answer ignores the frustrating reality that trial delay is one of the most elusive and critical contemporary problems in the administration of justice. While reform of the whole trial system will take a very long time, a preventive detention statute inextricably tied to a speedy trial requirement is itself a way of accelerating trials in one of the most pressing categories of cases.

Opponents also argue that better alternatives exist. They say that it would be preferable to bring bail-jumping, contempt or other separate charges against defendants who commit crimes while free on bail or to punish them by adding to their sentences if they are convicted of the original offenses. But would more punishment be as humane as preventive measures aimed at cutting crime rates? Street-wise criminals take advantage of trial delays and other vagaries of the criminal justice system, and prosecutors often drop charges or recommend concurrent sentences for repeated crimes in return for guilty pleas. Once indicted for a robbery, many offenders feel that they have nothing to lose by committing other "free" ones.

Others contend that preventive detention is an anti-Negro measure, that it is part of a scheme to permit summary jailing of militant blacks for political reasons. Yet, it is the poor and black community in urban ghettos who are the most common victims of crime and who would be prime beneficiaries of preventive detention. Senator Tydings points out: "A Negro woman is three times more likely to be raped, a Negro man five times more likely to be burgled and three and one-half times more likely to be robbed than a white person."

William Raspberry, a Negro who is a reporter for The Washington Post and an urban expert, says that while he personally does not like the idea of preventive detention, he has little doubt that the black people residing in Washington (but not their leaders) would be in favor of locking up known criminals who victimize them. "Their reactions to this problem are not philosophical, they are practical," says Raspberry. "The poor people in the central cities react to this problem like 'the silent majority.' They are basically conservative, single-minded and prepared to make assumptions about guilt."

Black people in Washington, according to Raspberry, are as "alarmed and disgusted as whites at the increased frequency, audacity and viciousness of local crime." This impression was corroborated by six District grand juries which have already written to the Justice Department complaining about "the imbalanced pre-trial procedures which are concerned only with release and not at all with protection of the community." In Washington the majority of grand jurors are Negroes; on two of the grand juries that made this complaint, 36 out of the 46 members were Negroes.

Advocates of preventive detention feel strongly that it would jail fewer people before trial—and also "the right ones"—than the unofficial, backdoor system now widely used. One experienced official calculated from recent surveys that 40 per cent of all felons indicted in the United States District Court for Washington, D.C., in 1965 (before the Bail Reform Act) were detained prior to trial; in 1967, the first full year after the new act, 26 per cent of the same class of defenders were detained, and in 1968 the figure rose to 34 per cent; in contrast, a Justice Department survey of cases brought by the United States Attorney in the D.C. General Sessions Court during a recent two-week period (including misdemeanors and most felonies) discovered that pre-trial detention would have been possible in only 10 per cent of the cases under the Administration's proposed preventive detention law. (Since some serious felonies were not included in these figures and since misdemeanors, which are for the most part excluded from the Administration's bill, compose roughly half the cases in General Sessions Court, a figure a little over 20 per cent would probably be a better projection.)

Those who favor some sort of legislation deny that permitting a judge to imprison a man on the basis of a prediction of future behavior is an egregious procedure.

However chancy it may be, they argue, humans engage in predictions in all of their affairs; if society fretted about the imperfect quality of its speculation, it would not dare to make progress. The criminal justice system especially is dependent on human estimates, such as are frequent in deciding guilt or innocence, sentencing, probation and parole. Indeed, under the present system, the judge may jail a defendant whom he fears may flee—and this, too, involves a prediction. Experienced trial judges argue that anyone familiar with the arraignment process can make very educated and generally correct judgments about the kind of defendants whom the authorities would want to detain. One judge recently stated the case this way:

"When a man with a long criminal record admits he has a $50-a-day narcotic habit and no job, and I have seen him arrested and released previously, and he comes before my court on a burglary or a robbery charge on Christmas Eve and is released, and then comes before me on New Year's Eve for another burglary, I can make a damn good prediction that if I do not lock him up, he is going to go out and commit another burglary or robbery pretty damn soon."

Whether prediction is possible or not, critics argue that preventive detention would be unconstitutional. They say that (1) it would deprive a man of his presumption of innocence; (2) it would deny due process of law by subjecting people to imprisonment without indictment and jury trial and (3) it would violate the Eighth Amendment's guarantee against excessive bail.

There are readier answers to the first and the last objections than to the second.

The presumption of innocence—a sacred American value not mentioned in the Constitution—puts the burden on the prosecution to prove its case at trial; it is not an absolute demand that the judicial system always must act contrary to the strongest dictates of common sense in exigent circumstances.

Whether there should be an absolute right to bail is doubtful. Actually, preventive detention is traceable to ancient Anglo-American legal history: In his "Commentaries," Blackstone referred to detaining men "not of good fame" as an example of preventive justice. One legal historian—Prof. Caleb Foote of the University of California, Berkeley—recently has stated that there are English antecedents that support the theory of an absolute right to bail. But this country has never proceeded as if that were so. In the United States, bail always has been a qualified right withheld by law in capital cases (where recidivism is relatively low), commonly refused during appeals of criminal cases and, in fact, denied unlawfully in many other cases through manipulation of the money bail system.

The most challenging argument against pre-trial detention is the one that says incarcerating a man without the traditional criminal trial protections of the Constitution is dangerous and threatens cherished guarantees. Indeed, any such practice must be limited to a bare minimum of cases, to situations where there is the strongest demonstrable need, surrounded by the most careful procedural protections and administered under extraordinary conditions. With such restrictions, the procedure will be very demanding. Without them, preventive detention would no doubt be deemed unconstitutional.

In my opinion, a pre-trial procedure would pass constitutional muster only if it were limited to cases involving repeated, violent offenses, if it required compelling proof of potential danger and could be imposed only as a last resort, if there were tight time limitations on confinement before trial, if special facilities were planned for these defendants to minimize the harm and inconvenience to them, if time in jail before trial were subtracted from any subsequent sentence and was compensated for when followed by acquittal.

Let us see how this proposed procedure would have worked in the case of P.D., whose escapades I described at the outset of this article. After the initial holdup of the savings and loan association, P.D. could not have been detained—thus demonstrating to opponents of such a measure that it will not result in confinement of masses of first offenders.

But pre-trial detention would have been likely after the liquor store heist that followed P.D.'s first arrest. Taking away P.D.'s freedom at this point would thus have averted the gas station holdup and probably the bank robbery and felony murder that eventually led to his detention before trial anyway. In addition, P.D. would no doubt come to trial far sooner than if he were not confined under this kind of statute.

With the features that I have suggested, pre-trial release would properly be liberalized in the great majority of cases, while society would be afforded a method of self-protection. The procedure need not lead to what some fear would be the frightening extreme of imprisoning all allegedly dangerous people summarily. Quite the contrary. If allowed only in specific cases, and no others, the result would seem to lead to less pre-trial detention.

Such a statute, moreover, would not permit Gestapo-like arrests or the jailing of political dissenters, as so many people fear. One result of it would be to eliminate the very possibility of defendants being confined solely because of the personal predilections and unsubstantiated fears of judges and other officials. If a judge could not make a case for detention under the strict terms of the statute, he would have to release the defendant under the appropriate conditions of the Bail Reform Act.

The critical point remains that we already have an expansive and abusive, though informal, practice of preventive detention. The issue which needs to be faced is not whether, but how best to do it.

In his New Yorker series on the Justice Department in the sixties, Richard Harris described the strange political alignments in the preventive detention battle: "In the scrimmage over the issue," he said about the positions taken by liberals and conservatives, "the participants' jerseys became so muddied that it was difficult for spectators to tell who was on which team." But labels are less important than realities; and the symbolism of this battle is important for future treatment of the over-all crime problem." Many responsible people with good liberal credentials feel that in the very proper search for equal justice during the sixties, the concern over crime and law enforcement has been wrongly belittled as the paranoia of the far right. In Senator Tydings's words: "Liberals have to be realistic and credible in coming forward with programs to check crime and violence in this nation. We cannot vacate law enforcement to extremist groups. Such a difficult problem needs the best minds and not tricky clichés. Preventive detention can be one such commonsensical, partial solution to the crime problem if it can be handled in a cautious and a constitutional way."

CONSUMERS HIT AGAIN

HON. SAM GIBBONS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1970

Mr. GIBBONS. Mr. Speaker, it is quite apparent that the consumer has lost again to the oil lobby. President Nixon has appointed another commission to again study the question of oil imports. Apparently the President was not satisfied with the recommendations submitted by his own task force. This task force, as we all know, recommended an end to the costly quota system.

The subject has been studied exhaustively, and yet we see inaction again by the President. While the administration is fighting inflation in the press and on television, it is continuing to ask the American people to pay out an unnecessary $5 billion a year to support the present oil import quota system.

It would seem that the extensive preparatory work that preceded the formal work of the task force, including contacts with the American Petroleum Institute and the exhaustive process of briefings to all parties concerned in Government and industry would have eliminated the need for further studies.

We are again faced with Presidential inaction.

Since the Eisenhower administration instituted the existing oil import quota system in 1959, the world situation and that of the United States have changed considerably. A new approach to the problem of oil imports is more than overdue.

The Suez Canal crisis may well have been the cause for the promulgation of these regulatory but restrictive quotas in the name of "national security." Meanwhile oil import quotas have generated a coveted license to reap windfall profits for companies that import crude oil without any appreciable benefit to current national security or the national coffers.

There clearly is no benefit for the American consumer in the current system.

The peril of a disrupted world oil market has long diminished if not disappeared. Not so the growing entrenchment of vested oil interests.

The domestic potential of oil production has increased. The significance of new oilfields discovered in Canada, Libya, Nigeria, Indonesia, Mexico, and now Alaska has been generally disregarded. Technology has produced the supertankers.

The Task Force on Oil Import Controls has made a comprehensive review of the mandatory oil import restrictions. Six Cabinet-level members and the Director of the Office of Emergency Preparedness have carefully examined all aspects of our national security and their majority has recommended a substantial change in both the method and direction of import controls. Historically, the theory of vested interests has always been evident in the economic life of every nation. The degree of influence exercised by vested interests, however, is a matter of national policy. The original provision of the quota system had never aimed at the protection of the domestic industry per se but only at national security.

Our times clearly reflect a popular desire to improve the lot of the American consumer. Governments at all levels and this administration are on record to aid consumers in this country. The issue is no longer a political slogan but it has become a national economic necessity.

The oil import quotas impose artificially high prices of distributed oil products in the country. The resulting added cost to the American consumer remains unfortunately a debatable question. Less than 2 years ago an "official" estimate of the U.S. Department of the Interior suggested that the extra outlay amounted to between $2.2 and $3.3 billion a year. Reasonable current estimates increase that amount to between $4.5 and $5.5 billion. An estimated projection for the next 5 years would further aggravate this situation with the oil industry getting an extra $7 billion annually by 1975.

Of course, there are explanations for the wide band of differing estimates, but no one can deny the fact that the extra cost to American consumers for heating their homes and driving their cars is exorbitant.

Moreover, the license given to importers for millions of barrels of oil each day enables them to charge the public inflated prices creating an unneeded increase in the cost of living to the American working families. These same licenses provide the importers with an extra average of $1.25 per barrel while resulting in a conservatively estimated loss of half to $1 billion of revenue to our Treasury annually.

The import quotas are not only archaic but they are clearly uneconomical.

Certainly the administration has still the duty to insure the Nation an adequate supply of crude oil. But it should not try to achieve this goal by causing the consumer to suffer the consequences of its indecision combined with sectoral inefficiencies of our oil industry. We cannot both preach freer trade 1 day and practice unwarranted and unjustifiably selected protectionism the next.

Surely, some sector of the oil industry will need some subsidies to overcome the adjustment required with the introduction of tariffs to replace existing quotas, but at least the assistance will be visible and extended only where really needed.

The Presidential task force after examining the existing problems has concluded by a strong majority to scrap the present quota system and replace it with a tariff system. The chief stated emphasis of the innovation is to provide revenue for the U.S. Government. Let us also consider the inflated costs that the consumers shoulder.

For the President to ignore the recommendations of the majority of such a distinguished group of his top advisers is an abdication of national leadership. Presidential policy formulation cannot be relinquished to the vested interests of the oil industry. They have the right to seek to make a profit. But this hardly means that they have the right to exploit the consumer and certainly not the right to emerge with a national policy while deliberating on their private business.

It is time for the President to lead the Nation in the fulfillment of the promised improved public welfare.

The times suggest it; the consuming public demands it and the inflationary forces eroding the purchasing power of our dollar require action now.

NEW APPROACH TO STRIKES

HON. SHERMAN P. LLOYD

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1970

Mr. LLOYD. Mr. Speaker, the Nation's press is applauding President Nixon's action in presenting tangible proposals to the Congress to combat nationwide strikes in the transportation industry. The following editorials in the Washington Star and Washington Post are pertinent to consideration of the issues:

[From the Evening Star, Mar. 2, 1970]

NEW APPROACH TO STRIKES

The President has made a pioneering proposal for ending the nation's vulnerability to strikes affecting transportation. The plan deserves prompt and sympathetic consideration by the Congress.

It has been obvious for years that further federal legislation is needed to prevent strikes or lockouts that create national emergencies. By zeroing in on the transportation field, Mr. Nixon has chosen a likely target for a new approach. The national interest is immediately and unquestionably involved in a coast-to-coast railroad, airline or trucking tie-up. The issue is particularly relevant right now, with only an expiring court order blocking a rail shutdown, and the possibility of a Teamster strike later this year.

At present, the strike-delay provisions of the Railway Labor and Taft-Hartley Acts leave the nation defenseless after the required cooling-off periods have elapsed without settlement. The administration's plan would provide the President with a set of further options. He could (1) require 30 days more of cooling off and, it is hoped, fruitful negotiations; (2) insist on partial operation of a struck industry to minimize danger to health and safety; or (3) invoke a unique procedure in which the "final offer" of either union or management could be imposed as the settlement.

The last of these proposed options is expected to produce the most fireworks in Congress, with organized labor and some segments of business opposing it as a form of "compulsory arbitration." The administration denies that this term applies, but the semantic argument is unimportant. The vital question is how best to rule out transportation stoppages that the nation cannot afford.

Mr. Nixon should be given much credit for trying in a field where past presidential promises have been followed by inaction. Unless someone has a better idea, the plan should be given a chance to prove itself in practice. Ideally, the new set of presidential options would work best by creating uncertainty in the minds of labor and management about what would follow their failure to achieve settlement. If the administration plan should prove itself in the transportation field, it could be extended usefully to other industries on which the nation's welfare depends.

[From the Washington Post, Mar. 3, 1970]

The Emergency Strike Problem

The country has waited so long for proposals to modernize the Railway Labor Act and the emergency-strike provisions of the Taft-Hartley Act that any message on the subject is likely to be welcomed by those who think first of the public interest. The specific message which President Nixon has sent to Capitol Hill has substantial merit, however, and it may well serve as the basis for constructive legislation if Congress is so disposed.

Because of the controversial nature of the subject in the past, the White House was probably well advised to concentrate for the present on the transportation industry. It is in this area where most of the trouble from emergency strikes has come. If the new procedures recommended are successful, it would be a relatively simple matter to extend their use to other industries which must be kept in operation to protect the national health and safety.

It makes sense also to bring the railroad, airline, maritime, longshore and trucking industries under the same rules. Certainly something must be done to improve procedures under the Railway Labor Act now applicable to the railroads and airlines only. In 45 years its emergency provisions have been invoked 187 times. "Designed as a last resort," the President noted, "the emergency procedures have become almost a first resort." And after a strike has been postponed for 60 days without a settlement, the only course open to the President is to go to Congress for emergency legislation, as happened most recently in 1967. This fact alone should spur Congress into enactment of more useful and effective machinery for handling emergency strikes.

The new law proposed would put railroad and airline strikes and lockouts under the Taft-Hartley procedures and broaden the options available to the President in dealing with them. Taft-Hartley now makes it possible for a federal court to enjoin a strike for 80 days, if it is found to threaten the nation's health or safety. That period is devoted to fact-finding, mediation and an employee vote on the employer's last offer. But if the dispute persists, the government is left helpless to protect the public interest at the end of the 80 days. Strikes have followed in 8 out of 29 cases in which the so-called "cooling-off" provisions of Taft-Hartley have been applied.

The administration seeks authority for three different means of meeting situations of this kind. First, it wants to be able to extend the cooling-off period for an additional 30 days if it appears that the dispute is near settlement. Second, it would allow the President, on the advice of a special board, to require partial operation of the industry in question. The idea here is to permit sufficient operation to safeguard the public interest, if that appears feasible, while leaving pressure on the parties for a settlement. If neither of these options seemed hopeful, the President could give the parties three days to submit one or two final offers to the Secretary of Labor. Bargaining on the new offers would be required for five days. As a last resort the parties, or the President, if they failed to agree, would name a "selector committee" to decide which one of the final offers would become binding on the parties.

Secretary Shultz makes much of the argument that this procedure would put both parties under great pressure to make reasonable offers. Each would be competing, it is said, to have its offer accepted. But both might also be in a gambling mood and offer only objectionable and arbitrary terms of settlement. The entire procedure would then tend to be discredited, as it would force a committee of three to impose unreasonable terms of settlement or allow a crippling strike. It seems to us that the proposed "selectors" should at least have a third option of choosing segments of the rival offers in the hope of putting together a reasonable package that would become binding for a limited period if the government is going to force a settlement, it must be fair, and this can seldom be attained by acceptance of one party's terms in toto.

The objective of broadening the options available to the President is sound. Why, then, confront a board which may have to make the final decision with narrow options which might discredit both itself and the machinery under which it would be operating? This aspect of the proposal will need thorough scrutiny on Capitol Hill.

WHY ENVIRONMENT COMES TO THE FORE

HON. JEFFERY COHELAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1970

Mr. COHELAN. Mr. Speaker, a short time ago Mr. Robert Hunter wrote an interesting article for the Washington Post on some of the reasons why the fight against pollution is gaining rapid appeal among the middle classes in our country. Mr. Hunter reasons that this appeal is a diversion from the many other problems that face this Nation.

Although I do not share the pessimistic tone of Mr. Hunter's analysis, I do commend the reading of this article, entitled "Why Environment Comes to the Fore," to my colleagues and the readers of the RECORD:

Why Environment Comes to Fore

(By Robert E. Hunter)

With the state of the Union address, the fight against pollution became our nation's most talked-about political issue, even helping us to forget the war in Vietnam. The President's concern demonstrates that the issue of preserving the environment has come of age. More important, it reflects a new awareness that the dangers of pollution are of direct consequence to middle class Americans.

So far few observers have seen the pollution issue in terms of class—and this helps to explain why it has come so suddenly upon a sleepy people. Only in the last few months has the state of the environment attracted more than passing attention from anyone but the ardent conservationists. Why the sudden change? Why the instant popularity? Quite simply, the middle classes woke up to the fact that it is becoming increasingly costly—if not impossible—to buy out of the stifling conditions that were once the lot only of the city dweller, but which now smother both city and suburb.

Many of us put up with the Potomac and Anacostia sewers when mountains, lakes, or seashore were only a short drive away on uncrowded super-highways. But when the cheap country property has been bought up, our favorite trout stream filled with industrial wastes, or the highways clogged with traffic, we find that money by itself no longer buys escape from the dirt and press of urban living. Then we have a "problem" seeking an urgent remedy.

This middle class basis to demands for reform is nothing new. In fact, it would be strange to see anything different. Revolution itself has traditionally leaned on the middle classes for its motive power, and our own recent experience with internal change has focused on the role played by the man who is relatively well off. Civil rights got off the ground in the 1950s through the NAACP—mostly white and liberal—then spurted upwards when television brought evidence of Southern misdeeds into white, middle class homes in other parts of the country. The protest against the War in Vietnam—the "Year of the People"—found little mass support among the poor; there were few black faces in the crowd at Chicago in August 1968; and campus protest has certainly had little to do with the working man, despite efforts by some students to make this connection.

Does the non-Marxist reformer quarrel with this state of affairs? Not at all, provided he gets a positive answer to a central question: can middle class concern with middle class problems be broadened to include the poor, the black, the dispossessed? If this can be done, as with federal aid to education and President Nixon's proposed War on Crime, then all prosper. If it can't—remember Resurrection City?—then reform too often fails and most of us would rather not be reminded of our nation's shortcomings. An understanding of this phenomenon seemed to be behind the attempt by Martin Luther King Jr. and others to link civil rights to anti-war protest: they could see their white, middle class constituency drifting to an issue that more directly concerned it, in large part because of the draft.

This tactic failed. Indeed, war protesters have found it impossible to gain much support on the basis of the argument that black Americans are being exploited, and the latter have benefitted only to the extent that the end of the war is being hastened by middle class whites who protest for their own reasons.

The same middle class emphasis appeared in last year's protest against the ABM. When the sites were scheduled for the wastes of the Middle West, few people cared; then the Pentagon blundered with its plans for the suburbs, and we had a national issue. So, too, with protest against chemical and biological warfare: it crystallized only after there seemed to be a connection between middle class man and the danger of accidents—at the airport in Denver or off the coast of the New Jersey beach resorts.

With this impact of Middle America on the success of reform, is it any wonder that pollution control now receives so much public attention? But, the reformer asks again, will conquering this problem do much to help out in the cities, where we face more trouble than anywhere else in the coming decades? It is true that city residents will benefit in passing from control of such things as automobile exhaust. But beyond that, the prospect for the cities is bleak, even though "national priorities" are frequently mentioned in the same breath as "pollution." Perhaps that is just the point: for most middle class Americans, "changing

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priorities"—such as cutting down the Pentagon's share of the budget—doesn't mean diverting resources to the cities, or even passing the President's welfare proposal. It means a general tax cut favoring the man in the middle most of all—a pre-election gambit by the Democrats—and a lot of talk and a few dollars for the environment.

It was no surprise, then, that President Nixon's State of the Union address concentrated on problems of the environment, even though this means that attention is being diverted from the bread-and-butter issues of urban change (and, of course, from the war in Vietnam). For the President, this is undoubtedly good short-run politics in an election year: his best constituency will be served, while the cities—most of which are controlled by the Democrats—can go their own way, despite the arguments for a national effort put forward by the Kerner, Douglas, and Eisenhower Commissions.

Eventually, Cassandra says, there is a price to be paid. Unfortunately, the bill won't fall due until middle class Americans find that, as with pollution, they can't buy themselves out of the city's problems simply by moving out. Hopefully, this understanding will come before the economic and spiritual death of the city engulfs us all.

ASIAN DEVELOPMENT BANK

HON. HOWARD W. POLLOCK

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1970

Mr. POLLOCK. Mr. Speaker, almost 4 years ago the Congress—with strong bipartisan support—authorized the United States to accept membership in the Asian Development Bank. This action was taken in the belief that such an institution would contribute significantly to the peaceful development of Asia through the involvement of both the outside the Asian and Pacific region.

The first 3 years of the Bank's operations have proven this confidence to have been well placed.

The countries of the region have subscribed to 64 percent of the Bank's capital stock. In addition to the United States and Canada, 11 Western European countries have subscribed to the Bank's capital stock.

It was recognized from the outset that the Asian Development Bank should have the facilities and resources to provide concessional financing where required because of the economic situation of the recipient country or the nature of the project.

For this purpose the Bank has established its special funds and has received offers from four countries—Japan, Canada, Denmark, and the Netherlands—of a total of $128 million for such concessional lending.

The present proposal for a U.S. contribution to the ADB special funds would permit us to join other countries in supporting the development of an effective concessional lending facility within the Bank.

The proposal for a U.S. contribution of $100 million over 3 years would assure that the United States would be contributing to a truly multilateral fund where the United States would not be bearing the major financial burden.

I trust that this legislation may be enacted without delay.

JACKSONVILLE UNIVERSITY—HAS ONE OF THE NATION'S TOP BASKETBALL TEAMS

HON. CHARLES E. BENNETT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1970

Mr. BENNETT. Mr. Speaker, the Nation's leading basketball scoring team, and also the country's tallest college team, Jacksonville University, has received an invitation to participate in the National Collegiate Athletic Association championships next month.

This is a great honor for the basketball team and its coaches and Jacksonville University, one of the Nation's fastest growing independent institutions, located on the banks of the beautiful St. Johns River in Jacksonville, Fla. The team, coached by Joe Williams, is now ranked No. 6 by the Associated Press and United Press International.

With a spectacular 22 to 1 won and lost record, the Jacksonville University Dolphins represent the best of American collegiate spirit. In just 1 year the team has reached acclaim across the country. The team leads all college squads with an average of over 100 points per game, and its star center, 7-foot-2 Artis Gilmore leads in rebounds.

Mr. Speaker, the Federal Government and Jacksonville University have mutually benefited in cooperative activities, primarily through college loan construction funds for three projects housing 1,000 students on the Jacksonville University campus with a total investment of $4.5 million. A junior college three decades ago, the university now has 3,000 students, with sound bachelor's and master's programs in the liberal arts. At the present time almost 50 percent of the faculty hold doctorates and the average class size is 21. Its president is one of America's dynamic and farsighted scholars and leaders, Dr. Robert H. Spiro.

I include in the RECORD several articles about Jacksonville University's basketball team, including references to the Dolphins' revenge victory over Florida State University, the only team to defeat Jacksonville University this season, and on Coach Williams:

[From the Jacksonville (Fla.) Times-Union, Feb. 25, 1970]

A WELL-EARNED HONOR FOR JACKSONVILLE UNIVERSITY

Anybody who suggested a few years ago that Jacksonville University might be in the NCAA basketball tournament in 1970 could have been regarded as a prime candidate for a psychiatrist's couch.

But then anybody who suggested at the seventh annual college banquet in May, 1941, when only one diploma was awarded, that Jacksonville Junior College would one day be a thriving university would also have been suspect.

The prospects at that time were slightly brighter—but only slightly—than they were in June, 1938 when the college's bank balance showed the whopping sum of six dollars and thirty cents.

JU's growth has been solid and its contributions to the academic and cultural life of Jacksonville have been enormous. Its graduates form a substantial and committed segment of the community.

Yet it still is a tiny entity when put up against some of the titans of the sports world, whose teams dominate the wire service's "top ten" in college basketball.

Only St. Bonaventure, a much older school with a winning basketball tradition that goes back for decades, is smaller in student enrollment and that by only 331 students. Every other school in the list of basketball elite has more than three times JU's enrollment, most at least five times the enrollment and one—UCLA—more than ten times the enrollment.

This success is symptomatic of JU's accomplishments in other fields as well. It did not become the type of institution that could attract top-quality players without a lot of hard work by the administration, the faculty, the student body, the alumni, and its friends in the community—especially the private donors who have made its continued educational success possible.

But the basketball accomplishment has much of an "Operation Bootstrap" about it. Coach Joe Williams and his staff set their sights high and worked hard to bring it about. The team members came through like champions.

We wish them success in the tournament and no matter what happens there, they already have done more than most of us would have thought possible just a few short months ago. They have earned the plaudits they have been receiving on all sides. Jacksonville has cause to be proud of them.

[From the Jacksonville (Fla.) Journal, Feb. 25, 1970]

GO GET 'EM, DOLPHINS!

The news that Jacksonville University has been extended an invitation to play in the Mideast Regional meeting of the NCAA basketball tournament comes as much of a boon to Jacksonville proper as it does to the school itself.

Performing in a national tournament such as this provides the participants with a rare honor and experience. But it also brings a great deal of prestige to the community from which they come.

Coach Joe Williams and his staff have done an outstanding job bringing JU's basketball program to the front. Quite aside from this latest prize of being invited to the NCAA, JU has obtained publicity from one end of the nation to the other. It has, quite literally, put Jacksonville on the map.

The Dolphins have also been responsible for filling the Coliseum on two occasions this year, against Miami and Florida State, no small achievement in itself.

The Jacksonville University team of 1969–70 will be remembered for many years to come for many reasons. A pair of seven-footers in Artis Gilmore (actually 7–2) and Pembroke Burrows and a fleet of other giants, led by Rex Morgan (6–5) and the city's own Rod McIntyre, (6–10), enabled JU to claim itself as basketball's tallest team.

But there was more to the Dolphins this year than mere height. There was raw talent, honed to precision edge by Coaches Williams, Tom Wasdin and part-time assistants such as J. M. Watson, Nellie Vinal and Bill Curtis.

Any team would have been delighted to have had such "little fellows" as Vaughn Wedeking (5–10) and Chip Dubin (6 feet), who helped make the Dolphins the balanced team they were.

XUM

But a lot more is to be said for this team. They possess a spirit of team fellowship and pride that is the ultimate aim of every coach.

All of this has gone into the success of JU this year. President Robert Spiro and the entire school is to be congratulated on their success.

And Jacksonville has every right to be button-busting proud of JU.

Whatever happens as the Dolphins go forth into national competition, they have already provided a great service to this community.

[From the Jacksonville (Fla.) Journal, Feb. 24, 1970]

The Rise of Jacksonville University and Joe

(By Jack Hairston)

By the time you read this, the phone will have rung at Jacksonville University, and a bid to the NCAA basketball tournament will have been received—and accepted—by JU Coach Joe Williams.

Many are surprised by the basketball success of JU and its personable young coach. It may be correct to say that one of the most surprised is Joe Williams himself.

Oh, he could see it coming several months ago, but consider this:

In high school and college, Joe Williams couldn't even decide which was his game—basketball or football.

Through college, and almost five years thereafter, Williams couldn't even decide where he was headed professionally—doctor? Teacher? Coach?

Four years before he took over at JU as basketball coach (which was just over five years ago), he was coaching the eighth grade team at Terry Parker Junior High.

Today let us look at the man most responsible for JU's sensational rise . . . Joe Williams.

Williams was the son of a Methodist preacher, which meant his family packed up and moved about every four years. His father was preaching at Morton, Miss., when Joe was born. By the time he was a sophomore in high school, he was playing football and basketball at Muskogee, Okla.

He thought then that football might be his game. That sport's importance to him at the time is easily understandable. Four future All-Americas were on the team: Eddie Crowder, Max Boydston, Bo Bolinger and Bo Burris.

He spent his last two years at Durant, Okla., where he played end and was captain on the football team and led the southern part of the state in scoring in basketball with an average of about 16 points per game.

Williams went to Southern Methodist University, where he played freshman football and basketball, and Oklahoma City University, where he played some basketball.

THE INFLUENCES ON HIS CAREER

"I was undecided on what I wanted to be," Williams said yesterday. "I'd completed premed work and was seriously considering that. I'd been accepted to the Oklahoma University medical school.

"I spent a couple of years in the service and went to Tulane graduate school in literature, and I was in Jacksonville in 1960, visiting my brother, who was the preacher at Riverview Methodist Church.

"My brother suggested me teaching a year in Jacksonville. A principal he knew talked to Sidney Friend, principal at Terry Parker. Aaron Brown (then athletic director and football coach) at Terry Parker High encouraged me to come with them. My brother and Aaron were big influences on me working in Jacksonville. My brother has a church now at Daytona Beach, but he comes to all our games.

"That year at Terry Parker, I coached the backs in junior-varsity football and coached the eighth-grade team in basketball. At the time, I was more excited about coaching football. I thought that might be what I wanted to do."

Abe Lemons, who'd coached Joe at Oklahoma City and who's in town today with his Oklahoma City University basektball team, entered the picture here.

"My mother was in the hospital in Oklahoma City," Joe said, "and I went out there for a couple of weeks. Every day I'd go by and talk to Abe. He'd tell me about the drills he was planning for his team, and then we'd go out to practice, and I'd watch him put in the drills. It was like a basketball clinic just for me, and I got more interested in coaching basketball than ever before.

"When I came back to my job at Terry Parker, I treated the kids the same way Abe treated his . . . putting in all his drills. It was the beginning for me."

Williams' first game as coach was against Paxon's eighth-grade team, coached by Tom Wasdin, now Joe's assistant and recruiter.

"It was some game to break in with," Williams said. "We both scored in the sixties, which was high for a 28-minute game, or whatever we were playing. I was so excited, I never sat down during the whole game. I was up and down the sideline. Both teams were pressing all over the court.

"Johnny Geilen, now Wolfson High principal, was the referee, and he told us after the game it was one of the best games he'd ever seen. It was close all the way, and we finally won.

"I've always had great respect for Wasdin. Wasdin's team won the city championship, but we won the county. The next year we were both in high-school coaching; I was at Ribault High, and he was at Paxon. After a year, I got a job as freshman coach at Florida State, and Wasdin pretty much dominated high-school basketball here for the next few years. When I came back to JU, I wanted to get him with me as soon as I could . . . and I did."

THE INDIRECT PATH TO THE NCAA

The year Williams spent at Ribault High was beneficial in more ways than one. His team won the Gateway Conference title, and he met his wife, Dale.

"Dale had been out of school one year and was working as a secretary at Florida National Bank," he said. "She was the homecoming queen when we played Jackson High in a big game—for us—at Ocean Way Gym. We won the game, and she came down and hugged my neck. I thought she was real cute, but at that time I was thinking only of winning basketball games. After the season I asked her for a date, and we wound up getting married."

Williams went to FSU for a year, then to Furman as an assistant for a year, then to JU as head coach.

Joe was asked if, when he started in coaching, he dreamed he'd ever have a team in the NCAA tournament.

"I really never thought about it," he said. "I've always been happy in whatever I was doing. I enjoyed coaching when I was at the junior-high level.

"I think I've been lucky always going to a program where they were sagging a little. Ribault had lost its key players when I went there, and Furman was down, then came back to upset Davidson, West Virginia and Wake Forest.

"My first year at JU, we won our way to the NAIA tournament in Kansas City, and that was a real pleasure. They treated us real well, and it was a fine tournament of about 50 or 60 teams. I thought, 'We'll have the kind of team that can come out here and enjoy itself almost every year.'

"But later I thought about it and decided, 'If I want to stay at JU for a long time, we're going to have to develop a major program.' I figured we should play all around the country and play the top teams.

"So we got out of the NAIA and went major college. The second year we were 12–11 and beat Florida State and Miami. We were much stronger, and I believe we would have dominated the NAIA, but we couldn't go to the tournament.

"The next year I talked the school into a four-year program of spending more money and trying to build a fine team, and this is the fourth year. It hasn't been easy. I'd promised JU I'd get a master's degree in physical education, and I've spent my summers going to graduate school at Florida and selling tickets for JU basketball at the same time. Those were the toughest summers of my life."

But now JU is in the NCAA. And how does Williams figure the Dolphins will do?

"I think if we go up ready to play, we'll do real well," he said. "I don't know who we're going to play, but all the boys have come along well. We've concentrated in recent weeks on getting physically ready for the tournament. If we're physically ready, I believe the boys will get mentally ready to play.

"It's been like a long race. You start strong, and then you get tired and wonder if you'll ever reach the end. Then you find the strength to finish strong. I think we'll finish strong. We're getting near the end."

Williams and his Dolphins have run a long race . . . and they've run it well.

[From the Jacksonville (Fla.) Times-Union, Feb. 20, 1970]

No. 6 Gets Past No. 8

(By Bill Kastelz)

Yesterday morning the sun rose and Joe Williams woke up and immediately he remembered he had won, 85–81. He smiled to himself. A warm smile. Joe Williams is now 20–1.

Yesterday morning the sun rose and Hugh Durham woke up and immediately remembered he had lost, 81–85. He sighed to himself and thought of a dozen ways the game could have been won, because after it is all over you can think of all kinds of ways you could have won it . . . and didn't. Hugh Durham is now 20–3.

Four lovely . . . or crummy, depending on which was your team . . . points separated the two clubs after the biggest, grandest, most pulsating basketball game ever played in Florida.

It matters not that there were at least two dozen instances in the game itself where an errant pass, a stolen ball or a negligent defensive move could have—if avoided—blown the game apart.

This one was destined to go down to the wire. It did. And, when it was all over, a thousand Jacksonville University students and fans boiled over onto the Coliseum floor and went about the staggering task of hoisting their sweaty favorites high and screaming, "We're No. 1!"

That's big-time basketball, friend. That is college basketball at its best. Exciting. Electric. Spine-tingling. Ecstatic. Heartbreaking.

BIG-TIME BASKETBALL

Ten thousand and fifty saw it in person. Hundreds of thousands more saw it on TV.

And, at the end, an Orlando newsman's comment summed it up about as well as anybody's:

"You just saw the best two basketball teams this state has ever produced."

Not just the best one. The best TWO. No. 6 vs. No. 8 in the national polls. No. 6 won, but if No. 8 drops out of the Top Ten, it will be a crying shame.

There have been other basketball games played with more finesse, more polish, more fans and more at stake.

But this one was something more. Big-time basketball had burst over the Florida horizon as never before—with the whole state and much of the nation's fans following the proceedings with intense interest.

XUM

It was a time . . . and a game . . . to remember.

WITH A JAUNTIER STEP

Just as was the case in Tallahassee last month after FSU won by six, there were no alibis offered.

Just as the case in Tallahassee last month, the officiating could not be blamed for the loss, nor credited with the win. In fact, except for only two isolated instances, it was a superbly officiated game, and both coaches were the first to say so.

Florida State is no worse a basketball team than it was before it lost by four points. The Seminoles are—as has been written here many times—a superb basketball team.

They proved it again Wednesday night by almost pulling it out in the final minutes.

So, all Seminole boosters will understand if all of a sudden there are in Jacksonville thousands of new, red-hot Dolphin fans.

They will understand if all of a sudden basketball dominates street-corner conversations, and if a goodly portion of our citizenry strode about with a bit more jauntiness yesterday morning.

Florida State has been that route. It knows the feeling.

For JU, it's something new. Even though it was not totally unexpected, it still came as a pleasant jolt.

Yesterday morning in Jacksonville was different.

It was good. Warm. Prideful. Charged-up. Happy.

Or, as that seven-foot composer, Pembrook Burrows III, noted in his smash hit, "The Rooster":

"Jacksonville's got a team!"

[From the New York Times, Feb. 15, 1970]

JACKSONVILLE SOARING WITH DYNAMIC DUO; GILMORE AND MORGAN LIFT QUINTET INTO NATIONAL ROLE

(By Sam Goldaper)

Holy jump shots, Gotham City—Batman and Robin have turned up in Florida.

The comic strip characters, Bruce Wayne (Batman) and his ward, Dick Grayson (Robin), are being impersonated by Artis Gilmore and Rex Morgan on the cover of Jacksonville University supplementary basketball brochure. But they are wearing the gold, green and white colors of their school instead of the traditional black and gray of the fictitious crime fighters.

In the realm of fantasy, Batman and Robin are hailed as the dynamic duo. But it's doubtful they could be as dynamic on the basketball court as Gilmore and Morgan have been in propelling the Dolphins to prominence far beyond the bounds of Gotham City and Jacksonville, Fla.

Last February, before the National Invitation Tournament committee went to work, Hans G. Tanzler, the mayor of Jacksonville, made a strong pitch on behalf of the Dolphins, who finished with a 17–7 won-lost record, as a participant.

A NEW DEAL

There will be no need for that this year, when on Feb. 24, the first bids by the National Collegiate Athletic Association and N.I.T. are made. Jacksonville billed as the nation's tallest team, will be among the top two or three independents to be tapped.

With Gilmore, 7 feet 2 inches, at center, Pembroke Burrows 3d, 7–0, at the high post and Rod McIntyre, 6–10, at forward, the Jacksonville front line averages 7 feet, which Dr. Laney Yelverton, sports information director, points out is the size of an average dolphin, the team's nickname.

Morgan, 6–5, and Vaughn Wedeking, who at 5–10 is thriving in a world of giants, are the wingmen in the 1–3–1 offense.

When the basketball coaching job became available at the end of the 1963–64 season, Joe Williams was selected to lead the Dolphins.

XUM

Williams, a gaunt man with a penchant for thick milk shakes at breakfast, has brought the team to national prominence with the aid of Tom Wasdin, the school's chief recruiter. Junior colleges (Jacksonville was one before becoming a university) have been a prime area of talent hunting.

Gilmore and Burroughs are junior college transfers. Gilmore, a muscular 235-pounder came from a poor all-Negro high school in Chipley, Fla., about 80 miles on the other side of Tallahassee. He played his senior season at Dothan, Ala., because his age eligibility had run out at Chipley. He averaged 29 points.

The 20-year-old Gilmore spent two years at Gardner-Webb Junior College in Boiling Springs, N.C., where he averaged 25 points and 25 rebounds a game.

At Jacksonville, Gilmore, who is being compared with Lew Alcindor, is averaging 28 points a game and leading the nation with 25.6 rebounds.

Jacksonville is the top scoring team with a better than 100 point a game average.

A LATE STARTER

The 240-pound Burrows, another Florida product, spent two years at Brevard Junior College and didn't start playing basketball until late in his high school career. He still has some catching up to do, especially in building his endurance.

Among the Dolphins' victories was a triumph over Evansville in the Christmas tournament sponsored annually by the Indiana small-college powerhouse.

Evansville has been another of Wasdin's favorite recruiting grounds. Morgan was the leading scorer there as a freshman before transferring to Jacksonville after a year's stay at junior college. Wedeking and Greg Nelson, Jacksonville's sixth man, are Evansville residents.

IN FAST COMPANY

Morgan, a senior and the nation's 10th leading scorer last season, played at Lake Land Junior College in his home state of Illinois before coming to Jacksonville.

Norman Sloan of North Carolina State, in the same brochure that tabs Morgan as Robin, is quoted as having said last season, "Morgan is the best offensive performer we have played all season. That includes Charlie Scott of North Carolina and that puts him in pretty good company."

Success has been wonderful for Jacksonville and for Wasdin's recruiting.

"When I go somewhere now and tell them I'm from Jacksonville, they don't ask who or where anymore. They know all about us now," Wasdin said.

TRIBUTE TO THE ACHIEVEMENTS AND CONTRIBUTIONS OF THE UNITED STATES FROM A GRATEFUL CANADIAN

HON. HAROLD R. COLLIER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1970

Mr. COLLIER. Mr. Speaker, we are often asked, "Just what can one person do?" I have just received one answer to that question.

One person can do a lot, especially if that person is a lady of good will and determination such as Patricia Young of Vancouver, British Columbia. Mrs. Young, who is a Canadian novelist, has written a letter to the editors of newspapers in both the United States and Canada in an effort to counteract anti-U.S. propaganda.

When she received over a thousand letters in response to her efforts, she had to have help in dealing with this mountain of correspondence. The Canadian-U.S. "Friendship" Associates was a result.

Mr. Speaker, Mrs. Young's letter to the editors, which eloquently expresses the intent, purpose, and philosophy of the organization, follows:

TRIBUTE TO THE UNITED STATES

While we are inundated with a continuing avalanche of "hate-America" propaganda, little has been done to promote understanding, cooperation and friendship between our two nations, sharing as we do a common border, common language, common ancestry and, in many respects, a common economy.

Permit me, a Canadian, to express a long overdue Thank You America—not only for putting men on the moon, but for almost 200 years of contributing to the betterment of mankind. For the airplane, radio, cotton gin, phonograph, elevator, movie machine, typewriter, polio vaccine, safety razor, ballpoint pen, and zipper.

No other land in all the world has, in so brief a history, contributed so much and asked so little—only that we live together in peace and freedom.

From the days of Washington and Lincoln, you have demonstrated the creativity, invention and progress of free men living in a free society—where ideas and aspirations may be promoted to the extent of man's willingness to work and build a "better mousetrap" with commensurate rewards.

Thank you for upholding the principles and rights of freedom and liberty; for the American Constitution and Bill of Rights and for protecting those rights even when it results in the burning of your flag and the murder of your President.

Thank you for those brave men who helped defend freedom on foreign soil in two world wars—a debt we have been able to repay in small measure by way of some 10,000 Canadian volunteers who serve in your Armed Forces; for the foreign aid you continue to give even when your hand is bitten and your motives impugned; for keeping your dignity in the face of insults from nations still wet behind the ears; and those who would envy what you have made of yourself; for your patience with those who seek to steal the world and enslave its people; for keeping your cool even when the Trojan horse mounts the steps of the White House to insolently spew forth its treason.

Thank you for helping keep alive the concept of individual liberty and faith in God in a world wallowing on humanistic collectivism. For these reasons and so much more, we say: "Thank you America, and God bless you."

NATIONAL JUNIOR MISS FINALS

HON. JAMES G. O'HARA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1970

Mr. O'HARA. Mr. Speaker, I am proud to report that Miss Carleen Mlynarek of Warren, Mich., has been chosen to represent her State in the National Junior Miss finals in May at Mobile, Ala.

Miss Mlynarek was sponsored in the State competition by the Warren Junior Chamber of Commerce.

A student at Regina High School in Harper Woods, she plans to enroll at Western Michigan University next fall to study either theater arts or medical technology.

She is the daughter of Mr. and Mrs. Adolph Mlynarek of Warren.

I wish her the best of luck in the national competition.

PUEBLO WEST

HON. FRANK E. EVANS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1970

Mr. EVANS of Colorado. Mr. Speaker, the territory and later the State of Colorado flourished originally on the boomtown riches of gold and silver bonanzas in the 19th century. Today, with a diversified economy headed by industry, agriculture, lumbering, tourism, and mining, the State has entered a period of rapid growth that is attracting nationwide attention. Beautiful Colorado, still pioneering in spirit, is channeling its energies into many new and productive outlets.

Today I am pleased to report a new phase in this history of growth. I refer to the master planning and current construction of a unique new city, "Pueblo West." Pueblo West is designed to be a balanced community development to meet the realities of the population surge in Colorado and the Nation.

Pueblo West was conceived as an entirely new American city for 60,000 residents, 6 miles west of Pueblo and adjacent to the site planned for the 26.5 square mile Pueblo Reservoir scheduled for completion in 1974. The site for the city consists of 25,990 acres, or approximately 40 square miles, for long-range, low-density expansion—an eventual ratio of slightly more than two persons per acre. It has been planned as a unified residential-recreational-light industrial community with a self-sustaining payroll economy and a 21st century concept of spacious country living.

The bipartisan National Committee on Urban Growth Policy recently recommended that 100 cities of 100,000 population and 10 larger cities of 1,000,000-plus population be built within the next 30 years to help cope with an anticipated national population increase of 140 million by the year 2000. Pueblo West falls within the scope of the committee's recommendations.

Planning and building of Pueblo West is being carried out by McCulloch Properties, Inc., a subsidiary of McCulloch Oil Corp. Together these two companies are pioneering leaders in new city development and are best known in this field for their building the all new city, Lake Havasu City, Ariz., on the Lower Colorado River. The McCulloch companies believe that the building of balanced, planned new cities is a logical alternative to the patchwork process of aimless urban growth in the old cities.

Pueblo West is strategically located to serve the purpose for which it was planned. There has been some concern that Colorado might experience its own "urban sprawl" on the east side of the Rocky Mountains. It is there that the State's major cities and industrial centers are located on a north-south line from Greeley-Fort Collins through Boulder, Denver, Colorado Springs, and Pueblo.

Planning is underway to prevent high density urbanization along this eastern "Front Range" of the Rockies through the development of cluster cities and greenbelts to preserve open spaces. Pueblo West is designed to fit into this plan and may become a model for other new Colorado cities that inevitably will be needed to cope with population influx.

C. V. Wood, Jr., president of McCulloch Oil Corp., points out that new cities can substantially increase the Nation's housing supply by releasing new sources of investment funds, meeting the land supply of builders, and creating more efficient housing and community development operations. The unified planning and large-scale operation of the new community development process are aimed at achieving economies not possible under present fragmented development—the tract-by-tract growth of sprawl.

For example, I am informed that the master area utilization plan for phase I of Pueblo West's development, comprising 14,310 acres, is divided as follows: Residential, 9,640 acres; commercial, 640 acres; golf course, parks, and greenbelt, 2,980 acres; and equestrian park, 50 acres. The balance of the land within the master plan, 11,680 acres, has been zoned and planned and will be developed later as phase II.

McCulloch Properties, Inc., devoted more than 5 years of intensive research before selecting the site at Pueblo West.

Pueblo West will be within convenient driving distance of some of the world's most famous winter and summer mountain resorts and outdoor sports areas. Nearby mountain ranges, within 30 minutes' driving time, offer excellent recreational opportunities the year around, including skiing, fishing, hunting, and camping.

The Pueblo West site is adjacent to the planned Pueblo Reservoir, where a major recreational lake with a maximum capacity of 357,000-acre feet of water, 9 square miles of surface area, and 60 miles of shoreline is scheduled for completion in the mid-1970's as part of the Bureau of Reclamation's Frying Pan-Arkansas Trans-Divide $241,000,000 water project.

Government preserved recreational lands with planned public use facilities adjoin the Pueblo Reservoir site on both north and south shores.

I am advised that McCulloch Properties, Inc., will have invested over $7 million in the project during the first year of development and that others will have spent a comparable amount. During this first year a major manufacturer of ski wear started construction of a plant, which will be in production late this spring and employ 135 persons at an annual payroll of approximately $300,000. Additional industries are expected to locate at Pueblo West in the near future. The economic impact of this development is already being felt in the Pueblo area, where we look forward to a period of major economic growth.

Finally, the developers state that they have developed safeguards that have been established for the protection of land purchasers, residents, and business investors at Pueblo West.

Purchasers of residential property are required to personally inspect the city site and the homesite they have selected before they are allowed to buy. The "see before you buy" policy at Pueblo West is patterned after a similar plan at Lake Havasu City, which I am told was recommended by Arizona Real Estate Commissioner J. Fred Talley to Senator HARRISON A. WILLIAMS of New Jersey, head of the Securities Subcommittee of the Senate Banking and Currency Committee, as a model sales program for large-scale land-use projects throughout the Nation.

In general, it is the developer's policy at Pueblo West to sell residential property to those who are able and willing to contribute constructively to the new city's growth and welfare. Moreover, the availability of residential property is coordinated with the growth of other segments of the city, in accordance with the master plan for balanced community growth.

I commend the planners and builders of Pueblo West for carrying forward this unique and giant undertaking. I have great hopes that this new city will be an asset, not only to Colorado, but to the entire Nation, and I wish to convey good wishes to all those participating in the project and to the first residents of our State's newest community.

CRIME IN NATION'S CAPITAL

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1970

Mr. HOGAN. Mr. Speaker, the January 1970 Monthly Crime Index was released recently by District of Columbia Police Chief Wilson.

Generally speaking, for the first time in months, there was a noticeable downward trend of crime reflected. It may be that the unusually cold seasonal period in January, as well as other weather factors, played a crucial part in this decline in certain crime statistics. However effected, the decline is welcomed.

The House District Committee has reported out a clean omnibus crime bill, H.R. 16196, which, if enacted, will contribute appreciably to a decline in crime statistics in the coming months and years in the District of Columbia.

It is a good bill which attacks the crime problem from a number of different directions: court reorganization, increase in the number of judges to try cases, pretrial detention, juvenile procedure reform, and a number of substantive criminal procedural reforms.

It is my sincere hope that the Congress will enact this new bill quickly so that the District officials connected with the fight against crime can get down to the business of permanently reversing the crime situation in this city.

I insert below a pertinent portion of the January Monthly Crime Index and a recent article which appeared in the February 11, 1970, issue of the Wall Street Journal relating to crime in the Nation's Capital:

CRIME INDEX FOR JANUARY 1970

On February 16, 1970, the Office of the Chief of Police released the reported Crime Index Statistics for the month of January 1970. The total number of offenses reported for this month was 5,484. The total number for last month was 5,808. The cumulative total Crime Index Offenses for the twelve-month period ending with January 1970 was 63,115 and the number for the corresponding period in 1969 was 50,781, an increase of 24.3%. From October 1969 through January 1970, the total monthly reported crimes were 6063, 6071, 5808 and 5484 respectively, showing an average monthly decrease of 3.2%, or a total decrease of 9.5% for the 4-month period.

In the categories of Homicide, Rape and Aggravated Assault, 24, 13 and 320 offenses respectively, were reported in January. In comparing the twelve-month total ending with January 1970, with the same period in 1969, an increase of 87 (+42.6%) was reported in Homicide, 57 (+21.2%) in Rape, and 619 (+20.0%) in Aggravated Assault.

Reported Robberies for the twelve-month period ending with January 1970 were 12,396, a 34.9% increase over the same time span in 1969 (9,188 Robberies reported). However, monthly Robberies from October 1969 through January 1970 were 1348, 1256, 1163 and 1097 respectively, an average monthly decline of 7.6% from October, or a total decline from October of 22.9%.

This month, 2,175 Burglaries and 919 Larcenies were reported. These two categories represent 39.7% and 16.8% of the total offenses reported for this month, thus Burglary and Larceny total over ½ of all the crimes reported. During the twelve-month period ending in January 1970—23,252 Burglaries and 11,669 Larcenies were reported, an increase of 26.0% and 43.4% respectively, over the corresponding period in 1969. Larcenies in October 1969 through January 1970 were 1101, 1074, 1028, and 919, a downward trend with a total decrease in Larcenies of 19.8% for the four-month period. Although Burglaries increased from October through December 1969 (2182, 2197, and 2246), the increases were relatively small (+16.2%, +0.7%, and +2.2%), and January 1970 with 2,175 Burglaries reported decreased by 3.4% when compared with December 1969.

Auto Theft with 936 offenses represents 17.1% of total offenses reported for January. A total of 11,464 offenses were reported for the twelve-month period ending with January 1970, an increase of 0.3% over the same period in 1969. However, offenses in this category have decreased markedly in the past 3 months (November—1,221; December—998; January—936) for a total decrease of 23.3% for the 3-month period.

Chief of Police Wilson noted that, overall, these data indicate a generally downward trend of crime over the past few months which is sufficient to warrant cautious optimism for the coming months.

Chief Wilson noted that a small part of this increase can probably be attributed to seasonal and weather factors. But he noted that without question much of the decline has resulted from the cumulative effect of revitalized law enforcement efforts during recent months, including increased emphasis on control of crime by each police district; expanded use of police tactical forces resulting in several apprehensions of criminals; strong prosecution policies instituted by United States Attorney Flannery; efforts by both the Court of General Sessions and the United States District Court to reduce calendar delays and backlogs; and, especially, increasing citizen concern and cooperation with law enforcement.

Chief Wilson noted that, as these factors are supplemented during coming months by the effects of the crime control programs included in the 1970 budget, particularly the program for both mandatory and voluntary treatment of narcotics users, and by pending legislation which may be approved by the Congress, and as the number of policemen on the force and through recruit training increases, there is a real possibility that significant decreases in crime can be achieved.

GOVERNMENT OF THE DISTRICT OF COLUMBIA METROPOLITAN POLICE DEPARTMENT—CRIME INDEX OFFENSES, JANUARY 1970

Classification	January		Change		Cumulative through January		Percent change	12 months end January 1969	12 months end January 1970	Percent change
	1969	1970	Amount	Percent	Fiscal year 1969	Fiscal year 1970				
Criminal homicide	20	24	+4	+20.0	127	186	+46.5	204	291	+42.6
Rape	23	13	−10	−43.5	183	199	+8.7	269	326	+21.2
Robbery	1,124	1,097	−27	−2.4	6,255	8,424	+34.7	9,188	12,396	+34.9
Aggravated assault	224	320	+96	+42.9	1,837	2,216	+20.6	3,098	3,717	+20.0
Burglary	1,915	2,175	+260	+13.6	11,037	15,060	+36.5	18,451	23,252	+26.0
Larceny ($50 and over)	798	919	+121	+15.2	5,536	7,513	+35.7	8,139	11,669	+43.4
Auto theft	836	936	+100	+12.0	7,312	7,627	+4.3	11,432	11,464	+.3
Total	4,940	5,484	+544	+11.0	32,287	41,225	+27.7	50,781	63,115	+24.3

GOVERNMENT OF THE DISTRICT OF COLUMBIA METROPOLITAN POLICE DEPARTMENT—CRIME INDEX OFFENSES BY DISTRICT, JANUARY 1969-70 COMPARISON

District	January		Change	
	1969	1970	Amount	Percent
1-D	1,062	987	−75	−7.1
2-D	503	551	+48	+9.5
3-D	1,073	959	−114	−10.6
4-D	625	848	+223	+35.7
5-D	713	839	+126	+17.7
6-D	964	1,300	+336	+34.9
Total	4,940	5,484	+544	+11.0

GOVERNMENT OF THE DISTRICT OF COLUMBIA METROPOLITAN POLICE DEPARTMENT—CRIME INDEX OFFENSES REPORTED—NUMBER AND PERCENT, BY CLASSIFICATION, JANUARY 1970

Classification	Number	Percent
Homicide	24	0.4
Rape	13	0.2
Robbery	1,097	20.0
Aggravated assault	320	5.8
Total crimes against persons	1,454	[1] 26.5
Burglary	2,175	39.7
Larceny $50 and over	919	16.8
Motor vehicle theft	936	17.1
Total, property crimes	4,030	[1] 73.5
Total, reported crimes	5,484	100.0

[1] Does not total because of rounding.

LIVING SCARED: SURGING CRIME FORCES WASHINGTON RESIDENTS TO CHANGE WAY OF LIFE

(By Monroe W. Karmin)

WASHINGTON.—John D. Holland is afraid.

For 40 years he has been selling packaged liquor at his Maryland Beverage Mart in this city's southeast sector. Four years ago he installed a burglar alarm system. Three years ago he put iron bars on his windows. Two years ago he began arming. Now on his desk on a platform overlooking the sales floor are a black Italian-made pistol, a silver German-made pistol, a Winchester rifle and an L. C. Smith shotgun. "I've never been held up," Mr. Holland declares, "and I don't intend to be." Since mid-1967, intruders have murdered seven local liquor dealers in the course of an estimated 700 robberies of such stores.

Leroy R. Bailey Jr. is afraid.

He drives a taxi. Last year he paid $20 to install an emergency flasher in his cab. If he's threatened, Mr. Bailey steps on a button that sets off a flashing signal for police aid in his front grille and rear bumper. At night, he says, "nine out of 10 cabs won't pick up a man alone." The number of Washington cab drivers has dropped to about 11,000 from 13,000 two years ago. Says James E. Jewell, president of the Independent Taxi Owners Association: "This is a very dangerous town to drive in. Many men won't work after the sun goes down."

The people at the Mexican embassy are afraid.

Last September, during an independence day celebration, two guests were robbed. Female employes have been accosted. Vandals have struck repeatedly. Now all embassy doors are kept locked. A fence has been erected around the property, located two miles north of the White House. "We live in fear," says a spokesman. So does much of the crime-plagued diplomatic community. President Nixon is asking Congress to expand the 250-man White House police force to offer additional protection for Embassy Row.

THE NO. 1 ISSUE

Most of Washington is afraid of crime.

Fear has changed the way of life of residents of the nation's capital and its environs, affecting everyone from cab-driver to Senator. It has also changed the way institutions, from schools to embassies, operate. While race relations continue to be a major problem for this city, whose 850,000 residents are more than 70% black, there is no doubt that today's No. 1 public concern is personal safety.

"A couple of years ago the city's tension was seen in terms of white police versus the natives," says an aide to Mayor Walter Washington. "Now it's seen as criminals versus victims. It's more crime and less racial."

Mayor Washington, himself a Negro, says that black as well as white neighborhoods are demanding more foot patrolmen, even though the cop on the beat was viewed as "a Gestapo agent" by many blacks not long ago. The mayor finds ground for optimism in the change. "Never before have I seen such an attitude on the part of the people of the city, both black and white, to work together on a problem," he says.

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A "TRAGIC EXAMPLE"

The nation's capital is by no means alone in its fear of crime; rather, as Mr. Nixon pointed out in his State of the Union Message, it is a "tragic example" of the way crime and violence "increasingly threaten our cities, our homes and our lives." But Washington is suffering more than most cities. In the nine months through September, according to District of Columbia Police Chief Jerry Wilson, reported crime in Washington jumped 26% over a year earlier, compared with an average national increase of 11%. Cleveland, San Francisco and Baltimore also topped the national average.

Chief Wilson, who was appointed last summer, hopes to come to grips with the rising crime rate here this year, if he gets enough help. President Nixon has proposed a new $12.4 million crime-fighting package for the district to supplement the city's regular budget, which emphasizes public safety measures. And Congress is at work on other anticrime legislation for Washington.

This war on crime focuses on several trouble spots. It aims to break the local court bottleneck (it now takes an average of nine months for a criminal case to go to trial and some wait as long as 20 months); to curb the freedom of those awaiting trial through a controversial preventive detention measure (an estimated 35% of those arrested for armed robbery and released on bail commit another crime before they come to trial); and to crack down on drug traffic and use (50% of those arrested here are drug addicts).

EXPANDING THE POLICE FORCE

But this year's main thrust, Mayor Washington says, is to put more policemen on the streets. The mayor hopes to beef up the force to 5,100 men by June 30 from 3,868 on Jan. 1. Also planned are expanded criminal rehabilitation and social-welfare programs that the mayor hopes can be meshed into a comprehensive criminal justice system.

Because Washington is the seat of the Federal Government, the crime surge here is an important stimulus to action on both district and national anticrime legislation. Among the victims of local crime have been Sen. Frank Church of Idaho, White House Press Secretary Ronald Ziegler, Mr. Nixon's personal secretary, Rose Mary Woods and Deputy Defense Secretary David Packard, to name just a few. Political partisanship is diminishing as liberal Democrats feel the impact of crime and join the President in his anticrime crusade.

Senate Majority Leader Mike Mansfield recently expressed outrage over the "senseless" slaying of a fellow-Montanan and friend in the streets of Washington. He took the Senate floor to demand "new and better ways to fight crime, to cut down the inordinate rate of violence." Another liberal Democrat, Rep. Frank Thompson Jr. of New Jersey, warned the other day that "things may get worse if the Administration and Congress do not put crime control on the front burner."

But until this campaign begins to make headway, life in the District of Columbia will reflect fear, especially after dark.

Cruise through downtown Washington in a police car on a Saturday night and the mood can be felt. On F Street, the main downtown shopping street, merchants lock their doors at 6 p.m. Many put up iron grill-work nightly to protect their windows. Shoppers and employes hurry to the bus stops. Many employes who fear the lonely walk at the end of the bus ride wait in the stores until their spouses drive by to take them home. At 7 p.m. F Street is almost deserted.

The relatively small number of people out for an evening of entertainment arrive a bit later. Some go to the National Theater, which now raises its curtain at 7:30 p.m. instead of 8:30 so patrons can get home early. Some head for downtown movie theaters. The servicemen's crowd patronize the rock joints along 14th street. Fashionable Georgetown, more than a mile from downtown, is still lively, as are some of the posh restaurants and clubs. But that's about it. Much of Washington is dark, and scared.

"Watch the people," advises a seasoned policeman. "See how they walk quickly and with a purpose. There's no casual strolling. People don't come into this town at night unless they have a specific destination in mind. They go straight to it and then go home as fast as possible."

RESTAURANTS CLOSE

The effects are evident. The Ceres restaurant next to the National Theater is closed, nearby Caruso's restaurant is gone and neighboring Bassin's has lost 50% of its night business. The Commerce Department, a block away, was robbed recently. Fumes Bassin's angry manager, Ed Hodges:

"There isn't a waitress, cashier, busboy or anyone who works here who hasn't been robbed, mugged or attacked in some way. And there isn't a place in this block that hasn't been robbed, and most have been hit more than once."

A few blocks away, on 9th street, the Gayety Theater is showing "Man and Wife," an intimate film "for adults over 21." Even an attraction of this nature fails to draw the audience it once did. "Business is very bad, way off," says Robert Morris, the ticket seller. "People are afraid to come downtown. We've had lots of purse-snatchings, pockets cut out and all sorts of other things."

Fear inhibits daytime activity as well. A survey taken last summer by the Metropolitan Washington Council of Governments discovered that 65% of the city's largely white suburban residents visit the downtown area less than once a month, and 15% come downtown less than once a year. Asked their chief worry, the large majority of those surveyed respond: "Crime."

Actually, crime is spreading in the suburbs as well as in the city. Three brutal slayings of young women, one in Alexandria, Va., and two in Bethesda, Md., have occurred within the past few weeks. While these crimes remain unsolved, many suburbanites tend to view crime in their neighborhoods as a spillover from the city, and they still feel downtown is more dangerous.

Crime continues to speed the flight of Washingtonians to the suburbs. Though many single people and childless couples remain in the city, Joseph Murray of the big Shannon & Luchs real estate firm reports: "Families are leaving at an accelerated rate; this includes both black and white." (In neighboring Prince Georges County, Md., Negro arrivals have recently outnumbered white newcomers.)

"NO CASH"

Sales of downtown department stores dropped by 4% in the first 11 months of last year from a year earlier, while sales throughout the metropolitan area, including those of suburban stores, were rising 8%. A recent Commerce Department survey of 10 central-city areas showed that the District of Columbia suffered the steepest loss of business of all. Shoppers who do venture downtown are continually reminded of the risk. D.C. Transit bus drivers use scrip instead of cash to make change. Delivery trucks bear signs proclaiming, "This Vehicle Carries No Cash."

There are bright spots. New office buildings are sprouting in some parts of town. Convention business continues to grow and tourists arrive in record throngs. Lane Bryant has opened a new store on F Street, and the downtown Woodward & Lothrop department store is remodeling. But the merchants know safety must be assured before enough suburban shoppers will come downtown again to make business snap back.

The big department stores are bolstering their protection. Harold Melnicove, an executive of Hecht's, says his organization now has a security force "big enough to protect some small cities"; he won't give details.

Smaller stores do the best they can. Frank Rich, president of both Rich's shoe stores and the D.C. Urban Coalition, is a downtown optimist. But in his F Street store he no longer displays shoes in pairs, just singles; all display cases are locked; key employes carry electronic devices in their pockets to summon help in the event of danger.

High's dairy stores, which stay open nights and Sundays, have been robbed so many times, says General Manager William Darnell, "we don't like to talk about it." The chain's 37 D.C. stores were held up "hundreds of times" last year, Mr. Darnell sighs, and several had to be closed. Money in all stores is kept to a minimum by frequent armored car pickups.

GETTING OUT

A survey by the mayor's Economic Development Committee of small businessmen found that one out of seven contacted "wanted to close down, relocate or simply stop doing business in the city."

One who wants to get out is E. N. Hampton, president of the Hampton Maintenance Engineering Co. His firm has been robbed, his trucks have been vandalized and his employees have been threatened. "It's disgusting," Mr. Hampton snarls. "Now we ride armed guards in the trucks with shotguns. As soon as I can find somebody to buy this I'm getting out."

Nor is black business immune. Berkeley Burrell's four dry cleaning stores have suffeder 17 holdups in 10 months. Now the front door of each is locked; a customer can't get in "without a ticket or pair of pants in his hand," says Mr. Burrell. Employes are armed, and the proprietor is trying to replace females with males. "I may sound like Barry Goldwater," he says, "but we've got to get the community back to where it's safe to live in."

Banks have been a favorite target for bandits. Though these attacks have slackened lately, Francis Addison, president of the D.C. Bankers Association, says a "very high percentage" of local banks are robbed every year. The National Bank of Washington recently closed one branch because of the danger. All banks have tightened security, but the most extreme case is a Security Bank branch in the northeast section.

In 1968 the branch was held up three times within 55 days. Now the bank has put all employes behind plexiglass.

Tellers receive any payout money through scoops beneath the plexiglass. "The personnel were all shook up and couldn't work," President Frank A. Gunther says, "so we bullet-proofed the whole place." The bank has not been held up since.

INSURANCE HARD TO GET

Faced with the cost of crime in Washington, insurance companies have turned cautious. "Lots of companies have stopped writing fire and casualty insurance," says Thornton W. Owen, president of the Perpetual Building Association, the city's biggest savings and loan outfit. "And lots of investors will abandon properties rather than maintain them." Hilliard Schulberg of the local liquor dealers association says that for his members "the cost of crime insurance is extremely high, and many companies won't write it." Proposed legislation would permit the Government to offer crime insurance where private insurers won't.

Office building managers, both Government and private, are attempting to cope with the danger. James Sykes, manager of the William J. Burns Detective Agency here, reports many buildings have posted guards at their front doors and says, "We're providing lots more escort service for female employees working late at night." The local chapter of the American Federation of Government Employes has advised its members to buy, at $5 apiece, anti-mugger aerosol spray devices.

Security is a prime concern of apartment dwellers. The 670-unit Marberry Plaza, open three years ago in southeast Washington, exemplifies what a new building must offer to reassure nervous tenants. On weekends the project is patrolled by four armed guards with two dogs. All exterior doors are locked. A tenant who has invited a guest for dinner must present an "admit slip" with the guest's name to the desk clerk during the day. When the guest arrives, he must identify himself to the clerk and sign the register. "All of this is at the request of the tenants," says Sidney Glassman of the Charles E. Smith Property management company.

SCHOOL VIOLENCE

In some neighborhoods, newsboys no longer collect for their papers for fear of being robbed; subscribers must mail in payments. One cabbie drives with self-addressed envelopes; whenever he accumulates $10 he mails it home. Some maids require their employers to drive them home. An outbreak of violence including the shooting of a junior high school student has prompted Mayor Washington to post policemen throughout the city school system. Many schools have stopped dealing in cash, requiring students to pay for supplies and other items costing more than a dollar by check or money order.

"It used to be that holdup students would use their fists; then came knives; now its guns," says George Rhodes, a member of the D.C. school board. "Not that there have been that many incidents, but it's the fear that parents and teachers must live under that is most troublesome."

School principals, anxious to protect the reputations of their institutions, tend to minimize the problem. William J. Saunders, principal at Eastern High School (2,400 students including just three whites), says violence is "not a major problem" in the school. Yet several thousand dollars worth of football equipment has been stolen, and police officer Sherman Smart says there have been three alleged rapes in and around the school since September. As Officer Smart talks to a reporter, a photographer's agent joins in to complain that he has visited the school twice to take orders for class pictures and has been robbed of his receipts both times.

Not even the churches are spared. At the Vermont Avenue Baptist Church, the collection plate was stolen by intruders in full view of the parishioners. Says Charles Warren, eexcutive director of the Greater Washington Council of Churches:

"Some churches have begun to lock their doors at 11 a.m. on Sundays for the worship service. Some have policemen at the service during the offering. Some have canceled evening activities or rescheduled them for the afternoons."

The National Presbyterian Church has moved from its 60-year location about half a mile from the White House to a new site three miles farther out. The Rev. Edward L. R. Elson calls the new location "the quietest zone in Washington," but vandalism is as bad at the new church as at the old one. According to Mr. Elson, the vandalism has included "obscenity on chapel pillars, destruction in the church hall and lights pilfered and broken."

A BILL TO MAKE INDIAN HOSPITAL FACILITIES AVAILABLE TO NON-INDIANS IN REMOTE AREAS

HON. MANUEL LUJAN, JR.

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1970

Mr. LUJAN. Mr. Speaker, I am introducing a bill today cosponsored by Members from every section of our country. The measure would make Indian hospital facilities available to non-Indians in remote areas.

The high costs of medical treatment and the scarcity of professional skills have made many of us critically aware of the need to best utilize all available health facilities to the fullest extent possible.

We who are sponsoring this measure believe it would provide the means, with existing operations, to achieve such improvement.

Throughout the United States there are areas devoid of medical care, not necessarily caused by the lack of health resources, but by lack of legislative authority to make existing health services available to those in need.

There is precedent for enactment of this bill, in that other hospitals of the Division of Indian Health are made available to Federal employees and their dependents under existing law, but without provision to provide for the health care of others residing in the vicinity.

Under this proposed legislation, the health services would be supportive in nature; without in any way anticipating Federal usurpation of State, local, community, or private health prerogatives and responsibilities.

It is further not anticipated that the enactment of this bill would result in additional costs to the Government, as the services would be provided on a "space available basis" and the costs of the services would be reimbursed by the nonbeneficiary.

Indian people are assured priority for use of the facilities, and this bill would require the consent of the major Indian tribe or tribes served at the facility in order to make it available to non-Indians.

In addition, it requires reimbursement at reasonable rates for the costs of such services to non-Indians, which I believe is reasonable and appropriate.

Mr. Speaker, I am hopeful we can complete action on this bill very soon, and urge my colleagues to join with the sponsors in support of passage.

BEING AN INDIVIDUAL

HON. MARGARET M. HECKLER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1970

Mrs. HECKLER of Massachusetts. Mr. Speaker, in a day and age when conformity is widely accepted and practiced, it is both encouraging and exciting to encounter persons who insist on being themselves, on being individuals. Such persons are most often the achievers, the leaders, those who are capable of moving mountains, and those whose accomplishments are worthy of our admiration and emulation. For such persons, doing one's "own thing" is a mark of excellence and a sign of strength.

Mrs. Marguerite H. T. McGregor, of Taunton, Mass., a highly distinguished resident of my district, fits this description.

She has required no great cause to motivate her active and useful life. She has been a successful mother, an outstanding lawyer, an owner-operator of Taunton's radio station WPEP, and a contributor to her community's betterment in a hundred constructive ways. She is recognized by inclusion in "Who's Who of American Women."

I think the reader of the following portrait of Mrs. McGregor from the Taunton Daily Gazette will agree that she is "a very unique woman." But I also believe there is a marvelous revelation of character in her assertion that she enjoys being an individual, being herself, and enjoys other people's individualism. She has never felt the need to copy others. Her philosophy echoes that of Shakespeare's Hamlet, "Above all: To thine own self be true."

Being an individual today is not easy. The pressures of our society, and of forces operating outside it, can often cause a person to lose his individual identity and his independence of spirit and will. But it is possible to acquire and exercise the kind of unselfish self-confidence which, I feel, is Mrs. McGregor's strength. I greatly admire this quality in her, and in others.

The text of the article, which I am pleased to insert in the RECORD at this point, reads as follows:

[From the Taunton (Mass.) Daily Gazette, Feb. 6, 1970]

Marguerite McGregor: A Very Unique Woman

Marguerite H. T. McGregor is a woman with a variety of roles in life, her favorite one is that of being an individual.

She is the daughter of the late John B. and Florence Tracy and was born in Taunton and in 1931 became the wife of J. Marshall McGregor during a ceremony at the home of a relative in Fall River.

She is listed in "Who's Who of American Women", is a lawyer, a radio station owner and a woman with numerous activities in the community.

She is also the mother of two children, J. Marshall McGregor Jr. works for the CIA and lives in Washington, D.C. Her daughter, Laurel, lives in Arizona where she is in business with another woman.

When asked if there was one particular woman that she greatly admired, Mrs. McGregor replied: "I really don't think there is one.

"I enjoy being myself and I like being an individual. There hasn't been anyone that I would have patterned my life after, nor would I have wanted to be more like someone else.

"The most influential woman in my life was my mother," she explained. "She studied to be a lawyer while raising the seven children in my family.

"My father was a lawyer and my mother helped him in his office until 1924 when she was admitted to the bar and she and my father took up practicing law together.

"I've always grown up knowing the life of a lawyer and have been around law offices all my life," she noted.

After graduating from Taunton High School Mrs. McGregor graduated from Tufts University with a bachelor's degree and received her LLB from Boston University.

She attended Harvard University, the University of Maine, the Sorbonne and the University of Paris.

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"I went to the Sorbonne during my sophomore year in college," she reflected, "and I really enjoyed myself in Paris."

In 1930 she was admitted into the bar and after she and her husband were married, a year later, they took up general law practices together forming McGregor and McGregor.

"My mother and father were trial lawyers, but my husband and I decided to go into general practice when we were first married," she recalled.

"Then, after we had established ourselves and saw that we could afford to specialize, we decided on probate law," she added.

Milton Hammond and the McGregors began the radio station WPEP in 1949 on the second floor of the Roseland Ballroom. It celebrated its 20th year on the air in December of last year.

"In 1956 my husband and I bought the other shares of the station and four years ago we moved it to the Broadway location," she reported.

"The building used to be my family home and my husband and I converted it into the offices for our radio station plus our law practice office."

Most of the downstairs rooms have been panelled to muffle sounds and what was once a big porch has been changed into the reception area for the station and Mrs. McGregor's office.

Just to the right of the main entrance is Mrs. McGregor's office and the rest of the first floor is devoted to the radio station.

"On the second floor a portion of the building is set aside for the radio station's use and the other part is where my sister lives," she explained.

"The third floor is almost entirely devoted to old 78 records and records that have gone out of date, but sometimes we have requests for the old songs and have to go to the third floor and find the selection store," she added.

Mrs. McGregor is one of four girls in the Tracy seven-children family. Most of her spare time aside from the radio station and law practice is taken up with community work.

"I'm not the athletic type, if you know what I mean," she confessed, "but I do find time to enjoy knitting or reading as outside interests from my work."

You'll never catch this woman out crusading for women's freedom and equality to men.

"There were some cases back many years ago—women not being able to vote or serve on the jury—but that has been changed and I feel now that women today have all the rights that men do," she said.

"I certainly feel equal intellectually to most men and I was never bothered about equality between the sexes. I feel we have that equality.

"Sure, there is a difference between feminine logic and male reasoning, but that's what makes the balance. We need to have two approaches to a situation.

"I feel very feminine and I'm a lawyer and run a radio station. I never felt that I had to compete with a man for a job, nor did I want to compete.

"When I was in a law school, and there weren't too many women at that time studying to be a lawyer, I got along just fine. I never felt that I was looked down upon because I was a woman."

Mrs. McGregor does remember a time when a woman, after marriage, was expected immediately to give all her belongings to her husband.

"That wasn't right and that ruling has been straightened out now," she added.

For those women thinking of law as a profession Mrs. McGregor could only offer one suggestion—work.

Aside from her law practice, Mrs. McGregor also has a 25-minute radio program five mornings a week geared to the women of the area.

"I discuss current community interests, legislation and all of my programs are adlibbed," she commented.

When asked if there was any other ambition she looked forward to conquering, Mrs. McGregor replied, "There really isn't any one particular thing."

When pressed if she would like to be a grandmother she added, "I'll just have to leave that up to my children. I couldn't make that decision for them."

And so it goes that Mrs. McGregor, who enjoys being an individual, also enjoys other peoples individualism.

In August of 1968 J. Marshall McGregor died and his wife took over their law practices on her own. She is kept busy with not only the law practice and the station, but also has community activities in which she is very active.

Among the past offices she has held are the past district governor of the Quota Club International, past president of both the Taunton Business and Professional Women's Club and the Taunton Quota Club and she is a past matron of the Rose Croix chapter, Order of the Eastern Star.

She is a former member of both the Taunton Appeal Board and the Taunton Human Relations Committee. She was the former vice president of the Taunton Republican City Committee and also the past vice president of the Bristol County Bar Association and was parliamentarian for several organizations.

At present, Mrs. McGregor is the director of the Plymouth Bay Girl Scout Council, Inc., the director of the Taunton Area Mental Health and director for the Taunton Quota Club.

She is a member of the Taunton Bar Association, the Taunton Woman's Club, the American Association of University Women, the legislative chairman for the Taunton Quota Club and also the legislative chairman for the Taunton Business and Professional Women's Club.

She also is a member of the Pilgrim Congregational Church Women's Guild, the Old Colony Historical Society, Past Matrons Association O.E.S., Morton Hospital Women's Auxiliary, the Kappa Sigma Sorority and the Kappa Beta Pi Legal Sorority.

THE BATTLE FOR CLEAN AIR: A BIG HAND FROM THE ATOMIC ENERGY COMMISSION

HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1970

Mr. HOSMER. Mr. Speaker, since it seems to be so fashionable these days to blame the Atomic Energy Commission for many of the environmental woes which the Nation suffers, I thought it would be of interest to point out that the AEC is playing a major role in the fight against air pollution.

Not only is the Commission developing nuclear powerplants, which do not pollute the air, but the AEC's Argonne National Laboratory is working on a program which could have an even greater impact on the fight to clean up the air.

I believe we all recognize that the best available answer to curbing air pollution is the electric automobile. Although this is still many years away from economic and technical reality, the Argonne National Laboratory is working to bring that day closer.

It is worth pointing out that the AEC's National Laboratories represent the nation's largest reserve of scientific manpower. The labs include top-flight scientists of every technical discipline—not only those relating to the physical sciences, but the life sciences as well.

Several years ago, Argonne scientists were working on a means of converting heat from a nuclear reactor directly to electicity. Out of this research has come a new family of rechargeable batteries which may provide smogless propulsion for vehicles or power for an artificial heart.

Details of this exciting program, which won a 1968 Industrial Reserach magazine award as one of the most significant new technical developments of the year, are included in a news release from the Argonne National Laboratory. The text of the release follows:

NEWS FROM ARGONNE NATIONAL LABORATORIES

ARGONNE, ILL.—Smogless propulsion of commercial vehicles or possible power for an artificial heart can be applications of a unique family of rechargeable batteries being developed at the Atomic Energy Commission's Argonne National Laboratory.

These batteries have a much larger capacity for storing energy than conventional batteries of the same weight; they also can be charged in minutes, rather than hours, explained Dr. Elton J. Cairns of Argonne's Engineering Division, Section Head in charge of battery research.

The new cells were originally developed by Argonne scientists who were seeking means of converting heat from a nuclear reactor directly to electricity. Currently, three agencies, the National Heart and Lung Institute, the U.S. Army, and the National Air Pollution Control Administration, are supporting battery development at Argonne.

The cells have anodes made of lithium, a silver-white metal which melts at a relatively low temperature. The cathodes are composed of alloys of lithium and sulfur, selenium, or tellurium—members of the chemical family called "the chilcogens." The electrolytes are pastes of fused lithium compounds with such elements as chlorine or iodine. The cells operate at about 500–800° F. At these temperatures the anodes and cathodes are molten.

Though still very much in the experimental stage, the batteries appear to have a promising future, Cairns said. In 1968, *Industrial Research* magazine honored the cells as one of the most significant new technical products of the previous year. Since that time, the scientists have started efforts to develop specific batteries for medical uses and vehicle propulsion.

The objective of the work supported by the Artificial Heart Program of the National Heart and Lung Institute is an implantable electrical-chemical power source for artificial-heart devices. Lithium/selenium cells are being evaluated for this purpose. Calculations based on experiments with three-inch diameter cells show that a thermally-insulated, implantable battery with the desired electrical capabilities would weigh about two pounds. Such a battery could be recharged by radio frequency power transmitted through the skin. Two Argonne scientists, Dr. Hiroshi Shimotake and Albert A. Chilenskas, are working on this phase of the program.

For propulsion application, the scientists are seeking to design a battery that would provide military vehicles with acceleration and hill-climbing power. To meet this goal, research is being directed to perfecting lithium/selenium cells which are capable of 1 to 3 watts per square centimeter of electrode area at peak power, which have lifetimes of 1 to 2 thousand hours, and which can be charged and discharged 1 to 2 thousand times. Batteries composed of these cells should have more than a tenfold advantage over conventional lead-acid batteries in energy-storage capacity and in power at a given discharge rate. These batteries would be part of a hybrid power supply; a gas turbine would satisfy the average power demand, while the batteries would supply additional power during peak periods. During off-peak periods the turbine would recharge the batteries. Dr. Eddie C. Cay is investigating this propulsion concept.

Another related effort at Argonne is sponsored by the National Air Pollution Control Administration of the Consumer Protection and Environmental Health Service, U.S. Public Health Service, Department of Health, Education, and Welfare. Under this program, economical rechargeable batteries are being developed for possible use in urban automobiles. The scientists are studying lithium/sulfur cells to obtain information for constructing a multikilowatt rechargeable battery that would store more than 100-watt hours per pound of battery weight. Such a battery would power a small automobile for over 200 miles and could be recharged in less than 15 minutes. This concept is being investigated by Martin L. Kyle and Dr. Victor A. Maroni.

In all of these applications, the Argonne scientists are investigating cell and battery designs, developing means of fabricating suitable components, and selecting the most effective current collectors. They are also making extensive corrosion studies on potential construction materials. Small laboratory cells are being tested and then scaled up prior to being incorporated into a practical battery.

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A SAIL FROM THE SILO

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1970

Mr. HUNGATE. Mr. Speaker, as we give further consideration to additional defense outlays and ABM enlargement, I think the enclosed article will be of interest:

A Sail From the Silo

The United States Air Force may launch an unarmed Minuteman missile across the Western United States and into the Pacific next year.

There has never been a successful launch of a Minuteman missile from an operational silo—a fact that has worried defense strategists for several years.

Three launches have been attempted. But the missiles were tethered to prevent their going far. And various changes were made in the missile-control system with fuel reduced to a minimum.

The result: failure—due largely to these necessary constraints, Air Force officials believe.

Now the White House wants $31 million in fiscal 1971 for research and development and preparation for the launch of one or more missiles without warheads.

COLLEGE CHIEF TO STAY—BY DEMAND

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1970

Mr. BOB WILSON. Mr. Speaker, Dr. Malcolm Love, the president of San Diego State College, is respected and admired throughout San Diego. When Malcolm retires next year, it will be a great loss to the school and the community at large because he has dedicated himself to building San Diego State into a fine institution. The following excerpt from the Los Angeles Times outlines a few of his activities and I am pleased to share them with my House colleagues:

College Chief To Stay—By Demand

(By William Trombley)

Meet a college president who is actually liked by his students, faculty and staff—Dr. Malcolm A. Love of San Diego State College.

At a time when presidents and chancellors across the land are locked in mortal combat with students and professors, Dr. Love has been asked to postpone his retirement at least one year.

The 66-year-old Love, who has been president of San Diego State for 17 years and is already serving one year past his planned retirement, had hoped to leave his post by next September.

Now, at the urging of students, faculty, staff members and alumni, he has agreed to remain on the job until at least September, 1971.

Love said he was "surprised and pleased" by these expressions of support. "I cannot refuse under these circumstances. It is a privilege to serve this school," he stated.

What is the key to Malcolm Love's success? Recent interviews with students and professors on the large (23,500 students), bustling campus indicate that both believe Love defends them against hostile outside forces.

"I know of no comparable institution of higher learning where the faculty member can be so assured that he is protected against arbitrary and unfair personnel decisions," said Dr. C. Dale Johnson, professor of sociology and spokesman for the faculty Senate.

President Love and veteran faculty member Ned V. Joy established excellent procedures to deal with personnel grievances, Prof. Johnson said.

On the few occasions when these procedures did not work, Love stepped in "to handle the situation through informal arrangements," Johnson added.

Ross Y. Koen, executive secretary of the Assn. of California State College Professors, which is frequently at odds with the presidents of the 19 state colleges, said his organization rarely has had reason to complain about Love.

"Over the years we've just accepted the fact that Love has worked out a pretty good relationship with that faculty," Koen said. "There's been very little reason to criticize Love."

Students also see Love as a buffer against outside attack.

"One of our biggest problems is protecting ourselves from the hatchet actions of the (state college) trustees and the Legislature and the governor," said Ron Breen, a long-haired urban studies major who is president of the Associated Students Council.

"President Love offers us good support. He attends all those boring meetings and defends our interests. In Love's view there are 18 state colleges and then there is San Diego State—'San Diego and the seven dwarfs if you like'—and that's great."

Breen and student council Vice President B. J. Nystrom said they feared that if Love had left at the end of the current academic year, as planned, then an acting president would have been named by the trustees and State College Chancellor Glenn S. Dumke.

"We are not interested in any president, acting or otherwise, who is the candidate of Dumke and the trustees," Breen said.

Nystrom said Love's announcement has given the faculty and students an extra year to search for a successor. "We have assurances from the faculty that students will be involved in a meaningful way in the selection," he said.

MUST BE CONFIRMED

The college's choice must be confirmed by Dumke and the trustees, however, so trouble may lie ahead.

Love is a tall, white-haired man who speaks bluntly.

Asked why he wants to change the name of his institution from "college" to "university," he snorted, "This is not a college. This is a university, if that word has any meaning.

"We have graduate programs and nationally accredited professional schools. We're not talking about changes. We're talking about a name that will reflect the changes that have already taken place."

Such remarks do not warm many hearts in Sacramento, where cost-conscious legislators and Reagan Administration officials worry that university status would lead San Diego State to compete with the University of California for costly doctoral and professional programs and research activities.

At present San Diego State, like all the state colleges, can offer only the master's degree, except for two or three special joint doctorate programs with UC.

When Love came to San Diego State from the presidency of the University of Nevada in 1952, the college had only 4,000 students and a faculty of 160.

Now there are 23,500 students, 1,400 professors and 1,000 staff members on the 300-acre campus. A new, million-volume library under construction will contain more floor space than the entire 1952 campus.

Love has been helped by the fact that San Diego State has been tranquil through these years of turbulence on California campuses.

WELL-SCRUBBED

Beards, long hair and hippie dress are seen, but most of the students rushing from the jam-packed parking lots to their classes appear to be well-scrubbed and neatly barbered.

On a recent day a visitor found a Shakespearean Festival taking place outdoors and a senior faculty member reading Dickens' "A Christmas Carol" in the auditorium but no sign of any student political activity.

Student leaders Breen and Nystrom contend that this situation is changing.

"Two years ago the students and the San Diego community were very alike—very conservative," said Breen. "But since then there has been a remarkable series of changes, both attitudinal and in events."

One of these events was the election of Breen as student body president, the first nonfraternity man to hold the job in 17 years.

Another is the presence of about 1,400 black and Chicano students who have brought the concerns of minority students to the campus.

Last spring several thousand San Diego

State students staged a strike in protest against Gov. Reagan's handling of the People's Park disturbances in Berkeley.

"It was successful in waking people up to the fact that San Diego State is not the sleepy place it once was," said Nystrom.

President Love demonstrated his political skill when he appeared at a large rally that concluded the strike week.

He said only "I am proud to be president of San Diego State," a remark innocuous enough to fend off criticism yet considered by the students to be support for their cause. Love received a standing ovation from the crowd of several thousand strikers.

Several observers said another factor in Love's success is an excellent personal staff.

"He has the best second-line administration in the state," said an envious University of California chancellor. "He has several people I'd love to get but they won't leave."

Love credits these aides with much of the college's good fortune. "These are very good people," he said in a recent interview. "I just sit back and let them run the place."

Love is fond of listing things "we were told we couldn't do," by statewide administrators or others, but went ahead and did anyway.

"We were told we couldn't give any honorary doctorates," he recalled, so Love arranged for President John F. Kennedy to receive an honorary degree and no one saw fit to dispute the move.

In the same manner, the president said, San Diego educational television station on a state college campus, offered the state's first master's degree outside teaching and started the first faculty senate, among other state college "firsts."

Looking into the future, Love foresees problems if the state continues to grant more generous appropriations to the university system than to the state colleges.

Love served on the committee which helped to bring a UC campus to San Diego but he said: "When your faculty sits here and looks across town at UCSD, in a plant as big as ours, accommodating only 4,000 students when we are accommodating 23,000 or 24,000 . . . when you have that in the same city, not much happiness can be generated."

TREND FEARED

Love is also worried about the prospect of more centralized administration in the state college system.

"The most critical problem we could face," the president said, "would be to have the direction of this institution determined by forces outside . . . A healthy institution will have its roots in its own being. It must move in the directions that come out of the minds and the imaginations of its own people."

Love said he sees "no immediate threat" to San Diego State's autonomy from Chancellor Dumke or the trustees but warned that "events on one campus tend to lead to rules for all and this can bring about a tightening of regulations that would be damaging to all."

As for the general problems of California higher education, Love said: "It is very unfortunate that politics is being played with higher education in this state."

NEED INDUSTRIES

"Higher education is basic to California's well-being," he said. "It is not peripheral. San Diego, for example, is not a place where the typical eastern industry would survive. We need industries that employ more highly trained people. Higher education is the basis of the economy in this community and in this state."

Love believes current public hostility to higher education is part of a wave of conservatism in the country that will pass.

"Conservative reaction is causing people to use a lot of words against high education," he said, "but I don't think they believe them. I think they know higher education is important. Otherwise, why do they keep sending their kids here in larger numbers all the time?"

WASHINGTON STATE LEGISLATURE PETTTIONS ON BEHALF OF PRISONERS OF WAR

HON. THOMAS M. PELLY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1970

Mr. PELLY. Mr. Speaker, evidence received from the nine POW's who have been repatriated by the North Vietnamese indicates that Hanoi is brutally mistreating our servicemen it holds captive.

The suffering and humiliation to which these men are being subjected, and the cruel uncertainty with which Hanoi forces their families to live, demands the vigorous protest of the American people.

Therefore, I wish to include in the RECORD the following memorial passed by the legislature of Washington State, January 30, 1970:

HOUSE JOINT MEMORIAL 3

To the Honorable Richard M. Nixon, President of the United States, and to the Senate and House of Representatives of the United States of America, in Congress Assembled:

We, your Memorialists, the Senate and House of Representatives of the State of Washington, in legislative session assembled, respectfully represent and petition as follows:

Whereas, Article VI of the United States Constitution specifically states that provisions of treaties ratified by the United States Government become the "supreme law of the land"; and

Whereas, Notwithstanding solemn promises ratified at the international conference at Geneva that all prisoners of war captured would be given the respect of humane treatment; that Article 2 of the convention provides that it "shall apply to all cases of declared war or any other armed conflict which may arise between two or more of the High Contracting parties, even if the state of war is not recognized by one of them"; and

Whereas, The government of North Viet Nam acceded to the convention on June 28, 1957, and the government of South Viet Nam acceded to the convention on November 14, 1953, and the government of the United States acceded to the convention on August 2, 1955; no pretense of compliance has been advanced by North Viet Nam or the National Liberation Front (Viet Cong) despite the reminder to do so on June 11, 1965, by M. Jacques Freymond, Vice President of the International Committee of the Red Cross; and

Whereas, Repeated appeals on the part of wives, parents, relatives, and dependents of those unfortunate victims of Communist violence have proven ineffective through the United States Department of State;

Now, therefore, your Memorialists respectfully pray that the President and Congress of the United States of America do direct the Department of State to undertake a more determined effort to obtain the release of names of prisoners now held; to effect the immediate release of sick and wounded prisoners; to achieve impartial inspections of prisoner of war facilities; to assure proper treatment of all prisoners; to facilitate the regular flow of mail; and most importantly, to obtain the release and freedom from captivity of those American men of this "undeclared" war with North Viet Nam.

Be it resolved, That there be enacted by the Congress of the United States a code of protective legislation similar to the Uniform Code of Military Justice, Public Law 506, applicable to American personnel captured in military operations other than in a "declared war" to assure that the full force, authority, and power of the United States of America shall henceforth be publicly committed to the attainment of freedom from captivity of all Americans captured in such military actions, past and future.

Be it further resolved, That copies of this Memorial be immediately transmitted to the Honorable Richard M. Nixon, President of the United States, the President of the United States Senate, the Speaker of the House of Representatives, the Chairman of the House Foreign Affairs Committee, the Chairman of the Senate Foreign Relations Committee, and to each member of the Congress from the State of Washington.

UNIONIZED TEACHERS SPREAD ANTIBUSINESS IN CLASSROOM

HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1970

Mr. BROYHILL of Virginia. Mr. Speaker, my attention was recently called to an article in the chamber of commerce's Washington Report of February 23, 1970.

As I believe this article describes quite clearly the dangers of public employee unionism, I insert it in full at this point in the RECORD:

UNIONIZED TEACHERS SPREAD ANTIBUSINESS BIAS IN CLASSROOM

Perhaps the most apparent danger in unionization of public employees is the threat of loss of vital services through a strike.

Unionized teachers, however, have introduced a new threat which may prove to be even more harmful to the public interest.

Under the pretense of "instruction in current events," these teachers used "lesson plans," prepared by union officials describing "The ABC's of the GE Strike," to give their students a biased interpretation of the strike.

Behind this effort to indoctrinate the minds of high school youngsters with anti-management propaganda was Albert Shanker, President of New York City's United Federation of Teachers.

A syndicated columnist quoted Shanker as saying:

"Those 100,000 instructors, who teach 150 students a day, will reach millions of youngsters. We have teachers in most big cities. Their students will be motivated. We contributed $50,000 to the strike fund, but money is not enough."

Maybe money isn't enough, but it seems that taking the battle into the classroom is too much.

As *The New York Times* commented in an editorial Jan. 12:

"The issue is not the right or wrong of either side in the GE dispute. The plain fact is that the union, which represents all the

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city's teachers, is guilty of an intolerable conflict of interest.

"Few outsiders studying the U.F.T.'s lesson plan are likely to agree with the union's own declaration that it is 'a fair presentation of the facts.' In the same sentence, the U.F.T. notes its conviction that 'justice is on the side of the workers, not the company.'

"The transparent aim of all the material the U.F.T. has supplied to its members is to turn teachers and pupils against the company.

"The right of the union to actively support the striking workers is, of course, beyond question, as is similar personal action on the part of teachers and school officials whether or not they are union members.

"But it is sheer hypocrisy to pretend that what the U.F.T. is doing in stating this 'teaching unit' is anything other than making propaganda within the classroom . . ."

We question both the right and integrity of the teacher's union in using this tactic.

Moreover, it would seem that the teachers, no doubt inadequately informed about management's side in the dispute, could use a lesson in integrity and abuse of privilege.

Beyond that, it may be well for all of us to rethink the dangers of public employee unionism.

BELLE SPAFFORD HONORED TODAY

HON. LAURENCE J. BURTON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1970

Mr. BURTON of Utah. Mr. Speaker, an outstanding Salt Lake City woman, Mrs. Belle S. Spafford, is being given Brigham Young University's "Woman of the Year" award today at ceremonies in Provo, Utah. Mrs. Spafford is being honored for her work as president of the 300,000-member Relief Society, the women's organization of the Church of Jesus Christ of Latter-day Saints; as well as for her leadership as president of the National Council of Women, with a membership of 16 million American women. An article in the February 26 Salt Lake City Deseret News gives some background on Mrs. Spafford, and I include it in the RECORD at this point:

MRS. SPAFFORD TO RECEIVE HONORS AT Y

PROVO.—Brigham Young University's "Woman of the Year" honor will be presented to Belle S. Spafford, president of the Relief Society, Church of Jesus Christ of Latter-day Saints, and president of the National Council of Women of the United States.

The honor will be given at a devotional assembly March 3 in the George Albert Smith Fieldhouse. She will address the student body at the 10 a.m. meeting and will be presented with a quilt made by members of campus Relief Societies.

Following her address at the devotional assembly, Mrs. Spafford will be honored at a luncheon. Guests at the luncheon will include her two counselors on the Relief Society General Board, members of the administrative council of BYU and presidents of BYU stake Relief Societies.

As Relief Society president, Mrs. Spafford is in charge of women's organizations in all states and in many foreign countries, with a total membership of over 300,000.

Chosen president of the National Council of Women in October of 1968, Mrs. Spafford presides over some 16 million American women in this capacity.

Named by members of the women's activity office of the ASBYU for Woman of the Year honors, Mrs. Spafford believes the basic role of woman is found in the home.

Mrs. Spafford received the BYU Distinguished Service Award in 1951 and an honorary doctor of humanities degree in 1956 from BYU.

A former teacher in Salt Lake City schools, she was at one time grade supervisor, and later special instructor of remedial work at BYU Training School.

After service on stake Relief Society boards, she was called to the General Board of the Relief Society and named editor of the organization's magazine. She was appointed counselor to President Amy Brown Lyman in 1940 and was named president of the organization in 1945. The Relief Society is considered the oldest active women's organization in the United States.

ENVIRONMENTAL BENEFITS OF THE CALIFORNIA PERIPHERAL CANAL

HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1970

Mr. HOSMER. Mr. Speaker, Californians have recently been subjected to a barrage of misinformation by opponents of a project designed to solve an environmental problem. This is the peripheral canal, an integral part of the Federal Central Valley project and the California State water project.

The problem which faced the project planners was how to preserve the highly productive Sacramento-San Joaquin delta and permit these two important water development projects to move forward.

Preservation of the fishery and wildlife habitat, maintenance of recreation and meeting the agricultural and industrial water needs of the delta were the planning objectives. The peripheral canal concept was adopted, particularly because of its benefits to the fishery resources.

In response to the misinformation which is being disseminated, Mr. Doyle Boen, president of the California Water Resources Association, addressed the following letter to the Los Angeles Times, which discusses some of these problems:

CALIFORNIA WATER RESOURCES ASSOCIATION, FEATHER RIVER PROJECT ASSOCIATION,
Glendale, Calif., January 28, 1970.

The EDITOR,
Los Angeles Times,
Los Angeles, Calif.

DEAR SIR: The Times article of January 18, 1970 presented, in great detail, the views of opponents of the Delta Peripheral Canal but omitted a number of important facts which, if known by the general public, would arouse broad support for this indispensable project. A few of these are:

If the Canal is *not* built, water needed for the State Water Project and the Central Valley Project, must be delivered across the Delta, causing irreparable damage to farming in the Delta and destruction of fish and wildlife by reason of reverse flows, channel scour, levee erosion and other factors. Further, such water withdrawn from the Delta would be contaminated by the salt water tides from the Pacific Ocean as it crossed the Delta, endangering the health of millions of water users from Greater San Francisco to San Diego.

Evidence, produced after many years of exhaustive studies, is conclusive that the Canal offers the only solution which will provide a Delta water transfer of suitable export water quality, while stabilizing Delta water quality conditions and protecting the Delta fishery resources.

These conclusions are supported not only by fish and wildlife agencies and conservation groups, but by recent reports of both the Assembly and Senate Water Committees, both of which endorsed construction of the Canal, while insisting upon strong Delta protective provisions.

It is entirely false to say, as the Times quoted an opponent, that the Canal would "virtually dry up the fragile and beautiful Delta, destroying its ecological balance, damaging its fish and wildlife and the bordering agricultural lands of the San Joaquin Valley." Some of these things will truly happen if the Canal is not built.

Operational plans for the Canal provide for large releases of water into the inner Delta from outlets along the Canal. Such releases will protect and enhance the fishery and other aquatic life by eliminating flow reversals, provide salinity control through a net downstream flow to repel sea water intrusion, and greatly increase the recreational opportunities in the Delta through new facilities and better access to the waterways.

Our Association and many state and local agencies have endorsed the Peripheral Canal as a boon to the entire state, especially the Delta.

Sincerely yours,

DOYLE F. BOEN,
President.

DISTRICT OF COLUMBIA CRIME BILL

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1970

Mr. HOGAN. Mr. Speaker. WRC-TV, Channel 4, in Washington, aired an editorial on February 9 and 10 which opposed the "no-knock" provision in the District of Columbia crime bill.

To rebut the misinterpretation of this provision by WRC-TV, Mr. Donald Santarelli, Associate Deputy Attorney General for Criminal Justice, prepared a statement of clarification which was broadcast by this station on February 19 and 20. I support this provision and have also made a statement in rebuttal to the WRC editorial.

Since some of our colleagues might share this television station's confusion on this issue, I submit the WRC-TV editorial, Mr. Santarelli's rebuttal, and my statement:

WRC-TV EDITORIAL, No. 4

The "no knock" provision passed by the Senate in the D.C. anti-crime bill and also part of a House measure should be eliminated now.

It is a flagrant violation of the right of privacy—of due process and the guarantees of freedom from unreasonable search and seizure.

In simple form, the "no knock" provision permits a law enforcement official to go before a magistrate and obtain an order to allow him to enter a home or establishment by breaking down the door, or in any other fashion without announcing who he is, or his purpose. The official must show to the magistrate that he has probable reason to believe that evidence inside the establishment may or will be destroyed before it can be seized.

It is all very well to refer to the loathsome narcotics peddler, the gambling boss or the common criminal as "they" and ourselves as "we"—the upright law abiding citizen.

This is a nation of laws—and whatever the law can do to "them", it can do to "us". And whatever diminishes the rights and freedom of "them" also diminishes "us".

This is the issue.

There is one more frightening aspect of the "no knock" proposal. Police officers would enter a home or establishment in precisely the same fashion a criminal would enter—by force or stealth. Under such circumstance, the occupant could react to the point of killing the intruder and be absolved on the basis of justifiable homicide.

That also is too great a price to pay for the dubious result envisioned by this repugnant procedure.

(This editorial was broadcast at various times throughout the day on February 9 and February 10, 1970.)

Reply to WRC–TV Editorial

The following is a reply to the WRC–TV editorial which opposed the "no-knock" provision of the D.C. anti-crime bill. It was delivered by Donald E. Santarelli, Associate Deputy Attorney General for Criminal Justice, and was broadcast on the facilities of WRC–TV at various times on Thursday, February 19 and Friday, February 20, 1970.

The WRC–TV editorial opposing no-knock in pending D.C. anti-crime legislation, misconstrues the background and purpose of this proposal.

The United States Supreme Court has approved twice in the last few years police entry into homes without knocking for certain purposes as a principle existing since the common law in England. The vast majority of state courts and legislatures have supported no-knock, recognizing the need to prevent destruction of evidence authorized to be seized in a search warrant and to avoid danger to officers in the execution of these warrants. No-knock, therefore, is a long accepted and widespread principle and procedure in the law.

Contrary to the WRC–TV editorial, no-knock does not violate the right to privacy. For invasion of the right to privacy has already been authorized by the court when it issues a warrant to enter and search. No-knock relates only to the method of entry after the entry itself—which is the invasion of privacy—has been sanctioned by the court.

Nor is it fair to equate a police officer's no-knock entry to entry by a criminal. Unlike the criminal, a police officer no-knocks only with a search warrant issued by the court and only when the court has also concluded that no-knock entry is necessary. As a California court recently explained in upholding a no-knock entry because of reasonably anticipated danger, knocking by the officer "could have been the equivalent of an invitation to be shot. Reasonable conduct on the part of a police officer does not require that he extend such an invitation."

Response to WRC–TV Editorial No. 4

(By Lawrence J. Hogan)

WRC has misconstrued the "no-knock" provision by labeling it a "flagrant violation of the right of privacy." It is no such thing.

Congress is merely clarifying the existing law which *already* authorizes "no-knock" entries.

The purpose of the proposal is to provide comprehensive statutory language to make it clear when officers must announce before entering and when they need not. Citizens need this protection and police officers need this clarification.

The legislation now pending before Congress has written into it stringent safeguards to protect innocent citizens. A police officer can only obtain the "no-knock" warrant in certain cases and he must in *every* case appear before a judicial official and justify why the "no-knock" warrant is necessary. It can only be authorized when the evidence sought would be destroyed, if the life of the officer would be endangered, or if the delay would result in the person's escape.

This statute will not result in a massive infringement of citizens' rights. In 1965, New York passed a law allowing "no-knock" warrants. Of 1800 cases since then, police officers have applied for "no-knock" warrants in only 14 instances and executed only 12 of the 14. The constitutionality of this statute has been upheld by the Courts.

In the last decade we have over-balanced the scales of justice in favor of the criminal. We must now rebalance those scales to give more weight to the rights of the law-abiding segment of society.

ILLINOIS OGILVIE—A POLITICAL GIANT

HON. WILLIAM L. SPRINGER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1970

Mr. SPRINGER. Mr. Speaker, Gov. Richard B. Ogilvie is the subject of an interesting profile by Guy Halverson in the February 27 issue of the Christian Science Monitor.

"A political giant is emerging," writes Mr. Halverson in assessing Governor Ogilvie's first year record and his qualities as a political leader.

Governor Ogilvie's political star is rising in the Midwest and I commend this article to my colleagues:

[From the Christian Science Monitor, Feb. 27, 1970]

Ogilvie Star Rises

(By Guy Halverson)

Peoria, Ill.—A political giant is emerging here on the windswept plains of Illinois, but for all the lack of fuss about it, one might hardly notice.

That giant is Republican first-term Gov. Richard B. Ogilvie, a stolid, soft-spoken pragmatist with little ideological leaning but an admitted excess of political grit. The Governor is almost single-handedly reestablishing the Illinois GOP. He has begun a long-needed modernization of state government, is dragging many of his own party's stalwarts into a more progressive stance, and has even begun an all-out assault on the state Democratic Party structure headed up by Chicago Mayor Richard J. Daley.

And in the process, the Governor—who denies any ambitions for higher federal office—is being increasingly touted as one of the Republican Party's most promising political heirs. By 1976, at the end of an expected second term for both President Nixon and Mr. Ogilvie, the Governor will be only 53—an age, political pros point out, of which presidents and vice-presidents are made.

CRUCIAL TIME SEEN

For all that, however, 1970 is the crucial year for Mr. Ogilvie and, by necessity, the Illinois GOP.

Despite the state's long tradition of supporting Republican candidates, only one out of every three Illinois voters is considered Republican now.

Yet up for election this year is incumbent Republican Sen. Ralph Tyler Smith, appointed by the Governor last September after the death of Sen. Everett McKinley Dirksen. Mr. Smith faces a formidable challenge from popular Democratic state treasurer Adlai E. Stevenson III as well as a challenge in the March 17 primary from conservative Republican businessman William H. Rentschler.

Also at stake is continued Republican control of the Illinois Legislature. All seats are up.

AN OGILVIE SLATE

In the House, Republicans control by only four seats.

In the Senate, Republicans control by only eight seats.:

Moreover, the GOP slate is in many respects an Ogilvie slate. Besides Senator Smith, who headed up the Governor's downstate campaign two years ago, the ticket includes Cook County GOP Chairman Ed Kucharski, a close Ogilvie confidant and candidate for state treasurer.

Democratic critics, and some dissident Republicans as well, insist that the Governor is basically a colorless, unimaginative politician who is becoming a "Republican Richard Daley" because of his strong efforts to gain almost monolithic control over the state party structure. The Governor, naturally, denies such charges.

"When I first became Goevrnor, I found that the party had a tendency to drift apart after an election," he told this reporter in a recent car trip between the Peoria airport and a political rally in a nearby community.

FUNDS FLOW OUT

"Sure, we're building a strong party base," he says quietly. "Now the party is spending up to $750,000 a year on the state central committee. We even have a cadre of field men throughout the state."

The Governor vehemently denies charges of being a "Republican Daley." "Dick Daley is a very autocratic person," he says. "The Mayor rarely listens to advisers. He tends to make decisions on his own, with little prior consultation."

Mr. Ogilvie, a strong admirer of California's Ronald Reagan and Ohio Gov. James A. Rhodes, notes that when the decision had to be made to find a successor to Senator Dirksen he consulted a broad range of party chieftains. His state chairman, he says, talked to all members of the central committee. Finally, he personally talked with the three men that he was considering for the post.

"In all, I probably spent eight or nine days thinking over this one decision," he says.

Ogilvie enthusiasts—including scores of independents and younger voters—argue that the Governor's approach to filling the Senate seat typifies his entire approach to managing state government: low-keyed—with success. Initial criticism within the party at the Smith appointment has by and large faded, they say, now that voters are discovering that Mr. Smith is a first rate speaker and political craftsman in his own right.

CRITICISM VOICED

Party euphoria aside, however, many political scientists give the Governor a more mixed report card to date. On the plus side, they insist, is legislative enactment of the state's first income tax, establishment of a new budget bureau, creation of a department of local affairs and an Illinois Bureau of Investigations, and establishment of a special highway trust authority which can issue up to $2 million in bonds.

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But on the other side of the ledger is what some critics feel to be an indifferent effort to unify the state's deeply divided black and white communities (the governor has called out the national guard three times in riot situations already), an overcautiousness in attacking problems of poverty and hunger in major metropolitan areas, and a failure to move vigorously for pollution control.

Indeed, the war on pollution has in great measure been staked out by Attorney General William J. Scott, an old law-school classmate of the Governor's (along with Illinois Republican Sen. Charles H. Percy) and a man regarded in some circles as the leader of a developing "dissident block" within the GOP structure.

Whatever the final verdict on the Ogilvie legislative record, however, the Governor is quickly stepping out like a man on the rise. His schedule is constantly jammed with speaking engagements and rallies, many of them out of state.

A visit to an Ogilvie political dinner quickly identifies the genuine muscle to the Governor's political strength.

This reporter followed Mr. Ogilvie to a Lincoln Day dinner at Canton, about 20 miles from here.

There, some 400 to 450 stalwarts had paid up to $10 a ticket to fill party coffers for a not overly appetizing roast-beef dinner at the Canton Senior High School. The air was filled with the buzz of political talk. In the background, an organist was playing a rousing rendition of "Battle Hymn of the Republic." American flags adorned each table.

"Support the Endorsed Republican Team," a massive poster proclaimed. Affixed to it was a giant picture of President Lincoln.

UNITY STRESSED

The Governor, a squat, reserved man from suburban Chicago who astounded the pros by winning the office of Cook County sheriff in 1962 and becoming Cook County Board president in 1966, arose from his seat to the applause of his audience with an almost boyish shyness. But when he talked—on patriotism, on the need for taking a dispassionate view of student unrest and the Vietnam war, and most of all, on the need for a united Republican Party in Illinois, the audience was clearly his.

"At first Ogilvie was unpopular down here," one elderly Canton townsman whispered during the speech. "Many of us disliked his income tax. But you know, he's our man now. We like his fight. He wants to make the Republican Party mean something in Illinois. And he's not pushed around by all those folks in Cook County."

"Ogilvie's our man," he said again—a broad grin crossing his face.

In the background—flanked by dozens of American flags—Richard B. Ogilvie was talking to Republican Illinois.

And every eye was riveted upon him.

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YEAR OF THE VOTER: THE 50TH ANNIVERSARY OF THE FOUNDING OF THE LEAGUE OF WOMEN VOTERS.

HON. DANIEL E. BUTTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1970

Mr. BUTTON. Mr. Speaker, 1970 marks the 50th anniversary of the founding of the League of Women Voters. This year, the league has chosen the "Year of the Voter" as their theme and have pledged themselves to reaffirm the value of the franchise to the American people. I feel privileged to join in a salute to their goal and to draw the attention of my colleagues to this worthy observance.

The league shares the anniversary of its founding with passage of the 19th amendment in 1920, which granted woman suffrage. Since its inception, the league has been distinguished by its commitment to the guarantees of our democratic process and has worked steadfastly in its role of promoting political responsibility among all citizens. Carrie Chapman Catt, president of the American Woman Suffrage Association and honorary president of the League of Women Voters that followed, aptly described the league's function as "an anomaly." We want political things; we want legislation; we are going to educate for citizenship. In that body we have got to be nonpartisan and all partisan. The league has remained true to its responsibilities for nonpartisan voter education and its record in promoting voter participation is unparalleled. It is my firm belief that participation in the democratic process is the foundation on which all our ideals must rest. To this end, I salute the League of Women Voters and this—the "Year of the Voter."

FINANCING HIGHER EDUCATION FOR POOR PEOPLE

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1970

Mr. CLAY. Mr. Speaker, any meaningful racial integration of this society rests upon the commitment of this Nation to insure equal opportunity to quality education for all people, irrespective of color or affluence. We do not have this kind of commitment today. Instead, we have rhetoric about eliminating poverty without any action on the fronts of social, educational, and economic injustices which perpetuate poverty. Indeed, there is every indication that this Nation will now defer to those who believe equal opportunity is too great a responsibility for this Nation to assume.

Mr. Speaker, the black people of this Nation will not relent in our efforts to attain a reasonable share of the economic, educational, political, and social benefits of American life. Accepting the premise that black people will have due impact on public policy, we will continue to call for change, and we will continue to fight against backsliding on the equal rights legislation which became law during the 1960's.

We are committed to the proposition that our right to education does not terminate at the 12th grade level—that black students—a majority of whom are poor, must be given access to higher education since the college degree is now prerequisite to job opportunity. The poor must not be condemned to the ranks of the unskilled laborers by a public policy which does not recognize their right to education and to job training. It is the height of injustice to discriminate against people because they are poor, to criticize them for their condition, and at the same time deny them the opportunities to escape poverty and to contribute their talents toward a greater productivity for this Nation.

In testimony before the Special Subcommittee on Education of the House Education and Labor Committee last week, Dr. Herman Branson, president of Central State University, Wilberforce, Ohio, presented us with the case for financing the higher education of poor people. Dr. Branson effectively dispels the notion that this Nation cannot meet the educational needs of the poor. I commend to the attention of my colleagues the following statement by President Branson, who also serves as vice president of the National Association for Equal Opportunity in Higher Education:

FINANCING HIGHER EDUCATION FOR POOR PEOPLE: FACT AND FICTION

"In this twentieth century, the uneducated man is not a man. He does not quite exist. In its deepseated, visceral motivations, the Negro revolt is, in part, a desperate reaction against non-existence."—Eric Severeid, New York Post, June 17, 1963

INTRODUCTION

Financing higher education for poor people—and for a special sub-group of poor people, blacks—can be discussed with conviction only if we accept the American ideal of equal opportunity as being genuinely sincere. One expression of that ideal, which I like, reads as follows:

"It is clear, however, that the American ideal of equality of opportunity for all depends for its realization on making post-high-school educational opportunity a reality for the culturally and economically disadvantaged, who constitute both the greatest untapped human potential of our society and its greatest problem." (Wolk, p. 103).

Thus in discussing the implications of this position I shall attend to how big a problem it is, how can it be done, and how rapidly can the imbalances be righted. Nary a word will be given to the "ought." I shall not even entertain the slight pessimism of Raymond Aron who wrote,

"The government (U.S.A.) is now more or less committed to a combination of legal measures (universal extension of the right to vote, abolition of the more obvious forms of segregation, integrated schools, etc.) and social measures (slum clearance, better schools, welfare services, etc.) especially tailored to the needs of the Negro minority. These, presumably, will gradually reduce the gap between the progress of the Negro ethnic group and that of other groups. Will the goal of integration then be reached, or at least will the United States come close to reaching it? Let us frankly admit that we do not know."

The goal is attainable; it is consistent not only with our expressed social preferences but is also in our best interests as a nation.

Moreover, it seems advantageous to employ blacks as the representatives of poor people as my focus. Surely if we can solve the problems of how to bring them into higher education in numbers commensurate with their population ratio, the same social techniques can with slight modification be employed for other students from low income families.

HOW MANY

The percentage of blacks in the American population is usually presented as being between 10 and 12%. Wisdom and Shaw use

12% in their projections; using the census estimates of 1967 and the assumption that 90% of the non-white population is black we get a value slightly under 10%. Hence, it seems safe to use 10% in our calculations. Thus, blacks should constitute about 10% of all students enrolled in higher education. From the *U.S. News and World Report* (June 9, 1969) figures we can construct the following table:

Year	Enrollment in colleges	Blacks
1968	6, 801, 000	680, 100
1971	7, 820, 000	782, 000
1974	9, 051, 000	905, 100
1977	10, 190, 000	1, 019, 000
1980	11, 181, 000	1, 118, 100

The data on the actual enrollment of blacks in colleges and universities as reported by *The Chronicle of Higher Education* (October 13, 1969).

Year	Blacks enrolled	Percentage of age group between 18 and 24 years old
1964	234, 000	8 (w. 22)
1968	434, 000	15 (w. 27)

The figures in parentheses are for whites during the same year.) These tables indicate that in 1968 there was a deficit of 250,000 blacks in the number who should have been in higher education. These statistics reveal, however, that the number in college almost doubled in the 4 year period, 1964–1969. But before we become too ecstatic over these figures we must keep in mind that the increases have occurred similarly in the first two years and that an inordinately large number of these students will never graduate unless extraordinary attention is given to their needs.

A disconcerting point is that there 434,000 students, constituting 6% of all students in higher education, were much under-represented in the South. John Egerton's study (State Universities and Black Americans, page 14) showed that of the 398,249 students in 28 of the best known predominantly white state universities and land-grant colleges of the south only 6,004 were black amounting to only 1.76%. In the professional schools of these same universities among the 91,732 students, there were 1,552 blacks (1.69%). The black students in the southern and border state public institutions are overwhelmingly in the predominantly black state universities and land-grant colleges where the numbers for 1968 are 44,808 undergraduates and 3,576 graduate and professional students. The droll discovery is that the predominantly black public schools as a group are more integrated than the predominantly white having 1,993 white students or 4.4%—contributed overwhelmingly by 5 schools in the border states.

A capsule description on Alabama might illumine the region. The state has a population of about 3.3 million people of whom 30% are black. The university enrolls about 21,000 students, 15,000 full-time and 6,000 part-time. In fall of 1968, 308 of the 15,000 students were black, distributed as follows (However, *The Chronicle's* figures add to only 235):

283 undergraduates (including 108 freshmen).

21 graduate students.

4 medical students.

0 law students.

0 dentistry students.

Those zeroes are real. Four blacks received undergraduate degrees in 1967–1968. Yet the drop-out rate for blacks entering in 1967 was almost 33%, only 8% higher than for others. Such distributions as found at the University of Alabama are usual.

Turning to Florida, where there are approximately 6 million people, a sixth of whom are black, Egerton reported:

	Full-time undergraduate students		Graduate and professional	
	Total	Negro	Total	Negro
Florida State University	12, 083	131	3, 601	43
University of Florida	18, 426	80	3, 762	11

Looking at the colleges and universities in Florida reported in *The Chronicle* (April 21, 1969) we find that of the 145,353 students in all schools—two year, four year and universities—there were 11,581 Negroes, most of whom in four year colleges were in predominantly black state supported schools. Using the population fraction of 1/6 there should have been 24,000 in all Florida schools—a deficit of about 12,000 Negro students.

An interesting statistic on Florida is reported by Leeson (*Southern Education Report*, pp. 38–39, May 1969) that "Florida has 5,855 Negro residents attending black schools within the state, and 2,139 leave to attend predominantly Negro schools elsewhere in the region. Florida attracts only 728 out-of-state Negroes."

In summary, the national deficit of Negro students was about 250,000 in higher education in 1968 of which Florida shouldered about one-twentieth of the total 12,000 Negro students.

WHAT WILL THEY NEED?

"The means are at hand to fulfill the age-old dream: Poverty can be abolished. How long shall we ignore this underdeveloped nation in our midst? How long shall we look the other way while our fellow human beings suffer? How long?"—Michael Harrington, *The Other America* (1962)

The Negro young people who will enter higher education to swell the numbers toward parity are almost certain to be disproportionately from poor families. The U.S. Department of Labor statement "A startling ratio of 6 in 10 of all nonwhite children were in poor families in 1963" plus the realization that the children from higher income Negro families are attending college in high proportions bolster this conclusion. Moreover, the large scale study of Boyer and Baruch (A.C.E. Research Reports, 4 (2), 1969) reveals that even now a disproportionate number of Negroes enrolled as college freshmen are from very low income families:

Estimated parental income	Black	Nonblack
Less than 4,000	29. 3	4. 6
4,000 to 5,999	26. 0	9. 5
6,000 to 7,999	17. 2	15. 9
8,000 to 9,999	10. 6	18. 0
10,000 to 14,999	10. 9	28. 5
Over	6. 2	23. 4

Since these are estimates given by the students their reliability may be seriously questioned but they point in the same direction as other data. From them we get some startling insights. Three interesting ones are as follows:

1. Almost a third of the black freshmen are from families earning less than $4,000 per year.

2. 72.5% of the black freshmen are from families earning less than $8,000 per year while only 30% of the white freshmen are from such families.

3. According to *Fortune* (December 1969, page 91), 33% of the nonwhite families in America have annual incomes from $7,000 to $15,000, thus this group contributes little more to the college group than their percentage, i.e., about 40% of the freshmen from 33% of the families. This makes me further suspect the Boyer and Baruch data—but they are all we have.

These data must be combined with estimates of what can a family be expected to pay towards the higher education of a child to be useful. For this we have the CEEB table. Using the CEEB table, for a family with two children and *Fortune's* figures that ⅔ of Negro families have incomes of less than $7,000 per year we see the most affluent numbers of this group would be expected to contribute no more than *$740* per year towards the costs. On the Boyer-Baruch data we see that 72.5% of the black freshmen now would expect to receive no more than $950 per year. Still these figures might mislead since only the top few could reach this amount.

The table proposed for Florida (Table V, p. 9) reads:

Family income	Expected parental contribution
Below $5,000	0
$5,000 to $6,999	0
$7,000 to $9,999	605
$10,000 to $15,000	1, 380
Above $15,000	3, 000

From this table and the *Fortune* data, we see that ⅔ of black families in America would be expected to contribute nothing to the expenses of higher education of their children. Interestingly this table and the Boyer-Baruch data lead to essentially the same conclusion for the Negro freshmen, that ⅔ of their families would be expected to contribute nothing.

An earlier report of Egerton (Higher Education for "High Risk Students, S.F.F., April, 1968) supports the position that if we go out for significantly more Negro students we must be prepared to support them fully, for he reported that at the University of Wisconsin.

"Admission was offered to 37, and 24 of them enrolled. About $49,000 in financial aid, including federal grants and loans, fee remissions and grants from the university president's budget was made available."

That is something more than $2,000 per student.

Hence, it seems honest to conclude that any program which realistically expects to increase significantly the number of Negro students in higher education must plan to meet those costs with no aid from the student's family. The money must come from state, federal, and private sources with a nominal contribution from self-help by the student from summer earnings and working during the school year. For Negro students the most realistic approach might be to emphasize the state and federal sources for his minimum needs.

The analysis in this section has proceeded as though the financial need lies only with the new Negro students, that all is well with those now enrolled. Such is far from the truth. Many schools which enthusiastically recruited Negro students in the last year or so find themselves sorely pressed to support those they have and with little prospect of maintaining the black-white ratio they so eagerly established. This is true of colleges and professional schools including medical schools. Thus, there is an easily documented need for increased aid to these schools.

The plight of the predominantly Negro college and university is especially dire. With rise in costs there is need for much more aid to the students to keep them in school. I remarked earlier this year that the truly forgotten man in American higher education is the Negro student in the predominantly Negro school. Using my own school as an example, last autumn quarter (1968), 284 students who were in good standing, without warning, left for the Christmas holidays and did not return the winter quarter beginning in January. Our Registrar, Mrs. Frances Hawkins, sent a questionnaire to them which got about 40% response. Nearly 70% of the students stated that they had to drop out for financial reasons.

This year, for example, we must collect about $4 million from our students while our total financial aid is only $800,000, about 20% of what our students need. Conservatively, we need now another $1.8 million per year in student aid for our 2,600 students, that is, aid averaging about $1,000 per student per year which would enable us to cut our attrition rate drastically and recruit honestly the children from low income families in the state who need and desperately want a chance at college. Since we should double in size in the next four years, too, in relieving the national and state deficit, our student aid package should total $5 million per year when and if we are to reach 5,000 students with the same characteristics as our present student body.

At first blush to talk of a predominantly Negro state-assisted school having direct and indirect financial aid support of $1,000 per student reeks of the frivolous. Yet, it is found in some predominantly white state-assisted schools. The University of Iowa in Iowa City comes to mind. With 20,235 students this fall (1969) the school had financial support for its students of $21.5 million. My breakdown of that amount is as follows:

$6.1 million for teaching and research assistants.

$7.0 million for other working students.

$1.7 million for loan funds.

$0.4 million for work-study.

$6.3 million for scholarships, fellowships, and other.

I could not determine what part of these monies are supplied by state, federal, and private sources. The important consideration is that a state supported school not in the top of Cartter's or other prestigious grouping, has what the predominantly Negro schools should have.

Thus, the pattern is established, but we should consider that even if we made higher education free to these students there remains some responsibility to his low income family. Schultz reminds us that—

"So-called free education is far from free to students and their parents, which in turn implies that many families with low incomes cannot afford to forego the earnings of their children."

Although an important factor and a real one as all of us who have taught know, I shall not include it in my summary of amounts. A later analysis, after some of these proximate goals have been achieved, will be necessary.

In essence, then, I believe that this section indicates that

(1) Any school planning to increase materially its number of Negro students must plan a financial aid packet that will meet the total expenses of all of them—tuition, room, board, books, supplies, pocket money—with no aid for their parents.

(2) The Negro young people from relatively affluent families are already attending college. Thus, predominantly white schools may succeed, then, in enticing some of them away from the predominantly black schools they might normally have attended and these students may require less financial aid. But the need is for schools to recruit the Negro who would not attend any college unless actively recruited with requisite aid.

(3) For the 250,000 students, referred to on page 5, this means a financial aid package averaging about $2,000 each or a half billion dollars a year.

(4) For the 434,000 Negroes now in college who, in my estimate, need about another $1,000 per year in aid to cut their dropping-out and to enable them to live and work with a medium of security and ease.

(5) Thus, the national need to gain parity now is roughly an additional billion dollars a year. To be sure this parity cannot be gained in a year. Still, could it not be projected from the quinquennium 1970–1975? If we keep in mind that by then, the number of blacks in colleges and universities should be about 900,000 rather than the 680,000 we are budgeting for, we see our roughly a billion now growing to a billion and a half with the concomitant inflation.

(6) On page 5 we saw that Florida should carry about 1/20 of this responsibility. Thereupon it would be warning indeed if Florida were planning a combination of state and federal aid to bring 12,000 non-Negroes into higher education as rapidly as possible—but certainly not with all deliberate speed—and to gain parity by 1975. This would require additional expenditures of some $60 million more per year for this purpose alone. Inasmuch as this amount is far beyond the projected aid needs in the Florida University system as a whole, where the maximum amount is $48.3 million for 1974–1975, we see that the state alone could not possibly assume this expense. If we think that Florida would be willing to spend ⅓ of the $48.3 million on Negro students, the Federal contribution to Florida would have to be about $44 million to aid in the climb toward parity. Observe that had we talked of ⅔ of the students needing aid or such the order of magnitude would be unchanged. What we come upon is that the remedies are costly and will take time.

"What the best and wisest parent wants for his own child that must the community want for all its children. Any other ideal for our schools is narrow and unlovely; acted upon it destroys democracy."—John Dewey, *School and Society*, 1894

HOW CAN THE NEED BE MET

"No nation goes bankrupt educating its people."—Confucius

Having waded through these repellant statistics of neglect and inaction, we can be heartened by the seeming fact that states and the Federal government have or easily can enact legislation aimed at making higher education truly available to children from low income families. On the surface I see no reason why imaginative handling of (1) The Educational Opportunity Grants Program, (2) The College Work-Study Program, (3) The Guaranteed Loan Program, cannot achieve what we have described. I favor extending and funding the first two of these students. Moreover, there could be a state program such as the very promising Ohio Instructional Grants Program that could meet a part of the expense. But, all these programs must be operated so that they reach these students.

According to Section 508 of the Higher Education Amendments of 1968 (Public Law 90–575) "on or before December 31, 1969, the President shall submit to the Congress proposals relative to the feasibility of making available a post-secondary education to all young Americans who qualify and seek it." The wording here permits almost anything. But we can be hopeful.

"They, then, who knowingly withhold sustenance from a newborn child, and he dies, are guilty of infanticide. And, by the same reasoning, they who refuse to enlighten the intellect of a rising generation, are guilty of degrading the human race! They who refuse to train up children in the way they should go, are training up incendiaries and madmen to destroy property and life, and to invade and pollute the sanctuaries of society."—Horace Mann, 1846

Florida has several programs which if extended and made available could supplement Federal programs admirably. The important consideration for the students we are discussing is that

(1) The aid be swiftly attainable, not requiring multiple forms to be filed in sequence, with compatible data.

(2) The aid be adequate to meet all the higher education needs.

(3) The aid preferably not require solvent co-signers or complicated bank arrangements.

OTHER NEEDS

The vast majority of Negro students in higher education in the 70's will be from low income families with the social, cultural, and intellectual habits of that group. Higher education in America is by and large middle class and upper middle class. Thus, the Negro who enters with his financial needs met will need a great deal more. Here we enter a thicket. Although some observers expect them to be conditioned by their environment as different social beings, others expect them to be "qualified," meaning that these students should have somehow acquired social and intellectual habits, and especially language habits, characteristic of able middle class youngsters from "good" high schools. The colleges which accept them must be aware of this and stand ready to supply the genuinely supportive environment needed. In Bloom's words

"At late stages in the development of a characteristic, only the most powerful and consistent environments are likely to produce marked changes in the individual."

Unfortunately, there has been too much of the precipitate in programs aimed at this group. Too few have worked at maintaining the forward thrust when the novelty had gone. Enough Negroes come in, too, caught in the frustration-aggression cycle to make headlines and thereby divert attention from the main task as we conceive it here.

"The art of progress is to preserve order amid change and to preserve change amid order."—A. N. Whitehead

SOME CAVEATS

Although I talk here of attaining 10% in colleges and universities, I am aware that this is a meager attainment unless the further goal of 10% in *all* disciplines, divisions, schools, or what have you is not kept consciously in mind. Right now medicine perhaps is making more progress towards that 10% than any other field.

One of the handicaps in aiding the Negro student to maintain a good wholesome view of himself—that acceptable self-image—and to feel as though what he is doing is mature, worthy, and significant—that ego reinforcement—is the persuasive tendency to place him in a separate category with a pejorative title. Thus, he must be in a "remedial program," and he has to be considered "disadvantaged." If you escape these, at least, he must be tagged a "high risk" student. Carried to extreme you encounter those eager to tag him as congenitally inferior resting their opinion upon the pseudoscience of semi-intellectuals—to borrow Aron's phrase.

And finally with this emphasis on getting more Negroes into higher education we must guard against a most serious subversion of that ideal: have the numbers but have no programs geared to aid them in gaining genuinely useful and personal satisfying intellectual, social, and cultural skills, habits of thought and behavior, values and judgments essential for modern society. The evidence is

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that some secondary schools have done just that, given up, thrown up the hands, shunting such students into a "general curriculum" where they vegetate, coming out with excessive credits in "choral music," "homemaking," and the like. The titles do not convey the emptiness and the triviality. The student is "graduated" from high school poorly prepared for anything.

"If you can look into the seeds of time, and say which grain will grow and which will not."—Macbeth.

MURDER IN THE AIR

HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1970

Mr. BROYHILL of Virginia. Mr. Speaker, this is in protest against the barbarous murder, both in the air and on the ground, of innocent Americans and nationals of other countries by Arab extremists. Their inhuman actions, supported and applauded by the Soviets and their Arab vassals, have only one purpose, the elimination of the little Jewish State of Israel. I also hold responsible France's President Pompidou who by his actions against Israel is giving aid and comfort to the Arab terrorists.

In contrast to these Nations, I point with pride to President Nixon and his administration, which is standing firmly for a balanced policy in the Mideast and designed to insure Israel's balance of power and, thus, to prevent the Arab goal of annihilation of this bulwark of democracy in the Mideast.

I am taking this opportunity to applaud and congratulate the American Bar Association which, jointly with the Israel Bar, is cosponsoring a 3-day conference on the "Legal Aspects of Doing Business in the United States and Israel." This conference will be presented March 30–31 and April 1, 1970, in Tel-Aviv, Israel, to present an intensive analysis of some of the most urgent and pressing developments in the law relating to doing business in the United States and Israel.

The conference is designed to provide meaningful and practical legal information to lawyers and their clients, to American and Israeli business executives and managers, regardless of their place of business, on how to export to, sell in, or manufacture within the United States and Israel. Investors interested in establishing manufacturing plants in the United States or Israel; business concerns desiring to enter into joint ventures with American or Israeli business concerns; and exporters seeking markets in the United States and Israel for their products will benefit by this conference. The Manufacturers' Association of Israel will maintain an information desk at the conference to facilitate personal contacts between registrants and Israeli businessmen.

The conference faculty is composed of a distinguished panel of United States and Israeli attorneys from private, corporate, and government practice.

The American Bar Association's cosponsorship of the conference gives expression to the prevalent American view that Israel has an absolute right to exist, to function fully and to live in peace within safe recognized borders.

I am inserting in the RECORD a news release by the American Bar Association relative to this conference:

AMERICAN BAR TO COSPONSOR LAW CONFERENCE WITH ISRAEL BAR IN TEL-AVIV

CHICAGO.—An international conference on the legal aspects of doing business in the United States and Israel will be held in Tel-Aviv March 30, 31 and April 1 under the joint sponsorship of the American Bar Association and the Israel Bar.

In announcing ABA participation in the conference, President Bernard G. Segal said it was part of a continuing effort to foster closer cooperation between the U.S. legal profession and lawyers of other nations.

The conference will be open to any interested U.S. lawyer. It will bring together recognized legal authorities of both countries as speakers, panelists and workshop leaders exploring legal problems and solutions affecting trade and investment between the two nations. Topics will include taxation, import-export regulations, and foreign investments. The sessions will be held at the Hilton hotel in Tel-Aviv, Israel.

The American Bar Association's Section of International and Comparative Law is arranging U.S. participation through a committee under the chairmanship of Charles R. Norberg of Washington, D.C. The ABA Section is headed by David M. Gooder of Oakbrook, Ill.

Program, registration and travel information may be obtained by writing to Foreign Tours, Inc., 500 Fifth Avenue, New York, New York 10036.

REPUBLIC OF ESTONIA

HON. WILLIAM T. MURPHY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1970

Mr. MURPHY of Illinois. Mr. Speaker, February 24 marked the 52d anniversary of the declaration of independence of the Republic of Estonia. It is appropriate that on this occasion every year we take time to pay tribute to this country which represents freedom-loving people throughout the world.

Through Soviet military aggression, the Estonian people were deprived of their independence and the country was deprived of its right to self-determination. But during this long period of occupation and oppression, the Estonians have maintained a firm dedication to the ideals of freedom and a deep desire to regain their liberty. The spirit of the Estonians should be an inspiration to us and a reminder of the struggle that other countries are enduring to achieve the freedom that was have possessed and cherished for so long.

On the anniversary of Estonian Independence Day, we wish to convey to the Estonian people our concern for their welfare and our respect for their many years of patient efforts to restore their independence.

THE MAN CALLED LINCOLN

HON. JOE SKUBITZ

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1970

Mr. SKUBITZ. Mr. Speaker, since 1932 the Republicans in my congressional district have held a Lincoln Day celebration in Independence, Kans. One of the highlights is the Lincoln eulogy. This year's eulogy was delivered by Kim Moore, a young Republican from my district and student council president of Southwestern College at Winfield, Kans.

Kim Moore did an outstanding job and I urge my colleagues as well as everyone else to read the excellent eulogy written and delivered by Mr. Moore that follows:

THE MAN CALLED LINCOLN

(By Kim Moore)

What a waste of time it would be to recount the life of Abraham Lincoln! For every person who is the least little bit American knows the tales associated with the famous rail-splitter. The volumes of materials covering this man's life fill entire libraries. Yet, with all the stacks of books, it is so easy to overlook the contemporary significance of the *Man* called Lincoln.

The Man called Lincoln is often largely ignored in the legends. In his place, the predestined President stands. We all know the tale of Lincoln's voyage down the Mississippi where he saw the cruelty of slavery. The unlearned authors are quick to add—that from that moment on he decided to fight that evil and destroy it. Abe Lincoln was not super-human. His decisions were reached by the same grueling processes men in leadership today still employ. So, as we pause in today's celebration of his birth to look at Lincoln, I hope that we as the Republican Party, his posterity, can once again glean from this man's life those principles which made Lincoln the greatest nineteenth-century American.

What would this nineteenth-century giant say to us today? It is very dangerous to put words into Lincoln's mouth and take his ideas out of their context. It is done too frequently. Lincoln himself was very critical of long-winded speakers. He is known to have once commented about a fellow lawyer by saying that he had the talent of putting the smallest ideas into the most words. So with that command, let us consider only three major Lincolnian traits.

Throughout his life, one can trace Lincoln's sincere faith in and love of the young republic. He watched slavery tear America apart and was prepared to help rejoin the sections when his life was taken. The South had originally wanted to go peacefully, but Lincoln commanded that all governmental properties and tax-collecting agencies would be maintained. He could not allow his sacred oath to preserve and protect the Constitution to go unheeded.

Beyond this, Lincoln had a faith in the basic tenets of America's infanthood—even though some had been prepared by that Democratic rogue Jefferson. America was the world's proof to Lincoln that there could be a government of, by, and for the people. This experiment had to succeed in spite of divisive slavery. His love for America was not the "America Right or Wrong" breed (we hear so much about today) but a faith in the ultimate strength and righteousness of her course.

His love of country was matched only by his concern for her people. The slavery issue provides an example of this trait. Lincoln had consistently opposed slavery in its expansion attempts. He had hoped that eventually the institution would die out. Modern historians, who have to have something to do to keep themselves employed, have attempted to revise Lincoln's reasons for signing the Emancipation Proclamation. They now believe them to be the sterile ideas of military and diplomatic advantages. However, the fact remains that Lincoln saw the human suffering slavery produced and was mentally and emotionally prepared to start its death knell.

The fight to end slavery resulted in much bloodshed. Lincoln always seemed to grasp the suffering of all. We are all familiar with pictures of him bent over the casualty lists with his enormous head sadly resting in his hands. Often, he wrote personal letters of condolences. He expressed his own anguish to Mrs. Lydia Bixby of Boston who had lost five sons in this war.

"I feel how weak and fruitless must be any words of mine which should attempt to beguile you from the grief of a loss so overwhelming. But I cannot refrain from tendering to you the consolation that may be found in the thanks of the Republic they died to save. I . . . leave you only the cherished memory of the loved and lost, and the solemn pride that must be yours to have laid so costly a sacrifice upon the altar of Freedom."

While others lost their faith in everything, Lincoln retained his faith in his fellow man. He even maintained that famous dry wit. At the end of the conflict, once Mrs. Lincoln excitedly told her husband that she hoped Jefferson Davis would not escape the law. "He must be hanged!" she exclaimed. Lincoln dryly replied, "Judge not, that ye be not judged."

His two traits of love of country and love of humanity are overshadowed by that very old-fashioned idea of the American dream which Lincoln so magnificently represents. We hear a great deal about the generation gap; yet, in reality, all generations come together in their desire to achieve beyond what the last one achieves. It may be easy to question the direction of this achievement, but it cannot be doubted. Lincoln was part of this American achievement process. From poverty to prosperity, from obscurity to prominence, and yes, (I must include) from log cabin to White House, he moved—this strange man Lincoln.

At that time, it could not have happened anywhere else in the world. Only in America was such opportunity. There was nothing in Lincoln's early life to indicate that he had such a destiny. If he had lost a certain wrestling match at New Salem or perhaps if he had not grown that famous beard when requested to do so by an impressionable girl, his story might be quite different. But the "ifs" would change any man's story. Lincoln carved out his own destiny. Some cynics claim that events produce the men. Other believers in humanity feel that man has some control over his events. Whichever view we take, we must surely admit that Lincoln was the man for the challenge of his era.

This is the man Lincoln—the lover of America, the humanitarian statesman, and the representative of the American dream. Like Joan of Arc of France, like King Arthur of England, Lincoln the man soon became Lincoln the legend. More than the historical events of his life, he came to stand as the representation of the word "American." Every generation grasps at his story for it moves something deep within the human conscience.

His party remains today as the only viable alternative to the unmentionables. As the party of Lincoln, we look back for guidance. Lincoln was idealistic, we realize, but he was also so realistic. In a very different situation, he gave these words which remain a call to all Americans:

"Our Republican robe is soiled and trailed in the dust. Let us repurify it . . . Let us readopt the Declaration of Independence, and with it the practices and policies which harmonize with it. Let North and South—let all Americans—let all lovers of liberty everywhere join in the great and good work. If we do this, we shall not only have saved the Union, but we shall have so saved it as to make and to keep it forever worthy of saving. We shall have so saved it that the succeeding millions of free, happy people the world over, shall rise up and call us blessed to the latest generations."

Certainly, no political party has had a stronger founding father. Every year we look back and in doing so we look far ahead. For the wisdom of Lincoln is enduring. The story is always the same whether told in oratory, eulogy, caricatures, or impersonation. Yet, we attach no triteness to its re-telling. The principles of Lincoln—his love of country, his belief in humanity, and his will to succeed as a free individual in a free land—remain the beliefs of America's real leaders. Should America endure 1000 years, 100 years, or only until tomorrow, we could do no wrong to continue to follow in the footsteps of the Man called Lincoln.

FREEDOM'S CHALLENGE

HON. CARLETON J. KING

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1970

Mr. KING. Mr. Speaker, each year the Veterans of Foreign Wars of the United States and its ladies auxiliary conducts a Voice of Democracy Contest. This year over 400,000 school students participated in the contest competing for the five scholarships which are awarded as the top prize. The winning contestant from each State is brought to Washington, D.C., for final judging as guest of the Veterans of Foreign Wars.

The winning speech from the State of New York this year was delivered by Miss Kathleen Maclutsky, the daughter of Mr. and Mrs. John S. Maclutsky of Rensselaer, N.Y., constituents of the 30th Congressional District.

Because I feel Miss Maclutsky's speech entitled "Freedom's Challenge" deserves the attention of my colleagues, I would like to include her speech in the Extensions of Remarks of the CONGRESSIONAL RECORD. We in New York are proud of this young lady's accomplishment and wish to extend to her our heartiest congratulations on writing a truly outstanding speech.

Miss Maclutsky's comments are as follows:

FREEDOM'S CHALLENGE

Freedom: where does one begin the explanation of so cherished an ideal? A definition or a few stereotyped examples would only serve as a brief preliminary to an ever-present, ever-changing, yet ever-meaningful concept.

As nations have grown and prospered, they have striven for many things: intangible as well as tangible. Foremost of these intangibles was liberty: for the people as individuals, for the nation as a whole. Yet this is precisely where a challenge begins.

As recently as the preceding decade, there have been nations severing their last attachment to a motherland. Many people undoubtedly believed these countries had finally achieved a long desired goal. But was this new independence true freedom? To the state, perhaps, yes. The population, however, was awarded what is best described as limited freedom. True, now they were no longer under the influence of another. A new government of their own making would direct them. Yet the laws of this new government can insure liberty to a certain point. It is inevitable that some laws would displease some portion of the ruled. It all amounts to what is generally known and accepted: freedom is only relative.

It is not in a derogatory sense that freedom is said to be only relative. Quite the contrary. It *is* its relativity that makes it such a challenge. We are fortunate enough to have been handed down a system of government "of the people, for the people, and by the people." However, such a system was a long and continuous struggle. Individuals and groups have been ignored, abused, deprived, and even suppressed to further the growth of our nation. But the struggle is far from over. Today, sections of the country are racked by some of the injustices still prevalent. Peace and tranquility, two obvious indications of absolute freedom, remain quite evasive.

A democracy has never been a true democracy. The ideas embodying such an institution, no matter how seemingly uncomplicated and realistic they may appear, eventually prove to be idealistic. Yet it is the idealism that is so essential. What we try to practice is the complete equality of all people among themselves and before the government. But deviations have occurred and such setbacks *must be* eliminated. Nations must not permit any form of ruling to exist that hasn't the acceptance of all. Idealism must prevail.

We, as responsible human beings, must not allow freedom to remain so strongly relative. To reconcile differences, obtain suitable compromises, and practice the love of freedom and self, which we all possess, are basic and, possibly the only solutions, essential to enhancing freedom. But this task can not be easily undertaken. Nor will an endeavor of such commanding significance be reckoned with lightly. Support and opposition will be met and it is an utmost necessity they be met properly. This will lie in part in the utilization of a bounteous education. Precedents, both worthless and worthwhile, have been set. Use them! Opinions are constantly being voiced. Use them! Ideas will never cease to arise. Use them! In short, use every God- and man-given right so that one day it may be correctly said that there is a government "*of* the people, *for* the people, and *by* the people."

ONE FOR THE FEDERAL SYSTEM

HON. JOSEPH E. KARTH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1970

Mr. KARTH. Mr. Speaker, those of us honored to be in Congress devote much of our time and energy in attempting to contend with the many gripes against big Government.

It comes as a refreshing surprise when, once in a great while, there comes in the mail a letter in which a constituent advises us that the Government did a good job for him and he wants us to know about it.

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I am pleased to share with my colleagues such a grateful letter from Robert W. Schaefer, village manager of New Brighton, Minn.:

VILLAGE OF NEW BRIGHTON, MINN.,
February 26, 1970.

Representative JOSEPH KARTH,
Rayburn House Office Building,
Washington, D.C.

DEAR REPRESENTATIVE KARTH: In 1967 you were very gracious in giving of your time to assist us in application for federal assistance for a comprehensive Village park plan. The Village received some $156,000 of HUD monies. Subsequently, HUD monies became unavailable and we then turned to LAWCON. It was at that point that we neglected to keep in contact with you as to our progress. Since we had made that commitment, we would now like to bring you up to date.

In 1969, we made application for LAWCON monies for the Long Lake park site. (This, you may recall, was the one site that we personally walked). The 1969 application was approved in the amount of approximately $50,000.

In 1970, we made another application under LAWCON for participation in the acquisition of the balance of the site. We were verbally informed that this application has been approved and we shall receive another $75,000.

We wish, once again, to express our thanks for your assistance. Should you be interested in any additional information, feel free to contact us and we shall attempt to provide you with it.

We frequently hear comments regarding the bureaucratic red tape associated with federal funding programs. Naturally, it would not be appropriate to say that everything flows as smoothly as we would like it. On the other hand, we must confess that in recognition of the size of federal programs, the intent to treat all equitably and to be accountable to the elected officials, we feel that because we exercised strict discipline of the requirements placed upon us by federal regulations we encounter the minimum of problems.

You probably are thinking to yourself that this is evident, since you did not receive a letter from us complaining about snags and other difficulties. We do believe that all public officials also like to be informed when groups or individuals are satisfied with the method employed by federal agencies.

Very truly yours,
ROBERT W. SCHAEFER,
Village Manager.

THE FEBRUARY REVOLT: ITS SIGNIFICANCE

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1970

Mr. DERWINSKI. Mr. Speaker, a very effective commentary dealing specifically with the anniversary of the 1921 revolt of the Armenian people against Soviet-Russian oppression appeared in the Thursday, February 19 edition of the Armenian Weekly of Boston. The editorial, however, very effectively relates to Soviet-Russian suppression of Czechoslovakia and Hungary and thus, the historical reference to the Armenian revolt assumes present day significance.

The editorial referred to follows:

THE FEBRUARY REVOLT: ITS SIGNIFICANCE

It is a significant commentary on the state of general incognition on the matter of Armenian affairs that the world remains almost supinely uninformed on the issue of a major uprising against the Soviet which remains the first and only successful revolt against a constituted Soviet Russian regime in history—the Armenian Revolt of February 18, 1921.

The curious fact that the Armenian Revolt, which expelled from a "republic" of the Soviet Union a Kremlin-selected government, remains hardly a memory among the peoples of the West was graphically displayed in Western commentaries of the stirring events of the latter day revolts of the peoples of Hungary and Czechoslovakia against native Communist regimes of a satellite character.

Western sources struck no parallels with the pioneer Armenian event; and neither was it pointed out that while the Hungarian and Czech attempts to free those nations of the remote control of Moscow failed, the revolt in Armenia, a truly people's effort in a nation annexed to the Soviet State, succeeded. The fact that that success was short lived takes nothing away from its position in history as the first and only successful uprising against the Soviet in history.

The real significance of the revolts in Hungary and Czechoslovakia in relation to the earlier, forgotten event in Armenia is that the ruthless Soviet reaction to the autonomy movements in those European satellite nations was conditioned precisely by the memory the Soviets still bore of the Armenian Revolt.

A glimmer of understanding of why the Soviet so massively military reacted to Hungary and Czechoslovakia has of late, at long last, permeated Western diplomatic thinking. Certainly, these sources argue, the Soviet need not have moved its heaviest iron into these two satellite states out of any fear either of the military of those two nations, which is dependent on Soviet logistical support, or of intervention from the West, careful indeed as it is to avoid a direct confrontation with the Soviet.

Why then did the Soviet react so hysterically?

While suppressing the rebellious spirits of satellited Europe, the Soviet designed its intervention to drive home to the peoples of the federated, annexed non-Russian "republics" that any attempts to emulate the examples of Czechoslovakia or Hungary would be as vigorously dealt with as in the latter two instances.

In its response to the Hungarians and the Czechs, the Soviet simply told the peoples of the imperium, especially the nations of Soviet Russia proper, that it had better not try another Armenia in this day and age.

In forgetting the event of February 18, 1921, the world has forgotten its significance—and this is what bothers us. For the Armenian Revolt struck a note that is mounting in its intensity as time goes on. It was the Armenian who let Moscow know earliest in the latter's career of imperialistic adventure that free peoples are not ready, and will never be ready, to accept Soviet or foreign occupation as a permanent presence, that the spirit of freedom is deathless, that colonialism after all is a passe phenomenon among mankind, that tyranny and empire is never everlasting, that the day of universal liberation as the catalyst of true peace is ahead—the day when all nations, large or small, in every continent of the sphere, will be able to live in self-sovereignty—and brotherhood.

There is a tendency to regard the Soviet Union as an immutable, indestructible political entity. When the faint-hearted regard the colossus of Russia and the comparatively minor strengths of the various nations which today the Soviet Russians occupy,. the impulse is to feel that the parable of David and Goliath is a poor one.

WATER RESOURCES RESEARCH INSTITUTES

HON. F. BRADFORD MORSE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1970

Mr. MORSE. Mr. Speaker, I am introducing legislation today to amend section 100 of the Water Resources Act of 1964 to increase the authorization for allotment grants to water resources research institutes at State universities from $100,000 per year to $250,000 per year. This bill, which is a companion measure to H.R. 15957, introduced earlier this year by my colleagues, Mr. ROBISON, of New York, and Mr. SAYLOR, of Pennsylvania, recognizes that the cost of conducting research has risen appreciably since 1964. It recognizes also that water resources research programs at the water resources research institutes have matured to a degree where they are now able to attack major problems of their regions.

The proposal is modest both in cost and nature, in view of the overall dimensions of the environmental challenge we face. As the following letter from Dr. John Lederle, president of the University of Massachusetts, indicates, however, the proposed legislation can, nevertheless, prove to be of considerable significance in the fight against water pollution. I am pleased to be able to include his comments on this legislation for the attention of my colleagues:

UNIVERSITY OF MASSACHUSETTS,
Amherst, Mass., February 23, 1970.

Hon. F. BRADFORD MORSE,
Washington, D.C.

DEAR MR. MORSE: HR–15957, a Bill to amend the Water Resources Research Act of 1964 just introduced by Representatives Robison of New York and Saylor of Pennsylvania, is of considerable interest to the University and to the Commonwealth of Massachusetts. This Bill would amend Section 100 of the Water Resources Research Act of 1964 to increase the authorization for allotment grants to Water Resources Research Institutes at State Universities from $100,000 per year to $250,000 per year. I urge that you introduce or co-sponsor similar legislation. I am writing to the entire Massachusetts delegation for this purpose.

HR–15957 recognizes that the cost of conducting research has risen appreciably since 1964. It recognizes also that water resources research programs at the Water Resources Research Institutes have matured to a degree where they are now able to attack major problems of their regions.

The current authorization of $100,000 has enabled this University's Water Resources Research Center to undertake research on 28 projects since 1965—the year the Center was established. These projects have been directed to the following problems of Massachusetts: water based recreation, ecology, watershed management and water capture, groundwater contamination, water use for agriculture, stream sediment transport, eutrophication of lakes, pesticide control, treatment of animal waste, thermal pollution, groundwater storage, community attitudes on water resource development, population predictions for water resource planning, and estuarial studies.

Specialists in 12 disciplines have participated or currently are participating in this research. A total of 100 students, including 66 working for graduate degrees in water related disciplines, have been given an opportunity to undertake research in the Center. Most are making their careers in the water resources fields. In addition, cooperative research has been supported at Clark University, Springfield College, Northeastern University, and Smith College. This program of cooperative research will be expanded to the extent that our funds permit. In short, a solid core of water resources research specialists has been created through these research projects.

The University, working cooperatively with other universities of the Commonwealth, is now in a position to conduct research and field studies on significant regional problems which, unless solved, will retard the full use of our water resources. But to undertake this expanded program of research, education, and public service will require substantially more funds than the current allotment grant provides. HR-15957 recognizes this need and responds to it.

I hope you will be able to support this legislation. In particular, I urge again that you introduce or co-sponsor similar legislation.

Sincerely,

JOHN W. LEDERLE,
President.

LOST INDEPENDENCE

HON. ALPHONZO BELL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1970

Mr. BELL of California. Mr. Speaker, last month Lithuanian Americans celebrated an anniversary, but it was not a celebration of joy. February 16 was the 52d anniversary of Lithuanian's Declaration of Independence. My conthe 52d anniversary of Lithuania's American Community of the U.S.A., Santa Monica-West Los Angeles Division, sent me a copy of an editorial from the Tidings, a Los Angeles Catholic weekly. I found the editorial to be a most appropriate commentary on this brave and hopeful people and I would like to commend it to the attention of my colleagues, as follows:

LOST INDEPENDENCE

During this month, Lithuanian Americans are commemorating the 52nd anniversary of Lithuania's Declaration of Independence, which took place on February 16, 1918. But the celebration has not been similar to our celebration of the Fourth of July. It has contained no note of joy, no jubilant tone of achievement and victory.

On the contrary, the observance has been somber, sorrowful, underlined with the grim accent of defeat and tragedy. For Lithuania has lost its independence, and today survives only as a captive nation behind the Iron Curtain. It is listed among the 22 nations which have been deprived of national independence and subjugated through direct and indirect aggression of Communist Russia.

The Lithuanians are a proud people who have lived peacefully on the shores of the Baltic from time immemorial. Their language is the oldest in Europe today. They were united into a State in the year 1251, and by the 15th century their nation extended from the Baltic to the Black Sea and almost to the gates of Moscow. Their fortunes gradually declined and the nation was completely taken over by Russia in 1796.

The next century was a period of struggle and national revival, and Lithuania won back her independence in 1918. Her sovereignty and independence were recognized by the Soviet Union in a peace treaty signed in 1920, and confirmed by other treaties in 1926 and 1939. But in 1939 the Soviet Union signed secret agreements with Germany and gave Hitler the release he needed to begin World War II. In violation of its solemn treaties, the Soviet Union forcibly occupied Lithuania in 1940.

During the mass deportations between 1941 and 1950, more than 300,000 Lithuanians were swallowed up in Siberian slave labor camps. About 75,000 others were able to escape to the West, and about 30,000 Lithuanian freedom fighters were killed in guerrilla warfare resisting the Soviet occupation. Thereafter, the history of Lithuania follows a familiar pattern of repression and tyranny.

Lithuania in 1940 was 85 per cent Catholic, with Jewish, Protestant and Orthodox minorities. There were 12 bishops, 1640 priests. Today there are only two active bishops left, and 850 priests, most of them old and infirm. In 1940, Catholic organizations counted 800,000 members. There were 32 religious publications, with a combined circulation of seven million copies. Convents and monasteries, engaged in education and hospital work, numbered 118. Today, there are no Catholic organizations, religious publications, monasteries or convents.

The Cathedral Church of the city of Vilna has been converted into an art gallery. St. Casimir's Church in the same city is now used as a museum of atheism. Resurrection Church in Kaunas has been made into a radio factory. Students are punished for attending church services. The few priests are forbidden to teach religion; any lay person presuming to instruct children in Christian Doctrine is liable to a sentence in Siberia for 10 to 25 years.

Lithuania does not celebrate its independence anniversary joyfully. But does celebrate it with hope. For Communist pressure has not succeeded in destroying Lithuania's religious faith and love of freedom. There is a strength of the spirit contained in a commitment to justice, an allegiance to principle, a dependence on God's grace. As long as Lithuania retains that, and the free world supports it, there is hope.

NEWSLETTER

HON. FLETCHER THOMPSON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1970

Mr. THOMPSON of Georgia. Mr. Speaker, I insert the attached copy of my most recent newsletter in the RECORD in order that it may be available to all the Members who receive the CONGRESSIONAL RECORD and are not on my mailing list:

NEWSLETTER

DON'T DIVIDE AMERICA

DEAR FRIEND: It's wrong to legally artificially divide Americans based on race, creed or color. When the courts required precise mathematical racial balance of teachers in Atlanta, they were wrong. The protests not only from Atlanta but from throughout the entire South because of court-ordered mathematical racial balance among faculties and students seem for the first time in recent years to have made the courts realize that they, too, can be wrong. Recent events point this out.

PUBLIC OUTCRY

Of the thousands of responses to the "Freedom From Force" Bill which I drafted, 98% are in favor. I have shown these to House Minority Leader and discussed them with the President. His concern was shown by the fact that he issued a statement strongly supporting the neighborhood school concept, opposing bussing to achieve racial balance and said "The primary objective must always be the preservation of a quality education for the school children of America." Thanks for your help in sending in the replies. It had an effect.

TURNING THE TIDE

Some said it couldn't be done, but because of the public outcry even the courts are beginning to put education above racial balance. In my opinion, were it not for your protests, the courts would have forced racial balance on Atlanta schools. Now, through continuing public expressions of concern, not only the President has spoken out against bussing but a similar statement has come from the Secretary of HEW. A liberal Northern Senator has called for nation-wide desegregation efforts and stated many Northerners are hypocritical on the race issue. Very important is the newest Fifth Circuit Court of Appeals decision stating that the neighborhood school system is not illegal when pupils are assigned to the schools nearest their homes without exception. A child has a right to attend his nearest school. Progress is taking place but all has not been done yet that can be done to bring reason back into public education. Gerrymandering of school districts to achieve racial balance is still being tried. It can be stopped if you continue to speak out.

90.7 PERCENT

Each year, the record of Congressmen's voting and attendance is calculated. The Georgia delegation as a whole last year averaged 81%. For all members of Congress nationwide, the average was 86%. Naturally, it was good to learn that my record was 90.7% . . . 4.7% higher than the average of all Congressmen nation-wide. This is the third consecutive year my attendance and voting has exceeded 90%.

ALLIGATORS OR PEOPLE

Who has the greater rights? When construction of a jetport west of Miami in the Florida Everglades was underway, conservationists said this bothered the alligators and other wildlife in the swamp. Such pressure was brought by the public that the airport was halted so that the Everglades would be free of jet noises. If airports can be stopped for alligators, why not for people? The people of North Fulton County want to maintain the beautiful residential character of their area. Even though a massive airport may mean increased property values because of the additional activity, they want to keep the residential nature of their area. Apparently, most people in Henry County want the airport, therefore, the wishes of the people in North Fulton should be considered.

YOUR RIGHT TO KNOW

At the request of some people in the North Fulton area, I asked that all persons in a decision-making position regarding the location of the new airport—whether they be

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governmental or airline—make a public disclosure of any land or options they or corporations in which they have an interest located in the areas under consideration for a new airport. I own no such land or options nor do I have any interest in any corporation having any such interest and the public has a right to know if others do if they are in a decision-making position.

High interest rates are preventing people from buying homes, slowing down the sales of new automobiles and other consumer goods. The trend has been more than a year in developing. Last year the Democratic controlled Congress approved increasing interest rates for student loans of up to 10%, as well as removing the current interest ceiling then on FHA and VA loans. Though I favor student, FHA and VA loans, I am unalterably opposed to granting every increase asked for. The Congressional leaders leading debate argued we had to have the increases or no money would be made available. This I do not believe! I voted against the interest rate increases in both instances, being one of only 43 Congressmen on FH and VA loans and one of only 10 on student loans. Somebody has to stand up and say, "We've had enough!" of high interest rates.

PAYING FOR THE NEWSLETTER

Last year we put out only four issues of this report to you primarily because there was not enough money for more. I paid out of my own pocket $900 and the balance was contributed. This year, I have had a man and his wife whom I have never met but who said they have been closely following my service in the Congress, send me $6,000, enough for five issues of the newsletter. I am indeed grateful because this will help me to stay in contact with you. They believe it is in the interest of the country that there be direct communication between you and myself. They asked no favors . . . I am not using this money personally or in my campaign, but I still feel you have a right to know about this.

MORE ON FINANCIAL DISCLOSURE

Being one who helped lead the fight for financial disclosure by all members of Congress, I am now proposing that all members of the press covering the Congress and White House be required to make the same disclosure as Congressmen. The reason is simply that a columnist or newsman could use his column to influence legislation in which he has a financial interest . . . either by attacking Congressmen opposed to legislation or pressuring others to back it. Though few newsmen would misuse their position, if one does and you know of his financial involvement, you can draw your own conclusions.

ABILITY COUNTS

One of the first things I did as your Congressman was to place appointments to West Point, Annapolis and the Air Force Academy on ability and not politics. Last year, because of his ability, we were able to place Michael Gaines in West Point. He is the first black high school graduate from Georgia during the 20th Century to go there. This year, selected in open competition, is Lonnie A. Robinson, a black high school graduate who is included among seven principal appointees to the academies. Three others, because of superior scholastic records, were named as alternate candidates to West Point and the Air Force Academy, along with 18 white alternates. As long as I am serving the people, appointments will be competitive regardless of race, creed or color.

It is a high honor for me to serve you in Congress.

Yours very truly,
FLETCHER THOMPSON,
Member of Congress.

AMERICAN NEGRO MAKES PROGRESS DESPITE SOME U.S. RACIAL POLARIZATION

HON. JOSEPH E. KARTH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1970

Mr. KARTH. Mr. Speaker, Cecil E. Newman who is a distinguished editor and publisher in the Twin Cities has put into perspective the recent progress which has been made in American Negro-white relations. This analysis of success and failure deserves a wider audience because so often in these days the strident voices of the extremists on both sides distract us from the quiet, thoughtful counsels of such astute men as Cecil E. Newman. I am pleased to include in the CONGRESSIONAL RECORD Mr. Newman's editorial in the St. Paul Recorder of Thursday, February 26, 1970:

AMERICAN NEGRO MAKES PROGRESS DESPITE SOME U.S. RACIAL POLARIZATION

(By Cecil E. Newman)

That the American Negro has continued to make substantial progress during the past year, despite increasing polarization between American blacks, and whites, is a credit to those of both races—who are determined that all Americans become free people, without restrictions based on color, creed, religion or national origin.

With a large percentage of American whites for years traditionally committed to the segregation which has produced a racist society—America now faces an increasing number of blacks who now advocate a reverse segregation of the races which would reverse the longtime trend which hopefully would have brought the end of American race segregation.

The decision of some of the blacks to reject integration and accept segregation as a way of life grows generally from a hopelessness in some quarters of the achievement of the American Dream—which extends to all citizens, freedom of opportunity, and justice.

Those who oppose this instrument of polarization in the national Negro community point out that America's racial unrest and turmoil results from over 100 years of segregation with the fruits of disenfranchisement, oppression, unemployment, poor education, poor housing and their attendant evils.

More than this, opponents of the separatist movement among American blacks feel that no nation has successfully existed for long with society tightly divided along ethnic lines with both groups enjoying equality of opportunity.

With an overwhelming majority of the American Negro population still hoping and working for their rightful place in the Mainstream of American life, and still believing it will come as sure as night comes after day—there are many who ironically enough sympathize with the separatists, feeling, perhaps that the anti-segregation, integration approach has not brought as many results as rapidly as it should.

With this debate going on in the Negro community as well as the majority community progress stimulated by the urgency of the United States most urgent domestic problem—Negro-white relations—continues to be the order of the day despite the counter diversion of the separatists white and black.

The Establishment, so-called, the corporate structure of American business and industry has begun to play an active and helpful role in finding the answer to the race problem, that it in a real sense was responsible for, in that its powerful influence on American economy was never used until the 1960's to change policies in government, and society which were diametrically opposed to the nation's Constitution and Bill of Rights.

The threat to the security of the country, the threat of rebellion from the poor and the blacks has caused America's prosperous and influential business and industry corporations to reevaluate their role in present social problems which face the nation as a whole.

This new awareness has been evidenced in most of the leading U.S. firms as demonstrated by the establishment of the Urban Coalition and the National Business Alliance, supported financially, and by the manpower and brainpower of business and industry.

Men who have spent their successful careers in building business and industry now devote some of their time in trying to close the gap between blacks and whites, the poor, and the middle and upper economic classes of our "classless" society, the disillusioned young, the product of the after World War II permissive society, and the "older" people past the age 30.

Progress will continue to be made because the powerful business and industrial complex of this nation is not about to allow the years of work and planning which gave this nation its high standard of living, and profits—go down the drain because there are those who want to "turn the clock back" by maintaining an insuperable status quo in race relations, and the other related fields that have caused today's tensions on the American scene.

It is hoped of course that this awareness and activity of an influential segment of our population with the resulting organized movements to meet the crisis will be successful with the assistance and cooperation of other important elements in American life, the organized labor movement, the churches, and the political parties.

There are many who realize in this regard that "it is later than you think." The American Negro, particularly the parents are more aware of the truth of this cliche than many others in our society.

Many other blacks than ever before, are taking advantage of the flexibility of new opportunities provided by a greater interest on all sides of their advance towards a fuller participation in community life at all levels. They are taking advantage of the special programs, the new instruments for better community living, the attack on the ghetto concentration, and help to Negro business enterprises. Another important trend is the disposition of the sources of communication to show the normal life of the American Negro and more than that the historic contributions he has made to American society, contributions which were hid by omission for almost a century by the chief communication sources, the news media, the text book publishers, the educators and the historians who generally ignored the presence of and the real worth of one-tenth the U.S. population, the American Negroes or blacks.

Today, not a 24 hour period passes without some public announcement of America Negro advance from an individual promotion by some corporation to the signing of a pact with a plumber's union to train Negroes to become pipe fitting journeymen.

There remains hardly a field of American endeavor today that there is not a growing representation of black Americans except possibly in a sport like hockey, which sooner or later like all other areas of American life will represent the multiracial society which is hidden strength and unappreciated asset of the United States of America.

As one reads this special edition, and the

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press as a whole today and tomorrow, the signs that the American of color is continuing his advance even while his forward steps are hindered somewhat by racial polarization, an evil which if continued will compound the problems which many people of good will, and understanding are attempting to face up to, as the nation grapples to bring its racial house in order.

SPEECH OF MR. JACK P. NIX AT THE GEORGIA SCHOOL BOARDS ASSOCIATION 18TH CONFERENCE, ATLANTA, GA.

HON. ROBERT G. STEPHENS, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1970

Mr. STEPHENS. Mr. Speaker, on February 5, 1970, Mr. Jack P. Nix, superintendent of schools for the State of Georgia, delivered the following address at the Georgia School Boards Association 18th conference in Atlanta. His speech gives us a clear understanding of the background and present problems involved with the integration of our public schools. I agree with Mr. Nix that the people of Georgia will meet these problems and continue to preserve, improve, and expand public education in our State. Mr. Nix's address deserves full consideration and widespread distribution. Therefore, I include Mr. Nix's speech in the RECORD:

REMARKS BY JACK P. NIX, STATE SUPERINTENDENT OF SCHOOLS, DELIVERED FEBRUARY 5, 1970, IN ATLANTA, TO THE GEORGIA SCHOOL BOARDS ASSOCIATION 18TH CONFERENCE

The pressures and problems facing public education today and tomorrow will most certainly challenge the very best in all of us. But I have confidence that Georgia's citizens will face these pressures and problems squarely and will continue to preserve, improve and expand public education in this state. You have this responsibility as a public school official. How you carry out your responsibilities will determine to a great extent whether or not educational opportunities continue to exist for the people of your system.

We have suffered from lack of funds to do an adequate job in education—not enough for teacher salaries, instructional materials, innovative programs or well-equipped buildings. Even with these deficiencies we have made progress in Georgia; however, the bringing about of a unified school system is the most pressing problem we face today.

Implementation of the Civil Rights Act of 1964 has already brought about a great deal of change in the traditional ways of living in the South. But I believe the South and the Southern people are equal to this challenge—that we can survive and even thrive on change. This has been true in the past as we have fulfilled our responsibilities in rebuilding the economy following the Civil War, and I am confident it will always be true.

Allow me to review with you events which have brought us to this point in time for you to more readily understand the pressures before us in implementing the Civil Rights Act in the public schools of Georgia.

But before I review, let me explode one prevalent myth at the outset.

Many people seem to believe that the Congress can change court rulings relating to an interpretation of the U.S. Constitution. This is not true. Under our governmental structure, a decision of the U.S. Supreme Court relating to a constitutional provision cannot be changed directly by the Congress. The Congress can pass a resolution which would provide the people with opportunity to vote on amendments to the Constitution, but the Congress itself cannot nullify a decision of the U.S. Supreme Court relating to the Constitution.

The only other procedure for changing existing court decisions relating to an interpretation of the Constitution is for the U.S. Supreme Court to reverse itself in a subsequent decision.

In 1954, the United States Supreme Court rules "separate but equal schools" unconstitutional.

The Supreme Court said, ". . . in the field of public education the doctrine of 'separate but equal' has no place. Separate educational facilities are inherently unequal."

During the next 10 years, 1954 to 1964, many states and their state and local officials spent considerable time and effort in searching for ways to modify this ruling. One school system in Virginia went to the ultimate extreme and closed its public schools. This action was challenged and ultimately the federal courts ordered these Virginia schools reopened and required the citizens to tax themselves for maintenance of the public school system.

The Supreme Court agreed with the District Court decision which held "the public schools of Prince Edward County may not be closed to avoid the effect of the law of the land as interpreted by the Supreme Court, while the Commonwealth of Virginia permits other public schools to remain open at the expense of the taxpayers."

In 1964, after several years of debate and filibuster in the National Congress, the Congress did actually pass a Civil Rights Act which in many respects was aimed at and designed for 17 specific southern states.

At the time of its passage, and even today, many of the people residing in these southern states as well as people in other geographical areas of the nation question not the essence of the Act, but the constitutionality of a federal act directed at one geographical section of the nation. If we as a people stand united as a nation, in my opinion, any federal legislation or provision of the U.S. Constitution must apply equally in all 50 states.

The next step came in the development of guidelines by the Department of Health, Education and Welfare for implementation of the Civil Rights Act. Prior to my becoming state school superintendent, the former superintendent and the State Board of Education assigned me the responsibility of seeking interpretations and modifications of administrative provisions established by HEW for the implementation of the Civil Rights Act of 1964.

From 1964 to the present, various methods have been tried by HEW and more recently by the Department of Justice to assure compliance with the Act.

At my request several nationally known figures—David Seeley, Peter Libassi, Mrs. Ruby Martin and Leon Panetta have met with me, members of my staff and system superintendents here in Georgia for the purpose of establishing procedures of communication and working relationships. This action was taken in an effort to maintain a quality program of instruction in the public schools of Georgia as we fulfilled our responsibilities in complying with the law and court orders incidental to the elimination of the so called "dual school system."

During this time it has been one of our major concerns, and we have waged a continuous battle with federal officials, to have this Act apply to the nation as a whole. Our Congressmen and two senators have given tirelessly of their time in an effort to make the Act applicable to all states. They feel this would eventually bring about sufficient support for the southern viewpoint—a more rational and reasonable approach for administering the Act to eliminate the dual school system while we, at the same time, are continuing our efforts to preserve and improve public education.

As late as last July several state officials and political party representatives from Georgia and I met with Attorney General John Mitchell and members of his staff in an effort to influence a more reasonable administration of this Act but to no avail.

The Justice Department on July 7, 1969, addressed a letter to Georgia's State Board of Education and to me as State School Superintendent asking to be advised within the next 15 days whether the State Board would "voluntarily adopt and implement rules, regulations and policies to require the desegregation of the public schools of Georgia."

On July 23, 1969, we replied, asking that the Justice Department furnish copies of complaints "made by Negro parents" since neither the Education Department nor the State Board had any knowledge whatsoever of the "specific matters complained of."

But our strongest question was concerned with State Board authority. We pointed out that the State Board powers to regulate *are not unlimited* but rather are circumscribed by the Constitution and school laws of the State of Georgia, and that local boards of education *are not* compelled by law to adhere to policies, rules and regulations of the State Board, whose only means of enforcing the same is the threat of withholding state fiscal support from the local school system.

On August 1, 1969, the Justice Department filed suit in the U.S. District Court for the Northern District of Georgia in Atlanta against the State of Georgia, the State Board of Education and myself requesting the court to require us to take "affirmative action to disestablish the dual systems of schools based on race and to correct the effects of past discrimination based on race."

On September 25, 1969, the Georgia Attorney General Arthur Bolton filed a reply in U.S. District Court which requested the court to have the Justice Department 1) explain at what point after a school system has initiated a desegregation plan it is deemed by the Justice Department to cease being a dual system; 2) state specifically where defendants are alleged to have perpetuated dual school systems; 3) name specific ways defendants are supposed to have provided educational opportunities for Negro students different from or inferior to those provided for white students; and 4) say precisely what actions the Justice Department contends defendants should take to disestablish the dual school system.

On October 20, 1969, the Justice Department filed a 31-page motion for a preliminary injunction requiring us to "take affirmative action toward disestablishing the racially dual system of public schools of Georgia."

The motion asked that we be required to:

1. sponsor conferences to help school personnel and HEW representatives develop plans for inservice training programs in the school districts in the state to train and retrain teachers to work effectively in desegregated schools;

2. develop plans for disestablishment of racially segregated dual system of schools in 81 school systems named;

3. develop a program for the implementation of desegregation as soon as possible and no later than 1970–71 school year;

4. withhold construction funds not coordinated with reorganization necessary to desegregation plans.

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Following a hearing on this motion, the United States District Court for the Northern District of Georgia ordered the Board and myself to require 81 school systems to submit plans for ending the dual system of schools in these Georgia systems by September 1, 1970.

The State Board of Education immediately issued the following statement: "Under the circumstances the Board has no alternative, within the limits of our (the Department of Education) personnel and funds available to us, than to comply with the court order."

The court stated specifically what conditions must exist for a school system to be considered in compliance and directed the State Board of Education to withhold state funds from any system failing to submit a plan conforming to the order of the court.

Under this Court order, these 81 systems are required to submit by March 1, 1970 to the State Board and HEW plans for desegregation of their school systems to begin September, 1970. These plans will be reviewed and reports made back to the Court by April 1. Any plans deemed unacceptable by the Court may be revised and resubmitted before state funds are cut off on May 1.

Aside from the 81 systems named in this court action, there are another 30 or more Georgia school systems now acting under some kind of court order. Most prominently in the news at the present are the orders involving Atlanta City, Bibb, Houston and Washington County.

Unfortunately, court orders use legalistic language and are most confusing to the average lay citizen. As a result, there is a considerable amount of misunderstanding, rumor and a number of false assumptions are made by individuals on what its local system is being required to do. Consequently, the work of school superintendents, local board members and professional staff has become increasingly more difficult as they go about the business of operating the public schools.

Therefore, as local system leaders take action under current court orders, it is vital that they take into consideration the citizenry in the community. Maintaining adequate communications with the people in the school system is vital—interpreting the exact steps which must be taken, outlining the required procedures for complying with the court's decisions—are essential steps we must take.

Above all else, we must think of the children during these changing and trying times. We must act responsibly as adults and as educators if we are to preserve the public school system in this state and nation.

Then, as we proceed, we must be diligent in collecting for and providing *to the nation* factual information relating to the effect of these desegregation activities on public education.

Let me add one personal note.

I have been receiving a number of letters from concerned parents and school administrators asking me or the State Board of Education to take some action against the court orders.

Let me say that I share their concern. I am most sympathetic with your feelings over the way in which integration of our schools is being compelled without regard for the needs of the school systems or teachers involved or without regard for the children in terms of the timing for desegregation to take place.

I know that many of the problems involved make things seem insurmountable.

But you must understand, and I know that many of you do, that the State Board of Education and the State School Superintendent and your local school superintendents are under court order, and we therefore have no choice but to abide by this order.

If we should elect to defy the court order, be found in contempt and incur a fine or receive a jail sentence, the court order to desegregate the schools will remain in full force and effect. The courts would then have the authority to appoint an administrator to see that desegregation was carried out.

In the final analysis, the foundation upon which any true democracy rests, is a program of public education for all citizens. If we are to maintain our democratic form of government, we must provide a sound system of public education.

Private education will not do the job. Good private schools such as Westminster, Lovett, Darlington, Woodward Academy and others that strive diligently to maintain a high level of standards will always be a challenge to a system of public education. But a system of private education will not reach the masses.

And private schools hastily established in make-shift facilities without certified teachers, adequate instructional materials and textbooks cannot survive.

The immediate future, my friends, is going to challenge the very best in all of us as we move toward a unitary school system—a system which will provide us with opportunity to reach every individual in the state with an educational program equal to his needs and challenging to his abilities.

So it behooves all of us to think rationally at this time and to work together to solve our problems caused by untimely and compelling court orders. At the same time we must continue to move ahead with the business of educating our children.

Legally, we will continue to question the courts as to the State Board's power in directing local school system desegregation, as well as continuing to bring pressure for equal application of the law in all segments of the country.

Humanely, we will continue to move toward a unitary system in keeping with the law of the land.

And when it is all behind us, I am confident that we will still have maintained our free public school system designed to serve all of the people of Georgia.

SIXTH GRADERS AT LAKE OSWEGO SEND AMERICAN FLAGS THROUGHOUT THE WORLD

HON. WENDELL WYATT

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1970

Mr. WYATT. Mr. Speaker, 30 sixth-grade students at Pacific Palisades School in Lake Oswego, Oreg., have embarked on a worthwhile and inspirational project that shows their deep appreciation of the country they live in. The students of Rowland Tamblyn have been working at the school to earn money to purchase American flags. Then each student selects a site where he would like the flag flown. The flags are mailed to such shrines as the Lincoln Memorial, the Statue of Liberty, and even as far away as Normandy Beach, with a letter explaining why the youngster wants his standard to fly at the particular site. The flag is then returned to the school.

Mr. Speaker, the project not only impresses on each youngster the importance of his heritage but is a magnificent learning experience bringing home a sense of history that would be impossible to get from a textbook. An article by Jim Kadera in the February 22 edition of the Portland Oregonian—appropriately enough on the birthdate of the founder of our great Nation, George Washington—has been brought to my attention and I am inserting this inspirational story in the RECORD:

SIXTH GRADERS AT LAKE OSWEGO SEND AMERICAN FLAGS THROUGHOUT WORLD

(By Jim Kadera)

LAKE OSWEGO.—From the halls of Washington, D.C., to the shores of Normandy, a group of Lake Oswego children are flying their American flags.

Learning patriotism and heritage of "Old Glory" is project of 30 sixth-grade students of teacher Rowland Tamblyn at Palisades Elementary School.

It's an appreciation for America which has jerked a tear or two from the eyes of more than one observing adult.

LANDMARKS SELECTED

Each student selected a landmark, such as Valley Forge or Lincoln's Tomb, where he or she wanted a school flag flown and returned.

Dave Irwin, for instance, wrote to the USS North Carolina battleship memorial at Wilmington, N.C. After reading the Oregon's boy's letter, the memorial superintendent flew the class' flag on the fantail of the battleship's main deck.

Project chairman Jeff Olson selected the American cemetery at Normandy Beach, France.

"My class is . . . going to buy a flag by working for our school," Jeff wrote. "We feel the flag will have more meaning to us if we work for it.

"When we get a flag, we wish to send it to places of historical interest. Normandy Beach is where I wish to send it. . . . I wish to have our flag flown there because many Americans died there for freedom," the 12-year-old boy wrote.

The project began last fall when Tamblyn told his class about another flag project of children he taught one year earlier in New York. Those youngsters mailed a flag for a serviceman to fly over his post in Vietnam.

The idea fascinated Jeff, Dave and their classmates. Within a few minutes they filled a blackboard with names of places to fly a flag.

"I wanted the kids to get a feeling for the flag and what it stands for. And I wanted them to work for it," Tamblyn explained.

The class worked two Sundays cleaning up the school playground to earn money for postage and a four- by six-foot flag. Later, they earned more postage money by assembling a school handbook. They were paid 20 cents an hour and no one complained.

But one flag wasn't enough. They needed at least three to complete the project this year. Fortunately, a serviceman's casket flag had been donated to the school, and the grandfather of one of the children provided another.

Their parents have been impressed, Tamblyn said. "A couple even got a little teary-eyed when they read the letters we've received," the teacher noted.

BULLETIN BOARD FILLED

A bulletin board in the classroom is filled with letters, photos and memorabilia from throughout the nation.

"I think your class has a very good idea," wrote W. P. Crawford, a national park ranger at the Statute of Liberty, to Palisades student Janet Cook.

"It seems people don't have the pride and interest in their country that they should have any more, and a request such as yours renews my faith in the American people," the ranger said.

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FREEDOM'S CHALLENGE

HON. ROBERT G. STEPHENS, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1970

Mr. STEPHENS. Mr. Speaker, each year the Veterans of Foreign Wars and its Ladies Auxiliary conducts a Voice of America contest. This year the winner from the State of Georgia is a young lady from the 10th District, Miss Cathy Snellings Pinson, of Augusta, Ga. Miss Pinson, daughter of Mr. and Mrs. Raymond E. Pinson, is an outstanding student at Butler High School in Augusta. She has made many fine contributions not only to her school but also to her church and community. Therefore, it is with pride that I insert her winning speech, "Freedom's Challenge," in the RECORD:

FREEDOM'S CHALLENGE

Today I stand on the threshold of this exciting world of "Growing Up", and I wish to live it well. For, you see, I am an American, a Free American. And I wish to enter this challenging game of life well *armored* to carry on the obligations I must assume, the obligations which were met by the founders of our country who made it great and kept it great. For as a wise man once said, "Be life long or short, its completeness depends on what it was lived for."

In this challenging game of life I know that if I am to continue to enjoy freedom, then I must have a great love for freedom. Living in a land of milk and honey we have become accustomed to so much that we may value *it* too little. Our freedom and liberty we may sometimes take for granted as we do the air we breathe. But freedom is not free. It has never been free and will never be free. It was bought with the blood of men in uniform—with the discoverers who came to these shores and faced bravely the unknown—with the missionaries who came to teach the good way of life so that we might learn to live together peacefully by simple kindness toward our fellowman—with the government that was formed by these first settlers so that we might have law and order—and, now and then, with some great person playing a special part in making other improvements on freedom because they used freedom to make America greater. These ideals brought out the sound of freedom so loudly that the echo is still ringing loud and clear.

We, too, can ring the bell of freedom and hear its echo each time we use a voting booth. For one day in the not-too-distant future we shall stand before the ballot box and cast our vote to choose those who shall govern our state and nation. And if we had a thousand tongues we should use all of them to tell people all over this great state and nation of ours, "Go to the polls and vote everytime there is an election." Surely there is no way to make freedom ring louder than by using our freedom to vote and by giving our support to a nation whose leadership must be chosen and trusted in the midst of difficult times.

Again we ring the bell of freedom and hear its echo when we voice our opinion for what we think is right and oppose what we believe is wrong. That great laborer for freedom, Abraham Lincoln, has said, "If we could first know where we are and whither we are tending, we could better judge what to do and how to do it." It is our job to keep ourselves well informed on the everyday happenings of our Country's business so that we might better know how to deal with the outside forces which threaten to strike down our freedom.

In school we learn about our great historical documents; and we must remember, as we study, to become better informed on the affairs of our country, that we are not learning just to make something for ourselves but to make something *of* ourselves, that we are not planning toward using our education to get rich, but to enrich our American way of life.

In recent months we have been confronted with so-called "demonstrators" for peace. I am sure these protesters mean well, but I doubt seriously if many of them know much about what our nation ought to do regarding the situation at hand. Let's leave off the demonstrations and give our energies to the support and appreciation of our President, who has made the best possible decision in these troubled and turbulent times. When we affirm our faith in our Country's leaders we are again meeting Freedom's Challenge.

And so to the American youth goes the responsibility of keeping America Free. We have accepted this grave trust and with it the realization that the way to build a greater America is to keep off the streets in protest and take to our knees in prayer, praying for our nation's leaders, lending them our support for peace, and trusting in their knowledge and wisdom for leadership. As a free American citizen this is *my answer* to Freedom's Challenge and how *I* can best meet it. For what America needs most is not so much protest, as prayer.

RESCUE LINE FOR PRISONERS OF WAR

HON. MANUEL LUJAN, JR.

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1970

Mr. LUJAN. Mr. Speaker, we all deplore the plight of Americans being held captive by the North Vietnamese. There has been considerable interest in gaining the release of these men by citizens in New Mexico.

Mrs. James Lindberg Hughes, wife of Lieutenant Colonel Hughes who is now being held captive, has advised me of the formation of an organization called Rescue Line. It is a vehicle whereby citizens of the State and others can participate by contributing to a central working fund which is used to promote projects all over the world to rescue these trapped men.

The project initially began with an advertisement in the Albuquerque Journal during December 1969, and many New Mexicans have responded by contributing funds. These have been used to partially pay for advertisements almost immediately inserted in a Hong Kong Chinese newspaper—Wah Kiu Yat Po—and in the Bangkok Post on February 4, asking for every point outlined in the International Red Cross Geneva Conventions: release of the sick and wounded, lists of captured personnel, free flow of mail, impartial inspection of camps by neutral forces.

Mrs. Hughes attributes these addresses to the North Vietnamese leaders as being responsible for a taped recording of her husband's voice being broadcast over Hanoi Hannah's English-speaking program on February 5 and beamed to our troops in Southeast Asia. It was the first indication in nearly 2 years that Lieutenant Colonel Hughes was still alive.

It has been suggested that human compassion is a quality so highly contagious that it just might spread from this embryonic idea in New Mexico to the far corners of the world. Certainly combined individual efforts are a powerful force; indeed, they are the basis on which our system of government operates.

While we continue our efforts to effect accord with the Geneva Conventions by North Vietnam and to also press for release of prisoners, let us encourage these individual efforts by citizens. The address of Rescue Line for Prisoners of War is Post Office Box 2392, Santa Fe, N. Mex. 87501.

MAYOR LINDSAY TESTIFIES ON SAFE STREETS AMENDMENTS

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1970

Mr. BINGHAM. Mr. Speaker, a thorough review of the implementation of the Omnibus Crime Control and Safe Streets Act passed by Congress in 1968 is one of the most important missions of the final session of this Congress. Such a review is currently underway in Subcommittee No. 5 of the Judiciary Committee under the dedicated direction of Chairman CELLER.

On Monday, March 2, the Honorable John V. Lindsay, mayor of New York City, appeared and contributed a very valuable assessment of Safe Streets Act programs and problems as part of this review. I was pleased that, in the course of his testimony, the mayor expressed his support for legislation introduced by me and other Members of the House proposing a change in the granting formula to make more funds available to urban areas where crime rates are highest. The mayor also made several additional suggestions for revision of this crucial legislation which deserve careful consideration.

Mayor Lindsay's testimony follows:

TESTIMONY BY MAYOR JOHN V. LINDSAY BEFORE THE HOUSE JUDICIARY COMMITTEE

Almost three years ago, the original Safe Streets bill came before this Committee. Primarily, it provided for direct grants to cities. Those who wanted almost all grants to go through the states and not directly to the cities were making a fight on that issue. I was among those prepared to fight back.

In testimony before this Committee in 1967, I urged against a state controlled program:

"Many states [that testimony said] have emphasized highway patrol and traffic control in their police activities and therefore lack experience in urban crime problems. New York State has pioneered in several areas of law enforcement and is providing various forms of assistance to localities. But the problems of our major urban areas, such as New York City, are not state-wide and they cannot be resolved by a state-wide plan. At least for our major cities, the appropriate

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planning unit is the locality and not the state. Planning grants for our largest cities, where the problem of crime is most severe and the feeling of insecurity most intense, should be given the same, if not higher, priority than grants to the states."

The cities lost that fight. Despite the warnings of many mayors, a bill authorizing block grants to the states rather than direct grants to the cities became law in 1968. Its state-oriented supporters had claimed several advantages for their block-grant approach. They said it would reduce the centralized bureaucracy in Washington, allow state officials close to the problems to set priorities, and stimulate state-wide coordination and cooperation.

Now, after the first full year under the new Act, it is time to review its operation. This review will show, regrettably, that state administration has been in many respects nonproductive or counterproductive. A report this month by the National League of Cities and the U.S. Conference of Mayors demonstrates gross discrimination in distribution of funds, absurdly favoring non-urban areas where the crime problem is far less serious. The report contains a detailed mathematical analysis of the Act indicating that state administrations have not directed the money to the areas that need it most. Political and geographic considerations have dominated the distribution of funds rather than the incidence of crime. The report also shows that instead of eliminating a level of bureaucracy, the state administrations have created a new layer of inefficiency—regional planning boards within the state that are using up funds originally intended for local governments.

At least with regard to this last point, New York has fared better than most cities. Our state, like most other states, created a system of regional boards to participate in the planning and grant-review process. But unlike other states that lumped major cities together with surrounding counties, the state of New York treated New York City as a separate region so that we could continue our crime control efforts unhampered by an artificial partnership with areas whose problems required solutions substantially different than ours.

Even so, New York City, too, has suffered from many of the other fundamental defects in the state-administered block-grant system.

Before I outline some of these difficulties, let me explain New York City's position within New York State in the area of crime control. Slightly less than half the people in the State live in New York City, but far and away we have the state's dominant crime problem. More than 75 percent of the reported crime in the state is committed in New York City. More than 70 percent of the arrests in the state are in the city. And more than 70 percent of the local police employed in the state are within New York City.

New York City's crime problems is so serious, its commitments of resources to deal with the problem is so great, that even the State's own efforts are small in comparison. The City Police Department has almost 32,000 officers, all paid for by the City. We also fund separate Housing and Transit Police forces with more than 5,000 additional officers, while the entire State Police force is less than 4,000 and does virtually no enforcement work in New York City, but are primarily trained and used for highway safety and rural law enforcement—and we are known as an urban state.

New York City has also been a leader in criminal justice reform. Three years ago, in anticipation of the passage of this Act, I established a Criminal Justice Coordinating Council including every law enforcement agency working in New York City. As a result of our headstart in partnership with the Vera Institute of Justice, the City now has underway more than 30 pioneering projects in virtually every area of crime control, from methadone treatment for narcotics addicts, to computerization of court calendars, to volunteer counselling for ex-offenders. The Council's structure, strategy and programs have been studied and copied by local governments across the nation, including Washington, Boston and Cleveland. The New York City Criminal Justice Coordinating Council has most recently been praised by the National Commission on Violence.

Despite the enormous size of our crime problem and this record of initial accomplishment, we have done poorly under the state's block grant system.

First, the Governor created a 21 member State Crime Control Planning Board, as required under the Act, to prepare an overall plan for New York State, to set guidelines, and to review specific grant proposals. The New York City Criminal Justice Coordinating Council, which has jurisdiction over 70 percent of the State's crime problem, received virtually *no* direct representation on the State Board. We had proposed to the State that 5 of the State Board's 21 members should be nominated by the City's Criminal Justice Coordinating Council. By its failure to give formal recognition to the City's actual importance in crime control activity, the present State structure actually undercuts our local planning agency.

Second, the action funds received by the state have not been equitably apportioned in those areas where the crime problem is most severe. New York City, with more than 75 percent of the State's crime problem, this year received only 56 percent of the funds distributed to local governments. Moreover, under the provisions of the Act, the state may keep 25 percent of the funds for state programs. As a result, New York City actually received only 43 percent of all action funds given to New York State, although we have more than 75 percent of the crime.

These are two clear indications that the Act is not working because of the State-administered program.

One major reason that Congress gave the states control of this program was the fear the federal officials might encroach on local law enforcement, even resulting in a national police force. But in giving control to the states, Congress obviously failed to provide adequate safeguards for the cities. As Dr. B. Douglas Harman of American University recently pointed out, "all of the governmental units involved in [the Safe Streets program] want to maximize their powers." In short, for the first time, the authority to allocate funds has given to the State significant power over local law enforcement operations in areas where the State has little competence or experience or—most importantly—responsibility.

Whereas the purpose of the block grant approach was to prevent *federal* bureaucratic control of local law enforcement, *state* administrative practices have now tended to institute *state* bureaucratic control. This violates a basic principle of creative federalism—that the level of government with *responsibility* for an activity should also have the decisionmaking authority and operating power. Our cities continue to have prime responsibility for law enforcement and crime control. Yet the state-administered block grant system has encouraged state officials to second-guess the professional judgment of city officials, and to impose unreasonable conditions on federally funded projects that hinder our flexibility to innovate. This is in addition to the misallocation of funds away from the cities.

I believe that the government with primary responsibility for safe streets should determine the use of these funds and should receive the bulk of these monies, and that government is city government.

I do not mean to suggest that the state cannot have a constructive role in this planning effort. We have seen ways in which the state can beneficially provide supporting services, technical assistance and coordination for local governments, especially those in smaller communities. Professional cooperation between State and City planners, thanks in large part to the efforts of Peter McQuillan, the Executive Director of the State Office of Crime Control Planning has been very useful. But the City's interest still is unprotected because the states are not involved on a day-to-day basis with the street crime problem. And New York State is no exception.

So I believe that large cities like New York can best deal directly with the federal government in this area. Failing this—if the block grant approach continues—I believe that local governments must have greater protection from state encroachment. Legislation introduced by Representative Bingham and others, would be a considerable improvement in safeguarding the interests of our cities. It would provide that only 50 percent of federal crime control funds goes through the state, instead of 85 percent that the act now requires. However, the Bingham bill would allow 70 percent of the funds to go through the State only if the State plan adequately deals with the special needs of urban areas with high crime incidence. Furthermore, the bill would give an incentive to states to share with cities the matching funds required under the Act, by allowing an additional 20 percent of all federal funds to go through the state if the state pays half the matching contribution. This would be an important reform. At present, cities must pay 40 percent of each grant on a matching basis. The states have been granted broad authority under the block grant approach to control local expenditures yet the states do not share any of the fiscal burden.

There are two other key provisions in the Act that are exceedingly restrictive to our ability to use these funds most effectively.

First, the Act requires that not more than one-third of a federal grant can be used for personnel costs. This encourages cities to buy tanks, guns and hardware, but prevents adequate funding of dramatic and vital programs in the most important areas of criminal justice reform. Better supporting equipment is important. But real breakthroughs in crime control will only come from hiring more doctors to treat narcotics addicts, more court administrators to free judges from routine calendar work, and more counsellors to help ex-offenders in trouble. Three of our highest priority crime control areas are narcotics treatment, court calendar reform, and ex-offender rehabilitation. We have developed major projects in each area, but they almost entirely involve personnel costs.

Until the Congress allows us to fund these programs by removing the one-third limitation on personnel, more money will be spent on less important areas and programs that can have the greatest effect on street crime will suffer accordingly. This personnel limitation may be the single greatest technical flaw in the Act, perhaps resulting in millions of dollars being spent on unnecessary equipment rather than critical action projects. Therefore, I urge that the one-third limitation be removed altogether, or at the very least, that it be amended to apply only to Police Department personnel but not to other personnel who are desperately needed to reform our court, prison, prosecution and rehabilitation agencies.

Second, the Act has a totally unrealistic matching requirement for local governments. We all understand the need to ensure that local governments do not use the funds made available under the Act to reduce the level of their own crime control efforts. But given the impossible fiscal squeeze of our cities, it is unrealistic to assume that we can find significant new funds to match federal action grants on a 60–40 percent basis. New York City next year will be unable to apply city funds to this purpose because of our budget crisis. We will only be able to propose programs that we can match with personnel or outside funds. Matching, then, is a severe limitation on our ability to use these monies most effectively.

I urge that the matching ratio be altered to 90–10. After all, local governments automatically face rising public safety costs to finance increased police salaries. Those funds alone will not be easy to find. In addition, most cities are continually increasing the size of their police forces. In New York City, during my first term, the City added more than 4,000 new police at a cost of $60 million a year, raising our police department budget to half a billion dollars a year. If we are to have realistic programs, the Congress should ensure that all localities can use these funds in areas of greatest need, not influenced by tight local budgets.

These three basic changes, would, in my opinion, make the Safe Streets Act substantially more responsive to local crime problems; ensure greater protection of and participation by local governments; and enable the most effective use of federal crime control funds in programs where they can have the greatest impact. These changes would make the State-administered block grant approach at least worthy of an experiment.

Let me speak for a moment to the problem of narcotics, which has rapidly become the most critical problem facing local law enforcement officials. New York City, as the key point of entry from abroad, suffers from it more than most cities in the nation. I have often said that heroin doesn't grow in the streets of Brooklyn. It can only enter my city from abroad. And only a substantial federal effort can reverse this deadly trend.

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I am pleased to say that there are some hopeful signs. Under the leadership of the Department of Justice and the Bureau of Narcotics and Dangerous Drugs, we are receiving greater cooperation than ever before in a new effort to attack the flow of drugs into our city. But a great deal more has to be done. in the city, I recently created a Narcotics Control Council with former U.S. Attorney Robert Morgenthau as Chairman. We are in the process of adding 200 more men to our Police Narcotics Bureau, increasing its strength to 700 full-time officers. And we will be asking the State and Federal governments in the near future for substantially more manpower and funds to combat this evil.

We hope to use a substantial part of our federal crime control funds this year for narcotics control. But we will only be able to do that if the one-third limit on personnel is amended and the steep matching requirement is reduced. I urge you to take these steps if we at the local level are going to fully utilize the funds from this Act to attack our number one crime problem.

Finally, let me speak to the level of funding authorized in the Act. This Act, more than any other, was designed to have an impact on street crime. Yet the proposed level of funding for the entire nation next year is far less than the budget for the New York City Police Department. That clearly does not deal with crime as a major national problem. It clearly does not live up to the rhetoric we have all heard about a new national commitment to put an end to street crime. Therefore, I support the amendment sponsored by Chairman Celler to provide $750,000,000 next year which, along with the other changes I have suggested, would allow the Safe Streets Act to live up to its promise.

LAWRENCE F. O'BRIEN TO BECOME DEMOCRATIC NATIONAL COMMITTEE CHAIRMAN

HON. EDWARD P. BOLAND

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1970

Mr. BOLAND. Mr. Speaker, Lawrence F. O'Brien, my longtime friend and fellow native of Springfield, Mass., has agreed to take on the chairmanship of the Democratic National Committee. Like my colleagues in the Democratic Party, I am delighted at his decision. Experienced, able, one of the most astute political thinkers in the history of the United States, Mr. O'Brien has the powers of leadership that can resolve the squabbles now dividing the party. He is—unquestionably—the best man for the job.

As I said in this body on April 11, 1968, just after Mr. O'Brien resigned as Postmaster General—and repeat now:

One of the most able and versatile men in Washington, Mr. O'Brien has helped two Presidents to accomplish their legislative and administrative goals. As Special Assistant for Congressional Affairs under John F. Kennedy and Lyndon B. Johnson, Mr. O'Brien has made good use of the astonishing political acumen for which he is celebrated to help win passage of the landmark legislation that has come out of the Congress over the past 7 years. As a friend and counselor to these two Presidents, he has helped shape and implement many of their most effective administrative programs. As Postmaster General, he has given to the Post Office Department the same brisk efficiency and dependability that is the hallmark of his own personality.

Mr. O'Brien's professional competence has won the respect and admiration of a host of people in and out of Washington—ranging from the toughest newspaper reporter to the savviest politician.

What is even more remarkable, however, is the number of lasting friendships he has earned by his integrity and sense of fairplay. Mr. O'Brien is known for the abiding loyalty he gives to the men who put their trust in him—whether they are Presidents, Congressmen, or just ordinary citizens.

I value highly my personal friendship with Mr. O'Brien and his family. I know my colleagues in the House join me in extending best wishes to Mr. O'Brien, his charming wife, Elva, and his son, Lawrence, Jr.

The Springfield, Mass., Union published on April 8, 1967, a profile of Mr. O'Brien that neatly sums up his value to his party and his country. I include this article in the RECORD at this point:

NOT TIRED YET—LARRY O'BRIEN, COMPLETE PROFESSIONAL

(By Bruce Biossat)

WASHINGTON.—Postmaster General Lawrence F. O'Brien is, of course, just about the most complete professional in town.

THAT INSISTENT RING

The other day, after he blistered Democratic state chairmen whose party organizations are in serious disarray, his telephone rang insistently as some of those same chairmen demanded copies of his speech.

Uniquely in his party, and perhaps in politics, O'Brien has the capacity for getting tough without stirring deep personal enmity. Somehow, he conveys a sense of fairness and balance to nearly all persons and factions.

After the heavy Democratic losses of 1966, party figures in many places clamored for drastic change in the Democratic National Committee. It is no secret that O'Brien was their universal choice to lead them out of the woods.

Among those who wanted him as national chairman was Sen. Robert F. Kennedy of New York. Yet President Johnson's decision to retain Chairman John M. Bailey did not necessarily reflect fear that O'Brien would be a "Kennedy chairman."

It is more likely that the President, having limited respect for the national committee, thinks O'Brien would be at least partly wasted there.

Johnson's trust in O'Brien appears to be deep-set. From their first grave talk on Air Force One returning from Dallas after President Kennedy's assassination in 1963, the two men have had mutually respectful and reasonably warm relations.

It is no quirk of circumstance, therefore, that O'Brien is the only triple-hatted man in the administration. Johnson wants it that way. So O'Brien runs the Post Office Department, labors as he did for more than four years as a key presidential agent in promoting major legislation, and serves LBJ as a top political consultant.

O'Brien still retains his spacious second-floor office in the White House—and he is often there. The President sometimes summons him to the White House two or three times a day.

In 1964 and 1966, O'Brien was the President's crucial political confidant in the heat of the election battles. His appraisals are awaited with the same interest that attends top battlefield reports in war.

Some admirers of the postmaster general's supreme talents as a political organizer think he is being badly "underused" in the political field. However that may be, the situation seems unlikely to change so long as he serves Johnson. For the President plainly is interested in his versatility.

O'Brien is, in fact, so placed that he could go on indefinitely—beyond the Johnson administration—in high political and public service posts. He has no present interest in the six-figure private jobs that have from time to time been dangled before him. He loves politics and public effort—and most of the people in these endeavors love him.

Largely dead today are the first resentments of some of the more emotional Kennedy intimates over the fact that O'Brien, an original top Kennedy aide, chose to give full loyalty and service from the outset to Lyndon Johnson. A new Kennedy administration almost surely would enlist him prominently.

His friends, across all factions and both parties, have to hope that Larry O'Brien does not get tired. Any party—indeed any country—has to count itself lucky to have him around.

ROBERT WIEDRICH NAMED COMMUNICATOR OF THE YEAR

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1970

Mr. PUCINSKI. Mr. Speaker, it is with great pleasure that I call to the attention of the House the fact that one of this Nation's most popular and talented columnists, Mr. Robert Wiedrich, whose column Tower Ticker appears daily in the Chicago Tribune, was honored last week in Chicago as communicator of the year.

In another tribute to his significant contributions as a columnist, Mr. Wiedrich also received an honorary gold star of police lieutenant from the Chicago Police Lieutenant's Association.

These two separate and distinct honors are well deserved by Mr. Wiedrich.

The Communicator of the Year Award was bestowed upon him by the Chicago Polish Daily News which is one of the Nation's oldest foreign language newspapers and which annually names a "communicator" who, through his excellence in writing or reporting, has made the most significant contribution in the communications media.

The Chicago Police Lieutenant's Association honored Mr. Wiedrich for his support of law enforcement.

I am sure those of us who enjoy Mr. Wiedrich's Tower Ticker daily will agree that both the Chicago Polish Daily News and the Chicago Police Lieutenant's Association have made a wise choice in bestowing these honors on this most deserving and enterprising journalist.

A CHANCE TO LEARN

HON. OGDEN R. REID

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1970

Mr. REID of New York. Mr. Speaker, yesterday, the Carnegie Commission on Higher Education, chaired by Dr. Clark Kerr, issued its second special report, entitled "A Chance To Learn: An Action Agenda for Equal Opportunity in Higher Education." Today, President Nixon sent a message to the Congress on education reform.

Specifically, the President's message contains three highlights:

First. The establishment of a National Institute of Education to conduct long-range studies in education and teaching. In a manner roughly comparable to the work done by the National Institutes for Health in the field of medicine. The gentleman from Indiana (Mr. BRADEMAS) and I have today introduced legislation setting up such an Institute.

Second. The establishment of the President's Commission on School Finance to make a much needed study of and develop recommendations on the local school financing system—a system which State and local officials, educators, administrators, and taxpayers all agree is no longer able to keep up with the scope and cost of contemporary education.

Third. The right to read, proposed recently by the able Commissioner of Education, Dr. James E. Allen, Jr., is endorsed as a national educational goal for the 1970's and will be financed with an additional $84 million that the President will request for the combined appropriation for title II and III of ESEA, bringing that sum to a total of $200 million.

It is our understanding that the administration will send up a message on higher education later this month. I am hopeful that it will contain assurances that the administration will revise upward the total budget allocation of $3.4 billion that is now requested for all education programs in fiscal year 1971. That sum reflects far too low a priority for what is probably the most important key to this country's future, and I hope that the forthcoming message will recognize that fact.

In terms of the President's message today, it seems to me that educational research and reorganization of school financing are important for the future, but I think that immediate needs demand that we move ahead on other fronts now. The administration recognizes that "so much education achievement remains unequal" but the Institute proposal is unaccompanied by concrete steps to help young men and women who cannot wait for the results of research. We cannot abandon the entire present generation of schoolchildren.

On the other hand, the Carnegie Commission recognizes that deprivation by income, age, ethnic group, location, and quality of early schooling still handicap many able Americans—and it proposes specific actions that can be taken by universities to: First, assist local school systems in providing better preparation for disadvantaged students and, second, improve their own facilities, quality of instruction, and commitment to the removal of all financially and racially discriminatory barriers to equal higher education.

The Commission sets forth a two step goal; by 1976, the 200th anniversary of the Nation's independence, the Commission recommends removal of all financial barriers to higher education and elimination of all forms of racial discrimination on campus. By the year 2000, the Commission recommends removal of all remaining barriers to any qualified students.

Last year, the Carnegie Commission issued its first special report, "Quality and Equality: New Levels of Federal Responsibility for Higher Education." The distinguished gentleman from Indiana, one of the most knowledgeable and respected education experts in this House, Mr. BRADEMAS, and I introduced the recommendations in that report—with elements of other studies as well—as the Higher Education Bill of Rights, H.R. 6535. In its new report, the Commission reaffirms the proposals it made a year ago, and which still rest before this Congress. It suggests that many of the new emphases it recommends in "A Chance To Learn" can be financed from the cost-of-education supplements proposed in the first report. These supplements, which are an essential part of H.R. 6535, would be provided to the institutions for each student who qualifies for a student grant. The grants are intended principally for students from low-income families, and the supplement would enable the institution to meet the additional costs associated with remedial education.

The cost of the 1968 recommendations is high, and the Commission is not proposing additional financial outlays in its latest report. Funds can be shifted around and resources found in earlier recommendations. What "A Chance To Learn" emphasizes, however, is that commitment and investment of effort and concern is as important as money. Much of that commitment must come from the institutions themselves, but surely the moral leadership should come from the Federal Government.

I insert the report in the RECORD at this point:

A CHANCE TO LEARN: AN ACTION AGENDA FOR EQUAL OPPORTUNITY IN HIGHER EDUCATION

FOREWORD

The Carnegie Commission on Higher Education will issue its final report and recommendations in 1972, after all of its research projects have been completed. But many problems in higher education are urgent and need early action. The Commission therefore submits special reports on such matters as soon as it has had an opportunity to review the relevant issues and develop specific recommendations.

The first such report, *Quality and Equality: New Levels of Federal Responsibility for Higher Education,* appeared in December 1968. It focused upon the essential role the federal government should play in preserving margins of academic excellence and expanding educational opportunity.

This present report, *A Chance to Learn: An Action Agenda for Equal Opportunity in Higher Education,* concentrates upon the goals, agenda, and policies for access to and success within higher education for an increasingly diverse student population.

With few exceptions, this report does not offer recommendations that have never been proposed before. Instead, it blends the proposals and current practices which, on the basis of our experiences and careful evaluation, have the greatest merit as part of a coherent, overall policy.

To the many persons who were consulted and gave us helpful suggestions, we wish to express our appreciation. We also wish to thank the members of our staff, and particularly Barry Munitz, for their work in preparing this report.

Eric Ashby, Master, Clare College, Cambridge, England.

Ralph M. Bessee, Chairman of the Board, The Cleveland Electric Illuminating Company.

Joseph P. Cosand, President, The Junior College District of St. Louis.

William Friday, President, University of North Carolina.

The Honorable Patricia Roberts Harris, partner, Strasser, Spiegelberg, Fried, Frank, and Kampelman, Attorneys, Washington, D.C.

David H. Henry, President, University of Illinois.

Theodore M. Hesburgh, C.S.C., President, University of Notre Dame.

Stanley J. Heywood, President, Eastern Montana College.

Carl Kaysen, Director, Institute for Advanced Study at Princeton.

Kenneth Keniston, Professor of Psychology, School of Medicine, Yale University.

Katharine E. McBride, President, Bryn Mawr College.

James A. Perkins, Chairman and Director, Center for Educational Enquiry.

Clifton W. Phalen, Chairman of the Executive Committee, Marine Midland Banks, Inc.

Nathan M. Pusey, President, Harvard University.

David Riesman, Professor of Social Sciences, Harvard University.

The Honorable William W. Scranton.

Norton Simon.

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Kenneth Tollett, Dean of the Law School, Texas Southern University.

Clark Kerr, Chairman.

1. THE CHALLENGES AND THE GOALS

Our nation was founded upon the principle of equality of opportunity for all men, yet, after almost 200 years, many Americans still do not have an equal chance to benefit from the nation's progress and abundance.

Every institution and social agency in our society must accept responsibility for ending racial discrimination and for increasing opportunities for all of our citizens. This report is concerned with the role of higher education.

Higher education is in a period of conflict and crisis brought on, in part, by the determination of increasing numbers of young Americans to obtain advanced education. Efforts to meet their needs will be costly, difficult, and time-consuming, but they must be made. The challenge for higher education is not how to avoid the crisis. It is, instead, how to emerge from the crisis with institutions of high quality that offer increasing opportunities for education.

Higher education is also in conflict about who should go to college and what standards in college will be met by those who do go. The American system of higher education has always been an "open" system. There has been a place at some college for everyone who wanted to go and could afford to go. The difference now is that more want to go and can afford to go. This report accepts and endorses the concept of an "open" system as against those who would now wish, for the first time in our history, to close it. We believe that the system should remain open and, additionally, that the barriers to access inherent in economic deprivation should not, in fact, close it to some. At the same time, we believe that each college should maintain, the qualifications for its degrees, recognizing that these qualifications are quite diverse. We seek to maintain and improve a diversified system of higher education that has contributed so fruitfully to American life.

In 1900, 4 percent of the 18- to 21-year olds in the United Stats were enrolled in higher education. In 1970, the figure is 40 percent—a proportion greater than that of any other nation. To achieve this enrollment growth, new opportunities were opened up for millions of young Americans. Never in history has any other nation moved so far and so fast in providing expanded opportunities for higher education.

But there is still a long way to go:

By income.—In 1968, according to a recent study by the Bureau of the Census,[1] a family with an income of over $15,000 and with one or more college-age (18 to 24) children is five times as likely to include a full-time college student as a similar family with an income under $3,000. This underrepresentation of relatively lower income families becomes progressively worse as the level of education progresses into graduate studies. Another study [2] estimates that, after allowing for ability differentials, the number of college graduates would have been increased by 50 percent in a recent year (1965) if entrance and completion rates throughout the income range had equalled those in the top one-fifth .on the basis of socioeconomic status.

By ethnic group.—Between 1964 and 1968, according to the Commissioner of Labor Statistics,[3] college enrollment of black students increased by 85 percent, more than twice as fast as total enrollments in higher education during the same period. In 1968, however, the proportion of black persons enrolled from the 18- to 24-year age group was only half that of white persons.[4] Young persons from other minority groups—Indians, Mexican-Americans, Puerto Ricans—are even less well represented in college enrollments. (The Japanese-Americans and Chinese-Americans are well represented in higher education and are not now educationally disadvantaged.)

By location.—Young persons in the Pacific Southwest attend college at twice the rate of those in the Deep South. Within some states there are even greater variations. In Kentucky, the variation by county is from 6.0 to 53.6 percent. Trent and Medsker [5] have shown that the location of a college within commuting distance raises attendance from one-third of the college-age students to one-half.

By age.—Many Americans who are beyond what has historically been considered "college-age" did not have an opportunity to attend college. Some of these people would still benefit from further education if it were available to them.

By quality of early schooling.—The quality of available elementary and secondary schools varies substantially from district to district and even from neighborhood to neighborhood.

There are other factors, such as size of family and educational attainment of parents, that influence college attendance but the five factors most relevant to social policy are: income level of family, ethnic grouping, geographic location, age, and quality of early schooling.

Short- and long-range goals

The transcendent goal is that inequality in one generation should not, inevitably, be a legacy of succeeding generations. Each young person should have a full chance to demonstrate his intellectual ability and respond to his motivations to excel in constructive endeavor. From a national point of view, we cannot afford the domestic brain drain of able young persons who, through no fault of their own, are handicapped in making valuable contributions to the life of society.

Goals for 1976.—That all students with the motivation and ability to gain access to and complete higher education should receive the financial aid they need to do so; that economic barriers to college and university access be removed. In our earlier report, *Quality and Equality,* we recommended a program to make this possible We estimated that this program would draw forth an additional one million students in 1976, one-fourth to one-third of whom would be from ethnic minorities.

That all inequities that are found in curricula, policies and facilities of our colleges themselves be removed so that all ethnic groups may be adequately served.

Goals for 2000.—That all remaining barriers to equality of educational opportunity that are subject to public policy be removed so that ability, motivation, and individual choice are the only determinants of college attendance. By the year 2000, ethnic origin, geographic location, age, and quality of prior schooling should no longer stand in the way of access to higher education and success within it.

Although there are many barriers to equality of access to higher education other than those directly associated with the incapacity of low-income families to meet the costs of higher education for their children, financial barriers are of critical importance. Recommendations for expanded student aid and loans included in our first report, *Quality and Equality,* were designed to eliminate economic barriers for an expanding number of students from low-income families during the 1970's. Although they are not reproduced in the present report, those recommendations constitute a highly important part of the effort needed to provide equality of opportunity. We affirm our recommendations in *Quality and Equality* to eliminate economic barriers and set forth our further recommendations directed toward achieving full equality of opportunity.

2. THE PATH TO HIGHER EDUCATION

The Carnegie Commission recognizes the basic priority of building up our elementary and secondary school systems if Americans are to have equal opportunity to enter institutions of higher education and succeed in their studies. There can be no fully adequate increase of college enrollments for ethnic minority and low-income students unless the number of students eligible for admission is enlarged by increasing both the high school graduation rate and the quality of education represented by a high school diploma.

The Commission recommends that the first priority in the nation's commitment to equal educational opportunity be placed upon the increased effectiveness of our pre-elementary, elementary, and secondary school programs.

The specific suggestions which follow are addressed to particular aspects of this problem that relate to higher education.

Elimination of segregation

The harmful effects of racial and socioeconomic segregation on academic achievement are now widely recognized, but the most effective ways of restructuring our precollege educational systems to eliminate *de facto* segregation are not clear. Institutions of higher education have an important responsibility to contribute to the solution of this problem by performing research on alternative approaches to desegregation, by providing consultants to local school officials who are seeking patterns of school attendance that best fit community needs, and by helping school systems to evaluate the results of their desegregation efforts.

Implementing Recommendation.—In communities where effective desegregation of local school systems has not been achieved, institutions of higher education should offer their resources of research and consultation to local school administrators and other community leaders.

Teacher training

The classroom teacher is often an effective and persuasive influence upon a young student's attitude toward learning. A skillful and sensitive teacher can motivate students, identify and encourage those with potential ability, and make them aware of the accessibility and value of higher education. Higher education has a responsibility to train more teachers for such roles. Federal programs such as the Teacher Corps and the Educational Professions Development Act that have recently attempted to revise and expand preparation for teaching the educationally disadvantaged are a good beginning.

Prospective teachers must have a genuine concern for the problems of and differences among students from a broad range of socioeconomic and ethnic backgrounds. Student teaching opportunities should be provided in areas which have educationally disadvantaged children. These internships should include out of classroom experiences with community agencies that are concerned with social work, public health, vocational education, and law enforcement.

As school systems are effectively desegregated, universities and colleges must concentrate greater resources in the development of new curricular materials and teaching techniques to reach more heterogeneous classroom populations. The needs are clear. The methods of meeting them are not. We need much greater attention to methods by the ablest of our scholars and practitioners. We should not go blindly ahead with methods that do not work. Further research and

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greater understanding are of the highest importance. We need to know much more about what to teach and how to teach it, and about how to train those who do the teaching.

Implementing Recommendation.—The Commission recommends the allocation of institutional, state, and federal funds to colleges and universities for specific programs to meet the present needs of inner-city schools, and of desegregated schools with heterogeneous classroom enrollments. The Commission also endorses an intensive research and experimental undertaking in the area of education similar to that made possible in medical practice through the National Institutes of Health. In many parts of the country, educationally disadvantaged children are concentrated in rural areas. Indian reservations are often quite far from urban centers, 40 percent of the black children in the South reside in rural localities, and large numbers of white children are in isolated areas such as Appalachia and the Ozarks.

The Commission also recommends a similar allocation of funds for meeting the present needs of rural schools in disadvantaged areas.

Educational opportunity centers

For some students, academic support from community agencies outside the formal classroom structure may prove effective. Several California junior and senior colleges, acting independently and following the pattern of other states and private campuses, have established programs for improving the academic skills of pre-college students. The central feature of these programs is a series of year-round tutorial centers for elementary and secondary school children, offering the services of paid and trained college and high school students.

Information centers have also been established in some metropolitan centers (e.g., Milwaukee) so that parents and students may obtain information and advice about career possibilities and opportunities for higher education. These centers serve both a counseling and recruiting function.

An educational opportunity center combining the features of tutorial work and advice could:

Provide study space and tutorial help;

Clarify vocational and educational goals;

Conduct complementary testing for level of achievement, aptitude, and interests;

Provide information concerning financial and academic support available at local colleges;

Prepare detailed documentation for use by admissions and financial aid officers.

Many of these functions could be performed by college students supported by work-study funds.

Implementing Recommendation. — The Commission recommends that institutions of higher education, either alone or in conjunction with local school districts, establish educational opportunity centers to serve areas with major concentrations of low-income populations.

Recruiting

The active recruiting of disadvantaged students is an important means of bringing more such students into higher education. But institutions now duplicate recruiting resources and energy by competing for the same candidates. The effort thus duplicated does not increase significantly the total number of college entrants.

To make recruiting programs fully effective, there is an urgent need for institutions to coordinate planning and combine resources. Recruiting pools consisting of colleges and universities of convenient proximity should distribute information, link their efforts to those of educational opportunity centers and high school counselors, and share trained staff members. Prospective students should be advised on the full range of institutional resources and curricular programs available. This is particularly important for fields of study sometimes overlooked by disadvantaged students (e.g., economics, natural sciences) and is crucial for helping them enter some of the higher professional levels. Colleges that have employed their own minority group students as recruiters of new minority group students have been particularly successful in their efforts. The Commission urges institutions and consortia to follow their example. All of these efforts should support and draw upon the private agencies already engaged in some of these activities on a limited basis.

Implementing Recommendation.—The Commission recommends the establishment of recruiting and counseling pools among neighboring colleges and universities to coordinate resources and staff efforts for admitting educationally disadvantaged candidates.

The same considerations apply to recruitment for graduate and professional schools. In this case, the effort would be most effective at the department level.

Implementing Recommendation.—The Commission recommends that graduate and professional departments coordinate recruiting of disadvantaged students.

Campus as summer camp

Making college campuses familiar to primary and secondary schoolchildren combats some of the academic and environmental factors of educational disadvantage. In communities where many of these youngsters reside, there is often either total ignorance about colleges or a distressing atmosphere of distrust and hostility toward them. Making facilities of the institutions available during the summer months for organized activities for neighborhood and rural children would help break down distrust and create a sense of affiliation. Dormitories, museums, cafeterias, classrooms, and recreation areas could be used for such activities. Counselors and tutors could be employed under the institution's work-study program.

Implementing Recommendation.—The Commission recommends that institutions of higher education devote a portion of their summer schedule and facilities to camps for educationally disadvantaged children.

Verbal skills

Because of academic and environmental factors associated with low socioeconomic status, some students find it extremely difficult to develop the verbal skills that are required both for college entrance and for completion of college courses. Although academic success is also determined by mathematical skills, these, too, require verbal skills for proper development.

Experimental programs devoted to a comprehensive effort to stimulate the early development of potential ability should be established and sponsored by institutions of higher education. Programs concerned with remedying verbal skill deficiencies at secondary and higher levels of education should also be developed.

There are roles in such endeavor for many members of the academic community. Learning laboratories can be constructed by educational centers. Supervisory help is needed, as well as supportive resources and research from sociologists, linguists, artists, and psychologists.

The Commission endorses the emphasis placed by Commissioner of Education James E. Allen on his "Right to Read" program.

Implementing Recommendation.—The Commission recommends the establishment of experimental programs for the early development of verbal skills, to be sponsored and administered by institutions of higher education with active participation from members of the community; and of programs for remedying verbal skill deficiencies at the secondary and higher levels of education.

3. HIGHER EDUCATION

Access

We do not believe that each young person should of necessity attend college. Quite the contrary. Many do not want and will not want to attend, and it cannot be shown that all young persons will benefit sufficiently from attendance to justify their time and the expense involved. We should resist efforts to create a "captive" audience in our colleges. We should avoid pressures from family and society which impose college attendance on young people who would not voluntarily choose to attend. We therefore oppose universal *attendance* as a goal of American higher education and believe that non-college alternatives should be made more available and more attractive to young people.

We favor, on the other hand, universal *access* for those who want to enter institutions of higher education, are able to make reasonable progress after enrollment, and can benefit from attendance. We note that universal access has been the historic practice of American higher education. All who have wanted to go to college and had the funds to permit it have gone to college at one or another of our very diversified colleges, beginning with Colonial days. This practice has been the public policy of several of the states for a long time. Ohio, Kansas, Montana, and Wyoming have provided by law that all high school graduates should be eligible for admission to their state universities. The great current increase in college attendance has meant that the supply of places has, probably for the first time in American history, generally fallen behind the demand of students for them on any continuing basis, and access to higher education is now limited in some areas by the inadequate capacity of institutions of higher education and the resulting need to reject students who meet their admission standards.

In 1960, California, recognizing the new demand for college places, adopted a policy of providing an opportunity within its total system of higher education for each high school graduate or otherwise qualified person. New York City has adopted this policy for 1970. It is also being accepted by New York State, Washington, D.C., and Hawaii, among other jurisdiction. We believe this will become, and even should become, general policy of all states. As we accept universal access by a more diverse student body, offerings of post-secondary education will need to be continually adapted, as may be necessary, so that they may benefit and be enjoyed by persons for whom the conventional undergraduate neo-classical education is inappropriate.

The idea of open access is quite different from that of acceptance on the basis of ethnic or socio-economic quotas. The quota approach has not been the historic practice of American higher education and we do not recommend it. We do believe, at the same time, that our historic approach of open access should not be abandoned just when minority students are arriving in larger numbers. We should not close the door at this juncture in history.

An unusually heavy burden of universal access now falls and will continue to fall on the two-year community colleges. They have the most varied programs and thus appeal to the widest variety of students. Their geographical dispersion makes them, in the states where there are well-developed systems, the most easily available colleges for many students. The community colleges are particularly well-suited to help overcome deprivation by fact of location, deprivation by fact of age, and deprivation by fact of income.

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The development of community colleges with academic transfer programs creates a special obligation for four-year colleges to accept all competent students who wish to continue to a four-year degree and to accept the credits they have already earned toward the degree they seek.

The provision of universal access and of transfer opportunities is of importance to all students, but particularly to those coming from currently disadvantaged groups since their numbers are growing proportionately the most rapidly.

The greatest deficit of opportunity for currently disadvantaged groups is now at the graduate level, and particularly at the graduate professional level. In our medical schools, less than three percent of the students are black. Among lawyers in the United States, less than two percent are from minority ethnic groups. A very special responsibility lies upon the universities to seek out graduate students from disadvantaged groups. The greatest single handicap the ethnic minorities face is their underrepresentation in the professions of the nation.

All institutions have a responsibility to serve the disadvantaged minorities at each of the levels at which they provide training. So that progress may be known and future possibilities discussed more openly, each institution should make an annual report of its past accomplishments and prospective plans.

Implementing recommendation. The Commission recommends that:

1. Each state plan to provide universal access to its total system, but not necessarily to each of its institutions, since they vary greatly in their nature and purposes.
2. Community colleges or equivalent facilities be established within commuting range of potential students in all populous areas.
3. Four-year colleges generally be prepared to accept qualified transfer students and give them appropriate credit for the work they have already completed.
4. All institutions accept responsibility to serve the disadvantaged minorities at each of the levels at which they provide training, and that universities accept a special responsibility to serve a substantially greater representation of currently disadvantaged minorities in their graduate programs.
5. Each institution issue an annual report on its present and potential contributions to equality of opportunity.

Progress

Progress is as important as access.

Students arrive on campus with varied backgrounds and interests. Too often they are funneled into a prescribed curriculum and expected to proceed at a prescribed rate. It would be better, instead, to provide more individualized placement and programs. We find attractive the idea of a "foundation" year in which students are given intensive counseling and wide latitude to find a program that fits their interests and needs. This foundation year could be tailored to more rapid, less rapid, or customary progress to a degree depending on the past training and ability of the individual student.

If a college were to structure the first year course work for each student according to his own preparation, maturation, work schedule and educational objectives, with the help of pre-college examinations and individual faculty advisors, then no group—as a group—would be identified as special or disadvantaged and all could be better served educationally.

Implementing Recommendation. The Commission recommends the initiation of programs for an individualized "foundation year" available on an optional basis to all interested students.

Some students will need to complete "remedial" work—work that should ideally be completed at the high school level. In whatever type of institution of higher education this remedial effort takes place, the Commission favors a limit to the amount of time a student should engage in such courses, provided that the school is meeting its commitments to him. The objective of more flexible admissions criteria and achievement standards is not to lower the quality of anyone's education. It is to give students additional opportunity and time to overcome factors limiting academic progress. Before any student is admitted to a college whose standard entrance requirements he cannot meet, the college should estimate how far below the minimum standards he is, and insure that the degree of its commitment to him, in compensatory resources, is potentially equivalent to the degree to which he falls below these standards.

Implementing Recommendation. The Commission recommends that every student accepted into a program requiring compensatory education receive the necessary commitment of resources to allow his engagement in an appropriate level of course work by the end of no more than two years.

The quality of academic degrees should not, under any circumstances, be reduced.

Deficits beyond the control and influence of the individual do, however, exist for many students and higher education has an obligation to help offset them. In the more ideal circumstances we favor for the future—to be obtained by the year 2000—such deficits will not exist. Today they do, and we do not believe that large numbers of young people should be sacrificed to these deficits during this interim period. Thus we support special efforts to overcome deficits beyond the student's control, without any sacrifice in the quality of degrees. Extra effort both by higher education and by the students is needed to close the gap between actual and potential accomplishment.

Institutional environment

As higher education increases its efforts to overcome deprivation of educational opportunity, evidence grows that these efforts require a transformation of higher education's own often unbalanced academic and cultural environment. As institutions succeed in bringing an increase of minority group students and staff to their campuses, these groups will require special understanding and institutional support.

The members of ethnic minorities within the academic community who are concerned with issues of educational and institutional reform represent a great variety of personalities, ideologies, and styles. The individual members are no more agreed upon detailed objectives and procedures than members of any large group are likely to be on a controversial and complex issue. What brings them together is their common experiences of racial discrimination, and their determination to eliminate any perceived injustice—without further delay.

It is now essential to find direct and comprehensive ways to build the varieties of minority experience into higher education while perserving an environment of continued and constant non-discrimination.

In recent years, attempts of colleges and universities to end discrimination or ethnocentrism have led to difficulties. Yet many of the indictments brought by minority students and faculty members are valid, and require adequate responses.

Ethnic considerations in curriculum

The Commission does not believe that post-secondary education is the best level at which we should begin correcting the ethnic imbalance of the curriculum. If a lack of ethnic self-awareness and a sense of inferiority begin in elementary school, then we must begin to attack these problems there.

From kindergarten on, every student can benefit from learning the history of his own ethnic group and those of his classmates, and about the rich diversity of his nation's culture. Such study is not a substitute for the development of basic verbal and mathematical skills, but students deserve the opportunity to study ethnic experiences and to use the intellectual resources of their schools to seek an understanding of problems of their own communities.

All students, at every educational level, and with whatever vocational goal, must be made fully aware of the wide variety of backgrounds and values of their fellow citizens.

State universities and state boards of education have a special responsibility for developing and testing the basic classroom discussion material concerning the history and special problems of different minority groups. Reading and other instruction about such subjects can begin at the elementary school level and continue through junior and senior high school.

Institutions of higher education must be aware of the environmental backgrounds of all of their prospective student groups. Graduates who go on to any vocation in industry, government, or labor, as well as teaching, should be aware of the contributions—individual, collective, and even idiosyncratic—that minority races have made to American culture. This awareness, of course, is cultivated through the mass media, the arts, and many other social mechanisms besides college courses; and the classroom (on all levels) can provide only a part of the total learning experience.

College courses should include, where it is relevant to their content, information about the special problems encountered by members of minority groups and the contributions members of all ethnic groups have made to American and world society. It is also important that introductory courses be offered at the college level concerning the varieties of minority experience, and that they be open to all students and faculty.

Not every institution of higher education, however, has the facilities and the staff to offer comprehensive instruction in ethnic studies. The more such offerings are attempted when trained faculty and course materials have yet to be fully developed, the greater the dilution and disintegration that will occur in existing programs. Granting demands for majors, departments, and colleges which do not have the finances other resources or staff to conduct an effective program, exacerbates campus tension in the long run. One solution to this problem is to develop cooperative programs for groups of neighboring institutions. Another solution is to refer students who want to specialize in ethnic studies at the undergraduate level to campuses that have the resources to develop an adequate program in that field. Also, campuses which have well-developed ethnic studies programs might make them available in the summer to students from other institutions.

Cautions about specialized degree programs should not be assumed, however, to rule out the possibility of an individualized ethnic studies major at any campus. Although there may be a shortage of faculty to staff a degree program for ethnic studies, there is often enough flexibility and interest to allow, through the use of tutorials and independent study, the construction of faculty-sponsored and supervised individual major programs to fit the interests and academic standards of students and instructors.

After examining many ethnic studies programs across the country, some established for years and others just begun, the Commission has been most impressed when colleges and universities which have the appropriate economic and academic resources offer a program leading to a joint degree in ethnic studies combined with another related academic discipline. Such a program enables a student to pursue a concentration in a spe-

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cific minority culture within the framework of an appropriately related major field. Precedent for such practice exists in interdepartmental undergraduate programs such as comparative literature and area studies.

The educational benefits that accrue to the academic and ethnic communities from ethnic studies programs are a function of the degree to which members of both communities withstand pressures and insist upon a legitimate educational enterprise. Reforms in curricula are clearly necessary to fill gaps that should never have been allowed to occur and innovative procedures must be considered to meet new conditions, but the temptation to bypass careful academic review and to seek autonomy for weak, new endeavors should be resolutely resisted. Etnnic programs should be staffed by qualified personnel regardless of race and attended by qualified students regardless of race. Academic standards of factual accuracy and careful analysis of information apply here no less than in other areas of study.

Research and advanced study are needed to prepare teaching materials and teachers for ethnic studies. Concentration of such effort in a relatively few institutions where scholars have been assembled and where relevant materials have been gathered is desirable. A number of institutions, including several predominantly black colleges, already have established comprehensive institutes for this purpose.

New centers of advanced study should also be established, but with great care, and only when competent staff and adequate library resources are available. In view of the scarcity of competent personnel and other resources, a small number of excellent centers is preferable to a large number of inadequate ones.

Years ago, the major foundations supported the establishment of centers for Latin American, Slavic, and Asian studies. Today they have a comparable obligation to respond favorably to proposals for the study of American Indian, Black American, Mexican-American, Southern Appalachian, and Puerto Rican history and literature at carefully selected centers.

Academic staff

The degree to which our suggested directions for ethnic studies and many of our other proposals for equal opportunity succeed will depend, in part, on the availability of minority teachers at all levels. Their availability in turn depends upon the elimination of barriers to higher education and particularly to graduate and professional training. The Commission's recommendations for graduate and professional recruitment and support are geared in part to this objective.

Minority staff members are urgently needed not only or even primarily for ethnic studies programs. Minority groups are underrepresented throughout the academic community. For example, a racial and ethnic survey of California junior colleges for the fall of 1967 shows that, whereas one-quarter of the students at these colleges are nonwhite, 94.3 percent of the instructors, 97.8 percent of the deans, and 97.8 percent of the district superintendents are white.[6]

Until we can produce a more representative ethnic distribution of persons with advanced degrees, the Commission urges that interim alternatives for hiring faculty be sought by educational institutions. All those with the desire to teach classes for which they are qualified by talent and experience should be allowed to do so. The conventional standards of competence are not always relevant.

There are also minority teachers with doctorates, with years of teaching experience and with research competence, but who have lacked both the opportunity and the incentive to publish. Such teachers should be considered eligible for regular faculty positions in institutions seeking minority faculty and requiring research activity, and then be given research opportunities.

Social centers

The Commission believes strongly in the full integration of the campus as an institution. It opposes the segregation of educational, housing, eating and athletic facilities. It endorses the position of the Department of Health, Education, and Welfare that it is illegal to use federal funds to support separate facilities on the basis of ethnic groupings. We believe that all campus facilities and programs should be available to all students on the same terms.

The Commission recognizes, however, that informal social activities, by the choice of the participants themselves, will often take place on an ethnic basis. Consequently it recognizes the desirability of providing adequate accommodations for the informal social activities of diverse ethnic groups.

Community involvement

Part of the response of colleges and universities to the interests of minority and other groups on their campuses involves being sensitive to the impact institutions can have on the people living around them. At some colleges, for example, plans for expansion are being reexamined to ascertain housing patterns in the campus vicinity and to insure that lower-income residents of this area are not summarily deprived of adequate facilities. Colleges frequently caution businesses providing services to the institution, to students and faculty members against discriminatory practices.

The degree of institutional involvement in the surrounding community varies. Some campuses are ready and able to begin full-scale research to assess the function and structure of neighboring ghettos, and the means by which, if necessary, they can be transformed. Others prefer to concentrate on filling the need for educated community leaders. Several medical and law schools have organized programs to provide services to poverty areas near the campus. Each of these experiments promises mutual education and benefit for campus and community.

The Commission endorses greater efforts by institutions of higher education to apply their research and consulting and teaching skills to the problems of the surrounding neighborhoods and the people who live within them. It is believed that faculty members and other individuals who give services to the surrounding neighborhood should have their contributions adequately recognized by the campus. It also endorses all efforts of an institution to be a good neighbor in the community. It opposes, however, direct involvement of the institution-as-such in political struggles.

4. AN EQUAL OPPORTUNITY CHECKLIST FOR THE ACADEMIC COMMUNITY

The Commission has offered a series of recommendations and suggestions which would enable higher education to serve better a broader cross-section of students. If results are to be equally beneficial to all groups, then the nation's campuses must be not only totally committed to the goals—and we believe that most of them are today—but also fully aware of the needs imposed by these programs—and it is apparent that some campuses are not. In fact, the campus is sometimes more unprepared for the educationally disadvantaged student than the student is unprepared for the campus.

To indicate the scope of institutional change that is being required, the Commission has compiled from its research and from reports and observations of experience on campuses across the country an equal opportunity checklist for the academic community. The checklist is not intended to discourage colleges and universities from initiating equal opportunity programs, but rather, to help assure the success of the programs which higher education must establish and expand:

Have other programs at institutions with similar selectivity, academic environments and educational objectives been studied for strengths and weaknesses?

Are considerable numbers of students, faculty, and administrators willing to re-examine and restructure traditional institutional and individual procedures and priorities?

Have both white and nonwhite members of the alumni association, student body, governing board, faculty, community, and administrative and non-academic staff been informed and consulted about the institution's move to help eliminate deprivation of equal educational opportunity?

Have local and state government officials been informed of the plans and asked for their cooperation, ideas, understanding and financial support?

Are recruiters encouraged to present a realistic appraisal of the campus situation, including the scope and nature of the institution's objectives and resources? Are minority students used as recruiters?

Have the requirements for additional educational, financial and psychological support for a portion of the educationally disadvantaged students been discussed and met?

Will each student with an educational disadvantage receive the commitment of compensatory resources necessary to enable him to engage in standard course work within two years?

Can the community be involved in contributing financial resources and providing nonacademic support mechanisms for minority students on the campus?

Has the institution examined its employment policies to identify and begin to eliminate those which are *de facto* discriminatory against minority persons within or outside of the campus?

Will there be programs, facilities, resource persons, and funds available for the recognition of the particular ethnic heritages of minority groups?

Have the campus and the local community been prepared for the language, dress, and social customs of new ethnic groups in the same way that the new students have been or should have been prepared for the values and customs of what has been the dominant academic culture?

Are there administrators with the training and flexibility to provide adequate assistance? Will they be able to modify attitudes and increase understanding on the campus and in the community? Can they encourage and develop in themselves and in the students an ability to work out reasonable solutions?

Are there faculty members sufficiently versed in the problems and needs of students from new ethnic groups to serve as faculty advisors? Are others willing to learn?

Will persons from diverse ethnic backgrounds be available in the community and on the staff as "role models"?

Are there persons either of the ethnic minorities or well accepted by them already on campus who can and will serve as resource persons or as coordinators of programs?

Are these persons aware of, and in touch with, the variety of ethnic experiences? Can they maintain balance among them?

Will health, food, recreation and living facilities be available which acknowledge and are appropriate to the needs and habits of diverse social groups?

Are places of worship for the denominations or religious heritages of minority groups readily accessible or will transportation be provided if they are available only at some distance?

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Are a number of persons trained, prepared, or willing to learn how to handle ethnic conflicts which may arise either from a sense on the part of the majority of being neglected because of special attention to the minority, or from a sense on the part of the minorities of being submerged in the life of majority?

Use of this checklist may well reveal imbalances of which an academic community has not been fully aware, and may alert the community to the risks for both the disadvantaged students and the institution. As institutions move increasingly toward providing an excellent education to a diverse student population, the campus discovers how great a distance is yet to be covered. Too many campuses in the United States have started out with the assumption that the only problem was one of admissions. For most campuses, major changes, not just a new policy for admissions, are involved.

5. NATIONAL PLANNING AND COORDINATION

The Commission has outlined extensive programs and experiments for removing the educational consequences of economic and social inequities. Many of the proposals would benefit from a national overview and coordination. We cannot wait for plans or research reports before beginning a more extensive attack on educational inequality, but we do need a long-range view, and we have been limited by a lack of evaluative research and the absence of criteria for determining qualitative improvement. Several groups have suggested the need for one agency or council to study, recommend upon, and monitor policy and strategy; to devise measures of progress and issue annual evaluation reports; to serve as a clearinghouse for materials and consultation; to propose further means to articulate the efforts at all educational levels; and to coordinate and oversee the activities within each regional area. A unit within the United States Office of Education, with an appropriate advisory committee reporting to the Commissioner of Education, would seem to be the best device for serving these objectives.

National policy for equal educational opportunity must be based on the most recent and significant data, and upon answers to questions not being adequately investigated at the present time. High school graduation rates, the flow through undergraduate education to graduate and professional schools, the choice of majors and occupations—these are but a few of the problems relating to black students, low-income white students, Mexican-American students and other groups that require constant research.

Independent researchers are preparing important manuscripts, and the U.S. Office of Education is conducting several relevant studies, but these efforts should be coordinated, interpreted, and distributed. The Commission urges institutions to keep detailed records on all of their activities related to the expansion of educational opportunity and recommends that the Commissioner of Education designate a unit within the Office of Education to develop standard definitions and methods of reporting to insure the coordination, evaluation, and dissemination of available data. The unit should work closely with the Bureau of the Census, the National Science Foundation and other concerned federal agencies.

6. CONCLUSION

Years ago, when economic and cultural well-being for most people did not depend so heavily upon college training, questions of advanced educational opportunity lacked both the relevance and the impact that they have now. Today, the denial of equal opportunity for higher education is also the denial of equal access to full partnership in American society.

In the last decade we have witnessed a significant expansion of educational opportunity, but the evidence of our present distance from the goal of equal opportunity for higher education is distressing.

The year 1976

By 1976, the two-hundredth anniversary of the Declaration of Independence, the Commission proposes:

that all economic barriers to educational opportunity be eliminated, thus closing the present probability differentials for college access and completion, and graduate school access and completion, among groups of equal academic ability but unequal family income level;

that the curriculum and the environment of the college campus not remain a source of educational disadvantage or inequity; that questions of cultural balance no longer be a source of eruptions;

and that substantial progress be made toward improvement of educational quality at levels prior to higher education, and toward provision of universal access to higher education.

The year 2000

By the year 2000, the Commission believes that opportunities can and must be totally free of the last vestiges of limitations imposed by ethnic grouping, or geographic location, or age, or quality of prior schooling. It should not be necessary for colleges and universities in the year 2000 to provide compensatory educational programs or to struggle over flexible criteria for admissions and grading. The residual academic liabilities of racial discrimination and environmental deficiencies must not be allowed to influence educational opportunities in the 21st century.

By the year 2000, there should be no barriers to any individual achieving the occupational level which his talent warrants and which his interest leads him to seek. Equalizing educational opportunity for the individual citizen could lead to a percentage of minority persons at the higher occupational and professional levels generally roughly equivalent to their percentage of the population. Such a situation would be a most important signal that society was meeting its commitment to equality, and that education was fulfilling its particular role.

The total number of individuals comprising the many institutions and agencies addressed in these recommendations and comments is vast. But the problem is society-wide, and the Carnegie Commission is convinced that the response must in turn be society-wide. The total cost to the federal and state governments and public and private institutions will be high. But the cost of social services needed to cope with the consequences of educational disadvantages far outruns the economic support necessary to confront the sources of deprivation. Inequality of opportunity must not continue to sap the strength of our nation.

Money is not the only resource needed to solve these problems. In fact, it will be easier to provide the financial support necessary than it will be to create the ethical and political atmosphere which would ensure the achievement of these goals. Many of the recommendations do not involve a great financial input, but they do require a substantial investment of personal and institutional effort.

Insofar as higher educational institutions will incur increased costs as they develop the special programs recommended in this report, these costs can be met through reallocation of existing resources and through the cost-of-education supplements recommended in our first report, *Quality and Equality*. These supplements should be provided to the institutions for each student who qualifies for a student grant. The grants are intended for students from low-income families and the supplements are designed to enable the institutions to meet the additional costs associated with remedial education and other special efforts to overcome handicaps.

With a national commitment, we have met other immense challenges. Today we can no longer place any domestic priority for unmet needs above the elimination of inequality of opportunity of the United States. The Commission believes that a commitment to adequate support for better educational systems, to comprehensive student aid, and to removing the consequences of discrimination is truly basic to the nation's future. The greatest asset of any nation is its people.

FOOTNOTES

[1] U.S. Bureau of the Census, *Current Population Reports*, Series P–20, No. 190, "School Enrollment: October 1968 and 1967," Table 13, U.S. Government Printing Office, Washington, D.C., 1969, p. 33.

[2] Folger, John K., Alan E. Bayer, and Alexander W. Astin, *Human Resources in Higher Education*, Russell Sage, New York, 1970, p. 324.

[3] Statement of Geoffrey H. Moore, Commissioner of Labor Statistics, U.S. Department of Labor, before the Special Subcommittee on Education, Committee on Education and Labor, House of Representatives, on Higher Education Legislation, December 18, 1969.

[4] U.S. Bureau of the Census, *Current Population Reports*, Series P–20, No. 190, "School Enrollment: October 1968 and 1967," Table F, U.S. Government Printing Office, Washington, D.C., 1969, p. 4.

[5] Trent, James W. and Leland L. Medsker, *Beyond High School*, Jossey-Bass, San Francisco, 1968, pp. 26, 27.

[6] Berg, Ernest and Dayton Axtell, *Programs for Disadvantaged Students in the California Community Colleges*, Peralta Junior College District, Oakland, California, 1968, p. 39.

ALERTING THE PUBLIC

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1970

Mr. ASHBROOK. Mr. Speaker, almost 23 years ago, on March 21, 1947, Executive Order No. 9835 was issued which established security requirements for Government employment and listed a number of organizations as Communist or Fascist. Other organizations, including the Ku Klux Klan, were listed under the classification of having "adopted a policy of advocating or approving the commission of acts of force and violence to deny others their rights under the Constitution of the United States."

In 1953, the above-cited order was superseded by Executive Order No. 10450 which adopted the guideline set forth in the previous order that a factor in the Federal employment of an individual would be membership in or association with a group which is "totalitarian, Fascist, Communist, or subversive, or which has adopted, or shows a policy of advocating the commission of acts of force or violence to deny other persons their rights under the Constitution of the United States, or which seeks to alter the form of government of the United States by unconstitutional means."

Since that time court decisions have rendered inoperative the Attorney General's list which operated under the two orders mentioned above and also the operations of the Subversive Activities Control Board which listed Communist individuals and organizations only. It is ironic that at the present time while organizations advocating anarchy and revolution are on the increase in this country the American public has no authoritative, up-to-date source which it can consult to learn the true nature of these groups.

As I have pointed out before, the FBI, which is this Nation's chief guardian of its internal security, has the most complete information on these various groups. The FBI reports to the Attorney General but not to congressional investigative committees which also deal in subversive activities. Thus the Attorney General's Office is the foremost repository in the Federal Government of information on subversive and disruptive organizations and is the agency which controls the SACB. In addition, the SACB is the only body dealing in subversive activities which has judicial safeguards such as the right to present oral and documentary evidence and the right of cross-examination of witnesses.

It would appear then that the Board would be the logical choice to keep the public abreast of the identity of those organizations which foment disorder and revolution.

A timely report on the Board appeared in the February 28, 1970, issue of Human Events which indicates that the administration intends to use the unique services of the Board to help provide the public with the needed information to cope with the disruptive elements in this country. I include the Human Events account of February 28 regarding the SACB in the Record at this point:

SACB Revitalization Imperative

At the very moment leftist groups are preparing to launch new waves of violence in the United States, the Administration is debating whether to act before the 1970 elections to pump new life into the long dormant Subversive Activities Control Board (SACB). The Justice Department has for several months been perfecting an Executive Order to give the board new authority to certify as subversive any group advocating violence as a means of bringing about radical changes in the U.S. government.

If the order is finally issued—and the question now seems to be just a matter of timing—the five-man, quasi-judicial SACB will then have the power to hold hearings on such organizations as the Black Panthers, the Revolutionary Action Movement, Students for a Democratic Society and Progressive Labor and various other "violent action" groups.

As a result of court decisions and the subtle efforts of Ramsey Clark to emasculate the powers of the board when he was attorney general, internal security experts stress there is a great need for strengthening the SACB. For the board, it is argued, could serve as a powerful weapon in protecting the U.S. against subversion.

The broadening of the SACB's authority could have a dramatic impact on internal security matters. Once an organization is tagged subversive by the SACB, it is put on the attorney general's list. This list is used by federal agencies as an important guide in the hiring of government personnel.

But with the SACB now being limited to holding hearings on Communist groups, non-Communist "violent action" groups like the Panthers and the Weatherman faction of the SDS do not show up on the Department of Justice's catalogue of subversive organizations. This, of course, would change with the issuance of the proposed Executive Order.

Moreover, there is mounting evidence that members of non-Communist, violence-prone organizations have been permitted to work for various government agencies—including the Pentagon—precisely because these groups are not carried on the attorney general's subversive roster.

Through its hearings and reports, the SACB has also proved to be a useful tool in exposing unsavory aspects of various organizations, thus greatly damaging their ability to recruit members. Two Communist groups, the Labor Youth League and the W.E.B. DuBois Clubs, for instance, went out of existence largely because their cases had been referred to the board for hearings.

By having its powers broadened, the SACB could render similar damage to the recruiting abilities of the New Left revolutionary organizations that have dramatically mushroomed in the past few years.

The Nixon Administration appears to be agreed that the Executive Order expanding the SACB's powers should be issued, but an intensive debate is now going on as to exactly when this should be done.

Some high-ranking Justice Department officials—including Deputy Atty. Gen. Richard Kleindienst—want action postponed until after the 1970 elections on the grounds that the Justice Department will be busy enough this year without having to get into another hassle with Hill liberals over the SACB. And the liberals, it is believed, would probably make a lot of noise over any Executive Order increasing the SACB's authority.

Yet there are equally cogent arguments why the Administration should act quickly to revitalize the board.

For one thing, the SACB has virtually no work to do. Not widely noticed outside of Washington is the fact that Chief Judge David Bazelon of the U.S. Court of Appeals dealt a roundhouse blow to the SACB last December. Writing the opinion for a three-man panel, Bazelon, considered an extreme liberal, held as unconstitutional a 1968 law empowering the Department of Justice to ask the board to classify individuals as members of the Communist party.

Membership, said Bazelon, was protected by the 1st Amendment; hence the SACB could not hold hearings to prove "mere membership." As a result, the SACB has suspended all further hearings.

With the board having been rendered inoperative for the time being, the fear is increasing that the SACB's liberal enemies, in conjunction with the President's continuing calls for spending cuts, will engage in a new effort—similar to the one in 1967—to eliminate the board entirely.

Furthermore, there will be plenty of opportunities for the liberals to exploit the board's present lack of work. Within the next month, for instance, the board will be requesting its fiscal 1971 appropriations. Aside from this, the terms of two SACB members—Chairman John Mahan and Otto Otepka—expire in March and August, respectively. Since the Senate must reconfirm both members if they are renominated, this will provide such anti-SACB senators as William Proxmire (D.-Wis.) with several fresh chances to rail against the board's lack of activity.

SACB supporters stress there are other important reasons why the Administration should act promptly to invest the panel with new authority to cope with subversives.

While radicals and revolutionaries have been relatively quiet since the massive November march on Washington, they are now gearing up for a spring offensive. The New Mobilization Committee, which staged that Washington march and many of whose leaders are advocates of violence, has called for illegal demonstrations in February, March and April against draft induction centers, IRS offices and corporations with defense contracts.

The Trotskyite Student Mobilization Committe, which also participated in the Washington march, decided in a Cleveland conference in mid-February to undertake a spring offensive against the war on April 15 and support demonstrations staged by other anti-war groups.

The Vietnam Moratorium Committee, another chief anti-war organization, has also issued plans for anti-war activities on April 15.

Meanwhile, there appears to be an increasing amount of terrorism directed against government officials, soldiers and police. Last week two soldiers were reported machine-gunned in Oakland from a passing automobile. The FBI has also been investigating several bomb blasts that have wounded policemen in San Francisco. The police believe the explosions were "the work of revolutionaries."

Equally disturbing was the ghastly murder of an Army doctor's wife and two daughters in Fort Bragg, N.C. According to initial reports, three men and a blond woman burst into the doctor's home, crying "Kill the Pigs!"—the chant of the new American revolutionaries. Internal security experts, furthermore, say that such incidents are increasing rather than decreasing.

Thus, it is being argued by SACB supporters, the Nixon Administration will gain public sympathy if it issues an Executive Order that will try to cope with the growing problem of the revolutionaries in our midst. And it may lose public sympathy if it waits until events force it to act.

Though it is a foregone conclusion that Otto Otepka will be reappointed in August, there is some doubt whether the Administration will renominate John Mahan, the board's current chairman. Internal security experts, however, are hoping that Mahan will be renamed, for he is considered extremely able in the internal security field. Although Mahan is a Democrat, the Administration is prevented from replacing him with a Republican, since the law permits only three Republicans on the five-man board—and the GOP already has its quota. Nixon may want to "Republicanize" the board even further by naming one of the GOP members as chairman, but security experts think that Mahan should at least remain part of the anti-subversive panel.

TO CONTROL HANDGUN CRIME AND HANDGUN VIOLENCE

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1970

Mr. MIKVA. Mr. Speaker, the great American shoot-out must come to an end. The "good old days" of the wild West when everybody carried his own "equalizer" were never very good. They become disaster days when we apply a gun-on-the-hip philosophy to the large, urban areas where millions of people live "uptight" with and toward each other.

America is no longer a frontier society where every citizen must pack his own pistol to insure his safety. In fact, as the National Violence Commission recently concluded, far from contributing to the safety of our citizens, "the availability of guns contributes substantially to violence in American society." But in focusing on all firearms, we have been diverted from the true culprit: the handgun. Because rifles and shotguns have legitimate hunting and recreational uses, sporting enthusiasts have often feared that any attempt to control firearms violence would infringe on the sporting uses of long guns. Thus, it is in all our interests to direct our attention to the weapon which contributes the most to crime, which has the least sporting value, and which is increasing in numbers faster than any other type of firearm: the handgun.

Today, Mr. Speaker, I am introducing a bill which will ban the importation, manufacture, transfer, or transportation in the United States of any handgun by any person except a law enforcement officer, a member of the military, and certain persons licensed by the Secretary of the Treasury. I hope this bill will be the beginning of a debate which will separate handguns from long guns in the minds of the American people, and which will lead eventually to the elimination of handgun crime and handgun violence in America.

CRUCIAL DIFFERENCES BETWEEN HANDGUNS AND LONG GUNS

Commonsense and public safety require that we begin to distinguish the dangers presented by handguns as opposed to long guns. Long guns have legitimate sporting and recreational uses; in remote areas of our country they may be useful for self-protection; and they are difficult to hide or to carry concealed on the person. But compare handguns. Handguns are easily concealed and easily carried on the person; they have, with few exceptions, little sporting or recreational value; because they are concealable, they are ideal for covertly applying force or threatening force; they are easily obtained and easily transferred, even when illegal, because they attract little attention. It is no wonder that the handgun, as opposed to the long gun, is the criminal's favorite weapon.

TWENTY-FOUR MILLION HANDGUNS IN PRIVATE HANDS

Let us look first at the dimensions of the problem we are talking about. By the estimate of the National Violence Commission, there were in 1969 about 24 million privately owned handguns in America—one handgun for every 2.5 households in the country. What is perhaps even more frightening than the number of handguns is the rate at which they are multiplying. Since 1963, annual handgun sales have quadrupled while sales of other firearms have only doubled. Much of the recent handgun buying, moreover, is taking place in our cities and urban areas—places where there can be little legitimate sporting or recreational use for these handguns. One new handgun is sold in the United States every 13 seconds. The market in used handguns is almost as shocking. Used handguns are traded at a rate of more than two a minute. The handguns which citizens are obtaining—legally and illegally—in increasing numbers are obviously intended for one thing: to kill other human beings.

The National Violence Commission provided a convincing explanation for the increasing numbers of handguns owned by the American public, especially in the cities. The reason is fear. As a result of widespread urban violence in recent years, both violent crime and civil disorder, the urban dweller is afraid and he wants to protect himself and his family. To do this he buys a handgun. But as more citizens buy handguns, so do more criminals. And as more handguns circulate, they become easier for everyone to obtain: juveniles, the mentally defective, convicted felons, potential criminals. With 24 million handguns already in private hands and close to 2½ million being manufactured or imported every year, the fear and the violence continue to grow. It is a vicious circle in which unregulated and uncontrolled handgun acquisition breeds violence, fear, and more acquisitions. Sometime we must come to our senses and put a stop to this madness.

Who owns all of these pistols, revolvers, and other handguns and how do they get them? Surprisingly, less than 20 percent of all handguns in private hands are owned by people living in rural areas. The vast majority belong to people in cities, towns, and suburbs. More than half of the handguns acquired by Americans are acquired secondhand, a fact which makes control through normal licensing or registration almost impossible. The pistol which killed Senator Robert Kennedy, for example, was acquired by a homeowner during the Watts riot for home protection. It was bought at a sporting goods store in a Los Angeles suburb. The purchaser gave it to his daughter, who gave it to a family friend, who sold it to Sirhan's brother, who gave it to Sirhan. How many millions of times this happens every week with how many hundreds of thousands of handguns no one can say. It is impossible to imagine that any system of registration or licensing could keep up with this incredible traffic.

TO BAN THE HANDGUN CRIMINAL OR THE HANDGUN

The standard response of opponents of handgun control laws—or any gun control laws—is that no handgun ever committed a crime by itself; our target should be the criminal, not the handgun. But no machinegun ever committed a crime by itself either, nor did any sawed-off shotgun, or any handgrenade. Yet, these weapons as well as—in the 1938 Gun Control Act—any destructive device have been banned. They are, under Federal law, simply contraband and unavailable to private citizens. The reason is obvious: Whether these weapons are a primary cause of violent crime—in the sense that the crime would not have been committed if the pistol had not been available—or merely contribute to it, the fact is that the more machineguns and destructive devices, the more the danger. When this fact is put against the lack of useful purposes of these items, the citizen's freedom to own a machinegun is simply not worth the risk to the safety of the rest of us. The same logic follows exactly in the case of handguns.

How much do handguns contribute to violence—crimes, accidental deaths, suicides? We know how many people are killed in firearms accidents every year—an average of 2,400. Accidents of all kinds are tragic, and we must work to reduce accidental deaths from all sources. I have supported legislation to reduce accidental deaths—in automobiles, in factories, in coal mines, and elsewhere. But what is so terribly tragic about firearms accidents is that they strike especially in the home—where most people keep their guns for protection. Sixty percent of all accidental firearms deaths occur in the home; and for women and children the percentages are even higher, 86 percent and 84 percent, respectively. What is more, firearms accidents strike primarily the young—far more so than other types of accidental death. More than half of the fatal firearms accidents in the United States in 1966 involved people under 30; almost 40 percent involved children and teenagers.

Even in firearms accidents, handguns are the worst offender. If we are to allow firearms at all, some accidents will always happen. But handguns—which I am proposing be restricted only to law enforcement and the military—cause more than half of firearms deaths from playing, scuffling, and just plain horsing around, the least justifiable kind of accidental deaths. By comparison handguns account for only about one-quarter of all accidental deaths while cleaning a weapon and for almost no hunting deaths.

HANDGUNS: THE VIOLENT CRIMINAL'S FAVORITE

We have been hearing a good deal lately about the crisis in law enforcement. Let us look at what most people are afraid of, what they mean when they talk of law and order. What most citizens fear most is that someone will attack them physically, that someone will forcibly take something from them, or that someone will kill them. In the criminal law, we call these acts assault, robbery, and murder. And the handgun predominates—in every one of these types of crime. Two out of every three homicides, over a third of all robberies, and 1 out of 5 aggravated assaults are committed with a gun, usually a handgun. Not only are the absolute number of armed assaults, robberies and murders going up, but the percentage of all violent crimes which are committed with guns, as opposed to some other weapon or no weapon at all, is also going up. Fifty-four percent of all homicides were by guns in 1962; 59 percent in 1966; 65 percent in 1968.

But the most staggering statistics of all relate to the percentage of armed crimes which are committed with handguns as opposed to other firearms. These are the proof that it is the handgun, rather than all guns, which we have to fear. In 1967, 76 percent of all armed homicides in this country were committed with handguns; 86 percent of all aggravated assaults were committed with handguns; and an almost incredible 96 percent of all armed robberies were committed with handguns. In 1967 over 6,000 Americans were murdered with hand-

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guns; in 1968, the number had risen to 6,825.

The District of Columbia Crime Commission described in 1965 what makes the handgun the criminal's favorite:

> In the District of Columbia, handguns have become the weapon of choice among people bent upon crime. The reasons for this choice are clear: The handgun is readily obtained at a reasonable price, it is easily concealed until needed, and it is an effective means of threatening and applying force.

Almost 80 percent of the policemen shot in the line of duty during the first half of this decade were killed by handguns. And of course this discussion omits entirely the role of handguns in civil disturbance and riot situations, and in suicides.

WHY ALLOW PRIVATE HANDGUN OWNERSHIP?

Given the overwhelming role which handguns play in violent crime and other violence in American life, what justifications exist from allowing them to circulate so freely in our society rather than banning them from private hands as we have already done with machineguns, mortars, bazookas, and other dangerous weapons? There is little sporting or recreational use for handguns. In any case, since the plan I proposed for limiting the availability of handguns will allow for recreational uses, I will not discuss that justification at length.

The reason most often advanced for handgun ownership is defense of the home. This goes back to the country's increasing fear of civil disturbance and violent crime. But how much good is a handgun for home defense? Here again, the careful work of the Violence Commission is helpful. The Commission analyzed the nature of threats to the home. It found that the threat was almost entirely from burglary and robbery. But burglars attempt to avoid contact with homeowners, and usually do not come armed. Robberies, while they do involve violence to the person, happen only infrequently in private homes—about 6 percent—as compared to businesses, banks, and on the street.

The Commission's analysis also shows that in cases of robbery and attempted assault in the home—sexually motivated or otherwise—the homeowner most often has absolutely no warning of the impending attack—and no chance to fetch his handgun so carefully laid by for the emergency. The typical scenario is that an armed robber simply knocks on the door, and when the homeowner opens it, sticks a gun in his face. The Commission's conclusion on handguns for defense of the home bears quotation. It sums up the small contribution they make to safety and the countervailing dangers of accidents and theft:

> From the standpoint of the individual householder, then, the self-defense firearm appears to be a dangerous investment. The existence of guns in one-half of America's homes may deter intruders. . . . Our Task Force made an effort to study the extent of this deterrence, but was unable to arrive at any firm conclusion. The evidence is convincing, however, that the home robber most often has the advantage of surprise, and the armed segment of our population is paying a heavy price in accidents and in the shooting of family members, friends and acquaintances for whatever deterrent effect their possession of self-defense firearms may be providing. In a more rational world, home intrusion would be deterred by other means—such as non-lethal weapons, alarm systems, and other security arrangements—that are less dangerous to the occupants of the home.

THE INADEQUACY OF EXISTING LAW

During the last half of the 1960's, this country was subjected to a virtual barrage of recommendations from Presidential commissions, task forces, and study groups. Without exception they recommended restricting the availability of firearms, and most—the President's Commission on Law Enforcement and Administration of Justice, the District of Columbia Crime Commission, and the National Violence Commission—distinguished clearly between the danger presented by long guns and handguns. They recommended that laws be enacted at both the Federal and State levels to restrict the free circulation of all guns—but especially handguns. What has happened to these recommendations?

At the Federal level, the tragic assassinations of John F. Kennedy, Martin Luther King, and Senator Robert Kennedy finally shocked the Congress into passing a comparatively stringent gun law, the gun control law of 1968. But the 1968 act applied to both handguns and long guns. For this reason certain restrictions—which should clearly have been placed on handguns—were not, because they were not appropriate to long guns. The 1968 Gun Control Act did make it unlawful for any felon, person under indictment, fugitive, unlawful user of marihuana or narcotics, mental defective or person in a mental institution to transport or receive any firearm, including handguns, in interstate commerce. The Omnibus Crime Control and Safe Streets Act, as amended by the Gun Control Act, made illegal the possession of any firearm by felons, dishonorably discharged veterans, adjudicated mental incompetents, aliens illegally in the country, and former U.S. citizens who have renounced their citizenship. Finally, the Gun Control Act prohibited the interstate shipment of handguns except between licensed importers, manufacturers, dealers or collectors, and prohibited any transportation in interstate commerce of "destructive devices," such as bombs, handgrenades, antitank guns, and so forth.

Thus, there are obvious holes in the coverage of present Federal laws. Several States do have systems requiring a permit for purchase of a handgun, but there is wide divergence in the amount of enforcement. The National Violence Commission rated only two or three States as strict enforcers of their permit requirements, New York, Massachusetts, and perhaps New Jersey.

Congress, despite all the talk about tough law enforcement, has left the States on their own to deal with the menace of the handgun—the violent criminal's favorite weapon. Perhaps the best example of how helpless a city or State with strong handgun control laws is when it has to fight alone is presented by the Nation's Capital itself, Washington, D.C. Since November 1968 the District of Columbia has had one of the most stringent handgun control laws anywhere in the country. The law regulates the sale of handguns—as well as all other firearms—and absolutely prohibits firearms ownership by felons, drug addicts, minors, mental defectives, and previously convicted firearms law violators ineligible for ownership. Moreover, the law requires an application to the District of Columbia Police Department prior to purchase, and issuance of an annual license to carry a handgun. And yet with all these stringent regulations, so available are handguns in the District of Columbia that the rate of armed crime rose phenomenally between 1968 and 1969. Between January and June of 1969, firearms—mostly handguns—were used in 53 percent of all robberies compared to 47 percent in 1968, in 74 percent of aggravated assaults compared to 38 percent in 1968, and in 72 percent of all murders compared to 58 percent in 1968. I need not add that not only are percentages rising, but that these are higher percentages of higher absolute numbers of crimes.

The conclusion from all of this is that the problem of handgun crime is serious, that it is getting worse, and that existing laws are inadequate to deal with the situation. It is for these reasons that I am introducing today the Handgun Control Act of 1970.

THE HANDGUN CONTROL ACT OF 1970

The Handgun Control Act of 1970 prohibits the importation, manufacture, transfer, and transportation within the United States of any handgun, except by law enforcement officers, military personnel, or certain persons licensed by the Secretary of the Treasury. Among those designated as potential licensees are importers and manufacturers qualified under the 1968 Gun Control Act who might engage in the importation or manufacture of pistols for law enforcement authorities, the military, or other licensees. The only kinds of nongovernmental groups which can qualify for handgun licenses are sporting and recreational pistol clubs approved by the Secretary. To be approved, these pistol clubs must have no members who are themselves disqualified from handgun ownership under Federal or State law, and must have facilities and procedures for storing the club's handguns when they are not being used for sporting or recreational purposes. All of the operations of licensed clubs must be conducted in conformity with Treasury regulations.

The bill does not specifically ban the possession or make illegal ownership of handguns. It does, however, prevent such weapons from being imported, made, transferred to another, or transported, with the exceptions noted above. Under these circumstances, it is possible that many present owners of handguns will not wish to retain them. There is, therefore, a procedure for voluntary turn-in of privately owned handguns to Federal, State, or local law enforcement officials, who are authorized to reimburse the owner for the value of the weapon, or $25, whichever is more. The cost of these reimbursements will ultimately be paid by the Federal Government. It is likely that some citizens will turn in their weapons voluntarily without desir-

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ing reimbursement, as happened when Chicago instituted its comprehensive licensing requirements.

The bill is not intended to preempt further regulation of handguns by the States, and there are provisions explicitly leaving to the States the right to further regulate the possession of handguns.

The jurisdictional basis for this congressional action would be the constitutional grant of power to regulate interstate and foreign commerce. A set of findings emphasize that the serious and worsening handgun situation in America, and the criminal and other violence which result from it, are a burden on interstate and foreign commerce. The bill is intended to relieve that burden by the fullest exercise of congressional power possible under the Constitution.

TO END HANDGUN CRIME AND VIOLENCE

Mr. Speaker, I believe that if Congress were to enact this bill, we would within several years see a marked decline in the rate of violent crime in America. The experience of other countries seems to bear this out, although comparisons of countries with different histories and cultures is admittedly difficult. Nevertheless, comparisons may prove useful and provide a target at which to aim. In Japan with rare exceptions only police officers carry pistols. In 1966, firearms of all types figure in only 99 crimes during the entire year. In addition, Japan's homicide rate is one-third that of the United States and, as one would expect, the rate of firearms accidents is much lower than here.

Perhaps a more useful comparison may be made with Great Britain, a country from which our own legal traditions come and a stanch defender of individual rights over the centuries. The rate—not the number but the rate—for homicide is one-eighth that of the United States; for robbery is one-tenth; for aggravated assault is one-seventeenth. During the year 1963 when 5,126 Americans were being murdered by firearms, only 24 Britons died of the same cause.

I use these examples not because I intend to imply that the situations in the United States and other countries are exactly comparable, but to show that other countries, whatever their own problems, have been able to lick the problem of firearms violence. I believe that we in this country owe a better effort than we have yet made against handgun violence to our law enforcement officers who are in the frontlines in the war against crime, to our children who deserve a world less violent than we have known, and to ourselves.

LET THE PEOPLE SPEAK OUT

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1970

Mr. WYMAN. Mr. Speaker, the need for the so-called silent majority to speak out and be heard in the fight against crime has never been better stated than by the distinguished columnist David Lawrence in the current issue of U.S. News & World Report. As Mr. Lawrence so well puts it: "The main responsibility rests with the American people."

The time has come for those citizens of the United States who are concerned by the rising tide of crime, lawlessness and anarchy, to express their disapproval. This can be done at local meetings, by letters to the editor, and by a chorus of demand that dissent and protest be required to be sufficiently restrained as to refrain from lawlessness and crime.

I commend Mr. Lawrence's editorial to the thoughtful consideration of every American:

[From the U.S. News & World Report, March 9, 1970]

ONLY THE PEOPLE AS A WHOLE CAN CURB CRIME

(By David Lawrence)

We have too long assumed that merely increasing the number of policemen or detectives will diminish the number of crimes in America. It's time to face up to the facts: Many of the burglaries as well as murders are committed in private homes.

We are witnessing a crime wave of unprecedented proportions. There is widespread disrespect for law and order by citizens. Too many individuals in the younger generation have no regard for property rights or for life itself. Stealing is regarded as a proper means of obtaining funds. There is a feeling that punishment for crime will be light. Morality is brushed aside.

A virtual revolution has taken place which has manifested itself in the form of "demonstrations." Buildings have been taken over on college campuses, churches have been invaded, municipal offices have been picketed and their entrances blocked. The spirit of revolt is extensive. Some segments of the press have sympathized with this uprising and given it recognition as merely the exercise of the constitutional right of "freedom of speech" or "freedom of assembly." The fact that it might incite to riot or lead to damage of property or to injury or death has been largely ignored.

When will the American people come to realize that negligence on the part of a large number of their own law-abiding citizens has been responsible for the passive attitude toward crime and violence that has brought America to its tragic status of unmorality?

Even some of the clergy have failed in their duty. A few days ago, William C. Sullivan, Assistant Director of the Federal Bureau of Investigation, in a speech in Chicago declared that prominent churchmen have been expressing sympathy for the Black Panthers, raising bail money for them, and even in some cases taking residence in Black Panther headquarters to discourage police raids on them. He also noted that some church leaders have been accusing police of murdering Black Panther members in wholesale lots.

"Just what do these clergymen," asked Mr. Sullivan, "really know about the Black Panthers? Have any of them taken the trouble to get the facts about this organization?"

Mr. Sullivan pointed out that there are "about 900 hard-core guerrilla-type" members and perhaps "another 900 intermittent members" active in chapters in approximately 40 cities in the United States, and that the group is committed to the goal of "destroying the government and institutions" of this country. He said that the Panthers have embarked on a deliberate policy of waging guerrilla warfare against the police, and have stockpiled large supplies of weapons. He added:

"Although it has been claimed that as many as 28 Panthers have been killed by police, the truth is that 10 Panthers have died as a result of incidents involving police. And Panther violence has killed 5 police officers and wounded 42 others. . . .

"Clergymen quite rightly should be very active in establishing social justice, eliminating poverty, and abolishing discrimination. Does this mean, however, that they have to fall under the spell of some strange compulsion to identify themselves with and give support to an organization containing a band of criminals?"

Unless the people of America cooperate with the Government in securing respect for law and order, new statutes will not have a maximum effect.

The Organized Crime Control Act, which passed the Senate on January 23 by a vote of 73 to 1—and now is pending in the House—was sponsored by Senator John L. McClellan of Arkansas after a year-long effort by the Subcommittee on Criminal Laws and Procedures, of which he is Chairman.

Basically, the measure would give broad power to the Federal Government to crack down on racketeers, who are the main influences behind organized crime. This and other laws providing more police and better methods of detection and gathering evidence will help in the arrest and prosecution of wrongdoers. Perhaps the meting out of punishment may discourage other criminals.

But the root of the whole problem will not be reached by legislation or by law-enforcement mechanisms. The main responsibility rests with the American people, particularly the educated class. They must come to recognize that things have gone too far in America when we find ourselves witnessing "demonstrations" in behalf of those convicted defendants in Chicago who provoked disorder in the courtroom and day after day hurled insults at the judge presiding at their trial.

The words "law and order" should mean respect for law and the maintenance of order by everybody—without exception. Neither the courts nor the law-making bodies should hereafter permit quasi-revolutions to be conducted across the land by rebellious individuals. Until youth is taught the meaning of respect for law, we cannot expect crime to be cured in America.

CHICAGO SEVEN

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1970

Mr. DERWINSKI. Mr. Speaker, the trial of the Conspiracy Seven defendants in Chicago has and is continuing to receive national attention. Therefore, I feel that the editorial broadcast over WBBM Radio, Chicago, on February 23 commenting on the conduct of the jury is of special significance:

CHICAGO SEVEN

Attorney William M. Kunstler, chief defense counsel for the Conspiracy 7 defendants, has attacked the jury verdict in the controversial case. Kuntsler has called the jury's verdict an outrage. He has said it is a compromise and a terrible one. By extension, he is in fact attacking the jury system itself.

We disagree with Kunstler. The jury—a dozen average Americans—was sorely taxed by a very long trial. It had to sit through a case hopelessly entwined in legal and political complexities, and further clouded by the circus antics of the defendants and their supporters.

After a painstaking job, we believe this community owes the jurors a vote of thanks for a job well done under the most trying of circumstances. The jury has demonstrated that the American system of justice, with all its faults, can still operate effectively.

It is no perfect system of course. And some of the imperfections may even lead to a higher court reversing the decision. Only time will answer that question. But we believe the community owes a debt of gratitude to the 10 women and two men who served on this jury. They were deprived of their homes and their families.

What the jury has demonstrated so very well, is that a system that places its faith in the fundamental decency and dedication of ordinary citizens, is a system that works for the benefit of everyone. It is unfortunate that some of the parties involved in this case do not realize that fact.

LEGISLATION PROVIDING FOR THE ESTABLISHMENT OF A NATIONAL ADVISORY COMMISSION ON SCHOOL FINANCE

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1970

Mr. OTTINGER. Mr. Speaker, I am today introducing a bill to establish a commission that will address itself to the urgent problems of the financing of America's elementary and secondary schools.

As the manifold funding difficulties surface in school districts around the Nation, I find that we have no organized effort or plan for focusing public attention on the whole question of maintaining a healthy, solvent educational system. Not only must we address ourselves to ways of upgrading and expanding our total educational resources, but we are now faced with a financial squeeze so acute that it is not uncommon for schools to have to close their doors for portions of the normal term because of shortages of operating funds.

At present, Mr. Speaker, there are wide differences between the amounts spent on the education of each child from State to State, and indeed from district to district within any given State. The education of an individual is thus left to the vagaries of the situation into which he is born, and we have as yet devised no way to truly equalize educational opportunity for all so that no one's potential need be wasted.

As we become more mobile, population shifts drastically overload operating school systems which are trying solely to maintain the necessary level of plant and services. Just as urban areas have received a massive inpouring of people over the past few decades, now it is the suburban areas which are in many cases faced with real crises. As more and more people leave the cities, depleting the tax base of the urban centers, so in the suburbs the real property taxes, the traditional underpinning for local schools, have reached such burdensome proportions that we have encountered massive citizen resistance to further bond issues and tax increases to provide the necessary support. When we consider that 56 percent of all public education revenue comes from property taxes, and when we hear the recommendation of an urban task force on education for a $5 to $7 billion annual increase in funds for city schools, we begin to perceive the dimensions of our problem.

Between the launching of sputnik and the start of our Apollo program, the Federal Government enacted a dozen educational programs, climaxing in the Elementary and Secondary Education Act—a massive Federal commitment to our educational systems.

Billions of dollars have been poured into the classrooms of America. And in city after city, the schools do not teach—the children do not learn. There are schools where less than 10 percent of those who enter graduate; schools where reading ability declines after 3 years' exposure to the system; schools where high school graduates cannot master simple sentences.

The Urban League Street Academies have taken the least-promising children of the ghetto—children who have dropped from the public schools of the city. They are teaching those children the basic educational skills, and teaching them pride and possibility, as well. It is the kind of educational system the Federal Government has the resources to help.

The children of our more affluent citizens are still victims of outmoded, rote education in schools which lack any connection with the technologies which will shape the future of these students—technologies which their teachers all too often do not understand. Yet we know that such innovations can totally alter education for the better, that educational resource centers, supplementing and even replacing conventional schools, may do far better work in teaching these children. Those kind of experimental centers can be helped substantially.

Here in Congress we need to be concerned over recent revelations that title I funds of the ESEA are not being put to the most desirable uses; we have a continuing debate about fairness in allocation of impact aid funds; and we are faced with hard decisions over the merits of categorical grants as opposed to general assistance. The lateness of action on the HEW appropriation this year for fiscal 1970 underscores the extreme hardships being worked on school systems throughout the Nation because of the uncertainty of the level of aid they will receive. Educators simply cannot be expected to make optimum use of funds unless they have firm commitments well in advance to enable them to plan for the long-range goals and needs of their students.

Inflation hits the schools of America, too, Mr. Speaker. Construction costs are rising, equipment and books must be obtained at increasing prices, salaries go up, though in all too many cases teachers have had to forgo deserved raises because of defeated bond issues and other shortcomings in local support. Astronomical interest rates are also imposing burdens, and we are advised that most school districts are required to allocate 10 to 15 percent of their budgets for the retirement of debt and interest.

Furthermore, there is an estimated $300 to $500 billion worth of tax-exempt property throughout the country, and though Congress recognizes the need for making up revenues in areas where Federal installations lower the tax base, the States do not, and we must provide for the education of students in schools in areas having heavy concentrations of such property.

The time to meet these crises is now, Mr. Speaker. My bill would establish a 15-member National Advisory Commission on School Finance to cover the whole gamut of these funding problems. Such a commission will produce our first comprehensive study of alternative financing methods and will focus national attention on the many facets of the problem. It would include representatives of school boards, administrators, faculty, educational authorities, and the public, all appointed by the President. The Commission will be directed to examine all aspects of school financing, including the proper mix of Federal, State, and local effort; a balance between the various types of aid; a redefining of the Federal role; the possibility of Federal revenue sharing; the elimination of inequality of opportunity; and any and all other questions germane to the health of our Nation's schools. The Commission will be directed to submit a final report within 18 months of passage of the act, with interim reports due for our guidance in 6 and 12 months. Every agency of the Federal Government will be required to cooperate and make its expertise and resources available to the Commission, which would be empowered to call upon other public and private organizations for help as well. The act calls for a maximum authorization of $3 million for this purpose.

We are dealing with nothing less than the future of our country, Mr. Speaker, and I urge the passage of this legislation as a matter of top priority.

EXTENDING DISTRICT OF COLUMBIA PUBLIC HEALTH COVERAGE

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1970

Mr. FRASER. Mr. Speaker, today I am introducing a bill, H.R. 16244, to extend the District of Columbia compulsory immunization statute. This bill provides the means necessary for implementing in the District of Columbia a goal which has long been stressed by public health authorities nationwide: providing protection, for all American youngsters, from dread communicable diseases—measles, German measles, polio, diphtheria, tetanus, and whooping cough. Each of these diseases can have severe—even fatal—complications; despite massive efforts, Public Health Service officials have been unable to inoculate everybody in their citywide vaccination campaigns.

There have been 189 reported cases of measles in the District of Columbia since January 1, 1970. The major victims

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of these infectious diseases are the poor, who are generally characterized by a lesser awareness of the necessity or availability of preventive vaccines. This bill, in requiring inoculations to prevent these diseases before admission to elementary school, would extend the immunization regulations which now successfully cover smallpox to protect every family and every child in the District of Columbia from these other dread diseases.

H.R. 16244

A bill to extend the District of Columbia compulsory immunization statute

Insert immediately before the period at the end of Section 274 of the Revised Statutes of the United States relating to the District of Columbia (D.C. Code, 31-1102) the following: "and the measles, diphtheria, tetanus, whooping cough, polio, German measles."

GRANT US WISDOM

HON. JOE SKUBITZ

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1970

Mr. SKUBITZ. Mr. Speaker, each year the Veterans of Foreign Wars conducts a Voice of Democracy contest. This year more than 400,000 students participated in the contest. I am pleased to announce that the winner for the State of Kansas Voice of Democracy contest is Miss Wendy Ann Elliott, a 17-year-old student at Thayer High School in my district. I want to commend Miss Elliott for a job well done and feel that her outstanding oration merits the attention of my colleagues.

The material follows:

GRANT US WISDOM

"If a man does not keep pace with his companions, perhaps it is because he hears a different drummer. Let him step to the music he hears, however measured or far away."

Although they didn't live in the time of Thoreau, perhaps it was his drummer that convinced America's earliest pioneers their purpose stood above all personal goals. Yet, their fight for freedom was a personal thing. This was their land, their homes and their lives they were defending. It wasn't a game—to lose was to lose everything. They displayed a fierce loyalty to God, country and self that inspires us yet. From the first moment freedom was captured, until today, she has been challenging us to keep her within our grasp. Freedom might be compared to a woman; lovely; something to cherish and show with pride, but, as with all women, if mistreated, she will go on her way never to return. She challenges us every step of the way to be deserving of her favors. Historically, we were challenged by the ever-present thought of enslavement to England. Today the lady is more crafty.

Mama Cass advises, "Make your own kind of music—even if nobody else sings along." And that's exactly what the great majority of young people are doing. More and more, actions of the population are being accepted without question. It is no longer a matter of good or bad—of right or wrong. The challengers of our freedom don't lurk in shadows shrouded in black. Communism, the illegitimate child of good intentions, creeps into our American way of life through ignorance, not through a condoning public. Socialistic ideas infiltrate our government and society not because we want it to, but because most of us are uneducated as to the workings of government—ours and their's. Khrushchev said he would bury America and not fire a single bullet. The people of communistic countries don't have to meet challenges—their decisions are made for them. We should thank God we have the privilege of searching for the sometimes elusive answers.

Traveling from Russia across a great ocean of division, we arrive at America for a look at our challenging society. Of the world powers, America may be classed as the most permissive of societies. Our "anything goes" attitude certainly provides a challenge to morality. The prevalent use of drugs and its acceptance challenges us, the youth of America, to live up to our own high standards. The standards we must set for ourselves, not those which society dictates to us

Problems of race relations face us daily. A problem of pigmentation that has lasted over a hundred years still cries out for us to listen with our hearts and not with our minds. But society says there is a division.

Religion, another area in which our free society challenges us, is the most delicate, yet the most powerful to consider. Modern technology put man on the moon, but it can't put faith in an unbelieving soul. God will not be taken lightly and the struggle to accept him in a society that claims self importance cannot be taken lightly either.

Of all the challenges set before the American people, the challenge of self is the most persistent. America's challenges are largely self induced. The rest of the world dares us to uphold the grandeur image of the American. We can momentarily dismiss Communism; we can abandon God and morality; we can close our eyes to race, but we cannot escape the ever-present demands of "self."

It would no longer be necessary to fight for freedom or meet its challenges if we would but take the simple step of surrender. America is not accustomed to defeat and it will not surrender. Our freedom will never be taken from us. It will be lost only through our failure to meet its challenge and we will meet its challenge. We will halt Communism through diplomacy and patience; we will break the puppet strings of society through understanding; through honest evaluations of ourselves, we will learn our role in democracy to meet freedom's final challenge—the challenge of self.

Emerson had faith in America's youth and knew it would be their young blood that would keep America free. This faith is seen in his poem, "Duty."

"So nigh is grandeur to our dust,
So near is God to man,
When Duty whispers low, 'Thou must.'
The youth replies, 'I can'."

MISS RUTH NORCIA, VOICE OF DEMOCRACY WINNER OF CONNECTICUT

HON. WILLIAM L. ST. ONGE

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1970

Mr. ST. ONGE. Mr. Speaker, I was very proud and delighted to learn that this year's winner of the Voice of Democracy Contest in the State of Connecticut is once again a young constituent from my district, Miss Ruth Norcia, of Pawcatuck, Conn. Last year's winner was Mr. Dennis Hanover of Colchester, Conn. Our educators and teachers of eastern Connecticut seem to be doing an excellent job with our young people.

The Voice of Democracy Contest is sponsored annually by the Veterans of Foreign Wars of the United States and its ladies' auxiliary. The theme of the contest was "Freedom's Challenge" and some 400,000 students all over the country participated in it. The winning contestant of each State is brought to Washington during the first week of March where the final winners are chosen for the five scholarships ranging from $5,000 to $1,000. Some 8,300 students in 91 public and private schools in Connecticut competed in the contest.

Miss Norcia is a sophomore at Stonington High School. She is 15 years old and is the daughter of Michael and Tommasina Norcia, 12 Johnson Avenue, Pawcatuck, Conn. In fact, her essay is about her mother Tommasina and her dream of freedom in America, where she arrived as an immigrant at the age of 17. Writing of her mother, Miss Norcia states in her essay:

> She has instilled in me a quality of deep appreciation for the privileges afforded me by our country—privileges that might well be taken for granted by one, like myself, who has always lived in an affluent society . . . Respect and appreciation for country will never cease to exist if they are taught in the home.

Miss Norcia is very much interested in music. She hopes to attend the New England Conservatory at Boston and study to become a music teacher. At school she was vice president of the student council and is vice president of the sophomore class.

It will be a pleasure to greet Miss Norcia when she arrives in Washington to attend the VFW congressional dinner on March 10. In the meantime, I extend my congratulations to her and her parents and my very best wishes for success in life. I am pleased to insert her essay in the RECORD. It reads as follows:

DREAM OF FREEDOM

(By Ruth Norcia)

They talked to Tommasina of America. They called it beautiful, but they really meant: "Everybody in America lives easy, because they all have lots of money." They said that freedom was the American watchword, but they didn't even know what real freedom was! Still, who could honestly condemn their ignorance? They were just poor foreign farmers, wanting all the things they couldn't have, putting childlike faith in a fallacy, "feeding" *their* illusions to their children. . . .

For so long as she could remember, Tommasina had dreamed of joining her father in the United States. In the fifth grade, as part of her final examination in art, Tommasina was instructed to make a drawing illustrating the one thing she loved best or desired most. She made a sketch of the American flag. Her teacher was quite perturbed. He asked her why she chose to draw the American flag, rather than the flag of her own country. And she answered: "I know I am not American, but I *belong* in the United States. That's where my father is, and that's where I should be!"

Her innermost hopes were, at long last fulfilled. Tommasina arrived in the United States in early September, 1937. Almost immediately upon arrival, she was subjected to a barrage of letters from practically every living relative abroad. Most of the letters contained blunt demands for money! To each one, Tommasina replied: "Nothing's free in America. We even have to pay for the water we drink!"

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Tommasina grew to love the United States with all her heart. She found her hunger for learning insatiable. Despite her seventeen years, she enrolled in the fifth grade. She studied the language, the history, and the government of her new country; she was fascinated. She read the Bible for the first time in her life, not fearing she would be thrown in jail for doing so. As if to symbolize her release, she burned the hated black and white garments all school girls were forced to wear in her native land.

She learned that true freedom did not mean getting something for nothing. She learned that freedom's promise presented a challenge, too, and *that* challenge was the right and responsibility to participate in the political affairs of her community, her state, her country. She came to the realization that contributing to society was not only a responsibility in a free land, but also an enjoyable experience.

How well I have learned to value these beliefs that Tommasina held *and still holds;* I *should,* indeed, for Tommasina is my mother. She has instilled in me a quality of deep appreciation for the privileges afforded me by our country—privileges that might well be taken for granted by one, like myself, who has always lived in an affluent society. I believe that the greatest contribution I will ever make to my country will be to perpetuate these good and sound attitudes by passing them on to my own children. Respect and appreciation for country will never cease to exist if they are taught in the home.

SURPLUS PROPERTY DONATIONS

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1970

Mr. MOORHEAD. Mr. Speaker, the Federal donable property program, authorized by the Federal Property and Administrative Services Act of 1949, as amended, continues to flourish as a system for channeling personal property no longer needed by Federal agencies to our States for use by schools, hospitals, and civil defense units. This program's achievements, to which you yourself contributed so much while a member of the Committee on Government Operations, can be appreciated when one sees that in fiscal year 1969 personal property which cost the Government $292 million was distributed to all States plus the District of Columbia and Puerto Rico for education, public health, and civil defense.

Almost every kind of property is being put to good use: furniture, office machines, training aids, athletic equipment, medical and dental equipment, cleaning equipment, communications equipment, motor vehicles, aircraft, handtools, food equipment, to name only a few types. It has been well described, I think, as a program which converts obsolescence into opportunity.

The Department of Health, Education, and Welfare principally administers the program, although the General Services Administration and the Department of Defense also play essential roles. But the act requires these Federal agencies to work through special agencies set up within each State government to effect and to monitor distribution of property. These State agencies are fortunate to have been directed by some very able men whose dedication and experience have been vital to the program's progress. More than 20 years ago, the heads of the State agencies organized themselves into a National Association of State Agencies for Surplus Property. Each year, the association's national committee meets in Washington. Interested Federal officials also participate.

The Special Studies Subcommittee of the Government Operations Committee, of which subcommittee I am a member, exercises jurisdiction over this program. On February 18, 1970, the subcommittee chairman, the Honorable JOHN S. MONAGAN of Connecticut, addressed the association's national committee. His remarks there included comment on some new prospects for the program, for example, the development of a promising new property source from unneeded equiment located overseas. Because I believe these remarks will be of interest to other Members, all of whose constituencies benefit from this valuable program, I should like to include them in the RECORD

The remarks follow:

REMARKS OF HON. JOHN S. MONAGAN BEFORE THE NATIONAL COMMITTEE OF THE NATIONAL ASSOCIATION OF STATE AGENCIES FOR SURPLUS PROPERTY

I thank you, President Izbicky, and the other officers and members of the National Committee of the National Association of State Agencies for Surplus Property, for this welcome and pleasant opportunity to talk to you. Conferences like yours where State and Federal people exchange information, discuss issues, and seek to resolve problems have great value. But, more than that, they symbolize and demonstrate intergovernmental cooperation at its best. We of the House Committee on Government Operations well understand the importance of such cooperation because one of the Committee's prescribed duties under the rules of the House is to study intergovernmental relationships between the United States and the States and municipalities.

Congressman Dawson, Chairman of the Full Committee on Government Operations, has established eight subcommittees, each with a specifically enumerated jurisdiction. For the most part, subcommittee jurisdictions are directly tied to operations of given Federal agencies. The Department of Defense, for example, is under the Military Operations Subcommittee. The Special Studies Subcommittee, which I head, has under its jurisdiction the Executive Office of the President (except the Bureau of the Budget) and the District of Columbia Government. But the jurisdictional cloaks of our subcommittees may also cover special subjects of functional or program character which usually cross into several agencies' areas of operation. For instance, domestic intergovernmental relations are the province of the Intergovernmental Relations Subcommittee (which, by the way, also looks into the operations of agencies like the Departments of HEW and Labor). And our Special Studies Subcommittee, as you know, has the multiagency donation program. Another of our jurisdictional concerns deals with consumer protection activities of Federal agencies. Still another is Federal agency accounting systems. The membership of our subcommittee has not changed since the First Session of the 91st Congress. On the Democratic side, we have, besides myself, Congressmen Moorhead of Pennsylvania, Gallagher of New Jersey, and Rosenthal of New York. Our Minority Members are Congressmen Wydler of New York, Myers of Indiana, and Cowger of Kentucky.

The subcommittee staff is headed by the Staff Administrator, Mr. Louis Freed, whom many of you know by now. He and Miles Romney from the Full Government Operations Committee staff work closely to assist the subcommittee with its donation program work.

I know you want to hear something about that work: What we are doing and hope to do in the coming year. I will talk briefly about these things:

(1) Operation DOMUS, that is, our overseas property program;

(2) exchange/sale disposals;

(3) allocating areas;

(4) the Federal Telecommunications System;

(5) our legislative outlook;

(6) and finally something that goes by the formidable name of systems analysis.

But first I'd like to pay tribute to your own great effort in the program as demonstrated by these statistics. I mean the $292 million in acquisition costs of personal property distributed during the past fiscal year. I mean the processing of 80,000 applications for donations on standard Forms 123, representing 260,000 line items. I mean the $84 million of property received by the States during the last quarter of 1969, almost $10 million higher than the same period in 1968. I mean the more than $5 million of property that has been returned from Germany and Japan under Operation DOMUS.

This brings me to topic number one; namely, Operation DOMUS. We are pleased and confident about both its accomplishment and prospect. Overseas property is a vast field of opportunity to be explored and exploited for utilization and donation purposes. You have already heard the details and new directions of Operation DOMUS from others But I think it is most significant, for instance, that the $2.9 million of overseas property received during October, November, and December of last year is almost 60 percent of the total of such property received for the entire year from overseas. It was gratifying to learn from Deputy Assistant Secretary of Defense Paul Riley last month that the program has been so successful that Defense has recently expanded HEW and State agency screening of excess property in Germany and Japan to include all of Europe as well as the United Kingdom and Southeast Asia. Mr. Riley added that perhaps our property in other areas might also begin to contribute to this program.

I compliment the Department of HEW, the Department of Defense, the General Services Administration, and especially you, of the State agencies, for putting your men, money, and imagination on the line to carry out this innovative project. During the present Session, I want our subcommittee to review this operation in a public hearing. I think it deserves to be looked at formally; and a record should be made of its genesis, methods, achievements, and prospects. I also feel that the experience gained from the operation will be instructive for many outside the program.

Now, topic number two—exchange/sale disposals. Next month, DOD will probably have compiled its third semiannual report on exchange/sale transactions, covering the first half of fiscal year 1970. In response to a subcommittee request, DOD has reported these results for each Federal supply group, in terms of original acquisition costs and

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also proceeds or allowances received. The figures have been useful as a rough basis for measuring and evaluating this method of disposal. The next semiannual report should be helpful in indicating trends, for such factors as overall volume, property group volume, and financial return.

Of course, price inflation is creating problems about comparing the original acquisition costs of an item purchased ten or fifteen years ago with market value of the used item today.

Nevertheless, I believe that GSA, at least, should follow DOD's practice and begin to report its own exchange/sale transactions not just in terms of proceeds and allowances received. We intend to make a proposal along these lines to the GSA.

For certain high-volume property like motor vehicles, office machines, materials handling equipment, and construction equipment, I believe we should have more detail, such as breakdowns by four-digit classification and by condition code. This would also assist DOD in making case-by-case administrative findings as to whether the expected return is sufficient to justify the effort and cost of disposal by exchange or sale. Such an evaluation is part of a requirement announced in 1968 by then Assistant Secretary of Defense Thomas Morris, although GAO recently told us that no implementing instructions for this requirement appear to have been given to disposal offices. If procurement or disposal officers are to make such economic determinations for exchange/sale transactions, then I believe they need the kind of basic data I have just talked about.

The two pending general amendments bills, S. 2170 and H.R. 15272, would impose additional constraints on the use of the exchange/sale authority. But I shall say something about this later.

As to allocating areas, I feel we should come to some new arrangements whereby the present eight areas can be consolidated into two or three. I am glad this view has wide support, in principle, among State agency heads and within the Department of HEW, although I respect and understand the position of those who prefer to stand by the existing arrangement. I am extremely appreciative of your letters in response to our request for comments on this question. They are helpful and instructive in many ways. Let me add that I think you are fortunate to have so capable a chairman of your Committee on Allocations as Mr. Bob Nolan of Massachusetts. I wish him well in his effort to steer a course through the conflicting opinions concerning this problem. More than that I don't wish to say now, since I realize this is one of the prime items on the agenda of this meeting.

As to my next topic, Federal Telecommunications Systems services for State agencies, most of you know that we have been urging GSA and HEW to find a way to do this. The Intergovernmental Cooperation Act of 1968, a measure which our Government Operations Committee considered and reported to the House, provides for specialized or technical services to be made available to State and local government units. The Bureau of the Budget issued regulations last August which make it entirely clear that Federal Telecommunications System services are among those to be shared with State governmental units. We are still waiting for action by the Federal agencies. I have just written again to the heads of both asking for a status report and urging that it be expedited. The energy and enterprise these agencies have shown in launching Operation DOMUS should certainly be able to produce similar concrete results for the FTS project.

As to the topic of legislation, I can say that I have every expectation to be able to hold hearings within the next two months on several bills.

These are the public museum bills (S. 2210 and H.R. 11557), the State fish and wildlife agencies bill (H.R. 13737) and the short shelf-life medical supplies and foreign excess property bill (S. 406). The last measure, however, has certain jurisdictional disabilities so far as the Special Studies Subcommittee is concerned. We are trying to work these out so the subcommittee can proceed soon to hearings. It may also be possible to include the general donable property amendments measure in these hearings. I refer to H.R. 12752. We have been waiting for developments on the Senate side, where the related measure (S. 2170) has been under active consideration.

As I mentioned earlier, S. 2170 and H.R. 12752 contain provisions which, though differing as to extent, would both limit the use of exchange/sale authority in favor of a greater disposal for utilization and donation. I believe a hearing on these provisions might lead to a formula which would assure maintenance of a proper balance between legitimate needs of a Federal agency for replacement of property and the utilization or donation needs of other Federal agencies and the States.

My last topic has to do with that latter-day administrative phenomenon called *systems analysis*. Properly applied to most enterprises or activities, it can become a highly effective management tool. I believe this may be so for the Federal donation program. At least, I think we should explore the matter of its adaptability and suitability here.

Let me stress right away that I do *not* contemplate that the goals of the program should be changed. After all, they were set by the Congress and since then have clearly proved their social and economic worth.

Now, what do I have in mind by systems analysis? I'll try to be clear, even if it means reciting some definitions. First, when I speak of a *system*, I refer to a means for achieving goals. More precisely, it is an organized collection of methods, men, and machines for accomplishing a specific objective. It can represent a large organization or a discrete part of that organization. For example, the entire enterprise of Federal property disposal might be regarded as a system. On the other hand, the donation program activity within that enterprise may also be regarded as a system, or if you will, a sub-system.

What then is systems analysis? It is the process of examining an enterprise or activity to determine what should be accomplished and how the necessary operations can best be carried through. It means looking at the input into the system and also at the output and the output requirement. The objective is the design of a system to achieve the desired output in the most effective way with the resources that are available.

Usually an element of such analysis is a determination whether some automatic data processing techniques can be effectively introduced.

I can suggest several benefits that might flow from design changes as a result of a systems analysis: Broader and deeper coordination within the system; faster and surer screening of property and processing requests for donation; more even distribution of property; less burdensome and time-consuming administrative controls; elimination or consolidation of operations and procedures; providing data to activity management and to the Congress for better measurement of program effectiveness; being able to respond well and quickly to technical or economic changes outside the system; and faster decisionmaking within a more meaningful context.

The Executive Branch has embarked on a sort of grand systems analysis in the so-called PPBS or Planning, Programing, Budgeting System, which was begun in 1966. The Congress, too, is moving in the direction of an information processing system and supporting structure to meet its legislative and oversight requirements. A Congressional reorganization bill now before the House Rules Committee would set up a special Legislative Research Service, a Joint Committee on the Library and Congressional Research, and a Joint Committee on Legislative Data Processing. The Committee on House Administration already has a working group well launched into a project to analyze Congressional information needs. The General Accounting Office is assisting this working group.

Our Government Operations Committee last year reported favorably to the House, H.R. 10791, to provide for efficient and effective utilization of modern data-processing techniques to give committees and individual members better information for decision-making.

Thus Congressional committees will more and more come to consider matters in terms of information possessing the character and degree of detail that can only be assembled and organized through compatible information techniques within the Executive Branch. I know that thinking along these lines has been done already by some of you. Bob Nolan has sent us a copy of the flow chart for the Western States Surplus Property Organization. I also understand that HEW has given some consideration to automatic data processing techniques within the donation program.

However, a system analysis is a major undertaking, and I am not now proposing that this be done. As I have indicated, we wish simply to explore the feasibility and desirability of such an analysis within the system which we call the Federal donable property program. I am, therefore, asking our staff to look into this matter and report to the Subcommittee their findings and conclusions. They will carefully solicit the views and advice of you in the State agencies and of the appropriate Federal people.

I am told that the personnel who manage and operate the 52 State agencies number about 1250, and that HEW and GSA together have the equivalent of about 130 positions devoted to the donation program. That is really a very small force to direct and operate so big and extensive an activity. These figures speak very well for your individual ability and dedication as well as for the cooperative esprit I always sense within your organization, where you nurture your aspirations with energy and enterprise.

I know that in most of the State agencies there has been a substantial continuity of administration. I think this continuity is another reason for the high degree of commitment and expertise within your ranks. I am glad this continuity is being further strengthened and broadened as a result of HEW's recent amendment to its merit system regulation. I hope the effort to give to the new regulation a degree of flexibility with regard to certain high-level officials will achieve its objective in those States where special problems may be encountered.

We all know that conservation has become just about the leading domestic issue in our country. The Congress, and now the President, are attacking the enormous problems in that area vigorously and vociferously. Conservation means maintenance and preservation of our resources. So all of you here have long been conservationists in the true sense of the word. Let us hope that the growing national consciousness of the need for conservation will help to lift your work and this program to even greater heights of public good.

Thank you.

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THE QUINCY GOLDEN EAGLES

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1970

Mr. FINDLEY. Mr. Speaker, the Golden Eagle Color Guard from Quincy, Ill., will be in Washington during the annual Cherry Blossom Festival to represent the strength and vitality of our Nation's youth. The Golden Eagles are a precision marching team whose individual members proudly carry the various flags which represent the institutions of our society.

Under the sponsorship of the Quincy CYO with excellent cooperation from Sister Catherine and her staff this unit has displayed color, grace, dignity, and elegance. The group, directed by Mr. Herb Wellman and Mr. Jerry Eldridge, consists of: Mary Jo Awerkamp, Pat Barry, Jackie Bonness, Jane Bozarth, Barbara Daly, Ieleen Daly, Beth Dittmer, Lucy Duesterhaus, Mary Fetter, Barbara Fiechtl, Toni Grant, Kathy Hafner, Mary LaRoche, Sue Lawrence, Peggy Maquire, Jan Mast, Debbie Maxwell, Barbara Peters, Deb Reno, Pat Rineberg, Mary Ruxlow, Dory Scheufele, Jan Schlipmann, Pat Schlipmann, and Linda Veihl.

They are shining examples of young womanhood on and off the field. The meaning of the banners they carry so proudly, represents the very foundation on which this country was founded and stands to this day. As they march, the first group of flags consists of the flag of our Nation and various State and city flags. The second group of flags represents the major religious denominations which give this country moral courage. The third group of flags depicts the organizations which serve to educate and compliment and make our system work.

In this day when teenagers are spoken of in generalities, in tones not always complimentary, it is refreshing to give credit to these young adults who have broken the chain of mediocrity and are such a credit to Quincy, the Midwest, and American youth.

The following letter was forwarded to the director of the Golden Eagles from the parade director of the Cherry Blossom Festival, and I would like to include it in the RECORD at this point:

DEAR MR. WELLMAN: This letter is to inform you that reports of the Golden Eagles have reached my office. Your unit was carefully observed this past summer in three different States. I must agree with the reports that the Golden Eagles are worthy of the honor this letter bestows upon them.

Each year it is my job to carefully examine and select from thousands of possible units across the nation to march at our nationally famous parade and festival. It is a task that I truly enjoy.

I am certain your community will share in the pride you must feel at this time to discover that you are the first unit to be selected from your area to make an appearance at this event.

It is therefore my pleasure to extend an invitation to you, your staff, and the Golden Eagle Color Guard to be present and participate in the National Cherry Blossom Parade of Princesses to be held Saturday, April 11th, here in Washington, D.C.

Sincerely,

BOB HIGHLAND,
Parade Chairman.

BAR REFUSES TO SERVE MAN OF YEAR

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1970

Mr. BOB WILSON. Mr. Speaker, I know that all of us were deeply disturbed by the recent news report that Col. Daniel James, Jr., an outstanding Negro Air Force officer and the new Assistant Secretary of Defense for Public Affairs, was refused a drink in a Pensacola bar. This incident was particularly distressing because Colonel James was accompanied by two Italian officers who were considerably more embarrassed than Colonel James himself. It is most unfortunate that any member of our Armed Forces, officer or enlisted, should be faced with such treatment.

On the other side of the coin, however, it is encouraging news that the Kiwanis Club of Pensacola named Colonel James as Man of the Year. This is a tribute not only to a distinguished officer and gentleman, Colonel James, but also to the Kiwanis Club and people of Pensacola and indicates the rapid changes underway in the South today.

The following news article outlines the specific detail of this incident and I insert it with my remarks:

BAR REFUSES TO SERVE MAN OF YEAR

PENSACOLA, FLA.—Air Force Col. Daniel "Chappie" James was named "Man of the Year" by the Pensacola Kiwanis Club one night and refused a drink in a bar the next by a man who said he had never served a Negro.

James, who commands Wheelus Air Force Base in Libya, was recently appointed assistant deputy secretary for public affairs in the Defense Department.

"I didn't make a big noise about it at the time," he said yesterday in Washington.

"I was sensitive to the fact . . . that it may be embarrassing to the very people I didn't want to be embarrassed. I knew how the people who mattered in Pensacola felt about me."

CUSTOM WITH US

Jack Horne, owner and operator of the lounge, said in an interview that he denied admission to James Friday night, "because it's always been a custom with us" not to serve Negroes.

"We never have, and I couldn't make any exceptions in that particular case. I couldn't do otherwise and be fair to all my customers," Horne said.

Horne's Torch Lounge is near Pensacola's Navy yard but he said its clientele is mostly civilians—"it's a neighborhood group."

Horne, 56, said military police had discussed the incident with him, but he had heard nothing further.

"I told the fellows here we probably would have to start serving Negroes sometime in the future," Horne said.

He has operated the lounge six years.

HE HAD COMPANY

James, in a taped interview with a Pensacola radio station, said he was shocked by Horne's refusal to admit him.

"There were two Italian officers with me and that made it even more embarrassing. I was ashamed for him really," James said.

"With people talking about law and order and, by the same token when some guy like this says I'm not going to serve you because you're colored, you give the militants exactly what they want," James said.

PRESIDENTIAL ACTION

HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1970

Mr. DUNCAN. Mr. Speaker, a recent editorial statement by WCBS–TV, New York, praised President Nixon's efforts to clean up this land of ours and the air and water on which it thrives.

I very much enjoyed the WCBS comments and recommend them to my colleagues:

[From a WCBS–TV editorial, Feb. 11, 1970]

PRESIDENTIAL ACTION

President Nixon's program for cleaning up the Nation's blighted environment is thorough, bold and practical. It is in almost every area, more than we had expected, and nearly all that we had hoped.

In the broad scope of the President's program there are proposals for 23 new laws and 14 executive actions that, if carried out, would move far in curbing the wanton destruction of this Nation's air, water, and land.

To cleanse the air, the President would curb automobile pollution through tougher standards on exhausts, and through low-pollution fuels. Most important, Mr. Nixon has pledged the full resources of the federal government to the search for a virtually pollution-free car. This is, by far, in our opinion, the most far-reaching and important proposal in his message.

His program on water pollution is also a good one. Here money is the greatest need, money to build effective sewage treatment plants. The President has responded with a plan that would provide $1 billion in federal aid each year for the next four years. And, equally important, Mr. Nixon has suggested that a user tax be placed on industries using municipal sewage systems. This would be a pollution tax that would make those who foul the environment bear much of the burden for cleaning it up.

In the handling of solid wastes, trash and garbage, the President is somewhat less specific, but the principles he espouses are sound. First, he argues that the emphasis should shift away from merely collecting trash and dumping it. He urges that solid wastes be recycled, that they be processed for some practical reuse. Moreover, he suggests that the cost of disposing of solid waste ought to be included in the price of an item. For example, the cost of scrapping a car could be included in the purchase price. We would also like to hear more from the Administration on how this principle could be put into practice in dealing with the millions of nonreturnable cans and bottles littering our landscape.

In sum, WCBS–TV believes the President has charted an excellent course in reclaim-

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ing the environment. But a good blueprint is only part of the battle. It will take real leadership from the White House and Congress to turn good plans into good programs.

PODIATRY SOCIETY OF THE STATE OF NEW YORK

HON. JOHN M. MURPHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1970

Mr. MURPHY of New York. Mr. Speaker, a recent report issued by the New York City Health Department titled "Publicly Funded Podiatry: The New York City Medicaid Experience," made the following observation:

> Podiatry, through the Medicaid program, has made a significant contribution to the well-being of thousands of persons for whom podiatric care previously was inaccessible.

I believe that this most laudatory appraisal of podiatry's role in medicaid is particularly fitting as the 1,600-member Podiatry Society of the State of New York—which represents the profession in New York—celebrates its 75th anniversary.

Recently, it was my pleasure to attend a luncheon here to help mark the Podiatry Society's anniversary, an event attended by members of the New York congressional delegation as well as the officers and trustees of the society. I would like to take this opportunity to commend the leadership of the society for their efforts in advancing the cause of improved health care for all our citizens.

The officers are Dr. Horace C. DeCotiis, president; Dr. Seymour C. Frank, president-elect; Drs. Monroe Jacobs and Edward Stamm, vice presidents; and Dr. Harold Rubenstein, immediate past president; and Drs. Louis Giordano, Charles Glazer, Alvin Kanegis, Henry Merletti, Maurice Newman, and David Schulefand, the trustees.

These gentlemen and their colleagues have given eloquent expression to the high standards of excellence which have come to characterize the State society's professional and public service activities.

While the New York City Health Department's praise for podiatry in medicaid could serve as a keynote for the State society's anniversary celebration, I believe it is important also to call attention to the vital role being played by podiatry in medicare.

In a Gallup poll on health, people were asked, "What do you complain of most?" Sixty percent replied, "My feet." And the older the people, the more they were troubled by foot problems. Long years of rough use, natural physical deterioration in the foot, the extra weight the elderly often carry and simple neglect made the feet a particular problem for those in their advanced years.

In January 1968, the Federal Government took cognizance of the relationship of foot care to overall health and included podiatry services in medicare. This action opened the door to competent foot health care to literally millions of aged across the country: people who might have been forced to spend their later years in idleness because of foot ills now are able to utilize the services of qualified foot specialists.

Mr. Speaker, in July 1968, in a message to the American Podiatry Association, former President Johnson stated the following:

> Our goals must remain high and our resolve steady; we must persevere until the blessing of good health and proper care touch all people.

I believe this to be a worthy and an attainable goal, and I congratulate the Podiatry Society of the State of New York for its diligence and its steadfast efforts to meet the great challenge of improved health care for all Americans.

LEGAL RIGHTS BELONG TO EVERYONE

HON. GLENN R. DAVIS

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1970

Mr. DAVIS of Wisconsin. Mr. Speaker, I am thankful that the attack by the Chicago Seven against the vital American judicial system was nullified by the jury verdicts handed down. The defendants tried to make the judicial system the defendant by claiming their rights were being denied. However, I would like to bring to your attention a question asked during a recent noteworthy editorial stated by WTMJ–TV and radio in Milwaukee, Wis.: "Where would those legal rights end up if our judicial system were ever destroyed?"

The complete editorial follows:

EDITORIAL

Americans tonight should have renewed faith in their judicial system following the jury verdicts in the trial of the Chicago Seven. That the case ever got to the jury was due only to the fortitude of Federal Judge Julius J. Hoffman. He endured for five months disruptive actions that he rightly has punished as contemptible.

The provocation against the respected authority of the court, although shameful, was not unique. It occurred in the fascist sedition trial of 1944 when Federal Judge Edward Eicher, facing a brawling courtroom of 30 defendants and 20 lawyers, died on the 102nd day, resulting in a mistrial. In 1949, the lawyers and 11 defendants in the famous Communist conspiracy trial almost drove Federal Judge Harold E. Medina to exhaustion. Their cruel campaign failed, however, and after 167 days, the longest criminal trial in our nation's history, the eleven were found guilty. By comparison, Judge Hoffman, an older man, was forced to endure slightly fewer trial days, but much the same type of unruly actions in the case of the seven charged with violating the new anti-riot law.

Despite the diversionary actions in the courtroom, which could discredit and destroy the American legal process if not firmly challenged, the Chicago defendants and their attorneys are now seeking judicial relief from Judge Hoffman's contempt of court sentences. They, in effect, are saying their rights are being denied. Well, what about Judge Hoffman's rights? What about the rights of the jurors? What about the rights of all law abiding Americans? Where would those legal rights end up if our judicial system were ever destroyed? These are questions the American Bar Association ought to seriously consider in connection with permissible conduct of attorneys in the courtroom.

THE NEW FEMINISM

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1970

Mr. ROSENTHAL. Mr. Speaker, women do not have to deny their biology to want a better world than they now have. The feminist movement does not question the basic differences between men and women; rather it questions the social calcifications which have, over centuries, developed from these differences but which today are no longer tenable.

Many of the discriminatory practices against women originated in other countries and in other social and cultural climates. The new feminists ask men—and other women—simply whether these practices do not constitute a kind of servitude from history which are continued at the convenience of the ruling male sex.

I think these are important questions, deserving the serious attention of all who consider justice the first order of society.

Lucy Komisar considers some of these questions in the following article from the February 21, 1970, issue of the Saturday Review:

THE NEW FEMINISM

(By Lucy Komisar)

A dozen women are variously seated in straight-backed chairs, settled on a couch, or sprawled on the floor of a comfortable apartment on Manhattan's West Side. They range in age from twenty-five to thirty-five, and include a magazine researcher, a lawyer, a housewife, an architect, a teacher, a secretary, and a graduate student in sociology.

They are white, middle-class, attractive. All but one have college degrees; several are married; a few are active in social causes. At first, they are hesitant. They don't really know what to talk about, and so they begin with why they came.

"I wanted to explore my feelings as a woman and find out what others think about the things that bother me." Slowly, they open up, trust growing. "I always felt so negative about being a woman; now I'm beginning to feel good about it."

They become more personal and revealing. "My mother never asked me what I was going to be when I grew up." "I never used to like to talk to girls. I always thought women were inferior—I never *liked* women." "I've been a secretary for three years; after that, you begin to think that's all you're good for." "I felt so trapped when my baby was born. I wanted to leave my husband and the child."

Repeated a hundred times in as many different rooms, these are the voices of women's liberation, a movement that encompasses high school students and grandmothers, and that is destined to eclipse the black civil rights struggle in the force of its resentment and the consequence of its demands.

Some of us have become feminists out of anger and frustration over job discrimination. When we left college, male students got aptitude tests, we got typing tests. In spite of federal law, most women still are trapped in low-paying, dead-end jobs and commonly earn less than men for the same work—sometimes on the theory that we are only "helping out," though 42 per cent of us support ourselves or families.

Others have discovered that the humanistic precepts of the radical movement do not always apply to women. At a peace rally in Washington last year, feminists were hooted and jeered off the speakers' platform, and white women working in civil rights or antipoverty programs are expected to defer to the black male ego. Many of us got out to salvage our own buffeted egos. However, most of the new feminists express only a general malaise they were never able to identify.

Nanette Rainone is twenty-seven, the wife of a newspaperman, the mother of a seven-month-old child, and a graduate of Queens College, where she studied English literature. She married while in graduate school, then quit before the year was out to become an office clerk at *Life* magazine. "I could have known the first day that I wasn't going to be promoted, but it took me eight months to find it out."

She spent the next five months idly at home, began doing volunteer public affairs interviews for WBAI radio, and now produces *Womankind*, a weekly program on the feminist movement.

"I always felt as though I was on a treadmill, an emotional treadmill. I thought it was neurotic, but it always focused on being a woman. Then I met another woman, who had two children. We talked about my pregnancy—my confusion about my pregnancy—and the problems she was having in caring for her children now that she was separated from her husband and wanted to work."

One evening Nanette Rainone's friend took her to a feminist meeting, and immediately she became part of the movement. "The child had been an escape. I was seeking a role I couldn't find on the outside," she says. "Then I became afraid my life would be overwhelmed, that I would never get out from under and do the things I had hoped to do.

"You struggle for several years after getting out of college. You know—what are you going to do with yourself? There's always the external discrimination, but somehow you feel you are talented and you should be able to project yourself. But you don't get a good job, you get a terrible job.

"I think I was typical of the average woman who is in the movement now, because the contradictions in the system existed in my life. My parents were interested in my education. I had more room to develop my potential than was required for the role I eventually was to assume.

"I don't put down the care of children. I just put down the fixated relationship that the mother has, the never-ending association, her urge that the child be something so that she can be something. People need objective projects. We all feel the need to actively participate in society, in something outside ourselves where we can learn and develop.

"The closest I've been able to come to what's wrong is that men have a greater sense of self than women have. Marriage is an aspect of men's lives, whereas it is the very center of most women's lives, the whole of their lives. It seemed to me that women felt they couldn't exist except in the eyes of men—that if a man wasn't looking at them or attending to them, then they just weren't there."

If women need more evidence, history books stand ready to assure us that we have seldom existed except as shadows of men. We have rarely been leaders of nations or industry or the great contributors to art and science, yet very few sociologists, political leaders, historians, and moral critics have ever stopped to ask why. Now, all around the country, women are meeting in apartments and conference rooms and coffee shops to search out the answers.

The sessions begin with accounts of personal problems and incidents. For years, we women have believed that our anger and frustration and unhappiness were "our problems." Suddenly, we discover that we are telling *the same story!* Our complaints are not only common, they are practically universal.

It is an exhilarating experience. Women's doubts begin to disappear and are replaced by new strength and self-respect. We stop focusing on men, and begin to identify with other women and to analyze the roots of our oppression. The conclusions that are drawn challenge the legitimacy of the sex role system upon which our civilization is based.

At the center of the feminist critique is the recognition that women have been forced to accept an inferior role in society, and that we have come to believe in our own inferiority. Women are taught to be passive, dependent, submissive, not to pursue careers but to be taken care of and protected. Even those who seek outside work lack confidence and self-esteem. Most of us are forced into menial and unsatisfying jobs: More than three-quarters of us are clerks, sales personnel, or factory and service workers, and a fifth of the women with B.A. degrees are secretaries.

Self-hatred is endemic. Women—especially those who have "made it"—identify with men and mirror their contempt for women. The approval of women does not mean very much. We don't want to work for women or vote for them. We laugh, although with vague uneasiness, at jokes about women drivers, mothers-in-law, and dumb blondes.

We depend on our relationships with men for our very identities. Our husbands win us social status and determine how we will be regarded by the world. Failure for a woman is not being selected by a man.

We are trained in the interests of men to defer to them and serve them and entertain them. If we are educated and gracious, it is so we can please men and educate their children. That is the thread that runs through the life of the geisha, the party girl, the business executive's wife, and the First Lady of the United States.

Men define women, and until now most of us have accepted their definition without question. If we challenge men in the world outside the home, we are all too frequently derided as "aggressive" and "unfeminine"—by women as readily as by men.

A woman is expected to subordinate her job to the interests of her husband's work. She'll move to another city so he can take a promotion—but it rarely works the other way around. Men don't take women's work very seriously, and as a result, neither do most women. We spend a lot of time worrying about men, while they devote most of theirs to worrying about their careers.

We are taught that getting and keeping a man is a woman's most important job; marriage, therefore, becomes our most important achievement. One suburban housewife says her father started giving her bridal pictures cut from newspapers when she was six. "He said that was what I would be when I grew up."

Most feminists do not object to marriage per se, but to the corollary that it is creative and fulfilling for an adult human being to spend her life doing housework, caring for children, and using her husband as a vicarious link to the outside world.

Most people would prefer just about any kind of work to that of a domestic servant; yet the mindless, endless, repetitious drudgery of housekeeping is the central occupation of more than fifty million women. People who would oppose institutions that portion out menial work on the basis of race see nothing wrong in a system that does the same thing on the basis of sex. (Should black and white roommates automatically assume the Negro best suited for housekeeping chores?) Even when they work at full-time jobs, wives must come home to "their" dusting and "their" laundry.

Some insist that housework is not much worse than the meaningless jobs most people have today, but there is a difference. Housewives are not paid for their work, and money is the mark of value in this society. It is also the key to independence and to the feeling of self-reliance that marks a free human being.

The justification for being a housewife is having children, and the justification for children is—well, a woman has a uterus, what else would it be for? Perhaps not all feminists agree that the uterus is a vestigial organ, but we are adamant and passionate in our denial of the old canard that biology is destiny.

Men have never been bound by their animal natures. They think and dream and create—and fly, clearly something nature had not intended, or it would have given men wings. However, we women are told that our chief function is to reproduce the species, prepare food, and sweep out the cave—er, house.

Psychologist Bruno Bettelheim states woman's functions succinctly: "We must start with the realization that, as much as women want to be good scientists or engineers, they want first and foremost to be womanly companions of men and to be mothers."

He gets no argument from Dr. Spock: "Biologically and temperamentally, I believe women were made to be concerned, first and foremost with child care, husband care, and home care." Spock says some women have been "confused" by their education. (Freud was equally reactionary on the woman question, but he at least had the excuse of his Central European background.)

The species must reproduce, but this need not be the sole purpose of a woman's life. Men want children, too, yet no one expects them to choose between families and work. Children are in no way a substitute for personal development and creativity. If a talented man is forced into a senseless, menial job, it is deplored as a waste and a personal misfortune; yet, a woman's special skills, education, and interests are all too often deemed incidental and irrelevant, simply a focus for hobbies or volunteer work.

Women who say that raising a family is a fulfilling experience are rather like the peasant who never leaves his village. They have never had the opportunity to do anything else.

As a result, women are forced to live through their children and husbands, and they feel cheated and resentful when they realize that is not enough. When a woman says she gave her children everything, she is telling the truth—and that is the tragedy. Often when she reaches her late thirties, her children have grown up, gone to work or college, and left her in a bleak and premature old age. Middle-aged women who feel empty and useless are the mainstay of America's psychiatrists—who generally respond by telling them to "accept their role."

The freedom to choose whether or not to have children has always been illusory. A wife who is deliberately "barren"—a word that reinforces the worn-out metaphor of woman as Mother Earth—is considered neurotic or unnatural. Not only is motherhood not central to a woman's life, it may not be necessary or desirable. For the first time, some of us are admitting openly and without guilt that we do not want children. And the population crisis is making it even clearer that as a symbol for Americans motherhood ought to defer to apple pie.

The other half of the reproduction question is sex. The sexual revolution didn't liberate women at all; it only created a bear market for men. One of the most talked-about tracts in the movement is a pamphlet by Ann Koedt called "The Myth of the Vaginal Orgasm," which says most women don't have orgasms because most men won't accept the fact that the female orgasm is clitoral.

We are so used to putting men's needs first that we don't know how to ask for what *we* want, or else we share the common ignorance about our own physiology and think there is something wrong with us when we don't have orgasms "the right way." Freudian analysts contribute to the problem. The realization that past guilt and frustration have been unnecessary is not the least of the sentiments that draws women to women's liberation.

Feminists also protest the general male proclivity to regard us as decorative, amusing sex objects even in the world outside bed. We resent the sexual sell in advertising, the catcalls we get on the street, girlie magazines and pornography, bars that refuse to serve unescorted women on the assumption they are prostitutes, the not very subtle brainwashing by cosmetic companies, and the attitude of men who praise our knees in miniskirts, but refuse to act as if we had brains.

Even the supposedly humanistic worlds of rock music and radical politics are not very different. Young girls who join "the scene" or "the movement" are labeled "groupies" and are sexually exploited; the flashy pornosheets such as *Screw* and *Kiss* are published by the self-appointed advocates of the new "free," anti-Establishment life-style. *"Plus ca change. . . ."*

XUM

We are angry about the powers men wield over us. The physical power—women who study karate do so as a defense against muggers, not lovers. And the social power—we resent the fact that men take the initiative with women, that women cannot ask for dates but must sit home waiting for the phone to ring.

That social conditioning began in childhood when fathers went out to work and mothers stayed home, images perpetuated in schoolbooks and games and on television. If we were bright students, we were told, "You're smart—for a girl," and then warned not to appear *too* smart in front of boys—"Or you won't have dates."

Those of us who persisted in reaching for a career were encouraged to be teachers or nurses so we would have "something to fall back on." My mother told me: "You're so bright, it's a pity you're not a boy. You could become president of a bank—or anything you wanted."

Ironically, and to our dismay, we discovered that playing the assigned role is precisely what elicits masculine contempt for our inferiority and narrow interests. *Tooth and Nail*, a newsletter published by women's liberation groups in the San Francisco area, acidly points out a few of the contradictions: "A smart woman never shows her brains; she allows the man to think himself clever. . . . Women's talk is all chatter; they don't understand things men are interested in."

Or: "Don't worry your pretty little head about such matters. . . . A woman's brain is between her legs. . . . Women like to be protected and treated like little girls. . . . Women can't make decisions."

The feminist answer is to throw out the whole simplistic division of human characteristics into masculine and feminine, and to insist that there are no real differences between men and women other than those enforced by culture.

Men say women are not inferior, we are just different; yet somehow they have appropriated most of the qualities that society admires and have left us with the same distinctive features that were attributed to black people before the civil rights revolution.

Men, for example, are said to be strong, assertive, courageous, logical, constructive, creative, and independent. Women are weak, passive, irrational, overemotional, emptyheaded, and lacking in strong superegos. (Thank Freud for the last.) Both blacks and women are contented, have their place, and know how to use wiles—flattery, and wide-eyed, open-mouthed ignorance—to get around "the man." It is obviously natural that men should be dominant and women submissive. Shuffle, baby, shuffle.

Our "sexist" system has hurt men as well as women, forcing them into molds that deny the value of sensitivity, tenderness, and sentiment. Men who are not aggressive worry about their virility just as strong women are frightened by talk about their being castrating females. The elimination of rigid sex-role definitions would liberate everyone. And that is the goal of the women's liberation movement.

Women's liberation groups, which have sprung up everywhere across the country, are taking names like Radical Women or the Women's Liberation Front or the Feminists. Most start as groups of ten or twelve; many, when they get too large for discussion, split in a form of mitosis. Sometimes they are tied to central organizations set up for action, or they maintain communications with each other or cosponsor newsletters with similar groups in their area.

Some are concerned with efforts to abolish abortion laws, a few have set up cooperative day-care centers, others challenge the stereotypes of woman's image, and many are organized for "consciousness-raising"—a kind of group therapy or encounter session that starts with the premise that there is something wrong with the system, not the women in the group.

The amorphousness and lack of central communication in the movement make it virtually impossible to catalogue the established groups, let alone the new ones that regularly appear; many of the "leaders" who have been quoted in newspapers or interviewed on television have been anointed only by the press.

The one organization with a constitution, board members, and chapters (some thirty-five) throughout the country is the National Organization for Women. Its founding in 1966 was precipitated by the ridicule that greeted the inclusion of sex in the prohibitions against job discrimination in the 1964 Civil Rights Act. (A staff member in the federal Equal Employment Opportunity Commission, which enforces the act, said it took pressure from NOW to get the EEOC to take that part of the law seriously.)

NOW members are not very different from women in other feminist groups, though they tend to include more professionals and older women. In general, they eschew "consciousness-raising" in favor of political action, and they are more likely to demonstrate for job equality and child-care centers than for the abolition of marriage or the traditional family unit.

NOW's president is Betty Friedan, who in 1963 published *The Feminine Mystique*, a challenge to the myth that a woman's place is either in a boudoir in a pink, frilly nightgown, on her hands and knees scrubbing the kitchen floor, or in a late model station wagon taking the kids to music lessons and Cub Scout meetings. (An article that previewed the theme of the book was turned down by every major women's magazine. "One was horrified and said I was obviously talking to and for a few neurotic women." When the book came out, two of these magazines published excerpts and several now have commissioned articles about the movement.)

Today, Betty Friedan says, the movement must gain political power by mobilizing the 51 per cent of the electorate who are women, as well as seeking elected offices for themselves. "We have to break down the actual barriers that prevent women from being full people in society, and not only end explicit discrimination but build new institutions. Most women will continue to bear children, and unless we create child-care centers on a mass basis, it's all talk."

Women are beginning to read a good deal about their own place in history, about the determined struggles of the suffragettes, the isolation of Virginia Wolff, and the heroism of Rosa Luxemburg. The Congress to Unite Women, which drew some 500 participants from cities in the Northeast, called for women's studies in high schools and colleges.

Present are all the accouterments of any social movement—feminist magazines such as *No More fun and Games* in Boston, *Up from Under* in New York, and *Aphra*, a literary magazine published in Baltimore. (Anne Sexton wrote in the dedication, "As long as it can be said about a woman writer, 'She writes like a man' and that woman takes it as a compliment, we are in trouble.")

There are feminist theaters in at least New York and Boston, buttons that read "Uppity Women Unite." feminist poems and songs, a feminist symbol (the biological sign for woman with an equal sign in the center), and, to denounce specific advertisements, gum stickers that state, "This ad insults women."

With a rising feminist consciousness, everything takes on new significance—films, advertisements, offhand comments, little things that never seemed important before. A few women conclude that chivalry and flirting reduce women to mere sex objects for men. We stop feeling guilty about opening doors, and some of us experiment with paying our own way on dates.

Personal acts are matched by political ones. The National Organization for Women went to court to get a federal ruling barring segregated help-wanted ads in newspapers, and it regularly helps women file complaints before the EEOC and local human rights commissions.

A women's rights platform was adopted last year by the Senate Committee of the California Democratic Party, and the Women's Rights Committee of the New Democratic Coalition plans to make feminist demands an issue in New York politics. A women's caucus exists in the Democratic Policy Council, headed by Senator Fred Harris.

At Grinnell College in Iowa, students protested the appearance of a representative from *Playboy* magazine, and women from sixteen cities converged on Atlantic City to make it clear what they think of the Miss America Pageant. In New York, a group protested advertisements by toymakers that said "boys were born to build and learn" and "girls were born to be dancers."

Women's caucuses have been organized in the American Political Science, Psychological, and Sociological associations. At New York University a group of law students won their fight to make women eligible for a series of coveted $10,000 scholarships."

Pro-abortion groups have organized around the country to repeal anti-abortion laws, challenge them in the courts, or openly defy them. In Bloomington, Indiana, New York City, and elsewhere, women's liberation groups have set up cooperative day-care centers, which are illegal under strict state rules that regulate child-care facilities.

Free child care is likely to become the most significant demand made by the movement, and one calculated to draw the support of millions of women who may not be interested in other feminist issues. About four million working mothers have children under six years of age, and only 2 per cent of these are in day-care centers.

Even Establishment institutions appear to reflect the new attitudes. Princeton, Williams, and Yale have begun to admit women students, though, on an unequal quota basis—and not to the hallowed pine-paneled halls of their alumni clubhouses.

Nevertheless, most people have only a vague idea of the significance of the new movement. News commentators on year-end analysis shows ignored the question or sloughed it off uncomfortably. One said the whole idea frightened him.

Yet, the women's movement promises to affect radically the life of virtually everyone in America. Only a small part of the population suffers because it is black, and most people have little contact with minorities. Women are 51 per cent of the population, and chances are that every adult American either is one, is married to one, or has close social or business relations with many.

The feminist revolution will overturn the basic premises upon which these relations are built—stereotyped notions about the family and the roles of men and women, fallacies concerning masculinity and femininity, and the economic division of labor into paid work and homemaking.

If the 1960s belonged to the blacks, the next ten years are ours.

THE LATE HONORABLE THADDEUS MACHROWICZ

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1970

Mr. DULSKI. Mr. Speaker, I was very much saddened to learn of the passing of my good friend and former colleague, the Honorable Thaddeus Machrowicz, of Michigan.

I commend his successor in this House, the gentleman from Michigan (Mr. NEDZI), for taking this time to permit this warm tribute to a fine legislator and distinguished Federal judge.

Judge Machrowicz was a Member of this body when I first was elected to serve in the 86th Congress. He was one of the first Members I came to know well—thanks to a prompt introduction by his senior colleague on the Ways and Means Committee, the Honorable Eugene Keogh, of New York, who since has retired from Congress.

As a Member of Congress from Michigan, Judge Machrowicz made a fine legislative record and was highly respected not only by his constituents but also by his colleagues in the House.

He was born in Gostyn, Poland, in 1899, immigrating to the United States with his family at the age of 3. He was one of the first students of Alliance College, which was founded at Cambridge Springs, Pa., in 1912, by the Polish Community of America.

During World War I, he and his brother volunteered to serve with the U.S. Army. Thad was rejected because of poor eyesight, but he managed to serve 3 years as a member of the Polish Army of Volunteers which was in Canada.

He served in many municipal and civic roles in his home community of Hamtramck, Mich., a predominantly Polish-American city, before he made his bid for a seat in Congress in 1950. He left this Chamber in 1961 to accept an appointment by the late President John F. Kennedy to be a Federal district judge.

Judge Machrowicz was a distinguished legislator, an able and respected member of the bar and the Federal judiciary, and a fine citizen.

The Nation is the better for his devoted service and I extend my sincere condolences to nis bereaved family.

NEWSLETTER RESULTS

HON. HASTINGS KEITH

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1970

Mr. KEITH. Mr. Speaker, I would like to take this opportunity to provide for the readers of the RECORD the text of my most recent newsletter. It includes commentary on many of the issues of the day that are important to my constituents and to the Nation.

It also includes a report on the questionnaire in my previous newsletter, to which over 7,000 constituents responded. I would like to draw special attention to these results, for I feel that they reflect the national viewpoint on the important issues of the day, and I know that these results will be informative and useful to my colleagues:

WASHINGTON REPORT, FEBRUARY 1970

STATE OF THE UNION—STATE OF THE ENVIRONMENT

The State of the Union message was the most hopeful in years. For the first time in history, a President has pledged the full weight of his Administration to halt and reverse the tide of pollution engulfing our nation.

We in Congress who have been fighting to protect our environment in the past know that it will take much more than verbal commitments to undo the damage to our ecology. It will take:

Vastly *expanded research* efforts;

Unprecedented *action by industry;*

Huge *governmental outlays:*

Congress took some steps last session. *We passed:*

The *Environmental Quality Council*

The *Endangered Species Act;* (both of which I co-sponsored)

New Air Pollution standards;

$800 million for sewage treatment

So I look forward to a 1970 session where conservation and environmental protection issues get much more attention than in the past.

I expect to play an even more active role, in view of my experience and committee assignments, in this fight to protect our world from ourselves—and for ourselves, and our children.

STAMPS: HONORING THE PILGRIMS

Extraordinary national recognition of the Pilgrims' 350th anniversary came recently, as the Post Office Department announced plans to issue a special commemorative stamp for the occasion.

Date, design and place of issuance are still undetermined, and both Provincetown and Plymouth are vying for the honor of being the issuance site.

Both towns played significant roles in the Pilgrim saga, and I am urging that both be part of stamp activities.

AND THE WHALERS

The Post Office is also issuing a commemorative cachet, in honor of Herman Melville and the whaling industry, on March 7.

Their decision to issue it in New Bedford brought forth protests from Nantucket, Martha's Vineyard, and—of all places—Pittsfield.

Locally, I have not taken sides: all these ports in my District have valid historical claims to recognition. But I will defend the claims of any and all of them against the Pittsfield partisans. Any whaling memorial, in my view, unquestionably belongs to Southeastern Massachusetts—historic home of the whaling fleet.

MERCHANT MARINE: REVIVAL AHEAD?

After years of stagnation there is now some hope on the horizon for our neglected merchant marine fleet. Last month the Nixon administration sent to Congress a program calling for 300 new vessels to be built over the next 10 years.

Much of the credit for the innovative new program must go to Andrew Gibson, the energetic new Maritime Administrator, who got his start at the Massachusetts Maritime Academy, in Buzzards Bay.

And speaking of Merchant Marine, I am particularly proud that it was a 12th District man—Captain Donald B. Graham of Falmouth—who skippered the *Manhattan* on her historic voyage through the frozen Arctic to the Alaskan oil fields.

These are the kind of men who will save the industry and I am proud of their association with our District.

DIG NOW—PAY LATER

The recent idea to mine 25 million yards of sand and gravel from the seabed off Marshfield and Plymouth caused a storm of opposition from South Shore residents.

I have been a long-time opponent of such apparently heedless development and recently told a committee of state legislators that, "Any large-scale exploitation of this undersea resource should not be permitted—not until we know much more than we do now about the interrelationships in the environment that surrounds us."

The possible danger to the shellfish and shorelines near the proposed removal sites is great—but there is no law currently on the books to prevent it.

This is further evidence of the need for implementation of my "Marine Sanctuaries" concept—at the state level, and ultimately nation-wide.

NOMANS DECLARED "WILDLIFE REFUGE"

As any sports fisherman knows, just south of Martha's Vineyard lies an intriguing island called Nomans, deserted except for the bird and animal life that abounds there. This unspoiled gem will soon join the Cohasset annex, the Cape Cod National Seashore, and (hopefully) Monomoy Island in our area's growing inventory of protected sanctuaries.

After a series of meetings with my office, and with interested Vineyarders like Henry Beetle Hough and James Reston, the Navy and Interior Departments have drawn up an agreement giving Nomans "Wildlife Refuge" status.

Beyond that, the Navy will make certain improvements recommended by the Interior Department, to enhance the island's attractiveness to all forms of wildlife. All forms of wildlife, that is, except man—because of the unexploded shells on the island, it will remain "off-limits" to civilians.

QUESTIONNAIRE: 7,000 RESPONSES PRODUCED SIGNIFICANT RESULTS

More than 7,000 constituents completed the questionnaire I sent out in the last newsletter. The monumental job of analyzing this mass of data was ably completed by vol-

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unteers from throughout the District, under the direction of Alice Gretsch of Falmouth, Mildred Arsenault of South Dartmouth, and Charlie Black of Hingham.

Priorities: The poll on priorities produced some surprises. Inflation was first, and space last, and the others came in this order: 2, education; 3, poverty; 4, housing; 5, defense; 6, conservation; 7, oceanography. The high rating for poverty was very much on my mind when I voted to continue the Office of Economic Opportunity, and opposed efforts to dissolve the anti-poverty agency.

Inflation: An overwhelming majority of those who answered rated inflation as the nation's No. 1 domestic problem. A partial solution to inflation is to control government spending. President Nixon has promised a $1.7 billion budget surplus for this next year, and I support this goal unreservedly. Without it, the dollar will continue to decline in value.

Space: No one put space first, second, or third on their list of priorities, and the majority placed it last. As soon as the results came in I telegrammed President Nixon urging a drastic cutback, in line with this expression of opinion.

Social Security: 66.6% of those who answered favored the idea of an automatic cost-of-living increase for Social Security recipients. The President has announced his support of the concept, and the Ways and Means Committee has agreed to take up my bill and others on this subject shortly.

Recognizing the harm that inflation has already done to those on Social Security, I joined the majority of my colleagues in support of a 15% increase in benefits, to take effect in April. In view of the surplus in the Social Security trust fund, it was a fiscally responsible action—and certainly a necessary one.

Conservation: While the 1971 budget was cut back in almost every area, one that was expanded was money for parkland acquisition—proof of the Administration's commitment to conservation. I am pressing for funds to complete payment for the remaining Cape Cod National Seashore properties.

Peoples' priorities are changing, and we who represent you in Congress are taking actions which reflect that change. We are moving too fast for some of you and too slowly for others. But we are moving—and if my questionnaire results are any indication, it is in a direction the majority wants to go. In the second session of the 91st Congress, which we are just now beginning, we will be debating these matters—and moving even further in the directions you've indicated.

Questionnaire

[In percent]

Vietnam: Do you favor:

An increase in our military effort in Vietnam	5.7
Gradual withdrawal as South Vietnam takes over	70.3
Immediate withdrawal of all U.S. forces	23.8

Space: Do you favor:

Increasing appropriations for space exploration	5.3
Keeping space at its current level	39.7
Reduction of funds for space activities	55.0

Social security: Do you favor: (Bearing in mind that employer-employee contributions would have to go up to meet any increase):

Keeping Social Security benefits at present levels	7.9
Increasing benefits by 10% (the Nixon proposal)	25.3
Increasing benefits at the same rate living costs rise	66.6

Welfare: Do you favor his plan: The President's plan provides minimum payments to families with dependent children and for financial incentives and extended job-training programs for those able to work.

Yes	86.3
No	13.5

How would you judge President Nixon's performance?

Good	57.0
Fair	32.4
Poor	10.5

The results were meaningful.

DRUGS: GROWING PROBLEM

Once confined to the inner city, the problem of drug abuse is today a very real one even for some of the towns in my District. Concerned citizens from Weymouth to Nantucket are asking the same questions—why is it happening here, and what can we do about it?

They are finding that there are no easy answers. And they are finding too that nobody really knows much about many of the drugs that they view with such alarm—especially the most popular drug—marijuana.

To remedy that lack, I have filed a bill creating a Presidental Commission on Marijuana. It will, if acted upon favorably, authorize a comprehensive study of all aspects of the drug and recommend changes in the law.

Our towns need knowledge—much more than exists now—if they are to face intelligently the drug abuse problem. The Federal role must be a much more positive one than in the past.

1969: ACHIEVEMENT AND CHANGE

It's been an exciting year, one of challenge and change. Among the highlights are:

BOO-HEW: After 6 years of service as my personal secretary, Judy Licata left us for the secure 9–6 hours at HEW. We all miss her and wish her well. . . . WORKING GIRL: my younger daughter Carolyn is now an employment counselor in Boston, and Helen is living on the West Coast where her husband Rusty is in the service . . . this summer I turned in my 1966 Pontiac with 85,000 miles—most of it logged between Washington and the District . . . ROLL-CALL: I was recorded on 97% of the House votes, compared with the average Congressman's 86% . . . MOVING UP: I now hold the #1 Republican position on the Coast Guard Subcommittee, #2 on the Fish & Wildlife Conservation Subcommittee, #3 on Oceanography—as well as being the senior Republican on the Commerce & Finance Committee . . . thanks also to the seniority system, I was able to move my office to larger quarters in the Rayburn Building . . . and Tillie Sylvia, and I entered our 12th year of service to the 12th District in 1970.

It's been a productive and enjoyable tenure, and I look forward to continuing to serve you in the exciting years that lie ahead.

UNIVERSITY OF TEXAS INTERNATIONAL EX-STUDENTS' ASSOCIATION

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1970

Mr. PICKLE. Mr. Speaker, yesterday all over the world, graduates of the University of Texas gathered to celebrate March 2, Texas Independence Day. Here in Washington, a group of several hundred met to hear one of our longtime friends explain the truly international character of the university ex-students efforts.

Edward Clark, the colorful former Ambassador to Australia and one of our most distinguished alumni, outlined plans for the International Ex-Students' Conference to be held May 13–16. At this affair, UT exes will gather in recognition of the many, many foreign students who come to the university for their education. This will be the first major conference of any university to bring back to the campus those foreign students who returned to their native lands after graduating from the University of Texas. Over 10,000 UT exes from other nations are scattered all over the world. During "International Education Year—1970" the University of Texas will lead the way in recognizing the great value of the ex-students to our school—and to the preservation of peace and progress throughout the world.

Let me name just a few of those who will participate in the meeting next May; the Honorable U Thant, Secretary General of the United Nations; McGeorge Bundy, president of the Ford Foundation; Mrs. Lyndon Johnson, our gracious former First Lady; Fernando Belaurde, former President of Peru—truly, this will be an international conference.

But the inimitable Edward Clark tells the story better than I can and I include his remarks in the RECORD:

REMARKS OF AMBASSADOR EDWARD CLARK

This is the first opportunity that I have had to return to Washington to make a report of any kind since I reported to President Johnson at the close of my wonderful tour in Australia, and I am delighted to be back in this great capital city and to have a specific assignment again.

I am especially pleased that you have asked me to make a report to you on the state of our great University of Texas, because the role of our University in education today is not unlike the role of the United States in world affairs.

Time and again during the years that I was privileged to serve as President Johnson's ambassador to Australia, I was forcefully reminded of the way that other nations look to the United States for leadership. And since I have returned to Austin and become active again in The ex-Students' Association as chairman of one of its committees, I am just as forcefully reminded that other colleges and universities, both within Texas and without, look today to the University of Texas for leadership in many areas of education.

If this makes me sound like a provincial braggart, I plead guilty on both counts. As many of you know, I was born and reared in the "Cradle of Texas," San Augustine, and I'm proud to be an East Texan. I'm also proud to be an alumnus of The University of Texas, and I admit to a prejudiced, provincial favoritism about it.

When I speak as an alumnus of The University, I am reminded of the time when I was County Attorney. I was prosecuting an old boy for theft and his lawyer brought in the Justice of the Peace as a character witness and he gave the defendant an excellent character recommendation. I was astonished and cross-questioned: "Is it not true that defendant has been hailed into your court for assault on the school principal with an axe handle? Wasn't he caught stealing chickens and watermelons several times?" He replied: "Well, yes-s-s." "Then how can you now say that he is of good

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character and reputation?" He replied: "Well, he's average for San Augustine."

Well, when it comes to talking about my University, I'm about average as a Texas Ex. As an average ex, I can tell you that The University of Texas that you knew doesn't exist anymore. It's true that most of the same buildings (and a lot of new ones, probably) are there and probably some of your old professors are still around. But The University of Texas, even as it existed four years ago, simply isn't there anymore. The changes in curriculum and the knowledge explosion have been that rapid.

Secondly, your University today is a turbulent place—much more so that when you knew it. It probably is fair to say that all universities are turbulent today, and that this may be because they mirror the turbulence of the world about them. However, it is also fair to say that much of the unrest on campus today stems from The University itself. This is neither a new thought nor is it meant to be a critical one, because universities have been a source of turbulence for at least 700 years. And I, as one interested alumus, do not see the stress on the campus today as a serious threat to the future of The University of Texas or to any university. I may disagree with most of the motives behind the demonstrations and abhor most of their causes, but I am confident enough in our system of government and our system of higher education to believe that both will survive and even be strengthened by the testing to which they are being subjected today.

One of the reasons for the stresses and strains that irritate The University of Texas today is size. This spring, there are almost 35,000 students on a campus that hasn't expanded much in acreage since enrollment was half this number. Another factor affecting The University is the age of today's student body as compared with the average age of students ten or thirty years ago. Most of us were still adolescents when we were in The University, whereas more than half of the students enrolled at The University today are old enough to vote. The average male student today is 23.2 years old, and the average age of the females is 22.5 years. This means that university administrators are no longer dealing with children, but with men and women whom the law recognizes and defines as adults. They may be immature adults, in some cases, but they are old enough to vote. Hence their rights cannot be abridged without some real concern about the rights of all of us, and their privileges cannot be taken away without the privileges of all of society being affected.

This is a fact that many of us among the alumni, remembering those good old days, fail to consider when we hear that students want to have beer in the Texas Union and the right to come and go as they please in the dormitories. Most of them today are adults who want the same rights and privileges granted any other adult, and they can't see why a college campus should have rules and regulations that are any different from the mores and laws of society as a whole.

The demands of today's students for equal rights remind me of one of the stalwart citizens of San Augustine, Confederate Captain Thomas William Blount. He was the son of one of the signers of the Texas Declaration of Independence and was my grandfather's friend—and mine. I used to drive Captain Blount and Grandpa about the country, and I remember him as the very picture of the Southern colonel—black hat, string tie, white Van Dyke beard. No more arrogant man ever lived.

He and Grandpa used to play dominoes, and whenever the Captain made some points and Grandpa was able to make the same number of points in his play, he would say, "Likewise." This dated back to the days when the Captain ran for the Legislature and didn't get enough votes to make him mad. But he did not take it that way. Next morning, he and my grandfather were at the saloon, and the saloonkeeper, Mr. Ed Smith, offered his sympathies. The Captain muttered an obscenity against those that voted against him. Mr. Ed said, "Well, Captain, what about all of us who voted for and supported you?" "Well, sir," said the Captain, "you may do likewise."

That's how it is with today's students—they just want to do likewise.

Now what about The University of Texas as an educational institution. Is it as good as some of us say it is? Most educators who know whereof they speak agree that it is a good institution on its way to being a great one. It is the best institution in a radius of 800 to 1,000 miles, and any recent objective value judgment by educational rating organizations lists The University of Texas as among the best 20 institutions of higher learning in the U.S. Ten years ago, The University of Texas wouldn't have appeared on the list at all.

Those of us who are alumni of The University of Texas can be justifiably proud of that fact. We can be proud, too, of our Ex-Students' Association, and it is to that organization—and to one of its projects that is a particular interest of mine—that I want to devote a moment or two now.

As you know, 1970 has been designated as International Education Year. While most of the colleges and universities around the world are paying lip-service to this fact, and some are publishing long professorial treatises about it, your University is doing something so practical and so wonderful that I believe that we are going to make a really significant contribution to world friendship in this International Education Year.

Like many of you, I do not think that the United States can be the sole contributor to the world's economic welfare and military security. When I was serving as Ambassador to Australia and had an opportunity to meet and talk with many world leaders as well as thousands of ordinary citizens, I found that the people with whom I spoke understood this. They do not expect the U.S. to play such a role. What they do expect from us, though, is the kind of personal involvement that confirms that we as individuals recognize our responsibilities: first, as American citizens; and second, as world citizens.

I mean the kind of involvement that comes about when you or I say, "Look, this issue or that one is important to me and I'm going to do something about it." I mean the kind of involvement we have when citizens from all walks of life, regardless of personal pressures, find the time to lend a hand in the day-to-day process of governing. Doctors, lawyers, engineers, teachers, businessmen—the man-in-the-street who believes that we can have a better world and who is willing to help make one.

Last summer, your Ex-Students' Association recognized in International Education Year an opportunity to bring together for the first time on the campus at Austin—and maybe for the first time anywhere—a group of educated people from around the world to discuss questions and problems of significance to all of us. These are the 10,000 foreign nationals who are graduates of The University of Texas—men and women of all faiths and virtually all cultural and racial backgrounds, who live and work in more than 100 countries of the world. Each year, The University has about 1,000 foreign nationals among its student body, and it sends several hundred of these home each June with a degree and a lasting friendship for the state and the nation that gave them their education. But until now—until your Ex-Students' Association decided to do something about it—this large body of alumni has been largely ignored.

I was delighted when the plans for an International Ex-Students' Conference, to be held May 13–16, 1970, were outlined to me, and flattered when I was asked to become chairman of the Committee to plan the event. Since last fall, I have given more of my time to this activity than I have to my law practice and only wish that I could have given more. Working with me has been a wonderful group of Texas Exes—people like our gracious former First Lady, Mrs. Lyndon Johnson; Walter Cronkite, the CBS commentator; Bob Dorsey of Pittsburgh, president of Gulf Oil, and many others including three wonderful alumni from Washington, former Secretary of Commerce C. R. Smith, William S. White, the columnist, and my dear friend, Mrs. Everett Hutchinson.

Our Committee has met many times in many places, and sub-committees have met many times in between. And I am delighted to tell you tonight that the International Ex-Students' Conference which your Ex-Students' Association is staging is now attracting attention all over the world. Alumni from more than 20 countries already have registered for it, and these include men and women who are ambassadors, cabinet ministers, business leaders and top-flight professionals in their own lands. They are coming to Austin, not only to renew their ties with an institution and a city that they have come to love as a second home, but to sit down with their American counterparts for a meaningful dialogue about problems that are of concern to peoples everywhere.

To give you some idea of the kind of interest the International Ex-Students' Conference has attracted, I can tell you that U Thant, Secretary-General of the United Nations, will be one of the speakers. So will McGeorge Bundy, president of the Ford Foundation, and Fernando Belaunde, former president of Peru and the only graduate of The University of Texas to be elected head of state. An invitation also has been extended to the President of the United States, and I hope that we can announce his acceptance soon.

I have dwelt at length on the International Ex-Students' Conference for two reasons: First, it illustrates better than any other example that I know, the kind of projects and programs that are being undertaken by your Ex-Students' Association today. Alumni—at least, the alumni of The University of Texas—can no longer be accused of organizing only for class reunion beer-busts and bun-throwing dinners. Your Ex-Students' Association, as evidenced by programs like the International Conference, is a full partner with The University of Texas in the educational enterprise. It deserves your active support and your membership dues, because it is doing an outstanding job.

My second reason for dwelling on the International Conference, however, is to point up the fact that the reason your Ex-Students' Association is doing an outstanding job is because it can count on Texas Exes like you to give of your time, talent and money when there is a job to be done for The University of Texas. Our Association is blessed with an outstanding and unusually competent staff, but that staff can only be as good as the volunteer alumni who work to make our Association the going concern that it is. Texas Exes just like you—in fact, some of you—were the people responsible for getting men of world renown to agree to journey to Austin for the International Conference.

This year, more than 4,000 Texas Exes in 50 states and many countries of the world are working for our University through The Ex-Students' Association by serving on committees, as officers of the more than 80 Texas Exes Clubs or on special projects ranging from helping Darrell Royal recruit athletes to raising money for an outstanding scholarship program. If you are not already actively working in the broad program of The Ex-Students' Association, I urge you to do so.

I said in the beginning that I have a provincial attitude about our University, and I'm sure that if you had any doubts about that statement, you do not now. The University of Texas is, as your notice of this meeting stated, a ONE-derful institution and it is that whether the Longhorns finish first or fiftieth in the national rankings. I'm proud that I'm a Texas Ex, and I know that you are, too.

MILFORD LABORATORY CLOSING

HON. ROBERT N. GIAIMO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1970

Mr. GIAIMO. Mr. Speaker, the U.S. Marine Biological Laboratory at Milford, Conn. is scheduled to be closed as part of an overzealous effort to economize. Although the laboratory operates on a budget of only $336,000 per year, the returns on this modest investment are incalculable.

One aspect of the research work carried on by the Milford laboratory is predator control. Starfish and oyster drills almost killed the oyster industry a decade ago. Pioneering work by the Milford laboratory in the field of predator control has been responsible in large part for the economic revival of this once dying industry.

Mr. Speaker, a recent article by George Ralston in the Milford Citizen describes this aspect of the Milford laboratory's work. I include Mr. Ralston's excellent article in the RECORD at this point:

MILFORD LABORATORY CLOSING

(By George Ralston)

"To dismantle that whole organization would be very detrimental to the whole oyster industry in Connecticut."

The words came from John Mulhall, manager of the New Haven office of New England Oyster Farms, Inc., in the wake of the announced closing of the Bureau of Commercial Fisheries laboratory on Rogers Ave. by May 1.

Mr. Mulhall is a commercial oysterman, and in the business for the profit, not the theory of it. He is the first to say that the federal lab in Milford is irreplaceable if the state shellfish industry is going to survive.

"We don't have any kind of state facilities that can take over the work being done by the Milford lab," Mr. Mulhall said. "We'd be entirely abandoning any scientific program in Connecticut."

Word of the closing reached the public last week, and the alleged reason was federal budget cutbacks.

The reason is ironic, because the lab is a unique facility that has already paid for itself in hard cash earned by the Connecticut commercial oystermen using techniques developed and recommended by the lab staff.

Anyone who knows the shorefront will admit the state oyster industry has been in serious trouble for a long time. Only a few companies now operate beds in the Long Island Sound waters that used to be crowded with commercial vessels.

Over-harvesting that denuded the natural beds at the end of the 19th century was followed by the growing pollution of the waters in the 20th. Starfish and drills, oyster predators, took their toll and the industry began to die.

The starfish invasion of the Sound just a decade ago almost killed the industry, but oystering has struggled back onto its feet.

The Milford lab, Polystream and lime are three of the big reasons.

Polystream was discovered by work done in the Milford lab by a young researcher named Clyde McKenzie. The chemical kills off 85–90 per cent of the oyster drills on the beds without harming any other forms of life.

Without treatment, an oyster bed infested with drills suffers a 75 per cent mortality rate among the shellfish. The increased yield is astronomical when Polystream eliminates 90 per cent of the drills.

Polystream is already being used by Long Island Oyster Farms and other operators, and is being tried out experimentally in other sections of the country.

The voracious starfish are attacked by dumping lime (calcium oxide) on the beds which creates lesions on the starfish and kills them. The Harvester, out of New Haven, is rigged with a hopper that carries 15 tons of lime for bed treatment.

The other two vessels in the permanent "starfish patrol" are rigged for "mopping". Frames with mops attached are dragged along the beds, entangling the starfish who are lifted to the surface and dipped in vats of boiling water, killing them. This is the traditional method.

Mr. Mulhall estimates that Long Island Oyster Farms used 3,000 tons of lime last year in fighting starfish, to a point where they are "controllable."

Lime has been an old weapon against the starfish scourge, but again Mr. Mulhall credited the lab with determining the quantity of the applications needed to fight the predators to a standstill.

Mr. McKenzie is a unique researcher who has become the "eyes" of the oyster industry by becoming the first scientist to skindive on the beds and really see what the oyster farms look like. He makes one or two dives a week, all year round.

"He's one of the leading people who understands the oyster and the industry," Mr. Mulhall said.

"As a result of his diving, and feeding us information, we feel we are able to raise more oysters by reducing our mortality."

BLIND FARMING

"It's just like a blind man trying to farm an agricultural crop when he can't even feel it," Mr. McKenzie said recently about the oyster industry techniques.

"Every tool used on the oyster beds was designed and used back in the 1800s. The techniques belong in a museum; they can't do the job."

After a few explorations, Mr. McKenzie found that 75 per cent of the bottom was barren, unable to "utilize" the millions of spat looking for a place to grow.

"The amount is now up to 2,000 bushels, and it could go up to 5,000," Mr. McKenzie said.

Mr. McKenzie sees a tremendous potential in the shellfish industry in Connecticut and New England which, he estimates, is being managed at 1 per cent of capacity.

"The average person in New York City in 1865 ate 11 bushels of oysters per year." Mr. McKenzie illustrated.

The "wet labs" and tidewater facilities are actually easily convertible to the study of water pollution, which was given a high-priority rating by President Nixon in his speech on the environment last week.

The government statement concerning the closing of the laboratory said that, hopefully, the projects could be farmed out to universities for continued study.

But its not a realistic approach. The studies underway at the lab are, for the most part, pioneering efforts in a field that has been an information vacuum until recent years.

The program heads are, in many cases, the experts in the field of experiments carried on at the lab. There's no one better who understands the problem or the possible solution more than these people, who have worked and directed these unique programs for the past several years.

Clyde McKenzie was calm as he discussed ending all his programs with the commercial oystermen by May 1.

"They're not going to turn us out into the street," he said about the government. "They'll try to position us in other federal labs. But we won't be hired to continue the programs we've developed."

PETER LISAGOR EXAMINES MR. NIXON'S MESSAGE ON THE STATE OF THE WORLD

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1970

Mr. PUCINSKI. Mr. Speaker, recently, one of the Nation's outstanding foreign affairs observers here in Washington, Mr. Peter Lisagor, bureau chief of the Chicago Daily News, analyzed President Nixon's ponderous dissertation on the state of the world.

Because Mr. Lisagor is one of this Nation's most highly respected observers in the field of foreign affairs, I am placing in the RECORD today Mr. Lisagor's recent column in which he comments on the President's report.

Mr. Lisagor has performed a notable public service by giving us this in-depth analysis of the President's report.

His column follows:

A NIXON JAB AT SOVIET 'GOD'

WASHINGTON.—If a man of piety were told that his faith had been grievously misdirected and that he was moving steadfastly toward perdition rather than eternal grace, he would be understandably upset.

So it must be with the Russians, who have been advised gratuitously by the President of the United States that their god, Karl Marx, has failed them. An aging hippie of his time, old Karl got caught in the historical switches somewhere along the line; he has turned out to be a bum prophet and a worse guide, according to the President's world view.

Mr. Nixon's message was conveyed to the Russians in his report to the Congress on America's strategic designs, a document of such Teutonic thoroughness and weightiness that even Marx, a pretty ponderous fellow himself, might have had trouble digesting it.

The word "Teutonic" is used advisedly, for the President was voicing the gospel of his conceptual adviser, Henry Kissinger, the German-born scholar and former Harvard professor whose ideas on the nature of the world, complex and convoluted as they are, will find little favor in the pool halls and beer parlors of the land.

The Russians weren't told simply that Marx has led them down the garden path or betrayed them en route to the classless society. They were given the word in a tone of commiseration, but as diplomatic language goes, it was a devilish thrust:

"If we have had to learn the limitations of our own power, the lessons of the last two decades must have left their imprint on the leadership in the Kremlin—in the recognition

XUM

that Marxist ideology is not the surest guide to the problems of a changing industrial society, the worldwide decline in the appeal of ideology, and most of all in the foreign policy dilemmas repeatedly posed by the spread of communism to states that refuse to endure permanent submission to Soviet authority—a development illustrated vividly by the Soviet schism with China."

The 94-word sentence is a mouthful in any language. It is a mischievous reminder that the Soviets haven't really hacked it with the Czechs, the Romanians, the Poles, and, of course, the Yugoslavs, who broke the traces years ago.

In effect, the President asks the Russians to bury their dogma and get on with negotiations. But nobody expects the irreverent slap at Comrade Karl to produce a reassessment in the Kremlin of Soviet foreign policy.

In other respects, the President's report rambles over the globe dropping dicta that are sometimes contradictory and often ambiguous. To change the imagery, it is, in some ways, a bit like a coach distributing his game plan in advance to the opposition. It could provide a scenario for skulduggery, in that crafty tinpot czars might look for strategic loopholes through which they could get away with a bit of freebooting, believing that it does not impinge upon America's interests when in fact it does.

A disconcerting fact about the 40,000-word report is that it suggests that the interplay among nations on this planet began to be altered and redirected only after Mr. Nixon reached the White House.

For example, he makes it sound as if America still insisted upon playing a dominant role in Europe, still believed that communism was a monolith, still felt that Red China and its hordes could be forever isolated, still failed to recognize the dangers of nuclear power, still resisted negotiations as the only rational course—until he rolled up his sleeves and redefined the world as it really is.

The continuity of American policy is somehow denied. The truth is that many of the assumptions in the Nixon primer were being made as far back as the Eisenhower administration. U.S. policy has been remarkably resilient and has evolved to meet changing circumstances in a reasonably steady line.

Still, if the President's voluminous document is not hailed as an all-wise, brilliantly conceived, imperishable guide to the future, it is nonetheless useful. In the bureaucratic web of tension, the troubled functionary can now turn to it and say, with some confidence, "Let's find out what the boss thinks."

REMARKS OF STATE SENATOR VINCENT MASSARI, OF COLORADO

HON. FRANK E. EVANS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1970

Mr. EVANS of Colorado. Mr. Speaker, Colorado State Senator Vincent Massari of Pueblo, Colo., recently made some strong comments on the floor of the State senate regarding a planning study recently published by the State planning office. As this study was funded in part by Federal funds I thought that Senator Massari's comments should be of some interest to my colleagues:

REMARKS OF STATE SENATOR VINCENT MASSARI

Mr. President, Members of the Senate: I beg your indulgence this morning if I take part of your valuable time to defend once more the honor of Pueblo and the Southern part of Colorado.

I resent very much and I protest when taxpayers money and part of the federal money is used to vilify a part of the State as done with the publication of "The Colorado Front Range Corridor," that was put on your desk or mailed to your home.

Responsible? The Colorado State Planning Office.

Mr. James N. Miles, State Planning Director, tried to shield the responsibility of the defamations statements against one of the most important parts of the State by declaring that the pages of the book incriminated were written in Pueblo. I hold him responsible as the head of the office. The writers of those pages are also tax-eaters, but that should not be an excuse for Mr. Miles for not evaluating the content and refusing to print it, or ask for additional and more truthful facts. I quote from page 18:

"Communities such as Pueblo, situated under more than one governmental jurisdiction, are frustrated in their attempts to manage the best allocation of resources because no single unit has authority."

Who is to blame? Aren't all first class cities, with the exception of Denver, governed in the same manner? If they have in mind that a stronger mayor-form is better, why not suggest it, or why not act rather than talk?

The first paragraph on page 19 I will explain at the end of my observations.

I quote again:

"The region is not now equipped to handle the problems of new towns, satellite cities, or mountain subdivision."

Probably Mr. Bill White made a mistake in taking over the new Colorado City in Senator Taylor's senatorial district and the McCullock Corporation is wasting part of their accumulated millions in developing Pueblo West.

Again, I quote another paragraph:

"The area suffers from insufficient economic support and enriched community growth to support an enriched community life. Past trends, especially down, indicated continued economic decline in Southern Colorado, including Pueblo."

Yes, I will agree that we lacked state and federal cooperation until we start to raise our voice. Also, I agree that Pueblo lacked philanthropists like Phipps and Boettcher in Denver and Penrose in Colorado Springs. Our millionaires were interested only in leaving their heirs rich and they never contributed anythiing to our colleges, local institutions or community projects. It seems that they would rather give thirteen million dollars to the Inheritance Tax Commissioners than leave something to be remembered by, not only by their heirs but also by the people of the town that made them rich. But the middle class and the working people devoted their time, energy, and yes, even little hard earned cash to support our town.

Again, I quote from another paragraph:

"The region is made up largely of working people."

Yes, and we are proud of those working people who have shown their love for the town they prefer to remain to the old age. I am one of them I started working in the coal mines with my father in Las Animas County. I worked in the steel mill, then as a printer.

I had many good offers from other communities, especially from Rochester, New York, where I was called to help establish an Italian newspaper, but I declined the offer and returned to Pueblo.

The report talks about the low level of education. This statement re-opens an old wound. You old time legislators remember how hard we had to fight to convert Pueblo Junior College into a four year college. All the northern part of the state, who enjoyed over a half-dozen colleges were opposed, and so were many groups and entity. Go back to your newspaper files and see how many editorials they dedicated to me personally as a Log Roller, or worse. Pueblo didn't need a college, they said, there was plenty of space in the existing colleges. The trouble was that the sons of our farmers, steelworkers and other laborers didn't have the money to send their children out of town.

We had a Dixon Line a few miles past Colorado Springs. We were second class citizens for the rest of the state. Pueblo was not part of Colorado. The same problem we had with our Frying-Pan Arkansas. One governor told me that the population of Colorado was only around here, and he motioned with his hand.

In spite of everything, the uneducated people of Pueblo furnished a member for the cabinet of President Hoover, Dr. Work, and another one, Dave Packard, for Nixon's cabinet. Two outstanding United States Senators came from Pueblo: Alva B. Adams and Gordon Allott. Three governors: Adams, Peabody and Walter Johnson came from Pueblo and I could go on and on in mentioning natives of Pueblo in important positions: military, scientists, professors, etc.

It is reported that gambling is prevalent. Thank God we haven't the monopoly on gambling. I read in the local papers of the arrest of gamblers time and again, but you haven't read of any arrest in Pueblo for some time. I have great confidence in the law enforcement officers of Pueblo, as I have for those of Denver and surrounding areas.

The reports cast suspicion on our Courts, too. I am surprised that our Supreme Court hasn't acted so far if this is the truth. The District Courts of Pueblo are in the hands of very competent, upright, honest Judges, S. Phillip Cabibi, Matt Kikel, Hubert Glover and Jack Seavy. If the writers of these pages have better information, about gambling and judge prevaricators they should report it to the proper channels. In one word, as I said in this hall six years ago, put up or shut up.

But let's skip the rest of the tripe to get to an important one, the first paragraph on page 19:

"In the region there are possibly two 'Italian' organizations or factions that may or may not be 'Mafia.'

" 'That may or may not—' " here is where the writers show their high ignorance.

We have in Pueblo only one national, fraternal, mutual benefit organization, with Lodges all over Colorado and all over the United States: the Columbian Federation of which I have the honor of being the National President since 1937. Our national secretary, John M. Mauro, also lives in Pueblo and he is the head of a Post Office branch in Bessemer District. There are few other non-affiliated fraternal societies, none of them in any way under the direct or indirect control of criminal elements.

The Federation scrutinizes any and all applications to insure that only law-abiding citizens, whether native born or immigrants, are admitted. It may well be said that the Columbian Federation constitutes the temple of Italian spirit in the New World. Through the Columbian Federation, the Italian-American express their patriotic, political, economic, social, spiritual and charitable characteristics. The membership of our Federation is composed of people who have remained true under adverse and fortunate experience—undismayed by distress, unchanged by the change of fortune. The Columbian Federation is not an accident. It is a purposeful organization founded by American citizens of Italian descent, on the principle of individual excellence. It is dedicated to the task of preparing the individual to exercise the right and duties of American citizenship intelligently, courageously and unselfishly.

The Italian Immigration to America dates back to Christopher Columbus, but the bulk is more recent. There are few Italians who have been here more than two centuries. Unfamiliar with the language and most lacking in special training, they found employment in the performance of tasks which required brawn, muscle and perseverance. They dug in the mines, made the beds and laid tracks of transcontinental railroads, built and painted bridges, factories, and smoke stacks (which Senator Bermingham wants to tear down) and fed the glowing furnaces of the coke ovens and steel mills. A most valuable asset was their great respect for small beginnings.

Among a group of immigrants who came to Colorado and stopped at Breckenridge at the time the Rio Grande was building the tracks around the mountains, was a young student, Adolfo Rossi, newly arrived from Italy and Hector Chiariglione.

Adolfo Rossi wrote his experience in a book entitled "An Italian in America" in which he dedicated three chapters to Colorado and his experiences in our state. He later became the first Italian Consul of Denver, then in a contest for Immigration Commissioner of Italy, he was the highest in the examination. He was Commissioner of Immigration for many years and died in Buenos Aires as Ambassador from Italy. Hector Chiariglione who was the father of the late prize fighter, Jim Flynn, the only one to defeat Jack Dempsey (many Italians in those days took Irish names) became a newspaper man in Pueblo and became my boss. Later I bought his paper when he retired. An immigrant was also Mother Cabrini, the name of which is very popular in Colorado.

Realizing the need of help in case of illness (the welfare rolls show very few Italian-Americans) or death, and in order to acquire more knowledge and understanding about American history and traditions, more about the governmental machinery and civic customs, the Italian immigrants fostered the organization of the Columbian Federation which was organized by a small group of Lodges at Chicago, Illinois in October 1893, to help them achieve this end.

Let me quote in part from the Chicago Tribune of October 12, 1893:

"A convention of delegates of all the Italian societies of the United Societies was held during the last two days. One hundred and twenty-eight delegates were present, representing 45,000 members 6,000 of which belong to Illinois Societies. A platform was drawn up by a committee of ten and adopted at the convention, which among other things set forth a strong recommendation that it be"—

Please note—

"one of the principal aims of the society to foster and advocate the spirit of loyalty and patriotism to the constitutions and laws of the United States and all American institutions."

Their faith in the efficiency of organized cooperation has been justified. Through the patriotic, civic and social activities of the Columbian Federation, the Italian immigrants have become fully acquainted with every phase and concept of American life. Through it, they have been able to take and keep their proper place in the ranks of a useful citizenry and to raise their families in the American traditions.

Not only was the Columbian Federation a fraternal organization, but it also stood for the defense of human rights at any and all times. Overwhelmingly composed of sincere lovers of the democratic way of life, the Columbian Federation went on record against dictatorship as early as 1923, at which time, I introduced a resolution at the national convention held in Kansas City condemning fascism and protesting against any attempt to introduce fascist ideologies in the United States, under any disguise, any form or for any purpose.

In 1925, House Speaker Raney used one of my editorials in the United States Congress as an argument against making Mussolini a loan. In those days most of our Congressmen were friendly with the Italian dictator who made trains run on time and even desired a Mussolini in the United States, so Raney failed in his attempt.

On June 10, 1940 when Italy entered the war against the democracies, the Columbian Federation did not hesitate to take a clear stand by heartfully endorsing President Roosevelt's policies in regard to the European conflict stating:

"This organization, being interested in a better world order and being convinced that a decent world is tragically threatened by forces of reaction and violence now sweeping Europe, urges upon you, the President and Congress, the removal of all restrictions to furnish assistance and material to the allied democracies in their desperate efforts to defend civilization."

Let me quote from the Congressional Record of March 11, 1942:

"There is the Columbian Federation which believes that to be a good Italian in this country one must first become a good American."

In his book "Patriot True" Judge Minter L. Wilson of the Tenth Circuit Court of West Virginia has this to say:

"Good American citizens do not affiliate themselves with any organization that has in it aliens who want to wave the flag of our enemies. But let me make it clear that what I have said has no reference to the Columbian Federation, which I have found, after a careful study, to have been for many years a loyal and patriotic organization."

The greatest compliment paid our organization was by the late Monsignor Giuseppe Ciarocchi, Editor of the Voce del Popolo. He said in his speech before the 20th quadrennial convention during the Second World War:

"I praise the Columbian Federation for two principal reasons: for its fidelity to the principles of liberty, Americanism and democracy, during a time when even in America the fascist regime was heavily felt, and other Italian-American societies were turning in favor of the regime, with the exception of the leftist organizations.

This attitude cost the Federation and the members of the Administration headed by its national President, Vincent Massari, many sacrifice, but it served to give a name to the Federation and make it appreciated by the Government of the United States, an example to all the Italian groups in America.

"I am expressing the hope that the Federation will continue to follow its same line of conduct and thus prove itself worthy of the glorious name of Columbus which it bears.

"The courage and the work of President Massari, with the cooperation of his weekly newspaper L'Unione, were necessary for the development and well being of the Federation and continue to be necessary in the difficulties that are being experienced today.

"The financial condition of the Federation deserves a note of praise for its soundness, but the moral character of the Federation, constantly maintained, was that which distinguished it from other similar organizations and brought honor to the Columbian Federation not only among the Italian-Americans, but also among the American element and the spheres of government.

"It would have been easy for the Federation—Monsignor Ciarocchi concluded—to imitate the other societies and put itself behind the coattail of Fascism, which was reining over our communities, and thus obtain immediate success. But, by so doing, it had to renounce the principles of Americanism, democracy and liberty which to-day, instead, constitutes its glory."

I could go on for hours, but I don't want to impose any longer. This is the organization that the Colorado State Planning Office stated that may or may not be "Mafia."

Now I can appreciate why Senators Brown and Cisneros requested a study of the history of their race in public schools. Lots could be learned of the Italian contributions from Columbus to Enrico Fermi, if our history would be taught.

AMERICA'S FREEDOM IS STILL APPRECIATED

HON. GLENN R. DAVIS

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1970

Mr. DAVIS of Wisconsin. Mr. Speaker, annually, a Voice of Democracy Contest is sponsored by the Veterans of Foreign Wars of the United States and its ladies auxiliary.

One winner from each State is brought to Washington, D.C., each year to compete in the final judging. I was pleased to note that this year, Wisconsin will be represented by a youth from the Wisconsin Ninth Congressional District.

A fine essay on the great tradition of America's freedom was written by Mark J. Gichert, 17, son of Mr. and Mrs. Fred J. Gitcher, 4420 North Brookfield Road, Brookfield, Wis. He shows an understanding of the challenges America faces during an era when other less understanding young people do nothing but complain about society because they are unable to face those very challenges.

Here is what he has to say:

FREEDOM'S CHALLENGE

(By Mark Gichert, Brookfield East High School, Brookfield, Wis.)

At a prisoner of war camp in Germany during World War II, an incident occurred which gave the Germans a small insight into the spirit of the American people. Word got around the compound that the few Jewish soldiers in the group of American prisoners were to be separated from the remainder of the prisoners and were to be given an especially difficult and backbreaking work detail. That night the boys talked it over among themselves; the Jewish soldiers urged their buddies not to stick their necks out. The following morning the commandant ordered all soldiers of Jewish blood to take one step forward, and the entire American population of the camp stepped forward.

The American soldiers experienced a common conflict. They had the freedom to remain silent and safe, or to take sides with their comrades. They had the freedom of choice, and their choice created a challenge for them. In the true American spirit they used their freedom, not for their own benefit alone, but for the benefit of others.

The lesson is a simple one, but a very timely one. We as Americans have freedoms in abundance; we have, in fact, more freedom than any other people. Our option comes in how we use our rights and freedoms. Do we use them for ourselves only, or do we use them to help others? Do we hoard our liberty, or extend its blessings to all men? Freedom challenges each of us to use our rights and liberties fully, and this means more than just serving ourselves. This is an American tradition, reflected in our foreign policy, our vast aid programs, and our extensive charity organizations at home.

Our American heritage is composed of a set of the finest natural resources that any land can boast. But the most precious resource we have is the heritage of our freedom. With this resource we shape our nation's future. But, like all resources, it too can become polluted. If we use our freedom without discretion and practice no conservation; if we do and act for ourselves only, without regard for the future well-being of our freedom; if we seize our rights without fulfilling our responsibilities; then we are polluting our greatest natural resource. Unfortunately there can be no anti-pollution laws to safeguard our freedom. No law can say that a citizen must be honorable in his intent, or use freedom in an unselfish way. But each day we face a personal challenge to use our freedom in the best way possible. We help meet this challenge each time we vote, read a newspaper, or take time to discuss politics. The success of this generation will be measured by how well we meet this challenge, by how well we conserve our freedoms for the future, and by how well we use our freedoms to help others to be as free as are we.

We see, today, dissent within our country. This is, as has often been observed before, a common and very natural thing in a democracy. But let us also heed the words of President Woodrow Wilson who said:

"Let us show ourselves Americans by showing that we do not want to go off into separate camps or grounds by ourselves, but that we want to cooperate with all other classes and all other groups in a common enterprise which is to release the spirits of the world from bondage."

Woodrow Wilson realized that a free nation found its strength in unity, not division, and that we, with our heritage of freedom, have a responsibility not only to ourselves, but to all men. History shows us that when the people of a free nation have used their freedoms only to satisfy their own needs, they have been quick to lose their freedoms. Often before we have been torn from within, and we have always returned a united people to face the challenges of freedom. The uniqueness of our nation lies in our diversity, but our strength lies in our unity.

We are a free people—free not only to seize the rights and privileges of our democracy for ourselves, but free also to use our freedoms for others; free to use our rights that others might maintain dignity, and free to conserve our liberty for our posterity. This is the meaning and the strength of our democracy. The success of this generation in history will be measured by how well we meet freedom's challenges. When we are certain that we have shared the blessings of our liberties to their full potential, and at the same time secured them to posterity, then will we be able to say to our sons and to our forefathers that we have met freedom's challenge.

PREPARING THE WAY FOR A NEW ERA OF ADVANCEMENT IN EDUCATION

HON. ALBERT H. QUIE

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1970

Mr. QUIE. Mr. Speaker, because of my deep concern over the direction this Nation will take with regard to the education of America's youth as we enter the 1970's, I would like to share with my colleagues and other interested parties an excellent address by U.S. Commissioner of Education James E. Allen, Jr.

The address was given before the first general session of the annual convention of the American Association of School Administrators at Atlantic City, N.J., on February 14, 1970.

The address follows:

PREPARING THE WAY FOR A NEW ERA OF ADVANCEMENT IN EDUCATION

(Address by James E. Allen, Jr., Assistant Secretary for Education and U.S. Commissioner of Education)

Change, unrest, criticism, relevance, complexity, reform—these are the words that are being used in connection with education today—and they constitute in many ways an accurate appraisal of the conditions of the great enterprise that unites us and that has brought us together from across the Nation.

But though the conditions of our enterprise may be unsettled and uncertain, the objective remains unchanging—to provide the best in education for all those entrusted to our care. This may seem too simple or too obvious to need restatement, but it is, I believe, important to remind ourselves that for every educator at every level, this is, was and ever more shall be the task, inescapable and unaltered—and no difficulties, changing situations, social upheavals can excuse us from its responsibilities.

Amidst all the present clamor, the diversity of opinions as to ways and means, the doubts and confusion surrounding education, this basic task continues to be the only ultimately really important consideration, and the answer that we ourselves can honestly give to the question of "How well are we carrying it out?" is the standard by which we must consistently and unsparingly judge our actions.

There is much on the educational scene today that can give us satisfaction, that points to a job well done.

The immediate post-war years of the late 1940's and the entire decade of the 1950's saw education confront successfully the immense challenges of quantity. Between 1945 and 1969, the numbers in our public elementary and secondary schools increased from 23.3 million to 45.6 million, an increase of 95.7 percent.

Nearly all local systems were faced with the multitude of problems involved in providing enough teachers, books and classrooms for this unprecedented rise in student population. These problems were met with determination and success and although they still exist in some measure, they are less pressing, and as a result we are now in a situation where it is possible to direct more of our attention and our resources to quality.

With a growing public awareness of the terrible social and economic waste that results from the existence of poverty in a Nation of affluence, from discrimination and racial segregation, from deprivation, education bore the brunt of implementing most of the corrective measures proposed in the decade of the 60's to help the disadvantaged.

School systems and school administrators still struggling to cope with the student population explosion found themselves on the receiving end of well intentioned but underfunded and late funded programs. All of you know all too well the problems and complexities involved in unscrambling the flood of regulations and guidelines, in finding space, in recruiting personnel, and last but certainly not least, in compiling reports.

But, despite the obstacles, the programs have been implemented and under extremely difficult conditions, education has scored a number of outstanding and promising successes. Let me mention just a few of the many significant accomplishments of these recent years.

The drop-out rate has been cut. There are more drop-outs in numbers because there is an overall larger student population, but the rate has been reduced.

There has been a significant increase in early childhood programs—not just paper programs, but real programs—put into action and carried on, in many cases, more as a result of personal effort and dedication than through easy-to-follow, step-by-step directives.

There has been an immense expansion of facilities for continuing education largely because of the understanding that in the technology advanced society we have created, learning—the acquisition of new skills and the upgrading of old ones—has become a lifetime endeavor and not merely a childhood and adolescent pursuit.

For the better part of two decades, our local school systems have been at the heart of the drive to integrate American life and to secure racial justice.

It is to education's everlasting credit that it increasingly is rising to the obligation and the task of school desegregation. In system after system, despite physical human and financial obstacles, the job as been attempted with significant success. I might add that some of the best leadership in this difficult task is coming from southern educators, many of them here in this audience.

Educators have demonstrated the courage to endure controversy in a continuing effort to provide better education for all children. But racial segregation still exists and continues to constitute an indefensible barrier to the achievement of equality of opportunity.

Every school administrator committed to the principle of equality of educational opportunity will not rest until integration is a universal reality in our Nation.

While speaking of racial justice, I should like to recognize that the responsibility of education in the drive for racial justice does not lie only in the schoolroom. Economic factors also strongly inhibit the equity of minority groups. Education is second only to defense in spending and this gives great economic power and leverage to the educational purse.

I call upon you and your boards of education to support formally and actively the national policy of economic equity for members of minority groups. One telling way this support can be demonstrated is by your implementation of the equivalent of a "Philadelphia Plan" for all contracted educational expenditures. Guidelines, regulations and laws may be required to achieve this—but your moral and political leadership can play a vital role in making this national policy work.

Much of the educational progress that I have been citing is due to the fact that educators have been measuring their efforts with greater objectivity and severity, facing up to what has not been well done and doing a great deal to improve it.

It is this same kind of critical judgment that underlies the acknowledgement that more improvement is needed.

It must be acknowledged at the same time, however, that this improvement is not going to be easily achieved. I know that these are troubling times and that you are carrying on your jobs amidst new problems and harassments, and an atmosphere of doubt and disquietude, that are unfamiliar in the traditional role and experience of the school administrator.

Perhaps most troubling of all are the expressions of disillusionment with our schools and with those elected or appointed to manage them. This disillusionment runs the gamut from transient disappointment to real alienation, with causes as varied as its manifestations, but, whatever its nature, it is sufficiently widespread to be of real concern.

This criticism should not evoke a defensive reaction but rather more objective evaluation with a subsequent determination to correct deficiencies.

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Despite the trials of these times, there is, as we begin the Seventies, good reason to be optimistic.

Knowing that I would soon be addressing this and other nationwide educational organizations, I recently sought a special meeting with the President. In our lengthy discussion of educational needs and the outlook for the future, I found the President deeply concerned and sympathetic with the difficulties and the problems currently besetting education in our country. He specifically asked me to convey to the American Association of School Administrators his appreciation for your efforts and his determination to create new conditions in which the quality of learning can be enhanced throughout our country.

There *is* commitment to education in this Administration.

We might as well face up to the fact, however, that this commitment is not in the very near future going to be expressed in terms of large sums of additional money.

Knowing the enormous needs of education this is not an encouraging prospect. But, on the encouraging side, I am convinced that the Administration is prepared to commit itself to substantial increases in Federal aid to education—to give education the high priority it deserves—when present fiscal constraints are relaxed and when we have taken steps to put ourselves in a better position to assure maximum results. Let us therefore lose no time in taking the necessary steps.

It is fortunate that the Administration is committed to giving immediate and vigorous support to actions that have long been needed to assure a more productive return for future investments.

For some years we have been indulging ourselves in speculation about change in education—a rather pleasant period in a sense, when it was possible to enjoy the excitement of an atmosphere of newness without really plunging into the manifold difficulties, the struggle, of making change a reality in our educational system. Of course, change has taken place, but not even the most optimistic advocate can assert that it has been either of sufficient degree or of the basic nature required.

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This period of somnolence is fast ending: first, because of the sheer pressure of need—we simply can no longer afford not to have equal educational opportunity in America; second, because of the growing readiness of the profession to accept and promote change; and finally—and perhaps most significantly—because of a new tougher attitude toward education that increasingly emphasizes accountability, and refuses to accept promises, demanding performance.

What the future holds, I believe, is a recasting of the entire educational system in the United States, in line with the new perspectives of our national purposes. The challenges fall on everyone from the President and the Congress through the States and localities to every part of the vast complex of organizations and activities that make up education in America.

We need to seek a broader interpretation of education that discards rigid structuring for a freer adaptation to differing needs, timing and goals—an interpretation that encompasses the total life and environment of the young.

This concept of change recognizes that life, liberty and the pursuit of happiness in the last third of the Twentieth Century are more than ever dependent upon a truly equal educational opportunity for each boy and girl—an opportunity too long denied to millions across our land.

To achieve this objective will require far more dependable knowledge than we now have about how children learn, about how teachers teach, and about what education is; far more than can be expected from the present relatively meager, fragmented, haphazard efforts we make to obtain such knowledge. After all, effective educational reform and renewal can hardly be expected in an educational enterprise that devotes less than one-half of one percent of its annual budget to research and development.

A NATIONAL INSTITUTE OF EDUCATION

It is time this short-sighted policy be corrected, and this Administration proposes to take the initial step by urging that the Congress create a National Institute of Education whose purpose will be to undertake the serious, systematic search for new knowledge needed to make equal educational opportunity a reality in our country.

This new agency, to be located within the Department of Health, Education, and Welfare, under the Assistant Secretary for Education, would be manned by a staff of outstanding scholars from such disciplines as psychology, biology, the social sciences and humanities as well as education. It would concentrate the same degree of skill, attention, and resources on educational research that the National Institutes of Health have brought to medical research.

More specifically, the National Institute of Education would do such things as the following:

It would provide the capacity for directed research and experimentation aimed at filling gaps in our understanding of human learning.

It would place strong emphasis upon helping State and local school systems to solve their most pressing problems, to reform their educational practices on the basis of the best available research.

It would experiment with alternative educational models—from revolutionary staffing patterns to technologically-assisted teaching.

It would concentrate attention on improving our ability to evaluate and assess educational programs, and on enhancing the capacity of Federal, State and local agencies to measure and analyze the results of their own activities. *The strengthening of the concept of accountability in our educational system is imperative.* It is in large measure our inability to substantiate results that has generated disillusionment and a lack of confidence in our schools.

The National Institute of Education would train educational researchers and practitioners by offering a range of fellowships and traineeships designed to attract outstanding young scholars into educational research and by giving them opportunities to work with senior scholars from many fields.

It would serve as a focus for educational and social science research throughout the Federal Government and would bring some central direction to that complex and uncoordinated enterprise.

It would enrich and enliven other Federal educational programs by stimulating creative, vigorous thought and thus serve as an intellectual resource for the Nation. Careful arrangements would be made to ensure cross-fertilization between the National Institute, the Office of Education and other agencies.

It would build on and add strength to the present national system of educational laboratories and R and D centers and would eventually assume the administration of the cooperative research programs now administered by the Office of Education.

The time has come to lift educational research and development to the highest levels in our national priorities. The Administration's proposal for a National Institute of Education is the way to start.

A NATIONAL COMMISSION ON SCHOOL FINANCE

A second Administration proposal to prepare the way for a more efficient and productive educational system is the establishment of a National Commission on School Finance.

A major barrier to the achievement of fundamental reform in American education is the high degree of instability, uncertainty and inequity in the financial structure for education.

We have no comprehensive, purposeful plan for the support of public education. The pattern of finance as it now operates is a complex and confusing process that has evolved erratically over the years. It perpetuates inequalities in educational opportunity; it is unresponsive to changing needs; it encourages waste and inefficiency in planning and operation; and it is inequitable in its treatment of taxpayers. The facts are well known. It is time for major reforms in the methods of financing educational expenditures.

I hardly need to emphasize this point with this audience. Many of your communities are threatened with the prospect of curtailed school years, with taxpayer revolts, with the continuance of resources totally inadequate even to maintain the minimum essentials of an educational program.

The National Commission on School Finance will seek to accelerate the process of reform in school finance and to initiate national planning as to how we shall meet the revenue needs of public education in the Seventies.

The Commission will be asked to report periodically to the President on such matters as—

Future revenue needs and fiscal priorities for elementary and secondary education, including the financial consequences of declining enrollments in non-public elementary and secondary schools.

Different approaches to reducing disparities within and among the States.

Sources of funds to meet educational needs, including a major review of alternatives to the heavy current dependence on the property tax.

The feasibility of proposals to shift the major share of the cost of operating education from the local to the State level.

Cost efficiencies in public education, including those related to organizational change.

Despite the tremendous power of the Federal Government, it must not be forgotten that the loci of decisions about educational finance are mainly in State capitals and local school districts. The Federal Government may assist with certain critical problems; it may exert leverage; and at times it may exercise moral and intellectual leadership; but it alone cannot solve the problems of finance. A major role of the proposed Commission, therefore, will be to encourage the kinds of change that need to be made in State and local school finance patterns and to promote coordination among the three levels of Government which is needed to provide acceptable solutions. For these reasons, it will be important for the National Commission to include representatives from State and local Government and to be closely associated with the Education Commission of the States, an organization uniquely able to be of assistance because it is composed of key political and educational leaders at the State level.

It is not the President's intent that this Finance Commission be just another study group whose report is received and filed. It will be, rather, an action-oriented Commission, working to bring about those changes in finance that are necessary to enable the Nation to meet its educational needs.

THE RIGHT TO READ

This National Commission on School Finance and the National Institute of Education will deal with the very fundamental areas of increasing our knowledge about how to educate and of securing the necessary fiscal resources. A third area in the Administration's program deals with a glaring weakness in our schools where the attack can be launched with the knowledge and skills we already possess. I refer to the indefensible and intolerable situation of a school population with one out of every four students having significant reading deficiencies.

Last October I began the attack by proclaiming the Right to Read as a goal for the 1970's, stating that by the end of this decade, no individual should be leaving our schools without having acquired the skills and desire to read to the full limits of his capabilities.

I made it clear at that time that the achievement of this goal would require a massive nationwide effort, involving a new partnership of all levels of Government and the private sector of our society. I indicated that while the primary responsibility for seeing to it that all children learn to read is a State and local one, the Federal Government would help by providing the coordination of effort, the marshaling of forces and resources on a nationwide basis, the provision of the technical, administrative, and financial assistance required.

The President has strongly endorsed the Right to Read goal and has pledged his full support of efforts to achieve it. Earlier this week I presented to him a comprehensive plan to put out national resources to work for those who need help. I expect the President to announce in the very near future the first steps in implementing this plan.

I hope you will enthusiastically and unequivocally adopt this goal as your own, for the school administrator is a key figure in opening the way for the kind of intensive attack required.

Let me assure you that the "Right to Read" is no mere slogan as some cynics have implied: Let us say rather that it is a call to action that will be pursued vigorously with unremitting determination to eliminate this shameful blot on our national education record.

These are, of course, not the only actions relating to education being contemplated or undertaken by the Administration, but they do indicate the general nature and direction of present plans.

No matter what the future course of education may be, our task is, as I said at the beginning, the same basic one of providing the best education for *all* those entrusted to our care. If we are faithful to this responsibility, we shall succeed no matter how troubling the times or how overwhelming the problems.

Once again may I express my admiration for your accomplishments and my confidence in your continued dedication. I pledge that I shall seek to match my dedication to yours in an unremitting effort to advance our common cause.

EDITORIAL BY WCBS–TV

HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1970

Mr. DUNCAN. Mr. Speaker, busing students to schools outside their home communities will not eliminate segregation. It is at best forced and temporary integration. I would like to place in the RECORD an editorial statement, "Northern Hypocrisy," by WCBS-TV, New York, which was broadcast on February 12:

EDITORIAL BY WCBS–TV

Senator Abraham Ribicoff is known for blunt talk. It was Senator Ribicoff who spoke up in tough terms about Mayor Daley and Chicago's police-state tactics at the Democratic National Convention in 1968. And it was Senator Ribicoff, who earlier this week, was refreshingly candid when he told the Senate that the "North is guilty of monumental hypocrisy in its treatment of the black man."

The Connecticut Democrat was speaking favorably about a bill sponsored by Senator John Stennis of Mississippi that would enforce school desegregation uniformly throughout the Nation, eliminating any distinction between segregated schools growing out of Jim Crow practices in the South and segregated schools growing out of residential patterns in the North. The plain fact is, as Senator Ribicoff put it, that school segregation in the North is little different than school segregation in the South. And the attitudes of white racism that have fostered these segregated school systems vary little North or South.

The question, of course, is what to do about segregated schools in the North, schools that are segregated by residential patterns, by the fact that most suburban areas are all-white, and most central city areas are predominantly black. Busing from city to suburb is one way, but it is integration by transportation. It is a temporary expedient, and it does not build racial harmony and integrated communities.

The answer, as Senator Ribicoff suggests, is to integrate communities, to provide places in our suburbs for low-income and moderate-income housing, housing that can accommodate more people from the lower rungs of the economic ladder, more people of both races.

To speed the process of creating truly integrated suburban communities—integrated socially and racially—Senator Ribicoff has suggested that the federal government give financial aid to those suburban communities that open their lands to development for families of modest incomes. He also suggests that communities that fence out low-income families should be denied certain forms of federal aid.

Many of the suggestions made by Senator Ribicoff are already embodied in an excellent bill drafted by New York's senior Senator, Jacob Javits. The bill—S. 3025—would go far toward encouraging sharing in suburbia.

SPACE AND THE NATIONAL ECONOMY

HON. JOHN W. WYDLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1970

Mr. WYDLER. Mr. Speaker, the effect of the space budget on our national economy is one of concern to all Americans.

Recently, the president of the Aerospace Industries Association spoke on this important topic, and I think his speech should be read by all Members of Congress and weighed because of its importance to our Nation's financial stability in the future.

The speech follows:

SPACE AND THE NATIONAL ECONOMY

(Remarks of Dr. Karl G. Harr, Jr.)

So much has happened in the very short period of time that comprises our space age; and so much has been said and written about what has happened as we have moved along, that some major elements of the forest have been obscured by the trees.

One of these elements has been the interplay between our national space effort and our overall national economy. Fully to understand this interplay let us briefly review the past, particularly the way in which our space effort began, 13 years ago, and how it has evolved.

In the beginning economic considerations played virtually no part at all. Scientists of many nations, including the United States and the Soviet Union, in the course of programming for the International Geophysical Year, declared that the orbiting of artificial satellites was possible, and these two nations undertook the accomplishment of this novel and interesting, but relatively small scale, scientific feat.

Both the amounts budgeted and the objectives of the program were so modest as to involve no real economic considerations, either in terms of resources allocated or returns expected.

Once the Soviet Union preceded the United States in the successful launching of such a satellite, however, things escalated very fast. Implications which had been only dimly seen in advance within both societies became crystal clear with the event. And the Soviet achievement was exploited to its fullest by those who found it in their interest to do so, not only in the international political arena, but also in domestic politics, as a presidential year approached.

From almost every important point of view, it soon became apparent that our national interest dictated the initiation of a meaningful space effort.

Enter now economic considerations of both the obvious and the not so obvious kind.

Obviously, as a first step, the processes of the government of the United States had to make a quantum judgment, in general terms at least, as to the size of our national effort. At a time when there was wide disagreement as to the shape any national space program should take, and when there was only a vague idea as to the applicable scientific and industrial resources available to us, i.e., how fast we could usefully proceed no matter how much money was available, a rough cut evaluation of the priority that should be accorded our national space effort had to be made.

Gradually in the late 50's as scientist, politician, foreign policy expert and comptroller argued, refined and reargued his case, such an evaluation emerged as a working hypothesis for starting our national program.

As we moved from consideration of a wide and varied range of competing programs to primary focus on a manned landing on the moon, this evaluation was refined, became much more valid and could become firm.

We had committed ourselves to a national space effort; we had undertaken the logical major first step; we had supplemented this with a balance of other lesser space programs to help us develop a comprehensive space capability, and we were underway.

It was now, really, as we moved into the early 1960's that the fundamental economic effects began to appear. The obvious ones, such as the many thousands of jobs involved in the establishment, operation and management of the communities that became our national space base; and the many thousands of jobs created by the tooling up of industry, were accompanied by indirect economic effects, such as the growing pressure to effect the wide range of scientific and technological breakthroughs necessary to achievement of our space objectives.

This latter pressure had its impact everywhere—in universities, research labs and industry, at all levels. It permeated virtually every scientific and technological discipline and its impact ranged from pure scientific research to the most mundane manufactur-

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ing technique. Everything that became a part of our space program had to be viewed anew and against different standards.

Here too, as in the case of employment, tangible economic effects began to be felt early. Industry, for example, had to upgrade itself to meet the cruel requirements of space. Manufacturing tolerances were reduced by orders of magnitude just as reliability requirements were commensurately upgraded. Standards described as "man rated" and "zero defects" began to creep into industry language and practice. New alloys, materials and processes had to be developed, discovered or invented to meet the design requirements for space. This is the point at which industry, in response to the national decisions about space, began to generate the myriad new practices, products and procedures which comprised our space effort's second economic legacy. And with the growth of our national investment in space came a corresponding growth in this economic return.

Mercury and Gemini placed man and then men in space, and as we moved into the middle 1960's the cumulative effects of this effort on all sides began to be felt throughout our economy. It was clear that American universities, industry and government were fully embarked on an organized technological reach of unprecedented scope. More important it was becoming clear that they were solving the managerial problems of integrating this massive effort into a system comprehending unprecedented complexities and unprecedented numbers of people.

The process, of course, was not entirely smooth. Multiple teams of highly skilled people representing different perspectives engaged in an effort wholly unprecedented both as to size and nature, require some shaking down before they can operate in optimum fashion. But this process too was accomplished without affecting the achievement of our space objectives. Vast new ground was broken in the techniques of systems management. And that was our space effort's third economic legacy.

All this could be done because the American people had seen the necessity to support such a national effort. That support in turn resulted in the creation of a national asset in the form of technological and managerial capability (for whatever application desired) unlike anything ever known before.

A fourth important economic legacy from our space effort was one about which you have heard much in the course of the day. This is the direct economic benefits of the programs themselves; improved communications, navigation weather prognostication, earth resources control and inventory and the like. I will not dwell further on these.

By the time we were able to land men on the moon and return them, American industry had come just about as far in that short time span as had the space program itself. Technological capability and managerial capability had quantum jumped in step with space attainments. They had had to. And in so doing they had upgraded our total national economic capability. For technological advance is largely inseparable. You either opt for it or you don't. The junkyard of history is full of nations who rejected the major challenge of their times. And there is no question that space is the major challenge of our times. As Sir Bernard Lovell, director of Britain's Jodrell Bank Observatory, has stated: "You will find that only those communities that had been prepared to struggle with the nearly insoluble problems at the limits of their technical capacities—those are the only communities, the only times, that civilization has advanced.

"The Roman Empire decayed when it ceased to be progressive in this sense, and there are other examples. To a certain extent, you see the beginnings of it in the United Kingdom today, but fortunately not in the United States and certainly not in the Soviet Union."

Now you don't spend billions on a space program merely to give jobs to people in Huntsville or Houston or Southern California or anywhere else. You don't do it either to produce a better frying pan for the housewife, or a new way to cure cancer or heart disease. Nor do you do it to make quantum technological jumps, per se.

Fundamentally you do it to explore space—the universe in which we live. If you are partially goaded into action by international competition for prestige, if you are partially motivated by national security implications and the like, these are secondary to the true justification.

But whatever the motivation or combination of motivations, the economic impact is the same. By reaching to the utmost you forge new muscle and sinew throughout your society and reap the whole range of benefits accruing to a people who, given a chance to opt for the future, has chosen to do so. Nothing even compares to our space effort in terms of offering so great a challenge to so great a segment of our society.

Here is where we come to the most significant conclusion about space and our national economy today. All of us recognize that both the economic and social environment are different from what they were in say 1961 or even 1966. In purely economic terms the ravages and dangers of inflation and the heightened competition of other compelling national needs require accommodation.

The point however is this. We cannot afford to sell the day to profit the hour. Our national space effort has for a decade stood so far out in front as the pacesetter of our national technological advance as to be virtually alone. It has given us in a decade new capabilities to address to all our problems that otherwise must have taken many times as long to develop. It has been a primary factor in keeping this nation with its tiny percentage of the world's population in a technological position to remain both free and prosperous at a time when both are becoming increasingly difficult.

Above all it has given us a new way of doing things. In joining to accomplish the most difficult feat ever undertaken by man, government and industry have forged a new problem-solving capability adapted to our present huge and complex society and all its problems. This is the final and most important legacy. The need for this capability has never been more acute.

In short, in terms both of our economy and our ability to meet pressing social needs, we must acknowledge one lesson that the sixties have taught us; i.e. over the long run to have a healthy growing economy we need a vigorous space effort just as having a vigorous space effort depends on a healthy growing economy.

Should our people and our government fail to realize this special relationship between space and technological advance on the one hand, and technological advance and national well being on the other, we will have not only deprived ourselves of one of our greatest national assets, we will also have heavily mortgaged our ability to solve our other problems.

We cannot opt out now. We have come too far along the road to the future to make that mistake. Those nations whose resources or inclination have prevented them from partaking of this adventure bear the most convincing witness to the wisdom of our course. Without exception, they attribute the "technology gap" and the "brain drain" to our space effort and acknowledge that we have never made a better investment. Even a few years ago, one foreign finance minister judged that each dollar spent by us on space would return four-fold within ten years.

We have forged in this short span a national economic asset unrivaled in any other place or at any other time in the history of mankind. It is the base from which we can explore the universe, yes. But it also is a principal driving force in our overall economic advance here at home.

In a free society there are no sacred cows. Our national space effort cannot and should not stand immune from the pragmatic judgments involved in ordering national priorities.

But to be properly judged it must be seen for what it is. It must be seen as a source of national advance on all fronts. It must be understood to be an ally rather than an adversary in the campaign to solve other national problems.

The world has never seen a greater single challenge than that offered by the opportunity to explore the universe. The United States has been in no way more blessed than in having been in a position to accept the challenge. We have made the hard choice—we have paid the full price—and we have reaped all the rewards.

Now we must look to the future.

Suppose, in 1960, we had been able to assume the vantage point of today, 1970, to help us arrive at the hard decisions we then had to make. Would we have opted for the Mercury, Gemini and Apollo manned program culminating in landings on the moon? Would we have undertaken the Ranger, Surveyor, Mariner and other unmanned probes that have so developed our knowledge of the universe? Would we have launched the series of orbiting earth resource satellites, or the communications, navigation and meteorological satellites that were pressed directly into man's service in that decade? Have we been afforded such hindsight there never would have been any question. Involved was not only the total recoupment of national prestige and spirit, not only the total removal of apprehensions about threats to our national security from this quarter. (Incidentally in this connection General James Ferguson, Commander of the Air Force Systems Command, points up the real possibility that "the technical capability demonstrated by the United States in landing a man on the moon may have been the final step necessary to convince the leaders of the Soviet Union that they cannot win the arms race.") Clearly involved also was the radical upgrading of our overall national technological capability and hence our entire economic base.

As, in 1970, we look back at the previous decade we can answer for the decisions made with pride and conviction. They were worthy of both the opportunity and the nation.

No one need apologize to anyone for our national will and vision in that decade.

Let's suppose that now, in 1970, we were able to assume the vantage point of 1980 to help us make today's and tomorrow's decisions. Will we in 1980 be able to look back to a decade in which we continued our advance? Or will we look back on one in which we faltered, and in so doing dissipated everything we worked so hard to accomplish?

To an important degree, I think, the answer lies with organizations such as yours. This question is so big, is so vital to our national future, is so complex and has been so rapidly thrust upon us that it must be a subject of continuing national debate. Important as the experts are in guiding us through these complexities, the basic decisions are too vital to our national future to be left entirely in their hands. A democratic society must manage its own future, and we can all recognize that space is an important key to that future.

You know how vital, of course, I and the other speakers regard this effort to be. We feel that the merits are so obvious and compelling as to convince any who are exposed to them. But whether that is so or not, it is essential that our society as a whole participate in

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these decisions—and that means that the matter be discussed and debated as widely and as continuously as possible.

Obviously organizations such as yours have a key role to play in bringing that about. So do each of you as concerned individual citizens.

POPULATION AND THE ENVIRONMENT

HON. DON. H. CLAUSEN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1970

Mr. DON H. CLAUSEN. Mr. Speaker, much has been said about population in America and its effect on and relationship to our total environment. For several years now I have been advancing the idea that, while population growth is indeed a serious problem here and elsewhere throughout the world, there is far to little attention or concern being given to population distribution.

Today, we are faced with the fact that approximately 73 percent of this Nation's total population, live on less than 2 percent of the land. In my own home State of California, more than half of our citizens live within a 10-to-15-mile radius of the city of Los Angeles and this represents about 5 percent of California's available land.

Is it any wonder, then, that our major metropolitan centers in this country are suffering most and experiencing the worst effects of polluted air, dirty water, overcrowded conditions, and an ever-increasing loss of personal identity and individualism.

For some time now, in an effort to recognize and help resolve some of the compelling problems of both urban and rural America, I have been advancing what I call a "Positive Program of Decentralization" which I am convinced will achieve a more balanced population pattern in America and establish a positive trend toward more balanced economic growth. This, in my judgment, is the direction in which we should be moving to provide the kind of environment for future living that we all seek. Toward this goal, I have introduced legislation in the Public Works Committee.

Recently, I have been extremely pleased and gratified by certain reactions to the concept I am advancing. Certainly, the President's appointment last year of a Rural Affairs Council was a very meaningful step in the right direction, since one of the tasks assigned to this council will be a study of population migration and distribution.

More recently, on February 24, Secretary Maurice H. Stans of the Department of Commerce delivered an address at American University that I believe spells out the relationship between population distribution and the need to revitalize rural America. Together with a recent editorial from the Wall Street Journal on this same subject, I insert Secretary Stan's outstanding remarks in the RECORD for the benefit of those who seek an in-depth look into this matter of utmost concern:

ADDRESS BY THE HONORABLE MAURICE H. STANS, U.S. SECRETARY OF COMMERCE

It is indeed a pleasure to join in this continuing discussion of the relationship between business and government.

We all know that a strengthening of this relationship is of transcending importance if we are to solve our mounting social and economic problems. The harsh experience of the 1960's demonstrates that government fails when it attempts to solve them alone. Billions of dollars have been spent on countless programs, but the problems remain, as vexing as ever.

The fact is that government's neglect to develop a viable, working partnership with the private sector is one of the root causes of this trouble. Government can guide by setting priorities and providing incentives. But only business has the managerial, organizational and technical skills required to get the job done. The Nixon Administration is dedicated to enlisting the full range of these talents in attacking our problems.

So this series of lectures, which is shedding new light on the evolving business-government relationship, has our warmest endorsement. The sponsors, American University and the firm of Hill and Knowlton, are to be commended for this public service undertaking.

SECRETARY'S RESPONSIBILITY

As Secretary of Commerce, I especially welcome the new insights these lectures are providing. For the man in my job has the primary responsibility for nurturing the business-government relationship. He must guide it along constructive lines and enlist business' greater involvement in public problem solving. He must help prevent business from committing abuses and from being abused. Above all, he must see to it that the interaction between these two great segments of society contributes to the advancement of the free enterprise system, which has given us everything we have and can give us everything we want.

I also appreciate the opportunity to discuss the topic of this year's lectures "Private Enterprise and the Urban Crisis."

For one thing, I am personally involved in seeking solutions to urban problems as a member of the President's Urban Affairs Council, Rural Affairs Council and the Cabinet Committee on the Environment, all Cabinet-level bodies.

Second, the subject has just taken on a new timeliness and significance. It was only a month ago that President Nixon made a historic proposal that for the first time offers hope for a comprehensive and lasting solution to our urban problems.

NATIONAL GROWTH POLICY

"I propose," the President said in his State of the Union Address, "that before these problems become insoluble, the Nation develop a national growth policy. Our purpose will be to find those means by which federal, state and local government can influence the course of urban settlement and growth, so as positively to affect the quality of American life."

The President's far-sighted proposal recognizes that there is not just one urban crisis, but two.

The first has been tearing the fabric of society for a decade.

It is compounded of the long-festering problems of slums, crime, unemployment, air pollution, traffic congestion, and substandard schools and health facilities.

Many efforts, public and private, are underway to solve these problems. Among the outstanding programs of the private sector is that of the National Alliance of Businessmen in hiring the hard-core unemployed. In the area of equal opportunity, many business corporations and associations have joined our recent efforts to help minority members to become owners of their own businesses. American business has also addressed itself in many other voluntary and unheralded ways, as a matter of social responsibility, in dealing with problems of pollution and assuring the consumer fair value.

This first urban crisis is of enormous dimension, but we must not conclude that there is something suddenly wrong with the historic concept of the city.

CITY'S IMPORTANCE

From time immemorial, cities have represented the highest achievements of civilization. They are our most visible symbols of weath and power. They are the centers of art, culture, commerce, finance, science, industry and government. And it is to the cities that men have always flocked in search of the good life. This was true when Athens was the "mother city"—the metropolis—during the Golden Age of Greece, and it has been true in our own time. Has something suddenly changed all this?

The answer is no, but there are some new factors in the equation that we must take account of.

POPULATION CONCENTRATION

The first is the degree of urbanization.

In 1790, ninety-five percent of America's 3.9 million population was rural.

Today about 73 percent of our 205 million people live in urban areas.

This means that these 73 percent, or about 150 million, live on just slightly more than one percent of the land.

The other 27 percent, or about 55 million, are rattling around over the remaining 99 percent of the land.

It's as though we owned a vast mansion, with hundreds of rooms, but most of us have decided to live in the closets.

To make matters worse, we like to move around a lot, most of us in our own personal vehicle—the automobile. In some places we provide this device with more space than we allot to people. For example two-thirds of downtown Los Angeles is said to be given over to streets, highways, parking lots and filling stations.

But that isn't all. We also have the problem in cities of extreme concentrations of waste products of an advanced industrial society.

Together, all these things have placed a burden on land, air, water, man-made facilities, and human beings themselves, that is all but intolerable. We are engulfed by noise, congestion and pollution of every kind.

MIGRATION OF BLACKS

Another new factor in the equation is the new concentration of poor black people in our great cities. During the past 20 years, more than 3 million Negroes have migrated from rural to urban areas, mainly to the inner core of the metropolis. Displaced from their farm jobs by rapid mechanization, they came looking for new opportunity, but they were equipped with little education and few skills. Instead of opportunity, they found the bitterness and frustration of the slum that finally erupted in rage and riots.

They found that many of the jobs in the inner city, like those on the farm, had disappeared under the impact of technological change. Industries once housed in the lofts of the central business district had been attracted to the suburbs by improved transportation facilities and ample space for more efficient one-story plants.

At the same time the poor blacks were moving in, the more affluent whites were moving to the suburbs. Their higher skills enabled them to get the better-paying jobs in the newly-established industries there, while patterns of housing discrimination helped to keep out the blacks.

TAX REVENUE DOWN

Compounding the problem was the loss of revenue to city government as industry and the affluent whites moved beyond its tax jurisdiction. In 1932, for example, municipalities collected 25 percent of all tax revenue; today they collect 6 percent. This is why President Nixon wants to share some of the Federal Government's tax revenue with cities and states. Because the more the problems of the inner city have grown, the less financially able has been the city to cope with them. Until today, as the President said, "the violent and decayed central cities of our great metropolitan complexes are the most conspicuous area of failure in American life."

The Administration's programs on food and nutrition, family assistance, housing, crime, transportation and education are all designed to deal with the problems of this first urban crisis. I believe they can go far toward remedying most of today's difficulties. But even if they are all successful in alleviating today's crisis, there still remains the impending second urban crisis.

TIME BOMB

This second crisis is less spectacular at the moment. But it is a time bomb ticking away with the ominous potential of producing a chaotic urban growth whose problems would dwarf those of the present.

We are alerted to this danger by a single basic statistic: In the next thirty years, more than 100 million people will be added to the population.

As President Nixon said about the children making up this increase: "Where they grow up—and how—will more than any one thing, measure the quality of American life in the years ahead."

It is to defuse this second urban crisis and help assure these children the best life that any Americans have ever had, that the President has called for a national growth policy. And it is on this long-range problem that I would like to focus primarily tonight, with emphasis on how business and government can develop new patterns of cooperation to cope with it.

The solution to future urban problems will only be found if overwhelming population pressures on our present metropolitan areas can be avoided. And this can only be done through the better urban-rural balance that a national growth policy would achieve.

MEGALOPOLIS

By the year 2000, eighty-five percent of our population of 300 million will be urban.

Picture, if you will, four gigantic clusters of metropolitan areas in the Nation—what the urban scholar Jean Gottmann so aptly called Megalopolis. There's BosWash, an unbroken stretch of people, homes, factories, highways, railroads and power lines from Boston to Washington; there's ChiPitts, a solid belt of heavy industry from Chicago to Pittsburgh; there's SanSan, from San Francisco to San Diego, and there's JaMi, the fourth megalopolis along Florida's east coast from Jacksonville to Miami.

Each will constitute a new phenomenon on this earth—a human agglomeration of a size, density and complexity never before known. And in combination these vast megalopolis will have the potential of posing megaton problems that will make solving our present difficulties look like child's play.

It is not very pleasant to contemplate what such an anthill society would mean to this Nation.

THREAT TO CHARACTER

What, for instance, would it do to the American people?

What would dirt, congestion, polluted air and water, traffic jams, noise, slums, crime, and violence—on a scale never before experienced—do to the American existence?

Will we fear increasingly to walk our streets? Will this fear turn into hate, divisiveness, polarization?

Will our young people feel even more alienated, rootless? Reared in great metropolitan areas, will they lose entirely their sense of belonging, and therefore their sense of loyalty, duty and obligation to society?

Frederick Jackson Turner said in 1893 that it was the challenges and opportunities offered in the advancing frontier that had imparted the dynamic quality to the American character.

What quality will the pressures, frustrations and congestion of megalopolis impart to the character of future Americans? Will they be the same productive, optimistic, friendly, outgoing, dynamic people who have traditionally populated this Nation?

MEGALOPOLITAN GOVERNMENT

Next, what kind of government would megalopolis require?

Would our extreme concentrations of population make it impossible for government to provide adequate and reliable public service? Would our trash collection stoppages, breakdowns in fire and police protection, power failures, water shortages, substandard education and health facilities all be multiplied?

To try to cope with these mounting problems, would megalopolitan government grow even larger, with topheavy administration costs and a vast and unmanageable bureaucracy? Would countless government agencies, many with overlapping jurisdictions, each with its own separate budget, its own narrow mission, its own set of criteria, be demanding more and more funds? Would countless regulations and reams of red tape engulf us?

Would the opportunities for graft and corruption mushroom, and organized crime flourish as never before?

Would the result be steadily worsening government at an ever-increasing cost—government for which our citizens would have only contempt?

Would a complete disintegration of authority be an ever-present menace? Would the only way to govern such an anthill society be through a megalopolitan government with sweeping powers approaching those of a police state?

FREE ENTERPRISE SYSTEM

Finally, how would the free enterprise system fare in megalopolis?

Would it become so enmeshed in governmental regulations that it would lose the creativity that is the heart of the system?

Would the skyrocketing cost of public services drain so much tax revenue from the private sector that we would have virtually a state-controlled economy?

President Nixon warned against such a development in a recent press conference, when he said:

"Approximately 35 to 37 percent of the total income of the United States goes to taxes—that is, federal, state and local taxes. I believe that amount is high enough. I believe that when a Nation takes a substantially larger portion of the national income than that for taxes, then that Nation loses its character as a free private enterprise economy and turns over and becomes primarily a state-controlled and oriented economy."

Can there be doubt that other costs, as well as those of public services, will go up in megalopolies, that land prices will soar, and the cost of labor rise because of the higher costs of living and the intensified use of labor, which increases bargaining power?

All this raises the question of the future productive efficiency of American industry and its ability to compete in the world market in the years ahead. Will inefficient patterns of urban growth have the effect of locking industry into an obsolescent and unproductive nationwide layout?

Under all these conditions, will our manufacturers be able to compete in an integrated world market as well as with foreign imports in our own domestic market?

ALTERNATIVES

All of these questions boil down to one.

The overriding question before the Nation is this: Shall we let haphazard and chaotic urban growth create almost insoluble problems for our people, for government and for industry? Or shall we adopt the President's farsighted proposal for a national growth policy?

Under the first alternative, every man is for himself, without regard to the effect on others or to the total effect that the combined actions of all have on us all.

Under the second alternative, business and government at all levels—federal, state and local—cooperate under fair rules equitably applied, to build an urban system that is not only productive, but also enhances the quality of life for our people and their children into and beyond the year 2000.

We know which of these crossroads to take, and the President has suggested ways government can help lead.

"In the future," he said, "government decisions . . . should be made with a clear objective of aiding a balanced growth.

"In particular, the Federal Government must be in a position to assist in the building of new cities and the rebuilding of old ones."

The policy thus recognizes that the disadvantages of megalopolis clearly do not apply to cities of viable, manageable size. Such a modern metropolis could offer society opportunities for intellectual, cultural and material progress obtainable nowhere else.

The key words here are "cities of viable, manageable size," and that is something quite different from what we can expect if things are allowed to continue on the past course.

ADVANTAGES OF METROPOLIS

Consider what the good qualities of life can be if future cities do not grow beyond such "viable, manageable size."

Through personal contacts, its residents benefit from the exchange of ideas and experiences. As consumers, they enjoy greater freedom of choice in products, and as workers they have a wider choice of occupations. And they can enjoy a greater variety of cultural and recreational facilities.

For business, the metropolis offers a wide range of specialized skills and services unobtainable in small towns. Business can draw on a pool of talent in management, law, accounting, marketing, science and technology. All are essential for business success in the increasingly complex industrial process.

To preserve these advantages of the city without incurring the liabilities of megalopolis, we will not only build new cities from the ground up but also undertake to expand our present small cities into much larger entities. We cannot assume that there will be a need for keeping very many people back on the farm. And we should not want to have the large cities get larger.

A report by the National Commission on Urban Growth has suggested the creation of 100 new communities averaging 100,000 people each, and ten new cities averaging at least one million persons. That's a total of 20 million people—only one-fifth of the 100 million we expect in the coming 30 years. If we built new cities for all those 100 million, we'd have to build a city of 250,000—about the size of Tulsa, Oklahoma—every month between now and the year 2000.

PLANT LOCATION

In dealing with where industry chooses to locate new plants, we come to the very heart of the urbanization process. For the modern city will remain, above all, an economic unit organized by the commercial and industrial process. It is a gigantic labor saving device which vastly incerases man's productive capacity. As it grows, it is held together by many other social and cultural forces, but its primary focus is as a place to produce or to provide services.

As far as I know, it has never been decided which comes first—whether people go where the jobs are or industry locates where the people are. But we do know that the two go together—and the policies of both public and private agencies must be coordinated to bring them together on a common meeting ground that is best for them, as well as the Nation as a whole.

GOVERNMENT ASSISTANCE

Now how can government contribute toward this end? What are some of the policy instruments it can use to influence the location of people and industry so as to develop a healthy pattern of urbanization?

Already, several government programs promote such a development. Our Commerce Department's Economic Development Administration helps through loans and grants to build industrial parks and to help industries get started in selected growth centers. So do its Regional Commissions, with somewhat wider concepts of economic development. The Small Business Administration also provides assistance to business in developing areas.

Realistically, if we are to expect business to help achieve population dispersal, government should help assure it an opportunity to make a fair profit in such locations. Possible new incentives include investment tax credits, liberalized depreciation allowances, and man-power training supplements. Business expenditures for new plant and equipment even now are running at an annual rate of early $80 billion. If such incentives could channel an increasing portion of future investment into areas that would help achieve a better balance in urban growth, the whole Nation would benefit. The incentives themselves would constitute a national investment in higher productivity that would pay handsome dividends indefinitely.

Another important assist is highway building, which serves the transportation needs of both industry and employees. Our great Interstate System, begun under the farsighted leadership of President Eisenhower, has already helped in dispersing industry. And its impact will grow, as it is completed in the next four years. Extension of the System in conjunction with other transportation facilities will probably need to be a basic part of the Nation's future urban growth policies.

Third, government might locate its own facilities and buildings so as to influence healthy urban growth. Many government activities have already been decentralized, and this trend should continue according to a carefully drawn plan.

NEW COMMUNITIES

Finally, there is the exciting potential for government assistance in the building of entirely new communities. The Administration has recently made its first move of this type in Jonathan, Minnesota.

In the beginning of our history, the settlers developed a strong tradition of building carefully planned communities. Here on this virgin continent was the opportunity to correct the accumulated mistakes of centuries of unplanned city building in Europe. William Penn in Philadelphia; General Oglethorpe in Savannah, Georgia; George Washington and Thomas Jefferson in our Nation's Capital, were among the farsighted men who ordered the development of streets and parks and living space according to master plans.

But during the last century and a half, this tradition was allowed to lapse, and most of our cities grew without design. Today, our mushrooming population has stimulated a revival in this long-dormant art of city planning and building. There are several notable recent examples in California and around Washington, D.C. I am convinced that this movement to construct entirely new communities offers great promise in achieving balance in the Nation's development. Government should encourage its acceleration in every way possible.

POLICY DIRECTIONS

These, then, are the three directions in which our national growth policy should develop:

First, the building of new cities away from today's great metropolitan areas.

Second, planned expansion of our present small cities in ways that will not result in their linking up to form additional unwieldy concentrations.

And third, discouragement of further growth of present large cities so that they can be modernized to meet the needs of the next century.

In combination, these three developments will enable us to provide constructive answers to many of the questions I have raised about the consequences of unplanned megaloplitan growth.

We can more easily contain crime and make our streets safe for all our people.

We can restore in our young people a sense of pride in America, a feeling of community and belonging.

We can preserve open spaces for recreational purposes.

We can more readily cope with air and water pollution.

We can ease traffic congestion.

We can develop strong, responsive, and efficient local government that can better provide adequate public services such as fire and police protection, waste disposal, power and water facilities, schools and health facilities.

We can prevent the wasteful diseconomies of unmanageable local government, and hold tax collections within reasonable bounds.

We can better preserve the creative character of the free enterprise system by preventing its entanglement in the red tape of bigger regulatory agencies.

And we can enhance the competitive ability of American industry by maximizing our productivity potential through a more efficient distribution of the industrial process.

BUSINESS RESPONSIBILITIES

In making these tasks, there are unprecedented challenges and opportunities for American business.

The first—and probably foremost—is business' contribution to the building of new cities and renovation of old ones. Urban development offers a wide and growing market for new corporate starts, and new directions for established companies which are seeking additional opportunities. Some of this is already taking place.

Second, to meet the challenge of city building, business should emphasize more than ever the values of research and technological development. Its major thrust should be in the field of civilian technology, concentrating on systems and products which will be required for quality in urban living.

Third, business must expect to be more cognizant of the necessities for protecting the environment from pollution, and from a depletion of our minerals and other natural resources. The wise location of new industrial plants can make a major contribution in this area.

Fourth, business should be more keenly aware that its many new products for the consumer must maintain the highest standards of safety and reliability, always within a price range that the consumer can afford. A balance must be struck, of course, in order to prevent unrealistic standards from defeating the needs of both the consumer and the producer.

Finally business should engage in longer range planning to cope with a shifting economy. Annual budgets and five-year plans are inadequate in an age of such complexity and change. Today's rocket speed requires that our foresight illuminate the future not years but decades ahead.

Nowhere is this foresight more urgently needed than in planning for a balanced distribution of the 300 million Americans in the year 2000. In his bold proposal for a national growth policy, President Nixon has placed this among our highest priorities. Now it is up to business and government at every level—federal, state and local—to implement and carry forward this farsighted policy.

ATHENIAN OATH

Can we accomplish this challenging and critical task? That depends on whether each of us individually and collectively in his own city, is willing to make this resolve:

"We will ever strive for the ideals and sacred things of the city, both alone and with many; we will unceasingly seek to quicken the sense of public duty; we will revere and obey the city's laws; we will transmit this city not only not less, but greater, better, and more beautiful than it was transmitted to us."

The men of Athens who took this oath two thousand years ago had as their objective the building of one city. In accomplishing it, they also created the Golden Age of Pericles and laid the foundation for Western civilization.

CONCLUSION

Our objective is also city-building. We know that science and technology have multiplied our strength a thousand-fold over that of the Athenians.

But do we have the wisdom, the resolve, the capacity for cooperation, the love of country, that will not only enable us to build the city—the livable city—but to light the way for the march of civilization into the third millenium?

That is the principal question before America today. It can be answered only by the full collaboration of enlightened government and the constructive potential of American business.

[From the Wall Street Journal, March 2, 1970]

DANGER: ANTHILLS AHEAD

In this time of talk about national priorities, we ought not to forget one that should be very high on the list: Preventing the nation from degenerating into an anthill society.

That phrase has just been revived by Commerce Secretary Stans in an exceedingly grim warning of what could happen to America in the next 30 years or so. Assuming the population is not decimated by such traditional specters as war or plague, the total will be some 300 million Americans by the year 2000, 85% of them urban.

So if nothing is done, Mr. Stans said, the prospect is a sprawl of "vast megalopoli" whose problems may well dwarf present urban worries. "It is not very pleasant to contemplate what such an anthill society would mean to this nation."

Among other likely evils: Sharp increases in congestion, pollution, crimes and youthful alienation. In addition, local governments might become increasingly unable to deliver services and even disintegrate, leading to "megalopolitan" government with powers approaching those of a police state. Skyrocketing costs of public services, moreover, could drain so much tax revenue as to produce practically a state-controlled economy.

Perhaps the worst is implied in a question posed by the Secretary: "What quality will the pressures, frustrations and congestion of megalopolis impart to the character of future Americans?"

There is already enough congestion and related ills in some urban areas to provide an inkling of the answer. As tempers fray in the

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anthill, mutual hostility could reach dangerous levels. As the simplest activities become increasingly difficult, life may come to many to seem not worth living. The ideal of man as a creature capable of nobility (along with his innate evil) may gradually become but a dim memory.

While the warning is grave, Mr. Stans does not believe this nightmare future is inevitable—nor do we, although we are not overly sanguine that governments, businesses and individuals will bestir themselves to do enough of the things necessary to prevent further deterioration. Yet in theory at least, even if one accepts the extrapolation of a 300-million population by 2000, there are ways to avert the catastrophe. (Some demographers, incidentally, are beginning to suspect that the growth may not be that large.)

Our approach is to develop an urban policy based on the concept of cities of "viable, manageable size," cities that could avoid the mammoth problems of megalopolis but still offer intellectual, cultural and material opportunities. In this policy, the further growth of present large cities would be discouraged, so that they could try to modernize to meet future needs.

But would not all this entail an unacceptable degree of governmental compulsion? Not necessarily, in the Stans formulation anyway.

Government, for example, could furnish incentives like investment tax credits, liberalized depreciation allowances, highways that tend to disperse population, planned decentralization of government facilities and continued assistance to new communities. Businesses should be urged to participate in the construction of new cities, to develop systems and products that will be required for quality in urban living and, of course, to vigorously pursue pollution control.

We would add that the individual and the family plainly have a heavy responsibility too. The hope ought to be to make that prediction of a 100-million accretion by 2000 not come true; failing that, the family should be concerned not to build the base for huge new population increases after that date.

The responsibility falls especially on the growing numbers of younger people, the family-makers of the years ahead. Many of them profess to be deeply perturbed about the damage being done to the environment (whether this attitude is just one more fad is hard to say). If they are concerned, they should think carefully about family size, in the hope of mitigating the excessive population that is at the root of most of the existing and threatning urban and environmental ills.

The more pessimistic Americans believe that nothing will avail, that society is headed on a suicidal course. It need not be so, but if increasingly intolerable conditions are to be avoided, a considerable and conscious effort will be needed. We still have time, but not much, to reject the anthill society.

SPEECH BY THOMAS P. TURCHAN

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1970

Mr. RODINO. Mr. Speaker, in the trade bill sent up to the Congress last November and in the recent report to the Congress on U.S. foreign policy for the 1970's the administration has proposed repeal of the American selling price method of customs valuation on certain chemicals in the expressed hope "its elimination might open the door to further reductions of barriers to U.S. exports." The use of the term "might" indicates that hope would be an extremely weak reed upon which to rest our country's economic interests.

Let us look at the record. In the Kennedy round negotiations the United States consented to lower tariffs 50 percent in the chemical sector in return for which our European industrial competitors reduced their tariffs by only 20 percent. The reduction on their part was subsequently negated to a large extent by an increase in border taxes which has in actuality added to the landed cost of American chemical products in European markets. It is, after all, the landed cost of U.S. products in those markets which greatly affects the ability of American producers to compete.

Now the Congress is being asked to worsen the competitive disadvantage of U.S. chemical manufacturers by removing the American selling price valuation of imports and further reducing tariffs beyond the 50-percent limit authorized by the Congress in the Trade Expansion Act of 1962.

In return, the nebulous and tenuous hope of trade concessions by our European industrial competitors is being offered as reason for the Congress to act. This is certainly unconvincing grounds for exposing American producers and thousands of our workers to probable damage from import competition.

Further, European producers are able to rationalize production and achieve economies of scale with attendant competitive advantages through cartels and other practices prohibited by U.S. antitrust laws.

The Kennedy round's separate agreement in the chemical sector was a bad bargain for the United States. Ratification of the separate package will not only worsen an already one-sided deal but it may do irreparable harm to the American benzenoid industry which is the seedbed of new products and whole new industries. Its importance as a fountainhead of new technology and new industrial growth goes far beyond the economic parameters.

Rather than weakening this vital industry, we should be working to strengthen it. For one thing, its growth would improve employment opportunities for minorities. In New Jersey, for example, many Negroes are employed in gainful jobs in the production of dyes and other benzenoid chemicals. It makes little sense to spend public money to train and widen employment opportunities for minority workers on one hand while pursuing a course which will shut down plants which can and do provide work for minority groups.

I believe in and have worked for a prospering trade with our world neighbors. As President Kennedy so aptly put it: "A rising tide lifts all the boats." Liberalized trade which insures fair and equal access to markets buoys the world economy.

I submit, however, that the surest way to turn the nations of the world against continued liberalization of trade is to strike bar bargains which will do injury to our industries and workers or those of our industrial competitors. The separate agreement is not equitable, as Mr. Thomas P. Turchan, president of the Synthetic Organic Chemical Manufacturers Association, clearly pointed out in a recent speech at the Chemical Forum here in the National Capital.

Mr. Turchan's remarks to the Manufacturing Chemists Association will be of great interest to my colleagues in the House of Representatives because of their relevance to legislation which may receive congressional consideration. The text is included in full:

SPEECH BY THOMAS P. TURCHAN, PRESIDENT OF THE SYNTHETIC ORGANIC CHEMICAL MANUFACTURERS ASSOCIATION, AT MCA CHEMICAL FORUM LUNCHEON, FEBRUARY 17, 1970

I was indeed pleased when Jim Morton asked me to speak on the ASP separate package agreement at your luncheon meeting today. SOCMA and MCA have been working together for some time now in opposing this unreciprocal agreement.

All of you, I am sure, recognize that decisions in the international trade area are of critical importance to the United States chemical industry. Many of you, in fact, are probably spending a considerable portion of your time on the more important trade issues facing our industry and our nation in the decade ahead—feedstocks, export incentives, rules on foreign investment, non-tariff barriers, and so on.

If one looks at all of these in a broad sense, it is clear that their objectives are to put us on a more nearly competitive basis with other major nations in the international marketplaces of the world. The practical equity and reciprocity we are seeking are absolutely essential and are required *now* if we are to have any chance of stemming the very serious downtrend in our commercial trade balance and in our balance of payments. Instead of looking to see what more the United States can give away, I am convinced that we have long since passed the point where we must not only ask for but must insist on equity and reciprocity in any dealings with our international trading partners.

Our $7-billion balance of payments deficit last year was the worst in America's history. Our deficit position has become a chronic one and one which will continue into the foreseeable future unless this country can, among other things, find some way of strengthening its competitive trade posture. We must find a way to turn last year's $2-billion commercial trade deficit into the type of surplus our nation once had. Remember that we had a commercial trade surplus of over $4-billion as recently as 1964.

Just last month, Chairman Wilbur Mills of the Ways and Means Committee noted that:

"Somewhere along the line we seem to have dropped the word reciprocal in describing the trade agreements program. The approach that has been taken in dealing with some of the foreign trade problems of our domestic industries in recent years has led me to believe that we sometimes forget the need for adhering to the idea of reciprocity."

I can assure the Chairman that if our trade negotiators had listened to the Congress and had not forgotten the importance of requiring reciprocity, we would not be facing the serious trade and payments problems which are plaguing this country today.

More importantly, there would be no ASP separate package agreement and therefore no need for my being here today to speak to you.

Unfortunately, there is such an agreement and it will be taken up by the Congress within the next few weeks. I hope today to give you a brief picture of what the separate package is all about. Please keep in mind that the issue before Congress in 1970 is not whether to retain ASP but whether or not a specific trade deal—the separate package agreement—is good or bad for the nation.

As the former U.S. Special Trade Representative, Ambassador Roth, told the Ways and Means Committee in 1968, and I quote, "we said both the Kennedy Round has to be balanced and reciprocal and this package has to be balanced and reciprocal . . . It has to be judged on its merits."

I have to admit to some difficulty in understanding how the Kennedy Round deal can be considered balanced and reciprocal—with us cutting tariffs by 50% and getting only 20% cuts in return. In fact, here I should point out that even the 20% reduction which the Common Market has already made has not resulted in any real benefit for most of our chemical exports to them. A table released by the Common Market actually shows that because of the EEC's harmonization process the average tariff on chemicals entering Germany and the Benelux countries turns out to be higher after the so-called 20% reduction than it was before. This is particularly significant when you recall that Germany and the Benelux countries account for over 70% of U.S. chemical exports to the Common Market and about half of our exports to all of Europe.

My predecessor as President of SOCMA, Jim Mahoney of Monsanto, expressed hope before the final Kennedy Round negotiations began that the United States would not again trade a horse for a hare. Our trade officials promised him that they would not only get us a horse but that it would have a tail as well. Well, we got the tail all right, but it doesn't seem to be attached to anything.

We do agree, though, with the position that the separate package agreement must be considered on its merits—is it truly balanced and reciprocal and what effect will it have on our industry and on the nation? Surprisingly, our *new* Special Trade Representative, Carl Gilbert, appears to disregard the merits, or lack of them, of the agreement in urging the Congress to pass it on the basis of its "symbolic importance." Such reasoning or, more properly, such lack of reasoning helps explain why our international trade position has deteriorated so badly in recent years.

But let me get back to the agreement itself and in the short time I have this afternoon, try to cover some of the most important reasons we believe Congress should firmly reject the separate package.

First, let me point out that our negotiators agreed to this deal with no authority whatsoever from the Congress. The Trade Expansion Act was quite explicit in limiting their authority to tariff reductions alone and even then they were not authorized to make reductions of more than 50%. Our negotiators exceeded both of these limits in the separate package. Even worse, they acted directly in the face of Senate Concurrent Resolution 100 which specifically told them not to do exactly what they did do—negotiate an "ad referendum" agreement on ASP and then ask Congress to approve it.

Our trade officials had the authority to cut tariffs by 50%—and they used every bit of this authority to cut the protection for benzenoid chemicals in half. Since a reasonable period of time has elapsed, we can begin to judge the real effects of these cuts, rather than theorize on them. We find that benzenoid imports have jumped 50% in just two years as the first two 10% cuts were made. You can imagine what imports will be by the time the remaining three reductions are in effect.

What is frequently overlooked, despite our best efforts, is that passage of the separate package agreement will not only eliminate ASP, but will also further reduce tariff protection for most benzenoids far beyond the Kennedy Round's limit of 50%. Indeed, the tariff for most benzenoid chemicals produced in the United States would be reduced by more than 60% and some would be cut by more than 80%. In fact, this is one reason the AFL–CIO opposes approval of the separate package. They do not believe any American industry should be forced to live with tariff reductions of more than 50%.

Strangely enough, the package would actually raise some tariffs—on benzenoids *not made* in the United States. Here, where we obviously need less protection and where our government could have been more generous in offering duty cuts, tariffs will be increased by as much as 50% if this deal goes through. So what do we have—significant new reductions where we need the protection and higher tariffs where we do not. What kind of economic sense does this make?

The effects of these additional tariff reductions will be far reaching for many segments of the chemical industry. Imports will certainly increase even more rapidly than they are increasing today. The larger companies will be forced to make some hard decisions with respect to those chemicals they can no longer profitably make in the United States. Some products and product lines will be dropped. Others will be imported from company plants abroad. And, in some cases, the market will simply be turned over to foreign producers. There will be increasing pressures on decisions about new capital investment. Investment in non-profitable benzenoids will simply not be made and, in some cases, investments will be made in plants abroad, rather than in the United States.

Smaller companies, particularly those producing a limited line of benzenoids, will have much more trouble adjusting. We are certain some simply will not be able to adjust and will disappear. Others will become distributors in order to survive, buying chemicals abroad and reselling them in the U.S.

Most importantly of all, a good part of the incentive for growth and investment in benzenoids in this country will disappear. We believe this is particularly harmful in view of the benzenoid industry's recognized role as a seed-bed of new products for the total American chemical industry.

By the way, when we talk about injury to our industry, we believe our trade officials have evidence that strongly supports our own economic analysis. More than three years ago, the U.S. Tariff Commission provided our negotiators with its best judgment of the injury which would occur if ASP were eliminated and tariffs reduced by 50%. Yet in Congressional hearings in 1968, the Office of Special Representative for Trade Negotiations persisted in its refusal to release the Commission's findings and conclusions. I fail to understand how the STR office thinks it can convince Congress to approve the separate package agreement without making public the Commission's views as to the economic effect of such action. Nevertheless, our negotiators are still keeping this report under lock and key.

Another clear indication that we know what we are talking about can be seen in the comments made abroad when the deal was announced. Business Week reported that "Germany's big chemical makers are rubbing their hands in anticipation." One spokesman even commented that "we feel like a little boy who has been promised an electric train for Christmas."

A leading British trade analyst noted that "the effect of the EEC's chemical cuts will be marginal, of Britain's relatively small . . . The real difference to world trade is likely to arise from the offers, absolute and provisional, made by the United States. If Congress agrees to the necessary legislation, the prospects in the United States market for British and Continental producers of benzenoid chemicals will be revolutionized."

In fact, even the chief EEC negotiator could not restrain his satisfaction when he told reporters, "the U.S. finally gave way on chemicals for which we, of course, had to give a few concessions. But all in all, we are particularly happy about the outcome in that particular sector."

Our Association went beyond studying just the impact on U.S. markets. We specifically asked our members whether the 30% reduction in European chemical tariffs was worth the abolition of ASP and further reduction in excess of 50% which would be required under the separate package.

Facing up to this issue, our member companies studied the separate package very carefully and came up with the answer. It was clear, it was unequivocal. The answer was an emphatic no and the reason was simple. A 30% reduction by foreign nations would not begin to generate as much additional export trade for the United States as our further duty reductions would provide for additional imports into the United States.

In this context, it is important, and significant to note that the separate package agreement is opposed by the AFL–CIO, the International Chemical Workers Union, the Oil, Chemical and Atomic Workers, District 50 of the United Mine Workers, SOCMA, MCA and the Dry Color Manufacturers Association, dozens of union locals, individual chemical producers, state and local officials, and others. These are the people our trade officials say the agreement will benefit—yet they are unanimous in their belief that it is unreciprocal and will hurt far more than it will help.

There are several other concessions the United States has offered in the separate package which do not involve ASP. For example, there are a reasonably large number of non-benzenoid chemicals which will have their duties reduced an additional 30% if the deal goes through. In addition, there are several other products where Europe wanted cuts of more than 50%. These were added to this agreement because our negotiators had no authority to make cuts of that size. These also are chemicals not involved in ASP.

Let me just take a minute to summarize our part of the deal. If the separate package passes, ASP will be eliminated, tariffs on benzenoid chemicals made in the United States will be further reduced, tariffs on benzenoids not made in the United States will be increased, and additional tariff reductions made on a number of non-benzenoid chemicals.

In exchange for this, we get the reduction abroad currently being held "hostage" by our trading partners—the remaining 30% we have already paid for with our 50% across-the-board cut in the Kennedy Round.

In addition, our negotiators claim to have obtained concessions with respect to several foreign non-tariff barriers. But these are far from what they seem.

One such concession—on the automobile road tax—is illegal under GATT and the Trade Expansion Act prohibited our negotiators from paying compensation for the removal of such illegal barriers.

On the concession with respect to the Commonwealth preference on tobacco, even the Agriculture Department's representative had to testify in 1968 that there is now a seller's market in the UK because of the sanctions against Rhodesia. He admitted that once the British remove these sanctions our tobacco exports to the UK will fall 50% irrespective of this alleged concession.

Finally, our negotiators were so embarrassed by an alleged concession offered by the Swiss that they purposefully neglected to mention it in their testimony before the Ways and Means Committee. It was hardly a concession and could be more easily interpreted as being a rather unpleasant and, I might add, unjustified threat against American fruit packers.

Our trade officials have failed in their efforts to demonstrate that there are more benefits than detriments in the separate package agreement. Indeed, just last week in an interview with Chemical Week, our chief negotiator acknowledged that retention of ASP was in the interests of our *entire* industry in the short term. Given a few more months our negotiators may even come to agree with us that it is in the long term interest as well.

However, unable to demonstrate reciprocity, our negotiators have now begun to take a different approach. In a speech before the National Foreign Trade Council, Mr. Gilbert has called for elimination of the American Selling Price system because of its "great symbolic importance" to our trading partners and in order to get the Europeans to believe "the United States is really interested in negotiating the reduction of non-tariff barriers." Our efforts to remove foreign non-tariff barriers can hardly succeed if we plan to negotiate on such a basis.

Surely our trade negotiators must be aware that, since the Kennedy Round, our principal trading partners have adopted border taxes, variable levies and other non-tariff barriers which have thoroughly undermined the value of the tariff concessions for which we paid so dearly in the Kennedy Round. Yet the foreigners have now somehow been able to convince our trade negotiators that, because of ASP's "great symbolic importance", we must eliminate it before they will even sit down with us to negotiate on these issues.

But we, too, can put it in terms of symbols—the separate package agreement has become a symbol of the failure of our negotiators to obtain reciprocity in the Kennedy Round. The late Senator Dirksen was quite prophetic in pointing out the symbolism in the ASP issue in hearings before the Finance Committee a couple of months before the negotiations were concluded. He said:

"I am concerned by all of these factors that indicate we are not going to be able to obtain reciprocal concessions out of the Common Market in these negotiations. But our failure to stand up to the Europeans on this ASP issue simply goes one step too far. It is fast becoming the symbol of the extent to which we are allowing ourselves to be outbargained in these negotiations."

I can assure our trade officials that American Selling Price is of more than great "symbolic" significance to our industry and its over 125,000 workers. Moreover, I am sure that these officials and our trading partners are well aware that Europe's variable levies, border taxes and export rebates are of much more than "symbolic importance" to our farmers and our manufacturing industries.

I believe it is important that we obtain a meaningful reduction in these significant foreign non-tariff barriers. From a tactical standpoint, however, I find it difficult to believe that anything meaningful can be accomplished if we commence negotiations by "giving away" the principal item of interest to our trading partners simply in order to get them to agree to sit down and talk with us. The United States clearly has little to gain and much to lose if negotiations are conducted on such a basis. Our important trade and payments balances can no longer afford this one-sided type of bargaining.

If we can just get our message across to Congress, if they can be helped to understand the real issues in this matter, I fail to see how serious consideration can be given to an agreement as unreciprocal as this one. It will, however, take hard work on the part of our industry to see that the real issues are understood and we look forward to working with you to see that they are.

In closing, I would like to leave you with this thought. There can be no liberalization of trade without reciprocity. Our balance of trade and balance of payments cannot stand it. Strong as we are, we cannot be expected to compete with the rest of the world while we have one hand tied behind our back. Our country's trade record over the last five years proves this.

Thus, the issue presented by the separate package is not an issue of free trade versus protectionism. The issue which the Kennedy Round and these chemical "deals" poses is whether we can afford to make trade concessions without reciprocity; whether we can afford to liberalize trade when our trading partners are doing just the opposite. We believe that the answer to both of these questions is "No"! The only way our industry, its workers and the Congress are going to get reciprocity is by demanding it. There can certainly be no better place to start than by rejecting the separate package agreement.

I appreciate the opportunity of being with you here today.

UNDERSTANDING THE SILENT MAJORITY

HON. DON. H. CLAUSEN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1970

Mr. DON H. CLAUSEN. Mr. Speaker, recently I received two letters from my district which, in my judgment, contribute immeasurably to a better understanding of the so-called silent majority.

One, from Mrs. Ruth Barrong of Eureka, Calif., defines the silent majority in clear and unmistakable terms. After reading this letter no one should doubt that there is indeed a "silent majority."

The second, which I received from Mrs. Richard Kinney of McKinleyville, Calif., depicts the feelings of many regarding demonstrations.

I am including both of these letters in the RECORD so that my colleagues might have a clearer understanding of the thoughts of this group called the silent majority.

The material follows:

NOVEMBER 17, 1969.

Congressman DON CLAUSEN,
Washington, D.C.

DEAR MR. CLAUSEN: As a member of the "silent majority" I no longer wish to remain silent. This letter is prompted by a remark made by Senator Edmund Muskie while delivering a speech in Los Angeles that there is no such thing as a "silent majority"—it is a "mythical" creation.

I am a 48 year old working wife and mother of three who, together with my husband, has worked hard to provide for our family. We are striving to make honest, useful citizens of our children. We love our country and appreciate how fortunate we are to have been born here. We have deep respect for our flag and deplore the actions of those who would desecrate it. We try to respect the rights of others, even though their ideas may differ from ours, but we do not feel that the riots, dissension, destruction so prevalent in our country today was intended as a "freedom" guaranteed by our Constitution. We do not condone the Vietnamese conflict any more than any war our country as been engaged in, but we try to back our Presidents (regardless of political affiliation—my husband and I are of separate political parties). We feel President Nixon is sincerely striving to bring about an honorable solution to the present strife and we are at least willing to give him ample time to do so.

We are thankful that at last we have someone in public office who has the "guts" to stand up and say in public what so many of us are unable to say—what needs to be said. Thank you Mr. Vice President. We support you in your views on the dissenters and the news media.

Because we are so busily engaged with our jobs, home and families that we and countless others like us have little time left over for demonstrating, rioting, etc., aren't we "members of the silent majority"? I would say so.

Respectfully,
MRS. RUTH MAXENE BARRONG.

MCKINLEYVILLE, CALIF.,
February 16, 1790.

Congressman DONALD H. CLAUSEN,
House Office Building,
Washington, D.C.

DEAR CONGRESSMAN CLAUSEN: Thank you for your letter of February 11, 1970. I am deeply pleased that you used the letter from the young soldier in the text of your Veteran's Day speech. I, too, found it deeply moving and am not ashamed to admit that I found tears flowing as I read it. Your entire speech was very moving, and I shall share it with all of our friends.

As a follow-up to the peace march, in which there was some local participation, there were letters in the local newspaper both pro and con. One was from a young man who was perturbed because the Eureka City Council refused to allow some segment to fly a Viet Cong flag. He wrote to the paper about it, feeling somehow that a right of his had been violated. His letter was just too much for this old gal to stomach! The following is a copy of my letter to the newspaper, which they printed:

"Re: Peace marches, demonstrations, moratoriums.

I do not have to believe in the war in Vietnam or any other war for that matter, but as long as there is one American soldier defending my peace anywhere in the world, he has my vocal and prayerful support!

Those of you who say we do not belong there—perhaps boundarywise we do not, but God taught me that I am my brother's keeper—if a man falls, I offer him a lift; if a man is threatened, I offer him my protection. Those of you who are so quick to yell for peace—peace at any price—don't include me or mine in your cut-rate deals. Peace comes high, and it is priceless!

For those of you who still do not understand my position, let me clarify it: I pledge allegiance to the flag of the United States of America, and to the republic for which it stands, one nation, under God, indivisible, with liberty and justice for all."

Needless to say, my letter brought a reaction, not from the first young man, but from another. I am sorry I do not have a copy of his letter, but the essence of it was that since I was not doing anything to help out the war in any way, why didn't I just keep my mouth shut. Not in those words, of course, but the message was clear! I pondered his letter for several days; at first I was angry, but then I decided on my answer, which was also printed in the local paper. The following is a copy of it:

I read with much interest and quite a bit of confusion the letter from the young man in Arcata who apparently did not share my views on peace marches, etc. After reading his letter a couple of times it occurred to me that due to his young age, he did not understand what I had written. Both of us want the young men brought home from Vietnam. However, I believe that the peace marches and moratoriums and the like give the North Vietnamese the finest type of propaganda for

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their cause. I do not support them for this reason.

The young man wondered what I was doing to support the young men in Vietnam, since it occurred to him I was doing little or nothing. Son, there is not a whole lot I can do, but I do the one thing that I believe has more power than any peace march or anything else along those lines. I pray to God for His protection for the soldiers; for His divine guidance for those whose job it is to get this atrocity of a war ended. And one more thing—I am raising—trying to raise my 12 year old son in such a manner that if he is ever called upon to face a similar situation to what these young men of draft age face now, he will undertake his duty with courage. I hope that he will face his tasks with faith in God and a loyalty to country that will make his father and I proud to call him son. All of you who support the peace marches and moratoriums, this is your choice, and thank God you live in a country where you are free to make that choice. Just be careful not to hide your heads in the sand when danger approaches."

I did not receive an answer to this letter. Perhaps I gave him food for thought; or perhaps he just decided there was no way to reach me. He was most assuredly right—I can listen to their point of view, but for every would-be reason they can offer me, I can offer them three on why their way will lead us deeper into conflict. I am proud that I received over 40 phone calls on my letter, plus all the people I've spoken to personally about it. My pride is not in that I wrote the letters, but in that there were so many people who felt the same way, and wanted to take the time to tell me that they agreed with me. Forgive me a little vanity, but I feel that I feel American. I feel a deep kinship with the young soldier who wrote that most moving letter. There is not now, nor will there ever be, a generation gap between those of us who love America and the freedoms she offers first, and life second.

Sincerely,

Mrs. RICHARD K. KINNEY.

RELIGION AS A COLD-WAR WEAPON

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1970

Mr. DERWINSKI. Mr. Speaker, in too many quarters it has become fashionable to assume an ostrich-like posture toward the cold war, as though it does not exist in all its expanding ramifications and depth on all continents of the world. The refusal to face facts and to delude oneself are conditions long associated with the human race. The great danger of these for a national body is that the Nation stands to lose its independent head if this illusion were to become standard and generally accepted.

A very revealing article on the Russian use and manipulation of religion as a cold-war weapon appears in the winter issue of the Ukrainian Quarterly. Authored by Dr. Lev E. Dobriansky, of Georgetown University, the article is titled "Religion as a Cold-War Weapon" and documents the propaganda play of the controlled Russian Orthodox Church in the Consultative Conference on Arms Limitation held in St. Louis last fall. For those who still can face facts and have not lost the courage to deal with them, I most heartily commend this eye-opening article for their studied reading:

RELIGION AS A COLD-WAR WEAPON

(By Lev E. Dobriansky)

Although some consider it unfashionable nowadays to speak of the Cold War, the clear fact is that we are more intensely in it than ever before. The reality of the Cold War need not always be punctuated by tense international conditions, unremitting propaganda outbursts, and loud and vociferous threats and counterthreats. In fact, these and similar phenomena considerably warm up the Cold War and could lead to an excessively hot war. Thus, logically, the reduction or avoidance of such warming-up conditions is itself an operation of the Cold War, where the goals and intentions are the same, the warlike spirit is coldly undiminished, but more subtle methods of infiltrating, sowing seeds of confusion, capitalizing on ignorance, and no doubt gaining some measure of agreement and consent from those who have fallen prey to the calculated maneuver are employed. These techniques are by far more dangerous and actually typify the best instruments of Cold War play since the victims of the effort aren't even aware of being taken in. What colder operation in the Cold War could possibly be performed than this? Its intensity is, therefore, greater than ever before, with all its characteristics of cool deception, intellectual predation, and even obvious objective.

For a number of years now, under cover of the "peaceful coexistence" strategy, this approach has been Moscow's main thrust toward the West and particularly the United States. It has been reflected in all spheres, the political, economic, diplomatic, cultural, athletic, scientific and also the religious. The last is a solid case in point, and at that not a new one. In the 1930's Soviet Russian propaganda made deep inroads into the Protestant clergy in the United States, with its spurious perversions of Christian teachings in the mould of so-called Marxian idealism. The formidable Roman and other Catholic Churches were scarcely penetrated by this maneuver in that period. Today, the situation has changed markedly and considerably. Not only have numerous sections of Protestantism been again easily swayed by substantially the same operation, but also the firm anti-communism of the Roman and other Catholic Churches has been systematically undermined. What has been the strong, impenetrable moral fortress against the mythology of communism has itself fallen into disarray as a result of skillfully executed maneuvers by Moscow staged in circumstances of a refreshing ecumenical movement.

RUSSIAN ORTHODOXY AT WORK

Doubtlessly, the first reaction to this overall interpretation is one of skepticism, this despite much proof that exists in connection with Pope John's *Pacem in Terris*, the "cultural" conferences held on the encyclical, the meanderings of the World Council of Churches, and naive Protestant clerical participation in certain anti-Vietnam war demonstrations, detoured civil rights agitation, and youth disturbances. It is not my intention here to enumerate with explanation the evidence existing in each of these areas. For it to be treated in depth would require a brochure, not an article. Nor is it necessary to cover the waterfront when one pungent example, properly documented and examined, will reveal the nature of the beast.

Through a source I have given the presentations of representatives of "Christian Churches in the USSR" who participated in what was called "The Consultation on the Christian Concern for Arms Limitation" held in St. Louis, Missouri during the period of September 29–October 9, 1969. American Protestant and Roman Catholic representatives made up the bulk of participation, and quite a few evidently were moved by the Russian presentations. The USSR delegation consisted of the following: Bishop Juvenaly of Tula and Belyev, vice chairman of the department of foreign relations of the Moscow Patriarchate and head of the group; Pastor Ilya Mikhailovich Orlov, vice chairman of the department of foreign relations of the Baptist Union of the USSR; Pastor Ludvigs Sidrevics of the Evangelical Lutheran Church of Latvia; Archpriest Livery Arkadevich Voronov, professor at the Leningrad Theological Academy; Alexy Sergeevich Buyevsky, secretary of the department of foreign relations of the Moscow Patriarchate; Archpriest Matthew Sauvich Stadnynk, secretary to Archbishop Jonathan, Patriarchal Exarch of North and South America; Father Vladimir Sorokin, inspector of the Leningrad Academy and Seminary; Vasily Dmitrievich Sarychev, professor at the Moscow Theological Academy; and Vladimir Petrovich Kotelkin, translator.

In analyzing the papers delivered it would not be a harsh speculation to state that the key man of this delegation was Buevsky, the so-called secretary of the department of foreign relations of the Moscow Patriarchate. In fact, on the basis of the usual format of USSR delegations, he was probably the state security officer of the group, for aside from all the religious trimmings his paper could well have been prepared in the Kremlin. The three significant papers were delivered by the Russians of the group. It is interesting to note that the visitors publicized themselves as "The Representatives of Christian Churches in the USSR," whereas the official program prepared by the American clerical hosts has the caption "Russian Participants in USA–USSR Consultation on Arms Limitation." The Latvian is made into a Russian, and the American sheep are prepared for the dialectical slaughter. This in itself is an indication of the level of knowledgeability demonstrated by some of the American "consultants," divided into six "Protestant Participants" and ten "Roman Catholic Participants."

What is of prime concern to us is the line of trained argumentation revealed by the Russian Orthodox papers. Any one in the least familiar with the Russian Orthodox Church in the USSR knows that it has been and continues to be an important tool of the state. It was so under the autocratic Tsars, it has been and is so under the Red Kremlin. Entering into "consultation" without this basic knowledge would be the height of naivete. Having this basic knowledge, one can then readily deduce the type of arguments that would be offered even in the area of arms limitation, which is a crucial field for the Russian totalitarians who seek nuclear superiority and thus America's striking disadvantage in the titanic struggle enveloping the world. Before I had even read the papers, this tentative conclusion dominated my thoughts. What remains in such a "consultation" is the wishful consideration that somehow, somewhere, an impact will be made through personal contacts for what our clerics deem "the good," which is tantamount to political daydreaming in this contest for the stakes of the world, with or without a global hot war. Now for the exemplifying evidence.

CHURCH AND WORLD PEACE

Of the three selected papers the least obnoxious from an ideological point of view is the one delivered by Sarychev of the Moscow Theological Academy or Graduate School. The reason being that the paper is studded with innocuous theological quotations, biblical phrases, and generalities that hardly serve to meet the problem of arms limitation. Under the sub-chapter of "How to intensify the defence of the international peace, the professor begins with this exhortation, "Overwhelming love for earthly goods has led to self-flattery, self-devotion, and self-alienation from the same creatures, and it has become the content of sin and cause of sufferings of all the mankind since the times of the first man."[1] The translations were poorly done, but the papers are nevertheless intelligible. As one can expect in this vein, the professor informs his American counterparts that "the monstrosity of war is in the light of the Christianity the most clearly seen, as far as not only the sufferings involved are concerned but the complete perversion of the relations among men proclaimed by Christ. War, as mass murder and violence, is an act of extreme disobedience of the commandment of love as the true basis of life in the world."[2]

Much of the presentation is filled with this theological rhetoric. Not strangely enough, the rhetoric is not applied specifically, though its field of application would be the greatest for the Soviet Union itself. However, the professor does slip in several political and socio-economic notes that obviously gives away his supposedly elevated theological stance. For example, he says, "At present the Christians must intensify their social activities, to meet the needs of mankind and genuine progress—liquidation of ignorance, diseases, economical backwardness, and mainly, to strengthen the peace. Certainly, the Church can not be indifferent to these problems by its essence, and we see the efforts of some Churches to solve these problems."[3] Who are they in particular? Why, of course, those in the USSR. "In particular," he stresses, "there was held a conference of representatives of all religions in the USSR for cooperation and peace among nations, in July, this year, in Zagorsk."

No sooner was this said, immediately we are told: "We support and hope for a support of all the Christians the decisions of the Stockholm Conference on Vietnam, and we believe that the future Conference on European Security will be a success, as far as these two problems and the problem of settlement in the Middle East, arouse concern and trouble of those who understand and worry about the significance of human personality, justice and peace."[4] The slant of all this and more is that the Soviet Union itself is not responsible for Vietnam, the gravity of the Middle East problem, and the threat to Western Europe. These are ostensibly just self-engaging problems that must be settled peacefully. The fact is that in each case the Russian problem, involving the goal of world domination, basically underlies each of these problems.

Repeated experience has shown that when a Russian leader, Christian or otherwise, in the USSR makes "a fraternal appeal," at the very least be on guard. If you can't be guided by experience, then you deserve the consequences. After landing the otherwise irrelevant presentation with a few politico-economic generalizations—enough to indicate his anticipated position—the professor virtually concludes with this: "That is why we address the Christians of the United States particularly with a fraternal appeal to unite our efforts for making the part of the Christian in the struggle for maintenance and strengthening peace more significant."[5] As concerns the subject of "the consultation," this paper is almost completely worthless. Theologic rhetoric has its worthwhile place, but it can offer no concrete solution to the problem. A Russian willingness to allow inspection and neutral control for arms limitation and reduction would practically solve the problem. But such rhetoric is like the wind in the USSR. Moreover, the paper obviously shows the professor's hand when the misleading Stockholm Conference on Vietnam is involved. Peace in Vietnam would have been realized several years ago if the major Russian material support had not been given to the totalitarian North Vietnamese aggressor. The professor calls for "solidarity" of all Christians, but on what practical terms? He intimates totalitarian Russian terms.

PEACEMAKING PATH OF THE RUSSIAN ORTHODOX CHURCH

The next paper by Bishop Juvenaly brings us closer to home as to the real line taken by the delegation and the dominant motives of the group. The bishop of Tula and Belyev, it will be recalled, is vice chairman of the department of foreign relations and the ostensible or nominal head of the delegation. The paper is a series of historical untruths and distortions that the bishop felt he could get away with since the usual American audience is either unfamiliar or undiscriminating when it comes to Russian history, whether religious or otherwise. The effect intended is the reception of a fantastic image of a church long-suffering and completely devoted to peace. Unless the institutional death of others is construed as peace, the paper is clearly deceitful and actually an insult to the American consultants, whether they realize it or not.

An overstatement of the year initiates the bishop's historical presentation when he begins with, "It is impossible to embrace in a comparatively short report the whole peacemaking path of the Holy Russian Church."[6] Of course, many in that church, leaders and faithful alike, have sincerely and courageously prayed for and sought a true Christian peace throughout the world. No one can deny this, nor is this the issue at hand. If realism has any meaning, certain salient facts must be squarely faced. One is the powerful fact that the Russian Orthodox Church, as an institution, has been a tool of the imperial state, whether white or red, and as such has been deeply involved in religious genocide, Russification, and the expansion of Russian imperial power. Two, during the centuries of the Third Rome mania, the institution scarcely contributed to "peace" with its view of Western Catholicism and Protestantism as representations of the anti-Christ. Third, the church and its monastic branches held for centuries vast lands in the empire and could have on a net basis done far more to advance social justice, peace, and the happiness of the people than it did. The last general fact to be borne in mind is that to the very present the Russian Orthodox Church is riddled with state security men whose prime purpose is to manipulate religion as an efficient Cold War weapon. All of these overall facts are conveniently set aside as the bishop offers both fiction and half-truths to his American listeners.

In writing this piece I cannot help but recall the words of Professor George Fedetov, my old brilliant teacher and Russian scholar on Russian eccelesiastical history, "Be patient with individuals from Russian society but always be on guard with those who identify it with the traditional state." This wisdom of Christian realism applies here fully. A few representative examples of the distortions indulged in by the bishop will show the depth of this wisdom.

At the very start, the American consultants are treated to this fiction: "Since the times of the Grand Duke Vladimir (X century) the Russian Orthodox Church participated in reconciliation service and believed these activities as being an essential part of the Church mission of salvation."[7] Now this poppycock, suggesting a form of religious Russian imperialism, is clearly contradicted by known fact. At the time of Vladimir there wasn't even any formal body known as the Russian Orthodox Church. There wasn't even a political body known as Russia, which came into being many centuries later. Rus was not Russia. But our imperialist-minded bishop, who doubtless is familiar with the controversy on this point, presents his statement as one of definitive fact. He continues his fiction by saying, "It is known that the history of ancient Russia presented a grievous picture of independent principalities when during a long period it had no political unity." If he's talking about Muscovy, which is the origin of Russia, there is little need to quarrel with this statement. If he has in mind Rus and later Ukraine, as no doubt he does, the statement is nonsensical.

That we're dealing here with an ecclesiastic who, on the one hand, preaches fraternal "love" and "peace" (or more accurately, piece—and, on the other hand, fully—subscribes to official and forced Russian imperial historiography, can be seen from numerous other passages. For instance, "In the XIII century the Russian lands were invaded, first, by Swedes from the North West, then by German knights, and by the Tatarians from the East."[8] What "Russian lands?" Lithuania, Ukraine, etc.? The bishop would be hard pressed to produce an original map for that and other countries, showing "Russia" or "Russian lands." On page after page, he identifies Russia, by which he obviously now means Russian Empire, with "our Motherland." Thus, in the service of the state, the Russian Orthodox Church in 1812 "supported the people's heroic deed of struggle with Napolean" and the "Orthodox clergy widely participated personally in the defence of the Motherland in 1812."[9] This might have been commendable from the Russian point of view in resisting an invader, although carriers of the ideas of the French Revolution might also have transformed Russia into a more civilized state with long-run benefits to the Russian people and their church. From the non-Russian viewpoint, i.e. Lithuanian, Latvian, Ukrainian, etc., the unsuccessful Napoleonic endeavor was an historical tragedy. It meant their continued enslavement in the Russian Empire.

From a traditional American viewpoint, these so-called contributions to "peace" by the Russian Orthodox Church were contributions to the maintenance of despotic government, oppression of non-Russian nations, and the preservation of a tyrannical empire. Nowhere will you find in this or the other papers any reference to these crucial points or attempts by the Russian Orthodox Church to bring freedom, love and genuine peace to the subjugated non-Russian nations in the sprawling empire. Instead, as presented here, in "the war with the Germans started in 1914," the ROC served again the despotic state by taking "the most active part in the defence of the Motherland."[10] Again, in "the days of the WW II, the Russian Orthodox Church made everything necessary for the defence of the Soviet Motherland." For the majority non-Russian populations, both World Wars, tragic as they were, factually provided a political opportunity for manifold expressions toward national freedom and independence. The three Baltic countries managed to sustain their freedom—a word that is scarcely used in these papers—and flourished with it for two decades.

Pursuing the line of calculated vaguery, the bishop then stresses that "20 million lives have perished in that war" (World War II) and "it means that every tenth citizens of our country was killed in battlefields or tortured to death in the concentration camps."[11] The estimated figure is actually 25 million, and the factual and meaningful breakdown is between Russians and non-Russians who hailed from many countries in the imperial state of the USSR. USSR is no country; it is a forced state holding captive numerous countries and nations. The bishop evidently felt he could pan off the official propaganda on his unsuspecting audience and apparently did, but if you're a man of "peace," "love" and "Christianity," the credentials commence with truth first. For if truth is slighted, the others are just convenient nomers. Nowhere will the reader find in any of these papers any mention of the

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Footnotes at end of speech.

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Soviet Russian concentration camps which over three decades consumed lives far in excess of these deaths of World War II and easily dwarf Hitler's record before and during the war.

The remainder of the bishop's paper is a brazen indulgence in politics with interpretations slanted in favor of totalitarian Moscow. As every Christian well knows, sins of omission are at times graver than those of commission. Numerous German Christians spoke out against the barbarities of Nazism. We have yet to witness a Russian Orthodox leader condemn the far greater barbarities of Soviet Russian imperiocolonialism. Instead, in this paper repeated quotations are given of the appeals made by the Russian Patriarch not only to believers of the church but also to "Christians all over the world." For example, in 1943, "The Orthodox Church fervently urges all the Christians to pray to the God . . . to give the final victory . . . in order to annihilate for ever the very memory of inhuman teaching of fascism." What of the darker deeds of Red fascism? Not a word. Another, in 1948, is an appeal by Patriarch Alexei to all the Christians of the world "to unite in a firm resoluteness to stand against all the initiatives and actions which are in contradiction to our Christian vocation and which try to make us, if we are not united, the tools of the evil forces." [12] What evil forces?—American imperialism, capitalist aggressors and the like? This union could be easily accomplished by courageous deeds rather than doublemeaning words. If, for example, the Patriarch had denounced Soviet Russian genocide of both the Ukrainian Orthodox and Catholic Churches, can there be any doubt about Christians the world over uniting with him in this action?

For this play on words let us consider just another quote. "So, for instance, at the IIId All-Union Conference of Champions of Peace held in Moscow in 1951, His Holiness, Patriarch Alexy on behalf of the Russian Orthodox Church supported the Appeal of the World Peace Council from February 23, 1951, about reduction of armaments, prohibition of all means for mass annihilation, about the end of the war in Korea and in other places, and about granting the right for self-determination to all the peoples, and about the Peace Pact." [13] As the record shows, the worst and almost exclusive violator of the right of self-determination sits in Moscow itself. Official Russian propaganda perverts reality by accusing others of the very crime it commits. A Christian specification of this would point with content to the numerous captive non-Russian nations in the USSR that are deprived of this right. Clearly, it is not enough for the bishop to conclude that "We, as Christians proceeding from our religious responsibility must promote the development of mutual understanding and co-operation of our countries in all possible fields . . ." [14] Religious responsibility, if it means anything, commences with truth. If intellectuals in the USSR have had the courage to face up to it in present circumstances, why have the spokesmen of ROC remained mute on this level?

THE SECRETARY PROPAGANDIZES

Really, the important member of the delegation was the secretary of the department of foreign relations of the Moscow Patriarchate. The secretaries in the Communist Parties, in the Republic governments, in Russian embassies, and on CP committees are always the cogs of the machine. So here, even with a sense of perfect equilibrium, Alexy Sergeevich Buyevsky's name appears fifth in the official list of nine. His rendition on the "Problem of Limitation of Nuclear Weapons and Anti-Ballistic Missile System" unquestionably reveals the hand of control, interweaving the prime interests of the state and the empty theologic rhetoric of the Russian Orthodox Church as a tolerated institution. If the other papers left any doubt about the good intentions, motives and repressed feelings of their deliverers, a careful reading of this particular paper should have dispelled it completely.

In setting forth the propaganda of the Soviet Russian totalitarians, Buyevsky is actually not as subtle and discreet as one would expect. In parts his paper is crass and blunt, and spells out concretely what the other two papers pointed toward. It begins innocently enough wtih an enumeration of the main features of "contemporary militarism," such as costly allocations for arms resources, military blocs and so forth. Of course, the presentor fails to mention the truly militaristic character of his imperio-colonialist state since its very inception. With intellectualist overtones suggested by thirty-four footnotes, the paper than injects a few ecclesiastic quotes from Metropolitan Nikodim of Leningrad and Novgorod, and naturally cites "the late Pope of Peace John XXIII" and his "Pacem in Terris," all in the spirit of peace and against the "menace of atomic destruction of the world," which is a highly disputable fear in itself. By page three, after all the rhetorical amenities are completed, the political skids are fully and unabashedly greased up right to the end of the sixteen page dissertation which concludes with another high-sounding note of theologic rhetoric and a numerical posting of Luther-like theses.

The secretary immediately invokes the authority of A. N. Kosygin and his interview with the Japanese "Mainichi" correspondent and his view of the non-proliferation treaty as an "undoubtful and great success of the proponents of disarmament," as "a contribution to the cause of universal peace and detente." [15] Kosygin, according to the secretary, underwrites "a prospective program for further development of the 'good-neighbour relations' which is the official policy of our country." Looking beyond the signing of the non-proliferation treaty, Buyevsky stresses "the removal of military bases from foreign territory." What a package deal! A close analysis of these elements shows something entirely different from this so-called trend toward disarmament. The non-proliferation treaty is in essence a species of confetti diplomacy and, from the Russian point of view, a form of nuclear potemkinism. Although the treaty has many defects and in no way contributes positively to disarmament, its values for Moscow are a near-monopoly of nuclear arms for itself in the Red Empire and the propaganda effect of appearing to seek peace. Next, behind this facade, Moscow is actually negating disarmament by shipping arms to all continents of the globe for revolutionary activity, particularly Asia, the Middle East, Africa, and Latin America. Lastly, on the fiction of "good-neighbour relations," one need only utter Czechoslovakia, not to review fifty years of successive aggression.

As though this isn't enough, our religious secretary states further that "we can appreciate the statements of the former U.S. President Lyndon Johnson concerning the cessation of bombardments in Vietnam, since despite their forced character they testify to the will for peace, for the end of the U.S. aggression in Vietnam and for the solution of the Vietnam problem by the people of the country without interference from abroad." [16] From this crass statement it would seem that the so-called religious secretary was working on the presumption that his American listeners, clerical and lay alike, were complete fools. The incontrovertible facts are that the aggression in Vietnam is exclusively Red totalitarian, that against this criminal action against the people of South Vietnam the American bombardments failed to go far enough toward a decisive victory, and that on the matter of interference both Peiping and Moscow were over-involved in this Red aggression from the start. Indeed, the war in Vietnam would have been over four years ago if the heavy Russian and Red satrap support in arms hadn't flowed to Hanoi.

No sooner the fraudulent religious secretary made the above point, he then took a strong swipe against anti-communism. The paper reveals this gem: "Arms drive and the development of the ABM system are related to the corrupting influence of anti-communism which is an integral element of the imperialist policy. Since the establishment of a new social system in our country and up to date the imperialists have produced slanderous accusations discrediting our society, misinterpreting its intentions and distorting real facts. For example, an increasing might of the Socialist camp is treated as a threat to the welfare of the Western world." [17] Briefly, if a reader of these prevaricating remarks doesn't by now know the long record of Soviet Russian imperio-colonialism since 1917, the long string of captive nations which it has created and victimized since then, well, he deserves to be hoodwinked by this brash fabrication. One of the favorite Russian techniques, which Goebbels learned and applied time and time again, is to repeat an untruth endlessly and in time the audience will begin to believe it as a truth. Not one but many Russian intellectuals and writers have characterized "Soviet society" as a "sick society," and the long record of Soviet Russian tyranny, genocide, militarism, slave labor and other barbarities more than justify this characterization. Indeed, without oversimplifying the matter, it can easily be argued that if the reality of Soviet Russian imperio-colonialism were non-existent, there would be no real threat to global peace from any source in the world, including Red China. Once you've waded through all the data, *the* problem is as simple as this.

There are further gems in this brash presentation which obviously assumed a basic gullibility, not to speak of other characteristics, on the part of the assembled religious listeners. The so-called secretary observes, "Distorting the principles of peaceful coexistence the Western political sinner is trying to interpret the peace-loving policy of the Soviet Union as 'a continuation of tsarist imperialist traditions,' as a policy of capture which uses the principle of peaceful co-existence in 'perfidious communist purposes' aimed at surrounding the 'civilized world' and making for the 'communist domination.'" He continues, "In terms of this interpretation average citizens in the West are made to think that anti-communist and anti-Soviet policy pursued by the USA and other Western countries is only the answer to 'a Soviet challenge.' . . . Under the guise of resistance against Communism many Western politicians consider war to be a political means and search for new versions of anti-communist strategy." The ersatz secretary then talks about Western "failures in the military intervention against Soviet Russia and in the Civil War," the peace "strategy of the Socialist camp" as "an alternative to the imperialist one," and that "Anti-Soviet slander becomes one of the means of anti-Communist propaganda." All of which leads to this theme song: "It is high time to cease slanderous accusations, to expose 'false prophets' in science who interpret real facts in such a way that they contribute to enmity and division of the mankind. For this purpose it is necessary to witness truth and estimate positive factors wherever they appear." [18]

Yes, by all means, let us witness the truth and appreciate the positive factors of the situation. The very statements of the make-believe secretary indicate in themselves the sensitivity with which his superiors react to the truths of the anti-communist argument

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Footnotes at end of speech.

XUM

and criticism. Every one of his points can be devastatingly demolished. The notion of the "peace-loving policy of the Soviet Union" is misleading in the first instance. The policy is neither peace-loving nor of the Soviet Union. It is a typical Russian stroke of diplomatic potemkinism and is executed with equally typically deftness by the controlling Russian interest in Moscow.

In short, it is an old policy, preceding Lenin and well in keeping with "tsarist imperialist traditions"; it is a deceptive policy with perfidious pseudo-communist purposes and designed for communist domination. By allusion Buevsky is quite correct; as a first axiom in international politics, you never trust a totalitarian Russian politico. In this respect the historic Kazakh proverb applies—"Wherever you travel with a Russian, make sure you carry an ax." As for Western military intervention against Soviet Russia and in the Civil War—a thinthesis used by Stalin, Khrushchev and others—the so-called intervention was actually a minor presence of Western forces in various parts of an already vanished empire at the close of World War I. It had no definite political purpose or design, and was of threat to no one. Actually, it represented a grave historical error of omission, for it failed to permanently seal the demise of a centuries-old empire by supporting the many newly-established independent non-Russian states of Byelorussia, Ukraine, Georgia, Armenia and others. Had this been done, with knowledge and resolution, mankind would have been spared the tragic problems it faces today.

The remaining half of the pseudo-secretary's paper contains several truly comical statements. For example, to eliminate prejudices and enmity in the world, he unabashedly states "it is necessary to allay prejudices with respect to the Soviet foreign policy which really does not conceal any secret or hostile purposes." He could say this again, since Moscow has never made a secret of its goal to dominate the world. Then a series of quotes from President Roosevelt, some historian by the name of T. Baily, George Kennan, and a D. Flemming are drawn upon to buttress the general argument of the need for understanding the poor Russian totalitarians. The quotes are almost useless, having been abstracted out of context and interspersed with parenthesized phrases and excessively dotted separations.

Youth does not escape the secretary's notice. Referring to "the threat of nuclear annihilation" and its disturbing aspects, he says, "Young people of the present time realize this, that is why they are against social institutions of exploitation and oppression, against authoritarian capitalist economy, against fascist and imperialist policy, against class sociology."[19] This hogwash can be quickly dispensed with by simply recording the struggles of youth behind the Iron Curtain for sheer freedom above all. The threat has no meaning in terms of the mythical references made; its only relevant meaning is found in Soviet Russian strategy for world domination. The secretary's brilliant conclusion that the "reduction of nuclear weapons and ABM installations is a means for carrying out the aspirations of the youth as well as of those who are now above forty" scarcely requires comment. His further statement, "If one should speak of the guarantees necessary for the solution of this problem, first of all one should take into account the peace-loving policy pursued by the Soviet Union," is the height of rhetorical insolence.

To complete the comedy imported by the American "consultants," the obvious Russian propagandist cites Gromyko's declaration in July, 1968 of being ready to immediately sign a document prohibiting nuclear weapons. Aside from the deceptive political stance of this gesture and the habitual secretiveness of Russian arms production, what was not pointed out was the timed coincidence of this declaration with the 1968 Captive Nations Week observance. As in previous years, Moscow lost no time in its attempt to dwarf this international observance because it has been and is a deep thorn in the side of Soviet Russian strategy for world domination. Also, not by name but former Secretary of State Dulles is cursed for his "notorious strategy of 'the massive retaliation.' "[20] The "religious" representative even had some choice economic observations to make. For example, decrying the "integration of military and industrial circles" in the Free World, he holds that the "evidence for this is the instability of currency in the world capitalist system." Here, too, aside from the invalid association of data, one need only point to the patent inability of the ruble to measure up as an international currency, not to mention its thoroughly arbitrary value.

Finally, after having devoted most of his paper to political propaganda, Buevsky winds up with Biblical quotations and a Luther-like posting of theses. For the Kremlin mouthpiece "the most significant argument for a Christian is the words from the Holy Bible calling for beating the swords into ploughshares" and for "putting the sword back into its place." The only proper direction for the application of these time-worn admonitions is Moscow and Soviet Russia. The Luther-like theses are somewhat amateurish both in format and content. For example, point four maintains "The believers should consider the accumulation of nuclear weapons and the development of the ABM system contradictory to the religious principles of the social order and making for moral degradation, fear and isolation. Hence they should work for the limitation and the prohibition of nuclear weapons and ABM systems."[21] Just like that. Why nuclear weapons receive special mention in this context is not at all logically clear, though the "preacher's" motive is quite clear.

It should be evident from this analysis that the Russians are gaining considerable mileage in their use of religion as a cold war weapon. There is no limit to their propaganda temerity, the exercise of which reflects adversely on their inviting listeners. The judgment of these listeners is subject to considerable question, no matter how pure and commendable their motives. The effect of this type of consultation couldn't but harm Free World interests if it were generalized in use. Consultations are useful, but their productive conduct presupposes a level of knowledgeability which would place the counterparts on guard as to the depth and extent of the enemy's assault. And the enemy will use religion, as indeed any other discipline, to the maximum degree allowable. In this particular case, he literally went to town.

FOOTNOTES

[1] Vasily Dmitrievich Sarychev, "Church and World Peace," p. 1.

[2] Ibid. p. 2.

[3] Ibid. p. 7.

[4] Ibid. p. 8.

[5] Ibid. p. 11.

[6] Bishop Juvenaly, "Peacemaking Path of the Russian Orthodox Church," p. 1.

[7] Ibid. p. 1.

[8] Ibid. p. 2

[9] Ibid. p. 3.

[10] Ibid. p. 4.

[11] Ibid. p 5.

[12] Ibid. p. 6

[13] Ibid. p. 7.

[14] Ibid. p. 12.

[15] A. S. Buyevsky. "Problem of Limitation of Nuclear Weapons and Anti-Ballistic Missile System," p. 3.

[16] Ibid. p. 4.

[17] Ibid. p. 5.

[18] Ibid. p. 6.

[19] Ibid. p. 9.

[20] Ibid. p. 10–11.

[21] Ibid. p. 12.

A TRIBUTE TO GLEN LIPSCOMB

HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1970

Mr. HOSMER. Mr. Speaker, each year, the California Congressional Recognition Program, Inc., issues a report on the performance of the California Members of Congress. Annually, the committee selects Members whose performance they believe is worthy of special recognition.

In reading the 1969 edition, I was pleased to note that the council selected for Special Commendation our late colleague, the Honorable Glenard P. Lipscomb. The report was written before Glen's untimely death. It noted his surgery and reported that he was back to work.

I especially enjoyed reading the council's tribute to Glen, and I would like to share it with the other Members of the Congress who held Glen in the same high regard that I did, personally and professionally.

The commendation follows:

HON. GLENARD P. LIPSCOMB, MEMBER OF CONGRESS, 24TH DISTRICT

Congressman Lipscomb has won an outstanding reputation for his work as ranking minority member of the vital Subcommittee on Department of Defense Appropriations. He is regarded by his fellow Republicans as one of their leading spokesmen on all defense questions, and his statement of October 9 on the Administration's policies in Vietnam drew attention and praise from several quarters. He warned his colleagues that "the lives of American soldiers, the freedom of subjugation of the South Vietnamese people, and the preservation of the right of self-determination depend on whether the American people unite behind President Nixon's dual approach of Vietnamization and negotiation for restoring peace in Vietnam". He condemned the critics of the President's policies in the following statement:

"Some in our country would—unwittingly, I believe—undercut our President's efforts to achieve peace in Vietnam. Those who claim that the United States should unilaterally establish a formal and fixed timetable in Vietnam would remove the incentive for the enemy to negotiate in good faith. The momentum of the Vietnamization program would be disrupted by an arbitrary unilateral timetable. Such a timetable would fail to reflect the realities of the Vietnam economic and military conditions. More important, if we tell the Communists that we will pull out by a given date, they will need only to wait us out. This means, of course, that there would be no progress at the negotiating table. Carried to its logical conclusion, those who advocate what would amount to a surrender without terms should advocate bringing home our negotiators from Paris. Finally, an unrealistic timetable for withdrawal would jeopardize the lives of American troops left in Vietnam, since they would be in danger of being overwhelmed by larger enemy forces."

In 1969, as in previous years, Mr. Lipscomb carried a major burden of the extremely complex work of the Subcommittee on Department of Defense Appropriations. As usual, he took a leading part in the interrogation of official witnesses before the Subcommittee on many subjects, including ROTC programs, National Guard training and equipment, military pay raises, improved standards for intelligence personnel, "juggling" of funds and deficiency reports, management studies, and the B-52 Program. As

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in the Ninetieth Congress, Mr. Lipscomb urged restrictions on trade with Communist nations and cautioned against aiding in building up the economic base on which Soviet military power depends. He warned that much recent criticism of American defense efforts has completely ignored the security threat posed by growing Russian armament and missile capabilities. In July, he welcomed the Administration's establishment of a "Blue Ribbon" panel to conduct an independent study of the Department of Defense. He urged the panel to undertake a rigorous review of the defense structure and to recommend ways to eliminate wasteful practices.

As ranking minority member of the Committee on House Administration, Mr. Lipscomb has taken a leading role in urging a comprehensive review and overhaul of election laws to update the procedures governing Federal nomination and election processes. He is the author of a bill which would create a 5-member bipartisan Federal Election Commission to receive reports and statements regarding campaign contributions and expenditures. The Commission would have full power to enforce the law, issue reports, and make information available to the public, not only with regard to general and special elections, but also primaries, conventions, party caucuses and Presidential preference primaries. Members of the House and Senate and all candidates would be required to disclose gifts of more than $100, and personal use of the proceeds of testimonial dinners by Senators, Representatives, and Congressional candidates would be prohibited. Mr. Lipscomb's bill appears to take account of modern needs and present realities in political fund raising and campaign financing. He explained that the purpose of the legislation is "to make reporting of contributions and expenditures a present and realistic factor in the decision-making process of the voter" and to establish the principle of "full and timely public disclosure".

Several areas of the Twenty-fourth District, including Glendora, Azusa, San Dimas and Mt. Baldy Village, were hard-hit by the January and February storms. Mr. Lipscomb co-sponsored the California Disaster Relief Act and testified before the Subcommittee on Flood Control of the House Committee on Public Works urging authorization of the San Gabriel River Watershed-Western Area Project to reduce future storm damage in the area above Glendora and Azusa.

Shortly before the summer recess, Mr. Lipscomb entered the hospital for major surgery. He returned to work in the fall and has continued to make a good recovery.

NOTE TO PMG: POD'S ZIP IS NOT PDQ

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1970

Mr. HUNGATE. Mr. Speaker, I would like to bring to the attention of my colleagues an article written by Mr. Tom Warden, editor of the Gasconade County Republican in Owensville, Mo.

I believe the editor has done an excellent job of describing the problems encountered by so many, and I am sure we are all in agreement that this is an area in which there is plenty of room for improvement.

The article follows:

NOTE TO PMG: POD'S ZIP IS NOT PDQ

Most everyone, at some time or another, writes an indignant letter to a public official . . . not so much in the belief that it will be read, but for the mental relief enjoyed from letting off some steam.

For several years now, I've wanted to write a letter to the Postmaster General. For three reasons, I didn't. One is that he probably wouldn't read it. Two is that I wouldn't enjoy any mental relief; and three is that it would probably get lost in the mails anyway.

When I do write that letter—and after the latest new rule manufactured by that big paper mill in D.C., I just might—my first words will be about that miracle-working, wondrous Zip Code.

I just can't forget when the Zip Code first came out. We hurried to add Zip Codes to all addresses on our mailing list because the Post Office Department said the Zip system and a new sectional center distribution system would change things greatly.

And change things it did! Greatly, verily.

In pre-Zip code days our newspapers, mailed here Thursday, reached Rosebud—six statute miles to the east—the next day.

The Zip Code did change all that.

Now, that same newspaper mailed Thursday, travels some 60 miles to Jefferson City; another 100 or so miles to St. Louis; and then about 80 miles back to Rosebud. Sometimes it makes the round trip the next day, Friday. Sometimes it is Saturday . . . or the next Monday.

That's not really the point. It is those 244 extra miles—that we as taxpayers and mail patrons must finance—that really irks me.

Dear readers, do not complain to us when your newspaper does not arrive as usual. It is mailed here faithfully every Thursday . . . sometimes earlier because of holidays. Write the Postmaster General.

There are a few other things which wrought great dissatisfaction upon my brain, your honor Mr. Postmaster General sir.

Newspapers must fill out a mailing form, detailing number of copies to various zones, their weight and percentage of advertising so the post office knows how much to charge us. This service by the editor, by the way, is free of charge.

Weights formerly were figured by utilizing the weight of a single copy carried two digits. Apparently, such simple arithmetic did not take enough time, so some mickey mouse club member in the POD decided it must be carried six digits. For many newspapermen—not acquainted with such depths of mathematics—that meant buying a new seven-digit adding machine.

And now to compound what was a relatively simple chore, a new rule states that the division is to be written upon the applicable newspaper—not via adding machine—so the POD, like the first grade math teacher, can see if our division is correct. They don't care what the answer is . . . they want to see how we arrive at it!

There is, in fact, so much of this mickey mouse busy work that it cannot be itemized here lest more pages increase the cost of delivery.

It is my firm belief that these kindergarten rules do no more than to establish another section in the POD sectional centers where they can double-check our arithmetic!

Let me state here that we have sympathy for the postmasters, postal clerks and letter carriers who must live with such a system. They are only doing a job.

One more complaint, Mr. Postmaster General. The next time you ship pre-stamped envelopes for use by our commercial printing department, send them via United Parcel Service. Our last order was shipped about a month ago and apparently has been lost in the mails.

I do not know who invents rules in the Post Office Department. But I hereby volunteer to buy him a tinker-toy set to keep his mind otherwise occupied, that he may leave alone what was once a pretty good system.

HOUSE OF REPRESENTATIVES—*Wednesday, March 4, 1970*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Why art thou cast down, O my soul? and why art thou disquieted within me? Hope thou in God.—Psalm 42: 5.

O Thou whose presence underlies all that we do, whose power overarches all that we say, and whose peace surrounds all that we think, we bow at the shrine our fathers founded and lift our spirits unto Thee in prayer. As we offer unto Thee the devotion of our hearts, may the fruits of Thy spirit—love and joy, gentleness and goodness, patience and peace—come to new life within us.

We pray for our country and for our people in every section of our land. May the hungry be fed, the ignorant receive knowledge, the fearful find faith, and the weary come to rest at eventide. Grant that we may do all we can that children be raised to walk in right and good paths, that youth discover high ideals for clean and creative living, and that adults in body become adults in mind.

Abundantly bless our President, our Speaker, Members of Congress, and direct them in all Thy ways—to the glory of Thy holy name. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate agrees to the amendment of the House to a bill of the Senate of the following title:

S. 2701. An act to establish a Commission on Population Growth and the American Future.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 3427. An act to increase the authorization for appropriation for continuing work in the Missouri River Basin by the Secretary of the Interior.

APPOINTMENT AS MEMBERS OF BOARD OF VISITORS, U.S. COAST GUARD ACADEMY, 1970

The SPEAKER laid before the House the following communication:

FEBRUARY 19, 1970.

Hon. JOHN W. MCCORMACK,
The Speaker, House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: Pursuant to section 194 of title 14 of the United States Code, I have appointed the following members of the Committee on Merchant Marine and Fisheries to serve as members of the Board of Visitors to the U.S. Coast Guard Academy for the year 1970: Hon. FRANK M. CLARK of Pennsylvania, Hon. ALTON LENNON of North Carolina, Hon. JAMES R. GROVER, Jr., of New York.

As chairman of the Committee on Merchant Marine and Fisheries, I am authorized to serve as an ex officio member of the Board.

Sincerely,

EDWARD A. GARMATZ,
Chairman.

TWENTY-FIFTH ANNIVERSARY OF CAPTURE OF BRIDGE AT REMAGEN

(Mr. HECHLER of West Virginia, asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. HECHLER of West Virginia. Mr. Speaker, the 7th of March marks the 25th anniversary of one of the most courageous and significant events in World War II; namely, the surprise capture of a bridge over the Rhine River at a town named Remagen.

On that 25th anniversary the 11 living winners of the Distinguished Service Cross are being brought together here in Washington to honor this great chapter in the annals of American military history.

Mr. Speaker, many of my colleagues have also asked about the possibility of seeing a certain film which deals with this subject. I am pleased to announce that on Friday, March 6, at 3 p.m., I would like to extend an invitation to my colleagues and members of their staff to come to the New Senate Office Building auditorium—that is, at 3 p.m., on Friday, March 6—to see the film called, "The Bridge at Remagen."

Mr. Speaker, I will ask that at the close of all business and other special orders heretofore granted that tomorrow I may address the House for 1 hour to call particular attention to the heroism of those 11 infantrymen, tankers, and engineers who participated in the capture of the bridge at Remagen, thereby shortening the war in Europe and saving thousands of American lives.

COMMISSION ON SCHOOL FINANCE

(Mr. KYL asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. KYL. Mr. Speaker, in his message on education reform, the President noted that he was creating by Executive order a Commission on School Finance to advise him on the revenue needs of this Nation's schools. I should like to say that I welcome this initiative on the President's part. During the past two decades we increased the number of pupils in our schools by 80 percent. During this same period many local school boards anxiously wondered where the funds were going to come from to provide the necessary education for these children. The Congress recognized this problem when, in 1965, it passed the Elementary and Secondary Education Act.

Our situation today, however, is changing. If we look at a graph of the expected growth in our schools during the coming decade, we find that the line begins to flatten out. This is merely a reflection of the fact that the birth rate in this country has been declining for the past 10 years. We must not think, however, that we can cut back on our efforts to educate our children to the best of our ability; rather, we should view this respite from the "numbers game" as a golden opportunity to look at what we have done, to keep the best, and to replace the rest with more promising alternatives.

I think the President stated the problem well in his message when he said:

> We must stop congratulating ourselves for spending nearly as much money on education as does the entire rest of the world . . . when we are not getting as much as we should out of the dollars we spend.

I have joined in sponsoring a bill which would set up a means of evaluating quality of education. I also believe the President's revenue sharing measure could be the real answer.

PERMISSION FOR COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE TO SIT DURING GENERAL DEBATE TODAY

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the Committee on Interstate and Foreign Commerce may sit today during general debate.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

PERMISSION FOR SUBCOMMITTEE ON HOUSING, COMMITTEE ON BANKING AND CURRENCY, TO SIT DURING GENERAL DEBATE TODAY

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the Subcommittee on Housing of the Committee on Banking and Currency may sit today during general debate.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

AUTHORITY FOR THE SPEAKER TO DECLARE RECESS TODAY SUBJECT TO CALL OF THE CHAIR

Mr. ALBERT. Mr. Speaker, if I may have the attention of the distinguished minority leader, I ask unanimous consent that it may be in order at any time today for the Speaker to declare a recess, subject to the call of the Chair.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

Mr. GROSS. Mr. Speaker, reserving the right to object, would the gentleman from Oklahoma assure the Members that this recess would be for the sole purpose of considering certain legislation, and would the gentleman designate the legislation?

Mr. ALBERT. Mr. Speaker, if the gentleman will yield, of course the gentleman knows that the Committee on Interstate and Foreign Commerce is meeting, and we do not know whether they will report back to the House today. The gentleman also knows that because of the funeral today any protracted handling of business today by rollcalls or other dilatory methods would not be very apt.

Mr. GROSS. Mr. Speaker, I agree with what the gentleman says, but I would like the gentleman to give us some assurances that the recess would be for the purpose of awaiting specific legislation.

Mr. ALBERT. If the gentleman will yield further, it would be for the purpose of waiting to see whether the Committee on Interstate and Foreign Commerce might report certain legislation to the House today.

Mr. GROSS. Mr. Speaker, I thank the gentleman, and I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

ESTABLISHING AN INTERNATIONAL QUARANTINE STATION

Mr. MATSUNAGA. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 861 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 861

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of bill (H.R. 11832) to provide for the establishment of an international quarantine station and to permit the entry therein of animals from any other country and the subsequent movement of such animals into other parts of the United States for purposes of improving livestock breeds, and for other purposes, and all points of order against the provisions following the period on line 2 to the period on line 5 of page 3 of the bill are hereby waived. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Agriculture, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit. After the passage of H.R. 11832, it shall be in order in the House to take from the Speaker's table the bill S. 2306 and to move to strike out all after the enacting clause of the said Senate bill and insert in lieu thereof the provisions contained in H.R. 11832 as passed by the House.

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Mr. MATSUNAGA. Mr. Speaker, I yield 30 minutes to the gentleman from Ohio (Mr. LATTA), pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 861 provides an open rule with 1 hour of general debate for consideration of H.R. 11832 to provide for the establishment of an international quarantine station and to permit the entry therein of animals from any other country and the subsequent movement of such animals into other parts of the United States for purposes of improving livestock breeds. The rule also provides that all points of order be waived against lines 3, 4, and 5, on page 3 of the bill, and that, after passage of the House bill, it shall be in order to move to strike all after the enacting clause of S. 2306 and amend it with the House-passed language.

The waiver of points of order was granted because the specified language on page 3 of the bill mandates the depositing of fees collected from importers in the Treasury of the United States to the credit of the appropriation charged against the operating expenses of the quarantine station in violation of clause 4 of House rule XXI.

The purpose of H.R. 11832 is to provide authority for the Secretary of Agriculture to establish and operate an international quarantine station on an island near the continental United States, most likely off the southeast coast of the United States in the Caribbean area.

This would permit the movement into the United States of animals which are otherwise prohibited or restricted because of general animal quarantine laws. The Secretary would establish terms and conditions to prevent the introduction or spread of livestock or poultry diseases and pests from foreign nations.

The Secretary would be authorized to acquire the necessary real property by purchase, donation, or exchange and to obtain needed personal property, buildings, improvements, or other facilities by private donations, as well as to charge and collect reasonable fees for the use of the station by importers. In addition, the bill authorizes the annual appropriation of such public funds that may be needed.

The Department of Agriculture has estimated the cost of constructing the facility to be $2.5 million. It is anticipated that the annual operating and maintenance expenses would be $1.3 million, but that these costs would be largely financed by fees collected from importers using the facilities.

Mr. Speaker, I urge the adoption of House Resolution 861 in order that H.R. 11832 may be considered.

Mr. LATTA. Mr. Speaker, the purpose of the bill is to authorize the Secretary of Agriculture to establish and operate an international quarantine station on an island near the continental United States.

Such a station would permit the movement into the United States of animals which are otherwise prohibited or restricted because of general animal quarantine laws.

It is anticipated that the station will be rebuilt on an island in the Caribbean. The bill authorizes the Secretary to acquire the necessary real property by purchase, donation, or exchange, and to construct the needed facilities. Reasonable user fees will be charged importers using the facilities. The bill also authorizes annual appropriations.

The American livestock industry believes that foreign stock, if permitted to enter the country, could improve existing breeds. The Department of Agriculture agrees and supports the bill.

The estimated cost of construction of the facilities is $2,500,000 and the annual operating expenses are estimated at $1,300,000. Most of the annual cost would be borne by user fees.

There are no minority views.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. LATTA. I will be happy to yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I would ask the gentleman from Ohio—do I understand correctly that the points of order waived in the rule are to certain language in the bill in order that the revenue derived through this bill will be used to fund this particular enterprise?

Mr. LATTA. Mr. Speaker, in reply to the gentleman from Iowa, the reason for waiving points of order is found on page 3 of the bill, to wit:

> Such fees shall be deposited into the Treasury of the United States to the credit of the appropriation charged with the operating expenses of the quarantine station.

Mr. GROSS. And to be credited to the appropriation?

Mr. LATTA. The gentleman is correct.

Mr. GROSS. I thank the gentleman.

Mr. LATTA. Mr. Speaker, I have no further requests for time, and I reserve the balance of my time.

Mr. MATSUNAGA. Mr. Speaker, I have no further requests for time.

Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. PURCELL. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 11832) to provide for the establishment of an international quarantine station and to permit the entry therein of animals from any other country and the subsequent movement of such animals into other parts of the United States for purposes of improving livestock breeds, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from Texas (Mr. PURCELL).

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 11832, with Mr. MATSUNAGA in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Texas (Mr. PURCELL) will be recognized for one-half hour, and the gentleman from Iowa (Mr. MAYNE) will be recognized for one-half hour.

The Chair recognizes the gentleman from Texas (Mr. PURCELL).

Mr. PURCELL. Mr. Chairman, I yield myself whatever time I may consume.

Mr. Chairman, the bill we are considering today is a source of personal satisfaction to me. It meets an intense need that has existed for some time, and meets it at little cost to the Federal Government.

The bill provides authority for the Department of Agriculture to establish and operate an international animal quarantine station within the territory of the United States, and permits the movement of animals into the United States otherwise prohibited or restricted under the animal quarantine laws. The quarantine station would be located on an island, selected so that the location would permit the maintenance of maximum animal disease and pest security measures. Under the bill, movements to other parts of the United States would be prohibited unless made in accordance with conditions determined by the Secretary of Agriculture to be adequate to prevent the introduction or dissemination of livestock or poultry disease and pest from foreign countries.

To understand why this is a significant step forward for the country, Mr. Chairman, we have to look at the current status of the law affecting importation of animals:

Due to an intense fear of animal diseases, the Tariff Act of 1930, as amended—19 U.S.C. 1306—contains an absolute prohibition against the importation of all ruminants and swine—except wild zoo animals, and also against importation of fresh, chilled, or frozen meats of such animals from countries declared by the Department of Agriculture to be infected with foot-and-mouth disease or rinderpest. Under very stringent restrictions, including authority for permanent postentry quarantine, wild ruminants and swine may be permitted entry under the act when such animals are solely for exhibition at an approved zoological park from which they cannot be moved except to another approved zoological park.

Provision in the act of February 2, 1903, as amended—12 U.S.C. 111—and the act of July 2, 1962—21 U.S.C. 134—and following—now provide additional authority and responsibility for prohibiting or restricting importation of animals, meat and other articles in order to prevent the introduction or dissemination of foot-and-mouth disease and other destructive livestock or poultry disease and pest such as African swine fever, exotic ticks, African horse sickness, and fowl pest.

These statutes are implemented by extensive and strict regulation in the Code of Federal Regulations, title 9, parts 92, 94, 95, and 96. The regulations apply to the importation of animals, meats, animal by-products, and materials such as hay, straw, and forage from all countries, especially those where foot-and-mouth disease exists. The regulations are

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based on the best scientific information available, including the Plum Island Disease Laboratory, Long Island, N.Y.

The sum total of the acts cited, and the regulations written under them, is to bar importation of new strains of breed livestock into the United States. While our primary responsibility is, and must continue to be, the prevention of livestock and poultry disease and pests gaining entry from foreign countries, at the same time it has long been apparent that there are breeds and types of foreign livestock with the potential of bringing about specific desired improvements more rapidly in U.S. livestock production than can be accomplished with domestic breeds. Research activities have demonstrated the high potential of cross-breeding to increase reproduction, vigor, growth, and efficiency in livestock production. Cross-breeding can bring about changes in the character and composition of the product more rapidly than any other breeding procedure.

It has been further shown that the wider the genetic diversity of the parent stock used in cross-breeding, the greater are the benefits from hybrid vigor and the greater the possibility for changing production and product characteristics. For instance, the introduction into the United States of exotic germ plasm of plants from all over the world has been a most important factor in bringing about the phenomenal new varieties of high-yielding crops of numerous kinds that are in everyday use on farms and ranches. The potential benefits in our livestock production, especially of meat-producing animals, from the importation and organized use of exotic breeds of animals are expected to be similar to those experienced in crop production. Some of the improvements that are expected include:

First, beef cattle—an increase in weaning weight, in postweaning growth rates, and in muscularity; a decrease in carcass waste fat; and improved fertility and calf survival.

Second, dairy cattle—an increase in milk production, fertility, and calf survival.

Third, sheep—an increase in lambing rate, in lamb growth, and in muscularity; and a decrease in carcass waste fat; and,

Fourth, swine—an increase in prolificacy and muscularity, and improved efficiency of gain.

In spite of the benefits to be derived, the importation of new and different animal breeds from foreign countries must not be done at the risk of introducing disease and pests not now present in this country which would actually greatly reduce livestock production.

Mr. Chairman, both objectives can be obtained only through the establishment of an international quarantine station—a goal which the bill before us today accomplishes—and, as I indicated earlier, it does so at what is little cost to the Federal Government. The language of the bill authorizes the acceptance of gifts or donations or property to build the station, and the fee schedule for use at the station is designed to require as little as possible from annual appropriations to meet this need.

This is a bargain for the American people who, through the new blood strains that can be introduced to our domestic herds, will reap the benefits that increased, less expensive productivity can bring—better and cheaper meat, and increased productivity of dairy products. These benefits also aid the farmer and livestock producer.

The Subcommittee on Livestock and Grains held hearings on the proposed bills, and adopted two amendments to the legislation; it was reported to the full Committee on Agriculture which, without a single dissenting vote, recommended its passage. It is truly a bipartisan effort, Mr. Chairman. It is supported across the country by livestock breeders, and has the blessing of the Department of Agriculture. I am pleased to be here speaking in the bill's behalf, and I heartily recommend its passage.

Mr. McMILLAN. Mr. Chairman, will the gentleman yield?

Mr. PURCELL. I yield to the gentleman from South Carolina.

Mr. McMILLAN. I take this opportunity to congratulate the chairman and the members of the subcommittee on the hard work they have done on this bill, and I wish to thank him and his committee on behalf of my own calf and hog raisers for bringing this bill to the floor of the House. I have received numerous telegrams asking me to support this bill. I do so, and I wish to take this moment to congratulate all members of the gentleman's committee for the hard work they have done on the bill.

Mr. PURCELL. I thank the gentleman from South Carolina.

Mr. GROSS. Mr. Speaker, will the gentleman from Texas yield?

Mr. PURCELL. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Chairman, I thank the gentleman for yielding.

Is it the purpose to buy or how is the property to be acquired, the island that the report speaks of, and where?

Mr. PURCELL. The presumption is that an island the United States now owns will be used. We have spoken generally of an island in the Caribbean area. It would have to meet certain scientific criteria.

For example, the scientists have told us it would have to be not closer than 30 miles from shore.

We have made no effort to try to arbitrarily designate an area. We may not own every foot of the land we are talking about, but it would be a U.S. possession. It would be our hope that it is land the Government already owns and therefore not represent an added cost.

Mr. GROSS. But it is not proposed to go out and purchase an island from some other country?

Mr. PURCELL. That is not the proposal.

Mr. GROSS. I seem to get the impression that this might be made quite a research station, and going beyond security against the spread of disease. Would this be in addition to all the research that is now being carried on in behalf of agriculture, or would some of the research now being carried on be transferred to this station?

Mr. PURCELL. I would be glad to discuss any specific language, but it is not our intention that there be any duplication of research in any way. This would be primarily a station where these very rigid rules respecting importation of livestock are maintained. I suppose there would be research to the extent of learning how better to protect ourselves from the diseases. But I think it is safe to say that there would not be any great research going on here; and certainly it is not our intention to duplicate the research that is already being done or is being carried on in some other area.

Mr. GROSS. The gentleman just read four or five points that to be found in the report on page 2, which indicate there may be quite a little research carried on—not necessarily with respect to diseases.

Mr. PURCELL. The preamble says:

> Some of the anticipated improvements in livestock production include the following:

And then it lists these four items. There may be research carried out with the animals we bring in, but this would be just a way of getting safe animals in order to eventually obtain a better production of beef or swine or mutton, or whatever it might be. There has not been one sentence dropped about establishing this as a research station.

I understand how the gentleman might draw this conclusion, but the intent here is to try to show some of the kinds of opportunities the four listed items would cover.

Mr. GROSS. Mr. Chairman, I thank the gentleman.

Mr. PURCELL. Mr. Chairman, I have no further requests for time.

Mr. MAYNE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this bill proposes the construction of a maximum security import animal quarantine station which would be established on an island somewhere off the coast of the United States, this would make it possible to import under proper conditions of security against foreign diseases breeding animals which are very much needed by the American livestock industry. The testimony before our subcommittee very strongly established that the genetic quality of our own domestic livestock can be greatly improved by the organized use of certain foreign breeds. At present, in order to bring any of these foreign breeding cattle into this country, our American cattlemen have to use facilities of the Government of Canada; a Canadian quarantine station which is on an island located in the St. Lawrence River, approximately 30 miles downstream from Quebec City, and the prices which our people have to pay to Canadians for cattle which have gone through that station are really extremely high.

One of the cattle breeders testifying in support of this bill told us something about the cost of a Simmental bull, which is one of the breeds all the experts agree are needed in this country for crossbreeding purposes. He was offered

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a Simmental bull calf by a Canadian breeder for the price of $100,000, just for a Simmental calf. In addition, the Canadian wanted $30,000 for semen rights, making a total of $130,000. The cost of semen is also much, much higher than that for our American breeds.

One of the breeds needed to be introduced here for crossbreeding is the Limousin French breed. There are only six Limousin bulls on the entire North American Continent at present, and they are all in Canada. The Canadians sell the semen from imported Limousin bulls to our American cattlemen at prices from $6 to $100 per 1 cc ampoule of semen. This is much higher than domestic semen, which costs $2.50 to $4 per ampoule.

This bill is going to be of great benefit to American consumers and the American cattle industry by eliminating these high costs.

The location of the proposed station has not been definitely decided. It will be somewhere on an island off the coast, probably in the Caribbean.

The bill is backed not only by the Department but also by the American Veterinary Association, the U.S. Animal Health Association and the North American Limousin Foundation.

I urge the passage of the bill.

Mr. ZWACH. Mr. Chairman, will the gentleman yield?

Mr. MAYNE. I will be glad to yield time to the gentleman from Minnesota, if he wishes.

Mr. ZWACH. Will the gentleman yield for a question?

Mr. MAYNE. Yes; I am glad to yield to the gentleman from Minnesota (Mr. ZWACH), a member of the committee, for a question.

Mr. ZWACH. Mr. Chairman, I want to associate myself with the remarks of the gentleman from Iowa and of the gentleman from Texas. This is a most important bill, and I give it my full support.

The per capita consumption of red meat in the United States has grown steadily during the past several years and is continuing. It is thus ironic that the United States is dependent upon our good neighbor to the north for controlling animals which our cattlemen seek to introduce into this vital mainstream of our agricultural economy. The investment required for a quarantine station is minimal when compared to the benefits to be derived.

Animal science, Mr. Chairman, should be a two-way street. We have exported our livestock and our agricultural technology all over the world. It is time now for us to benefit from some of the superior strains and improved breeds of livestock that originate in other parts of the world. This quarantine station will permit this.

As a member of the Livestock and Grains Subcommittee, I listened to all the testimony presented on this bill. There was no opposition. There was, of course, concern that the legislation fully protect the public and maintain the high standard of animal health that our domestic livestock industry enjoys.

I believe the bill will do just that, and I urge your support.

Mr. HALL. Mr. Chairman, will the gentleman yield for a question?

Mr. MAYNE. I am glad to yield to the gentleman from Missouri, Dr. HALL.

Mr. HALL. I appreciate the gentleman yielding.

I believe I can understand the biological necessity for this quarantine station under the control of the Department of Agriculture, as well as the economic necessity which the gentleman from Iowa has explained.

As a point of information, is it planned to have an insemination laboratory on this island under the quarantine circumstances so that rinderpest, or hoof and mouth disease cannot be tracked in by the inseminating animal, or are we going to have a breeding laboratory on this setup, or are we simply going to hold the animals in quarantine until the danger of infection and infestation has passed and then let them make ingress into the continental United States?

Mr. MAYNE. It is my understanding that the latter is primarily the function of this station, but it does take a considerable period of time to elapse under very strict supervision and observation before it would be safe to admit such animals into the United States.

Mr. HALL. In the opinion of the gentleman from Iowa, then, it would be a holding facility pending the expiration of the requisite quarantine time, after which the animal would then safely be brought in without danger of spreading any infection or infestation, and there would be no artificial insemination laboratories on the island, nor would there be extensive research facilities, and certainly it would not be a breeding lot, so to speak?

Mr. MAYNE. That is the understanding of the gentleman from Iowa.

Mr. HALL. I thank the gentleman.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. MAYNE. My colleague from Ohio (Mr. MILLER), a member of the committee, has already asked for recognition, and I will yield to him first and then to my good friend from Iowa.

Mr. MILLER of Ohio. Is it true that we are dependent upon Canada because they now have an animal quarantine station?

Mr. MAYNE. Yes. That station is in operation, as I said, in the St. Lawrence River about 30 miles from the city of Quebec. Semen from these imported cattle and any live animals that can be purchased by Americans have to have gone through that station, and the American cattleman is then charged what I consider to be an exorbitant sum in order to get these breeds in through the Canadian middlemen.

Mr. MILLER of Ohio. I thank the gentleman.

Mr. PURCELL. Mr. Chairman, will the gentleman yield?

Mr. MAYNE. Before I yield I would like to pay tribute to the very fine leadership which the distinguished chairman of the Subcommittee on Livestock and Grain, the gentleman from Texas (Mr. PURCELL), has given throughout the progress of this legislation.

I am now happy to yield to the gentleman from Texas.

Mr. PURCELL. I thank the gentleman.

I would like to state here on this s on so many other matters that the Subcommittee on Livestock and Grains have worked wholly with a cooperative attitude. I want to express my appreciation to the gentleman from Iowa and the gentleman from Minnesota and the gentleman from Texas (Mr. PRICE), and all the other members of the subcommittee for their cooperation.

In order more fully to answer the questions asked by the gentleman from Missouri (Mr. HALL), I would like to ask the gentleman if it is not true that even prior to these animals being brought to our quarantine station they have come only from very closely supervised areas and have met very stringent requirements as to their not having been inoculated for foot-and-mouth disease and they have been observed all their lives and they are as far removed from these dread diseases as it is biologically possible to have them. Then we bring them on to our quarantine station to try to reduce the cost to our breeders, as the gentleman has so accurately stated with regard to the problem which now exists in Canada. The entire purpose of this is to establish under very close supervision and stringent rules a more economical and more practical system and one whereby the U.S. Government controls the availability of these animals that meet these criteria rather than to have to depend on Canada. Is that not generally the situation that we are dealing with?

Mr. MAYNE. The gentleman from Texas is entirely correct. We satisfied ourselves in the subcommittee in the questioning not only of experts from the Department but those who are in the cattle breeding business that this would clearly be so.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. MAYNE. I am happy to yield to the gentleman from Iowa.

Mr. GROSS. Does the gentleman from Iowa concur with the gentleman from Texas in that this is not designed to become a full-blown research station over a period of time, with expanded research in the Department of Agriculture and, if it is to be expanded into a full-blown research station, it shall be staffed by those already in the Department who are conducting similar research? May we have some assurance that we are not now stepping into vastly expanded research programs?

Mr. MAYNE. I can assure the gentleman from Iowa and I would invite the gentleman from Texas, the distinguished chairman of the Subcommittee on Livestock and Grain, who is the manager of the bill today, to join me in assuring the gentleman from Iowa that as far as the Committee on Agriculture is concerned our intention was to create this animal quarantine station for that limited purpose only.

And, of course, such research as could be more appropriately conducted right on the premises in the presence of these cattle being studied for entrance would be contemplated. However, the bill as I understand it—and I believe that is the understanding by the members of the committee——

Mr. PURCELL. Mr. Chairman, will the gentleman yield to me at that point?

Mr. MAYNE. I shall be happy to yield to the gentleman from Texas.

Mr. PURCELL. I would just restate that today is the very first time to my knowledge that there have been questions in the way of research. It is not our intent to have this in any way and insofar as I am concerned and I think insofar as the committee and this Congress is concerned, the Department of Agriculture would be violating the intent of this statute if they used it for research and development.

Mr. GROSS. Mr. Chairman, will the gentleman yield further?

Mr. MAYNE. I yield further to the gentleman from Iowa.

Mr. GROSS. I have one more question: Would race horses clear through this station from Latin America and other countries—race horses to be run on the tracks—or for breeding purposes be cleared through this station?

Mr. MAYNE. Race horses are already handled at a facility at the Miami Airport. I believe also that at Clifton, N.J. there is a very small facility, but it does not handle cattle. It is contemplated that this facility will be able to handle about 300 cattle a year. At present it is only contemplated that cattle will be imported through this facility.

Mr. GROSS. Mr. Chairman, if the gentleman will yield further, I suspect that the gentleman from Pennsylvania would be considerably interested in whether race horses might be imported for breeding purposes through this quarantine station because it seems to me his stable needs some improvement.

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Mr. PURCELL. Mr. Chairman, will the gentleman yield further?

Mr. MAYNE. I am happy to yield further to the gentleman from Texas.

Mr. PURCELL. The gentleman stated in response to a question posed by the gentleman from Iowa that cattle would be brought in here. Is it not more correct to say that it is not the intent to bring in horses for breeding purposes, but would include cattle first. It would include cattle, swine, sheep, and other commercial food animals. Would this not be a more full explanation of the ultimate purpose of this station?

Mr. MAYNE. Yes; as to the ultimate purpose, but in the testimony of Dr. Anderson from the Department which appears on page 7, of the report, just below the middle of the page, he said they were only contemplating the introduction of about 300 head of cattle per year. He stated further:

> At the present time, our technology of disease testing is not considered to be adequate to allow the introduction of swine or sheep. The research people are working on it, and perhaps, in the not too distant future adequate knowledge of the disease will be such that we can also bring in swine and sheep safely, but we do not now consider that our state of knowledge would warrant such introduction.
>
> Our hope is that when the state of knowledge does warrant it we could for the benefit of sheep and hog people bring in sheep and hogs when it is safe to do so.

I urge passage of the bill.

Mr. Chairman, I yield 5 minutes to the gentleman from Texas (Mr. PRICE), a member of the committee.

Mr. PRICE of Texas. Mr. Chairman, faced with the rigid prohibitions of the Tariff Act of 1930, as amended, livestock producers have tried to create hybrid vigor and provide better beef and dairy products at a lower cost to the American consumer by experimenting with our domestic livestock genetic base. They have been hampered in their efforts, however, because the genetic base of many classes of our livestock is rooted in only a few of the many breeds of the world. In fact, in some cases, our present breeds are based on the relatively few strains of animals that were imported from northern Europe some 60 to 80 years ago.

Fortunately, the Federal Government has not been entirely blind to the production needs of the livestock industry. In an effort to facilitate the efforts of livestock producers, the Agriculture Department issued regulations in 1965 that would permit, under very stringent restrictions, the importation of animal semen from certain countries declared to be infected with destructive animal diseases or pests. To date, these regulations have only been utilized once; although the Department is currently reviewing two other inquiries about the importation of bull semen from countries adjudged infected with hoof-and-mouth disease.

According to livestock producers, more requests for the importation of animal semen have not been submitted to the Department of Agriculture because of the disadvantages attendant to the practice. The most important disadvantage seems to be that semen imports do not permit the establishment of a pure-bred nucleus for future breed expansion. Since the importer can obtain only the male side of the genetic strain, he has to continue repeated importations of animal semen in order to maintain his hybrid experiments. In addition, potential importers have complained that the importation of semen is excessively costly in relation to the benefits received; consequently, it is difficult for any but the largest producers to profit from such imports.

Since the mid-sixties, livestock producers, in an effort to import live animals from foreign countries which are considered unsafe under the Tariff Act, have looked to Canada for a source of live animal supply. Canada operates two international animal quarantine stations. When animals are imported into Canada from countries that are infested with destructive animal diseases or pests, they must pass through a strict quarantine procedure. The effectiveness of these procedures is attested to by the fact that no animal carrying hoof-and-mouth disease has ever been released from either of the two Canadian quarantine facilities.

Canada has proved to be a recent source of bull semen for American livestock producers. In addition, a few of the animals themselves have been imported into the United States from Canada, but only after being subjected to rigorous export controls. Canada requires its exporters to obtain an export permit, a permit which only covers a limited number of specified animal breeds. Within these breeds, export privileges have only been granted for male animals, never for females. Canada makes this distinction for the obvious reason; it wants to protect its monopoly position with regard to the importation of foreign livestock.

From the American livestock producer's point of view, the disadvantages to relying on foreign beef imported from Canada are threefold:

First. American producers are confined to bidding on Canadian surplus livestock. If there is no surplus above Canadian domestic needs, American producers go begging.

Second. Since the Canadian exports are limited to live female animals, American producers cannot establish a pure-bred nucleus for future breed expansion, without importing the necessary semen from Canada.

Third. The cost of obtaining foreign animals from Canada is prohibitive. It has been estimated that it costs at least $5,000 per head to buy livestock declared safe by the Canadian Government.

In looking at this situation from the national interest point of view, it seems to me that American reliance on foreign livestock imported from Canada has certain disadvantages. The initial one is that since many animals are imported from Canada, it would be desirable if the United States controlled the importation and quarantine apparatus. As it stands now, the Department of Agriculture sends American veterinarians to meet any livestock shipments from foreign lands to Canada which would ultimately be purchased by U.S. producers. This, the Department concedes, is an expensive and burdensome procedure.

The same disadvantages also apply to our running continuing checks on the practices of other countries such as Argentina, France, Germany, Italy, who are seeking to establish quarantine stations for the purpose of shipping livestock into this country.

In my view, if the United States were to establish an adequate international livestock quarantine station of its own, it would solve in large measure, the problems and needs that the livestock producer experiences in regard to the importation of foreign livestock. The establishment of an adequate international livestock quarantine station would also give rise to other desirable conditions. Livestock producers would be able to import and critically evaluate selected foreign breeds not now present in the United States for their ability to improve livestock productivity and livestock quality. In addition, since the facility would be a Federal one, the Department of Agriculture could conduct research in the area of hybrid vigor and publish a running account of its research for the use and benefit of the livestock industry. The Department can also establish an ongoing system for the importation by private industry of larger numbers of breeds or types of livestock that are found to have significant potential usefulness in the United States.

Mr. Chairman, I believe it is absolutely essential for the United States to establish an adequate international livestock quarantine station if the livestock industry is going to meet the rising demand for meat caused by our rapidly growing population. The Bureau of the Census estimates that by the year 2000 we will have 100 million more people in this country than we have today. By the year 2015, our population will be increased by yet another 100 million people.

This will place a tremendous strain on the productive capabilities and adequacies of our domestic livestock industry. For example, Government experts have estimated that if the cattle industry is to meet consumer demand in the year 2000, the industry will have to produce calves that will have a weaning weight of between 600 and 700 pounds, as compared to the 300 to 400 pounds weaning weight that calves presently have under normal conditions.

The livestock industry can meet the challenges of the future only by the full use and benefit of hybrid vigor. This in turn necessitates the establishment of an adequate American international livestock quarantine station. Through the activities, the research, and the experiments of such a facility, every American will be able to enjoy a greater variety of high-quality livestock products at a reasonable cost in the future.

Mr. Chairman, the question before the House today is whether or not the United States should establish an international livestock quarantine station. This is a matter I have been interested in for several years; for, prior to being elected to Congress, I spent most of my adult life as a rancher and cattleman in the Texas Panhandle. As a result of this personal experience, I speak with some knowledge on this subject.

My position on the issue is a matter of record. Early in this Congress, I supported a bill similar to the one being considered today.

I did so because, based on my experience, I believe that an international quarantine station would be of great benefit to our livestock industry, an industry which has become a leading component of the agriculture sector of our economy.

As a member of the Livestock and Grains Subcommittee of the House Agriculture Committee, I had the advantage of working closely with this legislation from the time I introduced my bill. Throughout the committee deliberations my personal conviction that an international quarantine station was sorely needed was constantly buttressed by both the testimony of the expert witnesses that appeared before the subcommittee and the attitudes of my colleagues. Not only was there no opposition expressed to the proposal at the hearings, the legislation was unanimously reported by both the Livestock and Grains Subcommittee and the full committee.

Mr. Chairman, the livestock industry has been a leading component of the farm sector for many years. Its importance is evidenced by the fact that during the first 6 months of 1969, the livestock industry produced $13.4 billion in cash receipts out of the $20.5 billion produced by the entire farm sector. The industry has achieved this preeminence because, among other things, consumer demand for meat of all kinds has dramatically increased in recent years.

The industry has responded to the stimulus of consumer demand by altering production and initiating innovations designed to provide the American consumer with high quality meat at a reasonable cost.

As is to be expected, livestock producers, in an attempt to improve the competitive position of the industry are constantly striving to improve the quality of their product and lower their costs of production so that both they and the consumer can enjoy a higher return on their dollar. One important means by which the producer is trying to capitalize on his capabilities through experimenting with different animal blood lines.

Crossbreeding animal blood lines has become common practice in the American livestock industry. Experience has demonstrated that the products of crossbreeding have a significantly higher capacity for both gain and the production of desirable cuts of meat. They have what is called increased hybrid vigor.

Livestock experts have unequivocably declared that if the hybrid vigor of the American livestock industry were increased, it would have several widespread beneficial effects for the industry and the consumer. For the industry it is estimated that increased hybrid vigor would boost by three, the number of calves raised per cow bred. It also would effect sheep and swine in much the same fashion. This is an important increase; increasing the potential production percentage by three would permit a reduction in the present number of beef cows by about 1,200,000 animals without sacrificing current production levels. Inasmuch as annual cow maintenance costs are estimated at $80 to $120. This would mean that the 3 percent rise in calf productivity would create a production cost savings amounting to between $96 and $108 million at present production levels.

For the consumer it is estimated that hybrid vigor also increases the average weaning weight of a calf by about 90 pounds. The economic value of this increase would be realized by virtue of the fact a hybrid calf would gain more pounds of pre- and post-weaning feedlots gains and would require fewer days on feed before reaching market weight. In this connection, the hybrid vigor could possibly increase feedlot gain by one-half to 1 pound per day. Accordingly, feed required per pound or gain would be reduced by about $7 and the producer would save about 3 weeks time in the feedlot. This would create significant cost savings which could be passed on to the final consumer in the form of lower market prices for meat.

According to USDA figures, yet another projected consumer benefit of hybrid vigor is that it would reduce waste fat on carcasses of finished slaughter animals by 4 pounds per 100 pounds of carcass weight. The economic importance of this reduction can be illustrated as follows. It is currently estimated that waste fat represents 20 percent of carcass weight. Assuming that the 20 million cattle now on feed average 600 pounds per carcass, a reduction of 4 pounds per 100 weight of carcass equals 24 pounds per head. This savings has two implications: at present levels of production, the amount of edible beef would be increased by about 480 million pounds, or around 2½ pounds of beef for every man, woman, or child in the United States. In addition, present levels of production could be maintained with 800 thousand fewer animals.

Mr. Chairman, under present law, livestock producers cannot take full advantage of the many benefits to be derived from crossbreeding because livestock from many countries around the world is excluded from the United States. The Tariff Act of 1930, as amended, contains an absolute prohibition against the importation of ruminating animals and swine, except certain wild animals for zoos, and fresh, chilled, or frozen meats of such animals from countries declared by the Department of Agriculture to be infected with hoof-and-mouth disease and other destructive animal diseases and parasites such as African swine fever, rinderpest, exotic ticks, and African horse sickness. As an administrative measure, Federal veterinary officials are assigned to various points of entry to the United States. There, with the assistance of trained inspectors, they inspect animals and animal products, poultry and poultry products, hay, straw, and similar materials that might carry destructive animal diseases into the United States. Those animals and materials that do not pass inspection are refused entry.

While I certainly agree that the Federal Government has the responsibility to see that our Nation is not infected with foreign animal diseases that would endanger our livestock industry and reduce its production, it also has the responsibility not to discharge this obligation in such a fashion that it forecloses a major avenue of improving livestock quality. In my view, the present policy of the Federal Government prohibits, as a practical matter, the full use and benefit of crossbreed experimentation. This condition is not a beneficial one; both the consumer and the producer suffer. I believe that the much needed balance between disease protection and livestock improvement can be best achieved by the Federal Government's establishing an adequate international livestock quarantine station on an offshore island where the U.S. Department of Agriculture can effect maximum security precautions to prevent diseased animals and materials from entering the country.

Mr. Chairman, I wholeheartedly urge my colleagues to respond to the needs of the domestic livestock industry and the Nation's consumers. It is in their interest that this bill was proposed; it is in their interest that this bill be passed.

Mr. MAYNE. Mr. Chairman, I have no further requests for time

Mr. PURCELL. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

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H.R. 11832

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Agriculture is authorized, in his discretion, to establish and maintain an international animal quarantine station within the territory of the United States. The quarantine station shall be located on an island selected by the Secretary of Agriculture where, in his judgment, maximum animal disease and pest security measures can be maintained. The Secretary of Agriculture is authorized to acquire land or any interest therein, by purchase, donation, exchange, or otherwise and construct or lease buildings, improvements, and other facilities as may be necessary for the establishment and maintenance of such quarantine station. Notwithstanding the provisions of any other law to prevent the introduction or dissemination of livestock or poultry disease or pests, animals may be brought into the quarantine station from any country, including but not limited to those countries in which the Secretary of Agriculture determines that rinderpest or foot-and-mouth disease exists, and subsequently moved into other parts of the United States, in accordance with such conditions as the Secretary of Agriculture shall determine are adequate in order to prevent the introduction into and the dissemination within the United States of livestock or poultry diseases or pests. The Secretary of Agriculture is authorized to cooperate in such manner as he deems appropriate, with other North American countries or with breeders' organizations or similar organizations or with individuals within the United States regarding importation of animals into and through the quarantine station and to charge and collect reasonable fees for use of the facilities of such station from importers. Such fees shall be deposited into the Treasury of the United States to the credit of the appropriation charged with the operating expenses of the quarantine station. The Secretary is authorized to issue such regulations as he deems necessary to carry out the provisions of this Act.

SEC. 2. The provisions and penalties of section 545 of title 18, United States, shall apply to the bringing of animals to the quarantine station or the subsequent movement of animals to other parts of the United States contrary to the conditions prescribed by the Secretary in regulations issued hereunder.

SEC. 3. There are hereby authorized to be appropriated such sums as are necessary to carry out the provisions of this Act.

With the following committee amendments:

Page 2, line 6, after the period insert the following sentence: "The Secretary of Agriculture, on behalf of the United States, is authorized to accept any gift or donation of money, personal property, buildings, improvements, and other facilities for the purpose of conducting the functions authorized under this Act."

Page 3, line 11, strike the word "contrary" and strike all of lines 8 and 9 and insert in lieu thereof the words ", including Puerto Rico and the Virgin Islands."

The committee amendments were agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. MATSUNAGA, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 11832) to provide for the establishment of an international quarantine station and to permit the entry therein of animals from any other country and the subsequent movement of such animals into other parts of the United States for purposes of improving livestock breeds, and for other purposes, pursuant to House Resolution 861, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The bill was passed.

A motion to reconsider was laid on the table.

Mr. PURCELL. Mr. Speaker, pursuant to the provisions of House Resolution 861, I call up for immediate consideration the bill (S. 2306) to provide for the establishment of an international quarantine station and to permit the entry therein of animals from any country and the subsequent movement of such animals into other parts of the United States for purposes of improving livestock breeds, and for other purposes.

The Clerk read the title of the Senate bill.

MOTION OFFERED BY MR. PURCELL

Mr. PURCELL. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Motion offered by Mr. PURCELL: Strike out all after the enacting clause of S. 2306 and insert in lieu thereof the text of H.R. 11832, as passed, as follows:

"That the Secretary of Agriculture is authorized, in his discretion, to establish and maintain an international animal quarantine station within the territory of the United States. The quarantine station shall be located on an island selected by the Secretary of Agriculture where, in his judgment, maximum animal disease and pest security measures can be maintained. The Secretary of Agriculture is authorized to acquire land or any interest therein, by purchase, donation, exchange, or otherwise and construct or lease buildings, improvements, and other facilities as may be necessary for the establishment and maintenance of such quarantine station. The Secretary of Agriculture, on behalf of the United States, is authorized to accept any gift or donation of money, personal property, buildings, improvements, and other facilities for the purpose of conducting the functions authorized under this Act. Notwithstanding the provisions of any other law to prevent the introduction or dissemination of livestock or poultry disease or pests, animals may be brought into the quarantine station from any country, including but not limited to those countries in which the Secretary of Agriculture determines that rinderpest or foot-and-mouth disease exists, and subsequently moved into other parts of the United States, in accordance with such conditions as the Secretary of Agriculture shall determine are adequate in order to prevent the introduction into and the dissemination within the United States of livestock or poulrty diseases or pests. The Secretary of Agriculture is authorized to cooperate in such manner as he deems appropropriate, with other North American countries or with breeders' oganizations or similar organizations or with individuals within the United States regarding importation of animals into and through the quarantine station and to charge and collect reasonable fees for use of the facilities of such station from importers. Such fees shall be deposited into the Treasury of the United States to the credit of the appropriation charged with the operating expenses of the quarantine station. The Secretary is authorized to issue such regulations as he deems necessary to carry out the provisions of this Act.

SEC. 2. The provisions and penalties of section 545 of title 18, United States Code, shall apply to the bringing of animals to the quarantine station or the subsequent movement of animals to other parts of the United States, including Puerto Rico and the Virgin Islands.

"SEC. 3. There are hereby authorized to be appropriated such sums as are necessary to carry out the provisions of this Act.

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 11832) was laid on the table.

GENERAL LEAVE

Mr. PURCELL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous matter in connection with the bill just passed.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

EFFECTIVENESS OF EDUCATION PROGRAMS

(Mr. PERKINS asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. PERKINS. Mr. Speaker, in his message on educational reform the President has called for fundamental studies related to the learning process and the effectiveness of education programs. The President listed as the first order of business for the proposed National Institute of Education, the determination of what is needed to make compensatory education efforts successful. This is a matter which is close to the Committee on Education and Labor. For in the past few years a major portion of the committee's time has been devoted to this very subject—that of improving American education, particularly education for disadvantaged children. Within the last year and a half the committee has conducted over a month of hearings on elementary and secondary school programs and we have undertaken two extensive surveys which have involved more than 20,000 local school officials. Mr. Speaker, the committee has firm plans to continue this work.

First priority for the committee and

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the educational community is completion of the conference on the elementary and secondary school amendments. Immediately after approval of a conference report, the committee will conduct oversight hearings on elementary and secondary education programs. All Members of Congress who have suggestions for changes in education programs or who wish to discuss educational issues will be heard by the committee. In addition, the committee will travel to various sections of the country for the purpose of evaluating on a first-hand basis title I and other elementary and secondary school programs. In addition also, our three excellent education subcommittees are presently carrying out their oversight responsibilities and they will continue this during the coming months.

In summary, all suggestions from the administration, from Members of Congress, from the educational community and from the public at large will be heard and thoroughly considered in our effort to improve American education.

Mr. Speaker, I must today register my deep concern about what amounts to a general indictment of Federal education programs. The suggestion that two-thirds of our involvement in compensatory education is being squandered is, in my judgment, an indictment of the educational leadership in America. It is an indictment with which I wish to disassociate myself and it is an indictment which is in direct conflict with all the evidence the committee has gathered through the hearings and studies I have mentioned. Undoubtedly some funds are not being expended as efficiently or as effectively as they might. On the other hand, school people throughout America have overwhelmingly testified to the effectiveness of title I. Statements from thousands of local administrators pointing to the effectiveness of title I and discussing the "immeasurables" mentioned by the President are on file with the committee.

In addition we have hard data with respect to increased achievement for title I students particularly in reading. In Louisiana over 100,000 students were involved in remedial reading programs last year. In 56 of Louisiana's 66 school systems carrying out title I reading programs students demonstrated an average grade level improvement of 1.3 years. West Virginia also shows an average gain of approximately 1.3 years in reading for their title I students. In St. Louis, Mo., 2,500 title I students who in previous years had an average of 8 months' gain in reading per year showed gains based on achievement tests of 1.4 years. Those who have supplied this and similar information are unanimous in the view that the most serious problem with respect to title I is that of inadequate funding. More adequate funding is what is needed to make compensatory programs more successful. The record before the Committee on Education and Labor on these issues clearly shows that statements concerning waste and ineffectiveness are mere camouflage for the major and uncalled for weakness in the program—that of underfunding. The issue is well joined.

The committee in its planned series of hearings will, in addition to hearing the administration viewpoint, provide an opportunity for administrators and teachers to come forth and testify with their suggestions. As I said we are unable to conduct our hearings until after the conference is concluded on the elementary and secondary education amendments. We were unable to meet this week because Members of the other body were not available. The conference is scheduled for next week and I am confident that we will complete our conference work in the very near future so that we will be able to continue with our very important oversight responsibilities forthright.

KEE INTRODUCES LEGISLATION TO ENCOURAGE STATES TO PROVIDE CIVIL SERVICE COVERAGE FOR ALL LAW-ENFORCEMENT PERSONNEL OTHER THAN ELECTED OFFICIALS

(Mr. KEE asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. KEE. Mr. Speaker, yesterday I introduced in the House of Representatives H.R. 16246, a bill to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968, relating to law-enforcement assistance, to encourage the States and units of local government to provide civil service coverage for all law-enforcement personnel other than elected officials.

The fact is that Public Law 90–351, the Omnibus Crime Control and Safe Streets Act of 1968, under section 301 (b)(2) authorizes the Law Enforcement Assistance Administration to make grants to States—having approved State plans—for programs for the recruiting and training of law-enforcement officials.

Section 303(2) of this act provides that at least 75 percent of the Federal grants be available to units of general local government to include any city, county, township, town, borough, parish, village, or other general purpose political subdivision of a State.

Due to the continued increase in crime, I feel strongly that our qualified law-enforcement officers of experience and ability—after being found qualified by competitive examination—be given job security and, therefore, make it easier for them to qualify and further their professional skills, in addition to providing them with better training standards and adequate pay.

As we all know, law enforcement is a local responsibility. As never before in the history of our Nation, America needs exceptionally outstanding men in all phases of law enforcement to reduce crime on the streets and in the communities throughout our land, regardless of size.

Whenever an experienced officer loses his job because of political consideration, the fight against crime loses, and our Nation loses. In my home State of West Virginia, our State police and our city police are recruited by State or city civil service examinations and they are trained for the performance of their duties. Unfortunately, our deputy sheriffs do not have the protection of civil service and each 4 years we do lose the services of some valued, reasonable, and experienced men of proven ability because of the political facts of life, rather than because of the performance of their duties.

My legislative proposal recognizes that civil service protection for the qualified men and women is strictly a matter within the exclusive jurisdiction of the State and is designed to encourage the States and units of local government to provide this protection under strict standards.

In any field of endeavor all of the money in the world will not substitute for the experience which has been gained through effective services.

Therefore, in my judgment, due to the extreme importance to the future of our children and grandchildren, I urgently plead for the enactment of H.R. 16246, in order that America may retain our experienced officers of proven ability following their successful completion of competitive examinations and, at the same time, assist our deputy sheriffs in not only recruiting new members with outstanding capabilities, but also to provide more effective training so their careers may benefit the areas in which they serve.

GADSDEN, ALA., RECEIVES FREEDOMS FOUNDATION AWARD

(Mr. BEVILL asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. BEVILL. Mr. Speaker, the city of Gadsden, Ala., one of the leading cities in the Seventh Congressional District, has received a national award from the Freedoms Foundation of Valley Forge, Pa.

Gadsden's award was in the governmental unit activities category and went jointly to the 23d Artillery Group, the city's adopted unit in Vietnam.

Gadsden received this award for establishing Gadsden, Vietnam, a refugee village in the Binh Dugon Province of South Vietnam. This village was made possible by the citizens of Gadsden as a concrete example of the good will of American citizens.

We are all very proud of this achievement. We are especially grateful to the fine citizens of this city for their concern for the people of South Vietnam.

At this time, Mr. Speaker, I place in the RECORD three newspaper articles from the Gadsden Times which tell the story of Gadsden, Vietnam:

KIDS, BUSINESSMEN: ALL HELPED PAY COST

From the coins of school children to large donations from clubs and business firms, Gadsden, Vietnam has represented the collective heart of Gadsden, Alabama.

An approximate $22,000 was sent from this city to build a model refugee village that would attract international attention.

Only $70 will build a house in Vietnam, using native labor, manmade materials, plus some help from other sources. Thus, the $22,000 was made to stretch and stretch and stretch.

Talk about getting your money's worth . . . The results have been phenomenal.

Mayor Les Gilliland made the first donation ($300) to help build the village. This was quickly followed by $100 from the Gold Star Mothers.

Gadsden Lions Club contributed $500 which made possible a medical clinic or dispensary.

Gadsden Life Underwriters raised over $1,000 for a community center.

The Gadsden Times gave two checks, totaling $1,000 which helped provide neat, comfortable homes for the destitute refugees.

Dr. Suzanne Silvercruys, noted sculptor and author, gave a lecture at Convention Hall. The receipts of $223 were donated to the village.

Merchants donated merchandise and the Gadsden Chamber of Commerce sponsored a public auction. This resulted in $2,000 added to the project.

The complete list of donors is far too long to print here. But the names are on file in Mayor Gilliland's office.

They include churches, Sunday school classes, Boy Scouts, Girl Scouts, civic clubs, garden clubs and virtually every school in the community.

All can take a measure of pride in the success of Gadsden, Vietnam.

A STORY OF AMAZING GROWTH

The finest Civic Action Project in Vietnam. . . . The brightest spot in a dirty war. . . . The showplace for visiting dignitaries.

These are some of the labels given Gadsden, Vietnam.

Following are some of the steps, taken in chronological order, of the amazing growth of this refugee village:

On Dec. 7, 1965, City Commission of Gadsden, Ala. passed a resolution offering to adopt a military unit in Vietnam. Soon after, the 23rd Artillery Group accepted the offer.

The 23rd Artillery Group was officially adopted by the City of Gadsden on Jan. 11, 1966.

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A Vietnam Committee, representing a cross-section of the community was organized. Discussions centered on the subject: What to do for the adopted unit in Vietnam.

Rev. Richard Bolen, Gadsden minister, left April 18, 1966 on flight to Vietnam as the city's goodwill ambassador.

Loyalty day observed May 1, 1966 at Convention Hall. Fulton Lewis, Jr. was principal speaker. Rev. Bolen, back from Vietnam, urged Gadsdenites to help adopted unit sponsor a refugee village there.

Mayor Lee Gilliland immediately pledged $250 toward such a project. He was followed by a $100 donation from Gold Star Mothers and a personal donation of $100 by L. C. Wright.

On May 4, 1966, some 2,000 school students took part in a patriotic pageant at Murphree Stadium. Some 15,000 bars of soap were collected and sent to the adopted unit for distribution.

Gadsden observes May 8–14 as 23rd Artillery Group Week. Four men from adopted unit, all with rank of sergeant major, visit the Alabama city and get red-carpet treatment. Numerous public appearances made.

Visitors create strong sentiment to help support refugee village project.

On May 31, 1966, groundbreaking ceremony held at site of Gadsden, Vietnam. Col. James H. Dyson, commanding officer of 23rd Artillery, and Lt. Col. Ly Ba Pham, province chief, among the 150 persons attending.

Col. Thomas H. Sayes assumes command in June, 1966, succeeding Colonel Dyson.

First 10 refugee families move into new concrete block homes, built with native labor using homemade materials. This took place Aug. 8, 1966, only 40 days after laying of first cornerstone.

On Sept. 17, 1966, a cornerstone was laid for the new medical dispensary for village. It was made possible by a $500 donation from the Gadsden Lions Club. Building was named after Sgt. James E. Bowers, member of the 23rd Artillery, who was killed by the Communists.

In January, 1967, while Mayor Les Gilliland was in Washington, he presented a scrapbook on Gadsden, Vietnam to President and Mrs. Lyndon Johnson.

Full page article on the village appears in the "Observer", a paper published weekly in Saigon for American forces.

Readers Digest carries brief editorial comment favorable to the village.

Major Norman T. Morse and Sgt. Maj. Robert D. Hendrickson, members of the 23rd Artillery, visit Gadsden with wives and appear at numerous clubs and schools here. The two visitors receive Distinguished Service Medal, Alabama's highest military honor.

Band concert held at Convention Hall, with nearly $600 collected by school musicians for Gadsden, Vietnam.

Story in Gadsden Times on April 5, 1967 states that 95 homes in Gadsden, Vietnam now occupied. Contributions from Gadsden, Ala. citizens pass the $13,000 mark.

Wide publicity about model refugee village includes coverage on NBC television show "Today" and story in Grit news magazine.

Paul Harvey, noted commentator, speaks at Loyalty Day event April 30, 1967 at Convention Hall. The Gadsden, Vietnam Fund passes $15,000.

East Gadsden Lions Club hold roadblock to benefit the village fund.

Col. Thomas H. Sayes, upon completion of duty in Vietnam, arrives in city with family for brief stay. He describes village as "finest civic action project I have ever seen."

First 100 homes completed and occupied, Colonel Sayes reports. Mayor Gilliland announces that another 100 homes planned.

Some $2,000 raised at public auction for village project. Gadsden merchants donated merchandise which was auctioned by Speed Riggs, famed tobacco auctioneer.

July issue of VFW Magazine carries story by Jess Raley, "Two Towns Named Gadsden."

Emergency medical treatment halts threat of cholera epidemic in swine owned by Gadsden villagers.

Col. Robert J. Koch, commander of 23rd Artillery, appeals for Christmas gifts for children of Gadsden, Vietnam. The overwhelming response includes $104 from Alabama School of Trades.

Col. Koch, en route to Washington, visits our city and tells how Gadsden, Vietnam turned a deaf ear to the Viet Cong.

Congressman Tom Bevill, who visited village, presents Mayor Gilliland with painting done by grateful villagers.

Vietnam President Nguyen Van Thieu visited Gadsden, Vietnam on Jan. 2, 1969. Col. Harold G. DeArment commander of 23rd Artillery, accompanied the distinguished visitor.

Article on Feb. 9, 1969 in the Times tells how the village dispensary recently treated its 10,000th patient.

The Observer, military newspaper, lauds the village project as "an example of two people—worlds apart—working together."

Chaplain Carl S. King of the 23rd Artillery wrote in a letter Aug. 11, 1969 that the Gadsden, Vietnam Fund was being closed with completion of the project. Nearly $22,000 had been contributed by citizens of Gadsden, Ala.

GADSDEN, VIETNAM: FREE WORLD SHOWPLACE

(By George Butler)

Few humanitarian projects have so captured the admiration of the Free World as Gadsden, Vietnam.

Folks from Gadsden, Alabama, reached 12,000 miles away with their prayers, hopes and financial aid. They gave homes and a new way of life to Vietnam war refugees, proving that brotherly love can exist among people even though separated by distance, language and cultures.

Less than four years ago (on May 31, 1966 to be exact), a groundbreaking ceremony was held for the first concrete block home in Gadsden, Vietnam.

Site of the sister city is in Binh Duong Province, about 30 miles northeast of Saigon near Phu Lai.

Early in August of that year, 10 refugee families moved into new homes. Villagers, who needed work, built the homes with their own labor under supervision of the 23rd Artillery Group, the military unit adopted by citizens of Gadsden, Ala.

The concrete blocks were made on rather primitive hand-operated block-making machines.

Considerable aid for materials used in construction came from the U.S. Agency for Internal Development.

Thus, Gadsden, Vietnam has been a joint project. Citizens of the Alabama city donated about $22,000 in money, plus numerous other contributions—such as Christmas gifts for children, soap for the refugees etc.

The 23rd Artillery Group has given military protection to the village from the Viet Cong, plus providing the know-how needed in construction of homes, streets, deep wells, pig farm, etc.

Gadsden, Vietnam has grown to become a thriving, model village—a showplace for all distinguished visitors to Vietnam.

There are approximately 200 neat concrete-block homes, with deeds of ownership made out to each family.

The village has a medical dispensary and in 13 months more than 14,000 patients had been treated.

The village has a six-room school filled to overflowing. (Vietnamese government furnishes the teachers).

There is a playground for children, a school administrative building which also serves as a community meeting place. There are vegetable gardens and eight deep wells to provide water for drinking and irrigation.

The village also boasts a modern pig farm with 70 concrete-block stalls. Hog raising is the chief industry of the village. But others raise ducks and chickens. And everyone has a vegetable garden.

A reporter for the 23rd Artillery Group wrote: "The people of Gadsden, Vietnam are becoming independent because they work. The wide variety of businesses include five laundries, two barbers, a watch and clock repairman, five construction men and 20 who work at a nearby pottery.

"But hog-raising is the biggest industry. About 35 families own and raise a total of 121 hogs. A litter raised and sold brings a year's wages."

There is a crafts shop where women can do sewing for themselves and to sell in the market.

Plans originally called for only 100 homes in Gadsden, Vietnam. However, upon completion of the 100, there were still many families living in squalid hovels. Some funds were on hand and it was decided to construct another 40 homes.

Upon completion of these, 60 more were planned, built and quickly occupied. Funds continued to arrive from Gadsden, Ala. to meet each financial crisis.

It is miraculous how much has been done with such a limited outlay of money.

Total cost of materials to construct a two-room home was about $70. Each dollar sent to Vietnam has gone a long, long way.

Others have caught the spirit of the new village and have helped. For example, medical supplies for the dispensary have come from varied sources, including the Australian government. Many drug firms have contributed vitamins, etc.

Gadsden, Vietnam folks are putting democracy to work and have elected a village chief and six-man town council.

The villagers have rejected all attempts of Communists to gain support.

It is difficult to condense the story of Gadsden, Vietnam. It would take volumes to even hit the high spots of this remarkable "dream come true."

It has been visited by such noted persons as Author John Steinbeck, Vietnam President Nguyen Van Thieu, numerous senators, congressmen and others.

Without exception, it has won lavish praise from visitors. Many call it the outstanding Civic Action Project in all of Vietnam.

Articles about the unique village have appeared in newspapers, magazines, on television programs.

Former President and Mrs. Lyndon Johnson received a scrapbook about Gadsden, Vietnam from Mayor Lesley L. Gilliland on a visit to the White House.

NONDISCRIMINATORY SCHOOL SYSTEMS

(Mr. MIZELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MIZELL. Mr. Speaker, 2 weeks ago, I introduced a bill, with 15 cosponsors, designed to insure the rights of our schoolchildren to attend their neighborhood schools, and to establish, once and for all, nondiscriminatory school systems. Today, I am proud to reintroduce my bill with two additional cosponsors; one, a member of the Education and Labor Committee, and the other, the chairman of the Republican policy committee.

The national scope of the problems facing our school systems was evidenced last week when representatives from Florida and California spoke out on the crises affecting their areas. Florida Gov. Claude Kirk expressed concern that school busing decisions were going to put the Florida school systems on the verge of destruction. At the same time, Mr. Robert E. Kelly, deputy superintendent of business and education services for the Los Angeles School Board, blamed the education crisis in that city on irresponsible lower court decisions, dealing with school busing. A superior court judge in Los Angeles County has ordered that no schools in that system will have more than 50 percent black enrollments. According to Los Angeles County officials, this will require 50,000 additional school buses in order to transport more than 250,000 students daily. The cost will be astronomical. City councilman Marvin Braude has called it a disaster for his community.

It is apparent that the indecision of the Supreme Court with regard to de facto segregation and neighborhood school cases has created more than a local crisis, and a national situation that could, if allowed to continue, tear apart our very educational system.

My bill is designed to, once and for all, end the indecision and to define the meaning of a "nondiscriminatory school system" so that our courts will have something on which to base their decisions. The time has come to reaffirm our policy of concentrating on the education of our young people, to give all Americans fair and equal chances to obtain good schooling.

Mr. Speaker, I believe that my bill can do a great deal to help end the school crisis we are facing today across the Nation. I am honored that two such distinguished colleagues have agreed to join me in my efforts. Let it be known that these men have joined me and 15 other Members of Congress in an effort to place more emphasis on quality education. Our schools are designed to educate. When they are used for any other purposes, they are being used at the expense of our young people, the future leaders of this great Nation. We must get on with the job of providing quality education.

FIRM ACTION SOUGHT IN ATTEMPT TO HALT SEIZURES OF U.S. FISHING VESSELS

(Mr. PELLY asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. PELLY. Mr. Speaker, the general manager of the American Tunaboat Association, Mr. August Felando, has sent a lengthy but important telegram to President Nixon offering numerous suggestions for halting the illegal seizures of U.S. fishing boats off some Latin American countries in the eastern Pacific.

Of particular interest to the Congress, where consideration is being given to legislation to aid in the moves to stop these seizures, is the legal precedent Mr. Felando has discovered for sending American naval vessels to provide protection.

Reference is made to actions taken by President John Quincy Adams in his message to the 19th Congress, second session; to that by President Andrew Jackson in his message to the 22d Congress, first session; and to the actions of President Millard Fillmore as reported by Senator Seward in the debates of the 32d Congress, first session, in August 1852. President Fillmore, supported by Secretary of State Daniel Webster, ordered the warship U.S.S. *Mississippi* to cruise about in the troubled waters, "for the protection of American fishermen in the enjoyment of their just rights." The problem at that time was harassment and seizures in the northwestern Atlantic by British forces.

Mr. Felando offers numerous solutions to the present-day problem, and without objection the full text of his telegram to the President will appear at this point in the RECORD for the information of my colleagues:

SAN DIEGO, CALIF.

Hon. RICHARD M. NIXON,
President of the United States,
Washington, D.C.:

We urgently request naval protection for U.S. tuna vessels fishing off Ecuador and Peru. During February three vessels have been seized: The M/V *City of Panama* by Ecuador on February 14, about 17 miles off the coast; the M/V *Western King* by Peru on February 23, about 37 miles off the coast, and the M/V *Day Island* by Ecuador about 37 miles off the coast. About $149,000 has been paid these countries by vessel owners to obtain release of crews and vessels.

Two of these seizures occurred at about 2100 hours, while USA vessels drifting. Since January 1961, ninety-one USA tuna vessels have been illegally seized on the high seas off Pacific coast of Latin America. Forty-seven by Ecuador and thirty-four seizures by Peru. Also, alarming number of serious shooting and other forms of harassment incidents have occurred during this period, including severe gunfire damage to vessels and sinking of small support boats as well as wounding of USA fishermen. Deaths of Ecuadorean naval pilots involved in tuna seizure and harassment actions on February 23 may increase danger to USA fishermen. History of attempts to resolve conflicts since 1951 include rejection of USA offer to take matter to World Court or arbitration tribunal by Ecuador and Peru.

Willingness of Peru and Ecuador to go to 1969 conference in Buenos Aires effected only after Foreign Military Sales Act implemented and Congress scheduled law designed to grant President power to deny entry of fishery products of countries refusing to negotiate law of sea dispute. I attended this conference, and objective review of events since conference indicates that diplomatic efforts by Department of State commencing about three years ago has failed. Hard line statements and actions by Ecuador and Peru, including history of four seizures and seven different harassment incidents since conference during period when USA tuna fleet presence minimal off Ecuador and Peru, plus use of concentrated and heavy use of aircraft, destroyers and patrol craft support conclusion of failure and necessity of change of policy by United States in this dispute.

It is our belief that Peru and Ecuador have mutually agreed to conduct policy designed to seize or harass every USA tuna vessel on high seas, and to test USA intent to offer protection by Congress and executive and to measure extent of protection offered. On basis of above facts we make following requests (1) that naval vessel loan bill, section 3, Public Law 90–224 be immediately implemented, so as to effect return of USA destroyer now on loan to Peru; (2) that all naval vessels under special loan to Ecuador and Peru be recalled under thirty day clause provided in such agreements; (3) that the Foreign Military Sales Act, section 2(b), Public Law 90–629 be immediately implemented, thereby cutting off all military goods and services to Ecuador and Peru; (4) that the Fishermen Protective Act of 1967 be immediately implemented so that all fines paid under such act by the United States be withheld from the foreign assistance funds allocated to Ecuador and Peru; (5) that you selectively reduce the extent of foreign assistance furnished to Ecuador and Peru by exercising the powers granted to you by Congress under the Foreign Assistance Act of 1965, as amended, section 620(o), Public Law 89–171; (6) that you request the appropriate chairman of the House Merchant and Marine Fisheries Committee to consider immediate hearings and action on H.R. 10607, a bill introduced by Congressman Pelly, and that you publicly support the concept of such legislation, and that you request Senate commerce chairman Warren Magnuson to consider the introduction of legislation patterned after H.R. 10607; and (7) that you request the appearance of the Ambassadors of Ecuador and Peru to the White House for the purpose of receiving explanations from their governments for their apparent policy of mutually agreeing to seize and harass U.S. flag fishing vessels on the high seas, and to take the opportunity of such meeting to explain the position of the United States with respect to the freedoms of U.S. citizens to fish on the high seas not only to such ambassadors but also to the U.S. public and the world in general, and finally; (8) that you take action to provide necessary and effective protection of U.S. fishing vessels

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as they legally exercise their freedom to fish on the high seas off Ecuador and Peru, utilizing the employment of U.S. naval vessels on the high seas off coasts. In connection with this latter request, we respectfully refer you to actions taken previously by other Presidents of the United States.

They afforded U.S. Coast Guard protection to U.S. shrimp vessels on the high seas in the Gulf of Mexico. They afforded U.S. naval protection to U.S. fishing vessels from New England States when naval vessels of Great Britain were implementing a policy to seize U.S. fishing vessels on the high seas. They provided U.S. naval protection for U.S. fishing vessels off Chile and Peru when such vessels were endangered.

Please refer to the actions taken by President John Quincy Adams in his message to the 19th Congress, second session, to that by President Andrew Jackson in his message to the 22nd Congress, first session, and to the actions of President Millard Fillmore as reported by Senator Seward in the debates of the 32nd Congress, first session in August 1852. President Fillmore, supported by Secretary of State Daniel Webster ordered the warship U.S.S. Mississippi to cruise about in the troubled waters "for the protection of American fishermen in the enjoyment of their just rights." Senator Seward stated:

"So long hereafter as any British force shall be maintained in those northeastern waters, and equal naval force must be maintained there by ourselves. When Great Britain shall diminish or withdraw her armed force, we ought to diminish or withdraw our own; and that in the meantime a commission ought to be raised or that some appropriate committee of this body charged to ascertain whether there cannot be some measure adopted by reciprocal legislation to adjust these difficulties and enlarge the rights of our fishermen, consistently with all the existing interests of the United States." We suggest that this proven advice is good advice in dealing with Peru and Ecuador, and since the consequences of allowing Peru and Ecuador to continue to implement their mutual policy endangers the essential sovereign interests of the United States, and in our opinion also deliberately obstructs attempts by the world to live by rule of law rather than by rule of force in matters of the law of the sea, we respectfully urge that you follow such historical precedent and provide naval protection to U.S. flag fishing vessels and their crews on the high seas off Ecuador and Peru.

AUGUST FELANDO,
General Manager,
American Tunaboat Association.

PROPOSED DISTRICT OF COLUMBIA SCHOOL "BOYCOTT" OR "WALKOUT"

(Mr. BROYHILL of Virginia asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. BROYHILL of Virginia. Mr. Speaker, I am appalled at what I read in the local newspapers in the past few days about a proposed District of Columbia public school "boycott" or "walkout," and watch the antics of certain of the representatives of the Washington Teachers Union, urging, calling, and demanding a "walkout" on the part of the teachers from the classrooms on Thursday of this week for 1 day of lobbying on Capitol Hill. I understand from an article in the newspaper today that such a "boycott" or "walkout" resolution was shouted into adoption yesterday by the teachers following their union leaders' advice.

I deplore this action and I call upon those teachers in the District schools not in sympathy with this action to disavow the action taken by those members of the teachers union who voted for the resolution calling for a "boycott" or "walkout."

I also call upon the Board of Education to come forward and urge the teachers not to take this precipitous, irrational, and illegal action.

I also call upon the Commissioner and the City Council to stand ready, with the advice and aid of their lawyers, to seek an injunction or temporary restraining order if need be to prevent this contemplated illegal action to "boycott" the schools or "walkout" of the classrooms on Thursday.

There appears to be a total void of leadership from the elected officials comprising the school board and from those appointed officials on the City Council and in the Commissioner's Office who should be directing and urging the teachers to continue at their assigned duties on Thursday.

Over the years I have been very favorably disposed to aid the District of Columbia public schools and to see to it that teachers and other education employees are paid on a scale commensurate with other school systems in the Metropolitan Washington area. I introduced H.R. 12600, a bill to make certain revisions in the retirement benefits of District of Columbia teachers and other educational employees; and, I was an active advocate on the floor last week, February 19, in urging its passage by my fellow Members of this body. I also introduced H.R. 15151, a bill which would, among other things, amend the District of Columbia Teachers Salary Act of 1955 to increase the salaries of teachers, school officers, and other employees of the Board of Education of the District of Columbia.

I introduced this teachers salary bill on December 9, 1969, and hearings are set on this bill for Thursday, March 5. Until the recent action of the union leadership, urging a "boycott" and a "walkout" on that date, and until certain of the teachers themselves voted a resolution calling for this action, I was most hopeful that favorable action would be forthcoming from the subcommittee holding the hearings in this matter. However, I for one, will not be "boycotted" or threatened into holding hearings on this legislation, and I seriously doubt whether other members of the District Committee will permit themselves to be so "boycotted." I hope that I never see the day when legislation is enacted in response to threats from those who would benefit thereby.

I am fearful for the future of the District school system when we have a teacher quoted as he was in the newspaper today to the following effect:

> We're sitting here trying to find a safe way of doing something and we've got to get off these bourgeois attitudes and get into reality. The high school students are doing it. The elementary school students are talking about it. We must show those kids that we don't let anybody sit on us either.

At best this is a menacing statement; at worst it seems to constitute a threat to bring the antics and demonstrations of the street into the Halls of Congress. Surely those officials in the District of Columbia responsible for the District government and its schools will not permit such threats of street action and a threatened "boycott" or "walkout" to go unchecked.

Or, will they?

I feel it is my responsibility to call to the attention of those schoolteachers who voted in favor of the "boycott" and "walkout" resolution, to the school administrators, to the District of Columbia Board of Education, the City Council, and to the Commissioner, the following matters:

First, that a "boycott" or "walkout" and the failure of the teachers to perform their assigned duties on Thursday constitute nothing more nor less than a strike against the District of Columbia, particularly in light of the public announcements that the teachers are taking this action as a joint enterprise.

Second, that the Teachers Union, in advocating a "boycott" and "walkout" as it did here, is in violation of article XXXIX of the existing union contract, effective through June 1971, and a repudiation of the contract.

Third, that failure of the teachers to discharge their duties on Thursday as called for in their contracts must be considered a breach of contract for which, among other things, no compensation may be made to individual teachers.

But, more importantly, section 7311 of title 5 of the United States Code indicates that an individual may not accept or hold a position in the government of the District of Columbia if he, among other things, participates in a strike or asserts the right to strike against the government of the District of Columbia or is a member of an organization of individuals employed by the government of the District of Columbia that he knows asserts the right to strike against the government of the District of Columbia. Section 1918 of title 18 of the United States Code provides that whoever violates the provisions of section 7311 of title 5 shall be fined not more than $1,000 or imprisoned not more than 1 year and 1 day, or both.

Further, as I understand it, each of the employees of the Board of Education signs an affidavit upon accepting employment with the District of Columbia Board of Education that he will not strike against the government of the District of Columbia and will not assert the right to strike against the government of the District of Columbia or any agency thereof while such an employee, nor will he knowingly become a member of any organization which asserts such a right.

The rules of the Board of Education also prohibit, in my opinion, that action contemplated by the teachers who plan a "boycott" and a "walkout" of the classrooms on Thursday.

Certainly under the District Code no more than 5 percent of the total number of teachers may be on leave at any one time—see title 31, District of Columbia Code, section 691.

In addition, the current union contract, effective through June 1971, provides in article XXXIX as follows:

> The union will not engage in or encourage strike action or work stoppage of any type during the life of this Agreement.

I cannot emphasize too strongly to union representatives urging strike action and those teachers who have voted to "boycott" and "walkout" of their classrooms on Thursday that they reconsider and disavow this action immediately.

In my opinion the Board of Education has the authority to fire those employees who engage in such an illegal strike, and it has the authority to select out the leaders in such a strike and fire them, based on the Supreme Court decision in *NLRB* v. *Sands Mfg. Co.*, 306 U.S. 332, 345 (1939). It is also my opinion that the Board of Education and the District government have civil and possibly criminal remedies they may wish to initiate against certain union officials.

I call for the Board of Education, the City Council and the Commissioner to take whatever action is necessary to prevent this "boycott" and "walkout." I say this not in any threatening manner because I do not wish to emulate the action of those who have urged or voted for this strike action but I say it from a conviction that this action which is contemplated is wrong, that it need be reversed, and that the local leadership in this community is sorely needed to effect this reversal.

I include a Washington Post article at this point:

District of Columbia Teachers Vote Boycott

(By Lawrence Feinberg)

Members of the Washington Teachers' Union, following their leaders' advice, voted yesterday to boycott classrooms on Thursday for one day of lobbying on Capitol Hill.

The walkout will coincide with the House District Committee's hearings on pay raise legislation, but the 1,000 teachers at yesterday's meeting argued emotionally about whether higher pay should be the main focus of their action.

"All the community has heard about so far is pay," one teacher said. "Most of them are poor black people, who don't care how many thousand we get. Unless we let people know there are other issues involved—better education—then we are damned."

The boycott resolution, shouted into adoption by a heavy vote, declared only that teachers would "lobby for the needs of children."

"And pay, too," some teachers yelled. "We had to go to college four years for this. The police and firemen didn't."

The pay raise bill, passed by the Senate in December, sets salaries for police and firemen, as well as teachers. The salary range for teachers would rise from a range of $7,000–$13,440 a year to $8,000–$16,100, retroactive to last Sept. 1.

The pay for rookie police and firemen would be increased from $8,000 a year to $8,500.

Before yesterday's vote at Roosevelt High School, at 13th and Upshur Streets NW, Union President William Simons read a letter from Acting School Supt. Benjamin J. Henley, threatening to remove recognition of the union if a strike occurred, and to end its dues checkoff.

Henley noted that the union contract contains a "no-strike" clause that does not expire until June, 1971. The union has a membership of 4,300 of the city's 7,800 teachers.

"We're sitting here trying to find a safe way of doing something," Burnell Irby, a teacher at Bundy Elementary School, said. "And we've got to get off these bourgeois attitudes and get into reality.

"The high school students are doing it. The elementary school students are talking about it. We must show those kids that we don't let anybody sit on us either."

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. BROYHILL of Virginia. I am very happy to yield to the gentleman from Iowa.

Mr. GROSS. Are these the same schoolteachers for whom the House only a few days ago approved a very liberalized retirement system?

Mr. BROYHILL of Virginia. They are the same schoolteachers for whom we passed a very lucrative retirement bill a few days ago.

Also this pay bill which is pending will give the schoolteachers in the District of Columbia system over $1,000 a year more starting salary than the schoolteachers in the suburbs.

THE PRESIDENT'S EDUCATION MESSAGE

(Mr. PUCINSKI asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. PUCINSKI. Mr. Speaker, as chairman of the Subcommittee on General Education, which has basic responsibility for legislation dealing with elementary and secondary schools in this country, I should like to call the attention of the House to an editorial which appeared this morning in the New York Times commenting on President Nixon's education message of yesterday.

The New York Times editorial says in part:

> President Nixon's education message is replete with delayed-action rhetoric. For many school systems in the throes of fiscal crisis, it can only sound like a pledge to a drowing man that help will come as soon as the experts find out why he is swimming so poorly.

I will include the whole editorial at the conclusion of my remarks.

I should like for the House Members to know that the general subcommittee has been holding extensive hearings on educational needs of this country, and we are ready for action now.

One thing I was particularly appalled by is that when one reads through the whole lengthy statement he does not find one reference to vocational education, when the greatest single problem of the American educational institutions today is the fact that we fail to prepare the young people for the world of work.

I hope my colleagues will read the President's message and then read the editorial which appeared in the New York Times and the further analyses we are going to make of the President's proposal, and then I hope our colleagues will join us in bringing to this Congress some meaningful help for the schools of this country.

The editorial referred to follows:

Education—Why Not Now?

President Nixon's education message is replete with delayed-action rhetoric. For many school systems in the throes of fiscal crisis, is can only sound like a pledge to a drowning man that help will come as soon as the experts find out why he is swimming so poorly.

This is not to challenge the President's demand for educational reforms nor his warning that "we must stop pretending that we understand the mystery of the learning process." Our quarrel is with the prospect of put-off or reduced subsidies for admittedly imperfect but promising programs until that distant day when the secrets of learning are unlocked.

The proposed creation of a National Institute of Education for research and experimentation could be useful; but to hail this step as the equivalent of the National Institutes of Health is nothing short of deception so long as the relationship between the N.I.H. success story and its liberal funding is unmentioned.

The President is right in saying that the American schools have lagged in applying technology to teaching; but the effective use of these tools, at least initially, is expensive far beyond the fiscal capacity of states and localities.

For all these reasons establishment of a Presidential Commission of School Finance to "help states and communities to analyze the fiscal plight" of their schools can only appear as a device to defer that which is needed now. It is ludicrous to speak about long-range budgeting at the very moment when, as a result of Congressional delays and Mr. Nixon's veto, the schools have not yet even been assured of funds for the current budget.

The most constructive elements of the message are support of Education Commissioner Allen's "right-to-read" program and for Mr. Moynihan's proposal to concentrate on the pre-school experience of children from the ages of one to five. Equally constructive is the promise of support for a system of day care.

Yet only the $200 million funding of the reading campaign can be considered a realistic pledge. In contrast, it is difficult to see how $52 million, or little more than $1 million per state, can do much toward establishment of "a network of child development projects."

The President seems irreconcilably torn between the advice of those of his experts who claim that past Federal programs have failed because they were poorly carried out at state and local levels and his own philosophy of letting the states assume control over Federal aid. In the end, the triumph of states rights ideology over Federally supervised reform can only aggravate the lack of cohesive school policies which Mr. Nixon properly deplored.

No one will argue with the President's conclusion that "we do not yet have equal educational opportunity in America." But no research is needed to identify the causes of such lag. It is therefore encouraging that Mr. Nixon has called school desegregation vital to educational quality and equality alike.

But on this as on all other issues it is not enough to say that "the tone of this message, and the approach of this Administration, is intended to be challenging." On the future of desegregation as on the promise of proper fiscal support, the test is not in words but in deeds. The education message is long on rationalization of postponement and short on urgent priorities.

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THE IMPACT OF IMPORTS ON AMERICA'S ELECTRONIC INDUSTRY

(Mr. MACGREGOR asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. MACGREGOR. Mr. Speaker, it is totally unrealistic to expect that our domestic electronic industries can compete effectively with products imported from abroad produced by competent 25-cent-an-hour labor. This is the message contained in an article by John A. Yngve, president of Nortronics, 8101 10th Avenue North, Minneapolis, Minn., which appeared in his company's publication. Mr. Yngve, an outstanding young civic leader, currently a member of the University of Minnesota board of regents, and a former member of the State legislature, makes a strong case for Government assistance. Mr. Yngve states:

> The problem that is proving to be devastating to us is the fact that our borders are open to all comers. No other manufacturing country in the world has a similar situation. They either have tariffs, duties and import quotas, or non-tariff restrictions of some sort.

This open-door policy has permitted the value of electronic industry imports to reach $1.7 billion in 1969, a 25-percent increase over 1968. The time has come when either the governments involved, principally Japan, will have to agree to voluntarily limit exports or our Government will have to provide some assistance to this vitally important domestic industry. The article by Mr. Yngve follows:

FROM THE PRESIDENT

(By John A. Yngve)

The Electronic Industries Association (EIA), recently released some industry statistics that would indicate we are healthy, prosperous and growing. Projected sales for the industry in 1969 will be a strong $24.9 billion as compared to $24.2 billion in 1968, or a comfortable 3.1 percent increase.

Trade balance figures for our industry in 1969 also look rosy. EIA projects export sales of 2.3 billion, a 10 percent increase over 1968.

Such news is the kind to make some industry executives contentedly light up their cigars and relax with fiscal satisfaction.

These executives should be warned to take a closer look at the comforting figures because there are aspects of the 1969 trends that are alarming. This same list of figures shows that imports are sharply increasing, not only in dollars but in percentage as well.

Consider that imports in the electronic industry will be $1.7 billion, a 25 per cent increase over 1968.

Consider that our 1969 industry trade balance of $660 million will be 16 per cent below the favorable 1968 balance of $790 million.

These statistics point up the steady erosion of our markets by imports. In fact, they show that we are losing the battle in the market place to imports.

The problem that is proving to be devastating to us is the fact that our borders are open to all comers. No other manufacturing country in the world has a similar situation. They either have tariffs, duties and import quotas, or non-tariff restrictions of some sort.

The electronics industry cannot solve this problem by itself.

For us to be successful and competitive, our government must take steps to preserve our manufacturing capability. It isn't possible for American industry to compete with competent 25 cents-an-hour labor as we are now forced to do. This is the same as permitting cheap labor to compete right here in the United States. It is unfair to us and is caused by unrealistic government attitudes. This attitude assumes a fact that we, American industry, can compete with the entire world and pay higher duty rates than anybody else—no matter how severe our inflation, no matter how weak the dollar, no matter how high our minimum wage.

Obviously it is impossible to compete under such conditions.

RECOGNITION OF MEMBERS ON SPECIAL ORDERS

Mr. PUCINSKI. Mr. Speaker, I ask unanimous consent that Members having special orders to address the House may be recognized at this time.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

POLICE ARE REALLY THE GOOD GUYS

The SPEAKER. Under a previous order of the House, the gentleman from Ohio (Mr. DEVINE) is recognized for 15 minutes.

Mr. DEVINE. Mr. Speaker, it seems distortion has become a way of life when certain segments of the communications media wish to impose the thinking of their particular commentators on the American public. The recent trial of the "Chicago 7" has been overpublicized, dramatized, and analyzed far beyond propriety. Of course the participants, including the defendants, their relatives and attorneys relished the limelight, and took advantage of the endless opportunities before the TV cameras. Rarely did the American public view those representing the Government nor the law enforcement officials, charged with the responsibility of upholding the law, and protecting the peace and dignity of the United States of America. One wonders why.

The so-called civil libertarians, the advocates of freedom of only their speech, and everything else that may in some way derogate our society, enjoy the heavy balance in television and news coverage, to the exclusion of the other side of the story. This is wrong and works an injustice.

Frankly, Mr. Speaker, I wonder why anyone today would want to involve himself in the law-enforcement profession. The courts seem to be preoccupied with the rights of the wrongdoers, and ignore the respectable law-abiding citizens who go about their business of making an honest living and conducting their lives within the framework, rules, and regulations of an orderly society. This latter group represents at least 95 percent of our population, and they are entitled to at least an equal amount of consideration by the courts.

In order to maintain an orderly society, and protect the majority against the transgressions of those seeking to create chaos, insurrection, anarchy, and a jungle of our streets and cities, it is necessary to have strong public backing for the duly constituted law-enforcement agencies across the land. This means all levels, from the lowest of constables in a rural setting, up through the sheriff's office, large metropolitan police departments, State police, and Federal law-enforcement agencies.

The image of law enforcement can be enhanced by the communications media, if they would dramatize the dangers and difficulties on that side of the law with the same vigor as they portray the lawless elements and their histrionics, Granted, the lawful side of the coin may not be as exciting, but does the media not have some responsibility to society in general to make a contribution on the side of law, and order, and justice, and the freedoms guaranteed by the Constitution, not to just the misfits, dissidents, minorities, and some of the costumed adolescents parading as students, but also to those majorities that created these very freedoms—the American public?

Mr. Speaker, there is no reason to belabor this subject, because everyone in this Congress is, or should be, aware of the breakdown of respect for authority, and the increasingly difficult job of those charged with the responsibility to enforce the law, maintain order, and prevent chaos. They need help and encouragement, not handicaps and frustrations. That is why it is essential this Congress must get off its dead center, and enact some of the many bills designed to restore law and order to this Nation.

Finally, Mr. Speaker, although I have never liked the use of the word "cop," I would like to share with my colleagues a description attributed to Conrad S. Jensen, entitled "What Is a Cop?" Reading, and rereading the following may be helpful in giving all of us some second thoughts about the awesome duties of our policemen and women:

WHAT IS A COP?

(By Conrad S. Jensen)

Cops are human (believe it or not) just like the rest of us. They come in both sexes but mostly male. They also come in various sizes. This sometimes depends on whether you are looking for one or trying to hide something. However, they are mostly big.

Cops are found everywhere—on land, on the sea, in the air, on horses, in cars, sometimes in your hair. In spite of the fact that "you can't find one when you want one", they are usually there when it counts most. The best way to get one is to pick up the phone.

Cops deliver lectures, babies, and bad news. They are required to have the wisdom of Solomon, the disposition of a lamb and muscles of steel and are often accused of having a heart to match. He's the one who rings the doorbell, swallows hard and announces the passing of a loved one; then spends the rest of the day wondering why he ever took such a "crummy" job.

On TV, a cop is an oaf who couldn't find a bull fiddle in a telephone booth. In real life he's expected to find a little blond boy "about so high" in a crowd of a half million people. In fiction, he gets help from private eyes, reporters, and "who-dun-it fans." In real life, mostly all he gets from the public is "I didn't see nuttin'."

When he serves a summons, he's a monster. If he lets you go, he's a doll. To little kids, he's either a friend of a bogeyman, depending on how the parents feel about it. He works "around the clock", split shifts, Sundays and holidays, and it always kills him when a joker says, "Hey, tomorrow is Election Day, I'm off,

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> let's go fishing" (that's the day he works 20 hours).
>
> A cop is like the little girl, who, when she was good, was very, very good, but, when she was bad, was horrid. When a cop is good, "he's getting paid for it." When he makes a mistake, "he's a grafter, and that goes for the rest of them too." When he shoots a stick-up man he's a hero, except when the stick-up man is "only a kid, anybody coulda seen that."
>
> Lots of them have homes, some of them covered with ivy, but most of them covered with mortgages. If he drives a big car, he's a chiseler; a little car, "who's he kidding?" His credit is good; this is very helpful, because his salary isn't. Cops raise lots of kids; most of them belong to other people.
>
> A cop sees more misery, bloodshed, trouble, and sunrises than the average person. Like the postman, cops must also be out in all kinds of weather. His uniform changes with the climate, but his outlook on life remains about the same; mostly a blank, but hoping for a better world.
>
> Cops like days off, vacations, and coffee. They don't like auto horns, family fights, and anonymous letter writers. They have unions, but they can't strike. They must be impartial, courteous, and always remember the slogan "At your service." This is sometimes hard, especially when a character reminds him, "I'm a taxpayer, I pay your salary."
>
> Cops get medals for saving lives, stopping runaway horses, and shooting it out with bandits (once in a while his widow gets the medal). But sometimes, the most rewarding moment comes when, after some small kindness to an older person, he feels the warm hand clasp, looks into grateful eyes and hears. "Thank you and God bless you, son."

Mr. KYL. Mr. Speaker, will the gentleman yield?

Mr. DEVINE. I yield to the gentleman from Iowa.

Mr. KYL. Mr. Speaker, I would like to move from the general to the specific here, dealing with the city of Washington, where at any given time we have about 800 officers attending school on their own time so they can improve themselves, and where we have 500 or 600 officers who spend more than 100 hours of free time each year—some of them thousands of hours—working with kids in their off time. To get even more specific, not because these are the only people involved in this kind of activity, but because in a way they are symbolic, I would like to mention a few individuals.

I know that Sgt. O. E. Brown of the Metropolitan Police Department would never publicize his extra-duty activities. I will. He is now in charge of the Police Boys' Club in the District of Columbia. For years he has spent his own vacation time taking youngsters from the ghettos on trips for outdoor activity—meaningful activity. At the present time he has his own family and also three foster sons. In addition, he is one of the most cooperative cogs in the Big Brother programs in the District. And this is one policeman some would call "fuzz," or "pig."

Let us be specific with the case of Rudy Biro, an acting captain in the Metropolitan Police Department. He is a tough-looking officer of the law and one who can be tough. From personal experience I know that his chief desire is to help youngsters keep out of trouble and to help those in trouble. This "tough cop" plays games with his children to see who will wash the dishes the evening he is off duty—and usually losing purposely so that the kids have a little more time to play. This is another example.

Or take the example of a woman who does not have to be a policewoman, but who is, because she wants to be involved. Her husband is an engineer and there is no need for money and she could enjoy a settled existence. Yet she works as a metropolitan policewoman on a regular shift, day after day, week after week, and incidentally getting very emotionally involved in the cases of child-beating and child neglect and child desertion. I am speaking now of Policewoman Dixie Gildon. She is not the exception. I mention her as being representative of a corps of law officers.

Mr. Speaker, I like to think these are the kinds of people who really represent the professional police officers we have today, who take such tremendous abuse from so many people. And I want to tell you this. There are occasionally police officers who do not come up to standard. No one, anywhere, resents the few bad policemen more, than do the good, dedicated members of the force.

Mr. DEVINE. Mr. Speaker, I thank the gentleman from Iowa for his contribution.

I might say in passing that I know from firsthand knowledge the gentleman from Iowa has spent a great deal of time personally working with the Metropolitan Police Department, specifically with the Youth Aid Division, and the officers to whom he makes reference.

Both the gentleman from Iowa and I have traveled the streets of Washington at night with the Youth Aid Division to try to find solutions and to help with the juvenile problems in the District of Columbia.

Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. DEVINE. I yield to the gentleman from Missouri.

Mr. HALL. Mr. Speaker, I thank the gentleman for yielding.

I think it is so timely that a man of the experience of the gentleman from Ohio would take this opportunity at this time and place in our Nation's history, to call attention to "our finest."

Particularly I commend the gentleman for reading so well the poem about our "cops," about our police, about those who contribute most to the protection of our environment.

Oftentimes the police are unthanked, unheralded, and usually underpaid, but they are the people who serve above self today, and day in and day out; and, in direct proportion to the amount of backing they receive from one of our coequal branches of government—the judicial—they are effective.

This is becoming more and more apparent, as the gentleman certainly implied in his well thought out and timely remarks, in different sections and municipalities and county subdivisions of the Nation. There are those areas where they are most effective, where the crime rate is low, where there is no problem of drug abuse. Always it is directly proportional to the vigilance and the dedication to duty and the loyalty of purpose of our police force. Unfortunately, there are also areas where the policeman's hands are tied.

I believe it is most important that the gentleman, with his vast background and experience, to say nothing of his dedicated enterprise over and above the call of duty as a legislator, has brought up the question of the need of the grassroots people of America to support our constabulary. If indeed our highest judiciary will not support the constabulary, then the individuals must stand up and bear witness, and attest to, and respond when arrests need be made in order that prosecution can be properly carried out.

In the end result, the respect of the people for the law will be in direct proportion to its enforcement. Those whom the gentleman properly brings to our attention today are the enforcers of the law. They should be commended. As he said, so many of the silent majority among the ordinary people, look at them with warm friendship and a handclasp after rendering of these services and say, "Thank you and God bless you."

Mr. DEVINE. I appreciate the remarks of the gentleman from Missouri.

Mr. GOODLING. Mr. Speaker, will the gentleman yield?

Mr. DEVINE. I yield to the gentleman from Pennsylvania.

Mr. GOODLING. I thank the gentleman for yielding.

Mr. Speaker, I should like to associate myself with the remarks of the gentleman from Ohio. I believe the time has come, and probably long since passed, when we have to give headlines to the "good guys" of America, the people who are really doing an outstanding job. We should play down what the hoodlums are doing. I am absolutely certain if we would keep the latter out of the headlines and off our television screens they would disappear far more rapidly than they are today.

Mr. DEVINE. I thank the gentleman.

THE PRESIDENT'S MESSAGE ON EDUCATIONAL REFORM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. PUCINSKI) is recognized for 60 minutes.

(Mr. PUCINSKI asked and was given permission to revise and extend his remarks and include extraneous matter.)

Mr. PUCINSKI. Mr. Speaker, in his message on educational reform President Nixon proposed four major reforms:

A National Institute of Education;

A Commission on School Finance;

A commitment to the "right to read," and

The establishment of a network of child development projects.

As chairman of the General Subcommittee on Education, I want to cooperate fully with the President in helping solve our Nation's educational crisis.

I have stated repeatedly that President Nixon is entitled as the Head of our Nation to fair consideration of his proposals by this Congress, and I can assure this House that the President will receive full consideration of his proposals so far as I am concerned.

But I am puzzled by his message of yesterday. As the New York Times stated this morning in its lead editorial, the

President's message is replete with delayed-action rhetoric.

Mr. Nixon's principal proposal is the creation of a National Institute of Education. But just last August this administration announced a major reorganization in the Department of Health, Education, and Welfare and established the National Center for Educational Research, which also was hailed as a significant step toward "providing stronger leadership by the Office of Education in accelerating the progress of change and improvement in the Nation's educational system." The National Center for Educational Research and Development which is now in full operation and was organized only 6 months ago has almost the same powers and the same functions as the newly proposed National Institute of Education.

It is perfectly clear, Mr. Speaker, that the White House "palace guard," with its Daniel Patrick Moynihan and others, is setting national educational policy instead of the professional educators in our Office of Education. I cannot believe that in 6 short months, the administration would dump the highly promising National Center for Educational Research and Development and urge it be substituted with the proposed National Institute of Education. It should be perfectly clear that such "musical chairs" will not serve the best interests of the Nation, and I am hopeful President Nixon will realize he is being sold a bill of goods.

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The National Center for Educational Research can contract with private and public agencies; both can use social scientists and others as well as educational researchers. In fact, the National Center now spends more money on individual research projects in universities than it does in its own 15 regional laboratories. There is little new power or change in functions at this new National Institute of Education.

About the only thing that can be said of the proposed National Institute is that it would carry more prestige but this, too, is debatable.

President Nixon also proposes helping States and communities to achieve "the right to read." He claims he will do this through titles II and III of the Elementary and Secondary Education Act. But the Federal Government cannot direct State and local school districts to spend those funds in any particular way as long as they are being used for library and experimental programs. Moreover, Mr. Nixon thought so little of these two programs that he did not request any funds for title II in either the fiscal 1970 or 1971 budgets. He also requested almost a one-third reduction in title III in both budgets.

In his proposal regarding the Commission on School Finance, President Nixon emphasizes the value of private schools and their dire financial straits, but in his budgets for 1970 and 1971 he requested no funds for title II, which is the major Federal program aiding private schools. Parochial schools all over the Nation have benefited from title II by being able to borrow educational textbooks, film slides and other educational material from the public schools. But the administration did not think enough of this program and tried to scuttle it by not requesting any more funds.

It is not my purpose to in any way interfere with the President's program. But it does occur to me that the way to help our schools is not through more studies but through positive action. Mr. Nixon has been both a Congressman and a Senator and he knows full well how many effective programs had been killed by studying them to death.

Now, Mr. Speaker, I would like to discuss all of these issues at greater length as we proceed in this discussion, but first I would like to yield to the distinguished chairman of my committee, the gentleman from Kentucky (Mr. PERKINS).

Mr. PERKINS. Let me first personally compliment the distinguished chairman of the General Subcommittee on Education, the gentleman from Illinois (Mr. PUCINSKI), for his excellent observations concerning the administration's failure to meet educational needs.

The President not only did not request funds this year for titles II of ESEA but also none for title V of NDEA. Title II provides for textbooks and library books and title V provides for guidance and counseling. Neither did he request funds for title III of NDEA, the equipment title. Only a tiny portion of the authorization for title III of ESEA was requested. Be that as it may, the title III program of supplemental educational centers and services has produced concrete results. Exemplary and innovative projects have been established in practically every congressional district across the country.

Let me first state that we have not spent nor are we spending enough money for educational research. Let me add that there is sufficient basic authority. The problem has been one of financing. Whenever we have a change of administration at either the Federal or State level the new administration wishes to make certain that they place their label on certain educational programs. Now we have a National Institute of Education being proposed. We will hear the administration promptly and give every consideration to all of the recommendations the administration may have in the area of education. In spite of that, I am afraid the recommendations which the President made in his message yesterday fall far short of the need. The message ignores the fact that we have today a financial crisis in education in this country. It was my hope that the President could come up with some recommendations that would assist in coping with this crisis instead of trying to camouflage the problem by stating that much of our investment is being misguided and misdirected.

Undoubtedly, some funds are not being spent as efficiently or effectively as they might. But that is limited. We know this from the statements we have received from educators throughout America. We also know that the reason we do not have more effective programs is because of underfunding.

I am afraid that some of the statements of the President are intended to stall off and to defer funding of essential educational programs. These are programs which cannot afford to wait. If we do wait, I think the distinguished subcommittee chairman will agree with me, that in the long run it is going to cost the Federal Government much more money and it will cost us dearly in still many other ways.

Further, if the distinguished chairman of the subcommittee will permit, I would like to mention that not only have we conducted extensive hearings in the area of elementary and secondary education, but also in higher education as well as preschool education. We intend to conduct further oversight hearings throughout America. The distinguished gentleman has already scheduled hearings for this coming weekend as far west as Los Angeles, Calif., in our continuing effort to improve the quality of education.

Just as soon as we complete final action on the Elementary and Secondary Education amendments, a bill that went to the other body last April 23, we will continue with our oversight responsibilities. We were hoping to go to conference this past week but were unable to do so because we had to accommodate the Members of the other body. But just as soon as we get the conference over with the full committee and the subcommittee, will see to it that every Member in this body who wants to come before us and give their views on improving the quality of education will have that opportunity.

In addition we intend to hear from educators throughout America who have been indicted by these claims of misdirection and ineffectiveness. We know from the evidence already presented to the Committee that two-thirds of these funds are not being wasted.

I just wish that some of the people from downtown would come up and check with us. We have more current information on program effectiveness than does the administration. We have conducted two major surveys in the past year and a half and we could provide information that would certainly enlighten those who criticize. This information clearly demonstrates the great need for additional funding. It is information which is in direct conflict with those who try to sweep the real issue under the rug by stating that we need further studies, and this thing and that thing.

Naturally, we must have further studies and continuing evaluation. At the same time, however, American schoolchildren cannot wait any longer for adequate funding of necessary educational programs and services that have proved effective.

Does the distinguished gentleman agree?

Mr. PUCINSKI. Yes. I would certainly agree with the chairman of the full committee, who has made such a magnificent and inspiring contribution over the years to improving the education of our children. I believe that the gentleman states the case properly.

It is not my purpose in this particular special order today to get into any great debate with the President of the United States. I respect his responsibilities. I read his message yesterday with great interest. But what I would like to point out today, if nothing else, is the fact that the President has missed a magnificent opportunity to make a meaningful and significant contribution toward helping solve the educational crisis of America.

Mr. Nixon has a tremendous opportunity to help the Nation's beleaguered school districts and he can count on my help. I want to help the President. My own committee's hearings are replete with testimony by some of the greatest educators in this country on what are the great problems of American education and how to solve them. One needs no further studies. All one needs to do is to go out into any part of America, in the inner city, in the outer city, in the suburbs, in the rural parts of this country, in the wealthy communities, in the poor communities, and at every single level one finds parents who are deeply concerned with the fact that their children are not getting the kind of an education that the parents feel they need to prepare them for life in our very complex society.

We do not need any further studies. That is why the great disappointment in the President's message is that, as the New York Times stated this morning, it is full of rhetoric with built-in delays. Where is there not a school district in America, out of 35,000 school districts, where every single administrator does not know full well what his problems are and how to solve them. They need help now, not 2 or 3 years from now, when you have completed yet another study.

Frankly, Mr. Speaker, there are so many studies floating around now that we need a computer just to keep track of the studies.

Mr. PERKINS. Mr. Speaker, will the gentleman yield?

Mr. PUCINSKI. I yield to the gentleman from Kentucky.

Mr. PERKINS. Mr. Speaker, I thank the gentleman for yielding.

Let me say to my distinguished friend, the gentleman from Illinois, that we have received great criticism because of untimely authorizations and untimely funding. We are receiving criticism from local educational districts throughout America. I think the gentleman will agree with me that they are justified in their complaints about untimely authorizations and untimely funding. But at the same time I am sure that the distinguished gentleman will recall that we took up the elementary and secondary education bill last year a year in advance because there was no authority to advance fund programs for fiscal year 1971.

And since the administration has made it known that it is not interested in implementing the advance funding provisions, I am sure that to correct this problem we must establish longer authorizations. I am sure that the distinguished gentleman from Illinois will agree with me that when we go to conference next week on the elementary and secondary education amendments it will be necessary to extend that act for a number of years in view of the disinterest in advance funding—in my judgment we must at least go along with the extension the Senate has approved.

Mr. PUCINSKI. I agree with the gentleman, but would the gentleman not also agree that the real tragedy of yesterday's message lies in its failure to prescribe a positive program for action now?

The administration came before our committee last year, shortly after it took over the leadership of this country, and through its Secretary of Health, Education, and Welfare and his Commissioner of Education recommended to our committee a straight 2-year extension of existing programs in order to give the administration some time to put together its own program.

Mr. PERKINS. That is correct.

Mr. PUCINSKI. And the House Committee on Education and Labor went along with the request of the President.

Mr. PERKINS. And reduced the extension that we had in our bill from 5 years down to 2 years, to accommodate the administration.

Mr. PUCINSKI. Now we have all been waiting with high hopes, and I am sure I speak for the 35,000 school board administrators in this country all over America, school administrators who have waited with high hopes that the message which arrived here yesterday to the House would, indeed, carry a blueprint of this administration's program to deal with the crisis of today—not next year and not the next 4 or 5 years—but today.

School administrators are deeply troubled over the problem and the fact that they do not have the resources to carry out their programs. The point I am making here and the point of this discussion today is not to either criticise the President—he is my President and I want to cooperate with him, and as chairman of this subcommittee and as ranking member of the full committee, I want to move his programs.

But I must say that the things we will develop in our discussion here today will show the bitter disappointment that our educators have, which they have a right to have, because the message today proposes nothing more than further studies and delays.

Mr. DEVINE. Mr. Speaker, will the gentleman yield for a question?

Mr. PUCINSKI. I yield to the gentleman.

Mr. DEVINE. Mr. Speaker, the thing that is quite difficult for me to understand and perhaps the gentleman can answer the question after it is proposed, is, why the gentleman takes the well and makes pleas for the poor children, as he does so often on so many occasions, when his party is in control of the Congress by a strong majority and has been for the last 34 years out of the last 38 years and suddenly you exercise a concern because the President's message does not do what you should have been doing in the last 34 years.

Mr. PUCINSKI. I am glad the gentleman raises that question.

Mr. DEVINE. So am I, and I would like to have an answer.

Mr. PUCINSKI. I am sure I do not have to remind the gentleman that it was the present occupant of the White House who vetoed the school bill. What was his argument? He vetoed the school bill because it provided a billion dollars more for education, and he said that if we spent the additional money on education, it will be inflationary. But he did not veto the bill which provided a billion dollars more for naval ships, and he did not veto the bill that provided $600 million for public works.

Mr. DEVINE. It is easy to select where you would like to cut—but he cut $1,200,000,000 of a budget buster item. But no schools are being bilked.

Mr. PUCINSKI. The gentleman raised a question and he is entitled to an answer.

The answer is that it was the present occupant of the White House, the leader of the gentleman's party, who vetoed the bill, not because of other items in the bill, but because he said there was too much money appropriated for education.

So I think the gentleman tortures the facts when he tries to blame the gentleman in the well. It is not my party that has shortchanged the children on education. The response to the gentleman's question is that the majority of Members in Congress fulfilled its responsibility to the children of America when we adopted the Cohelan-Joelson amendments.

Mr. DEVINE. The gentleman is not responding to the question.

Mr. PUCINSKI. The answer is that it was the President who vetoed that bill and sent it back here. He said he would not accept that bill until we took $700 million out of educational funds.

Mr. DEVINE. I appreciate the gentleman's speech, but when are you going to answer the question I just asked the gentleman?

Mr. PUCINSKI. That is the answer.

Mr. DEVINE. The gentleman is talking about a veto. I am talking about the 34 years when you were in control of the Congress and you still do not have the bill you are talking about.

Mr. PUCINSKI. The gentleman knows full well why Congress could not act on the question, and he is a Member of this House—I will tell you why Congress could not fulfill the needs of this country's educational programs—because there has been consistently operating in this Congress a coalition of members of his party—and do not absolve the members of your party because the records are there for public inspection—the records are all there for public inspection, members of your party joining in a coalition to kill meaningful expenditures for education.

The authorizing committee, and if I may have the attention of the gentleman from Kentucky—the authorizing committee of which I am a member, has come before this House with authorizations which would meet the educational needs of our country.

But it has been the Appropriations Committee, with the full sanction of your colleagues on your side of the aisle, working with a coalition, that has been able to frustrate the programs of the authorizing committee. All I would have to do is remind the gentleman of title I. Yesterday the President spoke in his message about "compensatory education." He said the most glaring shortcoming in American education today continues to be the lag in essential learning skills in large numbers of children of poor families.

Now, that statement standing alone is most inspiring, but need we remind this House that it was the author of that statement who condoned only 49 percent of authorization for financing of title I? We have held extensive hearings all over the country. The gentleman from Kentucky, the chairman of our committee, had some 150 administrators come here and tell him what the needs are for full funding of title I. This is the program that provides compensatory education for poor children of America. And what happened? The administration recommended only 49 percent financing, and when we passed legislation here, when in that rare moment of unity, when by an overwhelming majority of votes we did adopt the Cohelan amendment to the appropriation bill and brought title I and all the other titles up to some parity of needs, it was the President who vetoed the bill and sent it back here and said, "I am not going to sign it until you fall into line with my recommendations on education."

Mr. DEVINE. I find it difficult to find an answer to my question in all the colloquy——

Mr. PUCINSKI. We understand each other full well except you do not want to admit to the facts. No matter how you want to twist this thing, you cannot deny schools in America will not get the money they need because of the veto.

Mr. DEVINE. I take it your answer must be, the answer that you have to make is that you must have a different type of Democrat in order to get your appropriation through. Is that correct?

Mr. PUCINSKI. No. All we have to have is a sense of responsibility on the part of all Members of Congress on your side of the aisle, who have the same responsibility to the children of America that we do on our side of the aisle.

Mr. DEVINE. It has been that way for 35 years.

Mr. PERKINS. Mr. Speaker, will the gentleman yield?

Mr. PUCINSKI. I yield to the gentleman from Kentucky.

Mr. PERKINS. Let me say to my distinguished colleague that the educators of this country will register and are registering their concern. I would suggest to the gentlemen who have any doubt about whether these programs are being starved to death, that you should ask your educators back home. I personally have confidence in their views. These are people who are in charge of educating the children of this country, and I think local people have confidence in them also or they would not keep them in office.

Let me make this observation. In my judgment you are going to get a different viewpoint from educators within the next 6 to 8 weeks when they have an opportunity to speak, and they are going to have an opportunity to speak, as will all the Members of Congress, before the committee. And we are going to hear the views of the members of the administration, the views of educators, and then the American people are going to have an opportunity to give us their judgment as to what the real problems are, and whether somebody is trying to camouflage the real issue and dodge the real issue which is the adequate funding of essential education programs.

Mr. PUCINSKI. I thank the gentleman. The point I would like to make—and I say again it is not my purpose to take the floor today to question the President; he is my President, too, and he is going to get my cooperation and my support when he comes in with programs that are meaningful, but not when he comes in with a message like he did yesterday; it is difficult to get up any enthusiasm.

Perhaps the greatest shortcoming of this message is that, as you look through all of its pages, a message 11 pages long, you will find that there is not one single reference to vocational education.

Mr. PERKINS. Mr. Speaker, will the gentleman yield?

Mr. PUCINSKI. I yield to the gentleman from Kentucky.

Mr. PERKINS. Mr. Speaker, I cannot understand why, if the Office of Education had up-to-date knowledge, they did not read the Vocational Education Act properly, and realize that 40 percent of the funds appropriated first must go to the disadvantaged and handicapped and to postsecondary vocational schools. In the bill we passed yesterday, even with 15 percent flexibility applied to those programs, if we took that much from basic grants, it would cripple vocational schools all over this Nation. Am I correct?

Mr. PUCINSKI. Not only is the gentleman correct on that, but here in this message the President makes this big proposal for a National Institute of Education, which is going to do some exotic research in education, and yet yesterday in the action the Appropriations Committee took, we eliminated the money for research in vocational education. So who is kidding whom around here?

The fact of the matter is that this message totally fails to recognize the real needs of America and the real needs of America are pointed up by the fact that millions of young people are being released from our school system totally unprepared for the world of work, totally oblivious of what kinds of jobs they can get or what kinds of jobs they can seek.

Vocational education has been treated as an orphan, vocational education has been treated as a stepchild, until the gentleman from Kentucky in 1963 restructured the program, and then in 1968, with the amendments of 1968, we further refined the program.

But what happens? It continues to be only 50 percent funded. And in the message by the President yesterday, not one single word was said about vocational education, even though the largest unemployment rate in America today is among young people. What a national tragedy it is that 25 percent of the white boys in this country between the ages of 16 and 19, who are not attending school, are unemployed; and 27 percent of the white girls between 16 and 19 who are not attending school are unemployed, 35 percent of the black boys in this country between the ages of 16 and 19 who are not attending school are unemployed, and a staggering 48 percent of the black girls between 16 and 19 in this country who are not attending school are unemployed.

Yet the President in his great message of hope makes no mention of vocational education, as if he were totally oblivious to the problem, even though his own school administrator came before our committee and testified that it is his hope we will be able to develop educational programs which will indeed further the great hope we have expressed in our committee for years, that every American youngster who graduates from high school will graduate with a marketable skill.

I say with a heavy heart this message is totally unrealistic. It is out of touch with reality. It does not address itself to the crises in American education. It is a palliative. It is an opiate to say to the American people, "I know you have problems, but we are not going to do anything about these problems until a commission has studied the financial needs for 2 years, and until we organize the National Institute of Education to find methods."

Mr. REID of New York. Mr. Speaker, will the gentleman yield?

Mr. PUCINSKI. Mr. Speaker, I will yield to the gentleman from New York, because I noticed he ran into the well yesterday and introduced a bill to establish the National Institute of Education, when, in fact, appearing before my committee were the representatives of the administration advising my committee that they have, as their first move to improve American education already established a National Center for Educational Research and Development. I am going to discuss this at greater length after I have yielded to my colleague, the gentleman from New York.

Mr. Speaker, I yield to the gentleman from New York.

Mr. REID of New York. Mr. Speaker, first I would like to apprise the gentleman in the well that the President is planning to send up an additional message, hopefully later this month, approximately March 20, and this will deal with higher education.

Mr. PUCINSKI. Good. Then maybe we will smoke him out on another message dealing with elementary and secondary education.

Mr. REID of New York. Mr. Speaker, the gentleman has been saying quite a few words about the President, who, I think, is going to accord a very high priority to education, but I would ask the gentleman why throughout his entire discussion did he not point out that President Johnson in request after request to this Congress came up with much lower budget requests for education than the funds authorized by the committee on which the gentleman serves.

He knows perfectly well that, given the Appropriations Committee of this House, it is not altogether likely that the Appropriations Committee will come forth with a bill which is considerably in excess of what the President requests.

The cutbacks on ESEA, the cutbacks on higher education, the cutbacks on libraries, the cutbacks on vocational education, and in other areas came from the White House in the past administration.

I am one of those who criticized that.

I am one of those who would like to see them increased. I hope the gentleman in the well is willing to stand up and support the Kerner Commission. I hope the gentleman in the well is willing to stand up and support the Carnegie Commission, and higher priorities for elementary and secondary education, for preschool, for Headstart, for a whole area that is basic to the future of our country.

I submit to the gentleman that the past administration, because of the war, bears a considerable responsibility for the sharp cutback in priorities in OEO, education, and other areas.

Mr. PUCINSKI. Just a second. On that point I want to ask my colleague a question I believe he will have to agree. He supported this legislation, so he is in a good position.

The gentleman will have to agree that the greatest progress in Federal aid to education at all levels—the Higher Education Act, the Elementary and Secondary Education Act, the Vocational Education Act, the Library Services Act, model cities, OEO—all these programs were pioneered through Congress by the last administration.

The gentleman is a member of the Committee on Education and Labor. He and I sit together. We pass these authorization bills, because we know on the basis of extensive hearings the needs of America. We send these bills to the House, and these bills get approved by overwhelming majorities in this House. But then when it comes down to the "nitty gritty" of spending the money, when it comes down to the business of financing these things, the gentleman will have to admit that it has been through the coalition that the Appropriations Committee has been able to frustrate our authorizations.

My colleague from New York and I have tried time and time again during the appropriations process to offer amendments on this floor to get more money.

So finally came that great day for America when we got enough votes put together on both sides of the aisle to incorporate the Cohelan-Joelson amendments in an appropriation bill. Why, our good friend from Pennsylvania, DAN FLOOD, who is the chairman of the subcommittee, was reeling on his heels because he had never seen that done before. And the minority member of the subcommittee on the other side of the aisle, our good friend, BOB MICHEL, was also shocked when this House revolted and rebelled and wrote into that appropriation bill a billion dollars more for education. This was the glorious day for American education.

Who was the gentleman who vetoed the bill? Who was the gentleman who picked education and placed the children of America on the altar of inflation, if not the present occupant of the White House?

So it does me no good and it does the gentleman no good to stand here and argue about who did more or who did less. The record is right there, so the record will speak for itself.

As I said a moment ago, I hope the President will come back with a decent message, because this is nothing more than a palliative.

As I began to say, the message of the President says:

> As the first step toward reform, we need a coherent approach to research and experimentation. Local schools need an objective national body to evaluate new departures in teaching that are being conducted here and abroad and a means of disseminating information about projects that show promise.
>
> The National Institute of Education would be located in the Department of Health, Education, and Welfare under the Assistant Secretary of Education, with a permanent staff of outstanding scholars from such disciplines as psychology, biology and the social sciences, as well as education.

I am going to put in the RECORD at this point the press release issued by the U.S. Department of Health, Education, and Welfare on August 22, 1969, which states:

PRESS RELEASE OF U.S. DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Organizational changes designed to strengthen the leadership role of the U.S. Office of Education and to allow for more effective coordination of education activities in the Department of Health, Education, and Welfare were announced today by James E. Allen, Jr., Assistant Secretary for Education and U.S. Commissioner of Education.

The new organizational arrangements represent' his commitment to providing stronger leadership by the Office of Education in accelerating the progress of change and improvement in the Nation's educational system, Dr. Allen said.

Commissioner Allen pointed out that the Office of Education has grown rapidly in recent years in response to the large number of programs enacted by Congress and the great growth of education throughout the Nation. The staff has tripled since the early 1960's and the Office now is responsible for administration of an annual budget of approximately $4 billion. The new changes in organization will assure better means of supervising and coordinating the functions of the bureaus and divisions which carry out the numerous functions assigned to the Office, he said.

In announcing the new plans, which have been approved by HEW Secretary Robert H. Finch, Commissioner Allen stressed his intention to work closely with the states.

"The primary objective of the Office of Education," he said, "is to increase the capabilities of State and local education agencies, colleges and universities for improving the quality of their programs and services to the children and youth of America. The changes in organization and executive responsibilities are designed to help the Office better achieve this objective.

"Of special importance," the Commissioner added, "is the coordination provided under the new organization for the development of more effective leadership by the Office in research, planning, and evaluation. Under this arrangement it will be possible to focus the work of these units more sharply on the problems of American education. Special efforts will be made to encourage more effective linkages within the educational system among the processes of research, development, evaluation, demonstration, and dissemination as a means of accelerating the widespread application of improved methods and practices."

Highlights of the organizational changes are:

A new Deputy Assistant Secretary/Commissioner for Planning, Research, and Evaluation will be responsible for three previously separate Office of Education units: Bureau of Research (which becomes the National Center for Educational Research and Development); the National Center for Educational Statistics; and the Office of Program Planning and Evaluation. He will also supervise a new office devoted to national dissemination of information about better methods and practices in education. The present Office of Public Information will become the Office of Public Affairs.

A new Deputy Assistant Secretary for Intradepartmental Educational Affairs will administer and supervise a number of education programs that cut across DHEW agency lines.

A new Deputy Commissioner for School Systems will be responsible for coordination of Federal programs of assistance to local school systems. He will provide general direction for administration of the Bureau of Elementary and Secondary Education, Bureau of Education of the Handicapped, and a new Bureau of Vocational and Technical Education.

A new Deputy Commissioner for Higher and International Education will coordinate administration of the programs of the Bureau of Higher Education and the Institute of International Studies and assist in the development of a more effective Federal role in these areas.

A new Deputy Commissioner for Instructional Resources will have responsibilities for the programs of the Bureau of Education Personnel Development and a new bureau of Library and Education Technology.

A newly recruited staff of special assistants will report to the Commissioner through an Executive Assistant to the Commissioner. Appointment of special assistants for urban education and community colleges will give particular emphasis to these areas of concern.

Several of these new positions have already been filled; others are now pending confirmation. Public announcement of these new personnel changes will be made in the near future.

An outline chart of these organization changes is attached.

So here, with all of the hoopla of a great big change, the administration announced on August 22 the creation of a National Center of Educational Research. Now, not even a whole year later we see a substitute proposal which the gentleman is now sponsoring in the form of legislation. I wonder if my colleague could tell us—and I will yield to him—why, why does he believe that this National Institute of Education is necessary? I call his attention to the testimony before my subcommittee of Dr. Gallagher of the staff or Dr. Allen who testified on October 9, 1969, and told us, among other things—and I call his attention to that testimony:

> We have considerably strengthened our understanding of the complex process by which knowledge about learning is transmitted in various ways into improved practices which are then available for installation in the schools of the nation. We have a heightened appreciation of the potential power of research and development to produce practices and materials which represent tentative steps toward the solution of educational problems.

Further he said on October 9, 1969:

> We believe we now may be ready to proceed to address through research and development major problems, issues, the careful identification of research and development goals and objectives and a systematic program of activities that will result in the attainment of those objectives.

Mr. REID of New York. May I respond to the gentleman?

Mr. PUCINSKI. Yes in a moment. In his message the President talks about accountability, but Mr. Gallagher says:

> This means, of course, adoption of a different posture by the Office of Education in the management of significant portions of the research and development programs and assumption of greater responsibility for the development of procedures which lead to the identification of research and development objectives. It means that we can expect to be held accountable for the objectives we choose and achievement of them.

Here we have——

Mr. REID of New York. Will the gentleman yield to me at that point, because I want to respond.

Mr. PUCINSKI. I want the gentleman to tell me what is the difference between the National Center for Educational Research and Development organized by this present administration 6 months ago and now this new organization that they propose under the National Institute of Education.

Mr. REID of New York. I can tell the gentleman that Commissioner Allen, to whom I talked yesterday, feels this institute can serve an important purpose and that we do need additional research on the teaching and learning process; and further that this is a recommendation, as the gentleman perhaps knows, of the Carnegie Commission. I would not say, however, that this Institute is the exclusive remedy or that there are not other areas where research is important; and, of course, in no way is it a substitute for adequate priorities. All I would say is I very much hope that the gentleman in the well will give bipartisan support to higher priorities for education across the board, to the Kerner Commission recommendations and to the Carnegie Commission recommendations.

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What we need is a joint effort devoid from partisan political concern but dedicated to making it possible for any young man or young woman to go to college irrespective of their financial resources. Finally, we need new resources for elementary schools, wider ranging preschool programs, and day-care centers. All these are essential.

I believe that the present administration wants to accord a higher priority to education and to early childhood education. It is my opinion that if Members on both sides will work together and not try to point specifically at who did what at each point we will be better able to cope with the problem. The Johnson administration did some creative things and there were some great strides made with reference to educational legislation. However, it was a tragedy, to use the gentleman's own words, that the Johnson administration cut in budgetary requests some two-thirds below basic congressional in major social and educational programs, year after year, leaving but a shell of the Great Society. These actions were a tragic legacy of the war and an inability to end it, and indeed were a poor reflection held out by these creative programs initially. Now it remains for us on both sides of the aisle to reorder our priorities, to abolish racism and poverty, and to fully support major educational efforts at all levels, from preschool to graduate school. I am sure that the gentleman will want to join in these endeavors.

Mr. PUCINSKI. The Johnson administration never vetoed a school bill. Let us keep the record straight. I am glad my colleague mentioned the Carnegie and Kerner reports. It merely emphasizes what I have been saying throughout this special order, and that is the huge disappointment in the President's message of yesterday which proposed at best, some further delays.

Now, I recommend to the gentleman that he read the hearings that my own subcommittee has been conducting for the past several months at which Commissioner Allen and various others have testified dealing with the needs of elementary and secondary education for the 1970's.

We have been conducting these hearings for all these months because we want to look down range. We do not want to be reacting. The problem with American education has been that for too long we have been reacting to the needs instead of anticipating educational needs and providing the program and the money with which to meet those needs. So, my committee has held extensive hearings. We have also during the course of these hearings invited 150 of the Nation's outstanding school educators, administrators, researchers and we have put together a compendium on the additional needs of the 1970's.

We now have in one volume the collective thinking of some of the most brilliant people in American education and educational administrators who have made recommendations as to how we can make education in this country a more productive effort.

Among these are people like Margaret Mead, noted anthropologist; Adm. Hyman Rickover; and Carl Rogers, noted psychologist.

From various institutions of higher learning we have the following deans of schools of education: Dr. Thomas James, Stanford; Dr. David Clark, Indiana University; Dr. Daniel Griffiths, New York University; Dr. Dwight Allen, University of Massachusetts; Robert Krathwohl, Syracuse University.

Also, the following professors of education, psychology, philosophy, history, and anthropology: Prof. Gerald Lesser, Harvard Graduate School of Education and Thomas Pettigrew of Harvard; Prof. Harry Broudy, University of Illinois; Prof. Shirley Engel, Indiana University; and Prof. Ira Gordon of the University of Florida.

We have also the thinking of the directors of regional educational laboratories and R. & D. centers.

Also, superintendents of schools: Dr. John Davis of Minneapolis; Mr. Julian Prince of McComb, Miss.; small districts like Hightstown, N.J., Dr. John Hunt; Dr. Wilmer Cody of Chapel Hill, N.C.; and Dr. Robert Blanshard of Portland, Oreg.

In industry we have asked the president of the IBM Corp. to tell us what are the manpower needs of the 1970's and how we can adjust the American system to include these needs.

Others include Mr. Henry S. Dyer, vice president of the Educational Testing Service and representatives from the minority groups, including Prof. Nathan Wright, Jr., director of Afro-American program, University of the State of New York at Albany.

And, so, certainly when we see after this extensive research that we have done before our committee in analyzing the funding and the additional needs, the President now comes along and says we need a special commission to look at the financial plight of America's schools and he wants included in that the private schools, we have a right to be concerned that his proposal will only result in further delays.

We do not need a 2-year study to tell us that there are about seven million children in this country attending private and parochial schools in America. I am pleased that the President has now given the prestige of his office to a recognition of the fact that if those 7 million children were ever transferred to the public school system of America, thousands of communities would go bankrupt overnight. In my own city of Chicago we have 350,000 children attending parochial schools at a cost of several hundred million dollars to the parochial school systems that maintain these schools. We have said that if those children were to be transferred to the public school system in the city of Chicago alone, we would have to raise $400 million of additional revenue from real estate taxes and other forms of taxation. I tell you Chicago would be bankrupt overnight. So we do not need a 2-year study. We know what the problems are, and before my committee we now have a voucher proposal to give children Federal vouchers convertible for tuition in a school of their choice. We also have a proposal to permit, under title II, public schools to purchase teachers' services in nonreligious subjects in parochial schools; educational services for parochial schools to fill the needs of the children of that community.

If the President had looked at the voluminous work before our committee he could have come before this Congress, with an exciting program of action now, not 2 years from now, not 3 years from now, because I am telling you one thing, if we wait 2 or 3 years, we may not have a school system to worry about.

Mr. SCHWENGEL. Mr. Speaker, will the gentleman yield?

Mr. PUCINSKI. I will yield to the gentleman in just a moment.

If we were to wait 2 or 3 years for aid to these parochial school districts of America, whose crisis today is real, you may not have a school system to try to save. I do not think I am exaggerating, all we have to do is to look at the testimony before my committee from hundreds of school superintendents who have reached the end of the line.

Now, you say, "Well, we have got to improve quality." Of course we want to improve quality. Who in this country does not want to improve the quality of education? But improvement in quality of education will come through the local school districts meeting their fiscal crises. That is the main problem.

Now I yield to the gentleman from Iowa (Mr. SCHWENGEL).

Mr. SCHWENGEL. Mr. Speaker, I listened with avid interest to the gentleman in the well pleading the cause of education. I am glad he is, because I think this field of education needs a lot of discussion, and certainly needs better understanding and a broader understanding, and a greater appreciation on the part of the Members of the Congress.

Mr. Speaker, I come to this arena with a background of experience as a teacher for 7 years. I was active in teacher organizations, and did what I could as a teacher through my organization to enact and improve education in the State of Missouri, where I was then teaching. I then went to Iowa, and was elected to the State legislature, and became the ranking member and chairman of schools, and where we pioneered in laws on education and made substantial progress at the State level. My interest in education has continued into the Congress of the United States where I have assisted in all the projects and propositions relating to education, and have tried to help along the improvement of laws on education, and have voted for appropriations to improve education. So I believe I have established a pretty good record.

But, Mr. Speaker, I am amazed to hear the gentleman in the well say that we do not need more research in the field of education. I am aware of the studies the gentleman has referred to——

Mr. **PUCINSKI**. Mr. Speaker, I must correct the record. I do not think my colleague was here to hear my complete statement.

Mr. **SCHWENGEL**. Yes, I was here, and heard the gentleman say——

Mr. **PUCINSKI**. I bemoaned the fact that yesterday, in the compromise bill that went out of here, research on vocational education was reduced by 50 percent and the President may not even spend that which he has a right to do under the compromise bill. And I bemoaned the fact that the President wants to reorganize the research program, when in his administration's testimony before my committee on August 22, he did restructure the whole research program to give it greater meaning. And I know the significance of research in education, and I know the programs that are now in the pipeline that will be researched, and when the gentleman concludes I will tell the gentleman about one.

Mr. **SCHWENGEL**. I do know the record will show he said that we do not need more research.

Mr. **PUCINSKI**. The record is incorrect if it said that.

Mr. **SCHWENGEL**. If there is anything we do need in education, it is research and that is one point I want to establish beyond question. I am in complete support of the President and of anybody else who wants to research more in the field of education and to find ways and means for us to make education more effective and more meaningful and fulfill the needs of our time. That is quite a challenge in itself.

So that is one point I want to establish and to have shown in the record—we do need more research.

The other thing is this—that is the President's proposal to close up the schools until we do this—he is willing to support ongoing programs and is asking for flexibility so that under the present programs he can have an opportunity to set priorities.

I think this is sound legislation and I support the President in this.

I am sorry we did not do a better job in the legislation we had before us, but remember it is 8 months late already and there is no real excuse for this. Some of the leadership on the other side should have been more aware of the importance of education and brought a bill to this House long before now and we would probably have a more positive, a more adequate action on the part of the Congress had that happened.

Mr. **PUCINSKI**. I do not think the gentleman is quite fair to his colleagues of this House when he makes that statement because this House acted both on the authorization and the appropriation early last year.

So as far as we are concerned in this Chamber, we did discharge our responsibility in a responsible way. The delays, as the gentleman knows, were not caused from this Chamber. The delays were in the other Chamber.

I would like one thing clear. I am a strong supporter of research and that is why when I had Dr. Gallagher, and Dr. Allen come before my subcommittee and tell us about this exciting reorganization of research programs in the department, they told us about how they had established this new bureau to have a more comprehensive planning activity in research, we hailed this and the record is here and the gentleman is welcome to look at that record because we said that research is important. As a matter of fact, we need research in curricula in vocational education.

We have developed in this country 5,000 new job skills in the last 10 years including laser technology and computer technology and various paraeducational fields and so on. Now we need curriculum development. We need to see what is the best way to translate these manpower needs into our school systems so that when a youngster graduates from high school, he graduates and goes into a field where he can have a job instead of wandering around wondering what he is going to do for the rest of his life.

We have one place, for instance, a research program in Texarkana where we have a performance contract. We have contracted out to a private firm the job of teaching children in six schools how to read. If this organization brings the children up to grade level, they get paid. If they bring them above grade level, they get a bonus. But if they fail to bring them to grade level, they will pay a penalty under that contract.

This is a whole new concept of education where we now can look forward perhaps to some performance test and attacking a bad school system, or a bad program, or a bad teacher before these youngsters are left on their own and perpetuate their own shortages.

So the fact remains that research is a great thing. But I say to my colleague that the proposed purpose of this whole institute of education is questionable when they now have a special national center on educational research which they established a few months ago.

I am going to put in the RECORD right now a table of the 1970 budget for various educational programs and what the conferees had reported and what the Nixon compromise was and what H.R. 15931, which is the bill we passed here when we tried to deal effectively with the problems of education, because I think it is important to show again the extent to which education is shortchanged in this country:

LABOR-HEW APPROPRIATIONS

By a vote of 315 to 81 the House accepted a substitute HEW money bill (H.R. 15931) which replaces the $19.7 billion bill vetoed by the President as "inflationary". The new Labor-HEW bill is about $324 million above President Nixon's post-veto compromise. The new bill is imperiled, however, not primarily because of the money figures, but because it no longer contains a provision giving Mr. Nixon discretionary power to spend the money as he sees fit. This line-item-veto was ruled out of order by Congressmen who saw the proposal as an attempt to legislate in an appropriations bill. The new HEW bill, minus the discretionary provision, now requires the President to spend an extra $800 million dollars for education in this fiscal year. HEW Secretary Robert Finch had warned that he would recommend that President Nixon veto such a mandatory spending bill.

HIGHLIGHTS OF H.R. 15931, AS PASSED, ARE LISTED BELOW

[Figures in millions]

Program	1970 budget	Conference	Nixon compromise	House bill (H.R. 15931)
School assistance in federally affected areas (Public Law 874) impact	187.0	585.0	425.00	505.2
ESEA title I—educationally deprived children	1,226.0	1,397.0	1,251	1,397.0
ESEA title II—school library resources	0.0	50.0	0	50.0
ESEA title III—supplementary education centers and services	116.0	165.0	156	116.4
NDEA title V—guidance, counseling and testing	0.0	17.0	0	17.0
Vocational education	279.0	489.0	349	391.7
NDEA title III—equipment and minor remodeling and instructional equipment	0.0	79.0	0	43.7
ESEA title VII—bilingual education	10.0	25.0	10	25.0
NDEA title II—student aid direct loan	162.0	229.0	162	229.0
HEFA title I—construction grants 4 year colleges	0.0	33.0	0	33.0
Education professions development	95.0	107.5	103.75	107.5
Libraries and community services	108.0	149.0	118	149.0
Education for handicapped	30.5	36.6	36.5	36.6
Total	2,213.5	3,362.1	2,611.25	3,021.1

But I must tell you this. I agree with Dr. Allen, the Commissioner of Education, when he says that money alone is not the answer. Dr. Allen when he testified before my committee said that when he was commissioner of education in New York, eductors said to him that if he can double State aid in 10 years, we can improve the whole educational system.

Dr. Allen doubled it in 6 years. But there was no significant improvement. So there is a continuing need for improving educational technique.

But the point I am making here today is that we have the Carnegie report. HEW has a very exhaustive study on urban education, which pinpoints the areas of greatest need and recommends ongoing programs. We have the Kerner report. We have the Commission on Violence. My own committee has just concluded last week the most exhaustive study on student violence at the high school level in America. We sent questionnaires to all 29,000 school principals in the United States and we received replies from 15,086. We placed in the RECORD a few days ago the results of those, showing the turmoil in the American schools and what are some of the causal reasons for that turmoil, and giving educators a better look at what is the problem of their schools.

So there is no question in my mind that much has been done. But to read the President's report yesterday, you would get the impression that nothing has been done, that nothing is being done. I say to my colleagues the President will do this country a great service, and I say also to my colleagues I will support whatever programs the President sends up here, if indeed he sends proposals to help American education. I was pleased to have the administration's recommendation for restructuring the impact areas program. Every one of us knows that this impact areas program is a very inequitable program of Federal aid. When you look across the river over here, you will see some of the richest communities in America, with $60,000, $70,000, and $80,000 homes on the rolling meadows of Virginia, and yet because, by some quirk, the parents of schoolchildren attending those schools work for the Federal Government, American taxpayers from coast to coast and from border to border are helping subsidize the education of those children. That is folly at its height. And that is why I am today introducing the President's recommendations for restructuring the impact program.

Mr. SCHWENGEL. Mr. Speaker, at that point, I think it is perfectly clear that what the President was asking was some opportunity to adjust this very program you talked about, but somehow Congress did not go along with it.

Mr. PUCINSKI. My dear colleague, I want to tell you something. I do not want to embarrass any Member of this House, but I will tell you right now the President has that information. The Office of Education has just spent thousands of dollars on the Batelle Report, which was submitted to Secretary Finch, and they know exactly what is wrong with the program. They do not need another day of study. All they have to do is to face up to the fact.

Mr. SCHWENGEL. All they need is authority.

Mr. PUCINSKI. Let me tell you something, and I want to bet you right now—and I am going to have hearings on this legislation—but I want to tell you something: The day of reckoning is going to come before this House when we report out a bill for restructuring the impact aid program. There are 381 congressional districts represented in this Chamber that receive impact money, and I want to see the day that those Congressmen vote to kill Santa Claus. Let us not kid ourselves. Everybody talks about impact. Everybody wants to reform impact. But every time we come to this Chamber with a program of reform, we get shot down by 381 votes, and we do not get the bill.

Mr. SCHWENGEL. Mr. Speaker, I would like the RECORD to show that I voted to support the President's veto, which took some nerve, envisioning something hopeful would be done to correct this inequity in the impacted area. I think there were some in Congress who were willing to face the very question the gentleman pointed out a moment ago.

The SPEAKER pro tempore (Mr. MATSUNAGA). The time of the gentleman from Illinois has expired.

INQUIRY AS TO RECESS

Mr. WYLIE. Mr. Speaker, as I understand it, the House will go into recess soon to await action on the part of the Committee on Interstate and Foreign Commerce in connection with the strike bill. Is that correct?

The SPEAKER pro tempore. That is the understanding of the Chair.

TAKE PRIDE IN AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. MILLER) is recognized for 5 minutes.

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a nation. The United States is the world's leading producer of zinc ore. Based on 5-year average, the United States produced 12 percent, Canada 11.5 percent, and the Soviet Union 10.6 percent of the world's total. Of the primary zinc in the world the United States produced 23.8 percent and the Soviet Union, the second leading nation, produced 13.2 percent.

EMPRISE: A LESSON IN CORPORATE CALUMNY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona (Mr. STEIGER) is recognized for 10 minutes.

Mr. STEIGER of Arizona. Mr. Speaker, it is possible in America today, to do wrong, to cheat the public, to shortchange State governments and to contribute to the defiling of the image of an entire industry and remain—apparently—within the law while you prosper.

This will surprise no one in this body, but the scope and history of one such firm will be of interest to all of you, since it affects so many different States and has operated for so long, often whispered about, frequently questioned publicly but always growing and prospering.

The firm is Emprise, of Buffalo, N.Y., a totally family owned entity that controls, or owns completely, over 450 separate corporate entities in at least 23 States, the District of Columbia, Canada, Puerto Rico, and England. They operate nominally as concessionnaires at sports events and racetracks but have large holdings in bowling alleys, vending machines, drive-in theaters, and airports, own the Cincinnati Royals, and the Ice Capades. They have a reported cash flow of $60 million annually, and their vice president for public relations told me that it was nearer to $160 million.

Emprise's success is the result of the Horatio Alger-like efforts of Louis Jacobs who started in 1915 with popcorn sales in theaters and guided the firm until his death in 1968. The active president of Emprise is now Jeremy Jacobs, age 30, the youngest son of Louis and the vice president is Max Jacobs, age 32, who has forsaken an acting career for full-time responsibilities with the company.

Emprise's main interests have been in horse and dog racing and this is where our paths chanced to cross. A joint bipartisan committee of the Arizona House and Senate ordered the State auditor general, Ira Osman, to examine the books of all firms engaged in parimutual wagering in the State and the legislature appropriated sufficient funds to accomplish what has turned out to be a monumental task. In the course of his investigation Mr. Osman had occasion to ask assistance from the Securities and Exchange Commission and the Department of Justice and he contacted me to expedite his requests.

My own interest and concern might be better understood if I may be permitted a personal note. In real life I was in the horse business as a breeder, trader, and trainer for show, using, and race horses. I have been licensed by the States of Arizona and Nevada in various minor horse track official roles; assistant starter—he is one of the people who loads the horses in the starting gate—patrol judge—he views the race from one of the towers placed at different vantage points around the track and watches for violations of rules during the race—and race track announcer. I am one of millions who has been smitten by the horse and been fortunate enough to have made a living doing what I genuinely loved. I am also absolutely and totally convinced that horse racing is one of the finest of professional sports and deserves a far better image than it enjoys in the United States.

Now back to Emprise. I was very quickly impressed by the scope of Emprise in the racing world, usually under the name of Sports Service and by the number of times their associates and associations had been questioned. It also became very clear that they were as active in the business of lending money to race tracks and to race track owners personally as they were in the sale of

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hot dogs and booze. Their association with the underworld has followed a constant pattern. It is not illegal to lend money to people of bad reputation and in the case of Emprise it has proven profitable.

While some of the following does go back in time it is significant to note that these must only be a fraction of the loans and associations actually consummated since it would be prohibitively expensive to uncover all the transactions of a firm so active and widespread, those borrowing from or associated with Emprise include:

Sam Tucker of River Downs Raceway in Ohio, a member of the "Purple Gang."

Moe Dalitz of Cleveland, identified by the Kefauver Committee as a leading hoodlum.

Lion Manufacturing Co. in Chicago, Emprise stock participation 16.7 percent. The firm went into slot machine production after Emprise came in, brought in a man named F. Prinz, an ex-convict from St. Louis. Raymond Patriarcha, also an investor in Lion, was convicted March 9, 1968, of conspiracy to murder a gambling rival.

Emprise subsequently disposed of their interests, I was advised by one of their attorneys, Walter Cheifitz of Phoenix, Ariz.

Big Bill Lias, of Wheeling, W. Va., race track and Shenandoah Downs race track in West Virginia was a borrower of Lou Jacobs. U.S. Immigration tried to deport Mr. Lias as an undesirable alien.

In my view the pattern is probably best identified by Emprise's 12 percent interest in Hazel Park in Michigan. The board of directors of Hazel Park includes as President Anthony J. Zerelli, Giacomo W. Tocco, executive vice president, and until July 25, 1969, Dominic P. "Fats" Corrado—on July 24, 1969, Mr. Corrado was indicted by a New York grand jury for extortion, he resigned from the board the next day but presumably kept his 33,424 shares of voting stock. On page 126 of hearings before the Senate McClellan committee—held in March and June of 1969—all three of the above named are identified as members of the Detroit La Cosa Nostra "Family" and their rank is held to be "Capodecina"—could be equated with company commanders in a military structure. It is worth noting that on the same page the "Boss" of that Detroit La Cosa Nostra Family is identified as Joseph Zerelli the father of Anthony J., and further that Anthony J. is married to the former Rosali Profaci, daughter of Joseph Profaci named on page 124 of the same hearings as a member of the La Cosa Nostra "Commission," the ruling body, for 1960 with Joseph Zerilli, and on page 126 Joseph Profaci is identified as the "boss" of his own "Family" in New York City, also in 1960. In addition to Emprise's 12 percent participation—as noted in the May 1969 SEC report—in Hazel Park Raceway, they are the largest single stockholder, Jerry Jacobs admitted loaning Mr. Zerrelli and Mr. Tocco and a third member of the board, Mr. Peter J. Bellanca, the money to buy their stock in Hazel Park. This is a pattern that has been followed for some time by Emprise.

Sport service loans have been made to tracks and individuals that have figured in scandals surrounding:

Hancock Race Track at Pittsfield, Mass.

Raymond Patriarcha's involvement in Green Mountain Park Raceway involved a $255,000 transaction with Emprise.

In 1965 Emprise loaned $1.5 million, at 18 percent interest, to the Finger Lakes Track at Canandaiqua, N.Y., which was subsequently involved in a $100,000 bribe charge with the New York State Republican Chairman, L. Judson Morehouse and a New York assemblyman named Hyman Mintz.

Emprise holds a significant stock position in Cahokia Downs in East St. Louis, Ill., where nine State legislators, the immediate past Governor of Illinois, and the sports editor of the local paper all got stock at a fraction of what it was sold to the general public for.

At Southland Park, in West Memphis, Ark., the then speaker of the Arkansas House of Representatives, Charles F. Smith, was given an option to purchase 15,000 shares of Southland stock for 10 cent a share while it sold to the public at $1 a share.

The rollcall could go on and includes Arizona where Emprise controls six greyhound tracks and two horse tracks, leaving only one horse track in the State not under their control. The pattern is the same, a stock issue of 1 cent for insiders, 50 cents for those not so in and $1.25 for the public. It includes successful seduction of the legislature to give more racing days and bigger tax breaks for the dogs until Arizona is burdened with 603 days of racing a year and the only people who make money are the concessionaires and Emprise front men, and needless to say Emprise is the concessionaire. Improper pressures on members of the racing commission have been the pattern in Arizona, New Mexico, and Colorado to my certain knowledge; such devices as the joint participation with commissioners and track principles in business ventures, employment of commissioners to service track property, that is, construction, beer sales and so forth all of which still does not tell the whole story but perhaps the following, the lead three paragraphs in a New York State Bureau of Criminal Investigation Report on Emprise, transmitted on December 19, 1969, best sums up the situation and received by the Arizona State Racing Commission:

> Sports Service Corporation and the Emprise Corporation have many admitted contacts and dealings with individuals who are hoodlums or alleged Mafia leaders. This is particularly true relative to their many concessions at stadiums, racetracks, ballparks and so forth in providing services such as, food stuff, liquor and beer, cigarette vending, soft drinks, vending machines, towel and linen service, dining facilities, garbage pick-up and many other services necessary to operate their nationwide corporation.
>
> It is also their contention that these services are necessary in the day-to-day legitimate operation of their complex business and have no relation to hoodlum control or domination of any of their facilities.
>
> Many state and federal agencies have investigated these obvious connections, but to my knowledge no prosecution has ever developed.
>
> G. L. INFANTE,
> *Assistant Deputy Superintendent Bureau of Criminal Investigation, State of New York, Albany, N.Y.*

The point is that Emprise, and/or the Jacobs have apparently never been caught breaking the law. I say apparently because the State of Arizona is currently developing material which appears likely to result in charges being filed. But if there is a record of any convictions against Emprise, it has not come to light.

This is a result of a thorough understanding of the general problems facing an administrative body such as a racing commission and having the funds to purchase the best legal talent in any community, and this Emprise does unvaryingly. In their Arizona operation, in the fiscal year ending August 31, 1969, they claimed as an expense item legal fees in excess of $250,000, and they had no litigation that I am aware of, although they did have a "tax-break" bill, for the dogs, successfully, and overwhelmingly, passed by the legislature.

The average State racing commission is made up of volunteers, some with no acquaintance with racing or law, many who simply represent the amortization of a political debt who are always represented by an overburdened, relatively inexperienced, young lawyer from the State attorney general's staff who, most often is no match for the kind of counsel that Emprise employs.

The pressures on State government are many and precedent, permitting slipshod administration frequently prevails over prudence. Emprise has long ago learned the value of delay in furnishing documents required by law or requested by administrative bodies in pursuit of their lawful duties. In Arizona the maze of nine corporate entities, eight of which are controlled or wholly owned by Emprise, one of which is public and never has paid a dividend—but in their fiscal 1969 made over $300,000 worth of "bad loans" to one of the Emprise owned corporate structures. This maze of corporate entities aids further to the gentle confusion that Emprise is able to take advantage of.

The ever mounting fiscal needs of the States are well recognized by Emprise and the States demands for revenue on their parimutual sources increases at a greater rate than the same State's demands on its taxpayers directly, because as all politicians know, it is far more politically palatable to tax alcohol, tobacco—unless you are from a tobacco State and gambling—than any other source. At any rate the constant pressure from the States for a larger and larger share of track revenue, and for more days of operation whether potentially profitable for the operator or not, has led to Emprise "bailing out" many marginal tracks with big loans tied to the most constricting concession contract known to man. This concession contract always marries Emprise to the track property so that even in the event of a sale of the property, or bankruptcy, or cancellation of racing days, or whatever, Emprise stays on at the track as concessionaire. It was this type of contract coupled with my recitation of Emprise's history and the testimony of Arizona Racing Commission chairman, Jack Goodman, and Racing Commissioner Tom Finley as well as a young attorney named Roger Garrett representing Arizona House Majority Leader Burton Barr that led the New Mexico Racing Commission to deny an Emprise backed firm racing days at Ruiodoso Downs. To my knowledge this is the first time that any State has had the fortitude to do his.

What is very apparent upon any kind if study of racing operationally, is that concessions can make money even if the racing operation does not. Thus, while the concessionaire is only interested in having as many people as possible stay at the track as long as possible. The operator knows that the saturation point for gambling dollars is reached before hunger and thirst are assuaged. Therefore the role of a concessionaire whose primary interest is food, booze, and vending machine products is directly in conflict with the needs of racing and when that concessionaire is in a controlling position of race track operations, the quality of racing suffers, the parimutual handle—the amount of money bet on each race—goes down and the State loses money. When Emprise plays the role of concessionaire, lendor, and majority stockholder, there is very real probability that State government will suffer morally as well as financially. For while no one has accused the Jacobs of bribery—and preferential stock prices are legal if they are announced—a great deal of scandal has followed their presence in racing and it is difficult to see how their admitted business relationships with organized crime adds to the stature of the State that does business with Emprise.

Should you call this whole matter to the attention of your appropriate State officials, and some of them are reluctant to delay the flow of parimutual dollars to the State treasury and thus hesitating in attempting any reform, I would suggest that you remind them of the great and glorious history of your State and the total impropriety of prostituting that great tradition.

Besides if you do find the situation as I have described, you can be assured that your State will make more money from parimutual conducted by, preferably, local people interested in racing and anxious to have good concessions available to those who patronize the races, instead of offering indifferent racing to those who might eat and drink.

The professional football and baseball commissioners have already recognized the necessity of pristine images. Witness Mr. Pete Rozelle's handling of the Paul Horning and Alex Karras matter and Mr. Bowie Kuhn's handling of Denny McClain. Parimutual racing in this country, is triply suspect and should be far more concerned about its image than any other sport. This simply because those States who permit it, are, by their financial participation, partners in a gambling enterprise that produces the greatest pleasure and profit when it enjoys the confidence of the most people.

It is my contention that anybody in business with organized crime contributes to organized crime. The fact that Emprise's operation is no Bonnie and Clyde rehash, but sophisticated, apparently legal and very profitable does not detract from the inescapable fact that the money hoods use to pay back loans comes from criminal activity, that the inevitable quid pro quo for helping a hood is to get the hood to do something for you that you do not want to do for yourself because it is illegal. One of the basic needs of organized crime is to find a legitimate outlet for illegitimate money; that is, a bank robber has stolen bills that he fears are marked or their serial numbers recorded; he wholesales the money to a La Cosa Nostra family who happens to own a race track and who find it a very simple matter to use the money in their operation.

There is no need for legislation prohibiting the conduct of business with known criminals, it would doubtless be unconstitutional and almost certainly unenforceable. There is need for recognition of "corporate crime" and the harm it does racing and the States that permit it.

Racing commissions must be permitted and financed to be able to employ thoroughly competent counsel. Race track concessionaires should be denied operational perogatives and positions. State statutes applicable to parimutual racing must be rewritten to give the applicant for racing days every opportunity to offer those evidences of his good reputation, financial stability, and sound experience that he deems appropriate. Such statutes should then reserve to the commission the unqualified right to reject the applicant, upon the hearing of all said evidence on any grounds that in their judgment is detrimental to the welfare of the State or racing.

Those involved in racing and the administration of racing laws are generally aware of these problems, not as regards Emprise necessarily, but the problems that permit an Emprise to exist. Its time the public made known its interest in denying organized crime access to legitimate business. It is relatively simple to accomplish in the area of franchised operations such as race tracks. Just do not let them in. If they are already in, get them out.

TRIUMPH OVER CANCER SHOULD BE MADE NATIONAL CRUSADE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. ROONEY) is recognized for 15 minutes.

Mr. ROONEY of New York. Mr. Speaker, I have introduced today a resolution declaring it to be the sense of the Congress that cancer be made a national crusade and that all the necessary resources of the Nation be marshaled to find the cure and prevention of the disease. I urge that a supreme effort be made in the course of the next 7 years so that in 1976 we might commemorate the 200th anniversary of the independence of this country with the demise of cancer.

There has been a good deal of discussion in this Congress and throughout the country, on the need for reordering our national priorities. I am one of those who believe that this needs to be done. The Nation has several problems which have come to the point of crisis. Some need immediate action and a massive national effort to prevent disaster. Others, given constructive programs and dedicated effort over a long period of years, approach a point of breakthrough and need a massive effort to bring them to a triumphant conclusion.

This, Mr. Speaker, is the position in which cancer is to be found today. It has been with us from time immemorial, but until 25 years ago, almost no progress had been made against it. Now we find that although the death rate from cancer is as high as ever, some forms of the disease at long last have begun to yield to the scientific skill of the medical men who have devoted their lives to the problem.

Twenty-five years ago when a patient was discovered to have cancer, there was one chance in 5 that he would be alive 5 years after treatment began. Today, when a patient is diagnosed and treatment is begun, there are 2 chances in 5 that he will live for more than 5 years. This is progress, but it is not enough progress for a nation such as ours against a disease such as cancer. There is no reason why this Nation, with its medical minds and medical resources, backed up by Federal funds in a total national effort, cannot solve the mystery of cancer, not only to cure every patient who gets the disease, but to prevent the disease as well and bring to an end its great cost in money, suffering and loss of life.

The prospects of an early breakthrough in cancer are very real. There are imminent innovations due in the fields of surgery and radiotherapy. Even more promising is the field of chemotherapy where a great fund of knowledge in the treatment of advanced, disseminated cancers has been developed. In leukemia, enormous progress has been made in the last 20 years. It was about 20 years ago that chemicals were used successfully in a patient for the first time to bring about a complete but temporary remission. Today, it is possible to gain complete though temporary remissions in more than 90 percent of the cases in one form of leukemia. What has been learned in the treatment of cancer cells in leukemia is now being used against solid cancers, those of the lung and the thoracic cavity, and it is clear that this chemical approach is on the verge of dramatic results.

Another field of cancer in which there is great hope for the immediate future is in viruses which we know cause cancer in animals and have some evidence that they do in man. This year we are stepping up the research program in viruses but we are tardy and inadequate and need to do more here as we do in the other fields of cancer. We should have a vaccine by now and be able to prevent this kind of cancer as we do smallpox, measles, and poliomyelitis.

There are no limits to what we can do as a nation if we have sufficient dedication and dispose our talents and resources to a given goal. In World War II we de-

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veloped the atom bomb and we did it with an incredible concentration of management, money, and brains.

In more recent times we sent a man to the moon and our approach in the space program was very much like the Manhattan project. I ask now that we do the same thing in cancer and I assure you that if we do, we shall find the same success as we did in the A-bomb and the moonshot and we shall have the gratitude not just of our own Nation but of all mankind.

NATIONAL INSTITUTE OF EDUCATION

(Mr. MIZE asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. MIZE. Mr. Speaker, in his far-reaching message on education, the President has requested the formation of a National Institute of Education, which would become the major element in a Federal educational research operation exceeding $300 million a year. As my colleagues know, the Federal Government has played a role in educational research for some years, and yet that effort has remained fragmented and lacking in focus. Much of our educational research has been squandered through our failure to explore large problems systematically and to disseminate the results and findings to the people whose job it is to teach. The National Institute would have a twofold responsibility. It would give direction to research, and it would find ways to make valuable research findings available to those who can use them.

The Institute will concentrate attention on evaluation and assessment of educational programs, an area which has been much abused of late in the rush to find Federal funds for any innovative program. Additionally, the Institute will enrich and enliven other Federal education programs by stimulating creative thought, thus serving as an intellectual resource for the Nation. The time has come for this careful effort to insure that Federal education funds are well spent. The competition for the Federal dollar will no doubt be even more severe during the decade of the seventies, and if we are to continue to assist education, the creation of a National Institute to insure that good programs are being developed and disseminated is a must. I urge my colleagues to support this valuable program with me.

HOW CURIOUS IT IS THAT REPUBLICANS BLAME DEMOCRATS FOR ALL THE ILLS CONFRONTING AMERICAN SOCIETY TODAY

(Mr. GIBBONS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. GIBBONS. Mr. Speaker, it is interesting to note how the Republican leader in the House of Representatives and the present administration continue to blame Democrats for all the ills confronting American society today. Their failure in their haphazard attempt to cool the economy has apparently distorted their vision.

As recently as last Wednesday, I inserted figures in the CONGRESSIONAL RECORD pertaining to the balance-of-payments deficit. At that time, I pointed out that the present deficit, based on the traditional liquidity balance, is the highest we have had in this Nation's history. For the first three quarters of 1969, we showed an annual rate of $10.8 billion deficit. You may recall the caustic attacks that the previous administration was victim to by members of the minority party who at that time complained that Democrats had allowed the deficit to climb to an "intolerable" $3.5 billion in 1967.

Mr. Speaker, it was the efforts of a Democratic administration that let us realize a balance-of-payments surplus of $168 million in 1968. It was a Democratic President and a Democratic Congress that approved the Interest Equalization Act of 1964. The purpose was to reduce the outflow of American dollars by imposing an excise tax on the acquisition of foreign securities in order to stabilize our balance of payments. It was the Johnson administration that first established, on a voluntary basis, limitations on direct foreign investments of American businesses and eventually made the direct foreign investment control program mandatory and gave the Secretary of Commerce broad powers for its administration.

It was the Nixon administration which on April 3, 1969, by Executive order, reduced the rates on the interest equalization tax by 75 percent of their originally enacted level. The present administration has totally disregarded the restrictions of its predecessor and its fiscal policies have brought us to the worst balance-of-payments deficit in our Nation's history.

I wonder if the House minority leader would consider the present balance-of-payments deficit as a Republican deficit, or do we as Democrats have to bear the responsibility of the actions of this administration?

The present administration continues to refer to inflation as a Democratic inflation. As recently as last week in the House, the Democratic Party and the past administration were blamed for the inflationary conditions which exist today.

Let us briefly look at some of the other facts which might lead one to a completely different conclusion.

The Consumer Price Index witnessed its single largest rise in 19 years. Under Republican leadership, it rose 6.1 percent. In the 4 previous years under Democratic leadership, the single largest rise was 4.7 percent.

Under the present Republican administration, we experienced the single highest rise in the interest rates in the history of this country. We all know so well what effect this has had on our overall economy, but particularly our housing industry.

A full percentage point in interest rate means larger monthly payments for most families. A 1-percent increase in the rate on a 30-year mortgage raises the repayments of principal and interest by 12 percent. It is no wonder that HUD officials tell us that half of the families in the United States can no longer afford to buy a new home, and economists do not foresee an increase in housing starts until the Federal Reserve Board relaxes its present tight money policies. Where is the American dream that President Nixon talked about during his campaign? Young newlyweds can hardly look forward to owning their own homes under present economic conditions.

Since January of 1969, housing starts are off by over 40 percent. As one of my colleagues recently pointed out in the CONGRESSIONAL RECORD of February 24, Chicago permits for the construction of new housing declined from 3,496 in January of 1969 to 812 in January of 1970. The housing industry, which employs so many hundreds of thousands of people across the country, has been the primary victim of this administration's anti-inflationary program, and the results have been disastrous. We are only now beginning to feel the ripples of the housing industry's dilemma and things will get worse before they get better.

Last year's housing legislation which was almost unanimously approved by the House of Representatives, contained a provision which makes available $2 billion to the Government National Mortgage Association to purchase FHA and VA mortgages on low-cost housing. But the President refuses to release any of these funds to bring some relief to builders. I wonder if the dilemma of the housing industry can also be blamed on the previous administration and on a Democratic Congress?

Likewise, Mr. Speaker, a glance at unemployment statistics will equally alarm the self-professed economist.

Unemployment for January of 1970 is up to 3.9 percent, the sharpest monthly rise since December of 1960. And yet the chief economic spokesman for the Nixon administration — Paul McCracken, Chairman of the Council of Economic Advisers—testifying before the Joint Economic Committee advises us that the unemployment rate will rise to an average of 4.3 percent in 1970 which would involve a loss of over 700,000 jobs. Other economists less partisan than he have indicated that a 5-percent unemployment figure would be more realistic under present fiscal practices.

I can readily understand the frustration of the President and his Republican colleagues, for the American people will not long tolerate this type of fiscal irresponsibility.

To blame the previous administration for past ills is nothing more than political gimmickery.

The responsibility of stabilizing the economy rests with the President and his administration today as it always has in the past.

In a recent Harris survey, the American public gave Mr. Nixon a 68-percent negative rating on "keeping down the cost of living." Apparently, they have not been fooled by the rhetoric of some of our colleagues here in the House of Representatives who would like us to believe that the present economic dilemma is the sole responsibility of the past Democratic administrations.

OIL AND THE COST OF INFLATION

(Mr. McCARTHY asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. McCARTHY. Mr. Speaker, last Friday President Nixon released the report of the Cabinet Task Force on Oil Import Control. The report recommended doing away with the restrictions on the importation of oil that were adopted in 1959. It points out that these restrictions cost the American consumer $5 billion a year today and will reach $8.4 billion a year in 1980. The report goes on to recommend that the import restrictions be removed and that a system of tariffs bs substituted in their place. The effect of this change from import restrictions to tariffs would only be a reduction of about 25 cents per barrel compared with a possible reduction of $1.45 per barrel if no tariffs were placed on oil imports. Without any change the American consumer will pay about $60 billion more for oil than he needs to over the next 10 years. These costs would be found in the price of gasoline at the corner gas station. It would be found in the heating bill that the homeowner pays each winter. It would be found in the cost of plastic and synthetic fiber made from petroleum. He would pay almost the same amount in extra costs if a tariff system is substituted.

The tariff system does have one good quality. It could remove the assignment of oil-import quotas from the arena of politics. Uniformly determined cost rather than political favoritism would be the basis for bringing oil into the United States. We would no longer find the production of oil from our major oil-bearing regions determined by decisions of Louisiana or Texas State agencies. But unfortunately, we are not even to reap these benefits.

President Nixon has seen fit to defer any decision on the oil-import question. He appears to go along with the recommendations of a minority of the task force, a minority that includes Secretary Hickel with his obvious interest in the oil that will come from Alaska's North Slope. This minority recommended against lifting the import restrictions. President Nixon's failure to act at this time appears to endorse the minority report. I believe this to be a mistake.

One of the most difficult problems that we face currently is an inflation which wipes out wage gains and severely penalizes those on fixed income. The cost of fuel is a major part of the budget of every American. And this is particularly true of those who live in the colder parts of our country. The Northeast, including my State of New York, pays a higher price for fuel than other areas because of the oil-import quotas—not because the cost of oil from Nigeria, Libya, or Venezuela is higher than it is in other parts of the country. In the Northeast we pay a price to the American oil producer of the gulf coast and Southwest—an unnecessary price that is artificially maintained.

President Nixon could act to lower the cost of living for every American. He could act to markedly lower the cost of living for those of us who live in the North and the Northeast. He can give the lie to the charge of sectional interest that says he favors the South over the rest of the Nation. If President Nixon is serious about wanting to curb inflation, then he can act now to remove the arbitrary and costly controls on the import of oil. He can do so with no threat to our military posture. He can do so with only a minimal effect on oil producers. He can do so in the interest of fairness to those who have paid unnecessary costs to our soil producers.

I am introducing a resolution today expressing the sense of the House of Representatives that President Nixon use the authority vested in the present regulations to remove the oil import restrictions. I would hope that President Nixon would see fit to bring his actions in line with his stated interest in curbing inflation. But if we find that the oil interests prevent action, then I believe that the Congress will have to enact legislation removing the President's power to restrict the free market economy as it relates to oil.

In introducing this resolution I ask those Members of Congress who are concerned with the unfairly high cost of oil to their constitutents to join me in sponsoring similar legislation.

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SPECIAL FUNDS OF THE ASIAN DEVELOPMENT BANK

(Mr. ERLENBORN asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. ERLENBORN. Mr. Speaker, President Nixon has requested congressional approval of a U.S. contribution of $100 million to the special funds of the Asian Development Bank. Under the proposal we would contribute $25 million next year, and $40 million the following year.

The terms and conditions of the proposed U.S. contribution have been carefully formulated to further our goal of increased multilateral assistance. Our contribution would be a minority share of total contributions to the special funds, and could not be the largest single contribution. In addition, U.S. funds could be used only when other donor nations were providing a significant share of the funds for the particular purpose.

The President's proposal provides for a meaningful U.S. contribution, while also giving full consideration to our own requirements for budgetary restraints and protection of our balance of payments. By approving the U.S. contribution, we will reaffirm our confidence in the work of the Asian Development Bank and our commitment to a multilateral effort to achieve economic and social progress among the developing nations of Asia.

A LIMITED NATIONAL SERVICE PROPOSAL

(Mr. BINGHAM asked and was given permission to extend his remarks at this point in the RECORD and include extraneous matter.)

Mr. BINGHAM. Mr. Speaker, publication of the Gates Commission report has once again focused public attention on the need for sweeping draft reform. Rather than outright abolition of the draft, I feel that the country would benefit in many ways from a limited national service system to replace the draft. Under this system, a young man of 18 would have three choices:

First, to volunteer for military service;

Second, to volunteer for civilian service as an alternative;

Third, to take his chances on being drafted under a lottery system. Because of the complexity of the legislation necessary to carry out this idea, I sought the help of a number of third-year students at the Yale Law School in drawing up a specific proposal. I am including below a brief summary of the bill they drafted, followed by the bill itself.

On Thursday, March 12, I am holding an open meeting to discuss this legislation. Members of the Yale group who drafted the bill will be here to discuss it, along with representatives of interested organizations. I plan to revise the bill in light of that discussion and any suggestions I receive. I will then circulate the bill for cosponsors.

I hope that my colleagues and other interested parties will take the trouble to study this proposal and let me know of any suggestions they may have prior to or at the Thursday meeting.

The material mentioned above follows:

A QUICK SUMMARY OF THE NATIONAL SERVICE ACT OF 1970

The system we are proposing is based on five premises:

(1) we will have a military in the future;

(2) we do not wish to have a volunteer army;

(3) we will need some form of a draft to fill the military manpower needs;

(4) we want to stop evading, filing phony C.O. applications, stacking deferments, going to jail, leaving the country, or suffering spiritual agony; and

(5) there are areas of socially valuable work to which the market economy and government programs presently supply inadequate amounts of manpower.

The system we propose, therefore, attempts to provide a civilian alternative to military service for those who feel strongly that they do not want to serve in the military, and to channel manpower into socially useful jobs at least for a time.

Examples of such "socially useful" occupations are work in public schools, hospitals, private nonprofit service organizations, every level of government, and such existing programs as VISTA and the Peace Corps. Specifically excluded from the scheme are profit-making businesses, labor unions, religious organizations, partisan political organizations, and personal and domestic service work. The bill sets up procedures for determining the suitability of an employer for getting people in the Civilian Service, and the suitability of a particular person's job in terms of its social benefit (Section 4). Employers are to pay their Civilian Service employees a subsistence wage (taking dependents into account) and to pay to the government any amount in excess of that which they would have paid to the employees without the Civilian Service system. These funds and others would pay for the government's function as employer of last resort (Section

12) for those who could not find or be placed in suitable jobs.

In terms of individuals, the plan would operate as follows: Each young man would register at age 17, and at age 18 would make one of three choices: to enlist in the military, to take his chances in a military lottery similar to the one now in effect, or to enroll in the Civilian Service (Section 5). There are exemptions and deferments based on such things as physical-mental-moral disqualification, high school status, extreme hardship, and conscientious objection (Section 6). No college deferments are provided. Normally a man would serve (unless he escaped by the lottery) immediately after making this choice; in case of deferments the liability goes to age 25.

The enlistment and lottery options would be essentially unchanged from what they are now. The Civilian Service option would require the registrant to find a suitable job with an employer who has qualified the job for participation in the scheme, and to hold the job satisfactorily for a period of time, longer than two years and not more than four years, found to be "equivalent" to two years military service. There are procedures for transfer from one employer to another and for discipline of Civilian Service registrants (Sections 11, 16, 17, 18 and 19).

The program would be administered by a National Service Agency, an independent agency in the Executive Branch whose chief would serve at the President's pleasure. There would be regional offices, local placement centers, hearing examiners, and advisory committees (on the suitability of occupational areas and the economic impact of their inclusion). All decisions by the Agency affecting a registrant or an employer would be subject to judicial review (Section 20).

The National Service Act of 1970

An act to create a new National Service Agency to fill military manpower requirements, to create a voluntary civilian service as an alternative to military service, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That

SHORT TITLE

SECTION 1. This Act may be cited as the "National Service Act of 1970".

POLICY AND INTENT OF CONGRESS

SEC. 2. Whereas the Congress finds:

1. That the defense of the United States requires that a substantial portion of the young men in the United States must serve, at some time, in the Armed Forces of the United States;
2. That the manpower requirements of the Armed Services are unlikely to be met entirely by voluntary enlistments, and that ongoing provisions for conscription are necessary;
3. That the present Universal Military Service and Training Act, both in conception and administration, works grave and unnecessary inequities on the lives of the young men required to serve under it;
4. That there are many areas of nationally valuable work to which the market economy and government programs presently supply inadequate amounts of manpower;
5. That young men of draftable age have both the ability to serve effectively in these areas and an idealistic desire to serve their country through participation in them; and
6. That a system of national Service which affords an effective channel for these high aspirations and for accomplishment of these vital tasks, and at the same time provides for the military needs of the United States, is in the greatest national interest.

Therefore, it is the policy and intent of Congress in enacting the National Service Act of 1970:

1. To fulfill military manpower needs by establishing procedures for the selection of men into the Armed Forces of the United States by means of a random lottery;
2. To provide a free choice for young men between serving their country in a civilian or a military capacity, and to provide within the civilian category a variety of choices;
3. To encourage civilian service registrants to become employed in areas of social need and to work within these areas in ways which do not interfere with the existing market and labor structure of those areas; and
4. To create a selection process for the military and alternative service which eliminates the inequities in the present selective service system.

NATIONAL SERVICE AGENCY

SEC. 3. (a) There is hereby established in the Executive Branch of the Government an agency to be known as the National Service Agency, and a Director of National Service who shall be the head thereof, and who shall receive compensation at the rate of 25,000 per year.

(b) The National Service Agency shall include a national headquarters, such regional headquarters as shall be established by the President, to include within a region each State, Territory, and possession of the United States, and the District of Columbia, and such local placement centers as shall be provided by the President.

(c) The Director and three Deputy Directors shall be appointed by the President by and with the advice and consent of the Senate.' The Director and Deputy Directors shall serve at the pleasure of the President. *Provided, however,* that no person on active duty with the military forces of the United States shall be considered eligible for appointment as Director, Deputy Director, or any other office or position within the National Service Agency.

(d) All personnel employed by the National Servce Agency other than the Director and Deputy Directors shall be retained by and through the Civil Service Commission of the United States with such exceptions as the President may allow.

(e) The Director is authorized, subject to the availability of funds appropriated for such purposes, to procure such space, personnel, and other material necessary to carry out the provisions of this title.

(f) Within the National Service Agency there shall be established three divisions, each headed by a Deputy Director appointed by the President. These divsions are (1) the Civilian Service Division which shall be responsible for the operation and administration of the Civilian Service as established by this title; (2) the Military Lottery Division which shall be responsible for the operation and administration of the system for the fulfillment of military needs as provided for in Section 10 of this title; (3) the Registration and Placement Division, which shall be responsible for operation and administration of all local placement centers as established in Section 3(b) of this title. The Deputy Director in charge of Registration and Placement shall also be responsible for the appointment, within each regional center as authorized in Section 3(b) of this title, of a Regional Registration and Placement Administrator.

(g) The Regional Registration and Placement Administrator shall appoint a Civilian Board for his region, none of whose members shall be employees of the National Service Agency, to handle claims as provided for in Sections 6(a)(4), 6(b)(3), and 7(b), and shall appoint such hearing examiners who shall hear testimony, make findings of fact and conclusions of law and arrive at a decision as to the merits of the registrant's claim. The registrant shall have the right to appeal this decision to the regional board as provided in Section 7.

SELECTION OF QUALIFIED OCCUPATIONS

SEC. 4. (a) With the assistance of such advisory committees as the Director may establish, the Director shall from time to time promulgate regulations establishing specific occupational categories in which Civilian Service registrants may serve.

(b) An occupation shall be deemed suitable under subsection (a) of this section if:

1. The occupation is of substantial social benefit to the community, nation, or foreign nations wherein the registrants are to perform their service;
2. Federal participation in the occupational area is constitutionally permissible under the First Amendment to the United States Constitution;
3. Participation of registrants in the occupation will not interfere unreasonably with the availability and the terms of employments of nonregistrant employees;
4. Registrants are able to meet the physical, mental, and educational qualifications that the occupation requires; and
5. The occupation is in other respects suitable to the goals of this title.

(c) Suitable occupations shall include but shall not be limited to jobs in the employ of:

1. State, Federal, and local government agencies;
2. Public, private, and parochial schools;
3. Nonprofit hospitals;
4. Police;
5. Penal and Probation systems;
6. Private, nonprofit organizations whose principal purpose is social service;
7. Vista;
8. Peace Corps; and
9. Teacher Corps

Suitable occupations shall *not* include:

1. profit-making, business organizations;
2. labor unions;
3. partisan-political organizations;
4. organizations engaged in religious functions;
5. domestic or personal service companies or organizations; and
6. commercial farms.

(d)(1) Any action for the issuance, amendment, or repeal of any regulation promulgated by the Director under subsections (a) and (b) of this section shall be initiated by a proposal made (A) by the Director on his own initiative, or (B) by petition of any interested person, showing reasonable grounds therefor, filed with the Director. The Director shall publish such proposal and shall afford all interested persons an opportunity to present their views thereon, orally or in writing. As soon as practicable thereafter, the Director shall by order act upon such proposal and shall make such order public. Except as provided in paragraph 2 of this subsection, the order shall become effective at such time as may be specified therein, but not prior to the day following the last day on which objections may be filed under such paragraph.

(2) On or before the thirtieth day after the date on which an order entered under paragraph (1) of this subsection is made public, any person who will be adversely affected by such order if placed in effect may file objections thereto with the Director specifying with particularity the provisions of the order deemed objectionable, stating the grounds therefore, and requesting a public hearing upon such objections. Until final action upon such objections is taken by the Director under paragraph (3) of this subsection, the filing of such objections shall operate to stay the effectiveness of those provisions of the order to which the objections are made. As soon as practicable after the time for filing objections has expired the Director shall publish a notice in the Federal Register specifying those parts of the order which have been stayed by the filing of objections and, if no objections have been filed, stating that fact.

(3) As soon as practicable after such request for a public hearing, the Director, after due notice, shall hold such a public hearing for the purpose of receiving evidence relevant and material to the issues raised by such objections. At the hearing, any interested person may be heard in person or by representative. As soon as practicable after completion of the hearing, the Director shall by order act upon such objections and make such order public. Such order shall be based only on substantial evidence of record at such hearing and shall set forth, as part of the order, detailed findings of fact on which the order is based. The Director shall specify in the order the date on which it shall take effect, except that it shall not be made to take effect prior to the ninetieth day after its publication unless the Commission finds that emergency conditions exist necessitating an earlier effective date, in which event the Director shall specify in the order its findings as to such conditions.

(e)(1) Any person who will be adversely affected by such order if placed in effect may at any time prior to the ninetieth day after such order is issued file a petition with the United States Court of Appeals for the Circuit wherein such person resides or has his principal place of business, for a judicial review of such order. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Director or any officer designated by it for that purpose. The Director thereupon shall file in the court the record of the proceedings on which the Director based its order.

(2) If the petitioner applies to the court for leave to adduce additional evidence, and shows to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for the failure to adduce such evidence in the proceeding before the Director, the court may order such additional evidence (and evidence in rebuttal thereof) to be taken before the Director, and to be adduced upon the hearing, in such manner and upon such terms and conditions as to the court may seem proper. The Director may modify its findings as to the facts, or make new findings, by reason of the additional evidence so taken, and it shall file such modified or new findings, and its recommendation, if any, for the modification or setting aside of its original order, with the return of such additional evidence.

(3) Upon the filing of the petition referred to in paragraph (1) of this subsection, the court shall have jurisdiction to affirm the order, or to set it aside in whole or in part, temporarily or permanently. If the order of the Director refuses to issue, amend, or repeal a regulation and such order is not in accordance with law, the court shall by its judgment order the Director to take action, with respect to such regulation, in accordance with law. The findings of the Director as to the facts, if supported by substantial evidence, shall be conclusive.

(4) The judgment of the court affirming or setting aside, in whole or in part, any such order of the Director shall be final, subject to review by the Supreme Court of the United States by writ of certiorari.

(5) The remedies provided for in this subsection shall be in addition to and not in substitution for any other remedies provided by law.

(f) The Director shall from time to time solicit information from all public and private employers who are authorized pursuant to subsections (b) and (c) of this section to participate in the Civilian Service Program on:

(1) what types of jobs, whether existing or newly created for civilian service registrants, each employer would propose to have filled by registrants within the employer's organization;

(2) how many of each type of job the employer believes he could usefully fill;

(3) what effect civilian service registrants would have on his employment, and particularly hiring, practices; and

(4) what physical, mental, and educational qualifications the employer would require for civilian service registrants filling these jobs.

(g) The Director shall certify specific jobs as suitable for Civilian Service Corps employment according to the regulations promulgated by the Commission under subsections (a), (b), (c) and (d) of this section. The Director shall appoint Hearing Officers who shall hold hearings on the written request of any employer or registrant adversely affected by a decision of the Director as to the suitability of a specific job as Civilian Service Corps employment. The registrant or employer may appeal the decision of a hearing examiner to the appropriate regional board, as provided in Section 13(f), within thirty days of receiving notice thereof. The decision of the regional board may be reviewed by the Director at the request of the registrant or employer. The decision of the Director shall be final.

(h) The Director shall regularly compile lists on a national basis of job opportunities which qualify within the occupational categories which are currently available, so that registrants shall have information of job opportunities throughout the nation. These lists shall be available to registrants at local placement centers.

REGISTRATION

SEC. 5. (a) Except as otherwise provided in this title, it shall be the duty of every male citizen of the United States to present himself for and submit to registration at the local placement center which serves the area in which he resides within ten days after the seventeenth anniversary of his birth. *Provided, however*, that all persons heretofore registered under the Military Selective Service Act of 1967 or its predecessor acts shall be deemed to have satisfied the registration requirements of this paragraph.

(b) Each local placement center shall, at the time of registration, provide each registrant with detailed information on the nature and scope of the operations of the National Service Agency as provided to each placement center by the Office of the National Director. This information shall include but is not limited to a description of the operation of the military lottery, of enlistment opportunities in the Armed Forces, a list of general occupational categories established by the National Commission pursuant to Section 4, and a detailed list of the actual qualified civilian service jobs available in the geographical area.

(c) Each local placement center shall maintain a staff of counselors who shall interview registrants and explain the details of the operations of the National Service System.

(d) Each local placement center shall cause each registrant to complete, or where necessary shall complete for each registrant, such forms as may be required by regulations implementing this title, and such information shall be forwarded to the Director. All information contained in these records pertaining to registrants shall be disclosed only to authorized employees of the National Service Agency and to the individual registrant.

EXEMPTIONS AND DEFERMENTS

SEC. 6. (a) The following persons shall be exempt from participation in the Military Lottery or in the Civilian Service Corps:

(1) Personnel of the Army, Navy, Air Force, Marine Corps, and Coast Guard; cadets and midshipmen of the United States Military Academy, United States Naval Academy, United States Air Force Academy, and United States Coast Guard Academy; students enrolled in officer procurement programs at military colleges whose curriculum is approved by the Secretary of Defense; members of reserve components of the Armed Forces and the Coast Guard; persons who served honorably on active duty in the Armed Forces at any time prior to the date of enactment of this title; members of organized units of the federally recognized National Guard, the federally recognized Air National Guard, the Officers' Reserve Corps, the Regular Army Reserve, the Air Force Reserve, the Enlisted Reserve Corps, the Naval Reserve, the Marine Corps Reserve, or the Coast Guard Reserve, so long as they continue to be such members and satisfactorily participate in scheduled drills and training periods as prescribed by the Secretary of Defense;

(2) Persons found physically, mentally, or morally unfit on a permanent basis, by standards to be prescribed by the President for any national service, either military or civilian, under this Act;

(3) Persons who are not citizens of the United States. Any person who becomes a citizen of the United States after attaining the seventeenth anniversary of his birth and before attaining the twenty-fifth anniversary of his birth shall be registered and treated in all respects as if he had attained the seventeenth anniversary of his birth on the date of his naturalization, except that his liability for service under this Act shall not extend beyond the thirtieth anniversary of his birth;

(4) Persons who, by reason of training and belief, are conscientiously opposed to any participation in the national service system established by this Act. In order to establish conscientious opposition, a registrant must prove by a clear preponderance of the evidence that service in general in both a military and civilian capacity would be a violation of his most profound convictions. Whether an individual meets the requirements of this subsection shall be determined pursuant to the procedure as provided in Section 7.

(b) The following persons shall be deferred, under regulations prescribed by the President, from participation in the Military Lottery and the Civilian Service Corps:

(1) Persons satisfactorily pursuing a full-time course of instruction at a high school or similar institution of learning shall be deferred until graduation or until the end of the sixth academic year spent following completion of grade eight or the equivalent grade levels thereof;

(2) Persons found physically, mentally, or morally unfit on a temporary basis, under standards to be prescribed by the President, for any national service, military or civilian, under this Act, shall be deferred for such time as that condition of unfitness shall continue;

(3) Any person granted a hardship deferment by the Civilian Board in their region pursuant to subsection (A)(iv) below.

(A) A registrant may present, in writing, a claim of hardship pursuant to the procedure provided in Section 7 at any time before or during a registrant's participation in the National Service. Upon examination of the registrant's claim of hardship, a Civilian Board may:

(i) reject the claim as a whole;

(ii) determine that the subsistence allowance of a Civilian Service registrant as provided for in Section 9(b)(4), shall be increased to provide for members of the registrant's family who are substantially dependent upon him for financial support, such increase not to exceed $4000 per year maximum; or

(iii) determine that the Civilian Service registrant be placed in a civilian service job if one is reasonably available which will enable him to reside with those members of his family who are substantially dependent upon him for personal services or for other forms of personal assistance; or

(iv) upon a finding of hardship and a finding that subsections (ii) and (iii) are insufficient either alone or applied together to

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provide adequately for members of the registrant's family who are substantially dependent upon him determine that the registrant be granted a hardship deferment from National Service for as long as necessary; *Provided, however,* that upon the twenty-fifth anniversary of his birth, a registrant deferred under this subsection shall be deemed to have participated in the Military Lottery and not been selected during his period of liability.

CLASSIFICATION; RIGHT TO APPEAL CLASSIFICATION

SEC. 7. (a) Each registrant shall be classified according to regulations promulgated by the Director by the local placement center where he is registered on the basis of information supplied by the registrant to the local placement center. Whenever a registrant's status changes so that he believes that he is entitled to a classification different from that which has been previously assigned him, he shall apply to the local placement center by alleging in writing the facts which he believes entitle him to a different classification.

(b) A registrant may appeal his classification by notifying the Civilian Board appointed by the Regional Registration and Placement Administrator of that region pursuant to Section 3(g) on or before the thirtieth day after receiving notice of any classification by the local placement center. The Civilian Board shall refer all appeals to a hearing examiner as provided for in Section 3(g) to hear testimony, make findings of fact and conclusions of law, and arrive at a decision as to the merits of the registrant's claim. The hearing shall be held as close to the area in which the registrant resides as is practicable.

(c) The registrant may appeal the decision of the hearing examiner to his Civilian Board within thirty days of receiving notice thereof. The Civilian Board shall review the whole record and affirm the hearing examiner's decision only if supported by reliable, probative, and substantial evidence. At its discretion, the Board may hear further testimony.

(d) Decisions of the Civilian Boards may be appealed by the registrant to the Director whose standard of review shall be the same as that of the Civilian Board described in subsection (c) of this section.

(e) A registrant who appeals his classification shall be entitled to appeal and to have the right to counsel at all stages of the appeal process. The National Service Administration shall, at its own expense, provide a lawyer for those unable to afford counsel. The hearing examiner shall determine whether the registrant is capable of paying all, some, or none of the cost of counsel. His decision shall be subject to appeal.

ELECTION OF SERVICE OPTION

SEC. 8. (a) Unless exempted as provided in Section 6 of this title, each registrant (including those with deferments) on or before ten days prior to his attaining the age of eighteen years shall notify in writing his local placement center of his election to enlist in the Armed Forces, to participate in the Military Lottery, or to participate in the Civilian Service Program.

(b) Upon receipt of the forms provided for the Section 5(e) above, the local placement center shall immediately cause the names and registration number of each registrant selecting the Military Lottery option to be sent to the Deputy Director in charge of the Military Lottery Division. Only those registrants who have selected the Military Lottery under Section 8(a) or those who have been placed in the Military Lottery as provided in Section 18(b) of this title shall be processed as provided in Section 10 of this title.

LENGTH OF SERVICE

SEC. 9. (a) Each person selected through the Military Lottery for service with the Armed Forces of the United States shall serve in active training and service for a period of 24 consecutive months, unless sooner released, transferred, or discharged in accordance with procedures established by the Secretary of Defense.

(b) Each person electing participation in the Civilian Service shall serve in active training and service for that period of time which the Director shall deem appropriate for the particular occupational category into which that person has been placed. *Provided, however,* that no person shall be required to participate in active service in the Civilian Service for less than the period served by those participating in the Military Lottery or for more than 48 consecutive months.

OPERATION OF THE MILITARY LOTTERY

SEC. 10. (a) The Director of the National Service Agency shall establish under this title procedures for the selection of men into the Armed Forces of the United States by means of a random lottery of those individuals who have elected under the provisions of Section 8(a) to participate in the Military Lottery.

(b) The lottery shall proceed by means of random selection. The random selection method will use 366 days to represent the birthdays (month and day only) of all registrants who have elected to be placed in the lottery pool. On a date to be selected by the Director of the National Service Agency once each year the lottery shall be conducted selecting in a random manner each day of the year for every man who has since the last such lottery been placed in the lottery pool. On the same date, a supplemental drawing will be conducted to determine alphabetically the random selecting sequence by initial letter in surname among registrants who have the same birthday.

(c) The Secretary of Defense shall periodically notify the Director of the National Service Agency and the Deputy Director in charge of the Military Lottery of the number of registrants required to fill the manpower needs of the Armed Forces of the United States. The Director shall issue orders to report for induction to that number of individuals in the order that their birthdates and names were selected in the Military Lottery. Each registrant shall remain in the lottery pool for a period of twelve months following the date of the lottery selection for which he is eligible.

(d) A registrant who has received an order to report for induction but who has been granted a deferment under Section 6(b) or under a procedure established by the Armed Forces, shall have his induction order stayed indefinitely but shall have his deferment reviewed each year thereafter until the twenty-fifth anniversary of his birth by the board which originally granted his deferment. If it is determined that the registrant can no longer qualify for a deferment, the induction shall be reactivated. Upon reaching the twenty-fifth anniversary of his birth, the registrant shall have the induction order permanently cancelled.

(e) Any registrant who is discharged from the Civilian Service Corps pursuant to the provisions of Section 18(b) of this title shall have his name and birthdate placed in the random selection which next occurs following the date of his discharge from the Civilian Service Corps and shall remain eligible for a period of twelve months thereafter.

CIVILIAN SERVICE JOBS

SEC. 11. (a) It shall be the duty of each registrant who has elected to serve in the Civilian Service within six months of his election of Civilian Service or within six months after his deferment under paragraph 6(b) has expired, whichever is later, either:

(1) to locate and become employed as a full-time employee in a job which has qualified for participation in the Civilian Service either upon previous application of the employer or upon application of the registrant, as provided in Section 4; or

(2) to become a full-time volunteer in VISTA, the Peace Corps, or the Teacher Corps; or

(3) if unable to qualify under (1) or (2), to join the Civilian Service Federal Job Corps as provided in Section 12; *Provided, however,* that a registrant may not elect to enroll in the Civilian Service Federal Job Corps until two months after his election or the expiration of his deferment, whichever is later.

(b) It shall be the duty of each registrant who has selected a job or a program pursuant to subsection 6(a) to remain satisfactorily employed or enrolled for a period of time determined by the Director for the particular occupational category or program in which the registrant is employed or enrolled as provided in Section 9(b).

(c) Public non-federal and private employers who have employed civilian service registrants shall have the authority at all times to accept, reject, conditionally accept, or dismiss any individual civilian service registrant; *Provided, however,* that if it shall be determined by the Civilian Service that any registrant was rejected or dismissed because of race, color, creed, or national origin, then the Director is authorized to declare under procedures provided in Section 4 that the public or private employer be disqualified from inclusion on the official list of civilian service jobs. The employer shall be authorized to reapply for qualification under procedures provided in Section 4.

(d) When any civilian service registrant withdraws or is dismissed from a civilian service job, and it is determined by a hearing as provided for in Section 19, that the registrant is to continue in the Civilian Service then the registrant shall report to the local placement center nearest to his current place of residence, within ten days of the termination of the hearing, in order to be assigned to a new job or federal program for the duration of his time obligation.

CIVILIAN SERVICE CORPS

SEC. 12. (a) There is hereby established a Civilian Service Corps which shall be under the direction, and whose director, hereafter referred to as the Corps Director, shall be appointed by the Director of the National Service Agency. The Corps shall train and employ registrants who elected Civilian Service and who, having not found employment in a job which qualified for the Civilian Service, joined or were deemed to have joined the Corps.

(b) In order to operate the Civilian Service Corps, the Director is authorized:

(1) to establish any or all new facilities, including new construction necessary for the operation of the Corps;

(2) to establish necessary provisions for housing of the registrants enrolled in the Corps;

(3) to provide whatever is necessary to insure for the proper medical care of the registrants enrolled in the Corps, including but not limited to the utilization of armed services medical facilities;

(4) to request and utilize the services of any or all:

(A) departments of the Federal Government;

(B) agencies, departments, or units of regional, state, county, municipal, or town governments; and

(C) trade organizations, charitable organizations, educational institutions, any other private or public organization or group or any person or group of persons.

(5) to establish within the Corps programs for registrants who come from deprived backgrounds, which program will be essentially educational and training programs designed to enable the registrants to enter productive employment for the remainder of their civilian service and/or following the completion of their service.

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ADDITIONAL AUTHORITY OF THE DIRECTOR

SEC. 13. In addition to the authority granted in Section 12, the [Director, National Commission] is authorized:

(a) to delegate any authority vested in him under this title, and to provide for the subdelegation of any authority;

(b) to establish a procedure for compensating all volunteers. Such procedure shall provide that non-federal employers of volunteers must pay to the federal government the same wage paid by the employer to non-volunteers performing the same or similar work or the minimum wage, whichever is greater, and that the federal government will compensate all volunteers at a rate equal to a subsistence allowance based on the cost of living in the geographical areas in which the volunteers work;

(c) to establish procedures to protect all volunteers from discrimination by any employer because of race, color, creed, or national origin;

(d) to utilize, when necessary, the services of all departments of the federal government; and

(e) to establish such regional review boards as may be necessary to hear appeals as provided for in sections 4(g) and 7(c).

(f) to prescribe such rules and regulations necessary to carry out the provisions of this title.

APPLICATION OF PROVISIONS OF FEDERAL LAW—REGISTRANTS NOT FEDERAL EMPLOYEES; FEDERAL EMPLOYMENT LAWS INAPPLICABLE

SEC. 14. (a) Except as otherwise specifically provided in this Act, an alternative service registrant shall not be deemed to be a federal employee and shall not be subject to the provisions of laws relating to hours of work, rates of compensation, leave, unemployment compensation, and federal employee benefits.

(b) Registrants in a Civilian Service Corps shall be deemed to be employees of the United States for the purposes of the Internal Revenue Code of 1954 and of Title VI of the Social Security Act (42 U.S.C. 401 *et seq.*), and any service performed by an individual as a registrant shall be deemed for such purposes to be performed in the employ of the United States.

(c) (1) Registrants in a Civilian Service Corps shall, for the purposes of the administration of the Federal Employees' Compensation Act, be deemed to be civil employees of the United States within the meaning of the term "employee" as defined in Section 790 of Title 5 and the provisions thereof shall apply except as hereinafter provided.

(2) For the purposes of this subsection:

(A) The term "performance of duty" in the Federal Employees' Compensation Act shall not include any act of a registrant:

(i) while on authorized leave; or

(ii) while absent from his assigned post of duty, except while participating in an activity authorized by or under the direction or supervision of the Corps.

(B) In computing compensation benefits for disability or death under the Federal Employees' Compensation Act, the monthly pay actually received by an enrollee for satisfactory performance of his work shall be used.

(C) Compensation for disability shall not begin to accrue until the day following the date on which the enrollment of the injured registrant is terminated.

POLITICAL DISCRIMINATION AND ACTIVITY—INQUIRIES CONCERNING POLITICAL AFFILIATION AND BELIEF

SEC. 15. No discrimination shall be exercised, threatened, or promised by any person in the executive branch of the Federal Government against or in favor of any registrant in the Corps, or any applicant for enrollment in the Corps because of his political affiliation, beliefs, or activities.

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REPORTS BY EMPLOYERS

SEC. 16. Each employer of a civilian service registrant shall submit a report to the Director, in such form and manner as the Director shall require, whenever a registrant leaves or is removed from his employ. Except in cases of the normal expiration of a registrant's obligated service, such report shall state in detail the circumstances of, and reasons for, such termination.

CATEGORIES OF REMOVALS FROM JOB; EFFECT

SEC. 17. Each civilian service registrant shall possess the same rights of employment security against his employer as are enjoyed against such employer by other employees of similar rank and length of service. Any registrant who is removed from a job because of its abolition, or for any other reason not reflecting negatively on his performance, shall not be considered to have violated his obligation with the service; shall be considered to have been withdrawn without prejudice; and shall be eligible for transfer to new jobs within the service for which he is qualified. If a registrant is removed for any other reason (hereinafter referred to as "for cause"), he shall be liable to disciplinary action by the Corps.

ADVERSE ACTIONS BY THE DIRECTOR

SEC. 18. (a) Adverse action against a civilian service registrant shall be begun by the Director only upon the basis of a special report from the registrant's employer supporting the registrant's removal from his job for cause or announcing the registrant's unauthorized departure from his job.

(b) Adverse actions against a registrant may include the imposition of such disciplinary sanctions, up to and including dismissal from the Civilian Service with loss of any benefits which would accrue as a result of completion of service, as the Director or his authorized representative shall deem necessary. A registrant who is dismissed from the Civilian Service as the result of an adverse action shall be deemed to have elected to participate in the next military lottery whose date of drawing, as provided in Section 10(b), is after the date of dismissal. *Provided, however*, that any such registrant who has completed at least half of his required length of service in the Civilian Service before his dismissal, and has been selected by the lottery, shall be required to serve only one year in the military.

(c) a registrant may be dismissed from the Civilian Service only under circumstances involving willful disobedience, insurbordinate conduct, conviction of a felony or highly unsatisfactory performance.

(d) Sanctions imposed by the Director against a registrant for misconduct shall not impair any rights of action, public or private, criminal or civil, accruing to any other party against such volunteer by reason of his misconduct.

(e) The Director shall establish procedures for the administrative release of registrants from the Civilian Service for reasons of health or hardship, where the documented basis in fact for the claim would be at least sufficient to confer an exemption from the obligation to serve. Action leading to such a release may be initiated either by the registrant concerned or by the Civilian Service. A registrant so released shall remain eligible for all benefits normally accruing to those who have successfully completed their service.

ADVERSE ACTIONS—PROCEDURES

SEC. 19. (a) The Director shall establish and impose administrative sanctions, up to and including dismissal from the Civilian Service by adverse action, to punish any registrant who fails to fulfill his obligation. He shall promulgate a code of sanctions consistent with the provisions of this title, by administrative regulation.

(b) There shall be created in the National Service Agency a Legal Corps. The Legal Corps shall be independent of all other agencies in the system. All members of the Legal Corps shall be members of the bar of at least one state. Members of the Legal Corps shall preside over each and every disciplinary hearing and each and every appeal therefrom. The Legal Corps shall be divided into a Hearing Division and an Appeals Division.

(c) The Director shall establish procedures for conducting a full and impartial hearing in any case where adverse action against a volunteer is contemplated or has been taken by the Corps. Such a hearing shall be held at the request of the registrant; no registrant shall be dismissed from the Civilian Service without such a hearing. One member of the Legal Corps shall preside over each such hearing, and shall interpret the law and the facts in reaching a verdict and in imposing or upholding such sanctions as are found warranted.

(d) Any registrant whose punishment is imposed or sustained at a hearing held under Section 20(c) of this title may take an appeal in writing to the Appeals Division of the Legal Corps within ten days of the announcement of the hearing judgment. The Appeals Division shall consider all appeals expeditiously. At its discretion, it shall hold an appeal hearing which may make fresh inquiry into both the facts and the law of the case. Such a hearing shall be presided over by three members of the Appeals Division.

(e) The Director shall promulgate rules governing all disciplinary hearings. Such rules shall provide for the right of the registrant to be advised by counsel, to confront any adverse witnesses, and to compel the attendance of witnesses. If a registrant facing a disciplinary hearing or an appeal therefrom desires representation by legal counsel but is unable to pay for it, the Civilian Service shall provide him with the services of an attorney who has been admitted to the bar of at least one state and is not employed by the Civilian Service, at no cost to the registrant.

(f) Any registrant who has abandoned or been dismissed from any employment shall have the right to a hearing in order to establish that his service has been satisfactory for completion of his obligation within the terms of Section 22 of this title.

JUDICIAL REVIEW

SEC. 20. (a) A person suffering legal wrong because of action by the National Service Agency is entitled to judicial review. Such review shall be within the original jurisdiction of the District Courts of the United States by writ of mandamus as provided in 28 U.S.C. 1361.

(b) There shall be no judicial review of actions by the National Service Agency or any officer or agent thereof until all administrative remedies provided in this title have been exhausted and Agency action is final.

(c) To the extent necessary to decision and where presented, the reviewing court shall decide all relevant questions of law, interpret constitutional and statutory provisions, and determine the meaning and applicability of the terms of an Agency action. The reviewing court shall:

(1) compel action unlawfully withheld or unreasonably delayed;

(2) hold unlawful and set aside actions, findings, and conclusions found to be—

(A) arbitrary, capricious, an abuse of discretion, or not otherwise in accordance with law;

(B) contrary to constitutional right, power, privilege, or immunity;

(C) In excess of statutory jurisdiction, authority, or limitations, or short of statutory right;

(D) without observance of procedure required by law; and

(E) unsupported by substantial evidence in the case when taken as a whole and based on the entire record.

COMPUTATION OF TIME OF SERVICE

Sec. 21. All the time spent by a registrant from the time of his initial entry into the Civilian Service shall count toward satisfaction of his obligation except:

(1) time spent in legal detention or incarceration; and

(2) time spent unemployed after voluntary abandonment of a job or dismissal from work for cause. *Provided, however,* That if disciplinary proceedings are instituted by the Civilian Service as a result of such abandonment or dismissal and the registrant is acquitted of fault, all the time spent unemployed after such abandonment or dismissal shall be counted toward satisfaction of his obligation.

REPEALER

Sec. 22. The Military Selective Service Act of 1907 (50 U.S.C. App. 145 et seq.) is hereby repealed.

SAVING CLAUSE

Sec. 23. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun, before its effective date.

SEVERABILITY

Sec. 24. If a part of this Act is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of this Act is invalid in one or more of its applications, that part remains in effect in all valid applications that are severable from the invalid applications.

APPROPRIATIONS

Sec. 25. The sum of ——— dollars is hereby authorized to be appropriated to the Director of the National Service Agency to carry out the purposes of this Act.

EFFECTIVE DATE

Sec. 26. This Act shall take effect upon its passage.

RECESS

The SPEAKER. In accordance with the unanimous-consent request granted and heretofore entered into, the Chair declares a recess subject to the call of the Chair. The bells will be rung 15 minutes before the House reconvenes.

Accordingly (at 2 o'clock and 28 minutes p.m.) the House stood in recess subject to the call of the Chair.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 5 o'clock and 50 minutes p.m.

CONFERENCE REPORT ON H.R. 13300, RAILROAD EMPLOYEES SUPPLEMENTAL ANNUITIES

Mr. STAGGERS submitted the following conference report and statement on the bill (H.R. 13300) to amend the Railroad Retirement Act of 1937 and the Railroad Retirement Tax Act to provide for the extension of supplemental annuities and the mandatory retirement of employees, and for other purposes:

Conference Report (H. Rept. No. 91–866)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 13300) to amend the Railroad Retirement Act of 1937 and the Railroad Retirement Tax Act to provide for the extension of supplemental annuities and the mandatory retirement of employees, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

That section 3(j) of the Railroad Retirement Act of 1937 is amended by striking out paragraph (3) and by redesignating paragraph (4) as paragraph (3).

Sec. 2. Section 3(j) of the Railroad Retirement Act of 1937 is amended by adding at the end thereof the following new paragraphs:

"(4) Notwithstanding any other provision of this Act, no individual shall be entitled to a supplemental annuity provided by this subsection for any period after he renders any service as an employee for compensation after his supplemental annuity closing date determined as follows:

"(A) Such closing date for an employee who attains age 68 before 1971 shall be January 31, 1971. Such closing date for an employee who attains age 68 during 1971 shall be the last day of the month following the month in which he attains age 68.

"(B) Such closing date for an employee who attains age 67 during 1972 shall be the last day of the month following the month in which he attains age 67. Such closing date for an employee who attains age 67 during 1971 shall be January 31, 1972.

"(C) Such closing date for an employee who attains age 66 during 1973 shall be the last day of the month following the month in which he attains age 66. Such closing date for an employee who attains age 66 during 1972 shall be January 31, 1973.

"(D) Such closing date for an employee who attains age 65 after 1973 shall be the last day of the month following the month in which he attains age 65. Such closing date for an employee who attains age 65 during 1973 shall be January 31, 1974.

"(5) For an employee whose supplemental annuity closing date (determined under paragraph (4)) occurs after he has completed at least 23 years of service and before he has completed 25 years of service and before he is entitled (or on application would be entitled) to monthly insurance benefits under section 202(a) of the Social Security Act, such date shall be extended to whichever of the following first occurs:

"(A) the day before the first day of the first month for which he is entitled (or on application would be entitled) to monthly insurance benefits under section 202(a) of the Social Security Act, or

"(B) the last day of the first month for which he qualifies for a supplemental annuity under this subsection.

"(6) The provisions of paragraphs (4) and (5) shall not supersede the provisions of any agreement reached through collective bargaining between an employer and its employees which provides for mandatory retirement at an age less than the applicable supplemental annuity closing date determined under paragraphs (4) and (5)."

Sec. 3. Section 15(b) of the Railroad Retirement Act of 1937 is amended by striking out the second paragraph thereof.

Sec. 4. Section 3211(b) of the Railroad Retirement Tax Act is amended to read as follows:

"(b) In addition to other taxes, there is hereby imposed on the income of each employee representative a tax at a rate equal to the rate of excise tax imposed on every employer, provided for in section 3221(c), for each man-hour for which compensation is paid to him for services rendered as an employee representative."

Sec. 5. (a) Section 3221(a) of the Railroad Retirement Tax Act is amended by substituting for the first sentence thereof the following: "In addition to other taxes, there is hereby imposed on every employer an excise tax, with respect to having individuals in his employ, for each man-hour for which compensation is paid by such employer for services rendered to him during any calendar quarter, (1) at the rate of 2 cents for the period beginning November 1, 1966, and ending March 31, 1970, and (2) commencing April 1, 1970, at such rate as will make available for appropriation to the Railroad Retirement Supplemental Account provided for in section 15(b) of the Railroad Retirement Act of 1937 sufficient funds to meet the obligation to pay supplemental annuities under section 3(j) such Act and administrative expenses in connection therewith. For the purpose of this subsection, the Railroad Retirement Board is directed to determine what rate is required for each calendar quarter commencing with the quarter beginning April 1, 1970. The Railroad Retirement Board shall make the determinations provided for not later than fifteen days before each calendar quarter. As soon as practicable after each determination of the rate, as provided in this subsection, the Railroad Retirement Board shall publish a notice in the Federal Register, and shall advise all employers, employee representatives, and the Secretary of the Treasury, of the rate so determined."

(b)(1) Section 3221 of such Act is further amended by inserting at the end thereof the following new subsection:

"(d) Notwithstanding the provisions of subsection (c) of this section, the tax imposed by such subsection (c) shall not apply to an employer with respect to employees who are covered by a supplemental pension plan which is established pursuant to an agreement reached through collective bargaining between the employer and employees. There is hereby imposed on every such employer an excise tax equal to the amount of the supplemental annuity paid to each such employee under section 3(j) of the Railroad Retirement Act of 1937, plus a percentage thereof determined by the Railroad Retirement Board to be sufficient to cover the administrative costs attributable to such payments under section 3(j) of such Act."

(2) The amendment made by paragraph (1) shall apply, to (A) supplemental annuities paid on or after April 1, 1970, and (B) man-hours with respect to which compensation is paid for services rendered to such employer on or after such day.

Sec. 6. The Railroad Retirement Board is authorized to request the Secretary of the Treasury to transfer from the Railroad Retirement Account to the credit of the Railroad Retirement Supplement Account such moneys as the Board estimates would be necessary for the payment of the supplemental annuities, provided for in section 3(j) of the Railroad Retirement Act of 1937, for the six months next following enactment of this Act and for administrative expenses necessary in the administration of such section 3(j) (which expenses are hereby authorized) until such time as an appropriation for such expenses is made pursuant to section 15(b) of such Act, and the Secretary shall make such transfer. The Railroad Retirement Board shall request the Secretary of the Treasury, at any time before the expiration of one year following the enactment of this Act, to retransfer from the Railroad Retirement Supplemental Account to the credit of the Railroad Retirement Account the amount transferred to the Railroad Retirement Supplemental Account pursuant to the next preceding sentence, plus interest at a rate equal to the average rate of interest borne by all special obligations held by the Railroad Retirement Account on the last day of the fiscal year ending on June 30, 1970, rounded to the nearest multiple of one-eighth of 1 per centum, and the Secretary shall make such retransfer.

Sec. 7. No carrier and no representative of employees, as defined in section 1 of the Railway Labor Act, shall, before April 1, 1974,

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utilize any of the procedures of such Act to seek to make any changes in the provisions of the Railroad Retirement Act of 1937 for supplemental annuities or to establish any new class of pensions or annuities, other than annuities payable out of the Railroad Retirement Account provided under section 15(a) of the Railroad Retirement Act of 1937, to become effective prior to July 1, 1974; nor shall any such carrier or representative of employees until July 1, 1974, engage in any strike or lockout to seek to make any such changes or to establish any such new class of pensions or annuities: *Provided*, That nothing in this section shall inhibit any carrier or representative of employees from seeking any change with respect to benefits payable out of the Railroad Retirement Account provided under section 15(a) of the Railroad Retirement Act of 1937.

SEC. 8. Section 301(f) of the Act of October 30, 1966 (Public Law 89–699), is amended by striking out "for sixty months".

SEC. 9. If any provision of this Act or the application thereof to any person or circumstances is held invalid, the remainder of this Act, and the application of such provision to other persons or circumstances, shall not be affected thereby.

And the Senate agree to the same.

HARLEY O. STAGGERS,
SAMUEL N. FRIEDEL,
JOHN D. DINGELL,
WILLIAM L. SPRINGER,
SAMUEL L. DEVINE,
Managers on the Part of the House.
THOMAS F. EAGLETON,
CLAIBORNE PELL,
GAYLORD NELSON,
HAROLD E. HUGHES,
RALPH TYLER SMITH,
RICHARD S. SCHWEIKER,
WILLIAM B. SAXBE,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 13300) to amend the Railroad Retirement Act of 1937 and the Railroad Retirement Tax Act to provide for the extension of supplemental annuities and the mandatory retirement of employees, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The Senate amendment struck out all of the House bill after the enacting clause and inserted a substitute text. The committee of conference recommends that the House recede from its disagreement to the amendment of the Senate, with an amendment which is a substitute for the text of the Senate amendment and the text of the House bill. The principal differences between the text of the House bill and the substitute agreed to in conference are noted below:

1. PROVISIONS REQUIRING OR ENCOURAGING EARLY RETIREMENT

The House bill required a railroad employee to retire at a specified age, initially at age 70, and ultimately (by January 1, 1976) at age 65. An employee could, however, be kept in service beyond his mandatory retirement age by the written agreement of his employer, if safety and efficiency would not be adversely affected; and the applicable collective bargaining agreement could provide an earlier mandatory retirement age.

The Senate amendment did not require retirement, but reduced the supplemental annuity of any railroad employee who (after 1970) continued in service after he had attained age 65 and could qualify for an annuity. The amount of the reduction ranged from 25 percent (in the case of an employee who could initially qualify at age 65) to 100 percent (in the case of an employee who could initially qualify at or after age 68). Any service performed by the employee after he could so qualify could not be credited toward his supplemental annuity.

Under the conference agreement, there is no provision requiring retirement of railroad employees at a specified age, but a new section 3(j)(4) is added to the Railroad Retirement Act of 1937 providing that any individual who renders service as an employee for compensation after the "supplemental annuity closing date" applicable to him will not be entitled to a supplemental annuity, or, if he has already qualified for a supplemental annuity and renders such service after such date, will cease to be entitled to such an annuity for periods after he renders such service. The new section 3(j)(4) provides that supplemental annuity closing dates will, in general, be determined as follows:

For individuals attaining age:	The closing date is:
68 before Jan. 1, 1971	Jan. 31, 1971.
68 in 1971	Last day of month after month in which he attains age 68.
67 in 1971	Jan. 31, 1972.
67 in 1972	Last day of month after month in which he attains age 67.
66 in 1972	Jan. 31, 1973.
66 in 1973	Last day of month after month in which he attains age 66.
65 in 1973	Jan. 31, 1974.
65 after Dec. 31, 1973	Last day of month after month in which he attains age 65.

The conference agreement also adds a new paragraph (5) to section 3(j) which provides that if an employee's supplemental annuity closing date determined under the new paragraph (4) occurs after he has completed at least 23 years of service and before he has completed 25 years of service and before he is entitled (or on application would be entitled) to monthly insurance benefits on the basis of his own work record under section 202(a) of the Social Security Act, then his supplemental annuity closing date is extended to whichever of the folowing first occurs: (1) the day before the first day of the first month for which he is entitled (or application would be entitled) to monthly insurance benefits under section 202(a) of the Social Security Act, or (2) the last day of the first month for which he qualifies for a supplemental annuity under section3 (j).

The conference agreement also adds a new paragraph (6) to section 3(j) of the Railroad Retirement Act of 1937 which provides that the provisions of the new paragraphs (4) and (5) will not supersede the provisions of any agreement reached through collective bargaining between an employer and its employees providing for mandatory retirement at an age less than the applicable supplemental closing date determined under such paragraphs (4) and (5).

The conferees expect that the Railroad Retirement Board will set up a procedure to inform employees of the requirements of this act prior to the supplemental annuity closing date applicable to them; however, the failure of an employee to receive any such notice shall not operate to make the employee eligible for a supplemental annuity.

2. SPECIAL EXCISE TAX ON EMPLOYERS

Both the House bill and the conference agreement provide for an increase, from 2 cents per man-hour to whatever rate is required for the purpose of financing the payment of supplemental annuities, in the special excise tax imposed on employers for such purpose. This increase was made effective October 1, 1969, under the House bill, and is made effective April 1, 1970, under the conference agreement.

In addition, both the House bill and the conference agreement deal with the alternative employer tax which is imposed with respect to employees covered by a supplemental pension plan, and which is measured by the amount of the supplemental annuities being paid instead of on a rate-per-man-hour basis. The two versions are identical except that the House bill contained language stating that the alternative tax was due and payable on the first day of the month following the month in which the supplemental annuities are paid, while the conference agreement contains language making its alternative tax provisions effective with respect to supplemental annuities paid, and services rendered, on or after April 1, 1970.

3. INTEREST RATE ON CERTAIN RETRANSFERS FROM RAILROAD RETIREMENT SUPPLEMENTAL ACCOUNT

Both the House bill and the conference agreement provide for the transfer of moneys (temporarily needed for the supplemental annuity program) from the Railroad Retirement Account to the Railroad Retirement Supplemental Account, and for the subsequent retransfer of such moneys plus interest at a rate equal to the average rate of interest borne by all special obligations held in the Railroad Retirement Account as of a specified time, which was the close of the fiscal year 1969 under the House bill and is the close of the fiscal year 1970 under the conference agreement.

The authority contained in section 6 of the conference substitute extends, of course, to any such temporary needs for payments without regard to whether the obligation to pay first occurred before, on, or after the date of the enactment of the bill.

4. PROHIBITIONS APPLICABLE TO CARRIERS AND REPRESENTATIVES OF EMPLOYEES

Section 7 of the House bill provided that no carrier and no representative of employees, as defined in section 1 of the Railway Labor Act, shall seek, except by agreement, to make any change in the terms governing the supplemental annuities provided under section 3(j) of the Railroad Retirement Act of 1937 or to establish any new class of pensions or annuities, other than annuities payable out of the Railroad Retirement Account provided under section 15(a) of the Railroad Retirement Act of 1937, to become effective prior to July 1, 1975; nor shall any such carrier or representative of employees until July 1, 1974, utilize any of the procedures of the Railway Labor Act to seek to make any such changes or to establish any such new class of pensions or annuities; nor shall any such carrier or representative of employees until July 1, 1975, engage in any strike or lockout to seek to make any such changes or to establish any such new class of pensions or annuities.

Section 7 of the conference substitute provides that no carrier and no representative of employees, as defined in section 1 of the Railway Labor Act, shall, before April 1, 1974, utilize any of the procedures of such act to seek to make any changes in the provisions of the Railroad Retirement Act of 1937 for supplemental annuities or to establish any new class of pensions or annuities, other than annuities payable out of the Railroad Retirement Account provided under section 15(a) of the Railroad Retirement Act of 1937, to become effective prior to July 1, 1974; nor shall any such carrier or representative of employees until July 1, 1974, engage in any strike or lockout to seek to make any such changes or to establish any such new class of pensions or annuities.

Both the House bill and the conference agreement make it clear that nothing in these provisions is to inhibit any carrier or representative of employees from seeking any change with respect to benefits payable out of the Railroad Retirement Account provided under section 15(a) of the Railroad Retirement Act of 1937.

HARLEY O. STAGGERS,
SAMUEL N. FRIEDEL,
JOHN D. DINGELL,
WILLIAM L. SPRINGER,
SAMUEL L. DEVINE,
Managers on the Part of the House.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 13008. An act to improve position classification systems within the executive branch, and for other purposes.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (H.R. 15931) entitled "An act making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1970, and for other purposes."

LABOR DISPUTE BETWEEN CERTAIN CARRIERS BY RAILROAD AND CERTAIN OF THEIR EMPLOYEES

Mr. COLMER, from the Committee on Rules, reported the following privileged resolution (H. Res. 867, Rept. No. 91-867), which was referred to the House Calendar and ordered to be printed:

H. RES. 867

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the joint resolution (H.J. Res. 1112) to provide for the settlement of the labor dispute between certain carriers by railroad and certain of their employees. After general debate, which shall be confined to the joint resolution and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interstate and Foreign Commerce, the joint resolution shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the joint resolution for amendment, the Committee shall rise and report the joint resolution to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the joint resolution and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

Mr. COLMER. Mr. Speaker, I call up House Resolution 867 and ask for its immediate consideration.

The SPEAKER. The Clerk will report the resolution.

The Clerk read the resolution.

The SPEAKER. The question is, Will the House now consider House Resolution 867?

The question was taken; and (two-thirds having voted in favor thereof) the House agreed to consider House Resolution 867.

The SPEAKER. The gentleman from Mississippi is recognized for 1 hour.

Mr. COLMER. Mr. Speaker, I yield the customary 30 minutes to the gentleman from California (Mr. SMITH) pending which I yield myself such time as I may consume.

Mr. Speaker, this may be regarded as an emergency matter. I think we are all cognizant of the fact that a strike of the Nation's railroads has been set for midnight tonight, unless some action is taken by the Congress to prevent that catastrophe of an economic nature from happening.

The Committee on Interstate and Foreign Commerce, under the able leadership of the gentleman from West Virginia (Mr. STAGGERS) met in an emergency session and reported out a simple resolution extending the existing moratorium—if I may use that word—on the pending strike for 37 additional days. This means, of course, that during that time no suspension of traffic on the railroads may occur as a result of the pending controversy between managment and labor.

Mr. Speaker, I am not going to detain the House at any length, but I just want to observe that this has occurred on previous occasions. There is precedent for this. As I say, it is an emergency matter.

It would seem to me that the prudent thing to do—and I am not being critical of the Committee on Interstate and Foreign Commerce—would be for the Congress to enact some permanent legislation to meet these crises that develop from time to time as a result of the controversy between management and labor. If this were done, then we would not be faced with the necessity for emergency legislation, which is in the final analysis nothing more than a stopgap.

Again, with no desire to be critical, I have observed in my own service here that there are two answers to all problems that come about: One is to appropriate more money, and the other is to put off until tomorrow the pending crisis. So I would like to express the hope, as pious as it may be, that the Congress will through its appropriate committees at a fairly early date give study to and bring forth some permanent legislation in this area.

Mr. Speaker, I further understand that the other body is now considering this identical resolution with the same period of time as the House resolution, and that at the end of the consideration in the respective Houses, we may dispose of this in a somewhat expeditious manner.

Mr. Speaker, I reserve the balance of my time.

Mr. SMITH of California. Mr. Speaker, I yield myself such time as I may use.

Mr. Speaker, the distinguished chairman of the Rules Committee, in my opinion, has explained the matter satisfactorily and appropriately to the Members.

The Committee on Interstate and Foreign Commerce heard witnesses this morning and this afternoon, and determined it was absolutely impossible for them to complete action on House Joint Resolution 1112 by midnight tonight, and thus went into executive session, at which the title of this measure was changed and a certain part under page 2, where it provides for a tentative agreement rather than assuming the agreement is permanent. They would strike out all after the resolving clause of the joint resolution and extend this until April 11, 1970, at 12:01 a.m.

There was some indication that the other body would go along. They suggested a certain amount of time. I believe the Committee on Interstate and Foreign Commerce suggested 60 days.

This will take us over until after the Easter recess, which will assure us that the committee can hear the matter further.

This is probably the only thing we can do to assist in this matter. Frankly, I do not know whether this will stop a strike at midnight tonight, if they want to strike. I hope it will. Possibly it will not.

I hope that the other body will take action. Then we will have taken appropriate action in the Congress of the United States.

The rule on the joint resolution provides for 1 hour of debate.

I reserve the remainder of my time, Mr. Speaker, and I have no requests for time.

Mr. COLMER. Mr. Speaker, will the gentleman yield?

Mr. SMITH of California. I am happy to yield to the gentleman from Mississippi.

Mr. COLMER. On the question the gentleman raised as to whether this would stop the strike, I should like to observe it is my understanding of the situation that if this joint resolution is passed by the Congress the strike then would be illegal and the strike could be enjoined by the courts.

Mr. SMITH of California. I hope the gentleman is correct. However, I am not certain that the last paragraph will actually prohibit a strike. But that certainly is my intent.

I will not get into an argument. The distinguished Committee on Interstate and Foreign Commerce will have an hour to explain this. As to the final result I am not certain, but I simply wanted to bring that to the attention of the Members of the House, Mr. Speaker.

Mr. COLMER. Mr. Speaker, I have no requests for time.

Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. STAGGERS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the joint resolution (H.J. Res. 1112) to provide for the settlement of the labor dispute between certain carriers by railroad and certain of their employees.

The SPEAKER. The question is on the motion offered by the gentleman from West Virginia.

The motion was agreed to.

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IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the joint resolution (H.J. Res. 1112), with Mr. MATSUNAGA in the chair.

The Clerk read the title of the joint resolution.

By unanimous consent, the first reading of the joint resolution was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from West Virginia (Mr. STAGGERS) will be recognized for one-half hour, and the gentleman from Illinois (Mr. SPRINGER) will be recognized for one-half hour.

The Chair recognizes the gentleman from West Virginia (Mr. STAGGERS).

Mr. STAGGERS. Mr. Chairman, I will make my remarks very brief, and shall try to put before the Members the situation as it has occurred, and what we as a committee have done.

There has been a threatened strike in the railway industry facing the Nation for some time. There have been negotiations going on, and tentative agreements were reached on December 4, 1969, between four unions and the railroads of the Nation.

Those agreements were taken back by the unions and presented to their memberships for a vote. Three of the unions agreed to the agreements, but the membership of one union voted it down, and the four unions had an agreement that if one union did not go along, they all would not.

So there was an injunction brought in the courts to keep a strike from occurring. The President had already exhausted all of the remedies he had available under the law to keep a strike from taking place. Yesterday the unions announced that a strike would take place starting tonight at midnight.

Yesterday the President sent to the Congress a resolution proposing to put into effect the agreements that were tentatively agreed to by the unions and the railroads in December 1969. The Committee on Interstate and Foreign Commerce went into session this morning at 10 o'clock. We had before us as the first witness the chief negotiator for the American railroads, who had conducted the negotiations with the unions, so that he could tell us what had taken place. Mr. Hiltz was before our committee until a few minutes before 12 o'clock today giving his testimony. We then brought Secretary Shultz to the witness stand and he testified until about 5 minutes after 12, at which time the committee adjourned until 2 o'clock. We met, and by about 3 p.m. this afternoon it appeared that Mr. Shultz would be before our committee for at least an hour and a half yet and we had still not heard from the four unions. I was sure at the time—and the rest of the committee was, also—that the examination of them would take many hours. Therefore we came to the conclusion that the best thing to do was to call off the hearings at this point while we still had a chance to avert a strike. We therefore decided to ask for this resolution to be amended to prohibit a strike for a certain period of time so we could have time to give due and deliberate consideration to the bill and also to give the unions and the railroads further opportunity to consider settling the strike themselves.

The committee took up this resolution and voted unanimously to adopt it, after amending the original resolution as set up by the President to make it conform to our intentions. We amended one part of the preamble to say that tentative agreement was reached, because final agreement had not been reached between the union negotiators and the railroads. Their tentative agreement had to be sent back to the membership in order to be ratified. We also cut out one of the "whereas" clauses because we thought it did not apply to the modified bill.

We thought that we would need plenty of time to consider this problem and the Senate committee agreed to go along with us. We asked for 60 days, but they said that they could not do that—they wanted 10 days and finally agreed to 30 days. Finally, we decided to make it right after the Easter recess. So we informed them that we would make it for 1 week after the Easter holidays, which is April 11. That is a Saturday. We asked for a Saturday because the transportation systems would not be utilized as much on a weekend and it would give us time to make a readjustment.

The full story is that we did not have time to consider this resolution and hear all of the witnesses and make a determination which would be one where we could say careful consideration had been given to the bill. We had to act by midnight tonight. That is the reason why this resolution is before the House tonight.

The bill was voted out unanimously by the full committee, and all of the amendments were agreed to unanimously. I recommend to the House that this resolution be adopted, so as to give the unions and the railroads another chance to work out their problems and also to give the Committee on Interstate and Foreign Commerce an opportunity fully to study the implications of the message that was sent by the President.

Mr. HALEY. Mr. Chairman, will the gentleman yield?

Mr. STAGGERS. I shall be happy to yield to the gentleman from Florida.

Mr. HALEY. I might say to the gentleman from West Virginia that the pendency of this strike has been known for a long, long time. The President evidently did not see fit to send up anything to the Congress until a very late date.

I might say to the gentleman from West Virginia that in my opinion the American people are getting a little tired and I hope the Congress is getting a little tired of a small minority group creating this type of situation.

Now, Mr. Chairman, here are four unions involved. This union that apparently did not go along with its own leadership has created a crisis in this country. We just cannot by any means allow this thing to happen.

So, I would hope that sometime in the future we will have before the Congress legislation which would prevent this kind of a situation from developing. I say this because I think—and I reiterate—the American people and I hope the Congress is getting a little tired of people coming in here with a small minority group of the labor leaders or the labor organizations of this country presenting the situation with which we are confronted here today.

Therefore, I would strongly recommend to the chairman of the Committee on Interstate and Foreign Commerce that we enact permanent legislation so that we will not have this situation developing in the future.

I thank the gentleman for yielding.

Mr. SPRINGER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I think the chairman of the Committee on Interstate and Foreign Commerce, the gentleman from West Virginia (Mr. STAGGERS), has explained a good part of the needed—crucial part of the emergency—but so many questions have been asked of me about the background of it, in my opinion one should be able to explain this to anyone who wants an explanation.

Mr. Chairman, there are 19 brotherhoods; 15 of the brotherhoods are not involved. But if a strike was made tonight at midnight, all 19 brotherhoods would go out. There are only four of the 19 brotherhoods that are involved in this dispute. Those four brotherhoods are the International Association of Machinists and Aerospace Workers; the International Brotherhood of Boilermakers, Iron Shipbuilders, Blacksmiths, Forgers, and Helpers; Sheet Metal Workers' International Association; and the International Brotherhood of Electrical Workers.

Mr. Chairman, those are the only four unions that are involved in the bargaining.

Now, when management sat down with the representatives of the four brotherhoods they arrived at an agreement—all four of the brotherhoods. All four of them that were involved, and we have a photostatic copy of the initials of everyone who signed. So, everyone of the brotherhood representatives agreed to this agreement—all of them, all four of them.

Now, the four brotherhoods took it back to the membership for a vote. Three of the brotherhoods approved it rather overwhelmingly. One of the brotherhoods, the Sheet Metal Workers' International Association did not by a vote of 2,200 to 1,100.

There are about 6,000 to 7,000 sheet metal workers; 3,300 of that 6,000 or 7,000 voted. Now, that is what it is all about. The sheet metal workers said, "Since we did not ratify it by our membership, therefore, there must be a strike."

Now, how many are involved? There are 600,000 employees, approximately, working on railroads today. This means essentially that 2,200 people, or one-third of 1 percent of all the railroad workers, are determining that there shall be a strike—2,200 out of 600,000.

If you want to go all the way through the bargaining, and go all the way through to the final vote, you have one union that has had half of its mem-

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bership vote, and it has been turned down 2,200 to 1,100.

Now, the other three brotherhoods said they would go on strike, which would put everybody on strike, because if those brotherhoods were on strike the railroads simply could not operate. That is where we are.

So you say to us—and I think the gentleman from Florida (Mr. HALEY) raised this point a while ago when he said, "Why are you coming in and asking us to do something about it at this late time?"

Well, it was between 3 and 4 o'clock yesterday afternoon that finally this one brotherhood said, "We are going to go on strike." I do not know when the chairman got his, but I can pretty well guess that they laid the proposal on his desk about 3 or 4 p.m. yesterday.

So when they came down here yesterday afternoon with the message to pass this legislation, they came down about 2 hours after they got notice of it. So there has not been any intentional delay at all. There was not anything they could do about it until they got the notice.

Why have we come in with this sort of a postponement of action at this point? I think when the President's proposal was laid on the desk, all it did was simply this to put it in capsule form, was to legalize by statute the agreement which these four unions had agreed to by their representatives. That is all this legislation proposed in House Joint Resolution 1112 does.

We took it up in our committee, and we heard from management and we heard from the Secretary of Labor, and we simply did not have any time to go any further, but we did want to hear from the four union representatives, but we simply got down to where, if we were to keep on we would not have heard from all of them by midnight tonight if we took time to hear all of those who wanted to be heard. So our chairman said if we are going to continue with this and go ahead and hear all of the people today and tonight, how can we go ahead with this legislation? It will probably be tomorrow or the next day.

So that was one problem.

The second problem was this: At least one of the leaders—and I think a determined leader of the body on the other side—simply said that he was not going to bring it up today under any circumstances. So we knew there would be a strike under those circumstances. He was not going to bring up this resolution today. Now, he may have had very good reasons, because he may have had to have unanimous consent to set aside the voting rights, or he had a very good legal parliamentary situation which he could not do anything about. So let us give him credit for good faith, because I think he would have had an extremely difficult time getting this through tomorrow, or the next day.

So here we were, about to have a strike. And I would say to the Members that from all the information that was given to us by the Cabinet officers, that you would have had a disaster by this weekend—and I am talking about a disaster. You would have had trouble with people getting food in the stores; that is how serious such a disturbance would be in 72 hours around the country.

Remember that when the railroads do not run you do not haul 40 percent of the stuff that has to be hauled between the cities, and in addition to that you do not have the refrigeration that is necessary in order to get certain of the goods and vegetables into the markets to keep them from spoiling in 48 hours.

So we had to come to a conclusion and I think very properly the chairman did the only thing he could do, to call the chairman of the committee on the other side to see if there was not some way we could arrive at a postponement for the present so that there would not be this disastrous strike.

Our chairman thought in good faith it ought to be 60 days and over on the Senate side someone wanted 10 days. I think I can say probably in good faith they were talking about more nearly—10 days—yes. So we finally talked about 30 days. Then, finally, the 30 days threw us right in what some of you people like to term the Easter recess.

So we did the next best thing we could do. We came back on Monday and we allowed 5 days, which would give us until Friday night, April 11, at 12:01 a.m.

That is in essence what we did then in an effort to meet this situation.

What is the effect of the substitute resolution here which the chairman has by amendment to House Joint Resolution 1112? What does it do? It does not change the status of the parties a bit. It leaves both management and labor as they are at the present time. But it does invoke the final paragraph of section 10 of the Railway Labor Act so that it shall be applied and shall extend it for an additional period with respect to the dispute which, it is my understanding as a lawyer, but I will stand corrected if I am not right, that if either one—if either management or labor does anything to violate this particular final paragraph of section 10 that the Attorney General or any aggrieved party may then go into court to seek an injunction.

That is the effect, and where the parties stand at this point. So, you can have no lockout legally and you can have no strike legally until 12:01 a.m. of April 11.

That, I think, gentlemen is where we are with this legislation and what this legislation is all about. Since there are so many questions asked of me as to how much labor and management was involved, I felt it necessary to make this explanation.

Mr. HALEY. Mr. Chairman, will the gentleman yield?

Mr. SPRINGER. I yield to the gentleman from Florida.

Mr. HALEY. Mr. Chairman, I hope that no Member present here this afternoon is under the impression that I was criticizing the committee.

I think you have done the very best you could in this situation that we have which prevails at the moment.

I do say this—I think it is about high time that the Congress took action to prevent a situation like this occurring again, with a very, very small majority of the people, the union people, involved.

Because, as the gentleman just explained, out of the four, the leadership as I understood it, all agreed that this strike should not be gone through with. But here is one small group, and only about one-half of that group wanted to call a strike, which would tie up the entire railroad systems of our Nation. Now something must be done and I think the Congress should take action to do something about it.

Mr. SPRINGER. I thank the gentleman for his contribution.

The CHAIRMAN. The gentleman has consumed 11 minutes.

Mr. SPRINGER. Mr. Chairman, I yield 5 minutes to the gentleman from Michigan, the distinguished minority leader (Mr. GERALD R. FORD).

Mr. GERALD R. FORD. Mr. Chairman, this is the third time in roughly 2 years that the Congress has been called upon to act in an emergency way, in a crisis situation, to avert a labor-management problem in the railroad industry. This is a bad way to legislate, a bad way to get us out of the kind of problem we are in today. For that reason the Congress ought to act as promptly as it can on the President's long-range labor-management legislation which he submitted a week or 10 days ago, and which will take the railroads, the airlines, and the trucking industry out of the Railroad Labor Act and put them in as a part of the Taft-Hartley legislation with some new and unique proposals that would avert crises of this kind.

I tend to agree with the gentleman from West Virginia and the gentleman from Illinois that the alternatives they faced were all bad. I suspect that the proposal before us today is one of several bad alternatives.

I personally would have preferred the bill that the President sent up yesterday, House Joint Resolution 1112, which would in effect have done the following: It would have finalized the memorandum agreement reached on December 4, 1969, which was signed by the negotiators for management and signed by the negotiators for the four unions. Let me read you the language of the bill proposed by the President. It would read as follows:

> *Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That the memorandum of understanding date December 4, 1969, shall have the same effect (including the preclusion of resort to either strike or lockout) as though arrived at by agreement of the parties under the Railway Labor Act (45 U.S.C. 151 et seq.) and that the date of enactment of this resolution shall be deemed the "date of notification of ratification" as used in this memorandum of understanding.

This would, in my judgment, have been a better solution. Time probably precluded the adequate consideration in committee and in the House and in the other body of this proposal.

Let me point out one or two things that we should not forget—and the gentleman from Florida put his finger on them. In my judgment, Mr. Chairman, the American people are not going to tolerate 2,200 members of 500,000 to 600,-

000 railroad employees upsetting an agreement signed by their negotiators. I do not think the American people want that or will stand for it.

Second, 2,200 out of 6,000 members in the Sheetmetal Workers' Union, by the action they are taking, are precluding roughly 40,000 railroad employees from getting now—now—approximately $500 apiece in retroactive pay. I do not think 40,000 union employees are going to like that further delay in this compensation, and that is what the arbitrary action of 2,200 is bringing about. And 2,200 out of 6,000 in one union are precluding a 60-cent pay increase from going into effect now. I do not believe that the roughly 40,000 union members are going to like that delay in a pay increase.

Mr. SPRINGER. Mr. Chairman, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman from Illinois.

Mr. SPRINGER. The gentleman mentioned a 60-cent pay increase. I believe he intended to say a 60-cent-per-hour raise.

Mr. GERALD R. FORD. I am glad to have that clarification from the gentleman from Illinois (Mr. SPRINGER) and will correct the record.

So the action that we are taking today is not going to have universal acceptance among union people. In the long run it is not going to have complete acceptance among the American people.

The action we are taking today is frustrating a bargaining process that has gone on for almost a year and a half, legitimate bargaining between labor and management. Regrettably, I am not optimistic that any settlement is going to happen in the next 37 days. It must be frustrating to the negotiators for both labor and management to have their long and arduous work undermined by less than one-half of 1 percent of 600,000 railroad employees.

I do not think that group is going to change in the next 37 days. I do not see how much can change. The negotiators made an agreement in good faith. Unfortunately, we are going to have this right back on our doorstep 36 days from now.

We will not solve, by the enactment of this legislation today, one thing. I think we will have irritated the American people, and we have certainly irritated the 40,000 employees who are not going to get immediately the $500 apiece in retroactive pay, and who are not going to get the benefit of the pay increase which was agreed to.

This is just bad legislation. I recognize the problems as to time and otherwise, but the whole mess points up the need and the necessity for permanent legislation of the kind the President recommended roughly 10 days or 2 weeks ago. By the proposal before us we will put on the shelf, temporarily, a problem that will be back on our doorstep. It is incumbent on this committee or any other committee in the Congress to act affirmatively on basic legislative changes, so that we can avoid this kind of problem in the future.

I happen to agree with a quotation on the tickertape from the chief negotiator for one of the four unions who said:

> This legislation is a catastrophe.

I agree with him for different reasons, but believe me, Members of this body, this legislation is a catastrophe, and we should have a different solution of a permanent nature.

Mr. STAGGERS. Mr. Chairman, I yield to the gentleman from Illinois (Mr. PUCINSKI).

Mr. PUCINSKI. Mr. Chairman, do I understand for the purpose of legislative history here that all this resolution does is extend the cooling off period for 37 days, and nothing more?

Mr. STAGGERS. That is correct.

Mr. PUCINSKI. It does not change the substantive law and does not change the basic legislation?

Mr. STAGGERS. That is correct.

Mr. MACDONALD of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. STAGGERS. I yield to the gentleman from Massachusetts.

Mr. MACDONALD of Massachusetts. Mr. Chairman, I heard with great interest the remarks of the minority leader, and I was not quite clear whether he supports this legislation before us now or not. I quite agree that there has to be a permanent solution, but does the minority leader tonight, about 5 or 6 hours before the threatened strike, support the legislation we have before us or not?

Mr. GERALD R. FORD. Mr. Chairman, if the gentleman will yield, I will say to my friend from Massachusetts that if I vote for the legislation—and I have not yet made up my mind—I will certainly vote for it holding my nose. I will have many reservations. This proposal is one based on pure expediency.

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. STAGGERS. I yield to the gentleman from Ohio.

Mr. HAYS. Mr. Chairman, I thought I was fairly ambidextrous, but it looks to me as if the minority leader has put on the best exhibition of being ambidextrous of anybody I have seen around here. We cannot get an answer from him even yet. He says it is reprehensible legislation. I do not often take the gentleman's advice, but if the legislation is as reprehensible as he says it is, maybe we ought to turn it down.

The gentleman is talking about a Presidential message and all that. Actually the President advised the Congress it had better do something about 36 hours ago, and that is hardly time enough, it seems to me, to write comprehensive legislation.

Mr. GERALD R. FORD. Mr. Chairman, if the gentleman will yield, I did not say we ought to write comprehensive legislation between yesterday and today. The President sent up legislation to meet this current crisis which would have approved the memorandum of agreement signed by both labor and management on December 4, 1969. That is the solution I think we ought to have on the floor of the House at the present time.

Mr. HAYS. Oh, we ought to rubberstamp what the President sends up. Is that what the gentleman is saying?

Mr. GERALD R. FORD. No. No; we ought to rubberstamp what the labor and management negotiators had agreed to themselves. What is wrong with that?

Mr. HAYS. I would tell the gentleman what is wrong with it. If we start that, every time we get this kind of situation the Congress is going to have to pass a law about it. Maybe what they agree to is all right, but if the gentleman wants to know where the fault is, the fault is with the bill the gentleman supported himself, the minority leader himself, the so-called Landrum-Griffin bill. If the unions do not have any faith in their own officials, then they can change their officials.

I will tell you one thing: I certainly would not want to serve in Congress if every time I voted on something we had to have a referendum back home about it. That is where the weakness is. That is where the fault is. And that is why we are in this predicament.

Mr. STAGGERS. Mr. Chairman, I yield 3 minutes to the gentleman from Texas (Mr. PICKLE).

Mr. PICKLE. Mr. Chairman, I do not believe that we are all perfectly happy about the result before us. What we have passed today is crash legislation. We recognize this, but it is the best we could do under the circumstances.

I believe we are all agreed, perhaps—at least, many of us in this body—that for the first time we are facing the fact that some type of permanent legislation should be presented to the Congress.

I have introduced a bill for at least 3 or 4 years asking that we make permanent amendments to our Railway Labor Act. I stood in the well of the House, and I have asked for hearings to be held, and I have asked different Members on both sides to join in asking for the hearings and proper legislation.

I have not had one Member to join the church yet. That is understandable, because this is a very difficult and unpleasant approach to take. I have not introduced this legislation either in the interest of management or labor, but in the public interest. American commerce cannot stand a nationwide railroad shutdown.

Now after this period of inaction we are faced with a critical strike situation. We did get a recommendation from the administration prescribing permanent changes in our labor laws on Friday, 4 days ago. I am glad to see the administration take some action. It was lonely fighting the battle by myself.

The Secretary of Labor today said he had not sent up this legislation just so it would be in advance of this special, strike-preventing legislation we are considering this afternoon. For whatever reason, it was sent at this particular time it is good to see action being taken on an old problem.

I believe now is the time that the Members on both sides of the aisle ought to join hands and ask for hearings on how best to change our current labor laws. While the seriousness of a nationwide railway shutdown is still fresh on our minds, let us get about the business of trying to find a better solution to the

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problem than the Railway Labor Act is presently. The American people are going to demand action from us.

I would not agree with the minority leader's statement this afternoon that we ought to do away with our separate labor laws governing airlines and railroads and to put these industries under the Taft-Hartley Act.

I think we need to keep these two industries under separate labor law that deals with them particularly, as the Railway Labor Act does. These two industries need our special attention because of their immense importance to our Nation's well-being.

I do think that we need to put more teeth into section 10, the emergency strike provision, of the Railway Labor Act. This is what my bill, H.R. 8446, does.

But whatever approach we take to solving the problem, I am glad we have reached the point that we are facing the need for action and I hope the Members will address themselves to the problem in this session of the Congress.

So far I have been speaking about what Congress should do in the future, now I want to say something about what we did today. We have prohibited this strike for 37 days, until April 11. There are two main reasons why the Interstate and Foreign Commerce Committee recommended putting the strike off for this length of time. First, we felt Congress needed more time to deal intelligently with the problem. Second, we wanted to give labor and management another chance to try to solve the problem. I think the disputants should be forewarned that if they have not reached an agreement by April 11, that Congress will take steps to solve the problem for them as we did in 1967.

Mr. STAGGERS. Mr. Chairman, I yield 2 minutes to the distinguished Speaker, the gentleman from Massachusetts, Mr. McCORMACK.

Mr. McCORMACK. Mr. Chairman, I want to congratulate the Committee on Interstate and Foreign Commerce for meeting this situation as quickly as the committee has done, for the House to have this joint resolution under consideration. I understand it has passed in the other body by a vote of 82 to nothing.

I am a little bit surprised by the remarks of my dear friend from Michigan. I would think he would be down here, like myself, congratulating the committee for meeting an immediate situation.

We must keep in mind that the message from the President was only received last night. I had no knowledge about the message. I had no knowledge of what the President was going to send up. The first information I had of a message was when the minority leader kindly told me yesterday afternoon, when he came up to the rostrum, that the President was sending up a message which probably would arrive around 7 o'clock.

I want to congratulate the committee. I believe the recommendation of the President is entitled to consideration by the Committee, as well as all factors involved.

This legislation is to meet an immediate situation which will confront the country. The committee has met its responsibilities under the circumstances, operating within 24 hours. This legislation meets the immediate situation.

The longer range one will then be considered by the committee. We have to keep in mind that the Congress was only notified last night by a message from the President. There was no meeting of the leaders advising us 2 or 3 days ahead of what might be coming. There was no meeting with the chairman, with the ranking members, and the other members of the committees of both branches of the Congress advising that the legislation would be referred to us and briefing us and alerting us on it. None of that information was available to us.

Now, I do not want to be critical, but this is the most unusual situation that I have ever encountered in all the years that I have been a Member of this body, when we had no advance notice that a message was coming up and no advance notice of the immediate situation that confronted the country requiring Congress to act immediately. I think my friend from Michigan, whom I admire and respect, ought to take the House into his confidence and rise, and I am going to ask him this question—are you going to vote for the passage of this joint resolution?

Mr. GERALD R. FORD. I have not made up my mind because I have many serious reservations. I think it is bad legislation.

Mr. McCORMACK. We will not discuss that. You have not made up your mind.

Mr. GERALD R. FORD. No. I clearly stated that it is far better to take the original legislation recommended by the President.

Mr. McCORMACK. That is another thing. That is a longer range angle.

Mr. GERALD R. FORD. No, no.

Mr. McCORMACK. Oh, the gentleman now——

Mr. GERALD R. FORD. Would the distinguished Speaker yield?

Mr. McCORMACK. We did not get the message before last night.

Mr. GERALD R. FORD. Would the distinguished Speaker yield to let me answer his question?

Mr. McCORMACK. Of course I will.

Mr. GERALD R. FORD. The President's proposal——

Mr. McCORMACK. Not to apologize the gentleman's way out but to answer my question. My question is, are you going to vote for the joint resolution?

Mr. GERALD R. FORD. The distinguished Speaker of the House made a statement that is inaccurate. The bill recommended by the President is not long-range legislation. It was legislation recommending to the Congress that we approve the agreement agreed to December 4 by both management and labor.

Mr. McCORMACK. Yes. But that involves——

Mr. GERALD R. FORD. That is not long-range legislation.

Mr. McCORMACK. That involves many questions, too.

Mr. GERALD R. FORD. The President's proposal would put the approval of the Congress on the agreement made by both labor and management.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. STAGGERS. Mr. Chairman, I yield the gentleman 5 additional minutes.

Mr. McCORMACK. I am amazed at my friend from Michigan. With the vote coming in a few minutes, I will make a little bet now, and I will give odds of 10 to 1, that he will vote for the joint resolution. I am not going to make a bet on the floor of the House, but I am just making an observation. If anybody wants to come outside and meet me outside, I will bet $10 against $1 that the gentleman from Michigan will vote for the passage of the joint resolution because he should, and I give the gentleman credit for always rising to his responsibility. So with that statement——

Mr. GERALD R. FORD. Would the distinguished Speaker yield?

Mr. McCORMACK. Oh, I will be glad to yield.

Mr. GERALD R. FORD. I do not know if there is any direct connection or relevancy to this wagering offer and our function in the legislative branch. You have suggested a little unusual twist to this legislative responsibility we have. We are now in the process of a major investigation involving major league baseball because of some alleged gambling activities of the outstanding pitcher of the Detroit Tigers. I hope because of the Speaker's comments which I am certain were made in jest we do not subject ourselves under these circumstances to any such comparable investigation.

Mr. McCORMACK. What I said was open. Nobody misunderstood my observation. I simply said that I am convinced that the gentleman from Michigan will rise to his responsibility and vote for the joint resolution. Now——

Mr. GERALD R. FORD. That is not a decision for the distinguished Speaker. I will make my decision when the time comes.

Mr. McCORMACK. That is going to come very quick.

Furthermore, I would think my friend from Michigan, as the spokesman for the President in the House, would be down in the well of the House arguing that he hopes the House will pass the bill recommended by the President but urging the passage of this joint resolution at this time and complimenting the committee, both Democratic and Republican members, for voting this joint resolution out of committee. And I congratulate both my Democratic and Republican friends who are members of the committee for meeting the immediate responsibility. I am confident that the gentleman from Michigan will not default so to speak and fail to assume his responsibility.

Incidentally, this joint resolution is designed to meet an immediate situation which is of paramount importance. I am not going to plead with my friend to vote right occasionally, but if he votes "yes" for this joint resolution he will be voting right on this occasion.

Mr. STAGGERS. Mr. Chairman, I yield 1 minute to the gentleman from Ohio (Mr. HAYS).

Mr. HAYS. Mr. Chairman, I am surprised that the minority leader did not yield to the pleadings of the Speaker, but I will say in my position and in his position that could be taken by a great

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many Members, "H" comes after "F." Therefore, I am going to wait and see what the minority leader does. If he does not vote for his own President to bail him out, I do not see why I as a Democrat should.

Mr. STAGGERS. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas (Mr. ECKHARDT).

Mr. ECKHARDT. Mr. Chairman, I rise merely to clear up one point and that is that the resolution offered by the President would have done something entirely unprecedented in the history of this Congress. It would have put into effect a permanent contract running to the end of its term written by the Congress of the United States.

Now, this has never been done before and that is the problem with which we were faced.

Mr. McCORMACK. Mr. Chairman, will the gentleman yield to me right there?

Mr. ECKHARDT. I am delighted to yield to the distinguished Speaker.

Mr. McCORMACK. Mr. Chairman, I think the gentleman has made a very important point, because the President's recommendations would have been compulsory mediation by law; is that right?

Mr. ECKHARDT. Mr. Speaker, it would have been more than that. It would have been to put a contract into effect by this Congress on the floor of this House to which the parties did not agree.

I just got through questioning Mr. Hiltz, the Chairman of the National Railway Labor Conference, when he was before our committee, and I asked him point blank: Is there an enforceable contract? His answer to that was "No." His answer was that, if we wrote into law this language today, under the proposal of the President, the railroads could go into court and proceed under a contract written in Congress to enjoin a strike, but if we did not go into that, there was no contract that could be so enforced.

Therefore, the committee had the choice of creating the extremely bad precedent of writing a contract on the floor of the House as a final agreement or else we could extend the time for mediation under section 10 of the Railway Labor Act to see if the parties would write a contract then. During this extension there could not legally be a strike.

I submit that these two things are quite different and I shall vote for the joint resolution, if amended. I shall vote against the joint resolution if it is not amended.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the memorandum of understanding dated December 4, 1969, shall have the same effect (including the preclusion of resort to either strike or lockout) as though arrived at by agreement of the parties under the Railway Labor Act (45 U.S.C. 151 et seq.) and that the date of enactment of this resolution shall be deemed the "date of notification of ratification" as used in this memorandum of understanding.

COMMITTEE AMENDMENT

The CHAIRMAN. The Clerk will report the committee amendment.

The Clerk read as follows:

Committee amendment: Strike out all after the resolving clause and insert in lieu thereof the following:

"That the provisions of the final paragraph of section 10 of the Railway Labor Act (45 U.S.C. 160) shall apply and be extended for an additional period with respect to in Executive Order No. 11486 of October 3, 1969, so that no change, except by agreement, shall be made by the carriers represented by the National Railway Labor Conference, or by their employees, in the conditions out of which such dispute arose prior to 12:01 a.m. of April 11, 1970."

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will read the preamble.

The Clerk read as follows:

Whereas the labor dispute between the carriers represented by the National Railway Labor Conference and certain of their employees represented by the International Association of Machinists and Aerospace Workers; International Brotherhood of Boilermakers, Iron Shipbuilders, Blacksmiths, Forgers and Helpers; Sheet Metal Workers' International Association; International Brotherhood of Electrical Workers functioning through the Employees' Conference Committee, labor organizations, threatens essential transportation services of the Nation; and

Whereas all the procedures for resolving such dispute under the Railway Labor Act have been exhausted; and

Whereas the representatives of all parties to this dispute reached agreement on all outstanding issues and entered into a memorandum of understanding, dated December 4, 1969; and

Whereas the terms of the memorandum of understanding, dated December 4, 1969, were ratified by the overwhelming majority of all employees voting and by a majority of employees in three out of the four labor organizations party to the dispute; and

Whereas the failure of ratification resulted from the concern of a relatively small group of workers concerning the impact of one provision of the agreement; and

Whereas this failure of ratification has resulted in a threatened nationwide cessation of essential rail transportation services; and

Whereas the national interest, including the national health and defense, requires that transportation services essential to interstate commerce be maintained; and

Whereas the Congress finds that an emergency measure is essential to security and continuity of transportation services; Now, therefore, be it

COMMITTEE AMENDMENT TO PREAMBLE

The CHAIRMAN. The Clerk will report the committee amendment to the preamble.

The Clerk read as follows:

Amend the preamble so as to read:

"Whereas the labor dispute between the carriers represented by the National Railway Labor Conference and certain of their employees represented by the International Association of Machinists and Aerospace Workers; International Brotherhood of Boilermakers, Iron Shipbuilders, Blacksmiths, Forgers and Helpers; Sheet Metal Workers' International Association; International Brotherhood of Electrical Workers functioning through the Employees' Conference Committee, labor organizations, threatens essential transportation services of the Nation; and

"Whereas all the procedures for resolving such dispute under the Railway Labor Act have been exhausted; and

"Whereas the representatives of all parties to this dispute reached tentative agreement on all outstanding issues and entered into a memorandum of understanding, dated December 4, 1969; and

"Whereas the terms of the momorandum of understanding, dated December 4, 1969, were ratified by the overwhelming majority of all employees voting and by a majority of employees in three out of the four labor organizations party to the dispute; and

"Whereas the failure of ratification has resulted in a threatened nationwide cessation of essential rail transportation services; and

"Whereas the national interest, including the national health and defense, requires that transportation services essential to interstate commerce be maintained; and

"Whereas the Congress finds that an emergency measure is essential to security and continuity of transportation services:

The committee amendment to the preamble was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. MATSUNAGA, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the joint resolution (H.J. Res. 1112) to provide for the settlement of the labor dispute between certain carriers by railroad and certain of their employees, pursuant to House Resolution 867, he reported the joint resolution back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Geisler, one of his secretaries.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed a joint resolution of the following title in which the concurrence of the House is requested:

S.J. Res. 180. Joint resolution to provide for a temporary prohibition of strikes or lockouts with respect to the current railway labor-management dispute.

LABOR DISPUTE BETWEEN CERTAIN CARRIERS BY RAILROAD AND CERTAIN OF THEIR EMPLOYEES

The SPEAKER. The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the joint resolution.

Mr. MACDONALD of Massachusetts. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 343, nays 15, not voting 72, as follows:

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[Roll No. 40]

YEAS—343

Abbitt
Abernethy
Adair
Adams
Addabbo
Albert
Alexander
Anderson, Calif.
Anderson, Ill.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Arends
Ashbrook
Ashley
Aspinall
Ayres
Beall, Md.
Belcher
Bennett
Berry
Bevill
Biaggi
Biester
Bingham
Blackburn
Blanton
Blatnik
Boggs
Bolling
Bow
Brademas
Brasco
Brinkley
Brooks
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton, Utah
Bush
Button
Byrne, Pa.
Cabell
Caffery
Carey
Carter
Casey
Cederberg
Celler
Chamberlain
Chappell
Clancy
Clark
Clausen, Don H.
Collier
Collins
Colmer
Conte
Corbett
Coughlin
Cowger
Cramer
Crane
Culver
Cunningham
Daddario
Daniel, Va.
Daniels, N.J.
Davis, Ga.
Davis, Wis.
de la Garza
Delaney
Dellenback
Denney
Dennis
Dent
Derwinski
Devine
Dickinson
Diggs
Dingell
Donohue
Dorn
Downing
Dulski
Duncan
Eckhardt
Edwards, Ala.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Fallon
Fascell
Feighan
Findley
Fisher
Flood
Flowers
Flynt
Foley
Ford, Gerald R.
Ford, William D.
Foreman
Fountain
Fraser
Frelinghuysen
Frey
Friedel
Fulton, Pa.
Fuqua
Galifianakis
Gallagher
Garmatz
Gaydos
Gettys
Giaimo
Gibbons
Gilbert
Gonzalez
Goodling
Gray
Green, Oreg.
Green, Pa.
Griffin
Griffiths
Gross
Grover
Gude
Hagan
Haley
Hall
Halpern
Hamilton
Hammerschmidt
Hanley
Hansen, Idaho
Hansen, Wash.
Harrington
Harsha
Hastings
Hathaway
Hays
Hébert
Hechler, W. Va.
Heckler, Mass.
Helstoski
Henderson
Hogan
Howard
Hull
Hungate
Hunt
Hutchinson
Ichord
Jacobs
Jarman
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Kastenmeier
Kazen
Kee
Keith
King
Kleppe
Kluczynski
Koch
Kyl
Kyros
Landgrebe
Landrum
Langen
Latta
Lloyd
Long, La.
Long, Md.
McClory
McClure
McCulloch
McDade
McFall
McKneally
McMillan
Macdonald, Mass.
MacGregor
Madden
Marsh
Martin
Matsunaga
May
Mayne
Melcher
Meskill
Michel
Miller, Ohio
Mills
Minish
Mink
Minshall
Mize
Mizell
Monagan
Montgomery
Moorhead
Morgan
Morse
Morton
Mosher
Murphy, Ill.
Myers
Natcher
Nedzi
Nelsen
Nichols
Obey
O'Hara
O'Konski
O'Neal, Ga.
O'Neill, Mass.
Patman
Patten
Pelly
Pepper
Perkins
Philbin
Pickle
Pike
Pirnie
Poage
Podell
Poff
Pollock
Preyer, N.C.
Price, Ill.
Price, Tex.
Pryor, Ark.
Pucinski
Purcell
Quie
Quillen
Railsback
Randall
Rarick
Reid, N.Y.
Reifel
Reuss
Rhodes
Riegle
Rivers
Roberts
Robison
Rodino
Roe
Rogers, Colo.
Rogers, Fla.
Rosenthal
Roth
Roudebush
Ruth
St Germain
St. Onge
Sandman
Satterfield
Schadeberg
Scherle
Schneebeli
Schwengel
Scott
Sebelius
Shipley
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Snyder
Springer
Stafford
Staggers
Stanton
Steed
Steiger, Ariz.
Steiger, Wis.
Stephens
Stokes
Stratton
Stubblefield
Stuckey
Sullivan
Symington
Taylor
Teague, Tex.
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Tiernan
Udall
Vanik
Vigorito
Waggonner
Wampler
Watkins
Watson
Watts
Weicker
Whalen
Whalley
White
Whitehurst
Whitten
Widnall
Williams
Wilson, Charles H.
Winn
Wold
Wolff
Wright
Wyatt
Wydler
Wylie
Wyman
Yates
Yatron
Young
Zablocki
Zion
Zwach

NAYS—15

Barrett
Burton, Calif.
Clay
Cleveland
Conyers
Edwards, Calif.
Farbstein
Hicks
Johnson, Calif.
Karth
Olsen
Rooney, N.Y.
Roybal
Ryan
Waldie

NOT VOTING—72

Anderson, Tenn.
Baring
Bell, Calif.
Betts
Boland
Bray
Brock
Brown, Calif.
Byrnes, Wis.
Camp
Chisholm
Clawson, Del
Cohelan
Conable
Corman
Dawson
Dowdy
Dwyer
Edmondson
Edwards, La.
Fish
Fulton, Tenn.
Goldwater
Gubser
Hanna
Harvey
Hawkins
Holifield
Horton
Hosmer
Kirwan
Kuykendall
Leggett
Lennon
Lowenstein
Lujan
Lukens
McCarthy
McCloskey
McDonald, Mich.
McEwen
Mahon
Mailliard
Mann
Mathias
Meeds
Mikva
Miller, Calif.
Mollohan
Moss
Murphy, N.Y.
Nix
Ottinger
Passman
Pettis
Powell
Rees
Reid, Ill.
Rooney, Pa.
Rostenkowski
Ruppe
Saylor
Scheuer
Taft
Talcott
Teague, Calif.
Tunney
Ullman
Van Deerlin
Vander Jagt
Wiggins
Wilson, Bob

So the joint resolution was passed.

The Clerk announced the following pairs:

Mr. Fulton of Tennessee with Mr. Conable.
Mr. Brown of California with Mrs. Chisholm.
Mr. Holifield with Mr. Bell of California.
Mr. Miller of California with Mr. Pettis.
Mr. Murphy of New York with Mrs. Dwyer.
Mr. Passman with Mr. Byrnes of Wisconsin.
Mr. Rostenkowski with Mr. Harvey.
Mr. Hawkins with Mr. Lowenstein.
Mr. Rooney of Pennsylvania with Mr. Betts.
Mr. Tunney with Mr. Goldwater.
Mr. Boland with Mr. Saylor.
Mr. Van Deerlin with Mr. Teague of California.
Mr. Cohelan with Mr. Bob Wilson.
Mr. Mikva with Mr. Ruppe.
Mr. Corman with Mr. Mailliard.
Mr. Leggett with Mr. McCloskey.
Mr. Lennon with Mr. Bray.
Mr. Dowdy with Mr. Lukens.
Mr. Edmondson with Mrs. Reid of Illinois.
Mr. Moss with Mr. Hosmer.
Mr. Edwards of Louisiana with Mr. Brock.
Mr. Hanna with Mr. Gubser.
Mr. Ottinger with Mr. Horton.
Mr. Rees with Mr. Del Clawson.
Mr. Mann with Mr. Lujan.
Mr. Ullman with Mr. Camp.
Mr. Anderson of Tennessee with Mr. Wiggins.
Mr. Mollohan with Mr. Taft.
Mr. Mahon with Mr. Talcott.
Mr. McCarthy with Mr. Fish.
Mr. Baring with Mr. Vander Jagt.
Mr. McEwen with Mr. Mathias.
Mr. Scheuer with Mr. Nix.
Mr. Kirwan with Mr. Kuykendall.
Mr. Meeds with Mr. McDonald of Michigan.
Mr. Dawson with Mr. Powell.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent for the immediate consideration of a similar Senate joint resolution (S.J. Res. 180) to provide for a temporary prohibition of strikes or lockouts with respect to the current railway labor-management dispute.

The Clerk read the title of the Senate joint resolution.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. Res. 180

Joint resolution to provide for a temporary prohibition of strikes or lockouts with respect to the current railway labor-management dispute

Whereas the labor dispute between the carriers represented by the National Railway Labor Conference and certain of their employees represented by the International Association of Machinists and Aerospace Workers; International Brotherhood of Boilermakers, Iron Shipbuilders, Blacksmiths, Forgers and Helpers; Sheet Metal Workers' International Association; International Brotherhood of Electrical Workers functioning through the Employees' Conference Committee, labor organizations, threatens essential transportation services of the Nation; and

Whereas all the procedures for resolving such dispute under the Railway Labor Act have been exhausted; and

Whereas the representatives of all parties to this dispute reached tentative agreement on all outstanding issues and entered into a memorandum of understanding, dated December 4, 1969; and

Whereas the terms of the memorandum of understanding, dated December 4, 1969, were ratified by the overwhelming majority of all employees voting and by a majority of employees in three out of the four labor organizations party to the dispute; and

Whereas the failure of ratification has resulted in a threatened nationwide cessation of essential rail transportation services; and

Where the national interest, including the national health and defense, requires that transportation services essential to interstate commerce is maintained; and

Whereas the Congress finds that an emergency measure is essential to security and continuity of transportation services: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the provisions of the final paragraph of section 10 of the Railway Labor Act (45 U.S.C. 160) shall apply and be extended for an additional period with respect to the disputes referred to in Executive Order Numbered 11486 of October 3, 1969, so that no change, except by agreement, shall be made by the carriers represented by the National Railway Labor Conference, or by their employees, in the conditions out of which such disputes arose prior to 12:01 a.m. of April 11, 1970.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House joint resolution (H.J. Res. 1112) was laid on the table.

ANNUAL REPORT ON FOREIGN ASSISTANCE PROGRAM FOR FISCAL YEAR 1969—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 91-248)

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Foreign Affairs and ordered to be printed with illustrations:

To the Congress of the United States:

It is my conviction that continued U.S. assistance to the developing countries is essential both for humanitarian reasons and for those of our national self interest.

The challenges we face are both moral and practical in nature. We seek a stable and peaceful world in which all nations can cooperate effectively to improve the quality of human life.

The Annual Report on the Foreign Assistance Program for Fiscal Year 1969, which I transmit herewith, indicates the ways in which we have attempted to promote our interests in the developing world in the recent past. It also provides a preview of the new directions this Administration has charted for the future.

We have determined that a new emphasis should be placed on enlisting the energies and expertise of American private enterprise. As a first step toward doing so, I proposed the creation of an Overseas Private Investment Corporation to provide businesslike management of our incentives to private investment in the developing countries. I am pleased that the Congress has accepted this proposal.

We have also decided to give a strong new emphasis to technical assistance. The transfer of skills to the people of the developing world is vitally important to their future. Technical assistance plants the seeds that enable developing countries to grow by themselves. To give practical expression to these concepts, we have established a new Technical Assistance Bureau within the Agency for International Development. The Bureau has been charged with the task of raising the quality of our advisory, training and research services.

These are only first steps, however. To assist me in determining the course of our international development programs in the 1970's, I named a task force of distinguished private citizens, headed by Rudolph Peterson, to review all U.S. foreign assistance programs. This task force is now at work, and its recommendations will provide a basis for my proposals for a new U.S. program for the years ahead.

To assure continuous management inspection of our program, the post of Auditor-General has been created in AID. The job of the Auditor-General is to make sure that AID's funds are used efficiently and for the intended purposes.

To make the AID dollar go further and to assist free market systems in the developing countries, I also eliminated some of the commodity-purchase requirements which were forcing some nations to employ regressive exchange, import or credit arrangements.

During fiscal year 1969, 87 percent of our economic aid was concentrated in the 15 countries which we believed could make best use of it: Brazil, Chile, Colombia, Guyana, Panama, Indonesia, Laos, Korea, Thailand, Vietnam, India, Pakistan, Turkey, Ethiopia, and Nigeria.

A record commitment of $45 million was made in the priority field of family planning, so essential for speeding the rate of economic and social progress in many of the developing nations.

Achievements in which our assistance played a pivotal role during fiscal year 1969 included:

—growth of the Korean economy at a rate of 13 percent;

—self-sufficiency in rice production for the Philippines;

—control of inflation in Indonesia;

—use of Food-for-Peace supplies in self-help food-for-work projects which employed 16 million people;

—assistance in providing nutritious diets for 50 million children in 105 countries.

These are substantial achievements. They can be surpassed in the future through our continued commitment to the proposition that development of the best in all nations provides the surest hope for security and dignity for all men.

RICHARD NIXON.

THE WHITE HOUSE, *March 4, 1970.*

AUTHORITY FOR CLERK TO RECEIVE MESSAGES AND THE SPEAKER TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that, notwithstanding the adjournment of the House until tomorrow, the Clerk be authorized to receive messages from the Senate and that the Speaker be authorized to sign any enrolled bills and joint resolutions duly passed by the two Houses and found truly enrolled.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

WHITE HOUSE BACKS CRAMER OIL POLLUTION CONTROL AMENDMENTS

(Mr. CRAMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks).

Mr. CRAMER. Mr. Speaker, the House and Senate have been in conference on oil and water pollution in the Water Quality Control Act of 1969, and now 1970, since October 16 of last year. The House acted in April on this legislation—the other body did not see fit to act under Senator MUSKIE's chairmanship until October. We were unable to get the matter resolved in that the other body determined that they did not want it resolved last year. We are still in conference.

Now, recently there has been an oil spill in my district. It has been my objective to get a bill out, the strongest possible bill, for many months. As a matter of fact, our side of the aisle, the minority side of the aisle, led the fight in 1968 to pass an oil and water pollution control bill called the Clean Water Act of 1968. We passed it once. We took the Senate amendments, or the largest majority of them, passed it a second time, and the Senate failed or refused to act.

Now, recently, Mr. Speaker, I have offered and proposed certain amendments for the strengthening of oil pollution control legislation now in conference. I discussed these proposals at the leadership meeting in the White House on Tuesday. I have just been advised that the administration is supporting these amendments, now pending in conference.

These amendments would first, require the President within 60 days to prepare a national contingency plan for removal of oil. The plan would set up a national strike force with experts and the latest equipment available, to move in quickly to contain an oil spill and to begin immediate cleanup, if it is not contained, to limit damage to the ecology, wildlife, and other natural resources with State and local cooperation.

It would, second, allow the U.S. Coast Guard to board and inspect vessels for potential pollution dangers.

Third, these amendments would establish a high priority research and development program to devise means to contain an oil spill and disburse the pollutant rapidly without endangering the ecology.

We must mobilize the technology and know-how of both Government and the private sector in this effort. As soon as there is a spill we must be able to move in the latest in equipment and harmless chemical disbursants to limit the damage.

I have just consulted with the Department of the Interior, and they are wholeheartedly in support of this, and I trust that these amendments will be adopted and the conference will be finalized. We are meeting tomorrow afternoon at 3:30, and I hope we can have this legislation on the floor of the House for final action next week.

I met at the office of Carl Klein, Assistant Secretary of Interior for Water Quality and Research, and he approved the amendments.

I have also asked the Coast Guard, and the Department of the Interior has been asked to investigate the possibility that the asphalt that came ashore at St. Marks in Florida may have come from the *Darian Appolon*, the Greek vessel which ran aground, spilling oil into Tampa Bay, on February 13, 1970.

THE GATES COMMISSION REPORT ON ALL-VOLUNTEER ARMED FORCES—PART II, CHAPTER 4

The SPEAKER. Under a previous order of the House, the gentleman from Wisconsin (Mr. STEIGER) is recognized for 30 minutes.

Mr. STEIGER of Wisconsin. Mr. Speaker, chapter 4 of the Gates Commission report deals with questions about

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our military personnel requirements now and in the future and the ability of the volunteer army system to meet these commitments.

The text of chapter 4 follows:

MILITARY PERSONNEL REQUIREMENTS

In planning for an all-volunteer armed force, the size and quality of future military forces are critical variables. Small forces or those of low quality could be raised on a voluntary basis, even if military compensation were reduced. Very large forces or those of high quality would require substantial increases in military pay.

The size of active duty forces since World War II, shown in table 4-I, has fluctuated widely. After reaching a peak of 3.6 million men during the Korean War, the armed forces slowly declined in size toward an apparent equilibrium level of 2.5 to 2.6 million men. Although the Vietnam War reversed this trend, the President's budget message of April 1969 suggested that, in a post-Vietnam environment, active duty force levels be stabilized at a level of 2.0 to 2.5 million men.

Because of the uncertainties surrounding force plans for a post-Vietnam environment, the Commission decided to analyze the manpower and budgetary implications of four alternative active duty force levels, 2.0, 2.25, 2.5, and 3.0 million men. These four force levels cover a reasonable range of alternative peacetime active duty forces that might be needed to insure national security.

TABLE 4-I.—ACTIVE DUTY FORCE STRENGTH (SELECTED FISCAL YEARS 1950–69 AND PROJECTIONS)

Fiscal year	Total DOD (millions)	Active duty as percent of 18 to 45 male population
1950	1.46	4.8
1953	3.56	11.6
1955	2.94	9.6
1960	2.48	7.9
1965	2.66	8.0
1969	3.49	9.8
ALTERNATE PROJECTED FORCES		
1975	3.00	7.4
	2.50	6.1
	2.25	5.5
	2.00	4.9

The armed services' demand for the nation's manpower resources is indicated by the size of the active duty forces as a percentage of the male population 18–45 years of age, shown in the last column of table 4–I. The comparatively small force of 2.5 million men in FY 1960 represented 7.9 percent of this male population. In light of the projected growth of the male population, all four alternative force levels constitute smaller percentages of the projected 18-to-45-year-old male population in 1975.

Over the past two decades, the structure of the armed forces has changed substantially (see table 4–II). The service structure is important because the Army is the only service that has consistently required draftees to meet its strength objectives. (The Navy and Marine Corps have occasionally issued draft calls to meet temporary shortfalls, but the Air Force has never used the draft.) Prior to Korea, the Army made up 41 percent of all active duty forces. The post-Korean reduction in forces of the late 1950's was accompanied by a shift which gave larger shares of the defense responsibility to the Navy and Air Force. Since the escalation of American involvement in Vietnam, the ground combat forces of the Army and Marine Corps have become a larger fraction of the force, as shown in table 4–II. The service distribution of the four future forces shown in table 4–II reflects a slight reversal of the trend of the late 1950's. The Army, for example, represents 40 percent of the 2.5-million-man force compared with only 35 percent for the 1960 active duty force. The relative size of the Army in force plans is important because the projected shortfalls in recruitment are largest for the Army.

TABLE 4-II.—DISTRIBUTION OF ACTIVE DUTY FORCE STRENGTH BY SERVICE (SELECTED FISCAL YEARS 1950–69 AND PROJECTIONS)

	Distribution (percent)			
	Army	Navy	Marine Corps	Air Force
Fiscal year:				
1950	41	26	5	28
1953	43	22	7	28
1955	38	22	7	33
1960	35	25	7	33
1965	37	25	7	31
1969	44	22	9	25
Alternative forces (millions):				
3.00	43	24	8	25
2.50	40	24	8	27
2.25	37	25	9	29
2.00	37	26	8	29

Substantial numbers of civilians and reservists supplement the active duty forces in the overall defense manpower picture, as shown in table 4–III. The ratio of civilians to active duty personnel [column (5) of table 4–III] has declined over the past 15 years. Many positions in the force structure currently, manned by uniformed servicemen could be staffed with civilians at lower budgetary costs and with no loss in immediate effectiveness. In addition, the substitution of civilians for servicemen reduces the demands for new recruits. Civilians typically need less training, involve fewer transfers of personnel, and require lower levels of compensation, especially in an all-volunteer force. Civilians, however, are only imperfect substitutes for uniformed personnel, because they cannot be involuntarily mobilized and moved in the event of an emergency. The scope of civilian substitutions is, therefore, limited by the military's need to provide positions for rotational assignments and career development.

TABLE 4–111.—ACTIVE DUTY, CIVILIAN, AND PAID DRILL RESERVE STRENGTH, FISCAL YEARS 1947–69

[In thousands]

Fiscal year (1)	Total DOD[1] (2)	Total civilian (3)	Paid drill reserve (4)	Ratios: civ/DOD (5)	Ratios: paid/drill DOD (6)
1947	1,583	1,060	231	0.67	0.15
1952	3,636	1,650	506	.45	.14
1957	2,796	1,429	1,047	.51	.37
1962	2,808	1,241	889	.44	.32
1965	2,655	1,164	933	.44	.35
1969	3,460	1,456	960	.42	.28

[1] Active duty military personnel only.

A position-by-position analysis of the opportunities for civilian substitution was not possible within the scope of this study because of limitations of time and resources. However, a careful aggregative study of individual occupational specialties was conducted, ranking the various occupations by the degree to which they were purely military. This study concludes that approximately 95,000 positions in a force of 2 million men could be staffed by civilians with no loss in effectiveness. Larger civilian substitutions could be achieved at larger force levels. The budgetary savings (in constant 1969 prices) which would result from carrying out the proposed civilian substitution programs range from $90 million for the 2-million-man force to $125 million for the 3-million-man force. If these programs are implemented, the proportion of total defense manpower which is civilian will increase from 31 percent to about 34 percent, thereby reversing the trend of the past 15 years.

The reductions in the size of each of the active duty uniformed forces that would result from civilian substitution are shown in table 4–IV. The impact of civilian substitution on required accessions is slow to take effect, and its full impact is not felt until 1978. Rotation policies and the size of overseas deployment have an important effect on the potential for civilian substitutions. The potential is greatest in the Air Force, where the majority of the force is stationed in the continental United States. In the Army and Marine Corps the opportunities are limited by relatively large overseas deployments and rotation policies.

TABLE 4-IV.—SUBSTITUTION POTENTIAL, ALL SERVICES

[In thousands]

Size force	Army	Navy	USMC	USAF	DOD
2,000,000:					
Officer	5.2	5.1	0.6	9.4	20.3
Enlisted	0	8.8	6.8	59.7	75.3
Total	5.2	13.9	7.4	69.1	95.6
2,250,000:					
Officer	5.9	5.6	.7	10.3	22.5
Enlisted	0	9.8	7.9	66.0	83.7
Total	5.9	15.4	8.6	76.3	106.2
2,500,000:					
Officer	6.6	6.2	.8	11.3	24.9
Enlisted	0	10.8	8.9	72.2	91.9
Total	6.6	17.0	9.7	83.5	116.8
3,000,000:					
Officer	8.9	7.0	.9	12.4	29.2
Enlisted	0	12.1	10.2	79.1	101.4
Total	8.9	19.1	11.1	91.5	130.6

When the forces have reached their post-Vietnam equilibrium levels, a program of civilian substitutions should be initiated and carried out over a three-to-four-year period. Too rapid replacement of uniformed personnel by civilians might seriously impair the attractiveness of military careers. It is also recommended that civilian manpower ceilings be relaxed to enable the Department of Defense to follow more rational manpower management policies. Prior attempts to accomplish civilian substitution (in fiscal years 1952, 1955, 1962, and 1965), were curtailed, abandoned, or even reversed because of civilian manpower and budget ceilings. The Department of Defense should have the flexibility to vary the ratio of civilians to military personnel within a total budget constraint. To establish an economic balance between civilian and military personnel, the Department of Defense should undertake a position-by-position analysis, review the cirteria to determine whether a particular position should be military or civilian, and develop better data to estimate the real economic costs of military and civilian personnel.

Trained reservists provided much of the manpower for the rapid expansions of active duty forces during the Korean War and the Berlin crisis of 1961–62. However, reserves have not been activated in significant numbers for the Vietnam War. Reference to table 4–III reveals that the size of the paid reserve forces has remained stable over the past decade. Details regarding the size and composition of the reserves in an all-volunteer force are more fully discussed in Chapter 9.

EFFECTIVE FORCE STRENGTHS

The size of the active duty forces does not directly reflect defense capability. The serv-

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icemen who have already completed basic military and technical training are the ones who provide defense capability. Recruits, instructors, and support personnel at training bases only indirectly contribute to defense by supplying future trained personnel. In addition to these non-effective training billets, other positions in the active force structure must be set aside for personnel in transit between duty assignments or interned as patients and prisoners. With lower personnel turnover, each recruit spends a smaller fraction of his service career in training or in other forms of non-effective status. Because it will have fewer non-effective men, an all-volunteer force can be smaller than a mixed force of conscripts and volunteers but still provide the same effective strength.

Personnel turnover in an all-volunteer force will be reduced for several reasons. If the draft is continued, it is projected that about 42 percent of accessions into the Army (for a force of 2.5 million men) will be draftees who serve for only two years, compared with three and four-year tours for voluntary enlistments. Moreover, the reenlistment rates of draftees and draft-motivated volunteers are considerably lower than those of men who voluntarily choose military service. Finally, the pay increase needed to move to an all-volunteer force includes somewhat higher pay for second-term enlisted men, which will further increase the re-enlistment rate.

When these factors are taken into account, we estimate that the turnover of enlisted personnel in an all-volunteer Army will be only 17 percent per year, compared with 26 percent for a mixed conscript/volunteer Army of the same size. With this reduction in turnover, the enlisted strength of an all-volunteer force could be 5 percent less than that of a mixed force, while retaining the same number of effective men in non-training and non-transient positions. Put another way, 13 percent of a mixed force is assigned to non-effective positions at training bases or in transit, while only 9 percent of the all-volunteer force will be so occupied. These manpower savings are greatest for the Army, which is projected to realize the sharpest reduction in personnel turnover rates as a result of moving to a voluntary system.

In developing estimates of overall accession requirements for uniformed personnel, the sizes of all-volunteer forces were reduced to provide the same effective strengths as the four mixed forces in table 4–II. The manpower savings that derive from lower personnel turnover are evident from the data in table 4–V, which shows enlisted strengths for forces of equal effectiveness.

TABLE 4-V.—EQUAL EFFECTIVENESS, ALL-VOLUNTEER AND DRAFT FORCES

[In thousands]

Total strength	DOD enlisted strength (draft)	DOD enlisted strength (all-volunteer)	Army enlisted strength (draft)	Army enlisted strength (all-volunteer)
2,000,000	1,713	1,683	642	624
2,250,000	1,930	1,886	721	692
2,500,000	2,146	2,089	868	827
3,000,000	2,597	2,559	1,120	1,047

The higher retention rate for true volunteers inevitably produces a more experienced force. Our projections indicate that, by 1980, 45 percent of Army enlisted men will have four years or more of service experience, as compared with 31 percent for a mixed force of the same size. Since experience involves on-the-job-training, a more experienced force is more productive than a less experienced one. Military officers agree that one career enlisted man is worth more than one first-term serviceman, but few officers are willing to indicate the precise trade-offs. Although the all-volunteer and mixed forces in table 4–V have the same numbers of effective men in non-training and non-transient positions, the all-volunteer forces actually provide greater effectiveness because they possess more experience.

The concept of effective force strength is equally applicable to officers. Because officers typically receive their training before they are commissioned, it is difficult to estimate their non-effective training time. Moreover, training times and costs vary widely, being highest for an Academy graduate who goes on to flight training, and lowest for a chaplain who receives a direct appointment.

In estimating the budgetary savings resulting from lower turnover among commissioned officers, we have disregarded non-effective training times. We have instead based our estimates on the average cost of $12,000 for training an officer in either the college or non-college officer training schools that have been used in the past to meet fluctuating demands for officers.

REQUIRED ACCESSIONS UNDER ALTERNATIVE MANPOWER PROCUREMENT SYSTEMS

The flow of accessions (voluntary enlistments and draftees) required to maintain a given force depends on the size of the force and the losses from active duty ranks. These requirements can be met either on a purely voluntary basis or through a mixture of enlistments and inductions. With an all-volunteer force, smaller flows are required for two reasons. First, true volunteers serve longer, thereby reducing losses due to separations upon completion of initial obligated tours. Second, the same effective force strength can be maintained with a smaller total active duty force.

The annual flows of accessions required to sustain the four mixed force levels using a lottery draft are presented in the first and third columns of table 4–VI. If the draft is abolished and all recruits are true volunteers, the same effective force strength can be maintained by the smaller annual flows of required accessions shown in the last two columns of table 4–VI. An all-volunteer force with the same effective strength as a 2.5-million-man mixed force requires 25 percent fewer accessions per year than the mixed force. The reduction in required accessions resulting from the move to an all-volunteer force is considerably smaller for officers. The projections in table 4–VI pertain to the period 1979–81 after the greater retention rates for an all-volunteer force have taken effect. In the transition to stable force levels, accession requirements for the all-volunteer forces are slightly higher especially in the case of the Army, where the average annual requirements for FY 1973–75 are 188 thousand, compared with 148 thousand for FY 1979–81.

TABLE 4-VI.—REQUIRED ACCESSIONS TO ENLISTED RANKS (ANNUAL AVERAGES FISCAL YEARS 1979–81)

[In thousands]

DOD total strength	Continued draft			All volunteer	
	DOD	Army draft calls	Army	DOD	Army
2,000,000	312	19	138	259	104
2,250,000	362	46	170	290	118
2,500,000	440	98	235	332	148
3,000,000	584	184	340	410	192

QUALITATIVE CHARACTERISTICS OF THE ACTIVE DUTY FORCES

Members of the armed services today must possess more skills than their predecessors in World War II and Korea. This trend is indicated by the data in table 4–VII which shows the occupational mix of enlisted men in the Department of Defense and the Army. In 1953, 18 percent of all enlisted men were assigned to ground combat occupations that require comparatively little technical skill. The proportion of enlisted men in these relatively unskilled occupations has declined over time. Indeed, the projections of the force structure in a post-Vietnam environment show that only 11 percent will be in the ground combat forces. The declining importance of the ground combat forces cannot be attributed to a relative reduction in the size of the Army. In the Army occupational structure, the percentage of enlisted men in the ground combat occupations is projected to fall from 29 percent in FY 1963 to 21 percent in the forces of tomorrow. The services' demand for highly skilled men to staff electronics and other technical occupations has climbed over time.

TABLE 4-VII.—PERCENTAGE DISTRIBUTION OF ENLISTED MEN BY MAJOR OCCUPATION (SELECTED FISCAL YEARS, 1945–74)

Occupation	1945	1953	1957	1963	1969[1]	1974[1]
Department of Defense:						
Ground combat	23	18	14	14	15	10
Electronics	6	10	13	15	10	11
Other technicians	7	7	8	8	14	17
Adm/clerical	15	20	18	19	18	18
Mechanics	22	23	26	25	24	24
Craftsmen	11	7	8	7	7	7
Services	16	15	13	12	12	13
Army:						
Ground combat	39	35	32	29	26	21
Electronics	4	5	9	9	7	7
Other technicians	7	7	8	9	15	16
Adm/clerical	15	19	16	19	19	22
Mechanics	9	12	14	16	16	17
Craftsmen	7	3	5	4	4	4
Services	19	19	16	14	13	13

[1] The "Other technicians" include the 3 major DOD occupations for communications/intelligence, Medical Corps, and "Other technical." The DOD figures are weighted averages based on enlisted force strengths. The percentages of DOD that were in the Army were respectively 50.4, 43.7, 36.2, 36.7, 44.4, and 39 for the 6 years shown in this table.

Source: H. Wool, "The Military Specialist," p. 43 (copyrighted material) and special service tabulations.

Two features of the changing occupational structure of the armed services are important. An increased demand for skilled personnel characterizes the civilian economy as well as the services. Thus, the services must compete with the civilian sector for those youths who in increasing numbers enter the labor force with more education and greater technical background than young men two decades ago. The other aspect of this phenomenon is the growing similarity of the military's skill requirements to those of the civilian sector. Various estimates suggest that 20 to 30 percent of active duty billets are directly related to combat missions. The remaining positions are required for logistical support, administration, maintenance and training—all of which have counterparts in the civilian economy.

QUALIFICATION STANDARDS FOR ENLISTED MEN

Admission to the enlisted ranks of the military services is now limited to men who satisfy three kinds of criteria; mental, physical, and moral. The physical and moral standards have remained stable over the past two decades. Although mental standards have exhibited some short-run variations, they have generally risen over time. The mental ability of a recruit is measured by his score on the Armed Forces Qualification Test (AFQT). Recruits are divided into five mental groups. Men in the lowest mental group, group V, are exempt by law from military service. The mental group distribution of accessions in the two war years, FY

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1953 and FY 1969, are shown in table 4–VIII, along with a distribution for a recent peacetime year, FY 1965.

TABLE 4-VIII.—MENTAL GROUP DISTRIBUTION OF ENLISTMENTS AND INDUCTIONS, DOD

[In thousands]

Mental group	Fiscal year 1953		Fiscal year 1965		Fiscal year 1969	
	Number	Percent	Number	Percent	Number	Percent
I	64	7	22	6	48	6
II	214	24	126	31	247	32
III	279	32	196	49	294	38
IV	283	32	56	14	185	23
Adm. acceptee	46	5	2	......	5	1
Total	886	100	402	100	779	100

The proportion of accessions in the top three mental groups was 63 percent in 1953, at the peak of the Korean expansion, and 76 percent in 1969, at the peak of the Vietnam expansion. During the intervening years the proportion in Categories I–III was higher, reflecting the selectivity possible with the draft during peacetime. Another indication of the quality of enlisted personnel is the fraction of voluntary enlistees who are high school graduates. The proportions for 1959 and 1969 are given in table 4–IX.

The services argue that they must have high-quality recruits for the following reasons:

1. The machinery of modern warfare requires recruits who have the mental capability to absorb complex technical training.

2. Training costs can be reduced by limiting enlistments to highly qualified individuals, even though men with less mental ability could be taught the requisite skills with enough training investment.

3. The disciplinary problems created by men in the lowest mental group contribute to administrative costs and detract from force effectiveness.

4. Given the normal attrition and losses due to non-re-enlistment, the services must have a large fraction of highly qualified recruits to provide the raw material to staff the non-commissioned officer ranks.

TABLE 4–IX.—PERCENTAGE OF VOLUNTARY ENLISTMENTS WITH HIGH SCHOOL DIPLOMAS

Service	Fiscal year 1959	Fiscal year 1969
Army	68	69
Navy	60	80
Marine Corps	54	57
Air Force	73	94
Total DOD	65	76

Are the services' quality standards too high? Mental standards were raised significantly between 1957 and 1965, when enlistments of individuals in mental group IV (AFQT scores of 10 to 30) were limited. In late 1965, the Department of Defense initiated the New Standards Program (Project 100,000), which directed the services to accept 100,000 mental group IV enlistments each year. The services complied and also redesigned many training programs to place less emphasis on written and verbal skills and more on manual talents. Experience gained from this program shows that men with lower AFQT scores and less schooling can achieve acceptable levels of performance. Moreover, the new-standards men have not caused appreciably greater disciplinary problems.

In our study the number of Category IV enlistees has been limited to a maximum of 20 percent in any service. The recommendations for enlisted compensation are therefore designed to provide that a minimum of 80 percent of the accessions be from categories I through III. In addition, the recommendation in chapter 5 to expand the use of proficiency pay and to encourage accelerated promotions provides a selective mechanism to help sustain the quality of military personnel. When these are combined with more intensive recruiting and improvements in military personnel management, the services should be able to maintain the high quality of their forces.

PAKISTAN SENDS TROOPS TO JORDAN

The SPEAKER. Under a previous order of the House, the gentleman from New York (Mr. HALPERN) is recognized for 10 minutes.

Mr. HALPERN. Mr. Speaker, I am shocked to learn that Pakistan, a major beneficiary of the U.S. foreign aid program, has sent troops to Jordan to assist in the unrelenting war against Israel.

I wish to serve notice that unless the Pakistani forces are withdrawn, I will offer an amendment to the next appropriation bill before this Congress to withhold further assistance from Pakistan. It is my understanding Pakistani troops, equipped with antiaircraft devices and automatic weapons, are being deployed in Jordan to shoot down the Phantom jets provided to Israel by the United States.

Over 1,000 Pakistani soldiers have already arrived in Jordan and are taking combat positions near the cease-fire lines. I feel that this intrusion by Pakistan into the tragic fricton embroiling Israel and her immediate neighbors adds a dangerous new element to the crisis.

It is my conviction, Mr. Speaker, that the American people should not subsidize a regime and an army that joins with the pro-Communist Arab forces in the war of attrition against Israel. I also view with alarm the Pakistani relationship with Communist China, a nation that has cynically sought to aggravate the already inflammatory Middle East in the hopes of triggering an American-Soviet confrontation.

The time has come, Mr. Speaker, for our Government to serve notice on Pakistan that her entrance into the Arab-Israel hostilities will not be tolerated by the United States. We should consider the immediate suspension of aid already authorized if Pakistan is not immediately responsive.

PRESIDENT NIXON'S TROJAN HORSE

The SPEAKER. Under a previous order of the House, the gentleman from Ohio (Mr. ASHBROOK) is recognized for 30 minutes.

Mr. ASHBROOK. Mr. Speaker, last week the President sent to the Congress a message recommending enactment of a Federal Economy Act—an effort to cut Federal spending by eliminating or restructuring certain programs. The President said "No program should be too small to escape scrutiny; a small item may be termed a 'drop in the bucket' of a $200.8 billion budget, but these drops have a way of adding up. Every dollar was sent to the Treasury by some taxpayer who has a right to demand that it be well spent."

I could not agree more. But at the same time that President Nixon is scrutinizing the drops in the bucket he is urging us to open up the floodgates to a torrential deluge which will inundate the already sinking taxpayer.

This comes in the form of a Trojan horse bearing the administration's radical welfare reform scheme. And as Troy was sacked almost 3,200 years ago, so, too, the taxpayers of today and tomorrow will be pillaged to pay the exorbitant costs of putting the Government permanently in the charity business.

In his message seeking cost reductions the President said:

> The savings we make now are dollars enlisted in the fight against inflation, and there is no need more urgent to all the people than the need to hold down the rising cost of living . . . This is no time for business as usual politics as usual. This is the time for cutting out waste and cutting down costs with new vigor and new determination.

Yet, with that same vigor and determination President Nixon seeks enactment of a welfare package estimated to cost $4.4 billion the first year—and who seriously believes this figure?—and an inestimable total sum if the Congress should make the grievous error of approving this radical plan. This is in addition to present Federal spending for public assistance, estimated at $4.2 billion in fiscal year 1970. Do you cut down excessive spending and combat inflation by more than doubling the welfare rolls? The President would decrease welfare costs by multiplying them. And at the same time he would nourish the very evils he condemns. No one really thinks it will cost $4.2 billion—it will, like most panaceas, cost far more.

It is no fun to be proved correct about your warnings when the country suffers. I well recall the medicare debates and the promises of what it would do. Now we see the bitter seeds which have borne fruit in cost overruns, attempts to regulate doctors' fees, limit medicaid and, finally, the suggestions that we chuck the whole program and implement a socialized national health insurance system. I joined with many of my colleagues in an effort to point out that this is what would happen. Helping our citizens with their medical bills was uppermost in all of our minds. Everyone wanted to do that. We just chose the wrong approach and now the recipients as well as the taxpaying public must suffer.

In the end, a program was adopted which overpromised the benefits and underestimated the costs. Only this past week the Senate heard testimony from the Social Security Administration actuary, Robert Meyers, that he had revised the costs upward to more than a $200 billion deficit in the program. Think of that—over $200 billion. You know the answer—the employer and the employee will be hit with higher payroll taxes.

I listened to the debates on medicaid. That was a neat little package tucked in title XIX of the medicare bill. It was open ended—just reimburse the States for medical payments to their welfare recipients. Well, the State of New York ended up spending almost as much in 1 year as the program drafters estimated would be spent in the entire United States.

Why do I point this out? Because I see us clearly heading down the same road again. This time it is one with far greater dangers and pitfalls than were intrinsic to the medicare program. That a Republican president should want to take us down that road is a cause for despair to many Americans who supported him and believed that he meant what he said in the campaign. Here we see the same thing: everyone wants to clean up the welfare mess but, like medicare, are we leaping before we look. I think so.

Even HEW Secretary Finch seems to agree with this point. In a recent interview he said:

> There are some chilling analogies to comparable past situations in the welfare area. I think back to 1965 and the debate over Medicare; in the Legislative rush, Medcaid was literally just tacked on. It received no thorough consideration. It was enacted in November for January implementation—and the result has been a mismanaged, costly, ineffective morass.

It is very strange that he cannot now see the same quagmire in his own "baby" which will foist even worse and more unworkable programs on the taxpaying public.

CONSERVATIVE RHETORIC, LIBERAL POLICIES

Two days after the President unveiled his welfare proposals last summer, the Washinton Post carried the following editorial comment:

> It was just about eight months ago that Mr. Nixon's task force on welfare turned in what was then considered a pretty far-out, not to say flaming-liberal report, recommending that he consider a federal payments floor, national standards of eligibility, and other incremental gains in the existing system. A number of those who worked on the report (which declared a plan of this general nature beyond political feasibility) and a number who did not, came into government and pursued the matter there . . . Reportedly, the position finally reached was not widely popular within the administration, and there is said to have been more than plenty of warning to the President that he was moving in an unpopular, impractical and financially insupportable direction. Mr. Nixon subscribed in the end to the minority view, and in our opinion he has chosen well.

Not surprisingly, I find myself at odds with the Post's editorial writers. Mr. Nixon, in my view, should have heeded the majority of his advisers and stuck by his campaign promise.

On May 15, 1968, candidate Richard Nixon said:

> One of the reasons that I do not accept—and at the present time I do not see a reasonable prospect that I will recommend—a guaranteed annual income or a negative income tax is because of my conviction that doing so, first would not end poverty, and second, while it might be a substitute for welfare, it would have a very detrimental effect on the productive capacity of the American people . . . that is why I take a dim view of these programs.

Apparently the majority of his Cabinet recognized that this thinking is just as valid today as when it was articulated, but unfortunately the President chose to listen to the few who espoused this epochal leftward leap. For the most part, these advisers are either not Republican at all, such as Daniel Moynihan, or Ripon Republican types who had little to do with him ever getting to the White House. For example, the New York Times in a front page story, August 10, 1969, quoted Mayor Lindsey as saying that he had been "invited to the White House to assist in the final drafting of this legislation" and that he would seek a "fair share of tax relief" for the city.

That such non-Republicans should play an important part in the program must come as a surprise to those who supported the President in the past and expected that he would present the type of programs he outlined in his campaign.

At the 11th hour after much haggling, the baby was christened "family assistance plan" in an effort to neutralize criticism and make the product more marketable. Slogans, fancy labels and packaging are an old ploy and most welfare programs of the past have won their way partly on euphemism. But most thoughtful citizens will not be deceived by the rhetoric although, unfortunately, many were misled initially by the conservative gloss sprayed on the proposal.

The President is advocating a dramatic welfare departure which lays the cornerstone for a program few considered seriously or politically feasible a decade ago. A strong advocate of welfare, Mitchell Ginsberg, administrator of the New York City Human Resources Administration, remarked:

> There is irony in it, of course . . . in the fact that here, coming from a Republican, is something that amounts to a guaranteed annual income.

Columnist Carl T. Rowan recently asked his readers:

> Imagine someone telling you 20 years ago that a Republican president would ask the federal government to guarantee a minimum annual income to every family.
>
> You would have laughed your informant out of town.
>
> Especially if he told you that this Republican would advocate a welfare program that covered 25 million Americans instead of 10 million and cost $10 billion instead of $5 billion.

Unlikely as it seemed, President Nixon made "such a revolutionary proposal to the American people," to use Rowan's words. And, just as unlikely as it seemed, the Ways and Means Committee has put its stamp of approval on the welfare package, essentially in the form in which it was recommended. As columnists Rowland Evans and Robert Novak saw it, the gift the Ways and Means Democrats handed President Nixon this week was meant to be a trap. They quote one Democratic committee member as telling them:

> I think that once the people of the country see how much this is going to cost and how outrageous it is they are going to raise hell about it.

Another Democratic member of the committee was recently quoted by the Wall Street Journal as suggesting that the feebleness of opposition to the measure results from a general lack of understanding about how far-reaching the reforms are. According to the Journal, this committee member said:

> It's my frank opinion that the less said about this bill, the better. It's a step toward a nationalized welfare system, and I'm for it.

It is more than a step toward a nationalized welfare system; it is a headlong plunge toward a permanent welfare state. And I'm totally against it. It is the beginning of a giant roller coaster ride down a one-way street.

Also, I might add, the more said about this bill the better. The taxpayers must be alerted to the truth about the ultimate cost and ramifications of this "reform" proposal. Given the facts, their protest could well drown out the braying of liberals in the administration and the professional welfare organizations who would have us believe that welfare is a "right."

The Secretary, in an interview published in the February 1970 issue of Government Executive, acknowledged that "In welfare, the proposal we made is really the revolutionary one." Although, understandably, preferring to call the proposal an "income supplement"—which it is—rather than a "guaranteed income"—which it nevertheless also is—he added:

> We're going to push like the dickens to get that passed. It is the most revolutionary thing since the change in Elizabethan poor laws.

Answering "yes" when asked whether he thought the welfare proposal stood a good chance of passing Congress, Finch admitted his prediction was based "not so much on the merits of our own case as the reaction to the existing system that is going to help us get the thing through."

Despite such cautious optimism, he told a National Press Club audience recently that he "would estimate the odds in the Congress to be running against any type of fundamental welfare reform right now." Taking a cue from campus militants, in this same speech he listed as "fundamental, nonnegotiable features" of the plan establishment of the following basic principles:

> A national income floor, coverage for the working poor national eligibility standards and some measure of Federal administration.

It must be most disturbing to the silent Americans who elected Mr. Nixon to learn that liberal James Reston would write approvingly that their candidate, now president, "proposes more welfare, more people on public assistance . . . than any other President in the history of the Republic." Would they have voted for him if they had known?

In a column headed "Nixon Opens Door to Doctrines of the Left," Richard Wilson wrote:

> Two novel ideas originating in the left of the political spectrum have now been introduced by a supposedly conservative Republican president. President Nixon has moved as fast or faster in this direction than a Democratic president would have been likely to be able to do.

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Liberal Columnist Clayton Fritchey has characterized the minimum income principle as "that once most radical of socialist concepts." Despite the conservative veneer, the concept remains radical and it remains socialist. As Fritchey states:

> A federal welfare program . . . is simply a minimum income plan under an old name:

Mr. Fritchey goes on to predict:

> The United States is not more than a step or two away from adopting that once most radical of socialist concepts—a national minimum income guaranteed by the federal government. . . . Much of the credit must go to President Nixon for his unexpected income proposal. However inadequate it may be, it has undoubtedly accelerated acceptance of the principle of federal responsibility. And in the long run, it's the principle that counts the most.

Yes, it is the principle that counts the most. To abandon the original concept of relief as a means of helping those who are temporarily in need and to substitute a new concept of welfare denoting an obligation on the part of Government—that is, all the people—to care for those persons who are characterized as "poor" is a principle that should be vigorously opposed.

This is the nefarious concept of redistribution of income—with a healthy slice deducted for the administrative costs of Government bureaucracy—which has replaced the original idea of helping those temporarily in need.

A representative of the National Welfare Rights Organization, Mrs. Beulah Sanders, told the Ways and Means Committee:

> Everybody in this country has the right to share the wealth and the middle class is getting it all.

In other words, the nonproductive and the producer must have equal access to our abundance—"to each according to his need." This policy is destructive of the very goals the President professes to seek for the poor—self-reliance, jobs, and independence from Government aid.

No spokesman appeared before the committee to tell its members that Federal giveaway programs are chipping away at the living standards of those who find themselves in the middle—those who were taught what some liberals apparently now consider an anachronism: "a man is entitled to the fruits of his labor."

PRESIDENTIAL SEMANTICS?

The President in announcing his welfare proposals declared that "This national floor under incomes for working or dependent families is not a 'guaranteed income.' During the presidential campaign last year I opposed such a plan. I oppose it now, and will continue to oppose it." Why then, if he still opposes a guaranteed income, does the President put his stamp of approval on a guaranteed income plan? No one seriously doubts that it is a guaranteed income plan. The President is engaging in political semantics.

Such semantic subterfuge brings to mind the following passage from "Alice in Wonderland:"

"When I use a word," Humpty Dumpty said, in rather a scornful tone, "it means just what I choose it to mean—neither more nor less."

"The question is," said Alice, "whether you can make words mean so many different things."

"The question is," said Humpty Dumpty, "which is to be master—that's all."

So by whatever name, it is a guaranteed income, pure and simple. It is a plan leading to direct Federal provision of income maintenance to all of the poor, without regard to eligibility requirements, investigations or other administrative regulations. Obviously pressure for higher payments will mount in the future as living costs go up and States attempt to reduce their own welfare outlays. As the Federal stipend rises, more and more poor families with small outside earnings would be eligible. Couple this with the fantastic population increases which have been projected. You end up with a total cost that very nearly defies estimation.

It is interesting to note that even though President Nixon and some conservative Republicans who have announced their support of the program say it is not a guaranteed income plan, virtually everyone else thinks it is. The UAW thinks it is. The New York Times thinks it is. Those leftists who advocated this drastic step forward for years think it is.

As the New York Times put it, the only real difference between his proposal and a real guaranteed income "is more money than the administration believes it can afford now."

Applauding the President, the New York Times said:

> Family security, a guarantee of basic annual income the poor long have lacked, has been recognized by no less than the President as the responsibility of government.

Herein lies the biggest danger. Recognizing it as a government responsibility starts the ball rolling. We all know what to expect next—a full-blown government spending program which will stagger the imagination.

To put to rest any doubt that it is considered as a guaranteed income plan, let me cite the memo which was sent by Daniel P. Moynihan, his urban affairs adviser, to President Nixon last June. Mr. Moynihan stated:

> I am really pretty discouraged about the budget situation in the coming three to five years. I fear you will have nothing like the options I am sure you hoped for. Even more, I fear that the pressure from Congress will be nigh irresistible to use up what extra resources you have on a sort of 10% across-the-board increase in all the Great Society programs each year. This is the natural instinct of the Congress, and it is hard for the President to resist.
>
> If your extra money goes down that drain, I fear in four years' time you really won't have a single distinctive Nixon program to show for it all. Therefore I am doubly interested in seeing you go up now with a genuinely new, unmistakably Nixon, unmistakably needed program, which would attract the attention of the world, far less the United States. We can afford the Family Security System (a form of guaranteed minimum income for families on welfare). Once you have asked for it, you can resist the pressures endlessly to add marginal funds to already doubtful programs.
>
> This way, in 1972 we will have a record of solid, unprecedented accomplishment in a vital area of social policy, and not just an explanation as to how complicated it all was.

Like his recent comment calling for "benign neglect" in the racial area, Mr. Moynihan at least calls it straight. It is, in his own words as one of the principal presidential advisers in this field, a form of guaranteed minimum income for families on welfare. And, I might add, the way it came down to us from the White House it is also a form of guaranteed income for the working poor. Let us stop deluding ourselves. We know what it is.

What happened to the campaign talk about voluntary action, black capitalism working through the private sector? What a tragedy to end up with such a radical vehicle when the very actions the President advocated are available now as they were in the campaign.

RESPONSIBLE REFORM NEEDED

On how to solve the welfare mess there are divergent views. But there is near unanimity that it is a mess. Our present system is an abysmal failure, marked by inequities and abuses. It perpetuates dependence on welfare payments, with recipients now demanding bigger welfare checks with less Government supervision.

The growing costs of this welfare system to our society in both human and financial terms compel development of new initiatives to insure that all citizens have both the opportunity and responsibility to participate meaningfully and gainfully in our economy.

Although it is agreed generally that we need welfare reform, there is disagreement on what constitutes responsible welfare reform.

Alternatives to the burgeoning aid to families of dependent children program—AFDC—are eagerly to be welcomed, but implicit in this welcome is the requirement that the alternative be workable and financially feasible, given current national, State and local budget restraints. The family assistance plan, proposed to replace AFDC, is neither.

A new Federal minimum support level would be set for families of four at $1,600, if there is no outside income. Each adult would get $500 a year and each child would be entitled to $300 annually, with no limit on the number of children eligible and no restrictions regarding illegitimate children. Any child-oriented allowance system is bound to produce an adverse effect on family size. Considering that a not insignificant number of unwed mothers have had 10, 11, 12, and sometimes more children on relief, it is not hard to envision the outrageous results of increased subsidization of children particularly at a time that population growth looms as a problem.

This unwise subsidy plan would more than double the number of individuals receiving a Federal handout. Recent estimates put the total at 25 million Americans, an increase of 2.6 million over the number of beneficiaries announced last August when the plan was unveiled. It is shocking to think that anyone would propose that 11 percent of the U.S. population be subsidized by the taxpayers. If these were dark, depression days

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such a burden might be understandable. But these are times of general prosperity and unequaled opportunity for gainful employment.

One of the evils the President seeks to eliminate in his replacement of AFDC is State to State because "no child is worth more in one State than in another." Such an assertion, however much emotional political appeal it may have, avoids the truly relevant consideration. What a child needing support may be "worth" is not the question; the pertinent question is: What is the cost of adequately supporting a child in a particular location? What are the taxpayers willing to pay?

The cost of providing shelter and clothing is not by any means standard throughout the country. The wide divergencies in prevailing income and living standards among the States is illustrated by the 1960 census finding that the median money income of families in Connecticut was 138 percent greater than that of families in Mississippi. Therefore, differences in welfare payments for dependent children in different areas of the country do not necessarily involve unequal support. Rather, a uniform minimum national income would create more serious problems than any it might solve. Economist Henry Hazlitt predicts that a national guarantee "would be so high compared with prevailing incomes in the Deep South as to tempt a third or more of the population to quit their jobs and climb aboard the welfare wagon, or to draw supplemental handouts. This could put a tremendous strain on the State budgets that could least afford it."

ONLY THE BEGINNING

Already the push is on for more lavish handouts. George A. Wiley, executive director of the National Welfare Rights Organization, denounced the proposed $1,600 minimum for a family of four as entirely inadequate and urged that it be increased to $5,500. This reaction is not surprising in view of his statement that—

> Welfare is a right. We look on the growth of welfare rolls as a healthy thing.

The AFL–CIO executive council described the administration's welfare reform proposal as "manifestly inadequate," and said most of the changes it wants are contained in a bill recently introduced in the other body. This measure would guarantee all the Nation's poor a federally subsidized income set at the Government-decreed "poverty level" which is now $3,600 and supposedly would cost about $7 billion in its first year.

Even administration spokesmen acknowledge that the welfare proposals are just a beginning. One of the administration's chief lobbyists for the measure, Deputy Assistant Secretary of HEW Robert E. Patricelli, is quoted as saying:

> First and quite properly, our critics point out that the Family Assistance Plan is not universal in its coverage. It does not provide federal assistance to non-aged childless couples or single persons. But that omission in the plan traces not to any disagreement in principle with the need to cover such persons, but rather to the need to accommodate to what we hope will be short-term budgetary limitations.
>
> Within the $4.4 billion available, we chose to place our emphasis upon families with children, but there is no disagreement in principle that the system should be made universal when resources permit.

Note this statement well. Here a Republican administration, not a Democrat administration, is using the old foot in the door approach. "Give us the vehicle, we will take it from there," they are in effect saying.

Patricelli further remarked that it is "certainly the case" that the proposed $1,600 payment to a family of four is "far from adequate." He said the administration has never suggested that the family assistance plan provides a "guaranteed adequate income." He said:

> When and if the budgetary situation improves, we might look toward increases in the federal base payment.

Anyone who will take the time to look cannot fail to see the handwriting on the wall. Once the groundwork is laid the familiar Washington "Topsy" syndrome will manifest itself. It will grow, and grow, and grow.

A spokesman for the Socialist Workers Party has declared that a family of four needs over $10,000 to maintain a decent standard of living and labels the proposed welfare floor of $1,600 a "starvation formula." The proposed work requirement is viewed as "only another way of supplying low-wage labor to cheapskate companies."

So the chorus of "not enough, we want more" has begun even before the legislation has been drafted and approved. And already the professional welfare advocates are charging that the work requirements of the Nixon plan would amount to "involuntary servitude" and labeling them as "punitive and repressive."

Operating under a Labor Department grant authorizing study of the Federal work incentive program, National Welfare Rights Organization officials lectured welfare recipients at a 2-day seminar on "how they could avoid job training or work under the new work incentive program." Repeat: how they could "avoid" job training or work under the administration program. Workfare is a joke, I fear, but it will be the recipients, not the taxpayers who will be laughing.

The professional welfare recipients are undoubtedly encouraged in their militancy by recent court decisions in their favor. In 1968 the Supreme Court struck down the "man in the house" rule which, with local variations, barred aid to families if an able-bodied adult male lived with them. In May of last year the Supreme Court upheld a special Illinois Federal court decision which ruled that States and localities could no longer impose residency requirements on those applying for welfare payments. Previously, most States required at least a year's residency before a needy person could be eligible for welfare payments. This rule was aimed especially at those who moved into a State with a higher payment scale for the specific purpose of getting on relief. A New York Federal court has recently held that welfare investigators no longer have the right to visit homes of welfare recipients to verify that the requirements of the law are being met.

The professional welfare recipients will not be happy until they have carte blanche to the producers' pockets. "Give us the money with no questions asked," they say.

LACK OF SCRUTINY

To receive a Government check, an applicant would merely be required to fill out a simple statement of need, stating what he expects his income to be in the benefit period. Monthly amounts would then be mailed directly to recipients from the Social Security Administration without preliminary investigation. Spot checks would be conducted on a random basis, much like the Internal Revenue Service's practice. Unlike the IRS practice, however, falsification of welfare applications carries no severe penalties. Without sanctions provided for those caught cheating on welfare—and with only spot checks most fraud would go undetected—the entire program could become a haven for chiselers and loafers.

Experience has shown that with the relaxation of means tests and other welfare restrictions welfare rolls and costs increase dramatically. Some safeguards to insure the proper disbursement of welfare aid are essential.

"WORKFARE" AN ILLUSION WHICH FAILED BEFORE

By emphasizing the "workfare" aspects of the bill, the President has convinced many conservative Americans that a large segment of the welfare population will be gainfully employed as a condition precedent to receiving continued assistance. This is a totally unrealistic expectation and does not square with the facts. Although in theory the Nixon plan may offer incentives for heads of families to seek gainful employment, I believe it will not prove true in practice.

Since 1967 AFDC has had what amounts to a work requirement and a work incentive under the WIN program. Even a key author of that plan, Chairman WILBUR MILLS of the House Ways and Means Committee, conceded that it has failed to live up to expectations:

> I have been greatly disappointed with the performance so far of the 1967 amendments, even though there is a requirement for training.

The Department of Health, Education, and Welfare—which coadministers WIN with the Department of Labor—originally prophesied that as a result of the WIN program "an estimated 900,000 to 1 million persons might be expected to secure employment and become self-supporting. When account is taken of their families, those employed persons could represent a reduction of 3 to 4 million persons of AFDC rolls over a 6-year period." HEW also estimated that an average of 1.4 million people would

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be eligible for enrollment in WIN every year.

How accurate were these predictions? Since the adoption of the WIN program in 1967, only 92,000 people have actually enrolled in the program. Of this number, only 13,000 have found employment following training, according to data released by Labor Secretary George Shultz. The estimate was off by nearly 99 percent.

The present welfare establishment in our States and localities apparently has made little or no effort to administer these provisions, and where they have been tried the welfare rolls have continued to grow. There is little prospect for improvement if, as is widely expected, the local welfare bureaucracies retain their power and existence on contract from the Social Security Administration under the Nixon plan.

Certainly the failure of the WIN program to date should give us pause before we push ahead with the President's massive welfare reform measure which is keyed to a variation of the WIN program.

Particularly is this so when we are told that the work requirement is the factor which distinguishes the administration proposal for a guaranteed annual income—which the President still claims to oppose. Since the requirement is based on a rejuggled version of a work incentive program that has largely failed to accomplish its objectives, and since approximately 95 percent of intended beneficiaries would be excluded from that work requirement—and who knows how many of the remaining 5 percent after determinations are made as to suitability and proximity of the job?—the distinction becomes virtually meaningless.

In expressing the rationale for the work incentive provisions of the 1967 amendments to the Social Security Act, Chairman MILLS said:

> We should take care of people in need, yes. That is the American way of life, but when you confine the matter of taking care of people in need to the mere handout of the dollar, you have not done one thing to help that person in need, because the minute the dollar is gone, he is still in that same position.

He went on to say that the answer is work training and the provisions of that bill would subject appropriate candidates for training and work. But, as we have seen, the performance fell far short of the promise.

Why has the WIN program accomplished so much less than the stated expectations? In a Library of Congress report Frederick B. Arner, chief of the Library's Education and Public Welfare Division, explains it this way:

> There are many possible reasons for the lack of progress of WIN but little definite information as to which reasons predominate. The possible reasons include WIN's inherent division of authority and responsibility between the Departments of Labor and HEW, the inability of staff at the Federal level to provide adequate supervision and effective program direction and coordination, the failure of the States to carry out certain parts of the Federal law and regulations, the residue of resentment at both the State and Federal level between the labor and welfare bureaucracies which was built up during the administration of the Work Experience program and during the legislative consideration of the WIN program, the inability of the State employment offices to set up training programs with the rapidity which was initially claimed, the lack of referrals attributable to a lack of confidence in the usefulness or appropriateness of such programs, the lack of development of adequate child-care programs, and finally, the almost total lack of implementation of the special work projects.

Several years ago New York City—which currently has 1.1 million welfare recipients in its metropolitan area—began a demonstration project offering work incentives to the 200,000 families receiving aid to dependent children. Although these incentives were larger than those in either the 1967 law or the Nixon plan, the Wall Street Journal reports that only 235 people actually worked themselves off the welfare rolls—an astoundingly low one-tenth of 1 percent.

Again I ask: Does it make any sense to premise a massive new welfare scheme on what is essentially a sugar-coated version of a program that has been notably unsuccessful? We have seen no statistical data which prove that programs designed to get people of welfare rolls and on to payrolls work. Why, therefore, is the administration urging the adoption, on a nationwide scale, of a program costing billions of dollars, the presumed efficacy of which is for the most part speculative?

The greatest work incentive is money—money not, as under the Nixon plan, from the Government, but from private employers who pay for a day's work.

It is proposed that all employable recipients would lose their benefits—benefits to the rest of the family would not be affected—if they refuse to accept training or suitable employment. Assuming a particular recipient is deemed deficient in work skills and placed in a training program, what happens if, after completion of the training, no "suitable" employment is available to him or he refuses to accept a job? Having taken that training under the "either-or" language of the proposed law, is he then forevermore entitled to benefits?

But I oppose inclusion of a work requirement—not because I object to the principle as such, but because there is no evidence that such a requirement would or could be administered either by the Federal Government or by the local welfare bureaucracies. The presence of a work requirement has confused the central issue—the distinction to be made between the working poor and the nonworking poor—and has raised false hopes in the minds of the taxpayers who are being asked to fund the Nixon plan. It is a typical example of using conservative rhetoric to cover up a socialistic boobytrap.

Work would be required only if "suitable jobs are available either locally or at some distance if transportation is provided." What is a "suitable" job? Will such jobs as car washing, window cleaning, laundry work, garbage collection be considered "suitable"? And how far from home is "some distance" and is it further in the city than it is in the country? This will be determined under guidelines to be established by the Secretary of Labor. Experience with guidelines for other Federal aid programs has shown that problems of interpretation and implementation will abound. And the usual result is that they become more liberal and more liberal and more liberal.

Knowing something about the language of the bureaucrat and the manner in which they implement laws to circumvent even our most obvious intent, I wrote Secretaries Finch and Shultz. Their Departments will implement this welfare program. Their answers to these questions would be most illuminating but I doubt that many specifics will be forthcoming. The letter follows:

> DEAR SECRETARY FINCH: Believing, as President Nixon has said, that the present welfare system has "failed us," we would like very much to be able to support the Administration's reform proposals when they reach the floor of the House of Representatives. However, we also believe, as the President has said, that in dealing with such matters one should "abandon the ivory tower and consider the real world in all we do." This being the case, there are several crucial questions which we feel must be answered before we can offer that support:
>
> 1. Workfare: In his August 11, 1969, Welfare Reform Message, President Nixon stressed that under his plan "all employable persons who choose to accept welfare payments be required to register for work or job training and be required to accept that work or training, provided suitable jobs are available either locally or if transportation is provided. . . . For an employable person who chooses not to work, neither the present system nor the one we propose would support him, though both would continue to support other dependent members in his family. . . . No able-bodied person will have a 'free ride' in a nation that provides opportunity for training and work."
>
> The idea that we ought to get people off welfare rolls and onto payrolls is an admirable goal; but the question is, what proof do we have that work-incentive programs work? Indeed, evidence to the contrary seems to abound.
>
> In a June, 1969, report on the Work Incentive (WIN) Program, Frederick B. Arner, Chief of the Library of Congress' Education and Public Welfare Division, wrote:
>
> "The WIN program is off to a slow start. Almost every element of the program has been disappointing in terms of the objectives which Congress expressed during the consideration of the Social Security Amendments of 1967 and those declared by the executive agencies after the legislation's enactment. In terms of individuals enrolled in education and training, day-care services provided, and the ultimate test of the program—welfare recipients who became self-sufficient—the program has accomplished less than stated expectations. . . . If performance to date is indicative of the future, there may be a sizeable gap between stated expectations and the results. Thus far the program has had a history of missed estimates and revised estimates, only to be missed again."
>
> While these criticisms are now some eight months old, a recent phone call to Mr. Arner has reaffirmed their validity.
>
> Another report, completed earlier this year by the Auerbach Corporation for the Department of Labor, voiced similar criticisms of the WIN program. Thus, it seems that information as to the positive aspects of work training programs is lacking. As Mr. Arner has written in another report on work and training programs in general:
>
> "Statistics currently available for the programs, for instance, cannot answer the basic question of what has happened to graduates of the programs. Are they working or are

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they on welfare? Moreover, we have very little good data to show the relationship between the jobs trained for and the jobs obtained, the previous and subsequent work history of trainees, the employment rates and average wages of various groups of participants, the attitudes of trainees toward the program, etc."

All of which brings us to the central question of workfare: Do you have statistical data which proves, beyond a reasonable doubt, that programs designed to get people off welfare rolls and on to payrolls work? If not, why are we urging the adoption, on a nationwide scale, of a program costing billions of dollars, the presumed efficacy of which is for the most part speculative?

2. Suitable Jobs: What are suitable jobs? In an appearance several weeks ago on William F. Buckley, Jr.'s TV show "Firing Line," Presidential Advisor Daniel P. Moynihan was pressed on this subject and said:

"One of the things that is kind of discouraging about our time is the degree to which the upper middle-class has persuaded a lot of working people to devalue the only human experience available to them, which is, you know, what's wrong with being a porter, what's wrong with pushing a truck in the garment district, what's wrong with being a bartender? I mean, they're jobs you know, they have to be done, and there's nothing wrong with doing them."

We would like to know, specifically, what the Secretary of Labor considers to be "suitable" employment for a welfare recipient. Domestic work? Digging ditches? What is unsuitable? Also, we would like to know, again specifically, what he considers to be a "good cause" for not participating in "suitable" manpower services, training or employment?

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Moreover, what can be done to insure against the type of thing where the Department of Labor continues a $435,000 Work Incentive Program (WIN) contract with a group like the National Welfare Rights Organization whose leader is quoted in newspaper stories as having lectured welfare recipients on how to avoid job training?

3. Working Poor: What percentage of the total cost of the President's welfare reform proposals will go to the working poor? All statistics seem to indicate that the upward mobility of our economy is slowly but surely taking care of the working poor and they are steadily declining as a class in America. If this is true, why a new Federal program to deal with a problem which appears to be solving itself?

4. Enforcement: In an alternative welfare reform proposal submitted to Ways and Means Committee Chairman Wilbur Mills, the American Conservative Union has charged that by emphasizing the "workfare" aspects of his plan, the President has unintentionally misled many Americans into believing that there is a known formula for inducing or compelling large numbers of welfare heads of households to go to work when this is not the case. The ACU report says: "The present welfare establishment in most of our states and localities has made little or no effort to enforce mandatory work requirements; and where they have tried, welfare rolls have continued to grow." The ACU sees little prospect for improvement under the Nixon proposals. How do you answer this? What will be the enforcement procedures? What will be the penalties for violating them?

5. Goods and Services: Some, Harvard Professor Edward Banfield for one, have urged that the non-working poor be given goods and services rather than cash; i.e., medical stamps, housing stamps, etc. Do you have any idea why this idea was discarded in favor of the cash subsidy?

To sum up, we all applaud Secretary of HEW Robert Finch's recent testimony before the House Ways and Means Committee in which he said that the two principal reasons for the Nixon welfare reform proposals are to "support and nourish the work ethic" and to provide "proper incentives" for welfare recipients to leave the rolls and work.

The purpose of this letter is to try and ascertain whether or not there is a basis in fact for these noble aspirations.

SUPPLEMENTING, NOT SUPPLANTING

Although the welfare package is being advertised as a substitute for the present chaotic system, this program would not in fact supplant, but merely supplement, all other welfare programs on the books. Only the AFDC program would be eliminated. All the others—food stamps, free school lunches, the war on poverty, and so forth—would continue unabated, with ever higher appropriations.

It was at first alleged that the food stamp program would be phased out with a corresponding reduction in cost. Families who had been receiving the stamps would be expected to purchase food with the cash they receive under the new family plan. The President's welfare message stated: "For dependent families there will be an orderly substitution of food stamps by the new direct monetary payments."

Once the proposed abolition of food stamps was announced, however, there followed a classic case of Government reversal under organized liberal pressure. Before the year was out the administration announced it would support a doubling of present annual appropriations for the food stamp program. Thus each family of four will receive not only a federally guaranteed income of $1,600—which excludes additional State payments—but also an additional food stamp allotment which would bring the total federally paid income to more than $2,400 annually.

The new programs, therefore, are not "instead of." They are "in addition to." We cannot solve the welfare mess by merely adding one more jerry-built program to the heap. This would serve only to further institutionalize a permanent class of welfare recipients. Once again we see conservative rhetoric and liberal action.

The Nixon proposals are being embraced by some on the thesis that any alternative is bound to be superior to the present indisputable welfare quagmire. This is an erroneous assumption for we are not truly being offered an alternative but rather a huge and costly extension of more of the same.

Furthermore, we have but sketchy results and fragmentary data from the few pilot projects testing the theories which underpin the administration's proposals. Certainly the administration should be able to cite some hard data that would tend to prove that these utopian theories have at least a chance of achieving a modicum of success in practice before making such grandiose claims and imposing a greater onus on the already straining and complaining taxpayer. Strange indeed that this massive spending proposal comes from a party and a President that campaigned on a platform of cutting Federal spending and lowering taxes I would hate to see this administration remembered as the "Welfare Deal," responsible for making the dole a way of life.

The answer to the question "Why this headlong rush into an uncharted wilderness before the results of our Federal pilot projects are analyzed?" probably comes in the memo from Daniel Moynihan, already cited. He urged this program for the political credit that could be gained. I doubt there will be much credit, political or otherwise. It certainly is not the type of program that I want to claim.

GUARANTEED ANNUAL INCOME

Noted economist Henry Hazlitt, in his new book, "Man Versus the Welfare State" reminds us that often you hear the guaranteed income disguised under euphemisms such as "income maintenance" or "negative income tax." As he points out:

> Trick names of this sort corrupt the language and confuse thought. It would hardly clarify matters to call a handout a "negative deprivation" or having your pocket picked "receiving a negative gift."

Joining many other informed writers covering all points of the political spectrum in showing that the Nixon plan is a radical proposal in conservative dress, Hazlitt states:

> [The President] put forward this radical proposal in the language of conservatism. He said that the last third of a century had "produced a bureaucratic monstrosity" and "left us a legacy of entrenched programs." Then he proposed a plan that can only make the bureaucratic monstrosity more monstrous and create still bigger and more entrenched programs.

Shortly before the President sent the Congress his welfare message last year, U.S. News & World Report made the following statement:

> Unless Mr. Nixon rejects the counsel of most of his advisers on domestic affairs, he will soon be sending to Congress the most liberal welfare program ever proposed by a President of either major party.

Does anybody honestly think this is what people voted for in the last election? If we had told the American people that we would implement a guaranteed annual income program, they might have preferred the Democratic Party, which has demonstrated real expertise in promoting spending sprees. If our Republican leaders have decided that we do not want to be the type of responsible party we have been, let us at least be honest enough to tell the people this in direct and clear language.

Many economists have pointed out that adoption of a guaranteed annual income could cause severe distortions in the economy. They cite the inherent "disincentive" against work in the plan, which could cause manpower shortages in low-paying jobs. With the pages of most metropolitan newspapers already filled with job openings for domestic and unskilled labor employees, the day is foreseeable when almost everyone who would ordinarily have to accept such employment would elect instead to receive a Government paycheck. To counter this trend, employers would have to offer even higher wages, intensifying inflationary pressures.

The basic difficulty presented by the Nixon plan and all other forms of the guaranteed annual income is the attempt to reconcile several irreconcilable goals. There is the need to provide an adequate relief payment to families with little or no earnings; to offer strong work incentives; to minimize or avoid payments to those who do not need them; and to hold down the cost of the total program. Perhaps most dangerous of all, the guaranteed annual income, once accepted as a basic principle of the welfare system, would seem to exclude forever welfare as a matter of temporary relief. Welfare would henceforth be enshrined as the right of every American. The ultimate extension of such a principle would lead to a situation in which, as the late Senator Robert A. Taft once warned, "finally the Government would take all of your income and the Government would decide what each person would need."

The skeptic should consider the fact that the average taxpayer already works nearly 5 months of the year just to pay his total tax load. And for every $100 added to the basic guarantee, the estimated cost is $440 million.

WORKING POOR DO NOT NEED THIS KIND OF HELP

The most radical and potentially costly feature of the Nixon plan—income supplements for the working poor—addresses itself to a problem rapidly being solved by the American economy. Under this provision, in figuring payments to a family of four, the government would disregard the first $750 earned annually, and for every dollar earned thereafter, the wage earner could still retain a matching 50 cents of his welfare payments. Thus one earning $720 annually would receive a Federal income supplement which would produce a total income of $2,320. A family with $2,000 annual wages would still receive another $960 in Federal funds. If the family earned $3,000, it would get $300. The family would have to earn $3,920 before it would no longer be eligible for Federal payments.

All statistics seem to indicate that the upward mobility of our economy is slowly but surely taking care of the working poor and they are steadily declining as a class in America. If this is true, why a new Federal program to deal with a problem which appears to be solving itself? And why jeopardize the traditional work ethic and upward mobility of the American working poor?

The one poverty group that is not declining is poverty-level homes headed by women. Statistics show that the crisis is not among the poor in general, but among poor families without fathers. What is needed is the sharpest possible distinction between the working poor and the nonworking poor, for the simple reason that it is bad policy to involve an industrious, hard-working group of families, rapidly declining in numbers, with the problems of a very specialized and very troubled poverty substratum. It is the gravest failing of the family security proposal that it confuses and blurs the lines between these two groups, putting the working, upwardly mobile poor under a structure designed to encourage people with very different motivational and societal problems. Lumping the working poor under the same umbrella with the nonworking poor is the surest way to adversely affect the behavior of the larger group.

Welfare should remain a program of public assistance for the aged, the blind, the handicapped, the young, and those in need through no fault of their own. The numbers of these deserving poor, with the exception of children, remain fairly constant. For all the others, only a program leading to jobs and to self-sufficiency can succeed in reducing the welfare burden. To this end, welfare should be made less attractive as a financial crutch and less rewarding to the indolent. It should offer fewer rewards to the two million mothers on AFDC who have borne almost five million children they cannot afford to support.

ANOTHER POLITICAL FOOTBALL

It is worth noting that welfare recipients, their number multiplied under the administration's proposal, would then comprise a large and powerful voting group. Politicians in and out of office would attempt to "buy" their votes by offering the largest increases in benefits and extensions of coverage. As with other political footballs, it will be kicked at the expense of the taxpayers.

It is questionable how long representative government would last in a country wherein a sizable voting bloc was directly dependent upon the party in power for food, clothing, and shelter. I cannot think of anything that will bring about a quicker dissolution of our system than a guaranteed annual income, the level of which is determined by the "type" of Congressman and Senator the voters elect. Auction block politics already a budding threat to our system, would become a stark reality.

Those who will be paying the bills for these handout programs as time goes by will find their numbers decimated as more and more people line up on the receiving end. Conceivably the working middle class could become the working poor and then we would have to start all over again.

WHAT IS NEEDED

It is essential that we recognize that occupational rehabilitation is the only constructive, mutually beneficial solution to the problems of able-bodied, needy American adults with a work potential.

In enacting welfare legislation the Federal Government should promote an understanding that any "right" of family heads with children in need to receive welfare from the community embodies a reciprocal responsibility of these adults to avail themselves of public literacy and training opportunities for jobs.

The major failure of existing welfare programs has been their total inability to help recipients break the poverty cycle. Welfare rolls are like treadmills. People are fed, to some extent they are housed—they are helped only to the extent that they are sustained from day to day. But they need to be trained to help themselves; to do this they need jobs and they need education. If a manpower program can take a man now on the welfare rolls, help him to train for a job and become self-sufficient, then it can break the cycle which keeps him and his family a ward of the Government.

So I would view manpower training and education as the key to breaking the poverty cycle. But not as embodied in the illusory "workfare" provision of this bill, which even an administration spokesman recently conceded as "more form than substance."

Probably private industry should assume a much larger area of responsibility in the field of vocational training. This approach has a good chance of success when after training the individual is actually placed in a job with a future with the firm providing the training.

The new training opportunities proposed in the bill could simply become a revolving door through which potential employees pass without obtaining employment.

WILL WE EVER LEARN?

In a 1935 message to Congress, President Franklin D. Roosevelt said:

> The Federal government must and shall quit this business of relief—continued dependent upon relief induces a spiritual and moral disintegration, fundamentally destructive to the national fibre. To dole out relief in this way is to administer a narcotic, a subtle destroyer of the human spirit.

Will the American people never ever tire of such rhetoric from their leaders? Will they ever catch on? Have we not learned anything in 35 years? One more Trojan horse on the way.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mrs. Reid of Illinois (at the request of Mr. Arends), on account of illness, for March 4, 1970.

Mr. Baring (at the request of Mr. Johnson of California), for today, on account of official business.

(The following Members, at the request of Mr. Gerald R. Ford:)

Mr. Saylor, for today, on account of influenza.

Mr. Conable, for today, on account of official business.

Mr. Camp, for today, on account of influenza.

Mr. McCloskey, for today, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Pucinski, for 60 minutes, today.

Mr. O'Hara (at the request of Mr. Montgomery), for 30 minutes, today; to revise and extend his remarks and include extraneous matter.

Mr. Hechler of West Virginia, for 1 hour, on March 5; to revise and extend his remarks and include extraneous matter.

Mr. Devine, for 15 minutes, today; to revise and extend his remarks and include extraneous matter.

(The following Members (at the request of Mr. Wylie); to revise and extend their remarks and include extraneous matter:)

Mr. Poff, for 15 minutes, today.

Mr. Conte, for 15 minutes, on March 5.

Mr. Miller of Ohio, for 5 minutes, today.

Mr. Steiger of Arizona, for 10 minutes, today.

Mr. Steiger of Wisconsin, today, for 30 minutes.

Mr. Halpern, today, for 10 minutes.

Mr. Ashbrook, today, for 30 minutes.

(The following Members (at the request of Mr. Pucinski); to revise and extend their remarks and include extraneous matter:)

Mr. Rooney of New York, for 15 minutes, today.

Mr. Gonzalez, for 10 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Madden and to include extraneous matter.

(The following Members (at the request of Mr. Wylie) and to include extraneous matter:)

Mr. Bush in two instances.
Mr. Hall.
Mr. Brown of Michigan.
Mr. Arends.
Mr. Brown of Ohio.
Mr. Derwinski in two instances.
Mr. Conte.
Mr. Gerald R. Ford in five instances.
Mr. Mize.
Mr. Zwach.
Mr. Frelinghuysen.
Mr. Scherle in three instances.
Mr. Duncan.
Mr. Goodling.
Mr. Lloyd.
Mr. Gude in two instances.
Mr. Reid of New York in two instances.
Mr. Wiggins.
Mr. Horton.
Mr. Railsback in three instances.
Mrs. Heckler of Massachusetts.
Mr. Pelly in three instances.
Mr. Hogan.
Mr. Ashbrook.
Mr. Adair.
Mr. Schwengel.

(The following Members (at the request of Mr. Pucinski) and to include extraneous matter:)

Mr. Daddario in five instances.
Mr. Rosenthal in five instances.
Mr. Scheuer.
Mr. Koch.
Mr. Rodino.
Mr. Fascell in two instances.
Mr. Charles H. Wilson.
Mr. Gonzalez in two instances.
Mr. Waldie in three instances.
Mr. Wolff in two instances.
Mr. Anderson of California.
Mr. Ryan in three instances.
Mr. Preyer of North Carolina in two instances.
Mr. Friedel in two instances.
Mr. Evins of Tennessee.
Mr. Jacobs.
Mr. O'Hara.
Mr. Ottinger.
Mr. Hathaway.

(The following Members (at the request of Mr. Montgomery), and to include extraneous matter:)

Mr. Gallagher in two instances.
Mrs. Green of Oregon.
Mr. Dingell.
Mr. Evans of Colorado.
Mr. Bolling.
Mr. Bingham in two instances.
Mr. Monagan in three instances.
Mr. Dorn in two instances.
Mr. Johnson of California in two instances.
Mr. Evins of Tennessee.
Mr. Dulski.
Mr. Hagan in two instances.

ENROLLED BILLS SIGNED

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 8020. An act to amend title 37, United States Code, to provide entitlement to round trip transportation to the home port for a member of the Uniformed Services on permanent duty aboard a ship overhauling away from home port whose dependents are residing at the home port; and

H.R. 15931. An act making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1970, and for other purposes.

SENATE ENROLLED BILL AND JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to an enrolled bill and a joint resolution of the Senate of the following titles:

S. 2701. An act to establish a Commission on Population Growth and the American Future; and

S.J. Res. 180. Joint resolution to provide for a temporary prohibition of strikes or lockouts with respect to the current railway labor-management dispute.

BILL PRESENTED TO THE PRESIDENT

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, a bill of the House of the following title:

H.R. 11702. An act to amend the Public Health Service Act to improve and extend the provisions relating to assistance to medical libraries and related instrumentalities, and for other purposes.

ADJOURNMENT

Mr. MONTGOMERY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 33 minutes p.m.), the House adjourned until tomorrow, Thursday, March 5, 1970, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1725. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting reports concerning visa petitions approved according certain beneficiaries third and sixth preference classification, pursuant to the provisions of section 204(d) of the Immigration and Nationality Act, as amended; to the Committee on the Judiciary.

1726. A letter from the Assistant Commander for Contracts, Naval Facilities Engineering Command, Department of the Navy, transmitting a semiannual report on military construction contracts awarded on other than a competitive bid basis to the lowest responsible bidder for the period July 1–December 31, 1969, pursuant to the provisions of section 704, Public Law 91–142; to the Committee on Armed Services.

1727. A letter from the Assistant to the Commissioner, government of the District of Columbia, transmitting a draft of proposed legislation to provide additional revenue for the District of Columbia, and for other purposes; to the Committee on District of Columbia.

1728. A letter from the Secretary of Health, Education, and Welfare, transmitting a draft of proposed legislation to extend, consolidate, and improve programs under the Library Services and Construction Act; to the Committee on Education and Labor.

1729. A letter from the Comptroller General of the United States, transmitting a report on the implementation of the accounting system for operations in the Department of Defense; to the Committee on Government Operations.

1730. A letter from the Comptroller General of the United States, transmitting a report on procedures to be improved for determining what constitutes a farm, for purposes of subsidy payments under the U.S. sugar program, Agricultural Stabilization and Conservation Service, Department of Agriculture; to the Committee on Government Operations.

1731. A letter from the Deputy Administrator, National Aeronautics and Space Administration, transmitting a report on the disposal of certain foreign excess property pursuant to the provisions of section 404(d) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 514); to the Committee on Government Operations.

1732. A letter from the Governor of the Canal Zone and the President of the Panama Canal Company, transmitting a report of disposal of foreign excess property for the year 1969, pursuant to the provisions of section 404(d) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 514); to the Committee on Government Operations.

1733. A letter from the Chief, Forest Service, U.S. Department of Agriculture, transmitting a copy of the river plan for the Middle Fork Feather River, Calif., pursuant to the provisions of subsection 3(b) of the Wild and Scenic Rivers Act (82 Stat. 906–918); to the Committee on Interior and Insular Affairs.

1734. A letter from the Director, Bureau of the Budget, Executive Office of the President, transmitting plans for works of improvement involving more than 4,000 acre-feet of total capacity, pursuant to the provisions of section 5 of the Watershed Protection and Flood Prevention Act, as amended; to the Committee on Public Works.

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REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HALEY: Committee on Interior and Insular Affairs. S. 227, an act to provide for loans to Indian tribes and tribal corporations, and for other purposes; with amendments (Rept. No. 91–864). Referred to the Committee of the Whole House on the State of the Union.

Mr. GARMATZ: Committee on Merchant Marine and Fisheries. H.R. 15945, a bill to authorize appropriations for certain maritime programs of the Department of Commerce; with amendments (Rept. No. 91–865). Referred to the Committee of the Whole House on the State of the Union.

Mr. STAGGERS: Committee of conference. Conference Report on H.R. 13300. (Rept. No. 91–866). Ordered to be printed.

Mr. COLMER: Committee on Rules. House Resolution 867. Resolution providing for the consideration of House Joint Resolution 1112, a joint resolution to provide for the settlement of the labor dispute between certain carriers by railroad and certain of their employees (Rept. No. 91–867). Referred to the House Calendar.

Mr. STAGGERS: Committee on Interstate and Foreign Commerce. House Joint Resolution 1112, a joint resolution to provide for the settlement of the labor dispute between certain carriers by railroad and certain of their employees; with amendments (Rept. No. 91–868). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BIAGGI:

H.R. 16278. A bill to amend section 703 of the Housing and Urban Development Act of 1965 to liberalize and make more effective the program of grants for neighborhood facilities, including single-purpose as well as multipurpose facilities, and for special planning grants; to the Committee on Banking and Currency.

By Mr. BURTON of Utah:

H.R. 16279. A bill to amend the Water Resources Research Act of 1964, to increase the authorization for water resources research and institutes, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. BUTTON:

H.R. 16280. A bill to amend title 13, United States Code, to provide for a mid-decade census of population, unemployment, and housing in the year 1975 and every 10 years thereafter; to the Committee on Post Office and Civil Service.

By Mr. DENNEY:

H.R. 16281: A bill to raise the Veterans' Administration to the status of an executive department of the Government to be known as the "Department of Veterans' Affairs"; to the Committee on Government Operations.

By Mr. FLYNT:

H.R. 16282. A bill to amend title 44, United States Code, to provide for 98 copies of the daily edition of the Congressional Record to be furnished to each Representative, and Resident Commissioner in Congress; to the Committee on House Administration.

By Mr. HAYS:

H.R. 16283. A bill to amend title XVIII of the Social Security Act to provide payment for chiropractors' services under the program of supplementary medical insurance benefits for the aged; to the Committee on Ways and Means.

By Mr. HORTON:

H.R. 16284. A bill to amend the Railroad Retirement Act of 1937 to provide a full annuity for any individual (without regard to his age) who has completed 30 years of railroad service; to the Committee on Interstate and Foreign Commerce.

By Mr. JOHNSON of California:

H.R. 16285. A bill to amend the Water Resources Research Act of 1964, to increase the authorization for water resources research and institutes, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. MIZELL (for himself, Mr. Landgrebe, and Mr. Rhodes):

H.R. 16286. A bill to establish nondiscriminatory school systems and to preserve the rights of elementary and secondary students to attend their neighborhood schools, and for other purposes; to the Committee on Education and Labor.

By Mr. MOLLOHAN:

H.R. 16287. A bill to provide for the orderly expansion of trade in manufactured products; to the Committee on Ways and Means.

By Mr. MONTGOMERY:

H.R. 16288. A bill to amend title 10 of the United States Code so as to permit members of the Reserves and the National Guard to receive retired pay at age 55 for non-Regular service under chapter 67 of that title; to the Committee on Armed Services.

By Mr. PHILBIN:

H.R. 16289. A bill to authorize the disposal of natural ceylon amorphous lump graphite from the national stockpile and the supplemental stockpile; to the Committee on Armed Services.

H.R. 16290. A bill to authorize the disposal of refractory grade chromite from the national stockpile and the supplemental stockpile; to the Committee on Armed Services.

H.R. 16291. A bill to authorize the disposal of chrysotile asbestos from the national stockpile and the supplemental stockpile; to the Committee on Armed Services.

H.R. 16292. A bill to authorize the disposal of corundum from the national stockpile; to the Committee on Armed Services.

H.R. 16293. A bill to authorize the disposal of industrial diamond crushing bort from the national stockpile and the supplemental stockpile; to the Committee on Armed Services.

H.R. 16294. A bill to authorize the disposal of industrial diamond stones from the national stockpile and the supplemental stockpile; to the Committee on Armed Services.

H.R. 16295. A bill to authorize the disposal of natural battery-grade manganese ore from the national stockpile and the supplemental stockpile; to the Committee on Armed Services.

H.R. 16296. A bill to authorize the disposal of mercury from the national stockpile and the supplemental stockpile; to the Committee on Armed Services.

H.R. 16297. A bill to authorize the disposal of molybdenum from the national stockpile; to the Committee on Armed Services.

By Mr. RIVERS:

H.R. 16298. A bill to amend section 703(b) of title 10, United States Code, to extend the authority to grant a special 30-day leave for members of the uniformed services who voluntarily extend their tours of duty in hostile-fire areas; to the Committee on Armed Services.

By Mr. ROBISON:

H.R. 16299. A bill to amend the Internal Revenue Code of 1954 and title II of the Social Security Act to provide a full exemption (through credit or refund) from the employees' tax under the Federal Insurance Contributions Act, and an equivalent reduction in the self-employment tax, in the case of individuals who have attained age 65; to the Committee on Ways and Means.

By Mr. SLACK:

H.R. 16300. A bill to amend title 38 of the United States Code to liberalize the provisions relating to payment of pension, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. CRAMER:

H.R. 16301. A bill to amend title XVIII of the Social Security Act to provide payment for the services of a chiropractor, a naturopath, a podiatrist, or other licensed practitioner of the healing arts, under the program of supplementary medical insurance benefits for the aged; to the Committee on Ways and Means.

By Mr. DELLENBACK:

H.R. 16302. A bill to require disclosure of political campaign financing in the District of Columbia; to the Committee on the District of Columbia.

By Mr. JACOBS:

H.R. 16303. A bill to amend the Public Health Service Act to authorize the Secretary of Health, Education, and Welfare to undertake a program to encourage full utilization of training programs for allied health professions; to the Committee on Interstate and Foreign Commerce.

H.R. 16304. A bill to make bribery of State and local officials a Federal offense punishable to the same extent as bribery of Federal officials; to the Committee on the Judiciary.

By Mr. MILLER of Ohio:

H.R. 16305. A bill to amend title II of the Social Security Act to provide minimum monthly benefits thereunder at age 72 for all uninsured individuals, without regard to the time at which such age is attained; to the Committee on Ways and Means.

By Mr. PODELL:

H.R. 16306. A bill to prevent further increases in the monthly premium payable for supplementary medical insurance under part B of the medicare program established by title XVIII of the Social Security Act, and for other purposes; to the Committee on Ways and Means.

By Mr. PUCINSKI:

H.R. 16307. A bill—Impact Aid Reform Act of 1970; to the Committee on Education and Labor.

By Mr. WEICKER:

H.R. 16308. A bill to provide for a study of the extent and enforcement of State laws and regulations governing the operation of youth camps; to the Committee on Education and Labor.

By Mr. ADAMS (for himself and Mr. Dingell):

H.J. Res. 1113. Joint resolution to provide for the settlement of the labor dispute between certain carriers by railroad and certain of their employees; to the Committee on Interstate and Foreign Commerce.

By Mr. BROWN of California:

H.J. Res. 1114. Joint resolution to repeal the Gulf of Tonkin Resolution and other legislation relating to American foreign military commitments, and to express the sense of Congress on aspects of U.S. foreign and military policies in Vietnam, Laos, and other nations in Southeast Asia, and for other purposes; to the Committee on Foreign Affairs.

By Mr. ALEXANDER (for himself, Mr. Adams, Mr. Addabbo, Mr. Anderson of California, Mr. Anderson of Tennessee, Mr. Barrett, Mr. Bevill, Mr. Blanton, Mr. Boland, Mr. Burke of Florida, Mr. Cabell, Mr. Caffery, Mr. Casey, Mr. Chappell, Mr. Don H. Clausen, Mr. Corman, Mr.

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Daniels of New Jersey, Mr. Dent, Mr. Dingell, Mr. Edwards of California, Mr. Edwards of Louisiana, Mr. Fascell, Mr. Flowers, Mr. Fraser, and Mr. Friedel):

H. Con. Res. 522. Concurrent resolution expressing the sense of the Congress in opposition to the high-interest-rate policy; to the Committee on Banking and Currency.

By Mr. ALEXANDER (for himself, Mr. Mikva, Mrs. Mink, Mr. Nedzi, Mr. Nix, Mr. Obey, Mr. Olsen, Mr. O'Neill of Massachusetts, Mr. Ottinger, Mr. Passman, Mr. Podell, Mr. Pryor of Arkansas, Mr. Pucinski, Mr. Purcell, Mr. Randall, Mr. Rees, Mr. Roe, Mr. Ryan, Mr. Scheuer, Mr. Sikes, Mr. Slack, Mr. Stokes, Mr. Stuckey, Mr. Symington, and Mr. Taylor):

H. Con. Res. 523. Concurrent resolution expressing the sense of the Congress in opposition to the high-interest-rate policy; to the Committee on Banking and Currency.

By Mr. WRIGHT (for himself, Mr. Galifianakis, Mr. Gibbons, Mr. Gonzalez, Mr. Gray, Mrs. Green of Oregon, Mr. Haley, Mr. Halpern, Mr. Hanley, Mr. Harrington, Mr. Hays, Mr. Hechler of West Virginia, Mr. Helstoski, Mr. Hicks, Mr. Holifield, Mr. Howard, Mr. Hungate, Mr. Ichord, Mr. Johnson of California, Mr. Jones of Tennessee, Mr. Koch, Mr. Leggett, Mr. Madden, Mr. Matsunaga, and Mr. Melcher):

H. Con. Res. 524. Concurrent resolution expressing the sense of the Congress in opposition to the high-interest-rate policy; to the Committee on Banking and Currency.

By Mr. WRIGHT (for himself, Mr. Thompson of Georgia, Mr. Tiernan, Mr. Tunney, Mr. Udall, Mr. Van Deerlin, Mr. Waldie, Mr. White, Mr. Wolff, and Mr. Yatron):

H. Con. Res. 525. Concurrent resolution expressing the sense of the Congress in opposition to the high-interest-rate policy; to the Committee on Banking and Currency.

By Mr. ROONEY of New York:

H. Con. Res. 526. Concurrent resolution expressing the sense of the Congress with respect to the conquest of cancer as a national crusade; to the Committee on the Judiciary.

By Mr. FRIEDEL:

H. Res. 865. Resolution increasing the number of positions of Official Reporters to committees and positions of Expert Transcribers to Official Committee Reporters; to the Committee on House Administration.

By Mr. McCARTHY:

H. Res. 866. Resolution urging the President to eliminate the restriction imposed on the importation of crude oil and its derivatives; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. JOHNSON of California:

H.R. 16309. A bill to authorize the Secretary of the Interior to convey certain lands in Placer County, Calif., to Mrs. Edna C. Marshall, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. STRATTON:

H.R. 16310. A bill for the relief of Wheat Bros., Inc., to the Committee on the Judiciary.

SENATE—*Wednesday, March 4, 1970*

The Senate met at 11:30 o'clock a.m. and was called to order by Hon. Ernest F. Hollings, a Senator from the State of South Carolina.

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O God of History who hast brought us to this hour and to our appointed tasks, we offer Thee the love of our hearts and the service of our minds, our hands, our speech. Help us in all our work to be guided by Thy spirit for the welfare of all the people. Deliver us from the little evils which lay waste to life, shrivel the soul, and blemish character. Keep us from impatience and irritability. Give us inner serenity and outward assurance. Spare us stubbornness in self will but make us firm in adherence to Thy will. Amid the pressures, tensions, and struggles of the time, preserve in us the inner holy of holies, the silent sentinel of conscience, the serene sanctuary wherein Thy spirit dwells. When the evening comes, grant us the gift of sleep and knowledge we have walked and worked with Thee.

In Thy holy name we pray. Amen.

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DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will read a communication to the Senate.

The assistant legislative clerk read the following letter:

U.S. Senate,
President pro tempore,
Washington, D.C., March 4, 1970.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. Ernest F. Hollings, a Senator from the State of South Carolina, to perform the duties of the Chair during my absence.

Richard B. Russell,
President pro tempore.

Mr. HOLLINGS thereupon took the chair as Acting President pro tempore.

APPOINTMENT OF REPUBLICAN MEMBERS OF SELECT COMMITTEE ON EQUAL EDUCATIONAL OPPORTUNITY

Mr. SCOTT. Mr. President, I send to the desk a resolution and ask unanimous consent for its immediate consideration.

The ACTING PRESIDENT pro tempore. The resolution will be stated.

The assistant legislative clerk read the resolution (S. Res. 363) as follows:

Resolved, That the following shall constitute the minority party's membership on the Select Committee on Equal Educational Opportunity, pursuant to S. Res. 359 of the Ninety-first Congress: Mr. Roman L. Hruska; Mr. Jacob K. Javits; Mr. Peter H. Dominick; Mr. Edward W. Brooke; Mr. Mark O. Hatfield; and Mr. Marlow W. Cook.

The ACTING PRESIDENT pro tempore. Is there objection to the request of the Senator from Pennsylvania?

There being no objection, the resolution was considered and agreed to.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Tuesday, March 3, 1970, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Chair recognizes the Senator from Vermont (Mr. Aiken).

Mr. MANSFIELD. Mr. President, will the Senator from Vermont yield, without losing his right to the floor or any of the time allotted to him?

Mr. AIKEN. Mr. President, I am glad to yield to the Senator from Montana, the distinguished majority leader, under those terms.

COMMITTEE MEETINGS DURING SENATE SESSION TODAY

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT TO TOMORROW AT 10 A.M.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 10 o'clock tomorrow morning.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR EAGLETON TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that at the conclusion of the prayer tomorrow, the distinguished Senator from Missouri (Mr. Eagleton) be recognized for not to exceed 40 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR HOLLINGS TOMORROW

Mr. MANSFIELD. And, with the approval of the Presiding Officer, I ask unanimous consent that, at the conclusion of the remarks of the distinguished Senator from Missouri (Mr. Eagleton), the distinguished Senator from South

Carolina (Mr. Hollings) be recognized for not to exceed 1 hour.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR SMITH OF MAINE TOMORROW

Mr. MANSFIELD. I ask unanimous consent that following the remarks of the distinguished Senator from South Carolina, the distinguished Senator from Maine (Mrs. Smith) be recognized for not to exceed 20 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that following the conclusion of the remarks of the Senator from Maine (Mrs. Smith), there be a period for the transaction of routine business, with the usual 3-minute limitation on statements made therein.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate turn to the consideration of Calendar Nos. 705, 706, and 707.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered, and the clerk will state the first bill by title.

TECHNICAL CHANGES IN LAWS RELATING TO THE POSTAL SERVICE

The bill (S. 3396) to make certain technical changes in provisions of law relating to the postal service, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 3396

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title 39, United States Code, is amended as follows:

(1) Section 308a is amended by striking out "the requirements of the Administrative Procedure Act, as amended (chapter 19 of title 5)," and inserting in lieu thereof "the requirements of sections 551 through 559 of title 5".

(2) Section 510 is amended by striking out "sections 366–380 of title 44" and inserting in lieu thereof "sections 3301–3314 of title 44".

(3) Section 2103(a)(2) is amended by striking out "without regard to sections 630–630h of title 5," and "sections 391–401 of title 44,".

(4) Section 2303(a)(1)(H) is amended by striking out "section 302 of the Federal Voting Assistance Act of 1955 (5 U.S.C. 2192)" and inserting in lieu thereof "section 1472 of title 50".

(5) Section 2303(b) is amended by striking out "section 207(b) of the Act of February 28, 1925, relating to reformation of classification (39 U.S.C., 1958 ed. 247)" and inserting in lieu thereof "section 4558 of this title".

(6) Section 2306 is amended by striking out "2254(a) of title 5" and inserting in lieu thereof "8334(a) of title 5".

(7) Section 2403(d)(1) is amended by striking out "sections 134–134(h) of title 5" and inserting in lieu thereof "sections 721–729 of title 40".

(8) Section 2506(b) is amended by striking out "section 58 of title 44" and inserting in lieu thereof "section 505 of title 44".

(9) Section 3103 is amended by striking out "section 16(a) of title 5" and inserting in lieu thereof "section 2903(b) of title 5".

(10) Section 3313 is amended by striking out "sections 58, 62, 69, and 70 of title 5" and inserting in lieu thereof "sections 5535(b)(1) and 5536 of title 5".

(11) Section 3334(a) is amended by striking out "chapter 17 of title 5" and inserting in lieu thereof "section 3309 of title 5".

(12) Subsections (a) and (c) of section 3335 are respectively amended by striking out "sections 69 and 70 of title 5 and section 301 of the Dual Compensation Act" and inserting in lieu thereof "sections 5533, 5535(b)(1), and 5536 of title 5".

(13) Section 3336 is amended by striking out "chapter 16 of title 5" and inserting in lieu thereof "subchapter I of chapter 57 of title 5".

(14) Section 3573 is amended by—

(a) striking out "a day referred to as a holiday in the Act of December 26, 1941 (55 Stat. 862; 5 U.S.C. 87b)," where it appears in subsection (c) and inserting in lieu thereof "a day established as a holiday by section 6103 of title 5"; and

(b) striking out "the first section of the Act of August 3, 1950 (5 U.S.C. 61f)", where it appears in subsection (f) and inserting in lieu thereof "section 5582 of title 5".

(15) Section 4151 is amended by striking out "sections 162 and 185 of title 44" and inserting in lieu thereof "sections 733 and 907 of title 44".

Sec. 2. The Act of March 3, 1933 (ch. 204, sec. 3, 47 Stat. 1482; 11 U.S.C. 101a), is hereby repealed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 91–711), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE

This bill would make technical changes in the references to certain provisions of law codified in the United States Code. It makes no substantive changes in law.

Following is a letter from the Postmaster General relating to S. 3396.

The Postmaster General,
Washington, D.C., January 28, 1970.

Hon. Spiro T. Agnew,
President of the Senate,
Washington, D.C.

Dear Mr. President: There is transmitted herewith a draft of a proposed bill to make technical corrections in certain provisions of laws relating to the postal services. The first section makes changes in various provisions of title 39, United States Code, to conform to changes made by other laws which repealed and reenacted statutes cited in title 39.

The changes in sections 308a, 2303(a)(1)(H), 2306, 2403(d)(1), 3103, 3313, 3334(a), 3335(a) and (c), 3336, and 3573(c) and (f) became necessary by the recodification of title 5, United States Code, Public Law 89–554, September 6, 1966, 80 Stat. 378.

The changes in sections 510, 2506(b), and section 4151 became necessary by the recodification of title 44 of Public Law 90–620, October 22, 1968, 82 Stat. 1238.

The changes in section 2103(a)(2) became necessary as a result of the recodification of both title 5 and title 44.

The changes in section 2303(b) became necessary by the enactment of Public Law 89–593, section 1(a), September 20, 1966, 80 Stat. 816.

Section 2 would repeal a provision of law which has become obsolete in view of the discontinuance of the Postal Savings System, to which it refers, pursuant to Public Law 89–377, March 28, 1966, 80 Stat. 92.

We recommend that the proposed bill be referred to the appropriate committee for consideration and that it be enacted.

The Bureau of the Budget has advised that there is no objection to the submission of this legislation to the Congress from the standpoint of the administration's program.

Sincerely,

Winton M. Blount.

USE OF PERSONAL CHECKS TO PAY POSTAL CHARGES

The bill (S. 3397) to permit the acceptance of checks and nonpostal money orders in payment for postal charges and services; authorize the Postmaster General to relieve postmasters and accountable officers for losses incurred by postal personnel when accepting checks or nonpostal money orders in full compliance with postal regulations; and to provide penalties for presenting bad checks and bad nonpostal money orders in payment for postal charges and services was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 3397

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2403 of title 39, United States Code, is amended by:

(1) inserting ", other accountable officers," immediately after "postmasters" in the catchline and in the first sentence of subsection (b);

(2) inserting "other accountable officer" immediately after "postmaster" in each place where it appears in the first sentence of subsection (a);

(3) deleting "and" at the end of subsection (a)(4)(B);

(4) deleting the period at the end of subsection (a)(5)(B) and inserting in lieu thereof "; and"; and

(5) adding at the end of subsection (a) the following new paragraph:

"(6) losses occasioned by the acceptance of checks or nonpostal money orders, in accordance with an authorization prescribed pursuant to section 2403a of this title, which are not duly paid."

Sec. 2. Chapter 29 of title 39, United States Code, is amended by inserting immediately after section 2403, the following new section:

"§ 2403a. Payment by check on nonpostal money order

"(a) As used in this section 'draft' means a check or nonpostal money order.

"(b) In the performance of their official duties, employees of the Department may receive on behalf of the United States drafts in amounts which shall not exceed the sum to be paid or deposited for postal charges and services, under the conditions provided in an authorization prescribed by the Postmaster General.

"(c) If a draft received is not duly paid, the person by whom or on whose behalf such draft has been tendered shall be liable to the United States, to the same extent as if such draft had not been tendered.

"(d) If any draft tendered in payment of

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any amount receivable is not duly paid, in addition to any other penalties provided by law, there shall be paid as a penalty by the person by whom or on whose behalf such draft was tendered, upon notice and demand by the Postmaster General or his delegate an amount equal to 5 per centum of the amount of such draft, except that if the amount of such draft is less than $100, the penalty under this section shall be $5 or the amount of such draft, whichever is the lesser. This subsection shall not apply if the person tendered or caused to be tendered the draft in good faith and with reasonable cause to believe that it would be duly paid."

SEC. 3. The table of contents of chapter 29 of title 39, United States Code, is amended by striking out:

"2403. Adjustment of claims of postmasters and Armed Forces postal clerk."

and inserting in lieu thereof:

"2403. Adjustment of claims of postmasters, other accountable officers, and Armed Forces postal clerks.

"2403a. Payments by check or nonpostal money order."

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-712), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

S. 3397 would relieve postal employees of personal financial liability for accepting personal checks from postal patrons in the course of business.

Under existing law, postal employees may not accept any check or nonpostal money order for the payment of postal costs without becoming personally liable for any loss incurred by the postal service. This severely limits the kind of currency generally used today to pay for postal money orders, c.o.d. charges, and other postal charges. The committee believes it is in the interest of improving the public service of the Post Office Department to authorize greater use of personal checks and nonpostal money orders.

JOB EVALUATION POLICY ACT OF 1970

The bill (H.R. 13008) to improve position classification systems within the executive branch, and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-713), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

STATEMENT

The committee's monitoring of the organization of the Federal service, its specific inquiries into the subject, and its correspondence indicate the need for an inquiry into the current system of job evaluation and ranking as called for by H.R. 13008.

H.R. 13008 as reported by the House of Representatives does not in any way alter existing classification laws. It establishes an orderly procedure for the study of ways to improve current classification with a view to the establishment of a comprehensive plan for the establishment of a coordinated system of job evaluation and ranking. The bill provides for the appointment by the Civil Service Commission of a special organizational unit within the Commission to prepare the plan.

The House report emphasizes that there should be no control over or supervision of the unit by any Commission bureau and that the new unit should be staffed only by employees who are totally freed of other duties. This committee agrees. Civil Service Commission Chairman Robert E. Hampton has advised the committee that, if the bill is enacted, the study unit will be established for administrative and support purposes within the Commission's Bureau of Policies and Standards but shall report directly to the three Commissioners, in accordance with the requirements of the bill.

Mr. MANSFIELD. Mr. President, I thank the distinguished senior Senator from Vermont for his usual courtesy, graciousness and understanding.

The ACTING PRESIDENT pro tempore. The Senator from Vermont is recognized.

DRIVE BY CERTAIN GIANT CORPORATE UTILITIES TO MONOPOLIZE AND COMPLETELY CONTROL ATOMIC POWER

Mr. AIKEN. Mr. President, at this time I wish to bring to the attention of the Senate a matter which should be of national concern.

It vitally affects the public interest and, more specifically, the consumers of the Nation and the environment in which we live.

It is a drive by certain giant corporate utilities to monopolize and completely control atomic power.

This nuclear gold rush for control of atomic power is further compounded by a struggle among the industrial giants—the oil, coal, and utility interests—for what in effect would be monopoly control over all electric power.

For more than 2 years the utility corporations have been steadfastly opposing legislation to provide reasonable regulatory controls under the Atomic Energy Act.

The legislation which they oppose would protect the environment and set up antitrust safeguards that would allow the small investor-owned utilities, municipal electric companies and rural electric cooperatives to share in the benefits of nuclear power.

The ultimate goal of the utilities is apparently to concentrate all electric generation in the hands of 12 to 15 corporations which would have complete understanding among themselves.

This scheme is part of a grand strategy underlying what is called "economy of scale," a slogan which is intended to justify monopoly.

It is similar to the "vertical integration" system which has put the control of the U.S. broiler industry, with the exception of the State of Georgia, in the hands of the large feed manufacturers.

It involves not only nuclear, fossil fuel, and conventional generating plants, but the proposed new fast breeder reactors which will develop their own fuel, and the multi-billion-dollar gaseous diffusion plants that produce enriched uranium used as fuel by commercial atomic plants.

Once competition by small utilities and public bodies has been eliminated, the few remaining giant utilities will be free to make rates and reduce service almost at will, and the consumers will be the ultimate losers.

I am making no idle statement.

It is a fact to those who will take the trouble to look into it.

Wherever public power projects have been established, the private utilities—the corporate utilities—have lowered their rates and increased their services.

Today there are 31 atomic plant applications representing 43 major power reactors under review.

In addition, there are 70 plants under construction or actually generating power and by June 30, 1971, this number will increase to 92.

By 1980 the AEC estimates that there will be 200 installed units capable of generating 150 million kilowatts.

The total investment in these plants, at today's prices, will be about $40 billion, with the annual investment rate reaching $5 billion annually by 1980.

The present capital investment in the plants built, under construction, and on order is almost $15 billion.

Equally important—and this should be emphasized—is the fact that more than $2.3 billion of Federal money was invested in the advance research that made atomic power reactors profitable.

This investment of public money was made by Congress in hopes of developing commercially feasible, competitive atomic power.

Therefore, the municipals, rural cooperatives, and small investor-owned utilities have an inalienable right to share in the benefits of nuclear power.

Mr. President, some of us saw this coming in 1966 and realized that strong steps would have to be taken by the Atomic Energy Commission under existing law to regulate this new atomic power industry.

We also noted that the Atomic Energy Act was deficient in some respects, but pending the updating of the law there is one clear avenue the AEC could take, under existing law, to protect the public interest.

On this point the law is clear and simple.

All the Commission has to do is to find that the reactors now being installed in atomic generating plants have practical value in a commercial sense.

Once this is done, the Commission may proceed to issue a commercial construction license, followed by a license to operate commercially when the plant has been built and is ready to go on the line.

The Commission, however, has up to now shut its eyes to the reality of commercial feasibility and has refused to make a finding of practical value.

In all fairness, I should say that the pressure exerted by proposed legislation now before the Joint Committee on Atomic Energy, of which I am a member, has recently induced a start toward a change of policy.

The Commission has announced the first practical value rulemaking procedure will be started next June, but if the delays in action so far are any indication there will be 70 plants in operation or under construction before this finding is made.

In the meantime, every new plant is

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being licensed as a research project under the medical therapy section of the law.

This deliberate policy of delay is further compounded by the issuance of "research" licenses of 40 years' duration.

No legitimate research project would ever require a 40-year license yet most commercial atomic generating plants do have this latitude.

The failure of the AEC to make any practical value finding naturally pleases the utilities and their friends, because it leaves them free from antitrust regulation.

It should also be pointed out that once a plant gets the initial AEC construction license as a research operation, the utility executives go down the street to the Securities and Exchange Commission and obtain permission to sell bonds on the basis of the profits they anticipate.

In other words, the utilities are successful in having their atomic plants defined as nonprofit "research" undertakings in order to evade the antitrust laws, and as "commercial" ventures when they want to sell stock and make profits.

Nothing could be sweeter for the utilities—or less in the public interest.

Early in 1967, when the nuclear gold rush was gaining momentum, I consulted some of the legal authorities in the power field about legislation to require the Atomic Energy Commission to protect municipal power companies, rural electric cooperatives and small investor-owned private utilities.

A bill amending the Atomic Energy Act was carefully drafted and introduced that same year with the late Senator Robert F. Kennedy as cosponsor.

Others who joined in cosponsorship were Senators ANDERSON, BYRD of West Virginia, Clark, COOPER, JAVITS, KENNEDY of Massachusetts, and METCALF.

Senator Robert Kennedy and I offered this bill, S. 2564, in hopes of getting the Atomic Energy Act amended to prevent a monopoly situation that should not be tolerated.

It was also our hope that we could awaken the general public to a realization that legislative steps must be taken to prevent an unhealthy economic condition from developing.

In the spring of 1968 extensive hearings were held on this bill, which contained four basic requirements:

First. To protect the public health and safety;

Second. To protect and conserve natural resources;

Third. To prevent regional monopoly of electric generation and distribution;

Fourth. To insure an adequate supply of power in areas threatened by shortages.

S. 2564 was welcomed by responsible citizens who were becoming increasingly concerned about protecting our environment from air and thermal pollution, appropriate sitings for nuclear plants, and additional safeguards to assure the continued safety and reliability of nuclear power.

S. 2564 also gave new hope to the municipals, rural electric cooperatives and small private companies, for it was obvious they could not raise the many millions of dollars needed to build atomic plants on their own.

As we expected, our bill was vigorously opposed by the utilities, which had not the slightest intention of complying with the intent of this bill if it could be prevented.

If enacted, S. 2564 would subject them to antitrust control and give the public bodies their fair share of the power generation.

I did not expect this bill would be enacted in its original form, but during the hearings I said that it would serve its purpose if it stimulated a broad and sweeping review of Federal control over all electric generation, with specific amendments to the law to halt the growing nuclear monopoly and provide additional guidelines for environmental safety and reliability.

The bill proved to be landmark legislation because of the interest and concern that is now centered on these problems as to both the benefits and the dangers of atomic power production.

During the 1968 hearings on S. 2564 it became apparent for the first time that the Atomic Energy Commission is not qualified to regulate this new source of power.

Testimony clearly showed that:

First. The Commission is not responsible for the preservation of natural resources;

Second. It does not have the competence for antitrust regulation;

Third. It has no licensing authority concerning regional monopolies;

Fourth. It lacks jurisdiction over the thermal and esthetic effects of atomic power and can only act on matters affecting radiological health and safety, and the common defense and security;

Fifth. The Commission does not have the expertise to license plants commercially because of what one of the Commissioners termed "the complex economic and technical problems encountered in the operation of a utility system."

As the 1968 hearings progressed, it became obvious that the utilities and their friends would do everything in their power to block S. 2564.

The Senator from New Mexico (Mr. ANDERSON) and I therefore introduced a new bill on July 17, 1968, considerably moderated from the original legislation.

Our measure, S. 3851, sought to put the atomic energy industry under the antitrust laws like other business enterprises.

The Joint Committee could not find time for hearings on the substitute bill in 1968, so it was reintroduced as S. 212 in January of 1969.

Early hearings were anticipated but did not materialize.

Last November the Joint Committee opened hearings on S. 212 and a new bill, H.R. 9647, submitted by the Commission to eliminate the practical value requirement and authorize prelicensing antitrust review.

These measures seem to have a very low priority and it is doubtful if the Joint Committee will even complete the hearings this year.

As in the 1968 hearings, the AEC admitted it lacks the competence needed for the economic regulation of nuclear powerplants.

The AEC witness flatly stated that the Federal Power Commission is better qualified to regulate atomic plants.

While the 1969 hearings are still incomplete, there have been several important side effects during this long waiting period.

First. The AEC held the first hearing ever conducted on the financial qualifications of a nuclear powerplant.

The hearing concerned the Vermont Yankee plant now under construction at Vernon, Vt.

I am proud to note, in this connection, that the two Vermont private utilities holding the majority of the stock in Vermont Yankee have agreed to allow our Vermont municipals and rural electric cooperatives to buy shares of stock in the company.

However, other New England utilities —perhaps I should say eastern New England utilities—in the Vermont Yankee combine meanwhile have been blocking some 40 Massachusetts municipals from participation, a situation I hope will change.

The financial qualifications hearings were, to put it mildly, disappointing.

The Massachusetts municipals did appear and press for antitrust relief, but the AEC legal staff gave them no encouragement.

The failure of the AEC lawyers to present evidence for or against Vermont Yankee provoked the hearing examiner to upbraid the AEC staff for not submitting a brief on antitrust.

It was obvious, from this hearing, that the Commission does not understand the antitrust implications of the nuclear power business.

Second. The Justice Department under President Nixon, in language recalling the trust-busting days of President Theodore Roosevelt, has taken a new policy line advocating preconstruction antitrust advice for any utility planning to build a nuclear plant.

In this way the public interest would truly be served, for both the giant company and the small municipal would know its rights well in advance of operation.

Third. In its formal report on S. 212, the Justice Department declared that "any nuclear power facility designed to produce electricity for wholesale or retail distribution is a commercial operation in fact."

Fourth. The Justice Department developed this basic definition in a detailed speech made by the Director of Policy Planning, Antitrust Division, last October 15.

In this speech the Department stated that all utilties, private and public, should have the benefits of nuclear power generation, including the right to buy power at the same prices paid by the owner-utilities, as well as a fair share of any pooling operations.

Fifth. On December 5, the U.S. circuit court of appeals, after an extraordinary hearing with nine justices presiding, issued a decision on the Vermont Yankee and Duke Power antitrust cases.

The nub of this decision was the unanimous opinion that licensees must return

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to the AEC for an operating license, and before the operating license is issued the Commission must determine if the plants are commercially feasible, and if so the Commission must consider any anticipatory antitrust impact.

In spite of this mounting evidence of the need for revision of the Atomic Energy Act in the public interest, there are disturbing indications that the utilities and their friends have no intention of complying with the opinion of the court.

The monopoly seeking utilities do not want antitrust regulation, which indicates quite clearly that antitrust regulation is needed.

I understand that if hearings are resumed on S. 212, an effort will be made to write additional utility benefits into the bill.

One of these changes would assure that the only recourse the independent companies would have to antitrust protection would come after a violation had occurred.

This, of course, would be no protection at all, for a small municipal or private company, once victimized by antitrust action on the part of a giant utility combine, is in no position to defend itself through years of litigation in court.

The small company would be wiped out financially before violation of the antitrust statutes could be proved.

Mr. President, atomic energy is clearly at the crossroads.

We would not have competitive atomic power today had it not been for the brilliant work of AEC scientists in close cooperation with American industry.

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This cooperation developed remarkable new peacetime uses for atomic energy—in biology and medicine as well as industry.

Thanks to this cooperation, our Nation has achieved supremacy in the atomic field.

Then came competitive nuclear power and the AEC found itself suddenly thrown into a strange, new environment—the rugged American marketplace.

The atomic scientists were no longer in their cloistered laboratories at Oak Ridge and Argonne—they were in the mainstream of American competition and were not very good swimmers.

They developed a nuclear power technology that is safe and reliable by all responsible standards but they did not do very well in explaining their achievements to the public.

They are not public relations experts in any sense of the word.

Congress must help build public confidence in the atomic energy program, but first we must give the public sound reason for confidence.

Toward this end, I suggested last August that specific guidelines be developed to provide for:

First. Realistic licensing of nuclear plants;

Second. Careful selection of plant sites to protect the environment;

Third. Specific thermal pollution controls;

Fourth. Antitrust checks on all efforts to own and control atomic power.

The private power companies have not done their part to win public confidence, largely because they have been busy devising ways to exclude public power from the nuclear field.

Mr. President, Congress should enact legislation along the lines I have suggested if the public interest is going to be protected.

I have repeatedly pressed for corrective action, but I have made little progress in the legislative field.

If the private utilities and their friends persist in their efforts to set up a vast nuclear monopoly, then I see no recourse but to turn the regulation of these generating plants over to the States.

In the meantime, we need a thorough investigation of the antitrust aspects of all electric power generation by a committee of Congress that is expert in antitrust law.

I have, therefore, suggested to the senior Senator from Michigan (Mr. HART), an able and respected public servant, who is the chairman of the Judiciary Subcommittee on Antitrust and Monopoly, that his staff review the atomic energy field and, if necessary, hold public hearings on antitrust problems as they may exist in the nuclear field especially and in the entire electric utility industry.

An investigation of this kind could be invaluable in checking monopoly activity of the kind I have indicated.

It might well save the utilities from themselves and ultimate public ownership of all electric generating facilities.

It could also give them a new sense of importance as servants of their customers rather than masters.

Also, it could give assurance to hundreds of smaller power distribution companies, private and public, that this Congress has no intention of letting them be gobbled up and dominated by any monopoly combine which cannot control its own greed.

Mr. MANSFIELD. Mr. President, once again, the distinguished senior Senator from Vermont, the ranking Republican in this body, has given the Membership a good deal to think about, and I commend him for his continued efforts in this field.

This is nothing new for him. The distinguished Senator as I recall has been talking along these lines since the time he was Governor of the State of Vermont. He is one of the most consistent Members of this body, and in his case consistency is always a jewel.

Mr. AIKEN subsequently said: Mr. President, I made a statement earlier today on a matter which is of great importance to the public and, to the United States. Since making the statement I have received word that the Atomic Energy Committee may find time in about 6 weeks to continue hearings on S. 212, which is the bill which was introduced by the Senator from New Mexico (Mr. ANDERSON) and myself.

I appreciate this information whether a continuation of hearings will result in effective legislation or not remain to be seen but I am glad to learn that the committee will likely hold further hearings.

Mr. MANSFIELD. Mr. President, let me say to the Senator from Vermont that both the speech and the statement are a part of the RECORD.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, are we in the morning hour?

The ACTING PRESIDENT pro tempore. That is correct.

RURAL-URBAN IMBALANCE

Mr. MANSFIELD. Mr. President, last Monday I made some remarks about the severe rural/urban imbalance that now exists in this Nation and its adverse effects on our large cities. I note from the RECORD that the senior Senator from Arkansas (Mr. MCCLELLAN) spoke on this subject yesterday.

Population growth and the distribution pattern of our population in my judgment will be among the most critical issues in the decades ahead. In that connection, there are two proposals now pending in the Senate that approach the matter in most constructive ways. I refer first of all to S. 15, the rural job development bill submitted by the distinguished senior Senator from Kansas (Mr. PEARSON). It is designed to provide incentives that will lead to the economic improvement of our smaller cities, our towns and rural areas.

Another measure, S. 2108, is a bill offered by the distinguished senior Senator from Maryland (Mr. TYDINGS). It would encourage massive family planning assistance on a voluntary basis throughout the land. I commend both of these Senators for their leadership in these important areas.

I ask unanimous consent that my name be included as a cosponsor of both S. 15 and S. 2108 at the next printing of each of these bills; and that my statement on this matter be printed at this point in the RECORD.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The statement ordered to be printed in the RECORD, is as follows:

OUR OVERCROWDED CITIES

Mr. President, I am becoming quite concerned about the distribution of our population as between the rural areas and the urban areas; the latter now contain approximately 75 percent of our total population. With that unbalanced shift, with the extreme congestion it has produced we find an increase in crime and all of the many problems that face our large metropolitan areas. We find an increase in drugs on the part of the young. We find hunger, poverty and the full spectrum of sociological, and other difficulties that arise because of the shift in population. That shift has created a severe population imbalance.

I have thought about this problem at

length and I have reviewed recent studies of the matter. What I would like to see is a shift away from the urban areas back to the rural areas, and with it a decentralization of industry, that will first help to solve at least in part the problem of population, which is most important and which will become increasingly significant in the decades ahead. The population of our Nation alone will reach 300 million by the year 2000. It is then estimated that about 80 percent of our people will live in urban areas unless the trend is reversed.

It is a fact that 30 percent of our population occupies 98 percent of our land. It is in this enormous imbalance, in my judgment, that is found—as I indicated—the roots to the misery and squalor that have come to characterize our larger cities. Turning the human tide back from the megalopolis to the countryside must therefore be a task assigned the highest priority.

Of course, at the national level there have been study groups and hearings galore on this subject. In 1967, President Johnson's National Advisory Commission on Rural Poverty reported on "The People Left Behind." There have been many hearings here in the Congress on population problems, including that of heavy migration to the cities from rural areas. The U.S. Chamber of Commerce had a "task force" which told us all about "Rural Poverty and Regional Progress in an Urban Society." The Advisory Commission on Intergovernmental Relations has issued a report on "Urban and Rural America: Policies for Future Growth." There is even a White House Task Force to stimulate rural development. I must say as well that the Senate and just recently the House have adopted S. 2701, calling for a Commission on Population Growth and the American Future. That measure is now at the desk and will be called up for final clearance tomorrow, I am happy to say.

But while the commissions advise, the hearings hear, the savants ponder, and the task forces task, the people of this country need some action; they need a bold new program carefully conceived and designed to meet the problems of population which in the final analysis encompaes all of the problems of people—the environment, employment, education, housing, and all the rest.

Any such program must include a wide measure of consideration for urban/rural imbalance of today. One approach has already been proposed in S. 15, the rural job development bill submitted by the senior Senator from Kansas (Mr. PEARSON). Under this proposal rural industrial and commercial activities would be given Federal incentives in order to create jobs in the countryside which are badly needed and needed now. I commend the able Senator from Kansas for his long-standing battle in behalf of this objective.

Those of us in public life who have always prized the small town and the countryside as a potent source of personal and national strength have found recently some further signs of encouragement for the views we hold. Not long ago, Mr. James Sundquist, a former Deputy Under Secretary of Agriculture and now a senior fellow of the Brookings Institution contributed immensely to the understanding of the rural/urban balance with his article "It's High Time for Americans To Disperse." This provocative dissertation first appeared in the winter issue of the quarterly, the Public Interest, and was reprinted by the Washington Post on Sunday, February 8.

To say the least it is a penetrating analysis. It has occasioned favorable comment in both Houses of Congress. It demonstrates clearly the cause-and-effect phenomenon that exists between our deep and growing urban crisis and the great losses suffered by our rural areas.

There is nothing essentially new about this problem of a rural/urban imbalance. Its roots go back a good many years as expressed in the lyrics of the old song, "How Ya Gonna Keep Them Down on the Farm?" The answer to that question asked about the Doughboys of some 50 years ago lies in our ability now to make attractive those less populated rural areas that, for whatever reason up to now, have only encouraged migration.

In the past, I regeret to say, the matter too often was addressed to little or no avail. It is about time that we focus at length and with a deep commitment on the need for rural improvement and on a national policy for balanced living. Virtually every aspect of the urban crisis—poverty and welfare, employment and crime, housing and health—can be linked directly to the migration from rural America. To state it simply: Too many people live within too little space. That is the problem and it is an old story. Overcrowded cities have bred everything from riots to relief, from pollution to probation, from transit breakdowns to training the unemployed. The crowded and congested living areas are simply becoming uninhabitable.

The case for the town and the small city, long suppressed by the clangorous importunings of megalopolis, was persuasively stated in two important studies. The National Committee on Urban Growth Policy issued its report last May. More recently, intensive research was conducted by the Center for the Study of Local Government at St. John's University, near St. Cloud, Minn.—perhaps the only research center in the country that devotes its attention solely to cities with population between 10,000 and 50,000.

In sum those studies call for solutions; solutions that include rural industrialization, the relocation of installations of the Federal and State governments, the development of outdoor recreational facilities, a revitalized agriculture, improved rural education, and preferred Federal loans—loans for rural water supplies, waste disposal systems, for electric power and for overall economic development.

It has been said that no city can claim that the situation tomorrow will be any better than it is today. If that is the case then the ultimate solution may lie not in the investment made in the city itself but rather in the application of our resources outside the big cities—in the towns and smaller cities and in the countryside. It is indeed time for Americans to disperse. It is high time that we make it possible.

THE WOLFSON STATEMENT THAT HE HAS GIVEN MORE THAN $1 MILLION TO PUBLIC OFFICIALS

Mr. WILLIAMS of Delaware. Mr. President, in today's Washington Post there is published an article entitled "Gave Million to Officials, Wolfson Says."

In this article, Mr. Wolfson is quoted as listing the names of a few public officials who rejected his financial offers, but it does not name those public officials who did allegedly accept his gifts of around $1 million.

This allegation of having paid a million dollars to public officials is a serious charge. I suggest that the Department of Justice attempt to get the identities of these officials from Mr. Wolfson and then take appropriate steps.

This charge should not remain unchallenged.

I ask unanimous consent to have the article I have referred to printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

GAVE MILLION TO OFFICIALS, WOLFSON SAYS

JACKSONVILLE, FLA., March 3.—Louis Wolfson, who figured in the resignation of Supreme Court Justice Abe Fortas, said today he has given more than $1 million to public officials.

"A million won't even touch it," said Wolfson, who served nine months of an 18-month prison sentence after being convicted in connection with the sale of uregistered stock. He was released from prison Jan. 26.

The Florida financier said that several high officials rejected his offers. He said they included former U.S. Ambassador to the United Nations Arthur Goldberg; former Rep. James Roosevelt (D-Calif.); former Florida Gov. LeRoy Collins; Sen. Abraham Ribicoff (D-Conn.), and Bud Wilkinson, former football coach and now special consultant to President Nixon.

Wolfson did not identify any who accepted money from him.

He said he could not separate in his mind, and did not have records available, to show what part of his contributions were for political campaigns and what part were for other purposes.

He told a news conference he twice warned Fortas that a Securities and Exchange Commission investigation of Wolfson's transactions might be embarrassing if the justice maintained a connection with the Wolfson Foundaton.

Wolfson bought Washington's former Capital Transit system in 1949. In 1956, amid charges of deteriorating service, it was sold under congressional pressure and converted to the present D.C. Transit System.

NEW CAB REGULATION DISREGARDS PUBLIC INTEREST

Mr. ERVIN. Mr. President, the February 28 issue of the Federal Register contains the text of a new rule adopted by the Civil Aeronautics Board which utterly disregards the public interest in the field of commercial air passenger service.

The new rule applies to air shuttle operators. It provides that for periods of up to 23 months, information concerning their passenger, mail, and cargo volume shall be closed to the public.

This rule was opposed by six regular airlines, by four air shuttle operators themselves, and by several cities and civic associations who believe that full disclosure of this information is in the best interest of the public.

Indeed, the CAB itself, in announcing the proposed rulemaking, wrote that—

> Disclosure of this information is in accord with public policy favoring the fullest possible disclosure and is in keeping with the Congressional intent in the Freedom of Information Act.

Yet incredibly, after writing those words, the CAB acted to make this information confidential. It did so despite the fact that certificated airlines are required to place their own identical information on the public record. And it did so despite warnings from the four air shuttle operators that even the present scarcity of data has hampered expansion in the air shuttle industry.

The air shuttle operators who supported this new rule admitted to the CAB that they did so because they fear competition. Their argument was thoroughly successful, for the CAB sought to justify the new rule by claiming that—

> Immediate disclosure of such information would subject a commuter carrier to a competitive disadvantage.

The CAB went on to maintain that an air shuttle's volume of passengers, mail, and cargo is "of a proprietary nature, in the category of trade secrets."

Mr. President, I find that reasoning absurd. As one air shuttle owner who opposed the rule wrote the CAB:

> The commuter carrier who provides good service should have nothing to fear from disclosure.

Seldom have I seen such an open disregard of the public interest as the CAB demonstrated in adopting this new rule to discourage competition. Let me quote for the Senate some of the reasons given to the CAB by air shuttle owners who wanted this information kept secret:

> Command Airways, Inc., Wappinger Falls, New York, May 14, 1969:
>
> ". . . Since anyone can begin a Commuter Air Carrier operation, traffic statistics could be used, disadvantageously, against an established carrier."
>
> Metro Commuter Airlines, Inc., Denver, Colorado, May 27, 1969:
>
> "Public disclosure of passenger or cargo moved would give unfair advantage to potential competitors. . . ."
>
> Davis Airlines, Bryan, Texas, June 10, 1969:
>
> "We believe that any exposure of our route data would provide data of value to a competitor or potential competitor."
>
> Florida Airlines, June 16, 1969:
>
> (Disclosure) "invites and assists cutthroat competition."

One can only surmise, Mr. President, why Florida Airlines objects to competition from other air shuttle companies while it has no objection to using route data from regular airlines to its own advantage. I continue:

> Provincetown-Boston Airlines, Inc., June 13, 1969:
>
> "Disclosure could very well induce harmful competition. . . . A successful operator should not be forced into a non-profitable, competitive fight."

Balance those claims against the words of Mr. Herbert L. Lande of New York City, a well-known financial consultant to airlines, writing generally to the CAB about its performance:

> The lack of Board action has allowed continuation of haphazard, uneconomic development and passengers are measurably suffering.

And listen to the arguments of the air shuttle owners, airline companies, and municipal organizations who wrote the CAB favoring full disclosure of this information:

> Eagle Flight Airways, Inc., Hillsboro, Oregon, May 21, 1969:
>
> "Eagle Flight feels no useful economic purpose is gained by withholding information from the public . . . The obtaining of this information and dissemination of it to the public would greatly assist the planning of the future of the air taxi business . . . The cloaking of traffic data reports with an aura of secrecy and confidence is not in the best interest of the public."
>
> Hawaiian Airlines, Inc., June 5, 1969:
>
> "As a matter of basic fairness, traffic data now required to be submitted by commuter air carriers should also be made available to the public."

I ask the Senate to compare the above statement to section 1302(c) of the Federal Aviation Act, which provides that the CAB shall encourage:

> "(c) The promotion of adequate, economical and efficient service by air carriers at reasonable charges, without unjust discrimination, undue preferences, or advantages, or unfair or destructive competitive practices; . . ."

It seems to me that if the CAB requires the airlines to disclose this information to the benefit of their competitors, it should require the same of air shuttle operators who are vying for business along many regularly scheduled airline routes. I continue with comments which the CAB ignored:

> Continental Air Lines, June 4, 1969:
>
> "Full disclosure would be of value to the commuter carriers themselves, to the trunklines, and to the traveling public by providing a basis for joint services and promotion."
>
> Executive Airlines, Inc., June 16, 1969:
>
> "Freedom of entry, without franchise protection has been and is a preordained fact of life for the air taxi industry. Nonetheless, the industry has grown and thrived on this basis . . . The commuter carrier who provides good service should have nothing to fear from disclosure."
>
> San Francisco-Oakland Helicopter Airlines, Inc., June 16, 1969:
>
> "This is hardly fair."
>
> Texas International Airlines, Inc., June 16, 1969:
>
> "The Board's policy has been to require public disclosure of traffic data submitted to it. The Board has not protected the certificated trunk and local service airlines from knowledgeable competition by the air taxis. There is no cogent reason at this point for the Board to reverse this policy . . ."
>
> Mohawk Airlines, Inc., June 13, 1969:
>
> "Full disclosure of this information is in accord with the best interests of the public and is in keeping with congressional intent in the Freedom of Information Act."
>
> Wright Air Lines, Inc., Cleveland, Ohio, June 16, 1969:
>
> "We believe that full disclosure will result in considerable savings . . . in costs for liability insurance."

Other groups also supported full disclosure in their comments to the CAB. They included Caribbean Atlantic Airlines, the cities of Green Bay, Wis.; Kansas City, Mo., and Denver, Colo., the Columbia, S.C., Metropolitan Airport, and Anjil Airlines.

In a joint statement, the Air Line Dispatchers Association, the Air Line Employees Association, the Air Line Pilots Association, the Airline Division, International Brotherhood of Teamsters, the International Association of Machinists, and the Transport Workers Union, AFL-CIO, had these comments:

> The public has an important stake in free competition in this industry. . . . To impair that competition by superimposing a cloak of secrecy on the reports of commuter air carriers would protect the interests of carriers which cannot compete effectively and thereby deprive the public of the significant benefits of free and open competition.

Yet the CAB disregarded these statements. And it disregarded as well section 1302(d) of the Federal Aviation Act, which provides that the Board in its actions shall promote:

> 1302(d) Competition to the extent necessary to assure the sound development of an air-transportation system properly adapted to the needs of the foreign and domestic commerce of the United States, of the Postal Service, and of the national defense;

The Board was candid in ignoring these purposes. It maintained that disclosure would invite competition in markets they—the existing shuttle owners—had developed.

Mr. President, I can find no better reason for making this information public. Open competition is not only central to the intent of the Federal Aviation Act, it has been the foundation of our Nation's antitrust laws.

The CAB's new rule effectively forecloses any immediate chance of reductions in passenger fares, cargo rates, or mail costs. It will also hinder the needed expansion and improved service in the air taxi industry. And it promotes not competition, but monopoly and economic bigness.

Mr. President, if the CAB is unwilling to execute the will of the Congress as embodied in the Freedom of Information Act and the Federal Aviation Act, then I believe it is the responsibility of the Congress to take action. Under the doctrine of separation of powers, the Congress must insure that its decisions are effected by the executive branch of Government.

The Civil Aeronautics Board would have us believe that it is an independent administrative agency. That is not true. It is independent only when the Congress fails to oversee its work and allows it to take actions which thwart the purpose of statute.

I call on the CAB to withdraw this new rule and to invite new criticisms of it. I remind the CAB that if it does not act itself to make this information public, the Congress may place it in the CONGRESSIONAL RECORD for wide distribution.

When the CAB first sought comments on this rule, few representatives of the public responded. Those who did respond were ignored. It is my hope that if and when the CAB reconsiders this matter, it will reconsider it with the intent of serving the public interest.

Mr. President, I ask unanimous consent that the full text of the CAB's new rule be printed at this point in the RECORD.

There being no objection, the text was ordered to be printed in the RECORD, as follows:

Chapter II—Civil Aeronautics Board

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. ER-605; amdt. 5]

PART 298—CLASSIFICATION AND EXEMPTION OF AIR TAXI OPERATORS

Confidentiality of Traffic Data in Reports of Commuter Air Carriers

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 24th day of February, 1970.

In a notice of proposed rule making EDR-161,[1] the Board proposed to amend Part 298 to withhold from public disclosure, either completely or for 6 months after the filing

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[1] Issued May 9, 1969, published at 34 F.R. 7708, Docket 20984.

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date, the origin and destination of traffic reported by commuter carriers on schedule T–1 of CAB Form 298–C.[2] Pending resolution of the question, the Board ordered that reports by commuter air carriers on schedule T–1 be held confidential.

Comments were filed by 14 commuter air carriers, six certificated route air carriers, six civic bodies or airport authorities, the National Air Transportation Conferences, the Air Line Pilots Association in a joint statement with five other airline employees unions, the Department of Transportation, and a financial consultant. Ten of the commuter carriers and the air taxi trade association NATC oppose public disclosure because they enjoy no route protection and disclosure of specific market data would invite competition in markets they had developed. The other respondents support disclosure.[3] Several respondents suggest that disclosure of schedule T–1 data concurrently with the certificated route carriers' O&D survey results would not impair the usefulness of the data insofar as planning for airports and facilities is concerned. The certificated route carriers contend that, since scheduled air taxis are intensely competitive on certain of their routes and their data are public records, the certificated carriers have a right to access to the commuter carriers' data. Four commuter carriers argue that the scarcity of reliable data has hampered the development of the air taxi industry, and that disclosure will lead to a more healthy climate in the industry. The Department of Transportation asks that the traffic data be made available to it for official uses even though they may be completely or temporarily withheld from public disclosure.

We have carefully considered all the arguments and views as to whether specific market data of individual commuter carriers should be disclosed and, if so, at what time and in what manner. Because air taxi operators are free to enter or to abandon any market at will, the volume of traffic developed in a market through the commuter carrier's efforts is information of a proprietary nature, in the category of trade secrets, and immediate disclosure of such information would subject a commuter carrier to a competitive disadvantage in relation to another air taxi operator. This situation does not exist with respect to points certificated to route carriers. Because of this lack of route protection and other competitive factors, we do not believe that treatment of certificated route carriers' O&D surveys is necessarily any guide for treatment of commuter carriers' O&D data. The O&D surveys are based on a continuing 10 percent sample of passenger traffic only, whereas commuter carriers report totals for passengers, cargo, and mail in each market. To the extent that schedule T–1 data reflect the success of experimentation in an open market, such data have the privileged nature of flight segment data which reflect scheduling experiments of certificated route carriers in regulated markets.

While the current rule making proceeding to amend Part 298 was pending, the Board determined the issue of the proper treatment of flight segment data in a rule making proceeding to amend Part 241. In Regulation ER–586,[4] the Board effected an accommodation between the needs of the carriers for protection from competitors and the public's right to know by granting limited confidential treatment to service segment data. Specifically, section 19–6 of Part 241 provides that service segment data will be withheld from public disclosure for 12 months following the close of the calendar year to which the data relate, subject to disclosure to U.S. Government agencies, to parties in formal Board proceedings where the data are shown to be material and relevant, and to other persons where the Board finds disclosure to be in the public interest. We shall therefore adopt this rule in preference to either rule proposed in EDR–161.

Inasmuch as the first quarterly reports have been filed and schedule T–1 is being held confidential pursuant to ER–574, we find that 30 days' notice is not required in the public interest and the rule should be made effective immediately. Accordingly, the Board hereby amends Part 298 of the Economic Regulations (14 CFR Part 298), effective February 24, 1970, as follows:

1. Amend the table of contents by adding § 298.66 as follows:

Sec.
298.66 Public disclosure of schedule T–1 data.

2. Add § 298.66 to read as follows:

§ 298.66 Public disclosure of schedule T–1 data.

Data reported on schedule T–1 of CAB Form 298–C shall not be disclosed, prior to 12 months following the close of the calendar year to which the data relate, except as follows:

(1) To parties to any proceeding before the Board to the extent that such data are relevant and material to the issues in the proceeding upon a determination to this effect by the hearing examiner assigned to the case or by the Board. Any data to which access is granted pursuant to this section may be introduced into evidence, subject to the normal rules of admissibility of evidence.

(2) To agencies and other components of the U.S. Government. The Board will make other disclosure of the subject data, upon its own motion or upon application of any interested person, when the Board finds the public interest so requires. The Board may, from time to time, publish summary information compiled from the traffic data in a form which would not identify individual carrier data.

(Secs. 204, 416, and 1104, Federal Aviation Act of 1958, as amended, 72 Stat. 743, 771, 797; 49 U.S.C. 1324, 1386, 1504)

By the Civil Aeronautics Board.
Effective: February 24, 1970.
Adopted: February 24, 1970.
[SEAL] HARRY J. ZINK,
Secretary.

[F.R. Doc. 70–2481; Filed, Feb. 27, 1970; 8:48 a.m.]

SENATE JOINT RESOLUTION 178—THE THREATENED RAILROAD STRIKE

Mr. GRIFFIN. Mr. President, on yesterday, shortly before the Senate adjourned, I introduced on behalf of the administration Senate Joint Resolution 178, to put into effect the agreement reached between the union representatives for the railroad shop craft unions and management. The agreement was actually ratified by the overall majority of all the union members voting but was not ratified by a majority of the members of one of the unions.

This resolution was referred to the appropriate committees on both sides of the Capitol. I want to commend the leadership of the majority side and the chairman of the Committee on Labor and Public Welfare for very promptly and expeditiously holding hearings this morning on this very important recommendation by the administration.

I do not know what the recommendation of the committee will be but, of course, I know that the administration hopes Congress will realize the gravity of the situation and what the consequences to the Nation would be if we were to stand by and see this strike take effect.

It would be my earnest hope that, before the day is out, that Congress will take action on this important legislation.

I want to emphasize that this action would not be unusual, that it is not unprecedented. Under the Kennedy administration and the Johnson administration, we were faced with somewhat similar circumstances, situations where every effort had been made by the administration to resolve the dispute in this industry and where, after exhausting all the remedies and all the procedures available to the executive branch, there was no choice but to take legislative action. At least in one of those instances, as I recall, Congress put into effect not the agreement reached——

The PRESIDING OFFICER (Mr. HUGHES in the chair). The time of the Senator from Michigan has expired.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senator from Michigan be permitted to proceed for an additional 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRIFFIN. Mr. President, although I may have to check my facts, I seem to recall in at least one of those instances, that Congress put into effect not an agreement reached by the parties, as is the case here, but only a recommendation that had been made by the Board.

In this instance, I would suggest that there is a good deal more reason and equity for action, particularly since we are only giving legal effect to an agreement actually reached by the parties and which was actually ratified by a majority of the employees affected, even though we are confronted with a technical circumstance that a majority of the employees of one of the particular unions did not see fit to ratify the agreement.

I would ask unanimous consent, Mr. President, that the text of Joint Resolution 178 be printed in the RECORD at this point and also that a copy of the statement presented this morning by the administration before the Committee on Labor and Public Welfare also be printed in the RECORD.

There being no objection, the resolution and statement were ordered to be printed in the RECORD, as follows:

S.J. RES. 178

Joint resolution to provide for the settlement of the labor dispute between certain carriers by railroad and certain of their employees

Whereas the labor dispute between the carriers represented by the National Railway Labor Conference and certain of their employees represented by the International Associations of Machinists and Aerospace

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[2] Regulation ER–574, adopted April 23 and effective July 1, 1969, created the class of "commuter air carriers" and prescribed CAB Form 298–C.

[3] The financial consultant is neutral about disclosure but takes the position that solution of the air taxis' problem is route protection and fair controls.

[4] EDR–146, Docket 20290, issued Sept. 25, 1968; Regulation ER–586, adopted Aug. 6, 1969, effective Jan. 1, 1970; effective date postponed to July 1, 1970, by Regulation ER–597, adopted Dec. 11, 1969.

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Workers; International Brotherhood of Boilermakers, Iron Shipbuilders, Blacksmiths, Forgers and Helpers; Sheet Metal Workers' International Association; International Brotherhood of Electrical Workers functioning through the Employees' Conference Committee, labor organizations, threatens essential transportation services of the Nation; and

Whereas all the procedures for resolving such dispute under the Railway Labor Act have been exhausted; and

Whereas the representatives of all parties to this dispute reached agreement on all outstanding issues and entered into a memorandum of understanding, dated December 4, 1969; and

Whereas the terms of the memorandum of understanding dated December 4, 1969, were ratified by the overwhelming majority of all employees voting and by a majority of employees in three out of the four labor organizations party to the dispute; and

Whereas the failure of ratification resulted from the concern of a relatively small group of workers concerning the impact of one provision of the agreement; and

Whereas this failure of ratification has resulted in a threatened nationwide cessation of essential rail transportation services; and

Whereas the national interest, including the national health and defense, requires that transportation services essential to interstate commerce is maintained; and

Whereas the Congress finds that an emergency measure is essential to security and continuity of transportation services: Now, therefore, be it

Resolved by the Senate and House of Representative of the United States of America in Congress assembled, That the memorandum of understanding, dated December 4, 1969, shall have the same effect (including the preclusion of resort to either strike or lockout) as though arrived at by agreement of the parties under the Railway Labor Act (45 U.S.C. 151 et seq.) and that the date of enactment of this resolution shall be deemed the "date of notification of ratification" as used in this memorandum of understanding.

STATEMENT BY SECRETARY OF LABOR GEORGE P. SHULTZ, BEFORE THE SENATE COMMITTEE ON LABOR AND PUBLIC WELFARE, MARCH 4, 1970

Yesterday the railroad shopcrafts announced that they were calling a strike against the Nation's railroads beginning at 12:01 a.m. EST Thursday, March 5th.

The Executive Branch of the Government has no more tools to avert this strike. All the procedures of the Railway Labor Act have been exhausted. Informal procedures beyond the Act have been tried, also to no avail. We are reluctant to bring this dispute before the Congress but we believe that the public interest must be protected. We come to you with a proposal that leaves collective bargaining as free as possible consistent with the protections of the public interest.

The strike announcement is the final stage of a process that began over 15 months ago when the unions served their section 6 notices on the Nation's railroads. The parties have been unable to settle their dispute by themselves; the N.M.B. was unsuccessful in its mediation service. A Presidential Emergency Board made recommendations but these also did not yield a settlement. With the aid of our mediation efforts the parties finally reached agreement reflected in a Memorandum of Understanding.

That Memorandum of Understanding, however, did not end the dispute. The Memorandum was subject to a ratification vote by union members, and while the Memorandum was ratified by 3 of the 4 unions and by a majority of those voting, the Sheet Metal Workers announced that a majority of their members voting had rejected the agreement. The Sheet Metal Workers represent only about 6,000 of the 47,000 shopcraft mechanics and our best information is that only about 2,000 of them voted against ratification. But that vote of less than 5% of the shopcraft mechanics has frustrated an exhaustively bargained agreement.

Following the rejection of the agreement there have been additional negotiations, additional attempts at mediation, but all to no avail. After the rejection of the agreement and the failure to make progress in further negotiations, the union struck the Union Pacific Railroad on January 31. The Carriers announced that they would institute a nationwide lockout if this strike continued and the unions and the carriers brought litigation to restrain the strike on the one hand and the lockout on the other. Temporary restraining orders against the strike and lockout were issued and were continued until March 2 when the court issued a preliminary injunction against a strike of the Union Pacific or any selected carrier.

This Nation cannot tolerate a nationwide railroad strike. As the Secretary of Transportation will affirm, over 40% of the inter-city freight moves by rail and the railroads carry over 600,000 commuters daily. The strike's impact would be immediate and the pressures would build up each day it continued. Pressures would be felt immediately by coal mining, major chemical industries, perishables and foodstuffs, mail and passenger service. Within a week water purification would be hampered, automotive production cut back and the construction industry seriously curtailed. If the stoppage continued, the impact would be felt in wider and wider circles of the economy.

This nationwide disaster, for that is what a railroad strike would be, would be caused by the vote of less than one half of 1% of all employees of the railroads and by less than 5% of the shopcraft employees.

The legislation which we propose to avert this disaster is simple. We propose that the Congress declare as the contract of the parties the Memorandum of Agreement negotiated by the parties and favored by a majority of the union members voting on it. Free collective bargaining came within an eyelash of producing this result. You would not be imposing a government dictated settlement, but just requiring the parties to abide by the terms and conditions of employment that they themselves worked out.

The Memorandum provides a series of retroactive and prospective increases totaling 68¢ an hour over the two-year term of the agreement. On enactment of this Resolution, the journeyman mechanics' basic wage rate will go from $3.60 per hour to $4.20 per hour. In addition, mechanics will get in excess of $500 in retroactive pay when this Agreement is put into effect. The only aspect of the Agreement over which there is still disagreement, and this only with one of four unions involved, is the so-called incidental work rule. This rule which permits performance of a limited amount of work across craft lines was the basis for the Sheet Metal workers opposition to the agreement. Though the other crafts have agreed to it, the Sheet Metal workers have remained opposed. We understand that rules similar to that contained in the Memorandum of Understanding are already in effect in many of the Nation's railroads.

The entire text of the agreement is attached to my statement and I will be pleased to answer any more detailed questions about its contents.

Mr. MANSFIELD. Mr. President, I have listened with interest to the remarks of the distinguished acting minority leader and, like him, I am aware of the difficulties which confront this Nation if this strike goes into effect at 12:01 tomorrow morning.

The President has made his views known, has sent his suggestions and recommendations down, and as far as the Senate is concerned, as the distinguished Senator from Michigan has indicated, hearings are being held at this moment by the Committee on Labor and Public Welfare.

So, up to this time the Senate is facing up to its responsibility. However, most respectfully, I would like to make a suggestion to the administration, and that is that the President call down the parties to the potential strike and see if on the basis of personal persuasion it might not be possible to bring to their attention the difficulties and the dangers which will confront this Nation as the result of a nationwide rail strike and see if in some way a modicum of understanding and tolerance and appreciation of these facts could be brought about to the end that in that way all possible avenues would have been explored, all means would have been undertaken to try to avert this strike before the deadline occurs at 12:01 tomorrow morning.

Mr. GRIFFIN. Mr. President, I have listened with interest to the remarks just made by the distinguished majority leader. I would not attempt, of course, to try to speak for the White House in regard to the suggestion that has just been made. However, I know that the administration has taken every step and gone to great lengths, acting through Secretary of Labor Shultz, to do everything possible and within reason to reach a settlement in this disturbing rail dispute. Whether there is anything further that could be done meaningfully is something I cannot say. But it seems to me that Congress should take the administration at its word that it has done everything it can possibly do. The deadline has been extended several times, as I recall the facts. All procedures available have been exhausted.

I think that it might be said, or at least it should not be overlooked, that the situation underscores the importance of legislation which the administration sent to Congress last week—legislation of a more general nature which would provide the President with better procedures and more tools with which to deal generally with not just the railroad industry but other modes of transportation as well.

Certainly, I think what has happened here with respect to the railroad industry should spur Congress, and the Senate in particular, to take early action to consider the general legislation proposed by the administration. In the meantime, faced as we are with this specific threat, I do not think it is the time to be trying to shift responsibility back and forth.

The administration has carried the responsibility and has done everything it could possibly do. It has called upon Congress now to take action. And I think Congress should face up to its responsibility.

Mr. MANSFIELD. Mr. President, may I say that I find no disagreement with what the acting minority leader has said. The administration has faced up to its responsibility in the person of Mr.

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Shultz, a very able man. It has been trying to do everything it can possibly do.

It is not a case of throwing the ball back and forth or riding on a seesaw. The Senate will face up to its responsibility as far as its appropriate committee is concerned.

All I did was to try to throw out a suggestion which might or might not be helpful—the administration may have already given consideration to the suggestion—the suggestion that the prestige of the White House and the office of the Presidency be called upon directly and in that way avoid a strike if at all possible. And, if not possible, of course, as the administration has done, this body will face up to its responsibility and do what has to be done on the basis of the decision of the majority.

As far as the general legislation sent up last week is concerned, it, of course, is entitled to consideration at the first opportunity. And I am certain that the Committee on Labor and Public Welfare will respect the recommendations of the President, will hold hearings, and any suggestion from any President is entitled to at least that modicum of consideration.

DEPARTMENTS OF LABOR, AND HEALTH, EDUCATION, AND WELFARE, AND RELATED AGENCIES APPROPRIATION BILL, 1970—CONFERENCE REPORT

Mr. MAGNUSON. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 15931) making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1970, and for other purposes. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. The report will be read for the information of the Senate.

The legislative clerk read the report.

(For conference report, see House proceedings of March 3, 1970, page 5741, CONGRESSIONAL RECORD.)

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. MAGNUSON. Mr. President, I have a short statement to make on behalf of the conferees. I need not remind the Senate or anyone else of the long, tortuous path of the appropriations bill for the Departments of Labor, and Health, Education, and Welfare, and related agencies for fiscal year 1970 has taken. The Senator from New Hampshire and I are relieved to get the matter completed. We may not agree with everything we have ended up with, but there was a sigh of relief as far as we were concerned upon completion of the matter.

Mr. President, the Senate and House conferees this afternoon agreed on its differences in the new appropriation bill, H.R. 15931, to the Departments of Labor-Health, Education, and Welfare and related agencies for fiscal year 1970.

The conference figure on H.R. 15931 is $19,381,920,200, which is $579,681,500 over the current request of $18,802,238,700; $365,233,000 under the amount enacted in H.R. 13111 of $19,747,153,200; $773,794,500 over fiscal year 1970 budget estimates of $18,608,125,700; and $153,616,400 over comparable appropriations, 1969 of $19,228,303,800.

All of these comparisons, of course, exclude the 1970 advance of $1,010,814,300 appropriated in 1969. Comparisons do not take into account the effect of section 410 relating to the plan to achieve a 2-percent reduction of approximately $347 million with a limitation of a 15-percent reduction applied to line items of this bill adopted by the Senate.

On the floor of the House this afternoon by a vote of 228 to 152, the House Members instructed their conferees to accept the five Senate amendments to the second House bill after the veto. One of these amendments dealt with Public Law 874, impacted area funds. Another amendment dealt with the discretionary authority allowing an overall reduction of 2 percent in the total amount of this bill. Under the discretionary authority provided in this bill, the administration is suggesting a reduction of $347,296,850. This would reduce the amount of funds provided in this bill to $19,034,623,350, which is $232,384,650 over the current request; $712,529,850 under the amount enacted in H.R. 13111; $426,497,650 over the fiscal year 1970 budget estimate; and $193,680,450 under comparable appropriations in 1969. The remaining three amendments, which we are all familiar with, were civil rights amendments dealing with busing and freedom of choice.

These amendments were accepted by the House. In a very unusual spirit of compromise they accepted the entire Senate bill. Therefore, the Senator from New Hampshire (Mr. COTTON) and I had the privilege of just meeting and signing the conference report, inasmuch as they took the entire Senate bill.

Mr. COTTON. Mr. President, will the Senator yield?

Mr. MAGNUSON. I yield.

Mr. COTTON. It should be emphasized that the House made its decision by a rollcall vote.

Mr. MAGNUSON. The Senator is correct. They made their decision by a rollcall vote. They instructed the conferees by a vote of 228 to 152 to accept the five amendments. I hope this becomes a common practice and a habit with the House.

Mr. President, I ask unanimous consent to have printed in the RECORD two tables, one with a narrative explanation, on the Labor-Health, Education, and Welfare and related agencies appropriation bill, H.R. 15931, for fiscal year 1970. The first table relates to section 410 and the tentative reductions that the administration will plan to execute in its effort to achieve a 2-percent reduction in this bill amounting to approximately $347 million. Although these reductions accomplish the intent of the language in the so-called Cotton-Eagleton amendment, I have some differences of opinion and I am not entirely pleased with specific areas the administration has chosen to make these reductions. The bill as now agreed to in conference, in my opinion, leaves many important programs critically short of adequate funds; specifically, I am disappointed in the reduction that now occurs in the National Institutes of Health, particularly the health manpower area, the regional medical programs, and several items within the Office of Education. However, the Congress has worked its will on this confrontation with the administration, and I hope that fiscal conditions in the upcoming year will allow for some increases above the appropriation bill for fiscal year 1970. The second table relates to the action that has transpired on this important and very complicated bill beginning with the new President's budget in April of last year, and those actions taken by the Congress on the vetoed bill, H.R. 13111 and, in addition, on the new appropriation bill, H.R. 15931.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

HEW PLAN FOR A 2-PERCENT REDUCTION FROM SENATE BILL MAKING 1970 APPROPRIATIONS FOR LABOR-HEW (H.R. 15931)

Enclosed is a plan developed by the Department of Health, Education, and Welfare to achieve a 2 percent reduction in appropriations as required by Section 410 of H.R. 15931, as passed by the Senate.

Section 410 reads as follows:

"From the amounts appropriated in this Act, exclusive of salaries and expenses of the Social Security Administration, activities of the Railroad Retirement Board, operations, maintenance, and capital outlay of the United States Soldiers' Home and payments into the Social Security and Railroad Retirement trust funds, the total available for expenditure shall not exceed 98 per centum of the total appropriations contained herein: Provided, That in the application of this limitation, no amount specified in any appropriation provision contained in this Act may be reduced by more than 15 per centum."

Section 410 requires that the amount of the total bill be reduced by approximately $347 million, 2 percent of the total amount of appropriations provided in the bill.

The enclosed plan would achieve this $347 million reduction by—

1. First, eliminating all funds in the bill above the President's alternative budget as proposed to the House on February 2—to the extent permitted by the 15 percent limitation in Section 410.

2. Next, it would eliminate all funds in excess of President Nixon's original budget as submitted to the Congress last April—to the extent permitted by the 15 percent limitation.

3. The plan does not call for any reduction in appropriations provided in the bill for impacted area aid, basic grants to States for vocational education, and hospital construction under the Hill-Burton program.

Although the above steps, with the three exceptions noted, would eliminate increases over the President's budget—to the extent permitted by the 15 percent limitation—they would not produce sufficient reductions to achieve the full $347 million required by Section 410. Thus, further reductions are required, each of which would reduce selected items below the levels proposed in the President's original budget of last April. Four different actions would be taken, as follows:

The Work Incentive program would be reduced by $18 million because current estimates show these funds are not likely to be needed until 1971. The 1971 budget provides an increase for the Work Incentive program.

Three items of reduction are proposed related to activities which would be reduced to lower funding levels in the 1971 budget, recently submitted to Congress. These are: (1) College Teacher Fellowships under

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Higher Education (reduction of $7.4 million); (2) College Library Resources (reduction of $2.6 million); and (3) Foreign Language and Area Studies (reduction of $2.7 million).

In addition to the above, $21 million placed in reserve last summer as a part of the President's plan to reduce 1970 outlays will continue to be held in reserve. These items are reflected in the enclosed plan. It should be noted that $15.2 million previously placed in reserve from funds budgeted for the National Heart and Lung Institute and the National Cancer Institute *will be released* from reserve. These funds are being released in order to expedite the increased heart and cancer research effort identified by the President in his 1971 budget.

Because of the 15 percent limitation and the fact that it applies to all amounts specified within the Act, it becomes necessary to drop the $10 million in rubella funds added for 1970. The Department still believes that it can maintain its original program for rubella vaccination without this $10 million. Should it prove that additional rubella funds are required later in the year, consideration would then be given to the release of this $10 million from reserve and the identification of some other form of savings to take its place.

It should be noted that the plan differs from the one provided by the Department to the Senate on February 26 which was used as a basis for determining the effect of Section 410—before the so-called "perfecting amendment" sponsored by Senator Eagleton was approved. The approval of this additional proviso on the floor of the Senate makes the original plan presented to the Senate on February 26 inoperable. The February 26 plan, as originally presented to the Senate, called for reduction aggregating to $107.8 million to be taken against activities within appropriations—not permitted by the Eagleton proviso. Thus, a new plan was required.

In summary, the enclosed plan would reduce the House bill by $347 million, 2 percent. It would still result in a 1970 budget for the Department of Health, Education, and Welfare that is $232 million above the aggregate level proposed by the President in his February 2 letter to the Speaker of the House and about $550 million above the aggregate appropriation level for the Department as proposed in the President's original budget of April 1969.

Plan for making 2-percent reduction in Labor-HEW appropriation bill—Summary (in millions)

	Proposed reduction
Reductions in congressional increases beyond the President's:	
Alternative budget	−$239
April budget	−55
Selected reductions below the President's budget:	
Planned reserves	−22
Programs slated for reduction in 1971 budget	−13
Slippage in program plans	−18
Total reduction	−347

PLAN FOR MAKING 2-PERCENT REDUCTION IN LABOR-HEW APPROPRIATION BILL, HEALTH AND WELFARE

[In millions]

	Congressional increase	Proposed reduction
Air pollution control	+$14	−$7
Mental health	+10	−7
Partnership for health	+10	−10
Regional medical programs		−3
District of Columbia medical facilities	+10	−1
NIH research institutes	+57	−64
Health manpower:		
Institutional support	+6	−6
Direct loans	+16	−16
Other NIH	+2	−1
Work incentives		−18
Rehabilitation facilities	+4	−1
Mental retardation	+4	−3
Maternal and child health	+2	−4
Other SRS		−3

PLAN FOR MAKING 2-PERCENT REDUCTION IN LABOR-HEW APPROPRIATION BILL, EDUCATION

[In millions]

	Congressional increase	Proposed reduction
Elementary and secondary:		
Title I	+$171	−$58
Bilingual education	+15	−4
State grants for equipment, library books, and counseling	+111	−17
SAFAA	+318	
Education professions development	+13	−12
Higher education:		
Undergraduate construction	+33	−5
NDEA loans	+67	−33
College teacher fellowships		−7
Vocational education:		
Grants to States	+70	
Other programs	+45	−24
Libraries and community services	+41	−22
Education for the handicapped	+14	−15
Other		−5

CHANGES IN THE HEW APPROPRIATION STRUCTURE

	Number of appropriations		Changes	
	1970 budget	1971 budget	Additions	Deletions
Food and Drug Administration	1	1		
Environmental Health Service	4	4		
Health Services and Mental Health Administration	14	13		−1
National Institutes of Health	21	21	+1	−1
Subtotal, health	40	39	+1	−2
Office of Education	15	11		−4
Social and Rehabilitation Service	11	8		−3
Social Security Administration	6	5	+2	−3
Special institutions	9	5		−4
Departmental management	7	3	+2	−6
Total, Department of HEW	88	71	+5	−22

HEW PLAN FOR 2-PERCENT REDUCTION FROM SENATE BILL MAKING 1970 APPROPRIATIONS FOR LABOR-HEW (H.R. 15931)

				Plan to achieve 2-percent reduction	
Agency	1970 budget	Administration alternative (Feb. 2, 1970)	Senate bill	Amount of reduction	Amount available after reduction
Consumer Protection and Environmental Health Service	$229, 477, 000	$236, 522, 500	$242, 522, 500	−$6, 750, 000	$235, 772, 500
Health Services and Mental Health Administration	1, 030, 441, 000	1, 033, 639, 000	1, 072, 139, 000	−21, 694, 000	1, 050, 445, 000
National Institutes of Health	1, 448, 610, 000	1, 478, 300, 000	1, 523, 294, 500	−87, 346, 500	1, 435, 948, 000
Scientific activities overseas	3, 455, 000	3, 455, 000	3, 455, 000		3, 455, 000
Subtotal	2, 711, 983, 000	2, 751, 916, 500	2, 841, 411, 000	−115, 790, 500	2, 725, 620, 500
Office of Education	[1] 3, 197, 634, 000	[1] 3, 535, 747, 000	[1] 4, 016, 034, 000	−201, 879, 350	3, 814, 154, 650
Social and Rehabilitation Service	8, 451, 856, 000	8, 391, 020, 500	8, 400, 920, 500	−29, 627, 000	8, 371, 283, 500
Social Security Administration	2, 014, 864, 000	2, 014, 564, 000	2, 014, 564, 000		2, 014, 564, 000
Special institutions	62, 409, 000	62, 723, 000	62, 723, 000		62, 723, 000
Departmental management	35, 160, 000	34, 734, 000	34, 734, 000		34, 734, 000
Total, Department of Health, Education, and Welfare	16, 473, 906, 000	16, 790, 705, 000	17, 370, 386, 500	−347, 296, 850	17, 023, 089, 650
Title I advance funding:					
1970 advance (in 1969 bill)	−1, 010, 814, 300	−1, 010, 814, 300	−1, 010, 814, 300		−1, 010, 814, 300
1971 advance (in 1970 bill)	1, 226, 000, 000				
Total, HEW appropriation bill	16, 689, 091, 700	15, 779, 891, 300	16, 359, 572, 200	−347, 296, 850	16, 012, 275, 35

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[1] Includes $1,010,814,300 appropriated in the 1969 bill.

HEW PLAN FOR 2-PERCENT REDUCTION FROM SENATE BILL MAKING 1970 APPROPRIATIONS FOR LABOR-HEW (H.R. 15931)—Continued

Agency/appropriation/activity	1970 budget	Administration alternative (Feb. 2, 1970)	Senate bill	Plan to achieve 2-percent reduction	
				Amount of reduction	Amount available after reduction
CONSUMER PROTECTION AND ENVIRONMENTAL HEALTH SERVICE					
Air Pollution control:					
Research and demonstration	$52,328,000	$60,428,000	$66,428,000	$6,750,000	$59,678,000
(Section 104 research)	(21,900,000)	(30,000,000)	(45,000,000)	(−6,750,000)	(38,250,000)
HEALTH SERVICES AND MENTAL HEALTH ADMINISTRATION					
Mental health:					
Construction of community mental health centers	29,200,000	29,200,000	35,500,000	−6,300,000	29,200,000
Narcotic addiction and alcoholism community assistance	8,000,000	12,000,000	12,000,000	−825,000	11,175,000
Health services research and development	44,975,000	44,975,000	44,975,000	−179,000	44,796,000
Comprehensive health planning and services:					
Partnership for health formula grants	90,000,000	100,000,000	100,000,000	−10,000,000	90,000,000
Project grants	80,000,000	80,000,000	80,000,000	−247,000	79,753,000
Regional medical programs	100,000,000	100,000,000	100,000,000	−2,643,000	97,357,000
D.C. medical facilities			10,000,000	−1,500,000	8,500,000
NATIONAL INSTITUTES OF HEALTH					
National Cancer Institute	180,725,000	190,362,500	190,362,500	−9,637,500	180,725,000
National Heart Institute	160,513,000	171,256,500	171,256,500	−10,743,500	160,513,000
National Institute of Dental Research	29,289,000	30,644,500	30,644,500	2,054,500	28,590,000
National Institute of Arthritis and Metabolic Diseases	137,668,000	137,668,000	146,334,000	−9,080,000	137,254,000
National Institute of Neurological Diseases and Stroke	101,256,000	101,256,000	106,978,000	−6,571,000	100,407,000
National Institute of Allergy and Infectious Diseases	102,389,000	102,389,000	103,694,500	−2,790,500	100,904,000
National Institute of General Medical Sciences	154,288,000	154,288,000	164,644,000	−11,678,000	152,966,000
National Institute of Child Health and Human Development	75,852,000	76,949,000	76,949,000	−1,097,000	75,852,000
National Eye Institute	23,685,000	24,342,500	24,342,500	−1,059,500	23,293,000
Environmental Health Sciences	18,328,000	18,328,000	18,328,000	−755,000	17,573,000
General research and services	69,698,000	69,698,000	76,658,000	−8,632,000	68,026,000
Health manpower:					
Institutional support:					
Medical, dental, and related	101,400,000	105,000,000	105,000,000	−3,600,000	101,400,000
Nursing	7,000,000	8,400,000	8,400,000	−1,400,000	7,000,000
Public health	9,471,000	10,071,000	10,071,000	−600,000	9,471,000
Allied health professions	10,988,000	11,587,000	11,587,000	−599,000	10,988,000
Direct loans	24,610,000	24,610,000	40,141,000	−15,531,00	24,610,000
Manpower requirements, utilization, and program management	15,882,000	15,882,000	15,882,000	−25,000	15,587,000
Dental health	10,887,000	10,887,000	11,722,000	−898,000	10,824,000
National Library of Medicine	19,682,000	19,682,000	19,682,000	−310,000	19,372,000
Buildings and facilities	1,000,000	1,000,000	1,900,000	−285,000	1,615,000
OFFICE OF EDUCATION					
Elementary and secondary education:					
Educationally deprived children	1,226,000,000	[1] 1,251,000,000	[1] 1,396,975,000	−57,924,100	[1] 1,339,050,900
Bilingual education	10,000,000	10,000,000	25,000,000	−3,750,000	21,250,000
Library resources			50,000,000	−7,500,000	42,500,000
Guidance, counseling, and testing			17,000,000	−2,550,000	14,450,000
Planning and evaluation	9,250,000	9,250,000	9,250,000	−425,000	8,825,000
Instructional equipment			43,740,000	−6,561,000	37,179,000
School assistance in Federally affected areas	202,167,000	440,167,000	520,567,000		520,567,000
Education professions development:					
Preschool, elementary, and secondary:					
Grants to States	15,000,000	15,000,000	18,250,000	−2,737,500	15,512,500
Training programs	80,000,000	88,750,000	88,750,000	−8,750,000	80,000,000
Recruitment and information			500,000	−500,000	
Higher education:					
Construction: Other undergraduate facilities			33,000,000	−4,950,000	28,050,000
Student aid: Direct loans	161,900,000	161,900,000	229,000,000	−33,315,000	195,685,000
College teacher fellowships	61,649,000	56,163,000	56,163,000	−7,350,000	48,813,000
Upward Bound	30,000,000	30,000,000	30,000,000	−46,000	29,954,000
Planning and evaluation	1,000,000	1,000,000	1,000,000	−100,000	900,000
Vocational education:					
Basic grants:					
Grants to States	230,336,000	300,336,000	300,336,000		300,336,000
State advisory councils	1,680,000	1,680,000	2,800,000	−420,000	2,380,000
Consumer and homemaking education	15,000,000	15,000,000	17,500,000	−2,500,000	15,000,000
Work-study			5,000,000	−750,000	4,250,000
Programs for students with special needs			20,000,000	−3,000,000	17,000,000
Research			17,000,000	−17,000,000	
Planning and evaluation	1,000,000	1,000,000	1,000,000	−100,000	900,000
Libraries and community services:					
Library services: Grants for public libraries	17,500,000	27,500,000	35,000,000	−5,250,000	29,750,000
Construction of public libraries			9,185,000	−1,377,750	7,807,250
College library resources	12,500,000	12,500,000	20,834,000	−10,934,000	9,900,000
Acquisition and cataloging by Library of Congress	4,500,000	4,500,000	6,737,000	−1,010,550	5,726,450
Librarian training	4,000,000	4,000,000	6,833,000	−2,833,000	4,000,000
Educational broadcasting facilities	4,000,000	4,000,000	5,083,000	−762,450	4,320,550
Education for the handicapped	85,850,000	91,850,000	100,000,000	−15,000,000	85,000,000
Research and training	115,000,000	95,250,000	85,750,000	−1,783,000	83,967,000
Foreign language training and area programs	20,000,000	20,000,000	20,000,000	−2,700,000	17,300,000
SOCIAL AND REHABILITATION SERVICE					
Work incentives	129,640,000	120,000,000	120,000,000	−18,000,000	102,000,000
Rehabilitation services and facilities:					
Rehabilitation facilities planning and construction			3,500,000	−608,000	2,892,000
Expansion of services	11,000,000	11,000,000	11,000,000	−777,000	10,223,000
Mental retardation:					
Community service facilities construction	8,031,000	8,031,000	12,031,000	−1,805,000	10,226,000
Services for the mentally retarded (hospital improvement, initial staffing, service projects)	25,472,000	24,843,000	24,843,000	−1,325,000	23,518,00
Maternal and child health and welfare:					
Dental health of children			200,000	−200,000	
Training (maternal and child health)	9,000,000	9,000,000	11,200,000	−2,200,000	9,000,000
Maternity and infant care	61,850,000	61,750,000	61,750,000	−1,565,000	60,185,000
Health of school and preschool children	40,950,000	40,850,000	40,850,000	−299,000	40,551,000
Development of programs for the aging	28,360,000	28,360,000	28,360,000	−601,000	27,759,000
Rehabilitation research and training	60,000,000	60,000,000	60,000,000	−2,247,000	57,753,000
Total reductions, DHEW				−347,296,850	

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[1] Includes $1,010,814,300 appropriated in the 1969 bill

XUM

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 1969 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR 1970

H. Rept. 91-391, July 24, 1969, passed House July 31, 1969
S. Rept. 91-610, Dec. 16, 1969, passed Senate Dec. 17, 1969
Conference report 91-781, Dec. 20, 1969, passed House Dec. 22, 1969, passed Senate Jan. 20, 1970
House agreed to Senate amendments to conference report Jan. 26, 1970
Presidential veto Jan. 26, 1970
House defeated motion to override veto, Jan. 28, 1970
H.J. Res. 1072, continuing resolution, Feb. 2, 1970, passed House Feb. 2, 1970, passed Senate Feb. 4, 1970
House Document 91-218, Feb. 3, 1970, proposed revisions of Labor-HEW appropriations
H. Rept. 91-840, Feb. 16, 1970, passed House Feb. 19, 1970

TITLE I—DEPARTMENT OF LABOR

[Note.—All amounts are in the form of definite appropriations unless otherwise indicated]

Agency and item (1)	New budget (obligational) authority, fiscal year 1969 [1] (2)	Budget estimates of new (obligational) authority, fiscal year 1970 (revised) (3)	New budget (obligational) authority recommended in the House bill H.R. 13111 (4)	New budget (obligational) authority recommended in the Senate bill H.R. 13111 (5)	New budget (obligational) authority recommended in the conference bill H.R. 13111 (vetoed) (6)	New budget (obligational) authority recommended in current appropriation request (7)	New budget (obligational) authority recommended in the House bill H.R. 15931 (8)	New budget (obligational) authority recommended in Senate bill H.R. 15931 (9)	New budget (obligational) authority recommended, H.R. 15931 conference agreement (10)
MANPOWER ADMINISTRATION									
Manpower development and training activities	$407,492,000	$675,605,000	$655,605,000	$675,605,000	$655,605,000	$655,605,000	$655,605,000	$655,605,000	$655,605,000
Office of Manpower Administrator, salaries and expenses	26,635,000	36,907,000	35,325,000	36,907,000	36,116,000	36,116,000	36,116,000	36,116,000	36,116,000
Bureau of Apprenticeship and Training, salaries and expenses	9,418,000	6,532,000	6,532,000	6,532,000	6,532,000	6,532,000	6,532,000	6,532,000	6,532,000
Unemployment compensation for Federal employees and ex-servicemen	148,200,000	135,000,000	135,000,000	135,000,000	135,000,000	135,000,000	135,000,000	135,000,000	135,000,000
Trade adjustment activities	1,300,000	600,000	600,000	600,000	600,000	600,000	600,000	600,000	600,000
Bureau of Employment Security, salaries and expenses	2,758,000								
Trust fund transfer	(20,938,000)	(18,766,000)	(18,766,000)	(18,766,000)	(18,766,000)	(18,766,000)	(18,766,000)	(18,766,000)	(18,766,000)
Advances to employment security administration account	25,000,000								
Grants to States for unemployment compensation and employment service administration	(604,073,000)	[2] (657,700,000)	(630,772,000)	(657,700,000)	(655,772,000)	(655,772,000)	(655,772,000)	(655,772,000)	(655,772,000)
Total, Manpower Administration	620,803,000	854,644,000	833,062,000	854,644,000	833,853,000	833,853,000	833,853,000	833,853,000	833,853,000
LABOR-MANAGEMENT RELATIONS									
Labor-Management Services Administration, salaries and expenses	9,011,000	[3] 12,426,000	9,585,000	12,426,000	12,335,000	12,335,000	12,335,000	12,335,000	12,335,000
WAGE AND LABOR STANDARDS									
Wage and Labor Standards Administration salaries and expenses	11,929,000	12,473,000	12,050,000	12,300,000	12,050,000	12,050,000	12,050,000	12,050,000	12,050,000
Employees compensation claims and expenses	68,591,000	60,116,000	60,116,000	60,116,000	60,116,000	60,116,000	60,116,000	60,116,000	60,116,000
Wage and Hour Division, salaries and expenses	25,303,000	25,960,000	25,960,000	25,960,000	25,960,000	25,960,000	25,960,000	25,960,000	25,960,000
Total, wage and labor standards	105,823,000	98,549,000	98,126,000	98,376,000	98,126,000	98,126,000	98,126,000	98,126,000	98,126,000
BUREAU OF LABOR STATISTICS									
Salaries and expenses	21,943,000	23,704,000	22,420,000	22,420,000	22,420,000	22,420,000	22,420,000	22,420,000	22,420,000
BUREAU OF INTERNATIONAL LABOR AFFAIRS									
Salaries and expenses	1,400,000	1,332,000	1,332,000	1,332,000	1,332,000	1,332,000	1,332,000	1,332,000	1,332,000
OFFICE OF THE SOLICITOR									
Salaries and expenses	6,147,000	5,978,000	5,978,000	5,978,000	5,978,000	5,978,000	5,978,000	5,978,000	5,978,000
Trust fund transfer	(144,000)	(144,000)	(144,000)	(144,000)	(144,000)	(144,000)	(144,000)	(144,000)	(144,000)
Total, Office of the Solicitor	6,147,000	5,978,000	5,978,000	5,978,000	5,978,000	5,978,000	5,978,000	5,978,000	5,978,000

XUM

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 1969 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR 1970—Continued

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OFFICE OF THE SECRETARY									
Salaries and expenses	$4,999,000	$5,476,000	$5,476,000	$5,476,000	$5,476,000	$5,476,000	$5,476,000	$5,476,000	$5,476,000
Trust fund transfer	(556,000)	(557,000)	(557,000)	(557,000)	(557,000)	(557,000)	(557,000)	(557,000)	(557,000)
Federal contract compliance and civil rights program	943,000	926,000	926,000	926,000	926,000	926,000	926,000	926,000	926,000
Trust fund transfer	(535,000)	(564,000)	(564,000)	(564,000)	(564,000)	(564,000)	(564,000)	(564,000)	(564,000)
Preventing age discrimination in employment	500,000	(4)	(4)	(4)	(4)	(4)	(4)	(4)	(4)
Total, Office of the Sectetary	6,442,000	6,402,000	6,402,000	6,402,000	6,402,000	6,402,000	6,402,000	6,402,000	6,402,000
Total, Department of Labor	771,569,000	1,003,035,000	976,905,000	1,001,578,000	980,446,000	980,446,000	980,446,000	980,446,000	980,446,000
TITLE II—DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE									
CONSUMER PROTECTION AND ENVIRONMENTAL HEALTH SERVICE									
Food and drug control:									
1. Medical evaluation	$18,774,000	$19,674,000	$19,674,000	$19,674,000	$19,674,000	$19,674,000	$19,674,000	$19,674,000	$19,674,000
2. Scientific research and evaluation	16,378,000	16,583,000	16,583,000	16,583,000	16,583,000	16,583,000	16,583,000	16,583,000	16,583,000
3. Education and voluntary Compliance	1,275,000	1,296,000	1,296,000	1,317,000	1,296,000	1,296,000	1,296,000	1,296,000	1,296,000
4. Regulatory compliance	29,205,000	29,647,000	29,647,000	30,304,000	29,992,500	[21] 29,992,500	[21] 29,992,500	[21] 29,992,500	[21] 29,992,500
5. Program management	4,812,000	4,807,000	4,807,000	4,820,000	4,807,000	4,807,000	4,807,000	4,807,000	4,807,000
Total	70,444,000	72,007,000	72,007,000	72,698,000	72,352,500	[21] 72,352,500	[21] 72,352,500	[21] 72,352,500	[21] 72,352,500
Air pollution control:									
1. Abatement and control	32,567,000	35,531,000	35,531,000	35,531,000	35,531,000	[21] 34,431,000	[21] 34,431,000	[21] 34,431,000	[21] 34,431,000
2. Research, development, and demonstration	47,614,000	52,328,000	50,328,000	73,428,000	66,428,000	[22] 60,428,000	[21] 66,428,000	[21] 66,428,000	[21] 66,428,000
(Sec. 104 research)	(18,700,000)	(21,900,000)		(45,000,000)	(45,000,000)	[23] (30,000,000	[21] (45,000,000)	[21] (45,000,000)	[21] (45,000,000
3. Manpower training	5,279,000	5,405,000	5,405,000	5,405,000	5,405,000	5,405,000	5,405,000	5,405,000	5,405,000
4. Program management	2,500,000	2,536,000	2,536,000	2,536,000	2,536,000	2,536,000	2,536,000	2,536,000	2,536,000
Total	87,960,000	95,800,000	93,800,000	116,900,000	108,800,000	[22] 102,800,000	[21] 108,800,000	[21] 108,800,000	[21] 108,800,000
Environmental control:									
1. Solid waste management	16,113,000	14,872,000	14,872,000	14,872,000	14,872,000	[19] 14,872,000	14,872,000	14,872,000	14,872,000
2. Occupational health	7,466,000	7,774,000	7,774,000	7,474,000	7,774,000	7,774,000	7,774,000	7,774,000	7,774,000
3. Radiological health	16,183,000	16,527,000	16,527,000	16,527,000	16,527,000	16,527,000	16,527,000	16,527,000	16,527,000
4. Community environmental management:									
(a) Aedes aegypti eradication	6,446,000	440,000	440,000	440,000	440,000	440,000	440,000	440,000	440,000
(b) Other community sanitation	11,359,000	9,872,000	9,872,000	9,872,000	9,872,000	9,872,000	9,872,000	9,872,000	9,872,000
Subtotal, environmental management	17,805,000	10,312,000	10,312,000	10,312,000	10,312,000	0,312,000	10,312,000	10,312,000	10,312,000
5. Water hygiene	2,184,000	2,593,000	2,593,000	2,593,000	2,593,000	2,593,000	2,593,000	2,593,000	2,593,000
6. Program management	3,080,000	3,130,000	3,130,000	3,130,000	3,130,000	3,130,000	3,130,000	3,130,000	3,130,000
Total	62,831,000	55,208,000	55,208,000	55,208,000	55,208,000	55,208,000	55,108,000	55,208,000	
Buildings and facilities		300,000				[21] 0	[21] 0	[21] 0	[21] 0
Salaries and expenses, Office of the Administrator	5,829,000	6,162,000	6,162,000	6,162,000	6,162,000	6,162,000	6,162,000	6,162,000	6,162,000
Total, Consumer Protection and Environmental Health service	227,064,000	229,477,000	227,177,000	250,968,000	242,500,000	[3] 236,522,500	[21] 242,522,000	[21] 242,522,500	[23] 242,522,000

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HEALTH SERVICES AND MENTAL HEALTH ADMINISTRATION									
Mental health:									
1. Support and conduct of research:									
(a) Grants:									
(1) Research	$81,159,000	$82,273,000	$82,273,000	$82,273,000	$79,473,000	[21] $79,473,000	[21] $79,473,000	[21] $79,473,000	[21] $79,473,000
(2) Hospital improvement	10,610,000	8,000,000	8,000,000	8,000,000	7,500,000	[21] 7,500,000	[21] 7,500,000	[21] 7,500,000	[21] 7,500,000
(3) Early child care demonstrations		1,000,000		1,000,000		[21] 0	[21] 0	[21] 0	[21] 0
Subtotal, grants	91,769,000	91,273,000	90,273,000	91,273,000	86,973,000	[21] 86,973,000	[21] 86,973,000	[21] 86,973,000	[21] 86,973,000
(b) Direct operations:									
(1) Intramural research	17,959,000	18,125,000	18,125,000	18,125,000	18,125,000	18,125,000	18,125,000	18,125,000	18,125,000
(2) Planning, development, and administration	5,070,000	7,006,000	5,104,000	7,006,000	6,404,000	[21] 6,404,000	[21] 6,404,000	[21] 6,404,000	[21] 6,404,000
Subtotal, direct operations	23,029,000	25,131,000	23,229,000	24,131,000	24,529,000	[21] 24,529,000	[21] 24,529,000	[21] 24,529,000	[21] 24,529,000
Subtotal, research	114,798,000	116,404,000	113,502,000	116,404,000	111,502,000	[21] 111,502,000	[21] 111,502,000	[21] 111,502,000	[21] 111,502,000
2. Manpower development:									
(a) Grants:									
(1) Training	109,046,000	107,500,000	107,500,000	112,500,000	107,500,000	107,500,000	107,500,000	107,500,000	107,500,000
(2) Fellowships	10,641,000	10,866,000	10,866,000	11,366,000	10,866,000	10,866,000	10,866,000	10,866,000	10,866,000
Subtotal, grants	119,687,000	118,366,000	118,366,000	123,866,000	118,366,000	118,366,000	118,366,000	118,366,000	118,366,000
(b) Direct operations	4,530,000	4,583,000	4,583,000	4,583,000	4,583,000	4,583,000	4,583,000	4,583,000	4,583,000
Subtotal, manpower	124,217,000	122,949,000	122,949,000	128,449,000	122,949,000	122,949,000	122,949,000	122,949,000	122,949,000
3. Support of institutions and resources:									
(a) Grants:									
(1) Construction of community mental health centers	15,000,000	29,200,000	30,500,000	36,200,000	35,500,000	[22] 29,200,000	[21] 35,500,000	[21] 35,500,000	[21] 35,500,000
(2) Staffing of community mental health centers	49,699,000	51,300,000	51,300,000	57,896,000	48,300,000	[21] 48,300,000	[21] 48,300,000	[21] 48,300,000	[21] 48,300,000
(3) Narcotic addiction and alcoholism community assistance	8,000,000	8,000,000	12,000,000	16,000,000	12,000,000	[21] 12,000,000	[21] 12,000,000	[21] 12,000,000	[21] 12,000,000
Subtotal, grants	72,699,000	88,500,000	93,800,000	110,096,000	95,800,000	[22] 89,500,000	[21] 95,800,000	[21] 95,800,000	[21] 95,800,000
(b) Direct operations	2,364,000	2,379,000	2,379,000	2,379,000	2,379,000	2,379,000	2,379,000	2,379,000	2,379,000
Subtotal, institutions and resources	75,063,000	90,879,000	96,179,000	112,475,000	98,179,000	[22] 91,879,000	[21] 98,179,000	[21] 98,179,000	[21] 98,179,000
4. Service activities:									
(a) Narcotic addiction and drug abuse treatment and research	14,288,000	17,456,000	17,456,000	17,456,000	17,456,000	17,456,000	17,456,000	17,456,000	17,456,000
(b) Regional and field activities	2,346,000	2,346,000	2,346,000	2,346,000	2,346,000	2,346,000	2,346,000	2,346,000	2,346,000
(c) Scientific communication and public education	2,588,000	2,749,000	2,749,000	2,749,000	2,749,000	2,749,000	2,749,000	2,749,000	2,749,000
Subtotal, service activities	19,222,000	22,551,000	22,551,000	22,551,000	22,551,000	22,551,000	22,551,000	22,551,000	22,551,000
5. Program direction and management services	4,871,000	5,121,000	5,121,000	5,121,000	5,121,000	5,121,000	5,121,000	5,121,000	5,121,000
Total, mental health	338,171,000	357,904,000	360,302,000	385,000,000	360,302,000	[22] 354,002,000	[21] 360,302,000	[21] 360,302,000	[21] 360,302,000

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 1969 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR 1970—Continued

H. Rept. 91-391, July 24, 1969, passed House July 31, 1969
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TITLE II—DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE—Continued

[Note.—All amounts are in the form of definite appropriations unless otherwise indicated]

Agency and item (1)	New budget (obligational) authority, fiscal year 1969 [1] (2)	Budget estimates of new (obligational) authority fiscal year 1970 (revised) (3)	New budget (obligational) authority recommended in the House bill H.R. 13111 (4)	New budget (obligational) authority recommended in the Senate bill H.R. 13111 (5)	New budget (obligational) authority recommended in the conference bill H.R. 13111 (vetoed) (6)	New budget (obligational) authority recommended in current appropriat on request (7)	New budget (obligational) authority recommended in the House bill H.R. 15931 (8)	New budget (obligational) authority recommended in Senate bill H.R. 15931 (9)	New budget (obligational) authority recommended, H.R. 15931 conference agreement (10)
St. Elizabeths Hospital (indefinite)	$13,380,000	$10,405,000	$10,405,000	$10,405,000	$10,405,000	$10,405,000	$10,405,000	$10,405,000	$10,405,000
Health services research and development	41,907,000	44,975,000	44,975,000	44,975,000	44,975,000	44,975,000	44,975,000	44,975,000	44,975,000
Comprehensive health planning and services:									
1. Partnership for health grants:									
(a) Planning	18,500,000	20,000,000	20,000,000	20,000,000	20,000,000	20,000,000	20,000,000	20,000,000	20,000,000
(b) Formula	66,032,000	90,000,000	90,000,000	100,000,000	100,000,000	[21] 100,000,000	[21] 100,000,000	[21] 100,000,000	[21] 100,000,000
(c) Project	86,600,000	80,000,000	80,000,000	80,000,000	80,000,000	80,000,000	80,000,000	80,000,000	80,000,000
Subtotal, grants	171,132,000	190,000,000	190,000,000	200,000,000	200,000,000	[21] 200,000,000	[21] 200,000,000	[21] 200,000,000	[21] 200,000,000
2. Migrant health	8,100,000	15,000,000	8,110,000	15,000,000	15,000,000	15,000,000	15,000,000	15,000,000	15,000,000
3. Standard setting and resource development	5,998,000	6,849,000	6,849,000	6,849,000	6,849,000	6,849,000	6,849,000	6,849,000	6,849,000
4. Program management	1,879,000	2,184,000	2,184,000	2,184,000	2,184,000	2,184,000	2,184,000	2,184,000	2,184,000
Total	187,109,000	214,033,000	207,143,000	224,033,000	224,033,000	[21] 224,033,000	[21] 224,033,000	[21] 224,033,000	[21] 224,033,000
(Trust fund transfer)	(4,320,000)	(4,320,000)	(4,320,000)	(4,320,000)	(4,320,000)	(4,320,000)	(4,320,000)	(4,320,000)	(4,320,000)
Regional medical programs:									
1. Operational and planning program	56,200,000	73,500,000	49,500,000	73,500,000	73,500,000	73,500,000	73,500,000	73,500,000	73,500,000
2. Chronic disease control program	25,082,000	24,771,000	24,771,000	24,771,000	24,771,000	24,771,000	24,771,000	24,771,000	24,771,000
3. Program management	1,851,000	1,729,000	1,729,000	1,720,000	1,729,000	1,729,000	1,729,000	1,729,000	1,729,000
Total	83,133,000	100,000,000	76,000,000	100,000,000	100,000,000	100,000,000	100,000,000	100,000,000	100,000,000
Communicable diseases	39,084,000	38,638,000	38,638,000	38,638,000	38,638,000	38,638,000	38,638,000	38,638,000	38,638,000
Hospital construction:									
1. Construction	254,487,000	150,000,000	254,400,000	254,400,000	254,400,000	[21] 150,000,000	[21] 172,200,000	[21] 172,200,000	[21] 172,200,000
2. Operations and technical services	3,802,000	3,923,000	3,923,000	3,923,000	3,923,000	3,923,000	3,923,000	3,923,000	3,923,000
Total	258,289,000	153,923,000	258,323,000	258,323,000	258,323,000	[21] 153,923,000	[21] 176,123,000	[21] 176,123,000	[21] 176,123,000
District of Columbia medical facilities	15,000,000	(1)		10,000,000	10,000,000	[21] 0	[21] 10,000,000	[21] 10,000,000	[21] 10,000,000
Patient care and special health services	71,437,000	72,224,000	72,224,000	72,224,000	72,224,000	72,224,000	72,224,000	72,224,000	72,224,000
National health statistics	8,109,000	9,641,000	8,841,000	8,841,000	8,841,000	[21] 8,841,000	[21] 8,841,000	[21] 8,841,000	[21] 8,841,000
Retired pay of commissioned officers (indefinite)	13,041,000	16,700,000	16,700,000	16,700,000	16,700,000	16,700,000	16,700,000	16,700,000	16,700,000
Buildings and facilities		2,100,000				[21] 0	[21] 0	[21] 0	[21] 0
Salaries and expenses, Office of the Administrator	8,601,000	9,898,000	9,898,000	9,898,000	9,898,000	9,898,000	9,898,000	9,898,000	9,898,000
Total, Health Services and Mental Health Administration	1,077,261,000	1,030,441,000	1,103,449,000	1,179,037,000	1,154,339,000	[21] 1,033,639,000	[21] 1,072,139,000	[21] 1,072,139,000	[21] 1,072,139,000
NATIONAL INSTITUTES OF HEALTH									
Research Institutes (analysis by program):									
1. Research grants:									
(a) Regular program:									
(1) Noncompeting	331,315,000	331,200,000	331,200,000	331,200,000	331,200,000	331,200,000	331,200,000	331,200,000	331,200,000
(2) Competing	142,048,000	131,365,000	131,365,000	153,465,000	141,873,000	[21] 135,874,500	[21] 141,873,000	[21] 141,873,000	[21] 141,873,000
Subtotal	473,363,000	462,565,000	462,565,000	484,665,000	473,073,000	[21] 467,074,500	[21] 473,073,000	[21] 473,073,000	[21] 473,073,000
(b) General research support grants	52,945,000	52,945,000	52,945,000	57,945,000	52,945,000	52,945,000	52,945,000	52,945,000	52,945,000
(Total program including NIMH)	(60,700,000)	(60,700,000)	(60,700,000)	(65,700,000)	(60,700,000)	(60,700,000)	(60,700,000)	(60,700,000)	(60,700,000)

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(c) Multidisciplinary centers	$27,225,000	$27,630,000	$27,630,000	$33,484,000	$30,915,000	[22] $30,323,000	[21] $30,915,000	[21] $30,915,000	[21] $30,915,000
(d) Special programs	82,279,000	83,274,000	87,234,000	95,239,000	91,239,000	[22] 83,274,000	[21] 91,239,000	[21] 91,239,000	[21] 91,239,000
Subtotal research grants	635,812,000	626,414,000	630,374,000	671,333,000	648,172,000	633,616,500	[21] 648,172,000	[21] 648,172,000	[21] 648,172,000
2. Manpower development programs	197,727,000	179,000,000	179,000,000	216,913,000	197,852,000	184,559,500	[21] 197,852,000	[21] 197,852,000	[21] 197,852,000
3. Intramural research	84,502,000	87,689,000	87,689,000	90,047,000	89,871,000	88,647,000	[21] 89,871,000	[21] 89,871,000	[21] 89,871,000
4. Collaborative research and development	125,851,000	120,916,000	118,162,000	144,994,000	132,677,000	130,249,500	[21] 132,677,000	[21] 132,677,000	[21] 132,677,000
5. Other institute direct operations	49,985,000	50,851,000	50,851,000	53,378,000	52,798,500	51,288,500	[21] 52,798,500	[21] 52,798,500	[21] 52,798,500
Total	1,093,877,000	1,064,870,000	1,066,076,000	1,176,665,000	1,121,370,500	1,088,361,000	[21] 1,121,370,500	[21] 1,121,370,500	[21] 1,121,370,500
John E. Fogarty International Center for Advanced Study in the Health Sciences	(3,374,000)	(2,954,000)	(2,954,000)	(2,954,000)	(2,954,000)	(2,954,000)	(2,954,000)	(2,954,000)	(2,954,000)
Research Institutes (analysis by appropriation):									
Biologics standards	8,305,000	8,225,000	8,225,000	8,225,000	8,225,000	8,225,000	8,225,000	8,225,000	8,225,000
National Cancer Institute	183,485,500	180,725,000	180,725,000	200,000,000	190,362,500	[21] 190,362,500	[21] 190,362,500	[21] 190,362,500	[21] 190,362,500
National Heart Institute	166,008,500	160,513,000	160,513,000	182,000,000	171,256,500	[21] 171,256,500	[21] 171,256,500	[21] 171,256,500	[21] 171,256,500
National Institute of Dental Research	29,697,500	29,289,000	29,289,000	32,000,000	30,644,500	[21] 30,644,500	[21] 30,644,500	[21] 30,644,500	[21] 30,644,500
National Institute of Arthritis and Metabolic Diseases	143,402,000	137,668,000	137,668,000	155,000,000	146,334,000	[22] 137,668,000	[21] 146,334,000	[21] 146,334,000	[21] 146,334,000
National Institute of Neurological Diseases and Stroke	106,013,500	101,256,000	101,256,000	112,700,000	106,978,000	[22] 101,256,000	[21] 106,978,000	[21] 106,978,000	[21] 106,978,000
National Institute of Allergy and Infectious Diseases	106,623,500	102,389,000	102,389,000	105,000,000	103,694,500	[22] 102,389,000	[21] 103,694,500	[21] 103,694,500	[21] 103,694,500
National Institute of General Medical Sciences	163,122,500	154,288,000	154,288,000	175,000,000	164,644,000	[22] 154,288,000	[21] 164,644,000	[21] 164,644,000	[21] 164,644,000
National Institute of Child Health and Human Development	72,590,500	75,852,000	73,098,000	80,800,000	76,949,000	[22] 76,949,000	[21] 76,949,000	[21] 76,949,000	[21] 76,949,000
National Eye Institute	22,240,000	23,685,000	23,685,000	25,000,000	24,342,500	[22] 24,342,500	[21] 24,342,500	[21] 24,342,500	[21] 24,342,500
Environmental health sciences	17,785,000	18,328,000	18,328,000	18,328,000	18,328,000	18,328,000	18,328,000	18,328,000	18,328,000
General research and services	71,229,500	69,698,000	73,658,000	79,658,000	76,658,000	[22] 69,698,000	[21] 76,658,000	[21] 76,658,000	[21] 76,658,000
Johen E. Fogarty International Center for Advanced Study in the Health Sciences	3,374,000	2,954,000	2,954,000	2,954,000	2,954,000	2,954,000	2,954,000	2,954,000	2,954,000
Total, research institutes	1,093,877,000	1,064,870,000	1,066,076,000	1,176,665,000	1,121,370,500	[22] 1,088,361,000	[21] 1,121,370,500	[21] 1,121,370,500	[21] 1,121,370,500
Health manpower:									
1. Institutional support:									
(a) Medical, dental and related	66,000,000	101,400,000	101,400,000	108,598,000	105,000,000	[21] 105,000,000	[21] 105,000,000	[21] 105,000,000	[21] 105,000,000
(b) Nursing	7,000,000	7,000,000	7,000,000	10,000,000	8,400,000	[21] 8,400,000	[21] 8,400,000	[21] 8,400,000	[21] 8,400,000
(c) Public health	9,471,000	9,471,000	9,471,000	10,671,000	10,071,000	[21] 10,071,000	[21] 10,071,000	[21] 10,071,000	[21] 10,071,000
(d) Allied health professions	10,975,000	10,988,000	10,988,000	11,988,000	11,587,000	[21] 11,587,000	[21] 11,587,000	[21] 11,587,000	[21] 11,587,000
Subtotal	93,446,000	128,859,000	128,859,000	141,257,000	135,058,000	[21] 135,058,000	[21] 135,058,000	[21] 135,058,000	[21] 135,058,000
2. Student assistance:									
(a) Traineeships	20,670,000	20,670,000	20,670,000	20,670,000	20,670,000	20,670,000	20,670,000	20,670,000	20,670,000
(b) Direct loans:									
(1) Medical, dental, etc	15,000,000	15,000,000	19,781,000	27,781,000	23,781,000	[22] 15,000,000	[21] 23,781,000	[21] 23,781,000	[21] 23,781,000
(2) Nursing	9,610,000	9,610,000	15,110,000	17,610,000	16,360,000	[22] 9,610,000	[21] 16,360,000	[21] 16,360,000	[21] 16,360,000
Subtotal, direct loans	24,610,000	24,610,000	34,891,000	45,391,000	40,141,000	[22] 24,610,000	[21] 40,141,000	[1] 40,141,000	[21] 40,141,000
(c) Scholarships:									
(1) Medical, dental, etc	11,219,000	16,000,000	11,219,000	16,000,000	15,541,000	[22] 16,000,000	[21] 15,541,000	[21] 15,541,000	[21] 15,541,000
(2) Nursing	6,500,000	12,000,000	6,500,000	12,000,000	7,178,000	[22] 12,000,000	[21] 7,178,000	[21] 7,178,000	[21] 7,178,000
Subtotal, scholarships	17,719,000	28,000,000	17,719,000	28,000,000	22,719,000	[22] 28,000,000	[21] 22,719,000	[21] 22,719,000	[21] 22,719,000
Subtotal, student assistance	62,999,000	73,280,000	73,280,000	94,061,000	83,530,000	[22] 73,280,000	[21] 83,530,000	[21] 83,530,000	[21] 83,530,000

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 1969 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR 1970—Continued

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TITLE II—DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE—Continued

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Health manpower—Continued									
3. Manpower requirements, utilization and program management	$15,641,000	$15,882,000	$15,882,000	$15,882,000	$15,882,000	$15,882,000	$15,882,000	$15,882,000	$15,882,000
Total, health manpower	172,086,000	218,021,000	218,021,000	251,200,000	234,470,000	[22] 224,220,000	[22] 234,470,000	[22] 234,470,000	[22] 234,470,000
Payment of sales insufficiencies and interest losses	200,000	957,000	957,000	957,000	957,000	957,000	957,000	957,000	957,000
Dental health:									
1. Grants	5,259,000	5,845,000	5,739,000	6,845,000	6,739,000	[22] 5,845,000	[22] 6,739,000	[22] 6,739,000	[22] 6,739,000
2. Direct operations	4,926,000	5,042,000	4,983,000	5,042,000	4,983,000	[22] 5,042,000	[22] 4,983,000	[22] 4,983,000	[22] 4,983,000
Total	10,185,000	10,887,000	10,722,000	11,887,000	11,722,000	[22] 10,887,000	[22] 11,722,000	[22] 11,722,000	[22] 11,722,000
Construction of health, educational, research, and library facilities:									
1. (a) Medical and related	60,000,000	94,480,000	94,500,000	114,500,000	106,500,000	[22] 94,480,000	[22] 94,480,000	[22] 94,480,000	[22] 94,480,000
(b) Dental	15,000,000	23,620,000	23,600,000	23,600,000	26,600,000	[22] 23,620,000	[22] 23,620,000	[22] 23,620,000	[22] 23,620,000
2. Nursing	8,000,000	8,000,000	8,000,000	10,000,000	10,000,000	[22] 8,000,000	[22] 8,000,000	[22] 8,000,000	[22] 8,000,000
3. Allied health professions	1,800,000								
4. Medical library construction				1,900,000	950,000	[22] 0	[22] 0	[22] 0	[22] 0
5. Health research facilities	8,400,000			10,000,000	5,000,000		[22] 0	[22] 0	[22] 0
Total, construction of health, educational, research, and library facilities	93,200,000	126,100,000	126,100,000	160,000,000	149,050,000	[22] 126,100,000	[22] 126,100,000	[22] 126,100,000	[22] 126,100,000
National Library of Medicine:									
1. Grants	5,788,000	5,792,000	5,792,000	5,792,000	5,792,000	5,792,000	5,792,000	5,792,000	5,792,000
2. Direct operations	12,220,000	13,890,000	13,890,000	13,890,000	13,890,000	13,890,000	13,890,000	13,890,000	13,890,000
Total	18,008,500	19,682,000	19,682,000	19,682,000	19,682,000	19,682,000	19,682,000	19,682,000	19,682,000
Buildings and facilities		1,000,000	1,000,000	1,900,000	1,900,000	[22] 1,000,000	[22] 1,900,000	[22] 1,900,000	[22] 1,900,000
Salaries and expenses, Office of the Director	6,993,000	7,093,000	7,093,000	7,093,000	7,093,000	7 093,000	7,093,000	7,093,000	7,093,000
Total, National Institutes of Health	1,394,549,500	1,448,610,000	1,449,651,000	1,629,384,000	1,546,244,500	[22] 1,478,300,000	1,523,294,500	[22] 1,523,294,500	[22] 1,523,294,500
Scientific activities overseas (special foreign currency program)	15,000,000	3,455,000	3,455,000	3,455,000	3,455,000	3,455,000	3,455,000	3,455,000	3,455,000
OFFICE OF EDUCATION									
Elementary and secondary education:									
1971 advance		(1,226,003,000)	(7)	(1,117,580,000)		[22] 0	[21] 0	[21] 0	[21] 0
1. Educationally deprived children	1,123,127,000	[6] 1,226,000,000	[6] 1,396,975,000	[6] 1,396,975,000	[6] 1,396,975,000	[22] [6] 1,251,000,000	[21] [6] 1,396,975,000	[21] [6] 1,396,975,000	[21] [6] 1,396,975,000
2. Dropout prevention	5,000,000	24,000,000	5,000,000	20,000,000	5,000,000	[22] 15,000,000	[21] 5,000,000	[21] 5,000,000	[21] 5,000,000
3. Bilingual education	7,500,000	10,000,000	10,000,000	25,000,000	25,000,000	[22] 10,000,000	[21] 25,000,000	[21] 25,000,000	[21] 25,000,000
4. Supplementary educational centers	164,876,000	116,393,000	164,876,000	164,876,000	164,876,000	[22] 156,393,000	[22] 116,393,000	[22] 116,393,000	[22] 116,393,000
5. Library resources	50,000,000		50,000,000	50,000,000	50,000,000	[22] 0	[21] 50,000,000	[21] 50,000,000	[21] 50,000,000
6. Guidance, counseling, and testing	17,000,000		17,000,000	17,000,000	17,000,000	[22] 0	[21] 17,000,000	[21] 17,000,000	[21] 17,000,000
7. Equipment and remodeling	78,740,000		78,740,000	[8] (78,740,000)	[8] 30,000,000	[22] [8] 0	[22] [8] 0	[22] [8] 0	[22] [8] 0
8. Strengthening State departments of education	29,750,000	29,750,000	29,750,000	29,750,000	29,750,000	29,750,000	29,750,000	29,750,000	29,750,000
9. Planning and evaluation		9,250,000	9,250,000	9,250,000	9,250,000	9,250,000	9,250,000	9,250,000	9,250,000
Total	1,475,993,000	1,415,393,000	1,761,591,000	1,712,851,000	1,727,851,000	[21] 1,471,393,000	[22] 1,649,368,000	[22] 1,649,368,000	[22] 1,649,368,000
Instructional equipment	(93,240,000)		(78,740,000)	93,240,000	48,740,000	[22] 0	[22] 43,740,000	[22] 43,740,000	[22] 43,740,000

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[Note.—All amounts are in the form of definite appropriations unless otherwise indicated]

Agency and item (1)	New budget (obligational) authority fiscal year 1969 [1] (2)	Budget estimates of new (obligational) authority fiscal year 1970 (revised) (3)	New budget (obligational) authority recommended in the House bill H.R. 13111 (4)	New budget (obligational) authority recommended in the Senate bill H.R. 13111 (5)	New budget (obligational) authority recommended in the conference bill H.R. 13111 (vetoed) (6)	New budget (obligational) authority recommended in current appropriation request (7)	New budget (obligational) authority recommended in the House bill H.R. 15931 (8)	New budget (obligational) authority recommended in Senate bill H.R. 15931 (9)	New budget (obligational) authority recommended, H.R. 15931 conference agreement (10)
School assistance in federally affected areas:									
1. Maintenance and operation	$505,900,000	$187,000,000	$585,000,000	$645,000,000	$585,000,000	[22] $425,000,000	[22] $505,400,000	[22] $505,400,000	[22] $505,400,000
2. Construction	15,153,000	15,167,000	15,167,000	15,167,000	15,167,000	15,167,000	15,167,000	15,167,000	15,167,000
3. Evaluation	200,000								
Total	521,253,000	202,167,000	600,167,000	660,167,000	600,167,000	[22] 440,167,000	[22] 520,567,000	[22] 520,567,000	[22] 520,567,000
Education professions development:									
1. Preschool, elementary, and secondary:									
(a) Grants to States	15,000,000	15,000,000	15,000,000	21,500,000	18,250,000	[22] 15,000,000	[21] 18,250,000	[21] 18,250,000	[21] 18,250,000
(b) Training programs	80,000,000	80,000,000	80,000,000	98,000,000	88,750,000	[21] 88,750,000	[21] 88,750,000	[21] 88,750,000	[21] 88,750,000
2. Recruitment and information (504)				500,000	500,000	[22] 0	[21] 500,000	[21] 500,000	[21] 500,000
Total	95,000,000	95,000,000	95,000,000	120,000,000	107,500,000	[22] 103,750,000	[21] 107,500,000	[21] 107,500,000	[21] 107,500,000
Teacher Corps:									
1. Operations and training	20,900,000	31,100,000	21,737,000	31,100,000	21,737,000	[21] 21,737,000	[21] 21,737,000	[21] 21,737,000	[21] 21,737,000
Higher education:									
1. Program assistance:									
(a) Strengthening developing institutions	30,000,000	30,000,000	30,000,000	30,000,000	30,000,000	30,000,000	30,000,000	30,000,000	30,000,000
(b) Colleges of agriculture and the mechanic arts	11,950,000	[19] 19,361,000	12,120,000	[9] 19,361,000	[9] 19,361,000	[9] 19,361,000	19,361,000	19,361,000	19,361,000
(c) Undergraduate instructional equipment and other resources	14,500,000			[9] (14,500,000)		(0)	(0)	(0)	(0)
Subtotal, program assistance	56,450,000	49,361,000	42,120,000	49,361,000	49,361,000	49,361,000	49,361,000	49,361,000	49,361,000
2. Construction:									
(a) Public community colleges and technical institutions	50,000,000	43,000,000	43,000,000	125,000,000	43,000,000	43,000,000	43,000,000	43,000,000	43,000,000
(b) Other undergraduate facilities	33,000,000		33,000,000	75,000,000	33,000,000	[22] 0	[21] 33,000,000	[21] 33,000,000	[21] 33,000,000
(c) Graduate facilities	8,000,000								
(d) Interest subsidization	3,920,000	11,750,000	11,750,000	11,750,000	11,750,000	11,750,000	11,750,000	11,750,000	11,750,000
(e) State administration and planning	7,000,000	6,000,000	6,000,000	6,000,000	6,000,000	6,000,000	6,000,000	6,000,000	6,000,000
(f) Technical services	4,833,000	5,100,000	5,100,000	5,100,000	5,100,000	5,100,000	5,100,000	5,100,000	5,100,000
Subtotal, construction	106,753,000	65,850,000	98,850,000	222,850,000	98,850,000	[21] 65,850,000	[21] 98,850,000	[21] 98,850,000	[22] 98,850,000
3. Student aid:									
(a) Educational opportunity grants	124,600,000	175,600,000	159,600,000	175,600,000	164,600,000	[22] 164,600,000	[21] 164,600,000	[21] 164,600,000	[22] 164,600,000
(b) Direct loans	193,400,000	161,900,000	229,000,000	229,000,000	229,000,000	[22] 161,900,000	[22] 229,000,000	[21] 229,000,000	[22] 229,000,000
(c) Insured loans:									
(1) Advances for reserve funds (Obligations)	12,500,000								
(Obligations)	(4,700,000)	(7,800,000)	(7,800,000)	(7,800,000)	(7,800,000)	(7,800,000)	(7,000,000)	(7,800,000)	(7,800,000)
(2) Interest payments	62,400,000	62,400,000	62,400,000	62,400,000	62,400,000	62,400,000	62,400,000	62,400,000	64,400,000
(3) Computer services	1,500,000	1,500,000	1,500,000	1,500,000	1,500,000	1,500,000	1,500,000	1,500,000	1,500,000
Subtotal, insured loans	76,400,000	63,900,000	63,900,000	63,900,000	63,990,000	63,900,000	63,900,000	63,900,000	63,900,000
(d) Work-study programs	139,900,000	154,000,000	154,000,000	154,000,000	154,000,000	154,000,000	154,000,000	154,000,000	154,000,000
(e) Cooperative education		(19)	(19)	(19)	(19)	(19)	(19)	(19)	(19)
(f) Special programs for disadvantaged students:									
(1) Talent search	4,000,000	5,000,000	5,000,000	5,000,000	5,000,000	5,000,000	5,000,000	5,000,000	5,000,000

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 1969 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR 1970—Continued

H. Rept. 91-391, July 24, 1969, passed House July 31, 1969
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H. Rept. 91-840, Feb. 16, 1970, passed House Feb. 19, 1970

TITLE II—DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE—Continued

[Note.—All amounts are in the form of definite appropriations unless otherwise indicated]

Agency and item (1)	New budget (obligational) authority fiscal year 1969 [1] (2)	Budget estimates of new (obligational) authority fiscal year 1970 (revised) (3)	New budget (obligational) authority recommended in the House bill H.R. 13111 (4)	New budget (obligational) authority recommended in the Senate bill H.R. 13111 (5)	New budget (obligational) authority recommended in the conference bill H.R. 13111 (vetoed) (6)	New budget (obligational) authority recommended in current appropriation request (7)	New budget (obligational) authority recommended in the House bill H.R. 15931 (8)	New budget (obligational) authority recommended in Senate bill H.R. 15931 (9)	New budget (obligational) authority recommended, H.R. 15931 conference agreement (10)
School assistance in federally affected areas:									
(2) Upward bound	($29,800,000)	[11] $30,000,000	$30,000,000	$30,000,000	$30,000,000	$30,000,000	$30,000,000	$30,000,000	$30,000,000
(3) Special services in colleges		10,000,000	10,000,000	10,000,000	10,000,000	10,000,000	10,000,000	10,000,000	10,000,000
Subtotal, special programs	4,000,000	45,000,000	45,000,000	45,000,000	45,000,000	45,000,000	45,000,000	45,000,000	45,000,000
Subtotal, student aid	538,300,000	600,400,000	651,500,000	667,500,000	656,500,000	589,400,000	[21] 656,500,000	[21] 656,500,000	[21] 656,500,000
4. Personnel development:									
(a) College teacher fellowships	70,000,000	61,469,000	56,163,000	56,163,000	56,163,000	[21] 56,163,000	[21] 56,163,000	[21] 56,163,000	[21] 56,163,000
(b) Training programs	6,900,000	10,000,000	10,000,000	10,000,000	10,000,000	10,000,000	10,000,000	10,000,000	10,000,000
Subtotal, personnel development	76,900,000	71,469,000	66,163,000	66,163,000	66,163,000	[21] 66,163,000	[21] 66,163,000	[21] 63,163,000	[21] 66,163,000
5. Planning and evaluation		1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000
Total, higher education	778,403,000	788,080,000	859,633,000	1,006,874,000	871,874,000	[22] 771,774,000	[21] 871,874,000	[21] 871,874,000	[21] 871,874,000
Vocational education:									
1. Basic grants	234,216,000	230,336,000	357,836,000	352,836,000	352,836,000	[22] 300,336,000	[22] 300,336,000	[22] 300,336,000	[22] 300,336,000
2. State advisory councils		1,680,000	1,680,000	2,800,000	2,800,000	[22] 1,680,000	[21] 2,800,000	[21] 2,800,000	[21] 2,800,000
3. National advisory council	(30,000)	200,000	200,000	200,000	200,000	200,000	200,000	200,000	200,000
4. Transfer to Department of Labor	0	2,000,000	0	0	0	0	[21] 0	[21] 0	[21] 0
5. Consumer and homemaking education	14,000,000	15,000,000	15,000,000	20,000,000	20,000,000	[22] 15,000,000	[22] 17,500,000	[22] 17,500,000	[22] 17,500,000
6. Cooperative education		14,000,000	14,000,000	14,000,000	14,000,000	14,000,000	14,000,000	14,000,000	14,000,000
7. Innovation		13,000,000	13,000,000	13,000,000	13,000,000	13,000,000	13,000,000	13,000,000	13,000,000
8. Curriculum development		2,000,000	2,000,000	2,000,000	880,000	[22] 2,000,000	[21] 880,000	[21] 880,000	[21] 880,000
9. Planning and evaluation		1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000
10. Work-study			10,000,000	10,000,000	10,000,000	[22] 0	[22] 5,000,000	[22] 5,000,000	[22] 5,000,000
11. Programs for students with special needs			40,000,000	40,000,000	40,000,000	[22] 0	[22] 20,000,000	[22] 20,000,000	[22] 20,000,000
12. Research			34,000,000	34,000,000	34,000,000	[22] 0	[22] 17,000,000	[22] 17,000,000	[22] 17,000,000
Total, vocational education	248,216,000	279,216,000	488,716,000	488,716,000	488,716,000	[22] 347,216,000	[22] 391,716,000	[22] 391,716,000	[22] 391,716,000
Libraries and community services:									
1. Library services	40,709,000	23,209,000	40,709,000	40,709,000	40,709,000	[22] 33,209,000	[21] 40,709,000	[21] 40,709,000	[21] 40,709,000
2. Construction of public libraries	9,185,000		9,185,000	9,185,000	9,185,000	[22] 0	[21] 9,185,000	[21] 9,185,000	[21] 9,185,000
3. College library resources	25,000,000	12,500,000	12,500,000	25,000,000	20,834,000	[22] 12,500,000	[21] 20,834,000	[21] 20,834,000	[21] 20,834,000
4. Acquisition and cataloging by Library of Congress	5,500,000	4,500,000	5,500,000	7,356,000	6,737,000	[22] 4,500,000	[21] 6,737,000	[21] 6,737,000	[21] 6,737,000
5. Librarian training	8,250,000	4,000,000	4,000,000	8,250,000	6,833,000	[22] 4,000,000	[21] 6,833,000	[21] 6,833,000	[21] 6,833,000
6. University community services	9,500,000	9,500,000	9,500,000	9,500,000	9,500,000	9,500,000	9,500,000	9,500,000	9,500,000
7. Adult basic education	45,000,000	50,000,000	50,000,000	50,000,000	50,000,000	50,000,000	50,000,000	50,000,000	50,000,000
8. Educational broadcasting facilities	4,000,000	4,000,000	4,000,000	5,625,000	5,083,000	[22] 4,000,000	[21] 5,083,000	[21] 5,083,000	[21] 5,083,000
Total, libraries and community services	147,144,000	107,709,000	135,394,000	155,625,000	148,881,000	[22] 117,709,000	[21] 148,881,000	[21] 148,881,000	[21] 148,881,000

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COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 1969 AND BUDGET ESTIMATES AND AMOUNTS RECOMM ENDED IN THE BILL FOR 1970—Continued

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TITLE I—DEPARTMENT OF LABOR

Agency and item (1)	New budget (obligational) authority fiscal year 1969 [1] (2)	Budget estimates of new (obligational) authority fiscal year 1970 (revised) (3)	New budget (obligational) authority recommended in the House bill H.R. 13111 (4)	New budget (obligational) authority recommended in the Senate bill H.R. 13111 (5)	New budget (obligational) authority recommended in the conference bill H.R. 13111 (vetoed) (6)	New budget (obligational) authority recommended in current appropriation request (7)	New budget (obligational) authority recommended in the House bill H.R. 15931 (8)	New budget (obligational) authority recommended in Senate bill H.R. 15931 (9)	New budget (obligational) authority recommended, H.R. 15931 conference agreement (10)
Education for the handicapped:									
1. Preschool and school programs	$29,250,000	$29,250,000	[13] $29,190,000	$34,190,000	$29,190,000	[22] $29,250,000	[21] $29,190,000	[21] $29,190,000	[21] $29,190,000
2. Early childhood programs	945,000	3,000,000	4,000,000	4,000,000	4,000,000	[22] 4,000,000	[21] 4,000,000	[21] 4,000,000	[21] 4,000,000
3. Teacher education and recruitment:									
(a) Teacher education	29,700,000	29,700,000	35,000,000	35,000,000	35,000,000	[22] 30,900,000	[21] 35,000,000	[21] 35,000,000	[21] 35,000,000
(b) Recruitment and information	250,000	500,000	610,000	610,000	610,000	[22] 500,000	[21] 610,000	[21] 610,000	[21] 610,000
(c) Physical education and recreation	300,000	300,000	1,000,000	1,000,000	1,000,000	[22] 700,000	[21] 1,000,000	[21] 1,000,000	[21] 1,000,000
Subtotal, teacher education and recruitment	30,250,000	30,500,000	36,610,000	36,610,000	[22] 32,100,000	[21] 36,610,000	[21] 36,610,000	[21] 36,610,000	[21] 36,610,000
4. Research and innovation:									
(a) Research and demonstrations	12,800,000	14,050,000	16,000,000	16,000,000	16,000,000	[22] 14,150,000	[21] 16,000,000	[21] 16,000,000	[21] 16,000,000
(b) Regional resource centers	500,000	2,000,000	3,000,000	3,000,000	3,000,000	[22] 3,550,000	[21] 3,000,000	[21] 3,000,000	[21] 3,000,000
(c) Innovative programs (deaf blind centers)	1,000,000	2,000,000	4,000,000	4,000,000	4,000,000	[22] 2,500,000	[21] 4,000,000	[21] 4,000,000	[21] 4,000,000
(d) Physical education and recreation	300,000	300,000	700,000	700,000	700,000	[22] 300,000	[21] 700,000	[21] 700,000	[21] 700,000
Subtotal, research	14,600,000	18,350,000	23,700,000	23,700,000	23,700,000	[22] 20,500,000	[21] 23,700,000	[21] 23,700,000	[21] 23,700,000
5. Media services and captioned films	4,750,000	4,750,000	6,500,000	6,500,000	6,500,000	[22] 6,000,000	[21] 6,500,000	[21] 6,500,000	[21] 6,500,000
Total, education for the handicapped	79,795,000	85,850,000	100,000,000	105,000,000	100,000,000	[22] 91,850,000	[21] 100,000,00	[21] 100,000,000	[21] 100,000,000
Research and training:									
1. Research and development:									
(a) Educational laboratories	23,600,000	25,750,000	25,750,000	25,750,000	25,750,000	25,750,000	25,750,000	25,750,000	25,750,000
(b) Research and development centers	10,800,000	10,000,000	10,000,000	10,000,000	10,000,000	10,000,000	10,000,000	10,000,000	10,000,000
(c) General education	26,951,000	26,950,000	26,950,000	26,950,000	26,950,000	26,950,000	26,950,000	26,950,000	26,950,000
(d) Vocational education	11,375,000	1,100,000	1,100,000	1,100,000	1,100,000	1,100,000	1,100,000	1,100,000	1,100,000
(e) Evaluations	1,250,000	3,000,000	3,000,000	3,000,000	3,000,000	3,000,000	3,000,000	3,000,000	3,000,000
(f) National achievement study	1,000,000	2,000,000	2,000,000	2,000,000	2,000,000	2,000,000	2,000,000	2,000,000	2,000,000
Subtotal, research and development	74,976,000	68,800,000	68,800,000	68,800,000	68,800,000	68,800,000	68,800,000	68,800,000	68,800,000

XUM

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 1969 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR 1970—Continued

H. Rept. 91-391, July 24, 1969, passed House July 31, 1969
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TITLE II—DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE—Continued

[Note.—All amounts are in the form of definite appropriations unless otherwise indicated]

Agency and item (1)	New budget (obligational) authority, fiscal year 1969 [1] (2)	Budget estimates of new (obligational) authority, fiscal year 1970 (revised) (3)	New budget (obligational) authority recommended in the House bill H.R. 13111 (4)	New budget (obligational) authority recommended in the Senate bill H.R. 13111 (5)	New budget (obligational) authority recommended in the conference bill H.R. 13111 (vetoed) (6)	New budget (obligational) authority recommended in current appropriation request (7)	New budget (obligational) authority recommended in the House bill H.R. 15931 (8)	New budget (obligational) authority recommended in Senate bill H.R. 15931 (9)	New budget (obligational) authority recommended, H.R. 15931 conference agreement (10)
2. Major demonstrations	$1,000,000	$5,250,000	$1,000,000	$4,000,000	$1,000,000	[21] $1,000,000	[21] $1,000,000	[21] $1,000,000	[21] $1,000,000
District of Columbia Model School	(1,000,000)	(5,000,000)	(1,000,000)	(4,000,000)	(1,000,000)	[21] (1,000,000)	[21] (1,000,000)	[21] (1,000,000)	[21] (1,000,000)
3. Experimental schools		25,000,000		9,500,000		[22] 9,500,000	[22] 0	[22] 0	0
4. Dissemination	4,226,000	7,200,000	7,200,000	7,200,000	7,200,000	7,200,000	7,200,000	7,200,000	7,200,000
5. Training	6,750,000	6,750,000	6,750,000	6,750,000	6,750,000	6,750,000	6,750,000	6,750,000	6,750,000
6. Statistical surveys	500,000	2,000,000	2,000,000	2,000,000	2,000,000	2,000,000	2,000,000	2,000,000	2,000,000
Total, research and training	87,452,000	115,000,000	85,750,000	98,250,000	85,750,000	[22] 95,250,000	[21] 85,750,000	[21] 85,750,000	[21] 85,750,000
Education in foreign languages and world affairs:									
1. Centers, fellowships, and research	15,165,000	15,000,000	15,000,000	7,000,000	15,000,000	15,000,000	15,000,000	15,000,000	15,000,000
2. Fulbright-Hays training grants	3,000,000	3,000,000	3,000,000	3,000,000	3,000,000	3,000,000	3,000,000	3,000,000	3,000,000
3. International Education Act		2,000,000		2,000,000		[21] 0	[21] 0	[21] 0	[21] 0
Total	18,165,000	20,000,000	18,000,000	12,000,000	18,000,000	[21] 18,000,000	[21] 18,000,000	[21] 18,000,000	[21] 18,000,000
Research and training (special foreign currency program)	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000
Salaries and expenses	40,804,000	43,375,000	42,157,000	42,157,000	42,157,000	[21] 42,157,000	[21] 42,157,000	[21] 42,157,000	[21] 42,157,000
Student loan insurance fund		10,826,000	10,826,000	10,826,000	10,826,000	10,826,000	10,826,000	10,826,000	10,826,000
Higher education facilities loan fund:									
1. Loans to higher education institutions	100,000,000								
2. Participation sales insufficiencies	3,275,000	2,918,000	2,918,000	2,918,000	2,918,000	2,918,000	2,918,000	2,9018000	2,918,000
Total	103,275,000	2,918,000	2,918,000	2,918,000	2,918,000	2,918,000	2,918,000	2,918,000	2,918,000
Total, Office of Education	3,617,400,000	[6] 3,197,634,000	[6] 4,222,889,000	[6] 4,540,724,000	[6] 4,276,117,000	[22] [6] 3,535,747,000	[22] [6] 4,016,034,000	[22] [6] 4,016,034,000	[22] [6] 4,016,034,000
SOCIAL AND REHABILITATION SERVICE									
Grants to States for public assistance:									
1. Maintenance payments	3,395,424,000	3,948,340,000	3,948,340,000	3,948,340,000	3,948,340,000	3,948,340,000	3,948,340,000	3,948,340,000	3,948,340,000
2. Medical assistance	2,396,322,000	2,677,969,000	2,677,969,000	2,677,969,000	2,677,969,000	2,677,969,000	2,677,969,000	2,677,960,900	2,677,969,000
3. Social services and administration	624,800,000	725,242,000	725,242,000	725,242,000	725,242,000	725,242,000	725,242,000	725,242,000	725,242,000
Total	6,416,546,000	7,351,551,000	7,351,551,000	7,351,551,000	7,351,551,000	7,351,551,000	7,351,551,000	7,351,551,000	7,351,551,000
Work incentives:									
1. Training and incentives:									
(a) On-the-job training	18,969,000	15,732,000	15,732,000	8,500,000	14,474,000	[21] 14,474,000	[21] 14,474,000	[21] 14,474,000	[21] 14,474,000
(b) Institutional and work experience training	67,631,000	48,408,000	48,408,000	40,400,000	45,539,000	[21] 45,539,000	[21] 45,539,000	[21] 45,539,000	[21] 45,539,000
(c) Work projects	3,000,000	1,360,000	1,360,000	100,000	210,000	[21] 210,000	[21] 210,000	[1] 210,000	[21] 210,000
(d) Program direction and evaluation	5,300,000	8,000,000	8,000,000	8,000,000	8,000,000	8,000,000	8,000,000	8,000,000	8,000,000
Subtotal	94,900,000	73,500,000	73,500,000	57,000,000	68,223,000	[21] 68,223,000	[21] 68,223,000	[21] 68,223,000	[21] 68,223,000
2. Child care	22,600,000	56,140,000	56,140,000	43,000,000	51,777,000	[21] 51,777,000	[21] 51,777,000	[21] 51,777,000	[21] 51,777,000
Total	117,500,000	129,640,000	129,640,000	100,000,000	120,000,000	[21] 120,000,000	[21] 120,000,000	[21] 120,000,000	[21] 120,000,000
Assistance to repatriated U.S. nationals	645,000	700,000	700,000	700,000	700,000	700,000	700,000	700,000	700,000
Rehabilitation services and facilities:									
1. Vocational rehabilitation service:									
(a) Basic services	345,900,000	471,000,000	471,000,000	413,000,000	436,000,000	[21] 436,000,000	[21] 436,000,000	[21] 436,000,000	[21] 436,000,000
(b) Innovation	3,200,000	3,200,000	3,200,000	3,200,000	3,200,000	3,200,000	3,200,000	3,200,000	3,200,000

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(c) Expansion of services	$8,000,000	$11,000,000	$11,000,000	$11,000,000	$11,000,000	$11,000,000	$11,000,000	$11,000,000	$11,000,000
(d) Migratory agricultural workers		3,500,000				[21] 0	0	[21] 0	0
Subtotal, services	357,100,000	488,700,000	485,200,000	450,200,000	450,200,000	[21] 450,200,000	[21] 450,000,000	[21] 450,200,000	[21] 450,200,000
2. Rehabilitation facilities:									
(a) Planning and construction	1,340,000		3,500,000	3,500,000	3,500,000	[22] 0	[21] 3,500,000	[21] 3,500,000	[21] 3,500,000
(b) Initial staffing	550,000	550,000	550,000	550,000	650,000	550,000	550,000	550,000	550,000
(c) Facility improvement:									
(1) Training service projects	6,000,000	6,333,000	6,333,000	6,333,000	6,333,000	6,333,000	6,333,000	6,333,000	6,333,000
(2) Improvement grants	4,000,000	4,200,000	4,200,000	4,200,000	4,200,000	4,200,000	4,200,000	4,200,000	4,200,000
Subtotal, facilities	11,890,000	11,083,000	14,583,000	14,583,000	14,583,000	[21] 11,083,000	[21] 14,583,000	[21] 14,583,000	[21] 14,583,000
Total	368,990,000	499,783,000	499,783,000	464,783,000	464,783,000	[22] 461,283,000	[21] 464,783,000	[21] 464,783,000	[21] 464,783,000
Mental retardation:									
1. Research	126,000	126,000	126,000	126,000	126,000	126,000	126,000	126,000	126,000
2. Hospital improvement	8,972,000	8,972,000	8,972,000	8,972,000	8,972,000	8,972,000	8,972,000	8,972,000	8,972,000
3. Rehabilitation service projects		4,500,000	4,500,000	4,500,000	4,500,000	4,500,000	4,500,000	4,500,000	4,500,000
4. Community service facilities:									
(a) Construction	6,000,000	8,031,000	12,031,000	12,031,000	12,031,000	[22] 8,031,000	[21] 12,031,000	[21] 12,031,000	[21] 12,031,000
(b) Initial staffing	8,358,000	12,000,000	11,371,000	11,371,000	11,371,000	[21] 11,371,000	[21] 11,371,000	[21] 11,371,000	[21] 11,371,000
5. Construction of university-affiliated facilities	9,100,000			2,000,000					
Total	32,556,000	33,629,000	37,000,000	39,000,000	37,000,000	[22] 33,000,000	[21] 37,000,000	[21] 37,000,000	[21] 37,000,000
Maternal and child health:									
1. Maternal and child health services	50,000,000	50,000,000	50,000,000	50,000,000	50,000,000	50,000,000	50,000,000	50,000,000	50,000,000
2. Crippled children's services	57,000,000	58,000,000	58,000,000	58,000,000	58,000,000	58,000,000	58,000,000	58,000,000	58,000,000
3. Maternity and infant care	48,000,000	61,850,000	61,750,000	61,750,000	61,750,000	[21] 61,750,000	[21] 61,750,000	[21] 61,750,000	[21] 61,750,000
4. Health of school and preschool children	39,000,000	40,950,000	40,850,000	40,850,000	40,850,000	[21] 40,850,000	[21] 40,850,000	[21] 40,850,000	[21] 40,850,000
5. Dental health of children			200,000	200,000	200,000	[21] 0	[21] 200,000	[21] 200,000	[21] 200,000
6. Training	9,000,000	9,000,000	11,200,000	11,200,000	11,200,000	[22] 9,000,000	[21] 11,200,000	[21] 11,200,000	[21] 11,200,000
7. Research	6,200,000	8,700,000	6,200,000	6,200,000	6,200,000	[21] 6,200,000	[21] 6,200,000	[21] 6,200,000	[21] 6,200,000
Total	209,200,000	228,500,000	228,200,000	228,200,000	228,200,000	[22] 225,800,000	[21] 228,200,000	[21] 228,200,000	[21] 228,200,000
Child welfare:									
1. Child welfare services	46,000,000	46,000,000	46,000,000	46,000,000	46,000,000	46,000,000	46,000,000	46,000,000	46,000,000
2. Training	5,800,000	5,800,000	5,800,000	5,800,000	5,800,000	5,800,000	5,800,000	5,800,000	5,800,000
3. Research and demonstration	4,400,000	4,600,000	4,400,000	4,400,000	4,400,000	[21] 4,400,000	[21] 4,400,000	[21] 4,400,000	[21] 4,400,000
4. White House Conference on Children and Youth		400,000	400,000	400,000	400,000	400,000	400,000	400,000	400,000
Total	56,200,000	56,800,000	56,600,000	56,600,000	56,600,000	[21] 56,600,000	[21] 56,600,000	[21] 56,600,000	[21] 56,600,000
Total, maternal and child health and welfare	265,400,000	285,300,000	284,800,000	284,800,000	284,800,000	[22] 282,400,000	[21] 284,800,000	[21] 284,800,000	[21] 284,800,000

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TITLE II—Continued

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SOCIAL AND REHABILITATION SERVICE—Con.									
Development of Programs for the aging:									
1. Grants to State for community planning and services	$16,000,000	$13,000,000		$20,000,000	$13,000,000	$13,000,000	$13,000,000	$13,000,000	$13,000,000
2. Foster-grandparents program	(9,250,000)	[11] 9,250,000		9,250,000	9,250,000	9.250,000	9,250,000	9.250,000	9.250,000
3. Research and demonstration	4,100,000	3,500,000		3,500,000	3,500,000	3,500,000	3,500,000	3,500,000	3,500,000
4. Training	2,900,000	2,610,000		3,500,000	2,610,000	2,610,000	2,610,000	2,610,000	2,610,000
Total	23,000,000	28,360,000	(7)	36,250,000	28,360,000	28,360,000	28,360,000	28,360,000	28,360,000
Juvenile delinquency prevention and control:									
1. Planning, prevention, and rehabilitation	2,650,000	11,000,000	$2,650,000	11,000,000	7,300,000	[21] 7,300,000	[21] 7,300,000	[21] 7,300,000	[21] 7,300,000
2. Training	1,300,000	2,600,000	1,300,000	2,600,000	1,700,000	[21] 1,700,000	[21] 1,700,000	[21] 1,700,000	[21] 1,700,000
3. Model programs and technical assistance	1,050,000	1,400,000	1,050,000	1,400,000	1,000,000	[21] 1,000,000	[21] 1,000,000	[21] 1,000,000	[21] 1,000,000
Total	5,000,000	15,000,000	5,000,000	15,000,000	10,000,000	[21] 10,000,000	[21] 10,000,000	[21] 10,000,000	[21] 10,000,000
Rehabilitation research and training:									
1. Research and demonstrations	21,325,000	21,325,000	21,325,000	21,325,000	21,325,000	21,325,000	21,325,000	21,325,000	21,325,000
2. Training	31,700,000	27,700,000	27,700,000	27,700,000	27,700,000	27,700,000	27,700,000	27,700,000	27,700,000
3. Special center program	10,275,000	10,275,000	10,275,000	10,275,000	10,275,000	10,275,000	10,275,000	10,275,000	10,275,000
4. International research (domestic support)	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000
5. Center for deaf-blind youths and adults	600,000	600,000	600,000	600,000	600,000	600,000	600,000	600,000	600,000
Total	64,000,000	60,000,000	60.000,000	60,000,000	60,000,000	60,000,000	60,000,000	60,000,000	60,000,000
Cooperative research or demonstration projects:									
1. Research grants	1,680,000	1,750,000	1,750,000	1,750,000	1,750,000	1,750,000	1,750,000	1,750,000	1,750,000
2. Directed research	1,470,000	9,750,000	9,750,000	9,750,000	9 750,000	9,750,000	9,750,000	9,750,000	9,750,000
Total	3,150,000	11,500,000	11,500,000	11,500,000	11,500,000	11,500,000	11,500,000	11,500,000	11,500,000
Research and training (special foreign currency program)	5,000,000	2,000,000	2,000,000	2,000,000	2,000,000	2,000,000	2,000,000	2,000,000	2,000,000
Salaries and expenses	27,015,000	[13] 34,393,000	28,780,000	31,673,000	30,226,500	[21] 30,226,500	[21] 30,226,500	[1] 30,226,500	[21] 30,226,500
Trust fund transfer	(348,000)	(360,000)	(360,000)	(360,000)	(360,000)	(360,000)	(360,000)	(360,000)	(360,000)
Total social and rehabilitation service	7,328,802,000	8,451,856,000	8,410,754,000	8,397,257,000	8,400,920,500	[22] 8,391,020,500	[21] 8,400,920,500	[21] 8,400,920,500	[21] 8,400,920,500
SOCIAL SECURITY ADMINISTRATION									
Limitation on salaries and expenses	(807, 492, 000)	[14] (921, 200, 000)	(901, 500, 000)	[14] (921, 200, 000)	(911, 350, 000)	[21] (911, 350, 000)	[21] (911, 350, 000)	[21] (911, 350, 000)	[21] (911, 350, 000)
Payment to trust funds for health insurance for the aged:									
1. Reimbursement for the uninsured	465, 227, 000	617, 262, 000	617, 262, 000	617, 262, 000	617, 262, 000	617, 262, 000	617, 262, 000	617, 262, 000	617, 262, 000
2. Supplementary medical insurance	895, 000, 000	928, 151, 000	928, 151, 000	928, 151, 000	928, 151, 000	928, 151, 000	928, 151, 000	928, 151, 000	928, 151, 000
Total	1, 360, 227, 000	1, 545, 413, 000	1, 545, 413, 000	1, 545, 413, 000	1, 545, 413, 000	1, 545, 413, 000	1, 545, 413, 000	1, 545, 413, 000	1, 545, 413. 000
Payment for military service credits	105, 000, 000	105, 000, 000	105, 000, 000	105, 000, 000	105, 000, 000	105, 000, 000	105, 000, 000	105, 000, 000	105, 000, 000
Payment for special benefits for the aged	225, 545, 000	364, 151, 000	364, 151, 000	634, 151, 000	364, 151, 000	364, 151, 000	364, 151, 000	364, 151, 000	364, 151, 000
Consumer credit training (BFCU)		300, 000		300, 000		[21] 0	[21] 0	[21] 0	0
Total Social Security Administration	1, 690, 772, 000	2, 014, 864, 000	2, 014, 564, 000	2, 014, 864, 000	2, 014, 564, 000	[21] 2, 014, 564, 000	[21] 2, 014, 564, 000	[21] 2, 014, 564, 000	[21] 2, 014, 564, 000

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 1969 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR 1970—Continued

H. Rept. 91-391, July 24, 1969, passed House July 31, 1969
S. Rept. 91-610, Dec. 16, 1969, passed Senate Dec. 17, 1969
Conference report 91-781, Dec. 20, 1969, passed House Dec. 22, 1969, passed Senate Jan. 20, 1970
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H. Rept. 91-840, Feb. 16, 1970, passed House Feb. 19, 1970

TITLE I—DEPARTMENT OF LABOR

[Note.—All amounts are in the form of definite appropriations unless otherwise indicated]

Agency and item (1)	New budget (obligational) authority, fiscal year 1969 [1] (2)	Budget estimates of new (obligational) authority, fiscal year 1970 (revised) (3)	New budget (obligational) authority recommended in the House bill H.R. 13111 (4)	New budget (obligational) authority recommended in the Senate bill H.R. 13111 (5)	New budget (obligational) authority recommended in the conference bill H.R. 13111 (vetoed) (6)	New budget (obligational) authority recommended in current appropriation request (7)	New budget (obligational) authority recommended in the House bill H.R. 15931 (8)	New budget (obligational) authority recommended in Senate bill H.R. 15931 (9)	New budget (obligational) authority recommended, H.R. 1593, conference agreement (10
SPECIAL INSTITUTIONS									
American Printing House for the Blind	$1,340,000	$1,404,000	$1,404,000	$1,404,000	$1,404,000	$1,404,000	$1,404,000	$1,404,000	$1,404,000
National Technical Institute for the Deaf: Salaries and expenses	800,000	2,851,000	2,851,000	2,851,000	2,851,000	2,851,000	2,851,000	2,851,000	2,851,000
Model Secondary School for the Deaf:									
1. Salaries and expenses	400,000	415,000	415,000	415,000	415,000	415,000	415,000	415,000	415,000
2. Construction	445,000	351,000	351,000	351,000	351,000	351,000	351,000	351,000	351,000
Total	845,000	766,000	766,000	766,000	766,000	766,000	766,000	766,000	766,000
Gallaudet College:									
1. Salaries and expenses	3,691,000	4,257,000	4,257,000	4,332,000	4,332,000	[21] 4,332,000	[21] 4,332,000	[21] 4,332,000	[21] 4,332,000
2. Construction		867,000	867,000	1,106,000	1,106,000	[21] 1,106,000	[21] 1,106,000	[21] 1,106,000	[21] 1,106,000
Total	3,691,000	5,124,000	5,124,000	5,438,000	5,438,000	[21] 5,438,000	[21] 5,438,000	[21] 5,438,000	[21] 5,438,000
Howard University:									
1. Salaries and expenses	18,231,000	20,445,000	20,445,000	20,445,000	20,445,000	20,445,000	20,445,000	20,445,000	20,445,000
2. Construction	2,209,000	22,710,000	22,710,000	22,710,000	22,710,000	22,710,000	22,710,000	22,710,000	22,710,000
3. Freedmen's Hospital	9,030,000	9,109,000	9,109,000	9,109,000	9,109,000	9,109,000	9,109,000	9,109,000	9,109,000
Total	29,470,000	52,264,000	52,264,000	52,264,000	52,264,000	52,264,000	52,264,000	52,264,000	52,264,000
Total, special institutions	36,146,000	62,409,000	62,409,000	62,723,000	62,723,000	[21] 62,723,000	[21] 62,723,000	[21] 62,723,000	[21] 62,723,000
DEPARTMENTAL MANAGEMENT									
Office of the Secretary	5,133,000	5,975,000	5,975,000	5,975,000	5,975,000	5,975,000	5,975,000	5,975,000	5,975,000
Trust fund transfers	(389,000)	(398,000)	(398,000)	(398,000)	(398,000)	(398,000)	(398,000)	(398,000)	(398,000)
Office of Community and Field Service	4,189,000	4,730,000	4,510,000	4,510,000	4,510,000	[21] 4,510,000	[21] 4,510,000	[21] 4,510,000	[21] 4,510,000
Trust fund transfers	(2,168,000)	(2,486,000)	(2,325,000)	(2,325,000)	(2,325,000)	[21] (2,325,000)	[21] (2,325,000)	[21] (2,325,000)	[21] (2,325,000)
Office for Civil Rights	4,004,000	5,259,000	5,259,000	5,259,000	5,259,000	5,259,000	5,259,000	5,259,000	5,259,000
Trust fund transfers	(804,000)	(856,000)	(856,000)	(856,000)	(856,000)	(856,000)	(856,000)	(856,000)	(856,000)
Office of the Comptroller	9,242,000	10,425,000	10,425,000	10,425,000	10,425,000	10,425,000	10,425,000	10,425,000	10,425,000
Trust fund transfers	(1,255,000)	[15] (2,060,000)	(1,808,000)	[15] (2,060,000)	(2,060,000)	(2,060,000)	(2,060,000)	(2,060,000)	(2,060,000)
Office of Administration	4,926,000	5,234,000	5,066,000	5,066,000	5,066,000	[21] 5,066,000	[21] 5,066,000	[21] 5,066,000	[21] 5,066,000
Trust fund transfers	(302,000)	(359,000)	(350,000)	(350,000)	(350,000)	[21] (350,000)	[21] (350,000)	(350,000)	[21] (350,000)
Surplus property utilization	1,243,000	1,255,000	1,255,000	1,255,000	1,255,000	1,255,000	1,255,000	1,255,000	1,255,000
Office of the General Counsel	2,161,000	2,282,000	2,244,000	2,244,000	2,244,000	[21] 2,244,000	[21] 2,244,000	[21] 2,244,000	[21] 2,244,000
Trust fund transfers	(1,375,000)	(1,416,000)	(1,396,000)	(1,396,000)	(1,396,000)	[21] (1,396,000)	[21] (1,396,000)	[21] (1,396,000)	[21] (1,396,000)
Total, departmental management	30,898,000	35,160,000	34,734,000	34,734,000	34,734,000	[21] 34,734,000	[21] 34,734,000	[21] 34,734,000	[21] 34,734,000
Trust fund transfers	(6,293,000)	(7,575,000)	(7,133,000)	(7,385,000)	(7,385,000)	[21] (7,385,000)	(7,385,000)	[21] (7,385,000)	(7,385,000)
Total, Department of Health, Education, and Welfare	15,417,892,500	[4] 16,473,906,000	[6] 17,529,082,000	[6] 18,113,146,000	[6] 17,735,619,500	[20][21] 16,790,705,000	[20][21] 17,370,386,500	[20][21] 17,370,386,500	[20][21] 17,370,386,500

TITLE III—RELATED AGENCIES

Agency and item (1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10
National Labor Relations Board	$35,474,000	$36,880,000	$36,880,000	$36,880,000	$36,880,000	$36,880,000	$36,880,000	$36,880,000	$36,880,000
National Mediation Board	2,492,000	2,226,000	2,226,000	2,226,000	2,226,000	2,226,000	2,226,000	2,226,000	2,226,000
Railroad Retirement Board:									
Limitations on salaries and expenses	(14,490,000)	(15,092,000)	(15,172,000)	(15,172,000)	(15,172,000)	(15,172,000)	(15,172,000)	(15,172,000)	(15,172,000)
Payment for military service credits	18,446,000	19,206,000	19,206,000	19,206,000	19,206,000	19,206,000	19,206,000	19,206,000	19,206,000
Federal Mediation and Conciliation Service	8,215,000	[16] 8,452,000	8,240,000	8,412,000	8,412,000	8,412,000	8,412,000	8,412,000	8,412,000
U.S. Soldiers' Home (trust fund appropriation):									
Operation and maintenance	8,602,000	9,149,000	9,149,000	9,149,000	9,149,000	9,149,000	9,149,000	9,149,000	9,149,000
Capital outlay	726,000	170,000	170,000	170,000	170,000	170,000	170,000	170,000	170,000

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 1969 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR 1970—Continued

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TITLE II—Continued

[Note.—All amounts are in the form of definite appropriations unless otherwise indicated]

Agency and item (1)	New budget (obligational) authority, fiscal year 1969[1] (2)	Budget estimates of new (obligational) authority, fiscal year 1970 (revised) (3)	New budget (obligational) authority recommended in the House bill H.R. 13111 (4)	New budget (obligational) authority recommended in the Senate bill H.R. 13111 (5)	New budget (obligational) authority recommended in the conference bill H.R. 13111 (vetoed) (6)	New budget (obligational) authority recommended in current appropriation request (7)	New budget (obligational) authority recommended in the House bill H.R. 15931 (8)	New budget (obligational) authority recommended in Senate bill H.R. 15931 (9)	New budget (obligational) authority recommended, H.R. 15931 conference agreement (10)
Office of Economic Opportunity	$1,948,000,000	$2,048,000,000	(7)	$2,048,000,000	$1,948,000,000	[21] $1,948,000,000	[21] $1,948,000,000	[21] $1,948,000,000	[21] $1,948,000,000
Federal Radiation Council	127,000	124,000	124,000	124,000	124,000	124,000	124,000	124,000	124,000
President's Committee on Consumer Interests	421,000	450,000	450,000	450,000	450,000	450,000	450,000	450,000	450,000
National Commission on Product Safety	525,000	1,475,000	1,475,000	1,475,000	1,475,000	1,475,000	1,475,000	1,475,000	1,475,000
President's Council on Youth Opportunity		357,000	(17)	300,000	300,000	300,000	300,000	300,000	300,000
Inter-Agency Committee on Mexican-American Affairs		510,000	510,000	510,000	510,000	510,000	510,000	510,000	510,000
Payment to the Corporation for Public Broadcasting	5,000,000	[18] 15,000,000	(7)	[18] 15,000,000	15,000,000	15,000,000	15,000,000	15,000,000	15,000,000
Total, related agencies	2,028,028,000	2,141,999,000	78,430,000	2,141,902,000	2,041,902,000	2,041,902,000	2,041,902,000	2,041,902,000	2,041,902,000
Grand total, new budget (obligational) authority	18,217,489,500	[6] 19,618,940,000	[6] 18,584,417,000	[6] 21,256,626,000	[6] 20,757,967,500	[20][6] 19,813,053,000	[22][1] 20,392,734,500	[22][1] 20,392,734,500	[22][1] 20,392,734,500
Grand total, new budget (obligational) authority excluding an advance for 1970 of $1,010,814,300 appropriated in the 1969 bill		18,608,125,700	17,573,602,700	20,245,811,700	19,747,153,200	[20][22] 18,802,238,700	[20][22] 19,381,920,200	[20][22] 19,381,920,200	[20][22] 19,381,920,200

[1] 1969 appropriations are adjusted comparable to the 1970 estimates.
[2] Includes budget amendment of $26,928,000 (S. Doc. 91-41) which the House did not consider.
[3] Includes budget amendment of $750,000 (S. Doc. 91-41) which the House did not consider.
[4] Included under Wage and Hour Division, Salaries and expenses, in 1970.
[5] 1970 request was enacted as a 1969 supplemental.
[6] Includes an advance for 1970 of $1,010,814,300 appropriated in the 1969 bill.
[7] Consideration deferred by House, due to lack of authorizing legislation.
[8] Included in "Instructional equipment," a new appropriation recommended by the Senate Appropriations Committee.
[9] Includes budget amendment of $7,241,000 (S. Doc. 91-41) which the House did not consider.
[10] Up to one percent of work-study funds can be used for cooperative education.
[11] Included under the Office of Economic Opportunity in 1969.
[12] $60,000 not considered by House due to lack of authorization.
[13] Includes budget amendment of $2,893,000 (S. Doc. 91-34) which the House did not consider.
[14] Includes budget amendment of $19,700,000 (S. Doc. 91-34) which the House did not consider.
[15] Includes budget amendment of $252,000 (S. Doc. 91-34) which the House did not consider.
[16] Includes budget amendment of $172,000 (S. Doc. 91-41) which the House did not consider.
[17] Consideration deferred.
[18] Includes budget amendment of $15,000,000 (S. Doc. 91-41) which the House did not consider.
[19] A reprograming of an additional $1,000,000 for solid waste management is being developed in response to a Senate recommendation.
[20] Table does not include the deductions of 2% as provided by sec. 410 of the bill.
[21] Indicates change from budget estimate.
[22] Indicates change from conference agreement.

Mr. MAGNUSON. Mr. President, I move the adoption of the conference report.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

The PRESIDING OFFICER. Is there further morning business?

ORDER OF BUSINESS

Mr. FULBRIGHT obtained the floor.

Mr. FULBRIGHT. Mr. President, among the many innovative ideas——

Mr. MAGNUSON. Mr. President, has my request been acted upon?

Mr. FULBRIGHT. I understood the conference report was adopted.

Mr. MAGNUSON. Mr. President, I ask unanimous consent that the vote by which the conference report was agreed to be reconsidered.

Mr. FULBRIGHT. I have the floor. Does the Senator wish me to yield to him?

Mr. MAGNUSON. Yes. Will the Senator yield? I did not know we had acted so quickly.

Mr. FULBRIGHT. The Senator from Arkansas has the floor.

The PRESIDING OFFICER. The Senator from Arkansas has the floor.

Mr. FULBRIGHT. I shall yield to the Senator from Washington. For what purpose does the Senator ask that I yield?

Mr. MAGNUSON. I ask unanimous consent that the vote by which the conference report was agreed to be reconsidered; and on that question, I ask for the yeas and nays.

Mr. FULBRIGHT. Mr. President, reserving the right to object, does that mean we will have a vote right away?

Mr. MAGNUSON. Yes.

Mr. FULBRIGHT. I am delighted to yield for that purpose.

The PRESIDING OFFICER. Is there objection? The Chair hears none. The yeas and nays are requested. Is there a sufficient second?

Mr. MAGNUSON. Mr. President, before we do that I wish to suggest the absence of a quorum.

The PRESIDING OFFICER. Without objection, the matter is reconsidered, and the clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. ERVIN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. A quorum call is in progress.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. MANSFIELD. Mr. President, what is the pending business?

The PRESIDING OFFICER. The question is now on the adoption of the conference report.

Mr. MAGNUSON. Mr. President, I ask for the yeas and nays.

Mr. COTTON. What does the Senator mean? The conference report has been agreed to.

Mr. MANSFIELD. The Senator requested that the Senate reconsider the vote by which the conference report was agreed to.

The PRESIDING OFFICER. The re-

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consideration was agreed to. Now, the question is on the motion.

Is there a sufficient second for the yeas and nays?

There is not a sufficient second.

There is now a sufficient second.

The yeas and nays have been ordered and the clerk will call the roll.

Mr. MAGNUSON. Mr. President, before the clerk calls the roll, because we did not anticipate there would be a rollcall vote on this question this morning I would like to suggest the absence of a quorum to give the Senators a little time to get to the Chamber.

Mr. COTTON. Mr. President, this is debatable. I made no remarks whatever at the time the chairman was making his. I would like 3 or 4 minutes.

The PRESIDING OFFICER. The clerk will call the roll for a quorum call.

The bill clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on the adoption of the conference report.

Mr. COTTON. Mr. President, we cannot hear what is going on.

The PRESIDING OFFICER. The majority leader asked that the order for the quorum call be rescinded. The question now is——

Mr. COTTON. I object to the rescinding of the order for the quorum call.

The PRESIDING OFFICER. It has already been ordered to be rescinded.

Mr. COTTON. Then I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. FULBRIGHT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Is there objection?

Mr. COTTON. Mr. President, reserving the right to object, a parliamentary inquiry.

The PRESIDING OFFICER. A Senator cannot reserve the right to object on a quorum call.

Mr. FULBRIGHT. I will ask for it myself.

Mr. COTTON. I want to know if we will have a rollcall without intervening business.

Mr. FULBRIGHT. I am just going to make a statement and make some insertions.

The PRESIDING OFFICER. Is there objection to rescinding the order for the quorum call? Without objection, the order is rescinded.

S. 3543—INTRODUCTION OF A BILL TO PROVIDE FOR A U.S. CONTRIBUTION TO THE SPECIAL FUNDS OF THE ASIAN DEVELOPMENT BANK

Mr. FULBRIGHT. Mr. President, by request, I introduce for appropriate reference a bill to provide for a U.S. contribution to the special funds of the Asian Development Bank, and for other purposes.

This bill has been requested by the President of the United States and I am introducing it in order that there may be a specific bill to which Members of the Senate and the public may direct their attention and comments.

I reserve my right to support or oppose this bill, as well as any suggested amendments to it, when the matter is considered by the Committee on Foreign Relations.

I ask unanimous consent that the bill be printed in the Record at this point.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, will be printed in the Record, as requested.

The bill (S. 3543) to provide for a U.S. contribution to the Special Funds of the Asian Development Bank, and for other purposes, introduced by Mr. Fulbright, by request, was received, read twice by its title, referred to the Committee on Foreign Relations, and ordered to be printed in the Record, as follows:

S. 3543

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Asian Development Bank Act is amended by adding at the end thereof the following new sections:

"Sec. 12. (a) Subject to the provisions of this Act, the United States Governor of the Asian Development Bank (hereinafter the Bank) is authorized to enter into an agreement with the Bank providing for a United States contribution of $100,000,000 to the Bank in three annual installments of $25,000,000, $35,000,000, and $40,000,000, beginning in fiscal year 1970. (Such contribution is hereinafter referred to as the 'United States Special Resources.')

"(b) The United States Special Resources shall be made available to the bank pursuant to the provisions of this Act and Article 19 of the Articles of Agreement of the Bank, and in a manner consistent with the Bank's Special Funds Rules and Regulations.

"Sec. 13. (a) The United States special resources shall be used to finance specific high priority development projects and programs in developing member countries of the Bank with emphasis on such projects and programs in the Southeast Asia region.

"(b) The United States special resources shall be used by the Bank only for—

"(i) making development loans on terms which may be more flexible and bear less heavily on the balance of payments than those established by the Bank for its ordinary operations; and

"(ii) providing technical assistance credits on a reimbursable basis.

"(c) (i) United States special resources shall be expended by the Bank for procurement in the United States of goods produced in, or services supplied from, the United States: *Provided, however,* That the United States Governor, in consultation with the National Advisory Council on International Monetary and Financial Policies, may allow eligibility for procurement in other member countries from the United States special resources if he determines that such procurement eligibility would materially improve the ability of the Bank to carry out the objectives of its special funds resources and would be compatible with the international financial position of the United States.

"(ii) The United States special resources may be used to pay for administrative expenses arising from the use of the United States special resources, but only to the extent such expenses are not covered from the Bank's service fee or income from use of United States special resources.

"(d) All financing of programs and projects by the Bank from the United States special resources shall be repayable to the Bank by the borrowers in United States dollars.

"Sec. 14. (a) The letters of credit provided for in section 15 shall be issued to the Bank only to the extent that at the time of issuance the cumulative amount of the United States special resources provided to the Bank (i) constitute a minority of all special funds contributions to the Bank, and (ii) are no greater than the largest cumulative contribution of any other single country contributing to the special funds of the Bank.

"(b) The United States Governor of the Bank shall give due regard to the principles of (i) utilizing all special funds resources on an equitable basis, and (ii) significantly shared participation by other contributors in each special fund to which United States special resources are provided.

"Sec. 15. The United States special resources shall be provided to the Bank in the form of a non-negotiable, non-interest-bearing letter of credit which shall be payable to the Bank at par value on demand to meet the cost of eligible goods and services, and administrative costs authorized pursuant to section 13(c) of this Act.

"Sec. 16. The United States shall have the right to withdraw all or part of the United States special resources and any accrued resources derived therefrom under the procedures provided for in section 8.03 of the special funds rules and regulations of the Bank.

"Sec. 17. For the purpose of providing United States special resources to the Bank there is hereby authorized to be appropriated $25,000,000 for fiscal year 1970, $35,000,000 for fiscal year 1971, and $40,000,000 for fiscal year 1972, all of which shall remain available until expended."

S. 3544—INTRODUCTION OF A BILL TO AMEND THE ARMS CONTROL AND DISARMAMENT ACT RELATING TO ASSISTANT DIRECTORS

Mr. FULBRIGHT. Mr. President, by request, I introduce for appropriate reference a bill to amend the Arms Control and Disarmament Act, as amended, in order to extend the authorization for appropriations and provide for the uniform compensation of Assistant Directors.

A bill has been requested by the President of the United States and I am introducing it in order that there may be a specific bill to which Members of the Senate and the public may direct their attention and comments.

I reserve my right to support or oppose this bill, as well as any suggested amendments to it, when the matter is considered by the Committee on Foreign Relations.

I ask unanimous consent that the bill be printed in the Record at this point, together with the letter from the President dated February 24, 1970, to the Vice President.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill and letter will be printed in the Record.

The bill (S. 3544) to amend the Arms Control and Disarmament Act, as amended, in order to extend the authorization for appropriations and provide for the uniform compensation of Assistant Directors, introduced by Mr. Fulbright, by

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request, was received, read twice by its title, referred to the Committee on Foreign Relations, and ordered to be printed in the RECORD, as follows:

S. 3544

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the second sentence of section 49(a) of the Arms Control and Disarmament Act, as amended (22 USC 2589(a)), is amended by inserting immediately after "$18,500,000", the following: ", and for the two fiscal years 1971 and 1972, the sum of $17,500,000,".

(b) Section 24 of such Act (22 USC 2564) is amended by inserting at the end thereof the following provision: "If an Assistant Director is an officer of the armed forces serving on active duty, he shall receive, in addition to his military pay and allowances (including special and incentive pays) for which the Agency shall reimburse his service, an amount equal to the difference between such military pay and allowances and any higher compensation established for the position of Assistant Director."

The letter, presented by Mr. FULBRIGHT, is as follows:

THE WHITE HOUSE,
Washington, February 24, 1970.

HON. SPIRO T. AGNEW,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: Shortly after taking office I stated that the tasks of the Arms Control and Disarmament Agency were to be among the most important of my Administration, and today I want to reafirm my conviction that no task of our Government is more important. Intelligently directed arms control and disarmament efforts are not only an important element of our foreign policy, but are also essential to our national security.

Perhaps most dramatically in the strategic arms field, carefully designed arms control arrangements offer the prospect of halting an arms race that could both drain the resources and decrease the relative security of all participants. Surely the quest for reliable ways of avoiding such an arms race deserves the very best we can muster in the way of brains, experience, knowledge, negotiating skill and support.

It is my conviction that the Arms Control and Disarmament Agency can do much to meet these requirements and to enhance the prospects of success in the strategic arms limitation talks, for which I have chosen the Director of the Agency as head of the U.S. Delegation.

Accordingly, I am forwarding herewith draft legislation to authorize appropriations for the Arms Control and Disarmament Agency for another two years—which is the same length of time as the prior authorization. I urge you to give this bill your prompt and favorable consideration.

Sincerely,

RICHARD NIXON.

CAMPAIGN TO JAIL SOUTH VIETNAM OPPOSITION LEADER TRAN NGOC CHAU

Mr. FULBRIGHT. Mr. President, among the many innovative ideas which we have exported to South Vietnam are "pacification," "neutralization," and western-style political institution. I am continually impressed by the ease with which the Vietnamese adapt themselves to such alien concepts. It is true, of course, that they have had a great deal of practice at this as a result of their experience at the hands of the Chinese, the French, and now the Americans.

In recent weeks the Foreign Relations Committee has heard American advisers recount with pride the accomplishments of their Vietnamese pupils.

Occasionally, however, one does get an uneasy feeling that the Vietnamese may be a step or two ahead of their tutors. Vietnamese judicial practices are a case in point.

In 1967 it was discovered that the Vietnamese needed a constitution. Naturally we showed them how to write one which provided everything we thought necessary—a President and Vice President, elective legislature, independent judiciary, due process, and so forth. These institutions have flourished and—with a certain amount of prodding from us—we are now told that the Vietnamese are so devoted to them that it is our duty to insure their survival.

Lately, however, the Vietnamese constitution has become something of a burden to President Thieu in his campaign to bind the affection of the Vietnamese people to his regime. He has proven himself equal to the challenge, a fact which is not really surprising since he is, as we have been told, one of the four or five greatest politicians in the world. Certainly no one can deny that title to Thieu after what we have witnessed of his determined campaign to jail the prominent opposition leader Tran Ngoc Chau.

With the consent of the Senate, I will insert in the RECORD an account from the Washington Post of March 3, of recent proceedings in the Chau case. After reading it I believe you will agree with me that the Vietnamese President and Government has nothing further to learn from the Americans concerning the administration of justice.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, March 3, 1970]

LAWYERS QUIT AT RETRIAL OF SAIGON DEPUTY

SAIGON, March 2.—Three lawyers defending Deputy Tran Ngoc Chau before a South Vietnamese military court resigned from the case after the first day of Chau's second trial, saying their efforts could have no effect on the verdict.

One of the three, an attractive woman who is also vice president of the Vietnamese Senate, said the verdict was "prefabricated." The defendant agreed with this judgment and welcomed his lawyers' decision to give up the case.

They resigned before the trial had reached substantive questions of the charges against Chau. Today's court session were devoted mostly to procedural issues and motions by the defense, all of which were rejected by the army lieutenant colonel running the court.

Chau, a member of the Vietnamese House who is charged with helping the Communists, appeared at the trial wearing peasant's black pajamas and sandals. There were adhesive bandages on the front and back of his neck, and a large swelling was clearly visible on the back. Chau's lawyers said he suffered cuts and bruises while being arrested last week.

He was taken into custody after his first trial, which was conducted in his absence. Chau was found guilty by a similar five-man military court on that occasion and sentenced to 20 years at hard labor. Under Vietnamese law, sentences passed in absentia are unenforceable so Chau was entitled to the second trial that began this morning.

In the afternoon the government announced a completely new basis for its case against Chau. Previously, it had based its prosecution on a petition supposedly signed by 102 of Chau's House colleagues—exactly three-fourths of them—authorizing prosecution of Chau on the charge of helping the Communists.

PETITION DISPUTED

Chau and his lawyers have disputed the legality of that petition, saying he could be stripped of his congressional immunity only by a floor vote in which three-fourths of the members voted against him. This issue is now before the Supreme Court.

But today the government said it was prosecuting Chau because he had been caught "in flagrante delicto"—in the act of helping the Communists. The Vietnamese constitution says congressional immunity is invalid when a National Assemblyman is so caught.

The charge against Chau is based on eight confessed meetings he had with his brother, a North Vietnamese spy. Defense attorneys noted today that he was not accused of any crime for months after the last of those meetings. They asked how this could be reconciled with the government's new charge that he was caught red-handed.

There was no official explanation of why the government worked so long and so hard to get 102 House members to sign the petition if it was not needed in the first place.

DEFENSE MOTION

The most important defense motion today was that the government had arrested and charged Chau illegally, because the petition signed by House members was unconstitutional. The court rejected this by introducing the "caught red-handed" argument.

The defense also argued that the military court itself was unconstitutional, because all "special" courts were supposed to have been abolished last September under explicit guidelines in the constitution. The court replied that the constitution could not abolish it—only a presidential decree could.

One of Chau's lawyers asked that U.S. officials, including Ambassador Ellsworth Bunker, be called as witnesses in the case. Chau has said he kept important Americans informed of all his contacts with his brother, which began in 1965. The court ruled that American officials had no part to play in a trial involving Vietnamese national security.

At one point Mrs. Nguyen Phuoc Dai, Chau's woman lawyer, wept as she protested the court's disregard for democratic procedures. The chief judge asked her not to bring emotion into the courtroom.

[The trial reconvened Tuesday morning, and Chau was represented by a new lawyer appointed by Saigon's bar association. The new attorney asked for a 15-day postponement to study the case, but the judge said he could postpone the trial only until Wednesday morning. If this was not enough time for him to study the dossier, the lawyer was told, the court would have to appoint "a citizen with a law degree" to defend Chau on Wednesday.]

THE NATURE OF THE WAR IN LAOS

Mr. ALLOTT. Mr. President, the fight for Laos continues. The troubled American debate continues concerning the proper American response.

One thing is already clear: Events are outrunning reflection. Those who hope that we will be able to put Laos on the "back burner" until the Vietnam war is "settled" are too optimistic.

Further, they are mistaken about the nature of our enemy in that part of the world, and they are mistaken about the nature of the war in Laos.

XUM

The fundamental truth about this war, and the fact that makes it a matter of urgent concern, is the fact that the war in Laos is an integral part of the war in neighboring Vietnam.

Mr. President, Senators recall that I spoke on this problem last Thursday. At that time I urged Americans to face five important lessons that the Laos situation teaches. These lessons are:

First. So-called "neutralization" schemes are too fragile to survive in that turbulent part of the world.

Second. North Vietnam has not tempered its enthusiasm for aggression.

Third. The so-called "domino theory" may be about to receive some confirmation from events in Laos.

Fourth. North Vietnam's continuing invasion of Laos proves that the war in South Vietnam is more than a nationalistic uprising, and more than an "indigenous peasant revolt."

Fifth. The fact that North Vietnam is attending the so-called Paris peace talks does not insure that they have peaceful intentions regarding any neighboring country.

Mr. President, today I want to suggest a few more considerations that should influence our response to the situation in Laos.

First, many reasons have been given for our fight in Vietnam. But the controlling reason for American involvement is the belief that unchecked aggression is a threat to world peace, hence events in Laos may test whether we still think that is true.

XUM

Second, another reason we have fought in Vietnam is that we think American security is linked to the continued existence of non-Communist governments in Indochina.

For nearly a decade we have backed that conviction with force in Vietnam. The situation in Laos may test whether we still are convinced of the validity of that principle.

Third, the President has received the overwhelming support of both Houses of Congress for his policy of seeking an honorable and lasting peace in Vietnam.

The President is trying to wind down the war without letting down our allies. And he is trying to end this war in a way that will not sow the seeds of future wars. He wants to release today's Americans from war without condemning a future generation to war.

To achieve this end, the President has launched the policy of Vietnamization. But this policy presupposes that there will be no sharp increase in the level of violence in South Vietnam. The President's policy presupposes that the enemy's offensive capability will not significantly increase.

But what would happen, for example, if the Laotians are, due to enemy pressure, forced to demand that America stop interdicting the Ho Chi Minh Trail in Laos?

If this happens, North Vietnam, which today is battered and reeling, will get a new capacity for aggression. North Vietnam will gain yet another form of sanctuary, and men and materials will move just that much more easily into the main war zone.

Mr. President, many Senators have expressed the fear that the situation in Laos threatens to become "another Vietnam war." But this fear misses the point. The fact is, the war in Laos is an integral part of the ongoing Vietnam war, certainly as seen through the eyes of the North Vietnamese military. The countries are contiguous.

The aggressor in Laos is the aggressor in South Vietnam.

North Vietnam has been harassing Laos for years.

North Vietnam has been using infiltration routes through Laos and into South Vietnam for years.

The inescapable fact is that North Vietnam's war in Laos is related to its war in South Vietnam in the way Germany's invasion of France was related to its invasion of North Africa in World War II. That is, they are two parts of an integrated strategy.

In responding to each part of North Vietnam's strategy, we must not allow ourselves to think merely what it is comfortable to think. And we must not allow ourselves to be mislead by slogans.

Mr. President, let me be very clear about what I am saying.

I am raising questions. I am speaking about problems that concern various parts of the American Government.

Further, I am not willing to expand American involvement on the ground in Southeast Asia. Senators recall that I cosponsored the amendment to the last defense appropriations bill which declared that no moneys should be spent for the introduction of ground combat troops in Laos without the consent of Congress.

I ask unanimous consent that the language of the amendment be printed in the RECORD at the conclusion of my remarks.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

(See exhibit 1.)

Mr. **ALLOTT**. Mr. President, the question remains, what is to be done?

One thing is certain. With the situation in Laos in a state of extreme instability, and with many vexing problems yet to be fully understood, it is important that we do nothing hastily.

Beyond that there are two specific things we can do.

First, we can continue with the kind of support we are currently giving the Laotian defenders.

There is nothing in battlefield conditions that indicates this would be a good time to curtail the limited aid we are giving with our airpower. Further, no action taken by Congress impedes or disapproves of this American support.

This is as it should be. We are now in the early stages of implementing the Nixon doctrine, which holds that the primary responsibility for defending any nation resides with the people of that nation.

According to the Nixon doctrine, America will lend support to embattled nations which make a vigorous self-defense effort. Laos is making such an effort to defend itself from the high-powered, experienced, and well-supported North Vietnamese war machine. It would be tactically foolish, unconsciously wrong, and utterly self-defeating in terms of the Nixon Doctrine, if we were to do anything to discourage the Laotian effort at self-defense.

There is a second thing we should do at this time.

We should take care to avoid statements which would ease the enemy's anxieties. Specifically, we should not plunge beyond the policy spelled out in the amendment referred to above.

Congress, in its proper participation in policy formation, must continue to insist that there be no introduction of ground combat troops into Laos without congressional consent. But, Congress should not give the impression that there are no circumstances in which we would offer more of other aid than the Laotian defenders are currently receiving.

President Nixon has reversed an 8-year tide of escalation in Southeast Asia. I do not expect that policy to be stopped. Indeed, I think it is an achievement of the highest statesmanship.

But American aid can take many forms other than ground combat troops. American technology has given us an arsenal both formidable and flexible. We can offer aid from this arsenal to those who are willing to fight in their own defense.

Mr. President, I hope the Laotian forces will prevail against the North Vietnamese invaders. As this struggle hangs in the balance, we should do nothing to damage that effort, either by cutting our aid or by giving the enemy a sense of invulnerability.

To summarize, we should now do the following things:

We should learn the lessons of Laos. We should replace slogans with policies. We should do nothing hastily. We should continue with our current support. And we should not give the impression that Congress has foresworn further scrutiny and evaluation of enemy activity in Laos.

Indeed, the most crucial thing we can do is to continue reviewing the Laos situation with open-mindedness, and with a clear understanding of the close connection between events in Laos and South Vietnam. This is the most important thing of all; namely, that the actions in South Vietnam in the past few years, and the actions in Laos, are part of an integrated policy of aggression by the North Vietnamese.

Mr. President, I believe that the legislative history made at that time amply demonstrates and clarifies the meaning of the amendment which will be printed in the RECORD at the conclusion of my remarks.

Now, Mr. President, I want to express my very deep appreciation to the distinguished Senator from Alabama (Mr. ALLEN). He was ready to take the floor on his own matters and yielded me this time. As always, his courtesy is very much appreciated.

EXHIBIT 1.

Public Law 91–171, Department of Defense Appropriation Act, 1970. "Sec. 643. In line with the expressed intention of the President of the United States, none of the funds appropriated by this Act shall be used to finance the introduction of American ground combat troops into Laos or Thailand."

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries, and he announced that the President had approved and signed the following acts:

On March 2, 1970:

S. 55. An act for the relief of Leonard N. Rogers, John P. Corcoran, Mrs. Charles W. (Ethel J.) Pensinger, Marion M. Lee, and Arthur N. Lee.

On March 3, 1970:

S. 1678. An act for the relief of Robert C. Szabo; and

S. 2566. An act for the relief of Jimmie R. Pope.

EXECUTIVE MESSAGE REFERRED

As in executive session, the Presiding Officer laid before the Senate a message from the President of the United States submitting the nomination of Joseph W. Keene, of Louisiana, to be U.S. marshal for the Western District of Louisiana, which was referred to the Committee on the Judiciary.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House has passed the bill (S. 2593) to exclude executive officers and managerial personnel of Western Hemisphere businesses from the numerical limitation of Western Hemisphere immigration, with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 914. An act for the relief of Hood River County, Oregon;

H.R. 4574. An act to provide for the admission to the United States of certain inhabitants of the Bonin Islands;

H.R. 10068. An act to amend the act of April 29, 1941, to authorize the waiving of the requirements of performance and payment bonds in connection with certain contracts entered into by the Secretary of Commerce;

H.R. 14322. An act to amend section 405 of title 37, United States Code, relating to cost-of-living allowances for members of the uniformed services on duty outside the United States or in Hawaii or Alaska;

H.R. 14645. An act to amend title 18 of the United States Code to prohibit certain uses of likenesses of the great seal of the United States, and the seals of the President and Vice President; and

H.R. 15142. An act to authorize any former Chairman of the Joint Chiefs of Staff to recompute his military retired pay under certain circumstances.

ENROLLED BILLS SIGNED

The message further announced that the Speaker had affixed his signature to the enrolled bill (S. 2701) to establish a Commission on Population Growth and the American Future.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred, as indicated:

H.R. 914. An act for the relief of Hood River County, Oreg.

H.R. 4574. An act to provide for the admission to the United States of certain inhabitants of the Bonin Islands; and

H.R. 14645. An act to amend title 18 of the United States Code to prohibit certain uses of likenesses of the great seal of the United States, and the seals of the President and Vice President; to the Committee on the Judiciary.

H.R. 10068. An act to amend the act of April 29, 1941, to authorize the waiving of the requirement of performance and payment bonds in connection with certain contracts entered into by the Secretary of Commerce; to the Committee on Commerce.

H.R. 14322. An act to amend section 405 of title 37, United States Code, relating to cost-of-living allowances for members of the uniformed services on duty outside the United States or in Hawaii or Alaska; and

H.R. 15142. An act to authorize any former Chairman of the Joint Chiefs of Staff to recompute his military retired pay under certain circumstances; to the Committee on Armed Services.

ORDER OF BUSINESS

The PRESIDING OFFICER. The question is on the adoption of the conference report on the HEW appropriations bill.

Mr. EASTLAND and Mr. COTTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COTTON. Mr. President, may I yield to the Senator from Mississippi, without losing my right to the floor?

Mr. EASTLAND. I thank the Senator.

ATTEMPTS BY GOVERNMENT OF GREAT BRITAIN TO INFLUENCE POLICY OF UNITED STATES WITH RESPECT TO RHODESIA

Mr. EASTLAND. Mr. President, the Government of Great Britain yesterday took another step designed to impose its influence on the foreign policy of the United States. The British representative in the United Nations announced his country will seek a meeting of the Security Council in order to influence the United States and other members of the world body to join in its persecution of the nation of Rhodesia.

This is indeed the height of absurdity. It is most certainly a sad state of affairs when the State Department of this country finds itself at the beck and call of the foreign office of the Government of Great Britain. This is particularly true when all the British are seeking to do is further their own selfish interest.

I am dismayed and amazed that the leadership of the United States now finds itself in such a position.

The British are now trying to control the foreign policy of the United States and force us to take a course that is clearly in direct conflict with the best interest of America. These events take on even greater meaning when we examine the foreign policy of Great Britain and see that they have continually—almost without exception—acted in opposition to the interests of the United States and the Free World.

Read the roll of enemies of the United States—Cuba, North Vietnam, Communist China—and what do we find? We see that the British are dealing with every one of these enemies who have vowed to destroy America. Almost without exception, Great Britain has lined up with every enemy of this country.

Now, Mr. President, the government of Britain has the audacity to come before that great world body, the United Nations, and ask the United States to join them in condemning Rhodesia. I find this hard to believe.

Let us take a look at British foreign policy of recent years:

First, in Cuba, the British have joined in trade with this Communist nation that sits at the very doorstep of the United States. They have deliberately and openly flaunted the economic embargo which the United States imposed on Cuba, a policy which is supported by the Organization of American States and the nations of the Western Hemisphere who are interested in keeping Castro from exporting his doctrine of revolution. Only a few years ago this policy had brought the regime of Fidel Castro to its feet in an economic sense. It was then that our friends, the British, decided it would be in their best interest—Great Britain's, not ours—to join in trade agreements with Castro which brought a substantial number of British-manufactured buses to Cuba. The Cuban transportation system was in danger of breaking down completely—if it had not been for this act of wanton disregard for the interest of the United States on the part of Great Britain. The United States, at that time, protested the British action—and we were greeted with some statement in return that the British did not believe in boycotts. I maintain that the British do not believe in boycotts—except when the boycott is in their own selfish interest.

Mr. President, now we have the British before the United Nations, asking that the United States join them in boycotting Rhodesia. How can they make such a request when they refused to simply halt trade of strategic goods to Communist Cuba, which lies only 90 miles from our coast and points its missiles at American cities.

Now, let us look at Communist North Vietnam. What is the British foreign policy in regard to this country which threatens the whole of Southeast Asia, this archenemy of the United States and of freedom everywhere, this Communist government which kills Americans and holds others imprisoned in their country?

One needs only to look in the port of Hanoi, where we find ships flying the British flag regular visitors to the capital of our enemy. We see cargo-carrying ships docked at the head of the supply line that leads into South Vietnam and maintains the war against Americans in that country.

Now, Mr. President, only in recent days, we find the British Foreign Secretary standing on the floor of Parliament and publicly admitting that his country maintains a consulate in Hanoi. Need I remind you that this is the Hanoi which masterminds the war against the free people of South Vietnam, the Hanoi that sends its troops against Americans fighting for freedom in South Vietnam?

The British ask us to close the American Consulate in Rhodesia. How absurd can one get?

Finally, now, let us look at Communist China. This great mass of humanity stands poised on the Asian continent, posing a threat to the freedom of man everywhere. A nation which made war on Americans in South Korea only a generation ago, this country that today is manufacturing and testing nuclear weapons with their only goal to prepare for war against mankind.

What does Great Britain do? It grants full and complete diplomatic recognition to Communist China, carrying with it the complete exchange of diplomats, recognition on all fronts, and trade between the two countries.

And Great Britain says the United States should not extend diplomatic recognition to Rhodesia. I find this incredible.

During the course of recent years, world diplomacy has taken some strange turns. The old American saying that "politics makes strange bedfellows" was never more true when applied to the foreign relations of the nations of the world.

It would be amusing—if it were not so deadly serious—this strange turn of events. We witness the spectacle of representatives of Great Britain standing on the floor of the United Nations asking the United States and the countries of the world to join in a more stringent boycott of Rhodesia. This is the same British Government that trades with Cuba, the same British Government that maintains a consulate in Hanoi, and the same British Government that extends diplomatic recognition to Communist China.

They ask us to help them. But where was Britain when we asked their help?

Mr. President, I call on the State Department and the President of the United States to seriously consider the problem the British have placed before us. The interests of the United States should be paramount to British selfishness. I call on them to consider what Britain has done to us in our fight against the Communist menace. I call on them to weigh this matter carefully on the scales of diplomacy. I ask them to place on one side of the balance the role of Great Britain in helping America to battle communism around the world—and place on the other side the request that we join them in boycotting a tiny country which has been our friend. I challenge them to look at the results of this exercise in world diplomacy and abide by the outcome.

It is sheer folly for the United States to even seriously consider the British request. We should turn a deaf ear to this absurd demand that we turn our backs on a friend. We should, once and for all, remove wholly and completely the hand of Great Britain from our foreign policy. Let us right the ship of state and steer our own course—a course that leads America in its own best interest and the interest of freedom for all.

I call on the President to put a stop to the absurd "follow the leader" diplomacy.

Rhodesia is our friend. We should not only reject the British request forthwith—but we should act promptly to place our stanch ally on the African Continent in her rightful place among the nations of the world. I call on the President to extend full and complete recognition to Rhodesia.

DEPARTMENTS OF LABOR, AND HEALTH, EDUCATION, AND WELFARE, AND RELATED AGENCIES APPROPRIATION BILL, 1970—CONFERENCE REPORT

The Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 15931) making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1970, and for other purposes.

Mr. COTTON. Mr. President, in view of the fact that the only remarks in connection with this report were made by my distinguished chairman, in which he voiced the regret many of us feel for the necessity of some of the reductions, I simply want the RECORD to show, in view of the fact that we are about to have a rollcall vote, that the distinguished chairman introduced a statement from HEW as to exactly where the reductions would be made, that this is 2 percent of $19 billion, and that in view of the fact that the Senate unanimously voted out a bill with the 2-percent reduction, I trust that same action will be taken now.

Mr. GRIFFIN. Mr. President, will the Senator yield?

Mr. COTTON. I yield.

Mr. GRIFFIN. I am sure the Senate does not want any long speeches at this point, and I do not intend to make one; we are all glad to have reached the end of a long and tortuous road. But I pay particular tribute to the Senator from New Hampshire (Mr. COTTON) for the role he played in finally persuading the Senate to adopt the amendment which could finally be the basis for the resolution of this difficult controversy. I think he was most patient and very persuasive. and did an outstanding job, and I think the Senate owes him a debt of gratitude.

Mr. COTTON. I thank the Senator from Michigan.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

Mr. EAGLETON. Mr. President, I apologize, at this late hour, for prolonging this very important matter, which has been the subject of so much labor on the part of all Members of the Senate, especially the Senator from Washington (Mr. MAGNUSON), and the Senator from New Hampshire (Mr. COTTON). However, if I may, I should like to ask one or two specific questions of the Senator from New Hampshire with respect to certain budget figures.

I understand that the Senator from Washington (Mr. MAGNUSON), has placed in the RECORD a statistical summary, indicating where the cuts prospectively would be made by HEW under the Cotton formula, as amended by the Eagleton amendment. Is that correct?

Mr. MAGNUSON. That is correct.

Mr. EAGLETON. Looking at that table, if I can direct the attention of the Senator from New Hampshire to page 3 of that table, "Health Manpower," and then one subheading, "Nursing," wherein, under the Senate bill, the figure is $8.4 million——

Mr. COTTON. What subheading please? I did not catch it.

Mr. MAGNUSON. Nursing, under "Health manpower."

Mr. EAGLETON. I beg the Senator's pardon. On page 3 of this mimeographed table put into the RECORD by the Senator from Washington (Mr. MAGNUSON), about two-thirds of the way down, there is a heading called "Health manpower," and then, under that heading, an item called "Nursing."

In the bill before us, the figure is $8.4 million. Does the Senator find that?

Mr. COTTON. That was the amount in the Senate bill.

Mr. EAGLETON. In which the House of Representatives has now concurred?

Mr. COTTON. That was the amount in the Senate bill.

Mr. EAGLETON. And the House has accepted that Senate figure of $8.4 million?

Mr. COTTON. That is right.

Mr. EAGLETON. The amount of the proposed reduction is $1.4 million.

Mr. MAGNUSON. The amount HEW plans to reduce the $8.4 million by.

Mr. EAGLETON. The next column says "amount of reduction." I am reading from the statistical memorandum put in the RECORD by the Senator from Washington.

Mr. MAGNUSON. Yes.

Mr. EAGLETON. Labeled "amount of reduction."

Mr. MAGNUSON. That is correct.

Mr. EAGLETON. Now, $1.4 million, as a percentage of $8.4 million, comes to 16 percent. How can HEW contemplate reducing that item by $1.4 million?

Mr. COTTON. First, may I ask the distinguished Senator, has he other——

Mr. EAGLETON. I will pose all my specific questions at once, if the Senator so wishes. I have about eight items which our computation shows are in excess of 15 percent, in terms of the amount that it is proposed they be reduced by HEW.

Mr. COTTON. I can personally assure the distinguished Senator that it was not the purpose of HEW, in preparing these figures and submitting them to the conferees, to exceed the 15-percent limitation in the bill. If there have been included, through error, items that do exceed the 15-percent limitation even by 1 percent, I can say to the distinguished Senator that I am assured they will keep faith on this, and that the reductions will in no instance ever exceed the 15 percent.

Mr. MAGNUSON. I might say, the reason for the figures that might disturb the Senator from Missouri is that the line item in the bill is "Health manpower," and the reduction from that total could not go over 15 percent; but some of these items are just activities and programs within the line item. They are all included in "Health manpower." They could go over 15 percent on some activities, as long as the total cut for "Health manpower" was not over 15 percent. This is the department's interpretation of the amendment of the Senator from Missouri.

Mr. EAGLETON. If I may now respond to both the Senator from Washington and the Senator from New Hampshire, I thought this was the ground we plowed the other day when the so-called Eagleton amendment was adopted. By the Eagleton amendment, we attempted to get away from the concept of having a broad umbrella called "Health manpower," but to set forth the specific items that comprise and come under that broad umbrella, so as to prevent the emasculation of any single program contained within the broad umbrella.

In a series of exchanges between myself and the Senator from New Hampshire, when I went through "libraries," "guidance and counseling," "university and college construction programs," and other items and he agreed with me that these were line items which, in his judgment, if my amendment were adopted, would not be susceptible of a cut beyond 15 percent.

Mr. COTTON. That is perfectly correct, Mr. President. And let me say to the Senator from Missouri that his question is very much in point. I have not at any time—during the consideration of this bill—dodged or quibbled over definitions, and I am not going to attempt now to argue what is a line item and what is not a line item.

But those items that are specified in the bill I regard as such, and when these tables were shown to me just before we went into another conference on another bill; namely, the cigarette bill, I discussed this with the budget officer of HEW, reminding him that the Eagleton amendment to the Cotton amendment was in effect, and making sure that he and the Department recognized the moral obligation to see that it is living up to it in spirit and in fact. If in these tables there are inconsistencies on line items—and I am not going to dispute what is a line item, except to say that an item, if it is in the bill, is obviously such an item—I can assure the Senator that his very well taken position will be adhered to.

Mr. MAGNUSON. I might say to the Senator from Missouri that when we talk about line items, we are talking about items in the bill, but some of these programs and activities are within a line item that is mentioned in the bill. A good example of it is dental health for children, on which there was only $200,000 provided in the bill. That is not in the bill as such, though it comes under an appropriation account. That is the reason why these figures exceed 15 percent in some cases.

But the Senator from New Hampshire is correct that any line item that is in the bill will not be cut or could not be cut more than 15 percent.

Mr. COTTON. That is correct.

Mr. EAGLETON. Mr. President, if I may say so in conclusion, the comments just made by the Senator from Washington do not coincide, in totality, with my understanding of what was involved in the Eagleton amendment to the Cotton amendment.

So, to make the record clear, I would like just briefly to read into the RECORD at least eight items that I think, under the proposed plan of HEW, would be in violation of my interpretation and what I had in mind, and what I understood to be the purport of the Eagleton amendment.

"Health manpower," the subheading "Nursing." In the bill it is $8.4 million. The proposed amount of reduction is $1.4 million. That would be a reduction of 16 percent.

"Health manpower—direct loans." The figure in the bill is $40.141 million. The proposed cut is $15.531 million—a cut of 38 percent.

Mr. COTTON. On what page is that?

Mr. EAGLETON. On page 3. It is four items down from "Nursing."

Moving to page 4 of the table placed in the RECORD by the Senator from Washington (Mr. MAGNUSON), the heading "Education professions development." The last item under the heading "Recruitment and information," the amount in the bill is $500,000, and the amount of the proposed reduction is $500,000, or a reduction of 100 percent.

Turning to page 5 of the table placed in the RECORD, under the label "Vocational education," an item called "Research," the amount in the bill is $17 million, and the amount of the proposed reduction is $17 million, or a cut of 100 percent.

On the same page, "Libraries and community services," an item labeled, "College library resources." The amount in the bill is $20.834 million, and the amount of the proposed reduction is $10.934 million, or a proposed reduction of 52 percent.

Under the same heading, an item labeled "Librarian training." The amount in the bill is $6.833 million, and the amount of the proposed reduction is $2.833 million, or a proposed reduction of 41 percent.

On page 6 of the table, under the heading, "Maternal and child health and welfare," an item labeled "Dental health of children." The amount in the bill is $200,000, and the amount of the proposed reduction is $200,000, or a reduction of 100 percent.

An item called "Training (maternal and child health)." The amount in the bill is $11.2 million, and the proposed reduction is $2.2 million, or a reduction of 20 percent.

In conclusion, Mr. President, let me say that if HEW proceeds to cut the budget in the amounts indicated in this table with respect to each of these items, in my judgment, it would be in violation of the Cotton amendment as amended by the Eagleton amendment.

Mr. COTTON. I will say just one word in reply to the distinguished Senator.

In the first place, several of the items he has mentioned are parts of a general appropriation for the same purpose—so much under libraries and so much under various other subjects. Some of the items to which the Senator has referred did not appear anywhere—they were not in the bill or anywhere else, except that they showed up in the tables of the Appropriations Subcommittee as a result of the evidence given, as to how they were going to divide appropriations for a purpose—how they were going to divide it between colleges and elementary and secondary schools, or how they were going to divide it from an administrative standpoint. By raising his objections, the Senator from Missouri shows his careful search and his complete thoroughness and purpose, but the fact remains that when any Government department, in seeking its appropriation, endeavors to put the cards on the table in its presentation to the Appropriations Committees of Congress and many times in answer to specific questions gives its plan, tells what it plans to do administratively—if that is going to be raised as a line item in the bill—it will discourage what we want to encourage, which is utter frankness and candor in testimony to the committee and in submitting the administrative plans of the Department.

I would also say—good naturedly—that if, in my case, in offering the so-called Cotton amendment, if the Senator from New Hampshire had not leaned over backward to present all the information possible, many of these questions would not have been raised, because a line item in the bill is a line item in the bill. I accepted the Eagleton amendment so that every line item was affected; and now, to carry it to the further extreme of penalizing the Department for candor in how it separates a line item administratively is, I believe, inviting—the reticence on the part of those who spend the taxpayers' money in laying the situation before Congress and penalizes those who desire to be complete in our information.

I think that a 2-percent decrease in a $19 billion bill, with only 4 months left in the year, and after we have gone through all the agony of this long bill, is a very small decrease, and represents meeting the President halfway in making the sacrifice approximately half, and our yielding approximately half, after his February 2 suggestions. It seems to me that the matter is effectively and honestly disposed of.

All this information was before the conferees. It was in the possession of the House when they voted overwhelmingly to accept the amendment, and it will be adhered to.

That is all I am going to say in reply, because I think that flaws are being raised which, if I did not have so much respect and such high regard for my friend, would tempt me to say we are getting down to the point of nit-picking on a proposal that has been hashed and rehashed and upon which we have consistently tried to be completely open and above board.

Mr. EAGLETON. Mr. President, I, too, am a great believer in candor and in complete disclosure by the administrative departments of the Federal Government as to how they intend to spend their money. The most complete disclosure they can make of this type is that which is before us, which was part and parcel of the committee report, which indicated in specific detail how these moneys were intended to be spent.

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Today they tell us how they intend to cut the programs. In my judgment, on page 4, "Education professions development," "Recruitment and information," most certainly is a line item. The $500,000 figure, in my judgment, cannot be cut $500,000, or 100 percent.

The Senator from New Hampshire is correct in saying that a 2-percent overall budget cut is perhaps not enormously deleterious. But if we look into the various items in the bill, such as "vocational education," we find that the Department of Health, Education, and Welfare intends to cut the $17 million designated for research by $17 million, which will totally obliterate and totally emasculate the program. So the effect of a 2-percent cut will be much more devastating than is contemplated or envisioned by the remarks of the Senator from New Hampshire.

I know that the hour is late and that the Senate is anxious to vote, but I think it is a gross oversimplification to say that any one of the programs can withstand a 2-percent cut and the Nation will not suffer. When we examine the component parts of an overall program and then find that some of those component parts will be totally eliminated and others will be cut by as much as 50 percent, then I think we can see that it is a gross oversimplification to talk in terms of the general or overall 2-percent cut. That is, insofar as HEW is proposing to apply the seemingly innocuous 2-percent cut to specific items, we find the total devastation in some instances and the substantial emasculation in other instances of some of our more important health and educational programs.

Mr. MAGNUSON. I appreciate the views of the Senator from Missouri. I share them. But we can only make an amendment to something that is in a bill. The other items are HEW's evaluation, and they name the programs and activities. They can move them around. They can cut out an activity then give it another name, and put it in another appropriation account. We can only deal with the line items. There are many programs that they can move around and put under some of the other line items. That is what they do. We do not always know whether programs are going to be absorbed, folded in, or cut out. We do know about the items in the bill.

The table which the Senator from New Hampshire mentioned is prepared by, and is from the Department itself. It is their tentative plan.

Mr. COTTON. The Senator from Missouri mentioned "vocational education" being cut out. As a matter of fact, the real bulk of "vocational education" is in the basic grants to the States. That is not cut 1 cent. So it merely indicates that there was a cut in research without touching the basic grants to the States, which is almost a whole program. We have only 4 months of research left anyway. I assure the Senator from Missouri that as we start the long road—and I commend the committee chairman for his intention to start hearings soon—toward the 1971 appropriations, every one of these points will be given serious consideration by the committee.

But the matter of "vocational education" is an example of the fact that they have gone far enough to show in one line item that they are telling where they will cut. Perhaps it would have been wiser not to have done so.

Mr. YARBOROUGH. Mr. President, although this bill does not appropriate enough funds for our vital health and education programs for people, I support it with reservations. Just to keep pace with a 6-percent price inflation, we would need to appropriate $19.3 billion, and to accommodate the much higher cost increases in health and education, a 10-percent increase over last year's funds would come to $20 billion.

Nonetheless, some of the increases above the President's budget recommendation, that we have retained, are crucial.

One is the $21 million for bilingual education, which is almost triple the amount appropriated last year. Unless we start providing some financial flesh for the skeleton of the Bilingual Education Act, the thousands of young people who could benefit from it will not, but will instead continue to leave elementary and secondary school in massive numbers. This amount is more than the total of all moneys appropriated for bilingual education in the past.

I find it hard to think of these children as dropouts from school. I think a school system that teaches only in a language which large numbers of its pupils do not understand easily is shutting out those children. Meaningful funding for title VII will provide meaningful education for the first time for thousands of children of Spanish-speaking families.

In higher education, we have $28 million for construction of undergraduate facilities. The administration requested no funds.

I have spoken out against the administration request for no funds for school libraries. There will be $42.5 million for school libraries, elementary and secondary.

Grants for local, city, county, and town libraries total $29.8 million. Shortsightedly, the administration requested no funds for this important program.

The administration request contained no funds for hospital construction and modernization. This bill will allow construction and modernization of hospitals. The total for the Hill-Burton hospital section of the program will be approximately $70 million.

My most serious reservation is that the Cotton amendment marks another step down the road of congressional surrender of powers to the Executive. It is bad in principle. It is bad in its effect of reducing by 2 percent the funds the bill provides to promote the health, education, and welfare of the American people.

This is not a partisan issue; it is one of sustaining the authority and the voice the Congress of the United States was meant to have over the expenditures of the U.S. Government.

The power to tax and the power to spend are vested by the Constitution in the Congress, not in the President. Every time we give to the President the power to withhold money Congress appropriates, we weaken both our statutory position, our prestige, and our constitutional duties.

However, I do support enactment of this bill because it does fund vital domestic programs, though at a level that is not adequate for health and education.

Mr. GRIFFIN. Mr. President, I suggest absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRIFFIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER (Mr. SPONG in the chair). The question is on agreeing to the conference report.

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MANSFIELD. I announce that the Senator from West Virginia (Mr. BYRD), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Montana (Mr. METCALF), the Senator from Minnesota (Mr. MONDALE), and the Senator from Georgia (Mr. RUSSELL) are necessarily absent.

I further announce that the Senator from Alaska (Mr. GRAVEL), and the Senator from Arkansas (Mr. MCCLELLAN) are absent on official business.

I further announce that, if present and voting, the Senator from West Virginia (Mr. BYRD), the Senator from Arkansas (Mr. FULBRIGHT, the Senator from Alaska (Mr. GRAVEL), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from Montana (Mr. METCALF), the Senator from Minnesota (Mr. MONDALE), and the Senator from Georgia (Mr. RUSSELL) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Massachusetts (Mr. BROOKE), the Senator from Arizona (Mr. FANNIN), the Senator from Oregon (Mr. PACKWOOD), the Senator from Illinois (Mr. PERCY), the Senator from Illinois (Mr. SMITH), and the Senator from South Carolina (Mr. THURMOND) are necessarily absent.

The Senator from California (Mr. MURPHY) and the Senator from Ohio (Mr. SAXBE) are absent on official business.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

If present and voting, the Senator from Massachusetts (Mr. BROOKE), the Senator from Arizona (Mr. FANNIN), the Senator from South Dakota (Mr. MUNDT), the Senator from California (Mr. MURPHY), the Senator from Illinois (Mr. PERCY), the Senator from Illinois (Mr. SMITH), and the Senator from South Carolina (Mr. THURMOND) would each vote "yea."

The result was announced—yeas 82, nays 0, as follows:

[No. 79 Leg.]

YEAS—82

Aiken
Allen
Allott
Anderson
Baker
Bayh
Bellmon
Bennett
Bible
Boggs
Burdick
Byrd, Va.
Cannon
Case
Church
Cook
Cooper
Cotton
Cranston
Curtis
Dodd
Dole
Dominick
Eagleton
Eastland
Ellender
Ervin
Fong
Goldwater
Goodell
Gore
Griffin
Gurney
Hansen
Harris
Hart
Hartke
Hatfield
Holland
Hollings
Hruska
Hughes
Inouye
Jackson
Javits
Jordan, N.C.
Jordan, Idaho
Long
Magnuson
Mansfield
Mathias
McGee
McGovern
McIntyre
Miller
Montoya
Moss
Muskie
Nelson
Pastore
Pearson
Pell
Prouty
Proxmire
Randolph
Ribicoff
Schweiker
Scott
Smith, Maine
Sparkman
Spong
Stennis
Stevens
Symington
Talmadge
Tower
Tydings
Williams, N.J.
Williams, Del.
Yarborough
Young, N. Dak.
Young, Ohio

NAYS—0

NOT VOTING—18

Brooke
Byrd, W. Va.
Fannin
Fulbright
Gravel
Kennedy
McCarthy
McClellan
Metcalf
Mondale
Mundt
Murphy
Packwood
Percy
Russell
Saxbe
Smith, Ill.
Thurmond

So the report was agreed to.

VOTING RIGHTS ACT AMENDMENTS OF 1969—SUBMISSION OF AMENDMENT NO. 545

Mr. MANSFIELD. Mr. President, on behalf of the distinguished Senator from Washington (Mr. MAGNUSON), the distinguished Senator from Massachusetts (Mr. KENNEDY), and myself I offer an amendment to the pending substitute that would lower the voting age to 18 in all elections—Federal, State, and local.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. JAVITS. Mr. President, will the Senator include my name as a cosponsor of the amendment?

Mr. MANSFIELD. Yes, indeed.

Mr. PELL. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. PELL. Mr. President, will the Senator include my name as a cosponsor of the amendment?

Mr. MANSFIELD. Yes.

Mr. BIBLE. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. BIBLE. Mr. President, I ask that the Senator include my name as a cosponsor of the amendment.

Mr. MANSFIELD. Yes.

Mr. TYDINGS. Mr. President, I ask that the Senator include my name as a cosponsor of the amendment.

Mr. MANSFIELD. Yes.

Mr. INOUYE. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. INOUYE. I ask that my name be included as a cosponsor.

Mr. MANSFIELD. Yes.

Mr. STEVENS. Mr. President, I ask that the Senator include my name as a cosponsor of the amendment.

Mr. MANSFIELD. Yes.

Mr. President, I ask unanimous consent that the names of the Senators who have so requested be added as cosponsors of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with, because it is quite lengthy.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment, ordered to be printed in the RECORD, is as follows:

AMENDMENT No. 545

On page 2, line 9, strike out the word "title" and insert in lieu thereof "titles".

On page 8, line 8, strike out the quotation marks and the last period therein.

On page 8, after line 8, insert the following new title:

"TITLE III—REDUCING VOTING AGE TO EIGHTEEN IN FEDERAL, STATE, AND LOCAL ELECTIONS

"DECLARATION AND FINDINGS

"SEC. 301. (a) The Congress finds and declares 'that the imposition and application of the requirement that a citizen be twenty-one years of age as a precondition to voting in any primary or in any election—

"(1) denies and abridges the inherent constitutional rights of citizens eighteen years of age but not yet twenty-one years of age to vote—a particularly unfair treatment of such citizens in view of the national defense responsibilities imposed upon such citizens;

"(2) has the effect of denying to citizens eighteen years of age but not yet twenty-one years of age the due process and equal protection of the laws that are guaranteed to them under the Fourteenth Amendment of the Constitution; and

"(3) does not bear a reasonable relationship to any compeling State interest.

"(b) In order to secure the constitutional rights set forth in subsection (a), the Congress declares that it is necessary to prohibit the denial of the right to vote to citizens of the United States eighteen years of age or over.

"PROHIBITION

"SEC. 302. No citizen of the United States who is otherwise qualified to vote in any State or political subdivision in any primary or in any election shall be denied the right to vote in any such primary or election on account of age if such citizen is eighteen years of age or older.

"ENFORCEMENT

"SEC. 303. (a) (1) In the exercise of the powers of the Congress under the necessary and proper clause of section 8, Article I of the Constitution the Attorney General is authorized and directed to institute in the name of the United States such actions against States or political subdivision, including actions for injunctive relief, as he may determine to be necessary to implement the purposes of this title.

"(2) The district courts of the United States shall have jurisdiction of proceedings instituted pursuant to this title, which shall be heard and determined by a court of three judges in accordance with the provisions of section 2284 of title 28 of the United States Code, and any appeal shall lie to the Supreme Court. It shall be the duty of the judges designated to hear the case to assign the case for hearing and determination thereof, and to cause the case to be in every very expedited.

"(b) Whoever shall deny or attempt to deny any person of any right secured by this title shall be fined not more than $5,000 or imprisoned not more than five years, or both.

"DEFINITION

"SEC. 304. As used in this title the term 'State' includes the District of Columbia."

The PRESIDING OFFICER. The amendment will be received and printed, and will lie on the table.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that I may proceed for 2 or 3 minutes beyond the 3-minute limitation.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, entering the 1970's, the United States and the world face extremely complex issues—issues wrought by international tensions both new and old and by domestic unrest tragically witnessed already in the smoldering wake of urban disorders. One of the most difficult challenges we face is the growing barrier of misunderstanding that gulfs the young people of today from the older generation who were the youth of yesterday. As our living standards and educational opportunities have improved so have our youth become more experienced, more aware, perhaps more restless, but better equipped than ever to exercise responsibility.

The fact that some have flaunted their disdain for certain of the institutions that we long ago accepted as a way of life in no way should reflect upon the great majority of our young people. Their probing intelligence, deep interest, and eagerness to participate in the elective process exemplify the best qualities of responsible citizenship. The future, to repeat a truism, is in their hands. If it is to be a better nation and a better world—and I am confident that it will be—the youth of today will make it so. I think the time is long overdue when they should be given more in the way of recognition, more in the way of public responsibility.

The very first step should be to open to 18-year-olds the right to vote. Kentucky, Georgia, Alaska, and Hawaii have already moved in that direction. Only in this way will the youth of today be able to participate fully in the elective process. We need their participation in the important events of these days; they need to know that their participation and counsel is sought and valued. I am sure the contribution will be significant.

To cling to the belief that 18-year-olds are not responsible or sufficiently mature to exercise the right to vote is to fail to face the issue squarely or fairly. In the elective process today, young people are in the forefront—working, listening, talking, participating. The age of 21 is simply not the automatic chronological door to the sound judgment and wisdom that is needed to exercise the franchise of the ballot or, for that matter, to assume any other responsibility. Indeed, it is the age of 18 that has long been regarded as the age when young people "try it on their own" and become responsible for themselves and for others. In fact, at this age the citizen has fresher knowledge and a more enthusiastic interest in government processes.

Moreover, 18 is the age when young

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men are told to fight our wars even though they themselves may have no right to choose the officials who make the policies that may lead to war.

Some people derogate this argument, but it also is a truism. At 18, they become young adults and are treated so by our courts. They are deemed legally responsible for their actions—both civil and criminal—and must suffer the full penalties of the law. Eighteen-year-old men and women marry and need not obtain the consent of parents or guardians to do so. Young adults of 18 hold down full-time jobs. They pay taxes at the same level as everyone else; yet they have no voice in the imposition of those taxes. If we say they can assume the economical and social responsibilities of adults, of marriage and family, why not the vote?

This young generation is interested. It is concerned. It should be allowed to exercise that most basic of all rights in our democracy—the right to vote.

The colleges and universities are filled with alert minds, eager, willing, and able to participate. Permitting them to do so would be a large step forward, not only in bridging the unwarranted gap between 18- and 21-year-olds but in providing a basis for better understanding between the youth of today and the youth of yesterday.

The issue is perhaps more pertinent in 1970 than at any time in the past. The problems of today may well become the crises our young people must face tomorrow, as the leaders of this Nation. The idealism and enthusiasm they bring to the ballot box cannot but have a beneficial influence on the conduct of government.

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Let me just say in conclusion that age is not the critical influence on a citizen's maturity, experience, and judgment. Our young people have been saddled already with enormous responsibilities which they have assumed with great competence. There are compelling reasons to lower the voting age. This amendment should be adopted.

Mr. MAGNUSON. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. MAGNUSON. Mr. President, as one of the authors of the amendment, I wish to join in the remarks made by the distinguished majority leader. I think the majority leader has stated the issue correctly and with great force. I think there are many compelling reasons to change the age at which young people can vote. I share the opinion of Professor Cox:

> Congress has the power to find the facts and to find that a distinction between those who are 18 to 21 and those who are over 21 is an invidious classification and a denial of equal protection under the 14th amendment.

I think at this time in this changing world and changing society, it is appropriate to review our past thinking on giving the vote to 18-year-olds. There has been great improvement in education. There has been great change in the age at which young people take jobs, marry, raise families, and have children. They have greatly increased knowledge and sophistication on all issues. This all bears on the propriety of concluding that these interests make waiting until one is 21 to vote an unreasonable requirement.

Personally, I am pleased with the large number of cosponsors.

I was just recalling and mentioning to my friend from West Virginia, that in 1933 when I was a member of my State legislature, I introduced an 18-year-old measure. It is now 36 years since that time. Conditions have made it even much more imperative that such a measure be passed by Congress. I believed in it then, when I was a Member of the House some 30 years ago, and I believe that the circumstances now are even more compelling. Young people today are totally qualified at 18 to exercise their citizenship.

I share the views of the Senator from Montana that this action is long overdue. The States simply have not taken the initiative and I believe that Congress must act. Prof. Archibald Cox, testifying before the Subcommittee on Constitutional Rights, gave strong support for this approach. Congress can no longer find the age of 21 as being justified. The Supreme Court in Kramer against Union Free School District uttered some language that seems to me very pertinent on this point. It said that any unjustified discrimination in determining who may participate in political affairs or the selection of public officials undermines the legitimacy of representative government.

VOTING RIGHTS ACT AMENDMENTS OF 1969

The PRESIDING OFFICER. If the Senator will suspend for just a moment, 2 hours having elapsed, the Chair lays before the Senate the unfinished business, which will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. H.R. 4249, to extend the Voting Rights Act of 1965 with respect to the discriminatory use of tests and devices.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the morning hour be extended for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection.

The Senator from Washington has the floor.

VOTING RIGHTS ACT AMENDMENTS OF 1969—SUBMISSION OF AMENDMENT NO. 545

Mr. MAGNUSON. Mr. President, another problem is that so many States have different standards for qualifying voters, many have different age limitations, I believe Alaska allows the vote for 19-year-olds. Georgia—in its original constitution allowed 18-year-olds to vote.

The States have not acted as they could have, and the leadership in this matter must come, I believe, from the Federal level. I am pleased that we can now deal with this issue directly without the long delays required by the constitutional amendment process.

I understand from the distinguished Senator from Hawaii that the State legislature of his State is going to drop the required age for voting this year to 18. The newer States have recognized the lack of merit in keeping the arbitrary age of 21; particularly with the level of sophistication of younger Americans.

I do not want to bring out more cliches, but I think the most potent argument for 18-year-olds to vote, which I have heard many times, and which I have used many times, is that if they are old enough to be drafted, fight, and shed blood, they are old enough to come back home and participate in their government.

I am hopeful this amendment will pass. Many Senators have had a deep interest in this subject for a long time, and I am glad we are now bringing it to the attention of the Senate in this amendment.

I yield to the Senator from West Virginia.

Mr. RANDOLPH. Mr. President, I have listened with intense interest to the presentation of our able majority leader (Mr. MANSFIELD) and the very knowledgeable Senator from Washington (Mr. MAGNUSON).

I think I should, for the RECORD, indicate the status of Senate Joint Resolution 147, which was introduced by me, and which would take the so-called constitutional route, and not the statutory route as an amendment to the voting rights bill.

Mr. MAGNUSON. Mr. President, I wanted to add that I appreciate that there are two different courses of action in pursuing this matter and that there are constitutional questions involved. The Senator from Montana and I discussed the constitutional questions at some length this morning. We feel that this is the time for action and that we must take the amendment course because of the urgency of this issue. I also believe it is a constitutional approach which will be upheld by the Court in light of the Katzenbach case.

Mr. RANDOLPH. Mr. President, further expanding on the comments of my colleagues, I want to note that Joint Resolution 147 has 67 cosponsors.

Mr. MAGNUSON. And I am one of them, I believe.

Mr. RANDOLPH. The majority leader is a cosponsor and, as the Senator from Washington has indicated, he is a cosponsor. I also have the commitment of four additional Senators. That would make 72 in all, including myself.

It had been hoped that we could move this resolution into the Senate within perhaps the next 2 or 3 weeks. We have had hearings in recent days in the Senate Judiciary Subcommittee, chaired by the Senator from Indiana (Mr. BAYH), on Senate Joint Resolution 147.

The PRESIDING OFFICER. The 3 minutes of the Senator have expired.

Mr. RANDOLPH. Mr. President, I ask unanimous consent to proceed for an additional 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. RANDOLPH. Mr. President, it is my belief—which I express again today—that in the Senate Judiciary Subcommittee a sufficient number of Senators will vote affirmatively for Senate Joint Resolution 147 so that the measure will come before the full Judiciary Committee. I believe also that there is a sufficient number of votes in the full Judiciary Committee to report the joint resolution to the Senate.

Very frankly, it is my belief that the constitutional amendment route is best. This was the procedure, as my colleagues will remember, which was followed in previous efforts to broadly expand our electorate: the 15th amendment which was ratified in 1869 providing that the right to vote would not be denied on account of race, color or previous condition of servitude; in 1920 the 19th amendment providing for women's suffrage; and the 24th amendment approved in 1964 which held that poll tax was not a condition of voting privilege.

I will recall for the RECORD that all these amendments were ratified by the necesary number of States in less than a year and a half. The 15th amendment was proclaimed 13 months after congressional approval, the 19th amendment was ratified in 15 months, and the 24th amendment within 18 months.

I want to join in any effort that seems to be practical and responsive on this vital issue. I have studied the legal opinions of several authorities in this field. There are differences in the legal opinions on whether the statutory route is constitutional.

I make reference to this question today because it has been raised by the Senator from Washington (Mr. MAGNUSON).

Mr. President, I should note also that we have hopes in this second session of the 91st Congress of acting upon a constitutional amendment. At this time, I believe that would be the best method of accomplishing this very necessary change. But I do not want to be in any wise reluctant to join others who feel that the statutory approach is possible.

And so, Mr. President, even though this effort on a lower voting age is old hat, so to speak, with me, I am as excited about it today as when I first offered the resolution in 1942 in the House of Representatives. I have continued to offer resolutions to that effect in later Congresses. I repeat, however, that I do not allow my belief in the constitutional amendment approach to cause me not to request the opportunity to join as a cosponsor of the amendment which is offered here to the voting rights bill.

It is not my purpose to argue the issue today. That has been done by me over the years, and it has been done again at the hearings within the past 3 weeks. It has been done also, by many other persons whom I shall not name, who have made excellent arguments for enabling this element of our population to make constructive contributions through the use of the ballot.

I believe that a constitutional amendment is the proper route, but I shall ask to become a cosponsor of the proposed amendment to the voting rights bill. I think the Senator from Montana (Mr. MANSFIELD) and the Senator from Washington (Mr. MAGNUSON) both would wish me to join with them and other Senators in this further effort to see what can be done about raising the subject during the consideration of the voting rights issue.

The PRESIDING OFFICER. The additional time of the Senator from West Virginia has expired.

Mr. ERVIN. Mr. President, the distinguished majority leader asked a question a while ago, which was, in substance, why should not the Senate seek to confer the right to vote on 18-year-olds by an amendment to a statute?

The answer to that question is twofold. The first answer is that such action on the part of Congress is prohibited by four separate sections of the Constitution; and the second answer is that Members of the U.S. Senate have all taken an oath to support the Constitution.

Section 2 of article I of the Constitution says:

> The House of Representatives shall be composed of members chosen every second year by the people of the several states, and the electors in each state shall have the qualifications requisite for electors of the most numerous branch of the state legislature.

This provision of the Constitution has been interpreted time and time again by the Supreme Court, and has been held to mean just exactly what it says, that one cannot vote for a representative in Congress unless he possesses the qualifications prescribed by State law for electors of the most numerous branch of the State legislature. This is about as clear a provision of the Constitution as can be found.

Then section 1 of article II of the Constitution provides this about the selection of presidential and vice-presidential electors:

> Each state shall appoint, in such manner as the legislature thereof may direct, a number of electors, equal to the whole number of senators and representatives to which the state may be entitled in the Congress. . . .

Other provisions of the Constitution provide that these electors who are to be appointed in such manner as the legislatures of the States may direct are the men who are empowered to elect the President and Vice President of the United States.

This section of article 2 of the Constitution has been uniformly interpreted by the Supreme Court of the United States to mean exactly what it says; namely, that the power to prescribe the qualifications of the electors resides in the legislatures of the States.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, AND SO FORTH

The ACTING PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

Report on Navy Military Construction Contracts Awarded on Other Than a Competitive Bid Basis to the Lowest Responsible Bidder

A letter from the Assistant Commander for Contracts, Naval Facilities Engineering Command, Department of the Navy, transmitting, pursuant to law, a report on military construction contracts awarded on other than a competitive bid basis to the lowest responsible bidder, for the period 1 July 1969 to 31 December 1969 (with an accompanying report); to the Committee on Appropriations.

Report of Department of the Navy on Flight Pay

A letter from the Under Secretary of the Navy, reporting, pursuant to law, the number of officers of the Navy and Marine Corps above the grade of lieutenant commander or major entitled to flight pay, including the number in each grade and the amount of pay received; to the Committee on Armed Services.

Proposed Legislation To Provide Continued Financing for the Corporation for Public Broadcasting

A letter from the Acting Secretary of Health, Education, and Welfare, transmitting a draft of proposed legislation to amend the Communications Act of 1934 to provide continued financing for the Corporation for Public Broadcasting (with an accompanying paper); to the Committee on Commerce.

Reports of the Comptroller General

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the opportunity for the Army to save on the cost of temporary lodging for student officers at Fort Rucker, Ala., Department of the Army, dated March 3, 1970 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on procedures to be improved for determining what constitutes a farm for purposes of subsidy payments under the U.S. sugar program, Agricultural Stabilization and Conservation Service, Department of Agriculture, dated March 4, 1970 (with an accompanying report); to the Committee on Government Operations.

Suspension of Deportation of Certain Aliens

Two letters from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, copies of orders suspending deportation of certain aliens, together with a statement of the facts and pertinent provisions of law pertaining to each alien, and the reasons for ordering such suspension (with accompanying papers); to the Committee on the Judiciary.

Admission Into the United States of Certain Defector Aliens

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, copies of orders entered granting admission into the United States of certain defector aliens (with accompanying papers); to the Committee on the Judiciary.

Proposed Legislation To Establish a National Institute of Education

A letter from the Acting Secretary, Department of Health, Education, and Welfare, transmitting a draft of proposed legislation to establish a National Institute of Education, and for other purposes (with accompanying papers); to the Committee on Labor and Public Welfare.

Proposed Construction of a Post Office and Courthouse at Aberdeen, Miss.

A letter from the Administrator, General Services Administration, transmitting, pursuant to law, a prospectus for the proposed construction of a Post Office and Courthouse at Aberdeen, Miss. (with an accompanying paper); to the Committee on Public Works.

Proposed Library Services and Construction Amendments of 1970

A letter from the Secretary, Department of Health, Education, and Welfare, transmitting a draft of proposed legislation to extend, consolidate, and improve programs under the Library Services and Construction Act, and for other purposes (with accompanying papers); to the Committee on Labor and Public Welfare.

MEMORIAL

The ACTING PRESIDENT pro tempore laid before the Senate a memorial of the House of Representatives of the State of Michigan, which was referred to the Committee on Finance, as follows:

House Resolution No. 364, State of Michigan

A resolution memorializing the U.S. Senate to vote against removing the exemption of State and local government from air travel taxes

Whereas, The United States Senate has before it for consideration HR 14465 which amongst its provisions eliminates state and local government exemptions from air travel taxes; and

Whereas, State and local governments are already hard pressed to find sufficient sources of revenue to meet the cost of providing the services demanded of them by their citizens, especially in light of the preemption by the Federal government of the most practical tax revenue source through the Federal income tax; and

Whereas, The removal of the exemption for state and local governments from air travel taxes would impose an onerous financial burden upon them, increasing their cost of transportation for employees and officials who are traveling on state and local government business by eight percent; now therefore be it

Resolved by the House of Representatives, That the Michigan House of Representatives does urge the United States Senate not to accept the provisions in HR 14465 which removes the exemption of state and local governments from air travel taxes and which would put an additional onerous financial burden on all units of state and local government; and be it further

Resolved, That a copy of this resolution be sent to each member of the Michigan delegation to the United States Congress.

Adopted by the House February 6, 1970.

T. Thos. Thatcher,
Clerk of the House of Representatives.

ENROLLED BILL SIGNED

The PRESIDING OFFICER announced that on today, March 4, 1970, the Acting President pro tempore (Mr. Hollings) had signed the bill (H.R. 11702) to amend the Public Health Service Act to improve and extend the provisions relating to assistance to medical libraries and related instrumentalities, and for other purposes, which had previously been signed by the Speaker of the House of Representatives.

REPORTS OF A COMMITTEE

The following reports of a committee were submitted:

By Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, without amendment:

S. 3339. A bill to authorize the Public Printer to fix the subscription price of the daily Congressional Record (Rept. No. 91-714); and

S. Res. 358. Resolution authorizing the Committee on Interior and Insular Affairs to expend additional funds from the contingent fund of the Senate.

By Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, with amendments:

S. Res. 355. Resolution authorizing the printing of a history of the Committee on Finance as a Senate document (Rept. No. 91-715).

TEMPORARY PROHIBITION OF STRIKES OR LOCKOUTS WITH RESPECT TO THE CURRENT RAILWAY LABOR-MANAGEMENT DISPUTE—REPORT OF A COMMITTEE (S. REPT. NO. 91-717)

Mr. YARBOROUGH, from the Committee on Labor and Public Welfare, reported an original joint resolution (S.J. Res. 180) to provide for a temporary prohibition of strikes or lockouts with respect to the current railway labor-management dispute, and submitted a report thereon, which joint resolution was passed, without amendment.

BILLS AND JOINT RESOLUTIONS INTRODUCED

Bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. COTTON:

S. 3542. A bill to authorize the Secretary of Housing and Urban Development to establish a Federal insurance guaranty program under the Federal Insurance Administrator to protect the American public against losses resulting from the insolvency of insurers, and for other purposes; to the Committee on Commerce, by unanimous consent.

(The remarks of Mr. Cotton when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. FULBRIGHT (by request):

S. 3543. A bill to provide for a U.S. contribution to the special funds of the Asian Development Bank, and for other purposes; and

S. 3544. A bill to amend the Arms Control and Disarmament Act, as amended, in order to extend the authorization for appropriations and provide for the uniform compensation of Assistant Directors; to the Committee on Foreign Relations.

(The remarks of Mr. Fulbright when he introduced the bills appear earlier in the Record under the appropriate headings.)

By Mr. MUSKIE (for himself, Mr. Hart, Mr. Goodell, Mr. Metcalf, and Mr. Young of Ohio):

S. 3545. A bill to require an immigrant alien to maintain a permanent residence as a condition for entering and remaining in the United States, and for other purposes; to the Committee on the Judiciary.

(The remarks of Mr. Muskie when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. MUSKIE (for himself, Mr. Bayh, Mr. Eagleton, Mr. Montoya, Mr. Randolph, and Mr. Spong):

S. 3546. A bill to amend the Clean Air Act, as amended, and for other purposes; to the Committee on Public Works.

(The remarks of Mr. Muskie when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. ALLOTT (for himself and Mr. Dominick):

S. 3547. A bill to authorize the Secretary of the Interior to construct, operate, and maintain the Narrows unit, Missouri River Basin project, Colorado, and for other purposes; to the Committee on Interior and Insular Affairs.

(The remarks of Mr. Allott when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. RANDOLPH:

S. 3548. A bill to credit certain service rendered by District of Columbia substitute teachers for purposes of civil service retirement; to the Committee on the District of Columbia.

By Mr. ANDERSON:

S.J. Res. 179. A joint resolution to authorize the Secretary of Agriculture to carry out demonstration projects, using heat and light traps and other nonchemical means, to control insects harmful to agricultural crops; to the Committee on Agriculture and Forestry.

(The remarks of Mr. Anderson when he introduced the joint resolution appear later in the Record under the appropriate heading.)

By Mr. YARBOROUGH:

S.J. Res. 180. A joint resolution to provide for a temporary prohibition of strikes or lockouts with respect to the current railway labor-management dispute; considered and passed, without amendment.

(The remarks of Mr. Yarborough when he reported the joint resolution appear later in the Record under the appropriate heading.)

S. 3542—INTRODUCTION OF THE FEDERAL INSURANCE GUARANTY ACT

Mr. COTTON. Mr. President, at the request of the department involved, I now introduce the administration's proposed Federal Insurance Guaranty Act and ask unanimous consent that it be referred to our Committee on Commerce.

I make this request in view of the fact that on May 23, 1969, a similar measure, S. 2236, was introduced by the distinguished Senator from Washington (Senator Magnuson) for himself and others, which was referred to our Committee on Banking and Currency which subsequently discharged the bill for referral to our Committee on Commerce.

Since that time our Committee on Commerce has held several days of hearings on the bill S. 2236, the last being on February 10 of this year at which time administration witnesses testified in response to the committee's request indicating that it, the administration, would submit its own legislative proposal as an alternative to the bill S. 2236.

Mr. President, this alternative legislative proposal is the one which I now introduce and, as previously noted, request unanimous consent for its referral to our Committee on Commerce.

In making this introduction, I am mindful of the fact that there is considerable concern both within and without Congress with respect to such legislative proposals and the probable impact of such upon the McCarran-Ferguson Insurance Regulation Act which provides in part a congressional declaration that "the continued regulation and taxation by the several States of the business of insurance is in the public interest."

It is my understanding, Mr. President, that the bill which I now introduce is in consonance with this congressional declaration of policy and will do minimum violence to it. Quite frankly, if it

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were to do otherwise and upset this longstanding Federal/State relationship, then I would be constrained to oppose its enactment. I have been advised, however, that this alternative legislative proposal will serve to meet the particular problem at hand without any such adverse impact, and I would hope that subject to the granting of my unanimous-consent referral to our Committee on Commerce, such legislative proposal will be accorded every consideration along with the bill S. 2236 now pending before that committee.

The PRESIDING OFFICER. The bill will be received and referred to the Committee on Commerce, by unanimous consent.

The bill (S. 3542) to authorize the Secretary of Housing and Urban Development to establish a Federal insurance guaranty program under the Federal Insurance Administrator to protect the American public against losses resulting from the insolvency of insurers, and for other purposes, introduced by Mr. Cotton, was received, read twice by its title, and referred to the Committee on Commerce, by unanimous consent.

S. 3545—INTRODUCTION OF IMMIGRATION AND NATURALIZATION ACT, 1970

Mr. MUSKIE. Mr. President, I introduce, for appropriate reference, a bill to amend the Immigration and Nationality Act, to require an immigrant alien to establish and maintain a permanent, bona fide residence as a condition for entering and remaining in the United States, and for other purposes. I ask unanimous consent that the text of this bill be printed in the Record following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. MUSKIE. Mr. President, all immigrants to the United States must generally have valid immigrant visas upon any entry or reentry to the United States. Exempted from this general rule are immigrants, who are returning to an unrelinquished lawful permanent residence in the United States after a temporary absence abroad not exceeding 1 year. Such persons are issued a Form I-151, generally referred to as a "green card" and by regulation of the Attorney General are permitted to use this "green card" in lieu of an immigration visa or reentry permit. The Attorney General has and clearly should continue to have authority to promulgate such regulations.

This bill is directed at an outgrowth and abuse of the above regulations concerning the "greencarder" who is classified as an alien immigrant but who does not, in fact, maintain a bona fide permanent residence in the United States. This type of "greencarder" continues to reside in a foreign country and commutes daily or frequently to work in the United States. The Immigration and Nationality Act normally requires such aliens to obtain an immigrant visa or reentry permit for each entry into this country. However, since these commuters or "greencarders" were primarily aliens working in U.S. border towns and living in contiguous foreign territory, an "amiable fiction" was created whereby employment was equated with permanent residence. Despite the fiction that the commuter is an immigrant, it is clear that what really has been established is a work permit system. This "amiable fiction" in its early years applies only to daily commuters in border towns. More recently, however, it has been extended far beyond border towns to seasonal workers who stay in the United States for longer periods of time. However applied, it is still a fiction, a product of bureaucratic accommodation.

SCOPE OF THE PROBLEM

A count made by the Immigration Service on October 31, 1969, indicates over 49,000 "greencarders" crossed the Mexican border on that day alone. It is important, moreover, to note that in the past few years there has been a large increase in the number of seasonal workers who enter this country to follow the crops for several weeks or months, and then return to their homes in Mexico. The number of seasonal workers has never been definitely established. Estimates run from 100,000 to 400,000. We do know, however, that the numbers are high and that the presence of these workers has an adverse economic and social effect on American labor.

EXTENT OF ECONOMIC AND SOCIAL PROBLEMS

The extent of the economic and social problems resulting from the commuter system has been documented in a report prepared by the U.S. Department of Labor for the Select Commission on Western Hemisphere Immigration. I ask unanimous consent that pages 113–130 of this report be reprinted in the Record following my remarks. They are well worth reading. The report correlates the employment of commuter aliens with low wages and chronic unemployment among domestic workers.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. MUSKIE. Characteristic of this data is a study made in Laredo, Tex. At the time of the survey, unemployment was 11.3 percent of the total domestic labor force. Two large garment manufacturing firms were found to employ 88 commuters as sewing machine operators at the very time the Texas Employment Service listed 156 U.S. sewing machine operators as unemployed. A comparison of wages paid by firms employing only U.S. workers was found to be 38 percent higher than the wages paid by firms employing commuters in identical occupations.

Another Labor Department report submitted to former Secretary of Labor Willard Wirtz by a high-level departmental factfinding group which visited Delano, Calif., in May of 1968, spells out additional odious economic, social, and administrative problems stemming from the commuter system. This report found, among other things, that commuters were in fact being used as strikebreakers to the detriment of American workers. I ask unanimous consent that the text of this report be printed in the Record following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 3.)

Mr. MUSKIE. The 1965 amendments to the Immigration and Nationality Act place a limitation of 120,000 on total annual immigration to the United States from all nations in the Western Hemisphere. Given this limited quota, it seems unfair that a single one of these 120,000 positions be used by any person who does not intend to come to permanently and physically live, work in, and become a part of American society.

The legislation I am introducing today recognizes that the commuter problem will be eliminated only by specific congressional action. In a recent article appearing in the Case Western Reserve Journal of International Law—volume 1, No. 2, spring 1969—Mr. Charles Gordon, General Counsel for the U.S. Immigration and Naturalization Service, states:

> It is unlikely that there will be any significant changes in the administrative approach to the commuter problem. As I have noted, proposals to end or modify the program have been rejected by the administrators on the ground that they have been enforcing the will of Congress. Consequently, it may be expected that unless changes are enacted by Congress the alien commuter program will continue to operate as it has for the past 40 years. Thus, if changes are to be made, they apparently will have to be accomplished by new legislation.

I believe there is much merit to the argument that border communities are integrated economic units. Our border towns need the services of Canadian and Mexican workers. Many businessmen depend upon residents of Canada and Mexico for much of their sales. Conversely, Canadian and Mexican border towns rely heavily on the incomes of commuters. Nonetheless, I believe that Canadian and Mexican residents working in the United States should not be exploited and that their presence should not depress our own labor standards. The legislation I am introducing reflects these realities. It does not propose to bar alien commuters from working in the United States.

Specifically, my bill:

First. Would redefine the term "lawfully admitted for permanent residence" under the Immigration and Nationality Act. I intend by this redefinition and other amendments to make it clear that all immigrants after initial admission must permanently and physically reside in the United States. In short, it is my express intent to abolish the commuter system.

Second. Would establish a nonresident work permit system. By recognizing the interdependence of border communities this new form of border crossing authorization is designed for use by nonresident aliens who wish permanent employment in U.S. border towns. Accordingly, its use will be limited to authorized work locations not more than 20 miles from the U.S. border. This provision, I believe, will preserve freedom of movement and a healthy interconnection between the economies of our border towns. At the same time we abolish one of the abuses of the commuter system—the impact of the fartherranging "green card" commuter—which has no relationship to the interconnection of our border economy and which has been disruptive and harmful to nonresident American workers.

Work permits would be issued only after the Secretary of Labor certified that American workers are not available and, if none are available, that the wages and working conditions of Americans similarly employed would not be adversely affected. I have included a provision for periodic review of such certifications. My intention is to give the Secretary of Labor wide discretion in determining under what conditions work permits should be granted or withdrawn. Specifically, I have in mind situations where work-permit holders are used as strike breakers. In such cases the Secretary of Labor would revoke the work permit. In brief, I would grant to the Secretary of Labor authority to promulgate such rules and regulations as he feels are needed to implement these amendments.

Third. The bill would establish a 2-year grace period during which time the present commuter system would be phased out. I recognize that a practice of 40 years standing cannot be abolished overnight without hardship on those who have heretofore attained commuter status. In order to deal fairly and humanely with the many thousands of commuters who have relied on present practice, my bill would provide for a reasonable grace period during which all present commuters must either, first, move to the United States, thus becoming bona fide residents, or second, transfer to a nonresident work permit status. Should neither step be taken within that 2-year grace period, their commuter status would be terminated. No new commuters would be admitted after the effective date of this act. During the 2-year grace period all existing commuters will be subject to the same rules and regulations promulgated by the Secretary of Labor vis-a-vis work permit holders.

Fourth. There is evidence that a large number of commuters under the provisions of this bill would make a bona fide move to the United States. I fully recognize that such moves are difficult and in many cases would presuppose the moving of entire families.

The Immigration and Naturalization Service, for immigration purposes, would extend to an entire family the same priority date as their U.S. "green card" principal. This would move the families of green card holders high up on the immigration waiting list and considerably lengthen the waiting period of immigrants presently on the list who wish to enter the United States from the Western Hemisphere. To reduce or minimize this period of additional waiting, my bill would authorize a total of 12,000 numbers to be added to the Western Hemisphere numerical limit for the use of new permanent residents during the 2-year period following the enactment of this act.

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Fifth. This legislation would amend the Immigration and Nationality Act by eliminating the present exemption applicable to employers from the so-called "harboring" provisions of section 274(a)(4). The effect of this proposed amendment would make it a criminal offense for employers willfully or knowingly to induce the entry of any alien not lawfully entitled to enter or reside in the United States. It is my intention that section 274(a)(4), as amended by my proposal, will also apply to employers who knowingly employ, among others, nonresident "work permit" holders who are no longer entitled to stay in the United States, or who are working beyond 20 miles of the border, as well as aliens who are in the United States on a so-called "72-hour" visitors card—Form I-186.

Sixth. This bill would establish a new civil action provision, which may be invoked in a Federal court by any person, or his representative, who has been aggrieved by any other person as a result of violations of these amendments. For example, if an employer, 75 miles from the border, knowingly hired an alien who was in the United States on a "72-hour" visitors card or hired an alien "work permit" holder, any person aggrieved by the hiring of such an alien would by this legislation have the right to seek redress in the nearest Federal court.

Seventh. As mentioned above, there is evidence that many commuters and their families would move to the United States. Recognizing that such a mass movement would have an impact on border town school systems, my bill would authorize on a one-time basis only, $25 million for the school systems affected by provisions of this act, as determined by the Department of Health, Education, and Welfare.

Eighth. In addition, all possible manpower and employment assistance should be given. Specifically, I have in mind that the Secretary of Labor, either directly or through the appropriate State public employment service, should provide manpower training and employment assistance to all commuter families where the need exists. Because it is unlikely that such families will know that training and employment assistance is available, I would urge that the Secretary of Labor, working with information provided by the Immigration and Naturalization Service, seek out such commuters and inform them and their families of training and employment opportunities. To assure that such assistance is provided my bill would authorize an additional $25 million in Manpower Act—MDTA—funds.

By finding commuter families, developing their abilities through training, and matching them with jobs, we can significantly ease the impact of the move to the United States.

Mr. President, I urge early and favorable consideration of this bill. I am fully aware how complex are the human, economic, and legal problems to which this bill would apply. I can assure you, however, that much thought and expert consultation has been devoted to devising a bill that would bring a greater measure of social justice to the inhabitants of the Southwest, and especially those along both sides of the Mexican-American border.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill and other material will be printed in the RECORD, as requested by the Senator from Maine.

The bill (S. 3545) to require an immigrant alien to maintain a permanent residence as a condition for entering and remaining in the United States, and for other purposes, introduced by Mr. MUSKIE (for himself and other Senators), was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

S. 3545

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Immigration and Nationality Act Amendments of 1970".

IMMIGRANTS

SEC. 2. (a) Section 102(a)(20) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(20)) is amended to read as follows:

"(20) The term 'lawfully admitted for permanent residence' means the status of an immigrant who—

"(A) has been lawfully accorded the privilege of residing permanently in the United States in accordance with the immigration laws;

"(B) at the time of making an application for an immigrant visa, intends to reside permanently in the United States; and

"(C) following his admission into the United States as a permanent resident, thereafter permanently and physically resides in the United States; such status not having changed."

(b) Section 212(a) of such Act is amended—

(1) by striking out the period at the end of paragraph (31) and inserting in lieu thereof a semicolon; and

(2) by adding at the end thereof the following new paragraph:

"(32) Any alien who seeks to procure, has sought to procure, or has procured an immigrant visa without any intent to reside permanently in the United States."

(c) Section 221(a)(1) of such Act is amended by inserting after "section 222" the following: "(including the statement and oath required by subsection (a)(2) of such section)".

(d) Section 222(a) of such Act is amended—

(1) by inserting after the subsection designation "(a)" the following: "(1)";

(2) by striking out the following: "whether or not he intends to remain in the United States permanently;"; and

(3) by inserting at the end thereof the following new paragraph:

"(2) Each immigrant shall sign a separate statement, under oath, at the end of such application that he intends to reside permanently in the United States. The statement of such intent shall be considered a material fact of the application."

(e) Section 241(a) of such Act is amended—

(1) by striking out the period at the end of paragraph (18) and inserting in lieu thereof a semicolon and "or"; and

(2) by adding at the end thereof the following new paragraph:

"(19) was admitted as an immigrant and failed to maintain the immigrant status in which he was admitted or to which it was adjusted pursuant to section 245, or to comply with the conditions of such status."

(f) The introductory matter preceding paragraph (1) of section 244(a) of such Act is amended by inserting after "suspension of deportation" the following: "(which application shall include a statement signed by the alien, under oath, that he intends to reside permanently in the United States)".

(g) Section 245(a)(1) of such Act is amended by inserting after "such adjustment the following: "(which application shall include a statement signed by the alien, under oath, that he intends to reside permanently in the United States)".

SEC. 3. Section 274 of the Immigration and Nationality Act is amended—

(1) by striking out of subsection (a)(4) the colon and the following: *"Provided, however*, That for the purposes of this section, employment (including the usual and normal practices incident to employment) shall not be deemed to constitute harboring"; and

(2) by adding at the end thereof the following new suosection:

"(c)(1) A person, or his representative, who is aggrieved by another person who commits an act in violation of clause (1), (2), (3), or (4) of subsection (a) of this section, may commence a civil action, without regard to the amount in controversy, in the judicial district in which the defendant resides, has his principal place of business, or in which the defendant may be found.

"(2) If the court finds that the defendant has committed any act in violation of any such clause, it shall order the defendant to cease such violation immediately, and grant such other relief as the court considers appropriate. Failure to obey an order may be punished by the court as contempt of the court."

NONRESIDENT WORK PERMITS

SEC. 4. (a) Section 101(a)(15)(H) of the Immigration and Nationality Act is amended by adding at the end thereof the following: "or (iv) who is going to commute regularly to the United States to perform skilled or unskilled services or labor at a point not more than twenty miles away from a border between the United States and the foreign country of residence of such alien;".

(b) Section 214(c) of such Act is amended—

(1) by inserting after the designation "section 101(a)(15)(H)" the following: "(i), (ii), or (iii)"; and

(2) by inserting after the first sentence the following new sentence: "The question of importing an alien as a nonimmigrant under section 101(a)(15)(H)(iv) in any specific case or specific cases shall be determined by the Attorney General, upon petition of the person who intends to employ such alien, and only after the Secretary of Labor has certified to the Attorney General that (1) there are not sufficient workers in the United States who are able, willing, qualified, and available at the time and at the place to which the alien is destined to perform such skilled or unskilled services or labor, and (2) the employment of such alien will not adversely affect the wages and working conditions of the workers in the United States similarly employed."

(c)(1) Chapter 7 of title II of such Act is amended by adding at the end thereof the following new section:

"TERMINATION OF EMPLOYMENT STATUS

"SEC. 265A. The status of an alien admitted to the United States as a nonimmigrant under section 101(a)(15)(H)(iv) shall terminate when the employment with the employer petitioning for the admission of such alien ends. The employer filing the petition for such alien, shall, within five days after the alien ceases working for such employer, notify the Attorney General in writing that the employment has terminated and the date of such termination. The employer shall also furnish such additional information as the Attorney General may require."

(2) The table of contents of such Act is amended by inserting between items 265 and 266 the following new item:

"SEC. 265A. Termination of employment status."

(d) Section 266 of such Act is amended by adding at the end thereof the following new subsection:

"(e) Any employer who fails to give the written notice to the Attorney General, as required by section 265A, shall be guilty of a misdemeanor and shall, upon conviction thereof, be fined not to exceed $200 or be imprisoned not more than thirty days, or both."

(e)(1) Chapter 9 of title II of such Act is amended by adding at the end thereof the following new section:

"REVIEW OF NONIMMIGRANT LABOR CERTIFICATIONS

"SEC. 293. Not less than once every six months, the Secretary of Labor shall review the certification he has made under the second sentence of section 214(c) on behalf of an alien admitted as a nonimmigrant under section 101(a)(15)(H)(iv). If upon review the requirements of such sentence are no longer met, the Secretary of Labor shall revoke such certification and shall so notify the Attorney General immediately, and the alien shall be subject to deportation. The Secretary of Labor shall have authority to promulgate rules and regulations necessary to carry out his duties under such sentence and this section."

(2) The table of contents of such Act is amended by inserting after item 292 the following new item:

"SEC. 293. Review of nonimmigrant labor certifications."

(f) An alien lawfully admitted for permanent residence prior to the date of enactment of this Act (as such term was defined in section 101(a)(20) of the Immigration and Nationality Act prior to such date) may be reclassified, if otherwise eligible, as a nonimmigrant alien under section 101(a)(15)(H) of such Act, as amended by this section.

WESTERN HEMISPHERE NUMERICAL LIMITATIONS

SEC. 5. During the two-year period following the date of enactment of this Act, beginning on the first day of the first month following such date, a total of 12,000 aliens may be classified as special immigrants, as defined by section 101(a)(27)(A) of the Immigration and Nationality Act, which total shall be exclusive of special immigrants who are immediate relatives of United States citizens as described by section 201(b) of such Act and shall be in addition to the total authorized by section 21(e) of the Act of October 3, 1965.

ASSISTANCE TO SCHOOL DISTRICTS

SEC. 6. In order to minimize the impact upon school districts resulting from the provisions of this Act, there is authorized to be appropriated to the Commissioner of Education an amount not to exceed $25,000,000, to be administered by the Commissioner for operating expenses of school districts determined by the Commissioner to have an increased enrollment as a result of the provisions of this Act. The Commissioner shall distribute the funds authorized by this section, in such manner and under such conditions as he may determine, on an equitable basis after considering the impact of the additional numbers of children enrolled in the schools of each local educational agency as a result of this Act and the amount appropriated pursuant to this Act. Such amount shall remain available until expended.

MANPOWER TRAINING

SEC. 7. There is authorized to be appropriated to the Secretary of Labor an amount not to exceed $25,000,000, to be expended for manpower development and training programs authorized by the Manpower Development and Training Act of 1962, title I of the Economic Opportunity Act of 1964, or any other manpower development and training program administered by or through the Department of Labor, for aliens lawfully admitted to the United States for permanent residence prior to the date of enactment of this Act, and their families. The Secretary shall distribute the funds authorized by this section, in such manner and under such conditions as he may determine, on an equitable basis after considering the numbers of such aliens and their families locating in any State.

APPLICABILITY

SEC. 8. (a) Except as provided in subsection (b), the amendments made by section 2 of this Act shall apply only to an alien who has not been granted an immigrant visa prior to the date of enactment of this Act.

(b) The amendments made by section 2 of this Act shall apply, commencing 2 years after the date of enactment of this Act, to any immigrant who was granted an immigrant visa prior to the date of enactment of this Act.

EXHIBIT 2

THE "COMMUTER" PROBLEM AND LOW WAGES AND UNEMPLOYMENT IN AMERICAN CITIES ON THE MEXICAN BORDER

(Prepared for the Select Commission on Western Hemisphere Immigration by The Bureau of Employment Security, Office of Farm Labor Service, U.S. Department of Labor, April 1967)

For many years the American Government has permitted alien immigrants to the United States to reside in Mexico and Canada and commute to jobs in the United States without losing their immigrant status. In effect, employment is equated with residence. This practice has been bitterly opposed by residents of U.S. towns on the Mexican border. They feel the Mexican immigrants are not really immigrants to the United States—they only enjoy the material benefits of working for U.S. wages and working conditions while living in Mexico where living standards and costs are much less. With lower living costs than U.S. residents, alien commuters are able, it is argued, to accept less pay than reasonable for U.S. residents to accept. Thus wage rates are undercut and American workers suffer.

It is not just that the commuters settle for lower wages and a lower living standard. They also avoid much of the *costs* of public services in the United States, some of which they enjoy: public highways, medical and police protection services, shopping facilities, and sometimes even schools. This further reduces the real income of U.S. residents.

Opposition to the alien commuter was succinctly expressed in a February 3, 1961, resolution of the Texas AFL–CIO Executive Board that is typical of feeling on the border.

"The citizens along the U.S.-Mexican border . . . are the victims of the unfair competition for jobs of border crossers who commute daily . . . from the low cost-of-living areas south of the border. These people are willing to work at a wage which is insufficient to provide a decent standard of living for the American citizen living in the United States.

"The 'commuters,' moreover, have at times been used as strikebreakers in an effort to destroy unions of American citizens . . .

"There can be no hope that thousands of American citizens living in the Rio Grande Valley or El Paso or other border cities ever will be able to earn a living wage so long as commuting by border crossers is permitted . . ."

This paper examines readily available data that may shed some light on the extent to which U.S. residents living on the Mexican border are affected by commuters. No effort is made to discuss the legal aspects of the American Government's policy permitting commuting which has also been challenged by U.S. groups opposed to the practice. Perhaps the best discussion of this may be found in the House Judiciary Committee's 1963 publication, "Study of Population and Immigration Problems and Commuters," an unpublished paper prepared by John W. Bowser, Deputy Assistant Commissioner, Inspections, U.S. Immigration and Naturalization Service.

Extent of commuting. Unfortunately commuters are not routinely identified in the operating reports of the Immigration Service. That agency has made several special identification checks of border crossers to try and pinpoint the volume of commuting; the results of these checks are probably the best measure of commuting. The U.S. State Department and the Mexican governmental agency, Programa Nacional Fronterizo have also made estimates of commuting that yielded data roughly comparable to the I&NS survey results.

In part, some of the difficulty with understanding the commuter problem lies in the difference between the popular conception of what is a commuter and the technical, legal definition.

The general public probably would regard anyone living in Mexico and working in the United States as a commuter. Furthermore, all aliens working in the United States would also be regarded as part of the commuter problem, even though they do not commute.

In the legal sense, only *aliens* living in Mexico are commuters. United States citizens living in Mexico are not; aliens living and working in the United States are not. The situation is further compounded by the fact that most of the alien commuters have family or friends living in the United States and may themselves reside occasionally in the United States. Very frequently aliens will give U.S. addresses to their employers and may reside some of the time in the United States and some of the time in Mexico.

One other problem exists. American policy basically is designed to facilitate travel between Mexico and the United States. Many thousands of Mexican citizens are permitted to enter this country for business or pleasure with entry documents that do not permit them to work. Undoubtedly some of these visitors do work, despite the best efforts of U.S. authorities. Such illegal, wetback workers would be regarded in the popular mind as commuters but would not appear in any official or semiofficial estimate of the volume of alien commuters. Indeed, officials of the Immigration Service would probably deny that there are many illegal commuters. But residents of border communities do not agree.

The wide difference between the popular view of the commuter problem and the legal view has been discussed to emphasize that the official statistics really only describe a limited part of a general problem. In an economic sense the public view is right. The existence of a large number of unskilled workers making themselves available for U.S. jobs serves to depress wage rates; it makes no difference whether the worker is an alien or a United States citizen living in Mexico; whether he is an alien residing in the United States; whether he enters and works legally or illegally. The impact is the same: wage rates are lowered.

The latest I&NS special survey identified about 44,000 alien commuters January 17, 1966. Almost 95 percent worked in eight border areas—El Paso, Laredo, Brownsville and Eagle Pass, Tex.; Nogales and San Luis, Ariz.; and Calexico and San Ysidro, Calif. Illustrating the fact that the alien commuters do not fully describe the economic impact of commuting, another 18,000 United States citizens lived in Mexico and worked in the United States—almost 30 percent of the total commuters. Table 1 lists various estimates of the volume of commuting made by different agencies and at different time periods; table 2 presents a comparison of alien and U.S. citizens commuting at the time of the latest I&NS survey.

TABLE 1.—NUMBER OF MEXICAN ALIEN COMMUTERS

	Jan. 17, 1966[1]		Jan. 11, 1966[1]						
	Total	In agriculture	Total	In agriculture	May 17, 1963[1]	May 8, 1963[1]	January 1960[2]	Jan. 24–Feb. 1, 1960[1]	Mexican estimates[3]
Major points of entry:									
Texas:									
Brownsville	2,032	226	2,552	619	1,796	1,729	135		3,500
Hidalgo	1,163	805	1,000	511	366	532			
Roma	208	187	146	125	89	108			
Laredo	2,581	175	2,239	209	2,490	2,382	3,000		
Eagle Pass	1,604	536	2,195	901	1,586	1,037	1,400		
Del Rio	513	99	489	82	237	314	400		
Fabens	274	219	267	207	307	316			
Ysleta	248	137	266	115				111	
Cordova	2,932	80	3,455	164				2,273	
Santa Fe Street Bridge (El Paso)	8,592	590	7,605	944	13,492	13,332		10,884	15,700
Arizona:									
Douglas	418	96	470	93	307	288			
Naco	127	20	134	19	202	134			
Nogales	1,614	108	1,392	53	1,464	1,854	1,132		
San Luis	4,234	3,583	3,654	3,024	1,239	1,038			
California:									
Calexico	7,616	6,468	8,098	7,324	4,692	5,342	183		
San Ysidro	9,281	3,967	8,460	3,134	5,855	5,374	15,000–20,000		15,000
Minor points of entry	250	161	219	129	87	101			
Grand total	43,687	17,457	42,641	17,653	34,223	33,867			

[1] Special I. & N.S. surveys on dates indicated.

[2] U.S. State Department estimates based on U.S. consulate reports.

[3] Programa Nacional Fronterizo: Tijuana, B.C.; Ciudad Juarez, Chih.; and Matamoros, Tamps. Mexico, 1962. The Mexican figures probably include commuters who are U. S. citizens residing, in Mexico.

TABLE 2.—WORKERS RESIDING IN MEXICO COMMUTING TO JOBS IN THE UNITED STATES, MAJOR ENTRY POINTS, JAN. 17, 1966

	Total	Mexican aliens	U.S. citizens	
			Number	Percent of total
Texas:				
Brownsville	3,503	2,032	1,471	42
Hidalgo	2,561	1,163	1,398	55
Laredo	3,715	2,581	1,134	31
Eagle Pass	2,710	1,604	1,106	41
Del Rio	831	513	318	38
Cordova	4,290	2,932	1,358	32
Santa Fe Bridge	12,913	8,592	4,321	33
Arizona:				
Douglas	587	418	169	29
Arizona—Continued				
Nogales	1,882	1,614	268	14
San Luis	4,858	4,234	624	13
California:				
Calexico	9,957	7,616	2,341	24
San Ysidro	12,333	9,281	3,052	25
Total	60,140	42,580	17,560	29
All other areas	1,806	1,107	699	39
Total	61,946	43,687	18,259	29

Source: Special survey of border crossers by Immigration and Naturalization Service.

Evidence of depressed U.S. wage scales.—Comprehensive information about wage rates is not available for most border areas. Most of the border towns are very small and not included in the statistical series that contain wage rate information. The discussion that follows is based primarily upon very scattered and fragmentary information. Notwithstanding their limitations, the data do show clearly that wage rates are low in the border areas.

The presence of the alien commuters, however, is not the sole cause of low wage rates. Many factors determine wage levels—a surplus or shortage of workers; the kinds of jobs involved (higher-skilled jobs demand higher wages); the kinds of industry (usually durable goods manufacturing pays higher wages); the extent to which viable trade unions exist. In general, the factors which produce high wage rates are not found as

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frequently in border areas as they are in interior areas. But the factors which produce low wages are commonly present in the border towns and quite often are interrelated with the alien commuter problem.

Most of the border areas have relatively large labor surpluses, partly because of the commuters, but also because of large numbers of low-skilled U.S. citizens and resident aliens residing in the United States. Thus, not all of the low wage problem is due to the commuters.

Comparisons of area wage levels in the same state do not always reveal that wages in the border areas are always the lowest in the state. Interior areas in a border state also have large labor surpluses that cause wages in these areas to be as low, or lower, than wages in the border areas. The northeastern corner of Arizona, far removed from the border, where the poverty-stricken Navajo Indians live, is a case in point.

Some border areas have concentrations of heavy industry, or establishments where the wage structure is determined by collective bargaining agreements or other factors not primarily concerned with conditions in the border towns. In such instances, the wages in the border towns may be higher than in interior areas where no such establishments exist. But wages on the border are seldom, if ever, higher than in the interior for the same kind of work at the same kind of firm.

TEXAS

Farm wage data are available from the monthly reports of the Texas Employment Commission. Monthly estimates of average hourly earnings in manufacturing, durable and nondurable goods industries are published by the Texas Employment Commission. Median earnings data are available from the 1960 census of population for one Texas border city, El Paso, and five other major Texas cities: Fort Worth, Beaumont-Port Arthur, Dallas, Houston, and San Antonio. Two special surveys were made in El Paso and Laredo in 1961 by the Department of Labor specifically designed to explore some aspects of the commuter problem. These surveys contain information about wages in the occupations in which most commuters are employed.

A. *Farm wages.*—Farm wage rates in Texas are lowest in border areas. Average hourly farm wages for seasonal farm work in the three agricultural reporting areas on the border were $0.76 in November 1966—31 percent less than the $1.10 average in the remainder of the state. The lowest wage rates are in the Lower Rio Grande Valley, $0.75; slightly higher in the next area, Rio Grande Plains, $0.77; and highest of all the border areas, $0.83 in the Trans Pecos area.

The highest farm wages in Texas are in the areas farthest removed from the border—$1.20 and $1.24 in the Northern Panhandle and the High Rolling Plains. The following map of Texas shows the geographic pattern of average wage rates for seasonal farmwork.

Large numbers of alien and U.S. citizen commuters are employed in agriculture in the border areas. The January 17, 1966, I&NS survey identified 1,584 citizen commuters and 1,282 alien commuters in the Valley; 531 citizen and 810 alien commuters in the Rio Grande Plains; and 973 citizen and 1,078 alien commuters in the Trans Pecos areas. Commuters to agricultural jobs formed a very large proportion of the commuters in the Valley and the Rio Grande Plains areas. In the former area, 51 percent of the U.S. citizen commuters and 37 percent of the alien commuters worked in farm jobs. The corresponding percentage in the Rio Grande Plains were 21 and 17 percent. In the Trans Pecos area, where most of the commuters went to nonfarm jobs in El Paso, only 11 percent of the citizens and 9 percent of the alien commuters worked in agriculture.

Commuters constituted a significant proportion of the seasonal farm work force in the border areas. In the Lower Rio Grande Valley about 15 percent of the seasonal farmworkers were commuters, with alien commuters making up about 7 percent of the seasonal farmworkers. In the Rio Grande Plains, about 9 percent of all seasonal workers were commuters, and 5 percent were alien commuters. In the Trans Pecos area almost all seasonal farmworkers were commuters. However, in this area farm work is a very minor activity—only about 1,500 seasonal workers were employed in January 1966, compared to 19,700 seasonal workers in the Valley and 15,600 in the Rio Grande Plains.

Wage rates were higher in the Trans Pecos area than in the other two border areas because of two factors: the area is isolated without a large resident farm population; the bulk of jobs in the area are found in the El Paso metropolitan area where nonfarm wage levels tend to be higher than levels in rural areas. In contrast, the Valley and Rio Grande Plains areas have no large metropolitan areas. They have a large rural population, largely composed of Mexican-Americans, both citizens and resident aliens. The level of economic activity in the latter areas is much lower than in El Paso. The low-wage levels in the Valley and the Rio Grande Plains areas are probably primarily due to the large surplus of poor, unskilled, poorly educated, rural people (most of whom are Mexican-American) residing in the areas. But augmenting this labor surplus by adding commuters from Mexico, persons who are even poorer, more unskilled, and less educated, serves to depress an already intolerable situation.

B. *1960 census of population median earnings data.*—Median earnings data reveal earnings of El Paso workers are significantly lower than in most other major Texas metropolitan areas. Of the 11 major occupational-sex groupings, median earnings were lowest in El Paso for four groupings (male clerical workers, female clerical, sales, and private household workers); and second lowest for three other groupings (male sales, clerical workers, and operatives and kindred workers). The highest El Paso ranked among the six areas was in the male service worker classification where it ranked third.

One other aspect of the census of population data must be mentioned. Since the data are obtained from a household enumeration, residents of Mexico are not included in the census statistics because their households were not enumerated. Thus, for El Paso, the census statistics overstate the incomes of persons that work in that city because they omit the earnings of commuters who work for the most part in the city's lowest paid jobs.

Table 3 contains pertinent median earnings data obtained in the 1960 census of population.

TABLE 3.—MEDIAN EARNINGS IN 1959 OF PERSONS IN THE EXPERIENCED LABOR FORCE BY SEX AND OCCUPATION

[6 standard metropolitan statistical areas in Texas]

Occupation	El Paso		San Antonio		Dallas		Fort Worth		Houston		Beaumont-Port Arthur	
	Earnings	Rank	Earnings	Rank	Earnings	Rank	Earnings	Rank	Earnings	Rank	Earnings	Rank
All male workers	$4,199	(5)	$3,725	(6)	$4,560	(4)	$4,657	(3)	$4,915	(2)	$5,207	(1)
Clerical and kindred	4,186	(6)	4,272	(5)	4,543	(4)	4,904	(2)	4,871	(3)	5,124	(1)
Salesworkers	4,437	(5)	4,414	(6)	5,562	(1)	4,833	(3)	5,526	(2)	4,776	(4)
Craftsmen and foremen	4,691	(5)	4,346	(6)	4,802	(4)	5,056	(3)	5,374	(2)	5,833	(1)
Masons	3,246	(6)	3,566	(5)	4,334	(4)	4,414	(3)	4 634	(2)	5,854	(1)
Painters	3,505	(3)	2,993	(6)	3,454	(4)	3,408	(5)	3,605	(2)	3,739	(1)
Operators	3,388	(5)	2,945	(6)	3,861	(4)	4,131	(3)	4,376	(2)	5,381	(1)
Auto service station attendant	2,172	(4)	1,926	(5)	2,498	(2)	2,527	(1)	2,341	(3)	1,831	(6)
Truckdriver	3,334	(5)	3,021	(6)	3,892	(1)	3,748	(2)	3,717	(3)	3,691	(4)
Welders	4,595	(3)	3,710	(6)	4,471	(5)	4,571	(4)	5,343	(2)	5,625	(1)
Service workers	2,788	(3)	2,362	(6)	2,702	(5)	2,833	(2)	2,771	(4)	3,486	(1)
Barbers	3,022	(4)	3,019	(5)	3,519	(2)	3,507	(3)	3,566	(1)	2,985	(6)
Cooks	2,682	(5)	2,577	(6)	2,719	(3)	2,685	(4)	2,987	(2)	4,678	(1)
Guards	3,793	(1)	3,051	(5)	3,291	(4)	3,671	(2)	3,393	(3)	1,808	(6)
Waiters	2,203	(1)	1,454	(4)	1,856	(3)	1,538	(6)	2,174	(2)	1,635	(5)
Laborers, except farm and mine	2,386	(4)	2,057	(6)	2,367	(5)	2,552	(3)	2,903	(2)	3,027	(1)
Manufacturing	2,775	(5)	2,506	(6)	2,843	(4)	3,322	(3)	3,619	(2)	4,655	(1)
Nonmanufacturing	2,337	(3)	1,904	(6)	2,296	(4)	2,413	(2)	2,526	(1)	2,107	(5)
All female workers	1,836	(5)	1,938	(4)	2,322	(1)	1,970	(3)	2,197	(2)	1,615	(6)
Clerical and kindred	2,656	(6)	2,865	(4)	3,125	(2)	2,867	(3)	3,225	(1)	2,748	(5)
Bookkeepers	2,855	(5)	2,864	(4)	3,286	(2)	2,805	(6)	3,331	(1)	2,887	(3)
Cashiers	1,724	(5)	1,617	(6)	2,089	(1)	1,762	(3)	1,785	(2)	1,751	(4)
Secretaries	3,147	(4)	3,089	(5)	3,568	(2)	3,269	(3)	3,707	(1)	3,015	(6)
Stenographers	3,290	(6)	3,322	(5)	3,417	(4)	3,607	(3)	3,791	(1)	3,733	(2)
Telephone operators	2,996	(6)	3,133	(5)	3,353	(2)	3,276	(4)	3,348	(3)	3,408	(1)
Typists	2,601	(3)	2,927	(1)	2,530	(5)	2,524	(4)	2,707	(2)	1,828	(6)
Salesworkers	1,292	(6)	1,478	(4)	1,817	(2)	1,460	(5)	1,900	(1)	1,513	(3)
Operators	1,711	(4)	1,559	(6)	2,223	(1)	1,848	(3)	1,886	(2)	1,576	(5)
Laundry	1,376	(4)	1,279	(5)	1,544	(1)	1,420	(2)	1,403	(3)	1,184	(6)
Private household	617	(6)	745	(3)	799	(2)	709	(4)	831	(1)	637	(5)
Service workers	1,130	(4)	1,171	(3)	1,321	(1)	1,116	(5)	1,316	(2)	1,002	(6)
Industrial attendants	1,388	(5)	1,588	(2)	1,445	(4)	1,190	(6)	1,599	(1)	1,485	(3)
Cooks	1,071	(6)	1,308	(2)	1,262	(3)	1,175	(5)	1,342	(1)	1,203	(4)
Waitresses	984	(3)	929	(4)	1,014	(2)	906	(5)	1,025	(1)	859	(6)

Source: U.S. Bureau of the Census, "Census of Population, 1960."

C. *Manufacturing average hourly earnings.*—Wages in El Paso manufacturing are extremely low. El Paso ranked lowest of the eight major Texas areas (El Paso, Austin, San Antonio, Beaumont, Corpus Christi, Dallas, Fort Worth, and Houston) for which the Texas Employment Commission published average hourly earnings in manufacturing.

Austin and San Antonio had lower earnings for durable goods, but El Paso had by far the lowest average for nondurable goods.

El Paso did not rank on the bottom for durable goods because it is the location of a large copper refinery and a large copper smelter. Wages in these establishments are high because the workers have effective trade unions. The refinery and smelter are branches of large corporations and collective bargaining between management and labor is on a regional basis, thus cuasing the unique situation of El Paso with its commuter problem to be of little importance in the determination of wages of El Paso copper workers.

Nondurable goods employment in El Paso is heavily concentrated in garment manufacturing—almost 75 percent of all nondurable goods workers are in this industry. The wage rates in garment manufacturing are little more than the minimum required by the Fair Labor Standards Act. Large numbers of alien commuters (mainly women) are employed in this industry. The existence of this industry is a recent phenomenon and many local residents believe garment firms moved to El Paso to take advantage of the large supply of labor and the low-wage scale; both conditions are due, in part, to the commuter situation.[1]

Table 4 contains average hourly earnings data in manufacturing in El Paso and other Texas cities.

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[1] Other border areas in Texas, Laredo and Eagle Pass, have also attracted garment firms recently. A recent economic survey of Eagle Pass reports: ". . . it seems that the factors that have drawn garment manufacturers to Eagle Pass as a production site, *conspicuously the low cost of labor*, are likely to continue in the future." (Italic supplied.) Robert H. Ryan, Charles T. Clark, and L. L. Schkade, "Bridge into the Future Eagle Pass, Texas," Area Economic Survey No. 18 (Austin: Bureau of Business Research, University of Texas, 1964) pp. 82–83. Quoted by Lamar B. Jones, "Mexican-American Labor Problems in Texas," unpublished Ph. D. thesis, University of Texas, 1965.

TABLE 4.—AVERAGE HOURLY EARNINGS IN MANUFACTURING INDUSTRIES, 8 MAJOR TEXAS CITIES, 1966

	Average hourly earnings		
	All manufacturing	Durable goods	Nondurable goods
Texas	$2.57	$2.62	$2.52
El Paso	1.90	2.46	1.72
Austin	1.98	1.71	2.26
Beaumont	3.35	3.03	3.48
Corpus Christi	2.96	2.57	3.26
Dallas	2.37	2.52	2.10
Fort Worth	2.81	2.97	2.39
Houston	3.00	2.87	3.16
San Antonio	1.98	1.92	2.02

Source: "The Texas Labor Market," Texas Employment Commission.

D. *Special commuter survey—Laredo.*—A special study of alien commuter problems—jobs held by commuters, wages received, and availability of domestic workers for these jobs—was made by the U.S. Department of Labor in the summer of 1961.

The study showed that commuters were employed in most occupations and industries, but concentrated most heavily in garment manufacturing, hotels, restaurants, and retail trade and service establishments. A sample of firms employing 3,000 workers was contacted. These firms employed 438 Mexican aliens identifiable as commuters. In addition, the survey team suspected that other alien employees of these firms were commuters, although they had given U.S. addresses to their employers.

When the survey was conducted, unemployment was very heavy in Laredo—11.3 percent. Large numbers of U.S. workers had the same occupational skills as the alien commuters and were unemployed at the time of the survey. For example, the two garment manufacturing firms in the sample employed 88 alien commuters as sewing machine operators. The Texas Employment Commission office files contained applications from 156 unemployed U.S. workers with this occupation.

The survey revealed a very common pattern of firms employing alien commuters paying lower wages than did firms employing U.S. workers. From the data collected in the survey, it was possible to make comparisons of the wage rates paid for 19 occupations by firms engaged in similar activities. The firms employing only domestic workers paid higher rates for 15 of the occupations; in one occupation the rates paid were the same; and for three occupations the firms employing alien commuters paid higher rates. There were also instances where the same firms paid its alien commuters less than it paid U.S. workers for the same work. The average of the wage rates for these 19 occupations paid by the firms employing only U.S. workers was 38 percent higher than the average rates paid by the firms employing alien commuters. Table 5 lists the occupational wage data obtained in survey.

TABLE 5.—OCCUPATIONAL WAGE STRUCTURE, LAREDO, TEX., JUNE 1961

Industry and occupation	Average wage rate (per week)	
	Firms employing only domestic workers	Firms employing domestic and alien commuter workers
Hotels and motels:		
Cook	$58	$34
Maid	20	17
Hall boy	25	20
Waiter	[1]15	[1]18
Busboy	[1]25	13
Bartender	58	46
Bellboy	[1]15	[1]16
Drugstores and related firms:		
Cashier	27	12
Stock clerk	52	40
Fountain girl	16	[2]23
Drug clerk	77	55
Grocery and related firms:		
Cashier	$24	$24
Stock boy	35	20
Produceman	45	35
Butcher	65	52
Warehouseman	37	31
Miscellaneous retail firms:		
Porter	53	35
Warehouseman	73	21
Stockman	53	45

[1] Plus tips. [2] Plus $3 meal allowance.

Note.—Data were collected in the survey concerning the different rates paid each occupation in each firm. For some occupations monthly rates were reported; these were converted to weekly rates by dividing the monthly rate by 4.33. The number of workers paid each rate was not reported in all cases, making it impossible to compute an average rate weighted by the number of workers paid each rate. The average rates shown in the table represent the average of the highest and lowest rates paid. These averages correspond quite accurately with the weighted averages computed for the few occupations where data were reported for each worker.

E. *Special commuter survey—El Paso.*—The El Paso special study was similar in concept and scope to the Laredo survey discussed above. The survey was made in the summer of 1961. Seventy-five firms were surveyed. At least 1,000 alien commuters were employed by these firms. However, it is believed many more were employed: some firms did not provide information about the residence of their workers. In other cases, workers identified as alien residents of the United States were probably, in fact, residents of Mexico and had provided false addresses. One garment manufacturing firm, for example, claimed none of its employees were commuters; *but it ran a bus to the border to pick up workers.*

For the most part, the alien commuters were employed in the less skilled and more menial occupations—busboy, dishwasher, laborer, salesclerk, maid, housecleaner, sewing machine operator. Alien commuters, however, were also employed in skilled jobs. Many worked in organized firms and were members of trade unions.

The data collected in the El Paso survey cannot be summarized as were the Laredo data (table 5). In some industries studied, all of the sample firms employed commuter aliens. In other industries, the sample firms refused to provide wage information or attempt to determine if any of their employees were alien commuters. The wage structure in other firms was determined by collective bargaining agreements negotiated on a national or regional basis and thus unaffected by commuters.

Where information was supplied, it was apparent that wage rates paid alien commuters were usually low. In about one-half of the occupations studied, the wage rates paid commuters were lower than what unemployed job applicants registered for work with the Texas Employment Commission said they would accept. These occupations were: sales men and women, cooks, laundry workers, painters, carpenters, and general manufacturing workers. In other classifications, salesclerks, kitchen helpers, packinghouse workers, laborers, and truckdrivers, the commuter aliens were paid rates commensurate with the expectations of unemployed domestic workers.

Following is a summary of the survey results:

Eleven construction firms.—Six firms employed only U.S. residents; five employed alien commuters. Two-thirds of the firms employing only U.S. residents paid the union scale. Only 20 percent of the firms employing commuters paid the union scale. The lowest rates were paid by the nonunion firms that employed commuters.

Four retail dry goods stores.—Three firms employed alien commuters. They paid lower wage rates than the firm that employed only U.S. residents.

Four wholesale and warehouse firms.—Three firms employed alien commuters. The firm employing only U.S. residents paid the highest wage rates.

All sample firms in the following industries employed alien commuters: Garment manufacturing (11 firms); restaurants (five firms); meatpacking (three firms); and laundries (four firms). Of interest is the fact that in the one laundry where wage rate data were supplied for both alien commuters and U.S. residents, the commuters were paid less than $0.50 per hour while the U.S. residents were paid about $0.80 per hour.

Insufficient wage and employment data were obtained to make any comparison for seven transportation and storage firms; two cotton processors; and three hotels and motels.

In several industries, refineries (four firms); miscellaneous manufacturing (seven firms); and miscellaneous firms (five establishments), there was no difference in the rates paid by firms employing alien commuters and those employing U.S. workers. One refinery, two miscellaneous manufacturing, and two of the other miscellaneous firms employed commuters.

Six other retail trade firms were included in the sample, but meaningful comparisons could not be made because the nature of their operations and the occupations of the workers they employed were too dissimilar.

F. *Unemployment in Texas border cities.*—The Texas Employment Commission prepares and publishes unemployment estimates for 22 Texas cities. In 1966 these data revealed that unemployment in border towns was substantially greater than in interior cities. Laredo had the highest rate—9.6 percent. The average rate for the four border areas (Brownsville-Harlingen-San Benito; El Paso; Laredo; and McAllen-Pharr-Edinburg) was 6.6 percent, almost 95 percent greater than the 3.4-percent rate in the 18 interior areas.

High unemployment rates are indicative of labor surpluses, surpluses that in turn cause lower wage rates as employers find it unnecessary to bid up wages to attract workers. The fact that unemployment is heavy and wage rates are low in the border towns is not coincidental. Workers residing in Mexico contribute to the labor surplus by filling jobs that United States residents would otherwise have—and frequently take them at wage rates unacceptable to United States residents.

Table 6 lists 1966 local unemployment rates for Texas; table 7 compares the volume of alien commuters in January 1966 with estimated unemployment in each of the Texas border towns for the same time period.

TABLE 6.—UNEMPLOYMENT RATES IN 22 TEXAS CITIES, 1966

City	Rate	Rank
4 border cities	6.6	
Brownsville-Harlingen-San Benito	6.5	21
El Paso	4.4	17
Laredo	9.6	22
McAllen-Pharr-Edinburg	5.8	20
18 interior cities	3.4	
Abilene	3.6	11
Amarillo	2.9	4
Austin	2.6	3
Beaumont-Port Arthur-Orange	4.0	15
Corpus Christi	3.7	12
Dallas	2.5	2
Fort Worth	2.9	4
18 interior cities—Continued		
Galveston-Texas City	4.7	19
Houston	2.4	1
Longview-Kilgore-Gladewater	3.3	8
Lubbock	3.8	13
Midland-Odessa	3.4	9
San Angelo	3.4	9
San Antonio	4.3	16
Texarkana	3.8	13
Tyler	3.3	7
Waco	4.4	17
Wichita Falls	3.0	6

Source: "The Texas Labor Market," Texas Employment Commission.

TABLE 7.—TEXAS BORDER CITIES; UNEMPLOYMENT AND ALIEN COMMUTERS, JANUARY 1966

City	Unemployed U.S. residents		Alien commuters
	Number	Rate	
Brownsville-Harlingen-San Benito	3,020	6.2	2,032
El Paso	5,050	4.8	11,772
Laredo	3,365	12.6	2,581
McAllen-Pharr-Edinburg	4,190	6.9	1,163

Source: Unemployment data from "The Texas Labor Market," Texas Employment Commission; alien commuter data from I. & N.S. survey, Jan. 17, 1966.

ARIZONA

Alien commuters do not constitute as much of a problem in Arizona as they do in Texas. Only two border towns have any significant volume of alien commuter workers—San Luis, 4,200 and Nogales, 1,600. About 400 alien commuters cross the border at Douglas and another 100 at Naco. Employment and wage data for local Arizona communities are very limited, making it difficult to evaluate the economic impact of commuters. Farm wage data are available from the reports of the Arizona State Employment Service and that Agency has also published some occupational wage data for nonfarm jobs in its annual publication, "Arizona Basic Economic Data." Since Arizona has no sizable border cities, no earnings data are available from the 1960 census.

A. *Farm wage data.*—Data concerning wages for seasonal farm work in Arizona do not reveal any adverse impact exerted by alien commuters, despite a heavy volume of commuting into Yuma County where over half the farm workers employed are commuters who cross at San Luis. In the three major farming areas in Arizona, Maricopa, Pinal, and Yuma Counties, wages were highest in Yuma County, the only county where alien commuting occurs. The average hourly wage for seasonal farmwork in Yuma County, November 1966, was $1.31 per hour versus $1.29 in Pinal County and $1.26 in Maricopa County.

The reason for this anomalous situation, compared to wage patterns in other border areas, stems from unique conditions in the Yuma area. The farm work force in Yuma County for many years was dominated by Mexican aliens—Mexican contract workers admitted under Public Law 78 and/or illegal wetback workers prior to the wetback cleanup in the early 1950's. There was practically no resident domestic work force doing seasonal farm work in Yuma County. The prevailing wage rate in Yuma was whatever the Department of Labor required be paid to the Mexican contract workers.

When Public Law 78 ended in 1964, this situation changed. No longer was the labor force for seasonal farm work furnished by the Government. Growers had to compete with each other for available workers by bidding up wages. For the most part, the workers they were trying to attract were Mexican immigrants, some of whom lived in Yuma County; others lived in Mexico; and still others moved into Yuma from other areas in Arizona and California. In other areas of Arizona, the labor force was not so heavily composed of contract workers and the impact of Public Law 78's termination was not as severe; more local residents were available to replace the contract workers. Thus in Yuma there was more active competition in the wage area; this competition was successful in attracting workers, but many of the new workers were Mexican immigrants who chose to live in San Luis, Mexico, rather than in the United States.

Between May 1963 and January 1966, alien commuting increased almost fourfold, from about 1,100 to about 4,000. (Data are not available concerning the proportion of the 1963 commuters that worked in farm jobs. In 1966, about 85 percent did farm work.) Between 1963 and 1966, wage rates for seasonal farmwork in Yuma County increased

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35 percent, compared to a 25-percent increase in Maricopa County, and a 10-percent increase in Pinal County where contract workers were largely eliminated prior to 1963.

B. *Nonfarm occupational wage data.*—The Arizona State Employment Service has published wage rate ranges, by county, for about a dozen occupations. Separate data are published for two Cochise County towns, Douglas and Bisbee. Although the two towns are only about 20 miles apart, there is a significant difference in the pattern of alien commuter employment. Douglas is directly on the border and about 400 aliens commute to jobs in the United States from Agua Prieta, Mexico; about 75 percent of them work in Douglas, the remainder in farm jobs in the Elfrida area, north of the city. There is very limited public transportation between Bisbee and Douglas, and very few alien commuters, or even Douglas residents for that matter, work in Bisbee. While Bisbee itself is only 10 miles from the border, the closest Mexican border town, Naco, is very small. Only about 100 alien commuters cross from Naco to work in the Bisbee area. Thus, alien commuters would have a much greater impact upon Douglas than upon Bisbee, despite the closeness of the towns.

The Employment Service data reveal lower wage rates existing in Douglas than in Bisbee, indicating that the commuter situation may have adversely affected rates in Douglas. As shown in table 8, seven occupations are listed which can be compared. Comparing the low point of the wage ranges shown for each occupation, four of the occupations in Douglas have lower rates while the other three are the same. Comparing the high point of the wage ranges, five of the occupations are lower in Douglas, one higher and one the same.

TABLE 8.—WAGE RATES PAID IN BISBEE AND DOUGLAS, ARIZ.: SELECTED OCCUPATIONS, 1966

Occupation	Bisbee	Douglas
Staff nurse	$425 to $525 per month	$400 to $525 per month.
Stenographer	$400 to $535 per month	$350 to $420 per month.
Salesperson	$1.25 to $2.15 per hour	$1.25 to $2 per hour.
Cook	$10 to $14 per day	$10 to $12 per day.
Carpenter	$2.50 to $4.645[1] per hour	$2.50 to $4.685[1] per hour.
Auto service station attendant	$1.25 to $1.50 per hour	$1 to $1.25 per hour.
Welder	$3 to $4.70 per hour	$1.50 to $2.75 per hour.

[1] Higher rate is union scale.

Source: "Arizona Basic Economic Data," October 1966, Arizona State Employment Service, Phoenix, Ariz.

Of the three Arizona counties where any appreciable volume of alien commuting occurs, commuting to nonfarm jobs is greatest in Santa Cruz County (Nogales is the major town in this county). The 1,600 alien commuters make up about one-third of the county's work force; over 90 percent work mainly in nonfarm jobs. In contrast, the alien commuters working in Cochise County (Bisbee and Douglas) constitute only about 3 percent of the work force. In Yuma County (San Luis is the border entry point) alien commuters make up 19 percent of the work force, but are heavily concentrated in agriculture. Over half of the farmworkers employed in the county are alien commuters, while only about 5 percent of the nonfarm workers are alien commuters. Thus, any impact of alien commuters upon the nonfarm wage structure in Arizona would be primarily concentrated in Santa Cruz County.

Occupational wage data published in "Arizona Basic Economic Data" clearly show that wage rates in Santa Cruz County tend to be lower than in other areas. Of the nine occupations for which data are available for 12 areas in the State, wage rates in Santa Cruz County are lowest (or tied for lowest) for five occupations—clerk typist, carpenter, auto service attendant, truckdriver, and welder; second lowest for stenographer and cook; third lowest for nurse; and fourth lowest for salesperson. Table 9 lists the occupation wage data published in "Arizona Economic Data."

TABLE 9.—WAGE RATES FOR SELECTED OCCUPATIONS, BY COUNTY, 1966

Occupation	Apache and Navajo	Cochise	Coconino	Gila	Graham and Greenlee	Maricopa	Mohave	Pima	Pinal	Santa Cruz	Yavapai	Yuma
Nurse (per month)	$315-$335	$400-$525	$250-$480	$400-$500	$275-$350	$420-$463	$395-$420	$340-$400	$350-$400	$325-$375	$425-$475	$400-$475
Stenographer (per month)	275-325	350-534	285-450	265-310	260-350	325-400	300-325	285-350	275-300	250-325	240-320	200-336
Clerk typist (per month)	240-260	325-410	200-400	220-265	215-260	270-360	250-275	225-315	240-260	200-250	225-275	275-315
Salesperson (per hour)	1-1.25	1.25-2.15	1.10-2	.90-1.25	1-1.25	1.10-1.66	1.25-1.50	1.25-1.40	1.25-1.75	1.25-1.35	1.25-1.35	1.25-1.75
Cook (per day)	12-14	10-14	9-22.50	10-16	10-12	10-18	12-18	14-18	9-11	10-12	10-13	16-20
Carpenter (per hour)	2.25-5.25	2.50-4.685	2.50-4.505	3.20-4.50	3-4	3-4.685	3-5.13	3-4.50	2.50-4.385	2-4.25	2.50-4.505	2.50-4.385
Auto service station attendant (per hour)	1.10-1.40	1-1.50	1.25-1.75	1-1.50	1.25-1.75		1.25-1.50	1.25-1.35	1.10-1.25	1-1.25	1.10-1.35	1.25-1.50
Truckdriver, light (per hour)	1.15-1.35		2.12-3.78	1.50-2	1.50-2		1.25-1.50	1.25-1.75	1.25-1.50	1.25	1.50-2	1.35-1.75
Welder (per hour)	2.75-4.97	1.50-4.70	2.76-4.86	3.19-5.04	2-2.50		2-4.25	2.50-4.65	2-2.50	1.50-2	2.25-2.85	2.50-3.25

Source: "Arizona Basic Economic Data," October 1966, Arizona State Employment Service, Phoenix, Ariz.

Mr. Ben Zweig, currently Executive Director of the Santa Cruz County and city of Nogales Economic Opportunity Community Action Committee, and formerly the American Consul at Nogales (1943–51) and Nuveo Laredo (1957–63), commented upon the commuter situation in an interesting fashion before the President's National Advisory Commission on Rural Poverty. Mr. Zweig said, "There is no doubt the daily influx of more than a thousand workers into this small community depresses wages." He went on to state commuters live in Mexico for two reasons: ". . . because living is cheaper, but also because they are unable to obtain immigrant visas for the immediate members of their families." According to Mr. Zweig, the reason visas cannot be obtained is the commuters earn such low wages they cannot prove their families would not become public charges. If Mr. Zweig's comments are correct, we have a situation that would be ludicrous if it were not so pitiful: Mexican aliens are admitted as immigrants. They satisfy the public charge requirements of immigration policy by accepting work in low paid jobs. But the jobs are so low paid they are not viewed as meeting the public charge requirements for the workers' families.

The 1960 census also contains data relating to the low earnings in Santa Cruz County supporting the previous discussion that indicated wages in this area are among the lowest in the State. According to the census, median earnings in 1959 of Santa Cruz County male residents were $3,666—lower than any county except Apache. (Earnings in this county are depressed because of the large Indian population.) For female residents, Santa Cruz County ranked 11th among the 14 Arizona counties.

CALIFORNIA

Large numbers of alien commuters work in California, crossing at two major points of entry, Calexico and San Ysidro. Calexico is in the rich farming area of the Imperial Valley. About 85 percent of the 7,500 to 8,000 alien commuters work in agriculture. San Ysidro is within the San Diego metropolitan area and about 40 percent of alien commuters work in agriculture with the remainder working in a wide variety of nonfarm jobs. Data concerning the occupational characteristics of the alien commuters working in nonfarm jobs in San Diego are not available, but there is no reason to suspect that such workers would be much different than those crossing into El Paso. There they worked for the most part in the lowest skilled, most menial jobs.

Data concerning wages, employment, and unemployment in border areas and the alien commuter problem in California indicate that in this state, as in Texas and Arizona, economic conditions are much worse on the border.

A. *Farm wages.*—According to data collected by the California Department of Employment, farm wages in California are lowest in the border areas. The average wage for seasonal farmwork in November 1966 was $1.42 per hour in the two border counties, Imperial and San Diego. Wage rates for similar work in the remainder of the state were 6 percent higher.

Most of the seasonal farm work in the border areas is done by alien commuters. The number of alien commuters that cross at Calexico is equal to about 90 percent of seasonal farm employment in Imperial County. Some of the alien commuters actually commute out of Imperial County to jobs in the Coachelle Valley, over 60 miles north of the border. In all, however, alien commuters probably make up about 85 percent of the seasonal work force in Imperial County. The same situation prevails in San Diego County. The number of alien commuters crossing at San Ysidro is equal to almost all of the workers employed in seasonal farm jobs in the county. Since some aliens also commute out of the San Diego County, the proportion that aliens constitute of the seasonal work force is less than 100 percent—probably about 85 or 90 percent.

There is also a significant volume of commuting by U.S. citizens residing in Mexico. About 1,600 such workers cross at Calexico to do farmwork and another 800 enter the United States at San Ysidro. It is clear that for practical purposes nearly all of the seasonal farmworkers employed in San Diego and the Imperial Valley live in Mexico.

Considering this fact, it is perhaps surprising that farm wage rates are not even lower. They are not because of the same fac-

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tor present in the Yuma, Ariz., situation—the termination of Public Law 78. When this program was in existence, most of the seasonal farmwork was done by contract Mexican workers. As the program ended, farmers had to compete for whatever domestic workers were available. For the most part, these were Mexican aliens who had previously been admitted as immigrants. They accepted the farm jobs formerly held by alien contract workers at the higher wage rates employers were offering. When the alien contract workers dominated the farm labor force, particularly in Imperial County, farmworker housing was geared to the contract worker. Barracks-type housing for single male workers was the standard. Family housing for farmworkers was available only on a very limited basis. Thus when alien contract workers were replaced by U.S. citizens or alien immigrants, almost the only available family housing was in Mexico.

On the border in California, as in Arizona, the end of the bracero program increased alien commuting. But at the same time it also caused sharp wage rate increases, thus militating against—perhaps disguising is a more apt description—the adverse impact of the commuter situation. Total alien commuting jumped over 50 percent[2] between 1963 and 1966, but seasonal farm wages still increased 35 percent, one-fourth greater than the increase in wages for the same kind of work in the rest of the state.

B. *1960 census of population median earnings data.*—The published statistics of the 1960 census contain data for eight major metropolitan areas, one of which was San Diego. However, the area is so large that the smaller number of alien commuters would not be expected to have very much impact. The total volume of alien commuters amounted to less than 3 percent of the total labor force; those working in nonfarm jobs to only about 1.5 percent of nonfarm employment. Furthermore, the structure of industry in San Diego includes several relatively well paid industries. The Federal Government has a large naval installation in the area and several aircraft manufacturing firms are also present.

Nonetheless, there is evidence to indicate that economic conditions in San Diego are poorer than in other major California cities. San Diego ranked only fifth highest among the eight major cities in median earnings of male workers, and fourth highest for female workers. Earnings were lower in San Diego than in the largest urban areas, but higher than earnings in the interior valley cities where farming is an important activity. Of particular significance are the data for the occupations in which most alien commuters probably work. The earnings of farm laborers, $1,621, were the lowest of all eight areas. Comparing Los Angeles and San Diego, the earnings of San Diego residents were 8 percent lower for male salesworkers; 18 percent lower for male farmworkers; 5 percent lower for female clerical workers; 8 percent lower for female salesworkers; 18 percent lower for female private household workers; and 14 percent lower for female service workers. As was previously mentioned, the census data, which are collected from households in the United States, do not fully measure the impact of commuters because they reside in Mexico. If commuters were included in the census enumeration, the census median earnings would be lower than was reported. This is demonstrated by social security program data. These data show, for 1965, that average earnings in San Diego County were seven percent lower than in Los Angeles County. However, the census data showed median earnings of all male workers to be only .2 percent lower in San Diego County. The median earnings of women workers were about 8 percent lower. Table 10 lists earnings data from the 1960 census of population.

C. *Unemployment in California border area.*—The California Department of Employment has prepared estimates of unemployment for both San Diego County and the Imperial Valley. The unemployment rate in 1966 in San Diego was 5.2 percent, somewhat higher than the Los Angeles-Long Beach rate of 4.5 percent and San Francisco-Oakland rate of 4.4 percent. In the Imperial Valley, where alien commuters form a much greater proportion of the work force, the unemployment rate was 10 percent, double the average rate for the entire state.

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[2] There is reason to suspect alien immigrant commuting increased more than 50 percent. In 1963 alien contract workers employed in the Imperial Valley were permitted to live in Mexico and commute to their jobs. Some of these workers may have been counted as commuters in the 1963 I&NS survey.

TABLE 10.—MEDIAN EARNINGS IN 1959 OF PERSONS IN THE EXPERIENCED LABOR FORCE BY SEX AND OCCUPATION—MAJOR CALIFORNIA CITIES

Occupation	San Diego	Los Angeles-Long Beach	Bakersfield	Fresno	Sacramento	San Bernardino-Riverside-Ontario	San Francisco-Oakland	San Jose
All male workers	5,672	5,684	5,119	4,498	5,709	5,069	5,705	5,998
Farmers and farm managers	3,331	3,731	6,537	4,317	4,242	3,796	4,070	4,500
Clerical and kindred	5,259	5,108	5,247	4,982	5,179	5,182	5,166	5,344
Salesworkers	5,338	5,828	5,473	5,445	5,554	5,216	5,816	5,971
Salesmen and clerks	5,397	5,885	5,467	5,481	5,639	5,309	5,913	5,090
Retail trade	4,850	4,940	4,817	4,775	4,880	4,552	5,056	5,107
Craftsmen, foremen	6,182	6,088	6,035	5,448	6,113	5,582	6,223	6,435
Carpenters	5,803	5,701	5,398	5,085	5,907	5,119	6,065	6,188
Painters	5,368	4,761	5,165	4,510	5,624	4,634	5,320	5,511
Plasterers	6,468	6,068	6,049	5,978	6,122	5,487	6,011	6,534
Operatives and kindred	5,216	5,089	5,142	4,404	5,078	4,825	5,270	5,339
Attendants, auto	2,750	2,869	2,520	2,802	2,730	2,573	3,003	2,589
Meatcutters	6,051	6,104	5,739	5,804	5,747	5,871	6,096	6,419
Truck drivers	5,390	5,550	4,650	4,941	5,391	4,987	5,848	5,939
Welders	5,991	5,431	5,879	5,094	5,777	5,322	5,832	5,829
N.E.C. manufacturing	5,237	5,068	5,595	4,306	5,165	4,836	5,320	5,198
Durable	5,305	5,018	4,631	4,195	5,500	4,901	5,113	5,413
Nondurable	4,863	5,169	5,922	4,399	4,784	4,502	5,518	4,674
Service workers	4,042	3,977	3,909	3,594	4,076	3,605	4,193	3,873
Barbers	4,757	4,315	4,244	4,149	4,932	3,873	4,501	4,535
Cooks	3,777	4,234	3,619	3,737	3,942	3,847	4,321	4,533
Guards	5,390	4,416	4,073	3,357	5,094	4,591	4,481	4,258
Waiters	4,266	3,637	3,870	3,489	3,631	3,368	4,090	2,448
Farm laborers and foremen	1,621	1,964	2,281	1,960	1,815	1,785	1,999	2,274
Laborers, except farm and mine	3,753	3,684	3,462	2,924	3,965	3,407	4,473	3,760
Manufacturing	4,413	3,929	4,446	3,109	3,765	4,018	4,292	3,817
Durable	4,457	3,852	4,346	3,007	4,021	4,140	4,295	4,603
Nonmanufacturing	3,761	3,402	3,473	2,883	3,841	3,206	4,066	3,988
Construction	4,370	4,309	4,233	3,944	4,422	3,906	4,313	4,526
All female workers	2,729	2,957	2,154	2,038	3,042	2,307	3,165	2,635
Clerical	3,304	3,484	3,221	2,927	3,512	3,142	3,577	3,226
Bookkeepers	3,318	3,653	3,219	3,016	3,512	3,112	3,638	3,138
Cashiers	2,410	2,937	2,635	2,248	2,491	2,557	3,004	2,408
Office machine operators	3,606	3,612	3,548	3,154	3,526	3,509	3,634	3,384
Secretaries	3,525	4,034	3,649	3,161	3,945	3,338	3,976	3,574
Stenographers	3,589	3,799	3,713	3,648	3,814	3,388	3,885	3,498
Telephone operators	3,285	3,363	3,369	3,351	3,465	3,147	3,659	3,325
Typists	3,081	3,091	2,887	2,814	3,356	2,993	3,244	2,683
All other	3,277	3,287	3,049	2,628	3,420	3,061	3,456	3,093
Salesworkers	1,859	2,021	1,494	1,666	1,936	1,773	2,426	1,805
Retail trade	1,892	1,935	1,494	1,693	1,831	1,783	2,365	1,842
Operatives	2,866	2,676	1,733	1,529	1,976	1,872	2,696	1,947
Laundry	2,226	2,196	2,123	2,273	2,199	1,988	2 467	2,600
Private household	724	886	672	654	643	659	842	691
Live out	667	807	665	635	623	641	780	647
Service	1,698	1,969	1,589	1,594	1,871	1,545	2,191	1,843
Institute attendants	2,369	2,440	2,448	2,309	2,390	2,815	3,043	2,492
Cooks	2,163	2,203	1,773	1,690	2,020	1,901	2,348	2,231
Waitresses	1,464	1,638	1,329	1,312	1,472	1,354	1,802	1,565

Source: U.S. Bureau of the Census, Census of Population, 1960.

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SUMMARY

The "commuter" problem and low wages and unemployment in American cities on the Mexican border

About 44,000 alien commuters live in Mexico and work in U.S. cities.

Another 18,000 U.S. citizens commute to their U.S. jobs from residence in Mexico.

90 percent of the commuters are in eight border areas: Brownsville, Laredo, Eagle Pass, and El Paso, Tex.; Nogales and San Luis, Ariz.; Calexico and San Ysidro, Calif.

Unemployment in Texas border cities is almost 95 percent greater than in Texas interior cities.

Alien commuters work most often in the lowest skilled, most menial, and lowest paid jobs: seasonal farmwork, maids, kitchen helpers, salesclerks, sewing machine operators.

Wages for seasonal farmwork in Texas border areas are over 30 percent less than in the rest of the State.

Firms that employ alien commuters tend to pay lower wages than firms that employ only U.S. residents.

Firms that employ alien commuters frequently pay them less than what they pay U.S. residents for the same work.

Wage rates paid to commuters are often less than what unemployed U.S. residents say they are willing to accept.

Greatest number of alien commuters in Arizona cross the border at San Luis for farmwork in the Yuma area. Farm wages, however, in this area are high because the great number of alien commuters is a relatively new phenomenon resulting from efforts to attract a new labor supply after Public Law 78 terminated.

Wage rates for nonfarmwork in Arizona border areas are very low in comparison to rates in other areas. Workers in Santa Cruz County, where most nonfarm alien commuters work, have the lowest earnings in the State, except for Apache County where poverty on the Navajo Indian Reservation depresses earnings.

California farm wage rates are lowest in the border areas. The bulk of the farmwork force in these areas is composed of alien commuters.

Alien commuters loom the largest in the Imperial Valley where they constitute about 30 percent of the total work force, and about 85 percent of the farmwork force. Unemployment in this area was 10 percent of the labor force in 1966, twice the average rate for the entire State.

In San Diego, another area where large numbers of alien commuters work, wage rates were lower, and unemployment higher, than in Los Angeles.

EXHIBIT 3

U.S. DEPARTMENT OF LABOR,
OFFICE OF THE SECRETARY,
Washington, June 19, 1968.

Hon. RAMSEY CLARK,
Attorney General,
Washington, D.C.

DEAR RAMSEY: I am enclosing a report with recommendations from the Labor Department staff on the Delano situation. I have seen a draft of the Immigration and Naturalization Service report, and I realize there are some differences in interpretation of the troubled relations between the INS and the United Farm Workers Organizing Committee in California. Our staff believes that the hostility and mistrust are so deep that there must have been some cause, whether it be poor judgment, lack of communication, or whatever. They also believe some ameliorative steps have been taken. However, the basic problem still lies in the whole concept of immigrants who reside in another country. The aggravation of this low-skilled and low-wage work force on the workers of the Southwest grows daily. Much of the energy and anger of the growing Mexican-American militancy in the Southwest is aimed at the workers who live in Mexico, but who claim the economic benefits of being a U.S. citizen. The Mexican-American social groups and the unions such as the UFWOC cannot rest until this problem has been resolved.

Therefore, I urge that the Federal Government move to control the impact of the commuters. A new and simpler strike regulation which excludes all commuters from struck firms should be promulgated immediately. A system of identifying commuters should be devised, and to that end, I will provide Labor Department staff to help absorb the workload. Ultimately, all commuters should be excluded unless they can prove they are not adversely affecting U.S. workers.

I urge your careful consideration of this matter. Stan Ruttenberg and I would like to discuss this with you personally at the earliest opportunity.

Sincerely,

WILLARD WIRTZ,
Secretary of Labor.

ALIEN COMMUTER PROBLEMS

(Report of Labor Department members of joint Labor-Justice fact-finding group)

Because of pronounced irreconciliable differences in their reactions to meetings and discussions with union officials during the Delano visit, the Task Force members have agreed to submit separate reports. This report, then, is submitted by the Labor Department representatives of the joint Justice-Labor Task Force.

On Monday, May 6, the members of a joint fact-finding group of the Justice Department and Labor Department met in Bakersfield, California. Present were:

Mario Noto, Associate Commissioner, INS.

Charles Gordon, General Counsel, INS.

Donald Coppock, Deputy Associate Commissioner, in Charge of Border Patrol, INS.

Michael Fargione, Deputy Regional Director, Southwest Region, INS.

Leonard W. Gilman, Associate Deputy Regional Director, Southwest Region, in Charge of Travel Control, INS.

Frank Borda, Deputy Assistant Secretary for Manpower, DOL.

Ken Robertson, Regional Manpower Administrator, San Francisco, DOL.

Lawrence W. Rogers, Assistant to the Administrator, BES, DOL.

Roberto Ornales, Mexican American Desk Director, Manpower Administration, DOL.

Mr. Noto outlined the mandate given to the task force by the Attorney General as follows: Review the entire situation concerning the use of commuter green card workers by employers in the Delano area. The examination was to assure that the proper policy emphasis on enforcement of the regulation was made clear to all Immigration and Naturalization Service personnel. The procedures for administering the regulation were to be examined to see what improvements could be made. Finally, meetings would be held with the United Farm Workers Organizing Committee to create a proper liaison with that organization.

The task force discussed the various problems they might encounter in Delano in carrying out the Attorney General's directive. The prominent problem seemed to be the attitude which the union and its members have toward the Immigration and Naturalization Service, which specifically is alleged discrimination by the Service against the union and its members in favor of the employers in this particular area.

Subsequent to the foregoing discussions, the Labor Department representatives urged that the task force convene at Delano, California, since the problems to be reviewed centered around that city. The INS members agreed, although there were some misgivings that undue public attention might result.

Mr. Cesar Chaves, Director.

Mr. James Drake, Member.

Mr. Jerry Cohen, Counsel.

Mr. Leroy Chapfield, Administrative Officer.

Mr. Marshall Ganz, Executive Board Member.

Mr. Larry Itliong, Assistant Director.

Mr. William Kircher, Director of Organization, AFL–CIO.

Mr. Kircher had been present at the meeting with the Attorney General when it was agreed to form the fact-finding committee. He presented the problem of the union. It soon became evident that the basic complaint of the union was that Immigration Service personnel were not enforcing the regulation restricting the use of commuter workers at strikebound firms. There were numerous meetings during this one day at which the union representatives fully aired their grievances. The union representatives repeatedly stated they were not asking for special treatment; they were only asking that the regulation be vigorously enforced. In essence, the union's allegations were:

1. The attitude of the Border Patrol is "provincial," anti-union, and anti-Mexican. This attitude was linked to the treatment which the union felt it had received at the hands of INS supervisory field staff. The union reported several instances of brusque and uncooperative encounters with District Directors in San Francisco and Los Angeles and the officers in charge of the Bakersfield office. The union felt that the INS supervisors did not want to cooperate with the union in the enforcement of the regulation, and that this attitude was transmitted to the Border Patrolmen.

2. That the Border patrol favors the "growers" in the enforcement of their responsibilities. Border Patrolmen do not adequately interrogate green card workers to ascertain if they are subject to the regulation. Field checks are far too brief. Border Patrolmen are too willing to accept inadequate answers as evidence that particular individuals are not subject to the regulation.

3. That the union has additional information regarding aliens illegally in the U.S., but will not furnish it to the Service unless it could be satisfied that the Service will take action on it.

4. That violators of 8 CFR 211.1(b) are not apprehended by the INS and prevented from working in the struck fields. The only exception was 10 cases which the Union maintains were acted on by INS only after a civil suit was filed by the Union against the 10 employees and their employer.

The Union developed one general question which it presented to the INS to elicit answers on the policy and procedures for enforcing 8 CFR 211.1(b). The INS officials offered, instead, a list of 14 questions and answers, prepared by the Service for internal use at all operating levels (Attachment "A"). However, the Union would not examine it nor accept it. There was discussion of various problem situations, and ultimately the INS agreed to provide the Union with a statement about how the regulation works.

In response to Union allegations that the Service had not taken action on violations reported by the Union, the Service offered to furnish to the Union representatives the results of the investigations which have been conducted and actions taken thereon. The Supervisory Patrol Inspectors of the Bakersfield station were called in and they were subjected to examination by the Union representatives and by members of the task force.

During the examination it was apparent that the Union's allegations had merit, at least in the lack of evidence available to show that the INS had acted on complaints. The demeanor of the officers and the Union representatives made it apparent that con-

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siderable hostility and antagonism exists. From the incompleteness of information available concerning the officers' prior investigatory work it appeared that the investigations were either very superfical or the records were totally inadequate to support the conclusions made by the officers.

The Bakersfield officers explained the modus operandi used by the Border Patrol in locating and processing illegal aliens. As evidence of its good faith, the Service agreed that with respect to 38 cases in which the Union had expressed an interest and which had been referred by the Border Patrol for further investigation to determine whether there had been any violations of 8 CFR 211.1(b), the Service would furnish them on the following day with detailed information concerning actions taken and results achieved. This was done on the following day and no further question was raised by the Union with respect to these cases.

In response to the allegations made by the Union representatives that the Border Patrol of the Service was not searching for illegal aliens, INS furnished the group with a statistical account of the result of Border Patrol efforts made between February 8, 1968 and April 30, 1968. This was not acceptable to the Union officials since the results showed few persons found on struck farms who were covered by the regulation. Rather, the Union felt this supported their contention that the INS was not doing an adequate job of seeking out violators and properly interrogating suspected violators.

In support of allegations made by the Union that the Service attitude was anti-Union, Union representatives cited alleged instances of remarks made and attitudes shown by Service officers which were interpreted by them to reflect such attitudes. A typical example cited by the Union is reflected in a statement made by a person who alleges to relate an incident between Service District Director at San Francisco and one Jose Lune (Attachment "C"). It is observed at this point that at a conference held with INS officials on May 8, 1968 at San Pedro, California, the Service District Director at San Francisco denied the Union's interpretation of the incident in question, and in support thereof produced a letter which expressed appreciation by Union representatives for what is now characterized as an antagonistic attitude (Attachment "D"). However, it should be noted that the letter essentially is a polite thank you note returning $10 advanced by the District Director.

On May 7, 1968 additional meetings were held. During the morning the members of the task force actually observed and participated in Border Patrol field operations in locating and examining aliens employed on struck farms. While the members of the task force were favorably impressed by the inquiries conducted by Patrol officers during these investigations, the nature and conduct of the investigations indicated that prior investigations, and some of the current procedures, were inadequate to give meaningful protection to U.S. workers as contemplated by the regulations.

1. The questioning of suspect aliens was a time-consuming process. The brief time spent in some prior investigations observed by Union representatives, a charge not denied by the Bakersfield officers, would indicate the prior investigations were rather superficial, if the current investigations are a representative standard.

2. Of the small group questioned a significant number of suspect aliens were found. In fact, one alien who by his own statement was clearly in violation of the regulation, was found.

3. There was no effort made by the Border Patrolmen to immediately remove suspect aliens. The Border Patrol procedures call for only identifying the suspect aliens and their referring the case to other INS personnel for further, more detailed investigation. This permits the suspect alien to leave the employer or the area, only to return clandestinely, if he so chooses, at another time when he is not under scrutiny by INS officials. Unless there is an immediate investigation and removal of suspect aliens the enforcement of the regulation will continue to be a problem.

During the meetings on May 7 the same matters which had been discussed previously were reiterated. The Service representatives agreed to make any necessary changes in the procedures of the Border Patrol. The Union representative demanded that in demonstration of good faith, the group should reduce to writing the matters on which changes in procedures had been agreed to. During this discussion the Justice Department representatives declined to incorporate a commitment made the preceding day that the Service would establish a system to identify all commuters by using some sort of special identification marks on the I–151. The Justice Department representatives felt the expense of such an operation precluded its adoption at this time but that they would consider it further. Unfortunately, the failure to keep what the Union and Labor Department representatives felt was an unequivocal commitment exacerbated relations between the INS and Union representatives.

Additional tension was created when the Justice Department representatives declined to personally investigate some of the aliens cited by the Union as being in violation of the regulation. Earlier the union representatives had made an issue about turning such information over to INS because they felt thorough investigations would not be made. The Union information had been treated with some disdain by INS officials in the past who characterized investigations of their data as "wild goose chases." After being assured that their information would be carefully investigated, they changed their position about not furnishing it to INS as a good faith demonstration on their part. They were completely taken aback by the failure of the task force to make personal investigations. INS did bring officers into Delano immediately to investigate the cases, which helped ease the situation. Both the Justice and Labor Department representatives were invited by the Union to observe the network established by the Union in Delano and surrounding communities to identify suspect aliens. The Labor Department representatives joined the union representatives on such a tour the night of May 7. No investigations were made and none of the commuters were either visited or interrogated.

Notwithstanding the heightened tension at the end of the meetings, the Memorandum of Conversation finally agreed upon (Attachment "E") was accepted by the Union as an act of good faith on the part of INS.

As the meeting came to an end, it was most evident that while there remained an undertone of hostility and suspicion toward INS by the Union representatives, the climate was markedly improved over what it had been. It is believed that the Union has accepted the good faith of the Service as a result of the discussions held.

On May 8 the Immigration members of the Task Force proceeded to San Pedro, California, where a meeting of supervisory officers involved in this operation was convened.

The Labor Department representatives continued meeting with the Union representatives May 8. The Union's picketing operation was observed, its headquarters office was visited. Strike problems and Government policy were discussed at great length. On May 9 the Labor Department representatives met with members of its regional staff in San Francisco. The Delano discussions and commitments were discussed. Plans were discussed for the investigation of several farms to determine if they were still involved in the labor dispute. The extreme sensitivity of the Delano situation was emphasized and the regional staff was cautioned concerning the necessity of maintaining a fair, impartial and unbiased posture toward both sides in the dispute.

FINDINGS OF LABOR DEPARTMENT REPRESENTATIVES

1. That the issue at Delano really goes far beyond the narrow problem of the enforcement of 8 CFR 211.1(b) or even that of a dispute between a trade union and several employers. Underlying the situation at Delano is the striving of a minority group, Mexican-Americans, that has suffered odious economic, political and administrative discrimination for many years. The aspirations of this group are now centered in the Delano struggle, primarily because the Union leader, Mr. Cesar Chavez, has succeeded in projecting himself as not only a trade union leader, but as a charismatic leader of a people fighting for redress of long accumulated grievances. It is highly significant that the Union is referred to as "la causa," that the folk hero of the members is Emilio Zapato, that its patron is the Virgin of Guadalupe. All are symbolic of the struggles of an oppressed people. Unless the Delano issue is recognized for what it is, an integral part of the present civil rights struggle in America, measures to solve the particular issues investigated by the Task Force are likely to be ineffectual.

2. That there is considerable distrust and resentment by the United Farm Workers Organizing Committee, and probably shared by the Mexican-American community, of Government agencies and employees arising both as a survival of past feelings and as a result of current attitudes and practices.

3. That Mexican alien immigrants with homes in Mexico have been, and are now, employed on farms involved in the labor dispute despite the promulgation of 8 CFR 211.1(b). This arises because of insufficient enforcement techniques, but, more importantly, because the regulations do not provide meaningful protection to U.S. workers. In essence, U.S. workers are looking to the regulation to provide more of a safeguard of U.S. wages and working conditions than it can give. Enforcement measures are considered very inadequate and the Government attitude toward the workers' plight viewed as a deceitful sham simply because the regulation is not preventing commuters from working as strike breakers.

RECOMMENDATIONS OF LABOR DEPARTMENT REPRESENTATIVES

1. That the commitments made by the task force be honored. Specifically this means implementing the Memorandum of Conversation (Attachment "E") and furnishing the United Farm Workers Organizing Committee with a response to its questions to the task force.

2. That INS undertake a systematic program of identifying all commuters, seasonal or daily, to facilitate the identification of aliens possibly subject to 8 CFR 211.1(b). To assist in this the Labor Department will make staff help available to INS. Once this identification is completed, only holders of this card could cross the border. The ordinary green card holder would be required to have a re-entry permit.

3. That the enforcement techniques of INS be changed. Aliens suspected of being in violation of 8 CFR 211.1(b) should be removed from the farms in question as soon as grounds for such a suspicion are found. The INS investigatory staff stationed in Delano should be increased; this includes both Border Patrol and INS staff. Union allegations concerning aliens employed in violation of 8 CFR 211.1(b) should be investigated promptly and complete written reports of the investigations made promptly to the Union. That INS station in Delano an employee of Mexican-American ancestry, in whom the Union has confidence, to work with the Union, as a liaison officer.

4. That the Government agencies involved

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immediately conduct extensive employee training to eradicate any attitudes of bias or prejudice against Mexican-American farm workers; that if such attitudes cannot be changed, the employees involved be transferred to jobs involving no work responsibilities with Mexican-Americans.

5. That 8 CFR 211.1(b) be amended to preclude the employment with a strikebound firm of any alien immigrant who maintains a residence outside of the United States. This would eliminate the vexing enforcement problem existing under the present regulation of determining the date of an alien's employment at such a firm and the date and purpose of his entry into the United States.

6. That a regulation be promulgated that would condition any alien's commuter status upon a periodic determination by the Secretary of Labor that his employment in the United States does not adversely affect the wages and working conditions of U.S. workers.

The recommendations of the Labor Department Task Force members admittedly go beyond the Delano strike. But, as stated earlier, the issue itself involves more than the Delano strike. At issue is the relation of the Government, and specifically this administration, toward a minority group that in an era of social revolution is asking redress for accumulated grievances. The action of the Government in the Delano strike, the commuter regulation barring employment of commuter strikebreakers, and its enforcement (or lack of enforcement) is alienating the Mexican-American community from the administration. This will worsen until there is an effective resolution of the whole commuter problem. Unless far-reaching administrative action is taken, and taken soon, there is a real and immediate danger that a solution will be sought in the streets with grave national and international repercussions.

Frank Borda.
Kenneth Robertson.
Lawrence W. Rogers.
Roberto Ornales.

ATTACHMENT A

1. Q. An alien previously admitted as an immigrant who maintains a home and family in Mexico commutes daily to and from work in the United States. In May he moves farther north and discontinues returning home each night. After several weeks of varied employment, he secures work at a place where the Secretary of Labor has already determined a labor dispute exists. After a short term of employment, he returns to Mexico to visit his family. Two weeks later he applies for readmission to continue his employment at the place where the dispute exists. Is his Form I–151 valid for reentry?

A. No. His primary purpose is to be employed at the place where the dispute exists and his employment there commenced after the determination of a labor dispute was made.

2. Q. An alien previously admitted as an immigrant who has no residence in the United States and does maintain a residence in Mexico is workng close to the border and returning home every week or two to visit his family. The Secretary of Labor determines a labor dispute exists at the alien's place of continuous employment. The determination is made subsequent to commencement of the alien's employment. The alien visits his family for a few days and applies for readmission. Is his Form I–151 valid for reentry?

A. Yes. The alien's employment was continuous since prior to the Secretary of Labor's determination.

3. Q. An alien previously admitted as an immigrant is employed at a place prior to the time the Secretary of Labor determines a dispute exists. Due to seasonal work, the alien is temporarily "laid off." He returns to his home in Mexico and accepts employment there. A few weeks later he applies for readmission to continue his work with his former employer. Is his I–151 valid for reentry?

A. No. We consider the continuity of his employment broken.

4. Q. A legal resident alien who maintains his home and family in the United States accepts employment at a place where the Secretary of Labor has determined a labor dispute exists. He makes a visit outside the United States. Is his Form I–151 valid for reentry?

A. Yes—since his primary purpose in seeking reentry is to resume residence.

5. Q. An alien previously admitted as an immigrant but now domiciled in Mexico attempts reentry for the purpose of seeking work. He has made no arrangement for employment and has no particular place in mind. There are several places in the area where labor disputes have been determined and announced by the Secretary of Labor. The applicant is warned that seeking work where a labor dispute exists will invalidate his Form I–151 for admission. He is subsequently found employed at a place where a determined and announced dispute exists. Is he deportable? Is he excludable at next entry?

A. On the basis of the facts presented the alien would be deportable under section 241 (a)(1) in that he was excludable at time of entry as his Form I–151 was invalid as a document in lieu of a visa or permit to reenter. Absent a waiver or new immigrant visa he would be excludable at his next attempted entry.

6. Q. An alien who was initially admitted as an immigrant in 1956 works each year in northern California for the same employer from March to September, then follows the harvests until December. He spends December, January, and February in Mexico. His wife and children, who were also admitted as immigrants, accompany him. He has no fixed place of residence in the United States and usually he lives in housing furnished by the employer. During the period the alien was in Mexico (December through February) the Secretary of Labor determined and announced a labor dispute at the alien's regular place of employment. In March the alien applies for admission destined to the place where the dispute exists. Is his Form I–151 valid?

A. We now have several factors to consider. Was his employment continuous since before the dispute determination? Apparently not as he usually leaves that employer and follows the harvests in the United States from October through December. Is he seeking admission *primarily* to accept employment at the place where the dispute exists? Because of his habits there is indication the *primary* purpose is to resume residence. This would have to be decided by the facts in the case.

7. Q. An alien previously admitted as an immigrant and now domiciled in Mexico last entered the United States after the effective date of the amended regulation (July 10, 1967) at which time he was destined to an employer where no dispute existed. He later accepted employment at a place where a dispute had been determined. Is he deportable?

A. If an alien entered the United States after the announcement of the labor dispute and went to work, even though intervening employment, he is presumed to be in violation of the regulation. Facts should be developed.

8. Q. Is the Form I–151 of the alien described in the last question valid if he goes to Mexico and seeks reentry?

A. No. His employment commenced at the place where the dispute exists subsequent to the determination.

9. Q. An alien and his entire family have been admitted for permanent residence. They work as migrant agricultural workers and follow the harvest nine or ten months each year. In December they establish residence in a border city in Mexico and the principal alien commutes daily to work near the border. His children commute daily to school. He accepts employment at a place where a labor dispute has been determined. Is his Form I–151 valid for entry?

A. No. His primary purpose in seeking admission is to work at the place where the dispute exists.

10. Q. An alien previously admitted as an immigrant commutes daily from Mexico. He is employed in agricultural work but has no definite employer. He is picked up each morning by a labor contractor and does not know exactly where he will be employed. He is paid daily by the contractor. He enters the United States using his Form I–151 in lieu of a visa and is found that afternoon employed by the labor contractor on a farm where a labor dispute has been determined. Is he deportable?

A. Yes. We believe employment by a labor contractor at a place where a dispute exists to be equivalent to employment by the owner or operator. This rule should also be applied concerning continuity of employment if the employment continues at the same place. However, continuous employment by a labor contractor who places an alien at a place after a dispute is determined shall not exempt the alien from provisions of the regulation.

11. Q. An alien formerly admitted as an immigrant and who maintains no domicile in the United States last entered the United States in 1966 and worked for a labor contractor starting in May 1967. The contractor, who paid the alien's salary, continuously employed the alien on a specific farm. A labor dispute was determined on that farm in July 1967. The alien, although continuing in the same actual employment, was in August 1967, placed on the payroll of the farm where the dispute existed. In September he went to Mexico to visit his family and applied for readmission in October to continue his employment. Is his Form I–151 valid for reentry?

A. Yes. The regulation bars employment at a specified place whether the alien receives his pay from a labor contractor or from the owner or operator. This point is also covered in question and answer no. 10. Therefore if an alien has worked continuously at a place where a labor dispute exists since a date prior to the Secretary of Labor's announcement, the fact that he was subsequently changed from a labor contractor's payroll to the owner's or operator's payroll would not be material.

12. Q. Given the same set of circumstances except the alien continued employment with the labor contractor rather than transferring to the payroll of the disputed place. Is his Form I–151 valid for reentry?

A. Yes. We would consider his employment continuous and it was accepted prior to the effective date of the regulation and the determination.

13. Q. An alien previously admitted as an immigrant who maintains no residence in the United States entered the United States seeking employment. He accepted employment at a place where, a few days later, the Secretary of Labor determined and announced a labor dispute. What action is needed?

A. Even if employment commenced prior to the determination he will be considered in violation if we are satisfied the employment was actually entered into in anticipation of the labor dispute.

14. Q. The Secretary of Labor, on January 2, determined and announced a labor dispute at employer A. An alien previously admitted as an immigrant who maintains his residence in Mexico enters the United States on January 5 destined to employer B, where

no dispute exists, and accepts employment there. On January 6 he leaves employer B and accepts employment with employer A. What action, if any, is indicated?

A. He is considered in violation of the regulation in that his actions indicate an intent to circumvent the regulation.

ATTACHMENT C

STATEMENT OF JOANNE EDELSON, HOLLISTER, CALIF.

Mr. Luna then mentioned the incident where Immigration officials went to see Cesar and inspect his green card, calling this very insulting. Mr. Fullilove explained that the officials "did not go to see Cesar", but that Cesar was parked in a car alongside the field where they were checking. They asked to see his green card as part of their routine check of all Mexicans. He says Cesar refused to show it or even simply state he was Cesar Chavez—a behavior Fullilove labeled as "very uncooperative". He explained that Immigration sometimes has a hard time distinguishing between Mexicans and Mexican-Americans, and that they constantly had to be on the look-out for wetbacks.

Then we started to talk about the quotation Willard Wirtz and Ramsey Clark made last summer to the effect that no green carders shall work behind a picketline. Of Mr. Wirtz he said, "Mr. Wirtz is not in my department—he is in the Department of Labor, and Immigration is the Department of Justice." Of Mr. Clark he said, "Ramsey Clark is in Washington—must not know that there are two classes of people with green-cards: resident aliens and commuters. We cannot enforce that law as he stated in the press". He then made the comment (paraphrased). "Don't listen to the journalists, don't listen to the politicians—Mr. Willard Wirtz and Mr. Ramsey Clark are politicians. They are not the ones to be sued if they should apply the law against the resident aliens. I am the one who will be sued". He said they shouldn't have made their statements because they can't be carried out on the local level.

Then he went into a long thing about all the problems Immigration has with wetbacks, and people who slip into Florida illegally from the West Indies.

We asked how many men were assigned to the job of making sure Commuters weren't scabbing. He was very evasive on this, saying only that he would send in as many men as needed to do the job. He then said, "if your Union has positive proof that "commuters", not resident aliens are in Giumarra's fields, and you can furnish a list of names and addresses, then call the border patrol. If they don't act immediately, then you call me and I PERSONALLY will make sure they are thrown out." (He said this about three times).

ATTACHMENT E MEMORANDUM

(A memorandum of conversation between a task force composed of representatives of the Departments of Justice and Labor, and representatives of the United Farm Workers Organizing Committee, AFL–CIO, at Delano, Calif., on May 7, 1968)

1. The Immigration Service will investigate every alien found at certified struck plant.

2. Service will suggest that violators of strikebreaker regulation leave the struck employment. If they fail to do so, proceedings will be brought against violators who refuse.

3. Union will furnish to Service any information as to violations and Service will inform Union as to results of such investigations.

4. Service will make every effort to eliminate any provincial attitudes and Union will cooperate with Service in performing its enforcement responsibility.

5. Service will furnish a further statement to Union to clarify scope of strikebreaker regulation.

6. For Greencard holders covered by strikebreaker regulation, the latest date of entry is the one to be considered.

S. 3546—INTRODUCTION OF NATIONAL AIR QUALITY STANDARDS ACT OF 1970

Mr. MUSKIE. Mr. President, I introduce for myself and Senators RANDOLPH, BAYH, MONTOYA, SPONG, and EAGLETON the National Air Quality Standards Act of 1970.

In recent months, there has been an increasing awareness in this country that the fight against pollution is not just a matter of cleaning up the environment but a necessity for man's survival. The most basic of the pollution threats is the contamination of the air—our most precious and irreplaceable resource.

Congress has passed laws to combat air pollution since the early 1960's, but the administration of the Federal programs has not matched the gravity of the problem. If our acknowledgement of the environmental crisis is to be more than rhetorical, those agencies charged with protecting and enhancing our environmental resources must show a greater sense of urgency, and Congress must strengthen their power to do so.

What are we to tell the residents of our large cities where the air pollution endangers public health? What are we to tell our citizens living in rural States who want to preserve their clean air? And what are we to tell the young people who are alarmed over what they must inherit?

Must we tell them that while their leaders proclaimed the environmental crisis, the agencies charged with cleaning up the air could not keep up as time ran out?

In 1963, 1965, and 1967 Congress provided important tools designed to control air pollution and to correct past abuses. Congress enacted the Air Quality Act on November 21, 1967, and called for the designation of air quality control regions within 18 months "to provide adequate implementation of air quality standards." Through January 17, 1970, only 28 of the following 57 air quality control regions anticipated by the Department of Health, Education, and Welfare in May 1969 had been designated:

*1. Washington, D.C.
*2. New York.
*3. Chicago.
*4. Philadelphia.
*5. Denver.
*6. Los Angeles.
*7. St. Louis.
*8. Boston.
*9. Cincinnati.
*10. San Francisco.
*11. Cleveland.
*12. Pittsburgh.
*13. Buffalo.
*14. Kansas City.
*15. Detroit.
*16. Baltimore.
*17. Hartford.
*18. Indianapolis.
*19. Minneapolis-St. Paul.
*20. Milwaukee.
*21. Providence.
*22. Seattle-Tacoma.
*23. Louisville.
*24. Dayton.
25. Phoenix.
*26. Houston.
*27. Dallas-Ft. Worth.
*28. San Antonio.
29. Birmingham.
30. Toledo.
*31. Steubenville.
32. Chattanooga.
33. Atlanta.
34. Memphis.
35. Portland, Oregon.
36. Salt Lake City.
37. New Orleans.
38. Miami.
39. Oklahoma City.
40. Omaha.
41. Honolulu.
42. Beaumont-Port Arthur.
43. Charlotte, N.C.
44. Portland, Maine.
45. Albuquerque.
46. Lawrence-Lowell-Manchester.
47. El Paso.
48. Las Vegas.
49. Fargo-Moorhead.
50. Boise.
51. Billings.
52. Sioux Falls.
53. Cheyenne.
54. Anchorage.
55. Burlington.
56. San Juan.
57. Virgin Islands.

Ambient air quality standards have been approved for only one designated region, Philadelphia, although 19 States have submitted standards for 11 air quality regions for approval by the Department of Health, Education, and Welfare—see table.

If this rate continues, years will be lost before standards are approved for the first 57 regions. We must accelerate this process and expand the national air quality standards program.

The bill which I am introducing today is designed to meet these objectives by:

Directing the Secretary of Health, Education, and Welfare to accelerate the designation of air quality control regions;

Requiring each State to designate air quality control regions for all areas not covered by Federal regions and providing that the Secretary may do so if the State fails to act;

Requiring the establishment of air quality standards within the air quality control regions and authorizing the Secretary to act if a State fails to do so;

Requiring specifically that all air quality standards include emissions standards and schedules for the implementation of such standards;

Requiring that all air quality standards be reviewed and, if necessary, improved at least every 5 years;

Providing for orders from the Secretary for the abatement of any violation of an air quality standard;

Providing for injunctions or similar means to enforce such orders;

Providing for citizen suits for the enforcement of air quality standards;

Requiring that new industries subject to air quality standards install the best available pollution control equipment at the time of construction; and

Prohibiting Federal agencies from making loans or grants or entering into contracts for the construction, installa-

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*Designated.

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tion, or operation of commercial or industrial facilities that do not comply with air quality standards established under the act.

We who talk about the environmental crisis cannot expect to whip the public into a fervor of anticipation and not deliver the improvement our words promise. This legislation is intended to help deliver that improvement.

I ask that the table to which I have referred in my remarks and the text of the bill be printed at this point in the RECORD.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill and table will be printed in the RECORD.

The bill (S. 3546) to amend the Clean Air Act, as amended, and for other purposes, introduced by Mr. MUSKIE (for himself and other Senators), was received, read twice by its title, referred to the Committee on Public Works, and ordered to be printed in the RECORD, as follows:

S. 3546

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Air Quality Standards Act of 1970."

SEC. 2. In order to accelerate the establishment of ambient air quality standards pursuant to section 108 of the Clean Air Act, as amended, the Secretary of Health, Education and Welfare shall designate immediately all air quality control regions pursuant to the provisions of section 107 of the Clean Air Act, as amended.

SEC. 3. (a) Section 107(a) (2) of the Clean Air Act, as amended, is amended by changing "section 108," to "section 108(c) (1),".

(b) Section 107(a) of the Clean Air Act, as amended, is further amended by adding a new paragraph at the end thereof to read as follows:

"(3) For the purpose of establishing ambient air quality standards pursuant to section 108(c) (2), and for administrative and other purposes, each State shall, after public hearings and within 6 months after the effective date of this paragraph, designate one or more air quality control regions within such State which shall include all areas of the State not included in such regions designated under paragraph (2) of this subsection. Such regions shall be based on jurisdictional boundaries, urban-industrial concentrations, and other factors necessary to provide adequate implementation of air quality standards. The State shall immediately notify the Secretary of such designations. If the State fails to make such designations within the time prescribed, the Secretary shall promptly make such designations and notify the Governor of the State thereof. Such designations may be revised from time to time thereafter as necessary to protect the public health and welfare".

SEC. 4. (a) Paragraph (1) of section 108(c) of the Clean Air Act, as amended, is amended to read as follows:

"(1) If, within 30 days of receiving any air quality criteria and recommended control techniques issued puruant to section 107, the Governor of a State files a letter of intent that such State will after public hearings and within 180 days, and from time to time thereafter adopts ambient air quality standards applicable to any air quality control region or portions thereof designated pursuant to section 107(a) (2) within such State, and, after public hearings and within 180 days thereafter, and from time to time as may be necessary adopts a plan which shall include compliance schedules and emission requirements necessary for the implementation, maintenance, and enforcement of such standards of air quality adopted; and if the Secretary determines that:

"(A) such standards and plan are established in accordance with the letter of intent;

"(B) such State standards are consistent with the air quality criteria and recommended control techniques issued pursuant to section 107;

"(C) such plan assures that such standards of air quality will be achieved within a reasonable time;

"(D) such plan includes emission requirements necessary to implement such standards of air quality;

"(E) such plan includes a procedure to assure that proposed new sources of emissions will not cause violation of such standards;

"(F) a means of enforcement by State action, including authority comparable to that in subsection (k) of this section, is provided; and

"(G) any such State standards and plan are consistent with the purposes of this Act and this subsection;

such standards and plan or revisions thereof shall be the air quality standards applicable to such region or portions thereof.

(b) Paragraphs (2) through (6) of section 108 (c) of the Clean Air Act, as amended, are amended to read as follows:

"(2) (A) After public hearings and within 12 months of the effective date of this Act, the Governor of a State shall adopt ambient air quality standards applicable to any air quality control region or portions thereof designated pursuant to section 107(a) (3) of this Act for any pollutants or combinations thereof for which air quality criteria and recommended control techniques have been issued prior to enactment of this Act.

(B) After receiving any air quality criteria and recommended control techniques issued after the date of enactment of this paragraph and after public hearings, the Governor of a State shall adopt ambient air quality standards applicable to such regions pursuant to the procedures set forth in paragraph (1) of this subsection.

(C) Such standards and plan or revisions thereof shall be the air quality standards applicable to such region or portions thereof if the Secretary determines that:

"(i) such standards and plan are established in accordance with the letter of intent;

"(ii) such State standards are consistent with the air quality criteria and recommended control techniques issued pursuant to section 107;

"(iii) such plan assures that such standards of air quality will be achieved within a reasonable time;

"(iv) such plan includes emission requirements necessary to implement such standards of air quality;

"(v) such plan includes a procedure to assure that proposed new sources of emissions will not cause violation of such standards:

"(vi) a means of enforcement by State action, including authority comparable to that in subsection (k) of this section, is provided; and

"(vii) such State standards and plan are consistent with the purposes of this Act.

"(3) The Governor of a State shall from time to time, but at least every five years, hold public hearings for the purpose of reviewing the air quality standards established under this subsection and, as appropriate, revising and adopting improved air quality standards. No revised air quality standards shall reduce the ambient air quality of any designated region or portion thereof to which such standards are applicable below the quality established by the air quality standards for such regions or portions thereof prior to such revision".

"(4) If a State does not (A) file a letter of intent or (B) establish or revise air quality standards in accordance with paragraph (1,, (2) or (3) of this subsection with respect to any air quality control region or portion thereof, or if the Secretary finds it necessary to achieve the purpose of this Act, or if the Governor of any State affected by air quality standards established pursuant to this subsection petitions for a revision in such standards, the Secretary shall within 180 days develop proposed regulations setting forth such standards or revisions thereof consistent with the air quality criteria and recommended control techniques issued pursuant to section 107 applicable to such regions or portions thereof. When such standards are developed, the Secretary shall, after notice, promptly hold a public conference of interested representatives of Federal, State and interstate agencies and of municipalities, industries, and other persons to review and comment on such proposed standards. Upon completion of such conference, the Secretary shall publish such proposed standards in the *Federal Register* with such modifications as he deems appropriate and notify the affected State or States. If, within ninety days from the date the Secretary publishes such standards, the State has not adopted air quality standards found by the Secretary to meet the requirements of this subsection for establishing such standards, or if a petition has not been filed under paragraph (5) of this subsection, the Secretary shall promulgate such standards.

"(5) At any time prior to thirty days after standards have been published under paragraph (4) of this subsection, the Governor of any State affected by such standards may petition the Secretary for a hearing. The Secretary shall promptly issue a notice of such public hearing before a board of five or more persons appointed by the Secretary for the purpose of receiving testimony from State and local pollution control agencies and other interested persons affected by the proposed standards, to be held in or near one or more of the areas where such standards will apply. Each State affected by such standards shall be given an opportunity to select a member of the board. The Chairman and not less than a majority of the members shall not be officers, or employees of Federal, State, or local governments. Board members, other than officers or employees of Federal, State, or local governments, shall be, for each day (including travel time) during which they are performing committee business, entitled to receive compensation at the rate fixed by the appropriate Secretary but not in excess of the maximum rate of pay for grade GS–18 as provided in the General Schedule under section 5332 of title 5 of the United States Code, and shall notwithstanding the limitations of sections 5703 and 5704 of title 5 of the United States Code, be fully reimbursed for travel, subsistence, and related expenses. On the basis of the evidence presented at such hearing, the board shall within thirty days unless the Secretary determines a longer period is necessary, but in no event longer than sixty days, make findings of fact as to whether the standards comply with the requirements of this subsection for establishing such standards and issue a decision incorporating such findings therein and transmit its findings to the Secretary and make its findings public. If the Board finds that such standards so comply, they shall be promulgated immediately. If the Board recommends modifications therein, the Secretary shall promulgate revised standards in accordance with such recommendations.

"(6) Any violation of air quality standards established under this subsection, including the implementation plan is prohibited.

"(7) Whenever, on the basis of surveys,

studies, investigations, or reports, an authorized representative of the Secretary finds a violation of such standards he shall promptly issue an order in writing to the person causing or contributing to such violation requiring such person to abate such violation as soon as possible and within a time to be prescribed therein, except that in the case of a violation of emission requirements, such time shall not exceed 72 hours. A copy of the order shall be sent to the State pollution control agency of the State or States in which the violation occurred. Subject to the provisions of this subsection, such order shall remain in effect until such repersentative determines by written notice to such person that such violation no longer exists. All such orders shall contain a detailed description of the conditions or practices which cause or constitute a violation. Nothing in this paragraph shall affect the authority of the Secretary pursuant to subsection (k) of this section.

"(8)(A) Any person issued an order pursuant to paragraph (7) of this subsection other than an order to abate a violation of an emission requirement may file with the Secretary an application within thirty days of receipt thereof for a public hearing to review such order. The applicant shall send a copy of such application to the State pollution control agency in which the violation occurred. Upon receipt of such application, the Secretary shall promptly hold a public hearing to enable such person and other interested persons to present information relating to the issuance and continuance of the order, or the time fixed therein, or both. The filing of an application for review under this paragraph shall not operate as a stay of the order. Any such hearing shall be of record and shall be subject to section 554 of title 5 of the United States Code.

"(B) Immediately upon completion of the hearing, the Secretary shall make findings of fact giving due consideration to the technological feasibility of complying with such standards and he shall issue a written decision, incorporating therein an order vacating, affirming, modifying, or terminating the previous order complained of and his findings.

"(C) In connection with any hearing under this paragraph, the Secretary may sign and issue subpoenas for the attendance and testimony of witnesses and the production of relevant papers, books, and documents, and administer oaths. Witnesses summoned shall be paid the same fees and mileage that are paid witnesses in the courts of the United States. In case of contumacy or refusal to obey a subpoena served upon any person under this paragraph, this district court of the United States for any district in which such person is found or resides or transacts business, upon application by the United States and after notice to such person, shall have jurisdiction to issue an order requiring such person to appear and give testimony before the Secretary or to appear and produce documents before the Secretary, or both and any failure to obey such order of the court may be punished by such court as a contempt thereof.

"(9) Any decision issued by the Secretary under paragraph (7) or (8) of this subsection shall be subject to judicial review by the United States court of appeals for the circuit in which the violation occurred, or the United States Court of Appeals for the District of Columbia Circuit, upon the filing in such court within thirty days from the date of such order or decision of a petition by any person aggrieved thereby praying that the order or decision be modified or set aside in whole or in part. Any order issued by the Secretary to abate a violation of an emission requirement shall be final and shall be in force until and unless the court determines that the interests of the public are best served by staying such order. A copy of the petition shall forthwith be sent by registered or certified mail to the Secretary and the State water pollution control agency, and thereupon the Secretary shall certify and file in such court the record upon which the order or decision complained of was issued, as provided in section 2112 of title 28, United States Code. The court shall hear such petition on the record made before the Secretary. The findings of the Secretary, if supported by substantial evidence on the record considered as a whole, shall be conclusive. The court may affirm, vacate, or modify any order or decision of the Secretary and, when appropriate, issue such process as may be necessary to abate such violation, or may remand the proceedings to the Secretary for such further action as it may direct. The judgment of the court shall be subject to review only by the Supreme Court of the United States upon a writ of certiorari or certification as provided in section 1254 of title 28, United States Code. The commencement of a proceeding under this paragraph shall not, unless specifically ordered by the court, operate as a stay of the order or decision of the Secretary.

"(10)(A) The Secretary shall institute a civil action for relief, including a permanent or temporary injunction, restraining order, or any other appropriate order in the district court of the United States for the district in which a person subject to air quality standards established under this section is located or resides or is doing business, whenever such person (i) violates or fails or refuses to comply with any final order or decision issued under this subsection to enforce air quality standards established under this subsection or (ii) interferes with, hinders, or delays the Secretary or his authorized representative in carrying out his responsibilities under this section, or (iii) refuses to furnish any information, data or reports requested by the Secretary in furtherance of the provisions of this section, or (iv) refuses to permit access to, and copying of, such records as the Secretary determines necessary in carrying out the provisions of this section. Each court shall have jurisdiction to provide such relief as may be appropriate, except that such Court shall have jurisdiction only with regard to the issue of relief being sought pursuant to this paragraph. Temporary restraining orders shall be issued in accordance with Rule 65 of the Federal Rules of Civil Procedure, as amended, except that the time limit in such orders, when issued without notice, shall be seven days from the date of entry. In actions under this section, subject to the direction and control of the Attorney General, as provided in section 507(b) of title 28 of the United States Code, attorneys appointed by the Secretary may appear for and represent him. In any action instituted under this section to enforce an order or decision issued by the Secretary after a public hearing in accordance with section 554 of title 5 of the United States Code, the findings of the Secretary, if supported by substantial whole, shall be conclusive.

"(B) Any person who knowingly violates any air quality standards established under this subsection or who knowingly violates any plan for implementation or emission requirements included in such standards or who knowingly violates or fails or refuses to comply with any final order or decision issued under this section shall, upon conviction, be punished by a fine of not more than $25,000, per day of violation, or by imprisonment for not more than one year, or by both, except that if the conviction is for a violation committed after the first conviction of such person under this section, punishment shall be by a fine of not more than $50,000, per day of violation, or by imprisonment for not more than five years, or by both.

"(C) Any person who knowingly makes any false statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained under this title or any order or decision issued under this section shall, upon conviction, be punished by a fine of not more than $10,000, or by imprisonment for not more than six months, or by both.

"(11) For the purpose of making any investigation under this subsection of any building, structure, or other facility subject to air quality standards established under this subsection, the Secretary or his authorized representative shall have a right of entry to, upon, or through such building, structure, or facility. Whenever any person is required by a final order issued under this subsection to abate any violation of air quality standards established under this subsection, the Secretary shall, when appropriate, require such person to sample any emissions subject to abatement by such order in accordance with such methods, at such locations, at such intervals, and in such manner as the Secretary shall prescribe and report such samples to the Secretary as he may prescribe and such report shall be public.

"(12)(A) No person shall discharge or in any other way discriminate against or cause to be discharged or discriminated against any employee or any authorized representative of employees by reason of the fact that such employee or representative of any alleged violator has filed, instituted, or caused to be filed or instituted any proceeding under this Act, or has testified or is about to testify in any proceeding resulting from the administrations or enforcement of the provisions of this Act.

"(B) Any employee or a representative of employees who believes that he has been discharged or otherwise discriminated against by any person in violation of subparagraph (A) of this paragraph may within thirty days after such violation occurs, apply to the Secretary for a review of such alleged discharge or discrimination. A copy of the application shall be sent to such person who shall be the respondent. Upon receipt of such application, the Secretary shall cause such investigation to be made as he deems appropriate. Such investigation shall provide an opportunity for a public hearing at the request of any party to enable the parties to present information relating to such violation. The parties shall be given written notice of the time and place of the hearing at least five days prior to the hearing. Any such hearing shall be of record and shall be subject to section 554 of title 5 of the United States Code. Upon receiving the report of such investigation, the Secretary shall make findings of fact. If he finds that such violation did occur, he shall issue a decision, incorporating an order therein, requiring the person committing such violation to take such affirmative action to abate the violation as the Secretary deems appropriate, including, but not limited to the rehiring or reinstatement of the employee or representative of employees to his former position with compensation. If he finds that there was no such violation, he shall issue an order denying the application. Such order issued by the Secretary under this subparagraph shall be subject to judicial review in accordance with this subsection. Violations by any person of paragraph (1) of this subsection shall be subject to the provisions of paragraph (10) of this subsection.

"(C) Whenever an order is issued under this paragraph, at the request of the applicant, a sum equal to the aggregate amount of all costs and expenses (including the attorney's fees) as determined by the Secretary to have been reasonably incurred by the applicant for, or in connection with, the institution and prosecution of such proceedings, shall be assessed against the person committing such violation.

"(13) The district courts of the United States shall have original jurisdiction, regardless of the amount in controversy or the citizenship of the parties, of civil actions brought by one or more persons on behalf of themselves or on behalf of any other persons similarly situated within any air quality control region or portion thereof designated under section 107 against any person including a governmental instrumentality or agency, for declaratory and equitable relief or any other appropriate order against any person, where there is an alleged violation of any applicable air quality standards, plan for implementation or emission requirements established pursuant to this section. Nothing in this subsection shall affect the rights of such persons as a class or as individuals under any other law to seek enforcement of such standards."

(C) Section 108 of the Clean Air Act, as amended, is further amended by adding a new subsection at the end thereof to read as follows:

"(i) within six months after the effective date of this Act, the Secretary shall issue regulations to insure that any person constructing or installing any new building, structure or other facility subject to any air quality standard established or revised pursuant to this section installs, maintains and uses the latest available pollution control techniques. Such techniques shall be consistent with information developed pursuant to section 107(c). No person shall construct or install any such building, structure or facility without first receiving certification of compliance with such regulations from the Secretary or, as appropriate, the State pollution control agency. In no event shall the Secretary or state agency certify any technique which does not implement emission requirements established pursuant to this Act."

SEC. 5. Section 111 of the Clean Air Act, as amended, is amended further by adding a new subsection at the end thereof to read as follows:

"(c) Beginning on and after July 1, 1972, no Federal department or agency (1) shall make any loan or grant to, or issue any license or permit to, or enter into any contract for financial assistance with, any person for the construction, installation, or operation of any commercial or industrial building, structure, or other facility from which any matter is discharged into the air within any air quality control region or portions thereof designated under this title, or (2) shall procure goods or products from any person who manufactures such goods or products in a building, structure, or other facility from which matter is discharged into the air within any air quality control region or portions thereof designated under this title, unless it is found that such matter is being discharged in compliance with the air quality standards including emission requirements established under this title for such region or portions thereof by the air pollution control agency of the State in which such building, structure, or facility is located and such person files a statement with such department or agency of such finding."

SEC. 6. The provisions of this Act amending the Clean Air Act, as amended, shall, unless otherwise provided in said amendments, be effective on July 1, 1971, except that such amendments shall not, unless otherwise provided therein, affect actions taken under the sections as amended prior to such effective date.

The table, presented by Mr. MUSKIE, is as follows:

NAPCA AIR QUALITY CONTROL REGION INFORMATION RELATING TO STANDARDS FOR SULFUR OXIDES AND PARTICULATE MATTER—WEEKLY SUMMARY, FEB. 1-7, 1970

Region	Boundaries proposed	Consultation	Designation	State	Letter of intent		Public hearings scheduled/held	Standards			Implementation plans, due
					Due	Dated		Due	Submitted	HEW approval	
Washington, D.C.	July 31, 1968	Aug. 22, 1968	Oct. 1, 1968	Virginia	May 12, 1969	May 8, 1969	July 14, 1969	Nov. 10, 1969	Oct. 13, 1969		May 7, 1970
				Maryland	do	May 12, 1969	Oct. 1, 1969; Jan. 23, 1970.	do			Do.
				District of Columbia	do	do	Oct. 24, 1969	do	Nov. 7, 1969		Do.
New York City	Aug. 30, 1968	Sept. 30, 1968	Nov. 20, 1968	New York	do	Mar. 11, 1969	May 13, 14, 15, 1969.	do	Nov. 19, 1969		Do.
				New Jersey	do	May 10, 1969	Sept. 22, 1969	do	Oct. 30, 1969		Do.
				Connecticut	do	Apr. 11, 1969	Aug. 12, 19, 1969.	do	Nov. 7, 1969		Do.
Chicago	Sept. 28, 1968	Oct. 21, 1968	Dec. 4, 1968	Illinois	do	May 9, 1969	Aug. 5, 1969	do	Nov. 3, 1969		Do.
				Indiana	do	do	July 21; Sept. 26, 1969,	do	Nov. 10, 1969		Do.
Philadelphia	Oct. 4, 1968	Oct. 28, 1968	Dec. 17, 1968	Pennsylvania	do	Mar. 12, 1969	Sept. 10, 1969	do	Nov. 3, 1969	Mar. 2, 1970	Do.
				New Jersey	do	May 10, 1969	Sept. 22, 1969	do	Oct. 30, 1969	do	Do.
				Delaware	do	Mar. 21, 1969	Sept. 26, 1969	do	Oct. 29, 1969	do	Do.
Denver	Nov. 9, 1968	Nov. 26, 1969	Jan. 15, 1969	Colorado	do	May 7, 1969	Oct. 15, 1969	do			Do.
Los Angeles	Nov. 23, 1968	Dec. 10, 1968	Jan. 29, 1969	California	do	do	Sept. 17; Nov. 19, 1969.	do	Dec. 15, 1969		Do.
St. Louis	Dec. 21, 1968	Jan. 14, 1969	Apr. 11, 1969	Missouri	July 10, 1969	May 6, 1969	Nov. 12, 1969	Jan. 6, 1970	Jan. 5, 1970		July 6, 1970
				Illinois	do	June 17, 1969	Aug. 12, 1969	do	Nov. 3, 1969		Do.
Boston	Dec. 24, 1968	Jan. 17, 1969	Apr. 12, 1969	Massachusetts	July 11, 1969	May 20, 1969	Nov. 25, 1969	Jan. 7, 1970	Jan. 15, 1970		Do.
Cincinnati	Jan. 10, 1969	Jan. 27, 1969	May 2, 1969	Ohio	July 31, 1969	July 28, 1969	Dec. 17, 1969	Jan. 27, 1970	Jan. 28, 1970		July 27, 1970
				Indiana	do	July 14, 1969	Oct. 28, 1969	do	Jan. 23, 1970		Do.
				Kentucky	do	May 7, 1969	Dec. 2, 1969	do			Do.
San Francisco	do	Jan. 31, 1969	May 1, 1969	California	July 30, 1969	May 9, 1969	Sept. 17; Nov. 19, 1969.	Jan. 26, 1970	Dec. 15, 1969		Do.
Cleveland	Feb. 12, 1969	Feb. 26, 1969	May 23, 1969	Ohio	Aug. 21, 1969	Aug. 21, 1969	Jan. 20, 1970	Feb. 17, 1970			Aug. 17, 1970
Pittsburgh	do	Feb. 27, 1969	May 1, 1969	Pennsylvania	July 30, 1969	June 10, 1969	Sept. 9, 1969	Jan. 26, 1970	Nov. 3, 1969		July 27, 1970
Buffalo	do	Feb. 28, 1969	do	New York	do	May 13, 1969	Aug. 19, 20, 1969.	do	Jan. 27, 1970		Do.
Kansas City	Mar. 23, 1969	Apr. 11, 1969	July 19, 1969	Missouri	Oct. 17, 1969	July 29, 1969	Jan. 21, 1970	Apr. 15, 1970			Oct. 12, 1970
				Kansas	do	Sept. 30, 1969		do			Do.
Detroit	Oct. 16, 1969	Nov. 3, 1969	Dec. 17, 1969	Michigan	Mar. 17, 1970			Sept. 14, 1970			Mar. 12, 1971
Baltimore	May 7, 1969	May 23, 1969	Aug. 16, 1969	Maryland	Nov. 14, 1969	Oct. 10, 1969	Mar. 12, 1970	May 13, 1970			Nov. 9, 1970
Hartford-Springfield.	Apr. 16, 1969	Apr. 29, 1969	Oct. 3, 1969	Connecticut	Jan. 2, 1970	Oct. 3, 1969	Feb. 9, 16, 1970	June 30, 1970			Dec. 28, 1970
				Massachusetts	do	Nov. 24, 1969		do			Do.
Indianapolis	May 23, 1969	June 10, 1969	Sept. 18, 1969	Indiana	Dec. 17, 1969	Oct. 21, 1969	Feb. 6, 1970	June 15, 1970			Dec. 14, 1970
Minneapolis-St. Paul.	May 7, 1969	May 21, 1969	Aug. 16, 1969	Minnesota	Nov. 14, 1969	Sept. 9, 1969		May 13, 1970			Nov. 9, 1970
Milwaukee	July 8, 1969	July 21, 1969	Sept. 18, 1969	Wisconsin	Dec. 17, 1969	Oct. 17, 1969		June 15, 1970			Dec. 14, 1970
Providence	July 21, 1969	July 29, 1969	Dec. 6, 1969	Rhode Island	Mar. 6, 1970			Sept. 2, 1970			Mar. 1, 1971
				Massachusetts	do	Jan. 15, 1970		do			Do.
Seattle-Tacoma	July 23, 1969	Aug. 5, 1969	Oct. 25, 1969	Washington	Jan. 3, 1970	Nov. 17, 1969	Mar. 13, 1970	July 22, 1970			Jan. 18, 1971
Louisville	Oct. 7, 1969	Oct. 17, 1969	Dec. 6, 1969	Kentucky	Mar. 6, 1970	Dec. 15, 1969		Sept. 2, 1970			Mar. 1, 1971
				Indiana	do	Dec. 12, 1969		do			Do.
Dayton	Oct. 2, 1969	Oct. 16, 1969	Dec. 17, 1969	Ohio	Mar. 17, 1970			Sept. 14, 1970			Mar. 12, 1971
Phoenix	Oct. 11, 1969	Oct. 21, 1969		Arizona			Dec. 12, 1969				
Houston	Oct. 28, 1969	Nov. 10, 1969	Jan. 20, 1970	Texas	Apr. 20, 1970			Oct. 19, 1970			Apr. 15, 1971
Dallas-Fort Worth.	Oct. 29, 1969	Nov. 12, 1969	do	do	do			do			Do.
San Antonio	Oct. 30, 1969	Nov. 14, 1969	do	do	do			do			Apr. 15, 1970
Birmingham	Dec. 9, 1969	Dec. 17, 1969		Alabama							
Toledo	do	Dec. 19, 1969		Ohio, Michigan							
Steubenville	Aug. 13, 1969	Aug. 27, 1969	Dec. 6, 1969	Ohio	Mar. 6, 1970			Sept. 2, 1970			Mar. 1, 1971
				West Virginia	do			do			Do.
Chattanooga	Dec. 9, 1969	Dec. 18, 1969		Tennessee							
				Georgia							
Atlanta	Feb. 3, 1970	Feb. 13, 1970		Georgia							
Memphis	Jan. 17, 1970	Jan. 28, 1970		Mississippi, Tennessee, Arkansas.							
Portland				Oregon, Washington.							
Salt Lake City				Utah							
New Orleans				Louisiana							
Miami				Florida							
Oklahoma City				Oklahoma							
Omaha				Nebraska, Iowa							
Honolulu				Hawaii							

NAPCA AIR QUALITY CONTROL REGION INFORMATION RELATING TO STANDARDS FOR SULFUR OXIDES AND PARTICULATE MATTER—WEEKLY SUMMARY, FEB. 1-7, 1970—Con.

Region	Boundaries proposed	Consultation	Designation	State	Letter of intent		Public hearings scheduled/held	Standards			Implementation plans, due
					Due	Dated		Due	Submitted	HEW approval	
Beaumont-Port Arthur				Texas							
Charlotte				North Carolina							
Portland				Maine							
Albuquerque				New Mexico							
Lawrence-Lowell-Manchester.				Massachusetts, New Hampshire.							
El Paso				Texas							
Las Vegas				Nevada							
Fargo-Moorhead				North Dakota, Minnesota.							
Boise				Idaho							
Billings				Montana							
Sioux Falls				South Dakota							
Cheyenne				Wyoming							
Anchorage				Alaska							
Burlington				Vermont							
San Juan				Puerto Rico							
Virgin Islands											

S. 3547—INTRODUCTION OF A BILL RELATING TO NARROWS PROJECT, COLORADO

Mr. ALLOTT. Mr. President, on behalf of myself and Senator DOMINICK, I introduce, for appropriate reference, a bill to authorize the construction of the Narrows unit of the Missouri River Basin project in Colorado.

The project report was submitted to the Congress by the Department of the Interior and was printed May 27, 1968, as House Document No. 320, 90th Congress, second session. Senator DOMINICK and I sponsored a similar measure in the 90th Congress, S. 3561, introduced May 28, 1968. That earlier measure provided for a conditional authorization of flood control features pertaining to the control of the nearby Bijou Creek drainage area. The language of section 2 of S. 3561 reads as follows:

> The Secretary shall construct a channel and related works to divert Bijou Creek into Narrows Reservoir for flood control purposes: *Provided*, That the channel and related works shall not be constructed if the Chief of Engineers, Department of the Army, shall certify to the President and to the Congress by July 1, 1970, that he is recommending a more feasible plan to control floods originating on the Bijou Creek drainage: *Provided further*, That before any funds are appropriated for construction of such channel and related works, their feasibility of development shall be affirmed by the Secretary.

In commenting upon the project report of the Bureau of Reclamation, the Colorado, charged by statute with the responis the official organ of the State of Colorado charged by statute with the responsibility of coordination of water resource planning and development, made the following observations concerning the Bijou Channel:

> The original plan of development for the Narrows Project proposed the channeling of Bijou Creek into the Narrows Reservoir for flood control purposes. The wisdom of this provision was demonstrated by the fact that in June of 1965 a flood of unprecedented magnitude originated on Bijou Creek. The floodwaters originating on this creek, along with waters discharged by other tributaries of the South Platte, caused the most damaging flood in the history of the State of Colorado, both in terms of the loss of human life and the widespread destruction of property. At the present time the U.S. Corps of Engineers is actively pursuing a course of study looking to the control of Bijou Creek. Since these studies are not yet completed it has not been determined at this time whether flood control structures on the Bijou Creek itself or the channelization of the creek into the Narrows Reservoir would be the more feasible. As we view the proposed plans prepared by the Bureau of Reclamation, it is our understanding that Bijou Creek could be channeled into the Narrows Reservoir at some future time if such is found to be the most feasible plan.

Mr. President, I have gone into this background to demonstrate that, as originally conceived, the Narrows project tentatively included provisions for the channeling of the Bijou Creek into the Narrows Reservoir.

It now appears that there are no proponents of a diversion channel among the local people in the Bijou Creek area or the South Platte below Bijou Creek, nor does the Colorado Water Conservation Board support a diversion channel from the Bijou Creek into the Narrows Reservoir. Since this decision has been made by the affected local interests and the two Federal agencies directly involved, there is no longer any reason to continue to maintain this option. Therefore, the Narrows project should now proceed to authorization.

After the disastrous flood of June 1965, great concern was expressed over the control of the Bijou Creek. During that flood, the Bijou, which is normally dry or nearly dry, reached a peak flow of 460,000 cubic feet of water per second. A member of the Corps of Engineers informally advised me that this flow exceeded the flow of the Missouri River.

As a result of this concern, the Corps of Engineers was asked to take a second look at the Bijou and possible methods of control. In addition, the Soil Conservation Service was requested to investigate potential small watershed protection and flood prevention projects—Public Law 566—in the Bijou Creek Basin. With the possibility that a diversion channel might be constructed in conjunction with the construction of the Narrows project, the downstream areas would be protected but the areas upstream in the Bijou Creek Basin would be without any protection.

Proposals for flood control on the Bijou ranged from a larger channel, which would carry the entire flow into the Narrows Reservoir, to a series of small, medium, and large dams on the various stems and tributaries of Bijou Creek, with some proposals contemplating a smaller channel into Narrows Reservoir. However, by February of 1968, it appeared that the proposal for a series of small dams on the upstream tributaries could not be economically justified. This diminished the alternatives to large or medium sized dams separately or in conjunction with a channel into the Narrows Reservoir, or the channel alone. Mr. President, I ask unanimous consent that a letter from Mr. F. A. Mark, State Conservationist, dated February 21, 1968, be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF AGRICULTURE,
SOIL CONSERVATION SERVICE,
Denver, Colo., February 21, 1968.

Hon. GORDON ALLOTT,
U.S. Senator,
Washington, D.C.

DEAR SENATOR ALLOTT: As promised you earlier, please find attached a copy of the Preliminary Investigation Report of the East Bijou Watershed, Elbert and El Paso Counties, Colorado.

As major structures are being investigated on Bijou Creek by the Corps of Engineers and authority for USDA program development is limited to watersheds of 250,000 acres or less by P.L. 566, this investigation involved only the headwaters area of East Bijou Creek.

As pointed out in the Summary of this report, we have found the proposed project not feasible on a benefit-cost basis as required for P.L. 566 projects. The benefit-cost ratio of the two segments of the investigated program were 0.30 to 1.00 and 0.50 to 1.00, respectively.

The benefit-cost ratios were primarily affected by the low percent of flood plain lands in the watershed (2 percent) and the low frequency of widespread overbank flooding (occurring only in 1935 and 1965).

We have recommended local residents consider a similar program as being carried out on the headwaters of West Bijou Creek through ACP special project funding with SCS technical assistance, and other programs assistance that may be available and applicable.

Very truly yours,

F. A. MARK,
State Conservationist.

Mr. ALLOTT. Mr. President, the elimination of the small dams proposal gave added probability to the potential construction of the channel as a part of the Narrows project, whether it was to be the large full-flow channel or a smaller channel which depended in part upon larger upstream dams for control of the Bijou Creek.

But, plans for control of the Bijou were still very unsettled. It was for this reason that the bill S. 3561, introduced May 28, 1968, contained the conditional authorization language in section 2, which I previously quoted.

I received two letters which will tend to demonstrate the various approaches being pursued during this period.

Mr. President, I ask unanimous consent that a letter from Maj. Walter P. Tokarz, dated June 18, 1968, and a letter addressed to the Corps of Engineers from Carl H. Kroh, mayor of Deer Trail, dated July 5, 1968, be printed in the RECORD at this point.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

JUNE 18, 1968.

HON. GORDON ALLOTT,
U.S. Senate,
Washington, D.C.

DEAR SENATOR ALLOTT: In the absence of Colonel McKenzie I am replying to your letter of 11 June 1968 asking about the current status of our plans for the Bijou Creek basin in Colorado.

Colonel McKenzie's letter of 12 January 1968 mentioned that $40,000 was allocated in FY 1968 for our South Platte River basin studies. Foundation explorations for the potential West Bijou Creek Dam, the East Bijou Creek Dam, and the Big Muddy Creek Dam were completed in late May. The results of these explorations are being evaluated to determine if there will be any significant problems in the embankment designs for these dams.

Your letter also requested information about our coordination with the Soil Conservation Service. We have been in contact with the Soil Conservationist at Agate. He forwarded us a status report of the Service's current plans for the basin. Since the Service's plans are not firm, an evaluation of the effects of its plan on the potential Corps dams in the basin has not been made.

A member of Colonel McKenzie's staff met in Fort Morgan on 8 February 1968 with the Board of Directors for the Kiowa-Bijou Management District and a small group of land owners from Agate. The Colorado Water Conservation Board was represented by Mr. Stanley A. Miller. The potential 3-dam system was outlined and the status of the studies was explained. Interest was expressed for additional flood control measures upstream from the potential dams. The ground water recharge potentials of the dams were also discussed. The suggestions made at the meeting are being investigated.

On 9 May 1968, members of Colonel McKenzie's staff met with Mayor Kroh and other interested persons at Deer Trail regarding our studies. Concern was expressed at the meeting that the potential dams would not provide flood protection to the town. The group was informed that we would investigate other dam sites upstream from Deer Trail. Mayor Kroh was also informed that the feasibility of a local flood protection project for the town could be investigated under provisions of Section 205 of the 1948 Flood Control Act, as amended. A request from the town is required to initiate such a study. If such a request is received, we will immediately initiate the study.

Your interest in this matter is appreciated, and we will keep you informed of any significant developments in our studies.

If we can be of any further assistance to you, please call on us.

Sincerely yours,

WALTER P. TOKARZ,
Major, Corps of Engineers.

TOWN OF DEER TRAIL, COLO.,
July 5, 1968.

U.S. ARMY CORPS OF ENGINEERS,
Omaha District,
Omaha, Nebr.
Attention Mr. McKenzie.

DEAR SIR: During the month of May a group of Three, of the Corps of Engineers, met with a partial group of the Town Council. The Engineers stated that if the Town of Deer Trail wanted Flood Protection from the Bijou Creek, that a possible Levy Construction could take place with a complete Grant of Money from the Corps. This Grant could not be in excess of a Million Dollars, without going through too much Red Tape, provided the Town could furnish an abstract or make provisions to obtain the land on which such a structure could be placed.

The Town Board after much discussion has decided to express their wishes for assistance and advice in a program to give Deer Trail adequate Flood Protection of this type.

It is our understanding that the Corps will take charge of a study of our problem and will be able to meet with the Town Council at your convenience and discuss the problems which might occur in such a program.

Our Sincerest appreciation to you in this matter.

Sincerely,

CARL H. KROH,
Mayor.
ROBERT W. PUNDT,
Clerk.

Mr. ALLOTT. Mr. President, at a field hearing of the Irrigation and Reclamation Subcommittee of the House Interior Committee held in Fort Morgan, Colo., in November 1968, the president of the North Kiowa Bijou Management District presented views expressing concern over control of the Bijou unless the plan included upstream retention dams. He, also, cast some doubt upon the advisability of the channel to the Narrows Reservoir.

Mr. President, I ask unanimous consent that a letter from Mr. Donald F. McClary, dated November 26, 1968, and the statement of Mr. Don Richardson, president North Kiowa Bijou Management District be printed in the RECORD at this point.

There being no objection, the letter and statement were ordered to be printed in the RECORD, as follows:

FORT MORGAN, COLO.,
November 26, 1968.

HON. GORDON ALLOTT,
Senate Office Building, Washington, D.C.

DEAR GORDON: As you no doubt know, a hearing was held on the Narrows Project in Fort Morgan before the Sub-Committee on Irrigation of the Insular Affairs Committee of the House. At said hearing, Don Richardson of Wiggins, Colorado, as president of the North Kiowa Bijou Management District, appeared and made a statement in connection with said project, a copy of which statement is enclosed for your information.

As you can see from this statement, the Narrows Project leaves unanswered the real basic and prime question, insofar as flood control is concerned as to plans for flood control of Bijou Creek. From my information, it is absolutely correct that the Bijou Creek has been the prime source of any flood damage on the Lower South Platte and yet the Narrows Project does not tend to alleviate this flood threat.

The hearing in Fort Morgan was a Field Hearing before Representatives Johnson, Aspinall, Udall and White and there will be a later hearing in Washington on this project for appropriation. I urge you to familiarize yourself with the position of the Kiowa Bijou Management District and all those living in the vicinity of Bijou Creek as to their request for flood control of Bijou Creek. This is a major item in any proposed flood control of the Lower South Platte and until some concrete plan or project is made in connection with the Bijou Creek, the Narrows Project is only a partial plan and should not really be considered as flood control under the circumstances. The directors of the Kiowa Bijou Management District have only been contacted briefly by the corps of engineers in regard to any proposed flood control of the Bijou and have not really been consulted concerning this important issue, even though they represent everyone affected along the Bijou Creek.

After you have reviewed the enclosed statement, if you have any further questions, please feel free to contact me, and, on behalf of the Board of the North Kiowa Bijou Management District, I urge your support and help in securing for them the much needed flood control on Bijou Creek.

Sincerely yours,

DON.

STATEMENT OF NORTH KIOWA BIJOU MANAGEMENT DISTRICT

The North Kiowa Bijou Management District is a quasi municipal tax supported district encompassing ground water in Morgan, Weld, Adams and Arapahoe Counties along the drainage area of the Kiowa and Bijou Creeks from the Black Forrest area near Colorado Springs to the Confluence of these streams with the Platte River. This district is entirely supported by agriculture and dependent upon some seven or eight hundred irrigation wells, as it has no other source of water or surface rights. One of the prime reasons for forming the management district was for the conservation of the water to supply our irrigation wells in that there has been a constantly declining water table. The water supply of the area is declining at the rate of three times the rate of natural recharge.

The district's board has not taken an official position for or against the Narrows Dam, although we do favor generally any conservation projects in this state. The water users in our area have favored the Hardin Site over the Narrows Site, and one of the reasons therefore is the fear that a dam constructed at the Narrows Site would, as a practical matter, lead to the ignoring of the flood problems on the Bijou Creek. The Bijou Creek joins the Platte River approximately five miles east of the proposed Narrows Dam Site. The planners of the Narrows project have from time to time taken alternate positions in connection with the utilization or effect of the Narrows project as flood control for Bijou Creek. As we informed, the original plans did not in any way include any control of the Bijou Creek. Later, and particularly after the devastating flood of 1965, the planners apparently gave at least some consideration to some type of flood control for Bijou Creek in the Narrows project. Even now the position of the planners of the Narrows Dam is not clearly stated nor is there any guaranty of inclusion of flood control on the Bijou in this project. Until definite and affirmative planning is made in connection with the flood control of the Bijou Creek, our area does not feel that this project answers our problems or accomplishes what was intended.

In order to more clearly define the effect of the Bijou in flood loss to the entire Northeastern Colorado area, may we turn the clock back approximately three years and six months. In a newspaper article appearing in the "Tri County Tribune", published in Deertrail, Colorado, on June 24, 1965, the following headlines appear "Flood in Bijou Creek on Rampage." The entire business district was wiped out and the article proceeded to explain the evacuation of the area and the damage caused. In the area of Agate,

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over two thousand sheep were lost as well as several hundred head of cattle. A week later, another issue explained the cleanup operations and the attempted rehabilitation of the area. This area was a true disaster area and one cannot evaluate the tragedy in terms of merely stock, crop and business loss, but we must consider the human misery. In this flood, we were fortunate in only losing one life; however, I am sure the parents of the baby who was lost in the disaster area count this loss in great proportion.

Again, if we turn the clock back about thirty years, we find other headlines in the newspapers of the area relating to the flood disaster of 1935, striking Wiggins, Elbert and Elizabeth, where these towns were inundated by Kiowa Creek and further describing the damage caused by Bijou Creek. The Narrows project was originally planned as a flood control project and yet the only two major floods in the area, in 1935 and 1965, would not in any way have been avoided by construction of this project along its original present plans. In 1965 the major flood damage in Fort Morgan and the South Platte Valley east of Fort Morgan was due almost entirely to flood water coming from Bijou Creek. This water was estimated at approximately five hundred thousand second feet at the crest. The Denver Flood had very little influence on the flooding in Morgan County. The South Platte was flowing at the rate of approximately 3,000 second feet when the Bijou flood hit. Most everyone in the area having knowledge of these floods is in agreement that the real damage was due to the Bijou Flood and not to the Platte coming into the area.

The Fort Morgan Times of June 16, 1965, carried many stories concerning the Bijou Flood and head lines such as "Bijou South Platte Lowlands Flooded" and "Dodd Bridge To Go" and "Park Threatened". On June 18, 1965, this paper carried headlines "Flood Reeks Havoc in Morgan County" and "Fort Morgan Cut Off on Three Sides". As you can see, two major floods are being described occurring over a period of three days. These floods were caused solely from water from the Bijou Creek. In "The Fort Morgan Times" on June 21, 1965, it described the request of $675,030.00 of disaster funds by ditch companies in Morgan County. On June 22, 1965, this paper refers to the request of the Lower South Platte Conservancy District of $1,500,000.00 disaster funds to repair irrigation structures. In "The Fort Morgan Times" on June 30, 1965, the flood damage in Morgan County only was estimated at $2,000,000.00, not including $800,000.00 needed to repair county roads and bridges, and an unspecified amount for the repair of Burlinton Railroad fill and bridge. Added to these sums, we must consider the loss of the State Highway bridge on the Interstate Highway near Wiggins and the loss of the highway bridges on Interstate 70 and Highway 36. Of course the flood area covers more than just Morgan County and the entire loss to bridges and other structures along the entire route of the Bijou would be almost unmeasurable. These are just examples in Morgan County, which might be multiplied several times by damages in Adams, Weld and Arapahoe Counties.

The question is, what, if anything, the Narrows project offers in its present plan to alleviate future disasters of this type. It has been suggested, although no definite commitment made, nor final plans prepared that the Bijou be diverted into the Narrows dam. This, of course, does not in any way solve the flood problems of our entire area along the Bijou Creek.

Everyone recognizes that the Bijou Creek carries a great deal of sediment during its flooding stage and, in fact in the past years, ditch companies have paid a man in Hoyt to call them and warn them if the Bijou was flooding so that they could close their headgates, because of the damage the silt laden water would do to their land. We are frankly suspicious of any statement made that the Bijou could, or would be controlled by the Narrows as we can visualize the effect upon the Narrows project, as in the case of the 1965 flood by the unrestricted flow into it of the silt, logs, dead animals and human refuse.

We feel that the present Narrows project, as planned, is objectionable to our area in that it is shortsighted and settles for something less than an adequate and total design for flood control for which it was intended. Until definite planning is included within the project for flood control of the Bijou, we feel that it is improper to classify this project as a real flood control project. The major floods of 1935 and 1965 all originated from waters falling south of Interstate 70 and much of the damage from these floods occurred between Highway 70 and the Narrows Dam site.

We had a graphic example in 1965 of what upstream flood control might achieve. Why did we not see in 1965 a similar story of flooding of Wiggins, Elbert and Elizabeth, as we did in 1935 when a similar potential existed. There was instituted on Kiowa Creek in the period from 1935 to 1961 a program of some 50 to 75 small upstream flood control dams, which were designed to alternately catch and release flood waters occurring in this area. This temporary delay of flood water allowed the Kiowa Creek in 1965 to hold this flood without extensive damage downstream.

Although Bijou Creek is more complex and has a larger stream system than the Kiowa, we feel that a combination of small dams and possibly some intermediate size dams could be designed to give complete control and protection. Any such system of dams should be concentrated on the upper reaches of the Bijou. Such a project, in addition to flood control on the Bijou, would have other benefits in that it would permit the water to move in a more orderly fashion which would reduce the amount of debris carried, as well as silt, and sand, thus improving the quality of the water. This system would also permit the aquifers in the Bijou area to be more adequately recharged and this potential disaster could be changed to a blessing for the people in the area.

The Board of Directors of the North Kiowa Bijou Management District wish to take this means of informing those interested that they feel the Narrows Project, in its present form does not answer the problem of flood control downstream on the Platte River and certainly not on the Bijou Creek itself. That until such time definite and adequate plans are included in this project for flood control in Bijou Creek, the Board of the district is in opposition to this project.

The district desires also to comment upon any proposed adjudication of decreed water rights for this project. We would refer to the policy statement of the Lower South Platte Water Conservancy District recently adopted wherein said district states "The district (Lower South Platte) has never intended that the Narrows priority to be used to shut down wells now being used so long as their manner of use is not materially changed and it now specifically states the Narrows should not and will not be used for this purpose." So long as this policy is carried forward in good faith in any eventual decrees, if any, given to this project, the board has no objection to any such proposed decree. However, any deviation from this policy, or any future proposed decree for the project which would not subordinate itself to existing ground water use would be objectionable to the board.

Mr. ALLOTT. Mr. President, however, it must be remembered that despite the apparent increase in interest in upstream reservoirs, the official position of the State of Colorado, as expressed in the letter of comment to the Commissioner of Reclamation, remained unchanged.

Mr. President, I ask unanimous consent that the letter of comment from the Colorado Water Conservation Board, dated December 29, 1967, be printed in the Record at this point.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Colorado Water Conservation Board,
Denver, Colo., December 29, 1967.
Hon. Floyd E. Dominy,
Commissioner of Reclamation, Department of the Interior, Washington, D.C.

Dear Mr. Commissioner: Under date of September 26, 1967, you transmitted to the State of Colorado on behalf of the Secretary of the Interior a proposed report on the Narrows Unit, Missouri River Basin Project, Colorado. This report was sent to us for our views and recommendations as provided by Section 1(c) of the Flood Control Act of December 22, 1944. In accordance with your request this letter constitutes the reply of the State of Colorado.

In addition to review by the undersigned as the Governor's designated representative, the report has also been reviewed by the Colorado Department of Game, Fish and Parks and by the Lower South Platte Water Conservancy District, the latter entity being an official political subdivision of the State of Colorado formed for the specific purpose of acting as the contracting and operating agency for the proposed Narrows Project. The views of both the Colorado Department of Game, Fish and Parks and the Lower South Platte Water Conservancy District are in accord with the views expressed herein.

Long-time records on the South Platte River indicate that the average annual discharge of the river at the Colorado-Nebraska state line is approximately 340,000 acre feet of water. About 100,000 acre feet of water annually is required to pass the state line in order to comply with the terms of the South Platte River Compact. This means that on the average there is 240,000 acre feet of water available for use in Colorado which is now being wasted at the state line. It was in recognition of this fact that the United States Congress on July 24, 1946, approved the construction of the Narrows Unit as a part of a comprehensive plan for the Missouri River Basin development. As a result of unfortunate disagreement within the State of Colorado itself, the project was never constructed as contemplated by the authorization of 1946.

In 1958, the Colorado Water Conservation Board requested the Bureau of Reclamation to re-evaluate the Narrows Project and to prepare a new feasibility report thereon. Subsequently, the Board contributed $125,000 to the Bureau of Reclamation to commence the necessary studies. As a result of the great interest in Colorado for the construction of the project, the State has now expended approximately $250,000 in an attempt to get the project construtced.

Since 1958 the members of our staff have worked closely with representatives of the Bureau of Reclamation as the new feasibility study progressed. We are therefore intimately acquainted with the scope of the study and with the basis for the findings and recommendations contained in the proposed report. We commend the diligent effort which has been made by Region 7 of the Bureau of Reclamation and we concur in the findings and recommendations contained in the proposed report.

In the letter of transmittal from the Bureau of Reclamation to the Secretary of the Interior under date of September 12, 1967, an

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alternative plan of development is presented which is not covered in the basic reports. The alternative plan is based upon an additional release of water from the proposed Narrows Reservoir for recreation and fish and wildlife enhancement. The alternative plan reduces the benefits of the project, and the proposed operation would violate the constitution and laws of this state. The alternative plan is therefore entirely unacceptable to the State of Colorado. We therefore urge that the basic plan as set forth in the report be adopted.

The original plan of development for the Narrows Project proposed the channeling of Bijou Creek into the Narrows Reservoir for flood control purposes. The wisdom of this provision was demonstrated by the fact that in June of 1965 a flood of unprecedented magnitude originated on Bijou Creek. The flood waters originating on this creek, along with waters discharged by other tributaries of the South Platte, caused the most damaging flood in the history of the State of Colorado, both in terms of the loss of human life and the widespread destruction of property. At the present time the United States Corps of Engineers is actively pursuing a course of study looking to the control of Bijou Creek. Since these studies are not yet completed it has not been determined at this time whether flood control structures on the Bijou Creek itself or the channelization of the creek into the narrows Reservoir would be the more feasible. As we view the proposed plans prepared by the Bureau of Reclamation, it is our understanding that Bijou Creek could be channeled into the Narrows Reservoir at some future time if such is found to be the most feasible plan.

In accordance with the Fish and Wildlife Coordination Act, our Colorado Department of Game, Fish and Parks has reviewed and approved the included report of the Bureau of Sport Fisheries and Wildlife. We feel that every attempt should be made to carry out the recommendations contained therein, within the limitations of the available water supply.

Included in the project report in accordance with the Federal Water Project Recreation Act, it is proposed that a non-federal public body would be responsible for the payment with interest of $691,300, which represents an estimated one-half of the separable costs allocated to fish and wildlife enhancement, together with all of the separable annual operation and maintenance costs, estimated at $30,100. In addition, such non-federal public body would be responsible for the repayment of reimbursable costs allocated to recreation to the extent of an estimated $1,457,300 with an annual operation and maintenance cost estimated at $204,200. We consider the recreation and fish and wildlife features of the project to be a necessary and integral part of the project. It is therefore the intent of the State of Colorado in connection with these features of the project to administer the project lands and water areas for recreation and fish and wildlife purposes, to bear the entire costs of such operation, maintenance and replacement, and to pay not less than one-half of the separable construction and acquisition costs of the project allocated to recreation, fish and wildlife purposes, as contemplated by the Federal Water Project Recreation Act.

In summary, the State of Colorado is in complete accord with the conclusions and recommendations set forth in Part XI of the proposed report. We respectfully urge that the Secretary of the Interior approve the proposed report in accordance with the recommendations contained in the report and the views expressed herein.

Respectfully submitted.

Felix L. Sparks,
Director.

Mr. ALLOTT. Mr. President, it should be noted, however, that during this period controversy existed among the local interests as to the location of the larger dams as proposed by the Corps of Engineers, and, also, as to whether it would be wiser to reconsider a series of small watershed protection and flood prevention projects. By this time, the Corps of Engineers had shifted its emphasis from the Bijou Creek Basin to the Sand Creek Basin in the Denver area. This was due, in part, to the lack of concerted support in the Bijou Creek Basin for the three-dams system being proposed by the Corps of Engineers.

However, in December of 1968, the Colorado Water Conservation Board indicated an interest in an interim report on the Bijou Creek Basin.

Mr. President, I ask unanimous consent that a letter from Col. W. H. McKenzie III, dated February 6, 1969, be printed in the Record at this point.

There being no objection, the letter was ordered to be printed in the Record, as follows:

February 6, 1969.

Hon. Gordon Allott,
U.S. Senate,
Washington, D.C.

Dear Senator Allott: In view of your expressed interest in the program of the Corps of Engineers within Colorado, I am furnishing the following report relative to study of the Bijou Creek basin.

Subsequent to the June 1965 flood, the Omaha District made an investigation of potential reservoir sites in the Bijou Creek basin. After preliminary screening of these sites, three sites were found which could provide flood control for the lower Bijou Creek basin and for the South Platte River flood plains downstream from Bijou Creek. One site is located on West Bijou Creek about 5 miles upstream from Byers; the second is located at the confluence of Middle and East Bijou Creeks; and the third is located on Big Muddy Creek about 16 miles upstream from Bijou Creek. The 3-dam system would control nearly 70 percent of the total drainage area of Bijou Creek.

About 75 percent of the benefits attributable to these potential dams would result from the reduction of flood damage potentials along the South Platte River flood plain. Local interests downstream from the potential reservoir sites have indicated an interest in the seasonal use of flood storage for groundwater recharge. Further study of the groundwater recharge capability of the system and potential benefits is required.

Local interests downstream from the potential Bijou Creek reservoir sites generally support the 3-dam system. Local interests in the area of and upstream from the potential reservoir sites have indicated interest in smaller dams in the upstream areas of the Bijou Creek basin. Studies by the Soil Conservation Service and the Omaha District indicate that small reservoirs in the upstream areas of the Bijou Creek basin lack economic feasibility and would have little effect on South Platte River flows.

Most of the support for the smaller reservoirs comes from the Deer Trail area which suffered severe damage in the 1965 flood. The Omaha District is investigating the feasibility of a local flood protection project at Deer Trail under provisions of Section 205 of the 1948 Flood Control Act, as amended. The study is nearing completion and it appears that a local flood protection project at Deer Trail would be economically feasible. Local interests will be contacted in the near future to determine their willingness and ability to provide the necessary local cooperation.

Due to the lack of concerted support in the Bijou Creek basin for the potential 3-dam system, the Omaha District shifted its primary study emphasis to the Sand Creek basin in the Denver area. Potential reservoir sites on Sand and Toll Gate Creeks are in danger of being developed for other uses. Since time is critical, an interim report on the Sand Creek basin has been scheduled for completion by 1 July 1969.

In December, the Colorado Water Conservation Board indicated an interest in an interim report on the Bijou Creek basin. Our studies in the Bijou Creek basin have been separated from our South Platte River investigation and an interim report will be prepared. The interim report on the Bijou Creek basin is tentatively scheduled for completion in December 1969. The review report, which would cover the remainder of the South Platte River basin, is scheduled for completion in March 1972.

If I can be of any further assistance to you in this matter, please call on me.

Sincerely yours,

W. H. McKenzie III,
Colonel, Corps of Engineers.

Mr. ALLOTT. Mr. President, it appears that local interest in the corps proposal began to rekindle, and the corps was urged by the North Kiowa Bijou Management District to develop their interim report as soon as possible.

Mr. President, I ask unanimous consent that a letter addressed to Col. W. H. McKenzie III, dated March 6, 1969, together with a letter from Mr. Donald F. McClary, dated March 13, 1969, be printed in the Record at this point.

There being no objection, the letters were ordered to be printed in the Record, as follows:

Fort Morgan, Colo.,
March 6, 1969.

Re North Kiowa Bijou Management District,
Bijou flood control.

Col. W. H. McKenzie III,
District Engineer,
Omaha, Nebr.

Dear Colonel McKenzie: On behalf of the North Kiowa Bijou Management District, I wish to thank you and John Velehradsky for your cooperation and concern in meeting with the North Kiowa Bijou Management District to discuss and develop mutually acceptable plans for control of Bijou Creek. Mr. John Velehradsky attended the annual meeting of the taxpayers within the management district and gave a good discussion of your tentative plans for control of Bijou Creek by the suggested three dam systems.

At this meeting, representatives of the Soil Conservation Service as well as the Colorado Water Board were in attendance and gave an explanation of their positions and recommendations on control of Bijou Creek. This meeting was well attended by the taxpayers in the district, in that the district gave notice by mail to all taxpayers within the district of this important meeting and there were slightly more than 100 taxpayers in attendance.

After a full discussion by the taxpayers present, the Board of the management district and their engineer, as well as an extensive question period, the motion was duly made, seconded and unanimously carried that the district go on record requesting the Corps of Engineers to proceed as rapidly as possible to develop their studies and reports for flood control of the Bijou Creek at the highest feasible points. That further the district urges the Corps to develop their interim report as soon as possible but not later than December, 1969, to facilitate presentation for authorization in early 1970.

The Board of Directors of the district has also instructed me to advise you that they stand ready, willing and able to cooperate with the Corps of Engineers in any way possible to facilitate the developing of a feasible plan which will develop flood control with consideration of ground water re-charge potential. The possible benefits of ground water re-charge cannot be over emphasized in connection with the developing of a feasible plan in that the area of potential benefits is one in which re-charge is sorely needed as they are depleting the ground water at the rate in excess of 55,000 acre feet per year, or over the normal rate of re-charge in the area.

If there is any information you or your staff desire, or if you have any suggestions as to what we may do to facilitate the development of this plan, please contact me.

Yours very truly,

——— ———.

FORT MORGAN, COLO.,
March 13, 1969.

Hon. GORDON ALLOTT,
Senate Office Building,
Washington, D.C.

DEAR SENATOR ALLOTT: I thought you might be interested in the enclosed letter to the Corps of Engineers bringing you up to date on developments in regard to flood control of Bijou Creek. The North Kiowa Bijou Management District appreciates your interest in this very important problem, and is hopeful that you can assist them in bringing needed flood control on Bijou Creek under the plans developed by the Corps of Engineers.

Sincerely yours,

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Mr. ALLOTT. Mr. President, additional expressions of interest in the proposal of the Corps of Engineers followed.

Mr. President, I ask unanimous consent that a letter from Mr. Thomas H. Bradbury, dated March 26, 1969, a letter from Mr. Marvin W. Etchison, dated June 12, 1969, together with a resolution adopted by the Weldon Valley Ditch Co., May 5, 1969, a letter from Mr. Ralph E. Varner, dated April 30, 1969, together with a resolution adopted by the City Council of Fort Morgan, April 1, 1969, and a letter from Mr. Harold E. Taylor, dated April 10, 1969, be printed in the RECORD at this point.

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

BRADBURY LAND & CATTLE CO.,
Byers, Colo., March 26, 1969.

Hon. GORDON ALLOTT,
U.S. Senator, U.S. Senate, Washington, D.C.

DEAR SIR: I am very much in favor of the dam which has been recommended to be built by the Corps of Engineers on the West Bijou, south of Byers, Colorado.

In the flood of 1965, we lost over 120 head of cattle and 1,500 acres of land. This land is now useless sand bars, gulleys, and plain old blowsand. If this could be eliminated, it would be a great tax and economical boost to the state. This was top bottom-land, producing quality grass and crops. Now it is classified No. 5 for production and tax purposes.

Everyone I have talked to from east of Colorado Springs, where the Bijou Basin begins, clear to Wiggins, where it dumps into the Platte River, have been in favor of damming the West Bijou. Everyone seems highly favorable of such a project, knowing the protection it would offer their families, properties, and communities.

If you are interested in seeing this project carried out, I'd be more than willing to circulate a petition among the landowners and renters to show their opinions on this matter. If the statistical results of this survey would be beneficial to you, I'll get the job done and furnish you with the results.

I am looking forward to your comments on this project.

Sincerely yours,

THOMAS H. BRADBURY.

WELDONA, COLO.,
June 12, 1969.

Hon. GORDON ALLOTT,
New Senate Building,
Washington, D.C.

DEAR SENATOR ALLOTT: Enclosed is a resolution passed by the Board of Directors of the Weldon Valley Ditch Company of Weldona, Colorado.

Please give this resolution sincere consideration. Thank you.

Sincerely,

MARVIN W. ETCHISON,
Secretary.

RESOLUTION

(The following is a Resolution passed by the Board of Directors of the Weldon Valley Ditch Company of the 5th day of May, A. D., 1969, after a long discussion of storage on the South Platte and flood control on the Bijou.)

"Be it resolved by the Board of Directors of the Weldon Valley Ditch Company, that the Weldon Valley Ditch Company record its desires and support of the Corps of Army Engineers in building flood control dams or multiple purpose dams on Bijou Creek in order to control and stop the damaging floods that have occurred on the South Platte River as a result of the uncontrolled flow of Bijou Creek.

It is the opinion of this Board that the Army Corps of Engineers is the proper and logical body to take over the construction of dams on Bijou Creek; that the plan of the Army Corps of Engineers is feasible and that funds probably are available for this purpose.

Be it further resolved that a copy of this resolution be sent to the Congressional Delegation from Colorado.

In witness whereof, the Board of Directors of the Weldon Valley Ditch Company have placed their signatures this 5th day of May, A. D., 1969.

MAURICE JONES.
DONALD E. CHRISTENSEN.
MARVIN W. ETCHISON.
JOHN PARACHINI.
THEODORE JACOBSON.

I hereby certify that the above and foregoing is a true copy of the Resolution passed by the Board of Directors of the Weldon Valley Ditch Company on the 5th day of May, A.D., 1969.

MARVIN W. ETCHISON,
Secretary.

CITY OF FORT MORGAN, COLO.,
April 30, 1969.

Hon. GORDON ALLOTT,
Senior Senator from Colorado,
Senate Office Building,
Washington, D.C.

DEAR SENATOR ALLOTT: Attached please find a resolution by the Mayor and Council of the City of Fort Morgan endorsing flood control in the Bijou Creek drainage area south and west of Fort Morgan.

This resolution was unanimously approved by Mayor John G. Hamlin, and Aldermen L. L. Canfield, Reuben Peif, Robert Hall, Francis S. Jolliffe, Lenhard Johnson, Elmer Tieman.

Sincerely yours,

RALPH E. VARNER,
City Superintendent.

RESOLUTION

Be it resolved by the City Council of the City of Fort Morgan, Colorado that the City Council and its individual members, on behalf of the City of Fort Morgan, Colorado does hereby support and endorse the Construction of Flood Control dams and works on the upper water-shed of Bijou Creek.

The Bijou Creek at flood has in the past, and can in the future seriously damage vital and expensive properties and facilities in Fort Morgan.

To control Bijou Creek to prevent flooding would be to secure the City and its citizens from such loss of property and facilities and perhaps secure even the lives of some of them.

Further, we believe such dams would improve the underground water level and help stabilize the irrigation potential of the farming community along the water way.

We, therefore, request that the Congress look with favor upon forthcoming requests by the Corps of Engineers of the United States for appropriations to harness the flood potential of "The Bijou".

Passed, approved and adopted this 1st day of April, 1969.

WELDON VALLEY PROTECTIVE ORGANIZATION,
Weldona, Colo., April 10, 1969.

Hon. GORDON ALLOTT,
Senate Office Building,
Washington, D.C.

SIR: At a regular meeting of the steering committee of the Weldon Valley Protective Organization held Wednesday evening, April 9, 1969, the following resolution was unanimously adopted.

The Weldon Valley Protective Organization whole heartedly supports the Corps of Army Engineers plan to build a series of flood control dams on the upper portion of Bijou Creek in Eastern Colorado.

Respectfully submitted.

HAROLD E. TAYLOR,
Secretary.

Mr. ALLOTT. Mr. President, almost contemporaneously with the resurgence of interest in the three-dam proposal of the Corps of Engineers, as expressed in the letters and resolutions I just referred to, I received a letter from Mr. F. A. Mark, of the Soil Conservation Service, summarizing the efforts of the Service to assist in developing a plan of works to control flood in the Bijou Creek basin. Consideration was given not only to small watershed protection and flood prevention projects under Public Law 566 but also to an ACP special project. His letter is self-explanatory, and I ask unanimous consent that the letter referred to, dated April 9, 1969, be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF AGRICULTURE,
SOIL CONSERVATION SERVICE,
Denver, Colo., April 9, 1969.

Hon. GORDON ALLOTT,
U.S. Senator,
U.S. Senate, Washington, D.C.

DEAR SENATOR ALLOTT: This letter is in response to a request for additional information on flood control problems on Bijou Creek, Colorado, as requested by Mr. Blake last week.

Following a field examination on November 2, 1965, which was one of many requested following the 1965 flood, we published a Preliminary Investigation Report on the East Bijou Watershed in February 1968, a copy of which is attached. On the back side of page 1 of this report is noted two alternative flood prevention programs which were studied. The first indicated a benefit-cost ratio of 0.30 to 1.00; the second, 0.50 to 1.00, neither of which justifies a project proposal.

In the meantime, the soil conservation districts in Elbert County (Agate and Big

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Sandy) in cooperation with the Elbert County Agricultural Stabilization and Conservation Committee (ASCS) proposed an ACP Special Project to interest a local group of farmers and ranchers to join in constructing through ACP cost shares a number of prevention dams in the East Bijou Creek tributaries.

A project was approved and ACP funds were earmarked for the project. SCS field personnel designed and staked out dams at feasible sites.

Several farmers interested in the project later withdrew due to some financial reverses in a re-used equipment sale following the accidental death of the promoter of the plan. This lead to less dams being constructed than originally planned.

The locations of planned and completed structures are shown in Table 1 and Table 2.

TABLE 1.—DAMS CONSTRUCTED OR UNDER CONSTRUCTION

Name	Location [1]	Year constructed	Total storage (acre-feet)	Drainage area (square miles)
Special projects ACP:				
1. Walter Burns detention dam No. 1	NE¼11-8-61	1967	92.8	2.0
2. Joel Fletcher	E½27-7-61	1967	(3)	.2
3. Del Carter	SW¼33-9-60	1968	(3)	1.2
4. Lambert and Carneal	SW¼30-7-60	1968	(4)	1.2
5. Lambert and Carneal	NE¼22-7-60	1968	(4)	.5
6. Dave Nagel	E½12-7-60	1968	(4)	.5
7. Frank Ehmann detention dam No. 1	SW¼14-7-61	[2] 1969	34.7	.4
Great Plains conservation program:				
1. Joseph Sproch detention dam No. 1	NE¼14-7-61	[2] 1969	146	3.1

[1] All structures are in Elbert County, Colo.

[2] Under construction.

[3] Storage capacity is less than 10 acre-feet.

[4] Combination stock water and detention storage dam. Storage data not available.

TABLE 2.—PROPOSED DAMS

Name	Location	Total storage (acre-feet)	Drainage area (square miles)
Special projects ACP:			
1. Frank Ehmann detention dam No. 2	NE¼ 17-7-60		2.0
2. Pearl Shirkey detention dam No. 1	NW¼ 19-7-60	56.1	1.3
3. Harold Benjamin	SW¼ 35-8-60		1.0
4. Oleyjar-Madigan	SE¼ 23-10-62		7.0
5. Ed Hertnecky No. 7	SE¼ 15-10-62		2.0
6. Ed Hertnecky No. 8	E½ 7-10-61		4.2
PL-566—East Bijou Creek watershed (preliminary investigation):			
EB-1	7-10-61	1,775	20.8
EB-2	7-10-61	512	6.0
EB-4	5-10-61	367	4.3
EB-5	33-9-61	546	6.4
EB-6	25-9-61	452	5.3
EB-7	21-9-60	2,048	24.0

You will note the first structures we installed in 1967. Also note in Table 1, the Joseph Sproch dam (146 acre feet), the largest dam is being constructed under Mr. Sproch's Great Plains Conservation Program contract.

In addition to ACP cost-share funds, the Elbert County Commissioners donated cost of outlet tubes as requested by the Colorado State Engineer to permit the detained storage to pass through in a specified number of hours to comply with downstream water right requirements. As I recall county funds were provided in the amount of about $2,000. Unfortunately, many farmers and ranchers do not have sufficient funds available to provide their share of costs in either the ACP or Great Plains Conservation Program, and are frequently those most needing help.

SEDIMENT DAMAGES—BIJOU CREEK

The 9 small floodwater retarding dams, either built or proposed on the upper reaches of East Bijou Creek and Middle Bijou, will control sediment from about 23 square miles lying above them. They will hold back about 150 acre-feet of sediment over a 25-year period. About 20 percent of this sediment will be derived from gully and stream-bank erosion; the remainder will be derived from sheet erosion. The average annual amount of sediment held behind these dams is estimated to be about 2 percent of the total sediment passing the lower end of the Bijou Creek drainage each year.

If the 7 floodwater-retarding structures proposed as a part of a Watershed Protection Project on the upper part of East Bijou Creek were built, they would reduce sediment passing the lower end of Bijou Creek by about 5 percent.

CONCLUSION

Preliminary Investigations for the East Bijou Creek Watershed made by the Watershed Planning Party indicates that the benefit to cost ratio for the PL-566 floodwater retarding dam sites EB-1, EB-2, EB-4, EB-5, EB-6, and EB-7 is 0.3 to 1.0 and that the program is not feasible. Hence, there is little likelihood of their being built.

The total drainage area of the 8 small floodwater retarding dams that have been constructed or are being constructed on the headwaters of Bijou Creek is 9.1 square miles. These dams are cost-shared under the Great Plains Conservation Program or the Special Projects Agricultural Conservation Program. The drainage area of the 6 dams presently proposed for construction under the Special Projects Agricultural Conservation Program is 17.5 square miles. Some of these may not be built because of site or financial limitations.

These small floodwater retarding dams are being justified on the basis of damages that would otherwise occur near the sites. It is obvious that their effect on flood flows, erosion damage and sediment damage in the lower portion of the Bijou Creek drainage is almost negligible because of the small percentage of drainage area with dams constructed or under construction to date—0.7%.

Structures currently planned would increase the total percentage with dams to 2.0% and this would still be insignificant. The drainage area of Bijou Creek at U.S. Highways 6 and 34 near Wiggins, Colorado is 1,314 square miles. The reported June 1965 flood flow was 466,000 cubic feet per second.

Many stockwater ponds and many miles of terraces and diversions have also been built in Elbert County under the 1967 and 1968 Special Projects ACP, together with similar practices on many farms and ranches as part of an overall needed conservation program carried out by 3-10 year Great Plains Conservation Program contracts. Their justification and effect is also largely local in nature. They would have little effect on downstream damage from a major storm.

Following the 1965 flood we encouraged interested local residents of Bijou Creek, through their soil conservation districts, to explore possibilities of assistance from the Corps of Engineer's district engineer at Omaha. The Corps complied with subsequent requests and made a substantial study. As the USDA Small Watershed Program (PL 566) is limited to watersheds under 250,000 acres, and the potential volume of water (as 1965 proved) was so great even in the upper reaches of the Bijou three main tributaries, it was obvious to us, SCS or ACP assistance would be necessarily limited to small tributaries of the three main forks of the Bijou system.

Attached are copies of our initial contact with the Corps Omaha District on October 18, 1967, and the District Engineer's reply on October 30, 1967. We supplied the Corps with copies of our Preliminary Investigation in February 1968.

Mr. Stanley Miller, formerly a career employee of the Corps and for several years an engineer with the Colorado Water Conservation Board, provided excellent liaison between the Corps, SCS, and local interests. Mr. Miller and others of the Water Board provides SCS appreciable assistance on many PL 566 watershed projects.

When the Narrows Dam again became active, Mr. Miller followed closely the interrelated aspects of the Bureau of Reclamation and Corps of Engineers studies along with potentials of USDA activities in the small Bijou tributaries.

On February 27, 1969, the North Kiowa-Bijou Ground Water Management District held a local meeting concerning its interests in the Corps Bijou dam proposals. Mr. Stanley Miller took an active part together with my assistant who explained the limitations of aid on the Bijou through PL-566 and other USDA programs. Mr. John Velehradsky, represented the Omaha District of the Corps.

The Soil Conservation Service will continue to cooperate through its authorized programs with local people, with ASCS and others in aiding in the alleviation of local damages in the upper tributaries of the Bijou, but as previously indicated, feasible measures will have little effect on the major damage potential from floods and sediment of the Bijou.

If I can be of further assistance on this matter I shall be happy to comply.

Sincerely yours,

F. A. MARK,
State Conservationist.

Mr. ALLOTT. Mr. President, on December 10, 1969, the Corps of Engineers held public hearings in the towns of Wiggins and Deer Trail to explain a potential plan of improvements in the Bijou Creek basin. According to a letter I received from the district engineer, Col. B. P. Pendergrass, testimony was overwhelmingly in favor of the potential plan. Colonel Pendergrass advises that he is in receipt of resolutions supporting the potential plan from 16 organizations and political subdivisions of the State. He also advises:

> Opposition appeared to be centered against specific reservoir sites in favor of alternative sites and upstream storage.

Mr. President, I ask unanimous consent that a letter from Col. B. P. Pendergrass, dated December 16, 1969, be printed in the RECORD at this point

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DECEMBER 16, 1969.

Hon. GORDON L. ALLOTT,
U.S. Senate, Washington, D.C.

DEAR SENATOR ALLOTT: On 10 December 1969, I held public hearings in Wiggins and Deer Trail concerning my studies in the Bijou Creek basin.

I opened the Wiggins hearing by describing the potential plan of improvements in the Bijou Creek basin. After my opening statement, the meeting was opened for statements. A total of about 120 persons were in attendance. Of those present, 14 persons made statements. The testimony was overwhelmingly in favor of the potential plan of improvement. One individual asked for further study of potential alternative reservoir sites on East and West Bijou Creeks. Resolutions supporting the potential plan of improvement were presented by the following organizations:

Lower South Platte Conservacy District.
Board of Commissioners, Logan County.
Logan Irrigation District.
Iliff Irrigation District.
North Sterling Irrigation District.
Sterling Chamber of Commerce.
Sterling Production Credit Association.
Dueul and Snyder Improvement Company.
City of Brush.
Brush Chamber of Commerce.
Julesburg Irrigation District.
Fort Morgan Chamber of Commerce.
Weldon Valley Ditch Company.
North Kiowa-Bijou Management District.
Weldon Valley Protective Association.
City Council, Fort Morgan.

About 133 persons attended the hearing in Deer Trail. Of those present, 13 made statements concerning the potential plan of improvement. Representatives of local soil conservation districts indicated that they favored upstream storage and land treatment measures. Speakers from the Byers area were in favor of the potential dam on West Bijou Creek. A petition, containing the names of 125 persons from the Byers and Deer Trail areas who support the potential plan of improvement, was presented at the hearing.

In general, the potential plan of improvement was supported at both hearings. Opposition appeared to be centered against specific reservoir sites in favor of alternative sites and upstreams storage. Suggestions made by local interests will be investigated. If they are found to be feasible, the plan of improvement will be altered to include them.

If I can be of any further assistance to you in this matter, please call on me.

Sincerely yours,

B. P. PENDERGRASS,
Colonel, Corps of Engineers, District Engineer.

Mr. ALLOTT. On January 14, 1970, the Colorado Water Conservation Board, at its regular meeting, adopted a resolution supporting the potential plan of the Corps of Engineers as presented during the public hearings held on December 10, 1969.

Mr. President, I ask unanimous consent that the January 14, 1970, resolution of the Colorado Water Conservation Board be printed in the RECORD at this point.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

RESOLUTION

Whereas, in past years numerous floods have originated in the Bijou Creek Basin, Colorado, resulting in the loss of human lives and property damages in excess of $100 million; and

Whereas, in the year 1965 a major flood originated in the Bijou Creek Basin resulting in the loss of two human lives and the loss of real and personal property in excess of $45 million, including severe damage to the communities of Byers, Agate and Deer Trail, together with the loss of portions of Interstate Highways 70 and 80S; and

Whereas, the Corps of Engineers, United States Army, is now proposing a program of flood control in the Bijou Creek Basin which would virtually eliminate the destruction which might be caused by similar future floods in the Bijou Creek Basin; and

Whereas, it appears that the residents of the area affected by Bijou Creek floods are overwhelmingly in support of the project plan presented by the Corps of Engineers; and

Whereas, the Boards of County Commissioners of Morgan and Logan Counties, the Lower South Platte Water Conservancy District, the Logan Irrigation District, the Iliff Irrigation District, the North Sterling Irrigation District, the Sterling Chamber of Commerce, the Sterling Production Credit Association, the Dueul and Snyder Improvement Company, the City of Brush, the Brush Chamber of Commerce, the Julesburg Irrigation District, the Fort Morgan Chamber of Commerce, the Weldon Valley Ditch Association, the North Kiowa-Bijou Management District, the Weldon Valley Protective Association and the City of Fort Morgan have by resolution expressed their support of the flood control plan proposed by the Corps of Engineers;

Now, therefore, be it resolved by the Colorado Water Conservation Board in regular session assembled this 14th day of January, 1970, in Denver, Colorado, that it commends and supports the Bijou Creek Flood Control Plan prepared by the Corps of Engineers, United States Army; and

Be it further resolved that the State of Colorado through the Colorado Water Conservation Board shall lend its efforts to cooperate in every way to secure the authorization and subsequent construction and operation of the Bijou Creek Flood Control Project; and

Be it further resolved that the Congress of the United States be urged to authorize the construction of the Bijou Creek Flood Control Project at the earliest possible date; and

Be it further resolved that the Secretary of the Colorado Water Conservation Board is hereby directed to send certified copies of this resolution to each member of Colorado's congressional delegation; to the Governor of the State of Colorado; to the Chief of Engineers, United States Army, and to the District Engineer, United States Army Corps of Engineers, Omaha District.

CERTIFICATE

I certify that the foregoing is a true and correct copy of a resolution adopted by a majority vote of the members of the Colorado Water Conservation Board in regular session assembled at Denver, Colorado, on the 14th day of January, 1970.

FELIX L. SPARKS,
Secretary.

Mr. ALLOTT. From all of this, it would appear that the potential plan of the Corps of Engineers has both the support of the local people in the affected area and the support of the official organ of the State of Colorado responsible for such matters.

The only question remaining is whether the diversion channel into the Narrows Reservoir, in either its larger or smaller configuration, which would logically be a part of the Narrows project and should be authorized as such, is still included in the potential plan. It should be noted that three-fourths of the benefits attributable to the potential plan would result from the reduction of flood damage potentials along the South Platte River flood plain. This was pointed out in Colonel McKenzie's letter of February 6, 1969, which was inserted in the RECORD earlier. It should also be noted that according to the map included in the brochure prepared by the corps for the December 10, 1969, public hearings, the dams proposed for the Bijou Creek Basin are many miles above the confluence of the Bijou Creek with the South Platte River. The area below the proposed dams remains uncontrolled. I recall that during the same June 1965 flood, my own hometown of Lamar received severe flood damage despite the fact that it is only a few miles downstream from a major reservoir on the main stem of the Arkansas River. The damaging waters came from tributary creeks whose drainage area is only a small fraction of the drainage area of the Bijou Creek.

With this in mind, I inquired of the Corps of Engineers as to status of the diversion channel into the Narrows Reservoir. I was informed that while the diversion channel was feasible, it was not acceptable to local interests. Colonel Pendergrass stated that among the people in the Bijou Creek area, the South Platte below Bijou Creek, the Colorado Water Conservation Board and the Denver office of the U.S. Bureau of Reclamation, there are no proponents for the diversion channel.

Mr. President, I ask unanimous consent that my letter to Colonel Pendergrass, dated February 10, 1970, together with the reply, dated February 25, 1970, be printed in the RECORD at this point.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON INTERIOR AND INSULAR AFFAIRS,
Washington, D.C., February 10, 1970.

Col. B. P. PENDERGRASS,
District Engineer, Omaha District, Corps of Engineers, Omaha, Nebr.

DEAR COLONEL PENDERGRASS: The report on the Narrows Unit of the Missouri River Basin Project, Colorado, together with comments of the various State agencies and Federal agencies concerned, was printed as House Document 320, 90th Congress, 2nd Session. Quoting from the comments of the Colorado Water Conservation Board as found on page 145 of that Document, the following statement is made:

"The original plan of development for the Narrows Project proposed the channeling of Bijou Creek into the Narrows Reservoir for flood control purposes. The wisdom of this provision was demonstrated by the fact that in June of 1965 a flood of unprecedented magnitude originated on Bijou Creek. The floodwaters originating on this creek, along with waters discharged by other tributaries of the South Platte, caused the most damaging flood in the history of the State of Colorado, both in terms of the loss of human life and the widespread destruction of property. At the present time the U.S. Corps of Engineers is actively pursuing a course of study looking to the control of Bijou Creek. Since these studies are not yet completed it has not been determined at this time whether flood control structures on the Bijou Creek itself or the channelization of the creek into the Narrows Reservoir would be the most feasible. As we view the proposed plans prepared by the Bureau of Reclamation, it is our understanding that Bijou Creek could be channeled into the Narrows Reservoir at some future time if such is found to be the most feasible plan."

I am also in receipt of a brochure prepared by the Omaha District Office of the Corps of Engineers entitled "Information on Potential Plan of Improvement for Bijou Creek Basin, Colorado". I have been informed that public hearings have been held at both Wiggins and Deer Trail, Colorado, on Wednesday, December 10, 1969 on this "Potential Plan of Improvement". From my review of the aforementioned "Potential Plan", I am unable to discover any mention of channelization of Bijou Creek into the Narrows Reservoir. For my information, I would appreciate being advised as to the status of the earlier channelization proposal with regard to present Corps of Engineers plans relating to the control of the Bijou Creek Basin.

Your early attention will be appreciated. Best regards.

Sincerely yours,

GORDON ALLOTT,
U.S. Senator.

FEBRUARY 25, 1970.

Hon. GORDON ALLOTT,
U.S. Senate,
Washington, D.C.

DEAR SENATOR ALLOTT: This is in reply to your letter of 10 February 1970 concerning the relationship between the potential system dams in the Bijou Creek basin and the potential diversion Bijou Creek into the proposed Narrows Reservoir.

During my studies of the Bijou Creek basin, a diversion channel to carry Bijou Creek into the Narrows Reservoir was investigated and found to be feasible but not acceptable to local interests. We have had extensive contacts with the local people in the Bijou Creek area and along the South Platte below Bijou Creek, and with the Colorado Water Conservation Board and the Denver office of the U.S. Bureau of Reclamation. There are no proponents for the diversion channel.

In contrast the potential reservoir system for Bijou Creek, which is also feasible, has apparent unanimous support including the support of the Colorado Water Conservation Board and Region 7 of the U.S. Bureau of Reclamation.

There are several reasons why the reservoirs received support and the diversion did not. First, the potential Bijou Creek dams would provide flood protection for about 156,000 acres within the Bijou Creek basin, including the protection of the towns of Deer Trail and Byers, as well as furnishing protection for the South Platte River downstream from Bijou Creek. Second, the regulated outflow from the reservoirs would provide opportunities to recharge the groundwater aquifer through channel infiltration or through downstream infiltration ponds. Third, the high sediment yield from Bijou Creek would be held in the Bijou Creek reservoirs rather than being discharged into the Narrows Reservoir.

It is estimated that about 100,000 acre-feet of sediment would enter the Narrows Reservoir if the diversion channel were built, with about 75,000 acre-feet of the depletion occurring in the conservation storage zone of the reservoir, reducing the irrigation benefits. The resultant delta formation at the outlet of the diversion channel into Narrows Reservoir could produce adverse effects on the general recreation and fish and wildlife recreation benefits for the Narrows Reservoir and make it less attractive environmentally.

During the hearings on 10 December 1969, the potential diversion was referred to only once in the testimony. The reference was unfavorable to the diversion. Local interets along the South Platte River and in the Bijou Creek basin expressed unanimous support for dams in the Bijou Creek basin at the public hearings. The Colorado Water Conservation Board staff indicated in informal discussions a preference for dams in the Bijou Creek basin. On 14 January 1970, the Colorado Water Conservation Board adopted a resolution supporting the potential dams in the Bijou Creek basin.

Based on the public hearings and the local contacts by my staff and me, I am convinced that the people in the basin overwhelmingly support dams instead of the diversion.

If I can be of any further assistance to you in this matter, please call on me.

Sincerely yours,

B. P. PENDERGRASS,
Colonel, Corps of Engineers, District Engineer.

Mr. ALLOTT. Inasmuch as there is no local nor State support for any diversion channel, and since the plan of the Corps of Engineers will require separate legislative authorization and will be considered by the Public Works Committee, there is no reason to delay action upon the authorization of the Narrows project. The option of incorporating some sort of channel diversion was maintained open to the planners and local people for a time sufficient for them to come to a decision. While the plan of the corps has not been reviewed and approved, and has not been released for detailed scrutiny by me or the public, the sentiment of the local people, the State, the Bureau of Reclamation, and the Corps of Engineers appears to be overwhelmingly against any thought of a diversion channel.

The Narrows project is a very good reclamation project. It has a high benefit-to-cost ratio, 1.89 to 1, will provide badly needed supplemental water to the central and lower South Platte River Basin. The project will provide additional water through river regulation. It is estimated that the reservoir will conserve up to an average of 240,000 acre-feet of water annually now being wasted.

As a multipurpose project, it will not only conserve water, but also will provide some flood protection. Fish and wildlife enhancement benefits are quite good, and the reservoir will provide recreational benefits in an area which is very limited in such opportunities.

Mr. President, the Narrows project has my wholehearted support, and I shall urge the scheduling of early hearings on this worthwhile project.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 3547) to authorize the Secretary of the Interior to construct, operate, and maintain the Narrows unit, Missouri River Basin project, Colorado, and for other purposes, introduced by Mr. ALLOTT (for himself and Mr. DOMINICK), was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

Mr. DOMINICK. Mr. President, I join today with my colleague, the senior Senator from Colorado in introducing legislation to authorize the construction of the Narrows Reservoir project by the Bureau of Reclamation in Weld and Morgan Counties, Colo. This multipurpose project was first introduced in the 90th Congress. The feasibility studies reveal a high-cost benefit ratio. The potential benefits for irrigation, recreation, fish and wildlife development, and flood control far exceed the costs.

We have delayed reintroduction of this legislation pending determination of a proposal to construct a flood control diversion channel from Bijou Creek to the Narrows Reservoir. The confluence of Bijou Creek and the South Platte River is below the proposed damsite. In 1965, a disastrous flood occurred on Bijou Creek. The diversion channel was one means proposed to help control such flood waters. An alternate proposal was construction of several dams on the Bijou and its tributaries. This proposal is under study and a report is near completion by the Corps of Engineers. I do not know what that report will show but through public hearings in the local area and resolutions and statements from towns, local water districts and companies and the Colorado State Water Conservation Board, it is apparent none of the local people favor the diversion channel. The background of this development together with letters and resolutions clearly showing the preference of the local residents have been amply set out by my senior colleague from Colorado.

I quote the following statements contained in a letter from the Corps of Engineers to the senior Senator from Colorado, dated February 25, 1970:

> During my studies of the Bijou Creek Basin, a diversion channel to carry Bijou Creek into the Narrows Reservoir was investigated and found to be feasible but not acceptable to local interests. We have had extensive contacts with the local people in the Bijou Creek area and along the South Platte below Bijou Creek, and with the Colorado Water Conservation Board and the Denver office of the U.S. Bureau of Reclamation. There are no proponents for the diversion channel.
>
> In contrast the potential reservoir system for Bijou Creek, which is also feasible, has apparent unanimous support including the support of the Colorado Water Conservation Board and Region 7 of the U.S. Bureau of Reclamation.

It is now clear that there is no reason for any further delay on authorizing the Narrows Reservoir. A diversion channel is not desired as a solution to flooding on Bijou Creek. Separate solutions to that problem are being sought.

The need for the Narrows Reservoir in north central Colorado is great. The final reason for delay has been removed. I urge my colleagues to give this matter their favorable consideration.

SENATE JOINT RESOLUTION 179—INTRODUCTION OF A JOINT RESOLUTION RELATING TO CERTAIN DEMONSTRATION PROJECTS TO CONTROL INSECTS HARMFUL TO AGRICULTURAL CROPS

Mr. ANDERSON. Mr. President, I am today introducing legislation which addresses itself directly and specifically to one of the most crucial aspects of what has come to be known as the "environmental crisis" which faces our Nation.

The legislation I am introducing is fairly simple in nature, but it will allow us to move quickly in resolving a very complex, tenacious problem. To summarize, the legislation authorizes the Secretary of Agriculture to carry out various demonstration projects, using nonchemical means to control insects harmful to agricultural production.

There is little need to recite the numerous problems—some of them with tragic results—which have resulted from the widespread use of poisonous chemical pesticides. The public press almost daily carries a new story of fish dying, of public water supplies endangered, of food products contaminated with deadly pesticides.

And with so many of the Nation's environmental problems, these harmful effects have occurred because of the relationship of everything with everything else in the biological web of life. A single, individual act is not possible. The initial act causes other things to occur, and still others—like concentric ripples on a pool except that the effects are much more permanent. We cannot, for instance, build a massive subdivision and leave it at that. By covering the porous ground with homes, streets, driveways, and parking lots, we have prevented the rains from soaking in. This causes floods. So we must build a network of flood control drainage channels. That causes further problems. And so on, and on.

The prolonged and widespread use of chemical insecticides, throughout our Nation's farmlands and in other areas as well, dramatically illustrate man's inability to do "just one thing." We once thought that chemical insecticides would serve the elementary and single purpose of protecting the country's agricultural crops from harmful insects, thus resulting in greater production of healthy food and fiber for the people. If insects were infesting our fields and orchards, we thought then, simply spray with the newest and most effective insecticide and production will increase. All will be well.

We were wrong. In some cases, tragically wrong. We see now that poisonous chemicals, year after year, were washed by rains and irrigation ditches into open streams and soaked into underground drinking supplies. Not only was the health of humans endangered, but fish and plantlife in streams and lakes. Sometimes, plants other than those being "protected" reacted adversely to the chemicals, and perished as a result. Sometimes—all too often—food products destined for our kitchen tables were contaminated with the deadly substances. We have all heard of these stories, and many more.

An awful aspect of the pesticides story is that, in too many cases, the chemicals have not accomplished even their own limited purpose. Insects, attacked with chemical sprays or powders, have developed an immunity to them and have become more tenacious and numerous than before. The reaction has been to develop even stronger insecticides—an escalation, as it were, in the insect war.

The problem has arisen, as I said, from attempting to look at only one aspect of a total problem. Or, rather, of attempting to solve a single problem with a massive solution without regard to the equally massive and lethal results. As Lord Ritchie-Calder, one of the world's most knowledgeable experts on the environmental crisis, has written:

> Science at best is not wisdom; it is knowledge, while wisdom is knowledge tempered with judgment.

What is needed now is a way to protect our productive fields and orchards—on which our life very dramatically and immediately depends—while at the same time preserving the intricate balance of nature.

My legislation, Mr. President, attempts to address itself to that need.

Specifically, it authorizes the Agriculture Department to conduct demonstration studies of various types of light traps, pherimones—sex attractants—and other nonchemical devices for the purpose of controlling insects harmful to agricultural crops. I believe there is a strong possibility that these nonchemical devices can accomplish the vital purpose of protecting agricultural crops without endangering other plants, wildlife, water supplies, and human life itself.

Of course, there is no way of knowing this for certain. Where these devices have been used, they have accomplished some substantial good. But the only way we can determine if they will be sufficient on a large scale, national basis is to engage in a carefully monitored scientific study. If we learn that these devices are unsatisfactory or have harmful effects that we do not yet know about, we can give up the idea and move on to other possible solutions. But we need to know the facts, Mr. President, and that is the purpose of my legislation.

The PRESIDING OFFICER. The joint resolution will be received and appropriately referred.

The joint resolution (S.J. Res. 179) to authorize the Secretary of Agriculture to carry out demonstration projects, using heat and light traps and other nonchemical means, to control insects harmful to agricultural crops, introduced by Mr. ANDERSON, was received, read twice by its title, and referred to the Committee on Agriculture and Forestry.

ADDITIONAL COSPONSORS OF BILLS AND A JOINT RESOLUTION

S. 3068

Mr. SPONG. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from Indiana (Mr. BAYH) be added as a cosponsor of S. 3068, to improve farm income and insure adequate supplies of agricultural commodities by extending and improving certain commodity programs.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 3356

Mr. SPONG. Mr. President, on behalf of the Senator from Minnesota (Mr. MONDALE), I ask unanimous consent that, at the next printing, the name of the Senator from New Mexico (Mr. MONTOYA) be added as a cosponsor of S. 3356, to require the Secretary of Agriculture to make advance payments to producers under the feed grain program.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 3410

Mr. HART. Mr. President, on behalf of the Senator from Maine (Mr. MUSKIE), I ask unanimous consent that, at the next printing, the name of the Senator from Iowa (Mr. HUGHES) be added as a cosponsor of S. 3410, the National Environmental Laboratories Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 3526

Mr. GRIFFIN. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from Idaho (Mr. JORDAN) be added as a cosponsor of S. 3526, to provide more effective means for protecting the public interest in national emergency disputes involving the transportation industry, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 3528

Mr. SPONG. Mr. President, on behalf of the Senator from New Hampshire (Mr. MCINTYRE) I ask unanimous consent that, at the next printing, the names of the Senator from West Virginia (Mr. RANDOLPH), the Senator from Utah (Mr. Moss), the Senator from Rhode Island (Mr. PELL), the Senator from Oklahoma (Mr. HARRIS), the Senator from California (Mr. CRANSTON), and the Senator from Alaska (Mr. GRAVEL) be added as cosponsors of S. 3528, to amend the Small Business Act to encourage the development and utilization of new and improved methods of waste disposal and pollution control; to assist small business concerns to effect conversions required to meet Federal or State pollution control standards; and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATE JOINT RESOLUTION 178

Mr. GRIFFIN. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from Idaho (Mr. JORDAN) be added as a cosponsor of Senate Joint Resolution 178, a joint resolution to provide for the settlement of the labor dispute between certain carriers by railroad and certain of their employees.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATE CONCURRENT RESOLUTION 55—CONCURRENT RESOLUTION REPORTED AUTHORIZING PRINTING OF ADDITIONAL COPIES OF SENATE REPORT ENTITLED "ORGANIZED CRIME CONTROL ACT OF 1969" (S. REPT. NO. 91-716)

Mr. JORDAN of North Carolina reported an original concurrent resolution (S. Con. Res. 55); and submitted a report thereon, which report was ordered to be printed and the concurrent resolution was placed on the calendar, as follows:

S. Con. Res. 55

Resolved by the Senate (the House of Representatives concurring), That there be printed for the use of the Senate Committee on the Judiciary one thousand two hundred additional copies of its report of the current Congress entitled "Organized Crime Control Act of 1969" (Senate Report 91-617).

SENATE CONCURRENT RESOLUTION 56—CONCURRENT RESOLUTION SUBMITTED TO REQUEST THE PRESIDENT TO CALL A CONFERENCE ON THE INTERNATIONAL EXPLORATION OF SPACE

Mr. PERCY (for himself, Mr. Scott, Mr. Mondale, and Mr. Mansfield) submitted a concurrent resolution (S. Con. Res. 56) to request the President to call a Conference on the International Exploration of Space, which was referred to the Committee on Foreign Relations.

(The remarks of Mr. Percy when he submitted the concurrent resolution appear later in the Record under the appropriate heading.)

SENATE RESOLUTION 363—RESOLUTION SUBMITTED AND AGREED TO ELECTING THE MINORITY PARTY'S MEMBERSHIP ON THE SELECT COMMITTEE ON EQUAL EDUCATIONAL OPPORTUNITY FOR THE 91ST CONGRESS

Mr. SCOTT submitted a resolution (S. Res. 363) electing the minority party's membership on the Select Committee on Equal Educational Opportunity for the 91st Congress, which was considered and agreed to.

(The remarks of Mr. Scott when he submitted the resolution appear earlier in the Record under the appropriate heading.)

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VOTING RIGHTS ACT AMENDMENTS OF 1969—AMENDMENTS

AMENDMENT NO. 545

Mr. MANSFIELD (for himself, Mr. Magnuson, Mr. Kennedy, Mr. Bayh, Mr. Bible, Mr. Javits, Mr. Pell, Mr. Stevens, Mr. Inouye, Mr. Randolph, and Mr. Tydings) submitted amendments, intended to be proposed by them, jointly, to the amendment (No. 544) proposed by Mr. Scott (for himself and other Senators), to the bill (H.R. 4249) to extend the Voting Rights Act of 1965 with respect to the discriminatory use of tests and devices, which were ordered to lie on the table and to be printed.

(The remarks of Mr. Mansfield when he submitted the amendments appear earlier in the Record under the appropriate heading.)

ENROLLED BILL SIGNED

The PRESIDING OFFICER announced that on today, March 4, 1970, the Acting President pro tempore signed the enrolled bill (S. 2701) to establish a Commission on Population Growth and the American Future, which had previously been signed by the Speaker of the House of Representatives.

NOTICE OF HEARINGS ON S. 2203, THE CONSUMER AGRICULTURAL FOOD PROTECTION ACT

Mr. JORDAN of North Carolina. Mr. President, I wish to announce that the Subcommittee on Agricultural Research and General Legislation of the Committee on Agriculture and Forestry will resume hearings Monday and Tuesday, March 16 and 17, on S. 2203, the Consumer Agricultural Food Protection Act. While we have a number of witnesses scheduled to testify, I am making this announcement at this time for the information of the Senate and those interested in this legislation. Also, anyone wishing to testify should contact the committee staff as soon as possible.

ADDITIONAL STATEMENTS OF SENATORS

TESTIMONY OF SENATOR CRANSTON BEFORE COMMITTEE ON ARMED SERVICES

Mr. CRANSTON. Mr. President, on Monday, March 2, I was privileged to testify before an Armed Services subcommittee, presided over by the Senator from New Hampshire (Mr. McIntyre), which is studying the question of independent research and development in the defense contracting industry. I ask unanimous consent that my testimony before this committe be printed in the Record.

There being no objection, the testimony was ordered to be printed in the Record, as follows:

Testimony by Senator Alan Cranston Before the Senate Armed Services Committee, March 2, 1970

I want to thank Senator McIntyre and the committee for giving me this opportunity to testify about the very important matter of defense expenditures—specifically about expenditures for independent research and development.

My experience as controller of the State of California gave me particular insight into the importance and intricacies of the task of controlling public expenditures for the greatest possible benefit and least waste.

My interest in making optimum use of public funds is one of the reasons—but not the only reason—that has led me to take a careful look at the independent research and development program of the Department of Defense.

I have concluded that in an era of rapid technological innovation, the independent research and development program is the most economical long-run program for guaranteeing the security of the United States.

There are, however, substantial improvements that could be made.

Independent research and development is one component of "independent technical effort."

Independent technical effort consists of:

1. Independent research and development; commonly called IRAD;
2. Bid and proposal costs; and
3. Other technical effort.

Both critics and supporters of independent technical effort agree that it is difficult, and sometimes impossible, to distinguish the various component costs from one another.

But this lack of definition does not make independent technical effort any less essential; it means only that some legitimate expenses are difficult to categorize.

Anyone who has heard accountants argue about where and how to account for certain legitimate business expenses will sympathize with this problem.

I would like to take a few minutes to define each of the component costs as best as I can.

IRAD is defined by the Armed Services procurement regulation as "that research and development which is not sponsored by a contract, grant, or other arrangement."

The regulation certainly perfects the technique of circular definition, but it provides little clarification.

IRAD, it appears, consists of research and development undertaken by a contractor to increase his technical knowledge and capability to develop new products.

Unlike conventional research and development projects, which are initiated and supervised by a buyer, IRAD is initiated and primarily controlled by a contractor.

IRAD maximizes the number of technological ideas pursued because no prior governmental approval is necessary before a specific research project is undertaken.

The presumption is that technical progress will be fastest and most efficient when competitors are free to develop efficient and productive IRAD programs.

"Bid and proposal expenses" cover the cost of submitting contract bids and contract proposals to the Government.

These expenses are recoverable when contracts are not awarded, or when proposals are not accepted.

It is important that they be allowed to encourage competition.

Companies will be deterred from submitting bids or proposals unless they are compensated for their efforts.

"Other technical effort" is the most nebulous component of all.

It is similar to IRAD, but it deals with technology that is more well defined.

The component costs of independent technical effort should be viewed as part of a single process, that of meeting defense needs in an era of rapidly developing technology.

I agree with the suggestion of the Comptroller General that no attempt should be made to discriminate among the component costs in determining which of these costs the Government should allow.

Such discrimination leads only to confusion and needless administrative burdens.

Currently each component cost is treated differently.

IRAD, singled out for the most supervision, requires advance brochures; technical evaluation of planned programs; advance agreements on the amount of Government reimbursement; and cost-sharing between the Government and the contractor.

Since many IRAD costs legitimately can be considered as other components of independent technical effort, contractors often avoid listing these costs under IRAD to escape these restrictions and redtape.

Similarly, if an expense is disallowed as IRAD, there is a temptation to claim it as "bid and proposal" or "other technical effort."

Much of the criticism of IRAD arises from such practices, but current regulations encourage those practices.

The Comptroller General's suggestion that independent technical effort be considered a single entity appears to solve the problem.

Contractors would be compensated for legitimate independent technical effort under a single set of policies and procedures.

The contractor would be spared the burden of conforming to different standards, and the Government would be spared needless and unproductive administrative complexity.

It is often alleged that the Government does not exert sufficient control over independent technical effort. But this allegation does not stand up to serious examination.

During the last session of Congress, the Senate demonstrated its control over IRAD.

After considerable discussion of Senator Proxmire's amendment to the military appropriations Act, we voted to reduce the Government's expenditure for IRAD by 7 percent.

The Comptroller General has suggested that the Department of Defense make IRAD a line-item in its budget so Congress would be better able to limit government participation.

Though I am an advocate of the most careful congressional monitoring of defense spending, I seriously question whether this proposal is either feasible or desirable.

How can overhead be made a line item?

It would be extremely difficult, if not impossible, for the DOD to arrive at an exact figure for such costs in advance.

Moreover, how can DOD make a yearly line item out of expenses that have such a long gestation period?

We all want better control over independent research and development expenditures.

But those expenditures should not be subject to short-term political and budgetary contraints which may impair our technological superiority in the defense field.

Next is the question of control over independent technical effort after the Congress has passed a defense budget.

It is not correct to assume that further controls are not exerted.

First, even with negotiated contracts, independent technical effort is controlled by competition.

The payoff for a corporation engaged in defense contracting is the award of research and development and production contracts.

Independent technical effort is only a means to that end.

The company with the most efficient and productive independent technical effort program will normally get the most lucrative R and D and production contracts.

Second, the government has various means of exerting direct control over independent technical effort.

Advance agreements, cost-sharing, brochures, and technical evaluations are elaborate efforts to monitor IRAD expenditures.

These controls have recently been critized, and the criticism highlights an important question:

If Government controls are deficient or ineffective, should they be revised, or abandoned altogether, in favor of giving more control to competitive forces?

I suspect that some controls should be improved, and others abandoned.

For example, advance agreements, if they are truly agreed upon in advance, benefit both the government and the contractor.

They benefit the contractor by enabling him to plan his programs more efficiently; they benefit the Government by allowing it to plan its expenditures and to conform to budgetary constraints.

On the other hand, the brochures which corporations presently must submit describing their independent technical effort program, do little but collect dust on Pentagon shelves.

But obviously the only way finally to determine whether to keep these and other direct controls is to make a detailed study.

It should be borne in mind that direct Government control means spending money, and we must always make sure the benefits of such control exceed the cost to taxpayers.

Other ways of controlling independent technical effort expenditures have been suggested.

Senator Proxmire's bill, S. 3003, would not allow expenditures for IRAD which does not "provide a direct or indirect benefit to the work being performed under the contract."

The Comptroller General suggests that Congress should consider whether conventional research and development contracts should replace all IRAD.

Both these approaches stem from the belief that it is inequitable for Government to give research money to private industry unless that research is directly supervised by the Government.

I believe this to be erroneous for at least two reasons:

1. The Government pays for unsupervised research and development whether it buys a product in the open market or purchases it through a competitive contract.

For example, the price you and I pay for a new car includes company costs of research on ways to reduce exhaust pollution and increase safety on cars in the future—even though neither directly improves the automobile we get for our money today.

It's the same when the Government buys an automobile.

It, too, pays for such research even though the benefits of the research are not yet reflected in the automobile it receives.

Such research is, nonetheless, a legitimate cost of doing business: it leads to an improved product and a better competitive position.

A corporation must anticipate future market needs if it is to remain in business.

Unsupervised research and development, or independent technical effort, is essential if companies are to be in a position to anticipate and meet those needs.

We must encourage companies in our defense industry to improve weapons technology.

This is fundamental to national survival.

Thus, there is a positive reason for allowing such research under negotiated contracts: National Security.

There is therefore no sound reason for distinguishing between the costs of unsupervised research and development in a competitive market and the costs incurred under a negotiated contract.

2. Independent technical effort under complete Government control cannot meet unanticipated defense needs.

Freedom from pervasive Government control enables private industry to explore promising ideas quickly and efficiently and to curtail unpromising research.

Innovation would end if scientists had to fill out forms X, Y, and Z in triplicate before pursuing a new idea, and then had to wait 6 months to get final approval or disapproval.

If every research project had to get bureaucratic clearance, we might still not have a polio vaccine today.

Dr. Jonas Salk was refused a Federal grant for research on his vaccine:

The Government thought he was going off in the wrong direction!

Luckily for all of us, and for our children, a private foundation advanced the funds he needed.

It simply is not feasible for the Government to approve all independent technical effort projects.

Government has neither the time nor the scientific expertise.

Nor could it administer such a massive effort.

The Government currently is having trouble evaluating a limited number of IRAD programs—not individual projects, mind you, but programs comprised of many projects.

The cost of supervising every single project would be astronomical.

Though I disagree with proposed revisions that would increase the Government's administrative burden, I approve of efforts to disseminate more efficiently information on various independent technical effort programs within the defense establishment.

I urge exploration of the practicality of the Comptroller General's suggestion that the Defense Supply Agency's computer data bank be expanded to include IRAD.

For those who wonder why the Department of Defense cannot follow the same independent technical effort policy as the Atomic Energy Commission—a suggestion urged upon you this morning by Senator Proxmire—the Comptroller General's report points out some essential differences:

Eighty percent of AEC contract work is with contractors who operate AEC-owned plants and laboratories on a cost-plus-a-fixed-fee basis.

The report states:

"AEC not only owns the facilities but also provides the materials and advances the funds.

"The generation of new ideas through R and D is an integral part of the program which is completely financed by AEC.

"There is therefore no independent research and development performed by the contractor under an AEC operating contract, but the equivalent is performed and fully funded as a part of the AEC program."

Thus, it is misleading to apply to DOD an AEC policy which AEC applies to a mere 20 percent of its contracts.

DOD depends upon independent technical effort to generate technological innovation: AEC does it through direct Government research in Government plants.

Therefore, I disagree with Senator Proxmire and the Comptroller General that DOD should adopt AEC procedures on independent technical effort.

Such rigid standardization is warranted neither by similarity in function nor in responsibility.

However, I support the Comptroller General's suggestion that we standardize policies when there is no functional justification for dissimilarity.

The Army, Navy, and Air Force have the same independent technical effort needs, yet each of their policies and procedures differ.

The result is unnecessary complexity and costly administration.

Therefore, we should standardize the policies of the armed services as suggested by the Comptroller General.

I am concerned about independent technical effort because of my interest in fiscal responsibility.

But I also view it as an insurance policy for national security because it is the source of up-to-date technological knowledge should we need to produce new weapons.

Ideally we should encourage innovative thinking, and then allow policymakers to decide whether further research and perhaps production is needed.

Independent technical effort enables us to refrain from needlessly producing expensive weapon systems because it cuts the leadtime in deployment of such systems.

We would not be forced to deploy weapons out of speculative fear because we would have the capacity to produce weapons on short notice if actual need were to arise.

This ability to refrain from producing needless weapon systems is especially important now that the United States and the Soviet Union have embarked upon the tortuous path toward some form of arms limitation agreement.

Production of weapons is provocative, and if such production can be halted, where not essential to our national security, the prospect for success in the SALT talks will be improved.

The premium for independent technical effort insurance protection is modest compared with the $6.74 billion spent on aircraft procurement, and the $3.6 billion spent on missile procurement.

Independent technical effort cost the Government $685 million in 1968.

We actually received $1.39 billion worth of research in return.

Thus, the taxpayer got two dollars worth of research in return for every dollar invested.

Besides its low cost, the independent technical effort program has been a remarkable success.

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It speeded, by at least five years, development of integrated circuitry, the nerves of intercontinental ballistic missiles.

It cut in half the development time of the flying crane, the world's largest helicopter.

It helped land a man on the moon less than a decade after that goal was announced by President Kennedy.

Knowing that we have independent technical effort as insurance would also free us from deploying weapon systems which are already obsolete.

The administration spent 891.5 million dollars in FY 1970 on producing and deploying the ABM. Now they want to increase this expenditure.

Eventually the ABM will cost billions of dollars.

Ironically, our IRAD made the ABM obsolete even before it went into production.

The waste of money on the ABM is not a technological failure. It is a political failure.

Many Americans, including myself, question current spending priorities and urge that we spend less on weapons and more on human needs and preserving the environment.

Independent technical effort can be used to meet many of our pressing domestic technological needs. It can help us shift our priorities without adverse economic consequences.

In California, almost a million jobs—15 per cent of the State's industrial jobs—are in defense and areospace industries.

Another million jobs are generated by the spending of these aerospace and defense workers. As we shift priorities we should utilize the energy and expertise of the defense and aerospace industries.

I believe that these companies should be encouraged and helped—now—to diversify into non-defense lines.

That would be healthier for them and for our entire economy.

And it would also lessen, perhaps, the pressure to maintain needlessly high levels of arms production.

To be able to diversify, defense and aerospace firms must be allowed to use independent technical effort.

A firm normally finances diversification out of profit. But since profits are controlled in negotiated contracts, a firm must finance its diversification out of its independent technical effort funds, or die.

There is no sound economic or moral reason to require defense and aerospace industries to produce themselves into extinction as demand for their products decreases.

Some companies are making successful moves toward diversification—others are finding the task exceedingly difficult.

An example of the constructive use of independent technical effort is provided by the Aerojet General Corp.

It has already used some independent technical effort funds to get into the field of water pollution control. It has been awarded contracts by the Department of the Interior for further research.

This is the type of constructive diversification that the government should emphasize. Other prime examples where IRAD could be done with great public benefits lie in the fields of rapid transit, or for transportation safety, communications equipment for law enforcement, and oceanography.

The real test of whether to allow recovery of expenditure for independent technical effort should be how it benefits the work that any government agency is now performing.

It should not be limited only to how it benefits a particular contract of the Department of Defense.

Defense and aerospace firms expanded in response to the government's call for work on certain national priorities.

The government is now in the process of shifting priorities, and it has a responsibility to enable such firms to meet the new priorities that meet the demands and needs of our people.

We would waste a valuable national asset if we now abandoned the firms which have met the demands placed upon them by government. I am convinced that we will be able to do far better in achieving our new national goals on an earlier schedule—if we enlist the efforts and expertise of these firms in this national effort.

AMENDMENT OF THE OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968

Mr. SCOTT. Mr. President, as a member of the Senate Judiciary Subcommittee on Criminal Laws and Procedures, and one who helped to draft the Omnibus Crime Control and Safe Streets Act, I have closely followed the progress that has been made in the all-important battle against crime. However, Congress must do more to assist our States, cities, and counties which carry the primary responsibility in this area. To meet this need, I have joined in introducing amendments to the Omnibus Crime Control and Safe Streets Act that will strengthen and improve our law enforcement and criminal justice system in several important areas. The Nixon administration is to be commended for presenting these measures.

LAW ENFORCEMENT PERSONNEL

There is a pressing need for more and better trained law enforcement personnel. Therefore, this legislation will encourage the development of regional and national training programs, workshops, and seminars for local law enforcement personnel, and would expand the present academic courses now available in the area of law enforcement. These amendments will also make available more Federal assistance for those people preparing for careers in the field of law enforcement. This is a most important step.

CORRECTIONS PROGRAMS AND FACILITIES

One of the most important aspects of our law enforcement and criminal justice system is our corrections program. It is apparent from the high rate of recidivism that our current corrections and prison facilities are not doing an adequate job. These amendments recognize this problem and meet it by greatly increasing the Federal assistance available for construction and improvement of correctional facilities. This measure also provides Federal assistance for the improvement of correctional programs and practices and is designed to assure that corrections programs will incorporate advanced correctional techniques and standards.

ALLOCATION OF FUNDS

These amendments would also permit some States to alter their method of allocating crime fighting funds between the State law enforcement apparatus and the law enforcement apparatus of local governmental units. This provision would be utilized where the overwhelming number of law enforcement personnel are under the direct supervision of the State rather than various units of local government. In those States having such a division of law enforcement responsibilities, it is believed that crime fighting funds could be more efficiently utilized directly at the State level.

This particular provision does not apply to Pennsylvania because of the Commonwealth's governmental structure and will not in any way affect the smooth operation of the Omnibus Crime Control and Safe Streets Act in Pennsylvania. On this point, I am pleased to note that over $14 million has already been allocated to Pennsylvania for crime fighting purposes under this act. In administering these funds, the Pennsylvania Crime Commission, under the able chairmanship of Attorney Gen. William Sennett, has channeled substantial funds to the major urban areas with the most pressing crime problems, while also assuring a fair and equitable distribution to other Pennsylvania communities. In Pennsylvania, crime fighting funds will continue to be distributed to those cities and counties with the most pressing need.

The States and local communities of this Nation need all the help we in Congress can supply them. We must win this battle for a safer society for our citizens.

I urge Congress to move swiftly to increase this assistance by enacting this legislation.

CRISIS FOR THE OLDER WORKER

Mr. RANDOLPH. Mr. President, the Subcommittee on Employment and Retirement Incomes of the Senate Special Committee on Aging conducted hearings last December on the "Employment Aspects of the Economics of Aging."

The subcommittee, which I have the privilege and responsibility to chair, heard testimony on a wide variety of employment problems encountered by middle-aged and older Americans—including age discrimination in employment; underemployment; involuntary retirement; the retirement test under social security; lack of employment opportunities; and inadequate training, counseling, and special supportive services.

A working paper was prepared by a distinguished task force to assist the subcommittee with additional background information. In this study it was pointed out emphatically that the United States still does not have a clearcut effective policy for maximum utilization of persons regarded as older workers. In their conclusion, the authors forcefully stated:

> The price the Nation pays for failure to maximize employment opportunities for older workers is increased dependency. We do not see an increase in dependency as a good tool with which to fight inflation. We all have much more to gain through a national effort to raise our productive capacity and simultaneously provide meaningful job opportunities for older people.

Because of the importance of this subject, I bring to the attention of Senators and the readers of the Record a recent editorial and also a newspaper article on this matter.

Mr. President, I ask unanimous consent that the material from the San Francisco Chronicle and the United Press International wire service be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

[From the San Francisco Chronicle, Jan. 11, 1970]

The Older Workers

The United States Senate has a Committee on Aging which is performing a most useful function not, as might be thought, in the interest of the Senators themselves, most of whom are on the shadowy side of life's slope, but in the interest of all the American public in the upper age bracket.

The committee is about to consider legislation to deal with the rapidly growing body of involuntarily retired Americans. Its contemplated measures would provide special job training, placement services and extended unemployment benefits for older workers.

This inquiry of course raises the fundamental question: Is this technological society prematurely forcing older people out of the job they have done all their lives, and so bringing on the need to create programs to retrain them?

Evidently society is doing just that, shortsightedly forcing older people into retirement while they are still both willing and able to work. A study conducted for the Committee on Aging by the National Institute of Industrial Gerontology finds there lately has been a rapid decline in the gainful employment of men over 60. Only three out of four men betwen 60 and 65 have jobs today. Between 65 and 70, only about one out of three has a job.

This is due, in many cases, the Gerontology Institute reported, to involuntary retirement, the kind forced upon older workers either by inflexible company retirement policies or by their inability, once laid off, to find another job.

The decline in older workers' employment has been quite rapid over the past 15 years. For example, in 1954, 84 per cent of the 60–65 group and 58 per cent of the 65–70 group had jobs.

Whatever may be said for early retirement as a pusher-up of younger men into management positions, it has a bad effect on the man sent down the skids into idleness, the Gerontology Institute finds. His income may be considerably less than half of what it was, often less than a fourth.

Furthermore, it has a bad effect on society. The more people who retire early, the greater becomes the dependency ratio. That is the ratio between nonproductive people, young and old, and the employed portion of the population. Today the dependency ratio is 93, which means that for almost every employed person there is an unproductive person. That kind of ratio has an inflationary effect; it tends to enlarge Social Security outlays and to increase resistance to social programs by the employed, who must pay for them.

Everybody would be better off if the old could have the option of staying on the job past 65, if they chose, says the National Institute of Industrial Gerontology. It will be interesting to see what over-65 Senators think about the proposition.

[From the United Press International, Jan. 12, 1970]

Forced Retirement at 65 Is Discovered To Be a Strain on the Man and Society

(By Louis Cassels)

Washington.—Forcing older people into retirement while they are still willing and able to work is a shortsighted policy that is having very serious social and economic effects.

That is the conclusion of a study conducted by the National Institute of Industrial Gerontology for the Senate Committee on Aging.

The institute reported there has been a sharp drop during recent years in the percentage of men who remain gainfully employed after the age of 60.

The report did not go into the ability of the U.S. economy to provide jobs for older workers without displacement of others now employed. Nor did it touch on other arguments for early retirement, such as the desirability of bringing younger men into management and supervisory positions.

It said early retirement has a bad effect both on the individuals hastened into idleness and on U.S. society as a whole. To the individual, it means a precipitate drop in income. Even though he may be qualified for Social Security and a company pension, his retirement income probably will amount to considerably less than half what he was earning as an employed worker. In many cases, it will be less than one fourth his pre-retirement income.

To society, early retirement means a rise in the dependency ratio.

The dependency ratio shows how many nonproductive people, young and old, are being supported by the employed portion of the population.

In 1950, the dependency ratio was 73—which means that for every 100 persons of working age, there were 73 who were too young or too old to work. Today the dependency ratio is 93. If present early retirement trends continue, the report calculated, it will reach 110 by the end of the 1970s.

A rising dependency ratio has a substantial inflationary effect on the economy. It also breeds restlessness among employed people, and this is likely to find expression in growing resistance to social welfare programs.

Thus, the institute argued, everybody would be better off if older people could have the option of remaining at work, if they choose, past the age of 65.

THE TRUTH-IN-BUDGETING TASK FORCE

Mr. INOUYE. Mr. President, last week the Democratic Policy Council's Committee on National Priorities held 2 days of hearings receiving testimony and comments on the priorities of this administration with suggestions from Democratic colleagues on a more proper allocation of our limited resources. Among the reports submitted to this committee was one by the truth-in-budgeting task force. The members of this task force are Senator Walter Mondale of Minnesota, Merton J. Peck, and Paul C. Warnke.

Because of the excellence of this report and the fact that it provides much needed insight into the Nixon budget, I wish to bring it to the attention of my Colleagues.

Mr. President, I ask unanimous consent that this report be printed in the Record.

There being no objection, the report was ordered to be printed in the Record, as follows:

Report of the Truth-in-Budgeting Task Force

February 23, 1970.

To the Democratic Policy Council's Committee on National Priorities: Your Cochairmen, Mr. Joseph A. Califano, Jr., and Dr. Morris A. Abram, asked us to serve as a committee to review President Nixon's Fiscal 1971 Budget and to comment on the broad national priorities reflected in that budget.

The Budget message speaks of priorities and hard choices. Yet, in a budget, numbers speak louder than words. And, looking at the numbers, we find that:

The budget *surplus*, as measured on the National Economic Accounts Basis that reflects its true economic impact, *is declining sharply*.

Defense spending is somewhat reduced—and with much fanfare—but not nearly as much as other and urgent national needs require. Further there are *expensive new weapons programs* of only marginal value which will escalate the arms race and lay the basis for far higher defense spending in future years.

Programs to improve the quality of the environment *are timid*; the expenditures match neither the bold statements nor actual needs.

The *crises* in education and our urban centers are largely *ignored*. The proposed spending here reflects a stand-pat stance in the face of increasingly critical needs. Expenditures for crime and drug control are woefully inadequate.

[These findings derive from our examination of the following four areas.]

THE BUDGET IS NOT ANTI-INFLATIONARY

The Administration has tried to pin the onus of the current accelerating inflation upon past Democratic fiscal policy and to present its budgets as more and more "fiscally responsible." It has talked proudly of the surplus which is claimed for the new budget.

However, experts agree that the best measure of the net economic impact of the Federal Budget is the surplus of deficit on the National Income Account. This figure reflects the difference between what the Federal Government takes out of the current income stream through taxes and what it puts back through spending.

But rather than increasing, the National Income Accounts *surplus continues to get smaller*, going from $6.0 billion in 1969, to $3.6 in 1970, and down to a razor thin $1.6 billion in 1971,[1] which President Nixon proudly claims as the first budget under his Administration. Such a numerical trend hardly matches the anti-inflationary rhetoric or the injunction of the Budget Message that "we must maintain a policy of fiscal restraints in the current fiscal year and continue it in 1971." [2]

Furthermore, the shrinking surplus becomes particularly critical when its tenuous basis is examined. Here are some illustrations:

The Federal civilian and military pay increase is slipped back six months from July 1970 to January 1971 to save about $1.4 billion.[3] Contrary to statutory policy, it is proposed that not until *January 1971* will Federal pay become comparable *to 1969* private enterprise rates.[4]

Thus, even the small surplus programmed by the Administration rests almost wholly on the requirement that Federal workers, including our servicemen overseas, wait for a pay increase which is already overdue. We doubt that Congress will accept this token gesture toward fighting inflation.

The scheduled surplus also assumes about an additional $1.2 billion in revenues from the Post Office. This would be attained through a "proposed rate increase and other actions," [5] with $700 million coming from higher rates, including seven cents for first class mail beginning on *April 1* of this year.[6]

The date is clearly unrealistic and the need for improved service will claim much of any revenue increase. To rest three quarters of the total surplus on the money-making potential of the Post Office is at best a risky matter.

The surplus also depends on the enactment of user charges that will add $653 million to budget receipts—yet these same proposals were not accepted last year and it is clear that Congress will, at the very least, reduce them sharply.[7]

The surplus depends on $2.1 billion in savings from program "reforms" and terminations.[8] Many of these proposals have been repeatedly rejected by the Congress.

Since the surplus in the National Income Account declines sharply under the proposed

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budget and since even the small proposed *surplus will likely vanish* as one or more speculative assumptions is unrealized, we believe this is not, in fact, an anti-inflationary budget.

For the fight against inflation, three principal weapons are available:

(1) An active policy of encouraging *voluntary wage and price restraint*. This weapon was discarded in the opening days of the new Administration with the result that the Industrial Wholesale Price Index for the concentrated industries, which had been kept under control by policies of the Democratic Administration rose 6% last year.

(2) A more *restrictive fiscal policy* which significantly increases the National Income Accounts surplus. This weapon has been discarded by the Administration's budget.

(3) A policy of *tight money* and high interest rates.

Having discarded the first two weapons, the Administration is resting all its hopes on tight money. And we already can see its effects—record *high interest* rates, declines in home building, and *cutbacks* in vitally needed State and local *construction* program.

Tight money alone is a potentially dangerous anti-inflationary weapon—the lags in its operation can result in *both* rising unemployment and rising prices, to produce the economic paradox of an *inflationary recession*. Ominous clouds on the economic horizon suggest that this outcome is a real and present danger. Indeed, the Administration is projecting an *increased unemployment* rate and its budget contemplates further inflation.

Given the inflationary situation which the Administration is dealing with so tentatively, it is understandable that the budget assumes a mere $2.9 billion growth in outlays. This would be *one of the smallest* in recent years.

There are two clear choices which would make possible substantial increases in urgent domestic programs *and a genuine* anti-inflationary budget:

Decrease defense outlays by as much as $4 to $5 billion more;

Increase revenues by $3 to $4 billion through *further tax reform*.

Possibilities for defense cuts are discussed below. As to tax reform, the Congress has promised to complete a review *this year* of additional tax reform measures. One of these alone—taxation of appreciated assets at death—would yield $2.5 billion in additional revenues. We would have been gratified if the Administration had lent its support to this and other needed tax reforms, such as increased revenues from the oil and gas industry.

SIGNIFICANT SAVINGS CAN BE REALIZED IN DEFENSE EXPENDITURES

The Administration's budget proposes a reduction in defense spending of $5.8 billion.[9] We commend any effort to free further funds for the urgent domestic needs of our society. We are dismayed, however, that estimated defense outlays would continue at the high level of *$73.6 billion*. Further, the $5.8 billion figure does not reflect the cost of pay increases which will almost certainly be adopted by the Congress.

A reduction of *an additional $5 billion* in this huge defense budget would produce a fund which could substantially contribute to meeting our existing commitments in education, housing, crime control and environmental improvements.

Moreover, all of the estimated reduction, and more, *can be attributed to the announced cutback* in our troop strength and military actions in Vietnam. (The deliberate omission of the traditional analysis of Vietnam costs precludes our discovering the projected savings in our Vietnam costs.) And, under President Nixon's criteria for withdrawal—the level of North Vietnamese military activity and the performance of the South Vietnamese forces—realization of these anticipated savings is *left within the control of Hanoi and Saigon*. We prefer that complete control over the defense budget, as well as over our foreign policy, be lodged in Washington.

The Administration asserts that much of the reduction in defense spending will come about from the phasing-out of certain expensive-to-maintain older systems. Such retirement of obsolete systems largely accords with plans made in prior years. We propose that much more significant savings could be realized if the Administration would cease approving the endlessly multiplying series of major new, overlapping and unproven weapons systems. Among those new programs for which funds are allocated in the Administration's budget and which we believe deserve particularly careful scrutiny by Congress are sea-based anti-submarine aircraft, a third nuclear powered Nimitz-class attack carrier, a strategic manned bomber, a costly new fighter for the Air Force and a fleet defense aircraft for the Navy, as well as an array of new missiles for land and air forces.[10]

Some of these new systems are already functionally obsolete. Beyond that, our major concern is that the Administration budget bears the seeds of continued vast and ever-increasing military spending. As of June 30, 1969, the General Accounting Office has revealed that a total of 131 major programs were in the process of acquisition, with the total costs of completing these programs aggregating over $140 billion. The decisions embodied in the proposed defense budget will substantially increase this staggering figure, even without the inevitable cost over-runs. This, of course, will severely limit our choice of priorities in the years ahead.

Moreover, the Administration's plans for expanded development and deployment of antiballistic missile defenses (ABM) and multiple warhead missiles (MIRV) involve heavy expenditures which ultimately may seriously handicap the successful fruition of SALT discussions with the Soviet Union.[11] Precipitous approval of such new weapons systems signifies an uncritical response to pressures from the military services and an unwillingness to take even the minimal risks which are necessary to enhance the chances of halting the arms race. It reflects also a continued over-reliance on sheer military might to achieve national objectives.

Further, we propose basic procedural changes in the military procurement system to avoid the cost over-runs and performance shortfalls that for the past two decades have plagued us. We believe that the costs of the perhaps unnecessary new weapons systems have been significantly underestimated and their performance significantly exaggerated. The General Accounting Office has noted that "one of the most important causes for cost growth is starting the acquisition of a weapons system before it has been adequately demonstrated that there is reasonable expectation of reasonable development."

Another major cause cited by the GAO is inadequacy in the initial definition of system mission requirements and technical performance specifications.[11a] These underlying flaws, with their serious budgetary consequences, should not be allowed to continue. We need leadership to eliminate these now; we do not need merely another "Blue Ribbon" study panel.

THE RHETORIC OF IMPROVING THE ENVIRONMENT MUST BE MATCHED WITH FUNDS

We agree with the President's rhetoric concerning the urgent need for improving the quality of our environment. These words must be met with the funds to do the job; and this simply is not done in the proposed budget.

For example, in the area of water pollution control, the President proposes *to spend in 1971 only half as much as Congress appropriated* for this problem *in 1970*. For 1970, Congress appropriated $800 million while the President requested only $214 million. In 1971, the President proposes to spend only about $360 million. Under the President's so-called "10-billion" dollar program, he would not reach an $800 million annual spending figure *until 1975*, although Congress already appropriated that sum for 1970.

Further, this "5-year-$10 billion" water pollution program would, in fact, be spread over nine years, and more than half of the cost must be borne by the hard-pressed States and localities.[12] State and local governments would be allowed to borrow their share through a new Federal environmental financing authority. According to the Budget, "the purpose of this authority is to encourage State and local participation in projects of this type without placing additional burdens on congested municipal bond markets." [13] But such markets have become "congested" largely through the Administration's tight money policy. Instead of a "new initiative" this step thus might be more accurately labeled as an *effort to moderate the impact* of other Administration policies.

In air and water pollution control combined, there is a modest increase of $230 million over outlays made last year. Weighed against the need, the increase is grossly and patently inadequate. Authorization in legislation passed in the preceding Administration envisioned the expenditure of about *$500 million more annually* than was spent in 1969; [14] the proposed increases thus do no more than half-way fill the gap between actual and authorized spending.

It should also be noted that a further cut in the Defense Budget of only $300 million—less than *one-half of one percent*—would make it possible to raise the proposed increase by *one hundred percent* and at least meet commitments already made by Congress. We regard it as questionable to call these increases "new initiatives" when they are really just halfway steps—however desirable—toward meeting old obligations. We believe that conditions require and the American people desire that really significant budgetary initiatives be taken promptly in this area.

THE URBAN AND EDUCATIONAL CRISES MUST NOT BE IGNORED

The Budget Message reflects *too little concern* with the urban and educational crises. We are pleased that it contains the beginnings of a promising family assistance program and a small start on revenue sharing. (Both programs are borrowed, in part, from Democratic proposals.) But for next year the critical problems of the city and education are allocated *few additional resources*.

Revenue sharing appears to be the Administration's only "solution" to the two crises. For this year, however, only $275 million would be provided. Applying the formula in the Administration's bill, this would yield *less than one dollar per person* for a city like New York. States would fare little better. For hard-pressed Mayors and Governors, this can hardly be regarded as much help.

At the same time, the budget's *sacrifice of further support* for education can be illustrated by considering two levels of education. The program for education of children from low income families (Title I of the Elementary and Secondary Education Act) is allocated $1.3 billion—a $74 million increase over 1970. This will probably not even offset the effects of inflation and needed increases in teachers' salaries. The number of children served would be level at 7.9 million.[15] And for *higher education* there are *drastic cuts*. The programs to aid construction of facilities would fall from $580 million to $100 million, despite increasing enrollments and rising costs.[16]

The Administration proposes badly-needed

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increases in manpower programs. It would provide for enrolling 200,000 additional persons in these programs. At the same time, it is projecting *unemployment increases of as much as 700,000*, or more. But, there are practically no new jobs to be created under the budget.

The *stand-pat posture* towards the cities is illustrated by the fate of the urban renewal program. According to the Budget, this program "remains the primary tool for helping cities and towns convert slums into attractive productive areas."[17] So vital a task ought to be given a high priority—and deserving *substantially greater resources*. Yet the Budget announces that "the 1971 request for $1 billion of budget authority will continue the program at the 1970 level."[18] The majority of Americans, silent and otherwise, live in urban areas. They know only too well how critical the need has become to do more and to do it more urgently.

The budget proposes a mere $33 million for programs of the Bureau of Narcotics and Dangerous Drugs.[19] The much-heralded increase to $480 million for the Law Enforcement Assistance Administration brings appropriations to *less than half the level authorized* for 1971 by the previous Administration. Expenditures would lag even further behind—at $368 million.[20]

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We believe the time has come to do more than talk about re-ordering our priorities. The Congress made a good start last year. Let us now *really bring America's priorities into line with her needs*. To achieve this end we urge:

A careful pruning of the defense budget to find where spending should be *substantially reduced*. This will free money now for compelling domestic problems; reduce inflationary pressure; make sure we do not escalate the arms race; and avoid laying the basis for ever-greater and more wasteful defense budgets.

Significant, *new tax reform measures*.

The use of part of these savings to generate a more *realistic and responsible budget surplus*.

The use of the balance of such savings to:

Attack air and water pollution;

Meet the crises in education and in the cities;

Create more jobs;

Fight crime and drugs;

We know that Congress will examine this budget in great detail. But we ask that our fellow Democrats, and indeed all Americans, also look at it with care and with concern for the priorities it reflects. It charts the course for our country for the years to come. Passive acceptance of the Administration course can lead only to a *dead-end and national decay*. Instead, we must work together to chart a different course to a different vision where people—their pocketbooks, their schools, their cities, their air and water, their hopes and aspirations for a better life—take priority over an obsessive concern about unlikely military threats.

Respectfully submitted,
MERTON J. PECK,
Senator WALTER F. MONDALE,
PAUL C. WARNKE.

FOOTNOTES

[1] *The Budget of United States Government*, p. 592. Henceforth cited as *Budget*.

[2] *Budget*, p. 11.

[3] *Special Analyses of the Budget of the United States*, Fiscal Year 1971, p. 103. Henceforth cited as *Special Analyses*.

[4] *Ibid*.

[5] *Budget*, p. 122.

[6] *Budget*, p. 121.

[7] *Budget*, p. 70.

[8] *Budget*, p. 50.

[9] *Budget*, p. 17.

[10] *Budget*, p. 86.

[11] *Budget*, p. 85.

[11a] Report to the Congress by the Comptroller General of the United States on "Status of the Acquisition of Selected Major Weapons System." February 6, 1970.

[12] *Budget*, p. 108.

[13] *Ibid*.

[14] CEA, *Annual Report*, 1969, p. 202.

[15] *Budget*, p. 141.

[16] *Budget*, p. 138.

[17] *Budget*, p. 133.

[18] *Ibid*.

[19] *Budget*, p. 379.

[20] *Ibid*.

SHULTZ EXPOSES OIL MYTHS

Mr. PROXMIRE. Mr. President, Secretary of Labor Shultz who chaired the Cabinet Task Force on Oil Import Control and who was the only professional economist member of the group testified yesterday before Senator HART's Subcommittee on Antitrust and Monopoly.

Secretary Shultz exposed the oil industry's arguments for what they were—myths perpetrated to protect a subsidy.

He pointed out that under the most extreme case that can rationally be postulated—no Middle Eastern or Western Hemisphere oil for a whole year—we could let oil prices sink to $2.50 a barrel and still supply ourselves with 92 percent of our total needs without rationing. If we instituted relatively mild rationing, we could supply more than we need by ourselves.

Despite this finding by President Nixon's own panel of experts, the President chose to postpone a decision on changing the present oil import program until after the election. Why? The reason is, I think, clear: The only justification for limiting the amount of oil that can be imported is national security and there is no national security justification for the present program. Rather than offend his most generous campaign contributors, President Nixon took the political way out by postponing a decision until after the election even though the program is costing the American consumers about $5 billion a year and is clearly fueling the fires of inflation.

However, rather than go into detail about Secretary Shultz's brilliant presentation, I ask unanimous consent that Spencer Rich's article in the Washington Post, which ably summarizes the Secretary's testimony and the Secretary's prepared statement, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SHULTZ CALLS OIL QUOTA NEEDLESS

(By Spencer Rich)

Secretary of Labor George P. Shultz said yesterday the oil import quota system "does not reflect national security needs, present or future, and is no longer acceptable.

"Besides costing consumers an estimated $5 billion each year ($8.4 billion per year in 1980), the quotas have caused inefficiencies in the marketplace, have led to undue government intervention and are riddled with exceptions unrelated to national security," Shultz told the Senate Antitrust Subcommittee.

A Cabinet committee headed by Shultz recently recommended scrapping the import quota system in favor of a tariff mechanism that would allow more oil to enter and let U.S. prices drop 30 cents a 42-gallon barrel. But President Nixon has taken no action and has not indicated when or whether he will do so.

Shultz said yesterday, "It should be understood that I do not and cannot speak for the President, who has reserved decision for the present on the recommendations of the report."

The oil import quota system was set up by President Eisenhower in 1959 to limit low-cost foreign oil imports, on the theory that U.S. national security dictated that the nation should not become excessively dependent on foreign oil.

Yesterday, Shultz, summarizing the findings of the 9-month Cabinet study, regarded as the most comprehensive ever made on the subject, offered a refutation of every major oil industry justification for the current system.

Under the tariff system recommended by the five-member majority of the Cabinet group, imports from the troubled Mideast would be limited to 10 per cent of U.S. demand annually, and tariffs would be fixed so that the wellhead cost of U.S. oil would drop from $3.30 a barrel to $3—a change that would drop the price of gasoline at the refinery by about four-fifths of a cent a gallon, according to Dr. John Blair, economist for the Antitrust Subcommittee.

Shultz himself favors fixing the tariffs so that the wellhead price would go down another 50 cents a barrel to $2.50, which would push the gasoline price down another 1.36 cents.

The oil industry has always argued that low domestic prices would mean a dangerous fall in domestic supplies, but Shultz indicated that Cabinet committee studies did not bear this out.

If the $2.50 system were adopted, he said, then by 1980, even if all Latin American and Mideastern supplies were cut off for one full year, "the U.S. and Canada together would be able to satisfy 92 per cent of their demand without rationing and more than 100 per cent with rationing."

Shultz also said:

The oil industry would not find it impossible to finance discovery of new oil reserves if a tariff system were installed and lower prices resulted. Money now spent on exploring and developing wasteful marginal oil properties would be diverted to higher-return activities. Excessive bonuses paid to landowners for the right to drill also would come down. Per unit costs would be reduced by removing artificial production limitations in Texas and Louisiana designed to keep prices up.

Lower oil prices will not cause a shortage of natural gas, which is often found in conjunction with oil, by reducing new discoveries, as claimed by Interior Secretary Walter J. Hickel and Commerce Secretary Maurice H. Stans in their two-page minority report to the lengthy Cabinet study. Large new supplies of natural gas should soon be available from Alaska, Shultz said, and in addition, increases in natural gas prices would stimulate new exploration for gas alone without the need to raise oil prices.

The national economy as a whole would not be hurt; in fact, high oil prices helping feed inflation would be reduced. Consumers would save $1.6 billion a year by 1975 under the Cabinet group recommendations, and the tariffs would generate $500 million a year for the government.

HAWAII'S FIGHT AGAINST RUBELLA

Mr. FONG. Mr. President, in view of the nationwide and worldwide concern about rubella, sometimes called German measles, I thought my colleagues would be interested in Hawaii's antirubella program. The State's massive effort to eradicate rubella has been spearheaded by Dr. Scott B. Halstead, an internationally known virologist who is in charge of the University of Hawaii School of Medicine's Department of Tropical Medicine and Medical Microbiology.

Dr. Halstead, while at Yale University, had heard rumors that Hawaii had the highest rubella susceptibility rate of any major populated area in the world. Upon his arrival in Hawaii, in 1968, the existence of a "disastrously dangerous situation" was confirmed.

The saying that "so few have done so much in so short a time" is most apropos as it concerns Dr. Scott B. Halstead, his research staff, Dr. Sharon Bintliff of Kauikeolani Children's Hospital, and concerned community leaders and organizations. Since 1968, they have succeeded in inoculating one-half of Hawaii's children, all military personnel and dependents and are now working on a program to inoculate all children in the State of Hawaii.

At one time, rubella was considered to be an innocuous disease causing little concern. Scientific research has since proven rubella to be especially dangerous to pregnant women and to women who are planning to have children and who are susceptible to this disease.

The last major rubella epidemic in the United States—1964 and 1965—afflicted an estimated 30,000 would-be mothers. Abnormal pregnancies and the birth of children—"rubella babies"—with serious congenital defects such as blindness, deafness and serious heart ailments were the tragic consequence of this epidemic.

Since then, a vaccine was developed that produces immunity without causing the disease. With U.S.-licensed vaccine now available, a nationwide effort is being made to forestall repetition of such tragic consequences from the next rubella epidemic which is expected to strike this year and next year. Mass inoculation programs are underway to immunize children and other susceptible persons against rubella. It is expected that the epidemic will be substantially ameliorated and that most pregnant women will be protected from this disease which can inflict such serious and permanent damage on an unborn child.

Hawaii's well-advanced programs are described in an article entitled, "Isle Researchers Winning Fight Against Rubella." This article was written by William Helton, science writer, for one of Hawaii's fine newspapers, the Honolulu Advertiser and published on February 24, 1970. I ask unanimous consent that the entire article be printed in the Congressional Record at this time.

There being no objection, the article was ordered to be printed in the Record, as follows:

ISLE RESEARCHERS WINNING FIGHT AGAINST RUBELLA

(By William Helton)

The State's massive effort to wipe out rubella, or German measles, is a perfect example of what a medical microbiological research group—and a school of medicine—can do for a community.

This is the view of Dr. Scott B. Halstead, head of the University of Hawaii School of Medicine's department of tropical medicine and medical microbiology.

Sitting in his developing laboratory facilities at Leahi Hospital, where he had been overseeing the installation of an air conditioning unit, Halstead described the effort to rid the State of rubella and his role in it.

It began when Halstead, an internationally respected virologist, was at Yale. There, he heard rumors that Hawaii had the highest susceptibility rate of any major populated area in the world.

Halstead arranged to obtain some serum samples from Hawaii soldiers undergoing training in California. Initial results indicated there indeed was a "curious situation" in Hawaii.

Arriving here in September, 1968, Halstead soon confirmed the existence of a "disastrously dangerous situation," particularly among women of Japanese ancestry who were most susceptible.

Indeed, Halstead found that about 75 per cent of all women of Japanese ancestry were susceptible to the disease. If not destroyed, rubella could have been responsible for untold numbers of birth defects—ranging from deafness and blindness to serious heart ailments.

In March, 1969, Halstead in cooperation with the State Department of Health, decided to do something about it. Armed with his research, he set off for New York and the national headquarters of the National Foundation of the March of Dimes.

His goal was to get Hawaii designated as an area for an attack on rubella, using a vaccine newly licensed by the U.S. government.

He struck out in New York, but on the same trip he went to the National Communicable Disease Center in Atlanta. The result of that visit was a shipment of 15,000 free doses of vaccine here.

Initially, the vaccine was to be administered to school children on Maui, Kauai and the Hilo district of the Big Island, to test the long-range ability of the drug to ward off the disease.

In May, 1969, Halstead, along with Dr. Sharon Bintliff, of Kauikeolani Children's hospital, organized a cooperative Committee to Eradicate Rubella in Hawaii. They are now co-chairmen of that committee.

The committee's work has led to more vaccine for the State. The military has received free vaccine for all dependents, and, finally, all children, from 1-year-old to puberty, were to be vaccinated at no cost.

All told, Hawaii has received three times more vaccine than any other state. Almost half of Hawaii's 185,000 children have been vaccinated. Plans are to inoculate all of them to protect their mothers.

Moreover, Halstead is pushing for expansion of the program to include everybody. He says that 70 to 80 per cent of the post-pubertal group also is susceptible to the disease.

Related to this, Halstead hopes, if funds are available, to begin a program aimed at serum testing all Island women.

"It would let a woman know if she were immune or susceptible to rubella. If she is susceptible, she could take the option of getting vaccinated before she begins her family, Halstead said.

Another aspect of the rubella program Halstead is involved in—in addition to testing various vaccines the government is considering for licensing—is the analysis of babies who are suspected to be "rubella babies."

Six babies were born recently with birth defects—primarily cataracts—believed to have been caused by rubella. There may be more, Halstead says, because some defects become noticeable only two years or so after birth.

"For these babies, the doses came too late," he said.

Halstead said his laboratory is the only "competent one" in the State for doing this and other analyses of infectious diseases. It is the only source of virologists trained on the graduate level. Even the Department of Health has none.

The two medical doctors and six PhDs in the department have done all this work using virtually no State funds. Only Halstead receives a portion of his salary—some $7,000—from the State.

All the teaching, the research and most of the equipment, were bought with Federal money, Halstead said.

"We are operating completely on money we generated ourselves," is the way he puts it.

The department is doing more than research on rubella with that money. Here are some of the examples of the other projects undertaken by the department:

Curiously, infectious mononucleosis, a disease purported to be spread by kissing, is virtually absent here. In cooperation with Dr. Donald Char, of the University student health service, the department is trying to find out why—whether it is due to cultural or genetic reasons, for example.

Dr. Robert Desowitz is working on malaria, still the most prevalent disease in the underdeveloped world. Using animals, he is trying to discover the mechanics of the disease—"what it does to make you sick."

Eventually, of course, the hope is to apply this knowledge to development of better ways of treating the disease and better vaccines for wiping it out.

Desowitz also is engaged in research on a deadly disease called hemorrhagic fever, a virulent malady that takes a heavy toll of deaths in Southeast Asia each year. About 6,000 infants died of it in Thailand in 1969.

The disease is spread by a mosquito called aedes egyptis. Its symptoms of skin hemorrhages, nose bleeds and bloody vomiting lead to death in half the victims it strikes.

Thus far, there is no vaccine against the disease. Desowitz is involved in basic research that could lead to one.

In addition, the department has been designated as a counterpart to a similar department in the developing medical school at the University of Saigon. This involves an exchange of ideas and faculty members.

The idea is to help the Saigon medical school get on its feet.

According to Halstead, Vietnamese medicine is where French medicine was 25 or 30 years ago. One of the good things that might come out of the Vietnam war is the upgrading of medical care there, he said.

This, Halstead believes, can be accomplished by instilling into the Vietnamese the open-mindedness of American medicine.

"Diseases have causations and you can correct this specifically by the intelligent use of laboratories and drugs. But you have to have an open mind. You have to judge each case individually.

"You just can't administer medicine according to rules you have been taught. They are killing patients left to right by the overuse of medication."

Halstead believes his department may be able to help change this.

CLAIMS OF NATIVE ALASKANS

Mr. HARRIS. Mr. President, the Committee on Interior and Insular Affairs is now considering legislation to settle the claims of the native people of Alaska. The committee and its leadership are to be commended for their recognition of the necessity that Congress act now to provide settlement delayed for 102 years.

All of us are aware that this legislation is of critical importance to the native people and to all Alaskans. But its significance extends far beyond Alaska's borders.

Each day our deliberations here reflect and focus an agonizing process in which all Americans are engaged—that of re-examining, redefining and rediscovering the moral standards on which our national policies and priorities at home and abroad are based. This process of self-examination is the fundamental fact of national social and political life.

It is in this context that the broad significance of Alaska native claims legislation becomes apparent.

In the rush toward manifest destiny in the lower 48 States, by treaties and statutes—and, indeed, by force of arms—we took Indian lands. We extinguished their native titles to land and confined Indians in ways which were designed to destroy their cultures and patterns of life. In return, we paid them a bit of money and encumbered their lives and spirits with the white man's paternalism and control.

I am sure all Members of the Senate share with me a feeling of shame for this history and a deep sense of frustration that our more recent attempts to alter the results of that history have met with little or no success.

The native people of Alaska, on their own initiative and after counseling and agreeing among themselves, now present this Congress with the unique opportunity to apply high standards of national policy, avoiding the errors of that sad history. They offer us the means to enact sound precedents for the future and to do justice.

As a matter of law the native peoples own outstanding, unextinguished aboriginal title to approximately 93 percent of Alaska. Their claim, therefore, rests not only on moral ground but also on firm legal ground. There can no longer be any reasonable doubt as to that firm legal ground. Most recently, on December 19, 1969, the U.S. Court of Appeals for the Ninth Circuit, in Alaska against Udall and Alaska against Native Village of Nenana, affirmed the natives' position: That their aboriginal rights were preserved in the Alaska Statehood Act; that the power of Congress to confirm to the natives interests in those lands was preserved in the Statehood Act. The opinion also casts substantial doubt on the authority of the Secretary of the Interior to have issued any patents to the State on native lands without first having conducted hearings to determine validity of native claims.

In the bill the natives framed, which is now being considered by the committee, they say to us: Here is the legality and morality of our claim. They propose now for the benefit of all Alaskans, and in order to enhance the development of the vast potential of that State, to settle their legal claims by the passage of this bill. They ask in return, not for charity, but for compensation for what is theirs.

When we consider the value of the State of Alaska in 1970, what the native people ask in compensation seems modest indeed. They ask us to pay them $500 million in cash over a period of 8 years with interest on the unpaid balances. They ask us to confirm for the native villages fee simple title to 40 million acres of land from the public domain to which they now have aboriginal title. They ask us to provide that from the proceeds of sale of resources from the remainder of the public domain, to which they also have aboriginal title, they be given a royalty of 2 percent.

We see the modesty of their asking price when we recall the generosity of Congress to the State of Alaska when Congress passed the Alaska Statehood Act in 1958. From the public domain of 365 million acres we gave the State the right to select 103 million acres. From the remainder of the public domain, we gave the State 90 percent of the revenues from minerals and liberal portions of receipts from other important resources. In only one sale of oil and gas leases on the North Slope the State of Alaska received $900 million in lease bonus payments. All agree that we have seen only the beginning discoveries of Alaska's vast mineral resources.

The settlement bill proposed by the natives also provides for machinery to insure that the assets secured to the natives as compensation will be preserved and managed by the native people and for their benefit now and in the future. They propose a system of economic development business corporations with affiliated nonprofit corporations. The directors of these corporations would be elected by the natives who would be the corporate shareholders. These directors would then hire expert management and would be required to look to the native villages and tribal groups for diagnosis of local problems and for local solutions. The crucial point here is native control of their own assets and of their own destiny.

In the past few years, we have heard several sound pronouncements of national policy with respect to the future relationship between the Federal Government and its Indian and native citizens. Much of this rhetoric has dealt with Indian self-determination. On March 6, 1968, in history's first special Presidential Message to Congress on Indian affairs, President Johnson spoke sensitively of the need to preserve for the Indian people the option of pursuing forms of traditional life or of changing their lives; of being permitted to manage their own affairs and of being allowed in the course of that management, the opportunity to make their options realistic by building viable Indian economies.

The natives of Alaska have proposed a sound system by which Congress, while settling their claim, would erect machinery by which the native peoples would control their own property and destiny and have the opportunity to build viable Indian economies.

We hear it asked: Are they ready? This question has been asked about Indian people throughout our history. The answer is clear: They are ready. Not every small non-Indian community in the United States has among its citizens people who are experienced at administering the school system or managing public funds or planning public services. But who would deny the right of the voters in those white communities to elect school boards and city councils and boards of county commissioners who are then charged with hiring school superintendents and city managers and county executives, who do have the necessary expertise. This same right is now demanded by the natives of Alaska. In this way, the Alaska natives propose to the Congress a system which may serve as a valuable precedent for reordering the relationship between the Federal Government and all American Indians—for implementing the principle of Indian self-determination.

No one seriously questions either the legality or morality of the claim the Alaska natives present. The price they ask for their claim is reasonable. At this late moment in the history of our dealings with the Indians, it cannot be questioned that they have the right to determine the direction of their own affairs and destiny.

When the National Council on Indian Opportunity met on January 26, 1970, the Indian members of the Council prepared a statement of recommendations. The justice of the claim of the Alaska natives is recognized in the statement wherein it is declared:

> Justice requires that the settlement embrace the proposals set forth by the Alaska Federation of Natives which contemplates:
>
> 1. That fee simple title be confirmed in the Alaska Natives to a fair part of their ancestral lands.
>
> 2. That just compensation for the lands taken from the Natives include not only cash but also a continuing royalty share in the revenues derived from the resources of such lands.

I agree with this recommendation, and I commend to the serious attention of all Senators the settlement proposal framed and advanced by the native peoples of Alaska.

Today, I have written the distinguished Senator from Washington, the chairman of the Interior and Insular Affairs Committee (Mr. Jackson), commending the committee for its work and urging that prompt action be taken on this matter. I ask unanimous consent that the letter be printed in the Record.

There being no objection the letter was ordered to be printed in the Record, as follows:

U. S. Senate,
March 4, 1970.

Hon. Henry M. Jackson,
Chairman, Committee on Interior and Insular Affairs, Washington, D.C.

Dear Mr. Chairman: I wish to express to you and all members of the Interior and Insular Affairs Committee my appreciation for your recognition of the importance of the Alaska Native Claims legislation now being considered by the Committee.

I also appreciate your understanding of the urgency that the Congress act on this legislation as early as possible during this Session. We all know that the matter has been postponed for 102 years and, more immediately, that the "freeze" on State selections of land imposed by Secretary Udall and continued in effect by Secretary Hickel pointed up the need for urgency to the Congress. Now the United States Court of Appeals for the Ninth Circuit has recently added to the reasons why this Congress must give priority to legislative settlement of the Native claims.

I am certain you share with me the view that the Court's opinion on December 19, 1969, in *Alaska* v. *Udall* and *Alaska* v. *Native Village of Nenana* makes even more clear that development of the State of Alaska and the interest of the Native people require fast action. The opinion also supports the legal basis of the Natives' position that their aboriginal rights were preserved in the Alaska

Statehood Act and; that the power of the Congress to confirm to the Natives' interests in their aboriginal lands was also preserved in the Statehood Act. There can no longer be any reasonable doubt that the Congress can confirm to the Natives' revenue sharing interests even in selected or tentatively approved lands.

On January 26, 1970, the National Council on Indian Opportunity met and the Indian members of the Council made a presentation at the meeting which related to numerous items including the Alaska Native Claims. In this regard it was stated:

Justice requires that the settlement embrace the proposals set forth by the Alaska Federation of Natives which contemplates:

1. That fee simple title be confirmed in the Alaska Natives to a fair part of their ancestral lands.

2. That just compensation for the lands taken from the Natives include not only cash but also a continuing royalty share in the revenues derived from the resources of such lands.

I agree with this recommendation, and nation-wide interest and concern are growing over the necessity for a quick settlement by legislation which will fully compensate the Native people. I urge the Committee to take favorable action on this vital matter as soon as possible.

Sincerely yours,

FRED R. HARRIS,
U.S. Senate.

OUR RAVAGED NATURAL ENVIRONMENT

Mr. MUSKIE. Mr. President, the people of the United States today are becoming increasingly aware of the extent to which we have ravaged our natural environment and of the urgency of taking steps to correct a situation which threatens our very survival. This environmental conscience holds great potential for our land, our air, our water, and our own future together.

But awareness of the problem is not enough. It is the immediate responsibility of the lawmakers of our country to mold the voices of this conscience into a strong and workable national program.

Equally essential as action by the Federal Government is initiative on the State level. We cannot overemphasize the role which the States must play in cleaning up our environment.

On February 13, Gov. Marvin Mandel delivered an environmental message to the Maryland General Assembly worthy of note by leaders of all States. The program outlined by Governor Mandel in this address reflects a keen sensitivity to all aspects of this problem—fiscal, logistical, and political—as well as a determination to clean up the State of Maryland whatever the cost.

In offering a broad program of legislative proposals, Governor Mandel has set an example of which we should all be aware. I therefore ask unanimous consent that the text of this address be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

REMARKS OF GOV. MARVIN MANDEL

Mr. President, Mr. Speaker, Ladies and Gentlemen of the General Assembly, My Fellow Marylanders:

It is a rare intrusion when a Governor feels compelled to come before the General Assembly—and the people of Maryland—twice during the first month of a Legislative session.

I felt this extraordinary step was necessary, because we have an extraordinary opportunity.

Our citizens are convinced that the course of society is moving us relentlessly toward an environmental catastrophe.

The most frightened among them are being persuaded that man as a species will vanish in a cloud of industrial haze, or in a flood of polluted water.

I come before you today, not as a prophet of doom—nor as a fiery evangelist of the latest social crusade.

I am here to talk common sense.

At the outset, let me say that I come before you with pride in what Maryland already has accomplished, and with confidence in Maryland's future actions in the field of environment protection.

Let me ask a question.

How often have we heard Maryland cited as a horrible example of what pollution has done to a state?

The Chesapeake Bay is not Lake Erie. It is alive and productive.

Unlike the Delaware Estuary, the Bay's oxygen supply has not been choked off. Rockfish are flourishing.

And unlike the Raritan Bay, there has never been a case of disease traced to shellfish from Maryland waters in modern times.

The reason for this is that Maryland began planning while much of the nation remained indifferent. Maryland began acting while the Federal Government talked.

For more than half a century, the renowned Abel Wolman has been devoting his wisdom and his energies to the conservation and improvement of Maryland's environment.

In the early part of this century, Baltimore City tore up its streets to separate its storm and sanitary sewers, and to build a sewage treatment plant that at that time was the most modern in the world.

Easton showed the State how oxidation ponds could be used to purify sewage, and at the same time pioneered the use of modern sanitary landfill.

St. Michaels built a modern sewage treatment plant to protect its harbor and its shellfish industry long before Federal and State grants became available.

Charles County Community College is the nation's foremost institution for training environmental workers. Ironically, only a few years ago, one of its applications for Federal assistance was rejected with the explanation that training in environmental skills was a local problem of no national significance.

Allegany County was able to install sewer systems through its mountain ranges, while many areas of the nation still have not run pipelines across their flatlands.

Frostburg has shown the world how trash can be used to restore land by using abandoned strip mines to dispose of solid refuse.

That City's scientific approach to the problem has been studied by experts from around the world.

Does this appear as though we have been neglecting our environment?

If this were the case, then I could join the chorus of doomsayers, and tell you that by the end of the decade man will evaporate in an overabundance of his own waste.

This is but a small example of what Maryland's towns, its communities, and its cities have done to solve their own environmental problems. In many of these efforts, they received financial support and technical guidance through various State programs.

But I said I am here to talk common sense.

I will not stand before you and say that mistakes have not been made—that we have not abused our air, our water, our land.

We are living on the ugly side of abundance.

In contrast to the Bay, we have turned our rivers and harbors into open sewers.

We have left trash heaps smoldering on the outskirts of our residential areas.

We have filled the air with noxious gases and smoke.

We have uprooted trees, and scraped the crust off the earth.

We have gouged our mountains for coal, and left poisonous acids bleeding into our streams.

But we recognized the foolishness of these errors, and we moved with forceful legislation to correct them.

So that there be no misunderstanding, I do not pretend that pollution does not exist.

What I am saying is that through the bold and visionary actions taken by this General Assembly, Maryland has begun to check the spread of pollution and, in many cases, to reduce the accumulated neglect of 300 years.

While present laws are adequate to correct the errors of the past, they will not serve to prevent the problems of the future.

The legislative program I will outline for you today may require Maryland to solve its problems without the benefits of the promised Federal partnership.

Like many of you, I paid careful attention to the President's message on the environment earlier this week.

While I was encouraged that he recognized our problems, I was shocked to learn that he proposes reducing by 20 percent—or one-quarter billion dollars—the annual Federal contribution to water pollution abatement programs.

In addition to the reduction in dollars, the President also intends to reduce the level of Federal support from 55 to 40 percent.

However, there was some small consolation in the President's message. It was gratifying to learn that he proposes to dispose of junk cars through a bounty plan, which my Administration sponsored—and this General Assembly enacted—last year.

Perhaps the Federal Administration's awareness of environmental problems was best summed up by one of its officials who was quoted in yesterday's Washington Star:

"The states gambled that the government would appropriate funds. They lost."

How can we have confidence that future joint ventures with the Federal Government will be more reliable when they refuse to honor past commitments?

It is clear that we must plan—and act—with a commitment to our citizens, and to our future, rather than to a batch of unredeemed IOU's.

The legislation I am proposing to you today is a commitment to that future. It will:

Revamp our methods of managing liquid and solid wastes.

Extend soil conservation practices to all land uses throughout the State.

Provide an effective method of financing shore erosion control projects.

Attack the problem of acid drainage from abandoned mines.

Continue the State's generous participation in the construction of sewage treatment plants.

And strengthen our air and water pollution control laws.

In addition to these new measures, I urge you to adopt a Wetlands Bill along the lines recommended by the Legislative Council.

It is also essential that a multi-state approach be taken to protect the Potomac and Susquehanna Rivers.

The Compact among Maryland, New York and Pennsylvania, which we ratified years ago, is languishing in Congress.

I have been actively prodding Federal officials to help get the necessary Congressional endorsement of this agreement.

The Potomac Compact, a crucial step in our quest to upgrade this waterway, is now before the General Assembly. I urge you to act favorably on this measure.

Along with recommending these legislative proposals, I am exercising executive prerogatives to make our existing laws more effective, and to give Maryland a unified approach to conservation and environmental control.

I am preparing an executive order creating the Council on Maryland's Environment and specifying its duties.

I also have instructed the Secretary of Health and Mental Hygiene to participate as a party in all cases involving Maryland's interests before the Atomic Energy Commission.

In addition, I am requesting the Attorney General to join in defense of Minnesota's efforts to draft stricter radiation standards than the Federal Government requires.

If this power can be established by the states, Maryland will exercise it.

The Secretary of Natural Resources will prepare a complete and coordinated plan for research and monitoring of atomic power plants on the Chesapeake Bay.

I have asked the Secretary of Planning to move as rapidly as possible to enable the Chesapeake Bay Inter-Agency Planning Committee to produce a comprehensive plan for the use and protection of the Bay.

The Open Space Program, which was enacted by the General Assembly last year, will be implemented as rapidly as funds are received to purchase available recreation lands before they are converted to other uses.

It is essential that public facilities set a good example for compliance with pollution control laws.

Accordingly, I am directing the heads of all State agencies to review practices at every installation, and to file plans for compliance with the appropriate regulatory agency.

I have instructed the Secretary of Planning and the Director of Public Improvements to give the highest priority to the funding of needed pollution control facilities—and I am asking the Board of Public Works to endorse that policy.

Until recently, pollution of the air was increasing dangerously.

1969 marked a significant turning point. Action was taken not only to halt the further fouling of the air, but to reduce current levels and to prevent serious build-ups in the future.

Methodically, all open burning dumps in the State are being eliminated.

A ban on open burning, a tax on automobile hulks in junk yards, and a cash incentive for turning junked cars over to scrap processors have begun to bring the problem of the abandoned automobile under control.

In conjunction with the National Air Pollution Control Administration, we have taken the first step to restore clean air to the Washington and the Baltimore metropolitan areas.

Strict limitations have been placed on the sulphur content of all fuel oil. The sulphur content of coal is regulated where it is used in large industrial burners.

Discharge of smoke and soot has been outlawed so that emissions from power plant stacks in the future will be invisible.

In the case of older plants, improvements have been scheduled over a period of time so that the clean-up can be accomplished smoothly and quickly, without interrupting the supply of power.

During 1969, activities more than doubled under the State's air quality program, and further upgrading and expansion is scheduled for this year.

Local air pollution control programs also are being strengthened and coordinated with State programs.

During the past year, information was obtained on more than 1,600 actual or potential, sources of air pollution. One hundred of the largest sources were screened for detailed evaluation and enforcement procedures.

As a result of this effort, 20 compliance plans have been submitted to the Department of Health and Mental Hygiene. Five of these compliance plans—including the Baltimore Gas and Electric Company and the Potomac Electric Power Company—have been approved.

Modification of these facilities to greatly reduce pollution is now underway.

The Bethlehem Steel Company's plan is near final review, and approval is expected within a few days.

It is worth noting that these three firms alone are legally committed to invest about $72 million to fight pollution over the next several years.

This is not a penalty. This is progress.

And to assure continued monitoring for possible infractions of the Air Quality Control Law, I am asking you to enact legislation that will simplify enforcement procedures of the existing safeguards.

At this point, Federal law prevents the states from pre-empting standards to control pollution emissions from automotive exhausts.

No state in the nation has a water pollution control program that is more effective than Maryland's.

In 1966, for example, Maryland enacted legislation which requires that each of the 24 major subdivisions develop comprehensive 10 year water supply and sewerage plans by January 1, 1970.

Today I am recommending that the water and sewerage planning act be amended to require parallel planning for solid wastes disposal.

The legislation that I am proposing to you is a bold, new approach.

The environmental Services Act of 1970 will create a public utility-type agency to provide waste treatment services on a wholesale basis.

It could be described as a statewide sanitary district that is required to provide solid waste disposal and sewage treatment plants for our communities and industries.

The proposal protects the existing authority and control that local governments exercise over land uses and other social and economic objectives.

But the new service would be required to provide the facilities to treat liquid wastes and to dispose of solid wastes when, and where, those services are needed.

One of the most valuable features of the water and sewerage planning act was authorization for the State to share in the financing of the planning costs.

I am recommending that this same cost-sharing plan be adopted for the solid wastes program.

The Water Quality Loan Act of 1968 was passed as part of a comprehensive water pollution control program.

That program has been highly successful with one exception—the default in Federal funding.

The lag in Federal grants for construction of sewage treatment plants has received much attention. Virtually unnoticed, however, is the default in Federal funds to support regional river basin planning.

I am proposing, further, that county sanitary commissions be permitted to carry out the same kind of regional and county-wide projects in solid wastes that they are now authorized to develop for water supply and sewerage service.

The changes I am recommending will free planning money, so that Maryland will not be held back by the inadequate Federal program.

Also, we will be permitted to use money on State water pollution control facilities without applying for Federal assistance.

Since all of the authorized loan money will not be needed in the coming year, I am asking for the authority to use part of that money to make grants for sewage treatment plants.

By making this transfer of funds, we can continue our momentum toward the 1971 goal without authorizing additional bond sales.

The Federal authorization expires in 1971, when we can expect major revisions in the Water Pollution Control Act.

For this reason, it seems prudent to make these temporary adjustments.

In addition, I am recommending legislation which would provide assurance that privately owned and operated landfills would not be abandoned in an unsightly and unusable state.

For too long, we have placed the major burden of soil conservation on the farmer.

Through the State committee and the soil conservation districts, our farmers have acted as good stewards over soil agricultural use.

But silt resulting from improved land development is in many cases a major source of water pollution.

It is time that the lessons we learned on the farm are applied to highway construction and subdivision development as a general rule rather than as the exception.

Rather than create a new agency, the proposed Shore Erosion and Soil Conservation Act of 1970 will make wider use of the soil conservation districts.

This concept already has been pioneered in Montgomery County and in the Patuxent River Basin. Last year, the General Assembly enacted a soil conservation measure limited to the Patuxent Watershed. That measure has proven effective.

The proposed legislation will extend the Patuxent program to all soil conservation districts in Maryland.

It will move the State Soil Conservation Committee from the Department of Agriculture to the Department of Natural Resources.

This will in no way diminish the Committee's service to agricultural interests.

In the shore erosion portion of the bill, we could assure the protection of State-owned lands by the General Assembly. The General Assembly will be able to take the initiative when private owners cannot—or will not—act. In most cases, private owners will act, and I am proposing an innovative method of sharing the cost of erosion control works with them.

Under the cost-sharing proposal, the State will assume the cost of engineering work.

Actual construction costs would be paid in most instances by means of an interest-free loan from the State.

The loan would be assessed to the properties benefitted, and the principal recovered with the tax payments over a period not to exceed 25 years.

Recent legislation has greatly improved our ability to control acid drainage from active coal mines.

A major problem remains with inactive or abandoned mines which continue to seep acids into our streams.

It appears that this problem can only be corrected at public expense.

Therefore, I am proposing the enactment of the Abandoned Mine Drainage Act of 1970 to provide authority to sell $5 million in bonds.

This would be used to abate drainage from mines on public land. In addition, it provides for the purchase of land on which abandoned mines are located.

After the drainage is abated and the land is restored to useful purposes, the proposed legislation provides that it may be retained by the State, transferred to local governments, or returned by sale to private ownership.

All transfer of land would take place through actions of the Board of Public Works.

The program I have outlined for you is but a small repayment to nature for the violence we have done to it.

Our environment is as much a part of our heritage as our culture. We must nurture it, and protect it, so that it can be passed on to coming generations.

The commitment of the people of Maryland to the case of environmental quality is a commitment to the quality of life itself.

It is quality that the people of Maryland seek, and I am certain that the members of the General Assembly are equal to the challenge—as they always have been.

ABA'S STANDING COMMITTEE ON WORLD ORDER UNDER LAW RECOMMENDS RATIFICATION OF GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, at its recent meeting in Atlanta, the American Bar Association by a narrow margin failed to endorse ratification of the genocide convention. In failing to support ratification, the ABA rejected the unanimous advice of its Standing Committee on World Order Through Law as well as the advice of its sections on Individual Rights and Responsibilities, Criminal Law and Constitutional Law.

It is unfortunate that ABA should choose this moment to override the report of one of its more prominent standing committees, headed by former Attorney General Nicholas Katzenbach. I have previously discussed the report of the ABA section on Individual Rights and Responsibilities which also strongly endorsed ratification. The Standing Committee on World Order Under Law was equally strong in its endorsement:

> Whereas, in the field of human rights the United States of America has exercised significant leadership; and
>
> Whereas, the Charter of the United Nations, in the drafting of which the United States played a major role, pledges all Members to take joint and separate action in cooperation with the Organization for the achievement of . . . universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion; and
>
> Whereas, it is in the National interest of the United States to encourage and promote universal respect for and observance of human rights and fundamental freedoms.
>
> Be it resolved that the American Bar Association favors the accession of the United States to the Convention on the Prevention and Punishment of the Crime of Genocide; and
>
> Be it further resolved that the Chairman resolution be forwarded by the Secretary of this Association to the President of the United States, the Chairman and members of the Foreign Relations Committee of the United States Senate, and the Ambassador of the United States to the United Nations; and
>
> Be it further resolved that copies of this or any representative of the Association's Standing Committee on World Order Under Law be authorized to appear before appropriate committees of the Congress, and to cooperate with the executive departments of the Government of the United States, to present the views of the Association as herein expressed.

When the members of the ABA's Standing Committee on World Order Under Law appear before the Senate Foreign Relations Committee, I am confident they will present strong arguments favoring prompt Senate ratification and accession of the United States of America to the genocide convention.

COALITION FARM BILL

Mr. HARRIS. Mr. President, for the first time in recent history all of the major farm organizations, excepting one, have joined together to draft and to promote the passage of a farm bill which they feel will best meet the needs of the Nation's largest industry in years to come.

Times of crisis tend to bring us together for the achievement of common goals and all signs point to a crisis in our Nation's agriculture industry. Production costs continue on the rise, while prices for most farm commodities continue to decline. Since 1945, farm population has dropped from 24.4 million to 10.4 million. The number of farms has fallen from 6 million to 3 million. Although only about 30 percent of the U.S. population lives in rural areas, 40 percent of the Nation's poor people live there. I strongly join with the demands of urban America for government to be more responsive to the needs of the cities and to channel more public resources into the solution of metropolitan problems. But neither do I feel that we can overlook the fact that agriculture performs one of the services that keeps urban life going—providing for the proper supply and balance of food and that declining opportunity in rural areas is immediately felt in the cities through a continued influx of rural people.

Since the establishment of the Department of Agriculture in 1862, the Federal Government and the Nation's farmers have participated in a partnership to guarantee an adequate supply of food and fiber at a reasonable cost to the Nation's consuming public. We are fortunate to have been one of the few nations of the world able to produce food and fiber in abundance, and often in excess of our needs.

Yet this very productive capacity may now pose the greatest threat to the continued strength and prosperity of the agriculture industry and to our continued ability to meet the growing demands for food by our ever increasing population.

We must continue, at least for the present, to strengthen farm prices in order to guarantee a strong agriculture industry. This cannot be done unless we provide incentive for our farmers to control their production, and this requires government action. The present farm program expires this year, and practically everyone agrees that failure to extend the wheat, feed grains, cotton, and dairy programs similar to those now in effect would result in a loss in net farm income of over $5 billion a year.

In the absence of any acceptable farm program proposal from the administration, 27 major farm organizations formed a coalition and drafted proposed legislation calling for the extension and improvement of the 1965 farm program. I am a cosponsor of this legislation, and I am certainly hopeful that the Committee on Agriculture and Forestry, where hearings are now in progress, will report the bill favorably. It is anticipated that the coalition farm bill, if passed, will increase net farm income by $1.3 to $1.4 billion. These income improvements could take place with no increase on the 1969 farm program budget.

The coalition farm bill provides permanent legislation to improve farm income: First by establishing "consumer protection reserves" of wheat, feed grains, soybeans, and cotton, second, by improving price support for feed grains, third, adding a wheat export marketing certificate, fourth, extending authority for Federal marketing orders to all commodities subject to approval by producers, and fifth, by extending and making permanent the class I base plan for milk. The bill also calls for the extension of the wool program and for strengthening the cropland adjustment program. Further, it authorizes an acreage diversion program for rice if the national rice allotment is established at less than that for 1965.

Although eight of the top 10 farming States, ranked according to cash receipts from farming, voted for President Nixon in the 1968 election, his administration has not yet presented an administration farm proposal. There is floating around Congress a bill, which has not yet been introduced, that is known as the administration "consensus" farm proposal. It is no wonder that it has not yet been introduced; it is almost universally unacceptable to farm organizations. Most farm organizations oppose the so-called administration "consensus" farm bill because it gives the Secretary discretionary power to lower price supports to zero if he so desires. Further, there are 82 different provisions in the bill that give the Secretary of Agriculture exclusive authority to make determinations that could be used to lower farm prices. This, in my opinion, is too much power to place in the hands of the Secretary.

A great deal of rhetoric has also come from the administration about a massive land retirement program. This concept was tested under the previous Republican administration and proved to be a failure. Not only was it unsuccessful as a farm program, it proved to be extremely damaging to small towns and rural communities across the country. As farms were taken out of production, thousands of small town businesses were closed. This is a condition which we should not allow to be repeated.

Furthermore, farmers are concerned about other actions by this administration, all of which tend to lower farm prices. Some of these are:

First. Reduction of support price on soybeans from $2.50 per bushel to $2.19 per bushel.

Second. Decreased the effectiveness of the International Grains Arrangement on wheat which resulted in a 15 cent per bushel drop in wheat prices.

Third. Restriction of storage facility loans to the point that they are of little value to the farmer which deprives the producer of a means to prevent forced sales of grain at harvesttime.

Fourth. Decreased acres eligible for diversion payments for wheat and feed grains.

Fifth. Reduction in projection of cotton yields to offset legal increase and program payments.

Sixth. No advance payments. This is badly needed money by producers and is a hardship for producers in preparing for planting. This is especially damaging in these times of tight money.

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Seventh. Stepped up recall of grain under loan which is used to keep prices low. This is a most serious misuse of Government programs to keep farm prices low.

Eighth. Recommended the discontinuation of the agricultural conservation program which provides the funds for cost sharing with farmers for conservation practices carried out on their farms.

Ninth. Recommended the discontinuation of the special milk program for schoolchildren.

It is my opinion that in order to avoid an economic crisis in agriculture, we must have strong leadership. Representatives of practically all the major farm organizations in the United States recognize this necessity and have, therefore, joined together to draft and support the passage of the coalition farm bill which I have cosponsored. Total farm expenses rose about 6 percent in 1969, and predictions are they will continue to surge upward in 1970. Agriculture cannot stand the continuing attrition of higher costs of farm inputs and soaring costs of borrowed capital. Every day, reports come to us of an unusually large number of farm liquidations and auction sales. Unless measures are taken to strengthen farm income this trend will accelerate. We must avoid this, and I feel that the coalition farm bill is the best present answer to this problem. I support its passage, and I call on the President and his administration to do likewise.

Mr. President, I hope Senators will give this matter their serious attention. I am bringing these views of mine to the attention of the Committee on Agriculture and Forestry.

LAOS: PRESIDENT NIXON'S NEW VIETNAM?

Mr. MONTOYA. Mr. President, I have watched an increasing stream of news reports on the worsening situation in Laos with increasing disquiet and misgivings. It is already obvious that American military involvement, already most significant there, is increasing with great rapidity. Further, it is apparent to all who would see that this is being done on express orders of the administration. Such initiative is emanating from the very top and few Americans can approve it or view such policies with equanimity. I must protest this latest series of developments.

The overwhelming majority of Americans eagerly look forward to an end of our involvement in an endless land war in Southeast Asia. Just as it seems that we are making significant progress toward this end, it becomes obvious that such headway is being more than negated by our Laotian entanglement.

Laos is not a viable political entity. Few can or will dispute this claim. It possesses no history of parliamentary institutions or reliable self-government. Instead, it is merely an artificial creation stemming from dismemberment of a defeated colonial empire. It would be straining credulity to ask Americans to believe it was possible to create a viable regime there, much less make it self-sustaining and able to adequately defend its borders. To a large extent, we are faced with another Vietnam-style situation. The quicksand beckons, and it seems as if the President is preparing to leap in, carrying us all with him.

For years now, skirmishes and clashes have been waged across strategic areas of that segment of Indochina. We have supported one shadowy military figure after another, barely maintaining some precarious status quo. It is also true that such involvements and their constantly growing attendant military operations have been kept almost a complete secret from the American people and their duly elected representatives. In the past few months, such military involvement has escalated constantly in ferocity and magnitude. I call this totally unacceptable.

B–52's are being used extensively in our Laotian operations, which is a major escalation of our involvement. There are American military installations and major air support efforts going on in that area. It is obvious we have created another proxy army of mercenaries in Laos, and that now they are being militarily defeated in the field by the Communists. It is also apparent that in order to support them, we are mounting a major air support offensive, which is again failing to bring about any hoped-for result. Our military commitment in terms of air support in Laos is on the scale of our previous bombing of North Vietnam and our present scale of air activities in South Vietnam. This can only lead any observer of the Southeast Asian scene to conclude that we are expanding our total military presence in Asia in terms of military action on the mainland. Further, it seems that American ground forces are present and growing in numbers. Admitted casualties by the United States in terms of pilots and aircraft lost are more eloquent than any denials emanating from the Pentagon and White House. In the last year, we have sustained such losses to the tune of 300 planes and 100 pilots. The figure is probably higher, if this is what is admitted to by authority.

Mr. President, this area of Asia is one of the most inaccessible and difficult in the world. Jungles, mountains, and desolate highlands predominate, inhabited by people whose loyalties are tribal rather than national. Yet we persist in wasting our substance in pursuit of the will-of-the-wisp some term strategic advantages and military victory. I would sooner try and measure how high is up. In order to attain such impossibilities, we are plunging into a fruitless adventure that wastes our resources, diverts our attention from more important objectives, and most important, kills and maims more young Americans. I protest such useless misadventures. I dispute such misguided logic. I deplore such waste of what is needed so desperately elsewhere.

Two months of dry weather remain in Laos, excellent campaign climate. Communist forces already possess significant momentum. Before we plunge further into this jungle wilderness and engage the Communists there, shall we not have second thoughts?

We are pouring $30 billion annually into Southeast Asia, while admitting that military victory there is impossible. Meanwhile, we cannot afford to meet other, more major commitments around the world. Our cities rot and domestic needs which cry for attention go unheeded.

Mr. President, Santayana said that those who do not learn from mistakes of the past are doomed to repeat them. History extends her hands to us and cries out for our recognition of this danger. Yet we plunge on, unheedingly.

The expedition against the city of Syracuse by Athens comes to mind. The "running sore in the side of the empire" comes to mind, when Napoleon allowed his strength to drain away in a useless, endless Spanish war. There are other examples which can be offered, but these will suffice.

I have commended President Nixon for his significant troop withdrawals and obviously sincere efforts to wind down our Asian involvement. I would hate to see such efforts sidetracked by a new preoccupation in Laos. There is no need for it. There is no sense to it. It is disaster.

I believe in making the utmost haste to see to it that the Vietnamese fight their own war. I further feel that Laos is of minimal concern to the United States.

Already we can see a terrible set of alternatives emerging. The enemy could seize Laos under cover of a new offensive in Vietnam. They could mount a new offensive in Vietnam alone. Or they could threaten a new offensive in Vietnam and instead continue to push in Laos. All alternatives are geopolitically unacceptable to us. It is in the interests of all parties to avoid escalation of the Laotian conflict. I am certain the Soviets have no desire to be further drawn into this arena. They have other fish to fry around the world, and are doing so far more effectively than we at the present time.

The time has come for the administration to be far more truthful in its dealings with the Senate and the Nation on this Laotian involvement. It is also time for it to understand that the Nation does not want another expansion of our difficulties there, and will not tolerate same. The Senate has warned against it, and will not tolerate defiance of its will.

Disengagement is the name of the game, and we must continue to play it. American's major strategic interests are not involved there. Major challenges to our interests come at other geographically critical areas of the world.

Look at Soviet penetration of Latin America, which is proceeding rapidly as the administration discontinues and lowers our involvement there.

Take a look at the growth of Soviet naval power and her ongoing attempts to fill the vacuum in the Indian Ocean area to be left by imminent withdrawal of the British Imperial presence there.

Meanwhile, we are thrashing around in one of the backyards of the world, to the glee of our major opponents. It just doesn't make sense to become further involved in Laos.

The choices are plain. Time is running out for us to restructure our responses to the challenge confronting us. I pray and hope that the President, in his wisdom, acts accordingly.

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MARINE SCIENCE AND OCEANOGRAPHIC ACTIVITIES

Mr. INOUYE. Mr. President, the State of Hawaii is one of the most ocean-oriented States in the Union. The Pacific Ocean is a vast treasure which surrounds my State. Hawaii has also taken the lead in marine science and oceanographic activities. Furthermore, Hawaii was the first State in the Nation to issue a report, "Hawaii and the Sea," paralleling the Stratton Commission report.

Basing his recommendations on the recent report, "Hawaii and the Sea," Governor Burns has just submitted an oceanographic legislative program to the State legislature. This legislature program includes nine recommendations ranging from participation in the International Decade of Ocean Exploration to a request for funds to publish a marine atlas. I ask that the full text of Governor Burns' message to the legislature be included in the RECORD.

There being no objection, the message was ordered to be printed in the RECORD, as follows:

USING OUR PACIFIC TREASURE

(A unified legislative program for immediate action to make Hawaii a leader in the study and use of marine resources, by John A. Burns, Governor, State of Hawaii)

The Pacific Ocean is a vast treasure which surrounds Hawaii and gives to each Island of our State a band of white surf and golden sand, symbolic of an ideal marriage of environmental purity and economic prosperity.

It has been obvious for decades that Hawaii must use this treasure for her own good and for the good of mankind, and forbid its misuse. The earlier decades were decades of dreams and desires. Now, the Seventies is the Decade for Action.

The time is at hand for specific, detailed, practical programs by the State Legislature and State Administration to study and use the rich resources of our marine environment. This is the time when a growing despoliation of our waters must cease, and when they must be restored to the crystalline cleanliness which our Hawaiian forefathers knew.

Accordingly, I have prepared and am recommending this unified program for legislative action in this first year of the Decade of the Seventies. It carries out, in logical sequence, the earlier more basic programs of our State Administration. We foresaw this day and prepared well for it. Our past Governors' conferences on science and technology, on hydrospace and astronautics, on oceanography, on fisheries, and on a number of other specialized topics, all carefully, slowly and diligently set the pattern and the pace for well-ordered scientific development in Hawaii. And in the last year of the Sixties—our Statehood Anniversary Year—this Administration produced the pioneering work among the States called *Hawaii and the Sea*, which is our broad plan for State action in marine affairs.

Nationally, there has been delay and uncertainty in the past year over the direction and extent of the Nation's commitment in marine affairs. Varying programs which culminated in the publication of the Stratton Commission's excellent report, *Our Nation and the Sea*, now appear to be waiting for Federal direction, Federal leadership, decisive Federal action. Hawaii, however, need not wait, but rather should press forward, always conscious of the dangers of cutbacks in Federal programs, but nevertheless optimistic that our own programs need not stop while we wait for the Federal projects to develop.

Today is the day we must set the leadership pattern in oceanography, this fast-developing area of human concern, toward which the eyes of all nations are only beginning to turn. Now is the time we must propose to our own Nation, and to other Pacific nations, that Hawaii is the logical—indeed, the ideal—place for oceanographic headquartering, for major ocean research projects, and for gatherings fostering international cooperation in marine affairs.

Now is the hour to get, not only down to earth, but down to the sea in ships, in undersea craft, in submerged habitats. Now is the time to jump into the water and swim.

For this session of the State Legislature, our Administration proposes a variety of measures. They have been carefully planned as a resulting of the outstanding effort put into *Hawaii and the Sea* by many distinguished specialists. They contributed priceless talent and thousands of man-hours of energetic effort to pinpointing the areas in which the State can, and should, act.

These legislative proposals continue the orderly process of sequential development of Hawaii's marine science resources. They are varied in scope. They include modest proposals which will require only limited funding and which can be carried out by present State Departments which already have shown their competence and capability for producing outstanding results with limited resources. And there are also major proposals which will require bold action, pioneering action, the type of initiative for which Hawaii's Legislatures already have won national distinction. Some of these bolder proposals will challenge the vision and wisdom of our legislators, who must always balance the ever-pressing fiscal needs of today's world with the marvelous opportunities for future prosperity and environmental excellence.

THE INTERNATIONAL DECADE OF OCEAN EXPLORATION

Foremost among the national proposals for the development of oceanography and other marine sciences is the International Decade of Ocean Exploration, born in a prior national administration and accepted by the present Administration as eminently worthy of the attention and best efforts of many nations. Hawaii is an ideal location for major activities related to this noble and practical program. Hawaii need not wait to be told what to do, or wait to be invited to participate in plans generated elsewhere. As a free and sovereign State, we must extend to our national administration—which already has expressed its great interest in our oceanographic efforts—the helping hand of bold initiatives to assist this great program in setting sail.

Accordingly, one of my major proposals to the Legislature is for a Pacific I.D.O.E. Conference which would welcome representatives of all the nations and regions of the Pacific Basin, as well as of other U.S. Pacific States, to Hawaii to consider the legal, economic and sociological aspects of the I.D.O.E. and its many proposed projects. This conference would enable the Pacific Family of Nations to offer Pacific regional plans and recommendations to I.D.O.E. which would be of immense benefit in integrating the worldwide efforts of this international effort. This proposal calls for an expenditure by the State of $25,000.

Closely related to this conference is another legislative proposal: That the State establish a Planning and Logistics Center for the International Decade of Ocean Exploration. There will be a great need to coordinate the multitudinous activities related to IDOE, and to provide the logistical support and data exchange necessary for efficient projects development. Such a center would serve to emphasize Hawaii's determination to become a major center of international oceanographic activities. An appropriation of $50,000 is requested.

SKIPJACK TUNA RESOURCE EXPLOITATION

The Central Pacific Skipjack Tuna Resource is a potential $100 million industry. Hawaii's two U.S. Senators have jointly sponsored a bill in the Senate calling for a $3 million appropriation to research and develop the practical purse-seine technology necessary to use this resource wisely. It is a resource which can be of tremendous benefit to our Sister-Islands of the Trust Territory, Guam and American Samoa. Hawaii has been a leader in calling for development of the food-from-the-sea potential of this tuna species. I have extended invitations to officials of Guam, the Trust Territory, and American Samoa to coordinate the development of this resource. I am pleased to report that American Samoa has already pledged it will contribute to this project. My legislative proposal is for an appropriation of $100,000 to carry out a three-year State program of research and sea trials which will prove the economic value of the fast-sinking purse-seine method of skipjack tuna harvesting.

MARINE AFFAIRS COORDINATOR

The report, *Hawaii and the Sea*, recommended as a key to Hawaii's success in marine science affairs the establishment of the position of Marine Affairs Coordinator in the Office of the Governor. The Marine Affairs Coordinator would be responsible directly to the Governor. His work would be to cross over existing departmental lines to achieve broad cooperation between existing agencies concerned with a variety of marine affairs. To date, Hawaii's oceanographic development efforts have shown excellent results in terms of intense activity in many Government Departments and in the private sector. We have now grown to the point at which the uniting of these efforts through such a Marine Affairs Coordinator is a logical and necessary step. My legislative proposal is for an appropriation of $30,000 to establish this position and carry out this coordination.

SEACAP: AN UNDERSEA RESOURCES SURVEY OFF OAHU

Hawaii needs much more information about the nature and extent of the resources in the sea surrounding the State. Sand, precious coral, fish and shellfish, the capacity of the ocean to absorb wastes without contamination—all these need scientific study. My legislative proposal in this area is a request for $190,000 in State funds to be matched by an anticipated $410,000 in Federal Sea Grant funds and another $190,000 in Hawaiian industry contributions. These funds would finance a pilot marine resources survey from Koko Head to north of Kahana Bay, Oahu. University of Hawaii and other State and private industry scientists would form a team, and surface craft, a deep-diving submersible and a mobile manned undersea habitat would be used for this major survey. We have had exhaustive studies of the land which have been of great economic and social value; now is the time to begin the same for the lands, creatures and other phenomena under the sea around us. There is no time to lose in preserving the richness of marine life which will be surveyed. The SEACAP project will promote effective conservation and help considerably in preserving the ecological balance so essential to all forms of life in Hawaii.

1976 INTERNATIONAL MARINE EXPOSITION IN HAWAII

As the United States in 1976 celebrates its Second Centennial—its 200th birthday—Hawaii will have developed a tremendous head start in marine science affairs. It will be a most appropriate and jubilant year for a major celebration in Hawaii, and not the least of our happy events must be an International Marine Exposition in which Hawaii would be host—as one of our Nation's lead-

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ing maritime States—to the best exhibits of many nations. It is now, not tomorrow, that plans for such important conferences must be made. My legislative proposal, therefore, is for an appropriation of $30,000 to establish this year an International Marine Exposition Commission with necessary staff support to plan for this 1976 event. The Commission would be charged with determining an exposition site and funding methods, and making all the extensive preliminary arrangements which will prove to the intended participants that it will be an Exposition worthy of their participation and finest exhibitions.

AN ATLAS OF THE MARINE RESOURCES OF THE STATE OF HAWAII

All major movements have their bibles and bibliographies. The compilation of data, and making it available to the public in practical format, is one of the most basic needs of any important social or economic undertaking. Hawaii needs definitions and tabulations of its marine resources in the form of a Hawaii Marine Resources Atlas which will be of value both to professionals and laymen. My legislative proposal is that a sum of $75,000 be expended by the University of Hawaii in the preparation and publication of such an atlas.

OTHER LEGISLATION

Above are the highlights of this "legislative package" of our State Administration's proposals relating to marine affairs. But also an integral part of that package are a variety of programs and projects found in the operating or capital improvement budgets of the various State Departments which relate to marine affairs and which complement these new action proposals. All contribute to the one goal of this State Administration: to make Hawaii an international leader in marine science activities.

These programs and projects may be mentioned briefly:

Establishment of Marine Science Research Parks, in a manner similar to the establishment of industrial parks, to foster marine research.

Coordination in the Department of Planning and Economic Development of the variety of additional recommendations resulting from the report *Hawaii and the Sea*, so that a unified package may be prepared for the 1971 Legislature to carry on in logical order the advances already made.

Establishment of a Pacific Center for Marine Sciences, with initial studies to be made by the University of Hawaii.

Obtaining Federal designation of precious coral beds located in waters adjacent to the Hawaiian archipelago as "Creatures of the Continental Shelf," an official act which would retain U.S. ownership of such a valuable resource even when such beds occur beyond the presently recognized 12-mile fishing zone.

Designation of the State Civil Defense Agency's responsibility in the area of potential disasters in the form of massive oil spillages in Hawaiian waters.

Funding for completion of underwater parks at Hanauma Bay, Oahu, and Kealakekua Bay, Hawaii, and to initiate work on underwater in Maui and Kauai Counties.

A shoreline setback of 300 feet for State-owned lands.

Development of Snug Harbor for oceanographic research vessels.

Expansion of the Hawaii fishery vessel construction loan program to $500,000.

Extension of the shark control program.

In determining the excellence and practicality of these many projects, programs and proposals, I commend to the attention of all concerned the wonderful heritage which we have today from those ancient Polynesians who discovered these beautiful Islands. They learned through study, research, and practical programs, how harmoniously man and the sea can live together for the benefit of both. It must be our task to influence our nation and our world in the same manner in which the eternal sea has influenced us. We must reverence this Pacific treasure, and in turn accept with gratitude—and earnest effort—the multitude of gifts it offers mankind.

THE PRESIDENT'S EDUCATION MESSAGE

Mr. McGOVERN. Mr. President, on Tuesday, President Nixon sent to Congress his education message. He told us all what we already know; namely, that education is important and that there is a need for greater equality of educational opportunity in this Nation. The message is full of high-sounding rhetoric, but rather short on any effective proposals for dealing with the crisis in education. The crux of the whole matter is that, his protestations to the contrary notwithstanding, the President is unwilling to invest the money which we need to improve our schools and relieve the property tax burden on the local taxpayer. We have all seen this unwillingness in the recent veto of our education funds.

The first proposal made by the President is to establish a National Institute of Education. It is certainly good and proper to have such an organization to study the most effective means of education, but the President has made it an excuse for not acting. He has proposed this Institute to study, among other things, the process of compensatory education. He seems to have the mistaken notion that compensatory education has not worked. Nothing could be further from the truth. The fact is that inadequate funding of title I programs on the one hand and the administrative failure to channel these funds to those who need them on the other have combined to prevent the establishment of true compensatory programs. Where adequate funding has reached the proper targets, the success has been significant. The solution to the needs of our poor lies not only in another study but in adequately funding and administering the programs we presently have, the programs which the administration has sought to cripple over the last year.

What will become of all this studying? In 1966, a study under the direction of James S. Coleman which had been authorized and required by Congress concluded that racial balance in the schools contributed to the learning of the pupils. Quite clearly the administration has chosen to ignore the results of this study. If they have ignored this study and the success of compensatory programs where they have existed, what assures us they will pay any attention to new evidence? We are being given the stone of cerebration instead of the loaf of performance.

The highly advertised "right to read" is another hollow promise. It is not a new program, but only a label for title I and II of the Elementary and Secondary Education Act of 1965. The President promises performance on this one—raising the appropriations for the two programs to $200 million. But Congress has authorized $773 million for these programs and appropriated $215 million in fiscal 1969. The President asked only $116 million for these this year and then vetoed the bill when Congress raised the amounts to the previous year level. The President has brazenly disguised a cut in an already underfunded program by labeling it an "increase." The age of "double think" has arrived a decade ahead of schedule.

Instead of an assault on the financial disaster plaguing our school systems and the homeowning taxpayer, the President has offered us another commission and certain vague promises about revenue sharing. A truly effective approach to our school financial situation requires that there be significant grants to the States for education and that these grants be based on the financial needs of the States so that all our schools may have a high quality education. The differences in per-pupil expenditures from State to State have nothing to do with one State wanting better education than another. All parents want the best for their children. In fact, it is the poorest States which try the hardest to support their schools, but they simply do not have the money they need. A commission study cannot produce money where there is none or provide the facilities which our children need. New York and Connecticut cannot afford to let children in South Dakota and Mississippi go to inadequate schools.

The President's proposals for early childhood learning are equally vacuous. He has proposed that we establish a few experiments in this area, presumably allowing the great bulk of an entire generation of preschool children to go untouched. There are many alternatives for positive action available to us in this field, and the President has not adopted one. Let me remind my colleagues of the excellent proposals made by Senator MONDALE in this area, which I have had the privilege of cosponsoring. He has proposed significant, wide-ranging work with our youngest children. The President has proposed an academic experiment.

Mr. President, our children need education, not promises. Which one of us, if our son were to ask for education, would give him another commission instead.

INJUSTICES TO INDIANS

Mr. HARRIS. Mr. President, more people are coming to realize the magnitude of the injustices perpetrated against American Indians through the years, sometimes in the name of national interest, but all too often for the benefit of other individuals who saw in Indian lands and possessions an easy source of wealth held by those unable to defend their rights.

One particularly glaring example of this was the seizure of Blue Lake and the surrounding area in New Mexico from the Taos Indians in 1906. The Indian Claims Commission in 1965, after nearly 60 years of efforts by the Tao community, found that approximately 130,000 acres had been illegally taken. Yet, restitution has not been made. Several times in recent years, bills have passed the House restoring these lands to Pueblo de Taos, only to languish in the Senate. Monetary compensation has been offered, but this has rightly been declined by the residents of Taos Pueblo, to whom the Blue Lake area is sacred. The area is essential for the proper conduct of many of their religious ceremonies, and at the very least it shows a lack of sensitivity for the Federal Government to take the area away and offer money instead.

At the recent meeting of the National Council on Indian Opportunity on January 26, 1970, the Indian members of the Council said of this situation:

> Because the problem is unique and because it has persisted over so many decades, we feel that the Taos struggle merits the special attention of the Council.

Speaking of H.R. 471, which is now pending in the Senate, the Indian members recommended that "the full Council support this legislation and hope that the Council members individually will support the Taos Pueblo at every opportunity."

On January 30, 1970, after a visit with a delegation from Pueblo de Taos, I indicated my strong support for their cause in a letter to the junior Senator from South Dakota (Mr. McGovern), chairman of the Subcommittee on Indian Affairs of the Committee on Interior and Insular Affairs, which has jurisdiction over this much-needed remedial legislation. I strongly urge Senators to support H.R. 471, and ask unanimous consent that my letter to the Senator from South Dakota be printed in the Record.

There being no objection the letter was ordered to be printed in the Record, as follows:

U.S. Senate,
Washington, D.C., January 30, 1970.

Hon. George McGovern,
U.S. Senator,
Washington, D.C.

Dear George: I am writing to urge you and the Subcommittee on Indian Affairs of the Interior and Insular Affairs Committee to expedite favorable action on H.R. 471, which would remove Blue Lake and the surrounding area from Carson National Forest and assign it to the United States government as trustee for the Taos Pueblo.

As you know, the Indian Claims Commission in 1965 affirmed that the Government took this area unjustly from its Indian owners. H.R. 471 has passed the House, and awaits Senate action. I believe that this bill is much superior, from the Indian point of view, to S. 750 which would return a much more limited area to the Pueblo, and deprive the Indians of rights they presently enjoy with respect to the surrounding watershed.

When I met with a delegation from Pueblo de Taos this morning, I was very much impressed with the logic of their argument, and with the obvious sincerity with which it was presented. Because of the great religious significance which Blue Lake holds for the Taos Indians, this bill has an importance to them which cannot be overestimated.

I would appreciate very much anything you can do to speed action on this measure and bring it to the floor.

Sincerely yours,
Fred R. Harris,
U.S. Senator.

ANNIVERSARY OF LITHUANIAN INDEPENDENCE

Mr. **MUSKIE.** Mr. President, on February 16 we commemorated the anniversary of the establishment of the modern Republic of Lithuania. I wish it had been in our power to celebrate the occasion in a more fitting manner.

Lithuania obtained its independence in 1918, and from that time, until 1940, the Republic fulfilled the longstanding national aspirations of the Lithuanian people. This renaissance of Lithuanian independence was brought to a close on June 15, 1940, when the Soviet Union, in collusion with Hitler's Germany, seized Lithuania. Today, 25 years after the end of World War II, the right of subject peoples to national dignity and self-determination is recognized almost everywhere except within the Communist bloc.

Let us look to and work for the day when this situation no longer exists and when free men and free nations everywhere can cooperate in a world free of compulsion and threats to their self-respect and national integrity.

PROPOSED SUSPENSION OF THE MILITARY DRAFT

Mr. **HATFIELD.** Mr. President, the Gates Commission, appointed by the President, 1 year ago, to study the feasibility of a volunteer military, reported to President Nixon that the draft is an anachronism at best, and generally unjust, inefficient, and inequitable. February 28, 1970, in the Oregon Statesman, there appeared an editorial regarding this very issue. I would like to ask unanimous consent that it be printed in the Record.

There being no objection, the editorial was ordered printed in the Record as follows:

Time to Suspend Draft Nearing

The Presidential commission's recommendation that the draft be suspended deserves serious consideration. The compulsory sacrifice demanded of a portion of the young adult male population becomes unjust as it becomes unnecessary.

In time of war or national emergency, the nation should have the right to demand military service of its young men. President Nixon is withdrawing substantial forces from Vietnam. He promises to withdraw more. It is time to study whether the nation's military requirements can be sustained with voluntary enlistments.

The Presidential Commission, headed by Former Secretary of Defense Thomas Gates, arrived at the conclusion that the nation can best be served by suspending the draft. But critics of the plan to suspend the draft assert it would cost too much to be practical now.

The only moral justification for taking two years of a young man's life is an emergency threatening the security of the nation. It would be indefensible to require compulsory service from this portion of the nation's population just as a means of saving money.

It is essential to upgrade the pay of the lower end of the military scale if recruiting is to be successful. Also, other benefits and conditions on the military bases must be improved. A professional career in the armed forces must be made attractive.

The draft is tremendously disruptive to an entire generation of young men. Whether they are chosen to serve or not, they must adapt their lives to the prospects of the draft.

The unpopularity of the Vietnam War has contributed to the resentment. Young men rightfully have questioned the compulsory sacrifice—perhaps even of their lives—while it is business-as-usual in the rest of the nation. If the people of the United States were sharing in the war, or even generally supporting it, there might be less resentment.

We have supported the draft in the past, and still support it, if it is necessary to meet the nation's commitments. When a presidential commission, however, says it is not, we believe it is incumbent upon the President to thoroughly investigate the commission's recommendations.

Sec. of Defense Eugene Laird has indicated his opposition to suspending the draft in the near future. The presidential commission would phase it out by July, 1971. The President should endeavor to reconcile these views.

Sen. Mark Hatfield has championed the ending of the draft for many months. The presidential commission bears out many of his conclusions.

A DISTINGUISHED TEXAS CONGRESSMAN SPEAKS ON THE POLLUTION IN GALVESTON BAY

Mr. **YARBOROUGH.** Mr. President, the Honorable Bob Eckhardt is not only a distinguished Member of Congress from the Eighth Congressional District of Texas, he is also a noted environmentalist. His concern about the destruction of the environment stretches all the way back to his years of service in the Texas State House of Representatives. His great knowledge and experience of this subject now is, I am sure, of considerable benefit to the Members of the other body in their deliberations on this very complex issue.

In 1968, before concern about pollution was as fashionable as it now is, Representative Eckhardt made a very thoughtful presentation to the North American Wildlife and Natural Resources Conference on the problems of pollution in Galveston Bay. I recently received a reprint of the Congressman's remarks from the transactions of the 33d North American Wildlife and Natural Resources Conference, March 11, 12, 13, 1968, published by the Wildlife Management Institute, and I should like to share them with my fellow Senators now.

Mr. President, I ask unanimous consent that the remarks of Representative Eckhardt, entitled "Death of Galveston Bay," be printed at this point in its entirety in the Record.

There being no objection the remarks were ordered to be printed in the Record, as follows:

Death of Galveston Bay

(By Bob Eckhardt)

Some three centuries ago, the Carancahua Indian lived on the shores of Galveston Bay. Although his life was hard, there was one good thing in his day: He could wade out from shore anywhere along the bay and pick up luscious oysters without getting his breechcloth wet. Today we find the mounds of shell he left where he sat and devoured them.

In the shallows of the bay, salt water grass

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grew abundantly, providing haven for marine life such as shrimp and menhaden. Waterfowl darkened the skies as they cupped their wings and dropped into the shallows and the potholes. And the Carancahua could slide beneath the green, clear waters and silently stalk the waterfowl, breathing through a reed and snatching the birds as they roosted on the water.

As recently as 50 years ago, live oyster reefs stretched across our bays. There was shallow water and mostly shell bottom from the Vingt et Un Reef to Fisher's Reef area in Trinity Bay, a distance of some eight miles.

And just two decades ago, fishermen stood at the mouth of Buffalo Bayou and caught the silver tarpon, channel bass and spotted sea trout.

Galveston Estuary [1] was alive—a producer of good things, a producer of life.

This all began to change, even though minutely, when the Allen Brothers sailed their craft up Buffalo Bayou and founded what was to become the sixth largest city in the nation. Man began to befoul his nest. Dredges began to cut away the reefs and fill the wet lands. And all these things were done without anyone bothering to determine their effect on the beautiful and bountiful bay.

I would like to tell you of what has happened, why it happened, and what we Texas conservationists feel should be done to protect the natural resources we have left.

DREDGING

The oyster reefs of the Galveston Estuary are like a miniature mountain range under water. Their sluices and ridges provide a nursery ground for myriads of marine organisms. This minute marine life, in turn, provides food for the next cycle of life in the bay, the shrimp and the smaller fishes. The shrimp and the small fishes then provide food for the large fish, the game species such as the channel bass, the spotted sea trout, the croaker, the flounder and the gafftop-sail catfish.

Destruction of these reefs means the removal of the natural habitat of the marine life in it—the death of the bay.

About half a century ago, some enterprising fellows discovered there was a market for oyster shell, first for building roads and later for the calcium carbonate content which was to be used in the manufacture of cement and other products. And a handful of Gulf Coast industrialists, in that half of a century, have made fortunes by exploiting this oyster shell.

But they were not content to harvest shell which was covered with two feet of silt. They have almost swept Galveston Estuary clean of exposed shell reefs, which not only produce oysters but provide a habitat for marine life and a source of sport fishing, which, in turn, provides a means of livelihood for thousands of persons who service and supply the sportsman and the vacationer.

The three things that are causing the death of Galveston Bay are shell dredging, pollution, and destruction of wetlands.

Today, only 10 major oyster reefs are left, with a few smaller ones which are not being protected from destruction. A member of my staff was on an oyster boat just last month and took a photograph of an oysterman raising a basket of live oysters while the huge shell dredge worked less than 25 feet away. Not only is this a plundering of a non-renewable natural resource, but it is a case of a gigantic industry destroying the livelihood of a small businessman. Here is how this came about:

For the complete picture of our shell dredging problem, you must consider the role that the State of Texas has played.

Until September, 1963, the then Game and Fish Commission had two hard and fast rules: (a) No dredging was permitted within 1,500 feet of a live oyster bad. (b) No dredging was permitted unless the shell was covered with two feet of overburden. In 1963, the agency was reorganized into the Parks and Wildlife Commission, made up of three members named by Governor John B. Connally. The first official action of this new Commission was to relax the rules, permitting dredging up to 300 feet of a live oyster bed and removing the restriction regarding the two feet of overburden.

A live oyster reef, as defined by the Texas Penal Code, is one which produces as many as five barrels of oysters per 2,500 square feet. The law does not state that the population count shall be made before the oystering season opens, when there would be plenty of oysters on some of the reefs. A count could be made immediately after the harvest ended, and a reef could be classified as a dead one, when, in reality, it is very much alive. Also, many reefs might be classified as dead reefs one year, but the following year, due to changing currents and salinity, they may become productive.

Before its September, 1963 hearing, the new Parks and Wildlife Commission had been presented a report specially prepared by its own knowledgeable biologists, which specifically recommended that no dredging be permitted within 1,500 feet of live oyster reefs. The three members of the Commission told newspaper reporters that no such report had been tendered them. Yet, one of their own biologists disputed this statement and further emphasized that he stood behind this report in its entirety.

Yet, the Parks and Wildlife Commission ignored the advice of their own biologists and reduced the 1,500 foot limit. It then granted permits in October, 1963 to four major shell dredging companies, authorizing them to dredge up to 300 feet of Todd's Dump, both on the incoming and outgoing tides. This, oystermen felt, was a deliberate attempt of the shell dredgers to kill the reef, thus making it eligible to be dredged out as a dead reef.

This action stirred up a hornet's nest. Oystermen and other interested citizens brought suit against the Parks and Wildlife Commission and against the shell dredgers on the grounds that the hearing was unfair and that the Commission was ignoring recommendations of its own biologists.

But the courts ruled that the oystermen had no justiciable interest in the oyster reefs on which they make their livelihood, Meanwhile, the Parks and Wildlife Commission modified its rules in February, 1964, in effect admitting that its 1963 order was in error and that damage could be done to oyster reefs by permitting dredging up to the 300-foot margin.

Since than the Parks and Wildlife Commission has engaged in ostensible surveillance of the dredging operations with the view to preventing damage to live oyster reefs by making *ad hoc* orders through its agent in the bay to govern the conditions of dredging. Yet, as recently as February 1, 1968, a member of my staff photographed Parker Brothers dredge, the Trinity I, digging up live oysters on Hartfield Reef, a 30-acre reef which has been producing some of Texas' Gulf Coast's finest oysters.

I think the State of Texas has been derelict in its duty to protect these irreplaceable oyster reefs. Federal action must be taken to save what little remains so that future generations may benefit from a natural resource which took eons to build and which the dredgers may well have destroyed in a few more months.

Now let's look for a moment at the value of the shell commercially compared with the value of a vibrant, living bay. It is simply a comparison of short-term value compared with long-term value.

In a public hearing before the old Texas Game and Fish Commission on April 10, 1963, Cecil Haden testified that, at that time, there remained some 120 million cubic yards of known shell deposits in Galveston Bay. Of this amount, he estimated that there was available for recovery some 80 million yards. This is the amount he considered "economic and feasible to dredge." Since shell products from the Galveston Bay area had been dredged at the rate of about 8 million yards a year, he estimated that there remained about 10 years of productive dredging in this Bay area.

In fact, his estimates of rate of production have pretty well stood up through the first four years of this ten-year period. About 32,273,600 cubic yards of shell have been produced, or an average rate of about 8,068,400 yards per year. If this amount is produced each year for the next six years, 80,684,000 yards will have been recovered in the 10 years from the date of his statement. In round figures this would produce, at $2.00 a yard, $97 million for the shell dredgers from now until the shell is wholly depleted. Rounded out to the nearest million, $7 million of this value would be paid to the State as royalties, at 15 cents a yard. Thus, the dredgers' stake in continuing to exploit the Bay is $90 million. This is the capital value, to them, of the shell in place if they are permitted to continue to produce it.

Measured against this figure, as I shall show, the capital value of the marine life in the Bay is in excess of $1 billion, more than 10 times the value of the dead oyster shell.

Here is how it is figured. In 1966, the oyster crop at dock-side was valued at $1.6 million. An economic study of Florida's oyster industry developed the fact that the total economic value of the oyster crop is 10 times the landed value,[2] so the total economic value of the Galveston Bay oyster crop for that year was $11.6 million.

In addition, the latest data I have on sports fishing is for 1965, when an estimated eight million recreational days were devoted to salt water sport fishing along the Texas Gulf Coast.[3] At least 80 percent, or 6,400,000, of these man-days were spent on waters of the Galveston Bay area due to the simple fact that this is the center of the huge population centers of Houston and the Manned Spacecraft Center at nearby Clear Lake.

A salt water fisherman will spend at least $3.00 per day fishing, and this is a conservative figure as a quart of shrimp will cost $2.00 and a boat rental $3.00 more. This means that a total of $19,200,000 was spent during 1965 by sports fishermen on these bays. And where did they catch their fish? On and around the oyster reefs!

Add the value of the oyster crop to the value of the sports fishing and you get a total of more than $30 million annually that these reefs produce, provided they stay where nature spent 10,000 years building them.

But, let's consider another financial factor. Some 80 percent of the commercial fishes taken on the Continental Shelf in the Gulf of Mexico spend some part of their life in the estuaries. And 75 percent of the total taken in the Gulf spend some part of their life in the Galveston-Trinity Bay estuary.[3]

These commercial fishes are worth some $25,622,000. If we permit these reefs to be destroyed . . . if we permit currents in these bays to be changed so that these waters no longer can be used as nursery grounds for marine life, that means we lose this $25,622,000. Add that to the $30 million sub-total we already have, and you can see that the annual value of these reefs is about $56 million.

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[1] The term Galveston Estuary is used to refer to Galveston, Trinity and East Bays.

[2] "Oyster-Based Economy of Franklin County, Fla.," Dr. M. Colberg, Florida State University.

[3] Dr. Roland F. Smith, biologist with the Bureau of Commercial Fisheries, Department of the Interior.

If this $56 million is the annual value of marine life in the bay, the capital value (figured as if yielding 5 percent) is 20 times that—more than a billion dollars! Contrast this with the remaining value of the shell to the State and to the shell dredgers—less than $100 million, and they would eat into this capital each year until it is all gone. The dredgers, with less than a tenth of the interest in the bay's resources than that of the public, are controlling its exploitation in a direction leading toward its total destruction.

POLLUTION

Man has always built his wigwam, his hut, his mansion, or his steel mill, near water. Settlements of prehistoric man were merely shifted when his kitchen-midden became sufficiently cluttered and befouled. But today, with our burgeoning populations, we have no place to move to.

Our major reefs and estuaries are becoming polluted to almost irreversible levels. For instance, it is predicted that if all pollution flowing into the Hudson River were cut off as if by a switch, then it would take 25 years to clean up the pollution which is imbedded in the bottom of the stream.

The Houston Ship Channel is perhaps the most polluted body of water in the world. It receives, daily, a tremendous burden of human and industrial waste. Dr. Roy Hann of Texas A & M, who is doing a great deal of research on water pollution, estimates that there is a full two feet of pollution-laden silt on the bottom of the Houston Ship Channel.

No doubt, the bottoms of our bays, especially where the streams empty into them, are so full of nutrients, chemicals, pesticides and insecticides that it will take generations to bring them back to anything like what they ought to be to provide food and recreation for people.

This pollution, of course, is caused by two major sources, industrial and municipal wastes. The cities of the nation have been most lax in providing sewage treatment plants which will effectively treat sewage. Indeed, the City of Houston has been one of the worst offenders in Harris County with its municipal waste.

But industry along the Ship Channel doesn't have clean skirts either. Until recent years, few of the big industries would spend enough money to treat their sewage and waste as it should be treated.

What is this pollution doing to our bays!

Well, 48 percent of the Galveston Bay Complex is off limits for commercial production of oysters.[5] If our oyster crop is currently worth $11.6 million, and a little less than half of the bay is not producing marketable oysters, then this means that we are losing approximately $10 million annually in protein supply of oyster meat.

It means that millions of fish are killed annually when heavy rains come and flush the deep commode that is Buffalo Bayou. During the dry spells, this pollution, which is heavier than water, sinks into the deep holes of the Ship Channel and Buffalo Bayou. Then, heavy rains sweep it into the bay. The oxygen depleted waters that thus move in upon fish populations kill them, and we experience fish kills, which are not only offensive to the smell, but are detrimental to the chain of life, or the ecology of the bay. Maybe only mullet are killed, but mullet are a link in the chain, and are in fact, a food product in many areas of the world and may become so here some day.

This pollution means that our bays are rapidly becoming unfit for recreation. We have already pointed out the tremendous effect the tourist, the sportsman and the vacationer have upon the economy of this area. When Galveston Bay gives its last feeble kick and becomes a dead bay, we can say good-bye to a major part of our lusty economy on the Texas Gulf Coast.

SPOILING THE WETLANDS

So far, Texas wetlands have not been exploited as badly as in many other States. But it is rapidly getting to be a problem. If you take a plane flight over our coast, you can see subdivisions going in, the dredging of basins for marinas, and the dumping of spoil, all replacing wetland spawning grounds for marine life. And you can see channelization destroying our grasslands.

One major catastrophe has befallen our estuarine nursery grounds on the upper Gulf Coast—the Wallisville Salt Water Barrier. In a recent Estuary Symposium at Louisiana State University, a Bureau of Commerical Fisheries biologist divulged that some 20,000 acres of shrimp and menhaden nursery grounds are being chopped off from the bays by the dam. This could be disastrous to the Texas shrimp crop.

There may be other major catastrophes in the making. The Texas Water Development Board has proposed a Comprehensive Water Plan for the state which envisages a series of reservoirs on all the major streams of the state. Already, much of our estuarine area is too saline for oyster production. And if these dams should cut down the supply of fresh water to the Galveston Bay Complex, then one of the most productive estuarine areas on the entire Gulf Coast might become a watery desert.

Since conception of the Comprehensive Water Plan, however, the State planners have taken another look at the estuarine picture, principally due to the protests of conservationists. In April, 1967, the Texas Water Development Board published a report entitled "A New Concept—Water for Preservation of Bays and Estuaries." This report takes into consideration the important role that the bays and estuaries play in the economic life of Texas. The Board also recognizes its statutory duty to consider the estuarine areas in comprehensive planning. The laws of Texas make it plain that "consideration shall also be given in the plan to the effect of upstream development upon the bays, estuaries, and arms of the Gulf of Mexico and to the effect upon navigation."

While I have touched upon this Comprehensive Water Plan lightly, we Texans conservationists do not consider it lightly, for our estuaries and tidal wetlands are too important as a source of protein supply and for recreation and sport fishing for us to stand idly by and see them destroyed forever. Again, the pressure of industry for abundant and cheap water supply can overwhelm the more important long-term interest of the people. Water must be reused and used again. By 2020 desalination will be practical, and we must budget an adequate supply of our total, greatly multiplied, water resources for preservation of nature's bounty.

CONCLUSIONS AND RECOMMENDATIONS

I wish here to first discuss the evaluation of facts pressed upon us by those who resist reform in the field of conservation. For instance, it has been argued by dredging interests that if exploitation of fossil shell is not permited to continue at the present rate and under present conditions, cement plants will have to shut down as well as many other industries dependent on shell.[6] Dire prediction of industrial ruin and unemployment are posed as the concomitant of conservation.

Sometimes it is difficult accurately to evaluate such arguments and their factual basis. There are certain rules or tendencies that affect the situation.

First, there is the principle that the interests of greatest intensity tend to prevail over the interests of the greatest number.

Second, those with special interests tend to monopolize expertise on a given subject. They are in a position to overwhelm the public, lawmakers, and commissions, with facts selected to favor their partisan position.

And then there is the phenomenon of the "possum guarding the chicken coop." Since the regulated industry has more job opportunities for persons interested in the field, it can supply personnel to regulating agencies and can offer advancement to civil servants who would otherwise stagnate in the regulatory field.

Thus, those with the intense interest push their selected facts forward. They can usually assemble the most experts. They have their possums on regulatory agencies who purport to speak for the public.

Therefore, it is hard to know what the true facts are, how rapidly natural resources are being destroyed, and whether or not it is practical to try to reverse the trend.

I would make these suggestions:

(1) That conservationists develop long memories: that they observe over a period of time, what is happening to the purity of the water, the extent of the reefs, the destruction of the redwoods, and that they act on this knowledge.

As an example, those of us who have watched the procedures of the Texas conservation agencies can observe over a period of four years that shell dredgers are carrying out a seven to ten year plan to drege out the available shell in the Galveston Estuary. Conservationists are now acting to stop this by opposing granting of permits by the Corps of Engineers. I have asked the Corps to seek an injuction against further dredging in the State tracts containing the oyster reefs.

(2) That public officials consider expert testimony of the exploitative industries, and even of the regulatory agency's experts, with healthy skepticism.

For instance, Texas conservationists should ask this question, which has never been answered: When the Parks and Wildlife Department relaxed the dredging rules in October, 1963, why did it permit the dredging companies to move to the 300-foot mark, why not only to the 1,000-foot mark? This action would have prevented the silting up of reefs like Todd's Dump immediately after the order when dredges operated on both the incoming and outgoing tide.

(3) That more public factfinding and adjudication be developed at the federal level.

There are two recent developments in this direction:

(a) A federal water pollution control program and more public awareness of the pollution problem;

(b) The historic Memorandum of Understanding signed last July by the Corps of Engineers and the Interior Department which places much more emphasis on the need to protect our estuarine areas. I am hopeful that the shell dredging permit case in Galveston Estuary may be the first to be decided under this Memorandum.

Therefore, the subject of this paper may be too pessimistic. Perhaps the patient may recover. But never again will cattlemen be able to drive their stock from one side of the Bay to the other by herding them across strips of shell reef. Never again will the waters of Buffalo Bayou produce tarpon.

However, if conservation becomes the more intense interest, and conservationists act now, they may yet save the Bay. Public officials must also take a hard look at the facts and apply existing law to its fullest extent. Then fishermen will enjoy many a sunny day on Galveston Bay and oystermen will harvest many a fat oyster for years to come.

DISCUSSION

DISCUSSION LEADER NELSON: Congressman Eckhardt has given a very vivid and frank

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[5] Texas State Department of Health. See Exhibit D.

[6] Less than 200 miles from the Texas Gulf Coast are vast deposits of limestone which is used almost everyhwere else, as the major source of calcium carbonate.

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account of what is happening to the marine resources of Galveston Bay and the continued threats that exist. He has emphasized that unless conservationists collectively insist on more drastic opposing measures immediately the shellfish resource may soon be lost. Who has the first question for Congressman Eckhardt?

Mr. Joe Thompson (Houston): It seems to me that the thrust of Congressman Eckhardt's paper revolves around oyster dredging in Galveston Bay. I wonder if he might comment as to whether there are other problems in Galveston Bay with reference to this total situation.

Congressman Eckhardt: There are really three things. One of these is oyster dredging, one is pollution, and one is the spoiling of wetland areas, largely through fill. The last is not nearly so extended as in certain other parts of the country.

With respect to pollution, the Water Quality Act is now beginning to have effect. The State has filed its plans which, I understand, have now been accepted by the Interior Department. Therefore, there is some movement in that direction.

Also, the question of pollution is going to be met; and even if it is not being met at present, it is not now at a level that would cause permanent injury to the Bay. However, the reason I stressed dredging is because the only way that oysters can live is on a bottom solid enough so they don't sink in the silt and, therefore, be deprived of the flow of water that brings them their sustenance. When any portion of that bed is removed, unless there is some permanent shell bed somewhere else, that much potential production is lost. That is the reason I have stressed this as the immediate danger to Galveston Bay.

Mr. Roland Clement (National Audubon Society):

May I ask the Congressman to bring us up to date on the statutes which would enjoin the Corps of Engineers from judging this issue on anything but navigability? It was my understanding, Congressman, that one of the dredging companies here was filing suit against the Federal Government to prevent the imposition of permit requirements.

Congressman Eckhardt: There is a suit in connection with that and, I understand, there has been a decision, which I have not yet had an opportunity to read.

However, the situation is this—the application for dredging occurred last spring. The hearing was in May. There has been no decision, and the Corps has not sought to take any action, or at least has not yet issued an order. Now, the Department of the Interior's regional office in Albuquerque issued a preliminary advice to the Interior Department and there has been a conference between Colonel Moon and the dredgers with respect to compliance with this suggested order.

The order would permit dredging to continue, but not on major reef structures, for a period of 15 months, but such permit would be conditioned upon the dredgers financing a thousand-dollar program to be conducted by the appropriate Federal agencies to determine the structure of the reefs and their location and productivity, and a $70,000 additional investigation with respect to the effects of sedimentation on marine life. Now, the dredging companies turned this down and contended that the Corps of Engineers did not have jurisdiction in any other matter except navigation.

Since there has been no mandatory action from the Corps, there has, on the other hand, been no injunctive action upon the part of dredgers here in Texas. I would expect that this thing may very well come to a head within a matter of perhaps a month. That is the present situation.

I might briefly mention the basis on which the Corps of Engineers acts under the authority. The essential basis is the 1899 law, which requires a permit for any dredging within any navigable water, and I see no restrictions as to this, or no limitation with respect to that dredging.

Even more important to the question of wildlife preservation is the 1958 Coordinating Act, which provides that where dredging permits are issued by the Corps, the Corps shall ask the advice of Interior in questions affecting marine life. Then, of course, this year the Secretary of the Interior and the Chief of Engineers entered into an agreement of understanding under which the authorities consult together before permits are granted under circumstances like this. The case that I have described here is the first test of this agreement of understanding.

Mr. Gary Rollin: (Houston, Texas): I fish in the Bay quite a bit. If shell dredging is completely eliminated in Galveston Bay, will the Bay's present capacity continue at its present level?

Congressman Eckhardt: At its present level? It will never have the potential that it would have had if some of these reefs had not been removed. However, its productive capacity still rates high. We produced about 88 percent of the oysters in the State of Texas and, in fact, the oyster crop has increased through the last several years. This may be explained by the fact that there has been increased activity in taking oysters. In other words, the Bay does have a considerable potential which is closer to full utilization than it ever has been in the past. There is an extremely heavy spat fall, I understand, and this looks toward maximum productivity from the remaining exposed shell in the bottom of the Bay. Therefore, if dredging were stopped in the area I have described, I think that the Bay could continue to be productive; but if the trend continues at the rate it is going, I have no doubt that within six years there will be no substantial reef structure left in the Bay. Also, unless something is done about it, I don't think there is going to be anything effectively put in its place.

Mrs. Jean LaMont (League of Women Voters): It would appear there was authority to change permits in 1963 and then, after the hearing last May, there was no decision or action taken. So, at the rate it is going, perhaps all of it will have settled itself in the wrong way.

Congressman Eckhardt: Of course, that is a danger, but let me clear you up on one thing. The action of October 24, 1963 changed the course that had been taken by the State authority over a great number of years. It relaxed a prior stiffer regulation. Then, on February 18, 1964, the State authority began to engage in a sort of ad hoc survey on production of oysters in the Bay, but, at that time, the Federal Government had never acted. In the meantime, we did get the Federal Government concerned, and so it has been only since May, 1967, that there has been serious consideration on the effect of dredging on marine-life. Therefore, we do have another authority considering these permits over those which were considering them in the past.

I would like to see the State control its natural resources. If the State does not control those resources and does not preserve them, then the Federal Government must do the job, and this is now happening.

Mr. Victor Emanuel (Houston, Texas): I noticed a long article in the paper yesterday in relation to shell dredging and the implication given was that although shell dredging is to some extent detrimental to the Bay, we need the shell for industry in this area. The implication was that the growth of Houston depended upon our ability to get the shell.

It is my understanding, and please correct me if I am wrong, this entire need could be satisfied by limestone from Central Texas. In other words, there is no economic reason to destroy our Bay. Our industry does not depend upon shell from the Bay—is this correct?

Congressman Eckhardt: I think that is true. There are unlimited sources of calcium carbonate within about 160 miles. It is true that shell is convenient and easy to get. Now, when there may be production of shell to supply this need without destroying the reefs, then there is nothing wrong with producing it. However, it seems to me shortsightedness that the state authority has been willing to gamble the permanent loss of a great marine resource in the Bay—that is, the very life of the Bay—for this rather small and short-term interest which could be obtained elsewhere.

It seems to me that the very least the state authority could have done was what the Federal authority did and say, "Look, you either have to investigate and show us or permit us to investigate at the expense of the exploiter the effect of sedimentation on the Bay. You have to do that as a condition of receiving the permits." However, instead of that, from 1963 until the time of release of the MASH report in January of 1968, the state was risking the complete destruction of the shell reefs. It took longer to put these reefs down than to grow the redwood trees. So we are risking something that is of permanent importance to the State of Texas without actually knowing fully what sedimentation does.

Of course, we know what actually happens when you remove the shell bed physically—especially if you destroy the reef, as Moody Reef has been destroyed. When you do that, it really doesn't take much study to know that you have destroyed that much of the oyster fishery and that much of the general potential fishery.

Mrs. Sullivan (Houston, Texas): I really appreciate all this discussion about the oysters but, on the other hand, a thing that concerns me tremendously is the spoil fill that is being put into Galveston Bay in connection with the navigation projects in the channel. I understand that the three representatives from Harris County are urging that money be given to the State. This is something I favor; but, on the other hand, I suggest that in line with this there also be consideration of whether this Bay can handle all the channels that the navigation district and other people want to put in. I understand that they have a lot of places to put this material. Now, if you have a chart of Galveston Bay and you will see that Galveston Bay and Trinity Bays are going to be almost completely divided from each other and this is going to cut off the exchange of waters.

Now, on top of all of this, they want to widen the Houston ship channel from 400 to 800 feet, from Morgan's Point to Texas City. In other words, I don't believe all that spoil ought to be put into the Bay.

Congressman Eckhardt: There has been consideration by the state authority to the building of the dam and of supplying a certain amount of fresh water to maintain the existing mixture of fresh and salt water in the Bays. Obviously, not enough consideration has been given that, but there is a growing awareness of this problem.

Now, with respect to cutting Trinity Bay off from Galveston Bay, actually the trend up to now has been in the opposite direction, but the danger is in connection with any change. In other words, nobody knows what the effect of a change will be. The tendency has been to sweep out that shallow barrier between the two areas, and to dig it deeper in that general area. Spoil has been pretty much limited to the channel area itself and to the side of the channel. There are now serious considerations of the movement of spoil and shell at the bottom and the cutting of passes.

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With respect to oyster production, some oystermen say that the deepening of the water around Hanna's Reef would tend to bring a greater flow of salt water into the area. I think these things are all based on assumptions that are not wholly proven one way or another, but I do not think, on the other hand, there should be a considerable caution that any change be understood before it is made. This, I think, is the danger in relation to this particular situation.

Mrs. SULLIVAN: It also concerns me, when you get the Bay closed in and encompassed, the pollution situation will increase.

I live on a part of Galveston Bay that lies between Red Bluff and Morgan's Point where Galveston Bay stops. At present, Atkinson's Island extends from Morgan's Point to Red Bluff and encloses that area of the Bay and, at the same time, that more or less directs the flow from the ship channel into that very small area. This is an extremely polluted section of the Bay, and it is dangerous. It is dangerous to swim in, and I am afraid of what is going to happen. When this happens, people who want this for industry are going to rise up and say that it is not feasible to try to save this area of the Bay.

I live in this area of the Bay and, therefore, it makes some difference to me. However, I am trying to stress that the same thing can happen all the way down the coast and so, in turn, I don't think it is only my problem but really that of everybody else.

Congressman ECKHARDT: That is certainly true. There has been concentration of the pollution along the shore where you live, but placing the spoil on the other side of the channel is a problem. As a matter of fact, all of Dollar Island Reef is out of bounds for us at the present time.

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DISTRICT OF COLUMBIA CRIME AND CONGRESSIONAL RESPONSIBILITY

Mr. MATHIAS. Mr. President, Congress cannot be too often reminded of its responsibility in facing and dealing with the serious crime problem in the District of Columbia, since Congress has chosen to retain virtually exclusive governmental authority within the District.

To this end, I ask unanimous consent to have printed in the RECORD a list of crimes committed within the District yesterday, as reported by the Washington Post. Whether this list grows longer or shorter depends on Congress.

There being no objection the list was ordered to be printed in the RECORD, as follows:

YOUTHS ROB SOUTHEAST LIQUOR STORE

Two youths, one armed with a gun, held up a Southeast liquor store yesterday morning and escaped with money from the cash register, police reported.

Mary Agnes O'Connor told police the youths entered O'Connor's Liquors, 2900 Minnesota Ave., where she was working as a sales clerk at about 10:25 a.m.

She said one of them displayed a handgun and told her, "Give it to me. Give it to me." while his companion urged her, "hurry up."

After forcing her to give them the money from the register, the pair fled, according to the report. The gunman ran north on Minnesota Avenue while the other youth headed west on Nelson Place.

In other serious crimes reported by area police up to 6 p.m. yesterday:

ROBBED

Laird R. Chase Insurance Agency, 4708 Highland Ave., Bethesda, was held up about 3:20 p.m. Monday by two men, one brandishing a knife, the other a gun. After inquiring about insurance policies, the men displayed their weapons, forced the employee to give them the money and fled from the building.

Lorraine Marshall, of Washington, was robbed about 3:45 p.m. Monday in the alley beside the unit block of N Street SW, by four youths. "What have you got?" asked one of the youths while the others grabbed their victim. Flashing his knife, one youth grabbed an envelope containing money from her pocket while another youth struck her in the head. The four escaped in different directions.

Family 5 & 10 store, 2245 Rhode Island Ave. NE, was held up about 2:05 p.m. Monday by two youths, one of whom stuck a hard object into the side of an employee, Harry Barkin. "Open the register," the youth told Barkin and removed the money. The armed youth then struck him over the head with his weapon and the pair fled north on Thayer Street.

Frank D. Hackley, of Washington, was held up about 10:45 a.m. yesterday as he was emptying the change from a phone booth in the 3300 block of Georgia Avenue NW. Two youths approached him and one said, "I have a gun. Sit the box down and get back in the phone booth." Grabbing the coins, the pair fled on foot.

Snack bar, 2100 K St. NW, was held up about 9:50 a.m. yesterday by two men who approached an employee behind the service counter. One of them placed a handgun at his head and warned, "Don't move. This is a holdup. Lie down on the floor." The other man removed a metal box containing bills and change from behind the counter and escaped with his companion.

Tanners Cleaners, 4522 Benning Rd. SE, was held up about 1:30 p.m. Monday by a youth who asked the clerk if his clothes were still in the shop. He then ordered, "Open the cash drawer and take out all the money." Grabbing the bills she handed him, he fled from the store.

Joseph F. Rhine, of Adelphi, was held up about 2 p.m. Monday by two men, one armed with a revolver, who approached him at Kenilworth and Eastern Avenues NE. The gunman demanded money and, taking the bills and change from Rhine, the pair escaped west on Eastern Avenue.

Matthew Shingler, of Washington, was yoked and robbed in the 900 block of 4th Street NW, at 3:30 p.m. Monday. Two men grabbed him and forced him to hand over the money he was carrying then fled.

Carl Bailey, of Bethesda, was robbed about 4:55 p.m. Monday in the hallway of a building in the 1600 block of Swann Street NW, by two men, one displaying a gun, who demanded his money. The pair fled with the cash, a stopwatch and a ring.

Benjamin Frank Pressley, of Washington, was held up about 7:20 p.m. Monday by three men who approached him and asked for a cigarette at 5th and I Streets NW. When Pressley replied he had none, all three men pulled out handguns and theatened, "Be quiet and give us your money." After handing the trio his money, Pressley was ordered to keep walking while the gunmen made their escape.

Harriet S. Gennis, of 1445 Otis Pl. NW, was held up Monday by three youths who approached her from behind as she was standing in front of her home. "This is a holdup. Give me your purse," the trio demanded and fled toward 14th Street with her pocketbook.

Karen E. Olmstead, of Washington, was held up about 6:40 p.m. Monday in the parking lot in the 1400 block of P Street NW as she was placing her groceries into her car. A man brandishing a gun threatened, "Give me your money or I will blow your head off." After she handed him $3 the gunman repeated, "I will blow your head off. I want all of your money." At that point two men entered the parking lot and the gunman fled east in the 1400 block of Church Road.

Ray Francis Neason, of 2905 Nash Pl. SE, was robbed about 1:30 p.m. Monday as he was climbing the steps of his apartment with an armload of groceries. Two men grabbed him from the rear, forced him down the stairs and removed his wallet. The pair then fled east on Fairlawn Avenue.

Solveig Marie Halvorsen, of 2712 Terrace Rd. SE, was beaten and robbed about 3:45 p.m. Monday as she was about to enter her apartment building with a friend, Dorothy E. Chamberlain. Two youths pointed a gun at the women and tried to snatch their pocketbooks. While the unarmed man took Miss Chamberlain's purse, Mrs. Halvorsen struggled with the gunman who began striking her over the head with his weapon. She finally released the purse and the youths escaped with both pocketbooks, running north on 31st Street. Mrs. Halvorsen's bag contained only her car keys because the rest of the contents had fallen out during the struggle.

Kenneth Ingram, a truck driver for National Beer Distributors, was held up Monday as he was making a delivery in the 3700 block of Georgia Avenue NW. Two men, one of them carrying a gun in a paper bag, warned Ingram, "Don't move and you will live." Taking the money from the driver's pocket, the pair fled west on Rock Creek Church Road.

Charles Rodger Miles, of Washington, was held up about 11:30 p.m. Monday by two young men who yoked him from behind while he was standing at Montello Avenue and Queen Street NE. One of them pointed an automatic at Miles and ordered, "Don't move, you punk . . ." The gunman then removed Miles' leather jacket and his wallet while the other man took the bills from his pockets.

High's dairy store, 5002 1st St. NW, was held up about 3:40 p.m. Monday by a man holding a gun in his pocket. Forcing the clerk to hand him the money, the gunman ran from the store and escaped into an alley.

Meryle E. Bryson, of 1817 23d St. SE, was beaten and robbed about 6:05 p.m. Monday as she was walking near her apartment building. Two youths confronted her, one of them brandishing a small gun. "Let me have it," the unarmed youth demanded while the gunman began hitting Miss Bryson over the head with his weapon. Taking her pocketbook, the youths made their escape.

Louie's Carryout Shop, 1251 7th St. NW, was held up about 11:45 p.m. Monday by four men, one of whom pulled out a gun. The men forced the owner of the carryout to hand over the receipts and fled south on 7th Street with the money.

Chester Allen McDonald Jr. of Upper Marlboro, was beaten and robbed about 10 p.m. Monday in front of the student center building on the Howard University campus, in the 2400 block of 6th Street NW. McDonald said five men jumped him from behind, beat him in the face and head and took his wallet containing $5 and personal papers. McDonald was treated at Freedman's Hospital following the assault.

Nila Early, of College Park, was robbed Monday by two men who jostled her as she was leaving a building in the 1100 block of Connecticut Avenue NW. She later discovered her pocketbook had been opened and her wallet containing papers and money was missing.

Harry Collins Byron, of 1414 W St. SE, was held up about 4 p.m. Monday as he was parking his car behind his home. Two men walked up behind him and one of them pointed a gun at him, saying, "This is a holdup." The unarmed man began beating Byron in the head and body, knocking him to the ground. Searching through his pockets, the pair removed a wallet, then escaped into in an alley in the rear of the block.

Edward A. Mallory, of Washington, was held up about 5:50 p.m. Monday as he was getting out of his truck in the 5600 block of

2d Street NE, by two youths who told him, "This is it. Give me the money." "Get away from me," Mallory replied. One of the men then placed his hand in his pocket as if he had a gun and repeated, "Give me the . . . money." But Mallory insisted, "You have got to show me something." The other man then grabbed him from behind and, placing a hard object in his back, warned, "Don't turn around." Taking his wallet, the men entered their car and drove off.

Robert J. Wesoloski, of 2825 31st St. SE, was held up about 7:55 p.m. Monday as he was getting out of his car in front of his apartment building. Three men approached Wesoloski asking directions. As he turned to reply, one of them pulled a revolver and said. "This is a holdup." The trio escaped with his wallet and watch and fled south on 31st Street.

Hardine Bonner Price, of Washington, was robbed near his home at the corner of 15th Street and Rhode Island Avenue NW about 8:05 p.m. Monday. A man concealing a gun in his pocket walked up to Price and demanded, "Give me your money." Grabbing his wallet containing money and a check, the man made his escape.

Tower Cleaners, 2026 Nichols Ave. SE, was held up about 6:50 p.m. Monday by two young men, one wielding a pistol. "Give me all your money," the gunman told the clerk and took the cash from the register. The pair fled out the front door, south on Nichols Avenue.

STABBED

Dolphus Matheny, of 321 Tennessee Ave. NE, was admitted to D.C. General Hospital in serious condition after he was stabbed in the back during a fight in his home about 8:15 p.m. Sunday with a woman armed with a knife.

Sallie Ann Mercer, of 216 Elm St. NW, was treated at Washington Hospital Center for head, arm and facial wounds she suffered during a fight in her home about 8:40 p.m. Monday with a man wielding a knife.

ASSAULTED

James Trudeau, of Georgetown University's Harvin Hall, was treated at Georgetown University Hospital for injuries he suffered when he was beaten up at the intersection of 37th and Prospect Streets NW, about 2:20 a.m. yesterday. The victim told police two men got out of a car and began beating him over the head. Following the attack, they reentered their car, which was driven by a third man, and drove north on 37th Street.

Robert Henry Jones, of Washington, was treated at Washington Hospital Center for head wounds he suffered during an attack about 3:50 p.m. Monday. The victim told police he and James Earl Jones, also of Washington, were assaulted at Warder Street and Otis Place NW, by a group of about 20 men. The men hit James Earl Jones in the head with their fists and struck Robert Henry in the head with an iron pipe.

STOLEN

A $500 IBM electric typewriter was stolen from the Mason and Co. twelfth-floor office, 1100 7th St. NW, about 12:10 p.m. Sunday.

A wallet was stolen from the purse of a Georgetown University employee who saw a man leaving her office in Loyola Hall, 35th and Prospect Streets NW, as she entered the room about 11 a.m. Monday. The man told Mary Berkholtz, of Washington, that he was looking for a restroom. She later discovered that her purse had been opened and her wallet was missing.

Two mink stoles, a mink coat, a typewriter and an undetermined amount of jewelry, worth an estimated $6,630, were stolen between 11 a.m. and 1 p.m. Monday from the apartment of Ruth R. Herbert, 3814 Fulton St. NW.

Four hacksaws, an electric hammer, an electric drill, four torch tanks, a torch kit, and 30 saw blades, with a total value of $756.22, were stolen between 5:30 p.m. Friday and 7:30 a.m. Monday from the Brocks Tool Co., 5327 Georgia Ave. NW.

A wallet was stolen from the pocketbook of Delha Barwick, a teacher at Western High School, 35th Street and Reservoir Road NW, while the purse was in her desk drawer sometime between noon and 12:45 p.m. Monday.

CRESCENT BIRD CLUB OF NEW ORLEANS, LA., SUPPORTS S. 4, 100,000 ACRE BIG THICKET NATIONAL PARK

Mr. YARBOROUGH. Mr. President, each day as the sun rises on the beautiful Big Thicket, another 50 acres of this precious virgin wilderness have disappeared. When our ancestors arrived in Texas they found an area of over 3 million acres teeming with nature's wonders. This great heritage has been ruthlessly reduced to a mere 300,000 acres, and if immediate action is not taken, all that will remain of this unique area is a sad memory of what once was and what could have been.

Every day communications are received by me from concerned citizens and groups expressing their concern about saving a part of this area for posterity. A recent resolution was received from the, Crescent Bird Club of New Orleans, La.

The Big Thicket is not just another forest. Because of the richness and diversity of the plant life, the many rare species of birds, animals, and reptiles, the Big Thicket has immense scientific value. Every major American university has sent representatives to the Big Thicket to do research. Many of the plants that are found in the Big Thicket are useful in the treatment of diabetes, cancer, and heart disease.

Mr. President, I ask unanimous consent that the resolution of the Crescent Bird Club be printed in the RECORD.

There being no objection the resolution was ordered to be printed in the RECORD, as follows:

RESOLUTION OF THE CRESCENT BIRD CLUB ON THE BIG THICKET NATIONAL AREA

The Crescent Bird Club does hereby adopt the Policy Statement on The Big Thicket National Area, a copy of which is attached hereto and made a part hereof for all purposes, and urges the President of the United States, the Congress, the Department of the Interior, the U.S. Corps of Engineers (as to Dam B), and the appropriate state agencies (as to supplemental state and historic parks) to take appropriate action to implement this policy as soon as possible.

(Statement attached hereto.)

DR. ROBERT D. PURRINGTON,
President, Department of Physics, Tulane University.
NEW ORLEANS, LA.

POLICY STATEMENT ON BIG THICKET NATIONAL AREA

We favor a Big Thicket National Park or area which would include not only the minimum of 35,500 acres proposed in the Preliminary Report by the National Park Service study team, but also the following modifications and additions:

1. Extend the Pine Island Bayou section southward and eastward down both sides of Pine Island Bayou to its confluence with the Neches River.

2. Extend the Neches Bottom Unit to cover a strip, a maximum of three miles, but not less than four hundred feet, wide on both sides of the Neches River from Highway 1746, just below Dam B, down to the confluence of Pine Island Bayou.

3. Extend the Beaumont Unit northward to include all the area between the LNVA Canal and the Neches.

4. Incorporate a Village Creek Unit, comprising a strip up to one mile wide where feasible, and no less than 400 feet wide on each side of Big Sandy-Village Creek from the proposed Profile Unit down to the Neches confluence. Wherever residences have already been constructed, an effort should be made to reach agreement with the owners for scenic easements, limiting further development on such tracts and preserving the natural environment. Pioneer architecture within these areas should also be preserved.

5. Incorporate a squarish area of at least 20,000 acres so that larger species such as black bear, puma and red wolf may survive there. An ideal area for this purpose would be the area southeast of Saratoga, surrounded by Highways 770, 326 and 105. Although there are pipeline crossings in this area, they do not destroy the ecosystem; therefore the National Park Service should revise its standards pertaining to such incumbrances, in this case, leaving them under scenic easement rules instead of acquiring them.

6. Connect the major units with corridors at least one-half mile wide, with a hiking trail along each corridor but without new public roads cutting any forest. A portion of Nenard Creek could be good for one such corridor. The entire watershed of Rush Creek would be excellent for another.

Such additions would form a connected two-looped green belt of about 100,000 acres (there are more than 3 million acres in the overall Big Thicket area) through which wildlife and people could move along a continuous circle of more than 100 miles.

We recommend that the headquarters be in or near the line of the Profile Unit.

We are absolutely opposed to any trading or cession of any National Forest area in the formation of the Big Thicket Park or Monument.

In addition, but not as a part of the Big Thicket National Monument, we recommend: (a) the establishment of a National Wildlife Refuge comprising the lands of the U.S. Corps of Engineers around Dam B. (b) a state historical area encompassing communities of typical pioneer dwelling, farms, etc., such as that between Beech and Theuvenins Creeks off Road 1943 in Tyler County, and (3) other state parks to supplement the national reserve.

TRIBUTE TO HELEN HAYES

Mr. GOODELL. Mr. President, I would like to take a moment to pay honor today to a woman who has become a living legend in the American theater. I speak of Miss Helen Hayes, who this year, celebrates her 65th anniversary in the dramatic arts.

Miss Hayes is such a towering figure in the dramatic arts that she has had a Broadway theater named for her and has long been recognized as the first lady of the American theater.

Rather than seek placid retirement, Miss Hayes is celebrating her 65th anniversary in the dramatic arts by starring in the Broadway revival of "Harvey," and in Universal's "Airport."

She is one of the few women in the world who has touched gracefully and sensitively every major phase of the entertainment world—television, the theater, and motion pictures.

As an actress, she has managed to

leave a part of her with everyone who has ever seen her perform. It can truly be said of her that because of her dedication, she is one of the few people who has managed to bridge the generation gap.

Helen Hayes' first movie was "The Sin of Madelon Claudet." A review in the Chicago Daily Tribune of October 31, 1931, summed up mcvingly the whole career of this beautiful lady:

> Helen Hayes is one of earth's comparatively few really "dear" people. You love her for herself, and you adore her for the undiluted joy her acting gives you. Stage training, unquestionably, is a great asset in the talking pictures, but God did a lot for this delightful little woman before she ever heard of the theatre. As Madelon Claudet she inspired your laughter and your tears—and a positively ferocious allegiance.

On Monday, March 2, 1970, I had the signal honor of presenting a plaque and commendation to Miss Helen Hayes, America's first lady of the theater, on the occasion of her 65th anniversary in the dramatic arts, in recognition and appreciation for her contributions to motion pictures.

It is my good fortune to know Helen Hayes and to be able to take this opportunity to thank her for her contributions to the arts.

THE NEW YORK STATE URBAN DEVELOPMENT CORPORATION

Mr. GOODELL. Mr. President, many of our Nation's cities are no longer fit places to live.

Millions of city dwellers are ill housed. With the outmigration of business and industry and the lack of economic planning, millions of city dwellers are unemployed or have to travel miles to their jobs. Public facilities, such as schools, hospitals, libraries, and recreation areas, are outdated and ill-equipped to meet the needs of the urban community.

The cause of urban decay—multifaceted and complex—has been the object of many studies, commissions and proposals. Yet, because of inadequate funding of Federal programs and a lack of commitment to the solution, the decay continues.

The State of New York, under the able direction of Gov. Nelson A. Rockefeller, has developed an important and novel method of attacking the problems of urban decay. It was clear to State leaders that only a powerful and influential agency with the tools to deal with all the complex factors of urban decay and development, could take the lead and direct the State effort to protect our cities.

In 1968, the Urban Development Corporation was created for the purpose of planning and developing the urban areas of the State. In order to achieve this goal, extensive powers were given to the UDC.

The UDC can enter into joint financing agreements with local agencies or private groups. It has the power to float $1 billion in bonds. It can acquire land, both public and private, through the exercise of eminent domain. It has the power to override obsolete zoning and building codes. It can provide the economic resources and expertise for the redevelopment of local communities and the construction of "new towns-in-town" and "new towns."

Above all, the Urban Development Corporation, unlike any other Government agency, has the major responsibility and the complete and continuing authority for the development of a project from land acquisition to final construction. The powers given to UDC enable it to deal with many of the complex problems—from start to finish—which thwart our housing and urban development programs.

Under the dynamic leadership of Ed Logue, president and chief executive officer, the UDC has contracted for over 24 urban development projects in eight cities. The State of New York, a leader in social reform programs, has created an imaginative vehicle which can meet the housing and urban development crisis in our State. I believe the corporation can well serve as a model to other States as they seek to offer solutions to similar problems which beset them.

On Sunday, March 1, an article appeared in the New York Times entitled "New York's Mr. Urban Renewal," written by Richard Schickel. It represents a fair and informative review of work being done by Ed Logue and the Urban Development Corporation. I ask that it be included in the RECORD for the benefit of my colleagues.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times magazine, Mar. 1, 1970]

NEW YORK'S MR. URBAN RENEWAL

(By Richard Schickel)

(Richard Schickel, film critic for Life Magazine, has a special interest in housing problems.)

Edward J. Logue, president and "chief executive officer" (businessmen seem to relish rolling that impressive title across their tongues when they introduce him on public occasions) of the New York State Urban Development Corporation is scrunched in a corner of his state-owned limousine—a black Buick of the sort favored by small-town G.P.'s who want to impress their patients with the solidity of their values. On his lap he holds a battered brown attaché case containing letters and memos—not very many of them—relevant to the meeting that has drawn him from his 10th-floor office at 666 Fifth Avenue for the two-hour drive to the Storm King Art Center near Newburgh. There he is to address a luncheon meeting of an organization called Mid-Hudson Patterns for Progress, a privately financed regional plan group that is interested in establishing a working relationship with the U.D.C.

Logue is traveling with almost the minimum feasible entourage for a $50,000-a-year man—a chauffeur, two assistants and a journalist. As the head of a public corporation entitled by law to float a billion dollars' worth of bonds to "acquire, construct, reconstruct, rehabilitate or improve . . . industrial, manufacturing, commercial, educational and cultural facilities, and housing accommodations for persons and families of low income and facilities incidental or appurtenant thereto, and to carry out the clearance, replanning, reconstruction and rehabilitation of . . . substandard and insanitary areas" anywhere in New York State, Logue is, although new to the New York scene, a very powerful man and, as such, entitled to his perquisites, which also include running half an hour to an hour late on his appointment schedule, working a 14-hour day and lunching, more often than not, on corned-beef-on-rye sandwiches at his desk.

He is proud of the U.D.C. which, he says, represents "the most versatile and most all-inclusive development legislation on the books in any of the 50 states." Its powers include, besides those just mentioned, exemptions from certain local zoning and building-code requirements, special tax exemptions, the ability to use just about every conceivable method of financing—public and private—to get its projects going and the power to sell or lease back its projects to private investors once they are completed. The only thing it can't do is "write down" land costs; that is to say, purchase and clear the land on which to build its works, though one gathers Logue and his associates are working on that little defect. Meantime, it is up to other agencies—local governments, the Federal Government (operating under provisions of the Urban Renewal Act), even private enterprise if it wants to—to obtain and prepare sites for Logue's organization to build upon.

Even without this write-down power, the U.D.C. is, at least on paper, a pretty scary outfit as far as local politicians and private citizens, jealous of their traditional prerogatives regarding real estate, are concerned. Therefore, Logue and his staff are engaged in a constant selling effort, designed to allay fears and encourage "partnerships" between corporation and communities. Critics familiar with Logue's style in New Haven and Boston, where he headed much-publicized urban redevelopment programs, charge that he has never truly been a partner of anyone or anything in his life. What he likes to have, they say, is paper arrangements with paper tigers that, in effect, legitimize whatever he feels like doing.

Be that as it may, there is a demonstrable need for something like the U.D.C. in New York State. It has been estimated that in the next two decades the state's population will increase by 26 per cent and that, as of now, 1.4 million New Yorkers live in dilapidated and deteriorated housing that must be replaced. The need, then, is for housing for 6 million citizens by 1990—not to mention all the new community facilities and public transportation that must be built and rebuilt to serve them. U.D.C. is an attempt to meet these needs in an orderly fashion. Its mandate was made deliberately vague and all-encompassing so that it could move many ways, in many different directions, to get the job done.

It has already proved that it can move with dispatch. Last October Governor Rockefeller broke ground on the first of its projects and it is heading toward similar ceremonies for 25 others. Less than two years after its creation it has firm commitments that will result in the creation of about 25,000 new units of housing in the state plus perhaps 7 million square feet of industrial space and 1,200,000 square feet of new commercial space. It is committed to 17 studies for other projects and is always in the midst of preliminary conversations with other groups and cities, for it has potentially huge resources to draw upon. In addition to its bond-issuing power, it can enter into partnerships with every kind of public and private entity to finance its work. Logue says that it will use its wide range of compulsive powers (such as the power to override local zoning codes) "sparingly, so that our statute isn't repealed by the Legislature." Meetings like the one he is about to attend are designed to convince others that the U.D.C. is not a menace but is, in the phrase of one convert, a small town mayor, "a jolly green giant."

So far this effort seems successful. At least one has not heard, in New York, the kind of criticism Logue has received elsewhere "Why," says one old enemy, "he looks at you with those big, brown, candid eyes and tells you lies." Indeed, the ferocity of Logue's critics is such that one can never entirely relax in his presence, feeling dutybound to question—at least inwardly—the steady stream of smooth, glib analyses of the urban situation and his plans for dealing with it. The over-all impression is of an extremely intelligent, very tough man who is too confident by half about the correctness of his course. After all the expensive failures this nation has endured while trying to set its houses in order, how can anyone be so certain that the U.D.C.—which is heavily stressing the latest fad in the redevelopment field, New Towns—is going to be any better than any previous program?

As his limo heads up Manhattan's West Side Highway, Logue almost perversely instructs his driver to avoid the pleasant prospect of the Palisades Interstate Parkway and to seek out, instead, the Garden State once the George Washington Bridge has been crossed. On the bridge, he calls attention to the height of its guardrails—"the —— —— highway engineers deliberately set the railings for maximum obstruction," he grumbles, "so as a result you can't see the most magnificent river in the country when you cross it." On the Jersey side he spots a highrise development and groans, Isn't that glorious design?" His companions stare silently at the offending structure and when another similarly repulsive pile becomes visible, Logue comments: "The trouble with this business is that you're always looking around you and seeing that the S.O.B. who designed a building wasn't looking at his site or even at what he was doing."

The Jersey slurb is, of course, the product of rampant free enterprise, one of the problems of which is that "our chief elected officials and our corporate presidents don't care about design and don't know anything about it." That, he thinks, is at least partly a generational difficulty. "When I was an undergraduate at Yale," he says, "the great gut course was early American silver—pots and pans we called it. There was no course in architectural appreciation. Now, at least, there is a course and it's the most popular undergraduate elective there—very exciting lectures."

He goes on to observe that his own education in urban esthetics was in a harder and more expensive school. "I was a bombadier during the war—that was my basic training for this work," he says, repeating a well-worn joke he uses to disarm potential critics. After that came Yale Law School, class of '47, and a stint as executive assistant to Chester Bowles when Bowles was Connecticut's governor and U.S. Ambassador to India, before signing on with New Haven's Mayor Richard Lee to head the city's renewal program.

Logue's fame began there when he was instrumental in attracting more Federal rebuilding funds per capita than any other city in the U.S. received. Moving on to Boston in 1961 he attracted $200-million in Federal write-down funds which he leveraged into $2-billion worth of new construction, very little of which represented fresh cash outlays by the city (its contributions were mainly in the form of schools, police stations, recreation facilities and the like—items which were part of its planned capital budget).

By the time Logue left the Boston Redevelopment Authority he had laid plans to clear some 13,000 substandard housing units, build almost 20,000 new ones and rehabilitate more than 37,000 others. Eleven per cent of the city, 3,200 acres, was actively undergoing renewal by the time Logue quit in 1967 to run unsuccessfully for mayor. The most clearly visible sign of Logue's Boston years is the downtown Government Center Project, which has replaced the old Scollay Square skid row with a set of state, Federal and municipal facilities and a group of private office buildings. Opinions differ about the design quality of the project, but it is certainly an improvement on Scollay Square and as central city rehabilitation projects go in the U.S., a pretty decent-looking one.

Projects of this kind have, as Logue points out, immeasurable side effects. They create work when they are under construction and they create new jobs once they are completed. They also encourage private investment in the areas around them, "millions of dollars . . . being spent on the upgrading and improvement of older buildings in this area to help make them more competitive with the new."

The eight other renewal areas in Boston are not quite so advanced or spectacular as Government Center, but all over the city new, B.R.A.-inspired construction is visible—a new aquarium, new and renovated commercial structures, shopping centers, transit facilities and, of course, housing. The assessed valuation of these new works is more than double that of the structures they replaced. But perhaps the best measure of Logue's Boston years is found in a very simple set of figures. In 1959, the year before he arrived, there was not a single commercial building under construction in Boston. By the time it is completed there will be no less than a dozen new commercial structures in the Government Center area alone.

One hears a good deal of criticism about Logue's housing activities in Boston, but it must be remembered that the B.R.A.'s mandate was much broader than simply to provide more dwelling units. Its real function was to arrest the city's economic decline—its "escalating taxes, shrinking population, galloping dilapidation, vacant lots, vanishing businesses, jobs and tax base," as Logue once put it. The project appears to have had its effect in all these areas. Boston, more than any major city in the East, gives even the most casual visitor the impression of being a boom town, an increasingly confident, bustling, changing place.

A compact man of medium height and girth, Logue has deceptively calm, wide-set brown eyes and a shock of salt-and-pepper hair that has a tendency to stand up, Dagwood Bumstead fashion, when it is untended. His dress is nondescript conservative, but although it is easy to lose him in a crowd of middle-aged businessmen, he gives off an air of tremendous energy only partly suppressed by the demands of convention when he is confronted in his office. He is forever popping up to consult maps, charts, books, architectural sketches—mainly, one feels, because he needs to do something physically. He rolls about, tilts back and forth, constantly shifts position in his chair and it is not unusual to look and find Mr. President with his legs tucked underneath him, perching in that chair as if it were a tree branch and he were the leprechaun in "Finian's Rainbow."

Well, he is Irish, which may account for his political instincts and for his pugnacity (legend has it that he once threw a chair at a "Fed," though he claims the incident is grossly exaggerated; "I gave it a shove with my foot and the floor was slippery and it just kind of took off"). Uncomfortable with community-action people, dismayed by the average, time-serving public official, Logue fits in well with business people. The U.D.C. doesn't make a move without elaborately consulting with them and, often, as is the case with Mid-Hudson Patterns for Progress, getting them to put up some money to match U.D.C.'s financial commitment to a plan or project.

Drawing closer to Newburgh Logue points out that Patterns for Progress "represents a five county area—Columbia, Dutchess, Orange, Greene and Putnam—that is about to be intruded upon by a worldwide problem, that is, by the intensive pressure of population on urban or potentially urban land. At the moment, the whole area between Westchester County and Albany is actually underdeveloped. The problem for this region, right now, is housing for skilled workers in these old, ramshackle, rundown river towns. There is one very large employer—I.B.M.—and it skims the cream off the local labor pool, leaving the rest of industry to compete for the marginals. They've advertised for skilled workers outside the area, but they won't stay unless they can get decent housing." The present problem is, however, temporary. In a decade or two the region will begin to receive New York City's overflow population. So intervention by the U.D.C. now will give it—so Logue hopes—a role in the more complex problem-solving soon to come.

It was Newburgh that first brought the U.D.C. to the mid-Hudson region. Described by Logue "as an almost classic example of a city paying the unintentional price for progress," it was one of the first to reply to Governor Rockefeller's letter, addressed to every city in the state, inviting them to make use of the U.D.C. immediately after it came into existence in the spring of 1968.

What had happened to Newburgh was a bridge over the Hudson. Bypassing the city and rendering obsolete the ferry service that operated between it and Beacon, it caused an almost-instant shutdown of Newburgh's riverside business district. Today, the district is nothing but a collection of empty buildings, a couple of hundred altogether. One sees an occasional light burning where a small grocery or newsstand grimly hangs on, an occasional movement where some black children play among the empty shells.

Logue does not believe Newburgh's sickness is terminal. The U.D.C. has put together a package that includes a bypass highway around the city, something the state's highway engineers have urged—against town opposition—for some time. As a trade-off, there will be a new road, along the river, leading into a completely new downtown development, planned by U.D.C., but eventually to be operated by private enterprise. Before that gets under way, however, the U.D.C. will have started a 300-unit housing project out on Lake Street, where a recently abandoned county home for the aged now stands. Over the years Logue has devised certain basic formulas for such projects. Ten per cent of its units will be for the elderly, who will be housed in a nine-story apartment building. Twenty per cent of the units are designated for low-income tenants, all the rest for middle-income groups. These will be two- and three-story structures, ranged around a pretty, if polluted, pond. The pond will be cleaned and the low- and middle-income apartments fronting it will have "rather more bedrooms than is customary in public housing," says Logue. The whole housing development is neatly tied in with an industrial site nearby.

What does a community like Newburgh sacrifice in order to bring in the U.D.C.? Autonomy, of course. The presence of the U.D.C. in a locality is a public admission that it cannot solve its own problems. On the other hand, it does not become, unless it wants to, a completely silent partner. According to the quite typical Memorandum of Agreement drawn up between Newburgh and the U.D.C., the former's city council had the right to reject the development plans of the U.D.C. when they were submitted to it and the right to reject any private developer the U.D.C. brings in to work on any stage of its construction. On its part, the U.D.C. reserves the right to walk out if any of its plans are thwarted—a powerful weapon, indeed, once hopes for progress have been raised at public hearings and in the press.

What a city gets from the U.D.C. in return for sacrificing some of its traditional prerogatives is a very fair compensation—expertise and economic resources it could not otherwise command, not to mention, when a project is finished, tax-producing structures. One could say that the autonomy surrendered is roughly akin to that which a sick man gives up to a hospital. It may be annoying, but it does offer the possibility of curing what ails him.

That is the substance of Logue's message to the assembled members of Mid-Hudson Patterns for Progress. On his feet Logue turns out to be a crisp, not very exhortatory speaker. He gives a quick résumé of his own career and of the brief history of the U.D.C. He stresses the region's need for planned growth and the fact that his corporation "has taken the position that we will only work at the invitation of a locality. We're not looking for a mandate to go where we're not wanted. We're not going to try to run around end on you. But we do know how to do what needs to be done, how to meet the problems you have. If you want us as partners, we're very available. On your part, you have to decide that you have enough problems to want our assistance and that you can trust the kind of relationship that's being proposed here."

Implicit in all this is a quiet threat. Logue knows, and he flatters his hearers by assuming that they know, that conventional renewal programs are far too slow in operation. After this comes the kicker: "Twenty cities have entered into partnerships with us, others are not sure about what to do, others have said they don't need us. *That's O.K. with us—we have plenty to do without them.*"

In short, it's take-it-or-leave-it time, and the technique works beautifully. It has been explained that it will require about $360,000 merely to develop a plan for the region. U.D.C. will put up $100,000 and a foundation and the Regional Plan Association each have virtually committed themselves to matching that amount. But in keeping with Logue's insistence that he likes "to have local partners with a little cash invested," Patterns for Progress must come up with the remaining $60,000. A few pols get up to inquire of Logue about "fair representation" for their districts in the councils of Patterns for Progress. Translated, this means they want to make sure they get equal dipping privileges in what clearly looks to them like a handsome pork barrel.

After they are done getting on the record, however, the luncheon takes on the aspect of a revival meeting. There is much talk about how Newburgh, in its time of troubles, oversubscribed its $45,000 share of the planning money the U.D.C. required of it by $15,000—and in less than a week's time at that. The example is not lost on its neighbors and one by one the representatives of industry and of chambers of commerce rise to pledge their support. Cagily, no figures are mentioned, but it is quite clear that there's $60,000 present at the meeting and the air at adjournment is optimistic.

Logue makes no comment, but ducks as quickly as politeness allows into a closed meeting with two or three Newburgh people. It seems a private developer, who dreams of a container cargo port as part of the development plan, has been sniffing around, possibly contacting local officials. They don't like the idea: Newburgh has more pressing needs. Logue assures them the man is within his rights but that he probably lacks the wherewithal to bring the idea off. He must also reassure a black man, concerned that the local contractors who will undertake the Lake Street development may not hire black workers. Logue informs him U.D.C. will insist that blacks be employed no matter who wins the bidding. He exudes confidence, largely by taking his time, keeping his voice at its customary low pitch and telling half-humorous anecdotes about how he has faced similar problems in the past and defeated them. He is very much the experienced, knowledgeable, urbane expert casually placing his know-how at the service of the naive and troubled outlanders. It is a very reassuring performance.

As is his appearance before the Patterns for Progress board of directors which immediately follows. The directors must formally accept or reject the U.D.C. partnership now. Here he lays to rest a ghost that hovers, according to his associates, around all the U.D.C.'s operations outside the metropolitan areas, namely that it is in the business of exporting the city's problems to the countryside. "We are not trying to create large-scale public housing in the country," he says. "What we want is a plan that will serve as a development guide for the region, just as our master plan did for Boston." His pitch is firmly backed by a representative of the Regional Plan Association and by the time he leaves it is obvious the board will be going along with him.

He makes a whirlwind tour of the sculpture on the grounds of the museum—his entourage panting to keep up—pauses briefly in Newburgh to inspect both the blighted downtown area and the Lake Street site, and then, it being almost 5 o'clock, heads back to New York.

His companions are dragging by this time, but Logue is not. Despite his almost missionary belief in the efficacy of U.D.C. he is under no illusions about it. Stuart Polly, one of the brightest of Logue's bright young men, has put New York's urban problem succinctly: "One-fifth of the state's housing is substandard. It is estimated that more than two million people live in blighted areas. These blighted areas cover 100,000 acres." But in the 20 years since the Federal Urban Renewal Act was passed, only about 200 acres of renewal projects have been completed, another 300 acres are in advanced states of land clearance, another 1,200 acres await sponsors to redevelop them. Admitting the measurement "may be somewhat crude," the figures still indicate, says Polly, that "less than 3 per cent of the total problem has been reached."

"What is needed," Logue says, as his car rolls cityward, "is very simple. We need a serious national commitment to the goal of providing decent housing for everyone who needs it. Private enterprise can't do the job alone: the cities and the states can't do the job alone. Probably the best thing to do is scrap our present approach to the problem and start all over again. But so far neither the President nor the Congress has made a commitment to housing. They are not uninterested: it is just not very high on their priority list."

Logue has, through a decade and a half, created a vociferous band of critics. Some are irrelevant, like the Boston City Council member who fought him implacably and who claims he is nothing but "a Washington influence peddler." Some are hysterical and Logue acknowledges that you can find blacks "who think I'm a racist ——."

Some are purely political: John V. Lindsay, who invited Logue to prepare a housing-and-planning development program for his new administration in 1965, accepted most of its policy proposals and then had his feelings hurt when Logue rejected his offer to head a housing-and-renewal superagency. Logue reportedly thought he would not have enough authority to do the job and Lindsay, who was a classmate at Yale Law School later fought the U.D.C. legislation and was heard to comment, when Logue accepted its presidency: "I used Ed Logue as a kind of a part-time kibitzer. Maybe he'll have the same relationship with the state—Ed's very good at that." It is said that the Mayor's private statements about Logue are a much deeper blue than the colors of their alma mater.

Comments of this sort are the dismissible debris of a career in controversial public service, and Lindsay's administration has since gone into partnership with the U.D.C. on no fewer than eight projects. What is not dismissable at all is the near unanimity of the academic urbanists' disapproval. To someone like Herbert J. Gans, a sociologist who specializes in housing problems at M.I.T., Logue's basic past mistake was an unthinking embrace of the Federal Urban Renewal Act. The act is, he says, based on a faulty premise, namely "that you can keep the middle class in the cities, or even lure them back from the suburbs, by tearing down the houses of poor people who don't contribute anything to the city anyway. What's wrong with it is that it doesn't deal directly with the problem of poverty—all it does is push the poor around some more."

Says Frances Piven of the Columbia School of Social Work, "The result of Logue's work has been to paralyze and devastate the neighborhoods into which he has moved or threatened to move. You must remember that the Urban Renewal Act was designed to get rid of black ghettos which were obnoxious to other classes and which were beginning to develop some real political power of their own. You must also remember that the land on which they stand is potentially valuable. If you take it away from the blacks and give it to the business interests, you are, in effect, returning it to its state of highest economic usefulness."

As far as she can see, the U.D.C. will simply offer more of the same thing. "It will probably be part of the attempt to pre-empt Harlem because there is a lot of interest in taking Harlem, to develop it for beauty, for a higher degree of economic usefulness. Probably [the U.D.C.] will throw off some concessions as it does so." But, she adds, only 1 per cent of the building accomplished by Logue and others who have successfully pried money out of the Federal Government under the Urban Renewal Act has been housing for the poor.

Housing analyst Jane Jacobs says, "Logue tosses people and small businesses around ruthlessly. If you want to know what he does, ask the rioters in New Haven. To a great extent, urban renewal there was a process of Negro removal. The poor were rooted out, and many of their businesses were destroyed or relocated out in the country, in order simply to give the city a better image."

All Logue's critics believe that his elaborate consultations with communities before he goes to work are, in Mrs. Jacobs's word, "hypocritical." Says Gans: "Logue often set the middle-class blacks against the poor blacks. What you have to remember is that however bad the slums are, they at least provide people with places to live. That's why urban renewal is a dirty word in the ghettos now. And a dead issue with most people who know anything about housing . . . . With a man like Logue I never listen to what he says; instead, I watch what he does."

Chester Hartman, an urbanist at Harvard, is just as vehement, although he concedes that there is an element of personal hostility in his relationship to Logue. He also concedes that Logue is "a real doer, who has marshaled an extremely effective staff that reflects this kind of bull-like quality he has." But he, too, charges that Logue lacks interest in the community: "He never has participated with the community in planning, he has no concept of starting to plan with people. Oh, sure, he finds committees to work with, but they are without real power."

Moreover, he claims that in Logue's haste to get things constructed, he does not exercise sufficient control over his builders. In Boston's Washington Park renewal area, Hartman says, there have been "tremendous complaints about the original quality of the work and tenant committees have been established to improve conditions there."

Mrs. Jacobs points out that in Boston now, after a decade's experience with the B.R.A., people are beginning to band together to fight eviction. They are, she says, no longer quietly going to give up their homes to satisfy the city's need to improve its image. She notes that "Logue is magnificent at tak-

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ing the glory and leaving the pieces for someone else to pick up. He's a big wheel, an important guy, and by the time the U.D.C. is obviously failing and the state sees it has a mess on its hands, he will have left—he has a great capacity for moving on at just the right moment."

Logue does not, of course, concede the validity of these criticisms. Except, possibly by his actions. His emphasis on speed in clearing and rebuilding land is surely an attempt to minimize some of the social costs of renewal. More important, the stress at U.D.C. is not on urban renewal as it has been defined. Rather the emphasis is on new alternatives. In Buffalo, for example, U.D.C. is planning a New Town that will be tied in with the new campus of the state university there. It will create far more housing than it will displace, enormously broaden the tax base of its locality and, quite important to Logue, who finds "a certain lack of dynamism" in the European New Towns, the university connection should make it a lively place to live.

The U.D.C.'s major projects in New York City—the New Town on Welfare Island and the Harlem River Park which will provide, when completed, a combined total of 6,500 housing units—will displace no present housing. That, according to Logue, is the essence of sensible renewal in a city where land and housing are scarce. The theory is that first you build the new housing, then you move people into it and then and only then do you destroy or renovate the places where they previously lived.

All over the state that is what U.D.C. is doing—looking for vacant and, hopefully, publicly owned land on which to build New Towns. The 6,500 new units of housing will not cure the city's ills. Nor will the 4,770 other, smaller developments that the U.D.C. is planning to add to this total. But it could be "the beginning of a chain" of developments, stretching over the next two decades, that might substantially relieve the pressure here. Logue does most firmly believe that U.D.C. "can create a new pattern for development" with New Towns and New-Towns-in-Town like Welfare Island. "The magic thing about Tapiola [a New Town outside Helsinki, Finland] is that it works."

But the New Towns will not work here unless they can attract the middle class. Logue is convinced that no one will be able to resist their obvious advantages. But Logue himself, who lived in the Yale Club for a year while selecting a place for his family to live in New York City, lives at One East End Avenue. He does not live on the West Side, where he could easily enjoy rubbing shoulders with members of another class. (Similarly, he believes the flight to the suburbs could be halted if the middle class would stay in the cities and fight for good public schools there. But he sends his two children to Dalton, excusing this abandonment of principle on the grounds that his kids have "made plenty of sacrifices because their father is a public servant, and they are entitled to compensations.")

One does not criticize Logue for this behavior. He is a man who has worked devilishly for success and is, perhaps, entitled to its rewards. The writer of this piece is an East Sider and a Dalton Daddy, after all. Still, if Logue will not do what he asks others to do, the New Towns are in trouble—unless, as someone has suggested, George Plimpton can be persuaded to move to Welfare Island to give it some chic.

These points, raised late in the day as his limo threads its way through the rush-hour traffic, do not ruffle Logue. He is a tough man who knows what he thinks he knows. ("How do you like Ed Logue?" a lady journalist who profiled him once was asked. "About 60 per cent," was the reply—and there is a hard warmth-resistant, protective core to the man.)

On the other hand, his impatience, his anger at inefficiency, his no-nonsense ability to speak plainly, in the vernacular, about what he's for and what he's against (consider his unfashionable admiration for another doer, Robert Moses), his really amazing sense of urgency about the job at hand in the cities, are in refreshing contrast to standard official style these days. Just at the moment, no matter what his critics say, it may be more important to do something—anything—in the cities that is quickly visible than it is to study the problem to death. It may even be that plain old-fashioned action is more to the point than community action, which is often merely obstructionist, sometimes irrational. The efficacy of this new political style cannot, at this point, be considered objectively proved. It is, in short, an attractive academic theory that has made a scandalous amount of trouble in the streets.

In any case, asked about his relationship to Governor Rockefeller, Logue reveals a good deal of his own best self when he happily replies: "The guy is tough when he leans on somebody." He pauses to muse for a moment and adds: "He's an enthusiast, and I'm in favor of that. What this ——— country needs is more enthusiasts."

With which the car pulls up in front of his building and he bounces enthusiastically out to face the night's homework. Watching him go one recalls a statement of his long-time associate, Allan Talbot, who lists his assets as "a sense of drama and urgency, a huge capacity for work and a great love for cities," plus his greatest gift—"making a picture of a puzzle."

There is also a statement by Arthur Drexler, curator of architecture and design at the Museum of Modern Art, to weigh in the balance: "I'd be inclined to give him the benefit of the doubt. Sure, without a real Federal commitment to the cities, something like U.D.C. is just a great big Band-Aid. And I suppose it's all very well for you and me to sit back and take a historical point of view about it and about men like Logue. But that doesn't mean everyone should sit back and wait for someone else to do the job. People like Logue have to keep trying—if only for humanitarian reasons."

LITHUANIAN INDEPENDENCE

Mr. PERCY. Mr. President, on February 15, 1970, the Honorable Petras P. Douzvardis, Consul General of Lithuania, addressed the Lithuanian Independence Day commemoration meeting at the Maria High School auditorium. Lithuanian Plaza, Chicago. He expressed the pride of Americans of Lithuanian descent and of Lithuanians everywhere in the accomplishments of the years of Lithuanian independence between 1918 and 1940. He also expressed the determination of all free peoples that Lithuania shall one day regain her freedom, a sentiment which I heartily share.

I commend the Consul General's remarks to my colleagues and ask that they be included in the RECORD.

There being no objection the address was ordered to be printed in the RECORD, as follows:

ADDRESS OF PETRAS P. DOUZVARDIS

On February 16th, Lithuania's Independence Day, we rejoice that Lithuania had regained her independence and had taken her rightful place among other independent, sovereign states. We express our gratitude and respect to those who were instrumental in restoring independence of Lithuania.

We take joy and pride in the organization, performance and accomplishments of the State of Lithuania, in her rapid progress and her commendable representation of herself in the world. This is confirmed by the reaction of the free world to Lithuania's misfortune: by the non-recognition of the Soviet Union's seizure of Lithuania.

For this great and significant legal-political support of Lithuania's rights, Lithuanians express their profound and sincere thanks to the United States of America and to all freedom-loving and law-respecting states.

As we reiterate our appreciation to Lithuania's friends and respecters of law and justice, we denounce the enslavers of Lithuania, the violators of agreements and international law and disseminators of falsehoods, and demand restoration of freedom to Lithuania.

President Nixon (October 24, 1968) characterized the conduct of Lithuania's enemy and occupant as follows:

"In committing aggression against the Baltic countries—Lithuania, Latvia and Estonia—the Soviet Union violated not only the spirit and letter of international law, but offended the standards of common human decency."

Bearing in mind that aggression is an international crime, and that the Soviet Union committed this crime for which it is condemned by its victims and the just world, as actual victims of Soviet aggression and oppression, it is up to the Lithuanians and others of the same fate to speak out more loudly and forcefully and to demand a righting of the wrongs inflicted by the Soviets—to free Lithuania and its people.

This demand is made in accord with the United Nations Charter and the Soviet Union's own demands upon others. Here is the latest (September 19, 1969) Soviet proposal to the United Nations:

"All States-members of the United Nations have assumed under the Charter the obligation to settle their disputes by peaceful means, to refrain from the threat or use of force against the territorial or political independence of *any state* . . . it is necessary above all, to insure, without delay, the withdrawal of troops from foreign territories occupied as a result of action by the armed forces of some states and against other states and the people defending their independence and territorial integrity, and to abide in international relations by the principles of sovereignty, equality, territorial inviolability of each State—non-interference in internal affairs and respect for the rights of all people freely to choose their social system."

Shortly before that, on July 10, 1969, Foreign Minister of the Soviet Union Andrei Gromyko had stated:

"It is impossible to keep foreign areas seized as a result of aggression . . . they should be returned . . . to whom they belong."

We are in agreement with the above-stated principles and expressed ideas. Guided by these ideas and by international law, we demand that the Soviet Union abide by its avowedly noble principles, solemn statements and obligations, that the Soviet Union restore Lithuania's territory to the Lithuanians with all the rights set forth in the Lithuania-Soviet Peace Treaty. As long as the Soviet Union does not do so, it will remain a hypocrit, an imperialist, the enslaver of Lithuania and other states, an enemy of freedom and justice.

SENATOR WILLIAMS URGES PRESIDENT TO PREVENT A REPETITION OF THE TRAGEDY OF VIETNAM IN LAOS

Mr. WILLIAMS of New Jersey. Mr. President, last year the Congress clearly and unequivocally declared America's intention not to allow the war in Vietnam to spill over into Laos. Congress barred the use of American ground troops in

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Laos and Thailand. This action, of course, was consistent with the Geneva accord of 1962.

It is now apparent that both North Vietnam and the United States are violating the 1962 accord.

Furthermore, it is now reported, in every day's newspapers, that the congressional intent is being violated and frustrated. It is reported that hundreds of former U.S. special forces have joined the CIA forces in Laos. Daily, B–52 sorties are now being flown over Laos, not just to interdict shipments over the Ho Chi Minh Trail, but to fight the battle for the Plain of Jars, to participate in what is apparently a civil war in northern Laos. We are spending over a quarter of a billion dollars yearly there. Some 200 American airmen have reportedly already been killed, as well as 20 CIA agents. And now, the North Vietnamese have reportedly built up their forces in Laos to 50,000 regular troops.

The situation is deteriorating rapidly. And yet, we in the Congress must get our news from unconfirmed press reports.

On November 3, President Nixon stated:

> I believe that one of the reasons for the deep division about Vietnam is that many Americans have lost confidence in what the Government has told them about our policy. The American people cannot and should not be asked to support a policy which involves the overriding issues of war and peace unless they know the truth about that policy.

Despite these unequivocal words, the administration has refused to release for publication testimony on Laos presented to the Foreign Relations Committee over 4 months ago.

If Congress is to fulfill its legislative responsibility it must have the facts; and if the people of this country are to intelligently determine the course of their future, the truth about our involvement in Laos must be disclosed.

Over and above his responsibility to keep America informed, the President has the obligation to assure America, by his statements and by his conduct, that he will not permit the tragedy of Vietnam to become the tragedy of Laos and of all Southeast Asia.

UKRAINIAN INDEPENDENCE

Mr. GOODELL. Mr. President, I wish to join my fellow Senators in marking the 52d anniversary of an independent Ukrainian State. These brave freedom-loving Ukrainians have long endured oppression from the outside—first under the hands of the czar and now under Communist rule.

Fifty-two years ago, last month, the Ukrainians—immediately following the Russian Revolution—proclaimed an independent nation-state. Unfortunately, the newly created Bolshevik regime in Moscow did not allow them their independence long. In 1920, only 2 years later, the small Ukrainian Republic was attacked and overrun by the Red army, and incorporated into the Soviet Union, as it remains today.

On this 52d anniversary of Ukrainian independence let us jointly express our hope for freedom for the people of Ukrainia.

A TRIBUTE TO CHARLES ABRAMS

Mr. PERCY. Mr. President, in memory of a warm and vibrant friend, Charles Abrams, who died on February 22 in New York City, I would like to review in a few, obviously inadequate words something of his contribution to our understanding of the changing world about us.

Perhaps more than any other person I know, Charles Abrams was able to analyze the forces which underlie urbanization not only in the highly developed nations of the world, but also in the newly developing nations. He was admired for being able to point out the obvious—a valuable accomplishment in an age of complexity and blinding specialization.

A prolific author, Mr. Abrams was at the same time able to combine positions as an official with that of consultant to private, governmental, and international agencies and that of university lecturer. He lectured at MIT, held the post of chairman of the Division of Urban Planning at Columbia, and most recently served as Williams Professor of City Planning at the Harvard Graduate School of Design.

Characterized by a remarkable energy, a spontaneous good cheer, and a facility with words, which often took the form of an irrepressible play on words, he maintained a native shrewdness about the basic workings of the housing market which gave him an extraordinary advantage over the ordinary scholar.

His interest in housing and planning began in Greenwich Village through the practice of law and the ownership of property. Among the many city positions which he held were a post on the city's slum clearance committee beginning in 1934, counsel to the State joint legislative committee on housing and multiple dwellings beginning in 1946, and chairman of the State commission against discrimination in the late 1950's. In this latter job in which he worked with his usual energy to reduce discrimination by landlords, employers, and others, he was charged as a zealot—a charge which the then Gov. Averell Harriman turned into a compliment.

In 1965 Mr. Abrams was appointed by Mayor Lindsay as chairman of a task force to draft recommendations to meet the deteriorating condition of housing in New York City. As a result of the proposals of this task force, the city housing and development administration was created.

Charles Abrams was also interested in worldwide problems. As a consultant and as a member of the United Nations housing missions, he advised many countries in South and Central America, the Caribbean, Africa, and the Far East, as well as Turkey, Pakistan, and India. He was also consultant to the International Cooperation Administration and for the Pan American Union.

Mr. Abrams' book, "Man's Struggle for Shelter," opened the eyes of many to the worldwide phenomenon of explosive urbanization. His experience in the United States and abroad made it clear to Mr. Abrams that relocation must precede slum clearance to avoid adding fuel to the fire of the two evils of overcrowding and exorbitant rent levels.

In his book, "The City Is the Frontier," Mr. Abrams called for a new philosophy which must "acknowledge that the central city and the suburb are an entity." He called for a clarification of responsibility between the State and Federal Government for responsibility for welfare and asserted that citizens must have the "right to live where they choose."

Finally, I would like to mention his strong emphasis on the need for a new philosophy to insure that "low-income families are entitled to the opportunity to own homes and to own them without fear of losing them when unemployment, illness, or death supervene." I have myself worked hard to accomplish this aim and take comfort from the fact that homeownership provisions were enacted within the lifetime of Mr. Abrams.

Mr. Abrams leaves us with a warning on the need for adequate housing—a need which has been partially accomplished—but on which more work needs to be done. May we not forget the dream he had of a life which reached out to people everywhere, and follow in his dream.

SOLID WASTE MANAGEMENT

Mr. GOODELL. Mr. President, the time is past for contenting ourselves with studies, models and pilot projects in the field of solid waste management. The Federal Government must act.

In testimony this morning before the Air and Water Pollution Subcommittee of the Senate Public Works Committee, I recommended an agenda for Federal action in the field of solid waste. My recommendations included:

The establishment of mandatory Federal standards for solid waste disposal, with rigorous Federal enforcement procedures;

Federal grants for construction of solid waste management facilities;

Federal incentives for regional solid waste planning; and

The creation of a system of user charges against specified industries that produce a high volume of solid waste, the proceeds of which would be placed in a trust fund to finance construction and operation of modernized solid waste disposal facilities.

Mr. President, I respectfully request the insertion of my testimony this morning into the RECORD.

There being no objection, the testimony was ordered printed in the RECORD as follows:

SOLID WASTE MANAGEMENT

(Testimony by Senator CHARLES E. GOODELL before the Subcommittee on Air and Water Pollution of the Senate Committee on Public Works, March 4, 1970)

Mr. Chairman, municipalities and industrial operations generate over 190 million tons of solid wastes annually, and this figure is expected to rise to 340 million tons by the end of this decade. Traditional disposal of municipal solid waste is by land-fill and incineration, which often results in pol-

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lution of land, water and the atmosphere. About 90 percent of the total disposal is in landfills, only a small percentage of which are satisfactory from the standpoint of pollution control. And in the areas where volume of solid waste is the highest, land for this purpose is becoming extremely scarce.

1. MANDATORY SOLID WASTE STANDARDS

There is no provision in Federal law requiring municipalities and industries to live up to any standards for their treatment of solid wastes. This is simply left to state and local regulation. As a result, the incentive for municipalities and industry to develop and implement adequate disposal procedures is small, indeed.

President Nixon has proposed a bill which would authorize the Council on Environmental Control to conduct studies in the field of reclamation and recycling of solid wastes.

Senator Muskie has recommended the establishment of Federal model standards for the collection and disposition of solid wastes. These model standards would be made available, on a voluntary basis, for adoption by state and local governments.

I believe, however, that the time is past for studies or model standards alone. The Federal government must act. It must establish national mandatory disposal standards. Until such standards—with rigorous enforcement procedures—are adopted, localities will simply lack the basis and the incentive to implement effective recycling and other procedures for disposing of solid wastes in a safe and sanitary manner.

President Nixon has proposed that the Clean Air Act be amended to provide the Secretary of Health, Education, and Welfare with the power to establish national standards governing air quality.

It is my recommendation that a similar approach be followed in the field of solid waste.

The Solid Waste Disposal Act should be amended to authorize the Secretary of Health, Education, and Welfare to establish national management standards.

The Secretary should delegate this power to the Bureau of Solid Waste Management, which hitherto has acted as a dispenser of research and demonstration grant funds in the field of solid waste.

The Bureau has already prepared for municipalities and industry operating guidelines for the use of incinerators, and is progressing in the preparation of operating standards for the utilization of landfill. The Director of the Bureau ought to be empowered to enforce those guidelines, presently just recommendations, as mandatory under the law. The Bureau ought to be preparing regulations on the interstate shipment of garbage, and on the disposals of sewage residues at sea beyond the three-mile limit.

The standards should aim at a reasonable degree of uniformity throughout the nation, with appropriate regional variations to reflect regional ecologic differences. Through such an approach, we can avoid creating unfair competitive disparities in different sections of the country, while taking into account disparities in regional ecologic needs.

The Secretary (and by his delegation, the Bureau) should be granted the authority to seek court injunctions for violations of the standards, as well as the power to issue cease and desist orders. In addition the Secretary should be authorized (but not required) to suspend further grants to an offending municipality under the Solid Waste Disposal Act.

2. GRANTS FOR CONSTRUCTION OF SOLID WASTE DISPOSAL FACILITIES

The Solid Waste Disposal Act of 1965 provides funds only for research and development and demonstration projects. No funds are made available for construction of municipal disposal facilities, as they are for municipal sewage disposal plants under the Clean Water Restoration Act of 1966.

Until the Federal government provides funding for modern and effective disposal facilities, municipalities by virtue of financial necessity will be forced to adhere to old and insanitary methods.

Senator Muskie's proposed Resource Recovery Act of 1969 includes authorization for Federal grants of up to 50% for the construction of solid waste disposal and resource recovery facilities. Federal grants of this nature provide the only effective method of upgrading municipal disposal techniques.

I strongly support Senator Muskie's construction grant proposal.

3. UTILIZATION OF GRANTS TO PROVIDE INCENTIVE FOR REGIONAL PLANNING

There has recently been a rush by state legislatures and city councils to legislate a prohibition against the dumping of solid wastes from outside political jurisdictions within their boundaries. Such legislation is quite contrary to the intention of Congress as expressed in the Solid Waste Disposal Act of 1966, for we intended to promote regional planning which would maximize the welfare of citizens of the entire country.

I propose, therefore, that the Solid Waste Disposal Act be amended to provide that, given limited funding, priority in the provision of planning, research and development grants shall be given to those planning and research and development proposals which involve intermunicipality, intercounty, and interstate planning and programing.

4. A POSSIBLE NEW SOURCE OF FUNDING: THE USER CHARGE

I recommend that this Subcommittee consider the establishment of a new system of user charges to finance a comprehensive solid waste disposal system.

The charge should be levied against specified industries—for example, the automobile, packaging and paper industries—that produce a high volume of solid waste.

The industries to be charged and the schedule of charges for each such industry should be set by Congress upon recommendation of the Bureau of Solid Waste Management. The Bureau is presently studying and codifying the costs and environmental effects of various types of solid wastes. The user charges recommended by the Bureau and set by Congress should reflect the actual costs of disposal.

The economic justification of a user charge of this nature is that it eliminates the disparity between the social cost of solid waste disposal and the private cost. There is little doubt that a user charge would act as an incentive to industry to minimize solid wastes, and that each industry would retain flexibility in choosing the means to do so.

Given our objective of maximizing recycling and reuse of products, we might reduce the charge proportionately with the number of predicted uses it might have. Thus a product reusable one would have its user charge rate cut by 50%, while one which can undergo 20 cycles would be cut by 95%. Thus industry would be provided with an economic incentive to produce recyclable goods.

Should the Subcommittee evolve a user charge proposal, moreover, it might want to include in it a provision that the manufacturer who uses recycled inputs, such as scrap iron instead of newly smelted iron, have his user charge reduced in accordance with the proportion of recycled inputs in any given product.

The Highway Trust Fund provides an excellent example of the utilization of funds gained from user charges to improve the facilities upon which those users depend. Similarly, the Subcommittee might want to consider the establishment of a Solid Waste Management Trust Fund, to be replenished by the income stream from whatever user charges may be levied upon producers of solid wastes.

Grants for construction and operation of local solid waste disposal facilities could then be made from this Trust Fund, which would be continually maintained without annual appropriation by the Congress.

Let me suggest, finally, that the government has the capacity to develop certain indirect incentives for better solid waste management. The General Services Administration might, for example, work into its formula for determining the low bid on any product sought by the government a discount rate which leads to the purchase of those products in which the use of recycled inputs has been maximized. A plethora of such incentives may be devised.

CONCLUSION

In short, gentlemen, if we are to make a beginning toward solving the problems of solid waste management, we cannot be content with endless studies, plans, and demonstration grants. We must provide instead the hard Federal cash, the effective financial incentives to industry, and the tough national standards requisite to making recycling a reality, and to making burnt-out auto hulks and splintered no-deposit bottle shards the discarded memory of a polluted past.

FRENCH SALE OF JETS TO LIBYA

Mr. WILLIAMS of New Jersey. Mr. President, last week I invited my colleagues to join me in requesting a meeting with President Pompidou for the purposes of discussing the situation in the Middle East and for the purpose of presenting to him a short declaration urging the cancellation of France's sale of 110 Mirage jets to Libya. Numerous colleagues in both Houses of the Congress joined me in the request and in the declaration.

On Thursday of last week, I sent to Secretary Rogers the request that he arrange such a meeting.

I ask unanimous consent that the request with the list of consigners be inserted into the RECORD at this point.

There being no objection the material was ordered to be printed in the RECORD, as follows:

FEBRUARY 26, 1970.

Hon. WILLIAM P. ROGERS,
Secretary of State,
Washington, D.C.

DEAR MR. SECRETARY: You know of our grave concern over the deteriorating situation in the Middle East. We firmly believe that "it would not be in the interest of the United States or in the service of world peace if Israel were left defenseless in face of the continuing flow of sophisticated offensive armaments to the Arab nations."

Recently, in an action which we strongly disapprove, the Government of France agreed to sell to Libya, 110 Mirage jets. The leadership of that country must be made aware of the intensity of the disapproval felt by most Americans and their elected representatives.

We, therefore, request that you arrange for a meeting between President Pompidou and a delegation of the signatories of this letter so that we may present to him a Declaration urging the cancellation of the sale of jets to Libya.

Your urgent attention and assistance is requested.

Sincerely,

HARRISON A. WILLIAMS, Jr.

COSIGNERS

The following have advised me they wish to be cosigners of this letter:

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SENATORS

Howard W. Cannon, Democrat, of Nevada.
Hiram L. Fong, Republican, of Hawaii.
Charles E. Goodell, Republican, of New York.
Philip A. Hart, Democrat, of Michigan.
Abraham A. Ribicoff, Democrat, of Connecticut.
Richard S. Schweiker, Republican, of Pennsylvania.
Stephen M. Young, Democrat, of Ohio.

REPRESENTATIVES

Brock Adams, Democrat, of Washington.
Joseph P. Addabbo, Democrat, of New York.
William A. Barrett, Democrat, of Pennsylvania.
Jonathan B. Bingham, Democrat, of New York.
George E. Brown, Jr., Democrat, of California.
Phillip Burton, Democrat, of California.
Daniel E. Button, Republican, of New York.
James A. Byrne, Democrat, of Pennsylvania.
Frank M. Clark, Democrat, of Pennsylvania.
James C. Corman, Democrat, of California.
Don Edwards, Democrat, of California.
Joshua Eilberg, Democrat, of Pennsylvania.
Leonard Farbstein, Democrat, of New York.
Hamilton Fish, Jr., Republican, of New York.
Thomas S. Foley, Democrat, of Washington.
Samuel N. Friedel, Democrat, of Maryland.
Robert N. Giaimo, Democrat, of Connecticut.
Jacob H. Gilbert, Democrat, of New York.
Margaret M. Heckler, Republican, of Massachusetts.
Henry Helstoski, Democrat, of New Jersey.
James J. Howard, Democrat, of New Jersey.
Joseph E. Karth, Democrat, of Minnesota.
Edward I. Koch, Democrat, of New York.
Clarence D. Long, Democrat, of Maryland.
Richard D. McCarthy, Democrat, of New York.
David R. Obey, Democrat, of Wisconsin.
Richard L. Ottinger, Democrat, of New York.
Edward J. Patten, Democrat, of New Jersey.
Claude Pepper, Democrat, of Florida.
Otis G. Pike, Democrat, of New York.
Henry S. Reuss, Democrat, of Wisconsin.
Peter W. Rodino, Jr., Democrat, of New Jersey.
Benjamin S. Rosenthal, Democrat, of New York.
William F. Ryan, Democrat, of New York.
James H. Scheuer, Democrat, of New York.
Samuel S. Stratton, Democrat, of New York.
Charles A. Vanik, Democrat, of Ohio.
Lester L. Wolff, Democrat, of New York.
Sidney R. Yates, Democrat, of Illinois.

DECLARATION

We, the undersigned Members of the United States Congress, declare:

A just and lasting peace in the Middle East is essential to world peace.

Reliance by the Arab nations on a continual flow of sophisticated offensive armaments impairs the deterrent strength of Israel and impedes the prospects for peace in the Middle East.

The sale of 110 Mirage jets by France to Libya represents an unwarranted major escalation of the arms race in the Middle East and constitutes a real danger for peace.

It is in the interest of world peace for the government of France to cancel the sale of military aircraft to Libya.

SENATORS

Howard W. Cannon, Democrat of Nevada.
Hiram L. Fong, Republican of Hawaii.
Charles E. Goodell, Republican of New York.
Philip A. Hart, Democrat of Michigan.
Abraham A. Ribicoff, Democrat of Connecticut.
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Charles A. Vanik, Democrat of Ohio.
Lester L. Wolff, Democrat of New York.
Sidney R. Yates, Democrat of Illinois.

Mr. WILLIAMS of New Jersey. The letter to Secretary Rogers was hand delivered Thursday evening, February 26. On Friday, February 27, I directed that telephone calls be placed in my behalf to both the Assistant Secretary of State for European Affairs and his deputy.

I have to report that 5 days have passed and still no word from the State Department. Is the administration so afraid that President Pompidou will discover that responsible Americans of both political parties view France's Middle East policy with grave concern?

I can only hope that the administration's efforts to persuade President Pompidou to cancel the sale of jets to Libya and thereby to reduce tension in the Middle East, are pursued with the same zeal as are our efforts to assure that the President of France thinks well of our manners.

Mr. President, this country has always prided itself on its treatment of visiting dignitaries. I can understand the concern of President Nixon that a visiting head of state receive a fitting welcome. However, President Nixon must understand the grave concern caused by France's unfriendly attitudes toward Israel.

For an eloquent statement of this concern, I urge all of my colleagues to read a statement printed in yesterday's New York Times and ask unanimous consent that it be inserted into the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

WE WOULD LIKE TO WELCOME PRESIDENT POMPIDOU, HOWEVER, THAT IS IMPOSSIBLE: HE IS NO FRIEND

We mean no discourtesy. We are admirers of France and its civilization. And we would have liked to hail its President on his visits to this country and this city. But in good conscience we cannot. He is no friend of the United States nor does he speak for the majority of the French people.

Many Frenchmen, including General de Gaulle—and even M. Pompidou who just spoke before the joint session of our own Congress—have not hesitated to criticize the official policy of our own government. We see no reason, therefore, why we should not voice our apprehension and concern with the policies of M. Pompidou. Why should he have it both ways?

But it appears that this is exactly the way he wants it. He wants American troops to stay on in Europe indefinitely and for France to be protected by the American nuclear umbrella. *But he would like to have this without cooperating in NATO's integrated military system.*

He is suspicious of any help and cooperation we extend to friendly governments in North Africa. *But he doesn't hesitate to rush into Libya to take over positions from which the U.S. was unilaterally and unceremoniously evicted.*

He wants to recolonize North Africa and the Middle East—calling it "France's Mediterranean Policy"—under the guise of protector of the Arabs. Thus he becomes wholesale supplier of the most dangerous sophisticated weapons to the most immature and irresponsible Junta, whose leader only a few days ago sought to justify the terrorism in the skies and the murder of innocent civilians.

We believe M. Pompidou's policy in the Middle East is undermining the efforts of our own government to introduce a sense of stability, international responsibility and peace in the Middle East. His policy is dangerous, reckless, and indefensible.

The facts are our most eloquent ally:

He has placed an embargo upon the State of Israel, and denied her weapons she requires for her defense and survival, weapons for which she has already paid.

He has sold 110 Mirage jets to Libya. What does M. Pompidou imagine Libya will do with 100 Mirage jets, spray her crops?

M. Pompidou indulges in the dangerous game of using an anti-Israel policy as bait for currying favor with the Arabs. And under the guise of anti-Israel accusations and slander, we see the re-emergence and spread of anti-Semitism once again in France.

M. Pompidou, it would appear, is ready to sacrifice the state of Israel in order to restore France's position in the Arab world.

His predecessor, Gen. de Gaulle, quoted by the French press, has shown him the way: he has "resigned himself" to the "historic" disappearance of the State of Israel, and with great sadness foresees "the people of Israel to once more become the Wandering Jew."

Does M. Pompidou also foresee this? Is he also saddened?

While General de Gaulle, and his successor M. Pompidou, were obsessed to free themselves from what they considered "shackles of American influence," they have by now become slaves of their Arab clients.

Furthermore, M. Pompidou does not represent the majority of the French people. The French press and the French poll-takers have proved it: The latest opinion poll, taken only

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a few days before M. Pompidou left for this country, shows conclusively that the French people are opposed to their Government's policies in the Middle East.

19% of those polled approved of the sale of the Mirages to Libya; 56% condemned it.

20% approve of the arms embargo; 50% were of the opinion France should honor its contractual obligations and deliver the 50 Mirages that Israel has already paid for.

20% approve of the French policies in the Middle East; 44% disapproved; 36% had no opinion.

Even among members of the Gaulist Party (U.D.R.), whose leader is M. Pompidou, only 34% approved of his policy; and 34% were against. The rest preferred not to answer.

Among the voters for the Communist Party, a majority of almost 60% rejected the anti-Israel policy of Pompidou, despite the Communist Party's proclaimed anti-Israel attitude.

The French press was even more categorical in its condemnation of M. Pompidou's policy in the Middle East. What outraged the French newspapers most, was not only the sale of 110 Mirages to a nation with only 8 pilots but also the evasions, the tricks, the lies that surrounded this sordid deal. The French Premier M. Chaban-Delmas confessed that "there can be no confidence on the part of the nation if its Government does not tell the truth."

M. Pompidou's Government is accused of precisely that. The French press accuse their Government of misleading not only its American Allies, but also its own people. The leading French daily, *Le Monde*, in an editorial titled *"The Fear of The Truth"* (Jan. 11, 1970) accused the Government of M. Pompidou of deception and underhandedness, and protested against misleading the press by lies and evasion.

In yet another editorial (Jan. 23, 1970) on the same subject, *Le Monde* declared that what is so disturbing in the behavior of the French Government in this matter is its obstinate insistence that the sale of the Mirages to the Libyans would not affect at all France's impartiality in the conflict in the Middle East. The Editorialist would like to know whom the government is trying to kid? "Regardless how hard one tries," he writes, "one still finds it most difficult to conceive against whom the Libyans will eventually use these planes if not against Israel."

Many Frenchmen are convinced that this policy, far from being in the best interests of France, will in the long run prove self-defeating. So do many Americans.

The truth of the matter is that the French policy, as pursued by the government under the Presidentship of M. Pompidou, combines so many evil elements that it cannot but end in complete failure and, furthermore, constitutes a danger to world peace.

It is for these reasons that we cannot support the welcome of President Pompidou.

We take this occasion, however, to appeal to our own Government to counterbalance France's arming of the Arabs. It is time to speed up our Government's decision to sell the planes and other material so vital for survival to the besieged state of Israel.

We urge our Government to pursue its efforts to bring the warring parties of the Middle East to the negotiating table. Only in that way, through mutual give-and-take, can there ever be a just settlement.

We believe that public opinion in this country can tip the scales in favor of peace and stability in the Middle East. We believe it can encourage and strengthen this administration in its dealing with the other big powers to achieve a fair settlement.

Therefore, we appeal to you to support our campaign for peace in the Middle East, and let us know that you agree with this message.

Your voice is a contribution for peace.

PRETRIAL DETENTION

Mr. GOODELL. Mr. President, last September I introduced a bill, S. 2920, that seeks to lower the level of violent crime by authorizing with carefully drawn safeguards the pretrial detention of certain offenders who have been repeatedly charged with crimes of violence.

The public is properly outraged that today the law cannot operate to detain this category of repeat offenders who, by any standard of commonsense, poses a very serious danger to the community in which he lives. And of course, that community is usually a ghetto community where most crime goes unreported. My bill would accomplish these purposes without violating the rights of an accused.

The bill would authorize the preventive detention of persons who have been admitted to bail or placed on probation or parole, and charged or convicted as the case may be, with a particular kind of felony and who, during such period, are charged with a second felony of the same kind.

Both charges must be felony offenses "involving the use of a dangerous weapon or deadly physical force resulting in serious bodily injury to another." The operative elements of this key phrase are statutorily defined.

In my bill, the issue of pretrial detention must be resolved, by a three-judge panel of the U.S. District Court. Also, the bill gives the court authority, in lieu of imposing detention, to impose conditions upon the release of the defendant, including a condition requiring him to return to custody after hours.

My bill also deals with the first offender who is charged with a felony offense "involving the use of dangerous weapon or deadly physical force resulting in bodily injury to another." While pretrial detention is not authorized in the bill in this situation, there are conditions which may be imposed upon the release of the person charged, including a requirement that he report to a probation or parole officer or a U.S. marshal not more than once every 24 hours, disclosing his activities, whereabouts, associations, conduct, travel, and place of abode during the pretrial period.

The bill sets out appellate procedures, mandatory penalties for bail jumping and creates an additional offense for committing an offense while on release.

The bill specifically requires civil commitment of persons detained pursuant to this statute, and provides that the detention order expire within 30 days, with authority for a 10-day extension, for good cause shown. It recognized the principle that such persons must be guaranteed an expedited preference for trial.

Mr. President, Ronald Goldfarb, a leading authority in bail reform and author of the book entitled "Ransom: A Critique of the American Bail System," has written for the New York Times Magazine of March 1, an excellent article entitled "A Brief for Preventive Detention." The article ably makes the case for the necessity of limited form of pretrial detention, and for the necessity of strict constraints upon the scope of application of the detention power.

The article contains a most informative discussion of my bill and its rationale.

Mr. Goldfarb covers well the rationale behind my proposal, S. 2920, to amend the Bail Reform Act of 1966 by providing for preventive detention limited to those twice charged with felonies resulting in serious bodily injury to another.

Mr. President, I ask unanimous consent to have inserted in the Record the text of Mr. Goldfarb's article and of my bill.

There being no objection, the material was ordered printed in the Record as follows:

[From the New York Times magazine, Mar. 1, 1970]

A Brief for Preventive Detention

(By Ronald L. Goldfarb)

A 19-year-old drug addict with a long criminal record—his initials are P. D.—robs a savings and loan association in Washington, D.C., with the aid of two companions. As they leave, there is a gun battle with police and a bystander is wounded but not killed. Several blocks away, the getaway car crashes into a bus and the three men are captured. Arrested on assault and armed robbery charges, P. D. posts a $5,000 bond and is released while awaiting trial. Eleven days after that a local liquor store is held up, a janitor recognizes P. D. and he is rearrested at a friend's home. At his presentment a few days later, bail is set at $10,000; again P. D. is able to get a bond and goes free.

Before he comes to trial on any of the charges, he attempts to rob a neighborhood gas station at gunpoint, but an off-duty policeman who happens to be present subdues him after a struggle. This time, bail is set at $25,000. But P. D.'s lawyer pleads that his client cannot afford it and therefore will be incarcerated just because of his poverty. He also argues that P. D. has good ties in the community—for example, he is employed locally and has lived there all his life—and that he has never failed to show up in court when ordered in the past. Moreover, members of P. D.'s family and a clergyman appear to say that they will assure his presence in the future. Bail is reduced to $15,000, which P. D. can afford, and he is released.

Less than a month later, two men stick up a bank; when an alarm goes off, they panic and shoot into the crowd of customers, killing one person and wounding two others. Photographs taken by the bank's concealed camera identify P. D. as one of the robbers and he is arrested once again. Now, since he is charged with a capital offense, P. D. is denied bail and, during a court appearance, an angry judge tells him: "It is a disgrace that my colleagues on this court have had their hands tied and were unable to lock you up before this. Untold and unnecessary ravage has been wreaked upon this community as a result of our impotence."

Exaggerated as it may sound, this kind of case has happened countless times in just about every American city. It illustrates a problem which has been occurring in American courts with increasing frequency and which has provoked a passionate debate about criminal law reform that is likely to be resolved in Congress this year. The problem is the commission of repeated crimes (increasingly involving violence) by men already charged with other crimes and free on bail awaiting trial. The issue is whether to solve the problem by adopting some scheme of preventive detention, a loose and provocative term used to describe procedures under which defendants deemed dangerous could

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be incarcerated during the time between their arrest and trial.

In July, 1965, I was asked to testify before a Senate subcommittee which was holding hearings on bail reform. On the morning of my appearance, a subcommittee lawyer cornered me outside the hearing room to ask if I would discuss preventive detention when I testified, along with the other points I wished to make about the money bail system. No one else was willing to go on record regarding this touchy subject. Today, the subject is no longer taboo. Not only has the Nixon Administration submitted a bill to authorize consideration of danger to the community in setting conditions of pretrial release or as a basis for denying release, but so have Senators Charles Goodell, Joseph Tydings, Robert Byrd and Roman Hruska, and Representative William McCulloch, each joined by other colleagues. Chances are that one of these bills will be passed in 1970.

The subject is an explosive one and there has been considerable critical reaction. But the line-ups of opponents and proponents is full of surprises. For example, along with the Nixon Administration, the major advocates in the Senate of preventive detention are Maryland's Tydings—a young, liberal, Kennedyesque legislator who has been a brave advocate of progressive legislation—and the present darling of the doves, New York's Goodell. Leading the opposition with the American Civil Liberties Union is Senator Sam Ervin, Jr., of North Carolina, a conservative who is one of the Senate's leading spokesmen on constitutional matters. (Such straight-shooters as New York County District Attorney Frank Hogan have also come out against the procedure.)

No doubt, one reason for widespread, instinctive reactions against preventive detention is that it sounds like something it is not meant to be. Other countries that practice an inquisitorial form of criminal investigation condone a police practice of arrest for investigation (called in some places preventive detention) which is anathema to the sense and spirit of our accusatorial criminal justice system. Senator Ervin made this haunting comparison when he described recent proposals as reminiscent of "devices in other countries that have been tools of political repression" and a "facile police state tactic."

The preventive detention legislation that recently has been proposed in this country would vest the power to detain not in the police but in the courts, and, at that, would subject it to limitations and protections which make it different in kind from the foreign practices. A better label could probably be found which might more correctly reflect the content of the proposals and avoid emotional comparisons.

A problem which most perplexes the critics of preventive detention is that it would allow people's liberty to be taken away precipitously on the basis of predicted behavior. The inexact and unscientific nature of all prediction, they argue, militates against using such an inquisitorial technique. Furthermore, it is feared that cautious judges will over-predict danger to play it safe—and innocent men will inevitably go to jail without trials.

Suppose you are a judge confronted with this situation: A man is before you charged with committing a violent crime; he pleads not guilty and asks to be released until his trial. Your investigative report convinces you that he has ties in the community and will appear for trial. However, there is persuasive evidence indicating that if he is released, he would be likely to commit another violent crime. Thus the community would be in danger. You know that the traditional law of pretrial criminal procedure has been clear: The only proper purpose for denying a defendant his freedom before trial is to deter flight, not potential criminality. You are aware that the time between arrest and trial is critical to a defendant. With court delays of sometimes a year or more, a defendant obviously wants to be free to live with his family, earn a living and prepare his defense.

What do you do? Do you allow the defendant to go free because your judicial hands are tied by law? Or do you stretch your legal powers and restrain him because, by your own lights, you think he endangers public safety? Why should a judge not take into consideration a defendant's danger to the community in deciding what to do with him? It seems a natural and commonsensical step.

Former Supreme Court Justice Robert Jackson explained why not in a venerable dissent: "The practice of admission to bail, as it has evolved in Anglo-American law, is not a device for keeping persons in jail upon mere accusation until it is found convenient to give them a trial. On the contrary, the spirit of the procedure is to enable them to stay out of jail until a trial has found them guilty." And, in another case two decades ago, Justice Jackson wrote: "Imprisonment to protect society from predicted but unconsummated offenses is so unprecedented in this country and so fraught with danger of excesses and injustice that I am loath to resort to it. . . ."

Yet, as a practical matter, judges often keep certain defendants whom they consider dangerous in jail. They do so by setting bail at such a high figure that the defendant cannot possibly pay it, or by denying him bail altogether. In both instances, the judge exceeds his lawful authority. Nevertheless, according to Prof. Abraham Goldstein of Yale Law School, this technique for pre-trial detention "has been so widespread that fewer persons are released on bail in most of our states, where there is nominally an absolute right to bail, than in England, where there is no such right."

Recent developments have highlighted the need for reform. Studies done in the early sixties demonstrated that money bail, as it has been administered in American courts: inherently discriminates against poor people and prejudices their subsequent trials and sentencing; allows judges to manipulate bail to punish, to proselytize, and for other ulterior purposes; sloughs off responsibility for pre-trial justice to bondsmen, who accumulate undue power and have a corrupting influence on justice officials; is less effective than simpler, fairer techniques for insuring against flight.

As a result of these disclosures, a Federal law—the Bail Reform Act of 1966—*required* Federal judges to release defendants before trial except in capital cases; henceforth, they could establish conditions for pre-trial release, but they could not deny it. While the Act only applied in the Federal Courts, its supporters hoped that, if it worked, it would be a prototype for the states to adopt.

The act applied justice more evenly, but did not do anything about dangerous defendants and left the old, covert methods for dealing with the problem uncertain. By failing to authorize judges to consider potential danger to the community as a reason for denying pre-trial release, many observers feel that the Bail Reform Act focused on the problem with a hand over one eye. The blind spot, moreover, was nowhere more evident than in the Government's own back yard.

Because Washington, D.C., is governed by Federal law, because 40 per cent of all Federal offenses occur there, and because its crime rate receives nationwide attention, the new act had a particularly alarming impact in the District. Washington's able Chief of Police, Jerry V. Wilson, relates this telling episode of modern urban history:

Shortly before the beginning of 1969, armed robberies in the District had become a critical problem; they were occurring at a rate of about 700 a month. Only 11 days after his Inauguration, President Nixon promised in a message on crime that he would recommend legislation to permit preventive detention of hard-core recidivists. Shortly after that announcement, the number of armed robberies in the capital suddenly dropped off to around 300 a month. This steep slack lasted for several months.

Then, in April, the United States Court of Appeals for the District of Columbia noticed an upsurge in the number of appeals from high bail by defendants who had been imprisoned before trial because they could not raise the money; four times the usual number had been filed within a few months. Ruling in one of these appeals—*U.S.* v. *James E. Leathers*—the appellate court recognized the disquiet of trial judges who feel that the Bail Reform Act gives them no way to protect the public safety. Nevertheless, the court ruled that they must follow the letter of the law and assure pre-trial release.

Thereafter, armed robberies in the capital rose as precipitously as they had dropped four months earlier, reaching an all-time high in September of over 800 a month.

"What this suggests to me," says Donald Santarelli, an Associate Deputy Attorney General, "is that the trial judges, who had been critical of the Bail Reform Act, followed the President's endorsement of preventive detention and took a tougher stance on releasing defendants before trial in serious violent crimes." Santarelli, who framed the Administration's preventive detention bill, continues: "This resulted in many more detentions before trial of violent offenders through the setting of high money bonds—a practical evasion of the Bail Reform Act. It was followed by a significant reduction in armed robbery offenses during the following four months. But the Leathers decision in April resulted in the sharp rise because release of this type offender was ordered."

Judge Charles W. Halleck of the District's General Sessions Court agrees with this interpretation. According to Halleck, "a few judges effectively cut armed robbery rates about 40 per cent in a few months simply by denying pre-trial release to this predictable category of offenders."

Judge Tim Murphy of the General Sessions bench describes what happened this way:

"Before the Leathers case, there was a concentrated effort by the judges to 'sock it to 'em,' which we rationalized on our interpretation of the law and our reading of the recidivism problem. Leathers caught us between the eyes and took away our arguments, so we began to do our best to obey the law as it was laid out for us. We could no longer deny bail on the pretext of fear of flight. Nor could we justify high bonds by the section of the new law that allowed us to take into account the nature of the offense in determining pre-trial release." (This provision meant only that the judges could force men to report to the authorities each day, give up their driver's licenses until they appear for trial, or satisfy other, similar "conditions.")

Judge Murphy is not alone in believing that, despite the Bail Reform Act, Federal judges in other parts of the United States (as well as state court judges all over) continue to detain defendants through the subterfuge of setting high bail or simply denying it outright, on the ground of risk of flight or danger. Most judges feel they must. Says Judge Murphy: "There are widows and orphans in this city who plague my conscience because I try to follow my oath of office and adhere to the Bail Reform Act strictly, even when releasing certain defendants violates my common sense, reason and experience."

Statistics on the dimensions of the problem are inconclusive. They are interpreted in different ways by friends and foes of preventive detention.

In 1966, a Presidential commission study-

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ing crime in the District of Columbia found that out of 2,776 defendants who were released on bail before their trials, 207 of them were later charged with committing another crime while they were free; of these, 124 were accused of violent crimes. The District of Columbia Police Department conducted a study of robbery holdups, the category of offense which is central to the present dispute. Between July 1, 1966, and June 30, 1967, the department found, 130 individuals were released on bond after being indicted on this charge. Of this group, 45 defendants—just short of 35 per cent—were reindicted for at least one additional felony while free on bond.

In testimony before the House Judiciary Committee last October, Attorney General John Mitchell referred to a study by the United States Attorney's office in D.C. showing that of 557 persons indicted in the District for robbery in 1968, 345 were released prior to trial and 242 of these—or 70 per cent—later rearrested.

Those who oppose preventive detention point out that these figures relate to unproven charges, and not convictions. They claim, moreover, that the percentages are low and the problem therefore minimal. The pro's point out that the statistics include only reported crime, estimated to be about 50 per cent of the true picture, and cases in which police believe they have enough evidence to bring someone to trial (in the armed robbery category, this is a mere 14 per cent). Whatever the percentages, says Senator Tydings, "it is no consolation to the dead, the robbed, wounded, maimed or terrorized citizens against whom these crimes have been committed that this experience is part of what some people would call a 'statistically insignificant number of crimes.' "

Of the bills now before Congress that provide for some form of preventive detention, the most likely to survive are the Administration bill, the Tydings bill and the Goodell bill. Here is how all three would work: In prescribed cases, the prosecutor could request the court to detain a dangerous defendant until the trial. He would have to demonstrate that the case meets the criteria spelled out in the law. Prior to any detention there must be a hearing immediately or within a few days, a record, a high standard of proof (clear and convincing), the right to appeal and to have counsel—all of which are more than defendants get under the present unofficial system. Each bill prefers conditional release when it is appropriate, and they all allow—not require—detention only in limited categories of cases. The two Senators' bills pertain only to felonies and repeaters, while the Administration bill covers some misdemeanors and first offenders. Only Senator Goodell's bill is limited to crimes involving actual force and not mere threats.

The Tydings bill would apply to the District of Columbia only, while the Goodell and Administration bills would reform the 1966 Bail Reform Act and affect all Federal jurisdictions. The Tydings and Administration bills cover more crimes and leave preventive detention in the hands of the appropriate "judicial official"; the Goodell bill would empower only a three-judge district court to order detention (a cumbersome, expensive procedure that would be impossible in many areas). Each bill requires a speedy trial (within 60 days under the Administration bill, 30 days under the Tydings and Goodell bills) for people preventively detained.

Senator Goodell argues that any preventive detention bill should be tied to court and correctional reform. He criticizes the Administration bill as "sloppily drawn and unconstitutional." He attempted to meet one key problem by including a provision requiring civil commitment of those detained—meaning they would be confined in some place other than an ordinary jail or prison. This element is important, since one of the most perplexing questions about any preventive detention scheme is how to rationalize throwing men into inadequate correctional institutions with hardened convicts before their guilt or innocence is determined. The civil commitment required by the Goodell bill would be similar to the procedures for confining a drug addict, a chronic alcoholic or the mentally ill in an institution.

The Tydings bill implies such a provision; the Administration bill suggests it, but does not require it. None of the bills provide financial compensation for those detained and then acquitted, the Administration bill gives credit on sentencing for time in jail before trial.

The logic of the foes of such legislation is sometimes hysterical. One civil liberties spokesman said during a recent conference on preventive detention that he would prefer the present money bail system's dishonesty and higher rates of detention to "this pernicious doctrine."

The standard argument made by opponents is that preventive detention would not be necessary at all if the time between arrest and trial could be shortened. The courts can only move so quickly, however; there will always be some period of time before trial—and many a defendant needs such a delay to prepare his defense. The preventive detention legislation proposed so far, moreover, requires the prosecution to go to trial within a specified time period, which is in all the proposals far shorter than normal delays.

Simply to say that speedy trials generally are the answer ignores the frustrating reality that trial delay is one of the most elusive and critical contemporary problems in the administration of justice. While reform of the whole trial system will take a very long time, a preventive detention statute inextricably tied to a speedy trial requirement is itself a way of accelerating trials in one of the most pressing categories or cases.

Opponents also argue that better alternatives exist. They say that it would be preferable to bring bail-jumping, contempt or other separate charges against defendants who commit crimes while free on bail or to punish them by adding to their sentences if they are convicted of the original offenses. But would more punishment be as humane as preventive measures aimed at cutting crime rates? Street-wise criminals take advantage of trial delays and other vagaries of the criminal justice system, and prosecutors often drop charges or recommend concurrent sentences for repeated crimes in return for guilty pleas. Once indicted for a robbery, many offenders feel that have nothing to lose by committing other "free" ones.

Others contend that preventive detention is an anti-Negro measure, that it is part of a scheme to permit summary jailing of militant blacks for political reasons. Yet, it is the poor and black community in urban ghettoes who are the most common victims of crime and who would be prime beneficiaries of preventive detention. Senator Tydings points out: "A Negro woman is three times more likely to be raped, a Negro man five times more likely to be burgled and three and one-half times more likely to be robbed than a white person."

William Raspberry, a Negro who is a reporter for the Washington Post and an urban expert, says that while he personally does not like the idea of preventive detention, he has little doubt that the black people residing in Washington (but not their leaders) would be in favor of locking up known criminals who victimize them. "Their reactions to this problem are not philosophical, they are practical," says Raspberry. "The poor people in the central cities react to this problem like 'the silent majority.' They are basically conservative, single-minded and prepared to make assumptions about guilt."

Black people in Washington, according to Raspberry, are as "alarmed and disgusted as whites at the increased frequency, audacity and viciousness of local crime." This impression was corroborated by six District grand juries which have already written to the Justice Department complaining about "the imbalanced pre-trial procedures which are concerned only with release and not at all with protection of the community." In Washington the majority of grand jurors are Negroes; on two of the grand juries that made this complaint, 36 out of 46 members were Negroes.

Advocates of preventive detention feel strongly that it would jail fewer people before trial—and also "the right ones"—than the unofficial, backdoor system now widely used. One experienced official calculated from recent surveys that 40 per cent of all felons indicted in the United States District Court for Washington, D.C., in 1965 (before the Bail Reform Act) were detained prior to trial; in 1967, the first full year after the new act, 26 per cent of the same class of defendants were detained, and in 1968 the figure rose to 34 per cent. In contrast, a Justice Department survey of cases brought by the United States Attorney in the D.C. General Sessions Court during a recent two-week period (including misdemeanors and most felonies) discovered that pre-trial detention would have been possible in only 10 per cent of the cases under the Administration's proposed preventive detention law. (Since some serious felonies were not included in these figures and since misdemeanors, which are for the most part excluded from the Administration's bill, compose roughly half the cases in General Sessions Court, a figure a little over 20 per cent would probably be a better projection.)

Those who favor some sort of legislation deny that permitting a judge to imprison a man on the basis of a prediction of future behavior is an egregious procedure.

However chancy it may be, they argue, humans engage in predictions in all of their affairs; if society fretted about the imperfect quality of its speculation, it would not dare to make progress. The criminal justice system especially is dependent on human estimates, such as are frequent in deciding guilt or innocence, sentencing, probation and parole. Indeed, under the present system, the judge may jail a defendant whom he fears may flee—and this, too, involves a prediction. Experienced trial judges argue that anyone familiar with the arraignment process can make very educated and generally correct judgments about the kind of defendants whom the authorities would want to detain. One judge recently stated the case this way:

"When a man with a long criminal record admits he has a $50-a-day narcotic habit and no job, and I have seen him arrested and released previously, and he comes before my court on a burglary or a robbery charge on Christmas Eve and is released, and then comes before me on New Year's Eve for another burglary, I can make a damn good prediction that if I do not lock him up, he is going to go out and commit another burglary or robbery pretty damn soon."

Whether prediction is possible or not, critics argue that preventive detention would be unconstitutional. They say that (1) it would deprive a man of his presumption of innocence; (2) it would deny due process of law by subjecting people to imprisonment without indictment and jury trial, and (3) it would violate the Eighth Amendment's guarantee against excessive bail.

There are readier answers to the first and the last objections than to the second.

The presumption of innocence—a sacred American value not mentioned in the Constitution—puts the burden on the prosecution to prove its case at trial; it is not an absolute demand that the judicial system always must act contrary to the strongest dictates of common sense in exigent circumstances.

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Whether there should be an absolute right to bail is doubtful. Actually, preventive detention is traceable to ancient Anglo-American legal history: In his "Commentaries," Blackstone referred to detaining men "not of good fame" as an example of preventive justice. One legal historian—Prof. Caleb Foote of the University of California, Berkeley—recently has stated that there are English antecedents that support the theory of an absolute right to bail. But this country has never proceeded as if that were so. In the United States, bail always has been a qualified right withheld by law in capital cases (where recidivism is relatively low), commonly refused during appeals of criminal cases and, in fact, denied unlawfully in many other cases through manipulation of the money bail system.

The most challenging argument against pre-trial detention is the one that says incarcerating a man without the traditional criminal trial protections of the Constitution is dangerous and threatens cherished guarantees. Indeed, any such practice must be limited to a bare minimum of cases, to situations where there is the strongest demonstrable need, surrounded by the most careful procedural protections and administered under extraordinary conditions. With such restrictions, the procedure will be very demanding. Without them, preventive detention would no doubt be deemed unconstitutional.

In my opinion, a pre-trial procedure would pass constitutional muster only if it were limited to cases involving repeated, violent offenses, if it required compelling proof of potential danger and could be imposed only as a last resort, if there were tight time limitations on confinement before trial, if special facilities were planned for these defendants to minimize the harm and inconvenience to them, if time in jail before trial were subtracted from any subsequent sentence and was compensated for when followed by acquittal.

Let us see how this proposed procedure would have worked in the case of P.D., whose escapades I described at the outset of this article. After the initial holdup of the savings and loan association, P.D. could not have been detained—thus demonstrating to opponents of such a measure that it will not result in confinement of masses of first offenders.

But pre-trial detention would have been likely after the liquor store heist that followed P.D.'s first arrest. Taking away P.D.'s freedom at this point would thus have averted the gas station holdup and probably the bank robbery and felony murder that eventually led to his detention before trial anyway. In addition, P.D. would no doubt come to trial far sooner than if he were not confined under this kind of statute.

With the features that I have suggested, pre-trial release would properly be liberalized in the great majority of cases, while society would be afforded a method of self-protection. The procedure need not lead to what some fear would be the frightening extreme of imprisoning all allegedly dangerous people summarily. Quite the contrary. If allowed only in specific cases, and no others, the result would seem to lead to less pre-trial detention.

Such a statute, moreover, would not permit Gestapo-like arrests or the jailing of political dissenters, as so many people fear. One result of it would be to eliminate the very possibility of defendants being confined solely because of the personal predilections and unsubstantiated fears of judges and other officials. If a judge could not make a case for detention under the strict terms of the statute, he would have to release the defendant under the appropriate conditions of the Bail Reform Act.

The critical point remains that we already have an expansive and abusive, though informal, practice of preventive detention. The issue which needs to be faced is not whether, but how best to do it.

In his New Yorker series on the Justice Department in the sixties, Richard Harris described the strange political alignments in the preventive detention battle: "In the scrimmage over the issue," he said about the positions taken by liberals and conservatives, "the participants' jerseys became so muddied that it was difficult for spectators to tell who was on which team." But labels are less important than realities; and the symbolism of this battle is important for future treatment of the over-all crime problem." Many responsible people with good liberal credentials feel that in the very proper search for equal justice during the sixties, the concern over crime and law enforcement has been wrongly belittled as the paranoia of the far right. In Senator Tyding's words: "Liberals have to be realistic and credible in coming forward with programs to check crime and violence in this nation. We cannot vacate law enforcement to extremist groups. Such a difficult problem needs the best minds and not tricky cliches. Preventive detention can be one such commonsensical, partial solution to the crime problem if it can be handled in a cautious and a constitutional way."

S. 2920

A bill to amend the Bail Reform Act of 1966 to authorize consideration of danger to the community in setting conditions of release, to provide for pretrial detention of dangerous persons, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3146 of title 18, United States Code, is amended—

(1) by deleting in subsection (a)(5) thereof the following: ", including a condition requiring that the person return to custody after specified hours";

(2) by deleting the third and fourth sentences of subsection (d) thereof; and

(3) by deleting in subsection (e) thereof the following: "or in the release of the person on a condition requiring him to return to custody after specified hours".

SEC. 2. (a) Chapter 207 of title 18, United States Code, is amended by adding immediately after section 3146 thereof the following new sections:

"§ 3146A. Pretrial detention in certain noncapital cases

"(a) Whoever, after having been admitted to bail on a felony offense involving the use of a dangerous weapon or deadly physical force resulting in serious bodily injury to another, or after having been placed on probation or parole following conviction of any such offense, is charged with another such offense committed subsequent thereto may be the subject of a pretrial detention order in accordance with the provisions of this section.

"(b) Upon motion of the United States attorney, the arraignment of any person described in subsection (a) of this section shall be referred to a three judge panel of the United States district court (hereinafter referred to as the 'court'), which shall make the determination required by section 3146 of this chapter, and shall hold a hearing in accordance with the provisions of subsection (c) of this section for the purpose of determining whether such person should be released conditionally or detained pending trial.

"(c) Any person may be ordered detained pending trial if it is determined by the court at a hearing that—

"(1) there is clear and convincing evidence that such person is a person described in subsection (a) of this section;

"(2) the pretrial release of such person will pose a danger to any person or to the community;

"(3) the nature and the circumstances of the offense charged dictate that conditional release pursuant to the provisions of subsection (d) of this section will not reasonably assure the safety of any other person or the community; and

"(4) there is clear and convincing evidence that the person charged committed the alleged offense.

"(d)(1) In lieu of pretrial detention as authorized by subsection (c) of this section, the court may impose any one or more of the following conditions on the release of such person—

"(A) a condition requiring that the person be placed in the custody of a designated person or organization agreeing to supervise him;

"(B) a condition placing restrictions on the travel, associations, activities, conduct, or place of abode of the person during the period of release;

"(C) a condition requiring that the person return to custody after hours; or

"(D) any other condition deemed reasonably necessary to assure that such person will, if released, not pose a danger to any other person or to the community.

"(2) A court in authorizing the release of a person under this subsection shall inform such person of the penalties applicable to violations of the conditions of his release and shall advise him that a warrant for his arrest will be issued immediately upon any such violation.

"(e) Whenever it is determined that a person shall be detained pending trial pursuant to subsection (c) of this section, or detained during specified hours pursuant to subsection (d)(1)(C) of this section, the court shall issue an order of detention which shall provide that—

"(1) such person be committed civilly to such place, other than a State or Federal prison or local jail regularly used for the incarceration of convicted offenders, as the court may deem proper;

"(2) such order will expire on the thirtieth day following its issuance, unless the trial on the charge is in progress or the trial has been delayed at the request of the person charged, or upon motion of the United States attorney, for good cause shown, the court in its discretion extends the order for an additional ten days; and

"(3) the person charged shall be afforded reasonable opportunity for private consultation with counsel and, for good cause shown, shall be released, upon order of any judge of the United States district court, in the custody of the United States marshal, or other appropriate person for limited periods of time to prepare defenses, or for other proper reasons.

"(f) A pretrial detention hearing held pursuant to the provisions of subsection (c) of this section shall be conducted in accordance with procedures designed to guarantee that—

"(1) the person charged is represented by counsel and allowed to present evidence, to testify, and to present and cross-examine witnesses;

"(2) evidence may be received without regard to the rules governing its admissibility in a court of law; and

"(3) testimony of the person charged given during the hearing shall be admissible in proceedings pursuant to sections of this chapter, in perjury proceedings, and as impeachment in any subsequent proceedings.

"§ 3146B. Pretrial conditional release in certain noncapital cases.

"(a) Whoever is charged with a felony offense involving the use of a dangerous weap-

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on or deadly physical force resulting in bodily injury to another shall, upon his initial appearance before a judicial officer, be subject to the provisions of subsection (b) of this section.

"(b) Whenever it is determined by a judicial officer that the pretrial release of a person described in subsection (a) may pose a danger to any person or to the community, the judicial officer may impose, for a period not to exceed sixty days, any or all of the following conditions upon the release of the person charged—

"(1) require that such person report to a probation or parole officer, to a United States marshal or to any other designated person, periodically, but not more than once in any twenty-four hour period, disclosing his activities, whereabouts, associations, conduct, travel, and place of abode during the pretrial period;

"(2) require that such person be placed in the custody of a designated person or organization agreeing to supervise him: *Provided*, That such custody shall not involve total restraint or detention unless the person charged agrees to the same;

"(3) impose restrictions on the travel, associations, activities, conduct, or place of abode of the person during the period of release.

"(c) A judicial officer authorizing the release of a person under this section shall inform such person of the penalties applicable to violations of the conditions of his release and shall advise him that a warrant for his arrest will be issued immediately upon any such violation.".

(b) The analysis of chapter 207 of title 18, United States Code, is amended by adding immediately after

"3146. Release in noncapital cases prior to trial."

the following new items:

"3146A. Pretrial detention in certain noncapital cases.

"3146B. Pretrial conditional release in certain noncapital cases.".

SEC. 3. (a) Section 3147 of title 18, United States Code, is amended to read as follows:

"§ 3147. Appeals from pretrial detention and conditional release orders in lieu of bail and as an alleged dangerous offender

"(a) A person who is detained in lieu of bail after review of his application pursuant to section 3146(d) or section 3146(e), and a person who is determined to be an alleged dangerous offender and is released on a condition requiring him to return to custody after specified hours pursuant to section 3146A(d)(1)(C) of this chapter, by a judicial officer, other than a judge of the court having original jurisdiction over the offense with which he is charged or a judge of a United States court of appeals or a Justice of the Supreme Court, may move the court having original jurisdiction over the offense with which he is charged to amend the order. Said motion shall be determined promptly.

"(b) With respect to any person who is determined to be an alleged dangerous offender and is the subject of a pretrial detention order pursuant to section 3146A of this chapter, and any person who is detained in lieu of bail after (1) a court denies a motion under subsection (a) to amend an order imposing conditions of release, or (2) conditions of release have been imposed or amended by a judge of the court having original jurisdiction over the offense charged, an appeal may be taken to the court having appellate jurisdiction over such court. An order so appealed shall be affirmed if it is supported by the proceedings below. If the order is not so supported, the court may remand the case for a further hearing, or may, with or without additional evidence, order the person released pursuant to section 3146(a)."

(b) The analysis of chapter 207 of title 18, United States Code, is amended by deleting

"3147. Appeal from conditions of release."

and inserting in lieu thereof

"3147. Appeals from pretrial detention and conditional release orders in lieu of bail and as an alleged dangerous offender.".

SEC. 4. Section 3150 of title 18, United States Code, is amended to read as follows:

"§ 3150. Penalties for failure to appear

"(a) Whoever, having been released pursuant to this chapter or prior to surrender to commence service of sentence, willfully fails to appear before any court or judicial officer as required, shall, subject to the provisions of the Federal Rules of Criminal Procedure, incur a forfeiture of any security which was given or pledged for his release, and, in addition, shall (1) if he was released in connection with a charge of felony, or while awaiting sentence or pending appeal or certiorari or prior to surrender to commence service of sentence after conviction of any offense, be imprisoned not less than one year or more than five years, or (2) if he was released in connection with a charge of misdemeanor, be imprisoned for not less than ninety days or more than one year, or (3) if he was released for appearance as a material witness, shall be fined not more than $1,000 or imprisoned for not more than one year, or both.

"(b) Any failure to appear after notice of the appearance date shall be prima facie evidence that such failure to appear is willful. Whether the person was warned when released of the penalties for failure to appear shall be a factor in determining whether such failure to appear was willful, but the giving of such warning shall not be a prerequisite to conviction under this section.

"(c) The trier of facts may convict under this section even if the defendant has not received actual notice of the appearance date if (1) reasonable efforts to notify the defendant have been made and (2) the defendant, by his own actions, has frustrated the receipt of actual notice.

"(d) Any term of imprisonment imposed pursuant to this section shall be consecutive to any other sentence of imprisonment."

SEC. 5. (a) Chapter 207 of title 18, United States Code, is amended by adding immediately after section 3150 the following new sections:

"§ 3150A. Additional penalties for crimes committed while on release

"Any person convicted of an offense committed while released pursuant to sections 3146, 3146A or 3146B of this title shall be subject to the following penalties in addition to any other applicable penalties;

"(1) a term of imprisonment of not less than one year and not more than five years if convicted of a felony committed by such a person while released; and

"(2) a term of imprisonment of not less than ninety days and not more than one year if convicted of a misdemeanor committed by such person while released.

"The giving of a warning to the person when released of the penalties imposed by this section shall not be a prerequisite to conviction under this section.

"Any term of imprisonment imposed pursuant to this section shall be consecutive to any other sentence of imprisonment.

"§ 3150B. Sanctions for violation of release conditions

"(a) A person who has been conditionally released pursuant to sections 3146, 3146A or 3146B of this chapter and who has violated a condition of release shall be subject to revocation of release and an order of detention and to prosecution for contempt of court.

"(b) Proceedings for revocation of release may be initiated on motion of the United States attorney. A warrant for the arrest of a person charged with violating a condition of release may be issued by a judicial officer and such person shall be brought before a judicial officer in the district where he is arrested. He shall then be transferred to the district in which his arrest was ordered for proceedings in accordance with this section. No order of revocation and detention shall be entered unless, after a hearing, the judicial officer finds that—

"(1) there is clear and convincing evidence that such person has violated a condition of his release; and

"(2) based on the factors set out in subsection (b) of section 3146 of this chapter there is no condition or combination of conditions of release which will reasonably assure that such person will not flee or pose a danger to any other person or the community.

"(c) Contempt sanctions may be imposed if, upon a hearing and in accordance with principles applicable to proceedings for criminal contempt, it is established that such person has intentionally violated a condition of his release. Such contempt proceedings shall be expedited and heard by the court without a jury. Any person found guilty of criminal contempt for violation of a condition of release shall be imprisoned for not more than six months, or fined not more than $1,000, or both.

"(d) Any warrant issued by a judge of the District of Columbia court of general sessions for violation of release conditions or for contempt of court, or for failure to appear as required, may be executed at any place within the jurisdiction of the United States. Such warrant shall be executed by a United States marshal or by any other officer authorized by law."

(b) The analysis of chapter 3 of title 18, United States Code, is amended by inserting immediately after

"3150. Penalties for failure to appear."

the following new items:

"3150A. Additional penalties for crimes committed while on release.

"3150B. Sanctions for violation of release conditions."

SEC. 6. Section 3152 of title 18, United States Code, is amended (1) by deleting the word "and" following the semicolon in paragraph (1); (2) by deleting the period at the end of paragraph (2) and inserting in lieu there of a semicolon; and (3) by adding at the end thereof the following new paragraphs:

"(3) the term 'felony offense' means any offense for which a sentence to a term of imprisonment in excess of one year may be imposed;

"(4) the term 'dangerous weapon' means any loaded weapon from which a shot, readily capable of producing death or other serious physical injury, may be discharged, or a knife, or blackjack, or any instrument, article or substance which, under the circumstances in which it is used, attempted to be used or threatened to be used, is readily capable of causing death or other serious physical injury;

"(5) the term 'deadly physical force' means physical force which, under the circumstances in which it is used, is readily capable of causing death or other serious bodily injury;

"(6) the term 'serious bodily injury' means physical injury which creates a substantial risk of death, or which causes death or serious and protracted disfigurement, protracted impairment of health or protracted loss or impairment of the function of any bodily organ; and

"(7) the term 'bodily injury' means impairment of physical condition or substantial pain.".

SEC. 7. If any provision of any amendment made by this Act is held invalid, all provisions which are severable shall remain in ef-

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fect. If a provision of any amendment made by this Act is held invalid in one or more of its applications, the provision shall remain in effect in all of its valid applications.

TRAINING AND REHABILITATION OF NARCOTICS ADDICT

Mr. GOODELL. Mr. President the Federal Government must redesign its facilities and programs of narcotics control to give greater emphasis to the training and rehabilitation of narcotics addicts.

The medically oriented "cold turkey" programs, now widely used by the Federal Government, have demonstrably failed. Moreover, detoxification with hospital confinement and psychiatric treatment has incurred far too high a cost—both in tax dollars, expended for medical professionals and drugs which provided no long-term help at all to the addict, and in time, in the wastage of an irredeemable portion of the addict's life. The net result has only been readdiction at a temporarily lower tolerance level which will cost the addict less.

What we must do is to change the motivational structure of the addict, to concentrate on saving the preaddict in high addiction areas, to maintain through after-care the new motivational strength of the ex-addict. What we must do is to examine the concrete results which our programs bring about—the number of addicts lastingly helped, the estimated number of addictions prevented through community programs—and not just content ourselves with voluminous studies and legislation which go to naught.

The Drug Abuse Services and Marihuana Study Act of 1969, which I have introduced, would initiate on the Federal level a radical new concept in addiction control: treatment of the whole person. The act would provide funding for preventive programs organized by local community groups, for programs of public education on addiction and on preventive measures, for treatment programs which are to utilize ex-addicts as staff wherever possible, and for after-care programs which will give the cured ex-addict psychological, educational, and job-finding support so that immersion in his old environment will not bring about readdiction.

The act provides for and funds addiction rehabilitation centers in State and local prisons, thus providing counseling, medical treatment, educational, and job placement services for addicts who presently receive no effective treatment in prisons at all, and therefore are an immediate menace upon their release.

Funds under the act could be used for work-release programs in conjunction with prisons or treatment centers, so that toward the end of the addict's stay they could in effect become supportive halfway houses to help adjustment back to the outside world. Treatment of addicted patients might also include a program of conjugal and family visits.

In essence, I advocate, and the act provides for, a rehabilitative effort aimed at affecting the whole person, his affliction, so that the "cured" addict will remain free of his affliction, and not just the physical manifestations of his addiction.

My program dovetails well with the just-announced program of the State of New York. Under the Governor's program, for example, the State education department is to be reorganized to upgrade the narcotics education function, and 10,000 teachers are to be trained in addiction problems. Funding under my bill would well complement the Governor's objectives. The treatment programs for which the State is to provide 50 percent funding under the Rockefeller proposal would be aided by complementary funding under my bill.

Moreover, the comprehensive sweep of funding under my plan is matched by the comprehensive therapeutically oriented treatment program of New York City's Addiction Services Agency. The city's prevention program, which concentrates upon mobilizing members of addiction-prone communities to help teenagers remain unaddicted, may be funded by my bill.

If results under my proposal are to be maximized, there must be tough-minded Federal supervision of the grant program. The Department of Health, Education, and Welfare must establish guidelines which are to be met prior to funding of local programs. Some of those standards might be:

First. A prevention program must be part of the proposal;

Second. Educational and job development and placement services must be provided for all those under treatment;

Third. An after-care program must be included and,

Fourth. Ex-addicts must be used as staff.

These are just exemplary of the main point—that there should be strict Federal monitoring of local programs to which grants are made, to insure that addicts are actually and lastingly helped, not deceived with the vain hopes of the past.

THE NUCLEAR POWER INDUSTRY

Mr. HART. Mr. President, earlier today the very distinguished senior Senator from Vermont (Mr. AIKEN) addressed himself to a subject that has long concerned him. I wish I could claim the same depth of interest over as long a period, but it is an interest and concern that I, too, share. Those efforts have been made by the Senator from Vermont in his attempt to focus public opinion on the necessity for maintaining many competitors in our system of energy utilization.

Studies by the Senate Antitrust and Monopoly Subcommittee have shown both the encroaching danger of industry concentration and the resulting damage to social goals. For this reason I share the Senator's concern that no portion of the energy industry be permitted to fall into the hands of a few monopolists. Having many utilities to service the growing needs is essential if the public is to share the advantage of low cost electricity. Our demand for electricity has been doubling every 10 years or less. Energy forecasters project that this increased demand makes it mandatory that atomic energy be used to generate electric power or we will face a depletion in our fossil fuel resources of coal, oil, and gas. Yet, history shows that the public needs will be satisfied only if our energy industry is competitive. Senator AIKEN's analysis in this area raises serious questions as to whether under present circumstances this competitiveness can remain.

It is clear, of course, that competition is explicitly expressed in the fundamental national policies on atomic energy. The Atomic Energy Act requires the AEC to develop the use of atomic energy so as to "strengthen free competition in private enterprise." Monopoly is to be allowed only to the extent necessary, and competition to be preserved wherever feasible.

I believe serious consideration should be given to applying antitrust policies to uses of nuclear fuels when those uses are licensed. This seems especially important when, as in the case here, an industry is developing or changing shape. Also, I believe, applying antitrust policies at licensing will minimize the uncertainty facing companies now expending time and money to plan plants.

Senate Antitrust and Monopoly Subcommittee hearings on the competitive aspects of oil shale development showed that in 1967 the majority of the top 20 petroleum companies, by assets, held properties not only capable of producing oil, but natural gas, oil shale, and uranium. Several companies also held coal-producing lands. Witnesses suggested that because of the interchangeability of fuels we had come to the point where we must think in terms of total energy sources and requirements and not of the more narrow product lines. If this is true, then we must concern ourselves with the question of whether or not total energy sources are in danger of being concentrated in the hands of a few. In a recent floor speech the senior Senator from Tennessee (Mr. GORE) cautioned that the proposal of President Nixon for the sale of our nuclear fuel plants to private interests would pose a serious threat because of the probable control of these plants by consortiums made up of oil companies. If the oil companies which already have a large degree of control over the sources of all raw fuel also would control our only uranium fuel fabricating facilities, these companies would indeed seem to have a lock on our sources of energy.

Added to that are recent developments which I believe show the intent of the large utility companies to exclude the municipal, rural cooperative and smaller private utility companies from access to electricity generated by the nuclear powerplants. This is the basis for my fear that the public may become sujected to the type of competition normally associated with monopoly control. The antitrust implications of what will happen if the smaller utilities continue to be rejected in their efforts to obtain access to nuclear generating facilities becomes clear, I think, in a situation recently brought to my attention. A municipal utility company which served its area for a number of years attempted to procure electricity generated by a nuclear powerplant owned by a consortium of large investor-owned utilities. The request was refused. In consequence, the municipal was forced to merge with one of the investor-owned utilities in the consortium. Is this an isolated instance? I am told it is not.

What would be some of the important issues to be examined at this time? This is an industry in which economies of scale are not only possible but likely, and where the larger operations will be more efficient and reliable in many cases. Of course, these are important considerations. But, it is imperative that there be no undue economic concentration. It is important also that innovation not be suppressed and that arrangements which allow healthy rivalry not be throttled. While monopoly may be necessary in many cases, it should not be extended unnecessarily. Certainly the opportunities for development of the uses of this new energy form should not be appropriated to a few, but rather should be made available, within the bounds of practical considerations, to the entire industry.

I should think that one of the most important problems will be the terms of access for small utility systems to these new, low-cost energy sources. These plants will provide much of the power growth in this country in the foreseeable future, so the problem assumes great importance. It will arise often in terms of access to wholesale power on reasonable terms by a company controlling the only practicable source of this energy requirement.

There are several questions in this area: Will the small and municipally owned companies be given the same opportunity to obtain the low-cost power for the same uses as the larger systems? How much low-cost power will be available to competitors? What rules should apply in working out these formulas? I suggest, Mr. President, that while these problems must be worked out by the agencies involved—AEC and the Department of Justice, in particular—Congress would benefit from an examination of the issues at this time.

In the past, I have expressed the thought that the regulatory agencies were meant to assist competition and should not act either as a substitute or a deterrent. I am convinced it is time we determine whether or not the policies of the various regulatory agencies act as a deterrent to competition in the nuclear energy industry. We also must determine whether or not our antitrust laws are operating to control anticompetitive practices in this industry. For these reasons, I answer "yes" to the request of the distinguished senior Senator from Vermont to review the competitive aspects of the atomic energy field. To this effort, I have instructed the staff of the Senate Antitrust and Monopoly Subcommittee to commence such a study.

Not too incidentally, this will be my second foray into the general area. For a short time ago the Commerce Subcommittee on Energy, Natural Resources, and the Environment, which I chair, began hearings on the impact on the environment from these nuclear plants.

The problems before both committees are impressive, and I hope the work of the subcommittee will be constructive.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. HART. I yield.

Mr. AIKEN. In view of the very apparent efforts of a few giant corporations in the United States to obtain a monopoly over all forms of energy which are required by this country, and for the apparent purpose of eliminating municipal distribution systems, cooperative distribution systems, and a great many of the small corporate distribution systems, I just cannot express my appreciation sufficiently to the Senator from Michigan, who is chairman of the Antitrust and Monopoly Subcommittee of this body. I know he will do a thorough job. I know it is extremely important that the people of this country understand the effort which is being made to control the sources of the energy which is required by our country, the need for which, as the Senator has said, is doubling every 10 years. I think in some parts of the country, including my State, it doubles every 7 years. So it is extremely important that we protect the supply and also protect the municipal systems and the rural electric cooperatives which serve as a yardstick not only for the price but the quality of the service.

I know that under the leadership of the Senator from Michigan there will be a real, thorough, worthwhile investigation made of the effort to obtain such a monopoly, which would be one of the worst monopolies we could have in this country.

Mr. HART. I hope we shall not disappoint the Senator from Vermont. The staff of the subcommittee is an able one. I can make that statement because most of it was assembled before I became chairman of the subcommittee. It is a devoted staff. I hope they will assemble facts that will prove to be of benefit to the Senator from Vermont, the Senator from Michigan, and others who are concerned lest there emerge a nation whose energy source is found to rest in the hands of just too few people. This would, as the Senator from Vermont has said, represent perhaps the most threatening of all economic concentrations that one could imagine.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. The additional time requested for the continuation of morning business has expired. The unfinished business is now before the Senate. The Senator from North Carolina has the floor.

VOTING RIGHTS ACT AMENDMENTS OF 1969

The Senate continued with the consideration of the bill (H.R. 4249) to extend the Voting Rights Act of 1965 with respect to the discriminatory use of tests and devices.

Mr. ERVIN. As I stated a moment ago, section 1 of article 2 of the Constitution has been uniformly interpreted to mean just exactly what it says; namely, that the power to prescribe the qualifications of those who serve as presidential and vice-presidential electors resides in the legislatures of the States, and not in Congress.

Amendment 10 of the Constitution provides:

> The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

There is not a syllable in the Constitution which grants to the United States the power to prescribe qualifications for voting in State elections. So this provision of the Constitution has been uniformly interpreted to mean that the power to prescribe the qualifications for voting in State elections, such as length of residence and age, is reserved to the States by the 10th amendment.

The last word of the Constitution on this subject is found in the 17th amendment. The 17th amendment provides for the popular election of Members of the Senate of the United States, and contains a provision prescribing who is eligible to vote for Senators in exactly the same words as appear in section 2 of article I relating to those who are eligible to vote for Representatives in the National Congress. This provision, as it appears in the 17th amendment, reads as follows:

> The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislatures.

This clearly means exactly what it says, and that is that the power to prescribe the qualifications for voting for U.S. Senators belongs to the States of the Union, and not to Congress.

So we have here four provisions in the Constitution which say, and have been uniformly interpreted to mean, that the Senate and the House of Representatives of the United States have no power to prescribe the qualifications for voting for presidential electors, vice presidential electors, members of the House of Representatives, U.S. Senators, or any of the elective officers of any State in this union.

The power of the States to prescribe qualification for voting in Federal and State elections are subject to only three prohibitions; namely, the States can not prescribe race or sex as a qualification and cannot violate the equal protection in establishing qualifications. Manifestly a State law establishing a qualification based on age, which applies in equal manner to all persons of the age specified within the State, does not affront any of the three prohibitions.

I must confess that during my service in the Senate I have been somewhat shocked to ascertain the low esteem in which the Constitution is held, not only in the courts, but at times in the legislative branch of the Federal Government. I thought I had gotten to the point where I could not be shocked by anything proposed in a legislative body, but I must confess that I am rather shocked by the proposal that the Senate undertake to pass a statute attempting to prescribe a qualifications for voting based on age.

I agree that the youth of today are exceedingly well informed at the age of

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18; and the Congress might well decide to submit to the States a proposed constitutional amendment which would confer upon them the right to vote if that constitutional amendment were ratified by three-fourths of the States. But I cannot agree that there are two roads to travel to this objective and that one of those roads is by a statute. I say this because the Constitution puts up four separate warnings that Congress has no power under the Constitution to confer upon persons of any age the right to vote, either for presidential electors or for vice presidential electors or for Senators or for Representatives in the House of Representatives or for any State-elective official. That is a power which belongs to the States.

I invite the attention of the Senate at this point to the provisions of article VI of the Constitution:

> The Senators and Representatives before mentioned, and the Members of the several State Legislatures, and all executive and judicial Officers, both of the United States and of the several States, shall be bound by Oath or Affirmation, to support this Constitution . . .

Every Member of the Senate and of the House of Representatives has taken a solemn oath or made a solemn affirmation that he will support the Constitution of the United States, which in four separate sections says to the Senate and the House of Representatives, "You have no power to confer the right to vote on 18-year-olds, because that power belongs to the States."

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The question comes down to this: Are we going to strive to have an indestructible Union composed of indestructible States, or are we going to attempt to destroy, in an unauthorized manner, in an unconstitutional manner, that Union by usurping for the Congress the powers reserved to the States to prescribe the qualifications for voting?

This may seem a trivial matter to some people. It may seem to some to be of no consequence whether we are paying any attention to the Constitution of the United States or not, even though we have taken an oath or made an affirmation to support it. But I say to the Senate that in the absence of faithful observance of the Constitution by the President, by the Supreme Court, and by the Members of Congress neither our country nor any person within its borders will have any protection whatever against tyranny on the one hand and anarchy on the other.

I sincerely hope that the Senate will not support any statutory amendment which undertakes to usurp and exercise power denied to Congress by the Constitution of the United States.

Mr. GRIFFIN. Mr. President, what is the pending business?

The PRESIDING OFFICER (Mr. EAGLETON in the chair). The amendment of the Senator from Pennsylvania to H.R. 4249, amendment No. 544.

Mr. GRIFFIN. Under the previous order, does the Senator from Alabama have the floor?

The PRESIDING OFFICER. That is correct.

Mr. ALLEN. Mr. President, may I inquire of the Chair whether the clerk gave the signal for the laying down of the unfinished business? I do not recall the buzzers ringing.

The PRESIDING OFFICER. The unfinished business has been laid before the Senate, and no signal was given. The morning business had been extended.

Mr. BAKER. Mr. President, will the Senator from Alabama yield?

Mr. ALLEN. Mr. President, I am happy to yield to the distinguished Senator from Tennessee (Mr. BAKER) at this time, without in any way losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, the Senate is considering two alternative proposals both of which are designed to strip away conditions to full participation in the electoral process. These measures share the same fundamental purpose; that is, to enforce the guarantee of the 15th amendment to the Constitution that the right to vote shall not be denied on account of race or color. The debate today centers on the approach to be used, not the objective to be achieved.

As I understand the proposals, there are two basic differences between the House-passed administration measure and that offered by Senators SCOTT and HART and others. First, the Scott-Hart substitute would retain that section of the 1965 act that permits the appointment of Federal examiners and election observers only in those areas of the country that in 1964 had fewer than 50 percent of voting-age persons registered or voting. The administration measure, on the other hand, would empower the Attorney General to send Federal examiners and election observers into any county in the country without a court order if he determines that their presence is necessary to protect the right of citizens to vote.

Second, the Scott-Hart substitute would also retain that section of the 1965 act that requires those areas of the country that in 1964 had fewer than 50 percent of voting-age persons registered or voting to obtain the approval of the Attorney General prior to instituting any change in its voting qualifications or procedures. The administration proposal would alter this procedure by authorizing the Attorney General to seek an injunction before a three-judge Federal court against the enforcement by any State, not merely those covered by the 1965 act, of any discriminatory voting qualification or procedure.

With regard to the second basic difference, I have no strong feelings as to whether the Attorney General should continue to be given the authority to disapprove a discriminatory voting law or whether instead he should be given merely the authority to make application to a three-judge court for issuance of an injunction. I can see both considerable merit and administrative problems under either approach.

I strenuously object, however, to the application by the Scott-Hart substitute of the two sections to only those areas of the country that in 1964 had fewer than 50 percent of voting-age persons registered or voting. The practical effect of this language is to restrict application of these sections to six States and parts of three others, not including the State of Tennessee, I hasten to add.

Those who contend that these sections should be thus restricted do so on the theory that voting discrimination exists primarily in six or seven Southern States and that to extend application of these sections nationwide would dilute or vitiate enforcement of these provisions.

Mr. President, I say that this argument is patently false and that it should be rejected out of hand.

There is an obvious distinction between the applicability of a civil rights statute nationwide and the enforcement of such a statute nationwide. A civil rights statute, like a criminal statute, is enforced only against those who are committing the wrong that the statute is intended to prohibit. In other words, even though the Congress writes a statute that applies to all people in all States, it is enforced only against those people in those States that are believed to be in violation of it.

The proponents of the Scott-Hart substitute contend that voting discrimination exists primarily in six or seven States. Assuming that to be the case, the Attorney General will be called upon to enforce the statute only in those six or seven States even if the statute is written to apply to all people in all States. To extend application of all sections of the act nationwide would clearly under these circumstances not dilute enforcement of these provisions.

In the event that voting discrimination does occur either now or in times to come in Minnesota or Pennsylvania or Tennessee or any other State or parts thereof, then this Congress should not preclude the Attorney General from moving to end that discrimination. Obviously, voting discrimination is just as wrong in Minnesota and Tennessee as it is in Georgia and South Carolina, the former two States not being subject to the existing act or to the applicability of the Scott-Hart substitute, and the latter two States being subject to the existing act and being target States within the purview of the Scott-Hart substitute. For these reasons I cannot support any amendment or substitute that is not nationwide in its application.

Mr. President, there are two other major provisions, which I very much favor, that are contained in both the administration House-passed bill and in the Scott-Hart substitute. The first of these sections provides for the nationwide suspension of literacy tests. Some 20 States retain laws making the ability to read and write a precondition for registering to vote. In my opinion, there is no longer any justification for denying illiterates the right to vote.

Most States do not have, in fact have never had, a literacy test. Yet, the experience in such States does not indicate detrimental effects from granting the franchise to illiterates. The same is true with respect to those jurisdictions whose tests have been suspended by virtue of the Voting Rights Act of 1965.

Commonsense dictates that the impact of literacy requirements, even when fairly administered, falls most heavily upon minority groups and upon the poor.

Yet such persons are just as much affected by the acts of elected officials as their well-educated neighbors. I believe that it is unfair to compound the penalty which lack of education entails in our society by denying those who cannot read the opportunity to participate in the electoral process.

The second major provision common to both the administration bill and the Scott-Hart substitute provides that no citizen of the United States who is otherwise qualified to vote in a national election shall be denied that right to vote by reason of the fact that he has changed his residence from one State or political subdivision to another. I previously introduced a joint resolution to this effect and have also cosponsored other measures submitted by other Senators, including an amendment offered by the distinguished junior Senator from Arizona (Mr. GOLDWATER) which the Senator from Pennsylvania (Mr. SCOTT) has now accepted as a modification to his pending substitute.

The Goldwater amendment not only carries out the intent of the House-passed bill and the Scott-Hart substitute, but also provides for voting rights to many citizens not otherwise covered by the original language. The Goldwater's proposal completely abolishes the waiting period for registration, expressly covers movement from one political subdivision to another within the same State, and provides for absentee registration and balloting opportunities to all citizens, including not only transients but also long-time residents. I am most hopeful that the Goldwater modification will prevail.

As we all know, the citizens of our country are increasingly mobile. The Bureau of the Census has estimated that up to 20 percent of our citizenry is in a state of transition. In fact, it has been estimated that, during a presidential election year, several million citizens are today denied the privilege of voting because they move into a new State too late to comply with residence qualifications.

All States have established qualifications for voting, with most including a residence requirement of 6 months to 2 years. No one seriously questions that the States should claim certain reservations concerning the right of any citizen to vote in local elections, on the ground that new citizens do not have sufficient knowledge of local issues and local candidates to draw meaningful conclusions or to cast an informed vote. But a far different situation prevails in national elections, in which a citizen, regardless of his residence, may become well informed on the programs and policies of each candidate seeking the office of President and in which the issues are national in scope. In this situation, no citizen should be denied the right to vote because of a State residence requirement. This is a patently unjust impediment, and it must be removed.

In conclusion, I urge that we consider sufficiently what we are about, and that we refrain from the temptation either to perpetuate or initiate and pass legislation which has a patent discriminatory effect by reason of its statutory intent.

Mr. SPONG. Mr. President, will the Senator yield?

Mr. BAKER. I yield.

Mr. SPONG. Mr. President, I commend the Senator from Tennessee for his remarks in the Senate today, and particularly so because the State of Tennessee is not under the present Voting Rights Act. The Senator has told the Senate very clearly that any legislation enacted, whether in the form of a substitute or the pending bill, should be national in its application.

The State of Virginia is in a rather unique position in so far as the pending legislation is concerned.

On page 102 of the 1961 report of the Civil Rights Commission, the Commission reported that Virginia evidently had no discrimination in so far as voting rights are concerned.

Since the enactment of this law, there has been no instance of Federal registrars or election observers being sent into the State of Virginia for any reason; nor has there been any complaint that would justify their being sent in. Yet, if the substitute is agreed to without amendment, Virginia will be one of those States that would be under this law despite the fact that in the 1968 election, the percentage of eligible voters participating was sufficient to have removed it from the special provisions under the original criteria.

I thank the Senator for his remarks. Again I commend him and join him in urging the Senate that any law enacted be national in application.

Mr. BAKER. I thank the Senator from Virginia. I do, indeed, recognize that his State is in a unique category. As he points out, there is not a single case of the applicability of the 1965 act to any voting situation in Virginia of which I have notice or knowledge; and the fact that the 1968 election returns would not bring Virginia under the provisions of the 1965 act points out to me the impropriety of using 1964 results as the trigger year instead of the next preceding election.

However, aside from that, and at the risk of repetition, I wish to make clear for my part I could not care less whether the Attorney General has the trigger or whether application is made to the Federal judiciary, as long as it is handled in a reasonable way. I only care that all the people of the United States are effectively guaranteed the right to vote. I think there is patent statutory discrimination in perpetuating this against target States, including Virginia, but not, I might add, Tennessee.

I thank the Senator from Alabama for yielding for these remarks.

Mr. ALLEN. Mr. President, I thank the distinguished Senator from Tennessee for his contribution to the discussion. I would also like to thank the distinguished Senator from Virginia for drawing attention to the fact that the great State of Virginia has never been accused of adopting discriminatory practices to hinder or prevent voting.

As he called attention to the fact that no Federal registrar and no vote observer, since the enactment of the Voting Rights Act of 1965, has been sent to the State of Virginia, I would like to call to the attention of the Senator from Virginia that even if every single person in the State of Virginia 21 years of age or over were registered to vote and if every single person registered to vote had voted in the 1968 Presidential election, that still would not have been sufficient to take Virginia out from under the operation of the Civil Rights Act of 1965 or the Scott amendment thereto.

Mr. President, yesterday I spoke at some length with respect to the Voting Rights Act of 1965. I think it might be well to consider at this time the circumstances under which the Voting Rights Act was enacted and how it happened that this act applies automatically only to the seven Southern States. We speak loosely of renewing or extending the life of the Voting Rights Act. Actually the Voting Rights Act is a permanent piece of legislation. It embraces 19 sections and all sections except sections 4 and 5 apply throughout the country, throughout all 50 States. Sections 4 and 5 are an automatic triggering device which, through the use of a predetermined and predesignated mathematical formula, automatically convict the seven Southern States of discrimination, of using a device to prevent or to hinder voting.

The remaining 17 sections of the act apply throughout the country, the difference being that in all States outside the seven States triggered by sections 4 and 5, actual proof of discrimination must be made to trigger the provisions of the act against those States.

That has been referred to as a pocket trigger, but there the State involved would be entitled to present its defense; it would be entitled to say it is not guilty of discrimination; that it is not doing anything to bar or to prevent people from registering and voting; and it would take proof of discrimination before the act would be triggered against the remaining 43 States of the Union.

Yes, in 1965 it was predetermined that the Voting Rights Act would be automatically triggered to apply against the seven Southern States. Now, how to make it apply against the seven Southern States without spelling out the States involved. They might just as well have done that because one could take a pencil and paper and refer to the Census Bureau figures and figure out immediately which States would be covered, automatically indicted and convicted without a trial. They decided they would use the November 1, 1964, registration figures or the November election figures in 1964; and say that those States having what they call devices that prevented or discouraged or discriminated against registration or voting, and in which States fewer than 50 percent of the voting age population was registered or actually participated in the November elections—that if both of these two conditions occurred the act would be automatically triggered against those States.

And so it happened—and it was not just a "happen so," as it was predetermined and predesigned—that the act applied its punitive force and effect toward those seven Southern States which actually did have devices—literacy tests—that is what they refer to by the word

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"devices." When we are speaking of devices, the 1965 Voting Rights Act formula to cover the seven Southern States is, in fact, a device itself. It is a device supposedly to end devices. So Congress adopted a device to eliminate so-called devices in the South, such as a literacy test. The Southern States having literacy tests and not having 50 percent of their voting population registered or actually voting in the November elections were automatically covered. The remaining 43 States are covered potentially; the act is there, available to be applied against them if the charge of discrimination, or if the charge of improper practices to discourage voting is alleged and proved. Then, the act becomes triggered against them.

But the seven Southern States covered by sections 4 and 5 are automatically indicted and convicted; and Federal registrars are sent into those States and Federal vote observers are sent into those States.

Those States are convicted and, if their State legislatures want to amend any of their laws with respect to voting or registering, they must go to Washington, present the matter to the U.S. Attorney General or to the district court in Washington, and get approval by the Attorney General or the district court of that proposed or actual enactment of the State legislature.

That provision of the 1965 act was so severe, it was so unconscionable, that it caused Mr. Justice Hugo Black, who certainly has been a most outspoken activist on the U.S. Supreme Court, to say that he could not accept any such provision as that as being constitutional. He held, in a dissenting opinion in the case of South Carolina against Katzenbach, that that portion of section 5 of the act is unconstitutional. In that opinion, he compared it with the grievances expressed in the Declaration of Independence by the Colonies and by Thomas Jefferson, who made the indictment against King George III in the Declaration of Independence. He charged that the Crown was requiring legislative and judicial bodies in the Colonies to go to far and distant places far removed from the places where they kept their public records with the thought in mind that he would wear out the colonists and make them yield to his will.

Mr. Justice Black saw that parallel between the provisions of section 5 and the Declaration of Independence containing the indictment made by Thomas Jefferson against George III.

Let us consider the pending bill and the pending amendment, and let us see just where we stand from a parliamentary point of view. In the first place, there is no need whatsoever for any bill of any sort, to continue the life of the Voting Rights Act, and there is no provision saying that sections 4 and 5 shall automatically expire or die on August 6, 1970, which is 5 years after the effective date of the Voting Rights Act of 1965.

Those sections do not expire, although all of us have loosely referred to those sections as expiring. All that is provided by section 4 in that connection is that any State or political subdivision that has been found by this formula to be guilty of discrimination in the matter of voting can go into a three-judge Federal court in Washington and petition for the right to come out from under the provisions of the act.

If the court, when it finally gets around to considering that petition, the Attorney General acquiescing, finds that the State or smaller political subdivision inside the State has not for a period of 5 years used a device to prevent or discourage voting, the court can enter an order releasing the State or other political subdivision from the automatic provisions of the act. It does not release them from the act itself as applied to all 50 States. They are still under it even if they come out from under it at the end of 5 years. But after that judgment is entered showing that during the last 5 years—and it takes proof showing that for 5 years prior to the filing of the petition—the State has not engaged in unfair practices with respect to the discouraging of voting, the court retains the jurisdiction of that case for 5 additional years. And if the court finds, during those 5 years, that the State or political subdivision is using some device to discourage voting or prevent voting by anyone, it can reinvoke the automatic provisions of the act.

The Scott amendment would increase the period during which those seven States are covered by the automatic provision from 5 years to 10 years. It would require that a State wait for 10 years; and I assume that would be construed to be 10 years from the effective date of the original act. I would hope so. If not, it would be an additional 5 years. But the Scott amendment would increase that period to 10 years, requiring then that the State wait for 10 years before coming into a Federal court and asking to be relieved from the automotive punitive provisions of this act.

Then the court would retain jurisdiction for still another 5 years, which would make 15 years of coverage, still using the 1964 figures, still using the figures that were used in 1965, looking back retrospectively to a definite state of affairs as of 1964. It would not give the States any opportunity to register people, to remove any barriers, if there were any, but it would look back to the November 1964, election and freeze that situation in.

If the Scott amendment is adopted, it will freeze these States into automatic coverage for a period of 15 years, counting the 5-year probationary period.

As the distinguished Senator from North Carolina said yesterday, a State is not merely a political subdivision of the Nation; it is not just the State government; it is not only the territory within the boundaries of the State; it is the people of the State.

When this formula is set up and it is said that Alabama and the other six Southern States are guilty of discrimination, it is not just our State government, not just the political subdivisions within the State, that are indicted without a trial, without a hearing, without any opportunity to be confronted with witnesses. Those States are indicted and convicted, as in a bill of attainder, for discrimination and unfair and illegal procedures and activities. I resent that very much.

On the floor of the Senate last month, much discussion was had on the matter of equal protection of the laws and the uniform application of the Federal public school policies with regard to desegregation. The Senate, by an overwhelming vote, agreed to the Stennis amendment, which seeks to have the Federal Government apply uniformly whatever policy it has with respect to our public schools in the 50 States of the Union. I was very much encouraged by that action, because all that we in Alabama want, all that we in the South want, is the equal protection of our laws. We are not asking for special privileges; we are not asking for special treatment. We feel that this Nation is one Nation, under God, indivisible, with liberty and justice for all. We are simply asking for justice.

We are asking to be treated, in Alabama and in the South, just as citizens of other States are treated, and we feel—after all, the Constitution says so—that we are entitled to the equal protection of our Nation's laws.

That is all we are asking. Our people are willing to live under the provisions of the Voting Rights Act of 1965 in so far as it applies to the entire Nation. We are willing to abide by it. We have no choice, but aside from the matter of choice, if it applies throughout the country, we are willing to accept it.

We do not want the people of Alabama and the people of the South charged with discrimination without one shred of evidence, without one witness bringing in his complaint—just automatically, because of a situation that existed in November 1964, by saying, "Well, you did not have 50 percent of your people voting, and you have got a literacy test; that's all it takes to convict you."

What kind of rule is that? Is that due process of law? Is it due process of law to say to an entire people, "You are guilty of discrimination, you are keeping people from voting by using devices," just because you have a literacy test and just because fewer than 50 percent of your people voted, whereas in the North you have to come in, I say the North; the 43 other States of the Union not covered—and prove guilt.

That is what I resent. It singled out these 7 States, decided on them in advance, and then figured out a way to convict them by use of this device.

Yes, Congress used a device, the device being this vicious formula, this formula that the Scott amendment seeks to freeze into the law.

Why not change this to 1968, if you say that 50 percent is a desired result, a desirable number of your people to have voting?

There again, another element of unfairness that I have not suggested before is the fact that, in our general elections in Alabama and in the South, there are fewer votes cast than in the primary in the spring. Yet it has to be 50 percent of, I assume, the lesser of the two—50 percent of those registering, or of those voting—because it is stated in the alternative in the act.

But just because, back in 1964, we had fewer than 50 percent of our people registered to vote or participating, we are singled out, humiliated, judged, and convicted of discrimination.

As I said yesterday, I believe it was the great English patriot, Edmund Burke, who sided with the colonies during the time of the American Revolution, even though he was a distinguished member of Parliament in England, in the matter of England carrying on the war against the colonies, and that great man said, "You cannot indict a whole people." He said that England could not indict every single person in America and hope to win such a war.

This Voting Rights Act of 1965, in effect, indicts all of the people of the seven Southern States—not only indicts them but convicts them. Conviction by act of Congress; that is what this is. We are convicted of discrimination by act of Congress.

Yes, we are supposed to have equal protection of the law, but are we getting it? No, we are not; and we do not like it.

The Scott amendment, as I have stated, seeks to make this period 10 years before you can go into the Federal court and seek release from the automatic coverage of the act. Then there is a 5-year probationary period—it does not so refer to it there, but it is just like a criminal being put on probation by the court: as long as you keep the terms of your probation, everything is fine, but they make us wait 10 years to go in and seek to get out from under that provision, and put us on probation for another 5 years—15 years in all.

So I say there is no need whatsoever for any of these bills. The administration bill—I believe the history of that is that over in the House of Representatives, they were coming forward with a 5-year extension of the full provisions of the act, which means automatic coverage of the South and potential coverage of the North, and a substitute was adopted over there which would make a voting rights act nationwide in scope.

I believe we are losing sight of the fact that the present act is nationwide, provided discrimination is proved. Let us get under that phase of it. That is where we want to be, and that is where it is fair for us to be, because 43 States have that provision.

So the Scott amendment is unnecessary. They put in this residence requirement Presidential elections as a sort of sweetener, to pick up a few votes here and there. I do not know that that is going to be successful. And it bans literacy tests throughout the country. Is that not a great bill, a great provision? It is going to ban literacy tests throughout the country—in areas where they say there is no discrimination in their use. Why should anyone want to ban a literacy test? That is what the Scott amendment would do.

Mr. BAYH. Mr. President, will the Senator yield?

Mr. ALLEN. I yield.

Mr. BAYH. I do not want to interrupt the Senator's very eloquent remarks, but the Senator from Alabama asked an important question, I think.

Mr. ALLEN. It was a rhetorical question.

Mr. BAYH. I thought that perhaps the Senator was seeking an answer, and I was prepared to give it to him.

Mr. ALLEN. I know the Senator will take his turn and make his answer, but any question I asked is rhetorical, I say to the Senator from Indiana.

The Senator from Indiana, I am sure, is going to voice his views in this matter. The Senator is rapidly becoming a great national leader, and I feel sure that his scope and his thinking are going to be national in nature. I am sure that he will want to see a Federal law applied uniformly throughout the country. I believe that with his national thinking, he will want to see the South put on the same basis as the other sections of the country.

I believe he is going to see the fairness of rejecting this iniquitous Scott amendment—the Scott iniquitous amendment, I should say, because I do not mean the word "iniquitous" to apply to the distinguished Senator from Pennsylvania, whom I admire very, very much.

I am sure that when the final vote is held, we are going to find the distinguished Senator from Indiana adopting a national outlook on this matter, and saying, "Yes, we want to see that those fellows down there, those good Democrats down South, those good Alabama Democrats, are protected in this matter, and we are going to apply the same law to them that we are seeing applied throughout the rest of the country."

Another thing: We have so many approaches to this bill, and I am going to enumerate several of them in a moment, that I think this bill and all its pending amendments should go back to the Committee on the Judiciary, from whence it came; because the commitment to bring the bill out by March 1 was exacted, shall I say—it was agreed upon, at any rate—and it had to come back to the Senate without being fully considered by the Judiciary Committee and its outstanding Subcommittee on Constitutional Rights, headed by the distinguished Senator from North Carolina (Mr. ERVIN).

Senators will observe that there is no committee report with respect to this bill. On the desk of each Senator is a very fine report—and when I say "fine," I refer to the minority views, the separate views of one of the Members. It is the House report. We do not have a Senate report, because they were not able or allowed to fully consider the bill, even though there was no disposition whatever to bottle the bill up in committee. The request was made, possible not on the floor, but I know it was made, to give another month of study for the committee. We have no committee report, and we have numerous separate and distinct proposals that have been made with respect to the bill.

So I feel that the bill and all its pending amendments should go back to the Committee on the Judiciary, so that that committee can study the various proposals, and that it will come back with a bill that can be agreed upon and that a majority of Senators will be willing to support.

The bill under consideration is H.R. 4249, and it is the so-called administration bill. As the Senator from Alabama recalls, this bill, as I stated a moment ago, was substituted, I believe, for the plain 5-year extension bill. There, again, I say it is not necessary to extend it, because it will be there until it is repealed. It will continue to be there. It will not get away if it is not repealed. It still will be the law. All the sections, even section 4, which contains the 5-year provision, are still in the law. It does not lapse.

The administration bill—and it is much to be preferred over the Scott amendment—provides for national coverage, national application, of the Voting Rights Act. But I say that this is unnecessary, because we already have a Voting Rights Act that applies throughout the country—on proof of discrimination outside the South, without proof of discrimination inside the South. That shows the difference in application of the same law, applied differently.

Let us now examine the 50 percent requirement, back in 1964, and the use of the 1964 figures for the test now. That is patently unfair. It gives no credit for the leaving off of the literacy test in the various States as required by Federal statute. It gives no credit for the increase of one million people who were registered in these States in the last 5 years. It gives no credit for that.

Le me suggest this with respect to the original 50 percent: A State with a literacy test which has 50 percent of its voting age population registered and voting did not come under the automatic provision. That would be the case even if every single one of that 50 percent, every single registrant, every single voter, was white or every single voter was black. It did not take into account how many were white or how many were black.

I say again that under the terms of the Scott amendment, if every single person in Alabama 21 years of age or over is in fact right now, or back in November 1968, was registered and is registered to vote, still under the terms of the Scott amendment we would automatically be convicted of discrimination in allowing people to come in and register.

Mr. BAYH. Mr. President, will the Senator from Alabama yield for a question?

The PRESIDING OFFICER (Mr. SCHWEIKER in the chair). Does the Senator from Alabama yield to the Senator from Indiana?

Mr. ALLEN. I am happy to yield to the Senator from Indiana, so that he may continue his discussion.

Mr. BAYH. I thank the Senator from Alabama. I shall be brief. I do not wish to interrupt the Senator's comments.

Mr. ALLEN. That is quite all right. I know that the Senator is upset about the unfairness of the act and he wants to add his thoughts to it.

Mr. BAYH. I am upset about the fact that my distinguished colleague from Alabama is upset. I am concerned for him and——

Mr. ALLEN. I appreciate the Senator's concern.

Mr. BAYH. I should like to find some way in which he might be able to reconcile himself to the criteria, and to that end I would like to add a few points and ask a few questions.

XUM

I, for one, as one of the cosponsors of the Scott-Hart compromise, and as one who prefers the extension which I think makes it a better bill——

Mr. ALLEN. Excuse me—I hope the Senator will elaborate on that word "compromise." I would not regard any bill agreed to between the Senator from Pennsylvania and the Senator from Indiana as being any compromise because I feel that they are both on the same side. So, Senator, kindly elaborate on the word "compromise," a little bit, if you will, please, sir.

Mr. BAYH. I am proud to be associated with just about everything the Senator from Pennsylvania says and thinks. I do not know whether that would indict him, or suggest that he agrees with everything the Senator from Indiana does and thinks, since I think there can be some reasonable difference.

The thrust of the whole program, I think, was incorporated in the earlier remarks of the Senator from Alabama, in which it was suggested that the most expeditious way to deal with years of success in putting 1 million voters on the voting rolls in the affected States was to extend the act and put 2 million voters on who have not been on before. But there could not be agreement with the House, and the administration did not agree. It was therefore thought that we might compromise between those who wanted to extend the 1965 Voting Rights Act and those who wanted the registration and the literacy test provisions of the administration bill, and that the three could be put together. Thus, as the Senator from Alabama knows, they are incorporated in the so-called Scott-Hart compromise.

Now as to the concern that was voiced by the distinguished Senator from Alabama over the criteria, the formula, for triggering, I as one cosponsor of the pending business am not necessarily wed to those uniqe criteria.

I respectfully take issue with the Senator's analysis of how the criteria were arrived at. I was wondering whether the Senator would be willing to change the criteria and say that he would include in the provisions of the act those States that refused to put black candidates' names on the ballot, or those States that abolished offices when black candidates announced their intention to run for such office, or those States that extended the term of a white official when he was challenged by a black opponent in a district where the majority of the voters were black, or those States that suddenly abolished councilmen districts and went to at-large election when it became obvious that black councilmen were going to be elected, or those States that changed the criteria for holding office and established different criteria in black counties from that in white counties, or those States that made it more difficult for candidates to get on the ballot at the precise moment that black people began to have majorities in those areas.

If the Senator would say that we should follow such criteria, I would say, fine, let us do that, because we are not trying—those of us who support this act—to do what concerns the Senator from Alabama. We are not trying to indict a people, or to indict a State. What we are trying to do is to indict those unscrupulous few who resort to the tactics I have just mentioned, to deny to large numbers of people the opportunity to run for office and to vote.

Is this some common ground we might arrive at between my friend from Alabama and the Senator from Indiana?

Mr. ALLEN. I appreciate very much the brief and succinct question propounded by the Senator from Indiana. In answer to him, I will state, in the first place, that he referred to a situation where black candidates had been left off the ballots. I know that the Senator is making reference to that today because on yesterday he made reference to it, feeling that he might, possibly, embarrass the junior Senator from Alabama because that situation took place allegedly——

Mr. BAYH. If the Senator will just look at the RECORD of yesterday, he will see that I especially removed the Senator from Alabama from any such intention. And I do not think that is accurate.

Mr. ALLEN. The Senator alleged on yesterday that that situation took place in the State of Alabama with respect to Greene County, Ala., where the black citizens of Greene County, who constitute a majority of the people in that county and who constitute about a 2-to-1 majority of qualified electors in Greene County, did win all the county offices that were up for election in the election, I believe, in 1968.

The Senator stated at that time that the names of the black candidates were left off the ballot. I would like to suggest, because I do not believe the Senator from Indiana realizes how that took place, that it was not leaving off the black candidates as such, it was leaving off the candidates of a political party which was not formed until after the Democratic primary had been held, and was not formed until after the deadline in Alabama for candidates making known their intention to run for office.

Alabama has a statute requiring every candidate in an upcoming primary or general election, in a primary or general election year, and prior to March 1 of that year, to file with the Secretary of State of Alabama a declaration announcing his intention of seeking office in a primary or a general election subsequent thereto. The individuals named by or referred to by the distinguished Senator from Indiana did not comply with that section, which applies to everyone alike. The junior Senator from Alabama complied with that section, because the law required it. All other candidates were required to comply with that section.

The individuals referred to by the Senator from Indiana did not comply with that section and ran in the general election. They took their case to the Supreme Court of the United States, and the Supreme Court, as it has done in many cases, issued a ruling, with which the Senator from Alabama does not agree, requiring that a new election be called. That invalidated the previous election, even though the judge who called for the election and the printing of ballots felt that the law of Alabama was applicable to white and black. That is how that situation happened. Certainly, no one was discriminated against in any way.

I wanted to answer the Senator's question further by stating that if he has any illustrations of this sort—and the Senator enumerated a number of alleged instances averring some type of discrimination—he should state them.

What the Senator from Alabama insists is that if the people of Alabama are guilty of discrimination, the Senator from Indiana should be able to make those charges, prove them, and give the other side an opportunity to confront witnesses and to be heard. If we are found guilty of discrimination, then trigger the provisions of the act against us. But do not, in advance of any hearing, and merely because we did not comply with some population figures back in 1964, say, as a matter of law, that we are guilty of discrimination.

Mr. LONG. Mr. President, will the Senator from Alabama yield?

Mr. ALLEN. I yield to the Senator from Louisiana.

Mr. LONG. What I should like to ask is, Why are some Senators unwilling to do equal justice, to treat all Americans fairly? Why would Senators be unwilling to permit our citizens to have the same rights as citizens in other States? I would like the Senator from Indiana to hear this, because I think my folks were Democrats in Indiana before his. My folks were Democrats in Indiana and carried the flag for Bryan when Bryan had very few votes.

And we are proud of it. They could not find much democracy in Indiana. So they moved to Louisiana, where they found what they were seeking and became strong advocates of true participatory democracy in our part of the country.

If I do say it myself, I have always felt that it is wrong for people to deny anyone the opportunity to vote if the person is qualified. It is wrong to discriminate in any way. I come from a State where it has not always been popular to hold that viewpoint. It might be popular to do so in Indiana, but I rather doubt it.

I recall one time, as assistant majority leader, I was invited to appear on a "Meet the Press" program. I was asked the question, "Senator, you know, as a matter of fact, you could not vote for a civil rights bill. Is that not right?"

I said, "Not at all. I would be glad to vote for one, providing it would treat everyone the same way and did not punish those who were doing no wrong."

I say to the Senator that the Ku Klux Klan called an emergency meeting and had a petition to impeach me right then and there. And so did the White Citizens Council. After my having said that, what sort of a voting rights bill did our courageous administration bring in?

The administration brought in a bill that would not, for example, include Texas, the President being from Texas. Texas is composed for the most part of former Louisianians who learned their politics in the same way we did.

XUM

We said that they must draw the line to include Texas. But there were those who insisted, "Oh, no. Under no circumstances must Texas come under the law. Virginia must come under the law."

Virginia is one of the first States of the Union. The author of the Declaration of Independence came from Virginia. It is a State that went to war to save us from the British troops. A State like that must come under the law.

Looking at that kind of situation, I said, "Let us vote for whatever voting rights bill we think is fair."

Now we see a situation where 5 years later, we have experienced every kind of injustice the mind of man could conceive. They would go to a parish in Louisiana where there was no discrimination and none could be alleged. But somehow the authorities in Washington would feel that the Negroes had not been conspicuously enthusiastic in seeking their rights. So they would insist that they go there and put Federal registrars in those parishes and go out and seek registrants. They established precincts and voting places all around the community so that they would not have to come to the courthouse.

I do not think they went quite that far, but they did practically everything except go down the road and register every one they could drag out of the house.

Having done that, and having registered all these people—and I am glad to see them registered—we now ask the question, "If it is good for Louisiana, why would it not be good for the State where my mother was born, the State of Indiana, the State where my grandfather married my grandmother, the State of Indiana, the State where they found so little democracy they had to migrate to Louisiana to seek it?"

If it is good for the goose, why is it not good for the gander?

Having seen the situation where these fine people would be registered, I would ask the question as one whose forebears came from Indiana, "Why would the Senator from Indiana deny his citizens the rights he would demand for those in Louisiana? Why would he deny the citizens of Indiana the rights he would have citizens enjoy in Alabama?"

Does the Senator find that difficult to understand?

Mr. BAYH. Would the Senator be more specific?

Mr. LONG. As a Senator whose forebears came from Indiana, and as a Senator who has seen people go to great extremes to register those who are not registered in Louisiana—and going to great pains to do so—and to register a lot of people who did not have the urge to register, why should not the people in Indiana have the opportunity to receive the same treatment? If it is right, if one thinks it is fair, if one thinks that if the people will not go to the registrar's office, the registrar ought to come to them, if one entertains that view, why should he not accord the citizens of his State the same opportunity?

Mr. ALLEN. Mr. President, I find it difficult to understand. If we figure out some formula—and I daresay that we can do it—by which an indictment is made and a conviction had against the fine people of Indiana, does not the Senator from Louisiana think that the distinguished Senator from Indiana would come in and help the distinguished Senator from Louisiana and the Senator from Alabama fight that measure, as the Senator knows we would do?

Mr. LONG. Mr. President, it seems to me fair, honorable, and right that if it is a good idea to do this in Louisiana, it ought to be equally as good for the citizens of Indiana.

I am not against the State of Indiana, but my folks did not find it too good up there. That is why they moved to Louisiana. That is why I am a Louisianian.

I do not understand why the Senator should not permit those who stayed in Indiana to enjoy the same benefits he seeks to impose upon Louisiana.

I am in favor of anyone who is qualified to vote being able to vote. Why should not the citizens of Indiana have an opportunity to enjoy the same rights that we enjoy in Louisiana?

Mr. ALLEN. Mr. President, the junior Senator from Alabama thinks they should. I thank the Senator for his remarks. In just a moment, I propose to answer them.

Mr. LONG. Mr. President, would the Senator yield for an additional moment?

Mr. ALLEN. I yield.

Mr. LONG. Mr. President, the State of Louisiana by voluntary contributions from its citizens—$1 contributions, $2 contributions, $10 contributions—can raise unlimited amounts of funds in a State of 3 million people, one of the poverty States, just to tell our story to people from wealthy States how unjust and unequal people are treating us with regard to the schools.

We have sought in vain to obtain television time in a great number of areas. We are now trying to obtain television time in Washington. We have sought television time on stations that have urged that we are guilty of all sorts of discrimination; we have sought time just so that we might tell our story.

I am happy to say that the Washington Post, which owns a television station, has permitted Louisiana to buy an ad in the Washington Post to explain how unjustly, unfairly, and unequally we are being treated.

I would challenge anyone to read this ad and, as a fairminded man, to answer this question: Can you not understand why good people find differences with other good people; and how can things like this happen in America?

This is something that people of the State of Louisiana paid for with their own money. The Governor of my State tells me that he made a television program and invited people to send in contributions to pay for the expense of telling the people throughout this country how unjustly the people of Louisiana are being treated. So much money came in that he had to ask them to stop sending their contributions.

I would suggest to the Democratic Party, which now seems to be struggling for funds: Why does not the party offer to be the agent which would tell the Nation, without saying the Democratic Party agrees to it, about what is happening in just one little State. Should that happen, I would be willing to make a sporting proposition that the State of Louisiana would pay off that party deficit, including the primary deficits.

Mr. President, I ask unanimous consent to have printed in the RECORD this ad——

The PRESIDING OFFICER. Is there objection?

Mr. LONG. Mr. President, I had not described the article. I think it should be described for the RECORD.

The ad in the Post was paid for by small contributions by the people of Louisiana. There would be thousands of contributions of $1, $2, and 50 cents from little people in our State, Negroes and whites alike, who would be happy to pay what is necessary to see the message delivered. If the Democratic Party cannot pay off its debt, my suggestion is a real prospect.

There being no objection the ad was ordered to be printed in the RECORD, as follows:

FULL PARTNERSHIP

Louisiana faces one of the darkest hours in its history.

The destruction of our system of public education—without which no state can survive—is now imminent. Capricious and arbitrary decisions of the Department of Health, Education and Welfare and the Federal Courts have resulted in unbelievable and drastic disruptions for our schools, our teachers, our children—both black and white.

Louisianians respect and obey the law of the land. We have attempted, in good faith, to live up to the provisions of the Civil Rights Act. And we have gone much further than the requirements of the Civil Rights Act.

During the six years I have been Governor of Louisiana, we have led the way among all the states of the Union in bringing our Negro citizens into the mainstream of life. I was elected Governor with the acknowledged support of the Negro people of our state, and received the vast majority of votes of white and black citizens alike. We have brought our Negro citizens—rightfully so—into state government itself, without coercion and without even being asked to do so. We took these and other steps because it was right and just to do so.

We have integrated our state, and we are proud of it, not just because it is the law, but because it is the *American* way. We recognized long ago that segregation was dead forever, that integration is the law of the land. We have implemented that belief not only in our public schools and in our systems of higher education but throughout every aspect of life in our state. White citizens have joined with black in electing Negroes to public office. Appointive offices also have been filled without regard to race. At the 1968 Democratic National Convention, our delegation included—voluntarily—one of, if not the largest percentage of Negro delegates of any state in the Nation.

We are proud that within our state we have achieved justice and equality.

But now we come to the rest of the nation to plead for the same sort of treatment within our Union for Louisiana. We ask for justice and equal treatment for Louisiana.

In January of this year, the Department of Health, Education and Welfare and the Federal Courts abruptly and arbitrarily ordered the *complete, numerical* balancing of the races in less than thirty days for many of our schools. (These schools were *not* segregated by law, but by residential patterns which resulted in "unbalanced" racial attendance.

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Any Negro student had the *right* to attend the school of his choice, as did any white student.)

This sudden, drastic disturbance—in the *middle* of the school year—brought distress and hardship to white and Negro citizens alike. With complete disregard for the fact that schools are just halfway through the year, with callous indifference to the child's attachment to his school and his classmates, with careless disdain for the relationship established between teacher and child—whether white or Negro—students of all ages have been coldly ordered, shuffled and transferred. This sudden, drastic disturbance brought distress and hardship to white and Negro citizens alike. Where these rulings have been put into effect, in many instances one or the other ethnic group is boycotting the schools. HEW-inspired and court-approved plans have required the bussing of children twenty to thirty miles from their homes, when neighborhood schools are within walking distance. These precipitous and unwarranted mandates equate no justice to the welfare of the child, the parent, the teacher, or the survival of public education. We ask, "Why?" Why should these extreme steps be ordered in Louisiana, a state which has demonstrated repeatedly its good faith, its sincerity, its compliance with the law and its adherence to America's democratic principles? Why should one rule apply for us and other states in the South and another for the rest of the nation? Again, we ask, "Why?"

Louisiana's citizens believe in America. We believe in justice—in equality—in freedom. *We believe in civil rights.* We believe that a child should be able to go to the school of his choice. But we equally believe that civil rights are violated when a child is forced to go to a school he does not want to attend! Civil rights are violated when parents see their children forcibly torn from their community and scattered great distances to strange surroundings, merely to achieve conformity with a governmental master plan for numerical "balancing"!

Is this the America we fought for? Is this the America we believe in?

For years we have complied with the Civil Rights Act. But to dispel any doubt as to our intentions, to make it clear we were not merely attempting to circumvent the law of the land nor trying to preserve segregation, we turned to the State of New York, perhaps the most liberal state in the nation, for the model of legislation to adopt for ourselves. On February 22, 1970, the Louisiana Legislature in Extraordinary Session enacted into law Chapter 342 of the New York Laws of 1969. Copied verbatim by us, this New York law guarantees that "No person shall be refused admission into or be excluded from any public school in the state on account of race, creed, color or national origin." This law further provides that "no student shall be assigned or compelled to attend any school on account of race, creed, color or national origin" while not preventing "the assignment of a pupil in the manner requested or authorized by his parent or guardian."

That is the law in New York; it is now also the law of Louisiana. We ask no special treatment; we demand no concessions. But we *do* seek and expect to be treated the same as any other state in the nation!

We are confident that the overwhelming majority of Americans believe in equal justice under the law. *We are not getting equal justice,* despite our sincere attempts to live under the law just as do other Americans elsewhere in our nation!

We seek no preferential treatment. We do seek equal treatment. We seek to operate our schools *under the same laws as you*—without the interference of arbitrary edicts which will *destroy* our system of public education and inflame ill will.

We love our country, and we are loyal to it. We are confident that, knowing our cause is just, you will join with us and support us in our effort to achieve equal rights, and to save our schools from the crippling effects of unwarranted "numerical balancing."

We urge you—today—to write to your Congressman, your Senators, and your Governor. Tell them you want them to help Louisiana save her schools.

All we ask is *equal treatment* under the law; all we expect is *full partnership* in this great Union of ours.

Sincerely,

John J. McKeithen,
Governor of Louisiana.

This ad paid for by voluntary donations from thousands of Louisianians and their neighbors, loyal Americans all.

Mr. ALLEN. Mr. President, the distinguished Senator from Louisiana (Mr. Long) has discussed the reason why Louisiana in 1965, when the Voting Rights Act was under consideration in the Congress, having in the 1964 election 47 percent of her voting-age population participating in that election, and the State of Texas having only 44 percent of her voting-age population participating in the election, was placed by this formula under the automatic triggering provisions of the act.

I wish the distinguished Senator from Louisiana were still in the Chamber, because the planners or the perpetrators of the 1965 Voting Rights Act hit on a novel combination of factors in setting this formula. They first required that a State, to be covered by the automatic triggering provisions of the act, had to have a device, a literacy test, a device that discouraged voting and registering. The State of Louisiana at that time had a literacy test as a prerequisite to registering of voters. The State of Texas had none. So this novel combination of factors was agreed upon, and Texas was thereby left out of the automatic triggering provisions of the act. Louisiana, having a higher percentage, was included under this provision.

Of course, the fact that the President of the United States at that time was a Texan may possibly have had something to do with the reasoning behind agreeing on that type of formula. But it illustrates the fact that the target was decided upon and agreed upon in advance: "We will hit on seven Southern States—Virginia, North Carolina, South Carolina, Georgia, Alabama, Mississippi, and Louisiana—and put this novel provision in it—that if a State had the requisite 50 percent of the voting-age population registered and voting, but some of the counties in that State fell below the 50 percent, then the counties would automatically have the act triggered against them"; whereas the reverse of that was not allowed. If a State had fewer than 50 percent qualified and voting and some counties had more than 50 percent qualified and voting, still, because the State itself did not have the requisite 50 percent, the act was triggered against the entire State, including those counties that had more than 50 percent.

So there again, the unfairness, the discriminatory practice that the advocates and proponents of the act hit upon to include within the automatic provisions of the act the seven Southern States.

What progress toward registering our people have the Southern States made in that time, and what credit is being given by the Scott amendment to those amazing performances by the States involved?

Let me read some of the figures showing the registrations in that time. One would think, with the great progress that we have made in registering voters, that some credit would be given to the States for that performance. The criterion should be moved up 4 years, if the presidential year is to be used as the year.

Let us base this on what the situation was in 1968. If by then the States had come up to the formula, the 50-percent percentage set by the act in 1965 as the desired goal, let us let them out from under the automatic triggering device

As the Senator from Louisiana stated—and I certainly agree with him—the people of Louisiana and the people of the South are willing to abide by any law that applies to the entire Nation. I submit, as I have outlined, that if all of the pending amendments and all of these bills are defeated, we still have a nationwide Voting Rights Act. We still have an act applying to all 50 States, the only difference being that all sections of the country will have to have discrimination proved against them.

I will say this: If all of the pending bills are defeated, and the Scott amendment, the administration amendment, the amendments that will probably be offered to the various proposals—even if all of them are defeated, we still have a National Voting Rights Act of 17 to 19 sections—19 if we include sections 4 and 5, 17 if they are left out. But actually, section 4 would still be included. That is the section that would require the States to go into court and show that they had not been guilty of using a device, had not been guilty of discrimination, in the last 5 years. So they could start going through court, filing the petition, on August 7, 1970; but it would take time for the petition to be heard. It would take time for the court to get around to considering the evidence, and releasing the Southern States from the automatic provision.

Then I daresay, as I construe the terms of the act, the Southern States, even if they were released from the automatic triggering provisions, would be covered for 5 years in the court proceedings, because they are under that provision, and there is no way in the world for them to get out, except to go into court; and when the court released them, they would still be on probation for 5 additional years.

That would have us convicted, as the distinguished Senator from North Carolina (Mr. Ervin) has said, by a bill of attainder, without due process of law; convicted by an act of Congress which is in clear violation of any reasonable or rational precept of Anglo-Saxon justice and law, where a man—and here we have a whole people—is presumed to be innocent until proved guilty.

But sections 4 and 5 do not go that route. It is not just the States that are involved. When we say Alabama or North Carolina, we think of the States, the State governments, or the land there,

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but actually it is the people who are involved. This act, or a renewal of it, constitutes a bill of attainder against the people of North Carolina and the people of Alabama.

It convicts us without due process of law, without any opportunity to be heard, without any opportunity to be confronted by the witnesses against us; it denies us the equal protection of our Nation's laws, in clear violation of the Constitution, and we are being deprived of our rights without due process of law.

We feel that that is unfair, that we are being denied the equal protection of the laws. As the Senator from Louisiana (Mr. LONG) stated, if the law applies to the whole country, he is willing to go along with it and accept it. That is what would happen if we allowed all of the pending amendments and bills to be defeated, and relied on the 1965 Voting Rights Act, which, as I say, will still leave the Southern States in the humiliating, embarrassing bondage of a probationary sentence.

We have to go to court to get relieved of the provisions of the act, and we are put on probation for 5 years. The Federal Government can start the act up against us at any time and put us back under the provisions. We would still have a national law, but with discrimination still against the people of the South.

As I suggested a moment ago, the Voting Rights Act is supposed to eliminate devices that discourage voting. Yet, Congress uses this vicious device, this mathematical formula, the population formula, to trigger the law against the South.

What happens under the act? The Attorney General sends Federal registrars into Alabama and the other States of the South. They go out on the sidewalks and into the highways and byways. They register the lame, the halt, the blind, the illiterate. They register anyone 21 years old or over. They go out and seek them.

I was proud to be able to say to the Senator from Indiana (Mr. BAYH) yesterday, when he was asking me about the results of the registration in Alabama since the enactment of the 1965 Voting Rights Act, that the duly constituted Alabama registrars registered approximately three times as many new voters in their regular offices in the various courthouses than the Federal registrars did, swarming all over the State searching for people to register.

So there is no difficulty in getting registered in Alabama. We resent the implication, and not only the implication but the indictment and conviction of discriminating where there is no discrimination.

Mr. President, I ask unanimous consent that I may yield to the distinguished Senator from North Carolina without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ERVIN. Mr. President, I wish to discuss the matter of condemning either States or their people by a congressional bill of attainder.

Evidently, people of the present generation are losing some of their respect for constitutional principles. I made some remarks earlier today in which I said I had thought that I had reached the point where I could not be shocked by any proposal made in Congress. But I have to confess that I was shocked today by the proposal that the Senate adopt an amendment to the pending substitute bill which would undertake to usurp and exercise the undoubted constitutional powers of the States to prescribe the qualifications for voting by declaring that all boys and girls in the United States of the age of 18 should be made eligible to vote in all elections, both Federal and State.

One of the unfortunate things about the present day is that people are so impatient, and some public officials are so impatient, and they want to accomplish things, no matter how unconstitutional they may be, by unconstitutional methods, before the sun goes down each day. This impatience of our people is sometimes a great virtue. It enables us to span great rivers, to climb high mountains, and to do other things which are highly praiseworthy. But it has a tendency to tempt us at times to engage in acts which if continued in force will destroy the only protection our country and each individual in our country has against anarchy on the one hand and tyranny on the other, and that is the Constitution of the United States.

Every year this body goes through the ceremony of having read one of the most remarkable documents ever conceived by the mind of man, and that is George Washington's Farewell Address. He gives some sage advice about attempting to do things and changing the Constitution by usurpation. He said that if the people of this land ever become dissatisfied with any of the provisions of the Constitution, or any distribution of the powers made by the Constitution, let them change the Constitution by an amendment as provided in article V of the Constitution.

He said:

> Let there be no change by usurpation, or even though a change may seem good in one instance, usurpation is the customary weapon by which free government is destroyed.

I am compelled to say that the lack of respect which is entertained for the Constitution not only by the courts but also by our legislative bodies is threatening this country with the loss of its most precious heritage; namely, the right to be governed by a constitutional system of government.

(At this point Mr. DOLE took the chair as Presiding Officer.)

Mr. ERVIN. Mr. President, I mentioned the fact that we get impatient. For some strange reason, we have a peculiar political climate pervading America at this time. Several years ago, we had a drastic civil rights bill pending before the Senate and the distinguished former Senator, John Carroll, of Colorado, made a statement in the course of debate that the Civil War was over. I could not resist the temptation to rise and say that I wish we could say the same thing about reconstruction.

(At this point Mr. COOK took the chair as Presiding Officer.)

Mr. ERVIN. Mr. President, I think that the Voting Rights Act of 1965, which is sought to be renewed for another 5 years, is an example of oppression.

I think that any court which is faithful to the precepts of the Constitution would have adjudged that act unconstitutional, because it condemned all State election officials and all the people within the borders of five States, and all the State election officials and all the people within the borders of a number of counties in two other States, by what the Supreme Court itself impliedly admitted is a bill of attainder.

Mr. President, the Constitution abhors bills of attainder. Its abhorrence of bills of attainder is reflected in the fact that the Constitution, in article I, forbids both Congress and the States to pass bills of attainder.

Now I wish to read, if time at my disposal permits, what is the definition of a bill of attainder, in the case of Cummins against State of Missouri, a case handed down in 1866 and reported that same year by the Supreme Court.

I am glad that the Supreme Court which was then sitting had the patience to consider what was involved in that case and the threat imposed for the future of liberty in America.

I rejoice in the fact that it had the courage to stand up for what was right in an enflamed and emotional political climate.

I doubt that any State legislature ever undertook to do more than the Legislature of the State of Missouri undertook to do in that case. Its members evidenced the strangest kind of feeling of intolerance by the passage of a law that was involved in that case. Their action indicated they preferred that poor sinners should go to hell rather than for them to be saved by the preaching of the gospel by a man who happened to be a Roman Catholic priest who had been sympathetic toward the Confederacy.

This is an interesting case. I would like to read it to the Senate in the hope that Senators, when it comes to a question of whether we shall renew the Voting Rights Act of 1965, will have sufficient abhorrence for condemning people by a bill of attainder as the Supreme Court had when it handed down the decision in Cummins against the State of Missouri.

Now, as I said, the Supreme Court, in South Carolina against Katzenbach, made the astounding holding that the prohibition against passage of bills of attainder does not apply to the States. As the Cummings decision discloses, a bill of attainder is a legislative act which condemns either named persons, or identifiable persons of wrongdoing, without a judicial trial, and on that basis punishes them in some way, or denies them the power to exercise a right possessed by them. That is precisely what the Voting Rights Act of 1965 is. It condemns election officials and the people of five entire States, and parts of two other States, of having violated the 15th amendment without giving them a judicial trial, and on that basis, and that basis alone, suspending their right, their power, to exercise their right to prescribe a literacy test secured to them by four separate provisions of the Constitution.

It was certainly a far cry from the

Voting Rights Act of 1965 to the action under review in the most courageous and intelligent decision ever handed down by the Supreme Court of the United States—Ex Parte Milligan. In that case, in reversing the action of a military tribunal condemning a civilian to death—and incidentally, because of his sympathy for the Confederacy—Justice David Davis, who wrote the opinion for the Court, made this remarkable statement which I think is absolutely sound and absolutely true. He said in substance that no notion having more pernicious consequences was ever invented by the wit of man than the idea that any provisions of the Constitution would be suspended in any emergency. If the Constitution of the United States is to afford any protection to our land and its citizens, it must be an instrument whose provisions cannot be suspended under any circumstances.

Yet, that is precisely what the Voting Rights Act did by way of a bill of attainder. And when the Supreme Court was confronted with that fact, the only way it could adjudge that act constitutional was to hold that the prohibition upon bills of attainder does not apply to the States.

What are the States? Chief Justice Salmon P. Chase in the great case of Texas against White said that the word "State" as employed in the Constitution means the people residing within a certain territory and associated together for the purpose of maintaining and enjoying local government.

That is not the exact verbiage of his remarks, but that is precisely what they mean.

And so we have it laid down by the Supreme Court in South Carolina against Katzenbach that Congress can pass an act which can condemn State officials and the people of a State of violating the Constitution without giving them a judicial trial and, on that basis, suspend their power to exercise the rights conferred upon them by the Constitution—indeed, conferred upon them by four separate and distinct provisions of the Constitution.

I do not think that decision is sound law. I think that the constitutional provision forbidding Congress to pass a bill of attainder was written to prohibit such laws as the Voting Rights Act of 1965.

And the Supreme Court was confronted by another proposition in South Carolina against Katzenbach, and that was the fact that the fifth amendment provides that no person shall be deprived of his life, liberty, or property without due process of law.

Perhaps the most famous definition of due process of law in a procedural sense is that of Daniel Webster, acting as counsel for Dartmouth College in the Dartmouth College case.

Instead of calling it due process of law, he referred to it as the law of the land, which is the term by which it is referred to in the constitution of my State. And he said that the law of the land is a general law which proceeds upon the inquiry and renders judgment only after notice and a hearing.

The Voting Rights Act of 1965 renders judgment without any notice and without any hearing. And it deprived State election officials in seven States, or parts of States, of the power to exercise functions of their office, and the people of the States of the right to exercise their constitutional powers.

Yet, the Supreme Court ignored the fact that there is no such thing as just a State existing in this universe. The State consists of the State government, and it consists of the people of the State. And the officials are persons and the people of the States are persons.

Yet, the Court held in effect that if they happened to be State officials, or people in a State below the Mason-Dixon line, the due process law clause does not afford any protection whatever.

If that means what it says, it would make it possible for Congress to pass an act authorizing the Department of Justice to bring a suit against a State upon the allegation that the State had violated certain provisions of the Constitution or had done something else wrong and ask that the State be abolished and provide that the allegations made by the Department of Justice were the only things that were going to be considered by the Court in rendering a decree to abolish the State. And it could do all of this and secure such a decree without giving the State or its officials or its people any notice or any opportunity to be heard. That is, to my mind, a fearful decision.

I believe it is wrong. I do not believe that the Constitution of the United States is so puny that it does not protect State officials and the people of the States, who are persons, from such unjust treatment. I think the due process clause will prevent it.

Now, another thing. When this bill was before the Senate, I pointed out the effect of this provision closing the doors of all the courthouses in this universe against States or political subdivisions of States seeking restoration of their right to use their constitutional powers. I pointed out that this bill, when read in conjunction with the other law on the subject absolutely denied all of these States and subdivisions of States even the right to get compulsory witnesses to appear in the district court. The law had provided for witnesses in the district court of around only 100 miles from where the court sat. That was too bald, so they put in an amendment giving the district court discretionary power to issue subpenas to compel the attendance of witnesses of the States or subdivisions of the States. To my mind, that kind of an amendment did not cure the situation because it, too, was abhorrent to justice.

I say this because it made the right of the litigant to procure evidence through compulsory witnesses dependent upon the discretion of the court. That is a right in any fair system of justice that should belong to every litigant.

When Thomas Jefferson wrote the Declaration of Independence he gave as one of the reasons the Thirteen Colonies severed their bans with the mother country England was that George III was transporting Americans beyond the seas to be tried in courts of England rather than permitting them to be tried in courts in America.

Since the due process clause of the fifth amendment and the due process clause of the 14th amendment are designed to secure litigants a fair trial in Federal and State courts, I think that a provision of law which closes the doors of the nearest court and compels them to journey some 100 miles to 1,000 or 1,000 miles before they can get access to a court is a denial of due process of law and an affront to justice. Yet that is precisely what the sponsors of the Scott substitute for the administration bill are asking the Senate and the Congress to do.

Mr. ALLEN. Mr. President, will the Senator yield?

Mr. ERVIN. I am delighted to yield to the Senator from Alabama.

Mr. ALLEN. Mr. President, I wish to commend the distinguished Senator from North Carolina for his observations and the reasoning he has advanced in respect of the unconstitutionality and inadvisability of the renewal of the Voting Rights Act of 1965.

I would like to ask specifically if this provision of section 5 requiring our States to come to Washington for the purpose of getting approval of enactments of our legislature and for getting released from the provisions of the Voting Rights Act of 1965 did not cause Mr. Justice Black to hold in a dissenting opinion in the case of South Carolina against Katzenbach that section 5 was unconstitutional and is unconstitutional.

Mr. ERVIN. The Senator is correct. He took that position in South Carolina against Katzenbach and he repeated it a second time in the Allen case. I believe it was Allen against the United States.

Mr. ALLEN. I thank the Senator.

Mr. ERVIN. These are iniquitous words in another iniquitous piece of legislation.

The Constitution provides in the 10th amendment that all powers not granted to the United States by the Constitution are reserved respectively to the States and the people of the States. That amendment and section 2 of article I of the Constitution and section 1 of article II of the Constitution, and the 17th amendment gave the States the power to pass laws, regulate elections, and prescribe qualifications for voting, subject to only three limitations: that their laws must not have any qualification based on race or sex, or any voting qualification which was applied in a different manner to people similarly situated. This has always been the practice, habit, and tradition. It is fair in any fair system of justice that an act of the legislature become effective either upon enactment or if the act specifies a certain date, on that date; and it is presumed constitutional and anyone who presumes it is unconstitutional has the burden to so prove in a court of justice where notice is given and witnesses are given a chance to be heard.

Yet under this provision the Voting Rights Act of 1965, these States and parts of States are condemned by this bill of attainder that no State law enacted by their legislatures to make any change in the election laws shall become effective until it has been approved either by the Attorney General or by the District Court of the District of Columbia. Justice

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Black, as the Senator stated, pointed out in most eloquent language that that was the provision absolutely inconsistent with the Federal system of government.

I wish that those who sponsored the proposal to extend the Voting Rights Act of 1965 for 5 more years would read Mr. Justice Black's dissenting opinions in those cases.

Mr. ALLEN. I would like to ask the distinguished Senator another question. We speak loosely of renewing or extending the Voting Rights Act. The Senator from North Carolina and I oppose that effort. Others oppose it. But is it not true that even if no action is taken by the Congress, the Voting Rights of 1965 will not expire? No provision of it, not even sections 4 and 5, will actually expire? And it will be necessary for any State that desires to come out from under the provisions of the automatic triggering device of the act to come before a three-judge Federal court in Washington and prove that it has not used a device to discourage voting for the last 5 years. And if the Attorney General acquiesces in that, and a judgment is entered, still the State involved is subject to probation for an additional 5-year period?

Mr. ERVIN. Well, I am not quite certain as to what woud be the interpretation placed upon that if section 4 were removed from the act. I can say that there are enough Federal laws regulating voting to secure to any man of any race his right to vote in any Federal or State election if he possesses the requisite qualifications, and to put in jail any election official who willfully denies him that right.

Mr. ALLEN. I call to the attention of the distinguished Senator that the Scott amendment does not seek to remove section 4, and no effort is being made, so far as I know, to remove section 4, and nowhere in the present act does it call for the expiration of the provisions of that act.

Mr. ERVIN. The Scott substitute proposes that section 4 be extended. In fact, it proposes that all the inequities that are contained in that act be continued.

Mr. ALLEN. But even if it is not extended, does not section 4 provide that if a judgment is entered on proof of 5 years' nonuse of a device, the Federal court retains jurisdiction for an additional 5-year period, under the provisions of that act?

Mr. ERVIN. Yes; it so provides.

Mr. ALLEN. Then if the Southern States subject to the automatic triggering device come out from under the provisions of the automatic trigger and live out the 5 years' probation, will they still not be subject to the remaining provisions of the remaining 17 sections of the act?

Mr. ERVIN. There is no question of that, as well as under the provisions of a multitude of Federal laws on this subject. In other words, the Federal laws on voting, to use John Milton's colorful phrase, are as—

> Thick as autumnal leaves that strow the brooks
> In Vallombrosa.

Mr. ALLEN. Is it not true that if sections 4 and 5 are not extended for another 5-year period and the Southern States are subject, as all other States, to the remaining 17 sections of the act, where we would be having the equal protection of the laws we could live with that better than under an automatic conviction?

Mr. ERVIN. The proposal of the Scott substitute is that we be convicted again in 1970 on account of some election figures that originated in 1964; that that condemnation be visited upon us even though the figures arising out of the election of 1968 would show that whatever presumed inequity occurred in 1964 had receded into the past.

In other words, as I stated the other day, the sponsors of the Scott substitute suggest that they want to put us in the position of Esau. The Bible tells that Esau sought repentance, but found it not. They want to fix it so we cannot even search for repentance. In other words, they want to condemn us in 1970, and they would not seek a piece of legislation that would treat a crapshooter like this would treat these particular seven States.

Mr. ALLEN. I want to propose a hypothetical question to the Senator from North Carolina. If in the period between August 6, 1965, the effective date of the Voting Rights Act of 1965, and the present time there had been registered in the great State of North Carolina every single person, white or black, of voting age, would the State of North Carolina or some of the counties therein still be automatically subject to the punitive provisions of this act, under the Scott amendment?

Mr. ERVIN. Oh, yes.

Mr. ALLEN. And no matter what steps the State of North Carolina had taken to register its citizens, no matter what success it had had, it would avail it naught under the terms of the Scott substitute?

Mr. ERVIN. Absolutely. Of course, another grave offense which was committed against law and justice by the Voting Rights Act of 1965 and by the upholding of that act by the Supreme Court lies in the violence it did to commonsense and evidence. There is a rule of law relating to the creating of a presumption; that because of a certain fact existing, a certain inference should be drawn from that fact; that the inference which is to be drawn from that fact must be something under the control or management of the party against whom the inference is drawn; and where that relationship does not exist, the presumption is invalid.

That triggering device, if fewer than 50 percent of the persons of voting age, residing in a State or a political subdivision of a State, failed to vote in the 1964 presidential election, condemns that State or political subdivision of having violated the 15th amendment. A State can register every person within the borders of the State and make it possible for those people to vote if they would just exert enough energy to go to the voting booth; yet the State cannot compel a single one of them to exert that energy to go out and vote. So they condemn the States, insofar as the basic triggering device is concerned, on the failure of 50 percent of the people to go out and vote. They condemn the State on the basis of something the State cannot control and cannot manage and cannot do anything whatever about.

Mr. ALLEN. Suppose in one of those States, we will assume North Carolina, there was no evidence whatsoever that at any time prior to the enactment of the Voting Rights Act there had ever been any discrimination exercised by the State of North Carolina or any of its citizens, and it was freely and generally admitted that no such discrimination existed. Would North Carolina still be condemned by this act of being guilty of discrimination?

Mr. ERVIN. Oh, yes. If the 12 apostles had been operating the State government of North Carolina, they would have been condemned of violating the 15th amendment by this triggering device.

Mr. ALLEN. Does that offend the Senator's sensibilities?

Mr. ERVIN. It offends me to such an extent that I say that the Voting Rights Act of 1965 does not give the States affected by it the same protection which is afforded a crapshooter or a pimp or a prositiute under our laws. And I personally resent having my State treated that way.

Mr. ALLEN. Have we not heard a great deal in recent weeks here, a lot of breast-beating and professions and statements about a desire to have uniformity of enforcement in Federal laws and policies?

Mr. ERVIN. We certainly have.

Mr. ALLEN. Right here in this Chamber?

Mr. ERVIN. We certainly have.

Mr. ALLEN. Is this not an example of nonuniform enforcement of Federal law?

Mr. ERVIN. Yes. Another fundamental constitutional principle which is offended by the 1965 Voting Rights Act is the principle that all States of the Union enjoy an equality within the Union. Yet, in this remarkable opinion in South Carolina against Katzenbach, Chief Justice Warren stated that the doctrine of equality of the States operated only at the precise second that a State was admitted to the Union; and that just as soon as the State was admitted to the Union, Congress could convert the States into as many varieties of States, with different powers, as there are varieties of Heinz' pickles.

Mr. ALLEN. That is an unusual doctrine, I would say.

Mr. ERVIN. And the strange thing is that the best case on this question of equality of the States is the Coyle case, which originated in Oklahoma.

Someone had some influence with Congress in the drafting of the statute admitting Oklahoma into the Union, and whoever it was wanted the State capital of the State of Oklahoma to be located at a certain place in Oklahoma, and persuaded Congress to insert a provision that the people of the State could not change that place as the State capital after it became a State of the Union.

There was nothing in that case that talked about the equality of the States existing only at the precise second they were admitted to the Union and not existing thereafter. In fact, the entire rationale of the case was to the contrary, because the Supreme Court in that case, the Coyle case, said that when Oklahoma

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was admitted into the Union, Oklahoma acquired an equality of power with all of the other States already in the Union, and that nobody would suggest for a moment that Congress could deprive any of the original States of their power to place their State capitals where they desired.

In other words, when Oklahoma came into the Union, it did not just get an equality of rights with the other States at the precise moment of its entry, but it got the power thereafter to do what it pleased with reference to the location of its State capital, on the ground that nobody would ever have supposed that any other State could not change its State capital to any place it wished.

Mr. ALLEN. I thank the distinguished Senator.

Mr. ERVIN. So I would say the doctrine of the equality of the States had an apparent death in the case of South Carolina versus Katzenbach; but I think whenever it is hereafter applied to any States outside these seven States, we will find that it has been resurrected and rescued from the tomb.

Mr. ALLEN. Will the distinguished Senator yield further?

Mr. ERVIN. I yield.

Mr. ALLEN. Yesterday I made some brief remarks with reference to this Voting Rights Act, and I am not sure that the distinguished Senator from North Carolina was in the Chamber when I recalled the visit of the President of France, Mr. Pompidou, to the Nation's Capital. I stated at that time that, while I was not any great authority on the French criminal law, I understood that in France the accused is guilty until he is proved innocent, whereas the Anglo-Saxon or English common law entertains the view—which I much prefer, and I am sure the Senator does—that a person who is accused is presumed to be innocent until proved guilty.

Does the distinguished Senator from North Carolina understand that to be the difference in the explanation of this Voting Rights Act?

Mr. ERVIN. Yes. This Voting Rights Act is, in spirit, an affront to that proposition. It says that these States are guilty. It says that by a legislative act of Congress, without any judicial trial; and it puts so many roadblocks in their way that they really do not seem to be able to establish their innocence.

Mr. ALLEN. Well, you have to wait 5 years in the first instance to go into court, do you not, under the present law?

Mr. ERVIN. That is an ambiguous provision. They have to show they have not discriminated against anybody during the 5 years before they bring the suit, as I understand it.

Mr. ALLEN. Yes, that is correct. Then the Scott amendment would add another 5 years to that.

Mr. ERVIN. I might state that there is a county in North Carolina, Gaston County, the county seat of which is located 53 miles from my home, which came up here and tried to get relief from this act. Everybody in North Carolina knows that they have had no discrimination with reference to voting on account of race in Gaston County within the memory of any living person.

But the case was heard by a panel consisting of Judges J. Skelly Wright, Spottswood W. Robinson, and Oliver Gasch. The court sort of divided about 2-to-1, J. Skelly Wright and Spottswood Robinson being on the same side.

Everyone admitted that Gaston County had been applying its literacy tests in a fair manner, but the court made a finding of fact which would have been resented as an insult on the Negro race, or should be resented as an insult on the black race. They said that Gaston County had maintained segregated schools before May 1964, and then they went ahead and reached the astounding conclusion that a black person cannot learn to read and write, or has great difficulty in learning to read and write, when taught by a black teacher in a school attended by other black students.

I consider that an absolute insult to the black race. It is contrary to what all of us know. And yet that was a solemn adjudication by two of the judges of a three-judge court sitting in the District of Columbia, and it was affirmed by the Supreme Court.

I think it is, as I say, an insult to the Negro race, and it is an insult to Gaston County. We have a fairly liberal newspaper in North Carolina, the Greensboro Daily News, which has undertaken for years to try to defend the Supreme Court in all of its adjudications.

The Greensboro Daily News, in an editorial comment on the Gaston County case, said that this case had seriously impaired the capacity of defenders of the Supreme Court to defend it.

I happen to know Gaston County well. It has been in the congressional district in which I live most of my life. As a superior court judge, I held term after term of superior court there. I know the people and the officials of the county well; and, in common with everyone else who knows anything on the subject, I know Gaston County has practiced no discrimination in voting within the memory of anybody living in North Carolina. Yet it stands condemned, and, like Esau, it cannot find repentance even though it seeks it.

Mr. ALLEN. Does the distinguished Senator have an amendment that would update the criterion provided by this bill?

Mr. ERVIN. I have an amendment that would provide that we be judged in 1970 on the basis of our acts in 1968, rather than on the basis of the election of 1964.

I also have an amendment to open the courthouse doors of the South to Federal courts sitting in the South. The provision barring the exercise of jurisdiction by all the Federal judges except those sitting in the District of Columbia is based upon either the notion that southerners who happen to be Federal judges are not fit to occupy the office or that there is a peculiar species of wisdom in questions of this kind among some of the judges of the district court of the District of Columbia.

Mr. ALLEN. I ask the distinguished Senator if the existence of discrimination in a State is to be measured not on the basis of charges made or hearing held, witnesses presented, and opportunity given to the accused to present his defense, but on the basis of a mathematical formula, would it not be fairer that that mathematical formula—that is, the existence of a certain number or percentage of qualified voters in a county or State—would it not be more equitable and shed more light on the existing circumstances for that criterion to be established on conditions in 1968 rather than in 1964?

Mr. ERVIN. Yes. There is no doubt about it. With all due deference, I regret that the sponsors of the Scott amendment engaged in a course of conduct which would generate in cynical minds the thought that they are not interested in justice but are interested in condemning and continuing a condemnation in disregard of all the subsequent evidence on the subject of the nature used to condemn in the first place.

Mr. ALLEN. I thank the Senator.

Mr. ERVIN. The paradoxical thing about the Voting Rights Act of 1965 is that it professes to have as its objective the prevention of discrimination in voting. But it adopts a most discriminatory fashion in which to obtain that objective.

Mr. ALLEN. Yes. It is supposed to eliminate devices that a State uses to discourage voting or to set barriers in the way of voting. Yet, to do that, it uses a most vicious device itself, does it not?

Mr. ERVIN. It uses a device which has no foundation in rationality, as I pointed out earlier. There is no relationship whatever between the failure of 50 percent of the people to go out and vote and the conclusion that that resulted from discrimination, when those people are registered. Furthermore, another queer thing about this triggering device is this: In my State of North Carolina, 25 percent of our population is black and approximately 75 percent is white. The State could register every one of those people, and if 25 percent of the registered voters are black, and if they all went out and voted, and only 24 percent of the whites went out and voted, that would condemn North Carolina of discriminating against the 25 percent of the voters who were black and who went out and voted. That is how much reason and how much rhyme there is. But there is a precedent for this.

One of Aesop's Fables is about the little lamb that was trying to drink some water in a stream. The wolf accused the lamb of muddying the water, and the little lamb said, "I don't see how that could be, because you're upstream and I'm downstream. I can't be muddying your water." And the wolf seized the little lamb and devoured it.

The moral was, any excuse will serve a tyrant.

There is nothing more dangerous than the tyranny of the majority; nothing more frustrating to liberty.

I hate to say such a thing, but having read the opinion in South Carolina against Katzenbach many times, and having seen how it is inconsistent with the words of the Constitution and the interpretations which in times past have

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been placed on those words, I am reminded of the story about a justice of the peace in my county who was trying a case one day in which a young lawyer represented the defendant. The young lawyer kept jumping up and saying, "I object, your Honor. That's not according to law."

The justice of the peace said, "Young man, sit down."

The young lawyer kept objecting and said, "I object, your Honor. That's not according to the Constitution."

The justice of the peace said, "Young man, you quit getting up and saying, 'I object to that. That's not according to law,' or 'That's not according to the Constitution.' You keep your seat or I'll punish you for contempt of court."

Well, the young lawyer, being very faithful to his client, jumped up again and said, "I object. That's not according to the Constitution."

The justice of the peace said, "Young man, sit down. I'll have you understand I'm running this court. The Constitution hasn't got a damn thing to do with it."

Mr. ALLEN. Would the distinguished Senator feel that the perpetrators—and I say perpetrators rather than authors—of the 1965 Voting Rights Act decided first——

Mr. ERVIN. I would put it another way. I would say "those misguided legislators who in a state of confusion so ignored fundamental rights."

Mr. ALLEN. The distinguished Senator is more charitable than I am. But, continuing with my question, does the Senator feel that these perpetrators or authors, as he chooses, first selected their targets—namely, the seven Southern States—and then devised a device by which to bring them under the automatic triggering provisions of the act?

Mr. ERVIN. I do not know whether they conceived this idea. I sort of suggested yesterday that the State of Texas had one of the worst voting records in the Union; that it has 25 counties; and that, if they had had some kind of formula like this applied to them, they would have been condemned. But they did not have a literacy test. I thought that perhaps the President, with the aid of his Attorney General, who was also a Texan, wanted to get some kind of device by which they could condemn our States and keep Texas, whose voting record was far inferior, free from any derogatory connection with the matter.

Mr. ALLEN. They did not want their State under the automatic provision.

Mr. ERVIN. Oh, no.

Mr. ALLEN. They did not want their State indicted and convicted without a hearing, did they?

Mr. ERVIN. No.

I think this was carefully conceived and brought about for the purpose of condemning these particular States and parts of States, because it contains a provision that the Attorney General can give consent to a judgment that will exonerate from the application of it any area that happened to fall under it. So far as I can determine, he exonerated from any liability under this act, by consent judgment, every State, such as the State of Alaska and every subdivision of every other State, except these seven States.

Mr. ALLEN. I thank the distinguished Senator from North Carolina. He has cleared up several matters in my mind.

Mr. ERVIN. Mr. President, it is apparent that I had intended to read the case of Cummins against the State of Missouri to the Senate, which is a case where the legislature of the State of Missouri decided it was better for poor sinners to go to hell than was the salvation of their souls through the preaching of the Gospel by a Roman Catholic priest who had been sympathetic to the Confederacy. This is an illuminating case on the way it constitutes a bill of attainder. I hope to be able to read that case to the Senate later as it is apparent—I do not know whether the majority leader wishes to call up some particular legislation at this point, but I will yield the floor back to the Senator from Alabama, and hope at some future time, during the course of this debate, that I will be able to read this case of Cummins against Missouri.

Mr. ALLEN (Mr. SCHWEIKER in the chair). I thank the distinguished Senator from North Carolina. I hope that he will feel free to break in at any time and gain the floor, because I think that the Senate will profit by hearing a reading of these decisions and will profit in addition by the remarks of the distinguished Senator from North Carolina.

Mr. MANSFIELD. Mr. President——

Mr. ALLEN. Mr. President, I would say to the distinguished majority leader that a number of Senators are in the Chamber at this time who were not here when I was discussing this bill on yesterday and I do want to have a full discussion of it and would be willing to yield——

Mr. MANSFIELD. No. If the Senator from Alabama wants to continue—I thought that after 3 hours on yesterday and 3 or 4 hours today that he would be through. I did not have any idea there was a filibuster in progress——

Mr. ALLEN. No, sir; this is not a filibuster so far as the Senator from Alabama is concerned.

Mr. MANSFIELD. I am sure of that. I would say, then, because there are more Senators in the Chamber now, that the Senator from Alabama continue, and when he gets through with his increased audience, we will take up the resolution from the Committee on Labor and Public Welfare.

Mr. ALLEN. I thank the distinguished majority leader. Mr. President, I appreciate the consideration of the distinguished majority leader in not seeking to bring up any other extraneous matters while we are discussing the Voting Rights Act of 1965 and the Scott amendment thereto—excuse me, I beg the pardon of the distinguished Senator from Michigan (Mr. HART)—the Hart-Scott amendment. I am sure that is a better way to refer to it; but in the reference by the Senator from Indiana to the effect that the Hart-Scott or the Scott-Hart amendment was a compromise amendment, looking over the authorship of the amendment, I do not see much basis for a compromise.

A compromise as between what?

I do not understand just what is being compromised, because I would have felt that the distinguished Senators whose names I saw on the amendment were of one mind with respect to the bill.

Now, Mr. President, we have discussed at some length the inception and origin of the bill and the vicious formula decided upon back in 1965 when the Voting Rights Act of that year was enacted. The junior Senator from Alabama was of the opinion that the seven States who are subject to the automatic triggering device of the act were chosen and decided upon, agreed upon, as being the targets of this legislation.

How then, to bring them under the provisions of the Act, without having an unconstitutional enactment?

I do not believe that the Supreme Court of the United States, as then constituted, or as now constituted, would have gone along with the provision in the bill naming the seven States of Virginia, North and South Carolina, Georgia, Alabama, Mississippi, and Louisiana, as being the only States subject to the automatic triggering device.

(At this point Mr. CANNON took the chair as Presiding Officer.)

Mr. ALLEN. Mr. President, how then, to bring them in? Why not use the voting strength of the States?

Let us look at that and see where they stand on voting strength.

All right. None of those seven States, with the exception of North Carolina, I believe, had as many as 50 percent of their voting age population qualified and voting in the November election of 1964.

All right. Now, let us apply it, then, in this way, that as the State has more than 50 percent, then those counties which do not have 50 percent, let us get them in.

All right, it was written in that way. But, here is the State of Texas which has only 44 percent of their voting age population voting in 1964.

How to keep them out of the bill?

How to keep them out, because the President was a Texan and the Attorney General was a Texan? Some method would have to be devised in the formula to leave out Texas, because it does not apply to Texas.

I am glad they hit on a formula that left out Texas because I do not think any State should be condemned or indicted, convicted or discriminated against as a matter of law by congressional action.

So they decided that they would couple the voting strength of the States with the condition of the States having a literacy test. So they made those factors apply in order for a State to be governed by the automatic triggering device of the bill.

Thus, seven States were condemned. A whole people of a section in seven States were condemned of discrimination and the bill or the act was automatically triggered as against them.

They say they are trying to extend the Voting Rights Act. One can read the act from one end to the other and not a word is said about any provision of that

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act expiring at any time. This act is not going to expire if it is not renewed. No renewal is necessary.

They speak of applying this nationwide. It is already applied nationwide, the only difference being that as to the seven Southern States, they automatically are convicted and the punitive provisions of the act are triggered against them, whereas as to the 43 States not under the automatic triggering, there has to be proof of discrimination, conviction on notice and a hearing, an opportunity to be heard, and an opportunity to be confronted by the witnesses appearing against them.

To be convicted by an act of Congress is depriving our people of the equal protection of the law. It is depriving us of due process of law. It is certainly an elementary precept that a person or persons are presumed to be innocent until proved guilty.

Such is not the case with the automatic trigger provided by the 1965 Voting Rights Act, because since they did not live up to the formula provided, they are automatically convicted and held to be guilty of discrimination. We have heard a lot in the Chamber in recent weeks about the uniformity of Federal law and Federal policies.

The Senate, by an overwhelming vote, voted that the Federal public school desegregation policies should be uniformly enforced throughout all 50 States. In the absence of sections 4 and 5 of the Civil Rights Act of 1964, the remaining 17 sections of that act apply throughout the country. So, if all of these amendments, the Scott amendment, the administration bill which is House bill 4249, and the bill providing for an extension for 5 years, if all of them are defeated, we will still have a voting rights law nationwide. We will still have a law applicable throughout the 50 States of the Union. But the difference between that situation and the present situation is that all States will be treated alike. All States and the citizens of all States will be given equal protection of the law and equal application of the law. And that is the difference.

As the junior Senator from Alabama construes the present Voting Rights Act, even if it is not extended—and I say again that it is not going to die, it is not going to cease to be on the statute books, it is not going to cease to apply—even if all of these bills and substitutes are defeated, then it will be necessary for a Southern State to go into the Federal court in Washington, a three-judge court, and prove that during the last 5 years it has not used any device for the purpose of discouraging voting in that State.

Then, if the Attorney General acquiesces in that, the district court, if it finds there has been no discrimination by use of a device, will enter a judgment releasing the State from the punitive enforcement provisions of the act.

The statute provides the court will retain jurisdiction for an additional 5 years. Then the Scott amendment would add an additional 5 years to the 5 years that the act already provides for proof of nondiscrimination, nonuse of a device. So, under the Scott amendment, if it is agreed to, the State would have to prove 10 years of nonuse of a device, plus 5 years of probation, making a total of 15 years during which these 7 Southern States are deprived of the equal protection of the law.

So, I believe that the first step should be to defeat the Scott amendment, then defeat the House bill, which is the administration bill, and leave the act just like it is and have a nationwide act applicable throughout the country, the only condition being that the Southern States probably would have an additional 5 years under which they are on probation after release under the order of the Federal court.

So, Mr. President, I hope that when a vote is had on the Scott amendment, this compromise amendment that has been offered by men of equal philosophy and thinking with respect to this matter, it will be defeated, the administration bill will be defeated, and that there will be no further extension of the Voting Rights Act of 1965.

Mr. President, I understand that the distinguished majority leader has a matter he wishes to bring up at this time, so I will yield the floor at this time in order that that matter may be taken up.

Mr. HART. Mr. President, I was about to suggest the absence of a quorum. Before doing so, let me say that the sponsors of the Scott-Hart amendment represent 10 members, or a majority, of the Committee on the Judiciary, so in that sense the amendment is the recommendation of the majority of the Committee on the Judiciary.

I suggest the absence of a quorum.

Mr. YARBOROUGH. Mr. President, will the Senator withhold his suggestion of the absence of a quorum for a moment?

Mr. HART. Yes.

Mr. YARBOROUGH. Would the Senator mind my obtaining recognition at this time, and then allowing me to suggest the absence of a quorum?

Mr. GRIFFIN. Does the distinguished chairman of the Committee on Labor and Public Welfare intend to speak on the joint resolution pertaining to the railroad strike?

Mr. YARBOROUGH. I am about to report an original joint resolution and to make very brief remarks.

Mr. GRIFFIN. I am sure that many Senators would like to hear what the distinguished Senator from Texas will have to say.

Mr. YARBOROUGH. It is for that purpose that I am seeking recognition.

Mr. GRIFFIN. I understand.

Mr. YARBOROUGH. Mr. President, I ask unanimous consent that I may suggest the absence of a quorum without losing my right to the floor.

Mr. RANDOLPH. Mr. President, reserving the right to object—and I shall not object—I wonder if it would not be helpful if those who have charge of contacts with our offices by telephones in the respective cloakrooms were instructed to notify them during the period of the quorum call, so as to alert them to the seriousness of this subject matter.

Mr. GRIFFIN. Does the Senator from Texas desire a live quorum?

Mr. YARBOROUGH. No; I do not desire a live quorum.

Mr. President, is there objection to my suggestion of the absence of a quorum without losing my right to the floor?

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. YARBOROUGH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. YARBOROUGH. Mr. President, I ask unanimous consent that the pending business be temporarily laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE RAILWAY DISPUTE

Mr. YARBOROUGH. Mr. President, I send to the desk an original joint resolution from the Committee on Labor and Public Welfare, which has had under consideration legislation dealing with the railway dispute, and ask for its immediate consideration.

Mr. MANSFIELD. Mr. President, I object. I would hope the Senator would withhold his request. Will the Senator yield to me?

Mr. YARBOROUGH. I yield.

Mr. MANSFIELD. I would like to suggest the absence of a quorum, and this will be a live quorum.

Mr. YARBOROUGH. May we ask for consideration of the measure first and then suggest the absence of a quorum, so that this will be the pending business?

Mr. MANSFIELD. It will be the pending business. The Senator can rest assured. The Senator from Texas can retain the floor but Senators should have notice.

Mr. JAVITS. Can we ask unanimous consent that he keep the floor?

Mr. MANSFIELD. Yes, he will have the floor. Attachés should advise Senators that this matter is coming up.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk called the roll and the following Senators answered to their names:

[No. 80 Leg.]

Aiken
Allen
Baker
Bayh
Bible
Boggs
Burdick
Byrd, Va.
Cannon
Case
Cook
Cranston
Ervin
Fulbright
Goldwater
Griffin
Gurney
Hansen
Hart
Hughes
Javits
Jordan, N.C.
Jordan, Idaho
Magnuson
Mansfield
Mathias
McGee
McIntyre
Moss
Pastore
Pearson
Prouty
Randolph
Ribicoff
Sparkman
Spong
Symington
Talmadge
Yarborough

The PRESIDING OFFICER. A quorum is not present.

Mr. MANSFIELD. Mr. President, I move that the Sergeant at Arms be instructed to request the presence of absent Senators.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion is agreed to, and the Sergeant at Arms will execute the order of the Senate.

After some delay, the following Senators entered the Chamber and answered to their names:

Allott
Anderson
Bellmon
Bennett
Church
Cooper
Cotton
Curtis
Dodd
Dole
Dominick
Eagleton
Ellender
Fannin
Fong
Goodell
Harris
Hartke
Hatfield
Holland
Hollings
Hruska
Inouye
Jackson
Long
McClellan
McGovern
Miller
Montoya
Muskie
Nelson
Pell
Percy
Proxmire
Schweiker
Scott
Smith, Maine
Stennis
Stevens
Tower
Tydings
Williams, N.J.
Young, N. Dak.
Young, Ohio

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the Senate by Mr. Leonard, one of his secretaries.

REPORT ON FOREIGN ASSISTANCE PROGRAM—MESSAGE FROM THE PRESIDENT (H. DOC. NO. 91–248)

The ACTING PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on Foreign Relations:

To the Congress of the United States:

It is my conviction that continued U.S. assistance to the developing countries is essential both for humanitarian reasons and for those of our own national self interest.

The challenges we face are both moral and practical in nature. We seek a stable and peaceful world in which all nations can cooperate effectively to improve the quality of human life.

The Annual Report on the Foreign Assistance Program for Fiscal Year 1969, which I transmit herewith, indicates the ways in which we have attempted to promote our interests in the developing world in the recent past. It also provides a preview of the new directions this Administration has charted for the future.

We have determined that a new emphasis should be placed on enlisting the energies and expertise of American private enterprise. As a first step toward doing so, I proposed the creation of an Overseas Private Investment Corporation to provide businesslike management of our incentives to private investment in the developing countries. I am pleased that the Congress has accepted this proposal.

We have also decided to give a strong new emphasis to technical assistance. The transfer of skills to the people of the developing world is vitally important to their future. Technical Assistance plants the seeds that enable developing countries to grow by themselves. To give practical expression to these concepts, we have established a new Technical Assistance Bureau within the Agency for International Development. The Bureau has been charged with the task of raising the quality of our advisory, training and research services.

These are only first steps, however. To assist me in determining the course of our international development programs in the 1970's, I named a task force of distinguished private citizens, headed by Rudolph Peterson, to review all U.S. foreign assistance programs. This task force is now at work, and its recommendations will provide a basis for my proposals for a new U.S. program for the years ahead.

To assure continuous management inspection of our program, the post of Auditor-General has been created in AID. The job of the Auditor-General is to make sure that AID's funds are used efficiently and for the intended purposes.

To make the AID dollar go further and to assist free market systems in the developing countries, I also eliminated some of the commodity-purchase requirements which were forcing some nations to employ regressive exchange, import or credit arrangements.

During fiscal year 1969, 87 percent of our economic aid was concentrated in the 15 countries which we believed could make best use of it: Brazil, Chile, Colombia, Guyana, Panama, Indonesia. Laos, Korea, Thailand, Vietnam, India, Pakistan, Turkey, Ethiopia, and Nigeria.

A record commitment of $45 million was made in the priority field of family planning, so essential for speeding the rate of economic and social progress in many of the developing nations.

Achievements in which our assistance played a pivotal role during fiscal year 1969 included:

—growth of the Korean economy at a rate of 13 percent;

—self-sufficiency in rice production for the Philippines;

—control of inflation in Indonesia;

—use of Food-for-Peace supplies in self-help food-for-work projects which employed 16 million people;

—assistance in providing nutritious diets for 50 million children in 105 countries.

These are substantial achievements. They can be surpassed in the future through our continued commitment to the proposition that development of the best in all nations provides the surest hope for security and dignity for all men.

RICHARD NIXON.

THE WHITE HOUSE, *March 4, 1970.*

MESSAGE FROM THE HOUSE—ENROLLED BILLS SIGNED

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Acting President pro tempore:

H.R. 8020. An act to amend title 37, United States Code, to provide entitlement to round trip transportation to the home port for a member of the Uniformed Services on permanent duty aboard a ship overhauling away from home port whose dependents are residing at the home port; and

H.R. 15931. An act making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1970, and for other purposes.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. YARBOROUGH. Mr. President, I yield to the Senator from Montana.

Mr. MANSFIELD. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending business has been temporarily laid aside, and there is no business pending at the moment.

Mr. MANSFIELD. There is no business pending before the Senate.

When we dispose of the business which will be pending, then will the legislation which has been set aside temporarily, once again become the pending business?

The PRESIDING OFFICER. It will come back automatically.

SENATE JOINT RESOLUTION 180

Mr. YARBOROUGH. Mr. President, I send to the desk an original resolution from the Senate Committee on Labor and Public Welfare, and ask that it be made the pending business.

The PRESIDING OFFICER. The joint resolution will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. A joint resolution (S.J. Res. 180), to provide for a temporary prohibition of strikes or lockouts with respect to the current railway labor-management dispute.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Texas?

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. YARBOROUGH. Mr. President, the Committee on Labor and Public Welfare began hearings at 10 o'clock this morning on the railroad shopcraft emergency dispute. We heard from the Secretary of Labor, who gave us the benefit of the administration's views. We had letters from the Department of Defense, the Department of Transportation, and the Postmaster General, indicating that a strike of the Nation's railroads tonight at 12:01 a.m., as had been called for by the shopcraft unions, would create a national emergency.

We also had the benefit of the views of all the parties to the dispute, the four unions involved, represented by their negotiators, the machinists, the electrical workers, the boilermakers, and blacksmiths, and the sheet metalworkers, as well as the views of the representatives of the National Railway Labor Conference, which represents the 120-odd class I railroads of the United States.

The committee has decided that, in the time limitations which have been imposed upon it, it cannot, in good conscience, study all the implications and effects of a bill on the merits and report a bill to the Senate which would permanently solve this dispute.

I personally do not believe that action in 1 day by all the committees of one body and by both bodies of the Congress can be taken on the merits of so vital a matter and complete it by midnight tonight.

That opinion is ratified by numerous

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conferences with Chairman STEIGER of the House of Representatives, as we have worked together to see what could be accomplished today.

Accordingly the committee is recommending to the Senate—and I hope the Senate will adopt it—a resolution which will extend the period in which neither party can change the status quo; that is, there will be neither a strike nor a lockout until April 11, 1970. During that time, I hope that a solution to this problem can be arrived at.

This resolution would not prohibit the parties from continuing their negotiations in their efforts to reach an equitable settlement. It would prohibit, though, the stoppage of the railroads and the transportation system of this country until April 11.

I believe in free collective bargaining and the right of labor and management to agree upon the terms and conditions of employment. I do not think that Congress should impose a settlement in an individual dispute—in this 1-day crash consideration—without allowable time to consider what should be done to settle this matter on the merits instead of by extension of time.

In the instant situation, the carriers and three of the four unions involved have agreed on a contract. Representatives of the fourth union, the Sheet Metal Workers, tentatively agreed on the same contract. However, the union membership failed to ratify this agreement when it was submitted to a vote. I should note that Mr. O'Brien, the vice president of the Sheet Metal Workers, who testified before the committee this morning, indicated that there were about 7,000 regularly employed sheet metal workers in the railroad industry. The number is not certain because, of the total of 8,800 union members, a good many are retired, but certainly there are over 6,000 working members, and of those, only 3,270 voted on the agreement submitted, 2,003 voting against ratification and 1,267 voting for. It seems that at least a majority of the members of a union who have been asked to determine whether they approve of the working conditions negotiated by their representatives would answer such a polling.

Congressional compulsion as to the terms and conditions of employment is the first step toward congressional determination of wages, prices, and the profits of our economy. Our country has grown to be the mightiest in the world based upon the free enterprise system. Neither management nor the workers under normal circumstances want congressional intervention. But a general railroad strike has been ordered tonight at 12:01 a.m.—only about 6 hours and 17 minutes from now—and in the absence of this action by the Congress it will take place. It seems that this is the only action that both Houses of Congress could agree to tonight; at least that is what we are advised by the House of Representatives.

I believe the action the Senate Labor and Public Welfare Committee has unanimously taken a few minutes ago will keep the transportation system of the Nation operating without prejudice to the rights of the railroads and the shop craft unions working for those lines.

Hopefully, the parties will continue their negotiations and reach a settlement of their labor-management dispute before the 37-day additional negotiating time provided by this resolution expires.

At the least, this resolution, if passed by both Houses and signed, will have the force of law, and require them to continue operations. I am hopeful they will settle this matter. At least this resolution, if passed by both Houses, will prevent a railroad shutdown tonight. At best, it will result in a settlement of the entire dispute before the 37 days expire.

If not, the matter will be back in the lap of Congress, and our committee has agreed that it will not wait until that 37 days has expired to give the matter further study.

There are five different ways this situation might be met, which were discussed by the committee. We will not take the time of the Senate to go into those five different possible solutions, since the only one involved here is the 37-day extension. But let me repeat, there has been constant communication between the House and Senate committees today, and they have assured us—in fact, this matter was negotiated as to the number of days. There was a long negotiation on how many days it should be put off. It was the sense of the majority of the Senate committee that it be less than 37 days. The House wanted 60 days, and this 37 days itself is the result of negotiation between the House and Senate committees.

I hope the Senate will agree to the resolution. I yield the floor.

Mr. JAVITS. Mr. President, the minority voted with the majority to report this 37-day standstill resolution. The Senator from Texas (Mr. YARBOROUGH) has reported the facts very accurately, but there are a few other items the Senate should know.

The administration last night, pursuant to a message from the President, offered its own prescription as to how this matter could be determined, and asked Congress, in a measure introduced by the Senator from Michigan (Mr. GRIFFIN), to put into effect a memorandum of understanding which had been subscribed to and ratified by three of the four unions concerned, the three unions representing almost 40,000 workers, as contrasted with the 8,000 represented by the union which did not concur or did not ratify through a vote of its rank and file.

The administration asked us to put this memorandum of understanding into effect on the ground that such a small number of workers should not be given the power to tie up the transportation system of the country.

Our committee felt that this measure of the administration's was by no means grossly out of line, though obviously all members did not agree on it; and, indeed, I felt it my duty, as the ranking member, to submit this resolution to the committee because the administration felt strongly that there should be a substantive settlement now. The committee, by an 8-to-6 vote, rejected it. Then we went on, because we had said we would, to adopt unanimously the resolution on extension.

Mr. President, the issues involved are very serious, both for the workers and for the railroad. There is retroactive pay involved in this memorandum of understanding which will bring every worker affected by it—some 45,000—about $500 in back pay, which has been accumulating since the first of January 1969, as this negotiation has been going on for 15 months.

As far as the railroads are concerned, it involves a revision of work rules which is of very great importance to them, because it represents a breach in what they consider to be measures that very materially hamper the efficiency and economy of their operation. In recognition of that fact, we had testimony this morning that the railroads gave up what they considered to be 17 cents an hour in compensation in order to bring about that rules change.

So the whole package had to hang together, or it would have been unfair, on the one hand, to the workers who have so much retroactivity involved, and on the other hand to the railroads themselves, which were bargaining for a very important change in terms of efficiency for them.

Mr. President, I must say that one can understand why we cannot legislate on a matter of this kind as quickly as the matter had to be concluded. Finally, I do not think anyone can be blamed for the shortness of the time in which we have to act. That is attributable to the fact that a decision was made by a judge of the district court here in Washington just 2 days ago that collective bargaining, under the Railway Labor Act, in good faith required that all railroads be treated the same, and that one single railroad may not be struck. Hence, it was all or nothing as far as both the unions and the railroads were concerned.

An appeal, Mr. President, the unions told us this morning, would have availed them nothing, because, again, time was running, and the retroactivity would not have been honored. It might take a year before they could finally get the thing adjudicated in the courts. So the unions felt there was nothing they could do, having been put in the all-or-nothing position by the court decision, except order the strike.

Really, they are all so powerless that the only power that can undo that situation created by fate is the U.S. Government; and that is the purpose of this resolution.

Our chairman, the Senator from Texas (Mr. YARBOROUGH) has assured us there is not anything he does not want to do; in fact, he wants very much to do it. But in the intervening period which is essential for us to give this matter the profound consideration it deserves, we will consider a substantive measure, and, at the end of the period, if the matter has not been settled by the parties themselves, we will bring in a substantive measure to resolve the dispute before the Senate.

Mr. SCOTT. Mr. President, at that point will the Senator yield?

Mr. JAVITS. I yield.

Mr. SCOTT. I was hoping that that was what the distinguished Senator from New York would say. When we are confronted by an emergency, we must act under emergency conditions. At the same time, the administration has submitted

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proposals designed to prevent a national paralysis, designed to prevent inconceivable harm to thousands, perhaps millions, of people. Having that in mind, I am sure that the committee and the Senate will want to give the greatest consideration on the merits. Obviously, there has been no time today to go into all the merits that are involved in this problem.

I am told that one of the motor companies will have to shut down tomorrow unless an extension is granted, and the industrial paralysis and the loss of jobs will be much more than the 8,000 jobs affected by the one union which has acted as it has.

Therefore, we cannot permit this situation to occur. I hope the Senate will support the Yarborough resolution to continue railroad operations for 37 days. I do hope that in the interim we will give the most careful consideration to the administration's recommendations, and we can see whether they need any form of alteration or revision. Surely, it is high time that we did protect the whole body of the people of the United States.

Mr. JAVITS. I can assure the minority leader that, in my judgment, the committee is determined—they are not asking for a pledge—to deal substantively with the issue. It recognizes the paramount national interest in the operation of the railroads of the country. I have every deep faith and conviction that the committee will fully meet its responsibility and that this time—Senator EAGLETON was one who pointed that out, particularly—is for us, so that we may fashion a measure which is a proper and intelligent one.

We hope very much that patriotism as well as self-interest will move the parties to come to an agreement essentially upon this memorandum of understanding, which, incidentally, even for the union which did not concur, its own negotiator signed. It was the failure to ratify, as Senator YARBOROUGH has pointed out, which spilled the whole situation now into this Chamber.

But on both fronts, I would certainly address that appeal to the members of the Sheet Metal Workers Union, in the interest of what it means to the country and the influence upon the labor movement, if so small a group of workers can grind the railroads to a halt, in a situation in which it is very hard to claim any basic injustice or deep injustice inherent in it.

But we are hopeful that collective bargaining will yet prevail in this awning under which to operate, this interim of time, without the pressure of so serious a matter as a railroad stoppage in this country.

Mr. SCOTT. I should like to comment that I would hate to see the day come when the issue may come down to whether we must consider compulsion against some as against the paralysis of the many. I would not like to see that occur, and I do hope this can be worked out.

Mr. YARBOROUGH. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. YARBOROUGH. Lest there be any misunderstanding, I say to the distinguished Senator from New York that I have not pledged that this committee will reach any particular conclusion on anything. I cannot do that, with 17 dynamic and energetic Senators elected by their 17 separate constituencies. All we are pledged to do is to see that this matter will receive consideration and study.

There are many interested persons. That is why we have something here unanimously today.

As the distinguished Senator from New York, the very able ranking minority member of this committee, said, we face an emergency. That emergency is running now, and has approximately 6 hours and 5 minutes to run. If we are to avert great economic loss to the country at midnight, it is incumbent upon Congress to do something.

We have here a compromise not only with our committee of the Senate but with the other body as well. In the discussions, five different possible solutions to this matter were detailed by the distinguished Senator from Missouri (Mr. EAGLETON) which had been discussed by different witnesses. They were enumerated. I do not think it is necessary to go into them now, but it does point up the fact that there is not a unanimity of opinion as to what should be done.

I concur with the statement of the distinguished Senator from Pennsylvania (Mr. SCOTT), the minority leader. I hope we will not be confronted with a situation in which we are faced either with a national emergency in transportation or compulsory arbitration, with destruction of the free collective process by one of the unions. I hope this problem can be resolved in 37 days.

Mr. RANDOLPH. Mr. President, will the Senator yield?

Mr. JAVITS. I yield to the Senator from West Virginia.

Mr. RANDOLPH. I think the statements of the able chairman of the Committee on Labor and Public Welfare, seconded by the able ranking minority member of that committee, the Senator from New York (Mr. JAVITS), represent in general the thinking of all the members of the committee. Basically, I think what has been said indicates the desire of the Committee on Labor and Public Welfare to act forthrightly and promptly in bringing to the Senate the measure before us as the most practical approach to a difficult problem at a late hour.

Mr. President, perhaps no single segment of our economy is more vital to our Nation than railroads. The impact of a railroad strike on our national economy and on the well-being of our people would be nothing short of disastrous.

Such a work stoppage would have its most immediate effect on the basic industries of my home State, such as coal, chemicals, steel, and glass, which depend most heavily on bulk hauling. All of these industries, and others, are extremely vulnerable to production shutdowns and worker layoffs when railroad services are not available.

In West Virginia, these basic industries are by far the largest employers of nonfarm workers. Literally thousands of them would be denied employment if the railroads stop running.

A nationwide railroad strike would cripple our State's coal industry, which produces one-fourth of the Nation's bituminous supply. Most bituminous coal production—approximately 6.6 million tons per week—is consumed by steam-electric generating plants and is shipped by rail for production of electricity, perhaps 90% of it by rail. The inevitable result of a rail shutdown would be critical power shortages in many sections of the country. My information is that the reliability of the electric industry's intertie grid—especially the eastern section—would be jeopardized, and "brownouts" in major cities, such as that which occurred in New York 2 years ago, would become a possibility.

Any protracted rail stoppage would wreak havoc not only on those industries directly dependent on railroad shipping, but almost every business and individual home requiring electricity.

Many coal-burning electric generating plants in the East and Midwest have critical coal stockpile problems already, because coal production has been unable to keep in balance with needs for several reasons. Among them is an already acknowledged shortage of coal hopper cars in some areas.

Approximately 16,400 railway hopper cars of bituminous coal are loaded and shipped each day—mainly to supply the 1,320,000 tons of coal needed daily for generation of electricity. Another 1 million tons of coal is shipped by rail each week to our ports for overseas shipment to our country's export markets. This is vital to our country's balance of payments.

To illustrate the already critical situation in coal supply for electric power production, the huge Tennessee Valley Authority is reported to have only a week to 10-day stockpile. Already, before the current rail crisis developed, TVA has started equalization procedures by not only buying as much coal as can be procured—some of it premium coal at premium prices—but also by shipping from the larger stockpiles at some plants along its system to other plants which are in short supply.

West Virginia produces about one-fourth of all the bituminous coal mined in the United States. The loss of upward to 40,000 mining jobs and 400,000 tons of coal production per day would be a staggering blow to my State's economy. Adding to the resulting economic chaos would be the impact of rail stoppages on the chemical, steel, and glass industries, equally dependent on rail shipping. The cost of cutting off the operations of complex chemical production units because there would be no regular railroad cars or tank cars to receive the products would add to the economic chaos. Economic loss and unemployment growing out of the forced banking of the fires of steel mill furnaces or shutting down glass plant tanks would be terrible to contemplate.

But these are things we can readily forecast if rail shipping is halted. Beyond the immediate damage, there can be incalculable harm done to the Nation in terms of shortages of food, medicines, and even all-important electric energy. And the public welfare would be seriously damaged.

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Mr. President, regardless of the merits of this labor-management dispute which has been thrust on Congress, we must, above all, consider the public interest. Whatever our individual views, our sole responsibility in this situation must be directed toward the overall good of the American people.

There is ample evidence of the seriousness of the impact of a railroad strike on our national economy and on the well-being of people. This evidence dictates, it seems to me, that Congress act, as it assuredly will do, to extend by resolution the no-strike provisions of railroad law for the 37-day period prescribed in the pending business. Other possible legislative solutions must be considered and debated in this Congress with as much dispatch as possible while rail labor-management collective bargaining continues.

I think it is important to underscore the fact that the great Tennessee Valley Authority, with its vast system and tremendous resources, has a coal stockpile of, perhaps, only 7 to 10 days. This is a serious matter which could become aggravated and cause grave consequences if compounded by a rail transportation shutdown.

From the standpoint of West Virginia, one segment of our economy would be affected to the degree that we would have approximately 40,000 workers who would not be mining very little coal because very little transport would be available. West Virginia produces approximately 400,000 tons of coal a normal operating day. Every ton of this production is needed to meet energy demands at vital marketplaces. And the miners and related workers must lose their employment.

I again congratulate all the members of our committee on the action we have taken and hope that we can have the substantially united support of the Senate in this matter. Then we must work diligently for a better, more permanent solution to problems of the nature which this resolution is intended to ameliorate.

Mr. MANSFIELD. Mr. President, will the Senator from Texas yield?

Mr. YARBOROUGH. I am happy to yield to the majority leader.

Mr. MANSFIELD. I am not at all happy about the 37-day extension, because I think it creates the impression that the Senate, at least, is not living up to its responsibilities, but is perhaps stalling or even dodging the issue.

I would have much preferred an extension of 15 days, if there was to be an extension at all. However, I am encouraged by the statement of the distinguished chairman, the Senator from Texas (Mr. YARBOROUGH) and the statement of the distinguished Senator from New York (Mr. JAVITS), the ranking Republican member of the committee. They have stated that if this proposal—a proposal unanimously reported by the Committee on Labor and Public Welfare—is approved tonight, it will mean that the committee will start immediately to face up to the underlying problem that confronts us in this situation—the resolution of a critical labor dispute. I would thus hope that the Senate would not again be called upon at the last minute, as was the case today.

Were it not for that assurance, frankly, I would have found myself in a position, very likely, in which it would have been difficult to vote for any legislation. I make that statement because of a very unhappy experience I had while I was a Member of the House during the late 1940's. At that time also the President of the United States was confronted with a railroad strike. He appeared before a joint session of Congress and suggested both Houses pass a joint resolution which would give him the authority to conscript strikers, and on that basis, keep the railroads running.

I was one of those who voted for that joint resolution, and I have regretted it to this day. Only 13 Members of the House voted against it. We did not have a joint resolution before us, we did not have anything else in our hands, and we were swept away in a moment of panic and emotion.

That resolution came to this body and Senator Robert Taft, Senator Burton K. Wheeler, Senator Wayne Morse, and others, held up their hands and said, "Stop, look, and listen." The result was that it was referred to a committee to give it the consideration it deserved—which any proposal deserves. Thus, I think all things considered, this may be the only possible way to face up to the situation which is developing.

I have one question. It is my understanding that the House will not act on this resolution today. What assurance do we have if the Senate acts this evening, there will be no strike at 12:01 tomorrow morning?

Mr. YARBOROUGH. It is my understanding that the chairman of the House committee hopes to get action in the House today.

Mr. MANSFIELD. Tonight?

Mr. YARBOROUGH. Tonight. I must say that they stated they could get no action on the resolution sent to the Congress by the President. On 37 Members, it was hopeless to get together. We have held extensive negotiations even as to the number of days. We negotiated for April 4. This 11 was taken in the hopes of agreeing with the House. Hopefully, this can be agreed upon today.

Mr. MANSFIELD. I am delighted that the House has started action. That answers my question.

Mr. YARBOROUGH. Let me ask the staff whether the House is in session. I suggest, Mr. President, that we pass this resolution and send it over to the House before they go out of session.

Mr. PELL. One obligation that is implicit in this measure, if we pass it, is that the two sides of the negotiating groups get together and work hard on a solution. More to the point would be that the sheet metal workers, who turned down this proposal when only 3,270 members, or a minority of the total membership, voted on it, take account of this and look at it and try to get a majority of their own workers to participate. For, other than the 2,003 sheet metal workers who voted against this measure, it is acceptable from the point of view of labor and management, and I would hope they would run off another election.

Mr. JAVITS. Mr. President, I have just been informed that the House has started limited debate of 1 hour on this resolution.

Mr. FULBRIGHT. Mr. President, I have received a number of urgent telegrams from my State emphasizing the significance of this matter, two from the main industries, poultry and rice; also a telegram from the general president of the Sheet Metal Workers.

I ask unanimous consent to have these telegrams printed in the RECORD.

There being no objection, the telegrams were ordered to be printed in the RECORD, as follows:

THE ARKANSAS RICE GROWERS
COOPERATIVE ASSOCIATION,
Stuttgart, Ark., March 4, 1970.

Hon. J. W. FULBRIGHT,
Senate Office Building,
Washington, D.C.:

Urge you to support legislation to prevent nationwide rail strike.

L. C. CARTER,
Executive Vice President
and General Manager.

MALVERN MINERALS CO.,
Hot Springs, Ark., March 4, 1970.

Senator J. W. FULBRIGHT,
Senate Office Building,
Washington, D.C.:

Urge action today avert railroad strike. Affirm terms offered unions last December. They are reasonable.

H. C. HARLOW.

STUTTGART, ARK., *March 4, 1970.*

Senator WILLIAM FULBRIGHT,
Senate Office Building,
Washington, D.C.:

Urge immediate action on President's recommendations to avert rail strike. Agriculture cannot withstand a duplication similar last year's dock strike.

JAKE HARTZ, Jr.

MOUNTAIRE POULTRY CO., INC.,
LITTLE ROCK, ARK., *March 4, 1970.*

Senator J. W. FULBRIGHT,
U.S. Senate,
Washington, D.C.:

We respectfully request your support for legislation to prevent a nationwide rail strike scheduled to become effective midnight tonight. Our State ranks second in poultry production. We have approximately 4½ million birds which require 300 tons of feed per day to feed. We must depend entirely on rail service for our feed requirements and it is urgent that every possible action be taken to insure rail service. Thank you.

SANTO D. FORMICA,
Vice President.

ARKANSAS VALLEY INDUSTRIES INC.,
University Towers, Little Rock, Ark,
March 4, 1970.

Hon. J. WILLIAM FULBRIGHT,
Senate Office Building,
Washington, D.C.:

Our firm has own feed at all times more than 12 million birds which require more than 1,000 tons of feed each day. As Arkansas is deficit in all feed ingredients we are entirely dependent upon rail transportation for feed ingredients necessary to sustain our flocks. Our firm is one of many poultry producers in Arkansas which as you know is second in production in the Nation. It is impossible for other modes of transportation to transport this tonnage. Rail transportation is the life blood of our industry and every action should be taken to insure services.

PAUL V. VAUGHN,
Director of Purchasing.

March 4, 1970.

Senator J. W. FULBRIGHT,
Washington, D.C.:

Sheetmetal Workers International Association vigorously protests proposal by President Nixon to resolve the current railroad shopcraft dispute by imposing on the 4 shopcraft unions without hearing the so-called-memorandum agreement of December 4, 1969, which has been repudiated by the membership of the sheetmetal workers craft on all the American railroads.

The proposal of President Nixon is an unprecedented and, we believe, unconstitutional attempt to impose a contract upon an unconsenting union whose membership decisively rejected it by a democratic vote and it is, moreover, wholely inconsistent with the letter and spirit of the 3 options contained in his Emergency Public Interest Protection Act of 1970, submitted to the Congress less than one week ago.

Our union respectfully requests that the Senate and House of Representatives reject this unjust proposal or at least, withhold taking any action thereon until hearings have been held before appropriate subcommittees before which our spokesmen have been afforded an opportunity to present our views.

EDWARD F. CARLOUGH,
General President, Sheet Metal Workers.

Mr. FULBRIGHT. Mr. President, let me commend both the Senator from New York (Mr. JAVITS) and the Senator from Texas (Mr. YARBOROUGH) for the untiring efforts in reporting this resolution because, as I understand it, it is in the interest certainly of my constituents and of the entire country, and I shall support it.

Mr. GRIFFIN. Mr. President, I shall, of course, vote for the resolution now before the Senate. I think we have no other realistic choice or alternative; but, like the distinguished majority leader, I am frankly disappointed that we are dealing with a resolution putting this matter off for 37 days.

I cannot help noticing that the 37 days seems, somehow, to be related to the Easter recess of the other body.

I would think that about 10 or 15 days would have been an adequate time for Congress to be able to deal with the President's proposal on its merits.

Perhaps the workers affected will be disappointed by this action, in postponing for 37 days their entitlement to retroactive pay which they would have received, if Congress had accepted the administration's proposal.

I realize that one day is not adequate time, but, unfortunately, we could not have agreed on 10- or 15-day extension and have given the administration proposal approval.

Mr. MANSFIELD. Mr. President, the Senate should get the matter of the Easter recess straight for the record. So far as the Senate is concerned, we are taking off for only 2 days. So far as the joint leadership is concerned, we would have been prepared to forgo even those 2 days, if need be, to face up to a problem of national significance which affects the welfare of all the people as well as the economy of the Nation as a whole.

I simply want the record straight.

Mr. HOLLAND. Mr. President, I have one question. I shall support the committee and vote for the resolution. Do we have any assurance that, if passed and signed by the President before midnight, the union which has refused to operate favorably under the agreement will recognize that and will continue work?

Mr. JAVITS. I am pleased to assure the Senator from Florida that the four representatives of the four unions were before us today and assured us—including Mr. O'Brien representing the sheet metal workers—that it is their profound conviction that their members will, in the main—they said there might be a small number here and there—who will honor a law passed by the United States. I asked them that specifically, and the operating managements of the unions gave us that same assurance as to a lockout.

Mr. DOMINICK. Mr. President, I think that this debate has shown one thing clearly and that is that the resolution that was long since offered by the Senator from New York, and one that was put in by myself, were to try and provide some permanent legislative mechanisms by which strikes in regulated industries can be ultimately controlled.

We tried to do that during the airline strike. We tried to do it before, but we could not get the previous administration or the Secretary of Labor to take any position on it at all. I hope that we can get going on it now, during this session, because otherwise we will continually be faced with temporary solutions, like the 37-day one now, which in my humble opinion will not do any good at all. We will be faced with the same problem all over again at the end of the 37 days. We will have to vote again to do something to stop a strike. But so far as solving this substantive problem is concerned, we will get nowhere. We will be just spinning our wheels.

I hope that we can get some prompt legislation passed before we are through.

Mr. JAVITS. Mr. President, the administration has now sent us this package. The distinguished Senator from Michigan (Mr. GRIFFIN) has introduced the bill. I am dedicated to trying to work it out and we will do our utmost to get prompt action, and finally, a substantive measure that has been passed on its merits. But we will take this interim step in order to give us the opportunity to deal with this matter with the sophistication and maturity which it obviously deserves. In the meantime, we will be averting what would be a national disaster.

The PRESIDING OFFICER (Mr. HUGHES in the chair). If there be no amendment to be proposed, the question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed for a third reading, and was read the third time.

Mr. HOLLAND. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The joint resolution having been read the third time, the question is, Shall the joint resolution pass?

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. MANSFIELD. I announce that the Senator from West Virginia (Mr. BYRD), the Senator from Mississippi (Mr. EASTLAND), the Senator from Tennessee (Mr. GORE), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Montana (Mr. METCALF), the Senator from Minnesota (Mr. MONDALE), and the Senator from Georgia (Mr. RUSSELL) are necessarily absent.

I further announce that the Senator from Alaska (Mr. GRAVEL) is absent on official business.

I further announce that, if present and voting, the Senator from West Virginia (Mr. BYRD) the Senator from Mississippi (Mr. EASTLAND), the Senator from Tennessee (Mr. GORE), the Senator from Alaska (Mr. GRAVEL), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Montana (Mr. METCALF), the Senator from Minnesota (Mr. MONDALE), and the Senator from Georgia (Mr. RUSSELL) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Massachusetts (Mr. BROOKE), the Senator from Oregon (Mr. PACKWOOD), the Senator from Illinois (Mr. SMITH), the Senator from South Carolina (Mr. THURMOND), and the Senator from Delaware (Mr. WILLIAMS) are necessarily absent.

The Senator from California (Mr. MURPHY) and the Senator from Ohio (Mr. SAXBE) are absent on official business.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

If present and voting, the Senator from Massachusetts (Mr. BROOKE), the Senator from South Dakota (Mr. MUNDT), the Senator from California (Mr. MURPHY), the Senator from South Carolina (Mr. THURMOND), the Senator from Illinois (Mr. SMITH), and the Senator from Delaware (Mr. WILLIAMS) would each vote "yea."

The result was announced—yeas 83, nays 0, as follows:

[No. 81 Leg.]

YEAS—83

Aiken
Allen
Allott
Anderson
Baker
Bayh
Bellmon
Bennett
Bible
Boggs
Burdick
Byrd, Va.
Cannon
Case
Church
Cook
Cooper
Cotton
Cranston
Curtis
Dodd
Dole
Dominick
Eagleton
Ellender
Ervin
Fannin
Fong
Fulbright
Goldwater
Goodell
Griffin
Gurney
Hansen
Harris
Hart
Hartke
Hatfield
Holland
Hollings
Hruska
Hughes
Inouye
Jackson
Javits
Jordan, N.C.
Jordan, Idaho
Long
Magnuson
Mansfield
Mathias
McClellan
McGee
McGovern
McIntyre
Miller
Montoya
Moss
Muskie
Nelson
Pastore
Pearson
Pell
Percy
Prouty
Proxmire
Randolph
Ribicoff
Schweiker
Scott
Smith, Maine
Sparkman
Spong
Stennis
Stevens
Symington
Talmadge
Tower
Tydings
Williams, N.J.
Yarborough
Young, N. Dak.
Young, Ohio

NAYS—0

NOT VOTING—17

Brooke
Byrd, W. Va.
Eastland
Gore
Gravel
Kennedy
McCarthy
Metcalf
Mondale
Mundt
Murphy
Packwood
Russell
Saxbe
Smith, Ill.
Thurmond
Williams, Del.

So the joint resolution (S.J. Res. 180) was passed, as follows:

S.J. Res. 180

Joint resolution to provide for a temporary prohibition of strikes or lockouts with respect to the current railway labor-management dispute

Whereas the labor dispute between the carriers represented by the National Railway Labor Conference and certain of their employees represented by the International Association of Machinists and Aerospace Workers; International Brotherhood of Boilermakers, Iron Shipbuilders, Blacksmiths, Forgers and Helpers; Sheet Metal Workers' International Association; International Brotherhood of Electrical Workers functioning through the Employees' Conference Committee, labor organizations, threatens essential transportation services of the Nation; and

Whereas all the procedures for resolving such dispute under the Railway Labor Act have been exhausted; and

Whereas the representatives of all parties to this dispute reached tentative agreement on all outstanding issues and entered into a memorandum of understanding, dated December 4, 1969; and

Whereas the terms of the memorandum of understanding, dated December 4, 1969, were ratified by the overwhelming majority of all employees voting and by a majority of employees in three out of the four labor organizations party to the dispute; and

Whereas the failure of ratification has resulted in a threatened nationwide cessation of essential rail transportation services; and

Whereas the national interest, including the national health and defense, requires that transportation services essential to interstate commerce is maintained; and

Whereas the Congress finds that an emergency measure is essential to security and continuity of transportation services: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the provisions of the final paragraph of section 10 of the Railway Labor Act (45 U.S.C. 160) shall apply and be extended for an additional period with respect to the disputes referred to in Executive Order No. 11486 of October 3, 1969, so that no change, except by agreement, shall be made by the carriers represented by the National Railway Labor Conference, or by their employees, in the conditions out of which such disputes arose prior to 12:01 a.m. of April 11, 1970.

Mr. JAVITS. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. RANDOLPH. I move to lay that motion on the table. The motion to lay on the table was agreed to.

ORDER OF BUSINESS

Mr. SPONG obtained the floor.

Mr. SPONG. Mr. President, I yield to the Senator from Illinois.

THE RAILWAY DISPUTE

Mr. PERCY. Mr. President, I deeply appreciate the announcement of the vote being held up as long as it was to accommodate my colleague, the junior Senator from Illinois (Mr. SMITH).

The junior Senator from Illinois was attending a speaking engagement in Illinois. He was notified late this afternoon of the importance of this vote. He has made extraordinary efforts to return to the Capitol. He landed at Dulles Airport and he is somewhere between here and Dulles Airport. He was anxious to be here to indicate his support for the measure which, I understand, must now go back to the House while they are in session.

I did want to indicate his desire to see this emergency resolved. He and I wish to commend the committee and Members on both sides of the aisle for the wonderful work that has been done this afternoon in connection with the unanimous vote that has been had in the Senate.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. SPONG. I yield.

Mr. JAVITS. Mr. President, I would like to point out that the junior Senator from Illinois caused his office to communicate with me in the course of the day a number of times urging that a disposition be made of this matter which would avert a strike, and assuring me that he was on his way and anxious to participate in this very serious issue for his State and to vote in favor, I feel, of the measure we have passed.

I say that because I think it is a fine indication of the conscience and of the diligence of the Senator from Illinois.

Mr. PERCY. Mr. President, will the Senator from Virginia yield to me for a moment so that I may submit a concurrent resolution?

Mr. SPONG. I yield.

SENATE CONCURRENT RESOLUTION 56—SUBMISSION OF SENATE CONCURRENT RESOLUTION

Mr. PERCY. Mr. President, today I am submitting a concurrent resolution on behalf of myself, the Senator from Pennsylvania (Mr. SCOTT), the Senator from Montana (Mr. MANSFIELD), and the Senator from Minnesota (Mr. MONDALE). I believe this concurrent resolution is essential not only to the continuation of the exploration of space by the United States, but also to the advancement of technology and science throughout the world.

Every American is rightfully proud of our Nation's record in space. Our scientists and engineers, our technicians and astronauts all deserve our deepest admiration and our sincerest gratitude. The prestige of this Nation was at an unprecedented high with the success of Apollo 11. What American did not feel the deep sense of pride in his country when Neil Armstrong stepped onto the surface of the moon?

Every American should also be proud of the advances that our space program has made in the fields of technology and human knowledge. We have made a tremendous beginning, and the spirit of man demands that we not let these achievements be for nothing. The spirit of man demands that we continue to explore space, continually building upon the basis of knowledge that we have established.

We must note that other nations have also contributed to the field of space exploration. Though their achievements have been less spectacular than those of the United States, their desire for knowledge is no less. Because of our vastly superior economic situation, we have been able to contribute the enormous sums necessary for such feats as our Nation has accomplished. Other nations have not been able to contribute as much, but their pride was no less than ours when not only Americans, but human beings from the "good earth" landed on the moon.

In the past, the United States has made it a practice to cooperate with other nations in the mutual peaceful exploration of space. In the National Aeronautics and Space Act of 1958, the Congress declared that the United States shall "cooperate with nations and groups of nations," and "that activities in space should be devoted to peaceful purposes for the benefit of all mankind." Since that time, we have shared many programs with other nations. At the present time, the United States, through NASA, conducts international programs, either bilaterally or multilaterally, with 84 nations and locations and with the European Space Research Organization—ESRO.

According to the Aeronautics and Space Report of the President which was transmitted to the Congress in January of this year, some of the more significant achievements in NASA's international activities included an agreement with India for an experiment involving the use of a NASA satellite to broadcast instructional television programs; an agreement with Germany, or Project Helios, to place two solar probes closer to the sun than any other spacecraft yet scheduled; the foreign distribution of lunar material to 39 principal investigators from nine countries; and the successful launching of three foreign satellites. The United States has also participated in international conferences such as the Committee on the Peaceful Uses of Outer Space which was held in Vienna from August 14 to August 27, 1968, with 78 other nations; and the Plenipotentiary Conference on Definitive Arrangements for the International Telecommunications Satellite Consortium in which delegations from 68 countries and 18 observer delegations are currently meeting in Washington, D.C.

On two fairly recent occasions, the U.S. mission to the United Nations transmitted memorandums from NASA inviting experiment proposals for the seventh spacecraft in the application technology satellites program, and inviting proposals for scientific participation in the proposed 1973 Viking mission to Mars.

The United States has also entered into two significant treaties. The Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space Including the Moon and Other Celestial Bodies was ratified on October 10, 1967. In December, 1968, the Astronauts Assistance and Return Agreement was ratified.

By citing all of these examples, I mean to show how widespread is the scope of United States international bilateral and multilateral activities on space. I believe that our Nation's participation in these efforts are most laudable.

As the plaque left behind on the moon by the crew of Apollo 11 states, "We came in peace for all mankind." These words truly express the feelings of all Ameri-

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cans. We have time and again expressed our belief that space should be used only for peaceful purposes.

But it is equally important to note the second part of that statement—"for all mankind." Indeed, our astronauts do represent not only America, but all mankind. Through the many efforts and programs I have mentioned, the United States has tried to be true to the sense of that phrase.

However, the time has now come for a new look at international space cooperation. In September of last year, President Nixon addressed the 24th session of the United Nations General Assembly. In the address, the President set the tone for the decade when he said:

> We should share both the adventures and the benefits of space.

He went on to say that man's epic venture into space should be "an adventure that belongs not to one nation but to all mankind, and one that should be marked not by rivalry but by the same spirit of fraternal cooperation that has so long been the hallmark of the international community of science."

The space task group report to the President in September of 1969 echoed this thought when it stated that the United States should "promote a sense of world community through a program which provides opportunity for broad international participation and cooperation."

As I stated in my remarks before the Senate on August 12 of last year, Col. Frank Borman has indicated to me the interest of leading Soviet scientists who realize the practicality and wisdom of the multilateral aspects of space exploration. The North Atlantic Assembly of NATO also recognized this when in October of 1969 it approved the resolution that I submitted which stated:

> All nations within and without the alliance with programmes for the exploration of space should co-operate to the maximum possible extent to explore space and to help conserve resources needed for many important tasks on earth.

All of this indicates a rising interest in peaceful, multilateral cooperation in space. On July 23, 1958, the Senate passed House Concurrent Resolution 332 which resolved that "the nations of the world should join in the establishment of plans for the peaceful exploration of outer space." It is time now for new congressional initiative in this important field.

In this concurrent resolution, I propose the establishment of a Conference on the International Exploration of Space. It would be the responsibility of this Conference to coordinate and review all existing international programs, and to plan for future multilateral and international space projects in a coordinated fashion. The Conference could develop a basis for a future permanent structure that would be completely apolitical and anational.

The astronauts tell us that from the viewpoint of the moon, political divisions and ideological differences do not appear. Perhaps, one has to travel that far to gain the proper perspective of this tiny planet.

It is only right, then, that this Conference be completely and unabashedly international in the sense of world brotherhood. It should not be tied to political or military alliances and organizations. The very nature of space exploration demands that it be undertaken by a united mankind.

The United States has many problems that cry out for our attention: Hunger, poverty, disease, pollution. All of these require our immediate action and large appropriations. Faced with a choice of priorities of learning more of Mars or of rectifying our Nation's pressing ills, we can only choose the latter. But if we pool our knowledge and our funds with other nations in a common coordinated effort, we can still appropriate the reduced funds for space exploration while providing the needed initiative and resources to tackle our Nation's problems.

All Americans would like to see space exploration continued, but not at the expense of the poor, the hungry, our polluted air and befouled streams and all of the other issues that demand our attention. Mr. President, by passing this resolution, the Senate can help assure that man's exploration of space shall continue, and that our domestic priorities shall not suffer. Let us take this step to make the race for space into a quest for knowledge by all mankind.

Mr. President, I ask unanimous consent that the concurrent resolution be printed in full at the conclusion of my remarks.

The PRESIDING OFFICER. The concurrent resolution will be received and appropriately referred; and, without objection, the resolution will be printed in the RECORD.

The concurrent resolution (S. Con. Res. 56) which reads as follows, was referred to the Committee on Foreign Relations:

S. CON. RES. 56

Resolved by the Senate (the House of Representatives concurring), That the Congress declares that,

(1) Although certain priorities on earth demand our immediate attention and resources, the exploration of space has demonstrated its feasibility, provided beneficial uses, and increased the knowledge of mankind;

(2) The United States has made a significant contribution by both manned and unmanned space exploration to man's knowledge of the Universe about him and the world beneath him;

(3) Space exploration should continue to build upon its achievements;

(4) The exploration and use of outer space is a common goal which should be shared by all in order to promote international peaceful cooperation and relieve world tension, avoid costly duplication in national-space programs and enjoy the economic, scientific and technological benefits.

(b) The Congress therefore requests the President to call at the earliest convenient time a Conference on the International Exploration of Space and invite all nations interested in space exploration to attend the Conference to consider and propose means by which all interested nations may finance space efforts; provide facilities, manpower, and management techniques necessary for joint space exploration; share the practical knowledge obtained from the exploration and use of space; co-ordinate existing international space agreements; and plan in a unified manner for the future of international space projects.

AUTHORIZATION FOR SECRETARY TO RECEIVE MESSAGES AND FOR VICE PRESIDENT OR ACTING PRESIDENT PRO TEMPORE TO SIGN DULY ENROLLED BILLS OR JOINT RESOLUTIONS

Mr. SPONG. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized to receive messages from the House during the adjournment tonight and that the Vice President or Acting President pro tempore be authorized to sign duly enrolled bills or joint resolutions.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT TO TOMORROW AT 10 A.M.

Mr. SPONG. Mr. President, I ask unanimous consent that when the Senate adjourns today, it adjourn until 10 o'clock tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMERICAN EDUCATION

Mr. SPONG. Mr. President, yesterday, the President of the United States sent to Congress a message on education reform. That message began:

> American education is in urgent need of reform.

While I do not agree with all that is in the message, I do agree with that opening sentence.

We have made many advancements, much progress in education in recent years. Educational improvements at all levels have led to significant developments in many facets of our lives. Yet, the problems do remain, and they are glaring problems, demanding immediate attention.

I am hopeful that the President's message will stimulate a rational and relevant discussion of the problems facing our school systems and imaginative suggestions for meeting these problems. The President's message can serve as a starting point, but it is only a starting point. It makes no mention of advance funding, which is one of the most critical changes needed in order that local school officials can plan effective use of Federal education funds which are available. It makes no mention of the drug problems and violence which threaten the learning process in many areas. It makes no mention of the turmoil in many school districts or the integration problems which led the Senate to conclude that a select committee was advisable. These are problems begging for solution—problems which cannot be denied nor ignored.

On Monday night, I had the privilege to speak at the Danville Education Association in Danville, Va. At that time, I reviewed some of the problems which I have observed and which have been called to my attention by education personnel. I ask unanimous consent that my remarks on Monday night be inserted in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

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New Directions Needed in Education

(By Senator William B. Spong, Jr.)

The fight over the Labor-Health, Education and Welfare Appropriations Bill underscores some of our major education problems.

In twelve years the federal government has moved from a $300 million contribution to education to a $4.2 billion one. However, few persons, either laymen or professionals, either at the grassroots or in Washington, are satisfied. Our commitment to education has been remarkably successful and amazingly unsuccessful. We have made great strides in some areas only to find ourselves falling further and further behind in others. And, most of the problems came home to nest in the Labor-Health, Education and Welfare Appropriations Bill.

Politically, perhaps the President did not make an unwise move in using the veto. He focused attention on inflation and government spending at a time when consumers, especially housewives, are extremely concerned about balancing their budgets. Furthermore, he chose an issue which currently has many connotations, not all of which are good. He vetoed a bill containing funds for welfare at a time when many persons feel that welfare payments are too high and that the welfare system is perpetuating an undesirable group of Americans. He vetoed a bill containing funds for medical research and training in the medical professions at a time when many Americans are concerned over rising medical and drug costs and disillusioned over the salaries claimed by certain physicians under medicare. He vetoed a bill providing funds for education at a time when many persons are dissatisfied with court desegregation decisions and activities of the Office of Education, when many parents are concerned over teacher strikes and "why Johnny can't read," and when many Americans are frightened by increasing violence and the illegal use of drugs in school situations.

On the other hand, valid arguments can be made that a sum representing ½ of 1 percent of the entire federal budget—which is the amount by which the conference version of the Labor-Health, Education and Welfare Appropriations Bill surpassed the President's request—would not be inflationary and that the inflation arguments raised by the President were false in view of the fact that the Congress had cut almost $7 billion from the spending requests which the President himself made last spring. In addition, the President's claim that it was too late to spend wisely the money included in the appropriations bill is questionable in view of the fact that many school districts have already spent or contracted to spend anticipated federal funds.

Yet, the basic problem—and the important ones for education—are not reflected in the above arguments. They are much more difficult to assess and there are no clear-cut solutions to them.

We must, of course, start with money. For years, education suffered—teachers' salaries were abysmally low. Construction and purchase of modern equipment lagged. The launching of the Russian Sputnik and the U.S. reaction changed that. Money, slowly but surely, began to flow into education and education began to come into its own.

Hindsight is certainly better than foresight. Thus, it requires no special wisdom to list some of the mistakes which have been made. It will, however, be a tragedy if we continue to permit the mistakes to govern our education programs.

Naturally, one reaction to Sputnik was to concentrate federal aid on those subjects which the United States had apparently ignored—science, engineering, foreign languages. This was undoubtedly necessary and the steps which were taken unquestionably improved our nation's technical capabilities. But, the focus was on a limited number of subjects and assisted a limited number of persons in restricted fields of study. While federal assistance such as this was a start, and while some expansion came with time, the government should have moved earlier toward a broader support for education.

Also, somewhat naturally, Congress adopted a categorical approach to education grants. This was the form the federal grants-in-aid in general had taken. But, it denied local school officials the flexibility to meet pressing local needs, especially construction and hiring of special and remedial teachers, and forced upon these officials federal decisions and emphases—decisions and emphases which have not proved all-wise.

Thirdly, we made inadequate provision for the residential changes which were taking place in our society. Observers predicted the urban-suburban trends but we failed to keep up with them. Now inner-city schools are places of fear and violence. They are costly. They are attempting to operate on limited tax bases, which simply cannot provide their needs, while higher income families flee. They are failing to educate the children for whom they are responsible, failing at an extremely high per pupil cost.

At the same time, poor, rural school systems are facing additional problems. They, too, are attempting to operate on limited tax bases. They are finding it impossible to hire the personnel to prepare federal grant applications. They are watching funds disappear into other areas, with little hope of competing for them.

Clearly, new assistance and new approaches must be utilized to assist these districts. But, it is also unrealistic to propose or to want this to be accomplished at the expense of wealthier and progressive school districts. Where the latter can take on additional tax responsibilities, they may be asked to do so, but that cannot be done abruptly or without orderly planning. To retard progressive schools is to cut off our noses to spite our faces.

What we need are effects to maintain these schools—on the local, state and federal levels—while upgrading the others.

This will undoubtedly place new burdens upon us. Those who claim otherwise propagate fairy tales. But, these are burdens which the future can relieve because of the types of citizens which will result. We must, however, start by breaking with the limiting educational policies of the past and pursue policies which are more in line with current needs.

Because there is fear of violence in our schools, because there is fear of the growing use of drugs, because no one wants to admit that either exist—these are inadequate excuses for avoiding the problems, for burying our heads, ostrich-like in the sand, and hoping that "trips", vandalism, extortion and threats will go away. If we take the nonconcerned role, if we try to act as blind men, we will surely reap a bitter harvest. We will have failed ourselves and our children.

Change in our society has gotten ahead of us. Social, economic and poltical developments have brought chaos to many of our public schools. And, within this turmoil, we have, all too often, lost sight of the primary purpose of our schools: the education of our children. It is sad when educational personnel must worry not about what is being taught but about obtaining funds and hiring security guards for school buildings.

Clearly, new directions are needed in our educational endeavors. We must recognize the problems facing our schools and the seriousness of those problems, as well as the questions which the problems raise about our society and the purpose of education itself. Unless we do so, we may well lose sight of the principal goals to teach and to learn.

Mr. RANDOLPH. Mr. President, will the Senator yield?

Mr. SPONG. I am happy to yield.

Mr. RANDOLPH. Very appropriate and kindly are the remarks of the junior Senator from Virginia (Mr. Spong). He listed several problems that were not covered in the proposal of the President, although he commended the President, and I commend him also.

I should like to ask the Senator what he thinks about the problem of teachers leaving their schoolrooms, as is anticipated will take place in the District of Columbia tomorrow, to come to Capitol Hill to discuss what I believe to be merited pay raises. I believe in adequate pay raises for our teachers. But does the Senator from Virginia believe the pupils in the schools of the District of Columbia, the Nation's Capital, should be denied the opportunity to be in their classes for a full day? Would it not have been advisable to have a committee of teachers come to discuss these matters, rather than to have an actual shutdown of the District of Columbia school system tomorrow?

I think, very frankly, that to shut down the District of Columbia school system will injure the case of the teachers.

Mr. President, I ask unanimous consent to place in the Record editorials from the Washington Evening Star of last night and the Washington Post of this morning, both editorials critical of the so-called closing of the schools tomorrow for the purpose of permitting teachers to come to the Hill.

There being no objection the editorials were ordered to be printed in the Record, as follows:

[From the Washington (D.C.) Evening Star, Mar. 3, 1970]

Teach-in

If ever a campaign were misnamed it is the Washington Teachers Union scheme that its members should boycott their classes Thursday in order to conduct a "teach-in" on Capitol Hill in behalf of higher pay and other demands.

School Board Chairman Anita Allen, in urging teachers to report to school, coupled that appeal with a warning that the union's plan could be "counter-productive"—as would almost certainly be the case. The House District Committee, as it happens, already has scheduled a hearing on the liberal Senate-passed teacher pay bill on precisely that same day. It is hard to imagine anything more likely to frustrate the progress of this legislation than a gang of teachers, having abandoned their classes, parading around the halls of Congress.

If they are impressed by anything, however, the union leaders are more apt to heed a statement by Acting School Superintendent Henley than listen to Mrs. Allen's sound counsel.

Henley, taking the position that a boycott would violate the union's contract, says that if the walkout occurs he will move to withdraw the union's recognition as baragining agent and to cut off its dues-deduction privilege.

There was a possibility that the teachers themselves would have a sufficient sense of responsibility to repudiate the union drive and to discharge their obligation to thousands of children.

That possibility was apparently passed up when the teachers voted last night to go ahead with the boycott. Superintendent Henley, with the school board's support, should not hesitate a moment to invoke the sanctions he has threatened.

[From the Washington (D.C.) Post, Mar. 4, 1970]

The Teacher Boycott

In deciding to call a one-day classroom boycott tomorrow, members of Washington's Teachers' Union made the argument that

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such a demonstration was required in these activist days to impress Congress with the justice of their demands for a pay raise. One elementary teacher put the case for a boycott this way:

"The high school students are doing it. The elementary school students are talking about it. We must show those kids that we won't let anybody sit on us either."

No matter that the House District Committee which is notoriously hostile to such pressure tactics had a hearing scheduled for the same day on higher pay legislation for teachers, policemen and firemen. No matter that such a boycott is against the law and the contract between the schools and the union. No matter that the action will leave many thousands of Washington school children without instruction and supervision at a time when order in the schools is a major public issue. No matter that the action will leave many school children confused about whose example they should follow; the teachers are now urged to follow the students example and boycott the schools too to make themselves heard.

It is our judgment that the teachers, policemen and firemen deserve the higher pay rates that have been proposed for them by the mayor and city council and school board. The city administration bill calls for an increase in the city income tax to pay the costs. Before the boycott, the main unsettled question appeared to be whether the boosts should be made retroactive to last July 1 when federal workers got their raise. Now as a direct consequence of the boycott threat there is a danger that some congressmen will want to defer action on the teacher pay raise, but go ahead with the policemen and firemen. That would be an unfortunate outcome which would only make it more difficult for the city to get the teachers it needs to maintain the instructional program.

It is our judgment that the teachers union will make its point by calling off the mass boycott and arranging to have a representative delegation from the teacher ranks appear at the hearing. This change in tactics by the city's organized teachers would demonstrate to the Congress that their first concern is for the city's school children. It would be a much more impressive argument than a mass boycott for the pay raise which they seek—and deserve.

Mr. SPONG. Mr. President, I would say, in response to the question posed to me by the Senator from West Virginia, that I regret that the teachers of the District feel that it is necessary to do what they propose to do. This was done last year. I dislike to see any occasion in which I believe pupils are being neglected for such a purpose as this. I feel that there must be a more orderly procedure to which they can turn, rather than to do what they propose to do.

Mr. RANDOLPH. I add, with the indulgence of the Senator, that, because students who are in the lower grades absent themselves from school, certainly is not an argument for teachers absenting themselves from the process of teaching. That, one of the editorials has indicated, is the position on the part of the teachers. I regret this. I was a teacher. I believe in the profession. As I have said, I want teachers to have what are adequate salary schedules. I think we should have not only an informed teaching force, but an inspired teaching force, as well.

I wonder if that will be aided by what apparently is the course to be followed. Even tonight, I hope that something can happen so that the schools will function tomorrow, and that Congress can give the necessary attention to legislation which I believe should become law.

VOTING RIGHTS ACT AMENDMENTS OF 1969

The Senate continued with the consideration of the bill (H.R. 4249) to extend the Voting Rights Act of 1965 with respect to the discriminatory use of tests and devices.

Mr. HRUSKA. Mr. President, no question should be entertained in the mind of anyone considering the Voting Rights bill that it has the complete support, in all of its parts, of the administration and of the President. There was some discussion about the implication of the letter of December 10, addressed to Representative Ford, the minority leader in the other body, in which the President said, among other things:

> I strongly believe that a nationwide bill is superior because it is more comprehensive. Therefore, I believe every effort must be made to see that its essence, at least, prevails. I would stress two critical points.

At this point, the President mentioned two points. It was upon that basis that there was some question as to whether he would be satisfied with the enactment of a bill that would contain only those two points. One would be that instead of simply extending until 1975 the Voting Rights Act, which orders literacy tests nationwide, to apply to all States until 1974, and would extend to millions of citizens not now covered under the committee bill.

The second point was that otherwise qualified voters not be denied the right to vote for President merely because they change their State of residence shortly before a national election.

However, any doubt on this point that might be read into the construction of this letter is certainly completely disposed of by a news conference held by Ron Ziegler on February 12 in Miami.

An article in the Washington Post discusses the major points of the Nixon position as stated by Ziegler, and one part that is pertinent in this connection reads as follows:

> Well, the President has said that every law in the United States should apply equally to all parts of the country.
>
> This particular point of view has been expressed in the Administration's position on voting rights legislation which extends the voting rights legislation throughout the country in matters such as literacy tests and residency requirements.
>
> The House has just passed the Administration's proposal regarding voting rights and, of course, the President supports all of the elements of the House-passed bill.

I have here the transcript of the press conference on February 12, in which Mr. Ron Ziegler appeared before the press, and I read these excerpts from it:

> Again, let me restate the Administration's view. First of all, regarding the uniform application of the law—
>
> Q. Did you say restate?
>
> Mr. Ziegler. Yes.
>
> Q. When was it stated before?
>
> Mr. Ziegler. Well, the President has said that every law in the United States should apply equally to all parts of the country.

A little bit later in the transcript this language occurs:

> The House has just passed the Administration's proposal regarding voting rights and, of course, the President supports all of the elements of the House-passed bill.

So this transcript and the press reports of the following day definitely put on record the proposition that the House-passed bill, now being considered by the Senate, has the full support of all of the elements therein listed, of the President, and of the administration.

The PRESIDING OFFICER. What is the pleasure of the Senate?

PERSONAL STATEMENT IN BEHALF OF SENATOR SMITH OF ILLINOIS

Mr. GRIFFIN. Mr. President, the hour is now 40 minutes after 6. I should like to note for the Record that at about 30 minutes after 6, about the time the distinguished Senator from Virginia (Mr. Spong) took the floor, the junior Senator from Illinois (Mr. Smith) arrived in the Chamber, after a heroic effort to be here and to vote on the resolution just passed.

I want to associate myself with the remarks made by the senior Senator from Illinois. I know, too, how difficult it was for him to rearrange his schedule, to cancel engagements, and to try to get here to register his vote on this important measure. It certainly indicates the importance which he attached to the resolution, and the concern that he had regarding the impending possibility of a railroad strike.

I should like, if he wishes, to yield now to the distinguished junior Senator from Illinois.

Mr. SMITH of Illinois. Mr. President, I would like to say simply that I did exert every effort to make it, and with the weather problems between here and the Middle West, flying conditions in the Middle West today are pretty bad. I am sorry I missed the vote by just a few moments, because certainly, if I had been able to get here, I would have wanted to be on the rollcall supporting the joint resolution. That, of course, was my only reason for returning and breaking into the schedule, which does relate to a certain campaign in which I am presently involved.

I was happy to try to get back, and sorry that I missed it by just a few moments. I appreciate the efforts of my colleagues to keep the rollcall open, in the hope that I might be able to squeeze in in time to be recorded.

The PRESIDING OFFICER. What is the pleasure of the Senate?

ADJOURNMENT UNTIL 10 A.M.

Mr. SPONG. Mr. President, I move that the Senate now adjourn until 10 o'clock tomorrow morning.

The motion was agreed to; and (at 6 o'clock and 45 minutes p.m.) the Senate adjourned, under the previous order, until tomorrow, Thursday, March 5, 1970, at 10 o'clock a.m.

NOMINATION

Executive nomination received by the Senate March 4, 1970:

U.S. Marshal

Joseph W. Keene, of Louisiana, to be U.S. marshal for the Western District of Louisiana for the term of 4 years (reappointment).

EXTENSIONS OF REMARKS

IMPRESSIONS OF A NEW SPAIN IN A NEW EUROPE

HON. NORRIS COTTON

OF NEW HAMPSHIRE

IN THE SENATE OF THE UNITED STATES

Wednesday, March 4, 1970

Mr. COTTON. Mr. President, early last month our Ambassador to Spain, Hon. Robert C. Hill—a fellow New Hampshirite—addressed a joint meeting of the Spain-United States Chamber of Commerce and the Spanish Institute in New York City. During the course of his remarks, Ambassador Hill recounted his personal experiences over the first 6 months of his tenure in Spain, and commented on his impressions of that country's movements toward more direct involvement with the other countries of the Western European community.

I ask to insert Ambassador Hill's statement in the RECORD under Extensions of Remarks and I commend them to the attention of my colleagues that they may share his experiences and gain some additional insight on United States-Spain relations and the relations of Spain with her sister nations in Europe.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

SPEECH BY HON. ROBERT C. HILL, U.S. AMBASSADOR TO SPAIN

It is a great pleasure to be here today before an audience that recognizes and so greatly values the importance of Spanish culture and civilization to our own nation and its history.

All of us are aware of the many and major contributions that Spain has made to the development of America.

Our country from Ponce de Leon's Florida to California is a vast montage of Spanish places and names.

Spanish language and culture is a proud heritage of our nation.

We all know of this great Spanish influence on our homeland. We are proud of it and value it highly.

But I wonder how many of us are fully aware of modern Spain, the Spain of today. I wonder how many of us know of the spirit of economic progress of the growing middle class, all of which are hallmarks of Spain today.

The Spain of today, I believe, is of more than considerable significance to the United States, to Europe, and to the rest of the world.

As we present here today realize, Spain is a proud country—and rightly so when one reviews its colorful history of courageous exploration from Columbus to Pizarro, its formidable panoply of cultural delights from the Prado in Madrid to Sevilla's Giralda, and its summertime treat of *toros, vino, señoritas,* and *fiestas* that delight so many tourists.

In Spain, as in many countries, a man's pride is important.

Cervantes put it well, when he wrote of his fellow countrymen:

"You are a King by your own Fireside, as much as any Monarch in his Throne."

Today, Spain can say proudly that underdevelopment is being overcome.

And I believe that it is this intense pride that Spain possesses as a nation, as a people, as a culture, and as a power that is bringing about its transition toward a greater modernization and a fuller development of the country's inherent possibilities in the world today.

Let me take you along with me to Spain so that you may experience a bit of what I felt upon being sent to this proud land as President Nixon's personal representative.

Eight months ago on the tenth of June, I arrived at the Mediterranean port of Algeciras with my wife and two sons.

From Algeciras that night, we drove part way to Madrid, stopping over in Torremolinos, a bustling and prosperous sea-side resort for literally tens of thousands of tourists who came from all over the world.

Only fifteen years ago, Torremolinos was a sleepy fishing village, with only a small enclave of tourists.

In those days some 750,000 tourists visited Spain yearly.

In 1969, according to official statistics from the Spanish Ministry of Information and Tourism, a total of 21,678,494 foreign tourists visited Spain, the highest number in Spanish history.

The next day, we drove nine hours through the castle-studded olive groves of Southern Spain and the high plains of Don Quixote's famed La Mancha to Madrid.

On the 12th of June, two days after my arrival in Spain, I presented my credentials to the Spanish Chief of State, General Franco, in a colorful ceremony at the Palacio de Oriente.

After the formal part of the ceremony was ended, General Franco invited me into a nearby room for a private talk. We talked for almost an hour.

He expressed great respect for the United States and admiration for President Nixon, whom he had met some years before.

Spain had, in the previous decade, undertaken a program of rapid economic development, aided in part by the tourist dollars left in the country by Europeans and Americans.

In many respects, the most impressive aspect of the Spanish transition is the vitality of the Spanish economy and the evidence of its rapid development over the past decade.

The development and modernization of the Spanish economy during the past ten years can be classified along with the miracle of Western Europe's economic recovery following World War II.

A decade ago, Spain's Gross National Product was $8.5 billion. It is now more than $28 billion.

During the decade of the 1960's, Spain enjoyed a more rapid rate of growth than any other country in Western Europe.

Indeed, according to many measurements, Spain's rate of growth was exceeded in the world only by that of Japan.

During these ten years, Spanish per capita income more than doubled from $300 in 1959 to $700 in 1969.

A mere 15 years ago, some 100,000 private cars cruised Madrid's wide avenues. Just the other day, the City of Madrid issued private auto license No. 800,000.

Experts anticipate that, by 1975, Spain's per capita income will be approaching $1,100 per year. The most conservative estimates project Spain's GNP in 1975 at about $35 billion.

On the other hand, Spain does face some economic problems.

The rapid growth of the past several years brought with it problems of maladjustment—the problems experienced by any economy undergoing modernization.

For example, Spain has had continuing balance of payments difficulties and a serious tendency toward price inflation.

In an endeavour to modernize Spanish agriculture, the government is urging farmers to improve methods of production and adjust traditional patterns of cultivation to meet the changing tastes of an increasingly affluent society.

But these are problems which seem to be on the way to solution. Most Spaniards with whom I have talked are optimistic about Spain's long-term economic future and rightly so because they are a people who possess the desire to progress.

Spain is a market of more than 32 million people with yearly income on the rise.

And, perhaps most importantly, Spain has a government today that is firmly committed to rapid economic growth and development.

So what does this outlook for continuing Spanish development and modernization mean for the United States?

It means, first of all, that Spain is acquiring the economic capability to play a more important role in the community of Western nations.

Spain is now the fifth largest economy in terms of GNP in Western Europe.

In terms of U.S. foreign trade, Spain is already one of our largest markets for exports. Our total sales in Spain in 1969 were nearly $700 million.

We are Spain's largest single supplier of goods and, with the prospect for continued growth of the Spanish economy, there is every reason to expect that our exports to Spain will continue to increase.

At the same time, we are Spain's largest customer for Spanish exports.

Spain sells the U.S. some $300 million worth of goods each year; and, as Spain's industry becomes more and more productive, we can expect rising Spanish sales in the United States.

As many of you are aware, Spain has a serious problem with regard to its balance of trade.

Because of its needs for large quantities of capital equipment and raw materials to carry out its economic modernization, Spain now imports more than twice as much as it exports. Its trade deficit in 1969 exceeded $2 billion.

Spain's economic policy makers are acutely concerned about this; and I am confident that, in its attempts to narrow this trade deficit, the Spanish Government will not stray from its commitment to the principles of trade expansion and trade liberalization which have played such important roles in Spain's economic progress of the past ten years.

The vigorous growth of the Spanish economy, past, present and future, also has important implications for American investment.

The United States is one of the most important sources of foreign investment in Spain.

The Spanish government's own figures show that U.S. firms account for some 40 percent of total foreign investment.

There is a grand total of U.S. private investment in Spain of some $700 million.

Yet, I am frankly puzzled that there is not more American investment in Spain.

I find it difficult to understand why more middle-sized and large American firms are not more actively interested in establishing operations in Spain.

Spain offers skilled and industrious workers, a market of 32 million people, and an Administration that actively seeks and encourages foreign investment.

In my conversations with Spain's economic ministers, they have stressed to me the great importance they place on seeing continued American investment in Spain.

The Spanish Government recognizes that Spain needs large amounts of foreign capital to supplement domestic savings in financing economic growth and development.

They also recognize that foreign investment brings with it vital modern technology.

Moreover, Spain welcomes foreign investors—and particularly American investors—because they bring to Spain the techniques of modern business management so needed for true economic modernization.

However, in all frankness, I must say that I have heard complaints from some American firms about difficulties they have experienced in Spain.

They report, for example, delays in obtaining official approval for investment projects.

There are also complaints that some sectors of Spanish industry are, in effect, closed to foreign investment.

Moreover, while there are no restrictions on the repatriation of dividends, some U.S. firms have complained about difficulty in obtaining permission to make royalty payments and to reimburse parent companies for technical services.

In my personal opinion, these are not major disincentives to foreign investment in Spain when balanced against the many long-range opportunities which exist.

Spain's transition has assumed political aspects, also. General Franco has proposed and the Cortes approved, the designation of Prince Juan Carlos as Prince of Spain and future King.

The official designation of the 32-year-old prince resolved speculation about the succession.

The designation was widely interpreted as a most significant step in clarifying Spain's political transition to the future.

I have had the honor of being a guest of the Prince on a number of occasions.

He is a fine man and has a beautiful wife and three children that add great dignity and stability to his exalted position in Spanish life.

I also attended the Cortes session at which he accepted his title of Prince of Spain and the role of successor-designate to the Chief of State.

In his acceptance speech, Prince Juan Carlos stressed, among other things, the need for greater social justice for workers and for more understanding of the problems and concerns of Spanish youth.

While emphasizing his commitment to the Spanish system as it has evolved over the years, he also added that "the cult of the past" should not be allowed to "slow down the evolution of a society which is being transformed at a dizzying pace."

On another occasion, he added that he would dedicate his efforts to ensure "that the Spanish people live in peace, and day-by-day achieve an increasing social, cultural, and economic advancement."

As many of you will recall, the Prince's most recent visit to the United States was in December to January in 1966 and 1967.

He had made previous visits here in 1958, as a naval cadet, and, with his charming wife, Princess Sophie, on their honeymoon in 1962.

We are hopeful that he will return again so more Americans can meet this fine man.

In my personal conversations with him, I have found that the Prince holds our country in high regard.

Interested and interesting, inquiring and articulate, he is very well-informed and is sensitive to the problems and opportunities of the contemporary world today.

Another major political event in Spain's transition took place late last October when General Franco named a new cabinet which promptly announced its top priority foreign policy objective as Spain's integration with Europe.

As the new Foreign Minister, Señor Lopez Bravo, said shortly after assuming office:

"Since the last part of the Nineteenth Century there have been many calls for the Europeanization of Spain." But, he added, that ideal had never before passed beyond the "rhetorical plane."

The Spanish Government today seems much more determined than ever before to enter into the economic mainstream of Western Europe.

The nation has chosen as its principal vehicle an association with the European Common Market.

A preferential trade agreement, began by the previous Cabinet, may soon be ratified.

But the new Cabinet has left little doubt that its ultimate goal is full partnership in the Common Market.

This forthright stance has given rise to a certain amount of debate, both within Spain and the six member states of the Common Market.

Answering a question about full association with the "Six," Foreign Minister Lopez Bravo recently stated that Spain's "first consideration of Europeanization is cultural and economic development, until the level of the rest of the continent has been reached."

In a similar vein recently, Spain's Development Plan Minister, Lopez Rodo, stated that "economic development is, in Spain, as everywhere else, the key to political development."

Some other aspects of political evolution in Spain today are bound up in the questions of trade union organization, political groupings, local government reform and the political significance of the Cortes.

This is indicative of some of the more important matters to which the Spanish press, government officials and those in the intellectual community are devoting attention and commentary.

In all frankness, I can add that there is considerable debate and discussion in the press and other forums, as Spaniards seek solutions to their problems. This often comes as a surprise to many foreigners visiting Spain for the first time.

With regard to United States relations with Spain, I can tell you categorically that they are conducted with complete candor, cordiality and mutual respect.

Shortly after presenting my credentials in June, I called on all members of the then Cabinet.

This round of calls was most useful, instructive and helpful to me. I did the calls again when the new Cabinet was appointed.

For my part, I was gratified by the cordiality, the courtesy, the understanding and the desire to have correct relations with our country.

I was impressed by the knowledge, vigor, and determination displayed by the Cabinet members.

They know our country and admire our leadership but they want to work with us as our equal partner.

Incidentally, they are, collectively, one of the youngest groups of men currently forming any European Government.

General Franco, of course, is still very much the leader of Spain and continues to function as Chief of State and President of the Government.

Another major key to Spain's transition to a more modern society is the Spanish government's plans for wider and better education for the youth of tomorrow.

For some of the biggest news in Spain today is about education, about learning, about an opening of intellectual doors.

We witness the Spanish people deeply committed at this very hour to one of the most far-reaching educational reform programs of modern times.

The Ministry of Education has assembled a group of Spain's brightest minds and has turned out a monumental Reform program.

This program outlines the problems of Spanish education and proposes the bases for a total overhaul of Spanish educational institutions and goals.

The proposal embraces all aspects of public and private education, ranging from preschool training to post-graduate research.

It is nothing less than an educational revolution; and I am greatly honored that we have been approached about helping in the post-graduate education here in United States universities of future professors for Spanish universities.

The proposal can affect the life and intellectual quality of every student for generations to come.

To help in this ambitious program, the Spanish nation seeks counsel and cooperation from other countries that understand the necessity for proper education of the youthful citizen.

The entire program requires a rare meshing of realism and idealism, and it has that, I believe.

It is my own earnest conviction that Spain will gain its hopes and aspirations in this vital field.

The vision seems right and the proposal both realistic and well planned.

There is a grand role to be played here by those far-seeing funds and foundations able to help in a most laudable cause that goes well beyond the bias and bitterness of nearly forty years past.

For we are speaking of the education of the youth of a nation, a nation in transition toward a thoroughgoing modernization of its entire educational program.

And there can be no better long-term investment than the education of the youth of any nation.

Now a word about the military bases in Spain. Since 1953 we have had an agreement with Spain for the joint use of important air and naval facilities.

I have visited all of the bases—the huge air base at Torrejon outside Madrid, the air bases at Zaragoza and Moron, the naval base at Rota where our Polaris submarines come for refitting.

At all the bases Spaniards and Americans work side by side in a model of bi-national cooperation. Each base has its Spanish commander and American commander. At each base, the work of one nation's forces complements that of the other.

We have a large number of young Americans stationed in Spain. Both Air Force and Navy personnel welcome the assignment and have an excellent record for good conduct. The Spaniards like and respect our men and have made them part of the community.

If you couild see the relationship, I know you would be as proud as I am of our boys and their families serving in Spain.

On the agenda in Washington in coming weeks, as you know, are important negotiations concerning not only our military facilities in Spain, but expanded cultural, educational, and economic cooperation, also. We await these talks with much interest. I am sure that as we enter these parleys we shall do it with the best of good faith on both sides.

While I have been in Spain only eight months and am not an expert on the country like my good friend, Jim Michener, whose book, Iberia, is a monument to his knowledge and love of Spain, both Mrs. Hill and I find ourselves enjoying very much the satisfaction of serving our country in this great nation.

It is often a puzzling land with grand passions and formidable character. And it has a cultural and historical *ambiente*, or atmosphere, which is most impressive.

It is a country to see, to experience, to enjoy—as so many of our own tourists do every year.

It is a nation with a memorable past and an extraordinary future.

This is Spain that I know.

I am both happy and proud to be our Ambassador in Spain during these interesting and challenging times.

SHIPBUILDING MARKET OF $50 BILLION FORECAST FOR 1970'S

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1970

Mr. BOB WILSON. Mr. Speaker, those of us who have been pushing during the past decade for a greater commitment of our national resources in the field of oceanography and maritime development are most pleased at the long-needed impetus being given by the Nixon administration to our naval posture and oceanic research. The attached article by Edwin M. Hood, president, Shipbuilders Council of America, is an excellent and concise summary of present administration efforts to modernize our naval and merchant fleets, and I am pleased to share Mr. Hood's comments with my House colleagues:

SHIPBUILDING MARKET OF $50 BILLION FORECAST FOR 1970'S

(By Edwin M. Hood)

The 1960's, which saw this nation successfully culminate a high-priority effort to land men on the moon, can appropriately be termed America's decade of space accomplishments.

There are numerous indications that the 1970's will be referred to as the decade in which America reoriented herself to the importance of the seas.

During the past decade, perhaps because of our Government's occupation with its efforts to beat the Russians to the moon, our naval and merchant fleets were permitted to deteriorate. At the same time, the Government's support of oceanic research and marine science programs was of a reluctant nature characterized by inadequate funding and lack of coordination.

Now, however, it appears that a concerted effort will be initiated this year to correct the obsolescence problems of our naval and merchant fleets and expand and accelerate "inner space" research and development programs. As will be noted, a $50 billion market for the U.S. shipyards and ship component manufacturers is forecast for the 1970's. This optimistic outlook is reinforced by the strong backing President Nixon and his Administration are giving to a broad spectrum of ocean-oriented activities.

With nearly 60% of the U.S. Naval fleet and approximately 75% of the merchant marine composed of World War II vintage ships—ships which will have to be scrapped within a very few years—the Administration has announced plans to undertake greatly expanded shipbuilding programs in the 1970's. The Congress, aware that the Soviet Union is already challenging the U.S. Navy's control of the seas and will shortly surpass the United States in maritime strength, can be expected to approve and support these programs.

Secretary of Defense Melvin R. Laird foresees naval shipbuilding and conversion expenditures of $3 billion annually for the next five years. However, Secretary of the Navy John H. Chafee contends that appropriations of $3.5 billion per year for the next 10 years are required to correct the fleet's obsolescence problems. This suggests that naval ship expenditures in the 1975–80 period will exceed $3.5 billion annually. For each of the past two fiscal years, appropriations of only $1 billion were provided.

To remedy the deficiencies of the merchant marine, President Nixon on October 23 submitted to the Congress a new maritime program calling for federally assisted construction of 30 high-performance merchant ships annually for a 10-year period. His program, which at this writing was being translated into enabling legislation, would nearly triple the rate of subsidized ship construction experienced in recent years.

The total cost of the 300-ship program is expected to aggregate more than $6 billion. With a decreasing scale of construction subsidies prescribed by the Government—from the present ceiling of 55% of a ship's cost to 35% beginning July 1, 1975—the shipowner's share of the program costs will exceed the Government's outlays.

To meet the reduced levels of Federal assistance, the American shipyards will be required to make substantial reductions in shipbuilding prices during the next five years.

The shipbuilding industry is confident that it will meet the prescribed goals since the Administration has announced that it will modify procurement procedures to provide the shipyards with long-sought opportunities for cost reductions.

The new program will emphasize series construction of ships of standardized designs. Contracts will be consolidated in lots of as many as 10 or more ships per contract as compared to an average of 3.4 ships per contract in the past.

The prior emphasis on the construction of small numbers of ships of custom designs added measurably to U.S. shipbuilding costs. Under the new program, shipyards also will have a major role in developing the designs of the ships they will build. As a result, many unnecessary, cost-additive design features, which normally are not spotted until a ship is in an advanced state of construction, will be eliminated on the drawing board.

The Nixon program will place major emphasis on the construction of general cargo ships, including container and barge carrying vessels. An average of 25 such vessels plus three dry bulk carriers and two tankers are expected to be built annually during the next 10 years.

The discovery of large oil deposits on the North Slope of Alaska will generate orders for significant numbers of additional tankers. Some estimates predict as many as 40 tankers ranging in sizes up to 250,000 deadweight tons will be built for the domestic fleet during the next decade. The total cost of the tanker program is estimated to be $2.4 billion.

In addition to new naval and merchant ship construction, ship repair work and auxiliary services totaling $6 billion are expected to be performed by the shipyard industry during the 1970's.

Putting these separate forecasts together—$35 billion for naval ships, $6 billion for merchant ships other than tankers, $2.4 billion for tankers and $6 billion for ship repairs—a $50 billion market for shipyards and American ship component manufacturers is forecast for the 1970's.

A STEADY EROSION IN THE SENSE OF HUMANITY

HON. JEFFERY COHELAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1970

Mr. COHELAN. Mr. Speaker, there is a profound feeling of ill-ease in our Nation at this time. It is at this time that each of us questions the basic structure of our society. Mr. Max Lerner wrote a very perceptive essay on the steady erosion in the sense of humanity, of the sense of limits within which human beings allow themselves to act, that appears to characterize many of the human events of today. At this time, Mr. Speaker, I would like to insert Mr. Lerner's article, "A Study Erosion in the Sense of Humanity," which appeared in the Evening Star, February 28, 1970. I would commend the reading of this article to my colleagues and the readers of the RECORD:

[From the Washington (D.C.) Evening Star, Feb. 28, 1970]

A STEADY EROSION IN THE SENSE OF HUMANITY

(By Max Lerner)

I had planned a piece on the erosions of law, a followup piece on my last two, in which I discussed the Chicago trial and also the liberal agony over de jure and de facto school desegregation. I meant to point out how the fabric of law and the belief in it is being eroded and with it our sense of being oriented toward something central and firm.

But the mass killings in the air over Switzerland by a little fanatic Arab band have made me broaden and deepen what I had mapped out. What is happening cuts across national and racial dividing lines, and goes beyond law. It isn't only the erosion of law that is involved but the erosion of humanity, of the sense of limits within which human beings allow themselves to act.

Given all this, the hapless president of France was arriving in Washington at the worst possible time, just when people everywhere, heartsick, are asking themselves the meaning of this murder in midair of helpless and innocent human beings. Georges Pompidou is probably no worse than other heads of state, maybe a little more cynical because he is a literary and intellectual fellow. But the Arab terrorist role in the killings—first proudly affirmed, later lamely denied—has exposed the moral nakedness of the French power move in the sale of planes to Libya.

But I am speaking of something that goes well beyond Pompidou and Israel and the Arabs and the Middle East as well. Arab terroism and Russsian and French cynicism are only part of it. The erosion of the sense of humanity takes many diverse forms.

There are the bomb outrages against police in many cities, notably in San Francisco and Berkeley area, and now against the home of Judge Murtaugh who has been presiding over the Black Panther trial in New York. There are the hideous murders of Joseph Yablonski and his family.

There is the moral problem of the Song My killings, no less a moral problem because they were done in the heat of war. There is the haunting specter of the Sharon Tate murders in Los Angeles and the cult of evil linked with them. There is the continuing evil of the drug traffickers and drug pushers, blighting the lives of the young for profit. There is the new and terrifying story of the murder of the family of an Army psychiatrist, presumably by a band on an acid "trip."

I put them together, however random and disparate, because they are fresh in our minds and because there is a common sickening element in them. It is the desensitized mind—desensitized of human feeling for whatever reason: Profit, hatred, political or racial fanaticism, or some sick fantasy of standing above or beyond humanity. Our air is heavy with desensitized element.

Yeats had a foreboding of it, in his great poem, "The Second Coming." "Things fall apart," he wrote, "the center does not hold." The center is not—despite some fervent latter-day prophets—some bright and sweaty

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new dispensation. The center is neither revolutionary nor counter-revolutionary, neither radical nor conservative. What is the center if it is not a sense of the human connection, more precious than any fanaticisms that may seek to override it? The sad fact of our time is that this center is not holding.

"And what rough beast," Yeats asked, "its hour come round at last, slouches toward Bethlehem to be born?" His question must keep haunting us. It haunted Joan Didion when she wrote her book of essays and sketches, "Slouching Toward Bethlehem," about the crumbling of the personality structure and the rise of strange, inchoate new beliefs.

It doesn't haunt those who invoke "the revolution"—at least not as much as it should. What makes the often loose, sometimes foolish and romantic talk about "revolution" so questionable is the evidence we are getting about the potential for violence in man and how close it is to the surface and how easy to erode that surface and unleash the rough beast.

LEGISLATIVE PARDON

HON. CHARLES E. WIGGINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 1970

Mr. WIGGINS. Mr. Speaker, soon a committee of this House will commence its consideration of S. 1520 and several companion House bills which have variously been described as "failing newspaper bills" or "newspaper preservation acts."

This is controversial legislation and involves creating an exemption to the present antitrust statutes in order to permit competing newspapers to combine certain of their facilities.

Within my congressional district I am proud to represent the fiercely independent Fullerton Daily News Tribune. Its thoughtful publisher, Mr. Edgar F. Elfstrom, has written the following editorial concerning this legislation. In view of the general interest of the subject matter and the forceful views expressed by Mr. Elfstrom, I am including the editorial at this point in the RECORD. The editorial follows:

LEGISLATIVE PARDON

A damage suit for $12 million was filed last week against the Tucson Daily Citizen and the Arizona Daily Star, charging the two Tucson newspapers with monopolistic practices. The charges were filed by the Tucson American, a newspaper which for nearly a year battled the other two dailies and their now illegal "Tucson Plan."

The suit should attract national attention because it exemplifies many of the arguments of the opponents of a bill in Congress which would permit antitrust violation by cooperating newspapers.

The bill, S. 1520, called the "Failing Newspaper Bill," or the "Newspaper Preservation Act," has already been passed by the Senate and is now in the House.

The bill was originally conceived by Sen. Carl Hayden of Arizona to apply principally to the Tucson papers and 44 dailies in 22 other cities which operate under the "agency" plan. However, many feel the measure is so loosely and ambiguously contrived that it could have an injurious and fatal effect on independent community newspapers—exactly what happened to the American in Tucson.

The "Tucson Plan," which is basically what the Senate bill would excuse, permits two newspapers to operate their business and mechanical departments through a jointly owned agency to save money. Editorial departments remain separate. Under the agreement, the papers would stay out of the other's field, morning or afternoon.

The federal courts have ruled the Tucson Plan illegal and just last month ordered modification of the agreement between the two Tucson newspapers. The modified plan may provide guidelines for alteration of the agreements in 22 other cities unless S. 1520 grants all existing and future "agency" agreements exemption from antitrust laws.

Under the order the Tucson newspapers must operate independent circulation departments and modify their advertising rate structure. They would continue to operate separate newsrooms.

To many newspaper professionals it is difficult to comprehend how an institution that fights special privilege, as newspapers should and do, can ask for a legislative pardon from antitrust prosecution.

Many of the monopolistic practices which the Tucson plan engenders and which contributed to the death of the Tucson American will become legal under the Failing Newspaper Bill, which is founded on the ill conceived theory that monopolistic practices should be permitted to keep two editorial voices alive in a community.

Ironically, the bill would reward failure, not only by permitting monopolistic practices, but also by practically foreclosing the possibility of success for a competitor. It will remain for the court to decide, but this appears to have been the case in Tucson.

Even if one were to agree that the Senate bill had some merit for the cause of editorial freedom, which is open to argument, should the "failing" newspaper's protection continue ad infinitum? The newspapers in Tucson were recording before-tax profits of $1,272,000 when the Justice Department stepped into the case five years ago. "Failure" stopped many years before that, obviously.

Weekly, monthly and suburban papers which must vie for a share of the consumer advertising dollar have no chance against two supposedly independent newspapers acting in concert. These joint operators can, and some do, require consumers to advertise in both dailies, leaving no room for the small independent publisher in the consumer advertising budget.

Often the cooperating dailies, offer rates obviously below cost in one of their newspapers, making advertising in both newspapers highly attractive. Obviously, this monopolistic practice drives the competing independent into the ground. The Tucson American very likely can attest to this.

Call it the Failing Newspaper Bill or the Newspaper Preservation Act, it still smacks of special privilege. It is inconceivable that a profession that spends so much of its energies fighting special privilege and government intervention would ask Congress to pardon its past and future violation of the antitrust laws.

Hopefully, S. 1520 will not become law. Certainly Congress and the public must be aware that the great, great majority of American newspapers ask and want no favor from government. And that is as it should be.

THE COMMISSION ON SCHOOL FINANCE

HON. CLARENCE J. BROWN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 1970

Mr. BROWN of Ohio. Mr. Speaker, a problem which has concerned a number of us for the past several years has been the matter of school finance. The subject is extremely complex. It involves all 50 States, 20,000 school districts, a dozen different Federal agencies, and thousands of nonpublic institutions which also provide elementary and secondary education. Now, at last, a President has created a Commission on School Finance to study this area in depth.

The President's Commission on School Finance will serve for 2 years and will draw upon experts in the fields of public finance and economics, management, systems analysis, and education. The President has asked the Commission to study—

The implications of the leveling-off in school enrollments for fiscal and educational planning;

The adequacy of the existing tax bases and structure for the support of public schools;

The status of nonpublic schools in the United States;

Possible inequities and disparities in educational expenditures among States and localities, and the effects of present Federal and State aid programs on such disparities.

The implications for educational finance of proposed new Federal revenue sharing and welfare programs; and

Greater efficiencies in the use of educational facilities and personnel.

Our schools have served us well in the past; but we must make every effort to see that they serve even better in the future. Hopefully, the Commission on School Finance will provide a key toward making this dream a reality.

AND THEN THERE WERE 50

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 1970

Mr. WALDIE. Mr. Speaker, within the crumbling walls of the abandoned Federal prison on Alcatraz Island in San Francisco Bay, some 50 American Indians continue to maintain a vigil for recognition of the tragic plight facing the Indians of this Nation today.

The winter rains have taken there toll and the number of Indians on the island has dropped until today but 50 remain.

But, Mr. Speaker, if only one Indian was on Alcatraz Island there would be enough symbolism to move the emotions of many Americans who are concerned with the treatment being given the Indians in the cities and on the reservations.

The Indian "invasion" of Alcatraz was a symbolic gesture. The Indians have claimed that under treaties entered into years ago, the Federal Government is obligated to return abandoned property to the Indians. Alcatraz is abandoned and the Indians have called for its return in order that a cultural center for the American Indian can be constructed.

While I feel that this center is an excellent use for the island, I am willing to await the decision of Secretary Hickel as to the Government's plans. It has been indicated that the National Park Service will acquire the site, if so, I would urge the Secretary to take immediate steps to include the Indian center within the overall plans for the island park.

I would also urge the Secretary to take note of the increasing public concern for the treatment of the Indians in this Nation.

A constituent and good friend of mine, Mrs. Patricia Marangoni, recently wrote me a letter describing the Alcatraz "invasion" and the plight of the Indian in the United States.

I think it would be in the interest of my colleagues if I entered her comments in the Congressional Record.

Her remarks follow:

Dear Jerry: After returning from a day on Alcatraz, I was most happy to find a letter from you. In all honesty I must admit I too share your "mixed emotions". Though I am 100% behind them in their effort to start bettering a disgraceful situation I have spent many days on Alcatraz talking, walking, climbing, and acting as substitute nurse for Stella Leach. The island can serve as a cultural Center, but only for a few. What then do we do for the rest, I continually ask myself questions and am finding myself answering my own questions, must be time for a rest!

The dramatic "take-over" of Alcatraz brought tribes from all over the nation, many who had never mingled with other tribes before; they are still getting acquainted. For so many years the "white" factor has caused failure in all their efforts to unite, it is now with great difficulty they take the first steps. As you know even a child taking his first step, will fall. So, with my people. Argument will rise, dissention will take hold but this is part of the game. Most of us realize this. They need encouragement and they too will learn to walk tall once more. They have been made to crawl too long. The dignity and pride that held us together as children no longer is a factor in today's youth, the young are lost souls and not knowing why, react with violence. Schools run by the government have been very successful in their conspiracy to strip the children of all their Indian culture. But the success stops there; they now are faced with defiant young men and women who say "Enough." We will no longer trail you in your footsteps we will walk alone and demand all our rights back. They desperately need to run their own lives, starting from birth. Senator Edward Kennedy wrote to me and has endorsed a program whereby they will be able to have some voice in their own education, but I wonder at all these "new" programs. There is never concrete substance in them, as with this program I fear there is only lip service.

Jerry, you need not endorse their "take over" of Alcatraz but you could let them know that you do respond to their struggle to better themselves. Your voice is such a fine one—let it be heard.

Most sincerely,

Pat Marangoni.

EDUCATIONAL REFORM

HON. TOM RAILSBACK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 1970

Mr. RAILSBACK. Mr. Speaker, the President's message on educational reform calls for the creation of a network of experimental centers to discover what works best in early childhood education. This early learning program, cooperatively established by the Department of Health, Education, and Welfare and the Office of Economic Opportunity, will provide a strong base for the $386 million day-care programs envisioned under the family assistance plan.

Studies have shown the importance of early childhood years in the development of future learning abilities and patterns. What the early learning program can offer is answers to questions of great importance to educators:

How can the needs of the poor be met, so that they can compete on an equal basis with their more affluent classmates?

What compensatory education programs show the most promise in enabling a child to make gains—and keep them?

What early learning experiences are most meaningful to a child—and where can he best experience them?

The implications of these areas of inquiry for our entire educational system are immense. The early learning program proposed by the President can do much to assure the attainment of our goal of equal educational opportunity.

MY HOPES FOR AMERICA'S FUTURE

HON. RICHARDSON PREYER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 1970

Mr. PREYER of North Carolina. Mr. Speaker, the Freedoms Foundation recently cited a former resident of my congressional district, Lt. Col. Charles L. Gray, for a letter he wrote about his hopes for this country's future. Colonel Gray is a 20-year veteran of service in the U.S. Army, a graduate of North Carolina A. & T. University in Greensboro, N.C., and a native of High Point. His wife, who is from my home city of Greensboro is a graduate of Bennett College of that city. They have three fine children. This message is an inspiring one deserving the recognition it has received. It follows:

My Hopes for America's Future

My hopes for America's future must be joined with her past successes and blessings. I hope that America's people will continue to be filled with the determination and individuality of choice to seek the freedom of human alternatives to religious oppression which the Pilgrims sought when they landed at Plymouth, Massachusetts in 1620.

My hope for America's future begs that the foresight, independence, originality, dogged determination and perseverance of the architects of our Bill of Rights and Declaration of Independence will remain as permanent guidelines in helping our national leaders to chart the right course in promoting the business and destinies of this nation's people, when decisions confronting their destiny are at stake.

My hopes for America's future must look back to Abraham Lincoln. The shining light of America's future into the next century may well be tied to a link which extends back through Lincoln's Emancipation Proclamation, the 13th and 14 Amendments and the Gettysburg Address. For in these illustrious documents the key to this country's concern for humanity is forever imprinted. My hopes for America's future call for a continuation of this concern for humanity into and beyond the 21st century.

It is my hope for America's future that she will forever possess the spirit of continuing the convention of brotherhood and fellowship of all humanity under the protective umbrella of our God. My hopes call for the realization that one day our weapons can be forged into instruments for peace, health, and tranquility—that this will truly be the era of "Atoms for Peace" and for the benefit of all mankind.

My hopes for America's future include prayer that God will protect my country and give it the right direction to enable it to forever be the greatest country in the world, materially and spiritually. My hopes for America's future call out that no country misinterpret activities in this country as signs of weakness and divisiveness. As former President Johnson once stated, "There is far more that unites us than divides us."

My hopes for America's future, yearn for the continued belief by its 200 million citizens, in the famous words of Gen. Douglas MacArthur, "Duty, Honor, and Country."

ANOTHER MISSION FOR THE DICKEY PROJECT?

HON. WILLIAM D. HATHAWAY

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 1970

Mr. HATHAWAY. Mr. Speaker, any fairminded person conversant with the facts will agree that construction of the Dickey Lincoln School hydroelectric power project in northern Maine's Aroostook County is fully justified.

The justification, expressed by a benefit-to-cost ratio of 2 to 1, is based upon production of 1.154 billion kilowatt-hours annually of badly needed base and peaking power, downstream power values available to Canada, flood control, and recreation benefits.

The primary mission of the Dickey project has been and shall continue to be production of low-cost electric power. It is designed to serve as a yardstick for power costs in New England, an area which endures the highest electric rates in the Nation.

Proponents of the project anticipate that Dickey's example will lead to reduction of power costs throughout the Northeast area.

This would result in lower electric bills for area families and area businesses and, I am convinced, lead to further and much-needed industrial development.

I have sponsored and worked for the Dickey project because it would bring greater prosperity to the people I serve in Congress. I shall continue to work toward that end.

Now I have reason to believe that an additional mission may make construction of the Dickey project even more desirable and more imperative.

Aroostook County is an agricultural area famous for its Irish potatoes. Its economy is a potato economy, subject to the vagaries and whims and accidents of nature to which agriculture is always subject.

As a consequence, true stability is not

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a characteristic of the county economy. Rather, it is a bust and boom situation and, unfortunately, the lean years have far outnumbered the prosperous ones.

Dickey could help stabilize and increase the potato crop and improve its quality by providing water for irrigation of land.

While the county is designated a humid area, annual rainfall is short of the inch-per-week required for optimum conditions and, too often, needed rain fails to materialize at the critical time.

And so it often happens that crop quality and yield are adversely affected by drought during the growing season.

Irrigation would assure that water is available whenever needed. Conservative estimates are that water from the Dickey reservoir, by increasing yield on the 150,000 acres currently in cultivation and by improving crop quality, could increase the revenues of Maine potato growers by $20 million annually.

This would almost double the present benefits ascribed to the Dickey project. The new benefits, economic and social, would have profound and lasting beneficial effects on Aroostook County and Maine.

Adding the irrigation benefits to the Dickey project would entail little if any additional cost for the taxpayer. It would have but slight effect on the cost of the project.

I have asked the U.S. Army Corps of Engineers to investigate this possibility and to assess any costs, and I shall acquaint my colleagues with their findings.

Always an exemplary project, Dickey holds promise of becoming even more valuable and serving of the public interest. And so I call again for the support of my colleagues to bring about its construction.

The Congress must continually reaffirm that our commitment and primary resolve for the 1970's is to meet the needs of our people. Construction of the Dickey project will be a most appropriate and fitting expression of this concern.

THE LATE HON. GLENARD LIPSCOMB

HON. THOMAS M. REES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 1970

Mr. REES. Mr. Speaker, I join my many other colleagues in paying tribute to the memory of our good friend, Glenard Lipscomb.

Very early in my political career I was a volunteer worker for the Democratic candidate who opposed Glen in his first election for Congress. Glen overwhelmed all of his opposition, both Republicans and Democrats. I never quite understood why this was so until I had the opportunity to know Glen and to work with him—his fortunate constituents knew a good man. The entire country has lost a fine friend and a very dedicated Congressman.

It has been an honor to have worked closely with Glen on those issues affecting our State, and I have long appreciated the expertise which he developed in the area of the Federal budget and defense appropriations.

A speech such as this is the most difficult to give because words cannot convey the depth of feeling we have over the untimely death of our colleague.

My deepest sympathy to Virginia Lipscomb and family.

THE BOWS AND ARROWS WAR

HON. GEORGE A. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 1970

Mr. GOODLING. Mr. Speaker, there was a time when oil was considered in the light of a very wonderful and highly necessary lubricant for the moving parts of the vast array of machinery that contributes to America's great productivity. Today, however, it is receiving attention as something of a hazard to our coastlines and off-coast waters as a result of oil spills from tankers and oil leaks from offshore wells.

The March 3, 1970, issue of the Christian Science Monitor carried an interesting article entitled "The Bows and Arrows War," an article dealing with this matter of oil pollution of our waters. Because of its timeliness, I am inserting it into the CONGRESSIONAL RECORD.

Interestingly enough, this article has application to an accidental spillage of oil that recently occurred on Kiwanis Lake in my congressional district. This lake, located in the city of York, is frequented by many swans and ducks, which are greatly enjoyed, as well as fed, by young and old alike. The oil slick concerned had a devastating effect on some of these winged creatures, causing some to die. These unfortunate creatures might well have been saved had we been able to heed the plea of this article when it said, "Let's get out of the Robin Hood era, and apportion some moon-age technology to moon-age—and might I say present-day—problems."

The article follows:

THE BOWS AND ARROWS WAR

Ever since the tanker Torrey Canyon split in two off the English coast in 1967, oil slicks have been staining shorelines with tragic regularity.

Recently some 1,000 seabirds—their feathers cemented with black ooze—were smothered in an oily tide off Martha's Vineyard, or had to be killed by the humane society.

The time has surely come when clearcut lines of responsibility must be laid down and enforced by Washington. The federal government has a two-pronged responsibility: to delegate authority in (1) policing oil-tankers, and (2) detecting and dispensing oil slicks once they are spotted.

Many ideas have been put forward to combat tankers' surreptitious flushing of raw pollution into coastal waters: ideas ranging from the enforced charting of each tanker's movements, to a mandatory "hull within a hull" or a false bottom to be built into all tankers using United States ports. But these have barely reached the government's pending tray.

Research scientists must turn their attention to the at-present almost insoluble problem of effectively dispersing crude oil once it is in the water. A Coast Guard official described their battle as fighting "a modern war with bows and arrows."

Let's get out of the Robin Hood era, and apportion some moon-age technology to moon-age problems.

PROFITEERING BY BIG STEEL COMPANIES

HON. RAY J. MADDEN

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 1970

Mr. MADDEN. Mr. Speaker, our so-called economic experts, including big business, newspapers, magazines, commentators, and so forth, write volumes concerning inflation, high prices, and the high cost of living but very seldom condemn the profiteers who are reaping a financial bonanza during these days of inflation.

I am including a letter I received from Mr. Isadore Zweig of Philip Zweig & Sons, Inc., structural steel and miscellaneous iron fabricators and erectors, concerning the unreasonable and frequent increase in prices by the large steel combines. Everybody would agree that 11.5 percent increase in steel prices over a period of 7½ months is unrealistic. Mr. Zweig's comments are as follows:

PHILIP ZWEIG & SONS, INC.,
Gary, Ind.

HON. RAY J. MADDEN,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN MADDEN: I am writing you with reference to the recent steel increase announced by the major steel producers of the United States, particularly where it affects our industry in the purchase of structural sections and plates.

On July 14, 1969, the steel industry announced a $7.00 per ton increase on the above items which our industry had expected, although not this large of an increase, due to the terms of their contract with the United Steelworkers of America which had an automatic wage increase in August, 1969. Over the last two weeks the same steel producers have announced another price increase in the same amount to become effective March 1, 1970. This makes a total increase in cost of $14.00 per ton in the last seven and a half months, or approximately 11.5%. We see no reason why this further increase should be imposed. We are assuming that a further increase will be imposed again in July or August, 1970, because the United Steelworkers contract again includes an automatic wage increase at that time and it will be a good excuse for the steel producers to raise their prices.

Most of the fabricators in our industry are forced to enter into firm contracts for the supply of Structural Steel. These imposed price increases affect us to a point that we can see chaos in the very near future. Although we are aware of the inflationary trend in our economy, we feel that an 11.5% increase over a period of seven and a half months is entirely unrealistic. These increases do not reflect some of the additional increases which have been imposed under the heading "extras."

It is our opinion that unless these steel producers and, for that matter, all manufacturers and employees are not forced to follow certain "indexed guide lines," that we will enter into a period of inflation and de-

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pression at the same time from which it will take many years to recover. We urge you to do whatever you can to prevent these excessive price increases with whatever means you have.

We wish to thank you for your interest and trust that we may hear from you concerning these problems.

Yours very truly,

ISADORE ZWEIG.

THE NOMINATIONS OF JUDGE G. HARROLD CARSWELL

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 1970

Mr. SCHEUER. Mr. Speaker, it is the responsibility of the Senate to confirm members of the Supreme Court, but the membership of that Court is of vital concern to Members of this House and the Nation. I would like to bring to your attention a statement issued by four distinguished members of the New York bar: Bruce Bromley, former judge of the Court of Appeals of the State of New York; Francis T. P. Plimpton, president of the Association of the Bar of the City of New York; Samuel I. Rosenman, former president of the Association of the Bar of the City of New York; and Bethuel M. Webster, former president of the Association of the Bar of the City of New York, who have raised serious questions about the qualifications of Judge G. Harrold Carswell. Their statement follows:

The undersigned members of the Bar, in various sections of the United States, and of differing political affiliations, are deeply concerned about the evidence in the hearings of the United States Senate Judiciary Committee on the confirmation of Judge G. Harrold Carswell as an Associate Justice of the Supreme Court of the United States.

The testimony indicates quite clearly that the nominee possesses a mental attitude which would deny to the black citizens of the United States—and to their lawyers, black or white—the privileges and immunities which the Constitution guarantees. It has shown, also, that quite apart from any ideas of white supremacy and ugly racism, he does not have the legal or mental qualifications essential for service on the Supreme Court or on any high court in the land, including the one where he now sits.

The testimony has shown no express or implied repudiation of his 1948 campaign declarations in favor of "white supremacy" and of his expressed belief that "segregation of the races is proper and the only correct way of life in our State"—until his confirmation for the United States Supreme Court was put in jeopardy by their disclosure. On the contrary, it shows a continuing pattern of reassertion of his early prejudices.

That pattern is most clearly indicated by his actvities in 1956 in connection with the leasing of a public golf course in his city to a private club, for the purpose of evading the Constitution of the United States and excluding blacks from its golf course.

We are most deeply concerned about this part of the testimony. He was then no longer the youthful, enthusiastic campaign orator of 1948 running on a platform of "white supremacy" and "segregation as a way of life." He was then a mature man, holding high Federal office.

Unfortunately, insufficient public attention has been paid by the media of public information and by the public in general to this episode.

The testimony as to the golf club is particularly devastating, not only because of the nominee's lack of candor and frankness before the Senate Committee in attempting to explain it, but because his explanation, if true, shows him to be lacking the intelligence of a reasonable man and to be utterly callous to the implications of the scheme to which he was lending himself.

The circumstances surrounding this golf club incident are extremely important, and should be made clear. By 1955, the Supreme Court of the United States had declared that it was unconstitutional for a city or state to segregate any of its public recreational facilities, such as golf courses. As a result of this decision, a common and well-publicized practice had grown up in the South, in order to keep blacks off municipal golf courses, by which the cities would transfer or lease the public facilities to a private corporation, which would then establish rules for exclusive use by whites. This was, of course, a palpable evasion—and universally understood so to be.

By 1956, many cases had already been filed in various cities of the South to invalidate these obvious subterfuges. Several lower United States Courts had already struck them down as unconstitutional. These cases were well publicized at the time when United States Attorney Carswell, who had been, of course, sworn as a United States Attorney to uphold the Constitution and laws of the United States, became involved in the matter of the municipal golf club in Tallahassee, Florida, where he lived.

By the date the Tallahassee incident occurred, five lawsuits had already been started in different cities in the State of Florida to desegregate municipal recreation facilities, including, among others, golf clubs; and it was clearly evident that Tallahassee and its municipal golf club would soon be the target of such a suit.

Therefore, to circumvent the results of such a suit, some white citizens of Tallahassee incorporated a private club, to which the municipal golf course was thereupon leased for a nominal consideration. Affidavits, dated in February 1970, were submitted and read to the Senate Committee, signed by both blacks and whites who were residents of Tallahassee at the time, showing that it was generally understood that this transfer was being made solely for the purpose of keeping black citizens off the course.

One of these affidavits (TR 610)[1] was by a Negro lady, a public high school teacher for ten years, the business manager of Tallahassee's A & M Hospital for one-half year, and presently an Educational Specialist at the Federal Correctional Institution in Tallahassee. It said in part:

"Tallahassee was in a racial uproar over the bus boycott and other protests—bringing a reaction of fear to the white community. The word 'private' had increasingly become a code name for segregation.

"The Capital City Country Club incorporation proceedings were well-publicized and the racial overtones were necessarily clear to every knowledgeable citizen in the area, and it would have been surprising to me if an intelligent man, particularly an incorporator was not aware of the repeatedly emphasized racial aspects of this case.

"We did discuss this corporation widely at the time; had we not been so preoccupied with other protests, we would have undoubtedly moved against the Corporation in civil suit."

Another affidavit (TR 611) was signed by a white lady, "a life-long resident of Tallahassee whose family has been domiciled in the city for several generations," "the wife of the chairman of Florida's oldest bank, the Lewis State Bank of Tallahassee." It stated that: (1) the golf course had been developed and improved by a grant of $35,000 of WPA funds; (2) she refused to join in the new club "because we wanted no part in converting public property to private use without just compensation to the public, and because of the obvious racial subterfuge which was evident to the general public"; (3) that she had discussions at the time of the lease "with a variety of parties during that period on the subject of a golf course, the issue being a wide civic concern." She stated:

"I would have been surprised if there was any knowledgeable member of the community who was unaware of the racial aspect of the golf course transaction. The controversy appeared in the local newspaper of the time and a city commissioner was known to have raised questions about the racial implications involved."

There was then received in evidence (TR 613) a clipping from page 1 of the local newspaper referred to, the Tallahassee Democrat, for February 15, 1956. This contemporaneous clipping corroborated the affidavits in showing the community discussion of the racial purpose of the lease. Reporting the fact that the lease had been entered into by the City Commission with the private club, it stated:

"The action came after a two-month cooling off period following the proposal's first introduction. At that time former City Commissioner H. G. Easterwood, now a county commissioner, blasted the lease agreement.

"He said racial factors were hinted as the reason for the move.

"Under the arrangement, the country club group would take over the operation of the course September 1. The lease is for 99 years, running through 2055, and calls for a $1.00 a year payment.

The then United States Attorney, now seeking to become an Associate Justice of the Supreme Court of the United States, became an incorporator and director of that private club to which the golf club was to be leased. Here was a high Federal public official, thoroughly cognizant of the decisions of the Federal courts, participating in a scheme to evade the Constitution.

The answer of Judge Carswell to the disclosure of this was that: (1) he thought that the papers he signed (with a subscription of $100) were for the purpose of fixing up the old golf club house; (2) that he at no time discussed the matter with anyone; and (3) that he never believed that the purpose of this transaction had anything to do with racial discrimination or keeping blacks off the course.

Some of the Senators at the hearings were as incredulous as we are. We think that a few short extracts of the Judge's testimony on this matter will give a clearer picture of the man who now seeks a seat on the Supreme Court of the United States—the final guardian of the individual rights of all of us:

Judge CARSWELL (in answer to a question by Senator Kennedy as to whether the Judge was testifying that the transaction was principally an effort to build a club house). "That is my sole connection with that. I have never had any discussion or never heard anyone discuss anything that this might be an effort to take public lands and turn them into private lands for a discriminatory purpose. I have not been privy to it in any manner whatsoever." (TR 65)

Senator KENNEDY (TR 149). Mr. Nominee, I think the document speaks for itself in terms of the incorporation of a club, a private club . . . I think, given the set of circumstances, the fact that they were closing down all recreational facilities in that community at that time because of various integration orders, I suppose the point that Senator Bayh is getting to and some of us asked you about yesterday is whether the formation of this club had it in its own purpose to be a private club which would, in fact, exclude blacks. The point that I think he was mentioning and driving at, and Senator Hart talked to, and I did in terms of questions, is whether, in fact, you were just contributing some $100 to repair of a wooden house, club house, or whether, in fact, this was an incorporation of a private club, the purpose of which was to avoid the various court orders which had required integration of municipal facilities . . .

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[1] References are to the transcript of the hearings on the nomination before the Senate Committee on the Judiciary.

"Now, I think this is really what, I suppose is one of the basic questions which is of some interest to some of the members and that we are looking for some response on."

Judge Carswell. "Yes sir, and I hope I have responded, Senator Kennedy. I state again unequivocally and as flatly as I can, that I have never had any discussions with anyone, I never heard any discussions about this."

Senator Bayh. "You had no personal knowledge that some of the incorporators might have had an intention to use this for that purpose?" (TR 150)

Judge Carswell. "I certainly could not speak for what anybody might have thought, Senator. I know that I positively didn't have any discussions about it at all. It was never mentioned to me. I didn't have it in my mind, that is for sure. I can speak for that." (TR 150)

Senator Bayh then asked whether there were then any problems in Florida relating to the use of public facilities and having them moved into private corporations. Judge Carswell answered:

"As far as I know, there were none there and then in this particular property."

Senator Bayh then asked whether Judge Carswell was not aware of other cases in Florida?

Judge Carswell. "Oh, certainly, certainly. There were cases all over the country at that time, everywhere. Certainly I was aware of the problems, yes. But I am telling you that I had no discussions about it, it was never mentioned to me in this context and the $100 I put in for that was not for any purpose of taking property for racial purposes or discriminatory purposes." (TR 151)

Senator Kennedy. "Did you have any idea that that private club was going to be opened or closed?"

Judge Carswell. "The matter was never discussed."

Senator Kennedy. "What did you assume?"

Judge Carswell. "I didn't assume anything. I assumed that they wanted the $100 to build a club house and related facilities if we could do it. . . ." (TR 153)

Senator Kennedy. "When you sent this and you put up the money, and you became a subscriber, did you think it was possible for blacks to use that club or become a member?"

Judge Carswell. "Sir, the matter was never discussed at all."

Senator Kennedy. "What did you assume, not what was discussed?"

Judge Carswell. "I didn't assume anything. I didn't assume anything at all. It was never mentioned."

Senator Kennedy. "Did you in fact sign the letter of incorporation?"

Judge Carswell. "Yes sir. I recall that. . . ."

Senator Kennedy. "Did you generally read the nature of your business or incorporation before you signed the notes of incorporation?"

Judge Carswell. "Certainly I read it, Senator. I'm sure I must have. I would read anything before I put my signature on it, I think [sic]."

We cannot escape the conclusion that a man, in the context of what was publicly happening in Florida and in many parts of the South—which the nominee says he knew—and what was being discussed locally about this very golf club, would have to be rather dull not to recognize this evasion at once; and also fundamentally callous not to appreciate and reject the implications of becoming a moving factor in it. Certainly it shows more clearly than anything else the pattern of the Judge's thinking from his early avowal of "white supremacy" down to the present.

Particularly telling—as showing the continuing pattern of his mind which by the time of the golf club incident, if not before, had become clearly frozen—are the testimony and discussion of fifteen specific decisions in civil and individual rights cases by the nominee as a United States District Judge (TR 629, et seq.). These fifteen were, of course, only a few of the decisions by the nominee. A study of a much fuller record of his opinions led two eminent legal scholars and law professors to testify before the Senate Committee that they could find therein no indication that the nominee was qualified—by standards of pure legal capacity and scholarship, as distinguished from any consideration of racial prejudices—to be a Supreme Court Justice.

These specific fifteen cases are all of similar pattern: they involved eight strictly civil rights cases on behalf of blacks which were *all* decided by him against the blacks and all *unanimously* reversed by the appellate courts; and seven proceedings based on alleged violations of other legal rights of defendants which were all decided by him against the defendants and all *unanimously* reversed by the appellate court. Eight of these fifteen occurred in one year—1968.

These fifteen cases indicate to us a closed mind on the subject—a mind impervious to repeated appellate rebuke. In some of the fifteen he was reversed more than once. In many of them he was reversed because he decided the cases without even granting a hearing, although judicial precedents clearly required a hearing.

We do not dispute the Constitutional power or right of any President to nominate, if he chooses, a racist or segregationist to the Supreme Court—or anyone else who fills the bare legal requirements. All that we urge is that the nominee reveal himself, or be revealed by others, for what he actually is. Only in this way can the Senate fulfill its own Constitutional power to confirm or reject; only in this way can the people of the United States—the ultimate authority—exercise an informed judgment. That is the basic reason for our signing this statement, as lawyers, who have a somewhat special duty to inform the community of the facts.

We agree with Judge Carswell that a nominee for the Court should not ordinarily be compelled to impair his judicial independence by explaining his decisions to a Senate Committee. But this was no ordinary situation. It involved a consistent and persistent course of judicial conduct in the fact of continual reversals, showing a well-defined and deeply ingrained pattern of thought.

We believe that—at the very least—the hearings should be reopened so that an official investigation can be made by independent council for the Committee, empowered as it is to subpoena all pertinent records, including the files of the Department of Justice and the records of Judge Carswell's court. So far, the evidence in opposition—compelling as it is—has been dug up solely by the energy and efforts of private citizens or groups, without power of subpoena. For example, the episodes of the 1948 pledge to "white supremacy" and the country club lease were both dug up by independent reporters.

Are there any other incidents like the golf club, or other public or private statements about "white supremacy"? Are there additional, but unreported, decisions in the files of Judge Carswell's court, not readily available to lawyers who can search only through the law books for cases which have been formally reported and printed? What information can be found in the files of the Department of Justice, unavailable, of course, to the opposition but readily subject to a Committee subpoena?

One vote out of nine on the Supreme Court is too important to rely on a volunteer investigation, on the efforts of private, public-spirited lawyers and reporters, although they have already uncovered evidence clearly indicating, in the absence of a more credible explanation, rejection of the nomination.

The future decisions of the Supreme Court will affect the lives, welfare and happiness of every man, woman and child in the United States, the effectiveness of every institution of education or health or research, the prosperity of every trade, profession and industry. Those decisions will continue to be a decisive factor in determining whether or not ours will, in the days to come, truly be "a more perfect Union," where we can "establish Justice, insure domestic Tranquility . . . promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity."

We urge that the present record clearly calls for a refusal to confirm by the Senate of the United States.

Signed:[3]

Bruce Bromley,
Former Judge, Court of Appeals, State of New York.
Francis T. P. Plimpton,
President, the Association of the Bar of the City of New York.
Samuel I. Rosenman,
Former President, the Association of the Bar of the City of New York.
Bethuel M. Webster,
Former President, the Association of the Bar of the City of New York.

NATIONAL INSTITUTE OF EDUCATION

Hon. PETER H. B. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 1970

Mr. FRELINGHUYSEN. Mr. Speaker, the administration's proposal for the creation of the National Institute of Education is a positive step toward guaranteeing that resources for education will be well spent. In the past, there has been a hit-or-miss philosophy operating in this area. The time has come systematically to develop educational programs with a higher probability of success before they are put on an operating basis into the schools. The National Institute will provide an environment for educational experimentation and a central focus for research in the field of education.

The Federal Government has sponsored educational research for many years. Much has been useful, but it has lacked a clear sense of national priorities. The hard questions plaguing American education have not been answered. The need for direction in the research is clear, and I have great hopes that the National Institute of Education will be able to provide that research. I support this effort to take a hard look at the area of educational assistance, and urge my colleagues to join in this effort.

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[3] Mention of an organization is purely for descriptive purposes, and not to indicate an expression of the views of the organization.

SURVIVAL ON THE PRAIRIE

HON. DURWARD G. HALL

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 1970

Mr. HALL. Mr. Speaker, recently I had the very great pleasure of witnessing a most timely and interesting television program, "Survival on the Prairie."

This program was presented by NBC News and was produced by Craig Fisher, in cooperation with the National Academy of Sciences.

I was so taken by the production that I acquired a copy of the script so that it might be available to others.

I should also like to commend the American Dairy Association for sponsoring the program and making it available to the vast NBC audience.

The script follows:

SURVIVAL ON THE PRAIRIE

(By Craig Fisher)

At times savage and harsh, but more often placid and beautiful; a living link with the past thrives by its primitive rules for survival. Now it is beset by the demands of man.

ACT 1

This is the prairie, sometimes called the American Grassland, or the Great Plains. It's an open, rolling land, uniquely American in its look and its animals, yet its richness and productivity reach past our borders to touch the corners of the world.

Kipling said of the Prairie, "It makes you weep for sheer loneliness, and there is no getting away from it."

But Walt Whitman saw the prairie differently . . . "A vast something, stretching out on its own unbounded scale, combining the real, and the ideal, and as beautiful as dreams."

The awesome grandness that so impressed the poets is embodied in the winter wind. Relentless and penetrating, it seems to test the ability of the land and the animals to survive the cold and feel the soft warmth of another spring.

And they will survive, for over uncounted generations, they have learned to adapt to the wind and to endure the seasonal patterns of the prairie. But the prairie and its tenants are changing.

Our buffalo-strewn prairie *is* gone now—only a few fence-constricted herds remain. Cattle have replaced the buffalo on this western part of the prairie, while in the eastern part of the grassland, corn and wheat now grow where big bluestem and Indian grass were once as tall as a man on horseback. But the character of the land can't be destroyed.

The enveloping, penetrating thrust of a sudden snowstorm. The soil sucking in each particle of moisture to nourish whatever kind of green plant is quietly awaiting the first warmth of spring. The tenacity of these patient grasses to survive the cruel cold, the crueler heat, and the cruelest master of all—man.

The *weather* can *temporarily* alter the balance of the prairie. *Man* can *totally* change it.

The grasslands have survived countless storms—. The winter moisture is necessary for the grasses, but, even with the wind, winter is the quiet time on the plains.

Willa Cather, an eloquent spokeswoman of the prairie, wrote this about the season:

"Winter has settled down again; the season in which Nature recuperates, in which she sinks to sleep between the fruitfulness of Autumn and the passion of Spring. The birds have gone. The teeming life that goes on down in the long grass is exterminated. The ground is frozen so hard that it bruises the foot to walk in the ploughed fields. It is like an iron country; and the spirit is oppressed by its rigor and melancholy. One could easily believe that in that dead landscape the germs of life and fruitfulness were extinct forever."

Not really extinct, just changed. The plants under the snow are not dead—but dormant, as are most of the animals, deep in their burrows.

For plants and animals it is a waiting period—to be endured. Unlike cattle, the native buffalo can move the snow aside to graze, but it's a more difficult time to get food (Pause), and to find shelter.

Some animals, like the prairie dog, can live off their own fat.

The coyote must still live off the fat of others.

The winter patterns are continually changing—sometimes the land is open, sometimes snow or ice covered.

Eventually, the days lengthen—the sun upon the earth grows warmer. The snows melt and winter's cold grip upon the landscape is vanquished for another year.

Spring comes again to the prairie.

ACT 2—SPRING

The Great American Prairie is an ancient land . . . created perhaps 50 million years ago when the Rocky Mountains were thrust up, shedding the sedimentary material which was to become the prairie soil. And the mountains also created the climatic conditions necessary for this vast inland sea of grass.

The earlier forests and swamps declined and the grasslands spread. Then the glaciers came . . . retreated . . . came and retreated again, and the grass crept back as the ice receded.

Over millions of years the rich earth was layered deeper by water and wind . . . and the grasslands grew and flourished. New plants . . . animals . . . insects were introduced, and some survived . . . adapting to the wind . . . the moisture . . . the changes in temperature.

Finally that land, which we think of today as The Great Plains, the largest prairieland in America, stretched from Saskatchewan in the north to Texas in the south. And it was Michigan to Montana wide. But how tall or how short the grasses depended on the moisture.

The Eastern half of the prairie generally has more than 20'' of precipitation a year, producing lush, tall grass prairie . . . some ecologists call it the true prairie.

The Western grasslands, stretching clear to the Rockies, receive less than 20'', resulting in a mixed and short grass prairie.

At its Western edge, the plains are as much as a mile high . . . then moving eastward, there is a gentle downward slope to the land, carrying the river waters and their sediments . . . shaping the land across the Great Plains.

The "true" prairie—the tall grass—has nearly vanished today. These species have been replaced by a domesticated grass—corn. What was once the true prairie is today's corn belt. So even today we should think of the prairie as a grassland—though not all grasses are native—as these are.

The mixed grasses—which covered parts of Nebraska and Oklahoma and Kansas needed less rainfall—as does another grass, wheat, their replacement today. This native grass is called Needle and Thread.

But there is no replacement for the short grasses—growing only a few inches high. These grasses hold the dry soil in place when the hungry winds sweep over the plains—bearing names like Buffalo-grass (pause) and

Blue Gramma, the most predominant of the short grasses, found throughout the plains and rightly called, The Queen of the Prairie.

Interwoven through the grasses are the myraid varieties of prarie flowers, lending color to the green mantle of Spring.

And living on the flowers and grasses are the seemingly infinite varieties of insect life.

Even the floor of the prairie seems to move with the new life of Spring.

This is the one time of year when an excess of food exists—the vegetation grows faster than the grazing animals can eat it . . . with sometimes an insect thrown in for variety.

Plenty of food exists for the far-ranging carnivores too.

There are many inexperienced, slower young animals for the predator to choose from—and the Golden Eagle is never far from food.

By the time the grasses have lost their growing spurt, the grazing population has been decreased to its proper level.

After witnessing predation, most of us think about the harshness of nature . . . but, perhaps, we should think instead of its orderly balance. Too many rabbits could result in overgrazing and eventually destroy the habitat for all animals, and the predator will nearly always make his meal on the animal slowed by age or disease, or the one who has not learned how best to hide . . . that is the individual animal that is physically or mentally inferior . . . and thus leave the fittest to continue the species.

The continuation of the species is assured in Spring. These voracious Golden Eagle chicks will take advantage of the clement spring and summer months to mature and prepare for the bitter cold of winter.

Young pronghorns are able to run just hours after they are born, and soon forsake parental care to forage independently on the tender young grasses.

For all the grazers this is the most comfortable season, between the merciless winter and the oppressive prairie summer, ample time for each animal to find his place in the cycle of life of the grassland.

For the plants, the reproductive cycle extends from Spring to Autumn—The seeds being spread by the wind across the rich prairie soil.

This soil, aerated by insects and small animals burrowing through it, may be nearly half airspace, which during rainy periods, will soak up and store water for the dry summer. Some roots go as deep as 20 feet into the soil.

Actually, more of the plant lives below ground than above, to absorb every available drop of moisture. But despite its stern rules for survival, there is a tranquil beauty to be seen on the grassland.

"These are the gardens of the desert . . . These, the unshorn fields, boundless and beautiful, For which the speech of England has no name . . . the prairies."

So said William Cullen Bryant . . . The prairies . . . born, developed and grown to maturity over thousands of years, by trial and error . . . which grasses will live, be reborn over and over again . . . Which will quietly die out and be lost forever.

They seem to be indifferently scattered about . . . but there *is* a history-old pattern . . . depending on moisture . . . soil . . . sun and shade . . . perhaps the influence of man. A pattern predictable to those who can read the secrets of the grasslands.

This is the challenge that faces today's prairie ecologists. The ancient order of life that is the basis for survival on the prairie may one day reveal to man the secrets necessary for his own survival.

ACT 3

Not even the heart of a beautiful young girl is as capricious as summer rain on the prairie. Yet, the necessity of an occasional rainfall looms as large as the very thunder-

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heads from which the waters come. The wind, whipping through the grasses, is the diligent forerunner of the rapdily approaching rainstorm.

Although it may be a temporary discomfort for some of the animals, the rain sustains life in the plants, and the plants shield the land. For when the storm-driven rain pelts into the grasses, it dissipates harmlessly in the prairie's spongy blanket of vegetation and is absorbed. But when the plant cover is weakened by overgrazing or destroyed by the plow, the soil is exposed to the erosive damage of the elements.

As quickly as it begins, the rain ceases—is absorbed, or lies in pools to evaporate, and the powerful summer sun, again, bakes the grassland into tones of buff and brown. Prairie life returns to normal.

I've never thought of prairie dogs as being terribly efficient; nor very well organized—but after a rain they do seem to be eager workers. Their task now is to clear their burrows of rain-sodden dirt, and to clean their digging tools, too.

The prairie dog town is a fascinating example of the inter-relationships contained in the whole prairie. The grazing buffalo eat the grasses quite short—permitting the prairie dog to see more easily the approach of a hawk or coyote.

But seemingly in return for favors rendered—the buffalo uses the prairie dog's mound to wallow in—dusting himself to protect against the bothersome summer flies.

And with the grass cropped carpet-short by tenant and visitor alike—it's a nice place just to rest.

The lives of two prairie grazers, though far different in size, are interwoven in a harmonious way.

But not all visitors are so peaceful. The rattlesnake, too, is a regular visitor of the prairie dog town. Being a cold blooded animal and having no other means to regulate his body temperature, he finds the shady burrows a welcome and necessary relief from the burning sun.

And he will occasionally make a meal of a young prairie dog.

On the grassland not every confrontation ends in violence. The snake seemed to sense that this adult prairie dog presented no threat and perhaps was too large to be consumed. So he didn't molest him.

With another visitor the prairie dog doesn't fare so well.

This is survival in its simplest form. Survival for the coyote is assured at the cost of a prairie dog's life.

It is the speed and cunning of the weasel that allows him to thrive in this rigid life system.

And the coyote himself is probably the most versatile animal on the plains. If the prairie dog population should dwindle, his flexibility permits him to take rabbits or even field mice.

In the delicate balance of the grassland's web of life, some animals are eaten—and some are eaters. Some killed and some killers. But in this violent drama, no species is *completely* destroyed, at least not until the arrival of man.

Man is the most efficient killer on earth . . . for food . . . for territory . . . for what are believed to be moral reasons . . . by accident and by design.

We're a more efficient killer than the coyote and the weasel, the eagle and the snake. In the past we slaughtered 60 million buffalo and all of the passenger pigeons.

We shot them for food, and sport. Today, through the use of certain insecticides, we're destroying thousands of songbirds . . . and owls, and hawks and eagles. We've poisoned hundreds of millions of prairie dogs. In each prairie state right now, you can get free poison from the government to kill more prairie dogs . . . Most prairie states still have a bounty on coyotes. All this despite the fact that we now know there must be small animals on this grassland to add nutrients to the soil; to churn through it and enrich it, and there must be predators to keep the small animals in proper balance. What is to control the grasshoppers when the birds are gone. Too much of the thinking about predators ad varmints is as sterile as DDT is making the eagle.

This is a prairie dog town that stretched for 25 miles—home for perhaps 2 million animals. Not one is alive today, because they were all killed to clear the land for beef-producing cattle.

Our American bison—the buffalo—was nearly exterminated, partly for food and hides, but more for political reasons—by destroying the buffalo, the Indians were subdued.

Today's politics state that wheat should grow where Indian grass flourished; that the land should give life to sheep and cattle instead of antelope. So the natural prairie is swallowed up and changed.

Perhaps it's time to re-examine our priorities. And what will be the long term impact of man's manipulation of the prairie.

ACT 4

Whenever I see a buffalo today, my mind somehow takes an easy journey back to more than a century ago when these massive creatures dotted the plains by the millions . . . some estimates suggest as many as 60 million . . . and if I squint, my imagination permits me to almost see, stalking the buffalo through the tall grasses, a Sioux, Cheyenne, or Blackfoot.

Everywhere I look on today's prairie, contemporary patterns remind me of the people who once lived on this land.

But reality reminds me that these are merely shadows of a people whose time on the prairie has passed.

At first, the rolling hills were scarred only by narrow buffalo trails—then Conestoga wagon wheels cut deep ruts into the grassland soil.

Before long, railroad tracks crossed the prairie, and with the tracks came the demise of the buffalo—and the Indians who were dependent upon them.

The tepee gave way to the white man's sod house, a crude but sturdy home, made from chunks of the grassland itself.

And up from Texas came the cowboy—driving his longhorn cattle to prairie towns like Abilene and Dodge City.

This was the era of sprawling ranches and open rangeland, which would last until the bitterly contested coming of barbed wire; some 700 different varieties, strung out to permanently change the look and the life of the prairie.

In 1862, the Homestead Act became law, giving 160 acres free to any family that would farm the land. And now man came to the prairie in earnest, bringing with him his work animals, his iron, his passion for plowed ground, and all too often, his lust for quick profits, taking from the rich soil all it had to offer, and giving nothing in return.

When seven years of drought came to the land, the original prairie grasses had been plowed under and destroyed. So the wind whipped across the vulnerable fields and lifted the exposed topsoil into smothering, black clouds.

The fine dirt sifted through everything, and piled up like snowdrifts, choking the spirit of the people, and for a while severing the ties of man to the land.

This abandonment of the land, begun in the days of the Dust bowl, continues even to the present.

The deserted houses on the prairie today seem silent reminders of battles fought with the land, and lost.

What is there more melancholy than an old, abandoned farmhouse. I can imagine milk cows lowing in the early morning, can still see children racing through the yard. But the fact is, all that's left is failure. A family has left the soil. It used to be that it was sometimes because of an act of God—a death—a drought. But much more often, through our own folly. Through ignorance, or greed. We destroyed the land that was giving us life. That is sometimes still true today. But the most powerful cause for this abandonment now, is that a small farm or a small ranch, is no longer economically practical. The abandonment now is because of success. Yesterday's farmer, working his land by the strength of his back, has given way to the timeless efficiency of giant machines—plowing, planting, harvesting, vast areas. And thus, the era of the small farmer is gone.

This is the era of mechanization. We produce much more per acre, and with fewer people, than ever before—but it takes 10 times more horse power to do it. Directly or indirectly, today's farmer and rancher are dependent upon Dallas oil, Detroit steel and Washington money. They're caught more in the web of technology, than the web of the prairie.

Whether corn or cattle—the prairie is big business today.

But the small prairie towns are dying. Fewer people are needed on the land, and many of the young no longer cherish the simple life of rural America.

For those who do stay, it is a rigorous and isolated life. But that life and even the look of the broad, rolling country can bring true fulfillment and comfort to many.

When you stand here on the prairie in the late afternoon . . . the middle of Nebraska, or the Dakotas, Colorado, or maybe Kansas . . . and hear, even feel the grasses shimmering all about you . . . then you can begin to understand how a man can love the countryside.

It is sometimes harsh . . . bitter cold and searing heat. There are times when the dust blows that Dakota earth covers the floor of houses in Minneapolis . . . even Chicago. And it's the birthplace of slashing hailstones and pounding rain that can drown a whole country in minutes. But usually the grasslands are like this . . . proclaiming a beauty and peacefulness I've never experienced anywhere else. I'm from this land . . . and can truly feel the words of Sandburg . . .

"I was born on the prairie and the milk of its wheat, the red of its clover, the eyes of its women, gave me a song and a slogan. The prairie sings to me in the forenoon and I know in the night I rest easy in the prairie arms, on the prairie heart."

In the last hundred years we have indeed taken the prairie heart to our own, and man has made himself a true native of the grassland. But in the wake of such violent former encounters, will we now be able to thrive in partnership with the land, cherishing its legacy and protecting its vitality?

The energy of life on the prairie is particularly visible in the golden sunlight and ripening grasses of Fall—the plants and grasses absorb solar energy, convert it to usable energy, and lock it tightly within their leaves and stems.

The animal and insect grazers, the next link in the conversion chain, get their energy from the plants.

They may digest and use about half of what they eat—the remainder passing back to enrich the soil.

These primary consumers themselves become the energy source for the secondary users.

But this hawk and the other predators cannot increase the number of prey available, so both are controlled—and balanced within the prairie's natural limits.

Like the rabbit, man too is a primary consumer—but we replace the native grasses with our specialized pampered grasses—corn and wheat.

We also pamper our specialized grazing

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prey. For like the hawk, man is a carniverous animal. But we have altered the prairie's balance by replacing the *wandering* large grazer—the buffalo—with cattle . . . which we sometimes confine to limited pastures and overgraze—destroying the native grasses and sometimes the soil for generations.

Our cultivated, or grazed plainsland is then governed not by the natural system—but by commercial needs, outside the grasslands' balanced environment.

Besides disturbing the balance, we also deplete the land by removing its nutrients—the chemical elements essential for plant life. We do this by permanently removing the cattle from the grasses which provided them energy.

In the natural system, through the actions of decomposed organisms and the elements, the nutrients of dead plants and animals are returned to the soil, thus completing the natural cycle.

The seasonal cycle changes the look of the prairie once more in Autumn, as the now dry grasses mat down to protect the land.

It is the time some animals change their coats from brown to white in anticipation of snow covered fields—Animals like the weasel, who possess the cunning and agility to endure the winter above ground.

Other animals burrow into the earth to escape the cold—sinking into a deep sleep. As many as 50 rattlesnakes might form a living ball deep in their den, to share body warmth.

Most birds, like these blackbirds, are not able to survive freezing prairie winters so they leave the land . . . thus linking other wild areas to the prairie.

So the life on the prairie comes, inexorably, full circle. The rhythms of the land are constant. The great activity of feeding at first light—for grazers and predators alike. The lazy, drowsy midday and quiet afternoon. Then another flurry of excitement at dusk as the day creatures eat dinner and the nocturnal ones begin their foraging. There is, too, the constancy of the seasonal patterns—that first day in March when the sun gets warm enough for you to remember last year's spring.

And, now, November, the crisp bite in the air demands you think of winter's coming and cold and changing sun's patterns, demands the wildlife think of hibernation or migration. For, if we're to live successfully, all of us, we must do so in harmony with the natural laws of this land.

As we are aware that the Great Plains are a food source for nations, we must also recognize that we now have the technology to destroy the prairie—as well as the knowledge to preserve it. Each time we drain a prairie pond or plow up virgin grassland, we are shrinking the ancient prairie. And as the natural haven for millions of animals vanishes, so do our chances of escaping the pressures of an urban society to feel once more the peace and freedom of the open praire. We are, after all, temporary guardians of the land and must protect it for our grandsons and their grandsons to come.

I'd like to think that the prairie will survive, and that my grandsons will walk this land as I have, and still feel the heroic words of John J. Ingalls, a Kansas Senator in 1873.

"Next in importance to the profusion of water, light and air, those three great physical facts which render existence, possible, may be reckoned the universal beneficence of grass.

"Its tenacious fibres hold the earth in its place, and prevent its soluble components from washing into the wasting sea. It invades the solitude of deserts, climbs the inaccessible slopes and forbidding pinnacles of mountains, modifies climates, and determines the history, character, and destiny of nations.

"Banished from the thoroughfare and the field, it bides it time to return and when the dynasty has perished, it silently resumes the throne from which it has been expelled, but which it never abdicated. It yields no fruit in earth or air, and yet should its harvest fail for a single year, famine would depopulate the world."

"Grass is the forgiveness of nature—her constant benediction. Fields trampled with battle, saturated with blood, torn with the ruts of cannon, grow green again with grass, and carnage is forgotten. Streets abandoned by traffic become grass grown like rural lanes and are obliterated. Forests decay, harvests perish, flowers vanish; but grass is immortal."

A REBUILT JAPAN NOW HELPS OTHERS

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 1970

Mr. ANDERSON of California. Mr. Speaker, nearly 25 years ago Japan was a defeated, wartorn nation. The country had been devastated by World War II and was in desperate need of financial assistance to rebuild its shattered economy.

Today Japan is one of the world's industrial giants and is a leader in world commerce and trade. This growth attests to the willingness and ability of the people of Japan to literally begin from the ashes and to successfully regain their proud world status.

Japan and its people, however, have not forgotten the nations, the organizations, and the people who assisted their development. The willingness of Japan to return the favor was most recently demonstrated on February 12, 1970, when the Bank of Japan loaned the World Bank 36,000,000,000 yen, the equivalent of $100 million.

The loan is especially significant since Japan's postwar development was largely made possible through the economic assistance received from other nations and the World Bank. Now, our Pacific neighbor is endeavoring to insure that other nations will have the same development opportunities that she herself had, and is helping to strengthen and encourage international fiscal cooperation.

I take pride in citing this one example of Japan's good will and salute the nation and its people for their remarkable achievements. So that others may read of Japan's commendable action, I submit the following release from the World Bank for the Record:

Yen Loan to World Bank

The Bank of Japan and the World Bank signed an agreement today, February 12, in Tokyo for the loan to the World Bank of Yen 36,000,000,000 (U.S. $100,000,000 equivalent). This loan, carrying interest at the rate of 7.14% per annum, will be repaid in five equal installments from February 1973 to February 1975.

The Bank of Japan, in announcing the loan to the World Bank, noted:

"In view of the recent developments of Japan's balance of payments, The Bank of Japan has decided to extend the above loan to the World Bank, which has made a great contribution toward the development of the Japanese economy for many years, in order to help the World Bank's activities and thereby strengthen international monetary cooperation."

In commenting on the transaction Robert S. McNamara, the President of the World Bank, said:

"I am particularly pleased at this first Yen loan from Japan, a country with which we have had a long partnership in the development process. It is most gratifying that at this stage Japan is able and willing to make its resources available to help others in this same development process.

"I would also like to express my warm thanks to the Japanese Government, and to The Bank of Japan who have helped us so generously in completing this notable transaction."

MEASURES DESIGNED TO ACHIEVE LAW AND ORDER

HON. RICHARD BOLLING

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 1970

Mr. BOLLING. Mr. Speaker, Mayor John Lindsay's recent remarks before the Association of the Bar of the City of New York raises very important questions concerning repressive measures designed to achieve law and order that whittle away at the bill of rights of our Constitution. I believe that the text of his remarks which follows contains a message for all of us:

Final Revised Text of Remarks by Mayor John V. Lindsay at Centennial Program of Association of the Bar of the City of New York, Philharmonic Hall, Lincoln Center, Manhattan, February 17

This is a landmark for New York. For 100 years, the Association of the Bar has had a single client—the people of this city. And you have served them well.

From its birth, the Bar Association has fought the good fight for judicial reform—for an end to municipal corruption—and for a legal system that reaches to the least as well as to the highest among us. This city can be thankful for your determination and your achievement.

This is, unhappily, a time when another obligation of the legal world is growing increasingly important. I say unhappily because it is time to remind ourselves of our obligation as lawyers to protect our citizens' rights and liberties from threats and infringements.

The blunt, hard fact is that we in this nation headed for a new period of repression—more dangerous than at any time in years. The frenzy, the bitterness, the tumult of the last few years have led many people—including many in positions of power—to expect peace and order to come by whittling away at the Bill of Rights of our Constitution.

And this new threat of repression imposes on all of us an obligation to stand and be heard.

Think back to last year at this time—when dozens of colleges were being hit by student disorders and disruptions. Few denied that there were real grievances. But all of us were shocked at the means of pressing those grievances—most especially the smothering of free speech by shouting down speakers with unpopular views on the campus. All across public life, we rightfully heard angry attacks on such repressive means to achieve ends, however important those ends might be.

Now look at events of recent weeks. Not long ago, the Senate passed a drug law. It

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would permit federal agents to enter the home of a private citizen with no warning whatsoever. This is at least a sharp extension of traditional fourth amendment limits. Not one Senator voted against that bill.

At almost the same time, the Senate passed a crime bill which drastically limited a defendant's right to examine possibly illegal sources of evidence; which imposed a statute of limitations on the right to be free of illegal searches. Only one man stood up against that bill.

And a week later, the House passed a "Defense Facilities Bill"—which would extend to private industry broad government investigatory powers. It would authorize federal agents to examine the political associations and acts of people in private industry—and it would permit these private citizens to be fired from their jobs without even being told the basis for that dismissal. It passed by an overwhelming margin.

And while this bill was being passed, the Justice Department issued—then retracted—a startling series of subpoenas, asking for the notes and tapes of newsmen—a step which could basically endanger the traditional independence of our news media.

All of this has happened within the last few weeks. Yet where are the declarations of opposition? Where are the leaders, in politics, the Bar, and academic life, speaking out against these new threats to our constitutional freedoms?

Of course these are controversial areas. The most dangerous threats to freedom always are. When government intrudes in a trivial field, we all enjoy laughter aimed at the clumsy workings of bureaucrats.

But—it is precisely when government treats real dangers—like crime, drugs, and security—with dangerous means that government is most likely to endanger our freedoms by increasing repression. And it is at this point that the defense of freedoms must be made.

There is a similar duty, too, to speak out in defense of the judicial process itself. We all know the danger of using courtrooms as political forums. And it is important to oppose political extremists who make illegitimate use of our courts.

But that is exactly why we must speak out when officials and when governments do the same thing.

All of us, I think, see the recent Chicago trial as a defeat for the integrity of the judicial process. All of us, I think, see in that trial a tawdry parody of our judicial system.

But it is important to understand the roots of this disaster. When you try political activists under a conspiracy charge—long considered to be the most dubious kind of criminal charge—difficult to define or to limit—and when a trial becomes fundamentally an examination of political acts and beliefs—then guilt or innocence becomes almost irrelevant. The process becomes a matter of political opinion instead of legal judgment, and the sense of a courtroom as an independent, open and judicious tribunal becomes lost.

And we lost something else, too. Whatever the ultimate verdicts, who has really won in this case? Think of yourself as a young man or woman, emerging into political concern. If you had witnessed what happened in Chicago, which of you would believe that our system was open, fair-minded, and humane? Which of you would come away from this trial with a renewed faith in our judicial system?

With this matter now on us—with the range of new laws of dubious value or legitimacy—what must concern us all as lawyers is this growing evidence of encroachment on our most cherished rights and liberties. And this concern must remain, whether the threat comes from our executive, legislative or judicial branches of government—or from individual citizens under the false notion that violence, disruption, and repression of their own is the way to a better society.

This Association has always had the courage to stand up for its beliefs, even at great cost. Exactly 50 years ago, led by Charles Evans Hughes, this very Association spoke out against the unseating of five Socialist Legislators by the State Assembly. The men who led this fight had nothing in common politically with the victims of that repression. But they did have a faith in freedom—and they acted on that faith.

Today, when the turmoil of the last few years has made repression a politically popular step, it is our obligation as lawyers to stand against it—in whatever form it takes.

It is time again to put our faith in the system of open and free debate—and in full constitutional protection for those accused of crimes. It is time again to speak out in defense of these precious barriers between tyranny and liberty.

This is not an easy task. But there is none more vital today. And there is none more noble to begin your second century of life.

STATE OF THE WORLD MESSAGE

HON. LESLIE C. ARENDS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 1970

Mr. ARENDS. Mr. Speaker, perhaps the most significant attribute of President Nixon's recent "state of the world message" is its flexibility and ability to adapt to meet changing world conditions.

This fact is seen clearly by examining editorial reaction to the message. Naturally, different newspaper editors see the world situation and possibilities for the future in different ways. But despite their rather diverse views, the great majority of them seem to feel that President Nixon's innovative, straightforward approach to foreign policy offers great hope for the United States.

A sampling of editorials from around the Nation shows the different emphasis placed on various aspects of the message by different editors, but their common support of the President's goals and basic policies.

While the Wall Street Journal sees as most significant the "more limited military and political role for America in the world," the Cleveland Plain Dealer sees the message as "a very firm version of the foreign policy of the United States"—one which tells the Soviet Union to "quit its worldwide proselytizing, to quit believing that a worldwide Socialist triumph is historically inevitable, to begin accepting coexistence with capitalist democracy."

Business Week magazine feels that "This, at last, is clear recognition of a fundamental truth on which U.S. foreign policy must rest. This Nation cannot police the world or assume the burden of solving its problems singlehandedly," while the Chicago Daily News see it as "a more comprehensive guide to foreign policy than any President has attempted," that "pulls together in one package a set of principles that too often can be seen only in fragmented form."

All of these editorials, however, say in one way or another that the President has brought a much-needed change to U.S. foreign policy, and that our Nation will be better off because of it. I insert these editorials in the RECORD:

[From the Business Week Magazine, Feb. 21, 1970]

HELP WHERE IT MAKES A DIFFERENCE

The massive 119-page report on foreign policy that President Nixon delivered to Congress and the nation this week is something new in American government. For the first time in history, the President has attempted to look at the complexity of U.S. international interests in the round, to relate them to each other, and to weigh them systematically against domestic claims on the nation's resources.

Much of such a summary inevitably is a restatment of familiar themes. But the President's message demonstrates that foreign policy has changed significantly—both in style and substance—during the first year of the new Administration.

The change of style from that of his predecessors in the White House is most striking. The message is carefully structured, businesslike, comprehensive. Its tone is coolly impersonal.

The change in style reflects an important change in substance. At no point has President Nixon made an abrupt departure from the policies that he inherited from previous Administrations, but he has made significant shifts in emphasis. In the message, he identifies three guiding principles of U.S. foreign policy: international partnership, strength, and negotiation. From here on, it is evident that the U.S. will be putting the emphasis on the first and third, although it will not neglect the second.

This is reassuring. So is the description of the elaborate decision-making machinery within the National Security Council painstakingly put together by Dr. Henry Kissinger, the President's indefatigable assistant. This is designed to steady control over events by anticipating them in a systematic way. If it will improve the chances that the President will make the right decisions at critical moments by assuring that he has considered all the real options. At the same time, it provides a permanent mechanism—in the Defense Program Review Committee, for continuously measuring domestic needs against national security imperatives.

All this is no guarantee that the Nixon Administration will not make mistakes in particular programs and policies. But it offers the hope that mistakes will be identified and corrected before they have become irretrievable. The very practice of putting together an annual foreign policy review will help to highlight weak spots and inconsistencies just as the annual State of the Union message serves to coordinate domestic policies.

Perhaps the most encouraging thing of all is the way the President summarizes the fundamental thinking that lies behind his foreign policy:

"Its central thesis is that the United States will participate in the defense and development of allies and friends, but that America cannot—and will not—conceive all the plans, design all the programs, execute all the decisions, and undertake all the defense of the free nations of the world. We will help where it makes a real difference and is considered in our interest."

This, at last, is clear recognition of a fundamental truth on which U.S. foreign policy must rest. This nation cannot police the world or assume the burden of solving its problems singlehandedly. Like any other country, it must assess its resources, identify its vital interests and see that its policies relate the one to the other.

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Many bitter disappointments and bitter frustrations of the past might have been avoided if U.S. policy had been based on this simple principle. As the President rightly says, "It is a way—the only way—we can carry out our responsibilties."

[From the Plain Dealer, Feb. 19, 1970]

NIXON'S FIRM WORLD POLICY

President Nixon spelled out a very firm version of the foreign policy of the United States, in his state of the world message.

He made it plain that the United States is ready to put the Cold War behind, and to enter an era of negotiation, but will remain an active power, ready to defend its principles, as well as its interests in the world.

He gave notice to the Soviet Union that it is America's policy to match the current ambitious Soviet nuclear weapon program, with its multiple warheads and widening deployment.

He warned that this country "would view any effort by the Soviet Union to seek predominance in the Middle East as a matter of grave concern."

In fact, he said, no major power should attempt to win selfish advantage out of the conflicts of nations in Africa or Asia.

Mr. Nixon also rejected flatly the Brezhnev Doctrine—by which Moscow justified its invasion of Czechoslovakia as a move for the good of "the Socialist community."

"The United States views the countries of East Europe as sovereign, not as parts of a monolith," said the President. "We can accept no doctrine that abridges that sovereignty."

The President invited the Kremlin leaders to "abandon 19th century perceptions hardly relevant to the new era," and to join America in building a lasting peace.

Such an invitation to quit its worldwide proselytizing, to quit believing that a worldwide Socialist triumph is historically inevitable, to begin accepting coexistence with capitalist democracy, hardly can win enthusiastic agreement in Moscow. But it does give the Soviets an American position to which they can adapt gracefully for this present risky period at least.

Mr. Nixon gave this country room to maneuver forward or to the rear wherever there is a threat of subversion. As he said at Guam, other nations must work out their personal or regional defense, but the United States will stand by its friends—to degrees varying from mere economic help to minor military assistance.

But if insurgency "shades" into external aggression, the United States will decide how much further it would go. Mr. Nixon gave up no U.S. options.

Mr. Nixon made no change in the American posture. He was not trying to sound new—only to be comprehensive and tough.

[From the Washington Daily News, Feb. 19, 1970]

THE FOREIGN POLICY MESSAGE

President Nixon should be congratulated for starting the practice of sending an annual report to Congress on U.S. foreign policy.

The largest item in our budget—defense—and the sharpest tragedy of recent years—young men dying in Vietnam—are directly linked to foreign affairs. Thus a report on the subject, along the lines of the President's traditional budget and economic messages, is more than justified.

An important point that emerges from the wide-ranging, 40,000-word report is that Mr. Nixon is probably a better administrator than his immediate predecessors. With the help of his brainy adviser for national security, Henry A. Kissinger, he has put together an improved system of getting facts, intelligence, analysis and options before making a foreign-policy decision.

All this, of course, is no guarantee the President will be right, and he recognizes it. Administration policies "will be judged on their results," he says, "not on how methodically they were made." But insofar as better procedure leads to better policy, he is on the right track.

The message contained one new element: a public warning to Russia not to exploit the Arab-Israeli conflict to seek "predominance" or "a special position" in the Middle East.

Presumably, this warning had been given to the Kremlin earlier thru diplomatic channels. It is good that the United States is now on record that it will resist losing its interests in the area. Hopefully, Russia will reconsider its dangerous practice of fishing for oil and power with high explosives.

Some people will be disturbed by Mr. Nixon's report that the Russians have caught up with us in nuclear weapons and are ahead in some categories. The fact remains, tho, that both countries possess vast overkill, and this may make it possible to reach arms control agreements.

In a hopeful phrase, the President reported "certain successes . . . in negotiations" with Russia and "cause for cautious optimism that others will follow." However, he quite rightly warned the public against euphoria or expecting a quick and easy understanding with the Kremlin.

On Vietnam, the message claimed continued progress. For instance, Viet Cong control over the rural population "has dropped sharply to less than 10 per cent." At the same time Mr. Nixon candidly wondered "whether the Vietnamization program will succeed."

Underpinning the report was what the President has decided to call the "Nixon Doctrine"—that the United States will keep its commitments and stand by its allies, but that they will have to do more for themselves and carry the brunt of ground fighting that may occur.

More clearly than before, the President defined his formula for a peace that is "more than the absence of war." It requires a partnership with friendly nations, strength to discourage would-be aggressors, and the willingness to negotiate, patiently and persistently.

Mr. Nixon did not say so, but his formula for peace also requires a willingness on the part of the Soviet Union to reach an accommodation with us. We should know more about that after another annual report or two.

[From the Chicago Daily News, Feb. 19, 1970]

NIXON'S VIEW OF THE WORLD

President Nixon's book-length message to Congress on the "state of the world" is a more comprehensive guide to American foreign policy than any President has attempted. If it contains little that is new or startling, it pulls together in one package a set of principles that too often can be seen only in fragmented form, and expresses the philosophy that undergrids the whole. It is a document that will bear much study.

Like his predecessors, Mr. Nixon seeks peace—a durable and just peace—and he has been around long enough to know that the goal is distant and the road is hard. His view is realistic without being fatalistic. Cooperation and partnership have their place, but so does defensive strength. Negotiation with the Soviets and new overtures in such hard-rock areas as Communist China and the Middle East must be diligently pursued, but in many areas only change that comes with time can begin to resolve the tangles.

Indeed, change is the theme that recurs again and again in the message. His own views of the preferred approaches to peace have obviously undergone much change since the days when he was vice president and John Foster Dulles was masterminding foreign policy. He speaks of the inability to look far into the future in a "world of onrushing change."

The President and his policy advisers—Henry Kissinger doubtless shares the credit for this document—see the United States adapting to change faster than many of the nations it must deal with. And while this may be debatable, there is surely merit in his direct challenge to the Soviet Union to "transcend the past."

"The Soviet Union shares with other countries the overwhelming temptation to continue to base its polices at home and abroad on old and familiar concepts," Mr. Nixon said. "But perceptions framed in the 19th Century are hardly relevant to the new era we are now entering."

True, but that concept was slow in arriving in Washington and by no means has been universally adopted there. The tendency all too often is to do business in the same old way, ignoring the rapid pace of change in technology and human relationships.

It isn't likely that Mr. Nixon's message will budge the Kremlin or penetrate the Bamboo Curtain. But if his recognition of the need to adopt to change can penetrate the halls of Congress, and, indeed, the nether reaches of the State Department, something will be gained.

[From the Wall Street Journal, Feb. 20, 1970]

MR. NIXON'S WORLD

"The United States will participate in the defense and development of allies and friends, but . . . America cannot—and will not—conceive all the plans, design all the programs, execute all the decisions and undertake all the defense of the free nations of the world. We will help where it makes a real difference and is considered in our interest."

That is the central thesis of the Nixon Doctrine as elaborated by the President in his "state of the world" message to Congress this week. It is not a policy of isolationism, Mr. Nixon emphasizes, but it is a breaking away from the policy of global interventionism that has prevailed since World War II.

Not that past policy was wholly unjustifiable, or that the present Administration is saying it was. America emerged from World War II to face the enormous threat of an aggressive, belligerent Soviet Union and, soon, a China gone Communist. It was only right and natural that the U.S. should try to protect freedom where it could in the world.

The fault—a not untypically American one—was in carrying the policy to extremes. It seemed gradually to be assumed that we were so rich and powerful we could resist aggression just about anywhere and raise up a mostly poverty-stricken world. This incaution led the Government into the mire of Vietnam, and especially to the Americanization of the war under President Johnson.

Vietnam, plainly, has been a great albeit grim teacher. It graphically demonstrated the paradox of the limitations of American power despite the application of tremendous force. If at all possible, the nation and the Administration would like not to repeat the lesson.

Yet it is a little unfair to the Administration to imply that Vietnam alone brought forth its new approach to world affairs. Even without Vietnam, something like the new policy would probably be emerging. The U.S. could not go on attempting, however beneficently, to order the world.

Moreover, while it is necessary to be extremely wary of Communist duplicity, it is increasingly necessary to at least try to work out some better way of living with the Communists; the gravity of the arms race by itself requires it.

So the Nixon policy envisions, in line with the actual limitations of power, a more limited military and political role for America in the world. It will leave more to the initiative and responsibility of its friends, at the same time endeavoring to work out practical arrangements with its enemies.

Obviously the policy cannot guarantee peace of a trouble-free world. But after the overheated interventions of the past quarter-century, it holds the promise of fresh and cool diplomatic air.

SUPPORT FROM THE NATION'S PRESS FOR PRESIDENT NIXON'S RECOMMENDATIONS REGARDING NATIONWIDE TRANSPORTATION STRIKES

HON. SHERMAN P. LLOYD

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 1970

Mr. LLOYD. Mr. Speaker, today this Congress may be called upon for the third time since 1963 to pass legislation to compel operation of the Nation's railroads.

Regardless of where the merits lie, Members are increasingly indignant that our labor laws are so ineffective that these crippling nationwide transportation strikes can occur in the absence of congressional intervention.

This week the President has presented to the Congress proposals which may lead us out of this jungle. As chairman of the House Republican Task Force on Labor Law Reform, I have been personally pleased by the support which the President has received from a majority of the Nation's press. I have previously inserted editorials in the RECORD from the New York Times, Washington Star, and Washington Post. Today, I am pleased to submit the editorial from my hometown paper, the Salt Lake Tribune:

NIXON'S LABOR PROPOSALS

No major change in federal labor law has been made in more than 20 years. And while the subject was raised almost every time a crippling nationwide strike occurred, presidents and Congress were reluctant to act.

Now, however, with a threatened shutdown of the nation's railroads in the background, President Nixon has asked Congress to approve sweeping revisions of the labor laws. His plan is both bold and novel since it would partially dismantle the Railway Labor Act of 1926 and give the President new weapons for settling major strikes by amending the Taft-Hartley Act of 1947.

Both laws operate on the principle that if a strike by labor or a lockout by management can be delayed for a specific period of time, then there is a good chance of working out a solution. But if the time limit expires and nothing is accomplished, the strike or lockout is perfectly legal. That has happened quite frequently in recent years.

Under the railway act, the President can delay a work stoppage for 60 days by appointing an emergency board to study the issues and recommend a solution. In his message to Congress, Mr. Nixon argued that these procedures actually delayed meaningful negotiation because the principals tend to wait until the board intervenes. Under the Taft-Hartley Act, the President can obtain an injunction halting a strike for an 80-day cooling off period. Thus, in Mr. Nixon's opinion, the T–H Law suffers from the same deficiency as the railway act. If a strike is resumed after the cooling off period, the President can either try to wait it out or seek special legislation authorizing a compulsory settlement.

Mr. Nixon wants Congress to take the railroads and airlines out from under the labor act's compulsory provisions and make them subject to the emergency provisions of T–H. He also wants T–H amended to give him three options for use after the cooling-off period ends.

The first option would allow the President to extend the cooling-off period for another 30 days if he felt the disputants were near a settlement. The second would authorize the President to require partial operation of the stricken industry in order to minimize the danger to the nation's health and safety. The third would allow the President to invoke what Mr. Nixon called the "final offer selection procedure."

This is a fairly complex system. First, deadlocked labor and management are required to submit one or two "final" offers to the secretary of labor. Next, they bargain between themselves on these offers. Should they fail to agree, a neutral panel chosen by the disputants—or the President if necessary—selects one of the "final" offers as the settlement.

Former President Johnson was pledged to ask Congress for similar powers but never did so. President Nixon, long an advocate of a "hands off" policy in labor, negotiations, now feels that legislative action is necessary to ward off crippling strikes in the transportation industry. "Our highly interdependent economy is extraordinarily vulnerable to any major interruption in the flow of goods," he said.

Some labor leaders have already told President Nixon that they regard his plan as compulsory arbitration in disguise. (Management has also opposed such arbitration.) However, the proposed law is compulsory only as a last resort and would apply only in major strikes endangering health and safety. More important, the very possibility of such action might produce a solution through collective bargaining long before the final stage was reached.

The labor laws obviously need overhauling. President Nixon has taken the lead. And Congress should give his proposals the most careful consideration. Although they may not be the correct answer, they certainly could be the basis of legislation the country desperately needs.

ASIAN DEVELOPMENT BANK

HON. CHESTER L. MIZE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 1970

Mr. MIZE. Mr. Speaker, the Asian Development Bank, which has now completed its third full year in operation, is a truly Asian institution. It was founded on Asian initiative and 64 percent of its stock is held by Asian members.

The Bank has already demonstrated its ability to contribute significantly to Asian economic development.

Six of its loans have been to industrial development banks in Korea, Pakistan, the Philippines, Singapore, and Thailand, providing funds for relending to private borrowers for industrial development. These loans will help to enlist the talent and initiative of private enterprise in the development of these countries. The Bank has also responded to the need for strengthening the management of the national development banks of the region through such activities as sponsoring a Conference of Development Banks of Asia and providing consultant services to individual national development banks.

It is expected that the Bank's lending activities will continue to increase, especially in those areas which require concessional lending. I believe the United States should support this essential aspect of the Bank's activities by joining with other donors in contributing to the Bank's special funds.

The present proposal will permit the Bank to enlarge its activities, at the same time ensuring that other donors provide their fair share of concessional aid to Asia.

ABM SYSTEM

HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 1970

Mr. DUNCAN. Mr. Speaker, though some of his critics would have us believe otherwise, President Nixon's backing of the second phase of the ABM system is in accord with his defense spending cuts and his desire to reach a strategic arms agreement with the Soviet Union—thus it is in accord with the hopes for peace of the whole world.

The need for this system is discussed in a recent editorial from the Los Angeles Times. Particularly significant is their emphasis on the Soviet missile buildup, and the consequent need for the United States to retain its strength in this field, thus preventing a "tilt in the nuclear balance of power" and furthering hopes for success in the arms talks. I urge my colleagues' careful consideration of the following editorial:

ABM CASE LOOKS PERSUASIVE

Issue.—Would we improve or reduce the chances of arms control by going ahead with another Safeguard ABM complex?

Congress has the right and the obligation to inquire closely into the need for going ahead with a second increment of the Safeguard antiballistic missile system. As of now, however, the Nixon Administration has made a persuasive case.

According to the overall blueprint submitted to Congress a year ago, the total Safeguard system—when and if completed—will include ABM complexes at 12 sites around the country. Last year, congressional approval was sought only for the first two.

What the Administration seeks now is money to go forward with construction of a third ABM complex and with site surveys (but no actual construction) of five more.

The battle lines are drawn, and it is clear that we face a repetition of last year's bitter, highly emotional ABM debate. There is room for honest disagreement on the issue. But one thing should be clear:

Notwithstanding objections by the critics to the contrary, President Nixon's current ABM proposal is consistent both with the effort to hold down military spending, and with American hopes for an agreement with the Soviet Union to end the missile race.

XUM

Mr. Nixon has already engineered a sharp change in the nation's priorities toward more emphasis on domestic problems.

Since he took office 13 months ago, spending for defense, space and foreign aid has gone substantially down, while the share of the budget devoted to housing, welfare, job training and other "human" concerns is up.

So far, defense spending cuts are being achieved mostly through reductions in military manpower, de-escalation in Vietnam, and closing of military installations. The Administration hopes to be able to slice spending for strategic weapons systems, too—but this depends upon Russian cooperation on mutual arms limitation.

Great hopes are being placed on the so-called SALT negotiations, or strategic arms limitation talks, which get under way in April. Meanwhile, however, the continuing Soviet missile buildup has to be viewed as a menacing and discouraging development.

In every year since 1965, Soviet missile construction and deployment has exceeded U.S. intelligence estimates. The buildup has been especially marked in the past year.

By the end of 1970, the United States will still lead in submarine-fired, Polaris-type missiles and in long-range bombers. But the Soviet Union will be substantially ahead in land-based ICBMs.

Defense Secretary Melvin Laird is not worried as long as this situation of relative parity exists. But by 1975 our aging bombers will be on the way to the scrap heap. And if the Soviets continue at the present rate, they will by that time enjoy superiority in Polaris-type missiles as well as ICBMs.

That big a tilt in the nuclear balance of power cannot be tolerated.

This country could react by deploying more offensive missiles to offset the Soviet buildup. But this would be costly, and might complicate the chances of success in the SALT talks.

By moving ahead with ABM protection of our Minuteman missiles, however, we can buy another year of time in which to persuade the Soviets to join us in stopping the arms race.

EDUCATION REFORM

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 1970

Mr. ZWACH. Mr. Speaker, a child's early years are the most important. As much of his intellectual development takes place in a child's first 5 years as in the next 13—when he is enrolled in the formal educational system.

It is for this reason that the President's message on education reform puts such stress on early learning programs. Creation of the Office of Child Development in the Department of Health, Education, and Welfare was a first step toward coordinating Federal efforts in the area of early childhood education. The network of experimental centers called for in the President's message, to be jointly established by HEW and the Office of Economic Opportunity, will offer an unparalleled opportunity to discover what works best in early childhood education.

For those reasons, I will support legislation needed to establish this program.

XUM

IMPACT AID REFORM ACT OF 1970

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 1970

Mr. PUCINSKI. Mr. Speaker, I have today introduced the Impact Aid Reform Act of 1970, which is designed to save the taxpayers of this Nation almost $400 million a year in impact aid.

This legislation has been proposed by President Nixon, and I am introducing it today so we can start immediate hearings.

It is my hope that we can accommodate the President and have this legislation acted on in sufficient time for the Appropriations Committee to have the authorization to include the $400 million saving in the 1971 budget.

Mr. Speaker, I shall include at the conclusion of my remarks an analysis of this legislation as prepared by the President in his message of February 26 when he proposed a series of budget reductions in Federal spending.

The legislation I have introduced today was included in the President's message. As chairman of the Subcommittee on General Education, which has jurisdiction over impact legislation, I have introduced the legislation exactly as proposed by the administration. I shall, at the appropriate time, offer an amendment which will provide Federal aid to communities which provide public education to children living on non-tax-producing public housing constructed by the Federal Government. This proposal has previously been adopted by the House and the Senate and is now awaiting final approval by the conferees.

I believe communities with a large concentration of children living in non-tax-producing public housing experience the same difficulties as those having a large population of school students living on Federal installations which likewise produce no revenue to the community.

But we shall address ourselves to this problem when the committee takes final action on the bill I have introduced today. Mr. Speaker, the President's analysis of the Impact Aid Reform Act of 1970 follows:

1. *I propose that we reform assistance to schools in Federally-impacted areas to meet more equitably the actual burden of Federal installations.*

In origin this program made good sense: Where a Federal installation such as an Army base existed in an area, and the children of families living on that installation went to a local school; and when the parents made no contribution to the tax base of the local school district, the Federal government agreed to reimburse the local district for the cost of educating the extra children.

But this impacted aid program, in its twenty years of existence, has been twisted out of shape. No longer is it limited to payments to schools serving children of parents who live on Federal property; 70 percent of the Federal payments to schools are now for children of Federal employees who live off base and pay local property taxes. In addition, the presence of a Federal installation (most sought-after by many communities) lifts the entire economy of a district. As a result, additional school aid is poured into relatively wealthy communities, when much poorer communities have far greater need for assistance.

One stark fact underscores this inequity: Nearly twice as much Federal money goes into the nation's wealthiest county through this program as goes into the one hundred poorest counties combined.

The new Impact Aid legislation will tighten eligibility requirements, eliminating payments to districts where Federal impact is small. As it reduces payments to the wealthier districts, it will reallocate funds to accord more with the financial needs of eligible districts. Children whose parents *live* on Federal property would be given greater weight than children whose parents only *work* on Federal property.

While saving money for the nation's taxpayers, the new plan would direct Federal funds to the school districts in greatest need—considering both their income level and the Federal impact upon their schools.

Reform of this program—which would make it fair once again to all the American people—would save $392 million in fiscal year 1971 appropriations.

POLLUTION IMPROVEMENT

HON. GEORGE BUSH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 1970

Mr. BUSH. Mr. Speaker, the concern over the degradation of our environment has reached immense proportion in the past few months. The Republican Task Force on Earth Resources and Population of which I am chairman, is now concentrating its efforts on the research of environmental problems. We have discovered that the situation is indeed serious, but with concentrated and dedicated efforts, we can obviate these destructive problems. The task force desires to be more than passively involved in this issue. We are aware that the problems of pollution call for action, and not mere words of interest. It is our intention to become participants in the quest for a solution, and not merely join the ranks of the critics.

Most of what we hear about the environment is pessimistic, and rightly so. However, there are signs of improvements, and the task force is eager to make these known to the public. One particular sign is the manpower training programs started under the Nixon administration to aid in the war against pollution. A recent news release from the U.S. Department of Labor mentions that under this program—

> Some 941 underskilled persons are being upgraded in their work as waste treatment plant operators in 20 States under a program sponsored by three Cabinet-level agencies.

By means of this consorted effort, the administration has provided the means to deal with labor as well as pollution problems.

This program is currently operating in 28 waste treatment plants, and my home

State of Texas presently is involved in two of these projects. For the benefit of my colleagues, I insert this news release:

920 POLLUTED-WATER CLEANERS IN TRAINING IN 20 STATES

One of the first manpower training programs started under the Nixon Administration last year is quietly aiding the war against pollution.

Some 941 underskilled persons are being upgraded in their work as waste treatment plant operators in 20 States under a program sponsored by three Cabinet-level agencies.

Secretary of Labor George P. Shultz announced today that the original contract signed in February, 1969, for 800 workers in 11 States was expanded to 920 in 20 States.

The program is currently operating in 28 plants in county and municipally operated waste treatment facilities with 21 more trainees than the program goal.

Cooperating with the Labor Department are the Department of Interior, the Department of Health, Education, and Welfare, and the Federal Water Pollution Control Administration.

All 28 programs will be completed between May and October of this year.

As of the first of this month, training was being conducted in:

Arkansas, 20 trainees; California, 120; Colorado, 24; Florida, 43; Illinois, 80; Indiana, 103; Iowa, 19; Kentucky, 40; Louisiana, 20; Maryland, 60; Michigan, 59; Missouri, 18; Nebraska, 18; New York, 36; Ohio, 26; Oregon, 40; Pennsylvania, 71; Texas, 75; Washington, 20; and West Virginia, 49.

The training plan has three phases. The first two are directed toward improving the skills of present employees who will receive three weeks of full-time instruction, followed by 22 weeks of combined classroom and on-the-job training.

The third phase is devoted to newly hired trainees who will be given 20 weeks of remedial education, classroom instruction, and on-the-job training.

The Water Pollution Control Administration negotiated the 28 subcontracts with local sponsors who are administering the skill upgrading programs. They will enable presently employed trainees to move up to better paying jobs and open up new employment opportunities for about 90 new workers.

About $1,031,000 has been allocated to the program by the Labor Department under the Manpower Development and Training Act (MDTA). A total of $800,000 will be devoted to on-the-job training costs and supplemental classroom instruction. The balance is being used to purchase technical equipment to help in the training program.

Under MDTA, employers sponsoring on-the-job training programs are reimbursed only for instructor fees and instruction materials. Trainees receive wages paid by the employer during the course of on-the-job training.

Detailed information on the 28 subcontracts in force follows:

State and local sponsor	Trainee goal	Trainees in program	Funds allocated
Arkansas: Northwest Arkansas Regional Planning Commission, Post Office Box 402, Springdale, Ark	20	20	$18,224
California: State Water Resources Control Board, 1416 9th St., Sacramento, Calif	100	120	85,000
Colorado: Metro Denver Sewage Disposal District No. 1, 3100 East 60th Ave., Commerce City, Colo	20	24	17,056
Florida:			
City of Fort Lauderdale, Post Office Drawer 1181, Fort Lauderdale, Fla	20	15	17,924
City of Pensacola, Post Office Box 1471, Pensacola, Fla	20	28	17,875
Illinois:			
Southern Illinois University, Edwardsville, Ill	20	20	19,494
Metro Sanitary District of Greater Chicago, 100 East Erie St., Chicago, Ill	60	60	51,972
Indiana:			
Mallory Technical Institute, 1315 East Washington St., Indianapolis, Ind	20	19	16,924
St. Joseph Valley Regional Institute, 1534 West Sample St., South Bend, Ind	20	20	16,924
Tippewa Regional Institute, 2316 South St., Lafayette, Ind	40	40	33,848
Northwest Technical Institute, Indiana Vocational Technical College, 1440 East 35th Ave., Gary, Ind	20	24	16,774
Iowa: City of Des Moines, City Hall, East 1st and Locust Sts., Des Moines, Iowa	20	19	16,924
Kentucky: University of Kentucky Research Foundation, Bowman Hall, Sec. E., Lexington, Ky	40	40	33,548
Louisiana: State of Louisiana, Department of Health, Post Office Box 60630, New Orleans, La	20	20	17,624
Maryland: Environmental Health Services, Maryland State Department of Health, 2305 North Charles St., Baltimore, Md	60	60	$49,740
Michigan:			
City of Detroit, Detroit Metro Water Services, 735 Randolph St., Detroit, Mich	40	36	33,048
Washtenaw Community College, Post Office Box 345, Ann Arbor, Mich	20	23	17,664
Missouri: Metropolitan St. Louis Sewer District, 200 Hampton Ave., St. Louis. Mo.	20	18	16,920
Nebraska: City of Omaha, Interim City Hall, Omaha, Nebr.	20	18	17,000
New York:			
Department of Water Resources, 40 Worth St., New York, N.Y	20	20	20,074
Rockland County Sewer District No. 1, 18 New Hampstead Rd., New City, N.Y	20	16	20,074
Ohio: City of Cleveland, 1825 Lakeside, Cleveland, Ohio	20	26	16,774
Oregon: City of Portland, 220 Southwest 5th Ave., Portland, Oreg	40	40	39,459
Pennsylvania: Department of Public Instruction, Commonwealth of Pennsylvania, Box 911, Harrisburg, Pa	80	71	69,880
Texas:			
North Central Texas Council of Government, Post Office Box 888, Arlington, Tex	40	35	34,840
University of Houston, 3801 Cullen Blvd, Houston, Tex	40	40	35,248
Washington: Municipality of Metro Seattle, 410 West Harrison St., Seattle, Wash	20	20	19,696
West Virginia: West Virginia Board of Regents, West Virginia University, Morgantown, W. Va	40	49	36,848

TRIBUTE TO HONORABLE JAMES B. UTT

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 1970

Mr. EVINS of Tennessee. Mr. Speaker, I was saddened to learn of the passing of our colleague and friend, James B. Utt, of California. I want to take this means of joining with members of the California delegation and others in paying a brief but sincere tribute to his memory.

Jim Utt was a friendly, genial, personable Congressman who was highly respected and regarded—not only because he was a Member of Congress but because he was also a great human being.

He was an able, vital, and important member of the Committee on Ways and Means. He rendered an outstanding service to his district, State, and Nation and will be greatly missed.

I want to extend to Mrs. Utt and other members of his family an expression of my deepest sympathy in their bereavement.

MILITARY PAY INCREASES

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 1970

Mr. WALDIE. Mr. Speaker, the decision of the administration to postpone military pay increases for 6 months strikes a hard blow at the many men and women in our armed services who are attempting to serve a career in the Nation's service and yet live a dignified and relatively comfortable life.

Mr. Speaker, present military pay levels make these objectives difficult, if at all possible.

A constituent of mine, Mr. K. C. Holm of Walnut Creek, Calif., recently wrote me of his views on this action and I would like to take this opportunity to enter his remarks in the RECORD.

The remarks follow:

DEAR MR. WALDIE: I find the Administration's recent stand on delaying a pay raise to the military from 1 July 70 to 1 January 1971 almost inconceivable.

Hundreds of young servicemen in your District are on welfare or receiving assistance from the Navy Relief Society because their income cannot support their families. ($145) a month for a married serviceman.

Please use your good office to do everything possible to reverse this sorry situation. How does one justify a $100,000 salary increase for the President on one hand against a delayed 6% raise for the military?

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 1970

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,400 American prisoners of war and their families.

How long?

KIRCHNER IS SPOKESMAN FOR FARMERS

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 1970

Mr. SCHWENGEL. Mr. Speaker, Mr. Don Kirchner, president of the Peoples Trust & Savings Bank in Riverside, Iowa, is the chairman of the Agriculture-Rural America Committee of the Independent Bankers Association of America. In this position, he has become a real spokesman for farmers throughout the Nation. Mr. Kirchner set fully his views on farm programs in a recent article in the Cedar Rapids Gazette:

[From the Cedar Rapids Gazette, Feb. 22, 1970]

PROBLEM WITH FARM PROGRAMS: "PEOPLE DON'T UNDERSTAND FARM PLANS"

(By Al Swegle)

RIVERSIDE.—Don Kirchner, agricultural observers claim, was the first person to call Orville Freeman's 1965 feed grain program a "cheap food policy".

"It was at Freeman's grassroots conference at Ames in 1967," Kirchner recalled.

"I said it then, and I've heard it several times since then. I really believe, despite the so-called high beef prices, that rural America is subsidizing the consumer and the manufacturer."

Kirchner is a small town banker who now would like to see the extension of the 1965 act that he called a "cheap food policy" three years ago.

"The No. 1 problem with the present farm law is that John Q. Public doesn't understand it," Kirchner, president of Peoples Trust and Savings Bank at Riverside, said in an interview last week.

"Several weeks ago I went into Washington, urging ASCS officials to restore advance payments and the old CCC grain facility loan programs.

"I was with two state senators from Nebraska and a farmer from Illinois, and we were meeting with Kenneth Frick, the head of the Agricultural Stabilization and Conservation Service.

"Frick said he didn't like welfare, and Frick said he was tired of farmers crawling to Washington for a handout.

"I told Frick that if the farmer ever heard him call the feed grain program a 'welfare program', he wouldn't get a farmer within ten miles of an ASCS office."

Kirchner says farmers are the last of the "individualists in this country," and he quarrels with economists who project that only 500,000 farmers are needed in agriculture.

"The economist has to work with the statistics he has," Kirchner reasons, "and the economist sees the trend to larger farms.

"He looks at the 1,500 acre farmer and disregards the 120 acre man. But the economist is only using the statistics he has.

"What he can't obtain—and what I contend is more important—is the statistics on whether the farmer is fully employed."

For the last two years, Kirchner has served as chairman of the agriculture committee of the Independent Bankers Association. Despite his concern that the feed grain program is a "cheap food policy," Kirchner said the law "has done the job it was intended to do."

"The only problem occurred in 1967 when fears of a worldwide grain shortage built surpluses again. I think it has worked beautifully for the farmer."

Kirchner was in Washington when Hardin announced his "set-aside" farm bill. He noted that the farm coalition criticized the bill for "giving the secretary of agriculture more power than any other in the history of the nation."

In particular, Kirchner was critical of the dropping of price support minimums and the feed grain bases proposed under the bill.

"When Hardin talks about reducing price supports to compete on the world market, you have to realize you're talking about the world dumping prices," he added.

"The only way our farmers should accept world prices for their products is if our country lives on the same standard of living as the rest of the world."

His committee is also working on a master plan for small community development, which small town bankers could use to find out what their community needed, the priorities, and how to get development started.

"There are 900 programs of federal assistance in the USDA and HUD," Kirchner said. "Before we started this project, I didn't know HUD had an office of small town services."

Kirchner cited the lack of loan money available from the Farmers Home Administration as a case where priorities were mixed.

"I had a young farmer in my office that I would have liked to have made a loan to," he explained. "I called in our FHA supervisor and suggested that he consider him for a possible loan.

"The supervisor told me he didn't have any funds available, but a couple of weeks later he came in asking if I knew of anyone who wanted to build a subdivision in Riverside. He said he had money available to finance a housing project."

"We need these other programs, but let's get our priorities right. If not, these other programs won't be of much value."

Kirchner also believes legislation is needed to control non-family corporate farming and vertical coordination contracts.

"Right now these aren't major problems, but if we wait until they become problems, then it will be too late," he said.

The Independent Bankers Association has 6,600 member banks, mainly in rural sectors.

POSTAL REFORM—WHO'S MIXED UP?

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 1970

Mr. DULSKI. Mr. Speaker, I have today sent the following telegram to Messrs. Lawrence F. O'Brien and Thruston B. Morton, cochairmen of the Citizens Committee on Postal Reform.

The telegram speaks for itself:

Your expensive half-page advertisement in today's Washington Post is quite intriguing and makes clear the fact you are paying no attention to what our Committee is doing in its executive sessions, despite regular announcements of progress.

You state that "any true postal reform bill should contain four key elements as envisioned in the bipartisan Kappel Report."

Would you believe—and it is fact—that our Committee already has approved three of the four elements you cite as essential? As for the fourth (labor-management), it is a later section in the bill which we expect to reach in the next meeting or two.

I am for true postal reform and have been right along. My record is clear. So is the belief and record of our Committee, as evidenced by the way in which we have proceeded to mark up a postal reform bill.

Your opposition to H.R. 4 in its present form is in direct conflict to the "key elements" you cite as vital.

Any citizens committee leadership that masquerades as supporting postal reform covering certain areas and then misrepresents the simple facts so blatantly should be censured severely by its membership which has contributed thousands of dollars to a misrepresented cause.

Your advertisement claims are a fraud not only upon the general public but also upon your membership—members whom, incidently, are beginning to see the light on this issue.

RHODESIA

HON. THOMAS M. PELLY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 1970

Mr. PELLY. Mr. Speaker, Rhodesia became a republic last Monday, March 2, when her new constitution came into effect. This gave rise to renewed pressure by the British Government on the U.S. Government to close its consulate in Salisbury. British Foreign Secretary Michael Stewart informed the House of Commons on Monday that this pressure had been unsuccessful and he added that "we have to accept there is no United Nations mandatory requirement to this effect." He also pointed out that the British Government maintain consular missions with regimes that it does not recognize, including North Vietnam.

The British have now taken an initiative in calling for an urgent meeting of the Security Council. This may take place on Friday. The British are offering a draft resolution which condemns Rhodesia's "purported assumption of republican status" and "again requires all states not to recognize this illegal regime and to refrain from rendering any assistance to it."

Mr. Speaker, there is nothing new in this resolution apart from the reference to Rhodesia's republican status and it is difficult to understand what the British motive can be in offering it unless it is to open up a debate in which further pressure will be put upon the United States and others to withdraw their consular missions from Salisbury. Whatever the intention, this is certain to be the effect of the debate. It is more than likely that the Afro/Asian members of the Council, with Communist backing, will offer a resolution calling for the mandatory withdrawal of consulates. My guess is that they will also call for organized support for anti-Rhodesian terrorist movements.

Of course, Mr. Speaker, I have little or no confidence in what attitude our Department of State will take, but I can say that a consensus of opinion of the people of the United States is that this country should oppose the British position and any anti-Rhodesian resolution in the United Nations. England has not supported us and has insisted on dealing with Communist Cuba and North Vietnam.

I hope we show some freedom of action and restore full trade and political relations with Rhodesia.

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AMERICAN RED CROSS CALLS FOR WORLDWIDE ACTION ON POW ISSUE

HON. E. ROSS ADAIR

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 1970

Mr. ADAIR. Mr. Speaker, the American Red Cross, as it should be, is in the forefront of the struggle to convince North Vietnam that it should adhere to the standards of the Geneva Convention in the treatment of our prisoners of war. Recently, the American Red Cross issued a statement summarizing their recent efforts and calling upon the world's Red Cross societies to form a solid front in order to secure action on this matter from Hanoi. I commend this statement to the attention of my colleagues:

AMERICAN RED CROSS BOARD URGES WORLD RED CROSS UNITE ON POW ISSUE

WASHINGTON, D.C., February 27.—In an unusual action, the American Red Cross has called on the world's Red Cross societies to form a solid front in demanding that the North Vietnamese meet humanitarian standards in the treatment of Americans they hold as prisoners of war.

"The continued confidence of the world in the integrity and solidarity of the Red Cross as an instrument committed to the cause of humanity requires that the Red Cross speak as a single voice on this subject", the American society's Board of Governors declared in a resolution which has been sent to all Red Cross, Red Crescent and Red Lion and Sun societies throughout the world, as well as to the International Committee of the Red Cross and the League of Red Cross Societies in Geneva, Switzerland.

The action was taken by the American Red Cross governing body at its regular quartely meeting on February 16, but the announcement was delayed until today to make sure that Red Cross leaders in other nations had received mail copies of the resolution, which calls on other Red Cross societies to report on their efforts to help U.S. military men held captive in North Vietnam.

The resolution also pledged that the American Red Cross would "pursue without interruption or abatement every effort to bring about humane treatment of prisoners of war to which they are entitled under the statutes of international law and the dictates of moral decency."

The Red Cross Board noted that five months had passed since the International Conference of the Red Cross met in Istanbul and five years had elapsed since the capture of the first American in the Vietnam conflict and yet North Vietnam continues its refusal to adhere to the Geneva Conventions to which it is a signatory.

The Istanbul conference adopted without dissent a resolution that called upon all nations to adhere to the Geneva Prisoner of War Convention. The action was considered particularly significant since the conference was attended by delegations representing nearly all nations, including the Soviet Union and other communist countries.

Following this meeting, the American Red Cross contacted some 25 national Red Cross societies asking that they and their respective governments intercede with Hanoi in behalf of the American prisoners.

Earlier, the U.S. society also launched a "Write Hanoi" campaign that has resulted in thousands of Americans writing letters direct to the president of North Vietnam, demanding that his government stand by its Geneva Convention pledge.

Also in line with this action, the U.S. Senate last week adopted a resolution protesting the treatment of U.S. prisoners of war and calling on the North Vietnamese to comply with the Geneva Conventions on the treatment of prisoners. The U.S. House of Representatives already had passed the resolution which endorses the action of the International Conference of the Red Cross in Istanbul "to obtain humane treatment and release of American prisoners of war."

The new American Red Cross resolution underlined that all Red Cross societies "are committed to ensure, by all means in their power, adherence to and scrupulous respect for the Prisoner of War Convention" and "that such commitment is applicable without regard to political considerations involved in armed conflicts giving rise to the capture and detention of prisoners of war."

It asked that American Red Cross Chairman E. Roland Harriman "communicate the text of this resolution to each member of the International Red Cross, to seek from each member advice as to the efforts made on behalf of the prisoners of war held by the Government of North Vietnam, and to report the substance of each reply to the next meeting of the Board of Governors," which will be in May.

The Red Cross Board of Governors is made up of 50 outstanding Americans who serve as volunteers.

KEEPING ORDER IN THE COURT

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 1970

Mr. DERWINSKI. Mr. Speaker, recently I directed the attention of the Members to the controversy in court procedures in the so-called Chicago "7" conspiracy trial. Also related to the proper judicial procedure is the Black Panthers trial in New York City. An editorial very properly commenting on the judge's action in maintaining order in that court was carried in the Friday, February 27 Chicago Today which I insert into the RECORD at this point:

KEEPING ORDER IN COURT

We're impressed with the way Justice John M. Murtagh of the New York Supreme Court handled unruly defendants in the pre-trial hearings of 13 Black Panthers accused of a bomb conspiracy. Announcing that he had been called a "racist pig" once too often, Murtagh simply recessed the hearings until the Panthers promise—in writing—to behave.

That should have a salutary effect. High bond is keeping 12 of the Panthers in jail, and there they will stay until they sign a pledge that they won't disrupt proceedings in court. The beauty of this treatment is that it doesn't bend anyone's civil liberties. Bond has not been denied. Requiring the pledge isn't asking too much, because orderly conduct can only help preserve the defendants' own rights to a fair trial. A raucous sideshow isn't fair to either side.

It became clear during Chicago's conspiracy trial that something must be done to muzzle defendants who insist on interfering with their own due process by rioting in court. It's also pretty clear that the cure doesn't lie in autocratic measures like denying bail and imposing long contempt sentences. Judge Murtagh's strategy may be the answer.

ATOMIC ENERGY AND THE ENVIRONMENT

HON. OGDEN R. REID

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 1970

Mr. REID of New York. Mr. Speaker, as my colleagues will remember, the gentleman from New York (Mr. WOLFF) and I cosponsored a public hearing on atomic energy and the environment on February 6. I would like to include in today's RECORD the statements of three of the witnesses at that hearing. The statements of Marvin Kalkstein of the State University of New York at Stony Brook, Mary Hays Weik of the Committee To End Radiological Hazards, and Mr. Alan Katzenstein of Larchmont, N.Y., follow:

ATOMIC ENERGY AND THE ENVIRONMENT

(By Marvin Kalkstein)

INTRODUCTION

If we are to arrive at a rational policy for the production of power consistent with maintaining the quality of our environment we must eventually consider our power needs, the possible energy sources for providing this power, and the consequences of generating power by a given energy source. Until recently, the major factor considered in power generation was the economic cost, but now we have become cognizant of the social costs as well. In particular, there is great concern about the effect upon the environment.

In recent years, attention has been focused upon nuclear energy as a means of augmenting existing power capacity. It is important, therefore, that we consider the interaction of nuclear power generation with the environment.

ENVIRONMENTAL CONCERNS

In the production of power by nuclear means there are two major areas of concern. The first relates to the consequences of an accident occurring, with the potential of an explosion of major proportions and also the release of very large quantities of highly dangerous radio-active waste products. While the safety record with respect to the operation of nuclear reactors has been reasonably good, there are a number of qualifications that must be taken into account. Many of these facilities have been of an experimental nature and therefore have received more than what might be regarded as usual attention and care. Even so, there have been a number of accidents. Once the use of nuclear reactors for energy becomes widespread the level of competence and attention devoted to their operation may drop. Since part of the danger of accident is due to human failure one might expect a greater rather than lesser likelihood of this occurring with time. Furthermore, most of the power reactors presently under construction or projected for the future are much larger than any that have been in operation so far. We are therefore faced with a situation for which we have as yet no comparable experience. In addition, because of the size of these reactors the consequences of any accident involving them could be much greater.

The other major area of concern is with the consequences of the normal operation of nuclear power plants. One result of production of nuclear power is the production of radio-active waste products. These have the potential of being released to the environment during reactor operation as air or water pollutants. In addition, they may be released from the processing plants to which the nuclear fuels are sent for reprocessing after

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they have been used for power production. Further, the radio-active waste separated in the processing stage must then be stored or disposed of with the possibility, again, of further introduction of this waste into the environment.

The two types of nuclear reactors presently in use are the boiling water reactors (BWR) and pressurized water reactors (PWR). They both present particular pollution problems, with the BWR putting out much more gaseous radio-active waste, while the PWR produces more liquid radio-active waste. Comparisons of the radio-active emissions into the air from a modern coal-fired plant and from the BWR and PWR show that the BWR are several orders of magnitude higher than the others with the emissions of the PWR being least of all.

Monitoring of wild-life in the vicinity of the Western New York Nuclear Fuel Center from 1964 to the present has detected radioactivity in fish as much as several hundred times higher than background levels. Three deer taken within the confines of the Center in December 1967 also showed radio-activity several hundred times background. Continued contamination at these levels might well exceed the established permissible limits. Presumably, steps are being taken at that facility to reduce the radio-active wastes in the liquid effluent.

The other major concern with regard to the normal operations of a nuclear power production facility is with regard to thermal pollution. Nuclear power plants produce power by the heating of water. This water is usually cooled by dumping the heat into a nearby water source, thereby raising its temperature. Too high a rise in temperature can have an adverse effect upon aquatic life and can also lead to the conditions that can breed various other types of water pollution. While most conventional sources of energy also contribute thermal pollution, the nuclear power plant may be of greater concern for two reasons. The first is that thus far the conversion of thermal to electric energy is less efficient for a nuclear power plant than for most conventional plants. Secondly, for reasons of economy, nuclear power plants tend to operate at very high power levels, thereby dumping more heat into the local environment than most conventional power plants.

GENERAL CONSIDERATIONS

As indicated earlier, our experiences with practical nuclear reactors for power production purposes is very limited and ought to be expanded upon with great caution. The expectations of economic power from nuclear reactors still have not been firmly established. Without artificial price supports or subsidization of one sort or another, it may still be many years before economic considerations become a compelling reason for going to nuclear power. While acknowledging that the probability of an accident of major catastrophic proportions is very remote, its probability must be kept in mind in considering the siting of nuclear reactors with respect to areas of large population density. The development in recent years of methods for power transmission with little loss over distance now makes it technically feasible to have large power facilities well removed from population centers.

In dealing with the problems of our environment in the 1970's, consideration will have to be given to a limitation upon economic growth. Parallel to this might be limitations upon the amount of power used and therefore upon the amount of power produced. One of the things we must do is to examine our power needs and to attempt to establish some limits. We then must more fully explore the different energy sources that might be utilized to meet these needs. To reduce the pollution effects of power production, we should seek the most efficient means of production with the least by-products of a pollution nature. If we were to devote as much attention, man-power and money to the research and development of alternate power sources, such as solar energy and magneto-hydrodynamics, as we have to nuclear power, there is a high likelihood that impressive gains could be made.

To the extent that we utilize nuclear power, greater care must be taken to effectively minimize the radiation pollution. It was suggested by Drs. John W. Gofman and Arthur R. Tamplin, of the University of California Lawrence Radiation Laboratory, in testimony presented before the Sub-committee on Air and Water Pollution of the Senate Committee on Public Works on November 18, 1969 that the allowable radiation discharge to the population from peaceful atomic energy activities be revised downward by at least a factor of tenfold. Furthermore, it should be kept in mind that allowable radiation exposures to the population are meant to apply for the total exposure of the population. Under circumstances where there may be many contributing sources to that total, the limitations to be imposed upon the individual contributors, be they nuclear power reactors, processing plants, or whatever, must be set at much lower levels. It would be wise if this were done before these facilities were installed so that they could be planned for and accommodated in advance rather than facing the probability of costly and difficult modification afterwards should it prove necessary.

POLICY CONSIDERATIONS

Here again Congress must take the role of guardian of the public interest. The government agencies responsible for the protection of the public with regard to such activities as nuclear power have often served the conflicting interests of promoting such activities without sufficient concern for the public welfare. I believe such has been the case with the Atomic Energy Commission and the Joint Committee on Atomic Energy.

The right to set radiation standards is now being contested in the courts. The Minnesota Pollution Control Administration has granted a permit for a nuclear power plant about 30 miles from Minneapolis setting a limit on stock release at about 2 percent of that allowed by AEC regulations. The power company, the Northern States Power Company, has brought suit challenging the state's authority to set more rigid restrictions. Other states are petitioning to file amicus curiae briefs supporting Minnesota's position.

New York is one of about twenty states that have entered into agreement with the AEC for licensing purposes which commits the state to AEC standards. This agreement should be examined to determine if New York can impose stricter standards and whether New York can also support Minnesota's position.

I would recommend that new limits, at least a factor of 10 below the present limits, be adopted and furthermore that adoption of more stringent limits be allowed on a local basis.

WITHOUT CONSENT OF THE PEOPLE: THE IRRESPONSIBLE SITING, STANDARDS, AND WASTES OF ATOMIC POWER

(By Mary Hays Weik)

I am going to discuss the unsolved problems of nuclear power—its siting, its standards and its wastes, as they affect the lives of our citizens and their environment. Until now, such discussions have been a 3-cornored dialog between science, industry and government. I believe the time has come when the citizen himself must take a leading part in these discussions. For after all, it is he who is paying the extravagant costs of nuclear development—directly and indirectly, in his taxes and living expenses and the health of himself and his family.

We live in a country that prides itself on the balanced powers of its federal government. Yet today, by our negligence as citizens, we are subjected to the unbridled power, not of that government—which rests on the support and will of the people—but of a hastily created *executive agency*, the U.S. Atomic Energy Commission. The decisions of this agency, which have never been properly tested in court, are regarded by many Americans as final. The results of these decisions, too long accepted without question, are beginning to damage the living environment of many sections of our continent. I have visited some of these sections, as in western Colorado and Canada, where the more dangerous types of atomic industry are carried on—uranium mining, underground testing, and nuclear fuel reprocessing. I have seen the barren landscapes that surround them, the leafless trees and blackened grass that a few years of these undertakings leave behind. You will find little mention of such damage in our daily papers, or on the air; but if you trace the statistical records of the United States and Canada, you will find around these plants, after a few years' operation, a steady rise in leukemia, bone cancer and other cancers, miscarriages and birth deformities—all long associated with radiation damage.

Of these same lethal substances—refined and enriched uranium, and its deadly by-product, plutonium—the fuel of nuclear power reactors is made. Hundreds of tons of such material are contained in today's reactors; and though elaborate precautions are taken to guard their safety, a really serious disaster could wreck their safety controls and send their contents pouring out of the plant.

Why has there been, until recently, little or no public protest of these dangerous plants, even when they are proposed for sites within or close to major cities? Well, the truth is, people know little about them. When such a plant is proposed for an area, our public media—our newspapers and broadcasts—supply no factual information on their dangers of accident and lasting pollution, but only echo the reassuring statements of those promoting them. In America, economic progress has been based on business promotion. But there still exist certain limits—human limits—to such a policy, which must be kept in mind if society is to survive; and in the hasty development of this damaging industry, we have overstepped those limits.

The rise of civil use of atomic power, here and in other countries, has been a mixture of national ambitions and financial pressures. In 1955 such plans in America were first announced, but it was not until the summer of '65 when full support was given to the Price-Anderson Liability Act—to protect private atomic development by federal insurance against major nuclear disasters—that wide promotion of nuclear plants began to appear. More than a hundred large atomic power plants have been proposed since then, in many parts of our country, at enormous costs running into many hundreds of millions of dollars. Many of these plants, quietly located in areas where little was known of their dangers, are now built or in process of construction. Six of these big atomic plants, built at fantastic cost, have already proved defective and been abandoned.[1] Less than 15 plants are in use, and these intermittently, with frequent shutdowns for repair.

Every government hearing on a proposed

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[1] The *Fermi* plant near Detroit; the *Bonus* plant in Puerto Rico; the *Piqua, Ohio* plant; the *Parr, S.C.* plant; the *Sioux City, So.Dak.* plant; the *Hallam, Neb.* plant (See AEC pub'n, "Nuclear Reactors Built, Being Built or Planned," Dec. 31/68)

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new nuclear power plant brings out the enormous problems of designing and maintenance such a project involves. Why, then, is the electrical industry so eager to build these inefficient and dangerous plants? The answer is a simple one. It is often forgotten that, where the electrical industry is concerned, nuclear development is a very profitable two-way street. To the reactor designers and builders it offers of course an immense and rewarding market. But for the nation's electric utilities, now interlocked in a vast continental power grid, it also creates a new and enormously profitable *consumer market*; for at every stage of the production of its massive plants and their complex nuclear fuel—all through its mining, refining, enrichment, processing and reprocessing—tremendous amounts of electricity are required. As long ago as 1955, when most atomic production was still in government hands, the largest consumer of electricity in the United States, the nation's biggest electric customer, was the *U.S. Atomic Energy Commission*—which was buying and using as much electric power as was then being used to heat and light ¾ *of all America's 50 million homes.* Now consider the enormous growth of all kinds of atomic development since then—all powered by electricity—and you will realize *why* the utilizes are so eager to increase the use of atomic power, while continually crying *the need for more electricity*.

A strong incentive for placing the proposed *Shoreham, Long Island* nuclear power plant on the coast just north of the big *Brookhaven Lab reservation* is to tap the enormous electrical needs of the big testing-plant. This ignores the obvious fact that this double siting would also double local wastes to the area, and create a pollution situation against all common sense.

SITING

As their promoters' ambitions have grown, so has the size of the nuclear plants proposed. Those of today run into *billions of watts*—thousands of megawatts (million-watt units), 10 to 40 times the size of the plants first built. Why? Because planning of these plants today is based on cost accounting, the system that holds that the bigger the project the more can be saved in manpower and detail—and, sadly enough, one of the details subject to cutting may well be *backup safety devices*. In other words, business "economy" has superseded scientific caution in these enormous new plants, with their fuel loads of hundreds of tons of the most dangerous materials ever known. These are the giant atomic plants, *with which no previous actual experience has been had*, which are being located in or near our greatest metropolitan areas today.

The siting of these enormous plants is capricious and often politically dictated, to provide a showpiece for a local area. It has usually little regard for the region's physical nature or for the wishes of its more intelligent citizens. At the first International Conference on "Atoms For Peace" at Geneva in 1955, careful standards were set up for the siting of nuclear power plants. The head of the British atomic agency, then the largest in the world, advised that an open space of *18 miles, cleared of all human occupants*, be required around every such plant. This was advice from a country, England, where space was at a minimum, a country smaller than one of our states, California.

In March, 1957 the U.S. Atomic Energy Commission released the famous "Brookhaven Report"[2] by a board of American nuclear scientists, on the amount of damage to be expected from a maximum nuclear accident, in a metropolitan area, to what was then considered a very large atomic power plant of about 150 electric megawatts (today's plants are 10 to 40 times that size). The damages forecast—5,400 persons killed, up to 43,000 injured, property damage up to $7 billion (existing government liability is for only $560 *million*), and an agricultural area of 10,000 to 150,000 sq. miles made barren—certainly startled the few citizens who saw it. I say "few" because the Brookhaven Report was soon quietly withdrawn from general circulation.

Almost exactly 2 years later, in March 1962, a second major government report appeared[3] which calculated the distance regulations to to be observed in the siting of American atomic plants—how many miles from populated areas, etc. they should be. This is still in official standing, but unfortunately is little observed in actual practice. The *completely unpopulated* "exclusion area" of early plans has now practically vanished, shrunk to the size of a couple of city lots. Where are these mammoth plants located today? Directly on the shores of our most important rivers—the Mississippi, the Missouri, the Columbia, the Hudson, the Connecticut; around our greatest fresh-water lakes; within the metropolitan limits and suburbs of our leading American cities—New York, Philadelphia, Chicago, Boston, Los Angeles, Detroit, Kansas City, Cincinnati. Seven of these tremendous plants will pollute the waters of Lake Michigan; five are planned by the U.S. and Canada on Lake Ontario; with others emptying their poisonous wastes into Lake Erie and Lake Huron. Peaceful Long Island Sound now faces the prospect of nearly 20 huge atomic plants, located on its shores or pouring their wastes into its waters.

What are the siting habits in actual practice today? They can be summed up in 3 short rules tacitly observed by those who locate the plants:

(1) Pick a quiet, conservative spot, as close as possible to city markets.

(2) Soften up the public—and local officials—with a pro-atomic public relations campaign before you bring in the reactor.

(3) If the community accepts *one* atomic plant without protest, later add 2 or 3 (or 4 or 5) more.

Thus Chicago's suburban "Dresden I" has been followed by Dresden II and III, plus a nuclear wastes burial ground and a nuclear fuels reprocessing plant. And "Indian Point I" on the Hudson near the New York City suburb of Peekskill has been followed by Indian Point II and III—with IV and V planned to follow. And Philadelphia, with one big nuclear plant proposed upstream on the Delaware, and a second big plant now planned (also upstream) on its other river the Schuylkill—and a third such plant down Delaware Bay, on the Salem County, N.J. shore, whose wastes will travel up to Philadelphia on the tides. And Detroit—where a 1966 disaster to the dangerous "Fermi" plant was narrowly averted (it *could* have destroyed the whole city)—is now to have another atomic plant *20 times bigger*, the "Fermi II."

Wastes

What about the atomic wastes from these enormous plants—the dangerous radioactive elements released in such fantastic volume to the air, water and vegetation of their environment? It is amazing to find that *no government regulation* requires any report to the public by the plants' owners[4] on air and water monitoring around the plant. Yet it is on this uninformed public that the damaging emanations from such a plant are destined to fall—especially on those so unfortunate as to live anywhere within its radius. And this radius increases as the plants increase in size.

It is not generally known that the radioactivity of these invisible plant wastes increases enormously with every year of the plant's life. At the present relatively small Indian Point I plant, these wastes are charted in the AEC's Oak Ridge monthly, *Nuclear Safety* of Oct/68, as increased in the plant's first 6 years *by 1,000 times*—from .5 of a curie in its first year, 1962, to 500 curies in its sixth year, 1968.

Evidence of this fact was shown at a recent hearing on California's great "San Onofro" atomic plant at San Clemente (now due for an increase to 4 times its present size), when its utility owners requested an end to all plant monitoring *at the end of its first year*. It is here that President Nixon's vacation "White House" stands, *just 2 miles* away from the plant, in what, according to the figures in a recent government publication[5] is *the most dangerous spot* for such a plant's escaping fumes. (I wonder if the President knows?)

STANDARDS

What about the limits to the radiation to which the citizen—without his consent and often without his knowledge—can be exposed? These limits vary, I regret to say, with the area and the number and size of its installations. They are neither open nor fair, and in practice they are often ignored. And they are purposely expressed in terms the average citizen cannot understand.

The 0.5 of a rem a year (a *rem* amounts to one X-Ray unit) is allowed by the regulations of the AEC's *General Licensing Provisions* for the residents of "unrestricted public areas." Yet the Aug/69 "Initial Decision" on the big *Indian Point Reactor III* below Peekskill cites as allowable for the surrounding population a *"300-rem limit"* which could on "necessity" be expanded to "ten times" that amount, or 3,000 rems. (450 to 750 rems can be fatal.)

In other words, for the unfortunate citizens who happen to live near a major plant site, the .5 of a rem normally allowed in Commission regulations could be extended to any fantastic amount the occasion (and its liability) dictates!

In another example: In 1961, U.S. public health authorities warned that if Strontium 90 in milk exceeded *20 picocuries* (trillionths of a curie) per liter, *official decontamination must begin*. In June/63, hardly 2 years later, in New York City, Strontium 90 in milk was recorded at 59 picocuries, nearly *3 times* the limit proclaimed in '61. I was here in New York that summer and I can testify that no public warning of any kind was issued, no milk kept anywhere from public sale.

Three years later, in Oct/66, the Springville Dam on Cattaraugus River, downstream from the big *Nuclear Fuels reprocessing plant* SE of Buffalo, N.Y., Strontium 90 (after an unpublicized plant accident) was recorded in the NY State "Radiological Bulletin" at *264 picocuries* per liter. (Remember, the caution limit was *20*.) I visited that area afterwards, and none of the local people I talked with, no one at the local paper, recalled any public notice whatever of any emergency. No milk was withdrawn from circulation. In November of 1969, last fall, Strontium 90 in the same stream was recorded at *1,111 picocuries*. This massive pollution of course reached the dairy herds so plentiful in this area, since they drink local water and graze in local fields. What happened to their milk (which is sent out for sale all over the state)? What happened to the people who drank it?

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[2] *Theoretical Possibilities and Consequences of Major Accidents in Large Nuclear Power Plants* (Brookhaven, N.Y. Lab, March/57).

[3] *Calculation of Distance Factors For Power & Test Reactor Sites*, (TID-14844), U.S. AEC, Div. of Technical Information (Washington, D.C. March 25/62)

[4] *The Public Health Service Role in Reactor Safety Evaluation* (p. 20), by Chas. L. Weaver, Bur. of Radiological Health, US. Public Health Service, Phila., Nov. 13/69.

[5] *Considerations Affecting Steam Power Plant Site Selection:* US Science & Technology Office, with other cooperating government agencies, including the AEC (See *Figure 22* on Page 126, showing descending fumes at *one-half to 2 miles away*—text at bottom p. 102).

In the same month, October, fish taken from the creek above, just outside the plant area and regarded as "restricted" property, registered *12,230 picocuries* per kilogram (about 2 pounds). 8 months later, in June/67, the figure had risen to *15,300 picocuries*. Was the fish publicly condemned for eating by animals or humans? No, the fence around the area was merely mended, and property notices posted were not even marked with an atomic warning sign. This is the enormous plant of which New York State is so proud, and which its new owner, Getty Oil, expected to increase to *3 times* its present size. *What will its wastes be then?*

CONCLUSION

Never before in our nation's history have we given such uninhibited powers to any government agency as we have given to the Atomic Energy Commission—functioning under rules and regulations it has *itself* made, and answerable, for practical purposes, to no other authority than its own. To allot to it such absolute power to hazard the citizen's life and property—unimpeded by any constitutional controls—amounts to something new in our national system—*government by executive agency*, which is only one step removed from government by edict.

Much of the confusion in Commission policy derives from its own ambiguous structure—the double mission it was given at the start, to be both promoter and regulator of atomic power: a kind of Siamese Twins arrangement that allows no independent movement in *any* direction. Just as with the original Siamese Twins, the one with the strongest will determined the direction the twins would go, so today the policy of the AEC has come to be dominated by the promoter role in its makeup—the side most favored by the strong-willed atomic industry and those who finance it.

At a recent Commission hearing, one of the AEC's regulatory staff remarked that its hearing boards "had never turned down an application for a nuclear plant." This is a dangerous record. For it shows all too clearly the prevailing mood of the Commission's divided structure.

What must the citizen keep in mind, faced with a local proposal for one of these huge atomic plants?

(1) There is *no emergency need* for this new, insufficiently tested type of power, since ample supplies of other, conventional fuels are available for use.

(2) Nuclear power plants are inefficient, wasteful and enormously costly in practice.

(3) There is no safety device on earth that can guarantee absolute safety in these plants or completely prevent the dangerous invisible pollution they release. Costly cooling towers, and underground or offshore island siting offer *no solution* to their human damage.

Asking the citizen to support atomic development is asking him to endanger his own and his family's health; to poison the water and food he needs for his existence; to ruin the natural environment around him: the rivers, lakes and oceans and all the life they contain . . . and to pay for it all in heavier taxes and boosted living costs.

Can any citizen of intelligence accept this incredible burden? Only a *10-year moratorium* on all atomic development, that will give our people time to stop and think, can produce a reasonable answer to this problem.

BIOGRAPHICAL

Mary Hays Weik grew up in a small midwestern town, but has lived and worked in New York for many years. She has written for newspapers and magazines, and spent several years as an Observer at the United Nations for the Fellowship of World Citizens, of which she was a founder. She is the mother of a son and a daughter, and the author of four books.

In 1962, concerned by Consolidated Edison's proposal to build a giant nuclear power plant, the "Ravenswood," at the heart of New York City, she organized the citizens' *Committee To End Radiological Hazards*, and presented the facts of the undisclosed dangers involved in the project before a Public Hearing held by the New York City Council. Later, Con-Edison withdrew its proposal.

Since the defeat of the Ravenswood project, Mrs. Weik has continued her work of informing the public of the formidable wastes and hazards of such atomic projects—which a prominent British economist has called "the most serious agent of pollution of our environment and the greatest threat to man's survival on earth."

Mrs. Weik is the author of nine research studies issued by the Committee in its "Nuclear Information Series"—the most extensive of which, "*The Story Nobody Prints:* Health Conditions Around U.S. Atomic Plants," has appeared in a second enlarged edition and in French and German translations in Europe. Much of her material was gathered at first hand in travels through the United States, Canada, and several countries of Europe.

STATEMENT BY ALAN W. KATZENSTEIN

Congressman Reid, Congressman Wolff and Congressman Addabbo. Thank you for the invitation to appear here today.

My name is Alan W. Katzenstein. My home is in Larchmont, New York.

I am a graduate of the Massachusetts Institute of Technology and of the N.Y.U. Graduate School of Business Administration. I am currently Vice President and Director of Technical Research for Lennen & Newell, Inc., the 17th largest advertising agency in the United States. To the best of my knowledge none of our agency's clients is involved directly or indirectly in the matter of radiation and thermal pollution, which is the subject of your inquiry here today.

My remarks reflect entirely my own professional opinion. I appear solely as a private citizen, concerned with deterioration in the quality of our environment and hopeful that we can take adequate measures to reduce the threat that such deterioration will continue.

My concern over the threat of environmental pollution has been considerably increased by the announced plans for constructing and operating a large, nuclear fueled power plant on David's Island, New Rochelle, New York, in Western Long Island Sound and only a mile or two from the edge of New York City. But my concern is not confined to that particular installation or to Long Island Sound alone. Any threat to the quality of our environment, anywhere in the United States, should be a matter of concern by all thoughtful citizens.

And the principal point I hope to make to you today is that it is not necessary to resign ourselves to environmental deterioration as a condition for assuring the power supplies needed to live and work and produce in this country.

We know that the needs for power keep increasing every year. There can be no argument against the desirability of assuring adequate power for the population at all times.

Nor can there be an argument against the right or privilege of industry to meet its obligations to supply adequate power at a suitable return to its stockholders.

But assuring adequate power and the privilege of operating profitably need not and must not be accommodated without regard for other considerations, not the least of which is the need to keep the environment fit, safe and comfortable for all aspects of life.

Keeping the environment fit would pose no problem to us and it would not be a matter of such concern if there were already sufficient practical experience and technical knowledge to assure the prevention of pollution or to nullify its effects. I have followed much of the current literature seeking just this kind of information. Unfortunately, I find a consistent pattern that indicates a grave lack of technical know-how. It is evident that much more study is needed before we will have the answers.

There seems to be practically no knowledge of the real effects of thermal pollution on the environment. We do not yet know enough about the distribution and dissipation of waste energy in bodies of water, particularly in tidal and estuarial waters.

Less than a year ago, *Chemical & Engineering News*, a journal of the American Chemical Society, reported that the Federal Government had not yet approved water quality standards for the nuclear power plants because of a lack of data for setting temperature criteria and that ". . . the technical baselines for thermal pollution control . . ." were just then being developed. I find no evidence that those technical baselines have yet been established. As recently as last December, this was the subject of a symposium panel at the annual meeting of the American Association for the Advancement of Science in Boston.

Not only do we lack sufficient knowledge of the physical effects of thermal pollution, we also lack knowledge of the biological effects of temperature increases. And while there have been and continue to be studies of the effects of temperature increases on fish and shellfish, there is a dearth of knowledge on the effects of elevated temperatures on aquatic plant life.

We have all seen the publicity on the unhappy effects of chemical pollution on the quality of the environment in such places as the communities bordering Lake Erie, particularly Toledo and Cleveland, Ohio, and the communities surrounding San Francisco Bay. There is every reason to be concerned about the strong possibility of similarly adverse effects from thermal pollution on bodies like Long Island Sound.

While the effects of thermal pollution on the quality of the environment are not fully understood, engineers can calculate the quantities of heat energy which must be dissipated from power plants of any particular design. And it seems generally agreed that nuclear fueled generating plants waste 50–60% more energy—i.e., heat—than fossil-fueled plants.

At the moment, then, we know (or can determine) how much waste heat will be thrown off by a power generating plant, even though we lack the know-how for significantly reducing the excess of energy wastage. It is not in the public interest to permit energy dumping merely because we need the power but don't know how to prevent the pollution.

Fortunately, I think there is an alternative. When adequately motivated, industry can usually find a way to overcome problems of the type we are now concerned with. And, I think we should now examine the ways of motivating power generating companies to prevent thermal pollution of our waters.

The problem of controlling heat output from power plants seems exactly analogous to the problem of jet engine noise faced by the aviation industry. We read today that the engines for the Boeing 747 are more powerful than those used on earlier jet aircraft. Had the earlier trend of noise-to-power ratios been maintained, the more powerful 747 would have been a much noisier plane than the 707, DC–8 and other large jets. But public concern over noise pollution around airports raised the threat that 747's would not be permitted to operate from some airports. Fear of restriction motivated the aircraft and engine industries to develop improved technology, so that today the 747 is not only *not noisier* than the smaller jets, it is reported to be somewhat quieter on takeoff than the earlier models.

I do not pretend that there are easy solutions to the problems of controlling thermal pollution from power plants, whether nuclear or fossil fueled. There is no question that it will be costly to develop and design power plants that utilize energy more efficiently.

Yet there is reason to believe that a creative approach to handling the heat wastage problem will bring dividends to the utilities. We would expect that a plant engineered for greater efficiency can be more economical in the long run. But if it is not more economical, then it will still be less expensive for all of us if tax or other incentives are granted to offset the added expense of safeguarding the environment.

Regardless of which approach is followed, it is urgent that the resources of the country be protected and the quality of the environment be preserved. The dollar cost of preventing thermal pollution will be less than the cost of overcoming the problem if it is allowed to occur. In fact, we must be realistic and recognize that once pollution is permitted to occur, it is practically impossible to reverse. One does not shut down a power plant during an August heat wave—at the time that demands for power are at a peak—at a time when bodies of water are already at their warmest and when the warm atmosphere is least able to remove added heat.

I urge that Congress prevent deterioration of our environment through thermal pollution by assuring adequate steps taken in time. The appropriate steps for positive control must, I believe, include establishing standards, licensing, inspection and penalty systems to motivate compliance. The risk of suffering loss of quality in our environment is sufficiently great to call for action before it is too late. With appropriate safeguards now, I am confident we can have our power and still protect our environment.

MIDDLE EAST KEY TO WORLD PEACE

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 1970

Mr. JACOBS. Mr. Speaker, a just and lasting peace in the Middle East is essential to world peace.

The parties to the conflict must be parties to the peace achieved by means of direct, unhampered negotiations.

I commend the democratic State of Israel which has demonstrated its willingness to participate seriously in such negotiations.

And I urge the Arab States to match that willingness in order that the death and destruction of war might cease at the earliest possible moment.

It is not in the interest of world peace and therefore not in the interest of the United States that the balance of miliary power be thrown against Israel by the continuing flow of sophisticated offensive armaments from the Soviet Union and other sources.

To the extent that such flow does impair the military balance which existed at the time of the 1967 truce in the Middle East, the United States has little choice but to respond by future supplies of arms to Israel.

How much safer and more economical it would be if all powers foreign to the Middle East would agree to cease the shipment of arms to that area and encourage all parties to the conflict to participate in direct negotiations among themselves.

THANK YOU DR. BRUMBAUGH: FOR OVER 50 YEARS OF CARE

HON. GILBERT GUDE

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 1970

Mr. GUDE. Mr. Speaker, an outstanding example of what one person can do, especially if that person is dedicated to his chosen profession, has been demonstrated by 80-year-old Dr. Bruce Brumbaugh of Elkridge, Md., who has been treating patients in Howard, Anne Arundel, and Baltimore Counties for over 50 years. Dr. Brumbaugh has thrived on long hours and frequent inconveniences in carrying out his responsibility to keep his town of 5,000 people in good health since the day he came to the aid of a country doctor who had suffered a stroke in 1919.

In recognition of his zeal and of a man who is the epitome of humaneness, the people of his community through the efforts of the Elkridge Rotary and the president of the local bank, Howard Smith, among other leaders of the community, erected two huge billboards, north and south along Route 1 in Elkridge, Md., reading, "Thank you Dr. Brumbaugh for over 50 years of care."

I would like to bring to the attention of my colleagues the following item written by William Taaffe, staff writer for the Sunday Star, which appeared on the front page of that paper Sunday, March 1, 1970:

SIGN OF AFFECTION FOR DOCTOR—50-YEAR PRACTICE HONORED

(By William Taaffe)

ELKRIDGE, MD.—Eighty-year-old Dr. Bruce Brumbaugh, who has made it his practice to keep his town of 5,000 people in good health since 1919, thought he knew his patients pretty well.

But last month they put up two huge billboards along Route 1 here, reading: "Thank You Dr. Brumbaugh for Over 50 Years of Care." He was never more surprised in his life.

"I've just had a run of general practice like any other doctor," said the spry octogenarian who has delivered three generations of babies and recalls making house calls on horseback. He still works a 60-hour week.

"Like anyone else I've had my ups and downs. But I've gone along just the same."

Brumbaugh has practiced medicine in the same green clapboard house near an old railroad line here since the end of World War I.

"Those days," he said, "started out with the old Model T Ford, you know. We'd have those big snows and I'd use an old horse to get up to see my patients." Now he uses a new sedan, but he still makes house calls four hours every day.

"It seems like the older I get the harder they work me," he said. "I think they come here from everywhere. Anyone's practiced as long as I have, you know they're going to come to you even though they've moved away."

Brumbaugh, who treats patients in Howard, Anne Arundel and Baltimore Counties, begins office hours six days a week at 8 a.m. He works to noon, skips lunch, and then visits hospitals and homes all afternoon. He has evening office hours four days a week from 8 to 10 p.m.

"We need more general practitioners," he said. "That's why my practice is like it is—I take on anything that comes along, then refer them to my other doctor friends."

Born on Maryland's Eastern Shore, Brumbaugh came to Elkridge to aid a country doctor who had suffered a stroke. The doctor died, and Brumbaugh decided to stay.

"I'm just as busy now as I ever was in my life, I guess," he said. He takes a three-week vacation each year, but is on call 24 hours a day.

"People would knock the door down if I didn't answer," he said. "They know I live here and they would come just the same."

The billboards—which are north and south along Route 1—were the idea of the Elkridge Rotary.

The president of the local bank, Howard Smith, who helped put them up, said the doctor is known for leaving his bed at 3 a.m. to sit beside patients through the night. The banker, his wife and three children were all delivered by Brumbaugh, who is a childless widower.

"Im not delivering near as many babies now as I used to," Brumbaugh said. "None of the doctors are now, you know. I don't know how many I've delivered. I'm not going to count them up. But I've delivered my share, I guess." Townspeople give estimates in the thousands.

Brumbaugh's greatest satisfaction in 50 years of practice is "my little people—the children. I have very few children who are scared of me. Once I treat them I have very little trouble with them.

"I try to come to their level and don't wear a white coat that scares most of them half to death. I approach them like a human being."

Brumbaugh also fits conferences on up-to-date medical techniques into his week. But he says he has never aspired to be anything but a country doctor.

"My practice is my hobby. That's what makes it easier for me even though I have those long hours. I'm going to work here until they put me under the sod."

MADDOX OUTRAGE

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 1970

Mr. STOKES. Mr. Speaker, I am pleased that yet another major newspaper has spoken out against the incredibly insensitive and obtuse actions of Gov. Lester Maddox in the House dining room last week. This time it is doubly gratifying for me, since the editorial appeared in one of my hometown papers, the Cleveland Plain Dealer.

I wish to thank the Plain Dealer for their forthright condemnation of Governor Maddox's racist shennanigans, and include that editorial in the RECORD at this point:

MADDOX OUTRAGE

Gov. Lester Maddox of Georgia had no business distributing symbolic ax handles in the U.S. Capitol. This was an offense to citizens of goodwill of any color.

When Maddox was a restaurant owner in

XUM

Atlanta he insisted on segregation, despite federal law. He met groups of Negroes at the door with a pick handle to keep them out. Later he equipped several white friends with ax handles when Negroes came demanding service.

So when Maddox passed out autographed pick and ax handles in the House restaurant—he had brought along his customary box of them—it was proper for U.S. Rep. Charles C. Diggs Jr., D-Mich., one of the nine Negroes in the House, to put Maddox in his place—which was that of a guest of the House members in the House restaurant.

Maddox's response was to call Diggs derogatory names.

The House dining room is reserved for congressmen but governors have been welcome because they enjoy special privileges.

It is an outrage that Maddox provoked this insulting incident. He should not be allowed to return as a guest in the House restaurant.

INFLATION: NEW SOLUTIONS NEEDED

HON. RICHARD T. HANNA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 1970

Mr. HANNA. Mr. Speaker, classical economists tell us that inflation will occur in a country when the total demand for goods and services exceeds the available supply. The competition for resources created by such a condition drives prices upward. The conventional view of public finance has dictated a resort to restraints on Federal spending and a tightening of credit availability through the Federal Reserve System as the means for dealing with inflation. These approaches are termed fiscal and monetary measures. The labels are somewhat presumptuous since they imply a far broader array of policy actions than have been brought to bear on inflation over the last 2 years.

If recent experience has taught us any lesson it is that the traditional attitudes and approaches to inflation are not entirely pertinent to the problem of inflation as it manifests itself in our advanced economy. The shortcomings of these approaches are several. The emphasis placed on demand in the market for goods and services is no longer appropriate. Today, we witness a demand for the medium of exchange which is separate and apart from the demand for goods and services. An increasing share of the total calls for capital originate with those who seek funds for the purpose of financial empire building. Those calls for capital add nothing to the national wealth; they are totally inflationary because they result in a bidding up of the monetary values of existing business and industry, thereby requiring of many sectors higher product prices to justify the inflated value placed on the means of production.

One of the pillars of the conventional wisdom teaches us that if steps are taken to increase the cost of money by restricting its supply, demand for the money will diminish. Only to a limited extent does this accurately portray the consumption-related instincts of either the corporation or the consumer. The corporation is not greatly influenced by high interest rates for at least four reasons.

First, many corporations have sufficient internal financial resources to be able to bypass the money market altogether. Second, even if a corporation must borrow in the money market, it can effectively reduce the cost of that borrowing through tax writeoffs. Corporations can deduct from their income calculations the interest cost of loans, which cuts the effective interest rate in half. Third, a corporation competing in the oligopolistic climate extant in America is generally able to pass on its costs to the consumer. To the extent that the corporation can because of the absence of effective price competition, pass on to the consumer the increased cost of money, its decisions to borrow are not influenced by actions aimed at making credit more dear.

The fourth factor which puts to lie the effectiveness of the application of credit restraint is the buy-now psychology which is a part of the mentality of both corporate management and the consumer. Both groups, conditioned by an extended period of increasing prices, prefer to purchase goods—even if credit is more dear—because of the belief that the price will only be higher later when the purchase is ultimately made. The proof of the existence of this psychology is the skepticism with which the public regards the effectiveness of conventional approaches to inflation.

Conventional public-finance approaches to inflation are no more realistic than are the traditional economic theories on which they rest. Experience has taught us that the application of Federal spending and tax adjustments take too long to be truly effective anti-inflationary tools. The passage of H.R. 15091, giving the President standby powers to deal with inflation, signals a recognition of the need to have authority to deal rapidly with inflation. Regrettably, the President has not only failed to use the existing authorities, but has also not asked for other desirable standby powers. Further, he has substituted budget-gimmickry and press-agentry for credible fiscal restraint. Apparently, the President, too, is wedded to the old ways.

The application of Federal Reserve System restraint to the money supply has proven to be a singularly bankrupt approach to dealing with inflation in a smooth way. The Federal Reserve System no longer effectively regulates the supply of capital available in the economy. Big borrowers have circumvented the Fed's restraints by borrowing through funds and institutions immune from effective control by the Federal Reserve Board. Corporate borrowers have resorted to Eurodollar markets, direct offerings of corporate notes, and borrowing from pension plans.

Combined, these fund resources represent well over $300 billion. In addition, retail stores can circumvent the credit shortage for their direct customers by lending to their consumers through the use of credit cards. However, such credit costs the consumer an annual interest rate of up to 18 percent, a very dear way for the consumer to participate in the credit access of big business. This large source of unregulated credit is very costly to the consumer.

The availability of this pool of credit which is invulnerable to restraints by the central credit agency, the Federal Reserve Board, dictates that the agency's policies will be confined—in their effective application—to those who must deal through the institutions regulated by the Fed. This means that the small businessman, the home purchaser, the consumer who needs to finance a new car, is the object of monetary restraint while the high-flying corporate financier who can borrow from the aforementioned sources escapes the impact of Federal credit stringency. This is indeed inequitable and unjust. The Government's policies act only as a penalty on the little man, while doing nothing to affect those whose actions are the very cause of the inflation's persistence.

The old doctrines and approaches have failed because they could not adapt to the realities of a highly centralized and capital-intensive economy. The inability of these doctrines to either describe or deal with the current problem of inflation suggests the need for a new set of policies and approaches able to deal with the real causes of credit scarcity and to take the steps to effectively allocate capital into those areas of activity which are productive of real economic growth and genuine social enrichment.

Let us examine three important areas which illustrate the results of the failure of the Nixon administration to deal with inflation effectively.

HOUSING

In no area is the need for a reorientation of resource allocation more apparent than in housing. We now have a large backlog of people needing housing, and cannot even maintain previous levels of housing construction, let alone increase that rate to meet the rate of increasing family formation and population.

Why, in spite of Federal policies to build and to facilitate the building of housing, is this the case? The answers are not easy, and the problems they describe do not lend themselves to facile solutions. But one thing is clear: that the solutions to date have not been adequate, either in degree, quality, or approach.

Historically speaking, in a time of credit stringency, the housing industry is the first to be affected and the present time is no exception. As the Federal Reserve has maintained a tight money policy in an attempt to control inflation, interest rates have risen steadily, with a concommitant decline in the supply of funds available for home finance. The reduction in mortgage money supply is attributable to the Federal interest rate ceilings on savings deposits which have caused savings accounts to lose attractiveness to savers who can obtain substantially higher rates on other investments. In fact, during December and January, savings and loan institutions suffered massive withdrawals as people shifted to higher yield sources such as Treasury bills paying 6.8 percent annually. Interest rate ceilings have a laudable purpose—to facilitate home mortgage financing—but have been doing more harm than good in the extremely tight money market where they discourage the inflow of funds to the chief suppliers of mortgage credit.

The Federal Government has approached the problem of mortgage money shortage through a number of programs to guarantee and insure home loan financing, to provide an interest subsidy, to provide direct loans or their equivalent, or in a combination of these programs. Ideally, this approach makes credit accessible to the purchaser of the housing, either by making credit available directly to him or by making it possible for him to obtain credit in the money market. However, the vision of the Congress which led to enactment of this legislation has been largely lost because of slipshod administration and inadequate budgeting by the current administration.

To increase the supply of mortgage money, HUD has just begun an effort to encourage other financial intermediaries such as insurance companies and pension funds to put more of their funds into mortgage-type investments. The Housing and Urban Development Secretary has said that only after proving that voluntary persuasion does not work will he recommend legislation to achieve this end. Again the administration has refused to recognize the urgency of the situation, since it is willing to spend precious time talking about getting more money into the housing market rather than doing something about it.

In some ways such administration efforts to ease the housing money crisis have been counteracted by it own monetary policy in other areas. The large outflow of funds from savings and loan institutions in the last few months was caused largely by the high rate of return obtainable with Treasury bills, which attracted the funds away from savings and loans. On the one hand the administration cajoles intermediaries to channel funds into the housing market, and on the other it takes money out of that market through high interest rates on Treasury bills.

On the fiscal side, the President resorted to budget gimmickry and slight of hand to achieve an announced surplus in his fiscal 1971 budget. All of the budget documents make much of the importance of such a surplus to redirecting money into the housing market. A number of experts have already pointed out that the estimated budget surplus of $1.3 billion is contrived. Treasury Secretary Kennedy, himself, has conceded under questioning that using former budget concepts, the fiscal 1971 budget would have a $7.3 billion deficit. Clearly, the credit shortage problem will not be solved with the President's proposed budget. Greater measures are needed to bring inflation and high interest rates under control, since Federal spending policies will not be adding greatly to their amelioration.

The administration is very well aware of the fact that the fiscal pie is only so large, and that the important question is how to cut up that pie. The basic problem boils down to one of distributing resources in such a way as to channel more money into productive areas. In housing, the first order of business is to bring inflation under control and consequently to reduce interest rates, by far the major cause of inadequate home financing. Then the Government demand for physical resources should be rechannelled into housing construction.

JOBS

The administration has also fallen down badly in the area of employment policy. Unemployment has been growing rapidly in the last few months, and is predicted to keep on growing until inflation is brought under control. The administration's failure to control inflation through its insistence on tight money is bringing the economy into a recession characterized by increasing unemployment. In the Orange County-Long Beach area alone, 15,000 people in the aerospace industry were fired in 1969. In the area I represent, unemployment has reached 22 percent among skilled construction workers, and it is estimated that it will climb to 30 percent by the end of March. These construction workers would be employed building houses if the administration were coming to grips with the true causes of inflation and tight money.

In attempting to balance Federal spending, the administration is cutting expenditures in its 1971 budget, but many of those cuts are being made in an illogical and inconsistent way. The 1971 budget cuts defense requests by $5.3 billion below the estimated 1970 expenditures. However, the cut is coming largely in manpower, and very little in expensive resource-consuming programs. In a time of growing unemployment, it makes no sense to create further unemployment.

Defense spending is also being cut by eliminating valuable research and development laboratories. With a little foresight and planning, these laboratories could be turned to other known areas of research need, such as the problems of environmental pollution. One such laboratory in the San Francisco Bay area was recently disbanded, dissolving a highly skilled nucleus of scientists and administrators in a well-functioning organization. In a wave of false and rash economy moves, the Defense Department is wiping out facilities which will be very expensive to reconstitute, and which have extremely valuable alternative uses. The administration should establish an interagency commitee to coordinate such alternative use of military facilities by other agencies.

PRICES

The Consumer Price Index rose again in January to a level of 131.8, using 1957–59 prices as the base of 100. That is a one-third increase in prices in 10 years, most of it coming within the last year. The index rose from 124.1 to 131.8, or 7.7 percent, between January 1969, and January 1970. In other words, since the Nixon administration took office the cost of living to the middle-income family has increased $792 a year. This was by far the fastest rate of increase in the 10-year period. While people are being put on the unemployment rolls with less than ever to spend, skyrocketing consumer prices are eating away at the amount their money will buy in the first place.

To allow such a rise and the concommitant hardship on the middle- and low-income person is unconscionable. The administration refuses to use the most direct, immediate, and effective means of price control at its disposal, namely the open soliciting of promises from management to hold down prices and from labor to hold down its wage demands. This simple technique was used most effectively by President Johnson. President Nixon has refrained from using his personal moral suasion. Apparently, he is more concerned about business getting its price rises and labor its wage increases than he is about arresting this impetus to spiral.

Inflation, housing crisis, unemployment, skyrocketing consumer prices, an impressive list of failures. These problems will not be alleviated until we come to grips with their real causes. Old solutions to old, no-longer relevant problem definitions will get us nowhere. We need new, imaginative solutions aimed at the root causes of today's problems, not the false targets of yesterday's causes. The problem manifestations may be the same, such as inflation, but the causes and therefore the solutions are very different.

KNOW-NOTHINGS ATTACKS CENSUS

HON. CHARLES H. WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 1970

Mr. CHARLES H. WILSON. Mr. Speaker, it has come to my attention that a number of groups have organized for the purpose of subverting the will of Congress by attempting, willfully, to sabotage the 1970 census.

As you and my colleagues know, I am chairman of the Census and Statistics Subcommittee of the Post Office and Civil Service Committee. Our subcommittee explored, in depth, the issues surrounding the 1970 census in an extensive series of hearings which covered all phases of the census controversy. Our conclusion was that, in large part, the public was being misguided and that the accusation of "invasion of privacy" simply did not make much sense when applied to the census.

Nevertheless, recognizing both the importance of the issue and the genuine validity of the public's concern, the subcommittee developed legislation, H.R. 12884, which, first, substantially strengthens these provisions of census law which guarantee the rights and privacy of our citizens, and second, recognizes the vital need for census statistics and does not, therefore, curtail the right of the Government to gather, in the census, information necessary for the benefit of all.

The House, I am pleased to say, supported the recommendations of the subcommittee and on September 25, 1969, passed H.R. 12884 unanimously. Yet, this clear intent of the House, notwithstanding, certain individuals continue to propagandize the 1970 census as some type of bureaucratic plot designed to deprive us of our privacy; and, if you listen to the propaganda, of our right to "life, liberty, and the pursuit of happiness" as well. These individuals have organized demonstrations at various Federal buildings, including the Department of Commerce, of which the Census Bureau is a part, in their efforts to encourage good American citizens to refuse to cooperate with the Government in the taking of the 1970 census. These individuals, obviously desirous of preventing the Government from obtaining any information, hope to deny to the Congress and to all levels of government—State, local, and Federal—the facts needed to deal intelligently with the great problems of our time.

These individuals maintain that the census is nothing more than a ruse under which a small group of Government officials are gathering information for some nefarious—but carefully unspecified—use. By clever references to computer control and Government dossiers, to fears of "Big Brother" and invasions of privacy, they hope to cause our citizens to reject the census.

These individuals, through distorted and twisted processes of reasoning, raise the false specter of the census being unconstitutional and, in fact, by implying that Congress may—in some distant future—pass laws which will force confidential census information to be made public, impugn the integrity of the Congress itself.

All of these assertions are knowingly and maliciously false for they stem from the same individuals and groups that encourage others to break laws of which they do not personally approve while they, themselves, masquerade behind a front of law and order.

Nor, Mr. Speaker, am I alone in these conclusions. A column on this same subject by the eminently conservative Mr. James J. Kilpatrick, which appeared in the February 22 issue of the Washington Star agrees 100 percent with my views. Mr. Kilpatrick, who does not hesitate to attack the Government when he feels it to be necessary, categorically repudiates the arguments of, as I call them, the "Twentieth Century Know-Nothings" as a "melange of sound principles, so unhappily misapplied." It is so lucid an exposition of what is wrong with the position of those who attack the census that I not only request permission that it be placed in the RECORD but also urge that it be carefully read by each of my colleagues.

I have spoken many times of the uses to which census data are put and of the statutes which require the use of census data for the administration of programs or as a basis for the allocation of Federal funds. It is not necessary to repeat them here. I will note only that much of the billions of dollars in funds, goods, and services which the Federal Government distributes each year to State and local governments is allocated according to data provided by the census.

Mr. Speaker, the products of the census, like the oxygen in the air, are consumed so widely that they are accepted as a matter of course and their use, all too frequently, goes unrecognized. Yet, intuitively, our citizens know that census information is produced for their benefit. And I know, that they will reject the false arguments of those who wish to prevent our country from having the facts it needs to remain a great and dynamic nation.

The article follows:

[From the Washington Evening Star, Feb. 22, 1970]

SOME REFLECTIONS OF PRIVACY AND PARANOIA

(By James J. Kilpatrick)

NEW ORLEANS.—A troublesome invitation turned up in my mail, just before I left on this road trip. The thing troubles me because it comes from a group of young conservatives whom I greatly admire, and I have been thinking about it in the long jumps from Akron to Cleveland to Chicago to Las Vegas, and now to a hotel room here in the French Quarter.

My friends want me to join in a massive refusal to answer the "personal questions" on the 1970 Census. This is what they say:

"We feel that the questions asked in the 1970 Census Form violate our rights under the First, Fourth, Fifth and Ninth Amendments to the Constitution. The citizen's right of privacy is directly violated when the federal government attempts to force us to answer questions that are none of the government's business.

"The Constitution clearly provides for a count of the population every 10 years. Counting is one thing; it is quite another to compel answers to questions regarding your personal life and habits.

"The point is not what questions are being asked, but that a federal agency dares to institute a process that will pry into the core of our individual lives. Once the bureaucrats begin the process, where will future usurpations of our rights end?

"We also fear that the answers to the questions posed in the Census will be turned over to other government agencies in order to better harass the citizenry. It is not improbable that the answers will be included in the newly created National Data Bank and later used to compile a dossier on every citizen in this nation. The frightening potential posed by the 1970 Census could well lead us down the road to a virtual 1984."

How does one tackle this melange of sound principles, so unhappily misapplied? The young conservatives are defending a strict construction of the Constitution; they are standing firmly by rights of privacy and rights of property dear to our hearts; and they are taking a position that, in other areas, needs to be taken against abuses of power by Big Brother.

But their manifesto, alas, is one part bunk and two parts paranoia. They are seeing spooks that may lurk elsewhere, but do not dwell in the supplementary Census questionnaires. I decline.

They are wrong at the outset, or so it seems to me, in seeing all this as unconstitutional. The basic grant of power is quite broad. Under the Constitution, the Congress is to provide for an enumeration of the people every ten years "in such manner as they—the Congress—shall by law direct." The Congress also has power to regulate commerce among the States, to establish uniform rules of nationalization, to establish post roads, and so forth.

Nothing in the Constitution prohibits the Congress from combining its powers in useful ways. Thus a Census question on the houses we own, and the plumbing and heating in them, may not relate narrowly to "enumeration," but it relates reasonably to commerce—and it scarcely reaches "the core of our individual lives." The same thing is true of questions relating to our jobs and how we get to them.

Is it true that such information is "none of the government's business"? On the contrary, such information is of the first importance to government. How else can public policies be fashioned wisely? Where should schools be built, and water lines laid, and parks established? How many persons will be using what highways and airports when? The economic and demographic information compiled from confidential Census reports—and the Bureau of the Census never in history has breached its security—is vital to every public and private undertaking that rests upon a knowledge of what our country is.

This is a broad land, restless, mobile, swiftly changing. Yet the concerns of Akron and Denver are the concerns of New Orleans also. We are all bound up together, skating randomly on the same ice. It constitutes no serious intrusion upon our private lives—less of an intrusion, in fact, than we accept in tax forms and credit reports—for the census takers to count something more than mere noses. Collectively, we have to know who we are, how we live, where the plane is going. If we are doomed to an ant-hill life, and most of us are, let us at least seek an orderly ant-hill.

CHICAGO'S PROPOSED LAKE AIRPORT—III

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 1970

Mr. MIKVA. Mr. Speaker, the Air Line Pilots Association has informed me of their objections to Chicago's proposed lake airport site. Their objections are based on the possible weather safety factors presented by the Lake Michigan site. According to Charles H. Ruby, president, ALPA:

> Smoke, haze and fog combine to reduce visibilities near the lake shore during bad weather conditions and the high moisture content over the lake makes icing more prevalent. Precipitation, rain, snow or sleet, because of the lake site could increase the hazards and cause more runway closings due to poor runway surface conditions. Radar altimetry is required for low visibility approaches and will not work over calm water which is often associated with fog. Further, fog settles in lowest places, and will remain in this "bowl-like" terrain for the maximum relative time.

The ALPA Chicago third airport advisory committee has prepared an interim report which describes several of these major weather safety problems. I would like at this time to include this report in the RECORD for the benefit of my colleagues who have requested more information on the lake airport proposal. The report follows:

INTERIM POSITION OF THE AIR LINE PILOTS ASSOCIATION CONCERNING THE CHICAGO THIRD AIRPORT LOCATION

The air line pilots agree that a new major airport for Chicago must be developed as rapidly as possible. All projections of future airline travel clearly indicate the need for a substantial expansion of capacities beyond the limits of O'Hare and Midway. Regardless

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of the location chosen for the new airport, the primary concern of the air line pilot is with safety of operations. Two factors with which the pilot has direct experience and which affect both the capacity and the safety of operations of any airport are (1) air traffic control; and (2) weather conditions. It is significant that in the planning for Chicago's third airport these are the very factors which have received the least attention at the present time. This is particularly critical in regard to the proposed lake site in that it is closer to O'Hare than the potential land sites and actual weather conditions at the lake site that might affect flight operations are questionable.

Observations by air line pilots prompt the following thoughts and questions with regard to air safety in the two major areas of air traffic control and weather conditions:

I–1. *Runway Orientation and Air Traffic Control Considerations*—Because of prevailing winds in the summer and winter, it is recommended that runways be oriented NE–SW and NW–SE. At least four runways in each direction would probably be ultimately needed because of expected density of the traffic and the design capability of the airport.

A NAFEC Air Traffic Control Evaluation is needed to determine the affects of this type of runway orientation in connection with airspace needed to continue operation at O'Hare, Midway and Meigs Airports.

Present analysis has indicated that the present lake site airport proposal will not have the same traffic handling capability as the land site southwest of Chicago under adverse weather conditions and/or heavy traffic due to the interaction between O'Hare Airport and the lake site. Since presently all operations into O'Hare are conducted on an IFR procedure basis, we cannot envision any different situation when the next Chicago airport is constructed. We therefore strongly recommend that any new Chicago airport be located so as to provide a maximum capacity under IFR conditions and that its location be such that no existing major Chicago airport facility would be seriously reduced in capacity.

I–2. *Approach and Takeoff Patterns Affect on ILS Installation and Airport Neighbors*—With the recommended runway directions, approach and takeoff patterns would indicate an approach altitude at 5 miles from the runway end of about 1500 feet. Departure altitudes would vary but should be at least 1500 feet at that distance. ILS outer marker equipment which is about 4.5 miles from the end of the runway would be required in the case of a lake airport to be firmly constructed on the lake bottom. This could represent a maintenance and operational problem if not an actual deficiency item.

If properly zoned for industrial or recreational development, the approach to a land airport could be just as free from obstructions and not be a noise sensitive area as would be the case of a lake airport. The high density living areas along the lake front would be a noise sensitive area. In addition, the location of navigation aids and their maintenance would be much easier at a land based location.

I.–3. *General Aviation and STOL Traffic*—The growth of general aviation and STOL type operations in the future will demand additional "close in" air traffic capability that will increase the need for Meigs Airport as a "close in" downtown facility and should not be lost from its 90% VFR capability and possibly 100% operation capability with newer and more precise IFR approach aids. Therefore, if an airport is proposed to be constructed in any location for the City of Chicago, one of the prime considerations should be that no facility as large and as valuable as Meigs Airport should be sacrificed with a resultant loss of air traffic capability to the downtown area.

II. *Weather Safety Factors*—II–1. An investigation of actual weather conditions at the proposed site should be made throughout one year before a statement could be made concerning the percentages of times less favorable conditions would be present at a lake airport site compared with a land site; however, pilot opinion based on flying over the lake areas leads toward the general statement that visibility is usually less over the lake, fog conditions are more prevalent, ice conditions occur more frequently, and probably water, ice, or snow would be more prevalent on the runways than on a nearby land site.

II–2. In the pilots' opinion, the potential for fog formation is greater over a depressed area such as a lake airport polder. This would affect aircraft operations not only during takeoff and landings, but also during ground taxiing. Fog would also affect the efficient movement of ground and water based emergency equipment.

II–3. Icing of engines and aircraft aerodynamic parts does occur more in the vicinity of bodies of water when the temperature approaches freezing. Engine and aircraft icing can be a problem even on jet aircraft. Smaller reciprocating engine aircraft are not as capable of handling this condition. All pilots would encounter difficulty in this regard.

II–4. Instrument guidance systems over water probably can be made to work effectively; however, the installation, maintenance and associated problems with water based equipment, especially during winter icing conditions, may prove to be more of a problem than just a nuisance.

II–5. The effect of water on pilots' perception, especially in hazy operating conditions, is known to make for a difficult VFR type operation, day or night. Hopefully, circling approaches will be a thing of the past at such a major airport; however, if an emergency should occur requiring the aircraft to immediately return to the airport, then an overwater VFR circling approach would occur.

II–6. The danger of lake birds fouling engines is more than it would be at a ground airport. The problem should be corrected satisfactorily for all operations.

II–7. Obstruction hazards concerned with shore line high rise construction undoubtedly would be a consideration for pilot operations at such an airport. Unless an emergency arose we would expect air line pilots to be able to avoid City of Chicago buildings. The dike wall around the airport that might be as much as 70 feet above the surface of the runway should not be a major problem providing the dike wall was at least 7500 feet from the end of the runway. However, this dike wall would affect the wind currents, creating such a wind shear as to be an operational factor that must be carefully evaluated. Winds over the lake will ordinarily be at a higher velocity than over the land because of lack of land friction resulting in higher crosswind components that do affect minimums.

II–8. Sloping runways, if kept to a very moderate number (say under .5%) should not be a major problem except that if the drainage is toward the halfway point of the runway, the rain, snow and other precipitation will create problems of drainage at the mid-point to avoid standing water. Flooded runways can create aircraft damage because of hydraulic affects on the aircraft parts; also, hydroplaning could result in loss of directional control.

The questions suggested above can only be resolved by the gathering of further information.

In a preliminary evaluation of the potential lake site and three potential land sites, the Federal Aviation Administration determined that, "under adverse weather conditions and/or heavy traffic the [total] capacity of the lake site and O'Hare Airport would be reduced below the [total] capacity and [land] Site A (southwest of Chicago) and O'Hare Airport due to the interaction between O'Hare and the lake site." The FAA is conducting further studies on potential air traffic problems at each of the potential sites but little is being done to determine if actual weather conditions at the lake site are conducive to safe flight operations on a "round-the-clock" basis.

The air line pilots feel that it is highly desirable that a minimum of one year's observations on a daily basis be gathered from the lake site in order to determine actual weather conditions. Until such information is available and can be used to confirm the effects of weather at the lake site upon safety and dependability of operations, the air line pilots feel that any decision to utilize the lake site would be premature.

Prepared by ALPA Chicago Third Airport Advisory Committee: Klete Rood, Chairman, Lee Imbrie, Wood Lockhart, Fred Rakunas, Forest Dines. O'Hare Joint Council Office, 2200 East Devon Avenue, Suite 314, Des Plaines, Illinois 60018.

A LETTER FROM THE METROPOLITAN WASHINGTON BOARD OF TRADE

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 1970

Mr. HOGAN. Mr. Speaker, I was the recipient, as I am sure my colleagues were, of a letter from the Metropolitan Washington Board of Trade. This letter is well-reasoned and forceful in its plea for urgency in crime legislation for the District of Columbia. In very direct language, it presents the crime picture as it is and makes it unmistakably clear why it is needed. This plea is made not only on behalf of the Board of Trade, but also represents a plea from all citizens who live and work in this city and to those who visit their Capital City.

I am bringing this letter to the attention of my colleagues. I also want to include an article from the Wall Street Journal of February 11, 1970, which is self-explanatory. The crime crisis in Washington is so serious I hope my colleagues will support the District Committee's omnibus crime bill which President Nixon has requested and which is due on the floor in the near future.

The letter and article follow:

THE METROPOLITAN WASHINGTON
BOARD OF TRADE,
Washington, D.C., February 19, 1970.

To the Members of the Congress of the United States:

The National Capital—Our Federal City—needs your help. And needs it now.

This city is not a safe place in which to live, work and play. In spite of the dedicated efforts of many people, the situation is steadily deteriorating, and we are truly faced with a crisis in public order and safety which simply cannot be permitted to continue. Our streets, parks, libraries, schools, and educational centers are not safe places anymore. Our population is being degraded by the open distribution and use of narcotics. Community activities are permeated by flagrant disrespect for public order and the ordinary rights of fellow citizens. Crime weighs heav-

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by in the decision taken when businesses move to the suburbs. Employees refuse to work in many locations and some employers provide escorts for them to their cars which are parked less than one block from their front doors.

An even deeper tragedy than the crime we read about every day, is the insidious ways in which it is transforming our way of life. This is typified in the enclosed article from the *Wall Street Journal*.

Congress has exclusive legislative jurisdiction in the Federal City. Therefore it is to you we turn for help. There are two principle actions you can take which are basic to reducing crime in Washington.

First, enact the anti-crime legislation pending in the House which will remove known criminal offenders from our streets and which will substantially improve the whole process of the administration of justice, from investigation and arrest to rehabilitation of the convicted.

Second, and equally important, ensure that legislation enacted is promptly and adequately funded. Frankly, we are not greatly concerned about what it will cost to make the National Capital safe again. If it is necessary to put a policeman on every corner—let's do it.

Crime continues to flourish in our National Capital in spite of the best efforts of law enforcement agencies. Obviously, their legal and financial resources are inadequate. This city is experiencing an economic and social disintegration which, if permitted to continue could threaten its very life as a useful institution.

Therefore, I ask you on behalf of the business community, our employees, and law-abiding citizens of Washington—to promptly enact and fully fund whatever measures you believe are necessary to make the Federal City a safe and attractive city again.

The Board of Trade has endorsed, in principle, the following pending legislation:

H.R. 12854—Court Reorganization.
H.R. 13690—Bail Agency Act.
H.R. 14378—Penalties for Armed Crime.
H.R. 14053—Policemen and Firemen Salary Increases.
S. 2689—Revision of Criminal Law.
S. 3034—Pretrial Detention.
S. 2981—Juvenile Courts.

Respectfully,

THOMAS M. WALSH.

LIVING SCARED: SURGING CRIME FORCES WASHINGTON RESIDENTS TO CHANGE WAY OF LIFE—CABBIES, MERCHANTS STRIVE TO FOIL ROBBERS; SECURITY BOLSTERED FOR APARTMENTS—A STIMULUS TO NATIONAL ACTION

(By Monroe W. Karmin)

WASHINGTON.—John D. Holland is afraid.

For 40 years he has been selling packaged liquor at his Maryland Beverage Mart in this city's southeast sector. Four years ago he installed a burglar alarm system. Three years ago he put iron bars on his windows. Two years ago he began arming. Now on his desk on a platform overlooking the sales floor are a black Italian-made pistol, a silver German-made pistol, a Winchester rifle and an L. C. Smith shotgun. "I've never been held up," Mr. Holland declares, "and I don't intend to be." Since mid-1967, intruders have murdered seven local liquor dealers in the course of an estimated 700 robberies of such stores.

Leroy R. Bailey Jr. is afraid.

He drives a taxi. Last year he paid $20 to install an emergency flasher in his cab. If he's threatened, Mr. Bailey steps on a button that sets off a flashing signal for police aid in his front grille and rear bumper. At night, he says, "nine out of 10 cabs won't pick up a man alone." The number of Washington cab drivers has dropped to about 11,000 from 13,000 two years ago. Says James E. Jewell, president of the Independent Taxi Owners Association: "This is a very dangerous town to drive in. Many men won't work after the sun goes down."

The people at the Mexican embassy are afraid.

Last September, during an independence day celebration, two guests were robbed. Female employes have been accosted. Vandals have struck repeatedly. Now all embassy doors are kept locked. A fence has been erected around the property, located two miles north of the White House. "We live in fear," says a spokesman. So does much of the crime-plagued diplomatic community. President Nixon is asking Congress to expand the 250-man White House police force to offer additional protection for Embassy Row.

THE NO. 1 ISSUE

Most of Washington is afraid of crime.

Fear has changed the way of life of residents of the nation's capital and its environs, affecting everyone from cab-driver to Senator. It has also changed the way institutions, from schools to embassies, operate. While race relations continue to be a major problem for this city, whose 850,000 residents are more than 70% black, there is no doubt that today's No. 1 public concern is personal safety.

"A couple of years ago the city's tension was seen in terms of white police versus the natives," says an aide to Mayor Walter Washington. "Now it's seen as criminals versus victims. It's more crime and less racial."

Mayor Washington, himself a Negro, says that black as well as white neighborhoods are demanding more foot patrolmen, even though the cop on the beat was viewed as "a Gestapo agent" by many blacks not long ago. The mayor finds ground for optimism in the change. "Never before have I seen such an attitude on the part of the people of the city, both black and white, to work together on a problem," he says.

A TRAGIC EXAMPLE

The nation's capital is by no means alone in its fear of crime; rather, as Mr. Nixon pointed out in his State of the Union Message, it is a "tragic example" of the way crime and violence "increasingly threaten our cities, our homes and our lives." But Washington is suffering more than most cities. In the nine months through September, according to District of Columbia Police Chief Jerry Wilson, reported crime in Washington jumped 26% over a year earlier, compared with an average national increase of 11%. Cleveland, San Francisco and Baltimore also topped the national average.

Chief Wilson, who was appointed last summer, hopes to come to grips with the rising crime rate here this year, if he gets enough help. President Nixon has proposed a new $12.4 million crime-fighting package for the district to supplement the city's regular budget, which emphasizes public safety measures. And Congress is at work on other anticrime legislation for Washington.

This war on crime focuses on several trouble spots. It aims to break the local court bottleneck (it now takes an average of nine months for a criminal case to go to trial and some wait as long as 20 months); to curb the freedom of those awaiting trial through a controversial preventive detention measure (an estimated 35% of those arrested for armed robbery and released on bail commit another crime before they come to trial); and to crack down on drug traffic and use (50% of those arrested here are drug addicts).

EXPANDING THE POLICE FORCE

But this year's main thrust, Mayor Washington says, is to put more policemen on the streets. The mayor hopes to beef up the force to 5,100 men by June 30 from 3,868 on Jan. 1. Also planned are expanded criminal rehabilitation and social-welfare programs that the mayor hopes can be meshed into a comprehensive criminal justice system.

Because Washington is the seat of the Federal Government, the crime surge here is an important stimulus to action on both district and national anticrime legislation. Among the victims of local crime have been Sen. Frank Church of Idaho, White House Press Secretary Ronald Ziegler, Mr. Nixon's personal secretary, Rose Mary Woods and Deputy Defense Secretary David Packard, to name just a few. Political partisanship is diminishing as liberal Democrats feel the impact of crime and join the President in his anticrime crusade.

Senate Majority Leader Mike Mansfield recently expressed outrage over the "senseless" slaying of a fellow-Montanan and friend in the streets of Washington. He took the Senate floor to demand "new and better ways to fight crime, to cut down the inordinate rate of violence." Another liberal Democrat, Rep. Frank Thompson Jr. of New Jersey, warned the other day that "things may get worse if the Administration and Congress do not put crime control on the front burner."

But until this campaign begins to make headway, life in the District of Columbia will reflect fear, especially after dark.

Cruise through downtown Washington in a police car on a Saturday night and the mood can be felt. On F Street, the main downtown shopping street, merchants lock their doors at 6 p.m. Many put up iron grillwork nightly to protect their windows. Shoppers and employees hurry to the bus stops. Many employees who fear the lonely walk at the end of the bus ride wait in the stores until their spouses drive by to take them home. At 7 p.m. F Street is almost deserted.

The relatively small number of people out for an evening of entertainment arrive a bit later. Some go to the National Theater, which now raises its curtain at 7:30 p.m. instead of 8:30 so patrons can get home early. Some head for downtown movie theaters. The servicemen's crowd patronizes the rock joints along 14th Street. Fashionable Georgetown, more than a mile from downtown, is still lively, as are some of the posh restaurants and clubs. But that's about it. Much of Washington is dark, and scared.

"Watch the people," advises a seasoned policeman. "See how they walk quickly and with a purpose. There's no casual strolling. People don't come into this town at night unless they have a specific destination in mind. They go straight to it and then go home as fast as possible."

RESTAURANTS CLOSE

The effects are evident. The Ceres restaurant next to the National Theater is closed, nearby Caruso's restaurant is gone and neighboring Bassin's has lost 50% of its night business. The Commerce Department, a block away, was robbed recently. Fumes Bassin's angry manager, Ed Hodges:

"There isn't a waitress, cashier, busboy or anyone who works here who hasn't been robbed, mugged or attacked in some way. And there isn't a place in this block that hasn't been robbed, and most have been hit more than once."

A few blocks away, on 9th Street, the Gayety Theater is showing "Man and Wife," an intimate film "for adults over 21." Even an attraction of this nature fails to draw the audience it once did. "Business is very bad, way off," says Robert Morris, the ticket seller. "People are afraid to come downtown. We've had lots of purse-snatchings, pockets cut out and all sorts of other things."

Fear inhibits daytime activity as well. A survey taken last summer by the Metropolitan Washington Council of Governments discovered that 65% of the city's largely white suburban residents visit the downtown area less than once a month, and 15% come downtown less than once a year. Asked their chief worry, the large majority of those surveyed responded: "Crime."

Actually, crime is spreading in the sub-

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urbs as well as in the city. Three brutal slayings of young women, one in Alexandria, Va., and two in Bethesda, Md., have occurred within the past few weeks. While these crimes remain unsolved, many suburbanites tend to view crime in their neighborhoods as a spillover from the city, and they still feel downtown is more dangerous.

Crime continues to speed the flight of Washingtonians to the suburbs. Though many single people and childless couples remain in the city, Joseph Murray of the big Shannon & Luchs real estate firm reports: "Families are leaving at an accelerated rate; this includes both black and white." (In neighboring Prince Georges County, Md., Negro arrivals have recently outnumbered white newcomers.)

NO CASH

Sales of downtown department stores dropped by 4% in the first 11 months of last year from a year earlier, while sales throughout the metropolitan area, including those of suburban stores, were rising 8%. A recent Commerce Department survey of 10 central-city areas showed that the District of Columbia suffered the steepest loss of business of all. Shoppers who do venture downtown are continually reminded of the risk. D.C. Transit bus drivers use scrip instead of cash to make change. Delivery trucks bear signs proclaiming, "This Vehicle Carries No Cash."

There are bright spots. New office buildings are sprouting in some parts of town. Convention business continues to grow and tourists arrive in record throngs. Lane Bryant has opened a new store on F Street, and the downtown Woodward & Lothrop department store is remodeling. But the merchants know safety must be assured before enough suburban shoppers will come downtown again to make business snap back.

The big department stores are bolstering their protection. Harold Melnicove, an executive of Hecht's, says his organization now has a security force "big enough to protect some small cities"; he won't give details.

Smaller stores do the best they can. Frank Rich, president of both Rich's shoe stores and the D.C. Urban Coalition, is a downtown optimist. But in his F Street store he no longer displays shoes in pairs, just singles; all display cases are locked; key employes carry electronic devices in their pockets to summon help in the event of danger.

High's dairy stores, which stay open nights and Sundays, have been robbed so many times, says General Manager William Darnell, "we don't like to talk about it." The chain's 37 D.C. stores were held up "hundreds of times" last year, Mr. Darnell sighs, and several had to be closed. Money in all stores is kept to a minimum by frequent armored car pickups.

GETTING OUT

A survey by the mayor's Economic Development Committee of small businessmen found that one out of seven contacted "wanted to close down, relocate or simply stop doing business in the city."

One who wants to get out is E. N. Hampton, president of the Hampton Maintenance Engineering Co. His firm has been robbed, his trucks have been vandalized and his employes have been threatened. "It's disgusting," Mr. Hampton snarls. "Now we ride armed guard in the trucks with shotguns. As soon as I can find somebody to buy this I'm getting out."

Nor is black business immune. Berkeley Burrell's four dry cleaning stores have suffered 17 holdups in 10 months. Now the front door of each is locked; a customer can't get in "without a ticket or pair of pants in his hand," says Mr. Burrell. Employes are armed, and the proprietor is trying to replace females with males. "I may sound like Barry Goldwater," he says, "but we've got to get the community back to where it's safe to live in."

Banks have been a favorite target for bandits. Though these attacks have slackened lately, Francis Addison, president of the D.C. Bankers Association, says a "very high percentage" of local banks are robbed every year. The National Bank of Washington recently closed one branch because of the danger. All banks have tightened security, but the most extreme case is a Security Bank branch in the northeast section.

In 1968 the branch was held up three times within 55 days. Now the bank has put all employes behind plexiglas.

Tellers receive any payout money through scoops beneath the plexiglas. "The personnel were all shook up and couldn't work," President Frank A. Gunther says, "so we bulletproofed the whole place." The bank has not been held up since.

INSURANCE HARD TO GET

Faced with the cost of crime in Washington, insurance companies have turned cautious. "Lots of companies have stopped writing fire and casualty insurance," says Thornton W. Owen, president of the Perpetual Building Association, the city's biggest savings and loan outfit. "And lots of investors will abandon properties rather than maintain them." Hilliard Schulberg of the local liquor dealers association says that for his members "the cost of crime insurance is extremely high, and many companies won't write it." Proposed legislation would permit the Government to offer crime insurance where private insurers won't.

Office building managers, both Government and private, are attempting to cope with the danger. James Sykes, manager of the William J. Burns Detective Agency here, reports many buildings have posted guards at their front doors and says, "We're providing lots more escort service for female employees working late at night." The local chapter of the American Federation of Government Employes has advised its members to buy, at $5 apiece, antimugger aerosol spray devices.

Security is a prime concern of apartment dwellers. The 670-unit Marberry Plaza, open three years ago in southeast Washington, exemplifies what a new building must offer to reassure nervous tenants. On weekends the project is patrolled by four armed guards with two dogs. All exterior doors are locked. A tenant who has invited a guest for dinner must present an "admit slip" with the guest's name to the desk clerk during the day. When the guest arrives, he must identify himself to the clerk and sign the register. "All of this is at the request of the tenants," says Sidney Glassman of the Charles E. Smith Property Management Company.

SCHOOL VIOLENCE

In some neighborhoods, newsboys no longer collect for their papers for fear of being robbed; subscribers must mail in payments. One cabbie drives with self-addressed envelopes; whenever he accumulates $10 he mails it home. Some maids require their employers to drive them home. An outbreak of violence including the shooting of a junior high school student has prompted Mayor Washington to post policemen throughout the city school system. Many schools have stopped dealing in cash, requiring students to pay for supplies and other items costing more than a dollar by check or money order.

"It used to be that holdup students would use their fists; then came knives; now it's guns," says George Rhodes, a member of the D.C. school board. "Not that there have been that many incidents, but it's the fear that parents and teachers must live under that is most troublesome."

School principals, anxious to protect the reputations of their institutions, tend to minimize the problem. William J. Saunders, principal at Eastern High School (2,400 students including just three whites), says violence is "not a major problem" in the school. Yet several thousand dollars worth of football equipment has been stolen, and police officer Sherman Smart says there have been three alleged rapes in and around the school since September. As Officer Smart talks to a reporter, a photographer's agent joins in to complain that he has visited the school twice to take orders for class pictures and has been robbed of his receipts both times.

Not even the churches are spared. At the Vermont Avenue Baptist Church, the collection plate was stolen by intruders in full view of the parishioners. Says Charles Warren, executive director of the Greater Washington Council of Churches:

"Some churches have begun to lock their doors at 11 a.m. on Sundays for the worship service. Some have policemen at the service during the offering. Some have canceled evening activities or rescheduled them for the afternoons."

The National Presbyterian Church has moved from its 60-year location about half a mile from the White House to a new site three miles farther out. The Rev. Edward L. R. Elson calls the new location "the quietest zone in Washington," but vandalism is as bad at the new church as at the old one. According to Mr. Elson, the vandalism has included "obscenity on chapel pillars, destruction in the church hall and lights pilfered and broken."

A WAR ON POLLUTION

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 1970

Mr. DINGELL. Mr. Speaker, pursuant to permission granted I insert into the RECORD an excellent editorial appearing in the Detroit, Mich., News of Sunday, December 27, 1969, entitled "No. 1 Priority for 1970's: A War on Pollution."

I am pleased to see the Detroit News, a distinguished newspaper of general circulation in the Detroit metropolitan area, join in this urgent recognition of a great national need.

The editorial follows:

NO. 1 PRIORITY FOR 1970'S: A WAR ON POLLUTION

With survival itself in the balance, can there be any doubt that the first item on the list of national priorities for the 1970's must be the protection of our air against poisonous clouds of pollution?

As important as they are, such goals as the prevention of crime, the elimination of poverty and the halting of inflation cannot rank in urgency with the preservation of the air we breathe. When, then, will the country become at least as excited about fighting air pollution as about what happens, say, to the food stamp program?

Perhaps the warning issued this week by scientists of the Atmospheric Sciences Research Center, which is studying air pollution under federal grants, will excite a positive public response.

The scientists predict that if pollution continues at its present rate, 10,000 persons will die in 1980 in a single metropolitan area inundated by air pollution; that within 10 to 15 years everyone will have to wear a special breathing mask to survive outdoors and most animal life will have died; that within 20 years man will be forced to live in domed cities.

If you think it might be possible to escape the problem by moving to some pollution-free area of the country, forget it. The whole nation has finally run out of clean air. Alfred Hulstrunk, assistant director of the research center, notes that the last pocket of clear air, located near Flagstaff, Ariz., vanished six years ago when California's pollution finally reached there.

Can we do something?

That is not the real question. The nation that virtually wiped out polio, built the atomic bomb and landed men on the moon has long since proved it can do what it puts its money and its mind to. The real question is:

Will we do as much as necessary in time?

Since 1967 when former President Johnson signed the Air Quality Act with the warning that we could become "a nation in gas masks, groping our way through dying cities and a wilderness of ghost towns," there has been no perceptible progress in the war against the poisoning of the atmosphere.

Governments, national, state and local, talk about fighting pollution but no agency really assumes the role of leadership necessary to a full-scale and concerted attack. Since half the nation's air pollution is believed to come from automobiles, some encouragement can be found in the recent expressions of concern and pledges of cooperation from within the auto industry.

The fact remains that there is at present no substantial encouragement that poisonous fumes from the gasoline engine will be eliminated soon, that alternatives such as the electric car will be developed or that rapid transit systems will be built to reduce automobile traffic.

The nation has not brought its celebrated ingenuity to bear upon the problem. Is it possible that American society will watch the clouds of poison billow thicker, and at last fatally, around its head and fail to act?

Director Hulstrunk sees no improvement in the near future. In fact, he sees further "degradation ahead for our entire environment." But with a display of trust in the inherent good sense of man, he says he believes a solution will be found—somehow, someday.

Let us pray that his trust is well-placed.

SUCCESSFULLY MANAGING OUR ENVIRONMENT

HON. EMILIO Q. DADDARIO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1970

Mr. DADDARIO. Mr. Speaker, yesterday, in the offices of Connecticut Gov. John Dempsey, the Travelers Insurance Co. announced its intention to place the resources and personnel of its wholly owned subsidiary, the Travelers Research Corp., under the trusteeship of the University of Connecticut to be operated as part of the nonprofit Center for the Environment and Man, Inc., of Hartford, Conn. The center will be funded in part by grants from the National Science Foundation, and will conduct an expanded program of scientific research into the environment.

The creation of the expanded center is an example of the cooperation between private enterprise, Federal and State Governments, and our universities so long sought by those attempting to cope with the problems of our environment and so very rarely found. For myself, the creation of the expanded center represents not only a significant contribution to our effort to grapple with the problems of our environment, but also another great contribution by Dr. Thomas F. Malone, formerly chairman of the board of the Travelers Research Corp., and vice president of the Travelers Insurance Co., who will now join the staff of the University of Connecticut as special consultant to the president of the university on environmental problems and professor of physics. Dr. Malone's career is, in itself, an illustration of the interface between Government, private business and academe so badly needed if we are to meet the challenges to our environment. After teaching at several colleges and universities, Dr. Malone joined the Travelers Insurance Co. in 1955 and successively became director of research and vice president of the Travelers companies for research. Despite his executive duties he continued to be active in his field of applied meteorology and synoptic climatology.

My own professional association with Dr. Malone began shortly after my election to the Congress in 1958. In 1959 the House Committee on Science and Astronautics was formed and the following year a 14-man panel of distinguished American scientists was formed to meet annually to advise the committee. In 1960 Dr. Malone was appointed to the Advisory Panel on Science and Technology and has made a significant contribution to the direction taken by the Science and Astronautics Committee. In addition, he has devoted countless hours as an advisory to the Subcommittee on Science, Research, and Development of which I am chairman. I, and all the members of the Science and Astronautics Committee and the Subcommittee on Science, Research, and Development, are grateful for his dedicated past services, and applaud this new development in Dr. Malone's career as a distinguished scientist, educator, and public servant. We look forward to the continuation of his valuable services from his new position.

As a member of the board of trustees for the university corporation which operates the National Science Foundation's Center for Atmospheric Research in Boulder, Colo., and principal architect of that center's program of global atmospheric research he has acquired an all encompassing grasp of the problems of our global environment. His appointment to the faculty of the University of Connecticut may represent a loss to Travelers Research Corp. but it is a great contribution to the university.

The expanded Center for the Environment and Man, Inc., will continue much of the work initiated at the Travelers Research Center under Dr. Malone's guidance. Included will be the study of the problems caused by uncoordinated urban sprawl, such as pollution of the air and water, noise pollution and exhaustion of natural resources such as open areas, trees, and recreational spaces as well as overcrowding and congestion. In addition, the center will concern itself with social aspects of the human environment, including the delivery of health services and development of new systems of education. In its expanded form, initially, the center will have research grants, including those of the National Science Foundation, and contracts totaling about $2,250,000, a staff of about 125 and assets of some three-quarters of a million dollars. Under the proposed agreement the University of Connecticut board of trustees will appoint the board of directors of the Center for the Environment and Man, Inc.

As Dr. Malone said at the announcement of the "agreement in principal" to merge Travelers Research into the center:

> Much more than a mere organizational realignment is involved in the circumstances which bring us together today. We have reached a time in the history of our land when the words of "America the Beautiful" have become a prod to our conscience and a challenge to our wisdom and imagination, rather than a song describing the country in which we live . . . The "agreement in principal" announced today is just the beginning of a long and winding road beset with many headaches and—probably—a few heartaches. Let us make that beginning, however, secure in our conviction that the quest for quality in our human environment can be successfully pursued.

Little needs be added to Dr. Malone's eloquent remarks save to say that with the efforts of men like Tom Malone and cooperative efforts such as the Center for the Environment and Man, Inc., I think we will learn to successfully manage our environment.

THADDEUS M. MACHROWICZ

HON. SAMUEL S. STRATTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1970

Mr. STRATTON. Mr. Speaker, I was deeply saddened to hear of the recent passing of our friend and former colleague, Hon. Thaddeus M. Machrowicz, of Michigan.

Judge Machrowicz was a warm personal friend of mine and proved very helpful to me when I first came to the House. In fact I met Judge Machrowicz even before I came to Congress, when I was mayor of Schenectady and a candidate for Congress. Judge Machrowicz, then a Member of the House, was addressing a meeting of Polish Americans in the nearby city of Cohoes. I attended that meeting, and as mayor extended my greetings to the group, with one brief statement in the Polish language. When Congressman Machrowicz rose to speak he complimented my brief and hesitant Polish and said some further generous words that proved very helpful to me in getting elected to Congress later that year.

I was always deeply grateful to Ted Machrowicz for his help, and I learned quickly just how tremendously well regarded he was by Polish Americans all around the country. He also became my friend and counselor when I arrived here in Washington the next year.

Ted Machrowicz was a great legislator, a distinguished member of the Ways and Means Committee, and ar outstanding U.S. district judge. He served his country well, and all of us who had the privilege of knowing him and serving with him will miss him very keenly.

REPORT TO THE PEOPLE OF THE SEVENTH OHIO DISTRICT

HON. CLARENCE J. BROWN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 1970

Mr. BROWN of Ohio. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include my report to the people of the Seventh Ohio District on the first session of the 91st Congress and my voting record during that session, as follows:

REPORT TO THE PEOPLE OF THE SEVENTH OHIO DISTRICT

The first session of the 91st Congress was both rewarding and frustrating.

The reward came from the innovative pieces of legislation recommended by the new Nixon Administration to deal with welfare, tax reform, revenue sharing, postal reform and draft reform.

The frustration stemmed from the sluggishness with which Democrat-controlled Congress took up the President's proposals for consideration and action.

The House of Representatives acted on very few of the major pieces of legislation introduced on behalf of the Administration. The two areas in which the House did enact significant legislation—tax reform and draft reform—were becoming such sore points with the public that the House had little alternative but to act.

Although the Administration's tax reform proposal was heavily amended, the final Tax Reform Bill of 1969 was a desirable piece of legislation. Needed relief measures for millions were retained in the compromise bill, and at a rate and on a deferred time schedule acceptable to Mr. Nixon's critical fight against the ravages of inflation which have cruelly victimized nearly all Americans for four straight years. I supported this legislation as I did the extension and termination of the surtax.

As a member of the House-Senate Joint Economic Committee, to which I was appointed on June 18, I am pleased that these bills will help balance the federal budget by producing a net federal revenue gain of $2.2 billion during 1970, and will reduce 1971 revenue losses to a tolerable $500 million. But members of the House and Senate must be willing to hold down future spending in order to assure a balanced federal budget in the years ahead when the most significant tax reductions are scheduled to take effect.

The draft reform bill, which authorized a lottery for the first time since World War II, was passed by Congress only after the President said he would change the draft system by executive order if legislative action was not taken. The random selection method provided for in the bill, which I urged early in 1968, has two distinct advantages over the old system: it limits a young man's eligibility for the draft to one year and drafts 19-year-olds first.

The new system frees America's youth from the continuing pressure imposed by the old system under which they were eligible until the age of 26. The former system prevented the rational planning of a young man's life during the time when he most needs to establish life and career goals. In my opinion some inequities still exist in the area of deferments and administration of the system. Hopefully the Congress will make further reforms this year to insure a more equitable national policy in this area.

Also approved by the House was the Administration's Safeguard anti-ballistic missile system designed to protect our offensive missile sites. I voted in favor of the Safeguard system, which passed the House handily. After a long fight in the Senate, it was approved there by one vote and signed by the President.

Social Security benefits were increased significantly during the last session of the Congress. President Nixon early recommended a 10% increase in Social Security benefits and proposed that the votes of future benefits and taxes be tied to the cost-of-living index in order to remove the decisions in this program from the political arena, where decisions often have been delayed by partisan struggles.

The House raised the President's 10% figure to 15%, but did not tie the future benefits and taxes to living costs. April checks will reflect the new benefits retroactive to January 1, 1970.

The President's proposals to take the program out of politics by linking Social Security benefits and taxes to the cost of living demonstrates the Nixon approach of trying to do what is right instead of what is political. I supported the President's original proposal but voted in favor of the legislation as finally amended.

People living on fixed incomes, such as those on Social Security, are experiencing extreme hardships making their dollars stretch to cover the costs of mounting inflation. The raise in benefits was a necessity. Here again, however, Congress put off a study of broader reforms in the Social Security system until the second session of the 91st Congress. Hopefully, in 1970 it will act on the other recommendations President Nixon made, and I supported, in 1969. Among them are an increase in the amount beneficiaries can earn annually without reduction in benefits, an increase in the contribution base from $7,800 to $9,000 in order to keep the system sound, and liberalization of the benefits to widows, disabled children and aged parents of retired or disabled workers.

Other continuing programs have also been improved by recommendations of the Nixon Administration. These include the food stamp program, extension of rent supplements and urban renewal, new safety standards for mines, and incentive payments to lenders to encourage college student loans. All these improved programs passed the House with my support.

Although this legislation is significant, the Congress did not begin to consider the other far-reaching reforms of domestic programs recommended by the Nixon Administration. The President's welfare reform proposal, which the Congress failed to take up during the first session, entails a total overhaul of the nation's archaic and inefficient welfare system. Called the Family Assistance Act of 1969, the plan would place a floor under the income of all Americans, provided they are willing to work. The bill would set $1,600 as the minimum income for a family of four and provide the incentive for welfare recipients to earn their way off the relief rolls. I am a cosponsor of this Administration bill.

Another significant reform innovation offered by the Nixon Administration is federal-state revenue sharing. I cosponsored the bill which would make available approximately $500 million to state and local governments during the first half of 1971 to be spent on whatever needs local and state governments deem most pressing. This amount would increase over the next five years to 1% of the nation's total taxable personal income, providing an estimated $5 billion in federal revenue to be shared with local governments. The one percent would provide a total that would rise with the expansion of personal income.

The money would be distributed to the states on the basis of population and their local tax effort, compared with other states. State governments would retain one half of the amount. The rest would be distributed to the local units of government on the basis of local tax dollars collected by each governmental unit compared with the total local taxes collected by all local governmental units in that state. The local tax effort provision for distributing the money is intended as an incentive to state and local governments to increase tax revenue and deal with governmental problems locally rather than sending them all to Washington for solution.

This legislation, on which the Democrat-controlled Congress has yet to hold hearings, offers a clear-cut alternative to the continuing concentration of enormous powers in the nation's capital. Past tax demands of the federal government on all taxpayers have made it almost impossible for the states and local governments to raise the revenue for services they must provide. But recent history also proves the federal government does an ineffective and wasteful job spending the money, administering programs and solving problems.

A federal revenue sharing program will allow the federal government to do what it does most efficiently and economically—raise money—but lets the states and local governments do what they do better—administer the money and programs efficiently and economically. Thus, both money and political power will be returned to the local level where they belong to solve actual problems the way people want them solved locally rather than the way Washington says they should be solved based on what it thinks the problems are.

Electoral college reform was studied by the House during the last session, and a bill authorizing direct popular election of the President was passed. So far the Senate has held hearings on the bill, but has not acted on it.

Election of the President by popular national vote would be an improvement over the present system of electors selected by each state on a state-wide, winner-take-all basis. Under the present system a bare majority of voters in the eleven largest states can select a President regardless of his national popular support. The direct national popular election system redresses some of that imbalance.

Although I finally voted for the "national" popular vote system, I preferred the "district" popular vote which would have authorized the election of one elector for President and Vice President from each Congressional district and two electors at large from each state. This would spread political power more evenly geographically while retaining the principle of majority rule. The state proportional plan had some of the same advantages, but received little attention in the House.

The House passed the Water Quality Improvement Act, endorsed by the President, during the last session. I supported this bill which would tighten federal regulation of oil drilling, require well and vessel operators to pay the cost of cleanup in oil leaks, and establish a $50,000,000 fund for buying tax-exempt waste treatment bonds. The Senate passed a slightly different bill, and the measure has been referred to a joint Senate-House conference committee.

I have been aggressively concerned for many years about the deterioration of our environment and the upsetting of our ecological balance. Last year I reintroduced for the third consecutive session of Congress a bill to give tax incentives to industry for the installation of pollution control equipment. The bill had wide bipartisan support in both House and Senate. The principle embodied in my legislation was embraced in the tax reform bill passed last year, as well as the temporary 7% investment tax credit suspension of two years ago. I am proud of this initiative which has come to legislative fulfillment.

This critical problem now has become a nationwide cause, and the Nixon Administration's bold initiatives reflect this concern. Last year the House also passed legislation, of which I was a cosponsor, creating the

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Council on Environmental Quality to advise the President on such matters. This year the Congress will demonstrate whether it is primarily concerned about narrow partisanship or the future welfare of the nation as President Nixon presents for approval his program for environmental improvement.

Legislation which would extend unemployment insurance coverage to 4.5 million of the 16.6 million workers currently not covered was passed by the House last year. President Nixon had requested coverage of 4.8 billion uncovered workers. The Senate has yet to act on the House-passed bill, which I supported.

The Administration sent many crime bills to the Congress last year Among them are authorization of extended wire-tapping authority to fight organized crime, a bill making payoff of local police by gamblers a federal crime, and a measure to tighten federal laws against the mailing of obscene material. A bill to revise criminal laws and procedures in the District of Columbia was passed by the Senate, but has yet to be acted upon by the House.

Until Congress is prepared to speed up its consideration of legislation designed to curb crime here in Washington where Congress works, it can hardly hope to control the continuing spiral of that crime rate elsewhere in the nation.

The recent crisis resulting from the critical overloading of the capacity of many metropolitan airports, has focused attention on the problems confronted by the growing aviation industry. The House passed the Administration plan to raise $10 billion over the next 10 years to partially finance a program of airport and airways improvement. The Senate has held hearings on the bill and reported it, but no final action has been taken in that body.

Although foreign policy is the responsibility of the President, his handling of this vital area warrants some comment. I was pleased to see President Nixon take positive steps to reverse the trend in Vietnam by his Vietnamization policy and the withdrawal of American troops. The mounting death toll with no dramatic achievements to show for it made the American people war-weary. The orderly replacement of American troops by Vietnamese forces will remove the burden of the war from the United States while preserving the right of the South Vietnamese to determine their own future.

The President has also achieved an encouraging breakthrough by arranging the strategic arms limitation talks with the Soviet Union.

But, perhaps the most productive endeavor the Nixon Administration has engaged in has been its gallant fight against the inflation which has threatened the stability of our economy. This unhealthy wage and price spiral is the result of the prodigal fiscal policies of the past two Democratic Administrations. In the long run, an Administration victory in its anti-inflationary struggle could be the most far-reaching of President Nixon's many departures from time-worn and irresponsible policies of the past.

I have supported the Nixon Administration in its belt-tightening reductions in military and other expenditures. I voted against foreign aid appropriations for fiscal year 1970 because I do not approve direct grants to other nations during a time when our own national needs are so critical.

In the area of appropriations the House has been irresponsibly lackadaisical. The Democratic leadership has been unable or unwilling to bring the appropriations bills to a vote in an orderly fashion so that the funds may be spent most efficiently and effectively. As a result of this failure to perform its normal housekeeping chores the Congress has only increased administrative expenditures in the executive branch by upsetting routine and creating extra work.

The one issue on which I have differed notably with the President has been the HEW-Labor appropriations veto. Although Congress appropriated for education more than the President requested, the funds which the Administration wanted to cut were vital to insuring education quality for the children of federal employees at government installations in the Congressional District I represent. These "impacted schools" near Wright-Patterson Air Force Base would qualify for funds under the plan President Nixon has indicated he would support for fiscal year 1971.

My appointment during the last session to the Joint Economic Committee (made up of Members of the House and Senate) has increased my committee assignments considerably. I also serve on the House Interstate and Foreign Commerce Committee and the House Government Operations Committee, and as one of three Republicans who review all private claims and special immigration legislation. While it is unusual for a Member of Congress to be given four such prestigious assignments, it is highly flattering. Service on these committees provides perhaps the biggest source of self-satisfaction to me as a Congressman, because it is in the committees and subcommittees where the real work of the Congress is done.

The Committee on Interstate and Foreign Commerce reported 23 bills to the House last year with the recommendation that they be passed. Nine have become public law. The committee and its subcommittees held 41 hearings during the session, covering 182 bills.

Among the nine bills reported by the committee which became law was a measure amending the Communications Satellite Act of 1962. The bill changed provisions governing the makeup of the Comsat board of directors, and broadened the board's authority to enact bylaws. The legislation was handled by the Communications and Power subcommittee on which I sit.

The committee also reported the Child Protection Act of 1969, which amends the Federal Hazardous Substances Act to protect children from toys and other products for children which present electrical, mechanical or thermal hazards.

A measure extending for three years the matching grant programs for the construction of noncommercial educational radio and television broadcasting facilities was reported by the committee and became public law. The bill also authorized appropriations for the program and the Corporation for Public Broadcasting.

Our committee did not wait for the recent public awakening about pollution to consider legislation in this vital area. It reported a bill to extend the research and development authority in the area of fuel combustion contained in the Clean Air Act.

Legislation in the area of mental health and drug addiction was considered by the committee. It reported a bill authorizing a 3-year extension of the existing programs of matching grants for construction and initial staffing of community health centers and specialized community services for alcoholism and narcotics addiction.

The Committee on Government Operations reported eight bills during the past session, of which five were enacted into law. The committee also submitted 19 investigative reports to the House, including four on the environment issue which has so recently galvanized many citizens' groups into action.

In my judgment the most significant piece of legislation referred to this committee—and perhaps one of the most significant pieces of legislation with which we will deal in the 91st Congress—is the Intergovernmental Cooperation Act. This bill, which has been extensively studied by the Intergovernmental Relations subcommittee on which I serve, is still under consideration by the subcommittee.

The objectives of the bill are to improve the financial management of federal assistance programs, to remove obstacles to the consolidation of such programs and to facilitate the processing of grant applications which draw upon more than one federal assistance program. The bill would amend the Intergovernmental Cooperation Act of 1968.

Two other significant bills referred to the Government Operations Committee are based on provisions of the Intergovernmental Cooperation Act. The Grant Consolidation Act, requested by the Nixon Administration, would authorize the consolidation of Federal assistance programs. This would help eliminate some of the program duplication which has created considerable confusion on the local level. The Intergovernmental Relations subcommittee held hearings on the bill, but it has not been reported to the full committee.

The Joint Funding Simplification Act is also based on a provision of the Intergovernmental Cooperation Act, incorporating the concept of coordinated Federal assistance. The bill would authorize single-agency administration of Federal assistance projects involving more than one Federal agency. This would enable local governments and other recipients of Federal assistance to adapt such aid more effectively to specific local needs through wider use of projects drawing on more than one Federal agency. The bill passed the House on Dec. 1, but has yet to be acted on by the Senate.

I have been the principal sponsor of two other pieces of legislation designed to improve the administration of social programs. Both have been referred to the Executive and Legislative Reorganization subcommittee of the Government Operations Committee.

One, the Program Information Act, would create a catalog of Federal assistance programs to provide a sourcebook for state and local government officials seeking Federal aid.

The other, a bill to create a Department of Health, would transfer as many existing health programs as possible to a new executive department administered by a secretary solely responsible for the health needs of the nation. I think it is intolerable to continue all of the many vital social programs enacted in the last two decades under one bureaucratic roof, at the Department of Health, Education and Welfare.

These bills are of the utmost importance. Our enthusiasm has led us to pass so many specialized social programs that successfully making use of them has been very difficult for local communities, particularly smaller communities which don't have the funds or the personnel required to deal effectively with Federal agencies administering the programs.

If we are to achieve the objectives of our social programs, we must turn our attention to the effective administration of such programs. For too long the watchword has been administrative paralysis rather than performance.

Following is my voting record for the 1st session of the 91st Congress. The description of the bills and the amendments or motions in the report are for the purpose of identification only. No attempt is made to describe the legislation completely or to elaborate upon the issues involved. The descriptions used are, for the most part, taken from the official titles of the bills, which do not always reflect the nature or true purpose of the legislation. However, upon request, I will be pleased to furnish more complete information concerning any particular bill and the reasons for my vote:

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Yes—For No—Against NV—Not voting NVA—Not voting, paired against NVF—Not voting, paired for

Roll-call No.	Date	Measure, question, and result	Vote
2	Jan. 3	To elect the Speaker. (McCormack 241; G. Ford 187; "Present" 2)	FORD
3	Jan. 3	H. Res. 1: Previous question: to permit Mr. Powell to take the oath of office. (Failed 176 to 248)	NO
4	Jan. 3.	H. Res. 1: Second attempt to order the previous question. (Failed 172 to 252)	NO
5	Jan. 3	H. Res. 1: MacGregor amendment to establish a special committee to investigate Mr. Powell's right to take the oath and to his seat. (Failed 131 to 291)	NO
6	Jan. 3	H. Res. 2: Previous question: that Mr. Powell take the oath, be fined $25,000 and that his seniority begin as of the 91st Congress. (Passed 249 to 171)	YES
7	Jan. 3	H. Res. 2: On passage: that Mr. Powell take the oath, be fined $25,000 and that his seniority begin as of the 91st Congress. (Passed 254 to 158, "Present" 6)	YES
9	Jan. 6	Counting electoral votes. Objection to N.C. vote for George Wallace and Curtis LeMay in that they did not win a plurality in that state. (Failed 170 to 228)	YES
14	Feb. 5	H. Con. Res. 124: To adjourn until February 17, 1969. (Passed 240 to 125)	NO
16	Feb. 18	H. Res. 89: Previous question: to change name of Committee on Un-American Activities to Committee on Internal Security. (Passed 262 to 123)	YES
17	Feb. 18	H. Res. 89: On passage: to change name of Committee on Un-American Activities to Committee on Internal Security. (Passed 307 to 80)	YES
20	Mar. 12	H. R. 33: Recommittal motion: to increase U.S. participation in the International Development Association. (Failed 155 to 241)	YES
21	Mar. 12	H.R. 33: On passage: to increase U.S. participation in the International Development Association. (Passed 247 to 150)	YES
23	Mar. 18	S. 1058: Motion to suspend rules and pass: to extend authority of the President to submit reorganization plans. (Passed 335 to 44)	YES
25	Mar. 18	H.R. 2171: Motion to suspend rules and pass: to establish a Commission on National Observances and Holidays. (Failed 164 to 213)	NO
27	Mar. 19	H.R. 8508: On passage: to increase the public debt limit. (Passed 313 to 93)	YES
31	Mar. 27	H. R. 7757: On passage: to authorize fiscal 1969 supplemental military appropriations for aircraft procurement and modification. (Passed 341 to 21)	YES
33	Apr. 1	H. Res. 270: Recommittal motion: to authorize expenditure of certain funds by the Committee on Internal Security. (Failed 74 to 283)	NO
34	Apr. 1	H. Res. 270: On passage: to authorize expenditure of certain funds by the Committee on Internal Security. (Passed 305 to 51)	YES
37	Apr. 16	H. R. 4148: On passage: to amend Federal Water Pollution Control Act, as amended. (Passed 392 to 1)	YES
46	Apr. 23	H. R. 514: Green substitute amendment, as amended: to extend the 1965 Elementary and Secondary Education Act for two years, to consolidate Titles II and III of ESEA and III(a) and IV(a) of NDEA, (Passed 235 to 184)	YES
47	Apr. 23	H. R. 514: On passage: to extend programs of elementary and secondary education assistance, and for other purposes. (Passed 400 to 17; "Present" 1)	YES
51	Apr. 29	H. R. 4153: On passage: to authorize fiscal 1970 appropriations for Coast Guard vessels, aircraft, and construction of shore and off-shore establishments. (Passed 384 to 2)	YES
53	May 1	H. Res. 17: On passage: creating a select committee to investigate all aspects of crime in the U.S. (Passed 345 to 18)	YES
55	May 6	H. R. 5554: On passage: to extend indefinitely the special milk program of the Child Nutrition Act. (Passed 384 to 2)	YES
58	May 21	H. Res. 414: On passage: waiving all points of order against H.R. 11400 to make supplemental appropriations for fiscal 1969, and other purposes. (Passed 326 to 53)	YES
59	May 21	H. R. 11400: Scherle amendment: to prohibit the use of funds in the bill for subsidizing interest on college construction loans to any institution not complying with the law which directs institutions to deny federal aid to students found guilty of participating in campus disorders. (Passed 329 to 61; "Present" 2)	YES
60	May 21	H. R. 11400: On passage: fiscal 1969 supplemental appropriations. (Passed 349 to 40)	YES
64	May 27	H.R. 11612: Conte amendment: to prohibit crop support payments in excess of $20,000 per annum to any producer, except for a sugar producer. (Passed 225 to 142)	YES
65	May 27	H.R. 11612: On passage: to make fiscal 1970 appropriations to the Department of Agriculture and related agencies. (Passed 322 to 50)	YES
66	May 27	H. Res. 424: On passage: to waive all points of order against section 502 (suspending the employment ceiling specified in P.L. 90-364) of H.R. 11582 making fiscal 1970 appropriations to the Treasury and Post Office Departments, the Executive Office of the President, and Independent Agencies. (Passed 345 to 12)	YES
68	May 27	H.R. 11582: On Smith of Iowa amendment: to limit to $20,000 the total cost, exceeding revenues to the P.O. Dept., for providing postal service to any distributor of second-class mail. (Failed 100 to 239)	NO
69	May 27	H.R. 11582: On passage: to appropriate fiscal 1970 funds to the Treasury and Post Office Departments, the Executive Office of the President, and Independent Agencies. (Passed 326 to 6)	YES
72	June 2	H.R. 763: Motion to suspend rules and pass: to provide for a study of State laws and regulations governing the operation of youth camps. (Failed 151 to 152)	NO
73	June 2	H.R. 693: Motion to suspend rules and pass: to provide VA hospital care for veterans 72 or older without their having to declare inability to pay, and for other purposes. (Passed 302 to 3)	YES
76	June 4	H.R. 11102: On passage: to amend the Public Health Service Act relating to construction and modernization of hospitals and other facilities. (Passed 351 to 0; "Present" 1)	NV
78	June 10	H.R. 11271: On passage: to authorize appropriations for N.A.S.A. for research and development, construction of facilities, research and program management, and other purposes. (Passed 330 to 52)	NV
80	June 11	H.R. 1035: On passage: to prohibit encampments, sit-ins, or overnight use of parks or other public property in the District of Columbia, and for other purposes. (Passed 327 to 51)	YES
85	June 18	H.R. 6543: Recommittal motion: to extend public health protection regarding cigarette smoking. (Failed 138 to 252; "Present" 3)	NO
87	June 24	H.R. 12167: On passage: to authorize fiscal 1970 appropriations for Atomic Energy Commission. (Passed 406 to 3)	YES
89	June 24	H.R. 12307: On passage: to make fiscal 1970 appropriations for independent offices and for H.U.D. (Passed 388 to 6)	YES
91	June 25	H. Res. 357: On passage: to provide an additional clerk for all Members. (Passed 204 to 195)	NO
93	June 25	H.R. 7906: On passage: to foster and regulate interstate commerce by providing system for taxation thereof. (Passed 311 to 87)	YES
95	June 27	H.R. 8644: Adoption of conference report to make permanent temporary suspension of duty on chicory roots, and to relax limitations on aid to families with dependent children. (Passed 269 to 65)	YES
97	June 30	H.R. 12290: On passage: to continue the surtax and excise taxes on automobiles and communication services temporarily; to terminate investment credit; to provide low-income allowances. (Passed 210 to 205; "Present" 2)	YES
99	July 8	H.R. 11249: Recommittal motion: to amend John F. Kennedy Center Act to authorize additional funds. (Failed 162 to 217)	NO
100	July 8	H.R. 11249: On passage: to amend John F. Kennedy Center Act to authorize additional funds. (Passed 210 to 163)	YES
102	July 9	H.R. 11400: Adoption of conference report to make supplemental fiscal 1969 appropriations. (Passed 348 to 49)	YES
103	July 10	H.R. 11702: On passage: to extend and improve provisions relating to medical libraries and related instrumentalities assistance in the Public Health Service Act. (Passed 370 to 3)	YES
104	July 10	H.R. 4284: On passage: to authorize appropriations for the Standard Reference Data Act. (Passed 365 to 2)	YES
106	July 15	H.R. 4018: On passage: to renew and extend certain sections of the Appalachian Regional Development Act. (Passed 273 to 103)	YES
109	July 17	H.R. 7491: Recommittal motion: to clarify tax liability of national banks. (Failed 123 to 227; "Present" 7)	NV
110	July 17	H.R. 7491: On passage: to clarify tax liability of national banks (Passed 345 to 4; "Present" 7)	NV
112	July 21	H.R. 11609: Motion to suspend rules and pass: to amend act of Sept. 9, 1963, authorizing entrance road to Great Smoky Mountains National Park. (Passed 341 to 3)	YES
113	July 21	H.R. 11651: Motion to suspend rules and pass: to amend National School Lunch Act to provide free and reduced-priced meals to needy children not being reached. (Passed 352 to 5)	YES
115	July 22	H.R. 12781: On passage: to make fiscal 1970 appropriations for Department of Interior and related agencies, as amended. (Passed 399 to 6)	YES
119	July 23	H.R. 9825: Derwinski recommittal motion with instructions: to eliminate provision that benefits be calculated on basis of high-three-year average salary and that provision liberalizing benefits for Congressional employees. (Failed 129 to 281; "Present" 1)	YES
120	July 23	H.R. 9825: On passage; to strengthen the financing of the Civil Service Retirement and Disability Fund and liberalize some of its benefits. (Passed 359 to 48)	YES
122	July 24	H.R. 12964: On passage: to make fiscal 1970 appropriations to Departments of State, Justice, Commerce, the Judiciary, and related agencies, as amended to provide additional funds for E.E.O.C. (Passed 366 to 31)	YES
124	July 28	H.R. 9553: On passage: to amend D.C. Minimum Wage Act to authorize computation of overtime for hospital employees on a 14-day work period. (Passed 220 to 141)	YES
125	July 28	H.R. 255: Recommittal motion: to authorize banks and other regulated lenders in D.C. to charge or deduct interest in advance on installment loans. (Passed 356 to 14; "Present" 2)	YES
126	July 28	H.R. 2: On passage: to amend Federal Credit Union Act to provide for independent agency to supervise federally chartered credit unions. (Passed 357 to 10)	YES

XUM

Yes – For No – Against NV – Not voting NVA – Not voting, paired against NVF – Not voting, paired for

Roll-call No.	Date	Measure, question, and result	Vote
129	July 30	H.R. 13080: On passage: to temporarily extend surcharge for 15 days. (Passed 307 to 105)	YES
131	July 31	H.R. 13111: On Joelson of N.J. amendment: to increase by $894,547,000 the funds in the bill for various aid-to-education assistance programs. (Passed 294 to 119)	YES
132	July 31	H.R. 13111: On Sikes-Smith amendment: to prohibit monetary assistance to any individual involved in campus disorders and to any college or university which fails to cut-off aid tc anyone convicted of disruptive campus activity. (Passed 316 to 95)	YES
133	July 31	H.R. 13111: On passage as amended: to make fiscal 1970 appropriations for Depts. of Labor, H.E.W., and related agencies. (Passed 393 to 16)	YES
136	Aug. 4	H.Res. 509: Agreeing to resolution: to concur in Senate amendments to H.R. 9951 to extend tax surcharge until Dec. 31, 1969. (Passed 237 to 170)	YES
138	Aug. 4	H.J. Res. 764: Motion to suspend rules and pass: to authorize appropriations for President's Council on Youth Opportunity. (Passed 396 to 7)	YES
139	Aug. 4	S. 1611: Motion to suspend rules and pass: to establish National Center on Educational Media and Material for the Handicapped. (Passed 365 to 22)	YES
142	Aug. 5	H.R. 13018: Recommittal motion: to strike provision making picketing of military installation or personnel a crime. (Failed 87 to 323)	NO
143	Aug. 5	H.R. 13018: On passage: to authorize construction at military installations. (Passed 376 to 30)	YES
145	Aug. 6	H. Res. 513: On passage: to consider H.R. 13270 to reform income tax laws. (Passed 264 to 145)	YES
148	Aug. 7	H.R. 13270: Recommittal motion: to reform income tax laws. (Failed 78 to 345)	NO
149	Aug. 7	H.R. 13270: On passage: to reform income tax laws. (Passed 395 to 30)	YES
153	Aug. 12	H. Res. 269: On passage: to authorize the Committee on Post Office and Civil Service to conduct investigations. (Passed 196 to 132)	YES
155	Sept. 3	H.R. 10105: On passage: to amend National Traffic and Motor Vehicle Act to authorize fiscal 1970 and 1971 appropriations. (Passed 321 to 0)	YES
157	Sept. 4	H.R. 7621: On passage: to amend Federal Hazardous Substances Act to protect children from hazardous mechanical, electrical, or thermal toys and other articles. (Passed 327 to 0)	YES
158	Sept. 4	H.R. 12085: On passage: to amend Clean Air Act to extend research program relating to fuel and vehicles. (Passed 332 to 0)	YES
161	Sept. 8	H.R. 11039: Recommittal motion: to amend further Peace Corps Act. (Failed 144 to 186)	YES
162	Sept. 9	H.R. 11039: On passage: to amend further Peace Corps Act. (Passed 282 to 52)	YES
164	Sept. 9	H.J. Res. 247: On passage: relating to administration of the national park system. (Passed 334 to 55)	YES
169	Sept. 15	H.R. 13194: On motion to suspend rules and pass: to amend Higher Education Act of 1965 to assure that students have reasonable access to loans for education. (Passed 322 to 60; "Present" 3)	YES
176	Sept. 18	H.J. Res. 681: Recommittal motion: to propose amendment to the Constitution for direct election of President and Vice President. (Failed 162 to 245)	YES
177	Sept. 18	H.J. Res. 681: On passage: to propose amendment to the Constitution for direct election of President and Vice President. (Passed 339 to 70)	YES
179	Sept. 19	H.R. 13763: On passage: to make fiscal 1970 appropriations for the legislative branch. (Passed 177 to 94)	NV
181	Sept. 23	H.R. 12549: On passage: to amend Fish and Wildlife Coordination Act to establish a Council on Environmental Quality. (Passed 372 to 15)	NV
183	Sept. 24	S. 574: On passage: to authorize Secretary of Interior to investigate water resource developments with respect to feasibility. (Passed 364 to 16)	NV
188	Sept. 29	H.R. 13369: On passage: to extend authority to set interest rates on mortgages to veterans. (Passed 338 to 21)	YES
189	Sept. 29	H.R. 4314: On passage: to permit joint labor-management funds for scholarships and child care centers. (Passed 354 to 1)	YES
193	Sept. 30	H.R. 13300: On passage: to amend Railroad Retirement Act and Railroad Retirement Tax Act. (Passed 372 to 17)	YES
195	Oct. 1	H. Res. 561: On passage: to consider H.R. 14000, to authorize fiscal 1970 appropriations for military procurement. (Passed 324 to 61)	YES
198	Oct. 3	H.R. 14000: Previous question: to authorize fiscal 1970 appropriations for military procurement, and to prescribe the personnel strength of the Selected Reserve of each Reserve component of the Armed Forces. (Passed 223 to 141)	YES
199	Oct. 3	H.R. 14000: Recommital motion: by O'Konski with instructions to eliminate from the bill appropriations for research, development, and deployment of the ABM. (Failed 93 to 270; "Present" 2)	NO
200	Oct. 3	H.R. 14000: On passage as amended: to authorize fiscal 1970 appropriations for military procurement, and to prescribe the personnel strength of the Selected Reserve of each Reserve component of the Armed Forces. (Passed 311 to 44; "Present" 1)	YES
202	Oct. 6	H.R. 14127: Motion to suspend rules and pass: to carry out recommendations of the Joint Committee on Coinage. (Failed 205 to 148) [2/3ds vote required]	NO
203	Oct. 6	H.R. 13304: Motion to suspend rules and pass: to provide educational assistance to gifted children. (Passed 352 to 0)	YES
204	Oct. 6	H.R. 13310: Motion to suspend rules and pass: to provide programs for children with learning disabilities. (Passed 350 to 0)	YES
205	Oct. 6	H.R. 372: Motion to suspend rules and pass: to establish new income exclusions for veterans and their widows, liberalize bar on payments to remarried widows, and liberalize oath requirement for hospitalization of veterans, as amended. (Passed 352 to 0)	YES
207	Oct. 7	H.R. 10878: On passage: to authorize appropriations for National Science Foundation. (Passed 384 to 5)	YES
209	Oct. 8	H.R. 14159: Previous question: to make fiscal 1970 public works appropriations for water, pollution control, and power development. (Passed 215 to 187)	YES
210	Oct. 8	H.R. 14159: On passage: to make fiscal 1970 public works appropriations for water, pollution control, and power development. (Passed 396 to 3)	YES
212	Oct. 9	H.R. 11612: Motion to table: a motion instructing House conferees to insist on Conte amendment to fiscal 1970 Department of Agriculture appropriations [see Roll Call 64 for amendment]. (Passed 181 to 177)	NV
213	Oct. 9	H.R. 8449: On passage: to reduce from 16 to 12 the working hours of railroad crew employees. (Passed 370 to 0)	YES
214	Oct. 9	H.R. 7737: Recommittal motion: with instructions to reduce from $20 to $10 million the 1970 authorization for the Public Broadcast Corporation. (Failed 131 to 170)	YES
215	Oct. 9	H.R. 7737: On passage: to amend Communications Act of 1934 to provide grants for construction of educational television and radio facilities and relating to support of Corporation of Public Broadcasting. (Passed 279 to 21; "Present" 1)	NO
218	Oct. 14	H.R. 13000: Gross amendment: to provide that both Houses must approve within 60 days the rates of pay increases recommended by the Federal Salary Commission as submitted by the President in order for them to take effect. (Passed 191 to 169)	YES
219	Oct. 14	H.R. 13000: Recommittal motion: to implement a Federal employee pay comparability system, Federal Salary Commission and Board of Arbitration. (Failed 81 to 281; "Present" 1)	YES
220	Oct. 14	H.R. 13000: On passage: to implement a Federal employee pay comparability system, Federal Salary Commission and Board of Arbitration. (Passed 310 to 52; "Present" 1)	NO
221	Oct. 14	Motion to adjourn. (Failed 99 to 210; "Present" 1)	NO
224	Oct. 14	Motion to adjourn. (Passed 112 to 110)	NO
228	Oct. 15	H.R. 14127: On passage: to carry out recommendations of the Joint Commission on the Coinage. (Passed 257 to 65)	YES
231	Oct. 16	H.R. 13194: Agreeing to conference report: to amend Higher Education Act of 1965 to assure students will have access to insured loans for education. (Passed 326 to 10; "Present" 2)	YES
233	Oct. 16	H.R. 4293: On passage: to continue authority for regulation of exports. (Passed 272 to 7)	NV
235	Oct. 20	H.R. 14195: Motion to suspend rules and pass: to revise laws governing contested elections of Members of the House. (Passed 311 to 12)	NV
241	Oct. 23	H.R. 13763: On motion to table motion to instruct conferees: to make fiscal 1970 appropriations for legislative branch. (Passed 199 to 165)	NV
243	Oct. 23	H.R. 13827: On passage: to amend and extend laws relating to housing and urban development. (Passed 339 to 9; "Present" 3)	YES
248	Oct. 29	H.R. 13950: On passage: to provide protection of health and safety of persons working in coal mining industry. (Passed 389 to 4)	YES
252	Oct. 30	H. Res. 586: Previous question: to consider H.R. 14001, to amend Military Selective Service Act of 1967 to modify selection of persons into Armed Forces (draft lottery). (Passed 265 to 129)	YES
253	Oct. 30	H.R. 14001: On passage: to amend Military Selective Service Act of 1967 to modify selection of persons into Armed Forces (draft lottery). (Passed 382 to 13; "Present" 1)	YES
254	Oct. 31	H.R. 14252: On passage: to authorize Secretary of H.E.W. To make grants for educational programs concerning drug use, and for other purposes. (Passed 294 to 0)	YES
255	Oct. 31	H.R. 4244: Recommittal motion: pertaining to the Administrative Conference. (Failed 130 to 134)	YES
256	Oct. 31	H.R. 4244: On passage: pertaining to the Administrative Conference. (Passed 133 to 127)	NO
260	Nov. 5	H.R. 6778: Recommittal motion: to amend Bank Holding Company Act of 1956. (Failed 124 to 245; "Present" 11)	YES
261	Nov. 5	H.R. 6778: On passage: to amend Bank Holding Company Act of 1956. (Passed 351 to 24; "Present" 12)	YES
264	Nov. 6	H.R. 14465: On passage: to expand and improve the Nation's airport, airway system, and for the imposition of user charges. (Passed 337 to 6)	NV
267	Nov. 12	H.R. 2777: On passage: to enable potato growers to finance a research and promotion program. (Failed 171 to 198)	YES

XUM

Yes—For No—Against NV—Not voting NVA—Not voting, paired against NVF—Not voting, paired for

Roll-call No.	Date	Measure, question, and result	Vote
268	Nov. 12	H. Res. 603: Previous question: to consider H.J. 589, a joint resolution expressing the support of Congress, and urging the support of the Federal agencies, for the international biological program. (Passed 230 to 100)	NV
270	Nov. 13	H. Res. 677: On passage: to waive points of order against H.R. 14751 making fiscal 1970 military construction appropriations for Dept. of Defense. (Passed 326 to 43)	YES
271	Nov. 13	H.R. 14751: On passage: to make fiscal 1970 military appropriations for Dept. of Defense. (Passed 343 to 32)	YES
272	Nov. 13	H.R. 14705: On passage: to extend and improve Federal-State Unemployment Compensation Program. (Passed 337 to 8)	YES
273	Nov. 17	H.Res. 675: On passage: agreeing to conference requested by Senate on H.R. 12829 providing for extension of interest equalization tax. (Passed 316 to 31)	YES
274	Nov. 17	S.J. Res. 121: Motion to suspend rules and pass: to authorize appropriation for National Council of Indian Opportunity. (Passed 316 to 31)	YES
277	Nov. 18	H.R. 14794: On passage: to make fiscal 1970 appropriations for Dept. of Transportation and related agencies. (Passed 362 to 25)	YES
281	Nov. 19	H.R. 11612: Previous question on agreeing to conference report: to make fiscal 1970 appropriations for Dept. of Agriculture. (Passed 214 to 172)	YES
282	Nov. 19	H.R. 12829: Agreeing to conference report: to extend interest equalization tax. (Passed 334 to 47)	YES
284	Nov. 20	H.R. 14580: Sikes amendment: to amend fiscal 1970 Foreign Aid Authorization Act to provide an additional $54,500,000 in military assistance to Nationalist China. (Passed 176 to 169)	NV
285	Nov. 20	H.R. 14580: Recommittal motion: with instructions to reduce development loans by $50,000,000. (Passed 185 to 158)	NV
286	Nov. 20	H.R. 14580: On passage as amended: fiscal 1970 Foreign Aid Authorization Act. (Passed 176 to 163; "Present" 4)	NV
288	Nov. 24	H.R. 11193: Gross amendment: to strike $150,000 for feasibility study of extending transit line to Dulles Airport. (Failed 52 to 256)	NO
289	Nov. 24	H.R. 11193: On passage: to authorize a Federal contribution toward the D.C. transit development program. (Passed 285 to 23)	YES
290	Nov. 24	H.R. 14916: On passage: to make fiscal 1970 appropriations for the District of Columbia. (Passed 305 to 9)	YES
292	Nov. 25	H.R. 14741: On passage: to revise due date of cost estimate for Interstate Highway System, to amend law relating to highway safety, and for other purposes. (Passed 342 to 1)	YES
294	Dec. 1	H. Res. 722: Previous question: to provide for consideration of H. Res. 613, "Toward Peace With Justice in Vietnam." (Passed 225 to 132)	YES
295	Dec. 1	H. Res. 722: Agreeing to rule: to consider H.Res. 613. (Passed 251 to 100)	YES
299	Dec. 2	H. Res. 613: Recommittal motion: with instructions to amend H. Res. 613 to urge the President to press N. Vietnam to abide by Geneva Convention in treatment of prisoners of war. (Passed 392 to 0)	YES
300	Dec. 2	H. Res. 613: On passage: "Toward Peace With Justice in Vietnam [in support of President]." (Passed 333 to 55; "Present" 1)	YES
306	Dec. 8	H.R. 15090: On passage as amended: to make fiscal 1970 appropriations for Dept. of Defense. (Passed 330 to 33)	YES
309	Dec. 9	H.R. 15149: Broomfield amendment: to add $50,000,000 in military assistance for Nationalist China and S. Korea to fiscal 1970 appropriations for Foreign Assistance. (Passed 250 to 142)	YES
310	Dec. 9	H.R. 15149: On passage as amended: to make fiscal 1970 appropriations for Foreign Assistance. (Passed 200 to 195; "Present" 2)	NO
312	Dec. 10	H.R. 4293: Agreeing to conference report: to provide continuing authority for exports regulation. (Failed 157 to 238)	NO
316	Dec. 11	H.R. 4249: G. Ford substitute amendment: nationwide to suspend literacy tests; nationwide to extend Atty. General's authority to oversee elections and initiate voting rights lawsuits; to establish uniform residency requirements for presidential elections; to establish presidential commission to study voting practices. (Passed 208 to 204)	YES
317	Dec. 11	H.R. 4249: On passage as amended: to extend 1965 Voting Rights Act. (Passed 234 to 179)	YES
318	Dec. 11	H.R. 15209: Recommittal motion: with instructions to eliminate funds for the Kennedy Center for the Performing Arts from fiscal 1970 supplemental appropriations bill. (Failed 142 to 243)	NO
320	Dec. 12	H.R. 12321: Recommittal motion: with instructions to make Anti Poverty Act into a State program. (Failed 163 to 231)	NO
321	Dec. 12	H.R. 12321: On passage as amended: to provide continuation of Economic Opportunity Act of 1964 and for other purposes. (Passed 276 to 117)	YES
323	Dec. 15	H.R. 15095: Motion to suspend rules and pass: to increase Social Security benefits by 15 percent. (Passed 397 to 0)	YES
324	Dec. 15	H.R. 14646: Motion to suspend rules and pass: to grant consent of Congress to the Connecticut-New York railroad passenger transportation compact. (Passed 352 to 49)	NO
325	Dec. 15	H. Con. Res.454:Motion to suspend rules and pass:to call for humane treatment and release of American prisoners of war by N. Vietnam and Vietcong. (Passed 405 to 0)	YES
327	Dec. 16	S. 740: Motion to suspend rules and pass: to establish a Cabinet Committee on Opportunities for Spanish-speaking People, and for other purposes. (Passed 314 to 81; "Present" 2)	YES
328	Dec. 16	H.R. 14213: Motion to suspend rules and pass: to provide for 2 additional members on the Smithsonian Institution Board of Regents. (Passed 273 to 119)	NO
331	Dec. 17	H.R. 15091: Patman amendment: to strike provisions authorizing Federal Reserve Board to purchase federally guaranteed mortgages. (Passed 231 to 171;"Present" 1)	YES
332	Dec. 17	H.R. 15091: Patman amendment: to strike provisions authorizing purchase by Federal Reserve Board of $6 billion in federally guaranteed mortgages. (Passed 233 to 170; "Present" 1)	YES
333	Dec. 17	H.R. 15091: Recommittal motion: with instructions to report back bill with language provided in S. 2577, a Senate-passed bill. (Failed 193 to 206; "Present" 1)	YES
334	Dec. 17	H.R. 15091: On passage: to provide additional mortgage credit, to authorize standby presidential authority to institute selective credit controls, to authorize lending authority to the Small Business Administration, and for other purposes. (Passed 259 to 136; "Present" 3)	NO
335	Dec. 17	S. 2917: Recommittal motion: with instructions that House conferees insist on House-passed provisions relating to compensation for black-lung disease.(Failed 83 to 258)	YES
336	Dec. 17	S. 2917: Agreeing to conference report: to improve health and safety conditions in coal mines.(Passed 333 to 12)	YES
338	Dec. 18	H.R. 14944: On passage: to authorize adequate police protection for the White House and foreign embassies. (Passed 394 to 7)	YES
339	Dec. 18	H.R. 13111: Motion to lay on the table the motion: to instruct House conferees to accept Senate amendment,which adds the words "except as required by the Constitution" to the Whitten amendment prohibiting the expenditure of Federal funds for busing to force racial integration of schools. (Failed 180 to 216)	NO
340	Dec. 18	H. Res. 572: On passage: to authorize Members and staff of the Committee on Education and Labor to make certain studies abroad. (Passed 224 to 153)	NO
342	Dec. 19	H.R. 14580: On agreeing to conference report:to authorize appropriations for fiscal 1970 Foreign Assistance. (Passed 208 to 166)	NO
343	Dec. 19	S. 2577: On agreeing to conference report: to provide additional mortgage credit, to authorize standby presidential authority to institute selective credit controls, to authorize lending authority to the Small Business Administration, and for other purposes. (Passed 358 to 4; "Present" 2)	YES
345	Dec. 20	H.R. 15149: Recommittal motion: to instruct House conferees to accept Senate amendment eliminating funds for fighter planes for Nationalist China.(Failed 136 to 220)	NO
346	Dec. 20	H.R. 15149: Agreeing to conference report:to make fiscal 1970 appropriations for Foreign Assistance (Passed 181 to 174)	NO
347	Dec. 20	S. 3016: Agreeing to conference report: to continue programs authorized under the Economic Opportunity Act of 1964 (Passed 243 to 94)	YES
350	Dec. 22	H.R. 13111. Previous question on conference report: to make fiscal 1970 appropriations for H.E.W. and related agencies. (Passed 261 to 110)	YES
351	Dec. 22	H.R. 13270. Adoption of conference report: to reform income tax laws. (Passed 381 to 2)	NV
352	Dec. 22	H.R. 15209. On conference report: to agree to Senate amendment continuing appropriations at the fiscal 1969 level for agencies not yet provided their fiscal 1970 appropriations. (Passed 276 to 99)	YES
353	Dec. 22	H.R. 15209. On conference report: to agree to Senate amendment to limit application of the so-called Philadelphia plan to eliminate job discrimination. (Failed 156 to 208; "Present" 1)	NO

XUM

NAVY LEAGUE SYMPOSIUM PRAISED

HON. GERALD R. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 1970

Mr. GERALD R. FORD. Mr. Speaker, the District of Columbia Council of the Navy League of the United States recently performed a signal service to the Nation by sponsoring an ocean-maritime symposium here to focus attention on the challenge of the world oceans for the future betterment of mankind.

President Nixon summed up the enthusiasm which all of us who are concerned about this challenge felt for this Navy League symposium in a February 10, 1970, letter to the president of the council, Mr. W. L. Flinn. The text of the President's letter is as follows:

THE WHITE HOUSE,
Washington, February 10, 1970.

Mr. W. L. FLINN
President, District of Columbia Council,
Navy League of the United States,
Washington, D.C.

DEAR MR. FLINN: The economic prosperity and security of our nation and the well-being of our people rest heavily on the future use we make of the world's oceans.

Recognizing this, my Administration is seeking to provide new incentives to assure our success as a great maritime nation, and to gain from the ocean a greater harvest of minerals and food for the benefit of our citizens.

The Navy League of the United States has for over half a century consistently sought to alert our citizens to the challenge of the oceans as a means of advancing our commerce and maintaining our defense posture.

Your 1970 Ocean-Maritime Symposium promises to provide fresh insights into the benefits of the oceans for all mankind. My congratulations for the initiatives you have taken in this important endeavor, and my best wishes for the success of your deliberations.

Sincerely,

RICHARD NIXON.

One of the outstanding presentations at the symposium was made by our colleague, the gentleman from California (Mr. MAILLIARD) who is the ranking Republican member of the Committee on Merchant Marine and Fisheries. Another outstanding speech was made by the new chairman of the Maritime Commission, Mrs. Helen Delich Bentley, and it appears on page 5270 of the CONGRESSIONAL RECORD of February 27, 1970. I am delighted to insert here the text of Mr. MAILLIARD's farsighted remarks, and commend them to my colleagues in the Congress:

REMARKS OF HON. WILLIAM S. MAILLIARD

President Flynn, Chairman Slonim, and fellow panelists:

I regret that I will be unable to join you until later today because of the schedule of the House Merchant Marine Committee. The Committee presently is holding public hearings on H.R. 15424, the President's legislative recommendations for a new maritime program. These recommendations are a significant step toward the fulfillment of the goals established by President Nixon at Seattle, Washington, in September 1968. As you recall, the President stated that we must increase the volume of U.S. trade carried aboard American ships from the present rate of 5.6% to over 30% by the mid-seventies. We all know that this is a tall order indeed, and that in order to achieve it, significant changes must take place within the American maritime industry and within the American business community as a whole.

We are meeting here this morning to discuss the steps which must be taken to achieve a significant increase in our merchant marine and the carriage of goods in American ships and to place the achievement of these goals in perspective from the standpoint of the economic and political well-being of the nation.

The President's Message to Congress on the merchant marine of October 1969 spoke in terms of a challenge and an opportunity. The challenge is great and must not be glossed over. In order for this program to realize the 300 ships contemplated, the shipbuilding industry must face the realities of inflation and must apply every bit of ingenuity it can muster to achieve economies in those areas of production which it can control. The ship operators must face a challenge and must accept the fact that we cannot build custom-designed ships economically. Where a standard design will do the job, a standard design will have to be agreed to with a bare minimum of change to meet the particular needs of the trade. The bickering between shipbuilders and shipowners over who is responsible for a particular change in design and who should bear the cost will have to be minimized. Unless all parties are willing to assume their fair share of the challenge, this program will not succeed.

The Maritime Administration under the leadership of Andrew Gibson has come forward with a number of innovations for the administration of our shipbuilding program. Not all of them are new, but for the first time in a long time, changes which have been talked about but never acted upon are being given a chance to work. The testimony which the Merchant Marine Committee has received so far from the maritime industry indicates that much of the legislative package has been accepted, and that the shipbuilding industry and the operators are willing to give the new system a chance. There is, however, an unfortunate tendency—perhaps even a compulsion—to use these hearings as an opportunity to rehash every shortcoming, whether real or imagined, of the past 35-odd years' experience with the Merchant Marine Act. As with any new ship, we are going to go through a shaking-down period, once this legislation is enacted. Not all past failings of the Maritime Administration or the maritime industry will be cured overnight. In the final analysis, the success of this program does not rest upon legislative language but upon the hard work and dedication of the people who will be working with it.

We all know that H.R. 15424 will not increase the carriage of U.S. trade in American ships to the 30+% level. What it will do, however, is change the climate within the maritime industry from one of general lassitude and indifference to one of eagerness to grasp the opportunities which are now available. I believe we are embarking upon a new course for our merchant marine—a course whose ultimate destination may not be clearly foreseen at this time, but one which we should proceed upon with a sense of enthusiasm and optimism rather than the cynicism of the past.

If the shipbuilding industry and the ship operators meet this challenge, as I know they can, a chain reaction will take place. In basic economic courses, the concept of the multiplier effect is taught to illustrate the impact of a given amount of credit within the economy. A variety of forces are at work today in addition to the President's legislative initiatives which, coupled with that program, will produce this multiplier effect upon our merchant marine. The potential oil shipments from the Alaskan North Slope, regardless of the ultimate success of the Northwest Passage, will require a significant expansion of our tanker fleet. The demands upon our shipyards to meet that expansion will pose a considerable challenge in itself.

Of the 300 ships contemplated in our maritime program, a number of dry bulk carriers will be constructed. These, in all honesty, probably will not be sufficient to carry enough of our bulk requirements to meet that 30% goal, and it is, of course, in the dry and liquid bulk area where our carriage is now negligible as contrasted with the liner segment of our trade, but we will be doing something whereas heretofore we were doing nothing. The construction and operation of modern bulk carriers will enable American-flag operators to develop expertise in this highly specialized field. Their success will undoubtedly stimulate others to follow. The construction of bulk carriers, coupled with the tanker construction for the Alaskan trade, may indeed give us the capacity to reach that 30% goal. So far as the liner portion of our trade is concerned, I have no doubt that the American-flag operators who have made such great technological strides in the last five years will continue to increase their share in these high-value trades.

The challenge and the opportunity are there. The economic benefits of increased American-flag carriage are all too obvious. In terms of our balance of payments alone, the American-flag merchant marine now makes a tremendous contribution estimated at over $700 million a year by one research organization—Hareridge House. That, of course, is based upon our present level of activity. It is not difficult to imagine this figure exceeding a billion dollars a year during this decade.

The economic benefits of this expanded merchant marine, in terms of our balance-of-payments and in terms of a reliable transportation system for this nation, rests ultimately on the actual carriage of cargo by American ships. There is, unfortunately, a general lack of awareness on the part of Americans of the desirability for a strong American-flag fleet. Too many exporters and importers fail to appreciate the fact that their individual business judgments, when combined determine the fate of our merchant marine. This lack of awareness is natural but must be overcome. Here the government plays a significant role, the ship operators must pursue an aggressive program of attracting customers, and organizations such as the Navy League must carry the Ship-American message to the country. That message will fall on deaf ears if our shippers cannot be given reasonable assurance of stability within the maritime industry. The opportunity of the 70's for the maritime industry will depend in great measure upon achieving a high degree of stability.

I recently received a letter from a constituent in my District, a substantial exporter from the west coast, who stated that he would never again ship on an American-flag vessel as a result of his recent experience with a west coast strike. I responded to his letter, attempting to assure him that this type of situation will be the exception rather than the rule in the future. It isn't easy to answer that kind of a letter, and if we are to have a merchant marine of any significance whatsoever, the circumstances which give rise to communications such as this must be a thing of the past.

An expanded American merchant marine will yield tremendous economic benefit to this country, while at the same time contributing substantially to the political security of the nation.

The Merchant Marine Committee will conclude its hearings on the President's maritime proposals sometime in March, and after a period of evaluation the Committee will

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report out the legislation. There undoubtedly may be some amendments, as I am sure the Maritime Administration has now had more time to reflect on its proposals and can see where they may be strengthened or clarified in a number of respects. I do not anticipate, however, that there will be any radical revision of the bill.

Today draft legislation was forwarded to Congress to authorize appropriations for the shipbuilding, ship operation and research activities of the Maritime Administration. This bill calls for $199.5 million for ship construction in fiscal year 1971. This is nearly double the level of funding for fiscal 1970 and substantially greater than the appropriation level for any recent year. At this time, when every aspect of the budget is receiving close scrutiny in order to achieve the maximum degree of economy, this commitment of funds to the shipbuilding program is clear and convincing evidence that the federal government is now willing to carry out its part of this challenge.

From the standpoint of the national interest, we see the opportunity. The industry must now place its commitment on the line, and together we must convince the American people that this commitment is justified, and that this program deserves the high priority which the government has given it. Only by our action in the years to come will we achieve this.

THE MOYNIHAN MEMORANDUM

HON. JOHN S. MONAGAN

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 1970

Mr. MONAGAN. Mr. Speaker, after reading the text of the memorandum to President Nixon from Dr. Daniel P. Moynihan, Counselor to the President, printed in the March 1, New York Times, I was moved to write Attorney General John N. Mitchell concerning Dr. Moynihan's assessment of the Nixon administration's progress in combating crime.

I agree with Dr. Moynihan's candid analysis that although the Nixon administration "came to office committed to doing something about crime in the streets," in the year that the administration has been in office it has not advanced either its "understanding of the problem or that of the public at large."

Dr. Moynihan is equally frank in judging the administration's progress in civil rights, stating that while the administration has spent as much or more time and energy on the black population than any other administration, "little has come of it" due to the ineptness of some of the departments. While I concur in his observation that the 1960's saw the great economic breakthrough for the American Negro, I take exception to his conclusion that the ultimate loser in the administration's inept approach to problems confronting the black population is the administration itself. The real loser is the American Negro, and the ultimate loser is the Nation. I also have serious and deep reservations about Dr. Moynihan's suggestion that the "race issue" can benefit from a period of benign neglect." This is hardly a time for the administration to approach the race issue with an indifferent attitude. What the problem needs and the Nation demands is determination, leadership, and resolve, and resolve to implement the necessary solutions.

In my letter to Attorney General Mitchell I stated my firm belief that the problem of crime in the streets is one of the problems which most deeply concerns the people of this country today and asked that he, as the chief law officer of the United States, expand the crime control and law-enforcement activities of the United States to the degree required for the control which our people demand.

The text of Dr. Moynihan's memorandum as it appeared in the New York Times, and my letter to Attorney General Mitchell follow:

[From the New York Times, March 1, 1970]

TEXT OF THE MOYNIHAN MEMORANDUM ON THE STATUS OF NEGROES

As the new year begins, it occurs to me that you might find useful a general assessment of the position of Negroes at the end of the first year of your Administration, and of the decade in which their position has been the central domestic political issue.

In quantitative terms, which are reliable, the American Negro is making extraordinary progress. In political terms, somewhat less reliable, this would also appear to be true. In each case, however, there would seem to be countercurrents that pose a serious threat to the welfare of the blacks and the stability of the society, white and black.

1. EMPLOYMENT AND INCOME

The nineteen-sixties saw the great breakthrough for blacks. A third (32 per cent) of all families of Negro and other races earned $8,000 or more in 1968 compared, in constant dollars, with 15 per cent in 1960.

The South is still a problem. Slightly more than half (52 per cent) of the Negro population lived in the South in 1969. There, only 19 per cent of families of Negro and other races earned over $8,000.

Young Negro families are achieving parity with young white families. Outside the South, young husband-wife Negro families have 99 per cent of the income of whites! For families headed by a male age 25 to 34, the proporton was 87 per cent. Thus, it may be this ancient gap is finally closing.

Income reflects employment, and this changed dramatically in the nineteen-sixties. Blacks continued to have twice the unemployment rates of whites, but these were down for both groups. In 1969, the rate of married men of Negro and other races was only 2.5 per cent. Teen-agers, on the other hand, continued their appalling rates: 24.4 per cent in 1969.

Black occupations improved dramatically. The number of professional and technical employees doubled in the period 1960–68. This was two and a half times the increase for whites. In 1969, Negro and other races provided 10 per cent of the other-than-college teachers. This is roughly their proportion of the population (11 per cent).

2. EDUCATION

In 1968, 19 per cent of Negro children 3 and 4 years old were enrolled in school, compared to 15 per cent of white children. Forty-five per cent of Negroes 18 and 19 years old were in school, almost the equal of the white proportion of 51 per cent. Negro college enrollment rose 85 per cent between 1964 and 1968, by which time there were 434,000 Negro college students. (The total full-time university population of Great Britain is 200,000.)

Educational achievement should not be exaggerated. Only 16 per cent of Negro high school seniors have verbal test scores at or above grade level. But blacks are staying in school.

3. FEMALE-HEADED FAMILIES

This problem does not get better, it gets worse. In 1969, the proportion of husband-wife families of Negro and other races declined once again, this time to 68.7 per cent. The illegitimacy ratio rose once again, this time to 29.4 per cent of all live births. (The white ratio rose more sharply, but was still only 4.9 per cent.)

Increasingly, the problem of Negro poverty is the problem of the female-headed family. In 1968, 56 per cent of Negro families with income under $3,000 were female-headed. In 1968, for the first time, the number of poor Negro children in female-headed families (2,241,000) was greater than the number in male-headed families (1,947,000).

4. SOCIAL PATHOLOGY

The incidence of anti-social behavior among young black males continues to be extraordinarily high. Apart from white racial attitudes, this is the biggest problem black Americans face, and in part it helps shape white racial attitudes. Black Americans injure one another. Because blacks live in de facto segregrated neighborhoods and go to de facto segregated schools, the socially stable elements of the black population cannot escape the socially pathological ones. Routinely, their children get caught up in the antisocial patterns of the others.

You are familiar with the problem of crime. Let me draw your attention to another phenomenon, exactly parallel, and originating exactly the same social circumstances: Fire. Unless I mistake the trends, we are heading for a genuinely serious fire problem in American cities. In New York, for example, between 1956 and 1969 the over-all fire alarm rate more than tripled, from 69,000 alarms to 240,000. These alarms are concentrated in slum neighborhoods, primarily black. In 1968, one slum area had an alarm rate per square mile 13 times that of the city as a whole. In another, the number of alarms has, on an average, increased 44 per cent per year for seven years.

Many of these fires are the result of population density. But a great many are more or less deliberately set. (Thus, on Monday, welfare protestors set two fires in the New York State Capitol.) Fires are in fact a "leading indicator" of social pathology for a neighborhood. They come first. Crime, and the rest, follows. The psychiatric interpretation of fire-setting is complex, but it relates to the types of personalities which slums produce. (A point of possible interest: Fires in the black slums peak in July and August. The urban riots of 1964–1968 could be thought of as epidemic conditions of an endemic situation.)

5. SOCIAL ALIENATION

With no real evidence, I would nonetheless suggest that a great deal of the crime, the fire-setting, the rampant school violence and other such phenomenon in the black community have become quasi-politicized. Hatred—revenge—against whites is now an acceptable excuse for doing what might have been done anyway. This is bad news for any society, especially when it takes forms which the Black Panthers seem to have adopted.

This social alienation among the black lower classes is matched and probably enhanced, by a virulent form of anti-white feeling among portions of the large and prosperous black middle class. It would be difficult to overestimate the degree to which young, well-educated blacks detest white America.

6. THE NIXON ADMINISTRATION

As you have candidly acknowledged, the relation of the Administration to the black population is a problem. I think it ought also to be acknowledged that we are a long way from solving it. During the past year,

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intense efforts have been made by the Administration to develop programs that will be of help to the blacks. I dare say, as much or more time and attention goes into this effort in this Administration than any in history. But little has come of it. There has been a great deal of political ineptness in some departments, and you have been the loser.

I don't know what you can do about this. Perhaps nothing. But I do have four suggestions.

First. Sometime early in the year, I would gather together the Administration officials who are most involved with these matters and talk out the subject a bit. There really is a need for a more coherent Administration approach to a number of issues. (Which I can list for you, if you like.)

Second. The time may have come when the issue of race could benefit from a period of "benign neglect." The subject has been too much talked about. The forum has been too much taken over to hysterics, paranoids and boodlers on all sides. We may need a period in which Negro progress continues and racial rhetoric fades. The Administration can help bring this about by paying close attention to such progress—as we are doing—while seeking to avoid situations in which extremists of either race are given opportunities for martyrdom, heroics, histronics or whatever. Greater attention to Indians, Mexican-Americans and Puerto Ricans would be useful. A tendency to ignore provocations from groups such as the Black Panthers might also be useful. (The Panthers were apparently almost defunct until the Chicago police raided one of their headquarters and transformed them into culture heroes for the white—and black—middle class. You perhaps did not note on the society page of yesterday's Times that Mrs. Leonard Bernstein gave a cocktail party on Wednedsay to raise money for the Panthers. Mrs. W. Vincent Astor was among the guests. Mrs. Peter Duchin, "the rich blonde wife of the orchestra leader," was thrilled. "I've never met a Panther," she said. "This is a first for me.")

Third. We really ought to be getting on with research on crime. We just don't know enough. It is a year now since the Administration came to office committed to doing something about crime in the streets. But frankly, in that year I don't see that we have advanced either our understanding of the problem, or that of the public at large. (This of course may only reveal my ignorance of what is going on.)

At the risk of indiscretion, may I put it that lawyers are not professionally well-equipped to do much to prevent crime. Lawyers are not managers, and they are not researchers. The logistics, the ecology, the strategy and tactics of reducing the incidence of certain types of behavior in large urban populations simply are not things lawyers think about often.

We are never going to "learn" about crime in a laboratory sense. But we almost certainly could profit from limited, carefully done studies. I don't think these will be done unless you express a personal interest.

Fourth. There is a silent black majority as well as a white one. It is mostly working class, as against lower middle class. It is politically moderate (on issues other than racial equality) and shares most of the concerns of its white counterpart. This group has been generally ignored by the Government and the media. The more recognition we can give to it, the better off we shall all be. (I would take it, for example that Ambassador [Jerome H.] Holland is a natural leader of this segment of the black community. There are others like him.)

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March 2, 1970.

Hon. John N. Mitchell,
Attorney General,
Department of Justice,
Washington, D.C.

Dear Mr. Attorney General: I have read with great interest and partial agreement the memorandum on various subjects which Counsellor to the President Daniel P. Moynihan sent recently to President Nixon.

I was particularly impressed with his reference to "crime in the streets" and his dubious appraisal of the record of the present Administration in this area, because in my judgment this is one of the problems which most deeply concerns the people of this country at the present time.

Dr. Moynihan stated that "the Administration came to office committed to doing something about crime in the streets," but added that "I don't see that we have advanced either our understanding of the problem or that of the public at large."

He concluded by earnestly bespeaking the personal interest of President Nixon.

There is no need to repeat here the deeds of violence from New York to California which chill the hearts of the American people. It is clear that words cannot substitute for action in this critical situation and I am pleased to see that a high Counsellor of the Administration has placed this matter at a top level of priority.

Certainly this problem requires the personal attention of the President and I hope that attention will be forthcoming. I trust also that something of Dr. Moynihan's feeling of urgency will be transmitted to the Justice Department and that you, as chief law officer of the United States, will emphasize and expand the crime control and law enforcement activities of the United States to the degree required for the control which our people demand.

Sincerely your,

John S. Monagan,
Member of Congress.

HAPPY BIRTHDAY, LEWIS DESCHLER

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1970

Mr. CONTE. Mr. Speaker, yesterday marked the birthday of one of the most able and distinguished men I have had the privilege of working with in this body. I refer, of course, to Lewis Deschler, who for 43 years has advised the Speaker and the various chairmen of the Committee of the Whole on what the rules and procedures have been in this body.

It is difficult to overemphasize what Lew Deschler has contributed to the operations of the House. In so doing, he has won the admiration and deep respect of all my colleagues on both sides of the aisle. He has served with distinction for all of us and for the Nation.

On more occasions than I can recall, Lew has helped me out, and I know he has been similarly helpful to my colleagues. With deep respect for his ability and his work over these many years, I wish this great citizen, Lew Deschler, a belated, but very happy birthday.

ABM: THE FAR SIDE OF MADNESS

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 1970

Mr. WOLFF. Mr. Speaker, in the continuing debate over the proposed ABM system, I feel it is essential that we present as much information and as many viewpoints as possible. Only in this way can we reach a realistic and responsible decision with regards to the future of this program.

With this in mind, I would like to extend my remarks today to include an excellent editorial which recently appeared in the fine Long Island newspaper Newsday. It is a cogent discussion of why we cannot permit this system to be initiated as part of our defense program.

The ABM is a colossal waste of money. Should we make the mistake of including it as part of our national security program, we will be doing little more than grossly increasing our fiscal burden.

This system does not enhance our defense program. Instead, it badly threatens our hopes of ever achieving world peace since it steps up our arms race with the Soviet Union.

The Newsday article will demonstrate in more detail why we cannot permit this project to be undertaken by our Defense Department:

ABM: The Far Side of Madness

"In my view, the President's decision to go forward with a modified Phase II of the defensive Safeguard program will, in the long run, enhance the prospects for the success of SALT because, in the short run, it allows us to exercise greater restraint in matching a continued Soviet buildup of offensive systems with actions involving our own offensive systems . . ."

"Communist China has continued to test nuclear weapons in the megaton range and could test its first ICBM within the next year. However, the earliest estimated date that they could have an operational ICBM capability now appears to be 1973, or about one year later than last year's projection."—Secretary of Defense Melvin Laird in his annual defense report to Congress

Heaven help us, it is here again: the perennial missile madness, with its exquisitely wrought doublethink ("will, in the long run, enhance the prospects for the success of SALT because, in the short run . . ."), its methodical alternation of the Soviet and Chinese threats, its automatically updated estimates of enemy potential (". . . about one year later than last year's projection"). Soon we will have those familiar learned debates in the political journals, bandying terms like "first strike capacity," "weapons sufficiency," "number of kills," and the rest of that second rate sports argot so dear to the ABM aficionados.

For over a decade the scenario has replayed itself with little variation—ABM decisions marked by shifting rationales, outright duplicity, swiftly obsolescent "CIA intelligence estimates," overt and covert political pressures. The result has been a self-canceling multi-billion dollar collection of heroic project names—Nike-Ajax, Nike-Hercules, Nike-X, Bomarc, Nike-Zeus, Sentinel, Safeguard—some of which inadvertently suggested the mythic aspects of the whole program and none of which, evidently, has brought us measurably closer to the promised land of "weapons sufficiency."

From the beginning, the defense establishment and its congressional allies have lobbied fiercely for deployment of a sophisticated ABM system on the seductive premise that ultimate security from enemy attack lay just beyond the next missile silo. The apparatus of persuasion has been trundled out so often that it has begun to creak: the scare stories leaked to certain newspapers, in which "high Pentagon sources" reveal some startling new development in Soviet or Chinese strength; the closed-door testimony of Defense Dept. officials informing a congressional committee of the newest "grave new threat" to the nation's defenses; and so forth. (The Chinese threat, or "yellow peril" as it was once known, is the Pentagon's ace in the hole these days; it can loosen appropriations committee pockets almost without a question being asked.)

RESISTANCE COLLAPSES

Presidents Eisenhower and Kennedy resisted the pressure for deployment, first of a Nike-Zeus and then of a Nike-X system. President Johnson, heeding his scientific advisers, resisted until September, 1967, when Defense Secretary McNamara reluctantly announced the administration's decision to deploy an ABM system. At the time, McNamara took pains to acknowledge the fallacies of an ABM defense, but then added that it would be "marginally useful" against the Red Chinese threat of 20 to 30 ICBMs expected to materialize by the mid-1970s.

And so Sentinel was born, a 17-site system designed to protect major U.S. cities from obliteration by Red Chinese missiles yet unborn. Unfortunately, the city fathers whose legions had thereby been spared not only failed to express any gratitude but were destinctly hostile to the notion of accommodating missile complexes of their borders. This prompted incoming President Richard Nixon to halt the Sentinel program pending a review.

It was just over a year ago that Sentinel resurfaced, with a new name and a whole new reason for being. Now it was to be a "thin" system, called Safeguard, to be deployed not near cities but near missile sites, to protect not the lives of civilian populations but the retaliatory capacity of U.S. minuteman ICBMs, not from the distant Chinese potential but from the immediate Soviet threat, which, President Nixon explained, had suddenly grown "larger than was envisaged in 1967."

So we had entered the era of missiles to protect missiles. But the special virtue of the new system, it seemed, was that Safeguard was not merely a weapon; it was a diplomatic coup. As the President put it: "The program is not provocative. The Soviet retaliatory capacity is not affected by our decision . . . In other words, our program provides an incentive for a responsible Soviet weapons policy." Thus, to the arsenal of clean hydrogen bombs was added a new instrument for harmony among the nations—the unprovocative antiballistics missile. And lest the logic of this unique claim be lost on the general public, "White House sources" offered this illumination through the obliging medium of the New York Times:

"It was not, they insisted, cause for concern to the Russian leaders because, by not protecting the cities, it would do nothing to diminish Soviet capability of a counterattack on the cities; and because it would not diminish this capability, there was no reason for the Soviet Union to embark on new efforts to improve their retaliatory capacity."

THE NEWEST PLOY

There, in a single paragraph, was a fair paraphrase of all the shamming, misleading rationales foisted on a credulous and excitable public over the long course of the ABM's existence. If this intelligence could be accepted at face value, it appeared that now we were to be handed over to the Russians as a burnt offering to gain their indulgence for our desire to protect our missile sites. But in truth, it looked like nothing more than a ploy, a vast wink from our side signalling the other side that we were merely reinvesting the growth stock of our Pentagon portfolio—nothing, really, to be alarmed about, fellows.

And like so many other Pentagon ploys, it was serviceable for only a year. Two weeks ago, the President unveiled the new, expanded, dual purpose 1970 Safeguard system, a versatile number that will not only afford protection to both civilian population and missile sites but will deter both the Soviet and Chinese threats. As Defense Secretary Laird urgently explained to Congress: "In view of the continued growth of the Soviet threat and the prospect of Chinese deployment of an ICBM force in the mid-1970s, we could not justify delaying a further step to protect ourselves against these dangers."

This sounds very much like the clear and present danger that has sent us rushing to the barricades every time an ABM I.O.U. has fallen due in the past 10 years or so. The administration nevertheless plans to spend $920,000,000, just for openers, on the Safeguard expansion. Aside from protection of two additional missile sites, the new wrinkle is "area defense"—advance preparation work on missile installations in five regions of the country, "without a commitment to deployment"—which, it can be assumed, leaves wide latitude for next year's Pentagon maneuvers.

The total costs of this missile-mania to date are not merely staggering. They induce the sort of "psychic numbing" that according to psychiatrist Robert Jay Lifton has dehumanized many of our combat soldiers in Vietnam. Stuart Symington, a veteran member of the Senate Foreign Relations Committee, reported last March, for example, that up to that point the Pentagon had invested over $23 billion on "what are now acknowledged to be unworkable or obsolete missiles." This presumably included some $6 billion lavished on the old Sentinel before it was finally junked in 1968.

Safeguard already stands on a plateau by itself. When it was first announced a year ago, the total cost was estimated at $6 to $7 billion. A few months later, this was raised to $10.3 billion, on the basis of "additional costs" omitted from the original estimate. When the current expansion was announced last month, Deputy Defense Secretary Packard upped the ante to $11.9 billion, an increase of $1.6 billion which he attributed to inflation, delay of the program, and "certain design changes found necessary and advisable during the year"—no doubt, the same sort of necessary and advisable changes that ultimately deposited Sentinel and its predecessors on the scrap heap.

Nothing in the past history of the ABM encourages a belief that the spending will stop there. By authoritative estimates, the "thick system" toward which Safeguard is steadily evolving will cost something beyond $30 to $40 billion.

Any range of billions is a no-man's land for most men. Who can grasp the meaning of such figures? They begin to have significance only in the simplistic, but legitimate exercise of placing them alongside more palatable realities. The fact, for instance, that President Nixon dramatically vetoed an education bill a few weeks ago because he regarded the appropriation of $1.2 billion more than he had requested as "inflationary." The fact that five days before the President announced his new program for a cleaner environment, a federal agency denied a fund request from New York City to demonstrate pollution-free cars because, "there will not be sufficient funds available to meet our commitments for the continuation of existing demonstration projects." Or the fact that entire, loudly trumpeted war on pollution calls for Federal expenditure of only $4 billion over a four-year period. Or all the facts of underplanned, underfunded environment, transit, poverty, health and welfare programs in America.

But more basic than how much is being spent on ABM is the question of why it is being spent at all. It would be totally unrealistic to argue that the U.S. can ignore the need for a strong defense posture in the face of two such powerful rivals as Soviet Russia and Red China. But it is in the matter of the "sufficiency" of this defense that a fundamental irrationality begins to overwhelm all pretense of logic in the program.

RULES OF THE GAME

In the realm of missilery, the arms race is a deterrence race, a flaunting of plumage by hostile peacocks. One must understand to begin with that nuclear missiles are weapons of phantom warfare, calculated, that is, to insure that they will never be used. It is not what they can do, but what they are capable of avoiding that makes them mighty. If the enemy trusts in that capability, then the missiles become an effective deterrent to warfare, and they will not be used otherwise if the enemy has a comparable deterrent.

In order to be credible, the enormously complex ABM system of defense—which depends on a precise, chain reaction sequence of detection and destruction of attacking missiles—must function at 100 per cent efficiency, with no margin for error. It is no use to talk of knocking out, say, five of eight enemy ICBMs, because the thermonuclear warheads of the other three would wreak death and damage of catastrophic proportions. The ABM is thus unlikely to deter a fanatic enemy unless he is convinced he cannot possibly penetrate its defenses. There is a deep division of opinion within the scientific community over whether the ABM can ever provide such a guarantee. Yet we continue to posit that guarantee as our goal. It is presently estimated that the U.S. has about 1,700 "deliverable" nuclear warheads, as against Russia's 950. These totals do not include the rapid development in converting warheads to MIRV use (Multiple Independently Targeted Re-entry Vehicle), which permits a single missile to carry multiple warheads. When MIRV is completed late in this decade, we will have over 8,000 nuclear warheads at the ready.

The arithmetic of destructive power becomes as awesome as the sums of dollar cost. McNamara once estimated that a mere 400 warheads of one megaton each (a megaton being equal to 1,000,000 tons of TNT) would kill 74,000,000 people in the Soviet Union and destroy 76 percent of that nation's industrial capacity. Within a few years we will have a missile arsenal of 20 times that potential—enough, surely, to wipe out any moving or breathing object west of Hawaii and east of Bermuda.

But will it be sufficient? If the present script runs true to form, the Chinese will be spurred by the Safeguard expansion to step up their budding nuclear arms development program; the Russians, perhaps unconvinced by our reassurances about long range expansion for short term restraint, will redouble their development of offensive systems in an attempt to overmatch it. (Indeed, they have just declared that they now have the ability to knock down any ballistics missile we may send their way.) The U.S. defense establishment will then ask for more weapons to balance the Soviet development, and so on, to the far side of the ludicrous.

This is the dynamism that fuels the nuclear arms race. It is the underlying absurdity of a game whose only operable rule is that if it is once commenced it is instantly forfeited. Even as they prepare to resume their Strategic Arms Limitations Talks, the United States and Soviet Russia continue their cost accounting for Armageddon. And in our own country at least, one no longer hears any effective voice or chorus of voices raised to demand an audit of that account.

CONTROL OF POPULATION

HON. GEORGE BUSH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 1970

Mr. BUSH. Mr. Speaker, I have said a great deal this past year concerning the problems of the world's population explosion.

As chairman of the Republican Task Force on Earth Resources and Population, I have brought to the attention of my colleagues the information our task force has been studying over the past 8 months.

We reported our study on Federal Government Family Planning Programs—Domestic and International. We have offered legislation to amend the Public Health Act that would provide family planning services to all American women who want these services but who cannot afford them or do not have facilities available to receive them.

This House, last week, voted to establish a Commission on Population Growth and the American Future by an overwhelming margin. I feel that a majority of us recognize the need for a national policy on population. I understand why many of us are reluctant to publicly discuss birth control because of the religious implications. I doubt that any of us support legislation to control our population but realize that in some manner through public debate that the American public must understand the implications of the current growth rate of our population.

It seems to me that what needs to be done is to develop such a strong case for parents to limit the size of their families that population control laws will never be necessary. Are we, in our ignorance of understanding the current and future tragedies resulting from continued population growth, unwittingly driving a bigger wedge between the haves and the have nots?

In the current issue of Life, author Robert Ardrey zeroes in on some very real probabilities resulting from man's lack of innate behavioral or physiological patterns characteristic of animals in controlling their populations.

I recommend that every Member read this article and I offer it for the RECORD at this point:

CONTROL OF POPULATION

(By Robert Ardrey)

In 1932 the director of the New York Aquarium, C. M. Breder Jr., working with a colleague, performed an experiment with those small fish known as guppies that shook no worlds. Their conclusions were published in a little-read scientific journal, *Copeia*, and few people today are aware of their work. Yet the 51 guppies who participated in Breder's adventure should one day be memorialized by some watery monument, for they have threatened with ruin a scientific doctrine as unquestioned as any in our time.

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There are few of us unfamiliar with the tiny fish so common in our children's aquaria. Guppies multiply lavishly and are born in a ratio of two females for every male. Breder arranged two tanks of equal size, each with an abundant food supply and aeration ample to tolerate a host of fish. Then in one tank he placed 50 guppies with an unnatural distribution of approximately one third males, one third females and the remainder juveniles. In the other tank he placed a single gravid female—one heavy with eggs already fertilized. What he expected to happen, I do not know. What happened defied prediction then, as it defies explanation today.

A remarkable character of the pregnant female guppy is that a single fertilization may give as many as five broods, born every 28 days. The lone gravid female cooperated nobly with the experiment, producing broods as high as 25. Yet at the end of six months there remained only nine fish in her tank. She had eaten the surplus young. In the meantime the tank with an original population of 50 had witnessed a rapid and immediate dieoff. No newborn survived. Cannibalism of the young was so active that it was seldom witnessed. The fish surviving at the end of five months were all from the original population. Here too there were nine. And in both tanks there were three males and six females, the ordained proportion among guppies.

An ironic turn in the history of science took place when both Charles Darwin and Alfred Russel Wallace found their inspiration for natural selection in Malthusian doctrine, a thesis which sooner or later must be accepted as in large part false. Thomas Malthus was an English economist who in 1798 published his ***Essay on Population***, demonstrating that while human populations multiply—increase, in other words, at geometric pace—food supply can increase only by addition. The number of the population must therefore increase until at some point it overtakes the supply of food. At that point, according to Malthus, the population will reach its limits.

Darwin and Wallace saw in the Malthusian doctrine a natural law which must apply to all animal species. They deduced that through competition for a limited resource, food selection must take place between the fit and the unfit. The Malthusian logic seemed inarguable. And yet out of the revolution that has so recently overtaken biology, no proposition is more demonstrable than the natural control of animal numbers. Rare is the animal population, unafflicted by climatic catastrophe, that has ever expanded until it reached the limits of its food supply. Rare are the individuals who directly compete for food. An infinite variety of self-regulatory mechanisms, physiological and behavioral, provide that animal numbers—except in the case of climatic catastrophe—will never challenge the carrying capacity of the environment. Population control is the law of the species.

Fifty-one guppies, controlling their numbers through a blend of infanticide and cannibalism, can scarcely be regarded as furnishing a sufficient case for the toppling of Malthus. But as we inquire among species drawn from many a quarter of animal life, the conviction must grow that self-regulation of numbers expresses the law of nature. By one means or another—reduction of litter size, spontaneous abortion, parental neglect, genetic deterioration, even, when other means fail, death by stress—breeding populations are limited. And as the law governs animal groups, we shall see that it governs primitive human societies as well. Civilized man will do well to take notice.

Among all the devices limiting a population, the necessity for a breeding territory is among the most common. A portion of the earth's surface exclusively your own brings you as the proprietor many a material benefit. You are defended, since you know it better than do your enemies. Possession in some strange way enhances your energies and so, through a process of animal justice, sheer might no longer makes right, and on your home grounds you are capable of resisting intruders mightier than you are. Territory may insure a food supply for you and yours. These are benefits accruing to the proprietor, but there are two other powerful benefits accruing to the population and the species. By the physical separation of individuals or groups, dangerous aggressive forces are reduced to shouted insults over common boundaries. And the distribution of available space among breeding couples or groups means that the number of offspring will remain below the carrying capacity of the environment.

Only in recent years has the relation of territory to population numbers become accepted. Even in 1956 Cambridge's eminent ethnologist Robert Hinde rejected the proposition as unproved.

Hinde's objection had real grounds: while the necessary possession of a territory quite obviously distributes breeding pairs throughout an environment, it does not follow that territory limits the numbers of such pairs. Space is seldom that confined. To meet the objection, Adam Watson at the University of Aberdeen set up an experiment with red grouse in the Scottish moor.

The problem was to demonstrate that the territorial necessity actually eliminates healthy adult birds from the breeding population. Red grouse males establish territories in the autumn, holding them till the following summer. Space for breeding in the moorland is truly unlimited, yet the competition for territories takes place only in restricted areas. Watson began by selecting a study area and marking all birds in the vicinity. He then cleared 119 territories by capturing or shooting the proprietors. Within a week 111 of the 119 were filled by new males, only a dozen of whom were of unknown origin. All the rest had come from the marked population of the vicinity which constituted a non-breeding reserve. All bred successfully the following spring. Watson had demonstrated that at least in the red grouse it is the shortage of breeding territories that limits the breeding population.

The most prevalent of all territorial arrangements was first thoroughly demonstrated in 1920 by Eliot Howard's observation of countless species of finches and buntings, warblers, lapwings and woodpeckers in which the female is sexually unresponsive to an unpropertied male. But further research demonstrated the converse of Howard's proposition: the unpropertied or dominated male, in the phrase of the American zoologist A M. Guhl, tends to be "psychologically castrated." Thus not only does female sexuality guarantee that breeding will be accomplished within a select circle, but sexual inhibition provides that the disenfranchised male will break up no homes.

We still have no certain answer concerning the physiological linking of territorial behavior and the sexual impulse. But the explosion of field research proceeding today leaves no doubt about its reality. In 1966, when I first wrote about the territorial imperative, only one species of African antelope seemed to fit the pattern earlier observed in birds. This was the Uganda kob, a species in which males occupy an arena of territorial competition and to which females are attracted for copulation. Females will accept no others than the successful males, and the masses of surplus males amuse themselves in their bachelor herds. In the few short years since I published my review, territorial systems of breeding have been described in the waterbuck, in the Grant's and Thomson's gazelles and the comparable southern springbok, in the hartebeest and topi and puku and in the smallest of them all, the oribi and dik-dik and steinbok. Systems vary, from the modified arena competition of the wildebeest and puku to the birdlike family territories of the steinbok. But all the main propositions hold true: the female will be attracted only by a territorial male; the male who has failed in the territorial competition will retire into the careless existence of males in groups.

In many a species, of course, the territorial compulsion is absent or fails sufficiently in itself to reduce breeding. Such a force as neglect of offspring may come into play. While parental neglect may seem to the human observer an unappealing means of keeping down numbers, still if we inspect the African lion and its prey, the wildebeest, we shall glimpse a systematic contribution to natural balances.

The wildebeest, one of the most common and certainly the most grotesque of African antelopes, possesses no social organization worthy of analysis excepting the incidence of territorial bulls who maintain a monopoly on copulation. Beyond that, wildebeest, like schools of fish, congregate in immense, disorganized herds, offering the lion his favorite dish, and migrate with the rains, in the hundreds of thousands. And population control takes place in an adjustment of unlikely instincts. The mother drops her calf without more emotional engagement than might take place with a bowel movement. But the calf has an instinct to follow its mother. Miraculously, the newly born wildebeest within five minutes can stagger to its feet and follow. Having identified her calf through its following, the mother will lick it and proceed to recognize it as her own. What, however, happens when herds are so dense that the unfortunate newborn after five minutes cannot recognize its mother? Let it make a wrong guess in the confusions of a wildebeest Times Square. The nonmother will butt it away. The mob will swallow the calf's identity. Lost, unprotected, it must in the end fall to the hyena or jackal.

The lion, preyed on by none, not very susceptible to disease or parasites, could in a few generations be a victim of overpopulation. The lioness produces her several cubs in a short period of gestation, and should she lose them comes into heat again immediately. Yet on Tanzania's great Serengeti Plain a stable population of about a thousand lions varies little in number from season to season. The area's immense numbers of prey animals, such as wildebeest, Thomson's gazelle and zebra, could support far more lions. What keeps their numbers down? A subtle combination of behavior patterns, foremost among them maternal neglect, provides that only so many lions will reach a breeding age.

The first control is territorial. Only those females who are part of a permanently resident pride breed successfully. The second control is a dominant order like few other species'. The young eat last. With George Schaller, our foremost student of dangerous animals, I once watched a zebra-kill where nine lionesses, rumbling at each other with the collective menace of a volcano, ringed the carcass flank to flank. In 90 minutes they ate some 450 pounds of meat, while a lone cub on the outskirts played with the zebra's tail which he had somehow managed to secure. Had he sought a single bite before the lionesses were finished, quite probably he would have been killed.

This rank order of feeding, which places the males first, if they are present, the females second and the cubs last, compels no great deprivation so long as large game is available. A wildebeest or zebra will provide food for all. But through the dry season comes a food shortage of a technical nature. The larger game migrates out of the grasslands into the woodlands. The breeding prides refuse to leave their territories and follow. Through the dry season they live off the non-migrating animals, chiefly Thomson's gazelle—and a Tommy weighs only about 45 pounds. Adult appetite is seldom sated, and cubs go hungry. There is little wonder that infant mortality runs to about 50%. Should you in August glimpse two wan cubs waiting while their mother goes hunting, you may be fairly sure that only one will remain in November when the rains and the big game return. Yet food exists in plenty scarcely 50 miles away.

The great majority of animal species, whether through territorial spacing or sexual inhibition, through infanticide or systematic neglect, succeed in maintaining stable populations year after year. But there are those that fail and, to keep numbers in order, must suffer the more drastic solution of cyclical population crashes. With a prayerful thought for our own species, let us consider just what happens to them.

The morbid activities of the lemming have been tantalizing the human imagination for centuries. About every 3 to 5 years, under the sway of some mysterious compulsion, he commits mass suicide.

As recently as 1963 Sweden witnessed one of the greatest "lemming years" in decades. Lapps in the far north first reported the disappearance of lemmings in the month of August. Originating in the mountains, they vanished moving south. They moved mostly at night, and observers at a crossroad counted 44 pass per minute: they moved as individuals, not as groups. Although food was abundant, if one died he was immediately eaten by others, the skull being opened neatly and the brain being eaten first. Of several hundred taken and examined, almost all proved to be the young of the year, and although sexually mature not a female was pregnant. The migration was a youth movement. At any water obstacle, like a lake, they massed on the beaches in such number that an observer could not move without squashing them. Fair enough swimmers, they were not good enough. From a dead-end peninsula on Lake Störsjön so many obeyed the impulse compelling them that the shores of the lake, the following year, were carpeted with lemming bones.

Generations of zoologists interpreted the lemming die-off in Malthusian terms: that is, populations increased until encountering the limits of food supply, then crashed. But observations revealed that migrations as likely as not occurred in years of abundance when no food shortage existed. Investigation of the mystery shifted as early as the 1930s to North America's snowshoe hare, a similar victim of a 10-year cycle. In Minnesota's Lake Alexander area a man named R. G. Green, with various coworkers, started picking up samples from the countless corpses. None showed undernourishment, few any evidence of infectious disease. Their manner of death, however, was odd. Some might be behaving normally, others might be in torpor, when suddenly they would be seized by convulsions and die. Another odd symptom was exhibited by hares captured, apparently healthy, and placed in captivity. The normal snowshoe hare tolerates the experience with indifference. But in the springtime of the population crash, captive hares died almost immediately. Autopsy showed a certain degeneration in the liver, a deficiency of blood sugar and minor internal hemorrhages. Green described it as shock disease.

The description satisfied no one. But at about the same time observations of the meadow mole in upstate New York showed almost duplicate behavior. Something specific enough to produce such similar deaths in species so different must be susceptible to definition. And why should it occur in the spring? Various hypotheses were advanced, the most persuasive by J. J. Christian, one of today's most earnest investigators. He saw the building up of a population as a time of increasing stress. The increasing number of young, the increasing competition of adults, the increasing number of strangers in a massive, increasingly disorganized population at last brings on a state of exhaustion both psychological and physiological. It is as if the cycle's last winter with its normal hardships sets the stage for the entrance of the last straw. And that last straw comes with the sexual demands of the spring. Everybody drops dead.

Whether or not Christian's hypothesis is correct remains unproved. But it served to shift the emphasis of research from the old food-supply theory to the new investigation of the physiological consequenecs of social stress in high-density populations. Further evidence from the field emphasized the lethal relationship. Most studies had been made of rodents, particularly susceptible to population crashes. But the shrew, studied in Manitoba tamarack bogs, is an insectivore like the mole. During a population explosion in 1957 the excitability of the animals was such that they lived only four days in captivity. By autumn, and the peak of the explosion, they lived only eight hours.

While limitation of numbers through food supply still has its champions in the sciences, most investigators today are turning to social stress as the factor diminishing numbers long before food resources are exhausted. But a menace of another order may come about in rapidly expanding populations: the weakening of the entire gene pool.

The French zoologist Francois Bourlière has recorded two illuminating studies of deer. The first occurred on a large plateau in Arizona, where a stable population of 4,000 deer lived in balanced relationship with a fair number of wolves, pumas and coyotes. The effect of predators on a prey population is almost invariably to weed out the sick, the malformed, the deficient. The net consequence, observed again and again, is to keep the prey population healthy. But early in this century men began to slaughter the predators and virtually eliminated them. With the slaughter, the numbers of the deer began to rise. By 1920 there were 60,000, by 1924 over 100,000. Then in a single year it crashed to 40,000 and by 1939 it was down to 10,000. Overgrazing and food shortage had undoubtedly contributed to the peak crash, but it could not explain the continued decline.

The other example came about through the efforts of the U.S. government to build up a herd of reindeer as food supply for the local inhabitants of St. Paul, one of the Priblof Islands. Here there were no predators at all to exert a selective pressure on the herd, yet for many years the experiment seemed a huge sucecss. It had begun in the autumn of 1911 when four bucks and 21 does were placed on St. Paul. By 1932 they had increased in number to 523, by 1938 to well over 2,000. But then came what Bourliere described as a cataclysmic decline. By 1950 eight remained.

The only possible conclusion is that failure by any agency to remove the weak and the deficient from the breeding population gradually sapped the vitality of the whole gene pool.

It is a fate many scientists have predicted for the human species.

With ample field material now available, science has begun to shift its attention to the laboratory. A single inspired experiment, confirmed and reconfirmed is worth our attention.

The house mouse is territorial and the female under conditions of normal density encounters only her male. The experiment, which exhibited what later became known as "the Bruce effect," was first conducted in Britain. A female mouse was impregnated by a male. If within four days she was mounted by a strange male, she aborted. The implication was that of a morality in mice previously unsuspected. But the investigation went further. If the impregnated

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female even *saw* a strange male within four days, the chances were almost fifty-fifty that she would abort. The final experiment demonstrated that the same failure of pregnancy would come about if she were merely placed in a cage where a strange male had been, and she smelled his recent presence.

The experiment had been conducted under most elegant conditions, with ample numbers of subjects and ample controls who, sniffing no strange males, proceeded on with their normal pregnancies. Even so, other biologists suspected that something must be wrong and set up new experiments. Bruce had used an albino strain of laboratory mouse, and such inbred creatures frequently yield untrustworthy conclusions. Another investigator set up the same experiment with wild deer mice. The results were the same. Physiologists demonstrated the cause: it is the smell, in all situations. The odor of the strange male frees the fertilized egg from implantation.

The Bruce effect is a form of natural birth control. In all probability comparable effects, of which we are yet unaware, explain in many species the reduction in the number of embryos. But the simple effect of stress due to density cannot alone be responsible for the control of animal numbers.

A frequent observation has been the variation of response to growing density by different groups of quite the same creature, living under quite the same conditions. While all at some point must reach a point of reproductive breakdown, levels of tolerance may differ widely. The difference is probably due to the presence or absence of a very strong leader.

The term "alpha" is frequently used in the study of animal behavior to designate the individual of extraordinary endowment who comes to dominate a social group. He may excel in strength, in intelligence, or perhaps in assurance. It is his capacity to dominate a situation, or for that matter to command his fellows, that so often lends cohesion and stability to the group itself. And it is probably such a social group that lends the greatest resistance to stress.

The relation of rank to stress, however, has its grim side. An overdominated animal may with small ado lie down and die. Rats, introduced to established groups of fellow rats, suffer persecution and may die within days. In a Glasgow laboratory, one died in ninety minutes. He had no significant wound nor had he suffered the least internal injury. He died of stress.

We know that subordinated animals experience enlargement of the adrenal gland, and under the pressure of sufficient stress through adrenal exhaustion may sink into apathy or death. But a curious quality of the alpha male is his relative invulnerability. The same seems to be true of the alpha female in those species where female rank orders exist. In Australian experiments K. Myers has shown that among rabbits subjected to density pressures it is the low-ranking female who suffers the greatest fetus mortality. We may speculate, then, that the "temperament" of a population may well be determined by the random incidence or absence of a powerful alpha, male or female, whose very presence acts to forestall the disintegration of social organization.

The relative immunity of the alpha and vulnerability of the omega, or lowest-ranking, member of a social order is suggested in a 1968 study of men. In that year our Journal *Science* published a medical study of all 270,000 male employees of a major American corporation. The mammoth investigation linked educational background, job achievement, and incidence of coronary heart disease.

The corporation offered, like a perfectly arranged laboratory condition, a single controlled environment. Operating units whether in Georgia or New York State had similar structures, fulfilled similar functions, provided similar jobs. All was directed by a single top management policy with the same system of pensions and security, insurance and medical practices, and perhaps most important, of recordkeeping. And the 270,000 case histories provided a sample so large that even small variations from the expectable would have statistical significance. The variations were not small.

From bottom to top in the company's pecking order, the study found that workmen contract coronaries at the rate of 4.33 per thousand per year. Their immediate superiors, the foremen, have it slightly worse, 4.52. But supervisors and local area managers drop to 3.91. Then comes a leap. General area managers have a mere 2.85. We then come to the high competitors, the high achievers, the high executives. Coronaries occur at a rate of 1.85, about 40% of the level of workmen. And while we may say that many a coronary customer could have been eliminated before reaching the alpha rank, we must also reckon that the high executives are much older.

There will be no problem of interpretation for those schooled in the population dynamic of animal groups. Certain environmental influences undoubtedly made a contribution. The study revealed that college men are a far better risk than noncollege, and one may fairly suspect the influence of better social backgrounds. But the investigators pointed out that the single worst record was made by college men who rose no higher than foremen, while noncollege men who rose to the top shared the relative immunity of their fellow executives. The report ended up puzzled, but admitting that something biological must be going on.

Something biological was most distinctly going on. But if we continue to deny that the histories of alpha monkeys, of alpha rabbits, of alpha antelopes and alpha fish contribute to our understanding of men, then we shall continue to remain puzzled indefinitely.

Throughout all animal species self-regulatory mechanisms provide that population numbers will never challenge the normal carrying capacity of the physical environment. In that cultural animal, man, contraception becomes a cultural substitute for innate behavioral or physiological patterns characteristic of animals.

We may regard it as a pity, perhaps, that our females, so unlike the Uganda kob, are sexually responsive to unpropertied males. We may sight that our omega males do not cheerfully accept a state of psychological castration. We may with less certainty look askance on the lemming's youth movements, under the stress of intolerable numbers, conducting suicidal marches, or the snowshoe hare's dropping dead; for we may just possibly resort to such lugubrious impulses ourselves one day.

However we may regard in human terms the loss of such innate mechanisms, we cannot blame that loss with entire conviction on the mid-Pleistocene expansion of the human brain. Without doubt the rapid enlargement of our cortical equipment exerted increasing inhibition on old forms of compulsive behavior. Even so, in our more primitive days we substituted social traditions for processes that previously had come naturally.

The American ecologist J. B. Birdsell has shown that by natural increase of numbers the aborigine would have reached the food limitations of Australia in two thousand years. But he was there far longer, and he never came close to running out of food. Disease, territorial spacing of groups, tribal warfare may have made contributions. But the principal factor of population control was infanticide. The evidence is as conclusive in the Eskimo, observed before modern influences had modified his ways, as in the Austrialan aborigine. Both were hunting peoples with a pressing need for active males. In both, the proportion of young males to females was about 150 to 100. Girl babies had been the chief object of destruction.

The Scottish ecologist V. C. Wynne-Edwards is today our foremost authority on the self-regulation of animal numbers. Almost half a century ago, however, Sir Alexander Carr-Saunders explored the principle as displayed by primitive peoples. At that date he was of course unaware of the long history of animal populations, and he presumed that population control had begun in the Stone Age. His comprehensive review of almost all then known about primitive tribes led to his thesis of "optimum numbers." Within every group there is a number about which population fluctuates only slightly. It is a number well under any threat by starvation, yet sufficient to gain a maximum yield from its environment. The number is sustained by varying traditions—by infanticide or compulsory abortion, by cannibalism, head-hunting, human sacrifice, ritual murder, by taboos against incest or against intercourse during the period of lactation. The environment is held to a constant size either through outright territorial defense, or through traditional attachment to a familiar area.

Even in a modern farming tribe one finds customs specifically regulating sexual and reproductive behavior. Jomo Kenyatta needs no introduction to the contemporary citizen. Yet few are aware that his *Facing Mount Kenya*, written when he was a student at the University of London, is one of the most perfect monographs in the literature of ethnology. As a Westernized mind, he brought scientific discipline to his subject. But as that rare anthropologist, a member of the tribe he describes, he brought the intimacy of birth and young experience to his analysis. He confirms population dispersal through territorality with his comments on land tenure; and that, while the Kikuyu defended their country collectively, "the fact remained that every inch of the Kikuyu territory had its owner, with the boundary properly fixed and everyone respecting his neighbor's." He considers customs of division of labor, of education, and those tribal traditions resolving adolescent sexual drives with limitation of young.

At the rites of puberty the male is circumcised and the female subjected to clitoridectomy, thus reducing her capacity for sexual excitement. Until puberty masturbation is accepted as a normal boyish practice, and while indecent in the presence of elders, within an age-group it may even be a subject for competition. After initiation, however, masturbation is regarded as babyish. Now the custom of *ngweko* takes over, a restricted form of sex play between boys and girls that insures that the girl remains a virgin. Accepted, formalized, described by Kenyatta as "sacred," the adolescent custom is as deeply a portion of Kikuyu tradition as land tenure itself. Any accident of conception is severely punished by tribal law, and if in later years the girl approaching marriage proves not to be a virgin, her value is drastically reduced.

From Kenyatta's account we may see how finely balanced are those Kikuyu traditions which accept human sexuality but reduce the consequence of unwanted young. Yet with the breakdown of tribal discipline in our time has come the breakdown of such customs, contributing to the population explosion.

In a sense it was not the 18th Century's Industrial Revolution but the simultaneous cultural triumph of humanism that most effectively destroyed the older cultural institutions. Humanism's respect for the dignity of man, and its regard for every human life as sacred, while among the most powerful forces ever to advance man's welfare along certain fronts, had ambiguous results on others.

Throughout a large world of primitive societies, missionaries and colonial masters reacted with horror to such institutions as cannibalism, head-hunting and human sacrifice. Tribal warfare, particularly in Africa, was ended. Infanticide was discouraged.

Then the advent of modern medicine and biochemistry struck also at the advanced countries. The rate of infant mortality dropped like a rock in a well. Life was so prolonged that a new class of senior citizen came into being. Breeding populations were now seldom reduced by the death of a young mother in childbirth. Strangely enough, with modern nutrition in the same countries the onset of menstruation and fecundity dropped two years in less than a century. Through mass-produced drugs and insecticides, we extended the new breeding potential to all peoples, advanced or otherwise.

The humanist's preoccupation with the numbers game has sacrificed human quality for human quantity. Life must be prolonged, whatever agony it presents to the dying. A child defective physically or mentally must somehow be saved sufficiently to join the breeding population. To restrict the reproductive rights of the genetically afflicted is considered an act of discrimination.

We shall find out one day if, as many biologists fear, overprotection of the human being, like underpredation in the reindeer herd on St. Paul Island, will produce a genetic collapse in the most compassionate populations. If so, it will be an appropriate biological conclusion to a valuable if misdirected philosophy. Yet I find it too neat and simple a conclusion.

Let us review the other possibilities. Human numbers will probably never reach such magnitude as to encounter the limitations of food supply. Long before such a rendezvous can take place, other forces will have affected our numbers. If we take nature as a model, there are two probabilities. The first is a sane and humane program of population control. The second is death by stress.

Population control, whatever form it takes, is a cultural substitute for biological mechanisms prevalent in the natural world. As our population problem has a cultural cause, so we are provided with a cultural answer. But that answer must be mandatory. We have seen that in animal species the numbers of young are not determined by parental choice. A number of proposals for the human species have been seriously put forth by population experts. We must consider enforced contraception, whether through taxation on surplus children, or through more severe means such as conception license, replacing or supplementing the marriage license. Abortion should be freely available to those suffering unintended pregnancy. In international relations, of course, any aid to peoples who through ignorance, prejudice or political hypnosis fail to control their numbers might be forbidden.

Such a program sounds more formidable than it would probably prove in practice. The vast majority among us accept traffic regulations without resentment because we are aware of their necessity. Conscience, too, has a way of internalizing what has started with external pressure, and of transferring to the voluntary what was once the compulsory. Even custom makes its contribution, so that what is socially unacceptable becomes something that is simply not done. Most hopeful of all is the demonstrable proposition that a cultural institution which accords with the laws of nature rarely fails. Such is birth control.

Birth control, a solution both sane and humane, has of course its alternative. But the alternative, death by stress, is a messy one indeed. If we recognize that population density, not food supply, is the chief factor limiting animal numbers, and if we recognize also that no population increases indefinitely, then however unattractive or insane the alternative control may be, we may have to accept it. Since a thoroughly savage program is available, let us consider how we may achieve death by stress:

The rising rate of automobile accidents is a quite perfect example of a form of population control mathematically determined by population density. If we accept an insane solution as preferable to a sane one, then we must see that the automobile, which strikes most heavily at the young, is indeed an excellent instrument for reducing the breeding population.

Another agency striking hard at the young is drug addiction. While we cannot as yet be sure that drugs reduce reproductive potential, still we should be wise to gamble that they do, or that they reduce the breeding drive. We must offer every encouragement to widespread addiction in the young.

The trouble with cardiac and other stress diseases is that they tend to reduce numbers in those who have passed the breeding age. Even so, we know that the omega is far more susceptible to stress than the alpha. We should therefore encourage in business, for example, tendencies toward mergers and ever-magnifying organizations that reduce in numbers the immune alpha and infinitely expand the ranks of the vulnerable omega.

If life in the megalopolis discourages large families, then perhaps by discriminatory taxation falling most heavily on real estate we might reverse the flight to the suburbs and drive middle-class families back to the unpleasantness of urban reproduction. We should have nothing to lose by such a move, in any case, since further concentrations of city life must produce more stress, more broken marriages, more impotency due to acute alcoholism, more corpses, victims of crime in the streets and more couples living together in unreproductive sin.

Homosexuality should not be neglected. Already it subtracts four to six percent from the American breeding population. We could do better.

Suicide too offers splendid vistas. We fall far behind such advanced peoples as the Swedes and the Swiss. Here too we could do better. But as stress and density increase I feel a confidence—or perhaps it is no more than a vague patriotism—that we Americans will catch up, and that suicide, particularly in the young and the discouraged, will make a significant reduction in our breeding numbers.

What at all times we must keep brightly in mind, as we inspect the real possibilities of death by stress, is that while any reduction in numbers is a gain, significant reduction can only be accomplished in the young breeding group. The reader may wonder, with such an admonition, why I have so ignored war as an instrument. But war, in my opinion, has seen its best day. Its growing unpopularity with those who must fight it may turn out to be a passing whim. More serious is war's increasing preoccupation with the wastage of expensive machinery rather than with the traditional wastage of inexpensive men. Wars simply do not kill enough people. A nuclear entertainment would of course leave us with no population problem at all. But even as highly publicized a war as that in Vietnam has failed throughout its entire course to kill as many Americans as that magnificent engine of destruction, the automobile, kills in a normal year.

We must look to more imaginative agencies than war to dispose of the immense numbers who must someday die of stress. And I am sure that some future survey of likely instruments will reveal lethal possibilities of a wonder that the imagination cannot glimpse today. When our population has again doubled, when not a water supply remains unpolluted, when the traffic jams of tomorrow make today's seem memories of the open road, when civil disorder has permanently replaced war as a form of organized violence, when the air of the city can no longer be breathed and the countryside has vanished, when crime has become so prevalent that no citizen goes unarmed, when indigestion becomes a meal's final course and varieties of rage and frustration remain the only emotions man or woman can know, then perhaps, if we are young, we shall comprehend the lemming.

But of course future times of such stressful wonder may never come to be. Somewhere along the road we may choose compulsory contraception. And yet no one can make a sure prediction. *Homo sapiens*, that creature mad beyond the craziest of hares, lunatic beyond all lemmings, may go to the end of the road with no impulse more logical than to discover what lies there. How high is the mountain, how profound the stream? Which in the end will bend the ultimately defeated knee, we or our world? Shall we embrace the logic of limited numbers, acceptable to mice, or shall we mount the hilltop and defy the winds?

One cannot say. The tragedy and the magnificence of *Homo sapiens* together rise from the same smoky truth that we alone among animal species refuse to acknowledge natural law.

TODAY'S EXAMPLE OF THE NECESSITY FOR GALLAGHER BILLS TO HUMANIZE THE COMPUTER

HON. CORNELIUS E. GALLAGHER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 1970

Mr. GALLAGHER. Mr. Speaker, yesterday I introduced two bills which are designed to deal with one of the most compelling problems of many of our citizens: trying to talk to a business firm's computer. The bills were H.R. 16227, to provide that a willful and persistent refusal of a creditor to make corrections in the account of a consumer shall relieve the consumer of liability thereon; and H.R. 16266, to prohibit creditors from reporting disputed accounts to credit bureaus as delinquent. During my speech, on page 5748 of the CONGRESSIONAL RECORD of March 3, I referred to the fact that this problem was one of the most frequently discussed items in the "action columns" of newspapers around the country.

As an example, Mr. Speaker, I am inserting the relevant section of today's Washington Star's "Action Line." I will only make the additional comment that it really should not take a letter to a newspaper and a call from a reporter to bring a responsible human being from his hiding place behind the firm's computer.

The column follows:

ACTION LINE

My husband and I have been card-carrying members of American Express for years and have always paid our bills promptly. Last April, I was sent a new card and a bill for $10 for renewal. We felt we had plenty of free charge cards and didn't need the American Express card, so we deducted $10 from the bill and sent payment and the card back. Each month we get more bills with more threatening comments, despite the fact that every month we have sent letters to our "customer representative" explaining why we didn't owe the money.—Mrs. V. G. P.

A company spokesman promised to immediately issue a credit to your account and then cancel your account.

XUM

GOVERNOR MANDEL OF MARYLAND AND THE ENVIRONMENT

HON. SAMUEL N. FRIEDEL

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 1970

Mr. FRIEDEL. Mr. Speaker, it is indeed very fortunate that at long last the public is awakening to the environmental crisis. The average citizen is at least getting to know the word "ecology" and to appreciate an important element of that science; namely, the limited capacity of the environment to collect, absorb, and recycle our wastes so that they do not accumulate as pollution.

We started with the freshest air and the cleanest water, but now both are polluted to the extent that in some areas they pose a threat to health and even life. We all realize that this abuse of the environment by man, in the name of progress, has often been unintentional.

It is a source of gratification to me that it was the Democrats who first addressed themselves to attempt to solve this growing problem. Ten years ago Congress passed a Federal Water Pollution Act which was sponsored by a well-known Democrat, only to have President Eisenhower veto the measure. In spite of Republican opposition, this legislation was again passed in 1961 and approved by President Kennedy. I cite this as but one example of the Democratic Party's concern for the public good. Of course, numerous other measures to improve the quality of life and to recreate a livable, pleasant environment where man can work and enjoy the benefits of health have been sponsored and supported by most Democrats.

XUM

Because of the national importance of this subject, I wish to invite the attention of my colleagues in the Congress to the endeavors of Governor Mandel of Maryland regarding pollution. He has given this problem the priority it merits and I think the favorable comments of Mr. Herbert B. Cahan, area vice president of the Westinghouse Broadcasting Co. will be of interest to my colleagues. Station WJZ–TV–13, one of the leading Baltimore TV stations aired the editorial on February 13, 1970, entitled: "Governor Mandel and the Environment," and I insert it at this point in the RECORD:

GOVERNOR MANDEL AND THE ENVIRONMENT

The growing national concern with the state of our environment has engendered a great deal of talk, but the only thing that really counts is action. Today in Annapolis, before a joint session of the General Assembly, Governor Mandel did a lot of talking, but he backed it up with a plan for action.

Rightfully, the Governor pointed with some pride to the fact that Maryland has a good record, especially in preserving its waterways. Lake Erie is dead, our neighboring Delaware Bay is dying, but the Chesapeake Bay is still abundant with life.

Nonetheless, Maryland must move fast if we are not to be choked with our poisoned air, drowned in our polluted water, buried in our trash and garbage, or desensitized by noise.

Toward this end he asked the General Assembly to enact a bill that would extend State control over the wetlands, which play a vital role in the balance of nature in our rivers and the Bay.

The Governor also recognized another growing problem when he asked the General Assembly to put the control of soil conservation under the Department of Natural Resources instead of the Department of Agriculture. This is a recognition that highway building and land development contribute as much as agriculture to soil erosion and the silting of streams.

The Governor's most imaginative proposal is his plan to put the force of the State behind the problem of solid waste—that is trash and garbage—disposal. This is a headache in almost every subdivision and can benefit by the planning and the prodding of the State.

The Governor himself will take other important steps, including the creation, by executive order, of a Council on Environmental Control. Mainly, however, the burden falls on the General Assembly to make the Governor's proposals a reality. There is no longer any doubt about the need to save the environment.

FREEDOM'S CHALLENGE

HON. FRANK E. EVANS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 1970

Mr. EVANS of Colorado. Mr. Speaker, I am sure that you and the other distinguished Members of the House are aware of the importance of encouraging our Nation's young people to develop an appreciation of the opportunities we possess as a free people. Each year the Veterans of Foreign Wars sponsors its Voice of Democracy essay contest, giving our youth the opportunity to participate in our democratic system by voicing their views. This year's theme was "Freedom's Challenge."

Mr. Ronald William Moore, of 116 Leta Drive, Security, Colo., of my district, was awarded first place in this year's contest in Colorado. I should like at this time to include his comments in the RECORD as a source of encouragement to us all:

FREEDOM'S CHALLENGE

There exists in the hearts of a devoted free people two eternal aspirations—to preserve their own freedom and to insure a liberty to others of the world who so desire. To convert these aspirations into realities, however, three formidable obstacles have severely tested the courage of even the most dedicated of free men. They are domestic apathy, domestic division, and foreign ignorance, and not only do they stagnate freedom, but they paralyze progress as well. From the beginning of time, these barriers have been, and remain even today, challenges to freedom. To see the actual threat these challenges pose to a free government, an understanding of each must be attained.

First, the challenge of domestic apathy:

If there is one thing that a government must demand of its governed, particularly in the instance of a democracy, it is participation. Without it, one is left with an institution OF the people and FOR the people, but not *BY* the people, the most important part of that classic definition of "democracy." Since "no man is free till all men are free," to quote Abraham Lincoln, a genuine liberty cannot be obtained unless all participate in the government. Sporadic interest and involvement by the members of any group is ultimately a danger to the administration whose duty it is to govern them.

Next, to the challenge of domestic division:

It was John Kennedy who once said that democracy and teamwork are really one and the same. The truth in that statement is irrefutable and anyone who symbolizes freedom as I do—as the pinnacle of a pyramid, the base of which is labeled "Participation" and "Unity"—anyone who symbolizes freedom in that way will agree. Within any form of government, totalitarian systems included, there are, of course, many different factions. Political beliefs, religious convictions, and economic positions are some of the regards that distinguish them. But for a government to function effectively, these fragments must not allow their various opinions to stand in the way of the oneness of a nation and its people. Division only serves to wreck the foundation of the pyramid of freedom and send its lofty peak tumbling into disgraceful abuse or nonexistence.

Now to the challenge of foreign ignorance:

The Commissioner of National Goals, established by the late President Eisenhower in his last year in office, reported that, as Americans, our ultimate goal is to "extend the opportunities for free choice and self-determination throughout the world." In one word, this process can be called "education." We don't want to force democracy upon others of the world on the basis that it is superior to any other type of government. If the other countries are not experienced or equipped to cope with self-administration, the entire effort would be wasted. Rather, we propose our purposes are intended to educate, to enlighten our foreign friends so as to qualify *them* to make the decision that will determine *their* lives and *their* future for generations to come. If an attempt is not made to erase this preponderance of foreign ignorance and innocence, we will be leaving dozens of nations, mostly in Africa, Asia, and Latin America, vulnerable to the immense program of propaganda that many Communist countries invariably launch, and usually with considerable success. To prove my point and dramatize the dangers of such vulnerability, within the last fifty years, the Communists have gained control of more than 12 million square miles of territory and the 900 million people that inhabited those lands. We will be backing down from the third and perhaps the most important of freedom's challenges if we do not inspire those foreign nations to search within their separate and individual selves for the form of government for which they are most suited and to act upon their ultimate decisions as they will.

In retrospect, then, freedom today faces three ancient but persistent challenges—domestic apathy, domestic division, and foreign ignorance. It fights the apathy by encouraging participation; it fights the division with a call for unity; and it fights the ignorance by preaching education. But until we can evoke legitimately concerned responses from the world-at-large to these summons to freedom's unity, freedom's challenges will remain themselves unchallenged and we, as Americans, as a devoted free people, will not have done our duty.

WEATHERMEN AND BLACK PANTHERS

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 1970

Mr. BINGHAM. Mr. Speaker, forces which emphasize the use of violence to redress their grievances and attain their goals strain the fabric of democratic society to the utmost. Too often, the temptation is to meet such forces with repressive measures that are the very antithesis of democratic processes.

The noted author, Michael Harrington, has written perceptively on the problem of dealing with two violent groups in this country—the Black Panthers and the Weathermen faction of the Students for a Democratic Society. He suggests what seems to me a balanced approach without the hysteria that so often pervades discussion of this issue. Mr. Harrington's column, from the January 1970 issue of ADA World, follows:

DEFENSE OF PANTHER RIGHTS DOES NOT REQUIRE AGREEMENT

(By Michael Harrington)

The test of a civil libertarian today is whether one is willing to defend the rights of the Black Panthers. And tomorrow the criterion may have to include the Weathermen faction of Students for a Democratic Society.

The point is not whether one agrees with the Panthers. I have long been opposed to their emphasis on violence—"Power grows out of the barrel of a gun"—their praise of Mao, their attitude that Robert Kennedy's assassination simply marked the death of another "pig," and much else. And in fairness I have also been heartened by their rejection of black racism and their insistence on the need for an integrated movement. But these pluses and minuses are not the issue.

The question is simply whether or not Panthers can be executed by the police, which seems to be what could have happened in Chicago, whether they are to be held in jail without bail or on excessively high bail, whether every police department in the country has the right to send a couple of hundred armed men to investigate their headquarters. The answer is, so long as America is not the fascist society the Panthers say it is, these actions violate the Bill of Rights.

That is why Roy Wilkins, Arthur Goldberg, Ramsey Clark and their associates are to be praised for establishing a Commission of Inquiry into the attack on the Panthers and particularly with regard to the killings in Chicago.

MURDER, MAYBE

It is a sad, but very real, fact of life that no one has any confidence in an investigation by the Chicago authorities. They have already acted to try to cover up any possible police guilt and presented "evidence" in defense of the officers involved—evidence which actually implicates them in a crime.

So the distinguished panel assembled by Roy Wilkins is probably the best way of handling the matter. Of course, if it corroborates the prima facie case which now exists against the police, then the Justice Department will have to move.

And the Weathermen may be next. I am much less compassionate toward the hoodlum tactics (which are legally, morally and politically wrong) employed by these "revolutionary" children of the upper middle-class and the rich than I am toward Panthers whose rage was provoked by racism and the slums. But here again the issue is not whether you agree, or disagree with them. They are now being pictured as conspiratorial monsters who are responsible for all the ills of the society and that is usually the prelude to suspending civil liberties.

The Communists were the test case in the late Forties and the Joe McCarthy Fifties. Defending the rights of the Panthers—and probably the Weathermen—is the current measure of sincere commitment to a democratic freedom.

BUT GENOCIDE, NO

But a word of warning to those who do stand up for the Panthers' civil liberties is in order. It has to do with rhetoric and it relates, not simply to this issue, but to the language of the American Left in general. At the funeral of Fred Hampton, the slain Panther chief in Chicago, the Rev. Ralph Abernathy said that the killing was part of a plan to inflict "genocide" on black America.

Such a description might be excused in the emotion of a funeral, yet it has become a characteristic mode of expression by many of the Left. But however monstrous it is if the police use the authority of justice to commit a murderous injustice, it is still not part of an attempt to exterminate every black in the land. Similarly with the charge that America is "fascist."

There are indeed ugly repressive forces on the move in this country. But when one organizes a march and a mass meeting and proclaims that fascism is already here, that is not simply inaccurate—can you imagine that Hitler would have tolerated such an expression of dissent for one second?—but it means that there will be no usable word around if the nation does indeed become more fascistic.

America is not fascist today. But one must say in measured, serious language that there is shocking evidence that the constitutional freedoms of the Black Panthers are being subverted by police officials under color of law. At this moment, every civil libertarian, every democrat, must be prepared to stand up for their rights, no matter what he thinks of their politics.

HORTON PRAISES MISS MARY SWITZER'S CONTRIBUTION SPANNING 48 YEARS TO THE GOVERNMENT

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 1970

Mr. HORTON. Mr. Speaker, Miss Mary Switzer, Administrator of the Social and Rehabilitation Service of the Department of Health, Education, and Welfare has just retired.

I feel that we all owe very much to Miss Switzer. She brought to the Social and Rehabilitation Service the idea that this Service must be seen in terms of people, not programs.

A poem by Carl Sandburg, which is one of Miss Switzer's favorites, expresses the hope and faith she epitomized in her service to the Government:

I see America, not in the setting sun of a
black night of despair ahead of us.
I see America in a crimson light of a rising
sun fresh from the burning creative
hand of God.
I see great days ahead, great days possible to
men and women of will and vision.

The hope in this poem has been evidenced in all of Miss Switzer's work. Miss Switzer served in Washington for 48 years under the term of eight Presidents. She came in 1921, straight from Radcliffe College. She started with the Department of the Treasury as a researcher. By 1928, she was handling press intelligence for the Secretary of the Treasury. In 1934, she became assistant to the Assistant Secretary who headed the Public Health Service.

In 1950, Miss Switzer was named head of the Federal-State program for the rehabilitation of the disabled, a position she held until her appointment as Administrator of the Social and Rehabilitation Service in 1967.

Under her guidance, the rehabilitation program expanded and improved services were offered to the disabled.

We, in Rochester, are very grateful to Miss Switzer. She played an important role in the selection of Rochester Institute of Technology as the site for the National Technical Institute for the Deaf. She played an active part in starting this innovative program.

When Miss Switzer became the head of the rehabilitation program in 1950, fewer than 60,000 people were being reached through rehabilitation. Under her administration, nearly a quarter million disabled Americans a year have been rehabilitated for useful work.

She assumed responsibility for unifying all of the major welfare and rehabilitation programs of the department and heading them in a new direction. Her basic conviction is that the overwhelming majority of welfare recipients prefer work and self-support to idleness and dependency. She had the tremendous task of welding into a single organization the income support programs for needy Americans, rehabilitation services for the disabled and specialized services for youth and the aged.

Miss Switzer has received numerous awards, including the President's Certificate of Merit, the highest wartime award for civilians. Her outstanding worth has been recognized all over the country.

Miss Switzer has spent 48 years in the service of her country. She has brought her charm and innovative ideas and her compassion to each difficult job. Most of us know of Miss Switzer's valuable work. All of us owe much to her, and I want to thank her for her vast contribution to the country.

BULGARIAN LIBERATION DAY

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 1970

Mr. RODINO. Mr. Speaker, I rise to commemorate the great struggle for freedom of the Bulgarian people. For the past 25 years they have gallantly sought to cast off the shackles of Communist oppression.

It is with great admiration and grave concern for this brave and undaunted people that I now speak. We must continue to pursue the cause of liberty for all peoples. We must never forget that others of mankind are not blessed with such freedoms.

SENATE—*Thursday, March 5, 1970*

The Senate met at 10 o'clock a.m. and was called to order by Hon. James B. Allen, a Senator from the State of Alabama.

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O God our Father, as we begin this day we ask Thee to take us in Thy care—each of us and all of us. Direct, control, and guide us through the coming hours.

Be in our minds that no unworthy thought may gain an entrance.

Be on our lips that we may speak only the truth.

Be in our wills that we may learn how to be both kind and firm.

Be in our hearts that they may be warm with love for Thee and for our fellow man.

Help us, O Lord, to begin, continue, and end this day with Thee.

In Jesus' name. Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will read a communication to the Senate.

The legislative clerk read the following letter:

U.S. Senate,
President pro tempore,
Washington, D.C., March 5, 1970.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. James B. Allen, a Senator from the State of Alabama, to perform the duties of the Chair during my absence.

Richard B. Russell,
President pro tempore.

Mr. ALLEN thereupon took the chair as Acting President pro tempore.

MESSAGE FROM THE HOUSE RECEIVED DURING ADJOURNMENT

Under authority of the order of the Senate of March 4, 1970, the Secretary of the Senate on March 4, 1970, received the following message from the House of Representatives:

That the House had passed, without amendment, the joint resolution (S.J. Res. 180) to provide for a temporary prohibition of strikes or lockouts with respect to the current railway labor-management dispute.

ENROLLED JOINT RESOLUTION SIGNED

The message also announced that the Speaker had affixed his signature to the joint resolution (S.J. Res. 180) to provide for a temporary prohibition of strikes or lockouts with respect to the current railway labor-management dispute, and it was signed by the Acting President pro tempore (Mr. Hollings).

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Wednesday, March 4, 1970, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, at the conclusion of the remarks of the distinguished Senator from Maine (Mrs. Smith), there be a time limitation of 3 minutes in relation to routine morning business.

The PRESIDING OFFICER (Mr. Ribicoff in the chair). Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. MANSFIELD. With the consent of the distinguished Senator from Missouri (Mr. Eagleton), and taking away none of his time, I would like to bring up some unanimous-consent requests.

The PRESIDING OFFICER. Does the Senator from Missouri yield for that purpose?

Mr. EAGLETON. I am happy to yield to the majority leader.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of measures on the calendar to which there is no objection, beginning with Calendar No. 708, and that the remaining measures be considered in sequence.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONTINGENT FUND OF THE SENATE

The resolution (S. Res. 358) authorizing the Committee on Interior and Insular Affairs to expend additional funds from the contingent fund of the Senate was considered and agreed to, as follows:

S. Res. 358

Resolved, That the Committee on Interior and Insular Affairs is hereby authorized to expend from the contingent fund of the Senate, during the Ninety-first Congress, $15,000 in addition to the amount, and for the same purpose, specified in section 134(a) of the Legislative Reorganization Act approved August 2, 1946.

CONGRESSIONAL RECORD SUBSCRIPTION RATE

The Senate proceeded to consider the bill (S. 3339) to authorize the Public Printer to fix the subscription price of the daily Congressional Record.

Mr. SCOTT. Let me say that this bill was reported from the Committee on Rules and Administration. The subscription price of the Congressional Record, I think, has not been increased since the early 1880's. Apparently the Government is not aware that the costs have increased during that time.

It is the intention now to increase the price only a little more than to cover the actual cost of issuance of the Record. While this will be a fairly substantial increase, from $1.50 a month to as much as $4.50 a month, on an estimate, nevertheless, it is necessary for the Government to balance its books on its own publications.

Mr. MANSFIELD. Does the Senator from Pennsylvania believe the Congressional Record will be a bargain at the new price?

Mr. SCOTT. I would think that if one is the kind of person who reads the Congressional Record, it would be a bargain at the new price, yes.

Mr. MANSFIELD. Is this another indication of the Nixon administration's desire to tighten up on unnecessary expenditures like the proposal to abolish the Board of Tea Tasters, and the like?

Mr. SCOTT. I would say to the distinguished majority leader that this suggestion comes from the Committee on Rules and Administration, but was enthusiastically concurred in by all the tea tasting members of the committee.

Mr. MANSFIELD. In other words, this is a bipartisan proposal.

Mr. SCOTT. This is a bipartisan form of economy. I hope it does not cut down interest in the Congressional Record which we try our best to make more readable every day, in every way.

Mr. MANSFIELD. This just goes to show that we do have chitchat here on the floor of the Senate every now and again.

Mr. SCOTT. This does go to show——

Mr. MANSFIELD. Who is going to have the last word here?

[Laughter.]

Mr. SCOTT. This shows, of course, that we are now increasing the length of the Congressional Record thereby.

The bill (S. 3339) was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 3339

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the last full paragraph of section 906 of title 44, United States Code, is amended to read as follows:

"The Public Printer may furnish the daily Record to subscribers at a price determined by the Public Printer based upon the cost of printing and distribution, such price to be payable in advance."

"ORGANIZED CRIME CONTROL ACT OF 1969"

The concurrent resolution (S. Con. Res. 55) authorizing the printing of additional copies of Senate Report 91-617, entitled "Organized Crime Control Act of 1969," was considered and agreed to, as follows:

XUM

S. Con. Res. 55

Resolved by the Senate (the House of Representatives concurring), That there be printed for the use of the Senate Committee on the Judiciary one thousand two hundred additional copies of its report of the current Congress entitled "Organized Crime Control Act of 1969" (Senate Report 91–617).

HISTORY OF THE COMMITTEE ON FINANCE

The Senate proceeded to consider the resolution (S. Res. 355) authorizing the printing of a history of the Committee on Finance as a Senate document which had been reported from the Committee on Rules and Administration with amendments in line 3, after the word "illustrations," strike out "and appropriately bound as directed by the chairman and approved by the Joint Committee on Printing;" at the beginning of line 6, strike out "seven" and insert "five", so as to make the resolution read:

S. Res. 355

Resolved, That a compilation of materials relating to the history of the Committee on Finance be printed as a Senate document with illustrations, and that there be printed two thousand five hundred additional copies of such document for the use of that committee.

The amendments were considered and agreed to en bloc.

The resolution, as amended, was agreed to.

ORDER OF BUSINESS

The **PRESIDING OFFICER**. Under the order previously entered, the Senator from Missouri (Mr. EAGLETON) is now recognized for 40 minutes.

SENATE JOINT RESOLUTION 181—INTRODUCTION OF A JOINT PRESIDENTIAL ELECTION PROCESS REFORM

Mr. EAGLETON. Mr. President, one of the most urgent challenges before the 91st Congress is to reform the presidential election process.

During the 1968 election, doubts that had accumulated over the years about the adequacy of the electoral college were transformed into very real fears—fears that a President might be elected who had not received a plurality of votes, fears of a deal for votes within the electoral college, fears of an election thrown into the House of Representatives.

Of all the legislative work before us now, none is of greater importance than finding a new and better electoral process which will measure up to the intent of our democratic Constitution and at the same time give new stability and durability to our governmental institutions.

Under the leadership of the distinguished junior Senator from Indiana, (Mr. BAYH), this Congress has responded to the demonstrated need and growing demand for electoral reform. On September 18, 1969, the House of Representatives took the historic step of approving a constitutional amendment to abolish the electoral college and replace it with the direct election of the President. Hearings have been held before a subcommittee of the Senate Judiciary Committee on that amendment and the Judiciary Committee will soon begin its own consideration of the best method of changing the presidential election process.

Of the four major alternatives that have been advanced in the Congress—the district plan, the proportional plan, the automatic electoral college plan, and the direct election plan—the latter has seemed to me to be preferable. It is the only option which respects the principle of popular sovereignty and adheres to the general proposition that the President of the people should be the choice of those people. Therefore I have cosponsored and supported Senate Joint Resolution 1—the direct-election plan introduced by Senator BAYH in this body and enacted in substance by the House of Representatives.

In recent months, however, a number of troubling problems have been raised about possible consequences of the proposed direct election plan—questions that I believe cannot be ignored.

First, under the direct election plan it would be possible that a candidate could be elected President who lacked a broad base of support throughout the country. For example, in a multiparty race, the victorious candidate could receive 40.1 percent of the popular vote without being the popular choice of the voters in any State. Or a candidate in a two-way race could lose the contest in most of the 50 States and the District of Columbia by a close margin and yet be elected President by piling up a substantial margin in only one or two States.

Would either of these results be any more acceptable to the American public than the election, under our present system, of a candidate who had won in the electoral college but had lost the popular vote? I doubt it. In my judgment, a President of the United States who hopes to govern effectively must be able to demonstrate not only that he has a plurality in the popular vote, but also that he has widespread support throughout the entire country.

Second, the runoff which is a necessary ingredient of the direct-election plan would, I believe, lead inevitably to the proliferation of political parties. These parties would not necessarily be national or even regional parties. They would probably be ideological parties formed around a particular issue or based on a "personality cult" centered on a particular individual. And if these parties were formed it does not require much imagination to foresee the kind of bargaining for endorsements, withdrawals and votes that could occur, both prior to a close election and between an election and a runoff.

Why should people not "vote their conscience" in a first election when the system will probably permit them a later opportunity to vote for a so-called compromise choice? Why should blacks, or farmers, or doctors, or conservationists, or feminists bother to compromise within the two-party context when their most direct route to influence would appear to be through running candidates who can toss presidential elections into a runoff situation?

I, for one, am concerned about these possibilities. In my judgment, the well-being of this country would suffer if its presidential elections were marked by a multitude of splinter parties, each appealing for votes on particular questions. Our political system would become factionalized, with numerous groups taking uncompromising stands and rejecting the realistic compromises which are so essential in a democratic society. At a time when the tendencies toward political fragmentation and ideological division are all too evident in this country, we must view with the gravest concern any change in our electoral processes that may aid and accelerate these tendencies.

Third, the direct-election plan raises awesome problems relating to vote recounts and the possibility that fraud committed in isolated precincts throughout the United States might taint an entire national election.

Let us remember that there are over 150,000 polling places in the United States. In 1960, the miscounting of a single vote in less than half of these polling places could have altered the entire election outcome. In 1968, a change of less than two votes in every polling place would have changed the outcome. Are we prepared to deal with an electoral system in which local decisions as to the counting of certain incorrectly marked ballots may be the crucial factor in determining whether a particular candidate has attained 39.9 percent of the popular vote or 40.1 percent of the popular vote? And are we ready to adopt a presidential election system in which the actual outcome may not be known for weeks or even months, even in the absence of a runoff?

Today, on behalf of myself and the Senator from Kansas (Mr. DOLE), I wish to introduce an alternative proposal in the form of a new joint resolution.

Our proposal, which we call the "federal system plan," has been developed by a Washington attorney, Mr. Myron Curzan, in conjunction with my staff. It has been reviewed and approved by several constitutional law scholars who view it as a substantial improvement over the proposed direct-election plan.

The federal system plan embodies the essential rightness of the one-man, one-vote principle, but modifies the direct-election plan in an effort to eliminate some of its dangers.

It provides that the popular vote winner will be declared President so long as there is also a showing that his victory is based upon widespread national support.

It eliminates the need for a runoff, thereby removing the paralyzing effect which third parties may have under the present system and could have under the proposed direct election plan.

It insures that the results of a presidential election will be known as soon as the count is completed, with no period of uncertainty and no opportunity for the kind of horse-trading that is possible either under the present system or under the direct election plan.

The federal system plan would operate as follows:

First. A candidate who had won a plurality of the total popular vote would be declared President if he had also won either a plurality in States—including the District of Columbia—which contain more than 50 percent of all voters participating in the election, or a plurality in more than 50 percent of the States—including the District of Columbia. We call this second initial qualification the "50 percent rule."

Second. If the popular vote winner failed to satisfy one or the other of the 50 percent rule requirements, then the President would be selected on the basis of electoral votes. The presidential candidate with the most popular votes in a particular State would be automatically awarded the State's electoral vote, which would equal the number of Senators and Representatives to which that State is entitled in the Congress. The District of Columbia would be treated as if it had three congressional votes. A candidate with a majority of electoral votes would win.

Third. If no candidate received a majority of the electoral votes, the federal system plan would then eliminate all but the two national candidates with the most electoral votes and redistribute the electoral votes of the others. The electoral votes won by third party candidates would be awarded on a State-by-State basis to the two national candidates in proportion to their relative share of the popular vote in the respective States. The candidate receiving a majority of the electoral votes following this redistribution would be elected President.

In this proposal, we have attempted better to mesh two of the concepts upon which our governmental structure is based—the concepts of popular sovereignty and federalism.

In my judgment, this proposal adds an essential ingredient lacking in a simple nationwide popular victory—a legitimating factor. It provides the means for insuring that any popular vote winner will have the backing of the people of both large and small States and of States distributed throughout the country. No man would be able to attain the Presidency by merely winning an overwhelming popular vote in one or two States, or in a particular region. Rather, he would have to show that his support is sufficiently broad to give him a true mandate to be the Chief Executive of the entire Nation.

Aside from providing this legitimating factor, the federal system plan should have a number of other salutary effects:

It should, I believe, reinforce and strengthen the two-party system. For under its provisions, the objective of each of the major parties would not only be to win the national popular vote, but also to win in each State. In addition, the power of third parties to affect the outcome of an election, and hence their appeal to the electorate, would be substantially reduced.

The significance of swing States would be retained and minority groups within those States would continue to have power to affect the result of a presidential race within the two-party framework.

The federal system plan would permit recount and fraud problems to be contained and dealt with on the State level.

The possibility of qualifying by winning States with 50 percent of the votes would be a new and powerful incentive to get out the vote.

Mr. President, I am aware that the proposal I am introducing today on behalf of myself and the Senator from Kansas (Mr. DOLE) comes late in the debate on electoral reform. I am also aware that it is a complex proposal and one that must be subjected to close scrutiny. I believe, however, that it is essential that it be given the most serious consideration. The step we are about to take in electoral reform is a momentous one, and it should not be taken without first examining all of the alternatives.

I ask unanimous consent that the joint resolution embodying the federal system plan be printed in the RECORD at this point. I also ask unanimous consent that a detailed memorandum explaining both the federal system plan, and the problems with which it is meant to deal, be printed as a supplement to my remarks and the resolution. I send to the desk the joint resolution and ask that it be appropriately referred.

The **PRESIDING OFFICER**. The joint resolution will be received and appropriately referred; and, without objection, the joint resolution and memorandum will be printed in the RECORD.

The joint resolution (S.J. Res. 181) proposing an amendment to the Constitution to provide for the direct popular election of the President and Vice President of the United States and for the determination of the result of such election introduced by Mr. EAGLETON, for himself and Mr. DOLE, was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

The material submitted by Mr. EAGLETON is as follows:

S.J. RES. 181

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States:

"ARTICLE —

"SECTION 1. The people of the several States and the District constituting the seat of Government of the United States shall vote directly for the President and Vice President. In such elections, each voter shall cast a single vote for two persons who shall have consented to the joining of their names on the ballot for the offices of President and Vice President. No persons shall consent to their name being joined with that of more than one other person.

"SEC. 2. The voters in each State shall have the qualifications requisite for the voters of Members of the Congress from that State, except that any State may adopt less restrictive residence requirements for voting for President and Vice President than for Members of Congress and Congress may adopt uniform residence and age requirements for voting in such elections. The Congress shall prescribe the qualifications for voters from the District of Columbia.

"SEC. 3. The persons joined as candidates for President and Vice President having the greatest number of votes in the election shall be declared elected President and Vice President if such persons have also obtained the greatest number of votes among the candidates running for President and Vice President in States containing more than 50 per centum of the total number of voters in such election or in more than 50 per centum of the States.

"If the pair of persons joined as candidates for President and Vice President who received the greatest number of votes throughout the United States failed to obtain the greatest number of votes in States containing more than 50 per centum of the total number of voters in the election or in more than 50 per centum of the States, then the votes received by each pair of persons joined as candidates for President and Vice President shall be separated according to the States in which they were received and in each such State, the pair of persons joined as candidates for President and Vice President who received the greatest number of votes therein shall be automatically credited with a number of electoral votes which shall be equal to the whole number of Senators and Representatives to which such State is entitled in the Congress, and if any pair of candidates for President and Vice President shall have received a majority of the electoral votes of all of the States they shall be declared elected President and Vice President.

"If no pair of candidates for President and Vice President shall have received a majority of these electoral votes, then all but the two pairs of such candidates receiving the greatest number of electoral votes of all of the States shall be eliminated, and the electoral votes which any of these eliminated pairs of candidates received in any State shall be credited to the two leading pairs of candidates in proportion to the number of people who voted for these two pairs of candidates in such State. In making this computation, fractional numbers less than one one-thousandth shall be disregarded. The pair of candidates receiving the greatest number of electoral votes after such crediting of electoral votes shall be declared elected President and Vice President.

"SEC. 4. The days for such elections shall be determined by Congress and shall be the same throughout the United States. The times, places, and manner of holding such elections and entitlement to inclusion on the ballot shall be prescribed in each State by the legislature thereof; but the Congress may at any time by law make or alter such regulations. The times, places, and manner of holding such elections and entitlement to inclusion on the ballot shall be prescribed by the Congress for such elections in the District of Columbia.

"SEC. 5. The Congress shall prescribe by law the time, place, and manner in which the results of such elections shall be ascertained and declared.

"SEC. 6. If, at the time fixed for declaring the results of such elections, the presidential candidate who would have been entitled to election as President shall have died, the vice-presidential candidate entitled to election as Vice President shall be declared elected President.

"The Congress may by law provide for the case of the death or withdrawal of any candidate or candidates for President and Vice President, for the case of the death of both the President-elect and Vice-President-elect, and for the case of a tie.

"SEC. 7. The Congress shall have power to enforce this article by appropriate legislation.

"SEC. 8. The District of Columbia shall be treated as a State for purposes of this Amendment.

"SEC. 9. This article shall take effect on the 1st day of May following its ratification."

ELECTORAL COLLEGE REFORM—A CASE FOR THE FEDERAL SYSTEM PLAN

As Congress considers reforming the electoral process through which this country selects its Presidents, both the simplicity and the apparent fairness of the "one man, one vote" principle constitute strong arguments in favor of a direct election system. Certainly, these considerations appealed to the House of Representatives when it adopted a resolution calling for the direct election of the President on September 18, 1969.

DIRECT ELECTION PITFALLS

There are, however, at least seven serious pitfalls in the direct election (winner must have at least 40% of the total votes cast) system which the House adopted and which is now before the Senate Judiciary Committee. These pitfalls are as follows:

1. A Presidential Candidate could be elected even though he failed to receive a plurality of the popular votes in most—or conceivably in any—of the states. In 1968, Hubert Humphrey was the popular choice of only 13 states plus the District of Columbia. Had he simply carried New York State by half the popular vote margin by which Lyndon Johnson carried it in 1964 and lost the seven states which he won by relatively close margins, he would have been elected President by approximately 250,000 votes. He would, however, have been the preferred choice of the voters of just six out of 50 states and the District of Columbia. In a federal system such as ours, it would certainly seem no more acceptable that a man should be President when he is the popular vote winner but the choice of only a handful of states than when he is the winner in the electoral college but the loser in the popular vote. A Chief Executive who hopes to govern effectively in the United States must be able to show that he is not simply the choice of the people, but rather that he is also the choice of the people of a number of states.

SPECIAL INTEREST PARTIES

2. An electoral system involving possible runoffs inevitably invites a proliferation of special interest, sectional, and charismatic figure parties.

Professor Maurice Duverger has written about the United States: "The absence of a second ballot . . . in the Presidential election constitutes in fact one of the historical reasons for the emergence and the maintenance of the two-party system." Under the proposed direct election system, many racial, ethnic, and interest groups would feel that they had lost all power in the election process since their ability to influence the outcome in key swing states with large blocs of electoral votes would no longer be relevant. Their only hope for regaining leverage under a direct election system would be through the creation of new Presidential parties. These parties would then solicit votes to promote their parochial causes—the National Gun Party, the National Dairy Farmers' Protective Party, the National Students' Party, the Black Welfare Rights Party—with considerable certainty that they would have an opportunity to trade off their votes in either a runoff election or immediately before the initial election when surveys indicated the closeness of the vote between the two major party candidates or the uncertainty that either of these candidates would obtain 40% of the popular vote. To quote Richard Scammon of the Elections Research Center:

"If you really want to stop proliferating candidates under any system you give people one vote. This is really why we have two parties operating in this country in November. You only get one shot at voting. Once you allow people a second shot under any conditions you give the opportunity, for example, for Mr. Wallace to in effect say to his electorate, 'Now, on the first ballot vote your convictions. Stand up for what you really believe in. You will get another chance on the second ballot if you have to. Besides, we might make second place.' . . . [The direct election with a runoff] is why in some parts of the South in primaries you get the first ballot loaded up with candidates, sometimes enormous numbers . . . because everybody knows, though, they are going to have a second shot at this." (Hearings on Electoral College Reform Before the Subcommittee on Constitutional Amendments of the Senate Committee on the Judiciary, 91st Cong., 1st Sess. at 341.)

A multiplicity of Presidential parties taking ideological positions—often irresponsibly—could only produce the tragic effect of polarizing this country on a wide variety of issues, and leaving our polity without the underlying harmony which makes it governable.

Moreover, a direct election system built upon a 40% plurality requirement could lead to the creation of new parties centered on specific individuals, which in turn might have the effect of ensuring the election of comparatively unpopular candidates. For example, let us assume that in a direct election system, Party A were to select a candidate whose ideological position on a number of issues made it appear to many in Party B that Party A's candidate could never hope to win more than about 45% of the popular vote. Let us also assume that Party B were to contain two charismatic figures and that one of them, Mr. X, were certain that the other, Mr. Y, had the Party B nomination sewed up. What if Mr. X were then to calculate that it made sense for him to run as well since he was certain that he could:

Take 25% of the total popular vote which formerly was committed to Mr. Y,

Take 7% of the voters committed to the candidate from Party A, and thereby

Deny both candidates the requisite 40% and ensure a runoff in which he would be the second candidate and the probable winner.

However, should Mr. X prove wrong in one calculation—that he can take 7% of the vote away from Party A's candidate—this nation might well find itself faced with the unfortunate prospect of living with one man's blunder. In short, it might awake to find that it had elected an unpopular and ideologically unacceptable President from Party A—a President who has been given his "mandate" under the direct election system with some 40.1% of the popular vote.

RECOUNTS

3. In close elections, like those of 1960 and 1968, the recount problem could be staggering, as would the temptation to commit fraud. Under a simple direct election system, it would not be possible or relevant—as it is today to isolate the states in which vote-count problems had arisen.

There are over 150,000 polling places in the United States. It should be remembered that under a direct election system, two miscounted votes in each polling place in the United States would have shifted the 1968 election from Richard Nixon to Hubert Humphrey. The miscount of only one vote in half of this country's polling places in 1960 could have changed the result in that Presidential election.

One need have little imagination to conjure up visions of elections in which the country anxiously awaits word of who its new President is to be while recounters puzzle over discarded or poorly marked ballots in rural and urban counties throughout the entire United States.

Finally, it must be added that recount problems will be further complicated in the proposed direct election system by questions which may arise if the issue is whether a particular candidate has received 40.001% of the popular vote or 39.999% of the popular vote.

COST

4. The cost of Presidential elections would soar once a number of parties had become involved and runoff elections had become part of the system. Each of our major parties is already sagging under the burden of financing Presidential campaigns. What new problems relating to campaign fund suppliers and their influence on substantive decisions will be raised if parties are forced to obtain double or triple the present sums to finance two-tiered Presidential races?

FEDERAL SYSTEM WEAKENED

5. A direct election system would drastically weaken the federal system. Candidates would ignore small and medium-sized two-party states and focus either on the most populous areas (comprised of a few fairly homogenous states) or on one-party states, where substantial popular margins could be obtained.

Under a direct election system, the objective of each candidate will be to concentrate on those States and regions where he can maximize his popular vote and minimize the popular vote of his opponents. Under the present electoral college system, it is crucial for a candidate to win in medium-sized and small two-party States. For today, a hard-fought victory in such States as Indiana, Iowa, Maryland, South Dakota, and Washington together is of greater value than a victory in California. Under a direct election system, this will no longer be the case. If a candidate can carry California or New York by a wide enough margin, he can offset losses in the four named, as well perhaps five or ten other, States.

Moreover, the medium-sized and smaller two-party States will also get shunted aside in a Presidential campaign in favor of one-party States. For why should a candidate strive to win a close election in a State with two million voters when he can realize a greater advantage by obtaining a huge margin in a one-party State with only one million voters? And—if one wishes to carry this logic further—why should a candidate even make a great effort in an extremely close race in one of the large States, when he knows that he can easily make up any differential in a small one-party State?

MINORITIES

6. A direct election system would curtail the power—which exists within a two-party electoral college context—of urban-oriented racial, ethnic and other minority groups, since these groups would have reduced ability to affect the outcome of a Presidential election. This reduction in power for various urban voting blocs would occur for the same reason as the reduction in the power of small, medium, or even large two-party states.

The best interests of this country do not lie in removing the power which these urban groups have in Presidential races. To ask them to rely on the Congress for that representation is unfair. Even with the gains which have resulted from reapportionment decisions, the Congress remains most responsive to rural and suburban constituencies.

The passage of a direct system might well ensure that all of these voting blocs—in an effort to be heard and to obtain influence in the selection of the President—would take the only logical step left open to them, namely, the creation of Presidential parties, which can barter votes for power in subsequent runoff election.

ADOPTION UNLIKELY

7. A direct election system stands little chance of being adopted by three-fourths of the states since small two-party states which come to understand the power they are relinquishing under a simple direct election system will reject it. Such a rejection will have the unfortunate effect of legitimating the present electoral college system, and will set back the cause of an electoral reform for many years.

The District Plan and the Proportional Plan, which have been suggested at various times in our history, do not offer any clear advantages over the present electoral college system. In fact, both of these plans provide even less assurance than does the present electoral college that the popular vote winner throughout the country will become President. Retention of the present electoral college system—but with an automatic electoral vote to avoid faithless electors and a revised contingency election system in which the President is selected by a vote of the individual members of Congress—has the built-in disadvantage that it provides no procedures to deal with the possibility of a divergence between the popular vote winner and the electoral college winner.

Is there a way to avoid the pitfalls involved in all of these electoral college reform proposals, while at the same time fashioning an electoral system which maintains basic adherence to the popular sovereignty principle of one man, one vote?

THE FEDERAL SYSTEM PLAN

The Federal System Plan, outlined below, may offer a viable alternative. This system—which builds upon the simple direct election formula as enacted by the House of Representatives and proposed in the Senate by Senator Bayh—would provide that any candidate who was the popular vote victor under circumstances which demonstrated that this victory was based upon support throughout the nation would be elected President. Moreover, it would provide a method for effectively eliminating the paralyzing effect which third parties may have under both the present electoral college and under the direct election system.

The Federal System Plan would work as follows:

1. A President would be elected if he (1) won a plurality of the national vote *and* (2) won *either* pluralities in more than 50% of the states and D.C., *or* pluralities in states with 50% of the voters in the election. The latter would be called the "50% rule."

2. If no candidate qualified, the election would go to an Electoral College where the states would be represented as they are today, and each candidate would automatically receive the electoral votes of the states he won. A candidate who won a majority of the electoral votes would be elected President.

3. In the unlikely event that no candidate received a majority of the electoral votes, the electoral votes of states which went for third-party candidates would be divided between the two leading national candidates in proportion to their share of the votes in those states.

THE "50 PERCENT RULE"

The "50% rule" is designed to reconcile the principle of federalism with the principle of popular sovereignty. It would award the Presidency to the national popular vote winner of he had been able to demonstrate that he had a broad base of support across the country. The "50% rule" would provide a better indication of whether a popular vote winner had the national support needed to govern this country effectively than would the 40% minimum popular vote formula contained in the present direct election proposal.

ELECTORAL VOTES

If no candidate qualified under the 50 percent rule and an election went to the Electoral College, the Presidential candidate with the most popular votes in a particular state would be automatically assigned that state's Congressional vote quota (hereinafter referred to as "electoral votes")—namely, the number of Senators and Representatives it is entitled to under the Constitution. The District of Columbia would have three electoral votes. If one candidate obtained a majority of the electoral votes assigned to all of the states, he shall be declared President.

The real key to eliminating third party fragmentation in a Presidential election system is to persuade the voter that he would be wasting his power to choose the next President if he voted for the candidate of a narrowly based party. The Federal System Plan achieves this result by providing that if the popular vote winner has not satisfied the "50% rule," then the President will be selected on the basis of the vote outcome broken down on a state-by-state basis.

REDISTRIBUTION OF ELECTORAL VOTES

If no candidate has an initial majority of the electoral votes—which might occur because of the presence of third party candidates—the Federal System Plan would then eliminate all but two leading candidates from consideration and redistribute the electoral votes won by any other candidates in particular states. Redistribution of the electoral votes won by "third party" candidates would be done proportionally, based on the relative number of popular votes obtained by the two leading national candidates in the particular state being redistributed.

In a redistribution situation, proportionalization of electoral votes is fairer than the winner-take-all method which will be used when counting electoral votes initially.

It is expected that this redistribution technique will rarely be used since virtually all "third parties" which do not have a broad national base—such as the Bull Moose Party had in 1912—will be discouraged from entering candidates. People will not vote for such candidates when they realize that by doing so, they are throwing away their votes and leaving the choice of the President to other residents in their state who vote for the candidates of the two major parties.

BENEFITS OF PRESERVING THE FEDERAL ELEMENT

By melding the direct election plan—as enacted by the House of Representatives—with a concept that takes this nation's federal design into account, it is possible to reduce the difficulties which are inherent in a simple one man, one vote proposal.

Under this hybrid Presidential election system, the objective of each of the major parties will not only be to win in the national popular vote, but also to win in each state.

Candidates can be persuaded to pay attention to the needs of all states—including small ones.

The power of swing states and the minority groups who live in them can be retained and the prospect of flourishing splinter parties negated.

The problem of voter fraud can be localized, the complexities relating to vote recounts can be more easily avoided.

Finally, by building into the electoral process a factor which is dependent upon the total number of people voting in each state in that election, we would create (1) an incentive to encourage voting and (2) a mechanism which takes account of population shifts not reflected in the current electoral college system which is based upon a census that may be ten years old on the date of an election.

HYPOTHETICAL EXAMPLES OF PRESIDENTIAL ELECTIONS UNDER THE FEDERAL SYSTEM PLAN

1. Candidates A and B are the only two significant candidates running for the Presidency. Candidate A receives 50 million popular votes; candidate B receives 49.5 million popular votes. Candidate A has been the popular vote victor in 29 states (including the District of Columbia). Under the Federal System Plan, he would have satisfied the 50% rule and would be declared President.

2. Candidates A and B are the only two significant candidates running for the Presidency. Candidate A receives 50 million popular votes; candidates B receives 49.5 million popular votes. Candidate A has been the popular vote victor in only 22 states. However these states contained approximately 55% of the people voting in that election. Under the Federal System Plan candidate A would have satisfied the 50% rule and would be declared President.

3. Candidates A and B are the only two significant candidates running for the Presidency. Candidate A receives 50 million popular votes; candidate B receives 49.8 million popular votes. Candidate A is the victor in 23 states containing approximately 48% of the people voting in that election. Under the Federal System Plan candidate A would not have satisfied the 50% rule which would automatically make him President on the basis of his popular vote victory. The contingency plan would then come into effect and the popular votes won by candidates A and B would be translated into popular vote victories in each of the 50 States plus the District of Columbia. Under the hypothetical given it is quite probable that the 23 states won by candidate A would provide him with enough electoral votes to become President. On the other hand if candidate A had obtained a popular vote victory while being the popular vote choice in only 5 or 6 states, the electoral vote contingency plan would make candidate B the President since he would have demonstrated a much broader base of national support.

4. Candidates A, B, C, and D run for the Presidency. Candidate A obtains 40 million votes; candidate B obtains 39.5 million votes; candidate C obtains 10.5 million votes; and candidate D obtains 10 million popular votes. Candidate A has been the popular vote victor in 22 states containing 42% of the people voting in that election and possessing 240 electoral votes. Candidate B has been the victor in 18 states containing 40% of the people voting in the election and possessing 200 electoral votes. Candidates C and D have each been the victor in 5 states (for a total of 10) containing about 18% of the people voting in that election and possessing a total of 98 electoral votes.

Under the Federal System Plan, candidate A would not have satisfied the 50% rule which, with his popular vote victory, would have automatically entitled him to the Presidency. Under the contingency electoral vote system, neither candidate A nor candidate B would have a majority in the initial count. The Federal System Plan would therefore redistribute the electoral votes won by candidates C and D.

The redistribution would be done in proportion to the popular votes won by candidates A and B in the particular state whose electoral votes were being redistributed. If candidates A and B both had a national appeal, the redistribution would probably favor the candidate who was ahead under the initial electoral vote count. Thus in the above example, it would be quite probable that under the redistribution formula, candidate A would wind up with something like 288.5 electoral votes and candidate B would wind up with something like 249.5 electoral votes. Candidate A would then be declared President. (Note should be taken, however, that this last hypothetical is extremely implausible under the Federal System Plan. The presence of a redistribution formula in the Presidential election system will work to discourage regional or ideological parties from putting up candidates like the above candidates C and D since voters will probably not waste their ballots voting for them.)

HISTORICAL EXAMPLES

The Federal System Plan would not have changed the outcome of any past American election. It would however have averted some awkward contingencies which could easily have occurred. The following cases help illustrate the stabilizing effect the Federal System Plan would have had in these situations, as well as some of the weaknesses of the direct election plan.

1888—HARRISON VERSUS CLEVELAND

Cleveland had a popular vote margin of 95,000, but Harrison was elected by an electoral vote of 233 to 168. Cleveland's popular majority came almost entirely from the "solid South."

Under a direct election system, Cleveland's

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overwhelming victory among Alabama's 174,000 voters would have offset the popular preference of 2.9 million voters in New York, Ohio and Illinois.

Under the Federal System Plan, despite his popular victory, he would have failed to qualify under the 50% rule: he won only 18 out of 38 States, and won states with only about 30% of the voters. The election would have gone to the Electoral College where Harrison's broader geographical base of support would have made him President.

1916—WILSON-HUGHES

Wilson won by a popular majority of 580,000. He won in 31 states—mostly small ones—with 277 electoral votes, while Hughes' electoral vote total was 254. A change only of 1,904 votes would have given California's 13 electoral votes—and the election—to Hughes. Wilson would have lost, although his popular margin would still have been over half a million and he would still have been the preferred candidate in well over half the states.

Under the Federal System Plan, Wilson would easily have qualified with his popular plurality and with victories in over 50% of the states (although he did not win states with 50% of the voters). Wilson could have lost as many as six states, still had a popular plurality, and have been the victor under the Federal System Plan.

1948—TRUMAN-DEWEY-THURMOND

Truman won by over 2 million popular votes. The electoral count was Truman 303, Dewey 189, Thurmond 39.

A shift of 24,294 votes from Truman to Dewey in California, Illinois, and Ohio could have shifted 78 electoral votes, giving Dewey an electoral vote majority by one vote. Under the Federal System Plan, Truman would still have won with a popular plurality and victory in 28 states—over 50%.

If Dewey had won California and Illinois, but not Ohio, neither he nor Truman would have had an electoral majority, and under the present system the election would have been thrown into the House. Under the Federal System Plan, the election would not even have gone as far as the Electoral College, because Truman would still have won a popular plurality and over 50% of the states.

1960—KENNEDY-NIXON-BYRD

Under the present system, this election would have been thrown into the House if Kennedy, the popular vote winner, had lost three very close states: Illinois (margin: 8,000 votes, electoral votes: 27), South Carolina (margin: 9,600, electoral votes: 8), and Hawaii (margin: 115 votes, electoral votes: 3).

Under the Federal System Plan, Kennedy would have been elected without the risk of horsetrading and without delay because he would still (a) have been the popular vote winner, and he would still (b) have won states with a majority of the voters.

Mr. EAGLETON. Mr. President, I yield to the Senator from Kansas for his presentation on the same subject.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

THE FEDERAL SYSTEM PLAN

Mr. DOLE. Mr. President, the 1968 election did more to stimulate concern for our system of choosing the President than any other election in recent history. A very real possibility existed that Congress would determine the two highest officeholders in the land.

There is agreement among most Americans of all political and ideological persuasions that the present electoral system should be changed. Considerable study, effort and thought have gone into a number of proposals which have been presented to Congress. I withheld support of any of the several electoral reform proposals because, in my opinion, each appeared to contain a number of significant deficiencies. To change from one set of deficiencies to another would seem an exercise in futility, as well as perilous tinkering with our constitutional processes. I am especially pleased, therefore, to cosponsor the federal system plan—which I believe has considerable merit.

In essence, the federal system plan introduces the direct-election concept to presidential politics, while assuring continued, decisive importance of broad and widespread national support for candidates.

THE FEDERAL SYSTEM PLAN COMPARED

The junior Senator from Missouri has described the federal system plan and its advantages over the direct-election plan and the present electoral college.

Briefly, I will compare the federal system plan with three other major electoral reform proposals.

THE DISTRICT PLAN

Under the district plan, popular vote results would tend to be reflected more accurately in electoral vote results than they are under the present system. The all-or-nothing system of assigning a State's electoral vote would be eliminated.

The major weakness of the district plan is its inherent tendency to encourage jerrymandering. The problems and temptations for political manipulation would surely not be diminished over present difficulties with congressional districts, and the situation could become even more involved.

Under the federal system plan, voting would take place on a statewide basis, free from the administrative complications of districting the results.

Also, the district plan could have a significant adverse effect on the establishment and maintenance of viable two-party State political systems. The stimulus for a minority party to turn out the vote would be severely diminished when it saw no chance to carry any district within a State. Under the federal system plan, however, a minority party would know its votes would not be frozen within the State but would have significance on a national scale.

THE PROPORTIONAL PLAN

The proportional plan would eliminate the unit rule for distribution of a State's electoral votes and would prevent an electoral victory for a minority popular vote-getter by tying the electoral vote directly to the popular vote.

The proportional plan would not strngthen the two-party system. Instead of discouraging the minority party, it would encourage formation of many minority parties tending to represent narrow and perhaps extreme viewpoints because minority parties would be assured electoral vote reflection of their strength. At the same time, it would discourage the major parties from attempting to broaden their appeal and assimilate diverse groups and factions. The federal system plan, on the other hand, by diminishing the potential impact of any third or multiparty development, would encourage a vigorous and broadened two-party system.

By entirely abolishing presidential electors and by permitting States to have separate ballots, the proportional plan would make a practical, as well as a theoretical, possibility of electing a President and Vice President from different parties. The federal system plan requires presidential and vice-presidential candidates to be paired, thus avoiding a split election, and it retains an electoral system as a backup procedure with a favorable influence on the two-party system.

THE AUTOMATIC ELECTORAL PLAN

The automatic electoral plan has the appeal of simplicity and close adherence to established practices, but it locks in the all-or-nothing rule which has evolved over the years, whereby each State's entire electoral vote is allocated to the winner of the popular vote. No real improvements are offered in the electoral influence of minority voters, possibilities for the election of narrow-basis Presidents or enhancement of State significance in the electoral process. The federal system plan, as the junior Senator from Missouri has pointed out, affords substantial advances in each of these important areas.

QUESTIONS ABOUT THE FEDERAL SYSTEM PLAN

I think it might be well to anticipate some of the questions which may be raised concerning the federal system plan. I have discussed this proposal with some of my colleagues and others familiar with the different electoral reform proposals. A number of questions have been raised, and I am certain others would be in the event hearings were held.

Let me state briefly a few of them:

First. If the electoral machinery is used—as it would be under certain circumstances in the federal system plan—would the unit or bloc system of casting votes be continued, and would this within a State nullify votes cast for an unsuccessful candidate?

Second. The question has been raised that this plan would make possible the election of a President who may have fewer popular votes than the unsuccessful candidate.

Third. One area of concern is that the federal system plan would bring into effect two relatively untried and untested features embodied in the backup system, and an untried and untested feature in the division of electoral votes of minority candidates, whereas the runoff election has been tested and has worked successfully in various States.

Fourth. There is a general feeling that the plan is too complicated and subject to uncertainty and might be productive of unexpected results.

I believe that these questions can be answered satisfactorily and the changes could be made in the proposal being introduced today by the junior Senator from Missouri and myself. It is important, however, to look carefully at the advantages of this proposal:

First. It adheres in principle to the direct election plan, but eliminates the runoff feature of the direct election plan.

Second. It removes the possibility—like the direct election plan—of contingent elections by either House of Congress.

Third. It does minimize the election of

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the President and Vice President by the electoral vote process.

Fourth. This plan preserves as a backup procedure the electoral vote system, which some persons feel should be continued as a matter of tradition and because it is conducive to a two-party system.

Fifth. This plan does look to ultimate assertion of influence of the vote for minor candidates within the framework of the two-party system, rather than as support for independent or splinter parties.

OPERATION OF THE FEDERAL SYSTEM PLAN

The junior Senator from Missouri has ably described our proposal, but again, let me emphasize its relative simplicity—and its operation:

First. The popular vote winner would be declared elected if—

He has carried States which contain more than one-half of persons who voted in the election; or

He has carried more than one-half of the States.

Second. If neither of the above is satisfied, the winner would be decided by electoral vote.

Third. If there is no electoral winner, the electoral votes of minor candidates would be distributed among two front-runners by giving the electoral votes carried by minor candidates to the two front-runners in each particular State in proportion to their popular vote totals.

CONCLUSION

Mr. President, interest in electoral reform is high and support for change is broad based. The federal system plan does strengthen the one-man, one-vote principle, and at the same time avoids the serious pitfalls in the direct election proposal. A summary of these pitfalls will be made a part of the record, but it should be emphasized that under the direct election plan, a presidential candidate could be elected even though he failed to receive a plurality of the popular votes in most—or conceivably in any—of the States. Those of us from small and middle-size States are naturally concerned about any system which would permit States with large populations to have a distinct advantage. We recognize that numbers are important and that the one-man, one-vote principle should be adhered to, but we also strongly feel that anyone elected to the Presidency of the United States should have broad-based support throughout the country. This important consideration is embodied within the federal system plan.

Let me add that all the electoral reform proposals submitted have certain advantages and certain disadvantages. The district and proportional plans do not assure that the popular vote winner would necessarily become President.

The issue of electoral reform is so vital that I would hope the Judiciary Subcommittee on Constitutional Amendments will consent to immediate hearings on the federal system plan proposal. In addition to introducing the federal system plan resolution today, the junior Senator from Missouri and I are contacting a number of experts in this field across the country, asking for their comments on this proposal.

Let me conclude by saying that any proposal approved by the House and the Senate must be ratified by 38 States. In my opinion, the federal system plan would be acceptable to large States because of the direct election features and to small States because it requires broad-based support by virtue of the "50-percent rule."

Again, I commend the junior Senator from Missouri for his leadership in this most important area and also acknowledge the efforts of Mr. Myron Curzan, a Washington attorney who has spent countless hours in the formulation of this proposal.

Mr. EAGLETON. I thank the Senator for his cogent summation of the issues involved and his able presentation of the federal system plan.

Mr. BAYH. Mr. President, will the Senator yield?

Mr. EAGLETON. I yield.

Mr. BAYH. I would like to compliment my colleagues from Missouri and Kansas for adding to the debate which has been going on for some time over the importance of revising the present electoral college system. I appreciate the comments of the Senator from Missouri in his initial remarks as to my interest in this particular area.

As chairman of the Subcommittee on Constitutional Amendments, as the Senator has pointed out, it has been the responsibility of the Senator from Indiana to delve into that particular matter. I think a great deal of heart can be taken from the interest expressed by the Senator from Missouri and the Senator from Kansas.

First, it demonstrates that two of our distinguished colleagues are concerned about the need to do something about the present system.

Second, their proposal embodies as a fundamental principle the direct popular vote. I know that time has been allotted here this morning to others of our colleagues to speak on other subjects. So it is not my intention to continue this discussion at any great length.

I personally will do all I can to study this matter. As the Senator from Missouri knows and the Senator from Kansas knows, this matter has been debated at length. We have held three different sets of hearings. The matter is now before the full Judiciary Committee, and an agreement has already been arrived at to vote no later than April 24.

Whether it will be possible to hold hearings or not, I do not know, but I personally pledge that we will study in great detail any information that either of our distinguished colleagues brings to our attention.

The only matter of significant concern to me about the direct popular vote plan embodied in Senate Joint Resolution 1, of which I am the principal author, and which has some 46 cosponsors, is what happens in the case of a runoff. History has shown us that only once in almost 200 years has a President of the United States been elected when he had less than 40 percent of the votes, the figure which would require a runoff in our system. This was in 1860, when Abraham Lincoln was elected. At that time he had 39.76 percent of the votes, so he was just below the 40 percent figure, and he was not on the ballot in 10 States. Nevertheless, I think we have to examine this possibility.

Whether the shortcomings, as described by my two distinguished colleagues, of a runoff in the direct popular election in which no candidate gets 40 percent of the votes are greater than the shortcomings of any of the other plans, I am not yet willing to concede. But I am certainly willingly to study it because I recognize it as one of the principal difficulties.

I have said from the beginning that I have not held out the direct popular vote plan as a panacea, without any problems at all, because as long as man devises a plan a few unscrupulous souls are going to try to take advantage of it, no matter what it is. What appeals to me about the Senate Joint Resolution 1 approach, which won a 339 to 70 vote in the House, is that it guarantees that the winner is going to have the most votes, and it will protect us at all stages of the process.

I want to thank both of my colleagues for their interest and for presenting these new ideas. We are willing to study them. I know they are both legislative craftsmen and recognize the need to search for the art of the possible. So in working together here in this body and trying to consult our colleagues in the other body, and the experts to which the Senator from Kansas alluded, I hope we can get the best possible plan, and that we will be able to make real progress. But we all know, from having gone through the constitutional amendment process before, that when we are looking for and need 67 colleagues to vote with us and ratification by three-fourths of the State legislatures, it is going to be impossible to get a plan that absolutely pleases everyone.

I know, from the record of our two distinguished colleagues, that they are going to do their very best to help us try to perfect the system and try to reconcile the system as best we can.

I salute them for adding to the debate on this matter.

Mr. EAGLETON. Mr. President, I thank the Senator from Indiana for his kind remarks, and wish to say at this time that were it not for the efforts of the Senator from Indiana, we would not have the opportunity of considering this problem at all. It has been through his diligence and unswerving efforts over the past 5 years or more that at long last it appears that we will have a chance to have this issue before us. He is to be commended most highly for his efforts in this regard. I take his comments most seriously because he is truly an expert on this subject matter.

One brief comment on the Senator's remarks. He points out that in only one election, the first Lincoln election, did the winner receive less than 40 percent of the votes. Historically, that is true. But the winner has come precariously close to that 40-percent mark in other elections. It was true in the first Wilson election of 1912. The 1968 election of President Nixon was rather close to the 40-percent margin.

What concerns me very much about

the direct election plan is that it will further encourage the proliferation of third, fourth, fifth, sixth, and seventh parties. Past history on elections which came close to 40 percent may, therefore, not be a perfect guide insofar as the future conduct of national elections is concerned. If my worries are realized, and if we do see an endless number of political parties involved in elections under the direct system plan in 1976 or 1980, or 1984, it may well be that it would be uncommon in the future for any of the national candidates to achieve as much as 40 percent of the vote.

This may be a needless worry. In any event, it is what has caused me, among other things, serious concern about the direct election plan, of which I am one of the cosponsors, as I pointed out in my earlier remarks.

Mr. DOLE. Mr. President, will the Senator yield?

Mr. EAGLETON. I yield.

Mr. DOLE. Let me endorse the statement just made by the junior Senator from Missouri as to the great effort made by the Senator from Indiana. We all recognize the temper of the people and the need for some change; and hopefully the proposal offered this morning will shed some light—perhaps not—after it is carefully explored. I share the hope of the Senator from Indiana that it can be reviewed carefully, perhaps, with the Senator from Indiana, other committee and staff members.

We recognize that the time frame is narrow. We recognize the importance of moving as rapidly as possible with electoral reform. Hopefully, we can discuss the matter with the Senator from Indiana to determine if there may be a possibility of having brief hearings. But it is my hope and the hope of the junior Senator from Missouri to at least come forth with some principle embodying the efforts of the Senator from Indiana, that will alleviate some of the fears those in small and middle-sized States have, because the federal system plan, as we see it, without, of course, exploring all the possible pitfalls, does provide in principle for direct elections, and does also insure that the candidate elected would have broad-based support.

As far as I am concerned, this is its main strength. If it fails in some other area, we should know that, and will know it if we have hearings.

Mr. BAYH. Mr. President, will the Senator from Missouri yield?

Mr. EAGLETON. I yield.

Mr. BAYH. I appreciate the comments of my friend from Kansas. The reason I think it is imperative that we look into this plan is that it is very easy to examine ideas that look good on the surface, and find out that they really do not work quite as well in practice. I say this without being at all critical of the plan submitted here today by our two distinguished colleagues, because I have not had a chance to study its implications fully. All I know is that in my 4- or 5-year study of this problem, I started out convinced that the direct popular vote would not work, and my main concern was the destruction by proliferation of parties of the two-party system.

By incorporating the 40-percent runoff provision, I felt we had sufficiently dealt with some of the nuisance splinter parties who get in just to achieve a bargaining position, and yet left the door open for a bona fide, valid third party. We have to recognize, for example, that the party of which our distinguished colleague from Kansas is a member started out as a minority party. Now they have the Presidency.

I do not think we want to say that from today on, for the next thousand years, we are going to preclude any splinter party from being able openly to capture the imagination of the American people.

But even when I became convinced that direct election was the best solution, as I just pointed out to my friend from Missouri——

The PRESIDING OFFICER. The time of the Senator from Missouri has expired.

Mr. EAGLETON. Mr. President, I ask unanimous consent that I be allowed an additional 5 minutes, to continue and complete this exchange.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAYH. I shall hurry on. I just wanted to point out, as a sign of good faith, in talking to our distinguished friend from North Carolina, I thought perhaps he might be prevailed upon to join in the popular vote effort if we had the runoff provision with a joint session of the House and the Senate. I felt that perhaps we could thus maintain the system that our distinguished colleague from North Carolina is sincerely concerned about. But finally I came to the conclusion that the three criteria I mentioned before; namely, that the winner have the most votes, that everybody's vote count the same, and that everybody vote directly, were of overwhelming importance. That is why I came out in favor of Senate Joint Resolution 1.

Mr. ALLEN. Mr. President, will the Senator yield?

Mr. EAGLETON. I yield.

Mr. ALLEN. I congratulate the Senator from Missouri (Mr. EAGLETON) and the Senator from Kansas (Mr. DOLE) for the work and the thinking that has gone into this plan that they are suggesting. I must say, however, that I am not yet persuaded that any plan for modifying or abolishing the electoral college is in the public interest; and I have yet to be convinced of that.

The comment of the Senator from Missouri that his plan might well stop the proliferation of parties was interesting. But I wonder if that is correct. I see in the plan of the Senator from Missouri and the Senator from Kansas the possibility of more proliferation of parties, possibly, than under any other plan; and it would seem to me that if one candidate should literally sweep from 15 to 20 States of the Union, he would comply with the provisions of this proposal; namely, that he receive a plurality of the votes in the entire country and a plurality in States having 50 percent of the vote in the election, without getting votes in other States.

So it would seem to me that there is serious danger of a real minority President being chosen—not one who failed to receive a plurality of the vote, but one who failed to get a majority of the overall vote—and having a plurality far below the 40 percent provided in the direct plan.

I would suggest, however, that the Senators who proposed this plan stick by the plan, and if it is not agreed upon by the Senate and the House of Representatives, that they cast their votes against any modification of the electoral college. I believe that would be in the public interest.

I thank the Senator for yielding.

Mr. EAGLETON. I thank my distinguished friend and colleague from Alabama. I think his remarks underscore all the more the necessity that this plan, as well as the other plans that have previously been submitted by other Senators, be given thorough and detailed examination by the Committee on the Judiciary.

As was pointed out by the Senator from Kansas (Mr. DOLE) and in my remarks, we do not know at this time whether this is utopian, whether this is the answer, whether this is the panacea. We think it has much to commend it, and we want the experts who compromise the Committee on the Judiciary—and I note in the Chamber, among the members of that committee, the Senator from North Carolina (Mr. ERVIN)—to consider this plan among others.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from South Carolina is recognized for a period not to exceed 1 hour.

THE NEED FOR A STRONGER FEDERAL ORGANIZATION FOR OCEANIC AFFAIRS

Mr. HOLLINGS. Mr. President, in 1957 the Soviets launched sputnik and made the 1960's the decade of space. Today, without a sea sputnik, the Soviets are making the 1970's the decade of the oceans. Once again, we stubbornly refuse to recognize the threat or grasp the opportunity. The Russians realize their mistake in springing sputnik as such a dramatic surprise. It provided the crisis that thrust the United States into space. They are not making that mistake in the sea. They have a quiet, well-organized, well-conceived, and well-financed program for developing their capabilities to exploit the resources of the sea.

As we become more and more landlocked, the Soviet has learned well the admonition of Admiral Mahan that he who rules the sea could rule the world. The expansion of the Soviet fleet to the Mediterranean and around the globe would lead one to think of the Mahan rule solely in a military sense. However, the Mahan rule today applies more meaningfully in an economic and political sense.

While the U.S. catch of fish has remained stable for a generation, Russia has in the decade of the 1960's shot from a catch equal to ours to one that is more than three times ours. Indeed, they now catch more fish off our coasts with their world-ranging fleets than our own fishermen do.

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While the U.S. merchant fleets shriveled in size to what our Maritime Administrator called, on Monday of this week, 135 usable vessels, the Soviets have built a new, modern fleet, superior in size and tonnage to the United States, specifically designed to affect the economy of the nations of the world.

While we lay up ocean research vessels and refuse to build the ones appropriated for by Congress; while we refuse funding of ocean research laboratories, the Soviet has quietly expanded their ocean research fleet and established new ocean research laboratories and programs.

They say the quickest way to crush your laurels is to rest on them. Our success in space has so preoccupied us that we conceive of our defense primarily in terms of the ABM and Polaris. Thirty years ago, the Japanese that surprised us at Pearl Harbor also conceived an assault to our mainland by submarine. We seem to forget that as a nation with most of its major cities on the coast—by the year 2000, 70 percent of the people of the United States will live in coastal cities—we are vulnerable to attack close in from the sea, not by intercontinental ballistic missiles, but by remote-controlled, unmanned submersibles or short-range rockets that need travel only a few miles.

While the threat is real, the opportunity in the oceans is abounding. Today we extract sulfur in the Gulf of Mexico and salt and bromine on the west coast. Within 10 years, one-third of the world's oil will come from offshore sources and a substantial supply of natural gas. Hard minerals such as manganese nodules will be mined economically. Not only will there be a tremendous increase in aquaculture, but desalination will bring fresh water to parched land. And, of course, the city of Key West, Fla., depends for its water supply on the desalination process. New drugs are being discovered every day and the solution to the crying need for food and protein to care for the world's hungry lies awaiting in the sea.

However, as man multiplies his uses of the sea, the Stratton Commission reports that "recent analytical refinements have established beyond doubt that manmade pollution already has affected the entire ocean." So we have at one and the same time the challenge of use and the challenge of conservation.

Shall we allow our seas to become polluted as we have our Great Lakes? Shall we spend a fortune to explore the Sea of Tranquillity and, at the same time, deny the pennies necessary to discover and preserve the seven seas here on earth? Shall we in government provide a government for the sea?

The sea covers over 70 percent of the globe's surface, and, coupled with the sun and the atmosphere is a major heat engine, storing and distributing energy over the face of the earth, and moderating the world climate to make it habitable. It is a major environmental consideration. Of the 60 Federal agencies with environmental programs, 22 relate to the oceans and atmosphere. These 22 agencies are loosely coordinated through the National Council on Marine Resources and Engineering Development, but that Council has no operating responsibilities. There does not exist in the Federal Government a single operating agency that has the responsibility to plan, direct, and execute a national oceanic program. Rather, there is a great dispersion and dissipation of energy, duplication of effort, and attendant inefficiencies resulting from our oceanic programs, even though the Government is spending about $900 million per year on ocean programs.

Nor, is there a civilian agency for oceanic research and technology in Government. For years, the Office of Naval Research has been doing an outstanding job within limited means. However, its activities have been more and more attenuated with the Mansfield amendment requiring that all defense research must have a direct or apparent relationship to the mission or function of the Department of Defense. Accordingly, the Navy has cut back on its research budget, and a civilian agency must fill the gap.

By contrast, Oceanology International, in its February 1970 issue, estimates that private industry and private interests are spending about $25 billion per year on programs ranging from scientific and technological research to exploitation of mineral and living resources of the sea. It is basic that all of these activities in the sea require a strong base of marine science and marine technology. Materials technology, power sources, electrical systems, and free-flooding external equipment for vehicles and habitats are examples of technology that must be developed for efficient work in the sea. Biological, physical, geological and other scientific information is needed so that we can understand what is in the sea and so that we can develop means to use the sea wisely.

The scientific and technological information has to be readily available at data centers in order to be usable. Men and women have to be trained to take on immensely exciting ocean careers, and jobs must be created for them once they are trained. We must learn how to use and manage our coastal zone better in the face of a growing population, 70 percent of which, as I pointed out, will live on our coasts by the year 2000. We need coastal laboratories and marine preserves to aid our understanding of the undisturbed processes characteristic of the many ecological zones surrounding our country, and to understand the changes man's activities bring about in the marine environment. We must exploit the untold resources of the oceans; we must not destroy the marine environment in our exploitation. We must strive for greater international understanding in the uses of the sea, and develop the law of the sea for the benefit of all mankind commensurate with our greater ability to work in the sea.

It is to make sense of these diverse problems and to bring them together as a coherent whole, without having to go to 22 different agencies and hundreds of differing opinions that I know that a stronger Federal organization for oceanic affairs must be created.

Since the 1950's, our Presidents have all failed to come to grips with the challenges of the oceans. Significantly, however, Congress has recognized these challenges for the past decade and has given leadership to develop and preserve our marine environment. In 1959, the distinguished Senator from Washington (Mr. MAGNUSON) introduced a bill known as the Marine Sciences and Research Act of 1960. While this passed the Senate unanimously, it was never acted on by the House. Nevertheless, this and the National Academy of Sciences report, "Oceanography, 1960–70," stimulated much activity.

The Federal Council for Science and Technology established an Interagency Committee on Oceanography in January 1960. While considered a step forward this committee consisted of second and third layer management from various Government agencies with ocean programs. None of the members was the policy head of the department in which he worked. And duplication and lack of coordination remained the order of the day.

Finally, in 1965, Senator MAGNUSON introduced another bill instituting the Commission on Marine Science Engineering and Resources and the National Council on Marine Resources and Engineering Development. The charge of the Council was to coordinate the Federal oceans program scattered among 22 agencies and departments, staffed by over 75,000 personnel and spending currently in excess of $900 million. The charge of the Commission was to promulgate a plan for national action in the oceans and atmosphere. Both the Council and Commission were self-liquidating. The Commission, after 18 months of study, was intentionally extended for 6 months so that its report would not be considered "lameduck" to the Johnson administration, but time to give the next President a fresh start. It reported on January 9, 1969.

It must be emphasized that the complement of the Commission was of the highest level and its mandate the broadest in Government. It organized under the chairmanship of Dr. Julius A. Stratton, former president of MIT and chairman of the board of the Ford Foundation. With a staff of over 35 people, costing the Government some $785,000, it heard and consulted over 1,000 people, visited every coastal area of this country including the Great Lakes, and submitted some 126 recommendations. The Commission and its advisers were bipartisan. Its congressional advisers were Senators WARREN G. MAGNUSON and NORRIS COTTON and U.S. Representatives ALTON LENNON and CHARLES A. MOSHER.

The House of Representatives acted promptly. It commenced hearings in January and by the end of October 1969 it received the testimony and statements of 175 people. It considered the principal recommendations to institute a National Oceanic and Atmospheric Agency and, in January, unanimously reported that NOAA bill to the full committee. I understand that the House Committee on Merchant Marine and Fisheries will meet momentarily and report favorably the NOAA bill to the House.

In November 1969, the Special Subcommittee for Oceanography was instituted in our Committee on Commerce and, on December 17, the Senate commenced its hearings on the NOAA proposal. It is the hearings and other reports that I have received as chairman of the Subcommittee on Oceanography that causes me to take the floor today. I do so for the good of our Government and with a genuine desire to institute, at once, a well conceived oceanic and atmospheric program.

My approach to problems in Government for 20 years will show that I have tried to make headway rather than headlines. We did not broadly publicize the institution of our Oceanography Subcommittee, nor have we sought particular news coverage because we realized that the House hearings on oceanography had been fully covered last year. We believed at the time that the administration was genuine in its desire to formulate an oceans program. Since we still have a few more witnesses, I do not speak for the subcommittee or the Committee on Commerce; nor can I give any indication what action is likely by these groups on the NOAA bill. But, I am shocked and dismayed at the White House conspiracy to scuttle a chance for an oceans program for the U.S. Government. This conspiracy has not been casual nor unintentional. It is insidious and the President is involved.

On February 10, 1970, the President of the United States delivered his special environmental quality message to the Congress of the United States. In it he stated:

> Last year I asked the President's Advisory Council on Executive Organization, headed by Mr. Roy Ash, to make an especially thorough study of the organization of federal environmental, natural resource and oceanographic programs, and to report its recommendations to me by April 15. After receiving their report, I shall recommend needed reforms which will involve major reassignments of responsibilities among Departments.

At the time the President made that statement he knew or should have known that the Ash Council was not engaged in any study of oceanography. The Ash Council was not pointing to an April 15 report.

On the contrary, with only superficial study the Council had decided to block the NOAA proposal with a counter proposal of placing a part of the oceans program under an Assistant Secretary of the Interior. At the time the President was delivering his report, agents of the White House and Ash Council were contacting Members of Congress to scuttle NOAA with the Ash Council position. Mind you, instead of studying, the Council had long since decided. Here is what they decided.

The Department of the Interior will be reshuffled, bringing in the Environmental Science Services Administration from Commerce, the national sea-grant program from the National Science Foundation, the U.S. lake survey from the Engineers, the National Oceanographic Data Center, the National Oceanographic Instrumentation Center from the Department of Defense, and joining them with the Bureau of Commercial Fisheries and the marine programs from the Bureau of Sport Fisheries and Wildlife. Thereupon, the Assistant Secretary for Fish and Wildlife, Parks, and Marine Resources, will be retitled the "Assistant Secretary of Oceanography and Meteorology."

The Ash Council tried to ram a budgetary solution down the throats of the Wakelin task force, but the Wakelin task force refused. Thereupon the subterfuge was adopted whereby the President, on February 10, would tell the Congress that the Ash Council was studying oceanography and, in turn, White House agents would be dispersed to Capitol Hill to kill the congressional oceans program. Accordingly, in his environmental message, the President made no mention of his Task Force on Oceanography, nor did he submit his oceanography program in February, as scheduled.

Each of the administration's witnesses joined in the conspiracy. The Secretary of Commerce refused outright to appear. The Assistant Secretary appeared, requesting that the Congress delay any action on oceanography so that Mr. Ash and his Council could study, which, of course, it was not doing. The Secretary of Transportation appeared. He had not bothered to read the report and also asked delay for Mr. Ash to study. The Secretary of Interior appeared, asking for delay for Mr. Ash to study. The Secretary of the Navy stated that he had not read the "Our Nation and the Sea" but requested delay so that Mr. Ash could study oceanography. The President's science adviser appeared. He posed every problem, talked of every concern, but did not show enough concern to have read what he was testifying on. He, too, asked for delay for Mr. Ash to study. When it was pointed out that perhaps Mr. Ash and his Council were not studying, but had already decided and were about Capitol Hill trying to kill the Stratton Commission recommendation for a NOAA, he said such conduct would be surprising. Perhaps Mr. Ash, President Nixon, and the whole White House crowd could study a lesson in common courtesy, decency and candor with the Congress of the United States.

Let me now review briefly the NOAA proposal and the conduct of the Nixon administration in marine affairs, so that you can understand the disservice being done our people.

To begin with, the NOAA proposal is not infallible. There are many ways to organize in government. Sometimes it is found that the job can best be done within an established department. Sometimes a separate agency is tried. And, for practical reasons, many times functions that could be coordinated are left untouched. It is generally conceded that our Government is headed to a Department of Natural Resources and Environment. But, since this is too encompassing at the moment, causing too many committee conflicts within the Congress, the Stratton Commission stated that it intentionally did not recommend this at this time.

The Stratton Commission accordingly recommended the formation of an Independent Agency reporting directly to the President. The agency included the Coast Guard, Environmental Science Services Administration, Bureau of Commercial Fisheries, Marine Programs of the Bureau of Sport Fisheries and Wildlife, the national sea grant program, the U.S. Lake Survey and the National Oceanographic Data Center. The commission felt that in getting a major and diverse effort underway that the independent agency route was by far the best. It would bring freshness of outlook and provide freedom of action and its public visibility would draw public interest and support.

NOAA is considered temporary. It is not recommended as a crash program. It is a bringing together from 22 governmental agencies and departments the organizational elements concerned primarily with the scientific, technical, and service functions necessary for the planned use of the sea and for the monitoring and modifying of the air and sea environments. It does not call for any substantial increase in expenditures. The Stratton Commission did not disturb the Navy's program, nor did it attempt to disturb the Maritime Administration. Our committee has just started hearings on President Nixon's maritime program and the President must be credited with finally coming to grips with our merchant marine which has remained stagnant for years.

However, since the very inception of the Stratton Commission, the Bureau of the Budget has declared war on the Commission and the launching by our Government of an ocean's program. No sooner had the Ash Council been appointed, than members of the Council were heard to parrot budget concerns rather than ocean concern. Before long, rather than studying oceans, Council members and staff members of the Ash Council started scuttling the NOAA proposal with the Assistant Secretary of Interior approach. Were it not for the crowd recommending it, the Ash Council approach could be considered seriously. But, knowing this position was formulated without study and in an arbitrary fashion without enthusiasm for an oceanic and atmospheric program, the marine sciences community has reacted with dismay. Those connected with the oceanic and atmospheric programs in education and in industry all feel that another 10 years will be lost if the Ash Council succeeds in its insidious design.

The Ash Council was appointed by President Nixon as an advisory council on executive organization. It was instructed to review the organization of Federal Government and give early review to oceanic programs. However, that appointment occurred at a time of budgetary fear rather than Government venture, and the Stratton Commission report was given short shrift. The Ash Council immediately jumped to the conclusion that NOAA, like NASA, would grow financially like topsy. The Council determined to block any development of this kind in Government, but it realized that, as a council, it lacked oceanic credibility. Indeed, every witness from the field of marine science who testified at our oceanography hearings stated they knew of no one at the policy level in the White House or advising the Council who was expert in marine affairs.

Trying to fill this credibility gap, President Nixon, in October of last year, ap-

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pointed a Task Force on Oceanography. This task force was chaired by Dr. James Wakelin. But, the Wakelin task force had hardly met before they realized that their role was only a ploy for the Ash Council. Administration people both from the Ash Council and the Office of Science and Technology appeared, stating that budget conditions would not allow the institution of an oceanic and atmospheric agency. In addition, White House staff members of the Ash Council instructed the Wakelin task force that their recommendations should bear the budgetary squeeze heavily in mind. The Wakelin task force—this is the task force of the President of the United States on oceanography—held three meetings and, disillusioned, disbanded, after recommending a mini-NOAA, consisting of the national sea-grant program, the National Oceanographic Data Center and the National Oceanographic Instrumentation Center. It is interesting that the President's own task force, while under pressure, still rejected the Assistant Secretary of Interior approach and called for an independent agency. And, rather than opportunity, oceanography is still looked upon at the White House as a bothersome stepchild. President Nixon treats oceanography with slightly more dignity than the board of tea tasters.

The National Council on Marine Resources, headed by the Vice President, has held only two meetings during this administration. They have not met since May of last year. Is the Vice President so busy chasing rainbows to Mars and attacking effete snobs that he does not have time to call a meeting of his Council on Marine Resources? Dr. Edward Wenk, former Executive Secretary of the Council, and probably one of the most respected men ever in oceanic affairs, has just left Washington discouraged and pessimistic. Dr. Wenk observed from the administration standpoint the work and recommendations of the Stratton Commission. Dr. Wenk testified that the membership of the Stratton Commission was of the highest order and their work was the most deliberative and the most comprehensive and the most thorough of any he had seen in this field. Realizing that the Stratton Commission could not have been given a broader charge, Dr. Wenk gave the NOAA proposal his 100-percent endorsement.

Let us consider the Interior Department and its Secretary, Mr. Hickel. It must be remembered that I supported Mr. Hickel's appointment as Secretary. It is not Mr. Hickel's fault that the oceans are exterior and his Department is Interior. The Interior Department is land oriented, not ocean or atmospherically oriented. To plan the future development of the oceans under the Interior Department's control does not signal a dramatic emphasis on the oceans. But more than that, Mr. President, the Interior Department is already diverse and fragmented and the proposal to make them the lead agency at this time for the oceans compounds the problem.

Already Secretary Hickel's attempt at demonstrating intent and desire has caused him to founder in his own rhetoric. He is the Secretary who saw and testified for "a crying need for a new organizational thrust" in the oceans, but he waited a year to form an "action group" which has been instructed to stand by until April 15. He is the Secretary who soon after assuming his office "recognized a need within the Department to forge ahead with imaginative new marine programs." Accordingly, he added the words "marine affairs" to his Assistant Fish Secretary and hired three female secretaries.

In recognizing the need for imaginative new marine programs the Secretary has had neither the personal or official interest to read "Our Nation and the Sea" which contains the most comprehensive and imaginative set of marine programs ever set before the people of the United States. He is the Secretary who opposed NOAA because you could not get competent personnel in an independent agency, yet he was not competent enough to get his Fisheries budget through the Bureau of the Budget without a 14-percent cut this year. He is the Secretary who was going to give us imaginative leadership asking that the entire NOAA be placed in his Department of Interior. Under this leadership, the Department's Marine Science budget was cut $2.5 million. The Bureau of Commercial Fisheries in his Department has been politicized to the point that one of our witnesses stated that the Bureau's morale is at an all time low. Small wonder, when the Bureau has to cut back on ship operations and laboratories, the principal areas where it is making the most effective contribution to American fisheries.

The Interior Department is the Department that granted the variances that contributed to the Santa Barbara oil spill. In spite of its failure to bring this debacle under control, this is the Department that continues to license oil drilling in the same area. This is the Department overseeing the national oil pollution contingency plan that has responsibility over an oil rig that has been afire in the Gulf of Mexico for over 2 weeks now and, which, when and if they stop the fire, it is threatened that there will be dumped as much as 400,000 gallons of oil into the middle of the shrimp and oyster beds and cover the waters during the spawning season.

Mr. President, the basic approach of the administration to date in this area has been the budgetary response on a short-term basis, not the long-term oceanic interest of the United States. Indeed, the Ash Council, in its initial report of January 5, 1970, stated one of the positive aspects of making the Department of Interior the lead marine agency is that it "gives oceanographic and meteorological interests a home, insuring viability, and provides a check on the inevitable demands for growth." The administration submarined the Wakelin task force on the basis of budget considerations and will do so with the whole ocean program when they place it in Interior.

They can recommend $500 million for an additional ABM site before the first two are checked out, but when it comes to real opportunity for our people, they scrimp on an ocean program that has an enormous economic multiplying effect if the Government would organize effectively to enhance it. Mr. President, how the United States organizes its oceanographic activities will have a global impact within other countries and within international agencies. Our hearings showed that other nations are watching closely how we organize our marine effort. If we, the leading nation in the oceans, do not organize effectively, how shall we provide ourselves with the voice in the great changes we anticipate in the next few years in the law of the sea. Dr. Wilbert M. Chapman stated in our hearings:

> Dealings with those other sovereigns and the United Nations Agencies on a technical and scientific basis over these resources and ocean use cannot be left to the Department of State which does not and never will have the necessary technical and scientific competence to handle the job. There must be a lead civilian agency to provide the muscle to the Department of State and it can not do it without mixing in fully at the technical and scientific level in these foreign and international aspects of its responsibilities.

I know I sound frustrated, but as Taylor A. Pryor told the Subcommittee on Oceanography last week, we need not be frustrated any more.

> We can all relax or at least just continue spinning our wheels, for soon the Japanese will have accomplished everything we ever dreamed of in the oceans.

Indeed, Mr. Pryor said that, while we have ignored the Stratton Commission study for the past year, the Japanese consider this the most comprehensive and authoritative directive on the potential of the seas. What we rebuff, they copy. And, oh, what a frustration it is. For the last 10 years, we have had studies by the National Academy of Sciences, by industrial groups, by the President's Science Advisory Committee and, most importantly, by the Marine Science Commission which we, the Congress, set up. We have had indepth studies, critical analyses, ad hoc task forces, uncountable conferences, extensive congressional hearings and advisory councils. Never in history has such an important subject been so well studied. But, who takes action—the Japanese.

Mr. President, the oceans are too important for the United States to afford anything but the highest level of attention. We cannot throw away the 10 years of farsighted work by Senator Magnuson, Senator Cotton, Congressmen Lennon, Mosher, and other leaders of the Congress, nor can we throw away the Congress repeated efforts to strengthen our oceanic activities. We must resolve that the United States will reap the riches and benefits of the oceans and find in the oceans their potential to add to our well-being and the well-being of mankind.

Mr. President, the Nixon administration has not fulfilled the promise made to the people of the United States. We are barraged with the same old flim-flam—a grand old parody that belies the interest of the President and his administration in the oceans. The President is giving ocean programs of the United States semicustodial care. He is failing to lead, not only in a national oceanic program, but also internationally. And he is taking every step to thwart leadership where it appears.

Now that we have the attention of the Japanese, I hope we can get the attention of our own President. I hope he will call off the dogs. I hope he will tell his minions to stay back in the White House and study "Our Nation and the Sea." I hope that the President would ask Dr. Stratton or any of the Commission members to brief him on the Stratton Commission work. If he would just give the oceans the same amount of time he gave to the design of the White House Police costumes, then we could finally put the United States to sea again.

Mr. MILLER. Mr. President, would my frustrated colleague from South Carolina yield for a comment?

Mr. HOLLINGS. I would be delighted to yield to the Senator from Iowa.

Mr. MILLER. Mr. President, it seems to me that the thrust of the highly critical remarks that have been leveled at the Nixon administration in general and the Department of the Interior, in particular, is that there just is not enough money to be budgeted for some of the activities to which the Senator referred.

Mr. HOLLINGS. Of course, the Senator is asking that question, but that is not so. The Stratton Commission realized the budgetary restriction and they only asked for coordinated aid for the bringing together of some 22 agencies into a sole, independent agency, reporting to the President, with no increase in budget. It said it was likely the budget could be increased—doubled—over a 10-year period, but it was not requesting a capital outlay of funds. This has been checked out not only by the Stratton Commission in its study but by the Government Operations Committee and the Accounting Office of Congress.

I asked them to verify these figures to find out if we are getting into an outlandish expenditure. This is what the President employed as a tool of opposition.

We are trying to get the attention of the President and his aides on oceanography affairs on matters which can be worked out without additional sums of money.

Mr. MILLER. If that was all the Senator said in his statement, I would not be asking the question. I distinctly heard the Senator criticizing a cut of some 12 percent in the budget for the Bureau of Fisheries and other comments which indicated he was criticizing the Secretary of Interior for not having enough influence with the Bureau of the Budget. To me, that was not responsive to my original question. That is why I asked my original question.

Mr. HOLLINGS. The Secretary of the Interior is the one who used the "imaginative leadership" phrase and "competent personnel." As he indicated, in order to give this problem new leadership, new thrust and new direction there would have to be top-level management to get the attention of Congress to appropriate; and he was the one using budgetary messages in his appearance before the Subcommittee on Oceanography, when at the same time it was petering out under him, and beneath his responsibility, at the same time he was testifying.

Mr. MILLER. May I say I do not think the Senator is being fair to the Secretary of Interior or the Nixon administration when he makes that comment because he knows as well as anyone in the Senate you cannot do something without the money and he also knows very well that the Nixon administration urged Congress last December to pass a tax reform bill without excessive tax relief so we would have money left over to do these things. Unfortunately, Congress, which is in control of his party, pulled that revenue away and gave the No. 1 priority to excessive tax relief, and the money is not there. So I do not think he is in a position to complain, although I do not recall his voting record on some of the amendments. Perhaps his voting record is on the true fiscal side; but his hands are tied by the action of Congress. To come around now and criticize because the money is not being asked for when the money is not there is not being fair to him. I want to put this in perspective.

Mr. HOLLINGS. I will put it immediately in perspective. The President of the United States, in a message to Congress, said we are studying this, when he was not. The truth of the matter is that there, was already the assumed position as of last year. He tried to give it credibility by his own task force on oceanography, which would not accept it and afterward repudiated it.

The Wakelin task force repudiated the Secretary of Interior's approach and adopted a mini-NOAA approach. Then, the word came around Capitol Hill that the oceanographic message of the President would be given in February and at the last minute it was called off. And at the very time it was called off the President was saying, "Wait until the Wakelin study is completed on April 15, and then I will make my own recommendations."

He had agents on Capitol Hill talking to Senators, telling them to kill the congressional approach on this particular, already decided upon position.

I am asking for candor, first, from the President of the United States; second, I am asking for an oceanographic program that does not call for money.

The Stratton task force did not call for money. The Wakelin task force did not call for money. The President's advisory commission on the seas 5 years ago did not call for money; neither did every other study that came about. The one that did want more money is the National Science Foundation. They said they would like to double it from the present budget of about $800 million to about $1.6 billion—just double it completely. It was the administration witness who asked for more money.

I have had to tell the facts. In telling the facts, I may say that the Bureau of the Budget has apprehensions about a "wet NASA" in the presence or presentation of NOAA growing like Topsy. This is their concern: But in this study of over three volumes, plus the summary report, they will see that the very same people who drew it up said time and again, "We are not trying to launch an NOAA that will grow like Topsy, and take money from everything else that is needed."

This Government has a golden opportunity. Everyone else has taken advantage of it. The Soviets and the Japanese have. When it comes to money, whether it is $500 million for ABM or whether it is $10 billion for pollution or water, or whether it is any other program the President wants, they do not give us the tax reform approach. We are talking about the evaluation of the problem by the President. His approach is a council which is sequestered over there, a small, little group, that does not have any interest or idea of launching this Government into a national oceanographic program. They are scuttling this program, they are scuttling Congress; and they are setting the program back another 10 years.

Mr. MILLER. I am sorry that the Senator does not want me to give the facts on the tax reform matter, but the fact is that it is there. It may be embarrassing to give it, but it is there, whether I give it to him or not. I wanted to call it to the attention of the Senator in connection with his critical comments about the Bureau of the Budget.

With respect to some of his other comments, I share his concern about the fisheries of this country. I may say I shared that concern back in 1961, before the Senator came here, when the Japanese incursions against our fisheries started to grow, and they have grown a great deal in the last several years.

This is not something that has happened just since the Nixon administration came on the scene. I think the Senator ought to paint the full picture. If he wants to be critical about some commission's reports, that is all right, but I think we ought to put them in perspective. I have been joining with some of the people interested in fisheries in support of some of their programs, and I will continue to do so; but a time comes when one does not have the money to do some of the things he would like to do, and that money was taken away by the No. 1 priority by those in control of Congress last December. It is not there.

The Senator may criticize spending $500 million for the ABM. I do not know whether the Senator supported the ABM last year or not, but the fact is that a majority of the Members of Congress did. I do not know how we are going to come out this year. I am sure the Senator is not advocating deficit spending. It has been my general observation that he does not vote that way. But if he is advocating that, I think he ought to indicate that he advocates deficit spending and how it should be done. I agree with some of the things he has said, but I think he weakens his case by what I call unfair criticism of the Nixon administration and the Secretary of the Interior.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. HOLLINGS. I yield.

Mr. MANSFIELD. I want to commend the distinguished Senator from South Carolina for making a very constructive speech on a most important subject. I do not happen to come from a State which borders on the ocean, but I am aware of the fact that the oceans of the world, as the Senator has indicated, cover about 70

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percent of the globe's surface. I am aware of the fact that they are looked upon, for example, as a potential storehouse for food to feed the rapidly expanding population of the world; a population expanding so rapidly that, without appropriate measures, it is bound to increase difficulties tremendously for all of us in the years ahead.

So I have read with great interest the Senator's speech. And I notice that he refers to the fortune we have spent to explore the Sea of Tranquility. I think the figure is somewhere between $25 billion and $28 billion to date. For what? A few vials of moon dust and maybe 60 pounds of rocks? Nothing of any value has yet come out of that program, at least nothing tangible. I do honor the men who took the chances and made the explorations. But I deplore that it was done at the cost of that much money, considering that there is so much suffering among our people, so much need to attend to, so many problems to face up, and so many other areas which might be explored, including the oceans, with a much greater chance for achieving something in the way of substantial return.

As the Senator has indicated, at least indirectly, once a certain mile limitation is exceeded beyond a national boundary, the oceans belong to the world. The Japanese are doing great work in the field of oceanography. So is the Soviet Union. But this country—as has been the case so often with respect to maritime matters—is lagging behind.

The seas are important from the viewpoint of defense. The Senator has indicated what happened in 1941 at Pearl Harbor and what could be done outside the 12-mile limit. I am not one of the advocates of the ABM. The Senator from South Carolina is. He voted for the ABM, as I recall, last year. I am not an advocate of it, because I am not certain of its need or, for that matter, of its feasibility. If the need is established, I will be for it, provided—I repeat, provided—that the radar screen for instance, is not vulnerable. It is my understanding now that the radar not only may not be capable of performing accurately under attack but if it is hit, the whole system fails. Based on a demonstrated need I would favor it provided that the computer system is accurate and reliable also. It is my understanding now, based on scientific authority, that it is far from complete, far from accurate, far from reliable. So if there is a need, and if we should build a system, then I think we ought to have an accurate and reliable system rather than to risk deploying a system which, when confronted with a nuclear showdown, is not capable of performing its function.

I have felt that the real deterrent is in the seas, with the Poseidon submarine carrying 60 missiles per sub; with their locations changeable; with their mobility providing difficult targets. Their strategic value in my judgment, is quite different from hard ICBM installations. But that is just a matter of opinion.

The distinguished Senator from Iowa has said that the money is not forthcoming, and he had some unkind things to say about the tax relief-tax reform bill of last year. Naturally, he gives the Democratic majority in Congress credit for passing that bill; and may I say that I am very happy to accept that credit, because with it I think we passed one of the milestones in the history of tax legislation last year. And what this Demorcratic majority in Congress achieved at that time, and what most Republicans joined up in achieving, will, I think, stand as a monument to our activities in that respect and will be appreciated by the people.

Getting back to deficit spending, the distinguished Senator from South Carolina mentions:

> There are 60 Federal agencies with environmental programs—

And I am quoting—

> 22 of these relate to the oceans and atmosphere. These 22 agencies are loosely coordinated through the National Council on Marine Resources and Engineering Development, but that council has no operating responsibilities.

Well, I noticed that the President, a week or so ago, abolished the tea-tasters council, and I think it was a good move. I had not known that there was a teatasters council, or that we had official teatasters. I did not know that we were appropriating something on the order of $125,000 or $150,000 a year to provide for these individuals. Incidentally, I note that the appropriate tea council, made up of legitimate producers, is up in arms because the teatasting on the part of Government officials has been abolished.

My point is that perhaps, in the interest of efficiency, these 22 agencies could be consolidated into one. A good deal of money could be saved, personnel could be reduced, much redtape could be eliminated, and in that way a more effective and efficient organization could be created for oceanography studies and oceanography research and development.

I am delighted that the Senator has called this most important and most misunderstood subject to the attention of the Senate, the American people, and the administration today. I think he has performed an outstanding service. There is no reason why, on a bipartisan basis, we cannot work to advance the cause of oceanography and all that it entails. There is no reason why, under the leadership of such men as the Senator from Washington (Mr. MAGNUSON), the chairman of the Committee on Commerce, a long time exponent of this subject, the distinguished senior Senator from New Hampshire (Mr. COTTON), the ranking Republican member on that committee, the distinguished Senator from South Carolina (Mr. HOLLINGS), who has just made this speech on this most important subject, and others on both sides of the aisle, why we cannot go ahead, why the funds could not be found, or why a consolidation could not be made, to the end that this most important area could be gone into in great detail.

May I say also, in connection with this matter, though it is connected only incidentally, that there are other areas in which this administration could bring about reductions, consolidations, and cuts in expenditures. It could have been done under previous administrations, but it was not. That is not saying it is ever too late or that it should not be done.

I understand there are 258 bureaus, agencies, and the like in this Government—this, I think, was disclosed by the Ribicoff committee and the Government Operations Committee—258 agencies which in some way or other have something to do with the problems of the cities in this country.

That is too many agencies, too much duplication, too much overlapping. I would hope that out of that there might come a consolidation and a drastic reduction in the number of agencies which have connections with the cities and their problems. In the same way I would hope that these 22 agencies which the Senator has mentioned as being concerned with the oceans and the atmosphere could be consolidated, so that overlapping and duplication could be eliminated, personnel reduced, and more funds concentrated on research in this most important area which, to repeat, as the Senator has stated, comprises 70 percent of the surface of the globe.

Again I commend the Senator for bringing the matter to the attention of this body.

Mr. HOLLINGS. I thank my colleague from Montana, the outstanding majority leader.

The Senator from Iowa stated that he was embarrassed about the tax reform bills and money. The truth of the matter is that I was very considerate and concerned about money when I undertook this task. I assigned the General Accounting Office, a wing of the Congress of the United States, to audit this particular Stratton Commission report, because I wanted to be able to categorically stand before the Senate and say whether or not we were spending more money.

S. 2841 does not spend more money. It is not a bill designed to spend more money. It is a bipartisan bill. Under the leadership of Mr. LENNON and Mr. MOSHER on the House side, it has already received unanimous approval by their Subcommittee on Oceanography. But it does not spend more money. So while the Senator from Iowa goes on talking about money, I want to bring that fact clearly and categorically to the Senate.

Secondarily, the total world fish catch is 65 million metric tons. The United States catch is 1.95 million metric tons, or down a half million metric tons since 1966.

It is all well to say, "I thought of this back in 1961"; it is a great evil, and the Government has failed to follow through. But the Senator from Iowa, the Senator from South Carolina, and all of us are derelict in not instituting these things.

Here is what the senior Senator from New Hampshire (Mr. COTTON) had to say back in 1965:

> The Administration—

He was then talking, you see, of the Johnson Democratic administration; we are criticizing both administrations for not having done it—and I said the last three administrations, in my talk——

But I quote Senator COTTON:

> The Administration is drifting aimlessly on an ocean of indecision, with no plans and

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> no programs for marine resources development. It has done nothing but watch in apathetic silence as the American fishing industry, dependent upon a key ocean resource, has declined into a state of chronic ill health. It has ignored the steadily declining state of the American merchant marine . . . and the budget for oceanographic activities has been stuck on a plateau for the last three years.
>
> I am astonished and dismayed that the Administration, while chasing so many rainbows and so many skies, seems indifferent to the practical and pressing advantages of exploiting the ocean's bottom.

I yield to the Senator from Virginia.

Mr. MILLER. Mr. President, will the Senator yield?

Mr. HOLLINGS. I yield to the Senator from Virginia.

Mr. SPONG. Mr. President, I thank the Senator from South Carolina. I would like to say I think he has rendered a service to the country in the speech he has presented here today.

There should be no question that this entire subject of oceanography and what the policy of the United States in the 1970's is is one that demands the highest priority, for three very good, clear reasons.

First, as has already been mentioned by the majority leader, as a source of food for the future. As the world population grows—and we have the projections before us—it is going to be absolutely necessary to turn for a source of proteins to the sea.

When we talk about world population, it is impossible to discuss the subject without talking about our environmental problems, and much of the rhetoric about what we are going to do about the environment will be meaningless if we do not direct it to problems related to the ocean.

At the present time, we have already despoiled approximately one-third of the fishing ground adjacent to the United States. By the year 2000, it is estimated that, when we will have 300 million Americans, 80 percent of them will be living along either the East Coast or the West Coast. We read of approximately a million gallons of oil leaking or being spilled yearly in the oceans, and realize that any study of the environment must encompass, in large measure, the problem of doing something about the oceans' surface and beneath it.

Third, and a most practical reason: we are in competition with the Soviet Union throughout the world, and it has become evident, from the time of the Cuban missile crisis, that the Soviets have perhaps a better understanding of the sea than we do. They understand the value of using the surface of the sea, but beyond that, they understand the great wealth beneath the sea, and they are turning to it with the most complete oceanographic program any nation has ever conceived.

Closely behind them are the Japanese, perhaps devoting more attention to fishing than to other scientific ventures. But this Nation, if it is going to continue as a leader, and as a world power, has to assign a higher priority to the marine sciences.

One other thing I should like to mention. The majority leader talked about the coordination between agencies involved in oceanographic programs, and the Senator from South Carolina mentions this in his fine speech. There are presently 22 different Government agencies dealing with marine sciences.

It has been my privilege, as a member of the Special Subcommittee on Oceanography, to be present at the hearings, and I have yet to hear one agency that is presently willing to give up anything insofar as trying to coordinate this program and to approach oceanography on a systematic rather than a programmatic basis.

I congratulate the Senator from South Carolina for his speech and for the hearings he is chairing at this time.

Mr. HOLLINGS. I thank the distinguished Senator from Virginia, who has given leadership in this matter. He made the first address for our Subcommittee on Oceanography, and he has arranged field trips in the State of Virginia so that we can pursue this problem.

I am glad to yield to my distinguished friend the Senator from Hawaii.

The PRESIDING OFFICER. The time of the Senator from South Carolina has expired.

Mr. MANSFIELD. Mr. President, with the permission of the distinguished Senator from Maine (Mrs. SMITH), I ask unanimous consent that the Senator from South Carolina may proceed for 4 minutes.

Mrs. SMITH of Maine. I have a brief speech.

Mr. MANSFIELD. For not to exceed 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INOUYE. Mr. President, I wish to join the distinguished majority leader and the Senator from Virginia (Mr. SPONG) in commending the distinguished junior Senator from South Carolina for his leadership in this matter.

As have many of my colleagues, I have found oceanography to be a very frustrating activity. It is a subject that has been studied and restudied over the years. We have had several commissions appointed to study this matter, and now we have the Stratton Commission, which has worked for over 2 years, coming forth with a blueprint for action, and we find the administration suggesting another study. I think the time has come for action.

The junior Senator from South Carolina has very eloquently told us why action is necessary now, not a year from now. This Nation—indeed, this world—is most fortunate that we have a man of action at the help of our Subcommittee on Oceanography. I would expect this subcommittee to come forth with a blueprint for action in the year 1970, and I am pleased and proud to be serving with the distinguished junior Senator from South Carolina on this special subcommittee.

Mr. HOLLINGS. I thank my distinguished colleague.

I yield to the Senator from Maryland.

Mr. TYDINGS. Mr. President, I should like to join the Senator from Virginia, the Senator from Hawaii, and the distinguished majority leader in taking this opportunity to commend the distinguished Senator from South Carolina for the work and leadership he is providing in the field of oceanography. As chairman of the newly formed Special Subcommittee on Oceanography, he has impressed all members of both parties, as well as marine experts outside of Government by the diligence with which he has tried to focus the Nation's attention on our failure to exploit the fantastic resources of the sea. As a member of the subcommittee, I look forward to his continued leadership.

As a Senator from a State dependent upon the marine environment, I am pleased that Congress is once again stressing the importance of the oceans. We are a Nation dependent upon the sea, for food, minerals, trade, recreation, and national security. Yet we have ignored it, and abused it. It was, after all, congressional initiative that resulted in the formation of Marine Science Council and a national report on the oceans, not the executive branch.

I am greatly concerned by the increasing evidence that the present administration is assuming a caretaker posture, failing to assign high priority to our marine environment, moving to the rear, and apparently scuttling any real chance for an oceanography program for the United States, worthy of the name. I think that this, in the long run, is exceedingly unwise and may well jeopardize the world balance of power.

I think it is a great mistake to permit the Soviet Union and Japan to go forward in the field of construction of fishing fleets, of marine research and engineering, while the United States sits idly by and further studies the problem.

I think the Senator from South Caroline has done the Nation a great service by calling this issue to our attention. I do not think Congress can permit the administration to continue to fiddle and have another study and not assign greater priority to our marine reserves.

Mr. MAGNUSON. Mr. President, will the Senator yield?

Mr. HOLLINGS. I am glad to yield to our distinguished chairman, the Senator from Washington.

Mr. MAGNUSON. I am sorry that I was unable to be present during the entire discussion, but I have been involved in the subject of oceanography for so long that I think I know what we are all talking about.

As the Senator from Maryland has just said, we have a warehouse full of studies—we are running out of room—and they keep it up.

Oceanography has not advanced because it has been stuck around in many different departments. There are a great many feuds and jealousies.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. MAGNUSON. May I have 1 additional minute?

Mrs. SMITH of Maine. Mr. President, I have a brief speech which I had promised to deliver before 12 o'clock. It is important that I do so, because I have other appointments. I will be glad to yield 1 minute, but if the discussion continues, I may not be able to deliver my speech before the beginning of the period of germaneness.

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Mr. MANSFIELD. I ask unanimous consent that the Senator be permitted to continue for 1 additional minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MAGNUSON. The distinguished Senator from South Carolina and the Subcommittee on Oceanography have done an excellent job in reviving the Senate's interest in our Federal organization of ocean programs. We have had the privilege of initiating much legislation on marine affairs in the Committee on Commerce over the past decade. We waited a while after submission of the Stratton Commission report to see what reaction and action we would get from the administration and, when none came, we decided it was time once again to let yet another administration know that the Senate is interested in our ocean programs. To emphasize this interest, the Commerce Committee established the Subcommittee on Oceanography.

Our interest is obvious. Marine affairs have grown immensely in importance to the United States in the last 10 years, but our Federal organization sputters along like a model T. Our population grows and concentrates in the coastal zone of the country, greater demands are made on limited space, competing uses expand and threaten the quality of the waters and nearby land areas with our pollutants. We must both use and enhance our marine environment. The challenge to accomplish the wise use of marine resources and the marine environment will involve all levels of government, from local, to State, to National, and to international. Research institutions are needed to provide fundamental knowledge from which decisions can be made wisely. Development of technology with which we can work in the marine environment more effectively and economically, and assessment of that technology to determine its potential impact on the marine environment and its contribution to our goals are also needed.

This task is just as important as space. Our well-being and that of others is going to depend in large measure on the oceans in the future. But we will never realize the potential of the oceans with half-hearted programs, and a maze of Federal agencies. We need strong ocean leadership in the United States. That is what the Committee on Commerce and the Senate have been telling the executive branch for 10 years, and as the distinguished Senator from South Carolina points out in his speech, it is hard to get them to listen. Maybe this time they will believe us.

I compliment the Senator from South Carolina, on behalf of the committee, for the job he has done in his recent hearings, on the leadership he is providing in the Senate, and I agree with him that the time to get going is now. We cannot wait any longer nor afford the half-hearted responses we have been getting from the administration. Now is the time to move for a National Oceanic and Atmospheric Agency to provide the leadership we need in the sea.

Mr. HOLLINGS. I thank the Senator. Mr. President, I yield the floor.

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ORDER OF BUSINESS

The PRESIDING OFFICER (Mr. SPONG in the chair). Under the previous order, the Senator from Maine (Mrs. SMITH) is recognized for not to exceed 20 minutes.

Mr. MILLER. Mr. President, will the Senator yield me 1 minute?

Mrs. SMITH of Maine. I yield 1 minute to the Senator from Iowa.

Mr. MILLER. Mr. President, I do not want the record to stay open on that last note of comments made by my colleagues from South Carolina and Montana.

First of all, the Senator from Montana knows as well as anyone that the Tax Reform Act of 1969 was passed by bipartisan support. That was not the point I was making at all. The point that I was making was in connection with the excessive tax relief provisions of that act.

All one has to do is look at the rollcall records and he will find who is responsible for it.

Mr. TYDINGS. Mr. President, will the Senator from Iowa yield?

Mr. MILLER. Mr. President, with respect to the Senator from South Carolina's speech, if he had just been content to leave out of his speech, the digging away with respect to the Interior Secretary and the President, which I thought was most unnecessary and on shaky ground, I could have stood up on the floor and joined other colleagues in praising it.

That is why I say, he spoiled it by getting into this partisan digging on a subject on which we have had bipartisan support for a long while.

Mr. TYDINGS. Mr. President, will the Senator from Iowa yield?

Mr. MILLER. Everyone knows that this is something deserving of bipartisan support, and I regret very much that he saw fit to speak as he did on that point. As long as he did, I thought I should make the points I have.

I thank my distinguished colleague from Maine very much for yielding to me.

SUBMISSION OF SENATE RESOLUTION 364 AND SENATE RESOLUTION 365 RELATING TO JURISDICTION OF STANDING COMMITTEES OF THE SENATE

Mrs. SMITH of Maine. Mr. President, in the more than 21 years that it has been my privilege to serve in the U.S. Senate, I found the Senate debate on the evening of December 20, 1969, to be probably the most acrimonius and bitter I had heard. Deep anger and resentment were expressed by several Senators.

There were several facets to this deep anger and resentment. But the basic anger and fundamental resentment expressed were with respect to committee jurisdiction. In this instance, the issue was whether the Senate Appropriations Committee had invaded the jurisdiction of the Senate Foreign Relations Committee, specifically on the question of appropriating without prior authorization legislation from the Senate Foreign Relations Committee.

I found the dialog and debate fascinating not just because of the tempers displayed—but even more because of the education and primer lesson given to many of us by the senior Senator from Florida, who cited verse and chapter on many past incidents of appropriating without prior authorization legislation. Such incidents have included not only the $4 billion for foreign aid in the 1951 Supplemental Appropriation Act but a much more recent instance in the 1968 Supplemental Appropriation Act of funds for an airport in Montana.

As I sat and listened to the emotional and heated debate and watched the committees square off against each other, specifically the Foreign Relations Committee square off against the Appropriations Committee, my mind flashed back to earlier committee jurisdictional disputes and incidents of what several committees have felt to be invasions of their jurisdictions by other committees.

I did not recall any earlier protests by the Foreign Relations Committee of invasion by any other committee of its jurisdiction. But I recalled the earlier controversy that year between the Interior and Insular Affairs Committee and the Public Works Committee on which should have jurisdiction over environmental control legislation, more specifically on the now politically popular antipollution legislation. That had come earlier in the year and from newspapers accounts was on the brink of being fought out on the Senate floor before a compromise was reached by the two committees.

I recalled the last Senate floor fight prior to the fight that night on committee jurisdiction. It was several years ago. It was an issue with respect to the jurisdiction of the Armed Services Committee and the Appropriations Defense Subcommittee being the Senate joint "watchdogs" on the Central Intelligence Agency. The then chairman of the Senate Armed Services Committee met the challenge to his committee with a firm stand and forced a showdown vote and won handily.

I can recall no such Senate floor defense of committee jurisdiction since that time until the controversy of the night of December 20, 1969.

But I do know that many members of several committees have felt that other committees were invading their committees' jurisdiction. They have complained about it off the Senate floor but never have gotten to the point of taking the issue to the Senate floor.

The issue the night of December 20, 1969, involved the protest of the Foreign Relations Committee against the Appropriations Committee for appropriating without prior authorization legislation, and thus invading the jurisdiction of the Foreign Relations Committee.

This brings to mind the resentment against the opposite being done—the cases of the authorizing committees invading the jurisdiction of the Appropriations Committee with the "back door spending" and the "side door spending" provisions that authorizing committees have put in legislation they have reported to the Senate.

The "back door" technique is that in which authorizations are provided to spend from the public debt receipts, having the effect of an appropriation for all practical purposes. For example, the Export-Import Bank is authorized to borrow up to $13 billion from the U.S. Treasury and through June 30, 1969, had used authority to borrow over $7 billion.

The "side door" technique is the use of contract authorization by legislation authorizing the placing of contracts without an immediate appropriation of funds. Contract authority granted for fiscal year 1969 exceeded $11 billion and for fiscal year 1971 over $8 billion has been recommended. Recent examples of this method of financing are $4 billion for water pollution control construction grants and $10 billion for urban mass transportation.

But, Mr. President, more important than the prestige and integrity of any one committee is the committee system itself upon which the fundamental operations of the Senate are based—the committee system which is the very heart and backbone of the work of the Senate.

Subjectively, many committee members are deeply concerned with what they consider to be unwarranted incursions by other committees into the work and jurisdiction of their own committees—sometimes to the point that one committee may continuously be looking over the shoulder of another committee, assuming to itself being a "watchdog" over another committee.

Objectively, many Senators, apart from their concern about the jurisdiction of their own committees, are concerned about the breakdown of the committee system itself and the strong tendency to nullify that system with replacement of it with a practice of dominance of "Committee of the Whole," leading to the floor of the Senate becoming a legislative jungle.

It was with these thoughts in mind that I rose on the Senate floor near the end of the acrimonious debate on the night of December 20, 1969, and stated that I considered the debate that night to be the climax of a growing pent-up emotion in the Senate on this matter of committee jurisdiction and the committee system—and that I would introduce a resolution calling for an inquiry and study of this matter.

I was quite surprised at the number of Senators who came to me and, with great feeling, expressed their approval of such a move, with many of them saying that they would like to cosponsor such a resolution. Among those who expressed approval was the majority leader and my colleague from Maine.

So today I am sending to the desk for appropriate reference two resolutions calling for such an inquiry and study. I am submitting two resolutions because I am making my proposal of an inquiry and study in alternatives.

I am doing this because I assume that the two resolutions will be referred to the Committee on Rules and Administration, and I wish to give that committee the choice between making such inquiry and study under its own authority and jurisdiction—as I certainly would not want to be guilty of proposing that that committee's jurisdiction be invaded by another committee—or reporting out the alternative resolution to establish a temporary special committee to make such inquiry and study.

I have not sought cosponsors on such resolutions because I am not sure but that the heat of the December 20, 1969, debate has so cooled off that some of the Senators who privately expressed themselves in approval that night might not still feel the same way now.

Mr. President, I send to the desk two resolutions for appropriate reference and thank the majority leader for his kindness in yielding me the time.

The PRESIDING OFFICER. The resolutions will be received and appropriately referred.

The resolutions (S. Res. 364 and S. Res. 365), which read as follows, were referred to the Committee on Rules and Administration:

S. Res. 365

Resolution to establish a temporary Special Committee on Jurisdictional Rules

Resolved, That (a) there is hereby established a temporary special committee of the Senate to be known as the Special Committee on Jurisdictional Rules (referred to hereinafter as the "committee") consisting of five Members of the Senate, of whom three shall be members of the majority party and two shall be members of the minority party. Members and the chairman thereof shall be appointed by the President of the Senate upon recommendations made by the majority leader of the Senate and the minority leader of the Senate, respectively. Vacancies in the membership of the committee shall not affect the authority of the remaining members to execute the functions of the committee, and shall be filled in the same manner as original appointments thereto are made.

(b) A majority of the members of the committee shall constitute a quorum thereof for the transaction of business, except that the committee may fix a lesser number as a quorum for the purpose of taking sworn testimony. The committee shall adopt rules of procedure not inconsistent with the rules of the Senate governing standing committees of the Senate.

(c) Except as expressly provided by this resolution, no legislative measure shall be referred to the committee, and it shall have no authority to report any such measure to the Senate.

Sec. 2. (a) It shall be the duty of the committee to—

(1) conduct a comprehensive study and investigation with respect to the extent to which particular standing committees of the Senate and subcommittees thereof may have engaged in the performance of functions, or assumed the exercise of jurisdiction, exceeding the scope of the functions and jurisdiction conferred upon them by the Standing Rules of the Senate; and

(2) propose means and measures necessary or desirable to prevent in the future jurisdictional conflict among standing committees of the Senate arising from such failures to comply with the Standing Rules of the Senate.

(b) The committee shall report to the Senate at the earliest practicable date, not later than January 31, 1971, the results of its studies and investigations, and its recommendations for any changes in the Standing Rules of the Senate or other measures which it may determine to be necessary or desirable. Upon the submission of its report to the Senate, the committee shall cease to exist.

Sec. 3. (a) For the purpose of this resolution, the committee is authorized to (1) make such expenditures; (2) hold such hearings; (3) sit and act at such times and places during the sessions, recesses, and adjournment periods of the Senate; (4) require by subpena or otherwise the attendance of such witnesses and the production of such correspondence, books, papers, and documents; (5) administer such oaths; (6) take such testimony orally or by deposition; and (7) employ and fix the compensation of such technical, clerical, and other assistants and consultants as it deems advisable, except that the compensation so fixed shall not exceed the compensation prescribed by the General Schedule Pay Rates established by subchapter III, chapter 53, title 5, United States Code, for comparable duties.

(b) Upon request made by the members of the committee selected from the minority party, the committee shall appoint one assistant or consultant designated by such members. No assistant or consultant appointed by the committee may receive compensation at an annual gross rate which exceeds by more than $2,400 the annual gross rate of compensation of any individual so designated by the minority members of the committee.

(c) With the consent of the chairman of any other committee of the Senate, the committee may utilize the facilities and the services of the staff of such other committee of the Senate, or any subcommittee thereof, whenever the chairman of the special committee determines that such action is necessary and appropriate.

(d) Subpenas may be issued by the committee over the signature of the chairman or any other member designated by him, and may be served by any person designated by such chairman or member. The chairman of the committee or any member thereof may administer oaths to witnesses.

Sec. 4. The expenses of the committee under this resolution, which shall not exceed $10,000 through January 31, 1971, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

S. Res. 364

Resolution authorizing the Committee on Rules and Administration to determine the extent of compliance by standing committees with jurisdictional rules of the Senate

Resolved, That the Committee on Rules and Administration, or any duly authorized subcommittee thereof, is authorized under sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, and in accordance with its jurisdiction specified by rule XXV of the Standing Rules of the Senate, to examine, investigate, and make a complete study to (1) determine the extent to which particular standing committees of the Senate and subcommittees thereof may have engaged in the performance of functions or assumed the exercise of jurisdiction, exceeding the scope of the functions and jurisdiction conferred upon them by the Standing Rules of the Senate, and (2) propose means and measures necessary or desirable to prevent in the future jurisdictional conflict among standing committees of the Senate arising from such failures to comply with the Standing Rules of the Senate.

Sec. 2. For the purposes of this resolution, the committee, from February 1, 1970, to January 31, 1971, inclusive, is authorized (1) to make such expenditures as it deems advisable; and (2) to employ, upon a temporary basis, technical, clerical, and other assistants and consultants: *Provided,* That the minority is authorized to select one person for appointment, and the person so selected shall be appointed and his compensation shall be so fixed that his gross rate shall not be less by more than $2,400 than

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the highest gross rate paid to any other employee.

SEC. 3. The committee shall report its findings, together with its recommendations for such changes in the Standing Rules of the Senate or other measures as it deems advisable, to the Senate at the earliest practicable date, but not later than January 31, 1971.

SEC. 4. Expenses of the committee under this resolution, which shall not exceed $10,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

Mr. **ANDERSON**. Mr. President, will the Senator from Maine yield?

Mrs. **SMITH** of Maine. I yield.

Mr. **ANDERSON**. Mr. President, I would like to have the Senator from Maine grant me the privilege of cosponsoring the resolutions.

Mrs. **SMITH** of Maine. Mr. President, I would be happy to have my distinguished colleague, the chairman of the Aeronautical and Space Sciences Committee cosponsor the resolution. I appreciate having him present to participate.

Mr. **GRIFFIN**. Mr. President, will the distinguished Senator from Maine yield?

Mrs. **SMITH** of Maine. I yield.

Mr. **GRIFFIN**. Mr. President, if the Senator is accepting copsonsors, I respectfully ask that I be allowed to be added as a cosponsor of the two resolutions.

Mrs. **SMITH** of Maine. I am happy to have the distinguished assistant minority leader cosponsor the resolutions.

Mr. **MILLER**. Mr. President, would the Senator from Maine add my name to the resolutions?

Mrs. **SMITH** of Maine. Mr. President, I will be happy to add the name of the Senator from Iowa as a cosponsor of the two resolutions.

Mr. **WILLIAMS** of Delaware. Mr. President, I should also like to be a cosponsor of the two resolutions.

Mrs. **SMITH** of Maine. Mr. President, I am happy to to have the Senator from Delaware as a cosponsor of the resolutions.

Mr. **JAVITS**. Mr. President, I should also like to be listed as a cosponsor of the two resolutions.

Mrs. **SMITH** of Maine. Mr. President, I am happy to have the Senator from New York as a cosponsor of the resolutions.

Mr. President, I ask unanimous consent that the names of the Senator from New Mexico (Mr. ANDERSON), the Senator from Michigan (Mr. GRIFFIN), the Senator from Iowa (Mr. MILLER), the Senator from Delaware (Mr. WILLIAMS), and the Senator from New York (Mr. JAVITS) be added as cosponsors of the two resolutions.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

Mrs. **SMITH** of Maine. Mr. President, I deeply appreciate the other Senators who were present to listen joining me in this effort.

ORDER OF BUSINESS

The **PRESIDING OFFICER**. This concludes the time that had been set aside. The Senate may proceed to the consideration of routine morning business.

RAILROAD EMPLOYEES SUPPLEMENTAL ANNUITIES—CONFERENCE REPORT

Mr. **EAGLETON**. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 13300) to amend the Railroad Retirement Act of 1937 and the Railroad Retirement Tax Act to provide for the extension of supplemental annuities and the mandatory retirement of employees, and for other purposes. I ask unanimous consent for the present consideration of the report.

The **PRESIDING OFFICER**. The report will be read for the information of the Senate.

The legislative clerk read the report.

(For conference report, see House proceedings of March 4, 1970, pp. 5896–5898, CONGRESSIONAL RECORD.)

The **PRESIDING OFFICER**. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. **EAGLETON**. Mr. President, this bill will provide the necessary funds to put the supplemental pension program for retired railroad workers on a sound financial basis and to make up payments to the beneficiaries of the program which have not been paid because of insufficient funds. There are in excess of 60,000 retired railroad workers who are entitled to monthly supplemental pension payments ranging from $45 to $70 a month.

We are all familiar with the difficulties experienced by retired persons living on limited incomes. These retired railroad workers are no exception; the supplemental annuity payments are of critical importance to them.

Since the latter part of last year, the payments have not been made on a regular basis. The checks due on the first of December were not sent until late December. The checks for January 1, 1970, were not released until February 26. Unless this bill is passed, the February 1 checks will not be sent until early in May.

The inability of the Railroad Retirement Board to make regular monthly payments stem from erroneous actuarial estimates that were made when the supplemental pension program was first enacted into law in 1966. These pensions are financed solely by employer contributions paid in the form of a tax. The tax level established in 1966 was based upon a calculation of the number of retirements that might reasonably be expected.

The rate of retirement has exceeded the estimates made in 1966 by about 30 percent; hence, the rate of employer contribution then established has proved insufficient to finance the supplemental pension fund.

This bill would put the program on a sound financial basis and would make the program permanent, rather than being subject to the 1971 expiration date contained in the original law.

The bill as passed by the House provided for the mandatory retirement of railroad workers, ultimately at age 65. I opposed the compulsory retirement feature. Had we enacted the House version of this bill, it would have been the first time, to my knowledge, that Congress legislated mandatory retirement for workers in private industry.

On February 4, 1970, the Senate passed a different version of the bill. The Senate bill dropped the mandatory retirement section and substituted a retirement incentive feature which established a schedule for the forfeiture of a percentage of the supplemental annuity to which an individual would otherwise be entitled for each year he works after age 65.

I am pleased that the conference committee abandoned compulsory retirement and adopted the Senate approach, with some modifications.

The bill agreed to by the conferees permits a railroad worker to make a free, individual choice as to whether he wishes to retire and collect his supplemental pension, or to continue working and forego the supplemental pension. The age for making this choice will initially be 68 in 1970, and will be reduced annually until it reaches age 65 in 1974, where it will remain.

I should emphasize that this bill applies only to the supplemental pension and not to the basic railroad retirement pensions.

Mr. President, the members of the Conference Committee from both the House and the Senate worked long and hard to reach the agreement expressed in this bill. It is, I believe, an equitable agreement. It insures that supplemental pensions will be paid on a regular basis in the future and that all past unpaid obligations will be met. I have been advised by the Railroad Retirement Board that past due payments should be able to be made within 10 days or 2 weeks after the date this bill becomes law.

I move that the conference report be agreed to.

The report was agreed to.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The **ACTING PRESIDENT** pro tempore laid before the Senate the following letters, which were referred as indicated:

WATERSHED WORKS OF IMPROVEMENT PLANS

A letter from the Director, Bureau of the Budget, Executive Office of the President, transmitting, pursuant to law, plans for watershed works of improvement (with accompanying plans); to the Committee on Agriculture and Forestry.

PROPOSED AMENDMENTS OF THE PEACE CORPS ACT

A letter from the Director, Peace Corps, transmitting a draft of proposed legislation to amend the Peace Corps Act, as amended (with accompanying papers); to the Committee on Foreign Relations.

REPORTS OF THE COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the implementation of the accounting system for operations in the Department of Defense, dated March 4, 1970 (with an accompanying report); to the Committee on Government Operations.

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A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on opportunities for improving the administration of the Federal program of aid to educationally deprived children in West Virginia, Office of Education, Department of Health, Education, and Welfare, dated March 5, 1970 (with an accompanying report); to the Committee on Government Operations.

RIVER PLAN FOR THE MIDDLE FORK FEATHER RIVER, CALIFORNIA

A letter from the Chief, Forest Service, United States Department of Agriculture, transmitting, pursuant to law, a copy of the River Plan for the Middle Fork Feather River, California, dated March 1970 (with an accompanying document); to the Committee on Interior and Insular Affairs.

THIRD PREFERENCE AND SIXTH PREFERENCE CLASSIFICATIONS FOR CERTAIN ALIENS

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, reports relating to third preference and sixth preference classifications for certain aliens (with accompanying papers); to the Committee on the Judiciary.

WATERSHED WORKS OF IMPROVEMENT PLANS

A letter from the Director, Bureau of the Budget, Executive Office of the President, transmitting, pursuant to law, plans for watershed works of improvement (with accompanying plans); to the Committee on Public Works.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the ACTING PRESIDENT pro tempore:

A joint memorial of the Legislature of of the State of New Mexico; to the Committee on Agriculture and Forestry:

"HOUSE JOINT MEMORIAL 5, STATE OF NEW MEXICO

"A joint memorial requesting the Congress of the United States to take positive action to insure passage of legislation to provide adequate funds to implement child-feeding programs

"Whereas, in 1946 the Congress of the United States passed an act to make a national school lunch program permanent and made the following declaration of policy: 'It is hereby declared to be the policy of Congress, as a measure of national security, to safeguard the health and well-being of the nation's children and to encourage the domestic consumption of nutritious agricultural commodities and other food, by assisting the states, through grants-in-aid and other means, in providing an adequate supply of foods and other facilities for the establishment, maintenance, operation and expansion of nonprofit school-lunch programs'; and

"Whereas, this program has been acknowledged at all levels of government as an exemplary cooperative local, state and federal endeavor; and

"Whereas, additional child-feeding programs have been established and funded because of interest created by surveys which found that hunger and malnutrition exist in all areas of our country and at all economic levels; and

"Whereas, in school districts which have made a maximum effort to implement the nutrition programs and include nutrition education in the school and community, and other districts which have made a maximum effort to include all those children financially unable to pay the full cost of their meals, there has been great expansion in participation; and

"Whereas, local communities and states, nationwide, have been greatly handicapped in their ability to fully implement these programs because the need is greater than funds will afford; and

"Whereas, the state of New Mexico, operating with the allocations made from the regular United States department of agriculture congressional appropriations and projecting program obligatons to participating schools, will exhaust all available funds sometime in April, 1970; and

"Whereas, since the schools will have no resources from which to supplement the programs, the result will be that food service to children unable to pay the full price of the meal will be withdrawn and in some areas the meal provided through the school lunch program to needy children is the only substantial meal eaten by such children each day:

"Now, therefore, be it resolved by the Legislature of the State of New Mexico that the Congress of the United States is requested to take immediate action to insure passage of pending legislation which will provide an appropriation of funds adequate to insure that all states will be able to provide nutritionally-sound free or reduced-price meals for every needy child; and

"Be it further resolved that copies of this memorial be transmitted to the Speaker of the United States House of Representatives, the President Pro Tempore of the United States Senate and to the members of New Mexico's delegation to the Congress of the United States."

A joint memorial of the Legislature of the State of New Mexico; to the Committee on Finance:

"HOUSE JOINT MEMORIAL 9, STATE OF NEW MEXICO

"A joint memorial requesting the Congress of the United States to provide adequate funds to increase the allotments to recipients under the GI Bill

"Whereas, many of our young men with great personal sacrifice, unselfishly have risked their lives in the cause of freedom; and

"Whereas, the furtherance of their education and training has been sacrificed on the altar of a distant war in the jungles of South Viet Nam; and

"Whereas, the true strength of our country has always been its ambitious youth struggling for self-improvement; and

"Whereas, educational assistance can only partially repay the veteran for lost youth and opportunity, but does add to the true wealth of America;

"Now, therefore, be it resolved by the Legislature of the State of New Mexico that the Congress of the United States is requested to provide adequate funds to increase the allotments to recipients under the G.I. Bill; and

"Be it further resolved that copies of this memorial be transmitted to the Speaker of the United States House of Representatives, the President Pro Tempore of the United States Senate and to the members of New Mexico's delegation to the Congress of the United States."

A joint memorial of the Legislature of the State of New Mexico; to the Committee on Interior and Insular Affairs:

"HOUSE MEMORIAL 18, STATE OF NEW MEXICO

"A memorial requesting the Congress of the United States to purchase and designate as a national park the narrow gage railroad system running between the town of Chama, N. Mex., and the towns of Antonito and Durango in Colorado and to provide for its maintenance and operation

"Whereas, the states of New Mexico and Colorado are contracting to purchase from the Denver and Rio Grande Railroad, all or part of the narrow gauge railroad system running between the town of Chama, New Mexico and the towns of Antonito and Durango in Colorado; and

"Whereas, the narrow gauge railroad system has been an integral part of the history of the Rocky Mountains and of the West; and

"Whereas, the preservation of a narrow gauge railroad system in the scenic Rocky Mountains would be a fitting national park and enable future generations to understand the history of the area and the pioneering spirit of the early Americans;

"Now, therefore, be it resolved by the House of Representatives of the State of New Mexico that the Congress of the United States of America be requested to purchase the narrow gauge railroad system between Chama, New Mexico and Colorado from the states of New Mexico and Colorado to create a national park out of the railroad system and operate and maintain a narrow gauge train service through the scenic interstate route; and

"Be it further resolved that copies of this memorial be sent to the leadership in the congress, to each member of the New Mexico congressional delegation, and to the National Park Service."

A joint resolution of the Legislature of the State of Alaska; to the Committee on Foreign Relations:

"ALASKA STATE LEGISLATURE

"Joint resolution urging the enactment of legislation for the protection of American personnel captured in military operations other than in a 'declared war'

"Be it resolved by the Legislature of the State of Alaska:

"Whereas Article VI of the United States Constitution specifically states that provisions of treaties ratified by the United States government become the 'supreme law of land'; and

"Whereas notwithstanding solemn promises ratified at the international conference at Geneva that all prisoners of war captured would be given the respect of humane treatment; that Article 2 of the convention provides that it 'shall apply to all cases of declared war or any other armed conflict which may arise between two or more of the High Contracting parties, even if the state of war is not recognized by one of them'; and

"Whereas the government of North Vietnam acceded to the convention on June 28, 1957, and the government of South Vietnam acceded to the convention on November 14, 1953, and the government of the United States acceded to the convention on August 2, 1955; no pretense of compliance has been advanced by North Vietnam or the National Liberation Front (Viet Cong) despite the reminder to do so on June 11, 1965, by M. Jacques Freymond, Vice President of the International Committee of the Red Cross; and

"Whereas repeated appeals on the part of wives, parents, relatives, and dependents of those unfortunate victims of Communist violence have proven ineffective through the United States Department of State;

"Be it resolved by the Alaska State Legislature, that the United States government is requested to undertake a more determined effort to obtain the release of names of prisoners now held; to effect the immediate release of sick and wounded prisoners; to achieve impartial inspections of prisoner of war facilities; to assure proper treatment of all prisoners; to facilitate the regular flow of mail; and most importantly, to obtain the release and freedom from captivity of those American men of this 'undeclared' war with North Vietnam; and be it

"Further resolved, that there be enacted by the Congress of the United States a code of protective legislation similar to the Uniform Code of Military Justice, Public Law 506, applicable to American personnel cap-

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tured in military operations other than in a 'declared war' to assure that the full force, authority, and power of the United States of America shall henceforth be publicly committed to the attainment of freedom from captivity of all Americans captured in such military actions, past and future.

"Copies of this Resolution shall be sent to the Honorable Richard M. Nixon, President of the United States; the Honorable William P. Rogers, Secretary, Department of State; the Honorable Richard B. Russell, President Pro Tempore of the Senate; the Honorable John W. McCormack, Speaker of the House; the Honorable J. W. Fulbright, Chairman of the Senate Foreign Relations Committee; the Honorable Thomas E. Morgan, Chairman of the House Foreign Affairs Committee; and to the Honorable Ted Stevens and the Honorable Mike Gravel, U.S. Senators, and the Honorable Howard W. Pollock, U.S. Representative, members of the Alaska delegation in Congress."

A concurrent resolution of the Legislature of the State of Mississippi; to the Committee on the Judiciary:

"STATE OF MISSISSIPPI, SENATE CONCURRENT RESOLUTION No. 514

"A concurrent resolution petitioning the Congress to call a convention for the purpose of proposing an amendment to the Constitution of the United States

"Be it resolved by the Mississippi State Senate, the House of Representatives concurring therein:

"Section 1. Under the provisions of Article V, of the Constitution of the United States of America, the Congress of the United States is respectfully petitioned by the Mississippi State Legislature to call a convention for the purpose of proposing an amendment to the Constitution of the United States of America to achieve the objective that:

" 'No person shall, by reason of race, color, creed or national origin, be refused admission to or be excluded from any public school nor be compelled to attend a designated public school.'

"Section 2. If Congress shall have proposed an amendment to the Constitution to achieve substantially the same objective as provided in Section 1 hereof prior to January 1, 1974, this application for a convention shall no longer be of any force and effect.

"Section 3. A duly attested copy of this Resolution be immediately transmitted to the Secretary of the Senate of the United States, the Clerk of the United States House of Representatives and to each member of the Mississippi Congressional Delegation."

EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following favorable reports of nominations were submitted:

By Mr. **SPARKMAN**, from the Committee on Banking and Currency:

Frank Wille, of New York, to be a member of the Board of Directors of the Federal Deposit Insurance Corporation.

Mr. **MAGNUSON**. Mr. President, from the Committee on Commerce, I report favorably to the Senate various and sundry nominations.

I am very glad to see that one of the nominations is of a man whom we all know—Otto E. Graham, Jr.—who is going back to teach on the staff of the Coast Guard Academy as a professor with the grade of captain.

The **PRESIDING OFFICER**. The reports will be received and the nominations will be placed on the Executive Calendar.

The nominations, ordered to be placed on the Executive Calendar are as follows:

Robert H. Cannon, Jr., of California, to be an Assistant Secretary of Transportation;

James A. Palmer, Ellis L. Perry, John F. Thompson, Jr., Edward D. Scheiderer, and Albert A. Heckman, Coast Guard officers, for promotion to the grade of rear admiral; and

Otto E. Graham, Jr., to be a member of the permanent commissioned teaching staff of the Coast Guard Academy, as a professor, in the grade of captain.

Mr. **MAGNUSON**. I also report favorably sundry nominations in the Environmental Science Services Administration which have previously appeared in the CONGRESSIONAL RECORD and ask unanimous consent, to save the cost of printing them on the Executive Calendar, that they lie on the Secretary's desk for the information of any Senator.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

The nominations, ordered to lie on the desk, are as follows:

Archibald J. Patrick, and sundry other persons, for promotion in the Environmental Science Services Administration.

BILLS AND A JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. **JAVITS**:

S. 3549. A bill to extend, consolidate, and improve programs under the Library Services and Construction Act; to the Committee on Labor and Public Welfare.

(The remarks of Mr. JAVITS when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. **DOLE**:

S. 3550. A bill to improve public nutrition through the expanded use of dairy products and to increase the income of dairy farmers, and for other purposes; to the Committee on Agriculture and Forestry.

(The remarks of Mr. DOLE when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. **PELL**:

S. 3551. A bill to amend part 1 of the Interstate Commerce Act to require the installation of sanitation devices in railroad cars to prevent the discharge from such cars of sewage; to the Committee on Commerce.

By Mr. **McINTYRE**:

S. 3552. A bill to provide certain privileges against disclosure of confidential information and the sources of information obtained by newsmen; to the Committee on the Judiciary.

(The remarks of Mr. MCINTYRE when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. **MOSS**:

S. 3553. A bill to amend the Water Resources Research Act of 1964, to increase the authorization for water resources research and institutes, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. **EAGLETON** (for himself and Mr. DOLE):

S.J. Res. 181. Joint resolution proposing an amendment to the Constitution to provide for the direct popular election of the President and Vice President of the United States and for the determination of the result of such election; to the Committee on the Judiciary.

(The remarks of Mr. EAGLETON when he introduced the joint resolution appear earlier in the RECORD under the appropriate heading.)

INTRODUCTION OF S. 3549—THE LIBRARY SERVICES AND CONSTRUCTION AMENDMENTS OF 1970

Mr. **JAVITS**. Mr. President, I am pleased today to introduce an administration measure, the Library Services and Construction Amendments of 1970. This measure would extend for 5 years and amend the Library Services and Construction Act, which has fostered the growth of public library services across the Nation since 1956.

This bill would consolidate the present four titles into a single, more flexible program authority thereby simplifying and strengthening Federal library assistance and encouraging more systematic long-range planning to meet State needs. The proposal exemplifies the efforts of this administration to decentralize and combine similar categorical programs wherever appropriate and gives the States and localities more flexibility to meet their needs in ways best suited to their own particular circumstances to reduce redtape.

While the present Library Services and Construction Act requires each State to submit annually five separate State plans for the five separate categories of library assistance it offers, this bill would require submission of only one State plan, covering the various kinds of library assistance. This bill represents an effort to insure that each State agency charged with administering the State's libraries will have maximum freedom to determine how Federal support for library services would be most wisely spent; it represents the logical next step in the Federal program for libraries.

The Library Services and Construction Act has accomplished a substantial growth of public library services for our citizens. Through title I, public library services have been expanded, improved, and in many cases extended to communities previously without library services. Inadequate public library facilities have been remodeled and expanded through resources appropriated under title II; new facilities have been constructed in areas where none existed before. Title III has nurtured the growth of cooperative networks, enabling libraries of different kinds—public, academic, and specialized libraries, for example—to share resources and services. States have strengthened library resources and services in State residential institutions under the auspices of title IV–A of the act, reaching thousands of prison inmates, mental patients, orphans, and so on. Finally, title IV–B has helped the States and local communities to make special library services available to physically handicapped persons who would otherwise be deprived of library services, because their handicaps prevent them from using regular library materials.

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Clearly, these programs have not only helped strengthen library services throughout the country, but have helped strengthen State capacities for assessing specific kinds of library needs and administering programs designed to meet them. Because the States have gained that kind of experience from their role in the activities of the current Library Services and Construction Act, they are now prepared to assume the increased measure of responsibility assigned to them by this bill. Because this bill combines five programs of library assistance into one, each State will be able to assess the broad range of public library needs in the State and determine how Federal assistance available can best be allocated among areas of the State and kinds of library services. In such a way, the use of funds will more accurately reflect the particular library needs of each State. With the elimination of five State plans and five separate administrative systems, each State should gain time and manpower to devote to more creative administration of the public library assistance program.

Under the bill's provisions, each State would receive a base allocation of $200,000. The rest of the money would be apportioned among States partly on the basis of its overall population, partly on the basis of its low-income population. No State would suffer from the allocation formula change, since a grandfather clause would guarantee it at least the same level of funding as the year before the amendment takes effect.

Funds would be used for the same kinds of library assistance as those supported by the present law, except that each State would decide how much of its allocation would go for which purpose. Priority would be given to projects in areas with high concentrations of disadvantaged people, adding a new emphasis to services to the disadvantaged. The Secretary of Health, Education, and Welfare would be authorized to set aside up to 1 percent of each year's appropriation for evaluation of the programs supported under the act.

The amendments contained in this bill would become effective on July 1, 1971, immediately after the expiration of the present law. However, some funds could be appropriated in fiscal year 1971 under this bill to aid States in making the transition from their responsibilities under the existing provisons of their mandate under the new provisions.

I send the bill to the desk and ask that it be appropriately referred. I ask unanimous consent that the bill be printed in the RECORD together with a section-by-section analysis of the bill.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill and the analysis will be printed in the RECORD.

The bill (S. 3549) to extend, consolidate, and improve programs under the Library Services and Construction Act, introduced by Mr. JAVITS, was received, read twice by its title, referred to the Committee on Labor and Public Welfare, and ordered to be printed in the RECORD, as follows:

S. 3549

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Library Services and Construction Amendments of 1970".

STATEMENT OF PURPOSE

SEC. 2. It is the purpose of this Act, in order to improve the administration and implementation of programs under the Library Services and Construction Act, to lessen the administrative burden upon the States through reduction of the number of State plans under such Act from five to one and to afford the States greater discretion in allocating funds under such Act to meet specific State needs by combining within a single authorization the programs formerly authorized by titles I, II, III, and IV of such Act. It is the further purpose of this Act to offer greater encouragement to the States to extend library services to areas with high concentrations of low-income families and without adequate library services.

CONSOLIDATION OF TITLES I, II, III, AND IV OF LIBRARY SERVICES AND CONSTRUCTION ACT

SEC. 3. The Library Services and Construction Act is amended by striking out everything after section 2 thereof and inserting in lieu thereof the following:

"TITLE I—FINANCIAL ASSISTANCE TO STATES FOR LIBRARY SERVICES AND CONSTRUCTION

"APPROPRIATIONS AUTHORIZED

"SEC. 101. (a) The Commissioner of Education (hereinafter in this Act referred to as the Commissioner) shall carry out a program for making grants to the States for the uses and purposes set forth in section 103 of this title.

"(b) For the purpose of making such grants, there are authorized to be appropriated such sums as may be necessary for the fiscal year ending June 30, 1972, and for each of the four succeeding fiscal years.

"ALLOTMENTS TO STATES

"SEC. 102 (a) (1) From the sums appropriated pursuant to section 101(b) for carrying out this title for any fiscal year, the Commissioner shall reserve such amount, but not in excess of 1 per centum of such sums, as he may determine and shall allot such amount among Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands according to their respective needs for assistance under this Act, as determined by the Commissioner.

"(2) The remainder of such sums shall be allotted by the Commissioner by allotting to each State $200,000 plus an amount equal to the sum of—

"(A) an amount which bears the same ratio to 50 per centum of the balance of such remainder as the number of families and unrelated individuals in the State having an annual income of less than the low-income factor bears to the number of such families and unrelated individuals in all of the States, and

"(B) an amount which bears the same ratio to 50 per centum of the balance of such remainder as the population of the State bears to the population of all of the States.

The amount allotted to any State under this paragraph for any fiscal year which is less than its aggregate base year allotment shall be increased to an amount equal to such aggregate, the total thereby required being derived by proportionately reducing the amount allotted to each of the remaining States under this paragraph, but with such adjustments as may be necessary to prevent the allotment of any of such remaining States from being reduced to less than its aggregate base year allotment.

"(3) For the purposes of this subsection, for any fiscal year, the "low-income factor" shall be the income level of the 25 per centum of the families and unrelated individuals in the United States who are in the lowest income range, as determined on the basis of the most recent satisfactory data available to the Commissioner, increased to the next higher multiple of one hundred dollars.

"(4) For the purposes of this subsection, (A) the term 'aggregate base year allotment' with respect to a State means the sum of the allotments to that State, for the fiscal year ending June 30, 1971, under the Library Services and Construction Act as then in effect; (B) the term 'State' does not include Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands; and (C) the number of families and unrelated individuals having an annual income of less than the low-income factor in each State and in all of the States and the population of each State and of all of the States shall be determined by the Commissioner on the basis of the most recent satisfactory data available to him.

"(b) The amount of any State's allotment under subsection (a) for any fiscal year which the Commissioner determines will not be required for such fiscal year shall be available for reallotment from time to time, on such dates during such year as the Commissioner may fix, to other States in proportion to the original allotments to such States under subsection (a) for that year but with such proportionate amount for any of such other States being reduced to the extent it exceeds the sum the Commissioner estimates such State needs and will be able to use for such year; and the total of such reductions shall be similarly reallotted among the States whose proportionate amounts were not so reduced. Any amounts reallotted to a State under this subsection during a fiscal year shall be deemed part of its allotment under subsection (a) for such year.

"(c) A State's allotment under this section for any fiscal year shall be available for payments with respect to programs or projects approved under its State plan, and activities described in section 103(c), during such fiscal year and, in the case of projects for construction, the succeeding fiscal year.

"USES OF FEDERAL FUNDS

"SEC. 103. (a) Payments under this title may be used, in accordance with State plans approved under section 104, for programs or projects for any of the following purposes:

"(1) extension of public library services to areas without such services or to areas with inadequate services;

"(2) construction of public library facilities to serve areas without library facilities necessary to provide public library services or areas with library facilities which are seriously inadequate for the provision of such services, except that priority shall be given to projects in areas without such facilities;

"(3) establishment and maintenance of programs of interlibrary cooperation (including local, regional, State, or interstate cooperative networks of libraries and other programs for the systematic and effective coordination of the resources of school, public, academic, and special libraries and special information centers for improved services of a supplementary nature to the special clientele served by each type of library or center);

"(4) establishment or improvement of State institutional library services;

"(5) establishment or improvement of library services to the physically handicapped; and

"(6) comprehensive planning for any of the foregoing.

"(b) For the purposes of this title—

"(1) the term 'public library services' means library services furnished by a public library free of charge.

"(2) the term 'State institutional library services' means the providing of books and other library materials, and of library serv-

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ices, to (A) inmates, patients, or residents of penal institutions, reformatories, residential training schools, orphanages, or general or special institutions or hospitals operated or substantially supported by the State, and (B) students in residential schools for the physically handicapped (including mentally retarded, hard of hearing, deaf, speech impaired, visually handicapped, seriously emotionally disturbed, crippled, or other health impaired persons who by reason thereof require special education) operated or substantially supported by the State.

"(3) the term 'library services to the physically handicapped' means the providing of library services, through public or other nonprofit libraries, agencies, or organizations, to physically handicapped persons (including the blind and other visually handicapped) certified by competent authority as unable to read or to use conventional printed materials as a result of physical limitations.

"(c) In addition to the uses specified in subsection (a), funds appropriated for carrying out this title and allotted to any State may be used for—

"(1) proper and efficient administration of the State plan (including development and updating of the State's long-range program);

"(2) evaluation of plans, programs, and projects to carry out the purposes of this title and dissemination of the results thereof;

"(3) technical, professional, and clerical assistance and the services of experts and consultants to assist a State advisory council in carrying out its responsibilities, but only if such council is appointed by the Governor and is broadly representative of professional library interests and library users (including disadvantaged persons) within the State and has responsibility and authority for advising on policy matters arising on the preparation of the State's plan and long-range program under this title and on the administration of such plan.

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"STATE PLANS AND LONG-RANGE PROGRAMS

"SEC. 104. (a) Any State which desires to receive grants under this title for any fiscal year shall submit, in accordance with regulations of the Commissioner, a State plan for such year for carrying out the purposes of this title, in such form and in such detail as the Commissioner deems necessary. Such State plan shall—

"(1) subject to section 204 of the Intergovernmental Cooperation Act, provide for administration or supervision of administration of the plan by the State library administrative agency;

"(2) (A) set forth criteria for determining the order of approval of applications in the State for assistance under the State plan, including criteria designed to assure that in the approval of applications for programs or projects for the extension and improvement of public library services (including construction) priority will be given to programs or projects which serve areas with high concentrations of low-income families and (B) provide that applications for assistance within the State shall be approved in order of the priority so determined; and

"(3) provide satisfactory assurance—

"(A) that an opportunity to participate in programs to carry out the purposes described in paragraphs (3), (4), and (5) of section 103(a) will be afforded to all appropriate local, State, or other public or nonprofit private agencies or organizations in the State;

"(B) that such fiscal control and fund accounting procedures have been adopted as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the State (including any such funds paid by the State to any other agency) under this title;

"(C) that procedures have been adopted (i) for the periodic evaluation of the effectiveness of programs and projects supported under the State plan, and (ii) for appropriate dissemination of the results of such evaluations and other information pertaining to such programs or projects;

"(D) that effective procedures have been adopted for the coordination of programs and projects supported under the State plan with library programs and projects operated by institutions of higher education or local elementary or secondary schools and with other public or private library service programs;

"(E) that the State agency administering the plan (i) will make such reports, in such form and containing such information, as the Commissioner may reasonably require to carry out his functions under this title and to determine the extent to which funds provided under this title have been effective in carrying out its purposes including reports of evaluations made under the State plan and (ii) will keep such records and afford such access thereto as the Commissioner may find necessary to assure the correctness and verification of such reports; and

"(F) that final action with respect to the approval or disapproval of any application (or amendment thereof) shall not be taken without first (1) affording the agency or agencies submitting such application reasonable notice and opportunity for a hearing and (2) affording interested persons an opportunity to present their views.

"(b) (1) The Commissioner shall not approve any State plan pursuant to this section for any fiscal year unless—

"(A) the plan fulfills the conditions specified in subsection (a) of this section; and

"(B) the plan has, prior to its submission, been made public by the State agency to administer it and a reasonable opportunity has been given by that agency for comment thereon by interested persons.

"(2) The State plan shall be made public as finally approved.

"(3) The Commissioner shall not finally disapprove any plan submitted under subsection (a), or any modification thereof, without first affording the State reasonable notice and opportunity for hearing.

"(c) To be eligible for assistance under this title for a fiscal year, a State shall also develop and adopt, in consultation with the Office of Education, a long-range program for carrying out the purposes of this title. Such program (1) shall cover a period, beginning with the year for which such assistance is provided, of not less than three nor more than five years and (2) shall be annually updated. Prior to its final adoption, such program shall be made public and a reasonable opportunity shall be afforded for comment thereon by interested persons. Such program shall be made public as finally adopted.

"WITHHOLDING

"SEC. 105. Whenever the Commissioner, after reasonable notice and opportunity for hearing to the State agency administering a State plan approved under section 104, finds—

"(a) that the State plan has been so changed that it no longer complies with the provisions of this title concerning the approval of the plan, or

"(b) that in the administration of the plan there is a failure to comply substantially with any such provisions or with any assurance or other provision contained in such plan,

then, until he is satisfied that there is no longer any such failure to comply, after appropriate notice to such State agency, he shall make no further payments to the State under this title or shall limit payments to programs or projects under, or parts of, the State plan not affected by the failure, or shall require that payments by such State agency under this title shall be limited to local or other public library agencies not affected by the failure.

"JUDICIAL REVIEW

"SEC. 106. (a) If any State is dissatisfied with the Commissioner's final action with respect to the approval of a plan submitted under section 104(a) or with his final action under section 105 such State may, within sixty days after notice of such action, file with the United States Court of Appeals for the circuit in which such State is located a petition for review of that action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Commissioner. The Commissioner thereupon shall file in the court the record of the proceedings on which he based his action as provided in section 2112 of title 28, United States Code.

"(b) The findings of fact by the Commissioner, if supported by substantial evidence, shall be conclusive; but the court, for good cause shown, may remand the case to the Commissioner to take further evidence, and the Commissioner may thereupon take new or modified findings of fact and may modify his previous action, and shall certify to the court the record of further proceedings.

"(c) The court shall have jurisdiction to affirm the action of the Commissioner or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

"PAYMENTS TO STATES

"SEC. 107. (a) (1) From each State's allotment under section 102 for any fiscal year the Commissioner shall pay to that State, if it has in effect a State plan approved pursuant to section 104(b) for that fiscal year and has adopted a long-range program in accordance with section 104(c), an amount equal to the Federal share of the amount expanded by the State and its political subdivisions during such fiscal year for the uses referred to in section 103 in accordance with its State plan, except that with respect to the uses set forth in section 103(c), the amount paid by the Commissioner shall not exceed the Federal share of the amount expended by the State (without regard to amounts expended by its political subdivisions).

"(2) Notwithstanding any other provision of this section, no payments shall be made to any State (other than the Trust Territory of the Pacific Islands) from its allotment for any fiscal year unless the Commissioner finds that—

"(A) there will be available for expenditure under the plan from State or local sources during the fiscal year for which the allotment is made (i) sums sufficient to enable the State to receive under this section payments in an amount not less than $200,000 in the case of any State (other than the Virgin Islands, American Samoa, Guam, and the Trust Territory of the Pacific Islands) and (ii) not less than the total amount actually expended, in the areas covered by the plan for such year, for public library services from such sources in the second preceding fiscal year, and

"(B) there will be available for expenditure for public library services and for State institutional library services from State sources during the fiscal year for which the allotment is made not less than the total amount actually expended for such services from such sources in the second preceding fiscal year.

"(C) there will be available for expenditures for library services to the physically handicapped from sources other than Federal sources during the fiscal year for which the allotment is made not less than the total amount actually expended for such services from such sources in the second preceding fiscal year.

"(3) Payments under this title may be made in installments, and in advance or by way of reimbursement, with necessary adjustments on account of overpayments and underpayments.

"(b) For the purposes of this section the 'Federal share' for any State shall be 100 per centum less the State percentage, and the State percentage shall be that percentage which bears the same ratio to 50 per centum as the per capita income of such State bears to the per capita income of all the States (excluding Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands), except that (1) the Federal share shall in no case be more than 66 per centum or less than 33 per centum, or the Federal share shall be 50 per centum in the case of any State if requested by the State library administrative agency, and (2) the Federal share for Puerto Rico, Guam, American Samoa and the Virgin Islands shall be 66 per centum, and the Federal share for the Trust Territory of the Pacific Islands shall be 100 per centum.

"(c) The 'Federal share' for each State shall be promulgated by the Commissioner between July 1 and September 30 of each even numbered year, on the basis of the average of the per capita incomes of each of the States and of all the States (excluding Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands), for the three most recent consecutive years for which satisfactory data are available from the Department of Commerce; except, that the Commissioner shall promulgate such percentages as soon as possible after enactment of the Library Services and Construction Amendments of 1970. Such promulgation shall be conclusive for each of the two fiscal years in the period beginning July 1 next succeeding such promulgation.

"TITLE II—GENERAL PROVISIONS

"EVALUATION

"SEC. 201. Such portion as the Secretary may determine, but not more than 1 per centum, of appropriations, under this Act for any fiscal year shall be available to him for evaluation (directly or by grants or contracts) of the programs authorized by this Act, and, in the case of allotments from such appropriations, the amount available for allotment shall be reduced accordingly.

"RECOVERY OF PAYMENTS

"SEC. 202. If within 20 years after completion of any construction for which Federal funds have been paid under this Act—

"(a) the owner of the facility shall cease to be a State or local library service agency, or

"(b) the facility shall cease to be used for the library and related purposes for which it was constructed, unless the Commissioner determines in accordance with regulations that there is good cause for releasing the applicant or other owner from the obligation to do so,

the United States shall be entitled to recover from the applicant or other owner of the facility an amount which bears to the then value of the facility (or so much thereof as constituted an approved project or projects) the same ratio as the amount of Federal funds bore to the cost of the facility financed with the aid of such funds. Such value shall be determined by agreement of the parties or by action brought in the United States district court for the district in which the facility is situated.

"LABOR STANDARDS

"Section 203. All laborers and mechanics employed by contractors or subcontractors on construction projects assisted under this Act shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a–276a–5). In the case of any public library, the Commissioner may waive the application of this section in cases or classes of cases where laborers or mechanics, not otherwise employed at any time in the construction of the project, voluntarily donate their services for the purpose of lowering the costs of construction and the Commissioner determines that any amounts saved thereby are fully credited to the agency undertaking the construction. The Secretary of Labor shall have with respect to the Labor standards specified in this section the authority and functions set forth in reorganization plan numbered 14 of 1950 (15 F.R. 3176) and section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276c).

"DEFINITIONS

"SEC. 204. For the purposes of this Act—

"(a) The term 'State' means a State, the District of Columbia, Puerto Rico, Guam, American Samoa, the Virgin Islands, or the Trust Territory of the Pacific Islands;

"(b) The term 'State library administrative agency' means the official State agency charged by State law with the extension and development of public library services throughout the State;

"(c) The term 'public library' means a library that serves free of charge all residents of a community, district, or region, and receives its financial support in whole or in part from public funds;

"(d) The term 'construction' means (1) erection of new or expansion of existing structures, and the acquisition and installation of equipment therefor; or (2) acquisition of existing structures not owned by any agency or institution making application for assistance under this Act; or (3) remodeling or alteration (including the acquisition, installation, modernization, or replacement of equipment) of existing structures; or (4) a combination of any two or more of the foregoing;

"(e) The term 'equipment' includes machinery, utilities, and built-in equipment and any necessary enclosures or structures to house them, and includes all other items necessary for the functioning of a particular facility as a facility for the provision of library services;

"(f) The term 'Secretary' means the Secretary of Health, Education, and Welfare."

EFFECTIVE DATE AND TRANSITIONAL PROVISIONS FOR CONSOLIDATED PROGRAMS

SEC. 4. (a) The amendments made by this Act shall be effective on July 1, 1971.

(b) During the fiscal year ending June 30, 1971, funds allotted to any State by the Commissioner of Education for such year under the Library Services and Construction Act, as in effect prior to enactment of this Act, for any of the programs referred to in section 103 of such Act (as amended this Act) and available for expenses of administration (including expenses of advisory councils) of such programs, may, with the approval of the Commissioner, be used by the State for necessary expenses during such year for the preparation of a State plan, to be submitted to the Commissioner under section 104 of that Act (as so amended) for the fiscal year ending June 30, 1972, and for the development of a long-range program, in accordance with section 104(c) (as so amended) and for the establishment of a State advisory council in accordance with section 103(c) and its expenses in advising on the preparation of the State plan.

The material presented by Mr. JAVITS is as follows:

SECTION-BY-SECTION ANALYSIS, LIBRARY SERVICES AND CONSTRUCTION AMENDMENTS OF 1970

Section 1. Citation

This section of the bill provides that the Act may be cited as the "Library Services and Construction Amendments of 1970."

Section 2. Statement of purpose

This section describes the purpose of the Act, to improve the administration and implementation of programs under the Library Services and Construction Act, by easing the administrative burden upon the States through reduction in the number of State plans and by affording the States greater discretion in the allocation of funds through program consolidation. The section further indicates that the Act is intended to offer greater encouragement for the extension of library services to areas with high concentrations of low-income families.

Section 3. Consolidation of titles I, II, III, and IV of Library Services and Construction Act

This section of the bill would strike out everything after section 2 of the Library Services and Construction Act[1] and would insert in lieu thereof two new titles as follows:

TITLE I—FINANCIAL ASSISTANCE TO STATES FOR LIBRARY SERVICES AND CONSTRUCTION

Section 101. Appropriations authorized

Subsection (a) of section 101 directs the Commissioner of Education to make grants to the States for the purposes set forth in section 103.

Subsection (b) of such section authorizes the appropriation of such sums as may be necessary for the fiscal year ending June 30, 1972 and for each of the four succeeding fiscal years.

Section 102. Allotments to States

Subsection (a) of section 102 directs the Commissioner to reserve up to 1 percent of the sums appropriated in a fiscal year for carrying out Title I, and to allot this amount among Guam, American Samoa, the Virgin Islands, and Trust Territory of the Pacific Islands, according to his determination of their needs. The remainder of such sums is to be allotted by the Commissioner by allotting $200,000 to each of the other States. 50 percent of the balance would be allotted among such States on the basis of relative number of families and unrelated individuals having an annual income of less than the low-income factor. 50 percent of such balance would be allotted among such States on the basis of relative proportion of the population. No State would receive less than its aggregate base year allotment, defined as the sum of allotments to a State under the Library Services and Construction Act for fiscal year 1971. The low-income factor would be the income level of the 25 per cent of the families and unrelated individuals in the United States who are in the lowest income range, as determined on the basis of the most recent satisfactory data available to the Commissioner, increased to the next higher multiple of one hundred dollars.

Subsection (b) of such section provides for reallotment authority.

Subsection (c) of such section provides that funds appropriated in any fiscal year shall be available for payments with respect to construction projects for that year and the succeeding fiscal year.

Section 103. Uses of Federal funds

This section provides that payments under the title may be used, for programs or projects for any of the following purposes: (1) extension of public library services to areas without such services or with inadequate services; (2) construction of new or improved public library facilities (with priority for projects in areas without library facilities); (3) establishment and maintenance of interlibrary cooperation programs; (4) establishment or improvement of State institutional library services; (5) establishment or improvement of library services to the physically handicapped; and (6) comprehensive planning for the above-mentioned programs.

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[1] Section 2 of the Library Services and Construction Act contains a declaration of policy. Section 1 provides for citation of the Act.

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Subsection (b) of such section would define "public library services" to mean library services furnished by a public library free of charge; "State institutional library services" to mean provision of library materials and services for inmates, patients, or residents of certain designated State supported or operated institutions, or students in residential schools for the physically handicapped operated or substantially supported by the State; and "library services to the physically handicapped" to include the provision of special services to physically handicapped persons certified as unable to read or to use conventional printed materials as a result of physical limitations.

Subsection (c) of such section would authorize use of funds appropriated for Title I for evaluation and dissemination activities. It would also allow use of funds for proper and efficient administration of a State plan, and for technical, professional, clerical, and other assistance for a State advisory council, if appointed by the Governor and broadly representative of professional library interests and library users in the State and if vested with appropriate advisory functions.

Section 104. State Plans and Programs.

Subsection (a) of section 104 provides that a State which desires to receive grants under the title for a fiscal year must submit, for approval of the Commissioner, a State plan for that year. Such plan would have to include satisfactory assurances with respect to the adoption of procedures for fiscal control and accounting, evaluation and dissemination, and coordination of programs. It would also include assurances with respect to reporting requirements, procedures upon approval or disapproval of applications, and opportunity to participate in programs. In addition, the State plan would have to provide, subject to section 204 of the Intergovernmental Cooperation Act, for the administration of the plan by the State library administrative agency. The plan would set forth criteria for determining the order of approval of applications in the State, including criteria designed to assure that in the approval of applications for the extension and improvement of public library services, priority will be given to programs or projects which serve areas with high concentrations of low-income families.

Paragraph (1) of subsection (b) of such section provides that the Commissioner shall not approve a plan unless such plan fulfills the conditions specified in subsection (a) and has, prior to its submission been made public and subjected to comment by interested persons.

Paragraph (2) of such subsection provides that the plan shall be made public as finally approved.

Paragraph (3) of such subsection provides that the Commissioner shall not finally disapprove a plan without first affording the State reasonable notice and opportunity for hearing.

Subsection (c) of such section provides that, in order to be eligible for assistance under the title, a State must adopt, in consultation with the Office of Education, a long-range program for carrying out the title covering a period of from three to five years, to be annually updated. Prior to its final adoption, such program must be made public and a reasonable opportunity must be afforded for comments thereon by interested persons. The program must be made public as finally adopted.

Section 105. Withholding.

This section provides that whenever the Commissioner, after notice and hearing, finds that a State plan has been so changed that it no longer complies with the title or that, in the administration of the plan, there is a failure to comply with any assurance or other provision of such plan, then the Commissioner shall make no further payments to the State or shall limit payments, as appropriate, until he is satisfied that there is no longer such failure to comply.

Section 106. Judicial Review.

This section provides for judicial review of final action by the Commissioner with respect to a State plan.

Section 107. Payments to States.

This section provides for payments to States of the Federal share of amounts expended by the States in accordance with the title.

Paragraph (1) of subsection (a) of section 107 directs the Commissioner to pay to a State, which complies with the plan and program requirements of section 104, from its allotment, an amount equal to the Federal share of the amount expended by the State and its political subdivisions during the applicable fiscal year for the uses referred to in section 103. With respect to administrative expenses, however, only the Federal share of the amount expended by the State will be paid.

Paragraph (2) of such subsection provides that payments may not be made to a State unless the Commissioner finds—

(A) that there will be available for expenditures from State or local sources during the applicable fiscal year (i) an amount sufficient to enable the State to receive payments of at least $200,000, and (ii) at least the total amount expended, in the areas covered by the plan, for public library services during the second preceding fiscal year; (B) that there will be available for expenditure for public library and State institutional library services from State sources during the applicable fiscal year not less than the total expended for such services from such sources in the second preceding fiscal year; and (C) that there will be available for expenditure for library services to the physically handicapped from non-Federal sources during the applicable fiscal year not less than the total actually expended for such services from such sources in the second preceding fiscal year.

Paragraph (3) of such subsection provides for methods of payment under the title.

Subsection (b) of such section provides that the "Federal share" for a State shall be 100 percent less the State percentage, and the State percentage shall be that percentage which bears the same ratio to 50 percent as the per capita income of all the States (excluding Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands), except that the Federal share shall not be more than 66 percent or less than 33 percent, and, for Puerto Rico, Guam, American Samoa and the Virgin Islands, shall be 66 percent, and for the Trust Territory, 100 percent. However, if the State library administrative agency so requests, the Federal share shall be 50 percent.

Subsection (c) of such section provides for promulgation of the Federal shares by the Commissioner.

TITLE II—GENERAL PROVISIONS

Section 201. Evaluation.

This section provides that the Secretary of Health, Education, and Welfare may use up to 1 percent of the total appropriations under the Act for evaluation of authorized programs.

Section 202. Recovery of payments.

This section provides that if, within 20 years after construction of a facility for which Federal funds have been expended under the Act, the facility ceases to be used for the purposes for which it was constructed or the owner of the facility ceases to be a State or local library service agency, the United States shall be entitled to recover a pro rata share of the value of the property from the applicant or other owner.

Section 203. Labor standards.

This section applies the usual labor standards provision to construction assisted under the Act. Provision is made for waiver of this requirement in certain cases where services are voluntarily donated.

Section 204. Definitions.

This section defines for the purposes of this Act, the terms "State", "State library administrative agency," "public library," "construction" and "Secretary".

Section 4. Transitional provisions.

Subsection (a) of section 4 of the bill provides that amendments made by the Act shall be effective on July 1, 1971.

Subsection (b) of such section provides that during the fiscal year ending June 30, 1971, funds allotted to a State under the Library Services and Construction Act for any of the programs referred to in section 103 of that Act (as amended by this Act) and available for expenses of administration may, with the approval of the Commissioner, be used by the State for preparation of a State plan, for the development of a long-range program, and State advisory committee expenses, for purposes of the consolidated act for Fiscal Year 1972.

S. 3550—INTRODUCTION OF THE DAIRY NUTRITION AND INCOME ACT OF 1970

Mr. DOLE. Mr. President, I am introducing today a measure to combine several different legislative proposals concerning the production, marketing, and distribution of dairy products. The eight titles of the bill provide a permanent extension for several key dairy programs and will thereby give the guidance and dependability our dairy farmers deserve.

The number of milk producers has declined to what agricultural economists feel is a good basic level of producing units. In this area of agriculture, the remaining producers deserve the security and dependability this bill provides. These producers are some of the last 7-day workers, who perform their daily chores with unfailing regularity to provide the American public with one of the most nutritious foods available.

SCHOOL MILK PROGRAM

Enactment will provide for permanent extension of the school milk program which expires June 30. The program provides this nutritious food to our youth, regardless of their families' financial status. In this Nation today, many people suffer from malnutrition. We have programs to provide milk and other food to the poor and needy. Through the school milk program we will assure that all children will at least receive the nutrition milk can provide.

NINETY PERCENT PARITY FOR CURRENT YEAR

The bill provides for 90 percent parity milk price supports for the 1970–71 marketing year. Production is declining at the present 78.5 percent of parity. The dairy industry is fearful the decline in production will continue unless the price support level for milk is raised to 90 percent. Dairy farmers are faced with increasing costs as is the rest of the economy, but dairying is one of the areas in farming where labor is still an important factor. The daily routine of a dairy farm requires some assistance and the farm

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wage rate is at an all-time high. Milk production in 1969 of 116.2 billion pounds is the lowest in 17 years.

PRIORITY ON CCC DAIRY STOCKS

Another title provides for the donation of Commodity Credit Corporation dairy products to needy persons through nutrition and child-feeding programs. This portion of the bill has been favorably passed in a similar bill, S. 2595, with much the same provision. I include this title in order to maintain a collective measure.

ARMED FORCES AND VETERANS HOSPITALS

The present authority for providing milk and dairy products to the Armed Forces and the veterans' hospitals expires December 31, 1970. This program is very effective in its utilization of dairy products acquired by the Commodity Credit Corporation and my proposal would make it permanent.

PESTICIDE INDEMNITY

Another valuable program to dairy producers which would be extended is the authority to reimburse dairy farmers for losses due to pesticide residues from sources outside their control. This program would expire June 30, 1970, and this bill will make it permanent. Since the program was initiated in 1964, approximately 400 producers have received compensation. The program provides an assurance of a minimal income while a producer is curing his animals of the contamination.

ELIMINATION OF BUTTER FAT SUPPORT PRICE

This bill will eliminate the support price on butterfat. The purpose of that provision was to support the price of cream marketed separately from milk. Since few farmers still market their milk production in this manner, removal of the support price on butterfat would allow the Secretary of Agriculture to adjust butter prices to be more competitive. With butterfat price supports removed, the farmer would receive price supports based on whole milk.

ESTABLISH AN IMPROVED CLASS I BASE PLAN

The proven and accepted class I milk base plan would be made permanent. This measure includes the language agreed to by the House Agriculture Committee late last year with one exception. It leaves out any change in the present appeal system.

It provides the foundation the dairy industry of our Nation needs to prosper and grow. In drafting this legislation, many fragments of proposals being considered at different levels of the Congress were included in hope of bringing all the facets of these worthwhile provisions into a cohesive unit. It will assure the dairy farmer we appreciate his efforts by establishing a permanent working base and encourage him to continue to provide this most nutritious food for us.

I would hope that after referral to the Senate Agricultural and Forestry Committee it will be considered as a comprehensive amendment to the overall omnibus farm bill which the Senate is now considering.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 3550) to improve public nutrition through the expanded use of dairy products and to increase the income of dairy farmers, and for other purposes, introduced by Mr. DOLE, was received, read twice by its title, and referred to the Committee on Agriculture and Forestry.

S. 3552—INTRODUCTION OF NEWSMEN'S PRIVILEGE ACT

Mr. McINTYRE. Mr. President, I am deeply disturbed by circumstances and conscious efforts that curb freedom of the press and harass and handicap journalists as they practice the traditional techniques of their occupation.

Earlier this year I introduced an initial piece of legislation to preserve and enhance freedom of the media and to serve the public with the full, free flow of information that is essential to the functioning of a democracy and is the public's implicit guarantee under the first amendment. I refer to my Independent Media Preservation Act, S. 3305.

Enactment of this bill, which would curb the growth of large newspaper chains and prohibit the joint ownership of press and broadcast facilities in the same community, is crucially needed if our citizens are to be protected in their right to full information and the broadest possible range of opinion.

I think it is interesting to note that this administration, which explains its continuing assaults upon the press with an expressed concern over media concentration, opposes my bill but supported a Newspaper Preservation Act which can only serve to facilitate and accelerate media concentration.

But, my primary conern today is another administration tactic, equally subversive of this basic constitutional right.

I refer to the recent wave of broad and sweeping subpenas which have issued from the Justice Department in an attempt to obtain confidential information in the hands of the working press.

If the Justice Department pursues its drive to get access to reporters' notes, correspondence, telephone call memoranda, and the like, what will be the practical effect on the news media of this country?

One effect will be to silence those thousands of Americans who have learned that a free press is a guarantor of liberties when sometimes even attorneys general and State and local prosecutors decline to act out of personal fear or political considerations. The Department is tapping sources that might never have talked if they had known that their stories would be turned over to the police and law departments for public display. It will be a sorry day for this country if Americans become afraid to talk to reporters.

A second effect—this on journalists of integrity—will be to discourage their use of confidential sources. No decent man will want to imperil the freedom and safety of men and women with whom he talks in pursuit of major stories or major investigations in the public interest.

And the net effect will be to stifle our free press at the very roots of its information-gathering system. As CBS newsman Walter Cronkite recently said when two news sources refused interviews because of the recent wave of subpenaes:

> We cannot function, and our people cannot be informed if we have to work under these conditions.

Attorney General Mitchell acknowledged recently that some Department subpenaes may have gone too far, and he gave his assurances that things would be different in the future. One cannot help but wonder whether these assurances will have any more substance than the Vice President's assurances that he is "not interested in censorship" as he continues to lambast certain elements of the Nation's press. I fear, in any event, that the damage has been done, irrespective of the Attorney General's future actions.

For the threat of subpenaes has had and will continue to have precisely the same effect as the issuance of the subpenaes themselves. We have already reached a situation where, in the absence of legislation, it would take many years of reassuring actions to remove the apprehensions already in the air.

Such legislation has been introduced in the House of Representatives. The gentleman from New York (Mr. OTTINGER), has introduced a "Newsman's Privilege Act," which would protect the confidential nature of a reporter's information and sources except in cases of a clearly overriding public interest, such as the prevention of libel, the proper functioning of grand jury proceedings, and the protection of our national security.

I have examined this bill and believe it would do much to protect the same values as I sought to protect when I introduced my Independent Media Preservation Act earlier this year. Indeed, it would be of no consequence to preserve a multiplicity of independent media voices if those voices would be prevented from functioning in the manner which the preservation of a truly free press requires.

Accordingly, I am introducing an identical bill in the Senate today. I believe it is essential that legislation of such importance receive the immediate attention of both Houses of Congress.

Mr. President, I introduce, for appropriate reference, a bill entitled "Newsmen's Privilege Act."

Mr. President, I also ask unanimous consent to have the bill and a section-by-section analysis printed at this point in the RECORD.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill and analysis will be printed in the RECORD.

The bill (S. 3552) to provide certain privileges against disclosure of confidential information and the sources of information obtained by newsmen, introduced by Mr. McINTYRE, was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

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S. 3552

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Newsmen's Privilege Act".

NONDISCLOSURE OF CONFIDENTIAL INFORMATION

SEC. 2. Except as provided in section 4, no person shall be required by any court, grand jury, agency, department, or commission of the United States or by either House of or any Committee of Congress to disclose any confidential information received or obtained by him in his capacity as a reporter, editor, commentator, journalist, writer, correspondent, announcer, or other person directly engaged in the gathering or presentation of news for any newspaper, periodical, press association, newspaper syndicate, wire service, or radio or television station.

NONDISCLOSURE OF SOURCE

SEC. 3. Except as provided in section 4, no person shall be required by any court, grand jury, agency, department, or commission of the United States or by either House of or any Committee of Congress to disclose the source of any information received or obtained by him in his capacity as a reporter, editor, commentator, journalist, writer, correspondent, announcer, or other person directly engaged in the gathering or presentation of news for any newspaper, periodical, press association, newspaper syndicate, wire service, or radio or television station.

QUALIFICATIONS

SEC. 4. (a) The privilege conferred by section 2 shall not apply to any information which has at any time been published, broadcast, or otherwise made public by the person claiming the privilege.

(b) the privilege conferred by section 3 shall not apply—

(1) to the source of any allegedly defamatory information in any case where the defendant, in a civil action for defamation, asserts a defense based on the source of such information; or

(2) to the source of any information concerning the details of any grand jury or other proceeding which was required to be secret under the laws of the United States.

(c) in any case where a person claims a privilege conferred by section 2 or 3, the person seeking the information may apply to the United States district court for an order divesting the privilege. Such application shall be made to the district court in the district wherein the hearing, action, or other proceeding in which the information is sought is pending. The order shall be granted if the court, after hearing the parties, determines that there is substantial evidence that disclosure of the information is required to prevent a threat to human life, espionage, or foreign aggression.

The analysis, presented by Mr. MCINTYRE, is as follows:

SECTION-BY-SECTION ANALYSIS OF "NEWSMEN'S PRIVILEGE ACT OF 1970"

SECTION 2.—NONDISCLOSURE OF CONFIDENTIAL INFORMATION

No newsman shall be required to disclose confidential information before any branch of the Federal government (courts, grand juries, departments, commissions, Congress). Newsmen shall include all individuals engaged in the gathering and presentation of news for newspapers, periodicals, press associations, newspaper syndicates, wire services, radio, or television. The difference between this bill and statutes in force in 15 states is that State laws protect only the source of information and not the information itself. The Act is drafted to include free-lance journalists as well as those regularly employed. Exceptions set forth in Section 4.

SECTION 3.—NONDISCLOSURE OF SOURCE

The same privilege against required disclosure of the source of a newsman's information before any Federal authority. Exceptions set forth in Section 4.

SECTION 4.—QUALIFICATIONS

Since the courts have consistently held that First Amendment rights are not absolute, and since legal groups studying this question have recommended qualifications on the privilege to safeguard the public interest, the following are generally recommended exceptions where the privilege may be denied.

Subsection 4(a) removes the privilege with regard to confidential information which has already been made public by the person claiming the privilege. In such cases, the newsman shall be deemed to have waived the privilege once the information is in the public domain.

Subsection 4(b) (1) The privilege shall not protect against disclosure of the source of allegedly defamatory information in any case where the defendant in a civil action for defamation asserts a defense based on the source of such information. The right of any person to claim personal damages through the courts is established in American jurisprudence, and there is no justification for removing responsibility for publishing libelous charges. The right of an individual not to be libeled overrides the benefit to the public of assertion of the privilege.

Subsection 4(b)(2) The privilege against disclosing the source of information is removed when details of a proceeding required by law to be kept secret are published, e.g., Federal grand juries and treaty hearings. The granting of a newsman's privilege is based on the public interest in maintaining a free flow of information to the press. However, the public interest in favor of disclosure overrides the privilege when publication of information clearly violates public policy codified in law.

Subsection 4(c) This section provides that a district court may, upon application, divest the privilege conferred in either Section 2 or 3 where the information in question has a direct bearing on a threat of foreign aggression. This interposition of a court between prosecutor and newsman provides a buffer against "fishing expeditions" by requiring the person seeking information to prove the existence of an overt threat of a takeover of the machinery of government. In the event of a genuine threat of this nature, obviously the public interest is not served by protecting a newsman's right to remain silent.

ADDITIONAL COSPONSORS OF BILLS AND A JOINT RESOLUTION—S. 1361

Mr. MILLER. Mr. President, I ask unanimous consent that, at the next printing, the name of the junior Senator from Texas (Mr. TOWER) be added as a cosponsor of S. 1361, to amend title II of the Social Security Act to increase the amount of earnings permitted each year without deductions from the insurance benefits payable thereunder.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 2031

Mr. COTTON. Mr. President, I ask unanimous consent that at its next printing, the names of the Senators from Pennsylvania (Mr. SCOTT and Mr. SCHWEIKER), and the Senator from South Carolina (Mr. THURMOND) be added as cosponsors of S. 2031, crediting of National Guard technician service in connection with civil service retirement.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MAGNUSON. Mr. President, I am pleased to ask unanimous consent that an additional 31 cosponsors be added to a bill I introduced in October of last year. The bill is the Federal Low-Emission Vehicle Procurement Act of 1969 (S. 3072) which requires the Federal Government to direct its purchasing power toward cars, trucks, and buses which produce little or no pollution. This bill, which will be brought up in the Commerce Committee in the morning, by creating a legislatively guaranteed market, of low-polluting vehicles, would stimulate their early development, production and distribution so that air pollution in the United States would be drastically reduced.

With the active support of some segments of the auto industry, innovative developers, the administration, and the following Senators, I look for early passage of this bill:

HOWARD H. BAKER, JR., BIRCH BAYH, ALAN BIBLE, J. CALEB BOGGS, EDWARD W. BROOKE, HARRY F. BYRD, JR., HOWARD W. CANNON, THOMAS F. EAGLETON, HIRAM L. FONG, MIKE GRAVEL, FRED R. HARRIS, PHILIP A. HART, DANIEL K. INOUYE, EDWARD M. KENNEDY, GALE W. MCGEE, THOMAS J. MCINTYRE, MIKE MANSFIELD, LEE METCALF, WALTER F. MONDALE, FRANK E. MOSS, GAYLORD NELSON, ROBERT W. PACKWOOD, CLAIBORNE PELL, CHARLES H. PERCY, JENNINGS RANDOLPH, JOHN SPARKMAN, WILLIAM B. SPONG, JR., TED STEVENS, JOSEPH D. TYDINGS, RALPH YARBOROUGH, and STEPHEN M. YOUNG.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 3215

Mr. PELL. Mr. President, I ask unanimous consent that, at the next printing, the name of the junior Senator from North Carolina (Mr. JORDAN) be added as a cosponsor of S. 3215, to amend the National Foundation on the Arts and Humanities Act of 1965 to provide for a permanent authorization for programs under such act.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 3353

Mr. KENNEDY. Mr. President, on behalf of the Senator from North Dakota (Mr. BURDICK), I ask unanimous consent that, at the next printing, the name of the Senator from Texas (Mr. YARBOROUGH) be added as a cosponsor of S. 3353, to require the Secretary of Agriculture to make part payment to producers under the wheat and feed grain programs in advance of determination of performance.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 3503

Mr. HART. Mr. President, on behalf of the Senator from Wisconsin (Mr. PROXMIRE) I ask unanimous consent that, at the next printing, the name of the Senator from Texas (Mr. YARBOROUGH) be added as a cosponsor of S.

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3503, the Middle-Income Mortgage Credit Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 3522

Mr. JAVITS. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from Texas (Mr. YARBOROUGH) be added as a cosponsor of S. 3522, the Motor Vehicle Disposal Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

S.J. RES. 147

Mr. RANDOLPH. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from Florida (Mr. GURNEY) be added as a cosponsor of Senate Joint Resolution 147, proposing an amendment to the Constitution of the United States extending the right to vote to citizens 18 years of age or older.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATE RESOLUTION 364—SUBMISSION OF A RESOLUTION AUTHORIZING THE COMMITTEE ON RULES AND ADMINISTRATION TO DETERMINE THE EXTENT OF COMPLIANCE BY STANDING COMMITTEES WITH JURISDICTIONAL RULES OF THE SENATE

Mrs. SMITH of Maine (for herself, Mr. ANDERSON, Mr. GRIFFIN, Mr. MILLER, Mr. WILLIAMS of Delaware, and Mr. JAVITS) submitted a resolution (S. Res. 364) authorizing the Committee on Rules and Administration to determine the extent of compliance by standing committees with jurisdictional rules of the Senate, which was referred to the Committee on Rules and Administration.

(The remarks of Mrs. SMITH of Maine when she submitted the resolution appear earlier in the RECORD under the appropriate heading.)

SENATE RESOLUTION 365—SUBMISSION OF A RESOLUTION TO ESTABLISH A TEMPORARY SPECIAL COMMITTEE ON JURISDICTIONAL RULES

Mrs. SMITH of Maine (for herself, Mr. ANDERSON, Mr. GRIFFIN, Mr. MILLER, Mr. WILLIAMS of Delaware, and Mr. JAVITS) submitted a resolution (S. Res. 365) to establish a temporary Special Committee on Jurisdictional Rules, which was referred to the Committee on Rules and Administration.

(The remarks of Mrs. SMITH of Maine when she submitted the resolution appear earlier in the RECORD under the appropriate heading.)

VOTING RIGHTS ACT AMENDMENTS OF 1969—AMENDMENT

AMENDMENT NO. 546

Mr. BAKER submitted an amendment, intended to be proposed by him, to the amendment No. 544, proposed by Mr. Scott to the bill (H.R. 4249) to extend the Voting Rights Act of 1965 with respect to the discriminatory use of tests and devices, which was ordered to lie on the table and to be printed.

ENROLLED BILL AND JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that on March 4, 1970, he presented to the President of the United States the following enrolled bill and joint resolution:

S. 2701. An act to establish a Commission on Population Growth and the American Future; and

S.J. Res. 180. Joint resolution to provide for a temporary prohibition of strikes or lockouts with respect to the current railway labor-management dispute.

NOTICE OF HEARING ON NOMINATION OF WILBUR F. PELL, JR.

Mr. EASTLAND. Mr. President, on behalf of the Committee on the Judiciary, I desire to give notice that a public hearing has been scheduled for Thursday, March 12, 1970, at 10:30 a.m., in room 2228, New Senate Office Building, on the following nomination:

Wilbur F. Pell, Jr., of Indiana, to be a U.S. Circuit Judge, Seventh Circuit, vice John S. Hastings, retired.

At the indicated time and place persons interested in the hearing may make such representations as may be pertinant.

The subcommittee consists of the Senator from Arkansas (Mr. MCCLELLAN), the Senator from Nebraska (Mr. HRUSKA) and myself as chairman.

HEALTH SERVICES IMPROVEMENT ACT OF 1970—S. 3443

Mr. JAVITS. Mr. President, I recently introduced on behalf of myself and Senators PROUTY, DOMINICK, MURPHY, SCHWEIKER, SAXBE, and SMITH of Illinois—all the Republican members of the Labor and Public Welfare Committee—and Senators SCOTT, BROOKE, and GOODELL, the administration's bill entitled the "Health Services Improvement Act of 1970," S. 3443.

In view of the great interest expressed in this legislative proposal, which represents an important initiative by the Federal Government designed to improve the quality and availability of health care in our Nation, I ask unanimous consent that a section-by-section analysis of S. 3443 be printed in the RECORD.

There being no objection the section-by-section analysis was ordered to be printed in the RECORD, as follows:

SECTION-BY-SECTION ANALYSIS

SHORT TITLE

The enacting clause states that the Act may be cited as the "Health Services Improvement Act of 1970."

SECTION 2. AMENDMENTS TO PUBLIC HEALTH SERVICE ACT

Amends Title IX of the Public Health Service Act substituting in lieu of its present provisions a revised "Title IX—Planning, Organization and Delivery of Health Services."

SECTION 900. FINDINGS AND PURPOSES

This section sets forth the general and specific purposes of the title:

Section 900(a) Declares that attainment of the highest level of health for every person at reasonable cost depends upon the improved organization and delivery of health services; that improved organization and delivery of health services depends on an effective partnership among those who provide health and medical care services, government at all levels, and the consumers of health services; and that Federal assistance should be directed toward these purposes.

Section 900(b) Enumerates the purposes of the major programs included in the title:

(1) to encourage and assist in the establishment and support of regional medical programs providing regional cooperative arrangements for improving the quality, distribution and efficiency of health services.

(2) to encourage and assist in the establishment and support of comprehensive health planning agencies at the State and areawide levels which will examine the relationship between health needs and the distribution and utilization of health resources, and to assist in training health planners.

(3) to promote establishment of more efficient and effective health service systems and assure coordination of programs under this title with other Federal and other health programs, with particular attention to the relationship between improved organization and delivery of health services and the financing thereof.

(4) to assist in the support of State programs of public health services, the initial support of new health services, and the support of health services meeting particular needs.

(5) to provide support for research and development (including demonstrations and training) related to improving the organization, financing, and delivery of health services, and

(6) to provide support for experiments and demonstrations in the integration and coordination of the programs authorized by this Title, and appropriate related programs, leading to the development of improved health systems extending high quality health care to all.

SECTION 901. NATIONAL ADVISORY COUNCIL

This section provides for the establishment of the National Advisory Council on the Planning, Organization and Delivery of Health Services:

Section 901(a). Provides that the Council shall have 24 members, appointed by the Secretary, who shall be selected from among leaders in the fields of the fundamental sciences, the medical sciences, the organization, delivery and financing of health care, or who are State or local officials, or who are active in consumer affairs, or who are representatives of minority groups.

Section 901(b). Provides that the Council will (1) advise and assist the Secretary in the preparation of general regulations and with respect to policy matters arising in the administration of this title, including the coordination of programs thereunder with programs authorized under other parts of the Public Health Services Act, or under the Social Security Act, or other Federal programs, and the annual review of the grants made to determine their effectiveness in carrying out the purposes of the title.

Section 901(c). Authorizes the Secretary to make appropriate provision for consultation between and coordination of the work of the Council, the Federal Hospital Council, the Health Insurance Benefits Council, the Medical Assistance Advisory Council and other appropriate National Councils.

Section 901(d). Provides for four year term on the Council, and other provisions relating to appointment on the Council and the rotation of terms.

Section 901(e). Provides for compensation and reimbursement of expenses for Council members.

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SECTION 902. AUTHORIZATION OF APPROPRIATIONS

This section would authorize appropriations for the programs contained in the Title.

Section 902(a). Authorizes for the next three fiscal years such sums as may be necessary for grants and contracts under Part A (Regional Medical Programs) and provides for two-year availability of such appropriations.

Section 902(b). Authorizes for the next three fiscal years such sums as may be necessary for grants and contracts under Part B (Comprehensive State and areawide health planning and public health services).

Section 902(c). Authorizes for the next three years such sums as may be necessary to carry out the other provisions of the Title, including grants, contracts and technical assistance with respect to cooperative planning and experimentation related to organizing and developing health care systems.

Part A—Regional medical programs: This part sets forth the terms and conditions for grants for planning and establishing regional medical programs.

Section 911. Definitions. Contains the definitions applicable to regional medical programs contained in the present Section 902, except that the term "regional medical programs" is amended to substitute "diseases and impairments of man" (in accordance with regulations) as the authorized subjects of RMP arrangements in place of the prior categorical listing of "heart disease, cancer, stroke and related diseases" and except for requiring, as one of the programs' activities, in appropriate cases, developing and demonstrating systems for organizing and delivering medical care.

Section 912. Planning. This section authorizes grants for planning regional medical programs and is substantially similar to present Section 903, except that the requirement for approval of applications by the National Advisory Council on regional medical programs is deleted and a number of existing grant conditions are moved into new Section 914. The present Section 903(b)(4) provision relating to the composition of Regional Advisory Groups is broadened to include public or nonprofit private health agencies and areawide health planning agency representation on such groups, as well as health financing interest and representatives of poor and minority groups.

Section 913. Establishment and Operation. This section continues the present provisions of Section 904 authorizing grants for the establishment and operation of regional medical programs except that some of the grant conditions common to both planning and operational grants have been transferred to the new Section 914. The section also adds a requirement that the applicant undertake satisfactory efforts to obtain support of the program from non-Federal sources and Federal sources reimbursing for health care of beneficiaries, after a period of initial support to be prescribed by regulations.

Section 914. General Conditions. This section lists those grant conditions which were listed in both prior Sections 903 and 904 and adds a requirement concerning review and comment on applications by the appropriate State health planning agency and areawide health planning agency.

Section 915. Information on Resources. This section changes the current requirements on the establishment and maintenance of lists and information of special treatment and training resources to remove the categorical limitations of heart disease, cancer, stroke and related diseases and refer instead to disease and impairments of man and to call for information on trends in equipment, staffing, and services and the distribution of facilities. It also permits the Secretary to provide for such lists or information through grants or contracts.

Section 916. Multiprogram Services and Clinical and Field Studies. This section adds to the present provisions of Section 910 contract authority for the conduct of cooperative clinical and field studies and demonstrations relating to systems for organizing and delivering medical care and other RMP activities.

Part B—Comprehensive State and Areawide Health Planning and Public Health Services: This section contains the provisions currently comprising Section 314 of the Public Health Service Act with several amendments.

Section 921(a). State Plans for Comprehensive State Health Planning.

Paragraph (1) continues the single State agency requirement of present Section 314(a)(2)(A).

Paragraph (2), in continuing the requirement in Section 314(a)(2)(B) for a State health planning advisory council, adds to its membership representation of regional medical programs and specifies that the consumer majority shall include representatives of the poor and minority groups.

Paragraphs (3) to (8) continue requirements previously contained in Section 314 (a)(2) (C) to (G) regarding policies for expenditure of funds; encouragement of cooperative efforts among various groups concerned; assurance that grant funds will supplement and not supplant State funds; appropriate methods of administration, reporting to the Secretary, and periodic review of the State plan for comprehensive health planning.

Paragraph (9), the provision for assistance by the State comprehensive agency to health care facilities contained in Section 314(a) (2)(I) is continued and a provision is added for consultation with areawide comprehensive health planning agencies or organizations.

Paragraphs (10) and (11) continue the present provisions of Section 314(a)(2)(J) and (K) respecting fiscal control and fund accounting procedures and additional information and assurances.

Section 921(b). State Allotments. Paragraphs (1), (2), and (3) continue, respectively, the provisions for (1) State allotments determined on the basis of population and per capita income, (2) reallotment of unrequired amounts, and (3) payment of the Federal share of expenditures, which shall not exceed 75 per cent, except that the 2-year availibility of the allotments has been eliminated.

Section 922. Project Grants for Areawide Health Planning. The authority for grants to public or nonprofit private organizations for areawide comprehensive health planning presently contained in Section 314(b) is continued, and in addition, authority is given for grants to State comprehensive health planning agencies to allow them to provide assistance in the development of comprehensive health plans with respect to areas not otherwise supported by areawide grants. Grant support under this section is limited to no more than 75 per centum of project cost.

Section 922(b) adds a new requirement for establishment, to advise the recipient of the grant, of areawide comprehensive health planning councils representative of governmental and nongovernmental health agencies and organizations, including Regional Medical Programs, and a majority of representatives of consumers, including representation of the poor and minority groups.

Section 923. Training, Studies and Demonstrations. This section adds to the present authority contained in Section 314(c) to make grants for training, studies, and demonstrations aimed at improving comprehensive health planning the additional authority to enter into contracts for these purposes.

Section 924. State Plans for Comprehensive Public Health Services. The authorization of grants to the States for comprehensive public health services, as provided in present Section 314(d), is continued in this section. Subsection (b) indicates requirements of State plans, with continuing provisions concerning administration by the State health and mental health authorities; policies and procedures for expenditure of funds; assurances concerning the use of funds; methods of administration; annual review of State plans; reports to the Secretary; and fiscal control and accounting. Paragraph (3) adds a new requirement that the plan indicate the relationship of the activities included to the total health program of the State, including programs concerning financing of medical care. In addition to continuing the requirement that services under the plan will be in accordance with plans developed by the State comprehensive health planning agency, Paragraph (11) provides that the Secretary may require approval by the State comprehensive health planning agency when the Governor certifies its readiness to perform that function.

Subsections (c), (d), (e), and (f) continue the provisions of Section 314(d) with regard to State allotments, payments to States, Federal share, determination of Federal share, and allocation of funds within the States.

Section 925. Health Service Development. Authorization is continued for project grants for services to meet health needs of limited geographic scope or of special regional significance and for developing and supporting for an initial period new services. Grants may include costs of training related to either type of health service and amortization of facility loans. The requirements contained in present Section 314(e) that projects be in accordance with State comprehensive health planning is replaced by a requirement for comment upon and recommendations concerning applications by areawide comprehensive health planning agencies supported under Section 922 or in the absence of such an agency, another performing similar functions. Comments and recommendations must have been considered before the application is formally submitted. In addition, reasonable assurance would be required that the recipient of a grant for an initial period for new services will make efforts to secure financing after this period from other non Federal sources and Federal sources reimbursing for medical care.

Section 926. Withholding of Payments. This section continues the provisions made in present Section 314(g)(3) for withholding payments, after notice and opportunity for a hearing, to a State receiving formula grant assistance for planning or public health services for failure to comply with either the statute, the applicable State plan, or the regulations. Other provisions of Section 314 (g) are moved into Part D of title IX as generally applicable to the programs contained in the title.

Part C. Health Facilities and Services Research and Demonstration. This part continues unchanged the provisions of the Act presently contained in Section 304, authorizing grants and contracts for research, experiments, demonstrations and training in the organization, utilization and financing of health resources, including experimental construction, equipment development and testing, and health manpower education and utilization.

Part D. General.

SECTION 941. DEFINITIONS

This section provides definitions applicable to title IX:

Section 911(a). Defines the term "State" to include Puerto Rico, Guam, American Samoa, the trust territory of the Pacific Islands, the Virgin Islands, and the District of Columbia.

Section 911(b). Defines the term "Council" to mean the National Advisory Council on the Planning, Organization and Delivery of Health Services.

Section 911(c). Defines the term "nonprofit".

XUM

Section 942. Grants of Equipment Supplies and Services. This section would permit the Secretary, at the request of any recipient of a grant or contract under this title, to reduce the payments to such recipient by the fair market value of any equipment or supplies furnished to such recipient and by the amount of pay, allowances, traveling expenses and any other costs in connection with the detail of an officer or employee to the recipient.

SECTION 943. JOINT FUNDING

Section 943(a) authorizes, pursuant to regulations prescribed by the Secretary, the designation of one administrative unit within the Department to act for all in administering the funds advanced when a single project receives funds from more than one source within the Department. In such cases, a single non-Federal share or participation requirement may be established according to the proportion of funds advanced under each authorization and any such administrative unit may waive any technical grant or contract requirement which is inconsistent with the similar requirements of the administering unit.

Section 943(b) authorizes, pursuant to regulations prescribed by the President, the designation of one Federal agency to act for all in administering the funds advanced when a single project receives funds from more than one agency. The same rules on non-Federal share and waiver of technical requirements would apply as in subsection (a).

Section 944. Transfer of Funds. This section authorizes the Secretary to transfer up to ten percent of the amount appropriated or allocated from any appropriation under this title—other than the amounts appropriated for formula grants under sections 921 or 924—for the purpose of carrying out any other such program or activity under this title, with the stipulation that no such transfer shall result in increasing the amounts otherwise available for any program or activity by more than ten percent.

Section 945. Annual Report. Requires the Secretary, after consultation with the Council, to transmit to Congress an annual report of the activities under this title, together with (1) an evaluation of the effectiveness of these activities in improving the efficiency and effectiveness of the delivery of health services and in carrying out the other purposes of this title, (2) a statement of the relationship between Federal and non-Federal financing, including efforts by the grantees to develop alternate sources of financing after an initial period of support, and (3) recommendations with respect to modifications of this title.

Section 946. Regulations. The Secretary is authorized, after consultation with the Council, to prescribe regulations relating to the general administration of this title and the terms and conditions for approving applications for assistance thereunder, and relating to methods for the coordination of programs assisted under this title with other Federal health programs.

Section 947. Records and Audit. This section requires the maintenance of records by project grant recipients by the Secretary or Comptroller General and for access to grantee's records and books for audit purposes. However, the Secretary and Comptroller General are to assure protection of the confidentiality of information secured during the doctor-patient relationship.

Section 3. Cooperative Systems of Health Information and Statistics. This section amends Section 305 of the Public Health Service Act as follows:

Section 305(a) is amended to broaden the scope of the National Health Survey by adding three provisions relating to (1) health care resources, (2) environmental and social health hazards, and (3) family formation, growth, and dissolution. A provision is also added prohibiting the disclosure of information obtained for statistical purposes, except upon conditions established in regulations of the Secretary, and prohibiting the publication of identifiable information except with the consent of the persons or establishment supplying it.

Section 305(b) is a new provision authorizing, directly or by contract, the undertaking of research, development, demonstration and evaluation relating to the design and implementation of a cooperative Federal-State local health information and statistics system.

Section 4. Conforming Amendments. This section strikes out present sections (a), (b), (c), (d), (e), and (g) of section 314 of the Public Health Service Act, and redesignates and restructures paragraph (f) as a new section 314. The stricken provisions are substantially transferred to Parts B and D of title IX. The section also repeals Section 304, which is transferred to Part C of title IX.

Section 5. Effective Date. This section provides that the provisions of title IX as modified shall apply with respect to allotments or grants made from appropriations for Fiscal Year 1971 and to contracts entered into after June 30, 1970.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, informed the Senate that, pursuant to the provisions of section 8002 of the Internal Revenue Code of 1954, Mr. BETTS has been designated as a member of the Joint Committee on Internal Revenue Taxation, to fill the existing vacancy thereon.

The message announced that the House had passed the bill (S. 2306) to provide for the establishment of an international quarantine station and to permit the entry therein of animals from any country and the subsequent movement of such animals into other parts of the United States for purposes of improving livestock breeds, and for other purposes, with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had agreed to the amendments of the Senate to the bill (H.R. 14944) to authorize an adequate force for the protection of the Executive Mansion and foreign embassies, and for other purposes.

ENROLLED BILL SIGNED

The message further announced that the Speaker had affixed his signature to the enrolled bill (H.R. 13008) to improve position classification systems within the executive branch, and for other purposes, and it was signed by the Acting President pro tempore.

ORDER OF BUSINESS

Mr. WILLIAMS of Delaware. Mr. President, I ask unanimous consent that I be permitted to proceed for 8 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE PRESIDENT'S BUDGET FOR FISCAL 1971

Mr. WILLIAMS of Delaware. Mr. President, today I wish to discuss the budget as submitted by the President for fiscal 1971.

This so-called unified budget claims a surplus of $1.3 billion; however, as I shall point out, this surplus is based on the false assumption that the surplus accumulated in the various trust funds, amounting to $8.7 billion, can be counted as though it were normal revenue. This is a misleading accounting practice, which, was first adopted by the Johnson administration, and I regret very much that it is being perpetuated by the present administration. It serves but one purpose; and that is, to deceive the American people as to the true cost of Government.

These trust funds, such as social security, railroad retirement, unemployment taxes, and so forth, do not represent monies belonging to the U.S. Government. They represent collections from the employer and the employees, and the Federal Government acts solely as a trustee, and under the law they cannot be spent to defray the normal operating costs of the Government.

When these trust funds are eliminated from the computation—assuming all other factors are approved as recommended—instead of a surplus of $1.3 billion there is a deficit in 1971 of $7.3 billion. To confirm this point I call attention that in the budget a notation is made that there will be a request for an increase in the national debt—estimated between $8 and $10 billion—in order to finance this deficit. Furthermore, even to hold this deficit to $7.3 billion would be contingent upon a series of assumption that may or may not materialize.

First, there is projected a $1.2 billion increase in receipts resulting from administrative action to speed up the collection of withheld income taxes and excise taxes. This is a one-shot nonrecurring item.

Second, it is contingent upon a series of congressional actions such as increasing first-class postage rates to 7 cents effective April 1, eliminating or reducing a series of existing programs including special milk program, reduction of school assistance in impacted areas, postponement of pay increases for Federal employees, reductions in veterans benefits, sale of certain assets including the Alaskan railroads, and so forth.

The following is a more detailed analysis of the 1971 budget, supported by a series of six tables. I ask unanimous consent that these six tables, to which I shall be referring, be incorporated in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. WILLIAMS of Delaware. Mr. President, the budget for fiscal 1971 calls for a surplus of $1.3 billion on a unified basis. As table 1 shows, this narrow surplus is dependent on a substantial surplus in trust funds, amounting to about $8.7 billion. On a Federal funds basis the 1971 budget shows a deficit of $7.3 billion.

Table 2 shows that the surplus in the trust fund area comes primarily from the social security and health insurance programs; however, a significant contribution to the surplus in the unified budget is also made by the Federal employees retirement funds and the highway trust fund.

It is by no means certain that the narrow budget surplus, even on a unified budget basis, will actually be achieved. Receipts in the budget are, of course, necessarily based on forecast of economic levels in the coming year. More specifically, the budget assumes that in calendar 1970 the gross national product will rise to $985 billion and personal income to $800 billion, while corporate profits before taxes will fall to $89 billion. Our staff has not yet prepared its estimates of these items for 1970, and it may well be that the economic assumptions on which the estimates of budget receipts rests will prove to be highly accurate. It may be pertinent to note, however, that a number of economic analysts are forecasting substantially lower levels of economic activity for the coming year than is assumed in the budget. For example, some of the more pessimistic forecasters predict that in calendar year 1970 the gross national product will rise to less than $970 billion and personal income to less than $785 billion and that corporate profits will fall below $85 billion. If the level of economic activity for the entire fiscal year 1971 were to persist at such relatively low levels receipts could be as much as $6 billion below the amount shown in the budget.

The surplus shown in the budget is also dependent on the enactment of a number of proposed measures designed to increase revenue by $1.6 billion annually. Failure to adopt these measures would reduce or eliminate the surplus. Table 3 shows the specified proposed legislation, including new user charges—shown in detail in table 4—extension of the excise tax rate on automobiles and telephones, and increases in the social security wage base and in railroad retirement revenues. In addition, the $1.3 billion budget surplus assumes a $1.2 billion increase in receipts from administrative action to speed up the collection of withheld income taxes and excise taxes.

The budget also assumes that in fiscal 1971 the Post Office will receive $1.174 million of additional revenue—$674 million from new legislation to increase the first-class mail rate effective April 1, 1970, to 7 cents an ounce, and $500 million from "additional actions now under study."

In addition, the budget contains an item of $800 million in receipts from offshore oil revenues which are in dispute between the Federal Government and the State of Louisiana and which are now being held in escrow—this $800 million is contained in two separate items entitled "rent on Outer Continental Shelf lands" and "royalties on Outer Continental Shelf lands" which appear on page 556 of the budget in table 12, "Offsetting receipts by type."

In considering the outlook for a budget surplus in fiscal 1971 it should be remembered that there is a strong tendency for actual expenditures to considerably exceed expenditures estimated in the budget. For example, the budget for fiscal 1970, submitted by President Johnson under the prior administration, estimated total Federal expenditures for 1970 at $195.3 billion.

Early last year both the President and the Congress were pledged to reduce spending for fiscal 1970 at a level not to exceed $192.9 billion. This goal has now been abandoned and the most recent estimate presented by the present administration is that Federal spending will reach $197.9 billion in fiscal 1970.

Another reason actual budget outlays may exceed budget estimates is that the budget contemplates program cutbacks or changes that the Congress frequently may very well not accept. For example, the budget proposes the termination of the special milk program, reduction in Federal aid to impacted areas, receipts of $751 million from the sale of stockpile commodities, and $159 million in cutbacks of services and benefits for veterans—all areas which have involved controversy in the past. Table 5 shows several of these proposed program reductions which may not be realized.

The $1.3 billion surplus also assumes the postponement of Federal pay increase beyond the usual July date to January 1, 1971, for a saving of $1.4 billion in fiscal 1971.

National defense outlays are projected to decline $5.8 billion in the coming fiscal year—from $79.4 billion in fiscal 1970 to $73.6 billion in fiscal 1971. Changes in the international situation could, of course, affect defense spending.

In fiscal 1971 expenditures for interest on the public debt are projected at $19 billion, or $200 million higher than in fiscal 1970. Refunding operations and the investment in Government securities of substantial surplus receipts of trust funds will involve substantial additional interest costs in fiscal 1971. A large part of these additional interest costs, however, is offset in the budget by the assumption that interest rates will be significantly lower in fiscal 1971 than in fiscal 1970. The precise decline in interest rates that is anticipated is not spelled out in the budget, but the projections appear consistent with an assumption that interest rates will drop one or two percentage points. Should this decline in interest rates not occur expenditures for interest on the public debt could be as much as $2 billion more than the figures projected in the budget for fiscal 1971.

Moreover, to some degree the surplus in the 1971 budget is due to the fact that some large expenditure items which were previously included in the budget are now outside the budget. For example, Federal budgetary expenditure for fiscal 1971 are shown at a lower level than would otherwise be the case because the Federal National Mortgage Insurance Association became an independent agency on September 30, 1968. As a result, outlays by this institution no longer come within the budget. This represents a substantial change since the estimated outlays for FNMA for fiscal 1971 are shown as $4,351 million—see appendix to the Budget, page 1069. Prior to the time FNMA became an independent institution such outlays would have been shown as budget expenditures.

Finally, in evaluating the prospects for keeping budget expenditures under control in the future it should be noted that the 1971 budget provides a number of new and expanded programs whose costs will balloon in the next few years. As table 6 indicates, the present budget calls for spending $3 billion more in fiscal 1971 than in fiscal 1970 for the family assistance program, control of air and water pollution, the open-space program, crime reduction, revenue sharing, food assistance, transportation, and manpower training. The budget estimates that outlays for the expansion of these programs will reach $18 billion in fiscal 1975—see "The Budget for Fiscal Year 1971," page 59.

Inflation is still the Nation's No. 1 domestic problem, and thus far our Government—neither the Congress nor the executive branch—is facing up to the hard decisions necessary for its control. Slight-of-hand bookkeeping practices, as initiated by the Johnson administration and as is being perpetuated under this administration, has lulled the American people into a false sense of financial security, which makes even more difficult the problem of holding Government expenditures in line.

In my opinion, under the present mood of Congress, which thus far has insisted on increasing rather than reducing expenditures, I can foresee but one result; and that is, a sizable deficit for fiscal 1971.

EXHIBIT 1

TABLE 1.—BUDGETARY EXPENDITURES AND RECEIPTS FOR FISCAL YEAR 1971 FOR FEDERAL FUNDS, TRUST FUNDS, AND TOTAL

[Dollars in millions]

	Federal funds	Trust funds	Intergovernmental transaction	Total
Expenditures	154, 936	55, 440	−9, 605	200, 771
Receipts	147, 600	64, 107	−6, 605	202, 103
Surplus (+) or deficit (−)	−7, 336	+8, 667		+1, 331

Source: "Special Budget Analysis," p. 19.

TABLE 2.—OUTLAYS AND RECEIPTS OF TRUST FUNDS FISCAL YEAR 1971

[In millions of dollars]

Trust fund	Outlays	Receipts	Surplus (+) deficit (−)
Federal old-age and survivors insurance	30, 794	33, 444	+2, 650
Federal disability insurance	3, 397	5, 006	+1, 609
Health insurance	8, 774	9, 829	+1, 055
Unemployment insurance	3, 818	3, 950	+132
Railroad retirement accounts	1, 816	1, 854	+38
Federal employees retirement funds	3, 226	4, 643	+1, 417
Highway trust fund	4, 395	5, 613	+1, 218
Foreign military sales	955	980	+25
Veterans life insurance	754	795	+41
Other trust funds (nonrevolving)	273	271	−2
Trust revolving funds	−484		+484
Interfund transactions	−580	−580	
Proprietary receipts from the public	−1, 698	−1, 698	
Total	55, 440	64, 107	+8, 667

Source: "Budget in Brief," p. 70.

TABLE 3.—*Fiscal year 1971*

[In billions of dollars]

Increase in receipts under proposed legislation:	
User charges:	
Highways	0.3
Aviation services	.4
Total	.7
Extension of excise tax rates on automobiles and telephones to December 31, 1971	.6
Increase in social security wage base from $7,800 to $9,000 January 1, 1971	.2
Increase in railroad retirement revenues	.1
Total	1.6
Increase in receipts from administrative action to speed up collection of withheld income taxes, social security taxes, and excise taxes:	
Income taxes and social security taxes	.7
Excise taxes	.5
Total	1.2

Source: "The Budget of the United States Government," pp. 66–67.

TABLE 4.—*Revenue effect of user charge proposals*[1]

[In millions of dollars]

Transportation:	1971 *Estimate*
Highways:	
Increase in diesel fuel tax	$122
Graduated use tax	137
Total	259
Aviation services:	
Increase in passenger ticket tax	245
Increase in general aviation gasoline tax	34
General aviation jet fuel tax	18
Waybill tax on air freight	44
International departure tax	29
Total	[2] 370
Other	24
Total	653

[1] Excludes charges that are offset against expenditures of the programs to which they apply.

[2] The FAA estimate of receipts from the aviation services taxes as passed by the House and reported by the Senate Finance Committee is approximately $330 million, or $40 million less than the revenue from the Administration's proposal.

Source: "The Budget of the United States Government, Fiscal Year 1971," pp. 66–70 and 71.

TABLE 5.—*Selected budget outlay savings from terminations, restructuring and reforms, fiscal year 1971*

[In millions]

PROGRAM TERMINATION	
Agriculture:	
Special milk program	$64
Conservation (cost sharing)	66
Total	130
Commerce: Sale of Alaska railroad	100
Total program termination	230
PROGRAM RESTRUCTURING	
Defense: Sale of stockpile commodities	751
Education and health:	
Reduction in school assistance to federally affected areas	196
Greater efficiency in Medicaid[1]	215
Total	411
Veterans' benefits and services: Reduction in pensions, burial benefits, and payments for arrested tuberculosis; interest rate on policy loans and require reimbursement from private health insurers for treatment of policyholders	159
General government: District of Columbia financing—substitution of local bonds and grants for loans	54
Total selected program restructuring	1,375
Total selected program termination and restructuring	1,605

[1] Legislation limiting Federal matching share for extended care to discourage long-term residential care and revising reimbursement standards to encourage more efficient use of resources and discourage abuse (Budget, p. 157).

Source: "The Budget of the United States Government," pp. 52–56.

TABLE 6.—INCREASE IN BUDGET OUTLAYS IN FISCAL 1971 FOR NEW AND EXPANDED PROGRAMS

[In millions of dollars]

Program	1970 estimate	1971 estimate	Change 1970–71
Family assistance program		500	+500
Control of air and water pollution, and increased parks and open spaces	785	1,115	+330
Crime reduction	947	1,257	+310
Revenue sharing		275	+275
Food assistance	1,514	2,278	+764
Transportation	7,019	7,487	+468
Manpower training	1,368	1,720	+352
Total	11,633	14,632	+2,999

Source: "The Budget, Fiscal Year 1971," page 17.

Mr. BYRD of Virginia. Mr. President, will the Senator yield?

Mr. WILLIAMS of Delaware. I yield.

Mr. BYRD of Virginia. I feel the Senator from Delaware has once again, as he has so many times, rendered a great service to the Senate and to the Nation in summarizing so well the Nation's financial problems.

Did I understand the Senator from Delaware to say that it is possible or probable that the interest on the national debt might be $2 billion more than the $18 billion that is in the budget?

Mr. WILLIAMS of Delaware. If projected it would be, assuming that there is no general reduction in interest rates. The assumption that interest charges on the national debt will increase only $200 million in the fiscal year 1971 is on the premise the interest rates will drop at least 1, if not 2, percentage points during fiscal 1971—something which we hope will materialize but which thus far has not developed.

I might say that I think one of the most constructive steps the administration could take in relieving pressure on interest rates would be to reduce Government deficits and thus remove the necessity of the Government's going out of the money market and borrowing $8 billion to $10 billion to finance the operating costs of our Government. I have always taken the view that money is a commodity, that interest is the price of the commodity, and that when the demand for it is greater than the supply, naturally the price, or interest rates, rise.

I think the Government, the States, the cities, and the individuals have been extending their debts beyond all reason within the last few years, and I regret to say the Federal Government has been leading the parade.

Mr. BYRD of Virginia. It was only 3 years ago, as I recall, that the interest on the national debt was $14 billion. In the current budget, if I remember the figure accurately—I do not have it before me—it is $18 billion.

Mr. WILLIAMS of Delaware. That is correct.

Mr. BYRD of Virginia. So it has gone up $4 billion in that relatively short period of time.

Then, as the Senator points out, unless there is a reduction in interest rates—and there is no great evidence that there will be a substantial reduction in interest rates any time soon—the interest charges to the Government are likely to go up another $1 billion, or possibly even $2 billion.

Mr. WILLIAMS of Delaware. That is correct. That could be the result of two developments: First, the outstanding Government bonds which are maturing during this period are lower coupon bonds and are having to be refinanced at higher interest rates. That is one factor that increases it. The second is that we are operating the Government even now at an average deficit of $700 million a month. That is in excess of $8 billion a year.

I might point out that our national debt today is over $372 billion, or $9 billion more than it was just 1 year ago. At present rates of interest it is costing about $600 million a year just to pay the interest on the annual accumulation of our debt in this Government.

I think it is time that we in Congress and those in the executive branch downtown, both of whom are responsible for this, restrain Government spending and at least try to bring the expenditures of this Government within its income.

Mr. BYRD of Virginia. I concur.

The PRESIDING OFFICER. The additional time of the Senator from Delaware has expired.

Mr. BYRD of Virginia. Mr. President, I ask unanimous consent to have 4 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of Virginia. During the 4-month period of November and December 1968 and January and February of 1969, the Federal Government sold $23.4

billion in short-term Government obligations. I am wondering if the Senator from Delaware has the comparable figure for the period November and December of 1969 and January and February of 1970, as compared with the figure of $23.4 billion of a year ago.

Mr. WILLIAMS of Delaware. No. I think it is about the same, because our deficit was running about the same.

Unfortunately, Congress has insisted on, and the Treasury Department has gone along with maintaining a fictitious ceiling on long-term Government bonds at 4¼ percent. Supposedly it is a symbol of the desire for lower interest rates, but we cannot finance the Government on long-term Government bonds at 4¼ percent. We have not been able to do it for years. The result is that our national debt has been financed and refinanced on a short-term basis, which means we have monetized the national debt. That is not only costing billions in extra interest charges but it is creating a highly inflationary situation.

For years I have unsuccessfully proposed legislation to remove that fictitious ceiling. Because of our failure to correct this law we have not sold long-term Government bonds for the past several years, and we will not until interest rates get below that level; and if they get below it we will not need a ceiling.

Mr. BYRD of Virginia. I share the Senator's feeling about the so-called unified budget. It seems to me that by using the unified budget process and the unified budget figures, the American people do not really have a true impression as to what is our financial situation.

I am concerned, also, that we would lump into this figure the trust funds, mainly, as the Senator from Delaware pointed out, the social security funds and highway funds. These are funds that must be held in trust for a specific purpose.

Social security funds, in particular, must be inviolate, because that money has been paid in by the employer and employee to take care of the employee when he retres in his old age.

I feel that we have a very deep obligation to those social security beneficiaries to be certain that their funds are completely safeguarded.

I have some apprehenson when we throw all those funds into one big pot and call it a unified budget and say we will have a surplus of $1 billion, under the unified budget concept. The fact is that the trust funds will have a surplus of $8 billion, but the general fund will have a deficit of $7 billion. It is only by utilizing the trust fund that the Government will be able to say it will have a small surplus of $1 billion.

Mr. WILLIAMS of Delaware. That is correct. I am glad that the Senator from Virginia emphasizes the point that I made before. I denounced this new bookkeeping procedure when it was first initiated by the preceding adminstraton, and I have repeatedly said I do not like it any better under this administration. It serves but one purpose and one purpose only; and that is, to deceive the American people as to the true cost of operating our Government. Many constituents have spoken with Members of Congress and have asked why we should cut back on this program or that program, which they think is highly meritorious, when we are operating with a surplus. They ask why it is necessary to cut back when the Government has a surplus. But we are not operating the Government with a surplus—we are operating at a deficit averaging nearly $800 million a month. It has been at that rate for the past year or two, as is evidenced by the fact that our national debt has been increasing at a rate of $8 billion or $9 billion a year.

Why should we need to borrow money to finance a surplus in the Federal treasury? That is ridiculous. The phoney bookkeeping policy should be changed.

In the campaign of 1968 most of us criticized the preceding administration for carryng cut the same kind of bookkeeping system which the Nixon administration is now tryng to perpetuate. I still say it is wrong.

The PRESIDING OFFICER. Is there further morning business?

Mr. MANSFIELD. Mr. President, first I commend the distinguished Williams-Byrd duet for showing their usual concern and their nonpartisanship, or bipartisanship, regardless of adminstration, in bringing home to the rest of us the facts and figures as they really are covering the budget and the national debt.

May I say that I am pleased at the efforts of the Nixon administration to bring about further reductions, as announced recently, and may I say also that I am equally pleased with the record of the Senate, which this fiscal year has already made cuts in this fiscal year's defense budget of something on the order of $5.6 billion. That is contained in the 1970 appropriation analysis; and I hope that the administration and Congress in tandem will continue to reduce expenditures on the one hand and appropriations on the other.

So, again, my commendations to both distinguished Senators, who are carrying on a tradition which is not of recent origin, but extends over several decades.

ORDER FOR ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 10 o'clock tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

RETURN ADDRESSES, PLEASE

Mr. MANSFIELD. Mr. President, one of the basic duties of a congressional office is the receipt of and response to constituent mail. This is one way in which we can keep in touch with the people we represent and it is a reasonably good indication as to how they may feel on a particular issue.

Last week I received many letters and cards from what I assume are residents of Missoula, Mont., expressing their views on a variety of legislative matters. There were approximately 150 communications, all signed and postmarked Missoula, Mont., but not one single return address. They definitely were not form letters because they commented on issues such as the voting rights legislation, the Carswell Supreme Court nomination, taxes, integration, Vietnam, and extension of the Office of Economic Opportunity programs. Because these matters are very current, I would like to be able to respond to these letters, but it is impossible to do so under these circumstances. I checked very carefully to see if there might be one address, but I could not find one. The only indication was one reference to the views being expressed by an organization of some 600 people.

I am taking this means of stating to these people in Missoula, as well as to any of my constituents, that I welcome their comments and recommendations and welcome an opportunity to respond. However, in this case, it is impossible.

EXECUTIVE ASSISTANT PROGRAM

Mr. MANSFIELD. Mr. President, the honorary business professional fraternity, Alpha Psi Kappa, at Eastern Montana College, Billings, Mont., has just recently adopted a very impressive and worthwhile program. They have established the executive assistant program, which provides in each academic year a week of indepth training for 10 outstanding students as executive assistants in cooperating Montana companies.

This program is a successful attempt in closing the gap between the students and the business community. This program is financed and administered entirely by the school with contributions from the local business firms. I believe that the college and the businessmen of Billings are to be highly complimented for developing this program—one which is self-sustaining and does not require Federal funds.

Mr. President, I ask unanimous consent to have printed in the Record a letter dated February 25, 1970, written by Dave Robinson, president of Alpha Psi Kappa at Eastern Montana College, together with several items enclosed therewith. This is a program other communities might well consider.

There being no objection, the letter and enclosures were ordered to be printed in the Record, as follows:

Eastern Montana College,
Billings, Mont., February 25, 1970.

Hon. Mike Mansfield,
U.S. Senate Office Building,
Washington, D.C.

Dear Senator Mansfield: The news media are today justifiably concentrating much of their attention on our nation's—and indeed, the world's—colleges and universities. Violent and immediate change—the overthrow of the "establishment"—as exemplified by takeovers, riots and blatant insurrection, extolled by campus protagonists who have gained national attention, have seemingly created an "era of dissension." But—many claim that the news media are guilty of error by omission.

The members of Eastern Montana College's Alpha Psi Kappa, honorary business professional fraternity, have conceived of, promoted, and implemented a course of study of such worth as to support this contention. Called the "Executive Assistant Program," the course will provide, each academic year, a week of in-depth training for ten outstanding students as executive assistants in cooperating Montana companies. The course is fully accredited by Eastern Montana College and is applicable towards graduation. The enclosed packet of information will give you full details.

The most compelling aspect of the "Executive Assistant Program" is that it was created totally by members of Alpha Psi Kappa with the full and beneficial cooperation of the administration of Eastern Montana College and the Billings business community. From its conception through the organizing, legal work, and promotion to both Eastern Montana College's administration and concerned businesses, the students alone were responsible. Through their efforts the economic opportunities of Montana will be graphically demonstrated and, as a residual effect, two $500 scholarships will be created through the contributions of the concerned companies.

Alpha Psi Kappa and the Business Department of Eastern Montana College take pride in this program and its conceptual uniqueness. We take pride also in this opportunity to present the "Executive Assistant Program" to you with the hope that it is as intriguing to you as it is dynamic to us. Should you desire further information, please contact us at your convenience and we will be honored to explain in detail the total implications of this unique project.

Sincerely yours,

DAVE ROBINSON,
President, Alpha Psi Kappa.

EASTERN MONTANA COLLEGE,
Billings, Mont., December 15, 1969.

Alpha Psi Kappa, the business honorary fraternity at Eastern Montana College, has set up the framework for a unique course—the Executive Assistant Program.

This packet contains complete information about the program and its purposes. The student presenting this packet will be happy to answer any questions you may have. We hope you will give serious consideration to this program and its value to your business, the student, and the business community.

Sincerely yours,

DAVE ROBINSON,
President, Alpha Psi Kappa.

PEOPLE MAKE THE DIFFERENCE

The members of Alpha Psi Kappa, honorary business fraternity at Eastern Montana College, believe that people working together in the spirit of cooperation and understanding can accomplish much that can be of benefit to all. It was in this spirit of cooperation and understanding that Alpha Psi Kappa was organized in 1966 by Professor Chapman and business students at Eastern.

Since its inception, Alpha Psi Kappa has been an active organization of students desiring to overcome the barrier of inadequate communication between students and adults. Alpha Psi Kappa has for the past two years co-sponsored with the Midland National Bank the "Midland Empire Economic Conference for Young Adults." The conference gives high school students, college students, educators, and businessmen the opportunity to discuss economic problems that are of mutual interest. In addition, the conference is designed to increase the student's understanding of the free enterprise system. Perhaps, the greatest achievement of the conference has been that a dialog has been started between students and business leaders which has fostered a greater desire for cooperation. Because of past experience and our continuing desire to increase cooperation and understanding between the business community and the student community, Alpha Psi Kappa has undertaken another step toward improving that relationship.

Alpha Psi Kappa has, through the Business Department at Eastern Montana College, established an Executive Assistant Seminar. Those students participating in the program will receive college credit as they would in any college course. Because of this project, Alpha Psi Kappa will be able to award two $500 scholarships to members of the fraternity. This program was conceived and implemented by students who firmly believe that educators and businessmen are anxious to assist students in projects that can be of benefit to all. It is because of this belief that we the students come to you the business leaders and ask for your participation.

While cooperation and understanding are lofty ideals that we continually strive for, we must at the same time strive for practical goals. You as a businessman may ask . . . What benefit can this program be to my business? Montana has a continuing need to retain its college educated men and women. In the past this has not been an easy task for businesses in Montana. Perhaps firms can't compete with out-of-state firms in compensation; or it could be that firms can't afford aggressive recruiting policies. For whatever reasons, retaining college educated men and women for Montana is just another way of conserving one of our resources. What greater resource can there be? You as a businessman may have the opportunity to retain a part of these resources by observing these students for yourself. In the event you feel that the student would be an asset to your firm, nothing would preclude your hiring this student upon graduation for a Montana firm. We feel it is a worthwhile program—one with which all of us can be proud to be associated.

People do make the difference . . . wouldn't you agree?

STANLEY E. HOGGART,
Vice-President, Alpha Psi Kappa.

ALPHA PSI KAPPA SCHOLARSHIP

INTRODUCTION

This scholarship is to award two $500 grant-in-aid scholarships each year at the EMC Annual Awards Convocation to two members of Alpha Psi Kappa (Business honorary). Funding of the scholarships and eligibility for their receipt are explained below.

ELIGIBILITY

Eligibility to receive a scholarship will be based on the following criteria:

1. Membership in Alpha Psi Kappa for at least 2 quarters.
2. A minimum cumulative GPA of 2.5 overall.
3. Indication of financial need.
4. The recipient must plan to take 15 credit hours during the time the scholarship is received.
5. The recipient must retain a major in Business while receiving the scholarship.

Applications will be submitted to Mr. John Self, Executive Director, Eastern Montana College Educatonal Foundation.

FINANCING AND AWARDING PROCEDURES

The scholarships will be financed through funds received from Montana businesses according to their agreements with Alpha Psi Kappa fraternity. Fraternity members will spend one week with those businesses as executive assistants. As compensation, the businesses will each donate $100 to the EMC Educational Foundation and earmark these donations for financing the Alpha Psi Kappa scholarships. The scholarships will be awarded to the recipients in the amount of $150, $150, and $200 at the beginning of Fall, Winter, and Spring quarters respectively.

Student evaluation

The student will be graded in the following manner. First, an evaluation form will be completed by each of the student's supervisors in the business and returned to the Business Department for use by a faculty member in assigning a letter grade. Second, a faculty member will determine a course grade on the basis of the following:

A. The evaluation forms received from the business.

B. An outline of daily activities to be received from the student.

C. A term paper—content, length, and form to be determined by faculty member-student consultation.

D. A final report from the student to include his evaluation of the work experience received particularly in relation to its meeting or failing to meet his expectations.

E. Any background studies that the faculty director deems advisable.

Course evaluation

At the completion of the course, provision will be made to give an opportunity for participants to evaluate the program for future changes. Letters will be solicited from businessmen and faculty members participating. A meeting will be planned at which all participants will discuss and evaluate the program.

PROPOSAL FOR INDEPENDENT STUDY IN BUSINESS

Title

Bu 491, Independent Study: Executive Assistant Program

Objectives

The objective of the course is to give the outstanding student an opportunity to see the application of business principles learned in various business and economic courses:

A. The application of management concepts.

B. The operation of sales departments.

C. Approaches to advertising and public relations.

D. The investment and expansion philosophies of local businesses.

E. Familiarization with bank operations.

It can also be expected that the student will gain valuable exposure to work routines of the business community and consequently evaluate his suitability for particular types of work.

Credit

4 credit hours

Eligibility

The following criteria must be met to be eligible for the Seminar:

A. Junior or Senior standing.

B. Completion of at least 20 credits in courses applying to the major in Business.

C. A cumulative grade point average of 2.5.

Prospective participants will submit to the Business Department a job application and résumé including scholastic background and work experience. Class composition will be determined the quarter prior to the Seminar. Participants will be chosen by the Business Department faculty on the basis of suitability as indicated in the application and recommended to the Head of the Business Department for final approval.

Course description

Class members will each be assigned to work as an executive assistant with a Montana business firm. Pairings will be based on interests of each particular student as reflected in the job application and resume, and in light of the job descriptions received from businesses. The student will work with the firm for at least five days or 40 working hours. Each business will sign an agreement with the Business Department of Eastern Montana College which will include the following:

A. Departments the student will work in.

B. Supervisors to whom the student will be assigned.

C. Work or activities expected of the student while with the firm.

D. Method of compensation to the EMC Educational Foundation.

E. Travel expenses and other compensation given directly to the student.

F. Insurance liability in case of student injury.

LOWERING THE VOTING AGE TO 18 BY STATUTE—SUPPORT OF PAUL FREUND AND ARCHIBALD COX

Mr. KENNEDY. Mr. President, I am pleased to be a cosponsor of amendment No. 545 to lower the voting age to 18, which was introduced yesterday by the distinguished majority leader, Senator Mansfield.

As Members of the Senate know, I believe that Congress had adequate power under the Constitution, in light of the Supreme Court's decision in 1966 in Katzenbach against Morgan, to lower the voting age by statute, and that we need not necessarily pursue the route of constitutional amendment. Last week, I circulated among my colleagues memorandum on the legal and policy issues involved in this question, and I ask unanimous consent that the memorandum may be printed in the Record at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. KENNEDY. In addition, it is worth emphasizing that the authority of Congress to act by statute in this area is supported by two of the most eminent constitutional authorities in America. Both Prof. Paul Freund, the dean of the Nation's constitutional lawyers, and Prof. Archibald Cox, who served with distinction as the Solicitor General of the United States under President Kennedy and President Johnson, have unequivocally stated their view that Congress has power under the Constitution to reduce the voting age by statute, without the necessity of a constitutional amendment.

XUM

Professor Freund's views were originally stated in an address in June 1968. Professor Cox's views were originally stated in an article in the Harvard Law Review in November 1966, and were amplified in his eloquent testimony last month before the Subcommittee on Constitutional Rights.

Mr. President, because of the importance of this constitutional issue, I ask unanimous consent that Professor Freund's address and Professor Cox's recent testimony also be printed in the Record at the conclusion of my remarks.

I also ask unanimous consent that an editorial from today's Washington Post supporting the principle of 18-year-old voting be printed in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibits 2, 3, and 4.)

Mr. KENNEDY. In closing, let me emphasize my strong belief that no action we take on 18-year-old voting should be permitted to interfere with the current consideration of the Voting Rights Act or delay its enactment by the Senate or the House. Continuation of the provisions of the existing Voting Rights Act are essential to promote the fairness of the political process in America, and to alleviate the unfair discrimination in voting and other basic rights that have long existed against millions of black Americans and other minority groups in our society.

Exhibit 1

(Memorandum of Senator Kennedy on lowering the voting age to 18, February 23, 1970)

The time has come to lower the voting age to 18 in the United States, and thereby to bring our youth into the mainstream of the political process. I believe this is the most important single principle we can pursue as a nation if we are to succeed in bringing our youth into full and lasting participation in our institutions of democratic government. In recent years, a large number of Senators have expressed their support for lowering the voting age to 18. In particular, I commend Senator Jennings Randolph and Senator Birch Bayh for their extraordinary success in bringing this issue to the forefront among our contemporary national priorities. For nearly three decades, Senator Randolph has taken the lead in the movement to extend the franchise to our youth. Senator Bayh's extensive hearings in 1968 helped generate strong and far-reaching support for the movement, and his hearings this month have given the issue even greater momentum. The prospect of success is great, and I hope that we can move forward to accomplish our goal.

In this memorandum, there are three general areas I would like to discuss. The first part deals with what I believe are the strong policy arguments in favor of lowering the voting age to 18. The second part deals with my view that it is appropriate for Congress to achieve its goal by statute, rather than follow the route of Constitutional amendment. The third part deals with the constitutional power of Congress to act by statute in this area.

I. THE MINIMUM VOTING AGE IN THE UNITED STATES SHOULD BE LOWERED TO 18

Members of the Senate are well aware of the many substantial considerations supporting the proposal to lower the voting age to 18 in the United States, and I shall do no more than summarize them briefly here.

First, our young people today are far better equipped to make the type of choices involved in voting than were past generations of youth. Because of the enormous impact of modern communications, especially television, our youth are extremely well informed on all the crucial issues of our time, foreign and domestic, national and local, urban and rural. Today's 18 year-olds possess far better education than former generations. Our 18 year-olds, for example, have unparalleled opportunities for education at the high school level. Our 19 and 20 year-olds have significant university experience in addition to their high school training. Indeed, in many cases, 18 to 21 year-olds already possess a better education than a large proportion of adults among our general electorate.

Moreover, 18 year-olds today are a great deal more mature and more sophisticated than former generations at the same stage of development. Indeed, through issues like Vietnam and the quality of our environment, and through their participation in programs like the Peace Corps and Vista, our youth have taken the lead on many important questions. They have set a far-reaching example of insight and commitment for us to emulate.

Obviously, the maturity of 18 to 21 year-olds varies from person to person, just as it varies for all age groups in our population. However, on the basis of our broad experience with 18 to 21 year-olds as a class, I believe they possess the requisite maturity, judgment, and stability for responsible exercise of the franchise.

Second, by lowering the voting age to 18, we will encourage civic responsibility at an earlier age, and thereby promote greater social involvement and political participation for our youth.

In 1963, President Kennedy's Commission on Registration and Voting Participation expressed its deep concern over the low voting participation in the 21–30 year old bracket. It attributed this low participation to the fact that: "by the time they have turned 21 . . . many young people are so far removed from the stimulation of the educational process that their interest in public affairs has waned. Some may be lost as voters for the rest of their lives."

We know that there is already a high incidence of political activity today on campuses and among young people generally, even though they do not have the franchise. None of us who has visited a high school or college in recent years can fail to be impressed by their knowledge and commitment.

I do not agree with the basic objection raised by some that the recent participation of students in violent demonstrations shows that they lack responsibility for mature exercise of the franchise. Those who have engaged in such demonstrations represent only a small percentage of our students. It would be extremely unfair to penalize the vast majority of students because of the reckless conduct of the few.

I believe that both the exercise of the franchise and the expectation of the franchise provide a strong incentive for greater political involvement and understanding. By lowering the minimum voting age to 18, we will encourage political activity not only in the 18 to 21 year-old group, but also in the pre-18 year-old age group as well. Through extension of the franchise, therefore, we will enlarge the meaning of participatory democracy in our society. We will give our youth a new arena for their idealism, activism, and energy.

Third, 18 year-olds already have many rights and responsibilities in our society comparable to voting. It does not automatically follow of course—simply because an 18 year-old goes to war, or works, or marries, or makes a contract, or pays taxes, or drives a car, or owns a gun, or is held criminally responsible like an adult—that he should thereby be entitled to vote. Each right or responsibility in our society presents unique questions dependent on the particular issue at stake. Nonetheless, the examples I have cited demonstrate that in many important respects and for many years, we have conferred far-reaching rights on our youth, comparable in substance and responsibility to the right to vote. Can we really maintain that it is fair to grant them all these rights, and yet withhold the right that matters most, the right to participate in choosing the government under which they live?

The well-known proposition—"old enough to fight, old enough to vote"—deserves special mention. To me, this part of the argument for granting the vote to 18 year-olds has great appeal. At the very least, the opportunity to vote should be granted as a benefit in return for the risks an 18 year-old is obliged to assume when he is sent off to fight for his country. About 30% of our forces in Vietnam are under 21. Over 19,000, or almost half of those who have died in action there, were under 21. Can we really maintain that these young men did not deserve the right to vote?

To be sure, as many critics have pointed out, the abilities required for good soldiers are not the same abilities required for good voters. Nevertheless, I believe that we can accept the logic of the argument without making it dispositive. A society that imposes the extraordinary burden of war and death on its youth should also grant the benefit of full citizenship and representation, especially in sensitive and basic areas like the right to vote.

In the course of the recent hearings I conducted on the draft, I was deeply impressed by the conviction and insight that our young citizens demonstrated in their constructive criticism of our present draft laws. There are many issues in the 91st Congress and in our society at large with comparable relevance and impact on the nation's youth. They have the capacity to counsel us wisely, and they should be heard at the polls.

Fourth, our present experience with voting by persons under 21 justifies its extension to the entire nation. Lowering the voting age will improve the overall quality of our electorate, and will make it more truly representative of our society.

I have already stated my feeling that 18 to 21-year-olds possess adequate maturity for responsible use of the franchise. Equally important, by adding our youth to the electorate, we will gain a group of enthusiastic, sensitive, idealistic and vigorous new voters.

Today, four states—Georgia since 1943, Kentucky since 1955, and Alaska and Hawaii since they entered the Union in 1959—grant the franchise to persons under 21. There is no evidence that the reduced voting age has caused any difficulty whatever in the states where it is applicable. In fact, former governors Carl Sanders and Ellis Arnall of Georgia have testified in the past that giving the franchise to 18-year-olds in their states has been a highly successful experiment.

Moreover, a significant number of foreign nations now permit 18 year-olds to vote. Even South Vietnam allows eighteen year-olds to vote. I recognize that it may be difficult to rely on the experience of foreign nations, whose political conditions and experience may be quite different from our own. It is ironic, however, that at a time when a number of other countries have taken the lead in granting full political participation to 18 year-olds, the United States, a nation with one of the most well-developed traditions of democracy in the history of the world, continues to deny that participation.

I am aware that many arguments have been advanced to prevent the extension of the franchise to 18 year-olds. It may be that the issue is one—like woman suffrage in the early nineteen hundreds—that cannot be finally resolved by reason or logic. Attitudes on the question are more likely to be determined by an emotional or a political response. It is worth noting, however, that almost all of the arguments now made against extending the franchise to 18 year-olds were also made against the 19th Amendment, which granted suffrage to women. Yet, no one now seriously questions the wisdom of that Amendment.

There is, of course, an important political dimension to 18 year-old voting. As the accompanying table indicates, the enfranchisement of 18 year-olds would add approximately ten million persons to the voting age population in the United States. It would increase the eligible electorate in the nation by slightly more than 8%. If there were dominance of any one particular party among this large new voting population, or among subgroups within it, there might be an electoral advantage for that party or its candidates. As a result, 18 year-old voting would become a major partisan issue, and would probably not carry in the immediate future. For my part, I believe that the risk is extremely small. Like their elders, the youth of America are of all political persuasions. The nation as a whole would derive substantial benefits by granting them a meaningful voice in shaping their future.

The right to vote is the fundamental political right in our constitutional system. It is the cornerstone of all other basic rights. It guarantees that our democracy will be government *of* the people and *by* the people, not just *for* the people. By securing the right to vote, we help to insure, in the historic words of the Massachusetts Bill of Rights, that our government "may be a government of laws, and not of men." Millions of young Americans have earned that right, and we must respond.

II. THE FEDERAL GOVERNMENT SHOULD ACT TO REDUCE THE VOTING AGE TO 18 BY STATUTE, RATHER THAN BY CONSTITUTIONAL AMENDMENT

I believe not only that the reduction of the voting age to 18 is desirable, but also that Federal action is the best route to accomplish the change, and that the preferred method of Federal change should probably be by statute, rather than by Constitutional amendment.

In the past, I have leaned toward placing the initiative on the States in this important area, and I have strongly supported the efforts being made in many states, including Massachusetts, to lower the voting age by amending the State Constitutions.

Progress on the issue in the States has been significant, even though it has not been as rapid as many of us had hoped. The issue has been extensively debated in all parts of the nation. Public opinion polls in recent years have demonstrated that a substantial and increasing majority of our citizens favor extension of the franchise to 18-year-olds.

In light of these important developments, the time is ripe for Congress to play a greater role. Perhaps the most beneficial advantage of action by Congress is that it would insure national uniformity on this basic political issue. Indeed, the possible discrepancies that may result if the issue is left to the states are illustrated by the fact that of those few states which have already lowered the voting age below 21, two—Georgia and Kentucky—have fixed the minimum voting age at 18. The other two—Alaska and Hawaii—have fixed the age at 19 and 20 respectively. Left to state initiative, therefore, the result is likely at best to be an uneven pattern of unjustifiable variation.

Federal action on the voting age is therefore both necessary and appropriate. The most obvious method of Federal action is by amending the Constitution, but it is not the only method. As I shall discuss in greater detail in the third part of my statement, I believe that Congress has the authority to act in this area by statute, and to enact legislation establishing a uniform minimum voting age applicable to all States and to all elections, Federal, State and local.

The decision whether to proceed by constitutional amendment or by statute is a difficult one. One of the most important considerations is the procedure involved in actually passing a constitutional amendment by two-thirds of the Congress and three-fourths of the State legislatures. The lengthy delay involved in the ratification process would probably make it impossible to complete the ratification of a Constitutional amendment before many years have elapsed.

It is clear that Congress should be slow to act by statute on matters traditionally reserved to the States. Where sensitive issues of great political importance are concerned, the path of Constitutional amendment tends to insure wide discussion and broad acceptance at all levels—Federal, State and local—of whatever change eventually takes place. Indeed, at earlier times in our nation's history, a number of basic changes in voting qualifications were accomplished by Constitutional amendment.

At the same time, however, it is worth emphasizing that in more recent years, changes of comparable magnitude have been made by statute, one of the most important of which was the Federal Voting Rights Act of 1965. Unlike the question of direct popular election of the President, which is also now pending before us, lowering the voting age does not work the sort of deep and fundamental structural change in our system of government that would require us to make the change by pursuing the arduous route of Constitutional amendment.

Because of the urgency of the issue, and because of its gathering momentum, I believe that there are overriding considerations in favor of Federal action by statute to accomplish the goal. Possibly, it may be appropriate to incorporate the proposal as an amendment to the bill now pending in the Senate to extend the Voting Rights Act. Indeed, if enough support can be generated, it could be possible for 18 year-olds to go to the polls for the first time this fall—November 1970.

We know that there is broad and bipartisan support for the principle of 18 year-old voting. A total of 67 Senators have already joined in support of Senator Randolph's proposed constitutional amendment to accomplish the change. Last week, the Administration gave its firm support to the principle. I am hopeful that we can proceed to the rapid implementation of our goal.

At the same time, however, we must insure that no action we take on 18 year-old voting will interfere with the prompt consideration of the pending Voting Rights bill or delay its enactment by the Senate. The bill is scheduled to become the pending business of the Senate on the first day the Senate meets after March 1, and we must guarantee that its many important provisions are enacted into law at the earliest opportunity.

III. CONGRESS HAS THE CONSTITUTIONAL POWER TO ACT BY STATUTE TO LOWER THE VOTING AGE TO 18

The historic decision by the Supreme Court in the case of *Katzenbach* v. *Morgan* in June 1966 provides a solid constitutional basis for Congress to act by statute rather than by constitutional amendment to reduce the voting age to 18. This power exists not only for Federal elections, but for state and local elections as well.

The issue in the *Morgan* case was the constitutionality of Section 4(e) of the Voting Rights Act of 1965. The section in question, which originated as an amendment sponsored by Senator Robert Kennedy and Senator Jacob Javits, was designed to enfranchise Puerto Ricans living in New York. The section provided, in effect, that any person who had completed the sixth grade in a Puerto Rican school could not be denied the right to vote in a Federal, State or local election because of his inability to pass a literacy test in English. By a strong 7–2 majority, the Supreme Court sustained the constitutionality of the section. Seen in perspective, the *Morgan* case was not a new departure in American constitutional law. Rather, it was a decision characterized by clear judicial restraint and exhibiting generous deference by the Supreme Court toward the actions of Congress.

As we know, Congress in this century has twice chosen to proceed by constitutional amendment in the area of voting rights. The Nineteenth Amendment, ratified in 1920, provided that a citizen of the United States could not be denied the right to vote on account of sex. The Twenty-Fourth Amendment, ratified in 1964, provided that a citizen could not be denied the right to vote in Federal elections because of his failure to pay a poll tax.

Nevertheless, in spite of this past practice, *Katzenbach* v. *Morgan*, and other decisions by the Supreme Court demonstrate that those particular amendments are in no way limitations on Congress' power under the constitution to lower the voting age by statute, if Congress so chooses.

XUM

The authority of Congress to act by statute is based on Congress' power to enforce the Fourteenth Amendment by whatever legislation it believes is appropriate. To be sure, the Constitution grants primary authority to the states to establish the conditions of eligibility for voting in Federal elections. Under these provisions, the voting qualifications established by a state for members of the most numerous branch of the state legislature also determine who may vote for United States Representatives and Senators.

It has long been clear, however, that a State has no power to condition the right to vote on qualifications prohibited by other provisions of the constitution, including the Fourteenth Amendment. No one believes, for example, that a State could deny the right to vote to a person because of his race or his religion.

The Supreme Court has specifically held that the Equal Protection Clause of the Fourteenth Amendment itself prohibits certain unreasonable state restrictions on the franchise. In *Carrington* v. *Rash*, the Court held that a State could not withhold the franchise from residents merely because they were members of the armed forces. And, in *Harper* v. *Virginia Board of Elections*, the Court held that a state could not impose a poll tax as a condition of voting.

The power of Congress to legislate in the area of voting qualifications, as well as in many other areas affecting fundamental rights, is governed by Section 5 of the Fourteenth Amendment, which provides that:

"The Congress shall have power to enforce, by appropriate legislation, the provisions of this article."

In other words, Congress is given the power under Section 5 to enact legislation to enforce the Equal Protection Clause, the Due Process Clause, and all the other great provisions of the Fourteenth Amendment.

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Prior to the Supreme Court's decision in the *Morgan* case, the extent of Congress' power under Section 5 to preempt State legislation was unclear, unless that legislation was itself invalid under the Equal Protection Clause or other clauses of the Constitution. In the *Morgan* case, however, the Supreme Court explicitly granted broad power to Congress in this area. It sustained Section 4(e) of the Voting Rights Act as a valid exercise by Congress of its power to enforce the Fourteenth Amendment, even though as recently as 1959 the Court had held in a North Carolina test case that literacy tests were not unconstitutional on their face.

In essence, the *Morgan* case stands for the proposition that where state and Federal interests conflict under the Equal Protection Clause, Congress has broad power to resolve the conflict in favor of the Federal interest. As the Court itself stated:

"It was for Congress . . . to assess and weigh the various conflicting consideration—the risk of pervasiveness of the discrimination in governmental services, the effectiveness of eliminating the state restriction on the right to vote as a means of dealing with the evil, the adequacy or availability of alternative remedies, and the nature and significance of the state interests that would be affected . . . It is not for us to review the congressonal resolution of these factors. It is enough that we be able to perceive a basis upon which the Congress might resolve the conflict as it did."

In other words, with respect to granting the vote to 18 year-olds, it is enough for Congress to weigh the justifications for and against extending the franchise to this age-group. If Congress concludes that the justification in favor of extending the franchise outweighs the justification for restricting the franchise, then Congress has the power to change the law by statute and grant the vote to 18 year-olds.

In fact, the Supreme Court's holding in the *Morgan* case is consistent with a long line of well-known decisions conferring broad authority on Congress to carry out its powers granted by the Constitution. Thus, in the *Morgan* case, the Court gave Section 5 the same construction given long ago to the Necessary and Proper Clause of the Constitution by Chief Justice John Marshall in the famous case of *McCulloch* v. *Maryland*, which was decided by the Supreme Court in 1819. In the historic words of Chief Justice Marshall in that case:

"Let the end be legitimate, let it be within the scope of the Constitution, and all means which are appropriate, which are plainly adapted to that end, which are not prohibited, but consistent with the letter and spirit of the constitution, are constitutional."

In the *Morgan* case the Supreme Court applied the test of John Marshall and upheld Section 4(e) of the Voting Rights Act for two separate and independent reasons. First, the Court said, Congress could reasonably have found that Section 4(e) was well adapted to enable the Puerto Rican community in New York to gain more favorable treatment in such public services as schools, housing, and law enforcement.

Second, the Court said, Congress could reasonably have found that Section 4(e) was well adapted to eliminate the unfairness against Spanish-speaking Americans caused by the mere existence of New York's literacy test as a voter qualification, even though legitimate state interests supported the test.

I believe that legislation by Congress to reduce the voting age can be justified on either ground of the *Morgan* decision. If Congress weighs the various interests and determines that a reasonable basis exists for granting the franchise to 18-year-olds, a statute reducing the voting age to 18 could not be successfully challenged as unconstitutional.

It is clear to me that such a basis exists. *First*, Congress could reasonably find that the reduction of the voting age to 18 is necessary in order to eliminate a very real discrimination that exists against the nation's youth in the public services they receive. By reducing the voting age to 18, we can enable young Americans to improve their social and political circumstances, just as the Supreme Court in the *Morgan* case accetped the determination by Congress that the enfranchisement of Puerto Ricans in New York would give them the sort of political power they need to eliminate discrimination and inequities in the public services they receive, and to give them a role in influencing the laws that protect and affect them. Although 18–21 year-olds are not subject to the same sort of discrimination in public services confronting Puerto Ricans in New York, the many discriminations worked against millions of young Americans are no less real in our society. We know, for example, that increasing numbers of Federal and State programs, especially in areas like education and manpower, are directed toward our youth. We can no longer discriminate against them by denying them a voice in the political process that shapes these programs.

Equally important, a State's interest in denying the right to vote to 18–21 year-olds is not as substantial as its interest in requiring literacy in English, the language of the land. Yet, in the *Morgan* case, the Supreme Court made it unmistakably clear that Congress had the power to override the State interest. Surely, the power of Congress to reduce the voting age to 18 is as great.

Second, Congress could reasonably find that the disenfranchisement of 18–21 year-olds constitutes on its face the sort of unfair treatment that outweighs any legitimate state interest in maintaining a higher age limit, just as the Supreme Court in the *Morgan* case accepted the determination that the disenfranchisement of Puerto Ricans was an unfair classification that outweighed New York's interest in maintaining its English literacy test. Of course, there are obvious similarities between legislation to reduce the voting age and Section 4(e) of the Voting Rights Act. Just as Congress has the power to find that an English literacy test is on its face discriminatory against Spanish-speaking Americans, so Congress has the power to find discrimination in the fact that young Americans who fight and work like other citizens are denied the right to vote, the most basic right of all. The *Morgan* decision is a sound precedent for us to eliminate this inequity in all elections—Federal, State and local—and I believe that Congress should act without delay.

It is worth emphasizing that no issue is raised here concerning the power of Congress to reduce the voting age even lower than 18. Essentially the sole focus of the current debate over the voting age is on whether *18 year-olds* should be entitled to vote. There is a growing national consensus that they deserve the franchise, and I feel that Congress has the power to act on that consensus.

The Constitutional position I have stated is supported by eminent legal authorities. Professor Archibald Cox of the Harvard Law School, the distinguished former Solicitor General of the United States, has recognized and approved the breadth of the decision in *Katzenbach* v. *Morgan*. As an example of Congress' power under the *Morgan* case, Professor Cox has expressly written that Congress has the power to reduce the voting age by legislation, without a Constitutional amendment.

If a statute to reduce the voting age is enacted, it should include a specific provision to ensure rapid judicial determination of its validity, in order that litigation challenging the legislation may be completed at the earliest possible date. Similar expediting procedures were incorporated in the Voting Rights Act of 1964.

In closing, it is worth calling attention to the fact that essentially the same arguments I have made here for action by statute to lower the voting age must also be made by the present Administration if it is to justify two of the most important provisions it is now proposing in its amendments to the Voting Rights Act:

First, the Administration is proposing a nationwide ban on the use of state literacy tests as a qualification for voting.

Second, the Administration proposes to reduce the length of state residence requirements as a qualification for voting in Presidential elections.

Surely, the constitutional power of Congress to override State voting qualifications is as great in the case of age requirements as in the case of literacy requirements or residence requirements. So far as I am aware, the Administration's proposals in the area of literacy or residency have encountered no substantial opposition on constitutional grounds. Both proposals were incorporated as amendments to the Voting Rights Act in the bill passed by the House of Representatives late last year, and they are now pending before the Senate. If Congress has the authority to act by statute in these areas, it also has the authority to act by statute to lower the voting age to 18. I am hopeful, therefore, that we can achieve broad and bipartisan agreement on the statutory route to reach our vital goal of enlarging the franchise to include 18 year-olds.

TABLE—ESTIMATE OF THE TOTAL POPULATION THAT WOULD BE ENFRANCHISED BY LOWERING THE VOTING AGE TO 18

Region or State	Total resident population of voting age under current law	Population casting votes for President 1968		Increase in voting population by lowering to 18	
		Number	Percentage	Number	Percentage
United States	120,006,000	73,160,223	61.0	9,778,000	8.1
Regions:					
Northeast	30,405,000	19,235,522	63.3	2,277,000	7.4
North Central	32,405,000	22,202,472	67.7	2,686,000	8.1
South	32,781,000	19,140,276	52.1	3,011,000	8.1
West	20,048,000	12,581,953	62.8	1,804,000	8.9
Northeast:					
New England	7,000,000	4,824,398	68.9	559,000	7.9
Middle Atlantic	23,405,000	14,411,124	61.6	1,718,000	7.3
North Central:					
East North Central	23,234,000	15,698,346	67.6	1,896,000	8.1
West North Central	9,547,000	6,504,126	68.1	789,000	8.2
South:					
South Atlantic	17,901,000	9,412,984	52.6	1,432,000	7.9
East South Central	7,776,000	3,992,760	51.3	539,000	6.9
West South Central	11,095,000	5,734,532	51.7	1,041,000	9.3
West:					
Mountain	4,491,000	2,888,452	64.3	438,000	9.7
Pacific	15,557,000	9,693,501	62.3	1,366,000	8.7
New England:					
Maine	582,000	392,936	67.5	53,000	9.1
New Hampshire	424,000	297,190	70.0	36,000	8.4
Vermont	246,000	161,403	65.6	21,000	8.5
Massachusetts	3,361,000	2,331,699	69.4	264,000	7.8
Rhode Island	561,000	384,938	68.6	49,000	8.7
Connecticut	1,825,000	1,256,232	68.8	137,000	7.5
Middle Atlantic:					
New York	11,731,000	6,790,066	57.9	854,000	7.2
New Jersey	4,412,000	2,875,396	65.2	328,000	7.4
Pennsylvania	7,261,000	4,745,662	65.4	536,000	7.3
East North Central:					
Ohio	6,238,000	3,959,590	63.5	522,000	8.3
Indiana	2,957,000	2,123,561	71.8	249,000	8.4
Illinois	6,605,000	4,619,749	69.9	507,000	7.6
Michigan	4,965,000	3,306,250	66.6	419,000	8.4
Wisconsin	2,469,000	1,689,196	68.4	198,000	8.0
West North Central:					
Minnesota	2,091,000	1,588,340	76.0	174,000	8.3
Iowa	1,650,000	1,167,539	70.8	130,000	7.8
Missouri	2,818,000	1,809,502	64.2	219,000	7.7
West North Central—Continued					
North Dakota	366,000	247,848	67.8	35,000	9.5
South Dakota	386,000	281,264	72.8	35,000	9.0
Nebraska	865,000	536,850	62.1	75,000	8.6
Kansas	1,372,000	872,783	63.6	121,000	8.8
South Atlantic:					
Delaware	306,000	214,367	70.0	27,000	8.8
Maryland	2,187,000	1,235,039	56.5	204,000	8.3
District of Columbia	509,000	170,568	33.5	46,000	9.0
Virginia	2,698,000	1,359,928	50.4	286,000	10.6
West Virginia	1,079,000	754,206	69.9	90,000	8.3
North Carolina	2,948,000	1,587,493	53.9	298,000	10.1
South Carolina	1,453,000	666,978	45.9	165,000	11.3
Georgia	2,883,000	1,236,600	42.9	0	[1]0
Florida	3,839,000	2,187,805	57.0	315,000	8.2
East South Central:					
Kentucky	2,061,000	1,055,893	51.2	0	[1]0
Tennessee	2,367,000	1,248,617	52.7	212,000	8.9
Alabama	2,056,000	1,033,740	50.3	194,000	9.4
Mississippi	1,292,000	654,510	50.6	132,000	10.2
West South Central:					
Arkansas	1,176,000	609,590	51.8	101,000	8.5
Louisiana	2,040,000	1,097,450	53.8	201,000	9.8
Oklahoma	1,533,000	948,086	61.9	129,000	8.4
Texas	6,346,000	3,079,406	48.5	609,000	9.5
Mountain:					
Montana	405,000	274,404	67.8	37,000	9.1
Idaho	401,000	291,183	72.6	36,000	8.9
Wyoming	186,000	127,205	68.4	17,000	9.1
Colorado	1,181,000	806,445	68.3	112,000	9.4
New Mexico	534,000	325,762	61.0	62,000	11.4
Arizona	948,000	486,936	51.3	191,000	9.5
Utah	555,000	422,299	76.1	57,000	10.2
Nevada	282,000	154,218	54.8	26,000	9.2
Pacific:					
Washington	1,836,000	1,304,281	71.0	170,000	9.2
Oregon	1,240,000	818,477	66.0	102,000	8.2
California	11,904,000	7,251,550	60.9	1,054,000	8.8
Alaska	154,000	82,975	53.9	6,000	[2]3.8
Hawaii	424,000	236,218	55.8	34,000	[3]8.2

[1] 18, 19, and 20 year olds now eligible to vote.
[2] 19 and 20 year olds now eligible to vote.
[3] 20 year olds now eligible to vote.

Source: Bureau of the Census, current population reports (population estimates), series P–25, No. 406, Oct. 4, 1968; series P–20, No. 177, Dec. 27, 1968.

EXHIBIT 2

THE STUDENT GENERATION AND SOCIAL REGENERATION COMMENCEMENT ADDRESS OF PAUL A. FREUND, CORNELL COLLEGE, MT. VERNON, IOWA, JUNE 9, 1968

It is a special privilege to participate in the first Commencement presided over by my good friend Samuel Stumpf. At a time of tragedy and travail, when the leaves are falling in season and out of season, I cannot help recalling the ancient Chinese doom: "May you live in an age of transition!" But transitions can also be harbingers of blessings, and it is my confident hope that President Stumpf will lead these Commencements through years of more generous humanity and more full-hearted rejoicing.

It is a hazardous undertaking to speak to a gathering of several generations on the theme of the student and society. I ought to heed the advice of a certain Episcopal bishop in Virginia who was asked by a parishioner whether a non-Episcopalian could enter the Kingdom of Heaven. "Frankly," he said, "the idea had never occurred to me; but if he is a gentleman, he will not make the attempt."

It would be easy—much too easy—to dwell on the manifestations of disorder and violence that have marked student demonstrations around the world. Surely at this moment in our history the last thing we need is further episodes of lawlessness, of disregard of means in the pursuit of ends, and the last group from which such episodes should derive is the college generation. Mob rule is mob rule, by whomever perpetrated. The rifling of personal files is a detestable act, in whatever cause it is committed, as the student culprits would be the first to proclaim if their own belongings were ransacked by the university administration.

But this condemnation of student unrest is, as I have said, much too easy. It is also too superficial. A phenomenon of this magnitude calls for an inquiry into its causes, and an appraisal of its meaning.

In searching for causes Everyman is his own psychologist—as in judging the Supreme Court Everyman is his own constitutional lawyer. There are those who are convinced that the college generation has been corrupted by having been reared on the permissive doctrines of Dr. Spock and Dr. Gesell. Passing the question whether these counsellors were as permissive as they are accused of being, it is hard to believe that in Poland and France and Latin America these good American doctors determined the infant care and feeding of the present college generation. Other interpreters find in this generation strong evidence of the alienation of adolescence, the moratorium from omnipresent reality, that has come to be stereotyped as an identity crisis. The inventor of that term, Erik Erikson, is much too wise to explain all the protestant activity of youth in those terms. Sometimes the psychological explanation is transparently simplistic. When a healthy, engaging student approaches Professor Erikson on the campus and announces "I have an identity crisis," Erikson is likely to reply "Are you complaining or boasting?" More fundamentally, as in his psychobiography of that pioneer protestant the Young Luther, Erikson insists that behavior is produced not by the psyche alone but by its interaction with the society of the time and place. The same caution applies to the facile explanation in terms of a "generation gap." Of course there has always been that gap. Why do grandparents get along so well with their grandchildren? Perhaps because both can unite in their failure to understand the generation in between. More basically, again, the gap theory fails to consider the social context, to explain why in the 1920's the disaffected escaped from school and college into exile on the Left Bank of Paris while today in much larger numbers they are turning to the inner city and Indian reservations and the schoolroom.

Unless we try to understand the objectives of this generation, the directions they are taking in their discontent, we shall miss their message, exacerbate the failure of communication, and above all we shall fail to see the historic turning point that they are both reflecting and creating in our world. For I believe that the student movement around the world is nothing less than the herald of an intellectual and moral revolution, which can portend a new enlightenment and a wider fraternity, or if repulsed and repressed can lead to a new cynicism and even deeper cleavages. The student generation, disillusioned with absolutist slogans and utopian dogmas, has long since marked the end of ideology: wars of competing isms are as intolerable to them as wars of religion became centuries ago. Youth turned to pragmatism, to the setting of specific manageable tasks and getting them done. But that has proved altogether too uninspiring, and youth has been restless for a new vision, a new set of ideals to supplant the discarded ideologies. If the new vision is not yet wholly clear, its essence is plain enough if we look at the objects of student revolt.

The student generation is in revolt, first of all, against hypocrisies, and in particular against the hypocrisies of three three-letter words: sex, war, and law. Taboos in sex impress this generation as being the product, in many cases, of prudery or class distinctions rather than mutual respect and love. "The Society for the Suppression of Vice," said Sidney Smith, the nineteenth-century English cleric and wit, "ought to be called 'The Society for the Suppression of the Vices of Those Who Earn Less Than a Thousand Pounds a Year';" and many young Americans, making the necessary conversion of currencies, would agree.

In war, youth sees the conscription of the services and even the lives of their own generation in a cause they do not under-

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stand, but not the conscription of property or even of excess profits to wage that war or to relieve the wretchedness about them that they are told cannot be relieved while the war is on.

In law, they observe the thunderous condemnation of their own number who disrupted a week of classes and caused a shutdown at Columbia University, but they may also remember that the public schools in Prince Edward County, Virginia, were closed not for weeks or months but for years by a school board determined to resist the rule of desegregation, a shutdown that drew far less general rebuke because it was the work of respectable ladies and gentlemen defying the law while holding public office.

A second target of the revolt, in addition to hypocrisies, is irrelevance—irrelevance in education. John Maynard Keynes defined higher education as the inculcation of the incomprehensible into the ignorant by the incompetent. Today's generation would amend the definition in two respects: what is inculcated is not incomprehensible, it is only irrelevant, and it is not inculcated into the ignorant. Otherwise the definition might stand. Our students find too much of our educational content to be what Professor Whitehead called "inert knowledge," information having no apparent relation to the problems of living in our world or understanding it.

A third object of revolt is authoritarianism, governance superimposed from without. What an English lord said about the Reform Bill of 1832 seems to the college generation to describe the attitude of their seniors toward the community of the university: "I don't know what the people have to do with the laws of a country except obey them." The age of majority was fixed at twenty-one, historians tell us, because at that age a young man was deemed capable of bearing the heavy armor of a knight. The moral needs no elaboration.

I have tried to put the drives of the student protesters as sympathetically and strongly as I can; in the process I have doubtless lost not only the parent generation in the audience but the grandparents as well. I do believe that if we fail to listen to the message of the student generation, strident though it be, we do so at our peril—I mean our spiritual peril.

But, as the Romans pointed out, the corruption of the best is the worst, and there is peril too in the pathology of youth's ideals. The revolt against hypocrisies can breed a form of assured self-righteousness that easily turns into cynicism. The danger is that having discovered that so-called neutral principles may not always be neutral in fact, that justice itself, by rewarding so-called merit and achievement may be perpetuating and reinforcing a system of inherited inequities—that having discovered these things the student generation will repudiate all principles in pursuit of a righteous end, forgetting that the end is tainted by the means, and that to jettison principles of law because your aims are pure, or holy, or patriotic, denudes you of defense against those who are just as certain of their rectitude. Certitude and rectitude are in fact only acronyms, not synonyms. In *A Man For All Seasons* Sir Thomas More is arguing about man's law and God's with his friend William Roper, who is described as a young man in his early thirties, with "an all-consuming rectitude which is his cross, his solace, and his hobby." More asks: "What would you do, cut a great road through the law to get after the Devil?" Roper replies: "I'd cut down every law in England to do that." More is roused to excitement: "Oh? And when the last law was down, and the Devil turned on you—where would you hide, Roper, the laws all being flat? This country's planted thick with laws from coast to coast—man's laws, not God's—and if you cut them down—and you're just the man to do it—d'you really think you could stand upright in the winds that would blow then? Yes, I'd give the Devil the benefit of law, for my own safety's sake."

How are we to mediate between the revolt against hypocrisy and its pathology of self-righteousness? I suggest that we start by re-examining candidly the concept of justice, acknowledging that it can indeed serve merely as a reinforcement of the status quo, but recognizing also that it can powerfully promote social change by holding up the criteria of need and intrinsic human worth, so that in the end justice is no stranger to compassion and love, and in the anatomy of social regeneration law is the necessary backbone.

The revolt against irrelevance has its pathology too, in the form of egocentrism. The notion that nothing is really relevant unless it bears directly on today's decisions is a regressive concept, the relevance of the nursery. We understand ourselves and our problems by in some sense transcending them. Without the perspective of time and distance we are prisoners of the egocentric predicament, confusing the immediate and specific with the genuinely practical, like the plight of the stuttering boy who, having been sent away for a cure, reported sadly "I can say Peter Piper picked a peck of pickled peppers; b-b-but it r-r-rarely oc-c-curs in c-c-conversation." The art of relevant teaching is not to contract the range of inquiry but to expand the possibilities of relevance, to see the general in the particulars, to study the flower in the crannied wall in order, as Tennyson put it, to seek to know what God and man is.

The revolt against authoritarianism, finally, has its own pathology, which is anarchy or nihilism. The road to reconciliation here is to devise new forms of participation and shared responsibility. "Responsibility," said Justice Brandeis, the wisest man I have known, "is the great developer of men." When the struggle for woman suffrage was raging, Brandeis argued for the reform in his own distinctive terms: not that it is woman's right, but that we cannot afford to shield her from sharing in the responsibilities of citizenship. When the radical labor tactics of the I.W.W. brought pressures for repression, Brandeis' advice was to place representatives of the I.W.W. in positions of common responsibilities. If I make a similar suggestion in the case of students, I hope it will not be construed as a patronizing counsel, any more than Brandeis was patronizing toward women as voters or radical labor leaders as collaborators in the industrial community.

Not only the younger generation, but all of us, will be the better if the vote is conferred below the age of twenty-one; we need to channel the idealism, honesty, and openhearted sympathies of these young men and women, and their informed judgments, into responsible political influences. In my judgment as a lawyer, this uniform extension of the suffrage could be conferred by Congress under its power to enforce the equal-protection guarantee of the Fourteenth Amendment, without having to go through the process of a constitutional amendment. [Italic added.]

In the academic community the issue of student participation in government is a complex one. However inappropriate it would be to give membership to students on the governing boards of colleges, given their transitory status among other disabilities, it does seem feasible and desirable to include on alumni governing bodies some representatives of the recent graduating classes; and on the campus itself new forms of participation through faculty-student committees are proving to be a constructive and rewarding institution.

Between World Wars One and Two, it has been said, the Allied powers showed that they would never listen to reason but would always yield to force. Let us not repeat domestically either part of this double-blind procedure.

We are met at a time of deep national mourning and self-searching. We have become so inured to violence on a massive scale that only when it singles out one of our best and most courageous do we stop to look it squarely in the face and ask whether generations have suffered and died to produce a civilization of inhumanity. This, I believe, is the question that the college generation is, in its own way, holding up to us. Let us listen to their question with humility and to their answers with hope.

On Memorial Day 1884 Justice Oliver Wendell Holmes spoke these words, which I leave with you:

"Every year—in the full tide of spring, at the height of the symphony of flowers and love and life—there comes a pause, and through the silence we hear the lonely pipe of death. Year after year lovers wandering under the apple boughs and through the clover and deep grass are surprised with sudden tears as they see black veiled figures stealing through the morning to a soldier's grave. Year after year the comrades of the dead follow, with public honor, procession and commemorative flags, and funeral march—honor and grief from us who stand almost alone, and have seen the best and noblest of our generation pass away.

"But grief is not the end of all. I seem to hear the funeral march become a paean. I see beyond the forest the moving banners of a hidden column. Our dead brothers still live for us, and bid us think of life, not death—of life to which in their youth they lent the passion and glory of the spring. As I listen, the great chorus of life and joy begins again, and amid the awful orchestra of seen and unseen powers and destinies of good and evil our trumpets sound once more a note of daring, hope, and will."

EXHIBIT 3

STATEMENT OF ARCHIBALD COX, WILLISON PROFESSOR OF LAW, HARVARD LAW SCHOOL

(Before the Subcommittee on Constitutional Rights of the Committee on the Judiciary, U.S. Senate, Feb. 24, 1970.)

As a teacher and student of constitutional law, I have been asked to testify upon the constitutionality of two provisions of proposed voting rights legislation: the elimination of residence requirements as a condition of voting in Presidential elections and the nationwide abolition of literacy tests. I would like also to urge upon the Committee that Congress has power, under the very same constitutional theory to reduce the age for voting from twenty-one to eighteen years of age.

My chief qualification is study of constitutional law. As Solicitor General of the United States I briefed and argued a number of voting rights cases. I participated in drafting the Voting Rights Act of 1965 and defended its constitutionality as special counsel for Massachusetts in *South Carolina* v. *Katzenbach*, 383 U.S. 301.

My testimony will be confined to the constitutional questions. I would like to state, however, that I favor (1) the extension of the Voting Rights Act of 1965 without change; (2) the elimination of durational residency requirements in Presidential elections; (3) the abolition of all literacy tests; and (4) the reduction of the voting age to eighteen years of age, all by act of Congress without awaiting a constitutional amendment.

1. Congress has constitutional power under Section 5 of the Fourteenth Amendment to abolish State durational residence requirements for voting in Presidential elections.

Article II, Section 1 of the Constitution allows a State to determine its own method of choosing members of the Electoral Col-

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lege but that authority, like all other State powers, must be exercised in accordance with the Fourteenth Amendment. *Carrington* v. *Rash*, 380 U.S. 89.

Section 1 of the Fourteenth Amendment provides that no State—shall deny to any person within its jurisdiction the equal protection of the laws.

The Equal Protection Clause is violated by any State action that works an arbitrary and unreasonable discrimination or an invidious classification. It applies to State restrictions affecting the franchise and electoral process, including voting qualifications. *Gray* v. *Sanders*, 372 U.S. 368; *Reynolds* v. *Sims*, 377 U.S. 533; *Harper* v. *Virginia Board of Elections*, 388 U.S. 1244; *Kramer* v. *Union Free School District*, 395 U.S. 621. For example, the Supreme Court has invalidated State laws denying residents in military services the right to vote, *Carrington* v. *Rash*, *supra*, or excluding from school district elections persons who have neither an interest in real property nor children in the schools. *Kramer* v. *Union Free School Districts, supra*.

It is uncertain whether a State law establishing a 6 months or longer residency requirement for voting in a Presidential election is subject to judicial condemnation as a violation of the Equal Protection Clause even in the absence of congressional action. *Drueding* v. *Devlin*, 380 U.S. 125, affirming 2347. Supp. 721 (D. Md. 1964), upheld a one year residency requirement, but last November 24 Justices Brennan and Marshall stated that that decision was no longer good law. *Hall* v. *Beals*, 38 U.S. Law Week 4006, 4008. Since the majority dismissed the Halls' suit as moot, no other justices spoke to the issue.

The outcome of such an equal protection challenge depends upon balancing the interests of the putative voters against the interests the residency requirement is said to serve. The interests of the voters are twofold: participation in the most important aspect of democratic self-government and freedom to move to a new home. Both interests are so fundamental that any classification affecting them or discriminating against their exercise must be scrutinized meticulously. *Kramer* v. *Union Free School District, supra; Shapiro* v. *Thompson*, 394 U.S. 618, 634. In support of a six month's or one year's residency requirement, some States have invoked a concern for preventing fraudulent claims of residence for administrative convenience, and for familiarity with local interests affected by the outcome of even a national election. In striking the balance in the absence of Congressional action, the federal judiciary—ultimately the Supreme Court—must either find the pertinent facts and evaluate their significance for itself or else defer, at least to some extent, to the findings and evaluation of the legislature.

But the situation is different if Congress has legislated on the subject. The critical difference is that Congress has power under Section 5 of the Fourteenth Amendment to make the investigation, to find the facts, to make its own evaluation of the opposing interests, and to conclude, looking to the actual state of affairs in the country, that the citizen's interest in participation in the election of his President, as well as in freedom of movement, so greatly outweighs any State interest in the residency requirement as to make the requirement an instance of invidious or arbitrary and capricious classification in violation of the Equal Protection Clause. In this sense, Congress has constitutional power to determine what the Equal Protection Clause requires. It is an appropriate legislative function because it involves the finding and evaluation of facts. When Congress acts, the only question for the judiciary is whether it can perceive a basis upon which Congress *might* view the removal of the classification as necessary to secure equal protection of the laws.

The constitutional principle I am seeking to emphasize was established in *Katzenbach* v. *Morgan*, 384 U.S. 641. A New York statute made literacy in English a prerequisite to voting. The discrimination against Spanish-speaking citizens was claimed to be justified because of the State interest in assuring informed and intelligent use of the franchise as well as in encouraging immigrants to learn English. In the absence of a federal statute the Court might well have sustained the New York law. *Cardona* v. *Power*, 384 U.S. 672. Section 4(a) of the Voting Rights Act of 1965, however, provided that no person should be denied the franchise because of inability to read or write English, who had successfully completed the Sixth Grade in a Puerto Rican school where instruction was in Spanish. The Court sustained the congressional abolition of the English language literacy test, saying—

"Congress might well have questioned, in light of the many exemptions provided, and some evidence suggesting that prejudice played a prominent role in the enactment of the requirement, whether these were actually the interests being served. Congress might have also questioned whether denial of a right deemed so precious and fundamental in our society was a necessary or appropriate means of encouraging persons to learn English, or of furthering the goal of an intelligent exercise of the franchise. Finally, Congress might well have concluded that as a means of furthering the intelligent exercise of the franchise, an ability to read or understand Spanish is as effective as ability to read English for those to whom Spanish-language newspapers and Spanish-language radio and television programs are available to inform them of election issues and governmental affairs. Since Congress undertook to legislate so as to preclude the enforcement of the state law, and did so in the context of a general appraisal of literacy requirements for voting, see State of *South Carolina* v. *Katzenbach, supra*, to which it brought a specially informed legislative competence, it was Congress' prerogative to weigh these competing considerations. Here again, it is enough that we perceive a basis upon which Congress might predicate a judgment that the application of New York's English literacy requirement to deny the right to vote to a person with a sixth-grade education in Puerto Rican schools in which the language of instruction was other than English constituted an invidious discrimination in violation of the Equal Protection Clause."

The substance of the holding is that Congress may decide, within broad limits, how the general principle of equal protection applies to actual conditions. In other words, as Justice Harlan pointed out in dissent, Congress can invalidate State legislation upon the ground that it denies equal protection where the Court would uphold, or even has upheld, the constitutionality of the same State statute. 384 U.S. at 667–668.

Under this decision, it is for Congress to determine whether a right so precious and fundamental as casting a vote for President can be denied to new residents without invidious discrimination merely to serve supposed administrative convenience in registering voters and preventing fraudulent votes. Similarly, it is for Congress to weigh the significance of a longer opportunity to learn (or of continued attachment to) peculiar local interests. Personally, in my opinion, the supposed justifications are trivial but that is not for me to decide. From the standpoint of constitutionality it would be enough that Congress had a rational basis for the conclusion that requiring more than bona fide residence is an invidious classification.

Such a rational basis plainly exists. Accordingly, I have not the least doubt that Section 2(c) of H.R. 4249 is constitutional.

2. Congress has constitutional power under Section 5 of the Fourteenth Amendment to abolish State literacy requirements for voting in State and federal elections.

The same constitutional principles that sustain the power of Congress to abolish State residency requirements for voting in Presidential elections also sustain its power to abolish all literacy tests in all States for all elections. State voting laws are subject to the Equal Protection Clause of the Fourteenth Amendment. Congress has power, within broad limits, to determine the requirements of equal protection in any given situation, if the judgment depends in any way upon appraisal of factual conditions. If Congress finds that denying a vote to citizens who cannot read and write is so little justified as to be invidious, and therefore forbids the enforcement of contrary State laws, the judicial branch will uphold that statute under *Katzenbach* v. *Morgan* unless there is no rational support for the congressional conclusion.

The constitutional justification for subdivision (b) (3) parallels the reasoning above.

In *Lassiter* v. *Northampton Election Board*, 360 U.S. 45, the Court upheld a North Carolina literacy test where there was no claim that it had been used as an engine of racial discrimination. The issue turned upon whether denying the franchise to those classified as illiterates was justified by the contribution of the test towards ensuring an intelligent exercise of the right of suffrage. North Carolina found the justification sufficient. The Supreme Court, in the absence of federal legislation, concluded that North Carolina had made an allowable choice.

The *Lassiter* case does not stand in the way of congressional abolition of all literacy tests. Just as Congress was held in *Katzenbach* v. *Morgan* to have power upon its own review of the facts to overturn an English-speaking literacy requirement that might have withstood constitutional attack in the absence of Section 4(e) of the Voting Rights Act, so here Congress has power upon its own review of the facts to overturn the literacy test that withstood constitutional attack in *Lassiter* v. *Northampton Board of Elections*. The critical difference in each instance is that the judicial branch will respect the constitutional function of Congress under Section 5 of the Fourteenth Amendment.

Under *Katzenbach* v. *Morgan*, therefore, it is for Congress to appraise whether a literacy test does in fact produce a more intelligent exercise of the franchise. The increasing reliance upon other media of communications, the opportunities to see and hear the candidates, and the experience of twenty-four States which have no literacy tests strongly suggest that the contribution is trivial. It is also for Congress to weigh the seriousness of exclusion from the processes of self-government and the extent to which the exclusion of those denied an education is really based upon a prejudice against the poor—a classification which is plainly unconstitutional in relation to elections. *Harper* v. *Virginia Board of Elections*, 383 U.S. 663; *Kramer* v. *Union Free School District*, 395 U.S. 621. If the Congress, upon review of such facts, finds that literacy tests have so little justification under modern conditions as to work discrimination that is arbitrary and capricious in relation to the franchise, then Congress has ample power to require their elimination, under Section 5 of the Fourteenth Amendment.

I should emphasize that this power nowise depends upon a finding that literacy tests everywhere result in racial discrimination. The theory here is altogether different from the constitutional theory supporting Section 4 of the Voting Rights Act of 1965. Section 4 of the Voting Rights Act of 1965 was framed under Section 2 of the Fifteenth Amendment upon the theory that literacy tests and like devices had so widely been—and were so likely to be—used as engines of racial discrimination in certain States and counties as to warrant prohibiting their use unless and until the contrary was proved in a judicial proceeding. *South Carolina* v. *Katzenbach*, 383 U.S. 301. See also, *United States* v. *Missis-*

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sippi, 380 U.S. 128; *Louisiana* v. *United States*, 380 U.S. 148. The total abolition of literacy tests in all States should be based, as I view the matter, not upon any racial abuse but upon the finding that to separate out those who were denied an education in order to exclude them from voting works an invidious classification in violation of the Equal Protection Clause.

Before leaving the point I should add that I do not understand the basis for abolishing requirements of good moral character in places where such tests have not been engines of racial discrimination.

3. Congress has the constitutional power under Section 5 of the Fourteenth Amendment to reduce the minimum age for voting from twenty-one to eighteen years.

In my opinion, the constitutional underpinning for abolishing residency requirements and literacy tests is equally applicable to legislation reducing the voting age to eighteen. States in which the voting age is twenty-one put those who are 18, 19 and 20 in a separate class from those who have reached their twenty-first birthday. Under the Fourteenth Amendment the question is whether the classification is reasonable or arbitrary and capricious. Undoubtedly, the Supreme Court woud sustain such a State rule in the absence of federal legislation. Under Section 5 of the Fourteenth Amendment, however, the Congress has the power to make its own determination.

The supposed justification for denying the franchise to those between eighteen and twenty-one is that they lack the maturity and appreciation of their stake in the community necessary for an intelligent and responsible vote. The Congress would wish to consider whether there is a compelling basis for this belief, bearing in mind the spread and improvement of education, the age at which young people take jobs, pay taxes, marry and have children, the tremendous interest of young people in government and public affairs, and their increased knowledge and sophistication as a result of new forms of mass communications. On this point, surely it is not irrelevant that the educational system draws a major line roughly at eighteen years of age, upon graduation from high school. The Congress would also wish to consider that "[a]ny unjustified discrimination in determining who may participate in political affairs or in the selection of public officials undermines the legitimacy of representative government" (*Kramer* v. *Union Free School District, supra*). The exclusion is uniquely bitter when one may be summoned to fight and perhaps to die in defense of a policy he had not even a citizen's indirect voice in making.

If Congress upon reviewing these and related facts should find the classification invidious under contemporary conditions, the Court, if it adhered to *Katzenbach* v. *Morgan*, should sustain the legislation.

These views are not newly developed for this occasion. I expressed them in an article published in November 1966 shortly after *Katzenbach* v. *Morgan* was decided (*Constitutional Adjudication and the Promotion of Human Rights*, 80 Harv. L. Rev. 91, 107)—

"Much of President Johnson's desire to expand the electorate by outlawing all literacy tests, reducing the age for voting, and simplifying residence requirements can probably be realized by legislation without a constitutional amendment. If Congress can make a conclusive legislative finding that ability to read and write English as distinguished from Spanish is constitutionally irrelevant to voting, then a finding that all literacy requirements are barriers to equality should be equally conclusive. Congress would seem to have power to make a similar finding about state laws denying the franchise to eighteen, nineteen, and twenty year-olds even though they work, pay taxes, raise families, and are subject to military service. The constitutionality of federal prescription of residence requirements would seem more doubtful because the differentiations made by state laws are more difficult to characterize as invidious."

The doubt expressed in the final sentence is plainly unwarranted when the federal prescription is confined, as in the present bills, to Presidential elections.

Before closing, I must add two notes of caution.

First, I suspect that some constitutional scholars would not share my view that Congress can reduce the voting age without a constitutional amendment. Possibly, my reasoning runs the logic of *Katzenbach* v. *Morgan* into the ground. Possibly, the case will be explained away upon the ground that the discrimination was invidious because it ran against Puerto Ricans. But that is not what the Court held and if a congressional finding that residency and literacy tests work a denial of equal protection would be binding upon the courts, then logically a finding that the present discrimination against 18–21 year olds is invidious should be equally conclusive.

Of course, constitutional decisions do not rest upon logic alone. Our mobility has outmoded residency requirements at least in Presidential elections, as radio and television have outmoded literacy tests. The traditional attitude towards the voting age seems to be more deeply ingrained, and it is not impossible that the Court would adhere to that tradition until changed by constitutional amendment.

Second, these doubts suggest that an act of Congress reducing the voting age might be the subject of serious constitutional litigation. Possibly, enough votes would be involved to cast doubt upon the outcome of a Presidential or major State election. It might be calamitous to have the doubt remain for the full time required for a Supreme Court decision.

I have not had time, since the problem occurred to me, to review the legal precedents bearing upon the difficulty. The Committee will undoubtedly wish to study them. I suggest, however, that any danger can probably be avoided by including in any legislation reducing the voting age a section declaring that, pending a final ruling by the Supreme Court, the decision of the highest election officials or federal court with jurisdiction in the premises, rendered prior to an election, shall be conclusive with respect to the validity of votes case in that election.

Of course, this solution would leave open the possibility of different results in different States pending final Supreme Court resolution. That diversity could be avoided by providing that no challenge to a vote in any Presidential election upon grounds that the statute is unconstitutional shall be entertained unless an action against the United States for a declaratory judgment to determine the question of constitutionality shall have been filed in the United States District Court for the District of Columbia within one year after the effective date of the Act. The action should be triable before a three judge court. The decision of that court should be binding unless reversed by the Supreme Court more than three months in advance of the election.

Although candor obliges me to add these words of caution, I repeat that in my opinion congressional reduction of the voting age would be constitutional.

Exhibit 4

[From the Washington Post, Mar. 5, 1970]

Youth Power

Not surprisingly, Vice President Spiro Agnew did not testify in favor of lowering the voting age at the recent hearings of the Senate Subcommittee on Constitutional Amendments. But almost everyone else did. Deputy Attorney General Richard Kleindienst, for example, spoke for the administration in saying that "America's 10 million young people between the ages of 18 and 21 are better equipped today than ever in the past to be entrusted with all of the responsibilities and privileges of citizenship"—no small compliment from a man who has been sharply critical of the youth revolt. He pointed out, further, that people under 21 may hold jobs, pay income tax, be held responsible for civil and criminal actions and, of course, be drafted into the armed services. Why not the vote?

Reinforcing that view was Stephen Hess, national chairman of the 1970 White House Conference on Children and Youth, who offered the alarming statistic that although the median age of the country's population is 27.7 (and falling all the time), the median age of the electorate is 45.1. A lower voting age, he suggested, would provide the disenfranchised 5 per cent of the population between 18 and 21 "with a legitimate outlet for their concerns, while at the same time enabling them to participate within the established political framework of our government." A host of other supporters testified; the Senate move for a constitutional amendment to lower the voting age has 68 sponsors from both parties. Senator Kennedy has even argued in a memorandum that Congress has the constitutional power to lower the voting age by statute rather than amendment.

The evidence from outside government has been at least as persuasive. Dr. Margaret Mead has written that "those who have no power also have no routes to power except through those against whom they are rebelling." Those investigating repeated instances of violent uprisings by young students and non-students alike—such as last week's incidents in Santa Barbara, Calif.—inevitably come back to complaints of "powerlessness."

It is perhaps not the most politically expedient thing to do in an election year, when many older voters are fed up with youthful excesses. It may not be the easiest measure to push through Congress at a time when another important constitutional amendment having to do with electoral reform is pending, the one for direct election of the President, and when voting rights legislation is also before Congress. It certainly will not be a panacea for the bulk of our society's problems. But it has worked in four states. It has been adopted in Britain. It would open access to decision-making for many who now feel deeply frustrated. In short, the lowering of the voting age to 18 for all elections throughout the country is overdue.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. KENNEDY. I yield.

Mr. MANSFIELD. May I say that the amendment to the Scott-Hart substitute yesterday offered by the distinguished senior Senator from Washington (Mr. MAGNUSON), myself, and other Senators, is in reality the Kennedy amendment, because the initiative came from the studies and the proposals advanced by the Senator from Massachusetts.

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. KENNEDY. I yield.

Mr. GOLDWATER. As the Senator knows, I have had a long interest in obtaining voting rights for 18-year-olds. I shall be testifying before the subcommittee next week on this subject.

I think it would be wrong, frankly, for us to try to tack it on to the current bill without complete hearings, because there are many good legal arguments for doing it through law, and there are many sound arguments involving the ability of 18-year-olds to reason for themselves. I do not think we can bring those things out

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properly on the Senate floor, in the midst of what is bound to be a rather heated and sometimes misunderstood debate.

I would hope that all of the distinguished Senators who have advocated that this proposal be attached to the current voting rights bill would not press it. I think we can pass it separately.

I introduced a constitutional amendment last year to accomplish this purpose, and it carried quite a number of cosponsors. I have not prepared any legislation on the subject this year; I am merely testifying to what the Senator has said, that it can be done, in my opinion, by an act of Congress, but there is bound to be long debate in this Chamber, that could tie up the whole voting rights bill, by those who disagree.

I know that many members of the Committee on the Judiciary feel that the court's decision was wrong. I quite agree with them; but it is the decision of the court; and as such, we can take advantage of it. So I hope we will not press it too hard.

Mr. KENNEDY. I thank the distinguished Senator from Arizona for his comments. I think all of us are aware that there are, I believe, 68 Senators who have cosponsored a constitutional amendment to reduce the voting age to 18, including the Senator from Arizona, the Senator from Indiana (Mr. BAYH), the Senator from West Virginia (Mr. RANDOLPH), and the majority leader (Mr. MANSFIELD). A large number of other Senators have been extremely interested in this issue, and have been working in this area for a considerable period of time.

The power of Congress to lower the voting age by statute has been the subject of eloquent testimony in the Subcommittee on Constitutional Rights. And, as the Senator mentioned, Senator BAYH's Subcommittee on Constitutional Amendments will hold hearings on this issue next week.

The distinguished majority leader will be the one to indicate whether or not he intends to call up his amendment at the appropriate time.

In any event, I certainly hope that we will have a chance to discuss this matter during the course of the debate on the Voting Rights Act. I think the issue of 18-year-olds voting is particularly relevant to the discussion of voting rights. Already in this debate, we have been talking of race, and literacy, and residence in connection with voting rights. It is entirely appropriate, therefore, that we should also talk of age.

I think it is also appropriate, in light of the administration's position on this matter—that Congress has power to change literacy and residence requirements by statute—to suggest that similar lines of constitutional argument apply to the question of extending the franchise to 18-year-olds. I think there is a common spirit, a common theme, a constant common constitutional argument for such extension.

I think that many of us are caught in the dilemma mentioned by the Senator from Arizona, as to whether it is appropriate to add a provision on 18-year-old voting to the Voting Rights Act.

In any event, I think the hearings next week will add enormously to the Senate's general understanding of this issue. I think Professor Senator Cox's statement last week before Senator ERVIN's subcommittee was remarkably complete and comprehensive. It refers in considerable detail to other writings, comments, statements, and speeches on the issue. I think it would be useful for all of us who are interested in this issue to give it full consideration.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. KENNEDY. I yield.

Mr. MANSFIELD. Mr. President, the amendment which has been offered is germane to the pending bill. The questions which have been raised by the distinguished Senators are pertinent to the issue itself.

It is true that there will be further hearings next week on this proposal—this long overdue proposal, in my opinion—but, frankly, for a number of years now, the Senator from Vermont (Mr. AIKEN) and I have been appearing before the Judiciary Subcommittees, hearings have been held, and nothing has been done. For some reason or other, certain types of legislation seem to have a very difficult time getting out of the Committee on the Judiciary.

It would be my present intention to call this amendment up at an appropriate time. It would not be my intention to engage in a filibuster or to bring about any delay, beyond a reasonable amount, in the consideration of the pending business. But I think it is about time we face up to this matter.

I was disturbed by the fact that in the elections last November, the States of Virginia and New Jersey turned down the 18-year-old vote, and that just several weeks ago the House of Delegates, I believe, of the Maryland General Assembly did likewise.

I think it is about time we gave these youngsters a chance, gave them the opportunity to participate, at least in a small way, in the making of policy, and add this to the other responsibilities which are theirs without choice. If we are going to depend upon older people to take care of these youngsters, I am afraid many of them are going to have to wait too long a time. I think those of us who are a little older and some of us who are quite older ought to give some recognition to these youngsters, who are far more intelligent than we were at their age, who have to face more difficult problems, and who, in my opinion, are entitled to the franchise, and who I hope will be getting it shortly.

Mr. GOLDWATER. Mr. President, will the Senator yield?

The **PRESIDING OFFICER.** The additional time of the Senator from Massachusetts has expired.

Mr. KENNEDY. I ask unanimous consent that I may have 2 additional minutes.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

Mr. GOLDWATER. I agree with the majority leader completely in his remarks. My only concern is that we are now nearly a week into the present voting rights bill, and this amendment is bound to bring criticism from those who doubt the constitutionality of this approach.

In my opinion, I feel that this will stand on its own; that if the subcommittee will pass it to the full committee and the full committee will pass it on, as I think they will, we can vote on this as a separate issue.

I am in complete accord with what the Senator from Montana has said on this issue. I have prepared testimony for next week. I do not want to divulge it at this time; but an interesting little piece of information I dug up—and it is difficult for me to believe—is that 26 percent of all the girls who reach 18 are married. If a girl 18 years of age can be a mother and run a house, if she can have a driver's license, if she can engage in any number of things legally, I do not know why she cannot vote. I just pass that on as a part of the information I dug up, which is very revealing to me.

I would hope we do not get too serious about it on this bill. If there is any indication that the committee is not going to pass it on to the Senate, I will join with the Senator from Montana.

Mr. MANSFIELD. I appreciate that assurance, because what I want is a bill before the committee, an amendment, a resolution, or something of that nature.

I think we have waited long enough, and I do not think we should be held hostage to the Judiciary Committee or any other committee, subject to their whims, when I think the great majority of this body, as the distinguished Senator from Arizona has indicated—and he has been a longtime advocate, as well as the distinguished Senator from Massachusetts, who has likewise been a longtime advocate—must be aware of the situation which develops. What I want is action.

Mr. GOLDWATER. I might say, Mr. President, to conclude this colloquy, that when I was engaged in a rather unfortunate experience a few years ago, in seeking a higher office, this was part of my platform. I do not think it contributed to my defeat. I think that possibly I gained more votes because I advocated it, and I am not worried about the political implications.

CENSUS DEFECTS

Mr. KENNEDY. Mr. President, in 3 weeks the Bureau of the Census will mail 40 million questionnaires to households across the Nation to begin the 1970 census. However, in some of those homes, no one can read English. In others, the complexity of the forms will produce a limited response. And there is considerable doubt that all apartments and houses in the Nation, particularly in the inner cities, will be on the Bureau's mailing list. For those reasons, black and Spanish-speaking organizations have filed suits charging the 1970 census once again will miss the Nation's minority groups.

In 1960, some 5 million Americans were not recorded, including 10 percent of the total black population of this country. The implications of that failure for the Nation's planning of social pro-

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grams cannot be ignored. A week ago, I wrote the Director of the Bureau of the Census expressing my concern that we are about to see a repetition of the 1960 experience with the underrepresentation of black and non-English-speaking minorities.

Because of the lawsuits and the mounting criticisms of census procedures, a meeting has been scheduled tomorrow at the White House between Presidential aides and representatives of the minority groups seeking changes in census procedures. I hope that census officials will make the necessary alterations to insure that all citizens are counted in the 1970 census. We can accept no less.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD a copy of my letter to the Honorable George Hay Brown, Director of the Bureau of the Census.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, D.C., February 26, 1970.

HON. GEORGE HAY BROWN,
Director, Bureau of the Census,
Department of Commerce,
Washington, D.C.

DEAR MR. BROWN: I am greatly concerned that the procedures announced for the taking of the 1970 census may once again result in the under-representation of the nation's minority groups, particularly the black and the Spanish-speaking communities. In 1960, the census takers missed some 5 million persons including an estimated 2 million black citizens, nearly 10 per cent of the country's total black population. An untold number of Spanish-speaking persons and other ethnic minorities were among the 3 million white citizens unrecorded in 1960, according to Bureau officials.

As you know, many, if not all federal programs base their planning on the statistics contained in the federal census. Thus, for ten years, these minority groups have been denied an equitable share of federal resources, and they are the groups that can least afford to be slighted.

Now, we are faced with a new census whose statistics will become the basis for the design of government programs for the next decade. We cannot afford to bypass, however inadvertently, large numbers of our citizens.

I believe that some of the new procedures announced by the Bureau to avoid the inaccuracies of the 1960 census still contain major defects. The mail-out process to be used in 60 per cent of the nation relies on commercial mailing lists, Post Office records, and a door-to-door precanvassing this month to secure mailing addresses. Unfortunately, many poor families of the inner city and many of the rural poor will not be found on those lists.

Moreover, it is questionable whether the precanvassing will achieve its aim. The tendency of the inner city is to distrust the stranger, and that distrust is even greater when the stranger represents an unfamiliar government agency. Yet, the Bureau's campaign to recruit minority workers will not be completed until the end of March, too late for these neighborhood residents to be used in the precanvassing.

There is a further difficulty that affects both Black and Spanish-speaking citizens. The census forms and the instruction sheets are to be mailed to the home. The resident must read and understand the instruction sheet, fill out the detailed questionnaire and mail it back to the Bureau of the Census. Even the Bureau has acknowledged that many families are not likely to respond out of fear or ignorance. Follow-up interviews are to be conducted when a questionnaire is not returned. However, the success of the interview process in counting minority group members depends heavily on recruiting minority persons from the local neighborhood. I would also appreciate it if you could send me information on the number of minority persons that have been hired in the 393 offices and the number of such persons you estimate are needed to accomplish the precanvassing and follow-up interviews.

There is an additional and specialized problem for the Spanish-speaking community. I understand that a small, randomly selected number of homes will receive a special questionnaire seeking to identify the number of Spanish-speaking residents and their nationality. The special questionnaire will not include a Spanish language instruction sheet. For the non-English speaking family both the instruction sheet and the form will be incomprehensible. Spanish language instruction sheets will be mailed in only five of the 393 regional census districts which will serve a small percentage of the total Spanish-speaking community. The questionnaire still will be in English. Yet, the Bureau has said that nearly 90 per cent of the questions on the Spanish language form used by the Bureau in Puerto Rico are identical to the queries on the English-language form to be used in the states.

I therefore urge you to examine immediately the following possibilities:

(1) Assess the progress of the minority hiring process *now* so that remedial steps can be taken in those areas where the minority recruiting efforts have not been successful.

(2) Emphasize the use of community groups as educational media and as precanvassers, and compensate them for their efforts.

(3) Send questionnaires and instructions in both English and Spanish to Spanish surname residents and to all residents in areas where a large concentration of Spanish-speaking persons are known to reside. Similar efforts should be undertaken for other linguistic minority groups: French, Portuguese, Chinese, etc.

(4) If these matters cannot be resolved prior to the March 28 mailing date, then a subsequent mailing of bilingual instruction sheets and additional followup interviews should be planned.

(5) To help deal with these problems in the future, a person specifically responsible for minority group problems should be assigned to each regional office to insure that these current difficulties do not recur in the 1980 census.

I urge your consideration of these matters so that the 1970 census can produce a true count of all of our citizens.

Sincerely,

EDWARD M. KENNEDY.

ORDER OF BUSINESS

Mr. BYRD of Virginia. Mr. President, I ask unanimous consent that I may speak for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE UNITED STATES AND LAOS

Mr. BYRD of Virginia. Mr. President, Prince Souvanna Phouma of Laos said Tuesday that the United States has an obligation to defend and protect his kingdom.

Although Laos is not covered by a formal defense treaty, and is not a member of SEATO, it comes under the protection of the Southeast Asia Treaty Organization pact, which the United States has signed.

Communist forces in Laos are threatening a test for President Nixon's doctrine of limiting U.S. involvement in overseas troubles.

North Vietnam, without admitting it, has 50,000 troops in Laos helping local Communists in active fighting.

The United States, although refusing to acknowledge it, is staging heavy B–52 bombing raids in Laos and is helping Royal Laotian forces with training and supplies—and flying tactical support for the Laotian forces.

Of course, U.S. military activity in Laos, insofar as air power is concerned, is nothing new—but the tempo has quickened during recent weeks.

The facts are that during the past 3 or 4 years, the United States has been much more deeply involved in Laos than it publicly admits.

It is a fact, too, that the United States has dropped more bombs there than it has on North Vietnam.

Yet, neither the Johnson administration nor the Nixon administration has been willing to present the facts to the public.

This is unfortunate.

Both the United States and the North Vietnamese are—and long have been—violating the Geneva Accord of 1962.

As Senator MANSFIELD, the Senate majority leader, so ably pointed out in the Senate Monday:

> The involvement is so transparent on both sides as to make less than useless the effort to maintain the fiction of the Geneva Accord, or even to exchange charge and countercharge of violations.

Prince Souvanna Phouma's statement this week dramatizes the problem the United States faces.

Three years ago next month, after returning from Southeast Asia, I made this statement on the floor of the Senate:

> Sooner or later, our nation may be faced with grave decisions regarding Laos and Cambodia.
>
> If such is the case and we decide to intervene, we will then have assumed the responsibility for all of what was French Indo-China, plus its neighbor, the Kingdom of Thailand. If we conclude not to intervene in Laos and Cambodia, either or both could become another Communist-dominated North Vietnam.

For more than a year now, I have been convinced that the North Vietnamese and their local Laotian Communist allies could, almost at will—say within any 3-month period—take over virtually all of Laos.

But up to this point, the North Vietnamese have not regarded it as worth while. Recently, however, they have increased the pressure on Laos—and possibly for the purpose of increasing the problem for the United States.

Despite the fact that President Nixon has substantially reduced the number of American troops in South Vietnam, I have never felt optimistic about an early end to this war.

From the beginning, I have felt it a great error of judgment to become involved in a ground war in Asia. I have

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said this many times on the floor of the Senate.

But then, having made that error, President Johnson and Defense Secretary McNamara compounded the error by the way they conducted the war. I am convinced that the Johnson-McNamara policies prolonged the war and increased the casualties.

President Nixon does not have the same options as did President Johnson. Probably he is doing the best that can be done under the existing circumstances.

The increased aerial activity in Laos is partially, if not primarily, for the purpose of reducing North Vietnamese enemy infiltration from North Vietnam to South Vietnam. The Ho Chi Minh Trail runs through Laos. Thus, the heavy bombing in that area.

But besides that, we have been giving tactical support to the Royal Laotian Air Force in order to help Prince Souvanna Phouma survive.

I emphasize again that U.S. aerial activity in Laos is nothing new. It has been going on for a long time. But there has been an increase in such activity, and probably a substantial increase.

But this does not alarm me as much as does the statement this week by Prince Souvanna Phouma, which statement suggests to me that he may be becoming desperate and is seeking wider and more comprehensive support from the United States.

Under no foreseeable conditions must we become involved in another ground war in Asia. There is no evidence to suggest that the Nixon administration is considering any such course.

But I do agree with Senator MANSFIELD that it would be in the best interests of both our Nation and President Nixon, were he to give the American people a thorough and comprehensive report as to just how deep our commitments are to the Kingdom of Laos.

Undoubtedly, the situation in Laos is deteriorating. I am not convinced that the situation in South Vietnam has improved to the extent that some of our leaders contend.

The full implications of our involvement in Indochina are not yet apparent.

In the field of foreign affairs, the Senate has a joint obligation with the President.

In war, we can have only one commander in chief, but in formulating policies and programs which could lead toward war—or away from war—the Senate and the President must act together.

The first step insofar as Laos is concerned is to admit frankly that we are heavily involved there.

From that admission—and once the facts are laid on the table—an appropriate course of action may be evolved.

I hope that I am too pessimistic in regard to the problems which face us in Indochina.

But I end with a paragraph from a speech I delivered in the Senate of the United States 3 years ago, on April 11, 1967:

> Sooner or later, our nation may be faced with grave decisions regarding Laos and Cambodia.

The time of decision seems to be drawing nigh.

Mr. MANSFIELD. Mr. President, will the distinguished Senator from Virginia yield?

The PRESIDING OFFICER (Mr. EASTLAND in the chair). Does the Senator from Virginia yield to the Senator from Montana?

Mr. BYRD of Virginia. I am delighted to yield to the Senator from Montana.

Mr. MANSFIELD. Mr. President, referring to the remarks on the first page of the well-thought-out and cogent speech just made by the distinguished senior Senator from Virginia, he states:

> The facts are that during the past three or four years, the United States has been much more deeply involved in Laos than it publicly admits.

I agree with that statement but I am quite certain, from the administration's point of view, that they had valid reasons for conducting themselves as they did. However, I think, in view of recent escalation, and the tremendous amount of publicity which has been generated about Laos over the past several weeks, that now would be a good time for someone high in the administration to make a statement to the American people. There is need for a speech, if you will, outlining the situation; because, as the Senator has pointed out, it is common knowledge now and I think the sooner the cards are laid on the table, the better it will be for all concerned.

If this is not done, and there is no accommodation between the State Department and the Committee on Foreign Relations vis-a-vis the Symington hearings, then I think that the suspicions among the people will increase. Serious questions will be raised which could be met now through a two-pronged effort; that is, a speech or statement by someone high in the administration and at the same time the reaching of an accommodation between the State Department and the Committee on Foreign Relations vis-a-vis the Symington hearings.

The Senator also says:

> Under no foreseeable conditions must we become involved in another ground war in Asia.

I agree completely. I think that we have engaged in two ground wars in Asia; Korea, which should have taught us a lesson—at its conclusion I thought that it had; and Vietnam, which was a mistake from the beginning and is now a continuing tragedy. Vietnam is an area in which this country has suffered in casualties 350,000 dead and wounded, and the end is not in sight.

The negotiations in Paris are at a standstill. The light at the end of the tunnel has still to be seen.

With reference to a ground war, the Senator from Virginia further says:

> There is no evidence to suggest that the Nixon administration is considering any such course.

I agree completely with that statement.

Then toward the end of his speech, the Senator says:

> The full implications of our involvement in Indo-China are not yet apparent.

I agree.

Then he says:

> In the field of foreign affairs the Senate has a joint obligation with the President.

I agree.

Then he says:

> In war, we can have only one commander in chief, but in formulating policies and programs which could lead toward war—or away from war—the Senate and the President must act together.

I agree.

I would state that the national commitments resolution which the Senate passed last year—it was a Senate resolution only—which was reported by the Committee on Foreign Relations unanimously is something which must be taken into consideration at all times, because it is a declaration of intent on the part of the Senate, coupled with the Cooper-Church amendment which forbade the use of combat troops, GI's in Laos and Thailand.

Those two together underscore the constitutional relationship in foreign relations between the executive branch and the Senate. I am happy to recall to the Senate the fact that the day the Cooper-Church amendment was agreed to, forbidding the use of combat troops, GI's, in Laos and Thailand, the administration through its spokesman—and I think it is referred to in the RECORD—the administration on that day indicated that it favored fully the meaning of the Cooper-Church amendment.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that I be permitted to continue for 2 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, then the Senator says, "I hope that I am too pessimistic in regard to the problems which face us in Indochina." I share that hope. I am not happy about the situation there. It has cost this Government too much in the way of lives. It has cost too much in the way of resources which could be spent in easing the needs of our people, the problems of the cities, the problems of crime, drug addiction, pollution, and the like.

I only hope that this miserable war can be brought to a close as soon as possible.

I commend the President for reversing the ship and trying to get out, even if it is only a phased withdrawal. I hope that the withdrawals can be speeded up considerably.

I commend the Senator from Virginia (Mr. BYRD) for taking the floor to make this well-thought-out, cogent statement this afternoon.

Mr. BYRD of Virginia. Mr. President, I thank the majority leader. I want to say, in regard to the earlier comment of the distinguished Senator from Montana, that I recognize, as he so ably brought out, this is a very difficult matter for any administration to discuss with the public.

The Johnson administration faced this problem during the time it was in office, during which time our country was substantially involved in military ac-

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tivity in the way of air activity in Laos.

The Nixon administration is facing the same touchy and difficult problem. It is a very delicate matter. It is a matter that needs to be carefully weighed, as no doubt the President and the Secretary of State and the Secretary of Defense are carefully weighing the matter.

It is a highly delicate situation affecting international relations.

But we have been involved there for so long, and it has been so apparent to the entire world, including the Soviet Union and our enemies, the North Vietnamese, that I think it is in the best interests of our Nation and the best interests of the people of the United States that these facts now be brought into the open. Prince Souvanna Phouma's statement of yesterday lends emphasis to this.

ADDITIONAL STATEMENTS OF SENATORS

PRESIDENT POMPIDOU'S VISIT TO THE UNITED STATES

Mr. FULBRIGHT. Mr. President, I am greatly relieved and pleased that President Pompidou has returned safely to France.

I am also very glad that in spite of the air of hostility and criticism which was manifested toward him by a very small number of overzealous demonstrators, no physical harm to the President or any of his party or to the French Embassy occurred.

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Personally I believe that President Pompidou made a favorable impression upon thoughtful Americans deeply concerned about the welfare of America. His public speeches and especially his private discussions revealed a man who had thought deeply about the very difficult problems which are threatening catastrophic conflicts in various parts of the world, and especially in the Middle East. His views are not popular among some in this country, but they represent French policy and are characterized by sophistication and an understanding of international relations rather than by emotion. His logical and rational approach was refreshing.

I commend President Nixon for the manner in which he received and treated the representative of the one country which, when we needed help in achieving independence, responded.

President Pompidou is an intelligent and able representative of his people.

THE SLAUGHTER OF AIRBORNE INNOCENTS

Mr. PELL. Mr. President, the recent murder of 47 innocent persons—seven of them citizens of the United States—on an Israel-bound airliner has outraged decent opinion the world over. These vicious acts cannot be allowed to continue. Strong measures are required.

I was dismayed by the response of certain international airlines, whose reaction to this atrocity was to do exactly what the apparent perpetrators wanted by banning mail and freight shipments to Israel.

Preventing future slaughters of the innocent is cause enough to act. But there are additional grave reasons to put a stop to these outrages. The Prime Minister of Israel, Mrs. Golda Meir, has warned that her government "will not tolerate" attacks on airliners bound for Israel. She has also said that either all airlines will operate unhindered to Middle East destinations, or none will. And we can all sympathize with and understand Mrs. Meir's position. We have seen in the past that Israeli warnings of this nature are not to be taken lightly. Unless there is strong action against future acts of sabotage this situation has frightening potential for escalating into a new round of large-scale warfare in the Middle East, which carries with it the most serious threat to world peace.

I urge the U.S. Government to join immediately with other affected nations to discuss what should be done. One step that should certainly be considered is the immediate suspension of landing rights for airlines based in states which harbor air saboteurs and hijackers and support them with funds and arms. Another is an international airline boycott of these states. A third is the immediate provision of governmental assistance for improved and necessarily expensive security measures by airlines serving Israel. Lastly, I urge the airlines which have banned freight and mail for Israel to reconsider their action.

Mr. President, it is not only the security of Israel that is at stake. Innocent people who are not by the largest stretch of the imagination in any way involved in the dispute between Israel and her Arab neighbors have been killed. This is totally unacceptable to me and to decent men everywhere.

DEMONSTRATIONS AGAINST PRESIDENT POMPIDOU'S VISIT

Mr. MILLER. Mr. President, yesterday's Washington Post carried a column by columnist Marquis Childs. He says what all of us have been thinking during the past several years about riots, violence, "unnegotiable demands" and all the rest.

The people of this country in my view—the law-abiding taxpaying citizens who are doing their best to provide for their families, bring up their children and live with some modicum of dignity—also have their unnegotiable demands, nonetheless real and vital to them even though they may be unexpressed.

I believe the unnegotiable demand of the great majority of our citizens is that this country, its democracy, its institutions and our way of life shall be preserved. This is not to say that the citizen is against change, but that he is for constructive change—reform—in accordance with the procedures evolved through nearly two centuries of successful demonstration of the noblest experiment ever tried by man. He is unalterably opposed to being controlled by a violent minority no matter how deep their feeling and, for that matter, no matter how right they believe their cause to be. Thus the militant protestors are making their ultimate suppression more certain than ever and this too—for it might take an anachronistic form itself, as recent history the world over has shown many times—we also must fear.

I feel strongly that this country is beset by real danger both on the far right and the far left; and our obligation is to steer a thoughtful, responsible middle course between these two irrational extremes. Therefore I was much heartened this morning to read Mr. Childs' thoughtful article in which he points out that the demonstrators almost invariably do their own cause greater harm than any other single event. In my opinion he was right on target.

Mr. President, I ask unanimous consent that Mr. Childs' perceptive article be inserted in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Mar. 4, 1970]

PROTESTERS AGAINST POMPIDOU HAVE HARMED THEIR CAUSE

(By Marquis Childs)

NEW YORK.— The visit of President Georges Pompidou is, to put no finer point on it, a disaster. Even if it had not been for the deal to supply Libya with 110 jet fighter planes, the decision to make a state visit to the United States at this time was the initial folly.

In the era of demonstrations, violence and street bands, the day of the state visit is long since past. It is an anachronism that can generate nothing but trouble. The theory that the visit might produce closer ties with France, following on President Nixon's overture on his European tour, was down the drain with the announcement of the sale of the Mirage planes to Libya. It should have been possible to find a diplomatic way to postpone the visit, if not to cancel it.

The damage that has been done will take a long time to repair. The French president was, after all, a guest of the President of the United States. The resentment in France, regardless of individual feelings about the deal with the pro-Nasser regime in Libya, will cut right across the beginning effort to bring France back into the NATO fold.

The shouting, placard-carrying demonstrators ringing the Waldorf-Astoria have done their cause great harm. That President Nixon would grant Israel permission to buy jet fighters in this country has been taken for granted. The assumption has been that he would not talk about numbers but would issue a general statement asserting the need for Israel to maintain sufficient defensive strength in view of the Soviet Union's rearming of Egypt.

That decision now becomes more difficult. How long it will be delayed no one can say. But the President cannot seem to act in response to street demonstrations. And having to try to make up to Pompidou for what the French head of state felt were humiliating indignities will surely not soften the Nixon approach.

There could hardly be better proof of the futility—the wrong-headedness—of the demonstration tactic. They are an irritant or worse, exacerbating opinion in this country.

The reaction to the demonstrations and violence out of the trial of the Chicago Seven is another proof of how counterproductive this business is. Defense Attorney William Kunstler put it very well when in an almost hysterical telecast he said the swing to the right was becoming a stampede. And the conduct of the defense staff and their clients have contributed immeasurably to that stampede. The destruction and violence in and around the University of California campus at Santa Barbara as seen on the nation's television screens angers the average citizen.

The repercussions in foreign policy of the Pompidou fiasco are almost as damaging. Later this year the French president is going to Moscow on a diplomatic mission. The Soviet Union will go all out to do the honors. In however small a degree that will accentuate France's swing to the East.

Moscow and Paris can make common cause in the Middle East. Their common interest is oil. And, for the Soviets, penetration into the Mediterranean and beyond fulfills an ambition dating back to the czars.

That the United Nations is located here in this great city with its diverse and conflicting passions is in itself a misfortune. On several occasions the city has had to spend large sums of money protecting heads of government and foreign ministers here for U.N. sessions. The most conspicuous occasion was when Nikita Khrushchev came to the General Assembly to berate the United States and pound his shoe on his desk. The cost to the city to hold back the demonstrating mobs is said to have been $1,500,000.

France's wise ambassador to Washington, Charles Lucet, has understood from the outset the hazards in the state visit now ending with such unhappy consequences. A flood of abusive mail came into the embassy, including even threats on Pompidou's life. While Lucet could pass on his own concern he was powerless to stop the course of events long before set in motion.

The French president should be duly impressed by the action of the American President in coming to stand at his side and thereby counteract in part at least the unpleasantness of the massed demonstrations in Chicago and New York. It is a gesture bound to improve the Nixon image. By contrast, Mayor Lindsay, absenting himself from the city and playing puerile politics with the visit, looked childish.

There is one individual who is surely chortling over the whole unhappy episode. One can almost hear Gen. Charles de Gaulle at his retreat at Colombey les Deux Eglises saying, "This is just what I have always believed about America. I warned Pompidou. Now he is learning for himself." What an irony that Pompidou should have been moving away from the dictates of Le Grand Charles and correspondingly closer to France's once-close partner.

CENTER FOR THE ENVIRONMENT AND MAN

Mr. RIBICOFF. Mr. President, the deterioration in our environment is a matter of national concern. Across the country there is a new awareness of the effects of pollution. The Federal Government is beginning to deal with the problem, but much more research needs to be done. One of the most promising efforts in this direction was recently announced by the Travelers Insurance Co. and the University of Connecticut. Under an agreement announced March 2, 1970, the Travelers Research Corp. will be placed under the control of the university board of trustees and merged with the Center for the Environment and Man, Inc., in Hartford.

I was specially pleased to note that Dr. Thomas F. Malone, who has been chairman of the board of the research corporation and a senior vice president of the Travelers, will join the university staff as special consultant to the president on environmental problems and professor of physics. Dr. Malone is one of the most knowledgeable men in the country on environmental problems. His excellent counsel and leadership assure that this new organization will make a valuable contribution to the growing national dialog on the environment.

The expanded Center for the Environment and Man will study the problems caused by uncoordinated urban sprawl, air, water, and noise pollution, and exhaustion of our natural resources. In addition, the center will concern itself with social aspects of the human environment, including the delivery of health services and development of new systems of education.

With research grants and contracts totaling $2.25 million, a staff of 125 and assets of some three-quarters of a million dollars, the center will have the resources to tackle a broad range of problems effectively. I want to congratulate Governor Dempsey, the president of the university, Homer Babbidge, Jr., the president of Travelers, Roger Wilkins, and Dr. Malone on the establishment of this new research organization, and ask unanimous consent that their remarks on the occasion of the announcement be printed at this point in the RECORD.

There being no objection the statements were ordered to be printed in the RECORD, as follows:

REMARKS OF GOVERNOR DEMPSEY, CENTER FOR ENVIRONMENT, AND MAN

Today's announcement that the Center for Environment and Man, which has been operating as part of the Travelers Research Corporation, will now join the University of Connecticut is an outstanding example of partnership between the State and private enterprise for the common good.

It will be a distinct asset to the University for its faculty members and students to have access to the resources of the Center for Environment and Man.

Furthermore, this partnership will benefit all of the people by adding to our knowledge of environmental problems and methods of dealing with them.

Nothing less than the survival of mankind itself is at stake in the campaign to protect our environment. We have been told this over and over by qualified experts, and it is good to know that Connecticut is responding to these warnings with definite action.

Action—the development of an action-oriented program for environment protection—is what I have requested from the Environmental Policy Committee which I appointed early this year.

I assure the Center for Environment and Man that it can count on full cooperation from the Environmental Policy Committee under the direction of Dr. James Horsfall, and also from Commissioner Joseph N. Gill of the Department of Agriculture and Natural Resources.

It is indeed a happy circumstance that Dr. Thomas Malone of the Center for Environment and Man is also vice-chairman of the Environmental Policy Committee.

Dr. Malone's service to the state in the environment protection field goes back almost five years to the time when he graciously accepted appointment from me as chairman of the Clean Water Task Force.

Citizens of Connecticut, for generations to come, will have cause to be grateful for the success with which he undertook that vital assignment.

Fortunately, all of the people, persons in every walk of life, are beginning now to realize what Dr. Malone and others who share his expert knowledge and concern have known for a long time—that if we continue to abuse the environment by polluting the air, the water and the land, it can no longer serve us.

Halting this abuse will not be easy. It will require real sacrifices on the part of all of us. I am sure, however, that the more we know about the problem, about what needs to be done, and about the benefits to be derived, the more willing we will be to make the necessary sacrifices.

I view the Center for Environment and Man as an agency with special ability to provide us with that knowledge.

By transferring the Center to the University of Connecticut, the Travelers has shown a high degree of public spirit and an awareness that the responsibility for safeguarding the environment rests not with government alone, but with private interests as well.

With the utmost sincerity, I express my thanks to the Travelers, and my best wishes for a highly successful future to the Center for Environment and Man.

STATEMENT OF HOMER D. BABBIDGE, JR., PRESIDENT, UNIVERSITY OF CONNECTICUT

I am happy to announce that Dr. Thomas Malone, currently Senior Vice President of The Travelers Corp., has accepted a full-time appointment at the University of Connecticut as Professor of Physics and Special Consultant to the President on Environmental Problems.

There is little need for me to recite here his impressive qualifiactions to assume this role, nor to stress how fortunate the University is to gain access to his exceptional counsel.

It is also gratifying to me to contemplate a close relationship between the University and the Center for the Environment and Man, made possible by the announced action of The Travelers Corp. By establishing an independent non-profit Center for the Environment and Man with such substantial intellectual and material assets, and announcing its intention to entrust it to University-appointed Trustees, The Travelers Corp. has, at once, made a generous statement of its concern for the public good and cast a vote of confidence in our State University.

Dr. Malone's appointment and the Center's new status are among the most dramatic developments to date in the University's continuing effort to fulfill its obligations to contemporary society.

A committee of University students and faculty will soon be appointed to work with Dr. Malone in delineating our institutional role in the broad field of environmental studies. The committee will be responsible with Dr. Malone for developing recommendations with regard to the organizational form and basic directions our work should take. Funds with which to insure the success of this planning effort are being requested from the National Science Foundation.

Dr. Malone and the committee also will seek to develop appropriate interrelationships among the many persons and groups within the University already concerned with environmental studies and to develop new dimensions of growth. I anticipate that when these organizational questions and interrelationships have been defined, Dr. Malone will assume major administrative responsibility for University work in this field.

Finally, I should like to stress that our concern as a University for the environment, extends beyond the scientific study of our natural environment. Our concern has been and will continue to be to work toward improvement of the quality of life for *all* people in their social and natural environments.

REMARKS OF ROGER C. WILKINS

Governor Dempsey, President Babbidge, ladies and gentlemen: It is a pleasure to join you today in announcing plans for an environmental research study center to be affiliated with the University of Connecticut . . . and particularly to announce the contribution which we of The Travelers are making to this plan.

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We have agreed in principle to transfer the resources of The Travelers Research Corporation to the Center for the Environment and Man which will be affiliated with the University. It is our hope that the Center will provide the nucleus of what will become a major scientific program for the study . . . and solution . . . of those problems which we now recognize are associated with what could be called "the successful society."

Our technology has gotten ahead of us. In our interest in generating economic growth, prosperity and the highest standard of living ever achieved in the history of man, we have produced some unpleasant, unpopular, and in some cases downright dangerous side effects, among them: pollution, traffic congrestion, urban overcrowding, and the like.

We are convinced that these side effects can be overcome . . . without sacrificing the standard of living or our major industrial achievements. But to do so calls for major research involving many highly specialized fields of study, plus the close cooperation of business, scientists, members of the community, and our representatives in government. An academic center, such as the University of Connecticut, is ideally suited to the role of directing such research, and coordinating the interests of all the people involved.

Our contribution . . . the nucleus to which I referred . . . involves current research grants and contracts outstanding with The Travelers Research Corporation of approximately $2.25 million . . . plus a staff of approximately 125 people, and assets of some three quarters of a million dollars. Included in these assets is the contribution which we have made in assembling and developing this research organization and its leadership.

In addition, we have agreed . . . I must say somewhat reluctantly . . . that it is only appropriate that Dr. Thomas F. Malone should continue to be affiliated with this research organization as he was instrumental in its development.

If it were not for the importance of the mission he will be undertaking . . . and for the fact that the University has graciously agreed to allow the Travelers Corp. to call upon him from time to time for counsel and advice . . . we would be far more reluctant to lose Dr. Malone as a Senior Vice President and Director of Research for our corporation. He is a man of exceptional talent, perception and organizational ability.

We believe that The Travelers will benefit as greatly as any other segment of our community, and of our society, from the work which the new center will now be undertaking.

Remarks by Dr. Thomas F. Malone

On behalf of Dr. Robert Ellis and the professional staff that are leaving the cover of the Red Umbrella—to which we have developed a deep sense of affection and esteem—to join forces with the superb faculty, the fine student body, and the wise and mature adminstration of the University of Connecticut, may I simply say that the memories of a pleasant and productive past association are being augmented by the anticipation of the even broader opportunities we perceive to lie ahead.

Much more than a mere organizational realignment is involved in the circumstances that bring us together today. We have reached a time in the history of our land when the words of "America the Beautiful" have become a prod to our conscience and a challenge to our wisdom and imagination, rather than a song describing the country in which we live. This deepening perception of the environmental crises confronting our state and our nation is shared by the people of other nations. This mutuality of common self-interest presents us with literally unlimited opportunities to help in some small way to unify a troubled and divided world by a joint endeavor on practical problems urgently requiring early solutions.

The next thirty years will probably be the most critical segment of time within the next three million years or more that informed conjecture suggests Spaceship Earth will be habitable by man. We must learn to live in harmony and unity with the thin envelope of air, sunlight, water, land, mineral resources, and plant and animal life that surround our Earth and constitute the "broth of life" known as the biosphere. We cannot—we dare not—proceed along the thoughtless and reckless path of exploiting, insulting, and deleteriously altering our natural environment.

The sheer density—and the growth—of human population, the mastery of matter and energy, an explosively developing capacity to obtain, store, retrieve, and use information in extending the logic-performing functions and the stimulation capabilities of human intellect, and a more profound understanding of the fundamental processes of life itself—its reproduction and extension—present our generation with a unique opportunity to better the lot of *all* mankind—even as it poses the threat of destroying or altering in an intolerable fashion that same mankind.

Of rhetoric, resolutions, and revolt against man's mismanagement of our human environment we have had—and will yet have—more than enough to place and keep this topic high on our action agenda in the years that lie ahead. Our real need now is for the knowledge upon which the decisions of individuals, industry, and government can *act* to improve man's interaction with *both* his natural and his man-made environment.

But more than merely the acquisition of additional knowledge is needed. There is a desperate—an urgent—need for the synthesis of knowledge in the physical sciences, the life sciences, the social, behavioral and political sciences, and this synthesis must be effected within the framework of a searching reexamination of the ethical value systems which guide us in choosing from the many things we *can* do, those things we *should* do, if we are to achieve the harmony and unity with our environment that surely must have been intended as the destiny of man.

If our quest for quality in the human environment is to be fruitful, we must sharpen our ability to anticipate the consequences of scientific and technological innovations and ameliorate the vexing and potentially dangerous problems of unclean skies, polluted water, misuse of land, transportation links that kill and maim in a manner that dwarfs the toll of lives in all the wars of our nation's history, ghettoes and urban sprawl, clogged communications channels, the disposal of growing mountains of solid waste, the potential hazards of herbicides and pesticides, and the wanton exploitation of our Planet's limited supply of useful minerals. Indeed, many of the social aspects of the human environment seem to mock the pursuit of happiness so wisely set as an objective in our nation's constitution.

Why does this group of dedicated environmentalists that comprise The Travelers Research Corporation and the present Center for the Environment and Man welcome affiliation with the University of Connecticut, currently passing through the threshold to greatness? Basically, there are four persuasive reasons, as I see it, for this "coming together":

First, one of the prime functions of a state university is to educate. We want to be a part of that effort and believe we can make a strong contribution to it. A contemporary philosopher has remarked that the society which does not value trained intelligence is doomed. To solve—or, perhaps, more appropriately to manage—the problems of our human environment, we need trained intelligence of three kinds:

A concerned and environmentally literate citizenry;

A technically competent cadre of environmental professionals to manage the complex physical and social elements of the human environment in the public interest;

Environmental scientists of wisdom and imagination who are capable both of extending the frontiers of our knowledge and achieving the synthesis of that knowledge that is a prime factor in the quest for quality in human life.

A second function of a state university is to extend knowledge. We look forward with eagerness to a productive cooperation with faculty and with students at all levels interested in research related to the global, regional, and human settlement problems of our environment.

A third function of a university is public service. The magnificent accomplishments of our land grant universities in improving agricultural productivity over the past century augur well for a contribution of comparable magnitude and importance in attacking the environmental.

A fourth function—and one of increasing interest to students, faculty, and administration as well as society at large—is to serve as "agents of change." It is very likely that totally new institutions will be required to be responsive to the environmental problems at the state and regional levels, at national levels and at the international level. The thoughtful design, development, and refinement of these institutions would appear to be an exciting, rewarding, and fruitful endeavor of the combined strengths and diverse talents of the University and the Center for the Environment and Man.

The "agreement in principle" announced today is just the beginning of a long and winding road beset with many headaches and—probably—a few heartaches. Let us make that beginning, however, secure in our conviction that the quest for quality in our human environment *can* be successfully pursued.

EDUCATIONAL REFORM

Mr. PELL. Mr. President, I have reviewed the recent message transmitted to the Congress on educational reform and would compliment the President on some of his views, which in effect ratify some longstanding positions held by not only the chairman of the Subcommittee on Education but also virtually the full membership of the Senate, which recently passed by a vote of 80 to 0 H.R. 514, the Elementary and Secondary Education Amendments of 1969.

I say this for I find that while the President makes many interesting observations, there seems to be nothing very new in his message. Initially, I question his completely gloomy assessment of the past education programs and wonder whether the underfunding of education programs did not contribute to their limited success. If such was the case, the paradox of a veto of the HEW appropriations bill juxtaposed to the language in this message is one which is hard to reconcile.

No one can question the need for research. However, the lion's share of our limited Federal funding must continue to go into programs we must, I believe, be wary of a proliferation of studies which gather dust after being completed.

The right to read program is indeed being implemented and I would hope that

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new funds rather than a reallocation of presently available funds are asked for.

I was especially pleased to note the President's recommendation for a Commission on School Finances, for section 808 of H.R. 514 specifically provides for such a commission. I think Congress should be given a little credit for our foresight in this area.

MOYNIHAN MEMORANDUM ON RACE RELATIONS

Mr. ALLOTT. Mr. President, a minor furor has followed the publication of a memorandum on race relations written by Dr. Daniel P. Moynihan and intended for the President.

The debate about the contents of the memorandum, which will surely continue for some time, has been partly overshadowed by Dr. Moynihan's vigorous and altogether justified objections to the way the memorandum came into the public print.

Dr. Moynihan has strongly hinted that the document was stolen and leaked to the media.

If this is true—and I see no reason to doubt it—then Dr. Moynihan and President Nixon have been done a grave disservice. I also hope the President will take strong action to find out who is stealing his mail.

There is no reason in the world why public officials should not be allowed to correspond in complete confidence concerning sensitive matters of public policy. This is necessary if we are to have the benefit of candid exchanges of opinion within the Government.

What makes the flap over the Moynihan memorandum hard to understand is that much of what Dr. Moynihan expressed is not unpallatable. Indeed, it is cause for some satisfaction.

Dr. Moynihan states that "the American Negro is making extraordinary progress." He cites important and encouraging facts about employment, income, and educational trends within the Negro community.

But Dr. Moynihan is not a complacent man, and he is not suggesting that any American should be complacent about the struggle for racial justice. He understands that much remains to be done.

Indeed, the Moynihan memorandum documents the fact that Negro progress is insufficient relative to the progress of the rest of the American population. Dr. Moynihan also emphasizes that Negro progress is not uniform around the Nation, with the South being a special problem.

Further, the memorandum contains some sobering remarks on the problem of the breakdown of the Negro family structure. It was the famous Moynihan Report of the early 1960's which first spelled out the scale and consequences of this problem.

That pioneering work aroused some antagonism. But Dr. Moynihan stuck to guns, insisting that there are important facts which must be faced even when facing them is difficult.

The Nation has benefited in the past from Dr. Moynihan's combination of insight and steadfastness. It is certain that a man of his demonstrated courage will not allow himself to be intimidated by noise that has followed his latest contribution to clear thinking.

Mr. President, we all have much to learn from the sort of thinking—and rethinking—Dr. Moynihan is doing on these difficult problems. I hope the media will join this learning process.

Dr. Moynihan argues that the white silent majority has a black counterpart but the existence of this large and moderate group has gone unreported by the American media. This is so because the media are constantly searching for extremists and social pathologies which generate large headlines and spectacular film footage.

All Dr. Moynihan is asking is that the media and the Government pay a little attention to this black silent majority. As Dr. Moynihan says, "The more recognition we can give to it, the better off we all shall be."

With regard to Dr. Moynihan's criticism of media coverage of matters concerning race, it is important to note that the media have not distinguished themselves in covering his memorandum.

There has been entirely too much attention paid to Dr. Moynihan's use of the words "benign neglect."

These words have been taken out of context. Dr. Moynihan's words on this matter deserve quoting at length:

> The time may have come when the issue of race could benefit from a period of "benign neglect." The subject has been too much talked about. The forum has been too much taken over to hysterics, paranoids and boodlers on all sides. We may need a period in which racial progress continues and racial rhetoric fades. The Administration can help bring this about by paying close attention to such progress—as we are doing—while seeking to avoid situations in which extremists of either race are given opportunities for martyrdom, heroics, histrionics or whatever.

Mr. President, I can not find a single word in that statement that is objectionable. On the contrary, the whole statement is very nearly self-evident truth.

Just to help undo some of the damage done by careless media coverage of this passage, let us pause to notice exactly what it does and does not say.

First, Dr. Moynihan is not calling for anything that is not benign.

Second, he is calling for benign neglect of race as an inflammatory issue. He is not calling for neglect of genuine racial problems.

Third, he thinks serious thought is impeded by the attention lavished on posturing extremists. Dr. Moynihan is asking that we lower our voices on the matter of race. This is an exemplary request.

Mr. President, there are many things that make Dr. Moynihan a valuable public servant—his openmindedness, his compassion, his blend of high scholarship, and practical wisdom.

But above all, Dr. Moynihan is to be valued for his immunity from dogmatic slumbers. He is a candid man in an age that does not have an abundance of candor.

It is well known that Dr. Moynihan is not a Republican. But it is especially proper for Republicans to salute Dr. Moynihan for the way he acts in the spirit of Abraham Lincoln.

He does this in two ways.

First, he is devoting much of his life to helping realize the great American dream—the dream of a harmonious multiracial republic.

Second, in working for that goal, Dr. Moynihan is faithful to the words of Lincoln, who said:

> The dogmas of the quiet past are inadequate to the stormy, stormy present. The occasion is piled high with difficulty and we much rise to the occasion. As our case is new, so we must think and act anew. We must disenthrall ourselves.

All Dr. Moynihan is asking is that we disenthrall ourselves from the dogmas of the past. As Dr. Moynihan understands, our future will be less stormy if our thinking is less dogmatic.

I ask unanimous consent to have printed in the RECORD, Dr. Moynihan's memorandum and an editorial on the subject.

There being no objection the items were ordered to be printed in the RECORD, as follows:

[From the New York Times, Mar. 1, 1970]

TEXT OF THE MOYNIHAN MEMORANDUM ON THE STATUS OF NEGROES

As the new year begins, it occurs to me that you might find useful a general assessment of the position of Negroes at the end of the first year of your Administration, and of the decade in which their position has been the central domestic political issue.

In quantitative terms, which are reliable, the American Negro is making extraordinary progress. In political terms, somewhat less reliable, this would also appear to be true. In each case, however, there would seem to be countercurrents that pose a serious threat to the welfare of the blacks and the stability of the society, white and black.

1. EMPLOYMENT AND INCOME

The nineteen-sixties saw the great breakthrough for blacks. A third (32 per cent) of all families of Negro and other races earned $8,000 or more in 1968 compared, in constant dollars, with 15 per cent in 1960.

The South is still a problem. Slightly more than half (52 per cent) of the Negro population lived in the South in 1969. There, only 19 per cent of families of Negro and other races earned over $8,000.

Young Negro families are achieving income parity with young white families. Outside the South, young husband-wife Negro families have 99 per cent of the income of whites! For families headed by a male age 25 to 34, the proportion was 87 per cent. Thus, it may be this ancient gap is finally closing.

Income reflects employment, and this changed dramatically in the nineteen-sixties. Blacks continued to have twice the unemployment rates of whites, but these were down for both groups. In 1969, the rate for married men of Negro and other races was only 2.5 per cent. Teen-agers, on the other hand, continued their appalling rates: 24.4 per cent in 1969.

Black occupations improved dramatically. The number of professional and technical employes doubled in the period 1960–68. This was two and a half times the increase for whites. In 1969, Negro and other races provided 10 per cent of the other-than-college teachers. This is roughly their proportion of the population (11 per cent).

2. EDUCATION

In 1968, 19 per cent of Negro children 3 and 4 years old were enrolled in school, com-

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pared to 15 per cent of white children. Forty-five per cent of Negroes 18 and 19 years old were in school, almost the equal of the white proportion of 51 per cent. Negro college enrollment rose 85 per cent between 1964 and 1968, by which time there were 434,000 Negro college students. (The total full-time university population of Great Britain is 200,000.)

Educational achievement should not be exaggerated. Only 16 per cent of Negro high school seniors have verbal test scores at or above grade level. But blacks are staying in school.

3. FEMALE-HEADED FAMILIES

This problem does not get better, it gets worse. In 1969, the proportion of husband-wife families of Negro and other races declined once again, this time to 68.7 per cent. The illegitimacy ratio rose once again, this time to 29.4 per cent of all live births. (The white ratio rose more sharply, but was still only 4.9 per cent.)

Increasingly, the problem of Negro poverty is the problem of the female-headed family. In 1968, 56 per cent of Negro families with income under $3,000 were female-headed. In 1968, for the first time, the number of poor Negro children in female-headed families (2,241,000) was greater than the number in male-headed families (1,947,000).

4. SOCIAL PATHOLOGY

The incidence of anti-social behavior among young black males continues to be extraordinarily high. Apart from white racial attitudes, this is the biggest problem black Americans face, and in part it helps shape white racial attitudes. Black Americans injure one another. Because blacks live in de facto segregated neighborhoods and go to de facto segregated schools, the socially stable elements of the black population cannot escape the socially pathological ones. Routinely, their children get caught up in the antisocial patterns of the others.

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You are familiar with the problems of crime. Let me draw your attention to another phenomenon, exactly parallel, and originating in exactly the same social circumstances: Fire. Unless I mistake the trends, we are heading for a genuinely serious fire problem in American cities. In New York, for example, between 1956 and 1969 the over-all fire alarm rate more than tripled, from 69,000 alarms to 240,000. These alarms are concentrated in slum neighborhoods, primarily black. In 1968, one slum area had an alarm rate per square mile 13 times that of the city as a whole. In another, the number of alarms has, on an average, increased 44 per cent per year for seven years.

Many of these fires are the result of population density. But a great many are more or less deliberately set. (Thus, on Monday, welfare protestors set two fires in the New York State Capitol.) Fires are in fact a "leading indicator" of social pathology for a neighborhood. They come first. Crime, and the rest, follows. The psychiatric interpretation of fire-setting is complex, but it relates to the types of personalities which slums produce. (A point of possible interest: Fires in the black slums peak in July and August. The urban riots of 1964–1968 could be thought of as epidemic conditions of an endemnic situation.)

5. SOCIAL ALIENATION

With no real evidence, I would nonetheless suggest that a great deal of the crime, the fire-setting, the rampant school violence and other such phenomenon in the black community have become quasi-politicized. Hatred—revenge—against whites is now an acceptable excuse for doing what might have been done anyway. This is bad news for any society, especially when it takes forms which the Black Panthers seem to have adopted.

This social alienation among the black lower classes is matched and probably enhanced, by a virulent form of anti-white feeling among portions of the large and prosperous black middle class. It would be difficult to overestimate the degree to which young, well-educated blacks detest white America.

6. THE NIXON ADMINISTRATION

As you have candidly acknowledged, the relation of the Administration to the black population is a problem. I think it ought also to be acknowledged that we are a long way from solving it. During the past year, intense efforts have been made by the Administration to develop programs that will be of help to the blacks. I dare say, as much or more time and attention goes into this effort in this Administration than any in history. But little has come of it. There has been a great deal of political ineptness in some departments, and you have been the loser.

I don't know what you can do about this. Perhaps nothing. But I do have four suggestions.

First. Sometime early in the year, I would gather together the Administration officials who are most involved with these matters and talk out the subject a bit. There really is a need for a more coherent Administration approach to a number of issues. (Which I can list for you, if you like.)

Second. The time may have come when the issue of race could benefit from a period of "benign neglect." The subject has been too much talked about. The forum has been too much taken over to hysterics, paranoids and boodlers on all sides. We may need a period in which Negro progress continues and racial rhetoric fades. The Administration can help bring this about by paying close attention to such progress—as we are doing—while seeking to avoid situations in which extremists of either race are given opportunities for martyrdom, heroics, histrionics or whatever. Greater attention to Indians, Mexican-Americans and Puerto Ricans would be useful.

A tendency to ignore provocations from groups such as the Black Panthers might also be useful. (The Panthers were apparently almost defunct until the Chicago police raided one of their headquarters and transformed them into culture heroes for the white—and black—middle class. You perhaps did not note on the society page of yesterday's Times that Mrs. Leonard Bernstein gave a cocktail party on Wednesday to raise money for the Panthers. Mrs. W. Vincent Astor was among the guests. Mrs. Peter Duchin, "the rich blonde wife of the orchestra leader," was thrilled "I've never met a Panther," she said. "This is a first for me.")

Third. We really ought to be getting on with research on crime. We just don't know enough. It is a year now since the Administration came to office committed to doing something about crime in the streets. But frankly, in that year I don't see that we have advanced either our understanding of the problem, or that of the public at large. (This of course may only reveal my ignorance of what is going on.)

At the risk of indiscretion, may I put it that lawyers are not professionally well equipped to do much to prevent crime. Lawyers are not managers, and they are not reseachers. The logistics, the ecology, the strategy and tactics of reducing the incidence of certain types of behavior in large urban populations simply are not things lawyers think about often.

We are never going to "learn" about crime in a laboratory sense. But we almost certainly could profit from limited, carefully done studies. I don't think these will be done unless you express a personal interest.

Fourth. There is a silent black majority as well as a white one. It is mostly working class, as against lower middle class. It is politically moderate (on issues other than racial equality) and shares most of the concerns of its white counterpart. This group has been generally ignored by the Government and the media. The more recognition we can give to it, the better off we shall all be. (I would take it, for example, that Ambassador [Jerome H.] Holland is a natural leader of this segment of the black community. There are others like him.)

[From the Evening Star, Mar. 3, 1970]

THE MOYNIHAN MEMORANDUM

It is not exactly clear how the private communication between Daniel P. Moynihan and President Nixon on the status of Negroes in American society wound up in the public domain. Somehow it came into the possession of a newspaper, which decided that the document constituted news fit to print—and that was that.

It can, however, be deduced that, whoever was responsible, it wasn't Moynihan. At a press conference following publication, Moynihan was obviously steaming. Had he known, he said, that the document was going to be "stolen or borrowed or leaked" he would have taken the trouble to explain that term "benign neglect" in its historical context.

Moynihan's anger is understandable. No one likes to think that his private correspondence—even a note to the President—is subject to national distribution. Besides, it is probable that had Moynihan been writing for publication, the prose would have been somewhat more polished. The document was only about 100 percent above the average literary quality of governmental prose, instead of the 200 or 300 percent one has come to expect of Moynihan.

But there is nothing in the substance of the memorandum to distress anyone, including the author. The term "benign neglect"—in or out of its historical context—is perhaps not outstandingly felicitous. The problems of race should not truly be neglected by any administration, benignly or otherwise. The memo made that fact clear by its statistical catalogue of continuing Negro problems. But the thrust of Moynihan's argument—that this society might benefit from a relaxation of its fixation on the problems of race—is a suitable topic for intra-governmental discussion.

There is considerable food for thought in Moynihan's contention that the total society would benefit from a studied disregard of the more paranoid elements of the black activist movement and the fanatic white supremacists. And it is hard to fault his thesis that progress toward full equality for all races would be accelerated if those who yell the loudest about race would shut up.

Perhaps the outstanding characteristic of the memo was its typical Moynihanian disdain of euphemism. It is a trait that has ruffled feathers on a number of previous occasions. But whether or not one agrees with all of Moynihan's conclusions, it is good to know that the President has men about him who call the shots as they see them, and that he encourages them to pass their uncosmetized opinions directly to him.

NEGOTIATIONS AND PROSPECTS FOR PEACE IN VIETNAM

Mr. FULBRIGHT. Mr. President, the Philadelphia Bulletin of February 22 contains an interesting article by former Assistant Secretary of State Roger Hilsman concerning North Vietnam's and the NLF's negotiating position and the prospects for peace in Vietnam.

According to Mr. Hilsman, recent signals seem to add up to the following offer:

No election, but an old-fashioned political deal setting up a coalition government

> including representatives of all political factions, Communist and non-Communist;
>
> Although their propaganda still calls for immediate total withdrawal of American troops, privately they have indicated the withdrawal could be phased over two or three years;
>
> Postponement of the reunification of North and South Vietnam for a period of between five and ten years;
>
> International guarantees of the territorial integrity of Laos and Cambodia.

This analysis bears out recent similar reports from other sources and, if correct, presents the administration with an opportunity and a challenge to initiate serious negotiations in Paris. There have been all too many chances for peace ignored or rejected during the history of this tragic war.

Mr. Hilsman concludes the article with this warning:

> And if the professional Communist-watchers are right in believing that the Communists are offering an acceptable deal, his (President Nixon's) rejection of their proposal may be as tragic as the decision to make Vietnam an American war in the first place.

Mr. Hilsman's analysis of North Vietnam's and the NLF's current posture is similar to that put forward in early February by Dr. Leslie Gelb, a former high official of the Defense Department, presently with the Brookings Institution.

In a letter to the editor appearing in the New York Times on February 1, Dr. Gelb also expressed the belief that Hanoi and the NLF had put forward a new negotiating position. After analyzing the new position, Dr. Gelb went on to suggest how it might provide an opening for a comprehensive new American proposal dealing with troop withdrawals, direct political talks between Saigon, Hanoi, and the NLF, and the return of American prisoners of war.

Dr. Gelb pointed out that his proposal was consistent with the President's past positions on Vietnam. He concluded his letter with this observation, in which I concur:

> We should not consider the Paris peace talks a forgotten chapter of the war. President Nixon's objective of free self-determination and Hanoi's objective of full U.S. withdrawal are not mutually exclusive.

If there is any possibility that something might come of an exploration of the viewpoints suggested by Mr. Hilsman and Dr. Gelb, such an effort is well worth making. If Hanoi and the NLF do not respond favorably we will have lost nothing. On the other hand, there could be no greater tragedy than passing up an opportunity to end the war.

I ask unanimous consent that Mr. Hilsman's article, Dr. Gelb's letter and an accompanying New York Times editorial be placed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Philadelphia (Pa.) Bulletin Feb. 22, 1970]

NIXON APPEARS TO BE REBUFFING RED OFFER OF PEACE IN VIETNAM

(By Roger Hilsman)

(NOTE.—The author of this article is a former Assistant Secretary of State for Far Eastern Affairs, and is presently professor of government at Columbia University.)

New York—President Nixon is rebuffing a Communist offer of a more-or-less immediate Vietnam peace on terms that many Americans might find perfectly acceptable.

This is the puzzling, and unhappy, conclusion I have reached after private contacts with North Vietnamese diplomats and after studying both public and private signals which the Communists have been sending out in recent months.

Other Communist watchers, including W. Averell Harriman, the former American peace negotiator in Paris, have come to the same conclusion.

WITHDRAWALS SCHEDULED

Meanwhile, there is increasing evidence that "Vietnamization" of the war is going forward at a much slower pace than is generally expected and believed.

The best information in Washington is that President Nixon plans to reduce American forces in Vietnam very gradually in 1970 to about 280,000 to 300,000 men. Then, in 1971, he plans only a relatively small further reduction to about 250,000 men.

In 1972, the election year, he will bring home another 50,000 to 75,000 men, and just before the election he can announce a decision to withdraw another 50,000 to 75,000.

SHREWD POLITICS

This is shrewd politics, but the consequences are great. The monetary cost of the war under Nixon program will be high—something between $50 and $100 billion. Much more important, however, is the foreseeable cost of the program in American lives.

Although the President's plan will mean a reduction in casualties, we can expect another 5,000 to 10,000 Americans to be killed in the three-year period. And it might be many more than that.

For the fact is that the Nixon plan is a decision to continue the war in Vietnam, not to end it. When all the reductions he is reportedly planning have been made, there will still be between 100,000 and 150,000 American troops in Vietnam.

NOT THE ONLY WAY

And this means that, although it may not come for a year or even two, eventually the North Vietnamese and the Viet Cong will be forced into launching a major offensive aimed directly at the Americans.

This snail's-pace Vietnamization is not the only course available to Mr. Nixon. For more than a year, the Communist side has been sending what the Communist-watchers call signals. Sometimes these signals are direct and straightforward, but private—put out, for example, not officially, but in one of the "tea-break" conversations of the Paris negotiations. Others are contained in subtleties of language that laymen find confusing, but which are meaningful to professional Communist-type watchers.

An example is the letter from the late Ho Chi Minh to President Nixon written just before Ho's death last September. In the past, Communist practice had been to describe the so-called "ten points" of the NFL peace proposal as the only possible solution.

SHIFT NO ACCIDENT

But, in his letter, Ho refers to them as "a logical and reasonable basis for the settlement of the Vietnamese problem." If past experience with the Communists is any guide, the shift from "the" to "a" and from words like "only possible solution" to "basis for a settlement," is not accidental.

In the opinion of a number of professional Communist-watchers, what these signals add up to is the following offer:

—No election, but an old-fashioned political deal setting up a coalition government including representatives of all political factions, Communist and non-Communist;

—Although their propaganda still calls for immediate total withdrawal of American troops, privately they have indicated the withdrawal could be phased over two or three years;

CAMBODIA'S INTEGRITY

—Postponement of the reunification of North and South Vietnam for a period of between five and ten years;

—International guarantees of the territorial integrity of Laos and Cambodia.

"One interesting point is that the Communist side told Harriman, when he was chief negotiator in Paris, that after the war was over, they would like to exchange ambassadors with Western nations, including the United States.

Pointing to the fact that they have friendly relations with the French in spite of their long struggle for independence, they said that they would like to do the same with the United States.

What is particularly unusual is how far the Communist side has gone in their public signals, making concessions that for reasons of negotiating tactics they would normally reserve for later use.

The most startling of all was the public statement by the Paris representative of the NLF, Mrs. Nguyen Thi Binh, on November 14. The NLF has refused to do business with the Thieu-Ky government, and everyone in Washington supposed they would deal only with some pliable pro-Communist.

But Mrs. Binh stated that if General "Big" Minh became the head of a peace cabinet in Saigon, "we are ready to begin conversations with him." Although "Big" Minh has hinted that he is willing to negotiate with the Communists, he is certainly neither pro-Communist nor a dove. On the contrary, he is the most senior and popular general in the South Vietnamese army, and the leader of the 1963 coup against the hated Diem regime.

WILLINGNESS TO DEAL

A willingness to deal with Minh is an extraordinary concession, since he could form a non-Communist government far more representative and popular than the present Thieu-Ky government, and hence one that would carry much more weight in negotiations and in any coalition government that followed.

Although there is some difference of opinion about the exact nature of the coalition government the Communists are proposing, there is no doubt that they are offering a deal.

Harriman, the most prestigious Communist-watcher of them all, is convinced that if President Johnson had accepted the advice given him in the summer of 1968, a peace settlement could have been achieved as early as September, 1968. And he thinks Mr. Nixon has the same sort of opportunity.

INTERESTING POINT

The interesting point is why the Communist side is offering such a deal.

It is very doubtful that Hanoi and the NLF have decided they won't win. Although they may be poorly informed on some aspects of American politics and excessively suspicious, there is reason to believe that they can read the political signs in the United States well enough to know that President Nixon will find it impossible to return to a policy of escalation in Vietnam and that even keeping American air and artillery forces there may become politically difficult for him.

In the second place, there is no reason to believe either that the Communist side doubts that they will prevail over the Saigon government once the United States departs or that they are wrong in that judgment.

WASHINGTON OPTIMISM

Currently there is an upsurge of optimism in Washington about the ability of the Vietnamese to fend for themselves because the statistical indicators are favorable. The trouble is that the gains highlighted by the statistical indicators are very fragile, and

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most of them have been possible only because the North Vietnamese forces have pulled back for the political purposes of signalling a willingness to negotiate and in response to Mr. Nixon's reduction of American troops.

The North Vietnamese can dramatically reverse all these indicators by a decision to launch an offensive, or less dramatically by a decision to attack the pacification effort itself.

So why are Hanoi and the NLF so interested in a settlement based on a coalition government, if things will eventually go their way no matter what? Why don't they simply settle down themselves to a long-haul, low-cost war? I think it is because of Communist China.

THEY'RE DETERMINED

Hanoi has so far maintained its independence of China, even to the extent of going to Paris for the negotiations against Chinese advice and in the face of some very concrete measures of a punitive nature that China took against them. And it seems perfectly clear that the North Vietnamese are fiercely determined to continue to maintain their independence.

If the motive for their signals is related to their fear of China, this would explain a number of things.

In the first place, a negotiated settlement, formally signed by 13 or 14 signatories (depending on whether China does or does not sign) would act as a potent political deterrent to China whether or not its provisions include teeth in the form of international police forces or the like.

The Chinese have other goals than Vietnam, and they are political enough to understand the consequences for those other goals of a blatant violation of an agreement signed by so many of the world's powers, both Communist and non-Communist.

A WESTERN STAKE

Second, if North Vietnam maintained friendly relations with Western powers it would provide a Western stake in Vietnam and a Western presence there that would also act as a deterrent to China. A phased withdrawal of American troops would make the point even more dramatically, and a postponed reunification would be both a concession and a way of providing time for healing wounds and thus eventually presenting both China and the world with a Vietnam that is more truly united.

And if the motive is China, there are also several implications that are important to the United States. It means, for example, that there is little basis for Mr. Nixon's fear of a blood bath following the installation of a coalition government—a fear that was the foundation stone of the Vietnamization policy laid down in his November 3 speech.

If the Communist side does in the end become dominant in a coalition government, some individuals will undoubtedly be tried as war criminals—such as the secret police chief who shot a suspect in front of an American camera.

SETTLE OLD SCORES

Also, in some villages, where conditions are chaotic, there will undoubtedly be individuals, both Communist and non-Communist, who will take the opportunity to settle old scores.

But if the Communists want to maintain their independence of China, they will not want a blood bath but a reconciliation. For if China is a problem, they will need to develop support among non-Communist elements of the population as well as Communist.

For the same reason, the Vietnamese Communists have a stake in maintaining the sympathies of the outside world, non-Communist as well as Communist, which any sort of blood bath would jeopardize—and certainly so if Western ambassadors were present in the country. For all these reasons it seems likely that the official policy will be one of no reprisals.

WHAT PROFESSORS SAID

The expectations of Vietnamese who would be prime targets of any reprisal are instructive. Last year I asked 12 different non-Communist or anti-Communist Vietnamese professors and university officials what they would do if the Paris negotiations resulted in a coalition government and sessions of self- * * * communist-dominated—would they go to Paris? To the United States? Each one answered that he expected not only to remain in Vietnam but to continue in his university post.

"But what about reprisals?" I would ask in some amazement.

"Oh," the reply went, "there will be some harassment and sessions of self-criticism. But I expect to go on teaching, and to draw my salary."

What all this suggests is that although one may not be inclined to trust what the Communists are saying, there seems to be solid political pressure on them on which one can rely. It is these pressures which lead them to want a settlement rather than simply to wait for Vietnam to fall in their laps.

NUMBER OF MISGIVINGS

As for the Nixon policy of Vietnamization, experienced observers have a number of misgivings. The most important is doubt that it will work. It hardly seems realistic to believe that Saigon can prevail against the combined strength of the Viet Cong and the North Vietnamese alone.

WE SHOULD ASK

Admittedly, it might turn out that in spite of their signals, what the Communist side has in mind for a coalition government is unacceptable.

If so, the Nixon policy may be a better policy than the other possibilities. But the point is that we will never know if we don't take at least the first step—that of asking the Communist side in Paris to be specific.

It is this that Mr. Nixon refuses to do. And if the professional Communist-watchers are right in believing that the Communists are offering an acceptable deal, his rejection of their proposal may be as tragic as the decision to make Vietnam an American war in the first place.

[From the New York Times, Feb. 1, 1970]

HANOI'S TERMS AT PARIS PEACE TALKS

To the EDITOR:

Since last May, two "legitimate demands" have constituted the core of Hanoi's terms for settling the war: (1) The "total and unconditional" withdrawal of all U.S. and allied forces, and (2) the formation of a provisional coalition government made possible, in effect, by U.S.-North Vietnamese negotiations at Paris. In sum, we were supposed both to make a commitment to get out and to dump the Thieu-Ky regime.

In September, Hanoi hinted at a shift. Their negotiators stated in Paris that acceleration of U.S. withdrawals would be "taken into account," and when quizzed about the reduced level of military activity in South Vietnam, they said that "it speaks for itself." At about this same time, U.S. officials observed that North Vietnamese infiltration declined, resulting in a reduction of forces approximately equal to U.S. withdrawals.

On Dec. 18, Ha Van Lau said:

"If the United States declares the total and unconditional withdrawal from South Vietnam of its troops and those of the other foreign countries in the U.S. camp within a six-month period, the parties will discuss the timetable of the withdrawal of these troops and the question of insuring the safety for such troop withdrawal."

In this same statement, he said that once the above requirement is fulfilled, the various forces for peace in Vietnam "will enter into talks to set up a provisional coalition government. . . ." Seemingly Hanoi expects the latter to happen; it does not have to be negotiated at Paris.

What might all this mean?

1. For the first time Hanoi has told us how to meet the "total and unconditional withdrawal" requirement—by announcing it publicly.

2. The key to the announcement is the certainty that by a specified date all of our troops will be withdrawn.

3. While Hanoi says six months, this could be read as a bargaining gambit. Xuan Thuy said that the U.S. "must accept the principle of withdrawal, then put it into practice," and that some U.S. forces could remain in South Vietnam even as late as the elections to be conducted by the provisional coalition government.

4. Hanoi's "total and unconditional" phrase remains, raising the question as to what we might get in return for our withdrawal announcement. Hanoi backed away from this same phrase in October, 1968. When we stopped the bombing, Hanoi accepted the condition that the Government of South Vietnam be seated in Paris along with the National Liberation Front as part of a your-side-our-side arrangement. We also assumed and had reason to believe that Hanoi understood that it should "not take advantage" of our bombing cessation by shelling major cities and by abusing the DMZ. To a degree, Hanoi has lived up to our assumption of "no advantage."

This past experience is suggestive of what we could ask from Hanoi now. Politically, we might extract the condition that Hanoi and the N.L.F. agree to talk with the Government of Vietnam about political settlement. Militarily, we could give Hanoi to understand that we expect its forces in the South to be reduced accordingly, the level of military activity to decline, and require the return of all American POW's.

This proposal is not inconsistent with President Nixon's speech of May: "Peace on paper is not as important as peace in fact."

We should not consider the Paris peace talks a forgotten chapter of the war. President Nixon's objective of free self-determination and Hanoi's objective of full U.S. withdrawal are not mutually exclusive.

LESLIE H. GELB.

ALEXANDRIA, VA., *January 22, 1970.*

(NOTE.—The writer, former Acting Deputy Assistant Secretary of Defense for Policy Planning and Arms Control, worked on the Paris negotiations.)

[From the New York Times, Feb. 1, 1970]

PARIS PEACE OPENING

A high Pentagon official of the Johnson and early Nixon Administrations, who worked on the secret Paris negotiations on Vietnam, believes the North Vietnamese may now be trying to tell the United States how to break the deadlock in the peace talks.

The shift in Hanoi's position described in today's letter to the editor from Leslie H. Gelb, former Acting Deputy Assistant Secretary of Defense for Policy Planning and Arms Control, seems to provide an opportunity for the United States to employ again a device similar to that used in 1968 to get the negotiations going in the first place. Mr. Gelb's suggestion is that the United States inform Hanoi and Moscow privately that it will publicly announce a terminal date for withdrawal of all its troops if it can also announce that it assumes and has reason to believe the other side will comply with two conditions. These are: first that Hanoi and the National Liberation Front will promptly enter into negotiations with the Saigon Government for a political settlement and second, that North Vietnam will withdraw its forces from the South at the same rate as

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the U.S., further reduce the level of military activity and return all American POW's.

President Nixon last May said: "If North Vietnam wants to insist that it has no forces in South Vietnam, we will no longer debate the point—provided that its forces cease to be there, and that we have reliable assurance that they will not return."

But, while asking questions about some of Hanoi's shifts of position, the Nixon Administration has refused to make any new proposals. It insists that it has already made so many concessions that the next offer must come from the other side.

If Mr. Gelb is right, North Vietnam has now conceded several points. The return of Politburo member Le Duc Tho to Paris from Hanoi Friday makes this a strategic moment to attempt to revitalize the negotiations. Hanoi's reaction to the Gelb proposal, if it were now advanced in Paris, would quickly reveal whether this can be done.

THE INVOLVEMENT OF THE UNITED STATES IN LAOS

Mr. PELL. Mr. President, the time for candor about the deepening involvement of the United States in Laos has obviously arrived. The American people have a right to a public accounting from the administration. They have a right to an official explanation of what we are doing there and why. They have a right to know what the intentions of the administration are. They have a right to know what the actual military situation in Laos is.

Certainly there have been some alarming reports in the press. We are told that hundreds of American warplanes are providing direct air support to a guerrilla army raised and financed by the CIA. This is all taking place in and around the Plain of Jars, scores of miles from the so-called Ho Chi Minh Trail where our bombing raids are said to be necessary to hinder North Vietnamese infiltration in South Vietnam.

I need not remind the Senate that our present tragic and seemingly endless involvement in South Vietnam began with intervention on a somewhat smaller scale than now seems to be the case in Laos. One clear lesson we should have drawn from Vietnam is that an increase in our own involvement leads inevitably to a similar increase by the other side. What will we do then?

We must ask ourselves just how vital are our interests in Laos and how much in lives and money we are willing to pay to preserve them. But we cannot answer these questions so long as the pertinent facts are kept behind a shield of official secrecy.

In short, Mr. President, the public and the Senate badly need a public statement of administration policy.

ROLE OF AGRICULTURE IN IMPROVING THE ENVIRONMENT

Mr. MILLER. Mr. President, Secretary of Agriculture Clifford M. Hardin, addressing the National Farm Institute in Des Moines on February 13, described the important role of agriculture in improving our environment.

The Secretary's significant address was particularly timely in that it followed by only 2 days the far-reaching message of President Nixon on the entire subject of the environment. Secretary Hardin's response to the President's challenge to all of us to summon "our energy, our ingenuity, and our conscience in a cause as fundamental as life itself" was directly to the point.

Both the American farmer and the U.S. Department of Agriculture have been engaged for decades in practices which enrich and protect our environment.

Since the dust bowl days of the 1930's, Secretary Hardin pointed out, more than two million individual farmers, ranchers, communities, and other land users have voluntarily signed cooperative agreements to put conservation plans into effect—plans that involve three-quarters of a billion acres of land.

Yet, as the Secretary correctly observed, new technology has presented new problems affecting environmental quality. He cited the Department's determination to help solve these problems and outlined the policy objectives it is following to reach early solutions.

I believe the Secretary's speech merits the attention of all who are concerned with the agricultural aspects of environmental quality and I ask unanimous consent that it be placed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

ADDRESS BY SECRETARY OF AGRICULTURE CLIFFORD M. HARDIN

It may be concidence that we are meeting on Abraham Lincoln's birthday—but it is altogether fitting and proper. The Administration of our sixteenth President left significant marks on agriculture—for it was during those years that three lasting pieces of legislation came into being—the Morrill Act providing for the Land-Grant Colleges and Universities, the Act creating the United States Department of Agriculture, and the Homestead Act. Together they set the pattern for American agriculture. The Homestead Act resulted in the settling of half a continent and placed the management of our basic soil and water resources in the hands of independent free-hold farmers.

The 19th century brought progress and it brought exploitation. The century began with a patent for the first cast iron plow; it ended with the invention of the gasoline engine and the automobile.

Today we are very much aware that our technological advances which have done so much for us and for the world also are seriously offending and polluting our environment. The alarm has been sounded, and just the day before yesterday, President Nixon sent to the Congress a comprehensive 37-point program, embracing 23 major legislative proposals and 14 new measures being taken by administrative action or Executive Order.

In view of the rising public concern and against the backdrop of the President's new initiatives, it is imperative that those of us with agricultural responsibilities re-think and re-assess the special role of agriculture.

As the President said in his message, "The fight against pollution, however, is not a search for villains. For the most part, the damage done to our environment has not been the work of evil men, nor has it been the inevitable by-product either of advancing technology or of growing population. It results not so much from choices made, as from choices neglected; not from malign intention, but from failure to take into account the full consequences of our actions."

Too often we have responded only to crisis. But when we have responded, sometimes the results have had far-reaching impact.

The Dust Bowl of the 1930's brought more progress in range management and dryland conservation than the preceding 50 years of Great Plains farming.

Widespread flooding in the Mississippi basin in 1951 and 1952 brought more support for watershed protection than did a generation of campaigning by conservationists.

A 5-year drought in the Northeast in the 1960's focused more public attention on urban water needs than did decades of talk about possible shortages.

A smog crisis in a few major cities has had a greater impact on public thinking than 50 years of steadily worsening air pollution.

A few seashore accidents have directed more attention to wildlife ecology than all the voices of all the naturalists since Audubon.

Urban congestion and related problems of squalor and crime have brought new interest in the need of people for recreation and open space.

When the first English settlers arrived in America, nature was the enemy. The forests seemed endless and foreboding. Winters were severe. Crops were uncertain.

At the same time, bird and animal life appeared infinite. Streams ran free of human waste, and certainly there was no thought of contamination of such great waters as the Hudson River and some of our Great Lakes.

We are no longer a few million people living a comparatively simple life. We are 204 million people living on a major scale. We must plan for another 100 million Americans and the pressures they will create at the same time as we attempt to deal with our existing environmental crises.

Our responsibility, as I conceive it, is to manage the environment for the widest range of beneficial uses, without degrading it, without risk to health or safety, without loss of future productivity, and without being tyrannized by pests.

Nature itself, without man's stewardship, has rarely been productive enough to meet man's needs—certainly not in the numbers in which we exist today and will exist in the future. Yet our resources must serve every economic and social need of mankind. The challenge is to maximize the productivity of the environment for both necessities and amenities and assure continued use into the very long future.

This requires an integrated approach to assure:

1. The necessities of life: Adequate food, fiber, shelter, and raw materials for industry.
2. The safety of man: Safe and adequate water, clean air, productive and safe soil held in place, sanitation, disease and pest control, the perpetuation of basic life processes.
3. A quality of life: Space to live, attractive surroundings, suitable habitat for plants and animals, outdoor recreation, and esthetic satisfaction.

The farmer, the rancher, and the forester are managers of an important share of these environmental values.

Nearly three-fifths of the Nation's land area is used to produce crops and livestock. More than one-fifth is ungrazed forest land. Thus the watersheds that sustain urban America are largely in farms and forests. And the Nation must look to the managers of these lands for most of its land treatment as well as management of its water supplies.

The fact that the President in his special message made only limited reference to agriculture does not mean that he is unaware of the role of agricultural interests or of

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the great value of the on-going programs in agriculture and forestry. Quite the contrary: He was recommending new initiatives and new programs to deal with problems which urgently demand new approaches. While the agricultural work is far from complete, the record is impressive.

Since the Dust Bowl days of the 30's, more than 2 million individual farmers, ranchers, communities, and other land users have voluntarily signed cooperative agreements to put conservation plans into effect. The land involved runs to three-quarters of a billion acres—all enrolled in conservation programs without the need for regulation or coercion.

At the same time, farmers have performed their primary production job so well that Americans take for granted the constant availability of food, its wholesomeness, its variety and quality. Even more fundamentally, U.S. agriculture has freed Americans from what otherwise might be a total preoccupation with getting enough to eat.

Farmers have freed manpower. At the time of the American Revolution, this was a nation of farmers. Even 50 years ago, over a fourth of all Americans were farmers. If our agriculture had remained at the 1920 level of efficiency we would today have some 20 million workers in agriculture, instead of fewer than 5 million.

Farmers have freed income. Fifty years ago, the basic requirements of life—food, clothing, and shelter—required about 80 percent of all consumer spending. Today these essentials take less than 65 percent. So the average family can spend over 35 percent of its take home pay—instead of 20—for health, education, travel, recreation, and the other considerations that add to life's quality. A major part of this gain derives from a decline in the relative cost of food.

Farmers have also freed time. Fifty years ago, the average work week in manufacturing was 51 hours, and paid vacations were few. Many things have helped, but you can be sure that if food and fiber production still required a fourth of the work force, industrial workers would not now have a work week averaging below 41 hours.

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Farmers have freed space. Fifty years ago, it required 350 million acres of crops to provide for a nation of 107 million. In recent years we have harvested fewer than 300 million acres. If farmers had remained at the 1920 level of efficiency, we would now need to harvest 500 to 550 million acres—even if we stopped exporting. The acres spared by farm efficiency add hugely to soil and water protection, wildlife, and recreation; these afford land for new towns and open space.

These benefits—income, time, space, and the better use of manpower—are enormously important when you think about improving the quality of life. Yet, in accomplishing these things, we have manipulated the environment—no question about it. And we must manipulate it more in the future.

This involves a whole complex of considerations—natural, technical, economic, social, legal and political. It involves a recognition that, in agriculture as in industry, new technology has presented new problems in environmental quality. And it will require great wisdom to correct these problems, while retaining the gains that have come to us through science and technology.

Examples:

Use of synthetic fertilizers has decreased the demand for manure. At the same time, new farming systems have concentrated animals and poultry in feedlots and other enclosures—creating a problem of odors and waste and in some instances, contamination of underground waters;

Chemical fertilizers themselves are adding to the nutrients in streams and reservoirs, contributing to plant and bacterial growth;

Some of the persistent pesticides, which over the years have saved many thousands of lives, are now found guilty of air and water pollution and appear to adversely affect certain species of wildlife; and

Siltation is still the largest single pollutant of water. In the past third of a century, the silt that has been kept out of streams by the establishment of permanent cover alone would displace a volume of water equal to a 10-year supply for all U.S. households.

Because agriculture is both user and custodian of most of the Nation's soil and water, the Department of Agriculture recognizes a major responsibility for protecting and enhancing the quality of the environment. In line with this, we have within the past year taken a number of actions to reduce the use of persistent pesticides—and to strengthen Department programs in the interest of the total environment:

Many DDT uses were cancelled last fall, and we intend to phase out other non-essential uses by the end of 1970. We will be taking similar action toward other pesticides that persist in the environment. A determined effort is being made to insure that decisions and judgments concerning pesticides be made in an atmosphere of scientific detachment and be based on scientific data.

Increased research is being applied to biological control of pests—offering much long-term promise in reducing the need for chemical pesticides. Genetic resistance, parasites, predators, and insect disease organisms all have been used with success.

Last June, all heads of USDA agencies were instructed to lead a nationwide effort to improve water quality through prevention of pollution from Federal activities. The order also provided for periodic reports which amount to a "monitoring" system throughout the farm and forested areas of the Nation.

In the past year, 130 small watershed projects have been approved for Department help—nearly one-seventh of all the projects approved in the 15-year history of the program.

In 1969, the Great Plains Conservation Program was extended for another 10 years, and its provisions were broadened to do a better job in pollution control, fish and wildlife improvement, and recreation.

Already this year, we have approved USDA planning help to 12 new Resource Conservation and Development projects—for a total of 68 now underway. Most of these projects include accelerated soil and water conservation, development of water resources, social and economic development.

The proposed Agricultural Act of 1970 would include three long-term crop retirement programs for pilot operation, including an "open spaces" program to help communities acquire land for conservation and recreation.

As we look to the future, the Department has before it six major policy objectives relative to environmental quality:

1. Department programs affect at least three-fourths of the nation's land resources. These programs will be administered in such a way as to foster environmental improvement and sustain productivity. For example, all USDA programs will recognize the relationship between soil erosion and water quality.

2. The Department will manage our National Forests and help private owners to manage their forests in such a way as to provide habitat for birds and wildlife, access for recreation, water harvest, and grass for livestock. These purposes will be integrated in well-managed ecosystems that will produce increased kinds and qualities of timber.

3. The Department will strive to reduce pollutants originating in agriculture and to ameliorate the effects on agriculture of those originating from other sources. It will practice and encourage the use of those pest control methods which provide the least potential hazard. Non-chemical methods, biological or cultural, will be used and recommended whenever such methods are available and effective.

4. The Department will strive for a reversal in the rural-to-urban migration that has been taking place since World War II. It will seek to improve opportunity in rural America for all Americans by encouraging community development, productive employment, the enhancement of scenic and recreation opportunities, improved housing, adequate water and sewer systems.

5. The Department will strive to help farmers gain a fair income from their enterprises—so that they too may benefit from the environmental improvement that they help to foster.

6. The President has issued an executive order directing that a study be made of all public lands to insure that all of them serve the highest public good. Additionally, I have directed Department of Agriculture agencies to cooperate to the fullest possible extent with local communities in adapting Federal programs and facilities to the enhancement of community development.

The environmental job cannot and should not be done alone by one agency or even by the entire Federal Government. It requires cooperation with State and local agencies and private organizations.

Above all, this is a challenge to individual citizens—those who live in rural America and manage its agricultural lands but also those of all ages and origins who stand to benefit from measures taken there in the interest of the total environment.

Particularly heartening is the interest that young Americans are taking in conservation and environmental questions. We must be eager to accept this energy and enthusiasm and to recognize this cause as one "of particular concern to young Americans," as President Nixon put it.

To some of us who have been concerned with conservation for a long time, it may be startling to find that environmental quality is now a new cause—a new crusade.

The challenge to the young people of America is to join with people of all ages in what President Nixon has called "a common cause of all the people in America." This means commitment to a lifelong involvement in the quality of environment.

The challenge to farmers, to conservationists, to scientists and educators, and writers is to join in a "new conservation" movement that reflects the energy and enthusiasm of the young and the young at heart.

Abraham Lincoln, speaking before the Wisconsin Agricultural Society in 1859, said it this way:

"Let's us hope . . . that by the best cultivation of the physical world beneath and around us, and the best intellectual and moral world within us, we shall secure an individual, social, and political prosperity and happiness, whose course shall be onward and upward, and which, while the earth endures, shall not pass away."

DR. ROBERT J. HUEBNER AWARDED THE NATIONAL MEDAL OF SCIENCE

Mr. MATHIAS. Mr. President, at a time when critics cry out that scientists have created more problems than they have solved, we would do well to remember the very real contributions that are made every day by government and civilian researchers.

It has been said that half of the world's technological advances have occurred in this century. Indeed, in the field of health, some of mankind's greatest accomplishments have been realized.

On February 16, 1970, President Nixon awarded the National Medal of Science to six distinguished scientists in the United States. Included in that group was Dr. Robert J. Huebner, Chief of the Viral Carcinogenesis Branch, National Cancer Institute, National Institutes of Health, Bethesda, Md. I am happy to see that a man who has spent his entire professional life with the U.S. Public Health Service, and almost as many years as a resident of Maryland, has received recognition for his efforts. On presentation of the medal, the President cited Dr. Huebner for "contributions to the modern understanding of the biology of viruses and their role in the induction of diverse diseases."

In his more than 25 years of basic medical research in infectious diseases, Dr. Huebner is credited with describing several new diseases, their causes and epidemiological patterns. In fact, he is associated with the delineation, of most of the important new viruses of man and animals during the past 20 years. Throughout his career, Dr. Huebner has directed his basic research to the practical questions of disease prevention and control. For the development of viral vaccines, he received the Public Health Distinguished Service Medal in 1966.

His efforts are now focused on discovering the role of virus as an actuating cause of human cancer.

I am pleased to congratulate Dr. Huebner on this richly deserved tribute.

LAKE POLLUTION

Mr. BURDICK. Mr. President, one of the serious problems facing the Nation is the destruction of our lakes. The restoration of our lakes, both the Great Lakes and the fresh water lakes, must have a high priority. On Tuesday of this week, I attended a lake restoration meeting, at the Statler Hilton Hotel, sponsored by the Department of the Interior. The principal address was given by Carl L. Klein, Assistant Secretary of the Interior for Water Quality and Research. I commend the reading of it to Senators and ask unanimous consent that it be printed in the RECORD.

There being no objection the speech was ordered to be printed in the RECORD, as follows:

Lake pollution is perhaps the most crucial and most difficult of water pollution problems. This should come as no great surprise to anyone. Lakes generally do not benefit from the same cleansing action as a strong river current which might help flush away contaminants or dissolve them in a powerful flow of clean water.

Even without the contribution of manmade pollutants, lakes tend to develop eutrophication problems because of the nutrients that accumulate in them. But man can and must do much more to prevent the process from speeding up and causing the premature aging—and dying—of our freshwater lakes.

Like the living thing that it is, a lake is born, grows—even breathes—and slowly dies. The life cycle may last many thousands of years—or it could be a lot less. Much depends on the habitation that surrounds it. Man and his technology have become perhaps the gravest threat of all to the survival of lakes and of the other natural waterways which provide us with so many needs and enjoyment.

Death comes as a result of a lake slowly filling with silt and sediment. This is a natural process which manifests itself in reeds and water plant beginning to accumulate in shallow waters. The natural flow of streams through a lake may drain out the water, turning it into a swamp. The swamp plants then may give way to sturdier plants of a drier soil, and eventually, the one-time lake becomes dry land. In this manner, the United States has lost about half the lakes which existed on this continent some 12,000 years ago.

Where human habitation around a lake is relatively sparse, its waters can endure the minor damage contained in the wastes and debris thrown into it. The waters can assimilate a certain amount of wastes by decomposing them into harmless chemicals and dispersing them. But there is a limit to what a lake can absorb.

As ever-greater numbers of people and industry congregate around a lake and pour increasing amounts of waste into the water, the lake may become saturated and unable to purify itself. Man often does not realize the damage he has done until the lake begins to smell and the physical characteristics of pollution become obvious. By then, the pollution problem is already well past the stage of an easy solution.

Lake Erie is one of the most flagrant and frequently cited examples of lake pollution and eutrophication in this country. A look at its history and development is needed to help us understand the problem—and to prevent its recurrence elsewhere.

Lake Erie is the oldest, the Southernmost and the warmest of the five Great Lakes. It is only 241 miles long and has the smallest volume of water, with almost a 10,000-square mile surface area. The lake is very shallow, with an average water depth of only some 58 feet, and at its deepest point is only about 210 feet.

But Lake Erie also happens to be in the heart of one of America's greatest residential and industrial areas. It provides a resource to 11½ million people in the United States and Canada in terms of water supply, recreation, commercial fishing and shipping. And the annual value added by manufacturing in the Erie Basin stands at more than $17 billion.

By the year 2000—and, remember, that's only 30 years from now—the population of the Lake Erie area is expected to double, and so is the volume of industry in the Basin. These people and industries will depend on Lake Erie—a lake whose water quality must be maintained and enhanced so it can be passed on in a condition of unlimited usefulness.

As it now stands, Lake Erie is close to being strangled by the pollutants which pour daily into its waters. Municipal wastewater is the principal cause of pollution in the lake and its tributaries, with industrial wastes also occupying a major role, particularly in tributaries and harbors.

Among the most harmful discharges are untreated flows, combined sewer overflows and treatment plant effluents. Agricultural runoffs also leave their marks, as do wastes from commercial and pleasure craft, harbor dredging, urban runoff and soil erosion.

The wastes most destructive to Lake Erie come from three major geographic areas. These are Detroit, Michigan, and the Cleveland-Cuyahoga and Maumee River basins in Ohio. Waste inputs from the Buffalo area affect the Niagara River more than Lake Erie, but a number of other areas have local problems which add up to significant pollution for the lake.

The three major sources of pollution in Lake Erie together discharge about 74 per cent of the phosphorous flowing into the lake, 87 per cent of the biological oxygen demand and 66 per cent of the chlorides.

The total BOD discharged to municipal sewage treatment plants in the Lake Erie Basin is equivalent to the raw sewage produced by 9.4 million people. After treatment, this volume is reduced to a load on the receiving waters equal to the raw sewage of 4.7 million people. In effect, this means basin-wide sewage treatment has an efficiency of about 50 percent.

Only about half of the 360 known sources of industrial wastes in Lake Erie and its tributaries can be classified as providing adequate treatment for their wastes. Yet together these industries account for 87 per cent of the total waste flow discharged into the lake or its tributaries.

The total industrial flow amounts to 9.6 billion gallons daily, with electric power production account for 72 percent and steel production 19 percent of the total. The steel, chemical, oil and paper industries discharge about 86 percent of the total industrial wastewater in the basin, excluding the electric power installations.

There are so many sources of pollution to Lake Erie that it is almost impossible to make an accurate record of all of them. However, the combined sewer systems of the cities of Detroit, Cleveland and Toledo are among the worst offenders, and just their overflows alone annually contribute wastes equivalent to the BOD of raw sewage from approximately 600,000 people. These combined sewer overflows are expected to represent a high percentage of future phosphorous contributions to the lake.

As you know, phosphorous is a major contributor to the process of eutrophication because of its stimulation to the growth of algae.

It only takes a small amount of phosphorous to create the conditions which precipitate algal growth. As little as 0.01 milligrams per liter at the beginning of the growing season in some lakes or an annual inflow of 0.2 to 0.5 grams per square meter of lake surface in others is all that is necessary.

And unlike nitrogen—which also contributes to this problem—phosphorous does not enter into the type of biochemical reactions that permit it to escape from water as a gas, nor is it easily removed from the system by organisms or sediments.

With present technology, the preferred way to control eutrophication is to impede plant production by making phosphorous less available for growth. And one important step in this direction is to reduce the amount of phosphorous-bearing effluents.

A certain amount of phosphorous is contained in the Earth's crust and enters surface waters from many natural sources. These include surface water runoff, soil erosion, waste from, and decay of, plants and animals, and dissolved and suspended materials in rain and snow.

Thus, over the course of hundreds and thousands of years, these small, but continuing inputs of phosphorous can by themselves bring lakes to an end through eutrophication and sedimentation—without man entering into it. The Green River oil shales of Colorado, Wyoming and Utah are a good example of lake deposits formed by natural eutrophication and sedimentation over a long period of time.

But man also produces significant amounts of phosphorous, and because of the tremendous population rise in recent years, and even greater increases predicted for the immediate future, his contribution to the eutrophication process is becoming a major challenge.

Municipal sewage contains considerable concentrations of phosphorous. It comes principally from phosphorous-bearing detergents and from human wastes. On the average, adult humans contribute about 1.4 pounds of phosphorous a year, while the use of detergents adds another 1½ to 2 pounds of phosphorus per capita annually. While some of the phosphorous is removed by conventional waste treatment processes, sub-

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stantial amounts are discharged with no treatment at all.

The phosphorous used in detergents currently makes up some 50 to 60 percent of the total amount of phosphorous in municipal sewage. Obviously, this constitutes a major source of nutrient pollution which must be abated.

Our primary thrust on controlling this problem has been the development and demonstration of phosphorous removal technology for application at municipal waste treatment plants. This approach has been given priority because it attacks all of the sources of phosphorous in municipal wastes, regardless of its origin. We want to emphasize the fact that we are not out to throttle the detergent industry. Phosphate removal technology would have to be applied to municipal waste waters even if phosphates in detergents were to be completely eliminated from use.

The only roadblock that stands in the way of requiring the reduction or elimination of phosphorous from detergents at this time is that a substitute material has not yet been adequately tested which performs the same function as phosphorous. Until it can be proven that such a product will not cause some problem equally harmful to the environment, a substitute probably will not be placed on the market.

The Interior Department effort to clean up our lakes and other waterways is a continuing one, which we hope to expand, in order to demonstrate the restoration possibilities for all our water resources.

In Lake Erie, the existing backlog of unmet restoration needs includes the upgrading of sewage treatment by no fewer than 287 municipalities. The Lake Erie Basin should actually be served now by treatment sufficient to provide a minimum of 85 percent BOD removal, the almost complete removal of suspended solids and 92 percent removal of total phosphorus. It is to be anticipated that by 1990 the removal of over 95 percent of organic pollutants will be required throughout the Basin.

At present, there are some 189 industries which still have not installed treatment facilities sufficient to meet water quality standards. This situation is hardly excusable, and it shows we still have a long way to go just to conform to the pollution control regulations that are already on the books.

Our primary consideration must be to stop putting nutrients into our lakes. We must slow down the eutrophication process or we may discover our water resources becoming unusable. We must also devise ways and means to reverse the entire eutrophication process to assure future generations of lasting sources of water.

In the Interior Department, our strategy is twofold: it consists of prevention and restoration. By prevention, we mean slowing down eutrophication by removing key nutrients from wastewater before it enters a lake. At the same time, research and development must be carried on to find even more effective methods of nutrient removal.

Restoration means removing or inactivating nutrients after they have reached a lake. Restoration techniques must be carefully researched to find an economically acceptable method that is likely to succeed.

The mechanical harvesting of algae, the harvesting of organisms which eat algae and eliminating the effects of algae by chemical means are among the techniques being studied intensively by the National Eutrophication Research Program of Interior's Federal Water Pollution Control Administration. This work is being done in government and university laboratories, as well by private industry, and often uses small lakes in various parts of the country as field laboratories.

It is altogether doubtful whether Lake Erie could ever be returned to the condition which existed prior to man's appearance, or even to the condition which existed at the turn of the century. It can, however, be returned to some intermediate stage of aging, and we can expect a major improvement and protection of water quality.

Lake Erie and others threatened by eutrophication can be saved, but it can be done only with the continued and determined support of the public and its political representatives.

President Nixon set the tone for our efforts to control pollution in his State of the Union Message last January and in programs he launched in February to carry them through.

The President said, "The great question of the seventies is, shall we surrender to our surroundings, or shall we make our peace with nature and begin to make reparations for the damage we have done to our air, our land and our water?"

While, "The price tag on pollution control is high . . ." the price will be even higher if we fail to act. That is why we at the Interior Department are determined to act now while there is still time.

THE SST

Mr. MILLER. Mr. President, a strong case for continuing the Nation's supersonic transport program is presented in the February 1970 issue of Air Force/Space Digest magazine.

While not downplaying the costs and difficulties involved, Associate Editor Edgar E. Ulsamer points out that "the price for dropping out of the world's SST competition is likely to be far greater than for staying in, in terms of loss of trade, lost aeronautical prominence, loss of employment and revenues, and decline of the Nation's technical and political prestige."

For example, dropping out of the competition could result in a $16 billion or more impact on our balance of payments—loss of some 50,000 jobs which would be involved during the peak production phase—and the loss of some $3 billion in direct and indirect tax revenues.

I believe the article merits the consideration of all who have expressed concern over the SST program, and I ask unanimous consent that it be placed in the RECORD.

There being no objection the article was ordered to be printed in the RECORD, as follows:

THE SST IS VITAL TO THE NATIONAL INTEREST

(By Edgar E. Ulsamer)

On December 17, 1969, the sixty-sixth anniversary of the Wright brothers' first flight, the Senate ended a two-year moratorium on construction of a US supersonic transport. The Senate's heavy vote in favor of authorization of funds to produce two flying prototypes assured continuation of what has been called the world's foremost aeronautical undertaking—the development and flight testing of a reliable, safe, and economical Mach 2.7 intercontinental jetliner.

Three consecutive Administrations have rated the SST program essential to continued US preeminence in aviation technology and a vital factor in the nation's balance of trade. Nevertheless, from the day of its inception six and a half years ago, the program has encountered many obstacles and suffered serious setbacks.

In his 1963 Air Force Academy graduation address, President John F. Kennedy announced the decision to "immediately commence a new program in partnership with private industry to develop at the earliest practical date the prototype of a commercially successful supersonic transport superior to that being built in any other country." From that day forward, the SST program has been battered continually by public, press, and congressional antagonism, which at times bordered on paranoia.

Some conservative groups have questioned the prudence and probity of the federal government's underwriting development of a private, commercial jetliner. In truth, the government's expected $1.2 billion investment in the prototype program is to be repaid through royalties and is likely to net the government a profit of $1 billion. Others who view social problems as paramount, inveigh against the allocation of federal funds to advance aerospace technology at this time. Still others question the societal value of further increasing the speed of air travel.

The sonic-boom issue has been another, often-exaggerated, stumbling block. In fact, no supersonic flights will be permitted over inhabited land areas until a solution to the sonic-boom phenomenon is found. While that solution is not in sight at the moment, recent tests of the Lockheed SR–71 in high-altitude cruise have yielded overpressures substantially below forecast values, which, at times, were so low that they escaped detection by human observers and special ground instrumentation. But because the SR–71 flies higher and weighs less than the SST, its sonic-boom characteristics do not necessarily apply to the SST.

PROBLEMS AND SOLUTIONS

The SST program probably reached its nadir in February 1968 when Boeing—which in December 1966 had been chosen to build the SST, with the General Electric Co. selected at the same time to build the engine—said it was giving up the variable-sweep-wing design known as the 2707 Dash 200. A variety of reasons caused Boeing to discard a design technique favored not only by its own scientists and engineers but also by a majority of the 235 experts (including many USAF representatives) on the government's blue-ribbon technical evaluation committee.

The practical effect of the Dash 200's technical shortcomings was a payload-range reduction to roughly half the government's specified requirement of 4,000 statute miles with full payload.

According to H. W. Withington, Boeing's vice president in charge of the SST program, the swingwing's advantages tend to be negated on large, multiengine designs because of the need to move the wing pivot outboard, beyond its optimum location. Also, a host of associated problems were generated by "fixes" that proved more detrimental than curative.

A year and three million engineering hours after the abandonment of the swingwing configuration, Boeing submitted to the government a completely new, fixed-wing-plus-tail configuration, distantly related to the company's losing entry in the B–70 supersonic-bomber design competition of a decade earlier. The main characteristics of the new design are simplicity, high aerodynamic efficiency in supersonic and subsonic flight, and good stability and control. Its only unorthodox feature is the 50.5-degree wing-sweep angle, modest compared to the more than sixty-degree sweep of the British-French Concorde SST, the Soviet TU–144 SST, and most high-performance military aircraft.

Boeing's engineers are convinced that the new design will substantially improve subsonic performance without significantly affecting the supersonic lift/drag coefficient. Two years of intensive examination and wind-tunnel testing by government and industry have confirmed the original calculations, with some evidence that performance will be slightly better than expected. The SST's engine, not affected by the airframe change, has already achieved a thrust output of 69,900 pounds, or almost 7,000 pounds more than required for the prototype.

XUM

In February 1969, another government panel of 100 leading technical experts from the Air Force, NASA, and the other military services accepted Boeing's redesign, an action also bearing the cachet of the engineering experts of the user airlines.

Meanwhile, the then-new Nixon Administration ordered an in-depth review of the program, involving all major governmental departments, to determine its impact on the national interest. The Department of Defense was represented by Secretary of the Air Force Robert C. Seamans, Jr. While Dr. Seamans' evaluation of the SST's military utility has not been revealed, a recent communication from Dr. John S. Foster, Jr., DDR&E, OSD, to the Department of Transportation presumably reflects some of these findings.

Dr. Foster termed the potential SST contribution to Defense R&D "indirect but not insignificant," by "reinforcing the technological base upon which defense will be drawing for the development of military systems." He listed as areas of potential benefit to the military the SST's advances in flight controls, fly-by-wire and the stability augmentation control systems, high-temperature sealants and seals, environmental control systems, and high-temperature metals and alloys. SST program officials have reported that SST developmental work is reducing the man-hours required to produce titanium by almost two-thirds.

On September 23, 1969, at the conclusion of the government's SST study, President Nixon announced program go-ahead ". . . because I want the United States to lead the world in air transport. And, it is essential to build this plane if we are to maintain that leadership." He added that it "had been a very difficult decision," preceded by a spirited debate within the Administration. The President asked for new appropriations totaling $662 million over a five-year span. An equally spirited debate in both houses of Congress proceeded actual allocation of funds for the current fiscal year. It should be noted that Boeing, General Electric, and the airlines have committed $382 million of their own money to the SST program.

THE SST'S PROSPECTS

With about $125 million in federal funds currently in hand and some $314 million earmarked for allocation in FY 1971, the SST program is sufficiently "healthy" to permit first prototype flight in 1972. Certification of the production version of the U.S. SST is expected either late in 1976 or mid-1978. James H. Beggs, Undersecretary of Transportation, predicts the timing of certification and first operational service of the production aircraft will be affected by how well the Concorde and the Soviet TU-144 do in the world market.

Both the TU-144 and the Concorde made successful supersonic test flights in 1969. While they are smaller, slower, and less productive than the American SST, US officials view with considerable apprehension the prospect of growth versions of these aircraft, which could be available at the time the US SST is to enter into service.

The Soviet SST is something of an enigma to Western observers. Some US experts have observed that the Soviet prototype is technically inferior to Soviet military aircraft, especially in inlet and wing design. A more advanced SST, possibly of titanium construction, may be waiting in the wings.

If either or both foreign SSTs score sales beyond present expectations, Mr. Beggs told this magazine, an accelerated development schedule of the US SST can be instituted. It would involve development of the production aircraft before the prototype's flight testing is completed. Such a "high-risk" schedule "would make financing of the production phase through private channels more difficult," he conceded.

The SST program's next crucial decision point will be reached in June 1972 when Boeing is to submit to the government its plans for financing production of the SST. Both Mr. Beggs and Mr. Withington believe it may be possible to finance the multi-billion-dollar-production phase without direct federal assistance.

The possibility of the government's underwriting the basic investment or arranging financing through government bonds is under consideration, however. According to Mr. Beggs, federal participation "may prove palatable to Congress," assuming that no technical problems are encountered by the prototypes. Total cost of the production phase is pegged at about five times the 747 superjet investment of $750 million.

TWO DIFFERENT SSTS

According to Mr. Withington, Boeing's market research indicates the desirability of two different SST models with high commonality of all major components. One model would have a wide-body fuselage with a total length of 296 feet six inches, and could transport up to 321 passengers over a distance of about 3,700 miles (New York to Paris) to serve North Atlantic as well as the Hawaii-West Coast gateway traffic. The other variant is likely to be a 253-passenger aircraft, 286 feet long, with a range of about 4,700 miles, tailored to operate from and to inland cities as well as over the longer route segments of the Pacific. Both aircraft would have an initial gross takeoff weight of 750,000 pounds but could grow to 800,000 pounds without structural or landing-gear changes. The large-capacity model would cost about $1 million more than the $40 million (1970 dollars), smaller model.

Boeing believes it will be able to sell a minimum of 515 SSTs by 1990, each one returning about $4 million to the government in royalties.

Two hundred seventy aircraft are likely to be bought by foreign airlines. The negative effect on the US balance of payments of not producing an SST is estimated at more than $16 billion. Also, the SST program will employ about 50,000 people during its peak production phase, and yield some $3 billion in direct and indirect tax revenues.

Because of its great speed and short turnaround time, the SST will yield extraordinary high productivity. Present industry calculations indicate that total SST operating costs per seat-mile will be equal to, and eventually lower than, those of the 440-passenger subsonic 747.

Many considerations in addition to obvious economic and technological benefits persuaded the present Administration to continue the SST program. One, according to Undersecretary Beggs, stood out: The SST's ability to bridge rapidly the distances that separate the United States from the countries of South America, the Far East, and Africa. This "will prove invaluable to the United States politically as well as in terms of increased trade," he said.

ABA'S STANDING COMMITTEE ON WORLD ORDER THROUGH LAW ANALYZES THE GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, yesterday I talked about the American Bar Association's Standing Committee on World Order Through Law's strong recommendations that the association endorse American ratification of the genocide convention.

I strongly and unequivocally endorse these recommendations.

Today I would like to bring to the Senate's attention the section of the committee's report analyzing the purposes and provisions of genocide convention.

The basic purpose of the treaty is to make Genocide an international crime whether committed in time of peace or of war. It seeks to prevent, if possible, and to punish when it occurs, the destruction in whole or in part, of a national, ethnical, racial or religious group, as such. The document, inter alia, defines Genocide, spells out the acts which constitute Genocide, the obligations which the parties undertake, the place of trial of the accused, and provides for submission of certain disputes to the International Court of Justice.

ARTICLE I

By Article I the parties "confirm that Genocide, whether committed in time of war or in time of peace, is a crime under international law which they undertake to prevent and to punish."

Articles II and III define Genocide and list the acts which are punishable as follows:

ARTICLE II

In the present convention, Genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

(a) Killing members of the group;

(b) Causing serious bodily or mental harm to members of group;

(c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;

(d) Imposing measures intended to prevent births within the group;

(e) Forcibly transferring children of the group to another group.

ARTICLE III

The following acts shall be punishable:

(a) Genocide;

(b) Conspiracy to commit Genocide;

(c) Direct and public incitement to commit Genocide;

(d) Attempt to commit Genocide;

(e) Complicity in Genocide.

Article IV includes among persons who may be punished those who "are constitutionally responsible rulers, public officials or private individuals".

Article V obligates the contracting parties to enact the necessary legislation to give effect to the provisions of the Convention and to provide penalties "for persons guilty of Genocide or of any of the other acts enumerated in Article III".

Article VI provides that "persons charged with Genocide or any of the other acts enumerated in Article III shall be tried by a competent tribunal of the State in the territory in which the act was committed, or by such international penal tribunal as may have jurisdiction with respect to those Contracting Parties which shall have accepted its jurisdiction."

Article VII provides that "any Contracting Party may call upon the competent organs of the United Nations to take such action under the Charter of the United Nations as they consider appropriate for the prevention and suppression of acts of Genocide or any of the acts enumerated in Article III".

Article IX provides that "disputes between the Contracting Parties relating to the interpretation, application, or fulfillment of the present Convention . . . shall be submitted to the International Court of Justice at the request of any of the parties to the dispute."

CONTROLLED DANGEROUS SUBSTANCES ACT OF 1969

Mr. JAVITS. Mr. President, regretably when the Senate acted upon S. 3246, the Controlled Dangerous Substances Act of 1969, I was out of the country on official Senate business and was unable to support the amendments offered by the Senator from Iowa (Mr. HUGHES), chairman of the Special Alcoholism and Narcotics Subcommittee, of which I am the ranking minority member. I was particularly concerned by the Senate's failure to place primary jurisdiction for drug control, restriction, and scheduling in the Department of Health, Education, and Welfare rather than in the Department of Justice.

The adverse reaction of the scientific community and the serious effects of this legislation upon the Nation's medical profession are set forth in an article on drug abuse entitled "The Cost of Silence Now," published in the February 26, 1970 issue of the Medical Tribune. It is not necessary to agree with every statement in this article—and I do not—to appreciate its importance to the subject. I ask unanimous consent that the full text of the article be printed in the RECORD at the conclusion of my remarks.

The author of this timely article is Dr. Daniel X. Freedman, chairman of the department of psychiatry, Pritzker School of Medicine, University of Chicago and chairman of the Task Force on Drug Abuse and Youth of the American Psychiatric Association, one of the Nation's outstanding authorities on the drug scene. I commend the reading of this article to Senators. Perhaps, when we have the opportunity again to consider S. 3246, when the other body has acted upon it, we can take into consideration Dr. Freedman's expertise in our deliberations.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE COST OF SILENCE NOW

(By Daniel X. Freedman, M.D.)

In December, 1968, the American Psychiatric Association publicly warned of dangers lurking in the early drafts of the Administration's drug-abuse control bill. That statement urged increased support to provide skills and programs to combat epidemics of drug abuse and stated that the separation of needed enforcement measures from health-related research and education was imperative.

The statement also noted that research and education conducted under the direction of the Bureau of Narcotics and Dangerous Drugs would not be likely to compel confidence or belief. Education and *not* propaganda, facts and *not* distortions, are the powerful and credible means of assessing the dangers of drugs and dealing with the anguish and confusion of parents and youth.

What provoked the 1968 statement? It was not the commendable effort of the Narcotics Bureau to coordinate drug law enforcement. It was, I think, the bureaucratic impulse to extend the stranglehold of former Commissioner Anslinger on "narcotics" to many other drugs—an approach of wielding vague threat and legal authority—which for 40 years stifled and distorted research, information, and innovative medical treatment.

What began in the summer of 1968 as an attempt of Justice Department agents to merely codify complex drug regulations has—after a year and a half—revealed a history of bureaucratic intransigence if not slyness. In the process the BNDD has documented its contempt for relevant advice and expertise while endowing itself with sweeping powers.

These new powers are not simply the authority to prosecute drug abusers and traffickers. Rather, there is *new* power to initially and finally decide—to judge—with respect to a wide range of commonly used and therapeutically valuable drugs: (1) acceptable medical practice; (2) acceptable medical research; (3) who is competent to conduct this. The essential new power is to adjudicate the abuse potential and medical usefulness not only of old but of newly discovered substances and the conditions under which they may be used—not only in everyday medical practice, but for any conceivable kind of scientific investigation.

Precisely why such powers are required for the task of enforcement has never been clearly stated. If the honest facts were surveyed, they could not possibly be justified, since the major illicit supplies in drug abuse come neither from narcotic officers nor physicians nor patients! Meanwhile, where good intentions would have produced collaboration of health professionals in order to help the public, the scientific community finds itself either muzzled, if it is in government, or diverted to correcting the many mispellings and drug misclassifications in the bill, while vainly wrestling with its fundamental misdirection. The fact that penalties have been brought into better perspective has so preoccupied most individuals that the fundamental administrative malpractices built into the bill and the potential for enormous governmental abuse has been overlooked.

Somehow the notion has gotten abroad among the bill's proponents that the doctors who are so busy caring for the tragic consequences of drug abuse, educating their colleagues, school boards, school children, and the concerned public to constrain *all* recreational drug use—that these individuals are "soft on drug abuse." I think the contrary is true. These physicians are quite capable of being hard-headed about the *real* causes and consequences of drug abuse. While enforcement agents were writing medical legislation, health professionals were working at the front lines.

But this is exactly the segment of our working professional population to which the Administration apparently does not wish to listen. For example, approximately 50 invited scientists, at an FDA-cosponsored conference held at the Bureau of Narcotics and Dangerous Drugs in September, 1969, unanimously rejected the bill as written at that time. Except for the change in penalties, the current bill remains essentially as written a year previously.

How clearly do medical and research people have to document what any wise government administrator and Congressman could easily know? We speak of the arrogation of power which—if written into vague law—can proceed without check in the hands of an enforcement agency. We refer to the built-in administrative encumbrances and entitlements which, if they "would never be used," at the very least *would* surely serve to retard advances in the delivery of health care and research. For proof, history shows that this "sword of Damocles" approach is precisely why we do not know more about marijuana and why we were not able to treat narcotic addicts. Now much more of the pharmacopeia is coming into the same system.

The unwritten tale of the consequences of the Administration bill should be heard. If passed, it *will* be! The fact that 35 per cent or more of legal prescriptions are for the drugs covered in this bill indicates the extent to which legitimate medical practice is covered. With the vague wording and legal twists and turns in the bill, potential dangers do indeed exist. The fact that a patient's confidential records can be available for inspection, even though his pill may be a mild tranquilizer or sedative, should alert all patients and physicians. The bathroom cabinet as well as the street are in the scenario in which we can see future action!

The fact is that health care costs will increase, since new record keeping is required for commonly used drugs. Laboratory teachers and scientists are also to be registered and controlled along with physicians. *Preventive record keeping*—simply to be safe against the *implied* powers in the bill—could also increase costs. Control of the life cycle of a pill from its conception on the drawing board to its final consumption is embraced in this bill. The administrative costs to government (tracking eight billion amphetamine tablets a year, for example) might worry an Attorney General concerned with inflation, if not with the facts about illicit drug supplies.

Congress has not asked for a clear and compelling rationale from the bill writers. Yet this bill is addressed to the bulk of law-abiding patients and physicians. Why? The burden of answering should be on the "tough" politician who wants to divert attention from the tough drug problems and collect votes by passing "tough"—though irrelevant—bills!

What is tragic, then, is that apparently a large segment of the practice of medicine and the advancement of badly needed knowledge is being politicized. In fact, we should strive to keep matters of public health in sane focus, to use the best instruments with which Western civilization has endowed us to arrive at informed decisions.

Health professionals, pharmaceutical specialists, and experts in drug-abuse education should have been brought together with experts in government administration, regulatory practices, and law enforcement to review the entire complex issue of the manufacture and distribution of medicinals and the appropriate measures to combat illicit diversion and criminal use. It is clear that this will eventually have to be done—perhaps by the National Academy of Sciences.

This bill, then, is overwritten, imprecise, overambitious, and confuses rather than clarifies. It is costly at a time when funds are required to make enforcement, education, treatment, and research effective. Accordingly, the American Psychiatric Association has authorized the following:

"We strongly endorse the provisions contained in the Comprehensive Drug Abuse Control Act of 1969, H.R. 11701—the Staggers bill. This bill places responsibility for training, education, and research of a medical nature and the adjudication of scientific and medical questions concerning drugs where they properly belong—under the Secretary of Health, Education, and Welfare. We believe that basic to the entire approach is the separation of medical responsibility from that of law enforcement."

What began as a golden opportunity to coordinate and streamline law enforcement has degenerated into a tactic to tap public anxiety and confuse the field while attempting to control it. Yet there is a job to be done. Epidemics of drug abuse and drug interest do continue. Where are the enforcement agents? In clinics, offices, and laboratories? Or are they searching for major illicit supplies of drugs? After all, where there are no illicit supplies of drugs there is no abuse!

Those who would complain later should not be silent now.

DISTRICT OF COLUMBIA CRIME

Mr. MATHIAS. Mr. President, I wish to remind Congress of our responsibility in facing and dealing with the serious crime problem in the District of Columbia, since Congress has chosen to retain virtually exclusive governmental authority within the District.

To this end, I ask unanimous consent to have printed in the RECORD a list of crimes committed within the District yesterday as reported by the Washington Post. Whether this list grows longer or shorter depends on Congress.

There being no objection the list was ordered to be printed in the RECORD, as follows:

VIRGINIA WOMAN ROBBED ENTERING AREA BANK

Majorie I. Ciocca, of 1800 Stratford Dr., Alexandria, was robbed of $300 yesterday as she was about to enter the First Virginia Bank, 1502 Belle View Blvd., to deposit the money, Fairfax County police reported.

One of two youths hit her on the side of her face, police said, and grabbed her purse. A locked bank money bag she was carrying fell to the ground.

Police said the youths took the bank bag and left the purse. The money was part of receipts from the High's dairy store, 1100 S. Washington St., Alexandria, where Mrs. Ciocca works.

Other serious crimes reported by area police by 6 p.m. yesterday included:

ROBBED

Annie O. Lee, of Washington, was robbed Tuesday about 9 p.m. by an armed man. After taking her handbag, the man escaped in a car.

Bessil L. Butler, of 1341 Ingraham St. NW., was robbed Tuesday about 6:30 p.m. by three men while walking in front of her home. One of the men produced a gun, told her it was a stickup and took her handbag. She was struck in the face during the robbery but not injured.

Edward Crosby, of Washington, was robbed by two men while walking on Sherman Avenue about 9 p.m. Tuesday. One man engaged him in conversation, and the other then pulled a gun and demanded money. The pair fled south on Sherman Avenue.

Ethel Lee Franklin, of 2436 Wagner St. SE., was robbed of her purse by a man Tuesday about 9 p.m. while walking behind her apartment building. She heard a voice behind her and turned to see a man running up to her who produced a revolver and demanded her purse.

Safeway store, 716 Kennedy St. NW., was robbed yesterday by three men, one armed with a rifle. One man told Stephen Parks, of Falls Church, that it was a stickup and ordered him to give them money from the safe. Another man struck Andrew Keene, of Washington, on the left side of the head and took money from the cash register and from Constance Randolph and Robert Fortune. The three men fled and were last seen going east on Kennedy Street.

James Stancil, of 1371 Irving St. NW., was robbed in his home by two men about 10 p.m. Monday. The men entered through an unlocked front door, cut Stancil on the head with a knife and took a portable TV.

The Guards Restaurant, 2915 M St. NW., was held up at about 1:15 a.m. yesterday by four men, two armed with a silver revolver and a sawed off shot gun. The man with a revolver ordered Jack Bergeron, restaurant manager, to "Give me your money. Give us your cash," and then took money from the cash register, a gold watch and cash from Bergeron. Another man took money from an employee, Lynold Biennena, and from John Connell, an employee who came up from the basement while the robbery was taking place. The four men fled through the front door taking a camera with them as they left.

Laundromat, 236 E St. NE., was robbed by three men, one of them armed with a sawed-off shotgun, shortly before noon Tuesday.

Ida May Trice, of Washington, told police she was in her Northwest apartment Tuesday afternoon when two men entered and robbed her at gunpoint.

Howard Peter Woodring, of Arlington, told police he was robbed by two men in the 2800 block of 16th Street NW.

Edward Robinson Warren, of Washington, told police two men beat him on the head with a stick while he was at 9th and I Streets NW Tuesday afternoon. They emptied his pockets and fled.

Richard Franklin Moss, of Washington, was robbed by several youths at 7 p.m. Tuesday while in the 200 block of 15th Street SE.

Cake Masters Bakery, 4015 South Capitol St., was robbed by three men, one of them armed, about 7:30 p.m. Tuesday.

STOLEN

An estimated $5000 worth of stamps was stolen from the home of Harold Moueray, 4816 Ravensworth Dr., Annandale, some time Tuesday night, Fairfax County police reported. A basement window was broken. Police said the stamps were carted away in three pillowcases.

Constantinos Papps, of Philadelphia, reported to police that his auto was ransacked while parked in the 1800 block of M Street NW and about $600 in goods was stolen.

Albert Corbett, of Rockville, told police that money and credit cards were stolen from his coat while he was inside 3135 K St. NW about 11 p.m. Tuesday.

THE DEBATE OVER PRIORITIES

Mr. PELL. Mr. President, the Providence Evening Bulletin has made another contribution to the growing national debate over priorities. In a recent editorial, the Bulletin noted with approval a reduction in the amount budgeted for the space program in the coming fiscal year. But these outlays are still more than five times the amount budgeted for cleaning up the environment. The editorial said, in part:

> Those who contemplate our fetid streams and who breathe the noxious smog that clouds so many of our larger cities may rightly ask whether the priorities are in sensible order . . . .

Mr. President, so that the Bulletin's thoughtful statement may be brought to the attention of the Senate, I ask unanimous consent that it be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

HIDDEN SPACE BINGE

Encouraging signs from Washington indicate that the federal government is rearranging its priorities and trying to put first things first. The Pentagon's swollen budget is being trimmed. Larger allocations are being earmarked for domestic concerns, and smaller outlays are budgeted for space exploration.

Nevertheless, a closer look at what is being accomplished suggests that the priorities are still out of line and that there is plenty of room for additional improvement.

Congressional Quarterly points out, for example, that while the total allocations for space exploration in the coming fiscal year are substantially less than the allocations for this year, the space outlay is still far greater than the proposed outlay for cleaning up the environment.

NASA is budgeted for 3.2 billion dollars next year. In addition, the Defense Department has earmarked $1.6 billion for its space research and the AEC and other departments are budgeting many of their millions for efforts in the space field.

The total of all allocations for space work in the coming year, according to *CQ*, comes to slightly more than five billion dollars. This is substantially less than this year's $5.6 billion and last year's $6.3 billion. But it is still a huge sum that dwarfs the 1.1 billion dollars tentatively allocated in next year's budget for cleaning up the environment.

Those who contemplate our fetid streams and who breathe the noxious smog that clouds so many of our larger cities may rightly ask whether the priorities are in sensible order when we are still planning to spend nearly five times as much on space exploits as we are on the crusade to clean up our contaminated environment.

ORGANIZED CRIME

Mr. MILLER. Mr. President, yesterday Angelo De Carlo, also known as the Gyp, was sentenced to 12 years in prison and fined $20,000 for violating Federal extortion laws. This is the first step in the successful drive by the Nixon administration to break up the vast network of crime and political corruption that has ruled northern New Jersey for these many years.

De Carlo is a captain in the Genovese family of the Mafia. During his trial it was brought out repeatedly how deeply the tentacles of this criminal organization had penetrated the Democratic machine that rules Newark and its environs.

The new Republican regime in New Jersey, headed by Governor Cahill, cooperating with the administration here in Washington, is moving rapidly and effectively in cleaning out this cancerous mess. But it is a most difficult task.

The tendrils of organized crime and venal politicians are interwoven into a tight fabric of corruption in New Jersey as well as elsewhere in the country where machine politics has been the rule. Even using the full strength and capabilities of the Federal Bureau of Investigation and the Department of Justice, it is difficult to cut through the secrecy that shrouds this tapestry of antisocial activities to bring the culprits before the bar of justice.

It is, I believe, one of the most important tasks this administration has set for itself. It can also be one of the most rewarding, because it will—if carried through to its conclusion—destroy the monstrous conspiracy between the Mafia and its willing and, in some cases, unwilling allies.

This combination has denied the citizens of New Jersey their constitutional rights to be governed honestly and impartially by their elected officials. Many of these officeholders have been too much the creatures of criminal gangs. They have been elected by voters who did not take the trouble to do their homework and find out whom and what they were voting for—who threw their votes away by blind party-line, shop-like voting. No wonder they ended up with officials who showed their contempt for such irresponsible voters as to work against the people's best interests. Fortunately, it appears that the voters have finally awakened. Let us hope they do not go to sleep again.

The conviction and sentencing of Gyp De Carlo is the first step. It is a big step in the right direction. More will follow under this administration.

JOHN S. SALOMA

Mr. MATHIAS. Mr. President, it has been said that the much-alluded-to "generation gap" is not so much a distance between parents and their young as it is between Americans who lived during World War II and Americans who were born in the postwar period.

XUM

I ask unanimous consent to have printed in the RECORD the remarks of a man who, in his own words, is "at the midpoint between two cultures—the old and the new in America." John S. Saloma III is a man who, at the age of 34, has participated extensively in the political life of this Nation. He is the author of the book "Congress and the New Politics" as well as the producer of several studies of Congress. He founded and headed the Ripon Society, the Republican research and policy organization. Yet he has not lost touch with the younger segment of our population—the Americans born after World War II. I believe that his remarks to the 32d Congress of America's Outstanding Young Men of 1969 will bear witness to Mr. Saloma's concern and understanding with what is happening in this country today.

There being no objection the remarks were ordered to be printed in the RECORD, as follows:

REMARKS OF JOHN S. SALOMA III, 32D CONGRESS OF AMERICA'S OUTSTANDING YOUNG MEN OF 1969, SANTA MONICA, CALIF., JANUARY 17, 1970

We who are honored tonight are of a special generation with a special charge. Much is demanded of us. We stand between two worlds; at the midpoint between two cultures—the old and the new in America.

Nowhere is this contrast more vivid than in the values and expectations of the generations that we bridge in time and experience. We were raised in the shadow of the great depression and war yet we share the social activism and conscience of a generation that has accepted economic affluence as a right and gone on to ask how such wealth and power should be used.

As we have a unique position in history so have we a unique responsibility to interpret through our lives, as best we can, these two cultures to one another.

To the older generation that clings so tenaciously to power in our society we should say that it simply is not enough for *you* to do *your* best. To govern America today is a national undertaking that requires the talents of *all* our people.

To younger Americans so impatient with the old order that they are driven to revolutionary rhetoric if not action we can give new meaning to historic institutions and help in the exciting and urgent challenge of building new institutions. Today according to one national poll only 18% of college students give a favorable rating to our political parties, the lowest rating by far of our major institutions.

We can begin to engage the idealism and activism of our youth by joining and supporting the new movement for party reform in the Democratic and Republican Parties. Let me suggest that you offer your support either individually or if possible under Jay-Cee sponsorship on a bipartisan basis, to the respective national committee chairmen and the state party chairmen in the 50 states in the cause of party reform.

One exciting possibility which I believe could be achieved with your help by 1972 is *the selection of a young man or woman as the Vice Presidential candidate of the respective major parties.* In our lifetime the Vice Presidency has become an important training ground for the Presidency. Former Vice Presidents and Vice Presidential candidates have held the office of the President more than half of the years since the end of World War Two. Why should a man begin his training in the Vice Presidency at the age of 50 or 60? Why can't a man of 35 or even younger (through appropriate constitutional amendment) be given this responsibility and historically significant opportunity? If we are to have a genuine partnership of the generations, if we are to come together as a people, I can think of few more symbolic yet substantial acts that are within our power.

Today many counsel that we have moved too fast, that we must retrench in our politics. After the breakthroughs of the 1960's we are told there will be a swing toward conservatism, a reaction of "middle America." I believe it would be a tragic mistake to lower our sights as we build a new politics. It would be a tragic mistake to turn our heads from the human and social problems our youth have so eloquently stated in the lyrics of today's pop and rock music. Crosby, Stills & Nash, in their song *Long Time Gone* cry out to us, "Speak out, you got to speak out against the madness, you got to speak your mind . . . . if you dare." Our young people have *not* rejected America. They are asking in a spirit of love and anguish what has happened to the American dream?

It would be the most tragic mistake of all to stop short the promise of the civil rights movement of the 1960's and the true revolutionary human meaning of that movement for all Americans—*black and white together.*

Today we need an elevating spiritual purpose as never before. We need a politics of conscience that will ennoble us, not a politics of necessity that yields to the all too human prejudice and baser instincts that we have tried to put behind us. Can we choose any other course?

We remember a man of nonviolence and peace, a man of God in this age who stood on the steps of a Memorial to a martyred emancipator-President and told the world that *he* had a dream for America. In the most beautiful sense of those words of the saint he was a man "lost to men . . . adventure-bound for love's sake. Lost (on purpose) to be found." Let us pray that we will never lose that ability to dream. Let us pray that we will have the power, the courage, and the personal commitment to put *our* dreams into action.

"I had a dream . . ."

Thank you.

SENATOR MURPHY'S ANNOUNCEMENT

Mr. DOLE. Mr. President, today, the senior Senator from California is announcing his candidacy for a second term in the U.S. Senate. As is typical of our colleague, his schedule today takes him from one end of his beloved State to the other.

Senator MURPHY's place in the affections of Californians is matched only by the warmth with which he is regarded by his fellow Senators. Devotion to his constituents and tireless dedication to the many details of Senatorial duties have characterized his years in this body. Soon after my arrival in the Senate I learned the value of Senator MURPHY's guidance, wise counsel and firm friendship. I congratulate our distinguished colleague on his decision to seek reelection and wish him the very best as his campaign begins.

To illustrate California's respect and enthusiasm for Senator MURPHY, I ask unanimous consent that an article from the February 17, 1970, Santa Monica Evening Outlook by Robert E. McClure be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Santa Monica Evening Outlook, Feb. 17, 1970]

SENATOR MURPHY, REPRESENTATIVE TUNNEY—STUDY IN BACKGROUNDS

(By Robert E. McClure)

Of all the Lincoln Day dinners I've attended over the years, the affair at the Miramar last Thursday night was one of the very best. The turnout to hear Sen. George Murphy jammed the Satellite Room and George never spoke better.

His address had the "Murphy touch."

He asked what Abraham Lincoln would have thought of our crime rate, drug addiction among youth, permitted pornography; college students more interested in fomenting revolution than acquiring an education; school prayers prohibited by the Supreme Court; draft-dodgers upheld and protected; law, order, and decency broken down . . .

The senator's voice and appearance refuted any fears that he may not be able to campaign as vigorously this year as in the past. There is still some huskiness in his voice but it comes through "loud and clear." He looks in the pink of condition and seemed as fresh at the end of the evening as at the beginning.

Another thing we all liked: the streamlined program that didn't last too long. There was little preliminary oratory and no singing. I don't mean to reflect on singers at political dinners—we've had some good ones in the past—but I wanted to hear George Murphy more than the "Battle Hymn of the Republic."

We did hear briefly from Assemblyman Paul Priolo, State Sen. Bob Stephens and Congressman Al Bell. They stayed within their time allowances and Emcee Sherm Wagenseller brought the guest of honor on early, with a bare minimum of introduction. Congratulations to everyone who participated and especially to the GOP women who sold the tickets.

Remember how George Murphy was pooh-poohed by the Democrats in 1964 and since as a "song-and-dance man"? He had no qualifications for senator to compare with those of Pierre Salinger, who had been secretary to the late President John F. Kennedy.

George beat this carpet-bagger, darling of the Kennedys, hands down and sent him back to what portly Pierre was really qualified for, serving drinks around Kennedy swimming pools. For this George has never been forgiven by the Kennedy liberals and this year they're out to retire him with a new challenger who has the double distinction of being a buddy of Teddy Kennedy and a son of former heavyweight champion Gene Tunney.

Young Tunney is no carpetbagger, but a congressman from Riverside County, about the same age as Teddy (they were in Harvard together) and almost as good looking. He sounds like one of the Kennedys when he talks, both in his broad accent and the message. To hear him tell it, Sen. Murphy must be driven from public office, because he's a disgrace to California and his favorite sport is grinding down the faces of the poor.

Prizefighter Gene Tunney may have been relatively poor once, but his ring winnings made him wealthy and he didn't throw it away on booze and women. For Gene had always aspired to Culture. After retiring from the ring he married a New England heiress. It is not surprising that their son, the Riverside Congressman, went to Harvard and became a flaming liberal.

Speaking last week at a Southern California aircraft plant, this Congressman attacked the Nixon administration for "laying off" aircraft workers and in the next breath demanded bigger cuts in defense spending with the money going to, well, you know. He's already spending money freely to inform the voters of Sen. Murphy's unfitness.

George Murphy's father was also an athlete but of a different kind—a teacher and coach of several sports at the University of Pennsylvania, who in his day was beloved by most of the student body. George, one of a large family, went to Yale and had to work his way through college. He came out to California with no money or thought of show business and—I think most people know the story—he met a girl dancer who was very nice as well as very pretty, and fell in love with her. He learned a soft-shoe routine in order to dance with her. He really worked at it and they got married and started in show business. But she couldn't dance much while pregnant and George had not worked his way through Yale without having some other resources than his nimble feet.

By 1964, when he decided to run for political office, he had had a highly successful career as a movie impresario and was well off financially. He had also played, with Ronald Reagan, a prominent part in fighting the Communists who were trying to take over the several movie unions. He had two fine children growing up and the lovely girl he had married adored him still and claimed his entire devotion.

When the senator returns to our Westside area, he may spend more time with his wife than in making speeches. But no one has toured the agricultural districts of this state more thoroughly than George Murphy, or talked with as many growers and farm workers.

And every time there's a flood disaster, George Murphy is out here interviewing the people made homeless, and then going back to Washington to urge that they be helped.

That's how he dances on the faces of the poor.

INFLATION HURTS THE AGED CITIZENS

Mr. HARRIS. Mr. President, in past months I have spoken several times about the price that our citizens are paying because of the continuing inflationary conditions in the country. While all segments of the population suffer from the administration's failure to act aggressively to solve this problem, perhaps none bears the burden as much as our retired citizens, who are forced to live on relatively fixed incomes at a time of continuing and large increases in the prices of everything they buy.

It is only natural that groups of retired citizens should turn under these conditions to political activism. Mr. Lawrence E. Davies of the New York Times has recently written an important article summarizing the attitudes of some of these citizens' groups, and I commend it to the attention of the Senate. It provides another testament in support of the opinion that inflation must be stopped. In some areas, such as transportation, it has been possible to allow the elderly discounts on the services they buy, but this is hardly a substitute for bringing the general inflationary tradition to a halt.

I ask unanimous consent that this article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

AGED, HURT BY INFLATION, TURN POLITICAL

(By Lawrence E. Davies)

SAN FRANCISCO, February 28.—The potential political power of millions of aging voters increasingly hurt by inflation, is attracting serious attention among politicians and the aged themselves.

Candidates and officeholders have long been aware of what power a united front of, say, 20 million electors 65 years old or more could wield. Now, with the cost of living still going up and fixed retirement incomes caught in a price squeeze, "senior power" is becoming a phrase to reckon with.

So far militancy, as exhibited in picketing and mass demonstrations, is at a minimum. But in state after state the elderly are engaging in club activities, ranging from social affairs to politics, and as they worry about housing and taxes as well as rising medical and insurance costs, experts agree, the social clubs may possibly take on political overtones.

Several Congressional committees have turned their attention to problems of the elderly, with the Senate Special Committee on Aging, headed by Senator Harrison A. Williams Jr., Democrat of New Jersey, in the forefront.

"I see more and more evidence of solidarity and growing numbers of older persons who are taking vigorous public positions on local and national issues," Senator Williams said the other day.

In Florida, Ed Kiefer, 73-year-old Republican chairman of Pinellas County (St. Petersburg and Clearwater), said that nowadays every statewide candidate "must take a stand on the matters of vital interest to the older people [or] lose at the polls." He added: "There is no question that the seniors, voting in a bloc, would be able to elect or defeat any candidate on the statewide ballot."

And Maj. Roy Nordheimer, 83, of Evanston, Ill., president of the Chicago Area Council, Senior Citizens Organizations, while noting that some progress had been made by the elderly during the last two years, warned that "there is an increasing feeling among our people that if we can't get what we need we'll have to be more drastic."

"We're not going out to break windows," he said, "but there's talk of picketing, mass meetings and going to Springfield [the State capital]."

AGED DON'T FAIL TO VOTE

In 1961, at the University of Michigan's annual conference on aging, it was concluded that "political interest and participation increase with age," that while only about one-half of young voters cast ballots, more than two-third of older voters do so. The conclusions of that conference are still valid, according to some participants.

The issue was put more succinctly by Dr. Wilbur J. Cohen, former Secretary of Health, Education and Welfare and now dean of the school of Education at the University of Michigan.

"Older people vote more predominantly," he said. "We've got a lot of young people raising holy hell but not voting. I believe we're going to see a greater degree of politicalization of the aged. They are going to organize more effectively and demand attention."

California has been a bellwether in organizations for the elderly. During the Great Depression it produced Dr. Francis E. Townsend's old age pension plan, designed by the one-time Long Beach physician to provide $200-a-month penions to all citizens 60 years old or more and thus restore national prosperity.

"Ham and eggs," the name applied to a $30-every-Thursday proposal and another plan calling for the payment of $25 every Monday also had their day, drawing substantial followings despite attack from economists, bankers, and businessmen.

AN EFFECTIVE ORGANIZER

The late George McLain, a shrewd and effective organizer, built up the national and California Leagues of Senior Citizens in the postwar era, participated in national political campaigns until his death five years ago and lobbied for a national pension based on the Federal minimum age.

In this state, with 2,080,000 residents over 65 (about 1 of every 4¼ votes) he was succeeded by Mrs. Myrtle Williams, a former director of the State Department of Public Welfare.

Mrs. Williams, a reddish-haired coiner of apt phrases, holds her conferences in a back room of a two-story, weathered black building with four white pillars, on South Grand Avenue in Los Angeles.

In its heyday the structure was a mortuary favored by Hollywood notables. A half-century ago throngs passed through its Guardian Angel Chapel to view the body of Rudolph Valentino, the "great lover" of the silent screen.

Mrs. Williams claims a membership—at $10 each annually for most of them—of about 50,000, a figure challenged as far too high by several persons connected with other organizations of the elderly.

One of her goals, is a national pension equivalent to the Federal minimum wage of $277 a month. It would also bring the program for the aged, the blind and the disabled under the Social Security Act.

"GANGING UP" ON GOVERNOR

"We get the most pathetic letters here," Mrs. Williams told a visitor. "Maybe if there's a 'grey haired revolt' up there on the Capitol steps [at Sacramento], it will be different. I don't think there is any businessman or officeholder that would like to see people on crutches—old, helpless—ganging up on the Social Security offices or around the Governor's office."

Many "senior power" buttons have been displayed by delegates to recent national conventions of the National Council of Senior Citizens, Inc., a Washington-based group of elders claiming a membership of more than 2 million, counting allied local and state clubs.

Nelson H. Cruikshank, its president, a former lobbyist for the A.F.L.-C.I.O on issues related to the Department of Health, Education and Welfare, said that despite its occasional picketing and other demonstrations the group emphasizes the phrase "no special interest" in all its literature.

"In the Social Security field," he added, "if they make great claims and lay the burden indiscriminately on younger working people they won't get anywhere. If a chapter opposes a school bond issue I tell them in a speech that you can't oppose your grandchildren."

This and other organizations of the elderly have negotiated agreements in some 20 cities under which aging residents may ride buses, street cars and subway trains at reduced rates. In San Francisco the 20-cent fare was cut to a nickel during off-hours for those 65 or over. They use various identification methods in different cities—medicare cards, special documents and so on.

GROUPS FOR ELDERLY GROWING

Reports from several strategic areas confirmed a picture of growing national, state and local organizations for the elderly, but only disclosed scattered instances of militant actions.

Last spring, when a huge new tax program was being considered by the Connecticut General Assembly, aging persons deluged the office of Gov. John N. Dempsey with tea bags as a symbol of protest against a proposed increase in the sales tax from 3½ to 5 percent. The old folks wanted a state income tax imposed. They failed and the sales tax was raised to 5 percent.

Frank L. Manning, a former organizer for the Congress of Industrial Organizations and now president of the Massachusetts Council for Older Americans—an umbrella-like group cooperating in legislative matters—predicted "a series of rent strikes."

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"We have 40 senior citizens who have taken it upon themselves to move into vacant homes," he said, "It is hard to understand the inability of Government to spend for low- and medium-income people in the housing field when it is spending huge sums elsewhere."

Organized labor has begun to recognize a value in cultivating the aid of retired members. The Teamsters union has taken the lead in a mild form of militancy in Southern California.

Every week a picket line of retired teamsters, headed by Paul Teitelbaum, 69-year-old retired truck driver, marches in the Los Angeles area before business establishments in protest against the sale of products that the union is boycotting.

MILITANT TACTICS OPPOSED

One of the larger groups of elderly people—1.8 million of them—frowns on the picket line type of militancy. It is the American Association of Retired Persons, founded by the late Dr. Ethel Percy Andrus, an educator. It specializes in such services as insurance, travel arrangements and mail order filling of drug prescriptions.

Charles Heydon, in charge of the activities of its 679 chapters in the country, said he had detected no increased militancy "in the philosophy with which we work and the people with whom we work." He quoted Dr. Andrus's philosophy: "Promote the independence, purpose and dignity of the individual."

Some areas even reported a falling off of activities among the aging. A Coloradan reported:

"In previous years the aged were able to call the shots on old age pensions and were acknowledged as a political voice here. But agesters in Colorado seem satisfied with the state of things and not inclined to hit the bricks."

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Florida, to which retired people still head in large numbers and where some 844,000 elderly belong to chapters of national organizations of the aging or to about 400 local clubs, is the site of much letter writing to Congress.

Seldon Hill, 73, of Orlando, who moved there from Providence, R.I. and heads the 11,000-member Florida Federation of Senior Clubs, Inc., is pushing not only for increased Social Security benefits but also for an amendment to the state's Homstead Exemption Law to enable a property owner to skip paying local and county operation taxes on the first $10,000 of assessed valuation, instead of the present $5,000.

"We have only one real weapon—the vote," Mr. Hill asserted. "I think our strength at the polls is understood."

In many places clubs of the elderly use facilities provided by cities and other governmental units, with the stipulation that they not engage in controversial matters. One Floridian, Burt Garnett of Key West, long active in "senior" organizations, criticized the elderly for not being more belligerent.

"They grumble and they write letters," he said, "and they spend a lot of time socializing when they ought to be working on an effective campaign to get some of their problems solved." He added, however, that "they are sore as hell" about such things as high auto insurance rates.

Only recently the Republican National Committee set up a series of small conferences, one at Whittier, Calif., President Nixon's home town, at which two staff members interviewed spokesmen for groups of the aging about their problems.

"They wanted no publicity on this," a participant confided. "They were prospecting. It was a listening post operation. But don't think the Democrats are not doing the same kind of thing."

A FINE DRUG EDUCATION PROGRAM FOR YOUTHS IN PRINCE GEORGES COUNTY, MD.

Mr. TYDINGS. Mr. President, one of the major domestic challenges facing us is whether we shall be able to solve the interrelated problems of drug abuse and juvenile crime. We know that a disproportionate amount of crime is committed by the young. Indeed, more than 50 percent of the persons arrested in 1968 were under the age of 18. That's why President Johnson's Crime Commission said, "America's best hope for reducing crime is to reduce juvenile delinquency."

We also know that juvenile crime is directly related to the increasing use of addictive drugs by the youth of our Nation. This is because most addicts must engage in criminal activities to feed their habits.

Mr. President, the Nation must commit itself to a massive effort to rehabilitate our youthful, drug-influenced offenders. Every State and local government in the country must address itself on an emergency basis to the extent of the narcotics problem it faces and the steps it can take to remedy it. And the Federal Government must provide the necessary leadership and assistance to help solve this pervasive, nationwide problem.

I am pleased that some of the most significant local progress against the narcotics plague has been made in my own State of Maryland.

In 1968, David G. Ross, the master of juvenile causes in the Circuit Court of Prince Georges County, Md., instituted a farsighted yet much needed program of drug education and rehabilitation for youth charged with drug abuse by his court. The program, entitled Guide, works to direct the youths to other community agencies as well as to provide them with information and guidance in a small group setting. The program now receives volunteers from the community as well as court referred youths. The purpose of the program is to provide the youths with reliable information to help their behavior and to help them abstain from dangerous drug abuse.

Physicians and psychologists from area institutions have volunteered to serve as the leaders of the program. These publicly minded volunteers deserve our highest recognition and respect. Included among the volunteers are: Duane F. Alexander, M.D., W. Edwin Dodson, M.D., William G. Johnson, Ph. D., David G. Ross, J.D., Peter Wright, M.D., and Richard Wunderlich, Ph. D.

Drs. Dodson, Wunderlich, and Ross have prepared an article describing their drug abuse program, and I think it deserves our attention. The article was written in Dr. Dodson's private capacity, and no official support or endorsement by the National Institute of Child Health is intended or should be inferred.

I ask unanimous consent to print the article in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A FINE DRUG EDUCATION PROGRAM FOR YOUTHS IN PRINCE GEORGE'S COUNTY, MD.

INTRODUCTION

In the fall of 1968 two groups of adolescents charged with drug abuse were referred to an experimental program of drug education. The purposes of this program were to determine the nature and extent of the problem among nonaddicted adolescents and to explore avenues of drug education and individual rehabilitation. Since this beginning the program has been continued for seven adolescent and two parent groups. The groups have been directed by part-time, volunteer physicians and psychologists recruited from the area institutions—National Institutes of Health, Catholic University, National Naval Medical Center, and Walter Reed Army Hospital. The accomplishments enjoyed by these workers in no small part have been due to the complete support and cooperation of the Juvenile Court of Prince George's County brought to bear by David G. Ross, Master of Juvenile Causes. This support provided the impetus for the program's inception and has permitted its quiet evolution of objectives and mechanisms.

OBJECTIVES

The educational purpose of the program was to provide factual information regarding drug abuse—effectively communicated—to give the court referred youth the means to behave rationally and responsibly, i.e., to abstain from drug abuse. This philosophy assumes the participants have well integrated personalities and will integrate facts into effective courses of action. Unfortunately the participants have not been as clearly capable of using the data.

As a group these adolescents tend to have difficulty over the broad range of adolescent problems. Within this context, drug abuse becomes a symptom of the youth having difficulty. Viewing the youth within the family context as a primary social unit, drug abuse becomes a symptom of a family having difficulties. This is not intended to blame the family in a moment of stress, for the forces causing drug abuse are certainly diffuse and pervasive throughout society. However, since the family is identifiable and to a degree held responsible for its misery, it provides a base for changing the unacceptable behavior. At the same time it is an empirical fact that attempts at behavior modification in children must enlist the family's support or be undermined by its resistance. Parental involvement and understanding facilitate the adolescent's learning to use new techniques in problem solving. The youth is viewed then as emerging into adulthood from the fundamental family unit. The manner in which this emergence is directed, facilitated, or obstructed partially depends on the family's ability to solve problems. Therefore the focus of the program is on adolescent problems, with drug abuse given a position of priority. Within this framework the youth are encouraged to seek solutions—satisfying emotionally and socially—by utilizing effective communication and rational appraisal of alternatives.

The following specific objectives have emerged as operational goals: (1) Presentation of objective factual information concerning the benefits and harms of drugs which are abused. (2) Development of more effective communication to enhance the adolescent's ability to solve his problems in a personally fulfilling and socially productive manner. (3) Recognition of individuals with psychopathology who require individual longterm therapy in the area of interpersonal relations (and/or intrapersonal relations) to function more effectively in society—and their direction to appropriate therapy. (4) Provide effective rehabilitative alternatives for a judicial system overburdened with more immediate social problems. These objectives have action implications which become more apparent when discussed in the context of program dynamics. In summary, the program seeks to give the youth effective information and to help him learn to use it in solving his problems and defining his goals.

STAFFING

Professionals have been recruited from area institutions to perform services of intake evaluation and group direction. Staff members are young physicians and psychologists with varying backgrounds. They volunteer for participation in the program for sessions of three to four months at one meeting per week. The program pays their actual expenses incurred—licensing, insurance, transportation—and offers an honorarium. Aside from part-time secretarial support, there are no salaried positions. Thus far only professionals have been utilized as group directors.

Few staff members enter the program with a broad knowledge of dangerous drugs or patterns of drug abuse. This information is quickly acquired since the workers are motivated and intelligent. Reading materials and bibliographies are disseminated through the program. New doctors entering the program first participate in established groups to provide in-service training in how the program operates and how groups are conducted. Staff meetings are held to share common problems and to standardize operating procedures within useful limits. Staff workers are given a broad latitude in developing their own mode of presentation. The staff has functioned well with good cooperation on operational techniques and goals.

Since the start of this effort, there has been recognized a need to expand our resources for two purposes: first, to provide more intense support where needed in terms of being able to provide a one to one ratio of workers to patients; second, to reach the at-large drug abusers in the general population. To accomplish this first end, the program should provide a base for enlisting college and graduate students to provide the close support required. To accomplish the second end of reaching the drug abusers at large, youth volunteers would seem to be the most economical and to have the greatest potential for success.

The volunteers' most valuable asset is their sensitivity to interpersonal relations and previous experience in dealing with groups. In general the professionals are young, minimizing the communication gap (sometimes called the generation gap). The appeal of the program for these individuals seems to be the meaningful contact and challenging experiences they share with the participants as well as a feeling of involvement in a program of interest and value to the community.

PROGRAM INPUT

Court referrals

Figure 1 displays the pathways a juvenile might travel following his arrest for drug abuse in Prince Georges County. When he is arrested, a petition is filed formally charging the youth with an offense. Following arrest he is detained, pending arraignment. After the petition is reviewed by Juvenile Services, the youth is brought to arraignment where he is advised of his right to an attorney and of the charges to be brought against him. A trial is then held. At the trial or "Hearing of the Merits" the youth is faced by his accuser with the available evidence before the Master of Juvenile Causes. The Master determines if the youth is involved and then makes a disposition. The following remedies are available: waiver of jurisdiction to adult court, commitment to a forestry camp, commitment to a training school, probation, suspended sentence or dismissal. All decisions of the Master may be appealed to the Circuit Court. Should the youth be assigned to GUIDE, no finding of delinquency is entered by the Master. The youth and his family are involved for a period of three to four months. The program then submits its recommendations for the youth to the Master of Juvenile Causes, who now has the option of dismissing the case without entering a finding of delinquency. As can be seen, the youth can be rehabilitated without establishing for himself a record as a juvenile offender.

Volunteers

Apart from the court referrals a youth may enter the program on a volunteer basis. This is accomplished by the parent or child calling a publicized telephone number, 627–5686, and being seen by the GUIDE intake officer. Individuals voluntarily entering the program are never known to the Court or law enforcement officers by nature of this contact. Failure to participate or to attend faithfully invites expulsion from the program. An adolescent who wishes to enter the program without his parents' knowing will be seen twice in intake. After this the parents must be involved since we seek their support and indeed must obtain their consent for the juvenile's participation.

PROGRAM DYNAMICS

The operation of the program may be divided into the phases of intake and triage, grouping, and group operation.

The program is short termed—lasting only four months. This limits the extent to which the education process can be expanded, i.e., no major personality renovations are sought. Rather the program seeks to alter the adolescent's direction by teaching him effective methods of problem solving. In brief, he must learn to recognize his own motivations and the motives of those around him, and he then must apply rational critical judgment in selecting behavioral alternatives. As stated previously, drug abuse is perceived as one of many pitfalls the adolescent must dodge in the process of personality development.

INTAKE AND TRIAGE

A family referred or volunteering to GUIDE is seen first for intake evaluation. At this meeting the doctor interviews the parents and child both together and separately. He explains that communication within the program is confidential and that participants are encouraged to discuss their problems and experiences openly. This fundamental openness is essential to effective functioning of the program. It is explained that this program is nonpunitive and recommendations submitted by group leaders on court referred cases include only the positive aspects of the individual's participation. It is made clear that abstinence from drug abuse is expected and that their involvement in continued drug abuse jeopardizes the program as well as their personal liberty. From this interview the doctor obtains information about the youth's experience and knowledge of drug abuse, the nature of the family's interpersonal relations and pertinent psychological data. On the basis of this data, the doctor determines what type of experience will be most beneficial for the applicant, and he may either assign him to an appropriate group or refer him to a more suitable agency such as Prince George's County Mental Health, Family Services, or private psychotherapy.

As mentioned previously, one of the objectives of the program is to detect individuals who are mentally ill and in need of treatment. When these people are seen, they are sent to Prince George's County Mental Health for psychiatric evaluation and therapy. Similarly families with marital problems are sent to Family Services. Applicants with overt psychopathology severe enough to prevent their participation in a group rceieve individual therapy. However, if it is felt that an applicant might benefit from both the group program and individual attention, both referral and inclusion are undertaken.

Our intake experience has demonstrated a significant number of juveniles to be addicted or nearly so. These adolescents require intensive therapy and pose one of the most pressing problems for rehabilitation. To our knowledge there are no facilities in the metropolitan area which are youth oriented. Suitable candidates are referred to adult programs in the District of Columbia. These sources are found in the Drug Central Directory. A few of these applicants are not candidates for these programs and are retained in a group setting to maintain contact with them until better opportunities are available, realizing that their needs cannot be met solely in this type of group educational program.

Grouping

Groups are formulated to include compatible members with mutual characteristics of age, history of drug abuse, and to a degree, social experience. In general, friends are not placed in the same group insomuch as their previous ties reduce their effectiveness in the group through clique formation, etc. Court referrals and volunteers are intermingled so that the motivation of the latter group may be shared by the captive participants. At least two girls are placed in the group together. Whenever possible, area of residence is considered in grouping to minimize transportation problems. Parents' and adolescents' groups are scheduled at the same place and time to also facilitate transportation. Parents similarly are grouped according to mutual needs and experiences in terms of dealing with their children whenever possible.

Group operation and techniques

The methods of group operation incorporate the techniques of group therapy and group dynamics. The common goal of abstinence from dangerous drugs receives considerable support in the group situation. The individual develops a responsibility to his group as well as to himself to avoid situations which might cast a bad light on this association. For the court referred participants, the group functions as a sympathetic setting to discharge the anxiety aroused by passage through the court system.

Within the group, the leader may make rather directive demands on certain participants. For example, all participants are expected to be in an educational setting working toward a goal—be it vocational or academic. Similarly, part-time employment is often requested of the youth when it seems advisable. In the case of court referred participants, these activities are sometimes imposed as strong expectations rather than subtle suggestions. Thus the groups operate in a permissive atmosphere of free discussion of problems and potential solutions while exerting gentle guidance toward acceptable behavior.

Many techniques of instruction have been tried and each group leader utilizes the successful methods of past groups. In addition, they are encouraged to try novel approaches and materials. The most effective mode of presenting material continues to be in the setting of the group discussion where the members contribute most of the information. The leader serves as a reference to separate fact from fiction, to indicate what is unknown, and to fill in the gaps. Usually no participant has a wide range of knowledge but within the group most points will be volunteered.

A wide variety of films are available. They are most useful as catalysts for discussion. In general the adolescents question the credibility of films and they are critical of the modes of presentation which become quickly outdated. Generally, discussion time is more productive than film time.

Role playing is an enjoyable and useful technique in which the leader and various

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members of the group adopt parental or adolescent roles. Other group members comment on attitudes and communication techniques and derive considerable insight from observing and participating in the interaction. This also provides a useful testing ground for the adolescent to "try out" new attitudes which one is seeking to teach him.

Psychodrama and videotaped improvised drama are being evaluated as additional techniques to provide the participants another porthole to view critically their own actions and attitudes.

Much good literature is available. Emphasis is first placed on critical reading and interpretation of popular materials. Once this notion of critical assessment of printed material is introduced, the participants are happy to receive credible materials which are quickly assimilated. A few of the many sources are listed in the bibliography. Group leaders occasionally have brought original articles from scientific literature concerning drugs for reading and discussion within the group. Though large, this source of material is generally too difficult for the average participant to comprehend due to the technical nature of the presentations. In summary, books provide a useful adjunct in accomplishing the informational objectives of the program.

A multiple choice examination designed to emphasize factual material concerning drug abuse has been formulated. This test stresses the differentiation between addicting and nonaddicting drugs, classification of drugs, and it deals with popular myths concerning drug abuse. It serves several functions. It indicates the relative degree of sophistication of any group. It tends to explode the pretense that one may "know all there is to know" about drug abuse—a defense occasionally employed by applicants resisting the program. Within the program it stimulates discussions as it is reviewed, often going beyond the specific area of drug abuse. In its broad range it provides an outline for material to be covered without being a rigid program or schedule. Finally, the examination could measure the effectiveness of the instructional phase of the program when it was given terminally.

Finally, guest participants such as rehabilitated addicts are used to present insightful glimpses into the potential misery of drug abuse.

Program content

A detailed account of the polemic is beyond the scope of this endeavor. Much of the material we seek to convey may be directly obtained from sources in the bibliography. We teach the psychological, physical, social and legal consequences of drug abuse in as objective a manner as possible. The discussion is directed to a mature plane. The goal is to bring out the facts rather than to win an argument. The dampening of emotionality in this situation facilitates communication of the material. Scare tactics are notably avoided, but realism is pursued in exploring the harms and benefits of the drugs considered. Drugs which are routinely scrutinized include marijuana, LSD, amphetamines, alcohol, and opiates. Drug abuse is contrasted with appropriate medical usage and this framework is then used in examining popular usage of sedatives, tranquilizers. and stimulants.

Common adolescent problems are considered. Goals, relationships to authority and parents, education, selection of occupation, and sex are areas of interest and concern. In these areas as with drugs the approach which is most productive is the group discussion with frank presentation and weighing of behavioral alternatives based on examination of the facts—concrete and emotional. This attention to the wide range of the participants' concerns strengthens the new attitudes and behaviors they acquire in any given area.

DISCUSSION AND CONCLUSION

When the program was first conceived, a solely educational approach was anticipated. Education is the great American panacea for curing social ills. In a few cases drug abuse may be promulgated on ignorance, but the establishment's message that drugs are dangerous has always been loud and clear. The nature of the danger often was not so well articulated. However, responsible spokesmen have become more aware of the scientifically established risks of drug abuse and fewer old wives' tales are transmitted. Unfortunately, a sizeable credibility gap between youth and social institutions grew up before this dissemination of knowledge. Effective communication of data both to the youth and interested adults is thus an important function of a program such as this. If other institutions effectively could supply this information, there would be no need for the educational aspect of our program.

As previously mentioned, we have become aware that possession of the facts will not necessarily determine that youth will abstain from drug abuse. Thus we have been led to dealing with the youth's ability to examine alternatives and to behave responsibly. The theme has been stated many times, namely, we seek to instruct the youth to examine his motives and the motives of those close to him, to view the behavioral objectives critically and to select a behavior which most satisfies these in achieving his goals. The concepts of delayed gratification or temporary sacrifice must be spelled out as it relates to this process. Learning this process is really the task of the developmental period called adolescence. The ability to use it can be equated roughly with emotional maturity.

Why be concerned about emotional matuity in adolescents? The court attempted to refer straightforward cases of adolescents convicted of drug abuse to the program—presumably healthy teenage experimenters. Of the first 35 cases, selected only to exclude recognized addicts, there were 14 cases of diagnostic psychopathology, ranging from adolescent adjustment reaction to borderline schizophrenia. Most of the arrests were group arrests with the police being instructed to pull in as many involved parties as possible. Yet 40% had a diagnosis of emotional problems.

It is apparent that the most compelling problem of drug abuse is its interference with the process of emotional maturation and personality development. In fact, in the case of "soft drugs like marijuana, this is the single most detrimental effect. Thus the problem in adolescents is somewhat circular—emotional immaturity begets drug abuse begets emotional immaturity. In its extreme this emotional immaturity may approximate mental illness. More often it costs the youth valuable time and may cause him to miss opportunities which do not present themselves again.

The selection of a name for the program has been difficult. From many contenders the name GUIDE has emerged as the most acceptable. Its meaning to the establishment and drug communities is similar in that it connotes a compassionate leadership through an unknown area. As an acronym it represents guidance, understanding, infromation in drug evaluation—principles embodied in the program.

Finally, just as GUIDE has been developed to deal with juveniles who abuse drugs, perhaps similar programs could be developed to deal with juveniles with other problems. The use of volunteer probation officers or counselors could relieve the heavy burden now shouldered by Juvenile Services. In addition one would expect more favorable results than now exist because each counselor would be highly motivated and would have only one probationer. Community resources are vast; they only await mobilization and application.

CENTER FOR STRATEGIC AND INTERNATIONAL STUDIES AT GEORGETOWN UNIVERSITY

Mr. PELL. Mr. President, I have recently read in the press various comments concerning the Center for Strategic and International Studies at Georgetown University.

As a member of the advisory board for the center, I have followed these comments with special interest.

While the origin of the center was conservative in orientation, and many of its advisory board members hold conservative viewpoints, and are identified with the military and corporate sectors, I think it fair to note that less than 5 percent of the center's financial contributions come from defense industries, and the center takes no Government contracts. I really believe that it is making a very strong effort to make sure that the middle of the road viewpoint is presented also.

In this regard, Dr. David M. Abshire, the center's executive director, has played a positive role. While I would probably not be in agreement with the political views of many of the center's advisory board members and all of the policy conclusions of its reports, I do believe that a very genuine effort is being made by Dr. Abshire and his colleagues to bring the center's thinking down a bit more on the liberal side of issues.

Guidance in the formulation of research projects of the center is provided by a research council.

The research council is ably chaired by Prof. Philip E. Mosely, associate dean of the faculty of the Columbia University School of International Affairs, and former director of studies of the Council on Foreign Relations in New York. Under Professor Mosely's leadership, the council has grown significantly. The present membership of the center's research council is composed of the following:

Dr. Philip E. Mosely, chairman, dean of the faculty, school of international affairs, Columbia University.

Dr. Karl H. Cerny, chairman, department of government, Georgetown University.

Dr. Jules Davids, professor of diplomatic history, Georgetown University.

Prof. Walter Laqueur, director, Institute of Contemporary History and Wiener Library, London.

Prof. Bernard Lewis, department of history, School of Oriental and African Studies, University of London.

Dr. Kurt. L. London, director, Institute for Sino-Soviet Studies, George Washington University.

Dr. Laurence W. Martin, professor of war studies, King's College, University of London.

Ian S. Michie, vice president, zone executive for Middle East and North Africa, Chase Manhattan Bank.

Dr. Thomas C. Schelling, professor of economics, and faculty member, center for international affairs, Harvard University.

The Hon. John W. Tuthill, director-general, Atlantic Institute (Paris), former Ambassador to Brazil, 1966–1969.

Dr. Joseph L. Tryon, associate profes-

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sor, department of economics, Georgetown University.

Dr. Charles W. Wagley, director, Institute of Latin American Studies, Columbia University.

Dr. Richard L. Walker, director, Institute of International Studies, University of South Carolina.

Dr. Henry C. Wallich, professor of economics, Yale University, Senior Advisor to the Secretary of the Treasury.

Dr. Robert E. Ward, professor, department of political science, University of Michigan.

Dr. John C. Warner, president emeritus, Carnegie-Mellon University.

The center's senior research staff for 1970 consists of the following:

Dr. David M. Abshire, executive director.

Dr. Alvin J. Cottrell, director of research.

Dr. Sevinc Carlson, Middle East affairs.

Dr. Robert A. Kilmarx, Sino-Soviet affairs and maritime affairs.

Mr. Abraham Brumberg, Communist affairs.

Dr. Michael A. Samuels, African affairs.

Mr. James D. Theberge, as of summer of 1970, Latin American affairs.

Mr. Jon Vondracek, communications.

Mr. Richard J. Whalen, special projects.

Research Council member Walter Laqueur has just written a new study of the Middle East under center auspices. It is entitled "The Struggle for the Middle East" and has been published by the Macmillan Co. The last chapter of this book was carried on the front page of the Outlook section of the Washington Post on Sunday, January 4, 1970. Mr. President, I ask unanimous consent to have printed in the RECORD a review of the book which appeared in the New York Times.

I am pleased that the center increasingly encourages the expression of differing views, as was done, for example, in its seminar on sea power chaired by Columnist Robert Novak. The seminar had protagonists for and against the military, spokesmen from labor and business, as well as scholars and media people. This is a tendency that I have done my best to encourage.

Research institutes associated with universities have become a source of student controversy. It is worth noting that the center does not take Government contracts or do classified research. Also, I would like to call attention to a perceptive article by Don McNeil, editor-in-chief of Georgetown University's student publication, the Hoya. The article gives a student view of the center's evolution from the narrow base of purely national security issues to a broad range of interests and greater diversity of views. Mr. President, I ask unanimous consent to have this article printed in the RECORD.

There being no objection, the review and article were ordered to be printed in the RECORD, as follows:

[From the New York Times, Jan. 11, 1970]

THE STRUGGLE FOR THE MIDDLE EAST

(By Peter Grose)

The decade of the sixties saw the flourishing of Soviet influence and participation in the politics of the Middle East, a substitution by invitation—not by conquest—for the traditional Western presence. In a geopolitical context, this appeared to be the final realization of a Czarist dream.

Walter Laqueur is one who believes, and argues persuasively, that this fact of the decade is neither final nor necessarily disastrous for the West, that the liabilities for the Kremlin are already coming to outweigh the benefits and that the Russians will be no more capable of taming Arab politics to their advantage than were the French, the British and lately the Americans.

In the 14 years from 1954 to 1968, the Soviet Union provided arms and military equipment to Egypt, Syria, Iraq and Yemen to an estimated total of $4.5-billion—about what the United States spends in two months for the war in Southeast Asia. With this investment, the Soviet Union gained a dominant role for the first time alongside the Western three powers in defining the conditions for peace and a balance of power in the eastern Mediterranean. How they did it, and what they are going to do with it is the subject of the prolific Mr. Laqueur's much needed updating of his two earlier works, "Communism and Nationalism in the Middle East" (1956) and "The Soviet Union and the Middle East" (1959), written when the movement was barely beginning.

Nearly half the volume is an appendix of documents, theoretical articles and statements gathered conveniently together to show the evolution of Soviet and Arab thinking about their mutual relationships. Another 100 pages weaves through the twists of politics and coups in each country, a necessary almanac of events which only a computer memory could retain without constant refreshment.

Mr. Laqueur believes that from about 1965 on the Soviet investment of funds and political support began producing diminishing returns in the Kremlin's global portfolio. He writes, "The outbreak of war in 1967 and the war scare preceding it were part of a chain reaction which had been started by Soviet leaders in cooperation with their allies in the Arab world, over whom they gradually lost control. Accident, misunderstanding and misinformation played a great (and growing) role once the train of events had been set in motion."

After the Six-Day War, the Soviet Union rescued its position from the near-humiliation of its Arab clients' defeat, but only at immense cost—over half the military aid supplied in 14 years came in the one year after the 1967 war. In an incisive and succinct passage, Mr. Laqueur defines the facts dividing doves from hawks in the Kremlin in 1967, facts which presumably hold true today with even greater vigor.

The doves: the intelligentsia, fearful that the anti-Israel stand was primarily anti-Semitic; the technocrats and even some of the military leaders, questioning a lavish outlay of investment funds more needed for the domestic economy—"they failed to understand why priority should be given to foreign countries ruled by non-Communists, and not too efficiently at that"; the Communist party *apparatchiks* concerned with the world movement, realizing that outlying Communist parties did not share Moscow's anti-Israeli views, and even ruling parties of Eastern Europe who had to foot some of the bill for Soviet aid.

The hawks: "Guardians of party orthodoxy," who had long since resolved the old dilemma of supporting military regimes that were less than tolerant of their home-grown Communist parties; those in all reaches of Soviet society who frankly disliked Jews "and were glad to rationalize their feeling in ideological terms"; finally, Mr. Laqueur writes, "there were not a few in the army, the leadership of the party and the Communist youth organization, the Komsomol, favoring a more dynamic and expansive foreign policy and demanding that Israel be 'taught a lesson.' "

The Soviet leadership cannot afford—politically or economically—another Arab defeat, Mr. Laqueur believes; hence Moscow's willingness to cooperate with the Western powers in keeping the tensions just below the level of a general war. But he is pessimistic in the short-run that the Russians can control their Arab clients any better now than they could in 1967. Even worse, he fears, the Russians have been so sucked into military and political cooperation, mainly with Egypt, that there is a very real question as to whether they could remain aloof from a general war as they did in 1967.

Mr. Laqueur considers the long-run success of the Soviet penetration quite problematic. It is historically in the interests of the Arab regimes not to fall into exclusive dependence on any one outside power; that is why they pulled away from their colonial masters in the West, and why they should be expected to do the same from their Eastern mentor.

The Russian military and technical programs in the Middle East have been designed to create a new Soviet-trained élite on the assumption that those who receive their training in the Soviet bloc will be oriented toward the East in the same way earlier Western-trained generations tended to be pro-Western. It is by no means certain that such assumptions are correct; prolonged exposure to life in the Soviet Union and the other Eastern bloc countries does not necessarily convert foreign residents to Communism.

It is the plight of anyone writing about the Middle East to be out of date before one is even in print. Mr. Laqueur accurately predicted the problems to Soviet policy of the rising Palestinian guerrilla movements, problems the Kremlin has shown signs of recognizing only in recent weeks. At the conclusion of this volume, we have a signpost to the theme of Mr. Laqueur's next updating: the decade of the 1970's may well see the decline of the presently established governments and their Soviet patrons, not in favor of a Western recovery, but rather to the benefit of guerrilla militants advocating the Maoist revolutionary ideal.

[From the Hoya, Sept. 18, 1969]

AN ANALYSIS OF GU'S "THINK TANK"

(By Don McNeil)

Although it is located only one mile from the Georgetown campus, the University's Center for Strategic and International Studies is less familiar to most students than the terrain of the Sea of Tranquillity. Few have even heard of it, and, among those few, misconceptions abound.

Many of these misconceptions arose from an article published in the June issue of the *Washington Monthly* magazine. Pointing to the fact that the "American Enterprise Institute . . . gave financial and administrative birth to the Georgetown Center," Mr. Berkeley Rice, the author of the piece, went on to point to AEI's dubious reputation as a right-wing lobby organization.

FOUNDING OF CSIS

What he failed to point out, however, was the fact that the Center dissolved all connections with AEI three years ago.

The Center was founded in 1962 as an independently financed affiliate of the University. The founding fathers included Adm. Arleigh ("Thirty-one knot") Burke, Chief of Naval Operations from 1955 to 1961 and presently chairman of the Center; Mr. David M. Abshire, a former chairman of special projects at the American Enterprise Institute, who now serves as executive director of CSIS; and the Rev. James B. Horigan, S.J., director of library services at Georgetown and a member of the Center's Executive Committee.

Although Adm. Burke is widely known as a hard-line militarist, he is perhaps most responsible for assuring a diversity of opinion on Center panels. He sees his main duty as chairman "to make sure that all aspects of a problem are examined; that a man's views are there in his own words." Stressing the interdisciplinary nature of the Center, he pointed out that while he was Chief of Naval Operations he found it difficult to "get economists and strategists to confront one another."

While the University's financial connections with CSIS are admittedly slight (the treasurer's office does their bookkeeping, but there is no exchange of funds), the relationship on other levels is a substantial one. Dr. Rocco E. Porreco, dean of the Graduate School, and the Rev. Edward B. Bunn, S.J., chancellor of the University, will soon join Fr. Horigan on the Executive Committee, the body which is responsible for the administration and financing of the Center.

In addition to these administrative watchdogs, the Center must also answer for all its actions to the office of the President. In the past, particularly during Fr. Bunn's tenure as Georgetown's chief executive, there has been active interest from that office, and Georgetown's new President, the Rev. Robert J. Henle, S.J., has already served notice that he intends to continue that tradition. Shortly after his arrival here last June, he took a close look at the think tank's activities, largely in response to Rice's charges. Although his investigation showed these accusations to be completely unfounded, Fr. Henle expects to continue his interest in CSIS affairs.

The purpose of the Center, according to its publicity brochure, is "to advance the understanding of international policy issues through interdisciplinary study of emerging world problems." It attempts to accomplish this purpose through a series of panel discussions, seminars, post-doctoral research grants, fellowships, and research conferences. It has also, through its Distinguished Writer's Award program, helped to bring about the publication of several books on major foreign policy issues.

Overseeing these various efforts are three administrative bodies. In addition to the Executive Committee, which has a heavy concentration of men with military or industrial backgrounds, the Center must also answer to its Advisory Board and Research Council. The former consists of representatives from CSIS's various communities of interest, in addition to the entire Executive Committee. Since Center studies always involve international policy, the Advisory Board quite naturally has many defense specialists and international businessmen among its members. However, they meet only once a year, and have been likened by CSIS members to Georgetown's Board of Regents, an advisory group at best.

RESEARCH COUNCIL

The body most responsible for the integrity of CSIS, though, is the Research Council. Although it is little more than a year old, it has already been responsible for an increase in the diversity of opinion brought to bear on research problems. Its functions include the suggestion and approval of topics to be studied and the procurement of reputable scholars to discuss those topics. The Council consists of approximately 16 experts in economics and foreign policy, including Drs. Karl H. Cerny, Jules Davids, and Joseph L. Tryon of Georgetown University.

The staff of the Center itself is actually quite small, embracing approximately 30 members, of which more than half are secretaries. Thus the Center is forced to be, in the words of Mr. M. Jon Vondracek, the director of its communications program, "the catalyst and the forum for experts, for expert opinions from highly diverse sectors."

One of those sectors is, of course, the academic community, and in this area the University's interest is more than slight. In addition to the three faculty members on the Research Council, several other professors have either been involved in Center projects or have accepted grants for individual research. These include Drs. Eleanor L. Dulles, Paul S. Ello, Siegfried Garbuny, John Lydgate, Thomas Dodd, Murray Gendell, Hisham B. Shirabi and Joseph Schiebel. The latter two received grants this summer to study abroad. Dr. Schiebel, chairman of the University Russian Area Studies Program, spent June and July in Moscow and Leningrad, while Dr. Shirabi recently returned from the Middle East. In general, faculty members are chosen by the Center after consultation with various department heads.

CONSERVATIVE PAST

While a quick glance at the above list of Georgetown's faculty members certainly confirms Vondracek's use of the words "diverse sectors," the Center's early days were by no means free of Strangelovian tendencies. Indeed, a list of their early publications reads something like a Defense Department priority sheet. Topics included Soviet nuclear strategy, Soviet nuclear materials, the strategic implications of East-West trade, and a 1,072 page exegesis entitled "National Security: Political, Military and Economic Strategies in the Decade Ahead." This epic work frightened many by its mere size and many more with its conclusions.

However, Vondracek is quick to point out that "Georgetown was a very different place then. Just as Georgetown has changed over the last few years, the Center has also changed." This has been reflected both in the widening scope of CSIS studies and in the greater range of views reflected in those studies.

The differences in the Center can be traced to the break with the American Enterprise Institute. Freed completely from its conservative shadow, the Center has been able to do comprehensive studies on such nonstrategic topics as Portuguese Africa and the large concentration on area studies recently led to the addition of the word "international" to the institution's name.

LIBERAL CONCLUSIONS

Even when its studies do have some strategic implications, their conclusions occasionally take quite liberal stances. For example in a Special Report issued in May of last year, a panel of experts recommended that "the United States should welcome Japanese efforts to open further contacts with the Chinese Peoples' Republic. . . . The United States should not press the Japanese to avoid trade in strategic items with Communist China."

However, even when the majority opinion is conservative, the Center always provides its panelists with the opportunity to disagree and prints their comments in full. In a recent study of the implications of British withdrawal from the Persian Gulf Thomas R. Stauffer of Harvard University disagreed with the suggestion of the majority "that the United States maintain a counter-presence in the Gulf." He stated that "such a reaction appears to be myopic and allopathic; it is a reaction to the symptoms and not to the real disease." Such comments are encouraged, and are by no means rare.

While Dr. Abshire believes that the Research Council is most responsible for the increase in the quality and scope of Center work, there are certain safeguards in its make-up which guarantee the integrity of its reports.

When researchers are gathered to study a program, they are not under the control of CSIS. In the words of the executive director, "It would be an affront for a Center member to approach an expert and try to influence his decision."

However, the Center's most impressive credential at a time when most research institutes lack credibility because of government ties is that it "has never accepted any government contracts," according to Dr. Abshire, "nor (does it) have any intention of accepting any. "Vondracek considers the Center "perhaps anachronistic in its allegience to a certain type of independence beginning with its independence from the federal government."

CSIS CONTRIBUTERS

While its independence from the government is beyond reproach, its critics often point to its monetary supporters as being an integral part of the military-industrial complex. While the Center's list of contributors is strictly confidential, there have been leaks. For example, there are ten oil companies and seven oil-supported foundations who are known to contribute to CSIS.

There are some campus critics who object to the fact that those who give most to the Center are also those who benefit the most. (The Persian Gulf study points out the dangers of a disruption in the supply of oil from that region). They conclude that this might very well influence the objectivity of CSIS-inspired research and discussion.

In answering these charges, Abshire notes that "the value to corporations would drop if there were an attempt to shape the research." He states categorically that the Center "accepts no contracts from any of its contributors" although "some foundations occasionally earmark their funds for specific area studies." However, he is quick to point out that "control and direction are under the Center in its largest capacity."

An example of this "area earmarking" was the grant two years ago by the Lily Foundation which specified that the money be used for the study of Latin America. It did not specify what facet of Latin American life should be studied nor who should do the studying.

The Center's funds are rather small for a major research institution. Its resources average $500 thousand a year, divided among some 43 supporters. Of these, the major contributors are foundations although there are a number of corporations that donate amounts ranging from $1000 to $5000.

While the Center is handicapped by its lack of funds, Abshire believes that, for its size, the Center "does more in the way of fine research than any other similar institution. Despite its defects, what center has the real, live diversity that this center has?"

THE FUTURE

Although the Center is small now, it is growing every year. As more and more funds are solicited, an increasing number of Georgetown professors will have the opportunity to participate in research programs. Without a doubt, this is quite beneficial to the professors themselves and ultimately to the students they teach. However, the majority of the undergraduate student body often seem to derive little benefit from Center activity.

Adm. Burke thinks that this is the way the situation should be. "If we were to have a lot of briefings with undergraduates, we wouldn't have time to consider all the problems which we must consider." However, he has suggested that "some undergraduates can sit in on some of the conferences as observers."

Vondracek takes a somewhat different approach: "After careful consideration, applying exactly the same intellectual and academic disciplines that we try to apply to our studies, we can decide what would be most beneficial to Georgetown, to its full community." In the immediate future he plans to at least increase communication between the main campus and CSIS, chiefly through the University publications.

As the reputation of the Center becomes

more creditable in academic circles, as its methods become more objective, it will undoubtedly enhance the prestige of Georgetown University. Future projects include the release of comprehensive studies on Brazil and Portuguese Africa, as well as greater emphasis on research conferences of prestigious scholars with diverse views.

Jon Vondracek, however, thinks that perhaps the Center's greatest contribution to Georgetown is related to its function of research. Pointing to the definition on the cover of University magazine, he remarked recently, ". . . this definition is very clear. The university has several functions—it teaches, it does research, and it grants academic degrees. It now has another function: it participates in this community. We are research. Brookings has gone a step further; it is a university without students."

Hopefully, the Center will not follow Brookings' lead.

LOWERING THE VOTING AGE TO 18

Mr. MOSS. Mr. President, I strongly favor lowering the voting age to 18. I will support either a constitutional amendment or an amendment to the Voting Rights Act to accomplish this objective.

Congress, if it wishes, has the power to set the voting age at 18 by statute. Under the 14th amendment, Congress has the power to find that a distinction between those who are 18 to 21 and those who are over 21 is an invidious classification and, therefore, a denial of equal protection under the law.

I believe that this discrimination against 18- to 21-year-olds is invidious and that Congress should so find.

The reasons why the minimum voting age should be lowered to 18 are familiar to us all. Young people today are better educated, more mature, and more sophisticated than ever before. At 18 they can be drafted to fight for their country, marry, make a contract, and are legally responsible for their actions—both criminal and civil. But because of tradition going back to 21-year-old maturity of feudal times, they cannot vote.

Giving 18-year-olds the vote will not close the generation gap, but it can help. Young people will have more reason to concern themselves with the issues that plague their parents.

Moreover, setting the voting age requirement at 18 will make our electorate more truly representative of our society.

Unjustified discrimination in determining who may participate in political affairs or in the selection of public officials undermines the legitimacy of representative government.

As I said, these are familiar arguments which need no elaboration. Their logic is irrefutable. But why then, has nothing been done? Why are millions of qualified voters still without the franchise?

Partly because things move slowly around here. But the main reason why the voting age has not been lowered, in my opinion, is fear. Too many entrenched establishment oldsters fear change, any change. Perhaps they fear that the slogans and rhetoric of the past will not carry the day with a new group of voters. Perhaps they fear an electorate that questions old dogmas.

Perhaps there are other reasons of self-interest for opposing the 18-year-old vote. But I suspect opposition is based on emotion—a gut fear.

These fears should be discussed, but they should also be exposed. Exposed so that young people may know who and what is blocking change.

As with the question of in loco parentis and student participation in the university decisionmaking process, it comes down to a matter of trust. These young people do not want to take over the country, they simply want to be adult citizens rather than dependent children. Either we trust young people and give them responsibilities commensurate with their maturity or we continue to treat them like children—although many of them already have children of their own. To treat our 18-, 19-, and 20-year-olds like children, not to trust them—can only deepen their alienation and drive the generations farther apart.

VIETNAM CASUALTIES

Mr. HARRIS. Mr. President, I realize that practically every town in America has now been saddened as a result of one of its young men becoming a casualty of the Vietnam war. However, I would venture to say that probably no town has suffered any worse or perhaps even as much as has the small town of Coweta, Okla. This small town of 2,800 people has now lost eight of its young men in the Vietnam war. Out of a high school graduating class of 37 boys in 1967, 14 went to Vietnam—10 of them survive now. Twenty-five Cowetans still remain in Vietnam so the casualty rates for this small town could go even higher.

Another town in Oklahoma, Broken Arrow, which has a population of 12,200, has lost seven of its native sons in this conflict.

I realize that these casualties represent only a small part of the total 40,000 young men who have died in Vietnam. However, I feel that recognition of these losses once again reminds us that we should redouble our efforts to end the Vietnam war and remove American fighting men from Southeast Asia in order to avoid losing any more of our outstanding young men.

Mr. President, I ask unanimous consent that recent articles that appeared in the Tulsa Daily World concerning casualties in the small town of Coweta, Okla., and the total casualties in Oklahoma be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

WAGONER GI 16TH VIETNAM VICTIM OF 1970

A Wagoner man was reported as Oklahoma's 16th Vietnam war casualty during 1970. He was the second recorded from Wagoner since the conflict began.

He was identified as Army Pfc. Jimmy L. Campbell, the son of Mr. and Mrs. Ernie W. Sanders of Wagoner.

His death brings to 926 the number of Oklahomans killed in the war during the last seven years.

COWETANS DEPLORE HEAVY WAR LOSS

(By Tom Wood)

COWETA.—This town of 2,800 is gratefully accepting the efforts of a state legislator to get Coweta's remaining 25 soldiers in Vietnam "scattered out" in hopes of lessening the heavy loss of life.

Ed Pulliam, a retiree, who hasn't "stepped out of the house" since his only son, Eddie, was killed Jan. 11, during a night sweep by the Viet Cong, mourns the "extra sorrow in this little community."

The dead soldier's mother was near collapse Monday.

"We just got the last letter from my son today," she said in a quavering voice.

They were pleased that Rep. V. H. Odom, a Democrat from Wagoner, is calling heavy war losses from Coweta to the attention of Oklahoma's congressional delegation "to see if something can be done" about the disproportionate number of Vietnam casualties from the town.

Seven young Cowetans have been killed there—three from the high school class of 1967. Two members of that class were killed in the past 60 days.

The dead are Frankie Faught, Dallas Perryman, Billy Carver, Grover Boston, Phillip Sanders, Donald Sloat and Pulliam.

Jerry Zachary, junior high principal and high school counselor, said there were 37 boys in the class of '67. Fourteen members of the class went to Vietnam, 11 of them survive.

In writing to Senators Fred Harris and Henry Bellmon and Rep. Ed Edmondson, Odom said:

"Surely this small community has already given more than its share of these fine young men in this conflict. The people there think these men should be scattered out in some other branch of service with the possibility of losing fewer in the future."

Odom became interested in Coweta's casualty price, Zachary said when Bob Hatfield, father of one of the boys still in Vietnam, called on him to see if something couldn't be done.

"He came to school and wanted a list of those still there to see if they couldn't be scattered out because they were all in a bunch," Zachary said.

It is possible that Broken Arrow may want to make a similar request. In December Broken Arrow unveiled a memorial to seven native sons lost in Vietnam. Its population is 12,200.

Honored by a granite marker in Broken Arrow are Sammy Jones Jr., Walter C. Black, Jr., James W. Pendergrass, John Robert (Bud) Gainer, Paul David Lucas, Gary Keith Barnett, and Kenneth Dean Rankin.

"I suppose we've paid no higher price than many others have—40,000 other U.S. homes have been invaded," Pulliam said, "and yet we hope it is possible to do something about the wanton loss of life.

"I guess it (Coweta) has one of the highest casualty lists. It is terrible in one small town. I know it is terrible when you lose an only son—one you've built your world around," Pulliam said.

"Every time we turn around we become more aware of it (the war loss)," Zachary said. About a week after Pulliam was killed word came of the death of Donald Sloat. Several weeks before Pulliam died in the VC attack Cowetans learned of the death of Sgt. Phillip B. Sanders. All three young men had been in the class of '67.

Sloat stepped on a land mine. Sanders, first reported missing in action in May, died without ever seeing his 6-month-old daughter.

LAOS

Mr. McGOVERN. Mr. President, I ask unanimous consent that a statement I made today before the National Newspaper Association be printed at this point in the RECORD followed by an editorial, "And Now Laos," which appeared in the March 7, 1970, issue of the New Republic.

There being no objection, the statement and editorial were ordered to be printed in the RECORD, as follows:

THE SECRET WAR IN LAOS

(Statement by Senator GEORGE MCGOVERN)

I charge again today that the Nixon Administration is misleading the American people in waging a secret war in Laos.

We are flirting dangerously with a new Vietnam.

The Administration is violating the Geneva settlement of 1962 by interfering militarily in Laos.

In addition to providing military and CIA ground personnel, we are sending American bombers against Laos at a rate of 500 missions a day. I was on daily operations as a pilot in World War II over some of the most strategic targets in Europe with bomb loads that did not approach what we are now dropping on little Laos.

Secretary of Defense Laird speaking for the Nixon Administration has replied to my basic contention by cleverly denying that we have increased the number of military and CIA personnel on the ground.

The Nixon Administration is guilty of deliberate deceit in that reply. It ignores the fact that we are using B–52s and tactical bombers to blast not only the trails in eastern Laos but the Northeastern section of Laos around the Plaine des Jarres.

Furthermore, the Administration should explain why we have ground personnel operating in conjunction with the Laotian army. They should explain why we are violating the Geneva commitment of 1962. They should explain why we are participating in another Vietnam-type involvement.

I was astounded to learn from the Chairman of the Senate Foreign Relations Committee that Administration witnesses have told his committee that our policymakers are now more concerned about holding the line in Laos than in Vietnam.

Are we about to sacrifice more young Americans in another war in Southeast Asia? Have we learned nothing from the long years of bloodshed and blunders in Vietnam?

I contend that the Administration is covering up the facts of a bloody military operation in Laos that has already secretly cost the lives of scores of American bombing crews and American aircraft.

The Administration is violating Article I, Section 8 of the Constitution which places in the Congress the power to declare war.

The Administration is deceiving the American people and their elected representatives in the Congress. The Administration is betraying our international commitment in waging a secret war after pledging with other nations in 1962 that we would not intervene militarily in Laos.

I demand as a citizen and as a Senator of the United States that the President inform the Congress and the Nation what we are doing in Laos.

I am convinced that any kind of American military involvement in Laos, as in Vietnam, is a dreadful mistake.

But the primary questions are these:

To what extent are we involved militarily in Laos? What is the reason for our involvement and why have the Congress and the American people not had this information given to them? For seven years I have done my best to stop the war in Vietnam. I am terribly distressed that that war drags on. But what I cannot tolerate and will not tolerate is the thought that we would even consider going down this same bloody path again in still another Southeast Asian nation.

I refuse to accept this prospect, and I want the Administration to know that I will continue to protest with all my strength until the President either fully and satisfactorily explains the war in Laos or fully ends it. That explanation should have come long ago. I demand it now. Given an honest statement of what we are doing, I believe the American people will demand that we stop wasting the blood and treasure of this great country in another hopeless military operation in the jungles of Asia.

I firmly believe we are at war in Laos on a dangerous scale. Let the President tell us that and tell us why and then let the Congress and the American people make a judgment as to whether we want to declare war in Laos or call it off, but for God's sake and for the sake of our children and our troubled nation let us not drift into another Vietnam without even knowing what we are doing.

[From the New Republic, Mar. 7, 1970]

AND NOW LAOS

The funeral urns that give the Plain of Jars its name is a somber reminder that American military entrapment in Laos is just what we don't need, especially when the Administration is patently failing to disengage at reasonable speed from Vietnam. For months now, US planes including B–52s have been laying thick carpets of explosives on eastern Laos. In September, very heavy American bombing of the Plain of Jars enabled Laotian government forces to capture areas the Pathet Lao had held for six or seven years. On February 16, unnamed officials in Washington were assuring reporters that the intensive bombing—the current rate is over 16,000 tons monthly—had "substantially improved" the military situation of the Laotian government. Almost immediately, the Laotian government troops had to fall back and the Plain seems to have been lost again to the Pathet Lao and their North Vietnamese allies.

This country has lost at least 100 aircraft and their air crews apparently for nothing. Laotian government troops are unable to prevent the Pathet Lao and the North Vietnamese from recapturing the Plain of Jars; they lost control of it in September only because the sudden American air assault took them off guard. Since at least 1964, the two sides in the Laotian civil war have annually gained a little ground on the Plain and lost a little ground, see-saw fashion, without the overall position changing. (The civil war itself has been going on for 20 years.) But there was never any doubt that if they wished, the 40,000 North Vietnamese who are illegally in Laos could proceed on from the Plain to conquer the whole country. They did not choose to, for their real interest and the reason for their presence is not to overrun the country and toss out the royal Laotian government, it is to protect the network of trails in eastern Laos by which North Vietnam supplies and replenishes its forces in South Vietnam. The ill-fated American attempt to make the Laotian government a present of the Plain has no relevance to the Ho Chi Minh trails, which enter Laos from North Vietnam southeast of it. Our forces have nevertheless jumped into the thick of the Laotian fighting. American military "instructors" in command of American-armed Meo tribesmen have been thrown in on the side of the Laotian government troops, against the Pathet Lao and the North Vietnamese. All this is taking place under a thick cloud of official silence or disclaimers. In an anguished letter to Senator Frank Church, an air force pilot in Laos wrote: "Why is it, Senator, that the American public is not permitted to know what's going on in Laos, and the extent of American sacrifice there? American planes are lost every day [and] dozens of our airmen are killed or missing each week. Yet not a word to our people." The young man protested that his comrades were dying in "a futile, hopeless and nameless contest." Last week, American correspondents in Laos attempted to break through the secrecy. They managed to reach an airfield where they saw a small "army" of Americans, and where US planes were briskly taking off at the rate of one a minute (others fly over Laos from Thailand and South Vietnam). The US Ambassador, G. McMurtrie Godley, in a none-of-your-business statement, said that "the American mission has lost any interest in helping out the press whatsoever (sic) because of what happened this afternoon."

Laos is pure opera bouffe, or would be if men were not needlessly dying there (one good reason why they should *not* be dying there). The North Vietnamese still have an embassy in the Laotian capital of Vientiane, as do the Pathet Lao, the Chinese and the Russians. The prime minister of Laos, Prince Souvanna Phouma, is the half-brother of the Pathet Lao leader, Prince Souphanouvong. In the sixties, Souvanna Phouma heatedly declared he could never forgive America for having "betrayed me and my government." He insisted that "the Americans don't understand Laos, they have regard only for their own interests." He couldn't have been more wrong as to the latter; what has been betrayed in Southeast Asia these past few years is any real American interest.

The solution in Laos is a return to the 1962 coalition government that included both Princes, as has been suggested by Senator Mansfield. But that hinges on a similar arrangement for South Vietnam. Only then will the 40,000 North Vietnamese troops who are in Laos to guard the Ho Chi Minh trails leave. The present contest between American air power and North Vietnamese troops, with the Laotian forces on both sides being no more than pawns, will, if continued, sink this country waist-deep in another senseless Asian war, all congressional warnings and prohibitions notwithstanding. And then we shall hear again that we can't "bug out."

The return of Prince Souphanouvong and the three other Pathet Lao cabinet ministers to the coalition government they were forced out of (with US help) in 1963 would probably be acceptable to Prince Souvanna Phouma. He has had several secret meetings with his half-brother in the past year (at the Russian embassy in Vientiane). A resumed coalition could point the way to a similar shift in South Vietnam, where as Senator McCarthy said on February 19, "Serious negotiations cannot proceed unless we are willing to support a coalition government [whose task] would be to arrange a cease-fire and to assure the orderly withdrawal of foreign forces." That compromise would be better than awaiting a spring or early summer enemy offensive, mounted as American military strength slowly ebbs. It would also be better than continuing to prop up in South Vietnam a government that last week further disgraced itself by sentencing one member of parliament to death and another to 20 years' imprisonment, without anything resembling a fair trial.

President Thieu may have persuaded himself that he can do what he pleases without seriously risking a loss of confidence in his government by the American public. Mr. Nixon may think so too. They would be prudent to think twice. A sampling of New Mexico's first congressional district by Republican Rep. Manuel Lujan Jr., who supports "Vietnamization," convinced Lujan that his constituents want out of the war. Only 1.2 percent favor continuing the fighting at the present level; 18.6 percent want immediate withdrawal of all our armed forces. This costly blunder in Laos will increase discontent, especially if official secrecy persists. Senator Symington reminds us that Mr. Nixon told everyone last November that "one of the reasons for the deep division in this nation about Vietnam is that many Americans have lost confidence in what their government has told them. . . . The American people cannot and should not be asked to support a policy which involves the overriding issues of war and peace unless they know the truth about that policy." True then, true now.

SUPERGRAINS

Mr. MILLER. Mr. President, in the January 1970 issue of the Purdue Alumnus is an article on the development of so-called supergrains, especially high protein corn and rice, which provide new hope for meeting the problem of malnutrition among millions of children throughout the world.

It is my hope that those engaged in our food for peace and foreign aid programs will make maximum use of this development.

Mr. Oliver E. Nelson, plant geneticist, presently serving at the University of Wisconsin, Dr. Edwin T. Mertz, biochemist at Purdue, and Lynn S. Bates, then a graduate student at Purdue, first published their research findings in 1964 on "super corn" which have led to these promising developments and, along with the Rockefeller Foundation which is sponsoring field testing overseas, deserve our commendation.

I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Super Grains Provide New Hope for Hungry Around the World

New hope for millions of the world's malnourished children is on the threshold today, the outgrowth of a scientific breakthrough at Purdue University in 1963.

Already seven critically malnourished children have been restored to health in one Colombia, South American hospital.

What is so miraculous about the recovery of seven malnourished children? It's the fact that they achieved normal nutritional balance on a diet using corn as the protein source. Not ordinary corn, but the newly developed high protein corn called opaque-2 (high lysine).

For years malnutrition has been a stalker of mankind's less civilized and less fortunate peoples of the world, especially the young. To combat this, effort has been made through the years to find ways to make the world's staple foods—wheat, rice and corn—as nutritious as meat and fish.

As Purdue observes its Centennial year, it looks with pride and satisfaction to accomplishments of staff researchers in its Department of Agriculture who unlocked the door to "super grain."

From the results achieved with the magnificent seven, medical and nutritional scientists foresee an overwhelming implication. If millions of people throughout the world who live chiefly on corn could and would substitute opaque-2 in their daily diets, much malnutrition could be eliminated. Furthermore, millions of children could enjoy better mental and physical health.

Nutritionists also believe what has been accomplished with corn can be done with other basic food crops, such as rice, wheat, sorghum and the millets—daily diet of much of the world's population.

Using recently discovered methods of separating corn proteins, Purdue's research team six years ago found that the recessive mutant gene called opaque-2 controls the production of lysine and trytophane in corn kernels. Subsequent studies revealed that hybrids containing this gene had twice as much lysine as standard corn.

The team, composed of Dr. Edwin T. Mertz, biochemist; Dr. Oliver E. Nelson, plant geneticist, and Lynn S. Bates, a graduate student, published their findings in July, 1964 and immediately generated word-wide interest.

It was their article that led Dr. Dale Harpstead, corn geneticist with the Colombian Agricultural Program of the Rockefeller Foundation, to believe opaque-2 offered answers for problems in that area.

In early 1963 he had visited a medical clinic operated by the University of Valle in the village of Candelaria. There, he was appalled to see dozens of malnourished children, many three- and four-year-olds, lying in cribs like infants.

He learned their condition was due to an inadequate diet consisting of foods low in protein, particularly corn and corn products. In rural Colombia, the typical diet for children is corn, plantain starch, and panela, a cane-sugar by-product.

Recognizing the far-reaching impact that findings of the scientists might have in Colombia, he requested seed from Purdue. When it arrived in December, 1964, a unique cooperative research program was launched, linking corn geneticist and staff members at the hospital.

Results did not come quickly. First, the precious seeds were planted, then crossed with inbred lines of the best hybrids available in that country. From this meager beginning, a small amount of corn was produced for the first laboratory testing at the hospital in late 1965 and early 1966.

Then, more than a year later, after planting, harvesting and animal testing, preparations got underway to treat seriously malnourished children. But, first, the raw corn had to be prepared and processed. Commercial processors volunteered their technicians and facilities and produced a corn flour and a precooked corn product from opaque-2 corn.

In October, 1967, two small boys were admitted to the hospital's metabolic unit in pitiful condition. Both exhibited typical symptoms of kwashiorkor, a serious protein deficiency disease. Although five and six, their physical development was below that of a normal one-year-old. They were facing death.

In treating the boys, the hospital attempted to duplicate their home diet, except that the starches were replaced with opaque-2 corn products. With practically no information as a guide in treating malnutrition with opaque-2 corn, the staff placed the children on slightly different diets.

Both boys recovered, and one of the cases is medical history—the first known patient to be returned to nutritional balance using 100 per cent protein from plant sources, with corn the principal source. Other cases followed and still more are under study.

Much remains to be done before opaque-2 corn can influence the lives of large numbers of people in Colombia and elsewhere. Establishment of its nutritive value is only a beginning—but the major step. Commercial production of the seed, large-scale production by farmers, development of efficient processing and marketing techniques and achievement of widespread consumer acceptance all must follow.

So, the war has not been won; the battle has only begun. But, as Dr. Martin so concisely states: "If high yielding varieties of opaque-2 and floury-2 maizes with 12 to 15 per cent protein are developed, mankind will have available—for the first time in history—a 'super grain' which contains everything for complete nutrition except a few inexpensive minerals and vitamins."

Developments in high lysine corn have spurred work with other grains and cereal grasses. Improved yields in rice and sorghum, through development of new varieties and hybrids, hold tremendous promise for the hungry in other heavy populated countries of the world.

Already the world is benefiting materially from the scientific contributions of two men who received degrees at Purdue. Plant pathologist Peter R. Jennings (MS55, PhD 57) and Leland R. House (Ag51, MS53, PhD 56); geneticist, and their associates have brought about dramatic increases in yields through studies with rice and sorghum. Their advancements have opened the door to a change in breeding philosophy, selection criteria and methodology in development of varieties.

Working for the Rockefeller Foundation, Jennings directed plant breeding research at the International Rice Research Institute (IRRI), Los Banos, Philippines, that brought forth the new rice strains IR-8 and IR-5. House, cooperating with scientists participating in the All India Coordinated Project, developed two sorghum hybrids. Jennings is now leader of Inter-American Rice program at Cali, Colombia, South America.

The new rice strains have brought about larger yields per acre from all cultured conditions, soil and climates averaged together. In just one year, the Philippines saved $50 million in foreign exchange, and in other countries a total savings of $250 million was realized.

It is currently estimated that more than 12 million acres of the major rice growing countries of the Far East—India, Pakistan, Philippines, and Indonesia—are now planted in new varieties. Of these new varieties, IR-8 represents by far the most popular line.

The IR-8 strain came about by crossing a short indica rice variety from Taiwan with a tall tropical indica from the Philippines. In the period of development, the new strain consistently topped yield trials in several Asian countries. The seed was distributed to hundreds of farmers in the Philippines and other rice growing countries for testing.

"High yields produced by this selection must not lead us to suppose that improved varieties will, by themselves, solve the world rice problem. No matter how good the variety, it will not realize its potential if it is eaten by rats, destroyed by insects or withered by disease. An improved variety is no substitute for careful culture and adequate plant protection," points out Jennings.

Leland R. House, geneticist, is a prime participant in the All-India coordinated program for sorghum improvement. Currently on study leave at Purdue, he is vitally involved in India's sorghum advancements. With his colleague, N. Ganga Prasada Rao and others, House was successful in helping develop two sorghum hybrids.

When these hybrids were released in 1964 and 1965, a target was established to have four million acres in sorghum hybrids by 1972. The program is well ahead of this goal. In 1968, nearly two million acres were in hybrids.

House does not belittle the strides made in sorghum output by the hybrids but he says a big push now is in breeding for insect resistance.

Sorghum in India is ground into flour and the flour made into an unleaven bread. Sorghum is one of the three major hybrid crops of the land—corn, and pearl millet being the others. Some six million acres were planted to these three in 1967.

But it is the projection of some agriculturists that sorghum, millet and corn may, in the future become the livestock feed crop of the land while rice and wheat, the preferred food crops, become available in abundance for human consumption.

House expects a decrease in the sorghum planting in the years ahead but anticipates increased production. Relay cropping, the practice of sowing one crop into another just prior to harvest, is another developing interest in India, he points out. This practice is possible in tropical areas of the world because the growing season is year around.

New Delhi is House's house base in India, but he spends about 50 per cent of his time at other stations. Sorghum breeding is not his only field of endeavor. He has done considerable work on experimentation facilities, land development and water management.

While it is of great satisfaction to know that Purdue-trained scientists are playing a major role in helping this nation achieve firsts in outer space, it is with equal pride to note that other Purdue alumni are furthering agricultural advances here on earth. With the aid of The Rockefeller Foundation, these scientists are applying first-class scientific talents to the technical problems of producing more food and applying their research findings into actual practice, thereby increasing food production.

MARIHUANA—ARMY RESEARCH ON 35 MEN

Mr. DOMINICK. Mr. President, a summary of laboratory research conducted by the Army using human volunteers to measure their reaction to selected variants of the principle active ingredient in marihuana has just been declassified.

In accordance with my remarks to the Senate of February 3 concerning my efforts to obtain this information, I wish to advise Senators of its availability.

The Army research was done in two major areas: First, toxicologic studies in animals and, second, clinical studies in man. Copies of the full report may be obtained from the Defense Documentation Center, Cameron Station, Alexandria, Va. Because of the intense interest in this subject, I would like today to comment briefly on the human studies which were conducted.

XUM

Let me emphasize the research was not done with natural marihuana. Instead, synthetically produced THC—the principle active ingredient in natural marihuana—was utilized. There are many isomers or variants of THC and they vary in potency.

The Army research involved two compounds. The first, EA1476, was described as the most active compound in the series of synthetic THC analogs. The second, EA2233, was a derivative of the first.

Thirty-five human volunteers were administered these compounds.

Both objective and subjective observations were made. The objective studies included blood pressure, heart rate, body temperature, and motor performance. Subjective symptoms recorded were unusual dreams, blurring of vision, and dryness of the mouth.

Four tables included in this section of the summary report amplify on the type of research which was done.

Table 5 shows the toxic effects, both objectively and subjectively, for different dose levels.

Table 6 shows similar information on an individual basis for some of the men.

Table 7 measures the impairment of each man's ability under three tests.

Table 8 displays performance impairment in graphic form.

Mr. President, the entire summary report is somewhat lengthy. The section on human data is not. In the interest of making this material widely available to Senators and interested citizens, I ask unanimous consent that the letter from the Army, the introduction to the report, the section on human data, and the conclusion be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. DOMINICK. I would also note for the record that Dr. Van M. Sim, deputy director of medical research on the project, discussed it in more detail at a workship with other scientists. Those proceedings were recently published in a book, "Psychotomimetic Drugs," and is available from the Raven Press in New York.

After reviewing the summary report and the cover letter which accompanied it, I feel it imperative to make some further observations on the difficulty I encountered in obtaining this information.

Seven months after my initial inquiry, the Army now concedes human volunteers were used in research. I refer again to the letter which I received from General Dawalt last fall stating that the Army has conducted research on marihuana compounds using human volunteers is a widely held misconception.

There are only two explanations for that statement, and both are unacceptable.

If the explanation is that the research was classified, a simple telephone call to me would have sufficed. Since I am an active member of the Senate Armed Services Committee dealing with highly classified material, I do not expect my inquiries to be deflected on the basis that information is classified.

I prefer to think the Army interpreted my inquiry as being confined to research on the natural marihuana plant. I did not, however, intend such a narrow inquiry. The letter which I enclosed from the research scientist in Colorado and commonsense make that clear.

In the latest Army communication to me, Brigadier General Samet brushes off Professor Best's first letter on the theory he did not express an interest in the particular types of research being done by the Army.

In fact, Professor Best specifically asked for Army information regarding research on "compounds with marihuana activity," and the use by the Army of these on human volunteers to measure their capacity as "nonlethal incapacitating chemical agents."

What was the Army's response? Army research was considered "not applicable" and the Army was unable to provide "related research data." If one refers to the summary report just declassified, however, we find:

> Synthetic compounds, *related to* the parent substance cannabis, have been studied—THC and substituted synthetic derivatives. . . . In the light of the pharmacologic actions of these compounds, great interest has been attached to the possible use of one or more *of these substances* as an agent in the chemical armamentarium of the Army.

The position of the Army that research on synthetics which are analogous in chemical structure to active ingredients in natural marihuana is not relevant or applicable to research being done by civilian scientists is simply incredible.

Information submitted by the National Institute of Mental Health to our Special Subcommittee on Alcoholism and Narcotics states:

> Medical science does not yet know enough about the effects of marihuana use because its active ingredient—tetrahydrocannibinol—was produced in pure form only recently. In the summer of 1966 the chemical, first synthesized by an NIMH-supported scientist in Israel, was made available for research purposes. Now for the first time researchers can accurately measure the drug's effects and study its short- and long-term action on the body.

I regret that it has taken so long to obtain this information, and hope it will be useful. I certainly welcome any interpretations of it that civilian scientists or others would like to forward to our subcommittee.

EXHIBIT 1

DEPARTMENT OF THE ARMY,
Washington, D.C., February 20, 1970.

Hon. PETER H. DOMINICK,
U.S. Senate,
Washington, D.C.

DEAR SENATOR DOMINICK: The Secretary of the Army has asked me to further reply to your inquiry addressed to the Department of Defense concerning a request by Professor Jay Boyd Best for release of results obtained in Army research on marijuana compounds.

As General Dawalt stated in his letter of 25 August 1969, the Army did conduct research (completed in 1963) on synthesized analogues of an active principle of marijuana (tetrahydrocannabinols).

Even before Professor Best's first letter was received in August 1969, efforts were already under way to declassify and release the summary of our laboratory research in response to a request from another civilian scientist. These results were not considered applicable to Professor Best's work for the reasons General Dawalt expressed in his reply to you.

However, since Professor Best expressed a desire for the results of research in the related tetrahydrocannabinols in his second letter (undated), he may be informed that the research report has now been declassified. Attached are copies for you and Professor Best. If Professor Best desires additional copies of the report, he may obtain them from Defense Documentation Center, Cameron Station, Alexandria, Virginia, through the office of Mr. Fred C. Schmidt, Colorado State University Document Library, Fort Collins, Colorado. The report is entitled, "Summary Report on EA 1476 and EA 2233 (U)," and is identified by Defense Documentation Center control number AD 342332.

Other minor related material and progress reports are on file at Edgewood Arsenal, Maryland, where the Army research on tetrahydrocannabinols was conducted. If Professor Best desires to do so, he may contact the Commanding Officer, Edgewood Arsenal, Edgewood Arsenal, Maryland 21010, with further specific technical requests.

Sincerely,

GEORGE SAMMET, Jr.,
Brigadier General, GS, Acting Deputy Chief of Research and Development.

SUMMARY REPORT ON EA1476 AND EA2233 (U)

I. INTRODUCTION

The psychophysiologic changes in man caused by the resin obtained from the hemp plant, *Cannabis sativa*, have been known for about 3,000 years. The physiological and medicinal properties of this resin were first mentioned in Chinese writings dating back to 1000 B.C. Many names are used for the various physiologically active hemp extracts and preparations; e.g., hashish, marihuana, charas, bhang, and ganja.

Investigators who have worked with marihuana, or with one of the derivatives of its active principle, have found that it characteristically produces a feeling of euphoria and relaxation, followed by lassitude and increased daydreaming, sleepiness, uncommunicativeness, and eventual recovery within 6 to 24 hours. Large doses may lead to mental confusion and apprehension, together with more vivid and more overwhelming sensory experiences that take precedence over reality and constitute, in effect, a temporary psychosis. Synthetic compounds, (related to) the parent substance *Cannabis*, have been studied: tetrahydrocannabinol and substituted synthetic derivatives. The effects of these are basically similar, with differences in potency. This information is available in the open literature and references may be found in Wikler's The Relation of Psychiatry to Pharmacology.

In the light of the pharmacologic actions of these compounds, great interest has been attached to the possible use of one or more of these substances as an agent in the chemical armamentarium of the Army. This report, therefore, represents a summary of the known data, physiochemical, toxicologic, and pharmacologic, pertaining to EA 1476, EA 2233, and their isomers.

PART III—BIOMEDICAL EVALUATION, SUB-PART C, HUMAN DATA

1. (C) *EA 1476.*

Thirty five volunteers (Directorate of Medical Research, these Laboratories) were administered *per os* agent EA 1476 (racemate) in a dose range of 7.0 to 55.0 μg/kg body weight. Objective studies of arterial blood pressure, heart rate, body temperature, and motor performance were made. Subjective symptoms were also recorded; e.g., unusual dreams, blurring of vision, and dryness of the mouth. These data are summarized in table 5.

At the lower doses (0.5 to 1.0 mg), fatigue, thirst, and headache were experienced. In the intermediate-dose range (1.5 to 3.0 mg), postural hypotension was prominent, with temporary blurring or actual loss of vision upon standing. Weakness was also noted along with giddiness and a general slowing of motor activity. At the higher doses (3.5 to 4.0 mg), the subjects manifested marked psychomotor retardation clinically. Postural hypotension was less pronounced, probably because the volunteers stayed in bed and were unwilling or incapable of assuming an erect position.

TABLE 5.—REACTION FRACTION OF 35 MEN TO EA 1476 (U)

Toxic effects	Dose							
	0.5 mg	1.0 mg	1.5 mg	2.0 mg	2.5 mg	3.0 mg	3.5 mg	4.0 mg
Decrease in blood pressure, >25/15	1/4	1/4	2/4	4/5	2/4	1/5	2/4	2/5
Decrease in oral temperature, >1° C	1/4	0/4	0/4	3/5	1/4	1/5	2/4	0/5
Increase in pulse rate, >20/min	1/4	2/4	3/4	4/5	2/4	2/5	[1] 0/4	3/5
Occurrence of dreams	0/4	0/4	1/4	0/5	0/4	2/5	0/4	0/5
Decrease in motor performance	0/4	0/4	2/4	4/5	3/4	3/5	4/4	5/5
Visual disturbance >1° angle	0/4	1/4	1/4	4/5	0/4	2/5	1/4	4/5
Thirst, dry mouth	0/4	3/4	2/4	3/5	4/4	4/5	3/4	3/5

[1] (U) Pulse in all four dropped.

Sluggishness, inability to concentrate, and dimness and blurring of vision persisted for as much as 48 hours. Not one volunteer was capable of performing his regular duties when given doses greater than 2.5 mg. No significant change was seen in reflexes, blood count, urinalysis, or EKG. Pulse rate increased when postural hypotension occurred, but showed little change or an actual diminution of the higher dose levels.

2. (c) *EA 2233.*

In view of the orthostatic-hypotensive action alluded to above, it was deemed necessary to test further the O-acetyl derivative of EA 1476; i.e., EA 2233. By the provisions of the experimental design, 11 subjects were given 13 doses of the compound *per os* in dose levels ranging from 10 to 60 μg/kg body weight. The compound was given orally in absolute ethanol in a final concentration of 0.76 mg/ml. Parenteral usage was precluded by poor solubility in water-alcohol mixtures. General comments on physiological responses will be made in reference to each dose level. Comments on laboratory and other examinations will follow.

a. (c) *Two Men; 30 μg/kg.*

At this dose, one of the men became quite light-headed and felt as though he were going to faint. In these two cases, systolic pressure fell 25 to 50 mmHg upon standing, while diastolic pressure fell 10 to 30 mmHg. The pulse rose concomitantly to 100 to 120. Both men were moderately sleepy the evening of the test (12 to 20 hours).

b. (c) *Two Men; 40 μg/kg.*

These men had symptoms that were slightly different from the preceding test.[1] They became extremely lethargic. This effect came on in the evening (10 hours), persisted throughout the night, and was still evident, though less pronounced, the second day. The systolic blood pressure fell 20 to 40 mmHg and the diastolic 10 to 25 mmHg in one subject upon standing. The pulse rose to levels of 110 to 130. One subject had minimal lightheadedness upon standing. They both complained of dry mouth and nasal stuffiness to a greater degree than any other subjects, including the ones at high doses.

c. (c) *Two Men; 50 μg/kg.*

One subject had a drop in systolic blood pressure of 40 to 55 mmHg and of diastolic of 10 to 30 mmHg upon standing. His pulse rose to 100 to 110. He did not faint nor did he feel lightheaded. The other subject had a drop of 40 to 55 mmHg systolic and of 10 to 15 mmHg diastolic. His pulse rose to rates of 130 to 155. This man did feel lightheaded and fainted once upon standing. Although both complained of a dry throat, nasal stuffiness, and sleepiness, these symptoms were not as pronounced as in those who had received 40 μg/kg.

d. (c) *Two men; 60 μg/kg.*

One of these men had quite severe central effects, which will be described in another section. Although the other man had a marked decrease in performance, he did not report the same subjective responses. Both men experienced drops in systolic blood pressure in the range of 40 to 60 mmHg and of 10 to 20 mmHg diastolic, but occasional readings showed greater change in diastolic. One man was slightly lightheaded and at 20 hours felt faint upon standing. The pulse rise in both was to 120 to 130 upon standing. It should be noted that there seemed to be a slightly greater decrease in blood pressure and increase in pulse after meals, possibly caused by greater pooling in the splanchnic areas at those times.

Other measurements included EKG's of two kinds. Standard 12-lead EKG's were taken periodically. These were without significant change in all cases. Continuous EKG's (lead II) were taken simultaneously with the vital signs; that is, while the patient arose from the supine position, stood for 60 seconds then resumed the supine position. These EKG's demonstrated a lag in the pulse rise of about 6 to 10 seconds after becoming erect. A sinus tachycardia then ensued with rates, as described as above. In general, the rate at the end of the 60-second erect-position period was higher by 5 to 10 than the initial phase of the tachycardia. Upon reclining, there was again a lag of 3 to 6 seconds then abrupt slowing occurred with the rate changing from 120 to 130 to 50 to 60 in the space of 5 to 10 seconds. In one case, there was a complete inhibition of the S–A node with a pair of nodal escape beats (this man had 50 μg/kg). This phenomenon did not repeat. In addition, there was generally inversion of the T-wave in lead II during the tachycardia phase. This is probably of little significance and may be attributed to heart rate and decrease in blood pressure rather than a direct effect of the agent.

Liver-function tests (bile, alkaline phosphatase, SGOT, SGPT, TT) and BUN's, drawn at control, at 8 hours and at 24 hours showed no consistent alterations. Other observations included a decrease in temperature, as measured orally. This drop in temperature occurred at 3 to 10 hours. The magnitude varied from 0.5° to 1°F at lower doses and 2°F at higher doses. The time of onset of symptoms varied from person to person; however, changes in pulse and in blood pressure were observed at 2 hours, with the peak effects on pulse and blood pressure occurring at 6 to 10 hours and even later in some cases. With the larger doses, the peak effect seemed to occur later than with the smaller doses. The major effect of the agent on the cardiovascular system was gone after 24 hours. There were drops in blood pressure and pulse rises, however, which remained for several days, although the subjects felt perfectly well and had no symptoms whatsoever. There were injection and hyperemia of the conjunctivae in all cases; this is consistent with other reports of human administration of *Cannabis*.

It should be noted that the somnolence induced by this agent had its peak after the cardiovascular effects had reached their peak. The two men who received 40μg/kg had the longest lethargic period and slept all night and the day following exposures. At this time, there were changes in pulse and blood pressure, but less marked than previously and symptoms attributed to these changes, if any had occurred, had disappeared.

Objective physiological data with significant drug-induced changes are to be found in table 6.

Psychophysical decrement of drug-induced origin was assessed by numerical facility and speed of closure (Texas Battery Test), Purdue Pegboard Test, and the Stromberg Manual Dexterity Test, all tests being administered to the subjects at regularly scheduled intervals throughout the course of the experiments.

In table 7, the mean of the three highest performance scores is compared with the mean of the three lowest scores for each of the tests used. This numerical relationship of dose to psychophysical performance is expressed graphically in the following figure.

2. *Human Estimates for EA 1476, EA 2233, and Isomers.*

The oral ID50, for both EA 1476 or EA 2233, is 4 mg/70-kg man.

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[1] (U) These men had received 10 μg/kg 2½ weeks previously.

TABLE 6.—PHYSIOLOGICAL DATA WITH SIGNIFICANT DRUG-INDUCED CHANGES IN MAN (U)

			Arterial blood pressure							Heart rate				Body temperature of experimental subject	
			mmHg						Time of maximum change after dose, hour	Beats per minute		Time at maximum rate		°F	
			Mean change in control subject		Mean change in experimental subject		Maximum change in experimental subject								
Date	Subject	Dose, Hg/kg	Systolic	Diastolic	Systolic	Diastolic	Systolic	Diastolic		Mean in control subject	Mean in experimental subject	Hour	Beats per minute	Mean	Maximum decrease
Jan. 17, 1963	Echols	10	−3	+10	−20	+5	−45	−30	5	74	95	5	100	98.0	1.0
Jan. 15, 1963	Eget	10	+10	+5	−10	+8	−40	+5	5	78	89	5	100	98.1	0.8
Do	Butts	20	−9	+1	−24	−17	−40	−24	7	89	124	7	127	97.7	1.8
Jan. 17, 1963	Hallau	20	+11	+11	−40	0	−62	−8	5⅔	77	133	5⅔	160	99.2	2.4
Jan. 22, 1963	Hardin	20	−10	+23	−17	+16	−44	+1	18	104	100	18	120	98.5	1.9
Jan. 24, 1963	Fox	30	−10	−5	−27	−7	−50	−20	7⅓	93	105	7⅓	92	98.2	1.2
Do	Premus	30	−10	+15	−30	0	−60	−10	2¾	78	100	2¾	118	98.1	1.7
Jan. 29, 1963	Echols	40	−11	−1	−22	−10	−44	−10	5⅔	90	96	5⅔	91	97.7	2.1
Do	Eget	40	−20	−5	−32	−7	−52	−14	11	98	119	11	108	98.3	3.3
Jan. 31, 1963	Van Ness	50	−28	+6	−42	−10	−66	−26	7⅚	74	103	7⅚	105	98.2	2.3
Do	Watrous	50	+8	+16	−29	−13	−64	−32	5⅔	90	131	5⅔	160	98.4	3.4
Feb. 5, 1963	Warec	60	−34	+1	−32	−10	−60	−20	1⅓	99	106	1⅓	107	98.0	2.0
Do	McDonald	60	+1	+20	−27	−11	−50	−34	8⅓	98	104	8⅓	120	98.6	1.9

Note: All data on blood pressure and heart rate were obtained 60 seconds in an erect position.

TABLE 7.—A COMPARISON OF THE AVERAGE SCORES IN PERCENT ON TEXAS BATTERY, PURDUE PEGBOARD, AND STROMBERG DEXTERITY TESTS OF THIRTEEN SUBJECTS (U)

Subject	Dose μ/kg.	Ā of three highest scores	Ā of three lowest scores (percent)	Difference	Ā difference at each dose level
Texas battery test:					
Echols	10	112	95	17	16
Eget	10	103	89	14	
Hardin	20	113	101	12	11
Hallau	20	107	91	16	
Butts	20	113	107	6	
Premus	30	106	92	14	18
Fox	30	106	84	22	
Eget[1]	40	96	80	16	22
Echols[1]	40	110	81	29	
Watrous	50	122	93	29	32
Van Ness	50	123	88	35	
McDonald	60	109	63	46	37
Warec	60	115	87	28	
Purdue pegboard test:					
Echols	10	102	86	16	11
Eget	10	101	95	6	
Hardin	20	97	87	10	10
Hallau	20	102	95	7	
Butts	20	103	91	12	
Premus	30	96	78	18	15
Fox	30	98	86	12	
Eget[1]	40	102	82	20	22
Echols[1]	40	103	80	23	
Watrous	50	101	75	26	25
Van Ness	50	108	84	24	
McDonald	60	100	77	23	21
Warec	60	100	81	19	
Stromberg dexterity test:					
Echols	10	97	90	7	10
Eget	10	102	89	13	
Hardin	20	93	89	4	7
Hallau	20	99	91	8	
Butts	20	101	93	8	
Premus	30	98	84	14	13
Fox	30	98	86	12	
Eget[1]	40	99	80	19	18
Echols[1]	40	97	80	17	
Watrous	50	110	80	30	26
Van Ness	50	100	79	21	
McDonald	60	101	79	22	22
Warec	60	109	86	23	

[1] Same subjects repeated at higher dose.

3. *Source of Data.*

See Table 8 (not printed in the RECORD) preceding Human Data section.

4. *Derivation of the Estimates.*

If it is assumed that mydriasis does not represent incapacitation, but ptosis in the monkey is a reflection of some central incapacitating effect, the lowest in capacitating intravenous dose of EA 1476 in any animal is not less than 30 μg/kg. This assumption, referring to ptosis, is probably invalid, since the VDT, effective doses are between 100 and 316 μg/kg. Also, effective doses in the CAR test on dogs are from 50 to 100 μg/kg, and in the SPE test, effective doses are from 175 to 250 μg/kg.

Earlier studies (Fourteenth Tripartite Conference) showed that no volunteer, given an oral dose of more than 2.5 mg/man (ca. 35 μg/kg), was capable of performing his regular duties. More recent studies with EA 2233, the acetate of EA 1476,[9] indicate that oral doses of 60 μg/kg (4.3 mg/70-kg man) did not cause severe incapacitation. Thus, it is indicated that a dose of 2.5 mg/man or more is required to cause incapacitation in man by oral administration. Doses of 2.5 and 4.2 mg/man are equivalent to the respective ICt50's of 500 and 840-mg min/cu m, assuming a body weight of 70 kg, a minute volume of 10 1/min, and an aerosol respiratory retention of 50%. This also assumes that a respiratory effective dose is the same as an oral effective dose. It must be borne in mind that the inhalation route may be more or less effective than the oral route; however, the human oral doses are in general agreement with the animal data, which indicate an intravenous effective dose of 30 μg/kg or more. Animal experimentation indicates that EA 2233 and EA 1476 are of similar effectiveness.

5. *Limitation of the Estimate.*

EA 1476, EA 2233, or the isomers have not been studied in man by the inhalation route. The human estimate is based on intravenous doses in animals and oral doses in man. It is not possible to project an aerosol human estimate from present data.

PART IX—CONCLUSION

The actions of EA 1476 and EA 2233 are generally similar to many other psychotropic compounds of military interest; i.e., they yield varying degrees of incapacitation, both physical and mental. Both compounds, however, are unique in eliciting an unequivocal orthostatic hypotension at dose levels far below those required to produce mild mental incapacitation.

No human studies have yet been made on isomers 2 and 4. Primate data do indicate, however, that these specific stereoisomers possess a degree of pharmacologic potency, at least equivalent to that of the racemic mixtures studied in human subjects. Secondly, no human or animal data are available on the effects of the aerosolized agents.

It is believed that data should yet be obtained from the following studies:

1. Exposure of animal and human subjects to the aerosolized racemate.
2. Exposure of human subjects to oral doses of stereoisomers 2 and 4.

VIETNAM—ADDRESS BY SENATOR MUSKIE

Mr. MANSFIELD. Mr. President, at the National Press Club today, the Senator from Maine (Mr. MUSKIE) gave a most thoughtful and timely address entitled "The Vietnam Debate." As always, the tenor is of the highest level, the thoughts presented are carefully reasoned, and the proposals fully constructive.

I commend this address to the entire Senate.

I ask unanimous consent that the address be printed in the RECORD.

There being no objection the address was ordered to be printed in the RECORD, as follows:

THE VIETNAM DEBATE

(By Senator EDMUND S. MUSKIE)

Since the election of President Nixon in November, 1968, and especially since the President's speech of November 3, 1969, United States policy toward Vietnam has been transformed in the public mind from the most critical issue of the times to just another policy problem.

It was understandable that the American people wanted to give a new President a chance to study the problem on his own and come up with a solution. It was understandable that we were pleased with the withdrawal of some U.S. troops and the prospect of further withdrawals. But now we must face the fact that we have stopped debating Vietnam policy, but in the year since President Nixon took office we have recorded the deaths of over 10,000 American servicemen, the wounding of 40,000 more, and the expenditure of another $20 billion.

With ambiguous promises, with thinly veiled threats to freedom of the press, and with carefully spaced withdrawal announcements, the Nixon Administration succeeded in virtually blotting out domestic criticism of the war and erasing Vietnam from public consciousness.

Many Americans now believe or seem to want to believe that the Vietnam problem has gone away. Many Americans who know that there is much to debate have been reluctant to voice their doubts and reservations. They look at present policy as an improvement on past policy, and they hope for the best.

Without information and without alternatives, it is no wonder that a majority of American people are now silent.

I do not believe the silence will continue, and I believe the longer the debate is bottled up, the more serious will be the ultimate confrontation over Vietnam.

Therefore, I came to the National Press Club today to talk about the need for a constructive debate on Vietnam and to urge changes in our Vietnam policy.

I believe the following points need to be made:

First, those of us in public office and the news media have not been effectively focusing public attention on the policy issues in Vietnam. Because of this, the American people have not been made aware of the meaning of the President's policy and of the alternatives to that policy.

Second, I believe that what the President calls his "silent majority" is silent only because it has not been made to realize that although some U.S. troops will be coming home, we are not really getting out of Vietnam.

Third, I believe that the President's Vietnamization policy can be only a formula for the perpetuation of the war. Because it is basically a strategy for continuing the fighting, it cannot bring peace to Vietnam and it cannot get us out of Vietnam.

Fourth, I believe that an end to the war and an end to our involvement in the war can be brought about only through a negotiated settlement. There are peace proposals that the President has not tried. By his preoccupation with Vietnamizing the war, the President has turned his back on Paris. By letting almost four months go by without sending a senior personal representative to Paris, he has downgraded negotiations.

Fifth, for all these reasons, our nation must have a new national debate on Vietnam policy. There can be no debate for the people unless public figures are prepared to speak out and unless the news media are prepared to listen, report, and comment.

THE ROLE OF THE NEWS MEDIA

Over the last eight years, the news media have proven to be the most consistently reliable guide to facts and to understanding the war. No matter how honest the purposes of any Administration, it does have a vested interest in making the facts fit its policies. And no matter how hard it tries to ferret out divergent opinions and additional facts, a government is bound up with its own reporting system.

People in the government have learned the necessity of supplementing "official reporting." President Nixon has cited his need for "out-house" sources of information. What the President feels as a need, the public must have as an absolute requirement.

In Vietnam, newsmen dug up facts we did not hear from any other source. They probed beyond the facts to judgments about the meaning of events and programs and sought out varied points of view. We learned from all this the human price of the war and how little progress was really being made. In short, these efforts provided a basis for public evaluation.

In Washington, and around our country, we were made aware of imprecisions, ambiguities, and contradictions about U.S. policies. The news media kept alternatives to the President's policy very much before the public mind. Time and space were provided for the public to digest these alternatives. In short, these efforts gave a basis for public comparison.

But today we are getting much less than we require for informed public opinion on Vietnam.

It is not difficult to reconstruct how this happened. Vice President Agnew's attempts at intimidation set the stage. Hints about license renewal problems appeared here and there. Statements were made by "high Administration officials" from time to time that every possible solution has been tried. Implications were left that Nixon's policy will deliver more tomorrow. The President launched a campaign to convince the American people that the *only* alternative to his policy is "precipitate withdrawal."

The result has been less news coverage and less coverage in depth.

The recent hearings on Vietnam resolutions conducted by the Senate Foreign Relations Committee seem to me a typical example. In past hearings by this committee, the TV networks gave full live coverage or news specials. This time, the public saw only a few minutes at most. In fact, Vice President Agnew's wisecracks about the hearings received almost as much attention on TV and in the papers as did the hearings themselves.

And whatever happened to the immediate in depth analysis that used to follow every Vietnam statement by President Johnson? Has the Vice President's attack against "instant analysis" produced non-analysis?

What the President keeps referring to as his "silent majority" may well be the product of too silent a press.

While public opinion polls tell us that a majority of Americans think the President is handling Vietnam policy adequately, these polls also tell us that Americans have different views of what they are supporting. Many of the silent supporters believe that the President intends to get all U.S. forces out of Vietnam—and soon. This is not the case, but this knowledge has not been adequately conveyed to the American people. The press has contributed to misapprehensions about our Vietnam policies by reducing reasoned alternatives to a few pat news phrases.

The facts and alternatives of Vietnam policy are exceedingly complex. The President can command all the air time and all the newspaper space he wants to explain his views. Those who disagree with him can be heard by the American public only if the news media provides the opportunity.

I am not trying to drum up press criticism for its own sake. For the sake of the public's right to know, I am asking for more probing, for more facts, for more coverage whatever the results may be.

I am not trying to make a party issue out of Vietnam. It cannot be done and it should not be done. Both Democrats and Republicans were involved in getting us into Vietnam, and both Democrats and Republicans are interested in getting out.

I want to encourage a constructive national debate on United States policy on Vietnam. President Nixon equates national debate with national disunity. He says the U.S. can be defeated only by disunity at home. I grant that the absence of national debate may make it temporarily more comfortable for Mr. Nixon, but I do not believe it can advance the cause of peace in Vietnam. In the end, absence of debate can lead only to increased divisions and ugly confrontations.

WHAT IS THE PRESIDENT'S PLAN?

The full implications of the President's plan for Vietnamizing the war remain a mystery. Backgrounders and statements by high officials in the Nixon Administration have continued to offer hope to many that the plan was to get all of our men out of Vietnam in accordance with our own interest. However, the President at his January 30 press conference made clear that this was not the case.

"We had implemented a plan in which the United States would withdraw all of its combat forces as Vietnamese forces were trained and able to take over the fighting.

"That policy of Vietnamization is irreversible.

"Now, as far as the timing of the plan is concerned, how many and at what time they come out, that, of course, will depend on the criteria that I also set forth in that speech—the criteria of the level of enemy activity, the progress in the Paris peace talks, and, of course, the other matters, the problems particularly with regard to the rate of training of the Vietnamese forces."

What does this now tell us about the plan?

First, the plan has two parts—the removal of combat forces from Vietnam and the maintaining in Vietnam of "support for the South Vietnamese logistically, and until they are ready to take over . . ."

Second, the plan appears to relate primarily to ground combat forces. We still do not know what this means in numbers of men and timing. Conjecture seems to put the figure at about 300,000 which would mean at least 200,000 Americans left in Vietnam by the end of 1971 if all goes well.

Third, this is an optimistic conjecture, since the timing of both parts of the plan is not based on our own interests, but on the actions of Saigon and Hanoi. Leaving aside the Paris negotiations for the moment, this means that if Hanoi maintains or steps up the pressure and Saigon cannot hold its own, even our combat forces will remain indefinitely.

Why hasn't all this been made clear to the American people?

The silent majority would be silent no longer if this fact and this fact alone were brought to their attention. Silent Americans are assuming that Mr. Nixon is really getting us out of Vietnam. The truth of the matter is that he is pinning us down indefinitely. We have been told that Mr. Nixon's plan has been cleared with President Thieu, and President Thieu appears to be well aware of our indefinite commitment. On January 9, Thieu warned that "many years" will be required to remove U.S. combat troops.

President Nixon seems to believe that the U.S. has a vital national security interest in keeping Thieu and Ky in power. I do not believe the American people share this objective.

WHAT CAN WE EXPECT FROM VIETNAMIZATION?

Can it work in Vietnam? Will it bring us closer to peace in Paris?

The North Vietnamese and the Vietcong have been hurt by the years of war, but they show no signs of being near a breaking point. They have been fighting for 25 years to throw western military influence out of Vietnam. Can we realistically expect them to give up this goal? And on the battlefield, they can still control the level of combat, and nothing in Mr. Nixon's plan takes this away from them.

The South Vietnamese forces have improved over the years, but this improvement also serves to point up how far they have to go. They still avoid night patrolling. Their officer corps is still widely regarded as incompetent. Promotions to officer rank are still based on social status. Desertions still run as high as 10,000 per month. This figure incidentally is just an educated estimate.

And behind all this still lies a political

XUM

regime which neither deserves nor receives much popular support. With all the claims we make that 90 percent of the population of the hamlets are "pacified," roughly half the hamlets are still classified as subject to significant Vietcong influence. Even at this stage of the war, the Saigon Government has no meaningful control of half of its own country. Neutralists and anyone else who speaks out against the present Saigon regime are still being jailed and hounded, while we stand silently aside. The recent incident involving Deputy Chau is only the latest example of the failure of the Thieu regime to observe democratic processes.

We should also note the continued sentiment for a peaceful settlement among the several groups in South Vietnam. In the 1967 elections which brought Thieu to power, 60 percent of those who did vote cast their ballots for some form of accommodation for peace.

The Nixon Administration looks at this and says it is "cautiously optimistic." It has its statistics about open roads, and rice production, and pacification and so on. I am not talking about the success of an American occupation, but the underlying and controlling elements of the war. These have not changed, and they do not make me "cautiously optimistic."

If we look at Laos today and magnify that situation many times, we can get a pretty good picture of what Vietnamization will look like in five or ten years—if everything goes perfectly. Without a political settlement in Vietnam and Southeast Asia the fighting will persist in Laos, and we will be always on the verge of crisis, and American participation always will be necessary and irreplaceable.

The cruel irony of Vietnamization of the war is that even if it succeeds as a military strategy it succeeds only in perpetuating the killing of Vietnamese by Vietnamese. And by so doing; it perpetuates American involvement in the war, American deaths, and the diversion of needed American resources.

XUM

The President's plan cannot bring peace because it is essentially a military strategy intended to win what is primarily a political struggle.

High Nixon Administration officials sometimes say that these long-run political problems will not have to be faced because Vietnamization will lead to successful negotiations in Paris. They say that our policy is to appear tough and demonstrate our staying power, thereby putting pressure on Hanoi to negotiate seriously in Paris. In my judgment, however, the strategy of threatening a prolonged U.S. presence is self-defeating.

As directed at Hanoi, it promises little hope that their supporters in South Vietnam can be safe in their lives or could genuinely participate in the political life of their country. Mr. Nixon merely threatens them with more force, and a continuing American military veto.

To Saigon, we have promised much in the way of continuing military and political support, but we have conveyed little warning that American military support will not continue forever and that reasonable political concessions on their part are necessary if there is to be an end to the war. Given the prospect of our indefinite stay in Vietnam, Saigon has no incentive either to improve militarily or to bargain away its own power at the peace table. In order to maintain itself in power, the Thieu-Ky regime has every incentive to help make our stay indefinite.

In my judgment, nothing the President threatens to do in Vietnam and nothing he has done in Paris is likely to result in successful negotiations. Serious bargaining is precluded so long as both Saigon and Hanoi believe that our real aim is to stay in Vietnam indefinitely and preserve the Thieu-Ky regime.

In disregarding the Paris negotiations, the President is making his most fundamental mistake.

THE PARIS NEGOTIATIONS—TOWARD A SETTLEMENT

The only way to end a war which is intrinsically a political struggle is through negotiations. In order to bring Paris back into the picture and improve the chances for a peaceful settlement, the President must take two steps he has not taken.

First, he must replace Ambassador Lodge with another senior personal representative and close the symbolic but important protocol gap.

This seems like a small step, but the North Vietnamese are not unique in their concern for diplomatic niceties, and they are not indifferent to matters of general international courtesy. Le Duc Tho, Xuan Thuy and Madame Binh from North Vietnam and the Provisional Revolutionary Government respectively outrank Ambassador Phillip Habib and any member of the South Vietnamese delegation by several levels. As a negotiator, Mr. Habib's obvious ability cannot compensate for his obvious unacceptability.

The protocol gap has crucial practical consequences. Our delegation to negotiations must have recognized authority to probe the other side's position, to command the attention of the President, and to propose needed and sensible compromises. We should also insist that Saigon upgrade its team in Paris.

A new senior man in Paris is the necessary first step in recreating a serious atmosphere for diplomacy.

Second, the President must develop a proposal that is negotiable, a proposal which will create the necessary climate for a settlement of those differences. Specifically, I have in mind our trying to negotiate a U.S. withdrawal timetable, and coupling this with an informal arrangement regarding the withdrawal of North Vietnam forces and a reduction in the level of violence.

There is some reason to believe that Hanoi would be receptive to such an approach. But the Administration has been reluctant to probe possible changes in Hanoi's position. Such probing, we are told, would be regarded by Hanoi as a sign of American weakness. This is simply another illustration of how Vietnamization has become a roadblock, not a path to peace.

This brings us to the issue of an announced withdrawal timetable.

President Nixon says that he has a withdrawal plan, and that Saigon knows and agrees with it. However, he refuses to make it known to the American public. If Saigon knows, then Hanoi is also informed. Only the American people remain unfamiliar with the details.

He says if he announces a timetable, Hanoi will wait until we are vulnerable and then attack us. But Hanoi can wait and do this at a time and place of its own choosing, whether or not Mr. Nixon announces a timetable.

He says that an announced timetable would take away Hanoi's incentive to compromise. We have been in Paris for over a year and a half, and it is obvious that Hanoi finds no incentives for compromise in our present policy.

All this leads me to conclude that we are still following the endless path to an unreachable military victory, and that the Paris peace negotiations have become the forgotten chapter of the war in Vietnam.

In conclusion, I think we come to three points.

First, because American and Vietnamese lives continue to be lost and because billions of American dollars continue to be spent, a new national debate is in order.

Second, because I believe the President's Vietnamization policy can lead only to the prolongation of the war and because I believe a real end to the war can come only through negotiations, a new national debate is a necessity.

And, finally, because the issues demand the understanding attention of the American public, the role of the press in faithfully reporting this national debate is indispensable.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER (Mr. ALLEN in the chair). Is there further morning business? If not, morning business is concluded.

MESSAGE FROM THE PRESIDENT—APPROVAL OF JOINT RESOLUTION

A message in writing from the President of the United States was communicated to the Senate by Mr. Leonard, one of his secretaries, and he announced that on March 4, 1970, the President had approved and signed the joint resolution (S.J. Res. 180) to provide for a temporary prohibition of strikes or lockouts with respect to the current railway labor-management dispute.

VOTING RIGHTS ACT AMENDMENT OF 1969

The PRESIDING OFFICER. At this time the Chair lays before the Senate the unfinished business which the clerk will report.

The ASSISTANT LEGISLATIVE CLERK. A bill (H.R. 4249) to extend the Voting Rights Act of 1965 with respect to the discriminatory use of tests and devices.

The Senate resumed the consideration of the bill.

SCOTT-HART AMENDMENT SHOULD BE ADOPTED

Mr. YOUNG of Ohio. Mr. President, the right to vote is the most central and precious right in our system of government. Every President and every Congress in our Nation's history has attested to the fact that the free and secret ballot is the foundation of America. The ballot box has always been our means of settling disputes. The vote has been the primary weapon in the arsenal of the American citizen. We have used the ballot both to support national policies and to demand change and reform.

Sadly, almost 200 years after the birth of our Republic and a full 100 years after the ratification of the 15th amendment to the Constitution, a significant proportion of our adult population is denied the opportunity to vote. Black Americans have been systematically kept off the voting rolls in some sections of the country—sometimes through undisguised legislation, but more often through devious devices. There can be no excuse for this in a democracy.

In a message to Congress in 1963, President Kennedy said:

> The right to vote in a free American election is the most powerful and precious right in the world—and it must not be denied on the grounds of race or color. It is a potent key to achieving other rights of citizenship.

President Johnson told Congress in March, 1965:

> Many of the issues of civil rights are complex and difficult. But about this there can be no argument. Every American citizen must have an equal right to vote. There is no duty which weighs more heavily on us than the duty to insure that right.

The passage of the 1965 Voting Rights Act by Congress was a tribute to the persistent efforts of President Johnson and to the high ideals and endless zeal of our beloved President Kennedy. The Voting Rights Act was the first frontal assault on a longstanding and pervasive evil, which had been perpetrated in some parts of the country for more than 100 years by constant and ingenious defiance of the Constitution. Three earlier enactments in 1957, 1960, and 1964 had failed to ease blatant discrimination in the electoral processes in certain areas, primarily in the South. These laws gave the U.S. Attorney General the power to institute lawsuits to protect the right to vote.

This case-by-case approach was met by massive State and local resistance. The result was only the most meager gains in Negro voter registration. In Mississippi, for example, registration increased from 4.4 percent in 1954 to but 6.7 percent by 1964; in contrast, 70 percent of the State's white population was registered.

The 1965 Voting Rights Act, the enactment into law of which Presidents Kennedy and Johnson exerted wise leadership, is different from the voting legislation that preceded it and was an improvement. This law has been the most effective civil rights legislation ever enacted by the Congress. The 1965 act provides for immediate and automatic application instead of lengthy and repeated litigation.

Automatic application works. Black men and women who had earlier been systematically denied the right to vote in many Southern States registered and voted in record numbers following 1965.

In Mississippi, the nonwhite population registration to vote increased from 6.7 percent in 1964 to 59.9 percent in 1968; in Alabama, from 19 to 57 percent; in Georgia, from 27 to 56 percent; in Louisiana, from 32 to 59 percent; and in South Carolina, from 37 to 51 percent.

In addition, many black citizens are now candidates for State and local offices in Southern States. This helps assure adequate representation of all citizens. Charles Evers of Fayette, Miss., has distinguished himself as one of the South's most concerned and progressive mayors. Julian Bond of Georgia is one of the Nation's best known and most promising of the younger generation of the South manifesting interest in public affairs and in public office.

Progress has been phenomenal. However, there is much more to be accomplished. Negro registration is still well below that of white men and women in every Southern State. In many counties Negro registration is less than half that of white men and women. Resistance to equal voting rights is still rampant in some Southern States.

This is not the time to discard the only voting rights law that has really worked. That law should be extended and expanded, not weakened.

Never has there been a more important time to assure voting rights for all Americans. The past few years has seen an alarming increase in crime, mounting disruptions on college campuses, and extensive violence in the major cities of the country, in the North and also in the South. To deny to one group of people the precious right to vote is to deny that group a stake in the democratic process. To deny the ballot as a means of settling disputes is to invite settlement of those disputes in the streets. If the weapon of the vote is not available, some other weapons will be.

Mr. President, I know that President Kennedy, who fought so hard for human rights and human dignity, and President Johnson, who most regrettably is ill today in a San Antonio hospital, would urge us to extend and strengthen the 1965 Voting Rights Act.

President Nixon on December 10, 1969, wrote a letter to the distinguished minority leader of the House of Representatives. In that letter, which has been printed in the RECORD, the President stated, "Justice is diminished for any citizen who does not have the right to vote for those who govern him. There is no way for the disenfranchised to consider themselves equal partners in our society." If the President believes those words, and I assume he does, he will support an extension of the 1965 act. If he is truly concerned about the millions who remain disenfranchised he should, it seems to be, announce his support for the substitute offered by the distinguished senior Senators from Pennsylvania and Michigan and eight other Senators who are members of the Senate Committee on the Judiciary.

The Scott-Hart amendment provides for full extension of the Voting Rights Act of 1965. In addition, it makes uniform throughout the Nation the ban on discriminatory literacy tests and eliminates restrictive residency requirements. This is an important and carefully considered piece of legislation. I enthusiastically support the Scott-Hart amendment and urge its adoption.

Mr. EASTLAND obtained the floor.

Mr. MANSFIELD. Mr. President, will the Senator yield without losing his right to the floor?

Mr. EASTLAND. I yield.

COSPONSOR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the name of the Senator from Nevada (Mr. CANNON) be added as a cosponsor of the amendment offered on yesterday seeking to reduce the age to 18 in the exercise of the franchise.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, if the Senator would yield further without losing his right to the floor, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. EASTLAND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Mississippi is recognized.

Mr. EASTLAND. Mr. President, the issue before the Senate is one of the most far-reaching questions we have ever been called on to decide.

The question is: Should certain provisions of the Voting Rights Act of 1965 be extended for another 5 years, and if so, in what form?

In my judgment we have four alternatives open to us:

First. We can allow certain sections of the Voting Rights Act to expire on August 6, 1970;

Second. We can adopt the House-passed administration bill, which would extend the act until January 1, 1974, and would make the ban on literacy tests apply to all 50 States rather than to six Southern States and 39 counties in North Carolina. The administration bill would also delete the obnoxious "prior clearance" provision of the law which compels the covered States and counties to come hat in hand to Washington, D.C., to receive permission before they can make even minor changes in their election laws;

Third. We can adopt the so-called Scott-Hart compromise, which would extend the act for 5 years and extend coverage to all 50 States, but would retain the "preclearance procedure" for the affected Southern States and counties; or

Fourth. Lastly, we could simply extend sections of the act which would expire this August for an additional 5 years.

I have stated these alternative courses of action in the order which I think is preferable.

The proper and wise course for the Congress to take is to allow this unfair, unconstitutional, and discriminatory Voting Rights Act to expire at the earliest possible date. I will not vote for its extension under any circumstances. This law has done more to disrupt our constitutional form of government than any legislation enacted in recent years.

No one can dispute the proposition that every State has the right to fairly administer a reasonable literacy test. The Constitution of the United States makes it perfectly clear that the States are vested with the authority, within specified limitations, to fix the qualifications for voters.

Article I, section 2, provides in part that:

> The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature.

The XVII amendment to the Constitution, relating to the direct popular election of the U.S. Senators, provides, in part:

> The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof for six years; and each Senator shall have one vote. The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislatures.

The States have the complete authority to fix the qualifications for voting except as prohibited by the 15th amendment and the 19th amendment to the Constitution, which prohibits discrimination based on race and sex, respectively, and the 24th amendment, which prohibits the imposition of a poll tax as a condition for voting in Federal elections.

XUM

The Supreme Court of the United States has held in a long line of cases that the States have the power to impose a literacy test as a condition for registration or voting. One of the most notable recent cases on this point is *Lassiter* v. *Northampton Election Board of Elections,* 360 U.S. 45. Mr. Justice Douglas, speaking for a unanimous Court, held that the North Carolina literacy test was constitutional. In upholding the validity of the North Carolina literacy test, the Supreme Court discussed with profound clarity and insight some of the considerations which would prompt a State to adopt a literacy test as a prerequisite to voting. The Court stated:

> Residence requirements, age, previous criminal record (*Davis* v. *Beason*, 133 U.S. 333, 345–347) are obvious examples indicating factors which a State may take into consideration in determining the qualifications of voters. The ability to read and write likewise has some relation to standards designed to promote intelligent use of the ballot. Literacy and illiteracy are neutral on race, creed, color, and sex, as reports around the world show. Literacy and intelligence are obviously not synonymous. Illiterate people may be intelligent voters. Yet in our society where newspapers, periodicals, books, and other printed matter canvass and debate campaign issues, a State might conclude that only those who are literate should exercise the franchise. Cf. *Franklin* v. *Harper*, 205 Ga. 779, 55 S.E. 2d 221, appeal dismissed 339 U.S. 946. It was said last century in Massachusetts that a literacy test was designed to insure an "independent and intelligent" exercise of the right of suffrage. *Stone* v. *Smith,* 159 Mass. 413–414, 34 N.E. 521. North Carolina agrees. We do not sit in judgment on the wisdom of that policy. We cannot say, however, that it is not an allowable one measured by constitutional standards.

The reasons cited by the Supreme Court as to why a state might determine to impose a literacy test for voting are even more valid and true today than they were in 1959 when the Lassiter case was decided.

Let us not extend an unwise law which would continue to suspend the undoubted constitutional authority of the states to impose a reasonable literacy test as a condition for voting.

In spite of the fact that the Supreme Court of the United States has upheld the Constitutionality of the Voting Rights Act, I deeply believe that that act, and any extension thereof, would be unconstitutional.

In *South Carolina* v. *Katzenbach,* 383 U.S. 301, which upheld the validity of the Voting Rights Act, the Supreme Court in effect said that Congress could enact legislation pursuant to section 2 of the XV amendment, which would suspend the operation of other provisions of the Constitution.

This is a pernicious doctrine. It means that Congress can, at its pleasure, suspend the operation of any provision of the Constitution by enacting legislation which it declares is for the purpose of enforcing the 13th, 14th, 15th, and 19th amendments to the Constitution.

We must kill this monster before it devours us all. The only way to accomplish this is to permit sections 4 and 5 of the Voting Rights Act to expire this year.

However, if Congress unwisely decides to extend the provisions of the Voting Rights Act for an additional period of time, I hope and trust that it will adopt the administration approach as embodied in the House-passed bill. This at least has the virtue to apply the prohibition on literacy tests to all 50 States and not to just a few carefully selected "conquered provinces."

If we enact the House-passed bill, then the worst that can be said of it is that it is unconstitutional. However, if we simply extend the present law, then we would not only have enacted a law which is unconstitutional, but one which is arbitrary and discriminatory as well. That is what the present law is.

One of the most unfair aspects of extending the present law is that the coverage formula is based on the 1964 presidential elections rather than the 1968 presidential elections. As I will later develop, there are great and significant differences between these two elections. Let us first see what has happened in my State of Mississippi between the 1964 elections and the present time. In the 1964 elections, 409,146 Mississippians cast ballots in the presidential election. This constituted 33.2 percent of the voting age population. In the 1968 presidential election 654,510 Mississippi citizens voted. This number represented 50.6 percent of our voting age citizens.

So, if we used a coverage formula based on the 1968 elections, Mississippi as a State would not be covered. There would be no statewide prohibition of literacy tests.

In the State of Alabama, the number of voters increased from 689,818 in 1964 to 1,033,740 in 1968 and the percentage of voting age persons who voted increased from 35.9 to 50.3. In the State of Louisiana, the number of voters rose from 896,293 in 1964 to 1,097,450 in 1968, and the percentage of voting age persons who voted increased from 47.2 to 53.8. And, in the State of Virginia, the number of voters went from 1,042,267 in 1964 to 1,359,928 in 1968, and the percentage increased from 41.1 to 50.4.

Thus, like the State of Mississippi, the States of Alabama, Louisiana, and Virginia, would not be covered if we used the most recent presidential elections as a basis for coverage.

By contrast, Mr. President, I will cite the election figures from two jurisdictions which are not covered by the terms of the Voting Rights Act. In the 1964 presidential elections, there were 2,626,811 votes cast in the State of Texas, which represented 44.4 percent of the persons of voting age in that State. In the 1968 elections there were 3,079,406 votes cast, which constituted 48.5 percent of the voting age population. In the District of Columbia in 1964 there were 198,597 ballots cast. This was 39.4 percent of the eligible population. In the 1968 elections there were only 170,568 votes cast, which was only 33.5 percent.

Mr. President, in the name of conscience, why should Alabama, Louisiana, Mississippi, and Virginia continue to be covered by this act while Texas and the District of Columbia are not? I do not believe anyone can give a fair and equitable answer to that question.

I think that it would be of great interest to the Senate in considering this important issue to have the voting figures for all of the States in the last two presidential elections, along with a breakdown of the percent of the voting age population who voted in each election. I ask unanimous consent that at the conclusion of my remarks there be printed a copy of table 2—"Population of Voting Age and Percent Casting Votes by States: November 1968 and 1964," which is part of an official study published by the U.S. Department of Commerce on December 27, 1968, entitled "Population Characteristics" and which is subtitled "Voter Participation in November 1968."

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. EASTLAND. Mr. President, there are those who might object to using the 1968 election figures as a basis for determining coverage under the act because they would say that to do this would be to allow certain "guilty States" like Alabama, Louisiana, Mississippi, and Virginia to escape coverage. In my judgment, nothing that any of these States do will ever convince those who hate them that they should not be covered, even though they now vote more than 50 percent of the voting age population.

But, Mr. President, there is one other reason which compels the use of the 1968 figures if we extend the provisions of the act. The truth of the matter is that if we use the 1968 figures at least three populous counties in the State of New York would be covered. The use of literacy tests would be prohibited in those counties and Federal examiners could be sent in to supervise the voting therein.

The State of New York has a requirement that an applicant for voting demonstrate the ability to read and write. This is a form of literacy test.

It may shock some people to learn these facts, but I have obtained estimates from the Bureau of the Census as to the voting age population in the counties of New York, Kings and the Bronx as of November 1, 1968. These estimates show that as of that date the voting age population of Kings County was 1,633,000, the voting age population of New York County was 1,085,000, and the voting age population of Bronx County was 938,000.

In the 1968 presidential elections 810,640 persons voted in Kings County, which is Brooklyn, 553,629 voted in New York County, which is Manhattan, and 465,475 voted in Bronx County, which is the Bronx.

As to New York County, the census estimates show that approximately 51 percent of the eligible population voted. These census estimates were based on the New York City Housing and Vacancy Survey. However, population estimates of the persons over 21 years of age for New York County based on a study conducted by Dr. Abraham Burstein, entitled "Democratic Projection for New York State Counties," New York State Planning Coordination, Human Resources Administration, indicates that there were in New York County 1,155,675 persons of voting age on that date. If these figures are accepted as being correct, then only 47.9 percent of the eligible population of Manhattan voted in the 1968 presidential elections. Dr. Burstein's study was submitted to the Subcommittee on Constitutional Rights at its hearings on this subject.

In each of these three political subdivisions of New York State, with the possible exception of Manhattan, less than 50 percent of the voting age population actually cast ballots in the 1968 presidential election.

These facts, linked with the fact that New York State has a literacy test as a requirement for voting, makes these counties eligible for coverage. Why should not they be?

Some may answer that there is no discrimination based on race or color in the administration of the literacy test in those three counties, and for that reason they should not be covered. These persons would say that coverage should be restricted to the "bad States" of the South, where everybody knows all of the people are guilty of discrimination.

But I would remind my colleagues that the coverage formula contains nothing in it about proof of discrimination in the administration of a literacy test. In fact, the purpose of the coverage formula in the 1965 act was to avoid the necessity of proving such discrimination.

It was a legislative effort to short circuit the judicial process.

I would further remind you that at the time of the enactment of the 1965 act, no more than 10 of the 82 counties of Mississippi had been found to be guilty of racial discrimination in the administration of the Mississippi literacy test. Yet all 82 counties were legislatively condemned to have their constitutional authority to impose a literacy test suspended.

Of the 39 counties of North Carolina covered by the 1965 act there had been no proof shown that any of those counties had been guilty of racial discrimination in the administration of the literacy test, yet all 39 were covered by the formula.

The same thing is true of all of the other Southern States that were punished by the act.

In these three counties of New York State there are over 3,600,000 persons of voting age who are entitled to be covered by the Voting Rights Act. There are hundreds of thousands of illiterates in these counties who should not have the New York literacy test applied to them. This is more than the voting age populations of Alabama and Mississippi combined. Yet, there are those who would say that we must continue to punish Alabama and Mississippi and let New York State do as it chooses.

Mr. President, I say that if the presumption that the existence of a literacy test as a precondition to voting, plus a voter turnout of less than 50 percent of the eligible population, conclusively shows that there has been discrimination based on race or color in the registration of voters was sound in 1965, it is just as sound today.

Personally, I do not believe that this is a valid or correct presumption, but the Senate should follow through on it if it believes it at all.

If we continue to suspend the literacy test in Alabama and Mississippi and send Federal examiners in to supervise the elections, and if we continue to compel them to come to Washington, D.C., to beg for the right to change their election laws, then we should certainly apply this treatment to Manhattan, Brooklyn, and the Bronx.

Incidentally, we all know that all three of these counties in the State of New York have heavy black populations.

Hon. John N. Mitchell, Attorney General of the United States, ably covered this point when he testified on July 11, 1969, before the Subcommittee on Constitutional Rights on this legislation. Mr. Mitchell made the following cogent statement of the facts:

> In most Deep South Counties subjected to literacy test suspension, between 50 and 75% of the Negroes of the voting age are now registered to vote. It is clear that this level is higher than Negro voter participation in the ghettos of the two largest cities outside the South—New York and Los Angeles—where literacy tests are still in use. Furthermore, in non-literacy test Northern jurisdictions like Chicago, Cleveland, and Philadelphia, Negro registration and voting ratios are higher than in Los Angeles and New York.
>
> Consider, for example, the 1968 voter turnout in New York City. In the core ghetto areas of Harlem, Bedford-Stuyvesant, the South Bronx, and Brownsville-Ocean Hill, six nearly all-Negro Assembly districts (55th, 56th, 70th, 72nd, 77th, and 78th) cast an average of only 18,000 votes in 1968 despite 1960 Census eligible voter population of 45,000–50,000. On average, less than 25,000 voters were registered in these districts.
>
> In addition since Congressional districts are roughly equal in population, voting statistics from such districts may be used to compare New York and California Negro voter turnouts with those of other states.
>
> In the nine Northern big city states—Massachusetts, New York, New Jersey, Pennsylvania, Ohio, Michigan, Illinois, Missouri and California—there were only ten congressional districts where fewer than 100,000 votes were cast for Congress in 1968. Of the ten, one was in California; and eight were in New York. Each of the nine districts—the 21st California; the 11th, 12th, 14th, 18th, 19th, 20th, 21st and 22nd New York—consists largely or partly of Negro ghetto areas.
>
> These statistics illustrate a prima facie relationship between Northern literacy tests and low voter participation by Negroes.

There can be no doubt but that the literacy test of the States of New York and California have prevented illiterate black citizens from voting.

Let us be realistic and honest about this matter. The mere fact that a literacy test exists will deter almost all illiterates from attempting to register to vote. So, even if the coverage formula of the 1965 act as applied to the 1968 presidential elections did not compel the conclusion that the three New York counties have been guilty of discrimination, the fact is that the existence of a literacy test, whether fairly applied or not, will prevent illiterates, many of whom are black, from voting.

This point was well covered by the statement submitted to the Subcommittee on Constitutional Rights by Raymond Nakai, chairman of the Navajo Tribal Council. He gave the background of the experience of the Navajo Tribe with the Voting Rights Act of 1965 and made some pertinent observations, as follows:

> Arizona's literacy test was litigated under the Voting Rights Act of 1965 in the case of *Apache County* v. *United States*, 256 F. Supp. 903 (1966). After proceedings had been instituted, Arizona restricted its literacy test requirements to registration. The District Court found the evidence insufficient to show systematic discrimination against Navajos in the application of the literacy test, noted that discrimination was less likely with the registration test, and upheld the literacy tests. The Voting Rights Act of 1965 did not help the Navajo People of Arizona.
>
> Large portions of the Navajo Nation fall within Arizona's boundaries, and within New Mexico's boundaries. New Mexico has no literacy test, and Navajos in New Mexico have been much more active in exercising their franchise, than Navajos in Arizona. At least 6 Navajos have served in the New Mexico State Legislature in recent years, while only one has served in Arizona.
>
> This difference results from a deep apathy and lack of concern among Navajos in Arizona, and the literacy test is the one major cause of this apathy. Whether the literacy test is, or is not, discriminatorily applied is irrelevant. The test itself is the cause of apathy, because Navajos who could not read English, or sign their names, or who were unsure about their command of English, would not risk the embarrassment of being openly rejected, at the polls or in the registrar's office.
>
> The mere extension of the Voting Rights Act of 1965 will not remedy this situation. The apathy of Navajos in Arizona, affecting their exercise of the franchise in both state and federal elections, will exist until the literacy test requirement is ended, or until education and literacy rates improve. In the meantime, the literacy test will continue to discourage older Navajos from voting.

Mr. President, who can take issue with the soundness of these remarks by the representative of the Navajo Indians? It seems that they have, indeed, been the forgotten people.

If we are going to continue the provisions of the 1965 Voting Rights Act, certainly logic, commonsense, and fairplay compels us to use the 1968 election figures rather than the 1964 figures.

It is elemental that legislation looks to the future and operates on future events, whereas decisions of courts look to the past and decide controversies based on past occurrences.

It is highly unusual for a statute to be drafted in such a manner that its coverage is frozen into past events. The Voting Rights Act of 1965 is an exception to the general rule in this respect. However, if we are to continue to let the dead hand of the past be our guide in the formulation of legislation, then in the name of fairness and due process, let us at least be guided by the most recent facts, and not by stale, irrelevant facts.

In my judgment, it would not be logical, rational, or constitutional for Congress to extend coverage to the States of Alabama, Louisiana, Mississippi, and Virginia, and permit the three populous counties of New York State to escape coverage of the act when we know that the present facts do not support such discriminatory treatment.

In its opinion rendered in the case of *Tot* v. *U.S.*, 319 U.S. 463, 467–468, the following statement was made by the U.S. Supreme Court on the power of Congress to create legislative presumptions of fact:

XUM

> The Government seems to argue that there are two alternative tests of the validity of a presumption created by statute. The first is that there be a rational connection between the facts proved and the fact presumed; the second that of comparative convenience of producing evidence of the ultimate fact. We are of the opinion that these are not independent tests but that the first is controlling and the second but a corollary. Under our decisions, a statutory presumption cannot be sustained if there be no rational connection between the fact proved and the ultimate fact presumed, if the inference of the one from proof of the other is arbitrary because of lack of connection between the two in common experience. This is not to say that a valid presumption may not be created upon a view of relation broader than that a jury might take in a specific case. But where the inference is so strained as not to have a reasonable relation to the circumstances of life as we know them, it is not competent for the legislature to create it as a rule governing the procedure of courts.

The facts that we know at the present time certainly do not justify discriminatory application of this law to the four Southern States above mentioned. To attempt to extend such discriminatory law for 5 more years into the future would, in my judgment, be unconstitutional as well as unfair.

Mr. President, in summary, I hope that the provisions of the 1965 Voting Rights Act, which are due to expire in August, will be allowed to die in peace. They are no longer needed, and to breathe fresh life into them would be an unconstitutional abuse or congressional power.

However, if we are to extend the provisions of this law, let us at least be fair enough to adopt the administration approach. In the name of equity and national unity, we must not continue to discriminate against the Southern States. This law must be applied nationwide, if it is to continue to be applied at all.

Mr. President, on February 18th of this year, the Senate took one of the greatest steps toward national reconciliation since I have been a Member of this body. On that day, the Senate adopted by a vote of 56 to 36 the Stennis amendment, which declared it to be the policy of the United States that HEW enforce school integration guidelines uniformly throughout this great Nation, North and South, East and West.

By this vote, the Senate, in my opinion, told the people of this country that we will no longer have regional and sectional application of the laws of the United States, but that the law of the land will be equally and uniformly applied to all sections, regions, and States.

The Senate—by this historic action—has notified the world that this Republic is truly one nation—indivisible—that the family of States abides together in one great house which we call America.

Old and bitter boundaries are abolished and the word goes forth that Americans live here—not northerners or southerners—not easterners or westerners.

The courts and the Congress of the Federal Establishment are called upon to rule by the consent of our citizenry with the even hand of equity in the framework of fairness.

Above all the courts, above both Houses of Congress, above all the departments and bureaus, stand the people, the source of the power of this mighty Nation.

And how, Mr. President, do the people exercise the power that they wisely reserve unto themselves?

They vote. They employ the ultimate weapon in mankind's age-old fight to be free—the ballot.

That ballot—that piece of paper—made America. In the most literal sense it is America—past, present, and future.

There is no area of our existence—no aspect of our system—where the application of a uniform standard is more important than in that field which involves the life of this land—and that vital field is the vote.

Mr. President, this body acted in the capacity of the healer, of the unifier, on February 18. The Senate voted, in its finest tradition, to truly bring us together.

I appeal today for the utilization of that healing and unifying philosophy, rather than the repugnant approach of the punishment of one section, in our consideration of the Voting Rights Act.

EXHIBIT 1—TABLE 2.—POPULATION OF VOTING AGE AND PERCENT CASTING VOTES, BY STATES: NOVEMBER 1968 AND 1964

Region, division, and State	Total resident population of voting age [1]		Casting votes for President [2]			
			Number		Percent	
	1968 [3]	1964	1968	1964	1968	1964
United States	120,006,000	113,817,000	73,160,223	70,642,496	61.0	62.1
Regions:						
Northeast	30,405,000	29,228,000	19,235,522	19,621,264	63.3	67.1
North Central	32,781,000	31,589,000	22,202,472	22,209,002	67.7	70.3
South	36,772,000	34,429,000	19,140,276	16,599,397	52.1	48.2
West	20,048,000	18,572,000	12,581,953	12,212,833	62.8	65.8
Northeast:						
New England	7,000,000	6,732,000	4,824,398	4,785,601	68.9	71.1
Middle Atlantic	23,405,000	29,496,000	14,411,124	14,835,663	61.6	65.9
North Central:						
East North Central	23,234,000	22,255,000	15,698,346	15,658,560	67.6	70.4
West North Central	9,547,000	9,334,000	6,504,126	6,550,442	68.1	70.2
South:						
South Atlantic	17,901,000	16,630,000	9,412,984	8,294,253	52.6	49.9
East South Central	7,776,000	7,373,000	3,992,760	3,289,115	51.3	44.6
West South Central	11,095,000	10,425,000	5,734,532	5,016,029	51.7	48.1
West:						
Mountain	4,491,000	4,228,000	2,888,452	2,836,038	64.3	67.1
Pacific	15,557,000	14,344,000	9,693,501	9,376,795	62.3	65.4
New England:						
Maine	582,000	580,000	392,936	380,965	67.5	65.7
New Hampshire	424,000	398,000	[4] 297,190	288,093	70.0	72.4
Vermont	246,000	232,000	[4] 161,403	163,089	65.6	70.3
Massachusetts	3,361,000	3,267,000	2,331,699	2,344,798	69.4	71.8
Rhode Island	561,000	547,000	384,938	390,078	68.6	71.3
Connecticut	1,825,000	1,708,000	[4] 1,256,232	1,218,578	68.8	71.4
Middle Atlantic:						
New York	11,731,000	11,280,000	6,790,066	7,166,203	57.9	63.5
New Jersey	4,412,000	4,131,000	2,875,396	2,846,770	65.2	68.9
Pennsylvania	7,261,000	7,085,000	4,745,662	4,822,690	65.4	68.1
East North Central:						
Ohio	6,238,000	5,978,000	[4] 3,959,590	3,969,196	63.5	66.4
Indiana	2,957,000	2,832,000	2,123,561	2,091,606	71.8	73.9
Illinois	6,605,000	6,383,000	[4] 4,619,749	4,702,841	69.9	73.7
Michigan	4,965,000	4,673,000	[4] 3,306,250	3,203,102	66.6	68.5
Wisconsin	2,469,000	2,390,000	1,689,196	1,691,815	68.4	70.8
West North Central:						
Minnesota	2,091,000	2,021,000	1,588,340	1,554,462	76.0	76.9
Iowa	1,650,000	1,636,000	1,617,539	1,184,539	70.8	72.4
Missouri	2,818,000	2,729,000	1,809,502	1,817,879	64.2	66.6
North Dakota	366,000	360,000	247,848	258,389	67.8	71.7
South Dakota	386,000	394,000	281,264	293,118	72.8	74.4
Nebraska	865,000	870,000	[4] 536,850	584,154	62.1	67.2
Kansas	1,372,000	1,324,000	[4] 872,783	857,901	63.6	64.8
South Atlantic:						
Delaware	306,000	287,000	[4] 214,367	201,320	70.0	70.2
Maryland	2,187,000	2,003,000	[4] 1,235,039	1,116,457	56.5	55.7
District of Columbia	509,000	505,000	170,568	198,597	33.5	39.4
Virginia	2,698,000	2,538,000	[4] 1,359,928	1,042,267	50.4	41.1
West Virginia	1,079,000	1,064,000	754,206	792,040	69.9	74.4
North Carolina	2,948,000	2,752,000	[4] 1,587,493	1,424,983	53.9	51.8
South Carolina	1,453,000	1,357,000	666,978	524,756	45.9	38.7
Georgia	2,883,000	2,647,000	1,236,600	1,139,352	42.9	43.0
Florida	3,839,000	3,477,000	[4] 2,187,805	1,854,481	57.0	53.3
East South Central:						
Kentucky	2,061,000	1,985,000	1,055,893	1,046,105	51.2	52.7
Tennessee	2,367,000	2,235,000	1,248,617	1,144,046	52.7	51.2
Alabama	2,056,000	1,923,000	1,033,740	689,818	50.3	35.9
Mississippi	1,292,000	1,231,000	[4] 654,510	409,146	50.6	33.2
West South Central:						
Arkansas	1,176,000	1,124,000	609,590	560,426	51.8	49.9
Louisiana	2,040,000	1,901,000	[4] 1,097,450	896,293	53.8	47.2
Oklahoma	1,533,000	1,487,000	948,086	932,499	61.9	62.7
Texas	6,346,000	5,914,000	[4] 3,079,406	2,626,811	48.5	44.4
MOUNTAIN:						
Montana	405,000	396,000	[4] 274,404	278,628	67.8	70.4
Idaho	401,000	382,000	291,183	292,477	72.6	76.5
Wyoming	186,000	192,000	127,205	142,716	68.4	74.4
Colorado	1,181,000	1,122,000	806,445	776,986	68.3	69.3
New Mexico	534,000	517,000	325,762	327,615	61.0	63.4
Arizona	948,000	861,000	486,936	480,770	51.3	55.8
Utah	555,000	509,000	422,299	401,413	76.1	78.9
Nevada	282,000	249,000	154,218	135,433	54.8	54.3
PACIFIC:						
Washington	1,836,000	1,752,000	1,304,281	1,258,374	71.0	71.8
Oregon	1,240,000	1,133,000	818,477	786,305	66.0	69.4
California	11,904,000	10,916,000	7,251,550	7,057,586	60.9	64.7
Alaska	154,000	140,000	82,975	67,259	53.9	48.1
Hawaii	424,000	403,000	236,218	207,271	55.8	51.4

[1] Comprises the population 18 years and over in Georgia and Kentucky, 19 years and over in Alaska, 20 years and over in Hawaii, and 21 years and over in all other States. Includes Armed Forces residing in each State.

[2] Except where noted, votes cast in 1968 are based on complete returns reported by the Associated Press, December 13, 1968. Excludes 19,608 persons voting for candidates not allocated by States. Votes cast in 1964 based on U.S. Congress, Clerk of the House, The Presidential Election of November 1964.

[3] Supersedes estimates published in Current Population Reports, Series P–25, No. 406.

[4] Based on certified count of voters.

Mr. FONG. Mr. President, I rise to speak today in support of amendment No. 544, the Scott-Hart amendment, which is in the nature of a substitute to H.R. 4249. This amendment would extend the Voting Rights Act of 1965 intact for another 5 years. It would also add a separate title incorporating two new features proposed in H.R. 4249: the extension of the ban against literacy tests throughout the 50 States and a limitation of residency requirement in presidential elections.

The passage of the substitute amendment is necessary. The Voting Rights Act of 1965 is the most effective civil rights law enacted in our history. This law will expire on August 6, 1970, if we do not vote to extend it.

H.R. 4249, which passed the House of Representatives last December 11, would drastically change the Voting Rights Act of 1965. Basically H.R. 4249 would eliminate the most powerful and successful provision of the 1965 Voting Rights Act: the preclearance provision of section 5. The Senate is now faced with a choice—to extend the Voting Rights Act of 1965, including section 5, intact together with two new voting rights features; or to pass H.R. 4249, which would repeal the strong effective provisions of the 1965 act.

To fully understand the present controversy over the extension of the 1965 Voting Rights Act, it might be helpful to review briefly the prior legislation in this area.

In 1948, Congress passed three laws making it a felony to deprive a citizen, or to conspire to deprive him, of any constitutional right, or to intimidate him for the purpose of interfering with his right to vote. These laws were very ineffective, because of the virtual impossibility of securing convictions from southern juries and because of the failure of these laws to provide a way to register Negroes.

In 1957, during the Eisenhower administration, Congress passed a civil rights statute empowering the Attorney General to initiate suits for injunctions against discrimination in voting and intimidation. This law also was very ineffective because of the long periods of delay involved in judicial litigation.

Suit had to be brought to get registration records, which were often destroyed. Again, there was the problem of getting Negroes registered, even after a suit proving discrimination had been won.

In 1960, the Eisenhower administration proposed, and Congress passed, a law allowing the Attorney General, after winning a suit under the 1957 act, to ask the court in another proceeding to find a "pattern or practice" of voting discrimination in the area involved in the suit.

If the court so found, any Negro in the area who complained that he had not been allowed to vote could ask the court to issue an order declaring him qualified. The court could appoint a referee to take evidence and made a finding. Then either the court or the referee could issue a certificate declaring the Negro qualified.

The process of assembling proof to convince some judges of a pattern or practice was extremely difficult and time consuming.

Further, there was still the untouched problem of discriminatory use of application forms and literacy, or interpretations tests by registrars.

To deal with this problem, Congress in the Civil Rights Act of 1964 prohibited the disqualifying of applicants for inconsequential errors or omissions—such as crossing a "t" or making an error in giving their age in years, months, and days.

None of these enactments proved effective in safeguarding the right of Negroes to vote.

Litigation on a case-by-case, county-by-county basis simply did not work. Even when there was a favorable judgment, some State and local authorities unfairly applied voting qualifications and standards of eligibility to many of our Negro citizens.

In addition, some State legislatures were quite inventive and ingenious in devising new voter requirements—even after decisions had been won striking down old ones as discriminatory.

For all these reasons, the Congress in 1965 enacted the Voting Rights Act—a strong law, which gave the Federal Government the requisite power to intervene in States, localities, and counties where voting rights had been manifestly denied Americans.

The law was designed to deal with the principal means States and local governments had used for frustrating the implementation of the 15th amendment for all Americans.

At the core of the act and the key to its effectiveness are the provisions of sections 3, 4, and 5 of the act.

Section 3 is the forgotten provision of the Voting Rights Act. It provides that, in any action brought by the Attorney General to enforce the 15th amendment, he may seek judicial relief which includes the suspension of literacy tests, the use of Federal examiners, and the determination of the validity of any new voting law or procedure by the Court. If the Court finds that 15th amendment violations justifying equitable relief have occurred, it may authorize appointment of Federal voting examiners and suspend the use of tests and devices. The Court can retain jurisdiction of the case for as long as it deems necessary and during such period prohibit the use of any new voting qualification or prerequisite to voting or any standard, practice or procedure different from that in force at the time suit was commenced.

In other words, section 3 empowers the Attorney General to bring any jurisdiction in the United States under the exact restrictions which are now contained in section 5. The provision of section 3 extends coverage of the 1965 Voting Rights Act to any jurisdiction in our Nation if the Attorney General can prove that a literacy test or other device was used to frustrate the mandate of the 15th amendment.

Section 4 suspends the use of literacy tests and other devices in any jurisdiction in which less than 50 percent of the persons of voting age residing therein were registered on November 1, 1964, or in which less than 50 percent of such persons voted in the 1964 presidential election.

The Scott-Hart bill would extend this "trigger" provision under the 1965 act for an additional 5 years and therefore make sure that jurisdictions which came under the requirements of section 4 would remain under section 5 for an additional 5 years.

The automatic triggering device in section 4 also empowers the Attorney General to assign Federal examiners and poll watchers to any covered jurisdiction. This provision seeks to insure the proper registration of all voters and prevent the unlawful interference with the exercise of the franchise.

Section 5 requires that a jurisdiction that fell under the provisions of section 4, and therefore under the act, must clear new voting laws and practices with the district court of the District of Columbia or the Attorney General before they can go into effect.

There are crucial features of strength contained in section 5 that I wish to underscore. The first is that the burden of proof is placed upon the jurisdiction to show that the new voting law or procedure does not have the purpose or effect of discriminating. Those who know the law or procedure best and what motivated its passage must come forward and explain it.

Section 5 strips away the presumption of validity that so often cloaked imaginative and clever schemes to discriminate. This act requires the jurisdiction to explain any new law and therefore serves to deter the multiplication of such schemes.

Second, section 5, in effect, freezes any proposed change in election procedures in the State or local jurisdiction covered under the act, unless these changes can be shown to be nondiscriminatory.

Third, section 5 permits private citizens to "police" the local jurisdictions. This was not clear until March 1969, when the Supreme Court spoke in Allen against Board of Education. Prior to that, if a State government or the Federal Government did not carry out the command of section 5, there was doubt that a private individual could compel compliance. But the Supreme Court decision in Allen against Board of Education shows this mutual apathy on the part of government need not be fatal to enforcing voting rights.

Inasmuch as a private party now can ask the court to prevent a law from going into effect—on the ground that it had not been cleared with the Attorney General—this acts as a strong persuader on local jurisdiction to obey section 5, and not the much more difficult task of proving that the law was discriminatory.

The Supreme Court in Allen perceived the need for private enforcement. The Court said:

> The achievement of the Act's laudable goal could be severely hampered, however, if each citizen were required to depend solely on litigation instituted at the discretion of the Attorney General.

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There are two factors in this controversy about extension of the Voting Rights Act which should be noted by my colleagues.

First, the act contains an escape clause. Section 4(A) provides that a State or political subdivision can obtain a declaratory judgment removing itself from coverage by the 1955 act by showing that for the preceding 5 years—10 if the act is extended—it has not used a literacy test or other device to deny the right to vote on account of race.

The State of Alaska and various counties throughout the Nation have removed themselves from coverage under the act according to the procedures of this section.

Second, and most important, the Voting Rights Act of 1965 is constitutional. Every key provision of the act has been reviewed by the Supreme Court in various decisions and in each instance, the constitutionality of the act has been upheld.

This, to me, seems a most persuasive argument for the Scott-Hart approach to the issue.

We have the most effective civil rights act in our history already on the statute books. A simple extension of that law intact would forestall extended litigation that would undoubtedly arise on the constitutionality of a new and different voting rights act.

Then, in a separate title, we can add proposals to liberalize residence requirements for presidential elections and to extend the ban against literacy tests and other devices to the 50 States.

In this way, we would not lose any of the strength or effectiveness of the 1965 act, and we would gain advantages in the area of voting rights with the addition of these two new proposals.

Mr. President, let us be clear about the heart of this debate. The core of the controversy is the preclearance provision in section 5 of the act.

We, the cosponsors of amendment No. 544, have included two new proposals on voting rights which the President termed "critical" in his letter of December 10 to Gerald Ford, minority leader of the House of Representatives. We do this without eliminating the preclearance provision of section 5 which has been so effective in registering blacks over the past 5 years.

The experience of the Justice Department in 7 years of piecemeal litigation prior to the passage of the 1965 act was frustrating, to say the least.

Only 36,000 blacks were registered in that 7-year period.

One state in the South went from a Negro registration percentage of under 5 percent in 1957 to 6.7 percent in 1964. However, under the 1965 act, registration in that State increased to 59.4 percent in 1968.

Subsequent to the passage of the 1965 act, over 800,000 blacks have been registered to vote throughout the South.

In this regard, comparable statistics in the nine Southern States clearly reveal the effectiveness of the act.

VOTING STATISTICS IN 9 STATES

State	Percentage of voters registered				Nonwhite percentage of total voting population
	Prior to act		Present		
	White	Nonwhite	White	Nonwhite	
Alabama	69.2	19.3	82.5	56.7	26
Georgia	62.6	27.4	84.7	56.1	25
Louisiana	80.5	31.6	87.9	59.3	29
Mississippi	69.9	6.7	92.4	59.4	36
North Carolina	96.8	46.8	78.7	55.3	22
South Carolina	75.7	37.3	65.5	50.8	29
Arkansas	65.5	40.4	75.2	67.5	19
Florida	74.8	51.2	83.8	62.1	15
Virginia	61.1	38.3	67.0	58.4	19

Sources: Civil Rights Commission; Bureau of the Census; Southern Regional Council, Inc.

Much has been done. These statistics show an overall rise of 50 percent in the percentage of black registration over the life of the act.

The statistics also clearly demonstrate that the case-by-case method of combating discrimination has been woefully ineffective in the past.

The turtle pace of litigation is simply too slow to match the pattern of rapid changes in voting laws and practices which regularly occur in the South prior to each election.

When we passed the law in 1965, it was our hope that 5 years would be enough time in which to enfranchise all qualified citizens, who could then vote for representatives of their own choosing to speak for them in their local, State, and National governments. However, these figures demonstrate that the 5-year target date was overly optimistic.

H.R. 4249 would drastically relax the Federal attack on discrimination in States which are becoming ever more sophisticated in creating legal machinery for discrimination against the black votes.

Father Hesburgh, Chairman of the Civil Rights Commission, has said that repeal of section 5 in its present form is in no sense an advance of voting rights protection.

He said:

> It is a distinct retreat. It is an open invitation to those States which denied the vote to minority citizens in the past to resume doing so in the future through insertion of disingenuous technicalities and changes in their election laws.
>
> It would turn back the clock to 1957 . . . Now is not the time to gut one of the Act's key provisions. (House Hearings at 299.)

The issue before us then is—advance or retreat in the effort to enfranchise every American citizen.

The right to vote Thomas Jefferson once described as the "ark of our safety."

The 15th amendment to our Constitution guarantees the right of citizens to vote in clear and indisputable language:

> The right of the citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color or previous condition of servitude.

Our task is to see to it this constitutional right becomes a reality for every American citizen.

The mandate is clear. The 15th amendment does not indicate that we can relax this effort when a certain percentage of Americans have attained that right. It provides that each individual citizen be guaranteed that right.

Mr. President, the battle to enfranchise black people spans an entire century. We must not relax our effort to guarantee this right which has been promised so long and denied so often. The passage of H.R. 4249 would repeal section 5 and would be a tragic step backward in this long battle to grant the full rights of citizenship to all our people.

I urge my colleagues to support the Scott-Hart amendment and fulfill this promise made by the Constitution over 100 years ago.

Mr. GURNEY. Mr. President, I rise to urge support of the Senate for H.R. 4249, the House-passed bill entitled, "Voting Rights Act of 1969."

The right to vote is fundamental to our democratic system of Government. Through the exercise of the franchise, a citizen selects the persons who will lead the country and who will make its laws.

If a citizen is unfairly or discriminatorily denied the right to vote, it is likely that he will lose faith in the institutions of this country. If groups of citizens are unfairly or discriminatorily denied the right to vote, the representative nature of the U.S. Government is undermined.

The 15th amendment to the U.S. Constitution guarantees to every citizen the right to vote without regard to race, color, or previous condition of servitude. This guarantee gave rise to the Voting Rights Act of 1965. The 1965 act is universally recognized as a significant piece of legislation. I must say, I had some misgivings about it when it was enacted. I was serving at that time in the House of Representatives. I objected not at all to the stated purpose of the 1965 act, but rather to the means it employed to achieve that purpose. In my view, the act should have been drafted on a truly national basis—and the singling out of certain States was unwise and unwarranted.

But I must also admit that the 1965 act in operation has led to a considerable increase in the number of Negroes registering and voting in elections. I think that is excellent progress. I certainly can never approve of any State law or State policy which unfairly disenfranchises substantial numbers of our citizens or any particular class of our citizens on the basis of their race.

It is my firm belief that the bill before the Senate, H.R. 4249, will play an important role in the years to come in insuring that citizens in all parts of the country, including racial minorities, the undereducated and the economically disadvantaged—will have the right to vote, free from discrimination and arbitrary restrictions.

I would like to take a few minutes to review the key provisions of the bill before us, H.R. 4249.

In the first place, the bill would impose a nationwide ban on literacy tests until January 1974. Presently, 20 States have laws making literacy a condition for voting. Under the 1965 act, literacy tests were suspended in six of these States, and in 39 counties in a seventh, all in the South. The 1965 act suspended the use of literacy tests in certain States because those tests were presumably used to discriminate against Negroes. It is clear to me that literacy tests have the same discriminatory effect wherever and whenever they are used. Data on the 1968 election developed by the Bureau of the Census and submitted to the Subcommittee on Constitutional Rights shows that in States with literacy tests, minority group persons, particularly those with poor education, register and vote at a significantly lower rate than in nonliteracy test States. For example, in the Northern and Western States, 55 percent of Negroes with less than 9 years of schooling were registered in literacy test States as compared with 76 percent in States without literacy tests. There was also a lower registration rate for whites in literacy test States, but the differential was not as great as for Negroes.

In this day, ciitzens can acquaint themselves with the issues in the election by means that do not require literacy. I believe that the literacy test is an unnecessary barrier to the right to vote. The House-passed bill would remove this barrier, which operates primarily against those who have not had the benefit of a full education, by barring the use of literary tests throughout the country until January 1974.

The second important provision of H.R. 4249 which would result in fuller utilization of the right to vote is the establishment of national residency requirements in elections of President and Vice President. Under this bill, a person could not be denied the right to vote for President and Vice President on the basis of a State or local residency requirement where he had resided in that State or locality since September 1 of the election year. If he moved after September 1, the citizen would be permitted to vote in the presidential election, in person or by absentee ballot, in his former State or locality.

The Census Bureau estimates that some 3 million persons could not vote in the 1968 presidential election because of State or local residency requirements. This too is an arbitrary and unnecessary barrier to voting. A residency requirement may be reasonable for a local election because it would give the voter an opportunity to acquaint himself with the local issues. But it makes no sense for presidential elections, where the issues are nationwide in scope. A person moving from State to State—and in our mobile society this is happening more and more frequently—has every opportunity, through the national communications media, to acquaint himself with the major issues in the election. There is absolutely no reason why these 3 million citizens who were not able to vote in the last presidential election should have been deprived of an opportunity to participate in the decision as to who would lead the Nation for the next 4 years.

These provisions—the nationwide ban on literacy tests and the residency requirements—would consolidate and extend the protection of the right to vote guaranteed by the 1965 act.

Most of the controversy relating to H.R. 4249 has centered around changes that this bill would make in section 5 of the 1965 act. There is considerable misunderstanding as to the purpose and effect of this provision in the administration bill, and I would like to give my views on the matter.

The House-passed bill would authorize the Attorney General to bring a suit in a Federal district court where he has reason to believe that a State or locality has enacted or is seeking to administer a voting law which would have a discriminatory purpose or effect. Under the old section 5, State and local voting laws would not become effective unless submitted to and approved by the Attorney General, or unless a judgment was obtained from the district court of the District of Columbia declaring that the law is not discriminatory. I think that provision of the 1965 act was onerous and unfair—grossly unfair—to the States involved. But, rather than dwelling on the shortcomings of the 1965 act—because I have made some mention of those in prior debate in earlier days—I would like to speak of the act before us now.

It has been argued that the proposed section 5 would open the door to States and localities enacting discriminatory voting legislation.

I think this view is in error. I think it exaggerates the effectiveness of the old section 5 and it underestimates the potential of the proposed section 5.

First, what is the record of accomplishment under the present section 5? During the almost 5 years in which the 1965 act has been effective, the six covered States and the approximately 40 covered counties submitted a total of some 426 laws to the Attorney General for approval under section 5. It is obvious that many covered States and counties have enacted and applied voting laws without having first submitted them to the Attorney General. But even more significant is the fact that the Attorney General found it necessary to object to only 22 of the 426 laws submitted. These statistics were made available by the Department of Justice and cover submissions up to March 2, 1970. It is apparent, therefore, that the bulk of the laws submitted were not, in the opinion of the Attorney General, discriminatory. Whether a greater percentage of the voting laws not submitted would have been found to be discriminatory, we do not know for certain. I do not think that can be used as much of an argument, because the facts are not there.

The important fact is that the procedure under the original section 5, which imposes a considerable burden on State and local governments, and which involves the expenditure of much time and energy by the Department of Justice, has resulted in the rejection of only 22 discriminatory voting laws in 5 years—less than five per year. I seriously question whether the small advantage gained justifies the burdens involved, or, for that matter, justifies what I think is this special discrimination against these selected few States in the South.

The administration, having carefully considered the actual operation of the original section 5, has proposed another procedure, less cumbersome, which I believe would achieve essentially the same results. H.R. 4249 provides for suits by the Attorney General to block the enforcement of State or local laws with a discriminatory purpose or effect.

In evaluating this provision, I must first emphasize that it is not true that H.R. 4249 would completely eliminate the responsibility of State and local governments to clear voting laws with the Attorney General. Section 3(c) of the 1965 act—which would remain in effect under H.R. 4249—provides that where a court finds, in a case brought by the Attorney General, under any statute, that violations of the 15th amendment justifying equitable relief have occurred, the court shall retain jurisdiction of the proceeding for an appropriate period. During that period, to be determined by the court, the State or locality would be required to follow the preclearance procedures presently included in section 5.

In other words, under H.R. 4249, State and local governments which violate the 15th amendment could be required to submit their voting laws for approval to the Attorney General for as long as a period as the court considers it necessary. The original section 5 tied the submission requirements to the 50-percent formula: a State applying a test or device in which less than 50 percent of the population registered or voted in the 1964 election would be subject to the section 5 procedure. The provision in H.R. 4249 eliminates the formula based on 1964 voting statistics and provides for submission only where a State is proved to have discriminated. This standard is more reasonable and would limit the application of the submission procedures to situations where they are really needed.

I must say, too, that providing for submission only where the State is proved to have discriminated is certainly in full agreement with the American concept of justice. I do not know of any other area in which we assume a person is guilty until proved innocent. Yet, in the 1965 Voting Rights Act that is exactly what we did so far as these particular States were concerned. It seems to me that we have adopted an attitude which says that they are guilty until they prove themselves innocent, which is certainly a complete turnabout in concept of the American law and sounds very un-American to me.

In addition to the power of a court in any case to order preclearance, the proposed section 5 authorizes the Attorney General to bring suits to prevent the implementation of discriminatory voting laws. These suits could be brought in any part of the country. In the suit, it would not be necessary for the Attorney General to prove discriminatory "purpose"; this is often hard to show. If the law would have a discriminatory "effect," it could also be enjoined.

It is also significant that under H.R. 4249, these Attorney General suits must be brought in three-judge Federal district courts and that appeals would be directly to the U.S. Supreme Court. The bill also authorizes the court to issue temporary restraining orders and preliminary injunctions as well as other appropriate orders. The procedures for the granting of temporary relief is spelled

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out in detail in title 28 of the United States Code, governing judicial procedures.

In brief, if the Attorney General makes an application for interlocutory relief, a single district judge may at any time grant a temporary restraining order to prevent irreparable damage. The temporary restraining order would remain in effect until the hearing before the full court takes place. Further, under the statute, the matter must be given precedence and assigned for a hearing at the earliest practicable date.

This procedure is expeditious and is designed to make certain that while the court is considering a case, none of the parties will suffer irreparable harm. It is surely flexible enough to enable the Attorney General to act quickly to block the enforcement of discriminatory laws, even in a case where he did not learn of the discriminatory voting law until shortly before the election. By showing that the law would have a discriminatory effect and that irreparable harm would occur if the law was applied in the election; and in many cases these showings should not be difficult to make—he could obtain a temporary restraining order preventing application of the law.

The argument has been made that the advantages of this procedure are more theoretical than real because the Attorney General would not know when a discriminatory law was enacted. This is an unduly pessimistic estimate of the situation. The Attorney General has staff available which can and will check on voting laws which have been enacted. This would not be unduly burdensome, particularly with regard to State laws which are all officially printed and reported. In addition, the Attorney General hopefully would also receive complaints by private parties or organizations in the localities involved regarding allegedly discriminatory voting laws passed in those localities.

I think we have had ample evidence and ample experience in these civil rights cases, in civil rights fields, where the private parties have all kinds of organizations that take their part and are extremely watchful of what is going on, with respect to something that might be in derogation of their civil rights. So that I do not think we will have any problem in getting the information to the Attorney General if laws are enacted which some people may think are discriminatory in the voting field.

To be sure, the Attorney General using these techniques will not know of every discriminatory law that has been passed. But, the procedures under the present section 5 have not been effective either in assuring that all discriminatory voting laws are brought to the attention of the Attorney General. So I do not think this cuts much ice one way or the other, whether it is this act we are considering, H.R. 4249, or an extension of the law that is now on the books, which has been proposed by the Scott amendment.

I have stated at some length my reasons for supporting H.R. 4249. I am convinced that this bill would be a major step toward assuring to all our citizens the right to vote.

One thing it certainly would assure—and I think it is high time we did this—would be that we would have a voting rights law that would apply to the entire Nation, instead of zeroing in on just a few States in one part of the country. As I said earlier, it certainly is not in keeping with the spirit of this country, it is not American, and I think we ought to rectify this now, 5 years after we enacted this law in the first place.

I urge support of this measure. I intend to vote for it. I think it deserves to be passed.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. GURNEY. I yield to my distinguished colleague from Florida.

Mr. HOLLAND. I want to commend my distinguished junior colleague for his statement and for his position in this matter. I, too, greatly prefer the bill as it came over from committee to the floor than the amendment now offered, and I hope that the bill will prevail. I approve of the argument made by my distinguished colleague in this matter.

The measure offered by the distinguished minority leader and others seems to perpetuate a situation which is not only unfair but somewhat humiliating to several States and continues to remedy that which, if it was any good at all, has already done all the good it can do.

I am prepared to believe that it did some good, although as I remarked on the floor of the Senate yesterday, or the day before, almost as much good has been done by way of increased registration of minority residents in our State, in Virginia, and in other States not covered by the 1965 bill, as has occurred in States that were covered, because as the spirit of change keeps going in the country, as well as the educational processes and active efforts to get voters to register, we find that the situation has changed in every way during the life of the bill. I see no excuse at all for continuance or extension of the original act.

I hope that the Senator and others, including myself, may be successful in helping to enact the bill as supported by the committee and as it came over from the House.

I thank my colleague from Florida for yielding to me and again I commend him for his logical and well-stated remarks. I hope that he will prevail in his fight.

Mr. DOLE. Mr. President, will the Senator from Florida yield for a few questions?

Mr. GURNEY. I am happy to yield to the Senator from Kansas.

Mr. DOLE. Is it not a fact that under the existing Voting Rights Act, the act now in effect, the Attorney General can only send Federal voting observers and registrars into States that are covered by the act's formula?

Mr. GURNEY. That is right.

Mr. DOLE. That means registrars and observers can only be sent into six States and 40 counties of two other States.

Mr. GURNEY. The Senator is eminently correct.

Mr. DOLE (Mr. BYRD of Virginia in the chair). I would also state that this authority, as I understand it, from statements made on both sides of the aisle, one of the most successful features of the 1965 act.

Mr. GURNEY. That is certainly correct, because as a matter of fact, it is a point that I was bringing out earlier in debate the day before yesterday; that the report which we have here accompanying the bill has some interesting statistics, on page 4, which show what a dramatic increase has taken place in the number of black voters who have been registered under the act in the seven States involved.

In fact, there is a single State where better than one-half—and in some cases almost 62 percent of Negroes—are now registered to vote. The interesting thing about that is that these statistics were taken 2 years ago, in the spring-summer of 1968, and there have been two more intervening years, of course, where I am sure, now, if we had accurate statistics—which we do not have—the percentages would be even greater than they are now. So, as the Senator has pointed out, indeed, the Voting Rights Act has worked.

Mr. DOLE (Mr. CRANSTON in the chair). If this power to send a registrar or observer has been so effective, it seems logical that the Attorney General should be able to send Federal observers and national observers anywhere in the Nation. I might add, the Senator knows that I come from a State not presently covered by the Voting Rights Act; but I would say, in fairness to all the States that if this act has been as effective as demonstrated by figures the Senator cites, why should not the Attorney General have this authority on a nationwide rather than a regional basis?

Mr. GURNEY. The point made by the distinguished Senator from Kansas is eminently correct. That is the way I feel about it, too. If this thing has worked so well, why do we not apply it to all the 50 States instead of just to seven? Let us bring in the other 43 as well. I might point out, along the same lines, that the law has had effect even in a State where it does not apply, such as in Florida, in portions of Florida which were similar to the States involved here, in that very few Negroes had registered to vote. But our experience has been—and my able senior colleague from Florida, if he were here, would corroborate this, I know—that we have had a marked increase in the registering of Negro voters all throughout the States of Florida, in those portions of Florida that are in, say, the Deep South, which border Georgia and Alabama. So we have had the same experience of a dramatic increase in Negro registration even without the application of this act.

The situation in the country today is changing. There is good will in this matter. My point is, all right, it has occurred. We have had 5 years of it now, so why castigate seven States for another 5 years when the evidence is that this will work?

Mr. DOLE. It appears to me that if voting discrimination or irregularities exist during registration and in the polling stations in one part of the country, whether South, East, North, or West, is it not reasonable to assume that such discrimination or irregularities exist, to

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a varying degree, in other parts of the country as well? We fail to face up to the issue if we say that it exists only in five or six or parts of seven States. I am certain that the Senator has stated his feelings on this one issue but I believe we can find discrimination or voting irregularities to varying degrees in probably every State in the Union.

Mr. GURNEY. We certainly know that the Senator is correct about that. In every election we have, there are evidences of voting irregularities and voting frauds. I think that is just as true in the North, where there is political control in tight hands, and a very strong political control. That extends on voting day, and lots of times people vote who should not vote, and people do not vote who should vote. So if we extend this law to other parts of the country, the Senator's point is, and I agree with it, that it will be useful in other parts of the country to eliminate discrimination in voting.

Mr. DOLE. Mr. President, it appears to me that we all recognize how effective this power has been used by the Attorney General in certain parts of the country. We should also recognize that there is discrimination or voting irregularities in other areas in America, and if there is such an effective provision, why should it not be nationwide?

I cannot understand the arguments of some who say, "Let us apply it to the same area. Let us not make it nationwide."

It appears to me that if we are truly concerned about voting equality and voting rights in America, we should adopt an American strategy with the most effective weapon possible. This has been a very effective provision.

Mr. GURNEY. I agree with the Senator from Kansas. He makes the point very well.

Mr. DOLE. I would also like to know whether the junior Senator from Florida has heard the argument that if we let the courts enforce voting rights, the Attorney General would become involved in burdensome, unending lawsuits which would be ineffective. I am a lawyer, as the distinguished Senator is, and if a Federal court is empowered to issue an injunction or restraining order, is it not a fact that such injunction or restraining order only requires such proof as an affidavit to be granted, and there is no burdensome lawsuit or endless litigation involved.

Mr. GURNEY. That is something I pointed out in the argument, that even under the evidence of years ago, by a simple procedure, the Attorney General can get into this business through the Federal court and immediately grant relief, so that it is not the burden at all the opposition is trying to make of it.

Mr. DOLE. Mr. President, I would share that view; only if we can obtain a temporary injunction very quickly, can we have relief. If a person is going to vote today, he needs relief today.

I cannot understand the logic of those who argue that we will get into unending litigation. I do not happen to believe that is the way our system works.

Mr. GURNEY. Mr. President, it is not any argument at all. What it is really saying is that if we have a lot of evil around, we should take care of the evil in a few States and ignore it in the rest of the States because we cannot take care of it all. If that is the actual case, then we had better put additional personnel in the Justice Department to do the job.

It is a very interesting thing that the same argument was used the other day with regard to the school situation. The same people were making the same argument. They said, "Let us not get the de facto segregation into this measure. If we do that, we will have problems all over the United States and we will not be able to take care of the problems in the South; we will have to take care of some problems in the North."

I do not buy that argument at all. If we have injustice or, in this case voting irregularities in other States, then we should put the necessary machinery into operation to take care of those injustices, rather than taking care of them in a small area and saying that we had better not take on more problems or we will not be able to take care of them.

That argument is fallacious and un-American. I do not listen to it.

Mr. DOLE. Mr. President, as I understand it, in H.R. 4249, passed by the House, there is much broader power because in that act the Attorney General can bring a lawsuit on the basis of the case being discriminatory in either "purpose or effect."

This appears to me to be a much broader power than existed prior to the 1965 act or exists under the present act. So again, we can strengthen the hand of the Attorney General to assure voting rights and voting equality, but do it on a national basis. And as the Senator has just said, it is time that we bring the South back into the Union and make voting a national policy and not a regional or Southern policy.

I believe there is discrimination or that voting irregularities occur in almost every area of America. We may not detect it or want to recognize it, but it is there. Why not have a Voting Rights Act that is meaningful and on a nationwide basis?

Mr. GURNEY. I agree. That is the argument I was making. That is the basis on which we should proceed and hopefully enact a national law.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. DOLE. Mr. President, I urge passage of the bill H.R. 4249, entitled "The Voting Rights Act Amendments of 1969."

The 15th amendment guarantees that every citizen shall have the right to vote without regard to his race or color. The Congress sought to implement this guarantee by passing the Voting Rights Act of 1965. Under this act, administrative procedures were established to assure nondiscrimination in the electoral process. These procedures were applied in six southern States and in about 40 other counties.

I supported the 1965 act in the House of Representatives with the hope we would make it possible for a greater percent of our citizens to vote. That has been acomplished. More than 800,000 nonwhite voters have been registered in the States and counties covered by the act. More than 50 percent of the eligible nonwhite voters are now registered in every Southern State.

In my State of Kansas, we do not require a literacy test and, therefore, have not been affected by the Voting Rights Act of 1965.

But, I am deeply concerned that a greater percent of our citizens do not participate in the most meaningful aspect of self-government, that of exercising their right to vote. Our form of government cannot function without the participation of all our citizens. Many who complain about our laws and those who govern are the same individuals who don't think it important that they cast their ballot on election day. In the 1968 presidential election, 63.6 percent of qualified voters in Kansas actually voted. This was higher than the national average of 61 percent, but is still a sad commentary on both the motivation of our citizens and the effectiveness of our electoral system. We must not only motivate people but make it possible for them to exercise their right to vote. H.R. 4249 can help us achieve these goals.

BILL CONTAINS THREE PARTS

The bill contains three essential portions: Literacy test ban, residency voting, and enforcement. I will discuss each separately, but first let me emphasize that the Senate is not debating a 5-year extension of the Voting Rights Act. The Voting Rights Act of 1965 consists of 19 sections; 17 sections are permanent legislation; two sections become inoperative on August 5, 1970. The Senate is really debating the extension of sections 4 and 5 of the present Voting Rights Act. Without any further action by Congress, the other 17 sections will remain operative, fully, and permanently.

First, the bill would ban the use of literacy tests in all States until at least January 1, 1974. Literacy tests have the necessary effect of keeping from the polls those persons, both Negro and whites, who have been discriminated against in the past, persons who are poor, persons who have received inferior education.

With the development of television and radio as mass media, a person no longer must know how to read and write in order to be familiar with national issues, and to vote intelligently in an election. It is my firm belief that every citizen of sound mind who has not been convicted of a felony should be encouraged to participate in the electoral process.

In his July 11, 1969, statement to the Senate Constitutional Rights Subcommittee, Attorney General Mitchell discussed the decision of the Supreme Court in *Gaston County* v. *United States*, 395 U.S. 285 (1969). I heard the Senator from North Carolina (Mr. ERVIN) discuss that case at some length on the floor a couple of days ago. In that case, the Court found that any literacy test has a discriminatory effect if the State or county has offered not only education which is separate in law, but education which is inferior in fact to its Negro citizens. The Attorney General stated, and I agree, that the underlying rationale which formed the basis of that decision applies equally in the States of

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the North and West which have literacy tests. Thousands of adult Negroes now living in those States were not afforded equal educational opportunity in the Southern States. It does not seem reasonable that persons suffering from a deficient education should be treated differently merely because they did not remain a resident of one of the six Southern States covered by the present act.

H.R. 4249 would create a Commission to study and report in 1973 on all aspects of voting rights. The 1974 time limit on the literacy test ban is tied to the reporting date of this Commission. Following that report, the Congress would have 1 year to examine the recommendations of the Commission and enact a permanent and comprehensive act.

The literacy test ban which H.R. 4249 contains is an essential piece of legislation that needs to be added to the voting rights arsenal.

SECOND PROVISION

Second, H.R. 4249 would bar the imposition of residency requirements in presidential elections. Our citizens move freely from one State to another. Estimates are that in 1968, 5½ million people could not vote for President because they failed to meet local residency requirements. Although we have relatively liberal State and local residence requirements in Kansas, as least 17,556 citizens were disqualified from voting for President and Vice President in 1968. This is an unfair and senseless denial of the franchise. A residency requirement for the election for President is not necessary since the issues in the election are nationwide in scope, and citizens, in whatever State they live, have an opportunity to familiarize themselves with these issues. We should give all our citizens an opportunity to vote for the man they choose to lead the country.

In testimony on this bill, David Norman, Deputy Assistant Attorney General for Civil Rights, said:

> The basic theory of the equal protection clause of the 14th amendment is that the states, in regulating human conduct, may distinguish between classes or groups of persons only if the classification is reasonable, that is, if it is reasonably related to a legitimate objective of the state. Moreover, classifications which restrict the all-important right to vote must be the narrowest possible and in furtherance only of a compelling state interest. The classification we deal with here is sharply, although varyingly, drawn under state law—those who have resided in our state for X period of time may vote for President and Vice President; those who have not, may not. Is that a reasonable classification? Perhaps when our country was predominantly rural, when transportation and communication were not well developed, and there was relatively little movement of citizens, some uniform, short limitation might have been reasonable. We think, however, that such a classification is no longer reasonable, and that it is proper for Congress to make such a finding.

Mr. President, last year I joined with 32 Senators in the introduction of Senate Joint Resolution 59, a constitutional amendment to enhance the right of citizens to vote for the President and Vice President without excessive residence requirements. I am gratified that the Senator from Pennsylvania (Mr. SCOTT) has broadened the substitute amendment now pending before the Senate to include the entire text of Senate Joint Resolution 59. Incorporation of Senate Joint Resolution 59 in whatever form the voting rights bill passes the Senate will completely abolish the durational residency requirement as a precondition to voting for President and Vice President. It will also clearly establish the right of citizens to register absentee and to vote by absentee ballot for such officers.

THIRD PROVISION

Finally, H.R. 4249 contains a number of enforcement provisions. It would give the Attorney General authority, nationwide in scope, to dispatch voting examiners and observers. The Attorney General would also have nationwide authority to bring lawsuits to prevent the implementation of discriminatory voting laws. At the present time, this authority is limited to the States and counties covered by the 1965 act. The extension of these powers will in no way diminish the Government's power to act in the States presently covered by the 1965 act, but will instead permit similar actions across the Nation.

SECTION 4 AND 5 OF THE 1965 ACT

Much has been said about section 4 and section 5 of the present act, really the only sections in controversy because the original act had 19 sections and 17 of those 19 sections are permanent law. Section 4 triggers section 5 and applies to those States with literacy tests where less than 50 percent of the voting age population was registered or less than 50 percent voted in the 1964 presidential election. Section 5 requires preclearance by the Attorney General or the District of Columbia Federal courts for any change in voting laws in the State covered by section 4.

Sections 4 and 5 are aimed at a few rather than all of the States. It is regional legislation based on a legal presumption of racial discrimination against a State because its voter turnout is lower than other States. To merely extend these sections, would ignore the tremendous progress made since 1965 in registering nonwhite voters.

Furthermore, it is the opinion of the Attorney General and his staff that this provision has not been effective. The covered States often do not submit their voting changes, and those which are submitted often unnecessarily take attorneys' time from litigation. Too often the Civil Rights Division must pore over insignificant changes in the law—raising filing fees from $5 to $25 or opening the polls at different times—when this time could be better spent in court obtaining meaningful voting rights relief.

CONCLUSION

In conclusion on this point, I would like to quote from Justice Department testimony before the Constitutional Rights Subcommittee. First:

> A most important aspect of the original section 5 is carried forward in the new section 5. Until the enactment of the Voting Rights Act of 1965, it was quite widely assumed that attacks against State legislation as being in violation of the 15th amendment necessitated proof that the purpose of the legislation was racially discriminatory. Section 5 made it very clear that such legislation could be attacked by showing that the effect would be discriminatory. No longer do we have to search cryptic legislative journals to ascertain law-makers' intent. That very important principle is carried forward in section 5 of the proposed legislation.
>
> Secondly, section 3(c), which remains unchanged, has been all but forgotten. It provides essentially that in any suit brought by the Attorney General to enforce the 15th amendment in any State or political subdivision, where the court finds violations of the 15th amendment justifying judicial relief, the court retains jurisdiction and during that period no new voting change can be adopted without approval either by the court or the Attorney General holding that the voting change does not have the purpose or effect of discrimination. Thus, the submission and approval feature of old section 5 can be triggered anywhere in the Nation by the institution of a lawsuit to enforce the 15th amendment.

The progress under the 1965 act has been significant. No one wants to undo these steps forward. However, times change and solutions which are commendable at one time are inadequate at others. The 1965 act is such a case. H.R. 4249 would build on our experiences of the past 5 years in the South; it would consolidate our gains in voting rights in that area, while extending to the Nation at large the benefits of the 1965 act.

As stated at the outset, I support H.R. 4249. I voted for the Voting Rights Act of 1965 as a Member of the House of Representatives. I agree with the intent of H.R. 4249, to apply the law now on a nationwide basis, and to give the Attorney General the power he needs on a nationwide basis.

I urge Senators to act favorably on H.R. 4249. It has passed the other body already. We must now speed the measure to the President for his signature.

I might add, for those Senators who did not have an opportunity to read the report of the House, that particular attention should be given to the views of Representative RICHARD H. POFF in a very well-reasoned statement with respect to the Voting Rights Act of 1965. He gives the reasons for agreeing to the substitute on the House side. I might say that this honorable Member of the other body is well respected, and highly regarded as one of the best constitutional lawyers in America. He sets forth some very compelling reasons why now, after 5 years, after the experience we have had, after the gains we have made in a regional area of America we should now apply the Voting Rights Act of 1965 on a nationwide basis.

I yield the floor.

The PRESIDING OFFICER. What is the pleasure of the Senate?

Mr. KENNEDY obtained the floor.

Mr. HART. Mr. President, will the Senator yield?

Mr. KENNEDY. I yield.

Mr. HART. Mr. President, what is the pending question? May I suggest it is on the substitute motion?

The PRESIDING OFFICER. The pending question is on agreeing to the amendment in the nature of a substitute.

Mr. HART. If there are no further comments, we are prepared to vote.

Mr. ALLEN. Mr. President, I suggest the absence of a quorum.

Mr. GURNEY. I suggest the absence of a quorum.

The **PRESIDING OFFICER**. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. **ALLEN**. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

Mr. **ALLEN**. Mr. President, I ask for a vote.

The **PRESIDING OFFICER**. The question is on the amendment.

Mr. **KENNEDY**. Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER**. The clerk will call the roll.

The bill clerk proceded to call the roll.

Mr. **KENNEDY**. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

Mr. **ALLEN**. Mr. President, I ask for a vote.

Mr. **KENNEDY**. Mr. President, I ask for the yeas and nays.

The **PRESIDING OFFICER**. There is not a sufficient second.

The yeas and nays were not ordered.

Mr. **DOLE**. Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER**. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. **HANSEN**. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session, the Presiding Officer laid before the Senate a message from the President of the United States submitting the nomination of Arthur K. Watson, of Connecticut, to be Ambassador Extraordinary and Plenipotentiary to France, which was referred to the Committee on Foreign Relations.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had agreed to a concurrent resolution (H. Con. Res. 527) relating to the enrollment of the bill H.R. 13300, in which it requested the concurrence of the Senate.

VOTING RIGHTS ACT AMENDMENTS OF 1969

The Senate continued with the consideration of the bill (H.R. 4249) to extend the Voting Rights Act of 1965 with respect to the discriminatory use of tests and devices.

Mr. **HANSEN**. Mr. President, I recognize that Senators have been giving very studied consideration to the voting right bill—H.R. 4249—as passed by the House of Representatives.

The pending question, if I am not mistaken, is on the amendment offered by the distinguished Senator from Pennsylvania in the nature of a substitute; am I correct about that?

The **PRESIDING OFFICER**. That is correct.

Mr. **HANSEN**. In the light of the pending question, it seems appropriate for me once more to call the attention of Senators to the observations which were made by the Honorable Richard H. Poff, of Virginia, in his separate views included in the House report. I think it will be apparent, to all who will listen and study objectively, that the situation that confronted this country in 1964 no longer applies. Mr. Poff said:

> A government of the people cannot function for the people unless it is a government by the people. There is no such thing as self-government if those subject to the law do not participate in the process by which those laws are made. Only a few are privileged to participate directly in the physical mechanics of the lawmaking process, and these are those chosen as representatives by their fellows. For all others, the opportunity for participation, and therefore the essence of the concept of self-government, is the right to cast a ballot to choose those who make the laws. If this opportunity is denied any qualified citizen, then he is not self-governed.
>
> The 15th amendment to the Constitution says:
>
> "The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude."
>
> That is pretty plain language. It is the supreme law of the land. It applies to citizens of the United States. It applies to action by the United States. And it applies to action by "any State." Moreover, the second section of the 15th amendment says:
>
> "The Congress shall have power to enforce this article by appropriate legislation."
>
> There may be some dispute about what legislation is "appropriate," but there can be no valid dispute about the power of Congress to legislate.
>
> The principal legislation chosen by the Congress was the Voting Rights Act of 1965. The courts have declared that legislation constitutional. Some judges may dissent. Some legal scholars may disagree. Some legislators may protest. But to argue now that the Voting Rights Act is unconstitutional is nothing more than a mental calisthenic.
>
> Congress is now debating what is called a 5-year extension of the Voting Rights Act. That is a misnomer. The Voting Rights Act of 1956 consists of 19 sections; 17 of these are permanent legislation; two sections "expire," or more accurately, become inoperative on August 5, 1970. What Congress is really debating is the extension of sections 4 and 5 of the Voting Rights Act. Without any further action by Congress, the other 17 sections will remain operative, fully and indefinitely.
>
> To evaluate the need for extension of the temporary sections, it is necessary to understand the content of the permanent sections of the law. Under the permanent provisions of the Voting Rights Act:
>
> (1) When the Attorney General brings a suit under the 15th Amendment to protect voting rights against racial discrimination, the court is empowered to enter either an interlocutory order or a final judgment requiring the Civil Service Commission to appoint Federal examiners to register voters;
>
> (2) In such suit, the court is empowered to suspend the use of literacy tests "for such period as it deems necessary";
>
> (3) In such suit, the court retains jurisdiction "for such period as it may deem appropriate" and during that period, the State cannot implement any change in its voting laws until the court determines that the new law will not have the purpose or effect of racial discrimination or until the Attorney General of the United States has failed, within 60 days after submission, to object to the new law;
>
> (4) When Federal examiners have been appointed under such suit, the Attorney General may require the Civil Service Commission to send Federal observers to the local voting precinct to oversee the process of voting and the tabulation of votes;
>
> (5) No State may enforce a literacy test with respect to a registrant who has completed the 6th grade in a non-English-speaking school;
>
> (6) Criminal penalties of 5 years in jail or a $5,000 fine, or both, can be imposed upon anyone convicted of depriving, attempting to deprive, or conspiring to deprive any person of his voting rights on account of race or for destroying, defacing, mutilating, or altering ballots or official records; and
>
> (7) The Attorney General is empowered to bring a suit for an injunction when he has reasonable grounds to believe that any person is about to engage in any act prohibited by the Voting Rights Act.
>
> With respect to these provisions of the Voting Rights Act of 1965, (together with the administrative, procedural, jurisdictional, and enforcement provisions) two facts should be remembered: (1) *all are permanent law*, and (2) *all apply to all jurisdictions in all 50 States*.
>
> Only two provisions apply to less than all the States. Only two are subject to the 5-year extension in the committee bill. These are sections 4 and 5.
>
> Section 4 "triggers" section 5. Section 4 applies to those States with literacy tests where less than 50 percent of the voting age population was registered or less than 50 percent voted in the 1964 presidential election. The arithmetical formula also covers individual counties in States with literacy tests, even when statewide figures are higher than 50 percent.
>
> Section 5 provides that any State covered by section 4 cannot implement any new voting law enacted by its legislature until it has either (1) brought a suit in the district court for the District of Columbia and proved that the new law does not have the purpose or effect of racial discrimination, or (2) submitted the new law to the Attorney General of the United States and persuaded him for a period of 60 days not to interpose an objection.
>
> In a footnote to my separate views, I have reproduced a portion of the Republican views appended to the majority report of the committee in 1965. This excerpt is addressed to sections 4 and 5 of what was then called the committee-Celler bill which later became the text of the Voting Rights Act.
>
> The committee concedes that sections 4 and 5 are aimed at a few rather than all of the States. The courts have ruled that such geographical selectivity is within the constitutional power of Congress. Only one question remains: "Is it wise for Congress to exercise that power for another 5 years?"
>
> I say that it is unwise. A law which raises a legal presumption of racial voter discrimination against a State at large because its voter turnout is lower than other States is unwise. A law which bases such presumption on election returns 5 years old and ignores the progress made since then is more a penalty than a reward. A Federal law which raises a presumption of illegality against a law newly enacted by a State legislature and suspends its operation until the State comes to the Attorney General or a Federal court and proves its legality offends State sovereignty. Whatever regionalizes this country

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divides this country and impairs our unique federal system, and that is unwise.

The words of Mr. Justice Black, dissenting in the case of *South Carolina* v. *Katzenbach*, 383 U.S. 301, 358, explain why:

"Section 5, by providing that some of the States cannot pass State laws or adopt State constitutional amendments without first being compelled to beg Federal authorities to approve their policies, so distorts our constitutional structure of government as to render any distinction drawn in the Constitution between State and Federal power almost meaningless. One of the most basic premises upon which our structure of government was founded was that the Federal Government was to have certain specific and limited powers and no others, and all other power was to be reserved either to the States respectively, or to the people. Certainly if all the provisions of our Constitution which limit the power of the Federal Government and reserve other power to the States are to mean anything, they mean at least that the States have power to pass laws and amend their constitutions without first sending their officials hundreds of miles away to beg Federal authorities to approve them * * *. I cannot help but believe that the inevitable effect of any such law which forces any one of the States to entreat Federal authorities in faraway places for approval of local laws before they can become effective is to create the impression that the State or States treated in this way are little more than conquered provinces. And if one law concerning voting can make the States plead for this approval by a distant Federal court or the U.S. Attorney General, other laws on different subjects can force the States to seek the advance approval not only of the Attorney General but of the President himself or any other chosen members of his staff."

In a poignant footnote to his opinion, Mr. Justice Black compared section 5 with the practices used by the English Crown in its dealings with the American Colonies. Some of those practices were detailed in the Declaration of Independence which protested that the King "has called together legislative bodies at places unusual, uncomfortable, and distant from the depository of their public records, for the sole purpose of fatiguing them into compliance with his measures * * *"

Section 4 and 5 are mischievous because in their application they are promiscuous. They cover some States and counties which are innocent and fail to cover some which are guilty. My own State of Virginia, which sorrowfully has not always been innocent of racial discrimination, has not in modern times been guilty of racial discrimination in voting. I quote from volume I, page 102 of the 1961 report of the U.S. Civil Rights Commission:

"The absence of complaints to the Commission, actions by the Department of Justice, private litigation, or other indications of discrimination, have led the Commission to conclude that, with the possible exception of a deterrent effect of the poll tax—which does not appear generally to be discriminatory upon the basis of race or color—Negroes now appear to encounter no significant racially motivated impediments to voting in 4 of the 12 Southern States; Arkansas, Oklahoma, Texas, and Virginia.

"In three States—Louisiana (where there is substantial discrimination), Florida (where there is some), and Virginia (where there appears to be none)—official statistics are compiled on the State level by county and by race."

Virginia's record under coverage of the Voting Rights Act is further evidence that Virginia does not practice racial discrimination in voting. According to evidence supplied the committee by the Department of Justice, not a single Federal registrar has been sent into a single precinct in a single county or city in Virginia; and no Federal observers have been dispatched to oversee a single election anywhere in Virginia.

"In such case," we are asked, "why does Virginia not bring a lawsuit under the escape clause mechanism of section 4 and escape coverage of section 5?" The answer is obvious. Every lawyer knows that it is practically impossible to marshal the evidence to prove an absolute negative. The burden is particularly onerous when the negative is "not guilty." For Virginia to succeed under the escape clause would require probative evidence, both verbal and written, from 765 general and precinct registrars in 2,031 precincts throughout the State. Such evidence would have to be marshaled for every precinct in every election, National, State, and local, both general and primary, conducted during the 5-year period preceding the institution of the lawsuit. And with respect to each precinct in each election, the evidence required would be that quantum of evidence necessary to establish a prima facie case that: (1) incidents of discrimination have been "few in number," (2) that they have been "promptly and effectively" corrected, (3) that "the continuing effect * * * has been eliminated" and (4) that "there is no reasonable probability of their recurrence in the future." That is tantamount to requiring the accused to prove both past innocence and future innocence.

The next question that follows is, "If Virginia is free of racial discrimination in voting, then what does Virginia have to fear from an additional 5 years of coverage under section 5 of the Voting Rights Act?" The answer is a little difficult to articulate. Virginia is not so much a State as a state of mind. Virginians are independent. Virginians are proud. Virginians are shamed by the status unfairly thrust upon them by a Federal law which, in the face of all the evidence to the contrary, presumes our State to be guilty. And finally, it is offensive to Virginians to think that Virginia, where the first democratic legislature in the New World was convened, whose sons contributed so much to the deeds and documents of independence and union, should be foreclosed from amending her own Constitution and laws without the prior permission of a Federal official or a Federal court.

My plea is for my State. I plead, too, for our sister States. Progress in voter registration and voter participation, even if only under the lash of this law, has been dramatic. It should be rewarded, not penalized.

I do not ask that the Voting Rights Act of 1965 be repealed. Its permanent provisions should remain so long as there remains any reasonable prospect that any citizen may be denied on account of his race the full right or effect of his vote. I ask only that the law be made to apply to all States, with neither preference nor prejudice toward any.

National application can be achieved in either of two ways: (1) by permitting the artificial, arithmetic "trigger" to expire as present law provides on August 5, 1970, or (2) by amending the present law as recommended by President Nixon.

That concludes the statement by Richard H. Poff.

Mr. DOLE. Mr. President, will the Senator from Wyoming yield?

Mr. HANSEN. I yield.

Mr. DOLE. I referred to the statement of the illustrious Representative from Virginia, Mr. Poff, in my statement, and emphasize, as the Senator from Wyoming has done, that it is a profound statement and one of the best available concerning the Voting Rights Act.

Representative Poff is recognized nationally as one of the most able lawyers in Congress and one of the most effective and fairminded Members of Congress.

He points out, as stated earlier, that we are not concerned with a simple extension of the Voting Rights Act of 1965. There are 19 sections in the Voting Rights Act as passed in 1965. Seventeen of the 19 are permanent law. What we are discussing, if we are frank and candid about it, are two sections, 4 and 5, which would expire in August unless—become inoperative in August—unless extended. It seems that in discussing extension of the 1965 Voting Rights Act, it is at least a misnomer.

We are in fact concerned with two sections plus additional new provisions which nearly everyone is in accord with. As I said earlier, coming from a State which has no literacy test requirement, which has rather liberal voting requirements, the State of Kansas, I see no harm in sections 4 and 5 becoming applicable to all States. Why should it not be nationwide? Why should only one region, whether it be the South, North, East, or West, be singled out?

The Senator has expressed his views. I agree with the statement made by Representative Poff and others in this body that, if these provisions have been effective, if the Attorney General can send observers and investigators into certain areas to discover voting frauds or slowdowns at the polling places, or whatever, then we should have this same opportunity in all the States, not just one geographic region.

Mr. HANSEN. I agree completely, wholeheartedly, and enthusiastically with my good friend from Kansas. I think his points are valid. I see no reason at all not to expand the application of a good law so as to make it nationwide in its applicability. I think that is precisely the point that Representative Poff has made.

Also fault can be found—and it is a serious fault and error, in my judgment, that sections 4 and 5 are extended so that it does not take into account what was done in 1968 and the progress that was made by the States which were singled out for special attention by the executive branch and by the courts with the passage of the Voting Rights Act of 1965.

If we are going to be fair, let us also be realistic. How can we be realistic if we refer back to how people happened to vote, or how they failed to vote, in 1964 when we are now almost 6 years beyond that time? Would not my good friend from Kansas agree with that statement?

Mr. DOLE (Mr. Gurney in the chair). I agree. I would point out again that there are 19 sections in the Voting Rights Act of 1965, which I voted for as a Member of the House. It seems strange that we can apply 17 of the 19 sections to all the States in the Nation and apply only two sections, 4 and 5, to only six States. If 17 of the 19 sections are good enough for the entire country then sections 4 and 5 should also apply to the entire country.

I do not say this as one who opposes voting rights. I voted for the 1965 act and supported it on the House floor. But it seems that if we are concerned about equality and the right to vote, as pointed out before, that means that people must have the right and must be motivated first to vote. In my State, for instance,

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about 64 percent of the people voted for President in 1968. The national average was about 61 percent. That is not high enough, in my opinion, but if we are really serious about voting rights for all, rich and poor, black and white, why should the law not apply to all the citizens, in all States, in America? Why should we single out one region in the country? Why should there be a southern strategy on the Senate floor to make this act apply to one portion of the country?

Mr. HANSEN. I could not agree more with my distinguished colleague from Kansas. I think the law should be applied in that fashion. It occurs to me that the action this body took only recently, when we were debating the Labor and HEW appropriation bill with amendments that were tied to it, that this body did go on record, quite convincingly, and certainly, so far as I was concerned, persuasively, in seeing that the laws of the land should be applied uniformly.

I think the problem could be illustrated in areas such as the counties—and most certainly the precincts in a good many of the Northern States that do not approach, right today, the registration and the voting record that has been accomplished in the States singled out by the 1965 act. Yet, under the substitute amendment, unless the Attorney General wants to exercise a special initiative and go in and make an examination, I should say—he would not have his attention directed to those areas where the need might be greatest. Is that not the same conclusion reached by my distinguished colleague from Kansas?

Mr. DOLE. I would say further to the point that perhaps may be bothering some, the statement made that by enactment of H.R. 4249, which passed the other body, we will become bogged down in endless litigation and burdensome lawsuits I would point out that section 5 of H.R. 4249 clearly describes what the Attorney General may do and when he may do it. It permits the Attorney General to go to court and obtain a temporary injunction. That can be done quickly and an injunction secured by an affidavit. There is nothing burdensome about this. It must be done quickly in order to protect the voters' right to vote.

I would say that every citizen in America, because of communication, of television, no longer must be able to read in order to vote intelligently. If he is a citizen and competent and has not been convicted of a felony, he should have that right.

As the Senator from Wyoming has stated so well, the law should be applied on an even-handed basis. It should be applied the same throughout the country. I would say to some who talk about a southern strategy, that it appears that the only southern strategy here is to punish the South, despite great gains made in the Southern States since 1965. That might be strategy to some, but I feel it is discrimination against a very vital part of our country.

It is time that the South is brought back into the Union on a de facto as well as a de jure basis but, above all, there can be no harm in applying this law to all States.

There have been almost 1 million new nonwhite registrants in the covered States. I assume that in almost every State of the Union there is discrimination. It may vary by degree, but it is there. It may happen in my State of Kansas. It may happen in the State of Wyoming or in any other State.

We should recognize this and accept the full import of the law. To those who say, making it apply nationwide would be watering down the law, I must disagree.

Mr. HANSEN. Mr. President, my State of Wyoming is one of the 12, I believe, that still has on its statute books a provision that a requisite to the right to vote shall be the ability to read the Constitution of the United States. I happen to think that is a wise provision. I happen to be one of a number of people who believe that unless a person is able to read and understands what he sees in print before him, he cannot make the reasoned judgments that are required fully to discharge the responsibilities and obligations of good citizenship.

I say that because I know, as every other Senator knows, that from time to time in addition to the responsibilities of selecting from the candidates those whom we choose to have represent us, there is the added burden and responsibility of voting on constitutional amendments. And how anyone could assume that a person who is unable to read could make an intelligent decision upon a constitutional amendment in a proposal before him is beyond me.

Nevertheless, I know that the courts have struck this provision down. They have said, in effect, that the right to vote shall not be denied because of the inability to read the English language.

I am willing to go along, as all good citizens should, with what the court says. I recognize that we do have a better informed electorate because of additional sources of news now available to the people of this country than we had when newspapers alone were the only way by which we could garner ideas and different points of view. However, through radio and television, I can easily understand that a lot of people, though they may be neither able to read nor write, can have some comprehension of what a particular candidate stands for and what he would try to push for were he elected to the job to which he aspires.

I can understand that. I hope the time is not too far distant when such a provision as Wyoming has on its books now will have no further relevance.

I hope the time will soon be at hand when all of our citizens who are educable will be able to read.

When that happy day comes, we should make better judgments on the complicated and important issues before us than we are at the present time.

Mr. DOLE. Mr. President, as the Senator just said, Wyoming is one of the States which would be affected in the event the scope of the bill were broadened.

I point out again, as earlier, that in section 5 of the Voting Rights Act, H.R. 4249, would give the Attorney General adequate power.

It might be well to read that. It reads:

> SEC. 5. (a) Whenever the Attorney General has reason to believe that a State or political subdivision has enacted or is seeking to administer any voting qualification or prerequisite to voting, or standard, practice or procedure with respect to voting which has the purpose or effect—

Which is broader than the 1965 act—

> of denying or abridging the right to vote on account of race or color, he may institute for the United States, or in the name of the United States, an action in a district court of the United States, in accordance with sections 1391 through 1393 of title 28, United States Code, for a restraining order of a preliminary or permanent injunction, or such other order as he deems appropriate.

In other words, if there is any evidence, if the Attorney General has any evidence, that any State or political subdivision thereof—whether town, county, or precinct—has enacted or is about to enact some proposal, some standard, or some procedure which might deprive persons of the right to vote, or even have the purpose or effect of denying them of the right to vote or abridge that right on account of race or color, then he goes to the district court in that district, choose that area, and simply by affidavit obtains a preliminary injunction or restraining order.

I think that is adequate protection. I have no doubt about it. The present Attorney General is committed to voting rights and equality for all. And I would hope that in our haste we do not pass regional legislation. To be fair and objective I hope that we would look this section over very carefully.

It is in some respects broader than the present act and broader than any other act.

Mr. HANSEN. Mr. President, I should like to ask my distinguished friend, the Senator from Kansas, who is himself a lawyer, what inference might reasonably be drawn from the provision in the Voting Rights Act of 1965 which orders and directs that certain proposed changes in laws must be submitted to a Federal court within the District of Columbia.

If I am not incorrect, it is my understanding that before any of these States which have been singled out for attention under that law can change in any respect any part of any voting rights legislation they have on their statute books, they must either get permission prior thereto from the Attorney General of the United States or must have taken their case or their proposal to a Federal district judge within the District of Columbia.

It seems to me strange indeed that the Federal courts within the District of Columbia should be the only place wherein a State might submit a proposal to change its voting laws. What is the reaction of the Senator from Kansas to that provision of the law?

Mr. DOLE. Mr. President, that is one provision that I disagreed with in the House. But I still voted for the Voting Rights Act. It goes a long way toward destroying State sovereignty.

The best statement made on the matter is the statement contained in the report of Representative POFF, taken from the case of South Carolina against Katzenbach, which quotes the words of Justice Black.

He says:

> Section 5, by providing that some of the States cannot pass State laws or adopt State constitutional amendments without first being compelled to beg Federal authorities to approve their policies, so distorts our constitutional structure of government as to render any distinction drawn in the Constitution between State and Federal power almost meaningless.

There is no doubt in my mind that this one provision certainly does offend State sovereignty. I think it also at the time was a legislative recognition that Federal courts in some States will not be objective or fair. And by legislative fiat we provided that they must come to a district court in the District of Columbia.

Mr. HANSEN. Mr. President, will the Senator yield for a question at that point?

Mr. DOLE. I yield.

Mr. HANSEN. Why did the law spell out District of Columbia courts?

Mr. DOLE. I have my own ideas. I happen to have faith in Federal district judges, whether they live in South Carolina, Kansas, or whether they reside in the District of Columbia. I do not think all of the judicial knowledge is vested in the District of Columbia. In fact, in some areas I doubt that much is vested here at all.

Mr. HANSEN. Is there reason to believe that the Federal district court in Alabama or Alaska would be any less competent to rule upon the desirability or legality of a proposed change in a voting rights law than would be the case with a court in the District of Columbia?

Mr. DOLE. Well, I would say very frankly at the time there was a feeling that there was a pattern of discrimination in certain States that might extend all the way from the voter to the judge and, perhaps there might be some bias even on the court. However, there has been progress in 5 years.

Certainly not everyone is now free of discrimination in these six States and 40 counties. I am saying there are varying degrees of discrimination in many areas of America and not just in six States and 40 counties.

Under the present act, there is continuing jurisdiction, in that Federal courts would respond. If a State or political subdivision wants to raise the filing fee from $5 to $25, which is one example cited, this should be permitted without a Federal court decree or the opinion of the Attorney General.

Mr. HANSEN. Would it not be true at that point that the same requirement would apply although the proposal by the States was to lower the filing fee? It has been contended by some that if the filing fee for an office is increased significantly, in the eyes of some exorbitantly, it would shut out a number of persons otherwise qualified who might serve their people and the country and keep them from running for a particular office.

But as I understand this particular provision, it would apply equally as prohibitive although the proposal might be to lower the amount of the fee. Am I correct about that?

Mr. DOLE. It would have the same result in either event.

Mr. HANSEN. It would certainly be an affront to state sovereignty for any State to be called upon to submit to a Federal court or to the Attorney General a proposed change in an area as important as is the voting rights laws of the several States, before any changes could be made. Does this not fly in the face of our Federal system wherein we recognize considerable sovereignty among the States, and certainly included in that is the right of the States to make laws for the government of their own people?

Mr. DOLE. I would hope that is the case. I think Justice Black said in that same dissenting opinion that we were, in effect, by virtue of the statute enacted in 1965, this section treating States like conquered provinces, and that we did literally take away their right to respond. But at the same time I would add if there was an effort by a State to preclude a person because of race or color or to raise the filing fee to some exorbitant amount there should be relief. The same is true with respect to tests for voters, but there is that protection in H.R. 4249 to which I have just alluded.

I thank the Senator from Wyoming for taking the time to discuss in some detail the statement which Representative Poff made. Having served with Representative Poff for a number of years, he is, in my opinion, one of the outstanding lawyers in the country; on par with the distinguished senior Senator from North Carolina, a very outstanding lawyer, and completely fair and objective in what he does.

Mr. HANSEN. I thank the Senator.

Mr. ERVIN. Mr. President, will the distinguished Senator from Wyoming yield to me for two observations on the point he has been discussing without losing his right to the floor; and to that end I ask unanimous consent that he may be permitted to do so without losing his right to the floor.

Mr. HANSEN. I am happy to yield.

The PRESIDING OFFICER (Mr. Dole in the chair). Without objection, it is so ordered.

Mr. ERVIN. Mr. President, I wish to show by these observations how absurd and unjust the proposal is that the Voting Rights Act of 1965 be renewed in its present form.

My State of North Carolina is included in the condemnation of that act for the reason, among other things, that it has a literacy test embodied in its constitution which requires a person to be able to read and write the English language as a condition precedent to voting.

The North Carolina Legislature—and I might add, pursuant to a resolution introduced by a black member of the legislature—has submitted to the people of North Carolina a proposal that we amend our constitution and abolish our literacy test.

Now, if the people of North Carolina in the general election this fall were to vote in favor of the proposal to amend the constitution and abolish the North Carolina literacy test, the action of the people of North Carolina in abolishing the literacy test could not be effective under the Voting Rights Act of 1965, if renewed in its present form unless the Attorney General of the United States first rules that that action was not discriminatory in nature or unless North Carolina came up here to the District of Columbia and brought suit in the District Court for the District of Columbia and secured an adjudication to the effect that the abolition of the North Carolina literacy test was not discriminatory in nature.

I would like to make another observation. Even if North Carolina should abolish the literacy test by an amendment to its Constitution in the next general election, North Carolina, under the Voting Rights Act of 1965, having been condemned under the 1964 formula of the act, still would not be able to make any change in its election laws in the future without coming here to the District of Columbia and obtaining the approval of the Attorney General or the approval of the District Court for the District of Columbia.

Now, how any law could be more asinine than that I am totally incapable of comprehending. But that is exactly the way the Voting Rights Act of 1965, if renewed in its present form, would operate in respect to North Carolina. The theory of the act is that it is evil to have a literacy test; and yet if we were to abolish the literacy test, it could not become effective until such action is approved by the Attorney General in Washington or the District Court sitting in Washington. Even if we abolish it we still could not change an election law without getting that consent.

Mr. HANSEN. What the Senator is saying is that no matter how meritorious may be the legislative proposal enacted that comes out of legisaltive action with the stamp of approval by the Governor, if this act is extended, certain States still would have to go through the process that is so abhorrent to every proud citizen of every State. Is that right?

Mr. ERVIN. That is exactly right. That is the status North Carolina is in. On the other hand, the great Commonwealth of Massachusetts or the great State of Wyoming could abolish their literacy tests, and they would become effective immediately. That is a queer thing under any circumstances, but the most astonishing thing is that this inequality of the States is brought about by the championship of men who profess to believe, above all things in this universe, in the equality of rights for all men. But they do not believe in equality of rights for all States.

I thank the Senator for yielding.

Mr. HANSEN. I thank the Senator.

Mr. GURNEY. Mr. President, will the Senator yield?

Mr. HANSEN. I am glad to yield.

Mr. GURNEY. It strikes me that one of the main issues we have before us in the extension of the Voting Rights Act of 1965 is a fact that has not been emphasized enough, and it should be emphasized at this particular time. Certainly, one of the main thrusts of the administration bill here, as passed in the House, and which we are now considering in the Senate, is applying equal treatment, as far as voting rights are concerned, throughout all the Nation.

One of the great injustices, certainly, that was provoked in the enactment of the 1965 Voting Rights Act was the special treatment which was accorded to seven States and the counties in one particular State throughout the southern part of the country.

One thing the Chief Justice of the United States has emphasized again and again, and I think one of the fine things about this administration, is that in the enactment of legislation and also in the carrying out by the executive department of the laws that are on the books, is that there shall be equal treatment of the laws for all the people in the United States; that it shall apply equally to the North and the South, to the East and the West. Surely that is one of the main thrusts of the Voting Rights Act of 1965.

It gave special treatment to one section of the country. It was drawn to do that. I remember the hard and sometimes extended debate we had in the House of Representatives in 1965 on this measure. As a matter of fact, I do not think that any law that has been offered in the Congress since I have served here, now going on 8 years, produced as much ill feeling among Representatives and Senators as did the Voting Rights Act of 1965. The reason it did so was not so much that we were enacting a voting rights bill that had some provisions in it that would insure giving the voting franchise to people who had been, for one reason or another, prevented from exercising it. The ill feeling that was provoked was as a result of the manner in which it was done.

That was that the law was very carefully, very cleverly, in all the sense that the word "cleverly" means—and I think it might even be said almost maliciously in the intent of some—drafted so that it was zeroed in on a particular part of the country.

I did not vote for the Voting Rights Act of 1965, and I was not happy about the fact that I was not able to. Had the law applied in such a fashion that it would have taken the other 43 States into consideration the same as the seven in the South, I would have voted for it gladly, because I recognized that we needed the legislation. But it seems to me that it would be just as un-American to have discriminatory legislation of this sort aiming at the seven States as the discrimination that was alleged to have existed and was the reason for the enactment of the voting right bill in the first place.

I have never thought that in any legislation, for that matter, in any dealings between human beings, you ever accomplished too much if you adhere to the old biblical expression of "An eye for an eye and a tooth for a tooth." I do not think that promotes good relations between people or between areas. This is essentially what the Voting Rights Act of 1965 did insofar as it drew these special rules for this part of the country.

What it said was, "Well, there has been discrimination in a certain part of the country as far as voting rights are concerned. Therefore, we are going to discriminate against you when we correct this evil."

I do not think that has accomplished anything.

I might point out further that one of the things that is very difficult for me to understand in the consideration of this legislation is that we have evidence here—very real evidence—that a great deal has been accomplished in the years that have ensued since the enactment of the voting rights bill.

I will go specifically to the report to show, for example, that in Alabama—these are all States affected by the voting rights bill—only 19.3 percent of the Negroes in Alabama were registered prior to the enactment of the voting rights bill. That figure increased to 56.7 percent in 1968.

In Georgia the figure was 27.4 percent before the enactment of the voting rights bill of 1965. This figure is 56.1 percent for 1968.

The percentage in Louisiana was 31.6 percent. The figure for 1968 was 59.3 percent.

In Mississippi it was only 6.7 percent, but in 1968 it was 59.4 percent. There is the same dramatic increase in the new black registration. As a mater of fact, that figure for 1968 was the highest for any of seven States. There are more blacks on the voting rolls there than in any of the other six Southern States.

In North Carolina it was 46.8 percent. It increased to 55.3 percent in 1968.

In South Carolina the percentage was 37.3 percent. It increased to 50.8 percent.

In Virginia it was 38.3 percent. It increased to 58.4 percent.

But one of the interesting things about these figures is that they were registration figures taken during the spring and summer of 1968. Two years have gone by since then, and I am sure the record would show, if it were available—unfortunately, it is not—that the Negro registrations have probably increased appreciably over these figures here.

All this points to the fact, it seems to me, that the time is long past that we ought to single out this particular area for these special rules, because the evidence is there to show that progress has been made. New voters have been put upon the rolls. Not only that, of course, but we pick up the newspapers and almost every day we read of black people being elected as public leaders in their communities, on municipal governments, and on city councils. In Louisiana there is a black sheriff. Indeed, they are entering political and public life in all the States of the South.

Mr. HANSEN. If the Senator will permit an interruption, let me state that in our State of Wyoming the largest city is Cheyenne. In order that Senators might properly understand the significance of what I am about to say, let me say that little more than one-half of 1 percent of the population of Wyoming is black. Yet, despite that, the chief of police in our capital city happens to be a black man. He came from the East. He has been out there, I suspect—I am guessing—for perhaps 10 or 15 years. He was chosen by an all-white council and by a white mayor to serve in that extremely important post in Cheyenne, Wyo.

He was chosen, not because he was black, but because he was competent, because he was able, because he had a distinguished record in law enforcement, and because it was the unanimous conclusion and conviction of the city governing board and the mayor that he, better than any other man, could discharge those important duties and responsibilities.

I call attention to this fact because it ought not to go unnoticed, in my judgment, that there is not as much prejudice about the country as some people may think there is. There is no reason at all why the city of Cheyenne should choose a black to be its chief of police, but he was chosen. He was chosen because the Wyoming people are independent people. We call ourselves "The Equality State." He was chosen because the mayor and the city council wanted to have the best law enforcement job done that it could possibly get done; and they thought that Jim Byrd was a person capable of doing that sort of job.

He has served under Democratic and under Republican mayors. He was reappointed by two Republican mayors, having been first appointed, as I recall, by a Democratic mayor. He continues to serve, and continues to do an excellent job.

So, not only in the case of serving in roles of elective leadership, but as well in discharging important roles that come under the powers of the executive through the appointive process, black people are moving in and doing an excellent job in bringing about better government, which means so much toward achieving a better society in this country than we have had heretofore.

I just wanted to point that out to my good friend from Florida so that he might understand, perhaps better than he would otherwise have understood, something of the feeling of the people of Wyoming.

Mr. GURNEY. I congratulate the Senator on representing a State where the people feel that way. I agree with the Senator that this is a good example of the changing attitude throughout the United States of America. I wish I could bring to mind all of the similar instances in the State of Florida.

Florida, my home State, is of course quite unlike Wyoming. It is in some respects a Southern State. In fact, some parts of the State are as southern as any part of the country. Other parts are mixed.

I thing it is interesting, for example, that in Miami, which is the largest city in Florida, there presently is a Negro woman who serves as a member of the city council. In the city of Jacksonville, which is our second largest city and also the one that is deemed the most southern city in its traditions and its ways of life, being just across the border from Georgia, in its recent elections, as a result of the reorganization of the city government, there are now blacks who serve on the governing board of the city. Jacksonville, incidentally, is one of the largest cities in point of size in the country, because the city borders were re-

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cently revised and the city now embraces what was formerly a whole county. Blacks are a part of the governing board of this very major city of Florida and of the United States.

I know there are other examples. I do not have them in mind at the moment. But this is what is happening in a Southern State, similar to what is occurring in the Senator's State of Wyoming.

I might also say that as far as registration of blacks is concerned, again I do not have the figures at my fingertips, but I know that the number of black voters in Florida has increased very materially in the last few years. As a matter of fact, in my own county of Orange, which is in the center part of the State, the largest number of black voter registrations in recent years occurred in the year 1964, which was 1 year before the Voting Rights Act of 1965. But it is a fact, and it does reflect the changing attitudes that are occurring in Florida.

I should like to ask the Senator, since he comes from a Western State, Wyoming, which is not affected by this Voting Rights Act of 1965, this question:

I represent a Southern State, Florida, which is not under the Voting Rights Act of 1965, either—I am talking, of course, about the special provisions in sections 4 and 5. I have no reluctance about extending those provisions, which now apply in seven Southern States, to all of the rest of the country, including my own State; and I gather from the remarks of the Senator from Wyoming that he has no objection, either, to these provisions now applied to the seven Southern States applying tc his State. Is that correct?

Mr. HANSEN. The Senator is entirely correct. I supported legislation in this body only a week ago that I think clearly had the thrust that the laws of this country should be enforced and applied uniformly throughout all of the 50 States. I see no reason at all, any longer, to single out any area, region, or single State for the particular application of a Federal law. If it is good enough in Florida or Wyoming, it ought to be good enough throughout the entire United States. I certainly agree with the Senator from Florida on that.

Mr. GURNEY. That makes sound sense to me, and I think there are many other Senators who share that view.

Mr. HANSEN. Mr. President, I have discussed with the distinguished Senator from Florida (Mr. GURNEY) and the distinguished Senator from Kansas (Mr. DOLE) the statements made by the distinguished Representative from Virginia (Mr. POFF) which seem to me to have great relevance in the discussion of this amendment in the form of a substitute, the Scott amendment, to the Voting Rights Act of 1965, by which the Senator from Pennsylvania would change the bill that came from the other body and proposes some extensions of sections 4 and 5.

In my judgment, I can find little justification for the proposal by the distinguished Senator from Pennsylvania.

I assume that most Members of this body are familiar with the observations of the distinguished Representative from Virginia. Nevertheless, I felt that it was important and worthwhile that we hear again precisely the arguments he makes, which I think are persuasive, logical, and convincing. I think that people who would view openmindedly and objectively the plight of States such as Virginia could not fail to see the fairness, the justice, and the equity of what the distinguished Representative from the State of Virginia has said.

The Representative footnoted his remarks by inserting in the committee report some additional views that had been made by the Republicans, in the form of a minority report of the Committee on the Judiciary, concerning the Voting Rights Act of 1965. I should like to have the Members of the Senate hear what was contained in that report.

DISCRIMINATION IN APPLICATION OF FEDERAL REMEDIES

The "triggering" provisions of the committee-Celler bill are examples of bewildering complexity. Alternate means are provided for activating the remedies afforded by the bill. One, an "automatic trigger," reaches for large, hard-core areas (secs. 4 and 5); the alternate, a "pocket trigger," applies to other areas where discrimination on account of race or color is found (sec. 3). The original bill considered in subcommittee contained only the first of these, a formula-based provision predicated on the premise that the combination of low voter participation (or registration) in a State which required a voter literacy qualification indicated the presence of racial discrimination. The application of the bill was limited to seven States.

Republicans resisted limitation of this important legislation to such narrow bounds; the overwhelming majority of witnesses who appeared in support of the bill were critical of the restricted application; even the Attorney General conceded that other areas of discrimination should be included (subcommittee transcript, p. 69). We were gratified when this serious deficiency was acknowledged by addition cf alternative triggering means. But those who expect or infer increased flexibility from the new provisions are misled and will be disappointed for, in practical application, the "pocket trigger" hardly goes beyond the present law. It does not remove the chief and acknowledged shortcoming which now requires court action before any remedy is available. These mechanical inadequacies are fully discussed later in this report at section 3(a).

The overall defect of committee-Celler bill's triggering provisions is inescapable: it attempts to remedy discrimination by discriminatory means. The percentage formula is based on figures which have nothing to do directly with ratios of white to Negro voters (subcommittee transcript, pp. 48, 91, 289). It is obvious that a target for the bill was selected before the means to reach the mark were devised.

A State is selected and condemned regardless of the inclusion of many counties or parishes deserving of commendation for the progress they have made, and the irreproachable conditions they have produced. Since application of the bill is frozen by the state of injustice as of November 1964 and born of past evils, it cannot adjust to the future: States not presently reached can enact and enforce discriminatory laws and devices and remain outside effective coverage of the majority bill. What end is usefully served by this legislative indictment?

Citizens deprived of the voting rights on account of race or color in 135 counties in Texas where less than 50 percent of eligibles voted will get no immediate assistance from the majority bill. They must wait for the Justice Department to bring suit, for assurance of their rights has been left to means the Attorney General has described as restricted to "the tortuous, often-ineffective pace of litigation" (subcommittee transcript, p. 9). The aim of effective legislation should be the effective relief of the individual voter at the voting district level.

Suspension of State sovereignty and disqualification of the Federal courts

Inseparably bound up in the triggering provisions are two innovations which should be of primary concern to all who are sworn to uphold the Constitution and our Federal system. The first of these is a provision, once the committee-Celler bill is triggered, that no new election law, rule, regulation or resolution of a State or subdivision thereof may be put into effect without the prior approval of a Federal court or the Attorney General. The second proposition is that a State or political subdivision, covered by the automatic trigger, must come to the District of Columbia to quash the bill's indictment or, failing this, to get approval for its new election laws. This same forum must be utilized to correct the actions of any Federal officer or employee (examiners, hearing officers, and observers) who are sent to implement its provisions (sec. 14(a)). For neither measure is there a precedent, save among dangers of overextension of Federal power cataloged by the Founding Fathers (subcommittee transcript, p. 560).

While recognizing the problems that have been encountered in certain district courts, we should not abandon the traditional concept that a court decision properly should be made in the jurisdiction where the cause of action arises. To disqualify all Federal courts save those of the District of Columbia from hearing cases brought by the States under these laws was characterized by the chairman himself as "harsh" law (subcommittee transcript, p. 62). We would add to "harsh" unnecessary. We are not destitute of hope that the only possibility of reform lies in the Congress of the United States. Internal disciplinary resources of the judicial branch have not been effectively used, as yet, in the opinion of studious observers. See "Comment, Judicial Performance on the Fifth Circuit," 73 Yale Law Journal 90 at 133 (1964). And other authorities intimately involved with the problem have suggested that not only the pace but the effectiveness of a local court action has improved and will continue to improve now that basic standards have been set up by the appellate courts. (Subcommittee transcript, p. 308, February 1965 statement of Burke Marshall.)

The end to be achieved is hardly worth the affront to the doctrine of separation of powers contained in this thoroughly mischievous precedent. The measure cannot be justified on grounds other than mistrust of southern district judges.

The District Court for the District of Columbia already has a huge backlog of over 4,000 civil cases.[8] With the median time of 28 months required from the time of filing an action in this court to the disposition after trial,[9] this provision of the committee-Celler bill will contribute to a long delay in the hearing of such cases. In the meantime, State voter qualifications and standards are suspended without relief. If such drastic effects must be visited upon the States involved, resolution of this class of cases should be handled expeditiously. If the automatic trigger and its abrasive, built-in ramifications must be imposed upon selected States, would it not be fairer to provide for a three-judge district court, or even circuit

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[8] Quarterly report of the director of the administrative office of the U.S. courts, table C–1 (1965).

[9] Annual report of the director of the administrative office of the U.S. courts, table C–5 (1964).

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court, sitting locally to hear cases arising under this act? We deplore the unprecedented requirement that an affected State or subdivision must come to a single court sitting in the Nation's Capital to absolve itself of an automatically presumed guilt.

To add to this disqualification of the local courts the nullification of expressly granted State sovereignty—which is inherent in the bill's presumption of the irregularity of State voting laws, and the rules, regulations, and resolutions of its subdivisions—is unthinkable. We regard it as a proscription without justification. The immediate access to more appropriate legislative means to avoid continued obstruction by a few State legislatures or local governing bodies is fully discussed in section 3(b).

Automatic trigger of the committee-Cellar bill.—The committee-Cellar bill's 50 percent voter-registration test, or automatic triggering device, being retrospective in viewpoint, does not consider the actions of a State or political subdivision in the present, but rests upon past occurrences. Despite the gross injustices perpetrated by some individuals and governmental bodies, we find the creation of penalties today, to be applied in the form of indictments for yesterday's sins, to be philosophically undesirable, especially in the light of the delicate Federal-State relationship and the constitutional issues involved. There is no opportunity open to all for the redemption of wrongdoers. Good faith compliance with the spirit and letter of the law after passage of this voting rights bill would be of no avail.

The "numbers game" approach, obviously designed to hit a pre-designated target, is clearly an arbitrary device unless we are to believe that, without evidence, without a judicial proceeding or a hearing of any kind, a contrived mathematical formula is capable of fairly delineating those States that discriminate on account of race or color and those that do not. As noted earlier, it is conceded by the committee-Celler bill's proponents that the figures used do not purport to show a proportionally low ratio of Negro to white registrants or voters which might reflect a pattern of racial discrimination. In fact, discrimination prohibited by the 15th amendment could continue untouched under the formula so long as 50 percent of the voting age population on November 1, 1964, was registered or voted—even if they were all whites. We find it to be quite illogical to declare, on the basis of the formula, that Louisiana is guilty of discriminating since it had only 47.3 percent of the eligible population voting in the 1964 election, while Hawaii with 52 percent voting is deemed innocent (subcommittee transcript, p. 29). Meanwhile, Texas escapes censure, although it had only 44 percent participation. Yet, as a result of this arbitrary calculation, a State's voting qualifications are suspended until it comes to a selected court in the District of Columbia and establishes the fact that its "tests and devices" were never used during the past 5 years to deny or abridge the right to vote.

The fair and effective enforcement of the 15th amendment calls for precise identification of offenders, not the indiscriminate scatter-gun technique evidenced in the 50-percent test. Where local election officials practice discrimination, a Federal remedy should be readily available to be swiftly administered even if 99 percent of the eligible voters are properly registered or voted. However, the committee-Celler bill with its 50-percent test would engulf whole States in a tidal wave of Federal control of the election process, even though many of the counties or parishes within that State may be acknowledged by all to be absolutely free of racial discrimination in voting. In South Carolina, for example, it was admitted by the Attorney General, as it had been by his predecessor, that a large portion of the State is free of any such wrongdoing (subcommittee transcript pp. 114–117). Yet here, as in other States, the innocent as well as the guilty must suffer the same humiliation and deprivation of traditional State and county authority over the conduct of elections.

The statistical test is a faulty barometer of discrimination since it ignores the political facts of life in the South. Although progress is being made to restore a healthy two-party system, this region still suffers from the voter apathy that accompanies traditional one-party domination.[10] It is little wonder that, where winning the Democratic party primary has been tantamount to election, voter turnout in the November election is less than vigorous. Moreover, in several of the States affected, low voter participation is further engendered by the fact that in many areas, the election of local officials does not coincide with the presidential elections.

The percentage test of the committee-Celler bill creates a further inequity which, to our knowledge, defies remedy. It is widely known that many of the personnel stationed at our military bases in this country, and their dependents, are registered and vote in States other than those of their duty assignment. Yet, they as well as aliens, prison inmates, incompetents and students are counted by the Bureau of the Census as a part of the total voting age population of the State and county in which they temporarily reside. It is obvious that their inclusion in such population figures will work to the detriment of that locality under the reported bill. Unfortunately, there is no reasonably accurate data available to indicate the number of eligible persons temporarily residing in one State who are registered and participating voters in their home State or subdivision.

Finally, we view with much concern the broad discretionary powers placed in the hands of the Attorney General by this triggering provision of the bill. Without suggesting any criticism of the present incumbent, we foresee a multitude of opportunities for political manipulation by an Attorney General who is inclined to do so. This is especially true since in recent times several Attorneys General, Republican and Democrat, have been closely tied to the political campaigns prior to their taking office. Of all the grants of authority to the Attorney General under the administration bill, including the ability to consent to the entry of declaratory judgments and to call for the appointment of examiners and election observers, it does not require a great deal of imagination to see that the authority to approve or disapprove State laws stands out as the power most subject to abuse. This threat, as well as many of the other problems inherent in this bill, would be eliminated by adopting machinery that starts through the initiative of those people who need help to secure the franchise rather than depending upon a federally actuated authority that presupposes the guilt and bad faith of selected parts of the country on the basis of an arbitary and irrelevant test.

Mr. HRUSKA. Mr. President, will the Senator from Wyoming yield?

The PRESIDING OFFICER (Mr. Miller in the chair). Does the Senator from Wyoming yield to the Senator from Nebraska?

Mr. HANSEN. I yield to the Senator from Nebraska.

Mr. HRUSKA. The Senator from Wyoming has been giving us some interesting material and I am sure that it will be helpful in our deliberations.

May I ask the Senator from Wyoming, is he prepared to yield the floor?

Mr. HANSEN. I am.

Mr. HOLLAND. Mr. President, will the Senator from Nebraska yield for one question?

The PRESIDING OFFICER (Mr. Hansen in the chair). Does the Senator from Nebraska yield to the Senator from Florida?

Mr. HRUSKA. I am glad to yield to the Senator from Florida provided that I do not lose my right to the floor.

The PRESIDING OFFICER. The Senator from Nebraska has a right to yield for a question.

Mr. HOLLAND. I would ask the Senator, does it not seem rather ludicrous to my friend from Nebraska that district judges throughout the Southern States are permitted to sit and decide and enter decisions and rulings on such intimate matters as segregation and desegregation in the schools, and violence in connection with civil rights incidents, of violence as between persons of various colors, and every other type of civil rights matter, and yet are held to be, under this legislation, incapable of deciding whether their State, or a county within their State, has operated in such a way as to get out from under the prohibition earlier required, or an adverse ruling earlier made, under the existing legislation against that State or county? Is that not a completely incongruous situation?

Mr. HRUSKA. Mr. President, in reply, I would say yes. In my judgment, it is incongruous. And it is rather ludicrous. It is 5 years ago that a procedure of that kind should have been resorted to and was resorted to because of the situation then controlling. But certainly that time has now passed, and the need for legislation which will be national in character and will be of uniform application to all States of the Union is clearly indicated.

Mr. President, I might say that it will be my purpose before I yield the floor to make a motion to table the pending business, which I understand to be that of the amendment by way of a substitute proposed by the Senator from Pennsylvania and the Senator from Michigan.

Mr. KENNEDY. Mr. President, will the Senator yield at this time without losing his right to the floor?

Mr. HRUSKA. I yield for a question.

Mr. KENNEDY. Mr. President, would the Senator be kind enough to permit a quorum call prior to the motion?

Mr. HRUSKA. By all means. Let me say that it will be my purpose to allow any questions or any short colloquies to occur by those who might have occasion to comment one way or the other on the proposed motion to table, all subject, of course, to my not losing my right to the floor.

I am aware of the nature and the implications of a motion to table. And I put it in this form. It is a time-honored practice, something that in my observation says in advance that one intends to make a motion.

But if anyone wants me to yield for a brief question or statement, I will be happy to do so within reasonable limits, subject to the limitation that I not lose my right to the floor.

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[10] Subcommittee transcript 543–545; Report of the President's Commission on Civil Rights, pp. 1, 24 (1963), Commission on Civil Rights, with Liberty and Justice For All 46 (1959).

I will make a brief statement of the reasons why this motion to table is being made, and then I will invite such comments as may be made.

Mr. President, pursuant to the suggestion of the Senator from Massachusetts, I ask unanimous consent that a brief quorum call be engaged in at this time, without my losing my right to the floor.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HRUSKA. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HRUSKA. Mr. President, a little bit ago I stated that before I yielded the floor I would expect to make a motion to table the pending amendment, which is the amendment proposed by the Senator from Pennsylvania and the Senator from Michigan, as I understand it, by way of a substitute.

Before making that motion I wish to make a brief recital of the reasons why I do so, and then I shall afford an opportunity to my colleagues who might want to make a brief statement or ask questions of me, within a reasonable limitation. When a reasonable time has expired, or if there are no further comments or questions or further colloquy, it would be my purpose to make the motion to lay on the table.

This procedure, of course, is one resorted to time and time again. The principals in this debate, so far as the pending business is concerned, have been advised in advance of this procedure. Now, I shall go into the matter of outlining the reasons why the motion is contemplated and why I shall make it.

The PRESIDING OFFICER. The Senate is not in order. The Senator will suspend. The Senate will be in order.

The Senator may proceed.

Mr. HRUSKA. Mr. President, we have completed about 4 days of debate on the proposition before us. The record is a good one and it is quite complete. I imagine we are very near to reaching the point where we would consider amendments which have been filed and which are ready to be called up to the bill itself or to the pending amendment in the nature of a substitute.

It is my understanding that a large number of amendments are at the table and, in due time, Senators who have introduced those amendments will call them up and they will be considered. It will mean lengthy debate and consideration; and it will mean a great number of rollcall votes, I presume, before the list of those amendments is called up and disposed of.

I imagine all of us are interested in the best use of our time in this Chamber. There is much to be done before we consider sine die adjournment. Sine die means we should pay some attention to getting some of the necessary legislation out of the way and disposed of.

It would seem to be in the interest of the best use of our time to consider a motion to table to find whether or not the bulk of the Members of this body are of a mind to agree to either one broad road or another broad road toward reaching some conclusion in the matter of extension or modification of the Voting Rights Act.

The vote on this motion to table may or may not decide or settle the issue but it will give us some indication on which of these roads we are to go. One road, of course, would be to say we want to use the vehicle of the pending substitute in order to subject it to the amendatory process; the other road would mean we do not want that road, but that we want to work out of the administration bill. That is the basic question before the Senate; it is not the pending one but it is the basic question.

There are, of course, the many points of distinction between the two. The administration bill has for its purpose not a renewal of the Voting Rights Act in its present but, rather, in a form that would allow of a nationwide and uniform application of whatever provisions are contained in it, as opposed to having a law on the books which will apply to a region and which will be applied on a different basis to the other 43 or 44 States involved. That is one of the cardinal provisions of the position of the administration point of view; namely, that there shall be uniform application in all 50 States of whatever statute we have on this subject. I shall not go into the matter of the substance of those provisions. They have been debated. I presume all Senators are familiar with them.

Now, is there a middle ground between the pending substitute and the administration bill proper? There may be, Mr. President. Yet I imagine the middle ground, if there is one, can be explored in the light of the vote on the motion to table; and I imagine the size of the vote on one side or the other will have something to do with indicating one way or another.

The schedule of work ahead, I need not remind Senators, is heavy. We understand from information we received a little earlier this week, that there are hearings before 11 subcommittees on appropriation bills in the other body. That would seem to indicate that we are going to get a pile of work real soon; and I imagine it would be to the interest of all of us to clear the decks so that we can get at these things.

Another important matter is the nomination of Judge Carswell as a Justice of the Supreme Court. Since last May we have had a court which is not complete in membership in that it has only eight members. I have an idea that some of the important landmark cases in that Court are being held in abeyance until the full membership is qualified and ready to sit.

It is not fair to get into that type case without a full court. It is not fair to the litigants, counsel, or the Court, and it is not fair to the Nation because the opinions and decisions rendered there will apply to all Americans.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. HRUSKA. I yield.

Mr. MANSFIELD. Mr. President, I notice that the distinguished Senator from Nebraska at the beginning of his remarks and again just now has made reference to the heavy workload which confronts the Senate and the need to get our work done if we are going to adjourn sine die, hopefully, around Labor Day. I want to agree with the remarks made by the distinguished Senator and point out that the Senate is pretty well upon its work; that three Subcommittees on Appropriations in the Senate have been meeting. The Senator knows we have to wait upon the House before any final action can be taken by the full committee or in this body.

But in an attempt to accommodate the Senator I wonder if the Senator would be willing to consider the possibility of a time limitation on all amendments and amendments thereto after the tabling motion is disposed of. I make this suggestion basically on the remarks made by the Senator but also in accord with his views that we ought to expedite legislation as much as possible.

Frankly, we would like to take up the Judge Carswell nomination just as soon as this bill is out of the way.

I agree with the Senator that it does not do the Court much good to operate with an eight-man Court when nine are called for.

I agree also with his assumption that, very likely, some landmark cases—at least, decisions affecting them—are being held back until the Court has a full complement.

So again I raise the question, Will the Senator and those who may be willing to consider the possibility of a time limitation after the motion to table, which will be made shortly, is disposed of?

Mr. HRUSKA. Mr. President, I suppose that question would be renewed after the vote on the motion to table. I would not undertake to speak for more than one Member of this body. I would consider seriously a time limitation in due time, depending on where we go on this motion to table. If we are going to go back to the principal bill or some substitute that will have a greatly different substance than the present substitute, I imagine that ought to be properly explaned in general debate before we get into the matter of a time limitation. But subject to that, the Senator from Nebraska would be very receptive to some sort of limitation when the due time comes.

Mr. MANSFIELD. Mr. President, if the Senator will yield further, I just raised the question. This is the fourth day on this bill. I hope we can dispose of it in due time. When that due time will be, will, of course, be the will of the Senate, but I do think, in view of the Senator's remarks, reiterated, that at least it is worthwhile raising the question of a limitation of time now. Whether or not we get it, of course, is up to the Senate as a whole.

Mr. HRUSKA. That is very likely. To make a decision or conclusion upon that now, it seems to me, would be operating in a vacuum at this time.

Mr. MANSFIELD. No. I just asked if he would be receptive and if those in accord with his views would be receptive to such

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a limitation after the tabling motion is disposed of.

Mr. HRUSKA. My answer is "yes," I would be receptive, depending upon the development of this situation, and would give it a response.

I say again if any Senator has any questions or wishes to engage in a colloquy with the Senator from Nebraska or any other Member of the Senate, I shall be happy to yield at this time, subject to the understanding that the Senator from Nebraska will not lose his right to the floor.

Mr. SCOTT. Mr. President, will the Senator yield?

Mr. HRUSKA. I am happy to yield.

Mr. SCOTT. Mr. President, we have heard here a considerable amount of discussion in good spirit, in good faith, with all respect to each other's point of view, a discussion and a citation of examples tending to establish the fact that, because there are more people now registered in many States than there were some years ago, this has resulted in the election of people, without regard to race, to various offices, municipal and otherwise. All of this citation comes from those who are opposing the Hart-Scott substitute.

Yet all it seems to me to say is that the voting rights bill is working so well, let us do away with it. I find it a little difficult to follow.

I say this absit invidia, but, nevertheless, because the opponents are making the point, to illustrate the need for retention of section 5—which is the major difference between the Hart-Scott substitute and the House bill; the major difference, in other words, between the majority report signed by 10 of the 17 members of the Committee on the Judiciary, including most of the members on this side, a report which is approved by 10 or 11 of the 17 members of the Committee on the Judiciary, as will eventuate, I am sure, is indeed a majority report.

The House bill became the House bill by a margin of only five votes, a margin actually smaller in the entire House than the margin of difference in a single Senate committee.

I say the need for the mention of section 5 in the substitute has been demonstrated because of repeated legislative efforts by the covered States to disfranchise some of their voters through a variety of devious and sophisticated means. I do not mean changing registration or filing fees from a dollar or more. They have included limiting school candidates to freeholders of $5,000 real property or more, raising filing fees, switching to at-large elections to prevent election of Negro officeholders, reimposing literacy requirements in new disguises, making certain elective offices appointive to prevent election of Negro candidates, and even refusing to qualify for office duly elected Negro candidates.

In addition, the House bill would transfer section 5 enforcement to the courts and require the Department of Justice to bring the necessary cases in a Federal district court in the State involved.

Under the substitute provision and under the present bill, in fact, cases are brought in the District Court for the District of Columbia, where a uniform standard can be applied fairly, in a single forum.

As the chairman of the Judiciary Committee and as the Representative from Ohio, Mr. McCULLOCH, the Republican ranking member, have urged in the other body, to use a different standard, including the use of later statistics, would indeed gut the Voting Rights Act where it is needed most and as effectively as if it had not been extended at all.

The argument offered that Congress set a standard of 50 percent registration and voting, which the covered States have now met—and, therefore, that they should not be "penalized" further—is superficially appealing, but does not withstand a moment's careful examination.

The means for triggering the suspension of tests and devices in section 4(b) were chosen because they were valid indications of abusive practices which violated the 15th amendment. They were not intended as a measure of an adequate level of political enfranchisement, as has been argued here. Nor did Congress find, when it enacted the means for determining coverage under section 4(b), that this same percentage would also serve as a criterion for determining when past discriminatory practices had been sufficiently eradicated to warrant removing the safeguards which had made progress and improvement possible.

It seems to me that when the safeguards have made the improvement possible, the removal of the safeguards would indicate reversion to undesirable practices; that, as has been said a number of times, the success in registration has come because of the law, and certainly not in spite of it. And if the law has worked so well, as so many opponents argue, I return again to the simple logic of the question, "Why not extend it?" In fact, as one said to me, who probably is opposed to my amendment, "Having lived with this for 5 years, continued living with it should not be difficult," and I assume he had in mind because, after all, it is working.

Now, after the motion to table has been disposed of—and I am opposed to the motion to table and I hope it will be defeated—if it is defeated I am perfectly willing to listen to any arguments with an open mind as to how one might preserve the benefits of prior clearance, as to how one might preserve the existence of the protection of the right of registration, and still enlarge the features of the bill to have national application.

If there are violations in my city of Philadelphia that would fall under this measure, or in any other part of the United States, I would be glad to hear of them, and I would be glad to see what could be done about them. But I could not be in favor of the elimination of the prior clearance provision or the maintenance of the burden of proof upon the States or communities, rather than to require the Attorney General to institute hundreds and perhaps thousands of suits on his own volition, with all the pressures that would be against any Attorney General under any administration not to institute such suits, to go slow, to allow these matters to settle themselves, to wait until the dust settled, to honor the mores of the community, to consider that conditions are just as bad somewhere else, so why try to remedy them here—I have heard all those arguments for 27 years. I am no more impressed with them now than I was when I came here.

This may be—and again I recognize this with the same caution with which I speak, absit invidia, without meaning to give offense; but I believe that any law as good as this one, where there seems to be such unanimity of approval by the people to whom it applies, ought to be retained. Therefore, I urge that the motion to table be defeated.

Mr. MATHIAS. Mr. President, will the Senator from Nebraska yield?

Mr. HRUSKA. I yield, with the stipulation that I not lose the floor.

Mr. MATHIAS. Mr. President, I simply wish to say that I find myself in a measure of agreement with both the distinguished Senator from Pennsylvania and the distinguished Senator from Nebraska. I agree completely with the Senator from Pennsylvania that this substitute is a very necessary addition to the bill, without which it will not be very significant. I agree with the Senator from Nebraska that the House-passed bill does provide an equal and uniform treatment for the whole country.

But if I may say so very respectfully, that uniformity and that equality, in any meaningful and significant sense, is simply "doing nothing nowhere," and I feel that the motion to table must be defeated.

Mr. HRUSKA. Mr. President, only briefly will I speak to say that, as far as the statement that inasmuch as the law is working so well it ought to be extended is concerned, I fully agree with that. Let us extend it to the 43 other States, and let the procedures be uniform. As to whether or not, under that kind of a uniform, nationwide law, it will be a lot of doing nothing, that will remain for the Department of Justice and for the courts and the people of this country to determine, just as it is now with reference to only seven States. Those are matters of merit that have to be developed, discussed, talked about, and considered. I do not know that this is the time to get into it.

May I inquire, Mr. President, whether there is any other Senator who might have a question or a brief comment, before the motion to lay on the table is made?

Mr. COOPER. Mr. President, may I ask the Senator a question?

Mr. HRUSKA. Surely. I yield to the Senator for that purpose without relinquishing my right to the floor.

Mr. COOPER. The Senator has suggested that after this vote, in whatever way it might turn out, there may be amendments which will turn the bill one direction or the other. I have not heard all the debate—but has there been any suggestion of making the enforcement procedure under the 1965 act follow a uniform application, all over the United States?

Mr. HRUSKA. Yes, there has been. I think one form of nationwide and uni-

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form procedure will be found in the House-passed bill. There are other alternatives—for example, to allow the Attorney General to be a part of the preclearance process instead of resorting to the courts.

It was the position of the Attorney General, when he testified before us, that it is crossing the lines established by the doctrine of separation of powers to have an appointed political officer passing judgment upon the legislative wisdom of a county board, city council, or State legislature as to whether or not the action of that body is valid. That is a chore for the courts to decide, and not for the Attorney General.

But, to answer the Senator's question, yes, there has been some consideration given, and it has been given in the House-passed bill. There are other forums, and I presume that in due time, regardless of which way the vote on this motion turns out, proposals will be made either to change the substitute bill or to change the administration bill in that regard. So it does not fasten it down. But I believe that a vote on a motion to table will be helpful in order to determine in which general direction we should travel.

Mr. COOPER. The Senator may have misunderstood my question. The question was, as to the enforcement procedures, or the procedures which are now available under the present Voting Rights Act of 1965, whether the application of those procedures all over the United States has been considered.

Mr. HRUSKA. Yes, that has been considered. The present law, for example, enables the Attorney General to go into seven States of the Union to appoint examiners and registrars any time, upon application. If it is a non-Southern State, the Attorney General has to go to a district court and get permission to do such.

The enforcement method in the administration bill is simply that the Attorney General can go into any city, county, or State to have examiners or registrars appointed, with reference to a court, in one instance, and with no court action in another. There are alternatives that have been considered as to both bills.

Mr. SCOTT. And, if the Senator will yield, I would like to reassure the Senator from Kentucky that discussions are going on with regard to how it may be possible to apply these laws nationally.

Mr. HRUSKA. And some of those discussions have occurred since noon today. In any event, they will be continued.

Mr. President, if there is no further comment, question, or colloquy on the part of any of my colleagues, I am prepared to make my motion.

Mr. SPONG. Mr. President, I want the record to be clear that there is much in the pending legislation which I support and believe should be enacted into law.

I believe every citizen should be protected in his right to vote and hold public office without regard to race or color. This is a fundamental and absolute right. If it requires strong Federal legislation to insure that right, then so be it—I will support it.

However, I cannot support legislation which would treat my State unfairly and differently from any other State in the Nation. As I said in a colloquy with the Senator from Michigan (Senator Hart), as well as on yesterday with the Senator from Tennessee (Senator Baker), any legislation in this field should be national in its application.

The vote on this motion comes before there has been an opportunity to amend and correct the pending substitute. I would have preferred it otherwise but given the choice before me, I have no choice but to vote to table the substitute which in its present form is not national in application and is prejudicial to Virginia despite the absence of any evidence to substantiate such treatment.

Mr. HRUSKA. Mr. President, I move that the pending amendment in the nature of a substitute be laid on the table.

I ask for the yeas and nays.

The yeas and nays were ordered.

The **PRESIDING OFFICER.** The question is on agreeing to the motion of the Senator from Nebraska to lay on the table the amendment in the nature of a substitute offered by the Senator from Pennsylvania (Mr. Scott) and the Senator from Michigan (Mr. Hart). On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. LONG. On this vote, I have a pair with the Senator from Wisconsin (Mr. Nelson). If he were present and voting, he would vote "nay"; if I were at liberty to vote, I would vote "yea." I withhold my vote.

Mr. MANSFIELD (after having voted in the negative). On this vote, I have a pair with the senior Senator from Georgia (Mr. Russell). If he were present and voting, he would vote "yea"; if I were at liberty to vote, I would vote "nay." Therefore, I withdraw my vote.

Mr. STEVENS (after having voted in the negative). On this vote, I have a pair with the Senator from Illinois (Mr. Smith). If he were present and voting, he would vote "yea"; if I were at liberty to vote, I would vote "nay." I withdraw my vote.

Mr. FULBRIGHT (after having voted in the affirmative). On this vote, I have a pair with the Senator from Alaska (Mr. Gravel). If he were present and voting, he would vote "nay"; I would vote "yea." I withdraw my vote.

Mr. COTTON (after having voted in the affirmative). On this vote, I have a pair with the Senator from Massachusetts (Mr. Brooke). If he were present and voting, he would vote "nay"; if I were at liberty to vote, I would vote "yea." I withdraw my vote.

Mr. KENNEDY. I announce that the Senator from Connecticut (Mr. Dodd), the Senator from Iowa (Mr. Hughes), the Senator from Minnesota (Mr. McCarthy), the Senator from Montana (Mr. Metcalf), the Senator from Minnesota (Mr. Mondale), the Senator from Wisconsin (Mr. Nelson), the Senator from Georgia (Mr. Russell), and the Senator from Texas (Mr. Yarborough) are necessarily absent.

I also announce that the Senator from Alaska (Mr. Gravel) is absent on official business.

I further announce that, if present and voting, the Senator from Connecticut (Mr. Dodd), the Senator from Iowa (Mr. Hughes), the Senator from Montana (Mr. Metcalf), and the Senator from Minnesota (Mr. Mondale) would each vote "nay."

Mr. GRIFFIN. I announce that the Senator from Massachusetts (Mr. Brooke), the Senator from California (Mr. Murphy), and the Senators from Illinois (Mr. Percy and Mr. Smith) are necessarily absent.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

The Senator from Ohio (Mr. Saxbe) is absent on official business.

The Senator from Kansas (Mr. Pearson) is detained on official business.

If present and voting, the Senator from Illinois (Mr. Percy) would vote "nay."

The respective pairs of the Senator from Massachusetts (Mr. Brooke) and that of the Senator from Illinois (Mr. Smith) have been previously announced.

On this vote, the Senator from South Dakota (Mr. Mundt) is paired with the Senator from Kansas (Mr. Pearson). If present and voting, the Senator from South Dakota would vote "yea" and the Senator from Kansas would vote "nay."

The result was announced—yeas 32, nays 47, as follows:

[No. 82 Leg.]

YEAS—32

Aiken
Allen
Allott
Baker
Bennett
Byrd, Va.
Byrd, W. Va.
Curtis
Dole
Dominick
Eastland
Ellender
Ervin
Fannin
Gurney
Hansen
Holland
Hollings
Hruska
Jordan, N.C.
McClellan
Miller
Prouty
Smith, Maine
Sparkman
Spong
Stennis
Talmadge
Thurmond
Tower
Williams, Del.
Young, N. Dak.

NAYS—47

Anderson
Bayh
Bellmon
Bible
Boggs
Burdick
Cannon
Case
Church
Cook
Cooper
Cranston
Eagleton
Fong
Goldwater
Goodell
Gore
Griffin
Harris
Hart
Hartke
Hatfield
Inouye
Jackson
Javits
Jordan, Idaho
Kennedy
Magnuson
Mathias
McGee
McGovern
McIntyre
Montoya
Moss
Muskie
Packwood
Pastore
Pell
Proxmire
Randolph
Ribicoff
Schweiker
Scott
Symington
Tydings
Williams, N.J.
Young, Ohio

PRESENT AND GIVING LIVE PAIRS, AS PREVIOUSLY RECORDED—5

Cotton, for.
Fulbright, for.
Long, for.
Mansfield, against.
Stevens, against.

NOT VOTING—16

Brooke
Dodd
Gravel
Hughes
McCarthy
Metcalf
Mondale
Mundt
Murphy
Nelson
Pearson
Percy
Russell
Saxbe
Smith, Ill.
Yarborough

So Mr. Hruska's motion to lay on the table was rejected.

ORDER OF BUSINESS

Mr. SCOTT. Mr. President, will the distinguished majority leader yield to me for a question?

Mr. MANSFIELD. I am delighted to yield to the minority leader.

Mr. SCOTT. Will there be any more votes tonight, may I inquire?

Mr. MANSFIELD. No.

Mr. SCOTT. Will there be any tomorrow?

Mr. MANSFIELD. I hope so.

Mr. SCOTT. May I ask whether there will be a Saturday session—perish the thought?

Mr. MANSFIELD. No.

Mr. SCOTT. I thank the Senator from Montana.

VOTING RIGHTS ACT AMENDMENTS OF 1969

The Senate continued with the consideration of the bill (H.R. 4249) to extend the Voting Rights Act of 1965 with respect to the discriminatory use of tests and devices.

Mr. BYRD of Virginia. Mr. President, I want to begin my comments on the pending legislation by stating that I believe that every American who qualifies under nondiscriminatory State laws should have the right to vote.

I do not believe, however, that the Federal Government should have the power to dictate who shall and who shall not cast a ballot in any State.

The laws of the Commonwealth of Virginia do not discriminate. So far as I know, there has been no claim that Virginia has discriminated against any voters in its laws.

Nevertheless, under the provisions of the 1965 act, Virginia has been subject to special requirements not imposed on all 50 States. It has been effectively prevented from altering its voting laws and has been unable to employ any tests or devices as requirements for voting, even though such tests have been legally applied in many other States.

Now it is proposed, both in H.R. 4249 and in the Scott-Hart substitute, that illiterates be allowed to vote in any State. Frankly, I doubt the wisdom of permitting illiterates to vote anywhere. However, whatever the Congress decides to do in regard to illiterate voting, most certainly should apply nationwide.

But neither H.R. 4249 nor the pending substitutes would bring equality among the States in their voting procedures.

The Senators from Pennsylvania and Michigan, in debate on the floor yesterday, conceded that their substitute does not remove all the differences among the States. The provisions for Federal examiners and registrars would still apply especially to those States already covered in the 1965 act. These provisions could technically be applied to other States, but as a practical matter, they really are limited to Virginia, Alabama, Georgia, Louisiana, South Carolina, Mississippi, and parts of North Carolina.

I believe strongly that laws enacted by the Congress should apply with equal force throughout the country. I do not think that the provisions for Federal examiners should be extended to all States—on the contrary, I believe that they should not apply in any State.

However, if these burdensome provisions of the law are to apply anywhere, they should apply everywhere.

AMENDMENT NO. 534

Mr. ERVIN. Mr. President, I call up my amendment No. 534 and ask that it be stated.

The PRESIDING OFFICER (Mr. BURDICK in the chair). The amendment will be stated.

The ASSISTANT LEGISLATIVE CLERK. Add a new section, appropriately numbered, as follows:

SEC. . That section 4(b) of the Voting Rights Act of 1965 is amended by striking "November 1, 1964" wherever it appears and substituting therefor "November 1, 1968", and by striking "November 1964" and substituting therefor "November 1968".

Mr. ERVIN. Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. ERVIN. Mr. President, now I should like to have the attention of the distinguished majority leader.

I do not care to argue this amendment this evening except to say that it proposes to change the time of operation of the triggering device from 1964 to the latest presidential election, 1968.

I should like to suggest to the majority leader that I am perfectly willing to agree to a time limitation on this amendment, with 10 minutes to a side, to be voted on after the conclusion of morning business tomorrow.

UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, before the distinguished Senator from North Carolina (Mr. ERVIN) changes his mind, I ask unanimous consent that on amendment No. 534, there be a time limitation, to be equally divided between the Senator from North Carolina and the minority leader, or whomever he may designate.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana?

Mr. ERVIN. With that, Mr. President, I will yield the floor.

Mr. HART. Mr. President, reserving the right to object, what was the time on that?

Mr. MANSFIELD. Twenty minutes, 10 minutes to a side.

Mr. ERVIN. This is the amendment that would change the time for the operation of the triggering device from the presidential election of 1964 to the presidential election of 1968. I think that every person who believes that a person should be tried only on the last evidence against him would be willing to vote for this amendment and it should be agreed to.

Mr. MANSFIELD. The vote would occur after morning business tomorrow.

Mr. HART. That is all right with me. I have no objection.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered.

The unanimous-consent agreement reduced to writing is as follows:

Ordered, That debate on amendment No. 534 by Senator Ervin of North Carolina to the Scott amendment (No. 544) in the nature of a substitute for the bill (H.R. 4249) to extend the Voting Rights Act of 1965 with respect to the discriminatory use of tests and devices, be limited to 20 minutes to be equally divided and controlled by the Senator from North Carolina (Mr. Ervin) and the Senator from Pennsylvania (Mr. Scott), with the time beginning to count after morning business on March 6, 1970.

AMENDMENT OF RAILROAD RETIREMENT ACT—HOUSE CONCURRENT RESOLUTION 527

Mr. EAGLETON. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on House Concurrent Resolution 527.

The PRESIDING OFFICER laid before the Senate House Concurrent Resolution 527, to amend the Railroad Retirement Act of 1937 and the Railroad Retirement Tax Act, to provide for the extension of supplemental annuities and the mandatory retirement of employees, and for other purposes.

Mr. EAGLETON. Mr. President, I ask unanimous consent that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Missouri?

There being no objection, the Senate proceeded to the consideration of the resolution.

Mr. EAGLETON. The purpose for this resolution is to amend the title of H.R. 13300, a bill agreed to today by the Senate and the House. The title of the bill as passed states that it provides for the mandatory retirement of railway workers. Since this feature of the bill was deleted by the conference committee, this resolution would direct the enrolling clerk of the House to amend the title accordingly.

The PRESIDING OFFICER. The question is on agreeing to the concurrent resolution.

The concurrent resolution (H. Con. Res. 527) was agreed to as follows:

H. CON. RES. 527

Resolved by the House of Representatives (the Senate concurring), That the Clerk of the House of Representatives, in the enrollment of the bill (H.R. 13300) to amend the Railroad Retirement Act of 1937 and the Railroad Retirement Tax Act to provide for the extension of supplemental annuities and the mandatory retirement of employees, and for other purposes, is authorized and directed to strike out the title and to insert in lieu thereof the following: "An Act to amend the Railroad Retirement Act of 1937 and the Railroad Retirement Tax Act to provide for the extension of supplemental annuities, and for other purposes.

POLLUTION IN MONTANA

Mr. MANSFIELD. Mr. President, in the papers of Montana, there has been a good deal of discussion and talk this year relative to pollution, air and water control, pesticides, environmental control, and how these factors affect the flora and the fauna and the health of the people.

Some of this discussion has had to do with the plans of the Anaconda Co. and a proposed development in the Huddleston area in the Lincoln country, a proposed development in the Stillwater

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country, a situation which had developed in the Anaconda lumber plant at Bonner, Mont., outside of Missoula, and also the question of effluent emissions from the Anaconda aluminum plant at Columbia Falls.

Because of my interest in antipollution measures and my interest in trying to preserve the environment, and because of my belief of the great danger which pollution and all of its attributes can cause and the need for proper consideration, I directed a letter on February 11, 1970, to the State of Montana Land Board, whose members include the Honorable Forrest Anderson, Governor, the Honorable Frank Murray, secretary of state, the Honorable Robert Woodahl, attorney general, and Mrs. Dolores Colburg, State superintendent of public instruction and Mr. Ted Schwinden.

In that first letter, I express my concern about the situation which was in the process of development; and I asked the board to give this sensitive issue, the question of pollution and disfigurement of the environment as it affects the Anaconda Co.'s projects and proposed projects in the State, their immediate and their closest attention at a meeting which was to be held in the State capitol at Helena on February 20.

That meeting, for some reason, was postponed.

In the meantime, I contacted Mr. Henry Gardiner, vice president of the Anaconda Co. I explained to him my interest and the interest of my colleagues, the Senator from Montana (Mr. METCALF), Representative MELCHER, and Representative OLSEN.

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He said he would take my question up with the Anaconda headquarters in New York. He did so, and then he called me and said he was coming to Washington and asked if I would care to meet with them and some of his associates who had been discussing my interest in Anaconda's operations or proposed operations in Montana.

I said that I would be delighted to meet with the group. On the basis of the meeting with the Montana congressional delegation in my office, I sent out a telegram, detailing the results, to the Associated Press, Helena, Mont.; the United Press International, Helena, Mont., Dale Burk, of the Missoulian, at Missoula, Mont.; Bill James, of the Tribune, at Great Falls, Mont.; Burl Lyons, of the Daily Interlake, at Kalispell, Mont.; Dwayne Bowler, of the Billings Gazette, at Billings, Mont.; and George Remington, of the Independent Record, at Helena, Mont.

I did so in order that the results of that meeting could be given the widest dissemination and also so that as far as the Montana congressional delegation was concerned all of the cards could be laid on the table.

Then, on February 27, I sent another letter to the State of Montana Land Board. I also sent them copies of the telegrams that had been sent, so that they would have the information at the meeting which was to take place on March 2.

What the results of that meeting have been, I do not know. But I hope sincerely—and I speak for the full Montana delegation—that these matters were gone into in detail, not only as they affect the Huddleston-Lincoln area, which includes Alice Creek, and which affects the Black Foot River, but also the aluminium plant at Columbia Falls, and incidentally the proposed development of the Anaconda Co., a long way down the road, in the Stillwater country.

In that way, the people of Montana would be aware of what the situation is, as the congressional delegation understood it and what was discussed.

Mr. President, I ask unanimous consent that the correspondence and telegrams to which I have referred be printed at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

WASHINGTON, D.C.,
February 11, 1970.

Hon. FORREST ANDERSON,
Hon. FRANK MURRAY,
Hon. ROBERT WOODAHL,
Mrs. DOLORES COLBURG,
State of Montana Land Board,
Capitol Building,
Helena, Mont.

DEAR MEMBERS OF THE BOARD: A general preoccupation with the problems of environment, air and water pollution, and the preservation of Montana's fish and wildlife and scenic resources, prompts me to urge that these matters be given prime consideration in reviewing the Anaconda Company's request for an easement on state school trust land in the Lincoln area.

I am among the first to support and promote economic development. It is important that we move ahead in these areas, but this should not be done at the expense of the state's basic resources. There are far too many instances of disregard for human and ecological consideration. A state like Montana, with its size and relatively small population, has far too many examples of smog, polluted rivers and streams, and general disregard of ecological values, all in the name of progress. I am convinced that industry and government have sufficient technological know how to preserve the land, and control pollution.

It is with these thoughts in mind that I ask that the State Land Board give this sensitive issue its immediate and closest attention at the meeting on February 20. I would appreciate receiving a report on the results of the deliberations.

With best personal wishes, I am,

Sincerely yours,

MIKE MANSFIELD.

FEBRUARY 27, 1970.

The Montana congressional delegation has just had a meeting with Henry E. Gardiner, vice president, Anaconda Co., Washington; Richard Steinmetz, Jr., vice president, counsel and secretary, Anaconda Aluminum Co., Louisville, Kentucky; Joseph Woodlief, president, Anaconda Aluminum Co., Louisville, Kentucky; Frank J. Laird, Jr., director of Environmental Engineering, Anaconda Co., Butte; R. Lewis Brown, Jr., director of industrial relations, Anaconda Co., Butte; Charles Schwab, vice president of the Anaconda Co., director of North American Operations, New York at which time we discussed the Huddleston Project and its relation to Alice Creek and the Blackfoot River in the matter of their protection. Anaconda officials met also with Governor Anderson who was in Washington attending the National Conference of Governors.

The Huddleston area in the Lincoln country is still under study and the Anaconda officials assured us that there would be no pollution, the water would be clear and the environment protected.

Last month they met with forest service, board of health, fish and game and State water pollution board in Helena and they also met with Lincoln delegation. No definite decision has been made on developing the Huddleston property but drilling and other exploratory activities are still in progress.

The proposed copper-nickel development in the Stillwater country was also discussed and there are no specific plans for development at this time. The area is still in an exploratory stage and any decision is some distance down the road. There are no specific plans for development as yet. However officials assured us that they did have a meeting in Billings three weeks ago with officials of forest service and appropriate agencies of Montana and Wyoming to discuss the subject in general.

Anaconda Company assured us they would comply with all air and water laws if anything does develop in the Stillwater area and also in all their other properties in Montana. The officials indicated there was no water pollution problem at the Columbia Falls aluminum plant but that fluoride emissions has caused air pollution and they are endeavoring to improve Columbia Falls plant to cut down emissions.

They are making progress. They are aware of the problem. They have carried on their own research in this respect and will continue to do so because as they indicated there is no simple answer. They stated they would like to conduct joint studies on this problem in and around Glacier park with the park officials and the national air pollution control administration of HEW.

They also informed us that they would cut down pollution at the Bonner plant and that the two teepee burners will be taken out and a steam plant installed which would be much more effective, cut down emissions and will comply fully with Montana law.

The Montana delegation stressed the significance and importance of the need for action. The Anaconda Company officials indicated a willingness to do everything possible and to comply fully with the law. We anticipate that more details will be forthcoming when the land board meets to consider the Alice Creek drainage on Monday next.

We impressed upon the Anaconda officials our deep and personal interest in the prevention of pollution, in the prevention of disfigurement of the environment and of the need for all possible action to protect the flora and fauna as well as the health of the people. They indicated a concern and an interest as well.

Regards,

MIKE MANSFIELD.

FEBRUARY 27, 1970.

Hon. FORREST ANDERSON,
Hon. FRANK MURRAY,
Hon. ROBERT WOODAHL,
Mrs. DOLORES COLBURG,
State of Montana Land Board,
Helena, Mont.

DEAR MEMBERS OF THE BOARD: Following up my letter of February 11 to the Land Board regarding the Anaconda Company's request for an easement on state school trust land in the Lincoln area, I am enclosing a copy of a telegram—press release issued today summarizing a meeting with the Montana Congressional delegation and the officials of the Anaconda Company.

The purpose of this meeting was to seek assurance from the Company that their plans included recognition and compliance with water and air pollution control regulations. We discussed Anaconda activities at four different points in Montana: Stillwater County; Bonner; Lincoln-Huddleston; and Columbia Falls. In each instance the Anaconda representatives assured us that they were well aware of environmental considerations and were in the process of implementing the necessary control measures or had already complied with existing State air and water pollution requirements.

I am confident that, if all parties work together on these environmental issues, we will be able to have new and expanded industrial development with the necessary protection of our ecological resources.

With best personal wishes, I am,
Sincerely yours,
MIKE MANSFIELD.

TREATY OF EXTRADITION BETWEEN THE UNITED STATES AND NEW ZEALAND, AND TAX CONVENTION WITH TRINIDAD AND TOBAGO—REMOVAL OF INJUNCTION OF SECRECY

Mr. KENNEDY. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from Executive C, 91st Congress, second session, the Treaty of Extradition between the United States and New Zealand; and Executive D, 91st Congress, second session, the Tax Convention with Trinidad and Tobago, transmitted to the Senate today by the President of the United States, and that the treaty and convention, together with the President's messages, be referred to the Committee on Foreign Relations and ordered to be printed, and that the President's messages be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The messages from the President are as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith a treaty on extradition between the United States and New Zealand, signed at Washington on January 12, 1970.

The treaty, the first of a new series of extradition treaties being negotiated by the United States, significantly updates the present extradition relations between the United States and New Zealand by adding a number of new offenses, notably, the offense of aircraft hijacking and offenses relating to narcotics including hallucinogenic drugs. Other provisions more clearly indicate the procedural aspects of the extradition process.

I transmit also, for the information of the Senate, the report of the Secretary of State with respect to the treaty.

I recommend that the Senate give early and favorable consideration to the treaty submitted herewith and give its advice and consent to ratification.

RICHARD NIXON.

THE WHITE HOUSE, *March 5, 1970.*

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the convention between the United States of America and Trinidad and Tobago for the avoidance of double taxation, the prevention of fiscal evasion with respect to taxes on income, and the encouragement of international trade and investment, signed at Port of Spain on January 9, 1970.

I transmit also, for the information of the Senate, the report of the Secretary of State with respect to the convention.

The convention of December 22, 1966 with Trinidad and Tobago relating to double taxation of income ceased to be in force at the end of 1969. Whereas the 1966 convention was limited in scope, the new convention is a comprehensive one which, in general, follows the pattern of bilateral income-tax conventions now in force between the United States and a number of other countries. Some of the provisions reflect the special needs of a developing country.

Among the provisions of special interest are those which relate to the taxation of dividends, interest, royalties, and income from real property and those which relate to exchanges of technical know-how for stock.

Under the new convention, only Trinidad and Tobago assumes an obligation with respect to reduction in withholding tax rates on investment income in order to eliminate a tax barrier to direct investment. The United States would continue to impose its tax at the statutory rate of 30 percent to avoid encouraging an outflow of capital to the United States from Trinidad and Tobago. The maximum rates of withholding by Trinidad and Tobago would be 25 percent on portfolio dividends, 10 percent on direct investment dividends, and 15 percent on interest. The withholding rate on royalties would be limited, on a reciprocal basis, to 15 percent.

The treaty contains a novel provision designed to remove a tax barrier to the flow of technology in a case where a resident of one country transfers patents or similar property rights, technical information, and certain ancillary services to a corporation of the other country in return for its stock. Under the treaty, the taxes of the two countries that would otherwise apply to the transaction may be deferred until disposition of the stock.

This convention is the first to contain a definition of the continental shelf for the purpose of applying the treaty rules to income earned from the exploration or exploitation of natural resources on the continental shelf.

The new convention does not contain a special United States tax incentive, such as an investment credit, to promote United States capital investment in Trinidad and Tobago. In view of the keen interest of the authorities of that country in such a provision, it has been agreed to continue discussions on the subject.

The convention has the approval of the Department of State and the Department of the Treasury.

I recommend that the Senate give early and favorable consideration to the convention.

RICHARD NIXON.

THE WHITE HOUSE, *March 5, 1970.*

VOTING RIGHTS ACT AMENDMENTS OF 1969

The Senate resumed the consideration of the bill (H.R. 4249) to extend the Voting Rights Act of 1965 with respect to the discriminatory use of tests and devices.

Mr. HART. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. HART. Mr. President, what is the pending question?

The PRESIDING OFFICER. The pending question is on the Ervin amendment No. 534 to the Scott substitute amendment No. 544.

Mr. HART. Mr. President, because we shall vote on that amendment shortly after the conclusion of the morning hour on tomorrow, I should like briefly to comment on it tonight.

This will enable those who read the RECORD in the morning to have reported to them the attitude of those of us who support the substitute to the House-passed bill.

The amendment that is now pending changes the trigger in section 4 of the act of 1965 from the 1964 presidential election to the 1968 presidential election. Under this proposal the act would cover those States which maintained literacy tests on November 1, 1968, and in which voter turnout in the November 1968 election was less than 50 percent of the voting-age population. In the remaining literacy test States, any individual county or parish with a voter turnout of less than 50 percent would be covered.

Mr. President, we hope very much that the amendment will be rejected.

The means for triggering the suspension of tests and devices under section 4(b) of the 1965 act were chosen because they were valid indications of abusive practices which violated the 15th amendment. They were not intended as a measure of an adequate level of political enfranchisement. Nor did Congress find, when it enacted means to determine coverage under section 4(b), that this same percentage would serve as a criteria to determine when past discriminatory practices had been sufficiently eradicated to warrant removing the safeguards which had made progress and improvement possible.

The progress in voter registration and turnout demonstrated in the 1968 elections is due to the effectiveness of the suspension of tests and devices, and the use of Federal examiners to list voters when local officials refused to do so under the act, and the requirement that States and political subdivisions submit changes in voting laws to the Attorney General or to the district court that the change does not have the purpose and will not have the effect of denying the right to vote on account of race or color. The efforts by State legislatures to enact new voting laws designed to keep down the number of registered Negro voters since 1965 offer little basis for confidence that the progress shown in 1968 in the covered States represents solid gains which will not be undone by new discriminatory voting practices and procedures.

What States will be covered if 1968 is used? There are 21 States which in 1968 maintained a test or device as a prerequisite to voting. This includes those States in which the test had been suspended by the 1965 act. Of these two had a voter turnout of less than 50 percent. These States are Georgia and South Carolina. In several of the remaining 19 States there are political subdivisions

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in which the turnout rate was less than 50 percent.

If 1968 is used as the triggering year, Mississippi, Alabama, and Louisiana—three consistent offenders prior to the act and whose legislatures since the act have passed the majority of the voting laws objected to by the Attorney General under section 5—will not be covered as States. In addition, 22 counties and parishes cited by the U.S. Commission on Civil Rights in its 1968 report on political participation will not be covered.

These counties and parishes are as follows:

Alabama: Barbour, Bullock, Choctaw, Dallas, Elmore, Greene, Lowndes, Montgomery, Tallapoosa.

Louisiana: Concordia, DeSota, East Carroll, Madison, Ouachita, Plaquemines.

Mississippi: Carroll, Grenada, Hinds, Holmes, Jefferson, Neshoba, Panola.

It is significant that these counties and parishes are for the most part located in that area where a violent history with respect to racial relations has been written. The types of abuses in these counties include murders, Klan violence in earlier days, a tragic roster of lynch victims, and other forms of repression, including denial of the right to vote against black citizens.

It is fair to ask why we should eliminate from the reach of the 1965 act such areas as Plaquemines Parish in Louisiana, Dallas County in Alabama—which made Selma a dateline known not just in this country but unhappily elsewhere in the world—Lowndes County, Ala., Neshoba County, Miss.—where three civil rights workers were murdered and the convictions were finally affirmed by the Supreme Court only last week—and Hinds County in Mississippi.

Most important, the record in these States and counties, since the passage of the Voting Rights Act—records of assaults to thwart Negro voting by subterfuge and other means, even where literacy tests were abandoned or suspended—shows without question the present danger of letting these areas now elude the safeguards of preclearance in section 5, the automatic power to send in examiners under section 6. There is nothing permanent about the 50 percent participation levels reached in these areas. Not only will further progress likely be stopped, but even the progress to date is in danger of being lost.

Mr. SPONG. Mr. President, will the Senator yield?

Mr. HART. I yield.

Mr. SPONG. Mr. President, the Senator is speaking to the amendment that would change the date under which the law would be changed from the 1964 elections to the 1968 elections. The Senator has cited examples from some States.

I wish to ask the Senator if in his research with regard to this amendment he has found any instances wherein the Legislature of the State of Virginia has passed a law contrary to the act or wherein there have been any reported instances in the Commonwealth of Virginia which would give cause to conclude that there has been an abuse or abuses under the statute.

Mr. HART. I think the answer is "No," in the sense that records available to me, indicate that Virginia, at least in the recent past, has not been the scene of threats or over intimidation to prevent a citizen from exercising his right to vote. But the Allen case decided last spring by the Supreme Court did involve a case in Virginia—as well as three companion cases from Mississippi. In Allen, Virginia had employed a practice which thwarted Negro voter efforts to support a candidate other than the winner of the party primary.

I said that the three States—Mississippi, Alabama, and Louisiana—were the States from which most of the changes in law which have occurred since the 1965 act were objected to by the Attorney General. Of the 11 objections filed by the Attorney General against changes in State voter qualification and procedures, seven were enacted by the legislatures in the three States, Mississippi, Alabama, and Louisiana. The remainder were Georgia statutes or practices. But the Allen case, instituted by private parties, as I have noted, did arise in Virginia.

I think it bears repetition, for it is my impression that earlier in the day the able minority leader made reference to comments made by the chairman of the House Judiciary Committee (Mr. CELLER), and the ranking minority member of that committee, Mr. McCULLOCH. I think, however, as we close today, it is worth repeating their reaction. And, of course, they are not alone in their expression of concern.

They state that to use the 1968 statistics, as the amendment offered by the Senator from North Carolina, and which now pends, would do, would gut the Voting Rights Act where it is needed most as effectively as if it had not been extended at all.

The argument which may be advanced—that Congress set a standard in 1965 of 50 percent registration and voting, which and that since the covered States have now met this level, they should not be penalized further—this argument does have an appeal on the surface, but it does not withstand an examination, part of which I have undertaken.

I would hope very much that the approach taken by the Scott-Hart substitute—which is, in fact, the position of a majority of the members of the Senate Judiciary Committee, 10 of whom have subscribed to the memorandum which is on our desks—will be supported.

To adopt the amendment now pending would, to use again the phrase voiced by Chairman CELLER and echoed by Mr. McCULLOCH, got what has been described correctly as the most successful Civil Rights Act ever passed by the Congress of the United States. Those figures of improvement in voter participation are one measure of its success.

We have too few successes in our efforts by way of legislation to achieve more equal treatment among all Americans to be able to afford to abandon or cripple this one most successful one. I believe the amendment that is pending would have that effect.

For these reasons, I hope on tomorrow the amendment will not be agreed to.

ANNOUNCEMENT ON RECOGNITION OF SENATOR HANSEN TOMORROW

Mr. KENNEDY. Mr. President, it is the understanding of the leadership that the Senator from Wyoming (Mr. HANSEN) will be recognized for 30 minutes immediately after the prayer tomorrow morning.

ADJOURNMENT UNTIL TOMORROW AT 10 A.M.

Mr. KENNEDY. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment.

The motion was agreed to; and (at 5 o'clock and 35 minutes p.m.) the Senate adjourned until tomorrow, Friday, March 6, 1970, at 10 o'clock a.m.

NOMINATION

Nomination received by the Senate March 5, 1970:

DIPLOMATIC AND FOREIGN SERVICE

Arthur K. Watson, of Connecticut, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to France.

HOUSE OF REPRESENTATIVES—*Thursday, March 5, 1970*

The House met at 12 o'clock noon.

Rev. Robert S. Nagle, pastor, Immanuel Evangelical Lutheran Church, Holmes, Pa., offered the following prayer:

Eternally loving Father in Heaven, gratefully we accept Thy gift of this new, clean, and promising day; but if it is to be kept in that condition, we need help—Thy help. We sometimes become so busy operating the big national business and even running our little personal interests that we are not always happy at what we consider Thy intervention and even interference. So, we pray that Thou wilt lead us to realize, that in all of life, but most specifically in our several capacities of elected responsibilities, we can only attain any degree of success with Thy guidance. Blessed Lord, be forcefully in the thoughts, words, and deeds of this Chamber of legislation in general and each Representative in particular. In Jesus' name we pray. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 3396. An act to make certain technical changes in provisions of law relating to the postal service; and

S. 3397. An act to permit the acceptance of checks and nonpostal money orders in payment for postal charges and services; authorize the Postmaster General to relieve postmasters and accountable officers for losses incurred by postal personnel when accepting checks or nonpostal money orders in full compliance with postal regulations; and to provide penalties for presenting bad checks and bad nonpostal money orders in payment for postal charges and services.

THE REVEREND ROBERT S. NAGLE, PASTOR OF IMMANUEL EVANGELICAL LUTHERAN CHURCH, NORWOOD, PA.

(Mr. WILLIAMS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILLIAMS. Mr. Speaker, our guest chaplain this morning, Rev. Robert S. Nagle, Immanuel Evangelical Lutheran Church in Norwood, Pa., comes from the district in Pennsylvania which I am privileged to represent.

Rev. Robert Nagle has been a great inspiration in his ministry. He has been an inspiration to people of all faiths far, far beyond the reach of his own personal church in Norwood, Pa. Among his many other activities he is a chaplain for the Delaware County chapter of the Pennsylvania Fraternal Order of Police. Our policemen are constantly risking their lives in behalf of the safety of our people, and Rev. Robert Nagle has also been an inspiration to them spiritually and in every other way.

I take this opportunity to express my deep appreciation for Rev. Robert Nagle being our guest chaplain here this morning.

DESIGNATION AS MEMBER OF JOINT COMMITTEE ON INTERNAL REVENUE TAXATION

The SPEAKER laid before the House the following communication from the chairman of the Committee on Ways and Means:

MARCH 5, 1970.

Hon. JOHN W. MCCORMACK,
Speaker of the U.S. House of Representatives.

DEAR MR. SPEAKER: Pursuant to section 8002 of the Internal Revenue Code of 1954, the Honorable JACKSON E. BETTS, of the Committee on Ways and Means, has been designated as a member of the Joint Committee on Internal Revenue Taxation to fill the vacancy created by the death of the late Honorable James B. Utt.

Sincerely yours,
WILBUR D. MILLS,
Chairman.

ELECTION TO COMMITTEES

Mr. GERALD R. FORD. Mr. Speaker, I offer a privileged resolution (H. Res. 868) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 868

Resolved, That the following named members be, and they are hereby, elected members of the following standing committees of the House of Representatives:

Committee on Banking and Currency: CLARK MACGREGOR of Minnesota.

Committee on House Administration: JOHN WOLD of Wyoming.

The resolution was agreed to.

A motion to reconsider was laid on the table.

LEGISLATION TO PROTECT NEWSMEN

(Mr. KOCH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KOCH. Mr. Speaker, I join with the distinguished gentleman from New York (Mr. OTTINGER) in sponsoring the Newsman's Privilege Act.

Very briefly, what this would do would be to give reporters the same privilege that doctors and priests and accountants in New York now have. The law protects the confidentiality of their clients' conversations with them. Newsmen at this point are not so protected in so far as the confidentiality of their news sources is concerned. What we have seen recently is that the Attorney General and the Justice Department have sought to subpena newsmen and obtain their sources of information. The chilling effect of the threat of subpena is to dry up the news sources, and it is clearly intended to intimidate the news media.

Mr. Speaker, I think it is in the interest of all of us that the news media and reporters not be intimidated. And if their sources of information are dried up, then we too are the losers. The public will not know who is guilty of nonfeasance or malfeasance in office. The newsmen will not have the leads they need in order to give to us the reports we read in our daily press. Because of the public outcry, the Justice Department has backed down from its original position. But the threat posed by the Department's attitude continues to limit the news gathering ability of all newsmen.

Mr. Speaker, I therefore urge we address ourselves to this legislation and get it on the books as soon as possible.

INTIMIDATING NEWSPAPERMEN

(Mr. HAYS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAYS. Mr. Speaker, I was intrigued and amused by the speech of the gentleman from New York when he talked about intimidating newspapermen. I just wondered if the gentleman had ever tried to intimidate one. They do not intimidate very easily.

PERMISSION FOR SUBCOMMITTEE ON PUBLIC HEALTH AND WELFARE, COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE, TO SIT DURING GENERAL DEBATE TODAY

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the Subcommittee on Public Health and Welfare of the Committee on Interstate and Foreign Commerce may be permitted to sit during general debate today.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

CALL OF THE HOUSE

Mr. WYDLER. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 41]

Anderson, Tenn.
Ashley
Baring
Belcher
Bell, Calif.
Blatnik
Bow
Bray
Brock
Broomfield
Brown, Calif.
Broyhill, N.C.
Byrne, Pa.
Cabell
Cederberg
Celler
Chappell
Chisholm
Clark
Clausen, Don H.
Clay
Cramer
Davis, Ga.
Dawson
Diggs
Dwyer
Eckhardt
Edmondson
Edwards, Ala.
Edwards, La.
Fraser
Frelinghuysen
Fulton, Tenn.
Gallagher
Gettys
Goldwater
Green, Oreg.
Green, Pa.
Hanna
Harvey
Hathaway
Hawkins
Hébert
Holifield
Horton
Jarman
Kirwan
Kuykendall
Kyros
Lennon
Lowenstein
Lukens
McCarthy
McCloskey
McDonald, Mich.
McEwen
McMillan
Macdonald, Mass.
Mann
Mathias
Meeds
Mollohan
Moorhead
Mosher
Moss
Murphy, N.Y.
Ottinger
Passman
Pepper
Pike
Powell
Preyer, N.C.
Pryor, Ark.
Purcell
Quie
Reid, Ill.
Riegle
Robison
Rosenthal
Ruppe
Sandman
Saylor
Scheuer
Shipley
Slack
Steed
Taft
Talcott
Teague, Calif.
Tunney
Van Deerlin
Vander Jagt
Watson

The SPEAKER. On this rollcall 337 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

RIGHT OF DISTRICT OF COLUMBIA TEACHERS TO PETITION

(Mr. CONYERS asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter).

Mr. CONYERS. Mr. Speaker, I take this time to point out to my colleagues and particularly to the gentleman from Maryland (Mr. HOGAN) that teachers are human beings and citizens. Even though they may live in the District of Columbia, they have a right to petition for redress of the many grievances that we know exist in the educational system. Their right to petition in this regard is the same as that afforded any other American citizen.

I think any delay on the part of the gentleman from Maryland or on the part of the District of Columbia Committee is particularly untimely in view of the fact that a number of teachers took this occasion today to participate in and observe the hearings that so profoundly affect them, and more importantly, their students in the District of Columbia. I hope, Mr. Speaker, that they will be permitted to engage in these deliberations to the fullest extent possible. As a matter of fact, we should be encouraging them and expressing our gratitude that we have such dedicated public servants. Their very presence speaks of their concern, and instead of discouraging them, it would seem more appropriate for conscientious legislators to encourage them.

TEACHERS SHOULD EXEMPLIFY RESPECT FOR LAW

(Mr. HOGAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. HOGAN. Mr. Speaker, I would like to comment on the observations made by my colleague from Michigan. I will say to him that there happens to be a prohibition in the Federal law and in District of Columbia law as well as in the contract which the teachers have with the school board in Washington making strikes illegal. In spite of these prohibitions, the local teachers union voted to strike.

When some of my colleagues and I forcefully called this aspect of their activities to their attention they said that only 5 percent would go out. This might conform to the letter of the law, but certainly does not conform to the spirit of the law.

Let me say this: I am the sponsor of what is perhaps the most liberal, most generous teacher pay raise bill of any we are considering before the District of Columbia Committee. I feel the teachers deserve a pay raise. This morning at a hearing of the District of Columbia Committee on pay raise legislation for the District teachers, policemen, and firemen, I offered a motion to pass over at this time consideration of the teacher pay bill as a demonstration that the Congress of the United States cannot be intimidated by the kind of tactics in which the teachers have been engaged over the last several days.

Mr. Speaker, this in no way diminishes my conviction that the teachers need an equitable pay raise, but at a time when disrespect for law and irresponsibility in regard to authority is so prevalent among our young people today, it is particularly distressing to me that teachers, who have these young people in their custody, would not give them the good example of positive respect for law and authority, but would take an opposite approach. That is why I took the action I did today. It is particularly disappointing to me because so many of these teachers are my constituents.

How can we expect our schoolchildren to obey and respect the laws of our country when they see their very own teachers violating the law in furtherance of their own selfish interests.

I would further like to state that I consider the action of these irresponsible teachers who walked out today to be not only reprehensible but also stupid. After District of Columbia Committee Chairman, John McMillan, and subcommittee chairman, John Dowdy, had already announced hearings would begin today on this pay bill, the teachers at the behest of the union still voted to strike.

I am fully sympathetic to the need for this pay raise for the teachers, but I will not be intimidated by this type of action and I cannot believe that any member of this committee will either be intimidated by or will sympathize with the just cause of the teachers as a result of this type of action.

My action today in having the teachers' pay bill passed over will in no way diminish my efforts to get a teacher pay raise which is vitally needed. Those dedicated teachers who do not condone the activities of the teachers' union and are in their classrooms today have my admiration and commendation.

TEACHERS HAVE RIGHT TO PETITION CONGRESS

(Mr. ADAMS asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. ADAMS. Mr. Speaker, I agree with the gentleman from Michigan when he said that certainly the teachers here should have a right to come and petition Congress and present their position.

I, therefore,. do not think we as the Congress need in order to protect the dignity of this House to threaten anybody that he cannot come here and petition the Congress by saying if he does we will not consider legislation affecting him. There was no violation of the law by these teachers.

POINT OF ORDER

Mr. WAGGONNER. Mr. Speaker, I make the point of order the gallery is not in order.

The SPEAKER. The Chair will state, not admonishing at this time, that those who are present in the gallery are the guests of the House, and under the rules of the House no manifestation of approval may be evidenced.

The Chair wants it understood at this time that the Chair is not admonishing, recognizing human nature, but the Chair does call attention that any such manifestations are a violation of the rules.

Mr. ADAMS. Mr. Speaker, I would say I am petitioned almost continuously by varying groups representing different interests throughout the United States including policemen, firemen, veterans, and many others. I accept this as a part of being a Congressman. I hope the other Members of the House, including the gentleman who has just spoken, will also do so.

Mr. CONYERS. Mr. Speaker, will the gentleman yield?

Mr. ADAMS. I yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Speaker, I thank the gentleman from Washington for yielding to me.

The concern he expresses here is the same kind of concern that he never fails to display as a member of the District of Columbia Committee.

I believe that for anyone to take the floor of this House and suggest that the teachers who have been here today have engaged in any illegal or unauthorized act, or have been in any way violent or disruptive, is to seriously misstate the purpose for which these educators have come upon the Hill. It seems to me it is about time we recognize that they have the right to peacefully petition. They are without representation. They do not have Congressmen. So it is patently unfair for any of us to attempt to denigrate or reflect critically upon their conduct or purpose for being with us today.

LEGAL PROHIBITION OF STRIKE BY SCHOOLTEACHERS

(Mr. GROSS asked and was given permission to address the House for 1 minute.)

Mr. GROSS. Mr. Speaker, I yield to the gentleman from Maryland (Mr. Hogan).

Mr. HOGAN. I thank my colleague from Iowa.

Mr. Speaker, the point the gentleman from Washington made, that his constituents come and present grievances to him, I do not believe is particularly relevant to this discussion, because there happens to be a Federal statute and a District of Columbia statute which specifically prohibits striking by schoolteachers.

If the gentleman from Michigan was present at the hearing of the District of Columbia Committee, I do not see how he can indicate this was an orderly and peaceful presentation of grievances, because it was not.

I want to reiterate that I am the sponsor of what is perhaps the most generous pay raise these teachers are seeking, but I just wanted to demonstrate, by offering my motion—which was accepted unanimously in the subcommittee this morning—that we abhor these kinds of pressure tactics in an effort to intimidate the Congress in order to bring about legislation.

JOINT CONGRESSIONAL COMMITTEE ON FOREIGN POLICY

(Mr. RYAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. RYAN. Mr. Speaker, today I have introduced a concurrent resolution to create a Joint Congressional Committee on Foreign Policy.

I am pleased to report that the following 17 of my colleagues are cosponsors of this resolution:

Joseph P. Addabbo of New York; George E. Brown, Jr. of California; Philip Burton of California; Daniel E. Button of New York; John Conyers, Jr. of Michigan; Don Edwards of California; Leonard Farbstein of New York; Jacob H. Gilbert of New York; Seymour Halpern of New York; William D. Hathaway of Maine; Henry Helstoski of New Jersey; Robert W. Kastenmeier of Wisconsin; Robert L. Leggett of California; Allard K. Lowenstein of New York; Spark M. Matsunaga of Hawaii;

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BERTRAM L. PODELL of New York, and HOWARD W. POLLOCK of Alaska.

The purpose of the resolution is to permit the Congress to deal more effectively with foreign policy questions.

The U.S. intervention in Laos is occurring without consultation with the Congress. The President has refused to reveal the extent of U.S. military operations in Laos. If another undeclared war is to be averted, Congress must exercise control over such foreign policy decisions. The past mistakes in Vietnam and the recent events in Laos point out the great necessity for Congress again to exercise its constitutional role of oversight over our Nation's foreign policy.

The congressional role in foreign policy is vital. Congressional impotence in the past in overseeing foreign policy has resulted less from the exercise of Presidential prerogative than from congressional capitulation. For too many years, Congress has done too little, too late, too sporadically. Clearly the most egregious instance of congressional inaction is the failure of this House ever to undertake a searching examination of the U.S. involvement in Vietnam.

This is not to say that there are no signs of meaningful change. The intense congressional scrutiny of the military budget in the last session demonstrated a welcome, and necessary, assertion of authority in an area too long left to executive dictate. And, of course, this goes directly to the issue of foreign policy since, ultimately, the U.S. military posture is a function of the role it chooses to play in foreign affairs.

The concept of a Joint Congressional Committee on Foreign Policy is a simple one and is one amply supported by precedent. Today, there are in existence 10 such joint committees. Probably the most well known are the Joint Economic Committee and the Joint Committee on Atomic Energy.

The committee I propose would bring together 10 Members from each House of the Congress to study U.S. foreign policy and to make recommendations. It will, as well, be able to propose legislation.

A committee of this nature is especially necessary for foreign policy because of the broad number of issues and wide range of legislation which may very vitally bear on our foreign affairs posture.

One example should suffice. The administration last year sought and obtained money to start deployment of an ABM system. And now, Defense Secretary Laird is seeking to expand this program. Apart from the very significant questions of effectiveness and cost, there is as well the vital question of how deployment of the ABM will affect efforts to achieve arms control agreements with the Soviet Union, the SALT talks, and our relationship with China. How will the Soviets react to what they may interpret as a hostile move, viewing the ABM system as actually offensive, rather than defensive?

Our foreign policy is articulated—by intention or otherwise—by a variety of means: treaties, military and economic assistance, trade restrictions, tariffs, buy-American requirements in federally funded construction projects, limitations on the amounts American tourists may spend overseas, military expenditures, and others.

Needless to say, several committees, in both Houses, are concerned with one, or more, aspects of these subject areas. Thus, the House Armed Services Committee considers weapons systems; the House Foreign Affairs Committee deals with foreign economic assistance; the Ways and Means Committee considers tariffs and trade matters.

Apart from this diffuse approach, used to examine various bills which have the common, and very significant, ground that they affect foreign policy, there is the unacceptable fact that some issues and legislation which should undergo the most stringent scrutiny receive only perfunctory analysis. Again, one example—Vietnam—proves the case. The House has never, as a body or by committee, undertaken to examine stringently U.S. involvement in Vietnam. Over 40,000 American servicemen have died in combat in Vietnam, and yet the House has never really addressed the issue.

In order to obtain a coherent, penetrating approach to overseeing this Nation's foreign policy, a joint congressional committee—cognizant of the ramifications for our foreign policy that numerous, disparate actions may have—should be established, equipped to correlate these actions consistently, intelligently, and beneficially.

As the concurrent resolution provides, therefore, the 20-member joint committee serves four major purposes:

First, to insure that the congressional role in creating and passing upon foreign policy is firmly and clearly effected;

Second, to expand the congressional capacity to deal with foreign policy problems;

Third, to provide a clear focus on the difficult decisions to be made by the Congress and the executive branch affecting foreign policy; and

Fourth, to provide the other committees of the Congress with the necessary background to insure effective action on foreign policy problems and needs.

News reports of recent days—bringing to the public eye at least some knowledge of U.S. activities in Laos—are further demonstration to the need for this Joint Committee on Foreign Policy. We cannot allow this House to once again abdicate its proper function. Far more is at stake than Congress simply serving its proper institutional role. The President must not be permitted to involve the United States in another Vietnam tragedy with the further sacrifice of American lives and the devastation of the people and villages of another small country.

The words of President Nixon in his press conference on December 8 clearly further compel creation of this joint committee. The President stated, in response to a question concerning U.S. involvement in Laos and after reporting that our bombers are interdicting the Ho Chi Minh Trail as it runs through Laos:

> Beyond that, I don't think the public interest would be served by any further discussion.

The public interest can only be served by full discussion and stringent oversight. That is what the joint committee would enable.

PROTECTION OF EXECUTIVE MANSION AND FOREIGN EMBASSIES

Mr. GRAY. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 14944) to authorize an adequate force for the protection of the Executive Mansion and foreign embassies, and for other purposes, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

> Page 2, line 20, strike out "and" where it appears the second time.
>
> Page 3, strike out lines 1 to 5, inclusive, and insert:
>
> "(5) by striking out the last two sentences of section 203(a);
>
> "(6) by amending section 203(b) to read as follows:
>
> " '(b) Members of the Executive Protective Service shall be recruited under the civil service laws and regulations on a nationwide basis. Members of such Service may also be appointed from the members of the Metropolitan Police force and the United States Park Police force from lists furnished by the officers in charge of such forces. Whenever any vacancy is created in the Metropolitan Police force or the United States Park Police force as the result of an appointment to the Executive Protective Service, such vacancy shall be filled in the manner provided by law. In the period of time which follows the date of enactment of this sentence and precedes January 1, 1975, not more than thirty members of the Metropolitan Police force may be appointed annually to the Executive Protective Service.'
>
> "(7) by striking out section 205; and
>
> "(8) by striking out in section 206 'Members appointed pursuant to section 205 of this title' and inserting in lieu thereof 'Members of the Executive Protective Service not appointed from the Metropolitan Police force or the United States Park Police force'."

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

Mr. GROSS. Mr. Speaker, reserving the right to object, are all the amendments germane to the bill?

Mr. GRAY. Will the gentleman yield?

Mr. GROSS. Of course, I yield.

Mr. GRAY. Yes. I am glad the gentleman asked that question. This amendment adopted by the other body only places a mandatory ceiling on the amount of policemen that can be drawn from the District of Columbia police force for the Executive Protective Service. It is a limitation of 30, for a total of 130, over a 5-year period. A maximum of 150 out of a total of 600 requested by the President.

I know that the gentleman raised that question along with others when the bill was under debate. It improves the bill, and the answer to the question asked by the gentleman is that it is germane.

Mr. GROSS. What was the number in the original bill, if the gentleman will refresh my memory?

Mr. GRAY. If the gentleman will yield further, the White House police force now has 250 men, which will be increased under this legislation to 850 men or a net increase of 600. The President directs the chief of the Secret Service to protect all of the embassies in Washington. Out of the 600 additional police that can be hired, no more than 150 over the next 5 years can be drawn from the District of Columbia police force.

Mr. GROSS. Does the gentleman think that the citizens of the District of Columbia will get equal protection with the foreigners who happen to be inhabitants of the District? In other words, will the citizens of this District be as well protected as are those who are here by sufferance?

Mr. GRAY. If the gentlemen will yield further, as always, the gentleman raises a very important question. The answer is emphatically yes, because we intend to relieve those policemen now protecting foreign embassies for duty in the District of Columbia. This is one of the purposes of the bill.

Mr. GROSS. Will they be as elite, as those who are assigned to protect the embassies?

Mr. GRAY. If the gentleman will yield further, the policemen who are now protecting the embassies in Washington will continue to wear the same uniforms and the answer to the gentleman's question is no, they will not be elite; they will have no special uniforms.

Mr. GROSS. I thank the gentleman.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF S. 2910, LIBRARY OF CONGRESS JAMES MADISON MEMORIAL BUILDING

Mr. MADDEN. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 862 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 862

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (S. 2910) to amend Public Law 89–260 to authorize additional funds for the Library of Congress James Madison Memorial Building. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Public Works, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. MADDEN. Mr. Speaker, I yield 30 minutes to the gentleman from Tennessee (Mr. QUILLEN) pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 862 provides an open rule with 1 hour of general debate for consideration of S. 2910 to amend Public Law 89–260 to authorize additional funds for the Library of Congress James Madison Memorial Building.

The law was enacted in 1965 authorizing the construction of the third Library of Congress Building on the federally owned property adjacent to the Cannon House Office Building, which would contain a suitable memorial hall honoring the fourth President of the United States for his many and brilliant achievements. The appropriation of $75 million was authorized for construction, including the preparation of necessary designs, plans, and specifications.

In the legislative branch appropriations bill for fiscal year 1970, the House and Senate approved an appropriation of $2.8 million for final plans and specifications contingent upon enactment of legislation adjusting the limit of cost of the project to reflect an accurate cost estimate plus any projected escalated construction costs required to complete the project. Thus, the purpose of this bill is to increase the authorization from $75 to $90 million.

It should be noted that: the exact estimate of costs and the escalation in the estimate for the facility is due to the continuing rise in construction costs; the facility is to be a library building and is not intended for other use; the Library of Congress is presently paying close to $2 million annually for rental space scattered over the city and this cost would be eliminated when the Madison Memorial Library is completed.

Mr. Speaker, I urge the adoption of House Resolution 862 in order that S. 2910 may be considered.

Mr. QUILLEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I yield myself as much time as I may consume and ask unanimous consent to revise and extend my remarks.

As the gentleman from Indiana (Mr. MADDEN) has ably stated, House Resolution 862 makes in order for consideration of S. 2910 under an open rule with 1 hour of general debate.

The purpose of S. 2910 is to authorize additional appropriations for the new Library of Congress building to be known as the James Madison Memorial Building.

In 1965, Congress authorized construction adjacent to the Cannon House Office Building. It was urgently needed then, even more so now. Currently, the Library of Congress is paying about $2,000,000 a year to rent space in buildings all over the Washington area.

In 1965, legislation was enacted authorizing appropriations of $75,000,000 for design and construction costs. In 1968, appropriation requests totaling $2,800,000 for design work was denied by the Appropriations Committee.

The 1970 appropriations request in the same amount has been enacted with an additional proviso requiring a reevaluation of the cost estimate for the entire project.

The bill does revise the cost estimate upward by $15,000,000 to a final figure of $90,000,000.

The report makes clear that this is to be only a Library of Congress building, nothing more. It also states that the delay of over 4 years, caused by the lack of appropriations, is the sole cause of the need to increase the authorization by $15,000,000.

The gentleman from Kentucky (Mr. SNYDER) has filed separate views, believing that any increase in the authorization should wait until the design work has been completed.

With inflation continuing to spiral, the construction of this building should be postponed. As a matter of fact, the proposed site should be held for the future and a contiguous location to the present Library of Congress building should be found.

It is inconceivable to me that this Congress would desire to continue authorizing large appropriations and at the same time express deep concern over the critical problem of inflation. We must discontinue reckless spending if we are to prevent this financial chaos.

I am proposing that the House kill the proposal for the present time in hopes it will be one step in the direction of controlling our monetary problems.

Just this week I heard a widely known economist predict that a mild recession is inevitable and that we must control spending if we are to conquer inflation.

For these reasons, I am strongly opposed to this rule and I am opposed to the bill and would urge that it be defeated.

I have no further requests for time, but I reserve the balance of my time.

Mr. GROSS. Mr. Speaker, would the gentleman yield?

Mr. QUILLEN. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, is the gentleman suggesting that the best way to handle this bill is to kill the rule and go on with whatever other business we may have today?

Mr. QUILLEN. That is one way of doing it, I would say to the gentleman from Iowa, and I certainly would support that proposal.

Mr. GROSS. If the gentleman will yield further, I certainly will also. The position taken by the gentleman from Tennessee is exactly right; this is no time to proceed with this proposition.

Mr. QUILLEN. I think that it should be postponed, and whether or not we kill it by voting down the rule, or whether we kill it by voting down the measure, one way or the other the bill is dead.

Mr. GROSS. That is right.

Mr. SNYDER. Mr. Speaker, will the gentleman yield?

Mr. QUILLEN. I yield to the gentleman from Kentucky.

Mr. SNYDER. Mr. Speaker, I just want to commend the gentleman from Tennessee for the statement that he has made on the rule.

Also I would like to join with the gentleman from Tennessee and the gentleman from Iowa in voting down the rule because it seems inconceivable to me that we would increase an authorization to construct a building from $75 million to $90 million without plans and specifications having been drawn up.

I do not know whether this building is going to cost $75 million or whether it is going to cost $90 million, and I do not believe anyone who serves on the Committee on Public Works knows what it is going to cost. There is only one way to determine the cost, and that is to prepare plans and specifications and go out for bids. The plans and specifications for this building have not been completed, as the report well shows. It seems to me that we should take this up in timely order, and that is by finding out what it is going to cost before we come in and ask for more money.

The more money we authorize, the more it is going to cost, as the gentleman knows. So if we increase the authorization from $75 million to $90 million you can be assured that it will cost $90 million, or if we were to increase it to $100 million you can be sure that it would cost $100 million. Whatever the authorization is, it is an open invitation to the designers and the planners and to the bidders to spend every cottonpicking penny they can get their hands on, and more, too.

So again I commend the gentleman for his statement, and for his indication that the rule should be voted down.

Mr. QUILLEN. I thank the gentleman from Kentucky for his timely contribution.

It would seem to me, Mr. Speaker, that we as Members of Congress should consider at this point that this measure represents an additional expenditure of $90 million at a time when we have raging inflation, which should be of primary concern to us.

Mr. MARTIN. Mr. Speaker, will the gentleman yield?

Mr. QUILLEN. Mr. Speaker, I yield to the distinguished gentleman from Nebraska (Mr. MARTIN) a member of the Committee on Rules.

Mr. MARTIN. Mr. Speaker, I thank the gentleman for yielding.

I would like to point out, Mr. Speaker, that the committee report states that the expected construction time on this building is 54 months after the original contract is let for constructing the building. In other words, that is 4.5 years.

Here we have an increase from the original $75 million request for authorization up to $90 million, based on today's costs. If we have a continuation, as the report suggests, of increasing costs at the rate of 10 percent a year, over the 54 months it will take to construct this building, which is 4½ years, this would amount to approximately $40 million in additional costs of construction added on to the $90 million.

So I am not sure but what this building might end up costing somewhere in the neighborhood of $130 million. I believe that this is a pig in the poke, and I agree with the gentleman from Tennessee that it should be rejected on the floor of the House today.

Mr. QUILLEN. I thank the gentleman from Nebraska.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. QUILLEN. I am happy to yield again to the gentleman from Iowa.

Mr. GROSS. What is the magic about this figure of $90 million? That boondoggle called the sports arena, that the House wisely voted down the other day, last week I believe it was—carried a price tag of $90 million. I am curious to know why these cost tags on propositions of this kind.

Mr. SNYDER. Mr. Speaker, will the gentleman yield?

Mr. QUILLEN. I am happy to yield to the gentleman from Kentucky.

Mr. SNYDER. I would say that there is no magic, in answer to the question of the gentleman from Iowa, as to why or how these figures have been picked out. They just picked $75 million and added 7 percent a year compounded to that figure. The truth of the matter is that they are going to spend and they are going to build whatever they can in accordance with whatever figure they can get out of the Congress.

It is inopportune for us to pick any figure until we can see—based upon some solid evidence, what it is going to cost. The figure is not magical—it is just one picked out of the wild blue yonder, as they so often do in a bureaucratic spending authorization.

Mr. GROSS. Mr. Speaker, will the gentleman yield again?

Mr. QUILLEN. I am glad to yield to the gentleman from Iowa.

Mr. GROSS. Does the gentleman know why there is this exception on page 2 of the bill that:

> SEC. 2. Nothing contained in the Act of October 19, 1965 (79 Stat. 986), shall be construed to authorize the use of the third Library of Congress building authorized by such Act for general office building purposes.

What kind of subterfuge is this?

Mr. SNYDER. Mr. Speaker, will the gentleman yield?

Mr. QUILLEN. I yield again to the gentleman from Kentucky.

Mr. SNYDER. I would say to the gentleman, if I might, that my understanding on the day it was before the committee in executive session—I am not on the subcommittee—is that this was put in there to somewhat appease the gentleman from Iowa who has posed the question that he has been concerned about whether or not there would be another House office building in connection with this. I do not think I am telling you anything out of school, but that was the general thinking. They were concerned in the full committee. The gentleman from Iowa had raised the question on some bill, maybe the original bill here or on some other bill; that there might be some subterfuge going on; that there would be additional House office space in this building. So I would say that my understanding in that executive session was that this was put in there because of some of the diligent work that the gentleman from Iowa (Mr. GROSS) has done heretofore.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. QUILLEN. I yield again to the gentleman from Iowa.

Mr. GROSS. In the light of what has transpired, does the right hand know what the left is doing in connection with this proposition?

Mr. SNYDER. I would say, if the gentleman will yield further, that due to the diligent work that the gentleman from Iowa has put some caution into the deliberations of some of the committees around here, for which the gentleman from Iowa is to be commended.

Mr. QUILLEN. I thank my colleague.

Mr. Speaker, I would also like to point out that we should have an overall plan on the future of the Capitol area. This plan should be forthcoming before any building is built on the proposed location. I repeat again, I think the addition to the Library of Congress building, and I do not object to the name, should be adjoining the present building, rather than putting it down on the proposed site, as recommended by this measure.

Mr. GUDE. Mr. Speaker, will the gentleman yield?

Mr. QUILLEN. I am happy to yield to the gentleman from Maryland.

Mr. GUDE. I thank the gentleman for yielding.

Personally, I always believe in voting on the rule on the basis of whether or not it is a fair rule; one, which allows sufficient time for debate, consideration of amendments and other factors. Once we have adopted the rule we can then properly debate and vote for or against a measure on its merits.

I am concerned as to whether the plans for the Library provide adequate parking facilities for the Library employees. My constituents who work at the Library as well as employees from the District of Columbia and Virginia have a serious parking problem. It is very difficult to find a parking space. In addition inadequate parking contributes to the crime problem in that employees, both men and women, are often forced to walk a number of blocks between their cars and the Library often during hours of darkness.

I, personally believe it imperative that plans for this extension of the library provide ample safe parking for the employees in order that they have the security and peace of mind which they deserve.

I take the same position in voting for this rule on this as I did on the rule on the timber bill. Although I opposed the timber bill itself, I felt, as I always feel, there should be the opportunity for fair debate and possibly for amendments.

Mr. QUILLEN. I thank the gentleman from Maryland.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. QUILLEN. I yield to the gentleman from Iowa.

Mr. GROSS. I thank the gentleman. Again I want to say to the gentleman from Maryland that I thought we were discussing the merits, if any, and the demerits of the bill.

Mr. GUDE. Mr. Speaker, will the gentleman yield?

Mr. QUILLEN. I am happy to yield to the gentleman from Maryland.

Mr. GUDE. I have always believed that the object of debating and voting on a rule is to ascertain whether we have an adequate rule under which we can properly discuss the merits and shortcomings of a proposal.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

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Mr. QUILLEN. I yield to the gentleman from Iowa.

Mr. GROSS. We are not discussing the merits of the Library. We are discussing the merits of a plan to put up, the Lord only knows how much money, to erect another structure down here and the nature of what that structure will be. We are not discussing the merits of the Library.

Mr. THOMPSON of Georgia. Mr. Speaker, will the gentleman yield?

Mr. QUILLEN. I am happy to yield to the gentleman from Georgia.

Mr. THOMPSON of Georgia. I thought we were also going to consider the fact that, when we talk about spending a lot of money, we are spending millions of dollars each year merely to rent space that is scattered around this city in 14 or 15 different locations, whereas we could consolidate those facilities and would not have to spend $2 million a year for rental space for the Library.

Mr. QUILLEN. I thank the gentleman from Georgia.

Mr. Speaker, I have no further requests for time, but I reserve the balance of my time.

Mr. MADDEN. Mr. Speaker, I yield 10 minutes to the gentleman from Illinois (Mr. GRAY).

Mr. GRAY. Mr. Speaker, I did not intend to speak on the rule, but since there has been so much darkness spread on the other side of the aisle here, I thought it was time to shed a little bit of light on what this bill would do.

First of all, my distinguished friend from Kentucky (Mr. SNYDER) who serves on the committee with distinction, made the best argument for this rule and for this bill when he said that we have to draw plans before we know how much a building is going to cost. That is all we are here for today.

The House Committee on Appropriations, with 52 very distinguished members, almost 1 year ago provided $2.8 million for the architects to proceed with design drawings. But in that language they added a proviso that not one red cent could be spent until your House Committee on Public Works had come forth with an exact, precise estimate of the total cost of the proposed building. We know from the history of the Rayburn Building that when you have an open-end authorization, you can have overruns and increased costs by inflation and other factors, and the cost can go on and on and on. So $525,000 was spent by a group of three very distinguished architectural and engineering firms to come up with exact, precise estimates, including an allowance of 7 percent per year for increased costs by way of inflation over the construction period. The $90 million provided in this authorization is a maximum ceiling. The longer we wait to draw the architectural plans, which will take at least 1 year, the more we are costing the American taxpayer.

So I am a little surprised at my friends on this side of the aisle who would be talking about $40 million more, the gentleman from Nebraska said, because it would take 4 years to construct. There would be $40 million more cost.

Mr. Speaker, the lot on which this building would be constructed was acquired back in 1958. That is 12 long hard years ago. We authorized this project in 1965. That is 5 long, hard years ago. And while we have been vacillating and talking about the need for a third library building, the costs of that building have already escalated by $22.5 million, $7.5 million more than the authorization we are asking for here today.

If Members want to talk about being penny wise and dollar foolish, I advise them to vote against this rule and vote against the bill, and when the buildings we are renting all over town begin to bulge at the seams, and we cannot get any service out of the Legislative Reference—which serves 435 Members in this House and 100 Members in the Senate—and our people in our districts write and say the Library of Congress does not answer their mail, then we will be coming back and we will be talking about $150 million or $200 million 10 years from now. That is really saving money for the taxpayers.

What are the facts about the need for a third Library of Congress building? Have a look. Here we have 4,000 employees working for the Library of Congress, serving your constituents and my constituents. They are housed, as the very distinguished gentleman from Georgia said, in 12 different locations around Washington. We have 159 working in the navy yard, 160 in the east navy yard; 200 in Suitland, Md.; many out in Crystal Mall, Va.; we have them in the Alexandria Federal Center; we have them at 2028 Duke Street, Alexandria; we have them at South Picket Street in Alexandria; we have them at Wright Patterson Air Force Base in Dayton, Ohio; we have them at 415 Third Street NW., we have them at 1291 Taylor Street; we have them at a Federal depot in Middleriver, Md.; and we have them at 214 Massachusetts Avenue NW. At all these places we have people working and carrying on the work of the Library of Congress.

Since we authorized this building in 1965, your taxpayers and my taxpayers have already paid out $10 million in rent for these locations, in addition to the 12 Government buildings we are utilizing, which is pre-empting space there and causing those other agencies to have to go out and spend millions of dollars for other rented space.

When we build this building next door to the Cannon Building, we will bring all these 12 various locations of work into the third Library of Congress building. Members here know that having people and doing business in 12 different locations causes duplication of management and duplication of waste. Talk about busing for schools, how much do Members think it costs to carry all the documents—52 million of them housed in the Library of Congress—all over Washington in order to store them and bring them back when needed and when Members call for all kinds of research and they have to go out to the suburbs of Maryland or Virginia to bring back documents to be sent to Members of Congress and all over the Nation.

Mr. Speaker, this is the greatest economy bill we have ever brought before this Congress. A former distinguished chairman of the Rules Committee, Judge Smith, stood in the well of this House in 1965 and said this is a bill that needs to be passed. Not only will this give us a third Library of Congress building, but also we will be able to give a proper memorial to the great President of the United States, James Madison our fourth President. Judge Smith supported this bill. Do Members know of a more conservative Member of Congress than former Member Howard Smith of Virginia? He knew it was in the best interests of the American people.

Mr. Speaker, I am surprised that Members of this Congress, who call on the Library every day for research work and for writing nice speeches and for this and that, can stand here and say: It is a great idea, but not now; it is a great idea, but should be done some time down the road; or it is a great idea, but we cannot afford it.

Mr. Speaker, we are asking only for a small $2.8 million, that has already been appropriated almost a year, and this bill merely releases that money. It is not going to have any significance in relation to our inflationary pressures. It will take at least a year in order to design this building. All we are doing today is saying that whenever we go out for bids, whatever the cost, it cannot exceed $90 million. That is all we are doing. We may build it for $60 million or for $70 million, but our estimate today is that it will cost $90 million and not a dime more than that.

Mr. ANDREWS of Alabama. Mr. Speaker, will the gentleman yield?

Mr. GRAY. Mr. Speaker, I yield to my very distinguished friend, the chairman of the Subcommittee on Legislative Appropriations, who has heard witness after witness testify concerning this matter. He is the very distinguished gentleman from Alabama (Mr. ANDREWS).

Mr. ANDREWS of Alabama. Mr. Speaker, I thank the gentleman from Illinois for yielding. I will say to the gentleman that I support this rule and the bill.

As the gentleman stated, I do not think a more conservative Member ever sat in this House than our friend, Judge Smith of Virginia. He came before our committee and pleaded for construction money and for planning money. He was in favor of the addition to the Library. As the gentleman pointed out, there is a desperate need for this building. The Government is paying $1.8 million a year for additional space needed for the Library.

The Library is growing. We want it to grow. It is one of the great assets of this Nation.

This building will provide for the needs of the Library for at least 50 years.

I thank the gentleman for the fine statement he has made.

Mr. GRAY. I thank my distinguished friend for his contribution.

I want to point out one other thing. I was here in 1958, along with most other Members. I recall the strong opposition against our late beloved Speaker Sam Rayburn, when he wanted to acquire that area known as "ptomaine row" immediately next to the Cannon Office Building. I heard the cries, "We do not need it." I heard the cries, "It is too much money."

Thank God for the wisdom and the foresight of the distinguished late beloved Speaker Sam Rayburn, the distinguished Speaker (Mr. MCCORMACK) the gentleman from New York (Mr. CELLER), and the others who served on the Building Commission. Because of their wisdom and foresight we acquired that entire two-block area of property here in the shadow of the Capitol for a little over $5 million.

Do the Members know what it is worth today? At a conservative estimate it is worth $20 to $30 million.

If we vote down this rule, and vote down this bill, and say, "We do not need the Library, how can we do so, when we are growing at 5 million a year? Does anyone believe that we are going to close the schools? Does anyone believe there is going to be a lesser need for libraries or a lesser need for knowledge?

It is a question of whether we want to vote for this bill today and make this $2.8 million available and get on with the architectural work and later build this building for all Americans, or whether we want to talk about economy, as they did with Sam Rayburn, and then come back to spend three times as much later on.

I get no personal satisfaction out of asking the House to support a $15 million authorization. Of course I do not.

I get no personal satisfaction out of voting an average of $200 million or $300 million a year for projects which come under the jurisdiction of the Subcommittee on Public Buildings and Grounds that I have the honor of chairing, for Federal buildings all over the country. I know they are needed, so I vote for them.

I am here today to ask the Members to forget about whether we can afford it and to ask themselves, can we not afford to provide space for the Library of Congress? That is the issue. Let us vote this rule and let us vote this bill. It passed the other body unanimously.

I will guarantee, my friends, when we pass this and send it to the President, and give a go ahead to the architects and see that building functioning for the American people; yes, we will hold our heads high and say, "I am glad I struck a blow for education."

Mr. QUILLEN. Mr. Speaker, I yield 3 minutes to the gentleman from Kentucky (Mr. SNYDER).

Mr. SNYDER. I thank the gentleman for yielding.

If I might have the attention of the gentleman from Illinois who was just in the well, I should like to set the record straight with the gentleman. I believe there is some confusion as to what my position is.

I have not said I was opposed to the construction of adequate facilities for the Library of Congress. I say that it is bad business practice to increase the authorization from $75 to $90 million without the plans and specifications having been completed.

I know the gentleman is going to say that the appropriation bill provided they were not going to spend the money for plans and specifications until such time as the additional authorization was made.

If the gentleman wants to go out and build for himself a new house, he can build a $50,000 house or $75,000 house or a $100,000 home. But I will say one thing. He is not going to authorize money to be committed until such time as he has plans and specifications and adequate material in front of him from which he can make a determination as to what he is going to get for his money.

To me, I do not find any argument with the fact that we can probably save some money by not going out and leasing space for these documents which they have all over town. But I say to the gentleman, I believe—this is just a belief, and it may be in error—we can adequately house them for $75 million. That is just a guess, but it is just as good a guess as $90 million.

I say that the only way it will be possible to find out what it will cost to build that building, whether over and above $75 million or not, is to have plans and specifications drawn, to see if they meet with the approval of the gentleman's subcommittee. If it is what I expect, $75 million; if not, $90 million. Then they can come in and show Congress what they will spend the other $15 million for.

I do not have any hesitation in saying to the gentleman that I am fairly well convinced at this juncture they need more space, but I do say it is a mighty poor business practice, and not a private enterprise company in the United States of America would exist very long building buildings on this kind of a proposition and premise. It just does not work.

I say to the gentleman further, if the Appropriations Committee has put any limitation in, then the thing to do is to deal to take it out, because that makes more conservative sense.

I would say further to the gentleman that if you do pass this bill, which you probably will today, you can give me no assurance that the Committee on Appropriations will not write in a similar limitation when the public works appropriation bill comes out this year and say, "We will not let you go ahead with the plans until you increase the authorization to $150 million." If they want to hold our feet to the fire, it is a two-way street.

Mr. GRAY. Mr. Speaker, will the gentleman yield to me?

Mr. SNYDER. The gentleman would not yield to me.

I yield back the balance of my time.

Mr. GRAY. I did not see the gentleman.

Mr. QUILLEN. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Iowa, Mr. GROSS.

Mr. GROSS. Mr. Speaker, we have heard a good deal about our former colleague, the gentleman from Virginia, Judge Smith. I, too, have affection for Judge Smith, but after all he is not here today. You are here, and it is up to you—it is your responsibility as to whether you are going to spend $90,000,000 of the taxpayers' money for another marble edifice here at the Capitol. You are responsible to those who pay the bills, not our friend Judge Smith.

I would like to get something straight, and I regret that the gentleman from Alabama (Mr. ANDREWS), is not here, because I want to quote his record back to him as of less than a year ago in the hearings before his appropriations subcommittee:

> Mr. ANDREWS. Suppose that at some future time the House, after constructing the Madison library, decided that it needed a fourth office building. Could it, if it wished, convert this building to an office building?
>
> This may be something way in the future, but as you know, there are those who think square 732 ought to be reserved for a fourth office building for the House.
>
> Mr. CAMPIOLI. Since this building has been designed as 100 percent flexible so that it can be used as either part office building, part library stack area, or either all stack area or all office building, this building could be converted to an office building in the future.
>
> Mr. ANDREWS. Are the footings designed to take a building as high as the present surrounding buildings as a general office building?
>
> Mr. CAMPIOLI. Yes, sir.

Now, exactly what are you getting at in this deal? An addition to the Library of Congress or another House office building? Sure you have put language in this bill to the effect that the $90,000,000 is not to be used—that nothing contained herein is to be construed to mean that it may be used to construct a fourth House office building, but in the light of the statements I have just read I seriously question what is actually proposed.

Mr. GRAY. Mr. Speaker, will the gentleman yield to me?

Mr. GROSS. I yield to the gentleman.

Mr. GRAY. I am always glad to give public praise to the very distinguished gentleman from Iowa, because he raised that question on the floor when the appropriations were being considered.

Mr. GROSS. Just 1 minute. I am not looking for any kudos. I just want you to settle down here.

Mr. GRAY. I am not trying to do that.

Mr. GROSS. I would like you to settle down and tell me and I would like the gentleman from Alabama, who took this testimony less than a year ago, to tell me just what you are up to.

Mr. GRAY. I will be delighted if the gentleman will yield further.

Mr. GROSS. Yes.

Mr. GRAY. That colloquy took place on June 10, 1969.

Mr. GROSS. June 11.

Mr. GRAY. I beg your pardon, June 11. In late 1969, several months after that—to be exact, it was October 16, 1969—your House Committee on Public Works, the Subcommittee on Public Buildings and Grounds, read that colloquy and was disturbed with it. We have written into this act in section 2 where it says that nothing contained in the act shall be construed——

Mr. GROSS. I have read it. Please do not take my time to read it again.

Mr. GRAY. I want to assure the gentleman if this bill passes, I have been assured by the other body that they will accept the House amendment and the

President will sign it with a direct prohibition against it being used as a fourth House office building. So the gentleman has done a great public service.

Mr. GROSS. Suppose we kill this rule and stop this funny business now. The gentleman from Illinois, according to the newspapers, is already in financial trouble with the Visitors Center which he sponsored in Congress not so long ago.

Mr. GRAY. Oh, no.

Mr. GROSS. He does not have enough money and he will have to come back to the Congress to get some more money.

Mr. GRAY. Not I.

Mr. GROSS. And the other day the gentleman spoke in behalf of a sports arena here.

Mr. GRAY. I was not on the floor.

Mr. GROSS. Will not the gentleman let up on us and on the taxpayers of this country?

Mr. GRAY. I was not even on the floor when that bill was brought up. But if the gentleman will yield further——

Mr. GROSS. The gentleman voted for it.

Mr. QUILLEN. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT. Mr. Speaker, I thank the gentleman from Tennessee for yielding.

I would like to direct some questions, if I may, to the distinguished chairman of the subcommittee that considered this bill. It is referred to as the James Madison Memorial Building. Madison, of course, was born in the district that Judge Smith formerly represented and I am now representing.

In what way is this to be a memorial to former President Madison other than naming a building after him or a room after him? What will be done to honor him?

Mr. GRAY. Mr. Speaker, will the gentleman yield?

Mr. SCOTT. Yes, I yield to the gentleman from Illinois.

Mr. GRAY. I am glad that the gentleman from Virginia has asked that question because I did not cover it in my previous remarks.

The James Madison Memorial Commission is composed of Senator HOLLAND, of Florida, Senator RANDOLPH, of West Virginia, Senator HRUSKA, of Nebraska, Senator BENNETT; also the chairman of the Committee on the Judiciary, the gentleman from New York (Mr. CELLER), the gentleman from West Virginia (Mr. SLACK), the gentleman from Virginia (Mr. WAMPLER), the gentleman from New Jersey (Mr. THOMPSON), and, two public members. They got together with our committee and decided that we were going to build a functional building as an addition to the Library of Congress and that this would be a great way to memorialize the fourth President, James Madison. It will not take up an awful lot of space, but there will be a suitable memorial put in the front part of the building. In other words, as one enters the foyer, it will not be a great hall, but a hall with a lot of Madison's works. It will be a fitting memorial describing the great work he did in his tenure. It will also contain his papers and other works to be placed there.

So, it will be a very suitable memorial.

That Commission asked that we use taxpayers' funds to go someplace and construct a building just for the sole purpose of memorializing the fourth President of the United States. We felt that a functional building to be used by the taxpawers for a needed library was the best way to do it. As the old saying goes, we feel that we have killed two birds with one stone.

Mr. SCOTT. Is there now a memorial in Washington at this time to the former President?

Mr. GRAY. There is not.

Mr. SCOTT. I thank the gentleman.

Mr. QUILLEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to commend the members of the committee for their very untiring efforts and for doing the things in which they believe. However, at the same time, let me point out again that I sincerely feel that the construction of this building should be postponed.

First of all, I do not think the site is the proper location for such a building. We now have the Library of Congress, across the way over there, with a recognized front. The people coming to the Nation's Capital can recognize that building unquestionably. But, if you build another building—a separate building for the Library of Congress just because you have a vacant site available—does that mean that you are doing the right thing for the taxpayers?

Mr. Speaker, I say again that there should be a master plan for the Capitol area. Let the planners decide where a new Library of Congress building should go, and I say that they will come up with an adjoining structure to the present landmark building, leaving the front of this building for all America to see and recognize as they have in the past.

Mr. Speaker, just because we have a vacant site, because someone in the Congress had the foresight to buy it at a bargain, it does not mean we have to build a Library of Congress building on that site. I say we should postpone permitting $90 million to be thrown into the economy when construction of new Federal buildings throughout the land are being postponed in order to curb inflation. And, to have the distinguished subcommittee chairman take the well of this House and say he is surprised at some Members speaking out against this measure because we call the Library of Congress personnel for services; if that is a threat, I resent it.

The Library of Congress is not going to tell me that they are not going to give me service because I stand up here and say what I believe is in the best interests of the taxpayers of this country. And I think that the gentleman should reconsider what he said on the floor of this House. I am not ashamed to call over there, and I will call tomorrow, and if they resent my calling I will take the floor of this House.

Mr. GRAY. Mr. Speaker, will the gentleman yield?

Mr. QUILLEN. I will be happy to yield for a question.

Mr. GRAY. Mr. Speaker, I have very much respect and very high regard for the gentleman, but I think that speech had better be made to the Bureau of the Budget, because we are only asking at the most today the release of $2.8 million, and the President has asked for the 1971 fiscal year new buildings to cost $183 million for buildings all over the country, including a project in the minority leader's hometown. I am all for it. I will vote for it. But I do not think the gentleman should chastise the Members for voting for this project to serve the entire Nation.

Mr. QUILLEN. What is the building in my hometown?

Mr. GRAY. I said in the minority leader's hometown.

Mr. QUILLEN. I thank the gentleman for his clarification.

Mr. Speaker, I do not question the sincerity of the gentleman from Illinois (Mr. GRAY), but I do not think that the Members of the Congress should be threatened by a lack of service from the Library of Congress. I do not think that any Member of this House should be threatened because a building is being built in his district. I think that I represent the finest taxpayers in this country, and I am in favor of saving money for the taxpayers of this Nation. For that reason the postponement of the construction of this building is not going to bring the present walls of the Library of Congress tumbling down. The gentleman brings a picture before the Members of this House showing the crowded conditions; did the gentleman ever take a picture in another agency to show the crowded conditions in that agency?

Yes, maybe the building is needed, but I believe that we should have a master plan of the Capital area before we take this vacant site and say this is where the building should be.

Mr. Speaker, I believe that this rule should be defeated, and if not, the measure should be defeated.

Mr. GRAY. Mr. Speaker, will the gentleman yield further?

Mr. QUILLEN. I will be happy to yield.

Mr. GRAY. Mr. Speaker, I am sincere when I say that I have brotherly love and respect for every Member of this House, and I would not seek to impugn the motives of the integrity of any Member.

Mr. QUILLEN. Mr. Speaker, I heard the gentleman in the well of the House say that we should be ashamed to call on the Library of Congress for services if we are opposed to this measure. I am not ashamed, I will say to the gentleman from Illinois.

Mr. GRAY. Maybe the word "reluctant" would be better.

Mr. QUILLEN. I do not think that we ought to expect retaliation. Because I brought up some facts in opposition, it does not mean that I have to vote for this bill for fear of being denied service from the Library of Congress, and I am not going to vote for it. Let them cut off the services to my office if they will.

Mr. Speaker, I have no further requests for time, but I reserve the balance of my time.

XUM

Mr. GRAY. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. ROSTENKOWSKI). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SNYDER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 289, nays 62, not voting 79, as follows:

[Roll No. 42]

YEAS—289

Abbitt
Abernethy
Adair
Adams
Addabbo
Albert
Alexander
Anderson, Calif.
Anderson, Ill.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Arends
Ashbrook
Aspinall
Barrett
Beall, Md.
Bevill
Biaggi
Biester
Bingham
Blackburn
Blanton
Boggs
Boland
Bolling
Brademas
Brasco
Brooks
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, Va.
Buchanan
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton, Calif.
Burton, Utah
Bush
Button
Caffery
Carey
Casey
Cederberg
Celler
Chamberlain
Clark
Clay
Cleveland
Cohelan
Collier
Colmer
Conte
Conyers
Corbett
Corman
Cowger
Cramer
Crane
Culver
Cunningham
Daddario
Daniel, Va.
Daniels, N.J.
de la Garza
Delaney
Dellenback
Derwinski
Dickinson
Dingell
Donohue
Dorn
Downing
Dulski
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Esch
Evans, Colo.
Evins, Tenn.
Fallon
Farbstein
Fascell
Feighan
Findley
Fish
Fisher
Flood
Flowers
Flynt
Foley
Ford, Gerald R.
Fountain
Frelinghuysen
Friedel
Fulton, Pa.
Fuqua
Galifianakis
Garmatz
Gaydos
Gettys
Giaimo
Gibbons
Gilbert
Gonzalez
Gray
Green, Oreg.
Green, Pa.
Griffin
Griffiths
Grover
Gubser
Gude
Halpern
Hamilton
Hammerschmidt
Hanley
Hansen, Idaho
Harrington
Harsha
Hays
Hébert
Heckler, Mass.
Helstoski
Henderson
Hicks
Hogan
Hosmer
Howard
Hull
Hungate
Ichord
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Karth
Kastenmeier
Kazen
Kee
Keith
Kleppe
Kluczynski
Koch
Landrum
Langen
Leggett
Lloyd
Long, La.
Long, Md.
Lowenstein
McCarthy
McClory
McCulloch
McDade
McFall
McKneally
Macdonald, Mass.
MacGregor
Madden
Mahon
Mailliard
Marsh
Matsunaga
May
Mayne
Michel
Mikva
Miller, Calif.
Miller, Ohio
Mills
Minish
Mink
Minshall
Mize
Mizell
Monagan
Montgomery
Morgan
Morse
Morton
Mosher
Murphy, Ill.
Murphy, N.Y.
Myers
Nedzi
Nichols
Obey
Olsen
O'Neal, Ga.
O'Neill, Mass.
Patman
Patten
Pepper
Perkins
Philbin
Pirnie
Podell
Poff
Preyer, N.C.
Price, Ill.
Price, Tex.
Pucinski
Railsback
Randall
Rees
Reid, N.Y.
Reifel
Reuss
Rhodes
Riegle
Rivers
Roberts
Robison
Rodino
Roe
Rogers, Colo.
Rogers, Fla.
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roybal
Ryan
St Germain
St Onge
Sandman
Satterfield
Schwengel
Scott
Sebelius
Shipley
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Springer
Stafford
Staggers
Stanton
Steed
Steiger, Wis.
Stephens
Stokes
Stubblefield
Stuckey
Sullivan
Symington
Taylor
Thompson, N.J.
Tiernan
Udall
Ullman
Vanik
Vigorito
Waggonner
Waldie
Wampler
Watkins
Watts
Whalen
Whalley
White
Whitten
Widnall
Wiggins
Williams
Winn
Wolff
Wright
Wyatt
Wydler
Wylie
Wyman
Yates
Yatron
Young
Zablocki
Zion

NAYS—62

Bennett
Berry
Betts
Brinkley
Burke, Fla.
Byrnes, Wis.
Camp
Carter
Clancy
Clawson, Del
Collins
Conable
Coughlin
Davis, Wis.
Denney
Dennis
Devine
Dowdy
Duncan
Eshleman
Foreman
Frey
Goodling
Gross
Hagan
Haley
Hall
Hastings
Hechler, W. Va.
Hunt
Hutchinson
Jacobs
King
Kyl
Landgrebe
Latta
Lujan
McClure
Martin
Natcher
Nelsen
Nix
O'Konski
Pelly
Pike
Poage
Pollock
Quillen
Rarick
Roth
Roudebush
Ruth
Schadeberg
Scherle
Snyder
Stratton
Thomson, Wis.
Weicker
Whitehurst
Wilson, Bob
Wold
Zwach

NOT VOTING—79

Anderson, Tenn.
Ashley
Ayres
Baring
Belcher
Bell, Calif.
Blatnik
Bow
Bray
Brock
Brown, Calif.
Broyhill, N.C.
Byrne, Pa.
Cabell
Chappell
Chisholm
Clausen, Don H.
Davis, Ga.
Dawson
Dent
Diggs
Dwyer
Eckhardt
Edmondson
Edwards, La.
Ford, William D.
Fraser
Fulton, Tenn.
Gallagher
Goldwater
Hanna
Hansen, Wash.
Harvey
Hathaway
Hawkins
Holifield
Horton
Kirwan
Kuykendall
Kyros
Lennon
Lukens
McCloskey
McDonald, Mich.
McEwen
McMillan
Mann
Mathias
Meeds
Melcher
Meskill
Mollohan
Moorhead
Moss
O'Hara
Ottinger
Passman
Pettis
Pickle
Powell
Pryor, Ark.
Purcell
Quie
Reid, Ill.
Ruppe
Saylor
Scheuer
Schneebeli
Steiger, Ariz.
Taft
Talcott
Teague, Calif.
Teague, Tex.
Thompson, Ga.
Tunney
Van Deerlin
Vander Jagt
Watson
Wilson, Charles H.

So the resolution was agreed to.

The Clerk announced the following pairs:

Mr. Holifield with Mr. Ayres.

Mr. Mann with Mr. Mathias.

Mr. Teague of Texas with Mrs. Reid of Illinois.

Mr. Dent with Mr. Don H. Clausen.

Mr. Passman with Mr. Teague of California.

Mr. Gallagher with Mrs. Dwyer.

Mr. Byrne of Pennsylvania with Mr. Saylor.

Mr. Blatnik with Mr. Harvey.

Mr. Lennon with Mr. Kuykendall.

Mr. Moorhead with Mr. Belcher.

Mr. Moss with Mr. Bow.

Mr. O'Hara with Mr. Broyhill of North Carolina.

Mr. Pickle with Mr. Quie.

Mr. Charles H. Wilson with Mr. Ruppe.

Mr. Cabell with Mr. Talcott.

Mr. Pryor of Arkansas with Mr. Schneebeli.

Mr. Hanna with Mr. Bray.

Mr. Hathaway with Mr. Bell of California.

Mr. Fulton of Tennessee with Mr. McDonald of Michigan.

Mr. Edmondson with Mr. Lukens.

Mr. Van Deerlin with Mr. Horton.

Mr. Tunney with Mr. McCloskey.

Mr. Anderson of Tennessee with Mr. McEwen.

Mr. Meeds with Mr. Brock.

Mr. Hawkins with Mr. Scheuer.

Mr. Edwards of Louisiana with Mr. Pettis.

Mr. Chappell with Mr. Meskill.

Mr. Brown of California with Mr. Steiger of Arizona.

Mr. Ashley with Mr. Goldwater.

Mr. Kirwan with Mr. Watson.

Mr. Kyros with Mr. Vander Jagt.

Mr. Monagan with Mr. Thompson of Georgia.

Mr. Ottinger with Mr. Taft.

Mr. Purcell with Mr. Davis of Georgia.

Mr. Powell with Mrs. Chisholm.

Mr. Fraser with Mr. Diggs.

Mr. McMillan with Mr. Eckhardt.

Mrs. Hansen of Washington with Mr. Baring.

Mr. William D. Ford with Mr. Melcher.

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

PERMISSION FOR COMMITTEE ON WAYS AND MEANS TO FILE REPORT ON H.R. 16311 UNTIL MIDNIGHT, MARCH 11, 1970

Mr. MILLS. Mr. Speaker, I ask unanimous consent that the Committee on Ways and Means may have until midnight Wednesday, March 11, 1970, to file a report on the bill (H.R. 16311) entitled "The Family Assistance Act of 1970."

Of course, this request includes any supplemental or additional views.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

LIBRARY OF CONGRESS JAMES MADISON MEMORIAL BUILDING

Mr. GRAY. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (S. 2910) to amend Public Law 89-260 to authorize additional funds for the Library of Congress James Madison Memorial Building.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill S. 2910, with Mr. CASEY in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Illinois (Mr. GRAY) will be recognized for 30 minutes, and the gentleman from New York (Mr. GROVER) will be recognized for 30 minutes.

XUM

The Chair recognizes the gentleman from Illinois.

Mr. FALLON. Mr. Chairman, I rise to commend the gentleman from Illinois, the Honorable KENNETH J. GRAY, chairman of the Subcommittee on Public Buildings and Grounds of the Committee on Public Works, for reporting to this body the legislation pending before us, S. 2910, which would increase the authorization for construction of the Madison Memorial Library from $75 million to $90 million. This is an increase of $15 million over the original figure which the Congress authorized in the first session of the 89th Congress. When the original legislation authorizing the Madison Memorial was passed, the crying need for additional space for the operation and use of the Library of Congress and its facilities was made quite obvious to the Committee on Public Works.

This need has increased in the interval between the passage of that legislation and the bill now pending before this body today. S. 2910 would provide the additional funding that is needed to assure complete construction of the builing so that the Library of Congress can continue its great work in proper surroundings.

Our Library of Congress is one of the great libraries of the world. It cannot be allowed to continue to operate in the manner it now does with its personnel and offices scattered throughout the Metropolitan Washington area. There is a definite need for this third Library of Congress building. I strongly support this legislation and I might point out to our colleagues that this legislation as reported by the Committee on Public Works makes it quite clear that this new building—with the exception of the portion set aside to honor James Madison—will be used for library purposes only, and nothing else.

XUM

I urge passage of this bill.

Mr. GRAY. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, we had a rather extensive debate on the rule, so to keep from being repetitious I will try to more or less summarize for the benefit of those who are here now who were not here during the debate on the rule.

Mr. Chairman, your Committee on Public Works is here today requesting an authorization of an additional $15 million for a third Library of Congress James Madison Memorial Building. This legislation was required by action of the 52-member Committee on Appropriations. They allowed $2.8 million the last fiscal year, fiscal 1970, that ends June 30 of this year, to begin architectural and engineering work on the third Library building that will be built on Square 732, which is the 2-square block area immediately east of the Cannon House Office Building, but they had a proviso in this appropriation bill that said that not 1 dime can be spent until we, the authorizing Committee on Public Works, fixes a final mandatory maximum ceiling on the cost of this project.

I think this was somewhat wise, because we know through history that the cost of the Rayburn Building escalated many times through change orders and other escalated costs so that the bill before us today is a definite maximum ceiling that this project, regardless of how worthy it is, cannot exceed a cost of $90 million when we finally go out for bids a year or two from now.

Now, in the very lively debate—and I think that that is healthy for the House—several arguments were advanced against voting for the rule and voting against the bill. So I should like in just a few moments to bring out some of the answers to those arguments that were advanced.

One argument was advanced by the very distinguished member of the Committee on Rules, the gentleman from Nebraska (Mr. MARTIN), that it will take 4 years to construct this building, and that if costs escalate 7 percent a year this would be another $30 or $40 million cost in the Library, so that therefore it should be postponed.

What the distinguished gentleman from Nebraska does not realize is the fact that this land was acquired back in 1958—12 long years ago—that this project was authorized 5 years ago, in 1965, and that we have been vascillating; that we have been postponing, that we have been waiting, and as a result it has already cost the taxpayers just since 1965 a total of $22.5 million in escalated costs, or $7.5 million more than we are asking for in the authorization bill before us today.

Other arguments were advanced, that this project was not needed, that we ought to get along with the present Library of Congress, that was built back in 1840.

Let me again remind you in answer to that allegation that we are now renting space in 12 different locations around the city of Washington at a cost of $2 million per year. So just since we authorized this in 1965, we have cost your taxpayers and we have cost my taxpayers a total of $10 million in rented space.

I want to take the time, if I may, to read to you the locations of the various functions of the Library of Congress: 159 people working at the Navy Yard; 159 people working at the East Navy Yard; dozens of people working at Suitland, Md.; dozens of people working at Crystal Mall, Va.; dozens of people working at the Alexandria Federal Center; dozens of people working at 2028 Duke Street, Alexandria, Va.; dozens of people working at South Pickett Street, Alexandria, Va.; dozens of people working at the Wright Patterson Air Force Base, Dayton, Ohio; dozens of people working at 415 Third Street NW.; dozens of people working at 1291 Taylor Street NW.; dozens of people working at Federal Depot, Middleriver, Md.; and people working at 214 Massachusetts Avenue NE.

In other words, there are 4,000 people spread all over Washington and the environs of Washington trying to carry on their business—not just the business of the Library of Congress and not just the business of storing documents, but answering the requests of schools all over this Nation and answering the requests of schoolchildren of all ages.

This is not a Library of Congress per se. This is a library—the only library serving all of the libraries of this great Nation. Yet, we have a large number of people voting "no" today, believing that there is no need for the construction of this library building.

I would like to call to your attention, if I may, to this photograph of the Legislative Reference Service. Listen to me now, my friends. This is the Legislative Reference Service that answers the requests of 535 Members of the House and Senate. They are housed out in the main room of the Central Library Building—with wooden partitions. How can they possibly concentrate on the valuable information that you are asking for—maybe speech material that you are going to deliver or a thesis that someone is working on for their doctorate? How can they possibly concentrate and get the best possible information and work under conditions like that?

There is one point that I did not bring out in my remarks on the rule, and this is a very important point. Do you realize that these documents that we are housing such as Lincoln's original Gettysburg Address and the Gutenberg Bible, which is the first printed document, and many of the works of our Founding Fathers are housed in many of these old buildings that are firetraps? What will we do if these 52 million documents that are the foundation—and, yes, the very precepts and concepts of our Nation, were destroyed by fire in one of these 12 buildings where they are housed?

We want to bring them all under one roof. We want to avoid the duplication in the management of these materials and the business of having to send buses all over the city to deliver documents and every time you want something, having to send a car to go and get it. We want to be able to bring these documents all under one roof and keep them there. This is an economy bill, I will say to you, my friends. You cannot go back and say that you voted to save the taxpayers money by voting "no" on this bill. To the contrary—because the clock is ticking on and on and we are paying $2 million in rent for other space every year—plus the 12 Federal buildings where we are using the space for the Library which could be used by other agencies. So we are preempting space in these other buildings and other agencies are now renting space to use at a cost of several million a year.

So if you add that on, you will see that we will probably save $4 or $5 million a year in rent alone when we construct this building.

But forgetting about dollars and cents, let us talk about the energy for our knowledge. Anything—a human being or a machine—requires energy for propulsion. We cannot energize the thousands of libraries. We cannot energize the millions of students who come here to acquire knowledge and to be productive in this country without having the background information, the documents, the books, and all the historical documents needed by them to study, to learn, and to be productive in their lives.

As I said in the debate on the rule,

I get no real satisfaction in coming here and asking my dear friends in this House to vote for a $15 million authorization. I get no satisfaction in approving projects all over this Nation, in chairing the House Subcommittee on Public Buildings and Grounds. I know they are necessary and I know that every dime that is spent is, yes, based on a benefit-to-cost ratio, to see that the American taxpayers will get more benefit than the cost of the proposed projects.

In closing, let me tell you that really all you are voting for today is an authorization for $2.8 million that the Appropriations Committee appropriated almost 9 months ago. It cannot be released, it cannot be spent until this bill passes. It will take at least a year to draw the plans, and then when we go out for bids, we may build this for much less than $90 million. The economy could level off; the interest rates may go down. In any event, it cannot cost more than $90 million.

I want to make the record clear here today that as long as I remain chairman of this subcommittee, I will not be back, as in the case of the Rayburn Building, saying, "$90 million was not enough. We need more. They will either build it for $90 million, or if they go out for bids and the bids are over that figure, they will come back and cut the plans to size and stay within the $90 million. So go ahead and tell your constituents that you voted to free $2.8 million today, and that you voted to place a maximum ceiling of $90 million, no more, on this project. Then we can proceed with this project. Let us quit looking at the dollars-and-cents aspect.

Mr. Chairman, we had a very vigorous debate, which was healthy, but I am sorry to say that many of my friends whom I admire and respect over here on this side of the aisle are placing a dollar-and-cents value only on this library and for all libraries throughout this Nation. I would not impugn the integrity or the motives of anyone, but I would like to repeat a little story that I think is germane. It draws a very good analogy of what we are doing here today. This is the story about a man going into the sunset of his life. He was 90 years of age. All during his lifetime he went around looking for things of monetary value, picking up key chains, finding nickels, dimes, and quarters. When it was too late he said, in writing his diary, that in his entire lifetime he had found only about $2,500 in things of monetary value. But all during those 90 years, he said, "I failed to look up when to do so I could have discovered thousands of new friends. I failed to look up to see beautiful sunsets and the changing of the seasons. I failed to look up to see the really important values of life."

I know we have to watch the purse strings. I know we are in a tight inflationary period. But I say to you today that there are many things that come before this House that are far more important than things of monetary value only. I say that preserving Lincoln's original Gettysburg Address, preserving the Gutenberg Bible, preserving all of the historical documents that have helped to make us the greatest nation in the world, putting them under one roof, and at the same time getting the added benefit of memorializing our fourth President, James Madison, are steps that our Nation can afford to take.

Mr. Chairman, even Howard Smith, who was chairman of the Rules Committee for many years, spoke for this bill when it passed, at the time he was in Congress. Last year he came before the Appropriations Committee and asked for money for this project. He was the most conservative Member of this House when he served here with great distinction as chairman of the Rules Committee. He saw the values of life. He saw that this Library of Congress building was far more important than money.

Let us strike a blow, as I said, for the education of this Nation. Let us do something for the millions of schoolchildren who want to use these facilities. We have had that land, costing $5 million, lying idle over there for 5 years. Let us vote unanimously, without even a rollcall vote, and send it to the White House. It passed the other body without one dissenting vote. Why can we not do that? Let us have a unanimous vote, and send this to the White House, and say to the schoolchildren of the Nation that we are going to preserve the historical documents that are ours to have by putting them all under one roof.

Mr. MONAGAN. Mr. Chairman, will the gentleman yield?

Mr. GRAY. I yield to the gentleman from Connecticut.

Mr. MONAGAN. Mr. Chairman, I thank the gentleman for yielding. As far as I know, there is not too much question about the fact that these facilities are needed. At least, I do not question it. I would like to say that I do like the idea of the open space we have at the present time, but I am realistic enough to understand that probably cannot continue.

However, I would like to ask the gentleman about this aspect. There has been question raised about the design of the building and about the fact that it would fill this lot to a degree that it would be beyond that which is desirable, that it would crowd the area unnecessarily. Are we today committing ourselves to any design, or are we voting for plans which will later be before us for acceptance or rejection?

Mr. GRAY. My distinguished friend, the gentleman from Connecticut, raises a very important question. If the gentleman will recall, we had a very long colloquy in 1965, when this original legislation came before the House and was approved. Only $525,000 has been appropriated for preliminary design plans. All we are doing today, if this passes and is signed into law, is freeing $2.8 million for the architects to go into the design.

I remembered the gentleman's very great concern. I have told the architects—the three firms that will be designing this building—that we do not want a mass of concrete without some green, that we want it set back sufficiently on the lot so that there can be beautiful landscaping, and I assure the gentleman we will monitor the gentleman's concern and see that we get a functional building compatible with other buildings in the Capitol Hill area, but at the same time having some green around it.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. GRAY. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Chairman, I thank the gentleman from Illinois for yielding.

Mr. Chairman, I just wondered who established the benefit-to-cost ratio. Did the gentleman from Illinois establish it?

Mr. GRAY. The gentleman is a very great mathematician. We have had this lot for 12 years. We have spent a total of $2 million a year over that 12-year period for rent, so we have already paid out $24 million for rent, while we have been looking at a vacant lot. Simple mathematics would say that if we go for another 12 years without doing anything, it will be $48 million for rent, and if we go twice that long, it will be $96 million for rent, If we stop this rental cost, it will show in a very short period of time that we will have paid for the building. That is what I call a benefit-to-cost ratio.

Mr. GROSS. That is what the gentleman calls a benefit-to-cost ratio.

Mr. GRAY. We are building a flood control project in the gentleman's home area to control floods. That is the way the Army Engineers figure the cost-to-benefit ratio.

Mr. GROSS. Mr. Chairman, if the gentleman will yield further, at the rate we are getting money for that flood control project out there, it will be 100 years from now before we get the floods stopped.

Mr. GRAY. The gentleman is right.

Mr. GROSS. But the gentleman has $90 million for this deal right now, has he not?

Mr. GRAY. No. We have had $75 million here for 5 years and not a dime of it has been spent. We hope only to spend $2.8 million in the next year.

Mr. GROSS. We have not spent anything so far?

Mr. GRAY. We have spent $525,000 in 5 years, if the gentleman calls that a great deal of money.

Mr. GROSS. That is a great deal of money to me.

Mr. GRAY. I bet we have spent more than that on the Waterloo flood control project in the last 5 years.

Mr. GROSS. I bet a plugged nickel we have not.

Mr. GRAY. I am not being facetious, but I will be glad to appear with the gentleman before the Appropriations Committee and urge them to appropriate that money for the flood control project, because I know the gentleman has a problem.

Mr. GROSS. But with the holding which is going on and which the gentleman is apparently not acquainted with, I am afraid the gentleman and I would have difficulty getting by the barrier there.

Mr. GRAY. I am standing with the gentleman, not against him.

Mr. DENNIS. Mr. Chairman, will the gentleman yield?

Mr. GRAY. I yield to the gentleman from Indiana.

Mr. DENNIS. If I correctly understand the situation here, we are being asked to authorize another $15 million at this time because the Appropriations Committee says we cannot spend the $2.8 million unless we do that. Is that correct?

Mr. GRAY. The gentleman is eminently correct.

Mr. Chairman, I yield myself 3 additional minutes, as there may be further questions.

Let me elaborate just a monent and tell how this $75 million figure came about.

This is a misconception to many Members. The Committee on Public Works tried to be honest when they came in here. Instead of saying, "We are going to authorize a third library," we gave a "guesstimate." I repeat, we gave a "guesstimate" of what the building might cost.

We have appropriated $525,000 over the past 5 years.

We now have official estimates, exact estimates taking into account the escalation in cost. We are here today saying to you that instead of a $75 million "guesstimate" in 1965 we are being honest with you and putting in a mandatory exact estimate, a ceiling of $90 million on the project.

This does not mean the Members are voting $15 million additional today. This has been the argument all day on this debate. This a maximum ceiling. When we go out for bids it may be we can build for $70 million, or it may be $80 million.

XUM

The Appropriations Committee, as my friend points out, put in a proviso that we cannot spend even $2.8 million until we put a maximum exact 1971 estimate of the cost on.

Mr. DENNIS. Mr. Chairman, will the gentleman yield further?

Mr. GRAY. I am glad to yield further?

Mr. DENNIS. Is is not a rather unusual procedure to authorize $15 million here because the Appropriations Committee says we cannot have any money until we do that? Did the gentleman consider going back to the committee and asking them if they would not spend a reasonable amount for plans without requiring us to authorize another $15 million at this time, well ahead of any construction or even plans, as I understand it?

Mr. GRAY. The gentleman makes a very important point. I want to confess my oversight.

What should have happened, when the appropriations bill came on the floor, was that we should have raised a point of order against the language. It was legislation on an appropriation bill. But, like all other Members, we are busy and we have constituents here, and it slipped by me. It got by the other body. They acquiesced. It was signed into law. It is a law now.

If we had gone out for bids $75 million probably would have been adequate, but we are faced with the situation today of a law. If we wait for another year, for the Appropriations Committee to undo what needs to be done, with a 7-percent escalation in cost, we are talking about another $6 million out of the taxpayers' money while we sit here and argue about it. It is that simple.

Mr. DENNIS. Mr. Chairman, will the gentleman yield further?

Mr. GRAY. I am glad to yield further.

Mr. DENNIS. The gentleman would have to agree that even though we increase this authorization now there is exactly no assurance, and no possible way of being assured, that the actual construction will not cost more than this $90 million at this point.

Mr. GRAY. The gentleman can be assured of this one thing, that no agency, including the Capitol Architect who will be in charge of this construction, can spend one nickel more than is authorized.

Mr. DENNIS. I know that.

Mr. GRAY. If they go out for bids, and it is $91 million, they will have to lop $1 million off. If they come back and say, "Give us another $1 million authorization," I am pledging to you that as long as I remain the chairman of this subcommittee there will not be any additional authorization bill brought in. They will live within this $90 million ceiling.

Mr. GROVER. Mr. Chairman, I yield 5 minutes to the gentleman from Iowa (Mr. SCHWENGEL).

Mr. SCHWENGEL. Mr. Chairman, in the brief time I have I first wish to pay tribute to the chairman of the committee and the members of the committee, who have taken all the questions that have been raised here under advisement. The same concerns expressed by those outside the committee members here on the floor were the concerns expressed by myself and other members of the committee.

The chairman of the subcommittee that handled this bill in committee has been very diligent and thorough in his handling of this very important legislation. He has been and is imminently fair and proven once again that he is an outstanding Member of the Congress.

After his presentation of the basic facts little can be said to add to the argument for this bill.

After we weighed all of the facts and considered all the questions and considered all of the factors, we felt we must do this. So this bill has been brought before you here today with the support of both sides on the subcommittee.

In the prepared remarks I have, Mr. Chairman, I have first given a brief summary of the history of this legislation and then listed some pertinent facts that I think ought to be considered with it.

I believe in libraries, and I greatly respect this great body that many years ago provided for the Library of Congress. We now have an institution that we have given birth, to which we have given encouragement and supported the growth of through the years. It is the greatest library of its kind in the world. I join with all of those who want to make it more effective and efficient.

Mr. Chairman, the prepared remarks I have, which I will present here for the RECORD, are more complete than I will state them now, and I ask you to take the time to read them. They are not entirely authored by myself; they are authored with the help of those who certainly understand libraries and the importance of books better than I do. I do humbly invite you to read the entire document, however.

Now let me summarize this very briefly. Let me remind you that in the 20th century the Library assumed, that is, the Library of Congress, increasing importance as a national library and as a cultural, intellectual, and educational center for our Nation. It developed a subject classification scheme which is now used by most libraries in the United States. It permits other libraries to benefit from its own expert cataloging and distributing of printed catalog cards through a card distribution service which returned over $7 million to the Treasury of the United States in 1968. That is only one part of the story, however. It is hard to estimate this, but there are untold millions to add to this in the way of amounts of money it has saved other libraries that otherwise would have had to provide their own catalogs. It would have been much more expensive for them to have performed it rather than to have the Library of Congress perform this service for them. This is an important factor for us to remember as we consider this bill.

The Library of Congress operates a program which provides free books for the blind. This is because of action we have taken here in Congress. It provides for the physically handicapped through 43 regional centers free service made possible by this body or this Congress. It offers through the National Referral Center an information service on the physical and social sciences to scientists throughout the country seeking sources of such information. It has taken the lead in investigating the possibility of automation in library processes and a machine readable cataloging service as well as a card distribution service with computer printed catalogs and other graphic controls. Throughout this period the Library has built unparalleled collections, gifts, purchases, exchanges, and deposits which combined to create in this one institution collections unequaled anywhere in the world today. Rare books of all kinds, with an emphasis on Americana. To each of its beneficiaries the Library shows a different face. There are many beneficiaries of the Library.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GROVER. Mr. Chairman, I yield the gentleman 3 additional minutes.

Mr. OLSEN. Mr. Chairman, will the gentleman yield?

Mr. SCHWENGEL. I yield to the gentleman from Montana.

Mr. OLSEN. Mr. Chairman, I want to take this time to say, first of all, that I am in favor of this bill and wholeheartedly support it. But I want to take this time to congratulate the gentleman in the well, the gentleman from Iowa, for his splendid efforts in behalf of what we have to do and what has been done on Capitol Hill, about the capital of the world. This is the place. I think the gentleman from Iowa (Mr. SCHWENGEL) has done a marvelous job. I am very proud to have been one of the original members of the U.S. Capital Historical Society with the gentleman from Iowa serving as our leader, and I am happy he still serves in that capacity.

Mr. Chairman, I want to say again and again it is a wonderful thing that the gentleman from Iowa (Mr. SCHWENGEL) has taken this upon himself and has done a splendid job. I endorse all of the programs on which the gentleman has worked so ably and hard during the past years.

Mr. SCHWENGEL. I thank the gentleman very much.

Let me continue very briefly. To most Members of the House, to most of us in Congress, the Library of Congress means the Legislative Reference Service upon which we can depend for an unbiased survey of conflicting facts that legislators have to reconcile. I might add that there is no library in the world that serves its representative body in this manner as does our Library of Congress. There are ways and means to make the Library more effective and efficient in this regard, and I hope we will seek those ways and means and institute some programs so that we can take more and better advantage of the Library. Those of our constituents who come and visit, view the Library as a storehouse of treasured knowledge, containing the Gutenberg Bible, Jefferson's draft of the Declaration of Independence, Lincoln's Gettysburg Address which has already been mentioned, and countless other valuable manuscripts; the Music Division, the Prints and Photographs Division, the Serial Division, as well as others. To the historians this is a repository of the private papers of American leaders, including those of our Presidents through Coolidge. To the geographer it is the Geography and Map Division, where he can consult over 3 million maps and cartographic records from all over the world. To the music lover it is the Coolidge Auditorium where throughout the winter months he can attend chamber music concerts made possible by the Coolidge and Whittall endowments. To the professional librarian it is the place to look for innovative solutions to the problems of coping with the "information explosion."

To all of these and many more the Library provides continuing service.

Mr. Chairman, Congress has built well. Following Thomas Jefferson's dictum, "There is, in fact, no subject to which a Member of Congress may not have occasion to refer," we have created a national library that stands as visible evidence of our belief in enduring intellectual values and of our search for truth.

My good friends, I hope you will heed the admonition of our leadership of the committee and pass this bill forthwith, for its passage would not only mean saving money but would represent one of the best investments we can make in this great country.

Mr. Chairman, let the public record show that Public Law 89-260, signed on October 19, 1965, authorized an appropriation of $75 million for construction of a third Library of Congress building. Appropriately Congress has already decided to name it the Library of Congress James Madison Memorial Building.

Public Law 89-309, signed October 31, 1965, appropriated $500,000 for preliminary plans and specifications for the building. A contract was entered into by the Architect of the Capitol, after approval of the congressional coordinating committee responsible for the overview of the construction, with the Associated Architects, DeWitt, Poor, & Shelton, in June 1966. On August 25, 1967, the preliminary plans and designs were unveiled in a Washington press conference by Senator B. EVERETT JORDAN, of North Carolina, chairman of the congressional coordinating committee.

A supplemental request for $2.8 million for the fiscal year ending on June 30, 1968, was made by the Architect of the Capitol to permit the drawing of final plans and specifications. The House Committee on Appropriations disallowed this request, but the Senate reinstated it. The conference committee on the supplemental appropriation bill for fiscal 1968, however, disallowed the request.

In his budget for fiscal 1969, the Architect of the Capitol again included a request for $2.8 million for final plans and specifications for the Madison Building. The House Committee on Appropriations, in reporting the legislative branch appropriations bill for fiscal 1969, stated in its report—House Report No. 1576, 90th Congress, second session:

> There seems to be no question about the Library needing a third building. The Library continues—inevitably—to grow. Annual space rental costs now approach $1 million, and the Library keeps looking for more available and suitable space. The budget situation is worse than it was last December, leaving the committee little justifiable choice in the decision to defer the item.

The item—$2.8 million—was "deferred without prejudice."

The Senate Committee on Appropriations also denied the item, stating in its report—Senate Report No. 1350, 90th Congress, second session:

> The committee has denied the request for these funds at the present time in view of the budget situation.

A request of $18,410,000 is included in the budget of the Architect of the Capitol for fiscal 1970. This request, if approved, would allow for final plans and specifications and would allow the Architect of the Capitol to enter into contracts for excavation and foundation work and for preordering the masonry for the exterior of the Madison Building. This request would permit construction in several phases without delays between contracts and therefore would effect reduction in temporary rental costs being incurred by the Library of Congress; would reduce the ultimate cost of the project by avoiding from 12 to 16 months additional escalation costs; and would permit occupancy earlier than the single-contract construction schedule.

Additional arguments in favor of appropriating this money during fiscal 1970 are the following:

Space problems at the Library of Congress, which become more severe as time passes, have forced the Library to disperse its activities to several outside locations thus hampering service to the Congress, Government agencies, libraries, the scholarly world, and so forth.

Lack of space presents serious preservation problems in that the Library's invaluable collections are scattered in several locations and, of necessity, must be improperly shelved.

Rental space, now costing nearly $2 million annually, coupled with escalating construction costs—estimated at about 10 percent per year—will cost the Federal Government more and more money each year there is delay in appropriating funds for the continuation of the building program. Although it is necessary to appropriate the $18,410,000 before the contracts for the work mentioned can be made, only a small portion of the amount requested would be expended during the coming fiscal year. It is therefore in the interest of real economy and efficiency to continue the program without delay.

I include at this point the following fact sheet:

FACT SHEET ON LIBRARY OF CONGRESS JAMES MADISON MEMORIAL BUILDING

Authorized by Congress October 19, 1965 (Public Law 89-260).

Need for Building:

1. Severe shortage of space, which is hampering present services and will have critical impact on future services.

2. Some services and collections have already had to be dispersed to six outlying locations, ranging from the Baltimore to the Alexandria areas; this is resulting in operating inefficiencies and inconvenience to the public.

3. Rental cost to the Government for outside space (over 500,000 sq. ft.) already exceeds $1.6 million per year and delay in constructing the Madison Building can only add to this cost, to say nothing of that for the Madison Building itself because of drastically escalating construction costs.

New building providing needed space is to be constructed on Square 732 (bounded by Independence and C Streets and First and Second Streets, S.E.)

Preliminary plans approved by Congressional Coordinating Committees in 1967.

Building would provide approximately 1.7 million sq. ft. of space for staff, users, and collections and have a total gross area of about 2 million sq. ft., six floors above grade from Independence Avenue and three floors below grade.

To contain the following services and operations:

	Square feet
James Madison Memorial and Exhibition Hall	15, 200
Law Library	179, 860
Legislative Reference Service	104, 700
Processing Department	400, 040
Copyright Office	150, 790
Administrative Department	89, 600
Office of the Librarian (including Information Systems Office)	25, 800
Reference Department (Manuscript Division, Music Division, Prints and Photograph Division, Serial Division	503, 210

Architects: DeWitt, Poor & Shelton.

Estimated completion schedule if funds requested in the Architect of the Capitol's budget for fiscal 1970 as well as subsequent budget requests for construction are appropriated:

Completion of final plans and working drawings: 1970.

Occupancy of building: 1970.

APRIL 1969.

Mr. Chairman, on July 20 we witnessed a spectacular event, the arrival on the moon of men from the planet earth. How this was accomplished seems to be beyond the comprehension of most of us. This "small step by man and giant step for mankind" is an achievement, however, that makes us think of the steps over the centuries that led to these moments—the first astronomers charting the movement of the heavenly bodies, the first scientists observing the phenomena of magnetism, pioneers of aviation exploring the earth's atmosphere, engineers forging metals able to withstand ever greater heat and stress were all small and giant steps. Each step in man's ascent to the moon and all other ascents were built on the experiments and discoveries that had been made before, are all recorded in books.

How much we owe our triumphant conquest of space to the makers and keepers of books is immeasurable. We owe much to those Egyptians who in 4000 B.C. made a writing material from papyrus, to that ancient king of Pergamus who prepared for writing the skins of sheep and calves and perpetuated the name of his kingdom in parchment to those 12-century builders of paper mills, to those 15th-century printers. And how much we owe to the countless millions who recorded knowledge and to those who preserved it and stored it for future generations will never be known. Said Edward Gibbon:

> The use of letters is the principal circumstance that distinguishes a civilized people from a herd of savages incapable of knowledge and reflection. . . . (without) some species of writing no people has ever preserved the faithful annals of history, ever made any considerable progress in the abstract sciences or ever possessed, in any tolerable degree of perfection, the useful and agreeable arts of life.

XUM

The instinct to preserve important writings is as old as civilization itself; the earliest libraries were temples where sacred writings were preserved and the earliest librarians were priests. We know that a library of literary works inscribed on clay tablets existed at Nineveh in the seventh century B.C., and in Greece and Rome there were many libraries that were, while not public in our sense of the word, freely opened to scholars and learned men by their owners.

It was the rediscovery of the learning of the ancients, locked away in monastic libraries during the dark ages, that led to the Renaissance and at the height of the Renaissance the development of printing from movable type that made possible the dissemination of learning, the development of the arts and sciences, and the establishment of modern libraries.

On this continent the first library was that of Harvard College, which was formed in 1638 with the 400 books bequeathed by John Harvard; in 1700 libraries were established at Yale and at the College of William and Mary. The first "public" libraries in the colonies were usually the work of clergymen, interested in furthering religious instruction. Secular knowledge was collected from a desire of the people themselves for information.

Benjamin Franklin, for instance, started in 1727 a debating society for young tradesmen like himself who at first pooled their books and then formed a subscription library. Now a branch of the Free Library of Philadelphia, the Library Company received its first purchased books in 1732. Other subscription libraries were formed in Rhode Island, the Redwood Library and Athenaeum; in South Carolina, the Charleston Library Society; and in New York City, the Society Library. By 1776 there were 29 libraries open to the public in the 13 colonies, with 45,623 volumes; by 1800 there were 49 libraries with double the number of volumes.

The hunger for education was so great, and the interest in the promise of science and mechanical invention so widespread that more and more libraries were established in the first 4 decades of the 19th century by groups of artisans, clerks, and apprentices and by young men's associations. The trend stopped only with the growth of free tax supported libraries, a natural accompaniment to the growth of free schools. One of the first free municipal libraries to receive public support was in the town of Peterborough, N.H., in 1833, but the first public library to be established as a municipal institution supported by taxation was the Boston Public Library in 1848—that's only 122 years ago. There followed the development of a public library system unknown in any other country.

By 1964–65, 6,922 public libraries served a population of 181,000,000, circulating through the main libraries and 3,833 branches 842,000,000 books to 52,000,000 borrowers. One thousand eight hundred and seventy other libraries served over 7,000,000 faculty and students in universities and colleges and over 4,000 special libraries served the members of research institutions, learned societies, business firms, and industries.

The Government's commitment to library service began with the Library of Congress. For all Americans it was demonstrated in a number of pieces of legislation enacted in all States with special legislation for these States and in the 1950's and 1960's, the most important of which were the rural Library Services Act, later amended to be the Library Services and Construction Act, the Higher Education Act, the National Defense Education Act, the Higher Education Facilities Act, the Vocational Education Act, and the Elementary and Secondary Education Act. Under title II of ESEA alone, in 1964–65 the Library programs which involved the purchase and loan of some 20.6 million items—books, magazines, and audiovisual materials—reached some 27.5 million public and private school children, and about 3,378 new elementary and 259 new high school libraries were set up. Over 60,000 public school libraries expanded their collections.

The founders of the Republic were, of course, aware of the importance of books. Most of them had private libraries and all of them acknowledged the debt they owed to classical and European writers on political economy for the ideas that formed the U.S. Government. The Congress of the new Government itself created its own library when it included in the act for the removal and accommodation of the Government of the United States, April 24, 1800, just 170 years ago, an authorization for the expenditure of $5,000 for the purchase of such books as might be necessary for the use of Congress at Washington and for fitting up a suitable apartment in the Capitol for their safekeeping. On December 18, 1801, Uriah Tracy, Senator from Connecticut, and 3 days later John Randolph of Roanoke, of the House of Representatives, both members of the new Joint Committee on the Library, made an important report to their respective Houses on the subject of the needs of the Library of Congress. On January 26, 1802, an act concerning the Library for the use of both Houses of Congress provided that the books previously kept separately by each House be placed in the north wing of the Capitol and that the unexpected balance of the first appropriation of $5,000 together with such sums as might be later appropriated be expended under the direction of the joint committee. The first collection of books, about 3,000, was made that same year.

This first congressional library was destroyed in 1814 when the British burned the Capitol, and to repair the loss Thomas Jefferson offered to sell his collection of 6,700 volumes to Congress. In spite of some objections in the House to the "infidel" character of some of his books and to the fact that the collection included "too many Bibles" the offer was accepted and Jefferson's library was placed in temporary quarters until the Capitol Building was restored. In 1824 when the Library was established in those rooms in the Capitol that were to be its home until 1897, Congress eased the expansion of its collections by remitting all duties upon books, maps, and charts imported by the Library.

In 1852, a year after a disastrous fire had destroyed over half of the 55,000 volumes then in the collection, Congress appropriated $157,000 for the restoration of the Library hall and the purchase of books. In 1866 Congress transferred to the Library the 40,000 volumes in the library of the Smithsonian Institution, a great scientific collection with the largest number of journals and transactions of learned societies in the country. And in 1867 Congress appropriated $100,000 for the purchase of the Peter Force collection of books, manuscripts, maps, and papers relating to American history, the most complete private collection then in existence.

In 1870 the growth of the Library was assured by a law regulating copyright that required that two copies of each book registered for copyright be sent to the Librarian. By 1873 its growth was such that a proposal was made to erect a separate building east of the Capitol and a Commission was appointed to study the subject. The Librarian of Congress, Ainsworth Rand Spofford, predicted at that time:

"Whatever may be the present rate of growth of American libraries, it cannot be doubted that their prospective increase, with the growing development and intellectual enterprise of the country, will be in an accelerated ratio as compared with the past. The Library has twice doubled in 12 years. In 1860 there were 63,000 volumes in the Library, in 1866 there were 100,000 and in 1872 there were 246,000. Without calculating upon specially large accessions, it is reasonable to assume that, by the ordinary additions to its stores from copyrights and from all other sources, it will reach 700,000 by the year 1900, 1,250,000 by the year 1925, 1,750,000 by 1950, and 2,500,000 by 1975, or about a century hence."

Improbable though this prophecy may have seemed, its author was shown to be too conservative even before the end of Spofford's career, which spanned the incredible period from 1864 to 1908 at the Library. The new building was opened in November 1897, and into it were moved about a million books, manuscripts, maps, music, photographs, and pamphlets. By 1968 the Library held almost 59 million items and occupied two buildings on Capitol Hill, with some of its services and its collections already or about to be dispersed to rented quarters in Washington and elsewhere.

In the 20th century the Library has assumed increasing importance as a national library and as a cultural, intellectual, and educational center. It developed a subject classification scheme now used by most large libraries in the United States; it permits other libraries to benefit from its own expert cataloging by distributing printed catalog cards through the Card Distribution Service, which returned over $7,000,000 to the U.S. Treasury in 1968. It operates a program which provides free books for the blind and physically handicapped through 43 regional centers. It offers through the National Referral Center an information service on the physical and social sciences to scientists throughout the country seeking the sources of such information. It has taken the lead in investigating the possibilities of the automation of library processes—MARC—machine-readable cataloging—card distribution, computer printed book catalogs, and other bibliographic controls. And throughout this period, the Library has built unparalleled collections. Gifts, purchases, exchange, and deposit have combined to create in this one institution collections unequalled anywhere in the world—rare books, Hispanica, Slavica, Orientalia, Semitica, and of course Americana.

To each of its beneficiaries the Library shows a different face. To most of us in Congress it means the Legislative Reference Service, on which we can depend for an unbiased survey of the conflicting facts that legislators have to reconcile. To our constituents who visit their Nation's Capital it is a storehouse of treasures—the Gutenberg Bible, Jefferson's rough draft of the Declaration of Independence, Lincoln's Gettysburg Address, and countless other manuscripts, music scores, prints, and photographs on special exhibit. To the historian it is the repository of the private papers of American leaders, including those of our Presidents through Coolidge. To the geographer it is the geography and map division, where he can consult over 3 million maps and cartographic records from all over the world. To the music lover it is the Coolidge Auditorium where throughout the winter months he can attend chamber music concerts made possible by the Coolidge and Whittall endowments. To the professional librarian it is the place to look for innovative solutions to the problems of coping with the "information explosion." To all of these and many more the Library provides continuing service.

Congress has built well. Following Thomas Jefferson's dictum, "There is, in fact, no subject to which a Member of Congress may not have occasion to refer," we have created a national library that stands as visible evidence of our belief in enduring intellectual values and of our search for truth.

Mr. GROVER. Mr. Chairman, I yield such time as he may consume to the gentleman from Kentucky (Mr. SNYDER) for the purpose of explaining a motion to recommit.

Mr. SNYDER. Mr. Chairman, I want to say to the gentleman from Illinois after his commitment in the well of the House that so long as he remains the chairman of this subcommittee there will be no further authorizations requested. will give us a firm commitment to be pledged to his reelection if this bill is passed because I think we need that kind of assurance somewhere along the line. We have been down this road on so many of these projects before.

This time has been given to me to explain the motion to recommit which I intend to offer, if recognized.

It will be my intention to offer to recommit the bill to the Committee on Public Works with instructions that it not be reported back to the House until all necessary design, plans, and specifications have been completed. Now, this will, of course, automatically put us at odds with the limitations put on the money already appropriated for design as written into the appropriation bill. But I would say to the Members of the Committee that the Public Works Appropriation Subcommittee has begun its hearings. As I understand it, the Committee on Appropriations is pretty much committed to giving us an appropriation bill per week, beginning after the Easter recess. So what we would be doing would be going back to the Committee on Appropriations and saying to the Committee on Appropriations we have got to take out this restriction which you have put in. We will be doing this in the next month or two, which will let the plans and specifications be completed with the $2.8 million that has been appropriated. Then the Committee on Public Works and its subcommittee under the chairmanship of Mr. GRAY can take a look at those plans and can see positively whether or not we need a $75 million building or we need a $90 million building. This limitation is based upon good business practice.

If any member of this committee, or any Member of this body were going to have a house built or any structure built he would not authorize any money in any way until those plans and specifications had been drawn up and he saw what he was going to get for every buck he was going to spend. We should treat the taxpayers' money with the same kind of discretion that we treat our own money and that would be the purpose of this motion to recommit.

Mr. Chairman, I will say again, as I said during the debate on the rule, that I believe that we do need additional space. I believe that we need a structure so that we are not leasing this space all over town and running people all over town for these documents. But we are not approaching it in a good, sound business fashion, the way we ought to conduct the taxpayers' business under the trust that has been given to us to spend their money wisely.

For the Committee on Appropriations to come back here and cut that limitation out, is not going to be catastrophic. We can proceed with this, if it seems prudent. We need to see what we are going to get for the taxpayer's money.

That, briefly, is the substance of the motion to recommit, and the purpose for which the instruction is put into it.

Mr. GRAY. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, I will not belabor the committee, but let me point out something that I think my distinguished friend, Mr. SNYDER, who serves with distinction on the Committee on Public Works has overlooked. The architects are three outstanding firms who are drawing a commission rate based on 5 percent of the project's price. Do you realize what the proposed motion to recommit offered by the gentleman would do? If we give these people a free hand to go out and design a building to fill up this two-square block they may come back with a $130 million or $140 million set of plans. The gentleman says that we ought to wait until the plans are finished, and then authorize the project. I say to do so would open up a Pandora's box. If the costs continue to escalate we may come back with a big, grandiose plan, costing $120 million or $130 million for a building bulging at the seams, and some Congress might authorize it. I do not want that. I want to tell the American people that it is not going to cost them more than $90 million. Under this bill, if they draw the plans and the cost is going overboard, then let them go back and redraw them and stay within the $90 million.

So if you want more money, vote for the motion to recommit, but if you want to know exactly what it is going to cost, then vote for this bill.

Mr. GROVER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to compliment the chairman of the committee on which I am honored to be the ranking minority member, and to assure the gentleman that I too will stand side by side with him should anybody come to his committee, or any other committee, and ask for further funds in view of the pledge made by the gentleman.

Mr. GRAY. Mr. Chairman, will the gentleman yield?

Mr. GROVER. I yield to the gentleman from Illinois.

Mr. GRAY. Mr. Chairman, I apologize for interrupting the gentleman, but I do want this committee to know of the tremendous work that the gentleman from New York has put in on not only this project, but on all projects good for this Nation. We have had wonderful cooperation from the minority side of the aisle in our committee, and I want to give public credit where credit is due.

Mr. GROVER. I thank the gentleman for his kind comment.

I would say that we on the committee generally do feel as the gentleman from Iowa (Mr. SCHWENGEL) feels and as many do in the Congress, that there is a critical need for this library extension.

One thing I think should be cited, and that is that every year in education funds we dispense throughout the country, and without the kind of control that we have from the House architect, we dispense money throughout the country to villages and to school districts and municipal districts to build libraries—millions of dollars—and we have no direct control over it whatsoever.

The very commonsense of what the gentleman from Illinois said—that we have spent over $20 million for offsite storage around the District and outside of the District over a period of years, and we are spending $2 million a year for that outside storage space—it seems to me it is penny wise and dollar foolish.

In fact, what we are asking for here is a $2.8 million authorization so we can get the funds to go forward with plans and specifications which we must have in order to get the proper bid which will be, as we are committed, under the ceiling of $90 million.

XUM

Again, I want to compliment the gentleman who made a most persuasive argument on the floor, even for the many of us fiscal conservatives in this very fiscally difficult time.

Mr. MAYNE. Mr. Chairman, the Nation has created magnificent memorials to Presidents Washington, Jefferson, Lincoln, and Theodore Roosevelt here in Washington, D.C., with others in various planning or construction stages for Franklin Delano Roosevelt and John F. Kennedy—but we are now told that somehow we have shamefully neglected many other of our past Presidents, and so we must erect a memorial for Madison. Whatever happened to the Adamses?

For a while, it seemed that to name a favored project in the name of a President gave it the magic touch to slide the project, no matter the cost, through the Budget Bureau, the committees of Congress, and the two Houses, for who would dare oppose a memorial to a President. Recently, however, this practice has come under question, and it is about time. I supported the motion to recommit the legislative appropriation bill for fiscal year 1970 when it included language appropriating $2.8 million for planning for the James Madison Memorial Library building, and voted for the unsuccessful amendment to delete that appropriation from the bill. More recently, I opposed legislation to authorize planning for the Eisenhower Memorial Arena. Although I have supported appropriations needed to complete the Kennedy Center for the Performing Arts, I have done so not because I am impressed with the argument that it memorializes the late President but because the Nation's Capital needs the facilities this building was proposed to offer and because failure to complete construction and enable operation of the Center would mean the millions of dollars already invested by our taxpayers would be absolutely wasted.

I am opposed to the resolution now before the House, for it would not only trigger allocation of $2.8 million for planning for the James Madison Memorial Building but also it would in effect commit the Nation to eventual construction of a building now estimated to cost a total of $90 million—and I doubt very much that anyone in this Chamber would be willing to bet his seat in Congress that final costs for this project would not eventually exceed even that tremendous total cost estimate. At a time when both the Congress and the President are attempting to shave appropriations even for high priority needs, when public works projects intended to reduce flooding or pollution must often be delayed in order to hold down expenditures, how can the Congress think of approving this legislation which primarily would serve the Congress and its employees?

It may be interesting to note that during neither of James Madison's two terms as President did total Federal expenditures for all purposes for all 4 years approach even a fourth of the amount requested for the planning and construction of the Madison Memorial Building. Surely the defeat of this proposal, and the initiation of other activity to further reduce Federal expenditures, would constitute a far better memorial to President James Madison than would this extravagant building.

I do not question that the Library of Congress needs considerably more room. It is doing a great job with its present space and staff limitations, despite the many demands made upon it. I do question whether the proposed building is, as planned at present by the Architect of the Capitol, really what the Library of Congress needs for future expansion and growth. Have the architects taken into account the best of modern library techniques, including storage of information in computer data banks and the use of information retrieval techniques? Perhaps if expenditures are to be made, it is time to be thinking of spending for such modern equipment and techniques rather than for obsolete dead storage space and offices.

When a school bond issue is defeated, the school board, the school administration, and the architects get together to knock out what is unessential and the frills or prestige items, and present to the voters a pared-down revision of its plans and cost estimates. Sometimes this process must be gone through several times before the bond issue is finally approved. All of my colleagues surely are acquainted with this process, yet we are now presented with the proposition that Congress must enlarge its original authorization for the James Madison Memorial Building by another $15 million. I submit the Congress should instead insist upon the original $75 million authorization limitation and require the proponents of this building to prepare and present revisions of their original plans and specifications, paring away the unessential and the frills and expensive prestige items until they have a basic, no-nonsense building which would meet the real future needs of the Library of Congress and would not, despite projected construction cost increases, possibly exceed the authorized level by the time it has been finally constructed and ready for occupancy. The present resolution should be recommitted to the House Public Works Committee with instructions that this be done. Failing this, the resolution should be soundly defeated.

Mr. GROVER. Mr. Chairman, I have no further requests for time.

Mr. GRAY. Mr. Chairman, I have no further requests for time, and ask that the Clerk read.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3 of the joint resolution entitled "Joint resolution to authorize the Architect of the Capitol to construct the third Library of Congress building in square 732 in the District of Columbia to be named the James Madison Memorial Building and to contain a Madison Memorial Hall, and for other purposes", approved October 19, 1965 (79 Stat. 986), is amended by striking out "$75,000,000" and inserting in lieu thereof "$90,000,000".

COMMITTEE AMENDMENT

The CHAIRMAN. The Clerk will report the committee amendment.

The Clerk read as follows:

Committee amendment: On page 1, after line 10, insert:

"SEC. 2. Nothing contained in the Act of October 19, 1965 (79 Stat. 986), shall be construed to authorize the use of the third Library of Congress building authorized by such Act for general office building purposes."

Mr. GROSS. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I have listened with interest to the statements, particularly those made by the gentleman from Illinois (Mr. GRAY), both on the rule and subsequent to the adoption of the rule on this bill.

I have not heard any other member of the Committee on Public Works, or any other committee rise on the floor of the House and join the gentleman from Illinois in his assertion and promise that the cost of this building will be held to $90 million. I appreciate the gentleman's assurance, but it does not amount to very much and this is said with no disrespect to the gentleman. In the first place, the gentleman is elected for only a 2-year period. He is just as subject to the whims and caprices of politics as any other Member of the House. He can be here today and gone tomorrow, just as the gentleman from Iowa.

So his assurance that this is only going to cost $90 million is a fleeting thing at best. Mr. Chairman, I now invite any Member of the House on either side of the aisle, including the distinguished minority leader, to rise and tell us of any building project that he or she knows of that has been constructed around here in the last 15 or 20 years which has not exceeded the cost at which it was sold to the Members of the House when the original authorizing legislation was enacted or the original appropriation was made. I invite the gentleman from Illinois to cite to me one project in the last 15 years or 20 years that has not substantially exceeded the original assured cost. Furthermore, we did not have the inflation during all that period of time that the gentleman talks about so profusely here today.

Incidentally, what is there that causes the gentleman from Illinois to think that there may not come a day soon when inflation will be stopped and perhaps the costs of construction reduced?

Is there any reason to assume that inflation will not end one of these days?

Mr. GRAY. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I am glad to yield to the gentleman from Illinois.

Mr. GRAY. In answer to your last question first, I certainly hope that it stops soon. But it will take 1 year to draw these plans. So if we do stop the inflation, or if it slows way down, we will be the better off for it, because the building will not go out for bids for at least 1 year.

Second, the gentleman made a very eloquent speech against the proposed motion to recommit. That is the very thing I am fearful of, that is, if we do not pass this bill and we allow the architects to proceed, we must remember that they get 5 percent of the total cost of the project, and why should they care if it costs $150 million? The more it costs, the more their fee.

I want to put a ceiling on the project, and if we wait until they come back with their final detailed drawings and say, "We are sorry, but it will cost $150 million," then someone—perhaps not me or the gentleman from Iowa—will have to get up in the House and say, "Folks, I'm sorry, it is $150 million."

That is what happened in the case of the Rayburn Building, and we want to avoid a repetition. The gentleman from New York, the ranking member of the Subcommittee on Public Buildings and Grounds, has assured us also that, as far as we are concerned in the 91st Congress, we will not be back but we will have them cut the budget to size so that it will come within the $90 million.

Mr. GROSS. Before the gentleman takes all of my time, I should like to ask a question or two. How long ago was it that the annex to the Library of Congress was built?

Mr. GRAY. Not since I have been here, and I have been here 16 years.

Mr. GROSS. It is of recent origin, is it not?

Mr. GRAY. Comparatively recent. I understand the original Library of Congress Building was built in 1840 and the annex building was built in the early 1950's.

Mr. GROSS. Did anyone go back and review the debate on the construction of the annex? Was it not stated then that additional space would not be required for the Library of Congress in the foreseeable future?

Mr. GRAY. I did not do so, because the needs are so great today, I did not see much reason for going back 20 or 30 years.

Mr. GROSS. I will ask the gentleman this simple question: Where is it proposed to get the $90 million, a minimum of $90 million to spend on this project? Where do you propose to get it?

Mr. GRAY. First of all, I will say to my distinguished friend, we are talking about only $2.8 million for the next 12 to 18 months. After that it will take 4 years—52 months, which will be 4 years and 4 months, to be exact—to construct the building, so that $90 million would be spread over almost 5 years.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

(By unanimous consent, Mr. GROSS was allowed to proceed for 3 additional minutes.)

Mr. GRAY. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Illinois.

Mr. GRAY. I will try to answer the gentleman's question by saying that the President has submitted to Congress in January of this year a request for $183 million for buildings and, as I mentioned earlier today, that is a very, very modest amount, a very stringent amount to build Federal buildings all over the United States. In the next 6 years we will get this money the same place we will get that $183 million this year to build buildings in Chicago and other places—not in my district. I live 300 miles from Chicago. I point that out.

Mr. GROSS. In other words, it will be borrowed money?

Mr. GRAY. Your President is submitting what he calls a balanced budget.

Mr. GROSS. The gentleman does not believe that budget is going to be balanced unless some phony budget procedure is used, does he?

Mr. GRAY. If the gentleman will yield, I will answer that question another way by saying that today our needs for public buildings total about $4 billion a year, just to keep pace with the disrepair of our Federal property. The President's budget asks for only $183 million, which is a small amount compared to the need.

Mr. GROSS. Of course, this proposed structure would be built with borrowed money, the same old credit card operation of the Federal Government. That is what we suffer from in this debt- and tax-ridden country today. We are living on borrowed time and borrowed money, insofar as our fiscal operations are concerned.

This bill authorizes $90 million, does it not?

Mr. GRAY. As a maximum. We hope it will not be that much.

Mr. GROSS. Let us stop talking, then, about $2.8 million, or whatever figure the gentleman has used. This bill authorizes $90 million. It contains a commitment up to that amount.

Mr. GRAY. Let us set the record straight. This bill would authorize $15 million; $75 million has been on the books since 1965, 5 long, hard years ago. We are talking about a small $15 million additional as a maximum. It may not be used, and it would only free $2.8 million for the next 18 months.

Mr. SNYDER. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Kentucky.

Mr. SNYDER. Mr. Chairman, I appreciate the gentleman yielding.

At this point I would like to say I think the gentleman from Illinois made a very pertinent point, sort of contradicting a point he made earlier. If the motion to recommit carries, that means the $15 million is not authorized, and it means we are operating under a $75 million total authorization and not some open-ended deal the architects can just take off into the wild blue yonder and run up to $130 million as was suggested.

The truth is we are talking about a $90 million limitation if the bill passes. If it is recommitted, then we go back to the prior limitation, which is a $75 million limitation, which I happen to believe can house the facilities.

Mr. GROSS. I thank the gentleman from Kentucky for his comment and assure him that I will vote for his motion to recommit and then I have every intention of voting against the bill for the financial situation of the Federal Government is such that the construction of this building ought to be delayed at least until fiscal stability can be restored.

Mr. GROVER. Mr. Speaker, I move to strike the last word.

Mr. Speaker, I will take only a half minute. In my remarks before, I alluded to the fact that we in Congress authorized and appropriated money every year for libraries around the country, and we never seem to raise too much fuss about that. But we in the House of Representatives and in the Senate passed authorizations totalling $344,175,000 for fiscal year 1969 and $480,100,000 for fiscal year 1970 for construction grants to libraries around the country. We might say that is to be expected every year. The Madison Library is a one-shot thing and something which is critically important to the Congress of the United States and the American people.

The CHAIRMAN. The question is on the committee amendment.

The committee amendment was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the Chair, Mr. CASEY, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (S. 2910) to amend Public Law 89–260 to authorize additional funds for the Library of Congress James Madison Memorial Building, pursuant to House Resolution 862, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

XUM

MOTION TO RECOMMIT OFFERED BY MR. SNYDER

Mr. SNYDER. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. SNYDER. I am, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

> Mr. SNYDER moves to recommit the bill S. 2910 to the Committee on Public Works with the instruction that it not be reported back to the House until all necessary designs, plans, and specifications have been completed.

The SPEAKER. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER. The question is on the motion to recommit.

The question was taken; and the Speaker announced that the noes appeared to have it.

Mr. GROSS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 149, nays 197, answered "present" 1, not voting 83, as follows:

[Roll No. 43]

YEAS—149

Adair
Anderson, Ill.
Andrews, N. Dak.
Arends
Ashbrook
Beall, Md.
Bennett
Berry
Betts
Biaggi
Biester
Blackburn
Blanton
Brinkley
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Burke, Fla.
Bush
Button
Byrnes, Wis.
Camp
Carter
Cederberg
Chamberlain
Clancy
Clawson, Del
Collier
Collins
Conable
Coughlin
Cowger
Crane
Cunningham
Davis, Wis.
Delaney
Dellenback
Denney
Dennis
Derwinski
Devine
Dickinson
Duncan
Edwards, Ala.
Eshleman
Fish
Flowers
Foley
Foreman

Frey
Fuqua
Goodling
Gross
Gubser
Gude
Hagan
Haley
Hall
Hammerschmidt
Hansen, Idaho
Hastings
Hechler, W. Va.
Heckler, Mass.
Hogan
Hull
Hunt
Hutchinson
Ichord
Jacobs
Jarman
Johnson, Pa.
Jonas
Jones, Tenn.
Keith
King
Kleppe
Kyl
Kyros
Landgrebe
Latta
Lloyd
Lujan
McClure
McKneally
Martin
May
Mayne
Meskill
Michel
Miller, Ohio
Minshall
Mize
Mizell
Montgomery
Mosher
Natcher
Nelsen
O'Konski
Patman

Pelly
Pettis
Pickle
Pike
Poage
Pollock
Price, Tex.
Quillen
Railsback
Randall
Rarick
Rhodes
Riegle
Robison
Rogers, Colo.
Roth
Roudebush
Ruth
Sandman
Sebelius
Shriver
Sikes
Smith, Calif.
Smith, N.Y.
Snyder
Springer
Stafford
Steiger, Ariz.
Steiger, Wis.
Stratton
Stubblefield
Taylor
Thomson, Wis.
Vigorito
Watts
Weicker
Whalen
Whalley
Whitten
Williams
Wilson, Bob
Winn
Wold
Wolff
Wyatt
Wylie
Wyman
Zion
Zwach

NAYS—197

Abbitt
Abernethy
Adams
Addabbo
Albert
Anderson, Calif.
Andrews, Ala.
Annunzio
Aspinall
Barrett
Bevill
Bingham
Blatnik
Boggs
Boland
Bolling
Brademas
Brasco
Brooks
Broyhill, Va.
Buchanan
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton, Calif.
Burton, Utah
Caffery
Carey
Casey
Celler
Cleveland
Cohelan
Colmer
Conte
Conyers
Corbett
Corman
Cramer
Culver
Daddario
Daniel, Va.
Daniels, N.J.
de la Garza
Donohue
Dorn
Downing
Dulski
Edwards, Calif.
Eilberg
Erlenborn
Esch
Evans, Colo.
Evins, Tenn.
Fallon
Farbstein
Fascell
Feighan
Findley
Fisher
Flood
Flynt
Ford, Gerald R.
Ford, William D.
Fountain
Fraser

Frelinghuysen
Friedel
Fulton, Pa.
Galifianakis
Gallagher
Garmatz
Gaydos
Gettys
Giaimo
Gibbons
Gilbert
Gonzalez
Gray
Green, Pa.
Griffin
Grover
Hamilton
Hanley
Hansen, Wash.
Harrington
Harsha
Hébert
Helstoski
Henderson
Hicks
Hosmer
Howard
Hungate
Johnson, Calif.
Jones, Ala.
Jones, N.C.
Karth
Kastenmeier
Kazen
Kee
Kluczynski
Koch
Landrum
Langen
Leggett
Long, Md.
Lowenstein
McCarthy
McClory
McCulloch
McDade
McFall
Macdonald, Mass.
MacGregor
Mahon
Mailliard
Marsh
Matsunaga
Melcher
Mikva
Miller, Calif.
Mills
Minish
Mink
Monagan
Morgan
Morse
Murphy, Ill.
Murphy, N.Y.
Myers
Nedzi

Nichols
Nix
Obey
Olsen
O'Neal, Ga.
O'Neill, Mass.
Patten
Pepper
Perkins
Philbin
Pirnie
Podell
Poff
Preyer, N.C.
Price, Ill.
Rees
Reid, N.Y.
Reifel
Reuss
Rivers
Roberts
Rodino
Roe
Rogers, Fla.
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roybal
Ryan
St. Onge
Satterfield
Scherle
Schwengel
Scott
Shipley
Sisk
Slack
Smith, Iowa
Staggers
Stanton
Steed
Stephens
Stokes
Stuckey
Sullivan
Thompson, Ga.
Thompson, N.J.
Tiernan
Udall
Ullman
Vanik
Waggonner
Waldie
Wampler
Watkins
White
Whitehurst
Widnall
Wiggins
Wright
Wydler
Yates
Yatron
Young
Zablocki

ANSWERED "PRESENT"—1

Morton

NOT VOTING—83

Alexander
Anderson, Tenn.
Ashley
Ayres
Baring
Belcher
Bell, Calif.
Bow
Bray
Brock
Broomfield
Brown, Calif.
Byrne, Pa.
Cabell
Chappell
Chisholm
Clark
Clausen, Don H.
Clay
Davis, Ga.
Dawson
Dent
Diggs
Dingell
Dowdy
Dwyer
Eckhardt

Edmondson
Edwards, La.
Fulton, Tenn.
Goldwater
Green, Oreg.
Griffiths
Halpern
Hanna
Harvey
Hathaway
Hawkins
Hays
Holifield
Horton
Kirwan
Kuykendall
Lennon
Long, La.
Lukens
McCloskey
McDonald, Mich.
McEwen
McMillan
Madden
Mann
Mathias
Meeds
Mollohan

Moorhead
Moss
O'Hara
Ottinger
Passman
Powell
Pryor, Ark.
Pucinski
Purcell
Quie
Reid, Ill.
Ruppe
St Germain
Saylor
Schadeberg
Scheuer
Schneebeli
Skubitz
Symington
Taft
Talcott
Teague, Calif.
Teague, Tex.
Tunney
Van Deerlin
Vander Jagt
Watson
Wilson, Charles H.

So the motion to recommit was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Bray for, with Mr. Clark against.

Mr. Schadeberg for, with Mr. Holifield against.

Mr. Watson of South Carolina for, with Mr. Madden against.

Mr. Goldwater for, with Mr. Byrne of Pennsylvania against.

Mr. Horton for, with Mr. Dent against.

Mr. Vander Jagt for, with Mr. St Germain against.

Mr. Kuykendall for, with Mr. Charles H. Wilson against.

Mr. Skubitz for, with Mr. Lennon against.

Mr. Ayres for, with Mr. Edmondson against.

Mr. Bell of California for, with Mr. Moorhead against.

Mrs. Reid of Illinois for, with Mr. Pucinski against.

Mr. Brock for, with Mr. Hays against.

Mr. Quie for, with Mr. O'Hara against.

Until further notice:

Mr. Teague of Texas with Mr. Bow.

Mr. Anderson of Tennessee with Mr. McCloskey.

Mr. Mann with Mr. Belcher.

Mr. Fulton of Tennessee with Mr. Lukens.

Mr. Van Deerlin with Mr. Harvey.

Mr. Passman with Mr. Ruppe.

Mr. Chappell with Mr. Don H. Clausen.

Mr. Moss with Mr. Taft.

Mr. Tunney with Mrs. Dwyer.

Mr. Meeds with Mr. Mathias.

Mr. Edwards of Louisiana with Mr. Schneebeli.

Mr. Hawkins with Mr. Halpern.

Mr. Brown of California with Mr. Teague of California.

Mr. Baring with Mr. McEwen.

Mr. Davis of Georgia with Mr. Talcott.

Mr. Mollohan with Mr. Broomfield.

Mr. McMillan with Mr. McDonald of Michigan.

Mr. Kirwan with Mr. Clay.

Mr. Cabell with Mr. Long of Louisiana.

Mr. Alexander with Mr. Dingell.

Mr. Dowdy with Mr. Eckhardt.

Mrs. Green of Oregon with Mr. Hanna.

Mr. Hathaway with Mrs. Griffiths.

Mr. Pryor of Arkansas with Mr. Purcell.

Mr. Ottinger with Mr. Powell.

Mr. Symington with Mr. Diggs.

Mr. Ashley with Mr. Scheuer.

Mrs. Chisholm with Mr. Dawson.

Messrs. CLEVELAND, BERRY, and ROTH changed their votes from "nay" to "yea."

Mr. CONTE changed his vote from "yea" to "nay."

The result of the vote was announced as above recorded.

The doors were opened.

The SPEAKER pro tempore (Mr. ALBERT). The question is on the passage of the bill.

Mr. GROSS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 209, nays 133, answered "present" 1, not voting 87, as follows:

[Roll No. 44]

YEAS—209

Abbitt
Abernethy
Adair
Addabbo
Albert
Anderson, Calif.
Anderson, Ill.
Andrews, Ala.
Andrews, N. Dak.
Annunzio

Aspinall
Bevill
Bingham
Blanton
Blatnik
Boggs
Boland
Bolling
Brademas
Brasco
Brooks
Broyhill, Va.

Buchanan
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton, Calif.
Burton, Utah
Button
Caffery
Casey
Celler
Chamberlain
Cleveland

Cohelan
Colmer
Conte
Corbett
Cramer
Crane
Culver
Daddario
Daniel, Va.
Daniels, N.J.
Delaney
Derwinski
Donohue
Dorn
Downing
Dulski
Edwards, Ala.
Eilberg
Erlenborn
Esch
Evans, Colo.
Evins, Tenn.
Fallon
Farbstein
Fascell
Findley
Fisher
Flood
Flynt
Ford, Gerald R.
Ford, William D.
Fountain
Frelinghuysen
Friedel
Fulton, Pa.
Fuqua
Galifianakis
Gallagher
Garmatz
Gaydos
Gettys
Giaimo
Gibbons
Gilbert
Gonzalez
Gray
Green, Oreg.
Green, Pa.
Griffin
Griffiths
Grover
Halpern
Hamilton
Hammerschmidt
Hanley
Hansen, Idaho
Hansen, Wash.
Harrington
Harsha
Hébert
Helstoski
Henderson
Hosmer
Howard
Hungate
Johnson, Calif.
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Karth
Kastenmeier
Kazen
Kee
Kluczynski
Koch
Landrum
Langen
Leggett
Long, Md.
Lowenstein
McClory
McClure
McCulloch
McDade
McFall
Macdonald, Mass.
MacGregor
Madden
Mahon
Mailliard
Marsh
Matsunaga
Melcher
Mikva
Miller, Calif.
Mills
Minish
Mink
Minshall
Monagan
Morgan
Morse
Murphy, Ill.
Murphy, N.Y.
Myers
Nedzi
Nix
Obey
Olsen
O'Neal, Ga.
O'Neill, Mass.
Patten
Pepper
Perkins
Philbin
Pirnie
Podell
Poff
Preyer, N.C.
Price, Ill.
Rees
Reid, N.Y.
Reifel
Reuss
Rivers
Roberts
Rodino
Roe
Rogers, Fla.
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roybal
Ryan
St. Onge
Satterfield
Schwengel
Scott
Shipley
Sikes
Sisk
Slack
Smith, Calif.
Smith, Iowa
Stafford
Staggers
Steed
Stephens
Stokes
Stuckey
Sullivan
Symington
Thompson, Ga.
Thompson, N.J.
Tiernan
Ullman
Vanik
Waggonner
Waldie
Wampler
Watkins
Whalen
White
Whitehurst
Whitten
Widnall
Wiggins
Wright
Wydler
Yates
Yatron
Young
Zablocki

NAYS—133

Adams
Arends
Ashbrook
Bennett
Berry
Betts
Biaggi
Biester
Blackburn
Brinkley
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Burke, Fla.
Bush
Byrnes, Wis.
Camp
Carter
Cederberg
Clancy
Clawson, Del
Collier
Collins
Conable
Conyers
Corman
Coughlin
Cowger
Cunningham
Davis, Wis.
de la Garza
Dellenback
Dennis
Devine
Dickinson
Duncan
Eshleman
Fish
Flowers
Foley
Foreman
Frey
Goodling
Gross
Gude
Hagan
Haley
Hall
Hastings
Hechler, W. Va.
Heckler, Mass.
Hicks
Hogan
Hull
Hunt
Hutchinson
Ichord
Jacobs
Jarman
Jonas
Keith
King
Kleppe
Kyl
Kyros
Landgrebe
Latta
Lloyd
Lujan
McCarthy
McKneally
Martin
May
Mayne
Meskill
Michel
Miller, Ohio
Mize
Mizell
Montgomery
Mosher
Natcher
Nelsen
Nichols
O'Konski
Patman
Pelly
Pettis
Pickle
Pike
Poage
Price, Tex.
Quillen
Railsback
Randall
Rarick
Rhodes
Riegle
Robison
Rogers, Colo.
Roth
Roudebush
Ruth
Sandman
Schadeberg
Scherle
Sebelius
Shriver
Skubitz
Smith, N.Y.
Snyder
Springer
Stanton
Steiger, Ariz.
Steiger, Wis.
Stratton
Stubblefield
Taylor
Thomson, Wis.
Vigorito
Watts
Weicker
Whalley
Williams
Winn
Wold
Wolff
Wyatt
Wylie
Wyman
Zion
Zwach

ANSWERED "PRESENT"—1

Morton

NOT VOTING—87

Alexander
Anderson, Tenn.
Ashley
Ayres
Baring
Barrett
Beall, Md.
Belcher
Bell, Calif.
Bow
Bray
Brock
Broomfield
Brown, Calif.
Byrne, Pa.
Cabell
Carey
Chappell
Chisholm
Clark
Clausen, Don H.
Clay
Davis, Ga.
Dawson
Denney
Dent
Diggs
Dingell
Dowdy
Dwyer
Eckhardt
Edmondson
Edwards, Calif.
Edwards, La.
Feighan
Fraser
Fulton, Tenn.
Goldwater
Gubser
Hanna
Harvey
Hathaway
Hawkins
Hays
Holifield
Horton
Kirwan
Kuykendall
Lennon
Long, La.
Lukens
McCloskey
McDonald, Mich.
McEwen
McMillan
Mann
Mathias
Meeds
Mollohan
Moorhead
Moss
O'Hara
Ottinger
Passman
Pollock
Powell
Pryor, Ark.
Pucinski
Purcell
Quie
Reid, Ill.
Ruppe
St Germain
Saylor
Scheuer
Schneebeli
Taft
Talcott
Teague, Calif.
Teague, Tex.
Tunney
Udall
Van Deerlin
Vander Jagt
Watson
Wilson, Bob
Wilson, Charles H.

So the bill was passed.

The Clerk announced the following pairs:

Mr. Clark with Mr. Ayres.
Mr. Holifield with Mr. Dowdy.
Mr. Barrett with Mrs. Dwyer.
Mr. Teague of Texas with Mr. Bow.
Mr. Dent with Mr. Horton.
Mr. Passman with Mr. Belcher.
Mr. Fulton of Tennessee with Mr. Brock.
Mr. St Germain with Mr. Beall of Maryland.
Mr. Pucinski with Mr. Harvey.
Mr. Moorhead with Mr. Broomfield.
Mr. Charles H. Wilson with Mr. McCloskey.
Mr. Lennon with Mr. Kuykendall.
Mr. Brown of California with Mr. Bell of California.
Mr. Ashley with Mr. Lukens.
Mr. Alexander with Mr. Denney.
Mr. Byrne of Pennsylvania with Mr. McDonald of Michigan.
Mr. Mann with Mr. Bray.
Mr. Moss with Mr. Goldwater.
Mr. Davis of Georgia with Mr. Ruppe.
Mr. Dingell with Mr. Mathias.
Mr. O'Hara with Mr. Saylor.
Mr. Edwards of California with Mr. Don H. Clausen.
Mr. Edmondson with Mr. Talcott.
Mr. Pryor of Arkansas with Mr. Schneebeli.
Mr. Feighan with Mr. Taft.
Mr. Van Deerlin with Mr. Gubser.
Mr. Anderson of Tennessee with Mr. Vander Jagt.
Mr. Meeds with Mr. Diggs.
Mr. Edwards of Louisiana with Mr. Watson.
Mr. Hays with Mr. Bob Wilson.
Mr. Hanna with Mr. Teague of California.
Mr. Purcell with Mrs. Reid of Illinois.
Mr. Hawkins with Mr. Baring.
Mr. Mollohan with Mr. McEwen.
Mr. Cabell with Mr. Quie.
Mr. Carey with Mr. Pollock.
Mr. Kirwan with Mr. Long of Louisiana.
Mr. McMillan with Mr. Eckhardt.
Mr. Fraser with Mr. Powell.
Mr. Tunney with Mr. Udall.
Mr. Scheuer with Mr. Clay.
Mr. Hathaway with Mrs. Chisholm.
Mr. Ottinger with Mr. Chappell.

Mr. CONYERS changed his vote from "yea" to "nay."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GRAY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 13000) entitled "An act to implement the Federal employee pay comparability system, to establish a Federal Employee Salary Commission and a Board of Arbitration, and for other purposes."

PERMISSION FOR COMMITTEE ON MERCHANT MARINE AND FISHERIES TO FILE REPORT ON H.R. 15694

Mr. GARMATZ. Mr. Speaker, I ask unanimous consent that the Committee on Merchant Marine and Fisheries have until midnight tonight to file a report on H.R. 15694, a bill to authorize appropriations for the procurement of vessels and aircraft and construction of shore and offshore establishments for the Coast Guard.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

CONFERENCE REPORT ON H.R. 13300, RAILROAD EMPLOYEES SUPPLEMENTAL ANNUITIES

Mr. STAGGERS. Mr. Speaker, I call up the conference report on the bill (H.R. 13300) to amend the Railroad Retirement Act of 1937 and the Railroad Retirement Tax Act to provide for the extension of supplemental annuities and the mandatory retirement of employees, and for other purposes, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of March 4, 1970.)

Mr. STAGGERS. Mr. Speaker, the conference report before the House today involves the supplemental annuity program under the Railroad Retirement Act. It represents a compromise between the House and Senate bills.

In 1966, labor and management agreed on a program of supplemental annuities under the Railroad Retirement Act to be financed by a tax of 2 cents for each man-hour of employment. The actuarial assumptions underlying this program were that this rate of taxation would be sufficient to pay supplemental annuities to retiring employees at levels between $45 and $70 a month, depending upon the employee's years of service.

It has turned out that those estimates were off very substantially, and the railroads now estimate that the supplemental annuity program will eventually cost them as much as 11½ cents for each man-hour of employment, as contrasted with the 2 cents per man-hour initially proposed. This program is financed entirely by the carriers, as contrasted with the regular railroad retirement program, which is financed through taxes paid in equal amounts by employers and employees.

The supplemental annuity fund was, and still is, substantially underfinanced, so that the supplemental annuity checks have been postponed in recent months because there was not enough money in the fund to pay them.

Negotiations were conducted between management and labor for revisions in the program to provide more adequate financing, but were unsuccessful until our committee began hearings on legislation. At that time unions representing between 75 and 80 percent of the employees reached agreement with management on a program under which the railroads would continue this program on a permanent basis, financing it entirely at the expense of the employers. In return for these large payments by the carriers, the unions agreed to a program of compulsory retirement of railroad employees ultimately at age 65.

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Thirteen unions, representing a minority of employees, were opposed to this, and as a result of their opposition, the Senate amended the bill to eliminate mandatory retirement for employees, but provided for gradual forfeiture of supplemental annuities if employees fail to retire at age 65.

In conference, the House conferees refused to accept the Senate bill and the Senate conference refused to accept the House bill. It was, therefore, necessary to work out a compromise, and I think the compromise we have worked out will prove in the long run to encourage many employees to retire voluntarily at age 65.

As agreed to in conference, employees who are 68 years of age before the end of this year must retire on or before January 31, 1971; otherwise they will forfeit their entire supplemental annuity. This age is scaled down yearly until after December 31, 1973, when all employees must retire before the last day of the month after the month in which they attain age 65, or they forfeit their entire supplemental annuity.

If an employee has 23, but less than 25, years of service when he attains the age at which he must otherwise retire, the bill permits him to continue to work until he qualifies for the supplemental annuity, unless the employee is or becomes eligible for social security benefits.

There were a number of other differences between the two Houses; but they were relatively minor in nature, except with respect to a moratorium on use of the Railway Labor Act procedures to obtain modification of supplemental annuities. The House bill provided a moratorium through 1975; the Senate proposed a moratorium until 1973, and the conference split the difference, providing that the moratorium shall run to July 1, 1947, with provision for section 6 notices to be served on or after April 1 of that year.

Mr. Speaker, although the conference agreement is not what the House Members wanted, we feel that it represents a good compromise, and the House and Senate conferees were unanimous in agreeing on the provisions of the conference substitute, and we urge its adoption by the House.

Mr. Speaker, I yield to the gentleman from Illinois (Mr. SPRINGER) the ranking Republican member on our committee, such time as he may consume.

Mr. SPRINGER. Mr. Speaker, for many years management and railroad labor discussed the possibility of an annuity schedule supplemental to that provided under the Railroad Retirement Act to be provided at the expense of the railroads and without financial participation by the employees. Negotiations finally resulted in such a plan on a trial basis of 5 years. It went into effect July 1, 1966, and provided for supplemental annuities for railroad employees thereafter retiring who had completed 25 or more years of service in the railroad industry. These benefits ranged from $45 to $70 per month depending upon length of service.

In order to finance this fund it was agreed that 2 cents per man-hour should be set aside. This determination was made by qualified people connected with the railroads and labor organizations and the Railroad Retirement Board. As it turned out, far more people accepted the opportunity to retire with the supplemental pension than anyone anticipated. This resulted in a depletion of the fund far sooner than expected.

When the financial situation of the fund became apparent, the parties negotiated a continuation of the supplemental annuity system which provided for a continuing plan rather than a short-term experimental one. It included, however, a provision for mandatory retirement of railroad employees. There were some railroad brotherhoods not in agreement with this one feature of the contract. The House, however, considered this as a completed contract and wrote into law the terms as submitted to us by the railroads and the other signatories to the agreement.

The Senate version of this bill was far different and did not provide for mandatory retirement.

Failure to compromise between these two versions would have resulted in a permanent discontinuance of supplemental pensions. These differences have already cost the beneficiaries great inconvenience and loss of payments during the last 2 months. These will be made up, however.

The compromise arrived at will probably work out although it is not at all what the House originally agreed to. The conference version does not provide mandatory retirement. Rather it proposes an incentive to retirement. An employee reaching age 68 by the end of this year must retire or lose all entitlement to a supplemental pension. Thereafter each year this age limit drops by 1 year until it reaches age 65. After that all employees must retire at age 65 or forfeit any right to supplemental annuities. This actually means that the employee must make a decision whether or not to work for an additional 3 to 5 years. By doing so he can again build up his regular railroad retirement to the same level he would have received by retiring with the supplemental at the earlier age. If by any chance he is forced to retire in the meanwhile, he will lose.

There is one small additional safeguard for the employee who at age 65 can almost qualify for a supplemental pension but not quite. If he has social security entitlement, he will not be allowed to stay aboard merely to qualify. If he is within 2 years of qualification and has no social security entitlement, he will be allowed to stay aboard and make up that extra time and thereby receive a supplemental pension.

The conference report reflects the very best effort of your conferees to arrive at a solution which will bring about as nearly as possible the same results as the House bill. I think that this has been accomplished, and I recommend that the conference report be accepted.

The SPEAKER pro tempore. The question is on the conference report.

The conference report was agreed to.

A motion to reconsider was laid on the table.

AUTHORIZING CLERK OF THE HOUSE TO CORRECT TITLE ON H.R. 13300

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent for the immediate consideration of the concurrent resolution (H. Con. Res. 527) relating to the enrollment of the bill (H.R. 13300).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 527

Resolved by the House of Representatives (the Senate concurring), That the Clerk of the House of Representatives, in the enrollment of the bill (H.R. 13300) to amend the Railroad Retirement Act of 1937 and the Railroad Retirement Tax Act to provide for the extension of supplemental annuities and the mandatory retirement of employees, and for other purposes, is authorized and directed to strike out the title and to insert in lieu thereof the following: "An Act to amend the Railroad Retirement Act of 1937 and the Railroad Retirement Tax Act to provide for the extension of supplemental annuities, and for other purposes".

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

LEGISLATIVE PROGRAM

(Mr. GERALD R. FORD asked and was given permission to address the House for 1 minute.)

Mr. GERALD R. FORD. Mr. Speaker, I take this time for the purpose of asking the distinguished majority leader the program for next week.

Mr. ALBERT. Mr. Speaker, will the distinguished minority leader yield?

Mr. GERALD R. FORD. I yield to the distinguished gentleman from Oklahoma.

Mr. ALBERT. Mr. Speaker, in response to the inquiry of the distinguished minority leader, the program for next week is as follows:

Monday is District day. There are no District bills.

Tuesday there will be consideration of H.R. 14169, expansion of agricultural exports, under an open rule with 1 hour of debate.

For Wednesday and the balance of the week:

H.R. 15945, to authorize appropriations for certain maritime programs of the Department of Commerce, which is subject to a rule being granted;

H.R. 15694, to authorize appropriations for procurement of vessels and aircraft and construction for the Coast Guard, which is subject to a rule being granted; and

H.R. 485, to amend the Agricultural Adjustment Act of 1938 with regard to wheat, which is also subject to a rule being granted.

This announcement is made subject to the usual reservation that conference reports may be brought up at any time and that any further program will be announced later.

ADJOURNMENT TO MONDAY, MARCH 9, 1970

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Monday next.

The SPEAKER pro tempore (Mr. ROGERS of Colorado). Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that any business in order under the Calendar Wednesday rule may be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

D.C. TRANSIT SYSTEM, INC., HAVING DIFFICULTIES

(Mr. FUQUA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FUQUA. Mr. Speaker, during the first session of this Congress, a great deal of consideration was given to legislation authorizing a 98-mile rapid transit system for the National Capital region. After numerous hearings and studies, the House on November 24 concluded its activity on this matter and passed the legislation.

In our moment of successful culmination of so much effort to improve the transportation picture for the Nation's Capital and its environs—we were suddenly reminded that in another area of local transportation, we were facing a crisis. It has become increasingly apparent that the D.C. Transit System, Inc., and its union were having difficulties about their contract and with their welfare fund.

Earlier in 1969, hearings had been held by the House District Committee on a request for a subsidy by the D.C. Transit Co. During the course of these hearings, the precarious financial condition of the bus company became only too painfully apparent. At the same time, we in the House became aware of an intense effort to prepare emergency bus acquisition legislation in the other body. We breathed something of a sigh of relief when the crisis was ameliorated and the union and the bus company reached a temporary understanding. We have been watching the situation carefully since that time, and we have now reached the conclusion that it is necessary to take prudent action to be prepared in the event of a new bus crisis in the District of Columbia.

The Government agency, we believe, that is most qualified to assist us in the event of a crisis is the Washington Metropolitan Area Transit Authority because, among other reasons, of the eventual necessity of coordinating bus routes with transit routes. There already exists on the staff of the Washington Metropolitan Area Transit Authority expertise in the bus field.

I want to make it very clear that our actions today are the actions of prudent men concerned with serious possibilities—not immediate necessities. I am, together with Messrs. BROYHILL of Virginia, GUDE, and HOGAN, introducing legislation to make possible the acquisition of D.C. Transit by the Washington Metropolitan Area Transit Authority. Should that acquisition be, in the opinion of the Congress, necessary at some later time, this legislation which my associates and I am introducing—I wish to repeat—is not legislation which provides for immediate acquisition of D.C. Transit but rather clears up some ambiguities in the Washington Metropolitan Area Transit Authority compact which would make it impossible for them to be available for assistance in an emergency. This legislation also clarifies the bus union's position in the event of an emergency takeover of D.C. Transit.

I wish to reemphasize that this is the action that prudence dictates. And I wish to further emphasize that it is necessary to take this action now so that in the event that a major transportation crisis should exist in the District of Columbia while Congress is not in session, the machinery will be available to meet the demands of the occasion.

The first five sections of the bill would establish labor standards governing operation of transit facilities owned or controlled by the Washington Metropolitan Area Transit Authority. These standards are derived from the basic Federal labor policy in this field reflecting a concern for maintaining fair and equitable conditions for workers who might otherwise be adversely affected by federally supported or approved adjustment in the transportation industries. They have been expressed in various ways in Federal legislation over a period of many years and, most recently, in the Urban Mass Transportation Act of 1964.

The remainder of the bill provides congressional consent and adopts on behalf of the District of Columbia certain amendments to the Washington Metropolitan Area Transit Authority compact so that the Authority will be in a position to acquire and operate, either directly or by contract, the bus transit facilities of the area bus companies. Certain housekeeping amendments to the compact are also included.

CONFRONTATION ON KING STREET, BOSTON, MARCH 5, 1770

(Mr. HUNGATE asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. HUNGATE. Mr. Speaker, in these days when we are concerned about rising crime problems and the preservation of our American liberties and traditions, it might be well to consider a historic event that occurred two centuries ago today on March 5, 1770, about which an excellent book has been written. An excerpt follows:

MARCH 5, 1770: A FATEFUL CONFRONTATION ON KING STREET, BOSTON, THAT MOVED A COLONY TOWARD REVOLUTION

It is an old friend among the historical residue that we all carry; a familiar story that each of us has known since first we realized that our country's freedom grew from bloodshed. The picture has always been with us; the hated Redcoats tramping through the peaceful town of Boston; the honest citizens quietly going about their evening business; a few schoolboys harmlessly taunting the soldiers; the troops forming a battle line, loading with military precision, fixing bayonets, aiming carefully, and, on direct order deliberately given, firing a deadly volley at the helpless civilians. Death is everywhere; Crispus Attucks, the first American to die for liberty, lies an innocent martyr at the feet of his butchers; the soldiers grin through the musket smoke at the other victims sprawled in the gutter, shoulder their weapons, and march off. Five years before Lexington, Concord, and Bunker Hill, the Revolution has begun.

To this basic scenario, some of us learn a sequel. It might be called The Birth of American Justice, or (because every eighteenth-century play needs a subtitle) Even the Guilty Deserve a Fair Trial. This drama differs sharply from the Massacre itself. The characters (except for Crispus Attucks) lack definition or even names. Here the star is John Adams, whose future will include signing the Declaration of Independence and serving as our second president. We are not sure of the details, but we know that purely from a sense of duty, at great risk to his own popularity, lawyer Adams took the impossible case, and somehow convinced an implacably hostile jury to acquit his clients.

The Boston Massacre, in short, is a part, not only of our national history, but of our national mythology. It represents the first tragic culmination of that British policy which provoked independence; it represents

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the physical sacrifice required to achieve independence; it represents the concept of Boston as Cradle of Liberty. And in its aftermath, it represents that nobility of soul and loftiness of purpose which we like to associate with the Founding Fathers. The Boston Massacre, or more accurately, what we think of when we refer to the Boston Massacre, thus fills a need in our national historic memory. Not the least of the Massacre's attractions as an object of historic contemplation is the speed with which the men of 1770 (on both sides of the Atlantic and both sides of the political fence) recognized the mythological value of what happened in King Street.

One would be unduly cynical to say that if the Massacre had not occurred, it would have been necessary to invent it. But no one leafing the pages of the Boston *Gazette* for 1770 or reading the bloody-shirt-waving tirades which until 1784 commemorated the anniversaries of the "Bloody Tragedy" can doubt that the patriot propagandist knew a good potboiler when they saw one.

Samuel Adams moved promptly to keep the memory of the killings red in America's eye. Catering to the Boston appetite for anniversary celebration, he arranged to have March 5 set aside as an annual day of mourning, complete with bell tolling, lighted-picture displays, and oratory. Every March 5 from 1771 through 1784, when, belatedly, July 4 assumed its proper place in the holiday hierarchy, selected orators delivered what Bernard Bailyn has accurately called "some of the most lurid and naive rhetoric heard in eighteenth-century America." The speakers touched only briefly on the actual facts of the King Street killings. Instead, they used the occasion to lambaste constituted authority and (after independence) the general English evils. . . . By Sam Adams's persistent efforts, "a great part of the people were induced to think the acquittals to be unjust and illegal. The action continued to be spoke of as a massacre, a bloody massacre, and the like." Men, Thomas Hutchinson noted, talked about the killings just "as if the jury had found those concerned in it guilty of murder."

On the night of March 5, 1770, John Adams later boasted, "the foundation of American independence was laid " But he felt similarly about Otis's speech against the writs of assistance. Does it matter which is more deserving the palm? The men in Boston and London, radicals and Tories alike, had long struggled blindly to control, for whatever purpose, a growing historical wind whose power and direction they could only feel. The deaths on King Street were but an eddy in that growing tempest.

For five years preceding the shootings, order had gradually disappeared from the streets, untrammeled law had slowly been barred from the courts. For five years, violence had become so common in Massachusetts and the attempts to restrict it so absurdly futile that killing must surely come, on one side or the other. Men believed it then, as we, looking backward, believe it even more firmly now. Courage and imagination on the loyalist part, restraint and moderation by the radicals might have delayed the bloodshed; but they could not have avoided it. True, less demagoguery by Sam Adams afterward might have kept the incident's fame proportional to its actual significance; but such accommodation would not have prevented the Revolution. Somehow it seems fitting that an event so historically inevitable and yet so basically insignificant should have taken place on a moonlit night, before scores of people, without leaving any two witnesses able to give the same account of what happened. (From the Boston Massacre (Norton, 372 pp., $8.50), a definitive new history by Hiller B. Zobel '53.)

POT RESEARCH ESSENTIAL

(Mr. FASCELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. FASCELL. Mr. Speaker, a news release today from the National Society for Medical Research entitled "Scientists Ask 2 to 7 Years for Pot Research" has been brought to my attention.

This society, headquartered in Washington, provides a public voice for over 200 of our top medical institutions, organizations, and industrial research firms.

They are concerned about two primary problems associated with the widespread use of marihuana. First, that regardless of the vast biomedical research facility this country has, Members of Congress and the public will have no responsible data upon which to rely in evaluating the use of marihuana for 2 to 7 years. Second, that the insidious problems of crime and violence connected with illicit drug traffic will wander aimlessly and uncontrolled unless more workable measures of law enforcement and social stability are created to control indiscriminate use of marihuana.

We are faced with a paradox, where we are forced to live with criminal side effects by sheer ignorance about a drug which is already in the marketplace, without any form of control, without scientific supportive data, without Federal agency approval, and, without even adequate supervision.

Because this subject is so vital and the source of this news so authoritative, I am placing the entire article in the RECORD:

SCIENTISTS ASK 2 TO 7 YEARS FOR POT RESEARCH

WASHINGTON, D.C.—It will be two to seven years before medical scientists are able to supply answers on the effects of marijuana, according to the National Society for Medical Research, Washington, D.C., representing some 200 medical institutions, professional societies and industrial research firms.

A detailed report of research progress on the topic published in *Science News* pointed out a problem of obtaining marijuana for study which is consistent in strength from plant to plant and, even more complicating, from country to country. Because of these factors, until recently, no two scientists have been sure they were working on the same chemical.

To solve the difficulty, two steps are being taken. At the University of Mississippi, marijuana is being grown and plants are being compared to define variations in chemical characteristics. They hope to standardize their crops for study. A second study, with Federal financial aid, is being conducted by The Arthur D. Little Company of Cambridge, Massachusetts, a private research firm, to isolate primary active ingredients. Researchers at the University of Chicago, the University of North Carolina, and Emory University in Atlanta are also reported to be studying biomedical effects of marijuana.

Regarding the two-plus years needed for biomedical research on the effects of marijuana, the National Society for Medical Research said it even may take longer. "One of the major elements in investigations of this type is finding ideal animal models, closely related physiologically to man, on which accurate and precise experiments can be performed. The effects of marijuana upon chromosomes and other vital factors are unknown, but should receive no less attention than basic research on life saving drugs, which requires an average of about seven years of testing before FDA approval. Until scientifically proven results are obtained, it appears as foolhardy to smoke marijuana as it would be to take any other unknown drug or chemical agent just for kicks."

H.R. 12025—A POST MORTEM

(Mrs. MAY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MAY. Mr. Speaker, last Thursday the House rejected a resolution to bring up H.R. 12025, the National Forest Timber Conservation and Management Act, for debate and consideration. As a cosponsor of the bill and a member of the committee and subcommittee in which the legislation was drafted, I have exerted every effort to make this the most effective and most responsible bill possible, and one which would be acceptable to the Congress and to the American people.

I was deeply disappointed, therefore, that the House saw fit to preclude substantive discussion of this bill on its merits, for I believe that a point-by-point analysis of the legislation, in the give and take of debate on the floor of the House, would have convinced many of my colleagues who were concerned about the potential effects of this bill that their doubts and reservations were in fact groundless—that H.R. 12025 is sound legislation and eminently worthy of their support.

Since last Thursday I have spent quite a bit of time in reflection and review of the events leading up to the House action, and have tried to reach an honest and objective evaluation of the circumstances which resulted in the rejection of a piece of legislation before its case could even be presented.

For example, I studied the statements many of my colleagues presented on Thursday against adoption of the rule which would have brought the bill before us, and found that in most cases their objectives coincided almost exactly with mine and with those of the bill's supporters. We all apparently want to obtain basically the same things: better timber management in our national forests; achievement of our national housing goals; protection and support for multiple use values such as recreation, wildlife, forage, wilderness, and watersheds; in short, preservation of our vital national forest heritage while better utilizing its potential for contributing toward meeting our social needs.

Why, then, the profound differences of opinion on the legislative means necessary to achieve these ends?

I have the utmost respect for the opinions of my colleagues and I certainly respect their right to disagree. It has never been my intention to try to impose my views on any Member of this body even though I have strong feelings about the value and need of H.R. 12025. The fact is, however, that most of the arguments

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raised against bringing up this bill were based not on what the legislation would actually do, but rather on what some thought it would do.

And, this is precisely why I feel that if this legislation has been given a chance on the floor of the House to stand or fall on its own merits, a majority of my colleagues would have concluded with me that H.R. 12025 is, indeed, good legislation.

The basic problem was not with the legislation itself, but with the climate in which it was surrounded as it moved to the threshold of House consideration. A climate of mistrust, misapprehension, and misunderstanding. And, it is unfortunate, to say the least, that the development of this adverse climate has had such a serious and deterimental effect on responsible legislative decisionmaking.

And now, as we in effect go back to the drawing board, it behooves us all—proponents and opponents—to ask why this climate, this atmosphere of mistrust built up to the extent it did. What particular combination of events and circumstances fostered and nourished it and allowed it to grow?

Of course, this is not the first time this has happened on controversial legislation. We have all seen this kind of destructive force at work on other bills in the past—an emotional upheaval that thwarts efforts to approach an issue on a logical, rational basis.

Perhaps one of the basic problems here has been the fundamentally emotional nature of the subject itself. A tree is not just a tree to most people—certainly not to me. A tree is an idea, representing many of the values in life that make man more than a two-legged animal. There is almost a religious aura that envelops the concept of a tree, and relates not only to the quality of our lives, but has an even deeper symbolic relationship to purpose and ultimate meaning in our existence.

Given these philosophic and religious implications, should anyone be surprised at the depth of emotion that is stirred within many of us when the subject of cutting our trees—our national forest trees—is brought up for public discussion?

A part of the problem is, of course, that as our society becomes more and more urbanized and we no longer need to provide for our basic needs by personally physically transforming raw materials into usable products as our ancestors did, we tend to forget that in order for us to enjoy our steak a fine animal in the prime of life had to be destroyed, and in order for us to have a roof over our heads several fine trees must be cut. We develop a resistance to recognizing these necessities and are often able to simply put them out of our minds unless the awareness is forced upon us.

But most of us also recognize that in order to exist on this earth, we must come to grips with our environment in a practical, realistic way, and try to find some middle ground, try to achieve some balance among our conflicting physical, social and spiritual needs. We need trees for houses, but we also need them for wildlife protection, for watersheds, for recreation and to put it very simply, for our souls.

And, in the process of trying to find this balance, it is both natural and understandable that we become more than just a little bit emotional on occasion. And whenever we lose control of this emotion and allow ourselves to be ruled rather than guided by it, we tend to lose sight of the logic behind the pros and cons of an issue.

I do not think there is any question that this is one of the factors which influenced the fate of H.R. 12025 and has been a contributing element in the climate of mistrust which developed around it.

Perhaps another important factor has been the zeal with which some opponents of this legislation have attempted to justify their case. Now, we all recognize the differences of opinion which may shade the facts on any issue, and we also understand very well that personal or group interests often result in the interpretation of facts in such a way that a particular point of view is presented in the most persuasive and compelling manner possible. This is natural and is perhaps one of the most fundamental elements in our system of Government. The difficulties arise, however, when it is carried to extremes, and at such times it becomes a negative and destructive force, impeding rather than facilitating responsible legislative decisions.

I was disturbed not at the opposition to this bill—for truly good legislation is nearly always pounded out between the hammer of opposition and the anvil of support—but at the vociferousness and intemperance of the attacks and charges that were launched against the legislation and its supporters. I have been surprised to find myself and many of my colleagues referred to—indirectly, of course, as cosponsors and proponents of the bill—as unwitting or willing tools of the "timber barons," "despoilers of our environment" who would condone the ravaging of our national forest lands, and Agriculture Committee members who are paying only lipservice to conservation while supporting a carefully disguised despoilation bill concocted by the "cut-and-run" timber industry.

My concern is not so much that these loose and intemperate statements are patently baseless and untrue, but that this kind of impassioned rhetoric creates a smokescreen behind which the facts, the relevancy and logic of the legislation itself becomes obscured, and reasonable, sensible debate of the basic issue on its own merits becomes practically impossible.

There were charges also that this bill constituted a "sneak" attack on conservation, that its real purposes were disguised and misrepresented, and that the intent was to slip it through the Congress.

This, too, is not only patently false, but ridiculous on its face. Trying to "slip" H.R. 12025 through Congress would be a little like trying to sneak an elephant through a public library.

The intent has been just the opposite. From the very first, the bill's supporters have been giving it as much exposure as humanly possible, inviting ideas and debate, encouraging careful analysis of all its provisions, asking—rather, pleading—for help from all quarters in making it strong, sound legislation.

And yet, the confusion, misunderstanding and misapprehensions grew. Those of us who spent months working on the bill in our committee were deeply distressed that Members of the House continued to receive—up to the very time the rule was debated—letters and telegrams and phone calls of opposition based on a bill which no longer existed and which had itself even been seriously misinterpreted and misconstrued in the beginning. The bill which was to have been considered last Thursday was the product of substantial revision and amendment by our committee, and would have been opened to further amendment on the floor of the House. For instance, proponents of the legislation were to have offered an amendment to earmark a portion of timber sale receipts for multiple uses other than timber, such as wildlife habitat management, watersheds, and recreation.

Another point that was disturbing to me were the blanket indictments of Forest Service management of our national forests under the Multiple Use Act. In response to that criticism, I would say only this—no agency of the Federal Government or its employees in carrying out Federal policy have achieved a state of perfection—at least to my knowledge. And I do not think we can expect perfection in the foreseeable future. The point is that while some of us may disagree on the quality of Forest Service administration in specific cases or areas, it seems to me this is one agency of the Government that, where given the tools, the funds and the go-ahead, has done an excellent overall job. Considering the facts that they cannot please everyone, and that their policy directives from Congress are often contradictory and pointing in different directions, I think the Forest Service is to be commended for an outstanding dedicated performance.

I am not, at this point, going any further into the pros and cons of the legislation itself. Since the House has, in effect, decided that the bill should not be considered in its present form, it would appear to be a waste of time to discuss it on the point-by-point approach which would have been appropriate last Thursday had the House elected to debate the legislation.

I will say only that it was designed to better utilize the existing potential of our national forests to supply timber for our national housing needs—potential that remains untapped. And the fact is, of course, that this potential can be utilized without in any way threatening our wilderness, watershed, wildlife, recreation, and other conservation values which are so vitally important to all of us. It can be utilized without "stripping" our public lands of timber and leaving only vast areas of bare and denuded land as some seem to fear.

On the contrary, H.R. 12025 was designed to enhance and complement these values rather than to threaten them. This

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legislation is completely consonant and in harmony with the Multiple Use-Sustained Yield Act of 1960, and as one of the authors of that act and a firm believer in the benefits and value of our multiple use management system, I have made every effort to insure this. I could not lend my support to a bill that would do otherwise.

This is not, as some have charged, a timber cutting bill. It is a reforestation bill—a timber management bill, providing for the application of sound timber management techniques and practices such as harvesting downed trees before they rot, reducing waste in timber harvest, fertilizing and thinning properly, so that a greater yield of harvestable timber can be obtained from a specific forest area.

But the question now is not what the bill in its present form might or might not have done. The question is where do we go from here?

As I mentioned earlier, reviewing the statements of my colleagues in the House who opposed the rule last Thursday, it appears to me that a substantial number of us do have the same ultimate objective: preservation of our national forest heritage, while at the same time better utilizing its potential to contribute toward meeting our pressing social needs.

I believe this common objective could provide a solid foundation upon which to rebuild national timber management legislation. I hope so.

I, for one, do not intend to stop trying. The dual needs of improved timber management and housing will not go away if we only close our eyes. We have both an obligation and a responsibility to meet these needs, and they can be met without damaging or adversely affecting any other important values.

Efforts to obtain any kind of meeting of minds will require a great deal of work, I know. But we must start again, and I want to invite and encourage all my colleagues here in the House to join in these efforts in a spirit of open-minded cooperation. I am going to do my best.

Is this, then, a post mortem for H.R. 12025?

I sincerely hope, Mr. Speaker, that this is a post mortem for the controversy, not the idea.

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IN HONOR OF SFC. MATTHEW LEONARD

(Mr. BUCHANAN asked and was given permission to address the House for 1 minute and to revised and extend his remarks and include extraneous matter.)

Mr. BUCHANAN. Mr. Speaker, one of the great untold stories of the conflict in Vietnam is that of the courage and heroism of black Americans there. Last Saturday in the city of Birmingham, Ala., which it is my privilege to represent in the Congress, one of these stories of courage was underlined as the city declared February 28 "Matt Leonard Day."

Sfc. Matthew Leonard was an Alabama native and spent most of his life in Birmingham. On February 27, 1967, in the jungles of Vietnam, Sergeant Leonard gave his life for his country in an act of heroism above and beyond the call of duty.

On December 18, 1968, Sergeant Leonard became the first Alabamian to be awarded the Congressional Medal of Honor posthumously. His citation reads as follows:

> Sergeant Leonard was serving as platoon sergeant with Company B, First Battalion, 16th Infantry, First Infantry Division, when his platoon was suddenly attacked by a large enemy force. His platoon leader and several other key leaders were wounded almost immediately and Seagant Leonard rallied the platoon to throw back the enemy assault.
>
> After organizing a defensive perimeter, he noticed a wounded companion outside the perimeter. While dragging the man to safety, he was hit by a sniper's bullet, which shattered his hand.
>
> Refusing medical attention, he continued to move throughout the perimeter, encouraging his men and directing their fire against the well camouflaged enemy.
>
> The enemy moved a machine gun into a position where it could sweep the entire perimeter. At that time the platoon machine gun in that area malfunctioned. Sergeant Leonard crawled to the gun to help the crew when they were wounded by the enemy machine gun.
>
> Sergeant Leonard rose to his feet and charged the enemy gun and destroyed it despite being hit several times by enemy fire. He propped himself up against a tree and continued to engage the enemy until he died of his many wounds.
>
> Sergeant Matthew Leonard's conspicuous gallantry and extraordinary heroism at the cost of his own life were in keeping with the highest traditions of the military service and reflect great credit on himself, his unit and the United States Army.

Sergeant Leonard left behind a courageous wife and five children.

During a "Matt Leonard Day" luncheon in Birmingham Saturday, which was attended by hundreds of persons, U.S. Army Chief of Staff Gen. William C. Westmoreland spoke of the gallantry of the Medal of Honor winners saying:

> In the course of human events some few risk their lives to help others. Still fewer give their lives to help others. But all stand in awe and reverence before the man who sacrifices his life in the performance that is clearly "above and beyond the call of duty."

Army Sgt. Maj. Henry L. Cobb attested directly to the courage of Matt Leonard, for he was one of those men for whom Sergeant Leonard gave his life.

Birmingham Mayor George Seibels called the day honoring Matt Leonard an event which "typifies the spirit of our people in their response to the honoring of a very brave man who gave his life for his country in destroying the enemy and to protect his comrades."

I would like to join Mayor Seibels and extend my deep appreciation to Roscoe Whatley and Mrs. Bessie Estell for their work in chairing and cochairing "Matt Leonard Day." Mrs. Estell was a former teacher of Matt Leonard and described his outstanding character even as a school boy.

The 1st Infantry Division, which the city of Birmingham has adopted and of which Sergeant Leonard was a member, presented a portrait of this heroic man to the city, painted by combat artist CWO Chester Jezierski. This portrait will hang in City Hall in tribute to Matthew Leonard.

It is fitting and proper that any city set aside a day in tribute to the memory of this man. The courage and dedication shown by soldiers like Matt Leonard have made it possible for the rest of us to continue to know the blessings of liberty.

Whatever hope there is for a just peace on earth and a resolution of the conflicts within our own society, it is vested in men like Matthew Leonard of Birmingham, Ala.

ONLY THE PEOPLE CAN CURE CRIME

(Mr. CRANE asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. CRANE. Mr. Speaker, I insert in the RECORD an editorial by the eminent journalist, David Lawrence, from the March 9, 1970, edition of U.S. News & World Report. Mr. Lawrence has made, I believe, some pertinent and valuable comments on crime in America today, and on the need for something more than legislative action if it is to be curbed. His point is that crime cannot be halted, or even significantly reduced, as long as there exists in this Nation the sort of widespread disrespect for law evidenced by the more extreme campus radicals and other violent dissenters, particularly among the young. I believe this to be a column well worth the consideration of every Member of this body. The editorial follows:

ONLY THE PEOPLE AS A WHOLE CAN CURE CRIME

(By David Lawrence)

> We have too long assumed that merely increasing the number of policemen or detectives will diminish the number of crimes in America. It's time to face up to the facts: Many of the burglaries as well as murders are committed in private homes.
>
> We are witnessing a crime wave of unprecedented proportions. There is widespread disrespect for law and order by citizens. Too many individuals in the younger generation have no regard for property rights or for life itself. Stealing is regarded as a proper means of obtaining funds. There is a feeling that punishment for crime will be light. Morality is brushed aside.
>
> A virtual revolution has taken place which has manifested itself in the form of "demonstrations." Buildings have been taken over on college campuses, churches have been invaded, municipal officers have been picketed and their entrances blocked. The spirit of revolt is extensive. Some segments of the press have sympathized with this uprising and given it recognition as merely the exercise of the constitutional right of "freedom of speech" or "freedom of assembly." The fact that it might incite to riot or lead to damage of property or to injury or death has been largely ignored.
>
> When will the American people come to realize that negligence on the part of a large number of their own law-abiding citizens has been responsible for the passive attitude toward crime and violence that has brought America to its tragic status of unmorality?
>
> Even some of the clergy have failed in their duty. A few days ago, William C. Sullivan, Assistant Director of the Federal Bureau of Investigation, in a speech in Chicago declared that prominent churchmen have been expressing sympathy for the Black Panthers, raising bail money for them, and even in some cases taking residence in Black Panther headquarters to discourage police raids on them. He also noted that some church leaders have been accusing police of murder-

ing Black Panther members in wholesale lots.

"Just what do these clergymen," asked Mr. Sullivan, "really know about the Black Panthers? Have any of them taken the trouble to get the facts about this organization?"

Mr. Sullivan pointed out that there are "about 900 hard-core guerrilla-type" members and perhaps "another 900 intermittent members" active in chapters in approximately 40 cities in the United States, and that the group is committed to the goal of "destroying the government and institutions" of this country. He said that the Panthers have embarked on a deliberate policy of waging guerrilla warfare against the police, and have stockpiled large supplies of weapons. He added:

"Although it has been claimed that as many as 28 Panthers have been killed by police, the truth is that 10 Panthers have died as a result of incidents involving police. And Panthers violence has killed 5 police officers and wounded 42 others. . . .

"Clergymen quite rightly should be very active in establishing social justice, eliminating poverty, and abolishing discrimination. Does this mean, however, that they have to fall under the spell of some strange compulsion to identify themselves with and give support to an organization containing a band of criminals?"

Unless the people of America cooperate with the Government in securing respect for law and order, new statutes will not have a maximum effect.

The Organized Crime Control Act, which passed the Senate on January 23 by a vote of 73 to 1—and now is pending in the House—was sponsored by Senator John L. McClellan of Arkansas after a year-long effort by the Subcommittee on Criminal Laws and Procedures, of which he is Chairman.

Basically, the measure would give broad power to the Federal Government to crack down on racketeers, who are the main influences behind organized crime. This and other laws providing more police and better methods of detection and gathering evidence will help in the arrest and prosecution of wrongdoers. Perhaps the meting out of punishment may discourage other criminals.

But the root of the whole problem will not be reached by legislation or by law-enforcement mechanisms. The main responsibility rests with the American people, particularly the educated class. They must come to recognize that things have gone too far in America when we find ourselves witnessing "demonstrations" in behalf of those convicted defendants in Chicago who provoked disorder in the courtroom and day after day hurled insults at the judge presiding at their trial.

The words "law and order" should mean respect for law and the maintenance of order by everybody—without exception. Neither the courts nor the law-making bodies should hereafter permit quasi-revolutions to be conducted across the land by rebellious individuals. Until youth is taught the meaning of respect for law, we cannot expect crime to be cured in America.

IT IS TIME FOR THE FACTS FROM THE DEPARTMENT OF AGRICULTURE

(Mr. MELCHER asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. MELCHER. Mr. Speaker, it is time for Secretary of Agriculture Hardin to exercise some control over the propaganda that is emanating from the Department of Agriculture, and to tell the Nation frankly what are the facts, and what are not facts, coming out of his office.

It is time for him to stop the dissemination of inaccurate and misleading statements intended to prove that low prices and greater volume of sales will be the salvation of farmers, and that price support programs represent "welfare payments" or "handouts" to our agricultural producers.

In one statement, an Assistant Secretary has given inaccurate figures intended to prove Hardin's hard line that lower prices and larger volume is the panacea for agriculture, when the figures are contradicted by one of the Department's own statistical releases.

In another, made orally, one of the Secretary's administrators has reportedly made a statement which smears farm price supports as "welfare" or "handouts," to discredit them.

On March 2 the Department of Agriculture, Office of the Secretary, issued a release in which Assistant Secretary of Agriculture Clarence Palmby declared that soybean raisers had received 13.2 percent more gross income from their product, with a 10 cent per bushel decline in price per bushel, than they had the year before.

In the same release, he asserted that corn had experienced the same encouraging results as a result of his sales policy.

I include the USDA's three-page press release in the RECORD at this point:

SUMMARY OF REMARKS BY ASSISTANT SECRETARY OF AGRICULTURE CLARENCE D. PALMBY

Assistant Secretary of Agriculture Clarence D. Palmby said today that Government price and sales policies for corn and soybeans had aided the current rise in use of these major Midwest commodities. He spoke to the Quad-State Grain and Feed Dealers Association meeting in the Sioux City, Iowa.

Mr. Palmby said total disappearance of soybeans in the current marketing year would be up 18 percent over last year and that dollar returns to U.S. growers would be at a record level. Total disappearance of corn will be up about 150 million bushels.

He said:

"Although prices received by farmers for the 1969 crop of soybeans may be down about 10 cents per bushel national average, soybean producers will receive around $2.6 billion for the crop—up about 13 percent from $2.3 billion the preceding year. This results from the high level of soybean use.

"We expect disappearance to be right at 100 percent of the record 1969 crop this marketing year. This compares with a disappearance of 87 percent of the 1968 crop last year. This increase came about through market expansion at home and abroad.

"Exports of soybeans will be up by 55 to 70 million bushels this marketing year—a record annual increase. Soybean meal exports seem to be increasing at the rate of about 15 percent this year. Domestic crushing is, of course, moving at an all-time high.

"The downward adjustment in the 1969 CCC loan level for soybeans—a lowering of 12.3 percent—contributed directly to the rise in soybean use. It made our beans more competitive here and abroad. It enabled U.S. growers to hold on to their markets and share fully in the expanded use of oils and meals around the world."

Mr. Palmby said the rise in corn use, while not as great as in soybeans, "is an encouraging development, particularly in view of the decline last year."

He said:

"Total domestic use of corn this marketing year will approach 4 billion bushels. Exports should be in the 575 million bushel range, which would be a growth over 1968-69. We expect, therefore, that total disappearance will be around 4.6 billion bushels.

"We feel that early announcement of the sales policy on corn stored by the Commodity Credit Corporation is helping in the management and movement of grain both in private and Government hands. The simultaneous announcement that farm storage loans would not be extended on corn from the 1964, 1965, and 1966 crops is also helping by making storage available for newer corn."

The Department of Agriculture announced on December 29 that reseal loans on 1964, 1965, and 1966 corn crops would not be extended. The maturity date on this corn is July 31, 1970. "This was a move dictated by good management, and has not had a detrimental effect on the market," Mr. Palmby said.

"The corn for which reseal was not extended amounted to 147 million bushels—the stocks remaining from the three crops involved. Corn under loan from the 1969 crop alone is more than double that amount—330 million bushels at the beginning of this year. Moreover, an additional 251 million bushels continue under loan from the 1967 and 1968 crops.

"This action is simply good management—a matter of moving old stocks to make room for new. With the expenditure ceilings that we face all the time in CCC, any dollar spent for storage costs is a dollar that cannot be used in direct producer income programs. It just makes good sense to move these older stocks into market channels, particularly when farmers have some equity in these stocks.

"In calendar year 1969, the cost to the Government of reseal loan storage was $142.5 million. For the same year, the CCC spent $120.9 million in storage and handling costs for commodities it owned. So the cost of storing commodities is a major item of CCC expense, and these are funds that cannot therefore be used in programs of direct benefit to current farm income."

In a "report to industry" on CCC stocks and investments, Assistant Secretary Palmby said:

"At the end of 1969, the CCC had $5.4 billion invested in loans and inventories, compared with $4.7 billion a year earlier. As of mid-February, the total value of uncommitted CCC inventories was $1.6 billion, and one-half of this investment was in grains.

"CCC owns 293 million bushels of corn. Soybeans in the CCC inventory amount to 167 million bushels, and there are 162 million bushels of wheat."

Mr. Palmby's statements did not ring quite true to me. My own information was that soybean returns were down, but lest I be challenged as an authority on the subject I asked the Legislative Reference Service of the Library of Congress to check Mr. Palmby's statements and give me the facts.

The reply from the Legislative Reference Service states:

Assistant Secretary Palmby was misinformed when he said in his press release of March 2 that although prices received by farmers for the 1969 crop of soybeans may be down about 10 cents a bushel, producers will receive 13 percent more than for the 1968 crop.

He is also misinformed in singling out the lowering of the CCC soybean loan rate in his press release as a key factor in increased soybean utilization this season.

Preliminary USDA estimates indicate soybean producers will receive 4 percent lower gross returns for their 1969 crop than for their 1968 crop—not 13 percent more. The relevant information appears in table 3 of the January 1970 Fats and Oils Situation published by the Economic Research Service of the Department of Agriculture.

The Legislative Reference Service report goes into some further details on soybeans, and then advises me that demand for feed grains for livestock feeding increased—not as a consequence of lower price, but "associated with higher prices to producers of feed grains."

Mr. Speaker, I include the Legislative Reference Service report to me, and also table 3 from the January Fats and Oils Situation, to which reference has been made:

THE LIBRARY OF CONGRESS,
LEGISLATIVE REFERENCE SERVICE,
Washington, D.C., March 4, 1970.

To: Hon. JOHN MELCHER.
From: Senior Specialist Division.
Subject: Effect of lower soybean prices on producers net returns.

This is in reply to your request of March 2. Assistant Secretary Palmby was misinformed when he said in his press release of March 2, 1970, that although prices received by farmers for the 1969 crop of soybeans may be down about 10 cents a bushel producers will receive 13 percent more than for the 1968 crop.

He also was misinformed in singling out the lowering of the CCC soybean loan rate in his press release as a key factor in increased soybean utilization this season.

Preliminary official U.S.D.A. estimates indicate soybean producers will receive 4 percent lower gross returns for their 1969 crop than for their 1968 crop—not 13 percent more. The relevant information appears in table 3 of the January 1970 Fats and Oils Situation published by the Economic Research Service.

The major beneficiaries of the lower CCC soybean loan rate in 1970 are the soybean processors not soybean producers. Although lower prices usually result in increased utilization, the lower prices paid producers for their 1969 crop of soybeans are not being passed on to the buyers of soybean meal and oil either here or abroad.

United States soybean processors are getting over 25 percent higher prices for soybean oil than a year earlier and moderately higher prices for soybean meal. European processors also are getting higher prices for their soybean oil and meal than a year earlier even though they are paying U.S. exporters lower prices for their beans.

Because of the increased demand for soybean oil and meal and the lower prices paid producers for soybeans, U.S. processors now have the widest processing margins in years—about a 50 cent spread between the spot prices of soybeans and soybean oil and meal. The usual spread is 10 to 15 cents.

Increased domestic and export demand for feed grains for livestock feeding also is resulting in increased utilization of feed grains this year associated with higher prices to producers of feed grains.

Increased demand at home and abroad are the major factors explaining the increased utilization of both soybeans and feed grains this year.

WALTER W. WILCOX,
Senior Specialist in Agriculture.

TABLE 3.—SOYBEANS: ACREAGE, PRODUCTION AND PRICE, AND VALUE BY STATES AND AREAS, CROP YEARS 1967–69

State and area	Acreage harvested (in thousands)			Yield per acre harvested (bushels)			Production (million bushels)			Price per bushel received by farmers (season average)			Value of production (in millions)		
	1967	1968	1969[1]	1967	1968	1969[1]	1967	1968	1969[1]	1967	1968	1969[1]	1967	1968	1969[1]
North Carolina	1,117	972	933	24.5	17.5	26.0	27	17	24	$2.47	$2.44	$2.35	$68	$42	$57
South Carolina	1,046	932	959	22.5	12.5	22.5	24	12	22	2.49	2.47	2.35	59	29	51
Georgia	542	472	467	24.0	15.0	24.0	12	7	11	2.45	2.45	2.40	32	37	27
Alabama	48	557	641	27.0	22.0	23.0	13	12	15	2.50	2.42	2.30	33	30	34
Total, Southeast	3,189	2,932	3,000	24.1	16.8	23.9	77	48	72	2.48	2.44	2.35	192	118	169
Kentucky	388	466	485	28.0	26.5	28.0	11	12	14	2.45	2.39	2.30	27	30	31
Tennessee	1,115	1,193	1,193	25.0	21.0	24.0	28	25	29	2.44	2.39	2.30	68	60	66
Mississippi	2,120	2,120	2,290	23.5	27.0	22.0	50	57	50	2.52	2.45	2.40	126	140	121
Arkansas	3,989	3,989	4,228	23.0	22.0	20.5	92	88	87	2.48	2.45	2.40	228	215	208
Louisiana	1,306	1,436	1,608	23.0	27.0	19.0	30	39	31	2.50	2.44	2.35	75	95	72
Total, South Central	8,918	9,204	9,804	23.7	24.7	22.7	211	221	211	2.48	2.42	2.35	524	540	498
Ohio	2,231	2,276	2,344	22.5	30.5	29.0	50	69	68	2.53	2.40	2.30	126	167	156
Indiana	2,898	3,246	3,278	24.5	32.0	32.0	71	104	105	2.50	2.40	2.30	176	249	241
Illinois	6,009	6,663	6,596	31.0	31.5	33.5	186	210	221	2.52	2.48	2.35	471	521	519
Iowa	5,246	5,561	5,283	27.5	32.0	33.0	144	178	174	2.51	2.44	2.25	361	434	392
Missouri	3,423	3,663	3,150	22.0	28.0	26.0	75	103	82	2.47	2.40	2.30	186	246	188
Minnesota	3,591	3,232	3,167	19.5	22.0	24.0	70	71	76	2.51	2.42	2.25	174	172	171
Total, Eastern Corn Belt	23,398	24,641	23,818	25.5	29.3	29.6	596	735	726	2.51	2.42	2.31	1,494	1,789	1,667
North Dakota	290	215	185	13.0	15.5	16.5	4	3	3	2.40	2.33	2.20	9	8	7
South Dakota	370	300	258	16.5	17.5	24.5	6	5	6	2.45	2.37	2.20	15	12	14
Nebraska	782	782	813	22.5	23.5	33.0	18	18	27	2.44	2.38	2.20	43	44	59
Kansas	825	957	852	22.5	25.0	23.0	19	24	20	2.43	2.30	2.20	45	55	43
Total, Western Corn Belt	2,267	2,254	2,108	20.7	20.4	24.2	47	50	56	2.43	2.34	2.20	112	119	123
All other[2]	1,995	2,073	2,127	22.6	23.0	25.5	45	48	53	2.44	2.36	2.28	111	115	122
United States	39,767	41,104	40,857	24.5	26.8	27.3	976	1,103	1,117	2.49	2.43	2.31	2,433	2,679	2,580

[1] Preliminary.
[2] New York, New Jersey, Pennsylvania ,Michigan, Wisconsin, Delaware, Maryland, Virginia, Florida, Oklahoma, and Texas.

The American farmers, and the American public, Mr. Speaker, are entitled to have the facts of the farm situation, and farm program performance, and not to have outrageously contradictory statements being issued, from the Office of the Secretary of Agriculture itself.

I have one more item, Mr. Speaker.

On February 26, the United Press International carried the following story:

WASHINGTON.—A Nixon Administration farm official declared recently he was "damn tired" of farmers who come to Washington for government handouts. A spokesman for rural bankers said today.

The official, Kenneth E. Frick, said his remarks had been taken out of context and was not meant as a criticism of farmers or "sound" farm programs.

Don F. Krichner, Riverside, Iowa, described Frick's remark today during testimony about farm legislation in the Senate Agriculture Committee. According to Kirchner, Frick said during a February 4 conference that: "I don't like welfare programs. I am getting damn tired of farmers crawling into Washington on their hands and knees, and asking for handouts."

Frick, a California cotton grower, is Administrator of the Agricultural Stabilization and Conservation Service in the Agriculture Department.

He told a reporter later he had meant to indicate, in the conference with Kirchner, that he believed in the need for a farm program but regretted that farmers had to spend so much time in Washington trying to help shape a program.

I had previously been advised that Assistant Secretary Kenneth Frick had made such a comment about "welfare" and "handouts" for farmers, although, as a former California cotton grower, he represents, in Secretary Hardin's team, a class of agricultural producers who have had their share of large cotton payments.

Payments to adjust agricultural production are not welfare, and they are not handouts, in my opinion, but if it is the position of the present administration at the Department of Agriculture that they are—that the Department so regards them—then we ought to have that stated honestly and forthrightly so the farmers of this Nation know the attitude which present U.S. Department of Agriculture administrators take toward them.

There should be no "whispering campaign" about the propriety of payments.

Let us have some facts from the Department of Agriculture.

It is time that the head man tells us whether the lower price crusader, Mr. Palmby, was right about the soybean experience, or the much more objective Statistical Research Service.

Secretary Hardin has testified that about 400,000 of our farmers should be put on the President's new family welfare program. But we ought to know if he regards all other agricultural payments as welfare handouts, too.

I have previously objected to Secre-

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tary Hardin's statement about the 400,000; if he regards most other families as already on welfare handouts, we ought to know it.

THE "GOOD NAME" PROTECTION BILL

(Mrs. SULLIVAN asked and was given permission to address the House for 1 minute and to revise and extend her remarks and include extraneous matter.)

Mrs. SULLIVAN. Mr. Speaker, as chairman of the Subcommittee on Consumer Affairs of the House Committee on Banking and Currency, I am today introducing a bill (H.R. 16340) to provide meaningful protection to the public against arbitrary, erroneous, and malicious information compiled by consumer reporting firms and used against the individual when applying for credit, insurance or employment. Hearings on this legislation and on numerous related bills will begin on St. Patrick's Day, March 17.

By the end of 1969, consumer debt in this country had risen to the staggering sum of $122.5 billion, including $98 billion of installment debt, and nearly $24.5 billion of noninstallment debt. It is absolutely essential that the industry supplying the information on which intelligent credit decisions are made operates efficiently and equitably. The bill I am introducing today attempts to strike a balance between the legitimate need for information by those supplying credit, insurance and employment and the individual's right to assurance that information about himself be collected and disseminated in the most careful manner.

It is only a matter of time before information on every American will be in a computer data bank. Currently, the Associated Credit Bureaus of America, having over 2,200 members serving 40,000 creditors in 36,000 communities, maintain files on more than 110 million Americans. Another firm, Retail Credit Co., has files on 45 million individuals. An industry spokesman recently estimated that it would be a mere 5 years before everyone who has applied for credit would be included in their computerized file.

When a false, or incomplete, or malicious piece of information goes into a consumer's file in a credit reporting agency, it can do irreparable harm to that individual and his family, usually without his knowing why he has been denied necessary credit or insurance, or why he seems to be unable to find employment. The abuses which have occurred in this field have been extensive and intolerable.

The initial legislative proposal to enable consumers to learn about adverse information in their credit files and correct or explain data which had been relied upon to place an individual unfairly in a "bad risk" category was in the form of an amendment offered by Congressman CLEMENT J. ZABLOCKI of Wisconsin to the consumer credit protection bill during floor debate in the House early in 1968. This proposal was expanded and introduced by Congressman ZABLOCKI as a bill, H.R. 6071, at the beginning of the 91st Congress, with numerous cosponsors. A companion bill, S. 823, introduced by Senator WILLIAM PROXMIRE of Wisconsin, was passed by the Senate in amended form on November 6, 1969.

My bill today, H.R. 16340, takes the basic concept of the Zablocki bill and revises it to cover all of the points and situations which should be considered in the hearings for the purpose of assuring the widest possible review of the abuses the legislation is intended to correct. It is, I believe, a careful drafting job designed to pose the issues squarely, hence, it is undoubtedly more controversial in many of its provisions than the compromise bill which passed the Senate by unanimous voice vote.

In that connection, the subcommittee will be much in the same situation as it was 3 years ago after the Senate passed 92 to 0 a compromise Truth in Lending Act and we considered instead a more far-reaching bill know as the consumer credit protection bill containing a great many provisions not included in the Senate-passed bill. Many of these added provisions were adopted without change, others were amended—modified or expanded, and some were deleted, based on the information we received and developed in the hearings. If there are sections of this bill which are unworkable, or which would make it easier for people who are not good credit risks to get credit they should not receive, I am sure the testimony in the hearings will pinpoint any such deficiencies. On the other hand, if we have left out important consumer protections which should be included in legislation of this kind, then we will want to know that, too. That is the purpose of holding hearings.

Entitled the "Fair Credit Reporting Act," the bill could just as well be called the "Good Name Protection Act," for it is intended to insure that consumer reports contain only information that is accurate and relevant, while preserving the confidentiality of such information. The bill is not intended to curtail the growth of consumer reporting agencies, but only to regulate their activities so they perform their stated function in an equitable manner.

SECTION-BY-SECTION SUMMARY OF H.R. 16340

Mr. Speaker, I attach a section-by-section summary of the highlights and provisions of the bill, H.R. 16340, along with a press release issued by the Committee on Banking and Currency announcing the hearings. The section-by-section analysis as printed herewith differs technically in section 24 from the information contained in the copies which were distributed to the press. As the bill now stands, a consumer damaged by failure of a consumer reporting agency or user of consumer information to exercise reasonable care in complying with the act will have the right to sue for actual damages, as this summary states. The earlier version of the summary did not spell this out.

In addition, as a result of a change in the final draft of the bill prior to introduction, there is a new section 61 in the summary, which means that sections 61 and 62 of the original summary are now sections 62 and 63 of the summary which follows:

SECTION BY SECTION SUMMARY, H.R. 16340, FAIR CREDIT REPORTING ACT

CHAPTER 1—GENERAL PROVISIONS

Sec. 1. Short Title—Act may be cited as the "Fair Credit Reporting Act."

Sec. 2. Findings and Purpose—Indicates the need for fair and impartial procedures by consumer reporting agencies. The purpose of the act is to enable individuals to protect themselves against the dissemination of inaccurate or misleading information bearing on their credit worthiness, insurability, or employability.

Sec. 3. Definitions and Rules of Construction—A "consumer report" is defined as a report on an individual which is to be used as a factor in establishing eligibility for (1) credit or insurance for personal, family, or household purposes or (2) employment. Excludes reports made by a person who has a direct transaction with the subject of the report. An "investigative consumer report" is one which includes personal information obtained through interviews. A "consumer reporting agency" is any person who regularly engages in the furnishing of consumer reports.

Sec. 4. Effective Date—Act takes effect 6 months after enactment.

CHAPTER 2—ADMINISTRATION AND ENFORCEMENT

Sec. 21. Regulations—The Federal Reserve Board shall issue regulations to effectuate the purposes of the Act.

Sec. 22. Administrative Enforcement—Compliance would be enforced by the Federal Trade Commission for those consumer reporting agencies and users of reports not regulated by another Federal agency enumerated in subsection (a). These agencies may use their existing enforcement authorities to bring about compliance.

Sec. 23. Advisory Committee—The Federal Reserve Board shall establish a broadly based advisory committee for advice and consultation.

Sec. 24. Civil Liability for Negligence. When a reporting agency or user negligently fails to comply with any requirement under the Act, any individual injured thereby can sue for actual damages. In addition, if there was negligence in the design of procedures or supervision of employees to assure compliance, the individual can recover his attorney's fees.

Sec. 25. Civil Liability for Willful Noncompliance:

(1) Individual can sue for actual damages; and

(2) Punitive damages; and

(3) Attorney's fees.

Sec. 26. Civil liability for Obtaining Information under False Pretenses:

(1) Individual can sue for actual damages; and

(2) Punitive damages; and

(3) Attorney's fees.

Sec. 27. Jurisdiction of Courts; Limitation of Actions—Civil actions may be brought in any U.S. district court without regard to the amount of controversy or in other jurisdictional courts within 5 years of the violations.

Sec. 28. Criminal Penalties—Any person who obtains a consumer report under false pretenses can be fined up to $5,000 or imprisoned up to one year, or both..

CHAPTER 3—ACCESS TO AND USE OF INFORMATION

Sec. 31. Access by Individuals to their Credit Files—Any individual upon furnishing full identification, may examine the information in his file during normal business hours upon reasonable notice. He may be accompanied by one person of his choosing and may take notes. The information shall include the names and addresses of prior recipients of his report for the last five years.

No charge shall be incurred if the consumer report resulted in denied credit, insurance or employment. A grant of legal immunity may not be made a condition to obtaining access to his file.

Sec. 32. Disclosure of Sources—The sources of information acquired in preparing an investigative consumer report need not be disclosed unless the individual finds it impossible to refute certain allegations without disclosure of such sources.

Sec. 33. A consumer reporting agency should maintain procedures designed to insure the confidentiality of its files.

Sec. 34. Uses of Information—A consumer reporting agency must maintain procedures to insure that consumer reports are furnished only to those with a legitimate economic need. Examples of what is and what is not a legitimate economic need are enumerated.

Sec. 35. Access by Government Agencies—Consumer reporting agencies can only divulge identifying information to governmental agencies unless legal process is obtained.

CHAPTER 4—OPPORTUNITY TO CORRECT ERRORS

Sec. 41. Disclosure of Adverse Action—Whenever a person denies credit, insurance or employment because of information contained in a consumer report, he must notify the individual of this fact in writing and give the name and address of the consumer reporting agency furnishing the report.

Sec. 42. Correction of Inaccurate Information—If a consumer reporting agency finds a disputed item to be in error, or is not verifiable, the agency shall (1) expunge the item from the file; (2) refrain from reporting the item on future reports; and (3) notify prior recipients of the error, without charge to the individual.

Sec. 43. Disputed Items—If an item remains in dispute after a reasonable effort is made to ascertain the facts, the agency shall, unless it finds the allegations made by the individual are so lacking in evidence as to be clearly frivolous, (1) mark the item as disputed in all future reports; (2) allow the individual to file his statement of the dispute; and (3) send a copy of this statement to prior recipients if requested by the individual.

Sec. 44. Items Claimed Incomplete or Misleading—If an individual contends an item is misleading because of the omission of relevant facts, the consumer reporting agency shall follow the procedures of Sec. 43.

Sec. 45. Disclosure of Nature of Information—When information comes from a person other than a consumer reporting agency which accuses a denial of credit, such information shall be disclosed to the individual concerned.

CHAPTER 5—DUTY TO KEEP INFORMATION CURRENT, ACCURATE AND RELEVANT

Sec. 51. Keeping Information Current—Creditors shall promptly report the disposition of any account which has become past due, the fact of which had been reported to the consumer reporting agency.

Sec. 52. Discarding Obsolete Information—Prohibits the reporting of adverse information older than three years, except for bankruptcies (14 years), suits, arrests, and judgments (7 years). Any item of derogatory information shall be deleted whenever it is learned that the source of the information can no longer verify this item.

Sec. 53. Public Record Information—A consumer reporting agency which compiles public record information must maintain strict procedures designed to keep the information up to date and notify the individual when adverse public record information is reported to a client.

Sec. 54. Relevance of Information—A consumer reporting agency may only report information which is reasonably relevant to the purpose for which it is sought. The Federal Reserve Board has authority to approve, upon request, standardized forms for compliance with this section.

CHAPTER 6—INVESTIGATIVE REPORTS

Sec. 61. Exclusion of Certain Preemployment Reports—This chapter's requirements do not apply when the investigative report is used solely for evaluating an individual for a position for which he has not specifically applied.

Sec. 62. Disclosure by Users of Investigative Reports—An individual's consent must be obtained, after disclosure of nature and scope of the investigation in question, before an investigative report can be prepared.

Sec. 63. Restrictions on Investigative Reports—Subsequent investigative reports may not use information obtained for a prior report unless reverified.

PRESS RELEASE ISSUED BY COMMITTEE ON BANKING AND CURRENCY

Mr. Speaker, following is the press release issued today by the Committee on Banking and Currency on the hearings scheduled to begin on March 17:

WASHINGTON, D.C., March 5.—Chairman Wright Patman of the House Banking and Currency Committee announced today that hearings will open Tuesday, March 17, on legislation to regulate credit reporting firms.

The hearings will be before the Subcommittee on Consumer Affairs in Room 2128 Rayburn House Office Building. Mrs. Leonor K. Sullivan (D., Mo.) is chairman of the Subcommittee.

Legislation to control credit reporting activities was introduced in the House today by Mrs. Sullivan. The bill is designed "to enable consumers to protect themselves against arbitrary, erroneous and malicious credit information." (A summary is attached.)

Congresswoman Sullivan, principal sponsor of the Consumer Credit Protection Act of 1968, said the witness list for the credit reporting hearings is now being prepared primarily from among groups and firms "which have broad experience in, or knowledge of, this field so as to give the information we want and need in order to be able to write appropriate legislation. Additional groups or individuals wishing to present testimony should write to the Subcommittee outlining the kind of information they wish to present, so that we can decide if the hearings should be expanded.

"In any event, all statements of views submitted in writing by individuals, firms or associations bearing on this issue will be reviewed by the Subcommittee for possible inclusion in the printed hearing record."

Mr. Sullivan added:

"I believe the first legislative proposal for Federal regulation of credit reporting firms was in the form of a proposed amendment offered on the House Floor on February 1, 1968, by Congressman Clement J. Zablocki (D., Wisc.), during debate on the Consumer Credit Protection Act. The amendment was rejected, but Congressman Zablocki refined and perfected it and introduced it as a separate bill, the Fair Credit Reporting Act, with multiple sponsorship at the opening of the 91st Congress in 1969. A companion bill, S. 823, introduced in the Senate by Senator William Proxmire (D., Wisc.) has passed the Senate in amended form and is among many bills on this subject now pending before the House Committee.

"There is vast public interest in this subject because of the tremendous influence of credit reporting firms on the availability of consumer credit, and on applications for insurance or employment, particularly for those persons whose credit files contain erroneous, misleading or incomplete data. Responsible leaders of the credit industry have recognized the sometimes tragic consequences of such erroneous information and have adopted a Code of Ethics to assure an opportunity to the individual to learn the nature of adverse information in his file when it has led to a denial of credit.

"However, a great many credit reporting firms do not subscribe to this code of ethics. Furthermore, the proliferation of computerized personal data on individuals can easily create a never-ending nightmare for people applying for mortgages or other credit, or for insurance or employment, who are the innocent victims of mistaken or deliberately false information in their files. When we complete our hearings, we expect to have a documented story of the nature and extent of such abuses, and of appropriate legislative solutions for them."

TEXTILE IMPORT AGREEMENT URGENT

(Mr. DORN asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. DORN. Mr. Speaker, the textile import situation daily grows more serious. We constantly hear reports of curtailment, unemployment, and the closing down of plants in our domestic textile industry. In my hometown, we have lost 300 jobs since February 1 due to the growing recession in the textile industry caused by unfair, low-wage imports. I fervently hope that our Japanese friends will see the urgency of this deteriorating situation and immediately advance a positive proposal to relieve our textile industry before legislation in Congress becomes absolutely necessary.

Secretary Maurice Stans has our full support in his Herculean efforts to negotiate a voluntary agreement with Japan to limit textile imports to the United States. Secretary Stans has manifested great patience, tact, courage, and determination to negotiate such a voluntary agreement with Japan. Only a moment ago I received the following letter from Secretary Stans, which was simultaneously delivered to the Honorable PHIL LANDRUM, chairman of our informal House textile committee, and the Honorable CHARLES R. JONAS, vice chairman of our group:

DEAR MR. DORN: Thank you for your letter of February 25 signed jointly with Congressmen Landrum and Jonas expressing your serious concern over the development of our negotiations with Japan regarding the textile import problem. I am responding separately to them.

In accordance with President Nixon's directions, the Administration has been engaged in extensive negotiations with Japan and other supplying countries to bring about a reasonable international solution of the textile import problem. We have been seeking to negotiate effective comprehensive international agreements to limit U.S. imports of these products. These negotiations have been conducted in the United States, in the Far East, and in Europe, and we have worked extensively on this problem through diplomatic channels.

I regret that I am not able to advise you at this time that we have an agreement which will solve this import problem. I can say, however, that our negotiations with Japan have reached the final stage and that after extensive presentation of our case for such an agreement, and after having put forward serious and concrete proposals to

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the Japanese for an agreement, we are now awaiting a response from them which will indicate whether an agreement is negotiable at this time. I appreciate your concern that we cannot accept selective limitations under any circumstances and can assure you that we have made this point eminently clear to the countries concerned on a number of occasions. The proposals we have put forward have involved restraints on a specific list of products coupled with an efficient mechanism under which additional restraints would be effective automatically to prevent the spread of disruption in the market to other products. Our position is well known to Japan.

We have rejected in clear terms the idea put forward by Japan that the condition of the U.S. industry be determined for this purpose by an international body. We have pointed out to the Japanese that such a proposal would be more restrictive than the current provisions of the General Agreement on Tariffs and Trade and indicated that all countries must make their own judgments as to conditions in their own domestic industry. We expect to be responsible for making such judgments and cannot delegate that responsibility to other countries.

I believe that before the Administration determines whether it should propose legislation to achieve a limitation of our textile imports, we should give the Japanese Government the opportunity to respond with a concrete proposal. I shall report to you within about two weeks on my judgment, based on the latest information available to me at that time, as to whether we can negotiate a viable international agreement with Japan on wool and man-made fiber textile products. We appreciate very much your support of our negotiating efforts over this past year and your patience in what has been a very difficult situation for all concerned.

Sincerely,

MAURICE H. STANS,
Secretary of Commerce.

COMMISSION ON MARIHUANA

(Mr. BLACKBURN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. BLACKBURN. Mr. Speaker, today I am introducing legislation which would provide for the establishment of a Presidential Commission on Marihuana.

During the past few years, we have seen the use of marihuana spread from use by a restricted few to its present large-scale distribution among college students and certain groups of people who classify themselves as "intellectuals." Although most of the users of marihuana claim that it will not have any damaging physical or psychological effects, upon detailed examination of the facts available, one finds that there is no conclusive medical evidence to prove this idea either true or false. Thus, at this point, it is worthwhile to examine the preliminary studies which have been conducted by the Bureau of Narcotics and Dangerous Drugs and physicians across the country.

The Bureau of Narcotics and Dangerous Drugs in a recent publication stated that marihuana acts upon the brain and the nervous system effecting the user's emotion and senses in widely varying degrees. Furthermore, the paper goes on to state that when large doses are used, vivid hallucinations occur which may cause panic or an inordinate fear of death with periods of paranoia. Persons using marihuana find it difficult to make decisions requiring clear thinking and a user is more apt to follow another's suggestion.

A study by Dr. Edward R. Bloomquist for the California Medical Association states that continual use of marihuana can cause an individual to become psychologically dependent upon this drug. The article points out that most of the students are introduced to marihuana under social circumstances and tend to use it because they want to go along with the crowd. Dr. Bloomquist points out that when young people from lower economic groups come in contact with marihuana a significant number of them are easily enticed into experiments with stronger drugs. He has shown through his studies that many of these young people go on to become heroin addicts. He feels, moreover, that the threat of use by the better educated classes is even greater since this group uses the mind-expanding drugs out of curiosity or desire to solve personal problems. Many of these people find marihuana too mild an hallucinatory drug, and therefore experiment with LSD or similar drugs.

In this day and age, when many of our young people are experimenting with untested and dangerous drugs, I feel that it is the duty of elected officials to investigate these drugs and determine the physical and psychological harm which our young people could inflict upon themselves. This bill authorizes the President to appoint a commission of nine members who shall investigate the problem of marihuana, and 1 year after the enactment of this legislation the Commission shall submit to the President and the Congress a comprehensive report on its study and recommendations for proposed legislation. The Commission would investigate the following areas:

First, the extent of use of marihuana in the United States to include number of users, number of arrests, number of convictions, amount of marihuana seized, type of user, nature of use;

Second, an evaluation of the efficacy of existing marihuana laws;

Third, a study of the pharmacology of marihuana and its immediate and long-term effects both physiological and psychological;

Fourth, the relationship of marihuana use to aggressive behavior and crime; and

Fifth, the relationship between marihuana and the use of other drugs.

Mr. William F. Buckley wrote a column for the Washington Star in which he quoted from a study conducted by Dr. Keith Yonge. For the information of my colleagues, I am inserting in the RECORD at this point a copy of Dr. Yonge's comments on the danger of marihuana:

> The use of these drugs does indeed induce lasting changes in personality functioning, changes which are pathological in so much as they impair the "mental and social well-being. . . ."
>
> The harmful effects are of the same order as the pathology of serious mental illness (psychosis), namely in distorting the perceptual and thinking processes and in diverting awareness from reality, impairing to the individual's capacity to deal with the realities of life.
>
> The argument that marijuana is no more harmful than alcohol is specious. Although alcohol does constitute a serious health hazard in our society because of its readiness to intoxication, its action on the mental processes cannot be simply equated with that of marijuana. The primary action of alcohol is that of a relaxant. Impairment of mental functioning occurs when intoxicating quantities are taken. Marijuana, as with all the psychotropic drugs, on the other hand, acts solely as an intoxicant, its effects being primarily the distortion of perception and reasoning.
>
> In psycho-social development man grows from the prevalence of self gratification and dependency, with little regard for reality, to the prevalence of self-determination and self-abnegatory involvement in his society. Against this progression, the trend toward "instant" self-gratification and artificial self-exploration (by the use of psychotropic drugs) is distinctly regressive—a reversion to the immature, the primitive. The regression is further evidenced in the other trends in group behavior with which the non-medical use of drugs tends to be associated—reversion to the crude or primitive in speech, in sexual expression, and in taste for music forms—however much these may be rationalized as emancipation from socio-cultural oppression.

Throughout our history there has been a constant discussion of whether this Nation would decay from within or be conquered by external forces. Now many eminent sociologists contend that the United States is entering upon a drug culture. They feel that apparently our citizens do not wish to face the realities of life. Therefore they use drugs such as marihuana to escape.

This bill is identical to a bill which was introduced by the Honorable EDWARD I. KOCH and several other Members of Congress.

TWENTY-FIFTH ANNIVERSARY OF THE CROSSING OF THE RHINE

The SPEAKER pro tempore (Mr. ROGERS of Colorado). Under previous order of the House, the gentleman from West Virginia (Mr. HECHLER) is recognized for 60 minutes.

(Mr. HECHLER of West Virginia asked and was given permission to revise and extend his remarks and include extraneous matter.)

Mr. HECHLER of West Virginia. Mr. Speaker, March 7 marks the 25th anniversary of one of the truly great events in American military history which turned the tide of the war in Europe and which saved 5,000 to 10,000 lives and no doubt shortened the war by many, many months. I refer to the 25th anniversary of the crossing of the Rhine River and the capture of the bridge at Remagen, Germany.

The Rhine River, Germany's proudest defensive barrier, had not been crossed by an invading army since Napoleon's time.

In the early months of 1945 the German commanders were faced with two conflicting orders from Hitler: No. 1, stand and fight at positions just west of the Rhine; and, No. 2, blow up the Rhine River bridges to prevent Americans from crossing.

Remagen, located between Bonn and Koblenz, had a railroad bridge, known as the Ludendorff Bridge, built by the

Germans in World War I and planked over to permit vehicular traffic crossing.

The terrain was steep on both sides of the river, so it was not the place anybody would plan to make a crossing, and certainly nobody expected that the bridge at Remagen would still be standing.

On the drizzly afternoon of March 7, 1945, A Company, 27th Armored Infantry Battalion, 9th Armored Division, accompanied by A Company, 14th Tank Battalion, 9th Armored Division and armored engineers and supporting troops, were moving toward the Rhine River. They had planned to capture Remagen, then prepare to turn south to meet General Patton's 3d Army which planned to close a trap on the German troops west of the Rhine.

The infantry company—led by 1st Lt. Karl Timmermann of West Point, Nebr., now deceased—came out of the woods on a high hill overlooking the Rhine and spotted the amazing sight of the Ludendorff Bridge still standing. The infantry, supported by tanks, attacked and captured Remagen. As they were coming up to the bridge, the Germans blew a 30-foot crater at the western approach, making it impossible to get tanks across the gap to the bridge. The American forces then observed the Germans preparing to blow the bridge.

When the charge went off, the bridge seemed to lift up from its foundations, then settled back, miraculously standing. The first American troops then rushed across and secured a slim foothold east of the Rhine. Although no casualties were suffered on the actual crossing of the bridge, heavy casualties followed in scaling a precipitous hill on the east side of the Rhine, and during the next few days when the Germans threw in many counterattacks, artillery, jet planes—used for the first time in the war—underwater swimmers armed with explosives trying to destroy the bridge, von Braun's V–2's fired at the bridge, and what was apparently radio-directed artillery aided by residents of Remagen.

Into this hottest of hot spots, on the blackest night of the year, the first tanks moved in and crossed the bridge during the first night, and General—then colonel—Westmoreland, Chief of Staff of the 9th Infantry Division, moved his troops, along with the 78th Infantry Division to reinforce the shaky bridgehead.

SIGNIFICANT

Capture of the Remagen Bridge probably saved 5,000 to 10,000 American lives and shortened the war in Europe by months—V–E Day came 2 months later on May 8. Hitler regarded it, next to the Normandy invasion, as Germany's greatest defeat, and he sent out a court-martial which immediately executed four officers for their alleged cowardice—although the facts prove the Germans fought bravely to try and blow the bridge and repulse all American attacks.

The Remagen Bridge was also significant in showing the initiative and courage of American troops, trained to work together. At the 10th anniversary of the capture of the Remagen Bridge, on March 7, 1955, President Eisenhower called together the surviving winners of the Distinguished Service Cross for a special ceremony at the White House, and said at the time:

> Now, of course that was not the biggest battle that ever was, but for me it always typified one thing: the dash, the ingenuity, the readiness of the first opportunity that characterizes the American soldier.

From the infantry privates to the generals in command, Remagen represented a sudden opportunity unplanned, unexpected, which was exploited with split-second timing and initiative. Maj. Gen. John W. Leonard, who commanded 9th Armored Division, had this to say at the time of the capture of Remagen Bridge:

> To me, one of the grandest tributes to the American Army methods of training, organization and discipline came all unconsciously and with no fanfare from Sergeant Alex Drabik, the first man across Remagen Bridge. When asked how he felt when he found himself over the bridge and on the German side of the Rhine, Sergeant Drabik said quietly and in all simplicity:
>
> "Well, I looked around and 7 of the 9 men in my squad had been together in the outfit for a long time, and I just knew they would stick."
>
> What a tribute to the esprit de corps of your unit! He had confidence because he knew that his buddies had been with him in the company for a long time.

THE REMAGEN HEROES

The Army conducted a very thorough assessment of who did what at Remagen, on the spot and at the time, and awarded 13 Distinguished Service Crosses. Eleven of the winners of the DSC—the Army's second highest combat award—are still alive. All of them were at the White House when President Eisenhower assembled the Remagen winners on March 7, 1955, followed by a special Pentagon luncheon cohosted by Army Chief of Staff, Gen. Matthew B. Ridgway, and Secretary of the Army Robert Stevens.

The following summary data describes the DSC winners and their roles:

DECEASED

1. *1st Lt. Karl H. Timmermann* of West Point, Nebraska. First officer across the bridge. Company commander of Co. A, 27th Armored Infantry Battalion, having assumed command late in afternoon of March 6—less than 24 hours before capture of the bridge. After returning home, he re-enlisted in the Army, helped lead a spearhead in the Inchon invasion in Korea, September, 1950. Contracted cancer and died in 1951.

2. *Sgt. John A. Reynolds* of Lincolnton, N.C. Along with Lt. Hugh Mott and Sgt. Eugene Dorland (all of Co. B, 9th Armored Engineer Battalion, 9th Armored Division), cleared the German explosives from underneath the bridge. The main charge had failed to go off, and the Germans exploded a reserve charge ignited by hand. The explosives from the main charge were still attached to the bridge and constituted a grave threat to the Americans. Sgt. Reynolds was killed by a sniper bullet in the closing days of the war several weeks after he won a DSC for his role at Remagen.

LIVING

1. *Michael Chinchar*, 31 MacArthur Drive, Saddle Brook Township, Rochelle Park, N.J. Age: 52. Currently employed in production control at Inmont Corp., Lodi, N.J. Chinchar was platoon leader of the 1st platoon, Co. A, 27th Armored Infantry Battalion, 9th Armored Division. He had been platoon sergeant of the platoon commanded by Lt. Timmermann, and when Timmermann moved up to be company commander of Co. A late on March 6, Chinchar although then only a sergeant was put in charge of the platoon. He was one of the first men to arrive at the western approach to the bridge, and had already led his platoon onto the bridge when opposition came from one of the towers on the bridge, and he and Sgt. Anthony Samele helped clean out the tower, and Sgt. Chinchar was among the first to cross the bridge.

2. *Sgt. Joseph A. DeLisio,* Co. C, Infantry Training Center (Special Troops), Fort Lewis Washington. Age: 48. Currently stationed at Ft. Lewis, Washington, and due to go to Vietnam March 25. Home address of father: 220 Victoria Road, Hartford, Conn. With the shortage of officers in the armored infantry company, DeLisio as a sergeant was also a platoon leader, commanding the 3rd platoon of Co. A, 27th Armored Infantry Battalion, 9th Armored Division. He brought up his platoon when the first infantrymen were pinned down on the bridge, and operated on the theory that if you advanced fast enough, you had less of a chance of getting hit. He uncorked the stalled attack on the bridge. He rushed out beyond the defended towers, then back-tracked to clean out the right tower, and while he was subduing the Germans in the tower, *Sgt. Alex Drabik* dashed across to be the first man to set foot east of the Rhine.

3. *Eugene Dorland,* 2921 Ashley, Houston, Texas. Age: 51. Current occupation: Foreman at Spaw-Glass Construction Co. in Houston; born and brought up in Manhattan, Kansas. As a sergeant in Co. B, 9th Armored Engineer Battalion, 9th Armored Division, Dorland was picked along with Sgt. John A. Reynolds by his platoon leader, Lt. Hugh Mott, to help neutralize and throw into the Rhine the many German explosives placed underneath the bridge. This was an extremely hazardous task, with the knowledge that the explosives might blow them all up at any moment.

4. *Alex Drabik,* 8765 Dorr, Toledo, Ohio. Age: 59. Has been employed as a repairman and laborer at Medusa Cement Co., Sylvania, O., but was laid off in mid-January. First man to cross the bridge at Remagen. Served as sergeant and squad leader of 3rd platoon, Company A, 27th Armored Infantry Battalion, 9th Armored Division.

5. *William J. Goodson*, 311 Jefferson St., Pendleton, Indiana. Age: 55. Makes starter brushes at the Delco-Remy Plant in Anderson, Indiana. Sergeant and tank commander, Co. A, 14th Tank Battalion, 9th Armored Division. Commander of first tank which crossed the bridge at Remagen under cover of darkness, night of March 7, 1945.

6. *Judge John Grimball,* 4000 Bloomwood Rd., Columbia, S.C. Age: 55. Served in South Carolina state legislature and is now Judge of Court of Common Pleas, Columbia, S.C. As 1st Lt., was platoon leader in Company A, 14th Tank Battalion, 9th Armored Division. Head of first tank platoon to reach the bridge. When his battalion commander told him over the radio: "Get to the bridge," his stirring response came back over the radio: "Sir, I am *at* the Bridge!"

7. *C. Windsor Miller,* 3802 Jeffry, Wheaton, Md. Age: 56. Vice President of Robert W. Bridge Realty Co., Rockville, Md. As 1st Lt., was platoon leader of the first platoon of tanks to cross the Remagen Bridge during night of March 7, 1945, Co. A, 14th Tank Battalion, 9th Armored Division.

8. *Hugh B. Mott,* 2701 Eastland Ave., Nashville, Tenn. Age: 49, Presently Adjutant General of the State of Tennessee and a Major General in Army Reserve, member of the Governor's cabinet. As 1st Lt. and Platoon leader in Co. B, 9th Armored Engineer Battalion, 9th Armored Division, commanded three-man team which ripped out the wires

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to German explosives underneath the bridge and neutralized the explosives on the bridge.

9. *Joseph Petrencsik,* 12514 Firsby St., Cleveland, Ohio. Age: 58. Had a heart attack 3½ months ago, and just went back to work at Welded Ring Products Co., Cleveland, as an oiler and sweeper. As a sergeant and assistant squad leader in the 3rd platoon of Co. A, 27th Armored Infantry Battalion, 9th Armored Division, Petrencsik was one of the first infantrymen to fight his way across the bridge.

10. *Anthony Samele,* 583 E. 189th St., Bronx, N.Y. Age: 49. Currently working in the maintenance department of the Transit Authority in New York. As a sergeant and squad leader in the 1st platoon, Co. A, 27th Armored Infantry Battalion, 9th Armored Division, Samele was the third man to cross the bridge.

11. *George P. Soumas,* 1803 Warford St., Perry, Iowa. Age: 55. Currently practicing attorney, and recently resigned as Police Judge in Perry, Iowa. Company Commander of Co. A, 14th Tank Battalion, 9th Armored Division, the first tank company to cross the bridge on the night of March 7, 1945.

I might mention for the benefit of my colleagues that this group which will be coming into Washington tomorrow will be honored on Saturday at the 25th anniversary.

Mr. Speaker, I would like to renew my invitation to all of my colleagues and members of the staff to attend the showing of the United Artists film of "The Bridge at Remagen" at 3 p.m. Friday in the Senate Office Building auditorium.

I would like for the benefit of my colleagues to say that no official American military equipment was utilized in the making of this film. It was all leased from the Austrian Army, from equipment that the Austrians had purchased as surplus from the Americans following World War II.

Mr. Speaker, I was very interested, following the end of World War II, to hear the observation of some of the German officers like Hermann Goering, Jode, Keitel, and others who were captured and later tried at Nuremberg. Before their trial I had the opportunity to interview them. They said:

> A development such as has occurred at Remagen could have occurred in no other army than the American Army.

Mr. FULTON of Tennessee. Mr. Speaker, it is a privilege to join with the gentleman from West Virginia and my other distinguished colleagues to commemorate the 25th anniversary of the historic capture of the famed bridge at Remagen, Germany, and to pay tribute to those brave American fighting men who took part in this operation.

One of those who participated in that event was Maj. Gen. Hugh B. Mott, of Nashville, Tenn., who is presently still serving his Nation, State, and community as adjutant general of the State of Tennessee.

Mr. Speaker, it has been my privilege over many years to know and respect Hugh Mott. He has worked actively and effectively in our community in civic and governmental affairs. Prior to assuming the duties of the office of State adjutant general, he served our community as metropolitan treasurer for Metropolitan Nashville-Davidson County, Tenn. General Mott also served the people of Tennessee in the late 1940's as a member of the Tennessee General Assembly.

For his part in the capture of the Ludendorff Bridge at Remagen, General Mott, then a first lieutenant, was awarded the Distinguished Service Cross. He led a team of engineers in a very dangerous assignment onto the bridge to cut demolition wires and destroy boxes of TNT which had been placed by the defending German troops.

Mr. Speaker, we are today, as in March of 1945, very proud of Hugh B. Mott and his comrades in arms who, by their daring and courage, captured the bridge at Remagen, an action which measurably shortened the war in Europe and saved countless numbers of lives.

Mr. CASEY. Mr. Speaker, I am proud to join with my colleague from West Virginia in calling attention to the 25th anniversary of one of the greatest turning points of World War II in the capture of the bridge at Remagen.

One of my constituents, Eugene Dorland, 2921 Ashley, in Houston, was a winner of the Distinguished Service Cross for his heroism at Remagen. As a sergeant in Company B of the 9th Armored Engineer Battalion of the 9th Armored Division, Dorland showed great courage in helping to remove dangerous explosives which the German defenders had placed underneath the bridge. By his actions in the face of a possible explosion of these charges, he paved the way for the first American troops to make a successful crossing of the Rhine River over the Remagen Bridge.

I am pleased and proud to note that Eugene Dorland has been invited, along with the other winners of the Distinguished Service Cross, to a 25th anniversary luncheon, hosted by the Army Chief of Staff, Gen. William Westmoreland.

C. WINDSOR MILLER—REMAGEN HERO

Mr. GUDE. Mr. Speaker, this Saturday, March 7, marks the 25th anniversary of the crossing of the Rhine at Remagen during World War II. This was the first time an advancing army had crossed the Rhine into Germany since Napoleon's campaign, and it was a major turning point in the war.

One of my constituents, Mr. C. Windsor Miller of Wheaton, Md., was among the American forces at Remagen, and he received the Distinguished Service Cross for valor. He is one of 11 who earned this high honor at Remagen to be invited by General Westmoreland to a special ceremony at the Pentagon, to be held on Saturday, to mark the anniversary. I want to take this opportunity to add my own commendation of Mr. Windsor and those who served with him on that historic day. By honoring the heroes of past wars, we demonstrate to all young men now serving their country in the armed forces that America will not forget the courage and sacrifice of the men who defend her.

Mr. SCHERLE. Mr. Speaker, I wish to join today with the distinguished gentleman from West Virginia (Mr. Hechler) in paying tribute to the remarkable World War II military feat of the crossing of the bridge at Remagen 25 years ago this Saturday.

A constituent of mine, George P. Soumas, now an attorney in Perry, Iowa, was a captain and commander of the Company A, 14th Tank Battalion, the first tank company to cross the Remagen Bridge. For his valiant military service during that campaign, Captain Soumas was awarded the Distinguished Service Cross.

GENERAL LEAVE

Mr. HECHLER of West Virginia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks at this point in the Record on the subject of my special order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

SUSAN B. ANTHONY DAY

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Massachusetts (Mr. Conte) is recognized for 15 minutes.

Mr. CONTE. Mr. Speaker, on November 5, 1872, at the waking hour of 7 a.m. the first woman in American history cast a vote in a presidential election. History does not record the candidate thus favored, but we do know who this distinguished and courageous lady was.

She was, of course, Susan B. Anthony.

Miss Anthony's historic gesture landed her in jail. But the vote she cast was counted and the act became the symbol of a fight that resulted in the so-called Susan B. Anthony amendment to the Constitution ending discrimination in voting rights on the basis of sex.

The famous 19th amendment to the U.S. Constitution became the law of the land on August 26, 1920. This was some 14 years after the death of Susan B. Anthony.

This year marks the 50th anniversary of that great event in our history. I can think of no more appropriate time to commemorate this occasion than on August 26, 1970.

For this reason, I am introducing today a joint resolution that will authorize the President to proclaim August 26, 1970, as "Susan B. Anthony Day." This would be a fitting tribute to her courage and to her great victory, the 19th amendment.

I am deeply pleased to announce that I am being joined in this effort by Mrs. Chisholm, Mrs. Dwyer, Mrs. Griffiths, Mrs. Hansen, Mrs. May, Mrs. Mink, Mrs. Reid, Mrs. Sullivan, and Mrs. Heckler.

The resolution follows:

Joint Resolution—Authorizing the President to proclaim August 26 of 1970 as "Susan B. Anthony Day"

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is hereby authorized and requested to issue a proclamation designating August 26 of 1970, the fiftieth anniversary of the adoption of the nineteenth amendment to the Constitution, as "Susan B. Anthony Day" and calling upon the people of the United States to observe such day with appropriate ceremonies and activities.

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TEXAS' ALL AMERICA CITIES

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Texas (Mr. BUSH) is recognized for 5 minutes.

Mr. BUSH. Mr. Speaker, in a recent issue of Look magazine, three Texas cities were named by the National Municipal League as competition winners of the All America Cities of 1969. Borger, Cuero, and El Paso are among 11 cities awarded top honors for significant achievements in local affairs.

As a Texas Congressman, I congratulate the three Texas cities which were singled out for honors in the National Municipal League and Look magazine salute to All America cities. The citizens of Borger, Cuero, and El Paso have demonstrated once again what can be accomplished by determined effort initiated on the local level. All Texans should take pride in their accomplishments and find example in their deeds.

A National Municipal League study indicates most previous winners of the contest were selected on the basis of significant achievements in passing local bond issues, reorganization of city government, and in growth of industry and business.

The following is the text of the Look magazine story on Texas' three All America Cities of 1969:

TEXAS' ALL AMERICA CITIES

EL PASO, TEX.

The largest 1969 winner (pop. 350,000) has so far accomplished least in brick-and-mortar terms. A new special-care hospital, supported by $650,000 in citizen donations, is being built. The first low-cost housing in 16 years and a Labor Department manpower training center are on the way. But El Paso's true All America claim is staked upon its spiritual awakening, led by Mayor Peter de Wetter, a peppery businessman, from a half-century of indifference toward its Mexican-American poor. Locked in feudal poverty on the city's south side, they provide de Wetter with enough negative housing, health and employment statistics to fill a target-area textbook. While he digs for Federal help ("In Washington, they think the Mexican-American is a cross between a Colombian and an Eskimo"), de Wetter faces ominous Brown Power militancy among angry chicano youth. The Mayor has started a youth program (El Paso's median age is 22.7) and is making the Anglo establishment aware of conditions on the south side. Says college student Ed Carrera: "People are beginning to see the Mexican-American as he really is—not some guy sleeping in the sun under a sombrero."

BORGER, TEX.

Oil and gas created a boomtown in the Texas panhandle in 1926. Forty years later, after bankruptcy in 1940 and another boom during World War II, Borger faced automation at its refineries, gas works and carbon-black plants. Population slowly declined from 20,000, schools had to be closed, old buildings were left to rot and small businesses began failing. Borger decided not to die. Over 900 citizens helped revamp the school system. Businessmen began clearing away unsightly shacks and hustled three new industries into town. A new shopping mall and senior citizens' center were built. Borger's two leading industrial firms outdid other Texas corporations in complying with the state's 1967 clean-air law, spending millions of dollars on filtering equipment that rid Borger's skies of carbon pollution by 1969.

CUERO, TEX.

Far away to the south, another Lone Star hamlet, 50 miles from the Gulf of Mexico, got tired of a city council and town manager who were as unresponsive to complaints from Anglo citizens as they were to those of Mexican-Americans and blacks. At the same time, Cuero's agricultural economy leveled off. As younger citizens left town to look for jobs, the prospect that Cuero's hospitals wouldn't satisfy Medicare requirements ruffled older conservatives. They surprised the new town manager by voting a $750,000 bond issue for a new hospital and donating $170,000 more in a fund drive. Their success united Cuero. Inspired by matching Federal dollars for the hospital and a new recreation project, the town is spending as it never did before to improve schools, streets and housing. A new furniture factory will provide 130 jobs, and Cuero is hunting for similar light industries.

CONGRESSIONAL QUARTERLY NOT OBJECTIVE

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Pennsylvania (Mr. WILLIAMS) is recognized for 10 minutes.

Mr. WILLIAMS. Mr. Speaker, Washington-experienced people understand that there is no official tabulation of how Members of Congress vote on any given set of positions which the President of the United States may hold, personally.

They understand that, in any given session of Congress, in which hundreds of issues are considered, debated, and voted upon, a President probably assumes a personal position on no more than a handful of issues of personal importance to him.

As Members of this body know, such personal positions by a President are set forth by the President to the Congress through the leadership, and/or by Presidential messages.

Knowledgeable people in both the executive and legislative branches of Government, therefore, place no particular value on, and do not take seriously, pretensions by such private, profitmaking, publications as Congressional Quarterly that they are competent to rate Members of Congress on their degree of support for a President's personal legislative views and desires.

For such a publication as Congressional Quarterly to presume to rate Congressmen with respect to the President's personal position on any given set of issues may make headlines and may sell papers, but it does not reflect authenticity.

It is most unfortunate, therefore, that the President and his congressional supporters have to be subjected to this sort of tommyrot.

I am aware of the fact that, for many years, many persons in both the executive and legislative branches of the Government have found cause to suspect that, frequently, Congressional Quarterly was more subjective than objective.

This publication's pretense of rating Members of the House of Representatives on "an overall support score" based on the "percentage of 47 Nixon-issue rollcalls in 1969" on which they voted "in agreement with the President's position," is an excellent example of why Washington-experienced people find cause to doubt either Congressional Quarterly's objectivity or ability.

At the White House, and in this body, I am known as a strong supporter of the President. Yet, Congressional Quarterly permits me a rating of voting "53 percent of the time" on these "47 Nixon-issue rollcalls in 1969—with the President's position" and has the gall to give only a 63 percent rating to the distinguished Republican whip of the House (Mr. ARENDS) and to the distinguished chairman of the Republican conference (Mr. ANDERSON).

Others of our colleagues in the Republican delegation, well established as stanch supporters of their party, their President, his platform and his programs, are afforded support ratings of as low as 38 percent.

Nor is it insignificant to note that Congressional Quarterly's peculiar selection of supposedly important issues includes simple recommittal motions and such purely procedural matters as a vote on the previous question while ignoring votes on such truly key issues as tax reform.

I cannot help but wonder whether Congressional Quarterly may be more interested in trying to sell someone on the fallacious slant that Republicans in the Congress are so poor in their support of President Nixon that some Democratic members of the Congress actually give the President more support than the Republicans do. Consider the intriguing fact that CQ gives the distinguished House Democratic whip (Mr. BOGGS) a 72-percent rating in that department—10 percent higher than that awarded Mr. ARENDS as whip of the President's own party.

It is quite understandable that, the other day, when I called this to LES ARENDS' attention, he looked surprised and commented, "I am sure I was supporting him all of the time."

Nor can I help but wonder whether Congressional Quarterly may be trying to sell someone on the slant that President Nixon suffers a lower first-year percentage of total congressional support than any President since before Mr. Eisenhower. In its January 16, 1970, issue, Congressional Quarterly credits President Eisenhower with enjoying 89 percent congressional support in his first year in office, President Kennedy enjoying 81 percent in his first year, President Johnson enjoying 93 percent in his own first year in office, and President Nixon suffering a 74-percent congressional support during his first year in office.

When I called this latest Congressional Quarterly problem to the attention of the Republican congressional committee's research staff, I was told that, of these 47 issues on which Congressional Quarterly claimed President Nixon had taken a personal position, the staff reported he had taken no position on 12 of them. Further, I know that Congressional Quarterly was wrong in interpreting at least 12 others, and I personally disagree with Congressional Quarterly's interpretation of several other of these 47 votes.

When I called this to the attention of Mr. Marlyn Aycock, associate editor of

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Congressional Quarterly, he told me that he, personally, did not know what those 47 issues were—that he would have to check with the staff research man who handled the computer. Shortly after, however, Mr. Aycock managed to supply me with the numbers of the 47 rollcalls on which these votes were taken, but he impressed me with the fact that I would have to refer to previous copies of Congressional Quarterly, to which I do not subscribe, if I wished to ascertain the facts.

When Mr. Aycock was advised that the burden of proof of published statement rested with his organization, Mr. Aycock agreed to give me the information I sought if I was willing to pay a fee for the so-called research.

At first, he was unable to tell me how much the fee would be and whether the research would take hours, days, or weeks. After becoming impressed with my serious concern in this matter, Mr. Aycock informed me that, for only $5, I could have the information if I sent a member of my staff to his office in a couple of hours. This was done.

Yet, to my surprise, all I got for my money was something far short of the research result that I understood I was purchasing, and for which I would have paid more. All I received was a tally which, presumably, Congressional Quarterly had previously published, of "House Votes 1969." Encircled in red were the 47 so-called Nixon-issue votes in question. In each of these 47 cases there was a brief one-paragraph Congressional Quarterly summation of the vote as Congressional Quarterly found it—followed by a parenthetical reference to pages of old copies of Congressional Quarterly.

In seven cases, quite revealingly, I discovered that someone at Congressional Quarterly had penned through such printed sentences as, "the President did not take a position" and/or had otherwise altered the previously published record with such penned notations as, "A 'yea' was a vote supporting the President's position."

Perhaps the most revealing indication of the Congressional Quarterly modus operandi is found, however, in CQ's "Ground Rules for CQ Presidential Support-Opposition":

> Presidential Issues—CQ analyzes all messages, press conference remarks and other public statements of the President to determine what he personally, as distinct from other Administration spokesmen, does or does not want in the way of legislative action.

This would suggest that Congressional Quarterly presumes to have the ability to analyze and interpret what a President, personally, "does or does not want in the way of legislative action," the presence or lack of official Presidential statements notwithstanding.

That, additionally, certain of Congressional Quarterly's analytical results, published as reportorial fact, may have been determined after the fact of a House vote is strongly suggested by the altering of its own previous copy to which I have just called attention.

This, then, should completely clarify the fact that Congressional Quarterly must have had something other than objectivity in mind when it published its version of the amount of support that President Nixon enjoys from members of his own party in the Congress.

COMPREHENSIVE DAIRY IMPROVEMENT ACT

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Wisconsin (Mr. Steiger) is recognized for 30 minutes.

Mr. STEIGER of Wisconsin. Mr. Speaker, I am introducing today on behalf of my colleagues, Mr. Brown of Michigan, Mr. Byrnes, Mr. Harvey, Mr. Kastenmeier, Mr. Langen, Mr. Miller of Ohio, Mr. Obey, Mr. O'Konski, Mr. Roudebush, Mr. Thomson, Mr. Zwach, Mr. Schadeberg, and Mr. Burton of Utah, and myself the Comprehensive Dairy Improvement Act.

This legislation combines all the major domestic dairy legislation into one bill to present a comprehensive approach to Federal domestic programs affecting our dairy industry and the supply of fresh milk and dairy products available to the Nation.

In the other body Senator Dole is the chief sponsor of this legislation and I am pleased to join with him in this effort by Members of both parties in both Houses.

A member of the Wisconsin State Grange recently wrote to me that—

> In no other segment of our Nation's economy is it necessary for a whole family to work 7 days a week, 10 to 12 hours a day.

The number of milk producers and milk cows have been declining consistently over the past several years. Many agricultural economists feel we have reached a good basic level of producing units. We must give these producers the guidance and dependability necessary so that they will continue to supply the Nation with one of the most nutritious foods available.

It has been estimated that some 66 percent of the 51 million schoolchildren have benefited from the special milk program. Only 44 percent will benefit from the school lunch, special assistance, and breakfast programs after they are expanded. Approximately 94,500 schools and institutions have participated in the milk program. Under the proposed expanded nutrition programs only 82,000 schools will be included.

I find, using information for the budget that the claims that an expanded school lunch and breakfast program will not result in any reduction in the amount of milk actually consumed because each new lunch provided for in the budget will include milk are not accurate. The elimination of the milk program coupled with the increase in the lunch and breakfast programs will actually reduce the amount of milk consumed by approximately 2 billion halfpints annually.

I support the expansion and upgrading of the school lunch program, but until such time as we can insure that all of the Nation's schoolchildren, and particularly those living in poverty, will receive nutritionally adequate meals, no effort should be made to eliminate already proven programs designed to provide badly needed dietary supplements.

Section 8 of the proposed bill incorporates the class I base plan amendments approved by the House Agriculture Committee and supported by the major dairy organizations. The amendments would make the class I base plan concept permanent, but also would allow new producers after delivering milk to a market for 90 days to share equally on the basis of his historic production in the class I prices—the same as producers who were delivering milk at the time of institution of the class I base plan in the order. The complicated and expensive appeal procedure, which particularly affects the small farmer adversely, is not included.

Section 4 of the bill terminates the butterfat support program.

Section 5 requires that dairy products acquired by the Commodity Credit Corporation through price-support operations, insofar as they can be used in nonprofit school lunch and other nonprofit child feeding programs, in the assistance of needy persons, and in charitable institutions, including hospitals, to the extent that needy persons are served, be donated for any such use prior to any other use or disposition.

Section 6 permanently extends the military and veterans hospital dairy programs which expire on December 31, 1970.

Section 7 permanently extends the dairy indemnity payment program.

There is one significant new proposal included in the bill. Section 3 would require that the price of milk be supported at not less than 90 percent of parity for the 1970–71 marketing year. Bill Eckles of the Pure Milk Products Cooperative in Fond du Lac, Wis., put the need for an increase in parity well in a letter to Secretary of Agriculture Hardin. He wrote:

> Current manufacturing milk prices are now at 90 per cent of parity equivalent but milk production continues below a year ago. If dairy farmers are to continue the confining and long hours of dairying, they want some assurance of respectable levels of income in the future. Assurance of the maintenance of current price levels can be improved without increasing present levels by raising government support levels to the full, permissible 90 per cent of parity, or about the current price levels being paid.

I would also urge my colleagues to review a comprehensive report on this subject prepared by the Associated Dairymen, Inc., which I inserted in the Congressional Record on January 26.

Section 2 of the bill provides for a permanent extension of the school milk program. My colleagues will recall that similar legislation, H.R. 5554 was approved by the House last year by a vote of 384 to 2. The other body has not yet taken action on the bill, however. The program is due to expire on June 30, 1970, and is seriously endangered by the proposed cut in the fiscal year 1971 budget.

Many proposals in this bill are now being considered by the Congress. It is our hope to bring all of the facets of these worthwhile provisions into a cohesive unit. It will assure the dairy farmer that the Federal Government realizes the importance of his work to the welfare of the Nation and establish a permanent working base to encourage him to continue to provide this most nutritious food for all our citizens.

PROTECTING WITNESSES IN ORGANIZED CRIME CASES

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Virginia (Mr. POFF) is recognized for 10 minutes.

Mr. POFF. Mr. Speaker, on Tuesday, March 3, 1970, page 1, column 1, an article authored by Craig R. Whitney appeared in the New York Times. The article concerned the rising death rate. by violent means, of informants in Federal narcotics cases in New York and other areas. The author reported that in New York alone there is a strong possibility that as many as 100 informers have been executed over the last 15 years. As is often the case with problems in law enforcement, this increasing death rate has a close relation to the actions of some of our courts. In this instance, the rulings leading to the increase in the death rate are those requiring the prosecution to disclose the identity of informants to the defendant. The problem resulting from informing a criminal of the identity of a key witness whose testimony could result in 5 years in prison on each count of the indictment is obvious, and that problem is only accentuated when the indicted individual belongs to an organization which has a niche in its table of organization for an enforcer or executioner. We are all aware that organized criminals are ruthless in the extreme. They will not hesitate to murder informants. What our judiciary has apparently so far been unable to appreciate is that there is more than one type of defendant coming before the courts. Too often they have ordered disclosure without giving due consideration to the possible consequences of their decision. Death has been the result.

Fortunately, however, a proposal is now pending before the House Judiciary Committee which will aid in solving this problem. In title V of S. 30, the Organized Crime Control Act of 1969, the Attorney General of the United States is authorized to provide for the security of Government witnesses and their families including acquisition of facilities in which they would be protected. Since it may be undesirable to either the witnesses or the Government for the witnesses to remain in these facilities during the entire time pending trial, title VI—depositions—also allows the taking of pretrial depositions for use at trial, in the event that the witness is unavailable, to remove the incentive for narcotics dealers and other organized criminals to murder informers. When a deposition can constitutionally substitute for a murdered informant, there is less incentive to kill the informant.

Mr. Speaker, the majority of the provisions of S. 30 are designed primarily to deal with the special evidentiary and trial problems involved in combating organized crime. Titles V and VI are but two examples of the imaginative solutions that this bill proposes to deal with the problem of bringing criminal sanction to bear on organized crime, a problem that is broader than it is often realized. S. 30 is a vital step, for instance, in our attempt to control the narcotics traffic in the United States. For if we fail to focus on the problems of trial and gathering the evidence necessary for trial in organized crime cases, we will have failed in our other criminal law efforts. Congress can pass laws from now throughout eternity dealing with narcotics, but if we are unable to prosecute successfully those who deal in narcotics, then we will not have taken one step along the road to elimination of these leeches who prey upon our citizens in all walks of life. We can focus on the problems that cause crime and perhaps relieve a number of them. There is no way, however, that we can legislatively finally cure the evils of human greed and weakness. Narcotics traffic is prevalent in all sectors of our society, including those sectors which demonstrably have no need of redeeming social legislation. If we are to cure illicit narcotics traffic, it must be—at least in major part—through procedural devices which enable us to enforce the substantive laws that are now on the books.

The article follows:

[From the New York Times, Mar. 3, 1970]

MURDER OF NARCOTICS INFORMERS ON RISE, LAW AUTHORITIES REPORT

(By Craig R. Whitney)

The number of informants in Federal narcotics cases here who have been murdered has reached "substantial" proportions in recent years, according to reliable law enforcement sources.

Federal prosecutors would not divulge the exact number, but other sources reported that it might be as high as 100 over the last 15 years.

Authorities say there are two main reasons for the mounting toll: increasing requirements by courts to disclose the identity of informants, and increasingly high stakes for narcotics criminals, who usually face minimum penalties of five years' imprisonment on each count of a charge and will resort to murder to avoid conviction.

One recent murder of an informant in Brooklyn started an investigation that resulted in the indictment of two former agents of the Federal Bureau of Narcotics on charges of extortion last week.

And, according to sources in the office of United States Attorney Whitney North Seymour Jr., there have been many other, more important informants killed over the last decade.

The problem is one that has caused grave concern in Mr. Seymour's office and in the Justice Department's Bureau of Narcotics and Dangerous Drugs, which develops many of the hundreds of narcotics cases the United States Attorney's office prosecutes.

All these Federal authorities, aware of the dangers their informants face, refused to add to them by commenting, but acknowledged the existence of what one called "a substantial problem."

The authorities say that many informants die simply because of their associations with criminals who do not hesitate to mete out the death penalty to double-crossers because they face heavy penalties themselves for dealing in heroin, cocaine and other illegal drugs.

"The major defenses a trafficker has are fugitivity and murder," an assistant United States Attorney said last week.

Nearly every one of the narcotics cases under the jurisdiction of Federal prosecutors, headed by William M. Tendy, is built on informants.

"WORKING OFF TIME"

The usual pattern of such cases, as explained in a recent Court of Appeals decision, is this: "Federal Bureau of Narcotics agent meets informant; informant arranges meeting with narcotics salesmen; agent negotiates buys; narcotics salesmen are arrested."

The informant is usually someone who has been arrested but is "working off" a case instead of going to trial. "It's called 'working off your time in the streets,'" another assistant said last week.

The formula is so simple that even if the informant's name is not publicly divulged, the criminal can often figure out who he is. "So a lot of them have been killed, no question about that," said a narcotics official.

But often, for legal reasons, the prosecutors must name their informants in indictments or when a case goes to trial. The informant in the Brooklyn case, for instance, was named in the indictment against three narcotics smuggling suspects who now face reduced charges because he is dead.

A recent narcotics case that came before the Federal Court of Appeals here illustrates some of the problems that can be created for informants by court rulings. Their effect, according to a judge on the court, is to require the Government to disclose an informant's name and address if he is put on the witness stand or to reveal who he is if the defense asks for the information.

In the recent case, two men appealed for a reversal of a conviction on charges of selling $3,500 worth of heroin to an undercover narcotics agent who had been introduced to them by an informant in his hotel room.

"As soon as the agent used the word 'informant,' [the defense] counsel objected to any further testimony unless the informant's identity was disclosed," the Appeals Court said in summary.

The lower court did not require the disclosure, but a day later the defense had found the informant's name and address from the records of the Americana hotel, where the heroin sale took place.

The Court of Appeals asked the Government attorneys why they had withheld the information in the lower court, and they said they had no idea the informant had registered under his correct name.

COURT DECISION CITED

According to Judge Henry J. Friendly, who wrote the higher court's opinion, "But for this representation, we would have been tempted to reverse these convictions; a prosecutor should not place needless and pointless roadblocks in the path of the defense."

Other Supreme Court decisions have ruled—although not conclusively—that an informant's identity should not remain secret if disclosure would be "relevant and helpful" to the defense.

Bureau of Narcotics officials say that because of such court rulings since 1957, informants have had to be identified and placed on the stand more frequently than in the past. But the officials do not feel that is the only reason for the informers' deaths.

Mr. Tendy is said to keep a file of such murders in his office, although he would not acknowledge this, disclose its contents, or discuss the problem generally.

One of the men said to be named in the file is Albert G. Agueci, an Ottawa mobster whose charred body was found in a field near Rochester in 1961, before a trial involving him and other gangsters in a heroin smuggling case was to begin.

Prosecutors say that Agueci, feeling desperate before the trial, went to Stefano Magaddin, head of a Mafia family in Buffalo, and threatened to become an informer to escape conviction. He was found dead a few days later.

"There are a lot of people who have sat in that chair you're sitting in now," an assistant United States Attorney said last week, "who aren't around any more because they were informing."

FOR PROPER OBSERVANCE OF OUR COUNTRY'S BIRTHDAY

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Illinois (Mr. FINDLEY) is recognized for 10 minutes.

Mr. FINDLEY. Mr. Speaker, we the people of the United States, and we the members of its Federal Government have once again let pass without remembrance March the 4th—although we, as a people and as a government, were officially born on that day. On the fourth of March, 1789—181 years ago yesterday—our Federal Constitution began—to quote Lord Acton—"the career it has so grandly run" to achieve "an astonishing and unexampled success."

On that day, too, the "grand alliance" of the 13 States under the Articles of Confederation was buried, without a tear. Under those Articles there were also the familiar words, "the United States" and "Congress"—but there was no such terms as "we the people of the United States." Re-read the original Declaration of Independence, and you may be surprised to find that the "United States" appears there as the "united States"—with a little "u" and a capital "S." The accent was on the sovereignty and independence of each of the 13 States, not on their Unity—and there was no mention of the American people. Nor was there in the subsequent Articles of Confederation.

Those Articles begin: "To all whom these Presents shall come, we the undersigned Delegates of the States," each of which States it then names. Its article II states that "Each State retains its sovereignty, freedom and independence." and article III adds: "The said States hereby severally enter into a firm league of friendship with each other, for their common defence, the securities of their Liberties." No, I am not quoting the North Atlantic Treaty of alliance of 1949 but the Articles of Confederation of our 13 sovereign States.

The Congress of the United States was far from the Congress of the United States we know now—because of the Federal Constitution. It was much more like the Council of NATO. Each State had one vote, regardless of how many people it had. Like that Council, the Congress had but one House. Again like the NATO Council, it elected each year a figurehead it called "President." Did you know that there were 14 who were "President of the United States" before George Washington became our "first" President—thanks to the Federal Constitution? Do you remember—can you name a single one of those 14 earlier Presidents of the United States of the "grand alliance"—except John Hancock? John Adams, who knew that earlier "Congress," called it, contemptuously, a "diplomatic assembly." True, it had powers NATO lacks. For example, it could issue currency, as could each State in the alliance. Its dollar is the one still remembered as "not worth a Continental"—even less than the trifling value which the dollars of many of the 13 States then had.

And then, after conditions got so bad that the people were rising in armed revolt—as in Shay's Rebellion in the sovereign State of Massachusetts—there began, on March 4, 1789, on this forgotten birthday of the present Constitution, there began perhaps the greatest of revolutions, because it was not merely profound, but without violence, without bloodshed.

To quote the astute Frenchman, Alexis de Tocqueville, who visited us 45 years later and wrote his classic, "Democracy in America," then began "a new thing in history." Our Federal Constitution, he went on, rests "on a theory that is entirely new, and which stands as a great discovery in modern political science." Under it, he explained, "the Union governs not State but simple citizens," and he should have added—and did later—those "simple citizens" are its true sovereigns, not the States, for the citizens elect the Union Government.

To me, there is a majesty in the opening words of the Federal Constitution, "We the people of the United States," not "We the people" as in the United Nations Charter. "The People of the United States," a new concept, was created out of 13 petty peoples by the Federal Constitution which began its life on the 4th of March 1789. No wonder the British Prime Minister, William Gladstone, called it almost a century later, "the most wonderful work ever struck off at a given time by the brain and purpose of man." The wonder is that this "new birth of freedom," as Lincoln rightly described it, after having been long marked by the fact that each President was inaugurated on the 4th of March, has been so shamefully forgotten since 1933 when the inauguration day was advanced to January 20.

We still celebrate the Fourth of July—and it is a revolutionary date in human history that deserves even more celebration than we now give it. The principles of free government had never been set forth so clearly as on July 4, 1776—and never before had any State government been founded on such statement of the sovereignty of the citizens. But the achievement of March 4, 1789, was, I submit, even more revolutionary; indeed, to the Founding Fathers it was a "miracle.' Never before had the sovereign citizens of democratic States created on anywhere on earth an interstate government where the citizens and not the State governments were the sovereigns—and this was done, unlike the creation of government elsewhere—by peaceful agreement, not force; by the power not of going into the streets with violence, not of armed revolt as in Shays' Rebellion, but by the life-giving and life-preserving, and life-advancing power of reason, commonsense.

We now hear much ignorant talk of the "Second American Revolution"—but we have already had the Second American Revolution—and the fact that the changeover to citizen sovereignty from State sovereignty in the United States was achieved without war, without violence, without bloodshed—all this makes it the more remarkable and the more to be remembered, not the less—as it is now, alas.

As the 4th of July is Freedom's day of the year to be celebrated, the 4th of March is Union's Day—or Liberty-and-Union's Day to be remembered.

On George Washington's birthday every year, his Farewell Address is read in both Houses of Congress. How many have noted the passage in it that warns that alliance will not work, even among our free States? How many remember that George Washington was "First in the hearts of his countrymen"—not merely his fellow Virginians—because he led in the peaceful revolution that transformed the President of the United States from a forgotten figurehead into an Executive, and the Congress from a contemptible "diplomatic assembly" into the foremost lawmaking body of the world that is free?

Why, then, should we not honor the birthday of our Federal Union as we do that of Washington—who—when his was the name of a man, not a capital—lost no occasion to insist that Freedom without Union is anarchy?

Mr. Speaker, I venture to suggest that we mark each 4th of March in future, by having the Speaker of the House and President of the Senate read, in alternate years, respectively in the House and the other body, one of the truly great papers on Union that helped save the people of the United States—and could help save the people of all free countries—from freedom's fatal tendency to perish in disunion?

The papers I suggest for alternate reading:

First. Franklin's moving plea on June 28, 1787—when the Federal Convention was on the point of breaking up in disaster—for prayer to save the union of the free.

Second. Hamilton's magisterial Federalist Paper No. 15, demonstrating why alliances always are doomed to failure and only the federal system can work between free peoples.

Third. Madison's persuasive Federalist Paper No. 45—sovereignty lies in the citizen.

Fourth. Lincoln's second inaugural, March 4, 1865, where to save the Union, the Commander in Chief of an army at war, rose to the peak where he blamed his own side as much as the other—and proved that by so high an appeal to human mobility the most dreadful of wars can be won, and the most enduring kind of peace can be established.

DISABLED VETERANS SUFFERING FROM CUTBACKS MUST END

The SPEAKER pro tempore. Under previous order of the House the gentleman from Massachusetts (Mr. PHILBIN) is recognized for 10 minutes.

Mr. PHILBIN. Mr. Speaker, I am deeply concerned about the current plight of the Veterans' Administration hospitals in Massachusetts.

We have to rely on these hospitals to

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take care of disabled veterans, who, in our minds, have highest priority claim on the finest and best kind of hospitalization, medical care, and treatment that this Nation can provide.

Some few years ago, over the protests of veterans' groups, political leaders and an overwhelming number of people in Massachusetts and New England, the Veterans' Administration hospital at Rutland, Mass., which for years served many veterans of Massachusetts and the New England region, was closed.

At that time, I, and others, made determined efforts to save that hospital, which we knew and declared was an essential part of the VA hospital system in our State and area.

We filed legislation to retain this needed facility and the bill was reported to the House by our Veterans' Affairs Committee.

We beseiged the Veterans' Administration and the President in urging that the hospital be kept open.

We mobilized all the assistance we could get to persuade the officials of the Government that unless the hospital was kept open serious consequences would result.

We pointed to the limited number of beds in Massachusetts and New England that were available to disabled veterans, and the fact that the elimination of this hospital with its large number of beds would in time create a crisis regarding the hospital care and treatment of our disabled veterans in our State and region where 700,000 veterans reside in the area.

I am sorry to say that this time has now come, according to no less authority than our esteemed friend, the very able, distinguished gentleman from Texas, Chairman TEAGUE, of the House Veterans' Affairs Committee, who recently declared that he was seriously concerned about recent reports indicating "that many Veterans' Administration hospitals were being caught in an impossible squeeze between higher medical and drug costs and rising workloads without receiving proportionately higher funding and staffing allocations."

"If this is true," Chairman TEAGUE said, "such policies, if allowed to stand, will wreck the VA hospital system and undermine the veterans medical program to the point of dangerous dilution in quality."

Mr. Speaker, this Congress must not allow that to happen. We must respond, as we have always done, to the call of the needs of our disabled veterans and their dependents and families. In this instance, we must take immediate action to make sure that disabled veterans are being given, and shall be given, admission to VA hospitals—first-class medical care and treatment in hospitals manned by adequate, qualified staffs and experts to care for our beloved, disabled veterans to whom we owe so much.

Chairman TEAGUE has pointed to the fact that VA hospitals currently have an average staff ratio of 2.72 employees for every patient in general medical community hospitals, and State and local government hospitals, and the ratio in university hospitals operated in connection with medical schools is three employees to every patient.

I thank Congressman TEAGUE for writing to President Nixon advising him that he expects to seek a minimum staff ratio for VA hospitals of at least two employees for every patient and a 1-for-1 ratio in psychiatric hospitals.

Most unfortunately, his study of Massachusetts Veterans' Administration hospitals revealed funding deficiencies in fiscal year 1970 of over $1.7 million to operate about 4,000 hospital beds serving approximately 300,000 Massachusetts veterans.

In the House, February 4, 1965, when the Veterans' Administration was moving to close Rutland, Mass., hospital, I spoke as follows, and I quote some of my remarks at that time:

> The Veterans Administration knows, and I know, and my colleagues in the House know who will be the innocent victims of the unsound economy which is being claimed as justifying the closing of Rutland Heights Hospital. It will be those gallant men and women to whom a grateful nation made solemn pledges of aid and assistance when they came home from the wars.
>
> Not only will our veterans suffer, but their families and dependents will have to endure lengthy waiting periods until hospital care can be provided for the veterans in need.
>
> This is truly shocking ingratitude from the richest nation in the world. It is an intolerable situation which the American people will never condone.

But no attention was paid at that time to my strong appeals, and those of other members of the Massachusetts delegation in Congress.

Now we are faced with the results we predicted then. The hourglass has run out. The timetable has changed its course, and now the disabled veterans of Massachusetts and New England must suffer for gross bureaucratic, yes, and congressional miscalculations, which closed Rutland Hospital.

This action has reduced the already inadequate staffing, even more. I have strongly demanded that additional funding be provided now. I know that my colleagues in the House from Massachusetts and others will join the battle to relieve our disabled veterans and their families from lack of adequate hospital facilities, and the worry and anguish on the part of their families caused by this deplorable situation, which is a story of negligence and deprivation of disabled veterans who should be the first beneficiaries of our compassion, care and treatment they so completely deserve and urgently need.

Our Massachusetts VA hospitals are approximately 400 positions short of needed staff. These extra positions would cost about $3.6 million annually, but whatever the cost, they must be provided at the earliest possible moment.

Salaries must be adjusted to insure that all necessary specialist employees are hired, and they are known to be recruitable.

Massachusetts veterans' hospital community nursing care programs were underfunded in fiscal year 1970 by $389,000 and our Vietnam veterans are being sorely affected by these conditions.

Bedford psychiatric hospital is short $589,000 additional funds, and 60 more positions are required to staff the hospital properly. Shortages in drugs, medicines, hospital linens, medical and dental supplies, maintenance and repair supplies and services and other recurring operating expenses must be promptly replenished.

One of the greatest doctors in the country, Dr. Francis B. Carroll, is in charge of Boston's 300 bed hospital at Jamaica Plain where our fiscal year 1970 funding deficiencies amounted to over $400,000.

Dr. Carroll told the House Veterans' Affairs Committee that—

> One of the most pressing problems which has given us great concern has been the inadequate staffing of our nursing service.
>
> This means that our desperately ill patients are not being provided with the amount of nursing care they need.
>
> There is inadequate nursing support, and there are times when we only have one nurse to oversee two acute wards.
>
> Moreover, because of non-competitive salary rates, the hospital is losing two radiologists, including the chief radiologist. Up to this time they have been unable to recruit replacements.

He also reported a shortage of funds to place veterans in nursing homes at VA expense who no longer need continued hospital care.

The distinguished doctor stated to the committee that it has been necessary for him to divert over $153,000 from his maintenance and repair funds and new equipment acquisitions in order to keep from reducing personnel below the already substandard levels.

The situation at Northampton psychiatric hospital also shows very substantial funding deficiencies, including funds to replace a fire protection system, a 28-year-old fire truck and a fire alarm system that does not meet local, State, and Federal regulations. Also, they state that sometimes snow covered fire escapes are insufficient and antiquated.

These conditions add up to playing fiscal roulette with the lives of disabled American veterans.

The able hospital director, Dr. Benepe was also highly disturbed that the VA is failing to recruit new and competent psychiatrists primarily because the salary level is not competitive.

He said that because of, "wage inequities currently I believe we are locked into a future of second-class care," and it is second rate.

Dr. Winick, another fine doctor, head of Brockton's 988-bed psychiatric hospital, also reported very substantial funding deficiencies covering about 30 positions, and also shortage of funds to place veterans in community nursing homes.

He also reported that over $90,000 had been diverted from the hospital's maintenance and repair and new and replacement equipment funds in order to support salaries for the hospital staff. Part of these funds were needed to provide additional space for rehabilitation programs, to install handrails in corridors of older patient wards, for fireproof doors and to replace radiological apparatus.

In January 1970 only $9,960 had been

received to apply toward a reported shortage of $46,000 for the community, nursing home care program.

The story from West Roxbury VA hospital by another able doctor was in the same tenor—shortage of funds for 1970, $260,000—shortage of personnel—integrated medical and surgical intensive care units because of inadequate staff—shortage of nursing personnel for the operating room and staffing for the spinal cord injury units was barely minimal—impossible heavy workloads, impairing morale of staff—therapists to provide guidance and training for an increasing number of young Vietnam veterans—and so on.

Another fine doctor, Thomas J. Quigley, Director of VA outpatient clinic, also reported substantial funding deficiencies to be made up by deferring the purchase of clinic equipment, and in maintenance and repairs—shortage of funds in dental care for Vietnam veterans.

No wonder Chairman Teague has been aroused about these reports. They are truly shocking, and these conditions cannot be tolerated. The supply of hospital beds lessens, while patient care is substantially increased and outpatient visits have very substantially increased.

The real worry is now: Shall Congress and the American people tolerate a Veterans' Administration medical system—once the best—to deteriorate into a second-rate system through neglect and shocking cutbacks of appropriated funds.

Efforts will be made to justify this situation, but it is truly intolerable and cannot be justified. It must be remedied at once, and I have powerfully urged the Veterans' Administration and the executive department to take immediate action to restore any cuts that may have been made. If necessary, Congress should, and I believe it will, provide money to take care of the hospital needs of our disabled veterans adequately.

Meanwhile, I demand in the name of our disabled veterans that VA allocate all funds Congress provided to meet veterans needs.

I am glad that our esteemed friend, Chairman TEAGUE, has declared that he does not intend to sit idly by and allow shortsighted policies to destroy a medical program that is absolutely necessary to care for American veterans. I have assured him of my vigorous cooperation in any efforts he may make concerning all adequate funding to eliminate the very disturbing conditions to which I have alluded in these remarks.

Congress cannot escape its share of the responsibility for this calloused neglect of disabled veterans. It must act now.

BAR-ILAN UNIVERSITY IN ISRAEL 15TH ANNIVERSARY CELEBRATION

The SPEAKER pro tempore. Under a previous order of the House the gentleman from New York (Mr. ROONEY) is recognized for 60 minutes.

Mr. ROONEY of New York. Mr. Speaker, recently in New York City supporters of Bar-Ilan University, America's only chartered institution of higher education in Israel, met to celebrate the 15th anniversary of its founding. On this occassion I had the good fortune to share the dais with such good friends as the dinner chairman, Counselor Albert Parker; his cochairman, Edward Adams; Ambassador Arthur J. Goldberg; Prof. Sidney Z. Lieberman; Phillip Stollman, chairman of the Board of Trustees; his brother Max Stollman; New York City comptroller, Abe Beame; and Chancellor Dr. Joseph H. Lookstein. It was indeed a happy occasion, not withstanding the troubles that beset Israel today, for it marked another step in the growth and development of a dream of a substantial majority of American Jewry. I am happy that I have been able to share in that dream. Under the permission heretofore unanimously granted me, I include at this point the program of the dinner recently held at the Waldorf-Astoria marking the 15th anniversary of the founding of Bar-Ilan University in Israel:

PROGRAM

Dais Processional.

Anthems: Stephen J. Texon, Soloist, Opera Orchestra of New York.

Invocation: Dr. Sidney Z. Lieberman, Headmaster, Ramaz School.

Grace.

Welcoming Remarks: Albert Parker, chairman.

Greetings: Phillip Stollman, Chairman, Board of Trustees; the Honorable John J. Rooney, Member, The House of Representatives.

Remarks: Chancellor Joseph H. Lookstein.

Address: The Honorable Arthur J. Goldberg.

The following were my brief remarks on this occasion:

REMARKS OF HON. JOHN J. ROONEY, AT 15TH ANNIVERSARY DINNER OF BAR-ILAN UNIVERSITY

JOHN J. ROONEY. Mr. Toastmaster and our good friend, Albert Parker, revered and respected rabbis, Professor Lieberman, the Messrs. Stollman, those generous and great benefactors of Bar-Ilan, Comptroller—and I thought we had the day when we were going to call him the Mayor of the City of New York—Abe Beame, the Chancelor, Dr. Joseph H. Lookstein, and my friend Ambassador Goldberg.

Ladies and gentlemen, it is a real pleasure for me to once more greet all of you who tonight celebrate the fifteenth anniversary of Bar-Ilan University.

It is gratifying, indeed, for me to be able to share with all of you the magnificent realization of the hopes and dreams we shared for such a university many years ago.

Bar-Ilan is the fulfillment of the heartfelt yearning on the part of a substantial majority of American Jewry. As it marks each annual milestone in its growth and development, it brings to all of us who had a part in its nurture, a feeling of great satisfaction.

As its student body increases and as its graduates multiply, all of us marvel at the contribution it is making to the enrichment of so many facets of Israel's present day defense and development.

I wish that all the efforts I have made to secure the cooperation of my colleagues in the Congress to enact legislation were crowned with the same type of success as those which have been directed to bring aid to Israel as a nation and to the special educational and cultural institutions in Israel in which we have a truly paternalistic interest.

I congratulate you, Chancellor, Dr. Lookstein, the Board of Trustees, the Board of Overseers, and the many loyal friends of Bar-Ilan for the expert organization and planning, which so largely contributes to Bar-Ilan's success and to which Harold Blond contributes such a great deal.

I commend the faculty for its stimulation and wise teaching extended to the ever increasing student body. I congratulate the students for their splendid academic achievements. It is not necessary to remind them of what they owe and to whom they owe a deep and lasting debt of gratitude for the priceless benefits of advanced educational opportunities.

May all of you who give of your time, your efforts, and your assets to make Bar-Ilan the university of your dreams be richly rewarded this new year as you have been rewarded during the past fifteen years.

Thank you.

It is now my privilege to insert the remarks of the Honorable Arthur J. Goldberg, former U.S. Ambassador to the U.N., who was the principal speaker at the 15th anniversary dinner:

REMARKS OF THE HONORABLE ARTHUR J. GOLDBERG

Mr. Chairman, my old friend, Albert Parker, Chancellor Lookstein, distinguished rabbis, Congressman Rooney, Comptroller Beame, Mr. Stollman, Mr. Adams, distinguished guests, ladies and gentleman, I was interested in your comment, Mr. Chancellor, about Dr. Weizmann.

I guess he was right when he said that our Jewish cause depends upon the leg of a chicken. It reminded me somewhat of what my great predecessor of the United Nations said of his tenure of the United Nations. He said that as he looked back at his experience, the dominant characteristics were alcohol, protocol, and Geritol.

Mr. Chancellor, I am very honored that a scholarship has been endowed in my name at your great university. It is not the first time that I and my wife have been honored by Bar-Ilan.

I remember when I went to Chicago and was honored when I was Secretary of Labor by Bar-Ilan. My wife, who could not be with me tonight because she is watching after her grandchild—she is baby-sitting—was recently honored too.

I am particularly glad tonight that among those who are here and who have supported the university and extended greetings is my very dear friend, Congressman Rooney.

Now, you know, most people who have served in the diplomacy of the United States quake and shiver when the name John Rooney is announced.

He has a reputation of being a very stern guardian of the public purse. But I am going to tell you a secret tonight about John Rooney, and it is the truth. I swear it is the whole truth and nothing but the truth.

When I became ambassador to the United Nations, I had much to do with Congressman Rooney. I had much to do with him before in my public service, and I always remember what he said to me on one occasion.

He said, yes, he was the guardian of the public purse. When it came to those appointments by a President which constituted a reward, not for ability or for service to the country but for being an affluent supporter of the President in power, Republican or Democrat.

With respect to such appointees and such ambassadors, the chairman of our committee who scrutinized public expenditures did not exactly see why we ought to present them with the public purse to carry on their duties.

But, since the chairman has reported, I was the youngest of a family of eleven, not very well endowed in those days. Since I had given up my Social Security when I had

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left the Supreme Court of the United States, and that was quite a Social Security after you had given them the last increase in salary after I left, he said—and I remember those words very well—Arthur, if you need anything for the conduct of your office, you can have it. Now that doesn't sound exactly like a Scrooge, does it? It sounds like the warm, generous man he is.

I want to thank John in your presence for the great support he always gave to me in all of the offices I occupied. He was a real friend. And he and his lovely wife, I remember the great occasion when we all gathered together when his Holiness, the Pope, came to the United Nations, and gave the memorable speech, which I shall never forget—I regarded it as one of the highlights of my career—something we can all share, he said in concluding his speech that war never again, never again war.

Let us hope and pray that in this new year that it will be realized.

Now, ladies and gentleman, despite the fact that the Yarmulka keeps falling off my head, and it was falling off of yours too, I have a great feeling for Jewish tradition. That is why I have a great feeling for Bar-Ilan.

I am not going to talk very long. But as we meet for Bar-Ilan—and it is a most worthy cause because it would be inconceivable to have a university in Israel that did not blend tradition with education.

As the chancellor said, there are other great universities in Israel. I am honorary chairman of the Hebrew University board. But supporter as I am of that great institution, I say to you very frankly, as I just said, it would be inconceivable to have Israel without a great university, which this has become, which merges all that is the best in modern education with our great tradition.

It is important that that university is well endowed. It would be an indictment of American Jewry if American Jewry did not respond to that. We have the resources, we have the capacity, and it is very, very much needed for the continuity of a rich Jewish life in Israel. So I support this university very much.

Now the University, of course, depends upon the continuity of Israel. That is obvious. As we meet, there is great concern about the question of whether our government's policy with respect to Israel is undergoing a change.

This concern arises from reports which we read in the press that perhaps now we ought to have a more even handed policy than we had during the period when I was in the United Nations, during the period of the last administration.

I would like to say a word about that to you tonight. Of course, you all know what our policy was. You were participants, as, indeed, all of the American people were.

I believe that, judging by the amount of mail that I received when the June war was going, before the June war was started, during the June war, and after the June war of '67, there was a nationwide involvement in the fate of Israel by Jews, which is highly understandable and natural and never need be apologized for, and by non-Jews throughout the country.

I can tell you that with all of the issues with which I have dealt with in three years, all the great crisis of the period of three years—and there were many crises, Viet Nam, the Pueblo, India-Pakistan, oh, there were a dozen—the amount of mail, the amount of public concern, the amount of telephone calls was greater with respect to Israel than any other because our whole country was very, very much involved and concerned in this matter.

When I pick up the papers and I read that inspired reports out of Washington that now we ought to move to a more even handed policy, this prompted me to look back over that period. You can't trust your recollection because your recollection fades, even in a short period of a few years.

So just recently I reread all of the debates, all of the documents, everything that was determined by our government, and everything I recommended, and everything I said on behalf of our government, as well as other important officials of the government.

Having done that I want to say in the most categoric terms that I would reject completely the implication that the policy we pursued was in any way not even handed. I would express the fervent conviction and the fervent hope that our country would in no way change the policies that we enunciated.

This is a matter of utmost importance, and it is not a political matter. I want to emphasize that. It is a matter of the utmost importance because the only solid friend among any major power that Israel has today is the United States.

It is highly important that that friendship be maintained and continued in full measure. When I say it is highly important, I say that it is highly important to the United States. I want to emphasize that. And no Jew need feel at all apologetic about urging this policy—no American Jew.

It is in the national interest of the United States that that policy be maintained. Now what was that policy? It is a very simple policy. It is a policy that says that looking over the last twenty-one years the policies that our country pursued in those past twenty-one years weren't adequate, and we made some mistakes.

The principal mistake we made was at the time of Suez, when we forced the Israelis to withdraw on the promise that if they withdrew they would get a permanent peace. Also, the international waterways would be open for their shipping. But more importantly that now the armistice agreement in '56-'57 would be replaced by a peace agreement. That promise wasn't realized.

That promise was recorded in papers that we filed at the United Nations as an assurance to Israel that if they followed the dictates of the United Nations at our instigation that they would be permitted to live peacefully, free from force and the threat of force.

So in 1967 we made a very simple decision. I am entirely convinced it was the right decision at the time and is the right decision now. It is not a very complicated decision. It is a very simple, simple one. It is this:

This time Israel is entitled to peace and that withdrawal this time should be in the context of a peace agreement. Now that isn't very complicated.

By the way, that isn't harmful to any of the Arab states in the region. How do they benefit of a continuation of this situation, which calls in Israel's case for half of its budget being devoted to war—half of its budget.

We think we are spending too much when we say 70 billion of our 200 billion dollar budget is devoted to defense, and we are a great, big country. When you look at Israel, a small country, a developing country, you can imagine what a burden that is, and the same thing is true in the Arab countries as well. They are in a less developed situation than Israel is.

So I believe that we should adhere to the simple policy we had, which is that this time something better is required than a fragile and violated armistice and a virtually nonexistent cease-fire because a cease-fire we arranged in June of 1967 has completely fallen apart.

Now our country ought to stand resolutely behind that idea and ought to use all of its diplomatic influence in support of it.

When we enunciated that policy, it was supported by both political parties. I had congressional advisors, one Republican and one Democratic, who assisted me at the United Nations in all that I did in this area. They were closely in touch with their congressional colleagues.

It is interesting that the charge of one-sidedness was not leveled at us at the time, but anybody in political responsibility in the United States, Republican or Democratic. It was leveled at us by the country, it was leveled by the Soviet Union.

You perhaps will recall how I answered it at the time, and I would not take back a single word of what I uttered at the United Nations. I believed it when I said it and I believe it at this time.

There was another principle we operated on in 1967. We determined we would not let Israel be pushed around or bullied by the Soviet Union, and I think that was a right policy and I think we ought to adhere to it now.

By the way, I think when the United States does that it gains the respect of people in the Soviet Union, not their disrespect.

I believe the President of the United States, President Nixon, is friendly to Israel. I think he demonstrated that when Mrs. Meir visited in the most cordial terms. I believe the danger is a different danger; that is, that the congressman certainly knows better than most, there are other officials in our government, some well disposed and some who for a long time have better relations with other countries in the area.

That's an illusion, I must say from my experience. You try to curry favor with other nations in the area by sacrificing Israel, you will finish up with the worst of all possible worlds. The thing it seems to me to do is to preserve the balance that we tried to maintain in '67, and that is simply this.

We want to be friends wth every country in the area. However, that friendship cannot be bought at the expense of our being unfriendly to Israel. We would be faithless to the United Nations charter if we had any other principle because the United Nation's charter to which all these countries are parties—it's a treaty—says that every nation is entitled to be recognized in its sovereignty, in its existence, and in its right to live free from war and the threat of force.

Now I notice that there is a great disposition now to say that we ought to make special efforts to resume relations, diplomatic relations, with these countries. I happen to believe that it is a good thing to have diplomatic relations with all countries, but—there is a big but in this area—in 1967 we made another resolution. We did not break off relations with those countries that broke off relations with us after the 1967 war between Israel and the Arab countries.

They broke off relations with us. They broke it off in the most flimsy of all grounds. They broke it off on the grounds that we participated through our Air Force in the six day war. That was a libel, it was entirely false, and they knew it was false at the time it was made as we now know from the published evidence.

It was a very dangerous libel because, had the Russians not known better since they were shadowing our sixth fleet, it could have resulted in a confrontation between the Soviet Union and ourself. It would have been very dangerous.

It was fortunate, I think, at this point that they knew better. Our policy at that time was very simple, and I hope we do not change that policy because I am a strong believer in the dignity of the United States.

When I was approached—I was approached in this area about resuming diplomatic relations—I had a very simple answer. I said to any of the countries involved, "you broke off relations with us, you are welcome to go

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to Washington and apply for a restoration of diplomatic relations. It is not the function of the United States to go running after you."

I would have thought that that is a most elementary way to handle any situation, any diplomatic situation, when you have not been at fault.

The best thing that all of us can do at the present time—I'm a private citizen like yourself—in our concern about Israel is to give its institutions support. There is no better way you can do it because life must go on. It is very important to have it go on while they remain in a state of partial mobilization.

They are in a state of partial mobilization. Faculty members must go off and serve their service, students must go off and serve their service. But it is important that the institution go on so that they come back and they obtain the skills, the education which makes this country such a unique country in that part of the world.

I commend you on what you are doing to support this effort.

WORKINGMEN—THE LATEST VICTIMS OF THE USURPERS

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Louisiana (Mr. RARICK) is recognized for 15 minutes.

Mr. RARICK. Mr. Speaker, while the President delayed in calling for additional authority from the Congress to encourage settlement, an apparent deadlock was reached in the railway labor situation.

We were asked to act at the last minute, and in the dark. The appropriate committee of this House had no opportunity to hold adequate hearings, to learn anything from the individuals and organizations involved in the present controversy, or from the public generally. We were simply told by the White House that it was the same old railroad problem; we were urged to immediately rubberstamp a decision made by the administration.

Neither compulsory arbitration by the force of law, nor the greater evil of Government-enforced work agreements, are in our American tradition. These are Soviet solutions. We should avoid them like the poison they are. Freedom of choice is still the law of our land. Unless men are free to negotiate their wages and working conditions, they must either become slaves or starve.

Unless and until the President is prepared to ask the Congress for a declaration of war, it is totally inappropriate to talk about the relationship between a railroad work stoppage and the so-called war effort. While we trade with the supplier of the enemy, refuse to purchase strategic chrome except from the Soviets, and permit the propaganda and demonstrations in this country designed to aid and abet the enemy, there is no justification for crying "war emergency" to justify the application of naked power by some bureaucrat to the negotiations between labor and management in the transportation industry.

An example of the naked power sought by the Executive from us has already been exercised by a Federal judge at the request of the Executive in my State of Louisiana.

Not only are U.S. district court judges sitting as school boards, but in a labor case in my district and at the instruction of the Attorney General, a Federal judge has handed down as a court decree a 26-page labor contract and internal reorganization of a craft union.

The whole Federal role in labor disputes should be reexamined instead of regularly asking Congress or the courts to apply Federal power in selected situations to put out fires according to the whim of some ivory tower bureaucrat.

While I voted for the committee bill extending the cooling-off period, I did so in the knowledge that we were applying a bandaid to a broken leg. The same old railroad problem should be put to rest by carefully drawn amendments to the Railway Labor Act. It should either be amended to protect the rights of all, or it should be repealed en toto.

Mr. Speaker, I include the decree in civil actions 66–749 and 66–833 in section A, U.S. District Court for Eastern District of Louisiana, New Orleans division, as part of my remarks, as follows:

[In the U.S. District Court for the Eastern District of Louisiana, New Orleans Division]

ORDER

Paul Vogler, Jr., Juan Galaviz and Casimere Joseph III v. *McCarthy, Inc., a Corporation and Local 53 of the International Association of Heat and Frost Insulators and Asbestos Workers*—Civil Action No. 66–749, section A.

United States of America v. *Local 53 of the International Association of Heat and Frost Insulators and Asbestos Workers, et al.*—Civil Action No. 66–833, section A, consolidated cases.

This matter having come on for hearing on February 11, 12, 13, 14, and 16 on the motion of the plaintiff United States of America for supplemental relief, and the Court having heard the testimony and received the evidence offered by the parties and heard the argument of counsel for the parties to the within consolidated cases:

It is hereby ordered, adjudged and decreed that the Motion for Supplemental Relief of the United States of America be and it is hereby granted in part and ruling thereon deferred in part as more fully hereinafter set forth.

It is further ordered, adjudged and decreed that the following criteria for membership and plan of referral shall be implemented and be continued in effect until June 1, 1970, and thereafter until further order of the Court:

A. CRITERIA FOR MEMBERSHIP IN LOCAL 53 OF THE INTERNATIONAL ASSOCIATION OF HEAT AND FROST INSULATORS AND ASBESTOS WORKERS, AFL-CIO

1. Admission as new mechanic members and improver members shall be available to all persons on an equal basis without regard to a person's race, color, religion or national origin.

2. Eligibility for membership shall be determined on the basis of the standards set forth herein. Any person meeting those standards shall automatically be admitted to membership subject to the limitations on the number of members as hereinafter set forth. No person otherwise eligible for membership shall be required to obtain the approval, vote or voucher of any officer or member of the Local or of the membership or of any part of the membership of the Local as a condition to his acceptance into union membership.

3. The Local shall publicly announce and disseminate and furnish to each applicant or prospective applicant in writing the procedures to be followed and the standards to be applied in accepting and acting upon applications for union membership, apprenticeship training, and work referral. In addition, the Local shall forthwith disseminate the same information to all organizations and schools specified in paragraph 2 D v a of the preliminary injunction entered May 31, 1967, and to all persons who have registered for work referral and/or worked in the asbestos trade within the jurisdiction of the Local since the effective date of said preliminary injunction, such information to be mailed to each of said persons at his last known address as shown in the work referral register, or where not shown on the register, to the address provided by the Association.

4. Applicants for membership shall file with Local 53 a completed application on a form furnished by the local union, or when such forms are not available, on a blank sheet of paper. Any assistance necessary in completing the application shall be furnished by the union whether or not special assistance is requested. Written instructions will be furnished all applicants for membership and for referrals to work. Any person who has completed a written application, or who has taken appropriate measures to attempt to do so, shall be considered an applicant for membership. Applicants shall be considered eligible for membership if they meet the following qualifications:

A. *Physical Capacity*. Applicants must have no disabling physical defects for work at this trade. The union may require evidence of this fact in the form of a certificate from a medical doctor of the applicant's choice, obtained at the applicant's expense and submitted to the local union. The union has a right to send at the union's expense any applicant to a doctor of the union's choosing if a question arises over applicant's physical qualifications.

B. *Citizenship*. An applicant must be an American or Canadian citizen or become one not later than five years after the date of admission to the local union.

C. *Residence*. An applicant must be a resident in the geographical jurisdiction of Local 53 at the time of his application.

5. The Local shall within 90 days after the entry of this Order admit as mechanic and improver members only enough individuals to bring the total active membership to 390 and the total active improver membership to 130, as follows:

a. Advance to mechanic membership all present improver members who have accumulated at least 4800 hours' experience in the insulation trade within the Jurisdiction of Local 53.

b. Admit as mechanic members the 118 white persons with the most hours worked within the jurisdiction of the Local who accept such membership.

c. Admit as mechanic members the three Negroes named in paragraph 6 and the 41 Negroes named in paragraph 8. To the extent that any of these named in paragraph 8 declined membership in the Local, their names will be deleted and the names of other Negroes will be substituted therefor based on hours worked within the jurisdiction of Local 53, first those who have so worked as mechanics and then those who have worked as improvers.

d. Admit as improver members a total of 55 whites and 55 Negroes, including such of those Negroes named in paragraph 7 who accept membership in the Local. Priority in granting such membership to Negroes will be given first to those who have worked on

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referral from Local 53, next to others who have heretofore signed the referral register, next to those who have worked in the insulating or related trades, and last to all other applicants.

6. The Local will, by letter, renew the offer of mechanic membership to the following individuals named in the preliminary injunction dated May 31, 1967: Leo Chester Green, Hurlin Mogilles, Charles Mogilles.

7. The Local will, by letter, renew the offer of improver membership to the following individuals named in the preliminary injunction dated May 31, 1967: Casimere Joseph, Leroy Chandler, David L. Bartholomew, Jr., George French, Elvin J. Young, Norman Watson, Monroe Bean, Clifford H. Thompson, Girod Tillman, Jr.

8. The Local will, by letter, offer mechanic membership to the following individuals, who are the Negroes who have worked the most hours reported to Local 53 since August 7, 1967: W. Blue, Lawney Broussard, Andrew J. Brown, Sr., W. R. Brown, Michael Cameron, Alfred Cotton, Anthony J. Cotton, Frederick Daliet, C. Dalton, E. J. Dobard, M. G. Dorsey, Joseph W. Ellis, Samuel Ellis, III, Edward Ferguson, A. Frazier, E. Frazier, Melvin Gabriel, F. Gibbs, Charles R. Harry, E. Hockaday, Raymond Hunter, H. Jackson, R. Jackson, John Jefferson, James Jenkins, Jr., W. L. King, Wayne J. Legendre, Larry W. McKinney, O. D. Moses, Joseph O'Brien, Calvin P. Poree, Charles Ricks, R. Ricks, Albert Robertson, Dale Simmons, Morlin Smith, F. Turner, Joseph Vigee, Leo G. Vigne, C. J. Williams, Norman Woodward.

9. The Local will, by letter, offer mechanic membership to Paul A. Vogler, Jr.

10. The letters to the persons named in paragraphs 6 through 9 shall set forth the steps which those individuals must take including specifically the initiation fee and terms on which such a fee may be paid consonant with the terms set forth in paragraph 11, infra.

11. The initiation fee charged to any of the persons named in paragraphs 6, 7, 8 and 9, supra, shall be the initiation fee in effect at the time of the entry of the preliminary injunction herein, to-wit: $200, provided, that not more than $100 thereof shall be required to be paid by a person admitted as an improver member until such time as he is advanced to mechanic membership. The initiation fee for whites newly admitted to mechanic membership shall be $300. The additional initiation fee to be paid by those present improver members advanced to mechanic membership shall be $100. The initiation fee to be paid by those individuals admitted as improver members pursuant to paragraph 5d, supra, shall be $100 at the time they are admitted, and one-half of the then initiation fee prescribed at such time as they are advanced to mechanic membership. All such initiation fees shall be due and payable out of the hourly earnings of the member and shall be withheld at the rate of fifty cents per hour with respect to mechanic members and twenty-five cents per hour with respect to improver members until such time as such initiation fee is fully paid. No person admitted to membership shall be required to make any other payments on his initiation fee than those prescribed in this paragraph.

12. Not less than ten days prior to the admission of any persons as members pursuant to this order, the Local shall file with the Court and serve upon all counsel a list of the persons to be admitted setting forth each such person's name, race, experience at the insulating or related trades, and class of membership.

13. On or before the 30th day after the end of the month of February, 1970, and monthly thereafter, the Local shall submit to the Court and serve upon all counsel a report covering the period through the end of the previous month of persons who applied for membership and those admitted to membership or promoted from improver member to mechanic member, setting forth each person's name, social security number, race, whether or not admitted and resulting classification of membership, and cumulative years' or hours' experience in the trade.

B. PLAN OF REFERRALS OF PERSONS AS INSULATION WORKERS

1. Effective with the entry of this order, no person shall be newly employed by defendant contractors or by any other contractor reporting to Local 53 to work as a mechanic or improver in the area served by Local 53 without first making an application to the Local for referral as an insulator. Applications for referral out of New Orleans shall be accepted at the Local's New Orleans office during all normal business hours. Applications for referral out of Baton Rouge shall be accepted by the Local's representative in Baton Rouge at an office to be designated by the Local during the hours 8 a.m. to 12 noon on Monday through Friday, and at the Local's New Orleans office during all normal business hours.

2. Requests for referral of employees through Local 53 shall be made in writing to the union specifying the number of mechanics and the number of improvers required, and, consistent with present practices, the specific job site and the time and place of reporting; provided, that a request for referral of employees may initially be made orally by an employer, subject to being later confirmed in writing as above provided within not more than three business days thereafter. The Local shall maintain orderly records of the persons requested, by classification as mechanic or improver, and the number of persons referred by race and classification to each contractor.

3. The employer shall have the right to reject or terminate any person referred to him for employment for good cause, provided that the basis for rejection or termination shall not be inconsistent with the practices which have applied in the area with respect to such rejection or termination in the past. Whenever a person is so rejected or terminated by an employer, the employer must send a letter or other written report to the Local stating the name of the person together with the basis for rejection or termination. When a person is so rejected or terminated by three or more employers in any one year, the Local shall notify the Chairman of the Joint Trade Board provided for in Article V of the collective bargaining agreement within seven days after the receipt of such letter or other written report from the third employer.

Any person rejected or terminated pursuant to this paragraph shall retain his place on the referral list. Any person so rejected or terminated by three or more employers in any one year shall have his capacity as a mechanic or improver determined by the Joint Trade Board, after opportunity for a practical test, if applicable, and a hearing. All parties to these consolidated cases shall be notified of such hearings and given an opportunity to be present, and the rejected or terminated person may be represented by counsel. If the Joint Trade Board finds that any of the contractors rejected or terminated the person without good cause and that the rejection or termination was based on the person's race or his association with members of minority races, it may award back pay to the person in the amounts that he would have earned if he had not been so rejected or terminated. If the person is determined to lack the capacity to perform as a mechanic or improver, he shall be so advised, his name shall be deleted from the referral list, and a report shall be made to the Court and all counsel. A decision by the Joint Trade Board shall not be subject to arbitration. However, within ten days after a decision by the Joint Trade Board, the person involved in the proceedings, any of the employers involved, or any of the parties to these consolidated cases may file a petition with the Court for review of the decision of the Board.

The Court may affirm or set aside the decision of the Joint Trade Board. In the event that a rejection or termination by any of the contractors is found by the Court to have been without justification and based on the person's race or his association with members of minority races, the Court may award back pay to the person in the amounts he would have earned if he had not been so rejected or terminated without justification. In the event that there is no appeal from an award by the Joint Trade Board of back pay, such award shall be final. Any grievance of Paul A. Vogler, Jr. against any of the defendants with respect to referral or employment shall similarly be referred to the Joint Trade Board, with the same right of appeal to this Court.

4. The union shall select and refer applicants for employment without discrimination against such applicants by reason of membership or non-membership in the union, and such selection and referral shall not be affected in any way by rules, regulations, by-laws, constitutional provisions or any other aspect or obligation of union membership policies or requirements.

5. The union shall maintain a work referral register which shall contain the following information as to each applicant: name, age, address, telephone number, date and time of registration, experience at time of registration, registration number, race, social security number, status as a member or nonmember of Local 53 or any other asbestos workers local, date of referral, name of contractor and job site to which referred, classification and rate of pay, and the number of hours regular or overtime worked on that referral to that contractor. Persons shall be referred as hereinafter provided in the order they register for referral.

6. A work referral register shall be kept in Baton Rouge for applications for referral to job sites located in the area presently served by the Baton Rouge office, and New Orleans for applications for referrals to job sites located in the area presently served by the New Orleans office. For work in the area presently served by the Baton Rouge office, referrals may be made from either the New Orleans office or the Baton Rouge office. The work referral register shall consist of separate books or portions of one book for mechanics and improvers, and the books or portions of books as to applicants for referral as mechanics may be further broken down into two categories, first those individuals with more than five 1200-hour years of experience in the insulating or related trades, and second, those with less than five years of such experience, and preference in referrals may be given to persons in the first category over those in the second.

7. The work referral register shall further be divided by race, and all referrals shall be made in order of registration on a one-for-one basis, one white mechanic and one Negro mechanic and one white improver and one Negro improver except to the extent that persons of one race or the other are not available in the city involved. In the event that the books as to mechanics are broken down into categories as provided in paragraph 6, the preference herein described shall be given only with racial groups, and shall not affect the alternating referrals by race prescribed by this paragraph.

8. On or after February 20, 1970, no person shall be newly employed as an insulator on a job over which Local 53 has jurisdiction without having obtained a referral slip for such work from Local 53. The slip shall be in the form now used and shall set forth the data therein provided, together with (1) the cumulative hours worked by anyone referred out as an improver, and (2) where applicable, the balance of any payments due to such person's initiation fee.

9. Whenever a person is passed over in the referral register for lack of contact or otherwise, the Local shall notify him of that fact by mail, and such notice shall state that if within ten days after such notice is mailed, he contacts the Local by mail, by telephone or in person, he shall be reinstated on the referral register without losing his place by virtue of being passed over.

10. If the work referral register list is exhausted and the Local is unable to refer applicants for employment to an employer within 48 hours from the time of receiving the employer's request, Saturdays, Sundays and holidays excepted, the Local shall so notify the employer, and the employer shall be free to secure applicants without using the referral procedure, but such applicants must be directed to the office of the Local in Baton Rouge or New Orleans and obtain referral slips before they can begin work for the employer. Such applicants will be given precedence for referral over any other applicants for referral if they present themselves at the office of the Local within a period of 24 hours, Saturdays, Sundays and holidays excluded, after the employer is so notified or is subsequently informed that the Local is unable to refer any applicants. In the event that such inability of the Local to refer a man to a contractor for employment occurs with respect to a job assignment which begins on a Saturday, Sunday or holiday, the contractor may employ independently of the referral system the men necessary to perform that portion of the work which must be completed on such Saturday, Sunday or holiday.

If any of the referral register lists should become exhausted, the Local shall go back and recontact individuals who may have been previously passed over. Further, the Local shall have the continuing obligation to take positive steps to make sure that it always has adequate persons available for referral on all lists included in the work referral register. Specifically, the Local shall develop and implement a program to attract interested Negroes through advertisements and announcements disseminated by means of newspapers, radio and television directed wholly or partly at Negro audiences in the New Orleans and Baton Rouge areas, including the *Louisiana Weekly* and Radio Stations WBOK, WXOK and WYLD, and through appropriate communications with the New Orleans Urban League and with traditionally Negro schools and colleges in the area, including those listed in paragraph 2 D v a 2 of the preliminary injunction herein.

11. All persons currently employed as mechanic insulators as of the time of entry of this order by the defendant contractors and any other contractor reporting to Local 53 may be retained as employees by such contractors and transferred to jobs running concurrently, provided that this provision shall not permit the transfer of employees from contractor to contractor or by a contractor from one job to a second job which begins more than one business day after the end of the previous job.

All persons currently employed as improvers as of February 20, 1970 by the defendant contractors and any other contractor reporting to Local 53 may be retained as employees by such contractors until the completion of the job on which they are working, or the expiration of thirty days, whichever occurs sooner. Subsequently, the contractors shall retain or employ Negroes, to the extent they are available for employment, in such numbers that not less than half of the persons employed by them as improvers shall be Negroes. The above limitation of completion of a job or the expiration of thirty days, whichever occurs sooner shall remain in effect until such time as the 1:1 ratio of Negro to white improvers is achieved. Notwithstanding this limitation, the contractors may retain white workers beyond the period specified to the extent that the retention of those white workers will not delay the achievement of this ratio. During the period while this ratio is being attained, the Local shall refer sufficient Negroes to the respective employers, notwithstanding the provisions of paragraph 7, supra. Once the ratio is achieved, and as long as it is maintained, contractors may retain improvers as employees in the same manner as above provided with respect to mechanic insulators. The tasks assigned to improvers will to the extent feasible include work which will be related to that which they will be required to perform at such time as they become mechanics. Contractors with five or more insulator employees must maintain a ratio of at least one improver insulator for every three mechanic insulators on their work force.

12. Notwithstanding the provisions of paragraph 7, supra, to the extent possible, the Local and the contractors shall take appropriate steps to insure the immediate employment as mechanic insulators for the 41 Negroes to be admitted as mechanics pursuant to paragraph 8 of the provisions relating to membership, and shall see that those Negroes are given priority as to initial referral as employees, provided that in the event a contractor needs more than three mechanics referred at one time for a specific job, there shall be referred to such contractor one white mechanic for each three Negro mechanics referred pursuant to this paragraph.

13. On or before the 30th day after the end of the month of February, 1970, and monthly thereafter, the Local shall file a report with the Court setting forth the following:

a. As to each individual who worked for one of the defendant contractors or any other contractor who files reports with the Local, his name, social security number, race, his status as a member or traveler (including local with which affiliated) or permit man, classification and rate of pay, hours worked, regular and overtime, and the contractor for whom he worked. If he is a member of a local of another international union whose members are normally considered to be engaged in construction trade, the affiliation should be specified.

b. The total hours worked by status as members, travelers or permit men, by race, and the total hours worked by classification as mechanics and 1st-, 2nd-, 3rd-, and 4th-year improvers, by race.

c. As to each man issued a referral slip during the previous month, his name, social security number, race, contractor and job to which referred and the date of referral, his status as a member or traveler or permit man, the classification under which he was referred, and, if he was referred as an improver, his cumulative hours' experience in the trade at the time of the referral.

d. To the extent that under the one-for-one referral system set forth in paragraph 7, supra, disproportionate referrals were made of persons of one race for lack on the referral register of persons of the other race, the names of persons so referred and the steps taken to remedy such lack of such persons of the other race.

e. The name, race and classification of each person passed over in the referral register for lack of contact or otherwise and the reason therefor. When the reason is that a person was not contacted, the report shall indicate what attempts at contact were made and the reason for failure to contact.

f. The name, race and classification of each person rejected or terminated pursuant to paragraph 3, supra, together with the date of and reason for rejection or termination and the name of the employer rejecting or terminating such person.

14. Within 20 days after the entry of this order, each of the defendant contractors shall file with the Court and serve upon all counsel a report setting forth the name, social security number, classification and rate of pay of each of the persons employed by them as mechanic or improver insulators as of that date.

15. On or before March 15, 1970, and on or before the 15th day of each month thereafter, the defendant contractors shall submit to the Local their customary reports on an approximately monthly basis, together with data setting forth the rate of pay and the number of hours, regular and overtime, worked by each person named on the report. Counsel shall have the right to inspect at reasonable times the defendant contractors' payroll and other records showing jobs worked and the dates thereof by each person named on one of that contractor's reports; provided, within seven days after the receipt of such a request, the contractor may apply to the Court for a review of such request, but if no such request for review is made within said seven days, the request will be complied with.

It is further ordered, adjudged and decreed that a ruling will be deferred until on or after June 1, 1970 on the question of qualifications for mechanic membership and for referral as mechanics and 1st-, 2nd-, 3rd- and 4th-year improvers and on the question of the creation and implementation of an apprenticeship or training program, and that at that time the Court will consider any proposals submitted by the parties during the interim period relating to those questions.

It is further ordered, adjudged and decreed that pending the final determination by this Court of the question of qualifications for referral, no person shall be advanced from the improver classification to the mechanic classification for referral purposes, except those persons who are to be offered mechanic membership pursuant to this order.

The Court retains jurisdiction during the period that this order is in effect.

Dated and entered this 19th day of February, 1970.

HERBERT W. CHRISTENBERRY,
U.S. District Judge.

Presented by: Herbert A. Goldsmith, Jr., T.A., Attorney, Department of Justice, Washington, D.C. 20530, 202-737-8200 Ext. 3866.

OVERSTIMULATED RHETORIC IS CLOUDING POLLUTION CRISIS

(Mr. ASPINALL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ASPINALL. Mr. Speaker, out of the masses of words being spoken and written about man's environment, I welcome the sober and tempered analysis of columnist William S. White. Here, he has said in a few sentences what needs to be said; and, moreover, what needs to be practiced to put the challenge of our environment in a reasonable perspective. It is because I believe that every Member can profit from careful contemplation of Mr. White's remarks that I place his column from the Washington Post for Saturday, February 28, 1970, in the RECORD:

OVER-STIMULATED RHETORIC IS CLOUDING POLLUTION CRISIS

(By William S. White)

There is no deeper trait in the American character than that of ignoring a great problem beyond all reason and season and then overnight leaping at it with shrieks of frenzy and hysteria. We lock the barn door not only after the horses are all out and running away, but are also running away in many different directions.

Thus it is today with what is both the long-manifest and undeniable danger of national pollution and the dangerously unquestionably over-stimulated rhetoric with which we are suddenly flailing away at "the environmental crisis."

Whole states, it is intoned upon the television, will perhaps be literally uninhabitable in a matter of a mere half-dozen years. Men, it is said, may continue to exist, if they exist at all, only as "animals." And so on and on.

Someone once wisely said that war is compounded by 90 per cent apathy and boredom and 10 per cent of acute and intense action and danger. So, now, with the newly fashionable war of ecology—which means the relationship between organisms and their environment.

That there is indeed an environmental crisis—a widening pollution of air and water and all the other primary resources of life—is the simple truth. And it is, of course, a truth that must be faced. But this truth is in turn being blown up into a kind of imminently hovering planetary catastrophe that is very far from sober truth.

The only useful way to cope with a frightful—and frightening—condition is to recognize it for what it is without at the same time falling into a paroxysm of self-inflicted terrorism that can do nothing but harm to all concerned. Still this is precisely the mass neurosis in which as a nation we seem now about to plunge, as new-founded Cassandras emerge from behind the potted palms of lecture halls to vastly overstate a real state of affairs that is quite bad enough in itself.

This is why the White House has now moved—and not a moment too soon—to try to consolidate into a coherent instrumentality, to deal with the question, a multitude of agencies and plans and committees that have suddenly sprung up into public notice. The idea is to try to do it without ringing every alarm bell in the country.

It is the old, old story. Quiet and solid and real scholars in the environmental field began years ago to warn of some trouble already at hand and much more trouble to come. But the country—and the politicians, for the most part—simply yawned, as so often it does until the ball game reaches the last half of the ninth inning and it penetrates the consciousness that our side is two runs behind.

At once, then, there is tumultuous uproar in the stands and the fellows down there on the playing field are exhorted in the most violent of terms to get in there and fight.

We let a racial crisis chronically fester for a century and when at last we began to do something about it we did far too much without enough calm thought as to ends and means. Thus, we now have what nearly all reasonable people can see to be something approaching a crisis in integration.

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This columnist, then serving on journalistic leave as Regents (visiting) professor at the University of California, also recalls the absolute hysteria that swept the nation when the Russians put up their first Sputnik into space where the United States had put up nothing. The instant conclusion of the public was that the Russians would shortly control such as Mars and Venus, possibly attacking us from one or both. The instant demand from the public was that we grab every lad of 14, prodigy or lout though he might be, by the seat of his pants and hurl him forthwith into the nearest class in advanced physics.

One recalls that a gentleman scarcely to be impeached as anti-preparedness, the nuclear whiz called Edward Teller, raised mild protest that not mere excited motion in circles but rather more dispassionate thought was the indispensable ingredient here. So it is now, again, with the environmental thing. Confront it, yes. Collapse in hopeless terror before it, no. Let the two political parties pull and haul at it for partisan advantage—never and never and never.

AGNEW HIT THE MARK

(Mr. CLEVELAND asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. CLEVELAND. Mr. Speaker, in the wake of Vice President AGNEW's comments on the quality of the news media in the United States, the television networks, especially, reacted with angry indignation and insinuations that the administration was threatening the media with censorship, or worse. While the press was at least willing to admit that there is some basis to the criticisms, the television networks would hardly concede that much.

In light of the fact that most Members have had reliable reports of marches being staged for TV cameramen covering demonstrations, and dramatic, violent events receiving disproportionate coverage even though only a few people are involved, it is significant when by-lined reports of such activity appear in the press. In an excellent article describing foreign news coverage of the aftermath of the fall of Biafra, Jim Hoagland of the Washington Post exposes a disturbing lack of concern for accurate reporting by members of his own profession. Among the scenes described was that of a British television crew throwing coins in front of hungry people, and then filming the fight as a scramble for food.

It is nothing short of scandalous that reporters would file copy describing the fall of Biafra on the basis of only 3 hours of interviews and filming. Instead of reacting indignantly to Vice President Agnew's criticisms, the news media ought to put its own house in order.

I urge people to read the following article by Jim Hoagland, which appeared in the Washington Post on January 26, 1970:

NEWSMEN, LAGOS OFFICIALS GOT IN EACH OTHER'S WAY

(By Jim Hoagland)

LAGOS.—The collision last week between foreign newsmen and the Nigerian government was probably inevitable. They seem to bring out the worst in each other.

Certainly, in the telling of the story of the end of the Nigerian civil war and its sordid aftermath, the press was its own worst enemy, with the Nigerian government a close second.

One of the greatest press stampedes in the history of Africa and the Nigerian government's self-confessed inability to handle it have made newsmen a part of the story they were assigned to cover.

This may well have affected the tone and substance of the first dispatches that described the obvious lack of Nigerian relief being provided to Biafran refugees, and the alleged widespread looting and raping by Nigerian troops.

Many newsmen frenetically fought to be first with eyewitness accounts of occupied Biafra, no matter how hastily gathered or, in some cases, contrived the accounts were.

On the other hand, the Nigerian government gave demonstrably false descriptions of conditions in the war area to foreign journalists and to diplomats, and thereby created many of its own problems.

The Nigerians also attempted to suppress stories after the first critical ones filtered out, and has launched stinging attacks on the foreign press, especially British reporters. The government is now squeezing foreign journalists out of the country by refusing to extend visas as they run out, and has again barred foreign journalists from entering the war area.

This has now turned into a cause celebre. The British Parliament will debate on Monday the discrepancies between the horror-filled stories and pictures disseminated last week by London papers and television stations, and the rosy account given to Prime Minister Harold Wilson by his special envoy to Nigeria, Lord Hunt.

Nigerian officials say that more than 300 foreign journalists poured into this tropical port city after the fall of Biafra two weeks ago.

With pro-Biafran sources describing alleged massacres and mass starvation, and the federal government saying that the relief situation was "under control" and that the Nigerian soldiers were fraternally feeding the millions of refugees, most newsmen wanted to get into the area to see for themselves.

BARRED FOR WEEK

The government barred them from the area for a week, then changed its mind, saying it would send 89 reporters, cameramen and television crewmen into the war-devastated area 400 miles to the east.

But officials seemed to have second thoughts as the group prepared to leave at daybreak last Sunday. An airborne plane carrying reporters was called back and the journalists taken off. The other two aircraft were not allowed to leave. The group waited, without any explanation of the delay, until mid-afternoon.

After a desperate scramble for seats (14 of the group were left behind) the planes left for Port Harcourt, a city near the war area.

There the journalists referred to by Nigerians as "world press"—were put on the back of an open cattle truck, driven 40 miles to Aba and given some canned food and enough camp beds for half their number. The rest slept on the floor.

The next day was spent voyaging on the back of the truck, through dust, fog and a drenching rain, over bumpy roads, without food.

The only escort was an army lieutenant who raced ahead in a jeep, waved at civilians to keep them from talking to the reporters, and in midafternoon, decided the tour should end, refusing to take the reporters to other places they wanted to see.

After the trip, a Nigerian newspaper editorialized, "The Ministry of Information, the most inefficient organ of the entire Federal government, appears to have the unique capacity of lousing up almost every thing it undertakes."

Adding to the chaos was the supercharged competition between the television crews and London's daily newspapers.

A quick walk through the streets of Owerri and a few conversations with some of the hundreds of people who thronged there looking for a scrap of food was sufficient to establish that relief was not being distributed in this area, and that people were desperately hungry.

CREW THREW COINS

But a British television crew made the point by throwing coins in front of starving people and then filming the fight. Nigerian soldiers apparently liked the idea, and soon began copying it.

Some of the correspondents competed to seek out the most lurid tales of starvation and looting, which certainly seemed to be substantiated by appearances in Owerri, and of alleged rape, which also appeared to be credible. Words were put into the mouths of the refugees, soldiers were called "monsters" in the questions put by some of the newsmen.

The trip was scheduled to last until Wednesday. But after ending Monday's trip, some of the correspondents immediately rushed to the airport to try to get one of the few seats on the one plane scheduled out of Port Harcourt on Tuesday.

This set off a stampede, and the majority of the 89 correspondents and TV men who had pleaded to be allowed to tell the full story and to spend time in the Biafra enclave, bedded down at the airport, ready to fly back to Lagos and describe fallen Biafra on the basis of no more than three hours of interviews and filming.

Even some of the 14 who had been left behind Sunday, flown in Monday, and who had missed the trip, were scrambling to get out Tuesday, having established a dateline.

Only a few got out to Lagos, where dispatches could be filed, and the rest were forced to stay the extra day. Many managed to get some new reporting done, and to get a broader picture, almost despite themselves.

ALMOST ALL CRITICS

But after the first stories went out of Lagos Wednesday, and were almost uniformly critical, the government sent orders that the rest of the group would be kept in Port Harcourt.

The government relented the next day, after strong unofficial protests from several Western embassies.

The angry journalists arrived back in Lagos just in time to attend Gen. Gowon's first press conference since the Biafran surrender.

It should have been a moment of triumph for Gowon. Instead, it quickly degenerated into acrid exchanges between the newsmen, many of whom had never seen, and perhaps never believed, the conditions under which the people of Biafra had lived for the past two years, and the general, who steadfastly stuck to what appeared to be incorrect reports of great strides being made in relief work.

"You can write whatever you like," the usually even-tempered Gowon shouted at one point. "It is your affair. We have never had a good press and we don't expect one now. You never thought we would win this war . . . and now you come here looking only for things to discredit us."

TAKE PRIDE IN AMERICA

(Mr. MILLER of Ohio asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a nation. In 1967 the United States produced 21,010,000,000 pounds of veal and beef. This was about one-third of the world total and nearly 2½ times more than the Soviet Union.

CLEVELAND LAUDS VOICE OF DEMOCRACY WINNER

(Mr. CLEVELAND asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. CLEVELAND. Mr. Speaker, I am pleased to announce that a young lady from my district has been chosen as the winning contestant from New Hampshire in the annual Voice of Democracy Contest of the Veterans' of Foreign Wars and its Ladies' Auxiliary. Rita E. West of Concord, N.H., delivered her prize-winning speech in New Hampshire, and is now coming to Washington, D.C., to compete in a similar national contest on March 10, 1970.

Miss West eloquently discusses the freedom of speech, carefully pointing out the constitutional limitations on destructive dissent, and the right we all enjoy to constructive dissent. Combining the dynamic vitality of youth and perceptive ideas, Rita West exemplifies the willingness of the youth of New Hampshire to accept freedom's challenge.

The national news media tends to focus on the tiny minority of young people who are disrupters and who abuse the freedom of speech. Yet the vast majority of our youth are people like Rita West, who recognize that disruption in the name of free speech is indeed a challenge to freedom. They also realize that order is essential if the freedoms of the people are to be protected and preserved, for future generations as well as this one.

Perceptive, reasoned speeches like this one reinforce my belief that our youth are indeed a source of pride, and that those of us who favor lowering the voting age to 18 are indeed right.

I commend this penetrating essay for the attention of my colleagues:

FREEDOM'S CHALLENGE

(By Rita West)

One of the greatest challenges to America's freedom today is how its dissenters and oppositionists shall be handled under the law.

The greatest freedom enjoyed by American citizens is the freedom of speech. This freedom allows all citizens to speak their conscience on any action of the nation, be it for or against administrative policy.

This right to peaceful dissension has helped make this country a true democracy.

However, when freedom of speech or assembly is practiced to the extent where it infringes on the rights of others, it is no longer a tool of democracy, and becomes instead a weapon of destruction, with freedom itself one of its victims.

If students feel they must show their opposition to a schoolwide or even national policy, and they demonstrate to show their discontent, they are enjoying a freedom—their right to dissent. When, however, they disrupt them or deny them their freedoms, they are no longer within their own rights.

The challenge to America is to decide where the thin line will be drawn between constructive and destructive dissension. Certainly the line must be drawn, for without it there will be utter chaos; the question is where and how firmly it will be enforced.

This is a great challenge to freedom, for if the line is too strong and consciences are suppressed, it shall destroy many of our freedoms as we now know them; and we shall become a nation of silent followers, intimidated too strongly to express our own opinions for fear of being labeled agitators.

If, however, the line is not strong enough to stop disruption and violence, the country will no longer be a democracy and will be ruled almost exclusively by a minority.

The task seems insurmountable, but it is not; for the line between freedom and disruption can be made using the guidelines in the Constitution. In this document are clauses which insure that all people are to be granted their rights, even those accused of crimes. These rights must be granted freely, for if a person is denied any of them he cannot be convicted. These laws protect people from being forced into convictions or into being witnesses against themselves.

With these inherent rights it is almost assured that no person shall be convicted of conspiracy or un-American activity unless he is truly guilty.

But the real answer lies in the limits set to freedoms, for all rights must be limited to prevent them from infringing on the liberties of others. And, until the dissidents' focal points are settled, the limits of rights will be one of America's greatest challenges.

WATER POLLUTION PROBLEMS IN CENTRAL NEW YORK

(Mr. HANLEY asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HANLEY. Mr. Speaker, very early in my first year in Congress, I made the determination that water pollution problems in central New York would have high and continuing priority in my work in Washington. Principal among our concerns was Onondaga Lake. Initially, the task was to bring to the attention of the Federal Government the fact of Onondaga Lake's existence and its polluted and degraded condition. I also began an investigation into the current Federal legislation, with a view toward suggesting improvements which could benefit Onondaga Lake.

In 1965 and in 1966, the Federal Water Pollution Control Act was substantially amended and strengthened. The 1966 act authorized greatly increased Federal financial support for the construction of waste treatment plants by localities. That act also provided for an expanded program of research and demonstration projects. Onondaga County moved to secure from the Department of the Interior a Federal grant of some $350,000 to plan a comprehensive program to end

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the pollution of Onondaga Lake. I was privileged to work with the county in securing this Federal grant from the Interior Department. Very recently, the county submitted an application for a $50 million project to substantially expand and upgrade waste treatment at the main metropolitan plant, and this project is an outgrowth of the Federal study grant.

In 1966, I prevailed upon the House Natural Resources and Power Subcommittee to come to Syracuse to conduct a hearing into the water pollution problems of our area. Along with many others, I testified at that hearing and urged that the Federal Government expand its concern and its commitment of resources into the pollution problems associated with lakes.

Out of that hearing developed a Government Operations Committee report, entitled "To Save America's Small Lakes," August 23, 1967. One of the report's recommendations calls for pilot demonstration projects to rehabilitate small lakes, and it made mention of the situation existing with Onondaga Lake.

In 1968 and again in 1969, the House approved legislation amending the Federal Water Pollution Control Act. Neither bill resulted in an enactment into law, but the 1969 bill is currently the subject of a House-Senate conference which is working to resolve differences between water pollution bills approved by the House and Senate. Both versions of the legislation contain language which was suggested by me and by others to stimulate greater Federal involvement in financing research and demonstration projects to find the ways to restore severely degraded lakes. Once the bill is enacted into law I am hopeful that Onondaga County will be seeking a Federal project to continue the work begun with the 1967 grant.

In October of 1969, the National Council on Marine Resources and Engineering Development proposed a pilot technological study of lake restoration. The Council proposed that a lake of manageable size be selected and existing environmental technology and techniques be tested, including pollution measuring devices, methods of artificial destratification by aeration, mixing, and thermal upwelling techniques, thermal pollution control and enrichment, artificial bottom coating, filtering, harvesting of living plants and animals, and restocking of fishery resources.

I have contacted the President's Office of Science and Technology on several occasions since October in order to make absolutely sure that Onondaga Lake is given full and fair consideration in the selection process that will take place to determine which lake is chosen for the restoration project. I intend to continue in this task and to work closely with all interested parties.

At the present time, Onondaga County's application for Federal and State assistance for the major project to expand and upgrade the metropolitan treatment plant is pending before the State. Like all applications for construction of waste treatment plants in New York, this project is eligible for 55 percent Federal share of the total cost. This, coupled with a 30-percent share on the part of New York State, should leave local government with the task of producing 15 percent of the total cost. However, largely because of the regrettable failure on the part of the Federal Government to provide enough funds for water pollution control, it is unlikely that anything near the promised 55 percent will be provided by the Federal Government. The State of New York, for some time, has been prefinancing a minimum Federal share of 30 percent, thus leaving localities with the heavy burden of 40 percent.

Last year, I supported an unsuccessful effort to push the President's budget request for water pollution control facilities from $300 million to $1 billion. This year, I have already petitioned the Appropriations Committee to provide the full $1.25 billion authorized by the Clean Waters Restoration Act. It is obvious from the situation which has developed in New York State that the Federal dollar going into water pollution control will have to be doubled, if we intend to achieve that 55 percent Federal share called for. I intend to ask the House Public Works Committee to review the formula for allocating Federal funds to the States to see if it can be changed to increase the share being made available to New York.

The citizens of New York are going to find themselves in the same position with regard to water pollution control expenditures as they did in the area of highways. The fact of being ahead of other States in requiring water pollution control facilities will cause the citizens of the State to bear a much larger share of the costs than their counterparts in other, less progressive States.

FAILURE OF PRESIDENT NIXON'S ECONOMIC POLICY

(Mr. TIERNAN asked and was given permission to extend his remarks at this point in the RECORD, and to include extraneous material.)

Mr. TIERNAN. Mr. Speaker, the No. 1 issue for many Americans today is the question of finance. Every housewife and head of a household is attempting to make ends meet—to somehow stretch the weekly paycheck to cover necessary expenditures.

The Nixon administration has labored for over a year with this problem. To date, the President's major strategy has been based on high interest rates and tight money policies. Clearly his policy has failed. Inflation continues to run rampant through the economy, reaping havoc and distress to the average American's budget.

A man is hard put to pay for adequate housing to meet his needs. The housewife finds her food bill pathetically increased and her finances terribly inflated.

Every segment of the economy has felt the bite of the Nixon policy, yet it is the lower and middle class consumer and the small businessman who ultimately pays the cost of interest rate increases and the growing inflation.

Every week we read of further layoffs of workers in and out of government. Just today it was reported that massive employee layoffs and large-scale base closures will occur this month. Some 130,000 civilian Federal employees will be told that "they are in the forefront of the fight against inflation."

There seems to be a major inconsistency in the President's domestic programs. On the one hand he argues for a welfare bill based on work-incentive. On the other hand he is fostering an economic policy which guarantees that the unemployment rate will rise upwards of 4.3 percent this year and possibly as high as 5 percent. This is a substanial increase over last year's 3.5 percent. These are cold figures that lead us to think only of mathematics. The reality is that we are talking about the lives and livelihood of hundreds of thousands of workers. How frightening it is to know that we may add 700,000 more persons to the jobless rolls this year. These rolls already stand at 3.4 million. Can we stand by idly and watch 700,000 more Americans receive the same fate?

Add to the jobless increase the fact that price increases continue to accelerate. The 6.1 percent cost-of-living hike during Mr. Nixon's first year in office was a $10 loss in real purchasing power for every weekly paycheck of $150. This represents the most inflationary 12 months since the Korean war.

We have heard a lot of talk from administration officials about the easing of inflation. How long can the Nixon administration ask the people of America to wait another month to let his policy take effect? As each month arrives, more and more are unemployed and prices continue to spiral further and further upward. The effect of the Nixon policy has been to bring the housing industry to its knees, to deny even such essential items as automobiles and home appliances to average citizens, and to seriously impair needed public projects such as school construction.

Let us be realistic. The Nixon policy has failed. Today, I join with over 83 of my colleagues from 28 States in introducing a concurrent resolution urging the Nixon administration to make every effort to reverse its policy of high interest rates in all programs and at all levels. In addition, the Federal Reserve Board should take steps to gradually roll the prime interest rate back to 6 per centum.

Congress has an opportunity to take the leadership in reversing this misguided economic policy. I hope my fellow colleagues will do everything in their power to see that this resolution is passed and its ideas implemented.

PENN CENTRAL'S REQUEST TO DISCONTINUE 34 PASSENGER TRAINS

(Mr. TIERNAN asked and was given permission to extend his remarks at this point in the RECORD, and to include extraneous material.)

Mr. TIERNAN. Mr. Speaker, yesterday it was announced that the Penn Central Co. is seeking to eliminate all of its rail passenger service except along the eastern corridor, including commuter operations in Boston, New York, and Philadelphia. This would mean a discontinuance of 34 east-west long-distance passenger trains.

It is my strong belief that this proposal is ill conceived and certainly not in the public's interest. For some time now the railroads have been telling us that they cannot operate passenger trains at a profit, due to the heavy competition of airplanes and automobiles. They claim that between 1946 and 1958, the class I railroads of this country and the Pullman Co. invested $1,343,000,000 in passenger train equipment, but to no avail. During these years the railroads' share of the for-hire intercity passenger traffic decreased from 72.9 to 31.1 percent, while the airlines' share increased from 2.7 to 38 percent and the private automobiles' share increased from 58.8 to 90.1 percent.

The situation is somewhat altered today. Presently our airports are jammed to capacity. Our highways are quickly filled as soon as they are built. People are ready and willing to turn to trains, if only they can be guaranteed clean cars and efficient service.

We have but to look at the success of the Metroliner. The New York-Washington corridor rail passenger traffic increased by 273,000 in the January-June 1969 period, an increase of 55 percent over the same period in 1968. In addition, Metroliner load factors through June 30, 1969, have averaged about 75 percent.

The success of clean, high-speed trains can also be seen in other countries. High-speed electrified trains between London, Liverpool, and Manchester, England, brought about a 60-percent increase during its first 3 years of operation. Competing airline volume dropped 20 and 75 percent of all travelers between these points now go by train.

Certainly we cannot expect the Penn Central or any other railroad to improve their passenger trains without Federal aid. In the past the Federal Government has tragically neglected the railroads. Tentative Federal outlays for next year now have $4,600 million for highways, $1,600 million for aviation, and only $280 million for mass transit.

But the Penn Central knows of the strong interest of many Members of Congress to see that additional Federal assistance is rendered. Last week several of their officials attended a meeting held by the Committee for Improved Passenger Service. While our interest at this meeting was specifically the Northeast corridor, I feel it is safe to say that we are all interested in seeing this country once again have a viable train system.

The railroads themselves, including the Penn Central, must receive much of the blame for the horrendous shape of passenger trains. Again and again the allegation has been made that railroads are purposefully downgrading passenger service, for there is a larger profit to be made in freight service. A report of the general board at the conference of transportation trades, October 30, 1969, went so far as to state:

> Railroad companies have lumped cancellation of mail-hauling contracts and railway post office cars on passenger trains with their other excuses for discontinuing service. They have in many cases lost no revenue at all. Over half of the volume of mail carried on trains now moves on fast freights rather than on passenger trains. What the rail companies have done is to switch mail to fast freights voluntarily—and then blamed the lack of mail revenue aboard passenger trains as the reason for cancellations.

Without commenting on the validity of these accusations, we cannot allow the railroads to place the entire blame for failing passenger service on the lack of Federal assistance. Certainly we must ask what assurances the carriers will give that Federal moneys will be spent more wisely in behalf of passenger trains than their own funds have been.

In 1961, the Senate Commerce Committee received an extensive study of national transportation policy known as the Doyle report.

One of its principal findings was as follows:

> We believe that there will be an important demand for rail passenger service within the large urban regions developing in the United States. This requirement is ten to twenty years in the future.

Mr. Speaker, we are drawing close to that period which the Doyle report spoke of. Now is not the time to abandon our passenger trains. I urge the Interstate Commerce Commission to deny the Penn Central's request to discontinue 34 of their trains. With Federal assistance, I believe these trains can again be profitable to the railroads.

VIABLE NEW ENGLAND RAIL PASSENGER SERVICE

(Mr. TIERNAN asked and was given permission to extend his remarks at this point in the RECORD, and to include extraneous material.)

Mr. TIERNAN. Mr. Speaker, I would like to bring to the attention of my colleagues a meeting which was held on February 26 by the committee for improved passenger service—CIPS—whose membership consists of the entire New England congressional delegation. The purpose of CIPS is to determine what kind of rail passenger service will be viable in New England and how that service will be financed.

Last Thursday, February 26, CIPS held a meeting which was attended by approximately 200 people, including government officials from the local, State, and Federal levels, railroad personnel, and interested citizens. We were especially pleased to have Governor Sargent of Massachusetts and Governor Licht from Rhode Island present. In addition, Senators CLAIBORNE PELL and EDWARD KENNEDY attended, as well as the entire Massachusetts delegation from the House. My colleague from Maine, PETER KYROS, was a member of the panel at the meeting.

Seventeen persons testified at the CIPS meeting, each stating his view on what type of Federal assistance is needed to save passenger trains. One of those testifying was Prof. Roy Poulsen, director of the University of Rhode Island's research center in business and economics and professor of finance. Dr. Poulsen has written a number of excellent articles for various periodicals on the question of rail service. It was his suggestion at the CIPS meeting that the Department of Transportation be empowered to assume "responsibility for the operation and maintenance of the railroads' signal systems, precisely as the FAA does in operating air navigation and traffic control systems." The Providence Journal ran an editorial on March 2 praising this and other suggestions made by Dr. Poulsen.

On that same day, the Journal ran another editorial explaining the success of a newly installed high-speed rail-transit system serving commuters to Philadelphia. The success of this system demonstrates that people are not irrevocably attached to their cars. The Delaware River Port Authority, which operates the Philadelphia service, reports that "40 percent of the line's regular riders are commuters who formerly drove their own cars into the city each day."

A similar success can be seen with the Penn Central's Metroliner which runs between Washington and New York. This corridor's rail-passenger traffic increased by 273,000 in the January–June 1969 period over the same period in 1968. Metroliner traffic represented most of this increase.

Mr. Speaker, it is the hope of the members of CIPS that we can agree on one specific recommendation on how to have passenger trains in the Northeast, for only by a concerted effort behind one bill can we hope to accomplish our goal. In the future I will be reporting on the progress of CIPS.

At this point in the RECORD, I would like to insert copies of the two Providence Journal editorials:

PARALLEL AID

A University of Rhode Island professor has offered a formula of federal aid for the nation's railroads, particularly those in the crowded Northeast corridor, that proposes to give the rail lines the same kind of federal subsides enjoyed by competing highway and air competitors. "Parallel aid in kind" might be the slogan for the plan by Dr. Roy G. Poulsen.

Dr. Poulsen is director of the URI research center in business and economics and professor of finance. He sketched his proposal, complete with text and chart analysis of the factors that bankrupted the old New Haven Railroad and that continue to shadow the effective operation of passenger and freight service of the line as a branch of the Penn Central.

Dr. Poulsen would empower the federal Department of Transportation to assume the responsibility for operation and maintenance of the railroads' signal systems precisely as the Federal Aviation Agency does in operating air navigation and traffic control systems. Can the airlines fight the granting of a signal subsidy they now enjoy?

The URI professor would have the department take over full operation and maintenance of all rail passenger and freight terminals, and be responsible as the FAA now is for overseeing of similar facilities for air facilities. Can the airlines fight the granting of a terminal subsidy they now enjoy to the fullest?

The DOT, Dr. Poulsen recommends, also should take over rights of way from railroads, include them as parts of the interstate highway system and lease them back to the rails, putting them in a position similar to that of interstate truck and bus operators who do not build or operate their rights of way. Can those operators fight this proposal meaningfully?

The proposal about the rights of way would ease a particularly heavy burden on

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existing railroads. Between real estate assessments and maintenance of way costs, both rising steadily, railroads must increase payments for their rights of way to the competitive advantage of trucks and buses using highways on which no property taxes are payable.

The proposal about rights of way may draw heavy fire from cities and towns which look to railroad land as a price source of revenue under local property tax controls. So lucrative is this source for some communities that there is a deep reluctance to grant even modest abatement on the ground that fat-cat railroads can find the cash easily.

Unhappily, most railroads—not least among them, the New Haven Region of the Penn Central—are not fat cats. Financially, they are skinny, runty alley cats at best. Local communities expect top passenger and freight service from a private enterprise they are prepared to sock—and sock hard—with full-value property assessments.

Dr. Poulsen's proposals came with refreshing clarity and detail even as Gov. Frank Licht was protesting in Washington that "Our need for intercity rail passenger and freight service will continue, but the many demands upon our state tax dollars mean that our ability to continue financial assistance is questionable."

There, the governor let the matter lie. His thesis is simple: New England needs rail service. The states, including, of course, Rhode Island, can't afford to help the old New Haven. The railroad is an interstate business and ought to get all the help it needs from Washington. A lovely thesis, but offered without a single specific to match Dr. Poulsen's.

It will be interesting to note the reaction of air and highway people to Dr. Poulsen's proposals. How can they attack proposals which are based on programs that subsidize them heavily? What the URI professor has suggested deserves the closest review here in Providence and certainly in Washington. His tough-minded specific in the midst of vaporous generalities make good news.

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TRANSIT SUCCESS

Most of the traffic-clogged cities across the land are barely holding their own in a desperate battle to avoid complete transportation paralysis. Washington is a bedlam in rush hour. Los Angeles presents a monumental tangle when the freeways fill up. New York City contends with jammed subways, street traffic slowed to a crawl, and commuter railroads that are dirty, unreliable, expensive, and usually late.

Yet here and there in an otherwise dismal picture are a few bright patches of promise. These are in the lucky cities—all too few—where enlightened planners and doers have wrestled with the problem successfully and produced solutions.

Commuters in the suburbs west of Chicago enjoy a swift, comfortable and convenient rail service provided by the Chicago & Northwestern. By any measure, it puts to shame New York's creaking Long Island Railroad.

Cleveland's 19-mile high-speed rail line, which links the downtown to the municipal airport and adjacent suburbs, has proved to be enormously successful. San Francisco's elaborate rail network, the first section of which is scheduled for service next year, promises to offer the last word in fast and reliable mass transit.

Closer to our area is another striking example of what can be accomplished when effort and imagination are applied. A new high-speed rail transit system serving commuters to Philadelphia is only a year old but already has demonstrated that a convenient and dependable mass transit service can lure commuters out of their private automobiles and thus reduce traffic congestion on downtown streets.

The new service at Philadelphia, operated by the Delaware River Port Authority, stretches across the river for 14 miles to the suburban New Jersey community of Lindenwold. It is now accommodating 30,000 passengers daily. New automated cars with the latest electronic controls provide a dependable service at fares (only 60 cents for a 14-mile run) roughly half those charged on New York's Long Island Railroad. The fare structure appears to be adequate because the line anticipates an operating profit of $15,000 this year.

The most impressive aspect of the Philadelphia experience, however, is the proof that an attractive mass transit system can persuade commuters to leave their automobiles at home and ride the rails. Forty per cent of the line's regular riders today, the authority reports, are commuters who formerly drove their own cars into the city each day. The switchover has reduced traffic on the bridges and roads leading to Philadelphia and has lessened congestion on the downtown streets.

These several examples of what can be accomplished when mass transit is developed on an effective basis should be useful models for other communities now plagued with the threat of traffic strangulation.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. MOLLOHAN (at the request of Mr. ALBERT), for March 4 and March 5, on account of official business.

Mrs. REID of Illinois (at the request of Mr. ARENDS), for an indefinite period, on account of illness.

Mr. HATHAWAY (at the request of Mr. GRAY), for today, on account of illness.

Mr. BOW (at the request of Mr. MILLER of Ohio), for today, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. PHILBIN, for 15 minutes, today; to revise and extend his remarks and include extraneous matter.

(The following Members (at the request of Mr. FISH), to revise and extend their remarks and include extraneous matter:)

Mr. BUSH, for 5 minutes, today.

Mr. WILLIAMS, for 10 minutes, today.

Mr. STEIGER of Wisconsin, for 30 minutes, today.

Mr. POFF, for 10 minutes, today.

Mr. FINDLEY, for 10 minutes, today.

(The following Members (at the request of Mr. GRAY), to revise and extend their remarks and include extraneous matter:)

Mr. ROONEY of New York, for 60 minutes, today.

Mr. GONZALEZ, for 10 minutes, today.

Mr. RARICK, for 15 minutes, today.

Mr. DENT, for 30 minutes, on March 10.

Mr. GAYDOS, for 30 minutes, on March 10.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. MADDEN and to include extraneous material.

Mr. FALLON (at the request of Mr. GRAY) to extend his remarks today immediately preceding the remarks of Mr. GRAY in the Committee of the Whole.

(The following Members (at the request of Mr. FISH) and to include extraneous matter:)

Mr. KEITH.

Mr. HALL.

Mr. WINN.

Mr. PRICE of Texas in two instances.

Mr. BUTTON in two instances.

Mr. RUTH.

Mr. CONTE.

Mr. ASHBROOK.

Mr. WYMAN in two instances.

Mr. STEIGER of Wisconsin in two instances.

Mr. SKUBITZ in two instances.

Mr. MARTIN.

Mrs. MAY in two instances.

Mr. NELSEN in two instances.

Mr. BROCK.

Mr. ESCH.

Mr. COLLIER in four instances.

Mr. SCHERLE in five instances.

Mr. REID of New York in two instances.

Mr. GUDE.

Mr. ROBISON in two instances.

Mr. CARTER.

Mr. HALPERN in two instances.

Mr. BROYHILL of Virginia in two instances.

Mr. MILLER of Ohio in four instances.

Mr. MAILLIARD in two instances.

Mr. DERWINSKI.

Mr. WYATT.

Mr. MICHEL.

Mr. ROUDEBUSH in two instances.

(The following Members (at the rerequest of Mr. GRAY) and to include extraneous matter:)

Mr. BOLAND.

Mr. OTTINGER in two instances.

Mr. VAN DEERLIN.

Mr. DONOHUE in two instances.

Mr. HUNGATE in two instances.

Mr. MARSH in two instances.

Mr. COHELAN.

Mr. ANDREWS of Alabama in two instances.

Mr. WALDIE in three instances.

Mr. GONZALEZ in two instances.

Mr. OLSEN in four instances.

Mr. GIBBONS in two instances.

Mr. FRIEDEL in two instances.

Mr. EDWARDS of California in two instances.

Mr. PURCELL in two instances.

Mr. HELSTOSKI.

Mr. PATTEN.

Mr. ROE.

Mr. BINGHAM in two instances.

Mr. O'NEAL of Georgia in four instances.

Mr. BLATNIK.

Mr. BOLLING.

Mr. FISHER in two instances.

Mr. RIVERS in two instances.

Mr. FRASER.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 3396. An act to make certain technical changes in provisions of law relating to the postal service; to the Committee on Post Office and Civil Service.

S. 3397. An act to permit the acceptance of checks and nonpostal money orders in payment for postal charges and services; authorize the Postmaster General to relieve postmasters and accountable officers for losses incurred by postal personnel when accepting checks or nonpostal money orders in full compliance with postal regulations; and to provide penalties for presenting bad checks and bad nonpostal money orders in payment for postal charges and services; to the Committee on Post Office and Civil Service.

ENROLLED BILLS SIGNED

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 13008. An act to improve position classification systems within the executive branch, and for other purposes.

BILLS PRESENTED TO THE PRESIDENT

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee did on March 4, 1970, present to the President, for his approval, bills of the House of the following titles:

H.R. 8020. An act to amend title 37, United States Code, to provide entitlement to round trip transportation to the home port for a member of the uniformed services on permanent duty aboard a ship overhauling away from home port whose dependents are residing at the home port; and

H.R. 15931. An act making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1970, and for other purposes.

ADJOURNMENT

Mr. GRAY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 23 minutes p.m.), under its previous order, the House adjourned until Monday, March 9, 1970, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1735. A letter from the Clerk, U.S. House of Representatives, transmitting a report for the period July 1, 1969, through December 31, 1969, pursuant to section 105 of Public Law 88-454; to the Committee on House Administration.

1736. A letter from the Director, Office of Emergency Preparedness, Executive Office of the President, transmitting a copy of the "Statistical Supplement, Stockpile Report," to the Congress, for the period ending December 31, 1969, pursuant to section 4, Public Law 520, 79th Congress; to the Committee on Armed Services.

1737. A letter from the Office of the Director, Peace Corps, transmitting a proposed amendment to a draft of legislation which was submitted February 2, 1970; to the Committee on Foreign Affairs.

1738. A letter from the Comptroller General of the United States, transmitting a report on opportunities for improving administration of Federal programs of aid to educationally deprived children in the State of West Virginia, Office of Education, Department of Health, Education, and Welfare, pursuant to (31 U.S.C. 53) and (31 U.S.C. 67); to the Committee on Government Operations.

1739. A letter from the Chairman, American Revolution Bicentennial Commission, transmitting a draft of proposed legislation to amend the joint resolution establishing the American Revolution Bicentennial Commission, as amended; to the Committee on the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MORGAN: Committee on Foreign Affairs. H.R. 15628. A bill to amend the Foreign Military Sales Act, with amendments (Rept. No. 91-869). Referred to the Committee of the Whole House on the State of the Union.

Mr. PHILBIN: Committee on Armed Services. H.R. 15021. A bill to authorize the release of 40,200,000 pounds of cobalt from the national stockpile and the supplemental stockpile (Rept. No. 91-870). Referred to the Committee of the Whole House on the State of the Union.

Mr. PHILBIN: Committee on Armed Services. H.R. 15831. A bill to authorize the disposal of bismuth from the national stockpile and the supplemental stockpile (Rept. No. 91-871). Referred to the Committee of the Whole House on the State of the Union.

Mr. PHILBIN: Committee on Armed Services. H.R. 15832. A bill to authorize the disposal of castor oil from the national stockpile; with an amendment (Rept. No. 91-872). Referred to the Committee of the Whole House on the State of the Union.

Mr. PHILBIN: Committee on Armed Services. H.R. 15833. A bill to authorize the disposal of acid grade fluorspar from the national stockpile and the supplemental stockpile; with an amendment (Rept. No. 91-873). Referred to the Committee of the Whole House on the State of the Union.

Mr. PHILBIN: Committee on Armed Services. H.R. 15835. A bill to authorize the disposal of magnesium from the national stockpile and the supplemental stockpile (Rept. 91-874). Referred to the Committee of the Whole House on the State of the Union.

Mr. PHILBIN: Committee on Armed Services. H.R. 15836. A bill to authorize the disposal of type A, chemical grade manganese ore from the national stockpile and the supplemental stockpile; with an amendment (Rept. 91-875). Referred to the Committee of the Whole House on the State of the Union.

Mr. PHILBIN: Committee on Armed Services. H.R. 15837. A bill to authorize the disposal of type B, chemical grade manganese ore from the national stockpile and the supplemental stockpile; with an amendment (Rept. 91-876). Referred to the Committee of the Whole House on the State of the Union.

Mr. PHILBIN: Committee on Armed Services. H.R. 15838. A bill to authorize the disposal of shellac from the national stockpile (Rept. 91-877). Referred to the Committee of the Whole House on the State of the Union.

Mr. PHILBIN: Committee on Armed Services. H.R. 15839. A bill to authorize the disposal of tungsten from the national stockpile and the supplemental stockpile (Rept. 91-878). Referred to the Committee of the Whole House on the State of the Union.

Mr. GARMATZ: Committee on Merchant Marine and Fisheries. H.R. 15694. A bill to authorize appropriations for procurement of vessels and aircraft and construction of shore and offshore establishments for the Coast Guard (Rept. 91-879). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of the rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. MILLS (for himself and Mr. BYRNES of Wisconsin):

H.R. 16311. A bill to authorize a family assistance plan providing basic benefits to low-income families with children, to provide incentives for employment and training to improve the capacity for employment of members of such families, to achieve greater uniformity of treatment of recipients under the Federal-State public assistance programs and to otherwise improve such programs, and for other purposes; to the Committee on Ways and Means.

By Mr. ASHLEY:

H.R. 16312. A bill to authorize the U.S. Commissioner of Education to establish educational programs to encourage understanding of policies and support of activities designed to enhance environmental quality and maintain ecological balance; to the Committee on Education and Labor.

By Mr. BLACKBURN:

H.R. 16313. A bill to provide for the establishment of a Commission on Marihuana; to the Committee on the Judiciary.

By Mr. BURTON of Utah:

H.R. 16314. A bill to establish a National Institute of Education, and for other purposes; to the Committee on Education and Labor.

By Mr. CONYERS:

H.R. 16315. A bill to amend title IV of the Social Security Act to provide under the program of aid to families with dependent children, for the furnishing of three meals a day to all children under age 16 who are eligible for such aid or whose families are below the poverty level, at appropriate day-care centers and at public and private schools; to the Committee on Ways and Means.

By Mr. CUNNINGHAM:

H.R. 16316. A bill to amend the Interstate Commerce Act, as amended, in order to make unlawful, as unreasonable and unjust discrimination against and an undue burden upon interstate commerce, certain property tax assessments of common and contract carrier property, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. DICKINSON:

H.R. 16317. A bill to authorize the Secretary of Commerce to transfer surplus Liberty ships to States for use in marine life conservation programs; to the Committee on Merchant Marine and Fisheries.

By Mr. DINGELL:

H.R. 16318. A bill to transfer from the Atomic Energy Commission to the Secretary of Health, Education, and Welfare and the Secretary of the Interior all functions, duties, and responsibilities relating to the effect of atomic energy on the health and safety of the public; to the Joint Committee on Atomic Energy.

By Mr. FUQUA (for himself, Mr. BROYHILL of Virginia, Mr. GUDE, and Mr. HOGAN):

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H.R. 16319. A bill to establish labor standards governing the public operation of transit facilities by any agency or instrumentality of the District of Columbia and for other purposes; to the Committee on the District of Columbia.

By Mr. GIBBONS:

H.R. 16320. A bill to amend the Public Health Service Act to provide for the making of grants to medical schools and hospitals to assist them in establishing special departments and programs in the field of family practice, and otherwise to encourage and promote the training of medical and paramedical personnel in the field of family medicine; to the Committee on Interstate and Foreign Commerce.

By Mr. GILBERT:

H.R. 16321. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968; to the Committee on the Judiciary.

By Mr. GREEN of Pennsylvania:

H.R. 16322. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968; to the Committee on the Judiciary.

By Mr. HAMILTON:

H.R. 16323. A bill to provide for uniform and equitable treatment of persons displaced from their homes, businesses, or farms by Federal and federally assisted programs and to establish uniform and equitable land acquisition policies for Federal and federally assisted programs; to the Committee on Public Works.

By Mr. HANLEY:

H.R. 16324. A bill to authorize the U.S. Commissioner of Education to establish educational programs to encourage understanding of policies and support of activities designed to enhance environmental quality and maintain ecological balance; to the Committee on Education and Labor.

By Mr. HOSMER (for himself, Mr. Hungate, Mr. Lujan, Mr. McKneally, Mr. Podell, and Mr. Waggonner):

H.R. 16325. A bill to amend the Wagner-O'Day Act to extend the provisions thereof to severely handicapped individuals who are not blind, and for other purposes; to the Committee on Government Operations.

By Mr. MOLLOHAN:

H.R. 16326. A bill to amend title II of the Social Security Act to provide that full widow's insurance benefits shall be payable at age 40 to a widow who is otherwise qualified therefor; to the Committee on Ways and Means.

By Mr. MORGAN:

H.R. 16327. A bill to amend the Peace Corps Act to authorize additional appropriations, and for other purposes; to the Committee on Foreign Affairs.

By Mr. OTTINGER (for himself, Mr. Scheuer, Mr. Biaggi, Mr. Farbstein, Mr. Koch, Mr. Wolff, Mr. Conyers, Mr. Eilberg, Mr. Mikva, Mr. Clay, Mr. Button, Mr. Whalen, Mr. Harrington, Mr. Helstoski, Mr. Moorhead, Mr. Roybal, Mr. Stokes, Mr. Van Deerlin, Mr. Brown of California, Mr. Lowenstein, Mr. Brademas and Mr. Pepper):

H.R. 16328. A bill "Newsmen's Privilege Act of 1970"; to the Committee on the Judiciary.

By Mr. O'NEILL of Massachusetts:

H.R. 16329. A bill to authorize the establishment of the Longfellow National Historic Site in Cambridge, Mass., and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. PATMAN:

H.R. 16330. A bill to authorize the appropriation of funds to be utilized by the Federal home loan banks for the purpose of adjusting the effective rate of interest charged by such banks on short-term and long-term borrowing on residential mortgages; to the Committee on Banking and Currency.

By Mr. WIDNALL:

H.R. 16331. A bill to authorize the appropriation of funds to be utilized by the Federal home loan banks for the purpose of adjusting the effective rate of interest charged by such banks on short-term and long-term borrowing on residential mortgages; to the Committee on Banking and Currency.

By Mr. PATTEN:

H.R. 16332. A bill to amend the act of June 27, 1960 (74 Stat. 220), relating to the preservation of historical and archeological data; to the Committee on Interior and Insular Affairs.

By Mr. PUCINSKI:

H.R. 16333. A bill to provide a special milk program for children; to the Committee on Agriculture.

By Mr. PURCELL:

H.R. 16334. A bill to provide an equitable system for fixing and adjusting the rates of compensation of wage board employees; to the Committee on Post Office and Civil Service.

By Mr. QUILLEN:

H.R. 16335. A bill to amend title 38 of the United States Code to authorize the Administrator of Veterans' Affairs to furnish drugs and medicines to any veteran with a service-connected disability for the purpose of treating any illness or injury suffered by the veteran; to the Committee on Veterans' Affairs.

By Mr. SCHEUER (for himself and Mr. Symington):

H.R. 16336. A bill to assist in the effective and suitable disposal of passenger cars at the time of the discontinuance of their use on the highways by encouraging the disposal of such cars through persons licensed by the Secretary of Transportation, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. SISK:

H.R. 16337. A bill to authorize the Secretary of Agriculture to cooperate with the States and subdivisions thereof in the enforcement of State and local laws, rules, and regulations within the National Forest System; to the Committee on Agriculture.

By Mr. STAGGERS (for himself and Mr. Springer):

H.R. 16338. A bill to amend the Communications Act of 1934 to provide continued financing for the Corporation for Public Broadcasting; to the Committee on Interstate and Foreign Commerce.

By Mr. STEIGER of Wisconsin (for for himself, Mr. Brown of Michigan, Mr. Byrnes of Wisconsin, Mr. Harvey, Mr. Kastenmeier, Mr. Langen, Mr. Miller of Ohio, Mr. Obey, Mr. O'Konski, Mr. Roudebush, Mr. Thomson of Wisconsin, Mr. Zwach, Mr. Schadeberg, and Mr. Burton of Utah):

H.R. 16339. A bill to improve public nutrition through the expanded use of dairy products and to increase the income of dairy farmers, and for other purposes; to the Committee on Agriculture.

By Mrs. SULLIVAN:

H.R. 16340. A bill to enable consumers to protect themselves against arbitrary, erroneous, and malicious credit information; to the Committee on Banking and Currency.

By Mr. WALDIE:

H.R. 16341. A bill to amend the Wagner-O'Day Act to extend the provisions thereof to severely handicapped individuals who are not blind, and for other purposes; to the Committee on Government Operations.

By Mr. CONTE (for himself, Mrs. Chisholm, Mrs. Dwyer, Mrs. Griffiths, Mrs. Hansen of Washington, Mrs. May, Mrs. Mink, Mrs. Reid of Illinois, Mrs. Sullivan, and Mrs. Heckler of Massachusetts):

H.J. Res. 1115. Joint resolution authorizing the President to proclaim August 26 of 1970 as "Susan B. Anthony Day"; to the Committee on the Judiciary.

By Mr. ST GERMAIN:

H.J. Res. 1116. Joint resolution proposing an amendment to the Constitution of the United States extending the right to vote to citizens 18 years of age or older; to the Committee on the Judiciary.

By Mr. BROCK:

H. Con. Res. 528. Concurrent resolution expressing the sense of Congress with respect to freedom of choice and compulsory transportation in connection with public schools; to the Committee on Education and Labor.

By Mr. BROTZMAN:

H. Con. Res. 529. Concurrent resolution expressing the sense of the Congress that the President, acting through the U.S. Ambassador to the United Nations, take such steps as may be necessary to place the question of human rights violations in the Soviet-occupied Ukraine on the agenda of the United Nations; to the Committee on Foreign Affairs.

By Mr. HELSTOSKI:

H. Con. Res. 530. Concurrent resolution expressing the sense of Congress that the Secretary of the Interior prescribe and implement regulations for the harvesting of Northern fur seals to insure quick and painless death before skinning; to the Committee on Merchant Marine and Fisheries.

By Mr. RYAN (for himself, Mr. Addabbo, Mr. Brown of California, Mr. Burton of California, Mr. Button, Mr. Conyers, Mr. Edwards of California, Mr. Farbstein, Mr. Gilbert, Mr. Halpern, Mr. Hathaway, Mr. Helstoski, Mr. Kastenmeir, Mr. Leggett, Mr. Lowenstein, Mr. Matsunaga, Mr. Podell, and Mr. Pollock):

H. Con. Res. 531. Concurrent resolution to establish a Joint Congressional Committee on Foreign Policy; to the Committee on Rules.

By Mr. DULSKI:

H. Res. 869. Resolution authorizing expenses for conducting studies and investigations pursuant to House Resolution 268; to the Committee on House Administration.

By Mr. MACDONALD of Massachusetts:

H. Res. 870. Resolution creating a select committee to conduct an investigation and study of the National Collegiate Athletic Association; to the Committee on Rules.

By Mr. MINISH:

H. Res. 871. Resolution restricting Governor Maddox as a guest in the House of Representatives dining room; to the Committee on House Administration.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. FRIEDEL introduced a bill (H.R. 16342) for the relief of Gary Ward Meekins, which was referred to the Committee on the Judiciary.

MEMORIALS

Under clause 4 of rule XXII,

320. The SPEAKER presented a memorial of the Legislature of the State of Mississippi, relative to calling a convention for the purpose of proposing an amendment to the Constitution of the United States to achieve the objective that, no person shall, by reason of race, color, creed or national origin, be refused admission to or be excluded from any public school nor be compelled to attend a designated public school, which was referred to the Committee on the Judiciary.

XUM

EXTENSIONS OF REMARKS

HOW DOES YOUR DETERGENT RATE AS A POLLUTER?

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 1970

Mr. PUCINSKI. Mr. Speaker, on March 3, 1970, I introduced legislation which would remove phosphates from detergents, one of the leading polluters of our lakes and streams.

The case has been clearly established that detergents and household cleaning products are one of the most serious offenders of polluting our water resources.

In an article written by Mr. Sammye Malosky of Chicago Today, he discusses the findings of a recent study of 22 leading detergents and concludes that the bulk of the detergents on the market have between 20 and 30 percent phosphate levels which are major threats to the plant and animal life in our waters not to mention the threat that is posed to human life.

I am inserting the complete text of this article by Mr. Malosky as well as the bill I introduced on March 3, "The Detergent Pollution Control Act of 1970":

HOW DOES YOUR DETERGENT RATE AS A POLLUTER?

(By Sammye Malosky)

Those detergents you've been using may be "murder on dirt," but they're also murder on water.

Detergents contain phosphate, an ingredient currently under attack as a major pollutant of water and killer of plant and fish life in lakes.

Axion, Colgate-Palmolive's enzyme presoak, contains more phosphates—43.7 per cent—than any of 22 leading detergents, according to a study compiled by Limnetics, Inc., a Milwaukee consulting concern. Another enzyme pre-soaker, Biz, by Procter & Gamble, is not far behind with 40.4 per cent phosphates.

Nevertheless, some detergents have a surprisingly low concentration of phosphates. With a 1.4 per cent reading, Trend by Purex corporation has the lowest amount. Diaper Pure [Boyle-Midwest, Inc.] is next with a 5 per cent phosphate level.

Other low phosphate brands include Lever Brothers' Wisk at 7.6 per cent and their Cold Water All at 9.8 per cent.

The bulk of the leading detergents, such as Tide, Fab, Cheer and Bold, have phosphate levels between 20 and 31 per cent. Three firms, Procter & Gamble, Lever Brothers and Colgate-Palmolive, produce 79 per cent of the detergents on the market today.

According to scientists, phosphates cause excessive growth of algae and weeds harmful to a lake's plant and fish life. When algae decompose, they use up large amounts of oxygen, asphyxiating fish and finally "killing" the body of water.

The result is death by slime, mud, and bacterial sludge. Witness the fate of Lake Erie. And Lake Michigan is fast deteriorating.

Dr. Eugene F. Stoermer of the University of Michigan's Great Lakes research division says increased phosphates in waste water flowing into Lake Michigan is thought to be a chief culprit in eutrophication, or premature aging of the lake. Unless the deterioration is halted now, he says, it could be irreversible in 10 to 15 years.

In light of these findings, entertainer Arthur Godfrey has refused to make any more commercials for Colgate's Axion. He will continue only if the company lets him declare that Axion is a water pollutant.

"They call it an enzyme pre-soak, but that's misleading," Godfrey charged last week. "They should say it's an enzyme-active detergent."

However, a pre-soak and a detergent contain essentially the same ingredients of phosphates, enzymes and surfactant, a cleaning agent. They differ only in the concentration of active ingredients.

The Federal Water Pollution Control administration has called for an immediate reduction in the amount of phosphates in detergent products with complete removal by 1973.

Municipal waste was pinpointed as the cause of more than 60 per cent of the pollution in the lakes area by an FWPCA advisory board. The board, composed of United States and Canadian agencies investigating pollution in Lakes Erie and Ontario and the St. Lawrence Seaway, named phosphate detergents as a "major constituent" of that waste.

How your detergent rates

(Percentage of Phosphates in Detergents)

Axion	43.7
Biz	40.4
Bio-Ad	35.5
Salvo	35.3
Oxydol	30.7
Tide	30.6
Bold	30.2
Ajax Laundry	28.2
Punch	25.8
Drive	25.3
Dreft	24.5
Gain	24.4
Duz	23.1
Bonus	22.3
Breeze	22.2
Cheer	22.0
Fab	21.6
Cold Power	19.9
Cold Water All	9.8
Wisk	7.6
Diaper Pure	5.0
Trend	1.4

A spokesman for the Chicago FWPCA estimates that home detergents account for 70 per cent of all phosphates passing thru municipal sewage plants. The remaining 30 per cent comes from fertilizers and human and industrial wastes.

H.R. 16256

A bill to amend the Federal Water Pollution Control Act to ban polyphosphates in detergents and to establish standards and programs to abate and control water pollution by synthetic detergents

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Detergent Pollution Control Act of 1970".

DECLARATION OF POLICY AND PURPOSE

SEC. 2. The Congress finds and declares that—

(a) the surface and ground waters in the United States are being seriously polluted and degraded by the continuing discharge into such waters of synthetic detergents whose ingredients feed polluting green algae, deprive lakes and rivers of lifegiving oxygen, decompose slowly or not at all, and can be toxic to fish and wildlife and pose human health hazards;

(b) to abate and control the pollution and degradation of surface and ground waters in the public interest, it is necessary to insure that the components of synthetic detergents which are offered for introduction or delivery into interstate commerce in the United States, or imported into the United States, and which may eventually be discharged into such waters, not cause or contribute to the pollution or degradation of such waters;

(c) research published in 1966 by scientists of the United States Public Health Service; the report of the Lake Erie Enforcement Conference Technical Committee, March 1967, and the report of the Technical and Advisory Boards to the United States-Canada International Joint Commission of September 1969, as well as other scientific studies in the United States and abroad demonstrate that polyphosphates in detergents are an undeniable major cause of water pollution, accelerating beyond control the growth of algae which interfere with fishing, navigation, recreational use of water, and degrade the water to the detriment of our water resources and the environment generally;

(d) published findings in the patent and scientific literature and recent public scientific testimony before Congress confirm that nonphorous based ingredients have been found which perform at least as well as the present polyphosphate ingredients in synthetic detergents and soaps;

(e) Congress must require the use of nonpolluting substitutes for detergent polyphosphates in order to protect our lakes and rivers from further degradation from this pollution source;

(f) there are strong indications that the wetting agents in detergents such as the linear alkylbenzene sulfonates (LAS) and alkylphenoe derivatives are not adequately degradable in septic tanks and continuously operated bilogical treatment units and that they are toxic to a degree which affects lower forms of aquatic life; and that the recently added enzyme ingredients in presoak compounds and laundry detergents have been found to pose health hazards to humans on direct exposure, and may also act as disease carriers if they are not free from live spores;

(g) in order to eliminate wherever possible massive damage to the environment from unforeseen or ignored consequences of the products and byproducts of our society, and to minimize public expenditures frequently required to restore the damaged environment, it is necessary that national standards be established that require all ingredients, present and proposed, in detergents be tested for environment and health protection before they enter the environment;

(h) Congress must direct the establishment of standards of detergents, biodegradability, water eutrophication ability, toxicity, and effects on the public health and welfare, to achieve pollution-free detergents;

(i) to accelerate the development and manufacture of detergents that are free of phosphorus and whose other ingredients, including the phosphorus substitutes, are pollution free, there is a need for the Federal Government to inventory and report on the presently available technology on the substitutes for polyphosphates in detergents and other technology relating to the development of pollution-free detergents, and to provide assistance for research and development of new technology where needed.

SEC. 3. The Federal Water Pollution Control Act is amended by redesignating section 19 as section 23 and by inserting after section 18 new sections as follows:

"DEFINITIONS

"SEC. 19. For the purposes of this section and sections 20, 21:

"(a) The term 'synthetic detergent' or 'detergent' means a cleaning compound composed of inorganic and organic components, including surface active agents, soaps, water softening agents, builders, dispersing agents, corrosion inhibitors, foaming agents, buffering agents, brighteners, fabric softeners, dyes, perfumes, enzymes, and fillers, which is available for household, personal, laundry, industrial, and other uses in liquid, bar, spray, tablet, flake, powder, or other form.

"(b) The term 'polyphosphate builder' or 'phosphorus' means a detergent ingredient used principally as a water softening and soil suspending agent made from condensed phosphates, including the pyrophosphates, the triphosphates (frequently called tripolyphosphates) and the glossy phosphates or metaphosphates.

"(c) The term 'Secretary' means the Secretary of the Interior.

"BAN OF PHOSPHORUS IN DETERGENTS

"SEC. 20. (a) It shall be unlawful after June 30, 1972, for any person to import into the United States or manufacture in the United States any detergent containing phosphorus.

"(b)(1) Any detergent containing phosphorous imported or manufactured in violation of this section shall be liable to be proceeded against on libel of information and condemned in any district court in the United States within the jurisdiction of which such detergent is found.

"(2) Such detergent shall be liable to seizure by process pursuant to the libel, and the procedure in cases under this subsection shall conform, as nearly as may be, to the procedure in admiralty; except that on demand of either party any issue of fact joined in any such case shall be tried by jury. When libel for condemnation proceedings under this subsection, involving the same claimant and the same issues, are pending in two or more jurisdictions, such pending proceedings, upon application of the United States or the claimant seasonably made to the court of one such jurisdiction, shall be consolidated for trial by order of such court, and tried in (A) any district selected by the applicant where one of such proceedings is pending; or (B) a district agreed upon by stipulation between the parties. If no order for consolidation is so made within a reasonable time, the United States or the claimant may apply to the court of one such jurisdiction, and such court (after giving the other party, the claimant, or the United States attorney for such district reasonable notice and opportunity to be heard) shall by order, unless good cause to the contrary is shown, specify a district of reasonable proximity to the claimant's principal place of business, in which all such pending proceedings shall be consolidated for trial and tried. Such order of consolidation shall not apply so as to require the removal of any case the date for trial of which has been fixed. The court granting such order shall give prompt notification thereof to the other courts having jurisdiction of the cases covered thereby.

"(3) Any detergent condemned under this subsection shall, after entry of the decree, be disposed of by destruction or sale as the court may, in accordance with the provisions of this subsection, direct and the proceeds thereof, if sold, less the legal cost and charges shall be paid into the Treasury of the United States; but such detergent shall not be sold under such decree for a use which would result in the pollution of the navigable waters of the United States; except that after entry of the decree and upon the payment of the costs of such proceedings and the execution of a good and sufficient bond conditioned that such detergent shall not be sold or disposed of contrary to the provisions of this section, the court may by order direct that such detergent be delivered to the owner thereof to be destroyed or brought into compliance with the provisions of this section under the supervision of an officer or employee duly designated by the Secretary, and the expenses of such supervision shall be paid by the person obtaining release of the detergent under bond.

"(4) When a decree of condemnation is entered against the detergent, court costs and fees, and storage and other proper expenses, shall be awarded against the person, if any, intervening as claimant of the detergent,

"(5) In the case of removal for trial of any case as provided by paragraph (2) of this subsection—

"(A) the clerk of the court from which removal is made shall promptly transmit to the court in which the case is to be tried all records in the case necessary in order that such court may exercise jurisdiction; and

"(B) the court to which such case is removed shall have the powers and be subject to the duties, for purposes of such case, which the court from which removal was made would have had, or to which such court would have been subject, if such case had not been removed.

"(c)(1) The United States district courts shall have jurisdiction, for cause shown and subject to the provisions of rule 65 (a) and (b) of the Federal Rules of Civil Procedure, to restrain violations of this section.

"(2) In any proceeding for criminal contempt for violation of an injunction or restraining order issued under this subsection, which violation also constitutes a violation of this section, trial shall be by the court or, upon demand of the accused, by a jury. Such trial shall be conducted in accordance with the practice and procedure applicable in the case of proceedings subject to the provisions of rule 42(b) of the Federal Rules of Criminal Procedure.

"(d) All libel or injunction proceedings for the enforcement, or to restrain violations, of this section shall be by and in the name of the United States. Subpenas for witnesses who are required to attend a court of the United States in any district may run into any other district in any such proceeding.

"(e) The Secretary of the Treasury and the Secretary shall jointly prescribe regulations for the efficient enforcement of the provisions of subsection (g) of this section, except as otherwise provided therein. Such regulations shall be promulgated in such manner and take effect at such time, after due notice, as the Secretary shall determine.

"(f)(1) The Secretary is authorized to conduct examinations, inspections, and investigations for the purposes of this section.

"(2) For purposes of enforcement of this section, officers or employees duly designated by the Secretary, upon presenting appropriate credentials and a written notice to the owner, operator, or agent in charge, are authorized (A) to enter, at reasonable times, any factory, warehouse, or establishment in which detergents are manufactured, processed, packed, or held, or to enter any vehicle being used to transport or hold such detergents; (B) to inspect, at reasonable times and within reasonable limits and in a reasonable manner, such factory, warehouse, establishment, or vehicle, and all pertinent equipment, finished and unfinished materials; and (C) to obtain samples of such materials. A separate notice shall be given for each such inspection, but a notice shall not be required for each entry made during the period covered by the inspection. Each such inspection shall be commenced and completed with reasonable promptness. If the officer or employee obtains any sample, prior to leaving the premises, he shall give to the owner, operator, or agent in charge a receipt describing the samples obtained. If an analysis is made of such sample, a copy of the results of such analysis shall be furnished promptly to the owner, operator, or agent in charge. If the owner, operator, or agent in charge of the factory, warehouse, establishment, or vehicle refuses to permit the Secretary's designee to enter, inspect, or obtain samples as authorized by this subsection, the Secretary's designee may seek a warrant from any court or magistrate to enter, request, or obtain samples as authorized by the subsection, and such warrant shall be granted if the court or magistrate finds probable cause to believe that detergents containing phosphorus which were imported or manufactured in violation of this section are in the factory, warehouse, establishment, or vehicle.

"(g)(1) The Secretary of the Treasury shall deliver to the Secretary, upon his request, samples of detergents which are being imported or offered for import into the United States, giving notice thereof to the owner or consignee, who may appear before the Secretary and have the right to introduce testimony. If it appears from the examination of such samples or otherwise that such detergent contains phosphorus, such detergent shall be refused admission, except as provided in paragraph (2) of this subsection. The Secretary of the Treasury shall cause the destruction of any such detergent refused admission unless such detergent is exported, under regulations prescribed by the Secretary of the Treasury, within ninety days of the date of notice of such refusal or within such additional time as may be permitted pursuant to such regulations.

"(2) Pending decision as to the admission of a detergent being imported or offered for import, the Secretary of the Treasury may authorize delivery of such detergent to the owner or consignee upon the execution by him of a good and sufficient bond providing for the payment of such liquidated damages in the event of default as may be required pursuant to regulations of the Secretary of the Treasury.

"DETERGENT STANDARDS

"SEC. 21. (a) The Secretary shall establish standards of water eutrophication ability, biodegradability, toxicity, and of effects on the public health and welfare which must be met by all synthetic detergents according to the procedures prescribed herein.

"(b) The standards shall be designed to insure that synthetic detergents will not encourage the growth of algae and other undesirable aquatic plants will substantially decompose or degrade in municipal, industrial, and other sewage treatment processes without impairing the efficiency of such processes will not pollute surface or ground waters receiving effluent from such processes, will not be toxic to, or threaten or interfere with the conditions of the reproduction or the survival of fish and other forms of aquatic life, and will not pose hazards to human health.

"(c) The standards shall be based on studies which shall include a water eutrophication ability test in algae growth basal media containing each of the individual components of synthetic detergents, and a biodegradability test which shall truly simulate the operation of municipal and industrial sewage treatment processes employing biological treatment with practical and typical retention times in order to predict the concentration of undegraded or undecomposed components of synthetic detergents which would enter the waters receiving the effluent from such processes, and other tests which the Secretary determines may be appropriate.

"(d) The Secretary shall, on or before June 30, 1971, prescribe and publish in the Federal Register, pursuant to section 553 of title 5, United States Code, such standards and rules and regulations as are necessary to carry out the policy of this section.

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"(e) Any detergent which after June 30, 1972, does not conform with standards, rules, and regulations prescribed pursuant to subsection (d) of this section shall be liable to be proceeded against on libel of information and condemned in any district in the United States within the jurisdiction of which such detergent is found.

"(f) The Secretary and the Secretary of the Treasury shall jointly promulgate rules and regulations that prohibit the importation of any synthetic detergent which fails to meet the standards as established herein.

"(g) Any person who willfully violates any provision of rules and regulations established pursuant to this section shall be guilty of a misdemeanor and upon conviction thereof shall be subject for the first offense to a fine of not more than $5,000 and for any subsequent offense to a fine of not more than $20,000.

"(h) In carrying out the purposes of this section, the Secretary is authorized to make grants and contracts.

"(i) There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this section.

"FEDERAL ASSISTANCE

"SEC. 22. (a) To accelerate the development and manufacture of detergents that are free of phosphorus and whose other ingredients, including the phosphorous substitute, are pollution free, the Secretary shall inventory and report existing technology on substitutes for polyphosphates in detergents, and other technology relating to the development of pollution free detergents, and shall also assist in the research and development of formulations which will eliminate pollution from detergents. In carrying out the purposes of this subsection, the Secretary is authorized to make grants and contracts.

"(b) For the purposes of this section, there is authorized to be appropriated to the Secretary for the fiscal year beginning July 1, 1970, and for each of five subsequent fiscal years, $10,000,000".

LAW PROFESSORS OPPOSE JUDGE CARSWELL'S CONFIRMATION

HON. WILLIAM F. RYAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 1970

Mr. RYAN. Mr. Speaker, it is encouraging to note that 21 Senators have now announced their opposition to confirmation of the nomination of Judge G. Harrold Carswell to the U.S. Supreme Court. Unfortunately, so far there are an insufficient number publicly committed against this nomination. Let us hope that other distinguished Members of the other body will soon make clear their opposition to this nomination.

Judge Carswell's record leaves no doubt that he should not be seated on the highest Court of our land. His record on civil rights, both as a judge and a private citizen, shows that he is not even in tune with the temper of the times, let alone in the vanguard.

His decisions and his judicial attitude, as testified to by civil rights lawyers who appeared before him, are consistent with his infamous statement of 1948 that "segregation of the races is proper and the only correct way of life in our State" and his activities in 1956 in connection with the leasing of a public golf course in his city to a private club for the purpose of evading the law of the land.

Apart from Judge Carswell's record on civil rights, leading lawyers and law professors have found his judicial record to be lackluster. The U.S. Supreme Court, faced with the most difficult problems of our society, should be composed of those who have achieved the pinnacle of legal achievement. Judge Carswell can hardly be described as one who meets this test.

I urge the careful attention of my colleagues to the following three letters, representing the views of 45 law schoool faculty members from the University of California Law School in Los Angeles, the Yale University Law School, and the University of Virginia Law School. These letters appeared in the March 4, 1970, issue of the Washington Post.

As Charles L. Black, Jr., Luce professor of jurisprudence at Yale Law School writes:

> The appointment of such a man would be a wrong to the court, a wrong to the American people, and a bitter wrong indeed to the blacks of America.

The letters follow:

[From the Washington Post, March 4, 1970]

LAW PROFESSORS OPPOSE JUDGE CARSWELL'S CONFIRMATION

Surely no one who values the unique role of the United States Supreme Court as both a symbol and as a vital instrument of liberty can relish the spectacle of yet another struggle in the effort to maintain high standards and judicial integrity on the nation's highest tribunal. Exhausted from a struggle to save the court from the damage it would have suffered from the appointment of a judge who demonstrated a singular insensitivity to accepted norms of behavior in conflict of interest situations, the legal profession must now protect the court from a one-time self-professed white supremacist whose undistinguished career on the bench has contributed to the fulfillment of the vows he made more than 20 years ago to uphold the "ideals" of racial segregation.

The Supreme Court is as threatened now by racism as it was by impropriety two months ago. A judge whose career has all too frequently been marred by evasion of the letter and spirit of Supreme Court decisions, who has repeatedly been reversed by the Court of Appeals for his decisions in racial cases, and who has demonstrated a callous indifference to the constitutional rights of America's black citizens can hardly be gauged the right man for the Supreme Court at this turning point in American history.

For these reasons, as law professors who view the law as an instrument of peaceful and orderly social change, we feel a special responsibility to oppose the elevation of G. Harrold Carswell to the Supreme Court.

HENRY W. MCGEE, Jr.,
University of California, Los Angeles, Law School.
LOS ANGELES.

(This letter also bore the names of 24 other members of the law school faculty.)

I am writing in regard to the pending nomination of Judge Harrold Carswell to the Supreme Court.

Judge Carswell is established, by unrebutted and indeed undenied evidence, to have been a vehement and utterly convinced racist in 1948, when he was a mature man. So far as I can judge from press reports, no hard evidence has been adduced to show a subsequent change. The Tallahassee golf club incident is, on the contrary, corroboratory. The testimony of civil rights lawyers practicing before him (one of whom is personally known by me to be a reliable man, and the other of whom I neither have nor can imagine any reason to doubt) is strongly corroboratory, and indicates an entrance of these improper feelings into the judicial function itself, a thing maximally wrong and distasteful. The "darkie story" reported by Newsweek magazine, evidence coming from only a few months ago, is the act of a man callous as if by instinct to the claims of Negroes to dignity; it brings to mind Plutarch's insight that one can often tell more about a man by some playful action of his than from his great public deeds.

The appointment of such a man would be a wrong to the court, a wrong to the American people, and a bitter wrong indeed to the blacks of America. Like many others, I have publicly and privately exhorted them to trust to the law for redress of the horrible injustice they have suffered and still suffer. I will continue so to exhort them, whatever the event as to this nomination. But if this sort of judge is to be the sort of judge they will have to rely on in the last resort, I shall have some difficulty looking them straight in the eye as I speak.

I would not acquiesce in the notion that such a man ought to go on the court, even if he were a conspicuous leader of thought in the law. One need not face that question, however, for there can hardly be any pretense that he possesses any outstanding talent at all. On the contrary, all the evidence I have seen would lead to the conclusion that his mediocrity is an independently valid objection to his appointment.

It is of the highest importance that the Senate withhold its advice and consent to this nomination.

CHARLES L. BLACK, Jr.,
Luce Professor of Jurisprudence, Yale Law School.
NEW HAVEN, CONN.

The failure of the organized bar and the law schools of this land to oppose vigorously the nomination of Judge Carswell to the Supreme Court can only be described as lamentable. President Nixon is entitled to his belief that what the Supreme Court needs now is another Southern justice, indeed even a "strict constructionist," but as faculty members of a Southern law school we cannot remain silent while a judge whose legal abilities and judicial background are so sadly wanting is awarded one of the highest judicial honors that this country can bestow upon a member of our profession.

R. B. LILLICH,
University of Virginia School of Law.
CHARLOTTESVILLE.

(This letter also bore the names of 18 other members of the law school faculty.)

THE COMPREHENSIVE HEADSTART CHILD DEVELOPMENT ACT OF 1970

HON. GERALD R. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 1970

Mr. GERALD R. FORD. Mr. Speaker, yesterday, with 17 of my colleagues, I introduced the Comprehensive Headstart Child Development Act of 1970. This brings the total of sponsors of the bill

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in the House of Representatives to 39; we have been joined in the other body by 5 additional sponsors.

Yesterday also, President Nixon sent to Congress his message on educational reform. This message commented in some detail upon the problems of providing the kind of early childhood services needed by the children of this country and made two specific recommendations in this area, with which I strongly concur and which are reflected in the Comprehensive Headstart Child Development Act of 1970

First, the President called for the creation of a National Institute of Education as a focus for educational research and experimentation in the United States, which might eventually spend as much as a quarter of a billion dollars annually. This Institute, he said, would "set priorities for research and experimentation projects" and would "link the educational research and experimentation of other Federal agencies to the attainment of particular national educational goals."

The bill I introduced yesterday provides for the creation of a National Institute for Early Childhood Development and Education. As outlined in the proposed legislation, it would also be aimed at serving as a focus for educational research and experimentation, in the early childhood area, would set priorities for research, and would also attempt to link and coordinate the activities of various agencies of the Federal Government which pertain to research in the early childhood area. For this Institute, we have proposed a first-year authorization of $10 million; $15 million for the second year.

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Both ideas are compatible with one another—so much so, that the sponsors of this bill hope that the National Institute for Early Childhood Development and Education could be brought under the umbrella of the much larger National Institute of Education proposed by the President yesterday. The National Institutes of Health, encompassing many separate institutes for research into specific health areas, set a model for comparison here.

The advantages of bringing the two proposed research structures together are twofold. First, joining the two structures together would prevent needless duplication of facilities, data gathering, and other support activities which could be carried on in common, and would in fact probably make possible devotion of more resources of this nature to the early childhood area than might be possible under a totally independent arrangement. Second, the delineation of a district institute focusing on the questions of early childhood learning provides some assurance that work in this area will have a measure of continuity and will not be turned off and on as internal priorities or fashionable research topics change from year to year.

President Nixon yesterday also described a network of child development projects to improve early childhood programs by trying out a variety of approaches to the organization of services for young children—ranging from kindergarten-type compensatory education to the tutoring of toddlers, to work with infants and their mothers at home. The bill I introduced yesterday also specifically provides for programs of this kind as well as other approaches which may prove effective.

H.R. 16265 contains a number of other points, in addition to the two which were emphasized in the President's message yesterday. Although they were explained in some detail on February 9 in speeches made here in the House, I feel that it would be useful to go over them briefly:

First. Consolidation under one funding authority, the major Federal programs which provide operating funds for day-care and child development programs. The expenditure for these programs in fiscal year 1971 will be over $560 million.

Second. State commissions will be established in each State to plan for the use of early childhood funds in that State and to approve applications.

Third. Urban areas will be assured an equitable portion of the early childhood funds.

Fourth. Phased implementation: Federal expenditures for early childhood programs should not increase substantially until and unless there are adequate facilities and sufficiently trained personnel to support such programs.

Fifth. Private enterprise must be involved in providing early childhood services so that the entire burden will not rest upon the Federal Government.

Sixth. Evaluation of early childhood programs to make sure that good programs are strengthened and that programs which are not working can be improved or dropped.

This outlines some of the things the bill is intended to do. Let me also point out some facts which may help to clear up misunderstanding as to what the bill will not do.

The highest priority, under this proposal, is upon providing services to the educationally disadvantaged children who need them the most and who have no other way of obtaining such services. Funds are allocated to the 50 States according to the number of disadvantaged children, the number of children of working mothers, and the total number of children in each State. But after this allocation has been made, the funds will be allotted within each State in a way that gives the highest priority to the economically disadvantaged children.

But I want to point out further that the bill does not establish programs solely for the economically disadvantaged. It is our goal to see that eventually there will be enough programs and services available so that all children who want, need, and can pay for them will also be able to obtain early childhood services. While Federal funds should be used to subsidize such services only for the poor who could not afford them otherwise, this should not afford other children who could benefit from early childhood from having access to such programs. Yet, unless the capacity of our early childhood programs is increased significantly, this will be the result—right now, there are simply not enough nursery schools, child-care centers, and early learning programs for all the children whose parents are able and willing to pay for them. This hits especially hard at the working mother who, because of her income, usually in addition to her husband's, is not eligible to place her children in any of the federally sponsored child care centers now in existence, even if she is willing to pay the full cost of her child's services. A recent amendment to Headstart, however, promises to open this program to paying nonpoor children if program capacities will permit.

Although under the provisions of this proposed legislation, the State commissions will be responsible for approving applications for grants, their procedures will have to be consistent with Federal laws and regulations. If they are not, or if a State does not form a commission, then the Secretary of Health, Education, and Welfare would be able to administer that State's funds.

Existing programs to train educational personnel will be expanded under the proposed legislation so that greater emphasis can be placed upon training both professional and paraprofessional personnel. Additionally, a measure has been included so that ongoing, inservice training and upgrading of early childhood personnel can take place, in much the same way that Headstart inservice training programs have operated.

In the bill, the Federal Interagency Daycare Standards are mentioned. If private enterprise participation is to be encouraged, we must at the same time assure a high standard of performance, from the private as well as the public sector. The language in the bill, however, is in no way intended to irrevocably book all future programs into the formula prescribed by these standards. Should our ideas regarding early childhood practices be modified so much that these standards become impractical, restrictive or out of date, we would hope that they would be adjusted as the realities of the situation might require.

This measure encourages parent participation in early childhood programs. Many positive benefits are derived from this participation—to the children in the program, to the parents and to other children in the family. But, we do not require parent participation because in some instances this may be inadvisable—programs serving children who need relief from disturbed home environments—or in other instances this may be virtually impossible—working mothers seldom have the time or energy to devote long hours of volunteer service to early childhood programs.

Finally, although it is not specified in the bill introduced yesterday, I would hope that during the legislative process, consideration would be given to the possibility of reserving a portion of the funds for early childhood programs for special model and experimental programs within the States. This would be a constructive change in the proposed legislation and would serve to reinforce the "early learning program" described in President Nixon's message, which will provide us with "a strong experimental base."

MOMI KAMAU—OUTSTANDING EXAMPLE OF DEDICATED PUBLIC HEALTH FIELD NURSES

HON. SPARK M. MATSUNAGA

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1970

Mr. MATSUNAGA. Mr. Speaker, it is with special pride that I call the attention of the House to an outstanding young lady from Hawaii, Mrs. Momi Kamau, who, through her work as a public health field nurse, is making her presence felt in community improvement and in the betterment of mankind.

Mrs. Kamau is one of 62 public health field nurses on the Island of Oahu, and Honolulu Star-Bulletin Writer Judy McKnight recently journeyed with her on her rounds for a day to observe her work for an article featuring the "Wahine of the Week."

Hawaii is indeed famous for its lovely and gracious wahines—ladies. But Momi Kamau brings more than those attributes to her work. She possesses an unusual desire to help and a special empathy in her consultations with her clients that brightens their lives and helps to solve some of the very real problems which confront those in need of assistance.

There are 15 clinics serving the health needs of the people on Hawaii's most populated island. Last year, 23,594 cases were admitted to the clinics, 2,390 clinic sessions were held, and 50,451 people were served.

In her feature article, Judy McKnight quoted a statement by Mrs. Kamau which certainly reflects the true spirit of nursing—

> It's a constant job, but that's why I like it. I really feel like I'm helping people.

I know my colleagues and others would wish to join me in this salute to Mrs. Momi Kamau. In order that they may read her inspiring story, I take pleasure in submitting for inclusion in the RECORD the February 19, 1970, article from the Honolulu Star-Bulletin:

[From the Honolulu Star-Bulletin, Feb. 19, 1970]

SHE'S A PEDDLER OF FREE ADVICE

(By Judy McKnight)

Momi Kamau is a special kind of door to door salesman.

As one of 62 public health field nurses on Oahu, what she's peddling—advice, knowledge and encouragement—comes free to her clients.

Very rarely do they slam the door in her face or refuse to answer at all.

They don't always take her advice, but they do listen.

As Mrs. Kamau said, "I just keep telling them and eventually I hope they will understand and do something about it."

Her work day is from 7:45 a.m. to 4:30 p.m. but she might work nights or weekends "if I've been unable to see some of the families."

A day's travel with her is a busy one.

On a Thursday recently her first stop was in Nanakuli for a well baby clinic.

Each month the infants are brought in for a routine check-up. If the baby appears sick, he would be referred to a doctor or one of the 15 other kinds of clinics manned by public health nurses, five practical nurses and sometimes a doctor.

Last year, 23,594 cases were admitted to the clinics; 2,390 clinic sessions were held and 50,451 people were served.

Cries from anxious youngsters, questions from worried mothers were Momi's greeting at the Nanakuli clinic but she was able to reassure everyone she talked with.

Her first consultation was with a young mother whose 8-month-old baby Momi had seen before.

"Blue marks gone?" questioned Momi. "Blue marks gone," beamed the mother.

"What does baby eat for breakfast?" she asked. "Bananas, cereal good for baby but what about eggs. Does she eat eggs?"

"No eggs," said the mother. "You give her eggs in the morning, okay?"

"Okay."

"What about poi? Do you give the baby poi?" Momi asked next.

"Mother don't eat poi too," she replied.

After explaining the importance of nutrition to the mother, Momi held the baby for a minute and then handed her back saying, "She a good baby. You take care of her."

The rest of her consultations ran the same way. Each time, Momi would ask the mother what the baby ate and how much milk he drank. If the child was due for a shot. Momi explained why it was needed and reassured the child that it wouldn't hurt much.

The mothers who use the clinics are there because they can't afford a private doctor. "But," as Momi said, "many people have the mistaken notion that our clinics are for welfare recipients only. We need to get more of the borderline cases who would have difficulty paying monthly doctor bills.

"I always ask a prospective client what kind of bills her family has. Even if their income is over our maximum they may have a lot of bills and have no medical plan."

If that's the case, Momi said, she usually accepts them.

Her next stop was Makakilo School for vision screening. The children had been referred to her because they had not passed the first eye test given by the teachers and volunteer parents.

Nothing can be more terrifying to an elementary student than to be called to the office, but when the children got there, the nurse in the light blue uniform seemed able to reassure them.

Perhaps the first child was a bit anxious but after seeing how easy Momi made it, the rest relaxed.

One child complained of headaches. Momi questioned him about where it hurt most. "My eyes," he said.

The test showed that the child could hardly see out of his left eye. The boy said he has told his mother "but she just keeps saying she will take me to the eye doctor when she has time."

Momi told the boy that she would call his mother and let her know that he must have an eye examination soon.

"In the meantime," she said, "sit in the front row."

By lunchtime Momi was at a care home, one she's been visiting regularly since she started as a public health nurse over three years ago.

The four men who live there, all former patients of Hawaii State Hospital at Kaneohe, had difficulty finishing their lunch, they were so pleased to see her.

Their expressions showed this was a big day . . . Momi had come by. She asked the woman who owns and runs the home how the men had been acting, if she had any questions and then Momi advised her on the problems she had.

The woman, upset because one of the men complained that he didn't like meat, was advised by Momi that it was probably a habit he wouldn't get over and that she should try and forget about it.

"He doesn't have that much to enjoy," she said. "You must remember that."

While driving the back roads of Waipahu, on her way to her home visits, Momi recalled that when she first started in the area, "I was scared to death. Actually, I was afraid that the people wouldn't accept me—that they wouldn't let me try and help them.

"It was difficult to talk to them at first but once I established a rapport with them it was easy."

Because of her case load, she is involved with about 250 cases, 120 of them families. She quickly learns the people who live in her district.

Each home, each person she passed, reminded her of some story.

"A midget woman and her son live here," she said at her first stop.

"Last year during the bad storm, their home was flooded. Because they have no electricity, they go to bed when it gets dark and on that particular night they probably would have drowned if they luckily hadn't been visiting relatives.

"You know," she continued, "that home may not look like anything and its furnishings are poor but it's also spotless, one of the cleanest homes I've been in."

The story of the next house was not quite as pleasant. The women of the family traditionally bear their children while they are teen-agers, and none of them has finished school.

Momi stopped especially to see a 17-year-old who had not taken her baby for his regular checkup. The girl married after having her first child, and her husband, Momi said, frequently causes trouble for the child.

"He doesn't want to spend money on baby food," Momi said, "and he becomes difficult at times."

Momi wasn't surprised when she heard that the girl couldn't go to the clinic because her husband had wanted the car for something else and had left her with no other transportation.

The nurse was concerned because the baby's stomach had been distended during his last visit to the clinic. She asked the mother what the child had been eating since.

The girl had not been giving the baby the prescribed food because she said it came out undigested and that meant the baby didn't like it.

"So I gave it to my sister," she laughed.

"The people around here are very superstitious," Momi explained later. For instance, at that house, the daughters don't like the doctors in the area.

"One of their own racial extraction talks to them funny they say and the other is spooky because he is from a European country they know little about.

"So instead, their mother, who doesn't believe in doctors, treats the sick infants with her herb medicines. So far, she's been lucky," Momi continued, "and has been able to pull the babies through their sicknesses. Naturally, her daughter's faith in their mother is restored as a doctor."

Another daughter had just had her third premature baby. Throughout her pregnancy, Momi had tried to convince her to go to the doctor but the girl refused any doctor's care. Soon after starting labor "she had someone drive her to the hospital she had had her other two children in," Momi said.

"I've suggested she and her husband practice some kind of birth control but the girl's husband refuses."

During this visit, Momi asked her again, "Have you asked your husband about what we discussed earlier?"

The girl said she had, that he had said he didn't care and that she would ask a doctor about it the next time she went.

"But you never know," Momi said. "You just never know."

What Momi did on that particular Thursday is just part of her job.

She also makes regular stops at the schools in her district, visits the pre-schools as part of an inspection team once or twice a year, works with children, readying them for Head Start schools and talks with a group of unwed mothers in her area whenever she gets a chance.

She may be called on by doctors to help families learn nursing procedures and she helps people locate other agencies that might be able to assist them.

"It's a constant job," said Momi, "but that's why I like it. I really feel like I'm helping people."

SILENT MAJORITY CONDEMNS LIBERAL DOUBLE STANDARD

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 1970

Mr. RARICK. Mr. Speaker, as Members of Congress we are here to represent the people of our respective districts in the Congress, and in a larger sense, to represent the people of the United States as their legislators.

While here in Washington our contact with the news of the world is through either the national radio and television networks or the wire services. The alternative is the news and views published or broadcast for the Washington audience by local newspapers or radio and television stations. In either event, we should realize that the editorial opinions which we constantly hear expressed—usually not labeled as such—are aimed at a select audience, and do not represent the views of any significant portion of the American people.

Our good friend Horace R. Kornegay, formerly a Member of this House, was kind enough to send me a transcript of one of the editorials broadcast over WRAL–TV, the "Voice of Free Enterprise," in Raleigh-Durham, N.C., with the very excellent suggestion that every responsible Member should be aware of both the facts and the attitude expressed.

This broadcast truly represents the voice of what is now called the silent majority of Americans, and I commend it to all our colleagues, and include it in my remarks:

WRAL–TV Viewpoint

The gentlemen of the "liberal" press, radio and television are indeed a schizophrenic group, yet it must be said of them that they are, in a way, remarkably consistent. They never let facts or truth stand in the way of their reaching phony conclusions designed to mislead the public.

The brethren have been working themselves into a self-righteous lather of late concerning the matter of Arthur Ashe. Young Ashe is a tennis player, and quite an excellent one. He is a resident of Richmond, Virginia. He is a Negro. And, a week or so ago, he was refused permission by the government of South Africa to enter that country to compete in a tennis tournament.

South Africa, to be sure, is a strictly seggregationist country. Thus, when Arthur Ashe's application for a visa was rejected by South Africa, the liberal news media around the world flatly declared that the decision was made because of the color of Arthur Ashe's skin. The real truth, however, is that young Ashe was told to stay out of South Africa because of the irresponsibility of his tongue.

Our own view happens to be that skill is skill, and talent is talent, and we enjoy observing capable people in competition—even despite an occasional instance of a loud mouth or boorish conduct. It might have been well for South Africa to have taken a similar position in the instance of Arthur Ashe.

But the plain truth is that Arthur Ashe was not barred from South Africa because he is black. He was denied entry because he had been repeatedly insulting to South Africa, and because he has been busy trying to deny South African athletes *their* opportunity to compete in sports events around the world. Young Ashe, for instance, was one of the leaders of a 1968 campaign which kept South Africa out of the Olympics. Ironically, the athletes that South Africa had planned to send to the Olympics included several Negroes. Last year, Arthur Ashe succeeded in persuading the International Tennis Players' Association to condemn South Africa.

Arthur Ashe, in other words, had deliberately made himself *persona non grata* in South Africa. And when he applied for admission to that country, he offered the friendly little comment that he would like to "drop an H-bomb" on Johannesburg, the largest city in South Africa.

Other Negro sports figures have been, and are being, admitted to competition in South Africa. So it cannot be—contrary to what the liberal news media claim—that Arthur Ashe was barred because of his race.

So, call it a political decision to keep him out, if you wish. The "liberals" say that's bad, too. After all, they say, the United States has granted entry to such people as Khrushchev, Castro—and to countless thousands of other foreigners who came (and come) to America to curse and malign us. To hear the "liberals" tell it, everybody ought to be allowed to go anywhere they please, regardless of how offensive they may have been in word and deed.

We're glad the "liberals" brought that up. If they feel that way, why did they lift nary a finger, nor raise the slightest protest, when the United States refused to admit Moise Tshombe to our shores? Mr. Tshombe was our friend; he was premier of Katanga; he was solidly opposed to communism; he was a dedicated Christian. He was a Negro. But, no, sir, the "liberals" didn't mind his being refused entry into the United States.

And, come to think of it, Prime Minister Ian Smith of Rhodesia has been repeatedly refused admission to the United States to fulfill numerous speaking engagements extended to him. Not a peep out of the "liberals" about that. You see, Ian Smith and his country also want to be our friends; they, too, are anti-communist.

So, as we say, the "liberals" are consistent. Consistently inconsistent.

U.S. ADMIRAL WARNS OF RED NAVY THREAT

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 1970

Mr. ASHBROOK. Mr. Speaker, it is curious that seldom do those who decry Defense Department spending ever balance the picture by publicizing the military buildup of the Soviet Union, the prime reason for our high defense expenditures. Soviet involvement in the Arab-Israeli conflict, their increasing naval presence in the Mediterranean, their ABM program—all somehow indicate in some minds nothing more than honorable intentions on the part of the Soviet Union.

Recently the chief of the United States naval forces in Europe, Admiral Waldemar F. A. Wendt, supplied some sobering information on the U.S.S.R.'s campaign for "peace" on the high seas. After pointing out various aspects of the Soviet buildup, Admiral Wendt stated:

> The Russians are in the Mediterranean. They also operate regularly and continually in the north Atlantic and the Norwegian sea. Russian naval units now are being seen with regularity in the Indian ocean and off both coasts of Africa. They are in the Pacific, the Arctic, and the Antarctic.

Perhaps it is time that those irrational opponents of defense spending be made to answer how we are going to cope with the mushrooming Soviet military might. We all oppose the needless and wasteful expenditure of funds in any agency and a strict accounting along with corrective action should be the order of the day in overseeing Federal expenditures. But in the case of Defense and other agencies responsible for the security of this Nation, information such as that provided by Admiral Wendt should be a part of any judgment as to what size appropriations are necessary in these areas.

The February 28 issue of the Chicago Tribune carried an article from London reporting on a speech by Admiral Wendt which I am inserting in the Record at this point:

U.S. Admiral Warns of Red Navy Threat

(By Robert Merry)

London, February 27.—Soviet Russia has raced to become a major seapower in an effort to wrest supremacy of the seas from the free world, a top American military man said today.

He is Adm. Waldemar F. A. Wendt, commander in chief of the United States naval forces in Europe.

Wendt, a native of Millstadt, Ill., told a luncheon audience here that the Soviet Union is spending about the same amount on defense construction as the United States. He said that Russia is making this outlay despite the fact its gross national product is only about half that of the United States.

CITES 1,600 SHIPS

Wendt said the Soviet navy numbers about 1,600 vessels with only one per cent more than 20 years old.

"Their shipyards launch nine merchant ships to every one produced in the United States," he said. "Their excellence in naval missiles, electronics, fire control, and hulls design is a fact western experts must acknowledge."

The admiral said Russia has two new helicopter ships with both anti-submarine and amphibious warfare capabilities, 24 cruisers with surface-to-surface and surface-to-air missiles, 120 new frigates and destroyers; and 175 ships powered by gas turbines.

TELLS OF SUBMARINES

The Soviet navy musters about 350 submarines, of which more than 50 are nuclear powered and 100 are missile armed, he said. The Russians are launching missile-firing submarines, similar to Polaris units at the rate of seven or eight a year, the audience was told.

"Their submarine threat is real and must be recognized as such," Wendt warned.

He said the Soviet Union is deploying its naval might far from its own shores.

"The Russians are in the Mediterranean," Wendt said. "They also operate regularly and continually in the north Atlantic and the Norwegian sea. Russian naval units now are being seen with regularity in the Indian ocean and off both coasts of Africa. They are in the Pacific, the Arctic, and the Antarctic.

"The swimming Russian bear is not yet 10 feet tall, but he is 5 feet, 8 inches, and growing rapidly. He has not yet wrested supremacy of the seas from the free world, but he is making a very determined effort to do so.

"If we are not alert, we may find tomorrow that our strength has been checkmated at sea."

MORE FUNDS NEEDED FOR HIGHER EDUCATION

HON. TOM RAILSBACK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 1970

Mr. RAILSBACK. Mr. Speaker, recently my colleague DON RIEGLE delivered an address to a meeting of the Federation of State Associations of Independent Colleges and Universities in Houston, Tex. I believe his speech will be of interest to other congressional Members and am pleased to insert his remarks in the RECORD.

ADDRESS BY HON. DONALD F. RIEGLE, JR.

It's a pleasure to have the opportunity to share some thoughts and ideas with you this evening.

I come in the place of Congressman Silvio Conte—a good friend of mine—and a good friend of yours. Serving with Silvio and Jeff Cohelan on the Appropriations Committee I have been pleased to work with them as they led the fight to beef up our national commitment to higher education in America.

As you know, many of us in the Congress, in both parties, feel that education in America has to move up the list of national priorities.

Now on your program, you will note the theme of this particular session was to have been higher education and the states. That will not be the main thrust of my remarks—but I do wish to express the following views with respect to that subject.

My personal view is that the success of higher education—whether public or private—is a matter of vital concern to all levels of government and to the nation as a whole. Accordingly, the resources must be marshalled, regardless of source, to meet the needs of higher education in America. Different states have taken widely varying directions with respect to the issue of financial support to independent colleges. The trend, I think, however, is in the direction of greater assistance—just as has been the case at the federal level. Thus, I expect to see these trends continue—and feel that this evolving partnership between state governments and private colleges is productive and worthwhile for both parties.

But one over-riding financial reality is this: Today, two-thirds of all the tax revenue raised in the United States goes to the federal government. While I believe that percentage is too high—it nonetheless is a reality we must deal with. And that is why what I wish to explore with you now are the issues that bear on how these federal monies are allocated.

In this regard, the Congressional fight for higher appropriations for education goes beyond the issue of education itself. It goes directly to the issue of national priorities—of national needs and goals—of national direction and purpose—of what's more important than what.

And the essence of the national priorities issue really focuses around our view of man—of his needs, his capacities, what is uplifting to him, what makes him more noble, more sensitive, more able to deal sensitively with himself, his fellowman and the world around us.

Today, in my view, our national priorities—as reflected in our national budget—are wrong. First, our national resources are spread too thin—and too much is diverted and lost on projects of little strategic importance.

For example, having reached the moon, some feel that we must race on to Mars. I disagree.

Others clamor for a supersonic transport airplane—arguing this project should stand front rank in its claim on our national resources. Again, I disagree.

Others, like Mendel Rivers, feel we must increase the Defense budget by $1 billion to finance new battleships that the Secretary of Defense has not requested. I disagree.

But these things are being done. These are the kinds of things your tax dollars are being spent on. And when the budget pressures become compelling, as you are witnessing, it is the budget for Health, Education, and Welfare that is threatened with a Presidential veto.

As a nation are we better advised to send astronauts to Mars—or find an answer to heart disease or to cancer? Should we build more battleships and ABM's—or should we provide glasses for a youngster in Harlem who otherwise will never learn to read?

When I travelled from Memphis, Tennessee to Clarksdale, Mississippi yesterday, I passed hundreds of pine board shanties where America's poor and hungry and cold are living (if you can call it living)—but the food they need to eat isn't available because it isn't raised on adjacent land—because the government pays to keep the land idle in the soil bank. Yes, we find the money to pay Senator Eastland $175,000 a year in federal farm subsidies—but money for the poor and hungry is socialism—or so the rationalizations go.

America's in trouble. The young people know it. You're feeling it on your campuses.

And Mainstreet America is just as deeply troubled—it too senses that things are wrong. And that while our GNP races toward the trillion dollar mark—the quality and meaning of life here in America seem to be more uncertain—more in jeopardy—less than what we want it to be.

Here in Houston people suddenly are realizing they don't want to choke to death on polluted air.

Across the country college administrators and educators have come to realize that you must organize in order to press your claim for a meaningful share of national resources for the nation's educational needs. Presumably, that's why the Muskies and the Riegles are invited to appear at these gatherings.

And the anti-war people found they had to organize to try to reverse the loss of American life in Vietnam.

Students found they had to organize to confront and disrupt educational institutions to try to achieve, in many cases, necessary and long overdue educational reform.

I could go on and on with examples here—but let me get to the point I wish to make because that point goes beyond the direct interests of higher education. Beyond the now familiar issue of national priorities. It goes to the question of what America's all about—and what that means to you and me as human beings, as citizens, and as people with some influence and potential power.

I would submit to you that the difficulties the nation is experiencing constitute a crisis in self-government and a crisis in the responsiveness of our institutions.

For today, for many reasons, the nation is not responding adequately to its needs. The evidence of this comes in many forms:

High interest rates—housing shortage;

High taxes;

The racism that is institutionalized in virtually every segment of our society;

Inflation;

Needless and unwanted wars;

A massive and self-perpetuating Military/Industrial complex;

The relentless destruction of the environment;

A crime crisis of unprecedented dimension;

Special-interest government;

The increasing "bureaucratizing" of men and their work;

The virtual wasteland of television.

The list is endless of things that are wrong—where the trend is in the wrong direction—where the emphasis is misplaced—where people and human values are neglected and shoved aside.

And America is groping for a better way. And most of our people discount the slick, simple answer:

They have seen through the approach of throwing dollars at problems.

And after getting some gut therapy, they are seeing through the approach of yelling at problems.

They know that problems don't disappear even if bureaucrats with pointed heads learn to park a bicycle straight.

They know the answer is not the formula of more bombs—or the formula of more troops—or the SDS formula of more violence—or the Mayor Daley formula of more violence—or the silent majority formula of more silence.

The people of America are looking for a better way, for new leadership. And they are *only* going to find it in *themselves*. Because our nation, unique among nations, is geared to citizen involvement, citizen capacity, and broad citizen effort. Our political institutions are organized on this basis and when they fail to work properly it's more often due to disuse than misuse.

Now, the Congress of the United States is the people's branch of government. Each year it allocates some $200 billion. This assignment alone does as much to determine the tone and vitality of America as any single force in the country.

But the Congress today, for many reasons, is not up to the job that is required of it. The Congress is old, it is inefficient, and it is not responsive to the urgent realities we face as a nation.

There are too many men in Congress who should not be there. And they are found in both political parties.

The political process in the United States is not encouraging our best men and women to seek public office; and the Congress, by its antiquated methods and rules, tends to drive out or frustrate the good men and women that are elected.

As you know, the Congress has saddled itself with the blind and unthinking seniority system—a medieval procedure whereby the oldest surviving member of the body automatically becomes the committee chairman. There is no competition for these powerful committee chairmanships, no election process, no analysis of ability and energy and skill.

As a result, today, in the House of Representatives, we have seven committee chairmen who are in their 70's—in fact, we have two more who are in their 80's.

In the Senate—six committee chairmen are in their 70's.

Consider this:

In the House, the Chairman of—

Banking and Currency is 76.

Science and Astronautics 79.

Judiciary 81.

Rules 79.

Government Operations 83.

In the Senate—

Rules and Administration 73.

Government Operations 73.

Banking and Currency 70.

Agriculture and Forestry 79.

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Aeronautical and Space Sciences 74.

Appropriations 72.

I believe it would serve the national interest to set a mandatory retirement age of 70 for all Members of Congress. With rare exception, the country would be better off with men 69 and younger.

And the same rule should apply in the executive branch.

One specific point is J. Edgar Hoover. He is now 75, five years beyond the mandatory, legal federal retirement age. This is certainly a violation of the spirit and the intent of the law—and it seems to me that our chief law enforcement officer ought to precisely obey the law himself. Yet he hangs on. I think he's too old and too ineffective. I think it's time we brought some new leadership and some new management into the FBI.

It's a bureaucracy that needs new thinking, new ideas. Anyone who has witnessed the unbelievable increase in crime and criminal activity in the United States in recent years must conclude that the FBI in the 70's must do a much better job than the FBI of the 60's.

Today the Mafia and organized crime are flourishing, making billions of dollars illegally. This can only happen because the leadership of the Mafia is smarter than the FBI. I want the leadership of the FBI to be smarter than the Mafia and put the Mafia out of business. If Hoover needed additional laws he could ask for them and Congress would quickly pass them. But that's not the problem. The problem is a failure of leadership by FBI executives who are too old, inefficient, and bureaucratic. The American people deserve a better performance than that. I hope President Nixon will not sign an executive waiver which would allow Hoover to stay on.

Back to the Congress:

We need to throw out the seniority system. Committee chairmen ought *to be elected*, and on the basis of ability.

Further, we need to open up many of our closed committee hearings. We should make public the secret record of key votes that occur during closed committee sessions.

We need to modernize our procedures, to staff ourselves adequately, to use data processing equipment and systems analysis technology.

We must change the rules of the House so that we squarely and fully face the issue.

But even with these internal changes we must do more. We must increase the competition for the 435 seats in the House and the 100 seats in the Senate. For this to happen new people must step forward as candidates and as supporters. Some of you here in this room may have to be candadates this fall. *All* of you should contribute financially to the candidates you believe in.

Let me give you another example.

My mind goes back to 1964 to the Presidential election, the race between Goldwater and Johnson. Most of the people I spoke to at that time didn't want to vote for either man. What a shame it is when many of our citizens must decide who they are going to vote for President on the basis of whom they hate the least. In my own judgment, neither man was the man for the job in 1964.

Another man should have made the Vietnam decision—

Now, in 1970—

40,000 American lives later;

$110 billion later;

After dropping more bombs than we did in all of World War II.

Today, we're crab-legging out of Vietnam which is what we should have done many long years ago.

What we need in 1970, above all other things, is a renaissance in American politics. We need new candidates, with new ideas, to step forward to help lead America to a new set of national priorities, to a restatement of American philosophy geared to the 1970's and beyond, hopefully, a set of priorities that is based on human values, and on meeting urgent human needs here at home.

For it is not enough to effectively lobby poor national leadership. Our first priority must be to see that our best men and women are in the key positions of public responsibility. When we have done that then we can properly address ourselves to the question of the needs in the field of education *per se*.

And we should remind ourseleves that the institutions of education cannot long survive in the eye of the hurricane. And, as educators, I think we should face the fact that we have, with meager exceptions, failed miserably in bringing these compelling issues before our students, to motivate them and prepare them for creating and manning effective self-government.

In fact, just the reverse has happened. The students figured it out before the faculties and administrators did. The students have forced these issues. And they have made the campus a battleground over national and inter-national issues that are often beyond the direct control of the colleges. *But whose fault is that?*

And now many of our colleges are in the midst of a painful re-evaluation of their purpose and their manner of operation. On the whole I think this is constructive and good. I think, if the federal and state governments can restrain themselves and resist the temptation of repressive legislation (which would only be counter-productive)—that both colleges and college students will be better off when the dust settles.

But a new day is here, and I think the time has come for a greater measure of leadership on these issues by *you* and by your institutions.

Teddy Roosevelt once said:

"It is not the critic who counts—not the one who points out where the strong man stumbled—or how the doer of deeds might have done them better—The credit actually belongs to the man who is down in the arena—whose face is marred by blood and sweat and dust—who strives valiantly only to fall short again and again—but who knows the great enthusiasm—knows that he has spent himself in a worthy cause—and who knows that if he fails—he fails while daring greatly . . ."

America is waiting to dare greatly, and your help is needed *now—to help lead*, to get directly in the fight.

Because things can happen, we can change things for the better. One man can make a difference if he decides to.

John Kennedy closed his inaugural address in 1960 with these words:

"With a good conscience our only sure reward, and with history the final judge of our deeds, let us go forth to lead the land we love. Asking His blessing and His help, but knowing that here on earth, God's work must truly be our own."

Thank you.

HOW TO SALVAGE TWO IMPORTANT RESOURCES—YOUNG MEN, TREES

HON. HAROLD T. JOHNSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 1970

Mr. JOHNSON of California. Mr. Speaker, throughout my career in the U.S. House of Representatives, I emphasized the importance of protecting our natural resources and including what is probably our most vital resource that we have in this Nation today—the youth of our Nation.

In the development of a Youth Conservation Corps program, I feel that we can accomplish the dual mission of preserving our youthful resources plus our natural resources—or in the words of the February 1970 article in Forest Industries, "How To Salvage Two Important Resources—Young Men, Trees."

It was with a great deal of pride that I assisted the Sierra National Forest and the several cosponsors of this legislation—Office of Special Manpower Programs; Manpower Administration, U.S. Department of Labor; Division Manpower Development and Training, U.S. Office of Education, Department of Health, Education, and Welfare; Fresno County Economic Opportunities Commission; Sierra National Forest; State Center Junior College District and Reedley College; Fresno County Department of Education; American Forest Products Corp.; and Frontier Chevrolet Co., Fresno—in this effort in putting the package together and I would like to share with you the following report on the success of this venture made last year:

HOW TO SALVAGE TWO IMPORTANT RESOURCES—YOUNG MEN, TREES

(Sal'vage—To rescue or save from wreckage, ruin, or the like. That definition aptly describes efforts by public agency and industry people in a pilot project in the California Sierras where some young men, on the borderline of being dropouts from society, and some timber and terrain, needing man's help, were both given new purpose. In fact, everyone involved gained and the project could be a guideline for other regions where commercial forests are part of the scene—and young men need help.)

CHIQUITO CAMP, SIERRA NATIONAL FOREST, CALIF.—A husky young fellow, who never before in his life had operated a chain saw, but now was trained, watched with satisfaction as small, dense trees fell before his saw in a timber stand improvement project.

Another boy expressed appreciation for the engineering principles involved in a gabion dam—and it was no longer just a pile of rocks dropped into a wire basket. And another gained new insights into relationships between man and his environment. These, and countless other incidents, marked the success of SYCC 1969.

What's SYCC 1969? What's so great about boys such as these comprehending these kinds of things? Why should an operational business magazine like FOREST INDUSTRIES devote four pages to a summary of the project?

In the first place, SYCC stands for Sierra Youth Conservation Corps. Secondly, it was great because the success of this project of helping some youngsters exceeded even the most optimistic hopes of the persons and organizations who set it up. And the magazine is presenting this summary because, increasingly, the forest industry, as well as the public agencies already involved, will have to help solve community social problems. The SYCC project was successful and can be a guideline for others elsewhere in the country.

There is not sufficient space in these pages to chronicle all the steps which went into creation and operation of SYCC. The main point is that it worked and worked well. Names of persons and organizations are listed elsewhere, but the priming on the project was done by supervisor Zane Smith, Jr., of the Sierra National Forest. He had come to the Sierra, as deputy supervisor, from work with the Job Corps and the Job

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Corps camps in California were then being phased out. He felt there should be some way to help some youths in need of help, to the benefit of the forest resource. There were plenty of tools available from shutdown Job Corps camps, and American Forest Products Corp. offered its idle Chiquito logging camp for use as the SYCC camp.

The plan was basically a simple one . . . to set up a program whereby 60 young men could learn, do a useful job, and even earn some money. There were but two basic requirements. The boys must be from needy families; and they must be interested in furthering their education. The corpsmen, as they later were called, were boys who wanted to learn more and a number of them wanted to get into college . . . but they needed the psychological and financial boost to get over that next step. In SYCC they got it.

The original plan was to accommodate 60 youths, but by the time the approvals had been through all the channels and all the necessary coordination had been achieved the potential recruiting period was shortened. When camp started, there were 48 boys, ranging in age from 16 through 19. Of these, 41 completed the 10-week course and pocketed $350 each. Seven dropped out for a variety of reasons, some to take regular jobs, some because of homesickness, and even fear of snakes. Only one boy was asked to leave. That's a fine batting average in anybody's league. And they worked 11,000 man hours without a disabling injury.

What did they do? They worked half a day and went to school half a day. And these were field trips to further broaden their knowledge. They did TSI work on 30 acres of ponderosa pine; worked on two rehabilitation projects in Mountain Meadow; rehabilitated a public camp; did roadside brushing; and did train maintenance. Some time was spent setting up and breaking camp. The achievements and the value of the work performed all are a matter of record on the National Forest.

Specifics about the program may be secured from the Supervisor, Sierra National Forest, Fresno, Calif., or the Fresno county Economic Opportunities Commission, among others. American Forest Products Corp., San Francisco, Calif., can also provide information on how the program operated.

This made headlines locally, but nothing like the negative headlines made by some other youths across the nation. It worked. Something was accomplished. And with the growing demand for cooperation in solving some of the nation's social problems, people—public and private industry—who work with the commercial forest resource have a blueprint in the SYCC 1969 project.

The statistics are a matter of record. Beyond them, the real payoff was in boys who now are more mature, more in tune with things, more qualified with tools and more eager to gain more education.

CHICAGO'S PROPOSED LAKE AIRPORT—IV

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 1970

Mr. MIKVA. Mr. Speaker, the Professional Air Traffic Controllers in Chicago have expressed strong reservations regarding the safety and feasibility of a Lake Michigan site for Chicago's third major airport.

According to Mr. Donald Polston, a member of the Professional Air Traffic Controllers Organization, Chicago Terminal, the already saturated air space around Chicago cannot safely handle additional air traffic from a lake airport located only 25 miles southeast of O'Hare Airport. His recommendation is that no other major airport should be developed within 50 miles of O'Hare.

Because of Mr. Polston's close and expert familiarity with the problems of air traffic control, I commend his statement to my colleagues who have indicated concern for the safety problems which might accompany a lake airport.

Mr. Polston's statement follows:

CHICAGO'S PROPOSED LAKE AIRPORT

The Professional Air Traffic Controllers Organization feels that under any air traffic control system that we know today, the proposed site for the third airport in Lake Michigan centered eight and a half miles east of 55th Street is completely unsatisfactory.

There already is a maze of crisscrossing air traffic over the City of Chicago and suburbs. To add another master jet port on the lake site would compound the problem ten-fold.

Ideally, no other major airport should be developed within 50 miles of O'Hare, to place one 25 miles southeast of O'Hare, directly in line with its NW-SE runways, would reduce the air traffic capacities of both airports to such an extent that a single airport would be just as efficient.

An airport located at the lake site would give Chicago a worse airspace problem than exists in the New York area where 5 major airports handle less than O'Hare alone.

Already there are turn and altitude restrictions placed on aircraft operating in and out of O'Hara and Midway airports due to the close proximity of the airports. This causes aircraft operating into and out of Midway to be restricted to low altitudes (1,500 feet above ground level) for long periods of time, and traffic departing O'Hare to complete turns within 4 miles of O'Hare.

Aircraft noise should be a prime consideration in the selection of a third airport. The lake site would cause more aircraft to be at lower altitudes for longer times. This could bring noise problems to areas from Evanston to Gary and the whole south and southwest Chicago and suburban areas, not yet exposed to the noise.

Chicago now has the finest airport in the world for handling air traffic and will continue to with the present expansion plans. O'Hare airport has not reached its saturation point but the airspace around Chicago has almost reached its capacity. A lake airport would saturate the airspace and would not allow more aircraft into the Chicago area.

DONALD POLSTON.

IS CANCER IN RETREAT?

HON. JAMES G. O'HARA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 1970

Mr. O'HARA. Mr. Speaker, according to Dr. Joseph Burchenal, "A lot of the work being done in cancer research is almost ready to pay off." This optimistic conclusion and the facts to support it are set forth in a recent issue of Medical World News, dated February 6, 1970. The same article, however, suggests how incredibly imprudent is the pennywise, pound-foolish attitude of this administration, which seeks to make a few points in its public relations campaign against inflation by cutting cancer research funds.

Dr. Burchenal's comment is:

> It's absolutely stupid to cut back on this research just when things are really popping in cancer . . . And you can't just cut funds off this year and restore them next year.

I include the article referred to at this point in the RECORD:

IS CANCER IN RETREAT?

"A lot of the work being done in cancer research is almost ready to pay off," says Dr. Joseph Burchenal. But he adds that cutbacks in research funds threaten to delay that payoff needlessly. A number of developments, he thinks, suggest that leukemia and lymphoma are curable.

As support for this conclusion he cites:

The curability of such other types of disseminated neoplastic disease as trophoblastic tumors and Wilms' tumor;

Evidence in man of host resistance to such tumors as Burkitt lymphoma and localized melanoma;

Suggestive evidence of the possible value of immunotherapy in acute leukemia;

The previous significant, though small, five-year survival rate in acute leukemia and Burkitt tumor; and

Evidence of a much higher rate of long-term remissions following new and more intensive combination therapy in these two conditions.

Dr. Burchenal, who is professor of medicine at Cornell Medical College and vice president of Sloan-Kettering Institute for Cancer Research, noted that as many as 95% of choriocarcinomas of the uterus can be brought into complete remission with disappearance of all evidence of disease, including the return of chorionic gonadotropin to normal. Three out of four can be brought into long-term remission—more than a year—which in this condition amounts to cure, since fewer than 1% relapse after a year's remission.

He attributed the curability of choriocarcinoma largely to the tumor's great sensitivity to chemotherapy and to the availability of an extremely precise technique for measuring chorionic gonadotropin in the urine, to detect minute amounts of residual tumor.

Similar factors seem to account for the curability of half the patients with metastatic Wilms' tumor: the sensitivity of the neoplasm to dactinomycin and the accessibility of the metastases, which are usually pulmonary, to visualization by radiography. Dr. Burchenal pointed out that in both conditions therapy can be continued until all disease is eliminated, thanks to precise techniques for detecting residual tumor cells. He also thinks it probable that there are host defenses against both these types of neoplasm.

Another method that promises to aid in locating humor foci in Hodgkin's disease and other lymphomas is lymphography, which has been made much more precise by recent advances in technique. "Lymphography will still show only fairly large involvement of the retroperitoneal nodes and the like," says Dr. Burchenal, "but I'm sure it can be made better. It is very useful, and it converts a lot of cases that were thought to be Stage I and II disease into Stage III. Obviously that's extremely important, because if you think it's Stage I or II and treat it with just radiation therapy to the localized areas, and don't touch the abdominal nodes, you're not going to cure anybody."

The low cure rate in testicular tumors suggests that host defenses may be comparatively ineffective in spontaneous autochthonous tumors because the antigenic differences between the host's normal cells and these tumors are less pronounced than the differences between normal tissue and tumors

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of fetal origin, such as choriocarcinoma. But even in testicular tumors some long-term remissions are achieved. At New York's Memorial Hospital, of 154 patients treated with triple chemotherapy (methothexate, dactinomycin, and an alkylating agent) or with dactinomycin alone, 15% had complete remissions, of which about half appear to be cures.

"In leukemias and lymphomas the two brightest areas are Burkitt tumor and acute leukemia," Dr. Burchenal believes. "The progress that has been made in the past ten years is fantastic."

Some Burkitt tumor patients treated with methothexate in 1960 by Denis Burkitt were still alive nearly a decade later, and a 1967 study showed that 15% of a group of 245 patients had achieved complete regressions of more than a year. Recent results are even more promising; Dr. Paul P. Carbone treated 12 cases at the National Cancer Institute with massive doses of cyclophosphamide, and six were surviving 12 to 24 months after treatment.

Dr. Burchenal noted that in one series of 56 cases, 100% of Stage I and II patients had initial complete responses, while 74% of Stage III patients had similar responses, as did 28% of Stage IV patients. He pointed out that patients in early stages usually have a smaller actual volume of disease than those in Stage III, and that since the malignancy is limited to the jaw it can be observed much better than can the intra-abdominal disease of Stage III.

Also, patients with advanced disease are more likely to be immunologically deficient. Studies have shown that patients with Burkitt tumor have an antibody against the tumor cells, and that those who later achieved complete remission had higher titers of the antibody than those who did not. Other studies indicate that immunologic competence is a factor in the success of treatment for Hodgkin's disease and melanoma.

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Acute leukemia was considered hopeless before 1947; there was no specific therapy. In 1953, remissions were produced for the first time with folic acid antagonists. By 1967 Dr. Burchenal was able to collect case records for 159 patients in whom long-term remissions had been achieved, and to predict from experience with them that at least half of all patients with acute leukemia who survive five years after diagnosis will survive indefinitely. With the addition of L-asparaginase to other forms of therapy the percentage of cures may well improve even further.

Immunotherapy with BCG vaccine, pooled irradiated allogenic leukemic cells, both, has been shown effective for patients with acute leukemia in remission. Dr. Georges Mathé of the Institut Gustave Roussy near Paris reported that seven of a group of 20 patients were still in remission from one to more than four years after undergoing immunotherapy (MWN, Aug. 29, '69).

"The best we can hope for in immunotherapy is a relatively small effect," Dr. Burchenal predicts. "It may be an extremely important effect, but we can't hope to get rid of pounds of tissue with immunotherapy. We can use chemotherapy and other treatments to get rid of large amounts of tissue. Unfortunately, in most cases they don't get rid of every last tumor cell, but maybe that's when immunotherapy can do the final mopping up. After all, that's what happens with infectious disease. Many of our antibiotics don't really kill off the last microorganism, but they kill off a large number, and then the patient's host defense mops the rest up and he's cured."

These optimistic predictions hold true only if enough money is available to keep up the present pace of research, and recent cuts in federal appropriations for research seriously threaten to slow the rate of progress. "We don't have as much money as we need, and we have to stop types of research that might be very useful," Dr. Buchenal says. "I think it's absolutely stupid to cut back on this research at a time when things are really popping in cancer. The amount of money that's needed for cancer research, compared with the national budget, is just peanuts, and yet it would make all the difference in the world.

"And you can't just cut funds off this year and restore them next year," he warns. "If you cut the money for research or training, people who have been in clinical research get out and go into practice. They get used to eating and their children get used to wearing shoes. It takes a lot of dedication to go into this kind of work, and I've very, very rarely seen anyone who has gone out of research into practice who has ever come back again."

ATOMIC ENERGY AND THE ENVIRONMENT—CONTINUED

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 1970

Mr. WOLFF. Mr. Speaker, today I would like to include in the RECORD three additional statements on atomic energy and the environment. These statements, which were submitted at a hearing on this subject I held in New York last month with my distinguished colleague, the gentleman from New York (Mr. REID), are from: Saul Harris, a respected constituent of mine who is president of the Greater New York Chapter of the Health Physics Society; James Miller, a commercial fisherman; and Elise Jerard of the Citizens Rights Committee.

STATEMENT OF THE GREATER NEW YORK CHAPTER, HEALTH PHYSICS SOCIETY

(Presented Feb. 6, 1970, by Saul J. Harris, President)

The Greater New York Chapter of the Health Physics Society is pleased to have this opportunity to participate in a public discussion of radiation problems associated with the operation of nuclear power plants on Long Island Sound. Through our regular program of participation in similar public hearings, Chapter members are aware of the keen interest in radiation hazards of all types by the general public. The possible effects of radiation on living systems and on future generations continues to be of wide public and scientific concern. The Health Physics Society is the nation's leading radiation protection organization. Among its objectives is the improvement of public understanding of the problems and needs in radiation protection. The Society has been responsible for the development of the health physics profession through which the benefits of nuclear energy can be enjoyed safely.

The health physicist is concerned with an understanding of the mechanisms of radiation damage; with the development and continued assessment of protection standards; with the development and application of instruments, methods and procedures to monitor the environment; and with the evaluation of radiation hazards from unwarranted exposure. The knowledge about the biological effects of radiation is further advanced than knowledge about comparable environmental problems. Even though our knowledge is substantial for high radiation exposures, we continue to seek data on radiation exposures at lower and lower levels. These data are presented at our regular national and local meetings and published in the Journal of the Health Physics Society and elsewhere for discussion and review. An International Radiation Protection Association has been formed in which the Health Physics Society plays an important role. The world's literature on radiation effects is regularly summarized by the United Nations Scientific Committee on the Effects of Atomic Radiation (UNSCEAR). Extensive hearings by the Joint Congressional Committee on Atomic Energy and other Congressional committees have provided an extensive supply of documented information and comment on radiation hazards and their control. These reports are in a form suitable for reading by the general public. None of these reports is secret.

Basic standards for the protection of employees and the public against radiation and radioactive material in the United States have been developed by the National Council on Radiation Protection and Measurements (NCRP). These standards have been incorporated into the regulations in Title 10, Code of Federal Regulations, Part 20 as well as in the model regulations supported by the Council of State Governments and adopted by most states. These standards are soundly based. In light of present-day knowledge, there is little doubt that the standards are sufficient to provide an acceptable degree of safety.

Sources of radiation were recognized as hazardous immediately after their discoveries. A "tolerance dose" for radiation was first published in the U.S. in 1931. Initial standards were based upon actual biological effects, but were changed to independent, scientific standards as improved radiation instrumentation became available. Further revisions in these standards were made downward in anticipation of expanded use of radiation in medicine, research and industry to maintain the lowest total population dose practicable. These changes were made without any observed instances of biological damage at previous permissible exposure levels. Radiation protection has been possible without the occurrence of the usual type of tragedy which led to the recognition of other health and safety problems.

Voluntary radiation standards were in use prior to the discovery of fission and available decades ahead of the development of the nuclear power industry. The privately-owned nuclear industry was first provided for in the Atomic Energy Act of 1954, which contained repeated expression of concern that such development be consistent with public health and safety considerations. The licensing of the use of nuclear materials by the Federal government (an innovative feature in itself) was based upon the need recognized by Congress to assure public health in advance of facility construction. Through the regulatory processes authorized by this law, the nuclear industry was born regulated.

In addition, other sources of radiation are regulated by states. In December 1955, both the N.Y. State Departments of Health and of Labor promulgated comprehensive radiation protection rules. These, as well as the Federal regulations in 10 CFR 20 adopted in February 1957, were based upon the recommendations of the NCRP. Extensive regulation of all radiation sources is now in effect throughout the nation. Recent Congressional action which resulted in Public Law 90-602, the Radiation Control for Health and Safety Act of 1968 has broadened Federal responsibility for electronic product radiation of all forms.

Environmental monitoring programs have been operated in the vicinity of nuclear reactors by reactor operators, universities and Federal and state radiological health agencies. These instrumentation systems are capable of detecting radioactivity at levels at or even below that from natural "background" radiation levels. Data from these programs have indicated that radiation exposures to persons around nuclear reactors have been well below permissible levels. This radiation safety record associated with the operation of nuclear reactors should be admired and encouraged by the public for all industries. Selection of an alternative method of generating and distributing electricity should involve weighing the radiation hazards from nuclear power plants against the known and unknown risks from alternatives.

The Health Physics Society feels that the risks associated with radiation exposures at permissible levels, if any, are considered to be essentially negligible compared with many other risks encountered and accepted in day-to-day living.

STATEMENT BY MR. MILLER

My name is Jim Miller, commercial fisherman, I have a wife & 6 children that I support with money earned from the water. My home port is Port Jefferson, L. I. Centrally located, between Long Island Lighting Co., Northport Plant and their proposed Nuclear Plant at Shoram.

In the past year we harvested 100,000 lbs. of marketable sea food. Lobsters, Striped Bass, Blue Fish, Flounders, Black Fish, Weak Fish, Spanish Mackerel, Boston Mackerel, Shark Squangelli & Hard Clam & Squid, are only some of the species we harvest. Much of my catch is sold directly to the consumer every day at reasonable prices.

On days when the catch is larger than the local market needs, seafood is then shipped to the New York City Market.

Therefore, the future of Long Island Sound is my future!

No one has been able to tell me if Thermal Pollution or Thermal Enrichment is going to be a great bonanza for me, or bankruptcy.

Stony Brook University, & New York State Conservation Department are all making studies, but they operate out of a small aluminum boat with a borrowed thermometer & are then asked to write a comprehensive report on effects of Thermal Pollution. No fisherman could hope to stay in business with so little & poor a set up as these agencies operate. Yet, their opinion will be balanced against a well financed study of the power company.

Studies are now being conducted in the area in question.

There is 45 commercial net fishermen working in the area. No one has been contacted or consulted. Fishermen, as a group, are not college educated, but, have a vast knowledge of the water & fish in it. 100 to 150 full & part time lobster men, also earn their living from this area. Shell fish men that work at the bay & harbors that border the sound have not been consulted.

The power company states the need for electric power at low prices, increases with additional population. This is a fact no one can dispute. But, as the population increases so does the need for food. Which comes first, food or electric power?

The commercial fishermen has been losing. He has been forced to fight for the right to earn a living & supply the general public with good fresh sea food.

If the commercial men lose the battle with selfish sportsmen, the power company will be the winner!

In the past year at the Northport Power House, many bragged that they could catch blue fish far later in the season because of the heated effluent from the power house. They bragged until the fish, that were trapped here by warm water, started to die.

We now believe that all fish that are fooled by the warm water of the power house, will have to die before spring. It has been reported to be enough fish to support a commercial fisherman, had the fish lived to maturity. The Hudson River has been long known to be the hatchery of striped bass, that later migrate to this area. Con Edison operates Nuclear Power Station on this river, it has been reported in one 4 hr. period, 17,000 fish were killed here.

A fine of $27.50 for each fish killed could be levied against the power company. If one power plant can kill 17,000 fish in 4 hrs., how many plants do we need to kill all the fish in 2 days?

What does a fisherman do with his boat and equipment when the power companies have reduced the fish population, to where it no longer pays to work? The state will collect the fine & we can then collect welfare payments.

The housewife will no longer have fresh fish and must pay more for frozen fish imported from other countries.

But we will have cheap electricity and no fight with the sportsmen.

If the power companies are so sure that Thermal Enrichment is really a bonanza for the commercial fishermen, then I'm all for it; but, do you think the power companies will come and reimburse the people that earn a living from the area, if they are wrong? Or will it be a situation where they always blame the other guy?

Is the commercial fisherman just another expendable item in the march of progress? If this is progress!

STATEMENT OF CITIZENS RIGHTS COMMITTEE

My name is Elise Jerard. I have worked towards a doctorate in biological sciences and speak as Chairman of the Independent Phi Beta Kappa Environmental Study Group, a research society of members of Phi Beta Kappa not representing the United Chapters which pursue no environmental studies; also, as Chairman of the nationwide Citizens' Rights Committee; and as Co-ordinator of the all-professional Committee on Environmental Contamination comprising professors, scientists, physicians and heads of scientific-humanitarian organizations.

We appreciate deeply this opportunity to be heard on the crucial issue of nuclear power, with proliferation racing towards us if a red flag does not stop the reckless rush. Congressman Wolff's courageous statement called for a moratorium on construction of nuclear power plants, while the grave problems were probed and due perspective gained. Twice the New York Times editorial page supported Senator Kennedy's proposal for moratorium, which was beaten down by the objections of the industry, with the backing of the Atomic Energy Commission and the Congressional Joint Committee on Atomic Power. It is no secret that some 16 proposals for review of a dangerous situation have been frustrated; that a proposal by Senator Thruston Morton for a public hearing on the total issue, with review by a Board including independent scientists and informed non-scientists, was blocked by the Congressional Joint Committee on Atomic Energy, as in 1969 Senate Joint Resolution 91, introduced by Senator Marlow Cook, was blocked, and as the Bingham Bill, also, was blocked.

The problems of New York City and Long Island are directly related to the fact that this nuclear program is being pushed at all costs, Federally and in this State. What is needed is an open review of: (1) the role of the AEC, its built-in conflict of interest in selling atomic power and inducing by subsidies an over-swift proliferation of this one form of power generation, while being charged with protecting the public; (2) the role of the Congressional Joint Committee on Atomic Energy. For all its diligent work, there is in this Committee a bias in behalf of promotion of nuclear power, which may not serve the interests of the people as would a Committee whose concern was a balanced power policy. Perhaps such a Committee should be created; (3) the role of Congress itself in passing, and extending the duration of the Price-Anderson Act which, unprecedentedly, removes a normal liability from the shoulders of the industry and insurance companies and places this burden on the unaware and unconsenting people, who are the potential victims of damage from nuclear accident and radiation-induced injury. Behind closed doors, with a voice vote, private insurance pools were allowed to pledge only 74 million dollars in damages, while the taxpayers were to furnish 486 million, the whole totaling only 560 million dollars regardless of damages incurred. Yet the Brookhaven Institute Report estimated on the basis of a plant one-fifth the size, or less, of those now being built or projected, that a major accident could cause 3,400 deaths, 43,000 injuries and 7 billion dollars worth of property loss and damage, without counting the contamination of land, crops, water, property and people.

Multiply that by 5 or 6 and extend the damage by acknowledging that large populations cannot be feasibly evacuated, and the question is: Is this a responsible policy for legislators to impose upon the people? With an issue of this magnitude and potential, what is the excuse for not discussing the whole problem in open hearings, now that over 100 plants are envisaged, with accompanying processing plants, and problems of transport of wastes and disposal of high level radioactive wastes.

Review of this issue bears directly on the predicament of the Long Island region—because it is not an island to itself—and if 14 large plants are projected for siting there, with 4 large plants on David's Island near New Rochelle, it is because the basic question has not been confronted: what kind of power—and for whom? In another sense, the wisdom of this power elite in this Nation and this State is forcing this single most perilous method of generating electricity—and the policy needs to be challenged at the source.

David Rittenhouse Inglis, an Argonne National Laboratory physicist, has written: "The government . . . (has) offered attractions to entice industry: the fruits of its own research and development, reactor blueprints, even *cheapened safety standards*. Industry entered the field in a reckless stampede. We have been expanding nuclear power before we have learned how to make it very safe and we are doing this in industry where the *cost of a desirable degree of safety would cut profits unduly*.

"Plants now being planned could be priced out of the market by enforcement of the long overdue requirement that they assume responsibility for risks, as other industries do." *If our young people want to demonstrate, intelligently, repeatedly, urgently—let them make this demand.* Then perhaps we should not need to worry about the horde of plants on Long Island and David's Island—and encircling New York City, if present plans are fulfilled, and even getting inside the City limits, as has been proposed, all in violation of the AEC's own guidelines for a prudent exclusion area.

We further recommend to you perusal of the 1969 study by the Minnesota scientist who sparked a rebellion against the AEC's permissible levels of radioactive emissions. This study describes not only the problems of discharges into the environment, but also how the emergency systems of the new giant plants can fail to perform in the critical event of loss of coolant, which would result in cataclysmic excursion into the environment and pollution by a massive discharge of radiation. Such an event is unthinkable—and we should therefore think of it. An AEC study acknowledges that "effective performance of emergency systems cannot be predicted with assurance." Dr. Dean Abrahamson, professor at the Minnesota Medical School, who has served as a reactor designer, stated in confrontation with the AEC in Burlington, Vermont, that such catastrophic accidents should not be regarded as ex-

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tremely remote possibilities because there could, with proliferation, be such accidents.

The Minnesota Pollution Control Board has, as you members of Congress surely know, cut the AEC's permissible levels of radioactive discharge by nuclear power plants, and at one point in 1969 it was also proposed by the New York State Health Department that levels be cut to one-tenth of the AEC's allowable values. Vermont and Michigan have sided with Minnesota. The present issue of the publication Environment contains a discussion of Dr. Ernest Sternglass' prediction of appalling damage to children if present policies continue to be pursued; the article in Environment contests Sternglass' figures but the possibility of radiation damage is indisputable. Dr. Alice Stewart, who studied the effects on the fetus in utero of radiation and the rise of leukemia incidence in children who had been irradiated during pregnancy has expressed profound concern about the proliferation of radioactive releases.

A recent issue of the Journal of Environmental Health notes a rise in radioactivity of the Columbia River, as a result of nuclear installations, and correlates this rise, rightly or wrongly, with increased cancer incidence in Oregon along the shores of the river. The prediction of an increase in cancer incidence by some 17,000 deaths a year is postulated by two eminent scientists of the AEC's Lawrence Laboratory, Dr. John Goffman and Dr. Arthur Tamplin. Dr. Tamplin has been working with genetic effects of radiation, also, while Dr. Goffman, a former colleague of Dr. Glenn Seaborg, has concentrated on biologic influences of radiation, in a more general manner. We are submitting as an Exhibit testimony by these scientists, so that the Members of Congress can see this work in summary.

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The point does not seem to lie in a debate as to whether the figures of these scientists are right or wrong, since predictions are extremely hard to prove. The point lies in the fact that ionizing radiation is a recognized cause of cancer, that no one can say what is the threshold dose for varied human beings, and that common sense, as well as humaneness, should compel us to ask: Is this risk necessary—for the purpose of generating electric power?

We should like to call the attention of the Members of Congress to a study, "Evaluation of Radiological Conditions in the Vicinity of Hanford, 1963"[1] which has considerable relevance to the proposals for 14 plants to be sited at Long Island. The Conditions are not identical because the Hanford region uses irrigation by the affected water; however, the analogy is sufficiently close, we believe, to be taken seriously. It is shown in this study how radionuclides are discharged by nuclear power installations into the Columbia River. Micro-organisms pick up the dissolved chemical substances containing the radioactivity.

In the case of zinc 65, the adventures of which we shall follow, the level is stepped up in the micro-organisms; then in the algae; then in the flesh of fish feeding on them, until radioactive values are considerably increased. Oysters had the highest concentration, as high as 63,500 picocuries, *330 times* the concentration of the river water. The radioactivity is carried to the vegetation, including the food plants of the area, watered with the affected river water, is stepped up in milk, as well as meat of the cows, and in the flesh of other food animals. The fish, milk and meat of this region also travel, to be consumed at a distance.

The whole-body radioactivity of the people in the Hanford region averages 36,000 picocuries, which is greater than some of the amounts found in workers at nuclear installations. Bone levels have reached 50% of the official limit for bones; whole body levels are 25% of the permissible concentrations. This estimate includes measurements in children. With continued exposure and proliferation, what will be the effects on highly diverse individuals, including those who depart from the normal? What will be the genetic effects? The truth is: that no one can say.

Further questions must be asked about transit of waste on crowded highways and through traffic-jammed streets. Former AEC Commissioner David Lilienthal acknowledged 47 accidents, 18 entailing spillage, 15 severe impact accidents. By now there have been over 70 such accidents, the importance of which is played down. Without wanting to be sensational, let us offer the story of one episode which may not be characteristic but nevertheless should constitute a warning. A little boy picked up a spilled radioactive pellet, played with it, took it home, laid it on the kitchen table. Subsequently, most of the members of that family died. The record occurs in a book of accidents compiled by the nuclear expert of the United Auto Workers. Multiple plants in the Long Island-New York area mean a sharp increase in wastes travelling to and fro, with a commensurate increase in the possibility of transport accidents.

It may seem that the problems of disposal of high-level nuclear wastes, some radioactive for a thousand years or more, have no bearing on the plans for the Long Island-New York area. But this would be a parochial attitude. In 1964 Belter and Pearce surveyed for the AEC 183 giant storage tanks, each with a capacity of 300,000 to 1,000,000 gallons of nuclear waste. Nine were found to have leaked or to be leaking their lethal poisons. One had lost 60,000 gallons before discovery. It has been estimated by Snow and other radiation physicists that one gallon could threaten the health of 1 million people. Did these poisonous long-lived wastes contaminate groundwater, drinking water, soil, the growth from the soil? Storage containers were leaking at all three tank farms. In the 1968 Authorizing Legislation the AEC requested an appropriation of $2,500,000 for replacement of failed or failing tanks at Richland. The question is: Why was this not a signal for slowing down proliferation of this program? Why are all signs at Go when critical problems are unsolved?

We are submitting an Exhibit which shows that the AEC knows very well that this complex and hazardous program is not under as orderly control, as is represented. Fallible humanity, not God-like omniscience is in charge of, and operating this program. We are submitting for your inspection the words of the Director of Reactor Development of the AEC describing the problems.

In closing, we quote from the St. Paul Dispatch of June 1, 1969, the day of the announcement of the shut-down—for scrapping—of the Elk River Plant. Under the headline: "Troubles Plague N Plants" was the following summary which discloses the unreliability of the plants: "Technical troubles have plagued most of the 13 nuclear power plants financed jointly by the AEC and public and private utilities. Five have been shut down permanently, two have been inoperative for more than a year, an eighth is 'on, again, off again.' . . . The five still producing electricity have been beset by technical problems and accidents. . . . Besides the five still operating, five additional plants have started . . . around the country, 44 are under construction, and utilities have announced plans to buy or have bought another 43 nuclear reactors." The answer to an unsuccessful program is to step up the number of nuclear stations to over 100, design them larger than ever, and erect twins or nests of plants.

It is time for a pause and an effort at perspective. We shall support any attempt to bring this issue out into the daylight, with the people having a say over their fate.

Dr. Glenn Seaborg, in his recent statement before the Congressional Joint Committee (which has made similar statements), expressed anxiety that the American people, if they continue to obstruct the nuclear program, would find themselves, at some future date, sitting in the dark while the wheels of industry had ceased to turn. We have a great many causes for worry, but that is, happily, not one of them. There is plenty of fossil fuel at hand, with improved stack emission; there is hydro-electric power. Magneto-hydrodynamics has been vigorously developed in Europe; while in our country it has been starved for funds. Solar energy, which Dr. James Conant believes may be the ultimate solution since, as he has stated, "nuclear power is too costly and too dangerous," ought to be thoroughly researched. The Soviet is reported to have solved numerous problems of nuclear fusion, which does not pollute the environment in the manner of nuclear fission, nor are its prospects so perilous. Meanwhile we should not be browbeaten by excessive respect for authority, into accepting unnecessary risks and costs in money and in environmental and human welfare.

FREEDOM'S CHALLENGE

HON. EDITH GREEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 1970

Mrs. GREEN of Oregon. Mr. Speaker, I am particularly proud that the Oregon State winner of the VFW Voice of Democracy contest is from my congressional district. Miss Judy Long of Portland, Oreg., will be arriving in Washington within a few days to compete with the other 49 State winners for scholarship prizes amounting to several thousand dollars. Every single one of these young people is to be highly commended. Each has won the right to be here through competition in a total field of 400,000. Theirs is a truly formidable accomplishment.

This year's contest theme is "Freedom's Challenge." I wholeheartedly subscribe to the argument Miss Long presents: that our greatest challenge today is not in winning freedoms, but in preventing those who would do so from robbing us of the liberties we have. I present the full text of Judy Long's essay in the CONGRESSIONAL RECORD at this point:

FREEDOM'S CHALLENGE

(By Judy Long)

Today we are free. Free to get a good education. Free to make our own laws. Free to raise our standard of living. Free to say what we want, to think what we want, to be what we want.

But what about tomorrow? Or the day after tomorrow? Will we be free then? For here lies the challenge of freedom, to keep it. Our founding fathers sacrificed much when they fought to gain independence. It is now up to us to see that this great heritage remains ours. Will we be free tomorrow? Only today can tell. Only today, when we have the opportunity to use our freedom, can tell.

But opportunity is not all we have. The important matter of choice is concerned here, too. Once we recognize the knock of opportunity, we must choose whether or not to open the door. We are given a chance to vote, but do we? We are given a chance to learn something, but do we? We are given a chance to better ourselves, but do we?

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[1] "Evaluation of Radiological Conditions in the Vicinity of Hanford for 1963," HW-08991, UCO41, Health and Safety (TID-4500, 31st Ed.) pp. 47-48.

We are all given opportunities like these, and we all must decide what to do with them. If we choose to ignor them, we put ourselves in a very vulnerable position. If we ignore these opportunities, our freedom will become dependent upon those who do not ignore them. These people will then be faced with another opportunity which they may choose also not to ignore. That is the opportunity to rob us of our freedom. How are we, who misuse our freedom, to keep this from happening? The simple truth is we can't! And soon we may find we haven't any freedom left to misuse.

This idea shows us that something is lacking in our concept of freedom. That something is responsibility. Without responsibility, opportunity and choice breed tyranny and anarchy. With responsibility, the seed of freedom is planted to grow for all peoples. Yes, for all peoples, not just an elect few. Everyone has a right to opportunity and choice, but we must not forget that with that right comes responsibility. Responsibility in our education, our government, and our relations with fellow men. Responsibility in our thoughts, words, and deeds.

By so doing, we will be grasping our freedom a little tighter. We cannot stay free by being ignorant and apathetic. And we cannot leave the protection of our freedom up to others. We are all presented with an opportunity to fight for this heritage. But it is a different kind of combat than our founding fathers were engaged in. Ours are the weapons of opportunity, choice, and responsibility. If we use these weapons, it will be impossible for freedom to slip out of our grasp. It will be ours tomorrow, and every tomorrow after that. If we use these weapons, we will have met the challenge of freedom.

WHITE HOUSE BACKS CRAMER OIL POLLUTION CONTROL AMENDMENTS

HON. WILLIAM C. CRAMER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 1970

Mr. CRAMER. Mr. Speaker, I discussed my proposals at the leadership meeting at the White House on Tuesday. Now the administration is backing the Cramer amendments to the legislation now pending in conference where I am ranking minority conferee.

The Cramer amendments to the proposed Water Quality Improvement Act would—

Require the President within 60 days to prepare a national contingency plan for removal of oil. The plan would set up a national strike force with experts and the latest equipment available to move in quickly to contain an oil spill and begin immediate cleanup to limit damage to the ecology, wildlife, and other natural resources;

Allow the U.S. Coast Guard to board and inspect vessels for potential pollution dangers; and

Establish a high-priority research and development program to devise means to contain an oil spill and disperse the pollutant rapidly without endangering the ecology.

We must mobilize the technology and know-how of both Government and the private sector in this effort. As soon as there is a spill, we must be able to move in the latest in equipment and harmless chemical dispersants to limit the damage.

I met with Carl Klein, Assistant Secretary of the Interior for Water Quality and Research, and he approved the amendments.

I have also asked the Coast Guard and Interior to investigate the possibility that the asphalt that came ashore at St. Marks in Florida may have come from the *Darian Appolon*, the Greek vessel which ran aground, spilling oil into Tampa Bay, on February 13, 1970.

A DISTINGUISHED STATESMAN WARNS OF BONN-MOSCOW AXIS

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 1970

Mr. RARICK. Mr. Speaker, on previous occasions it has been my privilege to call to the attention of our colleagues the writings—and the earthy recommendations—of a distinguished and experienced European statesman. This gentleman is not only a veteran diplomat who has served as his nation's foreign minister, but was an eyewitness to the European tragedies of World War I and II.

Writing in the Manchester, N.H., Union Leader under the pen name of Z. A. Rust, he favors us with a penetrating analysis of the weakening American position in Europe, the likely result, and the potential cost in blood. He then suggests that the key to the solution of the problem in Europe lies in Vietnam and is easily within our grasp.

I include his article, warning of the impending Bonn-Moscow Axis, in my remarks:

[From the Manchester (N.H.) Union Leader, Feb. 11, 1970]

BREWING NOW BETWEEN BONN AND MOSCOW: UNITED STATES COULD BE TARGET FOR A "THIRD RAPALLO"

(By Z. A. Rust)

The massing of Soviet troops at the Czechoslovakian frontiers in 1947 during election time—without any reaction from the Western victorious powers—brought a Communist government in Prague.

The massing of Soviet troops in 1968 at the frontiers of Germany near election time—without any reaction from the NATO powers—brought a Socialist Government in Bonn.

Although less spectacular, the election of Willy Brandt as German chancellor might prove finally to be at least as important as that of Hitler in 1933 for the destiny of Europe and of the world.

We are at the eve of a third Rapallo—Just to refresh memories:

April 8, 1922, British, French, United States, Italian and German delegations met a Soviet delegation in Genoa with the hope of reaching an understanding with the Kremlin.—April 15th, 2 a.m., surprise conclusion of the Treaty of Rapallo between Germany and Soviet Russia. Collapse of the Genoa Conference.

Aug. 23, 1938, during military negotiations among France, Britain and Soviet Russia, surprise Agreement Ribbentrop-Molotov. Collapse of the France-Anglo-Soviet military negotiations.

The "Third Rapallo" which is brewing now between Bonn and Moscow will not be as the Ribbentrop-Molotov's, a passing "ruse de guerre." It corresponds to the feeling of all German political groups that the U.S. will never risk a confrontation with the Soviets for Europe's sake, and that the two Germanys can be brought together only through an understanding with Soviet Russia.

The "Third Rapallo" will be unavoidably directed against the United States. Its first consequence will be a merger of German and West European industrial potentialities with those of Soviet Russia brought to a maximum by German know-how.

A further consequence will be the pushing of the frontiers of Soviet military dominated Europe from their present position to the shores of the Atlantic, from Spitzberg to Pt. Maroqui, and to the shores of the Mediterranean from Pt. Maroqui to Constantinople.

SEVERAL FACTORS

Several factors have brought West Germany and the rest of Free European countries from a Washington-oriented to a Moscow-oriented policy. Among them:

(a) The fact that despite some verbal election-time pro-liberty declarations, every U.S. administration since the end of World War II has confirmed and upheld Teheran, Yalta, Potsdam and the results of the Marshall Mission to China.

(b) The astounding progress of pro-Communist infiltration in the U.S. state-apparatus and in every channel of their national life, concomitant with the visible collapse of government authority in front of the endemic and growing insurrection.

(c) The fact that the U.S. military policy is obviously directed by the occult and anticonstitutional Arms Control and Disarmament Agency and by the Rostow/Kuznetsov understanding, which means: toward quasi total unilateral disarmament.

(d) The fact that, under the totally antinational control of the Rostows and Kissingers, the U.S. have joined the Soviets in forcing or trying to force all other countries to sign the Non Proliferation Treaty. Which means that after having given up their first strike nuclear weapons, the U.S. were giving up their first line of nuclear defense.

This last item asks for some elaboration, as many patriotic and national-minded senators have voted for the N.P.T. without understanding its real meaning and its unavoidable consequences.

ONLY WAY

The only way of breaking the state of permanent nuclear blackmail, of which the Soviets have been the unique beneficiary and the U.S. the principal victim, would have been the constitution of two more independent nuclear powers on the anti-Communist side of the contest: a Western-European independent nuclear armed federation and another with Australia and New Zealand. That was what the Soviets were specially afraid of and that is the great political and military victory with which they have been presented by the U.S. solons.

This treaty means that the U.S. foreign policy will continue to be essentially controlled by the terror of the Soviet nuclear weapons, with which—according to Secretary Laird's recent declarations—the Nixon administration also has decided not to compete.

In front of this preventive surrender the European countries have reacted differently. De Gaulle's France has refused to adhere to the NPT, West Germany and the other free European countries have decided to open new routes towards the only nuclear big power that counts and acts, convinced that there was no other way to a relative safety from this power's constant pressure and

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menace. The same thing will happen with East and South Asia still free countries.

It was not North Vietnam that the U.S. were fighting in South Vietnam but the Communist Empire, Soviet Russia and Red China, indissolubly united in the Communist fight for the conquest of the world, in spite of the profusely advertised hoax of the "Fight Between Two Giants."

It is at the mercy of those two giants that South Vietnam, Laos, Cambodia, and Thailand, will be abandoned when the last U.S. soldier will have left the South-West Asian battlefield. Those countries know it very well, even if the misinformed U.S. public ignores it and the well informed organizers of the U.S. defeat, together with the news media which they sometimes criticize, will never tell it to this public.

What could not be hidden is the stampede toward the victorious power which will follow the United States' self inflicted defeat. Such signs as the promised abandon of Okinawa or the denial by the U.S. Senate of a few 54 million dollars worth of armored cars and fighter planes to Chiang Kai Chek, or speeding the opening of economic and semi-diplomatic relations with Red China, or the continuous and conclusive presence of Mr. Henry Kissinger in the highest—although unconstitutional—key position of U.S. foreign policy control, cannot be made up for by a reassuring visit to the Philippines and Formosa, even by Vice President Spiro Agnew.

It would be against reason to believe that when South Vietnam will also be handed over—as North Vietnam has been in the Eisenhower-Dulles era—to the horror of a Communist domination by the only Western power which could have prevented it, there will be anything left in Asia of loyalty to the West. Slowly, from South Korea to Pakistan all along the Western and Southern Asiatic countries, defection will follow defection, and nobody could blame them for it.

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Military surrounding of a country in modern military terms has little to do with the military surrounding of Germany, for instance, in 1935 by the Franco-Czech-Sovietic Alliance, no close-up presence of enemy divisions is required. Surrounding today is measured in terms of domination of continents, oceans, straits, in terms of nuclearly powered and armed submarines, of quantity, of power and positioning of transoceanic bombers and nuclear missiles.

With the Communist third octopus in Cuba, the surrounding of the United States will be completed when Europe and Asia will have turned their backs to Washington, when all the Eastern shores of the Pacific and the Western shores of the Atlantic will be under Communist control, garrisoned at Moscow and Peiping's will with missile installations and air and submarine bases.

It will be then that powerful political groups—using if necessary methods of persuasion of which the U.S. people has had only a foretaste—will, in the moment of an election, press for a McCarthy, McGovern or Ted Kennedy kind of government as the most likely to ward off the peril of such a geopolitical situation . . . as it happened in 1947 in Prague and 1969, in Bonn.

It is not so much in terms of weaponry or of extension of territorial domination that the Communist powers have been until now the victors in the cold war, but in terms of prestige. It is the prestige of the United States which has to be reestablished in its fullness, nationally and internationally, before it is too late.

This prestige had been already seriously shaken by a continuous withdrawal in front of Communist resoluteness (Czechoslovakia, Pan-Mun-Jong, Hungary, etc.), it has undergone a deep slide after the occupation of Cuba by Soviet armed forces, it is falling with a vertical acceleration since the moment when, yielding to treasonable and clearly insurrectional pressure, the U.S. Government has informed the world that it has accepted defeat in Vietnam, in a long and cruel war it has never permitted its army to win for fear of angering Moscow and Peiping.

It is in the most sensitive spot of the pride and honor of a country, in the pride and honor of its armed forces, that the prestige of the United States is attacked today by the order of slowly abandoning the battlefield to the advancing enemy, by the concentric campaign of defamation and vilifaction to which even the U.S. Government is participating in a certain measure, by the corruption of the soldier's moral to which the Government participates also when it permits the introduction of the clenched fist salute in barracks and in service time, or when it issues the "Guidance for Dissent" order, which could have been written by the notorious Father Stock of the antidraft conspiracy.

It is, therefore, first by taking vigorously the defense of the U.S. Army that the process towards total international eclipse and national disintegration must be interrupted, before it has passed the point of no-return. It is obvious also that the Washington Government has to be helped in that effort by groups and personalities not hindered like it by routine and probably quite mistaken electoral considerations.

To that effect, let a recognized leader or a group of prominent personalities, take clamorously and steadfastly the defense of the more than one million young U.S. soldiers who have passed through the Vietnam inferno, against the offensive of the ungrateful and vote-hungry politicians and .of a corrupt news-media industry.

What must be asked and obtained is the immediate abandon of any prosecution for imaginary massacre of civilians, the indictment of the calumniators and an investigation of the real origin and scope of the nauseating attack against the U.S. armed forces.

USE PUBLICITY

Let this leader or these personalities use every way of publicity to convince the U.S. public that there is no other difference than a difference of time table between the immediate abandonment of the Asiatic battlefield asked by defeatists political groups and the staged abandon of Vietnam, without victory, which constitutes the Kissinger program.

Despite the enormous difficulties created by the anti-national character of the news-media trust, the truth must be brought home to the U.S. public that it is only a victory in Vietnam which can restore the prestige, otherwise almost ruined, of the United States and the deterring power of its Armed Forces—two decisive factors not only for this country but for the destiny of both the free and the enslaved world.

A brilliant and rapid victory in Vietnam will convince again both friends and foes that the free countries are not left absolutely alone in front of the diabolic Communist conspiracy, and that the enslaved ones are not abandoned without hope to the Communist inferno—leaving the United States as they are now, a unique target to the world-embracing Communist voracity.

Better than billions of dollars spent in foreign aid, a victory will provoke a spectacular revolution in the vacilliating policy of Europe, Asia and Ibero-America's free countries. Every U.S. citizen will be a "beautiful American," and none will be asked to go home.—There will be no more Rapallos.—By the same token victory will deliver a most needed blow to the Conspiracy's hidden or open agents in the United States and reestablish the vanishing authority of its administration.

CANNOT BE REACHED

Victory cannot be reached as long as even patrol activities continue to be controlled from Yarmolinskys, Rostovs and Kissingers' desks and so long as generals and admirals are not allowed to do their best, even in enemy territory and waters if necessary.

Deplorable blunders have already been committed. As for instance the withdrawal of U.S. troops from Thailand, comprising the most promising strategic operation; the cutting of the enemy supply lines, north of the demilitarized zone, by moving across Laos, from Thailand to the sea and from the sea to Thailand.

Other errors are about to be committed. Increasing considerably the military and psychological consequences of the U.S. troops withdrawal, Chiang Kai Chek has been asked to mothball half of his divisions "in order to be able to provide the rest with up-to-date arms and equipment."

A clue as useful to the Asiatic enemies as that which informed Moscow in 1941 that Japan will not attack in Siberia.

The yearly military help to Chiang's friendly army has been slowly reduced from 90 to 45 million dollars. Tito's Communist army has been already helped with three billions worth of arms and equipment.

It is obvious that victory in Vietnam cannot wait until 1972. The present administration in Washington has therefore to be helped by an irresistible current of opinion in the right direction.

It is only a new leader and his devoted and tireless collaborators and supporters that can create it. The streets and the constitutional rights do not belong only to the neo-cavemen and to the enemy agents.

WHAT FRUITED PLAINS?

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 1970

Mr. FASCELL. Mr. Speaker, in recent years the quality of life in America has been subjected to increased examination and evaluation. The recommendations for action have been varied, but the conclusions reached have been virtually the same. The "good ole days" are gone and there is no turning back. Present conditions must be reckoned with now, so that future life will be worth living.

Mr. Saul Pett, Associated Press writer, aptly expresses this questioning of the quality of life in his article "What Fruited Plains?" which I think our colleagues will find of interest:

WHAT FRUITED PLAINS?

(By Saul Pett)

Quality of life? You could start anywhere. With a new car that won't start or an old war that won't end or a dollar that won't stretch or an optimism that won't revive.

Or a lake too dirty to swim in or a plane that is late or a supermarket checkout counter that resembles an exercise line for the catatonic.

Or the phone bill you can't understand and the computer you can't fight or insult, or the traffic that boils your bile, or blacks whose progress is too fast or too slow or just right for no one.

Or the two-way generational guilt a man can feel today toward the young who get away and the old he puts away, or that vague unspoken feeling that life is cheating us these days, or the single fact that poor old square dad has to hide in the cellar to hear his Tommy Dorsey records.

And what in the hell ever happened to simple nonpolitical, nonissue-oriented. non-crisis-connected, nonecological romance in the U.S. of A.?

Quality of life? You could start anywhere. With a crack by comedian Woody Allen: "Not only is there no God but try getting a plumber on week ends."

Or with the mournful thought of a poet, William Butler Yeats, that dying faiths and decaying philosophies hang like "old clothes upon old sticks to scare a bird."

Or with the feeling of another poet, Archibald MacLeish, that "someone has written a new equation somewhere and our lives have changed without our changing them."

Or with the solemn cry of former Secretary of Interior Stewart Udall: "Why do we linger outside the door of distinction, so rich and so slovenly, so friendly and so filled with hate?"

We walk safely among the craters of the moon but not in the parks of New York or Chicago or Los Angeles. Technology and change run berserk, headlights hide by day and moral values shred overnight. The unthinkable multiplies until it seems "things fall apart; the center cannot hold."

The standard of living rises while the satisfaction of living declines. Hunger haunts our prosperity and minorities circle the conscience of the majority with louder cries.

The young mock our past, robbing us of the comfort of our victories in depression and war, and inflation, the ubiquitous pickpocket, keeps lifing the pay raise in our wallets.

Protest grows louder and civility becomes a whisper. The Gross National Product grows grosser in reverse proportion to the gross national tranquility.

The planes are faster and the cars are faster but we have fewer unspoiled places to go and more people who want to get there.

Problems beget solutions which beget new problems and, in the rising tide of our numbers and the spreading unresponsiveness of our bigness, dust coats the refrains of Walt Whitman, "The American compact is altogether with individuals . . . America is nothing but you and me."

But America, we seem suddenly to have discovered, is no longer infallible or, as Arthur Schlesinger notes, immune to history. We are no longer the good guys who win all the wars. At home and abroad, we are caught, Schlesinger says, in the "collapse of our pretensions."

America, we seem suddenly to have discovered, is no longer infinite in space or resource or hope. There is no next valley of quiet or virgin forest to tread. Beauty diminishes and tastelessness and flatness abide in neon lights and urban sprawl.

Beer cans now litter the beach of our beginnings, at Plymouth Rock, and 6,000 miles away, at the other end, Polynesia turns plastic. The hotel sign in Honolulu says, "Aloha Congoleum dealers."

We live with the trauma of the present and apocalyptic visions of the future. Every day, it seems, serious experts tell us that our society may become a series of armed camps between black and white, urban and suburban.

VOICES OF DOOM

Every day, it seems, serious experts surround us with doomsday predictions of a shattered ecology, of babies dying from pollutants in the soil, of lakes and oceans dying, of a population too vast to feed, of the atmosphere warming up enough to melt glaciers and drown cities.

City noises, we are told, can damage our ears, constrict our blood vessels, and increase our blood pressure, and laboratory experiments show that prolonged exposure to excessive sound has made homosexuals out of rats. Will the cavalry never come?

We live in an expanding theater of the absurd and the unreal. Between beers, we watch real men dying on television and, same station, same network, we get a poetic message about the dangers of smoking and a poetic message about the joys of smoking.

In Santa Barbara, Calif., a seabird is unable to take off because of the weight of oil on its wings and a man in a plexiglass helmet steam-cleans the black sludge off the rocks and a bitter resident predicts. "Next thing, they'll be putting plastic crabs on the beach to make it seem natural again."

Elsewhere, a headline proclaims, "Aleutian Bomb Is Fired Without Setting Off Earthquake." Look, ma, no earthquake.

In Alexandria, Va., a lady frightened by all the cancer talk rushes into a supermarket to exchange soda with cyclamates for cigarettes with nicotine tars.

On Long Island, a finely impartial mail order house urges us to "stand up and be counted" and buy, for one dollar, either a flag decal or a peace symbol.

In Kansas City, a union sues to enjoin Trans World Airlines from claiming in its advertising that TWA employes are happy. On the same day, a TWA plane is hijacked all the way to Rome. At any moment, talk of happiness may become actionable.

Much of the quality of life in America today is related to numbers; lopsided numbers. "In the United States," Gertrude Stein once wrote, "there is more space where nobody is than where anybody is. This is what makes America what it is."

CRAMMED AND CRANKY

In the United States, two-thirds of the people live on one-fiftieth of the land. In the United States, current trends persuade experts that we will be 300 million by the year 2000 and, to accommodate the added 100 million, we will have to crowd them in where we are or build the equivalent of a new city of 250,000 every 40 days for 30 years; 35 more Los Angeles or 250 more Newarks, NJ, or 1,600 more Levittowns, Pa. The mind boggles.

Where we already are we are crammed and cranky. We have less room to live or work or die. Man's castle is a number in an unending line of numbers on the door of an apartment in the city or a box in a row of boxes in the suburbs. We flee from the cities to the suburbs and from the suburbs to the exurbes and the rat race of numbers is never far behind.

Every day it comes harder to remember the smug satisfaction we once took from pictures of those godless Communists lining up for scarce consumer goods in Moscow. Now we God-fearing capitalists are lining up all over America.

We line up for our pleasure and our pain, for ski lifts, trains, planes, license plates, school lunches, tax payments, college registration, golf courses, movies, supermarkets, restaurants, and popcorn.

We line up our cars, bumper to bumper, for the privilege of working in cities and the need to escape them. One man in San Francisco carries a carrier pigeon in his car to alert his wife when freeway traffic will make him late for dinner.

"The effect of liberty to individuals is that they may do what they please," said Edmund Burke. "We ought to see what it will please them to do before we risk congratulations."

It has pleased us to do much.

We have polluted the land and the air and the water, defaced the horizon with commercial clutter and blurred our history and our symbols with dollar signs. We have left Lake Erie beyond redemption and Lake Tahoe beyond recognition.

We have pasteurized our milk and put strontium 90 in its source and enough waste in streams and lakes to kill 15 million fish in one year.

We have turned the New England farm of Robert Frost into an auto junk yard and built high-risers that block the view of Mount Rainier in Seattle and the bay in San Francisco and the surf in Waikiki and countless other vistas that nourish the soul of man.

We have put enough smog in the air over Los Angeles to warn school children not to play too strenuously or breathe too deeply on the days of the amber cloud and enough toxics in the air over New York to make a day's walking and breathing equal the intake of almost two packs of cigarettes.

And between the coasts we have made eyes smart in mile-high Denver and not-as-high Phoenix and countless smaller places once idyllic.

We have put DDT in the Shellfish off Martha's Vineyard and human excrement in Sugar Creek, Charlotte, N.C., as well as the streams of tiny Peterborough, N.H., where Thornton Wilder based his bittersweet tale of "Our Town."

We have mined enough coal and iron to sag and crack two million acres of land and strip-mined enough to bring floods in Kentucky and West Virginia.

DESECRATION RAMPANT

We have made parking lots out of houses older than the American Revolution and rumpus room bars out of trees older than the discovery of America.

We have paved valleys with giant shopping centers and blanketed meadows with dreary housing developments and scarred mountains with utility poles.

We have shaken our ecology with technology, our houses with huge diesel trucks and our teeth with monster jets and we have put enough cars on the "freeways" of California to tie up, in a single accident, 200 vehicles, like uncut sausage.

We have built a "Walden Breezes—Trailer Sales" across from Henry David Thoreau's Walden Pond and a "Plymouth Rock Cleaners—3-Hour Service" across from the Puritan landfall. In Hannibal, Mo., behind Samuel Clemens' boyhood home, we have built "Vic Cassano's Piazza King," and on the side adjoining, the "Mark Twain Drivein" with electronic menus and across town, the "Huck Finn Shopping Center" and the "Huck Finn Cinema."

We have suffered, in Lewis Mumford's words, "disorder, blight, dingy mediocrity, screaming neon-lighted vulgarity . . . We have ceased to respect ourselves . . . we have ceased to cherish our own history and to enlarge our own prospects, by promoting character and variety and beauty wherever we find it, in landscapes or in people."

Hannibal, Mo. is also a relatively placid town. At the foot of Cardiff Hill is a statue of two barefooted boys carrying fishing poles, the two best-loved boys in American literature. A plaque identifies the area where Tom Sawyer and Huck Finn "played and roamed at will."

Today they would find it more difficult. Cardiff Hill is bisected by a busy two-lane highway. Loitering by the young is now prohibited by law in Hannibal after 10 PM because of a rise in adolescent vandalism.

Boys still fish in the polluted Mississippi, now with fibreglass poles and outboards, but the Coast Guard frowns on rafts, insisting on a motor and a sail or an oar and a prescribed number of life jackets.

Change, change, change. Will nothing hold still?

Kids sleep together before they are married and marry before they can support themselves and poor old Dad is regarded as oppressively square for asking, "When WILL you find yourself?"

Today's new jet is obsolete tomorrow, today's new superhighway is a bottleneck tomorrow, today's new clothes dryer needs the repairman tomorrow, today's new mini is maxi tomorrow, and spiders spin webs over the old injunction to "eat it up, use it up, wear it out."

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A war to stop the spread of Communism, which was credible in Korea, becomes a credibility gap in Vietnam. Liberals exchange pastures with conservatives and yesterday's interventionist talks isolation today.

Teachers close down schools by strike, police and firemen threaten to walk out, soldiers circulate underground newspapers denouncing the Army, priests quit to marry and the Pope has his troubles with his bishops.

The work week grows shorter, leisure time grows longer and the sale of sleeping pills rises.

New churches don't look like churches and hot dog stands look like space ships and boys look like girls and motels look like rococco grottos or chalets or ranchers, but for a quarter you can make the bed vibrate.

A man making $20,000 moonlights to make ends meet, the Salvation Army turns down gifts of working stoves and TV sets because it has too many, and the poor are hungry.

CAMELOT KEEPS FADING

Public movies resemble private smokers, a national network show makes puns about the Resurrection and a Broadway hit with nudes has fun and games with a presidential nickname. The moon that excited us yesterday seems stale today. Camelot keeps fading.

"Eras don't last long these days," says Daniel Patrick Moynihan, a presidential counsellor who used to work for John Kennedy and now works for Richard Nixon.

Many different kinds of parents, rich and poor, progressive and conservative, are worried, confounded, outraged by or disappointed in their young.

Why can't he be like his father? Why can't she date boys of her own kind? Is marijuana really no worse than the liquor we drink? When I was a sophomore in college I already knew what I wanted to be because I had to know and what the hell is so wrong with making a living? We got a 10-room house and two cars and three TV's and an outboard and a cabin in mountains and Book of the Month and hi-fi—why does he have to wear those damned dirty jeans?

A President's commission tells us we are a racist nation. Another presidential commission tells use we are the most violent nation in the world. An historian tells us the streets are less safe these days then during the Depression when millions were hungry and jobless. The phone operator tells us the circuits are busy.

The General Accounting Office tells us that our major weapons systems are costing at least $20 billion more than original estimates and that no one in the government knows the total number of systems being acquired or their costs.

Wives tell us the checkbook is unbalanced and teachers tell us about the new math and ministers tell us the kids will have no faith unless we go to church regularly and doctors tell us you can get cancer from smoking and hungry from not smoking and heart failure from overeating.

The President tells us we must lower our voices and the vice president calls peace demonstrators intellectual eunuchs. The phone operator says the circuits are still busy.

The Supreme Court says integrate and black militants say they want their own institutions. The blacks in Gary, Ind., which is 60 per cent Negro, tell publisher Walter Ridder of the Post-Tribune that he is a "racist" for not publishing enough black news and the whites tell him he is a "nigger lover" for printing too much black news.

All over America readers complain to editors, "Why don't you tell us what is good about America?"

The restaurant hostess tell us there are no window tables open and, standing there, we can see window tables open. The pulse-takers tell us we are suffering from mutual distrust and a distrust of our government and institutions, and emptor was never more caveat.

The general practitioner tell us to see an internist and the internist tells us to see an allergist and the allergist tells us to see a psychiatrist and, down at the hardware store, the man says he just doesn't know whom we should call to locate a leak in the basement. Meanwhile, the young tell us we are fat and complacent.

The President of the United States tells us we will have all our combat troops out by and by the president of South Vietnam, a junior partner, says no, not all.

The moralists tell us we must do something about pornography and the civil libertarians warn us about censorship. The builders tell us we will have planes big enough to carry 400 at a clip and fast enough to cut two hours off the ocean trip and no one asks us if we want that.

Science reminds us that science has made it possible for more babies to survive birth, more people to survive disease and more old people to live longer. Environmentalists tell us we are running out of space for ourselves and our garbage.

WHO ARE "THEY"?

The airline tells us the skies are friendly and the friendly stewardess tells us, after that damned little paper creamer squirts milk all over us, "I don't know why they give us those things."

But nobody tells us who "they" are, either they who are the silent majority or they who want those huge tail lights that blind the driver behind.

The CIA tells us they can't tell us anything. The tailors tell us you can't lengthen the hem of the new miracle fabrics because the permanent creases will not come out.

The flip kids with the lapel pins tell us, "God is not dead; he just doesn't want to get involved." The phone operator says the circuits are STILL busy.

A full catalogue of our miseries serves a purpose other than masochism. "If we could first know where we are and whither we are tending," said Mr. Lincoln, "we could better judge what to do, and how to do it."

"It is not so much that the pace is fast but that it is somebody's else's pace or schedule," says Paul Goodman, social philosopher. The poets and the philosophers and the psychiatrists agree: Men must somehow regain control of their lives.

There is among many Americans today a yearning for new prophets.

"We need some great statements about what America is about and what we can do about it," says Father Theodore M. Hesburgh, president of Notre Dame University. "We need leaders with a large vision of what the world needs. In a sense we're almost like the Jews were when they needed a prophet to come down from the mountain and tell them some hard things and what to do about them."

But government has its limits, says a man of government, Daniel Moynihan. "It cannot provide values to persons who have none, or who have lost those they had. It cannot provide a meaning to life. It cannot provide inner peace. It can provide outlets for moral energies but it cannot create those energies."

People, we are being told, must find these things themselves. The oratory and literature of the day are, in fact, full of reminders for many different kinds of people.

The minorities are reminded of the progress already made toward more justice and equality. The young and the old are reminded of the need to seek such wisdom as each possesses.

The majority, silent or otherwise, is reminded that a flag decal is not the limit of patriotism, that the American Revolution was led by a minority of intellectuals and scholars and politicians, that it was also Mr. Lincoln who said, "The dogmas of the quiet past are inadequate to the stormy present. The occasion is piled high with difficulty, and we must rise with the occasion. As our case is new, so must we think anew."

And the mourners who wait, still numbed by the passing of Camelot, are reminded that it was John F. Kennedy and Robert F. Kennedy who stressed that one man can make a difference.

The all-out pessimists are reminded that the beginning of the cure is the pain of the illness, that people who become aware of their troubles have thereby taken the first step toward solutions.

It was, after all, an official commission appointed by a President of the United States which said this is a racist nation and another presidential commission which documented the full extent of its violence. A majesty clings to a system which says these things about itself.

Progress there is. The government is committed to ending the war, or at least the combat. There are nuclear disarmament talks. There is a commitment to equality and justice. Arguments there are as to method and speed and even intent, but there are commitments.

The physical world around us is no longer the exclusive concern of poets or eccentric bird watchers or old ladies in tennis shoes.

More and more people actively seek to conserve a tree, a lake, a view. More people question the biblical injunction to be fruitful and multiply.

More people question the old American faith in growth and expansion and suggest that maybe what we don't need is another factory in town.

More middle-aged people have begun to sense a validity in the young who scorn the plastic life. Congress has appropriated funds to fight air and water pollution. People have made a difference.

But awareness and commitments, we are constantly reminded, are only beginnings that guarantee nothing.

"We will not find a way out of our present troubles," says John Gardner, former secretary of Health, Education and Welfare, "until we have the courage to look honestly at evil where evil exists, until we foreswear hypocrisy, until we call injustice and dishonor by their right names, and until a large number of Americans from each sector of opinion—right, left and center—are willing to acknowledge their own special contribution to our troubles.

". . . The path to the recovery of our confidence and well-being will call for courage and stamina. Our salvation will never be handed to us. If we are lucky we will be given the chance to earn it . . . Many things are wrong. Many things must be done.

". . . There is no middle state for the spirit. It rises to high levels of discipline and decency and purpose, or it sags and rots. We must call for the best or live with the worst."

CONGRESSMAN ANDERSON ADVOCATES SEA-BASED ABM SYSTEM IN READER'S DIGEST

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 1970

Mr. EVINS of Tennessee. Mr. Speaker, our colleague, Representative WILLIAM R. ANDERSON, of Tennessee, in a recent article in the Reader's Digest advocates a sea-based anti-ballistic-missile system which would be the first line of defense against an enemy missile attack.

XUM

Congressman **Anderson**, who was the commander of the nuclear submarine *Nautilus*, is certainly an authority on seapower and naval defense and is the author of three books on atomic submarines and atomic power.

Because of the interest of my colleagues and the American people in this most important subject, I include the article by Representative **Anderson** in the **Record**:

LET'S SEND SABMIS TO SEA NOW

(By Representative **William R. Anderson**)

Suppose we could have, for a relatively reasonable price, an anti-ballistic-missile (ABM) deployment that an attacking enemy would have a hard time hitting. One that would force him to invest expensive attention on the world's oceans instead of on the continental United States. That would rake from the heavens many of his multiple-warheads missiles before the nuclear warheads had time to spread out—thus immensely simplifying the defensive task of our land-based ABM systems. And that would help provide our President with more time for deliberate decision in the event of a nuclear crisis.

An added bonus would be that with such a system we might be able to retard dangerous nuclear proliferation. We could offer an effective light defense against nuclear attack to countries we are pledged to protect; we would not be restricted, as we now are, to the single choice of delivering holocaustal nuclear retaliation on their behalf. With such a defensive system available to them, such countries as West Germany, Japan, Israel and India, all of whom now are capable of producing atomic arms, might be persuaded not to do so.

Would you buy a defense system that provided all that? I think we should. For such a system is available. It can be built and deployed by the mid-1970s, by which time our defense planners believe the chances of nuclear attack, either from Russia or Red China, may be great.

There is nothing secret about the practicability of this system. I described it last year on the floor of the House, but my words were swept away in the emotional tides that swirled about the ABM debate. It is called Sea-based Anti-Ballistic-Missile System—SABMIS. The concept has been developed and thoroughly analyzed by the Navy. No expensive new research-and-development programs are required. The necessary technical knowledge exists. All that remains is to build the component parts and send SABMIS to sea.

The basic SABMIS unit would be a ship about the size of a large cruiser, fitted with powerful radar similar to a type already in use at sea. It would carry computers capable of tracking simultaneously several attacking intercontinental ballistic missiles (ICBMs). It would be loaded with more than 60 interceptor missiles mounted on Poseidon boosters. If the SABMIS ship were to miss on the first shot, it would have time to recalculate and shoot again. If it were to miss altogether, SABMIS' computers and communications systems could warn the U.S.-based Safeguard ABMs that some warheads had got through, and tell them where to concentrate their attentions.

One of the things that have our defense planners greatly concerned is the communist development of the multiple independently targeted re-entry vehicle (MIRV) ICBM. The MIRV is like one of those Fourth of July rockets that explode into a big, colorful spray as they come down—except that the spray the MIRV unleashes is full of nuclear warheads which can be guided to targets hundreds of miles apart, and mixed with these are all kinds of penetration aids designed to confuse and jam defensive radars.

Against this threat, consider the value of just two SABMIS stations, each including one or more ships. If the first station were in the Gulf of Alaska and the other in Baffin Bay, in the vicinity of our Thule, Greenland, Air Force base, the two could cover the entire threat corridor through which both Soviet and Red Chinese ICBMs would have to be fired toward the United States. At such forward locations, under the umbrella of friendly forces, SABMIS could catch with its missiles many incoming ICBMs before MIRV clouds had much chance to spread. And since the interceptions would occur above the atmosphere and over water, the North American continent would be spared a great deal of nuclear blast and direct radioactive fallout.

In addition to the two forward-based SABMIS stations, we could have other stations somewhere off our Atlantic and Pacific coasts, to help defend against submarine-launched ballistic missiles. These ships would comprise an effective light SABMIS deployment for the United States. Because ships must occasionally return to base, we probably would want to build six or eight in all.

The at-sea SABMIS force would hugely complicate an aggressor's attack problem. To be certain that he had placed a sufficiently destructive amount of nuclear firepower on important U.S. targets, he first would have to knock out our ABM systems, which means that he would have to destroy our SABMIS ships. But it is never easy to destroy a naval force at sea. Our SABMIS ships could, if the threat warranted, cruise constantly in coordination with fast, strong escort forces. Furthermore, if during a crisis an opponent attempted with his own naval forces to close in on our SABMIS force, this in itself would be a clear signal to the President to alert our own retaliatory forces—the bulk of which also could and should be placed at sea.[1]

The Navy's studies show that should an aggressor fire a nuclear missile at a SABMIS ship from, say, the Soviet Union, the ship, alerted, could be well out of the kill zone—as far as ten miles away—by the time the missile reached the target. To have any chance at all of hitting SABMIS, the attacker would have to fire a great many missiles all around a 20-mile diameter of ocean. This would be enormously expensive, and he still could not be certain of success, for if a SABMIS computer showed that any of these were going to come within kill range, the ship could destroy them with its interceptor missiles.

SABMIS together with Safeguard would thus provide us with two interception zones—a defense-in-depth that would increase the survivability of a vital portion of our retaliatory arsenal. Moreover, with its capacity to knock down enemy weapons far from our homeland, SABMIS would make a crucial contribution to the President's decision time. Obviously, he *must* have as much time as we can buy for him to determine whether the country actually is under sustained all-out nuclear assault and, if so, to ascertain the source of the attack and decide on—and be able to deliver—the appropriate response.

There are other attractive features to SABMIS: Its mobility would enable us to relocate it quickly in time of crisis. The system never would be locked in anywhere. Should the world powers ever achieve nuclear disarmament, the ships would still be valuable: they could be converted for conventional warfare missions. And, by comparison with other important items in our defense budget, even SABMIS' price is attractive: less than eight billion dollars is the Navy's estimate for eight ships, their missiles *and* ten years of operations.

A few additional SABMIS ships could go far toward making the recent non-proliferation treaty effective. For instance, with four additional ships we could offer protection to the entire North Atlantic Treaty Organization area without threatening nuclear retaliation aimed at the source of possible attack. With one, we could do the same for Japan; with two, for India. Such light deployments would be possible throughout the free world. SABMIS ships assigned to defend countries in the Southern Hemisphere could also be on the lookout for Soviet orbital bombardment attacks launched against the United States from southerly directions. And there seems no reason why friendly countries who are interested in a stable peace and who wish to avoid the vast expense of building their own nuclear weapons should not be willing to help pay for the SABMIS ships that their defenses would require.

There never has been a reasonable argument against the SABMIS concept. There has been some talk about "ship vulnerability"—people worry that ships can be found and sunk. Indeed they can, but not nearly so easily and cheaply as immobile, land-based systems can be targeted and destroyed—in the kind of attack that would kill millions of Americans an reduce much of our country to poisonous rubble.

Yet SABMIS consistently has been blocked in the Department of Defense. Powerful elements who have committed billions of dollars of the taxpayers' money to the land-based ABM concept will not tolerate a system they deem to be in competition with it. But anyone who has been listening should know that the Navy has not offered SABMIS as a substitute for Safeguard, that on the contrary it strongly supports the idea of a terminal-stage defense system and has advanced the SABMIS concept as a vital, relatively inexpensive supplement to it.

Just enough funding has been granted SABMIS so that the Defense Department can say the idea is being "examined." In the current fiscal year the Navy had confidence enough in SABMIS to ask for 55 million dollars. When Defense refused any funds, the Navy reduced its request to ten million dollars, and Defense finally granted three million. Furthermore, it appears that some people in the Defense Department either have not been doing their homework, or deliberately have been misinforming their superiors. Queried on SABMIS during the 1969 ABM debate, Deputy Defense Secretary David Packard said he had been told that the technology was so uncertain that the system could be developed only long after Safeguard. This simply is not true. SABMIS is based on current technologies, and could be operational within the same time span as, and perhaps even sooner than, Safeguard.

Then, there is the tragic fact that the United States still is not a sea-minded nation. A Navy of old and worn-out ships, a decrepit Merchant Marine and a totally inadequate oceanology program are sufficient proof.

The military axiom that the best defense is a good offense still holds true, and that is where our heaviest defense investments should be made. I don't suggest that we spend ourselves to death trying to develop airtight ballastic-missile defenses—I don't believe it can be done. What we can well afford to do, and should do, is develop and deploy a defense-in-depth that will help greatly to lessen the growing nuclear pressures against this country. By continuing to treat SABMIS as an unwanted stepchild, the Defense Department will be making a grave and costly mistake.

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[1] See "A Bold New Plan for National Defense," The Reader's Digest, October '69.

REPRESSION IN VIETNAM

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 1970

Mr. BINGHAM. Mr. Speaker, ever since his November 3 speech on Vietnam, President Nixon seems to have lost all interest in a negotiated settlement in Vietnam, relying instead on the process of Vietnamization to carry on the war indefinitely. This has taken all the pressure off President Thieu to move in the direction of greater political freedom and a broader and more representative government. As was to be expected, Thieu has responded by moving instead toward greater repression.

An example of Thieu's growing intolerance of even moderate dissent is the outrageous prosecution and trial of Deputy Tran Ngoc Chau. In today's Washington Post, Mr. Dan Ellsberg, an expert on Vietnam, is quoted at length on the grim significance of the Chau case. He says the message of the case is that Americans will do nothing to protest Thieu's political opponents, and that the suppression of even non-Communist opponents of Thieu "ends whatever small hope there was for a neogtiated settlement" and "puts time on the side of the Communists." The article follows:

ANALYST FEARS UNITED STATES ACCEPTS VIET REPRESSION

(By Lee Lescaze)

The case of Saigon Deputy Tran Ngoc Chau indicates that the United States is willing to accept any repressive action by the Thieu government, a long-time Vietnam analyst believes.

"The case signals so clearly our willingness to collaborate with a regime that is destroying all factions that seek to end the war and are able and willing to compete politically with the Communists," Dan Ellsberg said in an interview yesterday.

Chau was stripped of his parliamentary immunity by a petition that some Vietnamese lawyers in Saigon feel was unconstitutional. He is being tried for aiding the Communists through conversations with his brother, who is an admitted Communist agent. He earlier was found guilty in absentia and sentenced to 20 years; he is now being retried.

Before his arrest and prosecution, Chau had been critical of the Thieu government and had made public charges that Nguyen Cao Thang, a close associate of the president, was bribing and blackmailing members of the legislature to get their votes.

"If Thieu can act this blatantly against a man known by many Americans and Vietnamese to be an anti-Communist nationalist then he can do it to anyone," Ellsberg said.

Ellsberg says the message of the Chau case to political opponents of Thieu is that the Americans will do nothing to protect them.

Non-Communist elements like the An Quang Buddhists and friends of Chau will think twice before running for the Senate in this year's elections or for the house in 1971 if they fear reprisals, Ellsberg said.

The suppression of non-Communist opponents of Thieu also ends whatever small hope there was for a negotiated settlement, Ellsberg said. "It puts time on the side of the Communists."

In Ellsberg's view the Communists have nothing to fear politically from the Thieu government. Without American support, it will collapse, and the longer it remains in power the more effective it will be in preventing a cohesive non-Communist opposition from forming.

In addition, the Vietcong seem certain to reason that if Thieu and the Americans do not protect the freedom of a non-Communist legislator they would not be likely to guarantee the fairness of elections that included Communists or the physical safety of Communist campaigners.

Ellsberg and Gen. Edward G. Lansdale, for whom Ellsberg worked in Vietnam during 1965–67, agree that Chau is not a Communist.

Chau and other foes of Thieu would, however, not lead an anti-Communist war if they were to come to power, Ellsberg said. They would seek first to end the fighting and then to avoid, to the greatest possible extent, political domination by the Communists.

"Thieu's actions," Ellsberg said, "exclude from power any Vietnamese voices that want the fighting to end."

In supporting Thieu, Ellsberg believes, the United States "has made once again a choice to block a Communist dictatorship by support of a military dictatorship."

He thinks this course will not lead to a successful Vietnamization of the war, but will confront President Nixon eventually with a choice between staying on in support of Thieu or withdrawing and watching the immediate collapse of the Saigon regime.

The South Vietnamese Supreme Court still has an opportunity to review the Chau case and the American Embassy could still break its official silence on Chau. But if the case proceeds as it has begun with, Thieu getting his way, Ellsberg believes the basis for hopes of a Saigon government determined to end the war will have been stripped away.

Before his two years with the State Department in Vietnam, where Ellsberg came to know Chau well, he worked for Assistant Secretary of Defense John McNaughton in 1964–65. He is now doing research on the origins of the U.S. involvement in Vietnam.

THE PEOPLE ARE NOT STUPID—DOUGLAS MUST GO

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 1970

Mr. RARICK. Mr. Speaker, my convictions that Associate Justice William O. Douglas should leave the Bench or be impeached are well known. When these views are not strengthened by his pronouncements on the Bench, they are fortified by his appalling conduct and writings off the Bench.

Last week I called to the attention of the House a letter to the editor of a midwest newspaper, calling for impeachment of this disgrace to the Bench. Today, I received an intelligent and well-reasoned second to the removal idea, from a writer in New York.

The American people are not stupid. They increasingly demand that we perform our constitutional duty to rid the Supreme Court of this exponent of subversion and perversion.

I include in my remarks my correspondent's letter:

ASTORIA, N.Y.,
February 28, 1970.

Re "Pollution of Justice—Douglas Must Go." (Congressional Record, February 24, 1970, p. 4686).

Hon. JOHN R. RARICK,
U.S. House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN RARICK: I am in full agreement with the February 17 letter published in the *Chicago Tribune*, except for the final sentence (presumably restating the paper's editorial opinion), according to which ". . . impeachment proceedings are in order *if voluntary retirement is not forthcoming.*"

In my opinion impeachment proceedings are in order. Period. Regardless of whether voluntary retirement is forthcoming. The bad behavior of a public official should go on record even if he intends to avoid impeachment proceedings by voluntary retirement and even if there is no hope to muster a two-third majority and to accomplish removal.

If, for the purposes of this argument, we accept the textbook theory of three co-equal branches of government, it is apparent that the controlling powers between the three branches are not and never were equal. Presidential vetoes and judicial review are rather impersonal—they deal with acts of Congress. Lifetime appointment of Justices and subsequent Senate confirmations are personal but positive by nature. The Chief Justice's role in presiding over the impeachment trial of the President is a rather passive, *ex officio* function.

Congress, the first and most responsible branch of government has the duty to exercise the power of impeachment, by character the most sensitive, most personal and most negative control. This is the time for Congress to reassert its prerogatives as the First Branch of Government, by removing this dishonorable man from the highest court of our Nation.

You, Sir, are eminently qualified to initiate such proceedings.

Sincerely,

GEORGE HORVATH.

DOMESTIC SCIENCE SCHOOL FOR MEN

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 1970

Mr. PUCINSKI. Mr. Speaker, with the increasing number of women entering the ranks of industry, particularly working mothers, certainly the men ought to know something about looking after the house. It is estimated that by 1975, 50 percent of the mothers will be working.

Recently, the German Tribune reprinted an article from the Frankfurter Neue Presse concerning a school established in Munster to train men in the secrets and mysteries of running a household in the event the mother or wife became ill or some other catastrophe occurred in the family.

This kind of training could bring families closer together, and it would make husbands and bachelors realize more the difficult job women face in running an efficient household.

I commend the following article to my colleagues:

DOMESTIC SCIENCE SCHOOL FOR MEN

Men in Münster have given up going to the pub in the evening and have taken up a new hobby—they are now attending a domestic science school.

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In many families when the mother or the wife goes sick or is prevented from doing domestic chores for some other reason the household is hit by catastrophe. Suddenly the head of the family finds that he must cook, scrub, darn and sew. Nowadays cooking is the least of his worries since the canning and deepfrozen food industries have come to the rescue of grasswidowers and bachelors.

But industry can scarcely step in and do all the other housewife's duties. The school in Münster has filled this gap. It will help men who are suddenly woman-less to overcome difficulties. With the slogan—Tip-top without a housewife—all men from around Münster are invited to initiate themselves into the mysteries and secrets of housework.

The reputation of the school has spread. Men quickly flocked to fill the places in class. On the curriculum the most important lesson is the care and preservation of clothes. Men are shown, for instance, how to remove spots of grease and wax.

Pressing trousers is one of the simplest tasks, but wielding a needle and cotton is something most men find difficult.

The school in Münster claims that at the end of a course a man should feel as at home taking care of a home as a woman.

One student at the domestic science school has discovered the negative side of the school's beneficial work. Back in action again his wife discovered to her amazement that her better half was also better at sewing. The outcome was inevitable. The husband now does all the sewing.

KCBS LOOKS AT THE CALIFORNIA WATER PLAN

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 1970

Mr. WALDIE. Mr. Speaker, Radio Station KCBS in San Francisco has long been recognized for its leadership in broadcast news reporting and its public service in giving its listeners provocative and well-documented editorials.

Presently in California, the State's multibillion water project has become a matter of increased public concern and debate.

Mr. Speaker, KCBS has capsulized this issue in a series of three excellent editorials which I think are an outstanding example of this radio station's objectivity and public responsibility.

The series follows:

CALIFORNIA WATER PLAN I

In Monday morning's paper, you probably saw a full page dealing with California's Water Plan and the peripheral canal, a part of the State Water Project. The subject of that message involves the very lifeblood of California.

Without water, this State's vast economy and dense cities would soon waste away. Unfortunately, the scope of the Water Plan is so large that it staggers the mind. In this series of editorials, KCBS will try to present the project in manageable portions.

The story starts in 1957. At that time, Californians were still discussing the devastating floods which had smashed through the central valley a few years earlier. It was clear that there was a need for some sort of protection. Simultaneously, the southern part of the State was feeling its growing pains. More people were moving to California. More people meant a need for more water. Logically, it might be possible to serve both needs with one device.

Thus, in May of 1957, the California Water Plan was presented. Here's what it proposed: It was not a fixed blueprint by any means. It was divided into two major segments. The first was to deal with the development of local water needs. The second was to propose a major system of public works. This system's goal would be to conserve and export surplus northern water and transport it to areas that lacked adequate supplies. Ultimately, it would stretch from the Oregon border to the Mexican boundary. The State Legislature adopted the plan after considerable debate. In 1960, the voters approved the largest bond issue in the State's history. The price tag was 1.75 billion dollars.

Today that investment may be threatened by the questionable value of the peripheral canal, which we have consistently opposed.

Join us tomorrow for further comments.

CALIFORNIA WATER PLAN II

1.75 billion dollars is a great deal of money. Yet, even that huge sum may be insufficient to complete the vast State Water Project. Current money conditions make the State Water Project bonds unattractive to investors. On top of that, a new challenge has developed over the basic need for such a system. Thus, the idea is in trouble twice over. While all this is happening, the costs continue to increase through inflation, further compounding the problem.

As mentioned yesterday, the State Water Project is the system of canals, pumps and dams designed to transport fresh water. The system provides an immediate benefit through flood control. This is offset by the threat of water pollution in the delta region just northeast of San Francisco Bay. The pollution we're speaking of consists of saline water. This may come from sea water or it may come from fresh water that carries a large amount of mineral salts. In either case, the water is bitter and salty. Fresh water plant systems cannot adapt to such water quickly. In turn, animals and fish which feed on these plants are denied adequate sources of nourishment. In effect, the basic ecological life support system is disrupted, perhaps even destroyed. This is the darkest side of the story. This is what may come to pass if the peripheral canal is authorized and built.

The canal would act as a giant faucet. By diverting fresh water from the Sacramento River and detouring it south, the level of saline water might increase in the delta area. If enough fresh water was diverted, the impact on the delta, its recreational capacity, as well as its economy could be substantial. In tomorrow's segment, we'll compare the natural system with the mechanical method. We hope you'll join us.

CALIFORNIA WATER PLAN III

The peripheral canal, if built, would serve as an essential link in the State Water Project. It is needed to transport surplus fresh water to parched areas of central and southern California.

The peripheral canal, if built, would threaten the economy and ecology of the Delta region. Diversion of fresh water will allow salt water to intrude and thus damage the natural balance which now exists.

KCBS is inclined to support the second position. We recognize the needs for water in other parts of the State. However, we do not feel the economy and recreational value of the Delta should be the price to be paid. Many promises have been made that no such abuses will be permitted. We suspect political pressures from the jammed urban districts could make such assurances quite hollow, very quickly.

Delaying the peripheral canal will certainly cost money. Inflation has already expanded the estimated total cost from 1.75 *billion* dollars to 3 billion dollars for the entire project. However, that delay may provide opportunities to evaluate and adopt new technology. Conceivably, desalting of ocean water may prove competitive to the cost of inland water. A variety of other alternatives has been suggested. We think the time must be taken to evaluate them, rather than plunge ahead with the canal, only to learn later, another alternative was cheaper and better. Such an admission would be small comfort to the residents of the Delta.

Last year, Governor Reagan blocked the building of the Dos Rios Dam up north. He asked for some new thinking on the project. We urge him to follow the same policy on the peripheral canal. Delay might be costly, but we think it would be worth it if we could save the Delta in the bargain.

NOT ENOUGH APLOMB

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 1970

Mr. PUCINSKI. Mr. Speaker, the Chicago Tribune in its editorial this morning has put into proper perspective President Pompidou's visit to Chicago.

The Tribune editorial follows.

NOT ENOUGH APLOMB

President Georges Pompidou of France blew his cool here in Chicago. Then President Nixon too hospitably imitated Pompidou by offering an unnecessary apology for Pompidou's reception here. Chicago took another undeserved black eye when the President, at the New York dinner honoring Pompidou, played for and got a laugh by pausing significantly after he mentioned that Pompidou had seen Illinois.

True, while the French president was in Chicago thousands of people turned out to remind him of what he already knew—that many Americans are critical of and angry about the French government's current policies in the middle east, and particularly about the recent French sale of more than 100 jets to Libya. In extenuation of Pompidou's overreaction to such reminders, it can be said that his time here had been overscheduled and that he was late and probably tired when he arrived at the Palmer House, where the demonstrators had gathered. But the nervousness he betrayed at the Chicago dinner surely was due less to what had happened here than to what he may have feared would happen but did not.

Pompidou has occasion to know crowds can be rough. When Vice President Hubert Humphrey visited Paris in April, 1967, hostile demonstrators were out in strength. They screamed "U.S. assassin!" at Humphrey, threw eggs and paint, burned an American flag in the middle of Avenue George V, and assaulted two American marines who were part of Humphrey's honor guard. The flag burning and assault on the marines caused the United States to file a formal protest. Pompidou surely can remember all this, for his auto in Humphrey's cavalcade was one of those splattered by eggs and paint.

Tho Humphrey had a far rougher time in Paris than Pompidou had in Chicago, he kept his poise better. On his return, he was editorially commended by Business Week for "handling a trying European mission with verve, aplomb, and sensitivity."

President Nixon, too, knows the difference between the orderly protest made by Pompidou's Chicago critics and really dangerous encounters such as he experienced in South America as a touring Vice President. Nixon would not have taken the Chicago incident as seriously as he did if Pompidou had main-

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tained the aplomb expected of a man of his position and experience.

Mayor Daley is right in saying no apologies were required and that "the Chicago police department fulfilled its responsibility to both the visitors and the citizens in an exemplary manner."

TEXTILE IMPORTS

HON. WM. JENNINGS BRYAN DORN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 1970

Mr. DORN. Mr. Speaker, Gene Stone, of Stone Manufacturing Co., Greenville, S.C., is one of the Nation's leading and most respected apparel manufacturers.

Recently, Mr. Stone returned from a trip around the world covering more than 25,000 miles. He visited many countries in the Far East and Europe including Japan, Korea, and Taiwan.

In a recent address Mr. Stone made the following recommendations which are worthy of consideration by the Congress. I commend these timely and pertinent suggestions to the immediate attention of my colleagues:

ADDRESS BY MR. STONE

There are several ways American Apparel Manufacturers can protect themselves from being liquidated by such foreign imports—short of moving their plants and production overseas. These are:

(1) Automate apparel manufacturing completely—This will take years and the cost is almost prohibitive for the apparel industry.

(2) Demand that all foreign companies that desire to ship apparel and textiles into America operate under the same wage and hour laws that we do and see that these laws are enforced. This, of course, is economically and politically unfeasible.

(3) Subsidize American Apparel Manufacturers for the difference between foreign wage rates and wage rates we pay here in America. This, too, is economically and politically unfeasible.

(4) Restrict imports to an acceptable volume by category and type. This *is* both economically and politically feasible, and is the policy of most nations around the world.

Just how much imported goods can our American Market absorb and still have our textile and apparel industries survive? This is the sixty-four dollar question that must be answered now!

After watching this problem get hotter and hotter for the past several years, until it's now at the boiling point, we would like to offer the following plan as *our* suggestion for a solution.

Allow all foreign countries combined to have up to, but not more than, fifteen percent of what our total American market was the year before in textiles and apparel. Divide this fifteen percent into three major categories: five percent for yarn, five percent for piece goods, and five percent for apparel. Subdivide each of these into more specific categories. Allow no shifting between categories and no carry-overs. That's our plan—simple but effective—and liberal too!

In 1968 the total American Market in textiles and apparel absorbed the equivalent of approximately twenty billion square yards. Fifteen percent of this would be 3,000,000,000 square yards which is just about the total equivalent yardage shipped into America in 1967 by all importers. This plan is far more liberal than any foreign country would offer us. Allowing a larger percentage than this to come in will be disastrous!

We have always tried to be good loyal Americans. We love South Carolina. Our greatest desire is to stay right here and continue working with our many, many wonderful people, who over the years, through loyal devotion and hard work, have helped our company to become, what we believe, is one of the finest apparel organizations in the world today. For years we have operated under strict Government wage and hour controls. Under these rules, when a "push became a shove", we have always been able to hold our own against any American competition.

It is a sorry Government indeed that requires our American manufacturers to operate by these strict rules and at the same time allows all foreign manufacturers to compete against us without abiding by *any* rules whatsoever. Sooner or later American manufacturers are bound to lose! In our own case, although we have lost the cream of our popular price staple business to these foreign imports, we are trading up, at tremendous cost, to fashion merchandise. This requires higher styling and shorter lead times, but since importers haven't invaded this field in depth yet, we believe we will still have a good season ahead of us.

If our government fails to adequately protect our industry in the bargaining sessions now going on in Geneva, and American retailers once become convinced there will be no restrictions put on imports, then I predict that orders placed overseas will make today's volume of imports seem like "nothing but sample shipments." We will then come face to face with that old proverb which says, "If you can't lick 'em—join 'em." If this decision, God forbid, is forced upon us, our industry will have no choice but to move overseas.

DISTINGUISHED UTAH EDUCATOR RECOGNIZED

HON. LAURENCE J. BURTON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 1970

Mr. BURTON of Utah. Mr. Speaker, Utah's very distinguished superintendent of public instruction, Dr. T. H. Bell, of Salt Lake City, has been named Associate Commissioner of Education. A prominent newspaper in Utah, the Deseret News, has recognized Dr. Bell's achievements and contributions to the Utah educational system in an article which I would like to include in the RECORD:

A LOSS FOR UTAH

With the resignation this week of State Superintendent Dr. T. H. (Ted) Bell, who becomes Associate Commission of Education April 15, Utah loses one of its most skilled and imaginative educators.

Since his appointment as superintendent in 1963, succeeding the late Dr. Marion G. Merkley, Bell's administration has been characterized by vigorous activity in the field of innovative instruction. This has been the case, despite increasing teacher militancy and a host of other challenges.

Dr. Bell has not only served several times as chief mediator when school boards and teachers were in impasses over salaries, but served in other ways to improve channels of communication between boards and teachers.

In his new post, Dr. Bell will direct the U.S. Office of Education's 10 regional offices in Boston, New York, Philadelphia, Atlanta, Chicago, Kansas City, Dallas, Denver, San Francisco and Seattle.

It is little wonder that such a dynamic and charismatic individual was selected for such new and high responsibility in the nation's educational affairs. As Dr. James E. Allen, U.S. Commissioner of Education, said, "The Office of Education is fortunate to be able to obtain the services of Dr. Bell, who is an experienced educator and is eminently qualified."

Utahans regret their loss, but at the same time are highly appreciative of Dr. Bell's job here and extend him every wish for additional success.

TRIP TO NOWHERE

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 1970

Mr. DERWINSKI. Mr. Speaker, the complications of drug addiction are becoming more obvious to us as widespread use of drugs dramatizes the problem. An editorial in the February 26 Blue Island, Ill., Sun-Standard, based on a great deal of study and research on which this paper's staff participated, merits very thoughtful review.

The editorial follows:

TRIP TO NOWHERE

Some young people use drugs. This is a fact.

While in all probability this fact affects communities surrounding this one, it cannot be dismissed as someone else's problem.

The possibility of drug abuse among our own young people must be kept constantly in mind as a threat to our own children.

The recent death of a 19 year old youth whose body was found here Sunday was a shocking revelation.

While the cause of death of this young man has not been positively laid to the use of drugs, indications point to that probability.

This youth had no previous record of drug abuse. He was known by his mother to deplore the use of drugs. Still, he may have been a drug victim.

LSD, one of the most damaging drugs used by young people today, can be responsible for an undetermined amount of brain damage.

It is suspected that many innocent youths have been sent on an unwanted trip by a "friend" who spiked a soft drink with this colorless, odorless tasteless, destructive monster—LSD.

Young people who use drugs by choice often go undetected by their own families for many months. We heard recently of a 16 year old lad who had to be confined to a sanitarium by his parents—he was an addict.

His understanding parents mistook the drug reactions as the not uncommon moodiness of a 16 year old boy. These were interested, concerned people who had no prior knowledge of their young man's use of harmful drugs.

We do not feel it necessary to alert readers to the dangers of drugs but rather to impress upon them the fact that a young, unsuspected addict could be their own child.

We all feel that our own children are above suspicion. No parent wants to become a spy, but we must be constantly on the alert. Elementary age young people are not to be discounted. Eleven and 12 year old drug users, while not common, are known.

First year high school students are probably the most vulnerable. They want to try everything and be accepted as one of the crowd. No one knows to what lengths they may go to achieve this desire.

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When young people attain the age where they are often invited to attend house parties, how selective are we, as parents, of the places they are allowed to go?

Warnings and instructions from parents all too often fall on the deaf ears of youngsters. We must, therefore, always be on the alert for any changes in behavior patterns, new friends who are only vaguely described and the telltale signs that all is not well with our offspring.

No, it is not our neighbor's problem. It doesn't necessarily have to be the "kid who has always been in some kind of trouble."

Drug addiction or just trying it out for the first time for kicks is a problem close to the hearts and homes of every parent everywhere.

We ask you to be watchful or it may be too late to help that beloved son or daughter.

If there are any indications that lead you to believe that your child may be a user—first time or otherwise—it is of the utmost importance that you, as a concerned parent, seek immediate professional, medical help.

The authorities are also eager to assist parents who find they have a child with a narcotics problem. They do not just lock them up and throw away the key. They are in a position to advise troubled parents of what their next step in seeking help for a youngster should be.

We are hopeful that parents will take this editorial in the light in which it was intended. That is, to stop a young person from taking a trip from which he might never return.

SOUTH CAROLINA VETERANS HOSPITALS ARE SHORTSTAFFED AND NEED MORE OPERATING FUNDS

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 1970

Mr. TEAGUE of Texas. Mr. Speaker, the hospitalized veterans in South Carolina are not receiving the quality of treatment which they deserve because the veterans hospitals which serve them do not have sufficient funds or staff to properly operate. They are caught in an impossible squeeze between higher medical and drug costs and rising workloads without receiving proportionally higher funding and staffing allocations.

Mr. Speaker, Vietnam veterans are having to wait for long periods of time for dental examinations and treatments and veterans who do not need expensive hospital care and could be sent to community nursing homes at VA expense are not being transferred because of lack of money. VA hospitals are continuing to use maintenance and equipment money to help pay for drugs, food, blood and blood products, medical supplies, and other operating costs because they are not receiving sufficient money for day-to-day operations. This results in further deterioration of VA hospital facilities and equipment.

Mr. Speaker, the general medical community hospitals and State and local government hospitals have an average staff ratio of 2.72 employees for each patient while the Veterans' Administration has only 1.5 staff for each patient. Some university hospitals operated in connection with medical schools have an even higher ratio of over three employees to each patient.

The Veterans' Affairs Committee investigation in December 1969 of South Carolina Veterans' Administration hospitals revealed funding deficiencies in fiscal year 1970 of over $1.7 million. Hospital directors at the Charleston and Columbia VA hospitals stated these funds were needed to operate about 750 hospital beds serving about 261,000 South Carolina veterans.

The investigation being conducted by the House Veterans' Affairs Committee revealed that under the hospital staffing ratios I advocate, South Carolina VA hospitals are approximately 300 positions short of needed staff. These extra positions would cost about $2.4 million annually. Hospital directors conceded a few of these positions, particularly physicians, would be difficult to fill at current VA salary rates, but most positions would be recruitable. The South Carolina hospital directors also reported that the community nursing home-care program at their hospitals was underfunded by approximately $125,000 and that more funds in the approximate same amount were required for outpatient fee dental care primarily due to the increased workloads created by returning Vietnam veterans.

In December 1969, Director F. C. Fitts, M.D., at the Columbia, S.C., hospital reported he was short about a half a million dollars in salary funds. Other shortages included $31,000 in the dietetic service for food and supplies, approximately $50,000 in drugs and medicines, approximately $20,000 for beneficiary travel and $10,000 for prosthetic appliances.

To meet these unfunded deficiencies and to maintain fiscal solvency, Dr. Fitts stated that planning included the cancellation of all approved nonrecurring maintenance and repair projects, reduction in the levels of all expenditures to a minimum consistent with continued operation, and not filling vacancies through attrition unless essential to direct patient care. He stated approximately $48,888 in funds allocated for maintenance and repair projects would be diverted to cover costs in other areas. Included among items to be deferred were the installation of a fire escape in Building No. 1 at an estimated cost of $16,000; increase the elevator capacity in Building No. 22, estimated cost $11,000; replace window screens, estimated cost $3,300; install new tile flooring $12,000; and install automatic doors. Said Fitts:

> These projects relate to critical areas throughout the hospital in order to maintain our customary hygenic and safety standards.

Dr. Fitts stated that they had 22 patients in the community nursing-care program at the beginning of fiscal year 1970 but that after January 1 they would have no funds for further placements. He said the program was underfunded by $43,000.

To achieve the minimal staffing ratios of two employees for each inpatient, the ratio for general hospitals advocated by me, Fitts said 260 more employees at an annual cost of about $1.7 million would be required. He reported the employee ratio at the Columbia VA hospital as of September 30, 1969, was 1.31 per patient. Fitts also said that physicians would not be recruitable at present VA salary scales but that all other positions required, including nurses, laboratory technicians, pharmacists, and social workers would be recruitable.

Dr. Fitts reported to the congressional committee in January that following review of his budget plan and reported deficiencies to the VA central office, additional funding support in the amount of $220,538 was received. Of this total $8,750 was restricted for fee basis dental care to apply against the $125,000 backlog; also, $11,788 was received to apply toward the reported $43,000 deficiency in the community nursing-care program. Fitts said the remaining $200,000 had been applied toward the funding deficiencies for staffing. He said:

> Although these allocations had materially reduced our projected deficit for personal services to continue current staffing, a sizeable deficiency continues for the fiscal year.

Additionally Fitts said:

> We must use all of our non-recurring maintenance and repair funds to support current staffing. No funds are available for activation of our recently installed speech pathology and audiology unit.

Fitts added:

> The funds allocated to community nursing home care and fee basis dental care do not meet the needs of the remainder of the fiscal year.

Director Robert L. Russell of the 334-bed hospital at Charleston, S.C., reported his funding deficiencies at more than $500,000 to operate during fiscal year 1970 in December 1969. He said he was short approximately $350,000 for an average of about 43 employees including one-half year funding support to activate intensive care units. In order to meet the shortage of funds for staffing, Russell said his plans included the cancellation of all maintenance and repair projects, cancellation of all planned equipment purchases, reduction of requests for supplies and services, and deferral of filling any present vacant positions, however essential.

Russell said that the $67,000 allocated for maintenance and repair activities and the $41,000 additional equipment would be diverted to cover the cost of salaries. Among maintenance and repair projects deferred were an addition to the sprinkler system $5,500; installation of a new incinerator $27,000; replacement of vinyl wall covering in all hospital areas $24,000; interlocks on laundry chutes $5,000; and air supply to surgery $5,000. Items of equipment that would have to be deferred to another year included a nurses call system, $3,300; X-ray apparatus, $2,200; conversion of two X-ray processors from 7 minutes to 3½ minutes processing time, $1,200; and other medical and administrative equipment.

The Charleston hospital reported that the actual cost of an average daily ration was $1.24 during fiscal year 1969. In approving a $1.20 rate for fiscal year 1970 Russell said:

> Requests from virtually all control points were reduced by management in order to stay within available funds. This reduction also applied to food ration costs.

At the beginning of fiscal year 1970, July 1, 1969, the Charleston hospital had 22 patients in the community nursing

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home program. Director Russell reported that this program was underfunded by $82,350. He stated that an average of only 17 patients could be maintained within the funds available, but that the potential existed for an average of 32 outplacements during the fiscal year. Russell also reported that to achieve the minimal staffing ratio advocated by me for a general hospital that 26 more positions at an average cost of $225,000 annually would be required.

In a subsequent report to the Veterans' Affairs Committee Russell advised that his hospital had not received any funds other than those allocated to the hospital in October 1969.

Mr. Speaker, these are serious problems which are facing the hospital directors, their dedicated staffs and all of South Carolina's veterans. The Veterans' Affairs Committee will soon hold hearings on the full dimension of this problem throughout the system of 166 VA hospitals. With the bipartisan aid of my colleagues in the Congress, I hope this situation can soon be corrected.

RACIAL PROBLEMS

HON. HUGH SCOTT

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

Thursday, March 5, 1970

Mr. SCOTT. Mr. President, I ask unanimous consent to have printed in the Extensions of Remarks an article entitled "Moynihan Sees 'Involvement at Top' Essential to Solution of Race Problems," written by Robert Roth and published in the Philadelphia Bulletin on March 4, 1970.

There being no objection the article was ordered to be printed in the RECORD, as follows:

MOYNIHAN SEES "INVOLVEMENT AT TOP" ESSENTIAL TO SOLUTION OF RACE PROBLEMS

(By Robert Roth)

WASHINGTON.—The Patrick Moynihan memorandum on racial problems which was inadvertently exposed to public view the other day has generated a lot of flak in the Negro and liberal communities.

This is understandable, but unfortunately it has tended to obscure the real purpose of the President's adviser on urban affairs, which was to call the attention of his chief to some of the weaknesses of the Nixon Administration in this area.

"BENIGN NEGLECT"

It is, of course, true that some of Moynihan's phraseology was unfortunate. He would no doubt have said some things differently if he had known that what he wrote would be published. But no matter how he put it, his suggestion that "the issue of race could benefit from a period of benign neglect" would not be welcomed by black people who feel that all they have had from this administration has been neglect, and not always of the benign variety at that.

They see in Administration policies affecting school desegregation and voting rights evidence of intention to slow rather than accelerate black advancement.

DISPUTE THESIS

They do not take kindly to the Moynihan assertion that the Negro has made extraordinary progress toward economic equality with the white population in recent years, and the accompanying implication that a breathing spell would not now be objectionable. They dispute the statistics on which the conclusion was based and in this they have some support from competent white authorities in this field.

Black resentment runs high, too, against the Moynihan thesis—first broached before he entered the Nixon Administration and repeated in the memorandum—that black problems have their origin in the breakdown of the Negro family structure. Black leaders—and many whites—believe that black family disintegration is not the cause but the result of black problems which in turn are rooted in white racial attitudes.

But it is not necessary to agree with Moynihan on all counts to recognize that he said some things which badly needed saying. For instance:

He told his boss, the President, that "there really is need for a more coherent Administration approach to a number of (racial) issues."

LIAISON ESSENTIAL

No doubt he had in mind, among other things, Administration policy on school busing, the gist of which grows daily more obscure. Moynihan suggested that more Administration conferences should be held to talk such problems out. It was, in a way, a retraction of his "benign neglect" proposal.

Moynihan called the President's attention to the fact that "there is a silent black majority as well as a white one," a majority which is "politically moderate and shares most of the concerns of its white counterpart." Moynihan stopped short of pointing out to the President, as he might have done, that this segment of the silent majority has had none of the attention lavished by the Administration on its white equivalent.

TELLS IT LIKE IT IS

In discussing the problem of crime, Moynihan gave the President, in a respectful way, the rough side of his tongue. He said, in effect, that the Administration has been talking for more than a year about crime in the streets and hasn't yet done anything about it.

I don't see that we have advanced either our understanding of the problem or that of the public at large," Moynihan said. Then he added "at the risk of indiscretion," that his is not a job which can be left to lawyers which is, indeed, exactly what the Administration has done up to now.

The need, Moynihan said, is for new approaches to the crime problem. They will not be found, he told the President, "unless you express a personal interest."

CRUX OF REPORT

Therein lies the crux of the memorandum. Moynihan clearly was urging the President to take a less detached attitude toward the problems of race, to become personally involved in seeking their solution for without such involvement at the top nothing constructive can be expected at the bottom.

Those who regard racial antagonism as the prime problem of our time should be grateful to Moynihan for saying that. Perhaps they should be inclined to forgive him if he said some other things they find less palatable.

FOREST MANAGEMENT

HON. ARNOLD OLSEN

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 1970

Mr. OLSEN. Mr. Speaker, a short time ago I submitted a statement of my concern for the proper management of our national forests and questioned the wisdom of present forestry methods employed by the U.S. Forest Service, particularly the policy of clear cutting.

Included in my statement was an editorial from the Western News of Hamilton, Mont., which concluded that management of the Bitterroot National Forest was based upon a single use—timber yield—rather than the accepted principle of multiple use, while violation of the sustained yield concept endangered the future productivity of the area.

At this time I would like to submit an opposing view of forest management in this area and include for the RECORD the remarks of Mr. John R. Stevenson, Chairman of the Forest Resources Council:

REMARKS OF JOHN R. STEVENSON

I would like to answer a few of the many questions raised in your address to the Congress January 19, 1970, titled "The Well is About to go Dry."

As for the "Well," I have printed below a copy of USDA Report, dated November, 1969.

U.S. COMMERCIAL FOREST AREA, 1968

Type of ownership	Softwood saw timber (billion board feet)		
	Inventory	Removals	Growth
National forest	1,064.1	13.4	7.0
Other public	232.7	4.2	3.3
Forest industry	325.1	14.4	10.0
Farm and miscellaneous	381.1	12.1	15.9
Total	2,003.0	44.1	36.2

Looking at the right three columns, you can see that with 706.1 billion or 35% of the inventory, the privately owned timber is producing 26.5 billion ft., or 60% of the annual lumber needs. This is being accomplished in many cases by intensive management. A virgin forest is usually a stagnant forest with very little net growth because of losses due to old age, fire, and repeated insect attacks.

The "National Forest Timber Conservation Act of 1969" would go a long way in timber production, relative to inventories.

It may come as a surprise to "Western News" that one of the biggest problems the U.S. Forest Service has in the Bitterroot is overstocking after harvest or fire. Presently, the Forest Service is not adequately funded to perform the pre-commercial thinnings, after 10 to 15 years, necessary for maximum growth, and the commercial thinnings which should be made after 40 to 50 years. You were one of the sponsors of this sound legislation so there is no use going into the purpose and objectives of the Bill. However, the article from the Western News seems to doubt the advisability of passing such legislation. Mr. Miles Romney seems to be concerned that this money which is to be used for more intensive management will bring ruin and damnation on mankind.

As I am sure you can imagine, we, as an industry, do not always agree with the way the Forest Service handles things. At the same time, we have to remember that the U.S.F.S. is a big company, and the bigger the gathering, the more chance for mistakes. However, the federal employees that do not make mistakes are the employees that aren't doing anything. The only mistake the Bitterroot Forest has made (in the Western News' mind) is that they have been doing something.

In my opinion, the U.S.F.S. has made mistakes, but the good things that have resulted from their actions far outweigh their mistakes. We believe they should be much more vocal about their accomplishments and be quicker to answer critics such as the Western News. The industry has been

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accused by Western News of using pressure tactics to have the allowable cuts increased. I can assure you that we are very seldom asked for our opinion when the U.S.F.S. is setting up their management plans. The Bitterroot forest has a management plan that indicates a sustained yield annual capacity of 119 MM. The present allowable cut is 50.3 MM, without including the Magruder Corridor. I can hardly believe they are overcutting.

Timber harvesting has been accused of dominating the forest and multiple uses. But in the Bitterroot, only 47% of the U.S.F.S. land area is even scheduled for management. When you consider the plan is based on a 120-year cutting cycle, only 1/120th of 47% is being harvested each year. The fact that the forested area in the Bitterroot stands on end like a picket fence does exaggerate the effect, and when clear cutting is used it creates a visible but not necessarily true impression of over cutting. In talking with Mr. Tester, the Bitterroot N. F. supervisor, he informs me that in the future cutting area patterns will be modified so that they more nearly resemble natural forest openings.

There has been much talk about the clear-cut method of harvesting, and you have no doubt heard the pros and cons about the use of this harvesting method. There has even been some talk that this method of harvest should be outlawed. Before anyone goes that far, I believe deep thought and a thorough study should be made. Yes, it does look scalped for a year or two, but have you ever tried walking through a lodgepole stand with dead trees lying about chest high? Most of these stands are stagnated and do not support a very healthy forest or provide food for deer or elk. I doubt whether the recreating public gets too much enjoyment out of struggling through this mess, or even looking at it from afar. Take the spruce stands that seem to be most susceptible to the bud worm and bark beetle.

If you take only a selected volume from a stand, the trees that are left, due to their shallow rooting, often topple over from wind throw. Telling a forester (any forester) that he cannot use the clear-cut method to manage a forest in the Rocky Mountain area would be like tying one hand behind his back. In the Bitterroot, the result would be approximately a 50% reduction in harvest and a corresponding loss of jobs. In the Livingston and White Sulphur Springs area, it would mean a complete shut down of operations. In the Ponderosa pine and Douglas fir stands, I believe the clear cut could be reduced and modified in such a manner that it would not offend those that are now being offended.

Mr. Romney states that the clear cut does not compliment the deer and elk population. On this, I have many personal experiences—being an avid sportsman. I believe the Rye Creek drainage, just east of the junction of the East Fork and West Fork, has been logged and burned over just about as heavy as any drainage that I know, and yet it produces more deer and elk than any single drainage of its size that I know. Just ask a few of the natives where the elk are. Ruel Jensen of the Montana Fish and Game Department will tell you that clear cuts produce more forage and grasses than do heavily timbered stands. As for accessibility in hunting deer, elk, or grouse, give me a terrace or an abandoned logging road any day. About all I can gather from Mr. Romney's remarks is that he just doesn't hunt.

Another attack by the Western News was centered around water production from a clear-cut harvested drainage. There is nothing quite as clear cut as a drainage ravaged by wild fire like the Sleeping Child and Saddle Mountain areas which are tributory to the East Fork Drainage. On top of this, there would be in excess of ten thousand acres in this drainage that at some time or other has been clear cut. Yet, the records kept by the USGS indicate that the flow has increased from an average summer rate of 100 days at 200 sec. feet or better prior to 1961 to an average of 109 days at or above 200 sec. ft. after 1961 and these two fires. Peak flow comes four days earlier on the average, but peak volume has remained the same.

Total water flow from April through August has increased 12% with the critical month of August showing a 24% increase. If you want a rancher's opinion talk to Paul Wetzsteon of Sula. The Wetzsteons are an old Bitterroot family.

I don't know what Mr. Romney calls multiple use, but when over 400 families derive their living from 1/120th of 47% of the forest area and hunt on the cutover areas, and ride snowmobiles on the logging roads, what other uses are there? If any one in the Bitterroot wants to hike into the Bitterroot-Selway Wilderness all he has to do is head West and he can disappear for days, weeks, or months.

I know this is the big year for environment and the curse of overpopulation. I never thought I would see the day when we would be trading in motherhood for clean anything, but here we are. All I can say is that we haven't stopped the babies yet, so we better be thinking about jobs. The environment that I believe in has young people going to and from healthy outdoor jobs. Young, healthy children growing up along side of youth healthy trees. Old people and old trees aren't going to do much for Montana.

Thanks for this opportunity to express my views on the Bitterroot Forest and your support of H.R. 12025.

DEATH OF A GREAT ILLUSION

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Thursday, March 5, 1970

Mr. BYRD of Virginia. Mr. President, I ask unanimous consent to have printed in the Extensions of Remarks an editorial from the Chicago Tribune, dated Wednesday, March 4, 1970, entitled "Death of a Great Illusion."

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

DEATH OF A GREAT ILLUSION

Sixteen years after the Warren Supreme court's decision that compulsory racial segregation in the public schools is unconstitutional, it has been recognized, suddenly and almost by national consensus, that compulsory integration is an impossible dream. Not only southern conservatives but northern liberals and Negro civil rights leaders now oppose busing or other means of compulsion to effect integration, for the simple reason that it will not work.

Some ideological zealots are wringing their hands and weeping lugubriously about this. Tom Wicker of the New York Times, for instance, accuses the Nixon administration of selling out to the southern segregationists in one of his lamentations, which concludes: "Poor old Union! Its great and generous dreams falling one by one to dusty death."

We think this apocalyptic view of the failure of integration is preposterous. Recognition of its failure has come with such a shattering impact upon the proponents of integration for integration's sake because they were wrong, not only in assuming that it was feasible but also in their insistence that education in all-Negro schools is necessarily inferior. We agree with the National Observer that it is a gross insult to the Negro race to say, as many white liberals do, that it is necessary for black children to attend school with whites in order to get a good education.

This false premise has adversely affected public education, particularly for Negroes. As. Dr. Kenneth B. Clark, the distinguished psychologist, has said, the fundamental question of quality education "became more and more obscured if not ignored" as controversies and conflict over desegregation increased in frequency and intensity.

Official acknowledgment that integration has failed came when the Senate, with the support of some northern liberals, passed an amendment by Sen. John Stennis of Mississippi to an education bill, providing that federal guidelines for integration must be applied uniformly thruout the country. This would abolish the distinction between segregation in the south, resulting from laws long ago held unconstitutional by the Supreme Court, and segregation in the north, resulting from residential patterns. Both the Senate and the House have passed education bills with anti-busing provisions.

Sen. Abraham Ribicoff [D., Conn.], a liberal, accused other liberals of hypocrisy in trying to compel the south to do what could not possibly be accomplished in northern cities. He noted that when black enrollment in the schools reaches a certain point [some say the "critical mass" is about 30 per cent], the whites move away and the schools quickly become resegregated.

So far the Supreme court and most of the lower courts have failed to take note of the obvious fact that integration in cities with large Negro populations is a physical impossibility. Even Robert H. Finch, secretary of health, education, and welfare, an ardent integrationist, has condemned "confusing and misguiding" court decisions, including "totally unrealistic" orders for busing on a massive scale to fill racial quotas.

We believe the "freedom of choice" principle is the answer to this problem. Any pupil would have the right to attend any school of his choice, but not necessarily to be bused there. Some southern states accepted this principle, but the lower courts rejected it as a subterfuge to evade integration and the Supreme court refused to review their decisions.

Last Oct. 29, the Supreme court said it was time for "every school district to terminate the dual system at once and to operate now and hereafter only unitary schools." Freedom of choice is the essence of the unitary school principle. The Supreme court has held that racial discrimination is unconstitutional, but it has not held that integration is compulsory. When it recognizes that compulsory integration is impossible, as it must, perhaps we can expect greater efforts to improve the quality of education in all the public schools.

THE NEW POLITICS: AN ANALYSIS BY LAWRENCE F. O'BRIEN

HON. EDWARD P. BOLAND

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 1970

Mr. BOLAND. Mr. Speaker, Lawrence F. O'Brien has written a remarkably apt and astute article on the "New Politics" for the New York Times Encyclopedic Almanac of 1970. Pointing out that the role of political organizations in major elections has diminished dramatically over the past few years, Mr. O'Brien con-

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tends that today's educated and affluent voters choose candidates on the basis of "issues and image."

The article follows:

The New Politics

(By Lawrence F. O'Brien)

This observer and practitioner of the "old politics," who has participated in the "new politics" that has evolved in the United States during the last two decades, probably defines "new politics" in a markedly different way than those who practiced the "politics of confrontation" in the 1968 campaigns.

The true and lasting values of the new political process in this country are not the disorder, the turmoil, and the physical confrontations that we have witnessed in recent years. Those disruptive elements are the symptoms of change—the manifestations of the restlessness with the old order of those who are impatient with the slow pace of progress.

The new form of the game of American politics today is: Issues and Image. The days of the old power brokers are just about gone, political patronage is almost impotent, and the importance of political organizations has been greatly diminished.

It is a long established tradition among politicians of both parties to discuss winning elections in terms of the local or state party leaders who will "deliver" the needed margins through the effectiveness of their control and that of their organizations. But that tradition is virtually dead, and future campaign managers had better recognize it.

Individuals today can no longer "deliver" the vote to any meaningful extent in an American political campaign. Our society has become too sophisticated for that—too affluent, too well-educated, too independent.

By the same token, a political organization that is merely relying upon the old techniques of poring over registration lists, setting up phone banks, offering rides to the polls, and passing out absentee ballots had better look to the future.

Richard Milhous Nixon was not elected President in 1968 because powerful Republican mayors or county leaders or state chairmen were able to "deliver" the votes for him. He was not elected President because of an effective voter-registration program by the GOP, or because of a get-out-the-vote Republican effort.

He was elected President because he exploited the campaign issues with great care and sensitivity, and because he had an immense amount of money to project an image on television and radio.

Hubert Horatio Humphrey was defeated in 1968 because he was unable to establish an independence from the Johnson administration in the minds of many voters on the issues that were of most concern to them, and because he did not have enough money to purchase mass media imagery.

If there was one overriding lesson to be learned from the last Presidential election, it was that this nation had become deeply polarized over the issues and that, in the process, party lines were blurred.

Mr. Nixon was elected as a minority President with a hairline margin over Mr. Humphrey. While the vote for George Wallace was smaller than many had anticipated, he nevertheless attracted the support of a substantial number of Americans who were unable to bring themselves to vote for either of the major party candidates.

The Nixon campaign in 1968 was strictly a holding action. It brought the Republican candidate virtually no additional strength when viewed in terms of the public-opinion polls. He started the campaign with between 40 and 45 percent support and ended on election night with slightly more than 43 percent. It was the Humphrey support that rose sharply after Labor Day as the Wallace popularity declined and as the number of undecided voters dropped.

I managed the Humphrey campaign. In analyzing why it made such remarkable progress, despite a great shortage of funds and a highly fractured party structure following the Chicago convention, I can only conclude that as Mr. Humphrey asserted his own viewpoints and projected his own image he was able to kindle a spark in the old liberal-progressive-labor coalition that in the past had spelled Democratic victory.

As noted, the polarization of public opinion as evidenced by the 1968 election returns crossed party lines and blurred them. The Vietnam war created "hawks" and "doves" in both of the major parties. The issue of "crime in the streets" was only in part a code name for white backlash. There were many millions of Americans—Democrats and Republicans—who were sincerely and very seriously concerned over the maintenance of law and order in our free society.

There was a turn to the right in 1968, and any viewer of the 1969 local elections must conclude that the swing toward conservatism in American politics has been intensified and broadened.

The revulsion against urban riots, campus disturbances, hippies, yippies, drug users, draft-card burners, anarchistic militants—whether their actions are justified or exaggerated—is nonetheless having a powerful influence on political thought. In effect, the polarization on the left, fueled by an unpopular war, has brought about a counterbalance that will be felt for many years to come in political terms.

President Nixon accepted his victory as a mandate for all of us to lower our voices, and subsequent local elections apparently have fortified that conclusion in the White House. The President has made a very conscious decision to follow public opinion, rather than to lead it.

The first six months of the Nixon administration were a clear example of the importance of issues and imagery in modern American politics. Imagery has been more dominant, as seen by the efforts of the President—through very clever use of television—to establish himself as being firmly in control and being firmly in favor of a return to "normalcy" in this country. Aside from Vietnam—which was destined to foreshadow any administration taking office in 1969—the major issue of the administration has been law and order at the expense of badly needed but largely unpopular programs for social action.

In the old days, we politicians talked of the electorate in terms of ethnic, religious, and racial groupings. That approach, too, has become an anachronism, along with appeals that are aimed at just the very rich or the very poor.

America has become a vast expanse of middle-class citizens—upper middle, lower middle, or dead-center middle. We live mostly in the suburbs, where most of us share similar concerns about the education of our children, the safety of our neighborhoods, the war, inflation, the high cost of medical care, taxes, air and water pollution, consumer protection, and a myriad of other issues that strike a responsive chord in the vast voting majority.

The middle-class suburbanite—blue collar or white, with two or three children, one or two cars, and a mortgaged home—has become the "typical" American of our era. The national and state elections of the future will be won or lost in the suburbs, which is just where President Nixon won the 1968 Presidential election.

The point is that issues do count these days, and communicating the issues is all-important. Television, which has had a fantastic impact on political campaigns, will continue to play its vital role—at least in the foreseeable future.

A candidate for President can reach 20 or 30 million people with a half hour of prime-time network television. How many hands can he shake in a year? How many people would attend the rallies that a candidate might address in a political lifetime? The power and influence of political advertising on television is breathtaking . . . and frightening.

Because of the awesome political potential of the television tube—in terms of influence—modern American politics must make certain that it is utilized fairly by all major candidates, not just by those who can raise enough money to afford it.

Another issue that modern American politicians must confront is the archaic nature of the Electoral College. In 1968, this system nearly threw this nation into unprecedented uncertainty and chaos. A change in a relative handful of votes in three or four states could have thrown the election into the Electoral College, where a third-party candidate would have been in the position of being able to handpick the next President of the United States.

The principle of a direct vote for President—just as we popularly elect all of our other public officials—is one that wins a high degree of approval in public opinion polls, and it must be translated into timely Constitutional reform.

Finally—and in many ways most important—the "new politics" in the United States is beginning to recognize the growing political force of the young men and women of America.

I refer to the young people who found in 1968 that they could have a significant impact on American thought and opinion. Despite a small but vocal minority of young people who hold our political process in contempt, and who flagrantly violate our laws, the vast majority of young men and women want to accomplish change by utilizing our democracy, not by tearing it down.

In the last Presidential election, these democratically oriented young people worked arduously for their candidates in the Presidential primaries and in the fall campaign. They helped to focus public attention on the overriding issues, and their voices were heard to a significant extent.

My advice to modern political managers is: Look to our young people; that's where the future is. Communicate with our young people.

At present, both major political parties have a long way to go in attracting the youth of our nation to their banners. We must stop segregating young people in junior division of our poltical parties, shunting them aside, paying them little heed, and giving them little voice in party affairs and party policy.

We must offer American young people an opportunity to express their views and their concerns—a true opportunity to participate. Can the major political parties appeal to the millions of young Americans who are restlessly searching for new solutions to the problems of our society? I simply believe that they must.

JOHN S. WILDER, PRESIDENT, NATIONAL ASSOCIATION OF CONSERVATION DISTRICTS

HON. ALBERT GORE

OF TENNESSEE

IN THE SENATE OF THE UNITED STATES

Thursday, March 5, 1970

Mr. GORE. Mr. President, at its 24th annual convention held in San Francisco, Calif., February 1–4, 1970, Hon. John S. Wilder, of Somerville, Tenn., was elected president of the National Association of Conservation Districts.

XUM

I salute the conservation districts of America and their new president, my friend of long standing, Sen. John S. Wilder. Mr. Wilder was one of the leaders who helped organize his own soil conservation district in Fayette County, Tenn., in 1950. He has served as chairman of his local Soil Conservation District Board, as West Tennessee vice president of the Tennessee Association of Conservation Districts, as president of the Tennessee Association of Conservation Districts from 1955–60, as Southeastern area vice president of National Association of Conservation Districts, as treasurer of the National Association of Districts, and as vice president of the national association.

John Wilder has the background, training, experience, and vision to lead this great national organization. He is a farmer, a lawyer, a conservationist, a State senator, and a regional lay leader in his church. He has received many national honors, yet he remains a leader with humility.

The election of John S. Wilder to the presidency of the National Association of Conservation Districts reflects high honor upon him personally and professionally. Moreover, it reflects great credit upon the Tennessee Association of Conservation Districts.

WHAT WAS THE REASON FOR RUDENESS?

HON. CATHERINE MAY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 1970

Mrs. MAY. Mr. Speaker, now that the President of France has left our shores carrying with him the friendship of the U.S. President and memories of the rudeness of too many Americans, I wish briefly to speak on that subject.

I wish to ask those who picketed, those who boycotted, those who walked out, booed, jeered, and spat, what their real purpose was. Mr. Speaker, I do not honestly know. Their ostensible purpose was to protest the sale of French planes to Libya on the grounds that those planes might someday be used against Israel.

But this cannot be the real reason. These same immature and emotional protestors, these same rude boors and ruffians, have been strangely silent about the real perpetrators of war and turmoil in the Middle East—the Russians.

Mr. Speaker, for years the Russians have been stirring up the Arab Nations against Israel and supplying them with billions of dollars in weapons and accoutrements of war.

Yet, I do not recall any protests by those who insulted President Pompidou when official Russian visitors have come to this country. Why, I do not know. Certainly, if it were merely a matter of befriending Israel, these people should have risen up in righteous wrath against the Russians. But they did not, they have not and they are not about to.

Which brings me back to my original question: Mr. Speaker, what is really behind the outrageous treatment accorded President Pompidou?

SOLUTION TO THE FEDERAL PARKING PROBLEM

HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 1970

Mr. BROYHILL of Virginia. Mr. Speaker, we are all aware of the overwhelming parking problem with which metropolitan Washington is confronted. I therefore noted with interest a recent article in the Washington Star which dealt with the efforts of the Administrator of General Services, Robert L. Kunzig, to alleviate this critical problem. At this point in the Record I would like to insert the article written by Joseph Young which appeared in the Washington Star on February 15, 1970:

General Services Administrator Robert L. Kunzig said yesterday a recent General Accounting Office decision could represent a major breakthrough in solving the critical parking problems of federal employees in the Washington metropolitan area.

Kunzig said the GAO decision gives the General Services Administration leasing authority to secure space and buildings for government employee parking.

Based on this decision, GSA intends to go ahead immediately with plans to solve the parking problems of government employees in the Washington area, Kunzig said.

The GSA Administrator said he ordered a study "to go ahead at full speed to explore all possible solutions" possible under the GAO decision.

VOICES OPTIMISM

Kunzig expressed optimism that GSA will be able to come up with a plan to provide adequate parking for government workers at "reasonable" and equal fees.

"I have instructed my staff to let innovation be the watchword," Kunzig said. "The fact that something has never been tried before will be no deterrent in our planning.

"Obviously GSA cannot provide free parking for all federal employees, but we hope to ascertain just how we can solve the problem of providing adequate parking for all at a reasonable fee."

Kunzig said: "Among the things we will explore are the leasing of areas for parking on the fringe of the city, adjacent to bus lines or near subway stations as the underground rapid transit system becomes a reality. We will be in close touch with officials of the Metropolitan Transit Authority."

The GSA administrator said that users of a fringe parking area might be assessed a small fee for use of the facility. He pointed out that cost of such areas outside the downtown area would be considerably less and therefore could be offered to users at a nominal fee compared with the average parking fee in the core of the city.

Other methods also being considered are leasing of land by the government for parking space throughout the city in areas where government buildings are located, with the government and/or private concessionaires operating the parking facilities; the rental of existing parking facilities, and leasing arrangements in connection with the construction of new ones for use by government workers.

"Some of the innovations we develop may call for special legislation," Kunzig said. "Whatever the difficulties, it is time the problems were solved. We will persistently pursue the matter until we have the solutions."

Several years ago the GAO had issued a decision which was interpreted by GSA as limiting its leasing authority in regard to acquiring land and property for parking purposes.

However, a recent GAO decision made clear that GSA has such authority.

FURTHER POSSIBILITIES

Kunzig said the comptroller general's decision could open the way for: Equal parking fees for all federal employees in the Washington area. GSA to lease space, including multilevel parking facilities, "where it is determined that such action is necessary in order to employ and retain personnel to perform the work of an agency, at a particular location." GSA to insist that adequate parking be provided with any buildings it leases in the future.

Kunzig said GSA already is considering other ways to ease the parking crisis using existing resources. Some of the avenues being explored are bumper-to-bumper (or stack) parking in attendant-operated lots and the use of motor pools that would serve several agencies, thus reducing the need for space to park government vehicles.

VOICE OF DEMOCRACY

HON. DAVE MARTIN

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 1970

Mr. MARTIN. Mr. Speaker, it is an honor to submit for the Record the winning speech in the Voice of Democracy contest sponsored by the VFW in the State of Nebraska.

The young lady who was awarded first place in the Nebraska competition is Miss Pamela Edwards, a resident of Mitchell, Nebr.

I herewith commend her essay to the Members for their perusal. It is an outstanding speech, one which will make each of us more aware of our responsibilities as citizens of a free nation:

VOICE OF DEMOCRACY

Alexander the Great ascended the throne at twenty and conquered the known world by thirty-three. George Washington was sent at twenty-one to deal with the French and won his first battle as a colonel at twenty-two. Gladstone was in Parliament before he was twenty-two and at twenty-four was Lord of the Treasury. Luther was but twenty-nine when he nailed his famous thesis to the door of the cathedral at Wittenburg. Christ began His work at thirty.

These five young men met the challenge of their times and succeeded.

Today, American youth also face an important challenge; one which has never been more apparent—the challenge of freedom!

This is a challenge that must be met not only on an international basis, but also here at home. Too often we stare blindly as our armed forces leave for global trouble spots and fail to see a more subtle, but equally dangerous, threat to our homeland.

Freedom is endangered not only in Cuba, Czechoslovakia, and East Germany, but in New York, in Los Angeles, and in Kansas City! It is a danger characterized by moral decay, apathy among our citizens, the growth of materialism, the decline of spiritualism, and "a failure to communicate".

XUM

We, who are left on the Home Front, can be the most effective of the "Freedom Fighters". Our challenge is clear.

It is a ragged ignorant child in the Appalachian Mountains.

It is a hungry family, black or white, in our nation's big cities.

It is the thousands of men and women who never bother to vote, claiming: "My vote doesn't count anyway! Why should I vote?"

It is also the intolerance and hostility between many of our black and white citizens, the needless, and often deadly, violence which suddenly erupts from an otherwise peaceful demonstration, and the impatience of youth, striving for change, and finding themselves entangled in "the Establishment's" web of red tape.

Yes, our challenge is clear and it must be met!

Today's youth is better educated and more aware than any previous generation in the history of mankind, and, as such, the expectations and responsibilities are so much the greater.

Our problems are many, but they are not insurmountable. Our nation has always been blessed with excellent leaders, but we can no longer deceive ourselves into thinking that our leaders or government can carry on entirely alone. We must begin now to effectively meet the challenges we face—not only as a nation, but as individuals.

The isolationism favored by many of our predecessors is no longer practical or possible. Involvement, whether on a personal or political scale, is not only a luxury for those who care to indulge in it, but rather, a necessity. What is needed is meaningful involvement and active constructive participation on all levels; whether it be local politics and activities or in personal relationships.

In this way we can begin to bridge the gaps in understanding and opportunity that threaten the future of our country; gaps between black and white, rich and poor, youth and age.

A short time ago the President of the United States, Richard M. Nixon, said in a speech concerning the war in Vietnam: "Let us be united for peace. Let us also be united against defeat. Because let us understand: North Vietnam cannot defeat or humiliate the United States. Only Americans can do that." Mr. Nixon's statement is applicable not only to the Vietnamese war, but to the future of freedom in America and to the challenge freedom presents to each of us.

Who must step forward to face the challenge of freedom? Who must see that the challenge is met? "Only Americans can do that."

INTRODUCTION OF BILL TO AMEND THE WAGNER-O'DAY ACT

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 1970

Mr. WALDIE. Mr. Speaker, today I am introducing a bill which would amend the Wagner-O'Day Act to extend the provision of the act to handicapped persons who are not blind.

Mr. Speaker, this amendment would extend the very helpful benefits of the Wagner-O'Day Act to the physically, emotionally, and mentally handicapped and would provide the regulations and provisions of the act to enable the above persons to produce certain goods for the Government.

The amendment would in no way serve to deprive the blind workshops and, in fact, has received the support of organizations serving the blind.

LAOS: ANOTHER QUAGMIRE?

HON. HENRY HELSTOSKI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 1970

Mr. HELSTOSKI. Mr. Speaker, many Americans have expressed concern in the past few days as to our policy in Laos.

I, too, am concerned as to what future developments will take place in that Asian country. Will we be asked to furnish advisers and troops to Laos just as we did in Vietnam?

From all newspaper accounts and other news media, it appears to me that the situation in Laos is far more critical than we are made to believe. The public should be told of the nature and the scope of our involvement and before this country makes any commitment to Laos, Congress should be fully informed and our government make every effort to avoid further expansion of the conflict in the Asian area.

Mr. Speaker, the concern about Laos was eloquently expressed by our distinguished colleague from New Jersey, Mr. THOMPSON, quite recently. His commentary drew the attention of the Trenton Sunday Times Advertiser which on March 1 carried a lead editorial entitled, "Laos: Another Quagmire?" I think the points raised by Congressman THOMPSON and the Sunday Times Advertiser are so important that I take this opportunity of placing these declarations before the Members of this House, which read as follows:

[From the Trenton (N.J.) Sunday Times Advertiser, Mar. 1, 1970]

LAOS: ANOTHER QUAGMIRE

Rep. Frank Thompson Jr. feels the Nixon administration should give a "full accounting" of U.S. activities in Laos, the Southeast Asian state adjoining Vietnam.

He is not alone. A host of senators is concerned about Laos, and one of them, Senator Mathias, R-Md., has charged that the administration is subverting the will of Congress by the American military involvement there.

The Trenton Congressman warned that "shadowy warfare in that small country" may produce another Vietnam. Senator Mathias expressed fear that the administration is turning Laos into "an area for the repetition of the mistakes of our Vietnam involvement."

Mr. Thompson pointed to press reports that U.S. B-52 bombers assisted the Royal Laotian Army in its unsuccessful effort to hold the Plain of Jars against Pathet Lao and North Vietnamese troops. Senator Mathias cited reports that hundreds of former Green Berets had been recruited by the C.I.A. to assist in clandestine military operations in support of the Laotian government.

Commenting on Senator Mathias' remarks, Majority Leader Mansfield cautioned that if the Laotian war continued to widen, then "all the plans for Vietnamization and all else will go down the drain, and we will find ourselves in a most difficult and dangerous situation."

Senator Mansfield suggested that "one way out of the dilemma in which we find ourselves in Laos" might to be call for the assistance of Britain and the Soviet Union, as co-chairmen of the 1962 Geneva conference which provided for the neutrality of the country. Representative Thompson referred to the same conference asking: "By what rationalization can the United States violate the protocol of the 1962 Declaration of the Neutrality of Laos by which it agreed that the introduction of foreign regular and irregular troops, foreign paramilitary formations and foreign military personnel into Laos is prohibited?"

The unrest among the congressmen drew from Secretary of Defense Laird an assurance that President Nixon would not send ground troops into Laos without the consent of Congress. This was something the Senate thought it had taken care of last December by writing a prohibition on the use of U.S. ground troops in Laos into the defense appropriation bill.

Mr. Laird said the administration does not at this time have anything under consideration that might require congressional action. Other Washington sources have reported that the administration would make no new policies toward Laos until it has a clearer indication of North Vietnamese intentions there.

And it should make no such policies without the "full accounting" Representative Thompson has called for and the demanded and promised consultation with Congress.

PROMPT ACTION AVOIDS TEACHER WALKOUT

HON. ANCHER NELSEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 1970

Mr. NELSEN. Mr. Speaker, I wish to commend Mrs. Anita Allen, president of the District of Columbia School Board and Acting Superintendent Benjamin Henley, for what I understand to be their successful efforts to reverse the proposed action of the teachers of the local public schools and the union representatives of the Washington Teachers Union to conduct a boycott and walkout of the District public schools today for the purpose of lobbying on Capitol Hill.

I believe the actions of the teachers and the union to have been ill advised and I am pleased that Mrs. Allen and Mr. Henley acted promptly, quietly, and efficiently to head off this proposed boycott and walkout.

I have had several opportunities to observe Mrs. Allen since her election and have discussed District school matters with her at length on at least one occasion. I believe she is capable of giving the District public schools the kind of leadership it so badly needs. I think the action which she took yesterday to head off what appeared to be a proposed strike is an example of this commendable leadership.

I believe that Acting Superintendent Henley responded well to the situation and exhibited a reasonableness, yet a firmness, that was needed to bring about a change of opinion on the part of the teachers and the union representatives.

XUM

I certainly do not believe that I am overstating the fact when I say that the contemplated action on the part of the teachers and the union to conduct a boycott and a walkout was ill received by the Members of this body. I am happy to see the reversal of this contemplated action and I commend those who were effective in bringing it about.

THE VA HOSPITALS—A CRISIS

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 1970

Mr. WALDIE. Mr. Speaker, while the concern of the Nation has been shifted away from the Vietnam war, the killing, the maiming, and the dying continue. Perhaps the scale of fighting has diminished, but some 80 to 90 boys die each week and hundreds are injured, many permanently.

The Veterans' Administration hospitals are attempting to meet the needs of these wounded men as they return home, some without legs or arms—too many without hope.

Unfortunately, Mr. Speaker, the VA hospitals, because of staff shortages and other problems largely the result of too little money, cannot meet the needs and the results are tragic.

A recent article in the Sacramento Bee by Mr. Michael Green, Washington correspondent for the McClatchy newspapers, described the nature of this problem.

Mr. Speaker, I would urge all my colleagues to read this article and reflect on the reasons for this problem and then address themselves to its resolution.

The article follows:

FUND CUTS RESTRICT VA'S CARE OF VETS

(By Michael Green)

"Ripped open by metal explosion, caught in barbed wire, fireball, bullet shock, bayonet, electricity, shrapnelled, throbbing meat . . . Watch the long, long armies drifting home."—Hair.

WASHINGTON.—Max Cleland, Captain, USAR (Ret.), a Vietnam veteran, appeared minus one arm and two legs before a Senate committee shortly before Christmas. The word "Retired" after his name appeared unnecessary.

"To the devastating psychological effect of getting maimed, paralyzed, or in some way unable to re-enter American life as you left it," he told the senators, "is the added psychological weight that it may not have been worth it; that the war may have been a cruel hoax, an American tragedy, that left a small minority of young American males holding the bag."

If his statement seemed to carry lingering traces of bitterness or to be too political at times, no one in the room questioned his credentials for making it. Capt. Cleland, now 27, from Atlanta, was wounded in a grenade explosion. He holds the Silver Star for gallantry in action.

It was his experience after getting wounded that was the focal point of the committee's attention.

"Unfortunately," he related, "I did not find that the up-to-date, rapidly-applied medical techniques used in saving men on the battlefield had their counterparts in my rehabilitation."

It was a year before he got a wheelchair of his own, he testified. It took twice as long to acquire artificial legs as it should have. There was "a dire lack of information" on what Veterans Administration hospital would best suit his needs. No paycheck appeared for two months. There was nothing for the soul.

"These psychological repercussions do not hit you right away," he reflected. "The inevitable psychological depression after injury, coupled with doubts that it may not have been worth it, come months later like a series of secondary explosions long after the excitement of the battlefield is far behind, the reinforcement of your comrades-in-arms a thing of the past, and the individual is left alone with his injury and his self-doubts."

Capt. Cleland might have been the first to admit that he was among the lucky ones in terms of his rehabilitation and treatment by the Veterans Administration.

The parade of witnesses has been filing slowly past the Senate veterans affairs subcommittee headed by Sen. Alan Cranston, D-Calif., for the past three months. They have been largely unnoticed by the press, as if to confirm Capt. Cleland's observation that "in a war everyone wishes to forget, it is all too easy to forget the men who fought it. . ."

There have been witnesses representing those who were blinded, and those who were paralyzed; men with severe psychiatric problems resulting from the war and others with lasting internal injuries; all representing, in some form, what Sen. Cranston called "the living and the half-living" veterans of the Vietnam War.

So far, the testimony has produced "mounting evidence that cutbacks in funds and personnel are causing a dangerous deterioration in the quality of medical care for wounded Vietnam War veterans," he said.

"Rejections of VA requests over the last three years have caused potentially catastrophic shortages in medical staffs and hospital facilities."

The senator opened his probe last November after hearing stories about allegedly inadequate care being given disabled GIs at the same time the Nixon administration announced a $70 million cut in the VA medical budget as part of its fight against inflation.

The cut, it developed in subsequent testimony, was only the latest in a continuing policy of budgetary restrictiveness pursued by the last Democratic administration no less than the current Republican one. As a result, the VA hospital program remains at the same level today that it did five years ago—before the great influx of Vietnam wounded began.

Cranston estimates that at a bare minimum, an additional $100 million is needed simply to provide 10,000 hospital personnel requested by the VA in vain. No one knows for sure yet how much more money may really be needed.

Dr. H. Martin Engle, chief medical director of VA, testified that nearly 12,200 Vietnam veterans had been transferred to VA hospitals to date, the largest group composed of para and quadraplegics and men with nervous system injuries and the second largest group with psychiatric conditions.

Yet, he also testified that the number of full-time staff has remained the same during the past five years, that overall there were "6000 fewer employes" added to the staff "than we might have anticipated a year ago" as a result of current budget cuts alone, and that beds in VA hospitals had been reduced by 8000 over the last two years.

Both he and other administration spokesmen, while acknowledging that they "would not claim that our physician staff is adequate either in numbers or in distribution throughout the VA system," maintained that the problem was "not the result of any fund shortages" but the stiff competition for skilled doctors, in short supply nationally.

However, one of the major factors in being unable to compete, they agreed under questioning, was lack of funds to pay the kind of salaries that are competitive.

Beyond this, they painted a generally rosy picture of the care being afforded disabled Vietnam veterans.

VA hospitals are able to treat more servicemen with fewer beds and fewer resources, Engle argued, because of "changing patterns in health care" and different "patterns of delivery for health care services" that place greater stress on outpatient treatment.

"Thus far, the VA has been able to absorb the impact of Vietnam casualties without encountering any insoluble problems," he assured the senators.

Few non-administration witnesses agreed.

Dr. Louis Jolyon West, medical director of the UCLA Neuropsychiatric Institute, testified that thousands of GIs with psychiatric disorders resulting from combat were being kept in "chemical cocoons" because of lack of money and psychiatrists to give them proper care.

"We have abandoned the practice of lobotomy," he said, "but we are chemically lobotomizing thousands and thousands of patients, and we can keep it up for years."

Drawing on his own experience, Dr. West called psychiatric care being given at the VA's Brentwood hospital in Los Angeles "20–25 years behind the times" and charged:

"We are giving up on many young men by keeping them tranquilized with drugs and shunting them aside, instead of providing them proper psychiatric care."

It is a view privately confirmed in the experience of at least one, young California congressman who made unannounced visits to several VA hospitals in the state and came away appalled and deeply troubled by what he had seen.

"You can see such men at any mental hospital," Dr. West testified. "They are easy to identify because the drugs make them move slowly and stiffly . . . People can go on for years that way."

But, he said, increasingly heavier dosages must be used.

Cranston professed shock upon learning that there was only one psychiatrist for every 535 patients in VA neuropsychiatric hospitals.

"That would enable a doctor to spend 4½ minutes a week with each of his patients," he observed.

The story of insufficient resources, and thus inadequate care, is paralleled in the cases of GIs with other forms of disabilities.

"In our own state of California," testified Raymond P. Neal, national commander of Disabled American Veterans, "there are new medical units, equipment, beds and wards lying idle because of lack of funds for staffing.

"One specific example is the intensive care unit of the VA hospital in Fresno, which has only recently been staffed—but with only one-half of the staff required to effectively operate the unit. Similar situations exist in the VA hospitals in San Francisco and Palo Alto."

Nationally, facilities costing $20 million are lying idle "because of the lack of personnel," charged Francis W. Stover of the Veterans of Foreign Wars.

Peter L. Lassen, spokesman for the Paralyzed Veterans of America, charged VA with "letting down—or giving up—on those very seriously disabled who need so much help in all phases of their recovery and rehabilitation."

The Blinded Veterans Association called for expansion of VA facilities "on a crash priority basis."

Government figures showing VA hospitals were operating with "the lowest personnel-patient ratio in the nation" were cited by the American Legion's national rehabilitation commission.

A Stanford doctor called the X-ray facilities at the VA hospital in Menlo Park "obsolete, in the worst sense of the word. Broken down in a very true sense."

XUM

And Dr. Stewart Wolf, head of neurosciences of the Oklahoma Medical Research Foundation, warned of "a real danger that the administration and the Congress are about to see veterans hospitals revert to the mediocre status of the 20's and 30's, where tired physicians and political job holders provided the care for the defenders of our country."

The problem is expected to get worse before it gets better.

Though the Senate restored about half of the $70 million cut made by President Nixon, there is no assurance he will spend it or additional funds Cranston's subcommittee is expected to recommend when a supplementary appropriation bill comes up later tihs spring.

In the meantime, modern evacuation techniques and miracle drugs continue to save the lives of countless servicemen who would have died in earlier wars.

But, at the same time, those who do survive are more likely to be maimed or crippled for life and to require the best in rehabilitative care.

As Capt. Cleland, the triple amputee, put it in his testimony before the subcommittee:

"The new techniques for saving lives will not go away; they will improve."

YOU GET WHAT YOU PAY FOR

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 1970

Mr. DERWINSKI. Mr. Speaker, the Polish American, Chicago, serving as it does the Polish-American community of the metropolitan area, maintains a very keen interest in foreign affairs.

A very commonsense editorial was carried in its Saturday, February 7, edition which merits review:

YOU GET WHAT YOU PAY FOR

Before buying a new product, the wise shopper checks both quality and price. Sometimes the higher priced item is the better bargain. There is a simile in this as applied to present-day medical systems that have developed in different countries—namely under capitalism, socialism and communism. Each can be measured by standards of quality and price. Before we trade in the American medical system as we have known it for an imported foreign product we should at least exercise the ordinary instincts of the prudent buyer.

From Moscow, Mr. Michael Johnson, Associated Press correspondent, reports on communist medicine. The best thing about the Russian system, he says, is ". . . that it's basically free." Russians get more free medical services than citizens of socialist Sweden. There are 37,000 neighborhood medical centers in Russia—called polyclinics. There are a few private doctors, described as ". . . fine, highly qualified specialists," for those who can afford them. The public system provides "adequate" but low-quality treatment.

Other points about the Russian medical system, touched upon by Mr. Johnson, are drab hospitals and poor equipment. He also mentions that, "The bureaucrat-ridden drug industry develops new drugs at a snail's pace." The typical Soviet doctor is permitted to earn only $1,400 per year—less than the average Russian factory worker. A British visitor, looking at the Soviet system, commented: "You get what you pay for."

There is no such thing as "free" medical care anymore than a free suit of clothes or a free pair of shoes. The goal of U.S. medicine is broadly based, high-quality medical care at a price fair to both doctor and patient. Anything less is a shoddy bargain.

AN AMENDMENT GUARANTEEING FREEDOM OF CHOICE WITHIN LOCAL SCHOOL DISTRICTS

HON. W. E. (BILL) BROCK

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 1970

Mr. BROCK. Mr. Speaker, 2 weeks ago I introduced a constitutional amendment aimed at guaranteeing freedom of choice within local school districts. I ask this House for early action on that amendment or similar legislation. I know the amendment process to our Constitution is a long and difficult one. But, this matter deserves our immediate attention.

I am introducing today a resolution which, if passed, would express the sense of the Congress against the arbitrary busing of students.

I feel this resolution to be important for two reasons. First, it provides a vehicle for Congress to conduct hearings and thoroughly discuss this important problem. Nothing has been accomplished in either the Senate or House with the amendments and motions which have been introduced. Second, it will put the House of Representatives on record either for or against forced busing.

In one county alone, the cost estimates for forced busing have reached $40 million. In counties in Tennessee millions of local tax dollars will be spent on busing rather than education, if we continue with current plans. This problem, if not solved, will not only cost local governments millions of dollars, but will destroy quality public education and disrupt our local communities.

Mr. Speaker, this school term is almost over. In some cases as few as 10 weeks remain before classes adjourn. Yet, in Tennessee, students are being forced to change schools now. They are being disrupted, transferred from one school to another, and probably will learn little during the last few months of this year.

The educational opportunities the courts are denying our schoolchildren while they worry about numbers rather than education is not worth it. The disruption our local communities are undergoing is not worth it. Black as well as white citizens are opposed to forced busing. We must take action now.

If we do not do something immediately to stop it, I am afraid we face some very serious problems in the days and weeks ahead. We have reached a stage where it is ridiculous to continue along our present course. It is time to correct that course.

Mr. Speaker, this matter demands our immediate attention. I ask my colleagues for favorable consideration of both my constitutional amendment and this resolution.

LAOS

HON. EDWARD J. PATTEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 1970

Mr. PATTEN. Mr. Speaker, as we meet here daily our thoughts are often focused on the attempts the United States is making to bring a just and lasting peace to Vietnam. Now that we are making progress toward this end, we have been confronted with the grim news of strife in still another country. I am referring to recent activities in Laos.

Now the papers are full of statements by legislators and leaders as to what, if any, should be our involvement in this most recent struggle. The effects of the war in Vietnam on our pressing domestic needs will surely have a bearing on our commitments to Laos. Yet can we in all conscience abandon these gentle people?

Mr. Speaker, Msgr. Edward W. O'Rourke has just returned from a visit to Laos where he met with young people who are working with the Lao under the auspices of the International Voluntary Services. In the January issue of Catholic Rural Life he expressed his thoughts about what is now happening in this tiny country and offered a course of action. I feel that Monsignor O'Rourke has outlined very adequately the problems we face in Laos. His suggestion of U.N. involvement which would help prevent unilateral U.S. action is a plan which deserves our utmost deliberation. I would like to take this opportunity to include in the CONGRESSIONAL RECORD the editorial by Monsignor O'Rourke so that my colleagues might have the occasion to review his remarks.

The editorial is as follows:

LAOS—SLAUGHTER OF THE INNOCENTS

(By Msgr. Edward W. O'Rourke)

Seldom has a people so innocent as the Lao been made the victims of war. The people of Laos are almost entirely agricultural. They grow rice and a few vegetables and live in small villages. They are carefree and make few demands on anyone. They have no taste for war.

Yet, they have the great misfortune of being located between warring groups—the North Vietnamese and Chinese on the north and the South Vietnamese, Thai and Americans on the south. They are being crushed between these forces.

I have just returned from visiting the young men and women who do agricultural and educational work in Laos under the auspices of the International Voluntary Services. Our volunteers share in the dangers and tragedy of their beleaguered hosts, having sustained six deaths during the past three years—three of them during the past six months. Our volunteers must now confine their activities in or near the cities of Laos. No foreigner is safe outside the cities.

The Catholic priests of Laos have likewise paid a high price for their zeal. Since 1969, 15 of the 100 priests serving there have been killed. The remaining priests continue to preach and pray among these people whom they love.

There is a small band of opportunists among the Lao people who have become Communists. They are called the Pathet Lao. They are not very effective revolutionaries and are not thoroughly convinced Communists. They are merely betting on the ultimate victory of Communism in Southeast Asia and joining the side they feel will offer them the greatest advantages.

The real agents of death and insurrection in Laos are the North Vietnamese. They have taken charge of the Pathet Lao and have murdered many people of many nationalities. This, then, is not really a civil war. It is an invasion of a weak country by a despised and cruel foreign power.

Almost everyone to whom I spoke in Laos are convinced that the North Vietnamese Communists will have their way there. No one believes that the United States will "get involved in another Vietnam." Thus, the slaughter of the innocents goes on with little resistance.

The Lao are simple, lovable, agrarian people. The world—at least the part in which they live—is not safe for such a people.

Those who are determined that we shall never become involved in another Vietnam might ponder the fate of Laos and the many other small, relatively helpless countries of the world. Are they all to suffer the same fate?

There is an answer. The United Nations must exercise a peacekeeping role in cases such as these. It is not appropriate for one nation such as the United States to attempt to keep the peace unilaterally. Such efforts—as we see in Vietnam—are ineffective, costly in lives and money, and bring much hatred and reviling upon the United States at home and abroad.

Admittedly, peacekeeping by the UN will be difficult to accomplish. It may be necessary to modify the UN charter to make this objective feasible. However, there is reason to believe that both the United States and Russia are leaning in the direction of UN peacekeeping operations. Therefore, this urgently needed function of the UN may be developed in the near future.

You will be hearing more about the "slaughter of the innocents" in Laos. I hope your reaction will be to join those who vigorously campaign for an effective peace keeping force in the UN to protect such small, innocent nations from their aggressive neighbors.

NATIONAL INSTITUTE OF EDUCATION

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 1970

Mr. STEIGER of Wisconsin. Mr. Speaker, the President's endorsement of the right to read as a national goal for the 1970's, and his commitment of $200 million in Federal resources toward the attainment of that goal, can have a significant impact on the educational future of the Nation's children. By mounting a two-pronged attack—research in areas of teaching reading that we know little or nothing about, coupled with stress on implementation of the things we do know—the President has taken the first steps toward his announced goal of equal educational opportunity for all children.

Only 19 percent of the disadvantaged children in special reading program under title I of the Elementary and Secondary Education Act have shown significant progress. Obviously, a great deal more needs to be done in the field of teaching of reading.

The National Institute of Education, proposed in the President's message on educational reform, can conduct valuable research concerning how children learn to read. It can also disseminate to local school districts the knowledge that is already available, in forms that teachers can immediately put to use.

The President has stated that the right to read should be of the very highest priority for our schools. Working together at all levels of government, we can assure that in the decade ahead no student leaves school unable to read at a level which will allow him to succeed in our highly technical society.

THE NATION RESPONDS TO "THE ADVOCATES" ON MASS TRANSIT

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 1970

Mr. BINGHAM. Mr. Speaker, the real potential of public educational television can be seen in a new and valuable television series carried Sunday evenings called "The Advocates." Each week, both sides of an important issue are aired and the viewers are encouraged to send in their opinions to be tabulated by "The Advocates." I was the guest on this show to whom the arguments are addressed during the first east coast broadcast last fall.

On January 11, "The Advocates" discussed the question of whether or not one-half of the Federal highway trust fund should be used for mass transit. The tabulated results showed that an overwhelming 92.7 percent of those who wrote in favored this idea.

Since I have long been an advocate myself of an integrated transportation trust fund, I was particularly interested in this response. While this was not a scientific poll, the extremely favorable response is nevertheless noteworthy.

The tabulated results of "The Advocates" survey follow:

THE NATION RESPONDS TO "THE ADVOCATES" ON MASS TRANSIT, FEBRUARY 3, 1970

In response to the nationwide public television broadcast debating the question, "Should one-half of the Federal Highway Trust Fund be used for mass transit?" The Advocates received 1,509 signatures from 45 states and Washington, D.C. Of the people writing in, 92.7 percent favored the proposal, 5.0 percent were opposed, 2.3 percent expressed other views*

During the January 11 broadcast, Mayor Joseph Alioto of San Francisco appeared as a witness in favor of the proposal, Dr. Richard Michaels, director of research at the Northwestern University Transportation Institute, and Richard Bartlett, Pennsylvania secretary of highways, spoke for the opposition. Senator Jennings Randolph of West Virginia was the principal guest to whom the arguments were addressed.

The Advocates, a new live, Sunday evening public affairs television series (10:00 p.m. EST), seeks to bring people into politics. Each week arguments are heard on both sides of an important "decidable question". At the end of each broadcast, viewers are encouraged to act on the question. The Advocates' staff has undertaken to tabulate views received and pass them on to the respondents' elected officials. The Advocates, as a program, takes no position on any issue debated.

The following is a detailed breakdown of the mail response to our mass transit broadcast:

State	Pro	Con	Other	Total
Alabama	5	2	0	7
Arizona	24	1	2	27
Arkansas	3	0	0	3
California	441	16	9	466
Colorado	20	1	1	22
Connecticut	8	0	0	8
Delaware	3	0	0	3
District of Columbia	11	0	0	11
Florida	25	5	0	30
Georgia	9	0	0	9
Hawaii	9	0	0	9
Illinois	86	3	4	93
Indiana	10	4	0	14
Iowa	9	1	0	10
Kansas	6	1	0	7
Kentucky	8	1	1	10
Louisiana	1	2	0	3
Maine	7	0	0	7
Maryland	22	0	0	22
Massachusetts	66	3	1	70
Michigan	25	2	2	29
Minnesota	35	1	0	36
Mississippi	2	0	0	2
Missouri	5	0	0	5
Nebraska	5	1	0	6
Nevada	3	1	0	4
New Hampshire	3	0	0	3
New Jersey	27	3	1	31
New Mexico	10	0	0	10
New York	120	0	1	121
North Carolina	9	1	0	10
North Dakota	3	0	0	3
Ohio	31	0	0	31
Oklahoma	18	0	0	18
Oregon	44	1	1	46
Pennsylvania	71	11	3	85
Rhode Island	7	1	1	9
South Carolina	5	0	0	5
South Dakota	2	0	0	2
Tennessee	7	2	3	12
Texas	33	2	3	38
Utah	3	1	0	4
Vermont	2	0	0	2
Virginia	8	2	0	10
Washington	89	4	1	94
Wisconsin	42	3	0	45
Other	17	0	0	17

THE COMMISSION ON POPULATION GROWTH AND THE AMERICAN FUTURE

HON. JOHN A. BLATNIK

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 1970

Mr. BLATNIK. Mr. Speaker, I congratulate my colleagues in the Senate and in the House for agreeing to the establishment of a Commission on Population Growth and the American Future. As our calendar shows, there are many pressing matters that we must act on, but I think to begin our study of the population problem is one of the most urgent. The hearings before our Subcommittee on Executive and Legislative Reorganization and the debate held on this floor demonstrated dramatically that our numbers are increasing like an onrushing tide and that our Nation and, in fact, the world are ill prepared for the deluge.

I particularly want to commend the Senator from Arkansas, who handled the bill so ably in the other body, for the well-considered and thoughtfully prepared analysis of the implications of the problem that he delivered on the floor of the Senate.

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*This category includes those letters which expressed an interest in Mass Transit or in a particular witness or advocate, but which did not express an opinion on the topic.

XUM

For the record there is one point that I would like to mention which may not have received the emphasis that it deserved. It involves the duty of the Commission to inquire into the various means appropriate to the ethical values and principles of this society by which our Nation can achieve a population level properly suited for its environmental, national resources, and other needs. Surely, this is something on which we should have the best information that can be made available for purposes of future planning and action.

Now, we look at "ethical values" in their broadest sense as including our moral principles refined and transmitted to us down through the generations by our Judeo-Christian religious heritage. With this in mind, I am certain this Commission, which will have a wide representation among its members, will properly mesh these all-important ethical and moral values with the scientific and statistical facts it will have before it, as we intended they should do.

FAMILY PRACTICE MEDICINE

HON. SAM GIBBONS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 1970

Mr. GIBBONS. Mr. Speaker, all of us are aware of a crisis in health care services in the United States. This awareness is reinforced each time we need medical help. Many of us have difficulties locating a doctor. Once we do we often must wait long hours in crowded waiting rooms.

This unpleasant situation exists, in part, because of a shortage of family physicians. The general practitioner we once knew is vanishing. In 1931, 84 percent of all those physicians in private practice were general practitioners. In 1960, 45 percent of all those physicians were general practitioners. In 1965, 37 percent were general practitioners, and in 1967 only 20 percent were.

The trend toward specialization accounts for these decreases. Only 2 percent of the medical graduates in 1967 became general practitioners. Between 1963 and 1967 the number of general practitioners declined by 6.2 percent.

As the family physician disappears so does the service he provided. He treated a great variety of ailments, he gave support during emergencies, and, most important of all, he had a thorough and intimate knowledge of his patients.

Increasingly, his role is being filled by the pediatrician and the internist. However, his role is not being filled at all in rural and poverty areas. In New York City there are over 200 doctors for every 100,000 residents. In Mississippi there are 69 physicians for every 100,000 residents. The contrast is even more startling in the ghettoes and poverty areas of New York City, where there are only 10 physicians for every 100,000 residents.

In the past few years a new field—family practice—has emerged. A few American medical schools are beginning to offer courses in this area. However, much needs to be done. Such courses must be developed into a curriculum which becomes an integral part of the medical school. Medical schools and teaching hospitals must, furthermore, provide good models of comprehensive health care for their students.

As the Ad Hoc Committee on Education for Family Practice of the American Medical Association put it, the family physician "serves as the physician of first contact with the patient and provides a means of entry into the health care system. He evaluates the patient's total health needs, provides personal medical care in one or more fields of medicine, and refers the patient when indicated to approximate sources of care while preserving the continuity of his care. He assumes responsibility for the patient's comprehensive and continuous health care and acts as a leader or coordinator of the team that provides health services. He accepts responsibility for the patient's total health care within the context of his environment, including the community and the family or comparable social unit."

The family physician in this context would treat most of the patient's illnesses and would provide much needed preventive care.

Several recent developments in the field of family practice have contributed to its advancement. Late in 1968, the American Medical Association's House of Delegates drafted and approved the essentials for graduate training programs in family practice. In 1969, the American Board of Family Practice was officially approved. The board plans to offer the first examination for certification of practice to eligible candidates early in 1970. A new residency review program for family practice has been established. Twenty-two residency programs in family practice have been approved by this new program so far.

To support and encourage such developments in the field of family practice, I am cosponsoring legislation which would authorize appropriations of $50 million for the fiscal year ending June 30, 1971; $75 million for the fiscal year ending June 30, 1972; and $100 million for the fiscal year ending June 30, 1973, and the next 2 fiscal years thereafter for the purpose of making grants to qualified medical schools and hospitals to create departments of family practice, family practice curriculum, and to provide professional and technical training for medical and paramedical personnel in the field of family medicine.

A SALUTE TO THE PEANUT INDUSTRY

HON. GEORGE W. ANDREWS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 1970

Mr. ANDREWS of Alabama. Mr. Speaker, today we salute the peanut industry, one of the Nation's greatest and certainly one of its most popular. What child has not tasted peanut butter in his school lunchroom, and what party would be complete without some tasty peanuts?

It is National Peanut Day on Capitol Hill, sponsored by the National Peanut Council, as part of National Peanut Week, now underway, March 4 through March 14.

The National Peanut Council is composed of growers, shellers, and manufacturers of peanut products—and that takes in a lot of good people, especially in my part of the country, and particularly in my district.

The peanut is more than just good eating to the citizens of my State. It is big business. The fourth leading peanut producer in the Nation, Alabama produced 285 million pounds of peanuts last year, yielding 1,540 pounds per acre.

Even though most of the planting is done in a relatively small area of the State, peanut production in Alabama last year brought $34.2 million, out of a total cash value for all crops of $200 million. This success is due in no small part to the hard work of the Alabama Peanut Producers Association.

The pride of Alabamians in their State's peanut production is no better demonstrated than in the great National Peanut Festival, held every year around harvest time in Dothan, Ala.

Only a few miles away, stands the famous Boll Weevil Monument in the heart of Enterprise, Ala. This monument honors that tiny pest that really started diversification in farming by destroying cotton crops that dominated agriculture in the State years ago.

It was at Tuskegee Institute in Macon County, Ala., that the great George Washington Carver took the little-known peanut and made it immensely popular and valuable by making more than 300 products from it.

I invite my colleagues to see why I so lavishly praise the peanut. Free peanut soup will be served today in the dining facilities of the Capitol, and bags of free peanuts will be available, compliments of the peanut industry in the six major peanut-producing States.

"DOLLARS" HE CHANGES NET BLIND MAN $1,254

HON. HAROLD R. COLLIER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 1970

Mr. COLLIER. Mr. Speaker, an Associated Press dispatch of last Monday is such a delightful contrast to the daily diet of bad news that I want to share it with my colleagues.

The dispatch, which appeared in Tuesday's Chicago Tribune, follows:

"DOLLARS" HE CHANGES NET BLIND MAN $1,254

KALISPELL, MONT.—Wilbur Korb, the blind operator of a newspaper stand at the post-office, couldn't notice he was receiving some unusual "dollar bills" after he and his wife were involved in a collision. Mrs. Korb, also blind, required surgery. After Korb began to notice that many more people kept wanting change, his banker explained that many of the bills were $5, $10, and $20 denominations, giving Korb $1,254 to help with hospital bills.

XUM

OF PHARAOHS AND PLAGUES

HON. JEFFERY COHELAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 1970

Mr. COHELAN. Mr. Speaker, the TB epidemic is now considered over and the case closed. Six cases were discovered among the restaurant employees and with organization and dispatch of a well coordinated military engagement, all Members and employees were tested and cared for in a most exemplary manner. We forget however that these original cases did not germinate on the Hill. They originated in the "colony" which surrounds the massive Federal buildings, a colony which is lacking in the most basic forms of protection for its inhabitants.

Federal control of the District of Columba has been and is a national disgrace. This recent episode is but one more example.

I recommend the following commentary by Leo Rennert of the McClatchy newspaper chain to my fellow Members. I hope it will strike a responsive chord. It follows:

OF PHARAOHS AND PLAGUES

(By Leo Rennert)

WASHINGTON.—The most popular pastime on Capitol Hill during the last couple of weeks has been a rush by members of Congress and their staffs to makeshift clinics to find out if they have tuberculosis.

It has been an odd interruption in the usual pattern of congressional life.

For a few moments at least, the great and mighty of the land were forced to set aside legislative maneuvers and reelection strategy to await a verdit of far more intense personal interest.

Dutifully, they lined up to have their forearms punctured and their chests X rayed.

If their skins remained clear after 48 hours, they could breathe a sigh of relief. If there was some swelling, they knew TB in some form had crept into their system. The lucky ones—those with clear X rays—were told a positive reaction was no major cause for concern. Their TB was inert and probably would remain so—with proper vigilance and medication for a year. Another X ray was recommended in about three or four months time.

Similar precautions were taken at the White House.

ACTIVITY

All this activity, of course, followed disclosure that half a dozen active TB cases—including two fatal ones—had been discovered on Capitol Hill.

To the country at large, the news may have come as somewhat of a surprise. Perhaps even shock. To think that in this day and age TB, for which there are such effective controls, should infiltrate the very seat of power of the mightiest nation on earth!

To Washington residents, however, the episode had a distinct ho-hum, so-what-else-is-new aspect. From long and bitter experience, they know how this city has been cheated of basic public services—whether in health, law enforcement, education or almost any other field of municipal responsibility.

Washingtonians have no self government. Their interests are cared for by presidents and remote politicians who head the House and Senate District of Columbia Committees and the respective DC appropriations subcommittees.

It is the only colonial form of government within the territorial confines of the United States.

MODEL CITY

Every modern president has talked of turning Washington into a "model" city—a shining example to the rest of the world. Well-meaning colonial governors also had such intentions about their domains—with equally impressive results.

Congress at least never pretended that DC was anything more than a collection of government buildings and fashionable residential enclaves for the rich and the powerful. If the rest of the city—75 per cent of it—was a festering slum, overrun by rats and incubating social dynamite, so what. Let them subsist on law and order.

Lock the doors, arm the police, buy more watchdogs and throw a wall around those sickly looking people. Block them off with a cordon sanitaire—a barricade behind which the well-to-do can feel safe.

It did not work.

The outsiders governing this city, it turns out, permitted restaurant employes to serve them all along without first getting a TB check. This type of public health safeguard long has been in effect in most cities. But Washington naturally is a special case. The only Safeguard which holds its interest is protection against Communist missiles.

REMINDER

So the TB spread on Capitol Hill might be considered poetic justice—a reminder that no man, not even a congressman, is an island. A containment policy against ghettos and slums will not work.

Unfortunately, this is not exactly the lesson Congress has drawn from the TB scare. Rather than tear down walls and make all of Washington a fit place in which to live, the barriers simply will be reinforced. Food handlers will be screened more carefully, while TB remains unchecked a dozen blocks from the Capitol.

While doctors and nurses labored to cleanse Congress of this infection, the Senate was debating the question of school segregation and agreeing with Sen. John Stennis, D-Miss., that integration ought to proceed at the same pace in the South as in the North. Translation: Forget about integration. Otherwise, said Sen. Abraham Ribicoff, D-Conn., the country would be guilty of "monumental hypocrisy."

Yet strangely, no senator rose to demand similarly uniform standards in TB prevention for all persons in the nation's capital—its residents as well as it rulers. There was no suggestion that rushing the finest medical care to Capitol Hill, while the rest of the city continues to be victimized by the disease, is the kind of double standard which is bound to brew more trouble.

When Martin Luther King Jr. was alive, his followers pictured him as a modern Moses leading his people out of slavery. But King is dead and the pharaohs on Capitol Hill do not even realize they have been struck by a fateful plague.

THE NATION'S ECONOMY IS IN SERIOUS TROUBLE

HON. TIM LEE CARTER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 1970

Mr. CARTER. Mr. Speaker, the economy of our Nation is in serious trouble. Interest rates have risen to a record high. Money is scarce. Credit is difficult to obtain. Business throughout our country is slowing. Unemployment is increasing, our country is faced by a depression.

The basis of business transactions is credit. Practically all individuals involved in transactions of any sort require credit. Manufacturers, merchants, builders, farmers, homebuyers, automobile purchasers must have credit.

The high Federal Reserve exchange interest rates is reflected in such high rates to borrowers that most businesses have slowed, and many may go under.

Mr. Speaker, I strongly urge that our Federal Reserve Board lower its exchange rate. Further, I submit it is urgent that those in authority use their powers of persuasion on our great banking institutions to lower prime interest rates.

A recession is now in progress; by immediate action in lowering interest rates, a depression may be averted.

WHO'S FAITHFUL, LOYAL?—A SOUL-SEARCHING STORY

HON. ARNOLD OLSEN

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 1970

Mr. OLSEN. Mr. Speaker, I want to bring a couple of important articles by Joe Young which appeared in the Washington Star on February 4 and 8 to the attention of my colleagues. These articles relate to the pay matter and I highly recommend that all my colleagues read them:

[From the Washington Star, Feb. 4, 1970]

WHO'S FAITHFUL, LOYAL? A SOUL-SEARCHING STORY

(By Joseph Young)

An authoritative source—well, actually, he's not too reliable—gave us this inside account of the soul-searching that President Nixon and his top advisers went through before deciding to ask for a six-month delay in raising government and military pay.

The scene goes something like this:

The President: The budget has got to show a surplus, or else the Democrats will play (gasp) politics with the budget. We've got to cut the budget. We've got to cut the budget estimates somewhere. What do you suggest?

First Top Adviser: Well, sir, you could give back the $100,000-a-year pay raise you got last year.

The President: Are you crazy? With the big mortgages I'm saddled with on the three houses I bought in Florida and California last year, I need every cent of that $100,000.

Second Top Adviser: Well, how about eliminating the $12,500-a-year pay raise Congress got last year?

The President (grimly): There is nothing better I would like to do to those Democrats, but you know how money-hungry and selfish they are:

Third Top Adviser: How about eliminating the new helicopter landing pad we're building next to your house in Key Biscayne.

The President: How would you like to be transferred to the Tariff Commission?

Fourth Top Adviser: I've got it! After all, who is it that we're always saying is faithful, loyal, dedicated and true?

The President: The government employe!

Fourth Top Adviser: Exactly. So who will be reasonable, patient, gentle and understanding about a six-month delay in a pay raise? The government employe, of course.

The President: You are absolutely right.

XUM

(He suddenly frowns). But what about military personnel? How will they take it? After all, some of them are getting shot at out there, you know.

Fourth Top Adviser: They are patriots and patriots are never concerned about such grubby things as money.

The President: You're so right. Now, how much will we save by delaying the pay raises six months?

Fourth Top Adviser: A grand total of $1.4 billion.

Nixon: Splendid. But I want to make one thing perfectly clear—I'm not going to play politics and claim a $1.4 billion surplus. No, sir, I'll only claim a $1.3 billion surplus. (Chuckles.) It will drive the Democrats crazy trying to figure out what we did with the other $100 million.

Third Top Adviser: But, sir, the postal and federal employe unions are awfully strong and they're not going to like it one bit and they have a lot of powerful friends in Congress. And the military has Mendel Rivers on its side.

The President: And the Tariff Commission has got you on its side—as of now.

The President sighs as his staff troops out of his office. Sitting alone, the President muses? Why all this fuss over a six-month delay—after all, I promised government employes and the military during my election campaign that I would change the federal pay comparability lag with industry. True, I am changing it the other way—making it 18 months behind industry instead of 12. But, at least it shows that I haven't forgotten about comparability. No, sir, there never was a president who devoted more thoughts to government workers than I have.

[From the Washington Star, Feb. 8, 1970]

COMPARABILITY DELAY PLAN RECALLS 1968 NIXON STAND

(By Joseph Young)

How about playing a little guessing game this morning?

Who was it who said on Sept. 24, 1968:

"Federal employes in my administration are not going to be treated as numbers in a machine or as 'second-class' citizens."

And who said on the same date:

"The Republican platform provides for insuring comparability of federal salaries with private enterprise pay."

And who also said on that date:

"Finally, I intend to direct the appropriate officials of the administration to examine the comparability of all areas of fringe benefits, including federal employe retirement benefits, particularly with Social Security and railroad retirement programs."

Of course, you've guessed it. It was none other than Richard Milhous Nixon, the Republican candidate for President of the United States.

But, oh, how times have changed.

Last week President Nixon asked Congress to delay federal and postal and military pay raises until next January, thereby increasing the government's pay comparability gap with industry from 12 to 18 months.

And as for improving employe fringe benefits, as promised in the Sept. 24, 1968 statement, the Nixon administration is opposed to any liberalization, whether it be health insurance, retirement or any other kind of benefits.

It may be a bit naive to take campaign oratory very seriously. But on the matter of securing federal pay comparability with industry, candidate Nixon went out of his way in letters to all the major postal and federal employe unions to stress that he would eliminate the gap. But now he wants to widen it.

As late as last June, Nixon administration officials testified before the House Post Office and Civil Service Committee and said the administration not only would support a pay government raise in July 1970, but also would support another one in January 1971 to narrow the comparability gap.

But that was eight months ago and the administration has changed its tune.

Federal and postal employe leaders say the request for the delay wouldn't be so hard to take if similar wage restraints were placed or even advocated for the private sector.

But when they see large pay raise settlements being negotiated nearly every day in the private sector, they wonder just how noble and self-sacrificing government workers and military personnel are supposed to be.

AGNEW GOES TO THE PEOPLE

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 1970

Mr. MICHEL. Mr. Speaker, the recent decision to move some office space used by Vice President AGNEW from the White House next door to the Executive Office Building was interpreted in some quarters as a "downgrading" of the Vice President's influence; however, I feel that a more accurate analysis of the move is outlined in an editorial appearing in the February 28, 1970, edition of the Peoria Journal Star and I include it in the RECORD at this point:

[From the Peoria Journal Star, Feb. 28, 1970]

AGNEW GOES TO THE PEOPLE

(By C. L. Dancey)

Nobody ever really knows what the role of a vice president is going to be—and you can't "plan" it, altogether, either.

It depends on the president and his daily reactions as much as any formal arrangement. And it depends a great deal on the vice president, himself.

Above all, it depends on the "image" and the role that the public chooses for him.

In the case of Spiro Agnew, strange and funny things have happened in comparison with the past.

The vice president has become the down-to-earth link for many Americans with the White House. Nixon is president in an age of unparalleled security restrictions, with a calculated "style" of presenting a workmanlike, dignified, but "low profile" appearance.

The vice president, however, has become one of the busiest speakers in history. He is making speeches and major local news weekly.

He is a full time campaigner, an emissary to the great mass of "middle America" (or whatever it is), a link who comes out and speaks the language of the average guy—only better—in his own rare way.

It is increasingly clear that there is more to Agnew than his early appearance, the fragment-quotes of early news reports, and the original "image."

There have been celebrities, some of them political, who have brought out already hysterical crowds . . . who appealed to people given to extravagant demonstrations.

But it is many a year since we have seen a political speaker with the amazing talent for speaking to a sober and sedate crowd, beginning in a somewhat pedestrian manner, who suddenly with a particularly apt and earthy expression shocks that audience into a genuinely spontaneous outburst of near pandemonium.

He obviously doesn't need a rigged claque or a built-in cheer leader. He evokes sudden, spontaneous and exaggerated reactions by his own speaking technique, and while something close to this has often been "framed" (as in the conventions themselves) the real thing has become a very rare article.

A vice president with this kind of rapport with that broad area of American life that has been most difficult to reach by politicians doesn't belong behind the iron fences and strict controls on the White House grounds.

Agnew has to be more accessible.

Indeed, the Executive Office Building isn't good enough, but may be a necessary compromise.

The truth is that functionally the building where he has moved is part of the White House, still. It is next door, and while on the surface the White House retains its isolated and somewhat residential appearance for tradition's sake, the two are, in fact, linked directly and largely interchangeable.

So, the vice presidential move "from the White House" isn't really such a big deal.

In truth, it just puts the vice presidency closer to the people.

TELLING IT LIKE IT IS—OUR GI'S VERSUS THE CAB

HON. L. MENDEL RIVERS

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 1970

Mr. RIVERS. Mr. Speaker, for years air transportation to and from overseas points at less than prevailing commercial rates has been available for active duty and retired military personnel and Department of Defense civilians and the dependents of all three groups.

Last year these fares were further reduced making it possible for thousands of service personnel, their dependents, and Department of Defense employees to travel to and from Europe on charter flights.

As a result, the Civil Aeronautics Board, in the guise of "helping the GI's," has proposed a change in the regulations for these charter flights which would drastically reduce the number of persons eligible to participate. The Department of Defense is very much opposed to this proposed change.

It would be a great disservice to the military and Department of Defense employees for the proposed change to be put into effect and I have asked the CAB to reconsider their proposal.

It is difficult to comprehend how two Government agencies can go off in such divergent directions. The Department of Defense is very much concerned about morale, reenlistment rates, officer and noncommissioned officer retention, and service benefits. They are rightfully concerned. Now, the CAB—with one fell swoop—proposes action that could well be the straw that breaks the camel's back so far as morale is concerned.

An editorial appearing in the Armed Forces Journal of February 28, 1970, is very accurate in its summation of the problem and I include the editorial in the RECORD at this point:

LARGE LETTERS AND LONG WORDS

(By James D. Hessman)

Until now, we had always thought that rules should be made to serve the needs of the people.

But the Civil Aeronautics Board tells us it's really the other way around. People must

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serve the needs of the rules, especially our rules, says the CAB.

In case you hadn't heard, the Board is tinkering with the rules on military charter flights to and from overseas, and the results are similar to what would happen if you used a jack-hammer to do a little fine-tuning on your TV set.

The military charter flights, which most knowledgeable observers say would be cut drastically—if not eliminated entirely—under the proposed ruling, serve primarily to provide low cost transportation to and from overseas points for active duty and retired military personnel and DoD civilians, and the dependents of all three groups. The flights have been running on and off since the end of WWII, but have really taken off since the mid-60's.

Everybody is happy with the program. DoD likes it, the airlines and travel agents like it, Congress likes it, and most of all the three broad categories of military people eligible for the program like it. Only the Civil Aeronautics Board doesn't like it, it seems.

So the CAB has decided to change the rules. From now on, says the Board in a proposed ruling with a 7 March "comments" deadline, military retirees and DoD civilians, and the dependents of both groups, will no longer be eligible for the flights. Charter service for active duty personnel and their dependents, moreover, would be limited to flights from overseas only—and then only if DoD—not the travel agents who built up the business—sponsors and administers the flights, says the CAB. So much for free enterprise.

And so much for the balance of payments, which will suffer to the tune of an estimated $5.8-million this year—more in the future—if the CAB has its way.

And so much for the courts of the land, which have often held that military retirees—who really are "retainees" and may be recalled to active duty if the government so decides—have a legal status different from retirees in other professions. Now the CAB has ruled they are retirees, nothing more, and not entitled to active duty fringe benefits such as the charter flights.

And so much for the CAB's own rules of "affinity," under which the Board permits employees of a corporation to sign up for the same type of flights for which DoD civilians—employees of a very large "corporation" themselves, it seems to us—would no longer be eligible under the CAB ruling.

Retirees and DoD civilians are screaming. So are the travel agents, so are the airlines, so are the House and Senate Armed Services Committees—which are worried about the impact on morale—and so is the Department of Defense, which is unhappy because its people are unhappy and which does not, in any event, want to assume the costs and headaches involved in running a charter service program of its own.

We would scream, too, but we're far too polite to do so and don't really like to get involved in matters of this sort, anyway.

We want to be fair about this. We would like to present both sides of the case, and we would if we could. But unfortunately the CAB did not hold a fact-finding investigation before issuing its proposed ruling. And it has as yet, so far as we can determine, been unable or unwilling to cite anyone who will benefit from the change. And the substance of its legal arguments—which we must regretfully omit due to lack of space—could be summed up, in our opinion, between here and the end of this editorial.

Provided you write in large letters and use nothing but long words.

NEWSMEN'S PRIVILEGE BILL

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 1970

Mr. OTTINGER. Mr. Speaker, in recent months we have witnessed an unprecedented series of attempts to intimidate and cow the press of this Nation into an attitude of either silence or acquiescence with the policies of the administration. From a Vice President who launches a tirade of invective against the press for daring to criticize the President, to the FCC Chairman's demands for transcripts of specific broadcasts, to the Attorney General's attempts to make the media an arm of the law-enforcement apparatus, we are confronted with an orchestrated assault on the press that fits hand-in-glove with other administration efforts to silence all dissent.

Today, I am taking what will be just the first step in countering this threat to the Nation. I am introducing legislation to clearly establish the news media's freedom from Government intimidation and coercion. This measure—the Newsmen's Privilege Act—is a direct response to the Attorney General's recent attempts to subpena the notes, tape recordings, film clips, photographs, and other confidential materials from the working press. It is also a direct response to the Attorney General's attempts to achieve the same goals by pressure tactics such as telephone calls from the FBI.

The thrust of this bill is to protect newsmen, including freelance journalists and photographers, from forced disclosure before any Federal court, jury, agency, commission, or Congress itself, of confidential information received by them in their capacities as newsmen. It also protects them against disclosing the source of such information.

This legislation is not intended to place newsmen above the law. Rather it is designed to combat a policy of repression which threatens to make our news media a mere propaganda arm of the Government. What I am defending is the public's right to know, a basic right which undergirds our system of popular constitutional government, and which can only be effective with an assured free flow of information through our news media to the public.

The American Newspaper Guild has a canon requiring newsmen to "refuse to reveal confidences or disclose sources of confidential information in court or before other judicial or investigatory bodies." Such ethical rules, however, have not been given precedence over legal considerations by the courts. Two national campaigns have been mounted on behalf of legislation to establish a newsmen's privilege, and 15 States have enacted statutes to date: Alabama, Arizona, Arkansas, California, Indiana, Kentucky, Louisiana, Maryland, Michigan, Montana, New Jersey, New Mexico, Ohio, Oregon, and Pennsylvania. The State laws generally protect against forced disclosure of sources of confidential information only. Bills have been introduced at the Federal level starting with the 71st Congress through the 88th, with no success.

The basic argument for the newsmen's privilege rests on the public interest in maintaining a free flow of information to the media from all possible sources. What is involved is not a personal privilege of a reporter to remain silent under certain types of questioning, as in the fifth amendment privilege against self-incrimination. What is at issue is a reporter's legal right to guarantee to his sources that their confidences will be held inviolate, based on the first amendment guarantees of a free press.

The newsman's practical right to maintain confidentiality, which he exercises every day, is as vital to his social function of discovering and disseminating news and information as is the right of a physician to respect the confidences of his patient. A psychiatrist could not continue in practice for a week if he could not guarantee to his patients that no power of law could ever wrest the patient's communications from him. In the interests of making it possible that the sick should be treated, the law recognizes the sanctity of such communications, extending the same privilege to accountants, attorneys, and priests.

The reporter's case, as has been said, is different. Yet it is true that he could not continue to function as anything more than a sounding-board for propaganda if he were unable to guarantee anonymity to his sources. In the interest of insuring a free flow of news and information to the public, the law should recognize the sanctity of this particular type of communication. The doctor's privilege is immediately in the interests of the patient, only secondarily of the public of which the patient is a part. The reporter's privilege is immediately in the interests of the public, not at all in the interests of the source who must remain anonymous, and what benefits the source may derive are purely incidental to the fact that only by allowing them can news and information be made to flow.

Anyone at all acquainted with the operations of newspapers and the mass media knows that the right to grant anonymity in return for information is the one most important and carefully preserved tool of reporting—of all really good reporting as well as of some bad or malicious reporting. It is not always realized that it is a no less important tool of the historian, the sociologist, the economist, the serious investigator of all kinds of human activity. To take a possibly extreme but far from unrepresentative example: What chance would Dr. Kinsey and his colleagues have had to compile their valuable material had there been general acceptance of the power of any court, grand jury, or congressional investigating committee to identify under penalty of contempt the individuals from whom the material was gathered? Few serious studies of recent history, involving individuals now alive or their immediate descendants, could be

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written without use of sources available only on the historian's assurance that they would remain confidential.

The argument for the reporter's privilege—the reporter including writers of books or magazine articles and reporters for the electronic media—proceeds from these considerations. The freedom of the press, as guaranteed in the first amendment, implies the free flow of news and information; within the limitations of the laws of libel and obscenity—laws in no way weakened or diminished by the privilege here considered—it implies the free flow of information good, bad and indifferent; true, semitrue, or false; noble or malicious. A compulsion to reveal sources would, no doubt, restrain the publication of no small amount of malice, gossip, falsehood, and unwarranted innuendo which now sees the light of day. But the argument is not simply that it would also restrain the publication of a vast deal more that is true and useful; it would cut off acquisition of this information altogether; it would leave it not simply unpublished but unknown. It would impoverish the whole intellectual as well as informational climate of our times. It is for that reason that the privilege is in fact so generally respected in practice. A privilege so essential to the normal functioning of our society should also have standing in law.

Until the current furor sparked by the Attorney General, the most famous recent case involving this issue dealt with a suit by Judy Garland against Marie Torre in 1957–58 when Miss Torre was a columnist for the New York Herald Tribune. After Miss Torre quoted "anonymous network executives" concerning Miss Garland, the actress sued for damages and demanded that Miss Torre reveal the names of her informants. The columnist refused on first amendment grounds and the case was decided by Judge Potter Stewart, who was then on the court of appeals. He applied a test of first amendment rights that is favored by a majority of the current Supreme Court—a balancing of the need for the information with the deleterious effect on the newsmen's rights.

Late last month it was learned that the Justice Department had issued subpenas to newsmen demanding such raw data as reporter's notes, tape recordings, news film, and unedited files. The subpenas were issued by grand juries that were investigating the activities of the Weathermen faction of SDS and the Black Panther Party. The news was met with statements of criticism and concern by officials of the New York Times; CBS; Time, Inc.; and Newsweek. On February 4, the Justice Department disclosed that it would not insist on obtaining all of the material demanded and indicated it would negotiate for the information it sought rather than use the subpena power. The Justice Department particularly emphasized its willingness to negotiate to obtain material from Earl Caldwell, a black New York Times reporter in San Francisco, who had written articles about the Black Panthers.

On February 5, former Attorney General Ramsey Clark said the issuing of subpenas in these cases represented a sharp departure from previous Justice Department policy. He said there was a difference between calling a reporter to testify in a specific murder case and summoning one to disclose his files in a general "fishing expedition." At the same time, Norman C. Isaacs, president of the American Society of Newspaper Editors; Elie Abel, dean of Columbia School of Journalism; Newton N. Minow, former FCC Chairman; and H. Roger Tatarian, vice president and editor of UPI, urged newsmen to refuse to honor any such subpenas.

On February 8 it was learned that Attorney General Mitchell planned to meet with representatives of the news media in a personal effort to ease the bitterness these incidents had aroused. At the same time, the New York Reporters Association, the New York State Publishers Association, and the New York State Press Association announced their support of a bill introduced in the State legislature by Democratic Assemblyman Arthur D. Kremer to safeguard the right of newsmen to protect confidential sources.

On February 11, Time, Inc., protested the Government's commandeering of confidential information concerning a Fortune magazine interview with conglomerate tycoon, James L. Ling. The Government had issued a subpena last October 2, demanding the surrender of tape recordings, interview notes, and editorial drafts of Fortune editor John McDonald's interview with Ling, which was published by the magazine last summer.

On February 12, a group of 70 black journalists announced in New York that they would resist any attempt by the Government to force them to appear before any investigating or law-enforcement agency with unpublished or unbroadcast material they had gathered. The stand was inspired by the Earl Caldwell case.

They said:

> We are not the white world's spies in the black community. We are not undercover agents for local, state or federal law enforcement agencies. We are black journalists attempting to interpret, with as great an understanding and truth as possible, the nation's social revolutions.

The most recent development occurred Monday, February 23, when it was learned that correspondents Mike Wallace and Paul Loewenwater, of CBS news, may defy threatened Justice Department subpenas for testimony before a Federal grand jury inquiry into the Black Panthers. Both men got phone calls last week from the Justice Department seeking their testimony before the grand jury in New Haven. Wallace was the reporter and Loewenwater the producer last January 6 of a segment of the CBS–TV program "60 Minutes," which included a report on the Black Panthers and a filmed interview in Algeria with the fugitive Panther leader, Eldridge Cleaver.

The need for newsmen's privilege legislation has been made manifest, and I am pleased to see the gathering bipartisan support for this effort to maintain the independence of the press from governmental control. Identical legislation is being introduced by Senator THOMAS MCINTYRE, of New Hampshire, this week, and I am hopeful that widespread support will enable us to obtain hearings so as to focus national attention on the public interest in maintaining a free flow of confidential information to the media.

Members of the House joining me in sponsoring this bill today are Representatives SCHEUR, BIAGGI, FARBSTEIN, WOLFF, KOCH, LOWENSTEIN, and BUTTON, all of New York; Representative PEPPER, of Florida; Representative BRADEMAS, of Indiana; Representative CLAY, of Missouri; Representatives EILBERG and MOORHEAD, of Pennsylvania; Representative HARRINGTON, of Massachusetts; Representative HELSTOSKI, of New Jersey; Representative MIKVA, of Illinois; Representatives WHALEN and STOKES, of Ohio; Representative CONYERS, of Michigan; and Representatives VAN DEERLIN, ROYBAL, and GEORGE BROWN, of California.

The text of the bill and a section-by-section analysis follows:

H.R. 16328

A bill to provide certain privileges against disclosure of confidential information and the sources of information obtained by newsmen

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Newsmens Privilege Act".

NONDISCLOSURE OF CONFIDENTIAL INFORMATION

SEC. 2. Except as provided in section 4, no person shall be required by any court, grand jury, agency, department, or commission of the United States or by either House of or any committee of Congress to disclose any confidential information received or obtained by him in his capacity as a reporter, editor, commentator, journalist, writer, correspondent, announcer, or other person directly engaged in the gathering or presentation of news for any newspaper, periodical, press association, newspaper syndicate, wire service, or radio or television station.

NONDISCLOSURE OF SOURCE

SEC. 3. Except as provided in section 4, no person shall be required by any court, grand jury, agency, department, or commission of the United States or by either House of or any committee of Congress to disclose the source of any information received or obtained by him in his capacity as a reporter, editor, commentator, journalist, writer, correspondent, announcer, or other person directly engaged in the gathering or presentation of news for any newspaper, periodical, press association, newspaper syndicate, wire service, or radio or television station.

QUALIFICATIONS

SEC. 4. (a) The privilege conferred by section 2 shall not apply to any information which has at any time been published, broadcast, or otherwise made public by the person claiming the privilege.

(b) the privilege conferred by section 3 shall not apply—

(1) to the source of any allegedly defamatory information in any case where the defendant, in a civil action for defamation, asserts a defense based on the source of such information; or

(2) to the source of any information concerning the details of any grand jury or other

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proceeding which was required to be secret under the laws of the United States.

(c) In any case where a person claims a privilege conferred by section 2 or 3, the person seeking the information may apply to the United States district court for an order divesting the privilege. Such application shall be made to the district court in the district wherein the hearing, action, or other proceeding in which the information is sought is pending. The order shall be granted if the court, after hearing the parties, determines that there is substantial evidence that disclosure of the information is required to prevent a threat to human life, of espionage, or of foreign aggression.

SECTION-BY-SECTION ANALYSIS OF CONGRESSMAN RICHARD L. OTTINGER'S NEWSMEN'S PRIVILEGE ACT OF 1970

SEC. 2 NONDISCLOSURE OF CONFIDENTIAL INFORMATION

No newsman shall be required to disclose confidential information before any branch of the Federal government (courts, grand juries, departments, commissions, Congress). Newsmen shall include all individuals engaged in the gathering and presentation of news for newspapers, periodicals, press associations, newspaper syndicates, wire services, radio, or television. The difference between this bill and statutes in force in 15 states is that State laws protect only the source of information and not the information itself. The Act is drafted to include freelance journalists as well as those regularly employed. Exceptions set forth in Section 4.

SEC. 3 NONDISCLOSURE OF SOURCE

The same privilege against required disclosure of the source of a newsman's information before any Federal authority. Exceptions set forth in Section 4.

SEC. 4 QUALIFICATIONS

Since the courts have consistently held that First Amendment rights are not absolute, and since legal groups studying this question have recommended qualifications on the privilege to safeguard the public interest, the following are generally recommended exceptions where the privilege may be denied.

Subsection 4(a) removes the privilege with regard to confidential information which has already been made public by the person claiming the privilege. In such cases, the newsman shall be deemed to have waived the privilege once the information is in the public domain.

Subsection 4(b)(1) The privilege shall not protect against disclosure of the source of allegedly defamatory information in any case where the defendant in a civil action for defamation asserts a defense based on the source of such information. The right of any person to claim personal damages through the courts is established in American jurisprudence, and there is no justification for removing responsibility for publishing libelous charges. The right of an individual not to be libeled overrides the benefit to the public of assertion of the privilege.

Subsection 4(b)(2) The privilege against disclosing the source of information is removed when details of a proceeding required by law to be kept secret are published, e.g., Federal grand juries and treaty hearings. The granting of a newsman's privilege is based on the public interest in maintaining a free flow of information to the press. However, the public interest in favor of disclosure overrides the privilege when publication of information clearly violates public policy codified in law.

Subsection 4(c) This section provides that a district court may, upon application, divest the privilege conferred in either Section 2 or 3 where the information in question has a direct bearing on a threat of foreign aggression, espionage, or to human life. This interposition of a court between prosecutor and newsman provides a buffer against "fishing expeditions" by requiring the person seeking information to prove the existence of a legitimate and specific threat to human life or an overt threat of a takeover of the machinery of government. In the event of such threats, obviously the public interest is not served by protecting a newsman's right to remain silent.

FREEDOM'S CHALLENGE

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 1970

Mr. HUNGATE. Mr. Speaker, I would like to call the attention of my colleagues to the annual Voice of Democracy Contest sponsored by the Veterans of Foreign Wars of the United States and its ladies auxiliary. The contest theme this year was "Freedom's Challenge," and over 400,000 school students participated in the contest competing for five scholarships which will be awarded.

I am very happy to announce that the winning speech from Missouri was submitted by Mr. Jim Coffin, 18, of Centralia, Mo., which is in my congressional district.

Each State winner will be brought to Washington for the final judging as guests of the Veterans of Foreign Wars, and we will all have the pleasure of meeting these fine young people at the VFW annual congressional dinner March 10.

I would like to share with you Jim Coffin's winning speech:

FREEDOM'S CHALLENGE

SOMEWHERE IN VIETNAM,
Thanksgiving Day, 1969.

DEAR MOM AND DAD: It seems a little strange to be so far from home on Thanksgiving Day. Today didn't really seem like a time for giving thanks. We were under heavy fire all day and witnessed a terrible battle. Now we are having a lull so I will write and wish you a very happy holiday.

You know, Mom and Dad, I have been doing some serious thinking since I came here to Viet Nam. I am not sure whether or not we should be over here fighting this war, but when I see how the very few freedoms these poor people have are threatened, I begin to realize what a challenge it is to us as Americans to maintain our freedom. The longer I am here the more I see how easily freedom is lost. Freedom is earned, not merely handed out! We must constantly work to attain freedom and when we attain it, we must continue working to maintain it.

I don't like war. I am afraid of it, but can we compare our draft card burners to Patrick Henry who said, "Give me liberty or give me death." Do we regret that we have but one life to give for our country, or do we regret that we even have one life to give for our country? Was Patrick Henry fighting for the same things that we are? The challenge of freedom is one that we must be willing to face even to death.

Today being Thanksgiving, I can't help but think of the origin of this great holiday. It began as a day of giving thanks for liberty. Do we still connect it with the privilege of freedom? We must, for freedom is lost as easily as it is gained.

The great symbol of our freedom is our flag. After being here on this foreign soil fighting, the flag has taken on somewhat of a new meaning to me. Dad, you once told me of when you were released from prison camp by the Japanese at the close of World War II. You mentioned the lump that came to your throat and the tears in your eyes as you once again saw Old Glory swelling in the breeze. I think I can now understand how you felt, Dad. Truly, the flag is a very worthy symbol of our liberty. I wish I could be at home right now so I could talk to young and old, as well, and explain to them just what our freedom really is and the challenge we must face, if we are to retain this liberty we love so dearly. I would tell them of the many people who have lost the freedoms that we possess. I would remind them of the great sacrifices made by our forefathers that we might enjoy freedoms as we now have. I would plead with would-be draft card burners to take as their motto "My country, may she ever be right, but right or wrong, my country." Oh, that our people will bond together and continue striving to maintain our freedom, so our great United States might remain, "one nation, under God, indivisible, with liberty and justice for all."

I am proud to be an American!

Much love.

YOUR SON.

HOUSING SHORTAGE

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 1970

Mr. ROE. Mr. Speaker, much has been said about the housing shortage, its effect upon the economy and the individual, and I would like to make some brief observations on the causes contributing to this critical housing situation.

There is no question in my mind that the all-time-high interest rate and cost of money is, in fact, the prime deterrent to new housing construction. This element is critical and paramount but in my judgment there are other major contributing factors which must also be recognized and be assessed as part of the problem, particularly as it relates to the almost confiscatory local real estate taxation which is severely draining family financial resources. In addition there is the essential need to recognize the obvious severe competition that has developed for the use of our land and natural resources which is most apparent in urban and suburban areas.

The time is long overdue for a complete reevaluation of archaic and antiquated zoning laws, planning procedures, and building codes, many of which have been deliberately formulated in an attempt to deter housing developments, because of the effect, in part, added populations in a community or city may have upon additional need and cost of public service nee their impact on increased local real estate taxation.

All of these forces are working to contravene a rational housing expansion program to meet the needs of the exploding populations of our Nation commensurate with the capability of the individual family income to be able to afford to build or acquire a home.

The critical import and vital need of the people of America for decent, adequate, clean, and safe housing should

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certainly be apparent to all and recognized to be within the first order of domestic priorities in the country. The order of magnitude of this problem defies resolution with the usual fragmented governmental approach of paste, glue, and bandaids when the crying need is for major surgery.

In devising an overall formula to begin to meet our housing needs, we must include a stabilized interest rate specifically for housing financing free of the fluctuation of the national prime interest rate; Federal revenue sharing with the States to help relieve local real estate taxation; Federal subsidies for low income and senior citizens housing; and the establishment of a national framework of regional building standards and codes upon which the degree and extent of Federal participation in local housing needs would be based.

The building and construction trades must also take serious stock and evaluate their participation in the formula, particularly through the widest possible application of the latest up-to-date construction technology and the use of new innovative building materials.

This is not meant to be a full treatise on all of the ills, woes, and solutions to our housing needs but an attempt to convey a broad observation of some of the factors that I believe must be dealt with if we are to begin to achieve a substantive solution to the problem.

TWO MILLS SHUT DOWN

HON. WENDELL WYATT

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 1970

Mr. WYATT. Mr. Speaker, because of the severe slump in the housing industry, the State of Oregon is experiencing a critical period in its economic history. Lumbering is our No. 1 industry, but every day we see more and more men being laid off because of the market conditions.

I am inserting a newspaper report from the Salem, Oreg., Statesman on the closure of two plywood mills, in Corvallis and Eugene, resulting in 150 employees being thrown out of work. What is particularly distressing, Mr. Speaker, is that stories such as these are appearing all too regularly in the Oregon press, all around the State, not just in my district.

The report follows:

TWO MILLS SHUT DOWN

CORVALLIS.—Two plywood plants of Brand-S Corp. will be closed Friday for an indefinite period because of the weak condition of the plywood market.

Harley Willis, vice president and general manager, said the Corvallis and Eugene mills would shut down, causing layoff of 120 employes in Corvallis and 30 in Eugene.

He said the company's veneer mill at Five Rivers in southeastern Lincoln County would continue to operate on a one-shift basis.

Closure of another Oregon plywood mill, Georgia-Pacific's No. 1 plant at Springfield, also was announced this week. It was described as too small and too old to compete in today's market and the closure was called permanent. It has about 125 employes.

MINNESOTA PAPER PRAISES NIXON POSITION ON THE ENVIRONMENT

HON. ANCHER NELSEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 1970

Mr. NELSEN. Mr. Speaker, many editors throughout our Nation have commented on President Nixon's outstanding message to the Congress on the environment.

One thoughtful statement on the President's call to fight pollution appeared in the Worthington, Minn., Globe. The Globe editorial sums up the situation with an assessment of the real problem that faces us. The editorial stressed what some noted authorities have pointed out. It is not "Can we stop pollution?" but rather "Will we make the effort?"

I believe that America can and will act to stop the decline in the quality of our environment. In my mind, the President's eloquent statement of national priorities in pollution control is a first, great step toward that goal.

For the reference of the Members, I am including in my remarks the Globe editorial entitled "President's pollution stand heartening":

PRESIDENT'S POLLUTION STAND HEARTENING

The President's clarion call last Friday for "total mobilization" against air and water pollution can only be greeted with applause by the many who have been waging a losing battle in the total conservation effort for so many years. It will certainly give heart to the multitude of concerned citizens who have only recently become enough concerned with pollution of the environment to join in the efforts of private groups committed to bettering the environment. His statement will likely give heart to the great silent majority of Americans who are worried about pollution.

President Nixon said Friday that his administration has evolved a new set of the three R's—reform, restoration, and renewal. The middle R—restoration—refers to the environment, and the President spelled out the terms of restoration in a special message to the Congress today.

To be against pollution today is to align yourself with the white hats, the good guys. Denouncing pollution of the environment is to this age what pronouncements for God, motherhood, and patriotism were to a less complicated time in America.

Yet to the analytical mind, to the person who brings to bear a clear intellect unencumbered by rhetoric and sentiment, the President's call for "total mobilization" strikes but little response. It strikes small response because the person who has any first hand knowledge of the pollution problem in this country, the person who recognizes the difficulties inherent in cleaning the air breathed by Americans and the water drunk by Americans, knows first of all that air and water are not cleaned by slogans. He also knows that the best of intentions of the air-pure water enthusiast are going to run smack dab into a frighteningly complex problem, and that his efforts to make the air pure and the water clean are going to be seriously encumbered by any number of vested interests.

He is also going to discover that the worst offenders are not the industrial polluters, though their offenses are indeed gross. He is going to find that the worst offenders are not the municipalities dumping sewage into streams and rivers, though their turning rivers into open sewers is indefensible.

The worst offenders are the drivers of automobiles pumping millions of cubic feet of noxious gases into the nation's air every day. It is householders burning trash in the backyard. It is the shore dweller flushing waste through an inadequate septic tank into the lake. It is the person carelessly tossing garbage out the car window and daily cluttering the environment with the discarded containers from pre-packaged food he demands for his convenience.

The worst offender polluting the environment is any one and all of the 200 million Americans, the average Joe, the private citizen, John Q. Public. He is the worst offender by sheer weight of numbers if for no other reason.

To halt pollution of the environment will take much more than slogans. It will require much more than good will. In the final analysis, halting pollution will require that all of us give up some conveniences, even a degree of freedom in the way we use our surroundings.

But the task of halting the present rate of air and water pollution and rolling back the enveloping tide of contaminated water and bad air is not an impossible task. It will take a commitment, it will take money, it will take effort, and it will take the kind of resolution willing to trade convenience for improvement in the quality of the environment.

First of all it must be noted that pollution is nationwide and cumulative. This means that the effort to clean the air and water of America must be a national effort. Recall the dust bowl of the Thirties. The dust clouds arose in the West, but they drifted all across the country. The topsoil of the Dakotas settled from Maine to Florida. State and local efforts at pollution control are vital, but the ultimate solution must be nationwide. An approach to pollution that places the burden of cleaning air and water on state and local government is no solution. Nor is it an honest solution to a nationwide problem simply to offer incentives to state and local government to clean the air and water.

Cost will be an important factor in any effort to restore the environment. Halting pollution will be expensive. Beware not only of simplistic solutions but of solutions that promise to be cheap.

Inconvenience to the private citizen must necessarily be the result of any honest effort to restore the quality of the environment. Take note of solutions that zero in only on offenses of industry and the cities. The private citizen may have to be willing to walk or bicycle or use public transportation where now he rides. He may have to forgo the convenience of packaged dinners. He may have to let the prunings from his grove return to the soil by the slow process of decay rather than a quick hot fire.

The pollution of half a century of burgeoning industry and population will take some while to relieve. Therefore, beware of the quickie solution. Anyone who promises clean air and water the day after tomorrow given the aid of the local newspaper and a law or two is either a fool or a charlatan. The most optimistic of ecologists say that if all the wastes presently being poured into Lake Erie were instantly halted, the lake would not recover to a point acceptable for recreation in fewer than 10 years.

There are other criteria that can aid the private person to determine whether he is listening to a real effort at restoration or something else. But these are some of the more important. The quick and easy solution that promises low-cost cleanup and fails to mention any inconvenience to the private citizen is no solution. Cleaning up the environment means a slow, tedious, costly effort that will inconvenience the private citizen.

The only question that remains is whether or not we are willing to make the effort necessary for clean air and water. We haven't been to this point, and there isn't much to suggest optimism that we have reached such a commitment at this point.

USE AND ABUSE OF THE GREAT SALT LAKE

HON. LAURENCE J. BURTON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 1970

Mr. BURTON of Utah. Mr. Speaker, the President's message on the environment has directed a great deal of attention to the conditions under which we all live. I believe that the citizens of Utah will want to turn their efforts toward solution of the pollution problem of one of our greatest natural resources, the Great Salt Lake.

Since congressional interest in environmental problems is great, I would like to share with my colleagues an editorial on the "Use and Abuse of Lake" which appeared in the February 17, 1970, edition of the Salt Lake Tribune:

Use and Abuse of Lake

The use and abuse of Great Salt Lake for years has been a subject jam-packed with contention. A natural wonder holding fascination for scientists, technologists, recreationists and the just plain curious, the inland sea is constantly in the middle of arguments over how its vast potential can be totally realized. But one point ought to be abundantly clear: The lake is too valuable to be turned into a cesspool.

But even though there is general agreement on this, it appears not enough is being done to prevent such a probability. According to Grant K. Borg, Utah Water Pollution Committee chairman, Great Salt Lake is suffering badly from sewage pollution. He noted tests along the lake's eastern and northern shores have recorded high disease producing organisms in the water.

The information is somewhat startling considering progress made by Wasatch Front communities in building sewage treatment plants. Prof. Borg points out, however, that while helpful, these plants are only 85 percent effective in cleansing waters channeled through them into the lake. And as population increases or industry expands, the problem will grow unless additional treatment stages are provided.

Aside from protecting overall environmental conditions, the situation described by Prof. Borg requires particular attention after the time and money already spent developing the lake's tourist and recreation possibilities. State and local government funds have been used to create extensive public facilities on Antelope Island in the northeastern section of Great Salt Lake—an area threatened by sewage pollution.

The contradiction is serious enough to justify official action. Since there has never been a comprehensive study of long-range pollution effects on Great Salt Lake, this should be a priority project with sufficient state funding. The water pollution control committee, though established in 1953, has never been able to afford a full staff. Its research capabilities should be strengthened.

Great Salt Lake should be preserved as a proud Utah possession, not turned into the country's largest body of contaminated salt water. Those with answers for the problem should be given the authority and money necessary to move ahead now.

FREEDOM FOR LITHUANIA

HON. HAROLD D. DONOHUE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 1970

Mr. DONOHUE. Mr. Speaker, on this year's occasion of the 52d celebration of the anniversary of Lithuanian independence appropriate ceremonies were held in the Congress and throughout the United States in order to pay well deserved tribute to the heroic people of Lithuania and to encourage them to remain steadfast in their determination to finally restore to their native land the liberty that is rightfully theirs.

But we, who are free have the obligation to do more than that. It is our duty to repeatedly publicize and emphasize to the civilized world the tragic truth of Lithuanian oppression under Russian tyranny.

As long as we keep alive the terrible truth about Communist treatment of Lithuania we are encouraging the hope and perseverance of the Lithuanian people for eventual freedom and independence.

The cause of freedom for Lithuania is a just cause and it is one in which I am particularly pleased to pledge my own cooperative efforts unceasingly until it is accomplished.

Of course, all Lithuanian Americans are dedicated in their objective to expedite the day of freedom for their homeland and I am pleased to include, at this point, a copy of the resolutions, on behalf of Lithuanian freedom, that were adopted at a mass meeting of Lithuanian citizens in my home city of Worcester, Mass., last February 15, 1970. The resolutions follow:

Resolutions

At a Mass Meeting held by the Lithuanians of Worcester, County of Worcester, Commonwealth of Massachusetts, under the auspices of the Worcester Area Council of Lithuanian Organizations, at the Lithuanian Naturalization Club Hall, Worcester, Massachusetts, on February 15, 1970, the following resolutions were unanimously adopted:

Whereas, the 16th day of February, 1970, marks the 52nd Anniversary of the declaration of Lithuania as a Free and Independent Republic,

Whereas, the unlawful, by "Force of Arms", occupation of the Republic of Lithuania by the Soviet Union, in June, 1940, and the commitment of atrocities against her people, the deportations, the destruction of her institutions and her Democratic Form of Government, by the Soviet Union, continues,

Whereas, the Soviet Union has consistently and unilaterally violated all of the Pacts and Declarations solemnly underwritten by the Soviet Union, viz:—"Peace and Nonaggression Pacts with the Baltic States, the Atlantic Charter, United Nations Charter, Four Freedoms, Yalta Declaration, and the Potsdam Agreement,

Resolved, that the citizens of Worcester, County of Worcester, Commonwealth of Massachusetts, of Lithuanian descent, do most vigorously condemn and protest against Soviet Russia's such Unlawful by "Force of Arms" occupation of the Republic of Lithuania, the commitment of atrocities against her people, the destruction of her institutions and her Democratic Form of Government and the violation of Pacts and Peace Treaties,

Resolved, that the Lithuanian-Americans of said Worcester County, once again reaffirming their loyalty to the principles of American Democracy, pledge their wholehearted support to the President and the Congress of the United States in their efforts to bring about a lasting peace, freedom and justice in the world,

Resolved, that the President of the United States bring up the Baltic States question in the United Nations and demand that all Soviet Military Forces, Government and Agents be forthwith evacuated from Lithuania, Latvia and Estonia,

Resolved, that copies of these resolutions be forwarded to Richard M. Nixon, the President of the United States; Secretary of State William P. Rogers; United States Ambassador to the United Nations, Charles W. Yost; the Senators and Congressmen of the United States from Massachusetts, and to the Press.

PRANAS STANELIS,
President.
Mrs. JOHN C. ADAMAITIS,
Secretary.

FREEDOM'S CHALLENGE

HON. HASTINGS KEITH

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 1970

Mr. KEITH. Mr. Speaker, as my distinguished colleagues are probably aware, the Veterans of Foreign Wars and its ladies auxiliary each year conduct a Voice of Democracy contest. One winner is chosen from each State and these finalists come to the Nation's Capital to compete for the five scholarships awarded as top prizes. This year over 400,000 students participated.

I am proud that the finalist from Massachusetts this year is Miss Bonnie Brewster, a resident of Bridgewater, Mass., in the 12th Congressional District. Bonnie is a 17-year-old high school student whose future plans included college and a career in communication, arts, and English. She has won many awards in the areas of oration and interpretation. Her talents in this field are more than evident in her composition on "Freedom's Challenge."

It is an honor and a pleasure to present Bonnie's essay to the U.S. Congress, as follows:

Freedom's Challenge

(By Bonnie Brewster)

"I have died in Vietnam
But I have walked the face of the moon.
I have beat down my enemies with clubs
But I have built courtrooms to keep them free.
I have built a bomb to destroy the world
But I have used it to light a light.
I have outraged my brothers in the alleys of the ghettos
But I have transplanted a human heart."

Closing the cover of today's Time Magazine, 1969, I recall the words of a favorite novel which speak to me of yesterday.

"It was the best of times, it was the worst of times, it was the age of wisdom, it was the age of uncertainty, it was the season of Light, it was the season of Darkness, it was the spring of hope, it was the winter of despair."

So wrote Charles Dickens, 1869.

And it is the best of times—fantastic achievements is now and always will be our path—the corridors of space loom infinite

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and inviting through the explorations of Apollo 11 and 12, modern medicine has thrown open the window for new hope through continuing research, and now, as never before, the doors of higher education stand open to all who seek admittance.

It is the worst of times. There are killers lurking among us—wars rage taking their toll upon humanity, air pollution and water pollution threaten extinction of life, while rioters plague university campuses and city streets.

Why? and how? in such an age of wisdom, can man be so foolish?

We, as human beings have been given such a capacity to love and to give—and yet, we continue to hate and to take and to demand.

I speak today of Freedom's Challenge—that challenge which I believe, in the best of times, seems disciplined, loving and selfless men build and develop life for a newer and brighter world, while, in the worst of times, sees selfish, undisciplined, slavish men destroying any semblance of earthly harmony and—ultimately—destroying their very freedom.

Remember when the first step was taken on the moon, and astronauts Aldrin and Armstrong, looking down on their small world, described it as a mere "pinpoint" where imposed barriers, boundaries, and "gaps" no longer existed. Through the revelation that this giant step gave to mankind, I ask you, has any time, any era, ever been such a season of light?

In Sydney Carton, Dickens saw that it was the courage and spirit of each individual that salvaged the world. Carton lived with compassion and love for his fellow beings, for a universal justice—even to his death on the guillotine.

Let's all try to live every minte projecting this freedom of our best times onto the kaleidoscope of the worst times. Let's bring the baptism of liberty, the spring of hope, to those prisoned times which are ever born in the winter of despair.

These times present the challenge which I realize as a spoiled patriot, and as an unspoiled patriot. I, as an individual, try to live this challenge in my refusal to lapse into the apathetic and "comfortable" life, in my refusal to condone slavery and slaughter and suffering and starvation, and in my refusal to recognize those who strike out against peace among men. It is in my refusal that I do accept Freedom's Challenge. I am humbled, but I am proud—I am an American.

MARSHAL WILSON OF WESTERN MISSOURI

HON. RICHARD BOLLING

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 1970

Mr. BOLLING. Mr. Speaker, the Kansas City Times' tribute to F. M. Wilson as he left office as U.S. marshal for western Missouri defines his area as the widest spectrum of America.

I call to the attention of my colleagues the editorial which follows praising the distinguished and far-ranging service of this dedicated public servant and my good friend:

MARSHAL WILSON OF WESTERN MISSOURI

In nearly a decade as United States marshal for the Western district of Missouri, F. M. Wilson looked at the widest spectrum of America in the 1960s. His deputies were present at school integration confrontations in the South, demonstrations by the Black Panthers in Kansas City, the recent Chicago trial and events that surrounded the Minutemen. Wilson men ranged far and wide as they were called in for special service.

Now, F. M. Wilson, a Democrat, is succeeded by John T. Pierpont, Jr., a Republican. Such change is the nature of the job which is held at the pleasure of the President. Wilson was appointed by John F. Kennedy and re-appointed by Lyndon B. Johnson. John Pierpont is the Republican nomniee of Richard M. Nixon. As Wilson has said, he came in through the political system and he leaves by the political system. Before his appointment, Wilson was known as a strong, partisan Democrat. As marshal, he kept a 50–50 balance of Republicans and Democrats in office. He leaves many friends in the federal courthouse where he has been a courteous man in the halls of that building and a firm, disciplined executive who carried out his duties, often under extreme difficulties that really should have had nothing to do with the routine of the job.

As an arm of the court, the marshal's office handles 3,000 or more prisoners a year (Wilson has done so without an escape); serves at least 5,000 papers annualy (criminal and civil) and sends men to any part of the country where needed.

William H. Becker, chief judge of the Western district, says that F. M. Wilson has been one of the outstanding marshals in the country. If he now moves to quieter pursuits and leaves the large responsibility of office to John Pierpont, Wilson can look back on a distinguished career in the midst of trying times.

A PLEA TO ATTEND EXPO '70 IN TOKYO

HON. SEYMOUR HALPERN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 1970

Mr. HALPERN. Mr. Speaker, one of the more outstanding public-spirited groups of entertainers in New York is the Cama Music Society whose young members have built up a wonderful reputation—volunteering their services to raise money for worthwhile projects.

Indeed, its not uncommon for this independent music group to have its choristers singing Jewish horah at a community center, its troupe of black dancers performing a ballet for a scholarship fund, or its variety performers singing for children at a public home.

After performing all these good gestures, the Cama Music Society is now seeking a gesture of public good will itself. Fifteen members have been invited to perform at Expo '70 in Tokyo, but their leader, Carl Ferrar, one of my constituents, cannot raise $10,000 in travel expenses.

In the hope that Cama's activities may attract some financial support for their dilemma, I am inserting a recent news article describing Cama in the RECORD for my colleagues' information:

THEY SING BENEFITS, NOW THEY NEED ONE

Fifteen members of the Cama Music Society have been invited to perform at Expo '70 in Tokyo this summer. They are the only teenage group from New York State to receive an invitation, but it looks as if they won't get to go—they can't pay for the trip.

It's an ironic situation. For the 11 years the group has been volunteering its services to raise money for all sorts of worthwhile projects.

They have performed at nursing homes, hospitals, children's shelters, senior citizens' homes and church benefits. They have raised thousands of dollars for others—but they have never accepted a penny of payment.

LIVE UP TO NAME

The Cama Music Society was founded in 1959 by Carl Ferrer, a magazine writer from Kew Gardens. The word Cama is a Cheyenne Indian word meaning "a fertile spot in a barren land." And the society has tried to provide some sort of fertile ground for the development of youthful musical abilities.

The group is composed of teenagers from Kings, Queens and Nassau counties and it has never taken money from anyone. Ferrer said: "We've never had any financial assistance from city, state or federal agencies. We've done it all on our own."

Rehearsals are held in the Ferrer home. "We can't even pay for a rehearsal hall, so we make do with my house," Ferrer said.

ALL HIGH SCHOOLS

"We recruit in high schools all over the city," he added, "they come for an audition, and, if they are good enough, they're in."

Everyone practices at least twice a week.

"We do all kinds of music. Anything young people are interested in. We have a 13-year-old operatic singer and we have a rock band," Ferrer said.

Ferrer has been trying to raise funds to take the teenagers to Tokyo. He has written to the city, the state and various foundations. Everyone has turned him down.

"I don't know what we're going to do," he said. "This is the opportunity of a lifetime for these kids. And unless we can raise about $10,000 for transportation money, I don't see how we'll be able to go."

SUPPORTING THE NATIONAL INSTITUTE OF EDUCATION

HON. CATHERINE MAY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 1970

Mrs. MAY. Mr. Speaker, the education message which the President has sent up this week calls for the creation of a much-needed National Institute of Education. Ever since the passage of the Elementary and Secondary Education Act in 1965 there has been an extensive Federal commitment to compensatory education. This commitment to raising the achievement level of the disadvantaged child continues to be a major concern. However, as the President indicated in his message:

> The best available evidence indicates that most of the compensatory education programs have not measurably helped poor children catch up.

As we move into the decade of the seventies, our knowledge of how to approach this difficult problem of compensatory education will be immeasurably improved by the National Institute of Education. The Institute, modeled after the successful formula of the National Institutes of Health, will be able to bring together the widely fragmented pieces currently operating in educational research into a structured system for research and development.

I urge my colleagues to join in supporting this worthwhile proposal for the future educational needs of the country.

WHAT'S GOOD ABOUT THE U.S.A. TODAY

HON. DURWARD G. HALL

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 1970

Mr. HALL. Mr. Speaker, Don C. Dailey, vice president and general manager of Radio Station KGBX in Springfield, Mo., tiring of the constant stories of how we are being overrun by crime, corruption, violence, race riots, and antiwar demonstrations, took to the airways recently to tell the other side of the story.

The facts as set down by Don's editorial should make interesting reading for all.

The editorial follows:

WHAT'S GOOD ABOUT THE U.S.A. TODAY

We know that you must be as sick and tired as we are of hearing about what's *wrong* with America today. Our newspapers, television and radio news programs are filled with how we are being overrun by crime, corruption, violence, race riots and anti-war demonstrations. This produces the sensation that the only stories that deserve attention are the dreadful ones. The effect of such daily reports picturing the United States as a country unfit for human habitation might be expected to frighten off strangers from venturing toward these shores. Yet, foreigners continue to arrive from the four corners of the earth in ever increasing numbers, not only to live but to study here. We think it's obvious from the statistics published by *U.S. News and World Report* recently in a book entitled, "Good Things About the U.S. Today" that America is doing something right and we heartily recommend this book for some most interesting and enlightening reading.

The most eloquent tributes to the status of freedom and liberty in the United States comes not from Americans, but from foreigners. They see America somewhat with the eyes of the first settlers to these shores. Recently Stalin's daughter was so overcome she could hardly believe what she saw. She was astounded by our own unawareness of the great good she has found in this country. She said, "Nobody here can realize what is the difference between the free world and the world of totalitarian ideology." She understood why we had no terms of reference or of comparison. We do not know the other world. We have never lived there. You should go try it, she told the youth of America. Those that do go are carefully isolated from any real contact with the Russian people, so they never know what Stalin's daughter meant.

In 1950, 249,187 people immigrated into the United States from all parts of the world. Eighteen years later almost twice that many people came, 454,448 people. In 1960, 53,000 foreign students studied in the United States. In 1968 well over twice that number were here studying, a total of 133,499.

Let's look at some of the good things in America today. We Americans consistently give away more of what we earn than any other group of people in the world. There is a general feeling of social responsibility that's a part of our culture. For those that argue that modern Americans are generous mainly for tax deductions, the experts disagree. Bryce Whalen, who researched income tax deductions throughout America, points out that the average American family gives away much more than it takes credit for on its income tax. Not only money, but time from volunteers for a thousand different causes is available for the asking.

There are a million stories across America like the one of the Watts Labor Community Action Committee, which showed up with volunteers the minute the flash floods of 1969 hit Southern California. They cleaned up a sea of mud and debris covering many residential areas. When they were asked how much was owed them, they simply smiled and said nothing. In Indianapolis, 1,500 volunteers from business, college, church and fraternal organizations signed up for the Volunteer Advisory Core. Working with businesses, they helped over 2,000 people each year to find steady, productive jobs. In New York over 4,000 men and women contributed four hours a week as auxiliary city policemen serving without pay. A professor at Columbia University set up a unique one-man war on racial discrimination. For two hours on Saturdays he works with more than 100 high school boys and girls in grooming, speech, poise, general deportment and culture. With better personal habits he knows they will find better jobs and educational opportunities. He finances the project himself.

In Pittsburgh, Pennsylvania last spring, 100 college students gave up their spring vacation to paint and repair homes in poor neighborhoods. Business firms in Pittsburgh donated all the supplies. A bank in Portland, Oregon kept track of the voluntary contributions in time, effort and expense made in a single year by its 1,000 employees. According to their scorecard, they worked 147,400 hours for charitable causes. The out-of-pocket expenses borne by the employees themselves amounted to $60,000. They devoted 10,675 hours to fund raising! They spent 23,576 hours on church work, other than attending services and another 6,678 hours on community drives. The bank itself made sizable contributions. It paid its employees $166,480.00 in salaries, while they worked on philanthropic projects during banking hours.

We could go on and on. The volunteer spirit of people helping people is not dead in America. It just doesn't get any attention, but don't think that good things aren't happening in America today. Kenneth A. Meades, an Englishman who recently became an American, says he has seen many countries and lived in several of them and the closest thing to a people's paradise is right here on Main Street, U.S.A. He says this country represents the haves in a world of have nots, while reminding us that America began with nothing but its bare hands. He reminds us that we arrive all colors races and creeds and what was built here was done without any foreign aid or a world bank around to finance it. So we say let's stop beating ourselves over the head about what's wrong and start emphasizing what's right. If we don't, we may wake up to an America some day soon that really will have more wrong with it than right!

DON C. DAILEY,
Vice President and General Manager.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 1970

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,400 American prisoners of war and their families.

How long?

REMARKS AT FUNERAL OF JAMES B. UTT

HON. WILLIAM S. MAILLIARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 1970

Mr. MAILLIARD. Mr. Speaker, we are deeply saddened by the sudden death of our friend and colleague, James B. Utt, and we would like to share the remarks at his funeral made by the Reverend Robert Schuller, as follows:

REMARKS AT THE FUNERAL SERVICE OF JAMES B. UTT BY ROBERT SCHULLER

Speaking as Jimmy Utt's pastor, may I express my deepest gratitude to all of you for your reverend and respectful attendance at this service, which is affectionately dedicated to the memory of our friend Jimmy Utt. I recognize the fact that many of you have come a long distance and made a great personal effort to attend this service. It is a powerful statement of your devotion and affection to your friend Jimmy Utt. The family recognizes your presence and would have me express their warmest gratitude to you.

When he suspected that he might possibly be going, Jimmy said to his wife, "if anything happens to me, Charlene, I don't want a long service in Washington. If anything happens to me, just take me home."

So today he has come home—the sunny land of his birth. For seventeen years he has been coming home, always to be warmly welcomed by his friends or tackled by his waiting adversaries. Today's home-coming is his last and for the first time his enemies are silent.

All of us here will feel Jimmy's loss deeply. Our nation has lost a faithful Congressman. A wife has lost a devoted husband of 49 years, a son has lost a loving father, a devoted esteemed employer, a political party has lost a strong leader, this church has lost an honored member. I have lost a personal friend.

There is much that can be said about Jimmy Utt.

Like: *His incredible unpretentiousness.* How he remained an unaffected, genuinely humble man in spite of his power and success.

Or his unquestionable integrity. No one could ever buy his favor. He was first always devoted to the granite principles carved deeply into his character by his personal conscience. His first thought was never his reelection—but what in his judgment was best for his country. If that meant taking a vote losing position, then this was the price he was prepared to pay.

Or his genuine graciousness. Perhaps no man on the Hill had a more devoted staff than did Jimmy Utt. They knew him as a gracious, generous, thoughtful and solicitous human being. Amazingly—even those who disagreed with his views knew him to be a kind heart and a gracious spirit.

I found myself today recalling another dear friend, the late Congressman Clyde Doyle, who, like Jimmy Utt, worshipped often in this sanctuary. I recall a day when both Congressmen worshipped in this church, sitting in the same side of the aisle! At dinner that Sunday, Clyde Doyle and I were chatting and the Congressman said, "You know, Bob, everyone in Washington respects Jimmy Utt—even if they don't agree with him." Continuing, he said, "I recall a social evening in the White House with President Roosevelt. I saw the President standing alone staring wistfully out of an open window across the spaces to the Jefferson Memorial. As I walked over to him

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the President said to me, "Mr. Doyle, I have made mistakes, I know that now. I only hope that history will believe me when I say they were *sincere* mistakes." "Sincerity," Clyde Doyle added, "that's what Jimmy Utt has in abundance and that's why we respect him."

Which leads me to what must be said was the most remarkable quality in the life of Jimmy Utt—Congressman, husband, father, citizen, church member. No quality stands out more strongly than his capacity for commitment. He knew the meaning of that word "commitment." Commitment is daring to make a decision even though you cannot be positively sure that the decision is absolutely correct. It is believing that people will respect you even if they do not agree with you. It is knowing that the rewards for genuine and sincere commitment far outweigh the risks. For the final reward of commitment is self respect!

When I think of Jimmy Utt, I think of the lines of an earlier American, Theodore Roosevelt, who said, "It is not the critic who counts, not the man who points out how the strong man stumbles or where the doer of deed could have done better, the credit belongs to the man who is actually in the arena, whose face is marred by dust and sweat and blood, who strives valiantly, who errs and comes short again and again, who knows the great enthusiasms, the great devotions, and spends himself in a worthy cause; who, at best, knows in the end the triumph of high achievement, and who at worst, if he fails, at least fails while daring greatly, so that his place shall never be with those cold and timid souls who know neither victory nor defeat."

What were Jimmy Utt's commitments?

He was first of all deeply committed to both freedom and peace—but never to peace at the price of freedom. In the mind of Jimmy Utt, we are stewards of freedom—stewards, not title holders! Freedom is not a personal possession that we can give away under the threat of military blackmail. Freedom really belongs to boys who bought it and paid for it with their lives—their hands, their legs, their eyes. Freedom was bought with a price and it is not ours to give away. It is a sacred national trust which is ours to treasure—and if need be to die for—that it might be passed on to the next generation. Out of this very strong commitment to freedom there arose in Jimmy Utt's mind a strong commitment to anti-Communism, for which he was to receive no small amount of criticism. At times, if you were to believe his enemies, he was a right-wing conservative that posed a great threat to our national security. Well, neither James Utt nor his colleagues ever led mobs through the streets, or burned down banks, or vandalized the schools, or spit in the faces of judges and university professors.

Where the 60's saw America suffering from an almost paranoiac fear of so-called right wingers—perhaps the 70s will see our country waking up to a realization that the real enemies in our land are found in the camps of those who ridicule our courts, insult our judges, mock our religions, and set race against race even while they hypocritically denounce racism! All the while poisoning the mental, moral and spiritual environment with a pollution even more deadly than the dangerous smog and oil slicks that besmirch our land. The real enemies of our country are those who are polluting the minds of youths, peddling poisonous pills and paper prostitutes! It is to Jimmy Utt's lasting credit that a fortnight ago he initiated legislation hitting at the pornographic problem.

What good will it do to have—and we must have—clean air, pure water, if we have a nation of polluted minds? The Bible is clear—man without legal and moral restraint will turn his liberties into license, his license into lust, and when lust has become commonplace and boring, the urge for stimulation will turn man inevitably toward unnatural perversions and ultimately murder. This is a certainty—if our highest courts continually interpret our constitution in such a manner as to frustrate any and all attempts to stem the flood tide of moral pollutants that are inundating our land—than be prepared to see this nation, under God, perish from the earth. Jim Utt was deeply concerned about this, and so am I.

Then, Jimmy Utt was deeply committed to our free enterprise and capitalistic system. What is very important is that Jim Utt was not simply committed to capitalism—but Christian capitalism. Capitalism without Christ and without God can be dangerous too. But the Christian capitalist is one who is interested in making the most money under the highest principles in order to have money that can be given to worthy causes. As his pastor I can testify that Jimmy Utt was a very generous man. No hypocrisy here! What a contrast to the producers and publishers of the modern-day rock musical, "Hair"—this musical, which is so harshly critical of our American system and so blatantly anti-Capitalistic is bringing in, as it plays in 14 cities around the world, $1 million a week! Publishers of the musical have raked in a bundle of royalties from an estimated sales of $25 million in records. All of this from a musical anti-Capitalistic message. I see no hospitals or churches, or hungry and poverty-stricken people, benefiting from the money that is being raked in by these anti-establishmentarians.

James Utt was committed to freedom—to the American free enterprise capitalistic system—and James Utt was deeply committed to his Christ and to his church. In spite of the fact that America is undergoing a dangerous moral and spiritual depression, Jimmy Utt remained to the very end a great possibility thinker. Never did he become an impossibility thinker. To the last he believed that it was possible—if not to turn the tide, at least to clean it up! Jimmy Utt was a great believer in prayer. It is most fitting that he was stricken on his way to church. This very day he was planning to deliver an address to a church group in Washington, D.C. Within the last month I saw him sitting in the fourth pew from the front of this church. I know that his favorite Bible verse was John 3:16, "God so loved the world that He gave His only Begotten Son, that whosoever believeth in Him should not perish but have everlasting life."

There was no doubt about Jimmy Utt's deep commitment.

Is there any doubt about your commitment or mine? Indeed there are tens of thousands of people in this country that rejoice that the voice of Jim Utt has been silenced. There are tens of thousands committed to violence, to revolution, to anarchy, and to the violent overthrow of our system and the establishment. And they are committed! To them there is no turning back! They have a plan—and plans! How committed am I, how committed are you? Do you have a plan to save our country? I fear the no-plan people. Yesterday Peanuts' cartoon showed four pictures. The first showed Charlie Brown addressing his dog sitting on the little dog house. Charlie Brown speaks up, "What are you going to do about pollution?" In the second picture the dog bewilderingly asks, "About what?" And in the third picture Charlie Brown answers, "You're the Head Beagle, you're supposed to do something about these things!" And the dog replies, "I am?" In the last picture the dog's mouth is wide open and he is shouting out "WHAAH"! And Charlie Brown answers, "Crying is not going to help." Crying over the problems of our country are not going to help. We need a plan. If you fail to plan, you are planning to fail.

Jim Utt understood what my plan was and we agreed that the ultimate salvation of our country is going to demand a religious and a spiritual renewal.

My plan is very simple. I ask you to commit your life deeply to peace and to freedom, to brotherhood to Jesus Christ. I invite you to accept Jesus Christ into your life. As your Lord and your Saviour. Protestant, Catholic or Jew—whatever your faith or lack of it—you can't go wrong following Christ. He is still the most inspiring person who ever lived. He is the greatest possibility thinker that ever walked on the face of the earth. If I knew a better person than Christ I would give him my full, perfect and life-long allegiance. Not knowing a better person, I give my love, my loyalty and allegiance to Him.

If in all philosophy, religion or psychology I knew a more inspiring, uplifting, loving person to follow, then I would forsake Christ and follow that other person. But since there is none greater or wiser, then I choose to follow Christ.

If I knew anyone else who could promise life eternal and abundant—and the hope of Heaven beyond this life—I would follow such a saviour. But I know of no one else who has made such a claim and such a promise other than Jesus of Nazareth. And so I follow Him. So has James B. Utt. Today James Utt is alive, for Christ has promised, "He who lives and believes in Me shall never die." Together let us offer our lives to Him as the Lord and Saviour of our souls and our nation.

Amen.

THERE IS A TV BIAS

HON. EARL B. RUTH

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 1970

Mr. RUTH. Mr. Speaker, when criticism of biased television newscasting is made by leading Republicans or by members of the "silent majority," it is easy for the objects of that criticism to cry "sour grapes" or say that those doing the criticizing "do not understand" the true situation.

However, when one of the leading network newscasters, self-described as "left of center" in his political beliefs, states that there is bias and unfairness in much news coverage, even the most sanctimonious members of the broadcasting industry ought to pay close attention.

Such is the case, Mr. Speaker, with a recent interview of Howard K. Smith of ABC, from TV Guide magazine. I commend this article to the attention of my colleagues:

There Is a TV Bias

On Nov. 12, 1969, when the liberal media were angrily aboil over Vice President Agnew's blasts at the liberal left and its frequently violent crusades, a quiet voice on ABC–TV declared: "Political cartoonists have that in common with the lemmings, that once a line is set, most of them follow it, though it lead to perdition. The current cliche shared by them and many columnists is that Spiro Agnew is putting his foot in his mouth (and) making irredeemable errors. . . . Well, . . . I doubt that party line . . . There is a possibility it is not Mr. Agnew who is making mistakes. It is the cartoonists."

One week later, on Nov. 19, 1969, when the liberal media were even more violently aboil over the climactic Agnew speech blasting bias in network news, that same quiet voice on ABC–TV once again was heard: "I agree with some of what Mr. Agnew said. In fact. I said some of it before he did."

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The speaker was Howard K. Smith, ABC's Washington-based anchor man, ex-CBS European correspondent, and winner of a constellation of awards for foreign and domestic reporting. Mr. Smith has, indeed, said some of what Mr. Agnew said before Mr. Agnew had said it. For several years, despite his respect for network news departments and their achievements, he has been criticizing his colleagues—on the air and off—for falsifying U.S. political realities by means of biased reporting.

Mr. Smith is by no means an unqualified supporter of Mr. Agnew and he has reservations about The Speech. To name the two most important: "A tone of intimidation, I think, was in it, and that I can't accept . . . Also a sense that we do things deliberately. I don't think we do them deliberately."

Mr. Smith, however, says: "I agree that we made the mistakes he says we made." And he himself levels charges at the network news departments.

In fact, according to Howard Smith, political bias in TV reporting is of such a magnitude that it fully justifies the explosion we have seen. Here is this insider's analysis of the problem.

His candor begins at the very base of the network news operation—namely, with the political composition of the staff. Networks, says Mr. Smtih, are almost exclusively staffed by liberals. "It evolved from the time when liberalism was a good thing, and most intellectuals became highly liberal. Most reporters are in an intellectual occupation." Secondly, he declares that liberals, virtually by definition, have a "strong leftward bias": "Our tradition, since FDR, has been leftward."

This is not to say that Mr. Smith sees anything wrong with being a leftist—"I am left-of-center myself." But he sees everything wrong with the dissemination of an inflexible "party line"; and this, he charges, is what liberal newsmen are doing today: "Our liberal friends, today, have become dogmatic. They have a set of automatic reactions. They react the way political cartoonists do—with over-simplification. Oversimplify. Be sure you please your fellows, because that's what's 'good.' They're conventional, they're conformists. They're pleasing Walter Lippmann, they're pleasing the Washington Post, they're pleasing the editors of The New York Times, and they're pleasing one another."

He says a series of cartoonlike positive and negative reflexes are determining much of the coverage.

He names a series of such negative reflexes—i.e., subjects which newsmen automatically cover by focusing on negatives. Herewith, excerpts from his comments:

Race: "During the Johnson Administration, six million people were raised above the poverty level . . . And there is a substantial and successful Negro middle class. But the newsmen are not interested in the Negro who succeeds—they're interested in the one who fails and makes a loud noise. They have ignored the developments in the South. The South has an increasing number of integrated schools. A large part of the South has accepted integration. We've had a President's Cabinet with a Negro in it, a Supreme Court with a Negro on it—but more important, we have 500 Negroes elected to local offices in the deep South! This is a tremendous achievement. But that achievement isn't what we see on the screen."

Conservatives: "If Agnew says something, it's bad, regardless of what he says. If Ronald Reagan says something, it's bad, regardless of what he says. Well, I'm unwilling to condemn an idea because a particular man said it. Most of my colleagues do just that."

The Middle Class: "Newsmen are proud of the fact that the middle class is antagonistic to them. They're proud of being out of contact with the middle class. Joseph Kraft did a column in which he said: Let's face it, we reporters have very little to do with middle America. They're not our kind of people . . . Well, I resent that. I'm from middle America!"

The Vietnam War: "The networks have never given a complete picture of the war. For example: that terrible siege of Khe Sanh went on for five weeks before newsmen revealed that the South Vietnamese were fighting at our sides, and that they had higher casualties. And the Viet Cong's casualties were 100 times ours. But we never told that. We just showed pictures day after day of Americans getting the hell kicked out of them. That was enough to break America apart. That's also what it did."

The Presidency: "The negative attitude which destroyed Lyndon Johnson is now waiting to be applied to Richard Nixon. Johnson was actually politically assassinated. And some are trying to assassinate Nixon politically. They hate Richard Nixon irrationally."

If this is a sampling of the liberal reporters' negative reflexes, as seen by Howard Smith—what then are the positive reflexes? He provides an even more extensive set of examples—subjects on which, he says, his colleagues tend to have an affirmative bias and/or from which they screen out negatives. Again here are excerpts from his comments:

Russia: "Some have gone overboard in a wish to believe that our opponent has exclusively peaceful aims, and that there is no need for armaments and national security. The danger of Russian aggression is unreal to many of them, although some have begun to rethink since the invasion of Czechoslovakia. But there is a kind of basic bias in the left-wing soul that gives the Russians the benefit of the doubt."

Ho Chi Minh: "Many have described Ho Chi Minh as a nationalist leader comparable to George Washington. But his advent to power in Hanoi, in 1954, was marked by the murder of 50,000 of his people. His consistent method was terror. He was not his country's George Washington—he was more his country's Hitler or Stalin . . . I heard an eminent TV commentator say: 'It's an awful thing when you can trust Ho Chi Minh more than you can trust your President.' At the time he said that, Ho Chi Minh was lying! He was presiding over atrocities! And yet an American TV commentator could say that!"

The Viet Cong: "The Viet Cong massacred 3000 Vietnamese at Hue alone—a massacre that dwarfs all allegations about My Lai. This was never reported on."

Doves: "Mr. Fulbright maneuvered the Gulf of Tonkin Resolution through—with a clause stating that Congress may revoke it. Ever since, he's been saying: 'This is a terribly immoral thing.' I asked him: 'If it's that bad, aren't you morally obligated to try to revoke it?' He runs away! And yet Mr. Fulbright—who incidentally has voted against every civil-rights act—is not criticized for his want of character. He is beloved by reporters, by everyone of my group, which is left-of-center. It's one of the mysteries of my time!"

Black Militants: "A few Negroes—scavengers on the edge of society—have discovered they're riding a good thing with violence and talk of violence. They can get on TV and become nationally famous."

The New Left: "The New Left challenges America. They're rewriting the history of the Cold War. Some carry around the Viet Cong flag. Some shout for Mao—people who'd be assassinated in China! They've become irrational! But they're not portrayed as irrational. Reporters describe them as 'our children.' Well, they're not my children. My children don't throw bags of excrement at policemen . . . If right-wing students had done what left-wing students have done, everyone, including the reporters, would have called in the police and beaten their heads in. But we have a left-wing bias now, that has 30 years of momentum behind it."

What do Mr. Smith's examples of negative and positive biases add up to, politically? He says: "The emphasis is anti-American." In fact, as he portrays the pattern, it is a dual emphasis: This coverage as described by Mr. Smith is anti-American in that it tends to omit the good about America and focus on the bad. And it is also biased in favor of attackers-of-America by tending to omit the bad about them and focusing on the good. Mr. Smith has actually reconstituted here a loose variant of the New Left line. And New Left attitudes are influencing newsmen, he says. "The New Left," says Smith, "has acquired a grave power over the liberal mind."

This is not a new charge—it is the essence of the public outcry against network news, and it's the essence of the long-standing conservative charges against the newsmen. Mr. Smith himself, although he's been described as a "conservative" because he supports the war, is, as he says, a Leftist—indeed, a semisocialist who shares many views with economist John Kenneth Galbraith. He has been one of TV's most ardent fighters for civil rights—too ardent, Smith says, for CBS's tastes, which is one reason why, he adds, he is at ABC today. He is generally in disagreement with political Conservatives on virtually everything. And, for that matter, he finds it psychologically easier to defend TV news departments than to criticize them. But on this issue of anti-American, pro-New-Left bias in the network news departments, his observations are identical to those coming from the right.

His explanation of the causes of this pattern, however, are quite different from those which emerge from the right. Where conservatives are often inclined to see this pattern as a deliberate, conscious and intellectually potent conspiracy, Mr. Smith sees it as the opposite—as a largely unconscious phenomenon, stemming from intellectual impotence, from such qualities as "conformism," "hypocrisy," "self-deception" and "stupidity."

One of the chief conformist patterns, he says, is the automatic obedience to a convention of negativism in journalism itself, often for self-serving reasons. "As reporters, we have always been falsifying issues by reporting on what goes wrong in a Nation where, historically, most has gone right. That is how you get on page one, that is how you win a Pulitzer Prize. This gears the reporters mind to the negative, even when it is not justified."

But how about the opposite form of bias—a chronic omission of negatives and the unremitting focus on the good in our country's enemies? Here Mr. Smith tackles the New Left influence head on. He attributes it to a mental vacuum in the liberal world:

"Many of my colleagues," he says, "have the depth of a saucer. They cling to the tag 'liberal' that grew popular in the time of Franklin Roosevelt, even though they've forgotten its content. They've really forgotten it.

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They don't know what 'liberal' and 'conservative' mean any more! They've forgotten it because the liberal cause has triumphed. Once it was hard to be a liberal. Today it's 'in.' The ex-underdogs, the ex-outcasts, the ex-rebels are satisfied bourgeois today, who pay $150 a plate at Americans for Democratic Action dinners. They don't know what they stand for any more, and they're hunting for a new voice to give them new bearings."

The search for a "new voice," he says, has catapulted such men into the arms of the New Left: "They want to cling to that thrill of the old days, of triumph, and hard fighting. So they cling to the label 'liberal,' and they cling to those who seem strong—namely, the New Left. The New Left shouts tirades, rather than offering reasoned arguments. People bow down to them, so they have come to seem strong, to seem sure of themselves. As a result, there's a gravitation to them by the liberals who are not sure of themselves. This has given the New Left grave power over the old Left."

It is this New Left "power" over many of the Nation's liberal reporters, he says, that underlies an anti-American and pro-radical bias in network coverage—and that underlies public anger.

What is the solution to this problem, as envisaged by Mr. Smith?

Let public protest rip, he says. He experiences a twinge of discomfort over the fact that his solution is identical to Mr. Agnew's: "There have been very unpleasant, even threatening, letters," he reports. "But, quite literally, what Mr. Agnew suggests is all right."

Public protest, he thinks, will knock these men back into contact with U.S. political realities.

The networks have ignored this situation, despite years of protest, because they have power. And you know what Lord Acton says about power. It subtly corrupts. Power unaccountable has that effect on people. This situation should not continue. But I wouldn't do anything about it. I would let public opinion and the utterances of the alleged silent majority bring about a corrective. The corrective? Just a simple attempt to be fair—which many people have thrown aside over the last few years."

LEW DESCHLER

HON. JOHN J. ROONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1970

Mr. ROONEY of New York. Mr. Speaker, it is always a pleasure to greet an old friend and wish him well—even if the occasion means he is 1 year older. So, I happily join with my colleagues in wishing our Parliamentarian, Lewis Deschler, a very happy birthday.

Lew has been a good friend to many of us over the years and has been of invaluable assistance to six speakers since coming to Washington in 1928. He is a sincere, unassuming, hard working man—a genuine person. I am sure that all my colleagues on both sides of the aisle wish Lew happiness and good health in all the years to come.

MR. AGNEW IS UPHELD BY ONE WHO KNOWS

HON. LARRY WINN, JR.

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 1970

Mr. WINN. Mr. Speaker, when Vice President AGNEW recently pointed out that some news coverage might not be entirely fair or objective, he was severely criticized by many members of the news media.

However, now that a noted TV newscaster has iterated the Vice President's charges, it will be more difficult to dismiss them. I refer to the recent TV Guide interview of Howard K. Smith, in which he says:

> Our liberal friends today have become dogmatic. . . . They have a set of dogmatic reactions. . . . Be sure you please your fellows because that's what's "good" They're conventional. They're conformists. They're pleasing Walter Lippman, they're pleasing the Washington Post, they're pleasing the editors of the New York Times, and they're pleasing one another.

This charge clearly is not one to be taken lightly, and is one which bears consideration from us all. I insert an editorial from the Chicago Tribune, discussing Mr. Smith's interview, in the RECORD:

[From the Chicago Tribune, March 2, 1970]

MR. AGNEW IS UPHELD BY ONE WHO KNOWS

When Vice President Agnew accused the television networks and certain newspapers of a left-wing bias in their broadcasts and reportage, the targets of his broadside squealed like a pig stuck in a gate. Now Mr. Agnew has received support from one of the most improbable and most authoritative sources.

Howard K. Smith, Washington-based anchor man for the American Broadcasting company's news department, asserts in an interview with TV Guide that most reporters, for television and the other news media, have a "strong leftward bias."

Mr. Smith may be viewed by his liberal colleagues as an intellectual traitor, but the supreme insult in their demonology—"right wing radical"—would sound pretty silly as a label for him. Altho he is a hawk on Viet Nam, he describes himself as a left-of-center liberal. Not long ago he was considered left of liberal.

In 1962, for instance, he put Alger Hiss, an ex-convict who had served a prison term for perjury involving espionage for the Soviet Union, on a television program titled, more hopefully than prophetically, "The Political Obituary of Richard M. Nixon." Hiss, a former state department official, was permitted to denounce Nixon, who had spearheaded a congressional investigation that resulted in Hiss' undoing. Earlier, a book written by Smith, titled "The State of Europe," was praised by the communist Daily Worker.

Thus Smith knows his way around in the fever swamps of liberalism. Mercilessly, he blows the whistle on his liberal colleagues of both press and television. "Our liberal friends today have become dogmatic," he says. "They have a set of dogmatic reactions. . . . Be sure you please your fellows, because that's what's 'good.' They're conventional. They're conformists. They're pleasing Walter Lippmann, they're pleasing the Washington Post, they're pleasing the editors of the New York Times, and they're pleasing one another."

In short, they're knee-jerk liberals.

Smith asserts that President Johnson was "actually politically assassinated" and that the same liberals now "are trying to assassinate President Nixon politically." He says "they hate President Nixon irrationally."

Any newspaper man who has traveled with Presidential candidates in recent campaigns knows that Smith is right. The liberal reporters were as irrational in their hatred of Nixon in the 1960 and 1968 campaigns and in their contempt for Barry Goldwater in the 1964 campaign as they were in their adoration of President Kennedy.

As Smith says, these political activists are "proud of being out of contact with the middle class." He quotes Joseph Kraft as saying in a recent column: "Let's face it, we reporters have very little to do with middle America. They're not our kind of people."

However laughable it may seem, these aspirant Walter Lippmanns consider themselves intellectuals. Actually they are not as stupid as they seem. Just as they discerned with horror, in 1968, that Nixon probably would win, they now perceive, in Kraft's words, a "reactionary tide running in America." If they have very little to do with "middle America," they may soon learn that the American middle class—the great silent majority—has very little to do with them.

THE GATES COMMISSION REPORT ON AN ALL-VOLUNTEER ARMED FORCES—PART II, CHAPTER 5

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 1970

Mr. STEIGER of Wisconsin. Mr. Speaker, chapter 5 of the Gates Commission report deals with the question of compensation and management of military personnel. It includes recommendations on basic pay for enlisted men and officers.

The text of chapter 5 follows:

CHAPTER 5: COMPENSATION AND MANAGEMENT OF MILITARY PERSONNEL

Pay is not the only, and perhaps not even the primary motivating force for joining or remaining in the military services. A sense of duty, a desire for adventure or travel, society's esteem for military service, a desire for training, the quality of military life and the general conditions of military service—all affect individuals' decisions. Some of these non-pecuniary factors are beyond the control of the services. Others, however, can be controlled, and the Commission is recommending a number of changes in military manpower procurement and management practices to improve the non-monetary conditions of military life and thereby help increase the attractiveness of military careers. These steps will contribute to the attainment of an all-volunteer force, but are not sufficient in themselves. Military compensation in the early years of service is now so low that it will not sustain an all-volunteer force of the quality desired. Until that condition is corrected, an all-volunteer force cannot be realized.

Our studies show that the increments in pay, and therefore the incremental budgetary outlays, necessary to provide a voluntary force in the 1970's of about the same size as our pre-Vietnam force are fairly small; that they are, in fact, only about as great as those that are required to correct the inequities that have developed in the structure of military compensation during the 21 years that the draft has been in effect.

The increase in military compensation that is required to sustain an all-volunteer force of any given size depends upon three factors: (a) the number of accessions that will be needed each year, (b) the number of truly voluntary accessions that are forthcoming at current levels of pay, and (c) the extent to which increases in compensation increase the flow of volunteers. The annual flow of accessions required to maintain the projected all-volunteer forces was discussed in chapter 4. The extent of voluntarism in the present force is summarized in table 5-I. The next to the last line of table 5-I shows that even under the extremely low levels of entry pay that prevailed in the pre-Vietnam period, the vast majority of those in the then current active duty forces were true volunteers (2.1 of the 2.6 million or about 77 percent of the total force were true volunteers). Indeed, the estimated number of true volunteers even in the Vietnam period (2.1 million) represents a significant fraction of any of the four projected forces the Commission has considered.

The number of volunteers in table 5-I suggests that the forces under study can be attained on a voluntary basis. However, the data also show that unless pay is increased, there will be shortfalls in first-term enlistments, particularly in the Army. For instance, in 1965, true volunteers constituted 76 percent of the total DOD enlisted forces. In the Army, however, only 65 percent of enlisted men were true volunteers.

For a stable force of pre-Vietnam size, the remaining 35 percent of Army enlisted men (either draftees or draft-induced volunteers) could have been replaced by true volunteers, through increasing voluntary enlistments by about 51,000 men per year. Similarly, the entire armed forces in 1965 could have been put on a voluntary basis by adding about 4,000 officer and 84,000 enlisted true volunteers per year. As discussed in chapter 4, smaller forces would actually require even fewer additional true volunteers. With a continuously rising population 17 to 21 years of age, the taks of providing these additional volunteers is not insurmountable.

TABLE 5-I.—NUMBER OF VOLUNTEERS ON PRE-VIETNAM AND VIETNAM ACTIVE DUTY

[Thousands]

	All services combined			Army only		
	Total[1]	Officers	Enlisted	Total	Officers	Enlisted
JUNE 30, 1965						
All first-term personnel[2]	1,357	92	1,265	560	31	529
Other personnel	1,286	247	1,040	407	81	326
Total active-duty personnel	2,644	339	2,305	967	112	855
Number of true volunteers in first-term forces[3]	768	54	714	245	18	227
Total number of volunteers[4]	2,054	301	1,754	652	99	553
Percentage of volunteers in the total active-duty forces	77.7	88.7	76.1	67.4	88.0	64.7
JUNE 30, 1967						
All first-term personnel[2]	2,100	126	1,974	1,022	53	968
Other personnel	1,265	259	1,006	418	90	328
Total active-duty personnel	3,365	384	2,981	1,440	144	1,297
Numbers of true volunteers in first-term forces[3]	819	53	766	291	22	269
Total number of volunteers[4]	2,084	312	1,772	710	112	598
Percentage of volunteers in the total active-duty forces	61.9	81.1	59.5	49.3	78.2	46.1

[1] The differences between totals and the sum of the other entries are due to rounding.

[2] First-term personnel have been defined as those serving their initial obligated tour of duty. In the case of officers, they include regular officers in all branches in their first 4 years of service and nonregular officers serving their first 2 years in the Army and Marine Corps, their first 3 years in the Navy, and 4 years in the Air Force. In the case of enlisted men, first-term regular personnel include those in the first 3 years of service in the Army, 3½ years in the Navy, and 4 years in the Marine Corps and Air Force. Nonregular first-term enlisted personnel are those serving in their first 2 years in all branches of the military.

[3] The number of volunteers in the first-term forces was estimated with the aid of attitude surveys conducted by the Department of Defense. In these surveys, taken in 1964 and 1968, first-term personnel were asked whether they would have enlisted in the absencel of a draft. The proportion of respondents who answered "yes" and "probably yes" as opposed to "no" and "probably no" who entered in the year of the survey was applied to the first-term force. The data for 1965 have been adjusted with the factors from the 1964 survey, while those for 1967 were adjusted on the basis of the 1968 survey.

[4] This number is the sum of all those beyond their initial service obligation plus the fraction of true volunteers in the first-term forces.

The problem of attracting more officer volunteers is discussed in detail in chapter 6. It is important to note here that the shortfall of officer volunteers is small—especially in view of the discrimination which has prevailed in the treatment of pay for first term officers. Between 1948 and 1965, or between the year the post World War II draft law was first passed and the most recent peacetime year, the average basic pay of officers with two or more years of military service increased 45 percent while that for officers with less than two years of service increased only about 13 percent.

The history of discrimination against first term enlisted men is even more striking. During the 1948 to 1965 period the pay of enlisted personnel with two or more years of service increased about 45 percent compared to 4 percent for those with less than two years of service. During the period 1948–1969 the same comparisons show increases of 111 percent and 60 percent respectively. In other words, the basic pay for enlisted recruits increased little more than half as much as that for those with two or more years of service.

Comparisons with civilian pay in table 5-II also point to the relatively low levels of entry pay. Columns 4 and 5 of table 5-II show the ratios of regular enlisted and regular officer compensation to the earnings of their respective civilian counterparts. Although; in general, officers fare relatively better than enlisted men, officer compensation in the first two years of service is below that of comparable civilians. Similarly, based on regular compensation, enlisted pay during the first two years of service is less than 60 percent of comparable civilian pay. Comparisons based on total military and civilian compensation (column 5 of table 5-II) also reveal that enlisted entry pay is significantly below that which the average first-term serviceman would have earned in the civilian economy.

THE EFFECTS OF PAY ON RECRUITING AND RETAINING VOLUNTEERS

The data presented in table 5-II suggest the importance of pay as an inducement to enter and remain in the military. For example, the deficits for the officers are smaller than for enlisted personnel. That result is to be expected given that officer entry pay is relatively higher than enlisted entry pay. Voluntary enlisted deficits are highest in the Army. This result too, is to be expected, given that entry level pay is lowest for enlisted personnel and that the non-monetary conditions of service are less attractive in the Army than in the other three military services.

TABLE 5-II.

ENLISTED MEN'S AND COMPARABLE CIVILIAN COMPENSATION PROFILES BY LENGTH OF SERVICE [1970 PAY RATES][1]

Years of service	Regular military compensation[2]	Total military compensation[3]	Total civilian compensation[4]	Regular military compensation as a percent of total civilian compensation	Total military compensation as a percent of total civilian compensation
1	$2,776	$3,251	$5,202	53.4	62.5
2	3,357	3,935	5,803	57.8	67.8
3	4,496	5,725	6,370	70.6	82.8
4	4,909	6,249	6,908	72.2	90.5
5	5,783	8,516	7,409	78.1	114.9
6	6,172	8,151	7,876	78.4	103.5
7	6,636	8,741	8,306	79.9	105.2
8	6,845	9,125	8,691	78.8	105.0
9–10	7,242	9,505	9,065	79.9	104.9
11–12	7,715	9,825	9,327	82.7	105.3
13–16	8,290	10,643	9,956	83.3	106.9
17–20	8,964	11,611	10,928	87.0	112.8
21 plus	10,483	14,047	10,723	97.8	131.0

Footnotes at end of speech.

XUM

TABLE 5-II—Continued

OFFICERS AND COMPARABLE CIVILIAN COMPENSATION PROFILES BY LENGTH OF SERVICE [1970 PAY RATES][1]

Years of service	Regular military compensation [2]	Total military compensation [3]	Total civilian compensation [4]	Regular military compensation as a percent of total civilian compensation	Total military compensation as a percent of total civilian compensation
1	$7,337	$8,422	$8,558	85.7	98.4
2	7,568	8,740	9,291	81.5	94.1
3	9,145	10,732	9,957	91.8	107.8
4	10,906	12,874	10,556	103.3	122.0
5	11,963	14,486	11,089	107.9	130.6
6	12,277	15,050	11,555	106.2	130.2
7	12,779	15,880	12,021	106.3	132.1
8	$12,856	$16,214	$12,488	103.0	129.8
9–10	13,245	16,759	13,243	100.0	126.5
11–12	14,058	18,144	14,689	95.7	123.5
13–16	14,986	19,545	15,844	94.6	123.4
17–20	16,159	21,290	16,470	98.1	129.3
21 plus	19,142	26,771	17,765	107.8	150.7

[1] See app. B below for a discussion of the degree of comparability between the military and the civilian compensation figures recorded in this table.

[2] Regular military compensation is the sum of basic pay, basic allowances for subsistence and quarters, and tax advantage. The 2 allowances are provided either in cash or in kind. In either case they are nontaxable. The tax advantage is an estimate of the taxes saved by the military personnel but paid by a comparable civilian in order to have the same net compensation. The basic pay rations are those expected to be in effect in late 1970, which are assumed to be 8 percent above those prevailing in July of 1969.

[3] Total military compensation includes, in addition to the regular compensation, the other current cash pays such as bonuses, incentive pay, and specialty pays (except hostile fire pay), as well as the estimated value of future retired pay. It also includes an estimate of the value of such fringe benefits as full medical services for the individual and his family and commissary and post exchange privileges.

[4] The total civilian compensation figures recorded in col. (3) are derived from the wages and salaries reported by the Census Bureau's current population survey for 1963, 1964, 1965, and 1966. These earnings were converted to 1966 dollars, were smoothed somewhat to reduce sampling error, and were adjusted by a factor of 1.226 to take account of the pay raises between 1966 and 1970. In addition, the reported earnings were raised by 8.6 percent to take account of the employer's contributions to such fringe benefits as are included in the total military compensation figures. The 8.6 percent figure is based on the 1967 Civilian Fringe Benefit data reported by the U.S. Chamber of Commerce. The civilian compensation figures that are being compared with the compensation figures for enlisted personnel are those for white high-school graduates aged 19, 20, 21, and so on, while the figures used for the officer comparison are those for white college graduates, 16 years of education or more, aged 23, 24, 25, and so on. It is assumed here that the average enlisted man enters military service at age 19 and the average officer begins his career at age 23

[5] Total military compensation is higher in year 5 than in the subsequent 2 years of service because it includes the regular reenlistment bonus that is given in lump sum form at the point of reenlistment.

In addition to this indirect evidence, we have used several methods to estimate directly the effect of increases in first and second term pay on voluntary enlistments and reenlistments. Based on these studies, and on the observed impact on retention of proficiency pay and the variable re-enlistment bonus, we estimate that a 10 percent increase in the current value of first-term regular military compensation will result in an increase of about 12.5 percent in the voluntary enlistment rate from the 17 to 21 year old civilian population. In the case of the Army, a 40 percent pay raise would increase the voluntary enlistment rate from about 1.388 to about 2.079 per 100 men in the 17 to 21 age cohort. The same percentage increase in officer compensation will induce a roughly comparable rise in the voluntary enlistment rate from the college population.

The Commission's compensation recommendations are designed both to eliminate past inequities and to assure the services a flow of enlistments of the quantity and quality that will be required to maintain a base force of about 2.5 million men and women. Smaller forces could be maintained with smaller increments in pay, while larger forces would require a larger increase in pay.

The Commission has made two kinds of pay recommendations, those requiring implementation prior to or concomitant with the transition to an all-volunteer force, and those equally necessary for reasons of equity and efficiency, but not essential to the achievement of an all-volunteer force. In the former category are increased basic pay, the extension of skill differentials to the first-term population, and an increase in hostile fire pay. In the latter category are the development of a military salary system comparable to that in the civilian sector, including the substitution of cash for some benefits that are now provided in-kind, and the modification of the present retirement system, including the introduction of vesting.

Basic pay

The recommended increases in basic pay are designed to provide the Army with the quantity and quality of volunteers required for an overall force level of approximately 2.5 million men. The evidence is overwhelming that, if compensation is set at levels which satisfy Army requirements, the other services will be able to attract enough qualified volunteers to meet their respective requirements.

The Commission urges that its recommendations be enacted with a minimum of delay and recommends an effective date of July 1, 1970. Since there is a good chance that civil service and military pay will also increase during fiscal 1971, we have assumed a basic pay increase of 8 percent on July 1, 1970 for all military personnel. The pay rates in table 5–III reflect a combination of that across-the-board increase with the recommended pay raises designed to achieve an all-volunteer force of 2.5 million men. The latter increase raises the current value of enlisted basic pay during the first-term of service by about 50 percent. The recommended increase for those in their second term of service is about 9 percent. Officers in their first 3 years of service receive a 28 percent basic pay raise.

Table 5–III shows that these recommended increases merely "straighten" the regular military compensation line; they give individuals in their initial years of service about the same pay relative to civilian compensation as the career force receives. These pay raises for first-term personnel are justified on equity grounds alone.

This recommended pay increase will add $2.69 billion to the budget in fiscal year 1971, but this added outlay will be smaller in future years if forces decline to the 2.5 million man level and, also, as a result of the further manpower reduction produced by lower turnover in the all-volunteer force which will decrease the force strengths required to provide a given level of defense capability (see chapter 4). Since military pay is either high or low only in relation to civilian earnings, annual adjustments in military pay will be necessary to ensure that they remain competitive.

TABLE 5-III.—RECOMMENDED PAY PROFILES FOR ENLISTED PERSONNEL FOR JULY 1, 1970

Years of service	Regular military compensation [1]	Total military compensation [2]	Regular military compensation as a percent of Total civilian compensation [3]	Total military compensation as a percent of Total civilian compensation
1	$4,498	$5,041	86.5	96.9
2	4,917	5,631	84.7	97.0
3	5,311	6,237	83.4	97.9
4	5,735	7,195	83.0	104.2
5	6,143	[4] 9,131	82.9	123.2
6	6,530	8,597	82.9	109.2
7	6,880	9,055	82.8	109.0
8	7,203	9,582	82.9	110.3
9–10	7,510	9,838	82.8	108.5
11–12	7,721	9,745	82.8	104.5
13–16	8,296	10,550	83.3	106.0
17–20	8,969	11,616	87.1	112.8
21 plus	10,489	14,053	97.8	131.1

RECOMMENDED PAY PROFILES FOR OFFICERS FOR JULY 1, 1970

1	$8,868	$9,952	103.6	116.3
2	9,635	10,808	103.7	116.3
3	10,315	11,902	103.6	119.5
4	10,923	12,885	103.5	122.1
5	11,999	14,520	108.2	130.9
6	12,313	15,077	106.6	130.5
7	12,810	15,897	106.6	132.2
8	12,890	16,243	103.2	130.1
9–10	13,271	16,756	100.2	126.5
11–12	14,080	18,128	95.6	123.4
13–16	15,008	19,534	94.7	123.3
17–20	16,192	21,293	98.3	129.3
21 plus	19,168	26,757	107.9	150.6

[1], [2], and [3]: See footnotes [2], [3], and [4] respectively of table 5–II for the definitions of regular military compensation, total military compensation, and total civilian compensation.

[4] See footnote [5] of table 5–II.

The pay recommendation incorporated in table 5–III is intended to apply to the 2.0, 2.25, and 2.5 million forces, but they are actually in excess of those required for either the 2 or 2.25 million man forces. Indeed, the figures in table 5–I suggest that no pay increase is required to provide an all-volunteer force of 2 million men and that a relatively small increase over current levels is required to induce the additional volunteers necessary for a 2.25 million man force. The Commission recommends this pay raise for all three of the above named forces on equity grounds alone. The 3.0 million man all-volunteer force will require a pay increase above that shown in table 5–III. The extra increase required for the 3 million man force would add $2.21 billion more to the budget in the years 1977–1979.

Skill differentials

The basic pay recommendations in table 5–III are designed to cover the majority of the enlisted force. However, the armed forces must attract some persons with special skills or unusual aptitudes. The military services have the authority to offer higher pay to such individuals by offering higher grades when they enter service or by increasing the speed of promotion. To some extent both of these practices are being followed by the services. These practices should be broadened and formalized, to make military careers more attractive to high quality personnel.

To ensure further the maintenance of the quality of military personnel, proficiency pay should be made available to those in critical occupations after the satisfactory completion of advanced training. Currently, proficiency pay is available only to those in the career force. These recommendations should enable the services to satisfy their needs for exceptional personnel. It is estimated that an additional $214 million per year will be required to cover the expenditures for this purpose.

Hostile fire pay

Military service demands a high degree of personal commitment and exposes most servicemen to risks and hardships that are generally greater than those found in the civilian economy. Beyond that, a small fraction of the military force is sometimes required to serve under conditions of risk to life and limb that are not only greater than those faced by most service personnel, but exceptionally high even among those serving in a combat zone.

As a matter of equity as well as to provide compensation flexibility in conflict situations, the Commission recommends that a new and higher maximum level of hostile fire pay of $200 per month be enacted. Eligibility for this maximum level of hazardous duty pay should be restricted to those who in the course of their duties are regularly exposed to hostile fire and only for the period of such exposure. The current levels of hazardous duty pay should be provided to others in the combat zone who take higher than normal risks but are not regularly exposed to hostile fire.

Since the specific number of individuals who will serve under such extreme hazardous conditions is likely to be small, we have not estimated the budgetary implications of this proposal.

Development of a military salary system of pay

Military pay today is a conglomeration of current and future pay and benefits that are difficult to enumerate and even more difficult to measure and evaluate. Military pay lacks visibility. It functions as a continuous source of controversy. It is inequitable. It is inefficient in attracting and retaining desired personnel.

All of these deficiencies, and especially the last two, result from the different ways of paying individuals performing the same task, and from the large proportion of pay that is provided either in-kind or as retirement income. This in-kind and deferred compensation has little value for a new recruit or a first-term serviceman trying to decide whether to re-enlist.

Recognizing these defects, a Department of Defense study group recommended the introduction of a "salary" system of pay in which allowances for quarters and subsistence would have been combined with basic pay to provide a "salary." The Commission supports this recommendation.

Retirement vesting

Because military retirement benefits are budgeted each year out of current funds, servicemen have never acquired vested retirement rights except those which arise after one has served long enough (19½ years) to be eligible to retire. This policy has a number of undesirable effects.

First, because retired pay is deferred it has little value for an individual in his early years of service, even if he is seriously considering a military career. It is worth nothing to the serviceman who does not plan to make the military a career. Yet, the armed forces need both non-career and career personnel.

Retirement benefits have the additional disadvantage of being worth too much to the individual who is beyond his tenth or eleventh year of service. He cannot afford to separate from the service because of the benefits for which he will qualify after another 9 or 10 years. Because of this potential loss, the military rarely discharges individuals who have served more than say, 10 years.

Also, the substantial retirement income available after 20 years of service (when some enlisted men are only 37 years old) induces many individuals to retire as soon as they are eligible. The combination of retirement income and civilian earnings is very attractive. Men who retire early are often those with superior civilian earning opportunities and they are precisely the individuals the services would like to retain longer. The Department of Defense group organized to study compensation recognized the shortcomings of the present retirement system. They recommended: increasing military pay sufficiently to enable military personnel to contribute 6½ percent of their salaries annually to their retirement account without any loss in net income, the introduction of partial vesting after 5 years of service, and a reduction in the retirement income available in the years prior to the normal retirement age. The recommendations incorporated provisions to ensure that those who entered the services under the old retirement system would suffer no loss.

The Commission supports these recommendations regarding retirement benefits. The Commission also believes that it would be equitable and desirable to give officers and enlisted men the same vested retirement rights as civil service employees currently have.

Compensation-in-kind and fringe benefits

Many recommendations have been made for increasing military compensation-in-kind including improved housing, educational programs, dental care for dependents, etc. The quality of military life needs to be improved generally, and such programs would surely contribute to that end.

Nevertheless, we have decided against recommeding general increases in such benefits or in income-in-kind items of pay. We have done so because the military pay package already has a substantially larger proportion of such items than is found in the civilian sector of the economy and because we believe that general increases in non-cash pay would be an inefficient means of compensating military personnel.

Funds that are used to construct and maintain housing can also be used to increase basic pay, and funds to sponsor educational programs can be used to provide dental care for dependents. Thus, the question is not whether such benefits are desirable, but whether they are the most effective form of compensation. Providing compensation in cash has an inherent advantage in that context—it allows each individual to decide how he or she will use whatever he earns. He can thus get the full value of whatever costs are incurred by the government in paying him. When he is compensated in non-cash form, however, the value of what he receives is often less to him than its cost to the government. Meanwhile, he is encouraged to consume more of particular goods or services than he otherwise would. Non-cash pay also tends to result in inefficient patterns of compensation by favoring some individuals (heavy users of these items) over others, independent of performance. For example, most military non-cash pay is of little value to young men and women. Therefore it is not very effective in helping to attract and retain new personnel. Finally, as was learned in the Defense Department study, the effect of non-cash remuneration on enlistments and retentions is attenuated because such compensation is not very visible. While compensation-in-kind is sometimes justifiable for tax reasons in the civilian economy, that reason does not apply to military compensation since the government is both payer of the cash compensation and recipient of whatever taxes are collected.

However, special circumstances in the military often warrant pay-in-kind. At remote bases, housing and other services often would not be available unless provided under military auspices, and in many instances, military personnel are required to live on base. Under such circumstances accommodations and services should be made attractive and efficient so as to enhance the conditions of military life.

MANAGEMENT OF MILITARY PERSONNEL

The Commission believes that in addition to the recommendations above there are several opportunities available to increase voluntarism, particularly among higher quality personnel, by improving the conditions of military service and the quality of military life.

Terms of enlistment

One of the conditions of military service that distinguishes it from civilian employment is the practice of requiring enlisted personnel to obligate themselves for specific limited terms of service. An enlisted man is required periodically to declare his intentions to remain in the military, and he is permitted to resign only when he reaches such a decision point. We believe that this policy is not necessary, and that it adversely affects the attractiveness of military service. We recommend elimination of the present system of obligated terms of service so that enlisted personnel would be recruited and retained on the same basis as commissioned officers. Within the limits prescribed below, this means that enlisted men would generally be granted discharges upon request.

The right of enlisted men to a discharge should be limited in the following ways:

(a) The Defense Department should have the authority to deny such discharges in an emergency, just as it does with officers.

(b) Enlisted men should be obligated to fulfill terms of service commensurate with the cost of the training they receive. This should apply not only to new recruits, but also to those receiving advanced training. The Defense Department should undertake a study to determine the length of obligated service to be required for various training programs. Such a study would specify a minimum term of service for new recruits. We do not contemplate that it would be reasonable to require terms of service of less than approximately two years for recruits.

(c) The Defense Department should have the right to deny discharges to enlisted personnel who have received orders for overseas duty or sea duty.

If the Defense Department adopts this policy as to obligated terms of service, the services should simultaneously establish procedures for periodic reviews designed to identify and separate servicemen who are not performing satisfactorily.

Though this change may appear dramatic, the abandonment of the present system of fixed enlistment terms should not create serious problems for the military. Such a system has not harmed the officer corps. The increased freedom of choice should make military service more attractive and enhance the dignity of an enlisted career.

Choice of military occupation

The Commission recommends an expansion of the current program whereby enlistees are permitted to specify their choice of occupation as a condition of enlistment. Such a policy should increase the efficiency of manpower utilization within the military and, also, by reducing the uncertainty of military life, increase the attractiveness of a military career.

The Commission believes that expansion of the existing program will not weaken the services' ability to fulfill their mission, even though it may increase somewhat the cost of managing the recruitment facilities. The services do not appear to have experienced any ill effects from their present policy of giving individuals a choice of their service branch and, to a large extent, their occupational field.

XUM

Lateral hiring

Many of the functions performed in a modern military organization have parallels in the civilian economy, for example, construction, supply and logistics, personnel management, equipment and facilities maintenance, research and development, and medical service. With minor exceptions the officers and the enlisted personnel who staff these functions in the military are products of the military personnel system. They enter the service as untrained recruits, take basic and advanced formal or on-the-job training, and acquire the experience necessary to function effectively while on a military assignment. The similarity between military and civilian functions, however, suggests that military positions might in many instances be filled by already skilled individuals who transfer from the civilian economy.

Lateral hiring—the hiring of skilled personnel into the armed services at pay grades commensurate with their training and experience—offers the services an opportunity to enlarge the manpower pool from which they draw. In the past they have resorted to lateral hiring to procure personnel with special skills. During World War II the practice was used extensively, not only for enlisted personnel but also for officers. Also, the military has consistently permitted doctors, dentists and lawyers to enter the services at officer ranks above the usual entry level.

Currently, the largest enlisted lateral hiring program is the Navy's "Direct Petty Officer Procurement Program" which has been used since 1965 to man Naval construction battalions. Under this revival of the World War II Seabee program over 5,000 civilian construction workers have been hired into pay grades E4 through E7 with a service obligation of two and one-half years. The program is apparently a success. Draft pressure, higher pay and the shorter service obligation (two and one-half rather than the normal four years) have allowed the Navy to be highly selective.

The Army has used lateral hiring to recruit medical and dental technicians at entry pay grades of E4 and E5. Each lateral enlistee receives about 16 weeks of basic and advanced training. The Army also plans to introduce a program for selected engineer occupational fields which are significantly undermanned.

These examples, however, are the exception rather than the rule. On balance, the services have used lateral hiring sparingly. At worst they have limited the payment of re-enlistment bonuses to those who re-enlist within six months of discharge so that a qualified trained veteran who has been out longer is offered no special incentive to return.

There are, of course, inherent limits to lateral entry. Not all military occupations have civilian counterparts, and even where such counterparts exist it may be less costly for the military to provide the training and experience. Notwithstanding the limiting considerations, the military are sacrificing an important opportunity by severely restricting the use of lateral entry. Moreover, lateral entry would help dissolve the barrier which some feel separates the military from civilian society.

Entitlements

At present, enlisted men who are not E4's with four or more years of service are not entitled to dislocation allowance and reimbursement of family travel expense when they are ordered to a new duty station. This discrimination imposes an unnecessary hardship on first-term servicemen. The Commission recommends that entitlement to reimbursement of family travel expense and dislocation allowance be extended to all enlisted personnel.

"PROGRESS" FOULS MONTANA SKY WITH SMELL AND SMOKE

HON. ARNOLD OLSEN

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 1970

Mr. OLSEN. Mr. Speaker, the problem of pollution is perhaps the greatest question confronting our Nation today. I believe it is important to realize that the problem is not confined to the metropolises of Los Angeles, New York, Chicago, and other large urban areas but everywhere—even in the less populated and rural areas of western Montana.

There are certain annoyances which industrial progress always brings to an area but in the past these have been overlooked for the more obvious short-term advantages. This is no longer the case. The cost of progress can no longer be paid by the price of a pollution level which fouls the air we breathe and the water we drink.

I would like to take this opportunity to submit for the RECORD the following article by Haynes Johnson which appeared in the Washington Post concerning air pollution in Missoula, Mont., and the concern of local citizens for a clean environment.

[From the Washington Post, Feb. 14, 1970]

"PROGRESS" FOULS MONTANA SKY, WITH SMELL AND SMOKE

(By Haynes Johnson)

MISSOULA, MONT.—When the first demonstrations against air pollution in the Missoula Valley took place in the spring of 1968, Marilyn Templeton and Nancy Fritz did not participate. They were, as they said, too conventional; they were housewives and "good Republicans," not activists.

Today they head an organization that is taking an increasingly militant stance as it attempts to do something about pollution here in this valley tucked away in the Rockies.

"Now I can understand and sympathize with those students who take over administration buildings," said Mrs. Templeton after reciting her efforts in dealing with a host of state and local agencies from the governor's office down.

Mrs. Fritz adds:

"Some of our members tell us they'll come back to our group when we're ready to lie down in front of the trucks and stop production at the paper mill. And they're right. We know they're right."

They were underscoring a fact of life in Missoula, Montana. In a short period Missoula has turned from apathy to action—and anger—over its pollution problems. Missoula has not solved those problems, but it does provide evidence of how swiftly pollution has caught on as an emotional issue in the small out-of-the-way towns of America as well as the large mainstream ones.

"You can't be a politician in Missoula and say the companies are right and get elected," says Sam Reynolds, editor of the editorial page of The Missoulian, the local paper that is conducting a vigorous campaign against pulp mills that are filling the narrow valley with smoke.

Last month Reynold's paper greeted the news of another plant planning to locate in the valley in the new fashion.

"So Missoula is going to get a $2 million chemical plant," it said. "One cheer. The old days of reflexive rah-rah over every bit of industrial expansion are gone forever. More and more economists and industrialists, not to mention environmentalists and the general public, are thinking that an ever-growing economy isn't all that it's cracked up to be. Other values now come first.

". . . If the plant does increase pollution, then nuts to it. It should NOT be built. Pollution abatement is the salient value in this valley, as every local politician knows. And any politician at the state level who fails to recognize that fact does so at peril of losing lots of votes."

In a sense, Missoula is a microcosm of the nation. It is no sleepy backwoods town, but a university community, the site of the University of Montana, and a city that has grown and prospered over the years. Its citizens are proud of their area, and the beauty of their natural surroundings. They live within a few minutes drive of some of the finest trout fishing in the country, and of excellent skiing. Glacier National Park and Yellowstone are within easy reach.

And they are typical of citizens in another important sense: until recently, they have accepted without question the traditional American concept of industrialization as being synonymous with progress. They never questioned industry's good faith, or its willingness to live up to its promises voluntarily.

When the Hoerner Waldorf Corp. opened a paper and pulp mill in 1957, the people of Missoula took for granted that the plant design would, as promised, provide for the "virtual elimination of undesirable water and air pollution."

The plant, which makes linerboard and bleached kraft pulp to serve a number of packaging needs throughout America—everything from boxes for suits to the lining around refrigerators—enjoyed economic success. From a $7 million operation with 78 employes in 1957 it grew to a $30 million investment and 438 employes in 1968. Production has increased four-fold in that time.

With progress, came problems.

The plume of smoke from the paper mill can be spotted for miles. It fills the valley not only with fumes, but with a foul odor. Company officials liken the smell to that of cabbage cooking on the kitchen stove. Others are less delicate. The odor smells unmistakably like a skunk.

Unpleasant as that is, odor is not the principal problem. Because Missoula, like Los Angeles and Phoenix is in a valley or basin, temperature inversions frequently occur. Warmer air aloft holds down cooler air in the valley along with the smoke, dust, industrial and automotive gases.

LIKE LONDON CRISIS

For a period last December when Missoula lay in the grip of a week-long temperature inversion, the Missoula air pollution control authority recorded atmospheric data that was "startling," according to Dr. Kenneth J. Lampert, the city health officer. Dr. Lampert said the readings were coming close to those recorded when London experienced a major pollution crisis in 1952, when 2,000 Londoners died. Now, Dr. Lampert says, emergency procedures are being considered that would require the shutting down of every pollution source in the valley during such an inversion period.

He also says that hospital admissions for respiratory ailments go up dramatically during the worst air pollution months.

The company maintains its fumes do not create a . . . .

"It's not a medical problem, it's an odor problem, and that's a nuisance and people have a right to expect us to go great lengths to reduce that," say Roy Countryman, vice president and manager of the Hoerner Waldorf plant.

XUM

The company is now spending about $2½ million on new anti-pollution equipment, he says, and intends to spend several times that amount before the mill is brought into compliance with Montana's clean air standards.

"I represent a company that has demonstrated—and positively demonstrated—its willingness to go to great lengths to put in the best technology to do the job. Our critics would have you believe we're in terrible shape. We're not. We are in great shape. What's changed since '57 when we came in here is a lot of emotion, and a genuine interest in pollution problems."

COMPANY WAS SUED

Others are not so kind. They say the company took no steps to change until a long campaign that began in Missoula resulted in passage of Montana's first Clean Air Act in 1967. Another sharp prod came when the company was sued in an important case by the Environmental Defense Fund, Inc., a national organization active in the anti-pollution field.

The suit claims the emission of noxious sulfur compounds by the company has degraded the balance of life in the Missoula area, thereby depriving not only citizens of the region of their natural resources, but all citizens of the nation. It seeks a permanent injunction restraining the company from emitting the compounds.

The company says such an injunction could put it out of business. Its promotional material reminds everyone of its economic impact on the area. Annual purchases of over $20 million worth of goods, services and raw materials. Direct or indirect support of hundreds of local businesses. Annual payroll of more than $4 million. Employes paying more than $113,000 a year in income taxes.

In Missoula, that's big money. In the past, just the briefest recitation of such economic power would have been sufficient to still effective critics.

It isn't good enough today.

Rather than ceasing or reducing their efforts, the townspeople have continued their attacks. They point out that, despite its assurances and expenditure of money, the company still hasn't actually installed its anti-pollution devices. Fear is widely voiced that the company intends to follow an old procedure and ask for a "variance" from the state board of health, exempting it from pollution regulations because compliance would work a "hardship."

ACRIMONY INCREASES

While Missoula waits, the atmosphere has become more acrimonious than ever.

"I find the climate within town very destructive," said Daniel Potts, company spokesman. "Before I came there was no question in my mind that I was performing a socially useful task. Here my wife and I encounter another kind of attitude, even from members of church, civic and other community groups.

"Here, you're regarded as part of something that exists only to profit and pollute the environment. There's no question in my mind that we do more than profit and pollute, and there's no question that we make a product essential to society.

"We recognize the community's desire—and we share that desire—to clean up. At the same time, the community's overlooking a lot of problems when it asks you to clean up."

What's happened is clear enough. Anti-pollution has become a cause, one that is attracting a vocal legion. A visit to Missoula leaves the strong conviction that here, at least, this cause represents something more than another instant American allegiance. It seems certain to remain a primary interest, both on the university campus and in the town.

"Our American tradition is that you can do anything you want with what you own," said Mrs. Arlene Dale, a research assistant to Dr. C. C. Gordon, a university botanist who is gaining a national reputation for his studies of the effects of environmental pollution. "My concern is that Missoula is not going to be like that.

VALLEY ON DECLINE

"What we're trying to find out are some basic questions: What is pollution actually doing to the plants and animal population? Those who say no one's died in the Missoula Valley from pollution are completely missing the point. The valley is on the decline. At the rate it's going, it may be 50 years or a hundred years, before it's a dead valley.

"If you want to see an example of what I'm talking about go down to the Anaconda Valley. You'll see what I mean. The smelter operations there before the turn of the century killed it. It's a moonscape, a pock-marked desert. Essentially the same thing is happening to the Missoula Valley. The decline has already set in. We know that.

"There are still people who think we're all alarmists. They think there's nothing to worry about. We have no real evidence. There is no problem. And we disagree very much.

"You know, in the American industrial thinking you have no problem unless you are taken to court. The emissions are not a problem, the dead and dying vegetation is not a problem. It's not a problem until you're taken to court.

"VERY SELFISH REASON"

"This is the kind of community I like to live in—and I intend to stay here and make it better. It's a very selfish reason, you know. There's nothing more basic to human rights than the right to have clean air and clean water. If you don't provide a clean environment for your children, what have you done?

"There's pesticides in the food we eat, and pollution in the air we breathe and water we drink. We've always accepted these as the necessary evils of American technology. We may have used our rivers as sewers and pumped pollution in the air because that used to be the American way—but it's not the way now."

Such militant words are common in Missoula today. There will be more of them in the future.

Missoula citizens now are wrestling with news that two companies plan to build large plants in their valley. One is a formaldehyde plant, the other a particle board plant. No one knows for sure how much chemical vapor will be emitted into the air, but already some figures are creating new alarms.

For Nancy Fritz, whose organization called GASP (Gals Against Smog and Pollution) has taken a leading role in the anti-pollution fight, the latest news adds up to one more frustration.

She still has great faith in the American system, she says, but she confesses to nagging doubts. "It's not working on pollution," she says. "I don't go along with these doomsday theorists, but I'm just about to join them."

ALCATRAZ: NEW HOPE FOR INDIAN PEOPLE

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 1970

Mr. BROWN of California. Mr. Speaker, last November 20 marked a milestone in the history of the American Indian people. On that day, a small band of young Indians—mainly from the San Francisco area university community—landed a small boat on deserted Alcatraz Island, thus initiating the now famous "invasion" of that desolate island in San Francisco Bay.

After the immediate impact of the act wore off—the belief that it all was only some wild-eyed public relations trick—the fuller meaning of the occupation continues to gain recognition.

And that fuller meaning stems from the utter failure of our Government to adequately deal with the Indian people. As one of the authors in the excellent study of Indian economic development compiled by the Joint Economic Committee puts it:

> The American Indian population is rural, poor, and essentially outside of the mainstream of the larger society.

A few available statistics present the grim picture. Birth rate 105 percent above the national average; average age of death 20 years below the national standard; infant mortality rates 45 percent above the average; 62 percent of rural Indian families with incomes under $3,000; more than 20 percent of Indian men with less than 5 years schooling—and, at most, only half of all entering Indian students ever finish high school; unemployment rates ranging from 30 percent upward.

The "occupation" of Alcatraz serves as a harmless, yet effective, method of bringing to notice the stark fact that we have completely neglected the Indian peoples' needs.

To date, Government Indian policies have been utterly patronizing, treating the Indian people like children and further alienating them—and, at the same time, destroying their rich culture.

Assimilation of Indians into the "mainstream," cash-payment settlement, and termination of Government jurisdiction over Indians—the entire list of Indian policies have failed miserably. Time after time, it has been the governing society telling the Indian people what Indians must do, and then supervising administration of often misguided policies. Rarely, if ever, have Indians been able to control their own destiny.

On Alcatraz the Indians are doing something positive—by and for themselves. On that barren, unwanted island they have created a living community. Their plans envision establishing a cultural center and educational complex.

In late December, I was joined by 10 other Congressmen in introducing a resolution in the House of Representatives calling for immediate negotiations on use and ownership of Alcatraz between the government and representatives of the Indian community. Now apparently, negotiations are underway and I am hopeful that a reasonable settlement can be reached.

Certainly, recent reports are encouraging.

Last week, representatives of a negotiating committee comprised of members of various Indian groups in the San Francisco region met with the acting Executive Director of the National Council on Indian Opportunity.

A planning proposal drawn up by the

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Indian people was presented to the Government, and I hope positive action accepting this proposal will soon be forthcoming from the executive branch.

I have gone over the proposal and I am quite impressed by its soundness and its depth. In many ways the rather brief manuscript exposes the failures of existing Indian policies, and it vividly—and depressingly—reveals the effects that current policies have on the entire life of the American Indian.

Matched against the vast sums spent for ongoing Indian programs, the funds requested by the San Francisco negotiators are miniscule. In terms of potential gains, I feel that returns from allocating money for the Indian proposal will be significant.

Alcatraz can be a landmark for the Indian people—as well as for our whole society. I shall write to President Nixon and to the National Council on Indian Opportunity expressing my support of this proposal, and I urge my colleagues to join me in this venture.

For me, the Alcatraz situation clearly shows the intense need for a complete revamping of Government's relationship with the Indian people. As one means of achieving that objective, I have recently introduced House Resolution 854 which would create a select House committee to study economic and social development of the Indian people, paying particular attention to problems of off-reservation, relocated, and traditional Indians.

At this point I insert the proposal written by the San Francisco Indian group, which has incorporated under the name of "Indians Of All Tribes," into the RECORD, and I urge my colleagues to look carefully at this document, and then also to extend their support for these ambitious plans.

The proposal follows:

PLANNING GRANT PROPOSAL TO DEVELOP AN ALL INDIAN UNIVERSITY AND CULTURAL COMPLEX ON INDIAN LAND, ALCATRAZ, FEBRUARY 1970

(Submitted by Indians of All Tribes, Inc.)

INTRODUCTION

Indians of All Tribes greet our brothers and sisters of all races and tongues upon our Earth Mother. We here on Indian Land, Alcatraz, represent many tribes of Indians.

We are still holding the Island of Alcatraz in the true names of Freedom, Justice and Equality, because our brothers and sisters of this earth have lent support to our just cause. We reach out our hands and hearts and send spirit messages to all Indians.

Our anger at the many injustices forced upon us since the first whitemen landed on these sacred shores has been transformed into a hope that we be allowed the long-suppressed right of all men to plan and to live their own lives in harmony and cooperation with all fellow creatures and with nature. We have learned that violence breeds only more violence and we therefore have carried on our occupation of Alcatraz in a peaceful manner, hoping that the government will act accordingly.

Be it known, however, that we are quite serious in our demand to be given ownership of this island in the name of Indians of All Tribes. We are here to stay, men, women, and children. We feel that this request is but little to ask from a government which has systematically stolen our lands, destroyed a once-beautiful landscape, killed off the creatures of nature, polluted air and water, ripped open the very bowels of our earth in senseless greed, and instituted a program to annihilate the many Indian Tribes of this land by theft, suppression, prejudice, termination and so called re-location and assimilation.

We are a proud people! We are Indians! We have observed and rejected much of what so-called civilization offers. We are Indians! We will preserve our traditions and ways of life by educating our own children. We are Indians! We will join hands in a unity never before put into practice. Our Earth Mother awaits our voices. We are Indians of All Tribes!!!

WHAT ALCATRAZ IS ABOUT

We came to Alcatraz because we were sick and tired of being pushed around, exploited, and degraded every where we turned in our own country. We selected Alcatraz for many reasons but most importantly, we came to Alcatraz because it is a place of our own. Somewhere that is geographically unfeasible for everybody to come and interfere with what we would like to do with our lives. We can beat our drums all night long if we want to and not be bothered or harassed by non-Indians and police. We can worship, we can sing, and we can make plans for our lives and the future of our Indian people and Alcatraz.

After we landed on Alcatraz, we got a lot of attention and publicity. Support came in from the local areas and the nation, and even world wide. People wanted to give us benefits, have us speak at schools, be in programs on television and radio, and even have movie premieres on the island. We were flooded with everything and everybody, from opportunists and vultures to sincere and dedicated people. Somehow, we survived all the glory and confusion even though we have never been the victims of attention before and the symbol of the American Indian shined out before the nation and the whole world.

Indians of All Tribes united on the Alcatraz issue and for the first time in the Bay Area, Indian organizations representing over 40,000 Indian people, united and formed the Bay Area Native American Council in order to push the government to deal with Alcatraz as the priority issue.

The Bay Area Native American Council is a support group for Alcatraz. They do not speak for Indians on Alcatraz, although we consult with them, and support them in their work to help Indians in the Bay Area.

Our work on Alcatraz is different from BANAC. We are maintaining the Island during the occupation, as a way of promoting the general welfare of all Indian people, which means that our occupation is not strictly Alcatraz but rather for all Indian people. We hope to concern and involve ourselves with national Indian problems as well as planning and building our own Indian University and Cultural Center.

We on Alcatraz formed a non-profit corporation called Indians of All Tribes, Inc. We represent who we are, and we are Indians of All Tribes.

We don't speak for Indians all over the country. The Indians all over the country speak for themselves.

When Indian people come to see what Alcatraz is all about and to see what they can do for the Alcatraz movement, then they speak for themselves. We have a radio station that broadcasts live from the Island where they speak about their reservations and it draws attention to their particular problems. We have a newsletter as well. Anyone is welcome to write what they have to say.

Before we took Alcatraz, people in San Francisco didn't even know that Indians were alive, and if that's a sample of what the local people knew, considering that this is the main relocation point for Indians through the Bureau of Indian Affairs, then there are people across the nation who never even knew that Indians were alive or ever even knew our problems. They never knew anything about our suicide rate that is ten times the national average, or our education level that is to the fifth grade. Alcatraz focused on the Indian people. Now the Indian people have a chance for the first time to say what they have to say and to make decisions about themselves, which has never happened before.

The decision we want to make is in governing ourselves and our own people, without interference from non-Indians. Naturally we don't have all the tools that we need in order to make decisions on the engineering or structural engineering on Alcatraz or the planning of the Island, so we would need non-Indian advice as well. We need everyone's advice who has something to contribute.

Our main concern is with Indian people everywhere. One of the reasons we took Alcatraz was because the students were having problems in the universities and colleges they were attending. This was the first time that Indian people had ever had the chance to get into a university or college because relocation was all vocation oriented and it was not until 1968 and 1969 that Indians started getting into the universities and colleges. So, when this happened, we all realized that we didn't want to go through the university machinery coming out white-orientated like the few Indian people before us, or like the non-Indian people who were running our government, our Indian government, or our Indian affairs. We didn't want to alienate ourselves from the non-Indian people because we were learning from everyone else as well, but we also wished to retain our own identity, with the whole conglomeration of everybody. We didn't want to melt with the melting pot, which was the object of federal relocation programs. We wanted to remain Indians. That's why native American studies became a prime issue, and when we had a big confrontation with the administration, we could see that we weren't going to fool ourselves about the university; we could see that we could never get everything through it. They would make small concessions, but still didn't give us what we needed. It was just a token of what we actually wanted and we didn't want to be used like that.

This was one of the reasons why we wanted our own Indian university, so that they would stop whitewashing Indians, which was happening, not only on the university level, but in the Indian boarding schools and summer home programs for Indians and just everything that the government had to do with Indians.

We were also concerned about our own lives and our children and what was happening on the reservations as well, because while we were physically away, we still had our families and people in our hearts and on our minds, the problems that they were facing, and the frustration of not being able to help them because we were trying to get the necessary tools so we could return to our reservations some day. In the meantime, there were all types of road blocks. We needed attention brought to our people, and we needed a place to get together in the city so that we didn't become victims of assimilation. It finally all came to a point and we decided we would just go liberate our own land since all of our other lands had been taken away and the cities were so crowded and we had no where to go together for Indian dances or pow-wows or anything, or even to have our own religious ceremonies. We'd get arrested if we practiced our own religion and had peyote in our home. In 1964 a Sioux landing party had taken Alcatraz which was federal surplus land that, according to the Sioux treaty, should revert back to the Indians after use. The Sioux wanted the government to live up to their treaty and they landed on Alcatraz and staked their claim. They were rejected and turned away, so we followed it through, when all of the proposals came out from Hunt, Treshman and other millionaires.

What we want to do in the long range view is to get some type of help for our people all across the nation. We must look at the problem back on the reservation, where it all begins, with the Bureau of Indian Affairs. There's going to have to be some changes made within our own government structure. We often thought of ourselves as a sovereign nation within a nation, but through the years, this has fallen apart, because the state has beaten us on jurisdiction rights on different reservations, and the termination of the Indian people is close in sight. We all can see those things that are coming on and we want to avoid having our life taken away from us. What few lands we do have left on the reservations, we want to keep. We have no government for our own people and we live under what is really a colonial system because we do not select the people who govern us, like the Commissioner of Indian Affairs, who is appointed by the Secretary of the Interior, who is appointed by the President, and the Superintendent on every reservation, who is appointed by the Commissioner. We must somehow make up our own plan of government for ourselves and for our people, rather than have someone else decide or plan what is ahead for us. We must make up those plans and decisions for ourselves.

Alcatraz is a beginning, because we are doing that on Alcatraz now. We are making up our own plans.

We want to have our own Indian university because we need to develop things from our own culture that are being lost, like our own language. It is hard for us to go to the universities and have them tell us that we must learn a foreign language, when we know that English is the foreign language and we have some native speakers of our own tribal languages. The tribal languages will eventually die out, and we don't want to see it happen. So we need an area of tribal languages, where we could pass these things on to our children.

We need legal study too. We live under Federal law and the state has partial jurisdiction as well, and local city laws apply to us when we are off the reservation in the nearby towns. We never know what laws they're going to apply on us next, because they manipulate the laws and do whatever they feel they need to do with us. We've got to understand those laws and the mentality behind them to help us deal with them. We've got to go back to the reservation and start fighting for our people back there. The fighting isn't new, but we need the "tools" to fight. Many Indian men are in prisons now and a few years from now, there will be even more there. The percentage is very high, and it's wiping out our race. It's wiping out our race because Indian men are in prisons, or else they have no jobs and they become alcoholics or else they just kill themselves. It's not only the men, but the Indian women as well. Our suicide rate is high because of the conditions that we're living under and the dictatorship that exists.

We'd like to change laws, which are not made for us. Even the Constitution of the United States, which says that all men are created equal, was made for white men at the time it was written, and didn't include any "3rd world" people. The Constitution has not included us, as history will bear out. It's hard for us to look around and see all the destruction that has happened to our country and feel good about it. Every day that we go over on the boat, we can see all that garbage and junk that's in the water, and it makes us sad. The air that is being polluted around us covers the sun and the sun is our giver of life and without the sun, there will be no life on this earth. Part of us is being taken away by this destruction of nature. If you destroy everything around us, then you are destroying us. Maybe other people who are living in this country will have more respect and pride for the home that they are living in if we bring this to their attention.

We want to establish a center on ecology, as part of our cultural complex. The cultural complex also involves the tradition of our religion. The base of anything we do is our religion. We must have a place for our spiritual leaders and our medicine men to come. We also plan to have our own library and archives to help us document the wrongs which have been done in this country and the wisdom that has been lost. Also, we plan to have a place where we can practice our dances and songs and music and drums, where we can teach our children and not let this die, as it's dying on the reservation today.

Our parents were forbidden to speak their own language, or dance their own dances, and they were pushed into government boarding schools that were trying to teach them how to be "civilized," which meant losing their own identity. We have been forced to fit into a pattern which had been thought out a long time ago, not by us, but by the government that was over us. When there's no employment on the reservation, the only jobs that you would get were with the Bureau of Indian Affairs or the government and in this way, they can continue to indoctrinate the Indian people on the reservation by holding money in front of their faces. Because the non-Indians live in another world where they have cars and clothes and food to eat, they can always use that as a lure to get our people to want the same things and by doing this, then they can brainwash our people the way they want them to be so that they would eventually work against their own Indian people. This is what has been happening when the Bureau of Indian Affairs set up the mock tribal governments on reservations. Since the Civil Rights law has passed, it hasn't affected the Indian that much because they've only taken down the signs that say "No Dogs and Indians Allowed." The feeling is still there.

We feel that the Island is the only bargaining power that we have with the Federal government. It is the only way we have to get them to notice us or even want to deal with us. We are going to maintain our occupation, until the Island which is rightfully ours is formally granted to us. Otherwise, they will forget us, the way they always have, but we will not be forgotten.

Alcatraz isn't any different from the reservations or the ghettos that we were living in. Sure, we don't have that much water, but there are reservations that don't have any water, and their water has to be brought over as well. But, now that we are here, we would like to try to make our lives on Alcatraz as pleasant as possible, with some of the facilities that other people have ordinarily and wouldn't even think about. Naturally, we'd like to have electricity and heat because of our children.

Running an Island operation for 100 people is like trying to run an entire village. We need a boat which can commute back and forth to the mainland and enable the students who are still in school to keep on with their classes, and enable us to keep in touch with the outside world. We don't want to isolate ourselves entirely. We'll need a water barge too eventually because the last time the government official was here, he said our water barge had only two or three more trips to make and after that, there was no other barge on the west coast. We'll need generators to hook up our electricity on the Island. We need stoves. We need furniture. We need supplies to fix up the Island with as best we can. The Island was in bad shape when we got here. The government really did a lousy job of getting rid of their garbage—they just dumped it over the cliff and all over the Island, so we have to clean that up as well as trying to make our living quarters as best as we can. It's very difficult to do without the necessary equipment and tools.

We need a good pickup or jeep on the mainland to carry garbage and we'd like to have a garbage scow come to the Island because we're not going to dump it in the Bay the way everyone else has. And we need food supplies. Most of the food that we have are C-rations and we need fresh fruits and vegetables, meat and fresh milk and things like this. And, we need medical supplies for our clinic. For our nursery we would like to have things for our children, like a playground set. We don't need everything for them because the things they seem to enjoy the most are the little things, like boxes or pots and pans, just simple things. But, for the children and for the school, we'll need books and paints because our children love to paint, and blackboards, and for our arts and crafts, we could use materials that we can make our Indian outfits out of. We can't hunt any more . . .

The Alcatraz encampment is governed by all the residents. The residents select seven Indian brothers and sisters to serve on the Council, which oversees everything that the Island is doing. It's a big job, and it's hard to do when maybe you've never had that type of experience before, but it's also educational. It's learning the operation and the functions of a whole new government and city. Each Council member has ninety days as their term in office and if the general membership should elect them back, then they will be back there for another ninety days, but it's not the type of situation where people will remain on the Council forever unless their people want them to be there and figure that they could handle the situation.

The present members of the Council are: Al Miller, a student at San Francisco State, is Seminole from Oklahoma. Stella Leach, a nurse, is Sioux, originally from Washington. Judy Scraper is a Shawnee from Oklahoma. Charles Dana, past secretary of the San Francisco American Indian Center, is Choctaw, from Oklahoma. John Trudell, a student, is Sioux, originally from Nebraska. Vernon Conway is a native California Indian. La Nada Means, a student at the University of California, is Bannock from Idaho.

We'll probably have three advisory boards on the national level, a national advisory board composed of Indians to provide advice on general policy, an advisory board of Indian educators, to focus on the university and cultural complex, and an advisory board of lawyers, to focus on our legal problems and plans.

Our people want to start a university for Indians, a cultural center, an Indian bill of rights, and a vocational training and rehabilitation program, which will involve major reforms in the way this country deals with the Indians. These are very big tasks. They require a lot of planning.

We think the planning phase will take a year. It can be broken down into three phases. During the first phase of four months, we will recruit outside volunteers and consultants. We want the best people in the country to help us and other Indians throughout the country plan for the Indians' future. What educational experiences can we develop for our children? What should we do with the Bureau of Indian Affairs? Should Indians have separate laws, which should apply only to us? What about our religion? Dances? Our culture and heritage long suppressed? We want to answer these questions ourselves. We want to meet with our people and decide for ourselves what we should do.

At the end of four months, we want a gathering of all tribes on Alcatraz and have representation from different tribes throughout the U.S. to talk, to review the prelimi-

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nary plan which has been developed, to ask questions, to outline the plans for the future. If the tribes should care to stay longer, that would be good too. If Indian people feel like it's much too formal to sit around a table and discuss things and they would rather be in a more relaxed atmosphere, then maybe later on, after the day is over, we can sit around in a very informal type atmosphere and talk about what's happening on the reservation and sing Indian songs and really get the feel of Alcatraz, the people that are there and the people that have come in from different reservations and discuss our long range views as to what types of things we would like to see happen.

The final eight months, after working with our consultants, we will prepare detailed plans for our university, our cultural center, our bill of rights—a beginning, one beginning, of the answer to the question: What Are We To Become? Make no mistake about this. The day is over when non-Indians can answer this question. Now, after Alcatraz, we, and the countless other Indians in this country, will decide our future.

PROGRAM

The Alcatraz Council is the governing body of Indians of All Tribes Incorporated, which consists of seven council members.

The Council will be responsible for coordinating the efforts of three major component groups which are: (a) Service; (b) Planning; and (c) Organizing.

Three Council members will work in Service, three in Planning and one Council member in Organizing. They will receive the same minimal stipends as the people who are working in the major component groups, excluding professional staff personnel. All persons working for Alcatraz will report to the governing Council, who, in return, reports to the people of Alcatraz and their constituency.

A. *Service*. This will involve one hundred (100) Alcatraz residents who will receive minimal stipends for maintaining Island operations. These jobs will involve Indian people and provide service for: (1) Nursery; (2) Pre-school; (3) School; (4) Adult Education; (5) Medical Clinic; (6) Motor Pool; (7) Legal Workshop; (8) General Maintenance; (9) Kitchen; and (10) Security.

B. *Planning*. Planning will be conducted over a one year period and has three phases. Phase I of four months will involve preliminary planning. We will recruit personnel, staff and consultants, including Indian educators; select advisory boards; research and develop major components; collect pertinent data; schedule programming for Indian workshop; and produce a preliminary budget for the uses of Alcatraz. Phase II of one week will be a workshop on Alcatraz for Indians of different tribes from all over the United States in which they will express their ideas and compile their plans together with their professional Indian and non-Indian resource people. Phase III—eight months: the processes of Phases I and II will merge and actually develop into an extensive and specific proposal for the uses of the Island during this time.

This year of planning will include five areas of development: (1) higher education and curriculum development; (2) cultural complex, including museum and archives; (3) ecology center; (4) plan for Indian legal rights; and (5) vocational training and rehabilitation programs.

C. *Administration and Organizing*. Community organizing is necessary in order to promote the general welfare of all Indian people. Alcatraz Indians working in this area will establish a national advisory board; contact reservations and other Indian people to keep communications open with Alcatraz; handle public relations to the outside world; consult with other Indian and non-Indian groups; and manage the finances of the corporation.

BUDGETARY PRINCIPALS

(1) Island residents who are employed are called "staff." Outsiders, whether full or part time are called "consultants."

(2) All Island residents who are staff will make the same salary, whether or not they are on the Council and whatever the job they do.

(3) Where both husband and wife are employed, an adjustment will be made by the Council, so no family is paid beyond their needs.

(4) Food and lodging will be provided for residents, and need not be paid out of individual salaries.

(5) In addition to salaries, travel and work expenses will be paid for staff members, when needed for Alcatraz business only.

(6) To the greatest extent possible, outside help will be secured on a volunteer basis, but, where volunteer help is not available, experts will be paid as consultants.

(7) The number of paid consultants will not be estimated in the budget. Rather, the amount of money needed for consultants in various areas will be set forth.

(8) All property acquired by the corporation of Indians of All Tribes will become the property of the corporation.

(9) Travel funds will be provided for the mid-year conference, to enable non-Island Indians to journey to the Island.

BUDGET

	Amount
Planning:	
Higher education and curriculum development, cultural complex, ecology center, Indian legal rights, vocational training and rehabilitation program:	
Consultant fees for non-Indian volunteers, including travel and living costs	$20,000
Consultant fees for Indian consultants, including travel and living costs	22,000
Total	42,000
Services:	
Nursery and preschool:	
Playground and recreational equipment	1,500
Educational materials	2,500
Subtotal	4,000
School:	
Student recreational equipment	1,500
Educational materials	2,500
Subtotal	4,000
Adult education:	
Recreational equipment	2,500
Educational materials	2,500
4 conference tables at $150 each	600
50 folding chairs at $15 each	750
Subtotal	6,350
Library	2,500
Clinic: Standard clinic supplies and portable emergency equipment	7,500
Legal workshop: Miscellaneous supplies	1,000
General island maintenance:	
Maintenance supplies and equipment	5,000
Portable sanitary equipment	2,000
Emergency service not supplied by volunteer tradesmen (plumbers, electricians, etc.)	2,000
Subtotal	9,000
Kitchen:	
Equipment—2 refrigerators, 2 freezers, 2 stoves, restaurant size	6,000
Utensils	1,500
4 tables and benches	1,000
Maintenance supplies	1,500
Subtotal	10,000
Security: Equipment and supplies	1,500
Motor pool:	
Maintenance tools and equipment for 3 pickup trucks	1,500
Gas and oil	1,500
Subtotal	3,000
Boat: For travel between island and mainland—cost, including maintenance and fuel	15,000
Island resident's salaries: 100 Island residents at $25 per week each, $2,500 per week × 52 weeks	130,000
Total	184,850
Administration and organizing:	
Administrative offices: Rental of dockside space at $350 per month	$4,200
Office machines, furniture and fixtures:	
8 IBM Selectric typewriters at $460 each	3,744
1 Monroe printing calculator	625
1 A.B. Dick stencil cutter	995
1 A.B. Dick mimeograph machine	450
2 Stenorette dictating/transcribing machines at $250 each	500
16 Filing cabinets, 4-drawer, legal size, at $75 each	1,200
8 Typewriter stands at $15 each	120
8 Desks and chairs at $90 each	720
8 Side folding chairs at $15 each	120
Miscellaneous accessories	500
Rental of No. 914 Xerox machine at $150 month	1,800
Subtotal	10,774
Consumable supplies:	
Stationery and office supplies	2,500
Postage	3,000
Subtotal	5,500
Telephone—installation and monthly service	6,500
Insurance	2,500
Auditing and financial services	800
Newspaper publication:	
Paper and printing supplies and equipment for 8,000 circulation issued semimonthly	15,000
2 tape recorders, 1 portable, 1 stationary, and supplies	750
Postage	7,000
Subtotal	22,750
Miscellaneous	5,000
Travel expense for 3 individuals, local and out-of-State travel	4,500
Photographic equipment and supplies	750
2 portable tape recorders, at $150	300
Subtotal	5,550
Total	63,574
Grand total	299,424

CARL C. CASWELL

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 1970

Mr. SCHERLE. Mr. Speaker, I would like to take this opportunity to express my sorrow at the departure of my good friend, Carl C. Caswell.

Cas, as he was affectionately known, built a reputation as one of Iowa's most distinguished journalists. He did not limit himself to writing alone, however, but was also a cartoonist, photographer, editor, and publisher. Over the course of his long, 40-year career, he earned many honors in all of these fields.

He was a pioneer in the field of news photography, introducing the photoengraving process and inventing a deep-acid etcher for use by the Clarinda Herald Journal at a time when newspaper photography was extremely rare in Iowa. His column won many national awards and in 1954 he received the Iowa Master Editor-Publisher Award. He served as president of both the Iowa-Nebraska Editorial Association—in 1946—and the Iowa Press Columnists in 1948. He was best known in the community, however, for his original cartoons of local people called "Events in the Lives of Folks You Know."

Carl was also active in a variety of business and civic affairs. As owner and publisher of the Clarinda Journal—which merged with the Herald to become the Herald-Journal—he was of course a prominent member of the community. But he made the most of his position. He served as the president of the chamber of commerce in 1947, and of the Kiwanis Club in 1949. In 1951, he was a member of the advisory committee of the American Businessman's Research Foundation in Chicago, and in 1952, he served on the Clarinda Municipal Hospital advisory committee.

The list of his associations and of the worthy endeavors he engaged in could be extended almost indefinitely. It could also serve as a classic example of how a man of broad talents and wide interests cannot only carve a fascinating career for himself, but can also turn his creativity to good use for the community. Being a good journalist and a good businessman did not prevent Carl Caswell from being a good citizen. In fact, his concern for and commitment to the life of the community was an integral part of his career.

In addition to his public career and private vocation in journalism, this energetic and versatile man cultivated a number of avocations. In his youth, he delighted to entertain as a ventriloquist and a chalk talk artist throughout the Midwest. Later in life, he was prominent as an artist and art teacher and exhibitor. His oil landscapes won a number of awards in State and local art shows.

As is evident from such a catalog of achievements, Carl Caswell was a man whose whole life affirmed this country's traditional reliance upon its rural heartland to produce citizens of great vitality and generosity, citizens whose creative contributions to their world must be experienced to be truly appreciated.

Following is the Clarinda Herald Journal's farewell editorial to Cas:

[From the Clarinda (Iowa) Herald Journal, Feb. 23, 1970]

CAS' INFLUENCE TO CARRY ON

Activities at the Herald Journal this Monday morning were different than they have been for 40 years—Carl Caswell was missing. He always was around the shop before 6 a.m. and after returning home for breakfast passed his jovial greeting around the gang as he "showed up for work" an hour after the others.

His activities with the Clarinda Herald Journal were closed Sunday after 40 years. He was business manager from the very first, handling employment and production problems to have a growing circulation and advertising patronage constantly—through depression, wars, hard and good times.

Never has there been a written contract between partners—the Caswells and Woolsons—and seldom has there been serious differences. He was positive, whether it be in business matters or of morals. His employees found him entirely fair and he was proud of the record which employees who had gone on to other places have made.

His most recognized work by readers of the Herald Journal has been his "Off Square" and his "Events in Lives" cartoons. He was a champion of temperances, whether liquor, cigarettes or many habits of life. He tried never to use a story in his column or cartoon which would offend the person involved. But he didn't pull punches with the political wrongs, the way he taught about riots, Communism and such.

Folks perhaps did not know of his long working hours. He always said he couldn't sleep, so came to work or took his paints and canvas to get started for the day at 5 a.m. or so. That's one reason he knew so much about birds, always feeling folks missed so much by not seeing day break with all its beauty.

Many noticed his absorbed manner on the streets, some inquiring if he did notice people. His manner was far, far from unsocial! He has a wonderful family of his own, appreciated when others accomplished and had pleasures. His generosity to others went beyond that of most. Until recent years, he did not back away from any community task, either in his writing or his active support on committees or task force. His ventriloquism widened his acquaintance to rural schools and communities where he was constantly featured on programs.

His death came as he had expected, quickly from his heart condition.

For about two years he has talked to those close to him that his time was limited, especially since his serious heart condition last April. But seldom, when he was able, did he not show up at the HJ office at from 5:30 to 6:30 am. He was business manager for the Clarinda Journal, Clarinda Daily Herald and Clarinda Herald Journal the complete two score years, and had not recently missed a day.

He had been companion of his grandson, Chris, Saturday night and had taken a good beating at chess before bedtime. He had taken his shower Sunday morning, and his wife heard him fall in his room at about 6:30 am.

Well, Carl. Your HJ gang will carry on. You'll be with them with the ideas and fine principals you have left behind!

CHILD-CARE FACILITIES

HON. MARVIN L. ESCH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 1970

Mr. ESCH. Mr. Speaker, I am delighted at the very strong support which has come forward for H.R. 15776, the Comprehensive Headstart Child Development Act. I introduced this legislation last month along with Congressman DELLENBACK, the chairman of the Republican Research Task Force on Education. Since that time, 39 have joined us in cosponsorship of the bill.

Mr. Speaker, there is a great need for expanded child-care facilities throughout the Nation. As we move in the direction of expanding our day care programs, I believe there are several concepts which we should keep in mind.

First, we must maximize the human resources of the communities to which services are being extended. We simply do not have enough professionally trained personnel to provide those services on an outside basis—we must use the resources available within the communities. Indeed, the facts available show that many underemployed or unemployed women in the ghetto have the abilities and interests which are characteristic of the best child-care workers and we must concentrate more efforts in training them and making them a vital part of our child-care system.

In Washington, Baltimore, Chicago, Milwaukee, and many other cities there are women being trained and successfully employed in services to children. This attempt to maximize human and community resources has been extremely successful and should be expanded and encouraged by Federal support and appropriations.

Another attempt to maximize community resources is found in experiments to organize family care. Group care has been the major organized vehicle for delivering day-care services and can be administered and regulated with relative ease. Historically, family care has not had these assets. However, the family is the basic resource for services to children in the Nation. Thousands of children are cared for in every community by a neighbor, relative, or friend.

There are now some few attempts to make this resource more viable for organized and competent day care. I have been in contact with the Protestant Children's Home in Toronto, Canada, and the Child Care Center's project in Milwaukee about their development of organized family care as a supplement to group care. My assessment of their experiments is one of cautious optimism.

The assets of supplemental family care are many. Family care is generally a neighborhood operation. Children are not transported large distances to a center. Parents have immediate access to the people working with their children. The children's peer groups remain intact. The child has a consistent adult with whom to relate as opposed to the frequently changing staff in institutional settings.

Family care is a financial commitment to people. There is no tremendous expense for facilities and there is no need for bus or car transportation. Community residents are paid for services to their own communities. Employment is given to people with the greatest need. The people providing services are responsive to their community needs. And the status of child rearing can be upgraded for the entire community.

Mr. Speaker, our legislation can clearly encourage or dicourage the development of local human resources. We focused on stimulating local resources in drafting this bill. I hope this principle will be used as a measuring stick by my colleagues in evaluating all proposals for expanding services to children.

MAFIA MAINTAINS GRIP

HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 1970

Mr. KOCH. Mr. Speaker, organized crime continues to operate at the ports of entry in this country. On February 19, I brought to the attention of the House the failure of the New York/New Jersey Waterfront Commission to drive organized crime from the Port of New York.

In today's Washington Post, in an article by Jack Anderson, the grip of organized crime at Kennedy International Airport in New York is described. I have received a letter from Will Wilson, Assistant Attorney General and head of the Criminal Division of the Justice Department, responding to my remarks concerning crime on the waterfront. With the thought it would be of interest to our colleagues, I am setting forth the

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article by Jack Anderson and the letter from the Department of Justice, as follows:

DEPARTMENT OF JUSTICE,
Washington, March 2, 1970.
Hon. EDWARD I. KOCH,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN: We have received a copy of the remarks you made on February 12, 1970, regarding the Waterfront Commission and related situations. A copy of your statement has been sent to both the New York and New Jersey Strike Forces of the Organized Crime and Racketeering Section of the Department of Justice.

At present, a full-scale investigation is under way by the New York Strike Force, in co-operation with New York state and city police officials. This investigation is centering its attention on the involvement of organized crime in the waterfront area.

Your efforts in this regard are sincerely appreciated.

Sincerely,

WILL WILSON,
Assistant Attorney General.

[From the Washington (D.C.) Post, Mar. 4, 1970]

MAFIA HAS ITS GRIP ON NEW YORK AIRPORT

(By Jack Anderson)

A confidential case history, now on Attorney General John Mitchell's desk, describes how the Mafia has gained a stranglehold on the air freight industry at John F. Kennedy International Airport in New York.

FBI agents and Justice Department attorneys, who have summarized their investigation for the attorney general, charge that gangsters not only have been able to blackmail big airlines but "no doubt" could shut down the nation's greatest air terminal.

The Justice Department is known to be preparing indictments, some of them based upon the antitrust laws that forbid unfair competition.

The confidential case history, obtained by this column, alleges:

"Our intelligence information indicates that organized crime has moved into both the ranks of labor and the air freight trucking industry. There are racketeers allegedly in control of several trucking firms, and many other firms have suspected racketeers on their payroll, who apparently do not perform any service . . .

"There has been formed at Kennedy an association for truckers, called the Metropolitan Import Truckers Association, which is allegedly controlled by racketeers who have brought pressure to bear on all air freight truckers to join the association if they wish to do business at the airport.

"This pressure is increased through the aid of Teamster Local 295. Harry Davidoff and his criminal associates are well in control of this Teamster local . . .

THREATS AGAINST AIRLINE

"It has been alleged that threats were made by Davidoff to at least two major airlines that he would shut down Kennedy, and it appears that Local 295 could no doubt succeed in attaining this end."

The Justice Department report suggests that Mafia infiltrators are in a position to pick and steal goods shipped by truck from the Kennedy airport and therefore, are partly responsible for the airport's annual $3.3 million loss.

States the report: "The District Attorney, Kings County, who has a continuing investigation of organized crime, is of the opinion that many thefts at the airports are undertaken by organized racketeering elements. The Federal Bureau of Investigation has resident agents at the airport who are primarily concerned with interstate thefts. Thefts may be but a small portion of the illegal Cosa Nostra activities at Kennedy."

The alleged Mafia takeover of the truckers' association serving the Kennedy airport is also spelled out in the report.

"MITA was chartered in 1958 in New York and at its inception was apparently under the control of the truckers who handled deliveries to the waterfront piers," according to the report. "Sometime in the early 1960s another trucking association called the Jet-Stream Association was formed to organize truckers delivering air freight to and from Kennedy.

"In 1964 Vincent Dionisio, a friend of Harry Davidoff, formed another air freight truckers association named Cargair Trucking Association. Cargair merged into Jet-Stream in June 1966 and, in turn, Jet-Stream merged with MITA . . .

"The president of this new Jet-Stream division of MITA was Salvatore Cirami, owner of the Air Freight Haulage Co. Cirami is one of those truckers who is believed controlled by organized crime.

"DUES GO TO HOODS

"In 1966, Jet-Stream of MITA had about 80 trucking firms as members. It was financed through the payment of monthly dues and through initiation fees. Most of its income wound up in the hands of convicted felons . . .

"In 1966, Cirami was president of MITA and at that time he had Joseph Curcio on the payroll of his trucking company at $175 per week. Curcio had just recently been released from Atlanta where he was a cellmate of Joseph Valachi, former member of the Genovese 'family' of the Mafia, now serving life for murder.

"Curcio is a long-time associate of Johnny Dioguardi, well-known labor racketeer. Cirami placed Curcio on his payroll at the behest of Philip Giaccone who owns Air Freight Haulage Co. and who is a member of MITA. Philip Giaccone has a criminal record which includes convictions for rape, assault, and gambling.

"The person who actually controlled MITA during the 1960s was John Maisello, a member of the Genovese 'family.' He was convicted of smuggling in 1956, and is reputed to be a major loanshark.

"He was listed as a labor consultant to MITA until 1965 when he turned over the organization to Anthony DiLorenzo, also a member of the Genovese 'family.' DiLorenzo's criminal record includes seven arrests and convictions for grand larceny of auto and assault.

"With respect to MITA, DiLorenzo had the power to hire and fire MITA employees. In 1965 and 1966, he hired as field representatives men with long criminal records. They include John Jack DiAmico, Morris Schoenfeld, both convicted bookmakers, and Milton Luban who is also connected with John Maisello in the East Coast Trucking Co."

PRESIDENT POMPIDOU'S VISIT

HON. DANIEL E. BUTTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 1970

Mr. BUTTON. Mr. Speaker, my distinguished colleague, the Congressman from Alaska, HOWARD W. POLLOCK, has written a literate, courteous letter to the President of the Republic of France, the Honorable Georges Pompidou. The message of this letter so clearly states the position of the people of the United States, the pain they feel over the discourtesy shown President Pompidou on his visit to our Nation, as well as their distress over the sale of French planes to Libya, that I think the whole Congress will want to share it.

The letter follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., March 4, 1970.
Hon. GEORGES POMPIDOU,
President of the Republic of France, Palais de l'Elysee, Paris, France.

MY DEAR MR. PRESIDENT: As one concerned American who cherishes France as the oldest ally of America, and who has great admiration for you personally, I wish to apologize on behalf of all Americans for any demonstrations or other protestations manifested in your presence as a protest to your decision to sell French planes to Libya. I so keenly feel the embarrassment and concern of every thinking American who wishes to warmly clasp the hand of friendship you so graciously extended in search of mutual understanding.

Of course, I recognize the impropriety in protocol in my discussing affairs of state with you as a Congressman. This is a proper responsibility of the President and the Secretary of State. However, I write not merely as a United States Congressman but as a citizen vitally concerned that you understand that a handful of discourteous demonstrators do not represent the 200 million Americans who deeply appreciated your visit, and who, as you, were offended because of the demonstrations. We all join our great President Nixon in his desire for continued close friendship and understanding between the Republic of France and the United States of America.

While I know you were angered by the pro-Israeli demonstrations, I am not sure that you fully understand the deep-seated feeling of most Americans in attempting to preserve the existence of the free nation of Israel. Americans listened intently when you spoke to the Congress, as on other occasions, to seek a clue as to the basic reasons which prompted France to sell these implements of war to Libya. We honestly considered that as an unfriendly act to a free nation and, accordingly, an unfriendly act toward the objectives and aspirations of the United States.

Discerning Americans are aware that Libya has not been involved in the continued harassment and belligerency against Israel so common among the other Arab nations. Thus, the French decisions to sell military aircraft to Libya may well be a move by France to increase its influence in the Mid-East, and thus reduce the reliance of Libya upon Soviet support. But, my distinguished friend, you did not say that, nor did you offer any explanation to your friends in America. I listened intently as you spoke before the Joint Session of the United States Congress, hoping for a clue which would assuage our anguish about the French decision.

I am confident that President Nixon adequately explained the prevailing American attitude toward the crisis in the Middle East, but as a Congressman in the United States House of Representatives, I was not privy to his conversations with you, of course. Therefore, as one American concerned that France, the oldest ally of America, truly understand our feelings, I take this presumptuous means of speaking out. Whether or not you can be persuaded to concur with the deep-seated concern of most Americans I do not know; however, it is of paramount importance that you at least understand why we feel as we do.

In the view of most Americans there will never be peace in the Middle East until the Arab governments fully, finally and forever give up their dream of destroying Israel and accept the reality of the existence of this thriving young nation in their midst.

Accordingly, it is difficult for America to be objective and impartial when the obvious intent of the Arab states is to destroy Israel as a nation.

Israel, a bulwark of democracy, faces extinction if defeated by the Arab states which surround it. It is a nation born in a unique and fragile situation, and its determined and dedicated people have been steeled by two decades of war and peril. It is no wonder that the besieged nation feels compelled to lash out at its tormentors with such fury and effectiveness. The small, tough democratic state of Israel asks nothing but to be left in peace, and yet it must be geared for war if it is to survive.

In my humble opinion, America must leave no doubt in the collective mind of the Communist world as to where we stand in this issue. It is hypocritical for us to pretend to be objective and impartial, for we are not. Any military assistance given to its neighboring Arab states to wage war on Israel is an act of hostility toward that great little nation. Each time France or the Soviet Union or any other country provides the materials of war to the nations dedicated to the destruction and extinguishment of the nation of Israel, in my view, the United States can have no alternative but to provide additional arms to Israel as a means of its survival.

We are all only too keenly aware that at any time this conflict threatens to explode into a major war which could engulf France, the Soviet Union and the United States.

Mr. President, Americans admire you and know that neither you nor France is anti-Semitic; yet, we have such great difficulty in searching out and understanding the basic reasons for your aiding and abetting the enemy states which seek to extinguish the existence of Israel, a proud and productive nation created by the collective decision of the world powers in the United Nations a few short years ago. The tenacity and capacity of this determined young democracy, and its economic and social successes in the midst of continuing conflict with its belligerent and aggressive neighbors, stands as a testimonial to the character of its people, and provides a hallmark in history for the determination of the oppressed to preserve their identity as a nation and their dignity as a freedom-loving and God-fearing people.

May God love you and guide you and the great Republic of France.

Cordially, and with great respect,
HOWARD W. POLLOCK,
Congressman for Alaska.

POSTAL REFORM

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 1970

Mr. DULSKI. Mr. Speaker, I am getting a little tired of the bleedings and misrepresentations which are being aired and published about our Nation's postal service and the current efforts to bring about meaningful reform.

Yesterday, on page 6051 of the RECORD, I cited for the House the misleading half-page advertisement published by the Citizens Committee for Postal Reform which called for a postal reform bill containing four key elements.

The citizens committee and its highly paid staff had failed completely to do their homework because the reform bill now nearing completion in our Post Office and Civil Service Committee already contains three of the four "key elements." We have not reached the part of the bill dealing with the fourth element—it should come up next week.

Why has progress been slower than we hoped?

Ask the incumbent Postmaster General who sits behind the big desk in the ornate headquarters office at 12th and Pennsylvania Avenue NW.

DOES HE REALLY WANT REFORM?

The Postmaster General has sought repeatedly to thwart our committee's efforts. He seems not interested in postal reform per se—only his own narrow version.

Why is it that he was excluded from postal reform conferences at the White House between the President, his staff and a key union leader? Obviously because those people, at least, have become aware that the Postmaster General is stubborn and completely uncompromising and uncooperative on this subject.

Mr. Speaker, the unyielding and naive approach to this legislative matter by the Postmaster General and his staff was understandable a year ago. Then, they were new and inexperienced. But now they have been in office a year or more and should have some understanding of the responsibilities of the legislative and executive branches of Government.

Our committee today completed action on title V of H.R. 4 and we already have provided the postal service with administrative and fiscal independence such as it has never had before.

FOLLOWS KAPPEL RECOMMENDATIONS

The bill to date follows very much the line of the Kappel commission report, except for keeping the postal service as an arm of the Federal Government rather than as a public corporation.

Postal reform? Certainly. Right down the line: Removal from politics, control of rates, control of finances, administrative latitude.

Those, including the Postmaster General, who criticize our work are simply not doing their own homework. They cannot see the woods for the trees in postal reform—and do not want to.

Mr. Speaker, another example of crass misrepresentation was exhibited the other day by the Wall Street Journal, one of the Nation's largest beneficiaries of postal subsidy and special treatment. The newspaper accuses me of pushing a reform measure which would provide "little or no change at all" from present law.

H.R. 4, as approved so far by my committee, makes as much change in the law as today's front page in that newspaper is different from yesterday's—in content, not format, that is. Indeed, maybe it is the newspaper's never-changing format that blinds its editors to changes that the average perceptive and objective person can see.

Mr. Speaker, we are proceeding with markup of a meaningful postal reform bill and I hope we can complete action in the next week or 10 days.

With my remarks, I include the text of the aforementioned newspaper editorial:

MR. DULSKI'S POSTAL PLAN

As might have been expected, taking politics out of the Post Office is proving extremely difficult. A plan proposed by Rep. Thaddeus J. Dulski, chairman of the House Post Office Committee, points up just how troublesome the task really is.

The Administration has urged that the Post Office be turned into a public corporation or authority, which would have power to set rates and postal wages. The Post Office, after all, is a huge business, with more than 500,000 employees and annual revenues exceeding $7 billion, and no business can function very efficiently with no control over its own prices and labor costs.

At present, of course, postal rates and pay are fixed by Congress, often for political reasons rather than for any considerations of sound management. It's actually astonishing that the agency functions as well as it does when it is subject to the whims of so many bosses.

Postal workers stand to gain more than anyone else from reform that turns the agency into an efficient organization, one that they can be proud to represent. But most of the postal unions appear to prefer the present setup, which allows them to lobby wage increases through Congress.

Many members of Congress favor meaningful reform. Mr. Dulski, however, is pushing his own measure that would continue Congress' power over postal rates and wages—in other words, little or no real change at all.

No one can be certain that a postal corporation could cope effectively with the rising demands on the Post Office. But everyone can be certain that a do-nothing approach will assure a continued steady deterioration of service.

NEW YORK CITY HEARING ON ATOMIC ENERGY AND THE ENVIRONMENT

HON. OGDEN R. REID

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 1970

Mr. REID of New York. Mr. Speaker, on Friday, February 6, my distinguished colleague from New York (Mr. WOLFF) and I cosponsored in New York City a public hearing on atomic energy and the environment. I would like to include in today's RECORD the statements of three of the witnesses at that hearing, Mr. James Y. Paulding of Chappaqua, N.Y.; Mr. Herbert Lippmann of the American Institute of Architects; and Mr. Charles A. Wallerstein. The material follows:

STATEMENT OF JAMES Y. PAULDING

Congressman Reid: Thank you for the opportunity to appear before this Hearing. I am here as a resident of Westchester County. I have been involved with nucler energy for approximately 15 years, initially as a member of the insurance industry that helped form underwriting pools to provide coverage for nuclear power plants. During part of this time I was directly involved in radiation safety and pollution control surveys. In 1966, I was one of the founders and officers of a nuclear service company providing waste disposal, decontamination, health physics and related services in connection with the handling of radioactive materials. This firm was, and is, headquartered in Westchester County, and is licensed to perform these services by the Atomic Energy Commission and the State of New York. For the past two years. I have been an independent management consultant serving financial institutions, insurance companies, and

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industrial firms interested in the nuclear field. This is the experience on which I base my comments today.

The Federal Radiation Council, with statutory authority from Congress, provides guidance for Federal agencies in the promulgation of radiation protection standards, and in this work draws upon the National Council for Radiation Protection and Measurement. The Atomic Energy Commission has statutory responsibility for licensing the peaceful use of source, special nuclear and byproduct material, and establishing regulations for exposure to and emission of radioactivity from such licensed activities. The Atomic Energy Commission has performed its regulatory responsibilities with diligence, and the resultant excellent safety record of the nuclear industry is without parallel. The technology of light water reactors is established and the procedures for their operation are proven. I can confidently state that I would not fear for my well-being to have a nuclear power plant as a neighbor, and that it is quite possible that such a plant would be a good neighbor—that is, quiet, industrious, and unobtrusive.

However, the emerging public concern for environmental quality is valid and thus legitimate questions have been raised on the siting and operation of nuclear power plants. Large size fossil fuel and nuclear power plants discharge enormous amounts of waste heat. The possible ecological effects of such discharges must be evaluated for each proposed plant site, and provision made for control of possible adverse effects, and the development of the possible beneficial effects.

We have come to realize that our biosphere is limited, and even though specific discharges of pollutants may be well below the levels which result in detectable biological effect, such discharges are added to the total environment. Thus it is desirable to keep pollutants, including radioactive effluents, to the lowest practicable level.

Since the dose rate levels resulting from allowable discharge of radioactive effluents are well below where there is any measurable biological effect, the decision on lowest practicable level is a subjective value judgment which must include consideration of power requirements to sustain our man-made quality of life, the costs of such power, and the effects of the generation of this power on the quality of our natural life. Decisions of this kind require consideration of the alternatives, and the problems of such alternatives, such as the pollutants from fossil-fuel power plants, including sulfur and flyash, and the ecological effects of a hydro-electric plant. In a broader sense, we now realize that there may also be a problem from the increased concentration of CO_2 resulting from combustion of fossil-fuels, and in this case, the power plant as a polluter is less important than all of us with our automobiles. Thus decisions on nuclear power must be made in the context of our whole existence.

In summary, I want to stress that decisions relative to site selection of nuclear plants, must be made with a sense of unity. Our citizens don't want to stop driving their autos, they don't want to stop using their appliances, and yet the energy required for these conveniences has a significant impact on our environment. The residents of Rye on Long Island Sound, and the residents of Tarrytown, on the Hudson, may both need more power, but quite understandably, neither wants the nuclear power plant in their community. No single government agency, nor any single community, should any longer make decisions that affect all of us. Nuclear power holds great promise as one of the solutions to the dilemma of equating the man-made quality of life with the natural quality of life. However, the development of nuclear power should be within the framework of a national policy on the environment which is based on all of our scientific knowledge, and reflects the consensus of a concerned and informed public.

STATEMENT BY HERBERT LIPPMANN, AIA, ARCHITECT

The New York Chapter of the *American Institute of Architects* has issued a Policy Statement expressing its concern about the planning and location of atomic power plants, particularly the contemplated 17 reactors which would surround our own City and Chapter area with radiation dangers, thermal and air pollution and power unreliability. Many of the proposed and constructed plants have been dangerously close to metropolitan areas, in contrast to the Atomic Energy Commission's often stated policy.

The AIA Chapter's statement also expressed concern that locations, such as that planned by Consolidated Edison at Fort Slocum, might endanger parks, boating, fishing, swimming and interfere with other community projects. The Statement further called for thorough investigation of atomic safety precautions, in a national survey of all power plant siting, followed by a master plan *prior* to further construction.

Serious reconsideration of the function and authority of the AEC and the Joint Congressional Committee on Atomic Energy was proposed by Senator Thruston Morton of Kentucky, in a Bill reintroduced in April 1969 by his successor, Senator Harlow Cook (Senate Joint Resolution 91), supported by Senators Cooper, Mansfield, Metcalf, Williams (N.J.), Packwood, Stevens, Schweiker and Randolph. This proposal to establish an independent Federal Review Committee free of connection with the AEC and the Joint Atomic Energy Committee was in accord with the previous AIA Chapter statement.

Architects who must depend on rigid specifications to insure the quality of their work, are amazed to find that construction of reactors and their housing are not specified in a totally binding manner. This was indicated in the testimony of the AEC Director of Reactor Development, Milton Shaw, who said: "Let us remember that the reactor manufacturer has the option to change material and quality assurance procedures . . . on the nuclear plant he is proposing to build for the utilities." Such practices could have contributed to the failure of several large atomic power plants which have been taken out of operation.

Treatment plants and nuclear "burial grounds" are other devices of the national nuclear system, the construction of which is rife with faulty design and building. Leakage from waste tanks in the Hanford Burial Grounds is a continuing problem. In 1968 Congress appropriated $2,500,000 for "replacement of failed or failing tanks." Rochester, N.Y. scientists verified the fact that the reprocessing plant at West Valley, New York was discharging enormous amounts of radioactive contaminants into the creeks and rivers of that section. 1000-megawatt nuclear plants are being recommended today without *any* experience whatever. Many eminent scientists, such as Teller, Weil, Commoner and Rickover have seriously criticized current development of nuclear power.

In my opinion, a *moratorium* on all such plants should be ordered by the Government, and attention should be concentrated on alternative sources of power. This would be consistent with the AIA Chapter's stand for a national survey of all power plant siting *prior* to further construction, and reaffirms the Policy Statement I summarized at the start.

STATEMENT OF CHARLES A. WALLERSTEIN

Our constant need for more electric power has created a situation that needs clarification and evaluation. The installation of nuclear power plants in heavily populated areas has some very serious drawbacks.[1] This new type of plant, with its discharges of radioactive gases and contaminated water into the surrounding water ways in addition to the discharge of smoke and fumes from existing oil, coal and gas burning power plants would make life more unbearable in the community.

The entire concept of building power plants in local communities is as antiquated as using a horse and buggy for transportation. Our patchwork of plant installations in this region created a situation that caused the famous "blackout" of November 9, 1965. This was the result of poor planning and the lack of coordination among the participating members of the circuits.[2]

A positive illustration—we owe a debt of gratitude to the foresight and planning of the members of American Gas Association who in 1949 introduced natural gas to the Northeastern region. This fuel was piped through several thousands of miles to our major cities in the North eliminating the old "gas works" with its odors of burning coke and soft coal to make "gas". Just imagine this condition today if each borough, town and hamlet had to have its "gas works."

Have we exhausted all the means that are available for producing and transmitting electric power? We have not.

1. *Hydro*. The Federal Power Commission Report in 1967 Table No. 767—We have developed water power: 45,826,000 KW (capacity of actual installations only). In the next column—Estimated Underdeveloped Water Power 130,444,000 KW.[3]

The late Charles P. Steinmetz in the 20's predicted and displayed plans in a Sunday Supplement of the old "NEW YORK WORLD" that he could electrify the eastern half of the U.S. from the Mississippi River to the Atlantic Ocean using the electric power plants at Niagara Falls.

2. *Coal and oil* available in the mining and oil producing areas of Pennsylvania which is approximately 100 miles from New York City. This would be an ideal area to build several steam plants to feed into an integrated circuit.[4]

Illustration: The T.V.A. has ten steam generating plants—two of which are the largest in the country. This is in addition to the water generating facilities.[5]

3. *Nuclear Plants*. Install them 100 miles away from any populated area. These can hook-up into an integrated circuit.[6] There should be no Nuclear Plants on the Atlantic or Pacific Coasts for security reasons.

The power potential reserves (regional or national) in plants strategically located in the hinterlands (approximately 100 miles from any populated city) could be controlled through integrated circuits, with all safety controls incorporated in power control centers utilizing computerization.

The existing local power plants can be kept in reserve and maintained for stand-by emergencies until they are phased out.

This "power potential program" can only be accomplished through research and development. A coordinated effort by all the utilities, public and private, forming a "Power Council" consisting of a number of engineers from each company. This could

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[1] (Environmental factors and safety) "The Careless Atom" by Sheldon Novick Houghton Mifflin Co. Boston 1969.

[2] "National Power Survey," Federal Power Commission 1964, Part I. p. 200.

[3] Statistical Abstracts of the United States 1969, National Data Book 90th Ed., Sec. 19 "Power."

[4] (Fuel Availability—"Mine-Mouth") National Power Survey 1964, Part I. p. 73.

[5] "A Short History of the T.V.A. 1933–1968," by the Tennessee Valley Authority 1968 p. 11.

[6] "Integrated Power System," by Philip Spora, McGraw-Hill, N.Y. 1950.

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be done to anticipate the need for the next two decades.

(Note:—According to the Federal Power Commission Table #755:[7] Consumption of Energy Use 1967, 1,222 Billion KW; Estimated Consumption of Energy Use 1990, 5,852 Billion KW.

In conclusion:—We can fully utilize our natural resources and place our plants in the hinterlands near our sources of fuel. With proper control in the distribution through integrated circuits to supply the demands. The proper coordination of all the utilities both public and private would be necessary. The problem of power supply could well be taken care of until 1990 without building a single power plant in the area.

It can be done.

TRIBUTE TO DON DILLON

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 1970

Mr. EDWARDS OF California. Mr. Speaker, tomorrow night, March 6, in the beautiful city of Fremont, Calif., the leading citizens are gathering at a dinner to honor one of their city's most distinguished citizens, Councilman Don Dillon.

The celebration will be especially delightful for me, Mr. Speaker, because Mr. Dillon also happens to be a close personal friend. His charming daughter, Mary Helen, worked in my office here in Washington, D.C. as an intern in the summer of 1967. And in the tradition of the family of Don and Mary Ann Dillon, she made a marvelous contribution to our staff.

Don Dillon has been a leader in Fremont public life for more than 15 years. When he and his family moved to Fremont, it was a sleepy village of 22,000 people. Today it is an elegant city with a population of more than 100,000.

During the major period of this fantastic growth, Don Dillon has worked diligently and skillfully with his fellow citizens to insure that Fremont would be a place of beauty and sophistication where children could be brought up with the benefit of an excellent educational system, where the businessman and professional man could earn a suitable income without miles of commuting and where all of the people were assured of a continuation of the same climate and natural beauty that first encouraged their settlement in Fremont.

Don Dillon was first elected to the Fremont City Council in 1962, becoming mayor pro tempore in December of that year. In August 1963 he was elected mayor and was reelected in 1964, 1965, and 1966. He was the first city councilman to be reelected in the city's history. He served also as chairman of the Alameda Mayor's Conference in 1966–67 and since 1962 he has been Fremont's representative to the general assembly of the Association of Bay Area Governments.

Mr. Speaker, Fremont, and indeed all of California are better places because of the devoted work of Don Dillon. It is fitting that he is being honored tomorrow night by his fellow citizens. My congratulations go to him, Mary Ann his wife, and to his three children, Mary Helen, Debbie, and Dee.

FREEDOM'S CHALLENGE

HON. JOHN O. MARSH, JR.

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 1970

Mr. MARSH. Mr. Speaker, each year we see the continuing contribution of the Veterans of Foreign Wars Voice of Democracy Contest. This contribution is evidenced in the character, personality and thoughts and ideas of the young men and women who participate in this program.

This year the contest theme was "Freedom's Challenge," and I was pleased to learn that the Virginia winner was Miss Martha Kent Bell of Forest Hills, Harrisonburg, Va. Miss Bell is a constituent, and I am honored to insert in the CONGRESSIONAL RECORD for the attention of my colleagues her winning speech:

FREEDOM'S CHALLENGE

How many times a day do you stop to consider that your are free? That you are a free American and that you are a free nation, The United States of America, where the people reign as a democracy and freedom challenges every citizen.

In 1776 the constitution of the United States was born, laying down the guidelines to a free, democratic society. Each succeeding generation of Americans has inherited the task of preserving and perfecting that government. Why is it so important to preserve our Democracy? Because Democracy is Freedom.

In our vast population it is difficult to comprehend the importance of the individual, yet every American must realize that he is one very vital part of the Democratic System. Awareness, too, has it's place. Everyone must be kept constantly alert to the current events of our country as well as to the structure of our Democracy. But the most important contribution a citizen can make to his country is the least practiced—take an active part—be part of America! Apathy is fatal to Democracy and Freedom, but more importantly individual support and concern is essential. The rather worn-out phrase "write your Congressman" isn't as hollow as it sounds. Your opinion does count!

The vote is an integral part of Democracy and a means of envolvement which is sorely neglected by many adults. And ironically young people are clamoring for the right to vote, but until they are afforded the privilege, they can express themselves just as effectively in other ways—if they'll try! Just waiting to be voiced, fresh, new ideas are brewing in the high schools and colleges of America as well as constructive criticism which is a requisite ingredient in the improving Democracy.

As students the best way to put freedom to use is through education. This phase of freedom has brought man out of a cave and set him on the moon. Education magnifies the possibilities of freedom, while man's knowledge of his world multiplies every day. Yet, in the back of their minds many Americans are troubled by War. 1775—1942—1970. America is 200 years old and still fighting for the cause of freedom. War is the most spectacular defense of freedom, but it may have to be defended in your own backyard. Just remember the wise words of Henrik Ibson, "You should never wear your best trousers when you go out to fight for freedom."

The United States of America won the Revolutionary War, and the World Wars because they were exactly that—unified in the call for freedom. This same unity has a responsibility to itself as well as to the rest of the world. Democracy has existed for over 2000 years and still needs to be improved. Americans must work together to perfect our government and in turn our freedom.

Americans must use their freedom to maintain justice among men and nations. It could prevent a world war or a playground brawl but like medicine, it does no good until used.

Peace is man's goal. It can be defined only in the terms of personal desire. Freedom allows this search for peace.

Peace is nurtured by freedom, freedom is essential to Democracy and Democracy is found in America.

Freedom is a great and wonderful responsibility. As citizens of the United States of America we have a duty to that freedom—that democracy, and never before has there been a more urgent need for Americans to accept the challenges of freedom. Join hands with George Washington, Abe Lincoln, John F. Kennedy and Richard Nixon. Be American and be free!

VAN DEERLIN BACKS OTTINGER ON NEWSMEN'S PRIVILEGE ACT

HON. LIONEL VAN DEERLIN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 1970

Mr. VAN DEERLIN. Mr. Speaker, I am delighted to be a cosponsor of Congressman OTTINGER's bill to protect both the sources and confidential information of newsmen from Federal investigators.

I understand that 15 States, including California, now have laws making privilege the confidential sources of news media. Congress itself should now respond to the threat to media independence implicit in recent statements and actions by certain ranking officials of the executive branch.

The harsh criticism from the Vice President, the talk of subpenas in the Justice Department demonstrate just how shaky the underpinnings of press freedom have become in our Nation's Capital.

As a former newsman, I was appalled a few months ago by published reports that one or two reporters and photographers had been engaged in undercover sleuthing for Federal agencies while on the payroll of bona fide news organizations.

But at least in these instances the collusion between newsman and Government was voluntary, if also thoroughly reprehensible. What is particularly ominous about the current moves with the administration is apparent attempt to force the media, through court action or plain intimidation into an unacceptable degree of cooperation with the Government.

None of us likes everything that is written or said about us in the papers and on the air. But by the same token, none of us, I imagine, would be pleased at the specter of a press controlled or unduly influenced by the Government.

Many newsmen would rather go to jail

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[7] Sec. No. 3.

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than identify their sources or turn over sensitive information to Government interrogators.

And understandably they are concerned at the prospect of their sources drying up as a result of unseemly collaboration with officialdom.

The Ottinger bill probably would not open up any additional sources for newsmen. But it would at least curb the zeal of would-be manipulators of the press, and put Congress firmly on the side of press freedom.

In a way, I regret that such a bill has become necessary. But it clearly is.

THE PREVAILING WAGE RATE DETERMINATION ACT OF 1969

HON. GRAHAM PURCELL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 1970

Mr. PURCELL. Mr. Speaker, I have today introduced a bill entitled "The Prevailing Wage Rate Determination Act of 1969," whose purpose is to provide an equitable system for fixing and adjusting the rates of compensation of wage board employees.

Because the number of wage board employees exceeds 765,000, this bill is of vital concern to one-fourth of all employees of the Federal Government. It directly affects their wages, their own individual rights and obligations as well as the rights and obligations of their union representatives who are bargaining for them and who represent them on the various wage board committees established by this bill.

Basically, my bill is intended to bring order and system out of the chaotic situation which now exists in the Federal Government's procedures for fixing the rates of pay of employees working under the so-called prevailing wage rate system. The information which I have been receiving for some time showed such a great discrepancy between rates of pay for wage board employees performing the identical functions and working in the same community that I found that the presumption of serious inequity and injustice could not be excluded.

This bill would reduce such a possibility of inequity.

While remedying abuses, the bill will preserve, nonetheless, the concept and procedures of the prevailing wage system. It thus is not a modification of the wage board system itself but simply a measure to eliminate injustice and inequity by providing new mechanisms to establish basic regulations, to conduct wage surveys, and to adjudicate or arbitrate differences.

The most important single improvement in my bill over the present arrangement is that it will give a statutory foundation to improved procedures for wage board rate determinations. The principal instrumentality provided by the bill to assure that such a policy is pursued is a newly created "standing committee" within the Civil Service Commission, to be known as the National Wage Policy Committee.

Composed of 11 members, the National Wage Policy Committee will have as its Chairman a person who shall be from outside the Federal service and who shall be appointed directly by the President and shall hold no other office in the Federal service during his tenure as Chairman.

To assure that the Chairman is objective, my bill provides that he will serve exclusively at the pleasure of the President of the United States and that his compensation will be $75 for each day spent in the work of the policy committee.

In addition, the policy committee will have five Federal employee union representatives and five management representatives.

The Federal employee union representatives will be appointed as follows:

Two by the president of the AFL–CIO; and one each appointed respectively by the president of the Federal employee union representing the first largest, the second largest, and the third largest number of Federal employees subject to this act.

The five employer representatives shall be appointed to the National Wage Policy Committee as follows:

Two management representatives will be appointed by the Secretary of Defense, at least one of whom shall be appointed on a rotational basis for a period of 2 years from the Department of the Army, the Department of the Navy, and the Department of the Air Force;

One management representative from the Veterans' Administration will be appointed by the Administrator of Veterans' Affairs;

One management representative from the Civil Service Commission will be appointed by the Chairman of the Civil Service Commission; and

One management representative will be appointed, on a rotational basis for a period of 2 years, by the Chairman of the Civil Service Commission from Federal agencies which are leading employers of employees subject to this act.

In addition to establishing the National Wage Policy Committee, my bill will require each Federal department or independent agency designated by the National Wage Policy Committee to establish an Agency Wage Committee, composed of five members. The role of the Agency Wage Committee will be to assure the implementation within the Agency of the wage surveys through the functioning of the local wage survey committees.

A most important feature of my bill is the inclusion under its wage rate system of all employees who are now paid from so-called nonappropriated funds. These employees will no longer be considered outsiders to the wage board, or prevailing wage rate system. They will be assured equity and justice in the same manner as if they were receiving their pay from appropriated funds. Certainly, it is improper that an employee should receive less money for his work simply because his employer or manager draws his checks on a different bank account.

As with all legislation, I realize that this bill may emerge in somewhat different form when it is finally enacted. However, on the basis of my experience, I am sure that the final statute will not be very much different in its essentials than the bill which I introduced today.

WHY I LIKE HEADSTART

HON. ARNOLD OLSEN

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 1970

Mr. OLSEN. Mr. Speaker, I would like to take this opportunity to submit for the RECORD a testimonial to the Headstart program, sponsored by the Office of Economic Opportunity which has recently undergone a great deal of criticism. The following is a firsthand account of how much this program can accomplish for parents as well as for children.

I do not consider this to be an isolated case. On the contrary, I believe this particular success story to be one of a great many which pays tribute to the fine efforts of the OEO staff in focusing on social problems.

The testimonial follows:

WHY I LIKE HEADSTART

(NOTE.—A career development story told in the words of Naette Sharp as interviewed by Nancy Munro.)

Naette Sharp's first contact with Head Start was through welfare. She was an ADC mother whose third child, John, enrolled in the Head Start program in the fall of 1967. This fall she worked 15 hours a week as nutrition aide, and her fourth child, Joan, is a Head Starter. She was unanimously chosen by the Missoula Career Development Committee to attend the leadership classes in Kansas City as the aide most able to bring back useful information.

What has Head Start done for me? It's getting me out of where I was. I'm not just getting a welfare check every month and that's where it ends. The next month would be just like this month. When I first started Head Start I said I'd give anything to get out of this mess.

What bugs me is there's not enough to take everyone with me.

I'd been moving in a crowd where it was not unusual to get picked up. I was a square; I'd never had a ticket.

Anti-social? No, they were social. They had their own rules. They know the rules of society better than most others and played games with them. It was not wrong to break the rules; it was wrong only to get caught.

I was afraid to get close to anyone. I wouldn't let them have a weapon against me. To know me well was to give a weapon.

I tried talking to others, to get into a diffent crowd. For a while everyone I talked to went to jail, even though innocent. Trouble followed me. I jinxed everyone. I had difficulty getting into a new crowd. I don't understand why.

With four small children, what choices did I have? I would make less money working than I get from welfare. You don't have much choice if you want to feed your children. Your marriage has failed. Everything failed. I found I couldn't work without giving up the kids.

Welfare is set up so a mother can stay home and raise kids. You don't know what you give up. They take it for granted the minute you walk in that door that you're a thief and a prostitute.

Maybe I'm too proud. I figured I could support myself. I could support myself. I could support myself and three children. Three's tough—you can make it if you don't run into snags. With four you cannot make it.

But if you're on welfare you don't have to work. Having no problems is as bad as having too many. With no problems you're not worth anything. It's OK when the children are little and you're busy taking care of them. But when they're in school, you get up and make the beds and sometimes do the dishes because you have all day to do them.

That was until I started riding the bus. Someone had to ride the Head Start bus and make the kids behave. No one else would do it, so I did it. Then I got up, got my work done so I could ride the bus at eleven o'clock.

I had someplace to go that was important. I got $1.50 every time I did.

And every time welfare deducted $1.50. But I was earning that money and it was different. Now even though I was working, I could still feed the kids and pay the rent. (It's different now, you can keep some money.)

Did I meet a new crowd in Head Start? I was scared to death of them. You wonder if they're judging you. Was I guilty by association?

If I spoke up and said something, I'd either say nothing or too much. I felt if I said something, I'd be wrong. I couldn't have good ideas, because all I'd done was wrong. I'd really messed it up.

I didn't associate with them too much. It took me a year to learn that Ted Lashley (Head Start psychologist) really wanted to say hello to me. I thought he said hello because he was supposed to say hello.

It was not until I was in the hospital and he was upset because I was paying a baby sitter when he knew I didn't have the money to pay a baby sitter, and sent a message that he had a big house and he and his wife would keep the kids that I believed he wanted to talk to me. He invited us out to his house. We sat in the yard and talked.

I invited them here. Later he stopped me in the office and asked, "You know that picture over your bed?"

(In my mind I was indignant; when were you in my bedroom? Why do you say that in front of all these people?)

He kept on, "Where did you get the picture of feet?"

Then I remembered he'd put their baby on my bed. At least he appreciated my sense of humor.

He and his wife accepted me. I felt I would make no problems for him by talking to him.

I quit riding the bus because the kids started behaving themselves.

All by themselves? OK, maybe I had something to do with the improvement, but I didn't see it that way.

Head Start needed lunches carried. I didn't think I could. First of all you have to go into St. Pat Hospital's kitchen. That's formidable.

I was not used to working. You've got to be on time. What if the car isn't working. You have to sort out those foods.

The big problem was—look at the mess I've made of my life and they want me to do something for those kids?

Sure there were mix-ups in lunches, but Joyce didn't think the world would come to an end.

You believed I could do it, and I did.

And Ted. If I had a problem, he didn't expect anyone to be perfect. He accepted me. If I make a mistake, all right, he said, what are you going to do about it?

Then I started coming to the Food Committee. I was helping make decisions! We planned our own program.

I started working two hours a week as nutrition aide. I transported mothers to the cooking club. When I started working with parents, I found other parents felt the same way I did. I could walk down the street the same as anyone else; I had as much right to be there as anyone else.

I could understand why parents did not want to be pushed. I'd go to their place often enough so I'd be familiar. I'll talk to them so they'll go to a meeting where I am. I am an equal, and I accept them, and the accept me, so I felt I could be good at the job. I could make boo-boos, but I was out to learn to do it right.

You made me feel I could do it. You didn't say I did things wrong; you said when I did things right. You were interested in my ideas. You made me feel I could do something if I really wanted to. You believed my bragging.

Molly (the Head Start teacher in charge of Career Development last year) asked me if I wanted to take a class at the University. I said I would take anything. I was afraid if I chose the wrong thing I'd lose the chance. I almost walked out of that class because I thought I was the only non-professional. (I wasn't.) I kept at it because I had told Dad and he was happy and I wanted his approval. Dad always wanted us to finish what we started. I got a B; with all those professionals I thought that was pretty good.

I took another course, in communications. I had success with school! Then I really got serious about school.

Talk about incentive. Handing someone an income is not enough. You have to find the right button to push for each person. For me, it was school.

Then at five o'clock—I remember the exact time—you brought papers from the University. We worked out a loan-grant-work-study program with the University. Head Start paid for school last summer. Now I go full-time. Got all A's last quarter, and worked too.

The Day Care Center is important in this. They take care of Joanie. They're steady and they don't beat the kids. They provide more equipment and professional care than I ever could. Joanie doesn't like it if I pick her up too early.

Now I know I'm capable. I know I can do a good job. I still can't believe it.

I'm not as depressed. I can talk to people.

The University furnishes reasonable financial aide. I can go to a show if I want to. I've earned the right to have a few minutes on my own without depriving anyone when I do it.

I've made friends, women I consider friends that I can trust.

My kids are happier. My kids are proud of me—that makes a lot of difference to me, and to them.

I see in my work that people don't eat well; they don't seem to be able to do things they want to do. I saw a girl a year younger than I that looked older, was set in her ways, moved older, was less interested. Food has something to do with that. I worry about a kid that sits quietly for two hours in a chair. My nutrition work is important.

I learned that if you can get one to ride with another, then they get to know each other. Friends like to get together on any pretense. We get together at the cooking club. In the cooking club you don't need to talk, there's something to do—cooking—but if you're friends you can argue about what's good to eat.

Having more money is different. I'm easier on the kids. We can buy an orange each and don't have to cut it in half. If they ask for an orange I can say OK. The children have what they think they need and want. They can go to the show like other kids (for a quarter each and a bread wrapper on Saturday afternoon—that's a dollar). They had been to the show once a year before that. They can make friends easier and do things other kids do. I can go swimming with them now. (Kids swim for free, adults pay 50¢).

There are so many opportunities right now I'm confused. Many choices—it's nice to savor each one. I can get a degree in home economics. I can be a teacher, or work with families like I do now. Parent involvement. I'm going to this leadership course in parent involvement in Kansas City. I'll be a specialist. I can use that to teach nutrition. I could even be a doctor that specializes in nutrition.

I've learned enough that I can now point out places to other people to go to get help—to point out possibilities to other people.

I know where I'm going. It's a long road, but that doesn't mean I can't enjoy it. I'm living instead of existing.

POLLUTION CONTROL AND THE POPULATION CRISIS

HON. O. C. FISHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 1970

Mr. FISHER. Mr. Speaker, two of the most important domestic problems of this decade relate to pollution and the population crisis. Possible solutions of these developments are attracting all segments of our society, even the younger generation. This is a good sign because in a democracy progress usually follows in the wake of aroused public interest.

It is most commendable that a class in Memorial High School, in San Antonio, is presently showing special interest in these matters. Let us hope the idea of school participation of this nature catches on and this activity is multiplied many times throughout the country.

The following students in Memorial High have recently written about these issues: Rose Marie Solis, Stella Hale, Lucy Flores, Rosalinda Rodriguez, Rosa Ortiz, Larry Camp, Rosa Duarte, Georio Jean, Adolpho Rodriguez, Marion Lopez, Mary Jane Gonzales, Maria Monzon, Michael Gomez, Cruz C. Pastrano, Robert Lira, Tony Luna, Anna Herrera, Agetha A. Luna, Naman Galvan, Carlos Guenero, David Granado, Elsa Salazar, and Richard Galvan.

POPULATION EXPLOSION

Mr. Speaker, the population crisis is extremely critical. If the present growth rates continue, the 3½ billion men and women on earth today will double in 30 short years—and by the turn of the century there will be 7 billion. And then 30 years later there will be 14 billion, then 28 billion, then 56 billion, and so it will go, on and on.

Can you imagine the day when 100 billion people will inhabit this planet? Surely mankind is smart enough to prevent this, but unless effective control measures are employed we are moving like a tornado in that direction.

The question, posed by Mr. William H. Draper, Jr., honorary national chairman, Population Crisis Committee, is whether the people of the world are going to stop this madness ourselves by using God-given intelligence and our own willpower, or whether it will be stopped by brutal weapons, diseases, and mass starvation. There is simply no way of escaping that day of reckoning.

Here in the United States our population now exceeds 200 million. In another three decades, at the present rate, the total will exceed 300 million.

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Fortunately, there are many public and private organizations, and many individuals, who are seeking better answers to this problem. The Congress recognized the urgency of the issue several years ago. Only 2 years ago $35 million of foreign aid funds were earmarked for population control. Last year $50 million was earmarked, followed by $75 million and $100 million—all earmarked for use in this worldwide battle.

Here in this country the budget request for next year adds up to $120 million for domestic planning services and research. This is not enough, but we are moving in the right direction.

Indeed, unless something dramatic is done, and done soon, world famine is a possibility by 1975, according to a recent study on population trends and food production. The fact is that food production is not keeping pace with the increase in numbers of people. While food production has increased by 2 percent per year, population growth has been on the order of 3 percent.

This, Mr. Speaker, is everybody's problem. We need a crash program and we need a crusade to arouse the people to the urgency of what must be done.

POLLUTION

Mr. Speaker, another serious problem is pollution of air and water. This is manmade, and will be much easier to control than the population explosion. That is, if effective steps are taken and if there is full public support. We have made significant progress in right recent years. Federal commissions have been established, and most of the States have done likewise. President Nixon delivered a special message on the problem, and recommended an outlay of $10 billion over a 5-year period. During the current fiscal year about $1 billion was made available, on a matching basis, for Federal-State pollution control and clean water projects.

This pollution problem can and must be effectively dealt with—by both industry and governmental action. There is no time to waste.

RESPONSE TO PROPOSAL

HON. ROBERT PRICE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 1970

Mr. PRICE of Texas. Mr. Speaker, I have been very gratified by the nationwide response received since I suggested last week that the Chicago "7" be exchanged for American prisoners of war being held in North Vietnam.

This suggestion was made in the light of North Vietnamese intimations that the Chicago "7" were being treated as political prisoners because they oppose U.S. involvement in Vietnam.

A Navy veteran from Indiana wrote:

> I am contacting my Representative and urging him to support your suggestion.

A businessman from Chicago said.

> I'm with you 100 percent.

A group of firemen from New York City stated in their letter:

> Your idea of sending the Chicago 7 to North Vietnam in exchange for American prisoners was terrific.

A judge from the Bronx wrote:

> I have just heard that bail was granted to those bums. What a shame! I do hope the next time they decide to speak against this country they do it at this Judge's house.

A Georgia man stated:

> Personally, my opinion wasn't that lenient, but I'll endorse your proposal.

An Illinois public official made this comment:

> My best wishes to a Member of Congress that knows how to think for Americans!

The telegram from the wife of a flyer missing in action merely read:

> I'm with you.

Mr. Speaker, I bring these comments to the attention of my colleagues because I believe that sentiments such as of the American people are shocked, dismayed, and disgusted at the type of bethese constitute an affirmation of my firm conviction that the vast majority havior that the Chicago anarchists, their attorneys and fellow travelers have displayed before this country and the world. These individuals bring no credit to themselves or America by their actions; those who believe different are guilty of the worst sort of self-deception.

EDUCATIONAL OPPORTUNITIES FOR MINORITY STUDENTS

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 1970

Mr. FRASER. Mr. Speaker, Vice President SPIRO AGNEW recently attacked the "supercilious sophisticates" at our Nation's colleges and universities who have been responsible for making the opportunities of higher education more readily available to minority students.

That disastrously misguided attack has now been effectively and eloquently answered by the distinguished Carnegie Commission on Higher Education.

I strongly recommend to my colleagues the commission's report, excerpts of which I include here:

THE CHALLENGES AND THE GOALS

Higher education is in a period of conflict and crisis brought on, in part, by the determination of increasing numbers of young Americans to obtain advanced education. Efforts to meet their needs will be costly, difficult, and time-consuming, but they must be made.

The challenge for higher education is not how to avoid the crisis. It is, instead, how to emerge from the crisis with institutions of high quality that offer increasing opportunities for education.

Higher education is also in conflict about who should go to college and what standards in college will be met by those who do go. The American system of higher education has always been an "open" system. There has been a place at some college for everyone who wanted to go and could afford to go.

The difference now is that more want to go and can afford to go. This report accepts and endorses the concept of an "open" system as against those who would now wish, for the first time in our history to close it.

We believe that the system should remain open and, additionally, that the barriers to access inherent in economic deprivation should not, in fact close it to some. At the same time, we believe that each college should maintain, the qualifications for its degrees, recognizing that these qualifications are quite diverse. We seek to maintain and improve a diversified system of higher education that has contributed so fruitfully to American life.

The transcendent goal is that inequality in one generation should not, inevitably, be a legacy of succeeding generations.

GOALS FOR 1976

That all students with the motivation and ability to gain access to and complete higher education should receive the financial aid they need to do so; that economic barriers to college and university access be removed.

That all inequities that are found in curricula, policies and facilties of our colleges themselves be removed so that all ethnic groups may be adequately served.

GOALS FOR 2000

That all remaining barriers to equality of educational opportunity that are subject to public policy be removed so that ability, motivation and individual choice are the only determinants of college attendance.

THE PATH TO HIGHER EDUCATION

The commission recommends that the first priority in the nation's commitment to equal educational opportunity be placed upon the increased effectiveness of our pre-elementary, elementary, and secondary school programs.

ELIMINATION OF SEGREGATION

The harmful effects of racial and socioeconomic segregation on academic achievement are now widely recognized, but the most effective ways of restructuring our precollege educational systems to eliminate de facto segregation are not clear. Institutions of higher education have an important responsibility to contribute to the solution of this problem by performing research on alternative approaches to desegregation, by providing consultants to local school officials who are seeking patterns of school attendance that best fit community needs, and by helping school systems to evaluate the results of desegregation efforts.

In communities where effective desegregation of local school systems has not been achieved, institutions of higher education should offer their resources of research and consultation to local school administrator and other community leaders.

EDUCATIONAL OPPORTUNITY CENTERS

Information centers have been established in some metropolitan centers (e.g., Milwaukee) so that parents and students may obtain information and advice about career possibilities and opportunities for higher education. These centers serve both a counseling and recruiting function.

An educational opportunity center combining the features of tutorial work and advice could:

Provide study space and tutorial help.

Clarify vocational and educational goals.

Conduct complementary testing for level of achievement, aptitude, and interests.

Provide information concerning financial and academic support available at local colleges.

Prepare detailed documentation for use by admissions and financial aid officers.

Many of these functions could be performed by college students supported by work-study funds.

The Commission recommends that institutions of higher education, either alone or in conjunction with local school districts, establish educational opportunity centers to serve areas with major concentrations of low-income population.

XUM

VERBAL SKILLS

Because of academic and environmental factors associated with low socioeconomic status, some students find it extremely difficult to develop the verbal skills that are required both for college entrance and for completion of college courses. Although academic success is also determined by mathematical skills, these, too, require verbal skills for proper development.

The commission recommends the establishment of experimental programs for the early development of verbal skills, to be sponsored and administered by institutions of higher education with active participation from members of the community; and of programs for remedying verbal skills deficiencies at the secondary and higher levels of education.

HIGHER EDUCATION ACCESS

We do not believe that each young person should of necessity attend college. Quite the contrary. Many do not want and will not want to attend, and it cannot be shown that all young persons will benefit sufficiently from attendance to justify their time and the expense involved.

We should resist efforts to create a "captive" audience in our colleges. We should avoid pressures from family and society which impose college attendance on young people who would not voluntarily choose to attend.

We therefore oppose universal attendance as a goal of American higher education and believe that noncollege alternatives should be made more available and more attractive to young people.

We favor, on the other hand, universal access for those who want to enter institutions of higher education, are able to make reasonable progress after enrollment, and can benefit from attendance.

We note that universal access has been the historic practice of American higher education. All who have wanted to go to college and had the funds to permit it have gone to college at one or another of our very diversified colleges, beginning with Colonial days.

The great current increase in college attendance has meant that the supply of places has, probably for the first time in American history, fallen behind the demand of students for them on any continuing basis, and access to higher education is now limited in some areas by the inadequate capacity of institutions of higher education and the resulting need to reject students who meet their admission standards.

In 1960, California, recognizing the new demand for college places, adopted a policy of providing an opportunity within its total system of higher education for each high school graduate or otherwise qualified persons. New York City has adopted this policy for 1970. It is also being accepted by New York State, Washington, D.C., and Hawaii, among other jurisdictions.

We believe this will become, and even should become, general policy of all states. As we accept universal access by a more diverse student body, offerings of post-secondary education will need to be continually adapted, as may be necessary, so that they may benefit and be enjoyed by persons for whom the conventional undergraduate neoclassical education is inappropriate.

The idea of open access is quite different from that of acceptance on the basis of ethnic or socioeconomic quotas. The quota approach has not been the historic practice of American higher education and we do not recommend it. We do believe at the same time, that our historic approach of open access should not be abandoned just when minority students are arriving in larger numbers. We should not close the door at this juncture in history.

An unusually heavy burden of universal access now falls and will continue to fall on colleges.

The greatest deficit of opportunity for currently disadvantaged groups is now at the graduate level, and particularly at the graduate professional level. In our medical schools, less than 3 per cent of the students are black. Among lawyers in the United States, less than 2 percent are from minority ethnic groups.

A very special responsibility lies upon the universities to seek out graduate students from disadvantaged groups. The greatest single handicap the ethnic minorities face is their under-representation in the professions of the nation.

The commission recommends that:

Each state plan to provide universal access to its total system, but not necessarily to each of its institutions, since they vary greatly in their nature and purposes.

Community colleges or equivalent facilities be established within commuting range of potential students in all populous areas.

Four-year colleges generally be prepared to accept qualified transfer students and give them appropriate credit for the work they have already completed.

All institutions accept responsibility to serve the disadvantaged minorities at each of the levels at which they provide training, and that universities accept a special responsibility to serve a substantially greater representation of currently disadvantaged minorities in their graduate programs.

Each institution issue an annual report on its present and potential contributions to equality of opportunity.

ETHNIC CONSIDERATIONS IN CURRICULUM

The commission does not believe that post-secondary education is the best level at which we should begin correcting the ethnic imbalance of the curriculum. If a lack of ethnic self-awareness and a sense of inferiority begin in elementary school, then we must begin to attack these problems there.

From kindergarten on, every student can benefit from learning the history from his own ethnic group and those of his classmates, and about the rich diversity of his nation's culture. Such study is not a substitute for the development of basic verbal and mathematical skills, but students deserve the opportunity to study ethnic experiences and to use the intellectual resources of their schools to seek an understanding of problems of their own communities.

All students, at every educational level, and with whatever vocational goal, must be made fully aware of the wide variety of backgrounds and values of their fellow citizens.

It is important that introductory courses be offered at the college level concerning the varieties of minority experience, and that they be open to all students and faculty.

Not every institution of higher education, however, has the facilities and the staff to offer comprehensive instruction in ethnic studies.

Granting demands for majors, departments and colleges which do not have the finances, other resources or staff to conduct an effective program, exacerbates campus tension in the long run.

One solution to this problem is to develop cooperative programs for groups of neighboring institutions. Another solution is to refer students who want to specialize in ethnic studies at the undergraduate level to campuses that have the resources to develop an adequate program in that field. Also, campuses which have well-developed ethnic studies programs might make them available in the summer to students from other institutions.

Cautions about specialized degree programs should not be assumed, however, to rule out the possibility of an individualized ethnic studies major at any campus. Although there may be a shortage of faculty to staff a degree program for ethnic studies, there is often enough flexibility and interest to allow, through the use of tutorials and independent study, the construction of faculty-sponsored and supervised individual major programs to fit the interests and academic standards of students and instructors.

After examining many ethnic studies programs across the country, some established for years and others just begun, the commission has been most impressed when colleges and universities which have the appropriate economic and academic resources offer a program leading to a joint degree in ethnic studies combined with another related academic discipline. Precedent for such practice exists in interdepartmental undergraduate programs such as comparative literature and area studies.

Ethnic programs should be staffed by qualified personnel regardless of race and attended by qualified students regardless of race. Academic standards of factual accuracy and careful analysis of information apply here no less than in other areas of study.

Research and advanced study are needed to prepare teaching materials and teachers for ethnic studies. Concentration of such effort in a relatively few institutions where scholars have been assembled and where relevant materials have been gathered is desirable. A number of institutions, including several predominantly black colleges, already have established comprehensive institutes for this purpose.

New centers of advanced * * * but with great care, and only when competent Staff and adequate library resources are available.

Years ago, the major foundations supported the establishment of centers for Latin-American, Slavic, and Asian studies. Today they have a comparable obligation to respond favorably to proposals for the study of American Indian, black American, Mexican-American, southern Appalachian, and Puerto Rican history and literature at carefully selected centers.

ACADEMIC STAFF

The degree to which our suggested directions for ethnic studies and many of our other proposals for equal opportunity succeed will depend, in part, on the availability of minority teachers at all levels. Their availability in turn depends upon the elimination of barriers to higher education and particularly to graduate and professional training.

Minority staff members are urgently needed not only or even primarily for ethnic studies programs. Minority groups are underrepresented throughout the academic community.

Until we can produce a more representative ethnic distribution of persons with advanced degrees, the commission urges that interim alternatives for hiring faculty be sought by educational institutions. All those with the desire to teach classes for which they are qualified by talent and experience should be allowed to do so. The conventional standards of competence are not always relevant.

CONCLUSION

Years ago, when economic and cultural well-being for most people did not depend so heavily upon college training, questions of advanced educational opportunity lacked both the relevance and the impact that they have now. Today, the denial of equal opportunity for higher education is also the denial of equal access to full partnership in American society.

In the last decade we have witnessed a significant expansion of educational opportunity, but the evidence of our present distance from the goal of equal opportunity for higher education is distressing.

THE YEAR 1976

By 1976, the 200th anniversary of the Declaration of Independence, the commission proposes:

That all economic barriers to educational opportunity be eliminated, thus closing the present probability differentials for college access and completion, and graduate school access and completion, among groups of equal academic ability but unequal family income level.

That the curriculum and the environment of the college campus not remain a source of educational disadvantage or inequity; that questions of cultural balance no longer be a source of eruptions.

That substantial progress be made toward improvement of educational quality at levels prior to higher education, and toward provision of universal access to higher education.

THE YEAR 2000

By the year 2000, the commission believes that opportunities can and must be totally free of the last vestiges of limitations imposed by ethnic grouping, or geographic location, or age, or quality of prior schooling.

It should not be necessary for colleges and universities in the year 2000 to provide compensatory educational programs or to struggle over flexible criteria for admissions and grading. The residual academic liabilities of racial discrimination and environmental deficiencies must not be allowed to influence educational opportunities in the 21st century.

By the year 2000, there should be no barriers to any individual achieving the occupational level which his talent warrants and which his interest leads him to seek. Equalizing educational opportunity for the individual citizen could lead to a percentage of minority persons at the higher occupational and professional levels generally roughly equivalent to their percentage of the population. Such a situation would be a most important signal that society was meeting its commitment to equality, and that education was fulfilling its particular role.

XUM

The total number of individuals comprising the many institutions and agencies addressed in these recommendations and comments is vast. But the problem is society-wide, and the Carnegie Commission is convinced that the response must in turn be society-wide.

The total cost to the Federal and state governments and public and private institutions will be high. But the cost of social services needed to cope with the consequences of educational disadvantages far outruns the economic support necessary to confront the sources of deprivation. Inequality of opportunity must not continue to sap the strength of our nation.

Money is not the only resource needed to solve these problems. In fact, it will be easier to provide the financial support necessary than it will be to create the ethical and political atmosphere which would ensure the achievement of these goals.

With a national commitment, we have met other immense challenges. Today we can no longer place any domestic priority for unmet needs above the elimination of inequality of opportunity of the United States.

The commission believes that a commitment to adequate support for better educational systems, to comprehensive student aid, and to removing the consequences of discrimination is truly basic to the nation's future. The greatest asset of any nation is its people.

THE MEN OF "B" COMPANY

HON. OGDEN R. REID

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 1970

Mr. REID of New York. Mr. Speaker, I am inserting in the RECORD a grave article from the first issue of Scanlan's Monthly, published in March of this year. The author, who served in Vietnam for 12 months with a combat infantry unit and who was decorated with a Bronze Star, has returned to civilian life to tell a story which is in no way a pleasant one, but which should, I believe, be brought to the attention of my colleagues, as I am bringing it to the attention of the Department of the Army. The article follows:

THE MEN OF "B" COMPANY

(By James D. Henry as told to Donald Duncan)

INTRODUCTION

Upon my return from Vietnam as a civilian correspondent in 1968, one of my first visitors was James D. Henry, Specialist Fifth Class (equivalent to Sergeant). He also had just returned from Vietnam after serving for twelve months as a medic attached to a combat infantry unit. He was angry and he had a mission: he wanted to indict the United States on charges of aiding and abetting murder.

Civilian attorneys at the time thought him too ambitious. After reading his story you may agree with me that his aim was on target. This story was to have appeared in 1968 to coincide with his formal charges against the Army. Henry explains here why the charges were not made, and to anyone familiar with what is known as military justice, the reasons will be understandable.

The names of those involved in the story have been purposely deleted. Henry is not trying to "get" individuals who may themselves be the ultimate victims of their own acts. He feels nothing can be served by embarrassing the families of these men, and we agree. The names will be released only to a responsible investigative body. The United States Army already knows.

When the men of "B" Company, 1st of the 35th Infantry, rolled from under their dewy ponchos the morning of Feb. 8, 1968, the apprehension in our bivouac area was almost tangible. It was obvious I wasn't the only one who had the familiar, hated gnawing in his gut. There was a collective sullenness as we went about packing bed rolls, opening "C's" (canned rations) and putting our gear in order. Like "A" Company, we had been in the field too long, too many times, taken too many losses to gain too little.

Our bivouac perimeter, judging by the time it took to fly to the area, was about 15 miles northwest of the battalion base, LZ (Landing Zone) Baldy, situated beside Highway 1 near Cau Lau. We had retired to this perimeter the day before after some very heavy fighting. The battalion was in the fourth or fifth day of what had seemed a relatively uneventful search-and-destroy sweep. The day before, however, the 1st, 2d and 3d platoons had been ordered to attack into a tree-line.

It was at this point that the captain called up the 4th platoon—it had been left at some distance to provide mortar support for the others. I was with the 4th and came along with it; our arrival coincided with the third assault. On the way to link up with the company we cross the river, notably only because on one bank there was the body of an old man who had been shot recently. As we pressed forward we were passed by any number of fleeing women and children at least as terrified as myself and the others.

Twice the company penetrated the trees only to be thrown back. Once in the trees it was difficult to maintain control, not to mention impossible to see the enemy—there was nothing to shoot at. Attempts to flank were thwarted by heavy and extremely accurate sniper fire. Our company commander asked the colonel, who was hovering above the battle in a helicopter, for napalm and support from "A" Company. He was refused on both counts, the colonel maintaining that only a few snipers were holding up the company. The captain was ordered to continue the assault. One of the reasons given for no air support was that a helicopter sent in to evacuate our wounded had been downed and battalion did not want to risk causing it further damage.

The assault on the tree-line was absolute chaos. When we got into the trees, it was almost impossible to see any of the other men or to keep in line, and the invisible enemy seemed to be firing from every direction. The assault faltered like the others. With no help from the other company, and battalion more interested in saving a helicopter than saving soldiers, nobody, least of all the captain, had any desire to get themselves or their buddies killed in a fourth useless attempt—and so we fell back and set up the bivouac perimeter. All we had to show for our efforts were our wounded and eight of our company killed, including two lieutenants, the leaders of 1st and 2d platoons.

There was much bitterness among us because of the losses and the lack of support, and we agreed that it was a stupid maneuver, i.e., attacking against a defended tree-line. Those men who were near a radio operator, rightly or wrongly, directed their bitterness at the colonel. They felt he couldn't accurately evaluate the situation from his throne in the sky; nor did they appreciate him giving the captain orders such as, "Tell your men to keep their weapons on semi-automatic"—men, most of whom had spent six months in the boonies. Others, not knowing he was only following orders, blamed the captain.

The captain's RTO (radio operator) called the base for a sling team to come in and lift out the downed chopper, and then the company moved out to set up security around it. We were perilously close to yesterday's contact zone, so we were quite tense and nervous and the time required to hook and extract seemed endless. To our great relief it came off without incident and we withdrew again to our perimeter.

We were no sooner within the perimeter than our distant artillery began pounding yesterday's contact zone. Again our stomachs tightened and we took last pulls from our canteens and drew jerky puffs from cigarettes—the artillery always announced the beginning of another sweep. In our minds was the forlorn hope that the pounding would have more effect on the enemy today than it did yesterday. The captain gave a final briefing to the platoon leaders from the 3d and 4th and to the two sergeants filling in for the dead lieutenants from the 1st and 2d platoons. We moved out.

About 100 meters out of our perimeter we moved into a line formation with a platoon of 4th Division APC's (Armored Personnel Carriers, full-tracked, lightly armored vehicles for carrying troops) which had been attached to us the night before, dispersed along the line. When we were about 200 meters from the contact zone we started a recon-by-fire (firing at suspect areas in the hope that an enemy will return the fire and thereby reveal his position), using the 50 caliber machine guns on the APC's and our own small arms. When no fire was returned, we advanced, firing as we went, and moved into the area. A thorough search of the area produced only one enemy body, empty cartridges and our own bloody bandages from the day before.

You could almost feel the frustration sweeping over the men of the company—frustration at finding so little to justify the death of eight men, friends, the day before; a frustration at finding nothing to smash or destroy in retaliation. The mood of the company turned extremely ugly as we continued the sweep, a mood that shortly was to have terrible consequences.

Thirty minutes after a noon chow-break, two of our men discovered a Vietnamese hiding in a spider hole (a camouflaged hole large enough to conceal one man). Dragged from the hole, he was repeatedly asked if he were VC or if he knew the whereabouts of the enemy. Out of fear, lack of comprehension or whatever, he gave us no information. He had no weapon and was dressed in common peasant clothes, but that hardly made him less suspect of having fought us yesterday or, at the very least, of having helped those who fought against us. The latter was quite probable since there were no Vietnamese in the entire area the least bit friendly toward U.S. troops. With the mood the company was in, however, it would have mattered little had the man belonged to the Rotary Club and been sufficiently fluent in English to plead his innocence and loyalty. He was Vietnamese and he was there—that was sufficient to mark him for death.

There were any number of ways to kill the man—shoot him, even give him a running start. Evidently these were too easy and not quite satisfying enough to the two men holding the prisoner. One asked the other, "Why don't we run him over with the track?" (They were right in front of one of the APC's.) His partner grinned and looked up at the driver, who gave his O.K. by ducking back in his hatch and revving the engine. Sensing his fate, words tumbled from the man's mouth. Struggling, he was thrown to the ground in front of the treads as the track lumbered forward. The roar of the motors blanketed the sound of bones being crushed and broken, but they weren't loud enough to block out the tortured screams. The two captors cursed when the APC rolled clear—the body was still twitching and jerking. The track was ordered into reverse and this time the treads finished their job. The agony was over, the body was still.

Few of our men took much notice of the incident. Even those of us who disapproved of such acts had seen so many of them that our reaction, if any, was one of apathy. Compared to many of the things I had seen or heard of in my six months with "B" Company, the incident was relatively minor. For instance, it hardly compared with the night in October when the 1st platoon set up in night-ambush position, captured five women, gang-raped them and then murdered all five.

Feb. 8 was the four-month mark of my first firefight and one month short of my first anniversary as a draftee. I had been trained and assigned as a medic but I was not a pacifist; like the rest of the medics, given the choice, I carried a weapon—two, in fact, an M-16 and a .38 pistol—and, also like the others, when in battle I used them. Regardless of religious beliefs, the medics, once in Vietnam, had all found one way or another to rationalize why they should carry and use weapons.

In fact, after my first firefight, it was a medic from Texas, whose rank was Sp-4 (equivalent to corporal), who gunned down a 12-year-old boy. I was resting with a group of men when some of the others brought the boy to us. The lieutenant was sitting atop a huge boulder resting like the rest of us. He looked down and asked which of us wanted to kill the boy. I thought he was kidding, but three men volunteered—and then one gave the kid a vicious kick in the stomach. The Texan prevailed and without hesitation led the "prisoner" around to the other side of the lieutenant's rock. He emptied an entire magazine from his M-16 into his back.

On the 5th of this same February, I walked into a small hootch house and found an old man who had just been murdered. I asked one of the men outside who had done it and was told, "The doc shot him . . . with his .45." The doc was a medic from San Francisco.

These acts, like the one this day, were all distinguished by the fact that they occurred other than in the heat of battle. I might have thought I was with a company of aberrants but for the stories told by men of other units over a longer period of time. One soldier from our sister "A" Company described innumerable atrocities performed by his outfit and commented that if a village wasn't VC before "A" Company got there, it damned sure was after it left.

Those of us opposed to the mistreatment, abuse or murder of civilians and/or prisoners could find comfort only in the knowledge that those who did so brought bad luck to themselves and invariably got zapped. Call it superstition or coincidence but it happened so often you could make book on it. The 2d platoon thought it sport to do such things as put a prisoner in a cave and use him for target practice—they took heavy casualties. The 1st platoon, however, was generally acknowledged to be the most notorious of the company for committing atrocities—and they invariably sustained the heaviest casualties. The platoon leader was known as a person who killed every Vietnamese he could—regardless of circumstances. He was killed.

On another occasion the company happened upon a large, uniformed, logistical unit of the enemy. They were on a supply run and many, if not most, were not armed. It became quite obvious that they weren't even fighters. Instead of trying to capture them or, since we had them surrounded, giving them a chance to surrender, the company engaged in what can only be described as a turkey shoot. Helicopter gunships were called in and started nosing down. Those who survived *that* onslaught were cut down by the ground troops. Picking off men as they scurried for nonexistent cover and ran around in confusion was considered a great game and in short order the whole group was wiped out. Some of the men started collecting souvenirs from the bodies. Fourteen men stripped the belts from as many bodies and wore them as trophies. A short time later all 14 were killed or wounded. It's probably safe to assume that many of the men in the company opposed to murder and other atrocities were motivated as much by superstition as by any moral or humanitarian considerations.

After we left this, the latest atrocity, we continued on for another hour until we came upon one of those countless small settlements found throughout Vietnam. Not even big enough to be considered a hamlet, it consisted of eight or ten hootches. We entered it without any opposition. Most of the company stayed in the jungle as a security force. About half the houses were partially hidden by the trees and bamboo and the remainder were located around a clearing perhaps no more than 50 or 60 meters at its widest.

The captain ordered a rest break and I went inside a half-demolished brick hootch on one side of the clearing with some other men and lit a smoke. The 1st platoon RTO sat next to me and as I rested I half-listened to the traffic coming over his set. One of the routine reports was from the third platoon leader who said he had rounded up 19 women and children from the immediate area. It was just part of the normal procedure of collecting civilians to interrogate them as to the whereabouts of any NVA or NLF forces. It was so normal we barely gave the report any attention.

A short time later, however, that lieutenant called back to ask the captain what should be done with the 19 civilians. The captain asked him if he remembered the operation order received from battalion that morning and then repeated the order: "Kill anything that moves." With that the lieutenant "rogered" and went off the air.

Those lounging in the hootch did a double take. Startled, I got to my feet and started from the hootch toward the captain who was across the clearing, about 30 meters away. As I left I could hear the captain's voice on the radio frantically trying to call back to the lieutenant. I felt somewhat relieved—evidently the captain realized that he might just carry out the order and he wanted to countermand it.

As I approached the captain's position I turned to look in the direction of the 3d platoon's 1st squad. The lieutenant was with the squad about 50 meters away, a position within the clearing on slightly rising ground near one of the hootches. As I looked, two of the squad dragged a young girl from the hootch. The girl was completely naked and I felt a sickness in my stomach. I hadn't seen anything but it was safe to assume that she had been sexually molested—since that too was "normal" procedure.

A few yards away the remaining women and children were herded together, squatting on the ground, closely watched by other men of the squad, their M-16's at the ready. The two men dragging the naked girl threw her forcibly among the squatting people, knocking a couple of women sprawling in the dirt. I started to shake my head in disgust—how unnecessary, how absolutely stupid—when, at the instant the girl's body hit the ground, four or five of the guards opened fire.

Chunks of flesh and spurting blood spewed in every direction. The screams went unheard in the terrible din of the rifles firing on full automatic. It was over in a few dreadful seconds—the explosive chattering stopped almost as suddenly as it had started. A silence that seemed to hurt fell over the entire area. I was completely stunned as were many of the others—it was inevitable, yet unexpected. We stood there trying to disbelieve the terrible, irrevocable finality of what we had seen. But it had happened. The proof was there in the still, mangled forms in the bloody dirt. Nineteen women and children. Slaughtered.

The silence and my inertia were broken by the motors of the APC, which had been at the bottom of the small rise, as it lurched forward the short distance to the bodies. Both tracks locked, stopping the vehicle so suddenly it rocked on its suspension. The lieutenant in charge of the APC detachment (he had not been present earlier at the spider-hole scene) looked down from his hatch. His eyes moved from the bodies to the lieutenant and the other men, his face showing digust, loathing and great anger.

I heard later that he reported the incident and demanded an investigation. If so nothing ever came of it. Likewise when we returned to our night perimeter a lieutenant who had remained with the APC carrying the 4.2 mm mortar was in a terrible rage. He had listened to the whole thing over the radio and, like the APC leader, was furious and disgusted. He also wanted to report it but, if he did, again nothing came of it.

Without orders, without a spoken word of any kind, we picked up our packs, turned our backs on the tangled corpses, and continued our sweep. A few of us left vowing to do something about this mass murder but the vows and their cause were soon lost in the intensity of the war. One of the witnesses to the massacre called the lieutenant scum, to his face—and damn the court-martial. For most of us it was but one day in a 365-day tour.

This must be emphasized: it was not a unique day—only the numbers made it different. I personally know of at least 50 civilians executed by our company and with as little provocation as on this day, not in the heat of battle or from air or artillery strikes—deliberate murder. And then there were the rapes and the cases of torture (without even the pretext of trying to gain information), such as Texas boy from the 2d platoon torturing a woman with a red-hot knife blade. Nor was ours a freak company; it was just one more company subjected to too many firefights for too little reason and the odd strains of an odd war. Other companies I knew of committed more crimes and, of course, I also knew of others which committed fewer.

My telling this story is not prompted by any desire to see any individual punished—that would serve no purpose. Nor is it prompted by the My Lai/Song. My disclosures—I first told this story in Sept. 1968, long before Song My came to light. There is, however, an apparent attempt to make the incidents reported at Song My look like rare and unusual events and the men who were involved "different." This must not be allowed, for a very straightforward reason—it just isn't true. The contrary is.

I had just returned from Vietnam when I first told this story. Perhaps I was naive, but I wanted to indict the U.S. Army and I wanted to do it while I was still in uniform. The men of "B" Company, like the men at Song My, did what they did because of what the U.S. Army did, or didn't do, to them. My sole motivation was and is to stop the atrocities and to stop the taking of otherwise average young Americans and transforming them into people capable and willing to perform atrocities. This can't be done by singling out a few individuals for punishment, for they are as much the victims as those they murdered.

I strongly doubt there is one soldier who deliberately killed a civilian believing that by doing so he was furthering the cause of freedom and democracy in Vietnam. I knew damned few soldiers who believed that *anything* they were doing was to that end, regardless of what they believed when they first arrived in Vietnam. Such acts are committed out of frustration, fear and hate. Growing disillusionment with our Vietnamese "allies" and their government (an inevitable process for any aware person more than three months in-country) gives men less and less reason to get themselves killed or wounded and yet, without a cause, the same men are sent time and again to become targets. The growing belief that the death of your buddies is for nothing and that it could be your turn next must ultimately lead to a raging hate which requires something to fix on.

To someone not in the situation it might seem that the logical object to fix on would be the person or persons who time after time order the men into the positions of grave danger. But who? The captain who is only passing on the orders of the colonel who is only passing them on from someone else . . . and on and on? No. The object of hate becomes the people shooting at you and anyone you think is helping them shoot—the Vietnamese, the "gooks," the "slopes." When your life is in danger it's not sufficient to say, "If we weren't here shooting at them they wouldn't be shooting at us." You *are* there and once there you will shoot—and get shot at. And the more frequently it happens, the more friends who are killed, the less there is to die for and the greater is the potential within each individual to commit an atrocity. Such is the frustration, the fear—and the nature of the hate that grows from them.

And to hell with DOD (Department of Defense) directives from on high. Neither as an individual nor as part of a group was I ever told, either by NCO's, platoon leaders or any other officer, not to kill civilians in Vietnam. On the contrary, most atrocities are performed with the tacit approval or permission of officers, and, as often as not, with an officer in attendance or leading the way. True, no body should have to be told not to kill unarmed civilians or prisoners, but when the rage and hate is there along with an opportunity to vent it with no fear of reprimand or danger to oneself, it will happen. I point this out not to justify murder and other atrocities, or to alibi for the men involved, but to explain why and how such acts are committed.

As I said, I wanted to indict the U.S. Army, more specifically the Pentagon and the military and civilian leaders who give the orders on the one hand and hide what is happening from the American people on the other. I want the people of this country to know what their sons are doing in the name of freedom and democracy, what they are becoming or have become.

In Sept., 1968, I reported in at my new duty station at Fort Hood, Texas. As soon as I got settled in I went to the Judge Advocate's office to get a lawyer's advice on how to proceed with the indictment. The lawyer I talked with was an officer, but for all that I assumed that our conversation would be privileged communication and he assured me such was the case. Yet while I sat in the office the office-lawyer excused himself and left the room. When he returned he gave me, instead of help, the advice not to do anything until I was out of service—and then directed me to the CID (Criminal Investigation) office. As soon as I entered, the man in charge started a bullying interrogation based on the conversation I had had with the lawyer. My instincts told me not to tell the agent anything—I hadn't survived Vietnam only to fall victim to somebody trying to protect the clubhouse. The session ended with thinly veiled threats as to what could happen to me if I pursued my stated course of action.

Next, on the advice of Davis Bragg, a civilian attorney from Killeen, Texas. I sent a registered letter to Congressman George Brown of Los Angeles. In the letter I gave him a brief sketch of the story and told him of my intentions. I wanted only to get some backing from a public official so I could proceed and not end up in the bowels of Leavenworth while doing so. His reply was that I was not in his constituency and recommended that I write Ed Reineke, then a state representative and now the Lieutenant Governor of California. Mr. Reineke wrote back that he would investigate the matter and contact me as soon as he had any information. Whether he investigated or not is speculative but I've never heard from him since. Given the lack of support by civilian representatives and the heat from the military at Fort Hood, my lawyer recommended I sit on the story until I was out of service.

Well, I'm out.

I swear that the above story is true and correct to the best of my knowledge.

JAMES D. HENRY.

JANUARY 11, 1970.
Witness: Marilyn Moorehead Smith.
Witness: Donald W. Duncan.

LOCAL PARK PROBLEMS HAVE ENVIRONMENTAL IMPACT

HON. SEYMOUR HALPERN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 1970

Mr. HALPERN. Mr. Speaker, the advent of the seventies seems to be heralding public awareness of the need to preserve our environment. Often the issues at stake are of vast impact on an entire city or region, or involve great sums of money. But frequently what is at stake is of relative significance to only a small segment of a community.

Such an issue is at stake in Queens Village in my district where residents are fighting to preserve a lovely pond standing in the way of an expanding highway.

I think it is commendable that local community newspapers—often the only media outlets for such issues—publish stories about these problems. The public-spirited Queens County Times is such a community newspaper that deserves praise for highlighting the environmental issue in a recent story on the possible doom of Pea Pond. I would like to call my colleagues' attention to this superb article:

PARKWAY WIDENING AND APPROACHES MAY DOOM WATERLESS PEA POND

Plans are shaping up for Pea Pond, Grand Central Parkway entrances and exits at Springfield Boulevard, and the paths on both sides of Grand Central Parkway in Queens Village, as a result of highway work presently being planned and under way to improve the geometry and safety of Grand Central Parkway just east of Bell Boulevard to the City-line.

Pea Pond, which lies south of 86th Avenue at 218th Street, north of Grand Central Parkway, has been used in the past for fishing by the youngsters in summer and ice skating by the community in winter. This has been a valuable community resource. C. Sidamon-Eristoff, Transportation Administrator Designate of the City of New York writes that "The natural storm water drainage tributary to this low lying area has been depleted over the past ten years by physical improvements on Bell Boulevard and adjacent streets. A recent inspection showed that the Pond site no longer contains free standing water."

William R. Ginsberg, First Deputy Administrator of the New York City Parks, Recreation and Cultural Affairs Administration, writes that "In connection with the widening of Grand Central Parkway now being done by New York State, Mr. Jerry Merzon, our Assistant Administrator for Capital Projects wrote to Mr. Arthur Asserson, Chief Engineer of the Bureau of Arterial Highways, Planning and Coordination of the Department of Highways, on May 21, 1969 confirming 'our request that the area known as Pea Pond, in the vicinity of 218th Street, which no longer receives sufficient water to maintain a pond, be investigated by the State to determine the feasibility of filling to street grade, topsoiling and seeding.' "

In reference to Grand Central Parkway entrances and exists Sidamon-Eristoff writes that "A new entrance to westbound Grand Central Parkway will be constructed within the parkway right-of-way between Union Turnpike and Springfield Boulevard and consequently such entrance will have no bearing on Pea Pond."

In a letter from J. F. Toth, Regional Design Engineer, by H. Parks, Associate Civil Engineer, of the New York State Department of Transportation, "The present entrance to the westbound Parkway at Springfield Boulevard will be removed and replaced by an entrance ramp just west of Union Turnpike. Access to and from the parkway in both east and west-bound directions will be obtainable at Union Turnpike upon completion of the Parkway reconstruction."

In reference to the paths on both sides of Springfield Boulevard being refurbished Sidamon-Eristoff writes that "Maintenance and improvement, if warranted, of the pedestrian and equestrian paths on either side of Springfield Boulevard is the responsibility of the Parks, Recreation and Cultural Affairs Administration. Although these paths appear to be in disuse, they will be protected and if need be replaced during the parkway reconstruction by the highway contractor."

Ginsberg writes that "Rehabilitation of the pedestrian paths and bridlepaths along both sides of Grand Central Parkway at Springfield Boulevard must await the availability of funds. Such a project may be included within a future over-all development of the Kissena Corridor."

And Toth by Parks writes that "The path system along the Parkway is also under the jurisdiction of the Park Department. As a part of the highway project the path entrances to the underpasses at Union Turn-

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pike and Springfield Boulevard are being closed and the path system fenced off.

"In accordance with agreements reached with the New York City agencies, the bridle paths will not be destroyed; however, because criminal actions and vandalism has taken place along the birdle paths and in the underpasses, and the difficulty of maintaining and policing this facility, the above action is being taken.

"This treatment will permit the City of New York at some future date to re-open the facility with the proper maintenance and safety."

Pea Pond and the paths on both sides of Grand Central Parkway should not be allowed to become inactive. Now is the proper time for us to make our wishes known so that our needs can be included in the planning now taking place on the widening of Grand Central Parkway in Queens Village. Should Pea Pond be filled in or be kept as a pond for fishing in the summer and ice skating in the winter? If it should be kept as a pond, from where will the water come? Can a parkway storm sewer empty into Pea Pond and an old overflow pipe rehabilitated?

Should the paths be rehabilitated and built from Bell Boulevard across Springfield Boulevard and Union Turnpike to the old Motor Parkway, which connects to Alley Pond Park? Should these paths be refurbished to allow us to walk in the woods? Should these paths be refurbished to allow us to walk on a terminal moraine and look out over southeast Queens? Should we retain a bit of nature?

Any suggestions or comments about this bit of nature and ways to keep it will be appreciated by Thomas F. Schweitzer, 89-19 218th Street, Queens Village 11427, HOllis 8-4831 and by James A. Trent, 242-29 90th Avenue, Bellerose 11426, FIeldstone 7-3820.

MIDWAY AIRPORT NEEDS TO BE REACTIVATED

HON. HAROLD R. COLLIER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 1970

Mr. COLLIER. Mr. Speaker, an editorial which was recently broadcast over WMAQ-TV, one of Chicago's stations, emphasized the need for another major airport in the Chicago area.

Present facilities at O'Hare, the world's busiest airport, are woefully inadequate and the advent of jumbo jets and the supersonic transport will make a bad situation even worse. The existing noise and pollution problems will be aggravated if the pressures on O'Hare are not promptly relieved.

The editorial follows:

A few weeks ago, we did an editorial about the airport situation in the Chicago area. We said that there is a need for a third airport, but the idea of putting it out in Lake Michigan was a little silly.

We also said that, until we do get a third airport somewhere southwest of the city, that better use could be made of this place here, Midway.

At least Mayor Daley agrees with us on this point. He's pushing hard to get the airlines to move 438 daily flights from O'Hare down here to Midway. Now that's a good idea, but there's a problem involved.

Air travel has become a complex web of connecting flights. And you can't just move a piece of the web from one airport to another. This place is a no man's land because too many passengers have found out that, wherever they're going, they can't get there from Midway.

So, no single airline wants to move a lot of flights down here from O'Hare and end up with a load of empty seats.

Now if the airlines could get together and agree to move an entire pattern of flights to Midway, flights with enough connections to attract the passengers, this airport would be back in business.

But there's a hitch. The anti-trust laws prevent competing businesses from making these kinds of deals with each other.

United Airlines has a possible solution; that the Civil Aeronautics Board intervene and pave the way for the airlines to huddle and come up with a Midway plan.

We strongly urge the C.A.B. to do this. O'Hare Field is overcrowded and it's just common sense to get some flights down here at Midway, especially after a 12 million dollar remodeling job.

And maybe the thing could be moved along faster if Mayor Daley gave the airlines free landing access for a while here, so they could commit the money necessary to cover the expense of using two airports.

There's no reason why Midway shouldn't be humming again. All it takes is a few intelligent men to say yes to each other.

SAN JOAQUIN WILDERNESS—IT WILL BENEFIT ALL THE PEOPLE

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 1970

Mr. WALDIE. Mr. Speaker, I have been heartened by the tremendous response of the people of California to a proposal sponsored by 16 Members of the California congressional delegation to designate some 43,000 acres of national forest in the Sierra Nevada as the San Joaquin Wilderness Area.

Mr. Speaker, I have received many letters and petitions from concerned citizens from San Diego to the northern part of the State urging prompt action on this bill in order that the natural integrity of the Sierra Nevada and the John Muir Trail can be preserved from planned development.

I recently received a copy of an article by George Whitmore, chairman of the conservation committee of the Tehipite chapter of the Sierra Club, which gives an excellent indepth look at the issue before us.

The article follows:

SAN JOAQUIN WILDERNESS: IT WILL BENEFIT ALL THE PEOPLE

"The most openly beautiful . . . the grandest scenery and the grandest trees on the continent" was John Muir's description of the Sierra Nevada. And it extended "southward from the Yosemite National Park to the end of the range."

For the better part of two hundred miles this gentle wilderness extended in a magnificent sweep down the crest of the range, crossed only by a few primitive foot trails.

Creation of the National Forests and National Parks established the principle that this was a resource which belonged to all the people of the United States. No longer would the Sierra be destroyed by commercial interests, nor squandered by self-seeking politicians.

But the battle was not to be won that easily. Over the years there have been several proposals to utilize the Mammoth Pass-Minaret Summit area for commercial purposes. Consequently this area, even though it originally had been included within Yosemite National Park, was removed from the Park in 1905, supposedly to permit mining activity.

When the original Forest Service Wild and Wilderness areas were designated during the 1930's, this area was still left out because of a road proposal.

When the wilderness boundaries were revised in the early 1960's, the area was again left out—this time there was talk of dams and reservoirs.

The commercial interests have had ample opportunity over the past sixty-five years to try to make their case, and they have failed dismally. The only proposal which still persists is that for a Minaret Summit highway which would cut across the John Muir Trail, bisecting the Range of Light into two fragments. This highway has been discussed at all levels of government and by all parties concerned for more than forty years. The only significant support it continues to receive is from certain commercial interests in the Fresno-Madera area. The "arguments" used by these interests are incredibly weak, but they attempt to compensate for this with persistence.

It is high time this nonsense was put to an end. The mineral deposits are not of commercial quality or quantity. The timber is of such poor quality that the loggers don't want it. The hydroelectric proposals are not economically feasible, and are becoming less so with the passage of time.

On the other hand, this area is eminently qualified for wilderness status. There is scenic grandeur—probably best epitomized by the rugged gorges and granite walls rising above the rivers to culminate in Balloon Dome. Of this Muir said, "The beautiful San Joaquin (Balloon) Dome in the canyon of the San Joaquin . . . shows remarkable resemblance to the Yosemite Half Dome."

Along the gourges there are a few small wooded vales formed by glacial action—"yosemites" as Muir called them; they provide a friendly contrast to the more-awe-inspiring sweep of granite surrounding them.

Within the gorges lurk trophy-size trout, their perpetuation ensured by the ruggedness of their surroundings.

On slopes and benches above the river lie virgin forests of red fir and lodgepole—fortunately not of commercial quality. Scenic meadows are scattered throughout the forest, and alpine slopes lead up to the summit of Iron Mountain, eleven thousand feet above sea level.

Lying off the beaten track, the wilderness of the San Joaquin offers a greater measure of solitude than do many other back country areas. Solitude is becoming increasingly hard to find even in our wilderness areas, and many visitors to the San Joaquin value it for this quality.

In essence, this is a de facto wilderness. The U.S. Forest Service management criteria for the area are already consistent with wilderness classification.

Cross-country travel with motor vehicles is prohibited, and no motor vehicle "trails" have been approved. No timber sales or other developments are planned, and consequently there are to be no Forest Development roads. Most of the area is being designated as a Management Unit, and one of the management criteria will be to exclude roads.

The U.S. Forest Service is to be commended for protecting the de facto wilderness in these ways. However, *if* the Minaret Summit highway were to be built, then the Forest Service would be forced to reevaluate its management of the area. There are indications that the area would be logged, even though the timber is of poor quality. Accompanying the logging would be a network of forest development roads, and the desecration would extend far beyond the shoulders of the main highway.

Even though the highway proposal has been thoroughly discredited, the continual comercial agitation for it will be with us for all time. The issue will never be resolved by waiting. In the meantime, the San Joaquin Wilderness needs statutory recognition in order to give it a greater degree of protection. It is time we closed the gap in the Sierra Nevada Wilderness. From Yosemite to Sequoia the only unprotected portion of the crest is on the San Joaquin's North and Middle Forks.

Congressman Jerome Waldie has introduced legislation to accomplish this. It is H.R. 15019—a bill to establish the San Joaquin Wilderness. He was joined by fifteen other California congressmen who co-sponsored the bill. All of these gentlemen deserve our thanks and our fullest support.

SENATE—*Friday, March 6, 1970*

The Senate met at 10 o'clock a.m. and was called to order by Hon. JAMES B. ALLEN, a Senator from the State of Alabama.

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O Thou whose glory fills the universe, we thank Thee for this new day, for life and liberty, for work to do and strength with which to do it. Grant unto us to waste none of its hours, to soil none of its moments, to neglect none of its opportunities, to fail in none of its duties. Bring us to the evening time undefeated by any temptation, at peace with ourselves, at peace with our fellow men, at peace with Thee, content to have served this Nation in this place.

In the Redeemer's name. Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will read a communication to the Senate.

The legislative clerk read the following letter:

> U.S. SENATE,
> PRESIDENT PRO TEMPORE,
> *Washington, D.C., March 6, 1970.*
>
> *To the Senate:*
>
> Being temporarily absent from the Senate, I appoint Hon. JAMES B. ALLEN, a Senator from the State of Alabama, to perform the duties of the Chair during my absence.
>
> RICHARD B. RUSSELL,
> *President pro tempore.*

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Mr. ALLEN thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Thursday, March 5, 1970, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 13300) to amend the Railroad Retirement Act of 1937 and the Railroad Retirement Tax Act to provide for the extension of supplemental annuities and the mandatory retirement of employees, and for other purposes.

This message also announced that the House passed the bill (S. 2910) to amend Public Law 89-260 to authorize additional funds for the Library of Congress James Madison Memorial Building, with an amendment, in which it requested the concurrence of the Senate.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT TO MONDAY, MARCH 9, 1970

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 12 o'clock noon on Monday

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(Later in the day this order was modified to provide for an adjournment to 11:30 on Monday.)

LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, it is my understanding that the distinguished Senator from Wyoming (Mr. HANSEN) will be recognized for not to exceed 30 minutes. I ask unanimous consent that, after the Senator from Wyoming has completed his remarks, there be a period for the transaction of routine morning business, with statements by Senators therein limited to 3 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered; and, without objection, the Senator from Wyoming is recognized for 30 minutes.

TASK FORCE REPORT ON OIL IMPORTS

Mr. HANSEN. Mr. President, first, I should like to express my very real appreciation to the distinguished majority leader for his continuing courtesy and consideration toward me.

Mr. President, the recommendations of the Cabinet Task Force on Oil Import Control are, to me, alarming in more respects than one. First, as I have attempted to emphasize on other occasions and will continue to do, is the national security risk involved in what I consider to be the basically unsound conclusions reached by the task force or rather the majority of the task force. A separate or minority report by the Secretaries of Interior and Commerce and the Chairman of the Federal Power Commission questioned the analysis and the judgments which the task force presents in support of its conclusions. The minority report noted that the task force report stresses the uncertainties of the future and the importance of judgments in shaping its conclusions. But the report fails to convey fully either the magnitude of probable errors in judgments which have been drawn by other recognized authorities, or the significance of these differences.

The minority report says:

> We are particularly concerned, (1) because our own judgments on every major issue differ significantly from those of the "Report," and point to a different set of conclusions; (2) because we are acutely aware of unusual uncertainties which currently affect the future of our oil supplies, e.g., important recent tax changes, international unrest, undetermined potentials of frontier producing areas; (3) because changes based on erroneous judgments would subject the U.S. to serious national security risks and would be most difficult if not impossible to reverse; (4) because proposed changes directly affect our designated areas of Departmental responsibility.
>
> Our principal disagreements center around these points:
>
> (1) The national security issue is inadequately anaylzed and presented by the "Report." Data and assumptions are most optimistic and not realistic. United States dependence on unreliable Eastern Hemisphere sources of foreign oil and the probabilities of supply interruptions would be appreciably greater than the "Report" suggests, if imports were to be substantially increased.
>
> (2) The economic issues are not adequately covered in the "Task Force Report," although they are relevant considerations under the national security clause of the Trade Expansion Act. Large scale waste of oil and gas resources would ensue if the "Report's" recommendations were implemented. Various sectors of the economy and parts of the country would be badly hurt.
>
> (3) The cost to the consumer of present oil import controls is grossly overstated in the "Task Force Report."
>
> (4) Fixing the price of oil, a prime objective of the "Task Force Report's" recommended program is impractical and inconsistent with the broad policies of the Administration.
>
> (5) The "Task Force Report's" criticism of State prorationing is inappropriate.
>
> (6) The balance of payments impact of increased imports resulting from the "Report's" recommendations would be increasingly adverse over time.
>
> (7) Technological advances would be retarded by the program proposed in the "Task Force Report."

Mr. President, I agree wholeheartedly with the concern of the heads of the three Government agencies most directly concerned with the Nation's energy resources and the continued development of those resources to meet future needs of the American people.

Americans today enjoy the lowest cost energy in the world and that includes the consumer cost of gasoline, home heating oil, natural gas, and electricity, some of which is generated by natural gas or petroleum.

The thought of the Federal Government using the threat of cheaply produced foreign oil to push the price of domestic crude oil down through a tariff plan is appalling to me. And why the task force has singled out one of our most vital industries, one which furnished 75 percent of the Nation's energy requirements, as a guinea pig for the recommendations of a group of professors and economists with no practical knowledge of or expertise in the oil industry is a mystery, and one that I hope may be explained in forthcoming hearings before the Finance Committee.

In an appendix to the task force report entitled "Observations on Some Points and Questions Raised About the Task Force Report," the first observation is "The report does not recommend fixing the price of oil." However, when Secretary of Labor George P. Shultz appeared before the Senate Subcommittee on Antitrust and Monopoly with the director and members of the task force staff, the chief counsel of the task force staff testified as follows:

> We estimate that under the majority recommendations, that is, just taking the first step, the 30 cent price decline which, by the way, would take place immediately and not after the transition period . . .

Mr. Homet, the chief counsel, did not explain just how this 30-cent price decline would be accomplished—by Government edict, jawboning, or just what.

Only this week Secretary of Labor Shultz was quoted by the press as having delivered a sharp attack on the policy of jawboning in general and the intervention of the White House or the Council of Economic Advisers in specific wage or price decisions. But here we have him as Chairman of the task force which made the recommedations to the President on oil import policy advocating not jawboning or wage-price guidelines, but an entirely new concept of Government intervention into the business sector. The use of tariffs is usually associated with protection of a domestic industry while here we have a plan to raise tariffs, after removing quotas to a level that would force the price of domestic crude down to a predetermined price. This is not price fixing?

Mr. President, the Washington Post carried an editorial last week saying that the task force report on oil imports makes a devastating case against the present system and concludes that—

> It would be indefensible to allow this heavy burden on consumers to remain untouched in the face of persuasive findings that it is not even serving the nation's security interests effectively.

Mr. President, I believe the mandatory oil import program, had it been administered and managed for the purpose for which it was established, could have been more effective in helping maintain a healthy and viable domestic petroleum industry. Even with the exceptions, exemptions, and special deals that have been made, the program has worked well and should be retained.

This conclusion is not only mine but that of all of the oil and gas industry, majors and independents alike. Although the major integrated companies who produce, refine and market both here and abroad would be most likely to survive this double-barrelled assault of tax reform and a rollback in crude oil prices, the efforts of thousands of independents would be lost in the search for oil and gas reserves. Also the competition of the small business inland refiners would also go by the boards without the benefit of the import allocations they now receive under the quota system.

Mr. President, the task force majority did not buy this Rube Goldberg econometric-model-inspired plan devised by a so-called unbiased—as well as uninformed—group of academicians and theorists without some reservations. In fact, the reservations expressed by the Secretaries of Defense, State, and Treasury would preclude adoption of the plan at all.

In his supplementary views, the Secretary of State noted "that basic changes in an oil import program of long standing might provoke serious adverse reactions which could have an important bearing on national security. Before final decisions are made, therefore, this consideration should be taken into account." He added that the State Department may submit to the President further suggestions for and amendments to the program in the light of those security considerations.

The Secretary of the Treasury conditioned his endorsement of the task force proposal by insisting that—

> The new system should be so designed as to involve no more than a gradual increase of imports as total demand expands. Our domestic industry will be expected and encouraged to continue to expand its output and to explore for and develop new sources of crude oil and substitutes; the revised oil import control system should be so managed as to work toward this goal. To this end, changes in import levels and not predetermined price level objectives should guide the program managers in their surveillance of the program.

But, Mr. President, the task force report has based its conclusions and recommendations on predetermined wellhead price levels for the price of crude and, frankly states its intention of price-fixing—in spite of its denial—when it says:

> But price and import volume are directly related; and a tariff system in particular must be developed in relation to a price expected to yield an acceptable volume of imports.

But Secretary Shultz says this is not price fixing.

The report, however, says the Chairman of the task force—Mr. Shultz—is convinced that the evidence now available and developed in this report is sufficient to justify the present adoption of a planning schedule designed to phase in a tariff level of approximately $1.00 per barrel—including the existing tariff over the 3- or 5-year transition period illustrated in tables O and P and with the preferences and safeguards described in part III."

The task force price assumptions are based on different levels of imports that would drive the price of domestic crude progressively from its present $3.30 level at the wellhead in Louisiana to $3, then $2.50 and, in the absence of any import restrictions, the price would be forced down to $2 or less per barrel.

The majority of the task force settled for a $1.35 tariff which, according to the task force would result in an immediate 30-cent price decline, but Chairman Shultz opted for a 90 cents tariff intended to drive the domestic price down to $2.50 per barrel according to the task force assumptions. So rather than the 10-percent price reduction envisioned in the task force recommendations for a $1.35 plus the present 10.5 cent tariff, Secretary Shultz wants to go for broke—that is, for the oil industry—with a 24-percent reduction.

One of the fundamental disagreements with the task force report stressed by the separate report of Interior, Commerce, and FPC, was the economic consequences of the proposal. Imports in the volume permitted in the task force proposal would cause large scale waste of U.S. oil and gas resources:

First. The program recommended in the task force report seeks to put an end to the increasingly efficient oil and gas conservation programs which have been developed and administered by the producing States over the past 25 years.

Second. Production and proved reserves in marginal wells, running into billions of barrels, would be lost forever. At the end of 1968, stripper wells, producing less than 10 barrels each per day, had reserves of 5.5 billion barrels of oil.

Third. Secondary recovery would become less attractive. As a result, less oil would be recovered from known reservoirs.

Fourth. Exploration for new oil and gas fields would cease in all but the most attractive areas. Oil and gas which would be brought to market under the present oil import program would be substantially reduced.

Fifth. The impact of lower crude oil prices on natural gas supplies.

Sixth. Development of any new synthetic fuel industries as alternative sources of liquid hydrocarbons and gas—coal shale, and tar sands—would not occur.

The oil industry's 1.2 million employees would be adversely affected by a substantial reduction in employment in the following areas:

First. Oil exploration and production.

Second. Pipeline construction.

Third. Tanker construction and operation.

Fourth. Oil well servicing.

Fifth. Pipe production by the steel industry.

Sixth. Allied industries.

The 31 oil- and gas-producing States would have significantly reduced revenues from severance taxes, oil leases, and taxes on incomes earned. Federal revenues would be similarly affected. Values of oil in place would fall drastically, reducing the assets of property, royalty,

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and shareholders. Bank's collateral would be reduced and the industry's borrowing capacity severely curtailed.

Rather than scrapping the conservation measures worked out over the past 35 years through the interstate compact on oil and gas which was extended by Congress for another 2 years during the last session, the task force would do away, for all practical purposes, with the Interstate Oil Compact Commission and render the various State regulatory agencies invalid as far as oil and gas production is concerned.

Mr. President, I have just received from the executive secretary of that commission a copy of a resolution—which I shall read later—adopted by its executive committee. I ask unanimous consent that the list of 33 member Governors be printed in the Record following my remarks.

The ACTING PRESIDENT pro tempore. Without objection it is so ordered.

(See exhibit 1.)

Mr. HANSEN. Mr. President, I am happy to note that the 33 member Governors of the Interstate Oil Compact Commission are unanimous in their opposition to such a tariff plan as proposed by the task force and have urged the continuation and refinement of the present quota system.

As a former member of the Interstate Oil and Gas Commission, I fully endorse their views and resolution and also commend these 33 Governors for imploring the President of the United States and the Congress of the United States to reject any type of complete or partial inclusion of a tariff factor intended to supplant the present volumetric import control principle inaugurated by President Eisenhower nearly 11 years ago. We urge its continuation, its refinement, and its constant review to the end that its administration will be accomplished with fairness and justice and in the national interest.

Mr. President, following the release by the President of the task force report, the Washington Post carried an editorial entitled, "New Oil Import Policy in Order."

The Washington Post reacted as might be expected from its past attacks on the oil and gas industry, a more or less reflex action by not only the Post but other news media in the East and Northeast.

Mr. President, since coming to Washington, I have been amazed and dismayed at the hostility of the press toward the oil and gas industry, regardless of what it has or has not done.

The verdict is automatically "guilty" and without the benefit of trial or a right to respond. It is always the same and whether true or not—and I believe the oil and gas industry should be praised rather than pelted—as Chairman Wilbur Mills of the House Ways and Means Committee said, the oil and gas 27½-percent depletion allowance has become, in the public mind, a symbol of tax inequity. Rightly or wrongly, that percentage has now been reduced to 22, a loss of more than one-fourth of the allowance plus other provisions in the Tax Reform Act which will add some $600 million a year to the industry's cost of doing business. This was in the face of mounting costs incurred by the industry and its higher and higher exploration and development costs as the search for new reserves went deeper and deeper in both onshore and offshore wells.

Actually, as I pointed out earlier, crude oil and oil product prices have remained remarkably stable since the oil import program was established 11 years ago and especially during recent inflation years. And I believe the price increases that have been made would prove far smaller, percentagewise, than the subscription and advertising rate increases of the Washington Post during the same period. I am making a study of this comparison and will comment on the results later.

But regardless of the motives involved in the anti-oil syndrome so prevalent in this part of the country, I answered the charges made in the editorial and I ask unanimous consent that my letter to the editor be printed in the Record following my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 2.)

Mr. HANSEN. Mr. President, as part of the record of the Antitrust Subcommittee hearings this week, an appendix entitled "Observations on Some Points and Questions Raised About the Task Force Report" was introduced.

I would like to comment on one part of that appendix which made the following observation, and I quote:

> There may be a weakness in the majority's recommendation of an observation period before the decision is made whether to reduce the tariff to an equilibrium level of $1.00 (or whatever). It assumes that all reactions to the new policy during this period will be non-strategic, and that "objective" facts will be produced to support the decision. But the industry is capable of behaving irrationally for short periods, and even of contriving an apparent disaster by ceasing exploration, dramatically revising its reserve additions downward, closing up intramarginal properties prematurely, etc. Not every firm would do this, but enough might do so (from panic or for calculated strategic reasons) to produce an appearance of crisis calling for immediate "corrective" action, e.g., return to quota restrictions plus a curative dose of higher prices than before the "ill-advised" change to a tariff system. The industry associations could help to produce such an impression. A dramatic increase in imports might well accompany it—after all, the same firms can influence both the domestic reserves and the import reactions. And we must not forget that the "facts" for decision will be produced largely by these same firms and associations.
>
> The industry is not monopolistic enough to sustain a false reaction over an extended period; in the long run the normal commercial motives will reassert themselves and objective facts would win out. But we have no assured means of preventing over-reaction or downright manipulation in the short run, nor is it clear how the administration would distinguish between a fake disaster and a real one. This does put a premium on improving the quality and reliability of statistical information as recommended in the report (p. 345b), so as at least to free the program managers from conclusory industry assertions.

Mr. President, short of substantive proof, I cannot believe these were the words of Secretary Shultz.

I hope this issue may be resolved on its merits and not on such emotional speculative and presumptive statements as the one I have just quoted.

Mr. President, the resolution which has been ratified by the Interstate Oil Compact Commission and signed by 33 Governors, represents the conviction of two-thirds of our Governors. It is well worth heeding.

It reads as follows:

Resolution

The President's Cabinet Task Force on Oil Import Control has submitted to the President the results of its review of the oil import control system.

The Task Force majority reportedly favors replacing the 11-year-old quota system with a phased-in differential tariff on foreign oil as the restrictive mechanism for the specific purpose of reducing or manipulating the domestic wellhead price of crude oil.

The Secretaries of Commerce and Interior and the Chairman of the Federal Power Commission dissent from the majority in their staunch opposition to the tariff concept and urge the continuation and refinement of the present quota system.

During its 35 years of existence, the Interstate Oil Compact Commission has consistently fostered petroleum conservation polices, including foreign oil import control principles, that promote the orderly and adequate development of domestic oil and gas reserves, the prevention of waste, and the protection of correlative property rights.

These sound and time-tested policies, nurtured in the economic, social, and political environment of this nation, have stimulated the conception and improvement of petroleum industry technology in use throughout the world.

Moreover, these same policies have helped immeasurably this nation to maintain its economic and military strength and its energy independence through two world wars, two Middle East crises, the Far East involvement and the current tensions in the Arab world.

It is the firm conviction of this Compact that these proved sound polices must be continued and improved and that the national interest must *not* be jeopardized by the imposition of a full or even partial tariff factor in the foreign oil import control mechanism.

While it is not the purview of the Interstate Oil Compact Commission to concern itself with petroleum prices, inasmuch as it is the announced intention of the report of the Cabinet Task Force on Oil Imports to artificially manipulate the price of crude oil by a selective, arbitrary, and variable tariff system, it is only fitting and equitable that the impact of such a program be called to the attention of those who will eventually pass judgment on the Cabinet report.

Any foreign oil import tariff that forces lower crude oil prices can only result in damage and harm to the entire nation. Some of the more prominent victims of such destructive forces will be:

1. *Consumers of petroleum products.*—The cost of petroleum products to all domestic consumers will increase by an amount equal to or greater than the tariff imposed. Consumers located distances from coastal refining facilities will also be faced with added product transportation costs.

2. *State and local governments and school systems.*—The inevitable loss in revenues from ad valorem, severance and production taxes that will result from reduced crude oil prices and premature well abandonments will do great damage to the economy and to the educational systems of all of the oil producing states.

3. *National defense.*—Forced crude oil price reductions will reduce this nation's petroleum producing ability to an amount that

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is less than our present military and civilian day-to-day needs. Dependence on foreign oil will result.

4. *Natural gas reserves.*—For the first time in the life of this Compact recent natural gas shortages have jeopardized the flow of gas to manufacturing plants. Reduced exploration drilling that will result from reduced crude oil prices will accelerate this coming natural gas supply crisis.

5. *Petrochemical industry.*—Domestic oil and natural gas liquids are the predominant feedstocks for the petrochemical industry that has invested over $19 billion in plants and employs some 320,000 persons in many states.

The huge liquified petroleum gas industry furnishes fuel to industries and remote consumers in practically every state.

6. *New petroleum provinces.*—The imposition of a tariff on foreign oil, even if a quota system base of import control is retained, will reduce the tremendous amounts of capital necessary to effectively explore: the Arctic areas of Alaska; the offshore areas of the East Coast, the submerged Gulf Coast and the West Coast of the United States; and the deep petroleum provinces that yet remain to be tested within the Continental United States.

7. *Existing petroleum reserves.*—The older high-cost producing reserves that now supply large quantities of oil, natural gas and natural gas liquids to domestic markets, will be abandoned prematurely. Victims of this great loss will be the independent producers, the smaller refiners and their customers, many industries and the ultimate consumers.

8. *Alternate energy source.*—Of all of this nation's economically recoverable energy sources—coal, shale oil, tar sands, uranium and petroleum, oil and gas are the most abundant, most flexible, most desirable and cheapest due principally to the laws and regulations under which this industry has operated for so many years.

Reduced crude oil prices will postpone, even stagnate, the urgently needed development of all alternate energy sources. Dependence on foreign oil is therefore assured and accelerated.

9. *Balance of payments.*—The intended objective of any tariff plan is to reduce domestic crude oil prices which will force abandonment of domestic wells and increase the quantity of foreign oil imported.

The United States balance of payments will therefore be affected adversely and add to the economic instability of the nation.

10. *United States foreign policy.*—The differential tariff concept, reportedly provides for "low" Canadian "intermediate" other Western Hemisphere, and "high" Eastern Hemisphere tariff levels, regardless of the quality of the crude oil imported.

This categorization of trade policies with free world nations can only invite punitive retaliation and strain the foreign relationships with all nations.

In the light of these consequences:

Be it resolved: The Executive Committee of the Interstate Oil Compact Commission meeting this 16th day of February, 1970 in Dallas, Texas, reaffirms its past positions on the subject of the Mandatory Oil Import Control Program and further urges:

The President of the United States, and the Congress of the United States to reject any type of complete or partial inclusion of a tariff factor intended to supplant the present volumetric import control principle inaugurated by President Eisenhower nearly 11 years ago. We urge its continuation, its refinement and its constant review to the end that its administration will be accomplished with fairness and justice and in the national interest.

I, W. Timothy Dowd, Executive Secretary of the Interstate Oil Compact Commission, do hereby certify that the above and foregoing is a true and correct copy of a resolution adopted by the Executive Committee of the Interstate Oil Compact Commission, in meeting duly assembled at Dallas, Texas, on the 16th day of February, 1970.

W. TIMOTHY DOWD.

EXHIBIT 1

INTERSTATE OIL COMPACT COMMISSION

MEMBER STATE AND GOVERNOR

Alabama, Albert P. Brewer.
Alaska, Keith H. Miller.
Arizona, Jack Williams.
Arkansas, Winthrop Rockefeller.
Colorado, John A. Love.
Florida, Claude R. Kirk, Jr.
Georgia,* Lester Maddox.
Idaho,* Don Samuelson.
Illinois, Richard B. Ogilvie.
Indiana, Edgar D. Whitcomb.
Kansas, Robert B. Docking.
Kentucky, Louie B. Nunn.
Louisiana, John J. McKeithen.
Maryland, Marvin Mandel.
Michigan, William G. Milliken.
Mississippi, John Bell Williams.
Montana, Forrest H. Anderson.
Nebraska, Norbert T. Tiemann.
Nevada, Paul Laxalt.
New Mexico, David F. Cargo.
New York, Nelson A. Rockefeller.
North Dakota, William L. Guy.
Ohio, James A. Rhodes.
Oklahoma, Dewey F. Bartlett.
Oregon,* Tom McCall.
Pennsylvania, Raymond P. Shafer.
South Dakota, Frank L. Farrar.
Tennessee, Buford Ellington.
Texas Preston D. Smith.
Utah, Calvin L. Rampton.
Washington,* Daniel J. Evans.
West Virginia, Arch A. Moore, Jr.
Wyoming, Stanley K. Hathaway.

*Associate Members—States which have a conservation law but do not have any oil or gas production at present.

EXHIBIT 2

U.S. SENATE,
COMMITTEE ON FINANCE,
Washington, D.C., March 4, 1970.

BENJAMIN BRADLEE,
Editor, Washington Post,
Washington, D.C.

DEAR MR. BRADLEE: I certainly agree with the title of your recent editorial, "New Oil Import Policy in Order," but I would suggest that you examine the report of the Cabinet Task Force on Oil Import Control in more detail before endorsing the tariff plan recommended by a majority of the Task Force.

You mentioned that only two members of the Cabinet Level Task Force dissented from the majority recommendations. These two were the Secretaries of the Departments of Interior and Commerce who were joined by the Chairman of the Federal Power Commission in a separate report which opposes scrapping of the present quota system and offers alternatives for revising the present program and correcting its inequities.

These three agencies are more directly concerned with the nation's energy resources and requirements than any of the other five represented on the Task Force—Labor, Treasury, State, Defense, and the Office of Emergency Preparedness.

The "special arrangements and exceptions for purposes essentially unrelated to national security," which you say, "makes a devastating case against the present system" were authorized by former Secretary of Interior Stewart L. Udall, and were, indeed, unrelated to the national security clause of the Trade Expansion Act, the legal basis for the Mandatory Oil Import Program.

These exceptions, exemptions and special deals had so riddled the program that something had to be done about several pending applications that were unrelated to the basic concepts of the program. After the special exceptions were granted by Udall in Puerto Rico and the Virgin Islands, the controversial application for another special exception by the Port of Maine Authority, and similar applications in Hawaii and Savannah, Georgia, had to be decided. The appointment of the Cabinet Level Task Force was President Nixon's answer.

Because of these exceptions and others that permit unlimited imports of residual fuel oil (industrial) into the East Coast area and Canadian imports running far above amounts agreed on, total imports of oil and oil products into the United States are now running at a rate of more than 25 percent of U.S. production, although the Mandatory Oil Import Program set a limit of 12.2 percent for all areas except to the West Coast where imports are allowed to make up the difference between actual production in those states and the market demand.

Actually, more than 40 percent of the total oil product supply to the entire east coast is now imported and even the Task Force majority could find no history of a real shortage of home heating oil in New England states or higher prices, as has been claimed for that area except higher retail dealer mark-ups.

Aside from the national security risks of becoming dependent on unreliable foreign sources of oil—and these arguments are compelling enough—the Task Force report and analysis neither mentions nor apparently considers the fact that crude oil and crude oil product prices have remained remarkably stable since 1959 when the present Mandatory Oil Import Quota System was established as compared with other consumer products. The data show that, excluding excise taxes, the service station price for regular gasoline obtained by averaging data for more than 50 cities, had by 1969 gone up only 11.9 percent over the 1958–59 average while the Bureau of Labor statistics consumer price index has risen 26.3 percent.

And out of the 2.525 cents per gallon average increase in service station prices for gasoline from 1958–59 to 1969, 1.57 cents per gallon, or 62 percent, went to dealers in higher margins.

For home heating oil during this period, out of a 1.75 cent per gallon rise, 77 percent went to retailers in higher dealer margins. As for crude oil itself, while 1969 crude prices had risen only 3.6 percent above the 1958–59 average, the wholesale price index for industrial commodities had risen by 12.3 percent.

As to the overall costs of the oil import program which you say is indefensible, former Undersecretary of Interior Russell E. Train, who has just been named Chairman of the President's Council on Environmental Quality explained it this way:

"I would like to begin my remarks by inviting attention to one of these aspects that seems to have drawn more notice than any of the others; that is, the subject of costs, primarily as they apply to petroleum energy. There has been a great deal of confusion as to the meaning of the figures that have been used to describe the cost of the current oil import control program. Basically, two kinds of costs have claimed most of the attention."

"There is, first, the *cost to the consumer* of the present program. This is measured by the increased price the consumer of oil products must pay because of the existence of an oil security program. The price that the consumer pays under the present oil import program includes not only the moneys required to provide the physical capacity to produce additional oil in the United States but also payments to all producers of oil because of the higher price of domestic crude oil. The cost to the consumer, therefore, consists of two parts: (1) payments required to bring forth the additional production generated by the program, and (2) transfers

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from the consumer to the producers and refiners of all oil."

"The cost of the program to the nation, often called the *resource cost*, measures the additional economic resources of labor, materials, equipment, and capital required to produce additional oil in the United States or to provide other forms of emergency oil supplies to the United States."

"The resource cost is, therefore, the difference between the price of foreign oil in U.S. markets and our own cost of producing that part of our oil that we could buy more cheaply from foreign sources. It measures the marginal segment of our production that costs us more to produce at home than it does to buy abroad. This is a net cost to the economy that cannot be made to disappear by passing it around from one sector to another."

"In the nature of the case, there is a large difference between these two cost figures due to the large element of transfer payments between various parts of the economy. Costs of the present program to consumers have been estimated as high as seven billion dollars based on 1975 use rates, compared with resource cost of about one billion dollars annually. But it is the lower figure—the net cost to the nation after all the transfers from one American pocket to another have been wrung out—that is the true measurement of the premium we are paying to have a reliable oil supply in support of our national security. It appears to be quite modest in comparison with some of the other cost elements of our national security. A nuclear-powered aircraft carrier, with its embarked aircraft and defensive screen, costs somewhat over two billion dollars, and our total expenditures for defense purposes this year will exceed eighty billion dollars."

But even the Task Force report left the consumer out in the cold as far as any real or actual savings at the gas pump or in home heating oil are concerned.

"Consumers generally," the report states, "would no longer receive whatever benefits they now receive from low-cost imported oil. The tariff would appropriate the difference between foreign and U.S. prices (to the U.S. Treasury). Some of that difference may now be passed through to consumers. To that extent, the tariff would raise consumer prices. But consumer prices can be made to decline steadily by combining an initially high but steadily declining tariff with a steadily decreasing tariff-free quota."

It is, as you say, essentially a modest and cautious program. It proposes to bleed the petroleum industry to death gradually with a "phased-in liberalization of the policy" rather than kill it off instantly. The first blood-letting has already taken place in the Tax Reform Act which added some $600 million a year to the industry's tax bill. The next step now recommended by the Doctors of Philosophy and Economic Professors who made up the Task Force staff would reduce crude oil prices by 10 percent and eventually by much more than that at a time when the oil industry needs to invest huge amounts in exploration and development of increased oil and gas supplies in the U.S. We are now importing more than one-fourth of our oil needs and will probably have to import more as our use expands. But the only way to keep foreign oil available and cheap is to have the reserve capacity available from reliable sources to guarantee self-sufficiency and avoid dependency on sources that could be denied us overnight.

In my opinion, tariff on oil imports into the U.S. would be an unsatisfactory mechanism for achieving the precise volumetric control needed for national security.

A tariff designed to reduce the price of U.S. crude oil would endanger the national security by threatening the health of the domestic petroleum industry, putting the U.S. at the mercy of foreign countries whose interests may be opposed to our own, causing a further deterioration in our balance of payments position, and shifting the global balance of power away from us.

Even short-term benefits which might accrue to the U.S. consumer from such a tariff—and these are highly dubious—would soon be swallowed up by an increase in world crude oil prices and in the price of domestic natural gas. Federal government increases in revenue from a tariff would be offset by a decline in domestic taxes and royalties and the states would lose in taxes, employment, and purchasing power.

The net result of a tariff would be a loss to the nation in military effectiveness, economic stability, and political influence.

The supplementary and differing views of the Chairman of the Federal Power Commission are positive and emphatic. "Adoption of the Task Force plan will not only disrupt the oil and gas industry, but will affect our total energy resource utilization, and consumer demand for 75% of our current energy base."

The FPC report continues:

"The Task Force Report has virtually ignored the natural gas sector and accordingly, has erred in this conclusion that adoption of the Task Force tariff-based oil import plan will not adversely affect the national security. Exploration, development and production of natural gas and oil are not practicably separable. Twenty-five oil companies produce 68% of the natural gas sold in interstate commerce in the United States. However, the independent oil and gas producers found approximately 80% of the new gas and oil fields discovered in 1967 in the interior basis of the United States. In 1968, the regulated pipeline and distribution companies produced only 8.1% of the gas transported through their systems. The natural gas industry is dependent almost entirely on the oil companies or independent producers of oil and gas for its basic gas supply. Drastic reduction of oil prices over a term of 3–5 years will significantly reduce additions to natural gas reserves, curtail the growth of the natural gas energy sector, and increase consumer costs."

"The domestic industry supplies as much energy in the form of natural gas as in the form of crude oil. At the point of production, the average price is about $3.00 a barrel for crude oil and less than $1.20 for the equivalent energy as natural gas. The average cost of domestic petroleum energy equivalent to a barrel of crude oil is one-half of the sum of these two figures or $2.10, which is about as cheap as foreign crude oil can be delivered to U.S. ports."

So these are really the basic issues involved in the oil import controversy.

Undoubtedly, we could have cheaper dairy products, meat, shoes, clothing, oil, automobiles, TV sets, and many other consumer items if we are willing to open our markets to massive imports of these products which are produced by workers paid far less than U.S. workers.

But before bargaining off what little protection we have left for American workers employed in competitive industries, I hope that those who advocate such liberal trade policies will study some statistics and hard facts of comparative U.S. wage levels and U.S. standards of living as compared with the countries from which these imports are coming.

American consumers have made such wages illegal and impossible through their elected representatives and the minimum laws, obligatory collective bargaining, and other laws that have been enacted during the years.

The U.S. consumer and those who represent them in Congress must learn to act responsibly and to forgo their inclination to eat their cake and still have it as far as imports are concerned.

And those who advocate control of domestic prices by a flood of cheaply produced foreign oil or any other competitive import may well have to suffer the consequences of the massive unemployment that will surely follow.

The separate report of Interior, Commerce and FPC offers a well-reasoned and documented rebuttal to the Task Force plan and a sensible alternative plan for revision of the Mandatory Oil Import Program.

Also the President in deferring action on the Task Force recommendations said he expected the new oil policy committee to "consider both interim and long-term adjustments that will increase the effectiveness and enhance the equity of the oil import program . . . as well as the information developed in proposed Congressional hearings."

Hearings have already been scheduled by the appropriate committees of both the House and Senate during which the differing views of both the majority and minority of the Task Force will be considered and I invite your attention again to the separate and opposing views which were included in the Task Force report.

Sincerely,

Clifford P. Hansen,
U.S. Senator.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. The Senate will now proceed to the transaction of routine morning business, with statements limited to 3 minutes.

Mr. SYMINGTON. Mr. President, I ask unanimous consent that I may proceed for 5 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

G. McMURTRIE GODLEY—AMBASSADOR OR PROCONSUL IN LAOS

Mr. SYMINGTON. Mr. President, last month an Associated Press story with a Vientiane, Laos, dateline reported on the activities in Laos of three American newsmen; and also gave a statement, purportedly made by U.S. Ambassador to Laos, G. McMurtrie Godley, that "the American mission has lost any interest in helping out the press whatsoever because of what happened this afternoon."

I ask unanimous consent that this newsstory of last February 24 be inserted at this point in the Record.

There being no objection, the news article was ordered to be printed in the Record, as follows:

Laotians Arrest Three Newsmen

Vientiane, Laos.—Laotian army troops today arrested three Western newsmen who made their way unannounced to the government base at Long Cheng. They were later released to a U.S. Embassy official.

G. McMurtrie Godley, the U.S. ambassador to Vientiane, said in a statement that "the American mission has lost any interest in helping out the press whatsoever because of what happened this afternoon." He did not elaborate.

The newsmen arrested were John Saar of Life magazine, Max Coiffait, of Agency France Press, and Timothy Allman, a part-time employe for the New York Times and Bangkok Post.

Newsmen attempting to cover the fast-breaking developments in Laos have been forced to rely largely on American mission sources for their information, and on the mission for transportation to battle areas.

The U.S. mission has been reluctant to intercede with the Laotian government to help newsmen visit areas where fighting is going on.

Saar, Coiffait and Allman were among a group of newsmen who last week made a visit to Sam Thong, a supply and medical center southwest of the Plain of Jars. They had chartered an Air America transport plane with the consent of the U.S. Embassy and the Laotian government.

The three newsmen were last seen walking along a road leading to Long Cheng, headquarters for Gen. Vang Pao, 15 miles away.

Vang commands Laotian forces in the area.

Mr. SYMINGTON. Mr. President, yesterday the State Department released a summary of some correspondence that, as chairman of the Subcommittee on U.S. Security Agreements and Commitments Abroad of the Senate Foreign Relations Committee, I have had with the Secretary of State in connection with the desire of the subcommittee to hear Ambassador Godley. I ask unanimous consent that a letter from me of February 25 to the Secretary of State, also a letter from me to him a week later, March 2, plus the Secretary's reply of March 4, plus my reply of March 5 to that letter, be inserted at this point in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

SUBCOMMITTEE ON U.S. SECURITY AGREEMENT AND COMMITMENTS ABROAD

February 25, 1970.

Hon. WILLIAM P. ROGERS,
Secretary of State,
Washington, D.C.

DEAR MR. SECRETARY: In view of recent press reports of serious fighting in Laos, and the difficulties which have been reported by press representatives in Laos in ascertaining the facts, we request that Ambassador G. McMurtrie Godley be directed to return to Washington as soon as possible to appear before the Subcommittee on United States Security Agreements and Commitments Abroad.

Sincerely yours,
STUART SYMINGTON,
Chairman.

MARCH 2, 1970.

Hon. WILLIAM P. ROGERS,
Secretary of State, Department of State,
Washington, D.C.

DEAR MR. SECRETARY: On February 25 we requested that Ambassador Godley appear at his earliest convenience before the Subcommittee on United States Security Agreements and Commitments Abroad of the Foreign Relations Committee.

Would you kindly let us know when we can expect his appearance.

Sincerely,
STUART SYMINGTON.

THE SECRETARY OF STATE,
Washington, March 4, 1970.

Hon. STUART SYMINGTON,
Chairman, Subcommittee on U.S. Security Agreements and Commitments Abroad, Committee on Foreign Relations, U.S. Senate.

DEAR STU: I have received your letter of February 25th requesting that Ambassador Godley be brought back to appear before your Subcommittee on United States Security Agreements and Commitments Abroad.

I am sure you will understand that because of the serious situation presently existing in Laos, it is not possible to say at this time exactly when Ambassador Godley will be available. As soon as the situation makes it feasible for him to return to this country, we will arrange to have him do so and he will of course be prepared to appear before your Subcommittee at that time.

With best personal regards,
Sincerely,
WILLIAM P. ROGERS.

MARCH 5, 1970.

Hon. WILLIAM P. ROGERS,
Secretary of State, Department of State,
Washington, D.C.

DEAR BILL: Acknowledging your note of March 4 re Ambassador Godley, could you let us know when we can expect him? We are anxious to have him as soon as possible.

Warm regards.
Sincerely,
STUART SYMINGTON.

Mr. SYMINGTON. Mr. President, I regret that apparently Ambassador Godley will not be available for some time, because it would seem that it is in the public interest for him to appear before the subcommittee as soon as possible.

If our fighting is to continue in Laos, however, I can understand why there is no desire to return the Ambassador, because when I was last in Laos, some 2½ years ago, the Ambassador at that time, in addition to his normal State Department functions, was not only directly supervising the extensive military and nonmilitary activities of the various U.S. intelligence agencies in that country, but was also directing the time, place, and nature of all other U.S. military activities against North Laos.

In passing, although traveling on official business as a member of both the Senate Foreign Relations Committee and the Senate Armed Services Committee, even then I was not fully informed of some of our military activities, at the time of this visit or on previous visits; and only learned of these activities as a result of sworn testimony before the subcommittee in question during hearings held last October.

I did learn, however, that at that time the Ambassador was also acting as chief of staff of U.S. military efforts in the northern part of that country; and if that is what he is doing now, and because recently there has been heavy escalation of U.S. participation in this northern Laos war, I can understand why there is some resistance to bringing him back at this time.

I would hope, however, that as soon as possible we can find out more about just what is going on in that country; and Ambassador Godley—based on his duties, perhaps it would be better to call him Proconsul Godley—is obviously the best person to supply that information.

As background to the importance of this request is an article in the press this morning, which article says that Prince Souvanna Phouma of Laos is apparently now following the sanctuary policy of Prince Sihanouk of Cambodia; this in that he is now offering to the military forces of North Vietnam free access to the Ho Chi Minh trails that are supplying the enemy in South Vietnam; this offer provided the North Vietnamese desist in their offensive action against Northern Laos.

I ask unanimous consent that this article this morning in the Washington Post, entitled "Laos Offers Hanoi Trail Use if It Quits Rest of Country" be inserted at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Mar. 6, 1970]

LAOS OFFERS HANOI TRAIL USE IF IT QUITS REST OF COUNTRY

VIENTIANE, March 6.—Prime Minister Prince Souvanna Phouma reiterated today he would tolerate North Vietnamese use of the Ho Chi Minh trail through southern Laos if the North Vietnamese would withdraw from the rest of the country.

"I told the ambassador from North Vietnam last year that we will accept the use of the trail by North Vietnamese troops with the condition that those troops withdrew from the important regions of Laos," he told a news conference.

Souvanna's renewal of the offer comes almost on the eve of an expected White House announcement this week shedding new light on the U.S. role in Laos, where the main U.S. involvement is in blocking the North Vietnamese supply route to South Vietnam over the Ho Chi Minh Trail. The renewal offer also comes as the Laotian government is under increased military pressure from the North Vietnamese.

When he first made the offer, Hanoi rejected it because he would not invoke his authority to tell the Americans to stop bombing the trail. He said publicly that he had told the North Vietnamese that what happened around the trail was between them and the Americans.

The Premier said: "The Ho Chi Minh Trail, after all, runs across the deserted part of our country. What we would like to see is that the North Vietnamese will not come to destroy our towns, villages and economy."

Prince Souvanna was asked if American air raids over Laos constituted a violation of the 1962 Geneva agreement. He replied, "No. You must distinguish between two things—cause and effect. The cause is the North Vietnamese interference in Laos.

"After 1962, there was no withdrawal of North Vietnamese troops, and I asked for American intervention only in May, 1964, after the North Vietnamese had attacked the neutralist forces in the Plain of Jars. Remove the cause and the effect will disappear, withdraw the North Vietnamese troops and the bombing will stop."

Asked if American planes would also stop bombing the Ho Chi Minh Trail, he said, "I cannot say. That is a matter for the Americans to decide."

Prince Souvanna said he did not consider the fall of the Plain of Jars dramatic because this was only a return to the situation of five years ago when the North Vietnamese first overran the plain.

He said, however, "This offensive is different by virtue of the use of tanks, of new model artillery . . ." But, he added, "no matter what will happen, we remain confident in facing the danger."

The Premier said he would not accept aid in the form of foreign troops to fight against the North Vietnamese. "We want to limit the invasion and we don't want other foreign troops other than the North Vietnamese who are already here," he said.

Mr. CHURCH. Mr. President, will the Senator yield?

Mr. SYMINGTON. I am glad to yield to my able and distinguished colleague from Idaho.

Mr. CHURCH. Mr. President, I want to commend the Senator from Missouri for his persistent efforts to get the facts concerning the nature and extent of the American involvement in Laos. During my lifetime, this country has fought two

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undeclared wars. This is the first time it has fought an undisclosed war.

The American people are entitled to have all of the facts, and to have them now. If the President does make a full disclosure this weekend, I think much of the credit will go to the Senator from Missouri and to other members of the Foreign Relations Committee who have been insisting that the cloak of secrecy be removed from our involvement in the combat in Laos, and that the American people have a complete and full statement given them concerning the facts.

I think the Senator renders a great service to the country, and I simply want to associate myself with his effort and commend him for what he is doing.

Mr. SYMINGTON. I thank the distinguished Senator from Idaho, one of the wisest of all members of the Foreign Relations Committee. He is much too kind in what he says with respect to my activities. I would say that he, as well as two distinguished Senators I see on the floor this morning, the able majority leader and the able senior Senator from Oregon (Mr. HATFIELD), have had at least as much to do with the bringing out this problem.

I have not necessarily criticized what was going on in Laos, from the standpoint of whether it is right, or whether it is wrong. I have my opinions, but I do not know. What I do know, however, as the able Senator from Idaho has so ably pointed out, is that this is the first undisclosed war, to the best of his or my knowledge, we have ever fought with the military forces of the United States; and our military forces are just as much air and sea as they are ground.

Therefore, the primary thrust of what I have been trying to do, and, what is more important, what the subcommittee which I have the honor to chair has been trying to do, is to get the facts before the people. In this connection, we are only following the recommendation of President Nixon presented in the first paragraph of his televised speech last November 3. I ask unanimous consent that the first paragraph of that address be inserted at this point in the RECORD.

There being no objection, the paragraph was ordered to be printed in the RECORD, as follows:

> I believe that one of the reasons for the deep division about Vietnam is that many Americans have lost confidence in what the Government has told them about our policy. The American people cannot and should not be asked to support a policy which involves the overriding issues of war and peace unless they know the truth about that policy.

Mr. MANSFIELD. Mr. President, I wish to associate myself with the remarks of the distinguished Senator from Missouri, who has been doing an outstanding job, in executive session, in trying to lay the facts before the committee, at least, and, hopefully, the Senate and the American people, in terms of just what our involvement is in the arc all the way from Thailand to Korea in the north, with a number of countries in between.

I am glad to note by press accounts that there is a good possibility that the administration will make a statement on Laos very shortly; and I am very hopeful that an accord can be reached between the distinguished chairman of the Symington subcommittee and the State Department, which will bring about a release of at least as much of the hearings—and without violating security—which have been held up by the State Department and which have been held in a state of limbo for 5 months up to this day.

Mr. SYMINGTON. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. SYMINGTON. I appreciate the remarks of the distinguished majority leader. It is universally recognized in this body as well as in the other body where he served long and well that no one knows more about the history of what was Indochina and the Far East, than does he. I am grateful that he emphasizes the fact we are all trying not to criticize necessarily what is going on, but to find out what is going on, policies, programs, and actions that have to do with lives of young Americans and the treasure of all of us.

Mr. MANSFIELD. May I express my thanks to the distinguished Senator from Missouri and say that the suggestions which have been made should react, in my opinion, to the benefit of the administration. I am well aware of the fact that the President did not start this war. He inherited it and he is saddled with it. I am hopeful, when he has made his statement, and an accord can be reached between the State Department and the distinguished Senator from Missouri, that the fires which are rapidly spreading will at least be damped as a result.

Mr. HATFIELD. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. HATFIELD. Mr. President, I associate myself with the comments of the distinguished Senator from Missouri this morning. I would hope that out of these disclosures, or out of further contact with the Defense Department, among other things we might obtain any new definitions of what constitutes a "combatant" or a "military action."

There has been a great deal of discussion, both in the public press and otherwise, that we have people in civilian clothes operating in a military capacity.

If we have some new definitions as to what constitutes involvement, depending upon the kind of clothes that people wear, I think we ought to get that clearly understood as well.

So I hope the Senator will press forward as he has been doing, not only to obtain full disclosure of the facts, but for any new definitions being applied today that are not in the conventional or familiar form of the definitions as we have known them, as to what constitutes "military involvement," and what might constitute "CIA involvement."

The ACTING PRESIDENT pro tempore. The time allotted to the Senator from Montana has expired.

Mr. MANSFIELD. I ask unanimous consent to proceed for 3 additional minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

DR. MENNINGER FAVORS LOWERING THE VOTING AGE TO 18

Mr. MANSFIELD. Mr. President, Dr. W. Walter Menninger is the youngest member and the only psychiatrist on the 13-member National Commission on the Causes and Prevention of Violence. This Commission was appointed by President Johnson in June of 1968. Its report was made in December 1969.

Dr. Menninger is the third generation member of the famous Topeka psychiatric family and the youngest son of the late Dr. William Menninger, cofounder of the Menninger Foundation, a nonprofit center for professional education, research, prevention, and treatment in psychiatry.

Dr. Menninger received his undergraduate degree from Stanford University where he was elected to Phi Beta Kappa. His medical education was at Cornell University Medical College, New York, where he was named to the fraternity of academic scholarship, Alpha Omega Alpha in his third year.

He interned with the Harvard Medical Service at Boston City Hospital and took psychiatric training with the Menninger School of Psychiatry in Topeka.

He has been certified by the American Board of Neurology and Psychiatry. He is a fellow in both the American Psychiatric Association and the American College of Physicians.

In September 1967 Dr. Menninger was appointed by the Surgeon General of the U.S. Public Health Service and the Secretary of Health, Education, and Welfare to a 4-year term on the National Advisory Health Council.

During the past 2 years, Dr. Menninger has followed in the footsteps of his renowned father, who addressed some 25 State legislatures on mental health matters.

He was the keynote speaker for the Association for Education in Journalism National Convention in 1968, speaking on the subject "Roots of Violence."

Dr. Menninger's writings include articles on "Reactions to Violence," first printed in the Stanford Alumni Almanac, reprinted by the Los Angeles Times: "Roots of Violence," "Student Demonstrations and Confrontations." Professional writings include articles on hospital psychiatry, Peace Corps psychiatric experience, confidentiality, rehabilitation, and psychiatric perspectives on violence.

In addition to his work in Topeka, he served for 2 years with the Peace Corps Medical Program Division and is currently a senior psychiatric consultant to the Peace Corps.

He has also been active in the area of prison reform. Five years ago he was named by the Director of the Federal Bureau of Prisons as the only physician and psychiatrist on a four-member panel to review the Federal prisons' health services.

Since 1965, Dr. Menninger has served

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as psychiatric consultant to the Topeka Police Department.

For his activities in his home State he has been designated "Kansan of Achievement in 1969" by the Topeka Capital-Journal.

Dr. Menninger as an undergraduate at Stanford University proved himself an effective managing editor of the Stanford Daily.

I ask unanimous consent that the statement made by the distinguished Dr. Menninger on February 16, 1970, before the Subcommittee on Constitutional Amendments of the Committee on the Judiciary, having to do with lowering the voting age to 18, be printed in the RECORD at this point.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

LOWERING THE VOTING AGE TO 18

(By W. Walter Menninger, M.D.)

INTRODUCTION

It is a special pleasure and honor to be asked to meet with this Subcommittee to share some views on the proposal to lower the voting age in our nation to 18. Today, I come before you as a representative of the National Commission on the Causes and Prevention of Violence, which in our report—*To Establish Justice, To Insure Domestic Tranquility*—went on record stating:

"We recommend that the Constitution of the United States be amended to lower the voting age for all state and Federal elections to eighteen."

To some extent, my presence here is like carrying coals to Newcastle, since two members of the Committee on the Judiciary of the United States Senate were fellow Commissioners with me: Senator Roman Hruska, who sits with this subcommittee; and Senator Philip Hart.

In addition to sharing with you the thinking of the Violence Commission, however, I wish to review this issue from my vantage point as a psychiatrist and student of human behavior. In addition to my clinical work, my perspective includes experience as a senior psychiatric consultant to and former staff member of the Peace Corps, and work in training VISTA volunteers. I have attempted to keep in contact with college students and be aware of their views, and through my wife's activities as a member of the Board of Education in Topeka, Kansas, I have some sense of the views of high school students in our area.

VIEWS OF THE VIOLENCE COMMISSION

In the early deliberations of the Commission on the Causes and Prevention of Violence, we formulated some themes of challenge which we presented in a Progress Report in January, 1969, to President Lyndon Johnson. One of those themes:

"The key to much of the violence in our society seems to lie with the young. Our youth account for an ever increasing percentage of crime, greater than their increasing percentage of the population. The thrust of much of the group protest and collective violence on the campus, in the ghettos, in the streets, is provided by our young people. It may be here, with tomorrow's generation, that much of the emphasis of our studies and the national response should lie."

Our concern with the relationship of youth and violence prompted our issuing two statements touching on youth, a statement on Campus Disorder, and a statement on Challenging Our Youth. Let me share with you excerpts of those statements which have some relevance to the subject of discussion today. At the same time, may I refer you to the complete statements which are chapters in our final report:

"Violence by the young, as by persons of all ages, has multiple causes, involving many elements of personality and social environment . . .

"Many of the young people in the nation today, however, are highly motivated by the ideals of justice, equality, candor, peace—fundamental values which their intellectual and spiritual heritage has taught them to honor . . .

"They speak eloquently and passionately of the gap between the ideals we preach and the many social injustices remaining to be corrected. They see a nation which has the capacity to provide food, shelter, and education for all, but has not devised the procedures, opportunities, or social institutions that bring about this result. They see a society built on the principle of human equality that has not assured equal opportunity in life. With the fresh energy and idealism of the young, they are impatient with the progress that has been made and are eager to attack these and other key problems. A combination of high ideals, tremendous energy, impatience at the rate of progress, and lack of constructive means for effecting change has led some of today's youth into disruptive and at times violent tactics for translating ideals into reality . . .

"The nation cannot afford to ignore lawlessness, or fail to enforce the law swiftly and surely for the protection of the many against the depredations of the few. We cannot accept violent attacks on some of our most valuable institutions, or upon the lives of our citizens, simply because some of the attackers may be either idealistically motivated or greatly disadvantaged.

"It is no less permissible for our nation to ignore the legitimate needs and desires of the young. Law enforcement must go hand in hand with timely and constructive remedial action. . . . Whether in the inner city, in a suburb or on a college campus, today's youth must be given a greater role in determining their own destiny and in shaping the future course of the society in which they live . . .

"Today's youth are capable of exercising the right to vote. Statistically they constitute the most highly educated group in our society. More finish high school than ever before, and more go on to higher education. The mass media—television, news and interpretive magazines, and an unprecedented number of books on national and world affairs—have given today's youth knowledge and perspective and made them sensitive to political issues. We have seen the dedication and conviction they brought to the Civil Rights movement and the skill and enthusiasm they have infused into the political process, even though they lack the vote.

"The anachronistic voting-age limitation tends to alienate them from systematic political processes and to drive them into a search for an alternative, sometimes violent, means to express their frustrations over the gap between the nation's ideals and actions. Lowering the voting age will not eliminate protest by the young. But it will provide them with a direct, constructive and democratic channel for making their views felt and for giving them a responsible stake in the future of the nation."

CRITERIA FOR SUFFRAGE

In other testimony, in previous hearings, this Subcommittee has been presented the history of suffrage. Many rationalizations for the criteria for suffrage in the past are no longer applicable. The ancient English Common Law designating 21 as the minimum age for knighthood might have had a rational basis then in the thought that not until that age would the young man be strong enough to bear the weight of armor in battle. Yet, I think now of my college classmate, now Congressman from California, Robert Mathias, who first won the Olympic Decathlon at age 17.

Criteria of property ownership, tax paying, sex, literacy have all been applied restrictively in the past. Each suggestion to liberalize the process to increase the electorate is met with dire predictions, resistance and concern. Now the question is what age is the right age to qualify one for the voting privilege.

It is hard to disagree with the statement of Senator Michael Mansfield before this Subcommittee in hearings two years ago, when he observed:

"The age of 21 is not simply the automatic chronological door to the sound judgment and wisdom that is needed to exercise the franchise of the ballot, or, for that matter, to assume any other responsibility. Indeed, it is the age of 18 that has long been regarded as the age when young people "try it on their own" and become responsible for themselves and for others. In fact, at this age, the citizen has fresher knowledge and a more enthusiastic interest in government processes."

You have had before you testimony as to the various legal postures of states and other jurisdictions as to what age is the "legal" age to engage in contracts, get married, pay taxes, be drafted for military service, etc. It is obvious that the search for the ideal age is elusive, and one is dealing with probabilities in searching for maturity—maturity in judgment and feeling and thought and knowledge, as well as in physique. It is also obvious that there are no good criteria for determining or measuring that "maturity" in an objective and consistent manner. So an "age" is designated, with the hope that there will be a reasonable correlation between that age and the "maturity" which is sought for the person who is to make the decision in the voting booth. It is evident that some people never achieve that "maturity," no matter how many years they have lived; and others achieve it quite early in life.

There is a reasonable assumption that, within limits, along with age, education is a factor which has some correlation with "maturity" of the individual. Education is an important ingredient in developing an informed and prudent electorate.

THE CHARACTER OF TODAY'S YOUTH

A careful look at the population of young people between the ages of 18 and 21 is most important when considering lowering the voting age. You have the statistics of the population, and recognize that we're talking only about some over five percent of the population of the United States. Indeed, one wonders why there should be such a fuss over such a small addition to the electorate, since the odds are very much against this five per cent changing the outcome of any given political election. Indeed, most surveys find that on the whole their political affiliations fairly closely parallel those of their parents.

The great publicity which has called attention to this age group has been the result of student activists, the Students for a Democratic Society, etc., and the many youth who have been responsible for the increase in crime. Yet it is important to keep this population in perspective, since the attention of the news media on disruptive elements tends to obscure the character of the vast majority of these youth—a majority which would well be labeled "silent."

It is worth noting the observations of others who have been involved with youth to put this age group in perspective:

"Young people today are the best-informed, the most intelligent and the most idealistic generation of young people this country has ever known. They are also the most sensitive to public issues and the most sophisticated in political tactics. Perhaps because they enjoy the affluence to support their ideals, today's undergraduate and graduate students exhibit, as a group, a higher level of social conscience than preceding generations."—Cox

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Commission Report on the disorders at Columbia University.

"This is a generation which has revived the full measure of good old-fashioned "show-me" skepticism. It is not the malefactor of great wealth, but the malefactor of great slogans who draws their scorn . . .

"They are also a generation whose senses have been bombarded by direct and vicarious experience as none before them have been. Travel to remote places and sharply contrasting cultures and experiences, whether in the neighboring slum or in a remote African or Asian village, is commonplace. And all of them have suffered the vicarious experience of the whole range of human euphoria and anguish on the television screen, day in and day out."—Kingman Brewster, President, Yale University; testimony before the National Commission on the Causes and Prevention of Violence.

"Instead of worrying about how to suppress the youth revolution, we of the older generation should be worrying about how to sustain it. The student activists are in many ways the elite of our young people. They perform a service in shaking us out of our complacency. We badly need their ability and fervor in these troubled and difficult times."—John D. Rockefeller III.

Consistently in my discussions with high school and college students, I am impressed by the concern and increased awareness of the students. I find my impressions confirmed by the teachers and faculty with whom I speak, and indeed even by the upper classmen on the superior quality of the lower classmen.

I have also been impressed with the sense of helplessness and hopelessness which many students have expressed in reaction to the apparent unresponsiveness of the "establishment" to issues affecting the survival of the human race. Only recently has there been significant governmental position-taking on the issue of pollution, still more words than actions. The problem of the population bomb is still sidestepped. And the arms race continues to escalate. The young adults perceive this nation as a giant automaton which someone started and now no one is able to stop—as it inches slowly but inexorably toward Armageddon. Whether the problem is an overseas war or domestic inflation, no one, not even the President of the United States with all the presumptive power of his office, seems to be able to bring these processes to a halt.

"Ignorance is bliss." Indeed, the increased level of education of today's young people may be partially responsible for their frustration and troubled reactions. An impressive number of the 11 million Americans between the ages of 18 and 21 are high school graduates—roughly 78 per cent—and the 1969 Pocket Data Book issued by the Department of Commerce notes roughly 46 per cent of these young people are college students. This is a striking contrast to the 14.1 per cent of the same population in 1940 who were high school graduates. Not only are young people remaining in school longer; they are getting a superior and more challenging education in all spheres, as any parent who has struggled with the "new math" will attest.

With all this education, young people become keenly aware of the shortcomings of the larger society. It was noted in a study of campus disturbances by the American Council on Education that there was a direct correlation between student disruptions and the "selectivity" or student academic level of the university. The colleges and universities with brighter students had more student unrest.

Young people are not without their internal problems. They are involved in the natural struggle of the young to make the transition from adolescence to adulthood. They manifest a drive for growth and change, and a striving—at times quite ambivalent—to be independent, to be in on the action, to "do their own thing." What complicates matters is that they still at times very much want direction and security, somebody to tell them what to do.

The maturational process is an erratic process, and one can find much evidence of the unsteadiness. Indeed, critics of youth will cite the number of divorces, accidents, delinquents, etc., in the population between 18 and 21. Such evidence of disrupted living evokes apprehension in most of us. Fed by a general incomprehension of behavior of adolescents and young adults, the apprehension can spread to all youth—or at least to most youth, our own children excepted.

My brother, Dr. Roy Menninger, President of The Menninger Foundation, has commented that "Not all of us are consciously aware of this apprehension (provoked by the unpredictable, stormy behavior of young people), but it is there, with its workings evident in our reactions of contempt, disdain, disgust, or distaste that many of us express in the wage of some teenage act. . . . Made anxious by the visible struggles of teenagers, with their impulses of sex and aggression, and upset by their challenging, provocative behavior, we are quick to defend ourselves with counterattacks on their moral character, buttressed by righteous proclamations which emphasize our adult wisdom and our greater experience."

WHAT ARE YOUTH TELLING US?

Children are to be seen and not heard—so goes the old saw. But when is a child no longer a child? An inadvertent effect of increased education of our young is the prolongation of their dependent years. Aside from summer employment of variable consequence, I was in my 19th year of formal schooling—the third year of medical school—before I began to return to society some of its investment in me and feel like I was a contributing citizen. This is increasingly the case with young people.

On the whole, our society is not geared to provide meaningful opportunities for young people to become engaged and feel a significant part of the "action." Again, quoting my brother:

"In a hundred ways, today's youth are telling us in words, pictures, and actions that they have been left out and bypassed, denied a place in a world they already feel a vital part of, and ignored by people who are important to them: us adults. Is it therefore any surprise that they seem preoccupied with attack, confrontation, destruction of the adult-dominated and controlled establishment? As we know so well from our work with troubled children of all ages, they will attract our attention by angry and destructive "misbehavior" if they find that conforming and "being good" leads only to being ignored and forgotten.

"They are trying to make us understand how grave is our failure to perceive their *legitimate* needs for recognition, for involvement with adults, for participation and genuine engagement in the real tasks of living. They are indeed our largest minority group, with all the problems of minorities: prejudice, discrimination and segregation. Unfortunately, I think we adults have failed our youth by failing to listen—or having listened, failed to hear."

We do have a significant problem just "tuning in" to youth. They aren't always clear, even in their own minds, in what they are seeking or what they want to say. But they do want to be heard, and now. This is vividly demonstrated in the character of their music, with a compelling sound that all but obscures the important message in the lyrics. While often the noise level of the electric guitars and organs, and the distortion of the sound systems make it hard to decipher the words, the lyrics are worth noting.

Crown of Creation/Paul Kartner/Jefferson Airplane

You are the crown of creation
You are the crown of creation
And you got no place to go—

Soon you'll attain the stability you strive for
In the only way it's granted
In a place among the
Fossils of time.

In loyalty to their kind
They cannot tolerate our minds
And in loyalty to our kind
We cannot tolerate their obstruction.

Life is change
How it differs from the rocks
I've seen their ways too often for my liking
New worlds to gain
My life is to survive
And be alive
For you.

Revolution I/Lennon/McCartney

You say you want a revolution
Well you know
We all want to change the world
You tell me that it's evolution
Well you know
We all want to change the world
But when you talk about destruction
Don't you know that you can count me out
Don't you know it's gonna be alright
Alright Alright

You say you got a real solution
Well you know
We'd all love to see the plan
You ask me for a contribution
Well you know
We're doing what we can
But when you want money for people with minds that hate
All I can tell you is brother you have to wait
Don't you know it's gonna be alright
Alright Alright

You say you'll change the constitution
Well you know
We all want to change your head
You tell me it's the institution
Well you know
You better free your mind instead
But if you go carrying pictures of Chairman Mao
You ain't going to make it with anyone anyhow
Don't you know it's gonna be alright
Alright Alright

THE RESPONSE TO THE MESSAGE OF YOUTH

A key problem in our response to the message of youth is that we have our own hangups about what is happening, and we have a lot of feelings about it, as noted in my brother's observations quoted earlier. These feelings are far more powerful in affecting our behavior than we would like to think.

Sigmund Freud observed more than 50 years ago that "Students of human nature and philosophers have long taught us that we are mistaken in regarding our intelligence as an independent force, and in overlooking its dependence upon the emotional life. Our intelligence . . . can function reliably only when it is removed from the influence of strong emotional impulses."

Freud was simply asserting a fact we don't like to acknowledge—that we are emotional animals. Our emotions, such powerful forces that motivate us, are not particularly rational. So often, while we may explain to ourselves why we think the way we do and why we do what we do, our explanations are transparently false. We may make some careful rationalizations to justify our actions and our prejudices, but more often than not, we don't really know why.

Thus we may simply tune out the demands of youth because they don't fit our expectations, or they are unacceptable or too damning to us. For many years students have been meeting with various levels of college and university administrators on issues like social and dormitory rules and regulations, independent study, black studies, teaching versus research in professorial selections, etc. And for years there was little or no progress on these issues until the student became more disruptive. Students have learned from resistant administrations that the only way to be heard is to make a loud noise—and now, that learning is coming home to roost. Disruption and violence are means by which one can get attention and be heard. Violence offers immediate identity.

The message, the behavior of youth have prompted a number of objections to the lowering of the voting age to 18. Two years ago, Senator Jack Miller expressed his opposition in terms of the lack of maturity. "One need only look at what has happened and is happening on the campuses of some of our great universities to see the results of this lack of maturity." His concerns were echoed by Senator Spessard L. Holland, who feared the movement of political organizations onto college campuses "with a vengeance," representing a threat to youth in their "formative years . . . years of great uncertainties, which are a fertile ground for demagogs, for youth attaches itself to promises rather than to performance." Today, Governor Ronald Reagan is credited with opposing the lowering of the voting age because it would introduce "unwelcome political influence into higher education." And columnist Paul Harvey fears the "unreliable judgment" of the young.

With due respect for the concerns about political influence in higher education, it seems apparent that this is already extant, although not perhaps in the manner to which Governor Reagan alludes. In many states, legislators and members of the executive branch have sought to influence directly the actions of college and university administrations. Indeed, on the Violence Commission, we were sufficiently concerned about the prospect of inappropriate or crippling legislative action, we felt compelled last spring to issue a statement on campus unrest to still that action.

More important to note is the fact that on all college campuses, the constructive, mature actions of students have been long evident, despite the lack of "newsworthiness" of such actions. As a life member of Alpha Phi Omega, national service fraternity composed of former scouts and scouters, I am aware of the activity of the more than 450 chapters of this fraternity on college campuses across the country.

To cite one college campus with which I am particularly familiar, Stanford University students organized last spring a convocation which drew more than 1,000 persons for a one-day expression of scientific and technological concern for social problems; and Stanford students last year established a volunteer services center as a clearinghouse through which 600 students were directed to tutoring, research, hospital service and other activities in the Palo Alto area. Contrast these students with the roughly 200 to 300 who were involved in a disruption in a Stanford administrative building, or the 200 to 250 who were involved in a peaceful sit-in in a Stanford science building.

We must therefore acknowledge that part of our negative attitude toward young adults results from our incomplete picture of them which the news media provide us. This is also reflected in the observation that most parents believe their own children are good risks—it is the "others" who are unreliable.

There is, however, a deeper contribution to the resistance which people have to lowering the voting age to 18. Various opinion polls indicate most people, when asked, say they are in favor of lowering the voting age. And in the hearings of this subcommittee two years ago, the overwhelming majority of testimony was in favor of the lowered voting age. Yet, fairly consistently in recent years, the voting electorate has defeated proposals to lower the age to 19 or 18, most recently in Ohio and New Jersey. And the Congress has not yet approved a Constitutional Amendment. Why?

The reluctance of so many people to express openly their distress with enfranchisement of 18-year-olds points to underlying emotional issues as profoundly affecting people's attitudes. There may be a fear of facing our own inadequacies, acknowledging our discomfort that we, too, have not yet created the "perfect" world. Having struggled to achieve a "place in the sun," the older generation is reluctant to pass the torch and give way to youth. Most of us don't like to be challenged, especially by our "juniors." It is always hard to accept change, and the rising tide of youth force change upon us. Youth remind us of our own unfulfilled ambitions.

EXPERIENCE OF OTHERS

The irrationality of the fears for what will happen if the voting age is lowered to age 18 is evident in the experience of jurisdictions where such a change has been instituted. In previous testimony, you have heard that nothing in the recent history of states which allow those under age 21 to vote has indicated that the college-age vote is irresponsible or "radical." Indeed, there is the report of the 1963 Commission on Voting indicating where 18 year olds were allowed to vote, they voted in larger proportions than the remainder of the population—an attribute most would consider salutory in a democracy.

One of the problems noted in most states is the consistently poor turnout of voters in the 21 to 30 age range. While this may be an artifact of the mobility of this age group and the residence requirements before one can vote, that doesn't fully explain the proportionally poor turnout of those who are registered. The habit apparently is hard to instill in many who do not get the voting privilege until age 21, since more than 50 per cent of those individuals are no longer in school and subject to the stimulation of courses in citizenship and American history and government.

One other aspect of experience of others is the result when young people are given genuine responsibility. To cite an example involving youngsters even less than 18: In the Presbyterian church, youngsters at age 13, after participating in a communicants class, become "communicant members" of the church. As such, they are theoretically eligible to assume any responsible post in the congregation. But traditionally, our local church has selected trustees, deacons and ruling elders from members of the congregation over 30. This year, with no little rhetoric, our young people took the floor in the annual congregational meeting to ask for the opportunity to participate. And you will find no more sober youngsters than the six high school students who subsequently were elected to posts on the governing boards. Responsibility does have a sobering effect.

WHAT'S TO BE GAINED

In the words of a student at Baldwin-Wallace college, "How do you build responsible citizens if you don't give them responsibility?" In our present society, our adolescents may now stay "children" for more than a decade after reaching biological maturity. The consequences of affluence and enforced dependency are an infantilization of the adolescent, provoking and sustaining our perception of him as immature, giving rise to an impressive self-fulfilling prophecy. We deny him some of the responsibilities of progressive maturity; he responds with childish behavior; we say, "I told you so"; we give him less responsibility; he reacts with more evidence of immaturity.

The infantilizing of the adolescent may provoke adventure-seeking on the part of the young adult, with serious risk-taking and destructive behavior, drugtaking, stealing, etc., to attempt to prove a "maturity."

Giving the 18 to 21 year olds the voting privilege is one step toward building more responsible citizens—but only one step. There are other important steps, not the least of which is giving youth the opportunity also to be a part of government at *all* levels. At the national level and in those cities and counties with representative government as well, youth should be present and meaningfully engaged. Not only can they profit from the participation as a means of learning, but they can also contribute a perspective, a vigor, an idealism which are all too often lacking.

My concern about the problems of the generation gap prompted me to prepare a statement which was essentially incorporated in the Violence Commission chapter on "Challenging Our Youth." There, we noted:

"In a sense, our immortality is our children. Youth represent the next step for our society, since they are the population which will join us in determining our directions and implementing our hopes. Yet we are aware that our youth are at times unstable, unpredictable and engaged in a major struggle to find their place in the world as they assert their adult capacities, physically and emotionally, politically and socially.

"The older generation is faced with the challenge of making available to young people adequate opportunities to participate meaningfully in coping with society's problems, and thus facilitating individual emotional growth and maturity. All too often, the society—parents, school and university administrators, law enforcement personnel, communty leaders—becomes identified in the eyes of youth with obstruction and repression, inflexibly protecting the status quo against the "onslaught" of youth . . .

"All must acknowledge the inevitability of change. The older generaton can wear itself out trying to fight the tide, or it can turn the energy of youth to advantage for the benefit of all . . .

"If (the older generation) is to cope effectively with youth, we must courageously acknowledge our mistakes and recognize that our offspring may surpass us. Indeed, if we have been successful in our child rearing, they certainly should surpass us. We must take extra effort to understand their criticism of our ways, and be pleased that these suggestions are coming from our most important products, our youth who will prove our ultimate worth."

Finally, in our primary recommendations, urging a re-ordering of our national priorities, the Violence Commission observed:

"Some ordinary citizens feel they can do nothing to influence the direction and the destiny of their nation. But more and more Americans are proving this to be a myth. A growing number of our citizens have found they need not stand idle while our cities rot, people live in fear, householders build individual fortresses, and human and financial resources flow to less urgent endeavors. A new generation of Americans is emerging, with the energy and talent and the determination to fulfill the promise of the nation. As it ever was, the young—idealistic but earnest, inexperienced but dedicated—are the spearheads of the drive toward change, and increasing numbers of adult Americans are joining these ranks."

It is to the benefit of us all that we grant these young people, at least those 18 or older, the right to be full participants in our democracy, the right to vote.

ORDER OF BUSINESS

The **ACTING PRESIDENT** pro tempore. Is there further morning business?

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Mr. CHURCH. Yes. Mr. President, I ask unanimous consent that I may proceed for such time as I may require. I think it will not exceed 15 minutes.

The ACTING PRESIDENT pro tempore. Is there objection? The Chair hears none, and the Senator from Idaho is recognized for not to exceed 15 minutes.

Mr. CHURCH. Mr. President, it is typical of the generosity of the majority leader and his inclination to accommodate the needs of all Senators that he has lent me his glasses for the purpose of reading this statement this morning. I express to him my appreciation.

SENATE JOINT RESOLUTION 182—INTRODUCTION OF A JOINT RESOLUTION TO ESTABLISH A COMMISSION ON U.S. PARTICIPATION IN THE UNITED NATIONS

Mr. CHURCH. Mr. President, I introduce a joint resolution establishing a Presidential Commission on U.S. Participation in the United Nations. As the distinguished Members of this body know, the year 1970 marks the silver anniversary of the founding of the United Nations. I believe it is appropriate, therefore, to establish a blue-ribbon commission to look into our Nation's involvement in this organization after 25 years, and ascertain what the role of the United Nations should become during the next quarter of a century.

I ask uanimous consent that the text of the joint resolution be printed at this point in the Record.

The ACTING PRESIDENT pro tempore. The joint resolution will be received and appropriately referred; and, without objection, the joint resolution will be printed in the Record.

The joint resolution (S.J. Res. 182) establishing the Commission on U.S. Participation in the United Nations, and for other purposes, introduced by Mr. Church, was received, read twice by its title, referred to the Committee on Foreign Relations, and ordered to be printed in the Record, as follows:

S.J. Res. 182

Whereas 1970 marks the twenty-fifth anniversary of the United Nations; and

Whereas the world community has changed and new problems have arisen during this twenty-five-year period; and

Whereas the beginning of the 1970's is an appropriate time to initiate adequate planning for the future operations of the United Nations and for the role of the United States in such operations: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) there is established the Commission on United States Participation in the United Nations (hereafter in this Joint Resolution referred to as the "Commission") to be composed of twenty-five members as follows:

(1) Four Members of the House of Representatives selected by the Speaker of the House of Representatives at least two of whom shall be selected from among members of the Committee on Foreign Affairs and not more than two of whom shall be selected from the same political party.

(2) Four Members of the Senate selected by the President of the Senate, at least two of whom shall be selected from among members of the Committee on Foreign Relations and not more than two of whom shall be selected from the same political party.

(3) Seventeen members selected by the President of the United States from among outstanding citizens in both private and public life. The President shall designate a member of the Commission selected by him from private life to serve as its chairman.

(b) Any vacancy in the membership of the Commission shall not affect its powers, but shall be filled in the same manner as in the case of the original appointment.

(c) Thirteen members of the Commission shall constitute a quorum for the transaction of business.

Sec. 2. (a) It shall be the duty of the Commission to review the organization and operation of the United Nations and its specialized agencies and programs for the purpose of making recommendations to the President and to the Congress regarding the role of the United States in the operations and programs of the United Nations during the decade of the 1970's.

(b) The Commission shall report in writing to the President and to the Congress, not later than one year after the date of enactment of this Joint Resolution, which report shall set forth the results of the review conducted by the Commission, together with such recommendations regarding United States participation in United Nations operations and programs as the Commission may deem appropriate. The Commission shall cease to exist sixty days after filing the written reports required by this subsection.

Sec. 3. The Commission is authorized, without regard to the civil service laws and regulations, to appoint, compensate, and remove such personnel as it may deem advisable to carry out the provisions of this Joint Resolution.

Sec. 4. (a) Each member of the Commission who is an officer or employee of the United States shall serve without compensation in addition to that received for his services as such an officer or employee, but shall be reimbursed for travel, subsistence, and other necessary expenses incurred by him when actually engaged in the performance of his duties as a member of the Commission.

(b) Each member of the Commission selected from private life shall receive compensation at the rate of $100 per diem when actually engaged in the performance of his duties as a member of the Commission, and shall be reimbursed for travel, subsistence, and other necessary expenses incurred by him in the performance of such duties.

Sec. 5. The Commission is authorized to request from any department, agency, or independent instrumentality of the United States any information and assistance it deems necessary to carry out its duties under this Joint Resolution; and each such department, agency, and instrumentality is authorized to cooperate with the Commission and, to the extent permitted by law, to furnish such information and assistance to the Commission upon request made by the chairman or any member acting as chairman.

Sec. 6. There are authorized to be appropriated such sums, not to exceed $250,000, as may be necessary to carry out the provisions of this Joint Resolution.

THE ATOM—ITS DANGEROUS AFTERMATH. PART II—ATOMIC WASTE PROBLEM DISCLOSED

Mr. CHURCH. Mr. President, moving from the northeast to the southwest of the lower portion of Idaho is a gigantic underground river. This body, the largest of its kind in the world, coursing its way through the subterranean geological formations of my State, eventually emerges from its submerged streambed and enters the Snake River, the chief artery of life for all of southern Idaho. The Snake Plain aquifer, as this gigantic water resource is named, provides water for drinking, irrigation, recreation, power production, fish farming and other industrial activities.

The multipurpose use of the aquifer makes it of cardinal importance to the people and the economy, both present and future, of my State. For that reason, when articles appeared in the September 11 and 12, 1969, issues of the Idaho Daily Statesman describing atomic waste disposal practices at the National Reactor Testing Station—NRTS—which indicated that radioactive wastes were placed in a "burial ground" directly above the aquifer, many citizens of my State expressed concern over the possible contamination of this essential underground resource.

In an earlier statement, I pointed out in general terms the problems we face with nuclear waste disposal. Today, I would like to examine in depth the problem of storing radioactive waste as it arose and currently exists in Idaho.

I ask unanimous consent, Mr. President, that the three newsstories dealing with the waste problem in my State, which appeared in the September 11 and 12 editions of the Idaho Daily Statesman appear at this point in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

[From the Idaho Statesman, Sept. 11, 1969]

Snake River Dumping Ground for Atomic Waste

A site above Idaho's Snake Plain Aquifer serves as a dumping ground for radioactive wastes, an AEC spokesman acknowledged Wednesday. The spokesman, William Ginkel, AEC manager of the NRTS, west of Idaho Falls, told the Idaho Statesman the dumping process poses no danger to the Aquifer. Studies have shown the Idaho Aquifer, by definition a geological formation that transmits water, is one of the world's largest underground water resources.

"We have substantial technical experience. There is no real or potential basis for alarm—ever," Ginkel said.

Initial concern over the use of the Idaho test site as a disposal ground was voiced by Robert A. Erkins, president of the Snake River Trout Company, located near Buhl. Erkings wrote Governor Samuelson he had learned that contaminated material from a plutonium fire at the Rocky Flats, Colorado plant of the AEC were being shipped to Idaho for burial.

Erkins noted that the Aquifer feeds the famous springs of the Snake River Canyon. The spring waters, he said, are a resource utilized by the state's trout farming industry.

"Contamination of these spring waters not only would make the trout farming industry for which Idaho is so famous impossible, but also would destroy millions of dollars of farm-produced products, farmland, and could have a serious effect on the population of this area," he wrote. "I fail to see why Idaho should become a dumping ground for any atomic waste . . ."

He noted a recent news article in the NYT said that 330,000 cubic feet of contaminated material from Rocky Flats would be buried below ground in Idaho.

Ginkel said the Idaho site had served for a number of years as "burial grounds" not

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only for locally produced atomic wastes but also for the Colorado site near Golden. Wastes from Colorado are primarily from plutonium contamination, he said.

Ginkel denied that wastes would be as large as the quantity stated in the NYT story. We have received some shipment from Rocky Flats from the fire," he said, "But not in the quantity you are talking about.[1] They are still doing clean-up up on the fire. We don't have a figure on total radioactivity from the shipment, but it is low enough that these have been shipped through commercial channels."

It was learned also that Idaho Department of Health Water pollution officials have been concerned for some time over disposal practices at the NRTS. The subjects will be considered at the Idaho Water Pollution Control Advisory Council meeting later this month.

Mel Alsager, chief of the Water Pollution section, said studies have shown that some forms of plutonium 239, the substance being shipped from Colorado, are deadly when inhaled or consumed in water. He also said plutonium, though relatively low on the scale of dangerous material so far as radioactivity is concerned, is one of the longest-lived. It will maintain full radiation potency for more than 20,000 years, he said.

Ginkel pointed out, however, that the plutonium 239 shipped to Idaho for disposal is not the most dangerous form since it is insoluble in water. He said the shipments arrive in Idaho in steel drums or crates, wrapped in polyethylene bags. He said it is buried in the form about 600 feet above the Aquifer.

Ginkel explained the AEC has "for about 15 years" taken water samples at various points in the Aquifer and has not yet found evidence of contamination.

Alsager said the usual practice at the site is to dig through the topsoil to the basalt layer, which continues to the level of the Aquifer, bury the material, and cover them with 3 to 4 feet of earth. At some points the burial grounds are located only about 400 feet above the Aquifer, he said.

One of the dangers of the practice, he believes, is that the basalt is "creviced and fissured all the way down to the Aquifer."

Ginkel said, "Idaho's semi-arid climate, soil factors, and relative distance from underground water make the Idaho Falls NRTS almost as ideal a burial place as there is available in the U.S."

"Our own people here are drinking from the Aquifer. Our operation is conducted on a totally sound basis. It is reviewed continually by the Department of Health, the AEC, and people like the National Academy of Sciences.

He said that as an additional precaution burial points are plotted and monuments erected so we know where the material is. It is susceptible to recovery in case something else should be developed in the future, but we're not even thinking that might happen."

"We have heard this, too, but we don't necessarily buy it all," Allison said.

Meanwhile, a spokesman for Governor Samuelson, who was out of town, said he was certain the Governor would give the matter "prompt personal attention" when he returns.

[From the Idaho Statesman, Sept. 12, 1969]

Official Thinks AEC Tries To Avert Contaminating Ground Water

An Idaho Public Health Official said Thursday he is convinced the AEC is "doing the very best it can" to prevent radioactive contamination of the Snake Plain Aquifer.

"Definitely, there will be better ways to decontaminate equipment and dispose of it, but they don't exist now," said Michael Christie, head of the Radiological section of the Idaho Department of Health.

Christie indicated his agency has monitored the AEC operation since 1960 and is satisfied with its integrity.

"You've got to remember it's located on the desert and you've got to have water to carry this stuff off if it's going to get into the Aquifer. If it rained 40 days and 40 nights—maybe yes—there would be a danger," Christie said.

"There is always a possibility but it's highly unlikely—extremely unlikely. From my understanding, the site was chosen with extreme care. They've located it on a very high piece of ground."[2]

The possibility of pollution had been posed by Robert A. Erkins, president of the Snake River Trout Farm near Buhl, in a letter this week to Governor Don Samuelson. Erkins expressed fear radioactive pollution of the Aquifier eventually could affect springs in the Snake River Canyon where trout farming operations exist.

"I hope they find better ways to get rid of it or re-use it. I undertsand there's $10 million worth of plutonium sitting in the ground.

Christie acknowledged that the burial containers used at the site are subject to normal deterioration and said seepage of radioactive materials into the Aquifer could pose a danger for future generations.

He stated also that plutonium 239, a man-made substance, is "one of the most highly radiotoxic materials that exists," meaning that it is most dangerous when ingested into the body.

He said it is his understanding that about 80% of the nuclear wastes buried in the Eastern Idaho desert is locally-produced. The other 20% comes from the Rocky Flats AEC site near Golden, Colorado, he said.

Most of it is cobalt 60, all locally produced, he said. Plutonium 239, regarded as the most dangerous of the substances, and Americium 241, also man-made, comprise about 20%. A fraction of a percent of the waste material is composed of uranium 234, uranium 238, and plutonium 240.

Christie also stated that his agency is planning a check to determine if stream pollution is resulting from commercial operations elsewhere in the state. He cited in particular phosphate producing operations located in SE Idaho. "There is a possibility that radiological substances are escaping into water from phosphorus tailings," he said.

Erkins cited an article in the *New York Times* which said that 330,000 tons of wastes from a plutonium fire at Rocky Flats was being shipped to Idaho, as the basis of his concern. Christie said wastes from the Colorado plant had been shipped to Idaho over 15 years.

He noted also that the AEC maintains burial sites at Hanford, Washington, where plutonium is manufactured and at Las Vegas, Nevada. "There are quite a few commercial burial sites across the country, too," he said. However, he pointed out that no commercial disposal grounds are located in Idaho.

[From the Idaho Statesman, Sept. 12, 1969]

AEC Wastes Miss Goals Set by Idaho

Liquid wastes dumped directly into the underground water table of Eastern Idaho by the AEC do not meet the State's standards for radiation tolerance, a health official said Thursday.

Mel Alsager, water pollution control chief, said liquid waste disposal practiced by the AEC is an even greater concern to his Department than are methods used to bury solid wastes.

Alsager said the Water Pollution Control Advisory Council to the State Board of Health will consider various problems related to the Snake Plain Aquifer at a September 26 meeting in Boise.

He said the liquid materials, the result of water used to dilute "low level radioactive wastes," in some cases are tubed directly into the Aquifer.

Alsager said the AEC, instead of setting an example for private industry, is "setting a precedent. We'd like the Federal Government to be the leader." Industry, he added, is not allowed to practice this method of disposal.

He explained that the materials discarded into the Aquifer are "well within the AEC's own standards, but slightly below our standards.

"But it's more what they're doing, not what they're putting down there," he said. He said some of the materials are placed into ponds to leach into the ground. Others are discharged into wells only going part way down. But the actual fission by-products are placed in tubes that go directly down to the water table, he said.

"This is something I think should be looked at," he said. "There's a difference of opinion here not only as to what the quality of the water should be, but also in outlook as to the actual owner of the water under the AEC site."

ASKS FOR INVESTIGATION

Mr. CHURCH. I shared the concern expressed by the people of Idaho over the possibility of radioactive contamination of the aquifer. As soon as I was apprised of the situation in Idaho and the possibility of contamination to the underground water, I called upon four Federal agencies with proven expertise in the field of environmental pollution control to conduct a coordinated study of the long-range implications to life and health of continued burial of radioactive wastes above the Snake Plain aquifer. The following day I informed the Chairman of the Atomic Energy Commission of my action and asked for his comments.

Mr. President, I ask unanimous consent that copies of my letters of September 12, 1969, to: First, Director of the Bureau of Sport Fisheries and Wildlife; second, Administrator of the Public Health Service; third, Director of the U.S. Geological Survey; fourth, Commissioner of the Federal Water Pollution Control Administration, and my September 13, 1969, letter to the Chairman of the Atomic Energy Commission, as well as a copy of a press release regarding my actions of September 12 appear at this point in the Record.

There being no objection, the letters and the news release were ordered to be printed in the Record, as follows:

September 12, 1969.

John S. Gottschalk,
Director, Bureau of Sport Fisheries & Wildlife, Washngton, D.C.

Dear Director Gottschalk: Recently it was revealed by officials at the National Reactor Testing station in Idaho that a site above Idaho's Snake River Plain Aquifer serves as a dumping ground for radioactive waste materials, both from the Idaho AEC and from Rocky Flats, Colorado.

This aquifer is one of the largest in the United States and the waters which flow through it eventually enter the Snake River between Milner and King Hill, Idaho. The Snake River, as you know, is a major source of water for the Columbia which flows into the Pacific Ocean.

Because of the nature of the Snake River Aquifer and the great potential damage

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[1] See AEC reply dated January 13, 1970. Paragraph 2.

[2] See part II paragraph 1 of Public Health Service Report.

which could result from accidental contamination of these waters to human and animal life, I request that the Bureau of Sport Fisheries & Wildlife immediately undertake a study in conjunction with the Geological Survey, the Public Health Service, and the Water Pollution Control Administration to determine the long-range implications to life and health of continued storage of radioactive wastes above the Snake River Plain Aquifer.

Should present authority granted you under law be insufficient, to conduct such a study, I would appreciate a full report detailing the changes which you would deem necessary in statutory authority to make such a report possible.

Sincerely,

Frank Church.

September 12, 1969.

Charles C. Johnson, Jr.,
Administrator Public Health Service,
Washington, D.C.

Dear Administrator Johnson: Recently it was revealed by officials at the National Reactor Testing station in Idaho that a site above Idaho's Snake River Plain Aquifer serves as a dumping ground for radioactive waste materials, both from the Idaho AEC and from Rocky Flats, Colorado.

This aquifer is one of the largest in the United States and the waters which flow through it eventually enter the Snake River between Milner and King Hill, Idaho. The Snake River, as you know, is a major source of water for the Columbia which flows into the Pacific Ocean.

Because of the nature of the Snake River Aquifer and the great potential damage which could result from accidental contamination of these waters to human and animal life, I request that the Public Health Service immediately undertake a study in conjunction with the Bureau of Sport Fisheries & Wildlife, the Water Pollution Control Administration, and the Geological Survey to determine the long-range implication to life and health of continued storage of radioactive wastes above the Snake River Plain Aquifer.

Should present authority granted you under law be insufficient, to conduct such a study, I would appreciate a full report detailing the changes which you would deem necessary in statutory authority to make such a report possible.

Sincerely,

Frank Church.

September 12, 1969.

Mr. William T. Pecora,
Director, Geological Survey,
Washington, D.C.

Dear Director Pecora: Recently it was revealed by officials at the National Reactor Testing station in Idaho that a site above Idaho's Snake River Plain Aquifer serves as a dumping ground for radioactive waste materials, both from the Idaho AEC and from Rocky Flats, Colorado.

This aquifer is one of the largest in the United States and the waters which flow through it eventually enter the Snake River between Milner and King Hill, Idaho. The Snake River, as you know, is a major source of water for the Columbia which flows into the Pacific Ocean.

Because of the nature of the Snake River Aquifer and the great potential damage which could result from accidental contamination of these waters to human and animal life, I request that the Geological Survey immediately undertake a study in conjunction with the Bureau of Sport Fisheries & Wildlife, the Public Health Service, and the Water Pollution Control Administration to determine the long-range implications to life and health of continued storage of radioactive wastes above the Snake River Plain Aquifer.

Should present authority granted you under law be insufficient, to conduct such a study, I would appreciate a full report detailing the changes which you would deem necessary in statutory authority to make such a report possible.

Sincerely,

Frank Church.

September 12, 1969.

David D. Dominick,
Commissioner, Water Pollution Control Administration, Washington, D.C.

Dear Commissioner Dominick: Recently it was revealed by officials at the National Reactor Testing station in Idaho that a site above Idaho's Snake River Plain Aquifer serves as a dumping ground for radioactive waste materials, both from the Idaho AEC and from Rocky Flats, Colorado.

This aquifer is one of the largest in the United States and the waters which flow through it eventually enter the Snake River between Milner and King Hill, Idaho. The Snake River, as you know, is a major source of water for the Columbia which flows into the Pacific Ocean.

Because of the nature of the Snake River Aquifer and the great potential damage which could result from accidental contamination of these waters to human and animal life, I suggest that the Water Pollution Control Administration immediately undertake a study in conjunction with the Bureau of Sport Fisheries & Wildlife, the Geological Survey and the Public Health Service to determine the long-range implications to life and health of continued storage of radioactive wastes above the Snake River Plain Aquifer.

Should present authority granted you under law be insufficient, to conduct such a study, I would appreciate a full report detailing the changes which you would deem necessary in statutory authority to make such a report possible.

Sincerely,

Frank Church.

September 13, 1969.

Mr. Glenn T. Seaborg,
Chairman, Atomic Energy Commission,
Washington, D.C.

Dear Glenn: Recognizing your primary responsibility in the area of atomic waste disposal I enclose a copy of a letter which has been delivered to the Bureau of Sport Fisheries and Wildlife, Geological Survey, Public Service and Water Pollution Control Boards.

Your comments relative to this matter would be welcomed.

Sincerely,

Frank Church.

Enclosure.

Washington, September 12.—Senator Frank Church today called for a detailed study by four Federal agencies to determine the long range implications to life and health of continued storage of radioactive wastes above the aquifer of Southeastern Idaho.

Church acted after officials at the National Reactor Testing Station in Idaho acknowledged publicly this week that radioactive wastes from NRTS, as well as wastes from an atomic plant in Colorado, are being buried above the Idaho aquifer, a vast underground river which feeds rivers and streams throughout Southern Idaho and, ultimately, throughout the Pacific Northwest.

Church said it is "important that an independent study of the implications of such disposal practices be conducted by officials of the U.S. Geological Survey, the U.S. Public Health Service, the Federal Water Pollution Control Administration, and the Bureau of Sport Fisheries and Wildlife.

He urged officials of all four agencies to pool their talents in a joint effort, and said that the study should be conducted independently of the AEC.

Beyond this, Church said that, "in view of the experimental work carried out at NRTS over the past several years on nuclear reactors, the Idaho facility would be an ideal installation at which new research on the impact of disposal methods could be carried out by the AEC."

Church cited this testimony of the U.S. Geological Survey before the Joint Congressional Committee on Atomic Energy several years ago.

"The waters on the land, whether in streams or in the ground, are constantly on the move, headed toward the sea or toward interior drainage basins . . . Therefore, any waste that is released on or in the ground may be moved by natural water either in solution or in sediment."

Water, the Geological Survey testimony noted, "is a universal solvent as fission products, whether solid or liquid, radioactive or stable, may be picked up by water and carried in solution. Solubility, moreover, is a relative term. Practically nothing is absolutely insoluble in water, and "insoluble" radioactive materials may be dissolved in sufficient quantity to make water highly dangerous. Water also transports solid material as sediment. Therefore, any radioactive solid matter that gets into water may be transported as sediment."

Church said that while burying radioactive wastes in the Idaho aquifer may not have immediate polluting effects, "we need more information on the long-term impact of such disposal methods in view of the fact that some radioactive wastes have a hazard life of centuries."

As the Geological Survey has pointed out, the Idaho lawmaker said, "precedents are hard to break, especially those in large-scale operations. If disposal practices are allowed now that are found later to be unsafe, the unsafe practices are bound to continue long after their danger has been demonstrated. The best assurance that unsafe practices will develop and become entrenched is continuous monitoring."

IDAHO PRESS REACTS

Mr. CHURCH. Idaho rightfully takes pride in our environment. We enjoy some of the loveliest scenery in the world. Children can still swim in our streams and a thirsty hunter can still kneel beside many a flowing river and drink at its banks. At the same time, we take pride in the National Reactor Testing Station and its role in the development of the peaceful atom. The city of Arco, Idaho, was the first in the world to be lighted by nuclear power, and our people fully understand and appreciate the tremendous potential that nuclear power presents for the improvement of our environment. They appreciate, as I do, that nuclear power may preempt the headlong rush to dam our few remaining wild and scenic rivers; that it could also abate the sulfurous fumes that belch from smokestacks where fossil fuels are burned to produce electric power. The Idaho press reflected the tug-of-war between two conflicting concerns—on the one hand, the promise of nuclear power to improve the environment, and on the other, the fear that its byproducts might do that same environment serious harm.

Mr. President, because they reflect the concern in Idaho over the problem of nuclear waste disposal above the aquifer, I ask unanimous consent that the following articles, representative of news stories and editorials appearing within my State dealing with the waste disposal problem, the latest of which appeared on January 31 of this year, be included at this point in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Idaho Falls Post Register, Sept. 11, 1969]

Radioactive Wastes Disposal Not Hazardous, AEC Claims

BOISE, IDAHO.—Idaho officials anticipated Thursday a prompt study of the long-standing practice of disposing of radioactive wastes underground in the Eastern Idaho desert, after a complaint that the procedure might be hazardous.

A spokesman for Gov. Don W. Samuelson said the chief executive had the matter under advisement and likely would issue a statement before nightfall.

The spokesman said he was sure Samuelson was aware of the practice, which was brought to his attention in a letter from a trout farm operator who expressed fear the dumping might contaminate water he uses.

LETTER TO GOVERNOR

Robert A. Erkins, president of the Snake River Trout Farm near Buhl, said in a letter to Samuelson he had learned contaminated materials from a plutonium fire in Golden, Colo., were being shipped to Idaho for burial.

Erkins said he feared contamination might get into water which flows underground across Southern Idaho and feeds the Thousand Springs in the Snake River Canyon near Buhl.

William L. Ginkel, manager of the Idaho Operations Office of the Atomic Energy Commission at Idaho Falls, said the disposal plan poses no threat. He said it has been used for several years and added:

"We have substantial, technical experience. There's no real or potential basis for alarm—ever," Ginkel said.

"Our operation is conducted on a totally sound basis," Ginkel said. "It is reviewed continually by the Department of Health, the AEC and people like the National Academy of Sciences."

Ginkel said radioactive wastes from the AEC plant at Rocky Flats, Colo., as well as from the National Reactor Testing Station in Eastern Idaho have been buried in Idaho.

He said plutonium 239 used at the Colorado plant is shipped to Idaho in steel drums or crates, wrapped in polyethylene bags. He said it is buried not lower than about 600 feet above the aquifer which underlies the Snake River Plain and through which flows huge volumes of water.

SOUND BASIS

For 15 years he said the AEC has sampled water from the aquifer and has never found evidence of contamination.

Mel Alsager, chief of the Water Pollution Section of the State Health Department, said state health authorities have been concerned about the procedure, believing it could cause contamination.

He said basalt under which the water flows in the aquifer "is crevassed and fissured all the way down to the aquifer."

Ginkel said the sites where the waste is buried are marked "so we know where the material is."

"It is susceptible to recovery in case something else should be developed from studies in the future, but we're not even thinking that might happen," he added.

Waste Buried Here

Shipments of radioactive wastes from Rocky Flats, Nevada, have been sent for burial to the National Reactor Testing Station over the past 16 years with no single instance of any movement of any radioactive substances from the burial site itself, the Idaho Operations of the AEC stated here Thursday.

A shipment of 330,000 cubic feet of material was sent to the Idaho reactor station last May, the local office confirmed, following a fire at the Rocky Flats site. The materials, the AEC office stated, were packaged in cellophane bags and then encased in steel drums before being sent by railroad on piggy back trailers to the Idaho site.

The drums were buried at the Idaho site in a designated burial area. The AEC office said that the site selected for this burial had 600 feet of earth between the point of burial and the water table.

W. L. Ginkel, manager of the Idaho AEC office, said that there is no possibility that these buried solid wastes from Rocky Flats could reach the water table. It was also noted that the material handled is plutonium which is not soluble in water. It was also noted that while 330,000 cubic feet represents a large amount of material comparatively, the radioactivity is not commensurate with the size because it is spread throughout the shipment. Only fork-lift, but not remote handling equipment, was used to handle and bury the material at the Idaho site.

The Idaho station also introduces low level liquid wastes into the underground at selected sites at the Idaho station—residue from the station's own operations. The AEC office has pointed out that these liquid wastes are of drinking water standard when they reach the water table. While the underground wastes are tagged, there has been no instance of off site detection of any radioactivity in the ground water from regular testing by the station, the AEC office stated.

In the past, a scientist at the Idaho station has stated that if radioactivity did reach the ground water table at the station's site, it would require some 100 years for it to move to Thousand Springs.

The Station, the office stated, has a monitoring network for air, ground level and underground radioactivity detection which extends to checking stations off site as well as on-site.

[From the South Idaho Press, Sept. 15, 1969]

Thorough Investigation Needed

Idahoans should be alarmed generally and residents of this valley should be excited to say the least about the hazards which could arise from the Atomic Energy Commission using the desert plains south of Arco as a depositary for atomic wastes. These wastes come not only from the Arco installation. They are also being hauled in by truckloads from Golden, Colorado. The New York Times recently stated that 330,000 tons of waste plutonium fire from Rocky Flats near Golden were being shipped to Idaho for burial. Reports as to why the Colorado waste was shipped to Idaho is to avoid water pollution there.

The controversy over contamination was initiated by Robert Erkins, president of the Snake River Trout Farm at Buhl. He sees contamination of Thousand Springs waters which seep from the world's largest underground bodies of water which originate in eastern Idaho immediately below the atomic burial caverns.

But, Mr. Erkins' fear is insignificant to the massive issue involved here. What about the vast farming tracts on the Minidoka project? The hundreds of thousands of acres of private pumping projects for which the waters from the aquifer are lifted to the fertile soils of the valley plains on the north side of the Snake River? How about this hazard where human lives, farms, cities and entire societies are involved?

Robert Lee, director of the Idaho Water Board, put it mildly when he said: "If the aquifer became radioactive, we would be wiped out." LeRoy Stanger of Idaho Falls, another board member, said, "I'd be worried to death if the AEC was not disposing of the waste in proper fashion. It would cost the state millions of dollars." If contamination actually resulted from present practices we're talking of billions of dollars in damage—not millions.

These officials have just barely touched on the tragedy that could arise should William Ginkel, AEC manager at Idaho Falls be mistaken just slightly in his assumptions on the hazards involved. In the first place, of all the places in the U.S. for waste disposal, why must the AEC choose a site above an aquifer? Down in Nevada, out on the sprawling desert lands of that barren state are literally millions of acres of desolate lands where no aquifer is present. The Golden Colorado wastes could easily be taken there along with the Arco Reactor wastes and completely eliminate any such possibility. What if Mr. Ginkel should be wrong in the statements which he made to the press as to the probability of contamination of the aquifer? Certainly we need to know more of his qualifications to speak on this subject before Idaho citizens accept his conclusions.

It was just eleven years ago that eastern Idaho near West Yellowstone suffered the worst earthquake in recorded history. The epicenter of this quake was just a hundred miles northeast of the present AEC depository. Everyone in this area well remembers this particular quake because it was felt throughout the area. Could a similar or more severe tremor fracture or damage the present stored waste sufficiently to release the deadly radiotoxic materials? It could happen! AEC officials, including Mr. Ginkel, openly admit the deadly deposits are buried only 200 feet above the aquifer.

Mel Alsager, water pollution control chief for the Idaho Department of Health, revealed that present practices at Arco of the AEC do not meet state standards for radiation tolerance. This is especially true as to liquid disposal which in some cases are tubed directly into the aquifer. In our book, we would prefer at this time to accept Mr. Alsager's professional opinion than Mr. Ginkel's analysis.

And it's about time responsible Idaho leaders in agriculture, government and science make a thorough investigation of the whole situation. We cannot afford to rely on glib, off-the-cuff explanations by the AEC. We have our future livelihood, our community and society at stake in the state and particularly in this locality.

[From the Lewiston (Idaho) Morning Tribune, Sept. 27, 1969]

AEC Asked To Study Way of Atom Waste Disposal—Lewiston-Area Towns Lauded

BOISE.—The State Water Pollution Control Advisory Council recommended Friday that the Atomic Energy Commission reassess its methods of disposing of radioactive wastes in eastern Idaho.

The council acted after State Reclamation Engineer R. Keith Higginson expressed concern that the aquifer which underlies the Snake River plain across southern Idaho could become contaminated.

"We are pumping 2½ million acre-feet of water annually from the aquifer," Higginson said. "It would be a tragedy if anything was done to make it unusable.

"If there is even the slightest possibility of an accident, then we can't stand to take that chance."

Mel Alsager, chief of water pollution control in the State Health Department, said the AEC is confident its procedures in disposing of both solid and liquid waste materials from the National Reactor Testing Stations have been the best possible over the past 15 years.

But he said there have been great advances in technology in that period of time and better methods now might be devised.

Alsager said he was concerned particularly with the use of wells which lead directly to the aquifer and into which the AEC dumps liquid wastes. He said precautions are taken to guard against disposing in the wells of any liquids which are dangerously radioactive.

DIRECT ACCESS

But he said the wells provide direct access between the surface and the aquifer and through an accident could be the vehicle by which the underground water became contaminated.

[From the Twin Falls (Idaho) Times-News, Sept. 30, 1969]

LET'S MOVE NOW

Citizens of the City of Twin Falls should join Robert A. Erkins in demanding that a "full and impartial" investigation be made into the practice of burying dangerous atomic waste material in the Arco atomic plant area.

Mr. Erkins is concerned because he is owner of the Snake River Trout Co., the world's biggest trout producer. He gets the needed water from springs in the Clear Lakes area near Buhl and contamination of the water would put him out of business.

Perhaps residents of Twin Falls have not thought they were mixed up in this controversy which is developing, but they are. We now get our drinking water from Blue Lakes and the water we drink comes from the same Snake River Plain Aquifer.

Because of the dumping and burial of atomic wastes which could possibly contaminate this water source, we are all in the same boat with Mr. Erkins.

Therefore, the Times-News calls for a complete and impartial investigation of the practice so that all the facts may be known. We call upon Governor Samuelson to start a concentrated move toward this end. He has the authority to do so and should be concerned enough about this area to get the ball rolling.

Why do we call upon Governor Samuelson to lead the program? Because several other state officials who should be doing it are lax to the point of being derelict in their duty.

Says Robert E. Lee, director of the Idaho Water Resource Board, in a letter to Mr. Erkins:

". . . We have been assured by W. L. Ginkel, manager, Idaho Operations office, U.S. Atomic Energy Commission, that disposal of the radioactive wastes poses no threat of contamination on the Snake Plain aquifer. We have no evidence to suggest that contamination of the aquifer has or will occur.

"If such a threat does seem imminent, I can assure you that the Idaho Water Resource Board will do all that it can to prevent such an occurrence from happening."

Says R. Keith Higginson, state reclamation engineer, in a letter to Mr. Erkins:

"This office has been aware for some time of the practices relative to disposal of radioactive waste at the NRTS. They (NRTS and U.S. Geological Survey officials) assure us that all precautions have been taken to prevent contamination of the Snake River Plain ground-water aquifer system.

"We continue to be interested, however, because we could not allow the remotest possibility of contamination to remain unchallenged. If any information comes to my attention which would indicate there is a potential problem, I will certainly let you know."

We must admit that it would be mighty nice of the two gentlemen to call Mr. Erkins in case something comes up. It would be sort of a "don't use it anymore, Bob, because it's contaminated" warning.

Really, now, does such an approach make sense? Wouldn't it be much wiser to instigate an investigation right now—an investigation of experts not directly involved in the situation—rather than to wait and see if contamination did appear?

We think it would. The possibility alone is causing concern among citizens of this part of Idaho. This is why we call upon Governor Samuelson to get an investigation going while there is still time to investigate.

This is certainly no time for a wait and see and a "we will call you if something develops" attitude. It's just too serious a thing to drop.

And in case you are interested, what assurance have we that the Atomic officials are right and that there is no danger?

It wouldn't be the first mistake the Atomic Energy Commission has made!

WHY IDAHO HASTE ON WASTE STUDY?

Instead of "clearing the air" as it was intended, the examination of the radioactive waste disposal program at the National Reactor Testing Station is becoming unnecessarily confused.

Even before a special task force appointed by the governor to investigate the radioactive waste disposal question had opportunity to begin its study, the Idaho State Board of Health preempted the investigation by a preemptory request of the AEC to find a new way or a new place to dispose of its wastes.

The State Board of Health still has not adequately explained why its made the hasty request to this date—save for an airy generalization, like:

"It would better be elsewhere than over Idaho's valuable underground water aquifer."

The board needs to explain why it pulled the rug from the task force appointed by the governor—especially in view of the fact that Dr. Terrell Carver, director of the State Board of Health and himself a member of the task force, stated only two weeks before the sudden decision by the State Board of Health that the task force probe would be thorough and might even take a year to complete.

What was the big hurry? Did Boise bow to the anxiety of those who have been placing all kinds of uninformed interpretations on "the radiation threat" in Idaho? Does it make political sense to be safe but not right because the state did not take the time to really examine the question?

Not only to these questions, but to the central question of the why of the decision itself, deserves a much more definitive answer than the State Board of Health has given to date.

Particularly, this newspaper wants to know if the decision was based on present practices of the AEC or the remote possibility—which no scientist will remove—that an incredible accident of some kind, like an earthquake, could present a problem on the Idaho Site.

The governor was told by an authority in the field, the director of the Northwest Region of the Federal Water Pollution Control Agency, that present practices of the AEC, did not present a hazard to the aquifer or to Idaho's environmental health otherwise. The radiologist, the only radiation specialist on the Idaho Health department staff, has confirmed the same thing. The Board of Health has not only chosen to ignore these authorities and the governor's task force but has not even explained why it is making this decision.

The mystery of the State Board of Health stance is it appears to agree that the AEC is not creating a hazard off the the National Reactor Testing Station. But the board has not delineated what other hangup it has on the waste question. In a television interview after the Board's visit to the Idaho site, Dr. Carver appeared to minimize the "incredible accident" worry. The board did say it could see no reason why atomic wastes from Colorado had to be buried at the Idaho site. This may be the only legitimate question involved in the board's position to date. The reason the AEC will give undoubtedly is that Idaho is equipped to handle such wastes, whereas Colorado is not. But it is a good question, nevertheless—the one lonely one.

The only valid questions which this newspaper has heard out of the current worry-exchange on the disposal question, is the remote possibility of incredible accident and the fact that the state may not want to allow direct-burial waste methods which it denies to at least some industries generally over Idaho. The Idaho AEC site, of course, is federal land with a public purpose. The only legitimate question should be: is the AEC either now, or posing for the future, a threat to Idaho water, soil or people? The question has not even been posed to date late alone really been answered.

After such consuming haste on its radioactive waste disposal decision, Idahoans should hope that the State Board of Health shows equal dedication in examining why the radioactivity in the air is higher at Idaho Falls and Blackfoot than at the Idaho reactor station. Admittedly, the State Department of Health does not have the instrumentation and staff to cope with consistent radiation monitoring. Fortunately, it has announced it intends to utilize AEC istrumentation to find the answer.

But we would presume the State Board of Health staff receives the regular environmental reports of the AEC. The redioactivity has been higher, although not of any health hazard, at Idaho Falls and Blackfoot for some two years now. State Health authorities only seem to move fast when the Idaho AEC site is involved.

The State Board of Health has not also answered the question why Pocatello, which is one of the heaviest contributors to air pollution, is never monitored. And what concern is the State Air Pollution Control commission exercising in this problem?

The State Board of Health may have made a decision—but it did not measure or answer the questions its decision has raised.

[From the South Idaho Press, Nov. 19, 1969]

DISPOSAL STOPPAGE ASKED

The first break in the dispute with AEC officials over disposal methods for radioactive waste from the National Reactor Testing Station came this week. It was a formal request by the State Health Board directed to the NRTS that it stop burying nuclear wastes in the desert near the station. The action was taken at the two-day session in Pocatello after the board had visited the site near Arco.

Dr. Terrell O. Carver, administrator and secretary for the board, made the announcement. He had visited the waste site five years ago and noted no change in the method of waste disposal. Basically, the board will ask the AEC to implement an end to disposal of liquid and solid wastes by underground practices at the present site. A formal resolution will be presented the federal agency shortly.

The action came after a week of firm assurances all in the same vein as previous statements by the AEC that little or no danger to the great aquifer of the Minidoka North Side project could result from present disposal methods. The health board is just one state agency that has now taken action on the threat which was first raised by Robert Erkins, Buhl, early this summer. He feared contamination of the waters of the Clear Lakes springs which feed the famous Snake River Trout farm north of Buhl. All of the springs and subterranean waters on the north side plains of the Snake River throughout this area are fed by the aquifer.

Gov. Samuelson named a state committee two months ago to study the problem and come up with a recommendation. Dr. Carver and some members of the health board are also members of the committee which has had only one formal session thus far. Mr. Erkins in subsequent protests against continuation of AEC methods has called for a "National Dump" for wastes of this nature at some less vulnerable location in the west. This concept in theory appears to be a good one, which this newspaper feels should be explored and determined as national policy.

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[From the Post Register, Nov. 25, 1969]

AEC COMMISSIONER BACKS IDAHO AEC OFFICIALS, IDAHO NUCLEAR ON ISSUES

AEC Commissioner Dr. Theos J. Thompson, when he was in Idaho Falls and the National Reactor Testing Station last Thursday and Friday in connection with dedication of Zero Power Plutonium Reactor, answered a number of questions which generally backed the layoff of 125 men by Idaho Nuclear Corp., and the continuance of the present Idaho AEC safety and Health program on water and air pollution.

After asked a number of pertinent questions on these issues which have become controversial, Thompson submitted the following reply to the questions:

Q. Dr. Thompson, are you aware that 125 National Reactor Testing Station employes were laid off as of November 15 by Idaho Nuclear Corporation?

A. Yes, members of the Atomic Energy Commission have been aware of the considerations prompting this action for an extended period of time.

Q. Are you familiar with the layoff criteria used by Idaho Nuclear?

A. Well, aside from the usual inevitability of certain duplications in staffing such as there must have been with the consolidation of Idaho Nuclear and Phillips Petroleum Company's Atomic Energy Division last July 1, we feel that studies showed the need of more engineering strength—particularly engineers with power reactor technology experience—to expedite the LOFT and PBF projects. So the reduction in force was partly to accommodate program shifts.

BUDGET CUT

Q. You said that was part of it. Anything else?

A. Idaho Nuclear has been told the facts of life concerning the House action earlier this fall in cutting the AEC's appropriation bill for operations by $78.5 million. And that is for the current fiscal year remember. Also, Idaho Nuclear was undoubtedly told it appeared unlikely the Senate, despite its historical pattern of restorative action, would restore any of the House cut, but on the contrary might make further cuts. And that has since happened. The senate has imposed an additional cut of $44 million on top of the House $78.5 million.

Q. Does Idaho Nuclear have to be affected by such cuts when it is working on vital programs like LOFT and PBF?

A. This is determined by where the cuts are imposed by the Congress; however many AEC operating contractors have been affected this year.

Q. Why was it necessary to accomplish the personnel reduction just before Christmas?

A. As you can see, this was determined by the pace of Congressional action on the fiscal year 1970 appropriations bill. Had that taken place earlier, then the necessary stringencies that the appropriations cut places on the contractors could have been accomplished earlier.

HIRE AEROJET PEOPLE

Q. We have heard that the reduction was made to make room for hiring Aerojet General Corporation people laid off in California. Would you know about that?

A. The answer to that lies in the fact that several Aerojet people with the experience and expertise needed in the LOFT and PBF programs are, or were, employed on the NERVA nuclear space rocket reactor program in Nevada.

Q. To what extent was seniority a factor in determining the ones to be laid off?

A. It was the determining factor only in the case of those who were working under union agreements.

Were nontechnical people among those laid off?

A. Yes, and also technical people, and organized or bargaining group people. It was an across-the-board reduction.

SEEK JOBS

Q. Did Idaho Nuclear just cut those who lost their jobs adrift?

A. I am reliably informed that Idaho Nuclear surveys were underway even before the layoff to find jobs elsewhere for those affected either with the parent companies, other nuclear firms, or other industries. Some 400 companies were contacted and 79 responded with job openings. And, of course, they received severance pay, based on their tenure of service, and all received at least two weeks notice.

Q. Weren't some pretty well along in years?

A. A few. I'm told, but a number of these were eligible for early retirement.

Q. Charles Ray Rice (president of Idaho Nuclear) has stated that no further reductions are anticipated in the light of currently available information. Do you see it that way, Dr. Thompson?

A. I believe Mr. Rice went on to say that Idaho Nuclear hopes to be able to control its readjusted manpower levels at around 2,500 to close attention to replacement in line with attrition, despite the impending shutdown of the MTR on June 30. I think he was sincere in that statement, although he may not have been aware, at the time, of the dynamic budget and funding situations and Senate action in imposing an additional operations funding cut of $4 million in the 1970 appropriations bill on top of the previous House cut of $78.5 million.

Q. Is there anything to the contention that some of the terminated employes did not get vacation benefits they were entitled to?

A. I am advised that all employes received all the vacation benefits they had earned under a policy of long-standing established by their employers.

NRTS BURIAL GROUND

Q. Many people in Idaho are concerned about the AEC's practice of burying radioactive solid wastes underground at the NRTS. Considering that one of the world's largest pure-water aquifiers is underneath that area, do you think this practice should be continued?

A. It is true the aquifier underlies the NRTS burial ground. But approximately 600 feet of soil and lava separates the buried waste from the aquifier. We consider our burial practices safe for several reasons. First, the buried material itself is relatively insoluble even if it were to become completely immersed in water. And that is most unlikely due to the Site's semi-arid, desert climate . . . about 8 inches of precipitation annually. This means there simply is not sufficient moisture available to carry any of the wastes down through hundreds of feet of soil and rock. Monitoring shows no radioactivity has moved from the burial ground, down or out. Our surveillance includes monitoring the aquifer itself for any evidence that we have been wrong in our judgment, and no radioactivity from the burial ground wastes has been found in the underground water.

Q. But the site may not always be a desert and some of the wastes will be hazardous for 24,000 years. Shouldn't this be of concern?

A. We have considered that extremely remote possibility. This is one of the reasons why buried wastes are carefully catalogued and monumented. If the climate or other circumstances were to change, and another acceptable site were available we could remove the material and place it elsewhere.

OTHER PLACES

Q. Nevertheless, the people of Idaho would prefer that radioactive wastes—particularly those imported from Colorado—not be buried above the aquifer. Couldn't something else be done with them?

A. It must be remembered that the NRTS is the closest to Colorado of three federal burial grounds. However, the Commission is studying the feasibility of alternative sites for burial of Rocky Flats wastes. It must be remembered that feasibility includes economic considerations, too. Meantime, we are continually studying and evaluating our waste disposal methods to assure that better and safer alternatives are not being overlooked. Rest assured that if improved waste management practices can be developed they will be adopted. Our research programs continue to point the way to improved waste-handling procedures. Meantime, we believe that the wastes are being carefully managed to avoid creating hazards to human health.

LIQUID WASTE

Q. The Idaho State Department of Health is also worried about putting low-level radioactive liquid wastes directly into the aquifer. Isn't that dangerous?

A. This is a carefully planned and monitored operation that cannot possibly cause a hazard to health, regardless of how it sounds if you don't know all the facts. First of all, we are talking about very tiny amounts of radioactive material dispersed in huge volumes of water. The material becomes further diluted in the aquifer. In fact, we regularly repump this water for reuse in Site operations. Our employes drink it, and we would not let them do so if it were a hazard to health.

Q. As a matter of principle, wouldn't it be better if some other agency were to monitor the AEC's operations?

A. The AEC would have no objection to that. In fact, U.S. Public Health Service does conduct a program of independent monitoring outside the Nevada Test Site. But you have to bear in mind that to do so here could involve duplication of equipment and personnel. The AEC could not discontinue the monitoring it now performs for operational control of effluents in addition to operational safety and controls within plant facilities. But if the congress and the taxpayers were to decide that the extra costs were justified, the Commission would not oppose offsite radiation monitoring by, say, the State or the U.S. Public Health Service, but this would be in lieu of monitoring presently done by AEC-ID.

OFF-SITE RADIATION

Q. In recent environmental monitoring reports published by the AEC's Idaho Operations Office, it was reported that alpha radiation levels were detected in the Idaho Falls area that were 34 per cent higher than at the Station. Has the AEC determined where this radiation is coming from?

A. I heard about this anomaly and learned that it is not coming from operations at the NRTS. You should keep in mind, though, that the levels identified to date are extremely low and are not a health hazard. The Idaho State Health Department has requested our assistance in making more widespread air samplings than we regularly perform. We intend to help them as needed in determining the increased alpha radiation source. We have already found that responsible radionuclide is polonium—210, a naturally-occurring radioactive material.

Q. Where does polonium come from?

A. Polonium is a natural byproduct of uranium, which is found in varying quantities throughout the earth's crust. Any operation involving the heating of materials containing trace quantities of uranium will result in the release of polonium. The polonium escapes with the combustion off-gases and then condenses when it encounters cooler air. Plant roots take up polonium from the soil, and so it is found in differing concentrations in practically all growing plants.

Q. Specifically, what kind of operations could result in putting polonium in the air?

A. Any operation involving the heating of materials containing the nuclide could re-

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lease polonium. A specific example would be roasting of ores containing natural uranium. These ores would also contain some polonium.

HEALTH BOARD RESOLUTION

Q. Last week the Idaho State Board of Health adopted a policy statement calling on the AEC to establish a schedule for ceasing all existing underground disposal of low-level radioactive wastes at the NRTS. The Board also urged the eventual elimination of the long term storage of high-level wastes at the Station. What does the AEC plan to do about this?

A. I have read newspaper accounts of the board's recommendations, but I would not want to comment on this until I have seen and studied the board's official statement on this matter. As of the start of this week, the AEC has not received any such communication from the Idaho State Board of Health.

STATUS OF MTR

Q. The AEC has announced that there is no provision in future budgets for operation of the MTR beyond June 30, 1970. Do you know of any government-sponsored research projects assignable to the MTR that could turn this around?

A. The answer would have to be no. In light of the extremely tight budget throughout the AEC and the other government R & D activities provide no basis for encouragement that funds will be available.

[From the Idaho Daily Statesman, Jan. 9, 1970]

AEC Affirms Radioactive Debris From Colorado Blast Dumped in Arco

(By J. Schifferdecker)

The Atomic Energy Commission confirmed Friday it has shipped 94,325 cubic feet of radioactive debris from a May 11, 1969, explosion at Rocky Flats, Colo., to its Eastern Idaho site.

Disposal of plutonium active wastes from the explosion is about 85 per cent complete, the AEC says.

Meanwhile, a governor's task force investigating the practice of utilizing the Idaho National Reactor Test Station near Arco as a dumping ground scheduled a meeting Jan. 20 and 21 with AEC authorities in Idaho Falls and at the site.

The task force, which has met twice to date behind closed doors, intends to tour the site the second day of the meeting. The meeting dates are still tentative, according to the office of Dr. Terrell O. Carver, Idaho health administrator, who also serves as task force chairman. Carver was out of town Thursday.

The Idaho Board of Health was afforded a tour of the site in November after protests were raised over the dumping practices of the AEC.

The main concern of the public and Gov. Don W. Samuelson is over the fact the dumping grounds are located directly above the Snake River Plain Aquifer, one of the world's largest underground bodies of water. The aquifer is the source of Thousand Springs near Hagerman.

The AEC has repeatedly denied that the radioactive wastes it buries at the NRTS pose a pollution hazard. W. L. Ginkel, manager of the site, has pointed out that the AEC has carried on the waste disposal for 15 years under constant monitoring and that no pollution has been evidenced.

He said wastes from the explosion at the AEC's Colorado plant are placed in plastic bags and sealed in 55-gallon drums prior to shipment by rail under Department of Transportation regulations.

[From the Idaho State Journal, Jan. 13, 1970]

AEC Scientist Raps Safety Standards

Denver—One of the Atomic Energy Commission's own scientists testified in federal court Monday that federal radiation safety standards are 10 times more liberal than they should be.

Dr. Arthur G. Tamplin of the AEC's Lawrence Radiation Laboratory in Livermore, Calif., soid standards established by the Federal Radiation Council should be reduced "at least by a factor of 10" because of the suspected effects of radiation on human genes and chromosomes.

Tamplin testified there is a whole new body of evidence indicating standards, established originally 10 years ago, are not sufficiently restrictive.

He said the AEC has set the allowable dose of radiation as .17 rads—the unit of the amount of radiation absorbed by the body. He said this should be reduced to .017 rads.

"Any amount of radiation, no matter how small, is deleterious to man," Tamplin testified.

His testimony came at the start of a trial stemming from Project Rulison, an underground nuclear explosion designed to stimulate natural gas production from deep underground sandstone formation in western Colorado.

The suit seeks to block the AEC and its private partner, Austral Oil Co., Houston, Tex., from reopening the vast underground cavern created by the Sept. 10 blast, which was equivalent to a blast of 40,000 tons of TNT.

The action is a consolidation of three suits, brought by property owners in the area; the Colorado Open Space Council, a conservation group and Dist. Atty. Martin Dumont of Garfield County.

Attorney Morgan Smith, representing the plaintiffs, said the case will be based on the contention that Austral and the AEC "underestimated the risks and overestimated the benefits" of the blast, 8,442 feet under Battlement Mesa near the town of Grand Valley.

[From the Intermountain Observer, Jan. 31, 1970]

Pollution: An Issue That Beats God, Flag and Motherhood

"Brethren, let us pray for those less fortunate members of society, who, in their lust for profit are limiting the life of babes in arms, bringing smothering death to the sick and aged and blighting our land with insidious poisons!"

"Good news! The gross national product is down! We can now hope the balance of nature may be restored by this heartening news of economic imbalance."

Comments from the pulpit of another lunatic fringe L.A. religion? Meetings from the minutes of the Sierra Club . . . or, will they become actual quotes as the accent of the Ecological Seventies becomes ecumenical and economic?

This fall the National Council of Churches established an Environmental Stewardship Action Team to put theologians and scientists to work on the ecological problem. St. Francis of Assisi, the 13th Century saint who challenged the idea of man's limitless rule over nature, has been proposed as the patron saint of those who have joined the fight against pollution of the environment.

The Rev. Norden Murphy of the Council issued the statement that "If we are serious about the quality of life for all men we may have to declare a moratorium on how much we consume."

Significantly, the first bill President Nixon signed in San Clemente on New Year's Day was the National Environmental Act of 1969, declaring that it was the policy of the U.S. Government to "create and maintain conditions under which man and nature can exist in productive harmony . . ." In his State of the Union message, Environment ran a close second to Crime.

Nature's watchdog, Sen. Edmund Muskie (D) of Maine, publicly wondered if this were just "window dressing." Senator Muskie has a healthy distrust of public officials when it comes to pollution, stating "The lesson of history of our Federal System is that State and Local governments tend to slough off responsibility for dealing with public problems until there is no recourse but national policy, national agencies and national enforcement." Then he adds, for those who love to blame the government for everything, "Traditionally, the public has become concerned only in the event of a crisis."

In Idaho, not all citizens fit this pattern, however. Take the matter of air pollution, considered the most dangerous offender by the President's environmental advisors. It has been with us since Prometheus first stole fire from the Gods, but that doesn't daunt Dick Meyer of the architectural firm Environment West in Ketchum. Also a member of the Idaho Environmental Council, a new organization dedicated to keeping Idaho a place of high quality environment, Meyer is working professionally and as a private citizen to this end. As an architect he incorporates the past history of an area with the limitations of population and industry for a total environmental design. As a citizen he is now arming himself with facts with a view to attending future meetings of the Air Pollution Commission in Boise.

In Buhl, Robert Erkins, owner of the world's largest trout farm, has opened a can of worms with his questioning of the wisdom of the Atomic Energy Commission in dumping its atomic waste on top of what is considered the world's largest underground source of stored water, the Snake River aquifer. This aroused Governor Don Samuelson sufficiently to appoint a task force to study the problem, but some editorials complained of the secrecy of its hearings. One citizen, Jerome Eden of Idaho Falls, formerly Editor of Waterworks Magazine, took them to task on their methods of gathering facts. Rather than relying on the opinions of others, Eden suggested that the atmosphere and both public and private sources of water be monitored regularly by geiger counters.

One thing so often leads to another . . . and one contamination often reveals another. Erkins suggested that after the Governor's task force had investigated the nuclear waste problem, perhaps they could check a report by Geologist Consultant Keith Anderson of Boise to the effect that the most common method of raw sewage disposal in South Central Idaho is to pipe it into the Snake River Aquifer. Anderson estimated that 7,500 "drainage wells," euphemism for cesspools, are in use today.

Back to nuclear contamination. The Idaho Falls *Post Register* in an October 31 editorial suggested that the Atomic Energy Commission's monitoring of nuclear contamination be cross-checked. According to the newspaper the U.S. Public Health Service is charged by law to do so but lacks the people and funds. One might question any such reports, however, for this is the same U.S. Public Health Service that is now monitoring air pollution in Twin Falls, Idaho Falls and Boise, and not in Pocatello, which is producing more air pollution than any other city in the state.

Trout farm owner Erkins tries to see the brighter side of the picture when he voices the opinion that the Snake River Aquifer is probably in no immediate danger of nuclear contamination barring an earthquake. One is then really shaken up on reading a recent issue of the New York Times which points out that the Snake River Aquifer and nuclear dumping ground of the A.E.C. are located in the heart of a high risk area where major earthquakes may occur.

In addition to Dick Meyer, the Idaho Environmental Council includes among its members Gerald A. Jayne of Idaho Falls, who is also its president; Dr. Lyle Stanford, biology department, College of Idaho at Caldwell; Professor Lloyd R. Pierson, biology science, Ricks College at Rexburg and Dr. Wayne Minshall, biology department, Idaho State University at Pocatello. I interviewed Dr. Stanford and he echoed trout farmer Erkins'

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[From the Post Register, Nov. 25, 1969]

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BUDGET CUT

Q. You said that was part of it. Anything else?

A. Idaho Nuclear has been told the facts of life concerning the House action earlier this fall in cutting the AEC's appropriation bill for operations by $78.5 million. And that is for the current fiscal year remember. Also, Idaho Nuclear was undoubtedly told it appeared unlikely the Senate, despite its historical pattern of restorative action, would restore any of the House cut, but on the contrary might make further cuts. And that has since happened. The senate has imposed an additional cut of $44 million on top of the House $78.5 million.

Q. Does Idaho Nuclear have to be affected by such cuts when it is working on vital programs like LOFT and PBF?

A. This is determined by where the cuts are imposed by the Congress; however many AEC operating contractors have been affected this year.

Q. Why was it necessary to accomplish the personnel reduction just before Christmas?

A. As you can see, this was determined by the pace of Congressional action on the fiscal year 1970 appropriations bill. Had that taken place earlier, then the necessary stringencies that the appropriations cut places on the contractors could have been accomplished earlier.

HIRE AEROJET PEOPLE

Q. We have heard that the reduction was made to make room for hiring Aerojet General Corporation people laid off in California. Would you know about that?

A. The answer to that lies in the fact that several Aerojet people with the experience and expertise needed in the LOFT and PBF programs are, or were, employed on the NERVA nuclear space rocket reactor program in Nevada.

Q. To what extent was seniority a factor in determining the ones to be laid off?

A. It was the determining factor only in the case of those who were working under union agreements.

Were nontechnical people among those laid off?

A. Yes, and also technical people, and organized or bargaining group people. It was an across-the-board reduction.

SEEK JOBS

Q. Did Idaho Nuclear just cut those who lost their jobs adrift?

A. I am reliably informed that Idaho Nuclear surveys were underway even before the layoff to find jobs elsewhere for those affected either with the parent companies, other nuclear firms, or other industries. Some 400 companies were contacted and 79 responded with job openings. And, of course, they received severance pay, based on their tenure of service, and all received at least two weeks notice.

Q. Weren't some pretty well along in years?

A. A few. I'm told, but a number of these were eligible for early retirement.

Q. Charles Ray Rice (president of Idaho Nuclear) has stated that no further reductions are anticipated in the light of currently available information. Do you see it that way, Dr. Thompson?

A. I believe Mr. Rice went on to say that Idaho Nuclear hopes to be able to control its readjusted manpower levels at around 2,500 to close attention to replacement in line with attrition, despite the impending shutdown of the MTR on June 30. I think he was sincere in that statement, although he may not have been aware, at the time, of the dynamic budget and funding situations and Senate action in imposing an additional operations funding cut of $4 million in the 1970 appropriations bill on top of the previous House cut of $78.5 million.

Q. Is there anything to the contention that some of the terminated employes did not get vacation benefits they were entitled to?

A. I am advised that all employes received all the vacation benefits they had earned under a policy of long-standing established by their employers.

NRTS BURIAL GROUND

Q. Many people in Idaho are concerned about the AEC's practice of burying radioactive solid wastes underground at the NRTS. Considering that one of the world's largest pure-water aquifiers is underneath that area, do you think this practice should be continued?

A. It is true the aquifier underlies the NRTS burial ground. But approximately 600 feet of soil and lava separates the buried waste from the aquifier. We consider our burial practices safe for several reasons. First, the buried material itself is relatively insoluble even if it were to become completely immersed in water. And that is most unlikely due to the Site's semi-arid, desert climate . . . about 8 inches of precipitation annually. This means there simply is not sufficient moisture available to carry any of the wastes down through hundreds of feet of soil and rock. Monitoring shows no radioactivity has moved from the burial ground, down or out. Our surveillance includes monitoring the aquifer itself for any evidence that we have been wrong in our judgment, and no radioactivity from the burial ground wastes has been found in the underground water.

Q. But the site may not always be a desert and some of the wastes will be hazardous for 24,000 years. Shouldn't this be of concern?

A. We have considered that extremely remote possibility. This is one of the reasons why buried wastes are carefully catalogued and monumented. If the climate or other circumstances were to change, and another acceptable site were available we could remove the material and place it elsewhere.

OTHER PLACES

Q. Nevertheless, the people of Idaho would prefer that radioactive wastes—particularly those imported from Colorado—not be buried above the aquifer. Couldn't something else be done with them?

A. It must be remembered that the NRTS is the closest to Colorado of three federal burial grounds. However, the Commission is studying the feasibility of alternative sites for burial of Rocky Flats wastes. It must be remembered that feasibility includes economic considerations, too. Meantime, we are continually studying and evaluating our waste disposal methods to assure that better and safer alternatives are not being overlooked. Rest assured that if improved waste management practices can be developed they will be adopted. Our research programs continue to point the way to improved waste-handling procedures. Meantime, we believe that the wastes are being carefully managed to avoid creating hazards to human health.

LIQUID WASTE

Q. The Idaho State Department of Health is also worried about putting low-level radioactive liquid wastes directly into the aquifer. Isn't that dangerous?

A. This is a carefully planned and monitored operation that cannot possibly cause a hazard to health, regardless of how it sounds if you don't know all the facts. First of all, we are talking about very tiny amounts of radioactive material dispersed in huge volumes of water. The material becomes further diluted in the aquifer. In fact, we regularly repump this water for reuse in Site operations. Our employes drink it, and we would not let them do so if it were a hazard to health.

Q. As a matter of principle, wouldn't it be better if some other agency were to monitor the AEC's operations?

A. The AEC would have no objection to that. In fact, U.S. Public Health Service does conduct a program of independent monitoring outside the Nevada Test Site. But you have to bear in mind that to do so here could involve duplication of equipment and personnel. The AEC could not discontinue the monitoring it now performs for operational control of effluents in addition to operational safety and controls within plant facilities. But if the congress and the taxpayers were to decide that the extra costs were justified, the Commission would not oppose offsite radiation monitoring by, say, the State or the U.S. Public Health Service, but this would be in lieu of monitoring presently done by AEC-ID.

OFF-SITE RADIATION

Q. In recent environmental monitoring reports published by the AEC's Idaho Operations Office, it was reported that alpha radiation levels were detected in the Idaho Falls area that were 34 per cent higher than at the Station. Has the AEC determined where this radiation is coming from?

A. I heard about this anomaly and learned that it is not coming from operations at the NRTS. You should keep in mind, though, that the levels identified to date are extremely low and are not a health hazard. The Idaho State Health Department has requested our assistance in making more widespread air samplings than we regularly perform. We intend to help them as needed in determining the increased alpha radiation source. We have already found that responsible radionuclide is polonium—210, a naturally-occurring radioactive material.

Q. Where does polonium come from?

A. Polonium is a natural byproduct of uranium, which is found in varying quantities throughout the earth's crust. Any operation involving the heating of materials containing trace quantities of uranium will result in the release of polonium. The polonium escapes with the combustion off-gases and then condenses when it encounters cooler air. Plant roots take up polonium from the soil, and so it is found in differing concentrations in practically all growing plants.

Q. Specifically, what kind of operations could result in putting polonium in the air?

A. Any operation involving the heating of materials containing the nuclide could release polonium. A specific example would be roasting of ores containing natural uranium. These ores would also contain some polonium.

HEALTH BOARD RESOLUTION

Q. Last week the Idaho State Board of Health adopted a policy statement calling on the AEC to establish a schedule for ceasing all existing underground disposal of low-level radioactive wastes at the NRTS. The Board also urged the eventual elimination of the long term storage of high-level wastes at the Station. What does the AEC plan to do about this?

A. I have read newspaper accounts of the board's recommendations, but I would not want to comment on this until I have seen and studied the board's official statement on this matter. As of the start of this week, the AEC has not received any such communication from the Idaho State Board of Health.

STATUS OF MTR

Q. The AEC has announced that there is no provision in future budgets for operation of the MTR beyond June 30, 1970. Do you know of any government-sponsored research projects assignable to the MTR that could turn this around?

A. The answer would have to be no. In light of the extremely tight budget throughout the AEC and the other government R & D activities provide no basis for encouragement that funds will be available.

[From the Idaho Daily Statesman, Jan. 9, 1970]

AEC AFFIRMS RADIOACTIVE DEBRIS FROM COLORADO BLAST DUMPED IN ARCO

(By J. Schifferdecker)

The Atomic Energy Commission confirmed Friday it has shipped 94,325 cubic feet of radioactive debris from a May 11, 1969, explosion at Rocky Flats, Colo., to its Eastern Idaho site.

Disposal of plutonium active wastes from the explosion is about 85 per cent complete, the AEC says.

Meanwhile, a governor's task force investigating the practice of utilizing the Idaho National Reactor Test Station near Arco as a dumping ground scheduled a meeting Jan. 20 and 21 with AEC authorities in Idaho Falls and at the site.

The task force, which has met twice to date behind closed doors, intends to tour the site the second day of the meeting. The meeting dates are still tentative, according to the office of Dr. Terrell O. Carver, Idaho health administrator, who also serves as task force chairman. Carver was out of town Thursday.

The Idaho Board of Health was afforded a tour of the site in November after protests were raised over the dumping practices of the AEC.

The main concern of the public and Gov. Don W. Samuelson is over the fact the dumping grounds are located directly above the Snake River Plain Aquifer, one of the world's largest underground bodies of water. The aquifer is the source of Thousand Springs near Hagerman.

The AEC has repeatedly denied that the radioactive wastes it buries at the NRTS pose a pollution hazard. W. L. Ginkel, manager of the site, has pointed out that the AEC has carried on the waste disposal for 15 years under constant monitoring and that no pollution has been evidenced.

He said wastes from the explosion at the AEC's Colorado plant are placed in plastic bags and sealed in 55-gallon drums prior to shipment by rail under Department of Transportation regulations.

[From the Idaho State Journal, Jan. 13, 1970]

AEC SCIENTIST RAPS SAFETY STANDARDS

DENVER—One of the Atomic Energy Commission's own scientists testified in federal court Monday that federal radiation safety standards are 10 times more liberal than they should be.

Dr. Arthur G. Tamplin of the AEC's Lawrence Radiation Laboratory in Livermore, Calif., soid standards established by the Federal Radiation Council should be reduced "at least by a factor of 10" because of the suspected effects of radiation on human genes and chromosomes.

Tamplin testified there is a whole new body of evidence indicating standards, established originally 10 years ago, are not sufficiently restrictive.

He said the AEC has set the allowable dose of radiation as .17 rads—the unit of the amount of radiation absorbed by the body. He said this should be reduced to .017 rads.

"Any amount of radiation, no matter how small, is deleterious to man," Tamplin testified.

His testimony came at the start of a trial stemming from Project Rulison, an underground nuclear explosion designed to stimulate natural gas production from deep underground sandstone formation in western Colorado.

The suit seeks to block the AEC and its private partner, Austral Oil Co., Houston, Tex., from reopening the vast underground cavern created by the Sept. 10 blast, which was equivalent to a blast of 40,000 tons of TNT.

The action is a consolidation of three suits, brought by property owners in the area; the Colorado Open Space Council, a conservation group and Dist. Atty. Martin Dumont of Garfield County.

Attorney Morgan Smith, representing the plaintiffs, said the case will be based on the contention that Austral and the AEC "underestimated the risks and overestimated the benefits" of the blast, 8,442 feet under Battlement Mesa near the town of Grand Valley.

[From the Intermountain Observer, Jan. 31, 1970]

POLLUTION: AN ISSUE THAT BEATS GOD, FLAG AND MOTHERHOOD

"Brethren, let us pray for those less fortunate members of society, who, in their lust for profit are limiting the life of babes in arms, bringing smothering death to the sick and aged and blighting our land with insidious poisons!"

"Good news! The gross national product is down! We can now hope the balance of nature may be restored by this heartening news of economic imbalance."

Comments from the pulpit of another lunatic fringe L.A. religion? Meetings from the minutes of the Sierra Club . . . or, will they become actual quotes as the accent of the Ecological Seventies becomes ecumenical and economic?

This fall the National Council of Churches established an Environmental Stewardship Action Team to put theologians and scientists to work on the ecological problem. St. Francis of Assisi, the 13th Century saint who challenged the idea of man's limitless rule over nature, has been proposed as the patron saint of those who have joined the fight against pollution of the environment.

The Rev. Norden Murphy of the Council issued the statement that "If we are serious about the quality of life for all men we may have to declare a moratorium on how much we consume."

Significantly, the first bill President Nixon signed in San Clemente on New Year's Day was the National Environmental Act of 1969, declaring that it was the policy of the U.S. Government to "create and maintain conditions under which man and nature can exist in productive harmony . . ." In his State of the Union message, Environment ran a close second to Crime.

Nature's watchdog, Sen. Edmund Muskie (D) of Maine, publicly wondered if this were just "window dressing." Senator Muskie has a healthy distrust of public officials when it comes to pollution, stating "The lesson of history of our Federal System is that State and Local governments tend to slough off responsibility for dealing with public problems until there is no recourse but national policy, national agencies and national enforcement." Then he adds, for those who love to blame the government for everything, "Traditionally, the public has become concerned only in the event of a crisis."

In Idaho, not all citizens fit this pattern, however. Take the matter of air pollution, considered the most dangerous offender by the President's environmental advisors. It has been with us since Prometheus first stole fire from the Gods, but that doesn't daunt Dick Meyer of the architectural firm Environment West in Ketchum. Also a member of the Idaho Environmental Council, a new organization dedicated to keeping Idaho a place of high quality environment, Meyer is working professionally and as a private citizen to this end. As an architect he incorporates the past history of an area with the limitations of population and industry for a total environmental design. As a citizen he is now arming himself with facts with a view to attending future meetings of the Air Pollution Commission in Boise.

In Buhl, Robert Erkins, owner of the world's largest trout farm, has opened a can of worms with his questioning of the wisdom of the Atomic Energy Commission in dumping its atomic waste on top of what is considered the world's largest underground source of stored water, the Snake River aquifer. This aroused Governor Don Samuelson sufficiently to appoint a task force to study the problem, but some editorials complained of the secrecy of its hearings. One citizen, Jerome Eden of Idaho Falls, formerly Editor of Waterworks Magazine, took them to task on their methods of gathering facts. Rather than relying on the opinions of others, Eden suggested that the atmosphere and both public and private sources of water be monitored regularly by geiger counters.

One thing so often leads to another . . . and one contamination often reveals another. Erkins suggested that after the Governor's task force had investigated the nuclear waste problem, perhaps they could check a report by Geologist Consultant Keith Anderson of Boise to the effect that the most common method of raw sewage disposal in South Central Idaho is to pipe it into the Snake River Aquifer. Anderson estimated that 7,500 "drainage wells," euphemism for cesspools, are in use today.

Back to nuclear contamination. The Idaho Falls *Post Register* in an October 31 editorial suggested that the Atomic Energy Commission's monitoring of nuclear contamination be cross-checked. According to the newspaper the U.S. Public Health Service is charged by law to do so but lacks the people and funds. One might question any such reports, however, for this is the same U.S. Public Health Service that is now monitoring air pollution in Twin Falls, Idaho Falls and Boise, and not in Pocatello, which is producing more air pollution than any other city in the state.

Trout farm owner Erkins tries to see the brighter side of the picture when he voices the opinion that the Snake River Aquifer is probably in no immediate danger of nuclear contamination barring an earthquake. One is then really shaken up on reading a recent issue of the New York Times which points out that the Snake River Aquifer and nuclear dumping ground of the A.E.C. are located in the heart of a high risk area where major earthquakes may occur.

In addition to Dick Meyer, the Idaho Environmental Council includes among its members Gerald A. Jayne of Idaho Falls, who is also its president; Dr. Lyle Stanford, biology department, College of Idaho at Caldwell; Professor Lloyd R. Pierson, biology science, Ricks College at Rexburg and Dr. Wayne Minshall, biology department, Idaho State University at Pocatello. I interviewed Dr. Stanford and he echoed trout farmer Erkins'

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contention that the A.E.C. nuclear fuel dump is most inappropriately located, saying "What a mislocated site! It should have been placed at the bottom of a natural basin rather than the top of an aquifer. What a tremendously valuable resource to take even the remotest chance with. If there is any place it shouldn't have been located, that's it." He hopes for a regional approach to environment rather than the provincial one of towns and states, and he devotes much of his time to helping develop an interstate regional working solution.

Not too far from Professor Stanford, Boise lawyer-ecologist Bruce Bowler was not afraid to call a spade a spade. Echoing Muskie's warning, he declared "In our state our governor and attorney general are linked in their political positions to the industrial capital that helps them stay there. They make pro-environmental pronouncements. They can't get out of it altogether, but one can't believe that they really mean what they say. The top administration in Idaho doesn't care, never has, never will and this has put Idaho back 20 years in environmental control.

"The basic truth is national government will have to force agriculture and industry to clean up. It isn't a question of whether we can afford . . . we have GOT to afford. National enforcement is necessary . . . even international . . because air and water are transitory. They aren't localized in any sense."

"Furthermore, the thing thinking people can't tolerate is people in high places saying one thing and meaning another. They curry the voting public's favor with words and then cut the heart out of the program by cutting financial help."

Bowler feels that as a sacrosanct issue, pollution is replacing motherhood. Perhaps this is literally so, for when I interviewed Edith Kinucan, ecologist and member of the American Association of University Women, I learned that mother's milk carries 2 to 3 times more DDT than the amount considered to be safe. Just recently this group of mothers succeeded in preventing the City of Boise from using its remaining supply of DDT.

And so the struggle is undertaken. Individuals all over the state are starting the long, uphill fight for a cleaner environment.

One can only hope that the choice of Saint Francis of Assisi is not forebodingly correct. He spent many precious hours talking to the birds.

AMOUNT OF OUT-OF-STATE CONTAMINATED WASTE VERIFIED BY AEC

Mr. CHURCH. As indicated in the above stories, there was also a question as to the exact amount of high yield waste brought into Idaho from outside of the State. I instituted an inquiry with the Atomic Energy Commission to get the exact figures and discovered that waste materials had been shipped into Idaho to the NRTS burial ground from out-of-State for 15 years. It was further disclosed by the AEC that 350,000 cubic feet of such wastes were shipped to the site from Rocky Flats, Colo., in 1968 alone. I ask unanimous consent that the reply sent pursuant to my inquiry regarding the impact of radioactive waste into the NRTS burial ground appear at this point in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

U.S. Atomic Energy Commission,
Washington, D.C., January 13, 1970.
Hon. Frank Church,
U.S. Senate.

Dear Senator Church: The radioactive waste burial program at the NRTS is one of five such programs operated by the Atomic Energy Commission on Federally-owned land. There are five others—similar but commercially operated and on state-owned land. The NRTS burial site is the nearest such site to the Rocky Flats (RF) operations.

Wastes from RF have been shipped to the NRTS for burial since April of 1954. The volume of RF waste shipped to the NRTS in 1968 was 350,000 cubic feet. The volume received in 1969 was 250,000 cubic feet, of which approximately 95,000 cubic feet were attributable to the RF fire damage cleanup. An estimated 200,000 cubic feet of waste attributable to the RF fire remain to be shipped during 1970 and 1971. The capacities of the various types of railway cars that deliver the RF wastes vary from 1000 to 2000 cubic feet per car.

Should you require any further information concerning this matter, please let us know.

The enclosure to your letter is returned herewith as you requested.

Sincerely,

E. J. Block,
Deputy General Manager.

Mr. CHURCH. Mr. President, in addition to this problem of imported wastes, it was brought to my attention that the AEC had commissioned a report in 1966 on burial ground activities at the NRTS, that such a report had been completed by a special committee of the National Academy of Sciences, but its content had never been revealed. I made immediate inquiry of the AEC asking why the contents of the disputed report had not been made public. The AEC replied that the study group had exceeded its authority in the study and thus the AEC had not published the findings. Mr. President, I ask unanimous consent that the text of my letter to the AEC and the reply I received pursuant to my request be printed at this point in the Record.

There being no objection, the letters were ordered to be printed in the Record, as follows:

October 7, 1969.

Hon. Glenn T. Seaborg,
Chairman, Atomic Energy Commission,
Washington, D.C.

Dear Chairman Seaborg: It has recently been called to my attention that, in 1965, a review of waste disposal practices at the National Reactor Testing Station and certain other AEC installations was conducted by a committee of the National Academy of Sciences. I further understand that the committee, called the Committee on Geologic Aspects of Radioactive Waste Disposal, was advisory to the Atomic Energy Commission and, because of this fact, a completed report was transmitted directly to the Commission in May of 1966.

I have been advised that even though the Academy had been granted permission to publish two prior reports of the same committee, no such permission was granted by the AEC for the May 1966 report, despite the efforts of two successive chairmen of the Academy's Division of Earth Sciences.

The members of the Committee in questions were:

Chairman, John E. Galley, Midland, Texas.
Charles W. Brown, Mobil Oil Co., Dallas.
George B. Maxey, University of Nevada.
John C. Maxwell, Princeton.
Charles Meyer, Univ. California (Berkeley).
Robert S. Scott, U.S. Geol. Survey (Denver).
Charles V. Theis, USGS (Albuquerque).
A. F. VanEverdingen, DeGolyer & McNaughton (Dallas).
M. King Hubbert, USGS, (Washington, D.C.) Ex officio.

In light of the concern which waste disposal over the Idaho Aquifer is causing in my state, I would appreciate a report from the AEC explaining why this report has not been made public.

Sincerely,

Frank Church.

U.S. Atomic Energy Commission,
Washington, D.C., October 17, 1969.
Hon. Frank Church
U.S. Senate.

Dear Senator Church: Your letter of October 7, 1969 inquires about a report of a Committee of the National Academy of Sciences and requests an explanation as to why it has not been made public.

In May of 1966, the Academy Committee on Geologic Aspects of Radioactive Waste Disposal submitted a report to the AEC's Division of Reactor Development and Technology (RDT). The Committee was organized to advise RDT on its research and development program pertaining to radioactive waste disposal pursuant to a contract between that AEC Division and the Academy.

The May 1966 report has not been published by AEC. However, this is not unusual since AEC receives many reports and communications from its advisory committees which are not published because, in most instances, AEC is seeking advice pertaining to its own programs.

In its May 1966 report, the Committee went beyond the requested appraisal of AEC's R&D program on radioactive waste disposal and commented at length on operational activities not under the jurisdiction of RDT and concerning which the Committee had been given only a short briefings incidental to the R&D program appraisal. AEC staff had many criticisms concerning the Committee report and these were not resolved before the Committee was dissolved by the Academy in 1967 preparatory to the establishment of another advisory committee with a broader spectrum of scientific disciplines.

The current Academy Committee on Radioactive Waste Management has been active since early 1968 and has recently completed visits to each of the AEC operating sites where significant radioactive waste management operations are conducted. The Commission has requested that Committee to prepare a report on its visits which will include the Committee's comments on the AEC R&D program and waste management operational practices. The May 1966 report is but one facet in the lengthy history of Academy Committees which have been advisors to AEC on radioactive waste management. The first Committee was established in 1955 and there have been a number of communications between the Committees and AEC.

Cordially,

Glenn T. Seaborg,
Chairman.

SECRECY IS UNWARRANTED

Mr. CHURCH. Mr. President, the refusal of the AEC to release its 1966 report is regrettable for, unless it contains severely damning evidence, the imaginations of people concerned with the issue will conjure up demons far worse than would be revealed by the report. I am increasingly troubled over the trend toward secrecy in our Government. If security reasons are involved, or the Commission does not feel the report is factual, it should say so. But to simply indicate that the committee did more than the AEC felt it should, and use that as a basis for not releasing the report is a dubious procedure. The AEC, like all Government agencies, is created for the benefit and protection of the people, and should make public as much information as possible.

AGENCIES AGREE TO CHURCH STUDY PROPOSAL

The location of the burial ground for nuclear wastes above the Snake Plain aquifer certainly presents a legitimate basis for concern. In light of this, I was pleased when the agencies I had called upon to conduct a study of the problem informed me of their willingness to do so. In addition, the Public Health Service agreed by phone to compile a written report based on the findings of the four agencies.

Mr. President, I ask unanimous consent that the replies I received from the four agencies, as well as the comments provided by the AEC at my request, be printed at this point in the Record.

There being no objection, the items were ordered to be printed in the Record, as follows:

U.S. Department of the Interior,
Bureau of Sport Fisheries and Wildlife,
Washington, D.C., September 22, 1969.

Hon. Frank Church,
U.S. Senate,
Washington, D.C.

Dear Senator Church: Thank you for your letter of September 12 concerning the use of a site above Idaho's Snake River Plain Aquifer as a dumping ground for radioactive waste materials. For at least 10 years the Fish and Wildlife Service, particularly the Bureau of Commercial Fisheries' Radiobiological Laboratory, has conducted basic research on the effect of radionuclides on fish and wildlife. Our concern for protection of fish and wildlife was expressed to the Atomic Energy Commission at an early date.

In late 1961 an arrangement was negotiated with the Licensing Division of the Commission to review all applications to install nuclear energy plants. At the present time our review of the fish and wildlife aspects of other Commission functions has been rather limited. However, we also are concerned with the possibility of radioactive contamination of the Snake River Plain Aquifer, and we have requested our Regional Office staff to look into this matter. A further reply will be made to you at the earliest possible time.

Sincerely yours,

James T. McBroom,
Assistant Director.

U.S. Department of the Interior,
Bureau of Sport Fisheries and Wildlife,
Washington, D.C. October 10, 1969.

Hon Frank Church,
U.S. Senate,
Washington, D.C.

Dear Senator Church: This is in further response to your letter of September 12 concerning the use of a site above Idaho's Snake River Plain aquifer as a dumping ground for radioactive waste materials.

Inquiry into this matter has taken longer than anticipated. A full reply will be provided as soon as all the information available can be assembled.

Sincerely yours,

J. P. Linduska,
Acting Director.

U.S. Department of the Interior,
Bureau of Sport Fisheries and Wildlife,
Washington, D.C., October 31, 1969.

Hon. Frank Church,
U.S. Senate,
Washington, D.C.

Dear Senator Church: This is in further response to your letter of September 12 concerning the use of a site above Idaho's Snake River Plain Aquifer as a dumping grounds for radioactive waste material.

As we indicated in our letter to you on September 22, we have a continuing concern for the protection of fish and wildlife resources from radioactive contamination. We would be pleased to cooperate in any studies of the storage of radioactive wastes above the Snake River Plain Aquifer, to determine whether or not these wastes do reach fish and wildlife habitats.

Since the principal questions to be answered by a future study appear to be geologic and hydrologic in nature and the Geological Survey has done preliminary studies of the area, that agency may take the lead in future studies of percolation rates and ground water movement. We will cooperate with the Geological Survey, the Federal Water Pollution Control Administration, and the Public Health Service in any future study. Although we have adequate statutory authority to participate in a study, the funding of additional work is a persistent problem. A series of meetings is scheduled among the concerned agencies with a view to taking a closer look at the situation so that necessary studies can be developed to answer all questions raised.

Sincerely yours,

John S. Gottschalk,
Director.

U.S. Department of the Interior,
Geological Survey,
Washington, D.C., October 13, 1969.

Hon. Frank Church,
U.S. Senate,
Washington, D.C.

Dear Senator Church: Reference is made to your letter of September 12, 1969, requesting that Geological Survey make a study in conjunction with Bureau of Sport Fisheries and Wildlife, The Public Health Service, and the Water Pollution Control Administration to determine the long-range implications to life and health of continued storage of radioactive wastes above the Snake River Plain Aquifer.

Mr. Wetherell of your staff met with Messrs. Nace, Schneider, Baltz, and Sinnott of Geological Survey on September 16, 1969, for a general discussion of the situation with respect to waste disposal and with respect to Survey operations at the National Reactor Testing Station (NRTS). At that time Mr. Wetherell was briefed specifically on the location of the burial ground and the general hydrologic and geologic characteristics of the location.

Preliminary to joining representatives of the other agencies to which you have directed requests for a study of the stituation, we have been in consultation with J. T. Barraclough, Geological Survey project chief at NRTS, to gain the most up-to-date appraisal of the situation with respect to the technical matters for which Geological Survey is responsible. We are advised that the approximately 100-acre site at the burial ground has a few to about 20 feet of fine-grained, alluvial deposits extending from ground surface downward. Underlying the fine-grained alluvium is basalt with some inter-bedded sediments extending downward about 575 feet to the Snake Plain Aquifer. Trenches and dikes have been constructed around parts of the burial ground to minimize the potential for flooding from local rainfall or snowmelt. Incidentally, for the past three years we have been conducting a study for the Atomic Energy Commission of the long-range potential for flooding of various parts of the NRTS by the Big Lost River which is about two miles north of the burial ground. This study includes an analysis of the hydrology of the existing diversion channels and spreading grounds that were constructed by AEC to control flood waters from the Big Lost River.

It is the responsibility of Geological Survey under repay funding from the Atomic Energy Commission to provide advice on geologic and hydrologic factors bearing on waste-disposal operations. The amount of such work done in any period of time is controlled by the AEC via the normal procedure of review and approval of proposals for studies of specific problems and the allocation of supporting funds. Thus, specific information on the burial ground that has been obtained by the Geological Survey personnel stationed at NRTS has been limited to that derived from studies arranged under this procedure. About 16 years ago we made a brief evaluation of geologic and hydrologic conditions at the burial ground site in consideration of the waste management practices that were anticipated then. Since that time these practices have been changed.

A fully adequate evaluation of the geologic and hydrologic characteristics of the burial ground site, which would determine whether waste solutions can seep down or have seeped down to the water table and the rate of their lateral movement from the site, should be based on many more data than are available now. Drilling of test holes to provide detailed information on the lithology and character of the alluvial deposits and the underlying basalt, and to sample the water beneath the burial site, would be necessary for an adequate study. Since investigations of this scope have not been authorized or funded by AEC, the Geological Survey finds it impossible to provide a report that would answer adequately the question posed in your letter.

We believe that a thorough evaluation of geologic and hydrologic controls on the transmission of radioactive wastes through the soil and basalt at the burial ground is the heart of a study of the long-range implications of radioactive waste storage with respect to possible hazards to human and animal life. If the character of the alluvial deposits is found to be such that percolating wastes would be promptly absorbed and retained and the percolation of wastes to the local water table would not occur, the site could be evaluated as safe. Unless the necessary new data can be collected for evaluation of the situation, conjunctive efforts with FWPCA, SF&WL etc. would be unproductive.

Nevertheless, we will be pleased to collaborate with the other agencies you have requested to join in a study. We are in contact with representatives of these agencies regarding initial plans for the study. We do wish, however, to point out the limitations of such a study based on presently available data and without the additional basic data on the geology and hydrology discussed above.

Sincerely yours,

W. T. Pecora,
Director.

October 14, 1969.

Mr. W. T. Pecora,
Director, Geological Survey, Washington, D.C.

Dear Director Pecora: I am in receipt of your letter of October 13 in which you point out in detail the feelings of the Geological Survey relative to the safety of present practices used by the AEC for atomic waste disposal above the Idaho aquifer.

You point out that a great deal of study would be necessary to pass on the safety of present practices and that money for such a study is not currently available. It would be most helpful to me if you could give me an estimate of the probable cost of such an investigation. And, if possible, a draft of legislation which would allow appropriation of that amount to the Geological Survey to conduct a survey in conjunction with the other agencies mentioned in my earlier letter.

With best wishes and thanks for your kind cooperation,

Sincerely,

Frank Church.

U.S. Department of the Interior,
Geological Survey,
Washington, D.C., November 6, 1969.
Hon. Frank Church,
U.S. Senate,
Washington, D.C.

Dear Senator Church: Since receiving your letter of October 14, the Survey has participated in one meeting with other agencies interested in possible environmental problems at AEC sites in Idaho. Another is planned during the early part of this month to discuss existing data and data needs.

Although extensive and costly testing would be required to determine in detail the hydrologic conditions that would affect the behavior of radioactive waste products, it is possible that more limited testing would suffice to determine if present operations involve significant environmental hazards. As soon as an assessment of this possibility has been made, information regarding costs of an investigation and the status of legislative authority will be prepared.

Sincerely yours,
W. T. Pecora,
Director.

U.S. Department of the Interior, Federal Water Pollution Control Administration,
Washington, D.C., October 2, 1969.
Hon. Frank Church,
U.S. Senate,
Washington, D.C.

Dear Senator Church: This is in reply to your letter of September 12, 1969, concerning possible contamination of the Snake River Plain Aquifer by radioactive wastes from the National Reactor Testing Station in Idaho and from Rocky Flats, Colorado.

In 1968 the Federal Water Pollution Control Administration and the Idaho Department of Health were invited by the Idaho Operations Office of the Atomic Energy Commission (AEC) to make an examination of the waste treatment and disposal practices at the National Reactor Testing Station. The examination was made during the period October 15 to 22, 1968. A report of this study has been reviewed by the Atomic Energy Commission and is now being completed. We will be pleased to provide you with a copy of the final report as soon as it is available.

The Northwest Regional Office of the Federal Water Pollution Control Administration has already been in contact with the Bureau of Sport Fisheries and Wildlife and the Geological Survey in this matter, and plans further talks in which the Public Health Service will be asked to participate. The purpose of these talks will be to determine the types of studies, other than the one mentioned above, that have been made, the information that is available from these studies, and what further investigations are needed.

Please be assured that this Administration is keenly aware of the potential water pollution arising from the current methods of waste disposal at the Arco site and is working closely with other Federal and State agencies to do all possible to prevent any degradation of the quality of the waters of the Snake River Basin.

Thank you for your continued interest in our program to abate water pollution and to enhance the quality of the waters of our Nation.

Sincerely yours,
David D. Dominick,
Commissioner.

Department of Health,
Education, and Welfare,
September 19, 1969.

Dear Senator Church: This is to acknowledge receipt of your September 12 letter in which you inquired about the dumping of radioactive wastes above the Snake River Plain Aquifer. I have asked our Environmental Control Administration to investigate the matter, and as soon as I receive their report I will be in further communication with you.

Sincerely yours,
Charles C. Johnson, Jr.,
Assistant Surgeon General, Administrator.

U.S. Atomic Energy Commission,
Washington, D.C., October 15, 1969.
Hon. Frank Church,
U.S. Senate.

Dear Senator Church: This is in response to your letter of September 13, 1969, requesting comments on your proposal that four other Federal agencies make a joint study of radioactive waste storage at the AEC's National Reactor Testing Station (NRTS) in Idaho.

At the time of startup, the best geological and hydrological information was used to select a site within the NRTS suitable for burial of its solid radioactive wastes.[1] The site has also been used for burial of solid radioactive wastes from the AEC's Rocky Flats, Colorado, plant and was used for wastes from AEC licensees until commercially operated burial sites became available.

The NRTS has always operated an environmental monitoring program to detect radioactivity which could escape into the air or water from its operations. The radiation exposure standards of comparison are basically those of organizations independent of the AEC—the Federal Radiation Council, the National Council on Radiation Protection and Measurement, and the International Commission on Radiological Protection. The environmental monitoring results, which are summarized in semiannual public reports, show radioactivity concentrations in offsite waters and in onsite underground waters have always been well below these applicable limits.

The average annual precipitation at the NRTS during the past 15 years has been 8.5 inches. Studies at the burial ground indicate that 96 percent of all precipitation is lost by evaporation from the soil or transpiration by vegetation. The remaining 4 percent is not sufficient to cause saturation. Therefore, once the wastes are buried and covered by about 3 feet of soil it seems reasonable to believe they are not leached by water but remain virtually dry.[2]

From the foregoing, there is no reason to believe that the acquifer has been contaminated, or will become contaminated, from rainfall. We plan to intensify our efforts to detect any changes due to spring snow melt, and to take corrective action accordingly. In addition, because of the presence of long-lived plutonium in the burial ground, we are evaluating the hazard potential of some future major flood which might exceed any flood in the known history of the site.

The four agencies named in your letter already have some familiarity with NRTS operations. The AEC has always sought the expert advice of the U.S. Geological Survey (USGS), and the USGS has always maintained a small staff of scientists at the NRTS for that reason. Additional USGS consultation has been provided at the headquarters level. The Bureau of Radiological Health, U.S. Public Health Service, routinely integrates the NRTS environmental monitoring results with those from the monitoring networks operated by itself and by State health agencies. Technical staff from the Denver Regional Office of the Public Health Service recently visited NRTS for orientation on radiocative waste disposal. The Regional Director of the Federal Water Pollution Control Administration has visited NRTS to review both radioactive and nonradioactive waste disposal practices. The Bureau of Sport Fisheries and Wildlife has direct knowledge of fish and game conditions on the NRTS through staff visits in connection with predator control programs. The AEC will continue to cooperate with these agencies on matters of common interest. The AEC, of course, is responsible for the decisions which have been made and the preceding references are not intended to imply full endorsement of such decisions by these other agencies.

As a final comment, a proposed policy on siting of private nuclear fuel reprocessing plants, published in the Federal Register on June 3, 1969, provides in part that the high-level *liquid* wastes from such plants would be solidified and transferred to a limited number of Federal repositories which would provide permanent isolation of the wastes from man's environment. By letter of July 23, Mr. Donald J. McKay, Chairman of the Idaho Nuclear Energy Commission, agreed with the proposed policy and requested that the NRTS be designated as one of the Federal repositories.

We hope this information is sufficiently responsive to your inquiry. If you have any further questions, or if you would like a briefing by AEC technical staff, please let us know.

Cordially,
Glenn T. Seaborg,
Chairman.

[From the New York Times, Feb. 11, 1970]

Colorado Atom Plant Is Called Radiation Hazard

(By Anthony Ripley)

Washington, February 10.—A group of Colorado scientists contends, on the basis of its investigations in the Denver area, that one of the nation's key atomic bomb manufacturing plants has been releasing dangerously radioactive plutonium into the air, water and soil.

Officials of the Atomic Energy Commission acknowledged that over the years small amounts of plutonium had been released by its Rocky Flats plant, 16 miles northwest of downtown Denver, but emphasized that the amount was too "minuscule" to pose a public health hazard.

A different conclusion was reached by the private scientific group in Colorado, which found that enough plutonium had been released to pose "a serious threat to the health and safety of the people of Denver."

The group recommended that the plant be phased out of production, relocated elsewhere and built with much more stringent safety precautions.

The plant, operated for the Atomic Energy Commission by the Dow Chemical Company, makes plutonium triggers for atomic devices. Last May 11 it was struck by a $45-million fire when plutonium, which ignites spontaneously, caught fire in a work room. It was one of the largest of a long series of fires over the 18 years that the plant has been in operation near Denver.

The investigation of that fire led the Atomic Energy Commission to conclude that there was no danger involved and that the radiation was entirely contained within the plant itself and the immediate vicinity.

But the scientists, a group of five working independently of the commission, reported finding plutonium deposits not only from the fire but also from years of leakage from the plant.

Their findings were contained in a report sent Jan. 13 to Dr. Glenn T. Seaborg, chairman of the commission, by Dr. Edward A. Martell. Dr. Martell, a former program director of the Armed Forces Special Weapons Project, headed the study group for the

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[1] See paragraph 4 of Geological Survey reply of Oct. 13, 1969.

[2] See paragraph 5 of Geological Survey reply of Oct. 1969.

Colorado Committee for Environmental Information. The committee is a nonprofit group of 25 persons, mostly scientists, that deals with the impact of technology on man's environment.

Dr. Martell is a West Point graduate who now works with the National Center for Atmospheric research, in Boulder, Colo.

A.E.C. officials, when questioned about the Martell report, said the commission had never attempted to conceal the fact that what it called "minuscule" amounts of plutonium were released through the ventilation system during normal operation of the plant.

They conceded, however, that until the recent investigation by the Colorado committee, the commission had not conducted adequate ground sampling to detect any buildup of plutonium in the soil of the environs of the plant.

In what officials described as a step to "contribute to public confidence" in the safety of the plant, the monitoring and ground sampling program has been expanded in recent months.

A.E.C. officials today began two days of private meetings in Denver with the Colorado committee, a representative of Gov. John A. Love and Lloyd Joshel, general manager of the plant. An A.E.C. spokesman said a joint statement would be issued after the meetings.

Following the fire last May, a special investigating board was appointed by A.E.C. officials. The board stated, "There is no evidence that plutonium was carried beyond the plant boundaries" at the time of the fire.

Dr. Martell, however, reported that of 20 earth samples taken from two to four miles east of the plant, nearly all showed plutonium "of Dow Rocky Flats origin," as opposed to deposits of plutonium and strontium-90 left by worldwide nuclear bomb tests.

The deposits ranged "from five to 300 times" the readings obtained in areas far removed from the plant, Dr. Martell reported. Deposits were heaviest at the surface of the soil but were found at all levels down to five inches, indicating a long series of leaks from the plant, he said.

"The estimated total plutonium deposited in off-site areas which we have examined so far is in the range from curies to tens of curies," the report states.

"Depending on the amounts deposited nearer the plant, and in other areas, the total could be much greater.

"Stack [smokestack] effluent data furnished by Dow Rocky Flats indicates that the total stack release during the past year, including that from the May 11, 1969, fire, was less than one millicurie.

"The actual off-site accumulation of plutonium is at least 1,000 times greater."

Maj. Gen. Edward B. Giller, an Air Force officer in charge of the commission's Division of Military Applications, said the commission was in "reasonable agreement" with the Colorado committee's report of the levels in the ground. Where the commission and the scientific group differ is in assessing the public health hazard represented by the plutonium and now detected in soil samples.

A.E.C. officials insisted that the amount released by the plant was "very, very small"—far below the permissible levels recommended by the International Committee on Radiation Protection—and therefore does not pose a public health hazard.

Even the amounts of plutonium found in the soil by the Colorado committee, A.E.C. officials said, were well below the permissible radiation concentrations for plutonium. Furthermore, they said once plutonium reaches the soil, it does not pose a particular health hazard.

Plutonium, which was once described by an A.E.C. commissioner as a "fiendishly toxic" substance, is one of the most toxic materials ever produced by man. Its lethality comes from its alpha radiation, which can damage the tender tissues inside the body.

To be lethal, however, plutonium must be ingested or inhaled into the body, either through food or from the air. In the oxide form, however, plutonium is chemically inert and once in the soil does not tend to be absorbed in the food chain, as do some other radioactive materials, such as iodine and strontium.

For the plutonium found in the environs of Denver to be dangerous therefore, A.E.C. officials said people would have to eat the dirt—and large amounts of dirt, in view of the low levels of plutonium in the soil.

In an interview in Boulder on Monday, Dr. Martell said he submitted the report to the Atomic Energy Commission rather than making it public immediately because he felt it was the proper way to handle a scientific matter. He had planned to make the report public next week after the Denver meetings.

During the interview, Dr. Martell said that all testing was not completed when the report was submitted in January. Later findings, he said, indicated readings of plutonium spread by the wind as far as 15 miles from the plant. He estimated that 200,000 to 300,000 persons live in the area immediately downwind.

There were no reports of any tests taken inside Denver. Dr. Martell expressed most concern about the suburbs of Westminster, Broomfield and Arvada.

The scientists taking part in the study with Dr. Martell were Paul D. Goldan, Dion W. J. Shea, J. J. Kraushaar and Robert H. Williams. Professor Kraushaar teaches physics at the University of Colorado. The other three men are all physicists in the aeronomy laboratory of the Environmental Science Services Administration laboratories.

Dow did not find any traces of plutonium, the report said, because its tests and monitoring devices were not sensitive enough and because soil samples were not taken.

Whether the plutonium now being observed in the soil comes from routine operation of the plant or was accidentally released during the fire last May is uncertain and probably not determinable, A.E.C. officials said.

General Giller said, in an interview, that during and after the fire no plutonium was detected beyond the plant boundaries by the various monitoring methods used by the commission. It was not until recently, however, that the commission started taking soil samples.

The general said that most of the plutonium observed in the soil probably came from normal operation of the plant.

Because of its toxicity, plutonium is fabricated in remotely controlled chambers that are kept slightly below atmospheric pressure. As part of the air pressure and ventilation system, air is pumped through the chamber and then exhausted through ventilation stacks resembling smokestacks.

Filters in the ventilation stacks are supposed to pick up specks of plutonium created during the fabrication processes, but some plutonium escapes up the ventilation stack.

"You can't run an atomic processing plant and guarantee that one molecule won't escape," General Giller observed.

The amount released, he said, is so small that once it is diluted in the air it cannot be detected by air monitoring devices maintained by the commission on the perimeter of the plant and in downtown Denver.

Dr. Martell's group found plutonium by specifically testing earth samples for it, rather than only measuring the radiation plutonium gives off.

High readings were also found in water along Walnut Creek, which runs on the north side of the plant and feeds into the Great Western Reservoir, a water supply source for the Denver suburb of Broomfield. The report suggests that the water was contaminated by liquid plutonium wastes from the plant but that further study is needed.

Plutonium oxide, formed when the element burns, is regarded as a "high specific activity" radioactive substance, in that it gives off heavy radiation dosage for its size. However, little experimental work has been done on its effects.

Plutonium leakage from the plant, including the fire last May, the report notes, would not be absorbed to any great extent by the dry, treeless hills near the plant.

Instead, the plutonium particles would be caught up in the prevailing westerly winds that this time of year are measured up to 120 miles an hour coming over the eastern edge of the Rocky Mountains. They kick up giant dust clouds, often gently sandblasting automobiles in the Rocky Flats area.

The report noted that Dow was doing "criticality" experiments to find out more about carrying and storing plutonium. In such experiments, two pieces of plutonium are pushed close enough together to begin a small chain reaction, then allowed to push themselves apart. Heat is produced, which, in a criticality accident, can vaporize the metal.

DOW SPOKESMAN COMMENTS

DETROIT, February 10—A Dow Chemical Company spokesman at the company headquarters in Midland, Mich., said today that the assertions by a group of Colorado scientists were "just not credible."

The Dow public relations men would say nothing else about the scientists' report. One in Denver said, "We're kind of preempted from making any statements" by the Atomic Energy Commission.

They did say that the Colorado group had been invited to visit the Rocky Flats plant and inspect the monitoring system but had refused. Some of the scientists, however, have been at the plant for meetings, the public relations man said.

CHURCH-ORDERED REPORT ON SOLID WASTES COMPLETED

Mr. CHURCH. Mr. President, the study group which I requested has completed its work on part I of its study regarding waste disposal practices at the NRTS. The first part of the report deals with the land burial of solid radioactive wastes. The second portion of the report, yet to be completed, will deal with waste disposal problems via seepage ponds and injection into deep wells. When that portion of the report becomes available, I will also make it public in the CONGRESSIONAL RECORD.

RECOMMENDATIONS OF REPORT

In the report, written by the Public Health Service, the combined agencies have called for the implementation of seven specific reforms in the treatment of solid radioactive wastes at the National Reactor Testing Station. Those recommendations are:

First. Each trench and pit should be covered and maintained with a minimum of 3 feet of soil above the ground level.

Second. A minimum of 2 feet of alluvial soil should be required beneath all buried wastes.

Third. Flood control measures should be taken to prevent any accumulation of water in the trenches and the pits.

Fourth. Test holes should be drilled in the vicinity of the burial site to provide detailed information on the lithology and character of the alluvial deposits of underlying basalt.

Fifth. Plutonium and americium waste should be segregated in special pits.

Sixth. Monitoring should be intensified to provide a positive indication that radioactive material has not migrated from the burial ground.

Seventh. Plutonium and americium waste should be accessible for removal from the burial ground should it be detected in monitoring holes.

To those recommendations, I would add two of my own:

Eighth. That no liquid waste be stored at the present burial site at any future date.

I am assured by the AEC that no liquid wastes are currently located at the NRTS burial ground; however, the temptation to store such wastes may arise in the future. In view of the fact that this site is above an aquifier and located in an earthquake belt, I feel that the AEC should commit itself now to a policy which precludes the storage of any liquid wastes at this burial site at any time in the future.

Ninth. That the AEC initiate soil tests in addition to air, water, and foodstuffs data gathered in relation to radiation levels around the NRTS site.

This request is made in view of the recent situation at the Rocky Flats, Colo., testing site. I feel that is in the best interests of both the AEC and the public to know of any contamination of the soil in the area. I note from the "Environmental Monitoring Report No. 23," published by the AEC and released on October 20, 1969, covering the period of July to December 1968, that regular monitorings of radioactivity in air, water, and foodstuffs are the only functions performed at present.

Mr. President, because the problem at Rocky Flats, Colo., is so closely linked to this recommendation, I ask that a recent story which appeared in the New York Times by Anthony Ripley, which deals with the Colorado case in some detail, be printed at this point in the RECORD.

There being no objection the items were ordered to be printed in the RECORD, as follows:

COLORADO ATOM PLANT IS CALLED RADIATION HAZARD

(By Anthony Ripley)

WASHINGTON, February 10.—A group of Colorado scientists contends, on the basis of its investigations in the Denver area, that one of the nation's key atomic bomb manufacturing plants has been releasing dangerously radioactive plutonium into the air, water and soil.

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A different conclusion was reached by the private scientific group in Colorado, which found that enough plutonium had been released to pose "a serious threat to the health and safety of the people of Denver."

The group recommended that the plant be phased out of production, relocated elsewhere and built with much more stringent safety precautions.

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The investigation of that fire led the Atomic Energy Commission to conclude that there was no danger involved and that the radiation was entirely contained within the plant itself and the immediate vicinity.

But the scientists, a group of five working independently of the commission, reported finding plutonium deposits not only from the fire but also from years of leakage from the plant.

Their findings were contained in a report sent Jan. 13 to Dr. Glenn T. Seaborg, chairman of the commission, by Dr. Edward A. Martell. Dr. Martell, a former program director of the Armed Forces Special Weapons Project, headed the study group for the Colorado Committee for Environment Information. The committee is a nonprofit group of 25 persons, mostly scientists, that deals with the impact of technology on man's environment.

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They did say that the Colorado group had been invited to visit the Rocky Flat plant and inspect the monitoring system but had refused. Some of the scientists, however, have been at the plant for meetings, the public relations man said.

Mr. CHURCH. Mr. President, I ask unanimous consent that the full text of the report and those charts which may be reproduced in accordance with the rules regarding insertion of materials in the CONGRESSIONAL RECORD be printed at this point in the RECORD. Unfortunately, drawings which graphically show the location of the waste dump in regard to the aquifer may not be reproduced in the RECORD.

I further ask unanimous consent that the text of my letter to the Chairman of the Atomic Energy Commission, calling for the most rapid possible implementation of the recommendations, be printed at this point in the RECORD.

There being no objection the items were ordered to be printed in the RECORD, as follows:

DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE,
Washington, D.C., February 5, 1970.

Hon. FRANK CHURCH,
U.S. Senate,
Washington, D.C.

DEAR SENATOR CHURCH: This is in further response to your request of September 12, 1969, and my interim reply of September 19, 1969, concerning disposal of solid radioactive material above the Snake River Plain. I am pleased to transmit to you a staff study prepared by our Bureau of Radiological Health entitled "Public Health Aspects of the National Reactor Testing Station Radioactive Burial Grounds." The Bureau of Radiological Health is also making a public health evaluation of the National Reactor Testing Station's operation for disposal of radioactive material into seepage ponds and by injection into deep wells. A copy of this report will be provided to you at a later date.

The attached report was prepared based on a site visit and discussions with the Atomic Energy Commission staff in Idaho, an analysis of technical reports of the geology of the area, and radiation measurements around the site. In addition, two meetings were held with the U.S. Geological Survey, the Federal Water Pollution Control Administration, and the Bureau of Sport Fisheries and Wildlife for the purpose of coordinating this study. The results of the technical discussions at these meetings have been incorporated into our report.

It is our judgment that the land burial techniques currently in use meet the radiation safety criteria of the Federal Radiation Council for protection of the public. Extensive environmental radioactivity data are available for the site which show that no health and safety problems have occurred as a result of burial of solid radioactive wastes. This experience also indicates that it is not likely that radioactivity will migrate from the burial grounds in the future if current procedures are continued. Because of the potential long-term effects, additional safety measures, consistent with a conservative approach regarding radioactivity, are recommended in the staff study.

Sincerely yours,
CHARLES C. JOHNSON, Jr.,
Assistant Surgeon General Administrator.

PUBLIC HEALTH ASPECTS OF THE NATIONAL REACTOR TESTING STATION RADIOACTIVE BURIAL GROUNDS

[Illustrations not printed in RECORD]

SUMMARY AND RECOMMENDATIONS

The public health evaluation by the Bueau of Radiological Health of the technical reports, burial techniques, and analysis of the data made available by the Atomic Energy Commission indicates that land burial of solid radiological material does not result in a health and safety problem in the off-site area. Further, since no radioactivity has been detected off-site which was attributable to this operation, it can be concluded that there is no population exposure and thus, the radiation safety criteria of the Federal Radiation Council have been met. Because of the potential long term effects, additional safety measures consistent with a conservative approach regarding radioactivity are required. The following recommendations are made to provide confirmation that long half-life radioactive materials will be confined in the waste disposal ground:

1. Each trench and pit should be covered and maintained with a minimum of three feet of soil above the ground level.
2. A minimum of two feet of alluvial soil should be required beneath all buried wastes.
3. Flood control measures should be taken to prevent any accumulation of water in the trenches and pits.
4. Test holes should be drilled in the vicinity of the burial site to provide detailed information on the lithology and character of the alluvial deposits of underlying basalt.
5. Plutonium and americium waste should be segregated in special pits.
6. Monitoring should be intensified to provide a positive indication that radioactive material has not migrated from the waste burial ground.
7. Plutonium and americium waste should be accessible for removal from the burial ground should it be detected in the monitoring holes.

I. INTRODUCTION

This report has been prepared in response to a request from Senator Frank Church for the Public Health Service to undertake a study in conjunction with the U.S. Geological Survey, Bureau of Sport Fisheries and Wildlife, and Federal Water Pollution Control Administration to determine the effects on public health and safety of storing radioactive wastes in a burial ground at the AEC's National Reactor Testing Station (NRTS), Idaho. This study was limited to evaluating the land burial of radioactive material. The attention of the public was focused on this problem following a fire at the Rocky Flats Fuel Fabrication Facility when it was reported that the long half-life radioactive material would be buried at the NRTS waste disposal facility. The Bureau of Radiological Health has a separate study in process to evaluate the NRTS's operations for disposal of radioactive material into seepage ponds and by injection into deep wells.

From a public health viewpoint land burial of solid radioactive waste must provide a place of permanent storage, such that no uncontrolled movement of radioactive materials to the environment occurs. These operations have been examined to determine if (1) buried radioactive material can migrate into the environment to a point of human intake, (2) monitoring methods are adequate to detect such migration, and (3) disposal methods should be modified to prevent migration.

II. DESCRIPTION OF NRTS

The NRTS is located in the Snake River Plain of southeastern Idaho. This area has a relatively arid climate and receives approximately 8.5 inches of precipitation per year. The prevailing winds at the NRTS are from the southwestern and northeastern quadrants. The northeastern winds occur mainly at night as a result of radiation cooling of the desert floor. The terrain is relatively flat, sloping, and consists almost entirely of sagebrush and basalt fields. The geology at the NRTS presents the geophyisicist with a particularly difficult problem; the rocks filling the Snake River depression are a complex of basaltic lava flows which are massive to scoriaceous and cindery and have interbedded lenses and tongues of alluvial and lacustrine clays, sands, and gravels. The sequence is thus extremely heterogeneous, both laterally and vertically, with regard to porosity, permeability, density, magnetic properties and seismic velocity. The soil of the Snake River Plain is composed primarily of a mixture of alluvial deposits interspersed with basalt beds. The aquifer underlying this area is considered to be the most productive in the United States, with a lateral flow of ground water in the order of 5,000 million gallons per day. Figure No. 1 illustrates the location of NRTS and the Snake River Plain within the State of Idaho, as well as the direction of generalized water flow. Figure No. 2 shows the location of the various facility sites within NRTS.

Population density in the vicinity of NRTS is relatively sparse, ranging from one to ten persons per acre within a 30-mile radius of the center of the site. The various municipalities located near the NRTS and their respective populations are shown in Figure No. 3.

III. ACTIVITIES AT NRTS

The National Reactor Testing Station (NRTS) is a Federally owned facility administered by the U.S. Atomic Energy Commission (AEC). The NRTS site encompasses 894 square miles of land on the Snake Plain in southeastern Idaho and is located approximately 29 miles west of Idaho Falls at its nearest boundary. The major operating contractors engaged in activities at the NRTS are: Argonne Laboratory, General Electric Company, Idaho Nuclear Corporation (a jointly owned subsidiary of Aerojet General Corporation and Allied Chemical Corporation), Phillips Petroleum Company, and Westinghouse Electric Company.[3] The principal activities conducted at the NRTS are testing and operation of nuclear reactors, processing of spent fuel for uranium recovery and land burial of solid radioactive waste.

IV. SOLID WASTE DISPOSAL OPERATIONS

The ground burial facility is located in the southwestern portion of the NRTS about 3½ miles north of the southern (nearest) boundary as shown in Figure #2.[4] Solid radioactive wastes generated at NRTS and other wastes from off-site facilities are shown in Tables 1 and 2.[5] During 1968, solid waste from Dow Chemical Plant, Golden, Colorado, and Aerospace Corporation, Dallas, Texas, were buried at the NRTS site. Table 1 provides a breakdown of levels of solid radioactive wastes buried at NRTS during 1968 and summarizes the total amounts of waste deposited annually for the years 1955 through 1968. Table 2 provides data on the quantities of uranium, plutonium, americium, and cobalt-60 buried at the site.

Low and intermediate level solid radioactive wastes generated at NRTS are placed in cardboard boxes or other type containers, transported to the burial ground, and dumped in trenches. The arrangement of pits and trenches is shown in Figure #4.[5] The trenches are about 8 feet wide by 20 feet deep and 16 feet center to center. Wastes in trenches are compressed with a heavy metal plate and backfilled weekly with 2 to 3 feet of compacted alluvial soil. All wastes are backfilled until the radiation level at one meter at the surface is 1.0 mr/hr or less. In cases where waste material has a radiation level of 25 R/hour or greater at 1 meter at the surface, it is backfilled immediately. The solid wastes received from the Rocky Flats, Colorado fuel processing facility are generally in the form of dried slurries, fiberglass air filters and miscellaneous contaminated equipment. It is shipped to NRTS in 55- and 30-gallon metal drums or plywood boxes designed to prevent dispersal of radioactive material in transit. The radionuclides associated with the Rocky Flats wastes are for the most part americium–241 and plutonium–239. Plutonium–239 is the most important radioisotope, because of its toxicity and long half-life. These off-site wastes are disposed of in rectangular pits which are 20 feet deep and 100 to 200 feet wide in both horizontal dimensions. The separation distance between pits is 25 feet. Dumping of wastes in these pits begins at one edge and progressively proceeds to the other edge until the pit is filled.

Backfilling closely follows placement of wastes to provide trucks with access for dumping; thus, these pits are covered as required in the burial operation.

The current operational burial procedure does not require a minimum soil barrier between the radioactive material and exposed basalt formations. During a visit to the burial ground, it was observed that while very little basalt was exposed in the unfilled pit and trench, some basalt outcroppings were found.

VI. ENVIRONMENTAL SURVEILLANCE

The USAEC Health Services Laboratory, NRTS, conducts an on-site and off-site radiological surveillance program. The data obtained from this program have been regularly reported since 1959 in *Radiological Health Data and Reports*. The current surveillance program includes the collection of:[4]

1. On-site well water samples from 22 stations biweekly;
2. Off-site well water samples from 12 stations semiannually;
3. Surface water samples from 2 stations semiannually;
4. On-site air samples from 8 stations continuously;
5. Off-site air from 2 stations continuously; and
6. Off-site milk from 12 stations monthly.

Off-site sampling stations shown in Figure No. 3 include the towns of Carey, Dietrich, Minidoka, Aberdeen, and Atomic City, all of which are generally downstream from NRTS with regard to ground water flow in the Snake River Plain Aquifer. External radiation is also continuously measured both off- and on-site at 84 locations by means of thermoluminescent dosimetry. Six of these locations are in close proximity to the NRTS perimeter. These dosimeters are collected and radiation levels determined biannually. An examination of the surveillance data reveals that no radioactivity or radiation levels could be attributable to NRTS operations.

In 1960 the Health Services Laboratory established ten monitoring holes as shown in Figure 4 for detecting any migration of radioactivity from burial waste. Each monitoring hole consists of a two inch diameter perforated plastic pipe placed in an auger hole in close proximity to buried wastes and extending below the maximum depth of these wastes. These holes are checked periodically and if water is found, a sample is obtained and analyzed for radioactivity. Because of the relatively arid climate, water has been found in the monitoring holes on only two occasions. In the spring of 1969, as a result of large snow melt, water samples were obtained from holes numbers 4, 5, and 7 and analyzed for gross alpha, beta, and gamma radioactivity. The data obtained from these samples indicated that the levels were within the normal range of variability for water as compared to control samples.

Since 1968, the Southwestern Radiological Health Laboratory of the Bureau of Radiological Health has conducted a tritium monitoring program in cooperation with the Idaho State Department of Health.[6] Other States participating in this program include Utah, Wyoming, and Montana. This surveillance program consists of the collection of both ground and surface water samples from various locations on the Snake River in addition to public water supplies. Sampling stations include the cities of Idaho Falls and Boise as well as municipalities downstream on the aquifer such as Atomic City, Jerome, and Minidoka. The results of the Southwestern Radiological Health Laboratory study indicate that the tritium levels in ground and surface waters are in the expected range of background variability. Although the samples and sampling locations do not coincide with those of the NRTS program, the tritium results are in agreement. Tritium is considered to be an excellent tracer of water. The tritium in this case is primarily in the chemical form of tritiated water which, for all practical purposes, behaves identically to normal water. Since surveillance results show that no measurable tritiated water has migrated off-site into the ground and surface waters, it is unlikely that other more chemically active compounds of radionuclides could have migrated off-site.

Footnotes at end of article.

VII. PUBLIC HEALTH EVALUATION

The public health evaluation of the solid radioactive waste burial ground is based on a site visit, consultation with AEC staff, and an evaluation of the Atomic Energy Commission and United States Geological Survey technical reports of the NRTS operations. Also, an examination was made of the United States Geological Survey's preoperational evaluation of the NRTS which was used as a basis for selection of the site for the radioactive waste burial ground?

The air transport of radionuclides is possible only if the radioactive material is in a form which will permit such migration; i.e., particulate or gaseous. Since no gaseous materials, entrained or contained, are buried at this site, the particulates in the form of unfixed or loose contamination would be the only potential source. The operational procedures require that all material received for disposal is placed in trenches, compacted, and covered with three feet of soil. These procedures provide adequate assurance that aerial dispersion of any particulates will not occur.

From a public health and safety standpoint, the waste burial site must provide a protective barrier so that radioactivity will be confined to the waste burial pits. The control mechanism which limits any movement of radioactivity from the site is dependent upon such factors as solubility, permeability of the soil, ion exchange capacity, availability of water, and distance to the source of potable water. The geology, hydrology, and the permeability of the soils in the vicinity of NRTS have been reported by the U.S. Geological Survey[8,9]. Substantial thicknesses of continuous layers of alluvial soils beneath the burial ground would be expected to provide a barrier to migrating radionuclides through ion-exchange. However, there is a lack of data on geology and lithology beneath the burial site. The closest drill holes which have been logged are several miles away[8,1]. It must, therefore, be considered conceivable that continuous cracked and/or channeled basalt formations could extend from the bottom of the burial pits and trenches to the aquifer. Until more information on subsurface geology at the burial ground becomes available, the separation distance to the aquifer cannot be considered as a protective barrier. It is therefore recommended that a minimum of two feet of alluvial soil be required beneath all buried wastes. Unless several feet of soil separate buried wastes and basaltic rock formations, no credit can be allowed for removal of radioactivity by the ion-exchange mechanism.

In discussions with NRTS personnel, it was stated that snow melts have occurred in recent years which caused the flooding of trenches for periods as long as 30 days. Therefore, despite the low average precipitation, water is available during certain periods of time as a leaching and transport agent to the aquifer. Even if measures to provide alluvial soil cover under buried wastes are employed, the presence and residency of leaching water in the trench is highly undesirable. Flood control measures for the burial should, therefore, be taken to prevent any accumulation of water in the trenches and pits. These control measures include covering and mounding each trench and pit with a minimum of three feet of soil above the ground level, digging a drainage ditch around each pit and trench, and removing snow. During the visit to the burial site, it was noted that flood control measures have been initiated to provide for drainage of water from the area.

On the basis of the evaluation of the waste disposal burial operations and the examination of environmental surveillance data, there is no evidence which indicates that any radioactive material has migrated from the burial ground. However, as an added safety measure, the on-site monitoring should be intensified to provide confirmation that no migration is occurring. Because of the long half-life radioactive material, such as plutonium and americium, buried at the site and its location above a highly productive acquifier, a great degree of conservatism has been exercised in examining the precautions which have been employed in the solid waste disposal operations. Because of the long-term considerations that apply to the burial of plutonium and americium, additional protective measures should be adopted by the AEC in management of the waste burial ground. Thus, it is recommended that (1) the operational procedures for burial of long half-life radioactive materials be modified so that the plutonium and americium waste is segregated in the burial pits, (2) monitoring be intensified to provide a positive indication that radioactive material has not migrated from the waste burial pits, and (3) plutonium and americium waste be accessible for removal from the burial pit, should it be detected in the monitoring holes.

Additional information of the geological formations beneath the burial site is needed to fully evaluate the possibility of waste solutions seeping down to the water table and to determine the rate of the lateral movement from the site. Therefore, it is recommended that test holes be drilled in the vicinity of the burial site to provide detailed information in the lithology and character of the alluvial deposits and underlying basalt.

In summary, the present operational procedures and land burial methods meet the radiation safety criteria and will not result in a health and safety problem in the off-site area. The additional safety measures recommended in this study will provide further assurance that long half-life radioactive materials are confined to the waste disposal grounds.

TABLE 1.—ON- AND OFF-SITE SOLID RADIOACTIVE WASTE

Identification	January through June			July through December		
	Containers	Volume (cubic feet)	Activity (curies)	Containers	Volume (cubic feet)	Activity (curies)
1968						
Category I:						
(A) Onsite:						
High level	21	88	626, 266	42	718	872, 600
Intermediate	208	3, 392	316, 074	169	4, 020	147, 231
Low level	4, 543	64, 375	22, 476	4, 202	68, 689	3, 025
(B) Offsite:						
High level						
Intermediate	1	10	122			
Low level	13, 821	159, 400	4, 641	11, 185	186, 057	4, 641
(A) and (B) total	18, 594	227, 265	969, 579	15, 598	259, 484	1, 027, 497

SUMMARY

Year	On-site		Off-site		On- and Off-site	
	Volume (cubic meters)	Activity (curies)	Volume (cubic meters)	Activity (curies)	Volume (cubic meters)	Activity (curies)
1955					1, 910	1, 500
1956	2, 754		1, 066		3, 820	10, 000
1957	3, 269		1, 701		4, 970	15, 000
1958	5, 909		971		6, 909	10, 500
1959	2, 813		1, 667		4, 480	23, 600
1960	3, 462		1, 948		5, 410	9, 200
1961	3, 022	134, 038	4, 662	21, 737	7, 684	155, 775
1962	4, 468	112, 369	3, 703	5, 808	8, 171	118, 177
1963	3, 278	239, 518	5, 477	14, 047	8, 755	253, 565
1964	3, 133	143, 194	3, 752	2, 291	6, 885	145, 485
1965	4, 095	1, 446, 686	3, 434	10, 032	7, 529	1, 456, 718
1966	4, 568	3, 303, 410	4, 858	17, 276	9, 516	3, 320, 686
1967	3, 843	4, 059, 299	5, 843	11, 458	9, 686	4, 070, 757
1968	3, 998	1, 987, 674	9, 777	9, 404	13, 774	1, 997, 078

TABLE 2.—SOLID WASTE NUCLIDE RADIOACTIVITY

Origin of waste	Identified activity in curies					
	U–235	U–238	Pu–239	Pu–240	Am–241	Co–60
NRTS (1960 through 1967)	1. 40	<0. 01	130	<0. 01		170, 000
NRTS (1968)	14. 4	<0. 01	59	80. 00		129, 000
Offsite (1954 through 1967)	5. 23	64. 5	19, 288		20, 120	
Offsite (1968)		14. 1	3, 579		5, 689	
Total	21. 03	78. 9	23, 056	80. 00	25, 809	298, 952
Nuclide half-life (years)	7×10^8	4×10^9	2×10^4	7×10^3	470	5

FOOTNOTES

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[4] "Environmental Monitoring Report No. 24", U.S. Atomic Energy Commission, National Reactor Testing Station, Scoville, Idaho, June 1969.

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U.S. Senate, Committee on Interior and Insular Affairs,
Washington, D.C., February 13, 1970.

Mr. Glenn T. Seaborg,
Chairman, Atomic Energy Commission,
Washington, D.C.

Dear Mr. Chairman: On September 12, 1969, as you know, I called upon four Federal agencies to study the waste disposal practices of the National Reactor Testing Station in Idaho.

That portion of the report regarding solid waste disposal practices, written by the Public Health Service, has now been completed. It is my understanding that the AEC is in receipt of the recommendations of the study group. Their recommendations were:

(1) Each trench and pit should be covered and maintained with a minimum of three feet of soil above the ground level.

(2) A minimum of two feet of alluvial soil should be required beneath all buried wastes.

(3) Flood control measures should be taken to prevent any accumulation of water in the trenches and pits.

(4) Test holes should be drilled in the vicinity of the burial site to provide detailed information on the lithology and character of the alluvial deposits of underlying basalt.

(5) Plutonium and americium waste should be segregated in special pits.

(6) Monitoring should be intensified to provide a positive indication that radioactive material has not migrated from the waste burial ground.

(7) Plutonium and americium waste should be accessible for removal from the burial ground should it be detected in monitoring holes.

To those recommendations, I would add two of my own:

(1) That no liquid waste be stored at the present burial site and that if liquid wastes are presently on the site, they be removed to an area not located over the Aquifer.

It is apparent from the whole background of my studies into this problem that the possibility of high yield liquid waste seepage into the Aquifer makes this site particularly unsuited for liquid disposal. The great care taken to avoid the possibility of water seepage through the site and into the Aquifer, and the recommendations by the Public Health Service designed to reduce the possibility of on-site water to the lowest possible level, indicates to me a genuine, high hazard situation if liquid wastes are now stored, or are contemplated for storage at the present burial site.

(2) That if the AEC is not already conducting such tests, soil tests as well as air and water data be gathered at the NRTS and surrounding lands.

This request is made in view of the recent situation at the Rocky Flats, Colorado site. I feel it is in the best interests of both the AEC and the public to know of any contamination of the soil in the area. I note from the *Environmental Monitoring Report No. 23,* published by the AEC and released on October 20, 1969, covering the period of July to December 1968, that regular monitoring of radioactivity in air, water and foodstuffs are the only functions presently performed.

I respectfully call upon the Commission to implement at the earliest possible date the recommendations contained in this letter.

Sincerely,

Frank Church.

Mr. CHURCH. Mr. President, I have described today a case of nuclear waste problems concerning the nuclear reactor testing station in Idaho. Other cases have appeared in the press throughout the country. Safe and sure practices for the disposal of nuclear wastes must be perfected if peaceful uses for the atom are to flourish in future years. The time to start is now.

Two weeks ago I called for a greatly expanded research program on the whole question of safe disposal practices. I will follow up with further recommendations at a later time. For the moment, however, I think it important that the full record concerning the situation at the NRTS in Idaho, including the report which has just been given by these four Federal agencies, together with their specific recommendations for reforms in the current practices at the NRTS "burial ground," be made a part of the public record. It is for this purpose that I have placed these materials in the Record today.

THE PORT OF HAIPHONG AND THE NORTH VIETNAM ECONOMY

Mr. BYRD of Virginia. Mr. President, one of the ablest news writers, in my judgment, is Daniel DeLuce, of the Associated Press. Mr. DeLuce is the first American newspaperman in recent years to visit the important North Vietnamese Port of Haiphong. He was a combat correspondent in World War II and won the Pulitzer Prize for reporting.

I know Mr. DeLuce well. He is an unusually able news man and is a person of the highest integrity. His dispatch from Haiphong, North Vietnam, was distributed by the Associated Press several days ago. I shall read several paragraphs into the Record.

Haiphong, North Vietnam.—North Vietnam's industrial recovery from more than four years of American bombing begins on the bustling docks of Haiphong.

Freight from many countries unload new tractors, cranes, bulldozers and steamrollers for repair of cratered roads and smashed bridges. Trucks of many shapes and sizes arrive to redevelop commercial transportation. Power generators come in for dispersed factories, and a variety of machine tools.

* * * * *

The Soviet Union, East Germany, Romania, Czechoslovakia and Poland continue to contribute essential imports which funnel through Haiphong. China's important trade is carried on not only on ship but by road and rail across a long land frontier.

Now, Mr. President, at the same time that I was reading the dispatch about Haiphong this morning, I was reading the casualty lists for Americans this past week, which amounted to 100 killed and nearly 500 wounded.

That brings to mind the free world shipping which goes into Haiphong to supply North Vietnam.

Mr. DeLuce, in his dispatch from North Vietnam, brought out the fact that the Soviet Union, East Germany, Rumania, Czechoslovakia, and Poland continue to ship through that port.

I hold in my hand the figures for calendar year 1969, by months, of the amount of free world shipping which has been going into Haiphong.

I emphasize that I am speaking now about free world shipping, those nations who are, presumably, friends of the United States.

During calendar year 1969, 74 ships flying the flag of Great Britain carried cargo into Haiphong for North Vietnam. The total dead weight displacement of those ships was more than 500,000 tons.

Eight ships flying the flag of Somali carried cargo into Haiphong for North Vietnam during 1969; nine ships flying the flag of Cyprus, four carrying the flag of Singapore, one ship carrying the flag of Malta, and three ships carrying the flag of Japan, all carried cargo into Haiphong for North Vietnam.

The PRESIDING OFFICER (Mr. Cranston in the chair). The time of the Senator from Virginia has expired.

Mr. BYRD of Virginia. Mr. President, I ask unanimous consent to proceed for 3 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of Virginia. I thank the Chair.

As we all know, the freedom of Japan is being guaranteed by the United States. Japan has asked the United States to turn over the island of Okinawa to the administrative control of Japan.

I think it is of some significance that although Japan also wants the United States to return to her administrative control over the Ryukyus, which were given to the United States by treaty, still, three ships flying the flag of Japan carried cargo into the enemy port of Haiphong for North Vietnam.

In all, a total of 99 free world ships, flying the flags of free world nations, carried cargo into Haiphong into North Vietnam during calendar year 1969.

Mr. President, I ask unanimous consent to have a table on this subject printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. BYRD of Virginia. Mr. President, I also ask unanimous consent to have printed in the RECORD at the conclusion of my remarks, a table entitled "Free World Shipping to Cuba."

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. BYRD of Virginia. Mr. President, we find, in this regard, that during calendar year 1969, 204 ships flying the flags of free world nations, carried cargo to Cuba. Of the 204, 50 flew the flag of Great Britain, and 117 the flag of Cyprus.

Mr. President, I regret that our free world friends are not cooperating better with the United States.

The United States has suffered 350,000 casualties in Vietnam during the past few years, of which 50,000, in round numbers, have been killed; yet, we find that one of America's oldest allies, Great Britain, is continuing to permit ships to fly her flag in order to carry cargo into Haiphong for North Vietnam.

Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from a statement by Gen. Albert C. Wedemeyer, U.S. Army, retired, on this subject.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

> Today in South Viet Nam we could quickly bring the Communists to their knees if all the members of SEATO were to join realistically in establishing a tight economic blockade around North Viet Nam. Further, they should boycott those who attempt to supply the enemy with munitions of war. Why should the U.S. commit over half-a-million men in Southeast Asia when we know there are over a billion people in that general area? If those people really value their freedom, let them fight for it. Only Korea and the South Vietnamese are doing their share along with the U.S.

EXHIBIT 1.—FREE WORLD SHIPPING TO NORTH VIETNAM 1969

	British		Somali		Cyprus		Singapore		Japanese		Maltese		TOTAL	
	Number	GRT DWT	Number	GRT DWT	Number	GRT DWT	Number	GRT DWT	Number	GRT DWT	Number	GRT DWT	Number	GRT DWT
January	8	34,597	2	8,973	1	2,137							11	45,707
		47,200		12,600		3,100								62,900
February	6	30,824			1	2,137	2	8,148	1	3,896			10	45,005
		44,300				3,100		11,000		6,000				64,400
March	6	27,870	1	8,997									7	36,867
		39,600		13,500										53,100
April	7	29,714	1	3,378					1	695			9	33,787
		50,000		5,000						717				55,717
May	9	45,802	1	4,534	1	2,137					1	5,333	12	57,806
		63,400		6,000		3,100						9,400		81,900
June	6	30,195	2	7,912	2	7,308	1	4,224					11	49,639
		47,100		11,000		12,200		6,500						76,800
July	6	31,660	1	3,378									7	35,038
		42,400		5,000										47,400
August	4	25,589			2	9,226							6	34,815
		41,100				13,200								54,300
September	4	16,714			1	2,137	1	4,880					6	23,731
		23,400				3,100		8,900						35,400
October	4	20,024			1	6,996			1	695			6	27,715
		27,500				10,900				717				39,117
November	7	33,889											7	33,889
		41,100												41,100
December	7	30,797											7	30,797
		40,400												40,400
Total	74	357,675	8	37,172	9	32,078	4	17,252	3	5,286	1	5,333	99	454,796
		507,500		53,100		48,700		26,400		7,434		9,400		652,534

EXHIBIT 2—FREE WORLD SHIPPING TO CUBA 1969

Flag	January	February	March	April	May	June	July	August	September	October	November	December	Total
British	3	4	7	8	2	7	2	4	3	2	3	5	50
Cyprus	7	7	4	8	14	7	8	14	16	11	9	11	117
French	1		1										2
Italian	1	1		2	2	1	2	1	1	1	2	1	15
Somali	1	1		3		1	1						7
Yugoslav			1	1	1	1		1			1		6
Maltese					1								1
Lebanese			1	1	1			1					4
Finnish			2										2
Total	13	13	16	23	21	17	13	21	20	14	15	18	204

APPOINTMENT BY THE VICE PRESIDENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to Public Law 82-414, appoints the following Senators to the Joint Committee on Immigration and Nationality Policy: ERVIN, FONG, and THURMOND.

LAOS

Mr. GURNEY. Mr. President, the discussion on Laos and the war in Southeast Asia is intensifying.

The major statement made yesterday on this subject in an address before the National Press Club, was made by the distinguished Senator from Maine (Mr. MUSKIE), a leading contender for the Democratic nomination for President. All of us know of his honest and genuine concern over the war in Southeast Asia.

Of course, all Senators share his concern. The speech was widely reported in the news media. It was published on the front page of the New York Times, and the Washington Post gave it considerable space.

The New York Times article said that the Senator from Maine was suggesting a new approach to the peace talks in Paris.

I would therefore suggest that the Senator from Maine has a responsibility to furnish the administration and the public with his concrete ideas about a new approach to the Paris peace talks. What are they? If they have any merit I am sure that President Nixon will be more than happy to examine them closely, and perhaps even give them a try.

From the reports I read, both in the Times and the Post, he said nothing new whatsoever, about the recent reports from Laos, or about Vietnam, except general criticism about the war in Southeast Asia.

What is new about that?

The brandnew approach has been President Nixon's policy in Vietnam, of turning the war over to the Vietnamese, the substantial troop withdrawals which have been made to date, and the recent announcements of further troop withdrawals for the near future.

The Senator from Maine was reported

in the New York Times as accusing the administration of ambiguous promises and no alternatives.

I do not see what could be more ambiguous than the suggestions made by the Senator from Maine as reported in the New York Times which said that:

> Mr. Muskie urged basic policy changes ranging from a "new approach to the peace talks in Paris" to "a fresh look at the Saigon regime."

Frankly, Mr. President, using the same words of the Senator from Maine, I do not see that anything could be more ambiguous on new alternatives in Southeast Asia than that statement.

Again, I inquire of the Senator from Maine, Mr. MUSKIE, that if he has indeed any new approaches to the peace talks in Paris, that he should advise the Nation at once.

In this morning's Washington Post there is an article written by Joseph Alsop entitled "Prevailing Double Standard on Laos Should Be Abandoned."

I recommend this to the reading of all Senators, and by all those who have been talking about Laos recently.

The major thrust of the article is to say that while, much has been said recently about the business going on in Laos right now, nothing has been said about the past events in Laos, especially the previous peace treaty regarding Laos, and especially the Ho Chi Minh trail, was violated by the opposition before the ink was hardly dry.

That is a meaningful part of this debate, too. Those so critical of Laos should bring into the picture some of the background on what has gone on through the years.

Mr. President, I ask unanimous consent to have this article printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

PREVAILING DOUBLE STANDARD ON LAOS SHOULD BE ABANDONED

(By Joseph Alsop)

Where is Gov. Averell Harriman, one wonders? And why has he not been speaking up about the currently dangerous problem in Laos?

With great patience and astuteness, and under instruction from President Kennedy, Gov. Harriman negotiated the Geneva Accord on Laos in 1962. At Gov. Harriman's urging, the leading neutralist and Laotian patriot Prince Souvanna Phouma, was therefore installed in the prime ministership, which he still holds.

The key features of the Harriman-negotiated accord further seemed to guarantee a free run to Prince Souvanna in his own country. Both the United States and North Vietnam undertook to withdraw all their troops from Laos.

Hanoi further promised, most solemnly, to cease using Laos as a transit route for men bound for the war in South Vietnam. To make the outlook still more hopeful, the Soviet Union guaranteed that the North Vietnamese would keep these promises.

As soon as the accord was signed, the United States immediately withdrew every last one of the considerable number of United States soldiers and officers who had been serving in Laos in advisory and supporting roles. Hanoi, meanwhile, had a far larger number of troops in Laos—no less than 6,000 at that time, and therefore quite enough to cause a decisive tilt in the military balance in such a tiny country. But of these 6,000 North Vietnamese troops, exactly 40 were withdrawn!

Hanoi's flagrant disregard for the accord that Gov. Harriman negotiated did not end there, either. The promise to cease using the so-called Ho Chi Minh Trail to South Vietnam was also broken before the ink on the treaty was dry. In this century's ugly history of such episodes, there has been no cruder, more open, more shameless instance of treaty violation.

Before long, the Soviet guarantees, given to Gov. Harriman and embodied in the treaty in apparent good faith, had also proved to be utterly worthless. In these circumstances, the neutralist, Prince Souvanna Phouma, had nowhere to turn except to the United States.

Prince Souvanna therefore asked for U.S. aid, though not for a return of any Americans in uniform. Granting Prince Souvanna's request was urgently advised by Gov. Harriman's personal choice for the U.S. Embassy in Laos, the able William Sullivan, now in charge of the Vietnamese problem in the State Department.

Ambassador Sullivan's request was warmly approved by President Kennedy; and U.S. aid therefore began to be provided in the form of supplies, additional money and civilian volunteers capable of helping Laos in various ways. And as the North Vietnamese violations of Gov. Harriman's treaty continuously grew more massive, more outrageous and more dangerous to Laos, U.S. aid had to be increased.

This is the long and short of the U.S. role in Laos, which is now being "exposed" by certain senators and could have no better illustration of the curious double standard invariably employed by people like Sen. J. W. Fulbright.

One wonders why he and his friends are not rather more busy exposing the North Vietnamese violations of the Harriman-negotiated treaty. These violations, after all, are the sole cause of the U.S. role in Laos. But of these violations, nothing has been said by the expose-experts.

Aside from these ironies, moreover, this is now an acutely dangerous situation. In the recurrent offensives in each year's dry season in Laos, Hanoi has never before employed more than elements of two North Vietnamese regiments.

This year, in sharp contrast, major elements of two North Vietnamese divisions, the 312th and the 316th, are being used in Laos, without counting the tens of thousands of North Vietnamese troops along the Ho Chi Minh Trail in eastern Laos. The North Vietnamese are also using tanks and heavy artillery for the first time. These are the reasons they are now two months ahead of the schedules of the past, in reaching the most advanced positions they have ever occupied.

The betting is at least even that Hanoi's men will continue to use their superior power to go forward. The aim, obviously, is to reap a cheap victory in Laos, to compensate for the setbacks being caused by the Vietnamization program in South Vietnam.

But North Vietnamese occupation of most or all of Laos will be too gross and damaging an act to be treated cheaply. Thailand cannot tolerate North Vietnamese control of the other bank of the Mekong. President Nixon will also have to think about withdrawing some or all of President Johnson's enormous quite unrequited concessions to Hanoi. So the prevailing double standard had better be abandoned with some haste.

VOTING RIGHTS ACT AMENDMENTS OF 1969—SUPPORT FOR THE SCOTT-HART PROPOSAL

Mr. COOK. Mr. President, I rise today to support the Scott-Hart voting rights package which is currently pending in the nature of a substitute to the House-passed proposal.

Civil rights legislation was too long delayed and passage too arduous a task for the Congress to now allow the clock to be turned backward and progress in human relations to be impaled upon the petard of political expedience.

I believe, as the Senator from Pennsylvanvia (Mr. SCOTT) has suggested, that the substitute we are offering includes the major points which the President stressed in urging support for the House-passed bill, even though there could be no question that President Nixon supports the entire bill. A close reading of his letter to House Minority Leader GERALD R. FORD reveals that he considered two features which we have included in our compromise proposal. The President said in that letter, and I quote:

> I would stress two critical points:
>
> (1) Instead of simply extending until 1975 the persent Voting Rights Act, which bans literacy tests in only seven States, as the committee bill would do, the nationwide bill (H.R. 4249) would apply to all States until January 1, 1974. It would extend protection to millions of citizens not now covered and not covered under the committee bill.
>
> (2) H.R. 12695 (now H.R. 4249) assures that otherwise qualified voters would not be denied the right to vote for President merely because they changed their State of residency shortly before a national election.

Now, I know there has already been some discussion and disagreement over the intent of the President's letter, but I think that it is perfectly apparent to any objective reader that the emphasis is on the sections I have mentioned. It is for this reason that we have included these provisions in our compromise, even though the House Judiciary Committee was unimpressed by arguments that separate sections on residency and literacy should be added to the 1965 act. However, these sections have generated no controversy in the Senate as indicated by the fact that they are a part of both the administration and the Scott-Hart bills. Therefore, I will make no further reference to them.

Why do we favor so strongly the continuance of the 1965 act intact for another 5 years? To answer this query, let us look briefly at what the act attempted to do and whether it has worked.

In our statement of joint views by 10 members of the judiciary committee in support of the Scott-Hart bill we summarized the reasons for and contents of the act:

> The main provisions of the Voting Rights Act of 1965 were carefully designed to prevent certain States or political subdivisions from continuing their well-documented practices of systematically denying the right to vote on the basis of race. If a State or subdivision is determined to be subject to the automatic or "trigger" provisions of sections 4, 5, and 6 of the act, four basic consequences follow:
>
> First. It may not use any test or device to limit voting eligibility.
>
> Second. The Attorney General may, under specified circumstances, send in Federal examiners to list eligible but non-registered voters, who are then fully qualified to vote.
>
> Third. The Attorney General may send Federal observers to any county designated for examiners to observe the polling places and the counting of the votes.

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> Fourth. The act prohibits the State or political subdivision from applying new voting qualifications or procedures without obtaining either the acquiescence of the Attorney General or a declaratory judgment from the U.S. District Court for the District of Columbia that the new practice does not have a discriminatory purpose and will not have a discriminatory effect. The burden of proving the non-discriminatory purpose and effect is on the Governmental body seeking exemption.
>
> The act contains an escape clause. By section 4(a) a State or political subdivision can obtain a declaratory judgment removing itself from coverage by showing that for the preceding five years it has not used a literacy test or other device to deny the right to vote on account of race.

The New Republic in its January 3, 1970, issue, described the Voting Rights Act as "the most uncompromising and effective piece of Federal civil rights legislation since Reconstruction."

Representative William McCulloch, the ranking Republican on the House Judiciary Committee and a supporter of extending the 1965 act, called it "the most effective civil rights law enacted in our history."

Senate Republican leader Hugh Scott said:

> I do not believe that we can fail now, as a first consideration, to reaffirm our moral commitment to the effective principles of this established act.

And all who believe that irrational restraints placed upon those who would otherwise be qualified to vote should be eliminated, know that this act must be continued for another 5 years. Since the enactment of this historic act, over 800,000 blacks have been registered to vote in the South. That is a record of legislative success virtually unparalleled in American history.

The charge has repeatedly been made that the act is discriminatory in that it treats one section of the country differently from all the rest. My answer to that charge is twofold.

First, the act does not specify any area of the country, instead. It states that no person shall be denied the right to vote in any Federal, State, or local election—including primaries—for failure to pass a test if he lives in a State or political subdivision which:

First, maintained a test or device as a prerequisite to registration or voting as of November 1, 1964, and

Second, had a total voting age population of which less than 50 percent were registered or actually voted in the 1964 presidential election.

Admittedly, this formula applies primarily to the States of the Deep South, but other jurisdictions were also covered. They included, outside the South, three counties in the State of Arizona, one county in Hawaii, one county in Idaho, and the State of Alaska. Since that time, all of these jurisdictions, except the county in Hawaii, which has not petitioned the court, have asked the district court of the District of Columbia to grant a declaratory judgment terminating statutory coverage. And it is my understanding that all of these jurisdictions plus one of the 26 counties in North Carolina covered by the act have now been exculpated by the courts. It is clear, then, that coverage is not confined to a single area of the country and that if the discriminatory practices which the act is designed to eliminate can be shown not to have occurred, then removal from the jurisdiction of the act is easily accomplished.

Second, even if the act does operate primarily against one section of the country, every piece of legislation is discriminatory. Any act designed to remedy some wrong will be directed at those perpetrating the evil.

Representative McCulloch put it quite well when he pointed out that—

> There is nothing in reason or authority which requires that a remedy treat all alike. We don't put all men in jail because some commit a crime. We don't give flood relief to everyone because one locality experiences a flood. We don't give food stamps to everyone because some are poor . . . likewise, we should not require every jurisdiction to clear its voting laws and practices with the Attorney General because some jurisdictions have shown a pattern of racial discrimination.

It has been suggested that the States and political subdivisions which have vastly improved registration and voting records since the enactment of the act should be rewarded by a change in the reference date from the statistics of the 1964 election.

To rebut this contention, which appears reasonable on its face, one must simply look to the joint views we have issued in support of the Scott-Hart proposal. We said:

> The 50-percent level, measured as of November 1, 1964, was deemed a valid test for determining that abusive practices necessitated the automatic powers of sections 4, 5, and 6. It was not intended as a measure of an adequate level of political enfranchisement, but as a reasonable basis for the presumption of the existence of official actions to deny or abridge the right to vote on account of race or color . . . the 1968 election turnout reflects the success and impact of the Federal presence in the covered States where tests were suspended. Federal examiners and observers had been appointed and election law changes were subject to Federal review. The numerous efforts to circumvent sections 4 and 5 offer little basis for confidence that this progress will not be undone if the 1968 voting statistics are employed, let alone that the momentum in these areas will continue.

Mr. President, the real question before the Senate is whether we want to go forward or backward in our efforts to insure all citizens the right to vote regardless of color. The Voting Rights Act works and it should be continued.

We are moving into new and especially complicated areas in this country in our efforts to insure human equality. If the 1960's were the decade of legislative change, then the 1970's must be an era of mutual respect and cooperation. It was argued at the time of the passage of the Civil Rights Act of 1957, 1960, 1964, 1965, and 1968 by opponents that morality or understanding could not be legislated. I agreed with that then and I agree with that now.

Where they were wrong was that the Congress was not legislating morality or understanding. It was placing upon the books laws designed to guarantee the basic rights which all citizens of the United States are entitled to enjoy. Most of this legislation has done what it was designed to do, with the Voting Rights Act standing out as the most auspicious example.

It may now be true that there is little left that can be legislated upon in the area of civil rights and that we are, indeed, moving into an era when mutual respect can only emanate from willing and understanding hearts. But this is not to say that our legislative achievements were not necessary and it is certainly not to say that we should, for even one moment, attempt to render ineffective any of the great civil rights legislation of the last 15 years. This bill would, I regretfully conclude, destroy the Voting Rights Act of 1965.

As we move into the new and more subtle period of progress in human relations in America, such progress must be built upon a sound legislative foundation. The Voting Rights Act is the cornerstone of this foundation.

Even though the Justice Department has recommended the House-passed bill, the Republican Party will not, if I am able in any small way to influence its course, preside over the destruction of the civil rights laws of this land. Maintaining our current laws undiluted, let us confidently move forward to an era of better understanding and mutual respect, heeding the admonition of our first Republican President, Abraham Lincoln, when he said:

> Let us discard all this quibbling about this man and the other man. This race and that race. Let us discard all these things, and unite as one people throughout this land, until we shall once more stand up declaring that all men are created equal.

Mr. SCOTT. Mr. President, will the Senator yield?

The PRESIDING OFFICER. The Senator's time has expired.

Mr. SCOTT. Mr. President, I ask unanimous consent that the Senator may proceed for 5 additional minutes so that I may ask him a question.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCOTT. Mr. President, first of all I wish to express my very great admiration for the effective, lawyer like, and judicial exposition of what lies behind the rationale for the Voting Rights Act. In pointing out that the remedy in law goes to where the problem is, I think the Senator made a most important contribution; and in indicating that in the high sense of the word, all legislation has within it elements of discrimination, I think the Senator made another very important point.

I think the Senator made other important points as he referred to the food stamp program; and as we might consider that every time there is urban legislation that legislation discriminates against rural areas, every time there is rural legislation the opposite is the case; that whenever we appropriate funds for needed irrigation providing water to certain sections of the country, in that sense we discriminate against some dry area that is not supplied with water.

I think we all agree that wherever possible we want national, even, uniform

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application of the law. But such application can go only to where the difficulty lies. Here the difficulty lies in securing just and free registration and voting of all persons who are old enough to have the right to be qualified voters.

I think the Senator has made an extremely good presentation. I congratulate him upon it. I would hope that during the ensuing 5 years the situation will have been so thoroughly improved and the voting pattern so fairly equalized in this country as to permit us then to consider that future legislation need not be in this particular form. No one would be happier to see that than I. No one wants to appear to be penalizing any section or region nor, indeed, are we; we are only asking that sections or regions not penalize members of their own States.

I thank the Senator for his presentation.

Mr. MATHIAS. Mr. President, will the Senator yield?

Mr. COOK. I yield.

Mr. MATHIAS. Mr. President, I wish to associate myself with the very thoughtful presentation of the Senator from Kentucky. I think he has analyzed the problem which is confronted by the country and he has effectively dealt with it. I feel that he has expressed the situation precisely and accurately, and I am very proud to be associated with him in support of the substitute.

I also think he has very thoughtfully identified the initiative of our distinguished minority leader, the Senator from Pennsylvania, with the earliest and most fundamental principles of the Republican Party.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. MATHIAS. Mr. President, I ask unanimous consent that I may proceed for 1 additional minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MATHIAS. Mr. President, I am also particularly happy that the Senator from Kentucky quoted the language used by the distinguished Representative from Ohio, Mr. McCulloch, who, I think is one of the real ornaments of Congress in our time, a thoughtful, prudent, and restrained man who does not advocate the use of Federal power indiscriminately, and a man who is distinguished by his record in civil rights; and, as the Senator from Kentucky pointed out, a man who feels this is one of those unique situations when we must act decisively and promptly.

I think the Senator from Kentucky has contributed greatly to this entire debate.

Mr. JAVITS. Mr. President, I, too, wish to congratulate the Senator from Kentucky on the fine analysis he has made of the situation and especially as he touched the one chord that I think needs to be touched in this voting rights bill. I refer to the fact that whatever may have been our desires on school desegregation, on equal opportunity in employment, places of public accommodation, and so forth, as these debates have gone on through the years one thing everyone seems to have agreed upon, including those from States where segregation was a matter of law for so long, is that voting would be the key to enfranchisement of the Negro in the South. We accepted that and there was real cooperation in the effort to proceed with that kind of opportunity. That seemed to be unchallenged.

I hope very much this will be remembered in the course of this debate, as the Senator from Kentucky very clearly implied. I also hope that a fundamental proposition will be understood that when there is projected forward an effort to cure a situation there has to be provided an opportunity to see that the problem is really cured and dealt with until we are convinced the problem has been met.

Therefore, I think the substitute offered by the Senator from Pennsylvania really meets the problem because it does not take for granted the fact that although the situation has improved, the problem is at an end. We have too much evidence to the contrary. I hope very much the fine statement of the Senator from Kentucky will enable us to act relatively soon and affirmatively on this excellent substitute introduced by the distinguished minority leader.

S. 3554—INTRODUCTION OF OLDER AMERICANS INCOME ASSURANCE ACT OF 1970

Mr. PROUTY. Mr. President, I introduce, for appropriate reference, the Older Americans Income Assurance Act of 1970 and ask unanimous consent that the bill be printed immediately following my remarks.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, will be printed in the Record, as requested.

The bill (S. 3554), to amend the Social Security Act so as to add thereto a new title XX under which aged individuals will be assured a minimum annual income of $1,800 in the case of single individuals, and $2,400 in the case of married couples, introduced by Mr. Prouty, was received, read twice by its title, and referred to the Committee on Finance.

Mr. PROUTY. Mr. President, this bill is identical in concept to S. 3654, a bill I introduced in the 90th Congress.

The proposal itself is simple in operation, but basic in its concept and profound in its consequences. It assures an income to all citizens age 65 or over to be paid out of the general revenues. The Social Security Administration would administer the program and make the appropriate monthly payments based on both earned and unearned income. It would not require a means test based on assets.

I have set the assured income level at $1,800 per year for an individual and $2,400 for an aged couple. These amounts exceed slightly the present poverty threshold of $1,665 and $2,100, for the elderly. As we know, the established figures for poverty level income provide only for bare subsistence, and my proposal takes this into account.

Mr. President, I am firmly committed to the elimination of poverty within all groups in our country, and it is encouraging that President Nixon has taken the initiative in his comprehensive welfare reform proposals to establish a minimum standard income coupled with work incentive and training programs. Poverty among the aged, many of whom have worked a lifetime only to reap a bitter harvest in retirement, is intolerable. I do not believe it is too much to ask that we commit ourselves to abolishing poverty among the group which suffers most from it and can do the least about it, the elderly. For these reasons, I am proposing that Congress face up squarely to the acute and special needs of the elderly.

I was pleased to learn yesterday that the House Ways and Means Committee has favorably reported President Nixon's family assistance plan, demonstrating that the Congress is now prepared to formulate sensible programs designed to eliminate poverty. The House bill, which was released today, includes a revised old age assistance program which offers one possible approach toward alleviating the plight of the elderly poor. I believe, however, that my proposed measure offers a better overall deal to older Americans. It withdraws the stigma of welfarism and acknowledges the right to participate in our abundant society.

Older people have no means for relieving themselves of the burden of poverty. Most of them cannot work. Job incentives and training programs, which are necessary for welfare reform affecting younger Americans, are almost meaningless to the great majority of older persons.

President Nixon quite properly lays stress on work incentives and training in his family assistance plan. As the President said in his welfare message to Congress, a guaranteed minimum annual income for all Americans, without work incentives, would "wipe out the basic economic motivation for work, and place an enormous strain on the industrious to pay for the leisure of the lazy."

We all recognize the need for comprehensive welfare reform and for better means of attacking the problem of poverty. The difference between what we in this Nation could do toward alleviating poverty and hardship among our citizens and what we are doing are enormous.

I fought hard for the continuation of the Economic Opportunity Act, Mr. President, but at that time it was crystal clear that we had no meaningful facts for determining how best to eliminate poverty among children, young adults, and the middle aged. For that reason, I sponsored an amendment authorizing an in-depth investigation and analysis of the war on poverty by the Comptroller General.

In addition, I undertook a comprehensive study of my own to determine how we could fight a more effective war against poverty.

Nearly 1 year ago, Mr. President, I published the results of a survey I had conducted concerning the effectiveness of the war on poverty in the Nation's Capital. In March 1969 the Comptroller General released the overall report of

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the General Accounting Office concerning the effectiveness of the war on poverty, and finally we had some of the facts necessary for a pragmatic and effective attack against all poverty.

Having been a student and supporter of the war on poverty since its inception, I am particularly pleased that President Nixon has taken the initiative in welfare reform. As the President said:

> My purpose is not to review the past record, but to present a new set of reforms—a new set of proposals—a new and drastically different approach to the way in which government cares for those in need, and to the way the responsibilities are shared between the state and Federal Governments.

The need for a new approach to welfare in this country has been long overdue. President Nixon is to be congratulated for his courage and insight in calling for a totally new approach.

If the President's proposal is adopted, no longer will welfare inspectors search for a man in the house during the dark of night.

No longer will social workers justify their jobs by preoccupation with the origins of the few semi-luxury items found in the homes of the poor.

No longer will welfare recipients avoid job training or job taking for fear of a reduction in their family income.

Now, Mr. President, the New Federalism President Nixon spoke of last August will help keep together young poverty stricken families by discarding the vindictive man-in-the-house rule presently prohibiting aid for dependent children.

The New Federalism will provide the child born into poverty with a better than average beginning for his education through child day care centers.

The New Federalism will restore to the able bodied the dignity that can come from self-support by removing the disincentives of the welfare dole and replacing them with meaningful job training, job placement, and income incentives.

A national standard for old age assistance is a third of a century old. By experience we now know that it represents an abrogation of Federal authority by permitting tyrannical, inhumane, and degrading State eligibility standards for old age assistance.

The old Federalism tolerated State eligibility requirements for old age assistance which permitted each State to insist that an older American had to exhaust his savings, lose all his property and have virtually no income before he could qualify for old age assistance.

I think that my efforts now and in the months ahead will demonstrate the need for the Older Americans Income Assurance Act of 1970, thereby assuring the faith that older Americans have for the New Federalism. The favorable response I received in support of my similar bill in 1968 was overwhelming, proving that the public approves of my approach to the problems of poverty.

We already have comprehensive data concerning the largest single group trapped by poverty—almost 7 million Americans age 65 or over.

Not only do older Americans constitute the largest single group trapped by poverty, but also that group is growing at an alarming rate. Overall, the number of poor persons has dropped since 1965 from 32,669,000 to 25,400,000 in 1968.

This was a significant improvement, but where did it come from? Getting behind the statistics, who actually moved out of poverty?

Mr. President, the fact is that the improvement in the poverty statistics was totally in the under-age-65 population. The shocking truth is that the number of poor over age 65 has actually increased between 1965 and 1968. Nearly 20 percent of those now living in poverty are age 65 or over. Ten years ago, 15 percent of the poor were older people. Three out of ten people aged 65 and older are living in poverty and many of them did not become poor until they became old.

I say this is shocking, because here is a group of Americans living in poverty and the shadow of death while we know the solution to their plight.

The solution is not education.

The solution is not job training.

The solution is not make-work.

The solution, Mr. President, is simply cash income.

Many of those age 65 or over are not able to work and indeed should not be expected to work. They have completed a lifetime of productive activity. In an affluent society such as ours it would seem they have a right to expect to live out their years without having to continue to work.

But, as a matter of fact, Mr. President, since the enactment of the Social Security Act in 1935 we have created in illusion of old-age protection in this country. I say "illusion" because for too many Americans there is no old-age protection.

It is an illusion because many Americans, who were covered by social security, earned such low wages they find themselves eligible for a grossly inadequate minimum payment when they retire.

It is an illusion, because inflation continues to outdistance social security increases.

It is an illusion because many Americans were excluded from social security coverage during their working years.

In 1966, my amendment to the Tax Adjustment Act was adopted. That amendment provided the modest sum of $35 a month to individuals over age 72 who had never been covered under social security.

When I first introduced the amendment I expected that from 300,000 to 350,000 individuals would be eligible for benefits. In fact, Mr. President, over a million Americans have received the benefit and 650,000 are currently receiving it.

Thousands have written to me in gratitude explaining that this paltry amount of money had made a significant difference to them.

Some were able to buy meat once a week rather than once a month.

Some were able to buy all of the medicine they needed rather than only a portion of it.

Some were able to regain dignity by getting off welfare.

That $35 monthly payment has recently been increased to $46, Mr. President, but I feel we can do better for those Americans existing in poverty and the shadow of death. Equally important, Mr. President, are those older Americans only eligible for minimum social security. An income of $64 a month is simply not enough to live on.

Did you know, Mr. President, that over 1 million social security recipients are forced to supplement their meager social security benefits with welfare payments?

What disillusionment must plague those good people? Think about it. For a lifetime they have worked and paid the social security payoll tax, but then retire only to receive a benefit unable to sustain them.

Since 1964, I have sought to have the minimum social security benefit increased to $70 a month. Nevertheless, the best we have been able to do in Congress was to raise the minimum to $64 a month.

This then is the problem. Over 6 million Americans age 65 or over live in abject poverty. Over 2 million Americans, one-half of whom receive social security, are forced to abandon dignity and receive a welfare dole in order to exist.

The bill I introduce today would help those, who through no fault of their own, were never covered by social security during their working years. It would also help those Americans who receive low social security payments either because they were covered late by social security or always had a low paying job.

In addition, this bill would strengthen the social security system by retaining the insurance principles without depriving older Americans of an adequate income. As originally intended the social security system was designed to maintain a relationship between earnings and benefits for all who paid the special tax. Over the years we have moved toward a welfare benefit concept by paying lower wage earners a progressively higher benefit.

Certainly, this is justified by compassion and need. However, in the process we are illogically shifting a welfare burden to employees and employers subject to the social security payroll tax. In my mind, an adequate income for older Americans is vitally needed. But it should be paid for by all taxpayers—not just those subject to social security. Moreover, under our social security system, which is wage related, all income over $7,800 a year escapes taxation. What more equitable scheme than to spread the burden and the duty of caring for our elderly poor than to finance it out of the progressively scaled income tax revenues.

My bill represents a major step toward removing welfare from the social insurance concept. In the future we could have a two-tier system of income maintenance for older Americans. One tier would be social security, representing a wage-based retirement income supplement. The other tier would be a supplement to social security financed by a broadly based tax in the form of a federally assured annual income.

Moreover, Mr. President, the welfare burden now facing almost all the States would be relieved to the extent that they discontinue old-age assistance. In the process much of the degrading stigma now attached to welfare would be ended. This coupled with the proposals made by President Nixon would make certain that we have turned the corner in our efforts to eliminate poverty.

Let the Federal Government, under "New Federalism" finally assume a responsible role toward the older American after neglect and promises of over a third of a century.

The cost of keeping our promises will be substantial; but we cannot afford not to fulfill the promise, for the cost of broken promises is the immeasurable loss of human welfare and dignity.

In 1966 we in Congress took a step forward when the Prouty amendment was adopted. It provided Federal help to those most in need, using general revenue financing.

I sincerely hope that the year 1970 finds us taking the next important step by providing assured income for older Americans. The facts are too revealing. The need is too great. The answer is too clear.

The text of the bill, ordered to be printed in the RECORD, is as follows:

S. 3554

A bill to amend the Social Security Act so as to add thereto a new Title XX under which aged individuals will be assured a minimum annual income of $1,800 in the case of single individuals, and $2,400 in the case of married couples

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that this act may be cited as "The Older American Income Assurance Act of 1970." Section 2 of the Social Security Act is amended by adding after title XIX thereof a new title XX as follows:

"TITLE XX—ASSURED MINIMUM ANNUAL INCOME BENEFITS FOR THE AGED

"Eligibility for Benefits

"SEC. 2001. Every individual who—

"(1) has attained age 65,

"(2) is a resident of the United States (as defined in section 2009),

"(3) has an annual income (as determined pursuant to section 2004) of less than $2,400 in the case of an indiivdual who is married and living with his spouse, or $1,800 in the case of any other individual.

"(4) has filed application for benefits under this title,

shall (subject to the succeeding provisions of this title) be entitled to assured minimum annual income benefits for the aged.

"PAYMENT OF BENEFITS

"SEC. 2002. (a) Benefits under this title shall be paid on a monthly basis, except that, if the benefit payable to an individual for any month is less than $5, such benefit may be paid on such other basis (but not less often than semiannually) as the Secretary shall by regulations provide.

"(b) Benefits under this title shall be payable to any individual only for months (i) after the month in which his entitlement thereto is established pursuant to an application therefor filed under section 2001, and (ii) prior to the month in which such individual dies.

"(c) No married individual who is living with his spouse for any month shall be entitled to a payment under this title for such month if the spouse of such individual receives such a payment for such month.

"AMOUNT OF BENEFITS

"SEC. 2003. The amount of the monthly benefit of any individual under this title shall be equal to one-twelfth of the amount by which $2,400 (in the case of a married individual living with his spouse), or $1,800 (in the case of any other individual), exceeds the amount of such individual's annual income (as determined under section 2004) for such year.

"DETERMINATION OF ANNUAL INCOME

"SEC. 2004. (a) For the purposes of this title, the term 'annual income' means, in the case of any individual, the total amount of income (other than income derived by reason of benefit payments under this title) from all sources received in the calendar year with respect to which a determination of annual income of any individual who, during the calendar year, engaged in any trade or business, there shall be deducted any expenses incurred in carrying on such trade or business, and except that, income derived from the sale or exchange of property shall be taken into account only to the extent of the gain derived therefrom.

"(b) In determining the amount of annual income, for purposes of this title, of any individual who is married and living with his spouse, the annual income of such individual shall be regarded as the sum of the annual income of such individual and of the spouse of such individual.

"REPORT OF INCOME TO SECRETARY

"SEC. 2005. (a) Any individual applying for benefits under this title shall submit with his application for such benefits and thereafter reports to the Secretary of his income and of any other matter which is relevant to his entitlement to receive, or the amount of, any benefit payable under this title. Such reports shall be filed at such time, in such form, and shall contain such information as the Secretary shall by regulations prescribe.

"(b) Benefits otherwise payable to an individual for any month shall be suspended until such time as any report required pursuant to subsection (a) to be filed prior to such month shall have been received and evaluated by the Secretary.

"SUSPENSION OF BENEFITS FOR MONTHS WHEN INDIVIDUAL IS ABSENT FROM THE UNITED STATES

"SEC. 2006. Any benefit otherwise payable to an individual under this title for any month shall not be paid if such individual is physically absent from the United States (as defined in section 2009) during all of such month, or if such individual is not, during all of such month, a resident of the United States (as so defined).

"OVERPAYMENTS AND UNDERPAYMENTS

"SEC. 2007. Whenever the Secretary finds that more or less than the correct amount of payment has been made to any individual under this title, proper adjustment or recovery shall be made in accordance with regulations of the Secretary patterned so as to conform, to the maximum extent feasible, to the provisions of section 204 (relating to overpayments and underpayments of benefits under title II).

"ADMINISTRATION

"SEC. 2008. This title shall be administered by the Secretary and through (to the extent feasible) the organization and personnel engaged in the administration of title II.

"DEFINITION OF UNITED STATES

"SEC. 2009. For purposes of this title, the term 'United States' means the fifty States and the District of Columbia.

"APPROPRIATION

"SEC. 2010. There are hereby authorized to be appropriated for each fiscal year such sums as may be necessary to carry out the provisions of this title."

U.S. SUGAR PROGRAM

Mr. WILLIAMS of Delaware. Mr. President, a main feature of the U.S. sugar program is the making of payments to sugar beet and sugarcane growers to augment their income and to compensate them for adjusting production when acreage allotments are in effect.

The program provides for a sliding scale rate of payments to be made on the sugar production of a farm. A basic rate of 80 cents per hundredweight is paid on the first 350 tons of sugar cane or sugar beets produced by a farm. This rate is reduced by successive steps to 30 cents per hundredweight on production above 30,000 tons.

The Comptroller General's report to the Congress just released has pointed out how this limitation has been circumvented by dividing their farms into various subdivisions, resulting in payments substantially higher than intended under the law.

I ask unanimous consent that a brief digest of the Comptroller General's report be printed at this point in the RECORD, and suggest that appropriate committees of Congress, in considering the extension of this program, give recognition to the need of correcting this situation by legislation.

There being no objection the digest was ordered to be printed in the RECORD, as follows:

DIGEST—COMPTROLLER GENERAL'S REPORT TO THE CONGRESS

(Procedures to be improved for determining what constitutes a farm for purposes of subsidy payments under the U.S. sugar program—Agricultural Stabilization and Conservation Service, Department of Agriculture, B-118622)

WHY THE REVIEW WAS MADE

A main feature of the U.S. Sugar Program is the making of payments to sugar beet and sugarcane growers to augment their income and to compensate them for adjusting production when acreage allotments are in effect.

The program provides for a sliding-scale rate of payments to be made on the sugar production of a farm. A basic rate of 80 cents per hundredweight is paid on the first 350 tons of sugarcane or sugar beets produced by a farm. This rate is reduced by successive steps to 30 cents per hundredweight on production above 30,000 tons.

Since this sliding-scale method favors the small-size farm, it is important, for subsidy payment purposes, that reliable procedures be followed in determining what constitutes an individual farm.

State and county Agricultural Stabilization and Conservation committees are responsible for local administration of the Sugar Program in accordance with the Sugar Act and related Department of Agriculture regulations, policies, and procedures.

Because of the significant Sugar Program payments—about $92 million for the 1968 crop to producers in 23 States and Puerto Rico—the General Accounting Office (GAO) wanted to find out how the Agricultural Stabilization and Conservation Service was administering the "farm constitution" aspect

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of the program; that is, how it was determining what constitutes a single farm.

FINDINGS AND CONCLUSIONS

In six of the seven States included in the review, county offices and committes had not adequately reviewed constitutions of sugar beet and sugarcane farms. Likewise, State offices and committees had not effectively monitored this aspect of the program.

GAO concluded that a number of sugar beet and sugarcane farms had been constituted improperly. As a result, the Agricultural Stabilization and Conservation Service had made overpayments to producers and had increased program costs.

For example, GAO found instances where two or more separately constituted farms were owned and operated by the same individual or individuals. According to the agency's guidelines, such farms should have been constituted as one farm for subsidy payment purposes. Because of the sliding-scale method of payment, the farm owners received total payments in excess of what they would have received had the farms been constituted as a single farm.

Improper constitutions of farms have also reduced the effectiveness of the National Sugar Beet Acreage Reserve program which was designed to encourage new growers to produce sugar beets. (See p. 9.)

GAO recognizes the difficulties involved in administering the subsidy payment provisions of the Sugar Program—especially the need for individual judgments in deciding the constitutions of farms. These difficulties underscore the need for strong review and control procedures.

The agency's procedures provide for numerous county committees in the several States to determine farm constitutions. GAO believes that to properly implement the agency's procedures, a continual review should be made by higher organizational levels of the Agricultural Stabilizaton and Conservation Service to provide assurance that county-level reviews are timely and adequate and that the agency's criteria are being consistently applied by the committees.

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RECOMMENDATIONS OR SUGGESTIONS

The Administrator, Agricultural Stabilization and Conservation Service, should establish procedures at the State and national organizational levels to provide assurance that (1) county offices and committees are making annual reviews to determine the propriety of the sugar farm constitutions and (2) determinations made by county committees are consistent with applicable regulations and instructions.

AGENCY ACTIONS AND UNRESOLVED ISSUES

The Administrator, Agricultural Stabilization and Conservation Service, agreed with GAO's recommendation and proposed certain actions, such as annual reviews, by county committees, of farm constitutions; spot checks by State officials; and annual summary reports to the States and Washington. GAO believes that these actions will, if effectively implemented, significantly improve the administration of the Sugar Program and minimize improper farm constitutions. Agency officials also informed GAO that any overpayments would be recovered where appropriate.

MATTERS FOR CONSIDERATION BY THE CONGRESS

GAO is sending this report to the Congress because of its increasing interest in direct payments to farmers and, in particular, the proposed limitation on individual farm payments, which was the subject of considerable debate during the fiscal year 1970 appropriation hearings. Although the proposed payment limitation was not provided for in the fiscal year 1970 Agriculture Appropriation Act, the House and Senate conferees agreed that the matter should be considered by the appropriate legislative committees and the Congress prior to December 31, 1970—the expiration date for existing agricultural legislation.

GAO believes that the Congress may wish to consider the findings in the report regarding the difficulties in determining what constitutes a farm, since such difficulties would be inherent in any program for limiting individual farm payments.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

Report on Value of Property, Supplies and Commodities Provided by the Berlin Magistrat

A letter from the Assistant Secretary of Defense, reporting, pursuant to law, on the value of property, supplies and commodities provided by the Berlin Magistrat for the first two quarters of fiscal year 1970; to the Committee on Appropriations.

Report on Proposed Closure of Four Naval Activities in the United States

A letter from the Secretary of the Navy, transmitting, pursuant to law, a report on the proposed closure of four naval activities in the United States (with an accompanying report); to the Committee on Armed Services.

Proposed Closure of an Air Force Military Installation in the United States

A letter from the Secretary of the Air Force, transmitting, pursuant to law, a report of the facts, and the justification for the proposed closure of a military installation in the United States (with an accompanying report); to the Committee on Armed Services.

Report on Proposed Closure of Certain Military Installations in the United States and One in Puerto Rico

A letter from the Secretary of the Army, transmitting, pursuant to law, a report of the facts, and the justification for the proposed closure of certain military installations in the United States and one in Puerto Rico (with an accompanying report); to the Committee on Armed Services.

Statistical Supplement, Stockpile Report

A letter from the Director, Office of Emergency Preparedness, Executive Office of the President, transmitting, pursuant to law, the statistical supplement, stockpile report to the Congress, for the period ended December 31, 1969 (with an accompanying report); to the Committee on Armed Services.

Proposed District of Columbia Federal Payment Authorization Act of 1970

A letter from the Assistant to the Commissioner, Executive Office, Government of the District of Columbia, transmitting a draft of proposed legislation to provide additional revenue for the District of Columbia, and for other purposes (with an accompanying paper); to the Committee on the District of Columbia.

PETITION

The ACTING PRESIDENT pro tempore laid before the Senate a resolution adopted by the Common Council of the City of Buffalo, State of New York, praying for the enactment of legislation to provide certain flood relief; which was referred to the Committee on Public Works.

REPORT OF A COMMITTEE

The following report of a committee was submitted:

By Mr. ELLENDER, from the Committee on Agriculture and Forestry, with amendments:

S. 1148. A bill to amend the Revised Organic Act of the Virgin Islands (Rept. No. 91–718).

BILLS AND A JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. PROUTY:

S. 3554. A bill to amend the Social Security Act so as to add thereto a new Title XX under which aged individuals will be assured a minimum annual income of $1,800 in the case of single individuals, and $2,400 in the case of married couples; to the Committee on Finance.

(The remarks of Mr. Prouty when he introduced the bill appear earlier in the Record under the appropriate heading.)

By Mr. SPARKMAN (for himself and Mr. Bennett):

S. 3555. A bill to authorize the appropriation of funds to be utilized by the Federal Home Loan Banks for the purpose of adjusting the effective rate of interest to short-term and long-term borrowers on residential mortgages; to the Committee on Banking and Currency.

(The remarks of Mr. Sparkman when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. SPARKMAN:

S. 3556. A bill to provide for regular determinations of the extent of air and water pollution throughout the United States; to the Committee on Commerce.

(The remarks of Mr. Sparkman when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. CHURCH:

S.J. Res. 182. Joint resolution establishing the Commission on United States Participation in the United Nations, and for other purposes; to the Committee on Foreign Relations.

(The remarks of Mr. Church when he introduced the joint resolution appear earlier in the Record under the appropriate heading.)

S. 3555—INTRODUCTION OF A BILL TO AUTHORIZE FUNDS FOR THE FEDERAL HOME LOAN BANKS

Mr. SPARKMAN. Mr. President, I am introducing, for myself and the Senior Senator from Utah (Mr. Bennett), for appropriate reference, a bill to authorize the appropriation of funds to be utilized by the Federal home loan banks for the purpose of adjusting the effective rate of interest to short-term and long-term borrowers on residential mortgages.

This bill was prepared by the Federal Home Loan Bank Board with administration approval. I am introducing it at this time in order to have it before the Banking and Currency Committee while we consider pending mortgage credit and secondary mortgage market bills.

I have not had time to study the proposal in depth to understand its full impact on the mortgage credit activities of the Federal Home Loan Bank Board, but both Preston Martin, Chairman of the Federal Home Loan Bank Board, and George Romney, Secretary of the Department of Housing and Urban Development, referred to this proposal in their testimony when they appeared before the committee earlier this week.

Considering the nearly prostrate state of the homebuilding industry and the critical shortage of housing throughout our Nation, emergency action needs to be taken very soon to help provide additional assistance needed to improve the flow of mortgage credit.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 3555) to authorize the appropriation of funds to be utilized by the Federal Home Loan Banks for the purpose of adjusting the effective rate of interest to short-term and long-term borrowers on residential mortgages, introduced by Mr. SPARKMAN, for himself and Mr. BENNETT, was received, read twice by its title, and referred to the Committee on Banking and Currency.

S. 3556—INTRODUCTION OF A BILL TO PROVIDE POLLUTION REPORTS ALONG WITH WEATHER REPORTS

Mr. SPARKMAN. Mr. President, air and water pollution are two of the grave dangers facing our Nation today. Contributing to the gravity of the situation is the fact that the American public, by and large, has just not faced up to the fact that pollution poses an emergency situation. All the things that still need to be done should have been done years ago.

I am deeply concerned about this problem. My concern leads me to introduce today a bill designed to create the kind of public awareness of the pollution problem that will help to build widespread public support of a crash program to stop pollution.

Simply stated, this bill calls for levels of pollution in both the air and water to be surveyed and made available to the public just like weather reports. This bill would authorize the Secretary of Commerce, through the Environmental Science Services Administration to, first, make daily determinations of the extent of pollutants dangerous to the public health and welfare which are present in the air and, second, make appropriately frequent surveys of the pollution of the navigable waters of the United States.

The state of pollution would be reported right along with the weather report. The Weather Bureau office operated by the Environmental Science Services Administration would make a daily survey of air pollution to be immediately given out to the public. The weather is the most sought after news in just about every part of the world. Nearly everyone sees, hears, or has access to the latest report on the weather. If we can throw the pollution report right into normal weather reporting, then we shall have reached a most effective way to bring home to millions of people three or four times per day the seriousness of the pollution problem.

I believe this bill has a real chance of becoming law.

I believe that the Congress and the people are of a mood to take every possible and practical step in order to fight the growing pollution that soils the air we breathe, the water we drink and our very lives. We have got a lot of catching up to do if we are going to prevent pollution from killing us all, eventually.

Air pollution is especially insidious because it is already a contributing factor in causes of death which may be attributed to such things as heart attacks and just plain old age. When the sulfur content in the air of New York City reaches a certain level it has been known to cause the deaths of 10 or 15 people within a relatively short period of time. Unless something drastic is done in heavily polluted areas like New York City, we may see in 5 to 10 years, 200 or 500, or even 1,000 people die when the sulfur content of the air is too high. We may even see tens of thousands die for this reason in 20 or 30 years unless we move on an emergency basis to stop air pollution.

Following is a digest of my bill:

The Secretary of Commerce, through the Environmental Science Services Administration, shall—

First, make a daily determination, in the area of each Weather Bureau office operated by such administration, of the extent of pollutants dangerous to the public health and welfare which are present in the atmosphere in such area;

Second, make a determination, at appropriate intervals of time and in appropriate areas, of the extent of pollutants dangerous to the public health and welfare which are present in the navigable waters of the United States; and

Third, disseminate to the public the results of such determinations.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 3556) to provide for regular determinations of the extent of air and water pollution throughout the United States, introduced by Mr. SPARKMAN, was received, read twice by its title, and referred to the Committee on Commerce.

VOTING RIGHTS ACT AMENDMENTS OF 1969—AMENDMENT

AMENDMENT NO. 547

Mr. ALLEN. Mr. President, I submit an amendment intended to be proposed by me to the Scott amendment, as modified, to H.R. 4249, and I ask that it be printed and lie on the table, to be brought up at a later date.

The PRESIDING OFFICER. The amendment will be received and printed, and will lie on the table.

Mr. ALLEN. Mr. President, the amendment I propose to offer is a substitute for the Scott amendment and, if adopted, would remove the principal objections of the junior Senator from Alabama to the Scott substitute. The substitute is short, and I will read it at this time:

> In lieu of the language proposed to be inserted by the Senator from Pennsylvania (Mr. SCOTT) insert the following:
>
> "That this Act may be cited as the "Voting Rights Act Amendments of 1970."
>
> "SEC. 2. The Voting Rights Act of 1965 (79 Stat. 437; 42 U.S.C. 1973 et seq.) is amended by repealing sections 4 and 5 of said Act."

AMENDMENT NO. 548

Mr. MILLER submitted an amendment, intended to be proposed by him to the amendment numbered 544, proposed by Mr. SCOTT to House bill 4249, supra, which was ordered to lie on the table and to be printed.

ADDITIONAL COSPONSOR OF AN AMENDMENT

AMENDMENT NO. 545

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from Utah (Mr. Moss) be added as a cosponsor to my amendment No. 545 to H.R. 4249, a bill to extend the Voting Rights Act of 1965 with respect to the discriminatory use of tests and devices, which amendment would lower the minimum voting age by statute to 18 years.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ADDITIONAL STATEMENTS OF SENATORS

THE SPACE PROGRAM

Mr. GOLDWATER. Mr. President, I was not on the floor yesterday when the distinguished majority leader made his remarks concerning the expenditures in space, but I did have the privilege of reading them in the RECORD this morning.

The substance of his remarks was that nothing of any value has yet come out of the space program, and I wish to take rather strenuous exception to that statement.

In testimony before the Space Committee on March 5, the same day these remarks were made, we were told that an aircraft proximity device was now in the hands of manufacturers and very shortly, probably late this spring, the device will be tested on an aircraft. This will allow a pilot to know that there is another airplane nearby and when fully developed, can prevent mid-air collisions.

Mr. President, if the space program produced nothing else, this device is worth every cent we have spent on space because it will protect the lives of all people traveling on airlines or in private or corporate planes, and this figure already is something near $175 million a year, but there are many other things that have come out of space.

One, for example, is Teflon, which every housewife knows has made cooking a great deal simpler and easier.

One other spin-off that comes to mind is a transmitting device that will transmit a cardiogram from a moving ambulance to a hospital so that a person suffering from a heart attack will have a better chance of survival.

The stimulus that has come from space to the elementary school systems of this country is one of the greatest spin-offs that we can point to. Plutarch said 2,000 years ago, "A child's mind is not an urn to be filled but a member to be kindled," and this is precisely what is happening in schools throughout this Nation.

I am not going to attempt to outline everything that has come out of the space program, but I do ask unanimous consent that a paper prepared by the Technology Utilization Division of NASA be printed at this point in my remarks, and at a future date I will have a much more complete story for the RECORD.

I hope the distinguished majority leader will read the RECORD and I hope that his mind will be changed somewhat as a result of the material that I am putting in the RECORD today.

There being no objection, the paper was ordered to be printed in the RECORD, as follows:

TECHNOLOGY TRANSFER EXAMPLES

(Prepared by Technology Utilization Division, NASA Headquarters, Washington, D.C., February 15, 1970)

The Office of Technology Utilization is responsible for making NASA-generated new technology available to all who might benefit from its use in some form or application, other than that for which it was originally intended. The effective utilization of such technology by individuals or organizations apart from NASA or its contractors constitutes a technology transfer. Such transfers are referred to as *indirect*, or secondary, benefits from the space program—as opposed to *direct* contributions to scientific knowledge and to the values which are derived from the use of satellites for improved communication, weather forecasting, navigation, storm warning and remote sensing of the earth's resources.

Secondary benefits range, for example, from a company saving money or increasing profits to improvements in medicine and electronics. They include increased efficiency in fabrication methods, reliability and quality control, development of new or improved products and the establishment of new companies.

The examples to be found under cover are representative of the many cases of technology transfer which have been brought to NASA's attention and which reflect in each instance some measure of bonus return on the public investment in aerospace research and development.

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THIN PLASTIC GASKET ELIMINATES NEED FOR PLATING

Maintenance-free time for axial joints being manufactured by a Midwestern power equipment manufacturer may be increased from 1,000 to 5,000 hours by the use of a thin plastic gasket developed for Marshall Space Flight Center. The thin sheet plastic used between mating surfaces eliminates the need for expensive plating and will completely eliminate fretting corrosion. The manufacturer has spent $12,000 and expects to spend $6,000 more before solving necessary redesign and engineering problems.

CONTINUED INTEREST IN EKG TRANSMITTING SYSTEM AND SPRAY-ON ELECTRODES

Two NASA Briefs continue to receive interest and varied application. A system developed by NASA's Flight Research Center for transmitting electrocardiogram data to the hospital from the ambulance while the patient is in transit, continues to be used by ambulance service firms and hospitals. An Arizona manufacturing firm also is applying part of the NASA concept to a system for non-medical use. The firm is conducting an experimental program involving the location and monitoring of moving vehicles and transmission of data from the vehicles.

JPL RESEARCH HELPS SMALL COMPANY DEVELOP NEW PRODUCTS

Work sponsored by Jet Propulsion Laboratory has helped the Maury Microwave Corporation, a small manufacturer of components used in the microwave field, develop two new products. The first device is known as a "cold noise source" and provides an accurately known input noise temperature for use in measure and calibration of microwave equipment. A second product, the insertion loss test set, allows very accurate measurements of losses due to insertion of the microwave component into a given circuit. More than 10 instruments have been sold, and the company expects future sales of insertion loss test sets to be a significant factor in the company's overall sales picture.

FLUID PROPERTIES HANDBOOK A VALUABLE REFERENCE DOCUMENT

Information contained in a Fluid Properties Handbook (helium, oxygen, hydrogen, and nitrogen) prepared for Marshall Space Flight Center has proved valuable to many companies manufacturing instrumentation and equipment for the processing and cryogenic equipment industries. The Handbook has been helpful in equipment design, training new personnel and in calculating density, volume, viscosity and other fluid characteristics.

SPECTROGRAPH MARKETED BY MASSACHUSETTS FIRM

A Lewis Research Center Tech Brief has resulted in the development of an approved apparatus for controlling the energy source of a spectrometer. Unique feature of the new instrument is a highly sensitive DC arc source that offers great precision. The Jarrell-Ash Company expects to find a market for the spectrometer in the laboratory field where great precision is required. One such instrument is now in use at the University of Colorado Medical School.

PHOTO ENHANCEMENT BY DIGITAL FILTERING TECHNIQUES CONTINUES TO ATTRACT ATTENTION

A Jet Propulsion Laboratory technique utilizing digital computers for distortion correction of medical and biological photographs is continuing to find new applications by the technical and medical community:

Researchers at an Eastern technology institute are applying the technique to patient tooth care through computer analysis of x-rays. They enthusiastically envision extension of the technology to general hospitals, school districts, large dental clinics, low-income patient care and analysis, further applications of the pattern-resolution process in fine bone structure analysis, EKG's, ECD's, traffic problems, and mineralization research.

An Eastern management consulting firm is designing the technique into an x-ray enhancement system for a 500-bed hospital.

The vice president of a West Coast R&D firm dealing in digital data, information storage, and instrumentation has said "the work described in this reference Tech Brief is, in my estimation, outstanding relative to its potential uses to industry, government and humanity if utilized correctly. The work performed in NASA Tech Brief 67–10005 proves the feasibility of techniques that we, as a small private development firm, could not financially support."

AUTO MANUFACTURER GETS PROCESSING ASSISTANCE FROM A NASA TECH BRIEF

A new processing technique revealed in a Marshall Space Flight Center Tech Brief led an automobile manufacturer to alter the course of an existing product development program. The new process involves the deposition of silicon on substrates in the fabrication of integrated circuits. The company anticipates considerable improvement in production processes to result from application of the new technique.

FLUIDIC OSCILLATOR BEING TESTED TO MEASURE HUMIDITY AND PAPER DRYING

A large paper company in Pennsylvania is evaluating a prototype fluidic oscillator built from information in a Lewis Research Center Tech Brief. The company uses the oscillator to measure the moisture in recirculating air that passes under hoods in the paper-drying process. Accurate humidity measurement facilitates controlling the humidity and reduces heating costs. Initial testing indicates that the oscillator can be expected to allow a reduction of 5 percent in fuel costs. Since a single dryer consumes about 30 million BTU's per hour, the total savings for a paper mill with 30 dryers would be significant.

INTEGRATED CIRCUIT TESTING PROCEDURE

Information developed at Goddard Space Flight Center describes an external pin-to-pin testing procedure which allows examination of individual element performance thereby improving overall reliability. Two examples of applications are:

A Midwestern temperature regulator manufacturer purchases integrated circuits and incorporates them into its own product assemblies. Since the company's use of integrated circuits is increasing, it is anticipated that the testing technique will be used extensively. The reliability engineer contacted stated that he had no practical means of handling the testing problem before the Goddard technique became known.

A small California electronics firm, which manufactures integrated circuit testers, is reprinting selected portions of the Goddard information for use as sales and promotional literature. The firm's co-founders concluded that parts of the document were "the best testimonial available on the value and applications of our sole product." Product sales are expected to increase somewhat because of the use of the reprint.

INSURANCE COMPANY PROFITS FROM NASA TECHNOLOGY

Information in a Marshall Space Flight Center Tech Brief describing methodology used in performing maintainability studies on complex systems has been adopted by a Midwest fire and casualty insurance firm for planning operations of various departments of the company.

APPLICATIONS OF THE PYROMETER HANDBOOK

The Lewis Research Center developed a handbook dealing with surface temperature measurement by optical and ratio pyrometers. The handbook contains reference literature and results from experiments to provide a collection of applied technology and reference sources for engineers and technicians concerned with problems of measuring the surface temperature of opaque materials.. A Midwestern electronics manufacturer has been able to make more precise measurements of the temperature of graphite used in the manufacture of semi-conductors, and has been able to free a machine operator by use of the pyrometer designed from the handbook material. Others have profited from the use of this handbook.

INSTRUMENTATION DEVELOPED FOR GODDARD SPACE FLIGHT CENTER FINDS COMMERCIAL MARKET

Space Craft, Inc. of Houston, Texas, is manufacturing for sale in the commercial market a Bit Error Rate Detector originally developed for Goddard Space Flight Center. The Detector is used to test magnetic tape recorder designs and to determine malfunctions in such equipment. Several instruments and accessories have been sold at a price of approximately $12,000.

TESTING SEMICONDUCTORS WITHOUT REMOVAL FROM CIRCUIT

A Tech Brief issued by the Marshall Space Flight Center describes a method of testing semiconductors without removing them from the circuitry. As reported a year ago, a Southwest firm working with this method developed its own system, which successfully tests semiconductor components in place, at an appreciable saving in both technician's time, and component or circuit damage. In addition, a Florida firm has successfully applied the technique at a savings of $2,000. Finally, a Chicago electronics manufacturer tested modules incorporating about 80 semiconductor devices and termed the experience with the technique a success.

UNIVERSITY SAVES MONEY IN CONSTRUCTION OF COMPUTER

An electronic calorimetric computer has been developed by the Lewis Research Center to calculate nuclear reactor thermal power output to a nominal accuracy of one percent. Personnel at Washington State University had formulated plans to acquire the measurement capability, but were uncertain about the optimum means of acquiring the capability until they learned of the available NASA-generated technology. The University utilized the NASA technology to construct the computer and measure the output of the institution's nuclear reactor. It is estimated that the computer constructed to the NASA design saved the institution about $24,000.

CONTAMINATION SENSOR ADAPTED FOR QUALITY CONTROL

Adaptation of a contamination monitoring device described in a Goddard Space Flight Center Tech Brief enabled a Midwest mercury switch manufacturer to establish needed cleanliness standards for materials in process. For $75 this company constructed a simplified version of NASA's electronic quality control test machine, and inspection time has been reduced by 60%.

COMPANY ESTABLISHED TO MANUFACTURE UNDERGARMENTS FROM FABRIC DEVELOPED FOR ASTRONAUTS

An Eastern consultant who developed a new texturized fabric, under contract to Manned Spacecraft Center, plans to develop and market a line of men's undergarments and women's inner fashions by next summer. The consultant was called upon by NASA to develop a fabric which had unusual properties of comfort and support necessary for the moon voyage. The result was a texturized fabric made from a combination of existing fibers that dries in four and a half minutes. This new fabric is known as Astrolon. The line of commercial men's and women's wear will be introduced this year in the $1.50 to $25 price range.

CLUTCH MANUFACTURER MAKES PROFITABLE USE OF LEWIS RESEARCH CENTER TECHNOLOGY

An Eastern manufacturer of clutches for heavy duty trucks has applied for a patent covering an invention made possible by information in a Lewis Research Center Tech Brief. The Tech Brief described a means for damping vibration of compressor blades, and the manufacturer applied the technique to overcome similar vibration problems in gear trains.

LINEAR ANALOG CONVERTER

This Tech Brief, developed at Goddard Space Flight Center, describes an electrical circuit that converts an input DC analog signal into a proportionate pulse-width signal. An engineer in the Physics Department of an Eastern university is using the circuit to convert information received from a pressure sensing device which is being used in high altitude experiments. The engineer anticipates a savings of approximately $200 and 80 man-hours per experiment with three or four experiments being performed annually.

HEATER CONTROL CIRCUIT DESIGN UTILIZED

A Tech Brief announcing an improved heater control circuit design, developed by the Marshall Space Flight Center, has been reviewed for potential application by two small companies and has been applied by one small firm. Engineers at a California firm utilized the technology to re-design controls on an environmental oven used in testing electrical products. The improved oven now permits the firm to perform environmental testing in-plant which has contributed to reduced operating costs. A New Jersey firm and a California firm, requiring ovens with close temperature control, are considering the NASA design for potential application to their systems. The innovation is considered to be important because it should lower the cost of the systems and also make them more reliable.

AMES RESEARCH CENTER TECH BRIEF LEADS TO INCREASED PRODUCTION EFFICIENCY

Information from an Ames Research Center Tech Brief has enabled a small, Eastern tool and instrument company to fabricate a fixture that holds components in their proper position as they are being soldered to printed circuit boards. The new fixture is expected to have significant effects on production efficiency.

HIGH INTENSITY LAMP

Used by NASA to illuminate an Apollo launch, and as a solar simulator, a 20,000 watt Xenon compact-arc high intensity lamp has stimulated U.S. Department of Agriculture interest as a source of artificial sunlight, which in turn has generated commercial interest. Two broad areas being explored for commercial use are indoor agriculture and animal husbandry and for use in projectors and stadium lighting.

An Eastern manufacturer intends to capitalize on a Jet Propulsion Laboratory version of the lamp, the emissivity of which corresponds closely to naturally filtered sunlight. He envisions green house crops receiving the bactericidal, photosynthetic, and heating qualities of sunlight; and manipulating the reproductive cycle, molting and autumnal fat deposition of domestic animals by controlling the light-dark cycle.

TECH BRIEF AIDS IN SELECTION OF MATERIALS

A California manufacturer of electrical products uses the information contained in a Marshall Space Flight Center Tech Brief to substantiate selection of printed circuit board materials and microsoldering methods used in manufacturing microminiature electronic equipment.

PLASTIC COATING TECHNIQUE FOR DIE CASTINGS

A small die casting firm learned of a plastic coating technique from a Lewis Research Center Tech Brief and now recommends it to its customers who report that it is superior to coatings previously applied to die castings. The manufacturer reports that this has earned considerable goodwill for his company.

BATTERY RECHARGE UNIT APPLIED

Frequent quality control failures in the production of nickel-cadmium batteries led an Eastern manufacturer to develop more effective testing equipment and battery conditioning procedures. Company engineers incorporated into their test equipment a percent recharge unit developed originally for the Goddard Space Flight Center. The remodeled unit increased battery reliability and reduced the number of warranty claims. For an estimated fabrication and installation investment of 500 man-hours and $1,600 in hardware, company officials expect to realize annual savings of $28,000.

NONDESTRUCTIVE TEST (NDT) MANUALS PROVE VALUABLE IN A VARIETY OF SITUATIONS

A Midwest structural steel manufacturer used Marshall Space Flight Center NDT Manuals to develop the capability for inhouse nondestructive testing of materials. Another company uses the Manuals to quality its inspectors to perform government-specified NDT. A ball bearing manufacturer in the Northeast has used the same manuals to upgrade quality control procedures.

NEW FRACTURE TOUGHNESS TEST METHODS FIND APPLICATION

A Lewis Research Center Survey on Fracture Toughness Test Methods has proven helpful to a number of companies as background information for design and testing. Application of the information in the Survey has resulted in, among improvements in other products, an improvement in the quality of porcelain.

OPTICAL ALIGNMENT SYSTEM IMPLEMENTED

A Goddard Tech Brief disclosed that a layer of high-viscosity oil can be added to mercury-pool (gravity reference) reflectors for more precise alignment of optical instruments. A development engineer from the Wisconsin division of a major equipment manufacturer has adopted this method to certify the straightness of pump shafts that are up to 30 feet in length. With the new method, a complete shaft can now be checked, eliminating previous errors which complicated assembly sequence and added to production costs.

CONTAMINATION CONTROL

A "Contamination Control Handbook" has been successfully applied by many firms and institutions. It was developed by the Sandia Corporation for the Marshall Space Flight Center. There were more than 1,000 requestors of this Tech Brief during 1969. As examples of the reaction, three of them reported:

The Southwestern computer division of a major electronics corporation is using the handbook to develop corporate contamination control standards. It may also find company use as a classroom instruction manual.

An instrument engineer at an Air Force missiles and advanced aircraft site has significantly raised contamination standards for preservation of guidance control units as a result of applying the TSP information. The handbook is used elsewhere on the site as a training manual, and for presenting the coordinated, improved procedures to higher echelons. He describes the handbook as "extremely valuable . . . today the instruments work better, last longer, and have a higher reliability; a definite benefit to the Air Force."

A director of laboratories at a suburban Chicago hospital is using the handbook as a reference source for his speeches at professional meetings and his articles. He claims that nation-wide savings by hospitals resulting from this information amount to many hundreds of hours and tens of thousands of dollars, and also believes its use resulted in better protection for hospital workers, better patient care, and shorter confinement.

IMPROVED SYSTEM FOR TRACKING AIRCRAFT

Information contained in a Marshall Space Flight Center Tech Brief has proven valuable to a Southwest company in the design of a carbon dioxide laser system that will enable more accurate tracking of aircraft than is now possible. Considerable savings in development cost can be attributed to the NASA information.

STEPPING DRIVE USED IN DIGITAL CLOCK

Information received on a stepping drive designed by the Marshall Space Flight Center for the precise positioning of scale models of spacecraft has been used by a small California company in the design of a new digital clock. The new clock, to be marketed commercially, uses a plastic molded stepping drive that allows for continuous accurate operation using a tuning fork for indexing once a minute. Company management estimated that sales on the new clock will reach $500,000 per year.

IMPROVED MEMORY CORE DESIGN

A small California manufacturer of computer memory cores is in the process of modifying its production processes and developing an improved product; the estimated cost reduction is 25 to 30 percent. The firm is using information from Goddard Space Flight Center describing an innovation in memory core design which makes possible completely automatic production processes. Two other firms have evaluated the information and used it as background in the design of new memory word line configurations.

MARSHALL SPACE FLIGHT CENTER STANDARD FOR ESTIMATING LEAKAGE RATES ADOPTED BY THREE COMPANIES

An ethical drug manufacturer in New York requires close environmental control where drugs are prepared. If a serious leak occurs in its processes, a decision to temporarily stop production may result in losing an entire batch of drugs valued anywhere from $500 to $10,000. An electronic leak detector is used to locate a leak and the NASA standards are being used to estimate the gas leak rate. The new method has contributed to production efficiency and reduced operating costs.

A contractor at the AEC–NASA NERVA test-site has replaced measurement systems for measuring gas leaks with the simpler NASA method. With gas leakage being a constant concern, the NASA standards provide an objective, quantitative assessment of gas leak data that has resulted in enhancing operational safety at the test-site.

The NASA standards are used by a Wisconsin manufacturer of automatic controls for refrigeration units as an in-line method to measure leakage rates from control units charged with freon. The result has been improved product quality and reduced quality control costs.

SOLDERING IRON TEMPERATURE REGULATOR

A small engineering company, located on the East Coast, has adapted a soldering iron temperature regulator, developed at Ames Research Center, for use on a subcontracting project. The owner of the firm stated that his company was able to modify the soldering iron temperature regulator and adapt it to their need for soldering and fusion of mechanical components. According to the owner, his engineers saved several hundred dollars in research time by using the available NASA technology.

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PHOTO RECEIVER

A photo receiver developed for the Goddard Space Flight Center is being sold commercially. The instrument provides a series of fifteen pictures per day of the earth's cloud cover. These pictures record the extent, speed, and direction of clouds, and therefore, can be used as a basis for weather forecasting. Cameras aboard the ESSA and NIMBUS meteorological satellites transmit the photographs to earth. Electro-Mechanical Research, Inc. has sold over 20 of the units at a price range of $5,000 and $10,000 each. The U.S. Weather Bureau is a customer and is using the receivers for 24-hour monitoring of hurricanes.

CONSTRUCTION EQUIPMENT FIRM ELIMINATES FASTENER FAILURES

Review of a Marshall Space Flight Tech Brief led to the solution of a serious problem that a New York construction equipment firm was having with failure of high tensile fasteners. The Tech Brief described post-heat treat procedures to minimize possibility of hydrogen embrittlement of ultra high strength steels. Process changes incorporating recommended procedures eliminated the problem altogether.

MINIATURE ELECTROMETER PREAMPLIFIER

An Ames Research Center development has economically advanced state-of-the-art capability for many bio-medical researchers investigating bioelectric potentials of the human cell:

School of medicine researchers at a major Northwest University are using an Ames-designed miniature electrometer preamplifier in conjunction with intracellular microelectrodes to investigate the electrical properties of cellular membranes. NASA's design is considered uniquely valuable because of its small size and specialized circuitry.

Investigators at the Brain Research Center of a major Northeast University are using the Ames device to isolate, measure and monitor individual brain cells. Savings attributable to the TSP are currently estimated at about $3,500.

A professor of biology at a major Northeast institute of technology is using four of the preamplifiers in his cell research. Terming the design "quite good", he estimates cost of the units at $50, compared to the less desirable commercial units costing $350-$500 each.

INTEGRATED PACKAGE FOR ELECTRONIC EQUIPMENT

Information contained in Tech Brief 66–10664 was useful to two firms in designing integrated packages for electronics equipment. The information contained in the Tech Brief, which was developed by the Jet Propulsion Laboratory, explained complex methods of calculating the critical parameters (size, shape, weight) for integrating the electronic products' packaging. Sales of the product of a Midwestern refractory metal manufacturer were increased by $1 million in 1968 with a potential market of several times this amount. A Maryland firm found the information helpful in performing a comparative analysis of packaging techniques, with the JPL information saving the company both time and money.

ALUMINUM HEAT SINK CONCEPT EMPLOYED

An electronics company in New York has profited from the application of information in a Tech Brief issued by Marshall Space Flight Center. The technology embodied in the Tech Brief enabled the company to mount power transistors integrally with printed circuit boards in a compact electronics module, and without introducing problems of poor heat dissipation. Manufacturing costs were reduced in the process.

SIMPLIFIED METHOD FOR TENSILE YIELD STRENGTH MEASURES

Formerly, testing the tensile yield strength of various materials required many specimens. When the materials were expensive to make, or when a limited number were available, this was an extremely costly procedure. To overcome this problem, a method for measuring changes in tensile yield strength using a minimum number of specimens was developed at the Space Nuclear Propulsion Office. This new method has wide application possibilities in materials testing situations.

Engineers employed in the research laboratory of a large manufacturing firm utilized the method during one phase of a project to develop new composite materials. Existing test procedures were inadequate for composite materials and the SNPO information was an important input to the research project. The firm estimated that the availability of this information enabled a reduction of research time on the project for a saving of $8,000 to $9,000.

A Midwestern firm, which is a prime contractor for the military, estimated that a considerable savings in both time and materials would be realized when the new method of testing is fully implemented. The quality engineering supervisor estimated that each complete test profile would cost from $10,000 to $15,000 less if the number of specimens per test run could be reduced from 200 to 1 as anticipated.

A small, independent Midwestern consulting firm has incorporated the new testing method into its array of testing techniques. The firm's president estimated that one month of professional effort was saved by using the new methods.

NASA TECH BRIEF LEADS TO DEVELOPMENT OF IMPROVED OPTICAL MODULATOR

A small electro optical company used the information in a Marshall Space Flight Center Tech Brief to develop a new light modulator requiring only 10 watts of drive power. Previous models required as much as 270 watts. Two units have been sold at $3,600 each and annual sales of 20–100 units are forecast.

ACCURATE REGISTRY ON TWO-SIDED PRINTED CIRCUIT BOARD

The Bendix Corporation, under contract to Langley Research Center, developed a simple method of eliminating registration errors in the production of printed circuit boards. Three firms have experimented with the technique and found that it has reduced errors and improved production efficiency. One firm noted that accuracy has been increased and drafting and layout time has been reduced by 50 percent.

DRILLING DIRECTION INDICATOR

An accelerometer developed for NASA has proven to be the piece of foundation technology for the development of a direct-reading drilling direction indicator. The accelerometer was located by a Regional Dissemination Center search, conducted under an agreement with the SBA, for a company qualifying as a small business.

The company involved manufactures controls for oil fields. The problem in question centers on slant drilling and the difficulty the driller experiences in determining where he is after certain depths have been reached.

At present there is widespread slant and multiple drilling within the industry, i.e., many wells are drilled from the same surface location. Currently direction determination methods entail putting pipe down and photographing instruments at certain points and depths in the drilling process. The new direct drilling and orientation instrument, on the other hand, permits direct instrumentation readings of the drilling direction from the surface as the drilling is being done. The tremendous cost savings to drillers in time alone is apparent. Additionally, the new technique can prevent possible penetration of existing wells, which may be numerous, drilled from the same starting location.

INFORMATION ON TESTING FOR BELLOWS FATIGUE PROVES VALUABLE

A West Coast manufacturer of bellows was able to dispense with costly techniques for testing bellows by applying procedures described in a Marshall Space Flight Center Tech Brief. A Midwestern bellows manufacturer found that the NASA information filled voids in areas where no information previously existed and states that it helps designers in determining causes of failures and in improving quality of the product.

SPACECRAFT PHOTOGRAPH USED IN EARTH RESOURCES SURVEY

A photograph of part of Iran supplied by TAC has led to the identification of previously unknown salt domes which are of interest as potential sulphur sites. The application is notable for two reasons. First, the wide area of coverage of the photo, when tied in with existing geological mapping of adjacent field work saving hundreds of man years of work and substantial expense.

Second, color gradations in photographs aid materially in identifying salt domes that don't quite pierce the surface. This kind of dome is most difficult to detect from photos taken at aircraft altitudes.

SOLID LUBRICANT FOR BALL BEARINGS

A major Midwestern corporation reports that it saved from $75,000 to $100,000 in development costs and approximately one year in development time because of the availability of NASA lubrication technology. The specific application was in the development of truck and aircraft turbines. This is of special significance since it could simplify turbine designs and create more efficiency in their operation.

The development from Lewis Research Center was a solid lubricant for ball bearings that is effective in high temperatures (1,000°–1,900°F). The lubricant can be applied to bearing cages, or cages can be fabricated from self-lubricating composites consisting of porous, sintered nickel-chromium alloy, impregnated with calcium fluoride-barium fluoride eutectic filler.

SMALL FIRM DEVELOPS INSULATED BOOT

A variety of material and fabrication technologies were developed by a NASA contractor involved in making lunar landing space suits. This technology proved most helpful to a sportswear manufacturer who was experiencing major difficulties in the design of a mukluk-type boot. The problem arose in attempting to find a wear resistant outer sole material that would withstand the intended environment and shoe molds of sufficient size and configuration with which to fabricate them. The Technology Applications Center put the sportswear manufacturer in contact with the NASA contractor, with the result that the materials and shoe molds used for the manufacture of the lunar overshoes have been applied to the boot. Testing has proved the new material superior in performance.

ELECTROMOTIVE SERIES FOR METALS

Information developed for the Marshall Space Flight Center on an Electromotive series established for 130 metals commonly used in aerospace technology has proven to be a valuable reference source to many companies:

Availability of the electromotive series saved a California firm approximately one man-year of research effort. Since some of the firm's products are exposed to sea air, the firm had undertaken a research program to develop data on various metals. After receiving the NASA information it was possible to stop further research in the area.

A major computer manufacturer concerned with wear-life potential of metals used in its products has used the NASA information in its materials research activities. The information has been a valuable reference tool and has saved the company's New York division at least six months in research time.

A small Massachusetts firm used the NASA information to increase its production capabiliites in "chemical milling". Information on densities and relative positions of various metals in the electromotive series was used to increase the firm's capability to perform new types of work. An increase in sales of $20,000 to $30,000 was associated with performance of the new work.

TRUCK BODY CONSTRUCTION

NASA research in the area of foam and honeycomb core sandwich construction has led to the development of a new process in the production of truck body construction material. Plastic-faced foam sandwich panels can be used to construct vans, with a resultant reduction in overall weight of 45 to 50% over conventional construction methods. Lower operating expenses and licensing costs are a result of the weight decrease, and repair costs are reduced by the ease with which prefabricated panels can be inserted to replace damaged areas.

A firm in the Southeast, applying technology identified by a Regional Dissemination Center, is also developing an export version which can be separated from both the motor unit and the undercarriage. A prototype has been in successful use for several months, with full production expected soon.

LIQUID CRYSTALS

A Houston, Texas high school student has made novel and important use of a Lewis Research Center Tech Brief, titled "Liquid Crystals Detect Voids in Fiberglass Laminates". Experimenting with this technique for pinpointing voids and poor bond lines in fiberglass laminates for her Science Fair project, she extended the technique to include testing of aluminium, titanium, and alloys. Three of the nations largest aerospace firms send her defective parts for tests and analysis, following which she sends the companies a report. She has received awards from NASA, the Army and Air Force for her contributions, which she attributes significantly to the Tech Brief.

The process has also received considerable attention from the trade press, a major wallboard manufacturer, a major electronics firm, a major helicopter company and other industrial sources.

SPACE FOOD STICKS

The Pillsbury Company of Minneapolis, Minnesota has performed considerable food research during the past eleven years in connection with Air Force and NASA space programs. Results of one research effort have been modified for application in consumer food markets and test marketing is now underway. Results of the test marketing have been promising in that sales of the Space Sticks have not leveled off or declined after the initial spurt. A Marketing Manager for the Company notes that consumers regard Space Food Sticks as genuine food, not a novelty or fad item. Furthermore, a whole new system of nutrition foods has been opened up for Pillsbury by the aerospace food research and marketing success with Space Food Sticks. Considerable future activity in this area is planned by the company.

NEW FIRM ESTABLISHED ON BASIS OF NASA TECHNOLOGY

One result of the Lewis Research Center contract with General Dynamics Corporation for electric propulsion systems research was the establishment of a new spin-off company, Maxwell Laboratories, Inc., formed by three former General Dynamics employees in August 1965. As a part of research related to electrical propulsion systems, it was necessary to develop low impedance pulse lines for use with plasma accelerators. It was recognized by Dr. Terence Gooding and his associates that energy storage capacitor technology was lagging, and that there was an opportunity for significant technological advancement. Dr. Gooding reported that the NASA contract, "exposed us to a market that was not being served by the major companies in the capacitor field". Today, Maxwell Laboratories employs over 150 people, including about 50 engineers. The company has expanded its product line, and is engaged in systems engineering as well as component manufacturing. Less than two-thirds of its business is related to the government, and less than 7 percent of its sales are to NASA.

HEAT PIPE APPLICATION

Based on information acquired from TAC and other sources, a manufacturer has applied a space-developed heat pipe principle to two commercial products. The heat pipe was invented at the AEC Los Alamos Scientific Laboratory for use in NASA space applications such as controlling surface temperatures of space vehicles and transporting large heat fluxes in nuclear powered engines. It is unique in that it can pump large quantities of heat without moving parts. Using the principles of the Los Alamos development, a manufacturer has designed and placed on the market a line of miniature heat pipes which will eliminate hot spots in all types of electronic equipment, by piping heat from the hot component to the chassis or other suitable heat sink.

The same company has made a spectacular application of heat pipes in the cooking process. Normally cooking takes place from the outside in. The manufacturer has developed a heat pipe which is inserted inside the item to be cooked, transporting heat into the interior and permitting cooking from the inside out concurrent with cooking from the outside in. As a result, cooking time for roasts has been cut in half.

A Colorado research and manufacturing company has received and adopted NASA information on testing and inspection procedures for process control of monolithic circuits. The NASA technology was developed by Westinghouse for the Marshall Space Flight Center to provide quality assurance procedures for the mass production of high reliability integrated circuits at a reasonable cost. A company manager estimated that adoption of the NASA information has saved the company at least $6,000 and contributed toward improved quality control and reliability methods.

INSULATED CLOTHING FROM APOLLO PROGRAM MARKETED

Sportsmen now have available a line of lightweight, aluminized, woven nylon men's wear which traps up to 80 percent of the wearer's body heat. The sportswear, designed by a major sportswear manufacturer, is produced by using a vacuum-deposited metallizing process developed in the Apollo program.

The manufacturer of this crinkled, aluminized mylar, reports that the material has the highest insulating efficiency per pound of any known cryogenic insulator. In another application of this technology, the Canadian Coast Guard Air/Sea Rescue Service has approved and recommended a waterproof, wind-proof, radar reflective, metalized marine distress signal which also can double as an emergency blanket.

The material has also been used industrially to insulate storage containers and transfer lines for liquified (super-cooled) gases.

JET SPRAY SHIELDING

As a result of information gathered from NASA files by a Regional Dissemination Center, a manufactured company has developed a shielding technique to improve a jet spray process. The method has been developed to coat surface steel with corrosion resistant and wear resistant alloys, qualities desirable for coating valves, valve parts, and valve devices. The shielding nozzle, as developed, improves temperature control, velocity, and the heat efficiency of the plasma flame.

Preliminary tests were so promising that the manufacturing company has purchased the necessary equipment for installation at their valve manufacturing facilities, and are converting operations to the new method.

HEAT FLUX SENSOR

Obtaining a non-exclusive license from NASA to produce a slightly modified version of a heat flux sensor, developed originally for the Manned Spacecraft Center, a Midwest manufacturer saved his customers an estimated $24,000 the first year. He was able to pass along this significant savings to his customers by incorporating a quick-disconnect type mounting and eliminating cooling equipment used by the previous sensors.

SMALL BUSINESS APPLIES AEROSPACE TECHNOLOGY

Unable to fund research himself, a small Midwestern manufacturer obtained from the Small Business Administration, through a Regional Dissemination Center, a group of 13 reports describing state-of-the-art in temperature compensated crystal oscillators. He was able through this assistance to improve his existing product, and to have ready within six months two new product lines.

The firm's president states: "Without the information contained in (these) reports it could have taken at least an additional year's

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work of an engineer at a cost of perhaps $15,000. But the main advantage is that we will have our new product in six months instead of 1½ to 2 years. Since this product has an anticipated future sales of $100,000 per year . . . we could be ahead by as much as $200,000 in projected sales . . . NASA has contributed in a direct way to the growth of our small business which will provide in the future many very much needed jobs for people living on the Nez Perce Indian Reservation on which our plant is located."

TORQUE METER AIDS STUDY OF HYSTERESIS IN MOTOR RINGS

A torque meter was developed for Marshall Space Flight Center to simulate the characteristics of hysteresis in motor rings under dynamic conditions. The simulation avoids the expense of actually making and testing a complete motor. One Midwestern electronics company saved $10,000 in production of a low cost, high volume military product. The technique also enabled the company to produce another product with greater efficiency. A Florida firm used the technique to better define the specs on materials used in motors.

HEART PACEMAKER ELECTRODE FROM AEROSPACE ALLOY

An unusual new alloy being tested at NASA Field Centers appears to offer significant advantages as a cardiac pacemaker lead. The new material, located through efforts of a Biomedical Application Team, provides significant improvement in fatigue resistant qualities over materials currently used. Improved care for coronary victims is expected to result.

SUGGESTION BY NASA ENGINEER USED IN DESIGN OF VALUE TO RELIEVE HYDROCEPHALUS

An aerospace valve design used at Lewis Research Center is being adapted to assist in two important medical problems. One application is to alleviate a condition of fluid build up in the cranial cavity. In another application an implantable model of the valve is being fabricated to restore urinary control to incontinent patients.

SPACE SUIT TECHNOLOGY

Space suit technology, developed for solving specific environmental problems in space is now being applied to difficult medical problems. Both cardiovascular researchers and clinicians have found useful new capabilities for temperature control and pressure application in patients as a result of Biomedical Application Team efforts which identified the space suit developments.

NEW TRANSDUCER APPLICATION ASSISTS CARDIOVASCULAR RESEARCHERS

A tiny pressure transducer being used to measure stress in aerospace materials has been made available to aid heart researchers conducting blood flow studies. In response to a need expressed by researchers at a major medical center, a NASA Biomedical Application Team located the tiny transducer with higher frequency response, greater resolution and smaller size than those normally available in the medical research field.

NEW APPLICATION FOR NASA SPRAY-ON ELECTRODE

The NASA-developed spray-on electrode designed to acquire EKG's on test pilots has continued to find new applications in biomedicine. In addition to acquiring clinical electrocardiograms and being incorporated into a remote ambulance unit as previously reported, the electrode technique has continued to aid the medical profession in a variety of ways. The latest applications are in neuromuscular rehabilitation and in brain function research utilizing electroencephalograms.

SHOP TECHNOLOGY AIDS IN MEDICAL ENGINEERING LAB

NASA innovations in rigid quality manufacturing technology have found application in bio engineering laboratories. In response to problems defined by bioengineering lab personnel at a Midwest medical school, solutions based on information in NASA Tech Briefs were identified by a NASA-sponsored Biomedical Application Team. Identification of a new type cutting fluid and a new method of tool removal from chucks is expected to result in higher quality products being produced.

TELEMETRY SYSTEM CONTRIBUTES TO DENTAL RESEARCH

A miniature telemetry system designed for aerospace use is now being adapted for dental research. A system developed at NASA's Ames Research Center is helping researchers to determine where tooth damage will occur because of pressure induced stress. This research is adding significantly to preventive dentistry.

NASA TECHNOLOGY AIDS CYSTIC FIBROSIS RESEARCH

An advanced aerospace research capability at the Manned Spacecraft Center has been made available to aid cystic fibrosis research. Through efforts of the Biomedical Application Team at Southwest Research Institute, a significant new method of ultramicroanalysis employed in aerospace medicine is being tested by medical researchers working on early detection and cure of cystic fibrosis.

ARTIFICIAL HIP JOINT FROM AEROSPACE BEARING MATERIAL

A new material produced for aerospace application holds promise for improving joint replacements in patients suffering from severe arthritis. A new polyamide resin was identified at a NASA center in response to a need expressed by medical school researchers. The new material offers low friction and wear, capability for being bonded to bone, and appears compatible with body tissues.

BY TRAIN FROM WASHINGTON TO NEW YORK

Mr. HARTKE. Mr. President, the noted columnist Stewart Alsop recently decided to ride the train from Washington to New York. His reflections on the ill-starred trip are succinctly contained in his March 9 column in Newsweek, and the conclusion he came to after the trip is summed up in the column's title: "Let's Raise More Hell."

After being subjected to interminable delay and considerable inconvenience, Mr. Alsop concludes that we Americans are "sheeplike" in not demanding better treatment. Mr. Alsop was forced to spend 45 minutes waiting in line to pick up a ticket he had reserved, and he found on his return trip that it took him nearly 10 hours to get from New York to Washington. His conclusion is not only "that we customers don't raise enough hell," but also that "the man who makes a justified fuss does a public service."

Mr. President, it is probably not within the powers of the President of the United States or his Secretary of Transportation to alleviate all the problems that cause Mr. Alsop distress. But on one issue it has become perfectly clear that we in Congress and Mr. Alsop together can make a justified fuss: the unconscionable delay of the administration in offering a rail passenger service proposal.

Like Mr. Alsop and his ticket, Congress has been waiting in line for a long time to get this proposal. The administration has repeatedly asked us to postpone consideration of this subject in the Commerce Committee. They promised to have a proposal in our hands by January 1 of this year. Now the date has been pushed back and pushed back to the point where we must wonder whether the administration has any intention at all of alleviating the type of frustrating difficulties that nearly a million Americans like Mr. Alsop experience daily.

Mr. Alsop, in commenting on the delay at the ticket window, states that "the customers, if they had not been sheep, could have been brandishing briefcases, demanding tickets, and upbraiding the inefficiency of the railroads."

I suggest that the time has come for Congress to stop acting like sheep and to demand a plan for better rail passenger service from the administration. If we do not have a concrete proposal soon, we should brandish our briefcases, and upbraid the inefficiency of the administration. We should take action immediately without waiting any longer for administration views.

Mr. President, the American people cannot afford further delays. The time has come. "Let us raise some hell."

I ask unanimous consent that Mr. Alsop's column be reprinted in the RECORD at the conclusion of my remarks.

There being no objection the article was ordered to be printed in the RECORD, as follows:

[From Newsweek, Mar. 9, 1970]

LET'S RAISE MORE HELL

(By Stewart Alsop)

WASHINGTON.—Recently, for the first time in years, I took a train. There was a New York play I wanted very much to see, and the weather was bad, and the Washington-New York shuttle had been canceled. The train journey itself was rather pleasant, in an old-fashioned, sleepy sort of way, even though the windows were so dirty that the passing landscape appeared as through a mist darkly. But getting on the train was a horrible experience.

The fast train, the Metroliner, was all sold out, of course—the Metroliner is always sold out on bad-weather days. So I reserved a seat on the regular 4 o'clock. I was told that I had to pick up the ticket by 3:30, so I arrived at the line in front of the ticket window in Union Station at 3:15.

A lady in a plastic-covered hat was at the head of the line. A young man with sideburns indolently fingered her tickets—a long, green, perforated sheet, folded accordian-style. He would write something on the back of one of them, frown, chew a thoughtful nail, and then saunter back to two elderly ladies who were chatting behind an ancient ticket rack, confer with them at length, and saunter back to the ticket winder. At 3:35, the lady in the plastic hat glanced back defiantly at the growing line of would-be passengers and glowered. She had—or so it seemed to me by this time—a hate-filled, vulpine face.

MUTTERING

There was some muttering among the would-be passengers, but no more than that. "Well, I guess we won't make the 4 o'clock," one man sighed, in the tone of an Arab murmuring "Kismet," and others murmured a resigned assent. At 3:40, the lady in the plastic hat was still in line. The young man with the sideburns was adding up a long row of figures with a pencil stub—he was a very slow adder.

I have always hated waiting in line. By this time, I was scribbling notes on the whole performance in my notebook (always the boy reporter) and I find the following list of symptoms: "Face puce. Arteries pounding.

XUM

Myocardial infarct threatens. Lower back intensely painful. Psychosomatic?"

At 3:42, the lady in the plastic hat paid her money and departed, sneering. At 3:54, four more passengers had been served, with much pencil-scribbling and conferring with the two old ladies, and there were eight to go. At this point, control slipped. Face puce, arteries pounding, I began babbling incoherently about how I had to catch the 4 o'clock, and dammit-to-hell, what a way to run a railroad.

The young man with the sideburns looked at me in astonishment, and so did the passengers. The young man fumbled with some envelopes. "Your name Alsop?" he asked. "Yes, yes, Alsop," I confessed, grabbed the ticket, paid, and ran for the train.

ABRASIONS

This small episode seems worth recounting for three reasons. First, a lot of other people must have had the same sort of experience, whether in railroad stations, in airports, or in hotels or other public places. Second, these constant psychic abrasions, which are surely more prevalent in this country today than ever before, have as much to do with the widely advertised "quality of life" as the amount of gunk in the air or the rivers—and for most people, a lot more. Third, what amazed me in that station, and what has often amazed me elsewhere, is the sheeplike quality of Mr. Average American Customer.

The lady in the plastic hat was buying a ticket for some other destination, on some other day. Could not the young man with the sideburns have asked her politely to stand aside for a few minutes? More important, why did the railroad insist on selling tickets in precisely the same way it sold them in 1910? Was this an idea of the vice president in charge of discouraging passengers? More important still, since there were several ticket windows on either side, why was there only one young man at one ticket window?

To save money is the answer, of course—but at the expense of lower back pains, distended arteries, threatened myocardials, and psychic traumas among the customers. The customers, if they had not been sheep, should have been brandishing briefcases, demanding tickets, upbraiding the inefficiency of the railroad. Instead they muttered a bit, and made small jokes, and missed their trains.

Why *are* we Americans so sheeplike? Why don't we insistently demand a reasonable return in comfort and service for our money?

Once, some years ago, I had an appointment with a very rich man (I was doing a piece on how the rich get rich) at one of those hotel-factories, part of a chain. This man, as it happened, owned a big slice of the chain—his holdings were certainly big enough to cover the purchase price of the whole hotel. When I caught up with him, he was midway in a long line of customers waiting to register. He had been waiting for twenty minutes, he remarked mildly. The two windows on either side of the clerk were closed—to save money, of course—and as a result the average customer had to wait at least half an hour to get to the head of the line.

The very rich man was at least saving his own money, and thus increasing his own profits. But the other people waiting—who should have been screaming for the manager's blood—had no similar self-interest.

NOT THEIR MONEY

Most of the people waiting in line were no doubt on expense accounts, and our expense-account economy, no doubt has something to do with the sheepish docility of most American customers. After all, it's not their money, so why make a fuss?

In fact, the man who makes a justified fuss does a public service. A head waiter at a luxury restaurant who serves a dish as if it were a dog's dinner will be hesitant to do so again if the facts are rather loudly pointed out to him. An airline that fails to honor a reservation will be less likely to do so again if the bilked customer raises hell. "It is hard," so the Bible says, "to kick against the ———." The Bible is wrong. In the public interest, the ——— should be kicked against at every opportunity.

Getting back from New York to Washington the day after the play was an even more traumatic experience than getting there. There had been a light snow the day before, and even though it was a bluebird day, the airport was closed, taxis were impossible to get, and the first available train was two and a half hours late. I got up at 8:30, and made it to Washington by 6:45, convinced, for the first time, that American civilization really *is* on the brink of disintegration.

Surely one important reason why it is on the brink of disintegration is that we customers don't raise enough hell. We accept shoddy goods, bad service, and plain rudeness like so many complacent sheep. Maybe the younger generation will save our civilization—the kids seem proficient at raising hell. One can only hope it is not too late.

FARM SUBSIDIES

Mr. MATHIAS. Mr. President, I ask unanimous consent to insert in the RECORD an editorial which appeared recently in the Hagerstown Morning Herald. The topic is one currently being discussed by Members of Congress and the message, I believe, is one which deserves being considered.

While this country has made exciting progress in the field of space exploration, our advancements here on earth have hardly kept pace. Our farm subsidy program is now a negative one. In the hope of reversing this, I have cosponsored a new Agricultural Adjustment Act which would provide for a 5-year transitional program to begin in January of next year and to run through December of 1975. The primary aim of this act is the phasing out of acreage allotments, marketing quotas, processing taxes, and direct payments for wheat-feed grains and cotton.

I believe the following editorial, and others similar, add impetus to a very necessary program.

There being no objection the editorial was ordered to be printed in the RECORD, as follows:

FUTILE FARM SUBSIDIES

American taxpayers pour $4.5 billion annually into farm subsidies that do not work, and it's about time Congress sees the light and starts phasing out the program.

Over the weekend Senator Charles McC. Mathias called the five-year-old program a dismal failure and recommended that the billions poured into it be used instead for education, medical research, medical care and other pressing needs.

Many Washington County farmers disapprove of the program under which prices received on such commodities as wheat, corn, feed grains and cotton, have not provided adequate incomes.

The futility of the subsidy program is illustrated by the fact that the 60 per cent of agriculture not covered by government programs, such as production of cattle, hogs, eggs, fruit and vegetables, is better off as far as farm income is concerned.

There is no reason for the farmers or taxpayers to be happy with the costly subsidies. It seems ridiculous to pay farmers for not growing certain crops—or at least cut down on production—when there is so much hunger in many parts of the United States and elsewhere in the world.

THE LAOS CONFLICT

Mr. HARTKE. Mr. President, on February 6, 1965—2 days before the United States started bombing North Vietnam—I first spoke out against the deepening American involvement in Southeast Asia. At that time only 267 of our young men had been killed there; our total forces numbered only 21,000. And we had spent all of $4 billion in military and economic aid to South Vietnam during the entire 10 years preceding my speech.

I said then that the American people were confused about our commitment. I observed that the Vietnamese people "wonder where we stand." I pointed out that the councils of our own Government were divided and uncertain.

Above all, I cautioned the President not to proceed by stealth and subterfuge along whatever path he had chosen for us in Vietnam. I pleaded with him, instead, to give a clear direction to our policy so that the American people and their elected representatives in Congress could make some judgment on the course we were asked to follow.

Today those words have a bitter and ominous ring. Five years and 1 month after they were uttered, I and a handful of my colleagues in the Senate feel compelled to say them again—this time substituting "Laos" for "Vietnam."

Five years and 1 month later the 267 young Americans have become almost 50,000, the $4 billion have become $110 billion, the troop commitment of 21,000 has gone over the half million mark and is now only slightly below it. The Nation stands divided, large numbers of our youth are bitterly alienated, and a potentially great President has been driven from office. And the terrible question that hangs over us now is—is a new set of leaders preparing to take us down yet another blood-soaked jungle path in our self-appointed role of world policeman?

On November 3 of last year, President Nixon said, "The American people cannot and should not be asked to support a policy which involves the overriding issues of war and peace unless they know the truth about the policy."

Yet war without policy, and policy without truth characterizes our activities in Laos today. President Nixon is, of course, not responsible for our initial involvement in Laos, but he must bear the responsibility for his administration's attempts to obscure and confuse the facts of our involvement.

More than 4 months ago, a subcommittee of the Senate Foreign Relations Committee conducted hearings on Laos, but the State Department has not allowed the hearing transcript to be released to the public. The State Department has, however, leaked favorable reports to preferred columnists.

The Pentagon has refused point blank to allow reporters to talk even off the record on the subject of either North Vietnamese or American involvement in the Laos war. In Laos, American officials have refused to cooperate with reporters or discuss our involvement there. In fact, three reporters were arrested for trying to investigate a secret American base in Laos. After their arrest, the Ambassador to Laos said the American mission had lost any interest in helping out the press whatsoever.

This is hardly the action of an administration that believes that the public should know the truth about its policy.

Members of the Senate are in the ludicrous position of hoping that some enterprising reporter will tell us what is going on.

I will attempt to describe the Laos situation as best I can. Laos is a sort of wine-bottle-shaped country sharing a long common boundary with Vietnam. It is about the size of the State of Oregon, with a population of that of the District of Columbia. Up to 1954, it was ruled by foreign powers and since then it has been beset by strife. The present Government is headed by Prince Souvanna Phouma and he is opposed by his half-brother Prince Souphanovong. For many years the battle has raged back and forth, with neither side gaining a decisive advantage. Much of the fighting for the Government has been done by an independent army of Meo tribesmen, who are neither Laotian nor Vietnamese, commanded by a local warlord and paid for and equipped by the CIA. Because of the continuous fighting about a third of the population has been killed, wounded, or driven from their homes. Last summer the stalemate was suddenly broken when the Meo tribesmen, encouraged by their American advisers, staged a strong attack which swept the Pathet Lao from the Plain of Jars for the first time in 4 or 5 years. Everyone expected the Pathet Lao to recapture the Plain of Jars and in the last weeks, they have staged their successful counterattack. At this time no one knows if the Pathet Lao and their North Vietnamese allies will stop their offensive on the Plain of Jars, as they have in the past, or will push forward against the cities of Vientiane and Luang Prabang and on to the border of Thailand.

Over the years American involvement has steadily increased. We are now flying from 200 to 400 sorties against Laotian positions every day. We have dropped more bombs on Laos than on North Vietnam. Unknown numbers of American CIA operatives and Green Beret paramilitary groups, probably less than 5,000, are presently in Laos. We are spending from $200 to $300 million annually in military aid for Laos. And almost 200 Americans, mostly flyers, have died in this conflict. From the known facts, it is clear that while the Vietnam struggle is allegedly being Vietnamized, the Laotian struggle is being "Americanized." It is clear that even after our experience in Vietnam, we are getting further involved in an Asian country without the knowledge of the public, without the consent of Congress, and indeed in direct violation of the expressed intent of Congress.

It is argued by high administration officials that to discuss our involvement in Laos would be to acknowledge our violation of the Geneva Accord of 1962. Our violation, however, responded to the clear and repeated violations of the Accord by the North Vietnamese.

Frankly, I worry more about the uninformed American opinion than unfavorable world opinion. What profits us if we win the propaganda war abroad but lose freedom at home? Let us stop worrying what foreigners think of us and start worrying what we think of ourselves. Frankly, I believe some high administration officials fear not adverse world opinion but critical American opinion. There is a creeping elitism in our Government, a feeling that only the bureaucrats are competent to make foreign policy decisions. They seem to believe that the American public is too uninformed, too uneducated, to appreciate and appraise the various considerations necessary in the formation of foreign policy. History has shown, however, that decisions made in secret by small groups, have little likelihood of success. I also believe that some bureaucrats think that Americans are unwilling to sacrifice. But Americans have made necessary sacrifices in the past, and they are willing to do so again in the future.

The question is not our willingness to sacrifice but our willingness to be deceived. The question is not support of our President—we all support the President in times of trouble—but faith in our Government.

The resemblance between the impending danger in Laos and our past predicament in Vietnam is unmistakable.

Are we going to allow ourselves to make the same mistakes again?

Are we going to again send young men to die without a clear idea of why?

I very much fear if the American people do not speak out, the Nation's fate will be decided without them.

Besides public awareness and public participation in whatever decision is made, I shall urge the U.S. Senate to take the following steps: First, we should demand the full disclosure of the recent hearings on the situation in Laos. As Senator SYMINGTON noted, most of this information has already been reported in the papers. With the release of the testimony, there should also be a full disclosure of our involvement and purposes in Laos. Second, if a full disclosure of our involvement and purposes in Laos is not possible, then the U.S. Senate should convene in secret session to determine what is the proper course for this country. Finally, we should ask the United Kingdom and the Soviet Union, who were cochairmen of the Geneva Conference, to call a meeting of all the signatories to put into effect the agreement of 1962. It would be my hope that all interested parties would meet in an effort to restore a measure of stability to the situation in Laos. Moreover, the scope of any such meeting might be enlarged to include all Southeast Asian countries.

What we desperately need is some realistic appraisal of our true interests in Southeast Asia. Only when we are certain what our interests are can we begin to determine a sound policy. Our Vietnam policy today is in large measure only the product of our past mistakes, and our "true interests" are defined by the need to avoid the worst consequences of those mistakes.

That is a tragic commentary, but it is the truth. Now we must see to it that we do not become involved in similar traps in Laos, where once again we find ourselves debating which dangerous path to take—when, in fact, our best interest may lie in not taking any path at all.

It is not my intention to propose a whole new Southeast Asia policy this afternoon. What I do insist is that the policy we have followed up until now has led us from one miserable misadventure to another. And I am determined to do all in my power as one U.S. Senator to keep us from blindly pursuing the same policy in a different corner of the Asian jungle.

The attention of most Americans today is focused—and rightly so—on the deteriorating condition of our economy. But I would remind you that the greatest part of our present economic trouble began with escalation in Vietnam. And we are now at almost exactly the point in Laos that we were at in Vietnam when the escalation began. So we simply cannot afford the luxury of concentrating on the one and ignoring the other.

More important still, our deepest concern about Laos is neither political nor economic but human and intimate and personal. For the decisions that are now in the process of being made will determine whether we can extricate ourselves from Southeast Asia in the foreseeable future, or whether instead we must remain mired in that swamp for year after blood-drenched year.

We are talking about the lives and fortunes of our sons—all our sons. The rest is empty rhetoric, if not plain deceit.

We have had enough of both, and it is time we demanded that America's leaders once more speak out for life and hope, not death and despair.

That is the choice before us. It cannot be evaded. Choosing it, we choose our fate.

DISTRICT OF COLUMBIA CRIME

Mr. MATHIAS. Mr. President, I would like to remind Congress of our responsibility in facing and dealing with the serious crime problem in the District of Columbia, since Congress has chosen to retain virtually exclusive governmental authority within the District.

To this end, I ask unanimous consent to insert in the RECORD a listing of crimes committed within the District yesterday as reported by the Washington Post. Whether this list grows longer or shorter depends on this Congress.

There being no objection the article was ordered to be printed in the RECORD, as follows:

YOUTH BUYS CANDY, ROBS DISTRICT OF COLUMBIA SAFEWAY

A young man armed with a revolver held up a Safeway food store Wednesday afternoon and fled on foot with the money from a cash register, police reported.

Police said a man entered the Safeway at 5233 North Capitol St. about 4 p.m., browsed through the shelves and bought a candy bar. He returned shortly and asked the cashier for change to ride a bus, according to the report.

As the clerk opened her register, the man pulled out a gun and ordered her to move back, police said. Scooping up the money from the register, the gunman ran north in the 5200 block of North Capitol Street.

In other serious crimes reported by area police up to 6 p.m. yesterday:

ASSAULTED

Robert Herman Jones, of Washington, was admitted to Rogers Memorial Hospital in serious condition after two men attacked him about 5:50 p.m. Feb. 28, at the rear of a building in the 500 block of H St.

Robert Russell Jather, of Washington, was treated at Cafritz Hospital for a gunshot wound in the leg that he suffered during a fight with a man armed with a gun in Southeast Washington.

Calvin Mayes, of 1917 2d St. NE, was treated at Washington Hospital Center for stab wounds in both shoulders that he suffered when he tried to intervene in a fight between a man and woman, one of them brandishing a kitchen knife, inside his home about 7:20 p.m. Wednesday.

Doy Cox, of Washington, was treated at Rogers Memorial Hospital for head and hand wounds he received during a fight with a man who approached him near his home in the 1000 block of Florida Avenue NE about 1 a.m. Wednesday. Cox told police the man struck him in the head, then warned, "Don't say anything." Cox said he hit his assailant with his cane and was stabbed in the hand. Dropping his knife as he fled, the man escaped, running east on Florida Avenue.

STOLEN

An electronic calculator valued at $1,000 was stolen from a car belonging to John Lockhart, of Fairfax, while it was parked in the 2000 block of I Street NW.

A Gibson electric guitar in a black case and three men's suits, with a total value of $500, were stolen sometime after 2:45 a.m. Wednesday from a car belonging to John R. Liquefatto, of Baltimore, while it was parked in the 1100 block of 13th Street NW.

Six cases of liquor with an estimated value of $639.93 were stolen between 10 p.m. Sunday and 9:30 p.m. Tuesday from the liquor cabinet at Arbaugh's Restaurant, 2606 Connecticut Ave. NW.

A $750 diamond ring was stolen between 10:30 a.m. and 7 p.m. Tuesday from a room in the Shoreham Hotel, 2500 Calvert St. NW, registered to Elayne Franklin, of Highland Park, Ill.

A $500 lawnmower was stolen sometime between 9 a.m. Tuesday and 7 a.m. Wednesday from the tool shed at Douglass Junior High School, Douglas and Stanton Roads SE.

An adding machine was stolen about 9:20 a.m. Wednesday from the Chamberlain Vocational School, 1300 Potomac Ave. SE.

A television set and a record player were stolen sometime between 5 p.m. Tuesday and 6 a.m. Wednesday from Edmonds Elementary School, 9th and D Streets NE.

A television set was stolen from the storage room in the basement of Merritt Elementary School, 50th and Hayes Streets NE, at about 5 p.m. Wednesday.

A clock and a large quantity of food were stolen sometime about 1 a.m. Wednesday from Little Angels Nursery School, 2611 Douglas Rd. SE.

ROBBED

Florence L. Reynolds, of 1624 Massachusetts Ave. NE, was held up Wednesday by a youth who knocked on her door and asked for a piece of paper to protect his head from the rain. He then pushed past Miss Reynolds and grabbed some money from the dining room, and ran from the building, east on Massachusetts Avenue.

Willey Ransom, of Washington, was held up about 4:50 p.m. Wednesday by two youths who approached him at 4th Street and Rhode Island Avenue NW and said, "Okay, man, give me your money." While one of them pointed a revolver at Ransom, the other one took $3 from his pocket and the pair fled on foot.

Leroy Richardson, of Washington, was beaten and robbed about 8 p.m. Wednesday by two men who jumped him from behind in the 400 block of 15th Street NE. The pair beat Richardson, removed the money from his pocket and ran into an alley in the 1500 block of D Street NE.

Safeway store, 5233 North Capitol St. NE, was held up about 4 p.m. Wednesday by a young man who browsed through the store, then purchased a candy bar. At the checkout counter, he asked the clerk for change for the bus, and when he opened the register, the man pulled out a revolver. Ordering the cashier to move away from the register, the gunman scooped up the bills and fled on foot.

Robert Anderson, of 207 9th St. SE, was held up about 2 p.m. Wednesday by a man who knocked on his apartment door. When Anderson opened the door, the man punched him in the face and drew a knife. The armed man demanded money and when Anderson said he had none, the man kicked him and tied him up. Taking some bills from Anderson's pocket and money from a dresser drawer as well as some food stamps, the armed man fled from the building.

George F. Taylor, of Landover, an employee of United Parcel Service, was held up about 1:10 p.m. Wednesday while he was making a delivery at Georgia Avenue and Fairmont Street NW. A man approached him, forced him to surrender the bills in his pocket, then made his escape.

Claude Beagle, of Washington, was robbed about 7:05 p.m. Wednesday by a young man who stopped him in the 1400 block of D Street SE, and demanded, "Give it to me, Pops." Removing the bills the man made his escape.

Bobby George, a driver-salesman for Royal Crown Cola, of Arlington, was held up about 2:55 p.m. Wednesday while he was driving his truck at 5th and Kennedy Streets NW. Three young men, one with a gun in his pocket, confronted George and said, "I want all your money." Another man, brandishing a tire wrench, took the money from George's pocket and the trio fled.

Marvin Henry Willis, of Washington, was treated at Rogers Memorial Hospital for injuries he suffered during an assault and robbery about 11:05 p.m. Tuesday. Four youths surrounded Willis in the 500 block of Morse Street NE. While one of them held him, the others searched his pockets, removing his wallet. After struggling with Willis and beating him in the head, the youths ran east on Morse Street toward 6th Street.

Ronald O. Spears, of Silver Spring, was held up about 12:05 p.m. Wednesday as he was walking to his car parked in the 2200 block of 15th Street NE by two armed youths. Pointing a pistol at Spears, one of them ordered, "This is a robbery. Stand still. Don't move," and searched his pockets. The gunmen removed a wallet from his pants pocket, an envelope full of bills and a check from his jacket and a money clip from another pocket. The pair fled on foot, heading north of 15th Street.

Kendra Clayton of Washington, was robbed about 8:15 a.m. Wednesday by a young man who jostled her on a D.C. Transit bus. Miss Clayton told police the man who she said took her wallet from her purse stepped off the bus in the 1200 block of F Street NW.

George Rushizky, of 217 C St. NE, was held up and beaten about 6:45 p.m. Wednesday in the rear of his home. Two youths, one armed with a revolver, said, "Give me your money," and took the bills Rushizky handed them. After the gunman struck him in the face with his weapon, the pair fled north of 4th Street. The gunman ran into a moving car in his haste to escape.

Robert Gillmore Locke, of Hyattsville, was held up about 5:45 p.m. Wednesday while he was driving at North Capitol and R Streets NW. Two youth approached the car and one of them told Locke. "Look buddy, my partner has a gun. Give me your money." When Locke told the pair, "All I have is money to pay two traffic tickets with," the youth insisted, "Look, man, we don't want to hurt you. Just give us the money, man. I got to take my shots." The gunman then climbed into the car from the passenger's side while his companion entered from the driver's side. Removing the wallet from Locke's pocket, the youth took out his money and returned the billfold. Both youths got out of the car and fled on foot, heading west on R Street.

Whiz Cleaners, 3700 Nichols Rd. SE, was held up about 6:50 p.m. Wednesday by two young men, one wielding a revolver, who forced the clerk to give him the money from the cash drawer and fled on foot, running south on 1st Street.

Raymond Geech, of Washington, was held up about 6:25 a.m. yesterday by two youths armed with an unidentified object who approached him in the 200 block of 3d Street SE. After asking Geech for a dime, the pair warned, "Don't move," and took his watch and billfold.

Leonard Wormington and William C. Roges, both of Santa Barbara, Calif., were held up about 8:15 a.m. yesterday in the 1200 block of 15th Street NW. Two youths, one wielding a pistol, confronted the men, forced them to hand over wallets and fled in the 1400 block of N Street NW.

THE NIXON ADMINISTRATION ENVIRONMENTAL PROTECTION LEGISLATION

Mr. HATFIELD. Mr. President, I was pleased to join the distinguished minority leader (Mr. Scott) as a cosponsor of the Nixon administration environmental protection legislation.

The President has sent to the Congress a number of innovative proposals to attack pollution in many forms. All these merit our close study.

We in my State have a special interest in preserving, protecting, and improving our environment. Oregon was a leader in combating air and water pollution. David Dominick, Commissioner of the Federal Water Pollution Control Authority, has stated that Oregon's water pollution control program is among the best in the country. In May, Oregon voters will go to the polls in a bond election to raise money to assist the State in fighting pollution at the State level.

Mr. President, when Senator Scott introduced these bills, he included a section-by-section analysis of the bills. At this point in the Record, I ask unanimous consent to have printed the analysis of each bill and the actual language of S. 3466 through S. 3472. At the conclusion, I ask that the comments on these bills by my distinguished colleague from Kentucky (Mr. Cooper) be printed. As the ranking minority member of the Senate Public Works Committee, his remarks are valuable.

There being no objection the material was ordered to be printed in the Record, as follows:

S. 3466

The bill (S. 3466) to amend the Clean Air Act so as to extend its duration, provide for national standards of ambient air quality, expedite enforcement of air pollution control standards, authorize regulation of fuels and fuel additives, provide for improved controls over motor vehicle emissions, establish standards applicable to dangerous emissions from stationary sources, and for other purposes, introduced by Mr. Scott, for himself and other Senators, was received, read twice by its title, referred to the Committee on

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Public Works, and ordered to be printed in the RECORD.

SUMMARY OF CLEAN AIR ACT AMENDMENTS OF 1970

EXTENSION OF DURATION

The bill extends for an additional three years (fiscal years 1971–1973) the general authorization of appropriations for the Clean Air Act, as well as to the special appropriation authorization in that Act for research related to fuels and vehicles.

COMPLIANCE TESTING AND CERTIFICATION OF MOTOR VEHICLES AND ENGINES

1. The testing of devices or systems for control of emissions from new motor vehicles or new motor vehicle engines, and the obtaining of a certificate of conformity is made mandatory with respect to all cars manufactured after the effective date of the Act. Such testing is now on a voluntary basis, upon application of the manufacturer.

2. Under the bill the tests would be applied both to prototype vehicles and to a representative sample of those being manufactured. The Secretary would issue a certificate of conformity with respect to the prototype vehicle to remain valid as long as vehicles being manufactured are of substantially the same construction (and meet the standards for emissions in the Secretary's regulations in effect at the time of the prototype testing). The tests are to be conducted by the manufacturer under regulations of the Secretary, or directly by the Secretary. The Act provides a right of entry to the Secretary on written notice to the manufacturer either to conduct the tests at the factory, or to check the results of tests conducted by the manufacurer.

The present law requires testing only of the prototype vehicle; vehicles of substantially the same construction being manufactured for sale are considered to be in conformity.

3. Importation by any person of any motor vehicle manufactured during a model year to which a certificate of conformity is applicable is prohibited except as provided by the Secretary unless such vehicle is in conformity with the regulations. The limitation in the present Act applies only to the importation of vehicles for sale or resale.

REGISTRATION AND REGULATION OF FUELS AND FUEL ADDITIVES

1. The bill requires the registration of fuels and continues the present requirement for registration of fuel additives. This provision would, however, be limited to fuels used in transportation. The bill also authorizes the Secretary to establish standards governing the composition of fuels and fuel additives and to prescribe their uses.

2. The Secretary may designate any fuel or fuel additive, and manufacturers thereof must provide the Secretary with reasonable and necessary information to determine the emissions from its use or its effect on emission control devices in general use. In the case of toxic emissions or emissions of unknown toxicity, prescribed scientific data may be required to enable the Secretary to determine the extent to which they affect the public health or welfare. This data would not be required from the additive manufacturer if the additive was intended solely for use in a fuel by the manufacturer thereof. Certain types of other information now specified in the statute would still be required. Upon the receipt of such information, the Secretary must register the fuel or fuel additive. Only a registered fuel or fuel additive may be sold or delivered. Except for a broadening of the authority to require information, this provision parallels that in the present law respecting registering fuel additives.

3. A new provision is added to the law authorizing the Secretary to regulate the sale of fuels or fuel additives. On the basis of the information required for registration or any other information, the Secretary may establish standards respecting the composition, or chemical or physical properties, of any fuel or fuel additive which would endanger the public health or welfare, and on the basis of such standards, he may prohibit the sale of any such fuel or fuel additive, or limit the composition, or chemical or physical properties, or impose conditions applicable to the use of any fuel or fuel additive.

4. The Secretary is authorized to disseminate any information, not a trade secret, which concerns the relationship of fuels or fuel additives to air pollution. The present law contains no such provision.

5. Any person violating either the registration or regulation provisions is subject to a civil penalty of $10,000 a day for each day the violation continues. The present Act, which extends to registration of fuel additives only, imposes a penalty of $1,000 a day for each day of violation.

NATIONAL AIR QUALITY STANDARDS

1. Unlike the present Act, under which the Secretary develops criteria for ambient air quality for air quality control regions designated by him, and the States develop both air quality standards conforming to such criteria and a plan for implementation and enforcement, the bill authorizes the Secretary to set ambient air quality standards for the nation with respect to any pollutant or combination of pollutants which he determines endanger or may endanger the public health or welfare. As under existing law, he would also issue recommended control techniques with respect to such pollutants. He could also designate interstate areas for which special provision would be made in the State implementation and enforcement plan.

2. A State (or interstate agency) would have 90 days to write a letter of intent to adopt, and provide a description of how it would develop and adopt, an implementation and enforcement plan with respect to national air quality standards, including a time table for extending it to the various areas within its jurisdiction; it would then have another 6 months (plus any extension granted which could not exceed 90 days with certain limited exceptions) to develop and adopt it.

If a State does not adopt such a plan, the Secretary would develop and promulgate a plan for such State.

STATIONARY SOURCE EMISSION STANDARDS

The bill contains a new provision authorizing the Secretary to establish standards with respect to pollution from stationary sources which contribute significantly to endangerment of the public health or welfare. Regulations issued under this provision would provide that:

1. If the emissions are extremely hazardous to health, no new source of such emissions may be constructed or operated, except under specific exemption of the Secretary, and existing sources of such emissions must install necessary control devices as promptly as possible.

2. In other cases, any new source of emissions which constitute a significant danger to the public health or welfare must be designed or equipped to prevent and control the emissions to the fullest extent compatible with available technology.

The bill replaces the existing provisions on Federal enforcement with a new provision. Under the new provision, in the case of substandard air quality or violation of Federal emission standards which is due to failure by the State to carry out the applicable plan for implementation and enforcement, the State and the alleged violators would be notified and given a hearing. The Secretary would then specify the necessary remedial action and a time within which to take it. If the action is not taken within this time, the Attorney General may be requested to start an injunction action in the district court, with the record made in the Secretary's hearing being received in evidence along with any other evidence the court wishes to receive, and with the court empowered to issue an appropriate order after considering the practicality and physical feasibility of necessary remedial action. It could also assess a penalty on the violators of up to $10,000 per day beginning after the period specified by the Secretary for taking the remedial action.

S. 3466

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Clean Air Act Amendments of 1970".

EXTENSION OF DURATION

SEC. 2. (a) The first sentence of section 104(c) of the Clean Air Act (42 U.S.C. 1857b–1 (c)) is amended by striking out "and" before "for the fiscal year ending June 30, 1970," and by inserting before the period at the end thereof ", and such sums as may be necessary for the fiscal year ending June 30, 1971, and for each of the next 2 fiscal years".

(b) Section 309 of the Clean Air Act (42 U.S.C. 1857l) is amended by striking out "and", and inserting before the period at the end thereof ", and such as may be necessary for the fiscal year ending June 30, 1971, and for each of the next 2 fiscal years".

TESTING OF MOTOR VEHICLES AND ENGINES

SEC. 3. (a) Subsection (a) of section 206 of such Act (42 U.S.C. 1857f–5) is amended by striking out in the first sentence thereof "Upon application of the manufacturer, the" and inserting in lieu thereof "The"; by striking out "such manufacturer" and inserting in lieu thereof "the manufacturer"; and by inserting after "not less than one year" in the second sentence thereof "(except as provided under subsection (c))".

(b) Subsection (b) of such section is amended by inserting before the period at the end of the sentence ", except as provided in subsection (c)".

(c) Such section 206 is further amended by adding after subsection (b) the following new subsections:

"(c)(1) In order to determine whether new motor vehicles or new motor vehicle engines being manufactured by a manufacturer are in fact constructed in all material respects substantially the same as the test vehicle or engine, the Secretary is authorized to test such vehicles or engines. Such tests may be conducted by the Secretary directly or, in accordance with conditions specified by the Secretary, by the manufacturer.

"(2) If, based on such tests conducted on a representative sample of such vehicles or engines, the Secretary determines that such vehicles or engines do not conform with the regulations in effect on the date the certificate of conformity was issued, he may revoke such certificate and so notify the manufacturer. Such revocation shall apply in the case of any new motor vehicles or new motor vehicle engines manufactured after the date of such notification and until such time as the Secretary finds that vehicles and engines being manufactured by the manufacturer do conform to such regulations.

"(d) For purposes of enforcement of this section, officers or employees duly designated by the Secretary, upon presenting appropriate credentials and a written notice to the manufacturer, are authorized (A) to enter, at reasonable times, any factory, or other business or establishment, for the purpose of conducting tests of vehicles or engines coming off the production line, or (B) to inspect, at reasonable times, records, files, papers, and processes, controls, and facilities used by such manufacturer in conducting tests under regulations of the Secretary. A separate notice shall be given for each such inspection, but a notice shall not be required for each entry made during the period covered by the inspection. Each such inspection shall be commenced and completed with reasonable promptness."

(d) The heading of such section 206 is amended to read: "COMPLIANCE TESTING AND CERTIFICATION".

(e) Paragraph (1) of subsection (a) of section 203 of such Act (42 U.S.C. 1857f–2) is amended by striking out "it is in conformity with" and inserting in lieu thereof "such manufacture is covered by a certificate of conformity issued (and in effect) under".

(f) The amendments made by this section shall apply in the case of motor vehicles and motor vehicle engines manufactured after the month in which this Act is enacted.

IMPORTATION OF VEHICLES AND ENGINES

SEC. 4. (a) Paragraph (1) of subsection (a) of section 203 of such Act (42 U.S.C. 1857 f–2) is amended by inserting "(in the case of any person, except as provided by regulation of the Secretary)," after "commerce, or"; and by striking out "United States for sale or resale" and inserting in lieu thereof "United States".

(b) The first sentence of paragraph (2) of subsection (b) of such section is amended by striking out "by a manufacturer" and inserting in lieu thereof "of imported by any person".

(c) Paragraph (3) of section 212 of such Act (42 U.S.C. 1857f–7) is amended by striking out "The" and inserting in lieu thereof "Except with respect to vehicles or engines imported or offered for importation, the"; and by adding before the period at the end thereof "; and with respect to imported vehicles or engines, such terms mean a motor vehicle and engine, respectively, manufactured after the effective date of the regulations issued under section 202."

(d) The amendments made by this section shall apply in the case of motor vehicles and motor vehicle engines imported into the United States on or after the sixtieth day following the date of enactment of this Act.

REGISTRATION AND REGULATION OF FUELS AND FUEL ADDITIVES

SEC. 5. (a) Subsection (a) of section 210 of such Act (42 U.S.C. 1857f–6c) is amended to read as follows:

"(a) The Secretary may by regulation designate any fuel (which, for purposes of this section, means only fuel intended for use in the transportation of any person or thing) or fuel additive, and after such date or dates as may be prescribed by him, no manufacturer or processor of any such fuel or fuel additive may sell or deliver it unless the manufacturer of such fuel or fuel additive has provided the Secretary with the information required under subsection (c) of this section and unless such fuel or fuel additive has been registered with the Secretary in accordance with subsection (c) of this section."

(b) Section 210 of such Act is amended by redesignating subsections (b), (c), (d), and (e) as subsections (c), (d), (e), and (f), respectively, and by adding after subsection (a) the following new subsection:

"(b) The Secretary may, on the basis of information obtained under subsection (c) of this section or any other information available to him, establish standards respecting the composition or the chemical or physical properties of any fuel or fuel additive to assure that such fuel or fuel additive will not cause or contribute to emissions which would endanger the public health or welfare, or impair the performance of any emission control device or system which is in general use or likely to be in general use (on any motor vehicle or motor vehicle engine subject to this title) for the purpose of preventing or controlling motor vehicle emissions from such vehicle or engine. For the purpose of carrying out such standards the Secretary may prescribe regulations—

"(A) prohibiting the manufacture for sale, the sale, the offering for sale, or the delivery of any fuel or fuel additive; or

"(B) limiting the composition or chemical or physical properties, or imposing any conditions applicable to the use of, such fuel or fuel additive (including the maximum quantity of any fuel component or fuel additive that may be used or the manner of such use)."

(c) The subsection of section 210 herein redesignated as subsection (c) is amended by striking out "For purposes of this section, the Secretary shall" and inserting in lieu thereof "For the purpose of establishing standards under subsection (b), the Secretary may require the manufacturer of any fuel or fuel additive to furnish such information as is reasonable and necessary to determine the emissions resulting from the use of the fuel or fuel additive or the effect of such use on the performance of any emission control device or system which is in general use or likely to be in general use (on any motor vehicle or motor vehicle engine subject to this Act) for the purpose of preventing or controlling motor vehicle emissions from such vehicle or engine. If the information so submitted establishes that toxic emissions or emissions or unknown or uncertain toxicity result from the use of the fuel or fuel additive, the Secretary may require the submission within a reasonable time of such scientific data as the Secretary may reasonably prescribe to enable him to determine the extent to which such emissions will adversely affect the public health or welfare. To the extent reasonably consistent with the purposes of this section, such requirements for submission of information with respect to any fuel additive shall not be imposed on the manufacturer of any such additive intended solely for use in a fuel only by the manufacturer thereof. Among other types of information, the Secretary shall"; by inserting in clause (2) "the description of any analytical technique that can be used to detect and measure such additive in fuel," after "above,"; by striking out in such clause "to the extent such information is available or becomes available,"; by striking out "clauses (1) and (2)" in the second sentence and inserting in lieu thereof "the provisions of this subsection"; and by striking out "such fuel additive" in such sentence and inserting in lieu thereof "such fuel or fuel additive".

(d) The subsection of section 210 herein redesignated as subsection (d) is amended by inserting between the first and second sentences the following new sentence: "The Secretary may disseminate any information, obtained from reports or otherwise, which is not covered by section 1905 of title 18 of the United States Code and which will contribute to scientific or public understanding of the relationship between the chemical or physical properties of fuels or fuel additives and their contribution to the problem of air pollution." The first sentence of such subsection is amended by striking out "subsection (b)" and inserting in lieu thereof "subsection (c)".

(e) The subsection of section 210 herein redesignated as subsection (e) is amended (1) by adding "or subsection (b)" after "subsection (a)"; and (2) by striking out "$1,000" and inserting in lieu thereof "$10,000".

(f) The amendment made by subsection (e)(2) of this section shall be effective with respect to any fuel or fuel additive to which a regulation issued under subsection (a) of section 210 of such Act or a standard established under subsection (b) of such section, as amended by this Act, applies.

NATIONAL AIR QUALITY STANDARDS

SEC. 6. Section 107 of such Act (42 U.S.C. 1857c–2) is amended to read as follows:

"NATIONAL AIR QUALITY STANDARDS

"SEC. 107. (a) As soon as practicable after enactment of the Clean Air Act Amendments of 1970, but in no event later than the close of the sixth calendar month after the month in which such enactment occurs, the Secretary shall, after consultation with appropriate advisory committees and Federal departments and agencies, publish in the Federal Register proposed regulations establishing nationally applicable standards of ambient air quality for any pollutant or combination of pollutants which he determines endanger or many endanger the public health or welfare, and allow a reasonable time for comment thereon by interested parties. After considering such comments and other relevant information, the Secretary shall promulgate such regulations with such modifications as he deems appropriate. He may from time to time thereafter, by regulation similarly prescribed, extend such standards to other pollutants or otherwise revise such standards.

"(b) As soon as possible after establishing or revising standards under subsection (a), the Secretary shall, after consultation with appropriate advisory committees and Federal departments and agencies, issue to appropriate air pollution control agencies information on those recommended pollution control techniques the application of which is necessary to achieve such standards of air quality at the earliest practicable time. Such information shall include data relating to technology and costs of emission control. The recommendations shall also include such data as are available on the latest available technology and economic feasibility of alternative methods of prevention and control of air pollution. Such issuance shall be announced in the Federal Register and copies shall be made available to the general public."

AIR QUALITY STANDARDS AND ABATEMENT OF AIR POLLUTION

SEC. 7. (a) Paragraphs (1), (2) and (3) of subsection (c) of section 108 of such Act (42 U.S.C. 1857d) are amended to read as follows:

"(c)(1) If, after the date on which the Secretary has, pursuant to section 107, established standards of ambient air quality and issued recommended control techniques therefor—

"(A) any State or any interstate air pollution control agency, within 90 days after such date, files with the Secretary a letter of intent that it will adopt a plan (meeting the requirements of subparagraph (B)) within the time specified, a description of how it will proceed to develop the plan (meeting such requirements) for the various areas within its jurisdiction, and the time within which the plan will be applied to each such area giving due regard, in setting this order of application of the plan, to the relative requirements of each area; and

"(B) such State or interstate agency adopts a plan for the implementation, maintenance, and enforcement of such standards of air quality, which adoption occurs within 180 days after the filing of such letter of intent and other material pursuant to subparagraph (A) and after public hearings held not less than 30 days following publication of a proposed plan for implementation, maintenance, and enforcement of such standards; and

"(C) the Secretary determines that such plan—

"(i) includes emission standards, or equivalent measures, and such other measures as may be necessary to assure achieving or preserving such standards of ambient air quality within a reasonable time in all areas within the jurisdiction of such State or interstate agency;

"(ii) contains adequate provisions for intergovernmental cooperation, including, in the case of any area covering part of all or more than one State and designated by the Secretary, appropriate provision for dealing with interstate pollution problems;

"(iii) provides adequate means of enforcement, including authority comparable to that in subsection (k) of this section to prevent or deal with air pollution presenting an imminent and significant endangerment to the public health; and

"(iv) provides for revision from time to time as may be necessary to take account of revisions of such ambient air quality standards or improved on more expeditious methods of achieving such standards;

such plan (except with respect to any area for which an extension is granted pursuant to the last 2 sentences of this paragraph) shall be approved by the Secretary. Any revisions of such a plan which are similarly adopted and otherwise meet the requirements of the preceding sentence shall also be approved by the Secretary. For good cause shown, the Secretary may extend, for such period as he finds necessary and appropriate, the 180-day period referred to in subparagraph (B) with respect to any area or areas under the jurisdiction of the State or interstate agency. No such extension may exceed 90 days unless the request therefor accompanies the material filed pursuant to subparagraph (A) and is in turn accompanied by satisfactory assurances that the portions of the plan relating to the areas most in need of air pollution abatement action will receive priority in the development and submission of the plan.

"(2) If a State or interstate agency does not file a letter of intent and the other material described in paragraph (1) or adopt a plan in accordance with paragraph (1) with respect to any State or portion thereof, the Secretary shall prepare regulations establishing such a plan for such State or portion. Prior to promulgating such regulations, the Secretary shall call a public hearing for the purpose of receiving testimony from State and local pollution control agencies and other interested parties affected by the regulations, to be held in or near one or more of the places where the plan will be applicable. At least thirty days prior to the date of such hearing, notice thereof shall be published in the Federal Register. If, prior to the date the Secretary publishes such regulations the State or interstate agency has not adopted such a plan, the Secretary shall promulgate such regulations.

(b) Paragraph (4) of such subsection (c) is amended to read as follows:

"(4) (A) Whenever, on the basis of surveys, studies or reports the Secretary finds that the ambient air quality in any State or the area under the jurisdiction of any interstate air pollution control agency fails to meet the air quality standards established pursuant to section 107, and he determines, on the basis of facts thus ascertained, that such failure results from the failure of a State or interstate agency to carry out its plan (or the plan provided for it by the Secretary) under section 108(c), the Secretary shall notify the State or the interstate agency, and the persons contributing to the lowering of the air quality or to the alleged violations, of such findings.

"(B) If such State or interstate agency has not taken appropriate remedial action within ninety days of such notification, the Secretary may request the Attorney General to bring suit on behalf of the United States in the appropriate United States district court to enjoin violation of applicable standards or regulations by any person within that State or the area under the jurisdiction of any interstate air pollution control agency."

(c) (1) Paragraph (1) of subsection (d) of such section is amended by striking out subparagraphs (A), (B), (C), and by striking out "(D)" and inserting in lieu thereof "(d) (1)".

(2) The second sentence of paragraph (1) of subsection (f) of such section is amended by striking out "and each State claiming to be adversely affected by such pollution".

(3) The first sentence of paragraph (2) of such subsection is amended by striking out "pollution referred to in subsection (a)" and inserting in lieu thereof "any pollution".

(d) Subsection (g) of such section is amended to read as follows:

"(g) If action reasonably calculated to secure abatement of the pollution within the time specified in the notice following the public hearing is not taken, the Secretary may request the Attorney General to bring a suit on behalf of the United States in the appropriate United States district court to secure abatement of the pollution."

(e) The first sentence of subsection (j) (1) of such section is amended by striking out "based on existing data," and inserting before the period at the end thereof ", or any other information which may reasonably be required to assist the Secretary in evaluating the emission of pollutants caused by such person".

(f) Section 108 of such Act is further amended by striking out subsection (b).

(g) The amendments made by subsections (a), (b), and (c) of this section shall become effective on the date on which the Secretary of Health, Education, and Welfare prescribes regulations pursuant to section 107 of the Clean Air Act as amended by this Act. The amendments made by subsections (d) and (f) of this section shall also be effective on such date, except that they shall not apply with respect to any proceeding begun under subsection (d) of section 108 of the Clean Air Act prior to such date on which such regulations are prescribed.

Sec. 8. Title I of the Clean Air Act is amended by adding after section 111 the following new sections:

"STATIONARY SOURCE EMISSION STANDARDS

"Sec. 112. (a) The Secretary shall from time to time by regulation, giving appropriate consideration to technological feasibility, establish standards with respect to emissions from classes or types of stationary sources which (1) contribute substantially to endangerment of the public health or welfare, and (2) can be prevented or substantially reduced. Such standards may be established only after reasonable notice and opportunity for interested parties to present their views at a public hearing. Any regulations hereunder, and amendments thereof, shall become effective on a date specified therein, which date shall be determined by the Secretary after consideration of the period reasonably necessary for compliance. The Secretary may exempt any industry or establishment, or any class thereof, from this section, upon such terms and conditions as he may find necessary to protect the public health or welfare, for the purpose of research, investigations, studies, demonstrations, or training, or for reasons of national security.

"(b) Such regulations shall provide that—

"(1) if such emissions are extremely hazardous to health,

"(A) no new source of such emissions shall be constructed or operated, except where (and subject to such conditions as he deems necessary and appropriate) the Secretary makes a specfic exemption with respect to such construction or operation;

"(B) any existing source of such emissions shall install and maintain any control measures necessary and appropriate to meet the standards prescribed under this section;

"(2) in other cases to which subsection (a) applies, any new source of such emissions shall be designed and equipped to prevent and control such emissions to the fullest extent compatible with the available technology as determined by the Secretary.

"(c) (1) If, within such period as may be prescribed by the Secretary, any State or interstate air pollution control agency, adopts a plan for enforcement of the standards promulgated by the Secretary under this section, such plan shall, if the Secretary determines it provides adequately for the enforcement of such standards, be applicable within such State or other area.

"(2) If a State does not adopt a plan in accordance with paragraph (1) of this subsection, the Secretary shall, after reasonable notice and a conference of representatives of appropriate Federal departments and agencies and State agencies, prepare regulations establishing a plan for such State which shall meet the criteria for enforcement plans required under section 108. If, prior to the date the Secretary publishes such regulations the State has not adopted such plan, the Secretary shall promulgate such regulations.

"(d) If at any time the Secretary determines that emissions from any stationary sources are in excess of the standards established by him pursuant to this section, and that this results from the failure of a State or interstate agency to carry out its State plan adopted as provided in paragraph (1) or established as provided in paragraph (2) of subsection (c), he shall notify the affected State or the interstate agency, the person contributing to the pollution, and other interested parties and specify a time within which such failure must cease. If such failure does not cease within such time, the Secretary may request the Attorney General to bring suit on behalf of the United States in the appropriate United States district court to secure abatement of the pollution.

"(e) Prior to establishing standards under subsection (a), the Secretary shall consult with appropriate Federal departments and agencies having responsibilities related to any stationary sources to which such standards will be applicable."

"FEDERAL ENFORCEMENT

"Sec. 113. (a) If the Secretary, after reasonable notice and opportunity for a hearing, determines (1) (A) that the ambient air quality of any area fails to meet the air quality standards established pursuant to section 107, or (B) that any person is violating any standards established pursuant to section 112, and (2) that such failure or violation results from the failure of a State or interstate agency to carry out its plan meeting the requirements of sections 108 or 112, as the case may be, or the plan of the Secretary established thereunder, he shall so notify the State or interstate agency and the persons contributing to the lowering of the air quality or to the violation of such standards, and shall specify the remedial action to be taken and the time, not less than 60 days, within which such persons must take such action.

"(b) If such action is not taken within such time, the Secretary may request the Attorney General to bring a suit on behalf of the United States in the appropriate United States district court to enjoin continued failure to take the necessary remedial action. In any such suit, the courts shall receive into evidence a transcript of the hearing held by the Secretary and a copy of the findings prepared by the Secretary as a result thereof. The court may also receive such additional evidence as it deems necessary. The court, giving due consideration to the practicability and to the physical feasibility of taking the necessary remedial action, shall have jurisdiction to enter such judgment and orders enforcing such judgment as the public interest and the equities of the case may require. The court may also assess a penalty of up to $10,000 for each day after the end of the period specified by the Secretary pursuant to subsection (a) for the taking of the necessary remedial action except that, in determining the amount of such penalty, the court shall take into account the efforts of the defendant to abate the pollution involved."

CONFORMING AMENDMENTS

Sec. 9. Section 106 of such Act (42 U.S.C. 1857c–1) is hereby repealed.

EFFECTIVENESS OF NEW PROVISIONS

Sec. 10. Section 108(c) of the Clean Air Act as in effect prior to enactment of this Act and ambient air quality standards and implementation and enforcement plans promulgated or approved, prior to enactment of this Act, under such section shall not be considered invalid by reason of such enactment until (1) the Secretary of Health, Education, and Welfare establishes ambient air quality standards pursuant to such section as amended by this Act; and (2) either the State adopts an implementation and enforcement plan which is approved by the Secretary pursuant to such section as so amended or the Secretary provides such a plan pursuant thereto.

S. 3467

The bill (S. 3467) to amend the Land and Water Conservation Fund Act of 1965, as amended, and for other purposes, introduced by Mr. Scott, for himself and other Senators, was received, read twice by its title, referred to the Committee on Interior and Insular Affairs, and ordered to be printed in the Record.

Section-by-Section Analysis

Section 1 amends the Land and Water Conservation Fund Act, as amended, to provide that the $200 million minimum which is now deposited in the Fund in each fiscal year (through fiscal year 1973) shall be increased by an amount equal to the net proceeds placed in the Fund from the sale of surplus real property and related personal property in excess of the presently-budgeted level of $54.7 million in any one year.

Under present law there is deposited in the Fund each year revenues from the motorboat fuel tax, entrance and user fees from Federal recreation areas, and the sale of surplus real property and related personal property. To the extent the total of these revenues does not equal $200 million, the difference may be appropriated to the Fund from general revenues or, lacking that, it is made up from the revenues received under the Outer Continental Shelf Lands Act, as amended.

Under Section 1 the Fund would continue to receive these revenues, but only the first $54.7 million of surplus property revenues would be counted as a part of the $200 million floor, and the excess above $54.7 million would be an add-on above the $200 million level. For example, if the surplus property revenues that would flow into the Land and Water Conservation Fund in a given year amounted to $100 million, $54.7 million would count as part of the $200 million floor, and the remaining $45.3 million would constitute an addition above the $200 million level, making a total revenue to the Fund for that year of $245.3 million.

Section 2 would authorize the Secretary of the Interior to request, on behalf of the State and local governments, surplus Federal real property for use for park and recreation purposes. Instead of selling such properties for a minimum of 50 percent of the full market value, as presently required by law, the Secretary would be given discretionary authority to sell on terms which he deems best, taking account of the values inherent for the people and the uses to which the land will be put. The terms set by the Secretary of the Interior may embrace a 100 percent discount from market value; that is, they may constitute a donation. The properties are to be conveyed with a reversionary clause, giving the United States the opportunity to reclaim title if, after the transfer of title to the State or local government, the land is converted to other purposes than had been intended.

Section 3 makes a technical correction in the numbering of subsections of law, made necessary by the enactment of section 2 of this bill.

Section 4 enlarges the present requirements for quarterly reports to the Congress pertaining to donations of surplus property for specified purposes, in order that quarterly reports will include an accounting for the transactions which occur under the authority of section 2 of the bill.

Section 5 relates to the relocation of Government activities. The Federal Government can utilize its property, vacated by Government activities, for parkland purposes, either through discount sales, or through applying the proceeds of sales. However, there are cases where Federal activities are presently occupying land which might better be used for park or for other purposes, but the property cannot be declared excess without some better method for relocating the activity concerned. At present the process of obtaining funds for such relocation is cumbersome, lengthy, and uncertain. This section is intended to expedite that process. Although in the interest of sound property management the section is not limited to parkland situations, its enactment should contribute toward the parklands objectives of this bill.

The section permits the use, under controlled conditions, of the proceeds from the sale of real and related personal property, to relocate the Federal activity to another, more suitable, place. It also authorizes, for this purpose, advance appropriation from the general fund of the Treasury, such appropriations to be repaid from sale proceeds. Replaced facilities are required to be reported, as excess, to the Administrator of General Services.

Section 6 removes from the present law the requirement that the transfers of surplus property for parklands and recreation be at not less than 50 percent of the fair market value.

S. 3467

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Clause (2) of subsection (c) of section 2 of the Land and Water Conservation Fund Act of 1965, as amended (78 Stat. 897), is further amended by changing the final period to a semicolon and adding thereafter the words: "*Provided further,* That the foregoing amount of $200,000,000 shall be increased by an amount equal to the net proceeds placed in the fund from the sale of surplus real property and related personal property in excess of $54,700,000 in any one year."

Sec. 2. That section 203 of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 484), is further amended by redesignating section 203 (k)(2) as section 203(k)(3), and by adding a new section 203(k)(2) as follows: "(k)(2) Under such regulations as he may prescribe, the Administrator is authorized, in his discretion, to assign to the Secretary of the Interior for disposal, such surplus real property, including buildings, fixtures, and equipment situated thereon, as is recommended by the Secretary of the Interior as needed for use as a public park or recreation area.

"(A) Subject to the disapproval of the Administrator within thirty days after notice to him by the Secretary of the Interior of a proposed transfer of property for public park or public recreational use, the Secretary of the Interior, through such officers or employees of the Department of the Interior as he may designate, may sell such real property including buildings, fixtures, and equipment situated thereon, for public park or public recreational purposes to any State, political subdivision, instrumentalities thereof, or municipality.

"(B) In fixing the sale value of property to be disposed of under subparagraph (A) of this paragraph, the Secretary of the Interior shall take into consideration any benefit which has accrued or may accrue to the United States from the use of such property by any such State, political subdivision, instrumentality, or municipality.

"(C) The deed of conveyance of any surplus real property disposed of under the provisions of this subsection—

"(i) shall provide that all such property shall be used and maintained for the purpose for which it was conveyed in perpetuity, and that in the event that such property ceases to be used or maintained for such purpose during such period, all or any portion of such property shall in its then existing condition, at the option of the United States, revert to the United States; and

"(ii) may contain such additional terms, reservations, restrictions, and conditions as may be determined by the Secretary of the Interior to be necessary, to safeguard the interests of the United States.

"(D) 'States' as used in this subsection includes the District of Columbia, the Commonwealth of Puerto Rico, and the Territories and possessions of the United States."

Sec. 3. The first sentence of subsection (n) of section 203 of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 484(n)), is amended by striking "(k)" and substituting "(k)(1)" in lieu thereof.

Sec. 4. Subsection (o) of section 203 of the Federal Property and Administrative Services Act of 1949, as amended, (40 U.S.C. 484(o)), is amended to read as follows:

"(o) The Secretary of Health, Education, Welfare, with respect to personal property donated under subsection (j) of this section, and the head of each executive agency disposing of real property under subsection (k) of this section shall submit, as soon as practicable following the close of each fiscal year, a report to the Senate (or to the Secretary of the Senate if the Senate is not in session) and to the House of Representatives (or to the Clerk of the House if the House is not in session) showing the acquisition cost of all property so donated and of all real property so disposed of during such fiscal year."

Sec. 5. That section 204(b) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 485(b)), is amended by deleting the fifth sentence thereof and inserting in lieu thereof the following: "Additionally, the Director of the Bureau of the Budget may authorize Federal agencies to obligate and to pay from this fund such amounts as he deems necessary to cover relocation costs and for the acquisition of such facilities (as may be authorized by law) to replace those which have been determined by the Administrator to be other than optimumly utilized. Upon occupancy of the replacement facilities, the head of the Federal agency concerned, shall, notwithstanding any other provision of law, immediately report the replaced facilities to the Administrator as excess property. Periodically, but not less often than once each year, any excess funds beyond current operating needs and beyond those authorized to be obligated for replacement facilities and such reserves for pending authorizations as the Director of the Bureau of the Budget may establish, shall be transferred from the fund to miscellaneous receipts or as may be otherwise provided by law: *Provided,* That a report of receipts, disbursements, and transfers to miscellaneous receipts under this authorization shall be made annually in connection with the budget estimates to the Director of the Bureau of the Budget and to the Congress. Advance appropriations are authorized to be made to this fund from any moneys in the Treasury not otherwise appropriated in such amounts as may be deemed necessary. Such advance appropriations shall be repaid without interest, beginning five years thereafter, and until fully

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repaid to the general fund of the Treasury, by transferring annually 20 per centum of the proceeds available to the fund each year. The moneys not required for repayment purposes shall continue to be available as otherwise provided by law."

SEC. 6. Section 13(h) of the Surplus Property Act of 1944 (50 U.S.C. App. 1622(h)), is amended by—

(1) striking out the phrase "public park, public recreational area, or" in paragraph (1) thereof; and

(2) striking out the first full sentence of paragraph (2) thereof.

S. 3468

The bill (S. 3468) to establish an Environmental Financing Authority to assist in the financing of waste treatment facilities, and for other purposes, introduced by Mr. SCOTT, for himself and other Senators, was received, read twice by its title, referred to the Committee on Public Works, and when reported by the Committee on Public Works, to the Committee on Banking and Currency, and ordered to be printed in the RECORD, as follows:

SECTION-BY-SECTION SUMMARY OF THE ENVIRONMENTAL FINANCING ACT OF 1970

Section 1. This section provides for the Act to be cited as the "Environmental Financing Act of 1970."

Section 2. Creation of Authority. This section establishes the Environmental Financing Authority as an instrumentality of the United States subject to the general supervision and direction of the Secretary of the Treasury and authorizes the Authority to establish offices to conduct its business.

Section 3. Purpose. This section states that the purpose of the Act is to assure that inability to borrow necessary funds in the market at reasonable interest rates does not prevent any State or local public body from carrying out a waste treatment works project receiving a grant from the Secretary of the Interior.

Section 4. Board of Directors. This section provides a five-member Board of Directors consisting of the Secretary of the Treasury or his designee as Chairman and four others appointed by the President from the officers or employees of the Authority or of any Federal agency. The Board would meet at the call of the Chairman and would determine the general policies of the Authority. The Chairman would appoint the officers of the Authority.

Section 5. Functions. This section authorizes the Authority to purchase obligations issued by State and local public bodies to finance the non-Federal share of the cost of a waste treatment construction project. No purchase could be made unless the Secretary of the Interior has certified that the seller is unable to obtain sufficient credit at reasonable rates of interest and unless the Secretary has guaranteed principal and interest payments on the obligations. No purchase could be made of obligations issued to finance projects the permanent financing of which occurred prior to this Act. Interest rates on such purchases would be determined by the Secretary of the Treasury taking into consideration (i) current market yields on obligations of comparable maturity issued by the Treasury or the Authority and (ii) market yields on municipal bonds. The Authority would charge fees to cover expenses and to accumulate reasonable reserves, and such fees would be included in project costs.

Section 6. Initial Capital. This section authorizes appropriations to the Secretary of the Treasury to advance up to $100 million for initial capital to the Authority. The interest rate on advances would be not less than a rate determined by the Secretary of the Treasury taking into consideration current market yields on Treasury obligations. Interest payments could be deferred at the discretion of the Treasury.

Section 7. Obligations of the Authority. This section authorizes the Authority, with the approval of the Secretary of the Treasury, to issue its own obligations in the market. The Secretary of the Treasury could purchase such obligations, as authorized in appropriation acts. Purchases by the Secretary would be public debt transactions and would be at interest rates determined by him taking into consideration current market yields on outstanding Treasury obligations of comparble maturities.

Section 8. Federal Payment to the Authority. This section directs the Secretary of the Treasury to make annual payments to the Authority in the amount by which the Authority's interest expense exceeds its interest income.

Section 9. General Powers. This section provides the Authority with general corporate powers.

Section 10. Tax Exemption. This section generally exempts the Authority and its income from all taxes except real and personal property taxes and taxes on the principal or interest on obligations issued by the Authority, which would be taxed in the same extent as obligations of pritave corporations.

Section 11. Obligations as Lawful Investments, Acceptance as Security. This section makes obligations issued by the Authority lawful investments, acceptable as security for all fiduciary, trust, and public funds, and exempt from SEC requirements.

Section 12. Preparation of Obligations. This section authorizes the Secretary of the Treasury to prepare, hold, and deliver obligations for the Authority on a reimbursable basis.

Section 13. Annual Report. This section requires the Authority to transmit to the President and Congress an annual report of its operations and activities.

Section 14. Obligations Eligible for Purchase by National Banks. This section permits national banks to invest in or deal in obligations of the Authority.

S. 3468

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Environmental Financing Act of 1970".

CREATION OF AUTHORITY

SEC. 2. There is hereby created a body corporate to be known as the Environmental Financing Authority, which shall have succession until dissolved by Act of Congress. The body corporate shall be subject to the general supervision and direction of the Secretary of the Treasury. The Authority shall be an instrumentality of the United States Government and shall maintain such offices as may be necessary or appropriate in the conduct of its business.

PURPOSE

SEC. 3. The purpose of this Act is to assure that inability to borrow at reasonable rates necessary funds does not prevent any State or local public body from carrying out any project for construction of waste treatment works authorized and financed with the aid of grants provided by the Secretary of the Interior (33 U.S.C. 466, C–1, 466e).

BOARD OF DIRECTORS

SEC. 4. (a) The Authority shall have a Board of Directors consisting of five persons, one of whom shall be the Secretary of the Treasury or his designee as Chairman of the Board, and four of whom shall be appointed by the President from among the officers or employees of the Authority or of any department or agency of the United States Government.

(b) The Board of Directors shall meet at the call of its Chairman. The Board shall determine the general policies which shall govern the operations of the Authority. The Chairman of the Board shall select and effect the appointment of qualified persons to fill the offices as may be provided for in the bylaws, with such executive functions, powers, and duties as may be prescribed by the bylaws or by the Board of Directors, and such persons shall be the executive officers of the Authority and shall discharge all such executive functions, powers, and duties. The members of the Board, as such, shall not receive compensation for their services.

FUNCTIONS

SEC. 5. (a) The Authority is authorized to make commitments to purchase and to purchase on terms and conditions determined by the Authority, any obligation or participation therein which is issued by a State or local public body to finance the non-Federal share of the cost of any waste treatment construction project for which the Secretary of the Interior has agreed to pay a portion of the project cost under a program designed to promote the purposes of section 3 of this Act.

(b) No commitment shall be entered into, and no purchase shall be made, unless the Secretary of the Interior has certified that the seller is unable to obtain at reasonable rates sufficient credit to finance his actual needs and unless the Secretary has agreed to guarantee timely payment of principal and interest on the obligation. The Secretary of the Interior is authorized to guarantee such timely payments and to issue regulations as such guarantees. Appropriations are hereby authorized to the Secretary in such sums as necessary to make payments under such guarantees, and such payments are authorized to be made from such appropriations or from any other available funds.

(c) No purchase shall be made of obligations issued to finance projects the permanent financing of which occurred prior to the enactment of this Act.

(3) Any purchase by the Authority shall be upon such terms and conditions as to yield a return at a rate determined by the Secretary of the Treasury taking into consideration (i) the current average yield on outstanding marketable obligations of the United States of comparable maturity or in its stead whenever the Authority has sufficient of its own long-term obligations outstanding, the current average yield on outstanding obligations of the Authority of comparable maturity; and (ii) the market yields on municipal bonds.

(e) The Authority is authorized to charge fees for its commitments and other services adequate to cover all expenses and to provide for the accumulation of reasonable contingency reserves and such fees shall be included in the aggregate project costs.

INITIAL CAPITAL

SEC. 6. To provide initial capital to the Authority, the Secretary of the Treasury is authorized to advance the funds necessary for this purpose. Each such advance shall be upon such terms and conditions as to yield a return at a rate not less than a rate determined by the Secretary of the Treasury, taking into consideration the current average yield on outstanding marketable obligations of the United States of comparable maturities. Interest payments on such advances may be deferred, at the discretion of the Secretary, but any such deferred payments shall themselves bear interest at the rate specified in this section. There is authorized to be appropriated not to exceed $100,000,000, which shall be available for the purposes of this section without fiscal year limitation.

OBLIGATIONS OF THE AUTHORITY

SEC. 7. (a) The Authority is authorized, with the approval of the Secretary of the

Treasury, to issue and have outstanding obligations having such maturities and bearing such rate or rates of interest as may be determined by the Authority. Such obligations may be redeemable at the option of the Authority before maturity in such manner as may be stipulated therein.

(b) As authorized in appropriation Acts, and such authorizations may be without fiscal year limitation, the Secretary of the Treasury may in his discretion purchase or agree to purchase any obligations issued pursuant to subsection (a) of this section, and for such purpose the Secretary of the Treasury is authorized to use as a public debt transaction the proceeds of the sale of any securities hereafter issued under the Second Liberty Bond Act, as now or hereafter in force, and the purposes for which securities may be issued under the Second Liberty Bond Act as now or hereafter in force, are extended to include such purchases. Each purchase of obligations by the Secretary of the Treasury under this subsection shall be upon such terms and conditions as to yield a return at a rate not less than a rate determined by the Secretary of the Treasury taking into consideration the current average yield on outstanding marketable obligations of the United States of comparable maturities. The Secretary of the Treasury may sell, upon such terms and conditions and at such price or prices as he shall determine, any of the obligations acquired by him under this subsection. All purchases, and sales by the Secretary of the Treasury of such obligations under this subsection shall be treated as public debt transactions of the United States.

FEDERAL PAYMENT TO THE AUTHORITY

SEC. 8. The Secretary of the Treasury is authorized and directed to make annual payments to the Authority in such amounts as are necessary to equal the amount by which the dollar amount of interest expense accrued by the Authority on account of its obligations exceeds the dollar amount of interest income accrued by the Authority on account of obligations purchased by it pursuant to section 5 of this Act.

GENERAL POWERS

SEC. 9. The Authority shall have power—

(a) to sue and be sued, complain and defend, in its corporate name;

(b) to adopt, alter, and use a corporate seal, which shall be judicially noticed;

(c) to adopt, amend, and repeal bylaws, rules, and regulations as may be necessary for the conduct of its business;

(d) to conduct its business, carry on its operations, and have offices and exercise the powers granted by this Act in any State without regard to any qualification or similar statute in any State;

(e) to lease, purchase, or otherwise acquire, own, hold, improve, use, or otherwise deal in and with any property, real, personal, or mixed, or any interest therein, wherever situated;

(f) to accept gifts or donations of services, or of property, real, personal, or mixed, tangible or intangible, in aid of any of the purposes of the Authority;

(g) to sell, convey, mortgage, pledge, lease, exchange, and otherwise dispose of its property and assets;

(h) to appoint such officers, attorneys, employees, and agents as may be required, to define their duties, to fix and to pay such compensation for their services as may be determined, subject to the civil service and classification laws, to provide bonds for them and pay the premium thereof; and

(i) to enter into contracts, to execute instruments, to incur liabilities, and to do all things as are necessary or incidental to the proper management of its affairs and the proper conduct of its business.

TAX EXEMPTION

SEC. 10. The Authority, its property, its franchise, capital, reserves, surplus, security holdings, and other funds, and its income shall be exempt from all taxation now or hereafter imposed by the United States or by any State or local taxing authority; except that (1) any real property and any tangible personal property of the Authority shall be subject to Federal, State, and local taxation to the same extent according to its value as other such property is taxed, and (2) any and all obligations issued by the Authority shall be subject both as to principal and interest to Federal, State, and local taxation to the same extent as the obligations of private corporations are taxed.

OBLIGATIONS AS LAWFUL INVESTMENTS, ACCEPTANCE AS SECURITY

SEC. 11. All obligations issued by the Authority shall be lawful investments, and may be accepted as security for all fiduciary, trust, and public funds, the investment or deposit of which shall be under authority or control of the United States or of any officer or officers thereof. All obligations issued by the Authority pursuant to this Act shall be deemed to be exempt securities within the meaning of laws administered by the Securities and Exchange Commission, to the same extent as securities which are issued by the United States.

PREPARATION OF OBLIGATIONS

SEC. 12. In order to furnish obligations for delivery by the Authority, the Secretary of the Treasury is authorized to prepare such obligations in such form as the Authority may approve, such obligations when prepared to be held in the Treasury subject to delivery upon order by the Authority. The engraved plates, dies, bed pieces, and so forth, executed in connection therewith shall remain in the custody of the Secretary of the Treasury. The Authority shall reimburse the Secretary of the Treasury for any expenditures made in the preparation, custody, and delivery of such obligations.

ANNUAL REPORT

SEC. 13. The Authority shall, as soon as practicable after the end of each fiscal year, transmit to the President and the Congress an annual report of its operations and activities.

OBLIGATIONS ELIGIBLE FOR PURCHASE BY NATIONAL BANKS

SEC. 14. The sixth sentence of the seventh paragraph of section 5136 of the Revised Statutes, as amended (12 U.S.C. 24), is amended by inserting "or obligations of the Environmental Financing Authority" immediately after "or obligations, participations, or other instruments of or issued by the Federal National Mortgage Association or the Government National Mortgage Association."

GOVERNMENT CORPORATION CONTROL ACT

SEC. 15. The budget and audit provisions of the Government Corporation Control Act (31 U.S.C. 846) shall be applicable to the Environmental Financing Authorty in the same manner as they are applied to the wholly-owned Government corporations.

PERMANENT APPROPRIATION FOR FEDERAL PAYMENT TO AUTHORITY

SEC. 16. Section 3689 of the Revised Statutes, as amended (31 U.S.C. 711), is further amended by adding a new paragraph following the last paragraph appropriating moneys for the purposes under the Treasury Department, to read as follows:

"Payment to the Environmental Financing Authority: For payment to the Environmental Financing Authority under section 8 of the Environmental Financing Act of 1970."

SEPARABILITY

SEC. 17. If any provision of this Act or the application thereof to any person or circumstance, is held invalid, the validity of the remainder of the Act, and the application of such provisions to other persons or circumstances shall not be affected.

S. 3469

The bill (S. 3469) to authorize the Council on Environmental Quality to conduct studies and make recommendations respecting the reclamation and recycling of material from solid wastes, to extend the provisions of the Solid Waste Disposal Act, and for other purposes; introduced by Mr. SCOTT, for himself and other Senators, was received, read twice by its title, referred to the Committee on Public Works, and ordered to be printed in the RECORD.

S. 3469

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Wastes Reclamation and Recycling Act of 1970".

FINDINGS AND PURPOSES

SEC. 2. (a) The Congress finds that—

(1) increasing production, increasing population, and technological advances in the United States have resulted in an increased volume of industrial, commercial, and domestic waste material which is polluting air, water, and land, and this pollution can be ameliorated only by greater use of reclamation and recycling of materials from solid wastes such as metals, plastics, ceramics and glass, paper products, and the like;

(2) the failure to reclaim and recycle materials from solid wastes for further economic uses contributes to wasteful depletion of primary natural resources;

(3) such damage to the environment and wasteful depletion of natural resources is due to the fact that the reclamation of materials from wastes is not competitive with the use of primary resources as a cost factor in the production of goods; and

(4) particularly serious in this continuing and worsening situation is the fact that the demand for motor vehicle scrap metal is not sufficient to enable scrap processors to pay enough to final users and wreckers for discarded motor vehicle hulks to induce them to bring the discarded hulks to scrap processors for processing into scrap metal for reuse.

(b) Accordingly the purposes of this Act are:

(1) to provide for investigations, studies, surveys, and research into development of methods of encouraging greater use of reclamation and recycling of materials from solid wastes; and

(2) to give special consideration to the problem of motor vehicle hulks, including studies and recommended action for encouraging greater reclamation and recycling of these hulks.

STUDY OF INCENTIVES TO REUSE OF MATERIALS FROM SOLID WASTES

SEC. 3. (a) The Council on Environmental Quality shall coordinate Federal activities with respect to, and take other appropriate action designed to provide maximum Federal effort in and attention to, development of programs for encouraging greater use of reclamation and recycling of materials from solid wastes through incentive and regulatory measures.

(b) The Council on Environmental Quality, in compliance with its mandate to enhance the quality of renewable resources and approach the maximum attainable reclamation or recycling of depletable resources, shall—

(1) conduct a study of the relative effectiveness of various types of incentives, in-

cluding financial or tax incentives, and regulatory measures to accelerate the reclamation or recycling of materials from solid wastes which are not presently in competition with primary resources in the productive process, with special emphasis on reuse of motor vehicle hulks; and

(2) report annually to the President, and at such other times as may be appropriate, the results of its research, studies, and surveys, with recommendations for legislative proposals or executive action, through incentives or regulatory measures, to encourage greater reclamation and recycling of materials from solid wastes.

(c) The Council may appoint, as necessary, advisory committees composed of persons expert in the technological aspects of reclaiming and recycling of materials from any category of solid wastes to advise in developing or evaluating proposals with respect to the efficient and economic reclamation and reuse of such materials. Members of any such advisory committee, who are not in the regular full-time employ of the United States, while attending meetings of the committee or otherwise serving on business of the committee, shall be entitled to receive compensation at rates fixed by the Secretary, but not exceeding the maximum rate specified at the time of such service, for grade GS-18 in section 5332 of title V, United States Code, including travel time, and while away from their homes or regular places of business they may also be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law (5 U.S.C. 5703(b)) for persons in the Government Service employed intermittently.

(d) The Council is also authorized to hold public hearings on proposals being considered to assist it in assessing the feasibility and effectiveness of the proposals.

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EXTENSION OF DURATION OF SOLID WASTE DISPOSAL ACT

SEC. 4. (a) Subsection (a) of section 210 of the Solid Waste Disposal Act (42 U.S.C. 3259(a)) is amended by striking out "and" before "not to exceed $19,750,000", and by inserting before the period at the end thereof "and such sums as may be necessary for each of the next 3 fiscal years".

(b) Subsection (b) of such section is amended by striking out "and" before "not to exceed $12,250,000", and by inserting before the period at the end thereof ", and such sums as may be necessary for each of the next 3 fiscal years".

S. 3470

The bill (S. 3470) to amend sections 5, 6, and 7 of the Federal Water Pollution Control Act, as amended, and for other purposes, introduced by Mr. SCOTT, for himself and other Senators, was received, read twice by its title, referred to the Committee on Public Works, and ordered to be printed in the RECORD.

SECTION-BY-SECTION ANALYSIS OF A BILL TO AMEND SECTIONS 5, 6, AND 7 OF THE FEDERAL WATER POLLUTION CONTROL ACT (RESEARCH AND STATE GRANTS)

Section 1 amends section 5 of the Federal Water Pollution Control Act to combine, update and simplify the provisions of the present section 5 regarding research, investigations, training and demonstration activities conducted within the Department, and through Federal assistance to individual agencies and institutions, and the provisions of section 6 regarding grants and contracts for demonstrations and development of advance waste treatment, combined sewers and industrial waste treatment.

Section 5(a), as amended by the bill, would continue to authorize the Secretary of the Interior to conduct within the Department and to encourage, cooperate with and render assistance to other public and private entities and individuals for the purposes of conducting and promoting the coordination of research, investigations, experiments, demonstrations and studies relating to the causes, control and prevention of water pollution. To this objective are added the positive mandate to enhance and protect water quality, develop and demonstrate waste water reuse technology and the specific purposes now contained in sections 5(d)(A), 5(d)(B), 5(d)(C), 5(f), 6(a)(1), 6(a)(2), and 6(b).

Section 5(b), as amended by the bill, consolidates the list of procedures the Secretary is authorized to use to carry out the purposes of the section, including authority to collect, coordinate and disseminate information (as now authorized by section 5(a)(1) and 5(c)); make grants (now in section 5(a)(2)); secure the assistance of experts, scholars and consultants (now in section 5(a)(3)); establish and maintain research fellowships (now in section 5(a)(4)); and provide training (now in sections 5(b)(5) and 5(a)(2)).

Section 5(c), as amended by the bill, preserves the limitation of the Federal grant to 75 percent of the project (now in section 6(c)) on projects to demonstrate storm water and sewage separation techniques and projects to demonstrate advanced waste treatment and new joint municipal-industrial treatment methods. Deleted is the limitation now in section 6(c) that projects be approved by the State agency.

Section 5(d), as amended by the bill, preserves the limitations now in section 6(d) that grants for industrial waste treatment research and demonstration projects not exceed $1,000,000 and not be for more than 70 percent of the projected cost. The limitation that the Secretary must determine the project will serve a useful purpose is deleted because this will not now be a general requirement for all grants.

Section 5(e) which authorizes the establishment of field laboratory and research facilities is left basically unchanged by the bill.

The present section 5(f) which directs the Secretary to conduct research and technical development work and make studies regarding the quality of the waters of the Great Lakes, is deleted. The Department will continue its research and development activities on Great Lakes problems under the general authority of other provisions of section 5.

The new section 5(f) added by the bill authorizes total appropriations, to remain available until expended, for fiscal years 1970, 1971, and 1972, in the sum of $125 million, which is the same total sum divided according to purposes on the same basis, as at present in sections 5(h) and 6(e).

The present section 5(g) which directs that a comprehensive national estuarine pollution study be conducted is deleted because that study has been completed and submitted to the Congress.

Section 2 deletes section 6 of the Act, since it has been merged with section 5.

Section 3 redesignates as section 6 section 7 of the Act, which authorizes State and interstate program grants, and amends it to include, in secion 6(a), increased authorizations each year for 5 years on a sliding scale from $12.5 million in fiscal year 1971 up to $30 million for fiscal year 1975. Of these sums $10 million each year is to continue to be available for the basic State and interstate programs.

Section 6(a) through 6(g) continue the same basic provisions that are now in section 7 of the Act. However (1) the new section 6(e)(6) revises one of the criteria for the basic grant to require acceptable criteria to be used by the State in determining priority of projects as provided in section 8(b)(5) rather than just to require a system of priorities as at present; and (2) the procedures for disapproval of a plan submitted by a State have been changed to delete the procedural requirements for formal notice and hearing, appeal and judicial review in the case of a disapproval.

The new section 6(h) provides for program development grants in amounts not to exceed 25 percent of the basic grant to assist the State or interstate agency to develop an approved program.

Section 6(i) defines the five elements of such an approved program (for example, a mandatory permit system).

Section 6(j) provides for a system of program improvement grants in an amount not to exceed 40 percent of the basic grant for each of the five elements defined in section 6(i) and a total of 250 percent if the grantee achieves all of the five elements.

Section 6(k) sets up the third new category, special project grants, to give the Secretary authority to make special grants to support water pollution control projects which are exceptional in the scope of problems to be addressed and the impact on the overall State or interstate programs.

S. 3470

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Federal Water Pollution Control Act, as amended (33 U.S.C. 466 et seq.), is further amended as follows:

SEC. 1. Section 5 of the Act is hereby amended to read as follows:

"SEC. 5 (a) The Secretary shall conduct in the Department of the Interior and encourage, cooperate with, and render assistance to other appropriate public (whether Federal, State, interstate or municipal or intermunicipal) authorities, agencies, and institutions, private agencies and institutions, and individuals for the purposes of conducting and promoting the coordination of research, investigations, experiments, demonstrations and studies relating to the causes, control and prevention of water pollution and the enhancement and protection of water quality, the development and demonstration of waste water reuse technology, and associated the related problems which shall include, but not be limited to—

"(1) Practicable means of treating municipal sewage and other waterborne wastes to remove the maximum possible amounts of physical, chemical, and biological pollutants in order to restore and maintain the maximum amount of the Nation's water at a quality suitable for repeated reuse;

"(2) methods and techniques of identifying the effects of pollutants upon water quality;

"(3) methods and procedures for evaluating the effects of augmented streamflow upon water quality;

"(4) analysis of bodies of water with respect to water quality, waste disposal practices, water uses and needs, and water quality control;

"(5) development and demonstration of new, improved or useful methods of controlling the discharge into any waters of untreated or inadequately treated sewage or other wastes from sewers which carry storm water or both storm water and sewage or other wastes;

"(6) development and demonstration of advanced waste treatment and waste water renovation (including the temporary use of new or improved chemical additives which provide substantial immediate improvement to existing treatment processes) or new or improved methods of joint treatment systems for municipal and industrial wastes; and

"(7) development and demonstration of new and improved methods and technology for control of pollution of water by industry and the treatment of industrial waste.

"(b) In carrying out the foregoing, the Secretary is authorized to—

"(1) collect, coordinate, and disseminate information and recommendations through publications, films, conferences, and other appropriate means;

"(2) make grants to public or private agencies, institutions and individuals, and enter into contracts with public or private agencies, institutions, and individuals without regard to sections 3648 and 3709 of the Revised Statutes;

"(3) secure, from time to time and for such periods as he deems advisable, the assistance and advice of experts, scholars, and consultants as authorized by section 15 of the Administrative Expenses Act of 1946 (5 U.S.C. 3109);

"(4) establish and maintain research fellowships in the Department of the Interior with such stipends and allowances, including traveling and subsistence expenses, as he may deem necessary to procure the assistance of the most promising research fellowships: *Provided*, That the Secretary shall report annually to the appropriate committees of Congress on his operation under this paragraph; and

"(5) provide training for individuals and support training projects relating to the causes, prevention, and control of water pollution.

"(c) No grant shall be made for activities under subsections 5(a)(5) and 5(a)(6) for any project in an amount exceeding seventy-five per centum of the estimated reasonable cost thereof as determined by the Secretary.

"(d) No grant shall be made for activities under subsection 5(a)(7) in excess of $1,000,000 or for more than seventy per centum of the estimated reasonable cost thereof as determined by the Secretary.

"(e) The Secretary shall establish, equip, and maintain field laboratory and research facilities, including, but not limited to, one to be located in the northeastern area of the United States, one in the Middle Atlantic area, one in the southeastern area, one in the midwestern area, one in the southwestern area, one in the Pacific Northwest, and one in the State of Alaska for the conduct of research, investigations, experiments, field demonstrations and studies, and training relating to the causes, control and prevention of water pollution. Insofar as practicable, each such facility shall be located near institutions of higher learning in which graduate training in water pollution control might be carried out.

"(f) There are hereby authorized to be appropriated the following sums for the fiscal year ending June 30, 1970, and for each of the two succeeding fiscal years, such sums to remain available until expended:

"(1) the sum of $20,000,000 per fiscal year for the purposes set forth in clauses 5, 6, and 7 of subsection (a) of this section;

"(2) the additional sum of $20,000,000 per fiscal year for the purposes set forth in clause 6 of subsection (a) of this section;

"(3) the additional sum of $20,000,000 per fiscal year for the purposes set forth in clause 7 of subsection (a) of this section; and

"(4) the sum of $65,000,000 per fiscal year for the purposes of the subsections herein not referred to in paragraphs 1, 2, and 3 above.

Sec. 2. Section 6 of the Act in deleted.

Sec. 3. Section 7 of the Act is redesignated as section 6 and amended to read as follows:

"Sec. 6. (a) There are hereby authorized to be appropriated the following sums, to remain available until expanded, to carry out the purposes of this section—

$12,500,000 for the fiscal year ending June 30, 1971;

$15,000,000 for the fiscal year ending June 30, 1972;

$20,000,000 for the fiscal year ending June 30, 1973;

$25,000,000 for the fiscal year ending June 30, 1974; and

$30,000,000 for the fiscal year ending June 30, 1975:

Provided, That not less than $10,000,000 shall be available to carry out the provisions of subsections (b) and (d) hereof.

"(b) From the sums available therefor for any fiscal year, the Secretary shall make allotments to the several States, in accordance with regulations, on the basis of (1) population, (2) extent of water pollution, and (3) financial need.

"(c) From each State's allotment under subsection (b) for any fiscal year, the Secretary shall pay to such State an amount equal to its Federal share (as determined under subsection (g)) of the cost of carrying out its basic State program pursuant to a plan approved under subsection (e), including the cost of training personnel for State and local water pollution control work, and including the cost of administering the State plan. Nothing herein shall prevent a State from expending grant funds for State program purposes through participation in interstate agencies.

"(d) From the sums available therefor for any fiscal year, the Secretary shall, from time to time, make allotments to interstate agencies in accordance with regulations on such basis as the Secretary finds reasonable and equitable. In determining the eligibility of interstate agencies, the Secretary shall consider whether such interstate agency has authority or has or is developing the capacity to implement and enforce water quality standards for waters within its jurisdiction: *Provided*, That all interstate agencies which were eligible for and received grants under this section in the fiscal year last preceding the enactment hereof shall be deemed eligible for purposes hereof for a period of two years following the date of enactment hereof. The Secretary shall, from time to time, pay to each such agency from its allotment, an amount not in excess of such portion of the cost of carrying out its basic program pursuant to a plan approved under subsection (e), as may be determined in accordance with regulations, including the cost of training personnel for water pollution control work and including the cost of administering the interstate agency's basic program.

"(e) The Secretary shall approve any plan for a program to prevent and control water pollution which is submitted by the State water pollution control agency or an interstate agency, if such plan—

"(1) provides for administration or for the supervision of administration of the plan by the State water pollution control agency, or in the case of a plan submitted by an interstate agency, by such interstate agency;

"(2) provides that such agency will make such reports, in such form and containing such information, as the Secretary may, from time to time, reasonably require to carry out his functions under this Act;

"(3) sets forth the plans, policies, and methods to be followed in carrying out the State (or interstate) plan and in its administration;

"(4) provides for extension or improvement of the State or interstate program for prevention and control of water pollution;

"(5) provides such accounting, budgeting, and other fiscal methods and procedures as are necessary for the proper and efficient administration of the plan; and

"(6) provides acceptable criteria to be used by the State in determining priority of projects as provided in section 8(b)(5).

The Secretary shall not disapprove any plan without first giving reasonable notice and opportunity for a conference with the Secretary to the State water pollution control agency or interstate agency which has submitted such plan.

"(f)(1) Whenever the Secretary, after reasonable notice to a State water pollution control agency or interstate agency and an opportunity for a conference of such agency with the Secretary, finds that—

"(A) the plan submitted by such agency and approved under this section has been so changed that it no longer complies with a requirement of subsection (e) of this section; or

"(B) in the administration of the plan there is a failure to comply substantially with such a requirement, the Secretary shall notify such agency that no further payments will be made to the State or to the interstate agency, as the case may be, under this section (or in his discretion that further payments will not be made to the State, or to the interstate agency, for projects under or parts of the plan affected by such failure) until he is satisfied that there will no longer be any such failure. Until he is so satisfied, the Secretary shall make no further payments to such State, or to such interstate agency, as the case may be, under this section (or shall limit payments to projects under or parts of the plan in which there is no such failure).

"(g)(1) As used in this section, the "Federal share" for any State shall be 100 per centum less that percentage which bears the same ratio to 50 per centum as the per capita income of such State bears to the per capita income of the United States, except that—

"(A) the Federal share shall in no case be more than 66⅔ per centum or less than 33⅓ per centum, and

"(B) the Federal share for Puerto Rico and the Virgin Islands shall be 66⅔ per centum.

"(2) The Federal shares shall be promulgated by the Secretary between July 1 and September 30 of each even-numbered year, on the basis of the average of the per capita incomes of the States and of the continental United States for the three most recent consecutive years for which satisfactory data are available from the Department of Commerce.

"(3) As used in this subsection, the term 'United States' means the fifty States and the District of Columbia.

"(4) The population of the several States shall be determined on the basis of the latest figures furnished by the Department of Commerce.

"(5) The regulations relating to the portion of the cost of carrying out the interstate agency plan which shall be borne by the Federal Government shall be designed to place such agencies, so far as practicable, on a basis similar to that of the States.

"(h)(1) If the Governor of any State or the head of an interstate agency files a letter of intent with the Secretary that such State or interstate agency will develop an improved water pollution control program which takes into account the provisions of subsection (i) of this section; and if the Secretary, in accordance with regulations, is reasonably assured that such State or interstate agency will develop an improved water pollution control program, he may make a grant in any fiscal year to such State or interstate agency in an amount not to exceed 25 per centum of such State or interstate agency's Federal share under subsection (c) or (d) of this section during such fiscal year.

"(2) Grants made under this subsection shall be in addition to any grants made in other subsections of this section.

"(3) No grant shall be made to any State or interstate agency under this subsection in any fiscal year unless during such fiscal year such State or interstate agency is conducting a program to prevent and control water pollution under a plan approved pursuant to subsection (e) of this section, and is not expending a lesser amount of non-Federal funds for the current fiscal year than it expended during the preceding fiscal year.

"(i) As used in this section, 'improved water pollution control program' shall be one which the Secretary determines, in accordance with regulations, is developed by a State or interstate agency, whereby such State or interstate agency enhances the quality of the waters for required uses and needs. In making his determination the Secretary shall consider whether such program includes—

"(1) an effective mandatory permit system covering all municipal, industrial and other significant waste, including discharge requirements, sources, with adequate State implementation and enforcement authority;

"(2) a sewage treatment facilities program, wherein such facilities are planned, constructed and maintained so as to achieve efficiency, economy and water quality enhancement, including comprehensive regulation of the operation and maintenance of such facilities, including adequate State manpower, and mandatory certification of facility operators;

"(3) a program of training and development of water pollution control personnel designed to achieve full implementation of the State water pollution control program;

"(4) balanced State personnel recruitment and development programs, with an adequate merit system, job classifications, and competitive salary schedules; and

"(5) a program of comprehensive State review of engineering plans and specifications for all proposed waste collection and treatment facilities, including adequate State manpower to implement the program.

"(j) (1) If the Secretary determines, in accordance with regulations, that a State or interstate agency has developed one or more of the provisions enumerated in subsection (i), he may grant to such State or interstate agency an amount not in excess of 40 per centum of the Federal share for such State or interstate agency for each fiscal year or each such element; except that the amount of such grant may be increased to an amount not exceeding 250 per centum of the Federal share of such State or interstate agency if the Secretary determines that such agency has developed all five of the elements enumerated in subsection (i).

"(2) Whenever the eligible bonuses under this section are greater than the amount appropriated, the amounts available to each State shall be reduced in proportion to the amounts available to all other States.

"(3) Grants made under this subsection shall be in addition to any grants made under other subsections of this section.

"(4) No grant shall be made under this subsection to any State or interstate agency during any fiscal year unless such State or interstate agency expends during such fiscal year an amount of non-Federal funds for its improved water pollution control program which is not less than the amount of such funds expended by it for its water pollution control program, whether basic or improved, during the last preceding fiscal year.

"(5) No grant shall be made to any State or interstate agency under this subsection unless during such fiscal year such State or interstate agency is conducting a program to prevent and control water pollution under a plan approved pursuant to subsection (c) of this section.

"(k) (1) From any sums that may be available therefor in any fiscal year, which are not expended for grants under other subsections of this section, and which are not expended for grants under other subsections of this section, and which do not exceed 10 per centum of the total amount of funds appropriated for grants under this section in such fiscal year, the Secretary may make grants to States and to interstate agencies to support water pollution control projects which are exceptional because of the nature and scope of the water pollution problems toward which they are directed and the impact on State or interstate programs.

"(2) No grant shall be made under this subsection to any State or interstate agency during any fiscal year unless such State or interstate agency expends during such fiscal year an amount of non-Federal funds for its water pollution control program, whether basic or improved, which is not less than the amount of such funds it expended for its water pollution control program, whether basic or improved, during the last preceding fiscal year."

S. 3471

The bill (S. 3471) to amend sections 1, 3, 10, and 13 of the Federal Water Pollution Control Act, as amended, and for other purposes, introduced by Mr. Scott, for himself and other Senators, was received, read twice by its title, referred to the Committee on Public Works, and ordreed to be printed in the Record.

A Bill To Amend Sections 1, 3, 10, and 13 of the Federal Water Pollution Control Act (Jurisdiction and Enforcement)

SECTION-BY-SECTION ANALYSIS

Section 1 amends the declaration of policy in section 1 of the Act to express specifically the purpose of enhancing the quality of the environment, and the necessity to ensure water quality to meet future needs. The Federal responsibility to act where necessary to complement State action is stressed in order to assure equality in the application of water quality requirements, and to protect the right of the public to clean water.

Section 2 amends section 3 of the Act to expand the Secretary's authority to prepare or develop comprehensive water quality management programs relating to water pollution activities in interstate waters and navigable waters, including boundary waters of the United States, and waters of the contiguous zone, and other ocean waters, ground water, and tributaries and portions of these waters. The development of programs to protect the environment and to conserve these waters for many uses is stressed. The Secretary would be authorized to conduct his own investigation of the condition of any waters as well as to conduct joint investigations with other agencies.

Section 3 substantially amends section 10, the enforcement section of the Act in a numbers of ways as described below.

Section 10(a) of the present Act makes subject to abatement water pollution activities in interstate or navigable waters which endanger the health and welfare of persons. Section 3 extends this jurisdiction to include expressly boundary waters and ground water of the United States, and to include water pollution activities in waters of the contiguous zone which adversely affect water quality in the territorial sea and pollution of the high seas through discharges transported from United States territory.

The requirement is retained in section 10 (b) of the Act that State and interstate action to abate pollution shall be encouraged and shall not be displaced by Federal court action, except as provided by court action. However, minor changes in section references are made.

Section 10(c) is amended to add that if the States adopt, within one year from enactment, the following: First, water quality criteria applicable to all waters specified in subsection 10(a) over which the State has jurisdiction other than interstate waters or portions thereof with such State (i.e., other than those for which standards have already been established); second, water quality requirements controlling discharges affecting water quality for waters specified in subsection 10(a) over which the State has jurisdiction; and third, an amended plan for the implementation and enforcement of all the water quality criteria applicable to the water pollution activities in waters specified in subsection 10(a) and of the discharge requirements for such waters. The Secretary would be authorized to act, after public hearings, if the State does not take acceptable action. The bill would also reduce from 6 months to 60 days the period between publication of proposed standards by the Secretary and their promulgation, in a case where the State does not act to set acceptable standards.

The bill provides, in a new subsection 10 (c) (3) for establishment by the Secretary of standards for boundary waters of the United States, waters of the contiguous zone and other waters not covered by other provisions of the Act.

The present subsection 10(c) (3) is renumbered as subsection 10(c) (4), and broadened to include requirements for control of discharges in the description of standards. The requirement that standards, including discharge requirements, and plans for enforcement and implementation take into account environmental protection, population growth and energy needs, as well as the other purposes now in the Act, is recognized, as is the provision that each State should act to set these requirements.

Subsection 10(c) (4) would be renumbered as subsection 10(c) (5) and amended to provide specifically for selection by the Departments of Agriculture and Health, Education, and Welfare of members for any hearing board called to consider water quality standards which have been established. HEW participation is now authorized by the Reorganization Plan No. 2 of 1966, while authorization of Agriculture would be new.

Subsection 10(c) (5), renumbered as subsection 10(c) (6), is amended to make subject to abatement any discharge which is of lesser quality than the requirements controlling discharges, as well as the presently proscribed discharges which lower water quality below applicable standards. This will clarify the authority to abate discharge of pollutants from industrial, municipal, and other sources into already heavily polluted waters, whether or not it can be shown that the particular discharge of pollutants reduces the quality of the receiving waters, if it is contrary to discharge requirements. Another amendment would require the Secretary, after providing reasonable notice and opportunity for a hearing, to notify each alleged pollutor, state water pollution control agency and interstate agency affected, of the need for remedial action. If such action has not been taken within the 180-day notice period now specified in the Act and after public hearing within that period or if at any later time remedial action is not taken, the Secretary may request that the Attorney General bring suit to abate the pollution. The bill also would delete the requirement that a Governor give his consent to court action to abate standards violations which have only intrastate effect. A further amendment would provide that, effective 6 months after enactment of this section, the court could assess a forfeiture of up to $10,000 for each violation of the section for each day after the end of the 180-day period or at such later time that the alleged pollutor fails to take remedial action. Such forfeitures, which would be in addition to and not in lieu of other judgment and orders of the court (e.g., an injunction), will serve to induce pollutors to take remedial action before they are ordered to do so by the court. Essentially the same provision for forfeitures would be added to subsection 10(g) which concerns post-enforcement conference court action.

The present subsection 10(c) (6) is deleted: (1) because a new subsection 10(d) is added which provides that remedies under section 10 are cumulative, and (2) to recognize the extension of Federal jurisdiction in the bill.

Subsection 10(d)(1) would be amended to authorize the Secretary to call an enforcement conference if he finds an occurrence of pollution of any water subject to the Act if he has reason to believe such pollution constitutes a violation of water quality standards or endangers public health and welfare. Deleted is the present requirement for either (1) a request of a Governor or a water quality agency of a State other than that where the discharge is occurring, although the Secretary could still act upon State request in the case of any pollution covered by the Act, or (2) a determination by the Secretary that there is such pollution endangering health or welfare of persons in a second State or causing economic injury due to inability to market shellfish. The present unnecessarily restrictive requirements fail to recognize the overwhelming need to take prompt action to protect the public health and welfare, regardless of the circumstances of geography and jurisdiction. The present subsection 10(g) which provides for requests by the Secretary that the Attorney General bring suit, is renumbered subsection 10(f) and the requirement that the Governor consent to such suit where the pollution does not endanger persons in a State other than where the discharge originates is deleted.

The provision in subsection 10(d)(2) for action to abate pollution which affects persons in another country is amended to delete the requirements for a report from an international agency and a request from the Secretary of State before the Secretary can act to abate pollution in the United States portion of boundary waters. This change will serve chiefly to expedite action against pollution inside our borders which affects the quality of the United States portion of boundary waters or endangers health and welfare.

The minimum of 6 months now allowed in subsection 10(e) for remedial action after the conclusion of an enforcement conference is changed to provide a minimum of either 90 days from the date the Secretary makes his recommendations for remedial action or 180 days from the conclusion of the conference, whichever period ends later.

The requirement in subsection 10(f) for a public hearing before a Hearing Board, now the second major phase in the three-phase enforcement process (conference, hearing, court action) would be deleted. It has been our experience that sufficient information is generated at the enforcement conference to provide a sound basis for State or Federal action to abate the alleged pollution.

Subsection 10(f), as revised by the bill, would authorize the Secretary to request the Attorney General to bring suit to secure abatement of the pollution, if remedial action has not been taken by the person or persons responsible for the pollution within the period stated in subsection 10(e) or at such later time that remedial action is not taken. As noted above, the requirement for the Govenor's consent to the suit in the case of pollution with only intrastate effect is eliminated.

The provision in subsection 10(g) that the court consider economic feasibility in cases arising from the enforcement procedures would be eliminated but the other guidelines for the court's determination (practicability and physical feasibility) would remain. As noted above, the court would be authorized to order forfeiture of up to $10,000 per violation per day, in this case starting after the period provided for in section 10(e) for remedial action or at such later time that the alleged polluter fails to take remedial action. This should produce swifter voluntary compliance by the alleged polluter.

The bill would add a new subsection 10(h) to authorize the Secretary to request the Attorney General to seek an immediate injunction where pollution presents an imminent and substantial danger to health, or welfare of persons or irreparable damage to water quality or the quality of the environment generally.

The definition of "person" in subsection 10(j), redesignated as 10(l), would be broadened to include commissions and interstate bodies.

The language in the present subsection 10(k)(l) [renumbered 10(i)(1)] which would exempt a person from divulging trade secrets or secret processes is deleted but the requirement that all information be considered confidential to the extent required by section 1905 of Title 18 of the United States Code is retained. Investigation of alleged pollution would be greatly facilitated by disclosure of information regarding the exact chemical composition of industrial and other discharges, for example. The requirement that the information be kept confidential will serve to protect the persons making such disclosure.

Extensive authority is provided in a new subsection 10(j) for the Secretary to investigate violations; compel attendance of witnesses and production of records, report and documents; enter, at reasonable times, public or private property; administer oaths; and compel compliance through court action. This authority is exercised by a number of other Federal agencies with similar regulatory authority and would prove valuable in enforcement of the provisions of the Act. The same requirement for confidentiality as in section 10 (*l*) would apply to information obtained under section 10(j).

Section 4 of the bill would amend section 13 of the Act, which defines the terms used in the Act, to eliminate the reference to the State health authority in the definition of "State water pollution control agency" and redefine such an agency to mean the single State agency designated by the State as the official agency for the Act's purposes. Water quality is no longer considered solely in a public health aspect but as part of total resource management and protection of environmental quality. A definition of the "contiguous zone" is provided by reference to Article 24 of the Convention on the Territorial Sea and the contiguous zone.

S. 3471

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1 of the Federal Water Pollution Control Act, as amended, is further amended to read as follows:

DECLARATION OF POLICY

"SEC. 1. (a) The purpose of this Act is to enhance the quality of our environment, to establish a national policy for the prevention, control and abatement of water pollution, and to plan future national water quality management for our Nation's population growth, industrial expansion, agricultural intensification, energy requirements, recreation and conservation uses, and environmental quality.

"(b) In connection with the exercise of jurisdiction over the waterways of the Nation and to achieve the benefits accruing to the public health and welfare from the prevention and control of water pollution, it is hereby declared to be the policy of Congress ot recognize, preserve, and protect the primary responsibilities and rights of the States in preventing and controlling water pollution, to support and aid technical reresearch relating to the prevention and control of water pollution, and to provide Federal technical services and financial aid to State and interstate agencies and to municipalities in connection with the prevention and control of water pollution. Because water resources are interrelated and the preservation of water quality is necessary to protect the environment of the Nation, the Federal Government is given the responsibility and right to prevent and control water pollution where necessary to complement State programs, and secure action to protect the right of the public to clean water.

"The Secretary of the Interior (hereinafter in this Act called 'Secretary') shall administer this Act through the Administration created by section 2 of this Act, and with the assistance of an Assistant Secretary of the Interior designated by him, shall supervise and direct the head of such Administration in administering this Act. Such Assistant Secretary shall perform such additional functions as the Secretary may prescribe.

"(c) Nothing in this Act shall be construed as impairing or in any manner affecting any right or jurisdiction of the States with respect to the waters (including boundary waters) of such States."

SEC. 2. Section 3(a) of the Federal Water Pollution Control Act, as amended, is amended to read as follows:

"COMPREHENSIVE PROGRAMS FOR WATER POLLUTION CONTROL

"SEC. 3. (a) The Secretary shall, after careful investigation, and in cooperation with other Federal agencies, with State water pollution control agencies and interstate agencies, and with the municipalities and industries involved, prepare and develop comprehensive programs for eliminating or reducing water pollution and for improving the usability and condition of such waters by controlling the water pollution activities referred to in section 10(a) of this Act. In the development of such comprehensive programs, the Secretary shall give full consideration to and shall recommend the measures, practices and improvements which he deems appropriate to maintain and improve the quality of water supplies, propagation of fish and aquatic life and wildlife, recreation, conservation of natural resources, protection of environmental quality, agriculture, industry, and other legitimate uses. For the purposes of this section, the Secretary is authorized to investigate, separately or with any such agencies, the condition of any waters specified in section 10(a), and of any discharges of sewage, industrial wastes, or other substances which may adversely affect such waters."

SEC. 3. Section 10 of the Federal Water Pollution Control Act, as amended is amended to read as follows:

"ENFORCEMENT MEASURES AGAINST POLLUTION OF INTERSTATE OR NAVIGABLE WATERS

"SEC. 10. (a) 'Water pollution activities' shall be subject to the procedures, remedies, and abatement measures provided for in this section, and, as used in this section shall mean:

"(1) The pollution of interstate waters, navigable water of the United States, including boundary waters, tributaries or portions of any of these waters, and ground waters (whether the discharge reaches such waters from runoff, percolation, or direct discharge into such waters or tributaries or portions of such waters) which endangers the health or welfare of any persons or adversely affects the quality of any such waters.

"(2) Pollution of the waters of the Contiguous Zone of the United States that causes or is likely to cause pollution of the territorial sea of the United States to an extent that endangers the health or welfare of any persons or is likely to adversely affect the quality of the territorial sea of the United States.

"(3) Pollution of the waters of the high seas beyond the territorial sea of the United States, which endangers the health or welfare of any person or adversely affects the quality of such waters through discharges which are transported from or originate in areas over which the United States has sovereignty.

"The term 'waters specified in subsection (a)' as used in this section means the waters where any water pollution activities take place.

"(b) Consistent with the policy declaration of this Act, State and interstate action to abate pollution of said waters specified in subsection (a) of this section shall be encouraged and shall not, except as otherwise provided by or pursuant to court order under subsections of this section, be displaced by Federal enforcement action. This subsection shall apply only to those waters over which the States have jurisdiction.

"(c)(1) If the governor of a State or a State water pollution control agency filed, before October 3, 1966, a letter of intent that such State, after public hearings, would, before June 30, 1967, adopt water quality criteria applicable to interstate waters or portions thereof within such State, and a plan for the implementation and enforcement of the water quality criteria adopted, and if such criteria and plan were established in accordance with the letter of intent, and if the Secretary has determined or determines that such State criteria and plan are consistent with paragraph (4) of this subsection, such State criteria and plan shall thereafter be the water quality standards applicable to such interstate waters or portions thereof. If, in addition, a State, after public hearings, will, within one year after the date of the enactment of this amendment: (A) adopt water quality criteria applicable to all wastes specified in subsection (a) hereof over which the State has jurisdiction other than interstate waters or portions thereof within such State; (B) adopt water quality requirements controlling discharges affecting water quality for all waters specified in subsection (a) hereof over which the State has jurisdiction; and (C) amend its plan for the implementation and enforcement of the water quality criteria applicable to such interstate waters or portions thereof within such State to include the implementation and enforcement of water quality criteria adopted under provision (A) herein, and also to include the implementation and enforcement of water quality requirements adopted under provision (B) herein, and if the Secretary determines that such State criteria, requirements and plan as amended are consistent with paragraph (4) of this subsection, such criteria, requirements and plan shall hereafter constitute the water quality standards applicable to such waters or portions thereof. Such requirements controlling discharge shall include, but not be limited to control of the discharge of sewage, industrial and municipal wastes, fertilizers, herbicides, pesticides, sediment, hazardous materials, and any other discharges affecting water quality.

"(2) If a State has not adopted before June 30, 1967, water quality criteria applicable to interstate waters or portions thereof within such State determined by the Secretary to be consistent with paragraph (4) of this subsection; or if such State does not within one year after the date of the enactment of this amendment: (A) adopt water quality criteria applicable to all waters specified in subsection (a) hereof over which the State has jurisdiction other than interstate waters or portions thereof within such State; (B) adopt water quality requirements controlling discharges affecting water quality for all waters specified in subsection (a) hereof over which the State has jurisdiction; and (C) amend its plan for the implementation and enforcement of the water quality criteria applicable to such interstate waters or portions thereof within such State to include the implementation and enforcement of water quality criteria referred to in provision (A) herein, and the implementation and enforcement of water quality requirements referred to in provision (B) herein, in accordance with paragraph (1) of this subsection, or if the Secretary or the governor of any State affected by water quality standards, including criteria, requirements and plan, established pursuant to this Act, desires a revision in such criteria, requirements and plan, the Secretary shall after reasonable notice (i) hold a public hearing in order to secure necessary data, (ii) recess such hearing following receipt of such data, (iii) prepare regulations setting forth such standards, including criteria, requirements and plan, to be applicable to water specified in subsection (a) hereof, over which the State has jurisdiction, (iv) reconvene such hearing for the purpose of affording affected parties a hearing on such regulations, and (v) upon completion of such hearing publish such regulations.

If, within sixty days from the date the Secretary publishes such regulations, the States has not adopted water quality standards, including criteria, requirements and plans, which the Secretary finds to be consistent with paragraph (4) of this subsection, and a petition for public hearing has not been filed under paragraph (5) of this subsection, the Secretary shall promulgate such standards, including criteria requirements and plan.

"(3) For waters in subsection (a) hereof for which the States do not have jurisdiction or which are not covered by standards adopted pursuant to other provisions of this Act, the Secretary shall, after reasonable notice and a conference of representatives of appropriate Federal departments and agencies, interstate agencies, States, municipalities and industries involved, promulgate regulations setting forth such water quality standards, including criteria, requirements for such waters and a plan for the implementation and enforcement of such criteria and requirements, as to water pollution activities in such waters.

"(4) Standards, which include criteria, requirements and a plan, established pursuant to this subsection, shall be such as to protect the public health or welfare, to enhance the present quality and value of water and our water resources, to assure, by proper planning and implementation, the water resource needs for future population growth, industrial expansion, agricultural intensification, energy requirements, recreation and conservation uses and environmental quality, and to serve the purposes of this Act. In considering or establishing such standards, including criteria, requirements and plan, the Secretary, the hearing board, and the appropriate State authority, shall take into consideration their present and prospective use and value to maintain and improve the quality of water supplies, propagation of fish and aquatic life, and wildlife, recreation, conservation of natural resources, protection of environmental quality, agriculture, industry, and other legitimate uses.

"(5) If at any time prior to thirty days after standards, including criteria, requirements and a plan, have been promulgated under paragraph (2) of this subsection, the Governor of any State affected by such standards, including criteria, requirements, and a plan, petitions the Secretary for a hearing, the Secretary shall call a public hearing, to be held in or near one or more of the places where such standards, including criteria, requirements, and a plan, will take effect, before a Hearing Board of five or more persons appointed by the Secretary. Each State which would be affected by such standards, including criteria, requirements, and a plan, shall be given an opportunity to select one member of the Hearing Board. The Department of Agriculture, the Department of Commerce, the Department of Health, Education, and Welfare, and other affected Federal departments and agencies shall each be given an opportunity to select a member of the Hearing Board. Not less than a majority of the Hearing Board shall be persons other than officers or employees of the Department of the Interior. Members of the Board who are not officers or employees of the United States, while participating in the hearing conducted by the Hearing Board or otherwise engaged in the work of the Hearing Board, shall be entitled to receive compensation at a rate fixed by the Secretary, but not exceeding $100 per diem, including travel time, and while away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law (5 U.S.C. 73b-2) for persons in the Government service employed intermittently. Notice of such hearing shall be published in the Federal Register and given to the State water pollution control agencies, interstate agencies, and municipalities involved at least thirty days prior to the date of such hearing. On the basis of the evidence presented at such hearing, the Hearing Board shall make findings as to whether the standards, including criteria, requirements, and a plan, published or promulgated by the Secretary should be approved or modified and transmit its findings to the Secretary. If the Hearing Board approves the criteria, requirements, and a plan, as published or promulgated by the Secretary, the standards, including criteria, requirements, and a plan, shall take effect on receipt by the Secretary of the Hearing Board's recommendations. If the Hearing Board recommends modifications in the standards, including criteria, requirements, and a plan, as published or promulgated by the Secretary, the Secretary shall promulgate revised regulations setting forth the standards, including criteria, requirements, and a plan, in accordance with the Hearing Board's recommendations, which regulations shall become effective immediately upon promulgation.

"(6) Any water pollution activity consisting of any discharge into the waters specified in subsection (a) hereof or portions thereof which reduces the quality of such waters below the water quality standards established under this subsection, or any discharge into said waters which is of lesser quality than the requirements controlling such discharges or any discharge which is not in compliance with the implementation and enforcement plan for such criteria and requirements (whether the discharge causing or contributing to such pollution reaches such waters from runoff, percolation, or direct discharge into such waters or tributaries thereof or adjoining bodies of water) is subject to abatement in accordance with the provisions of this section. At least one hundred and eighty days before any abatement proceeding is initiated under this subsection, the Secretary shall notify each alleged pollutor, the water pollution control agency, and the interstate agency, if any, of the State of States where such pollution originates or which may be affected adversely by such pollution, of the violation of such standards and of the remedial action required and shall call a public hearing to be held not less than twenty-one days after issuance of such notice. If remedial action, as determined by the Secretary, to secure abatement of the pollution is not taken within such one hundred and eighty day period after the Secretary has issued notice of violation, or if, at any time thereafter, the alleged pollutor fails to take remedial action, as determined by the Secretary, the Secretary may request the Attorney General to bring a suit on behalf of the United States in the appropriate United States district court to secure abatement of the pollution, including compliance with such standards, which include criteria, requirements and plan. In any such suit, the court shall take judicial notice of the established water quality standards, including criteria, re-

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quirements and plan, and shall receive into evidence a transcript of the hearing, held by the Secretary and a copy of the findings prepared by the Secretary pursuant to such hearing. In addition, the court shall receive in evidence the recommendations of any conference or hearing board held pursuant to this section and such additional evidence as it deems necessary. The court, giving due consideration to the practicability and to the physical feasibility of complying with such standards, shall have jurisdiction to enter such judgment and orders enforcing such judgment as the public interest and the equities of the case may require, including injunction of activities which violate such standards, enforcement conference recommendations or other provisions of this section, and effective six months after enactment of this provision, forfeiture of up to $10,000 for each such violation for each day after the end of the one hundred and eighty day period specified herein or commencing at such time thereafter that the alleged pollutor fails to take remedial action, provided that, in imposing such forfeiture, the court shall take into account the efforts of the alleged pollutor to abate pollution, and provide further that such forfeiture shall be in addition to and not in lieu of such other judgment and orders as the court may enter.

"(d) (1) The Secretary, if he finds an occurence of water pollution activity of any waters specified in subsection (a) hereof over which he has jurisdiction or for which standards, including criteria, requirements and plan, have been established under this Act, and that he has good reason to believe that such water pollution activity constitutes a violation of existing water quality standards or endangers the health and welfare of any person, shall give formal notification thereof to the water pollution control agency of the State or States where such discharge or discharges originate and the interstate agency of which such State or States are members, if any, and shall promptly call a conference of such agency or agencies and the State water pollution control agency of the State or States, and such interstate agency, if any which may be adversely affected by such pollution. In addition, whenever requested by the governor of any State or a State water pollution control agency, or (with the concurrence of the governor or the State water pollution control agency for the State in which the municipality is situated) the governing body of any municipality, the Secretary shall, if such request refers to water pollution activity in waters specified in subsection (a) hereof which is endangering the health or welfare of persons in a State other than that in which the discharge or discharges causing or contributing to such pollution originates, or which adversely affects the quality of such waters in such other State, give formal notification thereof to the water pollution control agency and interstate agency, if any, of the State or States where such discharge or discharges originate and shall promptly call a conference of such agency or agencies and the State which pollution control agency of the State or States, and the interstate agency, if any, which may be adversely affected by such pollution. Also, whenever requested by the governor of any State, the Secretary shall, if such request refers to water pollution activities in waters specified in subsection (a) hereof over which the State has jurisdiction, which is endangering the health or welfare of persons only in the requesting State in which the discharge causing or contributing to such pollution originates or which adversely affects the quality of such waters, give formal notification thereof to the water pollution control agency and the interstate agency, if any, of such State or States, and shall promptly call a conference of such agency or agencies, unless, in the judgment of the Secretary, the effect of such pollution on the legitimate uses of the waters is not of sufficient significance to warrant exercise of Federal jurisdictions under this section.

"(2) Whenever the Secretary, on the basis of reports, surveys, or studies has reason to believe that any water pollution activity is occurring in the United States portion of international boundary waters, and that such water pollution activity constitutes a violation of existing water quality standards or endangers the health and welfare of any person, he shall give formal notification thereof to the water pollution control agency and the interstate agency, if any, of the State or States in which such discharge or discharges originate and shall promptly call a conference of such agency or agencies. The Secretary shall invite the foreign country which may be adversely affected by the pollution to attend and participate in the conference. Nothing in this paragraph shall be construed to modify, amend, repeal, or otherwise affect the provisions of the 1909 Boundary Waters Treaty between Canada and the United States or the Water Utilization Treaty of 1944 between Mexico and the United States (59 Stat. 1219) relative to the control and abatement of water pollution in waters covered by those treaties.

"(3) The agencies called to attend such conference may bring such persons as they desire to the conference. In addition, the chairman of the conference shall give every person contributing to the alleged pollution or affected by it an opportunity to make a full statement of his views to the conference. Not less than three weeks prior notice of the date set for the conference shall be given to such agencies.

"(4) Following such conference, the Secretary shall prepare and forward to all of the water pollution control agencies and interstate agencies attending the conference a summary of conference discussions including (A) occurrence of water pollution activity of waters specified in subsection (a) hereof, (B) adequacy of measures taken toward abatement of the pollution, and (C) the nature of delays, if any, being encountered in abating the pollution.

"(e) If the Secretary believes, upon the conclusion of the conference or thereafter, that effective progress toward abatement of pollution is not being made in accordance with the recommendations of the Secretary, or that such pollution endangers the health or welfare of any person or violates water quality standards, including criteria, requirements and a plan, applicable to such waters, he shall recommend to the appropriate State water pollution control agency or agencies that they require the alleged polluter to take remedial action, as determined by the Secretary, to secure abatement of the pollution and he shall also notify the alleged polluter of the requirement for such remedial action. The Secretary shall allow ninety days from the date he makes such recommendations or one hundred and eighty days from the end of the conference session, whichever period ends later, for remedial action, as determined by the Secretary, to be taken.

"(f) If, at the conclusion of the period provided in subsection (e), such remedial action, as determined by the Secretary, has not been taken by the alleged polluter, or if, at any time thereafter, the alleged polluter fails to take remedial action, as determined by the Secretary, the Secretary may request the Attorney General to bring a suit on behalf of the United States in the appropriate United States district court to secure performance of such remedial action and such recommendations, standards, criteria, requirements and plan.

"(g) In any such suit, the court shall take judicial notice of the established water quality standards, including criteria, requirements and plan, and shall receive in evidence a transcript of the proceedings before the conference and a copy of the Secretary's recommendations, and shall receive such further evidence as the court, in its discretion, deems necessary. The court, giving due consideration to the practicability and to the physical feasibility of securing abatement of any pollution proved, shall have jurisdiction to enter such judgment and orders enforcing such judgment, as the public interest and the equities of the case may require, including injunction of activities which violate such standards, enforcement conference recommendations or other provisions of the section and, effective six months after enactment of this provision, forfeiture of up to $10,000 for each such violation for each day after the end of the period provided in subsection (e), or commencing at such time thereater that the alleged pollutor fails to take remedial action, provided that, in imposing such forfeiture, the court shall take into account the efforts of the alleged pollutor to abate pollution, and provided further that such forfeiture shall be in addition to and not in lieu of such other judgment and orders as the court may enter.

"(h) Notwithstanding any other provision of this section, the Secretary, upon his determination that a particular pollution source or combination of sources is presenting or may present an imminent and substantial danger to the health or welfare of any person or persons, or may cause irreparable damage to water quality or the quality of the environment, may request the Attorney General to bring a suit on behalf of the United States in the appropriate United States district court to enjoin immediately any person contributing to the alleged pollution from further discharges causing such pollution and to take such other action as may be necessary.

"(i) (1) In connection with any hearing, proceeding, or conference, the Secretary is authorized to require any person whose alleged water pollution activities result in discharges causing or contributing to water pollution, to file with him, in such form as he may require, a report based on existing data, furnishing such information as may reasonably be required as to the character, kind, and quantity of such discharges and the use of facilities or other means to prevent or reduce such discharges by the person filing such a report. Such report shall be made under oath or otherwise, as the Secretary may prescribe and shall be filed with the Secretary within such reasonable period as he may prescribe, unless he grants additional time. In order to further the purposes of this section, the Secretary may disseminate any information reported which is not covered by section 1905 of title 18 of the United States Code.

"(2) If any person required to file any report under paragraph (1) of this subsection shall fail to do so within the time fixed by the Secretary for filing the same, and such failure shall continue for thirty days after notice of such default, such person shall forfeit the sum of $100 for each day of the continuance of such failure, which forfeiture shall be payable to the Treasury of the United States and shall be recoverable in a civil suit in the name of the United States brought in the district where such person has his principal office or in any district in which he does business. The Secretary may, upon application therefor, remit or mitigate any forfeiture provided for under this paragraph, and shall have authority to determine the facts upon all such applications.

"(3) It shall be the duty of the various United States attorneys, under the direction of the Attorney General of the United States to prosecute for the recovery of such forfeitures.

"(j) (1) The Secretary may investigate any facts, conditions, practices, or matters which

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he may find necessary or proper in order to determine whether any person has violated or is about to violate any provision of this Act or any standards, including criteria, requirements and a plan thereunder, or to aid in the enforcement of the provisions of this Act or in promulgating criteria, plans, rules or regulations thereunder, or in obtaining information to serve as a basis for recommending further legislation concerning the matters to which this Act relates. The Secretary may permit any person to file with him a statement in writing under oath or otherwise, as he shall determine, as to any or all facts and circumstances concerning a matter which may be the subject of investigation.

"(2) For the purpose of any enforcement conference, investigation or any other proceeding under this Act, the Secretary is empowered to administer oaths and affirmations, subpena witnesses, control their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records which the Secretary finds relevant or material to the inquiry. Such attendance of witnesses and the production of any such records may be required from any place in the United States at any designated place of hearing. Witnesses summoned by the Secretary to appear before him shall be paid the same fees and mileage that are paid witnesses in the courts of the United States.

"(3) The Secretary, upon presenting appropriate credentials and a written notice to the owner, operator, or agent in charge, is authorized (A) to enter, at reasonable times, any public or private property from which discharge is being made into waters specified in subsection (a); (B) to inspect within reasonable limits and in a reasonable manner, the operation of collection systems, waste treatment works or facilities, or conditions relating to pollution or the possible pollution of such waters; and (C) to have access to such records in connection therewith as the Secretary may require.

"(4) In case of contumacy by, or refusal to obey a subpena issued to any persons, the Secretary may invoke the aid of any court of the United States within the jurisdiction of which such investigation or proceeding is carried on, or where such person resides or carries on business in requiring the attendance and testimony of witnesses and the production of books, papers, correspondence, memoranda, contracts, agreements, and other records. Such court may issue an order requiring such persons to appear before the Secretary to produce records, if so ordered, or to give testimony relating to the matter under investigation or in question; and any failure to obey such order of the court may be punished by such court as a contempt thereof. All process in any such case may be served in the judicial district whereof such person is an inhabitant or wherever he may be found or may be doing business. Any person who willfully shall fail to attend or refuse to testify, or to answer any lawful inquiry, or to produce books, papers, correspondence, memoranda, contracts, agreements, or other records, if in his or its power so to do, as designated or specified in the subpena of the Secretary, shall be guilty of a misdemeanor and, upon conviction, shall be subject to a fine of not more than $100 for each day of the continuance of such failure, or imprisonment for a term of not more than one year, or both.

"(5) The testimony of any witness may be taken, at the instance of a party, in any pending conference, proceeding or investigation under this Act, by deposition, at any time after the notice of the proceeding is published. The Secretary may also order testimony to be taken before any person authorized to administer oaths who is not of counsel or attorney to the party making the deposition. Any person may be compelled to appear and depose, and to produce documentary evidence, in the same manner as witnesses may be compelled to appear and testify and produce documentary evidence before the conference or other proceeding or investigation, as hereinbefore provided. Such testimony shall be reduced to writing by the person taking the deposition, or under his direction, and shall, after it has been reduced to writing, be subscribed by the deponent.

"(6) If a witness whose testimony may be desired to be taken by deposition be in a foreign country, the deposition may be taken before an officer or person designated by the Secretary, or agreed upon by the parties by stipulation in writing to be filed with the Secretary. All depositions must be promptly filed with the Secretary.

"(7) Witnesses whose depositions are taken as authorized in this Act, and the person or officer taking the same, shall be entitled to the same fees and mileage that are paid witnesses in the courts of the United States.

"(8) In order to further the purposes of this section, the Secretary may disseminate any information obtained under this subsection which is not covered by section 1905 of Title 18 of the United States Code.

"(k) The invocation of any one procedure authorized under this section shall not prevent the application of any other procedure of this section to any case to which this Act would otherwise be applicable.

"(l) As used in this section the term—

"(1) 'person' means an individual, corporation, partnership, association, State, municipality, commission, or political subdivision of a State, or any interstate body, and

"(2) 'municipality' means a city, town, borough, county, parish, district, or other public body created by or pursuant to State law."

Sec. 4. Section 13 of the Federal Water Pollution Control Act, as amended, is amended to revise subsection (a) to read as follows:

"(a) The term 'State water pollution control agency' means a single State agency designated by that State as the official State water pollution control agency for purposes of this Act."

and to add the following subsections (g) and (h):

"(g) 'boundary waters' means the waters from the main shore of the United States to the international boundary of the lakes and rivers and connecting waterways, or portions thereof, along which the international boundary between the United States and Canada or the United States and Mexico passes, including all bays, arms, and inlets thereof, tributary waters which in their natural channels would flow into such lakes, rivers and waterways, or waters flowing across the boundary.

"(h) 'contiguous zone' means the entire zone defined by article 24 of the Convention on the Territorial Sea and the Contiguous Zone."

S. 3472

The bill (S. 3472) to amend section 8 of the Federal Water Pollution Control Act, as amended, and for other purposes, introduced by Mr. Scott, for himself and other Senators, was received, read twice by its title, referred to the Committee on Public Works, and ordered to be printed in the Record.

SECTION-BY-SECTION ANALYSIS OF THE CLEAN WATER FINANCING ACT OF 1970

The bill amends section 8 of the Federal Water Pollution Control Act, as amended, in a number of significant respects. The Secretary would be authorized to incur obligations in the form of grant agreements or otherwise in an aggregate amount of $4 billion. Of this sum, $1 billion would be available for each of the four fiscal years beginning with fiscal year 1971. Appropriations of sums necessary to liquidate these obligations would be authorized. The Secretary would submit a report by January 10, 1973, to the Congress, through the President, on requirements for waste treatment works construction for fiscal years 1975 through 1979. In addition, the allocation formula is revised to provide greater flexibility to meet the most severe water pollution problems, and to give an added incentive to the States to fully utilize the funds allocated. States and communities which have constructed approved waste treatment works without Federal assistance are to be reimbursed from sums authorized on the same terms as at present for funds they expend prior to July 1, 1973.

Section 1 amends section 8 of the Act as follows. Subsection 1 amends subsection 8(a) to authorize the Secretary to incure obligations in the form of grant agreements or otherwise, in addition to his present authority to make grants. The classes of grantees and the purposes of such financial assistance remain as in the Act at present.

Subsection 2 of section 1 amends subsection 8(b), which sets limitations on grants, in several ways. The language "grant or other commitment of financial assistance" would be substituted for the word "grant" throughout the subsection to make the limitations apply to the new grant agreements. The provision in clause (6) which permits the Secretary to raise the Federal grant share of a project from 30 percent to 40 percent or 50 percent would remain basically the same, except that a 40 percent grant could be made if the State agrees to pay 25 percent of the estimated reasonable cost of all projects for which Federal grants are to be made under section 8, rather than 30 percent as is now required. This removes the anomalous situation in which, at present, the grantee may receive a 40 percent grant for a project if the State agrees to pay 30 percent of the cost of all such projects but may receive a 50 percent grant if the State pays only 25 percent of the cost of such projects but meets other conditions. A new clause (8) would be added to provide the limitation that no grant or other commitment of financial assistance be made unless the applicant complies with regulations prescribed by the Secretary to assure effective and efficient use of funds.

Subsection 3 of section 1 amends subsection 8(c) of the Act to change the allocation formula; permit reallocation of unobligated funds at the end of the fiscal year rather than 6 months after the end of the year at the present; and remove needs caused by Federal institutions or activities as a specific factor for consideration in reallocation.

The revised allocation formula in the bill for distributing construction grant funds among the States employes three factors. First, 60 percent of the funds would be allocated based on population and financial need using the formula presently in the Act; second, 20 percent based on State agreements to pay at least 25 percent of the cost of all projects receiving construction grants during a fiscal year; and third, 20 percent based on a factor which takes into account the relative severity of water pollution control problems of the various States and their ability to use such funds to fulfill a basinwide pollution abatement plan. This last factor also would be the basis for reallocation of unobligated funds at the end of the fiscal year. This new allocation formula will give the Secretary flexibility to direct construction grant funds to areas where those funds are most critically needed and where they can be used most effectively. To encourage the States to obligate the funds allocated to them, this allocation formula would be qualified to provide that a State not receive more Federal grant funds that it obligated the previous fiscal year unless the State filed an acceptable plan requiring greater obligations

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in the current year. In such cases, the Secretary would allocate up to the full amount to which the State would normally be entitled.

Subsection 4 of section 1 amends section 8(c) further to extend through fiscal year 1974 the present provisions for reimbursement to States and localities which have used their own funds for projects because Federal grant funds were unavailable. This would apply in the case of funds used for any project on which construction was initiated after June 30, 1966, and would extend to State or local funds used from that date through fiscal year 1973. In order to assure that population data used in the allocation and reallocation of funds among States are as current as possible, the figures used are to be based on the last year for which satisfactory figures are available from the Department of Commerce, rather than on the latest decennial census as at present.

Subsection 5 of section 1 amends section 8(d) which authorizes the obligation and appropriation of funds. The Secretary would be given new authority to incur obligations in the form of grant agreement or otherwise in an aggregate amount of $4 billion, of which $1 billion would be available for obligation for fiscal year 1971 and each of the three succeeding years, with such sums to remain available until obligated. Appropriations of funds required to liquidate these obligations would be authorized. By January 10, 1973, the Secretary would reassess further needs for the construction of waste treatment facilities for several years 1975 through 1979 and report through the President to the Congress on the financial requirements for those subsequent years.

Subsection 6 of section 1 deletes subsection 8(f) of the Act which now permits a bonus grant increase of 10 percent for any project which is certified as being in conformity with a comprehensive regional plan. This will now be a requirement for all projects under proposed grant regulations, rather than a basis for a bonus. Subsection (8) (g), with regard to labor standards requirements, is retained and redesignated (8) (f).

Section 2 provides that the Act may be cited as the "Clean Water Financing Act of 1970."

S. 3472

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 8 of the Federal Water Pollution Control Act, as amended (33 U.S.C. 466 *et seq.*), is amended as follows:

1. Subsection (a) is amended to insert after the words "to make grants to" the words "and incur obligations in the form of grant agreements or otherwise with".

2. Subsection (b) is amended to insert in lieu of the word "grant" wherever it now appears, the words "grant or other commitment of financial assistance"; to strike the words "not less than thirty per centum" in clause (6) and insert in lieu thereof "not less than twenty-five per centum"; and to change the period at the end of the subsection to a semicolon and all the following: "(8) No grant of other financial assistance shall be made unless the applicant complies with such regulations as the Secretary may prescribe to assure the effective and efficient use of funds under this section."

3. Subsection (c) is amended to delete the language from the words "The sums appropriated . . ." through the words "Federal institution or activity" and to insert in lieu thereof the following:

"The sums authorized to be obligated pursuant to subsection (c) for each fiscal year beginning on or after July 1, 1970, shall be allocated by the Secretary, from time to time, in accordance with regulations, as follows:

"(1) sixty per centum of all sums appropriated in the ratio that the population of each State bears to the population of all the States, except that, the first $100,000,000 of sums within such percentage shall be allocated as follows:

"(A fifty per centum of such sums in the ratio that the population of each State bears to the population of all the States, and (B) fifty per centum of such sums in the ratio that the quotient obtained by dividing the per capita income of the United States by the per capita income of each State bears to the sum of such quotient for all the States; and

"(2) twenty per centum of such sums to those States which agree to pay not less than twenty-five per centum of the estimated reasonable cost, as determined by the Secretary, of all projects for which Federal grants or other commitments of financial assistance are to be made under this section during any fiscal year, which allotment shall be in the ratio that the population of each such State bears to the population of all such States;

"(3) twenty per centum of such sums to those States which the Secretary determines in accordance with regulations: (A) have the most severe water pollution problems; and (B) can best use such funds to meet the requirements of a basin-wide pollution abatement plan.

"(4) The total allocation under clauses (1), (2), and (3) to any State shall not exceed the amount of Federal grant funds obligated within such State for purposes of this section during the preceding fiscal year, unless such State shall file with the Secretary, within the first ninety days of the current fiscal year, an acceptable pollution control plan that would require the obligation of funds for purposes of this section which are in excess of the funds obligated within such State in the preceding fiscal year, in which case the Secretary may allocate up to the full amount that would otherwise be allocated to such State for the current fiscal year if he finds that this plan meets pollution control needs, conforms to water quality standards and enhances the present quality of said waters. Any sums available from the original allocations for which the Secretary has not approved funds in excess of the previous fiscal year and any sums allotted to a State under clauses (1), (2), and (3) hereof which are not obligated at the end of the fiscal year for which they are allotted shall be reallotted by the Secretary, on the basis used in clause (3) hereof the States having projects approved under this section for which grants have not been made because of lack of funds."

4. Subsection (c) is further amended to delete the words "the second, third and fourth sentences of"; to delete the date "July 1, 1971" where it first appears and to insert in lieu of that date "July 1, 1974"; and to change the date "July 1, 1971" in the next two places where it appears to "July 1, 1973"; and to change the last sentence thereof to read as follows: "For purposes of this section, population shall be determined on the basis of the last year for which satisfactory population figures are available, from the Department of Commerce, and per capita income for each State and for the United States shall be determined on the basis of the average of the per capita incomes of the States and of the continental United States for the three most recent consecutive years for which satisfactory data are available from the Department of Commerce."

5. Subsection (d) is amended to read as follows:

"(d) The Secretary is authorized to incur obligations in the form of grant agreements or otherwise in amounts aggregating not to exceed $4,000,000,000, of which sums of $1,000,000,000 shall be available for obligation for each of four consecutive fiscal years beginning with the fiscal year ending June 30, 1971, and shall remain available until obligated. There are authorized to be appropriated such sums as may be required for liquidation of the obligations incurred under this subsection. To assure program continnuity and orderly planning, the Secretary, not later than January 10, 1973, shall submit through the President to the Congress a report on the financial requirements for the construction of waste treatment facilities for fiscal years 1975 through 1979."

6. Subsection (f) is deleted; and subsection (g) is renumbered (f).

SEC. 2. This Act may be cited as the "Clean Water Financing Act of 1970."

STATEMENT BY SENATOR COOPER

Mr. COOPER. Mr. President, it is with a great deal of pleasure and pride that I join with Senator Scott and others in cosponsoring a series of bills proposed by President Nixon to move forward in the essential control of air and water pollution and solid waste. For the first time since I have been the ranking minority member of the Committee on Public Works it is my responsibility to represent an administration of my party and sponsor major legislation within the jurisdiction of this committee. In serving on this very important committee I have learned not only of the urgency of pollution control but the great difficulty and complexity of legislation in this area and I commend the President for his very thorough proposals.

A high quality enviornment is essential if we are to achieve a quality of life. President Nixon has explicitly drawn this relationship and has made a strong commitment that his administration will work unceasingly toward the resolution of the environmental crisis. In the series of proposed bills he sent to the Congress to accompany his historic state of the environment message, the President has identified a number of areas in which he is asking for congressional assistance to enable him to more adequately serve the public interest. Although there are many important elements in all of the proposals, I would like to highlight several of particular interest.

WATER POLLUTION

After a thorough study, taken at the President's direction, the administration has recommended several significant amendments to the Federal Water Pollution Control Act of 1965, in order to achieve a more satisfactory operation of the Federal-State partnership set forth in that act. In four separate bills the President proposes (a) to modify the policy, abatement and enforcement provisions of the act; (b) to improve the Federal-State program development provisions of the act; (c) to accelerate and improve the municipal waste treatment grant provisions and (d) to add a new and innovative Federal Environmental Financing Authority to assure the ability of States and local communities to construct proper waste treatment facilities.

Several points in these water bills should be further described. First of all, a common thread running through all of the proposals is to create a comprehensive and modern water quality program that recognizes the interrelationship of all water resources. In several areas the authorization and granting provisions of the bills are directed to achieving this broadened scope.

In the evolution of the program under the Federal Water Pollution Control Act it has become apparent that enforcement has been hindered by exclusive reliance on sanctions against violation of water quality standards. The President has recognized this and has recommended that in the formulation of State water quality standards there must be included established requirements controlling the discharges affecting waters subject to standards. This basically means that the States must include effluent standards for the sources of discharges under their jurisdiction. In addition, Federal enforcement authority is extended to include violations

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of these effluent requirements as well as the violation of water quality standards.

The President has also recognized an unnecessary redundancy in the existing act that requires two time-consuming administrative procedures prior to access to court enforcement: the so-called conference and the hearing. The President proposes to eliminate the hearing phase in the administrative enforcement process based upon experience that sufficient information and a complete record is generated at the enforcement conference to provide a sound basis for court action to abate pollution.

In order to simplify and clarify the thrust of the Federal-State program the President has recommended in the bill to amend sections 5, 6, and 7 of the 1965 act language that would improve the techniques available to achieve the purposes of the act and provide flexibility in the program grant section by the addition of three new categories of assistance: program development grants; program improvement grants; and special project grants. In addition, the President has asked for increased authorizations that would triple the funds available for development of the overall water quality programs.

In a major modification of the provision for waste treatment facilities construction grants, the President proposes a 4-year, $10 billion program based upon two independent estimates of the needs for municipal treatment facilities. In addition to providing $4 billion of Federal sums, $1 billion to be authorized for obligation in each of 4 fiscal years, the President has asked that the allocation formula be revised to provide greater flexibility to meet the most severe water pollution problems and to provide added incentive to the States to fully utilize the funds allocated.

One crucial roadblock in the construction of adequate waste treatment facilities has been the limitations of State and local governments to finance their share of waste treatment project costs. These limitations have confronted water pollution control efforts at every turn. In a very innovative proposal the President recommends that a new Federal Environmental Financing Authority be established that would be authorized to purchase obligations issued by State and local governments to finance their share of such projects upon a finding by the Secretary of the Interior that such purchase is necessary to undertake and complete the project. It is the President's strong feeling that no municipality shall be prevented from participating in the waste treatment program through its inability to finance its share of program costs. He is to be commended for attempting to assist many hindered communities and make high quality water available to all.

AIR POLLUTION

The President has recognized that while the basic operative provisions of the Clean Air Act were substantially modified in the Air Quality Act of 1967, several provisions of the existing Act are in need of revision. In addition, the program experience under this Act has revealed areas where new provisions are necessary. Among the many proposals, the President has proposed that the Secretary of Health, Education, and Welfare be given explicit authority to inspect assembly line vehicles for compliance with emission standards set by regulations under existing law.

In another major effort to get the heart of automotive pollution problem the President has recommended that the Secretary's present authority over fuel and fuel additives be extended to enable the Secretary to set standards regulating the composition of any fuel or fuel additive and to further regulate the manufacture and sale of such fuels and additives.

In an attempt to decrease the time consuming and procedural complexity involved in the setting of regional ambient air standards under the present law, the President has proposed that such standard setting be shortened by 6 months or more through the establishment, by the Secretary, of national ambient air quality standards for any pollutant or combination of pollutants which endanger the public health or welfare. This recommendation is based upon the experience to date that there is very little difference in the regional standards being set under present law and that such standard-setting could therefore be expedited by the application of national standards. The existing provision of law permitting States to set more rigid standards is, of course, preserved.

Similar to his recommendation in water pollution control, the President has recommended that in the formulation of implementation plans to enforce national ambient air quality standards, the State shall include emission standards for sources of air effluent under their jurisdiction. It is further requested that Federal enforcement authority be explicitly extended to include violation of such emission standards.

The President has recommended that equity and uniformity of application demand that those stationary sources of emissions which contribute substantially to endangerment of public health or welfare be constructed in the future under a nationally established emission standard that would take into account availability of the most advanced technological capability. In addition, the President has asked that any stationary source, whether new or old, from which emissions occur that are extremely hazardous to health, be subject to national emission standards.

The President has also asked for necessary adjustments in the general Federal enforcement provisions that include, among others, a provision that enables courts to assess penalties up to $10,000 per day for violations continuing after the expiration of the period set for compliance in the notice of the Secretary in the administrative abatement proceeding.

SOLID WASTE

In addition to asking that the provisions of the 1965 Solid Waste Disposal Act be extended, the President has requested authorization for a study into methods and measures to provide incentives for solid waste recovery and reutilization with particular emphasis on the very chronic problem of waste or abandoned automobiles. I think the President has correctly recognized that the long term solution to solid waste disposal is through incorporating recovery and reutilization into our commercial market system. His proposals will take us significant strides in this direction.

The President has proposed many provisions to amend legislation that has been developed in large part, in the Senate Committee on Public Works. In the formulation of this very difficult legislation it was essential that a spirit of bipartisanship exist. To their great credit, and deserving of much public support, the chairman of the committee, Senator Randolph, and the chairman of the Subcommittee on Air and Water Pollution, Senator Muskie, have achieved and operate in this spirit. Senator Boggs and other members of the minority have been instrumental in preserving this bipartisan climate.

If the President's recommendations and legislative proposals are to receive adequate consideration in the committee and the Congress and result in fair and just legislation, this spirit must be preserved. I have no doubt that it will be and I look forward to working with all of the members of the committee as we initiate what, I trust, will be a very thorough exercise of the legislative process on these very matters related to pollution control and environmental quality.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

VOTING RIGHTS ACT AMENDMENTS OF 1969

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the unfinished business be laid before the Senate.

The PRESIDING OFFICER. The bill will be stated by title.

The Assistant Legislative Clerk. A bill—H.R. 4249—to extend the Voting Rights Act of 1965 with respect to the discriminatory use of tests and devices.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana?

There being no objection, the Senate proceeded to consider the bill.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum, with the time to be allocated apart from any other time limitation, and with the understanding that I be allowed to retain the floor.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, if I may have the attention of the Senate, I ask unanimous consent that on all amendments to be offered to the pending bill by the Senator from Montana (Mr. Mansfield) and the Senator from North Carolina (Mr. Ervin) and on any amendments thereto there be a time limitation of 2 hours on each such amendment and 2 hours on each such amendment thereto, the time to be equally divided and controlled by the Senator from North Carolina (Mr. Ervin) and the minority leader, or by the proponent of the amendment to the Ervin amendment and Senator Ervin; as far as the Mansfield amendment is concerned, that the time be controlled equally by me and the distinguished minority leader or whomever he may designate; and that the pending amendment be withdrawn at this time.

Mr. SCOTT. Mr. President, reserving the right to object—and I shall not object—I would like to establish through this colloquy that if an amendment to an amendment of the Senator from North Carolina is offered and the Senator from North Carolina is in substantial agreement with the amendment, the time would be shared with an understanding so as to permit Senators in opposition an opportunity to be heard. We do not ask for a specific time.

I understand an amendment has just been sent to the desk by the Senator from Alabama (Mr. Allen). I wonder if

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he wishes to be heard on the unanimous-consent request.

Mr. ALLEN. Mr. President, reserving the right to object, I would like to ask the distinguished majority leader if the request for the unanimous-consent agreement applies only to the amendments that have heretofore been offered by the distinguished Senator from North Carolina and the distinguished majority leader.

Mr. MANSFIELD. The answer is "No." Other germane amendments could be offered.

Mr. ALLEN. And there is no limitation placed on the other amendments?

Mr. MANSFIELD. That is correct.

Mr. ALLEN. In answer to the distinguished Republican leader, the Senator from Alabama would not like to have his amendment included in the limitation.

Mr. JAVITS. Mr. President, reserving the right to object—and I shall not object—I would like the majority leader to know that I came down this morning expressly to vote on the Ervin amendment, which I consider to be very important to this bill. It is in deference to his wishes that I am refraining from any objection to its withdrawal. I would like to make that clear, because I think it is a very important amendment. I hope very much other Senators have not had the same experience.

I had rather hoped, too, that we could arrive at a unanimous-consent agreement on all amendments, but I am yielding to the majority leader's view that this is the best way to proceed with the bill.

Mr. MANSFIELD. Mr. President, I appreciate the remarks just made by the distinguished senior Senator from New York. He discussed this matter with me. I think it ought to be made clear that the distinguished Senator from North Carolina acted in good faith last night, and only since we adjourned last night did another situation present itself in which a courtesy—and the Senator from New York upholds the finest traditions of the Senate—should be accorded to any Senator under similar circumstances.

Mr. JAVITS. Mr. President, I would like to extend that recognition, too, to the Senator from North Carolina (Mr. ERVIN). I know he is a man of honor, and I appreciate the situation.

Mr. SCOTT. Mr. President, if the Senator will yield further, I hope, before too long a time, we could get a time limitation agreement on other amendments and an agreement on the substitute we have offered, so that we could know when we might reach a disposition of the bill, because Senators on both sides of these amendments are continually asking about the voting situation.

Mr. ALLEN. In response to the distinguished Senator from Pennsylvania, since he was looking in the direction of the junior Senator from Alabama when he was making that inquiry, the junior Senator from Alabama would say that much would depend on the state of the Scott amendment, as to whether a limitation might be placed upon the debate.

Mr. MANSFIELD. The Senator from Alabama, I take it, believes in extended discussion.

Mr. ALLEN. The Senator is correct.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

The PRESIDING OFFICER. Is there objection?

Mr. ERVIN. Mr. President, reserving the right to object, and I shall not object——

Mr. MANSFIELD. Mr. President, will the Senator yield briefly? I had yielded to the Senator from Rhode Island.

Mr. PASTORE. Do I understand that the Scott-Hart amendment is not subject to the limitation?

Mr. MANSFIELD. That is correct.

I now yield to the Senator from North Carolina.

Mr. ERVIN. As I understand the unanimous-consent request made by the distinguished majority leader, the pending amendment would be withdrawn and the time limitation on it would be superseded by the new time limitation of 2 hours on each amendment?

Mr. MANSFIELD. That is correct. That would apply only to the Mansfield 18-year-old amendment and all the Ervin amendments.

Mr. ERVIN. No objection. For clarification, my amendments are numbered 533 to 541, both inclusive.

Mr. HART. Mr. President, reserving the right to object—and I shall not object—the point made by the senior Senator from New York, that though unwell he has come to vote, having been given notice, on this Ervin amendment, would apply to other Senators in somewhat the same situation; and it is my understanding that while we will not have an opportunity to vote on the Ervin amendment that was called up last night, so far as the Senator from North Carolina is concerned, we will have opportunity today and, I believe without using the hours allocated, to vote on at least two additional Ervin amendments; am I correct in that understanding?

Mr. ERVIN. Yes; I shall be glad to call up two amendments, and I shall ask for rollcall votes on them, but I do not propose to argue them for more than a very few minutes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana?

The Chair hears none, and it is so ordered.

The unanimous-consent agreement was subsequently reduced to writing, as follows:

> *Ordered*, That debate shall be limited to 2 hours on all amendments to be offered to the pending bill (H.R. 4249), to extend the Voting Rights Act of 1965 with respect to discriminatory use of tests and devices, by the Senator from Montana (Mr. MANSFIELD) and the Senator from North Carolina (Mr. ERVIN) and two hours on any amendments to be offered thereto, with the time to be equally divided and controlled by the proposer of the amendment and the Minority Leader, or by the proponents of amendments to the Ervin amendments and the Senator from North Carolina (Mr. ERVIN).

Mr. MANSFIELD. It is the understanding of the joint leadership that the Senator from North Carolina (Mr. ERVIN) will offer two amendments today, and at least one other on Monday next. The two having been disposed of, it is my hope that much more than one will be offered on Monday, so that we can get on with the work, keep up with developments, and make certain that the calendar is clean.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ERVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 535

Mr. ERVIN. Mr. President, I call up my amendment No. 535, and modify it in the following respects:

Strike out the figure "519" in the preamble to the amendment, and substitute for it the figure "544". I do this in order to make the amendment conform by number to the second Scott-Hart amendment. My amendment had originally been drawn to the first version of the Scott-Hart amendment.

Then I modify the substance of the amendment, so that it will read as follows:

> That section 4(b) of the Voting Rights Act of 1965 is amended by striking ", or that less than 50 per centum of such persons voted in the presidential election of November 1964".

The PRESIDING OFFICER. The clerk will state the amendment as modified.

The ASSISTANT LEGISLATIVE CLERK. The Senator from North Carolina (Mr. ERVIN) proposes an amendment to amendment No. 544 proposed by Mr. SCOTT, as follows:

> Add a new section, appropriately numbered, as follows:
>
> "SEC. . That section 4(b) of the Voting Right Act of 1965 is amended by striking ', or that less than 50 per centum of such persons voted in the presidential election of November 1964'."

Mr. ERVIN. Mr. President, I yield myself such time as I may require, and I assure Senators that I shall be exceedingly brief.

On November 1, 1964, all of the 39 counties in North Carolina covered by the Voting Rights Act of 1965 had registered more than 50 percent of all of the persons of voting age within their borders, except the counties of Craven, Cumberland, and Onslow.

The only reason why the counties of Craven, Cumberland, and Onslow had not registered as many as 50 percent of the persons of voting age then residing in those counties arises out of the fact that the county of Craven is the seat of the marine air installation known as Cherry Point; the county of Cumberland is the seat of Fort Bragg, which, as I understand it, is, in numbers stationed there, the largest military installation in the United States; and the county of Onslow is the seat of Camp Lejeune, the largest Marine installation in the United States.

In estimating the number of residents of those three counties, the Bureau of the Census included in the total of persons of voting age residing in those counties the marines and the soldiers and the members of their families there who were not residents of North Carolina, not residents of those counties, and not eligible to vote in those counties by reason of their nonresidence.

So all of North Carolina would have been excluded from the provision of the Voting Rights Act of 1965 which brings States or counties within the coverage of that act if they have registered 50 percent of their residents of voting age. Manifestly, it is an injustice to a county to count among its voting population, for the purpose of ascertaining whether it has discriminated against any of its voting population on account of race, persons temporarily there who are not residents of the county and, therefore, not entitled to vote.

I wish to make another observation, and that is that a State can register every person of voting age within the borders of the State and thereby make all of them eligible to go out and vote. But it has no power, under the system of government which prevails in the United States, to compel anybody to go out and vote. This being true, it is manifestly contrary to justice to deny to a State the right or the power to exercise its constitutional rights, which include the right to prescribe a literacy test, unless that State has denied the registration of voters. It is manifestly an injustice to treat a State in that manner, as the Voting Rights Act of 1965 does, unless it has denied the right of its citizens to register on account of race.

In my State of North Carolina, and in most of the States covered by the Voting Rights Act of 1965, the people have been faithful to the Democratic Party ever since 1868. This is true because in 1868 the Democratic Party manifested that it was more interested in the constitutional principle of fairplay than it was in political loaves and fishes.

In 1868, the South underwent the process of reconstruction, a process which, unhappily, is still in progress 102 years later.

The Democratic National Convention, assembled in Tammany Hall, in New York, had the honesty and the courage to adopt a resolution declaring that the Reconstruction Acts by which, among other things, the political party then in power undertook to usurp and exercise the constitutional powers of States to prescribe qualifications for voting, were unconstitutional.

As one who is a lifelong Democrat, and as one who comes of a family which has given its allegiance to the Democratic Party since Thomas Jefferson founded that party, I regret to say that the Democratic Party in recent years has not been the instrument of protection to the South and the instrument of protection to the Constitution of the United States that it was in 1868.

The Voting Rights Act of 1965, as I have repeatedly asserted, is, in my honest judgment, a perversion and a distortion of constitutional principles, and a perversion and a distortion of the principles of fair play. No provision of it is a greater distortion of the principle of fair play than the provision relating to States and counties in the South which failed to have 50 percent of their persons of voting age vote in the election of 1964.

Unfortunately, one of the most peculiar decisions that the Supreme Court ever handed down was the decision in South Carolina against Katzenbach, in which the Court said that Congress had the constitutional power to pass bills of attainder and convict the Southern States and Southern counties of violating the 15th amendment if less than 50 percent of the persons within their borders, whether military personnel or convicted felons serving sentences, failed to go out and vote in 1964.

I am glad to say that one court held that it is not evidence of a lack of testamentary capacity on the part of a lawyer to disagree with a court decision; but all of the court decisions down to that time show that the 1965 act is an unconstitutional bill of attainder. Moreover, the Supreme Court, in the case of South Carolina against Katzenbach, admitted that it is a bill of attainder; but it managed to escape holding the Voting Rights Act of 1965 unconstitutional as a prohibited bill of attainder by saying that the prohibition of a bill of attainder did not apply to the States. That is an absurd decision, because every decision of the Supreme Court of the United States on the subject, and the principles of the common law of England, from which we obtained this term, show that a bill of attainder is a legislative act which condemns people of wrongdoing without giving them a judicial trial and, on that basis, punishes them by fine or imprisonment or death, or denies them the right or the power to exercise a right vested in them.

(At this point Mr. YOUNG of Ohio took the chair as Presiding Officer.)

Mr. ERVIN. Mr. President, under all decisions and principles of the common law, a bill of attainder is such an act applicable either to named parties or to parties capable of identification.

In every decision of the Supreme Court with which I have any acquaintance, the Supreme Court has held that a State consists of people inhabiting a certain territory and organized for the purpose of self-government.

Certainly, the people of a State are capable of identification. For this reason, I refuse to accept as valid the decision of the Supreme Court that bills of attainder are not designed to protect the people of the States. But it is manifestly unjust to deny States or counties the power to exercise their constitutional powers under section 2 of article I, section 1 of article II, the 10th amendment, and the 17th amendment, to prescribe the qualifications for voting, including a qualification that one be able to read and write the English language as a condition precedent to voting.

Not only is this act unjust in this particular, but it also permits absurd inferences to be drawn from the failure of 50 percent of people within a State of voting age turning out and voting. That is true because we can take a State like North Carolina, as an example, which has a black population of approximately 25 percent, and a white population of approximately 75 percent. North Carolina could have registered every one of the adults of the two races, and if all the black people went out and voted, that would be 25 percent, but if only 24 percent of the white people went out and voted, then North Carolina would be condemned by this formula of discriminating against black people.

Thus, I have offered the amendment that would relieve North Carolina counties, in such counties as Hoke, which is brought under cover of the act, on the ground that its proof of discrimination justifies the inference of discrimination if only 49.8 percent of the people of voting age voted in the presidential election in 1964.

In other words, a difference there of 2 percent would make it a violation of the 15th amendment.

It is interesting to see why we have low voting in some areas of the South as contradistinguished from other areas of the country.

A few years ago, the State of California had a presidential candidate of the Republican Party as one of its native sons.

The great State of Massachusetts had one of its native sons as a Democratic candidate for President and a Republican candidate for Vice President.

Yet, only somewhere in the neighborhood of 70 to 75 percent of the people in California and Massachusetts went out and voted under those circumstances.

Yet, under this bill, the people of the Southern States would be condemned and denied their constitutional rights when they fell only below the great Commonwealth of Massachusetts and the Golden State of California by 25 percent.

Now there is a reason for that difference. The States and counties in the South affected have been faithful to the Democratic Party even when the Democratic Party has not been faithful in its duty to protect them.

Until recent years, many of these States had very few members of the Republican Party residing in them. As a consequence, most of the choices of officials of those States, including such Federal officials as presidential electors and so forth, were determined on the basis of the primary or at the convention. Manifestly, voters do not attend conventions as a rule—just a handful attend. In other cases, where they are determined by primaries, the people go out and vote. But where there is a one-party system, if the people who get nominated in a primary in a Federal election get one vote they know they will be elected. So that no one spends a lot of money, a lot of time, or a lot of energy to get the vote out in an election in which there is very little to do to determine who will be elected and where there is no contest between two political parties.

The surprising thing to me is that the percentage of voting in the counties in North Carolina which fall within the purview of this Act were as high as they were in 1964.

Thus, since a State can register everyone eligible by reason of age to register, but cannot compel any of them to come out and actually vote in the election for President, it is manifestly unjust and contrary to truth to take the fact that a State or county had less than 50 percent of its registered voters go out and vote for President in the general election as a criterion for denying them the right and the power to exercise their constitu-

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tional power and their constitutional right, which is vested in them by four separate provisions of the Constitution of the United States.

For this reason, Mr. President, I offer the amendment to strike out that part of the test which is alternative in nature, which makes this act apply to a State or county if less than 50 percent of its voters or residents of voting age voted in the presidential election of 1964.

Mr. President, I yield the floor.

Mr. HATFIELD. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER The Senator from Oregon is recognized for 5 minutes.

Mr. HATFIELD. Mr. President, I am sure all of my colleagues have received a copy of the same letter I have received from the Council for Christian Social Action for the United Church of Christ.

I would like to read both the letter of transmittal and the statement from this particular group at this time.

It is dated March 6, 1970, addressed to the Honorable MARK HATFIELD, Senate Office Building, Washington, D.C.

It reads:

> DEAR SENATOR HATFIELD: I'm sure you will be interested in the enclosed statement on extension of the Voting Rights Act adopted by the Council on Christian Social Action of the United Church of Christ. The Council is an official instrumentality of the United Church which has slightly over two million members in about 7,000 local churches.
>
> You will note in the last paragraph that the Council finds desirable features in both the present Act and the Administration proposal and suggests a compromise incorporating the better provisions of both, such as the suspension of literacy tests for the entire nation and the continuation of most of the present Act regarding registration and new voting laws.
>
> We hope this analysis and indication of support will be of some help to you in your own deliberations.
>
> Sincerely yours,
>
> TILFORD E. DUDLEY,
> *Director, Washington Office.*

The statement presented with this letter of transmittal is entitled, "Extension of Voting Rights Act. A Statement of the Council for Christian Social Action, United Church of Christ."

It reads:

> In 1965 Congress passed a Voting Rights Act which applied to states and counties where a literacy test or similar device was in effect in Nov. 1964 and less than 50% of the voting age population voted in the 1964 presidential election. For such jurisdictions, the Act suspended the literacy tests or devices, authorized the U.S. Attorney General to send federal examiners to supervise voting registration and required new election laws to be approved by the Attorney General or the District Court in Washington, D.C.
>
> Six states and 41 counties came under the coverage of the Act. In those states, in the next three years, the registration rose 142% in Alabama, 35% in Georgia, 87% in Louisiana, 617% in Mississippi, 32% in South Carolina and 51% in Virginia. Negro registration in the area almost doubled—from 877,000 to 1.6 million—and about 400 Negro officials have been elected. We believe this program has been highly successful. It should be continued.
>
> The Voting Rights Act expires this year. There are two proposals before the Congress for its continuance. The House Judiciary Committee recommended a straight extension of the Act, as it now is. However, the House itself adopted instead a bill which would suspend literacy tests in all states until Jan. 1, 1974; authorized the Attorney General to send voting examiners anywhere he considered them needed and to sue any state or county enacting any voting law which discriminates because of race or color. This Act also provides that any citizen can vote for President at any place where he has resided since Sept. 1 of that year and creates a National Advisory Commission to study methods of abridging voting rights.
>
> We suggest that the conflict between the two proposals be resolved by adopting the better provisions of both. We recommend that the legislation suspend literacy tests for the entire nation; that the Attorney General be auhorized to send voting examiners to supervise registration wherever he considers them needed; that new voting laws enacted in states or counties covered by the original formula be approved by the U.S. District Court in the District of Columbia to be effective; that the residence requirement for voting in a presidential election be limited to September 1 of that election year.

Mr. President, I would like to amend that statement to have it read October 1, because I believe that would be more accurate in keeping with the spirit and purpose of the statement.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. On whose time?

Mr. KENNEDY. On the opponents' time.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. SCOTT. Mr. President, I yield myself 5 minutes on the amendment.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized for 5 minutes.

Mr. SCOTT. Mr. President, no voter turnout has been upheld as a fraud in conjunction with literacy tests without existing widespread voter discrimination on account of race or color.

The claimed coverage of States which maintained tests and devices on November 1, 1968, would raise the danger that those States having tests and devices suspended under section 4(b) would not be covered. And this dangerous ambiguity seriously weakened the act.

The amendment proposed by the distinguished Senator from North Carolina (Mr. ERVIN) has one extremely serious fault in it, in that it would seek to remove the limitation of 50 percent on voting as long as 50 percent of the eligible voters are registered. Therefore, it would be possible if the Ervin amendment were agreed to for a situation to occur where not more than 10 or 15 percent of all of the voters in the heretofore covered area had voted in a presidential election. And this historically has happened in previous presidential elections.

I remember one congressional district when about 7,000 votes were cast. Therefore, there might be a 50-percent registration, but perhaps only 10 percent of all the voters would vote.

This is exactly the kind of situation we are trying to avoid, because it would encourage those who seek to evade the purpose of the act in their efforts to limit the voting of people in that district.

Therefore, while it appears on its surface, as so many amendments do, to have a certain plausibility, the plausibility is erased upon the application of logic.

The argument that some counties have colleges really could apply to almost all counties in America.

The argument that some counties in the southern part of the United States have military districts applies to a large number of counties, as I know to my sorrow because many of those military districts are ones I would rather see in the Commonwealth of Pennsylvania.

If one were to apply this to one State I have in mind, it is almost ready to sink below the level of the sea now by way of military districts, not impressed upon it by some tough outside authority, but vigorously sought by Representatives and Senators from that area. So if we start making exceptions for military districts or colleges we are headed, indeed, for an impossible situation.

Moreover, it will not be until the 1970 census that students under certain circumstances will be registered in the census from colleges they attend if, indeed, they are residents and not commuters, rather than the situation we had in the 1960 census, as I understand it. In the 1960 census many college students were registered from the homes of their parents. Now, a college student, if he is registered at the college, is going to be enumerated at the college, according to a letter I received from the Director of the Census.

Therefore, the remedy of the Senator, if it were included at all, would be better included after the completion of the 1970 census when we have more accurate figures, than to have it included now.

Mr. President, I think the amendment should be defeated. I am prepared to yield back the remainder of my time if the Senator from North Carolina is prepared to yield back the remainder of his time.

Mr. ERVIN. Mr. President, I am prepared to yield back my time except for one observation. My information from the Bureau of the Census is in conflict with the view of the Senator from Pennsylvania. I have been informed that in the 1960 census for the first time students were included as being residents of the place where they attended college rather than where their homes might be.

Mr. SCOTT. The Senator may be right. However, I have stated the information which has been conveyed to me.

Mr. ERVIN. Mr. President, I am perfectly willing to yield back the remainder of my time.

Mr. SCOTT. I am perfectly willing to yield back the remainder of my time.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to amendment No. 535, as modified, to Mr. SCOTT's amendment in the nature of a substitute. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. LONG. Mr. President, on this vote I have a pair with the Senator from Wisconsin (Mr. Nelson). If he were present and voting, he would vote "nay." If I were permitted to vote, I would vote "Yea." Therefore I withhold my vote.

Mr. KENNEDY. I announce that the Senator from Washington (Mr. Jackson), the Senator from Minnesota (Mr. McCarthy), the Senator from Wyoming (Mr. McGee), the Senator from Montana (Mr. Metcalf), the Senator from Minnesota (Mr. Mondale), the Senator from New Mexico (Mr. Montoya), the Senator from Utah (Mr. Moss), the Senator from Wisconsin (Mr. Nelson), the Senator from Georgia (Mr. Russell), and the Senator from Texas (Mr. Yarborough), are necessarily absent.

I further announce that the Senator from Alaska (Mr. Gravel) and the Senator from New Jersey (Mr. Williams) are absent on official business.

I further announce that, if present and voting, the Senator from Alaska (Mr. Gravel), the Senator from Wyoming (Mr. McGee), the Senator from New Jersey (Mr. Williams), and the Senator from Washington (Mr. Jackson) would each vote "nay."

On this vote, the Senator from Georgia (Mr. Russell) is paired with the Senator from New Mexico (Mr. Montoya).

If present and voting, the Senator from Georgia would vote "yea" and the Senator from New Mexico would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. Baker), the Senator from Massachusetts (Mr. Brooke), the Senator from Colorado (Mr. Dominick), the Senator from New York (Mr. Goodell), the Senator from Nebraska (Mr. Hruska), the Senator from California (Mr. Murphy) and the Senator from Illinois (Mr. Smith) are necessarily absent.

The Senator from Idaho (Mr. Jordan) and the Senator from Ohio (Mr. Saxbe) are absent on official business.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

If present and voting, the Senator from Massachusetts (Mr. Brooke) would vote "nay."

On this vote, the Senator from Nebraska (Mr. Hruska) is paired with the Senator from New York (Mr. Goodell). If present and voting, the Senator from Nebraska would vote "yea" and the Senator from New York would vote "nay."

On this vote, the Senator from South Dakota (Mr. Mundt) is paired with the Senator from Illinois (Mr. Smith). If present and voting, the Senator from South Dakota would vote "yea" and the Senator from Illinois would vote "nay."

The result was announced—yeas 19, nays 58, as follows:

[No. 83 Leg.]

YEAS—19

Allen
Byrd, Va.
Byrd, W. Va.
Curtis
Eastland
Ellender
Ervin
Fulbright
Gurney
Holland
Hollings
Jordan, N.C.
McClellan
Sparkman
Spong
Stennis
Talmadge
Thurmond
Tower

NAYS—58

Aiken
Allott
Anderson
Bayh
Bellmon
Bennett
Bible
Boggs
Burdick
Cannon
Case
Church
Cook
Cooper
Cotton
Cranston
Dodd
Dole
Eagleton
Fannin
Fong
Goldwater
Gore
Griffin
Hansen
Harris
Hart
Hartke
Hatfield
Hughes
Inouye
Javits
Kennedy
Magnuson
Mansfield
Mathias
McGovern
McIntyre
Miller
Muskie
Packwood
Pastore
Pearson
Pell
Percy
Prouty
Proxmire
Randolph
Ribicoff
Schweiker
Scott
Smith, Maine
Stevens
Symington
Tydings
Williams, Del.
Young, N. Dak.
Young, Ohio

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Mr. Long, for.

NOT VOTING—22

Baker
Brooke
Dominick
Goodell
Gravel
Hruska
Jackson
Jordan, Idaho
McCarthy
McGee
Metcalf
Mondale
Montoya
Moss
Mundt
Murphy
Nelson
Russell
Saxbe
Smith, Ill.
Williams, N.J.
Yarborough

So Mr. Ervin's amendment, as modified, was rejected.

Mr. KENNEDY. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. SCOTT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ERVIN. Mr. President, I shall call up another amendment in a moment, and I think perhaps we can vote on it in about 10 to 15 minutes, at the latest.

Mr. SCOTT. Mr. President, if the Senator will yield, I ask him to do so to be sure that all Senators present understood what the Senator has said.

I understand that he does not intend to take a great deal of time, and neither do we.

Mr. ERVIN. That is correct. I ask for the yeas and nays on this amendment.

The PRESIDING OFFICER. Will the Senator call it up first?

AMENDMENT NO. 539

Mr. ERVIN. I call up my amendment No. 539 to the Scott substitute and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The Legislative Clerk. The Senator from North Carolina (Mr. Ervin) proposes an amendment (No. 539) as follows:

Add a new section, appropriately numbered, as follows:

"Sec. That section 4(b) of the Voting Rights Act of 1965 is amended by adding at the end of the first paragraph thereof the following sentence: 'For the purposes of the determination required by this subsection the Director of the Census shall exclude the following: (1) All members of the Armed Forces on active duty stationed at a military installation who are bona fide residents of another State or political subdivision, (2) all persons confined in mental institutions who are disqualified under State law or who are bona fide residents of another State or political subdivision, (3) all persons confined in prisons who are disqualified to vote under State law or who are bona fide residents of another State or political subdivision, (4) all students who are bona fide residents of another State or political subdivision, and (5) all other persons disqualified to vote under State law, located in such State or political subdivision thereof.' "

Mr. KENNEDY. Mr. President, will the Senator yield to request the yeas and nays now?

Mr. ERVIN. Yes. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. KENNEDY. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order, and the Sergeant at Arms will request all the attachés to be seated or to leave the Chamber.

The Senator from North Carolina may proceed.

Mr. ERVIN. Mr. President, I offer this amendment in the hope the Senate will authorize fairplay and justice in this area.

In North Carolina, we have three counties which are covered by this act—namely, Cumberland, Onslow, and Craven—because each of them is the site of a defense installation. Craven County and Onslow County are the locations of marine installations and Cumberland County is the site of Fort Bragg, which I am advised is the largest Army post in the United States, and perhaps in the world.

Almost all of the men stationed at these places in the military service, and their wives and families who accompany them, are nonresidents of these three counties and could not vote for that reason.

Manifestly, in determining whether a State is discriminating against voters on the basis of race, or rather because less than 50 percent of those persons of voting age went out and voted in the 1964 presidential election, it is unfair and unjust to count among its voting population, adults who are there temporarily and are not eligible to vote by reason of their nonresidence.

In one of my counties, we had a most ludicrous application of this triggering device. It was so ludicrous that finally even the Department of Justice, after much traveling and many hearings, agreed to a consent judgment exonerating it. That was Wake County, which is the location of a hospital for the mentally ill and of the State's central prison, where convicted felons are confined.

Most of the mentally ill come from other areas of the State, and are not residents of Wake County, and most of the convicted felons come from other areas of the State, and are not residents of Wake County. Moreover, under the law of North Carolina, mentally ill persons and convicted felons are not eligible to vote anyway.

Yet Wake County, N.C., was originally condemned by this act because the Bureau of the Census counted all college students as residents in the State. It counted all prisoners over 21 years of age in the State who had been convicted of felonies. It counted all the mentally ill people of the age of 21 years and upward, confined in hospitals for the mentally ill.

All my amendment would do would be to provide that in counting the adult population of a county, and in determining whether less than 50 percent of the adult population voted in the presidential election of 1964, soldiers who are not residents, students who are not residents of the county or of the State, convicted felons, who are ineligible to vote and mentally ill persons, who are denied the right to vote by State law; and other persons denied by the State the right to vote, are excluded. That would seem to be a fair proposal. I would hope that it would be accepted by every Senator who has a sense of justice and fairness.

Mr. SCOTT. Mr. President, I yield myself 5 minutes.

This is another amendment which has, ordinarily, the air of plausibility. It has that kind of mistiness which obscures the kind of reality which my friend from North Carolina likes to refer to as being as glaring as the midday sun on a cloudless day.

In order to remove the original aspect of plausibility, I respectfully point out that although this amendment appears fair on its face, it is totally impossible for the Director of the Census to carry out its mandate. The Census Bureau can exclude from the voting-age population all members of a military installation, but it cannot determine which members were bona fide residents of another State or political subdivision. The Census can exclude all students of voting age, but it cannot determine which students are bona fide residents of the State in which the campus is located. Nor can the Census locate those students who live off campus but are bona fide residents of other States and political subdivisions.

For example, many North Carolinians attend the University of North Carolina, in Chapel Hill, Orange County, and North Carolina State University, in Raleigh, Wake County. But how many of those students are bona fide residents of Orange and Wake Counties and entitled to be counted as a part of the voting age population in 1964?

The same is true of military installations. How is the Director of the Census to determine who is "disqualified to vote under States law?" Is he expected to disqualify persons who are not registered? Certainly nonregistrants are "disqualified to vote."

What about persons who cannot pass a State literacy test? Is the Director going to go to a State and ask people to interpret the State constitution when it is read to them?

This amendment is a very belated attempt to turn back the clock to the 89th Congress and rewrite standards for determination which were made under section 4(b) almost 5 years ago for the purpose of suspending invidious and discriminatory tests and devices and for preventing the reappearance of new ways to disfranchise blacks through changes in voting qualifications, practices, and procedures.

This kind of amendment reminds me of an anecdote told me in another context by the distinguished Senator from New Hampshire (Mr. McIntyre) recently, and that is that these amendments, increasingly, indicate that there may be a certain lack of logical persuasiveness. The story is about two inexperienced hunters who went into the woods after game. The game warden readily identified them as being tyros at the sport and warned them that they might get lost.

He said, "If you do get lost, the signal for distress is to fire three shots in rapid succession."

In due course, they did get lost.

One of them said to the other, "You had better fire three shots."

So he fired three shots. Nothing happened.

After waiting for about an hour or two, the first hunter said, "You had better fire another three shots."

So the second hunter fired a second round of three shots. They waited another hour or so, and still nothing happened.

Again, the first hunter turned to the second and said, in great distress, "I guess you had better fire three more shots."

His friend said, "I can't. I have run out of arrows."

The time has come, I respectfully suggest, and again, absit invidia, that perhaps our friends are running out of arrows.

I am ready to yield back the remainder of my time.

Mr. KENNEDY. Mr. President, will the Senator from North Carolina yield?

Mr. ERVIN. I am happy to yield.

Mr. KENNEDY. I am wondering, along the line of the remarks of the Senator from Pennsylvania, whether the Senator from North Carolina has had an opportunity to talk with the people in the Bureau of the Census. Could the Senator address himself to the possibility or feasibility of trying to make such a determination on the basis of the merits?

Mr. ERVIN. Oh, yes. The census form contains questions as to when a student entered college for the first time, for the purpose of determining the length of residence of a student.

Mr. KENNEDY. But as to the other areas—for example, the military bases—how would it be possible to determine the eligibility of persons living on military bases, to determine the State where each is a "bona fide resident." The term "resident" is very difficult to define. Can the Senator tell us anything from conversations he has had with the Census Bureau? Would it be burdensome to make such a determination? Could it be done in a practical way?

Mr. ERVIN. The service record of every serviceman contains information as to his residence. Every serviceman's record discloses his place of residence. All that would be necessary would be to inquire of the military to get that evidence.

Mr. KENNEDY. I suppose that the import of the amendment would apply to other States, as well? A number of military bases are located, for example, in South Carolina and Georgia. Can the Senator tell us what the effect would be, or does he know what the effect would be, in those areas, if the amendment were adopted? Does the amendment exclude those areas?

Mr. ERVIN. I wish I could answer the question with absolute assurance, but I cannot. I do not know what the present population of Cumberland County is, or what the present population of Craven County is, or what the present population of Onslow County is. In other words, I do not have that information. However, I think that those localities probably would be freed from the application of the act.

Mr. KENNEDY. The Senator has spoken of the practical effect as it applies within his State. I suppose it is reasonable to ask whether, if it would apply in North Carolina, its extension to other States would be equaly applicable. I would certainly be interested in the determination of the extent of its effect upon the States, as well.

Mr. ERVIN. It might apply to other States. The reason why I use information and knowledge concerning North Carolina is that I do not have information as to the other States in this respect. But I think the principle is the same. If the principle is meritorious, it ought to be adopted, regardless of whom it exempts and whom it does not exempt.

Mr. KENNEDY. Do I correctly understand that these counties are prepared to be relieved from the coverage of the act itself? Is the Senator familiar with that petition?

Mr. ERVIN. So far as I know, they were never filed. I have no information on that subject; but so far as I know, only two counties in North Carolina ever filed an application to be relieved from this. I may be mistaken, but the only ones I know of are Wake County, where they had counted the felons and insane patients in order to bring them in, and Gaston County. Gaston County came up here before a panel appointed by Judge Bazelon—Judge Skelly Wright, Judge Spotswood Robinson, and Judge Oliver Gasch. They were denied relief, even though everyone in North Carolina knows there has been no discrimination in registering to vote in Gaston County within the memory of any living man.

Mr. KENNEDY. I was under the impression that the counties had petitioned to be removed from coverage. I will accept the Senator's statement, however, that he was not under that impression, athough I was interested in exploring the question further.

Mr. ERVIN. I am ignorant on the subject. I have no knowledge of its applying.

For purposes of clarification, let me say to the Senator that Judges Skelly Wright and Spotswood Robinson found, in effect, that a black child in Gaston County had great difficulty in learning to read and write when taught by a black teacher in a school attended by black students in the days when segregated schools were still constitutional. For that reason Gaston County was to be denied the right to be excused from coverage of the act.

Those findings of fault were the final insult to the black race because it was found that a black child could learn to read and write just as easily as any white child.

Mr. COTTON. Mr. President, will the Senator from North Carolina yield?

Mr. ERVIN. I yield.

Mr. COTTON. The Senator from New Hampshire would be inclined to vote for the Senator's amendment, were it not for the fifth provision in his amendment; namely:

XUM

(5) all other persons disqualified to vote under State law, located in such State or political subdivision thereof.

That opens a pretty wide door for the resumption of any kind of expedient to prevent certain people from voting. It seems to me that would be a catchall.

Mr. ERVIN. Mr. President, I state to the Senator from New Hampshire that I am going to ask unanimous consent to strike that fifth section because it is susceptible of a construction which is not intended by me. I hope that no one will object to it, because the yeas and nays have been ordered and I could not strike that first section except by unanimous consent. I hope that I will get unanimous consent to strike it; otherwise, I will have to rewrite the amendment with that omitted and offer the amendment again and have it taken up on Monday. That will take more time, which I should like to avoid.

Mr. SCOTT. Mr. President, I know of no reason why there should be any objection to a unanimous-consent request made by the Senator from North Carolina on that point.

Mr. ERVIN. Mr. President, I ask unanimous consent that I may modify the pending amendment by inserting the word "and" on line 5, page 2 of the amendment, between the words "subdivision" and the "(4)," by changing the comma on line 6 to a period and striking out the remainder of the amendment, "all other persons disqualified to vote under State law, located in such State or political subdivision thereof."

XUM

The PRESIDING OFFICER. Is there objection to the request of the Senator from North Carolina?

The Chair hears none, and the amendment is so modified.

Mr. COTTON. Mr. President, I have one more question to ask the Senator from North Carolina. I could not hear all the colloquy between the Senator from North Carolina and the Senator from Massachusetts; but did I gather correctly from the answers of the Senator from North Carolina that he did not expect any other test to be applied to military officers and others, to inquire from them as to where they did have residency?

Mr. ERVIN. It just applies to those in the military who are bona fide residents of another State or political subdivision.

Mr. COTTON. I understand. But it might be a complicated matter to ascertain by test in the matter of students, or drifters, or members of the Armed Forces, to investigate that thoroughly. It would be a cumbersome process. Was it the Senator's thought that they would have to answer the inquiry and subject themselves to penalties if they answered incorrectly? If that was the intention, that would seem a reasonably enforceable provision.

Mr. ERVIN. The Census Bureau has said that they would seek to elicit the residence of the student, as well as the college he is going to. Every man's military service record discloses his permanent residence. It would be a simple proposition for the first sergeant or an administrative officer to check that record.

Mr. COTTON. But a census is taken only once in 10 years. Some time later they might change their residence.

Mr. ERVIN. Yes, that is true, but I think it is unfair to count these people. I do not think it is too much of an administrative job to determine where soldiers reside or where students reside.

Mr. COTTON. The Senator from New Hampshire does not like the idea of drifters voting, or anyone who happens to be within the confines of the State a short time before an election being put on the checklist to vote. On the other hand, I do not want to see anything impractical here, or any bogging down. It seems to me that it could be provided in the amendment, that, rather than going back to the census to get information that may be 6 or 7 years old, they should be obliged to answer the questions and answer them under the penalty of perjury if they misrepresent them.

Mr. ERVIN. This I know is not based on the 1960 census, because this was passed in 1965. At that time, the Director of the Census Bureau appeared before the committee and in my presence testified that they could determine the residence of people in counties and States involved without difficulty.

Mr. COTTON. The Senator means year by year?

Mr. ERVIN. They did it that year. On the basis of what they determined, that was the basis on which the counties covered by the act were determined. In Wake County they admitted, in effect, that they had counted felons and the mentally ill as well as students in the colleges, so on that basis——

Mr. COTTON. They could not count the mentally ill because most of the mentally ill are not officially so designated.

Mr. ERVIN. Some people still think that many of the mentally ill work in Congress. In fact, I frequently tell children when they visit my office that not all queer animals are in the zoo, that some of them are in Congress. [Laughter.]

Now, Mr. President, if I could have the attention of the distinguished Senator from Massachusetts for a moment, since he asked me how this applied to the other States, which are covered, in whole or in part, by the act. Six States are covered completely. So the amendment would not apply to them, I do not think, because it would not make a great enough difference. The only application this one would have would be to some of the counties in North Carolina and maybe to Virginia. So far as South Carolina, Georgia, Alabama, Mississippi, and Louisiana are concerned, it would have no application whatever.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. On whose time?

Mr. KENNEDY. On the time of the opponents of the bill.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, will someone yield me 1 minute?

Mr. KENNEDY. Mr. President, I yield 1 minute to the distinguished majority leader.

The PRESIDING OFFICER. The Senator from Montana is recognized for 1 minute.

Mr. MANSFIELD. Mr. President, I wish to straighten the RECORD. When it was agreed to displace the then pending Ervin amendment this morning, I was under the impression that it was because of a suggestion made by the distinguished Senator from Vermont (Mr. AIKEN) that he wanted to consider offering an amendment to it.

I find, as a result of conversations since then, that that statement was not a fact. The use of the name of the Senator from Vermont (Mr. AIKEN) was not correct. It came from another source.

I just want the RECORD to show this correction, and if anybody was embarrassed by my earlier statement, I extend to him my deepest apology.

The PRESIDING OFFICER. Who yields time?

Mr. ERVIN. Mr. President, I have been informed by the distinguished junior Senator from Virginia (Mr. SPONG) that this would only apply to those three counties in North Carolina. Virginia is covered entirely, and this amendment would not make enough difference to affect its being covered.

Mr. SCOTT. Mr. President, I yield back the remainder of my time.

Mr. ERVIN. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time having expired, the question is on agreeing to the amendment of the Senator from North Carolina, No. 539, as modified. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LONG (when his name was called). On this vote I have a pair with the Senator from Wisconsin (Mr. NELSON). If he were present and voting, he would vote "nay." If I were at liberty to vote, I would vote "yea." I withhold my vote.

The rollcall was resumed and concluded.

Mr. KENNEDY. I announce that the Senator from Connecticut (Mr. DODD), the Senator from Washington (Mr. JACKSON), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Wyoming (Mr. MCGEE), the Senator from Montana (Mr. METCALF), the Senator from Minnesota (Mr. MONDALE), the Senator from New Mexico (Mr. MONTOYA), the Senator from Utah (Mr. MOSS), the Senator from Wisconsin (Mr. NELSON), the Senator from Georgia (Mr. RUSSELL), and the Senator from Texas (Mr. YARBOROUGH) are necessarily absent.

I further announce that the Senator from Alaska (Mr. GRAVEL) and the Senator from New Jersey (Mr. WILLIAMS) are absent on official business.

I further announce that, if present and

voting, the Senator from Alaska (Mr. Gravel), the Senator from Washington (Mr. Jackson), the Senator from Wyoming (Mr. McGee), and the Senator from New Jersey (Mr. Williams) would each vote "nay."

On this vote, the Senator from Georgia (Mr. Russell) is paired with the Senator from New Mexico (Mr. Montoya). If present and voting, the Senator from Georgia would vote "yea," and the Senator from New Mexico would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. Baker), the Senator from Massachusetts (Mr. Brooke), the Senator from Colorado (Mr. Dominick), the Senator from New York (Mr. Goodell), the Senator from Nebraska (Mr. Hruska), the Senator from California (Mr. Murphy), and the Senator from Illinois (Mr. Smith) are necessarily absent.

The Senator from Idaho (Mr. Jordan) and the Senator from Ohio (Mr. Saxbe) are absent on official business.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

The Senator from Maryland (Mr. Mathias) and the Senator from Illinois (Mr. Percy) are detained on official business.

If present and voting, the Senator from Massachusetts (Mr. Brooke), the Senator from Maryland (Mr. Mathias), and the Senator from Illinois (Mr. Percy) would each vote "nay."

On this vote, the Senator from Nebraska (Mr. Hruska) is paired with the Senator from New York (Mr. Goodell). If present and voting, the Senator from Nebraska would vote "yea" and the Senator from New York would vote "nay."

On this vote, the Senator from South Dakota (Mr. Mundt) is paired with the Senator from Illinois (Mr. Smith). If present and voting, the Senator from South Dakota would vote "yea" and the Senator from Illinois would vote "nay."

The result was announced—yeas 30, nays 44, as follows:

[No. 84 Leg.]

YEAS—30

Allen
Byrd, Va.
Byrd, W. Va.
Cooper
Cotton
Curtis
Dole
Eastland
Ellender
Ervin
Fong
Fulbright
Griffin
Gurney
Hansen
Holland
Hollings
Jordan, N.C.
McClellan
McIntyre
Miller
Packwood
Sparkman
Spong
Stennis
Talmadge
Thurmond
Tower
Williams, Del.
Young, N. Dak.

NAYS—44

Aiken
Allott
Anderson
Bayh
Bellmon
Bennett
Bible
Boggs
Burdick
Cannon
Case
Church
Cook
Cranston
Eagleton
Fannin
Goldwater
Gore
Harris
Hart
Hartke
Hatfield
Hughes
Inouye
Javits
Kennedy
Magnuson
Mansfield
McGovern
Muskie
Pastore
Pearson
Pell
Prouty
Proxmire
Randolph
Ribicoff
Schweiker
Scott
Smith, Maine
Stevens
Symington
Tydings
Young, Ohio

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Long, for.

NOT VOTING—25

Baker
Brooke
Dodd
Dominick
Goodell
Gravel
Hruska
Jackson
Jordan, Idaho
Mathias
McCarthy
McGee
Metcalf
Mondale
Montoya
Moss
Mundt
Murphy
Nelson
Percy
Russell
Saxbe
Smith, Ill.
Williams, N.J.
Yarborough

So Mr. Ervin's amendment No. 539, as modified, was rejected.

Mr. SCOTT. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. RANDOLPH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SPONG. Mr. President, in a colloquy yesterday with the Senator from Michigan (Mr. Hart), I challenged the Senator to cite a single instance in which the Legislature of the State of Virginia had passed a law which was held to be contrary to the Voting Rights Act of 1965 or in any other way to discriminate among voters on the basis of race or color.

The Senator's immediate response was "No," he could not think of such an instance, but later he made reference to the case of *Allen* v. *Board of Elections* (393 U.S. 554, 556), saying:

> But the Allen case decided last spring by the Supreme Court did involve a case in Virginia—as well as three companion cases from Mississippi. In *Allen*, Virginia had employed practices which thwarted Negro voter efforts to support a candidate other than the winner of the party primary.

Mr. President, I have respect for the legal acumen of the distinguished Senator from Michigan. However, I would suggest that in this instance his interpretation of the Allen case is misleading.

In fact, the practice which the Senator from Michigan says was designed to thwart Negro voting efforts is today part of Virginia law—Virginia Code, section 24-251, special session 1969, chapter 5—having been determined by the U.S. Attorney General under the Voting Rights Act not to violate the 15th amendment.

Quite the opposite, the Virginia regulation which was at issue in this case greatly liberalized voting practices and was designed to facilitate voting by educationally deprived citizens.

Basically what was involved was a Virginia law which provided that voters who were physically unable to complete their ballots could receive aid from election judges.

In an effort to implement the Voting Rights Act which had become law only a week before, the Secretary of the Board of Elections on August 12, 1965, issued a regulation amending the Virginia law so that voters who are physically and educationally unable to complete their ballots could receive aid from election judges. In short, not only had Virginia given up its literacy test, but it was attempting in a positive way to assist voters who were unable to read or write.

The issue in the Allen case arose more than a year later in the general election of November 8, 1966. At that time a number of voters wished to write in a candidate whose name was not printed on the official ballot. Rather than seek the aid of election judges, however, they utilized a sticker bearing the candidate's printed name. These ballots were subsequently held to be invalid.

In the Allen case, the Court decided that Virginia's regulation was not in strict compliance with section 5 of the Voting Rights Act because it had not been precleared with the U.S. Attorney General. No decision was rendered on the question of voiding improperly marked ballots. This became moot when it was established that the Congressman involved in that election was no longer holding office. The Court therefore did not rule on that part of the plaintiff's charge nor did it make any reference to it in its final opinion.

As I stated earlier in my remarks, this regulation was subsequently cleared with the Attorney General and is today Virginia law. And again I would say that this regulation was an effort not to evade the spirit of the Voting Rights Act but an exemplary effort to implement it.

There is absolutely no basis for charging or implying that in the Allen case that Virginia was found to discriminate among voters on the grounds of either race or color.

In this connection, I want to quote from the Court's decision:

> As in all these cases, we do not consider whether this change has a discriminatory purpose or effect. (Page 24.)

And again:

> In saying this, we of course express no view on the merit or these enactments; we also emphasize that our decision indicates no opinion concerning their constitutionality. (Page 24.)

Mr. HART. Mr. President, will the Senator yield?

Mr. SPONG. I yield.

Mr. HART. I agree with the distinguished Senator from Virginia; it would be unfortunate if my remarks yesterday were taken to imply that the Court decided in Allen that the procedure in question had a discriminatory purpose or effect. That would be inaccurate because, as the Senator has pointed out, the Court did not pass on the merits of the procedure. I regret any implication to that effect. I merely was calling attention to the case and to the complaint which has been made. And I agree that the Attorney General subsequently cleared the procedure under section 5.

Mr. SPONG. I thank the Senator very much.

Mr. RANDOLPH. Mr. President, next week, within the Judiciary Subcommittee on Constitutional Amendments, and within the Senate itself, we will continue to focus attention on the efforts to provide the responsibility and the privilege to young persons in our Republic, ages 18, 19, and 20, of participation in the American ballot.

It is gratifying to me personally, as the sponsor of Senate Joint Resolution 147, a resolution which is cosponsored by 68 Senators, that we are moving constantly toward an objective which I and others have sought for so very long. The last Senator as of today to join in cosponsorship of my Senate Joint Resolution 147 is the able junior Senator from Florida (Mr. Gurney).

The testimony to be taken next week by the Judiciary Subcommittee will further strengthen the arguments, which are so very, very many, that now, not later, is the time for Congress to act on this vital issue.

I said, in colloquy with Senators the day before yesterday in this forum, that I believed the constitutional amendment route was preferable to the statutory approach which has been discussed and is pending in the amendment to be offered by several Senators. I have joined in the sponsorship of that amendment because, in the final analysis, I want to leave no avenue unexplored by which this Congress can act—the 91st Congress, not the 92d Congress or the 93d Congress, but the 91st Congress.

So, when the amendment to lower the voting age by statute is offered and the debate moves forward, we will have an opportunity to assess the situation and to determine whether to pursue the constitutional amendment route.

I believe that within a relatively few months—in fact, in less than 2 years—three-fourths of the States would ratify the constitutional amendment.

I will, therefore, join—at least I will follow with intense interest—what transpires within the Judiciary Subcommittee in the hearings next week which will be a continuation of the hearings within the past 3 weeks of this subcommittee chaired by the very able Senator from Indiana (Mr. BAYH).

We have zeroed in, as it were, upon the continuing and convincing arguments for the extension of the responsibility of the franchise to this group of Americans, approximately 12 to 14 million in number. It is not necessary to repeat the arguments today. Over and over again those of us who feel strongly on this matter have spoken out not only in this Chamber and in testimony given in committee, but throughout our own respective States. We have lately told of the need for the 18-, 19-, and 20-year-old youths of this country to become a strong segment of the voting strength of this country.

So I repeat, Mr. President, that the legal arguments are going to be presented not only by my own exhibits in the RECORD, but as well by the material already included by the able Senator from Massachusetts (Mr. KENNEDY) on yesterday, and the comment by our distinguished majority leader (Mr. MANSFIELD) and by others, including the diligent Senator from Washington (Mr. MAGNUSON), the veteran Senator from Arizona (Mr. GOLDWATER), and the able Senator from North Carolina (Mr. ERVIN) who continue to give attention to this issue.

It was my privilege to argue, as it were, this subject with a beloved colleague in this body, through our viewpoints being expressed in the American Legion magazine. The Senator from Florida (Mr. HOLLAND) said "No"; the Senator from West Virginia said "Yes." I give this only as one of the hundreds of examples of the arguments being drawn by magazines, by newspaper editorials, by special articles, by seminars, by forums, and by persons who speak, not just to others in conversation, but to audiences throughout our country on this vital issue.

XUM

Mr. President, I shall not attempt to prejudge what the Senate will do in reference to the statutory approach or the constitutional amendment approach. Whatever the approach, there is, I think, a ground swell which is not emotional in nature of recognition of the constructive contribution which these young people can make to the voting process in this Republic.

I hope, therefore, that all Senators will give special attention to this subject next week and will prepare themselves to evaluate—as I know they will—differing viewpoints and differing opinions so that we may be brought to the point of a carefully considered decision on this question.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. RANDOLPH. Yes; I am very happy to yield to the Senator from Florida.

Mr. HOLLAND. I am happy that my distinguished colleague mentioned the fact that he and I expressed our individual views, which were somewhat different, for the American Legion magazine, and that those views were published in that magazine.

I wonder if my distinguished friend has asked for the inclusion in the RECORD of both articles—his so beautifully written, and mine——

Mr. RANDOLPH. Effectively and beautifully written.

Mr. HOLLAND. Well, I would not say so, but I hope understandably written.

I wonder if the Senator would object to the inclusion of both of those articles at this point in the RECORD, to show that good friends may differ on this subject, and to show the details of our differences in approach to this certainly important problem.

Mr. RANDOLPH. Yes. Mr. President, I think it is very helpful to have the comment of my friend the senior Senator from Florida, and I ask unanimous consent, at this point in my remarks, to have printed in the RECORD the arguments presented by Senator HOLLAND and myself for the American Legion magazine.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

OPPOSING VIEWS BY CONGRESSMEN ON THE QUESTION, SHOULD 18-YEAR-OLDS BE ALLOWED TO VOTE?

YES: SENATOR JENNINGS RANDOLPH, DEMOCRAT, OF WEST VIRGINIA

For 193 years the American people have engaged in perfecting a form of government unique in world history. Many refinements have been made in a system that gives more citizens a voice in its operation. Our goal has been to broaden the base of democracy. We have departed from the idea of voting as a privilege of property ownership. Today, we generally recognize voting as the right of all persons who share the responsibilities of citizenship. The work is incomplete, however, because a significant segment of our population—one that is becoming ever more knowledgeable and concerned with our complex world—is yet denied the choice in helping to select the citizens who will govern it.

Since 1942, I have sponsored nine Congressional resolutions for Constitutional amendments to lower the voting age to 18. In that 27-year span our young people, in addition to fighting three wars, have assumed increasing responsibilities in a changing America.

Public opinion polls reveal a large majority of the population favors it, but we have not extended the franchise to an important 7% of our people.

That today's youth wants a role in government is beyond question. Events of the past year demonstrate clearly the desire to participate responsibly, but that road is blocked by an arbitrary and outmoded voting age. There is ample evidence that the violent radicals and destructive militants who grab the headlines constitute only a small minority of our young people, a group that could be effectively counterbalanced by arming the majority with the right to vote.

Eighteen is the real coming-of-age years. Most 18-year-olds have completed their formal education and are entering the world of work. They are eligible for the draft; they are no longer juveniles in the eyes of the courts; they are responsible for their actions and can be sued. Many take on the responsibilities of marriage and families. But in only four states can they exercise the full duty of citizenship through the ballot box before age 21—Georgia and Kentucky at 18, Alaska at 19 and Hawaii at 20.

The nearly 14 million persons between 18 and 21 are weary of waiting for the states to act and have formed an organization to work for a lower voting age. In February, it was my pleasure to encourage the Youth Franchise Coalition as it brought together a wide range of young people's groups into a single unit to actively campaign for a lower voting age. America needs the idealism and energy of its young citizens, schooled in traditions of self-government and eager to do their part in making it a strong and responsive system. If we are to bridge the generation gap, there is no more constructive way to commit our confidence in our young citizens than by lowering the voting age to 18.

NO: SENATOR SPESSARD L. HOLLAND, DEMOCRAT, OF FLORIDA

In 49 States male individuals do not attain majority until reaching the age of 21. Those of lesser age are minors and are not permitted to make binding contracts, serve on juries or participate in numerous other activities inherent to the responsibilities of full citizenship. It seems incongruous to me that persons not legally permitted to handle these responsibilities should be entrusted with the ballot, and should be allowed to pass on Constitutional changes, large bond issues and other policies of national or state concern.

Leaders of radical movements understand that patience is not a particular virtue of the young, and that radicalism has its greatest appeal to youth between the ages of 18 and 21.

Much is made of the argument that those old enough to be drafted into the armed forces are old enough to vote. Soldiers are called upon to obey commands and to follow military orders. They do not determine policy matters. For this reason it is utterly fallacious to draw a parallel between the draft age and the voting age. The fallacy of this position is shown by the fact that women, who don't fight, can vote, and that men who have passed fighting age also can vote.

To use the ballot most effectively, one must have the ability to separate promise from performance and to evaluate candidates on the basis of fact. That 18-year-olds can fight is a credit to their physical maturity. However, intellectual maturity is the soundest basis for full citizenship responsibility.

If the voting age were lowered, political organizations would move onto the college campuses with a vengeance. This would be dangerous since the years 18 to 21 are highly impressionable ones. These are years of great uncertainties and of rebellion rather than of reflection and establishment of permanent purpose.

From 1787 until 1943 there was agreement in setting the voting age at 21. Today, this same requirement prevails in 46 states. Georgia and Kentucky lowered the voting age to 18 and more recently Alaska and Hawaii established 19 and 20 respectively as the voting ages. In recent years no less than 11 other states have rejected proposals to lower the voting age. From these results it seems clear that the citizens of a great majority of the states do not consider the proposed change to be a wise one.

The federal Constitution is silent with regard to controlling the voting age. Historically, control and the qualifications necessary for granting the franchise have been left with the states. I believe a great majority of Americans think, as I do, that this should continue to be a state function.

Mr. HOLLAND. I thank my distinguished friend.

Mr. RANDOLPH. I add only this: When we speak of disagreement, on this point we have disagreement within Florida, Senator HOLLAND saying "No" and Senator GURNEY saying "Yes."

So we realize that the tides of difference do flow, not only from State to State but within a State. And again I emphasize, because I believe that it needs to be emphasized, that on the Senate joint resolution which I have introduced there are now 68 cosponsors. It is a cooperative commitment, and the Senator from West Virginia desires in nowise to be leading the way or to be a crusader. He wants the opportunity, as he has wanted it since 1942, to stand side by side with all the Senators and all those who want to bring about a lower voting age.

Mr. HOLLAND. Mr. President, will the Senator yield further?

Mr. RANDOLPH. I yield.

Mr. HOLLAND. In voicing my own attitude on this question—and I am glad that my distinguished friend has had placed in the RECORD the articles by himself and myself that were published in the American Legion magazine—I want to make it clear that I am expressing what, up until now, has been the viewpoint of the Legislature of Florida—one house of that legislature or the other, or both—for many, many sessions. I do not know how far back this subject has been discussed as an item of interest to our State. The matter proposed there, of course, was the submission of a State constitutional amendment. But in each case, the legislature has voted down any proposal to submit a constitutional amendment to reduce the voting age in my State from 21 to 18. So I want the RECORD to show that my article speaks not only from my own conviction but speaks the conviction that, up to this date, has been voiced on frequent occasions by the Legislature of the State of Florida.

Mr. RANDOLPH. Mr. President, I add only this further thought: I understand the situation in Florida, as I understand it in all the States that have attempted, in one way or another and at some time or other, to cope with this subject.

I will say that no Member of the Senate has ever deserved or continues to deserve more credit for the elimination of the poll tax in this Nation than the Senator with whom I have been having this very pleasant colloquy, the Senator from Florida (Mr. HOLLAND).

Mr. HOLLAND. I thank my distinguished friend.

Mr. RANDOLPH. In that instance, he was thinking in terms of a great national movement, not just a movement confined to his good State of Florida, or to the good State of West Virginia, where he has visited so often and where his forebears contributed so much to our earlier history.

I think it is important to say that at an earlier time there was a need to include the women of our country in those citizens enfranchised with the American ballot. Frankly, I say to the Senator from Florida (Mr. HOLLAND) and to other Senators who may be listening, that it is my own feeling and conviction that we would not have woman suffrage today in this country if it were not for the constitutional amendment in which Congress referred to the States the subject of woman suffrage. The intention then, as it is now, was to assure a large segment of our society of the desire to bring them into the voting population. It was only a few months, as the Senator from Florida will recall—I believe only 15 months—after the constitutional amendment to grant suffrage to women was referred to the States until a sufficient number had acted, and then the Secretary of State proclaimed that women could exercise the use of the American ballot.

Now we have come to another time in our history, not a time of advancement of feminism, but a time of advancement of the responsibility of youth; a time to enable them to protest, not meaninglessly in the streets, but, if they so desire, to protest a person upon a ballot, or a proposition upon a ballot, and to vote not only against a person or a proposition, but for a person or for an issue.

This will give to the youth of our country an opportunity which is so vital at this particular time to increase the constructiveness of the American system, in which I so thoroughly believe.

Mr. HART. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HUGHES in the chair). Without objection, it is so ordered.

LAOS

Mr. MANSFIELD. Mr. President, in August of last year, I undertook a trip to Southeast Asia, at which time I visited the Philippines, Indonesia, Burma, Cambodia, and Laos.

I issued a report on that trip on September 13, 1969.

I ask unanimous consent that the pertinent part of that report, section E, having to do with Laos only and entirely, be printed in the RECORD.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

E. LAOS

From a decline in involvement after the Geneva accord of 1962, the U.S. presence in that small nation has grown again to disturbing proportions. The reinvolvement is largely in the form of assistance of one kind or another, extended either directly by U.S. agencies or indirectly through private contractors. The cost of reinvolvement is already in the hundreds of millions and is rising. Most seriously several hundred lives have also been lost. Present tendencies in Laos, in short, run directly counter to what should be anticipated from the President's new doctrine.

To be sure, the reinvolvement of the United States in Laos is associated with the war in Vietnam as well as with the continued and spreading military activity of the dissident Pathet Lao. The armed forces of the latter group are now said to number between 15,000 and 20,000. In addition, it is estimated that some 50,000 North Vietnamese are in the country at this time, moving back and forth between the north and south or guarding infiltration routes and lines of supply. The Chinese have recently added armed guards to a road which, by agreement with a former Laotian government, they are building in remote northern Loas but this development does not seem to have stirred any deep alarm in Vientiane.

It is an understatement to note that the Geneva accord of 1962 which provided both for the neutrality of Laos and for an all-Lao Government of the various factions is now in suspension. The prospects for its resuscitation, moreover, are likely to remain grim, especially if the war in Vietnam is not brought to a conclusion in the near future. In present circumstances, the government in Vientiane is unable either to persuade the Pathet Lao to reenter a government of national unity or to prevent a steady accretion in the strength of this dissident movement.

The U.S. response to the worsening Laotian situation has been to condemn the continued presence and addition of North Vietnamese forces in the country and the involvement of Hanoi in support of the Pathet Lao. At the same time, as noted, we have reinvolved ourselves on a bilateral basis to support the government in Vientiane and as a supplement to the war in Vietnam. At best, this course is already costing some American lives and hundreds of millions of dollars, with all signs pointing to an accretion rather than a diminution. At worst, it could lead to the full assumption of a U.S. military role in the pattern of Vietnam—a course which was rejected by this government in 1961–62.

As it is now, the depth of our reinvolvement has already created a dilemma. On the one hand, a collapse in Laos is possible, without the continuance of aid, at least at its present level. On the other hand, the greater our support of the government in Vientiane, the less its creditability as a unifying neutral force for all of the Laotian factions. Indeed, in present circumstances, it would appear that the King, Sri Savang Vatthana, alone commands a general loyalty throughout the factionalized land. Any political role which he might play in reunification, however, has heretofore been circumscribed by the traditions and practices of the kingdom.

It is difficult to see how the administration's new doctrine can be sustained if there continues to be an increase in U.S. activities in the old pattern in this uncertain and unstable situation. It seems to me that, as a minimum, every effort must be made to avoid any further magnification of the American presence in Laos. Most importantly, any enlarging commitment of U.S. military forces in this remote region must be restrained.

Mr. JAVITS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from New York will state it.

Mr. JAVITS. Is the rule of germaneness still in effect?

The PRESIDING OFFICER. The Chair would inform the Senator from New York that the rule of germaneness is not in effect.

Mr. JAVITS. Mr. President, I wish to make a comment upon the issuance of the statement by President Nixon on the situation in Laos.

I note that the majority leader has just referred to Laos.

I have just come from Southeast Asia myself within the past few weeks. Although I did not get into Laos, I did visit Vietnam.

The real concern of the American people is that there should not be a repetition of slipping into war on Laos in the same way we slipped into the Vietnam war.

The President of the United States has sought to reassure us on that score, that the restrictions put on the use of American ground combat troops in the military authorization bill will be observed by the administration in respect to ground combat forces assigned to Laos.

That reassurance, Mr. President, is a good thing to have. I am gratified that the President has seen fit to assure us as to his intentions regarding ground troops and the recent Senate amendment to the Defense appropriations bill.

But, I am still disturbed by the part of the statement in which the President said:

> We have continued to carry out reconnaissance flights over northern Laos and to fly combat support missions for the Laotian forces when requested to do so by the royal Laotian government.

XUM

Mr. President, losses in respect to combat support missions can be—and in Vietnam were—translated into accelerated American involvement which finally ended up in our taking over the major combat responsibility in Vietnam.

The Gulf of Tonkin resolution, passed in 1964, is very pertinent to the present problem because it gives the President a virtual blank check—as valid for President Nixon as it was for President Johnson—to provide combat forces of the United States upon the request of what is called the protocol state under the Southeast Asia Treaty.

Laos is a protocol state, as is South Vietnam.

Here is the President confirming publicly that we are flying combat support missions upon the request—that is the word, "request"—of the Royal Laotian Government.

The President could again, as President Johnson did, gradually pyramid the situation of United States combat to involvement in Laos, without any further action of Congress, again facing us with an accomplished fact. American troops engaged in combat, first in "self-defense," who will need money in order to buy the necessary equipment and supplies. The honor of our Nation will be at stake, we cannot let our troops down, we have to have the appropriation, and we must vote the appropriations. The dread scenario is possible once again, with respect to Laos, at least so long as the Tonkin Gulf resolution remains in force. I do not believe President Nixon intends or desires to move in this direction. I am sure he is against it. But the potential ingredients are all there.

Mr. President, in my judgment, if the Senate really wants to have a substantive effect upon the situation in Laos, we must terminate the Gulf of Tonkin resolution.

It is one of quite a number of resolutions on the books. The Senator from Maryland (Mr. MATHIAS) has a bill which relates to a whole range of resolutions. The Gulf of Tonkin resolution can be terminated by concurrent resolution of the House and Senate and not requiring the signature of the President. That is provided for in the final cause of the Tonkin Gulf resolution.

Termination of the Tonkin Gulf resolution would clean the slate, so that there would be no question about the determination of Congress to recapture control of the Laos situation which is tantamount to war.

I hope very much that we will face up to that fact. This does not mean that I or any other Senator would inhibit himself from voting for affirmative action to take action on Laos, even ground combat action, if the peace and security of the United States, or the peace of the world, in our judgment, was at stake, and that this was the proper action to take for the youth of our country. The case would, of course, have to be made convincingly on the merits, but we would certainly consider it on the merits.

These decisions can and must be made on a case-by-case basis. They cannot be made by the President of the United States alone. They can be made only by the Nation—to wit, Congress and the President.

If we do repeal the Tonkin Gulf resolution, as I shall urge strongly in the Foreign Relations Committee, this does not mean that the United States will go isolationist or will consider that the west coast or the east coast are the sole boundaries of our security perimeter.

It will mean that we are not giving out blank checks to any President, no matter how much confidence we have in him.

Mr. HART. Mr. President, will the Senator yield?

Mr. JAVITS. Mr. President, I yield to the Senator from Michigan.

Mr. HART. Mr. President, I am delighted that I was on the floor and had the opportunity to hear the Senator from New York make the point he has made.

As is so often the case, he has in very brief compass focused our attention with clarity on a course which, in my judgment, makes good sense.

I am delighted to associate myself with his remarks.

Mr. JAVITS. Mr. President, I am very grateful to the Senator from Michigan.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. COOPER. Mr. President, as the Senator from New York has remarked at various times, sometimes we join in speeches on the floor on the same subject without knowing the other intends to make a speech. And that is what occurred today.

I did not know the President would make a statement today on Laos. I have not yet read his statement. Nevertheless, I had prepared a brief statement to deliver today, and as its content was known, I shall deliver it.

The concern of Congress and the people of our country over the American involvement in Laos has been amply demonstrated for nearly a year. The U.S. involvement embraces the supply of military advisers, equipment, and munitions to the Laotian forces and this has been authorized by Congress for several years. It includes the bombing of the Ho Chi Minh Trail, and this is directly connected with the war in Vietnam and I consider this action is within the constitutional powers of the President of the United States, both as Commander in Chief in wartime and under the very well-known doctrine of military necessity.

But from time to time, and more clearly lately, our involvement in South Vietname has become related to the local war between the Government forces of Laos, and the Pathet Lao. And it is this action which causes me to believe, and has caused me to believe for many months, that it holds the possible danger of an increasing involvement in Laos and the type of an increasing involvement as has occurred in South Vietnam.

I support the President's policy in Vietnam. It is a reversal of the old order of escalation. I know that it's success depends largely upon the attitude and action of the Government of North Vietnam. I know that the choices of the President with respect to Laos are difficult, because of its growing connection with the war in Vietnam. Nevertheless, I believe there are steps which should be taken to prevent, if possible, another Vietnam experience in Laos. I believe that these steps are consonant with the President's program of troop withdrawal from Vietnam and a just settlement of the war. It would be certainly declaratory of his intention which I respect that we shall not have an enlarged war either in Laos, Cambodia, or Thailand.

I believe it imperative, therefore, that the United States withdraw completely from any combat involvement in the local war between the Royalist forces and the Pathet Lao. This would not deny the supply of military aid to Laotian forces which has been authorized by Congress. What I am saying is that we should withdraw all U.S. personnel, whether a part of our military force or in a civilian role, who are engaged in air strikes or any combat activity in the local war in Laos.

I would propose another initiative upon the part of our Government. I know that the earlier suggestions about reconvening the Geneva Conference have not been successful. But I would hope that the President now, because of the North Vietnam encroachments in three countries, Vietnam, Laos, and Cambodia, which are breaches of the Geneva accords and the U.S. involvement in

Vietnam, Thailand, and the possible impact of this involvement upon Thailand, will act as he sees fit to call for or support the reconvening of the Geneva Conference.

We desire very much, as does the President, an end of our involvement in Vietnam and in Laos. We hope that it can be achieved either by the policy of Vietnamization or by negotiations in Paris. But because of the increasing involvement of all of the countries of Southeast Asia, a settlement, unless it is accompanied by political agreements on the part of all of the parties involved in these countries, might not be a lasting one.

We have debated possible dangers of involvement in a Vietnamese type of war in Laos for nearly a year. And Congress in various ways has expressed its intention that we should not become involved in such a war. It was in August 1969 that I first spoke in the Senate on this concern.

With knowledge of the difficulties the President, who has inherited the problems of Vietnam and Laos and full appreciation of what he is doing in Vietnam to end that war, I have argued the withdrawal fram Laos of all our personnel either military or civilian, who are engaged in combat in Laos in support of the local war.

Second, we should increase our efforts toward negotiations in Paris, and we should take the initiative of asking and supporting a reconvening of the Geneva conference to achieve not only a military settlement in Southeast Asia, but also a political settlement.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. COOPER. I yield.

Mr. JAVITS. Mr. President, I, too, deeply appreciate the Senator's reaction to the Laotian situation.

I am sure the Senator would join in urging the administration to cooperate so that the transcript of the Laotian hearings may be released at an early date and the people can be really informed.

Mr. COOPER. I agree. I believe, and have always believed, that the full facts are of the greatest interest to the American people and should be revealed, not only to Congress, but also to the people of the United States. I believe it would have a salutary effect among our people and the Members of Congress as well, and would also be helpful to the administration.

I have now read the wire report of the President's statement. It is a correct statement of the situation and will be appreciated by the people.

Mr. JAVITS. Mr. President, there is another thing I would like to ask the Senator. I do not want the Senator to commit himself, because he is a member of the Foreign Relations Committee. But I am sure the Senator heard me urge the termination of the Tonkin Gulf joint resolution.

Does the Senator feel that serious consideration of that question is warranted and is, indeed, made very pertinent by the dangers we face in Laos?

Mr. COOPER. I believe that serious consideration should be given to it. There has been so much controversy over the joint resolution that I believe, that no administration should claim its authority, even though by its wording, such authority may be given.

To clear the decks, it may be a good course to follow.

Mr. JAVITS. Mr. President, I thoroughly agree with the Senator from Kentucky. We have indications from Secretary Rogers and from the President that they are not relying on the Tonkin Gulf joint resolution. But I think that it would clear the decks, as the Senator has said.

The reasons given for what is now public—the President's statement that we are flying armed reconnaissance missions on request—is that the Plaine des Jarres involvement is related to the interdiction of the Ho Chi Minh Trail. One must always have a balance in these matters. One cannot expect to get all profits; there are some losses.

I gather the Senator to feel, and I wish to join him in this, that although it may have some effect on efforts to interdict the Ho Chi Minh Trail, it is not sufficient to justify running the risk of another war in that part of the world by involving ourselves even from the air in the Plaine des Jarres actions.

Mr. COOPER. I agree wholely.

As I said a while ago, the bombing of the Ho Chi Minh Trail to interdict supplies and men entering South Vietnam is a constitutional authority.

Mr. JAVITS. I agree, under the Tonkin Gulf resolution.

Mr. COOPER. But that authority could be extended in Laos and to the local Laotian war, if one contends it is a necessary part of the operation in Vietnam.

With the facts that I have, and the Senator knows them as well as I, I do not believe that such a point has been reached, but if the fighting continues in Laos and with Americans engaged, the fine line of demarcation could be eliminated and we could find Laos a theater of the war in Vietnam.

I agree that the risk of stopping whatever participation we have is not as large as continuing the participation and a possible enlargement which, in the end may result in a new war in Laos or an enlarged Vietnam war.

Mr. JAVITS. Do I understand the Senator's feeling to be that what he considers to be within the authority of the President—to wit, interdiction of the Ho Chi Minh Trail—may also be stretched to mean invasion of the air space of Laos because the Ho Chi Minh Trail goes through Laos? So that we understand each other on that score, we are not arguing the niceties or subtleties, we are arguing the involvement of the United States in the danger of another war in Laos, or a full extension of the Vietnam war to Laotian territory.

Mr. COOPER. We understand each other and we have the same position.

Mr. JAVITS. I thank the Senator. This colloquy is tremendously helpful.

VOTING RIGHTS ACT AMENDMENTS OF 1969

The Senate continued with the consideration of the bill (H.R. 4249) to extend the Voting Rights Act of 1965 with respect to the discriminatory use of tests and devices.

Mr. ELLENDER. Mr. President, we are being called upon to make a highly significant choice between alternative proposals on the subject of voting rights.

Although the choice may not be a totally simple one, there should be no doubt of a proper outcome if we will only apply a bit of logic and commonsense in making our choice between the three basic concepts which are before us.

First, there are those of us who support the administration's compromise proposal which has been passed by the House. Although this plan has some undesirable aspects, which I shall discuss shortly, it would at least bring the whole subject of Federal protection of voting rights back within the realm of equal protection of laws. It would do this by applying a reasonable law nationally and by abandoning an unreasonable one which now applies only regionally.

Second, there are those who basically want only to extend the Voting Rights Act of 1965 for another 5 years but who feel they cannot do so without also outlawing literacy tests throughout the country, that is, giving the act at least the semblance of nationwide coverage. Actually, by means of a so-called "compromise" which is now before us, they seek to maintain one harsh and discriminatory standard of regulation for the six-plus States now covered by the act and a lesser standard for the rest of the Nation.

Third, there are those of us who would like to avoid enactment of any new law or extension of any old one which calls for suspension of reasonable, fairly administered literacy tests. We think it would be sufficient to rely, instead, upon a number of other provisions already in the law which I shall mention in a few moments.

Although this latter approach is by far the most desirable one, as far as I am concerned, I realize that it is not a possible goal under the present circumstances and that the administration's compromise bill, already adopted by the House, is the best that can be expected.

REGIONAL LAW IS BAD LAW

The thrust of my remarks today, Mr. President, will be to point out the illogic, the danger, and the outright unconstitutionality of adopting any provision which does not apply equally to all parts of the country. A law which penalizes a handful of States while the others go completely unaffected is not the American way of doing things. In my book it is undemocratic, un-American, and untenable.

During the debates which preceded the adoption of the Voting Rights Act of 1965, many of us pointed out in specific terms the illogic of using the arbitrary 50-percent formula or "trigger" which effectively limits coverage of the act to only a half dozen States, all of them quite conveniently located in the so-called Deep South, whatever that means.

Somehow, there was supposed to be a magic quality in the notion that protection for voter registration was needed only in those States which had a literacy test and which either had less than 50-percent registration of voting age population or which produced a voter turnout of less than half the voting age population in the 1964 presidential election.

Use of this standard resulted in two illogical consequences. In the first place, it resulted in Federal intervention in many parts of the affected States where there was absolutely no need for protection. In other words, it voided the fundamental presumption of innocence which is so basic to our system and presumed areas within certain States guilty without any cause whatever. In many parts of Louisiana, for instance, there is no greater percentage of Negro voting age population registered today than there was in 1964. In some other parts of the State that is not so, but I want to point out that even within an individual State such a law has contradictory and illogical results.

Second, it blindly ignored situations in other States which merited at least as much attention as any problem existing in the six States covered by the act. I cited such examples in a speech I made on March 22, 1965. This speech prompted a complimentary editorial in the Evening Star edition of March 26, 1965.

This editorial explains in a few words the point I was making and the illogic of the approach used by the 1965 Voting Rights Act. It is the same kind of illogic which applies to the proposal for extension of the act that is now before us. The truth of the matter is not affected in the least by the Scott-Hart plan to deprive still more States of their constitutional right to impose reasonable and fairly-administered prerequisites for voting.

Mr. President, I ask unanimous consent to place the Star editorial of March 26, 1965, in the RECORD at this point.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

ILLOGICAL IS THE WORD

> Virginia's Senator Willis Robertson commented the other day that the pending voting bill "rests upon an assumption that is bad logic as well as bad law."
>
> The issue as to bad law is hardly one for laymen. Let's leave that to the lawyers and the judges. The matter of logic, however, is in a somewhat different category.
>
> In an address to the Senate this week, Senator Ellender of Louisiana, while attacking the bill on constitutional grounds, also made an interesting point in the area of logic.
>
> The sanctions in this bill would apply to Louisiana because that state has a literacy test and because only 47.3 percent of all persons of voting age actually voted in the 1964 election. (Some 63.5 percent of the eligibles are registered in Louisiana and could have voted had they taken the trouble to do so.) The bill would not apply to New York, which also has a literacy test, because more than 50 percent of the eligibles did vote in 1964. And, interestingly enough, neither would it apply to Texas. Texas has a poll tax, which Louisiana does not. But Texas does not have a literacy test. Therefore, it is exempted from the bill although only 44.4 percent of its eligibles voted in 1964, as compared to 47.3 in Louisiana. The logic eludes us.
>
> It may be worth pointing out that the 1964 Civil Rights Act provides that anyone with a sixth grade education is presumed to be literate. This is a rebuttable presumption and differs from the New York standard, under which an eighth grade education is conclusive on the point of literacy. But even a sixth-grade showing would offer some assurance that a prospective voter will at least be able to read and write passably well.
>
> As we have stated before, we think reasonable literacy tests, given without discrimination, are desirable. We also have expressed the view that the percentage of eligibles who are registered, as distinguished from those who voted or didn't take the trouble to vote in a given election, is the better standard. Senator Ellender's comparison of the situation in his state with that in Texas tends to confirm us in these beliefs.

Mr. ELLENDER. So we see that any bill which contains within its provisions an extension of the 1965 act is an illogical and discriminatory proposal. I repeat that the scheme of attaching onto this illogical bill any additional section to give the appearance of nationwide applicability only compounds the sin. It only adds insult to injury by preserving what is bad in the law and tacking on to it still other illogical and unconstitutional infringements upon the rights of States to maintain and to apply fairly their own voter qualifications.

CONSTITUTIONAL BASIS FOR LITERACY TESTS

Of course, the constitutional basis upon which the Supreme Court recognizes the States' right to prescribe voter qualifications is article I, section II, which provides:

> The House of Representatives shall be composed of Members chosen every second year by the people of the several States and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislatures.

Additional support of the right of the States to maintain voter qualifications is recognized in section 1 of the 17th amendment to the Constitution which provides:

> The Senate of the United States shall be composed of two Senators from each State elected by the people thereof for six years, and each Senator shall have one vote. The electors in each State shall have the qualifications requisite for the electors of the most numerous branch of the State legislatures.

That amendment was adopted only a few years ago by the people of this country.

As recently as March 1, 1965, the U.S. Supreme Court has upheld the right of States to maintain and prescribe their voter qualifications. In the case of Carrington against Rash, Mr. Justice Stewart, in delivering the opinion of the Court said:

> There can be no doubt either of the historic function of the States to establish, on a nondiscriminatory basis, and in accordance with the Constitution, other qualifications for the exercise of the franchise. "Indeed, the States have long been held to have broad powers to determine the conditions under which the right of suffrage may be exercised." Lassiter v. Northampton Election Board, 360 U.S. 45.

Mr. Justice Stewart went on to quote with approval *Pope* v. *Williams*, 193 U.S. 621:

> In other words the privilege to vote in a State is within the jurisdiction of the State itself, to be exercised as the State may direct, and upon such terms as to it may seem proper.

How could any language be clearer than that?

ADEQUATE VOTER PROTECTION WITHOUT VOTING RIGHTS ACT

Actually, Mr. President, what we should be doing today is to repeal this Voting Rights Act without any further suspension of literacy tests at all, for even the administration's proposal still impinges heavily upon the above-quoted constitutional rights of the States. We should, instead, be setting aside the entire concept of suspending literacy tests and of requiring advance permission from Washington before certain States can modify their voting laws.

Unfortunately, the "politics" of this situation does not permit the Senate to consider such a course of action. Instead, we are relegated to a choice among poor alternatives. The best we can hope to come up with is the lesser of evils, and even that possibility is now seriously jeopardized by the misdirected support which many Senators are giving the Scott-Hart substitute.

Although, as I have said, the politics of the situation do not allow us the liberty even to consider complete defeat of the proposals which call for suspension of literacy tests, such action would not by any means deprive any person or group of persons of full and adequate protection. There are many other laws on the books which are designed to protect those rights and which could be made to do so quite effectively.

For instance, in addition to the 15th amendment which guarantees that all qualified persons may vote without regard to race, and in addition to the due process and equal protection clauses of the 14th amendment, there are at least eight different and distinct laws on the books guaranteeing the right to vote.

First, any citizen may sue any election official for damages who denies him the right to vote—42 U.S.C. 1933.

Second, any citizen who alleges he is wrongfully denied the right to vote may sue in Federal court without a jury to prevent the denial of that right—42 U.S.C. 1971.

Third, any election official, anywhere in the United States who denies any qualified voter his right to register and vote under color of law is punishable by fine and imprisonment—18 U.S.C. 242.

Fourth, any election official who conspires with another to deny any citizen the right to vote is subject to a fine of $5,000, or imprisonment for 10 years, or both—18 U.S.C. 241.

Fifth, the Attorney General may sue in the Federal courts for an injunction at any time any person is engaged or there are reasonable grounds to believe he is about to engage in any act designed to deprive a person of his right to vote—42 U.S.C. 1993.

Sixth, if a Federal judge finds a pattern of discrimination pursuant to the 1960 Civil Rights Act, he may appoint Federal voting referees to replace local officials.

Seventh, the 1964 Civil Rights Act provides that all voting cases be expedited; that if less than 15 percent of a race is registered, Federal referees be appoint-

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ed; and that everyone with a sixth-grade education is presumed literate—42 U.S.C. 1971.

Eighth, there are the 17 other sections—except sections 4 and 5—of the Voting Rights Act of 1965 which are permanent law and are not expiring. These sections apply nationwide, unlike the regional applicability of sections 4 and 5.

So, Mr. President, it is obvious that there are abundant means at the fingertips of the Federal Government to protect citizens in their rights to register and to vote. There is literally no need to resort to laws such as the Voting Rights Act of 1965, which is itself discriminatory.

It is bad enough that such a law denies States their constitutional right to fix reasonable voter qualifications; it is absolutely maddening to see such a law applied unequally and in a way which would have been considered patently insane by the authors of our Constitution.

VOTING RIGHTS ACT IS ITSELF DISCRIMINATORY

Mr. President, for many years now I have been listening to lectures by Presidents, Attorneys General, Cabinet Secretaries and, of course, by many of my distinguished colleagues on the subject of discrimination.

They have eloquently propounded the general concept that is basically wrong and inherently unjust to deny equal protection of the laws to any of our citizens or to any group of citizens in any part of the country.

Under the provisions of many statutes which have been adopted in recent years, it has become virtually impossible for anyone to discriminate between individuals—even for logical and proper reasons—if there is also present the broader question of sex, national origin, race, creed or religion. Even if these factors have nothing to do with the issue at hand, they often cloud that issue and serve as grounds for action against those who give the appearance of discriminating.

In other words, discrimination by owners of public accommodations, by most employers, by public officials and by public institutions is totally taboo. The thought that a State or local government might today adopt a statute or an ordinance which is deliberately, clearly and by its own terms discriminatory in nature is absolutely unthinkable. The Congress and the courts have made this sort of thing a relic of the past—or, at least, so we are supposed to believe.

We are supposed, of course, to ignore the monumental exceptions to this rule which all three branches of this Federal Government chose from time to time to impose upon the system.

Almost everyone can conveniently ignore or rationalize the existence of a small body of plainly discriminatory "sectional" laws and court decisions, because they are so unaffected and untouched by the consequences of these several deliberate attempts which have been made and are still being made to set the southeastern corner of this country aside for special attention.

First, there are special guidelines by HEW.

Second, a special brand of constitutional law is imposed by a high court which is usually motivated more by sociological hearsay than it is by a firm desire to protect the integrity of the Constitution.

Third, we find a special category of laws designed by a Congress which, until recent weeks, has not looked closely enough at the issues before it to realize that it is practicing the worst sort of hypocrisy when it adopts measures that do not apply equally to all parts of the country.

Only quite recently has one branch of the Federal Government taken the first step in breaking the pattern described above. I refer to the 56-to-36 vote on February 18, 1970, by which the U.S. Senate adopted an amendment that I was proud to cosponsor with my distinguished colleague from Mississippi (Mr. STENNIS) to require uniform, nationwide application of the various statutes which outlaw discrimination in public schools.

If the House of Representatives takes the same action, we shall see the end to at least one of the major pieces of regional or sectional legislation now on our books. Then, of course, there will be the separate and highly important question of whether the administration will actually respond with a truly evenhanded enforcement of these laws North, South, East, and West; but that is a separate question whose consideration will have to await final passage of the HEW authorization bill of which the Senate's uniform application language is a part.

COURAGE AND WISDOM NEEDED

The issue now is whether a majority of the Senate will again display the courage, the wisdom, and the dedication to equal protection that it did 2 weeks ago in moving away from the concept of regional, discriminatory legislation. In looking at the question of voting rights we must again shape the law in such a way that is not itself an instrument of discrimination.

Of course, there is no question in anyone's mind that the Voting Rights Act of 1965 is itself an act of discrimination. Some Senators might rationalize that fact in various ways, but the fact remains that it does not provide equal protection under the law. It specifically provides otherwise.

Instead, that act provides special protection of the law for certain persons in a certain part of the country and, of necessity, results in unequal protection of the law for everyone else in the country. To me, it is obvious that illiterates in other parts of the country are receiving less protection and are relegated to a position of unequals under the law. It is only one small step from this particular kind of unequal protection to still other kinds.

For instance, why not have one special set of criminal statutes which are applicable only to those which have cities over 2 million population and where there has been more than a 50-percent increase in crime since such-and-such a year? Obviously, such cities are ignoring the rights of law-abiding citizens and cannot be trusted any longer to run their own affairs. Why not conjure up some arbitrary standard whereby the Federal Government can go in and take over those cities?

Or why not have a special set of laws and penalties for a specific list of colleges where in any given month of 1968 there were fewer than 50 percent of schooldays on which the school's administration displayed an ability to protect the rights of the majority of students against the violent tactics of radical minority groups? In selecting—ex post facto, of course—the year and the month which would serve as the trigger, we might make certain that only a small group of liberal east and west coast schools will we affected. Maybe that would be the way to throttle the "effete snobs" to whom Mr. Agnew refers.

Why not apply the 50-percent formula or some other equally magic formula to any situation where it can serve as a convenient way of singling out a special industry, a special city, a special school, a special State, a special region, a special political party, or even a special individual for heavy-handed Federal intervention and control.

DANGER TO THE DEMOCRACY

I will tell you why we cannot afford to permit such precedents. It is because we cannot allow this Nation, step by tiny step, to be turned into a gestapo state whose laws become instruments of the Government for use against the people rather than instruments of all the people for protection against arbitrary actions by the Government.

Mr. President, let us not fall victim to the naive belief that the American system of democracy is invulnerable to those who might like to impose dictatorship upon our people. Democracy, like most other beautiful things, is frightfully fragile. Unless its principles and precepts are guarded with utmost care by those who value its benefits, democracy will fall easy prey to the totalitarian elements which are always in our midst.

It is well recognized by my colleagues, particularly those who are attorneys, that one of the most powerful forces at work within our institutions is the factor of precedent. If such and such an action is acceptable, legal, and appropriate in one particular situation, it is likely to become an acceptable course of action in various other situations.

Where there is an abuse of power in what appears to the majority to be a "good cause," it will likely come back to haunt the Nation in the form of oppressive action in behalf of a cause and schemes which are aimed at ruling people rather than allowing them to rule themselves.

Once machinery has been set up for the abuse of power and once there is an accepted precedent for ignoring the concepts of "equal protection"; that is equal applicability, of the laws, then we shall find ourselves under the heel of a government which operates by means of exceptions to the rule of law rather than by the rule of law itself.

MORE TERRIBLE THAN TIGERS

The people of this country have not had the experience of living under oppression. We have not experienced first hand the butchery, the genocide, and the totally arbitrary and brutal abuse of power by a Stalin or by a Hitler.

I suppose there is no really effective way of describing the terror of an oppressive government or of awakening the people to the absolute need for avoiding precedents which might give rise to such a system. One of the most effective descriptions I have seen is one which comes from the Kleinknecht Gems of Thought Encyclopedia. It reads as follows:

> In passing by the side of Mount Thai, Confucius came on a woman who was weeping bitterly by a grave. The Master pressed forward and drove quickly to her; then he sent Tze-lu to question her.
>
> "Your wailing," he said, "is that of one who has suffered sorrow on sorrow."
>
> She replied, "That is so. Once my husband's father was killed here by a tiger. My husband was also killed, and now my son has died in the same way."
>
> The Master said, "Why do you not leave this place?"
>
> The answer was, "There is no oppressive government here."
>
> The Master then said, "Remember this, my children: Oppressive government is more terrible than tigers!"

EQUAL APPLICATION A MUST

It is when we begin turning to illogical, arbitrary, and immaterial criteria as a basis for our laws that we begin to admit defeat as a nation. The thing which makes us a "nation" in the first place is public willingness to submit to the same national laws in State A or in region B as apply to all other States and regions.

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When those laws become a bother or a burden, we can at least find a basic consolation and a basic reassurance in the fact that all other Americans are also subject to them. We know that if such laws remain on the books it must be because they are serving such a high national purpose that a majority of the people from all across the country are willing to suffer the same bother and the same burdens as we do as a fair price for their continued enforcement.

But when one part of the country is able to escape these burdens and these obligations under the law, the foundations of the law itself are shaken. That is what the Voting Rights Act of 1965 did. It shook the foundations of our law by setting a precedent which plainly denies equal protection of the laws and is, in my book, plainly unconstitutional.

Today, we have the opportunity of correcting that wrong, at least in part, by replacing that unwise act with a House-passed substitute which has its own serious faults but which, at least, will apply nationally rather than regionally.

Mr. BAYH. Mr. President, I rise to speak in support of the substitute bill introduced by the distinguished minority leader and cosponsored by a bipartisan group of nine other members of the Judiciary Committee.

INTRODUCTION

I will not belabor the record upon which the 1965 Voting Rights Act was passed. In over 1,500 pages of testimony, the Senate was shown beyond any doubt the legacy of fear and official repression throughout large parts of our Southern States. We were shown a record of cruelty and cynicism, a history of ingenious—and sometimes blatantly simple—devices for denying the vote. From this record arose a bipartisan bill with the first really effective provisions in our history for assuring the franchise to all Americans.

Before proceeding further I should say that it has been my good fortune over the past 2 or 3 days to have been able to participate in a friendly discussion of the relative merits of the matter before the Senate with our distinguished colleague, the junior Senator from Alabama. I wish to repeat what I said during that discussion, namely, that I do not view the measure which is presently before the Senate as an effort to indict the entire South, or to indict a people, or indeed even to indict a majority of the people in the South. As I look at our efforts, they are designed to try to deal with those few unscrupulous individuals in the South who still are participating in the practices that led to the enactment of the 1965 act.

Just how effective the 1965 act has been may be shown by a few statistics. Between 1962 and 1967, nonwhite registration in the State of Georgia went from 27.4 percent to 52.6 percent, an increase of 170,000 black voters. In the 3 years between 1964 and 1967, nonwhite registration in Alabama increased from 19.3 percent to 51.6 percent. In Mississippi, it went from 6.7 percent to 59.8 percent, that is, from 28,500 registered Negroes before the act to over a quarter of a million after the act. Throughout the affected States and counties, some 1 million additional black voters were registered. In the 11 Southern States, there are now approximately 540 elected officials who are black citizens. But more important than any statistic is the glimmer of hope—the strength to face fear—that comes to a man descended from generations of disenfranchisement.

It is from this perspective that we must view the coming expiration of the 1965 act. I originally took the position that the 1965 act should be extended without change, for fear that any additional legislation might delay our completing action. But as I have reviewed the administration bill passed by the other body, H.R. 4249, I have come to believe that several features of that bill will represent substantial progress in eliminating inequities in the election process. And I have realized that these constructive features—the two critical points in H.R. 4249—point the way toward a united and bipartisan solution to a problem beyond the scope of parochial party interest. It is for these reasons that I support the substitute bill, the Scott-Hart amendment.

MAJOR FEATURES OF THE SUBSTITUTE BILL

The Scott-Hart bill contains three central provisions, two of them incorporated from H.R. 4249.

First, the bill extends the ban on literacy tests and other such "tests and devices" nationwide, in accordance with the provisions of H.R. 4249. I believe this feature of the bill is warranted—indeed, required—by the extensive analyses presented by the Civil Rights Commission, beginning at page 400 of our subcommittee hearing record, showing "that literacy tests have a racially discriminatory effect."

When we first began our committee discussion a year ago we did not have such documented evidence from the Civil Rights Commission. The Senator from Indiana was concerned that we had not had the opportunity to develop the broad basis of support necessary constitutionally for the Federal Government to move into an area which was previously occupied by the States. But with this additional evidence supplied by the Civil Rights Commission I think we can constitutionally move into this area and strike away literacy tests, because of their patently discriminatory effect against a large number of our citizens.

Second, the bill substantially limits residence requirements in Presidential elections, in accordance with the objectives of section 2(c) of H.R. 4249. This provision—originally proposed by Senator GOLDWATER and cosponsored by a bipartisan group of 30 Senators—would remedy a long standing anachronism of American political life. I believe this feature of the bill will receive overwhelming support.

To our distinguished colleague from Arizona and other Senators who have joined in this effort let me say that they are striking at one of the real shortcomings of many well-intentioned election laws in this country. We need to find ways to broaden the franchise. In many areas, I think unintentionally, strictly enforced residence laws disenfranchise many citizens who are otherwise qualified to vote under the law. I can see why residence requirements should be drafted so that anyone who votes should be reasonably familiar with the candidates for whom he votes. For example, I see why a person should live in a State for a time before he votes for officials in a State or in his home county. But I can see little reason why a doctor of philosophy, who moves from Indiana across the State line to Illinois at the wrong time just before an election, should be denied the right to vote for President or Vice President. This amendment, the principal author of which is the Senator from Arizona (Mr. GOLDWATER), would do away with this inequity.

Third, the bill extends the 1965 act intact for another 5 years. Because the bill incorporates the limitation on residence requirements and the nationwide literacy test ban from H.R. 4249, it thus differs from H.R. 4249 in only one major respect: For States and counties subject to the original trigger provision of section 4(b) of the 1965 act, the bill would continue to impose the requirement under section 5 of the act that proposed changes in any voting qualification, prerequisite, standard, practice, or procedure be first submitted to the Attorney General of the United States. Under section 5, any such change may thereafter be enforced if the Attorney General makes no objection within 60 days, or if the District Court for the District of Columbia finds that the new law or ordinance is not racially discriminatory in purpose or effect.

Mr. President, the continuation of section 5 in the substitute bill is the only major departure from H.R. 4249. For this reason, and because I view the retention of section 5 as crucial to the effectiveness of the act, I would like to explore briefly two questions related to section 5. Does H.R. 4249 provide an alternative remedy as effective as section 5? And if not, what would be the consequence of repealing section 5?

In the discussion that has ensued over the past 2 or 3 days with our distinguished colleague the Senator from Alabama, I concurred in the statement that previous legislation carried forward and continued through the 1965 act provided the authority for the Attorney General to deal with many grievances existing not only in the South but in many other parts of the country as far as denying the right to vote is concerned. But section 5 has a particular relevance, namely its ability to deal with the insidious, well calculated efforts made by a few unscrupulous officials to whom I referred a while ago. These officials seem to exist in the South, and continue to act to deny black citizens the right to vote.

Thus, section 5 is absolutely indispensable if we are to be successful in our continued efforts which have already put 1 million black voters on the registration rolls in the States covered by the act.

WOULD H.R. 4249 BE AS EFFECTIVE AS SECTION 5?

Now let us look at a comparison of whether the safeguards in H.R. 4249, as passed by the House, would be as effective as section 5.

Instead of the existing "preclearance" method provided by section 5, H.R. 4249 would authorize the Attorney General to seek an injunction in a three-judge Federal district court against the enforcement of any voting qualification or procedure which has the purpose or effect of racial discrimination. In a detailed and incisive memorandum beginning at page 50 of our subcommittee hearings, the Civil Rights Commission has set out five substantial disadvantages to the H.R. 4249 provision as compared to section 5.

Let me detail and document this point, because I want the RECORD to show that our concern with the continuation of section 5 is not based on some specious reasoning or on some desire to indict a people or to be punitive in a sectional manner. These reasons are as follows:

> (1) *Tedious and time-consuming litigation.*—The proposal flies in the face of the experience Congress had in mind when it enacted Section 5 in 1965. Until the Voting Rights Act of 1965, private citizens (and, after 1957, the Attorney General) could sue to set aside laws and practices which denied the right to vote on the basis of race. Past studies have shown the inadequacy of civil litigation as a means of protecting Negro voting rights from officially sanctioned destruction. The most eloquent testimony of the ineffectiveness of prior methods of protection is the fact that in 1964 in the seven States covered by the Act, only 29 percent of the adult Negro population was registered to vote, compared with 73 percent of adult whites.

Mr. President, there is the key to this argument. I have heard our distinguished friends who are affected by this legislation suggest that this legislation has no force and effect. Yet the facts of the matter are that the Attorney General testified that the voting percentage has gone from 29 percent of adult Negroes to over 50 percent after the act. Before the act, the registration figures were 29 percent for adult Negroes to 73 percent whites. So one can see the real disparity in the opportunity to exercise the franchise that existed before the 1965 Voting Rights Act was passed and after it was passed.

Continuing the quotation:

> In *South Carolina* v. *Katzenbach*, 383 U.S. 301 (1966), the Supreme Court discussed why the case-by-case method of litigation against voting discrimination had proved ineffective. The Court stated: "Voting suits are unusually onerous to prepare, sometimes requiring as many as 6,000 man-hours spent combing through registration records in preparation for trial. Litigation has been exceedingly slow. . . . Even where favorable decisions have finally been obtained, some of the States affected have merely switched to discriminatory devices not covered by the federal decrees or have enacted difficult new tests designed to prolong the existing disparity between white and Negro registration." *Id.* at 314 (footnote omitted).
>
> To prevent such disingenuous changes in voting laws, Congress enacted Section 5. Under it individuals and the Government no longer need initiate time-consuming litigation to stop discriminatory practices, and then if ultimately successful find that the victory is meaningless because the State can simply adopt new discriminatory laws, in an endless cycle. The Voting Rights Act assures that the validity of voting laws will be tested before, not after, they are put into effect. As the Supreme Court said, "Not underestimating the ingenuity of those bent on preventing Negroes from voting, Congress therefore enacted § 5 . . . ." *Allen* v. *State Board of Elections,* 37 U.S. Law Week 4168 (1969).
>
> (2) *Misplaced Burden of Proof.*—Under the legislation proposed by the Administration—

This is the provision contained in the House-passed bill—

> the Attorney General or a private litigant would bear the burden and have to devote considerable resources to proving that a particular change in State law is discriminatory. Under the present Section 5, the burden of proof that a practice or procedure is not discriminatory is on the State or political subdivision. Given the history in some States of repression of any attempts by black people to gain political power, and the greater familiarity of the State with the purpose and effect of its legislation, this is where the burden should remain. As the Supreme Court observed: "After enduring nearly a century of systematic resistance to the Fifteenth Amendment, Congress might well decide to shift the advantage of time and inertia from the perpetrators of the evil to its victims." *South Carolina* v. *Katzenbach,* 383 U.S. 301, 328 (1966). Under H.R. 4249 the shift would be undone.
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> (3) *Increasing difficulties for private litigants.*—An important gain in voter protection under the 1965 Act was the right of individuals to sue to enforce Section 5, regardless of inaction by the Department of Justice. This right was clarified recently when the Supreme Court interpreted Section 5 in *Allen* v. *State Board of Elections, supra.* In such suits the private litigants need establish only that the State has not complied with Section 5, in order to block changes in legislation. With individual citizen vigilance, Section 5 will be even more effective if retained, since enforcement will no longer depend entirely on the resources, knowledge and priorities of the Department of Justice.
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> (4) *Past violations must not be condoned.*—The Attorney General in his statement observed that: "Where local officials have passed discriminatory laws, generally they have not been submitted to the Department of Justice." He suggested in testimony before the Subcommittee that this was one reason why the section should be repealed. It should be remembered above all that most States have obeyed Section 5, and sought approval of changes in their voting laws. Like most laws, Section 5 achieves its purpose because people obey it. As for the instances in which there have been violations, there are two reasons that instances of noncompliance would not support the section's elimination.
>
> First, until the *Allen* decision, referred to previously, it had been unclear whether Section 5 applied to all election law changes in the covered States, or only to those changes which dealt with voting and registration. Thus in this case neither Mississippi nor Virginia, the States involved in the *Allen* case, had submitted to the Attorney General or sought approval from the District Court of the District of Columbia for statutes altering such matters as whether elective offices are to be appointive, requirements for filing by candidates, and procedures concerning assistance to voters unable to mark ballots. Because the Court has not made clear that Section 5 has a very wide scope, States can now be expected to submit more statutes for approval.
>
> Second, if a State continues to ignore Section 5, the remedy under the existing law is simple. Either the Attorney General or a private litigant can sue in any Federal district court to enjoin the State's change in law for failure to follow the dictates of Section 5. Such a lawsuit is very expeditious. The only proof required is that the new State provision relates to voting, that it has modified the law in effect as of November 1, 1964, and that it has not been submitted to the Attorney General or the District Court of the District of Columbia. No proof is required that the change has a discriminatory effect. On this showing, injunction follows as a matter of course. A recent example of the effectiveness of this procedure occurred in Mississippi, where a Federal district court enjoined a municipal primary election in Mississippi because the city expanded its corporate limits—allegedly to dilute the black vote by adding white areas to the town—without submitting the changes to the Attorney General or the District Court in the District of Columbia.
>
> The burden of such litigation is slight, the proof simple, the likelihood of obtaining immediate relief great. Prevention of such flagrant noncompliance with the law would not overburden the Department of Justice. Normally the cure for cases of outright defiance of the law is not repeal of the law, but, rather more vigorous enforcement.
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> (5) *Attorney General's power to sue adds nothing of substance.*—[H.R. 4249], after eliminating the simple enforcement procedure described above, would substitute a section authorizing the Attorney General to sue in Federal court whenever he believes a State has enacted or is administering any voting procedure with the purpose or effect of denying the franchise on grounds of race. But the Attorney General already has the authority to bring such suits. Section 2 of the Voting Rights Act of 1965 provides that: "No voting disqualification or prerequisite to voting, or standard, practice, or procedure shall be imposed or applied by any State or political subdivision to deny or abridge the right of any citizen of the United States to vote on account of race or color."
>
> And Section 12(d) of the same Act provides that: "Whenever any person has engaged or there are reasonable grounds to be-

> lieve that any person is about to engage in any act or practice prohibited by section 2 . . . the Attorney General may institute . . . an action for preventive relief, including an application for a temporary or permanent injunction, restraining order, or other order. . . ."
>
> Similar powers were included in the Civil Rights Act of 1957, 71 Stat. 634. Thus the new section would give the Attorney General no powers in addition to those granted by the Voting Rights Act and its predecessors. His access to a three-judge forum and the right of direct appeal to the Supreme Court were granted in the Civil Rights Act of 1964. Most importantly, under the present law, lawsuits with or without direct appeal are unnecessary since Section 5 preserves the status quo until legality is decided without need to resort to litigation.

Of these serious objections, I am most alarmed by the additional burden of proof—and the corresponding workload and delay—that would be imposed upon the Attorney General. When the Attorney General appeared before our subcommittee, I questioned him at some length on this matter. I call attention to the fact that at page 202 of our hearing record that he finally agreed with me that it would be much more difficult to prove a violation—and obtain an injunction—under H.R. 4249 than under the existing section 5. Given the fact that the entire Civil Rights Division of the Justice Department employs only about 100 attorneys to enforce all aspects of the civil rights law, any change making it much more difficult to secure relief must reduce the Department's impact in the area of voting discrimination.

I note, in one brief aside, that hearings were held on that point—they appear in the same general part of the record, in case anyone wishes to study it in more detail—by the House Committee on Appropriations. Mr. Jerris Leonard, Assistant Attorney General in charge of civil rights, had testified before the committee, asking for additional appropriations for assistance in the civil rights area.

In a rather specific colloquy between members of the committee and Mr. Leonard, he admitted that these additional assistants were necessary to catch up with work that had not yet been done. In other words, additional help was needed to keep pace with the burdens that he then bore in the Civil Rights Division. Yet by the Attorney General's own admission, if section 5 is taken away, the burden will be even greater for an understaffed, undermanned Civil Rights Division. I think this has to be taken into consideration.

WHAT WOULD RESULT FROM REPEAL OF SECTION 5?

Mr. President, what would result from the repeal of section 5? This is a question I think we have every right to ask. It seems to me that it is apparent that the repeal of section 5, as proposed in H.R. 4249, would greatly weaken the Attorney General's authority to deal with racial discrimination resulting from changes in State or local election law, regulation, or practice. How serious are such changes? How likely are they in the absence of section 5?

I do not believe that any member of our subcommittee—with the exception of our distinguished chairman—devoted more time and attention to the hearings on this legislation than I. Throughout the proceedings, I attempted to question the witnesses and gage their views on just those issues. And although I wish that I could conclude otherwise, on the basis of this record, I believe it likely that massive statutory and regulatory changes will be made, throughout the Southern States in general, if section 5 is repealed. I do not mean this criticism as an indictment of the entire South, as I said a moment ago, all the people who live in this region of our country. Surely some change in attitudes has occurred, but the record, unfortunately, shows clearly that some misguided officials remain determined to use any means available to deny the right to vote to minority citizens.

If there had been the birth of a new day; if, indeed, there had been a renaissance; if there had been a whole change of attitudes; if case after case had exhibited conclusively that individuals and communities had, since the passage of the 1965 Voting Rights Act, suddenly realized the error of their way and were willing to open their places of registration and provide an opportunity for all citizens to participate, I would say that section 5 is no longer needed.

It is a serious accusation to say that that has not been the case. I do not make the accusation lightly. Because of its seriousness, I would now like to document those examples which have led me to the conclusion that there are still some people in places of authority who would deny to minority voters the right to fair participation in the electoral process.

One of the most discouraging pieces of evidence in this picture is the continuing record of election misconduct documented by the Civil Rights Commission since the passage of the 1965 act. Among legislative and administrative techniques undertaken by Southern legislators and administrators and recently collected by the Commission are the following incidents:

1. ATTEMPTS TO EXTEND THE TERMS OF OFFICES HELD BY WHITE INCUMBENTS

There have been attempts to extend the terms of offices held by white incumbents at a time when it appeared that the white incumbent would be faced with an election contest by a black candidate.

Two weeks after the passage of the Voting Rights Act, the Alabama Legislature passed an act to extend for an additional 2 years the terms of office of Bullock County commissioners some of whom were scheduled for reelection. The Negro voting age population in Bullock County is twice that of the white voting age population.

2. ABOLISHMENT OF OFFICES SOUGHT BY NEGRO CANDIDATES

Efforts have been made to abolish outright offices sought by Negro candidates.

In February 1966, a Negro farmer in Baker County, Ga., qualified to run for justice of the peace in his district to succeed to a vacancy created by the death of the incumbent. Within a few days thereatfer the Baker County Commissioners voted to consolidate all the militia districts into one district. The effect was to abolish the one office for which a Negro had filed.

3. MAKING LOCAL ELECTIVE OFFICES APPOINTIVE IN PREDOMINANTLY BLACK COUNTIES BUT NOT IN PREDOMINANTLY WHITE COUNTIES

For many years county superintendents of education in Mississippi were elected at the same time and in the same manner as other county officers. In June 1966, the legislature amended the Mississippi statutes requiring that the office of county superintendent of education be appointive only in certain predominantly black counties: Claiborne, Coahoma, Copiah, Hancock, Holmes, Humphreys, Jefferson, Lincoln, Madison, and Noxubee Counties. The appointments were to be made by the county board of education whose members, all white, serve staggered 6-year terms.

We can argue as to whether the best means to fulfill a responsibility, and the best way to carry it out, is to have a person appointed by a higher authority rather than elected by the people he serves. I am willing to concede that that point can be argued. But if that is the case in communities where there is a preponderance of white citizens, it is also the case in communities where there is a preponderance of black citizens.

Another Mississippi statute of local application provided that school trustees in Grenada County representing newly annexed school district territory were to be appointed by the school board rather than elected by the residents of area—who were predominatnly black—as provided for other districts.

4. INCREASING FILING FEES

Another method used to make it more difficult to vote or to have the blacks share the action in an election process is to increase the filing fees.

In Lowndes County, Ala., filing fees for candidates in the Democratic primary were raised from $50 to $500 for sheriff and from $10 to $100 for member of the board of education. The per capita income of blacks in Lowndes County is about $500.

So I think one can see that in this county where the average income of black citizens is $500 raising the fee from $10 to $100 to afford one a chance to participate in the decisions governing the education of one's children seems to make it a monumental amount. I think that is a significant bit of evidence. It is another device that has been used as an added restriction on getting one's name on the ballot.

5. ADDING REQUIREMENTS FOR GETTING ON THE BALLOT

The Georgia Municipal Election Code was changed in 1968 to require that persons who hold election and registration offices to be "judicious, intelligent, and upright electors." The Attorney General objected to these changes because the qualifications were vague and subjective and had proven to be subject to discriminatory application, as to how these seemingly innocent qualifications were applied to the voter or registrar in question.

In June 1966, Mississippi increased the number of signatures required on nominating petitions of independent candidates in order to qualify as a candidate in the general election for U.S. Senator, from 1,000 to 10,000 and for U.S. Representative, from 200 to 2,000.

(At this point Mr. COOK took the chair as Presiding Officer.)

Mr. BAYH. Mr. President, independent candidates also were required to file on the day before party primary elections and any person voting in a primary election was disqualified from running as an independent candidate in the general election. Nineteen Negro candidates on independent tickets were disqualified under this provision of the law. The Attorney General objected to this statute in May 1969, after it was held within section 5 in *Allen* v. *State Bd. of Elec.*, 393 U.S. 544 (1969).

Later, I want to refer to that particular statute in relation to another concern I have.

Alabama enacted a similar statute—the Garrett Act—in 1967 to prevent newly organized political groups from trying first to have their candidates elected in a party primary before determining to run as independents. Following the Supreme Court's decision in *Hadnott* v. *Amos*, 394 U.S. 358 (1969), the Attorney General entered an objection to this statute.

The Attorney General entered objection to that statute later in 1969, following Hadnott against Amos and I want to refer to it at some length in regard to a conversation I had with the Senator from Alabama.

In January 1970, the Mississippi legislature had pending a bill to require candidates for local school board to have completed high school. The median educational attainment for blacks in many counties of Mississippi is sixth grade or less. Thus, the requirement would cut down on the number of eligible black candidates.

Two Mississippi statutes of local application were enacted in 1966 to require that candidates for school boards in Coahoma, Washington, and Leflore Counties—all predominantly black—be resident freeholders and owners of real estate valued at $5,000 or more.

But the same increase in qualifications was not applied in those areas where the predominant number of citizens were white.

6. RESTRICTING THE ELECTORATE

In South Carolina in certain local elections, the electorate was limited to holders of a specified amount of real property.

In Greene County, Ala., shortly after a July 1969, election in which blacks gained control of the county commission, the all-white county board of registrars purged its rolls of black voters by strict application of a State law disqualifying a person as a voter who has been convicted of certain crimes. In addition, the county obtained 10 indictments against black persons for voting illegally who previously had been convicted of crimes which result in loss of the right to suffrage. Eventually, all but one of the indictments were dropped. In the remaining case, a 65-year-old man convicted of stealing a sheep 10 years ago was sentenced to 2 years in jail for voting illegally. Before the July 1969 election, no attempt had been made to purge voting lists on the grounds that an elector was disqualified by reason of a prior conviction.

In other words, there is one set of rules as to whether a person should vote if he steals a sheep after the black voters get in the majority, and another set of rules relative to the same violation before the black voters have a majority of the votes.

7. DILUTING THE BLACK VOTE BY GERRYMANDERING

In Lowndes County, Ala., in 1967, an attempt was made to gerrymander black residents out of incorporated municipalities and districts.

If one has a chance to register and his face is black and there are enough voters to elect an official of that race, the white officials in charge of gerrymandering change the town boundary so that black voters are excluded from the town and lose the right to vote for officials of their own race.

8. DILUTING THE BLACK VOTE BY SWITCHING TO AT-LARGE ELECTIONS

Louisiana in 1968 removed the previous requirement for the creation of a minimum number of police jury wards in a parish, thus permitting a police jury tions. Most of the sponsors of this act to redistrict the parish into one parish-wide ward. The Attorney General in objecting to the change in September 1969 referred to the decision of the Supreme Court in *Fairley* v. *Patterson*, 393 U.S. 544 (1969) in which the Court stated:

> The right to vote can be affected by a dilution of voting power as well as by an absolute prohibition on casting a ballot. . . . Voters who are members of a racial minority might well be in the majority in one district, but in a distinct minority in the county as a whole. This type of change could therefore nullify their ability to elect the candidate of their choice just as would prohibiting some of them from voting.

Based on the 1960 census, there were five parishes in which Negroes were a majority of the voting age population. Of the remaining 59 parishes, 34 had one or more wards in which Negroes were a majority of the voting age population. The total number of such wards was 109. Thus, a change from ward to at-large voting in those parishes would have the effect of diluting the actual or potential voting power of the Negro inhabitants.

In May 1966, Mississippi granted an option to incumbent county boards of supervisors to provide for at-large elections. Most of the sponsors of this act were from majority black counties. Following the Supreme Court's ruling in the Allen case, the Attorney General disapproved this statute in May 1969.

Anniston, Ala., in July 1968 switched to at-large election of city councilmen. The city population is 27 percent black. Two of the five wards, however, are predominantly black. Therefore, the law has the effect of diluting the potential Negro voting power in Anniston.

I cannot imagine a more frustrating experience than to go without the opportunity to have candidates of my race represent me for years and have Congress pass an act that says I will have a chance to have a piece of the action, and about the time I go out and register and there are enough voters at the polls to elect a person of my race, I find that this right is taken away from me by a white group of election officials. These officials suddenly decide under these circumstances that the best way to enact a city councilman is at-large. I know the real reason the change has been made is that a person of my race will not have an opportunity in that at-large election to get enough votes to be elected.

9. RESTRICTING ASSISTANCE TO ILLITERATE VOTERS

The Voting Rights Act of 1965 has added large numbers of illiterate voters to the rolls in the seven States covered by the act. Obviously, these illiterate voters need some assistance at the polling place in casting their ballot if balloting is to proceed smoothly and efficiently.

Georgia enacted legislation which restricted any one voter from assisting more than five illiterate voters. The Attorney General disapproved this statute in 1968.

Mississippi repealed its statute which provided for assistance to illiterate voters. The Attorney General in entering an objection to the repeal in May 1969 stated:

> The obligation of the State of Mississippi and its election officials in primary and general elections "to provide to teach illiterate voter who may request it such reasonable assistance as may be necessary to permit such voter to cast his ballot in accordance with the voter's own decision" was established in *United States* v. *Mississippi* 256 F. Supp. 344 (S.D. Miss., 1966).

10. REIMPOSING LITERACY TESTS IN OTHER GUISES

Here is another example. It is difficult to believe. Congress passed a law providing that literacy tests, tests of the ability to read and write, could not be prerequisites for voting. Then we found that despite this prohibition, in some cases there was a reimposition of the need to be able to read and write if one was going to be able effectively to exercise the ballot.

For example, Alabama enacted a series of laws between 1965 and 1969, requiring voters to sign a polling list at the voting machine before they are allowed to enter the machine. The Attorney General objected in 1969.

Here we have a statute of Congress providing that one can vote even if he cannot read or write, and despite this, a State comes along and says, "That is all very well and good, but you cannot get into the polling place unless you can sign your name. An X is not enough to do the job."

Mississippi in 1966 provided that persons signing nominating petitions do so "personally" without providing for a procedure for persons who want to add their support, but could not write their names.

Another item that I would like to add here concerns what I suppose we can best call general attitudes. I know if one is not very careful, it is easy to be overly punitive or overly critical in talking about general attitudes.

Just let me tell the Senate what I am talking about. It is pretty easy to understand. If election officials leave the name of black candidates off the ballot, certainly this is a pretty good example of the wrong attitude. It makes it hard to say that there has been a sudden renaissance, and that there is no longer

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a need for restrictive and punitive legislation.

I discussed at some length with the junior Senator from Alabama the Greene County case in which an election was held, Greene County having a predominance of black voters, and the black candidates' names were incidentally left off the ballot. But ultimately the Supreme Court of the United States in Hadnott against Amos said, to no one's surprise, that there is something wrong with leaving the names of candidates for election off the ballot.

The Supreme Court called for a special election, and in that special election, the black candidates got the most votes.

In my discussion with my distinguished friend, the junior Senator from Alabama, he suggested that the reason for this was a State law—a State law, I might suggest that was passed after the Voting Rights Act of 1965 was passed. The State law to which he referred was passed in 1967.

The Senator from Alabama overlooked the fact that in the Hadnott against Amos case, there were two reasons that the Court overruled the case.

The first was that the election official was wrong in relying on the Corrupt Practices Act and saying that the candidates had to file a financial statement before the election. The facts of the matter are these, that before the primary election, both the white and black candidates filed such financial affidavits. Then, following the primary, the black candidates' names were removed from the ballot, ostensibly because they had not filed another such affidavit prior to the final election.

The record shows, however, that the white candidates had not filed a second affidavit either, and their names were not left off the ballots.

Mr. President, I might read from a specific reference in Hadnott against Amos, in which the Court said:

> Since the names of the white candidates who won the May 7 primary were placed on the ballot, although they also did not file a second designation after that date, appellees clearly have the burden of satisfying the denial of the ballot places to the black NDPA candidates. Appellees have failed to satisfy that burden.

The second point I would like to raise is that although our distinguished friend, the junior Senator from Alabama, pointed out that the reason these names were left off was because of a statute that said they could not run—and they did participate in the primary—in the Hadnott against Amos case, the Supreme Court ruled that this act, with all that surrounded it, was unlawful under section 5 of the Voting Rights Act.

So it does not apply in that case or in subsequent cases.

In addition to the Civil Rights Commission, of course, we received testimony from several officials of Southern States. In my opinion, that testimony also suggests that these States will regress to their 1964 standards in the absence of section 5. Attorney General Summer of Mississippi insisted, at page 384 of our hearings, that even before the 1965 act Mississippi "registration offices were being opened to these people where they had not previously had an inclination or opportunity to register and vote. It was being done." Yet Mr. Summer ignored or did not know, the fact that only 6.7 percent of nonwhite voters in Mississippi—only 28,000 Negroes—were registered in the fall of 1964. And he failed to note that less than 10,000 blacks were registered in Mississippi in the entire decade before 1964—notwithstanding the powers granted in the 1957 Civil Rights Act, which are identical to those proposed in H.R. 4249. Governor Maddox of Georgia testified before us filled with, what I think can accurately be called, rancor and defiance. And from our hearings, he went to lunch in the other body, where he passed out ax handles, symbolic of white repression, and insulted a distinguished black Member of that body.

But of all the testimony our subcommittee heard on the question of regression, none was more eloquent than that of Vernon Jordan, director of the Southern Regional Council's voter education project. I think it is important for the Senate to have the opportunity to hear Mr. Jordan's remarks.

Mr. Jordan is one of those dedicated and brave men who have risked their lives to bring the vote to the poor and the black in our Southern States. Mr. Jordan has little doubt of the impact of repealing section 5, as he testified at pages 447 to 450 of our hearing record:

> Section 5. . . . is an essential provision of the present Act. Without that provision, the states covered could nullify the gains in black registration simply by adopting election laws and procedures that would render black votes ineffective—which is what some of the states and communities are trying to do anyway, as ably reported by the U. W. Commission on Civil Rights in its study, "Political Participation," published in May of 1968. If it had not been for Section 5 of the present Act, there is no telling to what extent the states and communities covered might have legislated and manipulated to continue their historical practice of excluding Negroes from the Southern political process.
>
> But if the task is impossible now, consider how much more impossible it would be if H.R. 4249 is passed. Changes in election laws and procedures would not be mailed in by the Attorney General of Mississippi. Neither would they be mailed in by the City Clerk of Selma, Alabama. They would not be submitted by the County Commission of Baker County, Georgia. Rather, the Justice Dept, with its already small and over-burdened staff, would have to seek out these discriminatory new procedures, investigate them, prepare a suit, and take them to court.
>
> This is not merely additional work for an already understaffed division of the Justice Department; it is an open invitation to the states, cities, counties, and towns covered by the Voting Rights Act to change their laws and procedures at will. The more the changes, the more the Civil Rights Division of the Justice Department will have to pursue the changes. Already civil rights laws are being ignored and flouted all over the South, particularly in remote rural areas. The theory was explicitedly stated by a white man to one of our field workers in Southwest Georgia last summer: "It will take the Justice Department a hundred years to get down to a little county like ours."
>
> The administration proposal is a clear signal to officials of the white South: "Go back to your old ways. Even the meager enforcement machinery that already was there is being taken away. You need no longer fear interference from Washington in your treatment of black people in your communities. You need no longer worry about blacks being elected to your city and county offices."
>
> Mr. Chairman, for the last four years the Voter Education Project has helped finance nearly 500 voter registration and citizenship education programs in eleven Southern states. Usually these are short programs lasting six or eight weeks. In exchange for our funding, we require these programs to send us weekly reports. These reports, Mr. Chairman, provide some of the most fascinating and revealing reading as any to be found anywhere about what is going on in the South today. Many of these reports tell of harassment and intimidation of Negroes who fear that if they register to vote that they will be evicted from their farms or discharged from their jobs, or have their welfare checks cut off. Not even the present law and the present enforcement machinery can motivate thousands of Southern Negroes to overcome the fear and the apprehension ingrained by generations of white oppression to go to the courthouse to register, and later to vote.
>
> I quote these reports to indicate the slowness and general ineffectiveness of the present enforcement machinery. How much slower and how much more ineffective will the machinery be when the provisions of the Act and the task facing the Civil Rights Division of the Justice Department is spread, paper-thin across the nation? How much more reluctant will black people be to overcome their ingrained fears when the word gets back to the crossroads, bayous and ghettoes—as it gradually will—that Uncle Sam no longer will be looking over the shoulders of the Southern Whites who control the election machinery of the region.
>
> Already there are efforts to manipulate, gerrymander and baffle the black voters of the South. Predominantly black voting places suddenly are moved without notice on the eve of elections. Voters are shifted from one precinct to another without notification. District elections are changed to at-large elections so as to dilute the black vote. Political boundaries are redrawn, and elected offices are changed to appointive offices. Qualifying fees and other qualifications for seeking offices suddenly are changed in subtle ways designed to make it difficult for Negroes to run.
>
> The same states that were the most efficient, determined and malicious in their efforts to keep black people off the registration rolls can be expected to be the most efficient, determined and malicious in the efforts to cancel out the growing black vote. Congress was mindful of this responsibility when it put Section 5 into the Voting Rights Act. If there were those who felt that the states covered by the Act would repent and turn from their evil discriminatory traditions in five short years, then those people were overly optimistic and sadly mistaken.
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> Mr. Chairman, I am a life-long resident of one of the seven states covered by the Voting Rights Act. I am quite familiar with the atmosphere in my state and with the white supremacist attitudes of the politicians who tightly control local politics in my state, particularly in rural areas. Moreover, Mr. Chairman, my position as director of the Voter Education Project for the past four years has carried me into virtually every corner of the other six states. I have been in close contact with blacks at the grassroots level who are seeking to enter and use the poltical process in order to push for remedies to the injustices imposed on them at birth by a white-controlled society. I know—as well as any man in this room—that Canton and Grenada and Selma and Sandersville and hundreds of other Southern communities stand poised and ready to eliminate the burgeoning black vote in their jurisdictions. The slightest flicker of a green light from Washington is all these white-dominated communities need. When they receive the signal, they will act!
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> More than mere politics is involved here. More than a few legislative seats and school board positions are at stake. In fact, the en-

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> tire future of black people in the Deep South is at stake.

Mr. President, my review of the record before our subcommittee has led me to concur with Mr. Jordan—what is at stake here is nothing less than "the entire future of black people in the Deep South." That is the responsibility we face as we debate this act. And in fact, the stakes are even higher.

CONCLUSION

The Voting Rights Act of 1965 comes before this body for extension in a time of great moral stress. On one hand, we see a small group of citizens who have determined that the institutions of our society cannot possibly respond to the needs of the 1970's. In their view, our institutions must be scorned and eventually pulled down, as the only course to meaningful reform—actually destroying the system which has served this country for some 200 years. At the same time, we see the face of institutional repression, we feel the hand of officials grown disrespectful of the law and the tradition they represent.

These awful forces have met too often in the decade behind us. From Selma and Neshoba County to Detroit, from Berkeley to Chicago, too many Americans have learned the terrible consequences of violence breeding repression and repression breeding more violence. I hope that we who are so fortunate as to be living in the United States will resolve that our institutions are still young and vital enough, our ideas still bold and forceful enough, our leaders still brave and resourceful enough, to accommodate the social concerns and the moral tensions of our society within the democratic process.

One of the great moral and political threads that runs through our time is the effort to bring alienated Americans into the "system." We do not make this effort solely as a means of quelling revolution. For often the healthiest seeds of meaningful progress and reform can be found in the darkest depths of moral alienation—alienation among the black and the brown and the red man, alienation among the young and the poor and the migrant laborer, yes even alienation among "silent" Americans. But we cannot begin to make the progress we must unless we can bring these forces within the institutional framework of American society.

The Voting Rights Act which we debate today play a crucial role in bringing Americans within the system. Unlike many of the alienated forces in our land today, these are people anxious to participate in the system, eager to exercise the rights and accept the responsibilities of citizenship.

As Vernon Jordan testified before us:

> We live in a time, Mr. Chairman, when many young black people are advising other blacks to give up working for change through the American political system. I must confess that there are many times when I can see the point of their advice. We live in a time when high governmental officials are insisting that everyone must work through the existing system. One wonders if these officials realize how insensitive that advice must sound to people who must risk their jobs, their livelihood and their well-being even to get their names on the list of registered voters.

When Dr. Aaron Henry appeared before our subcommittee, he told us quietly and calmly of the fear and repression which continues to exist in his home State of Mississippi today. He reminded us of Emerson's statement to Thoreau that "Where there is freedom, there is my home," and of Thoreau's reply: "Where there is not freedom, there is my home." We cannot shrink from our responsibility to bring freedom—freedom now—to all parts of this country.

The substitute bill will not bring the millenium. But it will keep our faith with the American people. The bill is fair, it is impartial, it is effective, and it is desperately needed. It has broad, bipartisan support from all parties and all regions and all races.

It is imperative that the Senate speedily adopt the Scott-Hart amendment.

Mr. HATFIELD. Mr. President, will the Senator yield?

Mr. BAYH. I am glad to yield to my distinguished colleague from Oregon.

Mr. HATFIELD. Mr. President, I am sure all of our colleagues will take the time to read in the RECORD these very eloquent words that have been given today by my good friend and colleague, the distinguished Senator from Indiana (Mr. BAYH).

As I sat here listening to his very outstanding legal brief, as it might be called, because he did not present the problem in other than a calm and very appropriate manner, citing case by case evidence of all kinds which substantiates his position, I could not help but feel that we really are talking about something far broader than just black versus white or Negro versus non-Negro.

Actually what we are doing here in the extension of the Voting Rights Act of 1965 has worldwide significance. I know, having had many private conversations with the Senator, from hearing his words on the floor of the Senate, and knowing of his actions in committee, that he would agree with me when I say it is really almost hypocrisy for this country to pronounce piously such words as, we are fighting for the cause of freedom in Vietnam; we stand for the freedom of all men everywhere in the world; we carry out our policy of dispersing our men throughout the world to fight and stand for freedom; we call for huge expenditures in the budget of our Defense Department to maintain security of this Nation and assure the people in other parts of the world of our interest in their freedom, when at the same time, by either inaction or by action we fail to make freedom a meaningful word for a major segment of our American people; namely, the black and the poor.

I think it behooves us to realize that what we do on the floor of the Senate will have repercussions far beyond the borders of our particular States or the Nation. I think one of the most important problems we face today in this Nation is to restore and rebuild faith and confidence in our system of government, which seems to have been eroded. That faith and confidence seems to have eroded among many of our young people and much of it has to do with the loss of faith in this system by the white young people of this country. Much of this loss of faith is brought about by the evidence they see on all sides of how we are treating our own people in communities, the black citizens of our country. They are very critical of the whole establishment, the whole system, because of the very situation surrounding the blacks.

So in my opinion here is another dimension. If we want to do something to build a bridge of communication, which seems to need a bridge, to our young people, our young white people, we can do that in a positive way by an extension of this act to show them we are serious about this business of bringing the meaning of true freedom to all of our people.

I think my colleague, the Senator from Indiana, would also agree that this is really involved in or tied to other great problems; that we are not talking about a political issue here which is merely the registration of people and getting them to the polls to vote; but that we are talking about something that relates to these black people in many instances and why they are illiterate. They cannot sign their names in conformity with some of these rather suspicious State laws because the equal opportunity for education has been denied these same people. So we are really talking about an educational issue in that sense of the word. Today these same people who cannot sign their names, along with many white people who cannot do so, have really been denied educational opportunity.

Then, we are talking about a further related problem. Many of these people are poor and have not achieved in school. They have been dropouts because they have not had a proper diet, food intake, or nutrition. So we are talking about a vicious cycle of poverty involving nonachievement, noneducational opportunity, and we are talking about denial of political rights. We are really talking about the heart of America and the very soul of our country which has been deeply tarnished by our failure to do more sooner. Let us not now undo that which we have done.

I think the Senator has done a great service in listing these evidences, this indictment, if you please, Mr. President, and not just against the South but against all of us, because this Congress and the Congresses before this Congress and the 1965 Congress should have taken that action sooner. Therefore, it could not be ascribed just to the lack of interest on the part of Southern States but also apathy in the Northern States which has been permitted to exist too long. However, once action was taken in 1965 we have proof that there has been progress under the Voting Rights Act.

The Senator was talking about the increase of black voters in Mississippi of 612 percent because of the Voting Rights Act.

When the Senator mentions that there had been only 10,000 registered in a whole decade, I think that would be ample evidence so that people could understand this issue without emotion or being involved in feelings or section-

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alism; that we could look at just the hard, cold facts, without even the human compassion we like to think all of us have, and we could see that the overwhelming evidence is in support of the continuation of the act.

I have been most pleased to hear the Senator from Indiana today. I thank him very much for his contribution to this cause.

Mr. BAYH. Mr. President, I am deeply appreciative of the remarks of my distinguished friend from Oregon. This is not the first time that he and I have had the opportunity to discuss some of the critical problems affecting our Nation. I compliment him for his deep concern, which is characteristic, not only in the voting rights area, but in the other areas which he touched upon—the impact of our inability to act, of our being so selfish, and really so irresponsible, in some of these areas at home; the impact all this has on what other people think of us in America. They look to us for guidance and leadership, and yet, unfortunately, in some areas we are found wanting.

I know the Senator from Oregon has had the opportunity, as has the Senator from Indiana, which the Senator from Indiana has enjoyed tremendously, of speaking on our college and university campuses. There is much discussion today about the generation gap. If there is one difference between the generation gap today and that in other times, it is that the young people of today, unlike some of us, and perhaps some even older than us, are unwilling to sweep the unfinished business under the rug, and to turn our heads, and not speak out on the difference between what we say and what we do, the difference between promises and performance.

I look on this development not as a disturbing one, but as one of the best things we have going for us—the ideals which these young people are going to bring to our system once they have the chance to have the reins in their hands.

I have already occupied the floor for a long time, and I shall be brief; but, as the Senator has pointed out, these are areas which are of deep concern to our young people. I personally am an optimist by nature. Although I am frustrated on occasion now when I look at our inability to recognize, let alone cope with, these problems, I know that, if we will just readdress ourselves and reorder our priorities and put first things first and realize what we can really do in this country, we can accomplish some of our unfinished business. We have to do something about our educational problems, some of which have been described. The young people are definitely concerned about a policy that results in appropriating $21.6 billion to kill as many enemy soldiers as we can and then appropriating only $240 million for the education of boys and girls in elementary and secondary schools. They are interested in our discussions over an increase of $1.3 billion in health, education, and welfare, when they know we are spending $30 billion a year in Vietnam alone.

I think this determination to see that everybody will have a right to vote will be taken as a sign of faith by these young people who are now very much discouraged.

In closing, let me say that I have sat and listened, and I have stood and listened, and I have listened and debated with some of our colleagues who come from States that are affected by the act. They paint a picture of mass oppression against them as a people, when the fact of the matter is that if everyone who wants to vote has an opportunity to vote, if everyone who wants to register has an opportunity to register, if no discriminatory election laws are passed, there is no way that the States involved can be detrimentally affected. All we are doing, as my colleague from Oregon knows, is demanding that every citizen of this country have that most cherished right. the right to vote.

ORDER OF BUSINESS

Mr. KENNEDY. Mr. President, on behalf of the Senator from New Jersey (Mr. Williams), I ask unanimous consent that two statements prepared by him be inserted in the Record.

The PRESIDING OFFICER. There being no objection, the statements and insertions of Senator Williams of New Jersey were ordered to be printed in the Record, as follows:

Firemen Help Cut Clifton, New Jersey's, Crime Rate

Mr. Williams of New Jersey. Mr. President, the city of Clifton, New Jersey, has initiated a program of increased crime protection which merits not only the highest commendation within the Congress but deserves careful study by community leaders throughout the Nation.

The city's firemen, utilizing their knowledge, experience and expertise in community matters, provide on a part-time basis superior manpower which has eventually led to a 22% decrease in burglaries, a 30% drop in auto fatalities, and an 8% decrease in holdups on the streets of Clifton.

A recent article in the Christian Science Monitor focused attention on the city's accomplishments in this regard, and I ask unanimous consent that it be printed in the Record at this point.

"FIREMEN HELP CUT NEW JERSEY TOWN'S CRIME

"Clifton, N.J.—This prosperous, white middle-class community—part of New York City's great suburban sprawl—has done something unusual for a moderately large American city. It has increased its police protection and cut its crime rate without raising taxes.

"The feat has been accomplished by turning firemen into part-time policemen.

"In case of fire

"When they're not on fire calls, Clifton's firemen periodically descend to a mechanized firing range in the basement of one of their pump houses for target practice.

"Or they take their fire-engine red patrol cars and cruise the city's streets on the lookout for lawbreakers.

"In case of a fire they rush directly to it, usually arriving ahead of the fire engines.

"Cajoling Clifton's 155 firemen to become part-time policemen and the city's 123 policemen to accept the aid has been a five-year struggle for Clifton City Manager William Holster.

"Pickets at first

"Mr. Holster conceived the idea during a 1956 nationwide tour when he found communities smaller than Clifton (population 92,000) with joint fire-police squads.

"At first neither Police Chief Joseph Nee nor Fire Chief Stephen Lendl liked the idea. Neither did the New Jersey Policemen's Benevolent Association (PBA) nor the Firemen's Mutual Benefit Association.

"When the experiment began more than two years ago, the local PBA picketed city hall for a while and ousted from its ranks the participating policeman.

"Today, things are different. Both Chiefs Nee and Lendl say the joint force has raised levels of efficiency and moral—particularly among firemen. They both point to impressive statistics which they believe have resulted directly from the program:

"A 22 percent drop in burglaries.

"A 30 percent drop in auto fatalities.

"An 8 percent decrease in holdups on the streets.

"Chief Nee says the word is out among criminals: Stay out of Clifton.

"And the word has gone out as well to communities across the nation.

"Delegations from neighboring communities and from as far away as Schenectady, N.Y., and Warner Robbins, Ga., have visited Mr. Holster's office. In addition the City Manager has been virtually bombarded by requests for copies of a brochure about the program.

"Clifton's experiment was prompted partly by the threat that crime might spill over from neighboring cities. Passaic and Paterson have large slum populations and high crime rates.

" 'We're trying to deal with our problems before they become problems,' Mr. Holster said."

Anniversary of the Birthday of Thomas Masaryk

Mr. Williams. of New Jersey. Mr. President, on March 7th, as the nation of Czechoslovakia celebrates the birthday of Thomas Masaryk, founder and first President of the Republic of Czechoslovakia, we Americans join with Czech descendants the world over in paying tribute to the forefather of Czechoslovak democracy.

In his first political office, Masaryk held a position in the Austrian Parliament for 12 years, representing the liberal Young Czech Party. He resigned in 1893 in order to devote his time to improving education there.

In 1907, as a member of the newly-organized Realists Party, Masaryk was re-elected to the Parliament. He used his office as a political forum for effectively denouncing the Austrian policy with Germany.

At the start of World War I, Masaryk chose to escape from Austria. Determined to help the Czech cause for freedom, he called upon neighboring countries to extend political recognition to Czechoslovakia.

Throughout the war, Thomas Masaryk demonstrated to the world a courageous example of determination and persuasion. A visit to the Soviet Union in 1917 won Russian aid and equipment for his Czech army of 92,000; and a similar visit to the United States in May, 1918, resulted in the signing of the Lansing Declaration of sympathy for the Czech people and their independence. This declaration soon led to *de facto* recognition of the Czech state by several allied nations.

Masaryk's reputation for honesty and sincerity soon won him recognition throughout Czechoslovakia, and on November 14, 1918, he was elected first President of the Republic. He was overwhelmingly re-elected in 1920, 1927, and 1934. In 1935, when President Masaryk retired from his office, the people of Czechoslovakia appropriately gave him the title of "President-Liberator", a title which existed until his death in 1937.

Mr. President, during the 17 years of the Masaryk Presidency, a great foundation for democratic principles was laid. It is therefore fitting that on March 7, 1970, 120 years after his birth, people of all free nations honor and acknowledge the contributions to liberty and freedom initiated by Thomas Masaryk.

ORDER FOR ADJOURNMENT UNTIL 11:30 A.M., MONDAY, MARCH 9, 1970

Mr. KENNEDY. Mr. President, I ask unanimous consent that the prior order setting the time for the convening of the Senate at 12 noon Monday be vacated, and that when the Senate completes its business today, it stand in adjournment until Monday next at 11:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR TYDINGS ON MONDAY

Mr. KENNEDY. Mr. President, I ask unanimous consent that on Monday next, immediately after the completion of the reading of the Journal, the Senator from Maryland (Mr. TYDINGS) be recognized for not to exceed 30 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS ON MONDAY

Mr. KENNEDY. Mr. President, I ask that at the conclusion of Senator TYDINGS' address there be a brief period for the transaction of routine morning business, with the usual limitation of 3 minutes on statements.

The PRESIDING OFFICER. Without objection, it is so ordered.

STATEMENT BY THE PRESIDENT ON LAOS

Mr. GRIFFIN. Mr. President, in recent days we have heard a good deal of discussion concerning the situation in Laos. Today the President released a very significant and important statement concerning the extent of our involvement in Laos. I ask unanimous consent that a copy of the President's statement, released this afternoon, be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY THE PRESIDENT

In light of the increasingly massive presence of North Vietnamese troops and their recent offensives in Laos, I have written letters today to British Prime Minister Wilson and Soviet Premier Kosygin asking their help in restoring the 1962 Geneva Agreements for that country.

As Co-Chairman of that Conference, the United Kingdom and the Soviet Union have particular responsibilities for seeing that its provisions are honored. My letters note the persistent North Vietnamese violations of the Accords and their current offensives; support the Laotian Prime Minister's own current appeal to the Co-Chairmen for consultations; urge the Co-Chairmen to work with other signatories of the Geneva Accords; and pledge full United States cooperation.

Hanoi's most recent military build-up in Laos has been particularly escalatory. They have poured over 13,000 additional troops into Laos during the past few months, raising their total in Laos to over 67,000. Thirty North Vietnamese battalions from regular division units participated in the current campaign in the Plain of Jars with tanks, armored cars and long-range artillery. The indigenous Laotian Communists, the Pathet Lao, are playing an insignificant role.

North Vietnam's military escalation in Laos has intensified public discussion in this country. The purpose of this statement is to set forth the record of what we found in January 1969 and the policy of this Administration since that time.

I. WHAT WE FOUND

A. The 1962 accords

When we came into office, this Administration found a highly precarious situation in Laos. Its basic legal framework had been established by the 1962 Accords entered into by the Kennedy Administration.

Laos has been a battleground for most of the past twenty years. In 1949 it became a semi-independent state within the French Union. The Pathet Lao Communists rebelled against the government in the early 1950's, and fighting continued until the 1954 Geneva settlements ended the Indochina War. Laos at that time became an independent neutral state. The indigenous Communists, the Pathet Lao, nevertheless retained control of the two northern provinces.

Since then, this small country has been the victim of persistent subversion and finally invasion by the North Vietnamese.

By 1961 North Vietnamese involvement became marked, the Communist forces made great advances, and a serious situation confronted the Kennedy Administration. In his news conference of March 1961, President Kennedy said, "Laos is far away from America, but the world is small . . . The security of all Southeast Asia will be endangered if Laos loses its neutral independence."

In May 1961 negotiations for a Laotian settlement opened in Geneva, with Governor Harriman as the chief American negotiator. During the course of those long negotiations fighting continued and the Communists made further advances. Faced with a potential threat to Thailand, President Kennedy ordered 5000 Marines to that country in May 1962.

Finally, in July 1962, after fourteen months of negotiations, fourteen nations signed the Geneva Accords providing for the neutralization of Laos. Other signatories besides the United States included the Soviet Union, Communist China, North Vietnam, the United Kingdom, France, the Southeast Asian nations most directly involved, and the members of the International Control Commission, Canada, India and Poland.

These Accords came one month after the three contending forces within Laos announced agreement on the details of a coalition government composed of the three major political factions and headed by the neutralist, Prince Souvanna Phouma. North Vietnam claimed that it favored a coalition government. Both North Vietnam and the Soviet Union backed Prince Souvanna for his new post. The present government of Laos thus has been the one originally proposed by the Communists. In approving the 1962 arrangements, the Kennedy Administration in effect accepted the basic formulation which had been advanced by North Vietnam and the Soviet Union for a Laotian political settlement.

B. The Record 1962–1969

Before the ink was dry on the 1962 Geneva documents, and despite the fact that they embodied most of its own proposals, North Vietnam started violating them. In compliance with the Accords, the 666 Americans who had been assisting the Royal Lao Government withdrew under ICC supervision. In contrast, the North Vietnamese passed only a token 40 men through ICC checkpoints and left over 6,000 troops in the country.

A steadily growing number of North Vietnamese troops have remained there ever since, in flagrant violation of the Geneva Accords. They climbed to about 33,000 in mid-1967, 46,000 in mid-1968, and 55,000 in mid-1969. Today they are at an all-time high of some 67,000 men.

These are not advisors or technicians or attaches. They are line units of the North Vietnamese army conducting open aggression against a neighbor that poses no threat to Hanoi.

In addition, since 1964, over a half-million North Vietnamese troops have crossed the "Ho Chi Minh Trail" in Laos to invade South Vietnam. This infiltration route provides the great bulk of men and supplies for the war in South Vietnam.

The political arrangements for a three-way government survived only until April 1963 when the Pathet Lao Communist leaders departed from the capital and left their cabinet posts vacant. Fighting soon resumed and since then, there have been cycles of Communist offensives and Royal Laotian Government counter-offensives. The enemy forces have been led and dominated throughout by the North Vietnamese. In recent years Hanoi has provided the great majority of Communist troops in Laos.

North Vietnam appears to have two aims in Laos. The first is to insure its ability to use Laos as a supply route for North Vietnamese forces in South Vietnam. The second is to weaken and subvert the Royal Lao Government—originally established at its urging—to hinder it from interfering with North Vietnamese use of Laotian territory, and to pave the way for the eventual establishment of a government more amenable to Communist control.

Prime Minister Souvanna Phouma has tried a variety of diplomatic efforts to restore peace in Laos. He has repeatedly appealed to the Co-chairman and others to help arrange for restoration of the 1962 Accords. He and the International Control Commission, hampered by lack of authority, have reported and publicized North Vietnamese violations of the Accords. And Prime Minister Souvanna Phouma has made several attempts to achieve political reconciliation with the Pathet Lao and to reconstitute a tripartite government.

None of these efforts has borne fruit. Frustrated in his diplomatic efforts and confronted with continuing outside aggression, Souvanna has called upon three American Administrations to assist his government in preserving Laotian neutrality and integrity.

By early 1963 the North Vietnamese and Pathet Lao had openly breached the 1962 agreements by attacking the neutralist government forces in north Laos and by occupying and fortifying the area in southeast Laos along what came to be known as the Ho Chi Minh Trail. In these circumstances, the Laotian Prime Minister requested American aid in the form of supplies and munitions. The Kennedy Administration provided this assistance in line with the Laotian Government's right under the Geneva Accords to seek help in its self-defense.

In mid-May 1964 the Pathet Lao supported by the North Vietnamese attacked Prime Minister Souvanna Phouma's neutralist military forces on the Plain of Jars. North Vietnam also began to increase its use of the Ho Chi Minh Trail to further its aggression against South Vietnam. The Johnson Administration responded to Royal Laotian Government requests to meet this escalation by increasing our training and logistic support to the Royal Lao Government. In May 1964, as North Vietnamese presence increased, the United States, at Royal Lao Government request, began flying certain interdictory missions against invaders who were violating Lao neutrality.

Thus, when this Administration came into office we faced a chronically serious situation in Laos. There had been six years of seasonal Communist attacks and growing U.S. involvement at the request of the Royal Laotian Government. The North Vietnamese had steadily increased both their infiltration

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through Laos into South Vietnam and their troop presence in Laos itself. Any facade of native Pathet Lao independence had been stripped away. In January 1969, we thus had a military assistance program reaching back over six years, and air operations dating over four years.

II. THE POLICY OF THIS ADMINISTRATION

Since this Administration has been in office, North Vietnamese pressure has continued. Last spring, the North Vietnamese mounted a campaign which threatened the royal capital and moved beyond the areas previously occupied by Communists. A counterattack by the Lao Government forces, intended to relieve this military pressure and cut off supply lines, caught the enemy by surprise and succeeded beyond expectations in pushing them off the strategic central plain in north Laos known as the Plain of Jars.

The North Vietnamese left behind huge stores of arms, ammunition and other supplies cached on the Plain. During their operations in the Plain of Jars last summer and fall, Lao Government forces captured almost 8,000 tons of Communist equipment, supplies and weapons, including tanks, armored cars, artillery pieces, machine guns and thousands of individual weapons including about 4,000 tons of ammunition. The size and nature of these supply caches the Communists had emplaced on the Plain by the summer of 1969 show clearly that many months ago the North Vietnamese were preparing for major offensive actions on Laotian territory against the Royal Lao Government.

During the final months of 1969 and January 1970, Hanoi sent over 13,000 additional troops into Laos and rebuilt their stocks and supply lines. They also introduced tanks and long-range artillery.

During January and February, Prime Minister Souvanna Phouma proposed to the other side that the Plain of Jars be neutralized. The Communists' response was to launch their current offensive which has recaptured the Plain of Jars and is threatening to go beyond the furthest line of past Communist advances.

The Prime Minister is now once again trying to obtain consultations among all the parties to the Geneva Accords, envisaged under Article IV when there is a violation of Lao sovereignty, independence, neutrality or terroritorial integrity.

In this situation, our purposes remain straightforward.

We are trying above all to save American and allied lives in South Vietnam which are threatened. By the continual infiltration of North Vietnamese troops and supplies along the Ho Chi Minh Trail, Hanoi has infiltrated over 100,000 men through Laos since this Administration took office and over 500,000 altogether. Our air-strikes have destroyed weapons and supplies over the past four years which would have taken thousands of American lives.

We are also supporting the independence and neutrality of Laos as set forth in the 1962 Geneva Agreements. Our assistance has always been at the request of the legitimate government of Prime Minister Souvanna Phouma which the North Vietnamese helped establish; it is directly related to North Vietnamese violations of the agreement.

We continue to be hopeful of eventual progress in the negotiations in Paris. But serious doubts are raised as to Hanoi's intentions if it is simultaneously violating the Geneva Agreements on Laos which we reached with them largely on the basis of their own proposals. What we do in Laos has thus as its aim to bring about conditions for progress toward peace in the entire Indo-Chinese Peninsula.

I turn now to the precise nature of our aid to Laos.

In response to press conference questions on September 26, December 8 and January 30, I have indicated:

That the United States has no ground combat forces in Laos.

That there were 50,000 North Vietnamese troops in Laos and that "more perhaps are coming."

That, at the request of the Royal Laotian Government which was set up by the Geneva Accords of 1962, we have provided logistical and other assistance to that government for the purpose of helping it to prevent the Communist conquest of Laos.

That we have used air power for the purpose of interdicting the flow of North Vietnamese troops and supplies on that part of the Ho Chi Minh Trail which runs through Laos.

That, at the request of the Royal Laotian Government, we have flown reconnaissance missions in Northern Laos in support of the Laotian Government's efforts to defend itself against North Vietnamese aggression and that we were engaged in "some other activities."

It would, of course, have posed no political problem for me to have disclosed in greater detail those military support activities which had been initiated by two previous administrations and which have been continued by this Administration.

I have not considered it in the national interest to do so because of our concern that putting emphasis on American activities in Laos might hinder the efforts of Prime Minister Souvanna Phouma to bring about adherence to the Geneva Agreements by the Communist signatories.

In recent days, however, there has been intense public speculation to the effect that the United States involvement in Laos has substantially increased in violation of the Geneva Accords, that American ground forces are engaged in combat in Laos and that our air activity has had the effect of escalating the conflict.

Because these reports are grossly inaccurate, I have concluded that our national interest will be served by putting the subject into perspective through a precise description of our current activities in Laos.

These are the facts:

There are no American ground combat troops in Laos.

We have no plans for introducing ground combat forces into Laos.

The total number of Americans directly employed by the U.S. government in Laos is 616. In addition, there are 424 Americans employed on contract to the government or to government contractors. Of these 1040 Americans, the total number, military and civilian, engaged in a military advisory or military training capacity numbers 320. Logistics personnel number 323.

No American stationed in Laos has ever been killed in ground combat operations.

U.S. personnel in Laos during the past year has not increased while during the past few months, North Vietnam has sent over 13,000 additional combat ground troops into Laos.

When requested by the Royal Loatian government, we have continued to provide military assistance to regular and irregular Laotian forces in the form of equipment, training and logistics. The levels of our assistance have risen in response to the growth of North Vietnamese combat activities.

We have continued to conduct air operations. Our first priority for such operations is to interdict the continued flow of troops and supplies across Laotian territory on the Ho Chi Minh Trail. As Commander-in-Chief of our Armed Forces, I consider it my responsibility to use our air power to interdict this flow of supplies and men into South Vietnam and thereby avoid a heavy toll of American and allied lives.

In addition to these air operations on the Ho Chi Minh Trail, we have continued to carry out reconnaissance flights in Northern Laos and to fly combat support missions for Laotian forces when requested to do so by the Royal Laotian Government.

In every instance our combat air operations have taken place only over those parts of Laos occupied and contested by North Vietnamese and other Communist forces. They have been flown only when requested by the Laotian Government. The level of our air operations has been increased only as the number of North Vietnamese in Laos and the level of their aggression has increased.

Our goal in Laos has been and continues to be to reduce American involvement and not to increase it, to bring peace in accordance with the 1962 Accords and not to prolong the war.

That is the picture of our current aid to Laos. It is limited. It is requested. It is supportive and defensive. It continues the purposes and operations of two previous Administrations. It has been necessary to protect American lives in Vietnam and to preserve a precarious but important balance in Laos.

III. THE FUTURE

Peace remains the highest priority of this Administration. We will continue our search for it in Vietnam. I hope my appeal today to the Geneva Conference Co-chairmen will help in Laos. Our policy for that torn country will continue to rest on some basic principles:

We will cooperate fully with all diplomatic efforts to restore the 1962 Geneva Agreements.

We will continue to support the legitimate government of Prime Minister Souvanna Phouma and his efforts to deescalate the conflict and reach political understandings.

Our air interdiction efforts are designed to protect American and allied lives in Vietnam. Our support efforts have the one purpose of helping prevent the recognized Laotian government from being overwhelmed by larger Communist forces dominated by the North Vietnamese.

We will continue to give the American people the fullest possible information on our involvement, consistent with national security.

I hope that a genuine quest for peace in Indochina can now begin. For Laos, this will require the efforts of the Geneva Conference Co-chairmen and the signatory countries.

But most of all it will require realism and reasonableness from Hanoi. For it is the North Vietnamese, not we, who have escalated the fighting. Today there are 67,000 North Vietnamese troops in this small country. There are no American troops there. Hanoi is not threatened by Laos; it runs risks only when it moves its forces across borders.

We desire nothing more in Laos than to see a return to the Geneva Agreements and the withdrawal of North Vietnamese troops, leaving the Lao people to settle their own differences in a peaceful manner.

In the search for peace we stand ready to cooperate in every way with the other countries involved. That search prompted my letters today to the British Prime Minister and the Soviet Premier. That search will continue to guide our policy.

ADJOURNMENT UNTIL MONDAY, MARCH 9, 1970, 11:30 A.M.

Mr. KENNEDY. Mr. President, if there be no further business to come before the Senate, I move that the Senate stand in adjournment until Monday, at 11:30 o'clock a.m., in accordance with the previous order.

The motion was agreed to; and (at 3 o'clock and 37 minutes p.m.), the Senate adjourned until Monday, March 9, 1970, at 11:30 a.m.

EXTENSIONS OF REMARKS

STATEMENTS BEFORE THE NATIONAL PRIORITIES COMMITTEE OF THE DEMOCRATIC POLICY COUNCIL

HON. FRED R. HARRIS

OF OKLAHOMA

IN THE SENATE OF THE UNITED STATES

Friday, March 6, 1970

Mr. HARRIS. Mr. President, I recommend to all Senators a series of eloquent statements made by Members of this body recently during hearings before the National Priorities Committee of the Democratic Policy Council. Taken together, this superb testimony argues forcefully for a new commitment to reorder this country's priorities—for a commitment to end the resource-wasting, humanly debilitating war in Vietnam, cut unnecessary defense spending, and apply a much larger share of our national resources to terribly urgent domestic needs.

I ask unanimous consent that these excellent statements be printed in the RECORD.

There being no objection the material was ordered to be printed in the RECORD, as follows:

NATIONAL PRIORITIES AND THE DEFENSE BUDGET

(Statement by Senator EDWARD KENNEDY, February 24, 1970)

It is a great pleasure for me to address the Committee on National Priorities of the Democratic Policy Council. Your work takes place, I think, at an important time in our history. The testimony you hear, and the recommendation you will make, will have a powerful influence this year over the decisions of the Congress in responding to President Nixon's request for authority to commit Federal tax dollars. And this year, for the first time in our history, the request has exceeded $200 billion.

This nation is finally beginning to realize that we need to allocate our resources in a systematic way. We must set our national goals and then decide upon strategies to reach them. We must determine what roles are to be played by the different levels of government and what roles are to be left entirely to the private sector.

From the standpoint of the federal government, national priorities are set by the decision to allocate federal tax dollars among competing national needs. The President's budget requests, sent to the Congress this month, reflect in detail the priorities of his Administration. The appropriation bills, when they receive final approval by the Congress, will reflect the judgments of the Congress on the President's priorities.

This requirement for Presidential request and Congressional approval of the commitment of federal tax is an important aspect of the checks and balances in our federal system of government. At its optimum, the system should come into balance only after the resolution of a variety of tensions between the two branches. For if there is no tension, but only passivity, public debate will be stilled, and these vital decisions made without close scrutiny and public accountability. The sound operation of government requires critical analysis, not complacent consensus.

We are in the middle of a dramatic example of the benefits of this healthy tension. The Congress in December passed an appropriation bill for health and education containing $1 billion more than the President requested. At the same time, the Congress reduced by more than $5 billion the President's total budget request of some $189 billion, out of its concern for the dangerous inflation in the economy. The President vetoed this bill, calling it inflationary. The Congress failed to override the veto, and now has a substitute bill in the final stages of approval. This substitute bill also has more money in it for health and education than President Nixon requested, and the Secretary of Health, Education and Welfare has indicated the likelihood of another veto.

There is, of course, a lot of politics on both sides in all this back-and-forth between Congress and the President on the funds for health and education. But through it all, there runs one simple thread, a thread readily apparent to those taxpayers and voters who watch this public debate. This is the question of priorities, of priorities among competing needs. The Congress put a priority on reducing the President's total $193 billion budget request by $5 billion; it also put a priority on allocating the funds it did approve differently than did the President, adding $1 billion to health and education and subtracting it from other functions.

By insisting upon this allocation, in the face of a threatened second veto, the Democrats in the Congress are doing what Democrats have always done—putting their priorities on people, and on the day-to-day problems people face in their lives. Inflation ran at a dangerous rate all through 1969; the Congress thus reduced the President's budget by $5 billion. Health and education costs are rising; the Congress thus shifted $1 billion from other functions to support for health and education. These two actions by the Congress reflect the traditional concerns of the Democrats, and I look forward to other opportunities for comparable actions this year.

Your work on the Committee on National Priorities can be of large assistance to us in the Congress. You can gather the facts. You can analyze their meaning. You can synthesize the different lines of argument. You can clarify the issues. But most important of all, you can stimulate that healthy tension between the Legislative and Executive Branches which is so vital if government decisions are to be subjected to close scrutiny and informed public debate.

In the past decade we have, as a nation, grown increasingly aware that our priorities must be changed, as the times change. Changing these priorities is not an easy task, however, because powerful and entrenched vested interests often have an enormous stake in resisting change. One clear example of the difficulty of dislodging vested interests lies in the Federal Highway Trust Fund, which each year channels some 5 billion tax dollars into highways, but virtually nothing into subways and other public transportation. For years, sociologists, planners and other experts have produced devastating criticisms of this imbalance. But the highway interests are powerful, and mass transit has thus suffered. Now, after 15 years, the highway interests are discovering that they cannot simply construct super highways, to bring suburbanites into center cities, without regard to mass transit. It is public outcry and public pressure which is finally bringing this change and slowly dislodging the vested interest.

Only the same quickening of interests and sharpening of pressures can break the hold of other vested interests on federal funds which should be spent on people—on their schools, their health, their parks, their air, their water—in short, on the quality of their lives.

We saw, last year, a dramatic example of the impact of this quickening interest and sharpening pressure when the nation turned its attention to the budget for the Department of Defense. The January, 1969 request of the Congress for Defense totalled $77.7 billion, nearly double the request for 1960. The sheer size of this figure shocked the nation, and spawned an intense examination of what these billions would purchase. President Nixon revised President Johnson's request $2.5 billion downward, to $75.2 billion. The Congress cut $5.6 billion more off the request, and we ended up with a Defense appropriation of $69.6 billion.

Along the way last year, while these cuts were being made, Americans learned of a $1.5 billion cost overrun for a single new $3.5 billion aircraft project; of cancellation of a $3.2 billion military manned space station project after $1.5 billion was already spent on it; of inadequate audit and accounting procedures; of duplication and overlap; and in general, of a lack of hard-eyed supervision of Defense costs. Senate Majority Leader Mansfield said in January of 1969 that he hoped we could trim $10 billion from the Defense budget. The difference between the requests in 1969 and in 1970 are at just about that amount. *Fortune* magazine's careful analysis in August 1969 concluded that even further and major cuts could be made without in any way jeopardizing our national security.

This year, President Nixon has asked for a defense budget of $69.3 billion. Senator Mansfield said on February 2 that he hoped we could make "a similarly large cut" in this request. Consequently, despite Secretary of Defense Laird's statement last Friday that this year's request is a "rock bottom budget," I would expect that careful analysis will show members of Congress a number of places where major savings in the Defense budget can be made. We can then consider whether to apply these savings to other critical areas of need—such as health and education—without generating new inflationary pressures.

Any realistic public figure is aware that when he challenges the defense budget, he will be the object of many easy charges of "selling out America's security," or of "seeking unilateral disarmament," or "misunderstanding the gravity of the Communist threat," I say these are easy charges because they are only slogans—slogans reflecting our years of living on the edge of terror in the cold war. As slogans, they may have represented valid concepts in the 1940's, or 1950's, or even the 1960's. But times, change, and if we do not adapt our thinking to the realities of the changing times, then we calcify. What we need in our treatment of national defense, and the defense budget, is a new realism.

This new realism does not require us to abandon all our old concepts. But it does require us to look closely at them, and all the decisions and actions they have generated. President Nixon recognized this in his foreign policy posture statement of last week. Concepts, words, slogans, postures, all valid in recent times, must not automatically be considered valid today. And the men and women who have both the interest and the courage to ask the tough questions should be applauded, not villified. So what we need, and what I hope would be forthcoming from the Administration, is a candid discussion of our national defense posture, and the budget we need to support it—not in terms of old slogans, but in terms of new realities.

In assessing our defense budget, we must begin of course with the war in Southeast Asia. I need not recount here the mistakes we have made in Vietnam, the costs we have borne, the suffering we have inflicted. The critical point now is what the future holds. Some analysts have suggested that we may have to keep 100,000 or 200,000 troops in Vietnam indefinitely, at a cost not only of continuing American casualties, but also of billions of dollars each year. Just to keep one U.S. soldier in Vietnam for one year costs $13,000. I do not believe we would have to pay such prices, if our emphasis were on political negotiation and an end to the violence rather than total reliance on Vietnamization. We have given greatly to the present South Vietnamese regime. Indeed, perhaps never in history has so undeserving a government received such generous assistance from another nation. We must now insist that South Vietnam make its own peace through negotiations.

Aside from Vietnam, the military and political developments of the last two decades make possible other reductions in defense spending—if we are willing to be realistic. The United States has already constructed at enormous expense, a powerful second-strike capability. For the foreseeable future our Polaris submarines, supplemented by our land-based missiles, will remain an effective deterrent against nuclear attack. Thus, there is no clear need at this time to spend vast sums of money to deploy new strategic weapons systems.

We should not repeat the mistakes of the fifties and sixties, when we overreacted to cold war fears and helped to stimulate the spiraling arms race. In my view, the Administration's Safeguard system is just such an overreaction.

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This year, as last, the request for funds for Safeguard will more than likely be the linchpin of the investigation and debate surrounding the defense budget. This morning, Secretary of Defense Laird presents to the Senate Committee on Armed Services the Administration's case for these funds. He has already indicated that it will be a request for *an expansion* of the ABM beyond that narrowly approved 6 months ago by Congress.

Last year, I believed that Safeguard was a waste of money. Nothing I have heard or learned since then has changed my views.

It may well be true that what Defense planners call the "threat" is greater this year than last. This greater threat might encompass the continued Soviet deployment of large, multiple warhead ICBMs of increasing accuracy. In fact, if the Soviets keep up the deployment rate of the last few years, they may even, some years from now, have as much offensive nuclear power as we do. Another aspect of the threat may be an increased tempo of Communist Chinese ICBM activity. But since they have yet to test launch an ICBM, a serious Chinese threat is clearly a long way off. Furthermore, Secretary Laird's argument that the credibility of our Asian commitments will be reduced as soon as China has any capacity to inflict nuclear damage on this country is unpersuasive. The Soviet Union has had such a capability for years, but, since we have retained our powerful second-strike capabilities, no one seriously doubts the credibility of our vital commitments in Europe, Latin America and elsewhere.

Most of us are well familiar with the arguments advanced last year against the Safeguard; that it signals another escalation of the arms race; that it will not work as designed; that Soviet evasive techniques will neutralize it; that it can be overwhelmed; that its enormous cost is not justified; that it will prejudice the SALT talks; that it defends an obsolete system; and that it is itself obsolete since it will not be even 20 percent operational for *6 more years*. It is inconceivable that in those 6 years, the Soviets cannot design and develop techniques to render the Safeguard meaningless. These arguments will again receive full treatment, I am sure.

But last year we did not fully explore the suitability of the other responses to an increased threat. These would include more Polaris submarines; mobile ICBMs; a system designed for point defense; camouflaged ICBM silos; lasers; and many others. It should be plain that I am not suggesting that we adopt one or another of these alternative steps. What I am suggesting, though, is that this year we have new, stronger and more basic arguments to oppose Safeguard than we did last year.

There are other aspects of our strategic defense policies which require re-examination. For example, there seems little reason, in this age of the missile, to spend some 10 billion dollars on yet another manned bomber fleet—one which costs $30 million per plane. Nor do large expenditures on a bomber defense system seem warranted.

Let me cite a few other examples:

We have about 7,000 tactical nuclear warheads stored at various locations in Europe. Other than the grave questions of first use, accidents, and control, the question which deserves public discussion is: would our security be any less with 6,000 such warheads in Europe? With 3,500? With 1,000?

We have nuclear weapons of all types stored in various nations around the world, as Senator Symington has pointed out. Presumably, we do so with the continuing consent of the host nations. But the President has formally refused to tell the Senate Foreign Relations Committee both which are the host countries, and under what conditions the weapons are stored there. Just what is it that the Administration is trying to hide? In his November 3, 1969, speech on Vietnam, President Nixon said:

"The American people cannot and should not be asked to support a policy which involves the overriding issues of war and peace unless they know the truth about that policy."

President Nixon intended that statement for the public and for Vietnam policy. But it is just as true for Senators and for strategic nuclear policy—and for our alarming involvement in Laos.

The political developments of the last two decades are as significant as the strategic developments. No longer can it be said that there is a monolithic Communist power stretching from Europe to the Far East, and poised to strike at the United States or its allies. The Soviet Union and Communist China are heavily preoccupied with their own ideological and border disputes. They show little inclination to engage in an armed confrontation with other nations. Furthermore, many of the non-communist nations of Europe and Asia, which were destitute at the end of World War II, are now prosperous and vigorous enough to contribute even more to their own defense, and to the defense of their regions. The U.S. spends about 9 percent of its Gross National Product on defense, as an illustration; the NATO nations spend 5 percent.

The Administration has recognized these changes. But it has not yet made any substantial changes in our own military posture. We continue, for example, to deploy 320,000 troops in Europe and 250,000 of their dependents, at a yearly cost estimated to run between $12 and $15 billion. I do not suggest that all these troops be withdrawn. Some must remain to demonstrate to both NATO and the Warsaw Pact that any conflict in Western Europe will inevitably involve the military might of the United States. But certainly we do not need 320,000 troops to serve this "tripwire" function. We should withdraw the majority of these troops, and let the increasingly prosperous nations of Western Europe contribute more to their own defense.

Similarly, I doubt that the danger of Soviet invasion of Western Europe is sufficient to warrant production of the main battle tank. I think we should re-examine whether it is worth paying over a billion dollars for these new tanks.

In Korea, as in Europe, we have troops—two full divisions totalling 56,000 men in point of fact. This seems a much larger force than necessary to our national security. For almost twenty years we have armed and trained the Army of the Republic of Korea, at a cost of nearly $3 billion in grant military assistance funds to pay for the bulk of their army's operating costs. That army should now be capable of meeting any threat from the North. We need only deploy a small number of troops—if any at all—to demonstrate our commitment to South Korea's independence.

Also in Asia, the Defense Department has paid nearly $40 million in the past three years to the Government of the Philippine Civic Action Group, or PHILCAG. PHILCAG was a force of some 2,000 non-combat Philippine military personnel stationed in Vietnam, who were supposed to give credence to the belief that the non-communist nations in the Pacific Theater stand with us in Vietnam. If we did not use this $40 million to pay the salaries of non-combat Philippine soldiers in Vietnam, but instead used it for salaries of policemen; we could put about 6,500 additional policemen on the streets of Washington, D.C.

Indeed, the whole question of U.S. support for foreign armed forces requires re-examination. The budget request includes over $1 billion for the support of non-U.S. military forces—$450 million for personnel, $660 million for equipment. Some of these expenditures are associated with Vietnamization, some are not. Unfortunately, it is not considered in the national interest for the American public to know how much we pay to which countries to keep their armed forces going. But I would like to suggest that it may well be worth examining—in public—which countries get how much, and then balancing the merits of that use against, say, spending the money on new schools here at home and letting the taxpayers in other countries pay for their own armies.

Substantial savings can also be obtained by a closer examination of our naval needs. At present we maintain a fleet of fifteen attack carrier task forces, even though the Soviet Union does not have a single attack carrier, and also has far fewer overseas bases than we do. Charles Schultze, the former Director of the Bureau of the Budget, indicated in testimony before the Joint Economic Committee that the size of our carrier fleet was the most questionable item in the military budget. The cost of each task force, which includes the aircraft carrier plus supporting ships is about $400 million per year. This is more than the budget request for the entire legislative branch of the government, including the Senate, the House, the Capitol, the Library of Congress, the Government Printing Office, the General Accounting Office—all the salaries and other costs. Yet, as Mr. Schultze suggested, the reason we have 15 attack carrier task forces may be purely historical. "In the Washington Naval Disarmament Treaty of 1921, the U.S. Navy alloted 15 capital ships. All during the nineteen twenties and thirties the navy had 15 battleships. Since 1961 (with temporary exception of a few years during the Korean War) it has had 15 attack carriers, the 'modern' capital ship. Missions and 'contingencies' have changed sharply over the last 45 years. But this particular force level has not." Clearly, when an attack carrier task force costs $400 million each year, it needs more than an historical justification. If, as Secretary Laird recently announced, we are not policemen of the world, do we really need 15 attack carriers?

Another questionable item in the Navy's budget is the anti-submarine warfare carriers. Former Secretary of Defense McNamara conceded that this is "a relatively high cost system in relation to its effectiveness." It can only be made more effective at great expense, and therefore its deployment should be promptly re-examined.

We should also examine whether both the Navy and the Air Force are presently planning to procure tactical aircraft which use far more sophisticated and expensive equipment than is really necessary. There is a danger that both services are paying exorbitant amounts for "gold-plated" new planes which perform only marginally better than their predecessors. At a time when austerity is the watchword, this seems a good place to start being austere.

Since the federal budget is being sharply cut in so many areas, no aspect of military expenditures should be free from scrutiny. For example, the budget request includes $809 million for military family housing. Unquestionably such a program is necessary. But we are expending only $575 million for the Model Cities program. Is this the right allocation of the 1.4 billion dollars which the two programs together total?

Each B-52 flight from Guam to South Vietnam costs $50,000, including munitions and fuel. The budget request for the Bureau of Water Hygiene in HEW, which is responsible for setting standards for all the nation's drinking water, was cut by $400,000 from last year. Thus, it would take only eight fewer flights to make up the difference. Has anyone, anywhere in the government, made a decision that eight flights are more important than the quality of the nation's water?

Department of Defense officials have a number of special prerequisites, all of which bear close scrutiny. For example, the Secretary of each Cabinet department is assigned a limousine, as befits his status. One exception is the State Department—the senior agency—which gets two. *But Defense gets ten.* Cabinet departments are also assigned additional chauffer-driven cars for the use of sub-cabinet officials. Agriculture, Justice, Labor and HEW each get four such cars. *Defense gets seventy-six.* The Chief Justice of the Supreme Court has a car; the Associate Justices do not. The top three officials in the Senate and in the House have cars; the other Senators and Congressmen do not. The startling aspect of these figures is, of course, the special treatment accorded the Department of Defense.

I would like to cite a few more examples which help to illuminate how we have set our priorities in past years.

The public relations budget for the Department of Defense is $39 million this year, as the Department itself admitted. These funds are not for public information, or for recruitment—but for promotion around the country of the Defense Department's programs. The *total* request this year for civil rights enforcement activities in the Department of Justice is only $5 million, or one-eighth of the amount for public relations in the Department of Defense.

Last year's budget sought a sum in ammunition which breaks down to $22 million for each Vietcong or North Vietnamese in and around North Vietnam; but sought only $44 for each school child in America.

This year's budget is about $1,000 for each American. Four-hundred of this goes for defense, only $4 goes for fighting crime.

The foreign aid request totals about $2 billion, about a third of which will be spent in Southeast Asia. More than a third of all overseas AID personnel work in Vietnam. Department of Defense spends about $45 billion to maintain our overseas commitments. It is hard to dispute the arguments of many critics that we appear more interested in making war abroad than supporting peace.

I think I have demonstrated that the President's budget request for the Department of Defense is not rock bottom. Further major cuts can and will be made perfectly consistently with an enhanced national security. The question is quite properly posed: how do we know where to begin? And how do we know when we have cut far enough?

One particular suggestion has always had considerable merit, in my judgment. The budgets for all cabinet departments—except Defense—are subjected to an intense adversary process in the Bureau of the Budget. In this process, each subdivision of each department must justify its program budget requests not only on the merits, but in comparison to other similar programs in any other department. The Defense budget does not face this type of adversary process at any point in its long path to final approval. Instead, it is scrutinized within the Department of Defense, and then reviewed by a joint Budget Bureau-Defense team. It is almost as if the whole process were established to *prevent* an independent, tough-minded scrutiny. The suggestions for remedying this clearly inadequate situation usually embrace enlarging the extent of adversary examination of Defense budgets. It is hard to understand why the Defense budgets should be exempt from the same scrutiny applied to other budgets.

But beyond this technical change in the manner Defense budgets are prepared within the Administration, there are certain other steps we should take when this budget is presented to Congress. What I now want to suggest is a methodolgy for approaching the Defense budget context of a discussion of national priorities. This methodology rejects any special treatment for the Defense budget; instead, it seeks to stimulate adoption of a new realism toward what our national security requires, and a new realism toward balancing the priorities accorded all the different national needs.

We must first set goals. Surprisingly, there is general agreement on most national goals of broad scope. For example, it is national policy that each American should have a decent home and a suitable living environment. It is national policy that the paradox of poverty in the midst of plenty be eliminated. It is national policy that each American have equal employment and educational opportunities. It is national policy that our shores shall be protected from invasion. It is national policy that each American should have high-quality health care and be able to pursue a retirement life of dignity and security. It was national policy to land a man on the moon in the 1960's. An inventory of Congressional and Executive declarations of national policies or national goals will show that virtually every aspect of our lives is covered by one or another of these goals.

After we set these goals, *we must decide upon strategies* to reach them. This is a most difficult task, not only because it requires a decision as to the roles to be played by the different levels of government, but also because of the need for a decision on the division between government and the private sector. To illustrate, national defense is a responsibility of the Federal government; education is the responsibility of a mix of individuals and of governments of all levels; automobile manufacturing a responsibility of the private sector; and child-raising a responsibility of individual families. Strategies of course change from time to time, to reflect new conditions. We are witnessing just such a change as the Congress debates proposals for shifting both the nature and the burden of our welfare system.

Once we do have the strategies, then on the Federal level *we must decide how many Federal dollars each Federal function gets.* This is the meaning of the term "national priorities" as I have used it today, and the one most appropriate to those involved in the federal budget making process.

Secretary of Defense Laird pointed out in his posture statement that:

"The federal government has not, in the past, been very well organized across the board to analyze basic problems of resource allocation."

All of us know this to be true. And all of us know, too, that we must change it if we are to restore some better balance to this country's approach to its future.

Despite all the rhetoric about the reductions in the size of the Defense budget, there has still been no fundamental re-examination of the concepts lying behind the Defense budget. Most of the reductions in defense spending over the past year are due to reductions in the scale of the Vietnamese war and cancellation of certain military projects of marginal value. Yet a fundamental re-examination is the key to reducing the budget's size without endangering our security.

All the issues I have raised—the future course in Vietnam, the deployment of Safeguard, the need for 15 air carrier task forces, the troop levels in Europe and Korea—should be part of this re-examination. I am confident that the result of the analysis will be substantial reductions in defense spending.

Because it may be helpful to the members of this Committee to have a concrete example of how specific cuts in the defense budget can save many billions without prejudice to our national security, I have abstracted a table from *Fortune* magazine of last August. This table shows specifically how the defense budget could be reduced by over $15 billion. I have attached this table to the end of my statement.

This brings me to an important point. Unless countervailing measures are taken, insistence on cuts in military spending will have a substantial adverse impact on many companies and employees. As a Senator from Massachusetts, I am acutely aware of the financial and intellectual resources which have been invested in defense and defense-related industries. When we reduce our military expenditures, these resources must be protected and must be converted to the most socially useful purposes.

This economic conversion cannot be accomplished automatically. That is why I intend, in the near future, to introduce legislation which will help prepare the way for conversion of defense research and development activities to socially-oriented civilian R&D. This legislation will require gradual reallocation of federal R&D spending 80 percent of which today goes to Defense, AEC, or NASA, from military to civilian uses. It will provide educational programs for scientists, technicians and management personnel who must re-direct their activities and for the Federal, state and local officials who will define the new market for socially oriented research and development. Finally, the legislation will provide special financial and educational assistance to the small defense firms which are faced with the necessity of conversion.

I recognize that there are some who will oppose the large-scale conversion of our resources. They will argue that any substantial reduction in our military spending will constitute a risk to our national security. But I do not believe this is so. On the contrary I believe that if we examine our national situation with a new realism we will see that we are truly taking risks only if we *fail* to reduce and reallocate military spending.

First, we are taking the risk that millions of Americans will die unnecessarily because of inadequate health care. The nation's chief advisor on health affairs, Dr. Roger Egeberg, has stated that we are at best a second-rate nation in the health field. This is no overstatement. For example, it is now widely known that the United States ranks only 14th in infant mortality rates. What is perhaps not so widely known is that if our mortality rate was as low as that of Sweden, 50,000 fewer American children would die each year.

In every other statistical category the United States lags far behind: 12th in maternal mortality; 11th in life expectancy for females and 19th in life expectancy for males. There is simply no reason to believe that we could not be doing far better—that we could not be saving hundreds of thousands of lives each year—if we allocated more resources to health care.

Another risk we take if we fail to reduce and reallocate military spending is that air, water and noise pollution will make our environment uninhabitable. The President's much publicized 37 point program is, as many have pointed out, not nearly good enough. In some areas, it actually reduced the federal effort against pollution. If we want to continue to enjoy the benefits of industrial technology, but without unacceptable adverse side effects, massive expenditures will be required.

And if we do not reduce and reallocate military spending, we take the risk that the plight of our cities—poor housing, poor schools, inadequate transportation and high crime rates—will grow even worse. We have already seen new housing fall victim to the fight against inflation, a fight in part made necessary by high military expenditures. We have seen the reading levels of our school children drop. We have seen the lack of mass transit clog our highways and prevent inner city residents from finding employment. We have seen general poverty, as well as understaffed courts, prisons and police departments, result in a staggering increase in crime. We need new expenditures in all of these areas, and we need the benefits of technical and managerial skills currently employed by the military.

Finally, if we do not reduce and reallocate military spending, we take the risk that millions of our citizens and particularly our young people will lose faith in their country and the values for which it stands. We must remember that we are bound together as a people not by brute force, or ethnic homogeneity or geographic compactness. We are bound together by a common faith that ours is a nation which is trying to assure to all its citizens the rights of life, liberty and the pursuit of happiness. If that faith is shattered, we will have lost what no weapons and no armies can ever secure us.

Mr. Chairman, I believe this nation is ready to reorder its priorities. I hope that this Committee, this Party and this Congress will help to lead the way.

Defense budget cuts

(Adapted from tables in Fortune magazine, Aug. 1, 1969)

[In millions]

	Savings
1. Reduce general-purpose tactical nuclear force (There are now 7,000 tactical nuclear warheads in West Europe alone.)	$1,000
2. Eliminate one and a half NATO-oriented divisions (There will be 20⅓ active Army and Marine divisions at year-end. The U.S.-NATO forces cost $14½ billion a year and are in and of themselves more powerful than any force except the Soviet Union's)	1,125
3. Eliminate two Asia-oriented divisions (There are 56,000 troops in Korea; 45,000 in Okinawa; 40,000 in Japan; 30,000 in the Philippines; 49,000 in Thailand; 10,000 in Taiwan; and half a million in Vietnam.)	1,500
4. Eliminate three tactical air wings, two in NATO, one in U.S. (We have now 8,500 active tactical aircraft, 800 more than in 1965.)	1,360
5. Reduce attack aircraft carriers from 5 to 1	2,440
6. Reduce antisubmarine (ASW) carriers from 8 to 4. (Includes annual operating costs of $440 million and investment of $500 million)	
7. Reduce the strategic bomber force from 550 to 275 planes	750
8. Reduce amphibious ships	365
9. Savings in procurement and more efficient use of manpower (Includes elimination of AMSA, cuts in shipbuilding, hold-down in officer rotation, and use of less expensive avionics.)	7,520
Total	17,000

(NOTE.—This table *includes* the $1.5 billion sought this year for Safeguard.)

REMARKS BY U.S. SENATOR EDMUND S. MUSKIE, FEBRUARY 24, 1970

The Committee on National Priorities is engaged in a bold and difficult experiment: whether it is possible for a political party to examine and define those issues which are of most immediate importance to a complex and rapidly changing society—and to translate those issues into a set of priority actions which are responsive to society's needs and realistic in terms of our available resources.

I do not underestimate the difficulty of the task, and I do not underestimate the talent of your committee. You must lay bare the tough choices we must make if we are to restore our national sense of purpose, and if we are to show some progress toward achieving the promise of our Declaration of Independence and our Constitution.

As American society has become more complex, our political institutions have reached a critical turning point. It is more and more essential that the political process work for all Americans, but it is harder and harder to make it work.

The time has come for Democrats to make a choice—between a party where the decisions are made at the top and passed to those below, or a party where those at the top listen and respond to the goals and aspirations of all its members.

Only political leadership that listens and responds will be able to pull America together and make democracy work. We must recognize the value and vitality of diversity. We must be sensitive to the human problems and aspirations of all Americans. We must find ways to bring out the best in all of us.

These are the tasks that face a responsive and responsible political party. These are the promises that the Democratic Party has made. And this Committee on National Priorities is proof that we mean to keep those promises.

The environmental conscience which has gripped the nation holds great promise—not only for our air, our water, and our land, but also for the future of people searching for a better life together.

We have realized the meaning of life in a world of limited natural resources. It is a small step to the realization that we also live in a world of fragile human resources.

We cannot survive the continuing strain of an undeclared war on our future. We must lay down our weapons of self-annihilation.

Martin Luther King once said that "through our scientific genius we have made of the world a neighborhood; now through our moral and spiritual genius we must make of it a brotherhood."

We must forge a wholesale change in our priorities and our values. We must redefine our standard of living, reflecting the knowledge that both our human and natural resources are at stake.

Our time to meet this challege is short. We must reorder our priorities—and, in doing that, we must abandon the snail's pace of the present administration.

Too many Americans receive health care in shamefully meager doses—and at prices they cannot afford. But here the budget gets cut.

Too many Americans live in the misery of substandard housing in teaming urban ghettos or desolate rural slums. But here the budget gets cut.

Too many children fall farther and farther behind in the learning race, while 28 per cent of our young people never graduate from high school. But here the money is vetoed.

And too many Americans are laid off from their jobs, while the cost of living continues to climb. But here the President says "hands off."

The President has vowed to stop the abuse of our natural resources. But his vow is not matched by the figures in his budget.

Our air is clogged with dirt and choked with poisons, yet the budget request for air pollution control is less than last year's appropriation.

Our water supplies are contaminated, our marine life is imperiled, and some of our rivers have become fire hazards. But the budget request for water pollution control is less than the program authorized by Congress in 1966.

While rats prey on uncollected garbage in our cities and abandoned cars deface the rural landscape, this year's budget request for solid waste disposal is less than last year's appropriations.

As our gross national product approaches one trillion dollars, the relentless, vicious deterioration of our human and natural resources continues. It is a sham to say we cannot afford the protection of our environment—just yet; or the fight against hunger and poverty—at this time; or homes and medical care for our people—for a few years. We can afford these domestic programs now—and fight inflation at the same time—if we admit that there are less important priorities we cannot afford. The administration's balaced budget reflects unbalanced priorities. Look at this "balanced" budget for fiscal 1971. That budget "balances $275 million for the SST against $106 million for air pollution control. It "balances" $3.4 billion for the space program against $1.4 billion for housing. And it "balances" $7.3 billion for arms research and development against $1.4 billion for higher education.

These "balances" are *not* sacrifices we are forced to make in the battle against inflation. They *are* examples of the wrong money, at the wrong place, at the wrong time.

National priorities are meaningless if the national budget does not reflect them. We must revamp the budget itself.

First, we must make more than token changes in the level of military spending. We cannot have guns and butter in the manner we have always thought possible. We must examine every request for military spending with a new skepticism, asking not whether there is a less expensive military substitute, but whether there is a more effective non-military substitute. We must replace the spiraling costs of new weapons and greater overkill with genuine, persistent efforts at arms control. We must take honest risks in pursuit of peace and disarmament.

Second, we must set priorities which protect total human environment—our air, water, and land resources, our health, our homes, and our communities—not priorities which lead to faster planes, mightier weapons, and more ventures into space.

Third, we must make it clear that the unemployment caused by recession is no cure for the rising prices of inflation. Wage and price guidelines are preferable to having men and women thrown out of work.

Finally, the Democratic Party must insist that the Federal Budget reflect the priorities we proclaim. There is no room in our society for empty promises and false commitments.

These are the issues of people and peace. They are good ideas, they are good priorities.

But good ideas do not keep forever. Something must be done about them, or they become the seeds of revolution.

In 1976 America will mark its 200th anniversary. Two centuries ago Americans fought a revolution—not for the sake of hollow promises and empty slogans, but to insure for themselves and their children the opportunity to build on the basis of their common dreams.

We have built a great nation on the basis of those dreams, but we have not yet built a society where each citizen has an equal chance to reach his own potential, where life is acceptable for all Americans.

We may not reach those goals by 1976. We may never reach them at all. But at least we owe that chance to ourselves and to those who gave birth to this nation. At least we must help to insure that we are moving again in the right direction.

STATEMENT BY SENATOR WALTER F. MONDALE, FEBRUARY 24, 1970

Let me begin by saying how much I support the review of national priorities your Committee is conducting, and how grateful I am to be able to participate in it.

This review is long overdue. America can no longer afford to let the Pentagon have a hammerlock on federal revenues, while programs such as education, and health that seek to meet our nation's pressing human needs are forced to fight for the leftovers. This approach, which has characterized the budget making process no matter which political party has controlled the Executive Branch, must be changed.

The Senate began a serious review of national priorities last summer when it analyzed and debated for two months a military authorization bill containing such far reaching and expensive commitments as the anti-ballistic missile system, the new manned bomber, and additional nuclear-powered aircraft carriers. While this exercise did not produce any immediate modifications in the Pentagon's plans, it raised a number of fundamental and yet-unanswered questions about military requests. I, for one, was hopeful that the President's pronouncements and budget requests would reflect this emerging dissatisfaction with past priorities.

Obviously, this has not occurred. Since that historic Senate debate took place, the President has vetoed an HEW-Labor appropriations bill containing an additional $1¼ billion for desperately needed education and health programs and submitted a Budget that includes no important reductions in military procurement goals, and proposes—of all things—to escalate spending for the ABM by reportedly adding $600 million or more for phase II of the system.

While the President has reduced the cost of Vietnam both in terms of funds, and more importantly, lives, and has reduced his budget requests for the Department of Defense from last year's level, he has not acted to control Pentagon spending for non-Vietnam purposes. Thus, new weapons systems with limitless capacities to absorb funds are receiving high priority and under the Administration's budget would steal the "peace dividend" our human programs so desperately need.

I am deeply concerned about this set of national priorities that places hardware above humans. The Budget's heavy emphasis on start-up costs for ABM's, MIRV's, and SST's will cripple needed nutrition, health, education and environment efforts this year, and threatens to continue stunting human programs throughout the foreseeable future. History warns us that a renewed arms race and its predictable cost overruns will both shake the delicate balance of terror in our nuclear world, and starve other government programs of needed funds.

America must not ignore either of these warnings. We must begin at once to shift our resources from a fascination with military gadgetry to high priority investments in human beings.

Let us begin with young children. Of all areas of unmet human needs, our unwillingness to provide help to deprived children is perhaps our most tragic and costly mistake.

There are at present about 6 million disadvantaged children under age six. Most of them are growing up without adequate nutrition and health care, and without the active mental and intellectual stimulation that is necessary during these early years.

As a result, many of these children are very depressed, withdrawn, and listless. Child development specialists who have worked with some of the children report that it is difficult in the beginning to get them to smile or show interest in anything around them. Young children in many of these homes are considered well-behaved if they sit quietly in a corner during the day, instead of talking, playing, and exploring.

Yet the critical effect of the first years of life has been well documented. We know, for example, that about 50 percent of an individual's intellectual development takes place between conception and age 4. These early years are the formative years; they are the years in which permanent foundations are laid for a child's feelings of self-worth, his sense of self-respect, his motivation, his initiative, and his ability to learn and achieve.

We know, moreover, that a child's intelligence is not fixed once and for all at birth, and that children are most eager and often most able to learn during their early childhood years. As Dr. Benjamin Bloom, an authority in early childhood learning, concluded:

"As time goes on . . . more and more powerful changes are required to produce a given amount of change in a child's intelligence . . . and the emotional cost it exacts is increasingly severe."

I would like to underscore the role that inadequate nutrition plays in perpetuating this cycle of poverty. As a member of the Select Senate Committee on Nutrition and Human Needs, I have had an opportunity to hear expert testimony about tragic and permanent effects of nutritional deficiency during pregnancy and the first few years of life. Presently, there is no Government program that deals adequately with the critical nutrition needs of infants from the period before birth until they reach school age. Pediatricians have pleaded eloquently before the committee for national recognition of the disaster—mental as well as physical—which befalls undernourished infants.

For example, Dr. Charles Lowe, chairman of the Committee on Nutrition of the American Academy of Pediatrics, testified before the Nutrition Committee that:

"Severe malnutrition suffered during childhood affects learning ability, body growth, rate of maturation, ultimate size, and if prolonged, productivity throughout life."

Dr. Lowe stated further that:

"In effect, the quality and quantity of nutrition given during the first formative years of life may have the effect of programming the individual for all the years of his life. Malnutrition during the last trimester of pregnancy and certainly during the first months of life may seriously compromise ultimate intellectual achievement."

Fortunately, most American children have the benefit of a stimulating, secure environment in their early years. Most of them receive the physical and mental nourishment that is necessary for full development.

But poor children under age six arrive at school without these same advantages. Many of them may have suffered irreparable damage in their early years. Many have not received sufficient nutrition, health care, and intellectual stimulation.

Research reveals quite clearly the costly and lasting effects of deprivation in these early years. It reveals, for example, that as early as 18 months of age, disadvantaged children start falling behind middle-class children in tests of language development, and general intelligence. It reveals, furthermore, that this intellectual gap between poor and non-poor children that appears so early in life tends to grow larger over time.

I want to emphasize the point at which differences begin to occur between the abilities of poor and non-poor children. This point is not birth. Testimony which I have heard—particularly examples from projects in Mississippi and the District of Columbia—suggest that nature distributes intelligence fairly equally among infants, poor and non-poor alike. It is only later—typically between the ages of one and three—after hunger and deprivation have made their impact—that differences in abiblities begin to develop.

Records show, for example, that poor, black infants in the Mississippi Delta who scored an average of 115 on a Developmental Quotient test at age one had fallen to an average DQ of 85 by age 4. This decline can be prevented. The Infant Research Project in Washington, D.C., by providing tutors for children in the early years, was able to maintain the IQ's of impoverished children at an average of 105 from age 1½ to age 3, while the average IQ of a control group of poor children who did not receive tutoring fell 17 points in this period. This is not just another "interesting statistic". It represents the difference between a person's ability to do satisfactory college work or only marginal high school work.

We know how to prevent a great deal of this deterioration from occurring. Hundreds of projects such as the one I mentioned in Washington, D.C., and the Parent and Child Centers that are providing Head Start experiences to poor children below age 3 are producing very promising results. Even the study by Westinghouse Learning Corporation which found that an eight week summer Head Start program for 5 year old poor children does not save a child for the rest of his life—and has been cited by critics of child development efforts as proof that "nothing works"—recommended "offering intervention programs of longer duration, perhaps extending downwards toward infancy".

I believe the evidence is indisputable that comprehensive early childhood programs must be made available, on a voluntary basis, to all impoverished families with young children—beginning with medical and nutritional assistance to pregnant women and infants. Our present failure to do so is causing human misery, and wasting human ability.

The alternatives are very clear—more generations of school dropouts, functional illiterates, unemployables, welfare dependents, and more expensive yet necessary programs like the Job Corps that seek to remedy these problems later in life.

The most humane, economical and efficient way to give every citizen a fair opportunity to exercise his rights is by *preventing* poverty from causing this near irreparable damage during early childhood.

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Substantive child development programs could have a tremendous impact on the quality of American life. They could give poor children the tools to gain a better life. They could insure that opportunities can be seized, and rights can be exercised by all.

Just last week the Senate concluded a long debate on the problems surrounding de facto segregation arising from adventitious events such as residential patterns. One can try to dismiss these problems summarily by citing Fair Housing laws, and saying that the poor can escape the problems of ghetto life by moving elsewhere. I fought hard to get this legislation passed preventing racial discrimination in the sale and rental of housing, and I think it is important. But I realize that other factors, such as poverty, unemployability, and the lack of low income housing outside the ghetto can make these laws irrelevant to the poor.

Equal opportunity requires more than open housing, integrated schools, or fair employment practices. Equal opportunity requires an equal start—*from the very start*. Making substantive child development programs available to poor families is one very important way to insure their equal start.

I was encouraged last year when the President declared a "national commitment to the crucial early years of life." I thought this commitment might mean that a greater urgency and higher national priority would be attached to early childhood efforts.

A year has now passed since this declaration was made. Unfortunately, the rhetoric rings hollow. Despite some bureaucratic window-dressing, and modest funds for research, the Budget recommends a mere one per cent increase in Head Start funds. As a result, this promising program, including its Parent and Child component, will continue reaching less than five percent of the poverty stricken children who need it.

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It haunts me to think of the millions of children whose potential is being severely compromised simply because we are unwilling to make the necessary investments. Our indifference to the needs of poor children, whether measured in humane or financial terms, cannot be justified.

We absolutely must change national priorities which allot only one half the funds to Head Start as are allotted for the hurried deployment of phase two of an untested and potentially dangerous ABM system.

CHANGING NATIONAL PRIORITIES

(By Senator CLAIBORNE PELL, February 24, 1970)

Mr. Chairman: I appreciate the opportunity which has been given to me by the National Policy Committee to outline my views on the priorities of our Nation. I am most heartened by the establishment of this Committee on National Priorities within the Democratic Party. In the past, I have believed that our Party has paid too much attention to the personalities in politics, much to the detriment of party policy formulation. I believe the existence of this Committee would change that imbalance and that these hearings and the recent publication of Democratic Party policy statements are healthful signs of a reviving Democratic National Party, a revigoration which I hail.

National priorities concerns our perspective as to the conscious and unconscious commitments of our country's human and fiscal resources. It is an issue which has generated much debate, but little action. I think it is time for us to eschew the rhetoric of national priorities and take a hard look at what a change in national priorities demands.

From my perspective, I think we can take that hard look by first examining realistically our present national priorities; second, by assessing the actual limitations on a change in national priorities; third, by justifying what we think our new priorities should be and how they can be attained; and fourth, by examining the role which the Democratic Party should play in changing priorities.

I. OUR PRESENT NATIONAL PRIORITIES

The best indicator we have of the country's priorities is the way it spends its money in the private and public sectors. I think it might shatter some illusions about what are national priorities if we analyze briefly some of our country's overall financial commitments.

The most commonly understood indicator of national priorities is the Federal budget. The fact that national defense, veterans payments, and interest costs from present and past wars consume more than 50% of Federal expenditures have been the reason why many of us assume that the Federal Government's number one priority is warfare and its various aspects.

If income security trust funds based on direct contributions of individual taxpayers are excluded, expenditures for health, education and community development make up not more than 15% to 20% of the Federal budget, and thus, human investment can be seen as a poor second priority to warfare investments.

In view of the many needs of our society, this ratio is certainly unacceptable; however, since government expenditures only represent 20% of the Gross National Product, it is important that we view the question of priorities in the wider perspective of national product accounts.

While Federal defense related expenditures have been increasing over the past years, I think that it is significant that defense expenditures have declined from 9.1% of the GNP in 1960 to 8.8% of the GNP in 1969 while Federal grants-in-aid have increased from 1.4% of the GNP in 1960 to 2.1% of the GNP in 1969.

In absolute terms, between 1960 and 1969 Federal grants-in-aid for such programs as education and manpower, public assistance and community development increased from $6.8 billion to $18.9 billion. For the same period, domestic transfer payments for such programs as Medicare, retirement benefits and unemployment benefits increased from $20.6 billion to $48.2 billion. Between 1963 and 1968, public and private expenditures for health, education and welfare nearly doubled by increasing from $100 billion to $163 billion.

Overall, between 1960 and 1969, Federal expenditures have increased from 18.4% of the GNP to 20.7% of the GNP, and expenditures for personal consumption have declined from 65% of the GNP to 61% of the GNP. This decrease in the percentage of personal consumption and increase in the GNP percentage of government expenditures can be partially attributed to the fact that in 1969 taxes on personal income amounted to 12.6% of the overall personal income, the highest proportion since 1948.

The impact of this change in funding patterns can be understood by reference to some community accepted random social indicators.

For example, in this period between 1960 and 1969, the number of persons classified as poor by the Social Security Administration decreased by an estimated 18 million persons, there was more than a significant decline in infant mortality rate, the death rate from hypertension and hypertensive heart disease declined by more than 20%, and the number of handicapped persons being rehabilitated doubled.

I think the first point that I wish to make about present national priorities is clear. *Under the leadership of the Democratic Administration in the 1960's, this country began to shift its priorities and it made this shift by increasing government expenditures and reducing the level of personal consumption*. This is corroborated by the Council of Economic Advisers who report that there will be very little Federal money available for new initiatives until 1975 due to long run implications of the program commitments made in the 1960's.

II. LIMITATIONS ON CHANGING OUR NATIONAL PRIORITIES

This alleged lack of money available for further new initiatives underlies my second major point regarding our present national priorities; that there are limitations on further changes. Any further changes will be more difficult.

There are two direct ways of shifting priorities: either increase all programs—some more than others, as we did in the 1960's; or cut back on selected programs to aid other more desirable programs, as no one has done yet.

The gradual shift in priorities which occurred during the 1960's did not really hurt any one particular interest group. We had guns and butter. Tax increases were somewhat mitigated by increases in the level of individual income. The shift in the 1960's was relatively easy as compared to what a change in the dimensions of our present commitments will involve in the 1970's. I question whether in the 1970's the country will be willing to support either the increased taxes or cut backs in nonpriority programs on Federal and State levels which will be required, if we are to have a strong shifting of priorities.

With the present mood of the country, do you think the public is willing to pay the extra required taxes by forgoing the outlays for new cars, color televisions and cosmetics? We must not forget that America's number one priority is still, despite high taxes, personal consumption, which is more than 60% of the GNP.

There is also some doubt in my mind whether the political estate is willing to support a shift of priorities by the cut back method. For example, if priorities are to be shifted in the 1970's by cutting back in absolute terms rather than simply making smaller proportionate increases in the defense and space area, this may mean a recession in our defense and aero-space industries, a lot of high paid executives out of jobs, and many Congressmen, Senators and Governors pressing to keep Federal defense and aero-space contracts flowing into their states. I would hope a Democratic Party committed to a shift in national priorities could resist such pressures.

However, even if we assume that the public and political reluctance to significantly change the dimensions of our national priorities could be overcome, there are some other serious economic and manpower limitations which must be considered.

Our present rate of real economic growth has nearly ceased and manpower shortages in such priority areas as health are barely improving. Without a 4 percent growth rate and sufficient manpower to be employed in our priorities areas an actual change in priorities becomes even more difficult.

III. WHAT OUR PRIORITIES SHOULD BE

The question now is where do we go from here. I, for one, think we, as a country, must begin to make the hard choices. Within the limitations I outlined, I think there are a number of human investments we must make now in order that the 1980's will not also see the country restricted in the commitments it can make, by decisions made in the previous decade.

Our first priority—end the war

The first investment necessary is, in a sense, a negative investment; we must stop investing our human and material resources in wasteful wars not related to our national interest. We, as Democrats, must wear the hairshirt of the Vietnam war and admit our own mea culpa. We were responsible for the escalation of our commitment and engagement and we must now take the lead in seeking our withdrawal from this miserable war.

Guiding domestic choices

Besides reducing defense expenditures to, I would hope, about a quarter of the controllable Federal budget, we must be prepared to make some hard choices among competing domestic programs.

First, we must look at our Federal programs as investments in our country's well being and attempt to discover the programs which would represent the greatest loss in opportunity costs if such program investments were delayed.

We should be doing this by weighing the costs of given programs against their expected benefits within a time span in which we expect to receive those benefits. I am impressed by the fact that one study using this type of analysis has showed the rates of return in education to range from 11% to 19%. I am doubtful whether any public works project, any space project, or any arms development project can show such a high rate of return. Senator Proxmire has done an excellent job in developing this idea of comparing the cost-benefit value of various government programs.

Second, we must weigh the impact of our Federal programs on the social economic structure of the country and the environment. For example, I have always been impressed by the impact of the Interstate Highway System on this country.

To eliminate traffic jams we built better and bigger roads which in turn increased the demand for more cars and resulted in more traffic jams, more air pollution, and more commuters. Moreover, as a partial consequence of the Federal highway program we encouraged the suburban exodus of middle income people from the inner cities, thus leaving cities with a reduced tax base and poorer citizens who cannot pay for the extra services they particularly require. Also, the competition of the Interstate Highway System practically eliminated the railroads from the passenger business, even though rail service was the more economical mode of public transportation for the country's treasury and the least harmful to its ecology.

A second priority—Increased education and manpower funding

From my experience as Chairman of the Senate Education Subcommittee and as a member of the Senate Subcommittee on Employment, Manpower and Poverty, I have been convinced that the priority investments which meet the tests I have outlined and which have the best return for the economy and counrty as a whole are our education and manpower programs. The Senate took the first step toward this priority commitment last week by its passage of our bill providing $35 billion in aid to elementary and secondary education and related programs through fiscal year 1974. I think it is of utmost importance that, as a second step, these programs in conjunction with manpower programs designed to aid youths between the ages of 16 and 24 years be fully funded.

Moreover, I think a priority commitment to educate must insure that every young person who wishes to continue to higher education, whether at the junior college level or the college level, be provided the financial assistance he needs from the Federal Government to assist him. I am hopeful that my Basic Education Opportunity Grant legislation, on which I have already started to hold hearings, will be the vehicle for that assistance. This proposal would give an individual student who wished a higher education, and was in good standing in an institution of higher education, a grant of the difference between $1,200 and the income tax paid by either him or the person or couple that carried him as a dependent. This would help not only the poor who pay no income tax but also the hard pressed middle American family whose income is between $7,000 and $7,500 and who pays an income tax of $600. This would be accompanied by a cost of instruction grant to the institution receiving the student. And from the viewpoint of a good investment; this certainly meets the criterion! For instance, the Federal government has already received more in additional taxes on increased incomes resulting from the World War II GI Bill than we ever paid out to the veterans.

Two other areas of education which I believe must be given special emphasis are medical education and early childhood education for disadvantaged children. We are not going to be able to meet the health inadequacies of this country until our schools begin to at least double their output of doctors, nurses, dentists, and paramedical specialists; and we are not going to be able to break the vicious cycle of the poverty unless we are abel to reach the young with educational programs, in that very crucial period between the ages of 3 and 6 when so much of their intellectual development occurs.

A third priority—A national health care system

Following education, my third priority commitment would be the establishment of a National Health Care System based on a national health insurance plan, preventive health services, and comprehensive health planning.

Our present nonsystem of health care is inadequate by every standard. We rank far down the list in comparison to other countries in terms of infant mortality rates, longevity rates, and rates of illnesses, such as heart disease. Our present nonsystem is characterized by an over emphasis on acute disease treatment to the detriment of preventive care and on an overdependence on the invisible hand of the free marketplace in the equitable allocation of health resources. The rich and the poor are the ones who suffer the least in regard to the cost fluctuation of the market—but the middle Americans are the ones really being squeezed and suffering.

The Federal Government must take the lead in reorganizing the nation's health delivery system and health financing system such that every American, as a matter of right, will be given a minimum level of health care. A healthy citizenry makes for a more productive citizenry better able to contribute to the achievement of the country's other priority needs. The right to equal opportunity and the right to enjoy the abundance of this country are meaningless rights to sick and incapacitated citizens. A commitment to a new health care system must be a national priority as an essential human investment.

There are other priorities which should be considered, such as housing, transportation, urban development, environmental regulation and resource control. However, I do not emphasize those items because I believe our first priorities must be people-oriented programs.

We must first put our dollars in those programs which have the greatest direct benefit to the people, as people, and secondly, fund those programs which only indirectly effect their living environment. Moreover, I believe that improvements in the area of what I would call living environment problems can be best made with a minimum of public sector expense if certain innovations and structural reforms can be made in both the private and public sectors through the private market mechanisms. It is this question of innovation and structural reform which I think represents the toughest underlying problem in our discussion of national priorities.

Innovation, structural reform, and planning

The changes in priorities I have been discussing to this point represent, basically, changes within that 20% of the GNP which represents government expenditures for goods and services. An actual change in terms of real priorities is going to demand more than increased levels of government funding for human investment programs; it will demand major innovative and structural changes within the overall socio-economic and political framework of the country; it will demand a close examination of the impact of the remaining 80% of the GNP which is not made up of government purchases of goods and services, but of consumer expenditures, business investments and savings.

Our first step should be to look at institutional reasons for our present problems.

In many ways, our institutions have been both the promoters of a new colonialism and the victims of an old colonialism. They have made us the prisoners of the past and the dictators of the future. Generations past have determined our commitments today as we determine the commitments for generations in the future with little regard for their concerns. Both our present and future living conditions are determined by processes and structures established many years ago with little regard as to their utility today or in the future. The Federal structure is nearly 200 years old. The Corporate business structure is nearly 100 years old. Our freedom to change priorities for the present is impeded by the structural decisions of the past.

If we are to be serious about national priorities, I think we must ask ourselves the following questions about the institutions and processes through which we plan to make our changes.

Do our present processes allow for the proper consideration of the future impact of today's decisions?

Do the institutions for implementing these decisions have the capacity for future and present control?

Can our institutions of change allocate resources on a rational and priority basis?

From the viewpoint of Democratic theory, do our institutions have the feedback ability necessary to correct themselves in instances of mistaken allocations?

And, most important of all, do our institutions allow the greatest amount of freedom possible for the development and expansion of individual conscience and opportunity?

I am not confident that there are very many institutions in either the private or public sectors which can answer these questions, but I would like to offer a few suggestions as to how some progress can be made along the lines I suggest.

We would consider the formulation of a *National Resources Planning Budget* for the nation as a whole. As a first step, each major corporation and public body could be asked as to what their individual plans for future growth are and what resources this future growth will demand. The constituency of each sector, whether stockholders or voters, would hopefully be given an opportunity to comment on individual plans. These individual plans could be then synthesized on the National level and published through, possibly, a joint planning subcommittee of the Council of Economic Advisers, Council on Urban Affairs, and the National Security Council.

The overall integrated national plan would have no mandatory effect. It would be published annually for information purposes only. The plan would serve as a feedback process through which planners in both the private and public sectors could become aware of overall shortages and future demands on the country's fiscal, natural, and human resources in order that necessary adjustments can be made in their own plans. Its chief purpose would be to provide some future vision for the decision makers of today.

As a concomitant to the National Resources Planning Budget, the Congress could, in conjunction with its approval of the usual annual line item budget, require the Executive Branch to publish annually an updated five-year plan outlining future Federal program requirements in terms of manpower, dollars, and expected benefits for approval by the Congress.

A second suggestion I would make is that consideration be given to the establishment of *Megalopolitan Service Authorities.*

Due to the nature of our federal system of government, it is quite difficult for the various individual states and very numerous individual local governmental units to take advantage of economies of scale. Despite the fact that many governmental units are located within integrated economic and social areas, they must provide fragmented and inadequate services because of the limitations on their tax base and jurisdictional authority. The result is that, although three levels of government may agree that something must be done about a problem, there exists no mechanism to solve that problem.

As I pointed out in my book "Megalopolis Unbound," this problem is particularly acute for transportation in the Megalopolis of the East Coast which stretches from here to Boston, and is becoming more acute in emerging Megalopolises along the Great Lakes and the California and Florida coasts.

While I have been particularly interested in past years with developing a solution to the intercity rail passenger problem through the establishment of a Megalopolitan Authority for the East Coast to run rail passenger service, I think this concept can be applied to other problems which are beyond the resources of individual governmental and private units.

I would like to see Megalopolitan Authorities established through which local and state governments might contract for the provision of not only transportation services, but a number of services such as joint purchasing agreements for municipal equipment, the provision of data processing services, specialized regional planning services, public administration training services, and maybe even the provision of basic services like sewerage treatment, rubbish collection, and fire prevention.

These Authorities would be built upon interstate compacts and intergovernmental agreements, and it would be my hope that the Federal Government on the basis of its greater tax base would provide their initial capitalization and a basic annual subsidy for the functions of the authorities which were interstate in nature, such as ground transportation. With such support, I think it is possible that such Authorities could do for our urban areas with services what the Tennessee Valley Authority did for the Border States thirty years ago with economic and resource development. An excellent example is what the Port of New York Authority has contributed to the three states of New York, Connecticut and New Jersey.

A second area where I believe there is a need for some structural innovation and another area which has been the focus of my writing efforts is the development of our ocean resources. In my book, "Challenge of the Seven Seas," I outline some of the reasons why I believe that new legal and institutional structures are needed to prevent anarchy in our development of ocean resources.

In the international field we must give priority to the creation of an international regime to control the development and use of the resources of ocean space, the 70 percent of the earth's surface lying beyond our territorial seas and immediate coastal shelves.

Domestically, let us move ahead with the creation of a National Oceanic and Atmospheric Agency. We need to do with the oceans what we did with space through the National Aeronautics and Space Administration. While the immediate prestige benefits might not be as great as for outer space, I believe the long-run payoff in economic terms from developing ocean space would be far greater.

A third area where I would suggest some process reforms is in our national financing mechanisms. I believe that our priorities for urban development, transportation and housing can be met through the private money market if we consider a number of changes in the public sector's posture with regard to private industry.

I would hope that we could look to ways in which the government support of research and development, the government's use of tax-exempt bonds and guarantees, and the government's regulation of industries could be used to make investments in our domestic needs more profitable for industry.

I, for one, think it would be possible to reconvert the aerospace industry into a new housing and urban transportation industry if the Federal Government was willing, first to provide the research and development assistance for housing and transportation that it has for aerospace; second, to create the necessary financial support for community development banks, and tax-exempt guarantees for the bonds of those banks and for the Megalopolitan Authorities involved in transportation; and, third, to consider changes in antitrust and trade laws that would allow certain amount of industry cooperation in the financing of their public service ventures.

A fourth way in which I believe our national finance mechanisms can be influenced to serve our national priorities is through the full use of the democratic foundations of the corporate structure, and this leads me to my final major point regarding the role of the Democratic Party in changing national priorities.

IV. THE DEMOCRATIC PARTY IN CHANGING NATIONAL PRIORITIES

Our Party, as an organization, must take a vigorous role in advocacy of changes in national priorities. To do this, I would make the following suggestions: First, I believe that we, as a Party, should encourage the stockholders of the country to vote and support Corporation Directors who are willing to have their companies invest their resources in domestic priorities such as housing, transportation and urban development. I suggest this because we must not forget that, as John Kenneth Galbraith has noted in his writings, the Federal Government has a direct impact on only 20 percent of the Gross National Product, while the 500 major corporations in the country have a direct influence on an estimated 50 percent or more of the Gross National Product.

I would urge the Democratic Policy Committee to give a similar consideration to the issuance of a policy statement on the public service role of the private sector as it did with its recent statement on the Federal role in solving our national problems.

Second, I would suggest that the Committee on National Priorities give consideration to the creation of counterpart National Priorities Committees on the state and local level of the Democratic Party to act as a catalyst for priority planning by state and local government and area business and to develop public support for a change in priorities.

If we are serious about changing national priorities, we must involve as many people as possible in our effort. For, if we do not have the support of people for a change in priorities, the political support needed in Congress for Federal sector changes will never develop, let alone the needed changes in the private sector.

Third, I would suggest that the Democratic National Committee and the Democratic National Policy Council hold a joint session in January of 1971 to develop a consensus within the Party on its priorities policy and on its future role as a national political party. Some thought might even be given to holding a National Convention for this purpose. Vietnam and civil rights have torn our Party apart within the last ten years, and I think there is a real danger that if we do not pull our Northern and Southern wings together and unite on a common ground, we will not only be out of control of the White House and 32 of the Governor's Mansions, but we will also be out of control of the Congress and in for a long run as minority party. If we do not shape up, the people are going to ship us out.

As a closing summary I would like to reemphasize that I believe any further shifts in national priorities will be difficult, but I think it is imperative that we must at least shift our priorities to our human investment programs and attempt to achieve our other priorities through structural innovation, process reform and the involvement of the private sector.

To achieve these ends it is essential that the Democratic Party as an organization, undertake an aggressive promotion of the need for a change in national priorities.

Perhaps, my suggestions are too ambitious for the times, but I have outlined ideas which I think should be discussed, and I hope my thoughts have assisted the Committee in its thinking about National Priorities. I appreciate the opportunity to have presented my views.

NATIONAL TRANSPORTATION GOALS

(Testimony by Senator VANCE HARTKE, Feb. 24, 1970)

Tom Wicker of the *New York Times* recently wrote that the three major domestic issues on which President Nixon had evinced the least understanding were pollution, transportation, and hunger. The pollution of our air and water, and the hunger of our urban and rural poor, are problems that have received wide attention, if little action. But transportation as a major issue has received neither attention nor action. We have ignored transportation, not because it inherently lacks significance, but because we have failed to comprehend and communicate the relationship between transportation and other social problems—poverty, urban decay, and environmental degradation.

The tendency of most Americans to think of transportation as the "ho-hum" movement of cars, trucks, trains and airplanes. In reality, however, transportation is the most vital and pervasive activity of society, a circulatory system by which people and goods are moved about and the nation continues to function. From the earliest days of human civilization, access to transportation facilities has structured the location of communities and the centers of economic activity, and has determined the physical shape of urban areas. Nowhere has society been built around transportation more thoroughly than in the United States, where towns were born along the tracks of our railroads, and where great ports were built inland from the navigable waterways that crisscross the continent.

Although transportation has shaped our society, given rise to our cities, and linked our several states together, we have in the past allowed our transportation network to grow in an unplanned and uncoordinated fashion. The various modes of transportation—railroads, automobiles, airplanes and ships—have developed independently of one another, and the government agencies that promote and regulate transportation have been fragmented along modal lines. Little effort has been made to integrate the modes, and little thought has been given to how transportation might be planned to structure regional or national development in a desirable fashion.

In the past, the costs of non-integrated

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transport have been largely obscured by economic progress, just as the costs of pollution have been largely ignored in the pursuit of economic growth. Today, however, we face a transportation crisis that demands a reassessment of our transportation policies and a fresh look at transportation's relationship to other human activities and values.

The most obvious feature of our present society is that it has come to be dominated by the automobile. The benefits of automotive transport have primarily been those of unmatched personal mobility for our people. Yet the symptoms of our transportation ailments today are congestion and pollution. Congestion surrounds our airports, engulfs our city streets, and blocks our major highways. Air pollution comes pouring out of the exhaust pipes of cars at a rate of over 75 million tons per year. "Land pollution" in the form of more highways slicing through cities and openspaces continues at prodigious rates. Noise pollution mounts in our cities and around our major airports. These environmental and social costs of the automobile have become painfully apparent in recent years. Air pollution from automobiles constitutes a major environmental problem, not only because such pollution threatens our health, but because air pollution has also made our cities virtually unliveable. Even if we succeed, as indeed we must, in overcoming the pollution problem of automobiles, we still must deal with a more intractable automotive problem: the voracious consumption of land.

Our highways have proliferated with frightening speed, destroying much of our cities and defacing much of our open spaces. Already we have more than 3 million miles of paved roads—one mile for each square mile of land—and still we are told we must build more freeways in order to escape today's constant traffic jams. To the obvious environmental costs of such proliferation are added a host of less well-recognized social costs—widespread dislocation of people and businesses, wholesale destruction of valuable parkland and wilderness, everincreasing volumes of noise, and a mounting death toll that makes our most common mode of travel also our most deadly.

I need not elaborate on the social and environmental impact of more cars and more highways. Studies abound showing the heavy price we pay every year in order to maintain our precious mobility. If we could continue to find such mobility in the construction of more highways, in the paving over of more cities and open spaces, I am afraid that we would continue to ignore the social and environmental costs that such construction entails.

But the crisis in transportation is not simply one of achieving mobility at the expense of other human goals. The crisis is also one of our ability to remain mobile regardless of the price we are willing to pay. Each new highway built becomes jammed with traffic almost as soon as it is opened. And the number of new highways has clearly reached the societal saturation point. A continuation of our present policies would lead us, for example, to the point where one day New Jersey will cease to be the name of a state and become the name of a mammoth super-highway between Washington and New York. And even then, automotive traffic will move at a snail's pace.

The crisis, while frightening in light of our present policies, actually may be a blessing in disguise, for it forces us to plan now for an alternative system of transportation in which the automobile will assume a more proper role. Planning transportation systems, in turn, will force us to consider questions of social policy we have ignored in the past: How do we want our population to be distributed? What pattern of urban growth is most desirable? How can transportation be made less destructive of our natural and social environment?

In the past, we have not attempted to fuse our various modes of transportation into a single coordinated system. Nor have we stopped to calculate the social consequences that lack of planning was entailed. Yet we have long had evidence that population growth and economic activity are structured by transportation—even in the distant past when trading posts were established on the banks of mighty rivers, or when towns began to spring up alongside the new railroads. Our whole society, in fact, has been shaped by transportation—but we have never stopped to consider how we could plan transportation facilities in order to shape a society better than the one we have today.

We can no longer ignore the social implications of transportation. Our present system is so congested, so expensive in terms of pollution, land, noise and human life, that an alternative will have to be created. The form and extent of our transportation planning will have a dramatic impact on how we live ten and twenty and one hundred years from now. Whether or not we take action, for example, will determine whether our cities continue to grow in a sickly sprawl, or whether designers will be able to plan more healthy new communities with access to work and recreational areas. The price of inaction, by the same token, will be a continuing aggravation of those social and environmental ills with which we are grappling today.

Once we understand the social implications of transportation planning, however, we cannot simply begin to create new transportation systems. The technology is not lacking, but the political framework is. We simply do not have governmental structures with the requisite authority and scope for planning the types of integrated, balanced transportation system that we will need in order to channel future growth.

The reason we lack such structures is that transportation problems—and logical transportation units—do not conform to state or local boundaries. Instead, transportation needs follow the pattern of population, and our people live increasingly in densely-populated "corridors" that connect many cities and cross several state lines. Within each corridor are several cities and dozens of major suburbs—which, by themselves, cannot create a transportation system that meets the needs of the entire region. And because of the number and diversity of transportation regions within the United States, the federal government cannot undertake the detailed planning and testing of transportation systems that each region needs to insure a better future environment.

The consensus on the need for regional transportation planning is emerging much more rapidly than the governmental framework within which such planning can take place. New transportation policy and new transportation systems are not, as some would have us believe, dependent upon unrealistic advances in technology. The technological problems can be overcome if political institutions can emerge for the making of coherent and coordinated policy. At the present time, no political unit—city, county, state or federal—is equipped to formulate transportation policy that is consistent with national needs. The transportation unit that is most relevant to policy—the region—has no governmental body or formal planning board.

The National Transportation Act, of which I am a co-sponsor, is an attempt to establish the type of regional control over transportation planning that is needed for rational systems to be built. By establishing regional transportation commissions charged with the planning and construction of integrated transportation systems, the act takes a monumental step toward granting Americans the ability to control their own social destiny. The regional commissioners would take into consideration such factors as environmental quality, land-use planning, and even the locations of pipelines and power transmission facilities. By developing systems within which each mode of transportation complements all others in an overall design to meet the needs of the region, the regional commission will ensure the continued availability of federal assistance funds in demonstration projects and construction. But failure to develop such plans would lead to a halt in federal funding—justifiably so, for lack of planning in the future will hasten the already swift degradation of our cities and countryside.

The National Transportation Act, which Senator Warren G. Magnuson and I introduced last June, will be the subject of extensive hearings before the Senate Commerce Committee this Spring. We do not pretend that we have answered all the important questions in the field of transportation policy by offering this bill. We do feel that it is important for America—and important, I might add, for the Democratic Party—to begin studying transportation problems and to begin studying them now. The vast changes we hope to effect in American society, the hopes we have for the rehabilitation of our cities and the economic enfranchisement of our poor, will all depend upon the type of transportation systems we develop in the future.

In conclusion, let me restate my thesis simply. Transportation, though often overlooked, is a key aspect of America's social and environmental situation. Our present transportation system is unplanned, costly in human terms, and on the verge of breakdown. Planning for integrated, balanced transportation systems now is necessary, not only to diminish the costs of our present system, but to aid in the restructuring of American society. Although such integrated systems can be planned and technologically initiated, at present we lack the institutional framework within which to undertake such planning and initiation. Upon developing that framework—a framework that takes into account the regional nature of transportation problems—may very well hinge not only our future mobility, but our future way of life.

Remarks by Senator George McGovern, February 25, 1970

My sincerest sympathies go out to anyone who has to deal with the tangled area of priorities. I believe it was Prometheus who was the first priority maker. He stole fire from the gods and gave it to man. Man in turn used it to make tools for development, weapons for hunting and fighting, warmth for his dwelling, and later the means to advance science and industry. For all of this, Prometheus was chained to a mountain and was harassed by an eagle night and day. Such is your heritage from Prometheus—a heritage of immense promise and great risk And to reorder the priorities of a powerful nation may cause the eagle to scream at you.

But we Democrats do not shrink from a little screaming or scratching. We have our struggles, but we have been able to recover in the past because the dimensions beyond the party were more important than the differences inside. Very frankly, I am proud to be a member of a party that fought out the issues of civil rights, the tragedy of Vietnam, and the current challenges to reclaim our own society. Those are divisive issues. But they are the ones worth having a political process to resolve. And I want nothing to do with a political party that fears the searchlight of honest dissent and debate. Nor do I respect a political leadership that places political manipulation and public relations above the national interest and the welfare of the American people.

Over the last year, one priority has clearly emerged for Democrats, and that is to provide a more thoughtful and critical response to the Nixon Administration. There may be

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times when party squabbling is inevitable, but our task now is to provide a constructive national alternative. Now is the time to create a coalition of conscience and responsibility and proclaim that we shall not settle for public relations in place of progress, or manipulation as a substitute for policy.

The President promised us a peace to end the war in Vietnam. But the war continues. He promised to heal the nation's wounds, and then gave us the southern strategy, underscored by Haynsworth and Carswell. To cut down on crime, he replaced Attorney General Clark with John Mitchell. But the crime rate goes up, and in anxiety we are offered proposals that jeopardize the Bill of Rights. Mr. Nixon pledged to stop inflation. But he spends billions on the ABM and vetoes the HEW bill. His plan is to combine an intolerable level of unemployment with intolerable interest rates. That formula will spell serious trouble for its Republican architects before this year has ended. For they have found a way to give us recession and inflation in one package. I have heard of people knocking their heads against a stone wall, but rarely have I heard of them building a wall expressly for that purpose.

Of course, we Democrats are the current subject of national sympathy. The new fad is to describe the Democratic Party in disarray. All of a sudden "disarray" is the word. It is like an echo over the Swiss alps—"disarray, disarray." This is not an easy time for any individual or any political party. It is a time of uncertainty and change.

But the test of a party's strength is not whether it has a bland grin on its face; it is whether it has the courage and the vision to look inside itself, change that that needs changing, and preserve the traditions and values that are worth preserving.

That is what the Democrats have been doing for the past year. Our Commission on Party Structure and Delegate Selection grew out of the Chicago convention. That convention was one of turmoil, of dissent, of demonstrations. But out of that convention was born our commission—to consider the process by which our delegates are selected, to see if there is a need for change, and to recommend ways we can change. We have gone all over the country holding hearings. We heard in open testimony any person who wanted to speak. We have accumulated 20 days of public hearings and thousands of pages of testimony from over 500 Democrats of every point of view. We met in executive session of the entire commission of 28 members for long hours. We have now completed our guidelines. They are reasonable, and they will win the respect of all elements of our party. We do have many spectrums in the party. But our object has been a set of guidelines for reform and revision that can unite our party around open and responsive procedures. That is not an easy job. It requires tedious discussion and compromise and the willingness to accept criticism. But I think we have come up with recommendations that are right and that will give us a stronger and more successful party, better able to serve its members and the American people.

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The need for new guidelines is underscored by such facts as the following:

(1) In at least 20 States, there were no clear rules for the selection of delegates, leaving the matter to the whims of a handful of party leaders.

(2) More than a third of the delegates to the 1968 convention were determined prior to 1968 before either the issues or the candidates were known.

(3) The unit rule and the apportionment of delegates sweep aside minority political viewpoints.

(4) Excessive filing fees and delegate assessments excluded all but upperclass delegates in many States. Filing fees reached $14,000 for a slate of candidates in one State.

(5 Representatives of women, young people, Negroes, Mexican-Americans, Indians, and other groups was painfully below the proportion of these groups in the population. For example, women comprised only 13% of delegates, and only one of the 55 delegations had a women chairman. In most of the delegations, there was no one or only one person below the age of 30.

The commission guidelines for the States rule out in the delegate selection process such undemocratic procedures as closed or unpublicized caucuses, premature delegate selection, the abuse of proxy voting, and the unit rule.

We have barred discrimination based on race, creed, national origin, age or sex. We have eliminated restrictive delegate filing costs and assessments. We have called for clearly written party rules, accessible to any interested Democrat. We have called for fair representation of minority views and apportionment of delegate strength based on the concept of one Democrat, one vote.

We hear much criticism of the young today, but what many of them are saying is worth hearing. They tell us we are hypocritical to say we live in a democracy where democracy is not always practiced. We will lose their interest, their enthusiasm, their indispensable insight, if we do not hear their honest criticism. We heard them, as we heard others, before our commission. We have tried to take what is worthy as a guide for our political process.

The recently concluded Chicago trial underscores the importance of making sure that all of the institutions of our democracy function in a responsible fashion. That trial was deplorable—a disagrace to the court and our judicial system. The concept of that trial, based on the doctrine of political conspiracy, and the conduct of the trial should be matters of grave concern to all citizens who value our judicial process. The judge played into the hands of the defendants. His unfair and injudicious conduct may have done more to alienate and radicalize many of our young people than all of the defendants have succeeded in doing over a period of years. There is no doubt that the defendants sought to provoke the judge. But it is a fundamental responsibility of judges to resist any such provocation and to continue to preside in a judicious, dispassionate, firm, and even-handed fashion. That is the only way in which proper respect for our judicial system can be maintained. Yet, the judge was neither judicious nor even-handed.

He refused to allow the jury to hear one single word of testimony from Ramsey Clark, who was the Attorney General of the United States at the time of the convention. I regard that ruling as outrageous. He personally held the defendants and their attorneys in contempt, instead of disqualifying himself and referring the matter to another judge. When, as in this case, the trial judge was the object of the allegedly contemptuous conduct, then the matter should be turned over to another judge. No judge should decide matters where he is so personally involved in the controversy. In addition, it is a violation of fundamental fairness and good sense for the judge to conduct the sentencing session without giving the defendants or their attorneys any advance notice of what he intended to do.

Finally, the judge made what is to me an extraordinary and appalling ruling when he held that the government had an automatic right to wiretap or bug the defendants without any prior authorization by a court and without disclosing any of the contents of the tap or bug to any of the defendants. This doctrine poses a threat to our system of criminal trials. It is repugnant to our basic system of equal justice to all under law.

The real test of a judge is not how he conducts himself when the defendants are well-behaved and respectful, but rather, how he presides when the defendants are neither well-behaved nor respectful. The judge failed that test and failed it badly.

So let us look to the need for renewal of our time-honored traditions of personal dignity and freedom guaranteed by a legal process of dignity and justice. Insuring that another Chicago 7 Trial does not happen in this country is the special responsibility of those actively involved in the judicial process—those lawyers and judges and court personnel who know that our judicial process needs reform.

Insuring that another Chicago convention does not happen is the special responsibility of the Democratic Party. I am proud that our party, that our commission, took that issue head on—that we recognized the need for reform, and that we have already done a good year's work in trying to bring about that reform. If the judiciary had done its work, not only this past year, but through the years in taking long-overdue steps toward court reform, prison reform, rehabilitation of offenders—all those things that are needed to improve the integrity of our system of justice, we would be a year ahead. The Democratic Party is that year ahead. We are moving in the direction that we know we have to go.

And so when I read that our party is in "disarray," I know that we are on the move and that we will one day soon leave our rivals in a bygone age. I take confidence and hope in what we have done thus far and look to further improvements as we change with the times.

There are some hopeful developments, even in a time of difficult change. Let me mention one. Yesterday, the Senate passed the most far-reaching school lunch reform bill in our history. The school lunch program has been in operation for 24 years. Yet, it reaches only one-third of our 8½ million school children from poor families. Yesterday's measure would assure every poor school child at least one free hot meal each day. The Senate has clearly changed the priorities of the school lunch program so that no child need sit through his classes handicapped with the pain of hunger.

Yesterday's action on the school lunch program follows Senate passage of the Food Stamp reform bill last September. That food stamp bill—an outgrowth of the efforts of the Senate Select Committee on Nutrition and Human Needs which I am privileged to head—would assure that every poor family in America is eligible for the food stamp program. It will make that program the principal vehicle for providing poor people with the income necessary for a decent diet.

These two bills—the Food Stamp and School Lunch reform bills—have fulfilled the Senate's responsibility to eliminate hunger in the nation. But the job is not finished. The House has passed neither the food stamp nor the school lunch bill. As Democrats, we have an opportunity to lead this fight and assure the final enactment of these two hunger reform measures. We also have an opportunity and an obligation to see that appropriations are provided to pay for these programs. The Nixon Administration has asked for less than half the money necessary to provide free lunch for our poor school children and less than one-third the amount necessary to finance the food stamp program passed by the Senate.

We should set high on our priority list a firm determination that never again shall any boy or girl, any man or woman, suffer the pangs of hunger in our land. If we can afford $75 billion for military defense, we can afford a small fraction of that amount to defend our people against hunger, sickness and misery. Let us quit killing Asians and begin feeding hungry Americans.

One final word about priorities. What are we to say of the priorities of the Nixon Administration when this week it tells us that it will veto the education bill because it is inflationary. But it wants Congress to hurry up and expand the ABM because presumably, that is not inflationary.

Of course, this is not only economic nonsense; it is a twisted sense of priorities. If it is inflationary for Congress to add $400 million more for the education of our children, why is it not inflationary for Mr. Nixon and Mr. Laird to launch a $50 billion ABM that won't work and that we don't need.

So let the Democratic Party be about the business of new priorities.

Let us turn away from a foolish war in Asia that has cursed our party and our nation for too long. Let us curtail the swollen military giant that is devouring our resources. And then, for the good of our party and the blessing of our nation, let us be about the redemption of this great but deeply troubled land.

STATEMENT OF SENATOR JOSEPH D. TYDINGS

THE CRIME CRISIS

Mr. Chairman, I am pleased to have this opportunity to appear before the Democratic Policy Council to outline my belief that an effective answer to the crime crisis must be at the top of our national and Democratic Party agendas.

I do not believe crime control ought to be a partisan issue. The threat of crime is too real and its cost is too high to all our citizens for crime control to be treated as a political game, in which the parties try to out-point one another. Regrettably, however, the GOP apparently intends to do just that.

The Republicans give every appearance of trying to kidnap the crime issue once and for all as the special property of the Republican Party, and to accuse all non-Republicans of being "soft on crime."

THE DEMOCRATIC ACHIEVEMENT

The plain fact is that the Democratic Party has no apologies to make on the crime issue. Every significant federal anti-crime program now on the books originated in a Democratic Administration and was enacted by a Democratic Congress.

For example, we passed the Safe Streets Act of 1968, which authorizes the hundreds of millions of dollars now passing into the states and local governments to improve law enforcement where the crime is actually committed—on the streets and in the homes and stores of Mr. Average Citizen, U.S.A.

The Safe Streets Act actually gets at the kind of "crime in the streets" which most concerns our citizens. The most controversial and loudly-proclaimed Nixon Administration anti-crime bills, like pre-trial detention and "no-knock warrants," actually have little or no application outside the District of Columbia and other federal enclaves. As President Nixon himself acknowledged in his State of the Union Message:

"The primary responsibility for crimes that affect individuals is with local and state governments rather than with Federal Government."

The most effective help the Federal Government can give the state and local governments now is to tighten the effectiveness of the Safe Streets program by doing away with the costly bureaucracy set up by the Republican block-grant amendment and to get the funds directly to the local police departments where the need is greatest.

Democratic Congresses under Democratic Presidents have put other landmark anti-crime measures on the books as well.

In the Juvenile Delinquency Prevention and Control Act, we provided the backbone for whatever national progress has been made against lawlessness in our most crime-prone age group.

We also enacted the Narcotics Addict Rehabilitation Act, the only federal attempt to help provide any control for drug-related crime. I might add that the Democratic Congress—over the Republican Administration's opposition—last year earmarked more than twice as much money for narcotics treatment as the President requested.

We put the first and only real effort at prison reform legislation on the books in the Offender Rehabilitation Act.

The Federal wiretap law was authored by Senator McClellan and passed overwhelmingly by a Democratic Congress.

The Organized Crime Program in the Department of Justice was triggered by Attorney General Bob Kennedy and continues as the major federal weapon against rackets and corruption.

My Federal Magistrates Act of 1968 reorganized the entire first line of criminal justice in the Federal judicial system.

It was the last Democratic Administration which commissioned the national and local crime studies which have become the "bible" for improving law enforcement at the federal level and in cities and towns all across the country.

It was a Democratic President who created the National Violence Commission whose major recommendations on court reorganization and improved local law enforcement have given new impetus to rejuvenating the criminal justice system.

Finally, I took the opportunity last fall, as Chairman of the Senate Committee on the District of Columbia, to commission a special Advisory Panel Against Armed Violence in the National Capital. That panel's recommendations, now being implemented by courts and law enforcement agencies, will substantially assist in reducing the serious crime problem afflicting our National Capital.

But since the Republican Party has chosen to make crime a political issue, we Democrats must respond responsibly to their regrettably partisan challenge.

First, as a house-keeping chore we must of necessity take time out to put the facts in the record with respect to what has been done and what has not been done about the crime crisis.

Second, we should propose and work for enactment of an all-out attack on crime in the United States by outlining and supporting a strong, constructive, and effective anti-crime program; a program based on concrete steps to strengthen our criminal justice system, not on political oratory.

THE REPUBLICAN RESPONSE

The plain fact is, that despite tough campaign talk, the Nixon Administration has failed to control the crime crisis. The Republican record so far is primarily rhetoric and buck-passing.

If speeches could be enacted into law, the statute books would be bursting by now with Republican anti-crime oratory. But while the crime situation grows more critical and the Administration press releases pour forth, Congress waited for months last year in patient suspense for any comprehensive crime proposals from the White House.

And we are still waiting for any Administration legislation at all on nationwide prison reform, nationwide court reform, nationwide narcotics-crime treatment programs, and for the amendments sorely needed to strengthen the Omnibus Crime and Safe Streets Act. Yet, substantial progress in each of these critical problem areas is indispensable to a significant reduction in the crime rate.

The Administration's delay in submitting even its meager anti-crime measures prevented them from being enacted in 1970. By letting half a year slip past, the Administration forced Congress to carry over into 1970 the few bills sent up.

Nonetheless, before Congress adjourned last year, the Committee of which I am chairman reported, and the Senate passed, in record time, every Nixon anti-crime bill for the National Capital. These bills are now undergoing final action in the House and I hope will become law by Easter—months late because of the Administration's own delays last year.

But if the Republican's bill drafters failed them, their printing presses did not. Instead of sending us the bills, the Administration passed us the buck. They feverishly sought to blame Congress for the White House's own delays.

In its haste to cover its tardy tracks, the Administration invented a bizarre and sometimes bewildering numbers game, claiming Congressional inaction on a vague laundry list of bills of uncertain numbers and sometimes even less certain Administration authorship.

If the public was confused, it had a right to be. On October 9, the Attorney General said the Administration had sent Congress "more than 20" crime bills. Two months later, Chairman Bob Wilson of the Republican Congressional Committee said there were 18 Nixon crime bills.

The mystery deepened on January 26 when, in his State of the Union Message, the President said that he had sent Congress "thirteen separate pieces of anti-crime legislation."

Notwithstanding this mysterious disappearance of seven Administration anti-crime bills between October and January, however, probably the "Greatest Bill Robbery" of them all involved S. 30, the organized crime bill the Administration sought credit for all last year. That bill was introduced by Senator McClellan on January 15, 1969—five days before Presdient Nixon even took office.

As a matter of fact, the principal Administration contribution to S. 30 was to delay its progress for months by tardy submission of the President's views on this Democratic Congress initiative. The Administration views, first requested on February 7, 1969, were not submitted until May 8. In the meantime, the Department of Justice further stalled the bill by being unprepared to testify in detail at the hearings held on it in March.

Now, all this Republican legislative legerdemain might be amusing, if it had not been so apparently successful. From the press reports and editorial columns I have seen, the Pennsylvania Avenue propaganda mill has successfully shifted the blame for all legislative anti-crime delays—and even for the soaring crime rate itself—from the Republican-held White House, where the blame belongs, to the Democratic-controlled Congress, which must stand for re-election this fall.

It is up to every member of the Democratic Party to carry the true case to the American people. You members of the Democratic Policy Committee have a particularly heavy responsibility to make effective anti-crime programs a top priority on our national agenda.

AN ANTI-CRIME PROGRAM FOR THE SEVENTIES

I recommend that the Democratic Policy Council adopt a program of tough, constructive, responsible anti-crime measures in the following areas:

I. Federal financial assistance to State and local law enforcement

First, I recommend amendment of the Omnibus Crime and Safe Streets Act to provide assistance to state and local police and prosecutors—the front line against crime.

1. The Law Enforcement Assistance Act should be funded at a level of at least 750 million dollars this year and its fund distribution formula changed to channel more funds to high crime urban areas.

2. Special federal legislation should be enacted to provide extra federal assistance to counties and cities which experience higher crime rates as a result of a spillover of criminal offenses from federal enclaves within or adjacent to such jurisdictions.

3. The Federal Government must embark on a program of research as ambitious and comprehensive as that we have conducted for years in national defense. Much of our investment will be wasted until we launch a vast effort to learn more about the causes of crime, to develop new police tools and

weaponry, to design new crime prevention devices, and to develop new communications, rehabilitation, and training systems.

4. The highest priority should be given to the program of the new National Institute of Law Enforcement and Criminal Justice. The Institute itself should be supplemented by creation of regional institutes which can assist every state and locality to use the new devices and techniques developed by the National Institute.

5. All firearms usable in crime, particularly handguns, should be subject to minimum registration and licensing by localities and states, or by the Federal Government.

6. Law enforcement should be added to the Selective Service list of essential occupations, so that young men entering careers in it can be deferred from the draft.

7. The Federal Government should establish a program of salary subsidies, adding to the salaries, of state and local police officers at least as follows:

Up to $50 a month for those who are graduated by a special law enforcement academy.

Up to $100 a month for those who hold or obtain a degree from an accredited two-year institution.

Up to $200 a month for those who hold or obtain a degree from an accredited four-year institution.

Up to $300 a month for those who hold or obtain a graduate degree from an accredited institution.

8. The Federal Government should go beyond the Safe Streets Act to provide an NDEA-type program of fellowships to pay the tuition, expenses, and salaries of those who attend college and graduate school, provided they agree to serve in the police profession for a reasonable number of years.

9. The Federal Government should establish a comprehensive program of grants to states and localities which wish to upgrade their salary schedules, and should encourage them to pay higher salaries to officers working in areas of high crime.

10. The Federal Government should establish a program to raise police retirement benefits, and to improve benefits to widows and orphans, including full college scholarships for orphans whose fathers are killed in the line of duty and life insurance for the families of police officers.

11. Police should be relieved from non-law enforcement functions, such as caring for alcoholics. Federal assistance should be provided to state and local public health departments to construct and staff detoxification units and alcoholic rehabilitation centers. The Federal Government should begin a program of research into the causes and cure of alcoholism, the control of which now consumes more than one-third of all police arrests.

II. Reform and modernization of the courts

The second major component of the anti-crime program ought to be reform and modernization of the courts—the keystone of the criminal justice system.

1. We should launch a broad attack on inefficiency and delay in our criminal courts, including passage of the National Court Assistance Act, training of more court personnel, improving management of our courts, and making Federal grants available to law schools and graduate schools for special programs to train prosecutors, public defenders, parole and probation officers, and court administrators.

2. The Federal Bail Reform Act should be amended or separate legislation enacted to prevent release of dangerous criminals.

3. The court reform provisions I inserted in the Omnibus Judgeship Bill to provide modern business management methods in the federal courts should be enacted.

III. Controlling drug abuse

The third major anti-crime area involves the kind of nationwide narcotics treatment program which is essential to any attack on urban crime. Sufficient Federal assistance should be made available to every urban area to establish a comprehensive narcotics and drug abuse treatment program. Each city's program should be unified under a single authority, should include constant urine testing of its subjects, be continually evaluated by an independent panel of experts, and include the following three elements:

First, each program should encompass the entire criminal justice system, including persons on probation and parole and those in prison, in jail, and on bail. Each program must also have components for correctional institution and community-based treatment programs, including both methadone maintenance and drug abuse therapy, job counseling and guidance, and the necessary institutional facilities.

Second, every program should include an adequate juvenile drug abuse program, including appropriate narcotics-use testing in high schools and junior high schools, effective mass education programs which utilize the services of reformed addicts, and community-based treatment and counseling services for both parents and children.

Third, every program should include civil commitment procedures for known addicts, with appropriate treatment, counseling and rehabilitation facilities.

In addition, the narcotics traffic should be attacked by a massive federal effort that will turn the full attention of the Bureau of Narcotics and Dangerous Drugs to controlling the importation of, and traffic in, illegal narcotics through better intelligence and border surveillance and improved cooperation with foreign governments and international agencies like Interpol.

The recodification proposed by the President of existing drug laws should be enacted. That legislation include confiscatory penalties I suggested against major narcotics traffickers. Those penalties, designed to stop the drug traffic at the domestic source, were originally included in the model state drug abuse legislation I introduced last fall. That legislation should also be enacted for the National Capital.

IV. Making the corrections system work

Fourth, we must rapidly achieve reform and modernization of our correctional institutions—the most neglected area of the criminal justice system.

1. Our entire correctional system, both state and federal, should be reformed to provide intensive education and job training, and a comprehensive job placement program and follow-up on prisoners after they are released.

2. Legislation should be enacted to increase the number, improve the training, and raise the salaries of all correctional personnel. The state and federal governments should make funds available to achieve these objectives.

3. Adequate federal assistance should be made available for effective parole and probation in juvenile and adult courts in every jurisdiction so that judges truly have a choice between institutional and out-of-institution forms of treatment. Especially critical will be the service of adequate numbers of probation and parole supervisory personnel.

4. Correctional authorities should develop more extensive community programs providing intensive treatment as an alternative to institutionalization. Such programs of rehabilitation should emphasize basic education, counseling, and vocational training, and should be run to the fullest practical extent with the advice and participation of offenders and ex-offenders.

5. The Federal Government should give states aid for the development and operation of smaller institutions, closer to home communities. They should be operated not as prisons, but as bridges back to society. There should be minimum standards for institutions, local, state, and Federal.

6. The Federal Government should give generous financial assistance to help states and localities replace antiquated jails, dark and forbidding police stations, overcrowded prisons, and primitive halfway houses.

7. Federal assistance to local work release programs should be greatly enlarged and include job placement upon final release from prison.

8. Federal legislation should be enacted to assist in constructing and staffing a new kind of correction facility for first offenders. Those prisons, at both Federal and state level, should be manned by the best qualified corrections personnel, provide realistic education and job training, and help place reformed inmates in meaningful, legitimate employment when they are returned to their community.

9. The Federal Government should encourage and subsidize experimental correctional programs—like those in California—which emphasize community-based job training, education, and intensive care. Special grants-in-aid should be made to states for the development of such programs.

V. Rooting out organized crime

No anti-crime effort can be complete without a massive Federal effort against organized crime. In addition to the enactment of S. 30, the McClellan Organized Crime Control Act:

1. The Federal Government should declare all-out war on organized crime. The Federal effort should include full participation by all relevant Federal agencies in a coordinated drive to gather evidence and prosecute organized crime leaders; upgrading the organized crime effort of the Federal Government by employment of additional personnel and making the Organized Crime Section of the Justice Department the coordinator of the Federal program.

2. The position of Assistant Attorney General on Organized Crime should be created in the Department of Justice to coordinate the entire Federal effort against organized crime.

3. A Federal anti-organized crime strike force should be created for every major urban area to break up organized crime at the local level.

A JOINT CONGRESSIONAL COMMITTEE ON CRIME

Finally, I believe Congress should create a Joint Congressional Committee on Crime to conduct comprehensive studies of all criminal justice problems, and to recommend legislation.

APPENDIX I: ANTICRIME AND COURT REFORM LEGISLATION INTRODUCED BY SENATOR JOSEPH D. TYDINGS IN THIS CONGRESS

S. 545: *Bail Reform:* To enlarge the D.C. Bail Agency and to increase its powers. (Passed Senate—July 8, 1969.)

S. 546: *Pretrial Detention:* To amend the Bail Reform Act of 1966 to authorize pretrial conditional release or detention of certain persons who are charged with the commission of serious crimes, and on the basis of clear and convincing evidence, who if released will endanger the safety of the community.

S. 547: *Pretrial and Postrial Detention:* To restrict the pretrial release of any person who is accused of an offense punishable by death and to restrict the release of any person convicted of any Federal offense while such person is awating sentence or the result of an appeal.

S. 952: *Omnibus Judgeship:* To increase the manpower for the Federal Bench.

S. 962: *Grants for Law Enforcement Education:* To make grants to colleges and universities to help improve the education of law enforcement officers and to provide fellowships to those who plan to pursue a career in law enforcement.

S. 963: *Alcoholism Research:* To provide for

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study of the cause of alcoholism and to provide detoxification units and alcoholic rehabilitation facilities.

S. 964: *Crime Control and Prevention Act:* Combines in a single bill all the elements contained in S. 962–979.

S. 965: *National Institute of Law Enforcement:* To establish a research center for crime control and regional crime study centers.

S. 966: *Study of Foreign Methods of Law Enforcement:* To provide grants for travel for observation and study by State and local law enforcement personnel of the operations of foreign law enforcement agencies.

S. 967: *Military Exemption for Law Enforcement Officers:* To provide deferments from the draft for policemen and correctional personnel.

S. 968: *Travel Funds for State and Local Law Enforcement Officers:* To provide grants for travel for observation and study by State and local law enforcement personnel of operations of other domestic law enforcement agencies.

S. 969: *Crime Conferences:* To provide for programs to bring together various State and local law enforcement officials for periodic meetings, seminars and consultations.

S. 970: *Grants to Increase Salaries of Law Enforcement Officials:* To provide supplements to salaries of State and local law enforcement personnel who have achieved certain educational levels.

S. 971: *Comparability for Law Enforcement Officials:* To increase salaries of certain State and local law enforcement officers to a level competitive with that of other comparable professions in a given locale.

S. 972: *Increased Benefits for Law Enforcement Officials:* To increase and expand retirement, injury and death benefits for State and local police officers.

S. 973: *Programs for Youthful Offenders:* To provide for the development and implementation of youth correctional programs.

S. 974: *Assistant Attorney General for Organized Crime:* To fight organized crime by creating an Assistant Attorney General for Organized Crime, to provide for training of State and local law enforcement personnel in methods of dealing with organized crime and to provide Federal facilities for protective housing of witnesses.

S. 975: *Compel Witnesses to Testify:* To provide for compelling testimony in certain Federal cases.

S. 976: *Felony Sentence:* To provide increased sentences for certain dangerous professional criminals.

S. 977: *Firearms Registration and Licensing Act:* To provide for better control of interstate traffic in firearms through registration and licensing.

S. 978: *Study Effects of Court Decisions:* To create a commission to study the effect of certain court decisions on law enforcement.

S. 979: *Judicial Determination of Temporarily Insane Individuals:* To provide for the commitment of certain individuals acquitted of offenses against the United States solely on the grounds of insanity.

S. 1214: *Court Reform:* To amend provisions of the D.C. Code dealing with the selection and tenure of judges in the District of Columbia Court of Appeals, Court of General Sessions and Juvenile Court by creating a Judicial Nominating Commission and providing for good behavior tenure for judges.

S. 1215: *Court Reorganization to Cut the Criminal Case Backlog:* To increase the number of judges in the D.C. Court of Appeals and the D.C. Court of General Sessions and to expand the jurisdiction of the Court of General Sessions.

S. 1506: *Judicial Reform Act:* Creates a commission on judicial disabilities and tenure. Reviews and makes recommendations with regard to conduct inconsistent with the good behavior required by Article III of the Constitution.

S. 1507: *Judges' Mandatory Retirement:* Mandatorily requires federal judges to retire from regular active service upon attainment of the age of 70 years.

S. 1508: *Full Annuity for Judges who Retire after Twenty Years:* Passed Senate—October 29, 1969. Provides full annuity for judges who retire after 20 years of continuous service.

S. 1509: *Court Executive:* Creates court executives for each circuit judicial council to administer non-judicial activities of the court.

S. 1510: *Judicial Financial Disclosure:* Requires, pursuant to the rules of the Judicial Conference of the United States, the filing of financial reports by the judges and justices of the United States.

S. 1511: *Judicial Survivor Annuities:* Provides benefits for survivors of federal judges comparable to benefits received by survivors of members of Congress.

S. 1512: *Retired Judges' Compensation:* Provides each retired judge the salary of his office, for the remainder of his lifetime.

S. 1513: *Duties for Retired Judges:* Assigns judicial duties to retired judges.

S. 1514: *Judicial Councils:* Requires the judges in each circuit to attend its judicial councils which shall set forth all necessary orders for effective and expeditious administration of the business of the courts within the circuit.

S. 1515: *Seniority of Chief Judge of a Circuit:* Improves the law with regard to selection of circuit chief judges and district chief judges.

S. 1711: *D.C. Court Executive:* To create the position of Court Executive to improve the administration of the D.C. Court of General Sessions.

S. 2335: *Juvenile Delinquency:* To authorize the District of Columbia to enter the Interstate Compact on Juveniles. (Passed Senate—September 18, 1969.)

S. 2601: *D.C. Court Reorganization:* To reorganize the courts of the District of Columbia, establishing the Court of General Sessions as a court of general jurisdiction and creating a court executive. (Passed September 18, 1969.)

S. 2676: *Obscenity:* To prohibit the sale to minors of certain obscene materials.

S. 2869: *D.C. Criminal Law and Procedure:* To revise the criminal law and procedure of the District of Columbia, including wiretap and search warrant procedures. (Passed Senate—December 5,1969.)

S. 2980: *Drunk Driving, Shoplifting, Credit Card Fraud:* To establish that any driver on the streets of the District of Columbia has given his implied consent to take a test to determine the alcohol content in his body, to prohibit shoplifting in the District of Columbia, and to prohibit the theft, unauthorized use, and abuse of credit cards.

S. 2981: *D.C. Juvenile Courts:* To revise the laws of the District of Columbia on juvenile court proceedings. (Passed Senate—December 22, 1969.)

S. 3034: *Pre-Trial Detention:* To provide for 30-day pre-trial detention, in lieu of bail, for certain dangerous persons accused of specific crimes in the District of Columbia.

S. 3071: *D.C. Comprehensive Drug Abuse and Narcotics Control Act:* To provide a comprehensive program for the control of drug abuse and drug related crime through improved law enforcement, strict regulation of the distribution of controlled drugs, and prevention, treatment and study of drug abuse and drug dependence in the District of Columbia.

S. 3289: *National Court Assistance Act:* To improve the judicial machinery of our State and local courts through federal assistance and to establish a national center of up-to-date information on court management and organization. S. 3311: *Urban Crime Insurance Act:* To guarantee that residents and merchants in and around urban areas will be able to obtain insurance to protect against losses resulting from crime.

S. 3312: *Small Business Crime Insurance:* To make crime protection insurance available to small business concerns.

STATEMENT OF SENATOR HAROLD E. HUGHES, FEBRUARY 25, 1970

The last thing the American people want to hear today is a modern replay of the Four Horseman of the Apocalypse.

They would like to wake up some morning to discover that Vietnam, the ICBM, Watts, the assassinations, the drug plague and the poisoning of Lake Erie never happened, that these were all parts of a bad dream.

But the truth is that these things did happen. The nightmare was real,

Hence any discussion of our national needs must be somewhat apocalyptic if it is to be true to reality.

This creates a problem for a political party, since the politics of doom has seldom been politically popular with the American people.

You don't enchant the electorate by saying the country is littered with time bombs ticking off the destruction of this free society—how ever true this may be.

People want to be told that the crises are not really that serious, that we are not doing all that badly in meeting our national problems.

There is some truth in this. The moves that must be taken to preserve our society are still within reach, although the distance lengthens with each passing day. And it is true that we are not doing all that badly. We have made significant progress in areas ranging from voting rights to Medicare.

We have even made significant progress—we Democrats have, at least—in the reform of our political party processes to eliminate bossism and make our conventions and delegate-selection processes more representative of all citizens of this modern society.

But the fact is that, across the spectrum, our problems are compounding more swiftly than the wheels of progress are moving to meet them. And the backlog resulting from past neglect is staggering.

All this adds up to the fact that the old policies, the traditional guidelines, are not working for the United States in the '70's. It will require more than face-lifting to make them work.

What is required is change—not superficial change, but major surgery.

John Kennedy's words are here to haunt us:

"Those who would make peaceful revolution impossible make violent revolution inevitable."

Are the American people, who are presently adrift on a sea of complacency, capable of accepting this strong medicine?

I frankly don't know, but I am inclined to believe they are.

In any event, I believe that we, as a responsible political party, have no choice but to carry the message to them.

If your home is burning, you have no credible course but to do your utmost to put out the fire, whatever your chances of success may be.

Apocalyptic or not, I believe we must keep driving home to the American people the reality of the crisis and the blunt fact that we have done little more than strike glancing blows at our ranking national problems.

And to the extent that we are facing most of these problems, our approach is a futile repetition of methods that have failed.

The prospect of peace in Vietnam is as remote as it ever was. We change our tactics but our fundamental policy remains the same.

The second-phase expansion of the ABM; the testing of MIRV; and the continued funding and development of a host of other acronyms of death mark the morbid perpetuation of our colossal military spending.

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High prices resulting from the prodigal military outlays have put American families, who were formerly doing all right, in the hardship zone.

We are backtracking on the racial problem.

Crime is on the upsurge despite the law-and-order talk.

Rural poverty and the desolation of the cities remain virtually untouched.

The destruction of our biosphere goes unabated.

Alcoholism and narcotics addiction are epidemic.

Education, health services, scientific research are slipping back.

Neither government nor private industry has done anything worth mentioning in preparing to convert our economy from war to peace.

This is all painful to relate, but this is the way it is. And beneath the current euphoria, we all know it.

It isn't that we don't have information to guide us. The reports of the Eisenhower Commission, the Kerner Commission and host of other authoritative reports languish on our shelves. We have studies, plans, and surveys running out of our ears.

We are simply locked into the policies of the past—policies of gradualism, and postponement, and of dreary dedication to solve our problems by doubling our efforts in directions already proven wrong.

At some point, we must awaken. The urgency is now.

We could use a George Washington or an Abe Lincoln in this hour, but first of all we need a Paul Revere.

We are all aware of how the nation can be aroused to a fever pitch for a fleeting moment and then slip back into complacency and business-as-usual.

When the Soviets launched the first Sputnik, we had a national furor over the education gap in America.

It quickly subsided.

When our cities were torn with riots and fire-bombs lit the sky in 1967 and 1968, we realized for a few vivid months that our nation was faced with civil war or violent revolution if we did not do something about the root causes of poverty, racism and crime in America.

But when the civil strife quieted down and the fires were quenched, we put aside the responsibility we had briefly recognized. We quickly forgot our resolution to get moving with the massive reforms that every thinking citizen knew were essential.

The American society has not always "copped out" in this fashion.

It does not need to be this way.

We can act, as a people, with immense determination and constructive purpose.

Witness how we got up off the canvas from the Great Depression.

If we were to devote—for one golden decade—the effort and resources to build a strong and just society here at home that we are presently devoting to the machinery of war, this nation could rise to heights undreamed of.

And we could do this, I am convinced, without stinting our true needs for national defense.

Obviously, the philosophy of the military over-kill and the devotion to military intervention as a prime instrument of foreign policy would have to be de-emphasized.

Personally, I believe the vast majority of our people, including the legendary Middle Americans, are nearer to accepting this reality than is generally realized.

Presently, the insatiable war machine dominates our culture, stultifies our national purpose and hogs our economic resources. Assuming substantial re-allocation of our effort and resources, what should be our goals for the '70's.

I believe most of us could come to agreement on *what* our national priorities should be.

It is the urgency for fulfillment and the depth of commitment that are in question.

Above all, it is a question of whether we can lift the faces of old policies and get by or whether we must adopt drastically new policies.

I am convinced that the latter course is the imperative.

It involves risks, admittedly, but if we cleave to the status quo, we are headed toward almost certain disaster.

To illustrate the need for this willingness to venture, to take a radically different approach in keeping with the times, I would like to speak briefly about a specific phase of public health in which I have been working intensively—the area of the Drug Problem, U.S.A.

It is almost impossible to talk about a health approach to drug abuse and narcotics addiction without touching upon such other areas as crime and punishment, welfare and the alienation of our youth.

Almost everyone, from the President on down to the humblest person is aware that the Drug Problem in the United States has rapidly grown to critical proportions—and continues to mushroom in all areas of the country and in all social strata.

Civilized people in the 20th century realize that narcotics addicts and people who abuse drugs (including the most widely abused drug of all, alcohol) are sick people and not necessarily criminals. As is well known, some addicts resort to criminal acts to support the considerable economic burden of their addition.

It would seem logical that if we recognize the seriousness of the Drug Problem in the United States and if we realize that drug addiction is a sickness, we would be determined to make a maximum effort to prevent or cure or control this sickness through public programs of treatment, rehabilitation and education. After all, if you send a narcotics addict to jail, he will eventually be released, only to return to society and to his addiction and usually to a life of crime to support his costly habit.

The fact is, however, that we are willing to spend almost any amount of public money to punish the addict, but no more than a pittance to provide the medical and rehabilitative services he needs to kick the habit.

In Virginia, where I live, the minimum penalty for a kid caught with a marihuana cigaret in his possession is three years. If he is caught giving one to a friend, he can end up with a twenty year sentence.

Excessively harsh punishment has failed to deter addicts or experimenters, yet our emphasis continues almost exclusively on tough laws and rigid enforcement.

As I have already suggested, our priority problems are interrelated and interlocking. The wrong emphasis with regard to the Drug Problem inflicts irreparable damage on our society by aggravating other problem areas—crime and corrections, poverty, education, and the alienation of youth. Parenthetically, I would warn that the youth revolt is not a superficial, passing phenomenon as many would like to believe, but a deeply imbedded social problem.

Intimidating talk, simplistic solutions, harsh discipline will not cure the alienation, and if we do not deal with it in a sensitive and sensible manner, our failure will haunt us for decades to come.

It is a ranking priority, a symbolic problem that will not begin to ease until we take the road of reshaping our national attitudes, policies and goals, including our stereotyped views on justice, crime, and punishment.

Ladies and gentlemen, there is something drastically wrong-headed and mixed-up about a civilized society that puts sick people in jail because of their affliction.

There is something wrong in a society whose justice and corrections systems often tend to promote criminality instead of correcting anti-social attitudes.

In the hearings of the Senate Subcommittee on Alcoholism and Narcotics across the country, we have heard from dozens of witnesses who served time in penal institutions of every conceivable kind at all levels of government. Without exception, they testified that drugs and narcotics were readily available *within* the institutions, often more readily than on the outside.

There is something horribly wrong about a system that gives a decent judge no alternative other than to commit a kid on his first charge of drug possession to a typical American prison—a sewer of perversion, corruption, hate, and post-graduate criminality.

We pride ourselves on having progressed from the public hangings of 16th century England, the witch-burnings of our own colonial days, and the Devil's Island kind of exile prisons.

I seriously wonder if we are much better off today—or if our concept of crime and punishment is brutalizing our society just as the gallows, the guillotine, and the public floggings dehumanized earlier societies.

I am not pointing the finger of blame at any individual or group—although admittedly some in important positions of responsibility in our justice and corrections system are occupied by persons who are venal, corrupt, and inhuman.

It is the system that is wrong—a system that, in the name of protecting society, proliferates criminality and rehabilitates few.

And since our system calls for punishing sick people and criminals alike, a pitifully small amount of our public effort and investment goes into programs for the treatment and rehabilitation of narcotics addicts, drug abusers, and alcoholics.

So we lock them up, subject them to a higher education in criminality, and then release them into society again to be serious menaces to the security of our homes, our shops and our streets.

We have blindly locked ourselves into a treadmill.

The very efforts we take to further law and order perpetuate and proliferate violence, lawlessness, and disorder.

By treating sick people as criminals, by treating those who have broken the law as animals, by concentrating on punishment—public revenge—rather than treatment, rehabilitation and the salvaging of human life, we have defeated our own original objectives and brutalized our society in the bargain.

Uncounted thousands of lives are lost each year; thousands of other lives are ruined; thousands of crimes are committed against innocent people because of narcotics addiction and alcoholism.

Each year, 25,000 people are slaughtered on our highways in accidents involving alcoholics.

Billions of dollars in economic loss are suffered by industry and government at all levels.

Yet we are unwilling to revolutionize our health programs, our justice and corrections systems along the lines the qualified professionals have repeatedly pointed out.

We have poured immense amounts of public money into our conventional law and order apparatus and we have failed to check either crime or addiction or to make society more secure.

It is time now for a major change of the entire system and of our public attitude towards crime and addiction.

It is time to spend a substantial portion of these vast resources to cure addicts and to change the basic attitudes of those who have committed criminal acts so that they will cease to be a threat to society.

It may even be time to inject some incentive into our criminal rehabilitation system. As it is now, if a young person com-

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mits a minor crime that is classified as a felony, he bears the stigma of that felony throughout his entire life—unless he should benefit from a one-in-ten-thousand chance to receive an executive pardon. If such an individual has led an exemplary life for, say, 20 years, is it not conceivable that he should be fully reinstated into society?

The great priority that extends to all of our national goals is the willingness to change course completely when what we have been doing is no longer adequate to meet present and future needs.

Whether we are talking about racism or poverty or crime or drug abuse or equal rights, the basic component of our society is human life. If we lose faith in the identity, the value and the capacity of human life for change and redemption—then we have lost everything.

Ladies and gentlemen, I am well aware that I have not brought you any profound answers regarding methods to meet our national priority problems. I have simply tried to convey to you my deep feelings about the fundamental change in our attitude and approach that must be made before we can come up with any meaningful solutions to these critical problems.

In this context, I believe we are hung up on plans, gadgets, methods, and gimmicks. We are anaesthetized and diverted from course.

Fundamentally, we need a national commitment, not a bag of methodological or technological tricks. And we need to put the cold cash behind that constructive commitment before it is too late.

We can feed the hungry people in this land and give citizens decent health services, if we put our minds to it. It is simply a matter of doing it. What is in question is our *commitment* to get the job done, not our competence.

Perhaps we cannot completely solve the urban problem, but we can remove it from the priority list by investing, on a realistic basis, in saving our cities.

Money won't solve all such problems, it is often said by public officials who get themselves elected by the gutless refusal to support the funding of any constructive and humane public project.

But ask any able and experienced mayor and he will confirm the fact that adequate public funding will go a whale of a distance toward making our cities livable.

Let's not kid ourselves wondering whether or not we have the technological expertise to save our environment.

When the polite phrases have been spoken and the neat, neuter plans have been unveiled, we still know that human greed and the passion for profit is basically responsible for ravaging our environment and providing future generations with a heritage of muck.

We had the technology to destroy our biosphere; we have the technology to save it. What is needed is the commitment to save it.

We can, if we will, do a lot about the population explosion in a very short time.

We can dramatically reduce crime and drug abuse in America—but not the way we are presently moving. Not a chance. But we can change course, as I suggested earlier, and save thousands of human lives and billions of dollars in economic resources.

There is no neat, final answer to such sensitive social problems as race relations, equal opportunity and civil rights. But we could go a long way in a hurry with a decisive restatement of our national commitment—and the wherewithal to back it up.

We can do the things that we all know in our hearts need to be done in this country. We have the expertise. We have the resources. We simply need the commitment.

Maybe this would involve re-assessing the "crazy Chinese" theory which impels us to spend billions of dollars to fend off a remote threat, while here, in an abundant land, people go hungry and our cities rot.

Maybe we would need to set aside or postpone the supersonic transport, which can hardly be termed a top-flight priority alongside education, equal opportunity, and public health. But we could survive this sacrifice and be no worse for wear.

What is needed is a commitment of courage, compassion, common sense and cash.

Lacking this, we stand to lose only our future.

Reordering Our National Priorities: The Rhetoric of Promise and the Reality of Performance

(Statement by Senator Birch Bayh, Democrat of Indiana)

In his recent message accompanying the 1971 Budget, President Nixon billed his recommendations as a blueprint for "changing priorities." Citing some sleight-of-hand figures that hide from the public's view more than they reveal, the President announced that "we now begin to turn in new directions."

Behind the rhetoric of the President's promise, however, is the reality of the budget figures. The Secretary of Defense's much publicized $10 billion cutback in military spending upon closer examination, for example, is nowhere to be found in the Nixon budget. The reality of the President's budget is a $70.8 billion request in new obligational authority for the Pentagon—an increase of $1.2 billion when compared to Congressional action on the defense budget last year.

The Nixon budget, in addition, failed to include any estimates on the cost of Vietnam. That kind of budgetary magic causes one to wonder whether we are really headed in a new direction or simply in the same old direction. Surely the American public has a right to know.

The lesson of the Nixon budget is perfectly clear. A reordering of priorities, as reflected in federal spending figures, and not in words, is not automatic. It will not come automatically with a decreasing American presence in Vietnam; nor will it come automatically with a halt in the spiralling arms race. Surely it will not come about without them, but even if peace were to break out tomorrow we would have to wage a bitter political struggle to gain a greater share of federal revenues for critical domestic programs. That was made clear when President Nixon's Budget Director, Robert Mayo, described the hoped-for "peace dividend" as a "rather oddball concept."

Vietnam aside, however, the Nixon budget leaves unresolved the single most important factor determining the availability of revenues for human and social benefit programs—the size and shape of our military establishment. Today, more than at any time since World War II, that trade-off between defense spending and domestic expenditures is nearly direct. Thus, one can say with some degree of confidence that a dollar not spent on defense will be a dollar spent for education or health care. The reserve, unfortunately, is equally true. A dollar spent on defense means, in effect, a dollar less for our blighted cities.

This conflict between defense spending with its little more than 9% of GNP, and nondefense spending at all levels (federal, state and local) with its 20% of GNP, needs to be further refined if we are to fully appreciate the dollar for dollar trade off. More than half of the nondefense expenditures, for example are what can be described as "noncontrollable"—either because of normal growth or built-in Congressional power blocs. The real pressure for reducing expenditures in the face of defense requests, therefore, is in the controllable 5% of GNP that goes to human resouce programs.

The tragic effects of this constant tug-of-war become even more evident when we consider the General Accounting Office's recent study of defense spending. The GAO reported that as of June 30, 1969, 131 major weapons systems were in various phases of acquisition. The estimated total cost for this military hardware was put at a staggering $141 billion. The conspicuous failure of the Nixon Administration to come to grips with this misallocation of resources by re-evaluating the importance of these programs for the nation's defense and means that the task of reordering our priorities falls to the Congress.

In view of Congressional initiative last year in cutting defense spending by more than $5 billion that is not an altogether unhappy prospect. In determining where the President's new defense budget can be cut without endangering our national security, I am reminded of Morton Halperin's recent observation that: There is no clearly discernible relation between defense expenditures, within wide margins, and the ability of the United States to deter attacks, defend against them if they occur or use military power in support of diplomacy.

The current level of defense spending is well in excess of $70 billion annually. Given those "wide margins" today, and with the knowledge that we already have developed an "overkill" capability, I think we can cut the defense budget further.

At this critical point in our national life, I am firmly convinced that a dollar spent on vital domestic needs is of significantly greater importance to the people of this country than a dollar spent on military hardware. The very same thing can be said, of course, for the trade-off between priority domestic spending and low priority nondefense expenditures. A realistic payments limitation in the farm price support and acreage diversion programs, for example, would produce a savings of anywhere from $200 million to $300 million annually without jeopardizing production controls. Another $500 million could be saved by a more moderate manned space program.

Obviously, in reordering our priorities some difficult choices will be necessary. There is no easy way; no short-cut. But the mass of unmet domestic needs that we know exists adds up to an agenda of unfinished business that can no longer be deferred.

That agenda has already been spelled out for us in the great social and economic reforms enacted in the 1960's under Democratic leadership: the Economic Opportunity Act of 1964, the Elementary and Secondary Education Act of 1965, Medicare, and the Housing and Urban Development Act of 1968. The elimination of poverty, providing financal assistance for the education of children from low income families, adequate health care for our elderly at reasonable rates, and a decent home for every American family—these are our domestic commitments.

Noble words, true, but are we honoring these pledges to build a better America? The fiscal 1970 appropriations bills speak louder and more meaningfully than our words, I am afraid.

Actual spending on human resource programs—including health, manpower training, housing, pollution, and law enforcement—is currently running about $5 billion below Congressional authorizations. In housing, for example, the 1970 Nixon budget requested about $500 million less than the authorization—and Congress misguidedly appropriated that much less. The only conclusion to be drawn from this, unfortunately, is that at the present rate of spending on housing we are very unlikely to build the 6 million federally subsidized units called for within 10 years by the 1968 Housing Act.

In reflecting on the gulf between the promise and the reality of the American Dream, President Kennedy once remarked:

"We speak and what we do speaks far more strongly than what we say. What we are

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sounds much more significant than what we say we are.

And to remind us that we are promising much more than we are delivering, there is:

The Kerner Commission Report's dire conclusion that "our nation is moving toward two societies, one black one white—separate and unequal." And that to reverse this deepening division "will require a commitment to national action . . . backed by the resources of the most powerful and the richest nation on this earth."

The Urban Coalition's "One Year Later," pointing out that "the nation's response to the crisis of the cities has been perilously inadequate." The building of a better America, the Coalition said, "will require a far greater commitment of our resources and energies."

The Kaiser Commission's study concluded we need a minimum of 6 million new subsidized housing units within the next decade and that unless we fully fund urban renewal and model cities legislation we will be tilting at windmills.

The Heineman Commission's Report on Income Maintenance, which found "severe poverty and its effects throughout the Nation among all ethnic groups . . ." The Commission concluded that "existing governmental mechanisms and institutions are simply inadequate" and recommended a universal income supplements program.

The Report of the National Commission on the Causes and Prevention of Violence. "To establish justice and to insure domestic tranquility," the Eisenhower Commission reported, requires "taking the actions necessary to improve the conditions of family and community life for all who live in our cities." It was the unanimous judgment of the Commission that "the time is upon us for a reordering of national priorities."

Mr. Chairman, I must admit to despair that with our present approach to priorities we cannot even hope to do what needs to be done—it is imperative that we make a conscious choice to turn our productive capacity toward the nation's domestic ills.

The Eisenhower Commission, for example, told us that "this nation is entering a period in which our people need to be as concerned by the internal dangers to our free society as by any probable combination of external threats." Why? Because those millions of Americans remaining outside the main stream of progress now know, on the basis of the great beginning made in 1964 and 1965, that there is a way out. There is a better way to live. They are impatient. I am impatient about our rate of social progress.

A century and a half ago, Alexis De Tocqueville explained the social dynamics of this process. "The sufferings that are endured patiently as being inevitable," he said:

"Become intolerable the moment that it appears there might be an escape. Reform then only serves to reveal more clearly what still remains oppressive and becomes now all the more unbearable. The sufferings it's true, have been reduced, but one's sensitivity has become more acute."

These are not novel observations, Mr. Chairman. They are the simple but stark facts that characterize our national life. The question for men of good will, therefore, is how do we go about changing this picture. We have heard a great deal recently about the need for Congress to create a new committee on priorities. The Policy Council itself has recommended the creation of a Joint Congressional Committee on National Priorities as a first step in a reordering of our priorities.

This could be a helpful first step, but I think we are deluding ourselves if we believe that by simply creating a new congressional committee we will win the political struggle that must accompany a change in direction. A committee on priorities is not a panacea.

In my judgment, what we need to do is find a way to overcome the Congressional roadblocks that grow out of the fragmented authorization-appropriation process and the Nixon Administration's failure to provide presidential leadership. I believe that Congress can do just that by adopting the idea first advanced by the former chairman of the Council of Economic Advisers, Arthur Okun. What I am suggesting is that we automatically earmark a substantial portion of the so-called "fiscal dividend" to priority domestic programs.

The Okun plan has the great virtue of requiring only one political decision by the Congress. That decision is for the Congress to decide that it is necessary to compensate for the marked disparities between authorizations and appropriations for domestic priority programs. The automatic increase in federal revenues generated by an expanding GNP would enable us to fully fund already authorized legislation and present us with an opportunity to undertake a number of new initiatives, including revenue sharing with state and local governments.

On the basis of a 4½% increase in real growth and a 2% price increase, a total rise of 6½% in money GNP would produce, even with the revenue loss from the Tax Reform Act, about $12 billion annually. Some of this revenue growth, of course, would be consumed by "uncontrollable" increases but enough money would be available to undertake a true reordering of our national priorities.

For better than two decades, the Cold War psychology has made us more aware of—and more responsive to—external threats to our national security than to any internal dangers. I believe that we are at a point now in our national life when the myriad of social problems facing the nation threaten to destroy our social fabric. The times demand not merely a greater awareness but a substantially greater response.

As the Eisenhower Commission so rightly pointed out, "it is time to balance the risks and precautions we take abroad against those we take here at home." Having balanced those risks, I am convinced we need to make a major commitment of money and effort toward the solution of our domestic ills. The President's failure to make the difficult but necessary choices to reorder our priorities and free sufficient funds to begin the task leaves the Congress no alternative but the Okun formula.

As a result of replacing the "what is left" approach with a conscious decision to move forward and fund priority domestic legislation, we would require any necessary and justifiable increases in defense spending to be met out of increased taxes. In the past, as I noted earlier, Americans have demonstrated a willingness to shoulder this burden—as long as it is necessary and justifiable. By making the relationship between defense spending and taxes more explicit, I suggest, we are likely to improve defense budgeting practices. Before asking the public to bear additional taxes, we can be certain the President would require the Pentagon to scrutinize its own programs with a view toward eliminating luxury items: Costs overruns would be a thing of the past if the trade-off was increased defense spending or higher taxes.

A periodic adjustment in the priority structure can be made by the Congress. But adequate nutrition, schools, medical care, employment opportunities, housing and a decent environment for all Americans—these important programs should no longer be the subject of presidential whim to be used as tools manipulated for political purposes. These should be placed at the top of our nation's shopping list and kept there until the unfinished business of America is completed and the American dream becomes the American reality.

Statement by Senator Daniel K. Inouye, February 25, 1970

PRIORITIES—HOUSING

During my decade in Washington, those of us in government who wrestle with the enormous problem which each elected member or official must face, generally have sought the best possible solution without regard to party even though in our search we reflected some local or regional bias or point of view. Indeed, many would argue that in the evolution of the politics of this country earlier clear differences and sharp distinctions between parties have disappeared. These differences have now been so "fuzzed up" that some political scientists and others feel there is no ideological choice. The adherents of Governor Wallace on the right, as well as the radical left, insist with equal fervor that there is no significant differences and therefore no real choice, between the Republicans and we Democrats.

Well, I am here today to tell you that there is a difference—an important difference. That difference is one of priorities and of choices. It is a question of the degree of our concern for people—particularly for the people without power, the people without influence—and too frequently the people without hope.

In a sense all government actions are a matter of priorities. All government decisions are a matter of choices.

And it is in this area that this Republican Administration has now clearly demonstrated where its loyalty and concern is directed.

While they have demonstrated their bias in a number of areas it is my purpose here today to give particular attention to what I believe has been their most disastrous area of neglect and the prime victim of their ill-considered policy.

I refer to one of the basic needs of all men—shelter—or what we more commonly refer to as housing.

There has been some talk—some speculation—that we are in the early stages of another Republican recession. Certainly this appears to be a strong possibility. But be that as it may, there is no question but that in the area of housing we are not only in a recession but in a major depression. And there is no question but that this is a Republican engineered depression.

Today we find half of our people—virtually all moderate income families—priced out of the housing market. Housing starts have plummeted from an annual rate of 1.9 million at the time President Nixon took office to under 1.2 million units this current January. This is less than half the number needed if we are to begin to meet the housing needs of our people.

The President's Economic Report clearly indicates this is no temporary condition and that we can anticipate construction of only 10 million units by the end of 1975.

The policies of this Administration, if they are permitted to prevail, will leave us with less than half of the 26 million new units which were found to be needed in the 1968 Housing Act.

Not only is new housing not being built in quantities sufficient to meet our most minimal needs, existing housing is being priced out of reach of a majority of our nations families. This is true whether you rent or buy. In the midst of this housing depression we find unparalleled inflation. The cost of housing—the largest single family expenditure requiring some 26% of the family budget is up more than 10 percent in the last year.

One of the primary costs in purchasing a home is the cost of money. This Administrations tight money policy has resulted in an unprecedented increase in the cost of home mortgages. The average interest rate on new home loans this January was 8.35 percent nationally. In the Western United States it was over 9 percent. And on top of this many a buyer has to pay "points" which further inflate the cost of borrowing money.

Even at these fantastic rates money is not available in sufficient quantities.

And this high cost of mortgage money is an added burden which will afflict the home owner not just today but from now until that distant day, twenty or thirty years hence, when his home is finally paid for. As the Republicans have tightened the monetary screws—as they have increased interest rates—they have particularly increased the costs for long term borrowers such as home buyers.

By the economic decisions this Administration has made, it has denied to millions of Americans a basic right—the right to own a home. The Administration obviously fails to give home ownership, and decent housing, the priority it deserves.

There is little point in engaging in rhetoric about improving our environment if we are going to adopt policies so destructive to man's most immediate environment—his home.

Now I know the President will tell us the policies which have resulted in this housing depression are for the purpose of fighting inflation.

Concern over inflation is neither a new nor a partisan one. The Republican Party Platform of 1968 decried the inflation which, and I quote "robs our paychecks at a present rate of 4½ percent per year". They went on to lament the "crippling interest rates, some the highest in a century, (which) prevent millions of Americans from buying homes and small businesses, (and) farmers and other citizens from obtaining the loans they need."

Without belaboring the point, the situation today is much worse. We can almost talk of the "good old days".

I want you to know that I share fully the President's expressed concern about inflation. And I wish he would take effective action to halt it. For it does rob the paycheck of every working man. It does depreciate the value of every American's savings and that of his insurance policy. Inflation is particularly burdensome, and costly, to those who must exist on fixed incomes, whether it be retirement income or salaries and wages. It is hardest on the least organized and the lowest paid. It is particularly burdensome to farmers and small businessmen who are neither free nor able to see the price for their product or service.

We must all help fight inflation. But this Republican Administration apparently believes otherwise. Increased interest rates, in addition to cut-backs in Federal spending for education, health, and welfare programs, must apparently do the job. A tight money policy is their answer.

While bankers get richer—at an unprecedented rate—those who must borrow suffer increasingly.

Since Nixon's election the prime rate—the lowest rate at which the most secure borrower can get money—has increased 36 percent. We now have the highest interest rate in over a hundred years.

While this Republican Administration increases the burden on the sick, on children, on state and local taxpayers, and on everyone who must borrow to purchase the necessities of life, the bankers and other large lending institutions are experiencing higher earnings, earnings increasing at an unprecedented rate. For example, the First Chicago Corporation, owner of First National Bank of Chicago, reported earnings up a whopping 44½ percent this last year. Bank earning's increases in excess of 25 percent are common.

While the Republican Party talks about the Democrats being spend-thrifts with the tax dollar, this unfettered—indeed government encouraged—increase in interest rates raised the cost of financing the National debt by $1.6 billion dollars in 1969. This is more than the additional amount we attempted to vote for education and health.

And all these costs to Mr. and Mrs. Average American have not only been burdensome but also obviously ineffective in the fight against inflation.

The rate of price rise has increased, not decreased, since the Republicans took over the White House. This past year it was 6.2 percent compared to the 2 percent average during the Kennedy-Johnson years.

Republican efforts have not only been misdirected—they have been accompanied by a failure in Presidential leadership. The President has refused to attack one of the prime contributors to the inflationary spiral. Indeed one of his first announcements after assuming that high office was to give the green light to big industry—to steel, copper, aluminum, automobiles, and other basic industries, as well as to financial institutions, to increase their prices.

He would not take them to the White House woodshed if they increased prices, he said. He would understand that their responsibilities were to their stockholders and to maximizing profits, and not to concern themselves with the effects such self-centered behavior might have on the rest of us. What a contrast to the leadership demonstrated by his predecessors, President Kennedy and President Johnson.

It is here then that we Democrats separate from our Republican counterparts.

How is the bill for fighting inflation going to be paid—and by whom? That is the question. This is where we divide. This is where we differ.

The Democratic Congress hase empowered the President to restrict credit. The Republican President increased the cost of credit instead in his futile efforts to fight inflation. It is time he used the tools which have been provided effectively to halt inflation and to do so without such damaging effects to the housing industry.

While the Department of Housing and Urban Affairs has engaged in some worthy efforts such as "Operation Breakthrough"—I applaud the concept—the Administration economic philosophy and policies have undercut the very foundations upon which any successful housing program must be built.

This Administration is just not spending the money necessary to achieve any breakthrough in the housing field. While our Federal defense research efforts are funded at a $7 billion a year clip, space research at $4 billion, and agricultural research at $600 million, the Department of Housing and Urban Development gets some $20 million.

If we are to solve the housing problem we must have a concerted attack on the problem. It is not just government—but it requires governmental leadership.

We must also get rid of outmoded practices, for in the next 30 years we must build nearly as many units as now exist if we are going to adequately solve our problem.

This includes outdated building codes and practices. While on site labor costs have declined in recent years, I know my friends in Labor will recognize that we cannot afford to permit barriers to more efficient construction to remain in place.

Nor can we afford to insist on the use of outmoded building materials.

The economies of mass production must increasingly become available to this industry. Mobile home manufacturers are currently responsible for one-fourth of the new single family dwelling units constructed. The techniques responsible for their increasing success must become available for other types of housing.

And we need to go beyond the immediate construction of housing to exercise an increased concern for the nature of the communities we build. We see some hopeful signs in new towns like Columbia, Maryland, but this is an area where we lag far behind many Western European countries.

Our bigger problems of community decay, of school segregation, of transportation from home to job, will not be solved unless we plan and build stable integrated communities.

Every major development must be so planned that it is a microcosm of the kind of total community we desire. Only government can do this job.

We must make provision for low and middle income housing in each of our major developments. In the past public housing has meant "barracks for the poor" built in the least desirable part of town. Housing which is the cheapest to build, may indeed, be the most expensive in the long run when costs not directly related to site acquisition and home construction are included.

There are many conflicting claims on the resources—economic, technical, and moral—of government. I know there are other very important priorities to which I understand others have addressed their attention before this body. I do not pose as an expert on the housing problem, but I do know that it is a concern of our people which is heard with increasing frequency. Any cursory examination of the problem will fully document that it is one which will be even higher on the agenda for affirmative action if this Administration's lack of attention and misguided policies are not soon corrected.

Statement by Senator Philip A. Hart, February 25, 1970

Mr. Chairman: Perhaps the greatest bill of goods sold in this country today is that we have a free competitive economy. In fact, there may be no more competition today than 80 years ago when Congress was so shocked by the action of the trusts that it passed the Sherman Act to break them up.

Combines, cartels and illegal price-fixing have not been eradicated. Increasing economic concentration—spurred in large part by the growth of the multi-tentacled conglomerate—now gives the majority of all manufacturing assets to 200 corporations. With this comes the immunities to marketplace demands that giantism endows. The law of supply and demand is further distorted because of the inability of consumers to make rational buying decisions and because of their lack of an appeal to the board room of the corporation which is several times removed.

One estimate is that consumers yearly lose $45 billion because of monopoly pricing. In 1969, that meant eight cents of each dollar consumers spent.

To that waste must be added overpayments because of price-fixing conspiracies. It is thought such conspiracies raise prices by 15 to 35 percent. The total dollar amount for any year could be only "guesstimated." But past experience shows that the sum is probably sizable—and the product range wide.

In Washington state between 1954 and 1964, consumers overpaid 35 million dollars for bread. If the conspiracy had been nationwide for that period, the total sum out of consumers' pockets would have been $3 billion.

Electrical companies paid about one-half billion dollars to settle suits following their price-fixing conspiracy.

Judgments in the plumbing price-fixing cases may go as high as $1 billion, making it the largest antitrust case of all time.

Drug companies offered a $120 million settlement to close out suits against them for price-fixing of antibiotics.

Discovery of an international cartel in quinine and quinidine by the Senate Antitrust and Monopoly Subcommittee brought down prices by 50 percent.

As concerned as all should be about illegal activity which takes money out of consumers' pockets, I hope I can interest you today in becoming stirred up more

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about the structural changes in the economy and the barriers in the way of consumers and small businessmen who would contribute to moving us closer to a free enterprise economy.

We are caught up in the greatest merger wave in history. The result is that in 1968, the 100 largest corporations controlled assets equal to those of the 200 top companies in 1950—and of the top 1,000 companies in 1941. The top 200 companies now control 60 percent of all manufacturing assets. The distasteful democratic and social implications of this increasing concentration of economic power, to me, are self-evident. The impact on competition is still being examined and line-by-line, the book of experience is being written.

But one fact is clear: increasingly the competition which does exist centers on such things as product differentiation or the clever ad—rather than to delivering the best quality at the best price, the hallmark of a competitive system. In fact, I sometimes get the feeling in listening to testimony before the subcommittee that price competition has been moved over to the list of characteristics of "destructive competition" by many businessmen.

It is small wonder that the phenomena of the '60s—consumerism—came about.

Consumerism—like all revolutions—is merely the lava flowing from a volcano of frustration.

Consumers who sought to make the "best buy" in supermarkets, department stores, discount houses, and such were frustrated in not having the proper information to make a rational judgment. Consumers who made purchases were frustrated in attempts to get complaints adjusted. Consumers who bought warrantied products were frustrated by the inadequacy of service. Consumers who responded to clever ads and bought the products were frustrated to find they didn't get what the ad had led them to believe they would.

And beneath it all, was the suspicion that when X-dollars were spent, X-dollars worth of product wasn't received.

In other words, consumers may have been the first to detect that this indeed is not a free enterprise economy. For instead of the buyer being king, he does not—and cannot—make his commands be acted on. At first this awareness was a personal—and a quiet—thing. For consumers, I suspect, were a bit embarrassed to admit that they were not able to cope with the challenge of spending their money wisely.

But gradually awareness grew that the experience was not unique—but universal. Further, introduction of such bills as Truth in Lending and Truth in Packaging gave birth to hope that it was, after all, possible for the little man to fight the big corporations. President Kennedy gave them new spirit when he declared that consumers had rights.

Congress—at least the Democratic portion—ever since has been trying to deliver protection for those rights John Kennedy spelled out. The progress has not been easy . . . nor has there been enough. But I think the ball is rolling and will continue to roll.

However, I'm concerned that we may become so busy with mopping up the lava and building fences to contain it, that we will not get to the more important job of tearing down the volcano of frustration.

It is to this demolition job that I call for dedication from the Democratic party today.

What is needed, I think, is an offensive and defensive team approach.

The defensive role is government's.

First, if we are to enjoy the free enterprise system in a form as close to perfection as humanly possible, government must use the antitrust laws to their fullest in guaranteening a marketplace full of viable, and honestly competing competitors.

The concentration wave must be halted by prohibiting all mergers that may substantially lessen competition—be it in a market, the nation, or the world.

In 1968, there were 192 acquisitions of companies having assets of $10 million or more—these would be the companies in the middle strata, which normally would be viable competitors with the promise of growth. Eighty-nine of those acquisitions were not even casually looked at by either the Federal Trade Commission or the Department of Justice. Yet they were the mergers most likely to hamper competition. In my book each merger involving companies of this size should be examined. To do so will require adequate funding for the antitrust agencies—something they have not had in the past.

Also, careful study must be made of existing concentration to determine where it is hampering competition to the disadvantage of consumers.

Competitive impact must be considered not only when matters are being studied by the antitrust agencies but each time another government agency moves—be it the FCC, the ICC, the FDA or even the State Department. (The latter agency we learned during our investigation had a significant role in aiding the quinine cartel in cornering the world market in the drug.)

The offensive team would be made up of both government and the public—divided into consumers and competitors. When the antitrust laws were enacted as the best means of protecting a competitive system, Congress saw the importance of private enforcement, as a supplement to government actions. Recognizing that government neither could—nor should—be the policeman in every commercial outlet, it encouraged those citizens hurt by unfair or anticompetitive actions to sue for relief. Treble damage provisions were included in the antitrust laws as the carrot on the stick to encourage such suits as well as to provide a deterrent to would-be violators.

Unfortunately, private enforcement has been a disappointment.

This is partly because an antitrust suit is an expensive proposition—discovery costs alone can run $100,000 in an average suit—and the burdens of proof are extremely hard for a private plaintiff to bear.

Obviously, government must ease the path somewhat if it expects assistance from the public bringing such suits.

Several bills which would do this are now pending in Congress—and I urge your dedication to their enactment.

Of most significant impact no doubt would be action to make it easier to bring class action suits—either on behalf of businessmen or consumers commonly injured.

My proposal in this area is to open up enforcement of section 5 of the Federal Trade Act—which flatly prohibits all unfair or deceptive acts in commerce—to private class action suits, by both businessmen and consumers.

Two other bills now before the Senate Antitrust and Monopoly Subcommittee represent the basic philosophy—that private actions are to be encouraged. These would make section 3 of the Robinson-Patman Act a part of the Clayton Act so businessmen could sue for sales at unreasonably low cost. The other could make a judge treat a nolo contendere plea in a government case the same as a guilty plea when considering an ensuing private action. This could alleviate the necessity for the private plaintiff repeating the expensive investigatory work already done by the government.

The other type of help government must give if consumers are to be able to help chip away at that volcano of frustration themselves is a permanent, independent consumer organization with branches in local communities.

My proposal in this area is to establish a federally chartered, independent corporation, the Independent Consumer Council.

The Council would have three functions; to represent consumers' economic interests before governmental agencies; to disseminate product information, and to act as the ombudsman for complaints against government and mediator for product and service complaints against business.

Mr. Chairman, we hear a lot today about the "silent majority." Maybe my mailpile contains different types of communiques than the President's, but I think the silent majority has become quite vocal.

For example, in the past 18 months, the Anitrust Subcommittee has received some 6,000 letters of complaint on auto repair problems alone. One rule of thumb estimate is that those letters represent six million unhappy car owners.

If in fact there ever was a silent majority it was merely because they got tired of yelling into the wind. But the winds are changing—and they are carrying the voices of consumers loud and clear to Congress.

What those voices say is: We want a chance to get our money's worth.

It seems a reasonable request to me and one we should be committed to doing all in our power to answer.

REMARKS OF U.S. SENATOR HARRISON A. WILLIAMS, JR., FEBRUARY 25, 1970

I welcome this opportunity to testify before the Committee on National Priorities of the Democratic Policy Council and commend the Committee for its efforts to evaluate the pressing national problems.

At the outset let me suggest that any evaluation of our national problems and any recommendations that may flow from these hearings must be rooted in two simple, declarative sentences from our Nation's birth certificate:

"We hold these truths to be self evident, that all men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are life, liberty and the pursuit of happiness. That to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed."

As we all recall, the Declaration of Independence has two more structural segments. First, it discusses the need for revolution; and secondly, it recites the litany of abuses attributed to George III of Great Britain.

I do not advocate revolution and I believe that it is not in the Nation's interest to devote time and energy to the fixing of blame on the present administration. Nor do I believe we can afford merely to stake out sound political positions for 1970 and 1972. Rather, we must find workable solutions to the problems that exist now, whether they were created by the current administration, or whether they are the legacy of our Party's years in power.

And let us at least be candid with ourselves—the military-industrial complex was not created on January 20, 1969.

Our national problems are many and varied. They include:

Vietnam;

National Security;

Pentagon spending;

Domestic priorities and the domestic budget;

The economy and taxes including burdensome state and local taxes;

Urban problems, race relations and law and order; and

Civil rights and civil liberties.

Read the newspapers for the last week; our national problems scream out at us.

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VIETNAM

We bomb North Vietnam twice in one week;

We increase bombing in Laos to protect our troops in Vietnam;

We neither increase our rate of withdrawal nor set a date for withdrawal of all our troops;

And the CIA flies missions in Laos.

WASTEFUL PENTAGON SPENDING

ABM, that monstrous chameleon, changes from safeguard to sentinel and the doomsday concept of protecting the population against a Chinese missile strike is resurrected;

And the Pentagon budget continues to rise while defective aircraft fall.

DOMESTIC PRIORITIES AND THE DOMESTIC BUDGET

School budgets are being voted down across the country and we continue an outrageous farm price support program;

The Administration seeks additional billions for aircraft carriers and C–5A's and threatens a second veto of a pared-down education appropriation;

The Job Corps is stripped bare and the promised replacement never materializes.

THE ECONOMY AND TAXES

The economy has changed—we have come around from rapidly increasing prices and a production boom to run-away prices and a productive decline;

We apologetically recognize our tax debt to laboring America and timidly begin to close some tax loopholes.

URBAN PROBLEMS, RACE RELATIONS, LAW AND ORDER—CIVIL RIGHTS AND CIVIL LIBERTIES

We refuse to build our model cities and react with horror to the riots that tear the ghetto down;

We pledge allegiance to the flag and promise liberty and justice for all—but—we subpoena unpublished press reports and intimidate the news media;

We arrest student demonstrators who we've deprived of an effective peaceful voice including 900 peaceful demonstrators in Mississippi who had the bad judgment of being both students and black;

And we indict whole classes by generalized press releases. Each of these areas raises vital concern.

I know you will hear testimony on all of them and I will continue to focus on them as we deliberate on this year's Legislation. Today, however, I wish to focus on one major problem in our society which is approaching catastrophic proportions.

Education.

The inadequate way in which we have dealt with education in the United States reflects not only the confusion of national priorities but also our seeming inability to perceive important means of resolving the difficulties which affect us on an individual basis.

Every American is presently feeling the impact of the continuing rise in prices, high taxes, increasing unemployment, pollution of our air and water, a shortage of decent housing, racial discrimination, the spiralling crime rate, the decline of the central city—to name but a few. Unfortunately, too many of us have failed to understand that our failures to properly support our education system has contributed materially to these problems.

What is it that education can do to cure our ills?

Education can help to wind down the spiral of higher prices by providing us with more automobile mechanics and more doctors.

Adequate federal funds for education will help property owners who can no longer shoulder the burden of increased local taxes needed to support our nation's schools.

And lower taxes can often make the difference between owning a decent home or continuing to live in cramped quarters and in an unhealthy, even hopeless, environment.

Proper training for the jobs of today—and tomorrow—will provide fuller and more productive employment.

A relevant curriculum can produce a better understanding of the extreme dangers of pollution and also train the new personnel needed to clean up the muddy waters and choking atmosphere.

Education leading to the reality of a job will give promise to those who otherwise might resort to a life of crime.

It will provide us with more and better trained law enforcement personnel.

A better understanding of one another should go a long way to counteract the destructive social and economic effects of bigotry.

And an equal educational opportunity for America's minorities and her poor will provide the basis for revitalizing the inner city where they have been forced to live.

Yes—education is in our self-interest. And it is in the interest of our national pursuits.

However, it has not ranked high enough in our national priorities. The blunt truth is that the education system in the United States is on the brink of a dangerous decline. $1.1-billion was earmarked as an additional and vital federal contribution to the support of education in this country.

Yet, the President saw fit to veto that amount and we could not get an adequate consensus in the House to override that veto. And even with a $364-million cut in that amount passed by the House last Thursday, the Administration has threatened to say "NO" a second time.

Nor do we seem willing to follow through on the Constitutional guarantee of an equal education for all our nation's children.

The Stennis Amendment to the Elementary and Secondary Education Bill, by its author's own admission, is intended to result in a delay or disruption of the progress now being made in the elimination of racially segregated, dual school systems. We cannot afford to reap havoc with the advances we have already made in overcoming *de jure* segregation while we strive to find the means to correct *de facto* racial isolation.

Whether we win or lose the controversy surrounding the past and threatened veto of increased education funds there will continue to be a need for local government officials and school administrators to have some degree of assurance that a certain level of federal funds will be forthcoming on a year-in, year-out basis. In addition, there must be some relief to the excessive burden of taxes on the residential homeowner and others in the real property tax base. And that relief must come soon.

In New Jersey and other states, property taxes are the primary revenue source for financing the ever increasing cost of elementary and secondary education. In many localities taxes on the homeowner have reached their maximum. All over New Jersey communities are voting down their school budgets because the individual can no longer afford to pay the sums necessary out of his own pocket. The Mayor of Jersey City has, in great sadness and utter dismay, announced that he will have to close that city's public schools because the property tax base has been saturated and there are no additional funds in sight. Just last week he filed suit to make the State authorities assume the full burden of Jersey City's education system.

To meet this critical and worsening problem in the United States, we must consider the establishment of a permanent method of providing substantial federal support for elementary and secondary education. Only a permanent method will do.

Beginning in 1971 and continuing thereafter on a permanent basis federal grants in aid must be earmarked and made available solely for financing primary and secondary education.

The total amount available for this single purpose would not be determined in dollars but rather by a percentage of the increases in federal revenues collected annually using 1970 as the base year. The percentage might be from 25 percent to as much as 50 percent of all increases in federal revenue depending upon the results of measuring such percentages against estimated needs of our education programs.

These earmarked funds could then be distributed to the States not just on the basis of population but, more importantly, on the basis of the needs which arise in the States.

Of course, this proposal requires further exploration. The Senate has just passed amendments to the Elementary and Secondary Education Acts which go a long way toward providing increased education funds where the needs are greatest. But the crisis we face demands more. The 1971 budget projects that at least $22 billion in increased revenues will be available through 1975 for new initiatives. Furthermore, I hope that Congress will continue to exercise its good judgment in shaping fiscal policy and reduce defense expenditures where they are unnecessary and wasteful. Such action should result in freeing even more funds than are currently projected. We must give careful consideration this year of how we want that money to be spent. The needs of our educational system today should give us a clear indication where we must invest for the future.

The Commissioner of Education, Dr. James E. Allen, Jr., stated recently:

"Unless we take action now to accelerate the pace of reform, to improve rapidly the capability of our educational system to correct the deficiencies, we can only expect the gap between need and performance to continue to widen."

I am in complete agreement. There can be no question that the need is now. Certainly the proper attention to our education system will not solve all of the problems which beset us but the expenditure of our energies in this direction will be a vital expression of our determination that the gap between need and performance must not continue to widen.

We are faced with many urgent problems, education is just one. We must begin if our national priorities are to reflect our commitment to the goals of our national heritage.

RUNNING SPRINGS SIXTH GRADE STUDENTS CONDUCT POLLUTION-PRIORITIES POLL

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 1970

Mr. BROWN of California. Mr. Speaker, as part of my efforts in the crucial struggle for environmental quality, I have recently asked many Californians their views on a number of key questions relating to this overall issue.

Members of the sixth grade class of the Running Springs, Calif., elementary school also used my questionnaire as the basis for a classroom poll. As their class secretary, Lisa Aldinger, notes in her letter to me:

> We believe your questionnaire will make more people think about the problem . . . we all should be more aware of what's happening.

I agree with Lisa, and I am glad to see

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these young citizens taking such an interest in public affairs.

Because I think that the poll done in the Running Springs sixth grade reflects a keen appreciation of current issues, I am inserting into the RECORD the results of the poll and the ordering of priorities as gaged by these students.

The poll follows:

RUNNING SPRINGS ELEMENTARY SCHOOL,
Running Springs, Calif., February 4, 1970.

Hon. GEORGE BROWN,
Federal Office Building,
Los Angeles, Calif.

DEAR MR. BROWN: Our teacher made copies of the questionnaire you sent to our parents about the environment. We all filled one out. We totaled our answers. You might like to know how we think about your questions.

Our class is very concerned about what's happening to our environment. We believe your questionnaire will make more people think about the problem . . . we all should be more aware of what's happening.

Sincerely yours,
LISA ALDINGER,
Class Secretary.

SUMMARY OF ENVIRONMENT QUESTIONNAIRE

1. Do you favor proposals to ban the internal combustion gasoline engine unless it meets stringent exhaust emission standards?

Yes	14
No	6

2. Do you feel that the oil companies and automobile manufacturers should be required to act more quickly to solve the problems of air pollution?

Yes	11
No	9

3. Do you favor a Federal Regulatory Commission on Environmental Quality?

Yes	19
No	1

4. With 95% of the 8,000 miles of the nation's shoreline in private hands, do you favor stronger government efforts to regulate shoreline use, in order to substantially increase the amount of beach property available for public use?

Yes	13
No	7

5. With the state's open spaces increasingly filled by urban sprawl and unplanned development, would you support stronger government efforts to regulate use of undeveloped open spaces, including advance acquisition of land for public use?

Yes	13
No	7

6. Would you support a complete ban on all Federal offshore oil drilling except in national emergency?

Yes	16
No	4

7. Do you favor much stronger governmental efforts to educate the public as to the problems of over-population?

Yes	15
No	5

8. What do you consider the national priorities for 1970?

RANKING OF PRIORITIES

1. Pollution, 2. Vietnam, 3. Crime, 4. Education, 5. Inflation, 6. Urban Problems, 7. Other (population, poverty, drugs), 8. Taxes.

9. Do you approve of the students of this room being given the opportunity to express their opinions through this questionnaire?

Yes	20
No	0

XUM

HIGH INTEREST RATES

HON. ALBERT GORE

OF TENNESSEE

IN THE SENATE OF THE UNITED STATES

Friday, March 6, 1970

Mr. GORE. Mr. President, I am concerned about the problems that current high interest rates are creating in our economy. Many people I represent are being sorely pressed by unreasonable, artificially high interest rates.

I have repeatedly urged President Nixon to exercise the powers available to him to bring interest rates down to a reasonable level. Aware of this problem, Congress passed a bill last year conferring unprecedented power on the President. The President still has not acted. People who have money borrowed or who need to borrow are being severely and unfairly hurt. Homeowners, the housing industry, people who wish to buy or build a home, and State and local governments are bearing the brunt of this inaction.

The analysis I have made of the high interest rate problem and my efforts to roll interest rates down has struck a responsive chord with the citizens of Tennessee. The man on the street understands the source of the problem, he understands who is being helped and who is being hurt by high interest rates.

The homebuilding industry is in a recession as a result of the administration's high interest-tight money policy. I have been advised by the president of the Nashville Home Builders Association that in January, single-family housing starts dropped 37 percent from January 1969. This disastrous situation, Mr. President, is the direct result of the policies of the administration.

Nor is the situation improved by loose talk by administration officials. The Secretary of the Treasury has been saying in the recent days that lower interest rates may be closer at hand than most people realize. It is encouraging that the distinguished Secretary is devoting some thought to this matter, however belated. I sincerely hope he is right.

But, Mr. President, homebuilders need more than vague hopes and wishful thinking. Statements like that of Secretary Kennedy, without followup action, just make the situation worse for the housing industry.

Mr. President, home buyers and homebuilders need concrete help. And they need it now. We need action from the administration to lower interest rates—not crystal ball gazing. Mr. President, Mr. Reese L. Smith, Jr., president of the Nashville Home Builders Association, sent the following telegram to Secretary Kennedy that graphically describes the problems created for the housing industry by the administration's hands-off policy on high interest rates.

> Single family housing starts in Nashville dropped by 37% in January over last year. This came after FHA-VA interest rates were increased in early January to produce more houses. Your statement last week that time may be closer at hand than most people realize when record high interest rates may begin to decline is vague and misleading while we in the Nashville housing industry want and seek lower interest rates. History has shown that permanent long term mortgage rates have never declined appreciably and that waiting for them to decline will cost the home buyer more because of the constantly increasing prices of land, labor, and materials. We of the Nashville Home Builders Association feel your statement should be retracted or you should use sound reasoning and timing for a reduction in long term permanent mortgage rates. Therefore the public should be informed after the interest rate is cut and speculation on future cuts should be halted. This is a great disservice to the buyer and builder when speculation is freely given without any foundation.

Another Tennessean has written me:

> Consideration and legislation compelling the lowering of interest rates on home loans has been suggested in Congress. Obviously this is an essential step that must be taken for the American public.
>
> It is hopeful that you will succeed in this effort.

I have also been pointing out to the administration that high-interest rates fall on those who can least afford them—working people trying to buy homes, veterans struggling to reestablish themselves in civilian life, small businessmen who badly need to borrow working capital, and small investors.

One Tennessee small businessman wrote me:

> We have been promised easing of interest rates by a half dozen men, either directly or indirectly connected with the Government. How long are we expected to live on promises? . . .
>
> It's time there were some actions taken on interest rates. If something is not soon done, there won't have to be a worry about budgets or anything else in my opinion. Things are worse than most economists and bureaucrats can see, and in most cases, that's no further than the end of their nose.
>
> I urge a stand against Federal Reserve and do something constructive about interest rates.

Another Tennessean, in a recent letter to me, has painted a vivid picture of the heavy burden the high-interest rates impose on our farmers:

> We want to thank you for the good work you have done and are doing and plan to do for the poor and needy people of Tennessee and elsewhere. Especially do we want to thank you for the stand on the high interest rate the poor people are having to pay on their purchased homes and the burdens placed on small farmers who are forced to borrow money to finance their farming operation. It seems that the high rate of interest is making the rich people richer and the poor people poorer. An example: My son is a dairyman trying to get out of debt for land and dairy equipment. Now he is forced to build a new dairy barn, buy more cows and some dairy equipment and pay the bank 8 per cent interest for the required money.
>
> Please keep up your fight for a lower rate of interest for the low income people.

Young people suffer disproportionately from high-interest rates. In recognition of this fact, the people of Marshall County, Tenn., have petitioned members of the Tennessee delegation for support of legislation fixing a maximum interest rate of 6 percent on GI loans. I ask consent that this resolution be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. GORE. Mr. President, I have warned that consumers are also suffering under the administration's do-nothing policy. One Tennessee resident wrote me:

> I hope you will continue to speak out each day against the present tight money policy.
>
> I see no reason to hurt people with these high interest rates. It will not stop the rise in prices because businesses are going to raise prices in order to make a profit.
>
> It is like you have said, the banks and big businesses are making big profits and the average working people are paying both the high prices and high interest.

The Tennessee General Assembly has by resolution also brought home another fact—that State and local government programs are casualties of high-interest rates. I ask unanimous consent to insert in the RECORD at the conclusion of my remarks a joint resolution of the Tennessee House of Representatives and Senate memorializing Congress to consider enacting uniform, nationwide maximum rates of interest.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. GORE. Mr. President, the bankruptcy of the administration's policy is reflected in the inability of local governments to provide badly needed services that our citizens are entitled to. In 1969, the first year of the Nixon administration, 509 issues of local government bonds went unsold because of high-interest rates. These issues represented $2.9 billion worth of streets, police and fire protection, pollution control facilities, and schools that our people needed but had to forgo.

Tight money and high interest are invoked as a weapon to curb inflation. But the man in the street can see the fallacy in this specious reasoning. I am inserting in the RECORD a copy of a letter I received from a respected Tennessee businessman who states:

> In my opinion, tight money has failed to do what it is supposed to . . . to stop inflation. Actually, it is increasing cost rather than reducing . . . Credit, wage and price controls should be the answer rather than tight money.

Mr. President, I am gratified that administration officials are finally addressing themselves to the high-interest rate problem. Dr. Paul W. McCracken, Chairman of the Council of Economic Advisers, and Dr. Arthur Burns, newly appointed Chairman of the Federal Reserve Board, both testified on high-interest rates in hearing before the House Committee on Banking and Currency.

Chairman McCracken specifically spoke to the problems faced by the housing industry. Unfortunately Dr. McCracken's testimony shows how slowly the administration is awakening to its responsibility to bring interest rates down. For, in listing the causes of the problems of the housing industry, Chairman McCracken lists high-interest rates as last on a list of five items.

Mr. President, this just does not square with what Tennessee homebuilders have been telling me. Nor does it square with the facts. First in Dr. McCracken's list of housing ills is the rising costs of construction. These costs have gone up—but not nearly as much as interest rates. According to the Bureau of Labor Statistics, labor and material costs constituted only a slightly larger proportion of overall homebuilding costs in 1969 than they did in 1949—38 percent as compared to 36 percent. But financing costs have doubled as a proportion of total building costs—10 percent in 1969 compared to only 5 percent in 1949.

So, Mr. President, the President is still ducking the hard fact that he must employ the powers at his disposal to bring interest rates down if the homebuilding industry is to recover. In this connection, I was distressed to see that Dr. Burns is still counseling against use of the powers to control interest rates that Congress bestowed on the President last year.

EXHIBIT 1

RESOLUTION

That Marshall County, Tennessee hereby goes on record as favoring Federal and State Legislation for Military Personnel in the Viet Nam War, whereby a favorable interest rate, not exceeding 6% may be passed by the Congress, and/or the State Legislature, for G.I. Loans for said Veterans, and any supplement above this 6% rate, to be supplied by State or Federal Authorities, if any.

That the Congress and the State Legislature be so respectfully petitioned, and that certified copies of this Resolution be presented to our United Senators, all Tennessee Congressmen, the member of the General Assembly representing Marshall County, Tennessee and the County Courts of Tennessee.

Adopted this 12th day of January, 1970.

R. S. CLARK,
County Judge.

State of Tennessee, Marshall County.

I, Frank Hardison, clerk of the county court, do hereby certify the foregoing to be a true and correct copy of the resolution as adopted by the quarterly county court, at its regular January, 1970 meeting January 12, 1970.

This 12th day of January, 1970.

FRANK HARDISON,
County Court Clerk.

EXHIBIT 2

HOUSE JOINT RESOLUTION NO. 48

(By Lacy Neese)

A resolution to memorialize the Congress of the United States to consider enacting uniform, nationwide maximum interest rates

Whereas, money flows with relative rapidity from one state into another and back again, since financial transactions are not limited by imaginary state boundaries, and

Whereas, the price of money, or interest that is the charge for the use of money or credit varies widely from state to state and may vary according to the type of loan or according to the class of lender; and

Whereas, such variations often result in unhealthy competition between states for capital, as interest rates are fixed higher and higher to lure outside capital, thus contributing to and increasing an inflationary trend; and

Whereas, this would not be the case if there were a nationwide uniform interest rate, with perhaps different rates being provided for different types of loans or credit;

Now, therefore, be it resolved by the House of Representatives of the Eighty-Sixth General Assembly of the State of Tennessee, the Senate Concurring, That the United States Congress is urged to give serious consideration to enacting uniform, nationwide maximum interest rates for different classifications of loans or lenders or both.

Be it further resolved, That a copy of this Resolution be forwarded to the President of the United States and to each member of the Congress from Tennessee.

Adopted: January 28, 1970.

WILLIAM L. JENKINS,
Speaker of the House of Representatives.
FRANK C. GORRELL,
Speaker of the Senate.

Approved: Jan. 30, 1970.

BUFORD ELLINGTON,
Governor.

HON. JAMES B. UTT

HON. HOWARD W. ROBISON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 1970

Mr. ROBISON. Mr. Speaker, I wish to add my own tribute to those of my colleagues who have, heretofore, marked the passing of our friend, James B. Utt, who after 17 years of dedicated service in this body has now gone "home."

All Members of this House feel the loss of Jimmy Utt most deeply. He may have been short of stature, but he was a big man in so many other ways—the possessor of a faith that knew no bounds, of a sense of commitment to the values that made this Nation great in a degree that, by today's standards, was remarkable, and of that kind of loyalty—to his State and Nation, as well as to his friends—that made him as loved as he was respected.

This is not to say that there were not those who disagreed with him. No one who was as fiercely independent of mind as he—or who clung as stubbornly as he did, sometimes all by himself, as it seemed, to his basic beliefs and convictions—could operate always in an atmosphere of sweet consensus. But even those who disagreed most violently with some of his views and attitudes inherently understood that they were founded upon an unquestionable integrity and soon learned that, underneath, Jimmy had the kindest of hearts and the most gracious of spirits.

I suspect that it will be for such admirable facets of his personality that he will be best remembered—along with his unpretentiousness and his endearing and sincere friendliness; for such traits, and for the devotion to his legislative and congressional duties that marked every day of his life here—as well as for the warmth of his smile—and not for the fact that his convictions sometimes led him to stand almost alone among us.

The latter fact we shall remember, too, for such an example of independence and individualism has become rare in an age when the urge to "go along" and the desire to find an easy consenus has seemed to become the model for our conduct.

But it still is as a friend—and a dear friend, at that—that I shall remember Jimmy Utt; and it is as such a friend that I shall miss his presence.

Mrs. Robison joins me in expressing our deepest sympathy to Mrs. Utt, and to their son and grandchildren.

DEATH OF A GREAT ILLUSION

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 1970

Mr. DERWINSKI. Mr. Speaker, the question has been properly raised as to whether education is, in fact, automatically advanced by compulsory racial quotas in which busing of students is involved. The obvious administrative problems and cost are, of course, evident and now it is becoming more obvious that education is suffering. Therefore, an editorial in the Wednesday, March 4, Chicago Tribune is, I believe, of great significance. It follows:

DEATH OF A GREAT ILLUSION

Sixteen years after the Warren Supreme court's decision that compulsory racial segregation in the public schools is unconstitutional, it has been recognized, suddenly and almost by national consensus, that compulsory integration is an impossible dream. Not only southern conservatives but northern liberals and Negro civil rights leaders now oppose busing or other means of compulsion to effect integration, for the simple reason that it will not work.

Some ideological zealots are wringing their hands and weeping lugubriously about this. Tom Wicker of the New York Times, for instance, accuses the Nixon administration of selling out to the southern segregationists in one of his lamentations, which concludes: "Poor old Union! Its great and generous dreams falling one by one to dusty death."

We think this apocalyptic view of the failure of integration is preposterous. Recognition of its failure has come with such a shattering impact upon the proponents of integration for integration's sake because they were wrong, not only in assuming that it was feasible but also in their insistence that education in all-Negro schools is necessarily inferior. We agree with the National Observer that it is a gross insult to the Negro race to say, as many white liberals do, that it is necessary for black children to attend school with whites in order to get a good education.

This false premise has adversely affected public education, particularly for Negroes. As Dr. Kenneth B. Clark, the distinguished Negro psychologist, has said, the fundamental question of quality education "because more and more obscured if not ignored" as controversies and conflicts over desegregation increased in frequency and intensity.

Official acknowledgment that integration has failed came when the Senate, with the support of some northern liberals, passed an amendment by Sen. John Stennis of Mississippi to an education bill, providing that federal guidelines for integration must be applied uniformly thruout the country. This would abolish the distinction between segregation in the south, resulting from laws long ago held unconstitutional by the Supreme Court, and segregation in the north, resulting from residential patterns. Both the Senate and the House have passed education bills with anti-busing provisions.

Sen. Abraham Ribicoff (D., Conn.), a liberal, accused other liberals of hypocrisy in trying to compel the south to do what could not possibly be accomplished in northern cities. He noted that when black enrollment in the schools reaches a certain point (some say the "critical mass" is about 30 per cent), the whites move away and the schools quickly become resegregated.

So far the Supreme court and most of the lower courts have failed to take note of the obvious fact that integregation in cities with large Negro populations is a physical impossibility. Even Robert H. Finch, secretary of health, education, and welfare, an ardent integrationist, has condemned "confusing and misguiding" court decisions, including "totally unrealistic orders for busing on a massive scale to fill racial quotas.

We believe the "freedom of choice" principle is the answer to this problem. Any pupil would have the right to attend any school of his choice, but not necessarily to be bused there. Some southern states accepted this principle, but the lower courts rejected it as a subterfuge to evade integration and the Supreme court refused to review their decisions.

Last Oct. 29, the Supreme court said it was time for "every school district to terminate the dual system at once and to operate now and hereafter only unitary schools." Freedom of choice is the essence of the unitary school principle. The Supreme court has held that racial discrimination is unconstitutional, but it has not held that integration is compulsory. When it recognizes that compulsory integration is impossible, as it must, perhaps we can expect greater efforts to improve the quality of education in all the public schools.

SURPRISE. SURPRISE. DOINGS ON POSTAL REFORM—INJUN STYLE

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 1970

Mr. DULSKI. Mr. Speaker, the brave warrior is back in the picture on postal reform again.

Although twice beaten and nearly scalped, he is venturing forth onto the battlefield once more.

And what is he carrying? The same old shopworn plan for allegedly attempting to reform the postal service.

Oh yes, maybe he has changed a word or two, here and there, but the philosophy is the same—and just as unacceptable.

Working behind a smokescreen, he and his leader claim they are trying to save face for this great white father. An offer to smoke a loaded peace pipe. But their offer is transparent.

The warrior comes forth while his leader's grandfather—whom I happened to meet today by chance—expresses complete bafflement at what the issue is all about. The warrior and the leader are trying desperately to save a hopeless situation.

At the 11th hour they now have summoned the leader's grandfather to try to pull the leader's chestnuts out of the fire.

On the other hand, the leader's counterparts are ready to let the leader go down the drain to his destruction all by himself, a self-charted fate. They are convinced the leader is willing to let his own family and associates be massacred to save his own neck.

Meanwhile, the fires are burning briskly around the tepees. The other warriors are in rebellion, completely confused by the rehashings, perplexed by the misrepresentations, and annoyed at the repeated rabble-rousing war dances.

The picture is clear to me—if not to some others. I want postal reform—but not "injun" style where everyone gets scalped, especially the American public.

ADDRESS BY HON. GERALD R. FORD

HON. WILLIAM S. MAILLIARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 1970

Mr. MAILLIARD. Mr. Speaker, the distinguished minority leader made a most important and informative address last Wednesday at the annual meeting of the Shipbuilders Council of America, which I commend to the attention of my colleagues. The text of Mr. GERALD R. FORD's speech follows:

ADDRESS BY REPRESENTATIVE GERALD R. FORD AT THE ANNUAL MEETING OF THE SHIPBUILDERS COUNCIL OF AMERICA, AT WASHINGTON, D.C., MARCH 4, 1970

Perhaps longer than most of you in this room, I have known your President—Ed Hood. I remember him when he was John Marshall Butler's right hand on Capitol Hill, and have since observed many of his activities here in Washington on your behalf.

Thinking of him, I also remember an event, seven or eight years ago, in which I had a part, which vitally affected our nation's private shipyard industry. At that time, I was serving as a member of the Defense Appropriations Subcommittee of the House Appropriations Committee, and the matter of distribution of naval ship repair work between Navy yards and private yards came before us.

If I recall correctly, the Navy yards were then receiving 80 per cent of this work, and there was considerable feeling among members of the Subcommittee, as well as within your industry, that an 80/20 per cent split was disproportionate. After much debate, a 65/35 per cent ratio was enacted by the Congress, and I am told that formula has been followed very closely ever since.

This episode clearly establish the advantage of lower costs in commercial shipyards—an advantage which has subsequently been translated into additional revenues for your industry, not only in terms of naval ship repair work but also in terms of a much greater volume of new naval ship construction.

That single event, more than any other until recently, did much to reestablish a peacetime direction for our private shipyard industry, at a time when a new direction was needed. This fact, I am afraid, is not generally appreciated. But, I can tell you, the advocates of naval shipyards, even today, shudder at the mention of 65/35.

So as it is I am no stranger to your industry, and you might say that we gather here today as old friends.

I very much appreciate this opportunity to address your 1970 Annual Meeting for it seems to me that your industry, your workers and your suppliers are about to experience a new era of attention and activity.

For too long, there has been no cohesive or intelligible national policy on shipbuilding. There has been no long-range commitment on the part of the national Administrations. There has been no leadership at the top.

In the recent past, the Johnson and Kennedy years could hardly be cited as illustrations of national leadership in the development of effective programs to produce the ships our country so urgently needs for commerce and national defense. The watchword of those times seemed to be: let someone else

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handle this later; meanwhile, create the illusion that something is being done.

The accrual effects of such a deceptive policy can be monumental, and, in the case of shipbuilding, the impact has been both short and long range. Short range, the evidences are not hard to find: Our naval and merchant fleets are largely composed of vessels 20 years of age or older and replacement programs have been grossly inadequate. On a long-term basis, the omissions of the past have created a much larger problem for today and have multiplied the cost of solution.

By comparison, if we look at Japan we see a dramatic example of the continuous employment of a clear direction in shipbuilding in pursuit of a firmly stated national policy.

In the late 1940's and early 1950's, we exported to Japan a shipbuilding technology which had been developed under the pressures of a war emergency of staggering proportions. During World War II, we learned how to produce ships in quantity through the application of good old American ingenuity. The merchant and naval ships built in our shipyards, not only for our own purposes but for those of our allies, were the medium to victory.

But, flushed with the joy of victory, we were apparently not smart enough or visionary enough to apply the body of shipbuilding technology evolved in those difficult years under difficult circumstances to our own peacetime pursuits. On the other hand, the Japanese took the concepts we developed, at great cost to our own treasury and substance, and "ran with the ball."

A nation virtually annihilated in 1945, its manufacturing centers literally destroyed, its merchant marine ruined, its spirit shattered, Japan has reestablished itself in the 1960 decade as one of the world's leading industrial powers. Its shipyards today produce half the world's shipping tonnage, nineteen times as much annually as do the American yards which built the fleet that once destroyed them. To reach this prominence in world shipbuilding, Japan has perfected and expanded techniques which were American born and bred.

This point, too, I fear, is little appreciated.

Many times in recent years, I have heard the charge made that American yards should copy their Japanese counterparts, whereas, in point of actual fact, it is they who have copied our shipbuilding know-how and made good use of it. How unfortunate it is that there have been—and still are—those, in and out of government, who have either not taken the time to discern this fact or who just plain don't want to recognize anything good about American shipbuilding. These misguided souls—and all of us—could learn much from what has taken place in Japan.

Historically, there has been a close relationship between the Japanese government and the maritime industry of Japan. Since 1950, there has been an even closer relationship between the Japanese government and the shipbuilding industry of Japan. This has meant that there has been what some might call a "paternalistic" attitude on the part of the government toward the shipyard industry, and, in turn, the industry has been, and is, very responsive to the views of government even though those views are often not expressed in laws and sanctions.

In consequence, the integrity of government and the initiative of private industry have been combined to assure that shipbuilding remains a strong factor in the national economy and trade balance of Japan. In matters relating to world shipping, every move, every action of the Japanese government is pointed toward increasing market penetration for Japanese shipyards. There has been no meaningless palaver, no deliberate procrastination, no time-consuming charades such as took place in this country during the decade of the 1960's. There is a fixed national purpose that Japan will take a back-seat to no other country where shipbuilding is concerned.

Japan has long held to the policy that programs to expand domestic shipping resources as well as export opportunities should be pursued for the specific purpose of promoting domestic shipbuilding as a function of national affluence. This policy has been formulated and executed with a high degree of cooperation between government and shipyards—cooperation which does not now exist on the same scale anywhere else in the world. The marketing of shipbuilding capabilities is accomplished with substantial promotion, encouragement and support from the Japanese government. That support, it should be noted, takes many forms—direct and indirect—all pointed toward the marketing, financing and completion of ship construction contracts in Japanese shipyards.

The United States has a long way to go in this direction. But, fortunately, a meaningful and promising beginning has been made by President Nixon.

He has proposed that, in the national interest, our naval forces should always be second to none.

He has proposed that, in the national interest, our merchant marine should be rehabilitated and capable of carrying a substantial portion of our nation's trade and commerce.

To accomplish these objectives, a great many new ships must be built, and he has said they will be built in American shipyards by American workers—in the national interest.

I am certain Ed Hood has reported to you on the details of legislation to implement President Nixon's proposals, which is now before the Congress. I will therefore not go into this facet of the current situation on Capitol Hill other than to say that the legislation has considerable bi-partisan support and a good chance of being passed by both the House of Representatives and the Senate in the very near future. The Congress in 1970 has an obligation to act before adjournment.

On the House side of the Capitol, Congressman Eddie Garmatz, Democrat from Maryland, and Congressman Bill Mailliard, Republican from California, are actively supporting the President's program as ranking members of the Committee on Merchant Marine and Fisheries. Within the Appropriations Committee, Congressman John Rooney, Democrat from New York, and Congressman Frank Bow, Republican from Ohio, share similar sentiments with respect to the urgency of improving our nation's maritime/shipbuilding posture.

On the Senate side, Senator Warren Magnuson from Washington, and Senator Russell Long from Louisiana, both Democrats, are working toward this same goal along with Senator Norris Cotton of New Hampshire and Senator John Tower of Texas, both Republicans.

There are many others, on both sides of the political aisle, and I am encouraged by the favorable reactions of virtually all of my Congressional colleagues to President Nixon's proposed merchant marine program. I am told it incorporates cost-saving features which you, the shipyards, have advocated for many years. I also understand that your industry has accepted some very hard challenges imposed by this program, and it is refreshing to know that American shipyards are willing to stand up and be counted.

I fully realize that the proposed Nixon program will not become a reality overnight—or in a matter of a few months. Even after the pending legislation is enacted, the needed money must be forthcoming from both government and private sources. The arrangement of shipyard contracts and the actual construction of ships will take more time. But, it is important to recognize that, unlike his predecessors, President Nixon is providing that quality of top leadership so essential if the United States is to have, once again, a merchant shipping capability commensurate with our strategic and commercial requirements.

I further realize that the development of a U.S. shipbuilding industry equal to that of Japan demands far more than upgrading of shipyards, standardization of building practices, institution of automation and other conditions. It requires a firm policy determination that the shipbuilding industry of the United States will be integrated with other national endeavors to take proper advantage of geography, ingenuity, technology, manpower, organization and resources to guarantee the well-being and security of all of our people. That is the thrust of President Nixon's commitment. And that is also the thrust of my commitment as I transmit my thoughts to you at this, your annual meeting.

RAMBAM TORAH INSTITUTE STUDENTS FAVOR STRONG GOVERNMENT ACTION TO HALT POLLUTION

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 1970

Mr. BROWN of California. Mr. Speaker, I believe that the overwhelming voice of the people should serve as a guide for Government action in critical areas such as environmental quality.

In an effort to ascertain just how the public feels about many key pollution issues, I recently sent a questionnaire to many California residents.

Response to my questionnaire has been very encouraging, and as the results become available, it appears that the majority of concerned Californians want stronger Government efforts in the search for environmental quality.

Since my questionnaire was sent out, I have heard from a number of groups and individuals that they have adapted my questions for their own use.

For example, Mrs. Stephen Schloss is chairman of the social studies department of the Rambam Torah Institute of Yeshiva University in Los Angeles.

Some 60 students at Rambam Torah Institute answered the questionnaire, given them by Mrs. Schloss, and as you can see from the tabulation shown below, they indicated a definite bias for more active Government action to achieve a clean and healthy environment.

I am enthused by this response by the Rambam students, and I hope that we here in the Congress can move toward the type goals they favor.

I now insert in the RECORD a tabulation of the poll results by the Rambam Torah Institute students, along with their ranking of national priorities for 1970.

The material follows:

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TABULATION OF RESULTS—RAMBAM TORAH INSTITUTE OF YESHIVA UNIVERSITY, LOS ANGELES

	Yes	No	No answer
Do you favor proposals to ban the internal combustion gasoline engine unless it meets stringent exhaust emission standards?	44	15	1
Do you feel that the oil companies and automobile manufacturers should be required to act more quickly to solve the problems of air pollution?	59	1	0
Do you favor a Federal Regulatory Commission on Environmental Quality?	46	8	6
With 95 percent of the 3,000 miles of the Nation's shoreline in private hands, do you favor stronger Government efforts to regulate shoreline use, in order to substantially increase the amount of beach property available for public use?	42	15	3
With the State's open spaces increasingly filled by urban sprawl and unplanned development, would you support stronger Government efforts to regulate use of underdeveloped open spaces, including advance acquisition of land for public use?	41	14	4
Would you support a complete ban on all Federal offshore oil drilling except in national emergency?	34	23	3
Do you favor much stronger Government efforts to educate the public as to the problem of overpopulation?	46	14	0
Do you approve of the citizens of this State being given the opportunity to express their opinions through this questionnaire?	59	1	0

RANKING OF NATIONAL PRIORITIES FOR 1970 BY RAMBAM TORAH INSTITUTE STUDENTS

1. Vietnam.
2. Pollution.
3. Inflation.
4. Crime.
5. Education.
6. Urban Problems.
7. Taxes.
8. Others.

DOLLARS—NOT WORDS—NEEDED FOR MEDICAL EDUCATION

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 1970

Mr. TEAGUE of Texas. Mr. Speaker, well over a year ago—to be exact—on February 3, 1969, I wrote to HEW Secretary Robert Finch about developing a plan for the full utilization of Veterans' Administration hospital resources in helping solve the medical manpower crisis. On February 24, 1969, Secretary Finch acknowledged my letter but nothing else happened. Having received no further reply or any indication of interest on the part of the Secretary as to using the vital resources of the VA hospital system to help solve the "crisis," I wired Secretary Finch on June 5, 1969, reminding him again of the Veterans' Affairs Committee interest. On July 10, 1969, a special press conference was held at the White House with Secretary Finch present, the essence of which decried the "massive crisis" in the delivery of medical care—citing shortages of doctors and other medical personnel and predicting "a breakdown in our medical care system which could have consequences affecting millions of people throughout this country," unless the "crisis" is met within the next 2 to 3 years.

Mr. Speaker, so far as I can determine, little if any support has come from the administration to fully utilize VA facilities for medical education purposes. As a matter of fact the contrary appears to be true. The VA is being forced to absorb a substantial wage increase and part of these funds are being taken from the education program.

The 1971 budget submission for the Veterans' Administration calls for 49,000 trainees, an increase of about 3,600 over fiscal year 1970 in the medical education program. From information which this committee has assembled, it appears that with proper funding beginning in 1971 the VA could, over the next 6 to 10 years, train almost 90,000 trainees in all major medical manpower areas. So far as I can determine, there have been no substantive advances made to further involve the VA in helping solve the "massive crisis" which the President said he was so concerned about last July.

In fact, it appears that in fiscal year 1970–71, VA may invoke a "freeze" on VA hospital house-staff funds. Just a few days ago I received a most alarming letter from Dr. Robert Munsick of the University of New Mexico, indicating that this medical school and others will be forced to cancel contracts already made to hundreds of interns and residents because of the VA freeze on house-staff funds. If this is true, patient care for our Nation's veterans will certainly suffer and medical education for many young doctors and interns will be further inhibited because the Veterans' Administration medical program is not being properly funded.

Furthermore, Mr. Speaker, I cannot rationalize such action with what the President's Chief Health Adviser, Dr. Roger O. Egeberg, said in an article which appeared in U.S. News & World Report on February 23, 1970. When asked about the Nation's No. 1 health problem and how to solve it, he said in part, "In the first place, we need just sheer numbers of people; 50,000 more physicians than we have now, almost 150,000 more technicians." The lack of action by the administration to take advantage of what VA has to offer in the field of medical education is incomprehensible.

Mr. Speaker, I have asked the Chief Medical Director of the Veterans' Administration for a complete report on the reported "freeze" and our committee will explore this situation further when we hold hearings on the VA medical program in the near future.

Mr. Speaker, the letter from Dr. Robert Munsick of the University of New Mexico School of Medicine follows:

THE UNIVERSITY OF NEW MEXICO,
SCHOOL OF MEDICINE,
Albuquerque, N. Mex., February 27, 1970.

Hon. OLIN E. TEAGUE,
House Veterans Affairs Committee,
Washington, D.C.

DEAR REPRESENTATIVE TEAGUE: I am writing to you regarding a matter of the greatest urgency. This concerns the announcement that there will be a freeze on VA Hospital house-staff funds for Fiscal Year 1970–71.

Veteran patients and we at the University of New Mexico School of Medicine, and others at medical schools everywhere where there is a VA affiliated program will suffer the most dire consequences if this freeze is upheld. The reasons follow:

1) In many areas, services for VA Hospitals are expanding. To provide optimal medical attention for the patients, intern and resident care is required for these patients. The freeze will preclude staffing and necessitate limitation of care.

2) To train more physicians and fill the medical manpower gap, VA Hospitals are being utilized by medical schools for more housestaff and medical student education. With the freeze, this will be impossible, and the national desire for greater medical and para-medical manpower will be frustrated.

3) We and many other medical schools have already committed to hundreds of prospective residents and interns, *by contract*, position for next year which require salaries from the VA. If we are forced to welsh on our promises, our program will be wrecked for years to come. These contracts have been offered in good faith, with annual verbal commitment of adequate funds from the VA Central Office, *next year included*.

That the VA should now, at this late date, arbitrarily rescind this commitment would be absolutely unconscionable, despicable and dastardly.

You will note that I am an Obstetrician-Gynecologist—hence, I have no direct interest in the Albuquerque VA Hospital. We do have such a stake in our VA Hospital program and developing medical school programs, though, that I fear no one would be unscathed by this unprecedented, untimely and ill-fated move. I beg you and your Committee to study the circumstances of this decision and to reverse it if humanly possible.

Yours sincerely,
ROBERT A. MUNSICK, M.D., Ph. D.,
Professor and Chairman.

SAVING THE INTERCITY TRAINS

HON. HOWARD W. ROBISON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 1970

Mr. ROBISON. Mr. Speaker, for several years now, I have been greatly concerned over the increasing loss of rail passenger service—which has now left my congressional district completely without such service.

There is no question but that our Nation's railroads need help in maintaining and even recreating adequate intercity passenger service and defining needed intercity corridors for this service. We have done just about all we can now to aid our highways and airways, and it is past time for us to help an ailing industry that should be able to provide us with a convenient, safe, and reliable alternative to air and highway travel.

I am well aware of the struggles of both the Senate Committee on Commerce and the House Committee on Interstate and Foreign Commerce to come up with a legislative solution to this problem, for I have several bills pending in the House committee at this time. I am also pleased to note the interest the administration is taking in this area, and

I am hopeful that an acceptable plan will soon be forthcoming.

In an effort to add some needed perspective to this issue, I am inserting in the RECORD an excellent editorial from the Wall Street Journal of March 3 entitled "Saving the Intercity Trains," and I respectively call it and the need to attack this problem, to my colleagues' attention:

Just about everyone agrees that most intercity trains will soon disappear unless the Federal Government does something to assure their continuation. So far, however, rescue proposals are making slow progress.

Why? Well, one reason is that transportation of all kinds is only one of many problems competing for shares of the nation's resources. Within transportation, moreover, the intercity trains probably rate lower priority than urban mass transit.

The way some metropolitan areas have become clogged with cars, about the only alternative to usable mass transit is walking. Between most cities, by contrast, other alternatives do exist: Airplanes and buses, in addition to private cars.

So there is reason to give a good deal of hard thought to how much the Federal Government should spend on intercity trains, and to just what that money would buy. The fact that some people within the Administration appear to be giving such thought may explain why the Transportation Department's "Railpax" plan has yet to be endorsed as the Administration proposal.

Under Railpax a quasi-public corporation would be set up to operate a network of intercity trains deemed essential. The plan would provide $40 million in Federal grants and $60 million in Federal loans over the next three years.

Before it became entirely clear what that money would buy, the Budget Bureau rejected the idea, presumably on economic grounds. But Transportation Secretary Volpe later said he still expects approval, so the future of Railpax depends first on the outcome of a dispute within the Administration.

Even if the plan finally gets White House approval, it will still have to compete with an alternative being drafted by a Senate Commerce subcommittee. This plan probably would be more costly than Railpax, at least initially.

Under the Senate group's tentative proposal, the Transportation Secretary would designate the intercity routes and equipment that would make up a "national rail passenger system." The Government then would cover 80% of the railroads' losses on operating the routes, with subsidies set at up to $60 million a year.

It is doubtful that the railroads would be pleased with such a plan, since they've generally opposed any subsidy that would not pay all their losses. And their losses on passengers, while a subject of controversy, have undoubtedly been substantial.

Critics, and there are many, argue that the railroads have set out to drive away passengers by deliberately downgrading service. There's no question few railroads love passengers (who enjoys losing money?). Yet it may be doubted that even fine equipment and service would bring passengers rushing back to the rails everywhere.

The Metroliners, operating between Boston, New York and Washington, have shown that a market for intercity service exists in congested metropolitan corridors. The high-speed trains make the trips just about as fast as airlines, when travel time to and from airports is added, and their fares also are competitive with planes. They have been running about 75% full and are often sold out.

In other similar areas there probably could be similar service, which eventually should not require a Federal subsidy. When planners go beyond potentially profitable runs, though, they should pick and choose with extreme care.

It is hard to see justification, for instance, for preserving much service over very long distances. No matter how much rail buffs, like ourselves, prefer trains to planes, the airlines' time savings are sure to bring them the bulk of the long-haul passenger traffic.

Keeping priorities and costs carefully in mind, then, some sort of Federal intercity train program probably is reasonable. Still, the nation must be careful not to waste scarce resources on services that most of its citizens no longer want or need.

YOUNG PALO ALTO STUDENTS WRITE ABOUT THE ENVIRONMENT

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 1970

Mr. BROWN of California. Mr. Speaker, I am not surprised that so many young Americans hold such strong views about environmental issues. After all, the decisions we make today concerning the environment will shape the world they must live in—and if we fail to halt pollution now, their world may be a shambles.

Recently I asked many Californians their views on a number of environmental issues, and I have been pleased to find that teachers throughout the State have employed my questionnaire as a basis for their own classroom work dealing with the environment.

One of these teachers is Mrs. Margarett Killingsworth of Palo Alto, Calif. Mrs. Killingsworth's fifth graders at the Ohlones School in Palo Alto have written me a quite analytical series of letters expressing their feelings about environmental issues.

The points they raise, the questions they ask, the solutions they call for, make me proud of these young students. But, today, the burden is upon us, and we must act now to stop pollution.

Halfway measures, procrastination, and rhetoric only add to the problem. These fifth grade students demand action: What are we going to do?

At this point, I am inserting the letters from Mrs. Killingsworth and the Ohlones School students in the RECORD, and I urge my colleagues to read them and then act accordingly.

The letters follow:

PALO ALTO, CALIF., *February 2, 1970.*

Congressman GEORGE BROWN,
Federal Office Building,
Los Angeles, Calif.

DEAR CONGRESSMAN BROWN: Your routine questionnaire, which I received, resulted in some interesting experiences. My 5th graders had been reading stories concerning early trappers who had no concern for the future, and about the establishment of Yellowstone as the first National Park. When I introduced your questionnaire as an answer to "what, or who, is the government," these young, concerned future citizens asked to write to you. The results are included for your enjoyment and enlightenment.

Errors in spelling, grammar etc. can be forgiven because the thoughts, feelings, and genuine interest expressed by these 10 year olds should shame that "silent majority" and its government which is failing them.

As their teacher I feel a sense of pride in them and hope for their future if we only listen and "let a little child lead us."

Most sincerely,

(Mrs.) MARGARETT KILLINGSWORTH.

OHLONES SCHOOL,
Palo Alto, Calif., January 30, 1970.

Congressman GEORGE BROWN,
Federal Office Building
Los Angeles, Calif.

DEAR SIR: I'm writing because I'm concerned about conservation, two things especially, San Francisco Bay being polluted. I guess I'm concerned with the San Francisco Bay because my friends mother is trying to save the Bay. Soon there will be a big famine and and to get more food we will then make more pollution and if we make more pollution we won't have air to breath or water to drink.

My dad's a doctor specializing as an obstetrician and thats why I'm concerned with birth control. Over population is the main problem. As you probably know, scientist have feared that if people, like rats live to close together they will destroy each other.

I don't expect you to stop these problems alone but just to know that I care.

Yours truly,

JENNIFER BOL.

OHLONES SCHOOL,
Palo Alto, Calif., February 2, 1970.

Congressman GEORGE BROWN,
Federal Office Building,
Los, Angeles, Calif.

DEAR CONGRESSMAN BROWN: I am in the fifth grade and am concerned about conservation and pollution. Just walking home from school isn't so fun when a bus comes along. Even when it's gone just try to breathe, it's not very easy (doesn't smell too good either. I've had the experience.

I'm pretty convinced that most pollution comes from cars, and factories too. I've spent enchanting afternoons watching great clouds of steam and smog puff from factory chimneys. Man's made a big mess, and if he doesn't clean it up, man himself will become extinct, along with every other living thing. I wouldn't mind horses and buggies instead of cars and buses. How can I help stop pollution? Please answer my question and send some information about pollution.

Yours truly,

LISA STANZIANO.

OHLONES SCHOOL,
Palo Alto, Calif., February 2, 1970.

Congressman GEORGE BROWN,
Federal Office Building,
Los Angeles, Calif.

DEAR CONGRESSMAN BROWN: I'm writing because I don't like having so many polluted lakes and rivers. I don't like having polluted air and I won't live in a big dome. I know we do need cars for a lot of things but we would live longer with out them. It would be all right to ride horses and donkeys. And for long trip to places like New York we could have steam cars or cars that charge up over night or something like that. If somebody is afraid of horses and donkeys there will always be bicycles.

Sincerely,

HOLLY VAN DERIET.

OHLONES SCHOOL,
Palo Alto, Calif., January 30, 1970.

Congressman GEORGE BROWN,
Federal Office Building,
Los Angeles, Calif.

DEAR CONGRESSMAN BROWN: I am interested in the questionnaire you sent out; my teacher got one.

I think air pollution should be stopped as soon as possible. I think it is mean that man

XUM

is destroying nature's balance. I think this land should be protected.

Maybe someone should change the law so that the gasoline and oil would be kept out of the water so the wildlife will live longer. Many lifes of animals would be saved if the water and air were better.

The second thing I want to say is that the Vietnamise War should be stopped soon—so all our men don't get killed.

Would you please write back if possible?

Truly yours,

JANE WOODWARD.

OHLONES SCHOOL,
Palo Alto, Calif., January 30, 1970.
Congressman GEORGE BROWN,
Federal Office Building,
Los Angeles, Calif.

DEAR CONGRESSMAN BROWN: I am writing to you because my teacher received a questionnaire which brought up a discussion in our class. My parents are concerned with the Foothills of Palo Alto.

I think that the federal government should do something about the oil off Santa Barbara, because only about 7% of the nations beaches are open to the public anyway! I feel that there should be more beaches open to the public, simply because there are over 200,000,000 people in the U.S.A.

I also feel that the auto manufacturers should be required to do something about internal combustion although I don't really know what.

Hope you win for us.

Sincerely,

JOHN TRAPNELL BYRNE.

OHLONES SCHOOL,
Palo Alto, Calif., February 2, 1970.
Congressman GEORGE BROWN,
Federal Office Building,
Los Angeles, Calif.

DEAR CONGRESSMAN BROWN: I have lived on this earth 11 years I would like to live a full life and die around 75. But if people keep using the earth like we are thousands of other kids and I won't make it passed twenty-five. I think we should ban the internal combustion engines. We should do some work on electric motors. My idea of an electric motor is to have a strip of copper that has electric currents running through the copper and the cars have pick-ups and run by gears which turn the wheels.

I think the oil companies and the automobile companies should act right now to stop air pollution if the world wants to live a long life.

I think the citizens of the U.S.A. should have a committee of Federal Regularity Commission on Environmental Quality.

I feel the government should control land spaces more so that the people will have more area for recreation.

Sincerely yours,

BRUCE CHRISTENSEN.

OHLONES SCHOOL,
Palo Alto, Calif., January 23, 1970.
Congressman GEORGE BROWN,
Federal Office Building,
Los Angeles, Calif.

DEAR CONGRESSMAN BROWN: I am interested in the conservation of animals and the forest and that is why I am writing. In my letter I will be talking to you about the things of my concern.

In my class we have been talking about the special groups preserving animals and forest land that we might not have today if someone had not been concerned. I would like to know more about these groups and where they are in the United States. I think we have more groups like these.

I am also concerned about the conservation of air and water. I hope you and the Congress will do something to help support these groups.

Yours truly,

DAVID.

OHLONES SCHOOL,
Palo Alto, Calif., January 30, 1970.
Congressman GEORGE BROWN,
Federal Office Building,
Los Angeles, Calif.

DEAR CONGRESSMAN BROWN: I read your questionnaire about stopping and putting an end to pollution. It was very good. When I grow up I shall design cars, and they won't have any air intake.

That is the trouble that causes pollution by the car. Now it has to intake and outtake on the pistons and if you put a good filter on it, it would stop the pollution.

It's a good idea to have gas and oil companies act more quickly to solve the pollution problem. And I hope you are senator in the California primary.

Sincerely,

PAUL H. BENJAMIN.

OHLONES SCHOOL,
Palo Alto, Calif., February 2, 1970.
Congressman GEORGE BROWN,
Federal Office Building,
Los Angeles, Calif.

DEAR CONGRESSMAN BROWN: I am a student at Ohlones School and am writing to you concerning air pollution.

I am very concerned with it. Besides writing to you about air pollution, I am also writing to you about water pollution. For instance, at the Great Lakes, the fish in Lake Erie are just floating around on the water dead because of the water pollution.

I saw a television program and it showed huge factories just pouring out smoky, polluted air. It made me sick to just think I was breathing some air like that. After a storm I feel so good to breathe some fresh air.

I hope you can do something about the pollution.

Yours truly,

KIM WELTON.

OHLONES SCHOOL,
Palo Alto, Calif., February 2, 1970.
Congressman GEORGE BROWN,
Federal Office Building,
Los Angeles, Calif.

DEAR CONGRESSMAN BROWN: I am a student at Ohlones School and interested in stopping air pollution. I don't think that large factories should pollute the air. My 5th grade reading class has read a few stories on how people hate air pollution so much. I also think that oil companys should stop causing oil slicks. The slicks kill many, many animals. If the air pollutes much more we won't have beautiful blue skies anymore. Our world will become gray and ugly.

Yours Truly,

SUSAN CASTLE.

OHLONES SCHOOL,
Palo Alto, Calif., January 30, 1970.
Congressman GEORGE BROWN,
Federal Office Building,
Los Angeles, Calif.

DEAR CONGRESSMAN BROWN: I'm writing this letter to you because I am interested in the questionnaire you sent people.

In school we are studying about conservation. Your questionnaire fit into what were studying. I think it was a good idea to send it out. I am concerned about pollution, over population and the rest of things on the questionnaire you sent out. I am lucky that I'm getting a good edjucation but some people don't have one. I think something should be done about it. Some of the older people don't do anything about the pollution so I am glad you are trying to do something about it. I think the reason that some of the older people don't do anything about it is because they won't be around when the earth is polluted so much that people will be living under the ground and in domes. They are also too busy with politics and other things. I am glad to see that you are interested in the way other people feel about these kind of things.

Sincerely,

MIKE WITTE.

PALTO ALTO, CALIF., *January 29, 1970.*
Congressman GEORGE BROWN,
Federal Office Building,
Los Angeles Calif.

DEAR CONGRESS BROWN: I am writing to you from my school. I live in Palo Alto and I am ten years old. Our class is studying conversation, and my teacher brought your questionaire to school. These letters are coming from a fifth grade class. Our book is bold journeys. Most of our parents are interested in keeping Foothills Park from being polluted. Our teacher gave us our possibilities for the future if something isn't done. She said that instead of looking out the window and seeing wildflowers and beautiful greenery, we will have a dome over the cities, and I think that we will not be able to have aquariums (and by then at the rate we're going there won't be any fish if you ask me). We won't be able to go to the aquariums on weekends, or do anything with anything that lives under water. Since my brother is allergic to fur and feathers, I devote most of my time to wildlife. So naturally I would not like to see anything done to it. I hope you can do something.

Sincerely,

ANNE PIERCY.

OHLONES SCHOOL,
Palo Alto, Calif., January 30, 1970.
Congressman GEORGE BROWN,
Federal Office Building,
Los Angeles, Calif.

DEAR CONGRESSMAN BROWN: I am writing to you because I want to know more about what you are doing. I also am interested in the Monterey and San Francisco bays. My dad is with the Sierra Club and is working to preserve our Foothills in Palo Alto.

I would like to know the answers to these questions; are you planning on keeping up your fight against pollution? How long have you been in the fight against pollution.

My name is Doug Morris. I am ten. I would appreciate it very much if you wrote back.

Sincerely,

DOUG MORRIS.

OHLONES SCHOOL,
Palo Alto, Calif., January 30, 1970.
Congressman GEORGE BROWN,
Federal Office Building,
Los Angeles, Calif.

DEAR CONGRESSMAN BROWN: I am concerned about animals. People like animals and there are too many getting killed. All over fish are getting killed because of water pollution. People have been taking animals for pets and there are not many left. Soon there may not be a enough food for the animals, so they might attack humans.

Maybe you can help save animals.

Yours truly,

BURT YARKIN.

OHLONES SCHOOL,
Palo Alto, Calif., January 30, 1970.
Congressman GEORGE BROWN,
Federal Office Building,
Los Angeles, Calif.

DEAR CONGRESSMAN BROWN: My teacher told us about conservation and all the pollution in California. She told us that in Berkeley about 1,000 fish were killed because of pollution. The water was so polluted people couldn't even swim or water ski in the water.

Is it true that the air is so polluted in San Francisco it will reach Palo Alto and be so bad we wouldn't be able to breathe?

Yours truly,

DAVE MCKENNA.

OHLONES SCHOOL,
Palo Alto, Calif., January 30, 1970.
Congressman GEORGE BROWN,
Federal Office Building,
Los Angeles, Calif.

DEAR CONGRESSMAN BROWN: I feel that the lakes and beaches that are polluted should be cleaned out so you can swim in them and fish can live. I think that if there is an oil slick, that you should freeze the water and scrape off the oil. Cars should be used for a different purpose and we should use a type of car that looks sort of like a roller coaster, or something like it.

Yours truly,
PHILIP GOLDWORTH.

OHLONES SCHOOL,
Palo Alto, Calif., January 30, 1970.
Congressman GEORGE BROWN,
Federal Office Building,
Los Angeles, Calif.

DEAR CONGRESSMAN BROWN: I think air pollution is a great problem in California. There should be a law against polluting the air. Electric cars or cars that don't have exhaust should be made. Filters should be made to clean factory smoke.

Oil drilling should be stopped in or close to beaches, and the government should buy more beaches and open them to the public and have a FEW private beaches.

Yours truly,
WALTER CONTI.

OHLONES SCHOOL,
Palo Alto, Calif., January 30, 1970.
Congressman GEORGE BROWN,
Federal Office Building,
Los Angeles, Calif.

DEAR CONGRESSMAN BROWN: I would like to talk about pollution in our country because, the thing people dump into our lakes, beaches and in all big know water areas the beach and water is dirty. My parents say that everywhere there is some polluted air and water. Just think if you were a fish somewhere it is polluted you wouldn't like it! So I hope everyone will try to stop pollution. I hope Congressmen will try to do something.

Yours truly,
GEORGE ROSS.

OHLONES SCHOOL,
Palo Alto Calif., January 30, 1970.
Congressman GEORGE BROWN,
Federal Office Building,
Los Angeles, Calif.

DEAR CONGRESSMAN BROWN: I'm writing because of all the problems in water today. Millions of fish are dying every day just because a few people don't give a darn about conservation.

Take Lake Tahoe for instance! In the late thirties you could catch a fish 20 inches long. Now the only thing you can catch is a TIN CAN! The whole lake is becoming full of boat exhaust and raw sewage. I hope you can help the fish and game.

Yours truly,
HENRY BROWN.

OHLONES SCHOOL,
Palo Alto, Calif., January 30, 1970.
Congressman GEORGE BROWN,
Federal Office Building,
Los Angeles, Calif.

DEAR CONGRESSMAN BROWN: I'm writing because I'm concerned about today's problems.

I'm very concerned about air pollution and polluted water. So many lakes and rivers are polluted. I am also interested in the questionnaire you sent out. My family got it and we discussed the questions.

I think we should able to look toward our future and not be worrying about these things. I don't want to live in a dome city and wear gas-masks. Living in a dome city would not be fun. If we lived in a dome city we couldn't see our relatives.

A lot of animals' lives could be saved if air pollution were stopped. We need cars for a lot of reasons, but they cause most pollution. Instead of cars we could use horses and steam-engine cars. I think that the car manufacturing company should start making steam-engine cars.

Thank you for your time.
Sincerely,
STACEY TAYLOR.

OHLONES SCHOOL,
Palo Alto, Calif., January 30, 1970.
Congressman GEORGE BROWN,
Federal Office Building,
Los Angeles, Calif.

DEAR CONGRESSMAN BROWN: I am writing to you about the air pollution because I am thinking of people's lives.

The air is getting so bad that people may die. When I get older, other people and I may be wearing air masks or living in dome cities, which will not be too fun. There are about 15 more years of air left. If we live in dome cities we may never see our relatives again, but we may die still if we live in dome cities because pretty soon there would be no air left for the cities.

I think that something should be done now about the cars and trucks to help stop the pollution. We could ride horses or bikes to work or school.

Well thank you for your time.
Sincerely,
DINA MONICA.

OHLONES SCHOOL,
Palo Alto, Calif., Jan. 30, 1970.
Congressman BROWN,
Federal Office Building,
Long Angeles, Calif.

DEAR CONGRESSMAN BROWN: My teacher received one of your questionnairies we were discussing it. I think you should make more public beaches because there is about 93 percent private beaches and only about 7 percent public beaches. I think more land and beaches should be given to the public for recreation.

Thank you for your help.
Yours truly
MIKE WINKLER.

OHLONES SCHOOL,
Palo Alto, Calif., Jan. 30, 1970.
Congressman GEORGE BROWN,
Federal Office Building,
Los Angeles, Calif.

DEAR CONGRESSMAN BROWN: I am in the fifth grade. I am quite concerned about pollution and getting rid of it.

It is very important to get rid of all forms of pollution. I would say (having done a report on it) that air pollution is caused mainly by cars and factories. If man doesn't hurry up and clean up the mess he's made every living thing will die.

Do you know if there is a plan going on to stop pollution in the San Francisco Bay Area? Is there anything I could do to help stop pollution?

Please write back and answer my questions.

Sincerely,
SHARON GREEN.

OHLONES SCHOOL,
Palo Alto, Calif., January 30, 1970.
Congressman GEORGE BROWN,
Federal Office Building,
Los Angeles, Calif.

DEAR SIR: I live in the Santa Clara Valley and I am concerned about the air pollution in California. Sometimes on a sunny day I try to look out across the bay but I can't see the other side because of the air pollution. How could we stop pollution?

I also know that many lakes and bays are polluted.

If we did try to stop pollution would we have to stop factories and manufacturing cars or is there something the companies can be made to do?

Yours truly,
BEV NORDIN.

OHLONES SCHOOL,
Palo Alto, Calif.
Congressman GEORGE BROWN,
Federal Office Building,
Los Angeles, Calif.

DEAR CONGRESSMAN BROWN: My name is Randy Martin and I am in the fifth grade at Ohlones School in Palo Alto, California.

We have been talking about conservation and pollution. I think the following things would help the pollution problem:

1. Limit factory wastes.
2. Improve ways of controlling the pollution that is caused by factories.
3. New ways should be invented to make car exhaust less.
4. Do away with all outdoor burning of trash.

I hope this problem can be solved soon.
Yours truly,
RANDY MATRIN.

OHLONES SCHOOL,
Palo Alto, Calif., January 29, 1970.
Congressman GEORGE BROWN,
Federal Office Building,
Los Angeles, Calif.

DEAR CONGRESSMAN BROWN: My teacher brought your questionnaire to school. We talked about it and decided that our reading group would write a letter and tell you what we feel about the questions.

My feelings are that we should have gas companies and car companies do something about air pollution. When I grow up it might be hard to breath and people will cough a lot. I grew up in Santa Barbara and always went to the beaches. Now our family never goes swimming there. And lots of sea life is being killed by the oil. I think that's terrible! I think we should start protecting the wild life and all the greenery. The trouble is where has it all gone? The world is not going to have enough food by killing all the fish and animals dying because they can't live in their natural environment. I think there should be something done soon!

Sincerely,
DENISE DANIELS.

NCAA AND ECAC—THE BLIND LEADING THE BLIND

HON. ROBERT N. GIAIMO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 1970

Mr. GIAIMO. Mr. Speaker, I have condemned on several occasions the National Collegiate Athletic Association for placing Yale University on athletic probation for 2 years. I need not restate my reasons. My previous remarks on this subject and the letters, newspaper articles and columns, and other documents which I have placed in this RECORD show beyond doubt that Yale was punished only because it was caught in the middle of the outrageous power struggle between the NCAA and the AAU.

Apparently blinded by its own quest for athletic dominance, the NCAA displayed its ignorance, arrogance, and lack of fairness in its arbitrary punishment of Yale. I suppose that ignorance, arrogance, and lack of fairness, when practiced for so long, become habit; the NCAA, therefore, is guilty of bad habits.

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if nothing more. Cowardice, however, is another matter. That trait was exemplified by the Eastern College Athletic Conference, the largest allied athletic conference in the NCAA, when it rubber-stamped the NCAA action by also placing Yale on probation.

The ECAC had no excuse, Mr. Speaker. It knew that the NCAA decision had been vigorously protested in this body, in the press, and by thousands of concerned Americans both in and out of sports. It knew that Yale students were being used as pawns in a power struggle. It knew that the NCAA was ignoring its responsibility to represent the best interests of individual college athletes and their schools. It heard an outstanding presentation by Yale officials of the reason why Yale defied the NCAA ban on Maccabiah basketball. Still, Mr. Speaker, the ECAC chose to ignore the NCAA's abrogation of responsibility to its students and voted to follow blindly with a punitive measure of its own.

In previous statements, I blamed NCAA actions on an "arrogant hierarchy." Now, however, I am not so sure. It may well be that the arrogance and blindness shown time and again by NCAA leaders have now infected the entire structure of intercollegiate athletics. I pray that this is not the case, for if it is the primary purpose of amateur athletics will eventually be subverted.

Whatever the reason, the ECAC action was a senseless and tragic example of the misuse of power. Furthermore, it showed once again the great need for a thorough investigation of the structure of intercollegiate athletics in this country. The resolution introduced by our colleague, the gentleman from Illinois (Mr. MICHEL), and me, along with 24 cosponsors, would create a select committee to conduct such an investigation. I urge again its prompt enactment.

Mr. Speaker, I wish to insert in the RECORD at this point an excellent column by sportswriter Tim Horgan which appeared in a recent issue of the Boston Herald-Traveler. I urge our colleagues to note the statement in this column which says "Any college's first obligation is to its students, not to whatever organizations it might belong." This is the crux of the matter, Mr. Speaker. This is why Yale is right and should not have been punished.

The text of Mr. Horgan's outstanding column is as follows:

PAWNS IN NCAA FEUD: ECAC FAILS STUDENTS BY ITS ACTION

(By Tim Horgan)

The ECAC was quite right yesterday in placing Yale on probation for 15 months. But otherwise, it was incredibly wrong.

The ECAC's action was justified because it is a card-carrying member of the NCAA. And Yale had violated an NCAA rule prohibiting American college students from playing basketball in the Maccabiah Games last summer.

The ECAC was otherwise wrong, however, because the rule was a bad one, if not downright immoral. And the 190 member colleges of the ECAC have no right to force their students to submit to a bad rule, particularly one perpetrated by an off-campus agency.

Any college's first obligation is to its students, not to whatever organizations it might belong.

By kowtowing to the NCAA, the ECAC not only has compromised itself as an organization, but each of its member colleges has failed all of its students.

The NCAA rule is a bad one because it was passed for a notorious reason. Walter Byers, the NCAA's executive director, stated as much in a letter to Dr. Gaylord P. Harnwell of Penn, last summer.

Byers explained that the NCAA Council had barred all U.S. college students from playing basketball in international competition because the NCAA thus hoped to force the AAU to give up control of amateur basketball in the U.S.

Why does the NCAA want to control amateur basketball in the U.S.? I don't even know that it has the right to tell non-collegians when and where they'll play the game.

But that's the least of the questions raised by this affair.

The critical issue is why the ECAC colleges felt obliged to obey the NCAA at the expense of their own students?

There was nothing wrong with the Maccabiah Games. The NCAA allowed athletes in every other sport to take part in them, although that doesn't prove much either.

Langer certainly suffered no physical, moral, mental or other harm by playing in Israel. On the contrary. He got a worthwhile educational experience.

The NCAA simply intended to use the college students as pawns in its preposterous fight with the AAU. And for any college to condone this is, to my mind, insufferable.

Yet, Yale is the only college that stood up to the NCAA. Yale made its reason abundantly clear, too, not only through athletic director Delaney Kiphuth's 11-minute speech to the ECAC yesterday.

Yale Pres. Kingman Brewster, Jr., also wrote to the academic heads of every ECAC college not long ago, and told them:

"We think the NCAA has badly misused its powers in this controversy, and that the ECAC should condemn the NCAA rather than Yale."

Of course the ECAC should have. But instead it followed the NCAA as blindly as a flock of freshmen.

The worst part of it is that the ECAC doesn't deny that the NCAA rule is wrong. The 154 colleges which voted yesterday to punish Yale did so merely because Yale had stepped out of line. And the boys believed that, as administrators, they had to uphold law and order at any price. I can understand a little better now why our campuses are in an uproar.

I think it's frightening that Yale was the only ECAC college with the courage and intelligence to understand what's at stake here and to try to do something about it.

What's at stake is the right and duty of a college to protect its own students from being exploited. I don't know how any college can go about doing that now.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 1970

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,400 American prisoners of war and their families.

How long?

HOUSE OF REPRESENTATIVES—*Monday, March 9, 1970*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

So we do not lose heart. Though our outer nature is wasting away, our inner nature is being renewed every day.—II Corinthians 4: 16.

Eternal God, whose paths are mercy and truth and who dost endeavor to lead Thy children to the heights of righteousness and peace, we come to Thee seeking light upon our way, strength for our tasks, wisdom to see clearly, and the courage to do what ought to be done for the well-being of our country.

Help us to live this day with joy and peace, without stumbling and without stain, because Thou art with us and we are with Thee. May the labor of these hours be in accordance with Thy holy will and for the good of all our people.

Come, O Lord, like morning sunlight,
Making all life new and free;
For the daily task and challenge
May we rise renewed in Thee.

Amen.

THE JOURNAL

The Journal of the proceedings of Thursday, March 5, 1970, was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment a concurrent resolution of the House of the following title:

H. Con. Res. 527. Concurrent resolution relating to the enrollment of the bill H.R. 13300.

The message also announced that the Senate had passed a bill and a concurrent resolution of the following titles in which the concurrence of the House is requested:

S. 3339. An act to authorize the Public Printer to fix the subscription price of the daily CONGRESSIONAL RECORD; *and*

S. Con. Res. 55. Concurrent resolution authorizing the printing of additional copies of Senate Report 91-617, entitled "Organized Crime Control Act of 1969".

The message also announced that the Vice President, pursuant to Public Law 82-414, appointed Mr. ERVIN, Mr. FONG, and Mr. THURMOND as members of the Joint Committee on Immigration and Nationality Policy.

PALISADE, COLO.—FRESH AIR UNLIMITED

(Mr. ASPINALL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ASPINALL. Mr. Speaker, I take great pride in paying recognition to the town of Palisade, Colo., which also happens to be my home. In a day when the major emphasis is being placed upon clean water and clean air, I find it a most refreshing moment to be advised by the Colorado Department of Public Health, that Palisade has gone on record as having the lowest level of pollution in the air of the 46 cities and towns evaluated. I agree with Cal Queal's statement:

> Denverites really serious about going out for a breath of fresh air would do well to drive to Palisade.

I will take the liberty to extend that invitation to my fellow Members of Congress.

An article from the Palisade Tribune of February 20, 1970, follows:

> In last Sunday's Denver Post, in a section on environment of the West, Cal Queal substantiated what most of us have known for years, that Palisade is a pretty special place in which to live.
>
> Some residents who have been smarting under the anti-pollution laws, especially the no-burning phase, can take comfort, and pride, in knowing that Palisade has less pollution in the air than any of the 46 cities and towns measured by the Colorado Health Department.
>
> Under the Colorado Air Pollution Control Act of 1963, state ambient air control efforts start when the air filters of the high-volume air samplers, turn up particles at a rate of more than 90 micrograms per cubic meter of air. Palisade had 22—lowest in the State.
>
> Downtown Grand Junction had 94. Pueblo was high with 198. Denver at 14th and Tremont had 158, Arvada and Fort Collins had 155, Loveland 154, Rifle 150, Colorado Springs 125, Greeley 118, Boulder 104, Sterling 100 and Aurora 97.
>
> Fruita, La Porte, Glenwood Spgs., La Junta and Canon City had under 90.
>
> As Cal Queal put it, "Denverites really serious about going out for a breath of fresh air would do well to drive to Palisade . . ."

TEXAS RUBY RED GRAPEFRUIT

(Mr. DE LA GARZA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DE LA GARZA. Mr. Speaker, the people of south Texas, the area I am privileged to represent, have a habit of sharing the good things of our region with less fortunate residents of other areas. We do this not to provoke envy on their part but simply to make them aware that there can be—and is—a paradise on earth.

In line with this custom it is my pleasure to have delivered today to each Member of the House and Senate a six-pack box of Texas Ruby Reds—the finest grapefruit produced anywhere in the world. This taste treat for Members is made possible through the courtesy of the Texas Valley Citrus Committee.

I appreciate the cooperation of the Superintendents' offices and the House pages in delivering the Texas Ruby Red grapefruit to Members.

STATEMENT BY YABLONSKI BROTHERS

(Mr. HECHLER of West Virginia asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HECHLER of West Virginia. Mr. Speaker, I was privileged to attend a news conference on Friday, March 6, at which Kenneth J. and Joseph A. "Chip" Yablonski, Jr., issued a statement and answered questions on recent developments in the United Mine Workers of America, including the election investigation report of the Department of Labor.

The full text of the statement by the Yablonski brothers follows:

STATEMENT OF KENNETH J. AND JOSEPH A. YABLONSKI

Yesterday, the Federal Government took a giant step toward eliminating the corruption and tyranny within the United Mine Workers of America. By filing a suit to upset the election and by the statement he issued yesterday, the Secretary of Labor has indicated that what we have been saying about this union and its election for the past ten months is true. Our Dad believed that the election was stolen from him and he said that millions—literally, millions—of dollars were being misappropriated from the union's treasury to bankroll Boyle's reelection. Some people dismissed his claims as "wild speculation" and the Federal Government which repeatedly refused to even investigate his many serious allegations refused to intervene to prevent the needless squandering of mineworkers' dues and the theft of the election.

Although the Labor Department reports it devoted 40,000 man hours to this investigation, little is contained in the papers filed with the Court that we did not spoon feed to the Department—most of it well in advance of the election. But there is one area of new information in this material which deserves comment. Our Dad's political power base was Western Pennsylvania (Districts 2, 4 and 5), Ohio (District 6) and Northern West Virginia (District 31). Papers submitted in connection with the Secretary of Labor's suit show an enormous influx of UMW International funds into these areas during the election year:

1967	
District 2	$330,000
District 4	35,000
District 5	140,000
District 6	5,000
District 31	60,000
Total	570,000

1968	
District 2	315,000
District 4	50,000
District 5	180,000
District 6	30,000
District 31	81,000
Total	656,000

1969	
District 2	480,000
District 4	120,000
District 5	360,000
District 6	115,000
District 31	252,000
Total	1,327,000

Now, it is apparent that the UMW cannot justify these increases in "loans" to these areas; no supporting receipts or vouchers are available, we are told. The Secretary is going to compel the UMWA to institute a proper accounting system. This, of course, comes too late to recover the money contributed by hard-working miners and illegally spent by the UMWA officers. At any rate, we sincerely hope that the federal government will not conclude that its job is ended here.

In other areas of federal law, where records or supporting documents are required to be kept by law, and they are not produced, this failure or refusal is regarded as *prima facie* proof of fraud or misuse. Once the UMWA LM Reports for the calendar year 1969 are filed—they should be filed at the end of this month—we are certain that further proof of embezzlement and misappropriation of funds will be disclosed. It is absolutely essential that the officials responsible for this theft be prosecuted promptly and vigorously.

We commend the Secretary for the broadly worded, wide-ranging complaint, but we can never overlook or forgive his inexcusable inaction during the course of the campaign. We still firmly believe that had a federal presence been felt during the campaign, we would be here today only as interested onlookers while our Dad discussed plans for the new election.

It is a great disappointment to us that the Secretary failed to include *specifically* certain violations of law and the UMWA Constitution in his complaint which greatly altered the outcome of this election. First, there is no discussion of the "bogey" locals—there are more than 600 illegal locals out of nearly 1,300 locals in the UMWA. Through these weak, easily manipulated locals the incumbents perpetuate their control and make it virtually impossible for the working miners of this country to control their own union. *These locals must be disbanded.* Secondly, the complaint does not specifically mention the fact that Boyle engineered a 30% pension increase the day after he installed himself as Trustee of the UMWA Pension Fund, in order to buy the votes of pensioned voters. Lastly, the complaint fails to mention the obvious impact on the election of the union's illegal trusteeship system whereby 19 of the 23 U.S. districts of the union are controlled directly by the International.

No one should have any "rosy illusions" that the filing of this complaint heralds a new era for the UMWA and its membership. Much has not been specifically mentioned in the complaint and we can now only speculate as to the real scope of this action. A blueprint for re-invigorating the UMWA must include the following:

1. A tough, no-nonsense attitude toward a prompt resolution of the election suit;
2. A vigorous prosecution of the autonomy suit, which has been pending trial in federal court for over 5 years;
3. Elimination of all bogey locals and transfer of the members of these locals into bona fide working locals;
4. Prompt action to convict those who have stolen money from the miners of this nation;
5. Establishing a federal watchdog over *all* union and pension fund expenditures, particularly those two pension funds controlled by the UMWA International Officers;
6. A full and complete audit of the National Bank of Washington—if for no other reason than to clear its reputation in the financial community.

One final remark: up to now the American Labor Movement has been harsh in its judgment of our Dad and those who supported him. We think their position is and always has been unjustified. We are not union busters. Our credentials as advocates of organized labor are unimpeachable. We support its goals and objectives. What the Labor Movement has failed to see—and what ought to be clear to them now—is that the UMWA is *not* a union. It is not an organization of men banded together for their common good and protection. It is a financial institution dedicated to enhancing the personal welfare of Tony Boyle, Ed Carey, John Owens, George Titler, Harrison Combs and their families and friends. The plundering of the union's treasury must be judicially checked. The hard earned contributions of

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America's coal miners will be frittered away unless positive judicial action is forthcoming and Boyle and his bunch are ousted from the positions of trust which they hold and abuse.

Finally, a word of caution to the miners who have been elated by this news. It is too soon for anyone to announce his candidacy. Boyle has vowed to fight the Labor Department suit. A new election may be a year off. Let us all strive to right the injustices within the Union; let's put the thieves and thugs in jail; let's restore the Union to its position of preeminence in the Labor Movement. Then, let there be a convention of coal miners to select their candidates democratically.

And a word of caution to America. The coal fields are rife with rumors of a nationwide strike following Labor Day unless UMW members are allowed to elect their own District officers by then. The coal miners have waited over 10 years since the passage of the LMRDA for that simple, basic right—to choose who will represent them and who will handle their money and who will protect their rights. This is too long to have waited. They may not keep on waiting. America's lights may go out this Fall unless these men are given this fundamental right to be represented by men of their choosing.

Thank you.

DEPARTMENT OF LABOR CONCLUSIONS ON UNITED MINE WORKERS' ELECTION

(Mr. HECHLER of West Virginia asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HECHLER of West Virginia. Mr. Speaker, the statement by Secretary of Labor George P. Shultz, released March 5, 1970, confirms the truth of what Joseph A. Yablonski said during his campaign. The complete text of Secretary Shultz' statement, along with the supporting documents and affidavits are of such importance that they should be read carefully by all those interested in a factual summary of developments and procedures within the United Mine Workers of America:

STATEMENT BY SECRETARY OF LABOR GEORGE P. SHULTZ

The Department of Labor has completed its investigation of the December 9, 1969, election of officers in the United Mine Workers of America and today, on behalf of the Secretary of Labor, the Justice Department filed an action under Titles II and IV of the Landrum-Griffin Act to set aside that election and to enjoin the union from inadequate recordkeeping.

The allegations are as follows:

1. The Union failed to provide adequate safeguards to insure a fair election, including permitting campaigning at the polls.

2. The Union denied candidates the right to have observers at polling places and at the count of ballots.

3. The Union failed to conduct its election in accordance with its constitution, including the failure of many local unions to elect tellers and to hold a membership meeting to set the time and place of the election.

4. The Union failed to elect its international officers by secret ballot among the members in good standing in that many members were required or permitted to cast their ballots in such a manner that the member voting could be identified with the choice expressed.

5. Members were denied the right to vote for or otherwise support the candidate or candidates of their choice without being subject to penalty, discipline, or improper interference or reprisal.

6. Members were denied the right to vote, in that elections were not conducted in some locals.

7. The Union used money received by it as dues, assessments, or similar levies, to promote the candidacy of its incumbent international officers, including but not limited to use of the union's official publication, district offices, property, and other facilities.

8. The union has failed and is still failing to maintain records and to require its subordinate Districts to maintain records on matters required to be reported under the Landrum-Griffin Act which provide in sufficient detail the necessary basic information and data from which documents filed with the Department may be verified, explained or clarified and checked for accuracy and completeness.

These allegations come from the complaint which is available to you today.

The Government has also asked the Court for a preliminary injunction to keep the United Mine Workers and its officers from spending union funds without reporting to the Department as required by Title II of the Landrum-Griffin Act.

The complaint grew out of the most widespread and painstaking investigation in the history of the Landrum-Griffin Act. The investigation involved intensive work by more than 200 investigators over the last two months.

I take this occasion to express my personal appreciation to these Labor Department employees who worked so hard and long on this assignment.

As you know, it would be improper for us to discuss the evidence supporting these allegations before that evidence is presented to a judge. Thus, we are limited in the press and other media to describing the documents filed in court.

INFORMATION ABOUT USDL'S INVESTIGATION OF UMWA DECEMBER ELECTION

Number of USDL investigators
(clerical not included)

In field	217
In Washington	13
Total professionals	230

Number election sites visited; 822 locals (of 1,260 voting locals).

Number of interviews (estim.) 4,400.

(These include: local UMWA personnel; volunteer observers; union members; UMWA personnel in 22 Districts and Washington; bank officials; transportation officials, radio, TV, newspaper and advertising persons.)

Number of man-hours (estim.) More than 43,000.

[In the U.S. District Court for the District of Columbia]

COMPLAINT

(*George P. Shultz, Secretary of Labor, U.S. Department of Labor, Plaintiff,* v. *United Mine Workers of America, Defendant.*)

Plaintiff brings this action under Titles II and IV of the Labor-Management Reporting and Disclosure Act of 1959 (Act of September 14, 1959, 73 Stat. 519 *et seq.*, 29 U.S.C. 401 *et seq.*), hereinafter referred to as the Act for a judgment declaring the election held by the defendant on December 9, 1969, null and void and directing the conduct of a new election under the plaintiff's supervision and for an order directing and compelling the defendant and its subordinate Districts to maintain records as required by section 206 of the Act (29 U.S.C. 436).

For his First Cause of Action plaintiff alleges:

I

Plaintiff brings this cause of action under Title IV of the Labor-Management Reporting and Disclosure Act of 1959 (29 U.S.C. 401 *et seq.*).

II

Jurisdiction of this cause of action is conferred upon the Court by section 402(b) of the Act (29 U.S.C. 482(b)).

III

Defendant is, and at all times relevant to this action has been, an unincorporated association maintaining its principal office at 900 Fifteenth Street, N.W., Washington, D.C., within the jurisdiction of this Court.

IV

Defendant is, and at all times relevant to this action has been, an international labor organization engaged in an industry affecting commerce within the meaning of sections 3(i), 3(j), and 401(a) of the Act (29 U.S.C. 402(i), 402(j) and 481(a)).

V

Defendant, purporting to act pursuant to and in accordance with the provisions of its Constitution, held an election of its International officers among its members in good standing on December 9, 1969. This election was subject to the provisions of Title IV of the Act (29 U.S.C. 481 *et seq.*).

VI

(a) By letter dated December 18, 1969, Joseph A. Yablonski, a member in good standing of defendant union, filed a protest with defendant's International Executive Board, alleging violations of Title IV of the Act in the conduct of defendant's December 9, 1969 election of officers.

(b) By letter dated January 8, 1970, addressed to the plaintiff, Defendant through its General Counsel requested that the plaintiff conduct an immediate investigation of the December 9, 1969 election of International officers pursuant to Title IV of the Act, dispensing with internal exhaustion of remedies procedures under defendant union's Constitution. Whereupon, plaintiff initiated an investigation.

(c) By telegram dated January 20, 1970, Mike Trbovich, a member in good standing of defendant union, through his counsel, filed a complaint with the Secretary of Labor alleging violations of the Act in the conduct of defendant's December 9, 1969 election of International officers.

VII

Pursuant to section 601 and in accordance with section 402(b) of the Act (29 U.S.C. section 521, 482(b)), plaintiff investigated said complaint and as a result of the facts shown by the investigation, found probable cause to believe that violations of Title IV of the Act had occurred in the conduct of defendant's election and had not been remedied at the time of the filing of this action.

VIII

Plaintiff alleges that in the conduct of the aforesaid election, defendant violated the provisions of Title IV of the Act (29 U.S.C. 401 *et seq.*) as follows:

(a) Section 401(e) of the Act (29 U.S.C. 481(a)) was violated in that defendant union failed to elect its international officers by secret ballot among the members in good standing in that many members were required or permitted to cast their ballots in such a manner that the member voting could be identified with the choice expressed.

(b) Section 401(c) of the Act (29 U.S.C. 481(c)) was violated in that

(i) defendant union failed to provide adequate safeguards to insure a fair election; including permitting campaigning at the polls;

(ii) denied candidates the right to have observers at polling places and at the counting of ballots

(c) Section 401(e) of the Act (29 U.S.C. 481(e)) was violated in that

(i) Defendant failed to conduct its election in accordance with its Constitution, including the failure of many local unions to elect tellers and to hold a membership meeting to set the time and place of the election;

(ii) Members were denied the right to vote for or otherwise support the candidate or candidates of their choice without being subject to penalty, discipline, or improper interference or reprisal.

(iii) Members were denied the right to vote, in that elections were not conducted in some locals.

(d) Section 401(g) of the Act (29 U.S.C. 481(g)) was violated in that defendant union used moneys received by it by way of dues, assessments, or similar levy, to promote the candidacy of its incumbent International officers, including but not limited to use of defendant's official publication, district offices, property and other facilities.

IX

The violations of section 401 of the Act (29 U.S.C. 481) found and alleged above may have affected the outcome of the aforesaid election.

For his Second Cause of Action plaintiff alleges:

I

Plaintiff brings this cause of action under Title II of the Act (29 U.S.C. 431 *et seq.*).

II

Jurisdiction of this cause of action is conferred upon the Court by section 210 of the Act (29 U.S.C. 440).

Paragraphs III and IV of this complaint relating to the First Cause of Action are hereby incorporated by reference into this Cause of Action.

* * * * *

IV

Defendant, is and at all times relevant to this action has been, subject to the reporting provisions of Title II of the Act (29 U.S.C. 431 *et seq.*).

V

Defendant has failed and is still failing to maintain records and to require its subordinate Districts to maintain records on matters required to be reported under Title II of the Act (29 U.S.C. 431 *et seq.*), which provide in sufficient detail the necessary basic information and data from which documents filed with the plaintiff may be verified, explained or clarified, and checked for accuracy and completeness, as required by section 206 of the Act (29 U.S.C. 436).

Wherefore, the plaintiff prays for judgment:

(a) declaring the election held by defendant union to be null and void;

(b) directing the conduct of a new election for all constitutional officers under the supervision of the plaintiff;

(c) directing and compelling the defendant to maintain records, as required by section 206 of the Act (29 U.S.C. 436);

(d) enjoining the defendant, its officers, members, agents, servants, employees, attorneys and all persons in active concert and participation with them, pending final determination of the second cause of action of this complaint, from violating the provisions of section 206 of the Act (29 U.S.C. 436);

(e) permanently and during the pendency of this action enjoining and restraining defendant, and its agents, servants, employees, attorneys and all persons acting, or claiming to act in their behalf and interest, from violating the provisions of section 206 of the Act (29 U.S.C. 436);

(f) awarding costs of this action; and

(g) granting such other relief as may be appropriate.

LAURENCE H. SILBERMAN,
Solicitor of Labor,
GEORGE T. AVERY,
Associate Solicitor,
U.S. Department of Labor, of Counsel.
WILLIAM D. RUCKELSHAUS,
Assistant Attorney General,
HARLAND F. LEATHERS,
Attorney, Department of Justice,
Attorneys for Plaintiff.

[In the United States District Court for the District of Columbia]

MOTION FOR PRELIMINARY INJUNCTION

(*George P. Shultz, Secretary of Labor, U.S. Department of Labor, Plaintiff,* v. *United Mine Workers of America, Defendant.*)

Plaintiff moves the Court for a preliminary injunction in the above-entitled action enjoining the defendant, United Mine Workers of America, its officers, members, agents, servants, employees, attorneys, and all persons in active concert and participation with it, from expending or permitting the expenditure of funds of the International or of its subordinate Districts without maintaining records on the matters required to be reported under Title II of the Labor-Management Reporting and Disclosure Act of 1959 (29 U.S.C. 401 *et seq.*) which will provide in sufficient detail the necessary basic information and data from which the documents filed with the Secretary may be verified, explained or clarified, and checked for accuracy and completeness, such records to include specifically, but without limitation, receipts, vouchers, worksheets, and applicable resolutions, as required by section 206 of the Labor-Management Reporting and Disclosure Act of 1959 (29 U.S.C. 436).

The issuance of such a preliminary injunction is requested on the grounds that:

(1) defendant has performed and will continue to perform the acts referred to;

(2) such action by defendant will result in irreparable injury, loss and damage to plaintiff, by impeding his continuing investigation pursuant to section 601 of the Labor-Management Reporting and Disclosure Act of 1959 (29 U.S.C. 551), as more particularly appears from the affidavits of Thomas F. Kane, Hollis W. Bowers, and Henry A. Queen, attached to plaintiff's motion for temporary restraining order; and

(3) the issuance of a preliminary injunction herein will not cause inconvenience or loss to defendant but will prevent irreparable injury to plaintiff.

LAURENCE H. SILBERMAN,
Solicitor of Labor,
GEORGE T. AVERY,
Associate Solicitor,
EDWIN S. HOPSON,
ROGER D. MARSHALL,
Attorneys,
U.S. Department of Labor, of Counsel.
WILLIAM D. RUCKELSHAUS,
Assistant Attorney General,
HARLAND F. LEATHERS,
Attorney, Department of Justice,
Attorneys for Plaintiff.

AFFIDAVIT

[State of Maryland, County of Montgomery]

Henry A. Queen, being duly sworn, deposes and says:

1. I am the Chief, Branch of Elections and Trusteeships, Office of Labor-Management and Welfare-Pension Reports, United States Department of Labor, Washington, D.C.

2. In the course of my official duties, I supervised the investigation which was conducted of the election of International officers held by the United Mine Workers of America in 1969.

3. In connection with the aforesaid investigation, the financial records maintained in the offices of the subordinate Districts of the United Mine Workers of America were examined in order to determine whether funds of a labor organization had been expended to promote the candidacy of any person in the election in violation of section 401(g) of the Labor-Management Reporting and Disclosure Act of 1959.

4. The examination of such records disclosed numerous instances in which the records were not sufficiently maintained in order to permit a determination to be made whether funds had been expended in violation of section 401(g).

5. The financial records of District 2 disclosed that seven individuals described as organizers had been added to the payroll during the period between June 25 and July 1, 1969, and were still on the payroll at the time of the investigation. Checks were issued to these organizers for "organizing expenses" without any supporting vouchers or receipts to substantiate the purpose for which such expenditures were actually made.

6. The investigation disclosed that in February and March 1969, Secretary-Treasurer John Seddon prepared checks to each of four Executive Board members for District 5. These checks were cashed and the proceeds returned to Seddon, who states that he placed them in his safe deposit box in the Union National Bank, Pittsburgh, Pennsylvania. Thereafter, on July 14, 1969, Seddon deposited a sum equal to the total of the four checks ($8,560) in the checking account of District 5 in the National Bank of Washington, Washington, D.C. The records do not indicate what disposition was made of these funds in the interim.

The records of District 5 disclosed that 19 presidents of local unions within the District participated in a six-week "organizing" campaign in Butler and Mercer Counties, Pennsylvania. Each participant received from District funds approximately $1,650 gross salary and expenses for the six-week period. The records of the District do not contain any receipts or other documentary evidence supporting the payments to these officers for expenses. Ten of the same 19 local union presidents made a subsequent six-week trip into the same areas, and were reimbursed at approximately the same rate, again without any documentary support of their expenses.

7. The financial records of District 12 disclosed that District Board member Jesse M. Ballard was reimbursed for mileage and expenses during a 5-day period in which he was hospitalized. In the same District, two other District members admitted that the mileage for which they claimed reimbursement consisted of "short miles."

8. Examination of the records of District 19 disclosed that "organizing" payments totaling $19,970 were made to 23 members. The District records disclosed no documentation of any expenses incurred by these 23 members for which reimbursement could properly be made.

9. Investigation of the financial records for District 28 disclosed checks totaling $3,180.84 were paid to union members to reimburse them for lost time and expenses in connection with a trip to Pittsburgh, Pennsylvania, and Washington, D.C. The payment was charged to organizing expenses. Subsequently, an International auditor discovered that the trip had been made for campaign purposes, and the money was then repaid to the District from funds of the campaign committee supporting the reelection of the incumbent officers. Another check in the amount of $360 had been made payable to an International Representative in connection with the same trip, but this payment was undetected and no restitution was made.

The investigation disclosed that checks were drawn for advances and reimburse-

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ment of expenses to officials of District 28 without any supporting vouchers or documentations. On December 31, 1969, a check was drawn in the amount of $5,000, payable to District Representative E. G. Gilbert upon the basis of his representation that the money was for organizing expenses, with further itemization or documentation.

10. In District 29, examination of the financial records disclosed that between 1961 and 1968 the District received $30,000 from Local 7086 and $16,000 from Local 5997, allegedly for expenses previously paid by the District, but without any supporting records in the form of receipts or expense vouchers. In 1969, District 29 received an additional $17,000 from Local 7086 and $13,000 from Local 5996, again without any specific information or documentation concerning the purpose of the payments.

11. The finanical records of District 31 disclosed that between April 15, 1969 and October 10, 1969, seven checks totaling $9,700 were drawn to the order of the First National Bank, and one check for $500 was drawn to the order of L. Clyde Riley, who is the Secretary-Treasurer of District 31, and were cashed. There was no documentation indicating the disposition of these funds.

Henry A. Queen.

Affidavit

State of Maryland, County of Montgomery, ss:

Thomas F. Kane, being duly sworn, deposes and says:

1. I am a Special Investigator, employed by the Branch of Auditing and Accounting Standards, Division of Reports and Analysis, Office of Labor-Management and Welfare-Pension Reports, United States Department of Labor,

2. In the course of my official duties, I examined the records of the United Mine Workers of America (UMWA), 900 15th Street, N.W., Washington, D.C. concerning the granting of loans by the UMWA to its subordinate Districts. The records indicated that loans were made to subordinate Districts during the years 1967, 1968 and 1969 in the following amounts: 1967, $1,662,390; 1968, $1,658,922.20; 1969, $2,107,500. The amount of the loans made to each of the Districts in each of these three years is set forth in Exhibit A attached hereto.

3. My examination disclosed that these loans were made on the basis of requests from District officials and the request in each case indicated that the funds were to be used for organization administration or other union expenses, without further specification.

4. The records disclosed that when a loan was requested, International President W. A. Boyle issued instructions to International Secretary-Treasurer John Owens to issue a check in the amount requested and remit the funds to the District. Checks issued to make such loans were either deposited in the bank to the credit of the District or were cashed by an official of the District requesting the loan.

5. My examination of the Records of the UMWA International did not disclose any documentary evidence concerning the disposition of these loaned funds.

6. Each District submits to the International a monthly report summarizing the receipt and disbursement of funds by the District. Nothing in the monthly reports serves to verify that funds received by way of loan from the International were used for the purpose for which the loan was requested. Nor is there any other documentary evidence submitted by the Districts to the International indicating the disposition of the loaned funds.

Thomas F. Kane.

Exhibit A

UMWA loans to districts during year 1967

District:	*Amount*
1	$80,000
2	330,000
3	10,000
4	35,000
5	140,000
6	5,000
7	25,000
9	60,000
10	1,000
11	25,000
12	15,000
15	40,500
19	384,290
20	25,000
21	2,500
23	10,000
26	5,500
27	10,000
28	125,000
30	273,600
31	60,000
Total	1,662,390

UMWA loans to districts during year 1968

District:	*Amount*
1	$72,000
2	315,000
3	20,000
4	50,000
5	180,000
6	30,000
7	30,000
9	83,300
10	4,000
11	20,000
12	25,000
15	35,000
19	340,000
20	30,000
21	5,000
22	10,000
23	5,000
26	2,000
27	17,000
28	50,000
30	264,023
31	81,000
Total	1,658,922

Exhibit A–3

UMWA loans to districts during year 1969

District:	*Amount*
1	$20,000
2	480,000
3	20,000
4	120,000
5	360,000
6	115,000
7	5,000
9	40,000
10	13,000
11	20,000
12	70,000
14	5,000
15	30,000
17	40,000
19	183,000
20	25,000
21	10,500
23	40,000
25	150,000
30	109,000
31	252,000
Total	2,107,500

Affidavit

State of Maryland,
County of Montgomery, ss:

Hollis W. Bowers, being duly sworn, deposes and says:

I am employed as a special investigator by the Branch of Special Investigation, Division of Compliance Operations, Office of Labor-Management and Welfare-Pension Reports, United States Department of Labor.

In the course of my official duties, I participated in a financial investigation of the United Mine Workers of America (UMWA), 900 15th Street, N.W., Washington, D.C.

During that financial investigation, I examined expense accounts of the UMWA and determined that the UMWA has failed to require and direct its officers and employees to maintain adequate records to support disbursements for expenses, said records being necessary to determine the validity of the disbursements for expenses. My examination of the records with respect to disbursements to officers and employees for expenses indicated that vouchers were submitted and paid without any specification of mileage rates, and without any documentation of hotel and restaurant bills or other bills for which reimbursement was claimed.

My examination of the financial records of the UMWA concentrated primarily on 1967 and 1968 records. I also examined some of the records pertaining to 1969. The records for 1969 which I examined indicated that the UMWA has continued to make disbursements for expenses without adequate supporting records.

I was informed by responsible officers of the UMWA that the UMWA had not, prior to January 1, 1970, issued instructions to its officers and employees concerning the submission of proper itemization and documentation of expense vouchers. I ascertained from a review of the minutes of the International that in January 1970, the International Executive Board issued instructions that mileage would be reimbursed at the rate of 12 cents per mile.

I have been informed by responsible officials of the UMWA that the UMWA has never undertaken an audit of expenses to determine the validity of the expenses claimed.

I have also examined the UMWA labor organization financial reports filed on United States Department of Labor Form LM–2 for the fiscal years ended December 31, 1967 and December 31, 1968. The LM–2 filed for 1967 shows $864,479.00 disbursed to officers and and the employees as expenses. The LM–2 for 1698 shows $1,070,930 disbursed to officers and employees as expenses. The LM–2 for 1969 has not yet been filed.

Hollis W. Bowers.

TWO NEW BILLS ON THE WAR ON CRIME

(Mr. McCULLOCH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McCULLOCH. Mr. Speaker, it is my pleasure to introduce, at the request of the administration, two bills which will constitute an important part of the effort in the war on crime.

The first bill would authorize a judicial officer to issue an order requiring a person to submit to certain nontestimonial identification procedures. These would include such tests as fingerprint, blood, voice, and handwriting tests, as well as photographs and lineups.

A court order to require any of the procedures enumerated in the bill could only be granted on a showing of probable cause to believe that an offense was committed as well as reasonable grounds to suspect that the person being required to submit to such tests committed the offense, even though there might not be probable cause to arrest such person.

The bill is drafted so as to protect the rights of such person under procedural due process and other constitutional provisions. In fact, the person from whom identification evidence is obtained by this procedure may, after 45 days from the time of his examination have elapsed, obtain a court order directing that such evidence be destroyed if there is still not probable cause to believe that he committed the offense.

This bill would be of great benefit to Federal law-enforcement officials by enabling them to properly identify criminals and thereby solve crimes. At the same time, where the person examined is innocent, the cloud of suspicion would be removed from him and his name could thus be cleared.

The second bill would amend the Youth Corrections Act by allowing the Youth Correction Division within the Board of Parole to delegate certain of its functions to examiners. While all orders for release on parole and return to custody for further treatment would continue to be made by members of the Board themselves, the Board could delegate the task of interviewing youth offenders after initial commitment and on return to custody. This is presently the practice for adult offenders and for those youth offenders who waive their right to an interview by a Board member.

This proposal would greatly facilitate the operation of the Board of Parole by removing the existing administrative bottleneck created by the need for Board members to travel back and forth across the country, which practice delays the particular case in question and slows down the processing of the entire docket of cases before the Board.

Mr. Speaker, I urge the prompt consideration of these proposals as part of our continuing fight against crime in this country.

SERIOUS CRISIS IN PUBLIC EDUCATION

(Mr. BROCK asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. BROCK. Mr. Speaker, public education as we know it today has reached a serious crisis. The future of our children and our Nation is at stake. I think it is time for significant action.

For years we have attempted to provide in this country the finest system of education in the world. To a large degree we have succeeded. Today, however, the courts have declared that numerical racial balance is more important than education.

Mr. Speaker, we have not held hearings on this important problem. We have had little time to study or debate legislation against busing that has come before us.

While a constitutional amendment is the ultimate answer, to create a vehicle for discussion I have offered a concurrent resolution stating the sense of Congress against forced racial busing. I urge my colleagues to study this legislation and hope that hearings can begin soon. I have today sent a letter to my colleagues asking their support and I include that letter as part of my remarks.

The letter follows:

> Dear Colleague: Last week I introduced a concurrent resolution aimed at putting Congress on record for or against the forced busing of our school children. I believe this is an extremely important resolution and one that deserves your study and support.
>
> During the past year, important court decisions have placed a cloud over a quality public education. I believe those decisions were based, not on building a sound and fair system of public education, but merely a numerical ratio. This is unfortunate. Our children are not numbers, they are human beings, in need of the best kind of education we can supply.
>
> The question of forced busing has had no study in Congress since the 1964 Civil Rights Act was passed. That Act clearly stated that busing of children to achieve "racial balance" was forbidden. Now the Courts have violated the clear language of the law and have demanded busing.
>
> It's time to give this situation our immediate attention. Congress must meet its responsibility. The Concurrent Resolution I have introduced will create a vehicle to conduct hearings and I hope you will join me in asking for early action on it.
>
> Bill Brock.

TV COVERAGE OF NIXON

(Mr. DEVINE asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. DEVINE. Mr. Speaker, the Columbus, Ohio, Dispatch, last week disclosed the results of a private survey taken of network television news coverage of the Nixon administration.

I think the story deserves the attention of my colleagues. I insert it in the Record:

White House Survey Revealed: Networks Vary Widely in Nixon Coverage

> Washington.—A private survey of network television coverage of President Nixon's administration has found that the three major networks vary substantially in their approach.
>
> The survey, which has not been made public, found that NBC coverage appeared to take the most unfavorable approach toward the administration. ABC was rated the most favorable and CBS was rated as having the most "balanced" coverage.
>
> Results of the survey were meant for the White House only. It was taken between August and December of last year.
>
> The survey ranked the networks this way:
>
> ABC—favorable, 29 per cent; unfavorable, 29 per cent; fair, 41 per cent.
>
> CBS—favorable, 24 per cent; unfavorable, 25 per cent; fair, 51 per cent.
>
> NBC—favorable, 15 per cent; unfavorable, 44 per cent; fair, 40 per cent.
>
> The survey found that, in contrast to the other two networks, NBC "periodically becomes crusading and generates news" that tends "to reflect unfavorably on the administration."
>
> The vice president's two speeches criticizing the media, appear to have had some effect on television news coverage, the survey says.
>
> While "it is still much too early to assert a firm conclusion" there have been "substantially fewer flagrantly biased presentations" since the speeches, the survey says.
>
> A second change appears to be the amount of coverage being given the vice president. Since his speeches he has emerged as second only to the President as the American whose actions and words are most closely covered.
>
> The survey contrasts his coverage now with the coverage given him before his speeches when he "was treated with condescension mixed with sarcasm."
>
> The survey found that President Nixon personally has been given favorable to fair treatment. "Attacks are more often directed at some official or department, only indirectly at the President," the survey said. In contrast, both ABC and NBC were found to be critical of the administration while CBS again was given a "balanced" rating.
>
> During the roughly four-month period the survey was taken, the networks were found to be most critical in their coverage of Judge Clement Haynsworth, President Nixon's choice for the Supreme Court who was turned down by the Senate. All three were listed as opposed to his confirmation.
>
> A final finding by the survey was that the news commentators, as compared with the newscasters, overall gave the administration "an even break" during the survey period.

APPOINTMENT OF CONFEREES ON H.R. 514, ELEMENTARY AND SECONDARY EDUCATION AMENDMENTS OF 1969

Mr. PERKINS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 514) to extend programs of assistance for elementary and secondary education, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and request a conference with the Senate thereon.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky (Mr. Perkins)? The Chair hears none, and appoints the following conferees:

Mr. Perkins, Mrs. Green of Oregon, Messrs. Thompson of New Jersey, Dent, Pucinski, Daniels of New Jersey, Brademas, O'Hara, Carey, Hawkins, William D. Ford, Hathaway, Mrs. Mink, Messrs. Meeds, Ayres, Quie, Ashbrook, Bell of California, Erlenborn, Scherle, Dellenback, Esch, Steiger of Wisconsin, and Ruth.

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THE PRESIDENT'S MESSAGE ON EDUCATION REFORM

(Mr. CONTE asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and include extraneous matter.)

Mr. CONTE. Mr. Speaker, President Nixon has just sent us a comprehensive message on education reform. It emphasizes the great need to improve the quality of our educational system.

I think this would be a most appropriate time for us to study the President's message. The debate over the HEW appropriations bill is fresh in our minds.

However, the problems of the educational system remain. For this reason, I applaud the President's call to join with teachers and educators in a "searching reexamination of our entire approach to learning," and to aim for equal educational opportunities for rich and poor alike.

The financial crisis in which our schools find themselves today must be solved. We are talking about a fundamental institution—one that has made this Nation great and one that must continue if we are to remain great. The

President's Commission on School Finance is a hopeful sign that we can begin to solve this problem.

Once again Mr. Speaker, I commend President Nixon for his proposals on education reform. I look forward to improvements as a result of them.

JOINT COMMITTEE ON ENVIRONMENT AND TECHNOLOGY

(Mr. ALBERT asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ALBERT. Mr. Speaker, today I am introducing a joint resolution to establish a Joint Committee on Environment and Technology. I am happy to announce also that the distinguished minority leader has joined me in introducing the resolution as have more than 100 other Members of the House. The resolution has broad bipartisan support in the Congress and in the country.

The joint committee which we propose to create would be a nonlegislative committee, organized to provide a clear focus on many of the difficult environmental decisions which must be made in the years ahead. It would also provide the legislative committees with the necessary background to insure effective action on short term and long term environmental problems and needs.

Under the resolution as it has been introduced, the Joint Committee on Environment and Technology would be composed of members from the various legislative committees which have legislative jurisdiction in areas relating to environment and technology. The committees of the House and Senate which would be represented on the joint committee are as follows: House Committees on Agriculture, Banking and Currency, Interstate and Foreign Commerce, Interior and Insular Affairs, Education and Labor, Public Works, Government Operations, Science and Astronautics, Merchant Marine and Fisheries; Senate Committees on Agriculture, Banking and Currency, Commerce, Interior and Insular Affairs, Labor and Public Welfare, Public Works, Government Operations, Aeronautical and Space Sciences and the Joint Committee on Atomic Energy.

Mr. Speaker, this resolution has been prepared after consultation with a number of Members, including chairmen of the committees of the House which are affected. In the words of one of those chairmen:

> The purpose of the proposed Joint Resolution is strongly propelled these days by the great force which philosophers attribute to an idea whose time has come.

I believe that the time for such a joint committee has come. Such a joint congressional committee has been recommended in the January 1970 Report of the Environmental Study Group to the Environmental Studies Board of the National Academy of Sciences. A number of Members have previously introduced similar bills or resolutions.

I am hopeful that the House will be able to act on this matter soon in order that the joint committee may begin to function at an early date.

Under the unanimous-consent request, I include the complete text of the resolution being introduced today:

H.J. RES. 1117

Joint resolution to establish a Joint Committee on Environment and Technology

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) there is hereby established a joint congressional commitee which shall be known as the Joint Committee on Environment and Technology (hereinafter referred to as the "committee") consisting of nineteen Members of the Senate to be designated by the President of the Senate, and twenty-one Members of the House of Representatives to be designated by the Speaker of the House of Representatives as follows:

(1) one Senator from the majority party, and one Member of the House of Representatives from the majority party;

(2) two Senators who are members of the Committee on Agriculture; and two Members of the House of Representatives who are members of the Committee on Agriculture;

(3) two Senators who are members of the Committee on Banking and Currency; and two Members of the House of Representatives who are members of the Committee on Banking and Currency;

(4) two Senators who are members of the Committee on Commerce; and two Members of the House of Representatives who are members of the Committee on Interstate and Foreign Commerce;

(5) two Senators who are members of the Committee on Interior and Insular Affairs; and two Members of the House of Representatives who are members of the Committee on Interior and Insular Affairs;

(6) two Senators who are members of the Committee on Labor and Public Welfare; and two Members of the House of Representatives who are members of the Committee on Education and Labor;

(7) two Senators who are members of the Committee on Public Works; and two Members of the House of Representatives who are members of the Committee on Public Works;

(8) two Senators who are members of the Committee on Government Operations; and two Members of the House of Representatives who are members of the Committee on Government Operations;

(9) two Senators who are members of the Joint Committee on Atomic Energy; and two members of the House of Representatives who are members of the Joint Committee on Atomic Energy; and

(10) two Members of the House of Representatives who are members of the Committee on Merchant Marine and Fisheries; and

(11) two Senators who are members of the Committee on Aeronautical and Space Sciences; and two members of the House of Representatives who are members of the Committee on Science and Astronautics.

Of the two Members appointed from each committee under clauses (2) through (11) of this subsection, one Member shall be from the majority party, and one shall be from the minority party.

(b) The Committee shall select a chairman and a vice chairman from among its members, at the beginning of each Congress. The vice chairman shall act in the place and stead of the chairman in the absence of the chairman. The chairmanship shall alternate between the Senate and House of Representatives with each Congress, and the chairman shall be selected by members from that House entitled to the chairmanship. The vice chairman shall be chosen from the House other than that of the chairman by the members of that House. The committee may establish such subcommittees as it deems necessary and appropriate to carry out the purposes of this joint resolution.

(c) Vacancies in the membership of the committee shall not affect the authority of the remaining members to execute the functions of the committee. Vacancies shall be filled in the same manner as original appointments are made.

(d) A majority of the members of the committee shall constitute a quorum thereof for the transaction of business, except that the committee may fix a lesser number as a quorum for the purpose of taking testimony.

(e) The committee shall keep a complete record of all committee actions, including a record of the votes on any question on which a record vote is demanded. All committee records, data, charts, and files shall be the property of the committee and shall be kept in the offices of the committee or such other places as the committee may direct.

(f) No legislative measure shall be referred to the committee, and it shall have no authority to report any such measure to the Senate or to the House of Representatives.

SEC. 2. (a) It shall be the duty of the committee—

(1) to conduct a continuing comprehensive study and review of the character and extent of environmental and technological changes that may occur in the future and their effect on population, communities, and industries, including but not limited to the effects of such changes on the need for public and private planning and investment in housing, water resources (including oceanography), pollution control, food supplies, education, automation affecting interstate commerce, fish and wildlife, forestry, mining, communications, transportation, power supplies, welfare, and other services and facilities;

(2) to study methods of using all practicable means and measures, including financial and technical assistance, in a manner calculated to foster, promote, create, and maintain conditions under which man and nature can exist in harmony, and fulfill the social, economic, and other requirements of present and future generations of Americans;

(3) to develop policies that would encourage maximum private investment in means of improving environmental quality; and

(4) to review any recommendations made by the President (including the Environmental Quality Report required to be submitted pursuant to section 201 of the National Environmental Policy Oct of 1969) relating to environmental policy.

(b) The Environmental Quality Report required to be submitted pursuant to section 201 of the National Environmental Policy Act of 1969 shall, when transmitted to Congress, be referred to the committee, which shall, as soon as practicable thereafter, hold hearings with respect to such Report.

(c) On or before the last day of December of each year, the committee shall submit to the Senate and to the House of Representatives for reference to the appropriate standing committees an annual report on the studies, reviews, and other projects undertaken by it, together with its recommendations. The committee may make such interim reports to the appropraite standing committees of the Congress prior to such annual report as it deems advisable.

(d) In carrying out its functions and duties the committee shall avoid unnecessary duplication with any investigation undertaken by any other joint committee, or by any standing committee of the Senate or of the House of Representatives.

SEC. 3. (a) For the purposes of this joint resolution, the committee is authorized, as it deems advisable (1) to make such expenditures; (2) to hold such hearings; (3) to sit and act at such times and places during the sessions, recesses, and adjournment periods of the Senate and of the House of Representatives; and (4) to employ and fix the compensation of technical, clerical, and other assistants and consultants. Persons employed under authority of this subsection shall be employed without regard to political affiliations and solely on the basis of fitness to perform the duties for which employed.

(b) With the prior consent of the department or agency concerned, the committee may (1) utilize the services, information, and facilities of the General Accounting Office or any department or agency in the executive branch of the Government, and (2) employ on a reimbursable basis or otherwise the services of such personnel of any such department or agency as it deems advisable. With the consent of any other committee of the Congress, or any subcommittee thereof, the committee may utilize the facilities and the services of the staff of such other committee or subcommittee whenever the chairman of the committee determines that such action is necessary and appropriate.

SEC. 4. To enable the committee to exercise its powers, functions, and duties under this joint resolution, there are authorized to be appropriated for each fiscal year such sums as may be necessary to be disbursed by the Clerk of the House of Representatives on vouchers signed by the chairman or vice chairman of the committee.

UNEMPLOYMENT FIGURES REVEAL WE ARE IN A RECESSION

(Mr. ALBERT asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ALBERT. Mr. Speaker, the debate of recent weeks over the terminology of the economic condition of this country seems conclusively resolved by the latest Government report on unemployment which shows 4.1 percent of the work force out of jobs. We are in a recession. Unless there is a reversal of the policy of disinterest by the administration, I fear we may slide even deeper into economic recession at the same time that the fires of inflation rage.

It is past time for the President and his economic advisers to recognize the effect of their failing policies on the lives of millions of Americans. The unemployed, now reaching almost 4 million, are real people—not just cold statistics. The millions more who have had work weeks and incomes reduced are real American working men and women, who daily face the growing difficulties of maintaining a decent living standard as accelerated inflation robs them of their purchasing power for the necessities of life.

It is time that they recognize that the elderly on fixed incomes are robbed by the continuing inflation.

About the only discourse we hear from the White House and the administration economists is an effort to shift blame for present economic woes to past administrations. I must remind them that President Richard Nixon has been President of the United States now for almost 14 months, and in that period we have seen a rapid acceleration of inflation, a deepening recession, and policies favoring the vested interests and monied sources. The working men, the poor, the elderly, the small businessman, and the minorities are being made to pay for the Nixon inflation and the Nixon recession.

I call on the President to utilize the anti-inflation and antirecession tools which Congress has provided, and to join concerned legislators in providing an economic climate that will right the deteriorating economic conditions. I call on the Republican economists to consider the human toll that their "favor the rich" policies are exacting on the working people, the housewives, the elderly and the small businessmen. We no longer need to debate economic terminology. We are in a recession, and the administration must recognize the conditions, and display leadership and concern to correct misguided policies.

THE FEDERAL GOVERNMENT VIOLATES NATIONAL POLICY, AS WELL AS THE PRESIDENT'S EXECUTIVE ORDERS, BY PROVIDING BILLIONS OF DOLLARS OF FEDERAL CONTRACTS TO UNIVERSITIES WHICH DISCRIMINATE AGAINST WOMEN

(Mrs. GRIFFITHS asked and was given permission to address the House for 1 minute and to revise and extend her remarks and include extraneous matter.)

Mrs. GRIFFITHS. Mr. Speaker, it is a national calamity that agencies of the Federal Government are violating our national policy, as well as the President's Executive orders, by providing billions of dollars of Federal contracts to universities and colleges which discriminate against women both as teachers and as students.

Our national policy, as expressed by Congress in 5 United States Code section 7151, plainly states:

> It is the policy of the United States to insure equal employment opportunities for employees without discrimination because of race, color, religion, sex or national origin. The President shall use his existing authority to carry out this policy.

The President's Executive Order 11246, as amended by Executive Order 11375, specifically forbids sex discrimination by Federal contractors. These orders are administered by the Office of Federal Contract Compliance of the Department of Labor. The Department of Health, Education, and Welfare has been designated as the compliance agency to obtain compliance with the Executive orders by colleges and universities with Federal contracts. However, billions of dollars in Federal contracts continue to go every year to colleges and universities which perpetrate vicious patterns of discrimination against women, despite the Executive orders to the contrary. And neither the Labor Department nor HEW does anything to stop or mitigate such discrimination.

Half of our brightest people, the people with talent and the capacity for the highest intellectual and fruitful endeavors, are women. They encounter pervasive discrimination when they try to enter college—when they apply for graduate and advanced training—when they attempt to join the faculties of our most esteemed universities and colleges—and if they finally succeed in becoming teachers, they get less pay and fewer promotions than their male colleagues.

Many universities and colleges with Federal contracts, although forbidden by Executive order from discriminating against women, nevertheless do so by applying quotas for women in admission to both undergraduate and graduate training programs. They discriminate against them in awarding scholarships and providing financial assistance. They discriminate against them in hiring their faculty members. They discriminate by paying their women faculty members less than their male colleagues with similar qualifications. They discriminate by promoting women far more slowly than men.

Although these institutions of higher learning like to view themselves as bastions of democracy, yet they penalize fully half of their potential students by requiring women to meet higher admission standards for admission than men. For example, at the University of North Carolina, admission of women on the freshman level is "restricted to those who are especially well-qualified." There is no similar restriction for male students. In the State of Virginia, 21,000 women were turned down for college entrance, while not one male student was rejected. What has the Federal Government done to change inequities such as these? Nothing—indeed, the Federal Government has not even made a murmur of protest.

Quota systems exist at many universities and colleges, whether openly admitted or not. In fact, the consistent low percentages of women students in medicine, law, engineering, and other professional fields, as well as in many undergraduate schools, can be the result only of quotas. They are the principal reasons why the percentage of women with M.D. degrees has not increased since 1920, the year that women first got the right to vote. It is sex discrimination in the universities which accounts for the fact that only 7 percent of U.S. physicians are women.

The undergraduate and graduate programs in universities are analogous to the training and apprenticeship programs of industry. Open admission policies, free of discrimination against women, are essential if women are to have the same employment opportunities as other citizens. Unless the universities open their training programs to women on equal basis, women will continue to get the short end of the stick in employment opportunities.

The tragic fact today is that women are losing ground in every segment of university life. Their proportion as students in college is not increasing. Their proportion as students at the graduate level is less now than in 1930. Whereas they held more than one-third of university faculty positions in the 1870's, they now hold less than one-fourth, and at the prestigious Big Ten universities they hold only about one-tenth, of the university faculty positions.

Moreover, women on the faculty generally are at the bottom of the academic hierarchy. Often they lack tenure. The higher the academic rank, the less is the percentage of women. For example, a recent study of 188 sociology departments in universities across the country showed that women are 30 percent of the doctoral candidates, but only 14 percent of the assistant professors, only 9 percent of the associate professors, and only 4 percent of the full professors.

For years there has been a shortage of college teachers, yet there have been little serious efforts to recruit women for college faculties. The excuse often given that there is a shortage of qualified women is ridiculous. For example, at Columbia University women receive about 25 percent of its doctoral degrees, but comprise only 2 percent of the tenured faculty in its graduate schools. Furthermore, contrary to academic mythology, a higher percentage of women with doctorates go into college teaching than do men with doctorates. The argument that women are lost to the academic world when they marry is also a myth, since over 90 percent of the women with doctorates are in the labor force. Women comprise 40 percent of the faculties in teachers' colleges, and about the same in junior colleges. But in the prestigious private and State universities the percentage of women teachers is much less.

Is it discrimination against women, or mere coincidence, that the great University of Chicago has a lower percentage of women on its faculty now than it did in 1899? Can anyone seriously argue that there are less qualified women now than in 1899?

Even in the field of education, where one might expect women to predominate, they are generally conspicuously absent in the upper ranks. A recent study shows that the University of Maryland's Department of Early Childhood Education, where women professors are 47 percent of the faculty, has almost all of these women—13 out of 15—at the lowest rank of assistant professor.

Women college teachers simply do not get promoted as often or as quickly as their male colleagues with similar qualifications. Ninety percent of the men with Ph. D's and at least 20 years of academic experience are full professors, whereas barely half of the women with the same qualifications have that rank. At Stanford University, 50 percent of the men, but only 10 percent of the women, on the faculty are associate or full professors. Somehow, women who are qualified enough to be hired are not "qualified" enough to be promoted. In some places they simply are not hired at all. The University of Pennsylvania, for example, has only four departments with more than two women, and 26 departments with no women at all. Similar incredible examples exist in many universities and departments in practically all areas of higher education.

Even when the universities hire women, they do not get the same salaries as men on the campus. Numerous studies document the pay differences between men and women with the same academic rank and qualifications, deans of women make far less than deans of men, even at the same institutions.

I heard of one woman who had been an associate professor for more than 10 years, discovered she was earning at least $1,000 less than the bottom salary which that university paid to its men associate professors. In the academic world, women instructors earn less than male instructors; women assistant professors earn less than male assistant professors; women associate professors earn less than male associate professors; and women full professors earn less than male full professors; and there is every indication that the gap between the salaries of men and women faculty members is growing wider.

The picture is even more dismal at the administrative level. The number of women college presidents is decreasing. Women rarely head departments. At the University of Maryland, for example, in the College of Education, only one department—Special Education—is headed by a woman. At Columbia College, the undergraduate men's college of Columbia University, only one woman—the librarian—is on the administrative staff. The proportion of women in college and university leadership positions is lower than it was 25 or even 10 years ago.

The vast extent of Federal moneys received by universities and colleges is documented in the recent report by the National Science Foundation entitled "Federal Support to Universities and Colleges, Fiscal Year 1968," report No. NSF 69–32, dated September 1969. That report reveals that 2,174 universities and colleges received $3,367 million from the Federal Government in fiscal year 1968. Of this amount, $2,340 million went to support academic science, and $1,027 million to support nonscience activities, at those institutions. Virtually all of those funds came from the following Government agencies:

[In millions of dollars]

Department of Agriculture	144
Department of Commerce	10
Department of Defense	243
Department of Health, Education and Welfare	2, 212
Department of Interior	28
Atomic Energy Commission	110
National Aeronautics and Space Administration	130
National Science Foundation	423
Department of Labor, Housing and Urban Development, Transportation and Office of Economic Opportunity	67
Total	3, 367

These funds, received by these universities and colleges under contracts with the Federal Government, are a major source of their total operating budget. Yet most of these institutions discriminate outrageously against half of our citizens—women. They neglect and disregard their potential talent. They place innumerable obstacles and hurdles in the way of academic women. Is our Nation so rich in talent that we can afford to have our universities penalize the aspirations of half of our population? Should the Federal Government close its eyes to such unjust discrimination and continue to provide the billions of dollars that help to support those unjust practices?

Our national policy mandates equal treatment and opportunity for all citizens, including women. The Labor Department has recently shown much concern about racial discrimination in the construction industry, and the Department of Health, Education, and Welfare is heavily involved in eliminating racial discrimination in elementary and secondary schools. I applaud their concerns about such discrimination; but I also ask: Where is their concern about discrimination against women in our universities and colleges?

Let me emphasize again that Executive Orders 11246 and 11375 specifically forbid Federal contractors from discriminating against women in employment. Many of our universities and colleges have Federal contracts and receive substantial amounts of Federal funds. But neither the Department of Labor, which is responsible for enforcing these Executive orders, nor the Department of Health, Education, and Welfare, which is the compliance agency for universities, has made any effort whatsoever to invoke these Executive orders to prevent sex discrimination in employment or training by institutions of higher learning. Under the Labor Department's own guidelines, Federal contractors with 50 or more employees and a contract of $50,000 or more, must develop a written plan of affirmative action to prevent discrimination based on race, color, religion, sex, or national origin. I know of no university or college that has done so.

Worse yet, no university or college has been asked to do so. Under the same guidelines, all Federal contractors, including universities, are required to make an analysis of problems and an evaluation of opportunities for the use of minority employees, as well as specific goals and timetables for correcting existing discrimination. Again, I know of no university or college that has been asked to do so. Moreover, under these guidelines, universities and colleges with Federal contracts are required to state that there will be no discrimination in advertising for employees. I know of no instance where any Government agency has required, or requested, them to do so. Women in various professional organizations have been trying, largely without success, to get university departments to eliminate sex preference in advertisements placed for new faculty. Yet in column after column of job ads in professional journals, there are many advertisements which specify "male" or "prefer male, but will consider female." Both the Departments of Labor and Health, Education, and Welfare have been equally remiss and derelict in carrying out their responsibilities under the Executive orders.

Furthermore, Federal agency compliance programs are supposed to include a determination of nondiscrimination for each contractor prior to the award of any contract over $1 million. I know of no instance where this has been done, in terms of sex discrimination, in awarding contracts to universities and colleges, despite the requirements of the Executive orders. Nor do I know of any onsite compliance review concerning sex discrimination at any institution of higher learning.

Thus, despite the existence of Executive orders that specifically forbid such flagrant discrimination against women, the Federal Government has done absolutely nothing to enforce the orders in universities and colleges. Women in academic life are particularly vulnerable and unprotected from the ravages of sex discrimination. They are not protected by title VII of the Civil Rights Act of 1964 because section 702, for no rational or ascertainable reason, exempts every "educational institution with respect to the employment of individuals to perform work connected with the educational activities of such institution"—42 U.S.C. 2000e-1. They are not protected by the Equal Pay Act of 1963—Public Law 88-38, 29 U.S.C. 206(d)—which is a part of the Fair Labor Standards Act, because the latter act does not apply with respect to "executive, administrative or professional employees"—29 U.S.C. 213. The callous disregard which the Departments of Labor and Health, Education, and Welfare have demonstrated toward the requirements of Executive Orders 11246 and 11375, so far as it concerns discrimination against women by universities and colleges with Federal contracts, has made the Executive orders, for women, "only a promise to the ear to be broken to the hope, a teasing illusion like a munificent bequest in a pauper's will."

It is shocking and outrageous that universities and colleges, using Federal moneys, are allowed to continue treating women as second-class citizens, while the Government hypocritically closes its eyes. Remedial action must be taken, at once, to bring the universities and colleges in line with the requirements of the Executive orders. I am now assembling a list of all universities and colleges with Federal contracts. As a first step, I call upon the Secretary of Labor and the Secretary of Health, Education, and Welfare to contact all of these institutions to obtain from them full and detailed information, with respect to men and women, concerning: First, admission policies, including quotas; second, financial aid; third, hiring practices; fourth, promotions; and fifth, salary differentials for those with similar qualifications. I also call upon the Secretary of Labor to take prompt action on the complaint filed with him on January 31, 1970, by the Women's Equity Action League—WEAL—concerning the pattern of blatant discrimination against women in our universities and colleges with Federal contracts. WEAL's complaint strongly indicts the pervasive patterns of sex discrimination perpetrated by many universities. I believe it will interest every Member of Congress, and the general public, and I therefore include it as part of my remarks at this point in the Record:

Fairview Park, Ohio,
January 31, 1970.

The Hon. George P. Shultz,
Secretary, Department of Labor,
Washington, D.C.

Dear Mr. Secretary: Please consider this letter as a formal complaint under Executive Order 11246, as amended by Executive Order 11375.

The Women's Equity Action League (WEAL) hereby requests that you instruct the Office of Federal Contract Compliance to insist that *all* Federal agencies doing business with universities and colleges enforce the Executive Orders which have been completely ignored. We know of no meaningful compliance efforts that have been undertaken. We ask that the Office of Federal Contract Compliance institute an immediate *"class" action* and *compliance review* for *all* universities and colleges receiving Federal contracts. We ask that as stated in the Executive Orders, *Universities end discrimination* and *take affirmative action* "to ensure that applicants are employed, and that employees are treated during employment, without regard to . . . sex."

Each year millions of dollars in Federal contracts are disbursed to universities and colleges. And each year, these same universitie and college discriminate against women in a variety of ways. They discriminate by having quotas for women in admission to undergraduate and graduate programs; they discriminate in scholarships and financial assistance; they discriminate in the hiring of women for their facultie; they discriminate by paying their women faculty members less than their male counterparts, and they discriminate by promoting women far more slowly than men. Whether by design or accident, the effect is the same: women are second class citizens on many a campus.

For example, the proportion of women studying in college is not increasing; it is tending to remain fairly constant. At the advanced levels, the proportion of women is *less now* than it was in 1930. The proportion of M.D. degrees awarded to women has not increased since 1920, and a similar situation exists in Law and Engineering schools. Such *consistent* percentages of women students can only be a result of quotas whether openly admitted or not. (Why are 85% of Finland's dentists and 75% of Russia's physicians women? In our country only 7% of our physicians are women.)

In the last century, women held more than one-third of the faculty positions in colleges and universities; today the proportion of women is less than one-fourth. (At most of the "Big Ten" universities it is about one-tenth.) In study after study, women are now found mainly in the lower reaches of academia. For example, of 188 graduate departments of Sociology across the country, women are 30% of the doctoral candidates, 14% of the Assistant Professors, 9% of the Associate Professors, and only 4% of the Full Professors. At the University of Maryland in the College of Arts and Sciences nine out of the 15 departments examined had no women who were Full Professors, although all had women in the lower academic ranks. The figures can be duplicated, department by department, university by university, in practically all areas of higher education.

Moreover, numerous studies reveal consistent pay differences between men and women with the same academic rank, with the same length of service, and with the same academic qualifications. Deans of Women make less money than Deans of Men, even in the same institution. In the same departments, women instructors usually make less than male instructors, women Assistant Professors make less than male Assistant Professors, women Associate Professors make less than male Associate Professors, and women Full Professors make less than male Full Professors. Some studies indicate that the size of these differences in salary may be *increasing.*

Administrative positions in higher education rarely go to women. Women are rarely heads of departments. (In the School of Education at the University of Maryland only *one* department—Special Education—is headed by a woman; in the College of Arts and Sciences only the Department of Dance is headed by a woman.) In fact, the *proportion* of women in college and university leadership positions is *lower now* than it was 25 or even 10 years ago.

Executive Order 11246 as amended by Executive Order 11375 specifically *forbids discrimination by Federal Contractors because of Sex.* Universities often get as much as one-third of their total funds from government contracts. Yet the universities have been allowed to continue discriminating against women at all levels. The Federal government, despite the applicability of the Executive Orders, has done nothing to change this. This is shocking and outrageous. Remedial steps need to be taken at once to bring the universities and colleges in line with the Executive Orders referring to Federal contractors and sex discrimination.

Specifically, these areas of discrimination must be examined and remedied:

1. *Admission Quotas to Undergraduate and Graduate Schools.* Admission to college is analogous to being admitted to the "apprenticeship" programs of industry. Without open admissions, there can be no fair treatment. Quotas must be abolished; admission must be based on ability, not sex.

2. *Discrimination in Financial Help for Graduate Study (Scholarships, Fellowships, Research Grants, Teaching Assistantships,* etc.). Financial help must be extended purely on the basis of ability and/or need, and not on the basis of sex.

3. *Hiring Practices.* Discrimination against hiring women in academic positions must end.

4. *Promotions.* Criteria for upgrading should be irrespective of sex.

5. *Salary Differentials.* Women and men at the same academic level and with similar qualifications should receive similar salaries.

WEAL asks that the OFCC act immediately in these areas to end discrimination against women by all universities and colleges receiving Federal contracts.

I have appended to this letter some background materials showing clearly the pattern of sex discrimination in higher education. WEAL will be glad to confer with the OFCC in implementing the Executive Orders and in developing plans for affirmative actions on the part of the institutions involved.

This complaint is grounded also in a specific charge of discrimination in faculty hiring and promotion at the University of Maryland. The investigator should contact me for the names of persons who will discuss this case in support of the complaint.

Sincerely yours,
Nancy E. Dowding, Ph. D.,
President.

INDIAN MASSACRE IN DISTRICT OF COLUMBIA

(Mr. RARICK asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. RARICK. Mr. Speaker, last week a full-blooded Piute Indian journeyed all the way from Nevada to see the Great White Father in Washington—to lobby for his underprivileged people. But he was ambushed by the Washington savages, and massacred here on 14th Street.

For many weeks now, we have heard the beating of propaganda drums in the urban jungle—it seems that the Washington natives are restless. They want, among other things, more "free" money, less control over narcotics, and something they call "home rule." In fact, they threaten violence if they do not have their way.

At the same time, and in the same town, we find that both the criminal games of rape and robbery are practiced in broad daylight—while the natives clamor for more and more "home rule" with less and less control.

The writers of our Constitution wisely provided for the government of the Federal District by the Congress—and by the Congress alone. We should remember that it was the lack of control by the Continental Congress over a lawless mob, and the appeal of the Members to local authorities of the city in which they were sitting for rescue, which brought about the establishment of a Federal city.

We should also remember that those who refuse to learn from the mistakes of the past are doomed to repeat them. We tried a magnificent experiment in home rule for the Federal District over a century ago. That historic failure is written in dirt, corruption, and blood for all to see. Now some would urge us to repeat the error.

The local press—so active in reporting on school buses and minority incidents in South Carolina, all but suppresses the massacre of the Piute Indian from Nevada and other serious crimes right in their own backyard.

I include pertinent newsclippings in my remarks:

[From the Washington (D.C.) Evening Star, Mar. 7, 1970]

Indian Dies of Injuries in Beating

A full-blooded American Indian who was in Washington to lobby for his inter-tribal council in Nevada died in a hospital here yesterday, apparently the victim of a street robbery and beating Thursday.

Sen. Howard Cannon, D-Nev., whom he intended to visit, said his office is investigating the case which left George Kane, 47, lying unconscious in a gutter at 14th and P streets NW early Thursday morning.

Kane, a Piute Indian from a reservation near Reno, Nev., was here to lobby for more money for the Indian poverty program in his state, and had scheduled a meeting with Cannon to talk over Indian problems.

He was last seen leaving his hotel at 3 a.m. Thursday morning in a taxi, and was found on 14th Street two hours later, his wallet and money missing.

Taken to George Washington University Hospital, he was placed under observation. Later that day, nurses noted a change in his condition and he was X-rayed, then rushed into surgery for a brain hemorrhage. He died at 12:40 p.m. yesterday.

[From the Washington (D.C.) Evening Star, Mar. 7, 1970]

Bank-to-Bank Tour: Bandits Get $9,000 in Woman's Savings

(By Sheridan Fahnestock)

A 76-year-old woman handed over $9,000 to three armed men Thursday who had forced her to withdraw it from a bank despite the suspicions of bank tellers.

Police said the woman did not report the incident to them until her ill sister, from whom she withheld the story for several hours, told her to call officers. The men got away.

Police said Mrs. Ruth B. Brown of 1616 Taylor St. NW was leaving the Riggs National Bank branch at 18th Street and Columbia Road about noon Thursday when three young men approached. One pulled out a gun and ordered her to get into a car with them.

In the auto, the two men in the back seat took her pocketbook and removed her Columbia Federal Savings and Loan Co. book. They drove to its branch at 730 11th St. NW, where Mrs. Brown was ordered to withdraw $9,000 in cash; one of the men accompanied her inside.

A teller told them he didn't have enough money on hand, and could only give her $1,000 and a bank draft for $8,000, on the American Security and Trust Co.

Mrs. Brown and her abductors drove to that bank's office at 15th and Pennsylvania Avenue NW, where a teller, suspicious, told her to have her signature on the check verified by someone at the Riggs Bank.

They went to the Riggs branch at 15th Street and Pennsylvania Avenue NW, but were told to go to the branch where she had her account.

They then drove to the Riggs Bank branch at 14th and Park Road, where a bank official verified her signature; the trio then took Mrs. Brown back to the American Security and Trust office.

There, a suspicious teller argued for sometime with the man accompanying Mrs. Brown, who had identified himself as her nephew, but finally was unable to avoid cashing the check, after verifying the Riggs Bank official's signature.

Mrs. Brown was taken back to the car and driven to the corner of 22nd and P Streets NW, where she was dropped off.

Police said she hailed a cab, went back to the Riggs Bank, parking lot at 18th Street and Columbia Road where she had been abducted more than three hours before, got into her car and drove home.

[From the Washington (D.C.) Post, Feb. 5, 1970]

Clerk, 17, Raped in Northwest Store

A 17-year-old clerk in a Northwest Washington store was raped and the store's owner robbed by an armed holdup man yesterday, police reported.

Police said the man entered the store at 2:30 p.m. but then left. He returned a few minutes later and tied the women up at gun point.

The man then took the clerk into the bathroom and raped her. He then took $20 from the owner and left.

[From the Evening Star, Washington (D.C.), Mar. 7, 1970]

Girl, 17, Raped by Armed Youth

A 17-year-old schoolgirl was raped at gunpoint Thursday night in the Brightwood section of Northwest Washington by a youth who also robbed her of $2.75, police said.

Police said the girl told them she was walking in the 3900 block of Kansas Avenue NW about 7:30 p.m. when the youth, about her own age, approached, pulled out a pistol, and told her to come with him and not to say anything.

He forced her into a garage and threatened to kill her if she didn't disrobe; she complied after he struck her on the head with the handgun, and was then raped.

The victim, who was treated and released at D.C. General Hospital, told police her assailant talked in a peculiar manner, as if he might have been taking drugs.

UNEMPLOYMENT DANGERS IN ECONOMIC CONTROLS

(Mr. MONAGAN asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. MONAGAN. Mr. Speaker, I want to call attention to a policy of the administration whose effects are reaching considerable proportions and may well bear in them the seed of serious future trouble. I refer to the current administration program to slow down the economy.

No one can quarrel with the proposal to control inflation and in that objective I concur with the President and his advisers. At the same time, the effect of the application of fiscal and monetary measures by the Executive is not easy to predict. Most people can remember with clarity the 1957 recession which was brought about by a conscious administration policy of deflation and resulted in deep and widespread unemployment before it had run its course.

I want to emphasize the dangers in the present course of the administration.

Already in Connecticut there are 10,800 more unemployed than there were a year ago and substantial reductions are predicted for many industries, both in the Fifth District and elsewhere throughout the State. Although these figures do not look spectacular as pure statistics, it must be remembered that these are people who are involved and not just numbers and their problems cannot be viewed merely as mathematical formulas.

In addition, there is a cumulative economic effect from reduced payrolls that appears first in the immediate community and then spreads throughout the economy. I suggest therefore that the restraints be carefully watched and the brakes be released as danger signals appear. We certainly do not want a recession such as we had in 1957.

Connecticut will have enough problems in the prospective change from a defense-oriented economy to a peace-based one without having artificially induced shortages and job terminations superimposed. There is some question as to whether the economic faucet can be turned on and off at will. This is a time for extreme caution and I hope that the Secretary of the Treasury, the Chairman of the Federal Reserve Board and all other financial officers will have these dangers and possibilities in mind and act with every presumption in favor of maintaining employment at a high level.

ADDITIONAL PROGRAM FOR THIS WEEK

Mr. ALBERT. Mr. Speaker, I ask unanimous consent to proceed for 1 minute for the purpose of announcing an addition in the program.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. ALBERT. Mr. Speaker, I take this time to advise that some nine stockpile bills have been unanimously reported, I am advised, from the Committee on Armed Services and that the gentleman from Massachusetts (Mr. Philbin) may seek unanimous consent to bring these bills up sometime during the week. They will be published in the Record.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. ALBERT. I yield to the gentleman.

Mr. GROSS. Are copies of these bills and the reports available?

Mr. ALBERT. I am sure they are. They are on the Consent Calendar already. They are Consent Calendar No. 121 through No. 129, listed as follows:

H.R. 15021. A bill to authorize the release of 40,200,000 pounds of cobalt from the national stockpile and the supplemental stockpile;

H.R. 15831. A bill to authorize the disposal of bismuth from the national stockpile and the supplemental stockpile;

H.R. 15832. A bill to authorize the disposal of castor oil from the national stockpile;

H.R. 15833. A bill to authorize the disposal of acid grade fluorspar from the national stockpile and the supplemental stockpile;

H.R. 15835. A bill to authorize the disposal of magnesium from the national stockpile and the supplemental stockpile;

H.R. 15836. A bill to authorize the disposal of type A, chemical grade manganese ore from the national stockpile and the supplemental stockpile;

H.R. 15837. A bill to authorize the disposal of type B, chemical grade manganese ore from the national stockpile and the supplemental stockpile;

H.R. 15838. A bill to authorize the disposal of shellac from the national stockpile; and

H.R. 15839. A bill to authorize the disposal of tungsten from the national stockpile and the supplemental stockpile.

NIXON ADMINISTRATION STYMIES ISRAEL DESALTING PLANT

(Mr. RYAN asked and was given permission to extend his remarks at this point in the Record, and to include extraneous matter.)

Mr. RYAN. Mr. Speaker, it is extremely distressing to learn that despite this country's commitment to Israel, despite Israel's urgent need, despite the benefits to be obtained by the United States, and despite Congress' having expressed its will, the Nixon administration does not intend to proceed with the prototype desalting plant in Israel, authorized by the Foreign Assistance Act of 1969, Public Law 91–175, for which $20 million was appropriated by Public Law 91–708. This administration is reneging on the U.S. commitment to Israel made by President Johnson, and it is flouting the determination of Congress that this project should proceed.

I have for a long time urged U.S. assistance to Israel in the design, development, and construction of a desalinization plant. To this end, I introduced legislation in the 90th Congress as well as in this Congress.

Last May 14, on the floor, I made clear my support for such action by the United States and expressed my concern that the Nixon administration had, as of that time, "failed to take a position" on assisting Israel in this project. At that time, I inserted in the Congressional Record, volume 115, part 9, page 12460, copies of the correspondence between myself and the White House concerning the plant.

On August 1, I again noted that the commitment made by President Johnson to the late Premier Levi Eshkol of Israel to support U.S. participation in the desalinization plant project had yet to be reaffirmed by the Nixon administration.

On September 24, 1969, I urged the administration to "clarify its position on this important project which the Department of Interior described on January 17, 1969, as 'vital to Israel in terms of water supply and power,' and also as giving the United States 'an opportunity to improve and advance science and technology in the field of saline water conversion and to contribute materially to the development of low-cost desalinization processes'." Congressional Record, volume 115, part 21, page 27948. At that time, I inserted in the Record copies of the correspondence between myself and the White House which had occurred subsequent to March 14.

On November 20, I opposed the amendment offered by the gentleman from Iowa (Mr. Gross) striking out section 209 of the Foreign Assistance Act of 1969, which authorized $40 million for U.S. participation in a prototype desalinization plant in Israel. And on December 9, I urged full funding in the Foreign Assistance Appropriation bill, which had cut this $40 million to $20 million.

The foreign assistance and related programs appropriation bill, 1970, as enacted into law—Public Law 91–708—did embody that $20 million figure in that part of title I entitled "Economic Assistance." This was the funding provided for pursuant to the authorization act—Public Law 91–175—which provides, in part:

> "Sec. 219. Prototype Desalting Plant.—(a) In furtherance of the purposes of this part and for the purpose of improving existing, and developing and advancing new, technology and experience in the design, construction, and operation of large-scale desalting plants of advanced concepts which will contribute materially to low-cost desalination in all countries, including the United States, the President, if he determines it to be feasible, is authorized to participate in the development of a large-scale water treatment and desalting prototype plant and necessary appurtenances to be constructed in Israel as an integral part of a dual-purpose power generating and desalting project. Such participation shall include financial, technical, and such other assistance as the President deems appropriate to provide for the study, design, construction, and, for a limited demonstration period of not to exceed five years, operation and maintenance of the water treatment and desalting facilities of the dual-purpose project. . . .

There are at least four reasons why the United States should proceed with the desalinization plant:

First, President Johnson committed this country to this program. The late Premier Levi Eshkol disclosed on January 19, 1969, that President Johnson had written to him promising Executive support for the construction of a desalinization plant.

Second, desalinization is imperative for Israel's well-being. Israel's need for fresh water for irrigation of arid land is acute; about 95 percent of her existing fresh water sources have already been tapped. As I said on July 30 before the House Committee on Foreign Affairs:

> (I)t is clear that agricultural needs will not be met if additional sources of fresh water are not developed. If these sources are to be developed, it is imperative that development of a saline water conversion facility be begun as soon as is technically possible.

Third, this plant is extremely significant to the United States, as fully detailed in the letter sent to Congress on January 17, 1969, by Max N. Edwards, who was then Assistant Secretary of the Interior:

> "The proposal provides the opportunity for the United States to participate in a technologically advanced water desalting program to further its objectives of developing large-scale desalting processes. The United States will receive and have available for domestic and worldwide use all of the project information, technical data, and operating experience resulting from this project. The United States, its officers and employees, will be granted permanent rights to receive data and will have access to the plant for the purpose of observing its operation and improving science and technology in the field of desalination. It will be expected that the water-plant will be procured from United States sources . . .
>
> ". . . In previous presentations of the saline water program to the Congress, the need for participation in the study, design, construction, and operation of such large-scale prototype desalting plants has been emphasized. Briefly, the basic reasons for such participation are as follows:
>
> "1. To develop advanced desalting technology for design and for hardware construction.
>
> "2. To demonstrate desalting practices and to gain operating experience with a large plant. Only through actual operation will it be possible to establish the economics of water costs, study the effects of different modes of operation, investigate pretreatment methods, and resolve operating and maintenance problems, all of which determine the price of the water.
>
> 3. As a necessary intermediate step for eventual larger projects in all parts of the world, and specifically in the United States. This project will serve as a pilot operation for the technology and plants required before the turn of the century by our own southwest.
>
> "The proposed financial contribution towards the capital and operating costs of this project is less than any other presently available alternative for obtaining similar technology.
>
> "The project to be authorized by this legislation offers a unique opportunity to achieve the objectives we have just set forth. The Government of Israel has conducted a comprehensive national study of the availability and quality of its water resources. They have concluded that new incremental sources of fresh water must be made available by the mid-1970s in order to maintain their industrial and economic growth. Therefore, Israel has had a continuing interest in desalting and specifically in the United States States desalting program . . .
>
> "Participation in this specific project provides an excellent opportunity to study a system of water use for agriculture. Israel is unique in having a fully integrated water system serving the bulk of the nation's irrigated agriculture and other uses, and it provides in effect a water management laboratory. The impact of decisions involving such matters as water prices and quantities, water allocation to different uses, value and kind of crops and areas of development can be related to the cost and quantity of desalted water, and, indirectly, to other water supplies.
>
> "In summary, while the project is vital to Israel in terms of water supply and power, its significance to the United States is the opportunity to improve and advance science and technology in the field of saline water conversion and to contribute materially to development of low cost desalination processes. We believe we should take advantage of this opportunity and we urge the early enactment of this proposal . . ."

Fourth, the Congress has made its will clear by authorizing $20 million for the desalinization plant and by appropriating $20 million.

I have detailed at length this history for two reasons. One, I want to show that this issue is one of long standing. In fact,

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as long ago as 1964, President Johnson announced that the United States and Israel would cooperate in desalting research and development. The feasibility study conducted pursuant to the 1965 agreement between the United States and Israel, and carried out by Kaiser Engineers in association with Catalytic Construction Co., made clear the feasibility of the desalting plant. The February 1966 report of that study, entitled "Engineering Feasibility and Economic Study for Dual-Purpose Electric Power Water Desalting Plant for Israel" concluded that an operating plant could be in existence by late 1972, if begun then.

And, two, I am in some way attempting to temper my dismay upon learning that the administration does not intend to proceed with the desalinization plant project. The years of study proving that the desalting plant can and should be built, make it high time to start. The technology has been developed to build such a plant. The plant could have been begun long ago. It should be begun immediately.

To this end, I am calling upon the President and the Administrator of the Agency for International Development to take immediate steps to implement the Israeli prototype desalinization plant.

HIGH INTEREST RATES

The SPEAKER. Under previous order of the House, the gentleman from Arkansas (Mr. ALEXANDER) is recognized for 60 minutes.

Mr. ALEXANDER. Mr. Speaker, I rise today to speak on a House concurrent resolution which has been introduced heretofore and cosponsored by 83 Members of the House of Representatives, both Democrat and Republican, representing 28 States.

I ask unanimous consent that the text of that resolution may appear in the RECORD at this point in the presentation.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

The concurrent resolution is as follows:.

CONCURRENT RESOLUTION

Whereas a high interest rate policy has been followed for the past fourteen months as part of the administration's fight against inflation; and

Whereas the higher interest rates paid by manufacturers, distributors, transporters, retailers, and all others involved in the production and marketing processes tend to become part of the end cost of the product, thereby adding to the growth of inflation; and

Whereas consumers and small businessmen, to whom credit is vital and who operate on smaller margins, ultimately pay the cost of interest rate increases; and

Whereas the high interest rate policy, continued over an extended period, has served to blunt the Federal goal of attacking the problem of inadequate and substandard housing on a massive scale by systematically reducing the availability of low-cost financing; and

Whereas extended periods of high interest rates have traditionally and historically been followed by recessions: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress of the United States that the administration should make every effort to reverse its policy of high interest rates in all programs and at all levels, and that the Federal Reserve Board should take steps to gradually roll the prime interest rate back to 6 per centum.

Mr. ALEXANDER. Mr. Speaker, the problem of inflation is one which has concerned this Nation for many months. It is one which must be solved, and the efforts to solve this continuing and growing problem deserve the high priority and attention they are receiving.

It is my belief, however, Mr. Speaker, that our consideration for the people of this country—for their problems—their hardships—and their views—must also receive a high consideration in this effort. The people of the First Congressional District of Arkansas are finding the cure to be as unbearable as the illness—I refer to the policy of high interest rates and tight money.

I do not stand before my colleagues today to discuss the rightness or the wrongness of instituting this high interest rate policy 14 months ago. While I personally feel that such a policy may be effective in fighting inflation over a short period of time, that question has little bearing on the issue today. It is clear to me that such a policy is not effective as an anti-inflationary measure over a long period of time. In other words, Mr. Speaker, I believe that the administration's high interest rate policy has clearly become counterproductive.

What is the purpose of a tight money policy? We are told that it is effective in discouraging consumer spending and in halting the growth in consumer credit. If this is the purpose, it has clearly failed. Consumer credit grew by more than $9 billion during 1969. The effect of this policy has not been to halt credit buying, but to add to the financial burden of American consumers through increased costs of using that credit.

The results of this policy, spread over a period of 14 months, have been to fuel the inflationary cycle. It has become part of the problem it was intended to solve. The high cost of money has become an integral part of the high cost of living. The added cost of interest is now a part of the inflated purchase price.

Who are the persons most affected by a high interest rate policy? They are the people who are least able to pay for the fight against inflation. They are the consumers—they are the small businessmen—they are the farmers—and—they are the people who must live on fixed incomes. To these people, credit is essential if they are to secure items which have today become necessities such as automobiles, refrigerators, and even clothing. And yet, these people are unable to pass along the 10-, 12-, and 18-percent charges which have become part of their purchase prices.

We cannot forever continue to point the finger at these people when we say that Americans must "sacrifice" and "tighten their belts" in order to fight inflation. We cannot forever ask our people to man the battle lines when economists, who stand unaffected by such battles, sound the clarion call. Such a policy is indefensible.

One businessman in northeast Arkansas was relating to me recently his experience with the high interest rate policy.

On a gross volume of $2,000,000, interest costs in his business increased by 5 percent, or a total of $10,000, during 1969.

At the same time, he could not pass along all of these costs to his customers because they were being charged all they could pay with the increased prices on inventory charged by the manufacturers which had already passed along their interest costs.

The increase of $10,000 represents much of the margin of profit for this businessman, as it does for most small entrepreneurs.

The result is that he has recently laid off five employees.

While such a development may not alarm economists in New York and Washington, who gaze at their crystal balls and see increased unemployment as signs of progress, it spells disaster for those employees who are now told to fight inflation without a job.

A mother in the First Congressional District wrote me recently about the difficulties she is experiencing:

Her twin children have consistently been named to the honor roll in high school.

They have shown great promise and they have the qualities that must be developed all over this great country to retain its greatness.

But this mother will be unable to further her children's education because she cannot afford to borrow the money to send them to college.

In her letter to me, she said:

> I have two fine children, twins, a boy and a girl. They will graduate in May. We have tried hard to save for their college education. Their father had surgery a year ago and they found cancer. This depleted our savings. We can't give them the money, for we don't have it, and the banks want too much interest for us to borrow it.

There have been numerous cases in northeast Arkansas where local government units have been unable to sell bond issues because of the high interest rates. This has caused major needs for hospitals, schools, libraries, and other necessary public facilities to be unmet. At a time when the emphasis is on improving the quality of life for all Americans, this is a giant step backward.

One side effect of this development has been that several school districts, involved in construction to help meet desegregation efforts, have been stymied. These local school boards are honestly and earnestly seeking to fulfill their responsibilities, but they have been the victims of one Government policy—high interest rates—while trying to meet the requirements of another Government policy—unified school systems.

One other drastic effect of this policy, at least in rural areas of this country, has been the drying up of financial resources. Funds have been diverted from small financial institutions throughout

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northeast Arkansas, depriving local residents of much-needed credit. The result, of course, has been an almost complete halt in new housing starts, and a shortage of money for regular business operating loans.

We are even feeling the effects of this policy in the Congress. There has been an estimated $2 billion increase in the cost of interest on the national debt during the last 2 years. This is a $2 billion price tag that was not necessary. It is $2 billion that was desperately needed—to help meet national commitments to clean up our environment—to meet our urgent housing needs—to improve the quality of educational opportunities for our young people.

There has been a great deal of technical discussion recently about the possibilities of our economy moving into a recession. While the Washington definition of a recession may be unmet at this time, I charge that we are already experiencing a recession in many regions of America. For many, the question mark is not whether we will move into a recession, but whether we will move into a depression.

Unemployed persons may be statistics to economists, but they are personal tragedies in northeast Arkansas. High interest rates may be a solution to economic problems in the eyes of economists, but they provide the one straw too many to families where a dollar can make the difference. I would like to emphasize that this is not an indictment of the administration. This is an indictment of a policy. I have supported my President on most of his proposals. President Nixon has indicated that he is ready to see the record-high interest rates rolled back. As President, he has the power and influence to make a move in that direction. The introduction of a House concurrent resolution by 83 Members of Congress last Wednesday, expressing opposition to the high-interest-rate policy and urging a rollback, will help the President in his efforts if this is, indeed, his goal..

Secretary George Romney, of the Department of Housing and Urban Development, said on February 23 that the "rising cost of money has hurt most" this country's efforts to meet our national housing goals. He called the interest rate increases "exorbitant and unwarranted." I strongly concur in his statement.

The introduction of this House concurrent resolution is not intended to legislate low interest rates. Economic policy must remain flexible. But the passage of this resolution will say that the silent majority, through their elected Representatives, do not approve of this policy and want to see it reversed. It will tell economists that people are more than statistics, that they are persons who are tired of having to bear the brunt of the fight against inflation.

The passage of this resolution will be a statement by millions of people across this country that they appreciate the efforts to halt inflation, but "do not kill us in the process of helping us." A sustained high-interest-rate policy to halt inflation is something akin to giving a person poison to cure cancer. The medicine hurts so bad you cannot feel the pain of the illness.

This policy must be reversed, and the American people cannot wait any longer. The passage of this resolution will be a statement by Congress that the continuation of this policy is unacceptable and should be reversed in an orderly but determined way—starting immediately.

Mr. WRIGHT. Mr. Speaker, will the gentleman yield?

Mr. ALEXANDER. I yield to the gentleman from Texas.

Mr. WRIGHT. Mr. Speaker, I thank the gentleman from Arkansas for yielding to me.

I rise to congratulate the gentleman on the excellent and incisive statement he is making on the floor today. Additionally I want to congratulate him on the leadership he provided last week for a group of us who joined together in the introduction of this resolution calling upon the administration to create a systematic plan for rolling back these interest rates to a manageable and livable level. The gentleman from Arkansas has been a prime sponsor of that resolution. Eighty-three of us in all have joined as cosponsors.

In connection with the remarks of the gentleman that the high interest rate policy has brought about the specter of recession, I was interested to observe in the Washington newspapers over the weekend that unemployment now has reached the highest level in the past 4 years. The gross national product did not grow last year when it is compared with the growth of the population. Industrial production has fallen. The stagnation of the gross national product, the decline in industrial production, and the concommitant increase in unemployment are unquestionably the results of this highly restrictive monetary policy.

Yet this policy has not made any measurable progress whatever toward its announced goal of reducing the price level. In spite of the fact that interest rates are presently at their highest peak in American economic history, prices rose more last year than they had in any year since 1951. Therefore, I think it clearly demonstrable that the high interest rate policy has been a total failure in its announced goal of bringing about a reduction in the consumer price index.

By the end of 1969, most interest rates had climbed to 4 percentage points above their 1965 level. The suddenness and steepness of the advance was totally unprecedented. Almost every sector of the economy has been hurt.

Local governments have found it impossible to sell bonds for essential improvements. Where city bond issues have been negotiated, local taxpayers will be bearing the burden of the high interest rates through bigger local taxes for years to come.

Federal taxpayers will have to come forward with some $2 billion annually in additional taxes simply to pay the increase in interest on the national debt which has been caused by the escalating interest rates.

Homebuilding has been brought to a screeching halt. Purchasers of houses during the past year will be paying the added pound of flesh for most of their lives. A 1-percent increase in mortgage interest will cost the purchaser of a $25,000 home approximately $6,300 in extra tribute by the time he gets it paid off.

The student loan program by which the Government guaranteed banks absolute and full repayment for moneys loaned to college students has fallen victim to the hard money policy.

Least tolerable of all effects, high interest rates are exacting their greatest toll from people who must borrow to survive—farmers, workers and small businessmen with modest profits, and pensioners who have no profits at all.

Two charts demonstrate the fallacy of the high interest rate policy as an anti-inflationary gambit. The comparison drawn in the first chart depicting the percentage of change in four economic indicators since mid-1965, makes two conclusions inescapable.

First. While prime interest rates have been skyrocketed to the highest level in American history and almost 80 percent above the figure of 4½ years ago, the consumer price index has risen by approximately 25 percent.

In the past year, during which interest charges have undergone the most dramatic rise, prices have increased at an even faster pace than before.

Second. Presumably the deliberate skyrocketing of interest rates was intended as a curb against borrowing. It has not worked. Since mid-1965, consumer indebtedness has grown by an alarming 65 percent. It continued its climb in 1969. Thus, instead of discouraging indebtedness, high interest has merely increased the cost of indebtedness and thus contributed to the total consumer debt.

Leon Keyserling, testifying before the caucus committee, makes the point that the price of money is the most inflationary commodity of all. He points out that an increase in the price of artichokes is considerably less inflationary than an increase in the price of steel, since the latter is used in the production of more end commodities than the former. But the single commodity which figures in the cost of almost every end product is money—borrowed money. As its price increases, the price of every end product increases.

The second chart compares two factors in the economic history of the past 45 years, or since 1925. The two factors are the average commercial interest rate and the annual percent of change in the per capita gross national product.

The line running straight across the chart is a median. If the GNP grew exactly in proportion to the population, the lower line would parallel and converge with the median line. What the lower line represents, then, is the average citizen's share in the annual growth or decline of the GNP. The two lines, seen together, point to several very interesting conclusions.

First. Contrary to Federal Reserve myth, interest rates are not a product of the market. They are a product of deliberate governmental policy. During the 13 years from 1934 to 1947 the average commercial interest rate remained relatively stable—at or below 1 percent. This was because of conscious government policy.

During this period, we recovered from a devastating depression and fought the greatest war in the Nation's history. During this period more money was borrowed and the national debt increased more markedly than at any like period of American history. Notwithstanding, interest rates remained stable and low because the Democratic administration was determined to keep them stable and low.

Second. The level of the interest rate invariably and predictably exerts an inverse effect upon the gross national product. The peaks and valleys of the chart indicate dramatically that a rise in interest rate almost always precipitates a commensurate decline in the GNP.

The fallacy of the current doctrine is that the way to fight inflation is to curb the economic growth rate. High interest rates indeed perform this function, but as we have seen from the other chart they do not necessarily bring about a decline in prices.

It might even be concluded, in fact, that as fewer goods are produced, an upward trend in prices is usually brought about.

Third. Observe that each square on the chart represents for the lower line a 5-percent increase or decline in the per capita GNP, and that each square in the top line represents a 1-percent increase or decline in the average commercial interest rate.

The juxtaposition of the two lines tempts one to a conclusion that altering the interest rate downward or upward by 1 percent can almost predictably be expected to influence a 5-percent increase or decrease in the per capita GNP.

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Halting or depressing the growth of the GNP is certainly not an acceptable long-range economic policy for this country for the obvious reason that unless we promote constant, steady, and supportable economic growth such as to create approximately 2 million new and additional jobs in the private economy every year, unemployment inevitably follows.

So the administration policy of high interest rates does not reduce prices. It does not decrease the cost of living. It does depress the GNP. It does lower the rate of production. It does create unemployment.

The goal should be steady economic growth with price stability. The end result of the administration's policy appears to be both price inflation and economic depression, coexisting in the same economy.

Unfortunately, the above-mentioned charts cannot be duplicated for printing in the RECORD.

(Mr. WRIGHT asked and was given permission to revise and extend his remarks and include extraneous matter, including charts.)

Mr. THOMPSON of Georgia. Mr. Speaker, will the gentleman yield?

Mr. ALEXANDER. I yield to the gentleman from Georgia.

Mr. THOMPSON of Georgia. Mr. Speaker, I thank the gentleman for yielding and thank him for his concern in this area of high interest rates.

This is a problem that has been going on for some time and not something that suddenly developed in the 1 year of the Nixon administration. I recall several votes we had in the past year which have been important and critical and bellwether votes as to what will be the policy of the Congress of the United States on interest. One involved the FHA and the VA loans. There were 43 Congressmen who voted against removing the then current ceiling on the VA and FHA loans. I voted against the removal of those ceilings because I am very definitely opposed to high, unlimited interest rates. Then there was the student loan bill which came up before the Congress—and all of these came up in the last year. There were 10 Congressmen here who voted against increasing the maximum rate to 10 percent on student loans. I am in favor of student loans and in favor of VA and FHA loans, but I voted against the student loan increase to 10 percent because I simply would not support the pleas of our legislative leaders that unless we increased the maximum permissible rate there would be no money made available. I think the money would be available. However, that was all part of the escalation of interest rates in this last year. This Congress certainly shares a part of the blame. I do not subscribe to the theory of economists that the way to stop inflation is to increase interest rates so as to strangle our economy. I subscribe, rather, to the theory that it is better to produce more goods and to bring about the production of more goods in our overall marketplace. By doing that we will then be able to overcome some of the deficit spending we have had in the past. When you look at the cause of high interest we find that it is associated with several things. One is that for the past 8 years we have had a Government centered more upon providing services for people than providing additional goods. Now, when we put money into economy and we do not produce a product, that money is going to compete with all of the products that are already in the market.

Two years ago we had a $25 billion deficit. That means that this Nation spent $25 billion more than it took in. That $25 billion went into the economy to compete for the products that were already in existence and in excess of what our gross national product was that particular year. This was bound to be inflationary. The results of it are now being felt.

I was proud to join the gentleman in his resolution calling for lower interest rates. I support the activities of the chairman of the Committee on Banking and Currency in that he has been consistently sincere in his efforts to cut down on the interest rates. I cannot say that I support the gentleman in all of his endeavors. But, certainly, he has been a leader and been consistent in fighting high interest rates which I think are more detrimental to the economy of this Nation than any single factor we have confronting us at this time.

I, also, reluctantly voted for the tax revision bill, for one reason. It eliminated the investment tax credit. Many people said with reference to the investment tax credit that this would be something to help increase jobs. It did help increase jobs. How did it help? It helped industry to expand their facilities and start manufacturing new products. They got a special tax credit when they bought new production equipment. This is the way the system worked. In the expansion of these facilities new jobs were created and these new employees made new products and these products then went into the mainstream of the American economy. This is the way, in my estimation, to fight inflation. We fight inflation by increasing our gross national product more than by giving money away and putting money into nonproductive endeavors.

Certainly, we have to have our welfare programs for those who are disabled and cannot work, but for those who can work, we should concentrate upon providing jobs.

I thank the gentleman for yielding.

Mr. JONES of Tennessee. Mr. Speaker, will the gentleman yield?

Mr. ALEXANDER. I yield to the gentleman from Tennesee.

Mr. JONES of Tennessee. Mr. Speaker, for more than a year the American people have been waiting for inflation to be reversed or arrested. We were told that a tightening of money brought about by an increase in interest rates would end the economy's inflationary spiral.

I am sad to say that our experience has not proved this information to be correct. Prices have continued to move upward, yet our productive economy is slowing down. Tight money has had little effect on the cost of living's steady climb, yet it has brought on the beginnings of a recession.

Unfortunately, Mr. Speaker, it is the little American who most of all is feeling the consequences of tight money. It is he who finds himself unable to afford to pay the new high prices of things he wants and needs. It is he who finds it impossible to borrow the money to build or buy a new house. It is he who must face the spectre of unemployment.

Ironically, those who set our economic policies will still be able to pay the new prices and to get their loans. They will not be laid off because of their employers' forced curtailment policies.

Mr. Speaker, in the name of the little people of this country, of the silent Americans, I urge my colleagues to join in support of the resolution calling for a rollback in interest rates.

Mr. ALEXANDER. I thank the gentleman from Tennessee for his comments.

Mr. DEVINE. Mr. Speaker, will the gentleman yield?

Mr. ALEXANDER. I yield to the gentleman from Ohio.

Mr. DEVINE. Mr. Speaker, I thank the gentleman for yielding, and I wish to compliment the gentleman for bringing this matter to the floor today to permit us to have a colloquy on this very important problem of high interest rates and inflation.

I think, however, the gentleman would be doing a disservice if he would leave the implication that the high interest rates are just results of policies of the

Nixon administration, in for a period of just 1 year. I think it would be more accurate to say that many of L. B. J.'s chickens have come home to roost in the Nixon nest.

Actually, I think in the President's state of the Union message he pointed out that in the last decade we have had a deficit of $57 billion, in the last 10 years; that we have spent that much more than we have taken in.

Many of the people who are now upset about the high interest rates have never voted against a spending program during their entire history in Congress, and many of those same people are those who opposed the surtax that would have alleviated the situation somewhat.

Mr. Speaker, I believe it is quite clear that the President and his administration are trying to roll back the interest rates, and I think you will see action out of the Federal Reserve Board within the next few weeks that will indicate that the interest rates will be rolled back.

We are all opposed to inflation, and we do not want recessions or depressions, and I think it is part of the responsibility of the Members of this House to help clear this situation up by voting responsibly and carefully selecting priorities.

Mr. MONAGAN. Mr. Speaker, will the gentleman yield?

Mr. ALEXANDER. I yield to the gentleman from Connecticut.

Mr. MONAGAN. Mr. Speaker, I would like to compliment the gentleman too for bringing to the floor a discussion of this very important problem I was particularly struck by the statements the gentleman made about unemployment and the rising trend in unemployment, because what I have today placed in the RECORD elsewhere is a statement on this trend in my own State of Connecticut where there are over 10,000 more unemployed today than there were a year ago, and in my own city of Waterbury, where the rate of unemployment has gone from 4.7 percent to 6.7 percent in a year's time.

The economy is not something that can be turned on and off at will. I believe it is important to call attention, as the gentleman does, among other things, to the danger that lies in connection with this attempt of the administration to control inflation. We are all in favor of the objective, but the dangers in it are tremendous and I hope that the administration's financial officers will have these dangers in mind and act cautiously where jobs and family well-being are concerned. I thank the gentleman for pointing out some of these dangers here today.

Mr. CARTER. Mr. Speaker, will the gentleman yield?

Mr. ALEXANDER. I yield to the gentleman from Kentucky.

Mr. CARTER. Mr. Speaker, I thank the distinguished gentleman for yielding, and I wish to state that at the present time we are in a recession, and on the verge of a depression if something is not done.

At the present time anyone can obtain interest, that has money to loan, of from 8 to 8.5 percent from Federal agencies. As a result of this money going out from our banks and savings and loan associations, and the business people, the little people, the farmers and the homebuilders, have no place to go for their loans.

Ninety-nine percent of the people in our country, when they buy automobiles, finance them. But at the present time, with the interest rates up and money scarce, this industry is in the doldrums The estimate has been made to me by those in this industry that 20 percent of the car dealers in our country will go out of business this year unless something is done.

Ninety-five percent of the people in our country who buy homes finance them. At the present time they cannot borrow the money to finance their homes. Therefore the housing industry, which is a great industry in our country, has been slowing down to a stop. Not only that, but there are allied industries that are failing. As an example, take lumber. The sawmills in my area are losing money and are about to go under.

So, Mr. Speaker, I would say that it is time for us to lower the interest rates. I believe the administration should consider doing its best to influence the Federal Reserve Board to lower the exchange rates, and to use all the influence that they may have on the bankers of our country to bring the interest rates down.

This is the time when rich people make money. You get 8½ or 9½ or 10 percent on your loan. Wealthy people make huge sums of money. But the poor people, the business people and the farmers, all suffer.

So I call upon the administration today to do what it can to lower the interest rate. I thank the distinguished gentleman for his excellent presentation and thank him for yielding.

Mr. ALEXANDER. I thank the gentleman from Kentucky.

Mr. PATMAN. Mr. Speaker, will the gentleman yield?

Mr. ALEXANDER. I yield to the distinguished chairman of the House Committee on Banking and Currency, the gentleman from Texas (Mr. PATMAN).

Mr. PATMAN. First, I want to congratulate the gentleman, Mr. Speaker, for making a very fine statement concerning high interest rates. I congratulate the gentleman on becoming a member of that group that has sponsored what is known as House Concurrent Resolution 522, a resolution which was introduced on March 4, just a few days ago.

I am glad to know that you have 83 Members. You know the Members of Congress can have influence, if they will work together, and you are making a wonderful start. I congratulate the entire group for what they are doing and I hope you do more of this.

You know there are a lot of fallacies about the use of interest, credit, tight money, and what should be done. But there are certain things that we always know about—we know the difference between right and wrong. People who know the difference between right and wrong know that there are a lot of things going on in this country now involving interest rates and the use of money that are absolutely wrong.

Housing today is the worst thing that we have facing us. There is a serious depression, and I do not mean recession—I mean depression in housing. A person who is making less than $13,000 a year cannot finance a decent home for himself and for his family now. They are absolutely out. Only the affluent people are building homes now—no one else can afford to build homes. This situation is dangerous for our country.

We talk about environmental quality. Families, in order to have a proper environment for the rearing and educating of their children, of course, must have food, and they must have clothing, and they must have shelter, a decent home in which to rear and to educate their children.

As it is now they can get the food and they can get the clothing, but there is no way that half the people of this Nation can get proper housing for their families—and that is one of the requisites for a decent environmental quality.

High interest rates can be corrected; there is no question on earth about that. I have gone through a period of time when interest rates were kept down. There is no question about that fact. Members of both parties agreed on a system of interest rates preceding World War II, in the middle of 1939 when the war was beginning in Europe. We knew eventually we would get involved somehow in that war and that it would take a lot of money. We commenced to prepare for that eventuality. President Roosevelt got the Federal Reserve Board together and said:

> Now we are getting into a wartime situation and we are going to spend more money than we ever spent before. We cannot come out of this as a nation and as a sovereign country with any assurance of going on in the future, as we have in the past, unless we keep interest rates down. We must have low interest rates.

The members of the Federal Reserve Board did not agree with President Roosevelt—that is, most of them did not. This included the Federal Reserve Chairman Marriner Eccles, who had been a big businessman and banker. He is one of the best men I ever knew. He was a very rich man and he did not believe in the Roosevelt policy. But, he cooperated and he carried out his promise to the President; and for 14 years, commencing in June 1939, when the first war signs and clouds were over Europe, until 1953, until the first 3 months of 1953, we had stable interest rates. The wholesale rate, we will call it—which is the rate charged on long-term Government bonds—averaged less than 2½ percent through the 14 years. That shows that it can be done when you have an administration which wants to keep interest rates low. You know, when the Government owes a big national debt, it is almost impossible to visualize a situation where a person would be justified in saying that a big national debt can be used in the public interest. But, in this case it can, as it was in World War II and the Korean war. By fixing the long-term rate on the debt, that fixes comparable debts in private business and industry. They follow

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right along with it, because the Government debt represents so much of the total debt that it prevails. That would prevail today if the rates were pegged at a reasonable level.

We have total debts of a trillion six hundred billion dollars. If we wanted to fix interest rates, the Government could. Those low rates would prevail, just as they did for 14 years when President Roosevelt and President Truman were in office.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. ALEXANDER. I yield to the gentleman from Iowa.

Mr. GROSS. The gentleman from Texas (Mr. PATMAN) has spoken of 14 years of war. It seems to me he is stretching that all over the landscape. That is the first time I have heard of this country being in a war for 14 years. Vietnam may produce a 14-year war eventually. I do not know. But how many years during that period were there wage and price controls?

Mr. PATMAN. The gentleman misunderstood me. I am sorry. When I mentioned 1939, I said we were not in a war then, but we knew we were going to get into a war. There were war clouds over Europe. The signs showed that we were becoming involved. We were getting ready for what eventually took place on December 7, 1941.

Mr. GROSS. How many years are you talking about?

Mr. PATMAN. I am talking about any period that was influenced by a war.

Mr. GROSS. We are still being influenced by war.

Mr. PATMAN. That is correct. You are right.

Mr. GROSS. And by the effects of World War II.

Mr. PATMAN. I believe if you will let me finish, I think I would answer your question. When we knew there was going to be a war—in 1939—we commenced to prepare. That is when we commenced to fix interest rates low. We fixed interest rates low and kept them that way for 14 years, including the first few months of 1953, from 1939—2½ percent and less on long-term Government bonds. Even when the Eisenhower administration came in, January of 1953, there were two bond issues floated, one of them at 2⅜ percent and one of them at 2½ percent. That showed that all during that time the rate had been maintained at 2½ percent or less. It can be done. It could be done right now. But it has not been done.

I am not making a partisan issue of this. The Republicans supported that policy in the period I am talking about, just the same as the Democrats did. The mistake was made after it was all over, and when efforts were made by certain people to raise those rates and they were successful in doing so. It was not the Democrats doing it or the Republicans doing it. There are people on both sides who want high interest rates; there are people on both sides who want low interest rates.

But let me tell you, if you will pardon me for another minute or two, what that resulted in. In the year 1944 we experienced the darkest days of the United States of America ever. We did not know whether we were going to win that war or not. We were in a bad condition. People were then saying that we had better get ready for the worst. When we did win the war, they said we would have a severe depression. They would say, "Name me one country, a major country, that ever engaged in a major war and did not have a major depression after that war was over." And no one could dispute that statement because it was the truth. We were then in a major war involving millions of people. Young men were engaged in service around the globe. Everybody said, "When they come back here, if they get a job selling apples, they will be lucky. We will have the worst depression we have ever had. Every major country has always had a major depression under those circumstances."

And Members of Congress, be it said to their credit, on both sides of the aisle said, "We must not permit that to happen."

We got up the GI bill of rights, we got up all kinds of rights for the returning veterans. And because of the low interest rates Mr. Truman—before he went out as President—was able to pay $29 billion on the national debt. That was something that could not have been done except under low interest rates. Also, our credit was so good that the returning servicemen did not have to get out on the streets as unemployed people. They became doctors and lawyers and professional people after they were educated under the GI bill. One of the greatest strengths of this country today is the education of these fine young men.

Also, if the returning men wanted to buy a home, the Government furnished them the money at a reasonable rate of interest. If they wanted to go into business, the Government furnished money at a reasonable rate of interest. Therefore, we had a transition from war to peace that was smooth, and it set a record for all civilizations. This was a major country coming out of a major war and not having a major depression—because of the low interest rates.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. ALEXANDER. I yield to the gentleman from Iowa.

Mr. GROSS. Of course we were able to do that, because we were willing to subsidize the economy in part by subsidizing interest rates. I do not want to argue with the gentleman, but if the gentleman had his way he would start the printing presses and turn out printing press money. That would take care of everything.

I would like to ask the gentleman from Arkansas, what measures does he propose to use to curb inflation in place of some form of interest rate control? What other control does the gentleman propose to use?

I assume the gentleman is willing to admit that we cannot continue spending beyond income and borrow money without having inflation. I wonder what the gentleman proposes to use if interest rates are reduced? What does the gentleman propose to use in place of that to curb inflation?

Mr. ALEXANDER. In response to the gentleman from Iowa, I would like to point out that I, along with a majority of the House of Representatives, have supported the President on his effort to balance the budget. I supported his request to continue the surtax in order to bring in additional income with which to balance the budget.

The position that I have here—and I think the point, in fact, in question—is that the single-shot effort by the administration to use the interest rate alone for a sustained period of time—as it has now been used for such a period of time—loses its effect as a fight against inflation.

Mr. PATMAN. Mr. Speaker, will the gentleman yield?

Mr. ALEXANDER. I yield to the gentleman from Texas.

Mr. PATMAN. Mr. Speaker, the gentleman's statement there is absolutely correct. Here is the reason for it: Fighting inflation with high interest is just as illogical as fighting a fire with gasoline instead of water. It just makes the situation worse.

Higher interest increases the prices of goods on the shelves. When she shops the following Saturday, the housewife will see the prices reflect the interest rate increase. When interest rates go up, prices go up. There is inflation and more inflation, and the worse it is for the country.

We have to stop inflation. We do not want any worthless printing-press money. We only want good money like we have today. We must remember that the dollar today will buy less in interest than ever before in the history of these United States.

Mr. WRIGHT. Mr. Speaker, will the gentleman yield?

Mr. ALEXANDER. I yield to the gentleman from Texas (Mr. WRIGHT).

Mr. WRIGHT. Mr. Speaker, the question posed by the gentleman from Iowa is a very valid question, and I think it deserves a fair answer. The gentleman from Iowa, if I recall, posed the question: What, rather than high interest rates, would the gentleman from Arkansas or the gentleman from Texas propose as a means of curbing inflation?

Mr. Speaker, I think the question has two answers. The first answer is that high interest rates in and of themselves have not curbed inflation, and that they are not likely to curb inflation. There are several reasons for this.

First of all, as the gentleman from Texas (Mr. PATMAN) has so effectively pointed out, an increase in the cost of money makes itself felt in higher selling prices for almost every commodity on the market. It is historically manifested that raising interest rates has not reduced prices except as it has spun the country into a recession. In those cases, the price reductions have not been the result of high interest, but rather the result of business recession caused by high interest rates.

We need go no farther than the experience of the past year to discover that the highest interest rates in history, far from curbing the growth of prices, have helped to bring about the greatest increase in the Consumer Price Index since the year 1951. The second part of the answer is that there are less hurtful and more effective ways to curb rising inflation. One of them, it seems to me, would be a reinstitution of something in the nature of wage-price guidelines.

The gentleman from Iowa asked the question of the gentleman from Texas (Mr. PATMAN): In how many of those years he referred to were wage-price controls in effect? If my memory serves me correctly, wage-price controls were in effect during World War II and a limited sense during the Korean war. Informal wage-price guidelines were in effect during the first 4½ years of the Kennedy-Johnson and later Johnson-Humphrey administrations.

During this four-and-a-half-year period, from 1960 into mid-1965, while the gross national product was rising, while total employment was rising, while total unemployment was falling, and unemployment as a percentage of the labor force was falling, the price structure did not rise except at a level of about 1 percent a year. This was before the dramatic upward trend in interest rates began.

But, during 1969, with the highest interest rates in American history, the Consumer Price Index rose by 6.1 percent.

Mr. GROSS. While the debt was rising.

Mr. THOMPSON of Georgia. Mr. Speaker, will the gentleman yield?

Mr. WRIGHT. I do not have the floor except at the courtesy of Mr. ALEXANDER. As soon as I complete this comment I am sure the gentleman from Arkansas, who does control the time, will be delighted to yield.

I believe a second point needs to be made in this connection. The gentleman from Iowa speaks of rising debt. The purpose of raising interest rates ostensibly was to curb borrowing, but it has not curbed borrowing. Quite to the contrary, during the period of the last 4½ years in which interest rates have risen most markedly—those were not all Nixon years; some of those were Johnson years—during that period consumer debt, instead of being discouraged, rose by some 66 percent. Therein we have the spectacle not only of the money in our pockets bidding up the price of goods, but of money we do not yet have and merely hope to get going into the market to bid up the price of goods.

So I believe it is demonstrably conclusive that increasing the cost of money has not discouraged debt. Therefore, I would suggest as a second alternative means of curbing inflation a reinstitution of something in the nature of regulation W, which existed during the Korean period, wherein it was required that anyone purchasing a large item on installment payments must have a minimum downpayment, approximately 25 to 30 or in some cases 33 percent. This curbs the growth of runaway debt in the consumer market. It makes debt less costly to the person incurring the debt, and I believe in the long run is a favor to the individual consumer, rather than allowing him to go deeper and deeper into debt and finding it harder and harder and ever more costly to pay his way out of debt.

An arrangement of this kind would be anti-inflationary and far more healthy than the present situation in which consumer debt is actually encouraged by low downpayments and long amortization periods and even by the insidious practice of sending credit cards through the mail unsolicited.

May I say one other thing, and then I will yield back to the gentleman from Arkansas, because I am aware I have consumed more time than I should.

The gentleman from Iowa very properly points out that unquestionably one element in the inflationary spiral has been the public debt. There is no question about that. The gentleman is eminently correct.

I should like to point out that during the period in which the Government borrowed more money than ever before or since, during the period of World War II, average commercial interest rates remained well below 1 percent—below 1 percent. Today they are above 8 percent. In fact, during the years from 1934 until 1947 the average commercial rates in this country were below 1 percent. So public debt, inflationary though it may be, certainly does not make high-interest rates inevitable. It is no answer, therefore, to say that we must have high-interest rates simply because we have a public debt.

The average commercial interest rate in this country did not reach 3 percent until the year 1954. Today, of course, the rates are in the neighborhood of 8 percent. All I am suggesting in this connection is that interest rates, contrary to popular myth, are not simply a result of market conditions. Interest rates are the result of deliberate Government policy. They were kept low during that long period from the mid-1930's to the early 1950's notwithstanding the fighting of a war and the recovery from a severe depression, because it was the conscious policy of the Government to keep them low and hold them low. I believe that was a wise policy. I think we should return to that general policy. Certainly we need to move in that direction.

Mr. ALEXANDER. Mr. Speaker, I yield to the gentleman from Georgia (Mr. THOMPSON).

Mr. THOMPSON of Georgia. Mr. Speaker, I thank the gentleman for yielding.

The gentleman from Texas (Mr. WRIGHT) certainly made some good and valid points. I, for one, do not favor wage and price controls. I know some of those in the labor sector have spoken to me about this and said that it usually ends up being wage controls and not much price controls. Those in the management sector have said that it ends up putting a noose around their neck as to what they can charge for their products. I think that we should have a free economy, but I go back to the original statement I made, which is one of the problems we have had in the past decade has been that there has been a change in thinking in this country in that we, the Government, should provide more services and concentrate on providing services rather than on the production of products.

Mr. Speaker, there are two types of spending: that which produces wealth and that which consumes wealth. During the early part of this decade when we did have a more stable structure in this country so far as inflation is concerned, we were building the forces that led to the inflation that we have today, because we were incurring this additional debt and putting more money into the economy without creating new profits. Our welfare programs and poverty programs I am speaking of. Rather than creating profits, they were simply putting money into the economy without the creation of something tangible which people could buy and produce a profit. During the early 1930's, in the Roosevelt period, I was a kid, but one thing I recall was WPA and some of those other programs. These were putting money into the economy which also created wealth. The country was being made more wealthy because of the various programs where they were building roads and highways and buildings. Every time a building is built the country is wealthier by that much. Every time a house is built the country is one house wealthier. The same goes for the construction of television sets, cars, or whatever. However, when you simply give subsistence, whether it is $1 or $1 billion, to someone, the country is actually poorer because there is no offsetting product there. That money is being used to compete with all of the other products in existence. This is one of the overriding things that we have to look forward to. I happen to favor additional public works programs. I would like to see more highways built, more rapid transit systems built, where people are creating wealth. Let us make more jobs for people that way rather than to have handouts on various doles.

Mr. PATMAN. Mr. Speaker, will the gentleman yield?

Mr. ALEXANDER. I yield to the gentleman from Texas.

Mr. PATMAN. May I say to the gentleman that I am real proud of him and my good friend and colleague, JIM WRIGHT, for initiating this fine resolution. It creates interest in a subject that is one of the most important subjects we have in the country today. The more discussion we have the better solution we will have to offer, and solutions can be offered, I assure the gentleman.

(Mr. PATMAN asked and was given permission to revise and extend his remarks and include extraneous matter.)

Mr. PATMAN. Mr. Speaker, the President of the United States has full power to bring about lower interest rates.

President Nixon, of course, has the great Presidential weapon of moral suasion which could be used to bring about an immediate lowering of interest rates charged by the commercial banks. This "jawboning" technique is well accepted and has been used by many Presidents to protect the public interest.

President Kennedy used moral suasion to force a reduction in steel prices and President Johnson forced a rollback of the prime rate through the same technique.

But the Republican administration is apparently too far in debt to the banking industry to use moral suasion against high interest rates.

In addition to moral suasion, President Nixon was granted a broad set of

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standby authorities to control credit and interest rates in Public Law 91–151 passed by the Congress in the closing days of the first session of the 91st Congress.

This law gives the President full authority to require the Federal Reserve to control virtually any aspect of credit transactions. The President can insist on a control of interest rates, downpayments, maturities, and similar transactions involving credit. The President could require that the Federal Reserve limit credit for plant expansion and thus slow inflationary tendencies in this area.

But the President of the United States and the Republican Party refuse to use this law. They refuse to use moral suasion or anything else that might go against the wishes of the banking fraternity.

Mr. Speaker, we are seeing a repeat of the permissivenss of the Eisenhower administration when our interest rate troubles really began.

When the Republicans took over in 1953, President Eisenhower claimed that the Federal Reserve System was somehow independent from the rest of the Government. President Eisenhower was totally and sadly mistaken about the law, but his support of the "independence" myth let the Federal Reserve and the bankers loose to prey on the American public.

As a result, in 1953—with William McChesney Martin in charge of the Federal Reserve—the interest rates started skyrocketing.

Mr. Speaker, I place in the Record a table showing how the Democratic administrations kept the interest rates down between 1939 and early 1953, a period of depression, war, and inflation—a period of good times and bad times. The table shows how interest started climbing in 1953 after the Federal Reserve was allowed to claim its "independence."

Yields on long-term Government bonds 1939 to present

[Percent per annum]

Years:	*Yield*
1939	2.36
1940	2.21
1941	1.95
1942	2.46
1943	2.47
1944	2.48
1945	2.37
1946	2.19
1947	2.25
1948	2.44
1949	2.31
1950	2.32
1951	2.57
1952	2.68
Average for 14-year period (1939–52)	2.36
1953	2.94
1954	2.56
1955	2.84
1956	3.08
1957	3.47
1958	3.43
1959	4.08
1960	4.02
1961	3.90
1962	3.95
1963	4.00
1964	4.15
1965	4.12
1966	4.65
Average for 14-year period (1953–66)	3.65

Mr. Speaker, this is over a 50-percent increase.

Of course, the rates have continued to go up and in 1967, they climbed to 4.85 on long-term Government securities and to 5.26 in 1968, and to 6.80 in 1969.

Prime rate (1939 to 1969) percent per annum

Year	*Rate*
1939	1.50
1940	1.50
1941	1.50
1942	1.50
1943	1.50
1944	1.50
1945	1.50
1946	1.50
1947	1.75
1948	1.75
1949	2.00
1950	2.00
1951	2.50
1952	3.00
1953	3.25
1954	3.25
1955	3.50
1956	4.00
1957	4.50
1958	4.00
1959	5.00
1960	5.00
1961	4.50
1962	4.50
1963	4.50
1964	4.50
1965	5.00
1966	6.00
1967	6.00
1968	6.75
1969	8.50

Source: Federal Reserve Board.

NET PUBLIC AND PRIVATE DEBT, TOTAL INTEREST PAID, AND AVERAGE RATE OF INTEREST IN THE UNITED STATES, 1951–68

[Dollar amounts in billions]

Year (I)	Total debt [1] (II)	Interest paid [2] (III)	Computed average interest paid (percent) (3–2) (IV)	Interest costs figured at 1951 computed rate (V)
1951	$518.9	$17.7	3.41	$17.7
1952	549.7	19.5	3.55	18.7
1953	581.1	21.7	3.73	19.8
1954	605.2	23.5	3.88	20.6
1955	664.3	25.8	3.88	22.7
1956	697.6	29.5	4.22	23.8
1957	727.4	33.6	4.61	24.8
1958	768.2	35.5	4.62	26.2
1959	830.7	40.3	4.85	28.3
1960	872.0	44.2	5.07	29.7
1961	929.4	46.8	5.04	31.7
1962	997.0	52.5	5.27	34.0
1963	1,071.2	58.7	5.48	36.5
1964	1,154.0	85.2	5.65	39.4
1965	1,243.8	72.4	5.82	42.4
1966	1,335.7	81.9	6.13	45.5
1967	1,424.8	89.9	6.31	48.6
1968	1,568.5	104.4	6.66	53.4
1969	[3]1,650.0	120.0	7.25	56.3
Total		983.1		621.1
Less total (V)		621.1		
Excess cost		362.0		

[1] Economic Report of the President, 1969.

[2] Office of Business Economics, Department of Commerce.

[3] Estimated.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. ALEXANDER. I yield to the gentleman from Iowa.

Mr. GROSS. I am still at a loss to understand what you gentlemen would substitute for interest rates. No one likes to pay high interest rates. But, what would you substitute for drastically lowering interest rates? What would you substitute for it as a brake upon inflation?

Obviously, Congress is not in any mood to slow spending. We have just passed the Departments of Labor, Health, Education, and Welfare appropriation bill which carried an amount of between $650 million to $680 million above the President's budget. I see no real evidence around here that anyone is willing to cut spending.

What do you propose to substitute in place of interest rates?

The gentleman from Texas (Mr. Wright) mentioned regulation W. Well, regulation W could be so applied as to be just as devastating as high interest rates; is that not the fact? It could be so inflicted that we would have the same result stagnating the economy.

Mr. WRIGHT. Mr. Speaker, will the gentleman yield?

Mr. ALEXANDER. I yield to the gentleman from Texas.

Mr. WRIGHT. I thank the gentleman for yielding.

In response to the question of the gentleman from Iowa I think the essential difference between something in the nature of regulation W and high interest rates as a curb against borrowing is, first, that regulation W was an effective curb against galloping consumer debt; whereas high interest rates have not been an effective curb. The consumer debt has gone higher and it has simply become more costly to the poor fellow in debt.

Second, I think the difference would be that a curb in the nature of regulation W would make it harder to get into debt and easier to get out of debt; whereas high interest rates make it easier to get into debt but much more difficult to get out of debt.

Mr. GROSS. But, it could stagnate the economy as well as high interest rates.

Mr. WRIGHT. Mr. Speaker, if the gentleman will yield further, it is at least conceivable that an unwise and injudicious administration of such a policy, acting without discretion or restraint, could apply it with vengeance in a falling economy. Even in such a case as that, however, I do not think it would be as devastating to the average consumer by any stretch of the imagination as high interest rates.

Mr. PATMAN. Mr. Speaker, will the gentleman yield?

Mr. ALEXANDER. I yield to the gentleman from Texas.

Mr. PATMAN. May I state that the gentleman from Iowa wants to know what the substitute is for high interest. The substitute is lower interest. High interest rates are not necessary, not necessary at all. They are justified by the people who want high interest rates in order to make more money by saying that "We are using the marketplace; we are using the rate that is fixed in the marketplace where this competition exists for the money—the money managers are using the marketplace rate." But, they are overlooking the fact that the people who buy homes cannot pay the interest rates that the speculators and gamblers and high interest rate loan sharks in this country pay. They are in competition with people to whom it does not make any difference about the interest rates.

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We should have two types of rates of interest. We should have one rate for homes at, say, 5 percent or 5½ percent or 6 percent. This rate could be established tomorrow by the allocation of credit. We have plenty of money for everything else. One of the biggest banks in this country recently took money from 159 of their trust accounts and in cooperation with others bought $1 million shares of stock in an enterprise in the Bahamas whose principal business is a gambling institution. They have plenty of money for gamblers but no money for housing. No matter how high you make interest rates, money will not flow to the housing market because the people who have the money have too many other ways to invest it at higher rates. The home buyers cannot compete with the gamblers.

Mr. Speaker, I appreciate the gentleman yielding to me. I hope the gentleman continues to fight for this objective. The gentleman and the group cosponsoring this resolution ought to be highly commended.

The SPEAKER pro tempore. The Chair will state that the gentleman from Arkansas has 3 minutes remaining.

Mr. ALEXANDER. Mr. Speaker, I yield 1 minute to the gentleman from Georgia (Mr. Thompson).

Mr. THOMPSON of Georgia. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, the chairman of the Committee on Banking and Currency has mentioned a very good point. High interest rates do not, in and of themselves, curb inflation. When a business has to pay a high interest rate, his product is going up because he bases the cost of that product on the cost of his money.

But there are other factors other than high interest rates as to what can be done, in answer to the gentleman from Iowa (Mr. Gross), and that is less spending, particularly less spending in the field that is consumer spending, or those areas that do not produce wealth, is one area.

It would be interesting to know how many people on this resolution actually voted against the high interest rates that voted for the school loans and the FHA and veteran loan bills. I know on the school loans there were only 10, so obviously there were a number who voted for high interest, and they are decrying high interest now.

Mr. GROSS. If the gentleman will yield further, 3 percent of that 10-percent interest rate is subsidized by the Federal Government.

The SPEAKER pro tempore. The gentleman from Georgia has consumed 1 minute.

Mr. ALEXANDER. Mr. Speaker, I thank my colleagues for their concern in this matter, and in taking some of their valuable time in order to address themselves to this very serious problem.

As I said before this is not an attempt to legislate, but merely to advise. It is my hope that the voices of the people of this country will be heard in the inner sanctums of the Federal Reserve as a result of this debate—and I think they have been.

Mr. Speaker, I yield back the balance of my time.

Mr. CORMAN. Mr. Speaker, most people realize that the strength of our economic system comes from the diversity provided by our small business sector. This diversity exists because the openness of our business structure allows almost anyone with a salable idea, and a willingness to back it with hard work and a little money, to become an independent businessman. As a result, the wealth of our economy is shared more broadly than in any other country in the world. Not only do hundreds of thousands of businessmen have a stake in this system, but wage earners as well, who are able to select from such a great array of goods and services provided by the small business sector that their earnings can buy value unknown to wage earners in the rest of the world.

With a sound instinct to protect the diversity of our system, we have erected barriers over the years against excessive bigness that could damage small business by enacting antitrust laws, and by vigorously prosecuting violators. Legislation pending before this Congress to restrain the growth of one bank holding companies and conglomerates is a part of this continuing effort to maintain an economy in which small business may play its vital role.

Yet in 1 year, the Nixon administration's economic policies are doing more damage to the health of the small business sector than all the activities of big businesses that may yet have robber-baron instincts.

The highest interest rates since the Civil War have dried up profits—and more vitally, operating capital—for small business. The small business sector is running out of money. With no reserves to cushion them, small businesses are caught in a self-destruct cycle that can cascade with disastrous consequences: Most customers of small businesses are themselves small businessmen. Not only are they having trouble making business payments, they are in turn having trouble collecting payments. A business attorney from California attested in a recent letter to me that high interest rates are compounding the problems of small businessmen in another manner: Large, moneyed customers are also delaying payments because the longer they can keep money in their possession the more profit they can reap.

The only solution for many small business firms is to sell out to larger corporations. Like tenant farmers, small businessmen are being forced to become corporate employees, and business is becoming more and more concentrated in the hands of the few.

After a year of the highest interest rates since the Civil War and the highest inflation rate since the Korean war, the Nixon administration should have learned by now that high interest rates do not cure inflation, but rather feed it. If President Nixon's economic advisers feel that today's steadily rising prices can be shrugged off as a painful but temporary consequence all of us must pay in order to prove the correctness of their theories, do these theorists believe that the consequences to our small business sector can also be shrugged off? Since 80 percent of the businesses in this country have taxable incomes of less than $25,000 a year, and 94 percent less than $100,000, they would be shrugging their shoulders at peril to the biggest and most vital part of our economy.

Mr. ANDERSON of California. Mr. Speaker, I would like to associate myself with the remarks by the gentlemen from Texas and Arkansas.

The administration's policy of high interest and tight money has been a failure in holding down prices and curbing the rate of inflation.

Record high interest rates—at the highest level since the Civil War—have increased the cost of borrowing money by 41 percent since last year. This additional cost is passed on to the consumer. As a consequence, this past year, 1969, was the most inflationary 12 months since the Korean war.

In December 1968 the Consumer Price Index was at a level of 123.6. In January 1970 the Consumer Price Index had risen to 131.8. In other words, In January 1970 it took $131 to purchase the same goods and services that $123 bought in December 1968.

Food is more expensive this year. The demand for food is constant—yet, the prices for food are up 5.5 percent above a year ago. Meat, poultry, and fish prices have increased by over 12 percent. As a result, the housewife either spends 5½ percent more money at the grocery store this year or the family eats 5½ percent less food than last year.

Perhaps the industry which is bearing the major brunt of the high interest rate policy is the housing industry. Most families cannot afford to buy a home at this time. A home that sold for $20,910 in 1968 now sells for $22,000. The U.S. News & World Report states that monthly payments on a typical new house now run more than $290 per month. If a family spends one-fourth of its income on housing, then a family must make $14,000 a year to purchase this home. Yet, less than one family in five makes that much money.

New housing construction is at low level of production. The administration, by continuing high interest rates, seems to presume that housing construction can be postponed. This premise must be rejected and the housing of our people must be a top priority. A reduction in interest rates will be a positive step in putting the housing industry back on its feet.

Consequently, I am joining with 83 of my colleagues in urging the administration to make every effort to alter its policy of high interest rates.

Mr. FASCELL. Mr. Speaker, last week I was happy to once again express the Congress' concern over high interest rates. Today's discussion underscores the need for congressional action on this proposal. It is my understanding that the distinguished chairman of the Banking and Currency Committee has indicated his willingness to hold hearings on the resolution in the near future. Chairman Patman, Congressman Alexander, and Congressman Wright are to be commended for their leadership on this timely and important issue.

For the last 14 months this Government has pursued a policy of high inter-

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est rates in an effort to combat inflation. The results have been anything but successful. Prices are at an all time high; unemployment is rising; the housing industry has almost collapsed at a time when millions of Americans need and cannot find better housing.

High interest rates are not halting inflation. Instead, they are contributing to it. The high interest rates paid by manufacturers, distributors, and retailers are being passed on to you and me—the consumer. It is the consumer and small businessman that is being hurt by this Federal policy.

With our growth rate slowing and unemployment rising, I certainly hope that the administration will carefully review its policy on the interest rate and urge the Federal Reserve Board to take steps necessary to gradually reduce the prime interest rate.

Mrs. **MINK**. Mr. Speaker, the average American does not realize the extent to which he is being victimized by the Nixon administration policy of excessively high-interest rates.

This fiscal policy has siphoned off from the average American billions of dollars. Banks have reaped fantastic profits during the past 14 months.

For example, on a 30-year, $20,000 house mortgage, the workingman buying a home for his family is forced to pay an additional $5,000 for each 1 percentage point boost in the interest rate and prime interest rates have gone up more than 2 percentage points since President Nixon was elected.

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The Nixon administration has added $10,000 in interest charges to the cost of a $20,000 home. This is half the price of the house itself.

How many people have suffered under this policy of the Nixon administration? Every American who has bought a home in the last year and 2 months has lost heavily because of the high-interest rate policy.

Even more shocking, an interest boost of 1 percentage point—which is a 13.3-percent increase in the cost of money—costs the workingman more than the entire on-site labor cost of building his house—the total wages and fringe benefits of all the workers who built the house. Who is to blame for the housing depression? Certainly not American labor, for their wages are less than half of the additional cost added to the price of a house during the period of the Nixon administration so far.

When the President was elected the prime interest rate was 6¼ percent. Commercial banks raised the prime rate five times during the past year—a rate of increase unmatched in the history of this country.

The prime rate now stands at 8½ percent. This is the rate the commercial banks charge to their most favored customers, such as large corporations. The average taxpayer buying a home pays much more. In some areas interest rates on home mortgages are upward of 10 percent.

Let us look at how much the home buyer pays at 10 percent. When you obtain a 30-year mortgage on a $30,000 house you will pay $97,000 for it. The interest paid to the banks is $67,000, more than twice the cost of the house.

Higher interest costs, of course, are not reflected only in the cost of housing. This is only the most dramatic and painful manifestation of the high interest rate policy of the Nixon administration. These interest rates increase the cost of groceries and everything else on the shelves of all the stores in America. They are like gasoline being poured on the fires of inflation.

All across America, working people are being laid off, small businesses are closing down, people are getting nervous about the economic health of their Nation. This is because of the blind dogmatic adherence of the administration to this simplistic solution to inflation—high-interest rates.

As a cosponsor of the concurrent resolution on high-interest rates, I am delighted to join in urging a change in the Nixon administration policy. I urge that the House Committee on Banking and Currency hold hearings on this matter so that the American people can be told the full story of exactly how this administration is hurting the average family and its pocketbook.

GENERAL LEAVE

Mr. **ALEXANDER**. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks and include extraneous material on the subject of my Special Order today.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

WITNESS IMMUNITY, GRAND JURY REFORM, AND ORGANIZED CRIME

The **SPEAKER** pro tempore (Mr. Gettys). Under a previous order of the House, the gentleman from Virginia (Mr. Poff) is recognized for 10 minutes.

Mr. **POFF**. Mr. Speaker, on January 20, 1970, the supreme court of New Jersey, speaking unanimously through Chief Justice Weintraub, handed down its decision in *Zicarelli* v. *The New Jersey State Commission of Investigations* (N.J. Sup. Ct. 1-20-70). This was an appeal from an order incarcerating the defendants until they answered, under immunity, certain questions asked them by the commission. This decision contains excellent analyses of the issues in title I, grand jury, and title II, immunity, of S. 30, the Organized Crime Control Act of 1970, now pending before the House Judiciary Committee.

Mr. Chief Justice Weintraub carefully considered the issue of use-restriction immunity, and concluded, as did the other body, that this type of immunity is both constitutional, and a valuable law-enforcement tool. His analysis of the nature of the New Jersey State Commission of Investigation is informative and valuable as the function of the commission's power is similar to the grand jury report provisions of title I of S. 30. Chief Justice Weintraub concluded that the commssion plays a legitimate and valuable role in New Jersey's fight against organized crime, without trampling the rights of the citizens of New Jersey.

The language of the New Jersey immunity statute (N.J.S.A. 52: 9 M–1(b) before the court is as follows:

> (One who complies with a Commission order to answer) shall be immune from having such responsive answer given by him or such responsive evidence produced by him, or evidence derived therefrom used to expose him to criminal prosecution or penalty to a forfeiture of his estate.

The comparable language of title II of S. 30 is as follows:

> No such testimony or other information so compelled under the order or evidence or other information which is obtained by the exploitation of such testimony may be used against the witness in any criminal case . . .

The New Jersey Supreme Court joined the States of New York (*People* v. *La Bello*, 249 NE 2d 412 (1969), and California (*Byers* v. *People* (Sup. Ct. Calif. 9–16–69)) in holding that prosecution immunity is not required by the fifth amendment. All of these cases relied on *Murphy* v. *Waterfront Com.*, 378 U.S. 52 (1964) as authority for the proposition that only use-restriction immunity is required. Chief Justice Weintraub stated:

> *Murphy* held and *Gardner* [v. *Broderick*, 392 U.S. 273 (1968)] repeated that the Fifth Amendment requires protection only from the use of the compelled testimony and the leads it furnishes, and that protection our statute expressly provides. (p. 20)

Chief Justice Weintraub earlier stated that use-restriction immunity was not only constitutional, it was needed for effective law enforcement:

> We are satisfied that the Fifth Amendment does not require immunity from prosecution. An immunity of that breadth exceeds the protection the Fifth Amendment accords. More importantly, to find that demand in the Fifth Amendment would in practical terms deny state government access to facts it must have to meet its duty to secure the well-being of all its citizens. We heretofore deemed the Constitution to require immunity against use of testimony rather than immunity from prosecution, see *State* v. *Spindel*, 24 N.J. 395, 404–405 (1957), and recently our Legislature, in adopting the Model State Witness Immunity Act, substituted an immunity from use for an immunity from prosecution. See In Re Addonizio, 53 N.J. 107, 114–115 (1968). (pp. 19–20)

Mr. Speaker, during the debates with the other body on S. 30, there was an attempt to amend title I to prohibit the naming of individuals. That amendment was defeated. The Washington Post, of January 30, 1970, page A18, column 2, concurring with the opposition to title I, suggested that investigations would be better conducted by commissions. The difference between these commissions and a title I grand jury is not obvious to me. Indeed, insofar as these commissions are appointed, the main distinction is apparently that it would be easier to influence a commission investigation through the appointing process than a grand jury with its impartial selection procedures. However that may be, the function of the New Jersey State Commission of Investigation—SCI—and the function of the title I grand jury as regards the report power are very similar. The SCI is empowered to investigate and report on law enforcement, with particular emphasis on organized crime, the conduct of public officials and general matters concerning the public welfare and to recommend changes in law or law enforcement. Title I grand juries are authorized to report on organized crime conditions and the conduct of public officials, and make recommendations with respect to laws or law enforcement.

Although the SCI is directed to inform the public of its findings, it is not required to make findings as to the guilt of individuals. Title I of S. 30, of course, limits the reporting power to situations where they have found no grounds for indictment and thus guilt of the individual cannot be an issue. The hearings in this instance before the SCI were private, as are grand jury hearings.

The New Jersey Supreme Court relied heavily on *Hannah* v. *Larche*, 363 U.S. 420 (1960) in its approval of the SCI functions. Hannah concerned the procedures of the U.S. Civil Rights Commission. This, of course, involved public hearings, nondisclosure of complainants, and limitations on the right to confront and cross-examine witnesses. The U.S. Supreme Court there stated:

> [I]ts function is purely investigative and factfinding. It does not adjudicate. It does not hold trials or determine anyone's civil or criminal liability. It does not issue orders. Nor does it indict, punish, or impose any legal sanctions. It does not make determinations depriving anyone of his life, liberty, or property. In short, the Commission does not and cannot take any affirmative action which will affect an individual's legal rights. The only purpose of its existence is to find facts which may subsequently be used as the basis for legislative and executive action. 363 U.S. at 441, 4 L.Ed. 2d at 1320.

The Court noted that any adverse consequences to those being investigated, such as subjecting them to public opprobrium, were purely conjectural, and, in any case, were merely collateral and "not the result of any affirmative determinations made by the Commission." 363 U.S. at 443, 4 L. Ed. 2d at 1322.

Thus the U.S. Supreme Court would limit the right of a commission to make a comment on the guilt of a person, but was not particularly concerned by public opprobrium of those persons subject to investigation.

The Court also used the analogy between different investigatory bodies:

> Although we do not suggest that the grand jury and the Congressional investigating committee are identical in all respects to the Civil Rights Commission, we mention them, in addition to the executive agencies and commissions created by Congress, to show that the rules of this Commission are not alien to those which have historically governed the procedure of investigations conducted by agencies in the three major branches of our Government. *Ibid*.

Some opposition to title I reports was founded on the principle of separation of powers. Under New Jersey law, as the court so aptly analyzed the problem, this argument is specious. Their analysis is, I think, applicable to that same power-separation principle in the Federal Government. They stated:

> (1) "The power to investigate reposes in all three branches." *Zicarelli* at 11. See also *Hannah* v. *Larche*, 363 U.S. 420, 449 (1960).
>
> (2) "A separation-of-powers issue would arise only if the Legislature authorized the S.C.I. to go beyond investigation and to take action which invades an area committed exclusively to another branch." *Zicarelli* at 12.

As the title I grand jury has no power to act, there is no derogation from the power-separation principle.

Mr. Speaker, I commend the legislature, the courts, and the State commission of investigation in New Jersey for their efforts to rid their State of evil influence of organized crime. The Federal Government has the authority and the obligation to do all it can to aid in this effort. S. 30, passed by the other body, gives this body the opportunity to act. I sincerely hope that we do not pass up the opportunity. If we fail to act, then we will properly be condemned by both the ghetto dweller enslaved by narcotics and the legitimate businessman victimized by the predatory tactics of the mob.

The opinion follows:

[Supreme Court of New Jersey, A-57/58/59,
September Term 1969]

IN THE MATTERS OF JOSEPH ARTHUR ZICARELLI, ROBERT BASILE OCCHIPINITI, AND ANTHONY RUSSO, CHARGED WITH CIVIL CONTEMPT OF THE STATE COMMISSION OF INVESTIGATION

(*Joseph Arthur Zicarelli, Robert Basile Occhipinti, and Anthony Russo, Appellants*, v. *The New Jersey State Commision of Investigation, Respondent*.)

Argued December 15, 1969. Decided January 20, 1970. On appeal from the Superior Court, Law Division, Mercer County.

Mr. Michael A. Querques argued the cause for appellant Zicarelli; Mr. Samuel D. Bozza argued the cause for appellant Occhipinti (Mr. Daniel E. Isles and Mr. Harvey Weissbard, of counsel and on the brief; Messrs. Querques Isles & Weissbard, attorneys for appellant Zicarelli).

Mr. William Pollack argued the cause for appellant Russo.

Mr. Wilbur H. Mathesius and Mr. Kenneth P. Zauber argued the cause for respondent.

The opinion of the Court was delivered by Weintraub, C. J.

Appellants refused to answer questions before the State Commission of Investigation (herein S.C.I.) and persisted in that refusal notwithstanding a grant of immunity. Upon the S.C.I.'s application to the Superior Court, each was ordered to be incarcerated until he answered. We certified their appeals before argument in the Appellate Division.

II

Appellants contend the statute creating the S.C.I. denies due process of law in violation of the Fourteenth Amendment because individuals summoned before the Commission are denied the protections accorded an accused by the Bill of Rights.[1] The argument rests upon the false premise that the role of the S.C.I. is to decide whether an individual has committed a crime and to publicize the verdict. That is not its mission.

For this reason, appellants' reliance upon *Jenkins* v. *McKeithen*, — U.S. —, 23 L. ed. 2d 404 (1969), is misplaced. That case involved a Louisiana statute which created a body called the Labor-Management Commission of Inquiry. The Commission consisted of nine members appointed by the Governor. The Commission could act only upon referral by the Governor when, in his opinion, there was substantial indication of "widespread or continuing violations of existing criminal laws' affecting labor-management relations. Upon such referral the Commission was to proceed by public hearing to ascertain the facts, and was required to determine whether there was probable cause to believe such criminal violation had occurred. Such findings were to be sent to appropriate federal or state law enforcement officials, and although not evidential in any trial, the findings were to be made public and could include conclusions as to specific individuals.

In *Jenkins* the trial court dismissed the complaint on motion. Four members of the Court, in an opinion by Mr. Justice Marshall, thought there was enough to warrant a hearing upon the complaint and hence reversed the judgment; two members of the Court thought the statute was invalid on its face; and the remaining three voted to affirm the trial court's judgment upholding the statute.

Mr. Justice Marshall stressed that the Commission had no role whatever in the legislative process. He pointed to the Commission's power to make public findings with respect to individual guilt of crime and cited the allegations in the complaint that the power was so used "to brand them as criminals in public" (— U.S. at —, 23 L. ed. 2d at 420). He continued that "In the present context, where the Commission allegedly makes an actual finding that a specific individual is guilty of a crime, we think that due process requires the Commission to afford a person being investigated the right to confront and cross-examine the witnesses against him, subject only to traditional limitations on those rights," and as well the right to call witnesses, subject to reasonable restrictions. (— U.S. at —, 23 L. ed. 2d at 421.) Finally the opinion emphasized that it did not hold that appellant was entitled to declaratory or injunctive relief but only that he was entitled to a chance "to prove at trial that the Commission is designed to and does indeed act in the manner alleged in his complaint, and that its procedures fail to meet the requirements of due process." (— U.S. at —, 23 L. ed. 2d at 422.)

It should be stressed that both the plurality opinion and the dissenting opinion unreservedly reaffirmed *Hannah* v. *Larche*, 363 U.S. 420, 4 L. ed. 2d 1307 (1960), which had rejected a similar attack upon the statute creating the Civil Rights Commission. Distinguishing Hannah, Mr. Justice Marshall in Jenkins said (——— U.S. at ———, 23 *L. ed.* 2d at 419–420):

"The appellants in Hannah were persons subpoenaed to appear before the Civil Rights Commission in connection with complaints about deprivations of voting rights. They objected to the Civil Rights Commission's rules about nondisclosure of the complainants and about limitations on the right to confront and cross-examine witnesses. This Court ruled that the Commission's rules were consistent with the Due Process Clause of the Fifth Amendment. The Court noted that '"[d]ue process" is an elusive concept. Its exact boundaries are undefinable, and its contents varies according to specific factual contexts. . . . Whether the Constitution requires that a particular right obtained in a specific proceeding depends upon a complexity of factors. The nature of the alleged right involved, the nature of the proceeding, and the possible burden on that proceeding, are all considerations which must be taken into account.' 363 U.S., 442, 4 L. Ed. 2d at 1321.

"In rejecting appellants' challenge to the Civil Rights Commission's procedures, the Court placed great emphasis on the investigatory function of the Commission:

"'[I]ts function is purely investigative and fact-finding. It does not adjudicate. It does not hold trials or determine anyone's civil or criminal liability. It does not issue orders. Nor does it indict, punish, or impose any legal sanctions. It does not make determinations depriving anyone of his life, liberty, or property. In short, the Commission does not and cannot take any affirmative action which will affect an individual's legal rights. The only purpose of its existence is to find facts which may subsequently be used as the basis for legislative and executive action.' 363 U.S. at 441, 4 L. Ed. 2d at 1320.

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[1] The S.C.I. contends that appellant Zicarelli is estopped to argue the constitutionality of the statute in its entirety or of the immunity provision because he was defeated on both scores in a proceeding in the United States District Court for the District of New Jersey and withdrew his appeal from the judgment there entered. We pass this objection since the issue must be met at the behest of the other appellants, and even as to Zicarelli "collateral estoppel" would not be a satisfying basis for decision.

"The Court noted that any adverse consequences to those being investigated, such as subjecting them to public opprobrium, were purely conjectural, and, in any case, were merely collateral and 'not . . . the result of any affirmative determinations made by the Commission. . . .' 363 U.S., at 443, 4 L. 2d at 1322."

The S.C.I. is in no sense an "accusatory" body within the meaning of *Jenkins*. Rather, in words which *Jenkins* repeated from *Hannah*, the purpose of the S.C.I. is "to find facts which may subsequently be used as the basis for legislative and executive action." This plainly appears from a review of the statute.

The S.C.I. consists of four members, two appointed by the Governor and one each by the President of the Senate and the Speaker of the General Assembly. *N.J.S.A.* 52:9M-1. Section 2 of the statute reads:

"The commission shall have the duty and power to conduct investgiations in connection with:

a. The faithful execution and effective enforcement of the laws of the State, with particular reference but not limited to organized crime and racketeering.

b. The conduct of public officers and public employees, and of officers and employees of public corporations and authorities;

C. Any matter concerning the public peace, public safety and public justice."

Section 2 provides:

"At the direction of the Governor or by concurrent resolution of the Legislature the commission shall conduct investigations and otherwise assist in connection with:

a. The removal of public officers by the Governor;

b. The making of recommendations by the Governor to any other person or body, with respect to the removal of public officers;

c. The making of recommendations by the Governor to the Legislature with respect to changes in or additions to existing provisions of law required for the more effective enforcement of the law."

Section 4 requires the S.C.I. to investigate any department or State agency at the direction or request of the Legislature or the Governor or such department or agency. Upon the request of the Attorney General, a county prosecutor or any other law enforcement official, the S.C.I. shall cooperate with, advise and assist them in the performance of their official powers and duties. Section 5. The S.C.I. shall cooperate with federal officials in the investigation of violations of federal laws within the State, section 6, and may consult and exchange information with officers of other States, section 7, and whenever it shall appear to the Commission that there is cause for the prosecution for a crime, or for the removal of a public officer for misconduct, the Commission shall refer the evidence to the officials authorized to conduct the prosecution or to remove the public officer. Section 8.

The legislative mission of the S.C.I., evident in section 3 quoted above, is emphasized by section 10 which reads:

"The commission shall make an annual report to the Governor and Legislature which shall include its recommendations. The commission shall make such further interim reports to the Governor and Legislature, or either thereof, as it shall deem advisable, or as shall be required by the Governor or by concurrent resolution of the Legislature."

Section 11 does provide that—

"By such means and to such extent as it shall deem appropriate, the commission shall keep the public informed as to the operations of organized crime, problems of criminal law enforcement in the State and other activities of the commission."

But section 11 does not require the S.C.I. to make and publicize findings with respect to the guilt of specific individuals and thus does not invite the problem involved in *Jenkins*. In other words, the S.C.I. can respect the demands of due process without disobeying the letter or the spirit of the statute. Nor does the discretion given by section 12 to hold public hearings in any way mandate an infraction of any constitutional right. Under the statute the S.C.I. may, and under the Constitution it must, work within basic limits.

We add that nothing occurred in the present matter which suggests the S.C.I. intends to transgress those limits. The S.C.I. met the provisions of the Code of Fair Procedure (*L.* 1968, *c.* 376, *N.J.S.A.* 52:13E-1 to 10. A copy of that statute was served upon each appellant with the subpoena, and the subpoena contained a sufficient statement of the subject of the investigation.[2] *N.J.S.A.* 52:13E-2. The right to have counsel present and to receive his advice, *N.J.S.A.* 52:13E-3, was respected. The hearing was private. There has been no trace of a purpose to deny due process.

In sum, then, we have a typical commission created to discover and to publicize the state of affairs in a criminal area, to the end that helpful legislation may be proposed and receive needed public support. That the commission may also aid law enforcement by gathering evidence of crime and transmitting it to the appropriate agency for evaluation or prosecution does not militate against the power of the Legislature to seek the facts for its own purposes through such a commission. We do not suggest that a commission whose role was solely to aid the executive branch by ferreting out evidence of guilt for transmittal to the executive officers would be barred by the Federal Constitution. No provision of that instrument stands in the way. Nor do we understand appellants to say there is. The federal attack under the present point is based on the due process clause, and the result does not turn upon whether the agency is characterized as "legislative" or "executive" or both. Rather the question is whether the agency, whatever its classic nature in the context of separation of powers, has an accusatory role, and if so, whether individual rights pertinent to an accusatory function have been denied. As to this, the answer is that the role of the S.C.I. is not accusatory and the rights accorded the individuals concerned are appropriate and adequate in the light of the agency's mission and powers.

We add that the United States District Court for the District of New Jersey rejected the same attack in *Sinatra* v. *New Jersey State Commission of Investigation*, decided January 9, 1970.

Appellants contend the statute violates Article III, ¶ 1, which reads:

"The powers of the government shall be divided among three distinct branches, the legislative, executive, and judicial. No person or persons belonging to or constituting one branch shall exercise any of the powers properly belonging to either of the others, except as expressly provided in this Constitution."

The gist of the complaint seems to be that the statute's division of the power of appointment between the legislative and executive branches offends the provisions of the State Constitution dealing with appointments to office.

Appellants say that if the S.C.I. is a legislative agency, the statute must fall because the power of appointment of two of the commissioners is allocated to the Governor. The power to appoint, as such, is not the special power of any one branch. *Ross* v. *Board of Chosen Freeholders of the County of Essex*, 69 *N.J.L.* 291, 294-296 (E. & A. 1903). The question then is whether there is something in the facts of this case which nonetheless requires the appointments to be made by the Legislature itself. We see no fundamental incongruity within the broad principle of *Article* III, ¶ 1, quoted above, in permitting the Governor to appoint to a legislative agency. The Governor is a party to the legislative process. He is required to address the Legislature upon "the condition of the State" and to "recommend such measures as he may deem desirable." *Art.* V. § I, ¶ 12. All bills must be presented to him for his approval or disapproval. *Art.* V, § I, ¶ 14. Hence it cannot offend the policy of *Art.* III, ¶ 1, to authorize the Governor to appoint to a "legislative"' commission.

Nor does any constitutional provision dealing with the specific subject of appointments forbid that course. On the contrary, the stated restriction with respect to appointments is upon the legislative branch alone. *Art.* IV, § V, ¶ 5, provides that "Neither the Legislature nor either house thereof shall elect or appoint any executive, administrative or judicial officer except the State Auditor." See *Richman* v. *Neuberger*, 22 N.J. 28 (1956); *Richman* v. *Ligham*, 22 N.J. 40 (1956). Hence, if the S.C.I. is a legislative commission within the meaning of our State Constitution, no difficulty resides in the circumstance that the Governor shares the appointing power.

The alternative argument is that the S.C.I. must be deemed to be an executive agency and therefore the Legislature may not appoint because of the affirmative restriction upon a legislative appointment of any executive or administrative officer contained in *Art.* IV, § V, ¶ 5, referred to above. In contending the S.C.I. is "executive" appellants stress the authority given the S.C.I. by the statutory provisions quoted in Point I to investigate at the request and in aid of the Governor or officers within his branch of government.

The power to investigate reposes in all three branches. *Eggers* v. *Kenny*, 15 N.J. 107, 114-115 (1954). And, absent a threat to the essential integrity of the executive branch, see *David* v. *Vesta Co.*, 45 N.J. 301, 326 (1965), the Legislature may investigate official performance within the executive branch, for it is the responsibility of the Legislature to legislate with respect to executive offices and their powers and duties. This being an appropriate area for legislative inquiry, it is of no significance that *Art.* V, § IV, ¶ 5, also empowers the Governor to investigate official performance within his department.

A separation-of-powers issue would arise only if the Legislature authorized the S.C.I. to go beyond investigation and to take action which invades an area committed exclusively to another branch. So, for example, if the S.C.I. were empowered to indict or to adjudicate charges of violation of our criminal laws, there would be an encroachment upon the judicial branch, *David* v. *Vesta Co., supra*, 45 N.J. at 326-327, and if the S.C.I. were authorized itself to prosecute criminal charges, the executive power would be involved. But the S.C.I. does none of this. Its investigations will at most yield material which may also be of interest to executive officials and be referred to them for handling. This being so, the S.C.I. is not vested with authority peculiarly executive in the sense of the separation-of-powers doctrine. Hence it cannot be said that the S.C.I. is an executive agency within the meaning of the provision barring legislative appointments of executive or administrative officers.

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[2] It read:

"Whether the laws of New Jersey are being faithfully executed and effectively enforced in the City of Long Branch, New Jersey, with particular reference to organized crime and racketeering; whether public officers and public employees in the City of Long Branch and in Monmouth County where it is located, have been properly discharging their duties with particular reference to law enforcement and relations to criminal elements; and whether and to what extent criminal elements have infiltrated the political, economic and business life of those areas."

Nor does the statute offend *Art.* IV, § V, ¶2, which reads:

"The Legislature may appoint any commission, committee or other body whose main purpose is to aid or assist it in performing its functions. * * *"

This provision appears to focus upon the power of appointment, and authorizes the Legislature to exercise that power if the "main purpose" is to aid or assist that branch of government and inferentially to deny that power if the "main purpose" is to aid or assist another branch.

We must assume the Legislature intended to abide by the Constitution and that the "main purpose" was to aid the legislative branch. That the S.C.I. is directed to investigate at the request of the Governor or agencies within his department does not point the other way. Notwithstanding the executive aid which may ensue, the legislative interest persists, for the legislative power touches all things, subject only to restraints the Constitution imposes. It being within the power of the Legislature to appoint to a commission to inquire into performance in public office, to trace the tentacles of crime in the public and the private sectors, and to inform the Legislature and the public to the end that the sufficiency of existing legislation or the need for remedial measures may be known, the legislative purpose remains dominant notwithstanding that the product of investigations will be available to the executive branch. The separation-of-powers doctrine contemplates that the several branches will cooperate to the end that government will succeed in its mission. It is consistent with the legislative responsibility to provide that a legislative agency shall investigate an area of legitimate legislative interest upon an executive request or shall alert law enforcement agencies, state and federal, with respect to criminal events it uncovers. Hence the assistance to the executive branch, state and federal, does not dispute the premise that the "main purpose" of the S.C.I. is legislative.

III

Appellants contend the immunity provision of the statute violates the Fifth Amendment guarantee that no person "shall be compelled in any criminal case to be a witness against himself."

N.J.S.A. 52: 9M–17(b) provides that a person complying with the S.C.I.'s order to answer "shall be immune from having such responsive answer given by him or such responsive evidence produced by him, or evidence derived therefrom used to expose him to criminal prosecution or penalty or to a forfeiture of his estate." Several objections are raised to the constitutional sufficiency of this immunity.

The first is that the statute does not grant a "transactional" immunity, *i.e.*, from prosecution for the offense to which the compelled testimony relates, but rather grants only a "testimonial" immunity, *i.e.*, protection against the use of the compelled testimony and the fruits thereof leaving the witness subject to trial upon the basis of other evidence the State acquires independently of that testimony. We believe the statute need go no further.

Appellants rely upon *Counselman* v. *Hitchcock*, 142 U.S. 547, 35 L. ed. 1110 (1892). There the statute protected the witness from the use of the evidence obtained from him but did not forbid the use of other evidence to which the witness's testimony might lead. The Court made it plain that the Fifth Amendment would not be satisfied unless the witness were also shielded from the evidence the prosecution uncovered by reason of the leads obtained from the witness, but in its final statement the Court spoke in terms which could be found to be more demanding. It said (142 U.S. at 585–586, 35 L. ed. at 1122):

"We are clearly of opinion that no statute which leaves the party or witness subject to prosecution after he answers the criminating questions put to him, can have the effect of supplanting the privilege conferred by the Constitution of the United States. Section 860 of the Revised Statutes does not supply a complete protection from all the perils against which the constitutional prohibition was designed to guard, and is not a full substitute for that prohibition. In view of the constitutional provision, a statutory enactment, to be valid, must afford absolute immunity against future prosecution for the offense to which the question relates. In this respect, we give our assent rather to the doctrine of *Emery's Case*, in Massachusetts, than to that of *People* v. *Kelly*, in New York; and we consider that the ruling of this court in *Boyd* v. *United States*, 116 U.S. 616, supports the view we take. Section 860, moreover, affords no protection against that use of compelled testimony which consists in gaining therefrom a knowledge of the details of a crime, and of sources of information which may supply other means of convicting the witness or party."

The last sentence in this quotation observes that the statute did not protect against the use of the fruit of the compelled testimony, and thus states a narrower basis for decision than the opening proposition that a statute will not suffice unless it grants an absolute immunity from prosecution.

The application of the self-incrimination clause to a *defendant* in a criminal proceeding is evident and simple, but the Constitution is read to protect as well a *witness* in every proceeding, and here difficulties arise. When the private interests of a witness are served by his silence, it is at the expense of litigants who need his testimony or at the expense of the State if the witness thereby withholds what the public needs to know in a judicial or legislative inquiry. Discordant values are involved, and the task is to reconcile their demands.

One approach could be to require the witness to answer and then to shield him from the use of the testimony thus compelled. We did that in a setting in which the good faith of the asserted fear of incrimination could not be tested. *State* v. *Cola*, 33 N.J. 335 (1960). In general, however, the courts chose to permit the witness to refuse to answer, but since, if that right were absolute, the State could be denied evidence it needed for public prosecutions or investigations, the competing values were adjusted by requiring the witness to testify if the State conferred an immunity which would leave him no worse off than if his claim to silence had been allowed. On the face of things, an immunity against prosecution would exceed what the Fifth Amendment protects, for the Fifth Amendment protects the witness only with respect to what the witness himself can furnish and not from evidence from other sources.

At the time *Counselman* was decided, the immunity question concerned only the jurisdiction which sought to compel testimony. *Counselman* dealt with a federal statute and with the restraint the Fifth Amendment imposed upon the federal government. Since then the Fifth Amendment has been found to apply to the States as well, and in addition the view has taken hold that evidence the federal government or a State obtains by forbidden compulsion may not be used by either jurisdiction. In that setting, the scope of the required immunity assumes new significance. If the immunity must protect against prosecution with respect to any offense, both state and federal, to which the testimony relates, the States would be unable to compel testimony no matter how urgent the public need since they could not immunize a witness from federal prosecution. And although the Congress can, in furtherance of federal investigations, bar state prosecutions, still, the State's responsibility and interest in criminal matters being usually more pervasive and demanding, it might be too high a price to pay. See *Knapp* v. *Schweitzer*, 357 U.S. 371, 378–379, 2 L. ed. 2d 1393, 1400 (1958). In this new setting, the more acceptable solvent is to protect the witness against the use of his compelled testimony by both jurisdictions but with each remaining free to prosecute on the basis of evidence independently obtained.

The problem was accordingly resolved in those terms in *Murphy* v. *Waterfront Commission of New York Harbor*, 378 U.S. 52, 12 L. ed. 2d 678 (1964). The case involved a New Jersey statute which granted immunity from state prosecution but of course did not purport to protect the witness with respect to federal offenses. On the basis of the prior decisions of the United States Supreme Court, we held the statute was valid even though the witness remained subject to federal prosecution. *In re Application of Waterfront Commission of N. Y. Harbor*, 39 N.J. 436 (1963). The United States Supreme Court agreed that the statute should be upheld, but upon the ground that the witness would indeed be protected in a federal prosecution by virtue of the Fifth Amendment itself. This conclusion had to reject the thesis that the Fifth Amendment required an immunity from prosecution rather than an immunity from the use of the coerced testimony. Indeed, *Murphy* read *Counselman* v. *Hitchcock* to have denounced the statute there involved, not because it failed to provide for immunity against prosecution, but because it did not protect the witness from the use of the fruit of the compelled testimony (387 U.S. at 78–79, 12 L. ed. 2d at 694–695). *Murphy* concluded in these words (378 U.S. at 79, 12 L. ed. 2d at 695).

"* * * we hold the constitutional rule to be that a state witness may not be compelled to give testimony which may be incriminating under federal law unless the compelled testimony and its fruits cannot be used in any manner by federal officials in connection with a criminal prosecution against him. We conclude, moreover, that in order to implement this constitutional rule and accommodate the interests of the State and Federal Governments in investigating and prosecuting crime, the Federal Government must be prohibited from making any such use of compelled testimony and its fruits. This exclusionary rule, while permitting the States to secure information necessary for effective law enforcement, leaves the witness and the Federal Government in substantially the same position as if the witness had claimed his privilege in the absence of a state grant of immunity."

That *Murphy* rejected the views that the Fifth Amendment require a grant of immunity from prosecution was emphasized in the concurring opinion of Mr. Justice White (378 U.S. at 93, 12 L ed 2d at 703).

In *Albertson* v. *Subversive Activties Control Board*, 382 U.S. 70, 15 L. ed. 2d 165 (1965), the Court, in summarizing *Counselman* v. *Hitchcock*, did include a reference in *Counselman* to "absolute immunity against future prosecution for the offence to which the question relates" but this issue was not in focus, and the opinion did not stop there, but rather pointed out that the immunity statute before it did not protect against the use of the compelled statement as evidence in all situations nor against the use of the leads it furnished (382 U.S. at 80, 15 L. ed. 2d

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at 172). The question whether an immunity against compelled testimony and its fruits is enough was left open in *Stevens* v. *Marks*, 383 U.S. 234, 244, 15 L. ed. 2d 724, 732 (1966). But in *Gardner* v. *Broderick*, 392 U.S. 273, 20 L. ed. 2d 1082 (1968), the Court said that "Answers may be compelled regardless of the privilege if there is immunity from federal and state use of the compelled testimony or its fruit in connection with a criminal prosecution against the person testifying," citing both *Counselman* and *Murphy* (392 U.S. at 276, 20 L. ed. 2d at 1085). Thus the view of *Murphy* was reasserted.

We are satisfied that the Fifth Amendment does not require immunity from prosecution. An immunity of that breadth exceeds the protection the Fifth Amendment accords. More importantly, to find that demand in the Fifth Amendment would in practical terms deny state government access to facts it must have to meet its duty to secure the well-being of all the citizens. We heretofore deemed the Constitution to require immunity against use of testimony rather than immunity from prosecution, see *State* v. *Spindel*, 24 N.J. 395, 404–405 (1957), and recently our Legislature, in adopting the Model State Witness Immunity Act, substituted an immunity from use for an immunity from prosecution. See *In re Addonizio*, 53 N.J. 107, 114–115 (1968).

There is a difference in that *Murphy* dealt with a federal-state setting whereas we are here dealing with the claim that our statute does not protect a witness from prosecution under our state law. But the question in both is the same, *i.e.*, what immunity the Fifth Amendment requires in exchange for compulsion to answer. The values involved are the same. We see no sensible basis for a different answer. *Gardner* v. *Broderick* treated the issue as one and the same, citing both *Counselman* and *Murphy*. *Murphy* held and *Gardner* repeated that the Fifth Amendment requires protection only from the use of the compelled testimony and the leads it furnishes, and that protection our statute expressly provides. See *United States* v. *McClosky*, 273 F. Supp. 604 (S.D. N.Y. 1967); *Application of Longo*, 280 F. Supp. 185 (S.D. N.Y. 1967).

The remaining question concerning self-incrimination may be disposed of quickly. It is contended the statutory immunity is inadequate because it does not protect a witness with respect to a prosecution in a sister State or in a foreign land. As to a sister State, it seems clear that if the Fifth Amendment requires protection against the use of the testimony by a sister State, the Amendment itself will provide that protection. *Murphy* can mean no less. *United States* v. *McClosky*, *supra*, 273 *F. Supp.* at 606; *Application of Longo*, *supra*, 280 F. Supp. 186; cf. *In re Flanagan*, 350 *F. 2d* 746, 747 (D.C. Cir. 1965). As to a foreign land, even if *Murphy* means that liability under foreign law is now relevant, the danger in the case before us is too imaginary and unsubstantial to sustain a refusal to answer. See *Murphy*, 378 U.S. at 67–68, 12 L. ed. 2d at 688.

Nor do we see substance to the complaint that our statute protects the witness only with respect to "responsive" answers or evidence. The limitation is intended to prevent a witness from seeking undue protection by volunteering what the State already knows or will likely come upon without the witness's aid. The purpose is not to trap. Fairly construed, the statute protects the witness against answers and evidence he in good faith believed were demanded.

IV

The orders under review provide that appellants shall be incarcerated until they answer the questions they refused to answer. Appellants contend the statute authorizes only a penal prosecution for contempt of the Commission, for which a fixed sentence must be imposed.

With reference to "contempt" of court, we tried to distinguish sharply between (1) the public offense, *i.e.*, "contempt," for which the court may punish the offender and (2) the injured litigant's right to apply for relief to satisfy his private claim arising out of the same offending act or omisssion. *New Jersey Department of Health* v. *Roselle*, 34 *N.J.* 331 (1961); *In re Application of Waterfront Comm. of N.Y. Harbor, supra*, 39 *N.J.* at 466; *In re Carton*, 48 *N.J.* 9, 19–24 (1966); *In re Buehrer*, 50 *N.J.* 501 515–516 (1957). The procedure and rights of the person concerned depend very much upon the purpose of the proceeding, and hence our rule of court prescribes the processes carefully to the end that he may know at once whether he is to meet a penal charge or the civil claim of a litigant, and may be afforded the rights appropriate to the proceeding. *R.* 1:10–1 to 5.

It would be helpful if legislative draftsmen abided by our semantics, but we cannot insist that they shall. Our responsibility remains to find and enforce the legislative intent.

N.J.S.A. 52:9M–17b provides that a person given immunity "may nevertheless be prosecuted for any perjury committed in such answer or in producing such evidence, or for contempt for failing to give an answer or produce evidence in accordance with the order of the commission. * * *" Appellants insist this language contemplates a penal prosecution and nothing else. But the sense of the situation goes strongly against that limitation, for the mission of the S.C.I. is to obtain facts for the Legislature and the mere punishment of a recalcitrant witness would not achieve that end.

We can think of no reason why the Legislature would want to permit a witness to block the inquiry if he is willing to accept a penalty. Mindful, as we are, that the expression "prosecution for contempt" has been used widely to describe a proceeding arising out of contumacy, whether the object of the proceeding is to compel compliance or to punish for noncompliance or both, we must seek the legislative design in that light, notwithstanding that the terms employed are not the ones we prefer. Here we have no doubt that the Legislature intended the S.C.I. to obtain the facts, whatever the wish of the person subpoenaed. The very provision for a grant of immunity repels the notion that a witness may choose to be silent for a price.

Nor is it critical whether the statutory language fits snugly within our rule of court relating to judicial proceedings in aid of subpoenas of a public officer of agency. *R.* 1:9–6. Subsection (a) deals with *ex parte* applications for compliance, subsection (b) with applications for compliance made on notice, and (c) with applications to "punish" where a statute authorizes that course. These provisions were intended to reflect statutory provisions of which the draftsmen of the rule were aware. Needless to say, the rule does not mean that the judiciary will withhold its hand unless the statute falls within the language of the rule. *R.* 1:1–2 provides that "in the absence of rule, the court may proceed in any manner compatible" with the purpose "to secure a just determination, simplicity in procedure, fairness in administration and the elimination of unjustifiable expense and delay." Here appellants were plainly informed that the objective of the proceedings was to have them jailed until they complied with the order of the S.C.I. There can be and there is no complaint on that score.

We should add some further observations. The section of the statute here involved deals with defiance of the order of the SCI, itself rather than with the defiance of an order obtained by the agency from a court. We see no difficulty in the circumstance that the statue does not call for an intermediate order by a court to be followed by enforcement of the court's mandate, but we point out that the absence of such an intermediate step does not deny a witness the opportunity to have the court pass upon the validity of the agency's order to answer. There was no misunderstanding here in that regard. Appellants were heard fully upon the propriety of the questions. They do challenge the validity of certain questions but there is no charge that the hearing before the trial court upon those objections was inadequate.

V.

The remaining issues warrant little more than mention.

Zicarelli and Occhipinti charge that the questions put to them offended their freedom of association guaranteed by the First Amendment. *Sweezy v. New Hampshire*, 354 *U.S.* 234, 1 *L. ed. 2d* 1311 (1957), which they cite, dealt with a legislative inquiry into political associations. Here the questions relate to an allegedly massive criminal organization, and to the witness's associations in that context. The subject matter is incontestably criminal and the interest of the State is manifest. We see no affront to the values protected by the First Amendment.

Appellants complain that the questions "sought to probe into the most secret recesses of the witness' minds and to expose these private thoughts to public view," and this they say is barred by the Fourth Amendment, alone, or in conjunction with the First and Fifth Amendments. Granted the right of the Legislature to inquire, the pertinency of the questions and the sufficiency of the immunity with respect to self-incrimination, all of which must be accepted for the immediate purpose, the proposition advanced, simply stated, is that the Constitution prohibits a subpoena to a mere witness. It is plainly frivolous.

Appellants' reliance upon the Sixth Amendment appears to raise no issue beyond the due process question discussed in "I" above.

Their further claim that if the statute is valid, it nonetheless has been so applied or implemented as to violate the Constitution has no basis.

The trial court properly refused to permit an examination of the Executive Director of the S.C.I. as to whether the agency already had the information it sought from appellants or whether the S.C.I. was following a path revealed by illegal wire-taps or bugging. As to the first, it would be an unwarranted interference with the legislative branch thus to superintend its exercise of its constitutional authority to investigate. It is difficult to conceive of a showing which would justify that course. Surely nothing before us suggests a serious issue in that regard.

With respect to the effort to learn whether evidence illegally obtained prompted the legislative investigation or the questions put to appellants, they cite no authority for the extraordinary proposition that such illegality will taint the legislative process. The suppression of the truth because it was discovered by a violation of a constitutional guarantee is a judge-made sanction to deter insolence in office. It is invoked in penal proceedings, and then only at the behest of a defendant whose right was violated. *Farley* v. *$168,400.97*, 55 N.J. 31, 47 (1969). Even there, the wisdom of a suppression of the truth is not universally acknowledged. *Farley*, *supra*, 55 N.J. at 50. Appellants ask us to go further, and to suppress the truth on behalf of a mere witness, to the end that he may choose to be silent. Still more, appellants ask that we visit the sanction upon the legislative process, even though that process cannot result in a judgment against them. Pressed relentlessly and without regard to all other values, the sanction thesis could indeed deny the Legislature access to facts, and even taint a statute adopted in response to facts illegally

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revealed, but we think such an extension would be absurd.

Finally, Russo asserts the questions put to him are improper because they allegedly enter an area in which he has been convicted of perjury. The conviction, as described in his brief, was for perjury in denying to a grand jury that he had said to a policeman that he, Russo, had the Mayor and some councilmen of the City of Long Branch "in his pocket." We do not see a problem. His testimony before the S.C.I. could not be used in a retrial of that perjury charge. Nor do the questions here involved include the one which led to the conviction, so as to raise the prospect that if Russo repeats his former testimony he will be indicted on a fresh charge of perjury. We need not anticipate issues such an indictment might raise.

The orders are reaffirmed.

COLONEL CASEY CITED AS CHAPLAIN OF YEAR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. FLOOD) is recognized for 10 minutes.

Mr. FLOOD. Mr. Speaker, Msgr. George T. Casey, a colonel in the Army Corps of Chaplains and a former Scranton diocesan parish priest, was honored as Chaplain of the Year 1970 by the Reserve Officers Association at its midwinter conference February 27 in Washington.

Colonel Casey is a native of Pittston and a brother of the Reverend John W. Casey, pastor of Nativity of the Blessed Virgin Church, Tunkhannock, where Colonel Casey once served as assistant pastor.

He is now stationed at Fort George G. Meade, Md., where he is President of the U.S. Army Chaplain Board. His Army career dates back to World War II during which he served 18 months in the Pacific as a chaplain of the 25th Infantry Division.

He is a son of Mary O'Boyle Casey of New Jersey, formerly of 32 Norman Street, Pittston, and the late John Casey.

He was graduated from St. John's High School, Pittston; St. Thomas College, now the University of Scranton; and St. Mary's Seminary, Baltimore, Md. He was ordained May 22, 1937, in St. Peter's Cathedral by the late Bishop Bernard J. Mahoney of Sioux Falls, S. Dak.

After serving as assistant pastor at Nativity Parish, Tunkhannock; St. Ann's, Freeland, and St. Mary's Avoca, he entered the Army as a chaplain in 1945.

He returned to diocesan duty in 1947 and served as assistant pastor at St. Philomena's—now Blessed Virgin Mary Queen of Peace—Parish, Hawley, and Nativity of Our Lord, Scranton, Pa.

He was recalled to service December 20, 1950, and spent 13 months with combat troops in Korea. Subsequently he was chaplain of Joint Task Force 7 during the atomic and hydrogen bomb tests at Eniwetok.

After receiving a master's degree in business administration at Syracuse University, Colonel Casey was named chief of plans and operations of the Army Chaplain Division in Europe and later, director and comptroller of the Army Chaplain School at Fort Hamilton, N.Y.

Subsequently he served as director of plans, programs, and policies of the Corps of Chaplains in the Office Chief of Chaplains.

Colonel Casey was named president of the Army Chaplain Board in May 1969.

In 1961, during his European tour, he was appointed by the late Francis Cardinal Spellman an assistant military vicar with the authority of a vicar general in the Military Diocese of Europe.

In December 1962 the late Pope John XXIII elevated him to domestic prelate with the title of monsignor.

HIRING OF CENSUS PERSONNEL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Mississippi (Mr. GRIFFIN) is recognized for 10 minutes.

Mr. GRIFFIN. Mr. Speaker, I am compelled to call the attention of the House to the rather questionable method of hiring personnel in connection with the 1970 census. Persons desiring employment with the Bureau of Census must sign a statement that in future campaigns they will actively work for the GOP. At the conclusion of my remarks, I will place in the RECORD the Republican Party application form that is essential to taking the examination.

Mr. Speaker, you will note that the personal statement under question VII is required as follows:

> In future campaigns you can count on me as: (List three most appropriate items from question IV.)

The appropriate items in question IV are: precinct worker, party official, candidate, headquarters worker, telephoner, speaker, office manager, money raiser, election day worker, contributor, precinct chairman, typist, poll watcher, other: describe.

Requiring census applicants to pledge future partisan political services is no different, in my opinion, than requiring a monetary kickback. It is no different from the actual selling of jobs, since a payment of services is a prerequisite to obtaining employment.

I queried the Bureau of the Census and was astonished to learn that the Director fully approved of the procedures being used in the employment of personnel. Even though these procedures are not illegal, I am firmly convinced that they are immoral and unethical.

Although newspaper articles stated that announcements of the examinations for census takers would appear in newspapers, no announcements appeared. Apparently, the examinations were held at a time and place known only to applicants recommended by the Republican Party. The general public, therefore, was excluded.

The taking of the census should not be a partisan matter. All qualified citizens should be given an opportunity, on a competitive basis, to obtain employment.

As a part of my remarks, I also include a copy of a letter and a telegram I sent to Mr. George H. Brown, Director of the Bureau of the Census, and his reply.

The material referred to follows:

[Headquarters copy]

LEADERSHIP INVENTORY

I

Name ------------------------------------
Phone: Residence -------- Office --------
Address ---------------------------------
County -------------- Precinct ----------
Occupation ------------------------------
Birth date ---------------- Sex --------
Marital status---------------------------

II

Have you been active in GOP politics?-----
If so, how long? -------------------------

III. What party position (if any) do you presently hold? --------------------------

IV. What work have you done for the GOP in the past? --------------------------

Precinct Worker ----;
Party Official ----;
Candidate ----;
Headquarters worker ----;
Telephoner ----;
Speaker ----;
Officer Manager ----;
Money Raiser ----;
Election Day Worker ----;
Contributor ----;
Precinct Chairman ----;
Typist ----;
Poll Watcher ----;
Other: (Describe) ----------------------

V. How many hours a week do you estimate you can devote to the Republican party when called upon:

During campaigns ----------------------
Year round ----------------------------

VI. Names of two friends you recommend as new Republican workers:

VII. Personal Statement: In future campaigns you can count on me as (List three most appropriate items from question IV.)

(1) ----------------------------------
(2) ----------------------------------
(3) ----------------------------------
(Signed) ----------------------------
(Date) ------------------------------

NOTE.—It is essential that every question be answered completely.

Recommended for:
Position --------------------------------
Area ------------------------------------
By: County Contact ----------------------
Date ------------------------------------
State Committeeman ----------------------
Date ------------------------------------
Appointed as ----------------------------
Comments: -------------------------------

WASHINGTON, D.C.,
February 25, 1970.

Hon. GEORGE HAY BROWN,
Director, Bureau of the Census, Department of Commerce, Suitland, Md.

DEAR MR. BROWN: Attached is a newspaper article which was rather intriguing to me.

You will note that the County chairman of the Republican Party is the "primary referral source for all Census positions in Claiborne County". Obviously, this has been interpreted that only Republicans will be hired as Census workers during the take of the 1970 Census.

After rereading the Constitution of the United States, I do not discern that the taking of the Census is a partisan matter. On the contrary, I would think that the elucidation of information on the 1970 Census should be a bipartisan effort.

You may have noticed an article in the *Evening Star* of February 23, 1970, written by Paul Hope. The tenor of that article was that Republican County Chairmen throughout the Country will screen applicants for employment and make sure that those approved are Republicans who have had to "sign in blood".

Please inform me, over your signature, of the following:

1. Is membership in the Republican Party a prerequisite to employment by the Census Bureau?

2. Which is more important, the gathering of information on a partisan basis, or the gathering of useful information on a nonpartisan basis?

3. Will Democrats and Independents be prohibited from employment opportunities because of their political affiliations?

4. Do you personally believe that Federal employment to satisfy a Constitutional requirement should be screened by a political party official?

5. Do you believe that only Republicans are capable of carrying out the Constitutional requirement of taking a Census?

6. Is there any appeal from the discriminatory action of a Republican County Chairman which does not refer to your office an applicant solely based on the fact that he or she is not a Republican?

7. Why do you think a screening process by the Republican County Chairman is necessary to fulfill the Constitutional requirement that a decennial census be taken?

Your immediate response to the above would be greatly appreciated.

Sincerely yours,

Charles H. Griffin.

March 2, 1970.

Hon. George Hay Brown,
Director, Bureau of the Census, Department of Commerce, Suitland, Md.

I am informed the Republican Party officials are initially screening applicants for census positions. I am further informed that only those providing a history of working for the Republican Party and promising so to do in the future will be allowed to take the census examination. Is this being done with your permission?

I respectfully request an immediate response to my letter to you of February 25, 1970, on this subject.

Regards,

Charles H. Griffin,
Member of Congress.

Bureau of the Census,
Washington, D.C., March 6, 1970.

Hon. Charles H. Griffin,
House of Representatives,
Washington, D.C.

Dear Mr. Griffin: In answer to your telegram, you are correct that Republican Party officials are called on to recommend candidates for temporary positions in connection with the 1970 Census.

As to your letter:

1. Membership in the Republican Party is not a prerequisite to employment by the Census Bureau. Applicants recommended by Republican Party referral sources are given initial preference, if they pass the census examination, but many thousands of persons are hired who are not referred by the Republican Party.

2. Although, for 1970, a Republican Administration will be responsible for conduct of the census, it will by law perform this task to the best of its ability by methods developed without regard to partisanship.

3. Democrats and Independents will find employment in the Census.

4. My answer to question 2 deals with this item.

5. No. Democratic Administrations administered successful censuses in 1940 and 1950, and most recently, the 1964 Census of Agriculture. Republican Administrations administered a successful census in 1960, and censuses of agriculture for 1954 and 1959. The guidelines for staffing the census are not new for 1970.

6. Yes. The applicant may apply directly to the Census District Manager for the area.

7. The referral system, which utilizes the local structure of the Republican party in 1970, is an effective way of mobilizing the enormous manpower resources needed for a few weeks to take the census. The vast bulk of these jobs are paid $2.00 to $2.50 per hour and involve intensive work. A service motivation is essential. Calling on the political structure of the Administration Party, whether it be Republican or Democratic, has been shown to evoke this service motivation successfully.

The requirement for a written test for all positions and the open application and examination process guarantee that the final decision for employment rests with the Bureau of the Census.

Persons interested in applying for census positions in your Congressional District may make direct application to the Census District Office in Jackson. The office is located at 216 South Lamar Street and the District Manager is Mr. Herbert H. Touchton.

While Mr. Touchton will be expected to give preference in hiring to qualified candidates supplied by the Republican organization, he is responsible for fully staffing his office whether or not the local sources produce a sufficient number of qualified candidates.

We will be pleased to answer any further questions you may have about this matter.

Sincerely,

George H. Brown,
Director.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Gonzalez (at the request of Mr. Preyer of North Carolina), for 10 minutes, today; to revise and extend his remarks and include extraneous material.

(The following Members (at the request of Mr. Foreman); to revise and extend their remarks and include extraneous matter to:

Mr. Poff, for 10 minutes, today.

Mr. Ryan, for 30 minutes, on March 18; to revise and extend his remarks and include extraneous matter.

Mr. Ryan, for 45 minutes, on April 14; to revise and extend his remarks and include extraneous matter.

(The following Members (at the request of Mr. Jones of Tennessee), to revise and extend their remarks and to include extraneous matter to:)

Mr. Flood, for 10 minutes, today.

Mr. Griffin, for 10 minutes, today.

Mr. Harrington, for 30 minutes, on March 10.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Gonzalez (at the request of Mr. Wright).

(The following Members (at the request of Mr. Foreman) and to include extraneous matter:)

Mr. McDade.
Mr. Burton of Utah in five instances.
Mr. Halpern.
Mr. Roudebush in four instances.
Mr. Mize in three instances.
Mr. Roth.
Mr. Wyman in three instances.
Mr. Cramer.
Mr. Ashbrook.
Mr. Foreman.
Mr. Thompson of Georgia.
Mr. Hammerschmidt.
Mr. Schneebeli in two instances.
Mr. Bow.
Mr. Button in two instances.
Mr. Carter.
Mr. Byrnes of Wisconsin.
Mr. Hogan.

(The following Members (at the request of Mr. Jones of Tennessee) and to include extraneous matter:)

Mr. O'Neill of Massachusetts in six instances.
Mr. Monagan in two instances.
Mr. McFall.
Mr. Wolff in three instances.
Mr. Pickle in two instances.
Mr. Rarick in three instances.
Mr. Rees in three instances.

(The following Members (at the request of Mr. Preyer of North Carolina) and to include extraneous material:)

Mr. Ryan in two instances.
Mr. Gonzalez in two instances.
Mr. Mikva in six instances.
Mrs. Sullivan in two instances.
Mr. Rodino.
Mr. Tunney in two instances.
Mr. Anderson of California.

SENATE BILL AND CONCURRENT RESOLUTION REFERRED

A bill and concurrent resolution of the Senate of the following titles were taken from the Speaker's table, and under the rule, referred as follows:

S. 3339. An act to authorize the Public Printer to fix the subscription price of the daily Congressional Record; to the Committee on House Administration.

S. Con. Res. 55. Concurent resolution authorizing the printing of additional copies of Senate Report 91-617, entitled "Organized Crime Control Act of 1969", to the Committee on House Administration.

ENROLLED BILLS SIGNED

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 13300. An act to amend the Railroad Retirement Act of 1937 and the Railroad Retirement Tax Act to provide for the extension of supplemental annuities, and for other purposes;

H.R. 14944. An act to authorize an adequate force for the protection of the Executive Mansion and foreign embassies, and for other purposes.

BILL PRESENTED TO THE PRESIDENT

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee did on March 5, 1970, present to the President, for his approval, a bill of the House of the following title:

H.R. 13008. An act to improve position classification systems within the executive branch, and for other purposes.

ADJOURNMENT

Mr. PREYER of North Carolina. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 14 minutes p.m.) the House adjourned until tomorrow, Tuesday, March 10, 1970, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1740. A Letter from the Secretary of the Air Force, transmitting a report of the facts and the justification for the proposed closure of a military installation in the United States, pursuant to section 613 of Public Law 89–568; to the Committee on Armed Services.

1741. A letter from the Director, Bureau of the Budget, Executive Office of the President, transmitting plans for works of improvement relating to structures which provide less than 4,000 acre-feet of total capacity, pursuant to the provisions of section 5 of the Watershed Protection and Flood Prevention Act, as amended (16 U.S.C. 1005); to the Committee on Agriculture.

1742. A letter from the Assistant Secretary of Defense, transmitting a report of the value of property, supplies and commodities provided by the Berlin Magistrat for the first two quarters of fiscal year 1970, pursuant to the provisions of section 620, Public Law 91–171; to the Committee on Appropriations.

1743. A letter from the Secretary of the Army transmitting a report of the facts and the justification for the proposed closure of certain military installations in the United States and one in Puerto Rico, pursuant to the provisions of section 613 of Public Law 89–568; to the Committee on Armed Services.

1744. A letter from the Secretary of the Navy, transmitting a report of the facts and justification for the proposed closure of four naval activities in the United States, pursuant to section 613, Public Law 89–568; to the Committee on Armed Services.

1745. A letter from the Chairman, Federal Home Loan Bank Board, transmitting a draft of proposed legislation to authorize the appropriation of funds to be utilized by the Federal home loan banks for the purpose of adjusting the effective rate of interest to short-term and long-term borrowers on residential mortgages; to the Committee on Banking and Currency.

1746. A letter from the Chairman, Federal Home Loan Bank Board, transmitting draft of proposed legislation which is designed to establish a Federal Home Loan Mortgage Corporation as an important means of attacking our housing shortage and attaining the housing goals set forth in the Housing and Urban Development Act of 1968; to the Committee on Banking and Currency.

1747. A letter from the Comptroller General of the United States, transmitting a report on the examination of financial statements of the Virgin Island Corporation (in final liquidation), for the fiscal year 1969, Department of the Interior (H. Doc. No. 91–269); to the Committee on Government Operations and ordered to be printed.

1748. A letter from the Acting Director, Bureau of Mines, Department of the Interior, transmitting a copy of a proposed grant agreement with the University of Idaho for a research project relating to improved ventilation for noncoal mines and other underground excavations, pursuant to Public Law 89–672; to the Committee on Interior and Insular Affairs.

In 1749. A letter from the Attorney General, transmitting a draft of proposed legislation to amend title 18, United States Code to provide for the issuance to certain persons of judicial orders to appear for the purpose of conducting nontestimonial identification procedures, and for other purposes; to the Committee on the Judiciary.

1750. A letter from the Attorney General transmitting a draft of proposed legislation to amend the Federal Youth Corrections Act, 18 U.S.C. 5005 et seq., to permit examiners to conduct interviews with youth offenders; to the Committee on the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HALEY: Committee on Interior and Insular Affairs. H.R. 4145. A bill to provide for disposition of estates of intestate members of the Cherokee, Chickasaw, Choctaw, and Seminole Nations of Oklahoma dying without heirs, with amendments (Rept. No. 91–880). Referred to the Committee of the Whole House on the state of the Union.

Mr. HALEY: Committee on Interior and Insular Affairs. H.R. 12858. A bill to provide for the disposition of certain funds awarded to the Tlingit and Haida Indians of Alaska by a judgment entered by the Court of Claims against the United States (Rept. No. 91–881). Referred to the Committee of the Whole House on the state of the Union.

Mr. HALEY: Committee on Interior and Insular Affairs. H.R. 12878. A bill to amend the act of August 9, 1955, to authorize longer term leases of Indian lands at the Yavapai-Prescott Community Reservation in Arizona, with amendments (Rept. No. 91–882). Referred to the Committee of the Whole House on the state of the Union.

Mr. HALEY: Committee on Interior and Insular Affairs. H.R. 14855. A bill to amend the act of August 31, 1954 (68 Stat. 1026), providing for the construction, maintenance, and operation of the Michaud Flats irrigation project, with amendments (Rept. No. 91–883). Referred to the Committee of the Whole House on the state of the Union.

Mr. JOHNSON of California: Committee on Interior and Insular Affairs. S. 743. An act to authorize the Secretary of the Interior to construct, operate, and maintain the Touchet division, Walla Walla project, Oregon-Washington, and for other purposes; with amendments (Rept. No. 91–884). Referred to the Committee on the Whole House on the state of the Union.

Mr. JOHNSON of California: Committee on Interior and Insular Affairs. S. 2062. An act to provide for the differentiation between private and public ownership of lands in the administration of the acreage limitation provisions of Federal reclamation law, and for other purposes; with amendments (Rept. No. 91–885). Referred to the Committee on the Whole House on the state of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BENNETT:

H.R. 16343. A bill to make it a Federal crime to possess a firearm or dangerous or deadly weapon during the commission of certain crimes; to the Committee on the Judiciary.

By Mr. BENNETT (for himself, Mr. Fisher, Mr. Hansen, of Idaho, Mr. Hosmer, Mr. McKneally, Mr. O'Neill of Massachusetts, Mr. Roe, and Mr. Taft):

H.R. 16344. A bill to amend the act of June 27, 1960 (74 Stat. 220), relating to the preservation of historical and archeological data; to the Committee on Interior and Insular Affairs.

By Mr. BUTTON:

H.R. 16345. A bill to create a bureau within the Department of Commerce responsible for the assessment of the environmental impact, and the regulation, prior to the offering for sale across State lines, or the export, and import, of any article, device or substance which is patented; to the Committee on Interstate and Foreign Commerce.

By Mr. HELSTOSKI:

H.R. 16346. A bill to amend the Land and Water Conservation Fund Act of 1965, as amended, and for other purposes; to the Committee on Government Operations.

H.R. 16347. A bill to amend the Clean Air Act so as to extend its duration, provide for national standards of ambient air quality, expedite enforcement of air pollution control standards, authorize regulation of fuels and fuels additives, provide for improved controls over motor vehicle emissions, establish standards applicable to dangerous emissions from stationary sources, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 16348. A bill to authorize the Council on Environmental Quality to conduct studies and make recommendations respecting the reclamation and recycling of material from solid wastes, to extend the provisions of the Solid Waste Disposal Act, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 16349. A bill to amend the Federal Water Pollution Control Act, as amended, to provide financial assistance for the construction of waste treatment facilities, and for other purposes; to the Committee on Public Works.

H.R. 16350. A bill to amend the Federal Water Pollution Control Act, as amended; to the Committee on Public Works.

H.R. 16351. A bill to amend the Federal Water Pollution Control Act, as amended; to the Committee on Public Works.

H.R. 16352. A bill to establish an Environmental Financing Authority to assist in the financing of waste treatment facilities, and for other purposes; to the Committee on Public Works.

By Mr. McCULLOCH (for himself, Mr. Poff, Mr. MacGregor, Mr. Hutchinson, Mr. McClory, Mr. Meskill, Mr. Sandman, Mr. Wiggins, Mr. Dennis, Mr. Fish, and Mr. Mayne):

H.R. 16353. A bill to amend the Federal Youth Corrections Act, 18 U.S.C. 5005, et seq., to permit examiners to conduct interviews with youth offenders; to the Committee on Judiciary.

By McCULLOCH (for himself, Mr. Poff, Mr. MacGregor, Mr. Hutchinson, Mr. Meskill, Mr. Sandman, Mr. Wiggins, Mr. Fish, and Mr. Mayne):

H.R. 16354. A bill to amend title 18, United States Code, to provide for the issuance to certain persons of judicial orders to appear for the purpose of conducting nontestimonial idenfication procedure, and for other purposes; to the Committee on the Judiciary.

By Mr. MATSUNAGA:

H.R. 16355. A bill to amend the Federal Aviation Act of 1958 to require the Secretary of Transportation to issue regulations providing for a program for the disinsectization of aircraft arriving in the United States; to the Committee on Interstate and Foreign Commerce.

By Mr. NELSEN:

H.R. 16356. A bill to amend section 303(b) of the Interstate Commerce Act to permit common carriers by water to transport certain commodities in bulk concurrently with regulated commodities upon the filing of tariffs for the transportation of such commodities in bulk; to the Committee on Interstate and Foreign Commerce.

By Mr. PICKLE:

H.R. 16357. A bill to amend the Interstate Commerce Act, as amended, in order to make unlawful, as unreasonable and unjust discrimination against and an undue burden upon interstate commerce, certain property tax assessments of common and contract carrier property, and for other purposes; to the Committee on Interstate and Foreign Commerce.

Mr. RIVERS:

H.R. 16358. A bill to amend section 808 of title 10, United States Code, to clarify the application of that section to prisoners and members who are absent without leave from the Armed Forces; to the Committee on Armed Services.

By Mr. ROONEY of Pennsylvania (for himself, Mr. Addabbo, Mr. Anderson of Illinois, Mr. Biaggi, Mr. Brasco, Mr. Brown of California, Mr. Button, Mr. Carter, Mr. Chappell, Mrs. Chisholm, Mr. Conyers, Mr. Daniels of New Jersey, Mr. Derwinski, Mr. Edwards of California, Mr. Friedel, Mr. Fulton of Pennsylvania, Mr. Fulton of Tennessee, Mr. Gaydos, Mr. Gubser, Mr. Hanley, Mr. Halpern, Mr. Hastings, Mr. Hathaway, Mr. Hawkins, and Mr. Hechler of West Virginia):

H.R. 16359. A bill to amend the Public Health Service Act to provide for the making of grants to medical schools and hospitals to assist them in establishing special departments and programs in the field of family practice, and otherwise to encourage and promote the training of medical and paramedical personnel in the field of family medicine; to the Committee on Interstate and Foreign Commerce.

By Mr. ROONEY of Pennsylvania (for himself and Mr. Helstoski, Mr. Howard, Mr. Hungate, Mr. Kuykendall, Mr. Kyl, Mr. Matsunaga, Mr. McEwen, Mr. Mikva, Mrs. Mink, Mr. Moorhead, Mr. Murphy of New York, Mr. Nix, Mr. Olsen, Mr. Pepper, Mr. Podell, Mr. Pollock, Mr. Rees, Mr. Roybal, Mr. St Germain, Mr. Stanton, Mr. Tunney, and Mr. Whitehurst):

H.R. 16360. A bill to amend the Public Health Service Act to provide for the making of grants to medical schools and hospitals to assist them in establishing special departments and programs in the field of family practice, and otherwise to encourage and promote the training of medical and paramedical personnel in the field of family medicine; to the Committee on Interstate and Foreign Commerce.

By Mr. ROUDEBUSH (for himself and Mr. Devine):

H.R. 16361. A bill to establish an educational assistance program for the children of police officers who died as a result of a disability or disease incurred in line of duty; to the Committee on Education and Labor.

By Mr. WYATT:

H.R. 16362. A bill to authorize the Council on Environmental Quality to conduct studies and make recommendations respecting the reclamation and recycling of material solid wastes, to extend the provisions of the Solid Waste Disposal Act, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. WYDLER:

H.R. 16363. A bill to establish a Department of Environmental Affairs, to transfer certain existing agencies and programs concerned with environmental quality to such department, and for other purposes; to the Committee on Government Operations.

By Mr. ALBERT (for himself, Mr. Gerald R. Ford, Mr. Boggs, Mr. Poage, Mr. Patman, Mr. Staggers, Mr. Aspinall, Mr. Perkins, Mr. Fallon, Mr. Holifield, Mr. Miller of California, Mr. Garmatz, Mrs. Dwyer, Mr. Hosmer, Mr. Fulton of Pennsylvania, Mr. Mailliard, Mr. Blatnik, Mr. Dingell, Mr. Reuss, Mr. Price of Illinois, and Mr. Pickle):

H.J. Res. 1117. Joint resolution to establish a Joint Committee on Environment and Technology; to the Committee on Rules.

By Mr. ALBERT (for himself, Mr. Addabbo, Mr. Anderson of California, Mr. Anderson of Tennessee, Mr. Ashley, Mr. Bennett, Mr. Bingham, Mr. Brademas, Mr. Brasco, Mr. Brown of California, Mr. Burton of California, Mr. Casey, Mr. Chappell, Mr. Daddario, Mr. Daniel of Virginia, Mr. Delaney, Mr. Donohue, Mr. Dulski, Mr. Evins of Tennessee, Mr. Fascell, Mr. Flowers, Mr. Foley, Mr. William D. Ford, Mr. Fraser, and Mr. Gibbons):

H.J. Res. 1118. Joint resolution to establish a Joint Committee on Environment and Technology; to the Committee on Rules.

By Mr. ALBERT (for himself, Mr. Gilbert, Mr. Gray, Mr. Hanna, Mr. Harrington, Mr. Hathaway, Mr. Helstocki, Mr. Howard, Mr. Hungate, Mr. Jacobs, Mr. Johnson of California, Mr. Kee, Mr. Koch, Mr. Kyros, Mr. Leggett, Mr. Lennon, Mr. McFall, Mr. Matsunaga, Mr. Melcher, Mrs. Mink, Mr. Moorhead, Mr. Moss, Mr. Murphy of New York, Mr. Nedzi, and Mr. Mikva):

H.J. Res. 1119. Joint resolution to establish a Joint Committee on Environment and Technology; to the Committee on Rules.

By Mr. ALBERT (for himself, Mr. Obey, Mr. O'Hara, Mr. Olsen, Mr. Ottinger, Mr. Pepper, Mr. Podell, Mr. Randall, Mr. Roberts, Mr. Rodino, Mr. Rogers of Florida, Mr Rostenkowski, Mr. Roybal, Mr. St. Onge, Mr. Scheuer, Mr. Stokes, Mr. Stratton, Mrs. Sullivan, Mr. Tiernan, Mr. Tunney, Mr. Ullman, Mr. Vanik, Mr. Vigorito, Mr. Waldie, and Mr. Wright):

H.J. Res. 1120. Joint resolution to establish a Joint Committee on Environment and Technology; to the Committee on Rules.

By Mr. ALBERT (for himself, Mr. Yates, Mr. Adair, Mr. Beall of Maryland, Mr. Broyhill of Virginia, Mr. Button, Mr. Camp, Mr. Cleveland, Mr. Cunningham, Mr. Duncan, Mr. Halpern, Mr. Hogan, Mr. Kyl, Mr. Latta, Mr. Lujan, Mr. Mosher, Mr. Pelly, Mr. Stanton, Mr. Wyatt, Mr. Wydler, Mr. Hanley, Mr. Daniels of New Jersey, Mr. Murphy of Illinois, Mr. Diggs, and Mr. Haley):

H.J. Res. 1121. Joint resolution to establish a Joint Committee on Environment and Technology; to the Committee on Rules.

By Mr. ROUDEBUSH (for himself and Mr. Devine):

H.J. Res. 1122. Joint resolution providing for the addition to the uniform of the U.S. Capitol Police of a special insignia constituting an exact reproduction of the flag of the United States of America, and for other purposes; to the Committee on House Administration.

By Mr. BROOMFIELD:

H. Con. Res. 532. Concurrent resolution relating to an Atlantic Union Delegation; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. GUDE introduced a bill (H.R. 16364) for the relief of Ruben Crisoio, which was referred to the Committee on the Judiciary.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

321. By the SPEAKER: A memorial of the Legislature of the State of California, relative to the Emergency Detention Act of 1950; to the Committee on Internal Security.

322. Also, a memorial of the General Assembly of the State of Rhode Island and Providence Plantations, relative to increasing income tax deductions for mentally retarded and physically handicapped children; to the Committee on Ways and Means.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

411. By the SPEAKER: Petition of the common council of the city of Buffalo, N.Y., relative to Federal and State aid for Cazenovia Creek flood relief; to the Committee on Public Works.

412. Also, petition of Henry Stoner, York, Pa., relative to improving the tax system; to the Committee on Ways and Means.

SENATE—*Monday, March 9, 1970*

The Senate met at 11:30 o'clock a.m. and was called to order by Hon. James B. Allen, a Senator from the State of Alabama.

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O God, our Father, we come to Thee not by our merit but in our need. Enable us to heed Thy written word, "He that hath ears to hear, let him hear." Instill within us the high discipline of hearing with understanding.

Help us to hear the words of others instructing our judgments.

Help us to hear the voice of conscience monitoring our souls.

Help us to hear the "still small voice" of Thy transcendent wisdom.

And hearing may we know and do Thy will.

In Thy holy name we pray. Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will read a communication to the Senate.

The assistant legislative clerk read the following letter:

U.S. Senate,
President pro tempore,
Washington, D.C., March 9, 1970.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. James B. Allen, a Senator from the State of Alabama, to perform the duties of the Chair during my absence.

Richard B. Russell,
President pro tempore.

Mr. ALLEN thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Friday, March 6, 1970, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR COOK

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, following the speech of the distinguished Senator from Maryland (Mr. TYDINGS), the distinguished Senator from Kentucky (Mr. COOK) may be allowed to speak for not to exceed 30 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SUGGESTED PROCEDURE TO ACCOMMODATE SENATORS ON SPEECHES

Mr. MANSFIELD. Mr. President, may I suggest, on behalf of the joint leadership, that if Senators wish to speak for any length of time beyond the 3-minute limitation during the transaction of routine morning business—for example, for a half hour or an hour—the joint leadership is prepared at all times to convene the Senate earlier to accommodate them.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER DISPENSING WITH THE CALL OF THE CALENDAR UNDER RULE VIII

Mr. MANSFIELD. Mr. President, I ask unanimous consent to waive the call of the calendar of unobjected-to bills under rule VIII.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

LIMITATION ON STATEMENTS DURING THE TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that at the conclusion of the remarks of the distinguished Senator from Kentucky (Mr. COOK) there be a period for the transaction of routine morning business with a limitation of 3 minutes on statements.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, pending the arrival of the Senator from Maryland (Mr. TYDINGS), I ask unanimous consent that I may be recognized for not to exceed 3 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE CRIME PROBLEM AND THE SENATE'S RESPONSE

Mr. MANSFIELD. Mr. President, the crime problem in the District of Columbia is indicative of similar problems experienced in other urban areas throughout the Nation. It is a problem that deserves the attention of every segment of government and the focus of attention of those with responsibility on every level.

An excellent interview with one of the Nation's most renowned trial attorneys, Mr. Edward Bennett Williams, was published in the Washington Post of Saturday, February 28, 1970. Mr. Williams, who has established his credentials as a protector of individual rights and liberties, makes specific recommendations with respect to the direction that should be taken by public officials in an attempt to reduce the level of crime in our urban areas. I ask unanimous consent that this interview be printed in the RECORD at the conclusion of my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. MANSFIELD. Mr. President, in addition, although the maintenance of order and the prosecution of criminals are primarily local and State functions, contributions at the Federal level have been proposed, and in particular, the Federal responsibility for local matters in the District of Columbia.

The Senate has discharged in an extraordinary manner the recommendations made to it by this administration, and, in addition, other proposals have been generated within the Senate itself and supported by the administration in an effort to fulfill its responsibilities in this area.

I ask unanimous consent that a table showing action taken on administration proposals as well as Senate-initiated measures endorsed by the administration be printed at this point in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

CRIME LEGISLATION

BILL NUMBER AND TITLE	STATUS
(1) S. 2022—Illegal gambling control.	Passed Senate (S. 30), January 23, 1970.
(2) S. 2637—Drug bill (S. 3246).	Passed Senate, January 28, 1970.
(3) S. 2657—Included in drug bill.	Included in S. 3246—Passed Senate January 28, 1970.
(4) S. 2601—District of Columbia court reorganization.	Passed Senate, September 19, 1969.
(5) S. 2602—Public defender, District of Columbia.	Passed Senate, November 21, 1969.
(6) S. 2869—Criminal law revision, District of Columbia.	Passed Senate, December 5, 1969.
(7) S. 2981—Juvenile Code, revision, District of Columbia.	Passed Senate, December 22, 1969.
(8) S. 3036—Increase penalties, Sherman Antitrust Act.	Hearings concluded; full committee exec. this month; (H.R. 14116 passed House Feb. 16, 1970).
(9) Obscenity:	
(9)(a)(9) S. 2073—Obscene mail to minors.	To be reported soon.
(9)(b)(10) S. 2074—Prurient advertising.	To be reported soon.
(9)(c)(11) H.R. 10877—Obscene mail—Title II of postal rates bill.	
(12) S. 2600—Bail reform.	Administration promises report by March 31, 1970.
(13) S. 3132—Criminal appeals.	Hearings scheduled.
CRIME BILLS SUPPORTED BY ADMINISTRATION, ORIGINATED IN SENATE	
(14) S. 952—Omnibus judgeship bill.	Passed Senate, June 23, 1969.
(15) S. 2122—Federal immunity of witnesses.	Passed Senate, January 23, 1970.
(16) S. 2292—Sources of evidence.	Passed Senate, January 23, 1970.
(17) S. 1861—Corrupt Organizations Act.	Passed Senate, January 23, 1970.
(18) S. 30—Organized Crime Control Act of 1969.	Passed January 23, 1970.
(19) S. 1624—Wagering tax amendments.	Pending before full committee.
(20) S. 1461—Criminal Justice Act amendments.	Pending before full committee.

EXHIBIT 1

[From the Washington (D.C.) Post, Feb. 28, 1970]

AN ATTORNEY'S VIEW OF THE DISTRICT OF COLUMBIA CRIME SITUATION

(NOTE.—Trial attorney Edward Bennett Williams, one of a number of civic leaders who have recently met together in search of new solutions to the problem of crime in Washington, was asked about some of his conclusions in a recent interview with Joseph McCaffrey on WMAL–TV. Following are excerpts from the interview.)

MCCAFFREY. As an attorney and a trial attorney, are you concerned about what we all refer to rather too liberally, perhaps, as the rising crime rate?

WILLIAMS. I am terribly concerned about it. I'm terribly concerned about it at the natonal level, and I'm terribly concerned about it here in our city. We've been called the crime capital of the world, and I'm afraid it's with some validity. Crime has been spiraling out of control in our city. . . .

There are all kinds of crimes, but the crime I think that has bestirred the alarm of our country and the alarm of our city is the kind of crime that's directed against private property, and often attendant with violence to the person. I'm talking about robberies and muggings and yokings, larcenies and burglaries, which have been on the rise here in Washington and across the country. We have a terrible situation here in the District of Columbia. Last year there were 18,000 plus burglaries. There were 9,000 plus armed robberies, and there were 9,000 larcenies of property over $50.

And the thing that disturbs me most is that four out of five persons who committed a robbery on the streets of Washington went unapprehended. . . .

McCaffrey. All right, now let me yield to you, without any interruption, and as an attorney, tell me what you think should be done to combat current crime rates.

Williams. I think the system has broken down in all three of its divisions. First of all, I think, we desperately need in our city, and I think we should take our city as symbolic of the 30 big cities in the country, we desperately need more policemen. During the Johnson administration there was an authorization for 4,100 policemen. President Nixon said we needed 5,100. I think we need more. I think we need more than 6,000. At the moment we have fewer than 3,500 on the streets. Though they give you a figure of 3,950, but 450 of these are in training. We have lagged terribly in recruiting policemen. The greatest deterrent to crime in the street is a visible policeman. And as long as these kids who are committing these crimes, and they are kids, 75 per cent of them are being committed by kids under 21, as long as the odds are five to one they won't be caught, as long as the odds are 14 to one they won't be caught when they go out and steal property worth $50 or more, as long as the odds are nine to one they won't be caught when they break into your house, they're going to keep committing these crimes.

McCaffrey. Pretty good odds.

Williams. Well, our talk about the fact that well, their decisions out of the old Warren Court were too liberal, were too soft on the criminal, but I think that this is really not addressing one's attention to the real problem. You wouldn't find one kid who gave one fleeting thought to his constitutional rights or criminal procedures before he went out in the streets to do his crime. They go out on the premise that they aren't going to be caught. And the record shows that they're pretty much right. The odds are overwhelmingly with them that they aren't going to be caught.

So, I say we desperately need more police. The record shows that when Chief Wilson saturated the third district with police in an experiment to see whether he could curb robbery, and burglary, and larceny, he reduced it tremendously. Now we've got to spend the money and saturate the city with police. But that isn't the end of the problem. There's still, I think, an equally bad problem. And it's a problem of which I, as a lawyer, am not proud. I think there has been a terrible breakdown in the criminal justice system of this country.

Now, we've already seen that the criminal justice system, the courts, are irrelevant to a large segment of the crimes that are being committed, because these crimes never get into court. But when they do get into court, a very bad thing takes place. The average lawyer today, if he exploits all the rights of his client, can keep his client at liberty on the street for from 18 months to two years after he commits an armed robbery.

McCaffrey. While they're working to pay him.

Williams. Well, 60 per cent of the people who are committing these crimes aren't able to pay a single dollar. They're indigent. And they're given free counsel, they're given the right to a free appeal, so naturally they all appeal. And the whole system stalls because even after the defendant is brought to trial, which may be several months after he's arrested and indicted, and even after he's convicted by a jury, it takes from six to eight to ten months before an opinion comes out of the appellate court affirming or reversing his conviction. And then there is an equal amount of time that is used up while the Supreme Court avenue is explored.

Now, if punishment really is to work, it doesn't have to be severe, but it has to be swift. You know from your experience with your own children, that if one of them deliberately spills the milk at the breakfast table, unless there is a quick meeting of his derriere with the front of your hand, there is not an understanding of the punishment. You can't wait for three days and then administer the punishment. The same thing is true at the level of society, unless punishment is administered swiftly, it does not have a deterrent effect.

So, I think we have to take a new look at our whole criminal justice system and speed it up if it is going to work effectively. We have to eliminate this delay of 18 months between the offense, and I'm giving the system the benefit of the doubt when I say 18 months because it's longer than that in many, many cases—we've got to eliminate that delay.

Third, part of the system where there's been a terrible breakdown is in the prison system. Of course, the last thing that you can ever get the legislature to address itself to is the prison problem. It's the last item on national state prirority. I can say this to you in all candor, in my 25 years of practicing law, I have met only one person who I think was benefited by a term in prison. The one person who was really rehabilitated. Unfortunately the prisons have become a breeding ground for crime. You put young boys in the prisons today and they come out hardened criminals. It's terrible, it's really terrible. The whole prison system needs a tremendous reformation. It's broken down.

So I say the system is broken down in three places. We don't have enough police, we don't pay them enough. We expect so much of them now. We expect our policemen to be professionals, we should treat them like professionals. We expect them to know the law. We expect them to know first-aid. We expect them to be family counsellors. We expect them to be sociologists. We expect them to have the wisdom of Solomon and the patience of Job, the agility of a Jim Brown, and we give them $150 dollars a week, and a gun. We've got to escalate our police force both quantitatively and qualitatively across this country. We can't do it with the money that's available to the cities because the people who can provide the funds from a tax basis are fleeing into the suburbs. The only way it can be done is from a massive subsidy from the federal government to the cities to correct this problem. I think this should be the number one priority in the cities because until we restore order in the cities, there is going to be no progress in education; there's going to be no progress in health; there's going to be no progress in job opportunities, there's going to be no progress in any of those many things that are crying out for attention. We have to restore order. And we have cities out of control. One of them is ours.

EXTENSION OF VOTING RIGHTS ACT OF 1965

AMENDMENT NO. 549

Mr. COOPER. Mr. President, I submit an amendment which I intend to purpose to the amendment in the nature of a substitute for amendment No. 544, proposed by the Senator from Pennsylvania (Mr. Scott) for himself and other Senators, to H.R. 4249, an act to extend the Voting Rights Act of 1965, with respect to the discriminatory use of tests and other devices.

The ACTING PRESIDENT pro tempore. The amendment will be received and printed and will lie on the table.

Mr. COOPER. The amendment offered by the Senator from Pennsylvania (Mr. Scott) and other Senators would extend the Voting Rights Act of 1965 with respect to States and subdivisions brought under its provisions under section 4(b). The amendment which I offer would, in addition, bring within the scope of section 4(b) additional States or subdivisions thereof if it were found that they fell within the same provisions of section 4(b)(1) as the 1965 act prescribes.

I shall read the amendment:

On page 2, between lines 6 and 7, insert the following new section:

"Sec. 4. Section 4 (b) of the Voting Rights Act of 1965 (79 Stat. 438; 42 U.S.C. 1973b) is amended by adding at the end of the first paragraph thereof the following new sentence: 'On and after August 6, 1970, in addition to any State or political subdivision of a State determined to be subject to subsection (a) pursuant to the previous sentence, the provisions of subsection (a) shall apply in any State or any political subdivision of a State which (i) the Attorney General determines maintained on November 1, 1968, any test or device, and with respect to which (ii) the Director of the Census determines that less than 50 per centum of the persons of voting age residing therein were registered on November 1, 1968, or that less than 50 per centum of such persons voted in the presidential election of November 1968.' "

On page 2, line 7, strike out "Sec. 4" and insert in lieu thereof "Sec. 5".

I think this is in the spirit of the Voting Rights Act of 1965, to apply to all States and subdivisions of States whether in the North, West, East, the South, the same provisions of law.

I intend to propose this amendment for consideration at an appropriate time.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Maryland is recognized for not to exceed 30 minutes.

Mr. TYDINGS. Mr. President, I ask unanimous consent that I may yield not more than 8 minutes to the Senator from California (Mr. Cranston), without losing my right to the floor or having his address counted against my time.

The ACTING PRESIDENT pro tempore. Is there objection? The Chair hearing none, the Senator from California is recognized for not to exceed 8 minutes, his time not to be charged against the time of the Senator from Maryland.

LAOS—THE PRESIDENT AND THE PRESS

Mr. CRANSTON. Mr. President, I say thank God for the American press, that it has not been intimidated by the efforts of this administration to soften it or silence it in its reporting on the war in Laos, not to mention the war in Vietnam.

The President stated in his report on Laos on Friday:

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> No American stationed in Laos has ever been killed in ground combat operations.

It has now been revealed—by the press—that Capt. Joseph K. Bush, Jr., was indeed killed in hostile action on the ground in Laos. Apparently the President was not told about the death of Captain Bush by his staff. The President, like all Americans, has to depend upon the press for full information about occurrences in Laos.

The reporter who revealed the death of Captain Bush states that he was indeed killed in combat on the ground in Laos. The administration, in the person of Gerald L. Warren, Deputy White House Press Secretary, admits that he was killed, but quibbles and quarrels and states that he was not killed in "ground combat" in Laos.

I suggest that we skip the matter of trying to define "ground combat" and "ground combat troops." There are all too many ways to cover up what men are doing on the ground, what their missions are, and exactly what they are doing when they find themselves under fire, when they find themselves firing, when they kill, or when they are killed.

There is a second nicety of definition that I believe we cannot overlook, however. Choosing his words in his report on Laos on Friday with great care—or using words chosen by others in the administration with great care—President Nixon declared:

> No American stationed in Laos has ever been killed in ground combat operations.

The key phrase that was chosen with such great care is "stationed in Laos."

I ask the President two questions.

The first question is, how many Americans not stationed in Laos have been killed in Laos? I ask this question because both before I made a statement on Laos on Friday and since that time I have talked with a number of young Americans who have told me that while on military duty in Southeast Asia, they were ordered to go across the border from Vietnam into Laos—armed, on military missions, under instructions to tell the enemy if they were captured that they got lost, that they read their maps wrong, that they strayed across the border, and that they did not know that they were in Laos, but thought they were still in Vietnam.

I wonder just how many men have been on such missions? I have talked to a surprising number who have. I think we are entitled to know more about it, when these men are being killed or involved in combat on the ground in Laos. Of course, technically they would fit within the President's definition that they were not "stationed in Laos." They were stationed in Vietnam; they just happened to be under orders to go into Laos to perform military missions.

My second question to the President of the United States relates to his efforts to lead us to believe that most of the intervention in Laos has been by the North Vietnamese. He stated, in regard to North Vietnamese troops in Laos:

> Today they are at an all-time high of some 67,000 men.

He compared that figure to what he stated was a total of 1,040 Americans directly employed by the U.S. Government in Laos, or employed under contract by the Government, or by Government contractors in Laos.

My question to the President is as follows: How many Meo tribesmen, recruited, trained, armed, and paid by the United States, have been engaged in military operations in Laos? I ask for the maximum figure during the Johnson administration, and I ask for the maximum figure during the Nixon administration. My information is that between 15,000 and 40,000 Meo tribesmen have been on our payroll at one time or another, engaged in combat in the civil war in Laos.

Only the President can make public the exact figure. I ask him to do so. We will then have a more accurate measurement of the exact degree of what really amounts to American involvement in the Laos civil war, as compared to the involvement of North Vietnam in that civil war.

I thank the Senator from Maryland.

Mr. COOPER. Mr. President, will the Senator yield?

Mr. CRANSTON. The Senator from Maryland has the floor.

Mr. COOPER. Will the Senator yield me 2 minutes?

The ACTING PRESIDENT pro tempore. The Senator from California has time remaining on his allotment.

Mr. CRANSTON. I yield 2 minutes, or whatever time I have remaining, to the Senator from Kentucky.

Mr. COOPER. Mr. President, I think it is certainly a proper exercise of our responsibility as Members to inquire about all the facts which pertain to American activity in Laos.

I consider the President's statement a comprehensive, and factually correct statement.

I have been critical about our involvement in Laos, since last August when I introduced an amendment to the defense authorization bill to deny funds for the use of U.S. forces in Laos in support of a civil war.

I have great regard for the Senator from California, but I must take exception to these words: He said the President "led us to believe." I know that he is directing his statement to that part of the President's report——

Mr. CRANSTON. Mr. President, will the Senator yield for one moment there?

Mr. COOPER. I will be glad to yield in a moment—which said that no Americans stationed in Laos had been killed in ground combat.

My judgment is that the President was absolutely sincere in that statement. It may be that it is incorrect, as are statements we make without knowledge of all the facts. If it should turn out that it is incorrect, I am sure the President will be the first to say so.

The Senator has spoken of the Meo tribesmen who have been engaged in combat in Laos. They are Laotians; and as it is a fact that the North Vietnamese were the first to invade Laos I see nothing wrong in the Meo tribesmen defending their country against aggression. It is also correct that we have aided the Meo, and that we have supplied funds, equipment, and training to Laotian forces including the Meo. We may differ as to whether or not it should have been done, but Congress, year after year, has authorized assistance, equipment, and training to Laotian forces.

The Senator knows that, beginning about a year ago, I protested, and others protested, the use of U.S. forces in a local war in Laos. I hope that the Geneva conference will assume jurisdiction as the President suggested. I believe the President performed a valuable service to Congress, to the people, and to the administration by his very comprehensive statement of last Friday.

The ACTING PRESIDENT pro tempore. The time of the Senator from California has expired.

Mr. CRANSTON. I ask for 1 additional minute.

Mr. TYDINGS. Mr. President, I ask unanimous consent that the Senator from California may have 1 additional minute, without my losing my right to the floor.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. CRANSTON. I thank the Senator.

I raise no question about the sincerity of the President of the United States. I do question whether the staff that he has relied upon or others within the executive branch have given him full information. The discrepancy already divulged by the press about his statement with reference to Captain Bush is indicative of this.

A simple answer to the questions I have addressed to the President will resolve whether or not there is more than has yet come to light about the extent of our involvement in Laos.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that upon the completion of the remarks of the able Senator from Kentucky (Mr. Cook), the Senator from Iowa (Mr. Hughes) be recognized for not to exceed 15 minutes, and that following that speech the distinguished Senator from Wisconsin (Mr. Proxmire) be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER (Mr. Hartke in the chair). Without objection, it is so ordered.

THE FUTURE OF SHIPBUILDING IN MARYLAND

Mr. TYDINGS. Mr. President, the purpose of this speech is to recount events concerning a ship named the *Sansinena*. These events raise some serious questions about the future and the employment of many thousand Maryland workers in the Bethlehem shipbuilding yards and the Bethlehem Steel works at Sparrows Point. Anything involving the well-being or the employment of the citizens of Maryland involves the senior Senator. But the events concerning the tanker *Sansinena* raise other questions. They raise questions about the manner in which high level governmental decisions are reached and, quite possibly, these events may raise some basic issues of propriety.

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Let me emphasize that I make no accusations. I am rather raising questions and seeking information about what I consider to be a puzzling set of circumstances.

Since colonial days shipbuilding has been a key industry in the State of Maryland. One of the early Navy's most famous ships, the frigate *Constellation* was built in Baltimore. At a later date, Maryland shipyards constructed many of the magnificent clipper ships that hauled American goods around the globe. During World War II, these yards built the sturdy Victory ships that brought supplies to Allied troops in Europe and the Pacific. Today, shipbuilding continues to be an important Maryland industry. The largest containership ever built in the United States, the *Hawaiian Enterprise,* was just recently launched at the Sparrows Point Shipyard of Bethlehem Corp. at Sparrows Point along the Patapsco River.

This yard employs approximately 4,000 people. Presently it has 28 ships under construction or on order. At least 10 of these are tankers whose cost total over $200 million. Significantly, all 10 tankers are 60,000 tons or over and thus may be considered large by American-flag standards. Sparrows Point is one of the few shipyards that has the facilities to construct such large tankers. Together with the facilities of Maryland Shipbuilding and Drydock Co., the Sparrows Point Shipyard constitutes a major economic asset of Maryland.

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As a nation dependent upon the sea, shipbuilding has always been an important industry to the United States. At the present time, contrary to popular impression, business prospects for most American shipyards are considered bright. The president of the Shipbuilders Council of America recently predicted that the decade of the 1970's would bring $50 billion in business to these yards. While much of this is naval work, $2.4 billion is estimated for allocation to the United States tanker fleet. An April 1969 report by the Center for Maritime Studies entitled "Improving the Prospects for United States Shipbuilding" found American shipyards to be efficient industrial operations and, in the area of tanker construction except for wage scales, more efficient than either Japanese or British yards.

Tankers are particularly important as the opening of the Alaskan oil fields has increased the demand for bulk carriers to carry petroleum products from well to market. Today some twenty tankers are under construction or on order in U.S. shipyards. The recent development of an oil trade from Cook Inlet, Alaska, to mainland refineries on the west coast has already brought about a noticeable increase in tanker orders. Should the Northwest Passage prove economically feasible, it is estimated that American yards will be called upon to construct upwards of 25 large new tankers.

It is thus evident that shipbuilding in the United States has a bright future and an important role to play in the continued economic prosperity of our Nation. The industry's position must therefore be maintained. Any threat to this position would immediately warrant a full-scale examination by Congress and would be deeply disturbing to me as Maryland's senior Senator and a member of the Committee on Commerce and the Subcommittee on the Merchant Marine.

The United States has historically protected its coastal trade with traditional maritime cabotage laws. Cabotage means trade or transport in coastal waters or between two points within a country. A coastal nation like ours must develop its own capacity for waterborne commerce Cabotage laws help do this. Other countries have similar laws. One element of this capacity is shipbuilding. To encourage native shipbuilding and to protect the industry from unfair foreign competition, Congress codified in the Jones Act of 1920 a requirement that ships engaged in coastal trade be both built and registered in the United States—see 46 U.S.C. 883—that is, fly the American flag. Just as we would not think of permitting Air France to fly the route between New York and Miami, or let British Overseas Airways or Liberian Airways fly between Baltimore and Los Angeles, we do not permit foreign-registered ships, under "flags of convenience," to ply local waters and compete with our own vessels. Coastwise privileges are extended solely to U.S.-flag vessels constructed in American yards.

Only one exception to this requirement is permitted. By an act of December 27, 1950—see historical note to 46 U.S.C. 1—the Secretary of Defense or head of a department "responsible for the administration of the navigation and vessel-inspection laws" is permitted to issue a waiver, if such an action is "necessary in the interest of national defense." Foreign-built or foreign-registered ships may engage in U.S. coastal trade if deemed necessary for reasons of national security, upon obtaining the required waiver.

I ask unanimous consent that title 46, United States Code, chapter 1, be printed at this point in the RECORD.

There being no objection the material was ordered to be printed in the RECORD, as follows:

TITLE 46.—SHIPPING

CHAPTER 1.—ADMINISTRATION OF SHIPPING LAWS

WAIVER OF COMPLIANCE WITH NAVIGATION AND INSPECTION LAWS; TERMINATION DATE

Act Dec. 2, 1950, ch. 1155, §§ 1, 2, 64 Stat. 1120, provided that:

"The head of each department or agency responsible for the administration of the navigation and vessel-inspection laws is directed to waive compliance with such laws upon the request of the Secretary of Defense to the extent deemed necessary in the interest of national defense by the Secretary of Defense. The head of such department or agency is authorized to waive compliance with such laws to such extent and in such manners and upon such terms as he may prescribe, either upon his own initiative or upon the written recommendation of the head of any other Government agency, whenever he deems that such action is necessary in the interest of national defense.

"SEC. 2. The authority granted by this Act shall terminate at such time as the Congress by concurrent resolution or the President may designate."

Similar provisions were contained in Joint Res. Mar. 31, 1947, ch. 27, 61 Stat. 33; July 31, 1947, ch. 408, 61 Stat. 685; Feb. 27, 1948, ch. 78, § 2, 62 Stat. 38; Feb. 28, 1949, ch. 12, 63 Stat. 9; Joint Res. June 29, 1949, ch. 281, § 1, 63 Stat. 349; June 30, 1950, ch. 427, § 4, 64 Stat. 309.

TEMPORARY SUSPENSION OF NAVIGATION AND INSPECTION LAWS

Act Mar. 31, 1947, ch. 28, 61 Stat. 33, providing for the suspension of navigation and inspection laws as applied to the Department of the Army upon the termination of section 635 of Title 50, Appendix, War and National Defense, was repealed by act Dec. 27, 1950, ch. 1155, § 3, 64 Stat. 1120.

§ 1. Bureau of Marine Inspection and Navigation; establishment.

CODIFICATION

Section, acts July 5, 1884, ch. 221, § 1, 23 Stat. 118; June 30, 1932, ch. 314, §§ 501, 502 (b), 47 Stat. 415; May 27, 1936, ch. 463, § 1, 49 Stat. 1380, provided for a Bureau of Marine Inspection and Navigation in the Department of Commerce.

This Bureau was created by act July 5, 1884, as the Bureau of Navigation. By act June 30, 1932, above, it was consolidated with the Steamboat Inspection Service to form a new bureau to be known as the Bureau of Navigation and Steamboat Inspection, which name was changed to Bureau of Marine Inspection and Navigation by act May 27, 1936. The "Director" of the Bureau of Marine Inspection and Navigation was the designation given to the chief of the bureau by the Secretary of Commerce under act June 30, 1932, § 502(b). The Bureau and the office of its Director was abolished by 1946 Reorg. Plan No. 3, § 104, set out under this section.

Mr. TYDINGS. It is interesting to note, Mr. President, that since the enactment of this waiver provision, there has never been, to my knowledge, a single foreign-flag tanker which has been given a carte blanche waiver to come in and take the benefit of flying the American flag.

There have been cases when the waiver was granted for a special reason to engage in the development of a specific project. This is known as a project waiver. But according to the Bureau of Customs, there have been no general or carte blanche waivers.

A little history may be helpful here.

After the Suez crisis of 1956, world demand for large tankers rose considerably. European yards could not meet the unexpected heavy demand. American yards were called upon to help, even though their tankers cost more than those constructed in Europe. Companies owning the syndicates which have operated tankers in the world-flag traffic were willing to pay the extra cost in the American yards because they could get a ship 2 years sooner, because the European and Japanese yards were filled to capacity with orders. Some 60 tankers were eventually built in the United States, and with "flags of convenience" paid no U.S. taxes and employed foreign crews.

Several companies were formed to finance the building of these American tankers. One such company was Barracuda Tanker Corp., set up by Americans but registered in Hamilton, Bermuda. My colleagues may be familiar with Barracuda for it was this company that financed and owned the *Torrey Canyon*, the tanker that broke apart in the channel and spilled oil all over the beaches of southern England and northern France.

I now ask unanimous consent that page 37 of the 1969 Directory of Shipowners, Shipbuilders, and Marine Engineers which lists the directors of Barracuda Tanker Corp. be printed in the RECORD.

There being no objection, page 37 of the Directory was ordered to be printed in the RECORD, as follows:

SHIPOWNERS

Barnett Bros. & Borchard Ltd. *See* Atid Cargo Lines Ltd.

Baron Shipping Co. Ltd.; Baroness Shipping Co. Ltd.: Baronet Shipping Co. Ltd. *See* Livanos Shipbrokers Ltd., S.

Barracuda Tanker Corp.

Offices: P.O. Box 630, Bell Building, Gorham Road, Hamilton, Bermuda. *Tel. No.:* Bermuda 1-1246. *President & Managing Director:* Peter M. Flanigan. *Directors:* John S. Magrane, Arthur B. Treman, Jr., Nicholas B. Dill, Jr., John C. Prizer, Jr. *Secretary:* Nicholas B. Dill, Jr.

Fleet: Lake Palourde. 61275gt. 48485nt. 117966dw. 51′ 5½″dft. 1959. *Sansinena.* 38652gt. 25231nt. 6683dw. 45′ 2″dft. 1969. b. Newport News S.B. & D.D., N.N. e. Newport News S.B. & D.D., N.N. b. Newport News S.B. & D.D., N.N. e. Newport News S.B. & D.D., N.N.

Baumare Skips A/S *See* Klaveness, Torvald

Beaconsfield Cia. Nav. S.A. *See* Karageorgis, M.A.

Beaver Shipping Co. S.A. *See* Nereus Shipping.

Bedford Steamship Co. Ltd. *See* Vergottis Ltd.

Belcan S.A. *See* Ubem.

Belfast Steamship Co., Ltd., *See* Service Craft and Ferries section.

Belge (Lloyd Royal) S.A., Cie. Maritime

Head Office: St. Katelijnevest, 61 Antwerp, Belgium, T.A.: "Comarbel, Antwerp." *Tel. Nos.:* 32.18.90, 32.10.10 and 33.88.90. *Telex:* 31366 and 31355 *Reg Com.:* Antwerpen 2077. *Chairman & Managing Director:* A. De Spirlet. *Directors:* C. De Brouwer. G. Dufour. *General Manager:* Ch. Evard, *Managers:* R. Tersy, P. Pluys, Capt. A. J. Hubert. *Secretary of the Board:* R. Bosmans. *Marine Superintendent:* Capt. V. Rasquin. *Loading Berths:* Dock Berths: Nos. 208, 210, 212, 214, 216, 218, 220, 222, 224. *Managing Agents:* Agence Maritime Internationale S.A.

Mr. TYDINGS. Mr. President, I invite attention to the name of the president and managing director, Peter M. Flanigan.

Another tanker financed and owned by Barracuda is the *Sansinena*. Built in 1958 at Newport News, Va., she flies a Liberian "flag of convenience." Thus, she has avoided the payment of taxes to the United States. Barracuda has time chartered the vessel to Union Oil Co. of California.

As a 12-year-old, 66,000-ton tanker, the *Sansinena* can no longer be considered a modern vessel in international trade. Tankers in today's world fleets come much larger. The newest tankers are 200,000 to 300,000 tons. Yet in U.S. coastal trade the *Sansinena* is still a large ship. At the present time there are approximately 250 American-built and U.S.-registered tankers which handle U.S. domestic trade. Their average size is but 25,000 tons. The *Sansinena*, if permitted to engage in coastal trade, would be the sixth largest vessel in the U.S. domestic tanker fleet.

Mr. President, now consider the value of the waiver of the Jones Act for the *Sansinena* which has flown the flag of Liberia for 12 years. My staff has consulted with experts, brokers, and others, who have provided these figures for the record. These figures are estimates. The actual figures fluctuate with the market. But they are reliable estimates.

When the *Sansinena* was built in 1958, the shipyard costs for it—that is, not including financing costs, insurance, and so forth—were about $16 million. To replace the *Sansinena* today with a new ship would cost about $7.7 million in a Japanese shipyard or about $18 million in an American shipyard.

Today, the market or sale value of the *Sansinena* in the foreign market would be $4.5 million. In the U.S. market before March, its value would be zero, of course, because it could not operate in the U.S. coastal trade and under American registry its operating costs with U.S. crew wages, and so forth, would double or triple.

However, with the ability to engage in the U.S. coastal trade granted by the waiver of the Jones Act, the *Sansinena*'s market value—again, according to some of the best experts in the field—would be conservatively about $11 million.

In other words, in the present market situation, the granting of the waiver probably can be given a cash value of at least $5–$7 million. This represents a conservative estimate of the change in sale value for the *Sansinena* when switched from the international market to the domestic market. Of course another increase in value occurred when it is remembered that with inclusion of the *Sansinena* in the domestic tanker fleet, the need to construct a new U.S.-flagship is gone. Such a new ship, or to duplicate this ship in American yards under present market conditions would run anywhere from $18–$22 million. Thus, a mere stroke of the pen enhances the sale value of the ship, conservatively speaking, some $5–$7 and relieves the necessity to spend $18–$22 million in constructing a new American-flagship in the United States.

Now, let me point out, Mr. President, what this waiver means. It means that Maryland citizens who work in the Sparrows Point shipyards and steel mills, if the integrity of the Jones Act is once breached and weakened, will be out of work for the American shipbuilding industry, particularly the tanker building industry, for all practical purposes, will be significantly crippled. This means that the jobs of over 4,000 Marylanders at Sparrows Point will be in great jeopardy. This is not idle talk. I ask unanimous consent that a letter dated March 6 from Mr. D. D. Strohmeier, vice president, shipbuilding at Bethlehem Steel Corp. to me be printed in the RECORD. I point out the second to last paragraph.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

BETHLEHEM STEEL CORP.
New York, N.Y., March 6, 1970.

Hon. JOSEPH TYDINGS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR TYDINGS: In response to your request, I outline herein the basis for our concern at Sparrows Point over potentially adverse effects of the *Sansinena* Jones Act waiver.

Our recent and current program includes:

Tankers of 37,000 tons	9
Chemical carriers of about 35,000 tons	3
Tankers of 61,000 tons	3
Tankers of 69,000 tons	6
Tankers of 120,000 tons	3
Tanker and sulphur jumbos	4
Container ships	2
Total merchant ships	30

Our only other work embraces 2 ammunition ships for the Navy. All 30 merchant ships are unsubsidized and are for the domestic trades. None would have been built in the United States except for the requirements of the coastwise laws. None would have been ordered if their owners had had any doubts as to the integrity of the protection afforded by those laws. Those contracts represent a tacit trust by ship owners that the coastwise laws would not be weakened by waivers.

The *Sansinena* waiver cannot be considered a special case as the terms of the waiver imply. The *Sansinena* is only one of more than 80 tankers under foreign registry built in the United States since 1948.

If the waiver for the *Sansinena* is sustained, it is hard to conceive of grounds for refusing any other U.S. built foreign-flag tanker a similar waiver.

Unless the *Sansinena* waiver is reversed.

(1) Our tanker segment of the Merchant Marine will be flooded with old ships instead of new ones,

(2) Seagoing labor will man old ships instead of new,

(3) The country in terms of National Defense will not have the new ships that would be built but would have only the old existing ones which it has available anyway under the U.S. requisitioning rights upon which their construction permits were granted.

The implications of the *Sansinena* waiver include the cessation of shipyard programs such as ours at Sparrows Point, probable closing of such facilities, and a double loss to National Defense by destroying construction capabilities and curtailing the supply of new tankers.

By law the only grounds for a Jones Act waiver are the *needs of National Defense*. The loss of construction capability which the coastwise laws are intended to preserve and the curtailment of supply of new tankers cannot by ordinary logic be related to the needs of National Defense.

Sincerely yours,
D. D. STROHMEIER,
Vice President.

Mr. TYDINGS. Once the Jones Act is breached, there will be no reason to build tankers or ships in the United States because they can be built overseas at half the price, and they can be brought in here and given all the advantages of our own coastal trade. I repeat again that the logical implications of such a waiver would be devastating to the shipbuilding industry here, not only in Maryland but across the Nation. If this waiver is granted to the tankers built in America and registered elsewhere, they will seek and expect a similar privilege.

The ultimate windfall value of this

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waiver—if it stands—and its costs to U.S. shipyards and steelworkers—thus may well be hundreds of millions of dollars. If foreign ships like the *Sansinena* can be registered for the U.S. coastal trade, who will pay the tens of millions extra which the cost of U.S. tankers involve?

For the past 3 years the Union Oil Co. has been trying to bring the *Sansinena* into the international coastal trade. The company has been seeking a waiver to the Jones Act.

If the waiver were granted, other tankers built in America but registered elsewhere will seek and expect a similar privilege. Many such tankers now ply the seas, enjoying the benefits of foreign-flag documentation. Since 1948 Sparrows Point Yard alone has built 62 tankers for foreign owners.

A letter dated March 7 to me from Mr. Page Groton, director, Boilmakers, Iron Ship Builders, Blacksmiths, Forgers & Helpers, States that presently there are 70 ships like the *Sansinena*. I ask unanimous consent that this letter be printed in the RECORD at this point and that the enclosures be printed at the end of my remarks.

The PRESIDING OFFICER. Without objection it is so ordered.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

BOILERMAKERS, IRON SHIP BUILDERS,
BLACKSMITHS, FORGERS, & HELPERS,
Kansas City, Kans., March 7, 1970.

Hon. JOSEPH D. TYDINGS,
Senate Office Building,
Washington, D.C.

DEAR SENATOR TYDINGS: We have just been informed that the request of the Union Oil Company for a waiver of the Jones Act to utilize the Liberian flag tanker *Sansinena* in the domestic trades has been approved.

In our opinion, the approval of the waiver constitutes a serious breach of the Jones Act and there is absolutely no justification for it. Therefore, I respectfully urge you to do everything in your power to have the Treasury Department reverse its decision.

For your information, there are 70-odd tankers which were built in the United States for foreign registry which are in the same category as the *Sansinena*. The approval of this waiver to allow the *Sansinena* to be used in the domestic trades will certainly result in a flood of claims for similar privileges. The result to the American tanker fleet and our American shipyards would be disastrous.

The enclosure contains a listing of foreign-flag tankers built in the United States, the number of U.S. vessels built in U.S. shipyards for registry since 1948 plus a listing of merchant vessels delivered by private yards since 1948. I feel this information will be helpful to you.

Your support in getting this waiver revoked and protecting the Jones Act will be sincerely appreciated.

If I can help in any way, please let me know.

With best wishes, I am
Respectfully,

PAGE GROTON,
Director, BISMC.

Mr. TYDINGS. With U.S. coastal trade open to foreign-flag ships, no one will build tankers in this country when it is possible to use vessels like the *Sansinena*—registered abroad although built here—instead. It will cost millions less to move these ships into U.S. coastal trade and replace them on international routes with new vessels constructed abroad than to build new vessels here for domestic use. Moreover, weakening of the 1920 law in regard to tankers could well lead to general cargo vessels demanding, and rightly so, similar privileges. By granting this one waiver to this particular vessel, the door is open to all ships and the ultimate destruction of the American shipbuilding industry.

That means that the citizens of Maryland will be looking for another job. It would close other shipyards as well. This simply cannot be permitted to happen. The shipbuilding industry is too vital for our economy and national security.

Our shipbuilding industry is thus dependent upon maintaining the integrity of the Jones Act.

Now for a little bit of interesting history. These are all facts which I will document in the RECORD.

In October 1967, the Union Oil Co. of California sought to obtain for the *Sansinena* from the Department of Defense a waiver of the Jones Act to permit it to operate in American coastal trade. The Department denied the request. In a letter dated March 5, 1968, to Mr. M. S. Thomson, a vice president of Union Oil, the then Under Secretary of the Navy Charles F. Baird wrote:

DEAR MR. THOMSON: I have carefully reviewed your request for a waiver which would permit the use of SS *Sansinena* for the carriage of crude oil to Alaska.

I have concluded that the possible increase in U.S. flag tankers available to fulfill the requirements of the Department of Defense, which might result from a waiver, is too speculative to provide the basis for such a waiver. Further, as you are already aware, the Military Sea Transportation Service cannot utilize your vessel because of its size. Additionally, it has been established that there are American flag tankers available to you that do not meet the qualifications pertinent to the cabotage laws of this country.

Therefore, since the serving of a national defense interest cannot be persuasively established, as required by the cabotage laws, I must deny your request.

Sincerely,

CHARLES F. BAIRD.

Secretary Baird's letter is to the point. It offers specific reasons for rejecting the oil company's request. Further consultations between the Department of Defense and Union Oil took place after this rejection but no change in the position of the Department resulted.

A month prior to this letter, in a letter to the then senior Senator from Maryland, Mr. Brewster, Paul H. Riley, Deputy Assistant Secretary of Defense for Supply and Services stated:

> Although we have not received a formal recommendation from the Navy at this time, a conversation with the office of the Under Secretary and a review of the facts in this case indicate that sufficient grounds to warrant a waiver request to the commissioner of Customs have not been established.

Mr. President, I ask unanimous consent that the full text of the letter be printed at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

OFFICE OF THE ASSISTANT
SECRETARY OF DEFENSE,
Washington, D.C., February 10, 1968.

Hon. DANIEL B. BREWSTER,
U.S. Senate,
Washington, D.C.

DEAR SENATOR BREWSTER: This is in response to your letter of February 2, 1968, regarding the request by the Unilon Oil Company of California for the waiver of navigation laws to permit the operation of a foreign-flag tanker between Alaska and West Coast Ports.

The Secretary of Defense is authorized to request the Commissioner of Customs to waive applicable navigation laws when he feels that such a waiver is in the interest of national defense. The law that permits this, 64 Stat. 1120, was passed by Congress primarily to relieve the burden of the various U.S. shipping restrictions in times of urgent shipping requirements. In keeping with the intent of this statute, the Department requests waivers only when there is no suitable American-flag shipping available and when the national defense interest can be persuasively established.

The Union Oil Company request is presently under review by the Office, Under Secretary of the Navy. Although we have not received a formal recommendation from the Navy at this time, conversation with the Office of the Under Secretary and a review of the facts in this case indicate that sufficient grounds to warrant a waiver request to the Commissioner of Customs have not been established. Accordingly, favorable action on the Union Oil Company request is not contemplated.

I hope that this information is satisfactory to you. We will inform you if any action is taken in this matter contrary to what has been outlined above. If I may be of further assistance in this matter, please let me know.

Sincerely,

PAUL H. RILEY,
Deputy Assistant Secretary of Defense (Supply and Services).

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. TYDINGS. Mr. President, I ask unanimous consent that I be permitted to continue for another 20 minutes.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. TYDINGS. Mr. President, Secretary Baird's letter is to the point, as I have indicated. It offers specific reasons for rejecting the oil company's request. Further consultations between the Department of Defense and Union Oil took place after this rejection but no change in the position of the Department resulted. The possibility of such a change, however, is indicated in a letter dated July 22, 1969, from Under Secretary of Defense David Packard to Chairman RIVERS of the House Armed Services Committee. The letter in part reads:

> This matter has been discussed with Mr. Fred L. Hartley, the President of Union Oil Company, and it has been decided that the Department should not take a position, one way or the other, at this time.

Mr. President, I ask unanimous consent that the full text of the letter from Under Secretary of Defense David Packard to Chairman RIVERS of the House Armed Services Committee be printed at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

The Deputy Secretary of Defense,
Washington, D.C., July 22, 1969.
Hon. L. Mendel Rivers,
Chairman, Committee on Armed Services, House of Representatives, Washington, D.C.

Dear Mr. Chairman: This is in response to your recent letter regarding the Union Oil Company's SS *Sansinena*. The Union Oil Company has recently inquired about the possibility of a waiver of coastwise trading restrictions for the SS *Sansinena*. This matter has been discussed with Mr. Fred L. Hartley, the President of the Union Oil Company, and it has been decided that the Department should not take a position, one way or the other, at this time.

I hope that the above information is useful to you. Please contact me if anything further is needed.

Sincerely,
David Packard.

Mr. TYDINGS. Mr. President, apparently at this time the Department had reconsidered its prior firm refusal of the company's request for a waiver. The Department of Defense now stated that it had no position. Nevertheless, it is important to note that the Defense Department did not issue the waiver.

This received high-level support when, in a letter dated November 24, 1969, to Mr. Edwin Hood of the Shipbuilders Council, an Assistant to the President, Mr. Peter Flanigan, stated:

> The Administration is in no way considering modification of the Jones Act at this time.

Flanigan's letter goes on to say, however, that "other policies" will be considered if American shipyards cannot provide tankers at "reasonable" cost.

Mr. President, I ask unanimous consent that that letter be printed at this point in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

The White House,
Washington, November 24, 1969.
Mr. Edwin M. Hood,
President, Shipbuilders Council of America, Washington, D.C.

Dear Mr. Hood: The President has asked that I reply to your telegram of November 12 regarding the Jones Act and the possibility of foreign construction for tankers to move crude oil from Alaska in the domestic trade of the United States.

The Administration is in no way considering modification of the Jones Act at this time. However, as I am sure you recognize, it will be economical for the oil industry to transport this oil to domestic refineries by tanker only if ship construction costs are reasonable. We are hopeful that this incentive, together with the incentives in the President's program, will stimulate American shipyards to reduce construction costs significantly and eventually become more nearly comparable with competitive world prices.

As the President stated in his message, this Administration is committed to providing the opportunity for the American shipping and shipbuilding industries to revitalize themselves. I know you share our confidence that this will be accomplished. It will be necessary to consider other policies to alleviate the situation only if these industries fail to respond to the challenge of the future.

Sincerely,
Peter Flanigan,
Assistant to the President.

Mr. TYDINGS. Mr. President, the opposition to granting a waiver by the Defense Department evidently again was stated in November when Chairman Garmatz of the House Merchant Marine and Fisheries Committee wrote Mr. Andrew Pettis, president of the International Union of Marine and Shipbuilding Workers of America, AFL–CIO, and stated that he had been advised by the office of the Under Secretary of the Navy that the policy of opposing the *Sansinena's* waiver had not changed.

Now, a few comments about the *Sansinena*. At 66,000 tons, the *Sansinena* is too large for military use. Many ports do not have channels sufficiently deep for such a ship and of those that do, many do not have the space necessary to turn around a vessel the size of the *Sansinena*. The military seeks smaller tankers, about 25,000 tons, and has recently requested from Congress authority to build nine small tankers. Additionally, the military is now laying ships off rather than adding them on to those already under Government contract. The Department of Defense has thus maintained its opposition to granting the *Sansinena* a waiver. Its finding that the interest of national defense is not served by the ship carrying petroleum from Alaska to the west coast has not been reversed, at least as of November 1969.

As recently as this weekend, I wrote a letter to Under Secretary of Defense Mr. David Packard with respect to the *Sansinena* tanker and a waiver of the Jones Act, requesting a report on what if any developments had occurred in the Defense Department with respect to the *Sansinena*.

I ask unanimous consent that a copy of my letter to Mr. Packard be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

March 7, 1970.

Hon. David Packard,
Under Secretary of Defense,
Department of Defense,
Washington, D.C.

Dear Mr. Secretary: I am looking into the recent decision of the Treasury Department granting to the S. S. Sansinena a waiver of the Jones Act provision requiring that ships engaged in coastal trade be built and registered in the United States.

I will be asking for a report as soon as I finish my initial research, but I am requesting in this letter that you make available to me no later than 10:30 a.m., Monday, March 9, 1970, copies of all relevant papers and documents, including the 1967 application to the Department of Defense for a similar waiver, the letter denying such a waiver and all subsequent correspondence with Union Oil Company, supporting documentation, related correspondence including any correspondence with Chairman Rivers, and the letters and records of recommendations in this matter.

Your staff may respond to me or to Mr. Terence Finn of my staff over the weekend.

Sincerely,
Joseph D. Tydings.

Mr. TYDINGS. Mr. President, I received a letter from Marry J. Shillito, Assistant Secretary of Defense for Installations and Logistics, in response to my letter. His letter is dated March 7, 1970.

He states in the letter:

> In connection with the most recent application by the Union Oil Company, we did not believe the Defense Department should take a position, one way or another, inasmuch as the Defense Department has no direct or indirect interest in the outcome of any application which the Company might like to file.

Mr. President, I repeat that paragraph:

> In connection with the most recent application by the Union Oil Company, we did not believe the Defense Department should take a position, one way or another, inasmuch as the Defense Department has no direct or indirect interest in the outcome of any application which the Company might like to file.

Mr. President, I ask unanimous consent that this letter be printed at this point in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Assistant Secretary of Defense,
Washington, D.C., March 7, 1970.
Hon. Joseph D. Tydings,
U.S. Senate,
Washington, D.C.

Dear Senator Tydings: Secretary Packard has asked me to respond to your letter, dated March 7, requesting that all relevant papers and documents concerning the waiver granted to the Union Oil Company for the SS Sansinena be submitted to you. Attached you will find a copy of a letter to Mr. Thomson of the Union Oil Company, dated 5 March 1968, signed by Mr. Charles F. Baird, Under Secretary of the Navy. You will also find a copy of a letter from Secretary Packard to Chairman Rivers, dated 22 July 1969.

Since 22 July 1969 there has been no written correspondence between this Department and the Department of Treasury, the Department of Transportation, or the Union Oil Company. The only other documents concerning this case since our response to Chairman Rivers have been in the nature of internal memoranda among several officials of the Department of Defense. Therefore, I do not believe it would be appropriate to release these documents to anyone outside the Department.

In connection with the most recent application by the Union Oil Company, we did not believe the Defense Department should take a position, one way or another, inasmuch as the Defense Department has no direct or indirect interest in the outcome of any application which the Company might like to file.

Sincerely,
Barry J. Shillito,
Assistant Secretary of Defense, Installations and Logistics.

Mr. HOLLINGS. Mr. President, will the Senator yield?

Mr. TYDINGS. I yield.

Mr. HOLLINGS. What is the date of that letter?

Mr. TYDINGS. That is March 7, Saturday morning.

Mr. HOLLINGS. I thank the Senator.

Mr. TYDINGS. Mr. President, on March 2, 1970, 1 week ago, the Secretary of Treasury, acting on his own and in apparent opposition to the position of the Department of Defense, granted a waiver, and it was a general waiver not a project waiver, permitting the *Sansinena*, flying under the Liberian flag, owned by the Barracuda Tanker Corp., and under charter to Union Oil Co., to enter the American coastal trade.

What is most puzzling about the decision of the Secretary to grant this waiver is the absence of any apparent justification. In brief letters dated

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March 2, to Mr. Edwin Hood of the Shipbuilders Council and Mr. A. Maskin of the American Maritime Association—two groups that had expressed interest in the matter—and signed by Assistant Secretary of the Treasury Eugene T. Rossides, no explanation is given. The second of two brief paragraphs reads:

> After considering all aspects of the matter, including your comments along with those of others interested in the matter, the Department decided that the request for waiver will be granted. A waiver order is being issued as of this date.

Mr. President, I ask unanimous consent to have printed in the RECORD the letters dated March 2, 1970, from Mr. Rossides to Mr. Hood and Mr. Maskin.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

THE DEPARTMENT OF THE TREASURY,
Washington, D.C., March 2, 1970.

Mr. EDWIN M. HOOD,
President,
Shipbuilders Council of America,
Washington, D.C.

DEAR MR. HOOD: Our recent letter to you advised that your comments concerning an application before the Treasury Department for a waiver of coastwise restrictions on the tanker SANSINENA would be fully considered before a determination in the matter was made.

After considering all aspects of the matter, including your comments along with those of others interested in the matter, the Department has decided that the request for waiver will be granted. A waiver order is being issued as of this date.

Sincerely yours,
EUGENE T. ROSSIDES.

THE DEPARTMENT OF THE TREASURY,
Washington, D.C., March 2, 1970.

Mr. A. MASKIN,
Legislative Director,
American Maritime Association,
Washington, D.C.

DEAR MR. MASKIN: Our recent letter to you advised that your comments concerning an application before the Treasury Department for a waiver of coastwise restrictions on the tanker SANSINENA would be fully considered before a determination in the matter was made.

After considering all aspects of the matter, including your comments along with those of others interested in the matter, the Department has decided that the request for waiver will be granted. A waiver order is being issued as of this date.

Sincerely yours,
EUGENE T. ROSSIDES.

Mr. TYDINGS. Mr. President, that is all that is said.

This is all that is said. No justification is offered. Yet, courtesy and fair play demand a fuller explanation. In an issue so vital as this, simple notification of approval will not suffice. The implications of the Secretary's decision are enormous. The integrity of the Jones Act is severely weakened. The impact of it is nationwide, and not just in Maryland. Perhaps there is a simple explanation. I do not know. Nor, apparently do others. All of us wish to find out, however. I believe the situation fully demands the Secretary of the Treasury to justify and document to the Senate this decision.

Moreover, the criteria under which the interest of national defense is determined should be revealed to the public. A decision involving the merchant fleet need not be made behind closed doors. How did the Secretary, in this instance, decide what the national defense was when the Department of Defense had no interest, direct or indirect, in the granting of the waiver? How would he decide in other instances? How many more waivers is he going to issue? Are other tankers involved? Did he consult with the Secretary of Defense, who is, after all, responsible for the Nation's security? Perhaps the law in this area is too loosely drafted. There has never been any problem with it before. If that is the case Congress should remedy the situation by rewriting the legislation. In the meantime, Secretary Kennedy should tell us why he granted the waiver to the *Sansinena*. Why did the Secretary of Treasury issue the waiver? Why did he do so in light of opposition to granting the waiver on the part of the Department of Defense? How did the Secretary determine that the interest of national defense required this waiver?

The questions demand an answer. On behalf of those men who work in the Bethlehem Steel yard in Sparrows Point I demand we get an answer. I demand that the Secretary speak out and explain his reasons for granting a waiver to the *Sansinena*.

The Secretary's action is particularly puzzling when it is noted that at this time—the day the waiver was issued—four U.S. flag tankers were on the west coast looking for oil. The *Overseas Vivian*, a new ship of 38,000 tons, could not find any and took grain to India instead. The *Monticello Victory* of 50,000 tons took grain to Pakistan. The *Western Hunter* and *Transeastern*, some 70,000 and 50,000 tons, respectively, also carried grain instead of petroleum at substantially less profit, I might add. At the present time, it is my understanding that the *Ogden Wabash* is open, looking for cargo, having just carried some grain.

I ask that two telegrams confirming this information now be printed in the RECORD.

There being no objection, the telegrams were ordered to be printed in the RECORD, as follows:

COLONIA TANKERS CORP.,
WESTERN AGENCY, INC.,
Hoboken, N.J.

Senator JOSEPH D. TYDINGS,
U.S. Senate, Washington, D.C.:

We herewith confirm information relayed to you previously that Western Hunter Deadweight 72254 built 1961 could have been available for business on the U.S. West Coast about April 10–12. However because of absence of employment for American Cargo, we were forced to charter a foreign cargo from Arabian Gulf for discharge U.K./Continent or U.S.N.H.

OCEAN TANKSHIPS CORP.,
New York, N.Y.

Senator JOSEPH D. TYDINGS,
U.S. Senate,
Washington, D.C.:

This is to confirm that our S/T overseas Vivian, a 37,814 ton tanker built Bethlehem Steel Shipyard, Sparrows Point, Maryland, January 1969, was available for employment end March early April and was fixed on February 27 for a cargo of grain from the U.S. North Pacific to Bombay as a result of lack of employment in the oil trade stop We also understand that the S/T Monticello Victory, S–T Ogden Wabash and S–T Western Hunter were seeking employment around the same period, the details which we will request the owners to forward to you directly.

Respectfully yours.
MORRIS L. FEDER,
Executive Vice President.

Mr. TYDINGS. As it stands now, the known facts cannot justify the Secretary's action. Apparently, considerations other than merit enter the picture.

Mr. President, our American system of government is the finest in the world. Our democratic institutions are the envy of people and nations on five continents. While by no means perfect, our democracy may well be the last great hope of mankind. In the United States today, as in the past, democratic government is on trial.

Yet, institutions of government are only as good as the people who serve them. These people must be above reproach. This requirement is absolute. For the strength of our democratic government rests on the public respect and confidence which the citizens of the United States have in their leaders.

This respect and confidence applies equally to all branches of government. Positions of power within the judicial, legislative, and executive branches are a public trust. A breach of this trust is an abuse of power. It will destroy the respect and confidence upon which free government rests. Ultimately and inevitably, it will destroy free government itself.

Impropriety or even the appearance of impropriety has no place in the Government of the United States of America.

The silence of the Secretary at the time of his decision on March 2 and the apparent absence of any legitimate reason for issuing the waiver to the *Sansinena* compel the disclosure of certain relevant facts. Let me emphasize that I make no accusation. Rather I point out these facts to shed further light on the situation and to provide information for others to consider. I note that had the Secretary fully explained on March 2 the rationale behind his decision, the controversy and puzzlement might easily have been avoided.

The president and managing director of Barracuda Tanker Corp. is Peter M. Flanigan, now an assistant to the President of the United States. This is the same Mr. Flanigan that is listed on page 37 in the 1969 edition of the Directory of Shipowners, Shipbuilders and Marine Engineers which contains a March 1969 preface.

Mr. President, I ask unanimous consent to have printed in the RECORD an article which appeared in the National Journal, volume 2, number 9, page 422, wherein on page 426 there was reference to Mr. Flanagan and his responsibilities.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

MEN BEHIND NIXON/PETER M. FLANIGAN: GENERALIST AT THE WHITE HOUSE

Early in his Administration, President Nixon commented that his chief White House lieutenants would be "generalists in the very best sense of the word."

His objective, Mr. Nixon indicated, was to avoid creating specialists who would represent the various federal departments and other constituencies—such as the intellectual community, consumer blocs, business groups and labor organizations—rather than the Presidency.

Yet, during the Administration's first-year shakedown, individual aides became associated with specialties: Henry A. Kissinger (foreign affairs), John D. Ehrlichman (domestic matters), Bryce N. Harlow (congressional liaison), Arthur F. Burns and Daniel P. Moynihan (economic issues) and H. R. Haldeman (administrative affairs).

Specialization even spread to the junior aides. For example, John C. Whitaker was assigned to deal with environmental problems. Harry S. Dent became concerned with politics and patronage, and Patrick J. Buchanan was given the task of synthesizing each day's news developments "for the President's eyes only."

Today, there is perhaps only one member of the inner circle around the President who can truly be called a generalist—"in the very best sense of the word."

He is Peter Magnus Flanigan, 46-year-old, well-to-do, former Wall Street investment banker and Nixon campaign worker. Flanigan has what he terms a "broad mandate." Other White House assistants work within clearly defined areas. But Flanigan's duties are varied and cut across many fields. He is the resident jack-of-all-trades.

His roles include chief talent scout for top-level appointments. White House contact with federal regulatory and independent agencies, and Presidential liaison with big business.

YEARS WITH NIXON

Flanigan's association with Mr. Nixon dates back to 1959. "During that summer," he recently recalled, "I had given time to some contemplation as to the problems facing the country and where we seemed to be headed. I became firmly convinced that Mr. Nixon should be President." 1960 campaign: at that time, Mr. Nixon, who was gearing for his campaign against John F. Kennedy, had no effective campaign setup in New York and Flanigan offered his services, eventually organizing New Yorkers for Nixon. Later, in March, 1960, he organized the nationwide Volunteers for Nixon-Lodge. During that period, he shared an apartment in Washington with Haldeman, then a New York executive for the J. Walter Thompson advertising agency, who was also working for Mr. Nixon.

In his book, *Six Crises,* Mr. Nixon wrote that Flanigan was among the Catholics on his staff who urged him to make a speech denouncing "reverse bigotry."

"Republican Catholics" wrote Mr. Nixon, "were being urged to vote for Kennedy because he was one of their religion; and Republican Protestants were being urged to vote for him to prove that they were not biased against Catholics!"

Mr. Nixon rejected the counsel, however.

BETWEEN PRESIDENTIAL CAMPAIGNS

Flanigan strengthened his personal ties with Mr. Nixon when the former Vice President moved to New York in 1963 to become a partner in a law firm. The two frequented the same private clubs and traveled in the same financial and social set.

During the 1964 campaign, Flanigan served as a Republican fund-raiser. Two years later, he became a charter member of a small group of prominent Republicans who called themselves "Congress 66." The group's main function was to raise money for Mr. Nixon to distribute to Republican candidates of his choice.

Early in 1967, Flanigan was among the Nixon loyalists who gathered behind their candidate for the big push in 1968. "It was clear in 1966 there was going to be a major effort by the Republicans in 1968," he recounted.

Flanigan, who had made a spectacular rise in Wall Street, took a leave of absence in February 1968 to work for Mr. Nixon in his second Presidential campaign.

1968 CAMPAIGN

Assigned as a deputy to Campaign Manager John N. Mitchell (now Attorney General), Flanigan performed a variety of tasks. He directed voter polls, solicited campaign funds from wealthy businessmen and (as he now recalls somewhat ruefully) aided the Nixon-Agnew state campaigns in New England. Except for Vermont and New Hampshire, the region went for Hubert H. Humphrey, the Democratic Party candidate.

Flanigan points out, however, that he also participated in Mr. Nixon's campaign in New Jersey—the only industrial state in the Northeast to support the Republican candidate.

ADMINISTRATION RECRUITER

After the election, he agreed to stay on a while longer as an unpaid recruiter for high-level positions in the new Administration.

From Nixon Headquarters in the Hotel Pierre in New York, Flanigan reached out across the country to draft candidates for Administration jobs.

Over the next several months, he recruited some 300 appointees for prestige positions, many from within a wide circle of social, political and business acquaintances.

In large measure, the people Flanigan helped bring to Washington set the tone and style of the Nixon Administration. Listing the criteria he followed in seeking candidates, he said:

"First, I wanted people whose philosophy was consistent with that of the President since they would be involved in the development of policy. Second, I looked for people who were leaders and had courage. They also had to have the respect of the business community and possess a kind of prominence which would bring credit to their office. And finally, of course, they had to have ability."

INTO THE WHITE HOUSE

Flanigan says he had planned to return to Wall Street after the election, but the Administration's talent hunt ran on long after the inauguration. Then, in April, 1969, Flanigan himself was drafted by Mr. Nixon and appointed an Assistant to the President.

Flanigan moved into an office on the second floor of the West Wing of the White House and, in addition to his personnel chores, took up duties connected with the regulatory agencies and other domestic matters previously assigned to Robert F. Ellsworth, a former Representative from Kansas (1961–67) and national political director for the Nixon-Agnew campaign. Ellsworth left the White House to become U.S. Ambassador to the North Atlantic Treaty Organization.

PERSONAL BACKGROUND

Flanigan brought to the White House imposing credentials. He was brought up in a genteel political atmosphere in New York, where his father, Horace C. Flanigan, was chairman of the Manufacturers Hanover Trust Co. before retirement and is still a director. Although the elder Flanigan is a Republican and sat on the party's national finance committee, he remained a close friend of Democratic party leaders James A. Farley, Ed Flynn and Al Smith.

The younger Flanigan attended Greenwich (Conn.) Country Day School, Portsmouth Priory and Princeton University (*summa cum laude.* 1947). During World War II, he was a Navy career pilot in the Pacific.

On Wall Street Flanigan at age 30 became vice president of Dillon, Read & Co., a position he relinquished to join Mr. Nixon.

Tall, lean and tough-minded, Flanigan softens an authoritative, self-assured manner with smiling Gaelic charm.

Jonathan Rose, one of his aides, says of Flanigan: "He's exciting, extremely bright and a fast, effective decision-maker."

A Johnson Administration official who worked with Flanigan during the transition remarked. "He's tough, hard-driving and smooth, if sometimes abrasive. Above all, he's one-thousand per cent loyal to Nixon."

FLANIGAN'S OFFICE

After a false start, the domestic affairs operation of the White House evolved into a pyramidal staff system. Ehrlichman, who holds the title of Assistant to the President for Domestic Affairs, stands at the peak with a half dozen Presidential assistants just beneath him. One of these is Flanigan.

In descending order are various grades of junior assistants and technicians.

In effect, the operation is comparable to that devised by Kissinger in the national security sphere.

PROJECT ROUTE

Normally, a White House project follows a prescribed path. For example, Mr. Nixon's executive reorganization plan last July, permitting the President to appoint the Chairman of the Interstate Commerce Commission for the first time, was proposed by the President's Advisory Council on Executive Organization.

It was forwarded to a project team headed by Flanigan and including representatives of interested governmental agencies. Experts in and out of the government were requested to offer opinions. Next, the project team drafted a position paper, listing all the options and possible consequences. Flanigan and Ehrlichman then put the recommendation in final shape and presented it to the President for his decision.

Coordination of projects is fully the responsibility of the White House staff. Theoretically, this assures objectivity. Previous Administrations often allowed the department most concerned with the problem to coordinate the project. This often resulted in biased reports and recommendations, favorable to the department itself.

After the proposal is submitted to Congress, the White House conducts a press briefing explaining and elaborating on its content. Because of the myriad issues in his province, Flanigan is often called upon to brief reporters.

Occasionally, the press ruffles Flanigan's composure. This occurred recently during a briefing on the report drafted by the Cabinet Task Force on Oil Import Control. When reporters persisted in asking why Phillip Areeda, executive director of the study group, was not present, Flanigan explained that he was in Cambridge, Mass., lecturing at Harvard in keeping with his regular class schedule.

"If you like, you may get his views," Flanigan declared. "The shuttle is waiting."

STAFF

Flanigan's office consists of Rose, his administrative assistant, and four other aides who have "floating franchises" meaning that they may be assigned to projects other than those within Flanigan's jurisdiction.

Also assigned to his office are six secretaries.

WHITE HOUSE ROLE

Flanigan divides his work between talent recruiting and domestic planning.

In accordance with the White House staff system, many of his inputs are channeled up to Ehrlichman. Flanigan, however, does have frequent access to Mr. Nixon.

"When I have something that I believe warrants his attention, I generally can get to see him," Flanigan remarked.

Flanigan's search for talent to fill high-level government jobs now takes less of his time than it did last year.

He also serves as middle man between the President and Harry S. Flemming, a Special Assistant to the President who drafts candidates for lower-echelon positions.

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One of Flanigan's roles is that of White House pipeline to financiers and corporation executives. During his two decades on Wall Street he has come to know many of the nation's big businessmen.

Last year when the Administration sought to get its message across to business leaders regarding action being taken to fight inflation, it was Flanigan who arranged for an estimated 1,000 of them to be brought to Washington by the Commerce Department and briefed by government officials. The highlight of the session was an appearance by President Nixon.

Flanigan is in frequent communication with top businessmen, learning their reaction to Administration measures and hearing their problems. These views are then relayed to appropriate Administration officials. One of the areas which Flanigan has had a strong influence concerns the regulatory agencies. Among the "Big Seven" commissions, Flanigan has had a hand in the appointment or reappointment of six chairmen and seven members. Almost all of these appointments have been made with individuals of what Flanigan calls the "middle-of-the-road Republican philosophy."

In connection with his agency duties, Flanigan in May of last year—less than a month after formally joining the Administration—sent a memorandum to White House staff members warning them against interference in cases before the regulatory agencies.

He noted such cases are "very closely watched for any evidence of improper procedure or influence." He further counseled that, "It is important to avoid even the mere appearance of interest or influence."

Flanigan's areas of concern also include:

He is in charge of the overall coordinating effort to reform the draft and update military manpower policies. He also is engaged in a search for a successor to former Selective Service Director Lt. Gen. Lewis B. Hershey.

He deals with both the National Aeronautics & Space Administration and the Federal Communications Commission. He drew up the White House statement on domestic communications satellite policy and was directly involved in recommendations urging innovative, competitive efforts by private industry in the field.

He is the White House contact with the Office of Consumer Affairs and is responsible for reviewing its proposals and determining if they correlate with the Administration's business and economic policies.

He is involved in formulating U.S. Tariff Commission recommendations, basically with the view of protecting domestic industries. Proposed "escape clauses" in trade regulations also come under his purview.

Proposed restructuring of the executive branch, including recommendations made by the Advisory Council on Executive Organization, are submitted to him for study.

Flanigan also fulfills the role as liaison between the White House and the Vatican. He was assigned the duty last summer when President Nixon decided against naming an envoy to the Vatican. Principally, Flanigan acts as a conduit between the Apostolic Delegate and the White House. When, for instance, the representative of the Holy See wishes to meet with a U.S. official or convey a message to the White House, he informs Flanigan, who makes the necessary arrangements. Diplomatic matters are turned over to Kissinger.

Among recent activities in which Flanigan has played a major role.

Flanigan represented the White House during conferences with officials of various departments and the Budget Bureau on the fiscal 1971 budget. One bureau official said Flanigan piqued others present: "Usually, the White House representative simply listens and observes—if he attends at all," the official said "Flanigan, however, insisted on talking and making suggestions."

Flanigan was said by a staff member of the oil import control task force to have "focused his attention on the political aspects of the issue, rather than the economic aspects."

This was in reference to possible political repercussions in Texas had the Feb. 20 report—which postponed indefinitely any major changes in the import control program—been unfavorable to the oil industry. In the Texas race for the U.S. Senate this November, incumbent Democrat Ralph W. Yarborough is expected to face formidable opposition from Rep. George Bush, R., a White House favorite and a friend of Flanigan.

The task force staff member recalled that originally an assistant to Flanigan was assigned to the study group but once it became apparent that a highly controversial issue was at stake, Flanigan took over as the White House project director.

In related activity, Flanigan has met with executives of giant U.S. oil companies having interests in the Middle East. According to some executives present at the sessions, Flanigan requested that they not increase production in the region and depress the world price of oil to the detriment of the Arab governments. They said Flanigan stressed that the Administration did not want to further aggravate diplomatic tension in the Middle East.

Flanigan and one of his assistants, Clay Thomas Whitehead, played a pivotal role in developing an Administration program designed to revitalize the U.S. merchant marine.

Unveiled last October, following a study by an interagency committee, the plan calls for $3.8 billion in subsidies over a 10-year period to increase U.S. tonnage and meet foreign competition. (*For details, see Vol. 1 p. 12.*)

Newsmaker—Another measure of Flanigan's varied duties is a series of recent news developments. On Jan. 23 the Administration's policy statement on domestic satellite communications was signed by Flanigan and sent to Dean Burch, chairman of the Federal Communications Commission. On Feb. 11, Charles J. DiBona, the White House choice to be the new Selective Service Director, bowed out after talking with Flanigan, because of pressure from key Senate leaders. (*For details, see p. 328.*) On Feb. 20, Flanigan briefed the press on the oil import report. (*See p. 392.*)

Since he arrived on the White House scene last April, Flanigan's stature has risen considerably. This was reflected in a recent item on the UPI news wire, which reported that Mr. Nixon was holding a series of private meetings with White House staff members to discuss messages on domestic programs he will be sending to Congress during the current session. Listed among those conferring with the President were Ehrlichman, Haldeman, Daniel P. Moynihan, Bryce N. Harlow, and Flanigan.

Ehrlichman is Assistant to the President for Domestic Affairs, Haldeman is an Assistant to the President, and Moynihan and Harlow each hold the Cabinet rank of Counsellor.

Usually, Flanigan puts in a 12-hour day, arriving at his White House Office at 7:30 a.m. He often attends the morning staff conference presided over by Haldeman and Ehrlichman. Later in the morning, he may hold his own staff meeting. The rest of the day is spent attacking problems which fall outside the defined areas assigned to other Presidential aides.

At night, he returns to the fashionable Spring Valley section of Washington, where he lives with his wife and five children.

Mr. TYDINGS. Mr. President, I might note that among references describing Mr. Flanigan, are references to oil.

The article states:

> Flanigan was said by a staff member of the Oil Import Control Task Force to have "focused his attention on the political aspects of the issue, rather than the economic aspects."

On page 424 of the article it is stated:

> One of Flanigan's roles is that of White House pipeline to financiers and corporate executives.

The article also states on page 424:

> In accordance with the White House staff system, many of his inputs are channeled up to Ehrlichman. Flanigan, however, does have frequent access to Mr. Nixon.

Mr. Flanigan, as an investment banker, helped form the corporation and upon entering Government service placed his stock in Barracuda in trust with his father. On February 25, 5 days before the Secretary issued the waiver, this stock was sold to the partners of Barracuda Tanker Corp. It is my understanding that Mr. Flanigan resigned his post in the corporation upon entering the White House.

The February 28, 1970, National Journal describes Mr. Flanigan's stature in the White House as having risen "considerably" since he arrived there last April. As assistant to the President Mr. Flanigan holds one of the top five staff jobs in the White House. He is described as a "White House pipeline to financiers and corporation executives" and as having "played a pivotal role in developing an administrative program designed to revitalize the U.S. merchant marine."

In the second place, the president and chief executive officer of Union Oil Co. of California is Fred L. Hartley. Last year Union Oil incurred heavy losses at Santa Barbara, as a result of the oil leak off the California channel in southern California. Mr. Hartley, and officers of his company, I am told, are frequent financial supporters of the Republican Party, not only in California but nationally. He was one of 1,000 executives invited, in December of this year, to a special businessman's meeting with President Nixon arranged by the same Peter M. Flanigan.

The PRESIDING OFFICER. The time granted to the Senator from Maryland under the previous order has expired. Under the order of the Senate, the Senator from Kentucky (Mr. COOK) is now eligible to be recognized for 30 minutes.

Mr. TYDINGS. Mr. President, will the Senator yield me another 10 minutes?

Mr. MAGNUSON. Mr. President, I ask unanimous consent that the Senator from Maryland be allowed 10 minutes, because I want to make a little statement on this matter, too.

The PRESIDING OFFICER. If there is no objection, the previous order is temporarily suspended to give the Senator from Maryland an additional 10 minutes, as requested by the Senator from Maryland and the Senator from Washington.

Mr. TYDINGS. Mr. President, from the record of such facts as I have, the two companies that stand to benefit from the Secretary of the Treasury's waiver of the tanker *Sansinena*—I may point out at the expense of the Sparrows Point shipyard and domestic tanker construction market—is the Barracuda Tanker Corp. and the Union Oil Co. of California.

I am not privy to the terms of the leases, or the facts of the ownership, or the relationship of these two companies, one to the other. I do know, as I have set forth, that the stroke of the pen by the Secretary of the Treasury created a windfall value of a minimum of $5 to $7 million, or perhaps more, which on the record accrues to one or both of these companies or parts of both.

The Secretary's failure on March 2 to explain fully his decision regarding the *Sansinena* and the facts noted above require the Senate to be given this information.

The Congress is entitled to some explanations. Why did the Secretary issue the waiver? What is the exact relationship of Mr. Hartley, Union Oil Co., Barracuda Tanker Corp., and Mr. Flanigan? Who benefits from the increased value of the *Sansinena*? What other decisions concerning waivers to the Jones Act are in the offing? Have the Union Oil Co. or the Barracuda Tanker Corp. requested any other waivers that are going to be issued by the Secretary of the Treasury? How many other tankers are involved? To whom do they belong? What expertise does the Secretary of the Treasury possess to decide what is "in the interest of national defense" when the Secretary of Defense himself says they have no interest in the waiver, direct or indirect? Why did he step in and, by the stroke of a pen, create a multi-million-dollar windfall?

As I stated before, I make no allegations, no accusations, no indictments. I merely state facts. I state that there are questions that should be answered.

Circumstances surrounding the *Sansinena* waiver are puzzling. They are puzzling to me. They are puzzling to those men who work in the Bethlehem Steel mill at Sparrows Point and the shipyard at Sparrows Point, and to other Americans who are employed in our shipbuilding industry across the United States.

I think the steelworkers at Sparrows Point are entitled to an explanation, I think the Senators from Maryland are entitled to an explanation, and I believe that this body is entitled to an explanation.

Mr. MAGNUSON. Mr. President, will the Senator yield?

Mr. TYDINGS. I am glad to yield.

Mr. MAGNUSON. I have listened with great interest to the Senator's well-documented presentation of this matter. As chairman of the Committee on Commerce, the matter poses many questions to me, but it would be somewhat conservative to say that this is most unusual. I do not know of any time when the Secretary of the Treasury has done this. There may have been some occasions with respect to small boats relating to Coast Guard operations.

Mr. TYDINGS. I have been advised that since the 1950 act there has never been a general waiver in the history of the country.

Mr. MAGNUSON. Every time the Defense Department has granted waivers—which has not been unusual relating to ships of this size and cost—it has specifically stated its reasons and many times has sent to the committee a bill which it proposed for introduction, which is done by law. So this situation is most unusual.

But it is bad on another account. As the Senator says, there may be an explanation, but I do not know what it is. I will say it is bad because for many years we have been trying to build up the American merchant marine and American shipbuilding by trying to stop what we call runaway flags. As a matter of fact, they have become so prevalent that the Panamanian and Nicaraguan merchant marines today are larger than the U.S. merchant marine, or, I guess, any merchant marine in the world.

As Standard Oil of New Jersey pointed out when its representatives appeared before our committee, the only purpose of these runaway flags is to avoid corporate taxes. When they establish these oil companies in Panama, Nicaragua, or other places where they are sheltered, they pile up the profits and then bring the profits into this country at an opportune time or in an opportune year, when they can make use of their millions of dollars in profits.

We have been trying to discourage that. There is a legal or constitutional question involved as to whether an American concern has a right to make and spend its money somewhere else and build ships, which certain concerns have done. Most of the crowding of the foreign shipyards is due to American contracts. That is what has filled them up.

For years we have been trying to reverse that trend and to build up a depleted American merchant marine. American ships are handling—I do not have the exact figures before me—only about 7 percent of our imports and exports, which is deplorable. Along comes the Secretary of the Treasury, a self-styled expert, apparently, in these matters—which he must have thought he was—and, with the stroke of a pen decides what is needed for defense purposes. What does he do? After a ship has, for 12 years, been making money on a runaway flag——

Mr. TYDINGS. The Liberian flag.

Mr. MAGNUSON. Liberian flag, now it is of no value in the foreign trade, or of a very depreciated value. He is rewarding them for being out under the runaway flag for 12 long years.

Regardless of all the other facts, this is the worst kind of policy. If the White House, as the Senator described in his statement, looks upon him as "having played a pivotal role in developing an administrative program designed to revitalize the U.S. merchant marine," the Secretary of the Treasury surely has "fixed it up."

Mr. TYDINGS. He has.

Mr. MAGNUSON. He has fixed it up good in one stroke of the pen.

I do not know all the facts. I think the Senator has been very fair in saying he does not know. I do not know what it would be, but there could be a reason for this; but it is quite significant that all of a sudden it has been shifted to the Treasury Department and all of a sudden no one is notified about it.

Mr. TYDINGS. That is right.

Mr. MAGNUSON. This is not a case that was not known. This ship's case has been around for some time.

Everybody else is standing on the sidelines. They have old ships under the runaway flags by which they have evaded taxation waiting to see what happens.

Mr. TYDINGS. That is right.

Mr. MAGNUSON. Just sitting there waiting. If we do it for this one, Standard Oil of New Jersey has a merchant fleet under foreign flags the size in tonnage of which you would not believe. When they get old, they will say, "Well, let's make our money and not pay American taxes until we feel like it, and then, when they get a little old, we will bring them in here and use them up and down the coast, and they will be worth more."

Mr. TYDINGS. That is right.

Mr. MAGNUSON. So I think, despite what the Senator has said about some of the things that have happened here, this is the worst kind of breach of policy, if the administration or the Secretary of the Treasury or the people in the White House are honest and sincere about wanting to help revitalize the American merchant marine; and I hope the Senator will follow this matter through.

The PRESIDING OFFICER. The additional time allotted to the Senator from Maryland has expired.

Mr. MAGNUSON. I can speak only for myself, on the Committee on Commerce.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the time of the Senator from Maryland be extended.

Mr. COOK. Mr. President, reserving the right to object—and I shall not object—I would like to know how much longer this is going to go. The Senator from Maryland was scheduled to begin at 11:30 and speak for 30 minutes, and it is now 20 minutes until 1.

Mr. TYDINGS. Mr. President, I ask for an additional 5 minutes.

The PRESIDING OFFICER. Without objection, the Senator from Maryland is allocated 5 additional minutes.

Mr. HOLLINGS. Mr. President, will the Senator yield?

Mr. TYDINGS. I yield to the Senator from South Carolina.

Mr. HOLLINGS. Mr. President, perhaps this is the administration's Peter Principle. These waivers are a new type, indeed.

The distinguished Senator from Maryland is well known for his investigative abilities as an outstanding U.S. attorney; and I am glad to see him bring those talents to his service as a Senator, because I think he has done Congress a service, and no doubt has done the President a service. I cannot imagine the President knowing what was going on on this score.

Specifically, did the Senator have an opportunity to search into the legality of this particular waiver involving the *Sansinena*? I ask that question because

2 years ago we took the Coast Guard away from the Treasury Department and put it in the Department of Transportation. Since then, I have had quite a bit of difficulty getting the Coast Guard to guard the coast. But I have wondered about the legal authority for the waiver.

Mr. TYDINGS. The language is so broad that so long as it is done for reasons of national defense, apparently any head of a department or agency of the Government can request such a waiver.

Apparently a general waiver for a tanker, since enactment of the 1950 act has never been made by the Secretary of Defense or anyone else. As far as I know, this is all new.

Mr. HOLLINGS. And the best evidence the Senator from Maryland has with respect to the defense need is that neither direct nor indirect interests of defense are served?

Mr. TYDINGS. As of Saturday morning, from the office of the Secretary of Defense, they stated—let me read it:

> In connection with the most recent application by the Union Oil Company, we did not believe the Defense Department should take a position one way or another inasmuch as the Defense Department has no direct or indirect interest in the outcome of any application which the company might like to file.

This is on top the letter from the Assistant Secretary of the Navy a year and a half ago, in which he said specifically, "The ship is too big; we do not need it; we have other adequate military transport."

This seems to show clearly that the Defense Department did not feel the need for it.

Mr. HOLLINGS. How much of a financial windfall does it constitute to the owners?

Mr. TYDINGS. The minimum increase in value of that tanker, when it is brought from the Liberian flag to the American coastal flag is $5 to $7 million. That is conservative; and if it is going to be actually operated in American coastal waters, then the company which owns it or controls it is saving upward of $18 to $22 million, because the company does not have to build another tanker in an American shipyard.

So the most conservative figure, if it is to be given voluntarily, is a $5 to $7 million windfall on the stroke of the Secretary of the Treasury's pen.

Mr. HOLLINGS. Mr. President, the merchant marine program of the President of the United States has recently been submitted, and hearings have commenced, which I chaired on last Monday at this hour. We all have, to be sure, high regard and affection for Mr. Andrew Gibson, the Maritime Administrator. We think the President has finally come to grips with the merchant marine program. But this kind of hanky-panky, if not explained, may well becloud the entire administration maritime proposal. We hope this is not true.

There has been some concern that we are going to build only 30 ships. Is that going to be further limited by the Treasury? Is the Treasury going to start issuing waivers, or, more particularly, is the Secretary of the Treasury going to come before Congress and testify about the need for the President's Maritime Administration program while at the same time the waivers are issued?

The PRESIDING OFFICER. The additional time allocated to the Senator from Maryland has expired.

Mr. MAGNUSON. I ask for half a minute. I think, in view of the fact that the Treasury has not taken on the merchant marine, Gibson ought to be brought up and asked what happened.

Mr. TYDINGS. I agree. I ask unanimous consent that a telegram dated March 6 be printed in the Record at this point, and I call it to the attention of my colleagues.

There being no objection, the telegram was ordered to be printed in the Record, as follows:

EXHIBIT 1

MARCH 6, 1970.

HON. JOSEPH TYDINGS,
U.S. Senate,
Washington, D.C.:

We were shocked to learn of the waiver received by the tanker *Sansinena* clearing her for carriage of oil products in the domestic trade. Such waiver was not justified as national security or defense interests are not involved. There are many American flag tankers which were never transferred out to foreign registry for owners convenience available for the carriage of oil from Alaska to the west coast and many more tankers are now being built for such purpose. Our company has invested over twenty million dollars in building American tankers and is planning to invest further considerable monies building new American ships in American shipyards. The granting of the waiver undermines President Nixon's new maritime program because there will be no purpose or justification to build new American ships if the Jones Act is being violated. Unless such waiver is promptly revoked we must reconsider our building program.

PENN TANKER COMPANY.

EXHIBIT 1

FOREIGN-FLAG TANKERS BUILT IN THE UNITED STATES AS OF JUNE 1969

Name of ship	Year built	Deadweight tons	Gross tons	Speed (knots)	Flag
Mona Pass	1945	16,761	10,225	14.0	Liberia.
Brighton	1959	48,542	26,544	17.0	Panama.
Texaco Maine	1959	46,442	26,544	17.0	Do.
Trinidad	1958	48,734	26,530	17.0	Do.
A. N. Kemp	1950	28,264	18,127	16.0	Liberia.
Atholl McBean	1950	28,276	18,127	16.0	Do.
Chevron Transporter	1950	28,264	18,127	16.0	Do.
Gage Lund	1952	28,264	18,125	16.0	Do.
Pail Pigott	1951	28,264	18,127	16.0	Do.
Robert Watt Miller	1951	29,680	18,125	16.0	Do.
Esso Chelsea	1945	5,374	4,352	8.0	United Kingdom.
Esso Fulham	1945	5,374	4,352	8.0	Do.
Esso Glasgow	1944	16,143	10,727	15.0	Do.
Esso Lambeth	1943	5,400	4,352	8.0	Do.
Esso Advance	1945	4,902	3,930	11.0	Panama.
Esso Centro America	1945	4,626	4,595	11.0	Do.
Esso Bogota	1949	27,403	17,612	16.0	Do.
Esso Brooklyn	1943	16,424	10,399	15.0	Do.
Esso Colon	1949	27,350	17,420	16.0	Do.
Esso Montevideo	1949	27,355	17,420	16.0	Do.
Esso Norfolk	1942	16,635	10,501	15.0	Do.
Esso Santos	1950	27,315	17,328	16.0	Do.
Cities Service Valley Forge	1954	39,254	22,595	18.0	Liberia.
Cradle of Liberty	1954	38,937	22,610	18.0	Do.
Liberty Bell	1954	38,937	22,610	18.0	Do.
Statue of Liberty	1954	39,255	22,610	18.0	Do.
Capiluna	1960	47,183	28,434	16.0	Do.
Capisteria	1960	47,183	28,435	17.0	Do.
Capulonix	1959	47,183	28,435	16.0	Do.
Waneta	1952	54,335	26,155	16.0	Panama.
Wapello	1953	53,721	30,626	17.0	Do.
Wenatchi	1939	19,254	11,977	13.0	Do.
Winamac	1939	19,254	11,981	15.0	Do.
Marine Chemist	1942	13,018	8,137	13.0	Liberia.
Mobil Bataan	1945	4,110	3,498	13.0	Philippines.
Mobil Micronesia	1945	4,110	3,155	13.0	Do.
Mobil Visayas	1945	1,350	1,165	10.0	Do.
Chevron Genoa	1944	16,547	10,448	15.0	Panama.
Chevron Venice	1945	22,646	13,991	15.0	Do.
Texaco Bombay	1945	23,334	13,899	14.0	United Kingdom.
Texaco Rome	1945	16,630	13,892	15.0	Do.
Texaco Saigon	1945	22,368	13,892	14.0	Do.
Texaco Wellington	1944	22,367	13,887	14.0	Do.
Texaco Melbourne	1945	22,381	13,899	15.0	Do.
Canopus	1945	4,000	3,143	10.0	Panama.
Deneb	1945	4,110	3,155	13.0	Do.
Procyon	1945	4,000	3,145	11.0	Do.
Regulus	1945	4,000	3,155	11.0	Do.
Sea Horse	1944	1,496	1,294	10.0	Do.
Sea Raven	1945	2,219	1,296	8.0	Do.
Philidora	1959	48,422	30,165	17.0	Liberia.
Philine	1959	48,422	29,742	17.0	Do.
Philippia	1959	47,856	29,742	17.0	Do.
Standard Service	1923	1,500	1,324	8.0	Canada.
Texaco Bristol	1944	23,426	14,412	15.0	Panama.
Texaco Kentucky	1949	28,081	17,892	16.0	Do.
Texaco London	1944	23,500	14,397	15.0	Liberia.
Texaco Pennsylvania	1949	28,081	17,872	16.0	Panama.
Texaco Texas	1949	28,081	17,892	16.0	Do.
Raban	1949	7,342	5,011	10.0	Do.
Aldine	1943	16,423	10,670	14.0	Liberia.
Bulkoceanic	1949	30,016	17,328	16.0	Do.
Bulktrader	1950	30,004	15,798	16.0	Do.
Lake Palourde	1959	117,966	62,275	16.0	Do.
Chevron Leiden	1944	22,403	13,785	14.0	Netherlands.
Chevron The Hague	1945	22,352	13,894	14.0	Do.
Esso Caernarvon	1962	1,550	1,103	11.0	United Kingdom.
Barbara Jane Conway	1945	23,526	14,424	15.0	Panama.
Betty Conway	1943	23,524	14,424	15.0	Liberia.
Carolyn E. Conway	1945	23,580	14,450	15.0	Panama.
Eina N. Conway	1945	23,524	14,449	15.0	Do.
Mary Ellen Conway	1945	23,573	14,456	15.0	Do.
Phyllis T. Conway	1944	23,578	14,417	15.0	Do.
Texaco Ohio	1949	28,081	17,892	16.0	Do.
Conoco Humber	1943	16,811	10,602	15.0	Liberia.
Sansinena	1958	66,883	38,562	17.0	Do.
Princess Sophie	1959	65,000	43,000	16.8	Greece.

VESSLES BUILT IN U.S. YARDS FOR FOREIGN REGISTRY

Year	Tankers		Cargo		Bulk		Others		Total	
	Number	Gross tons	Number	Gross tons	Number	Gross tons	Number	Gross tons	Number	Gross tons
1948	4	27,692	14	49,956	0		0		18	77,648
1949	30	484,773	0		0		1	3,100	31	487,873
1950	19	307,082	0		0		0		19	307,082
1951	2	32,142	0		1	3,425	0		3	35,597
1952	4	70,559	0		1	3,423	0		5	73,982
1953	7	123,500	0		0		0		7	123,500
1954	11	230,800	0		0		0		11	230,800
1955	1	18,790	0		0		0		1	18,790
1956	1	12,802	0		2	6,844	0		3	19,646
1957	3	63,800	0		0		0		3	63,800
1958	7	186,700	0		0		0		7	186,700
1959	11	345,400	0		0		0		11	345,400
1960	2	56,000	0		0		0		2	56,000
1961	0		0		0		0			
1962	0		0		0		0			
1963	0		0		0		0			
1964	0		0		0		0			
1965	0		0		0		0			
1966	0		0		0		0			
1967	0		0		0		0			
1968	0		0		0		0			
1969	0		0		0		0			
21-year totals	102	1,960,040	14	49,956	4	13,692	1	3,100	121	2,026,788

MERCHANT TYPE VESSELS DELIVERED BY U.S. PRIVATE SHIPYARDS

[1,000 gross tons and over]

Year	Total		Built with construction subsidy		Built for Government account		For U.S. flag, no subsidy		For foreign registry	
	Number	Gross tons	Number	Gross tons	Number	Gross tons	Number	Gross tons	Number	Gross tons
1948	29	164,600			2	30,900	9	56,300	18	77,700
1949	34	538,900					3	51,000	31	487,900
1950	26	415,500			1	21,600	6	86,800	19	307,100
1951	10	147,600	2	47,400	1	8,900	4	55,700	3	35,600
1952	31	397,200	1	53,300	9	95,300	16	175,900	5	72,700
1953	45	570,300			15	138,200	23	308,600	7	123,500
1954	38	563,800			10	92,100	17	241,000	11	230,800
1955	8	105,200			3	37,800	4	48,700	1	18,800
1956	9	125,900			2	28,200	4	78,000	3	19,700
1957	23	320,000			7	58,200	13	198,300	3	63,800
1958	31	573,400	4	60,700	3	20,400	17	305,600	7	186,700
1959	32	716,800			1	15,000	20	356,400	11	345,400
1960	25	404,200	9	90,500	1	2,700	13	255,000	2	56,000
1961	25	369,100	18	190,100			7	178,900		
1962	27	385,000	23	260,387	1	13,400	3	111,200		
1963	34	421,800	26	295,600			8	126,200		
1964	16	223,800	11	122,200			5	101,600		
1965	16	180,200	11	120,300			5	59,900		
1966	13	161,100	12	138,100			1	23,000		
1967	13	162,900	10	126,300	1	12,000	2	24,600		
1968	24	329,300	17	234,000			7	95,300		

Note: MSTS construction and mariner program included under "Built for Government Account."

Mr. TYDINGS. Mr. President, I thank the Senator from Kentucky for his kind indulgence. I hope to be able to return the favor some day.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. COOK. I yield to the Senator from Idaho (Mr. CHURCH).

GOVERNMENT AUTO PURCHASES BILL

Mr. CHURCH. Mr. President, I am introducing today a bill to require the General Services Administration and the Post Office Department to buy, after January 1, 1971, only motor vehicles that will operate on fuel free of lead additive.

This bill is in harmony with developments in both car manufacturing and gasoline production. Last month, General Motors Corp. said its 1971 model cars—or some of them—will be able to use a low-grade, unleaded gasoline. The Ford Motor Co. has indicated it will produce "substantial numbers" of engines for 1971 that will accept unleaded fuel at lower octane ratings. Chrysler Corp. has indicated it is following in a similar direction. In addition, several oil companies have made it known recently that they are preparing to market lead-free gasoline by 1971. In the East, one company now sells an unleaded "gas."

It is commonly accepted, Mr. President, that 60 percent of air pollution is generated by automobiles and that leaded fuel accounts for a major portion of this pollution. Unleaded fuel, as we know, results in fewer unburned hydrocarbons in the exhaust. These unburned hydrocarbons are an important factor in causing air pollution and smog. Engines using lower octane unleaded fuel would also mean, in the words of the automobile industry, fewer "muscle" cars and, conceivably, this might well lead to fewer serious accidents.

Adoption of the procurement restriction, as provided for by my bill, would furnish automobile manufacturers with a major incentive to move more swiftly toward developing engines that operate on unleaded, low-octane fuel. Second, such a purchasing program would inform the industry as a whole that the Federal Government is proceeding to translate its words into action on the antipollution front. The Federal Government must not, in my view, simply exhort and admonish the American people about the hazards of our deteriorating environment. The Government must act upon its own warnings and thereby set an example for the entire industry. This bill would help move the Government in that direction.

Mr. President, I thank the Senator from Kentucky for giving me the opportunity to speak.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States submitting a nomination was communicated to the Senate by Mr. Leonard, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session, the Presiding Officer laid before the Senate a message from the President of the United States submitting the nomination of William D. Brewer, of Connecticut, a Foreign Service Officer of class 1, to be Ambassador Extraordinary and Plenipotentiary to Mauritius, which was referred to the Committee on Foreign Relations.

ALLOWING 18-YEAR-OLDS TO VOTE

Mr. COOK. Mr. President, the question of allowing 18-year-olds to vote has become not whether but when and how. With the exception of a few aged relics in Congress, the overwhelming majority of the peoples' representatives now realize we must enfranchise 18-year-olds and do it as soon as possible.

Since almost all Senators now recognize the need to lower the age of democratic participation to 18 and are familiar with the arguments for such a step, I will be very brief in describing the other ways in which this age group fully participates in our society. Deputy Attorney General Kleindienst, indicating the support of the Nixon administration for lowering the voting age, named just some of the ways in which they are currently involved, in his testimony before the Constitutional Amendments Subcommittee the other day. He stated:

> We do not wait until 21 years of age to permit our young people to enter the labor market or to require the payment of income taxes. Before 21 many states permit our young men and women to shoulder the responsibility of marriage; we ask that they man our Armed Forces and "provide for the common defense." We hold them liable for their civil and criminal actions.

In that regard, I should like to note for the RECORD that, according to Defense Department statistics of June 1968, of the 3,510,000 men in the Armed Forces, 27,000 were 17 years of age, 123,000 were 18 years of age, 266,000 were 19 years of age, and 567,000 were 20 years of age. In other words, of the 3,510,000, 983,000 were under 21.

With regard to the present conflict in Vietnam, I should like the RECORD to show that of this group and of those who have lost their lives for this country, nine were 17, 2,413 were 18, 6,368 were 19, and 10,421 were 20.

Little more needs to be said in answering the question "whether?" except to relate, briefly, the experience in my own State of Kentucky. In 1954, the general assembly of my State enacted a bill submitting to the electorate the matter of lowering the voting age to 18. In November 1955 the voters ratified the proposal with little or no controversy.

We have now had the benefit of 14 years experience with responsible voter participation by this block. Contrary to the allegations of many of my conservative friends, there has not been any discernable pattern of voting behavior. In fact, it could be strongly contended that the growth of the Republican Party in Kentucky, generally considered to be the more conservative of the two parties, has directly paralleled the enfranchisement and increase in participation of this age group.

Every major statewide candidate in recent memory has had a fulltime youth chairman whose sole function it was to seek out and secure the support of this block of roughly 100,000 potential voters. For those who attend a college in Kentucky, politics is a way of life. Some argue we should keep politics off the campuses. I agree to the extent that that means political interference by State officials or even Federal officials with academic and political freedom of thought and expression. I most emphatically do not agree if it means college people should not be allowed to vote and in a meaningful way support the candidates of their choice.

Politics on the campus in Kentucky means that for a candidate to be credible he must appear and subject himself to the intelligence and insight of today's politically sagacious youth. Our bright young Kentuckians are a great force against the hypocritical handshaking, backslapping, baby kissers of the old school of politics. In fact, it could be argued very persuasively that their participation has significantly up-graded both the caliber and the campaigns of the Kentucky politician of today.

In summary, the Kentucky experience has been a complete success, and I would venture a wager that one could not find 1 percent of Kentuckians, whether liberal or conservative, mountaineer or farmer, city dweller or tobacco grower, who would advocate raising the age.

The next question is, "How?" We have traditionally believed that lowering the voting age must be done by constitutional amendment, primarily because we took this course in enfranchising blacks and women. This view, however, does not take into account our living Constitution and the expanding role of the 14th amendment, when aided by an act of Congress, in striking down the irrational barriers which States have placed between those who would otherwise be qualified to vote and the ballot box.

The expanded role of the 14th amendment in this area, when supported by an act of Congress, is a relatively new feature in the constitutional law of our land traceable to the historic Voting Rights Act of 1965 and the case of *Katzenbach* v. *Morgan*, 384 U.S. 641, which rules section 4(e) of that act constitutional. It is upon the authority of this case that we can reasonably predict that a statute lowering the voting age to 18 under the authority of the 14th amendment, section (5), would be upheld as constitutional.

Let us look briefly at the facts of that case to see how they apply to what we are seeking to do this year. The Morgan case tested the constitutionality of section 4(e) of the Voting Rights Act which provides that no person who has successfully completed the sixth primary grade in a public school in, or a private school accredited by, the Commonwealth of Puerto Rico in which the language of instruction was other than English shall be denied the right to vote in any election because of his inability to read or write English. New York claimed the statute to be justified because of a State interest in assuring intelligent use of the franchise.

As Prof. Archibald Cox pointed out in his testimony before the Constitutional Amendments Subcommittee, in the absence of statute, the Supreme Court might have sustained New York's position. However, the court said, in effect, as Professor Cox put it, that "Congress may decide, within broad limits, how the general principle of equal protection applied to actual conditions."

The Court cited, in Morgan, the early case of *Ex parte Virginia*, 100 U.S. 339, 345, in describing what section (5) of the 14th amendment intended to give to Congress—

> It is the power of Congress which has been enlarged. Congress is authorized to enforce the prohibitions by appropriate legislation. Some legislation is contemplated to make the amendment fully effective.

Section (1) of the 14th amendment provides that no State shall deny to any person within its jurisdiction equal protection of the laws. The equal protection clause is violated by any State which imposes an arbitrary or unreasonable discrimination or an invidious classification. This is then followed by section (5) of the amendment which gives Congress the power to enforce the amendment by "appropriate" legislation.

It would be entirely possible to find two different results on the same set of facts where in one instance Congress had acted pursuant to section (5) to strike down invidious discrimination and in the other case where it had not so acted. Thus, the speculation earlier that the result might have been different in Morgan in the absence of the passage of 4(e) of the Voting Rights Bill pursuant to section (5) of the 14th amendment.

In support of this assertion, the Court said in the Morgan case:

> Without regard to whether the Judiciary would find that the equal protection clause itself nullifies New York's English literacy requirement as so applied, could Congress prohibit the enforcement of the state law by legislating under section (5) of the 14th Amendment? In answering this question, our task is limited to determining whether such legislation is, as required by section (5), *appropriate* [emphasis added] legislation to enforce the equal protection clause.

The Court then proceeded to consider whether section 4(e) was "appropriate" legislation—the *McCulloch* v. *Maryland*, 4 Wheat 316, 421, standard. In deciding what was appropriate legislation to enforce the equal protection clause, the Court said:

> It was for Congress, as the branch that made this judgment, to assess and weigh the various conflicting considerations—the risk or pervasiveness of the discrimination in governmental services, the effectiveness of eliminating the state restriction on the right to vote as a means of dealing with the evil, the adequacy or availability of alternative remedies, and the nature and significance of the state interests that would be affected by the nullification of the English literacy requirement as applied to residents who have successfully completed the sixth grade in a Puerto Rican school. *It is not for us to review the Congressional resolution of these factors. It is enough that we are able to perceive a basis upon which the Congress might resolve the conflict as it did.* [Emphasis added.]

The question, then, is whether the language and logic of Morgan would be equally applicable to a statute passed by Congress pursuant to section (5) of the 14th amendment lowering the voting age to 18. Under the 14th amendment, in the absence of statute, the question would be whether denying the right to vote to 18-, 19-, and 20-year-olds is arbitrary or capricious. I agree with Professor Cox that the Supreme Court would not so hold.

However, if Congress passed legislation under section (5) of the 14th amendment then the Court, it is reasonable to predict, would uphold the constitutionality of such a statute, with a supporting statute the Court's inquiry would be, under Morgan, could it "preceive a basis upon which the Congress might resolve the conflict (between state interest in not allowing 18, 19 and 20 year olds to vote and Congress' interest in lowering the age to 18) as it did."

In examining the congressional basis for the passage of such a statute the Court would surely find as Cox put it:

> Congress would seem to have power [under section (5), 14th Amendment] to make a similar finding [as in *Morgan*, that English language requirement is constitutionally irrelevant] about the state laws denying the franchise to eighteen, nineteen, and twenty year olds even though they work, pay taxes, raise families, and are subject to military service.

I might suggest, for those who would deny the vote to 18-, 19-, and 20-year-olds, in regard to that service, that we allow young men at 18 to go into officers candidate school in this country and become officers in the military service of this Nation.

It is clear to me that we are constitutionally able to proceed with the long-overdue task of lowering the voting age to 18 in all elections in one of two ways.

The final question is "when?" We may, out of some inexplicable reverence for the past, choose the difficult route of the constitutional amendment or we may, recognizing that we exist under a living, changing Constitution, choose a more expeditious alternative. I see no virtue in masochistically proceeding with a constitutional amendment which will require years to ratify, when the Congress could have the courage to act now to remedy one of the most pervasive injustices of our day.

I, therefore, introduce for appropriate reference a bill to provide for lowering the minimum age at which citizens shall be allowed to vote in all elections to 18. Also, I ask unanimous consent that the bill be printed in its entirety at the end of my remarks, and that the following Senators be added as cosponsors: Mr. Goldwater, Mr. Dominick, Mr. Scott, Mr. Javits, Mr. Packwood, Mr. Hatfield, Mr. Case, Mr. Boggs, Mr. Schweiker, Mr. Brooke, Mr. Fong, Mr. Percy, Mr. Young of Ohio, Mr. Bayh, Mr. Ribicoff, Mr. McGee, Mr. Church, Mr. Cranston, and Mr. Hughes.

The PRESIDING OFFICER (Mr. Byrd of West Virginia in the chair). The bill will be received and appropriately referred; and, without objection, will be printed in the Record at this point.

The bill (S. 3560) to provide for lowering the minimum age at which citizens shall be eligible to vote in elections, was received, read twice by its title, referred to the Committee on Rules and Administration, and ordered to be printed in the Record, as follows:

S. 3560

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Voting at Eighteen Act".

Sec. 2. (a) The Congress finds and declares that the imposition and application of the requirement that a citizen be twenty-one years of age as a precondition to voting in any primary or in any election—

(1) denies and abridges the inherent constitutional rights of citizens who are eighteen years of age but not twenty-one years of age to vote, which is unfair in view of the national defense burdens imposed on such citizens;

(2) has the purpose and effect of denying to citizens who are eighteen years of age but not twenty-one years of age the due process and equal protection of the laws that are guaranteed to them under the fourteenth amendment of the Constitution, particularly in view of the unreasonable classification based upon the proposition that such citizens are not intelligent or mature enough to exercise the right to vote; and

(3) does not bear a reasonable relationship to any compelling State interest in the conduct of elections.

(b) In order to secure the constitutional rights set forth in subsection (a), the Congress declares that it is necessary to prohibit the denial of the right to vote to citizens of the United States eighteen years of age or over.

Sec. 3. No citizen of the United States who is otherwise qualified to vote in any State or political subdivision in any primary or in any election shall be denied the right to vote in any such primary or election on account of age if such citizen is eighteen years of age or older.

Sec. 4. (a) In the exercise of the powers of the Congress under the necessary and proper clause of section 8, article I of the Constitution and section 5 of the fourteenth amendment of the Constitution the Attorney General is authorized and directed to institute in the name of the United States such actions against States or political subdivisions, including actions for injunctive relief, as he may determine to be necessary to implement the purposes of this Act.

(b) The district courts of the United States shall have jurisdiction of proceedings instituted pursuant to this Act, which shall be heard and determined by a court of three judges in accordance with the provisions of section 2284 of title 28 of the United States Code, and any appeal shall lie to the Supreme Court. It shall be the duty of the judges designated to hear the case to assign the case for hearing and determination thereof, and to cause the case to be in every way expedited.

Sec. 5. Whoever shall deny or attempt to deny any person of any right secured by this Act shall be fined not more than $5,000 or imprisoned not more than five years, or both.

Sec. 6. As used in this Act the term "State" includes the District of Columbia.

Sec. 7. The provisions of this Act shall take effect with respect to any primary or election held on or after January 1, 1971.

Mr. COOK. Mr. President, I also ask unanimous consent to have printed in the Record a statement made today by the Senator from Arizona (Mr. Goldwater) before the Subcommittee on Constitutional Amendments entitled "18 Is Old Enough."

This is one of the finest statements I have ever read on this subject, and I recommend it to the reading of all Senators.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Eighteen Is Old Enough

Mr. Chairman and Members of the Subcommittee: It is a pleasure to have the opportunity to testify on the important question of whether or not the minimum voting age should be lowered to 18.

Mr. Chairman, I want to say at the outset that I think it should. This is a goal that I have worked for over a long period of years. And I am delighted to be able to restate my position at this time.

The main argument that I have heard against the proposal is the claim that young persons are not mature enough. They are said to be too rebellious and militant.

But I want to say here and now that this kind of reasoning is nonsense. Talk about young people being irrational. What about the supposedly mature persons who would deny the right to vote to nearly 11 million citizens just because a tiny minority has engaged in militant behavior?

When will people learn that what they see and hear through the mass media is not necessarily typical of the way things really are? Yes, if all people do is to sit in front of their T.V. screens or skim over the headlines, then the predominate image which they are going to get of our young men and women is one of an unclean, vile-tongued, rock-throwing, campus-storming, street-rioting bunch of hoodlums and misfits.

But, Mr. Chairman, I want to state as firmly as I can that this picture is distorted, stupid, and absolutely wrong. All that the major networks and liberal newspapers have achieved by their endless over-exposure of the extremist tactics used by a piddling few of our young Americans is to prejudice the judgement of many of their elders against youth in general.

Mr. Chairman, I ask the public to think for themselves. I want the average American to make his impressions from what he himself has actually seen. Don't rely upon the defamatory bunk which you are being fed by liberal journalists and reporters who are falling all over each other to see who can shock their audience the most.

If the average viewer or the average reader could travel through the length and breadth of our nation as I have to meet with students on the campuses of universities, both large and small, then I know that they would agree with me that this generation of young people is the finest generation that has ever come along.

Mr. Chairman, I have probably visited more colleges and universities in the last decade than anyone in the country. And I am constantly impressed by the wisdom and interest, and concern with vital matters, that is shown by the students whom I have met.

In fact, their grasp of national issues is downright amazing. Far from being the possible victims of demagogues, I think the challenging, probing minds of today's youth will serve to expose the dishonest politician quicker than anything else.

Unless a person has honest convictions and sincere principles, these eighteen year olds, and nineteen and twenty year olds, will shatter his veil of hypocrisy in short order. They will see through the phony promise and the faked crisis sooner than many of their elders do.

Mr. Chairman, I have confidence in our nation's educational system. I have pride in the way our young people are being taught to analyze issues and to think things through for themselves. Unlike many older persons, these young Americans are willing to question what they read and what they watch in the mass media.

Some people, who should know better, say eighteen-year-olds are too idealistic. They are said to be unable to follow the complicated, practical reasons why the things politicians promise them don't really happen.

Well, I want to say that this is exactly what we need more of in this country. We

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need more citizens who are concerned enough to pose high social and more goals for the nation. Civil servants and legislators, of any political party, need to be prodded to cut through the bureaucratic jungle of red tape so that the government will serve the people in the way it is intended.

Some more idealism will do us all good. It will help remove the crustry, shop-worn reasons why the policies and goals which are promised to voters don't ever seem to get accomplished. It will make us find the positive answers that will put us on the right track. Instead of explaining why this law or that program can't benefit the public the way we thought it would when it was passed, idealism will send us searching for innovations and new departures that will get the job done.

Whether we are speaking of world peace, cleaning the air and water, stopping crime in the streets, eliminating smut in the mails, or any other important goal, the energies and enthusiasm and urgings of young Americans will help us do our best.

Mr. Chairman, I support extending the vote to young citizens because I know it is right. I do not rely on the argument that because a person is old enough to serve in the Armed Forces he is old enough to vote. That is a duty of citizenship.

But there are other impressive arguments which demonstrate that eighteen-year-olds have reached maturity. Insurance companies hold a person to be an adult when he is eighteen. Eighteen-year-olds are treated as adults by penal codes. Eighteen-year-olds are allowed to obtain unrestricted automobile operator's licenses in every State. Young Americans can enter the Federal Civil Service at 18, be taxed at 18, and marry in any State at 18. Indeed, 25% of all girls are married at 18 and 19, and 50% are married at 20.

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So they can raise families, hold jobs, be taxed, be tried in adult courts, and be trusted on the public highways. And yet they are not allowed to vote.

Mr. Chairman, this attitude is outmoded and archaic. It is literally based on a tradition which dates back to medieval times.

Perhaps, in the days around the turn of the century, it once had meaning. In 1900 only 6% of Americans who had reached 18 were high school graduates. In fact, as late as 1940, only one-half of all 18-year-olds had completed high school.

But this is 1970. This is the age of instant communications, all-news radio stations, T.V. news, and the most avid political concern on the part of young Americans that I have ever witnessed.

Today fully 81% of Americans have graduated from high school before they reach 18. Almost 50% of 18-, 19-, and 20-year olds are enrolled in college. And the education which they are receiving is more advanced and intense than at any time in our history.

In short, youth today is better informed and better equipped than any previous generation. They are without a doubt equally mature, both mentally and physically, as the average citizen who had reached 25 when I was growing up. In fact, they may be better able to comprehend the dramatic technological advances and changing perspectives of modern life than many of their parents.

Therefore, I hold that there is no sensible reason for denying the vote to 18-year-olds. What's more, I think we have studied the issue long enough. The voting age should be lowered and lowered at once across the entire nation.

To my mind, the change can validly be achieved by either a Constitutional Amendment or a statute. For once a person reaches the conclusion, as I have, that there is no reasonable justification for denying the right to vote to eighteen-year-olds, then it is quite clear that Congress can act to protect and enhance that right.

It is true that the States possess a power to set reasonable qualifications for voters in their elections. When these requirements are applied in a sensible way, they should not be altered by Federal intrusion.

But not even the strongest advocate of State's rights could claim that a State may limit the right to vote on arbitrary or unreasonable grounds. It would be nonsense to say that a State could fence out all left-handed persons from the polls. Or all Catholics. Or all males with long hair.

Clearly there are limits as to how this authority may be used. To say that the States may establish voting qualifications is not to say that their power is absolute.

To me, where there is a conflict between the fundamental, personal right to vote and the purely administrative power of a State to regulate its elections, the State power may prevail over the right of the individual citizen only if it serves a major and compelling State interest. Since no such interest has been shown in the case at hand, I believe it is entirely fitting for Congress to act to protect the freedom to vote of young Americans.

While I am not a lawyer, I would like to present a few arguments which will establish the principles on which I base my conclusion.

The first principle which I want to set forth is as old as our Union itself. This is the concept that Congress may act by statute to secure the rights which are inherent in National citizenship.

Mr. Chairman, one of the most firmly imbedded concepts of Constitutional law is the premise that there are certain fundamental personal rights of citizenship which arise out of the very nature and existence of the Federal government. Without these basic rights, there would be no national government and no meaning to United States citizenship.

Thus, in the case of *Ward* v. *Maryland*, 12 Wallace 418, 430 (1870), the rights of National citizenship were held to embrace "nearly every civil right for the establishment and protection of which organized government is instituted."

The Supreme Court has consistently interpreted these rights as belonging to United States citizenship, as distinguished from citizenship of a State. In the *Slaughter-House Cases*, 16 Wallace 36, 79 (1872), the Court remarked that these fundamental rights "are dependent upon citizenship of the United States, and not citizenship of a State."

Perhaps the best exposition of the scope of National citizenship is found in the opinion written by Justice Frankfurter in *United States* v. *Williams*, 341 U.S. 70 (1951). At pages 79 and 80, the learned Justice presents a history of the broad recognition accorded to what he calls the "rights which arise from the relationship of the individual with the Federal government."

Consequently, the existence of a separate category of implied rights that are based upon the nature and character of the national government has been confirmed in case after case throughout the history of the nation.

Furthermore, it is well settled that the right to vote is included among these fundamental rights. *Ex parte Yarbrough*, 110 U.S. 651, 663, (1884), is but one of many decisions by the Court in which the right to vote for Federal officers has been held to be a right granted or secured by the Constitution and not one that is dependent upon State law.

The rule was expanded by the recent case of *Texas* v. *United States*, 384 U.S. 155 (1966), in which the Supreme Court affirmed the decision of a three-judge District Court that the right to vote in all elections, State or Federal, "clearly constitutes one of the most basic elements of our freedom—the 'core of our constitutional system.'"

It is clear that Congress may act to protect a national right under the Necessary and Proper Clause. As it was said by Chief Justice Waite in *United States* v. *Reese*, 92 U.S. 214, 217 (1875), "Rights and immunities created by or dependent upon the Constitution of the United States can be protected by Congress. The form and manner of the protection may be such as Congress in the legitimate exercise of its legislative discretion shall provide."

The doctrine was also defined in *Strauder* v. *West Virginia*, 100 U.S. 303, 310 (1879), where the Court held that: "A right or an immunity, whether created by the Constitution or only guaranteed by it, even without any express delegation of power, may be protected by Congress."

Mr. Chairman, the test to be applied in cases where Congress is acting to enforce or enhance an inherent Constitutional right is the one laid down by Chief Justice Marshall for all cases involving the power of Congress under the Necessary and Proper Clause.

According to this rule, three questions must be asked: (1) Is the end "legitimate?" (2) Is the statute "plainly adapted to that end?" and (3) Is the approach used "not prohibited, but consistent with the letter and spirit of Constitution" *McCulloch v. Maryland*, 4 Wheaton 316, 420 (1819).

In applying these standards to the proposal at hand, I believe the Courts would uphold the power of Congress to pass a statute reducing the voting age in all elections, Federal, State and local.

First, there can be no doubt that the end is "legitimate." The legislation would be designed to protect the fundamental right to vote for almost 11 million citizens.

Second, the proposal is "plainly adapted to that end." By removing a voting impediment which Congress has found to be unnecessary and unfair, the Constitutional right to vote will be immediately and effectively enhanced for millions of Americans.

Third, the law is "not prohibited, but consistent with the letter and spirit of the constitution."

Here is where the crux of the whole issue must stand or fall. It will unquestionably be argued by some that since the Constitution allows the States to create reasonable voting qualifications, Congress may not override those State requirements.

However, I believe that the rule of *United States* v. *Texas*, 252 Federal Supplement 234 (1966), which I have cited above, settles the question.

In this case, a three-judge District Court, convened under section 10 of the Voting Rights Act of 1965, sustained the power of Congress to prohibit the use of the poll tax as a prerequisite to voting in State elections.

Although the Court recognized that the poll tax system in Texas had the important function of serving "as a substitute for a registration system," it held that payment of the tax as a precondition to voting must fall because it restricted "one of the fundamental rights included within the concept of liberty." (252 Federal Supplement 250.)

In reaching its decision, the Court said it was following the rule announced by the Supreme Court that "Where there is a significant encroachment upon personal liberty, the State may prevail only upon showing a subordinating interest which is compelling." *Bates* v. *City of Little Rock*, 361 U.S. 516, 524 (1959).

Also, the lower Court cited the principle of *McLaughlin* v. *State of Florida*, 379 U.S. 184, 196 (1964), that such a State law "will be upheld only if it is necessary, and not merely rationally related, to the accomplishment of a permissible state policy."

Since the judgment of the District Court was affirmed by the Supreme Court, 384 U.S. 155 (1966), I believe it offers the controlling principle which must be applied to cases involving a conflict between the assertion of an individual's Constitutional right and a State law that touches on that right but serves a permissible State objective.

Another recent case that follows the same rule is *Shapiro* v. *Thompson*, 394 U.S. 618 (1969). This case concerned the validity of waiting periods imposed by the States to deny welfare assistance to new residents of the States.

The case is relevant to the question which we are considering because the Court specifically rejected the argument that a mere showing of a rational relationship between the qualification and a permissible State purpose is enough to justify the denial of welfare benefits to otherwise eligible applicants.

The Court held that "in moving from State to State or to the District of Columbia appellees were exercising a constitutional right, and any classification which serves to penalize the exercise of that right, unless shown to be necessary to promote a *compelling* governmental interest, is unconstitutional." (394 U.S. 634)

Since the State qualifications involved here also touch on the exercise of a fundamental Constitutional right, I believe the same rule will be applied. Congress may, in order to protect the exercise of the right to vote, regulate State laws which deny that right, unless the State laws are shown to be necessary in order to promote a "compelling" State interest.

Under this standard, I conclude that Congress may, consistent with the Constitution, establish a minimum voting age of 18 years.

There simply is no compelling reason why a State has to deprive citizens who are between the ages of 18 and 21 of their right to vote. As I have discussed earlier in my statement, the only reason put forth to justify the present minimum of 21 is a distrust of the intelligence or maturity of young persons.

There is no rhyme or reason to either of these points in today's setting. They are based strictly on emotion rather than facts. Unless a State can come up with a better explanation than this, I believe Congress can and should act to enhance the right of young citizens to vote.

Mr. Chairman, there is another ground upon which Congress may act. For the Supreme Court has held that Congress may act independently of the courts to enforce the guarantees of the Fourteenth Amendment.

This doctrine was first announced in the recent case of *Katzenbach* v. *Morgan*, 384 U.S. 641 (1966).

There the Court was faced with deciding whether or not Congress could preclude the enforcement of New York's English language literacy test as applied to Puerto Rican residents of that State. The Court was also faced with its decision in *Lassiter* v. *Northampton Election Board*, 360 U.S. 45 (1959), in which it had rejected a challenge to the English literacy test of North Carolina.

Nevertheless the Court held that Congress could override the New York law. In writing the Court's opinion, Justice Brennan said that the true question was: "Without regard to whether the judiciary would find that the Equal Protection Clause itself nullifies New York's English literacy requirement as so applied, could Congress prohibit the enforcement of the State law by legislating under section 5 of the Fourteenth Amendment?" (384 U.S. 649)

Justice Brennan said: "In answering this question, our task is limited to determining whether such legislation is, as required by section 5, appropriate legislation to enforce the Equal Protection Clause." (384 U.S. 649–650).

The basic test of what constitutes "appropriate legislation," according to the *Morgan* decision, is the same as the one formulated by Chief Justice Marshall in *McCulloch* v. *Maryland*, when he defined the powers of Congress under the Necessary and Proper Clause. As adapted to legislation passed under section 5, this test requires that three questions shall be asked: (1) Is the statute designed to enforce the Fourteenth Amendment? (2) Is it "plainly adapted" to that end? and (3) Is it consistent with "the letter and spirit of the Constitution?" (384 U.S. 651).

In deciding the answers to these questions, the Court said. "It is enough that we are able to perceive a basis upon which the Congress might predicate a judgment" for acting as it did. (384 U.S. 653).

Thus the Court upheld the power of Congress to preclude the enforcement of the New York literacy requirement. And so, I believe it would uphold the power of Congress to preclude the enforcement of State laws which deny the right to vote to eighteen-year-olds.

It may be granted that the Courts have never held that the enforcement of a 21-year-old voting requirement is invalid. But according to the rule of *Morgan* this doesn't matter. When the case involves an enactment of Congress which is designed to enforce the guarantees of the Fourteenth Amendment, the question is not whether the judicial branch itself would decide that the State law violates that Amendment. Rather the question is whether or not the Congressional measure is appropriate legislation under section 5 of the Fourteenth Amendment.

Under this doctrine, I have no difficulty in believing that the enactment of a uniform voting age is Constitutional. The identical analysis would apply here that I have given above with regard to the power of Congress to act under the Necessary and Proper Clause.

The proposed statute is clearly meant to carry out the legitimate purpose of enhancing the right to vote, is plainly adapted to that end, and is consistent with the Constitution in the absence of a compelling State interest.

Mr. Chairman, this completes my discussion of the authority under which Congress may act. But we must also consider the policy questions. Is this an appropriate issue to tackle by legislation? And is this the time to do it?

Only two States have set the voting age at 18. Should we impose a standard on 48 States which has been accepted in merely two States?

Since 1960, voters in nine States have turned thumbs down on proposals to reduce the voting age below 21. Should we change the laws in these States whose residents have expressely voted not to do so?

In 1970 the voters of ten States will be asked to pass on amendments which would lower the voting age in their States. Should we preempt the issue and remove the choice from the local citizens themselves?

These are the kinds of hard questions which we must consider and discuss in detail. We must set out the conflicting considerations fully and fairly. We must balance a proper concern for the preservation of State authority against the attractive opportunity to enhance the right to vote for nearly 11 million citizens—a full 15% of the number of Americans who went to the polls in 1968.

So, let each of us make his own decision. Let us determine what we believe the citizens in our State want us to do and what we believe to be right.

To me, one thing is clear. The idea has found its time. This is the year to act. The proposal for giving full citizenship to young Americans is right. To use an old quote: I know it in my heart.

For my part, I shall join with the distinguished Senator from Kentucky (Mr. Cook) in proposing a bill to extend complete voting privileges to all Americans 18 and over.

Our bill is not a gesture. It is not put forth merely to promote a discussion. We are firmly convinced that Congress may act by way of a statute.

But we don't intend to risk the voting opportunities of tens of millions of Americans by tossing the age issue into the Voting Rights struggle.

Nor do we intend to cast a cloud over the 1970 general elections by enacting a law whose validity is likely to be unsettled by the time the elections are held.

Let's face it. There have been no prior extensive hearings in the Senate. There has been no previous consideration of the Constitutional issues in the House of Representatives. And the Chairman of the House Committee which holds jurisdiction over the subject is known to possess a career-long record of opposition to dropping the voting age.

In circumstances such as these, the House is not about to follow the statutory route until it can study the matter for itself.

This means that passage of the Voting Rights bill is certain to be endangered, and at the very least held up, if the voting age question is tied to the pending Senate bill.

Let's also face up to the fact that we do not yet have the kind of solid legislative record that is needed to bring the issue before the Courts. We have only the testimony of two or three United States Senators and two Professors of law to show that this can be done by a statute.

While this might be impressive to those of us who are among this group, I am not so certain we have won our case before the entire Congress or before the nine men in black robes who sit in the chamber across the street.

We still need to hear the ring of clashing viewpoints that will help us sort out and refine the strongest legal arguments for our cause.

We still have not heard from any State or local officials who might want to advise us of their problems or give us their recommendations as to the swiftest way in which the Constitutional questions can be decided in the courts.

Therefore, the junior Senator from Kentucky and I will seek to lower the voting age by means of a separate bill, which can be considered on its own merits.

Our bill will provide for the unusual step of an appeal directly to the Supreme Court from a three-judge District Court. By removing the Court of Appeals as the "middle man," the time between the filing of the case and its disposition by the Supreme Court will be greatly shortened.

And if there are any other means by which we can improve this feature of our bill, I will stand ready to support it.

For example, I am working on the draft of a provision which would allow a court action to be filed for the purpose of obtaining a declaratory judgment as to the validity of the statute. Something on this order has been used in the original Voting Rights Act of 1965, and if appropriate here, it would provide a means to settle the legal issues without tying up an election.

In any event, Mr. Chairman, I agree 100% with the proposal to grant full voting rights to our young Americans. To me, 18 is old enough.

Mr. Chairman, I have prepared a four-part summary on the most recent State actions to lower the voting age, and I ask that this material be inserted at the end of my statement.

APPENDIX TO SENATOR GOLDWATER'S TESTIMONY

I. 18-, 19-, AND 20-YEAR-OLD POPULATION

1. Age 18:

Male	1,830,000
Female	1,776,000

2. Age 19:

Male	1,781,000
Female	1,729,000

3. Age 20:

Male	1, 791, 000
Female	1, 747, 000
Total males	5, 402, 000
Total females	5, 252, 000
Total population	10,654,000

Source.—United States Bureau of the Census, as of July 1, 1969.

II. RECENT STATE ACTION TO LOWER THE VOTING AGE

1. *Alaska*. In 1969 the legislature passed an amendment to lower the voting age from 19 to 18. The proposal will go to the voters in the 1970 elections.

2. *California*. In 1969 the California Constitutional Commission recommended lowering the voting age to 19.

3. *Connecticut*. In 1969 the Connecticut legislature approved an 18-year-old vote proposal which will go on the ballot in November, 1970.

4. *Delaware*. The State legislature passed a 19-year-old vote amendment in 1969. If repassed by the legislature in 1970 or 1971, it will take effect.

5. *Hawaii*. In 1969 the legislature approved an 18-year-old vote amendment. It will be on the ballot in 1970.

6. *Maine*. In 1969 the legislature passed a 20-year-old amendment. It will go before the voters in 1970.

7. *Massachusetts*. In 1967 the General Court approved a reduction in the voting age to 19. That approval was confirmed again by the General Court in 1969. It will be submitted to the voters in 1970.

8. *Minnesota*. In 1969 the legislature approved an amendment lowering the voting age to 19. This proposal will be on the ballot in 1970.

9. *Montana*. In 1969 approval was given to a 19-year-old amendment by the legislature. It will be submitted to the voters in 1970.

10. *Nebraska*. The legislature approved a 20-year-old vote amendment in 1969. This proposal will be submitted to the voters in 1970.

11. *Nevada*. In 1969 the legislature approved an 18-year-old voting amendment. It must reapprove in 1971 to place the question on the 1972 ballot.

12. *Oregon*. The legislature passed a 19-year-old vote amendment in 1968. It will go to the voters in 1970.

13. *Wyoming*. In 1969 the legislature passed a 19-year-old vote proposal. It will be submitted to the voters in 1970.

III. VOTER APPROVAL OF PROPOSALS TO LOWER THE VOTING AGE

1. *Alaska*. The State constitution contains a provision making all citizens 19 years of age and older entitled to vote. The constitution was approved by a 2 to 1 majority of the voters on April 24, 1956.

2. *Georgia*. In 1943 the voters ratified the 18-year-old voting amendment. The vote was 42,284 (yes) and 19,682 (no).

3. *Hawaii*. The State entered the Union in 1959 under the constitution of 1950, which lowered the voting age to 20. Ratification: 82,788 (for) and 27,109 (against).

4. *Kentucky*. In 1955 a referendum was held to lower the voting age to 18. The proposal passed by a 2 to 1 margin: 190,838 (for) and 107,650 (against).

IV. VOTER REJECTIONS OF PROPOSALS TO LOWER THE VOTING AGE

1. *Idaho*. In 1960 a referendum was held on the proposal to amend the constitution to lower the voting age to 19. The measure was defeated: 113,594 (yes) and 155,548 (no).

2. *Hawaii*. In 1968 the voters specifically rejected a part of the new constitution which would have lowered the voting age to 18. The vote was 72,930 (yes) and 80,660 (no).

3. *Maryland*. In 1968 a constitutional provision to lower the voting age to 19 was defeated by the electorate. The vote was 283,050 (yes) and 366,575 (no).

4. *Michigan*. In the 1966 elections, the Michigan voters defeated a referendum to lower the voting age to 18. The vote was 1,267,872 (yes) and 703,076 (no).

5. *Nebraska*. In 1968 a proposal to lower the voting age to 19 was submitted to the voters. The vote was 246,672 (yes) and 255,051 (no).

6. *New Jersey*. In 1969 the voters decisively rejected a proposal to lower the voting age to 18 years old. The vote was 788,978 (yes) and 1,154,606 (no).

7. *North Dakota*. In 1968 a 19-year-old voting age amendment went to the voters. It was rejected: 59,034 (yes) and 61,813 (no).

8. *Ohio*. In 1969 the voters considered a 19-year-old vote amendment. It was rejected: 1,226,59 (for) and 1,274,334 (against).

9. *Oklahoma*. In 1952 the proposal to lower the voting age to 18 was overwhelmingly defeated at the referendum. The vote was 233,094 (yes) and 639,224 (no).

10. *South Dakota*. In 1958 the voters defeated a proposal to lower the voting age to 18. The vote was 71,033 (yes) and 137,942 (no).

11. *Tennessee*. In 1968, the voters rejected a referendum proposal to allow the Constitutional Convention to consider lowering the voting age to 18. The vote was 236,214 (yes) and 290,922 (no).

Source.—For Items 2, 3, and 4: Library of Congress, Legislative Reference Service, Report Number 69, 241, December 11, 1969.

Mr. GOLDWATER. Mr. President, the goal of extending full voting rights to all Americans 18 and over is one which I have worked for throughout a long time.

Today it was my privilege to restate my position before the Senate Subcommittee on Constitutional Amendments. At that time I announced that it was my intention to join as a coauthor of a bill to be introduced today by the distinguished Senator from Kentucky (Mr. Cook).

Our bill is designed to establish a nationwide minimum voting age of 18 and to obtain a swift judicial decision on the constitutional issues involved.

Our bill is not a gesture. It is not put forth merely to promote a discussion. We are firmly convinced that Congress may act by way of a statute.

But we do not wish to risk the voting opportunities of tens of millions of Americans by adding the age issue into the voting right struggle.

Nor do we intend to cast a cloud over the 1970 general elections by enacting a law whose validity is likely to be unsettled by the time the elections are held.

In our view, the responsible way to handle this proposal is to offer a completely separate bill to lower the voting age, which can be considered in committee and stand on its own merits.

One important feature of our bill is that it provides for the unusual step of an appeal directly to the Supreme Court from a three-judge district court. By removing the court of appeals as the middle man, the time between the filing of the case and its disposition by the Supreme Court will be greatly shortened.

And if there are any other means by which we can carry out this goal of our bill, I will stand ready to support it.

For example, I am working on the draft of a provision which would allow a court action to be filed for the purpose of obtaining a declaratory judgment as to the validity of the statute. Something like this has been used in section 10(b) of the original Voting Rights Act of 1965. And, if appropriate here, it would provide a means to settle the legal issues without tying up an election.

It is this kind of question that we need time to study in detail.

We also need to hear the ring of clashing viewpoints that will help us sort out and refine the strongest legal arguments that will support our cause.

Mr. President, it is for these reasons that I believe the wisest course is for Congress to act on separate legislation, rather than on an amendment to the voting rights bill.

Mr. President, to my mind Congress may properly act by means of a statute.

To me, the proposal for giving full voting privileges to our young Americans is right. It should be enacted sometime in this year.

But let us do it right. Let us build a strong legislative history and work on shaping a means of judicial review that can produce a court ruling without throwing an election in doubt.

Mr. President, I am pleased to join with my good friend from Kentucky in this effort and I hope that most of our colleagues will see fit to pursue this goal in the manner we suggest.

Mr. PERCY. Mr. President, the distinguished minority leader, the Senator from Pennsylvania (Mr. Scott) intended to be here at this time in order to compliment the Senator from Kentucky (Mr. Cook) on his presentation. However, he was called away for a speech he had to give and is not in the Chamber now. I, therefore, ask unanimous consent that the statement he intended to deliver in person be printed in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

Statement by Senator Scott

Mr. President, I rise to compliment the distinguished Senator from Kentucky on his presentation on lowering the voting age to 18. I cosponsored this legislation with nine other distinguished Senators.

The time has come to lower the voting age in the U.S. and to bring our young people into the main stream of our political process. We can do no less than to give the legislation introduced today by Senator Cook, my colleagues, and me, the fullest attention and consideration. I think it is possible, constitutionally, for the Congress to adopt a statute permitting the lowering of the voting age. As I have stated before, I tend to feel that 19 may perhaps be a better age than 18. However, I have cosponsored this legislation in order to stress my particularly strong feelings that the legislation now before this body—the Voting Rights legislation—not be encumbered with what, in esesnce, is a very complex and complicated matter. The legislation which the distinguished Senator from Kentucky has proposed would permit voting at the age of 18 in all elections, but would not be operative until January 1, 1971. There are, of course, many alternatives to be considered including a constitutional amendment.

I believe it possible and essential for this body to act favorably on the issue of lowering the voting age this session. But I do not feel that an amendment to the present legislation is the proper way to proceed. Hearings on this subject are progressing well within the Judiciary Committee and I would think the members of this body would want to avail themselves of the opportunity to study the alternative which Senator Cook, my colleagues, and I have proposed today in detail.

However, I do not want to delay the consideration of an 18 or 19 year old vote beyond a reasonable time.

I am suggesting, however, that we should not risk embroiling the extension of the Voting Rights Act of 1965 with the subject of an 18 or 19 year old voting age.

Federal action on lowering the voting age is both necessary and appropriate this year. I believe that Congress has the authority to act in this area by statute, by establishing a uniform minimum voting age applicable to all states and to all elections.

Mr. PERCY. Mr. President, I, too, should like to commend the distinguished Senator from Kentucky (Mr. COOK) on his presentation this morning. He has answered the questions thoroughly and completely which I had in my own mind as to whether we could, by statute, provide for 18-year-olds to vote. I am content that his arguments are complete and thorough in that regard.

Second, I think that we are blessed by the fact that four States have had tested the 18-year-old vote. As the Senator from Kentucky has indicated, it has been a successful experience in Kentucky, and in other areas. We see that England itself has gone to the 18-year-old vote so it is not a radical proposal. It has been tested here and in other countries.

The Senator has pointed out, and the research I have done myself has proved, that the young vote is not a radical vote; it follows pretty much the patterns of the established vote in the various regions.

We need to acknowledge that there is, presently, an antiyouth feeling in the country. Two States have tried to lower the voting age, and the effort was rejected at the polls. But I believe that those voters who feel antagonistic toward youth are penalizing the majority of the young today for the excesses of some of them.

In studying the violence on campus in the Committee on Government Operations, we determined that less than one-half of 1 percent of college and university students in the United States were engaged in any kind of disruptions that involved violence.

I look upon the college and university student as an intelligent, concerned, and deeply involved individual. I think he is worthy of support, and the privilege to vote.

Mr. President, I think the proposal of the Senator from Kentucky is an excellent one and ask unanimous consent that my name be added as a cosponsor of the bill he has just introduced.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COOPER. Mr. President, I join in congratulating and commending my colleague from Kentucky on his very able presentation.

I recall that I made five statewide races in Kentucky before the voting age was lowered to 18. The contrast since that time is remarkable. In days before, meetings were usually attended by partisan members of one's party and seldom were questions directed to the candidate about the points at issue. But now, candidates speak before colleges and even high school classes and are subjected and properly so, to important and penetrating questioning. I believe that it has attained its greatest purpose and value, in that it gives the young men and women of our country the right of participating in their government, State, local, and National, in its decisions, and under the processes of law.

I understand that the Senator is not intending to offer the bill as an amendment to the Voting Rights Act. Is that correct?

Mr. COOK. That is correct.

Mr. COOPER. I thank my colleague. I am glad because in my studies of two recent cases—South Carolina against Katzenbach and Katzenbach against Morgan—the court indicated that the Congress must provide the facts upon which the country can determine that the Congress has acted rationally, under section 5 of the 14th amendment. The purpose of the Senator's bill is one in which I concur, but there are grave questions about the constitutionality of a statute as compared to an amendment. I am very happy to have heard my colleague from Kentucky.

ORDER OF BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senator from Iowa (Mr. HUGHES) is now recognized for 15 minutes.

S. 3562—INTRODUCTION OF FEDERAL DRUG ABUSE AND DRUG DEPENDENCE PREVENTION, TREATMENT AND REHABILITATION ACT OF 1970

Mr. HUGHES. Mr. President, I introduce for myself, Mr. MANSFIELD, Mr. YARBOROUGH, Mr. JAVITS, Mr. WILLIAMS of New Jersey, Mr. PELL, Mr. KENNEDY, Mr. NELSON, Mr. MONDALE, Mr. EAGLETON, Mr. CRANSTON, and Mr. SCHWEIKER, a bill entitled the "Federal Drug Abuse and Drug Dependence Prevention, Treatment, and Rehabilitation Act of 1970."

I send the bill to the desk and ask unanimous consent that it be referred to the Committee on Labor and Public Welfare, with the understanding that the subject matter contained in title IV of the bill will be rereferred to the Judiciary Committee, should that be the desire of that committee, and with the further understanding that the subject matter contained in title VI of the bill will be rereferred to the Finance Committee, should that be the desire of that committee.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Iowa? The Chair hears none, and it is so ordered.

Mr. HUGHES. Mr. President, I also ask unanimous consent that a section-by-section analysis of the bill be printed in the RECORD and that the bill be printed in the RECORD following the section-by-section analysis, all of this to follow my remarks.

The PRESIDING OFFICER. Without objection, the Senator's request is granted.

(See exhibits 1 and 2.)

Mr. HUGHES. Mr. President, this legislation would establish the administrative structure and authorization for an unprecedented, massive, across-the-board, Federal attack on the drug epidemic in this country from a prevention, treatment, and rehabilitation point of view.

Mr. President, after years of trying other approaches that have failed to stem the tide, the time has come to attack the drug problem at its source—and on a scale that offers some conceivable hope of arresting the malignant growth of addiction in America.

It is beyond contention that in dealing with the abuse and illicit distribution of narcotics and dangerous drugs, stern laws and strict enforcement are essential. But the most efficient system of enforcement and punishment cannot do the job alone.

A civilized society in the late 20th century recognizes that narcotics addicts and people who abuse drugs—including the most widely abused drug of all, alcohol—are sick people and not necessarily criminals.

It is also well known that a great many addicts resort to criminal acts simply to support the considerable financial burden of their addiction.

It would seem logical that if we recognize the seriousness of the drug problem in the United States and its contribution to crime, and if we realize that drug addiction is a sickness, we would be determined to make a maximum public effort to prevent, cure, or control this sickness.

After all, if we send a narcotics addict to jail, he will eventually be released, only to return to society and to his addiction—and usually to a life of crime to support his costly habit.

The truth of the matter is, however, that, despite some scattered highly dedicated work at National, State and local levels, we have made only token inroads toward getting at this urgent health problem at its source.

It seems that we are willing to spend almost any amount of public funds to punish the addict, but a pitifully small amount to provide the professional services he needs to kick the habit, or preventive programs that might have enabled him to avoid becoming addicted in the first place.

In the meantime, the number of narcotics addicts and drug abusers in the United States has reached epidemic proportions and is growing at an alarming rate, especially among young people, including children in elementary grades.

The legislation I am proposing would work along the following lines:

First, it would establish within the Public Health Service of the Department of Health, Education, and Welfare, a Drug Abuse Prevention, Treatment, and Rehabilitation Administration, which would have a completely comprehensive range of responsibilities with respect to the prevention, treatment, and rehabilitation of drug dependents and drug abusers.

Second, it would replace present legislation governing treatment and rehabilitation services available to drug dependent persons charged with, or convicted of, violating Federal criminal laws with updated and stronger legislation, which, while continuing the same basic policy of treatment and rehabilitation, would greatly expand the number of persons eligible for such treatment and rehabilitation and would make more definite the Federal Government's obligations to carry out that policy.

Third, it would require the establishment of programs of prevention and the recognition and encouragement of treatment and rehabilitation programs for all Federal employees, and members of the armed services. It would also require the establishment of treatment and rehabilitation programs for veterans and the inclusion of drug abuse and drug dependence in group health and disability insurance policies made available to Federal employees.

Fourth, it would require the recognition of drug abuse and drug dependence as a significant health problem in a broad range of programs affecting health matters, including vocational rehabilitation programs, the Economic Opportunity Act programs, welfare programs, highway safety planning programs, medicare, medicaid, and social security.

Fifth, it would authorize the Secretary of Health, Education, and Welfare to make grants to and enter into contracts with State and local organizations, agencies, institutions, and individuals to carry out a comprehensive range of activities in the drug education, prevention, treatment, and rehabilitation areas.

Sixth, it would establish an independent Secretary's Advisory Committee on Drug Abuse and Drug Dependence, appointed by the Secretary of Health, Education, and Welfare, to advise and consult with the newly created Administration and to assist it to carry out the purposes of this act. It would also establish an intergovernmental Coordinating Council on Drug Abuse and Drug Dependence to assist the Secretary of Health, Education, and Welfare to coordinate all Federal prevention, treatment, and rehabilitation efforts dealing with problems of drug dependence and drug abuse.

This particular piece of legislation is very comprehensive. I should say that there are at least two sections of the legislation which I myself raise questions about. I think, however, that it is very important to present it at this time and that it be debated appropriately in the committees and on the floor of the Senate. By virtue of the comprehensiveness of the legislation, it enables us to take an entirely new approach to the problem of drug abuse and drug dependence in the United States.

In designing legislation to get at the roots of the drug problem from the health standpoint, it seemed absolutely essential to me that such legislation be thorough and comprehensive.

The drug problem has become so pervasive and many-faceted in our society that only a very comprehensive approach will cover all aspects of it.

Moreover, problems of treatment and rehabilitation and law enforcement are inevitably closely interrelated, as my distinguished colleagues who worked so diligently in the law enforcement aspects of the drug problem can attest.

While the major part of the bill comes clearly within the province of the Labor and Public Welfare Committee, certain portions of the legislation will need to be considered by the Judiciary and Finance Committees.

The dimension and growth of drug abuse and narcotics addiction in America justify an all-out approach to getting at the roots of the problem.

It is estimated by Government health authorities that there are approximately 100,000 to 125,000 active narcotic abusers in the United States. The estimated range of persons directly affected by abuse of nonnarcotic drugs such as sedatives, stimulants, tranquilizers, and related drugs lies somewhere between a quarter and a half million people.

A conservative estimate of persons in the United States, both juvenile and adult, who have used marihuana at least once is about 8 million and may be as high as 12 million people.

President Nixon has pointed out that—

> Between the years of 1960 and 1967, juvenile arrests involving the use of drugs rose by almost 800 percent; half of those now being arrested for the illicit use of narcotics are under 21 years of age. New York City alone has records of some 40,000 heroin addicts, and the number rises between 7,000 and 9,000 a year. These official statistics are only the tip of an iceberg whose dimensions we can only surmise.

But the statistics, as frightening as they are, are only the beginning of the problem. The Subcommittee on Alcoholism and Narcotics, of which I am chairman, has been conducting a series of general hearings on the problems of addiction and drug abuse. To date, hearings have been held in Washington, New York, Los Angeles, Denver, and Des Moines.

What we have found is that the drug problem is a ranking public concern in all of the areas where hearings were held. The number of drug abusers and experimenters is increasing at a rate that seems to be a geometric progression. Drug use is spreading to ever younger children—especially in the elementary grades in our large cities. Hard narcotics have invaded the suburbs and the small towns. A dramatically increasing number of substances is being used to induce kicks, and drugs are being employed in weird and dangerous combinations.

The price we have been paying as a society for essentially ignoring the drug priorities in the country is almost beyond comprehension. We do not have to go far to recognize that illegal drug trafficking is one of the principal causes of crime in this country. The use of illegal narcotics is a principal cause of crime here in the Nation's Capital and in the surrounding metropolitan area. Between half and three-fourths of the serious crime in the area is drug-related. Drug-related crime costs the citizens of the Washington metropolitan area upward of $30 million a year. A figure offered at the first White House Conference on Narcotic and Drug Abuse attributes $500 million a year in property damage to addicts in the New York area alone. Drug-related crime also takes a tragic toll in human life and human injury.

The cost in terms of crime is only the beginning. The quantifiable factors associated with narcotic abuse includes costs for law enforcement, crime associated with abuse, lost productivity, the cost of research and treatment programs, and welfare costs associated with broken families and unemployed abusers. Government health authorities have estimated that the total of involuntary social costs of narcotic drug abuse alone amounts to $541 million per year.

But the greatest price of all is the price we are paying in terms of human life—the lives of the hundreds of thousands of narcotics addicts and drug abusers who are only living in the shadows of society—half alive, half free.

We need a variety of approaches and the wisdom of various professional disciplines, plus massive education to promote human understanding, if we are to make any real headway in meeting a problem that is unbelievably complex, many-faceted and deeply rooted in the contemporary culture of our society.

The drug takeover of children and youth is the most elusive and frightening phenomenon of all.

In the Los Angeles hearings of our Subcommittee on Alcoholism and Narcotics, we heard testimony from a 15-year-old boy who revealed that he was in the sixth grade and 10 years old when his first experience with drugs began.

He began his career with drugs by experimenting with tranquilizers and sleeping pills snitched from the medicine closet of the bathroom in his home. He went on to pep pills, alcohol, marihuana, hashish, cocaine, benzedrine, LSD, and methedrine, until, with great and understanding help from parents, doctors, and friends, he broke the grip of his addiction.

This boy testified:

> There is a need of a place to go. When a teen-ager is so strung out and hopeless he wants to die, I don't mean a jail or an asylum. But a place in all hospitals with substantial medical aids, like a clean bed and food.

Consider the case of the 15-year-old boy who had been on drugs for years and whose body was found, last year, in a storm sewer in an affluent subdivision in the Washington metropolitan area, the apparent victim of an overdose of drugs.

A couple of months ago, I was back home in Iowa, where I visited the detoxification center in Des Moines. There a baby had been born to parents who were both addicted to heroin. The baby was born with heroin withdrawal symptoms and the doctors, in the first weeks, had to treat the infant with drugs to enable him to live.

I could go on citing dozens of cases such as these that illustrate the urgency of the situation. It is important to note that youngsters and other addicts can be helped if we get to them in time.

But facilities and programs, involving substantial public outlays, are required.

President Nixon pointed out in his July 14, 1969, message to Congress on the drug problem:

> It has been a common over-simplification to consider narcotics addiction, or drug abuse, to be a law enforcement problem alone.

And Attorney General Mitchell, testifying before the Juvenile Delinquency Subcommittee of the Judiciary Committee on September 15, 1969, stated that—

> The Department of Health, Education, and Welfare has the primary functions of providing for research, education and treatment in the field of drug abuse.

It is clear to everyone by now, I think, that law enforcement efforts alone are not the answer to the drug problem. What we need, in combination with a solid, reasonable, and enforceable law enforcement structure, is a massive, across-the-board Federal attack on the drug epidemic in this country, from a prevention, treatment, and rehabilitation point of view. I believe that the legislation which I am introducing today will establish the administrative structure and authorization for that kind of an effort.

The present statutes authorizing Government efforts in narcotics addiction and drug abuse prevention and rehabilitation lack the kind of unity, comprehensiveness, structural visability, and specificity that command attention and financing in our system and which make regular legislative review of our efforts more manageable.

This legislation attempts to remedy that problem by establishing within the Public Health Service of the Department of Health, Education, and Welfare, a drug abuse prevention, treatment, and rehabilitation administration, which would have a completely comprehensive range of responsibilities with respect to the prevention, treatment, and rehabilitation of drug dependents and drug abusers, these powers would be utilized and directed in accordance with a specific and comprehensive drug abuse and drug dependence control plan which would be drawn up and carried out by the newly created administration and would be submitted annually to Congress for review.

The American correctional system, an extremely diverse amalgam of facilities, theories, techniques, and programs, handles nearly 1.3 million offenders on an average day. Correctional institutions have 2.5 million admissions in the course of a year. Ninety percent of the convicted criminals and accused persons held in custody are housed in State or local institutions. The Federal corrections system is in a position to be a model of reform and proving ground for the rest of the country's prison institutions. As the Task Force on Corrections of the President's Commission on Law Enforcement and Administration of Justice has stated:

> A major role for Federal corrections should be the initiation of innovative programs to serve as proving grounds and as models for state and local corrections. This role as innovator would not, of course, be the exclusive domain of the Federal government. Such programs should be primarily a stimulus to change at the local level. Much that is new and promising will continue to be generated locally. But the prestige and visibility of the Federal service and its national character give it unique advantages.

Our prisons are a national scandal. Nineteen out of every 20 persons who are sent to prison eventually return to society. What happens to them while they are in confinement is a tremendously important question for our country.

In the hearings of our subcommittee across the land, we heard testimony from numerous witnesses who had served time in penal institutions of all descriptions and at all levels of government.

Without exception, they testified that drugs and narcotics were available within the prison; in some cases it was stated that they were more readily available in the jails or prisons than on the outside.

Forty percent of those who are released from confinement later return to prison.

President Nixon pointed out in his message on prison reform:

> It is a tragic fact that juveniles comprise nearly a third of all offenders who are presently receiving correctional treatment and that persons under the age of twenty-five comprise half of that total. Yet our treatment facilities are least adequate for these same age groups.

Rehabilitation efforts may, to some extent, conflict with the deterrent and punishment goals that are a fact in our criminal justice system, and rehabilitation has been opposed by some people in the past for these reasons, but the issue here is not simply whether new correctional methods amount to "coddling." The ultimate goal of corrections under any theory is to make the community safer by reducing the incidence of crime. Rehabilitation of offenders to prevent their return to crime is, in general, the most promising way to achieve this end.

It is clear that, in terms of rehabilitation, the Labor and Public Welfare Committee has a clear concern for and interest in this aspect of the problem. It is clear also that the Judiciary Committee has legitimate jurisdiction over this area, and to some extent, has concerns that may be different in scope. Consequently, this portion of the bill should be referred to the Judiciary Committee for their review, after consideration by the Labor and Public Welfare Committee.

The Civil Service Commission has, at the present time, no established Federal policy guidelines for the handling of Federal personnel who are drug addicts or drug abusers. This would appear to be the time to adopt such a policy.

In order to deal with these problems, this legislation would require the establishment of prevention programs and the encouragement of treatment and rehabilitation programs for all Federal employees and members of the armed services. It would also require the establishment of treatment and rehabilitation programs for veterans and the inclusion of drug abuse and drug dependence in group health and disability insurance policies made available to Federal employees.

All too often care and attention for narcotics addicts and drug abusers have been wanting in our present Federal health programs because of the feeling that these individuals are harder to handle than other patients, because of lack of knowledge on the part of the professionals as well as nonprofessionals about the problem, or because of downright lack of concern.

This legislation would require the recognition of drug abuse and drug dependence as a significant health problem in a broad range of programs dealing with health, such as the Economic Opportunity Act programs, welfare programs, highway safety planning programs, medicare, medicaid, and social security.

Because of the very neglect that permeates these areas, these provisions may have significant consequences to some of the programs I have listed. Because of this, appropriate portions of the bill should be referred to the Finance Committee for their consideration.

As the Subcommittee on Alcoholism and Narcotics held hearings here in Washington and, as we have listened to testimony around the country, it has become clear that local resources alone are not going to be sufficient if we are to mount an effective offensive against this rapidly growing health problem. Cities have a crying need for funds, leadership, and information which can only be obtained rapidly and effectively through Federal sources.

Consequently, this legislation would authorize the Secretary of Health, Education, and Welfare to make grants to, and enter into contracts with, State and local organizations, agencies, institutions, and individuals to carry out a comprehensive range of activities in the drug education, prevention, treatment, and rehabilitation areas. This would include, but would not be limited to, development of model curriculums, curricular materials, and curricular dissemination programs; training and education programs for medical schools, outreach workers, and other professional and nonprofessional persons; support of community planning and educational programs; organization of community personnel; support of services to juveniles and young adults; and services in correctional institutions.

In this program, education, through the use of all media, should be of key importance, for the economic facts of life about drug addiction and abuse make the investment potential of education programs dramatically clear.

Independent advice and coordination of all of the Government's efforts in this area have obvious administrative advantages. That is why this legislation would establish an independent Secretary's Advisory Committee on Drug Abuse and Drug Dependence, appointed by the Secretary of Health, Education, and Welfare, to advise and consult with the newly created administration. And that is why this bill would establish an intergovernmental coordinating council on drug abuse and drug welfare to coordinate all Federal prevention, treatment, and rehabilitation efforts dealing with problems of drug dependence and drug abuse.

Realistically, Mr. President, without faulting the valiant efforts that dedicated individuals and groups have made in a difficult field, treatment for drug abuse in America is scarcely a scratch on the surface of the problem.

The same statement can be made with reference to rehabilitation facilities and research and prevention programs.

It stems from the fact that we are working almost entirely from a prosecution, rather than a public health, approach.

We are concerned with punishing people, not educating them or healing them.

We cannot wish narcotics and mind-altering drugs out of existence; we cannot legislate them away; we cannot enforce them into oblivion.

But we can do something about healing sick people and about preventing others from incurring the illness.

We are properly concerned about protecting society from crime induced by drugs.

But the protection is a delusion, unless we get at the problem of addiction itself.

Somehow public programs and policies get diverted from the central point, the need for salvaging human beings—both for the protection of society and for simple humanity.

Armed with this understanding, I am convinced that we can meet the drug problem sensibly and be a stronger and better society for so doing.

The legislation I am introducing today is a substantial step in that direction.

The section-by-section analysis, presented by Mr. Hughes, is as follows:

EXHIBIT 1

SECTION-BY-SECTION ANALYSIS OF THE FEDERAL DRUG ABUSE AND DRUG DEPENDENCY PREVENTION, TREATMENT AND REHABILITATION ACT OF 1970

TITLE I—FINDINGS AND DECLARATION OF PURPOSES

Section 101—finds that drug abuse and drug dependence are increasing throughout the country; that drug dependence is an illness or disease that requires treatment through health and rehabilitation services; that existing laws have not been effective to prevent drug abuse and drug dependence or to provide adequate education, treatment, and rehabilitation of drug abusers and drug dependent persons and that a major federal commitment is needed in these areas; that effective treatment services and successful rehabilitation offer the best possibility of avoiding a high rate of recidivism among those persons incarcerated in government institutions; that present federal programs for drug abuse and drug dependence are relegated to a low level of priority and remain uncoordinated within the government; that the federal government has failed to effectively handle drug abuse and drug dependence among those for whom the government has special responsibilities—civilian employees, military personnel, and veterans; and that existing federal health and rehabilitation laws have not properly been used to attack problems of drug abuse and drug dependence.

Section 102—declares that a Drug Abuse Prevention, Treatment, and Rehabilitation Administration shall be established within HEW to coordinate all federal health or rehabilitation programs related to the prevention and treatment of drug abuse and drug dependence; that federal action and assistance programs should be undertaken to engage in and encourage planning, coordination, statistics, research, training, education, reporting and classification with respect to drug abuse and drug dependence, and to provide drug abusers and drug dependent persons with access to care, treatment and rehabilitation, and that all present federal or federally-assisted research, prevention, treatment, or rehabilitation programs in the fields of health, education, welfare and rehabilitation shall be utilized to reduce drug abuse, drug dependence, and drug related crime.

TITLE II—DEFINITIONS

Section 201—incorporates the definitions of the Controlled Dangerous Substances Act of 1969.

Section 202—sets out additional definitions which apply throughout the Act.

"Prevention and treatment" is defined to include all appropriate forms of educational programs and services (including but not limited to radio, television, films, books, pamphlets, lectures, adult education, and school courses); planning, coordinating, statistical, research, training, evaluation, reporting, classification, and other administrative, scientific, or technical programs or services; and screening, diagnosis, treatment (emergency medical care, inpatient, intermediate care, and outpatient), vocational rehabilitation, job training and referral, and other rehabilitation programs or services.

Other definitions include those for the terms "drug abuser," "drug dependent person," "drug related offense," "emergency medical care services," "inpatient services," "intermediate care services," and "outpatient services."

The remaining definitions are routine.

TITLE III—DRUG ABUSE PREVENTION, TREATMENT AND REHABILITATION ADMINISTRATION

Establishment of the Administration

Section 301—establishes a Drug Abuse Prevention, Treatment, and Rehabilitation Administration within the Public Health Service of the Department of Health, Education, and Welfare. Remaining sections of this title set out the responsibilities of the Administration.

Administrative functions of the Administration

Section 302—sets out the administrative functions of the Administration. They include administration of programs for federal employees, administration of the programs for the treatment and rehabilitation of federal criminal offenders, appropriate reviews in the health planning area, and administration of the grants and contracts authorized in Title VII of this Act.

Planning functions of the Administration

Section 303—sets out the planning functions of the Administration. They include development of a detailed, comprehensive federal drug abuse and drug dependence control plan to implement the objectives of this Act; the development of model drug abuse and drug dependence control plans for state and local governments; and the providing of assistance and consultation with respect to the prevention and treatment of drug abuse and drug dependence to state and local governments (and to private groups and institutions).

Coordination functions of the Administration

Section 304—sets out the coordination functions of the Administration. They include assistance of the Civil Service Commission, the Department of Defense, the Veterans' Administration and other departments and agencies in the development and maintenance of appropriate prevention, treatment, and rehabilitation programs and services for drug abuse and drug dependence; service as consultants to courts, departments and agencies, including those responsible for programs affected by Title VI of this Act; coordination of all federal health and rehabilitation efforts to deal with problems of drug abuse and drug dependence; encouragement of and assistance of state, local and non-profit private programs and services; cooperation with appropriate federal departments and agencies to develop a policy and program for federal employees who are drug abusers or drug dependent persons, assistance of state and local governments in coordinating programs among themselves; and cooperation in disseminating medical guidelines for the use of controlled dangerous drugs in medical practice.

Statistical functions of the administration

Section 305—sets out the statistical functions of the Administration. They include the gathering and publishing of statistics pertaining to drug abuse, drug dependence and drug related problems, and the promulgation of rules and regulations relating to statistical information, reports, records, etc.

Research functions of the administration

Section 306—sets out the research functions of the Administration. They include the carrying out and encouragement of research, investigations, experiments and studies relating to the cause, epidemiology, sociological aspects, prevention, diagnosis and treatment of drug abuse and drug dependence and relating to the toxicology, pharmacology, chemistry effects on the health of drug abusers, and danger to the public health of controlled dangerous substances; coordination of the research conducted by the Administration with that done by other departments, agencies, etc., and the establishment of a research register; maintenance of an adequate supply of controlled dangerous substances; the awarding of grants-in-aid to and contracts with universities, hospitals, laboratories, agencies, institutions, etc. for such research; the establishment of a research information center; the establishment and maintenance of a research fellowship program; investigation of methods of drug detection; evaluation of existing and proposed new programs, services, and methods for the prevention and treatment of drug dependence and drug abuse.

Training functions of the administration

Section 307—sets out the training of the Administration. They include establishment of training programs for professionals and non-professional; encouragement of such programs by state and local governments; and establishment of training fellowships.

Education functions of the administration

Section 308—sets out the educational functions of the Administration. They include development of model curricula for instructing children and for use by parent-teacher associations, adult education centers, private citizen groups, etc. concerning drugs, drug use, drug abuse, and drug dependence; preparation of educational materials for use in all media for public and private education about drugs, drug use, drug abuse, and drug dependence; establishment of educational courses for various federal officials; development of educational courses for use by state and local agencies on the causes of drug abuse and drug dependence; acting as a clearing house for the collection, preparation, and dissemination of information relating to drug abuse and drug dependence; recruitment, training, organizing and employment of professionals and non-professionals to organize and participate in programs of public education in relation to drug abuse; coordination of activities carried on by the federal government relating to the health education aspects of drug abuse and drug dependence; and such other activities as the Secretary may consider important to a national program of education relative to drug abuse and drug dependence.

Classification functions of the administration

Section 309—sets out the classification functions of the Administration. For purposes of carrying out its administrative, planning, coordination, statistical, research, training, education, reporting, treatment, and other functions, the Administration shall place every controlled dangerous substance within one of the following three classes: 1) such substances that have the most harmful effects on the health of drug abusers or that most significantly contribute to crimes of violence, 2) such substances that have intermediate harmful effects on the health of drug abusers or that make an intermediate contribution to crimes of violence, 3) such substances that have the least harmful effects on the health of drug abusers or that least significantly contribute to crimes of violence.

Reporting functions of the administration

Section 310—sets out the reporting functions of the Administration. An annual report to Congress, specifying actions taken and services provided under each provision of this Act and an evaluation of their effectiveness is required. Additional reports, as requested by Congress or the Secretary, and appropriate recommendations to the Congress and to the Secretary are also required.

TITLE IV—TREATMENT AND REHABILITATION OF FEDERAL OFFENDERS

Treatment and rehabilitation services

Section 401—sets out the types of treatment and rehabilitation services which shall be provided to persons charged with, convicted of or serving a criminal sentence for any criminal offense under federal law. Such services shall include emergency medical care services, inpatient services and intermediate care and outpatient services. Persons receiving such assistance may be required to contribute toward the cost of treatment. Regulations shall specify how government funds available to any person for treatment under federal state programs shall be used to pay for such treatment.

Emergency medical care services

Section 402(a)—provides that the persons charged with a misdemeanor who either appear to be drug abusers or are taken into custody for what appears to be a drug related offense shall be taken for emergency medical services. After an initial screening, those persons determined not to be in need of medical attention will be handled as in any other criminal case. The remaining individuals will be detained for medical care during withdrawal, possible diagnosis for drug dependence, and initiation of any civil commitment proceedings under section 403 or 405. Such detention may not exceed five days.

If the person is not diagnosed as drug dependent, the government attorney, with the recommendation of the medical officer, will decide whether he should be prosecuted, or permitted to follow voluntary education and treatment for drug abuse. If the person is diagnosed as drug dependent, the government attorney will decide, with the recommendation of the medical officer, whether the person should be prosecuted, civilly committed, or permitted to follow voluntary treatment. If he is prosecuted and convicted, he may still receive a suspended sentence and probation conditional on treatment, or be civilly committed for treatment, rather than being criminally sentenced.

The bill provides that the medical officer shall make his recommendations to the government attorney at every stage of the decision-making process with respect to such an individual. In all instances, however, the government attorney has the ultimate decision, and can either accept or reject the medical officer's recommendation. Similarly, the judge is free to accept or reject the recommendations made by the medical officer.

Section 402(b) contains similar provisions relating to a person taken into custody by the police for a felony who either appears to be a drug abuser or is charged with a drug related felony. Initial screening will single out those persons not in need of medical attention. The remaining persons, after any necessary withdrawal, may be detained for up to ten days for diagnosis of possible drug dependence. If such a person is not diagnosed as drug dependent, the criminal charges are prosecuted. If he is diagnosed as drug dependent, the criminal charges are prosecuted, but after conviction the court, with the recommendations of the medical officer, must decide whether to impose a suspended sentence, to institute civil commitment proceedings under section 405 or to impose a criminal charge. If he is convicted, he may also receive treatment through civil commitment.

Section 402(c) provides the the government attorney shall institute involuntary civil commitment proceedings for additional short-term emergency medical treatment pursuant to Section 403 whenever any patient requires such care and the findings required by section 403(a) can be substantiated.

Section 402(d) provides that civil commitment proceedings for treatment for drug dependence shall be instituted by the government attorney pursuant to section 405 whenever there is a finding that a person taken into custody for a violation of the Controlled Dangerous Substances Act of 1969 as (1) a drug dependent person who (2) is charged with a drug related offense.

Section 402(e) provides that civil proceedings for pre-trial detention for treatment shall be instituted by the government attorney pursuant to section 404 whenever there is a finding that (1) a person taken into custody for an offense not under the Controlled Dangerous Substances Act of 1969 is a drug dependent person, (2) who is charged with a drug-related felony. The medical officer shall make written recommendations in each of these instances, but if the medical officer and the government attorney disagree, the judgment of the government attorney shall prevail.

Short term civil commitment for emergency medical treatment

Section 405—permits a court to order up to 30 additional days of emergency medical care services for a drug dependent person who, even after the initial detention period authorized by section 402 is in imminent danger of sustaining substantial physical harm and is not in a position to exercise a rational judgment about accepting assistance. Such a person, when once again able to make a rational judgment about accepting assistance, shall be committed for treatment pursuant to section 405, detained for pretrial treatment pursuant to section 404, or handled as in any other criminal case.

Pretrial treatment

Section 404—permits a court, after a civil hearing, to order the pre-trial detention of a drug dependent person charged with a federal, drug related felony, other than a felony under the Controlled Dangerous Substances Act of 1969, upon a finding that 1) there is clear evidence that the person is a drug dependent person and that the offense charged is a drug related felony and 2) appropriate treatment for drug dependence is available for him. Such detention may last for 60 days and continuances may be granted only upon a showing of compelling circumstances. Assistance of counsel must be granted, appeal rights are retained, and an expedited calendar shall apply.

Civil commitment for treatment of drug dependence

Section 405—sets out the conditions under which drug dependent persons who are federal offenders may be civilly committed for treatment for drug dependence.

Under section 405(a), the following persons may be committed for treatment: drug dependent persons charged with a misdemeanor and who, prior to trial, requests treatment in lieu of criminal prosecution; drug dependent persons charged with a felony who, having pled guilty or been found guilty of the offense charged, at the time of sentence request such treatment in lieu of the sentence; or drug dependent persons serving criminal sentences who petition the court for such treatment in lieu of serving the remainder of the sentence.

Under section 405(b), commitment is provided for drug dependent persons charged with a drug related offense and acquitted on the ground of drug dependence; or drug dependent persons charged with an offense under the Controlled Dangerous Substances Act of 1969 and found, before or after trial, to fall within the provisions of section 402 (d).

For all such persons, no initial commitment shall be ordered for a period longer than the sentence that could have been imposed or was imposed. Prior to any commitment, the court must conduct a full and fair hearing and must find that the person is a drug dependent person and that appropriate treatment is available for him.

With the objective of protecting the public, the bill provides that no civilly committed person shall be released who is found by a court to represent an immediate and continuing danger to the safety of another person or of property. Such persons are retained in custody until there is no longer good reason to believe that they represent such a danger. However, every individual is entitled to intermediate care or outpatient status as soon as possible, consistent with sound clinical judgment.

The section contains procedural safeguards with respect to committed persons. Such a person must be released immediately when he is shown to be rehabilitated. He is, moreover, entitled to a court review of his status every six months. He is entitled to appointed counsel, and retains all of his civil rights and liberties.

Federal Youth Corrections Act

Section 406—provides that persons committed to or eligible for commitment to the custody of the Attorney General pursuant to the provisions of the Federal Youth Corrections Act who are eligible for civil commitment under this title shall be handled pursuant to this title, except that such a person shall remain eligible for sentencing under the Federal Youth Corrections Act after failure to be committed pursuant to this title, or if he is returned to stand trial or to serve the remainder of his sentence.

Drug abuse services in correctional institutions and on probation and parole

Section 407—provides that services provided by this act shall be used by the Bureau of Prisons and the Board of Parole for drug abusers or drug dependent offenders placed on work release, probation, or parole status, including persons sentenced under the Federal Youth Corrections Act, and that the Secretary and the Bureau of Prisons shall cooperate in establishing and encouraging the establishment of community based drug abuse treatment services and of drug abuse treatment services in Federal correctional institutions.

Availability of criminal records

Section 408—In order to facilitate the treatment and rehabilitation of drug abusers and drug dependent persons, this section sets out a method whereby the records of arrests and convictions under Federal laws relating to dangerous drugs may, under certain conditions, not be available at a matter of public record.

Retention of civil rights and liberties

Section 409—provides that a person treated under the provisions of this Act retains his civil rights and liberties.

Confidentiality of records

Section 410—deals with the confidentiality of records. It requires that a complete medical, social, occupational, and family history of a patient be obtained as part of the diagnosis and classification of a patient pursuant to this title, and it provides that a person treated under the bill is entitled to the confidentiality of the physician-patient relationship, and that no such records may be disclosed without a court order or may be used against him.

TITLE V—PREVENTION AND TREATMENT FOR FEDERAL EMPLOYEES, MILITARY PERSONNEL AND VETERANS

Drug abuse and drug dependence among Federal Government employees

Section 501—provides that the Civil Service Commission shall be responsible for developing and maintaining, in cooperation with the other federal agencies and departments, appropriate policies and services for the prevention and treatment of drug abuse and drug dependence among Federal employees; and that government employees who are drug abusers or drug dependents shall retain the same employment and other benefits as other persons afflicted with serious health problems, and shall not lose pension, retirement, medical, or other rights. An exception is made for sensitive employment.

Health and disability insurance plans for Federal employees

Section 502—provides that all health and disability insurance policies and plans covering federal employees shall handle drug abuse and drug dependence in the same way as other health problems, illnesses, and diseases.

Drug abuse and drug dependence among military personnel

Section 503—deals with drug dependence among military personnel and provides that drug dependence shall be regarded as a physical disability and shall not be regarded as the result of intentional misconduct or willful neglect; that drug dependent persons shall retain the same rights and benefits as other persons afflicted with serious illnesses, and shall not lose pension, retirement, medical, or other rights because of drug dependence; that medical care provided to military personnel and dependents shall include appropriate treatment services for drug abuse and drug dependence; and that any penalties imposed upon military personnel pursuant to the Uniform Code of Military Justice for offenses which would otherwise fall within the Controlled Dangerous Substances Act of 1969 shall be no greater than or different from penalties provided under that Act.

Drug abuse and drug dependence among veterans

Section 504—deals with Drug Abuse and Drug Dependence Among veterans. It provides that appropriate treatment facilities and services for drug abuse and drug dependence shall be made available within Veterans Administration hospitals as a matter of high priority; that drug dependence be added to the Veterans Administration's list of chronic diseases; that drug dependence during military service shall be regarded as a service-connected disability, and shall not be regarded as due to willful misconduct, that a dishonorable discharge shall not be a bar to treatment for drug abuse or drug dependence if the discharge was the result of drug abuse or drug dependence, and that any government compensation, funds, or other monetary benefits available to a drug dependent veteran as a result of his drug dependence shall be used as far as practicable and without imposing hardship, for his treatment and rehabilitation.

TITLE VI—PREVENTION AND TREATMENT UNDER FEDERAL HEALTH, WELFARE, AND REHABILITATION PROGRAMS

Medicare and medicaid

Section 601—provides that a drug abuser or drug dependent person shall be regarded as a sick or disabled person eligible for treatment under medicare and medicaid, and provides that state plans for medical assistance must include provisions for prevention and treatment of drug abuse and drug dependence.

Social security

Section 602—provides that a drug abuser or drug dependent person shall be regarded as eligible for disability benefits under the Social Security Act, as amended.

Economic opportunity

Section 603—provides that drug abuse and drug dependence shall be a matter of high priority item for programs undertaken under the Economic Opportunity Act of 1964.

Vocational rehabilitation

Section 604—provides that a drug abuser or drug dependent person or facility or program or service for the prevention or treatment of drug abuse or drug dependence, shall be eligible for funds made available under Vocational Rehabilitation legislation.

Welfare

Section 605—provides that State and Federal agencies charged with administering welfare programs shall take action to reduce the incidence of financial indigency and family disintegration caused by drug abuse and drug dependence, and shall provide for treatment and rehabilitation services for those persons enrolled in welfare programs whose financial eligibility for such assistance results, in part or in whole, from drug abuse or drug dependence. It also makes certain drug abuse and drug dependence prevention and treatment programs and services for persons enrolled in welfare programs eligible for federal assistance, and provides that persons eligible for welfare assistance shall not be ineligible for such assistance because of drug abuse or drug dependence, and that any drug abuse or drug dependence treatment facility shall qualify as a "medical institution" within that title of the Federal Code which deals with the payment of welfare benefits. It also provides that any recipient of welfare assistance whose inability to work or to participate in a work training program is the result of drug abuse or drug dependence shall be excused from such participation only on condition that he accept appropriate treatment and rehabilitation services made available to him.

Highway safety

Section 606—provides that each State highway safety program approved pursuant to the Highway Safety Act of 1966 shall include provisions for the prevention and treatment of drug abuse and drug dependence among licensed drivers. Highway safety research conducted pursuant to that act shall include research with respect to the prevention and treatment of drug abuse and drug dependence among licensed drivers. It also provides that federal funds used to assist state and local governments in the prevention and treatment of drug abuse and drug dependence among licensed drivers shall be expended for the purpose of education, treatment, and rehabilitation and not for the purpose of punishment.

General

Section 607—is a general provision stating that drug abuse or drug dependence shall be regarded as a health problem, sickness, illness, disease, disability, or other similar term, for purposes of all federal legislation relating to health, welfare, and rehabilitation programs, services, funds, and other benefits. It also provides that any federal legislation providing for medical assistance, medical care or other similar terms shall be regarded as including programs and services for the prevention and treatment of drug abuse and drug dependence.

TITLE VII—FEDERAL ASSISTANCE FOR STATE AND LOCAL PROGRAMS

Comprehensive State plans

Section 701—requires that comprehensive state health plans submitted for funding under the Public Health Service Act include planning for the prevention and treatment of drug abuse and drug dependence.

State hospitals and medical facilities construction plans

Section 702—requires that state plans submitted to obtain funds for assistance in carrying out programs under the provisions of the Public Health Service Act for construction and modernization of hospitals and other medical facilities include a survey of facilities needed to provide adequate service for the prevention and treatment of drug abuse and drug dependence. Projects for construction and modernization of facilities for prevention and treatment of drug abuse and drug dependence under these provisions are to be a matter of high priority.

State mental health centers plans

Section 703—requires that state plans submitted for funding under the Community Mental Health Centers Act provide for services for prevention and treatment of drug abuse and drug dependence commensurate with the extent of the problem.

Grants and contracts for the prevention and treatment of drug abuse and drug dependence

Section 704—authorizes the Secretary to make grants and enter into contracts for the prevention and treatment of drug abuse and drug dependence to assist State and local governments and public and private organizations, agencies, institutions, or individuals to: meet costs of constructing, equipping and operating treatment and rehabilitation facilities; conduct research, demonstration, and evaluation projects; provide education and training for professional personnel, including medical, psychiatric, and social welfare personnel; recruit, educate, train, organize and employ community drug abuse and drug dependence prevention and treatment personnel including paramedical personnel; provide services in correctional and penal institutions for the prevention and treatment of drug abuse and drug dependence; provide services for the prevention and treatment of drug abuse and drug dependence among juveniles and young adults; provide programs and services for the instruction of interested individuals relating to the causes, effects, prevention, and treatment of drug abuse and drug dependence, provide services for outpatient counseling of drug abusers and drug dependent persons; develop or evaluate curricula on drug abuse prevention and treatment, including the preparation of new and improved curricular materials; develop or evaluate a program of dissemination of curricular material; provide training programs on drug abuse and drug dependence for teachers, counselors, and other educational personnel; provide community education programs on drug abuse to enable a state government agency to assist local education agencies in the planning, development, and implemen-

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tation of drug abuse education programs; and develop educational material and programs about the prevention and treatment of, and problems arising from, drug abuse and drug dependence, for use or distribution by mass media.

Such grants shall not exceed 90% of the cost of the program or project. Grants to meet costs of compensation of personnel in treatment and rehabilitation facilities shall not exceed five years in duration, shall not exceed 90% of the cost for the first two years of the program or project, and shall be reduced during the following years.

Application for Federal assistance from units of local government and private organizations

Section 705—provides that in administering the provisions of this title the Secretary shall require coordination of all applications for programs in a State and, in view of the local nature of the drug abuse problem, shall not give precedence to public agencies over private agencies or to state agencies over local agencies. All applications from within a State must first be submitted for review and comment to the State agency which is responsible for administering the State comprehensive plan for treatment and prevention of drug abuse, if such an agency exists. Applications are then to be forwarded to the Secretary. It also establishes a set of administrative and budgetary criteria which must be met by those seeking funds under this title.

Administration of grants and contracts

Section 706—provides that recipients of grants must make an annual report and such reports to the Secretary, as are determined by him to be reasonably necessary.

Section 707—provides that payments under this title may be made in advance or by way of reimbursement, and in such installments as the Secretary may determine.

Section 708—provides that no funds shall be available under this title to any public or private agency if the amount of funds committed by such agency at the time of enactment of this Act to programs for the prevention and treatment of drug abuse and drug dependence is hereafter reduced.

Section 709—provides the method for termination of grants and contracts made under this title and sets out the remedy which adversely affected parties have in such instances.

Admission of drug abusers and drug dependent persons to private and public hospitals

Section 710—provides that drug abusers and drug dependent persons shall be admitted to and treated in private and public hospitals on the basis of medical need and shall not be discriminated against because of their drug abuse or drug dependence, and that no hospital that violates this section shall receive federal financial assistance under the provisions of this Act or any other federal law administered by the Secretary.

TITLE VIII—THE SECRETARY'S ADVISORY COMMITTEE ON DRUG ABUSE AND DRUG DEPENDENCE

Section 801—establishes an Advisory Committee on Drug Abuse and Drug Dependence, to advise and consult with the Secretary and the Administration and to assist them in carrying out the provisions of this Act.

Section 802—provides that the Committee may appoint one or more technical consultants from experts throughout the country to assist in evaluating the progress of the Administration so that it will have the best possible prevention, treatment, and rehabilitation programs for drug abuse and drug dependence.

Section 803—provides that the Committee shall employ a full-time executive director with a secretary.

TITLE IX—INTERGOVERNMENTAL COORDINATING COUNCIL ON DRUG ABUSE AND DRUG DEPENDENCE

Section 901—establishes an Intergovernmental Coordinating Council on Drug Abuse and Drug Dependence consisting of the Secretary or his representative, who shall serve as Chairman, the executive director of the Secretary's Advisory Committee on Drug Abuse and Drug Dependence, four representatives of Federal departments and agencies, and five representatives of State and local government departments or agencies. The Coordinating Council may appoint such technical consultants as are deemed appropriate for advising the Council in carrying out its functions.

Section 902—The Coordinating Council is authorized and directed to assist the Secretary and the Administration to coordinate all Federal prevention, treatment, and rehabilitation efforts to deal with the problems of drug abuse and drug dependence, assist the Administration in carrying out its function of coordinating such Federal efforts with state and local governments, engage in educational programs among Federal employees, and in other appropriate activities, designed to prevent drug abuse and drug dependence, implement programs for the rehabilitation of Federal employees who are drug dependent persons, and develop and maintain any other appropriate activities consistent with the purposes of this Act.

TITLE X—GENERAL

Section 1001—provides that the Secretary may promulgate regulations pursuant to the requirements of the Administrative Procedure Act to implement this Act.

Section 1002—contains a separability provision.

Section 1003—is a repealer clause. The following two obsolete federal statutory provisions, both of which are replaced by broader and more modern provisions in this Act, are repealed: The Narcotic Addict Rehabilitation Act of 1966, and Part E of Chapter 6A of title 42 of the United States Code.

Section 1004—is an appropriation clause, providing that sufficient funds shall be appropriated for each fiscal year to provide for the implementation of this act.

Section 1005—provides that this Act shall take effect 180 days after its enactment.

The bill (S. 3562) to provide a comprehensive Federal program for the prevention and treatment of drug abuse and drug dependence, introduced by Mr. HUGHES (for himself and other Senators), was received, read twice by its title, referred to the Committee on Labor and Public Welfare, Committee on the Judiciary, and the Committee on Finance, as follows:

EXHIBIT 2

S. 3562

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act my be cited as the "Federal Drug Abuse and Drug Dependence Prevention, Treatment, and Rehabilitation Act of 1970".

TITLE I—FINDINGS AND DECLARATION OF PURPOSES

SEC. 101. The Congress finds that—

(a) Drug abuse and drug dependence are rapidly increasing throughout the country. Drug abuse can seriously impair health, and can lead to drug dependence. Drug dependence is an illness or disease that requires treatment through health and rehabilitation services.

(b) Existing laws have not been effective to prevent drug abuse and drug dependence or to provide adequate education, treatment, and rehabilitation of drug abusers and drug dependent persons. Increasing education, treatment, and rehabilitation services offer the best possibility of reducing drug abuse and drug dependence. A major commitment of health resources and Government funds is required to institute an adequate and effective Federal program for the prevention and treatment of drug abuse and drug dependence.

(c) Drug dependent persons commit a high percentage of the serious crime in many cities in order to secure funds with which to satisfy their habit. Criminal incarceration without appropriate treatment has proved ineffective to deter drug related crime. Effective treatment services and successful rehabilitation offer the best possibility of avoiding a high rate of recidivism.

(d) Present Federal programs for drug abuse and drug dependence are relegated to a low level of priority and remain uncoordinated within the Government. Federal officials have failed to handle effectively drug abuse and drug dependence among those for whom the Government has special responsibilities—civilian employees, military personnel, and veterans. Existing Federal research, health, and rehabilitation laws have not properly been used to attack the problems of drug abuse and drug dependence. Lack of Federal leadership and funding has also contributed to the failure of State and local governmental agencies and public and private nonprofit agencies, institutions and organizations to recognize their responsibilities for meeting these problems.

SEC. 102. The Congress declares that—

(a) There shall be established and maintained a Drug Abuse Prevention, Treatment, and Rehabilitation Administration within the Department of Health, Education, and Welfare, to coordinate all Federal health and rehabilitation programs related to the prevention and treatment of drug abuse and drug dependence.

(b) Major Federal action and Federal assistance to State and local programs shall be undertaken to engage in and encourage planning, coordination, statistics, research, training, education, reporting, and classification with respect to drug abuse and drug dependence, and to provide equal access to humane care, effective treatment, and rehabilitation for all drug abusers and drug dependent persons regardless of their circumstances.

(c) In addition to the provisions of this Act, all other Federal legislation providing for Federal or federally assisted State research, prevention, treatment, or rehabilitation programs in the fields of health, education, welfare, and rehabilitation shall be utilized to reduce drug abuse, drug dependence, and drug related crime.

TITLE II—DEFINITIONS

SEC. 201. The definitions in the Controlled Dangerous Substances Act of 1969 shall also apply for purposes of this Act.

SEC. 202. As used in this Act:

(a) "Administration" means the Drug Abuse Prevention, Treatment, and Rehabilitation Administration established within the Department of Health, Education, and Welfare by this Act.

(b) "Commissioner" means the Commissioner of the Drug Abuse Prevention, Treatment, and Rehabilitation Administration appointed pursuant to this Act.

(c) "Courts" includes all Federal courts, including any United States magistrate.

(d) "Department" means the Department of Health, Education, and Welfare.

(e) "Drug abuser" means any person who uses any controlled dangerous substance under circumstances that constitute a violation of law.

(f) "Drug dependent person" means a person who is using a controlled dangerous substance and who is in a state of psychic or physical dependence, or both, arising from administration of that controlled dangerous

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substance on a continuing basis. Drug dependence is characterized by behavioral and other responses which include a strong compulsion to take the substance on a continuous basis in order to experience its psychic effects, or to avoid the discomfort of its absence.

(g) "Drug related offense" means any Federal criminal offense committed by a drug dependent person (1) to satisfy his drug dependence or to obtain funds to satisfy his drug dependence or (2) while under and as a result of the influence of a controlled dangerous substance.

(h) "Emergency medical services" includes all appropriate short-term services for the acute effects of drug abuse and drug dependence, which (1) are available twenty-four hours a day, (2) are community based and located so as to be quickly and easily accessible to patients, (3) are affiliated with, and constitute an integral (but not necessarily physical) part of, the general medical services of a general hospital, and (4) provide drug withdrawal and other appropriate medical care and treatment, professional examination, diagnosis, and classification with respect to possible drug dependence, and referral for other treatment and rehabilitation.

(i) "Government attorney" means an attorney authorized to represent the United States with respect to this Act.

(j) "Inpatient services" includes all treatment and rehabilitation services for drug abuse and drug dependence provided for a resident patient while he spends full time in a treatment institution.

(k) "Intermediate care services" includes all treatment and rehabilitation services for drug abuse and drug dependence provided for a resident patient while he spends part time in a treatment institution (including but not limited to a halfway house, hostel, or foster home) which is community based and located so as to be quickly and easily accessible to patients.

(l) "Outpatient services" includes all treatment and rehabilitation services (including but not limited to clinics, social centers, vocational rehabilitation services, welfare centers, and job referral services) for drug abuse and drug dependence provided while the patient is not a resident of a treatment institution, which are community based and located so as to be quickly and easily accessible to patients.

(m) "Prevention and treatment" includes all appropriate forms of educational programs and services (including but not limited to radio, television, films, books, pamphlets, lectures, adult education, and school courses); planning, coordinating, statistical, research, training, evalution, reporting, classification, and other administrative, scientific, or technical programs or services; and screening, diagnosis, treatment (emergency medical care, inpatient, intermediate care, and outpatient), vocational rehabilitation, job training and referral, and other rehabilitation programs or services.

(n) "Secretary" means the Secretary of Health, Education, and Welfare.

(o) "State" includes the District of Columbia, the Virgin Islands, Puerto Rico, Guam, American Samoa, and the Trust Territory of the Pacific Islands.

TITLE III—DRUG ABUSE PREVENTION, TREATMENT, AND REHABILITATION ADMINISTRATION

ESTABLISHMENT OF THE ADMINISTRATION

SEC. 301. (a) There is hereby established within the Public Health Service of the Department of Health, Education, and Welfare a Drug Abuse Prevention, Treatment, and Rehabilitation Administration. The Administration shall develop and conduct a comprehensive health, education, and rehabilitation program for the prevention and treatment of drug abuse and drug dependence.

(b) (1) The Administration shall be under the direction of a Commissioner, who shall be appointed by the Secretary.

(2) Section 5316 of title 5, United States Code, relating to positions at level V of the Executive Schedule, is amended by adding at the end thereof the following new item:

"(130) Commissioner, Drug Abuse Prevention, Treatment, and Rehabilitation Administration, Department of Health, Education, and Welfare."

(c) The Administration and its programs and services shall be staffed with an adequate number of personnel, who shall possess appropriate qualifications and competence, and some of whom may formerly have been drug abusers or drug dependent persons. Prior criminal arrests or convictions shall not be a bar to such employment.

ADMINISTRATIVE FUNCTION OF THE ADMINISTRATION

SEC. 302. It shall be the duty of the Administration with respect to its administrative functions to—

(a) administer any service or program relating to the prevention and treatment of drug abuse and drug dependence pursuant to a request in accordance with section 304 (a) of this Act;

(b) administer the program for treatment and rehabilitation of Federal offenders established under title IV of this Act;

(c) review and provide in writing an evaluation of the adequacy and appropriateness of the provisions relating to the prevention and treatment of drug abuse and drug dependence of all comprehensive State health, welfare, and rehabilitation plans submitted to the Federal Government pursuant to Federal law, including but not limited to those submitted pursuant to section 35(a)(15) of title 29 and sections 246(a) (2)(L), 291(c)(a)(4), 1396(a)(31), and 2684 (11) of title 42 of the United States Code;

(d) administer the grants and contracts authorized under title VII of this Act; and

(e) administer any other service or program, or take any other action, consistent with the intent and objectives of this Act.

PLANNING FUNCTIONS OF THE ADMINISTRATION

SEC. 303. It shall be the duty of the Administration with respect to its planning functions to—

(a) develop a detailed and comprehensive Federal drug abuse and drug dependence control plan to implement the objectives and policies of this Act. The plan shall be submitted to Congress as soon as practicable, but not later than one year after the enactment date of this Act. It shall be reviewed annually and submitted to Congress with any appropriate revisions as part of the Administration's annual report. The Commissioner shall, in developing the comprehensive Federal plan, consult and collaborate with all appropriate Federal, State, and public and private nonprofit agencies, institutions, and organizations. The plan shall specify how all available health, welfare, educational, and rehabilitation resources, and how funds, programs, services, and facilities authorized under existing Federal legislation, are to be utilized;

(b) develop model drug abuse and drug dependence control plans for State and local governments, utilizing the concepts incorporated in the comprehensive Federal plan. The model plans shall be reviewed on a periodic basis and revised to keep them current. They shall specify how all types of community resources and existing Federal legislation may be utilized; and

(c) provide assistance and consultation to State and local governments, public and private nonprofit agencies, institutions, and organizations, and individuals with respect to the prevention and treatment of drug abuse and drug dependence.

COORDINATION FUNCTIONS OF THE ADMINISTRATION

SEC. 304. It shall be the duty of the Administration with respect to its coordinating functions to—

(a) assist the Civil Service Commission, the Department of Defense, the Veterans' Administration, and other Federal departments and agencies in the development and maintenance of appropriate prevention, treatment, and rehabilitation programs and services for drug abuse and drug dependence pursuant title V of this Act. Upon request, the Administration shall undertake the direct administration of any such program or service;

(b) serve in a consulting capacity to all Federal courts, departments, and agencies, including those responsible for programs affected by title VI of this Act, and to be responsible for assisting in the development and coordination of a full range of programs, facilities, and services available to them for education, diagnosis, counseling, and treatment with respect to the drug abuse and drug dependence problems they encounter;

(c) coordinate all Federal health and rehabilitation efforts to deal with the problem of drug abuse and drug dependence, including but not limited to those relating to vocational rehabilitation, manpower development and training, older Americans, law enforcement assistance, health research facilities, mental retardation facilities and community mental health centers, juvenile delinquency, health professions educational assistance, hopsital and medical facilities, social security, community health services, education professions development, higher education, Federal employees health benefits, economic opportunity, comprehensive health planning, elementary and secondary education, highway safety, the civil service laws, and laws providing for the treatment and discharge of the members of the Armed Forces and the support and treatment of veterans of the Armed Forces;

(d) encourage and assist State and local government programs and services, and programs and services of public and private nonprofit agencies, institutions, and organizations, for the prevention and treatment of drug abuse and drug dependence;

(e) stimulate more effective use of existing resources and available services for the prevention and treatment of drug abuse and drug dependence;

(f) cooperate with the Federal Intergovernment Coordinating Council on Drug Abuse and Drug Dependence, the Civil Service Commission, and other appropriate Federal departments and agencies, to develop a policy consistent with this Act with regard to Federal employees who are drug abusers and drug dependent persons, involving appropriate programs and services for the prevention and treatment of drug abuse and drug dependence among such employees;

(g) assist State and local governments in coordinating programs among themselves for the prevention and treatment of drug abuse and drug dependence; and

(h) cooperate with organized medicine to disseminate medical guidelines for the use of controlled dangerous substances in medical practice. A practitioner may prescribe, administer, or dispense a controlled dangerous substance in the course of his professional practice (1) in good faith within the scope of the patient relationship, and (2) in accordance with principles of medical care and treatment accepted by a responsible segment of the medical profession.

STATISTICAL FUNCTIONS OF THE ADMINISTRATION

SEC. 305. It shall be the duty of the Administration with respect to its statistical functions to—

(a) gather and publish statistics pertaining to drug abuse, drug dependence, and drug related problems; and

(b) promulgate regulations, with the approval of the Secretary, specifying uniform statistics to be obtained, records to be maintained, and reports to be submitted, by public and private departments, agencies, organizations, practitioners, and other persons with respect to drug abuse, drug dependence, and drug related problems. Such statistics and reports shall not reveal the identity of any patient or drug dependent person or other confidential information.

RESEARCH FUNCTIONS OF THE ADMINISTRATION

SEC. 306. It shall be the duty of the Administration with respect to its research functions to—

(a) conduct and encourage all forms of research, investigations, experiments, and studies relating to the cause, epidemiology, sociological aspects, prevention, diagnosis, and treatment of drug abuse and drug dependence;

(b) conduct, and encourage and assist others to conduct, all forms of research, investigations, experiments, and studies relating to the toxicology, pharmacology, chemistry, effects on the health of drug abusers, and danger to the public health, of controlled dangerous substances. Investigation of the use of any controlled dangerous substance for therapeutic, research, experimental, or other investigational purposes pursuant to this section shall be by a practitioner or other qualified investigator, and in compliance with the requirements of sections 355 (i) and 360b (j) of title 21 of the United States Code and any applicable registration provisions of Federal law. Any such investigation may be prohibited, delayed or terminated only on the grounds that the investigator has materially falsified any application required to be filed prior to the investigation, or has been convicted of a felony under any law relating to controlled dangerous substances, or has had his Federal registration suspended or revoked and is no longer authorized by Federal law to engage in the dispensing or administration of controlled dangerous substances, or fails to establish adequate procedures to account for dangerous controlled substances or to safeguard adeqately his supply of such drugs against diversion from legitimate investigational use;

(c) Coordinate research conducted by the Administration with research conducted by other Federal and State agencies, public and private nonprofit agencies, institutions, and organizations, and individuals. To facilitate this activity, the Administration shall establish and maintain a complete and current register of all practitioners and other qualified investigators engaged in any form of or research on controlled dangerous substances.

Placement on such register shall be pursuant to an application to the Secretary which shall state (1) the name, address, and qualifications of the applicant, (2) the procedures used to account for dangerous controlled substances and to safeguard such substances adequately against diversion from legitimate investigational use, and (3) an outline of the investigation. An application field pursuant to sections 355(i) or 360b(j) of title 21 of the United States Code shall also constitute an application for purposes of this subsection. Placement on such register may be denied only on a ground specified in subsection 306(b) of this Act, and shall constitute registration for purposes of the Controlled Dangerous Substances Act of 1969, but shall not authorize the dispensing or administration of controlled dangerous substances to human beings except by persons licensed or otherwise permitted to dispense or administer such substances under applicable state laws;

(d) make available research facilities and resources of the Administration to appropriate authorities, health officials, and individuals engaged in investigations or research related to the purposes of this Act. Such resources shall include the maintenance of an adequate supply of controlled dangerous substances for investigational and research purposes, and the establishment of criteria pursuant to which any registered investigator is to be authorized to manufacture or otherwise acquire sufficient controlled dangerous substances for his legitimate investigational and research needs;

(e) make grants to, and contracts with, universities, hospitals, laboratories, and public and private nonprofit agencies, institutions, and organizations, and individuals for such research;

(f) establish an information center on such research, which will gather and contain all available published and unpublished data and information. All Federal departments and agencies shall send to the Administration any unpublished data and information pertinent to the cause, prevention, diagnosis, and treatment of drug abuse and drug dependence, and the toxicology, pharmacology, effects on the health of drug abusers, and danger to the public health of controlled dangerous substances, and the Administration shall make such data and information widely available;

(g) establish and maintain research fellowships in the Administration and elsewhere, and provide for such fellowships through grants to public and private nonprofit agencies, institutions, and organizations;

(h) investigate methods for the more precise detection and determination of narcotic drugs in urine and blood samples, and by other means, and publish on a current basis uniform methodology for such detections and determinations; and

(i) evaluate existing and proposed new programs and services for the prevention and treatment of drug abuse and drug dependence.

(j) Any information obtained through investigation or research conducted pursuant to this section shall be used in ways so that no name or identifying characteristics of any person shall be divulged without the approval of the Secretary and the consent of the person concerned. Persons engaged in research pursuant to this section shall protect the privacy of individuals who are the subject of such research by withholding from all persons not connected with the conduct of such research the names or other identifying characteristics of such individuals. Persons engaged in such research shall protect the privacy of such individuals and may not be compelled in any Federal, State, civil, criminal, administrative, legislative, or other proceeding to identify such individuals.

TRAINING FUNCTIONS OF THE ADMINISTRATION

SEC. 307. It shall be the duty of the Administration with respect to its training functions to—

(a) establish training programs for professional and nonprofessional personnel with respect to drug abuse and drug dependence;

(b) encourage the establishment of training courses for professional and nonprofessional personnel by State and local governments with respect to drug abuse and drug dependence; and

(c) establish and maintain training fellowships in the Administration and elsewhere, and provide for such fellowships through grants to public and private nonprofit agencies, institutions, and organizations.

EDUCATIONAL FUNCTIONS OF THE ADMINISTRATION

SEC. 308. It shall be the duty of the Administration with respect to its educational functions to—

(a) develop a model curriculum, including the provision of relevant data and other information, for utilization by elementary and secondary schools for instructing children about drug abuse and drug dependence;

(b) develop a model curriculum, including the provision of relevant data and other information, for utilization by parent-teachers associations, adult education centers, private citizen groups, or other State or local sources, for instructing parents and other adults about drug abuse and drug dependence;

(c) prepare a broad variety of educational material for use in all media and to reach all segments of the population, that can be utilized by public and private agencies, institutions, and organizations in educational programs with respect to drug abuse and drug dependence;

(d) establish educational courses, including the provision of relevant data and other information, on the causes and effects of, and treatment for, drug abuse and drug dependence, for Federal law enforcement officials (including prosecuting attorneys, court personnel, the judiciary, probation and parole officers, correctional officers, and other law enforcement personnel), Federal welfare, vocational rehabilitation, military, and veterans personnel, and other Federal officials who come in contact with drug abuse and drug dependence problems:

(e) develop educational courses, including the provision of relevant data and other information, on the causes and effects of, and treatment for, drug abuse and drug dependence for use by appropriate State and local government and private agencies, institutions, and organizations, for State and local law enforcement officials (including prosecuting attorneys, court personnel, the judiciary, probation and parole officers, correctional officials, and other law enforcement personnel), State and local welfare, vocational rehabilitation, and veterans personnel, and other State and local officials and community leaders;

(f) serve as a clearinghouse for the collection, preparation, and dissemination of all information relating to drug abuse and drug dependence, including State and local drug abuse and drug dependence treatment plans, availability of treatment resources, training and educational programs, statistics, research, and other pertinent data and information;

(g) recruit, train, organize, and employ professional and other persons, including former drug abusers and drug dependent persons, to organize and participate in programs of public education in relation to drug abuse;

(h) coordinate activities carried on by all departments, agencies, and instrumentalities of the Federal Government with respect to health education aspects of drug abuse; and

(i) undertake such other activities as the Secretary may consider important to a national program of education relating to drug abuse and drug dependence.

CLASSIFICATION FUNCTIONS OF THE ADMINISTRATION

SEC. 309. It shall be the duty of the Administration with respect to its classification functions to classify, by regulations promulgated pursuant to subchapter II of chapter 5 of title 5, United States Code, for purposes of its administrative, planning, coordination, statistical, research, training, education, reporting, treatment, and other functions, every controlled dangerous substance within one of the following three classes:

(a) CLASS A CONTROLLED DANGEROUS SUBSTANCES.—This class shall include those controlled dangerous substances that have the most harmful effects on the health of drug abusers or that most significantly contribute to crimes of violence against persons or to other grave felonious conduct.

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(b) CLASS B CONTROLLED DANGEROUS SUBSTANCES.—This class shall include those controlled dangerous substances that have intermediate harmful effects on the health of drug abusers or that make an intermediate contribution to crimes of violence against persons or to other grace felonious conduct.

(c) CLASS C CONTROLLED DANGEROUS SUBSTANCES.—This class shall include those controlled dangerous substances that have the least harmful effects on the health of drug abusers, or that least significantly contribute to crimes of violence against persons or to other grave felonious conduct. The Administration shall consult with the Department of Justice in proposing these regulations or any changes thereto.

REPORTING FUNCTIONS OF THE ADMINISTRATION

SEC. 310. It shall be the duty of the Administration with respect to its reporting functions to—

(a) submit an annual report to Congress, which shall specify the actions taken and services provided and funds expended under each provision of this Act and an evaluation of their effectiveness, and which shall contain the current Federal drug abuse and drug dependence control plan;

(b) submit such additional reports as may be requested by the Secretary or by Congress; and

(c) submit to the Secretary and to Congress such recommendations as will further the prevention, treatment, and control of drug abuse and drug dependence.

TITLE IV—TREATMENT AND REHABILITATION OF FEDERAL OFFENDERS

TREATMENT AND REHABILITATION SERVICES

SEC. 401. (a) The Secretary shall provide at least the following treatment and rehabilitation services for male and female juveniles and adults who are charged with, convicted of, or serving a criminal sentence for, any criminal offense under Federal law and are eligible for treatment under this Act:

(1) Emergency medical services.

(2) Inpatient services, which shall not be a part of or at the same location as a correctional institution.

(3) Intermediate care and outpatient services. (A) The Secretary shall give priority to developing these community based treatment services. (B) Reasonable surveillance techniques such as urine analysis may be used for treatment purposes but the results thereof shall remain confidential and may not be used against any patient in any criminal proceeding. Because of the nature and seriousness of the disease a drug dependent person can be expected to relapse into drug abuse one or more times after the onset of therapy. The decision whether to continue or to modify or to discontinue intermediate care or outpatient treatment after one or more such relapses shall be made on the basis of sound clinical judgment. All reasonable methods of treatment shall be used to prevent their recurrence. (C) Supportive medical care, services, and residential facilities shall be provided for drug dependent persons for whom treatment has repeatedly failed and recovery is unlikely so that they may live in a decent and productive manner.

(b) The treatment and rehabilitation services authorized by this Act may be provided at any available facility, including but not limited to Public Health Service hospitals, Veterans' Administration hospitals, public and private general hospitals, community mental health centers, and public and private drug dependence and drug abuse treatment and rehabilitation centers. Care and treatment for veterans shall be provided where possible in Veterans' Administration hospitals. The Secretary may contract with any appropriate public or private agency, organization, or institution that has proper and adequate facilities and personnel in order to carry out the purposes of this Act.

(c) There shall be in each city or region a central office open twenty-four hours a day to coordinate and provide information concerning the availability of all such services. The Secretary may determine, in his discretion, the area to be served by any such office.

(d) Any person assisted under this Act may be required to contribute toward the cost of his subsistence, care, or treatment, to the extent that he is financially able to do so, under regulations promulgated by the Secretary. Such regulations shall specify how funds available to any person as a result of his drug abuse or drug dependence under Federal or State government programs such as social security, welfare, medicare, medicaid, veterans benefits, and employee health insurance plans and policies, shall be used to contribute to the cost of such treatment so far as practicable without imposing undue hardship on him or his family. No person may be discriminated against on the basis of indigence.

EMERGENCY MEDICAL SERVICES

SEC. 402. (a) (1) Any person charged with a misdemeanor under Federal law and who appears to be a drug abuser, or who is taken into custody for what appears to be a drug related misdemeanor under Federal law, shall, after preliminary police processing and an opportunity to consult with counsel, promptly be taken for emergency medical services, where he shall either be admitted as a patient or transported to another appropriate health facility for treatment and diagnosis. Upon admission as a patient, such person shall immediately be examined to determine whether (A) it is probable that he is not a drug abuser and has not committed a drug related misdemeanor, or (B) it is probable that he is not in need of emergency medical services although he may be a drug abuser, or (C) it is probable that he is a drug abuser or a drug dependent person who is in need of emergency medical services. Such screening shall be completed within twenty-four hours of such person's admission to emergency medical services. Any person determined to fall within subparagraph 402 (a) (1) (C) shall be detained there as long as is necessary to complete emergency medical treatment, to conduct a diagnosis for possible drug dependence, and to institute any civil commitment proceeding pursuant to section 403 or 405, but in no event longer than five days after his admission.

(2) Any person determined to fall within subparagraph 402(a) (1) (A) or 402(a) (1) (B) shall be released from emergency medical services immediately upon completion of the initial screening process, and in no event shall he be detained there longer than twenty-four hours. Upon his release from emergency medical services, he shall be handled as in any other criminal case.

(3) If a person determined to fall within subparagraph 402(a) (1) (C) is diagnosed as not a drug dependent person and prior to trial on the offense he requests voluntary treatment in lieu of criminal prosecution, the medical officer shall, after a review of the patient's record, advise the Government attorney in writing whether for the treatment and rehabilitation of the person it would be preferable for the criminal charges to be held in abeyance or withdrawn in order to institute voluntary treatment for his drug abuse, or for the criminal charges to be prosecuted. The Government attorney shall exercise his discretion whether to accept the medical officer's advice, but in the event that he does not accept the medical officer's advice he shall state in writing the reasons for his decision.

(4) If a person determined to fall within subparagraph 402(a) (1) (C) is diagnosed as a drug dependent person and prior to trial on the offense he requests voluntary treatment or civil commitment for treatment in lieu of criminal prosecution, the medical officer shall, after a review of his record, advise the Government attorney and the court in writing whether for the treatment and rehabilitation of the person it would be preferable for the criminal charges to be held in abeyance or withdrawn in order to institute either voluntary treatment for his drug dependence or treatment for his drug dependence under civil commitment, or for the criminal charges to be prosecuted. The Government attorney shall exercise his discretion whether to accept the medical officer's advice, but in the event that he does not accept the medical officer's advice he shall state in writing the reasons for his decision.

(5) If the criminal charges are prosecuted and such person is convicted, and at the time of conviction he requests probation with treatment or civil commitment for treatment in lieu of criminal punishment, the medical officer shall advise the court in writing whether for the treatment and rehabilitation of the person it would be preferable for him to receive a suspended sentence and probation on the condition that he undergo education and treatment for drug abuse and drug dependence, or to be civilly committed pursuant to section 405 for treatment in lieu of criminal punishment, or to receive criminal incarceration. The court shall exercise its discretion whether to accept the medical officer's advice.

(6) Any person determined to fall within subparagraph 402(a) (1) (c) shall immediately be informed of his right to request any of the procedures for treatment in lieu of criminal prosecution or punishment which are available to him under subsection 402(a) (3), 402(a) (4), or 402(a) (5) as a result of his diagnosis. If such person is, as a result of his drug abuse or drug dependence, unable at the time of diagnosis either to understand or to make a rational decision concerning his right to request treatment under such subsections, he shall again be informed of such right as soon as he is able to understand the choices available to him and to make a rational decision concerning them.

(7) A criminal charge may be held in abeyance pursuant to subsection (a) (3) or (4) for no longer than one year, after which it is automatically dismissed. A person civilly committed pursuant to section 405 may be returned to stand trial pursant to section 405(e) (3) within that year.

(b) (1) Any person charged with a felony under Federal law and who appears to be a drug abuser, or who is taken into custody for what appears to be a drug related felony under Federal law, shall, after preliminary police processing and an opportunity to consult with counsel, promptly be taken for emergency medical care services, where he shall either be admitted as a patient or transported to another appropriate health facility for treatment and diagnosis. Upon admission as a patient, such person shall immediately be examined to determine whether (A) it is probable that he is not a drug abuser and has not committed a drug related felony, or (B) it is probable that he is not in need of emergency medical services although he may be a drug abuser, or (C) it is probable that he is a drug abuser or a drug dependent person who is in need of emergency medical services. Such screening shall be completed within twenty-four hours of such person's admission to emergency medical services. Any person determined to fall within subparagraph 402(b) (1) (C) shall be detained there as long as is necessary to complete emergency medical treatment, to conduct a diagnosis for possible drug dependence, and to institute any civil commitment proceeding pursuant to section 403, 404, or 405, but in no event longer than ten days after his admission.

(2) Any person determined to fall within subparagraph 402(b) (1) (A) or 402(b) (1) (B) shall be released from emergency medical

services immediately upon completion of the initial screening process, and in no event shall he be detained there longer than twenty-four hours. Upon his release from emergency medical services, he shall be handled as in any other criminal case.

(3) If a person determined to fall within subparagraph 402(b)(1)(C) is diagnosed as not a drug dependent person, he shall be handled as in any other criminal case.

(4) If a person determined to fall within subparagraph 402(b)(1)(C) is diagnosed as a drug dependent person and he pleads nolo contendere or guilty, or he is found guilty after trial, and at that time he requests probation with treatment or civil commitment for treatment in lieu of criminal punishment, the medical officer shall advise the court in writing whether it would be preferable for the treatment and rehabilitation of the person for him to receive a suspended sentence and probation on the condition that he undergo education and treatment for drug abuse and drug dependence, or to be civilly committed pursuant to section 405 for treatment in lieu of criminal punishment, or to receive criminal incarceration. The court shall exercise its discretion whether to accept the medical officer's advice.

(5) Any person diagnosed as a drug dependent person pursuant to subsection 402(b)(4) shall immediately be informed of his right to request probation with treatment or civil commitment for treatment in lieu of criminal punishment. If such person is, as a result of his drug dependence, unable at the time of diagnosis either to understand or to make a rational decision concerning his right to make such a request, he shall again be informed of such right as soon as he is able to understand the choices available to him and to make a rational decision concerning them.

(c) Whenever the medical officer in charge believes that any patient requires additional short term involuntary emergency medical treatment and care, and that the findings required by section 403(a) can be substantiated, he shall recommend in writing to the Government attorney that a civil commitment proceeding be instituted pursuant to section 403. The Government attorney shall institute such a proceeding unless he believes that the findings required by section 403(a) cannot be substantiated or that there is other good cause for denying the recommendation.

(d) Whenever the medical officer in charge believes that any patient taken into custody for or charged with any violation of the Controlled Dangerous Substances Act of 1969 is a drug dependent person who is charged with a drug related offense, he shall recommend in writing that a civil commitment proceeding be instituted pursuant to section 405.

(1) The Government attorney shall institute such a proceeding unless he believes that the violation was not a drug related offense or that the findings required by section 405 cannot be substantiated. If the medical officer and the Government attorney disagree on the applicability of this subsection, the Government attorney may proceed with a criminal prosecution and shall state in writing the reasons for his decision. If the criminal charges are prosecuted under these circumstances against the recommendation of the medical officer, the medical officer shall make a report in writing to the court setting out his conclusions and recommendations, and the court shall take any appropriate action.

(2) If criminal charges are prosecuted and the court finds that the person is a drug dependent person and that the violation was a drug related offense, he shall be handled only pursuant to sections 402, 403, and 405 of this Act. In any trial, the burden of showing the applicability of this subsection shall be on the defendant.

(3) This subsection shall be inapplicable to any drug dependent person who is charged with distribution of a large quantity of a controlled dangerous substance or distribution of any controlled dangerous substance or distribution of any controlled dangerous substance as part of a continuing criminal enterprise. The Secretary may issue regulations defining, for any controlled dangerous substance, the quantity that constitutes a large quantity of that substance for purposes of this provision.

(e) Whenever the medical officer in charge believes that any patient taken into custody for or charged with a felony under Federal law other than a violation of the Controlled Dangerous Substances Act of 1969 is a drug dependent person who is charged with a drug related felony, he shall recommend in writing to the Government attorney that a civil commitment proceeding be instituted pursuant to section 404 of this Act. The Government attorney shall institute such a proceeding unless he believes that the findings required by section 404 cannot be substantiated or that there is other good cause for denying the recommendation, but in the event that he does not accept the medical officers advice he shall state in writing the reasons for his decision.

(f) Any Federal officer, Government attorney, court, or Federal probation or parole officer shall refer any person to the Secretary for handling pursuant to subsection (a) or (b) whenever it appears that such person is a drug abuser or that an offense with which he is charged may be drug related.

(g) The medical officer shall be given all pertinent records and information with respect to any person handled pursuant to subsection (a) or (b) by any Federal department, agency, officer, Government attorney, court, or Federal probation or parole officer who has such records or information.

SHORT TERM CIVIL COMMITMENT FOR EMERGENCY MEDICAL TREATMENT

SEC. 403. (a) A court may, on a petition of a Government attorney filed before the period of detention for emergency medical treatment and diagnosis expires and after a hearing without a jury, order any person receiving emergency medical services pursuant to section 402 to be temporarily committed to the Secretary for emergency medical treatment and care for a period not to exceed thirty days from the date of commitment if he determines that the person is a drug dependent person, and as a result of his drug dependence (1) is in imminent danger of sustaining substantial physical harm unless he receives medical treatment for a period longer than permitted by section 402, and (2) is unable to make a rational decision about accepting assistance. The court shall make any determination pursuant to this subsection, and shall impose any order of commitment, within five days after the filing of the petition, and the person who is the subject of the petition may be detained during that five-day period regardless of any time limit for detention imposed by section 402(a)(1) or 402(b)(1).

(b) The hearing shall be conducted according to the provisions of subsections 404(c) through (f) of this Act.

(c) As soon as a patient so committed is once again able to make a rational decision about accepting assistance, he shall be civilly committed for treatment pursuant to section 405, or detained for pretrial treatment pursuant to section 404, or be handled as in any other criminal case.

PRETRIAL DETENTION FOR TREATMENT

SEC. 404. (a) A court shall hold a civil hearing without a jury to consider the commitment of a person for treatment prior to trial upon a petition filed by a Government attorney alleging that the person—

(1) has been diagnosed as a drug dependent person, and

(2) is charged with a felony under Federal law that is (A) a drug related felony, and (B) not an offense under the Controlled Dangerous Substance Act of 1969.

(b) The court may order commitment of the person to the Secretary for treatment and care for drug dependence for a period not to exceed sixty days if it determines that—

(1) there is clear and convincing evidence that the person is a drug dependent person and that the offense charged is a drug related felony, and

(2) appropriate treatment for drug dependence is available for him.

(c) Such hearing shall be held within four days after the filing of the petition, unless the person or his attorney requests a delay of the hearing. The court shall notify the person and his attorney of the time and place of the hearing. If the person is without funds to provide for the assistance of counsel for the hearing, the court shall appoint counsel to represent the person at the expense of the Government.

(d) In conducting a hearing under this section, the court shall receive and consider all relevant evidence and testimony which may be offered. The person shall have the right to present evidence, and to present and cross-examine witnesses. The testimony of the person at this hearing may not be used against him in any other judicial proceeding, nor shall the person waive his privilege against self-incrimination in any future judicial proceeding by testifying at this hearing. The court shall make any determination pursuant to this subsection, and shall impose any order of commitment, within forty-eight hours after the conclusion of the hearing.

(e) Any person committed shall have the right to appeal: *Provided*, That any appeal arising pursuant to this subsection shall be disposed of within ten days of the entry of the order appealed from.

(f) Any court which conducts the hearing provided for in this section, or which reviews the outcome of said hearing, shall not sit in any trial of the person for an offense which was the basis for or pending at the time of said hearing, or any related appeal.

(g) Any person committed shall have his case placed on an expedited trial calendar, and the handling of motions and other preliminary matters pertaining to the case shall also be expedited. Continuances shall be granted only upon a showing of compelling circumstances. A continuance granted upon motion of the defense shall extend commitment to custody ordered pursuant to this section for the additional period of such continuance. If the trial of the person has begun but not been completed before the expiration, after the order of commitment to custody, of sixty days plus the period of any such continuance, the person shall remain subject to the commitment order until the conclusion of the trial.

(h) Any hearing under the provisions of this section shall be taken down by a court reporter or recorded by suitable sound recording equipment. A transcript of the record of such hearing shall be made available, at the expense of the Government, to a person who was the subject of the hearing and who makes affidavit that he is unable to pay or give security therefor.

(i) No person committed shall be denied the right to communicate with counsel or any other person at any reasonable time. Upon the application of counsel on behalf of any such person in custody, a court shall order for a strictly limited and necessary period of time, the release of such person in the custody of and at all times to be accompanied by a designated Federal officer, if the court determines that, notwithstanding the rights secured by this section, the person cannot otherwise prepare his defense.

(j) Any person committed pursuant to this section shall initially be placed in inpatient treatment unless the court orders otherwise.

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The Secretary may transfer a committed person between inpatient, intermediate care, and outpatient services without court permission on the basis of sound clinical judgment, except that a court order must be obtained for the transfer from inpatient status. A committed person has a right to intermediate care and outpatient status as quickly as is consistent with sound clinical judgment and with the safety of other persons and of property.

CIVIL COMMITMENT FOR TREATMENT OF DRUG DEPENDENCE

SEC. 405. (a) (1) The courts may commit to the Secretary for treatment and care for drug dependence in lieu of criminal prosecution or punishment for up to a specified period of time a drug dependent person who—

(A) is charged with a misdemeanor and who, prior to trial on the offense, requests such treatment in lieu of criminal prosecution; or

(B) is charged with a misdemeanor or felony and who, after having pled nolo contendere or guilty to, or having been found guilty of, the offense charged, at the time sentence is imposed requests such treatment in lieu of serving the sentence imposed; or

(C) is serving a criminal sentence and petitions the court for such treatment in lieu of serving the remainder of his sentence.

(2) No term of commitment shall be ordered for a period longer than the maximum sentence that could have been imposed for the offense with which the person was charged with respect to subsection (a) (1) (A), or for a period longer than the sentence actually imposed with respect to subsections (a) (1) (B) and (a) (1) (C), unless he is found at the end of that time to constitute an immediate and continuing danger to the safety of another person or of property pursuant to subsection (c) (2). A patient may voluntarily remain in treatment for as long as the medical officer believes warranted.

(b) (1) The courts may commit to the Secretary for treatment and care for drug dependence for up to a specified period of time a drug dependent person who—

(A) is charged with a drug related offense and is acquitted on the ground of drug dependence; or

(B) is charged with an offense under the Controlled Dangerous Substances Act of 1969 and is found, before or after trial, to fall within the provisions of section 402(d).

(2) No term of commitment shall be ordered for a period longer than the maximum sentence that could have been imposed for the offense of which he was acquitted with respect to subsection (b) (1) (A), or for a period longer than the maximum sentence that could have been imposed for the offense for which he was taken into custody or charged with respect to subsection (b) (1) (B), unless he is found at the end of that time to constitute an immediate and continuing danger to the safety of another person or of property pursuant to subsection (c) (2). A patient may voluntarily remain in treatment for as long as the medical officer believes warranted.

(c) (1) Prior to the commitment of any person pursuant to subsection (a) or (b) the court shall hold a civil hearing without a jury and must find that (A) he is a drug dependent person; and (B) appropriate treatment is available for him.

(2) To support a finding that a person constitutes an immediate and continuing danger to the safety of another person or of property, a court must conclude from clear and convincing factual evidence, based upon recent behavior during intermediate care or outpatient treatment, that as a result of his drug dependence he will engage in illegal distribution of any controlled drug or will commit grave felonious conduct that is drug related.

(d) Pending the court's decision on civil commitment, the person shall be detained for appropriate care and treatment pursuant to sections 402 and 403: *Provided*, That such commitment cases shall be expedited and that such interim detention shall not exceed ten days from the date the proceeding is instituted. The order of the court shall prevail unless and until overturned on appeal: *Provided*, That any appeal shall also be expedited.

(e) The Secretary shall immediately inform the court whenever in his opinion any one of the findings made pursuant to subsection (c) is no longer applicable, or for any reason the person should be unconditionally released.

(1) The Secretary shall, after a review of the patient's record, recommend to the court whether the commitment order should be continued, or whether the patient should be unconditionally released, or whether the patient should be returned to stand trial if he was committed under subsection (a) (1) (A) or to serve the remainder of his sentence if he was committed under subsection (a) (1) (B) or (a) (1) (C) or whether some other appropriate action should be taken. The court shall hold a civil hearing and shall enter an appropriate order.

(2) Time spent under civil commitment shall be counted toward any sentence for a person returned to stand trial or to serve the remainder of his sentence.

(3) A person committed under this section may be returned to stand trial or to serve the remainder of his sentence if he does not cooperate with an appropriate treatment or care program, or if appropriate treatment or care is ineffective: *Provided*, That the decision whether to return the person to stand trial or to serve the remainder of his sentence after failure to conform to a schedule for rehabilitation shall be made on the basis of what is most consistent with the rehabilitation of the individual and the safety of the community.

(4) Except as provided in subsection 405 (h), no person shall remain committed for treatment or care pursuant to this section after a court determines that any one of the findings made under subsection 405(c) is no longer applicable.

(f) A committed person may, upon the expiration of six months following the commitment order, and not more frequently than every six months thereafter, request the Secretary in writing to conduct a review of the current applicability of the required findings, and if the request is timely it shall be granted. The patient may, at his own expense, have one or more qualified physicians participate in the review or conduct an independent review. The Secretary shall, upon the written request of an indigent patient, assist him in obtaining a qualified physician to participate in the review, and such a physician shall be compensated for his services by the Secretary in an amount determined by the Secretary to be fair and reasonable. The Secretary shall report the result of the review to the patient. If the patient is not released as a result of this review he may petition the court for an order directing his release. The court may hold a hearing and shall consider all pertinent evidence and enter an appropriate order. The burdent of proof in such a proceeding shall remain on the Secretary.

(g) In addition to the right of review upon a patient's written request, the Secretary shall as often as practicable, but not less often than every six months, review a patient's status under the required findings. Any right available to him for obtaining release from confinement, including the right to petition for a writ of habeas corpus, shall also be retained, and the burden of proof in such a proceeding of the continuing existence of the findings upon which the commitment is based shall remain on the Secretary.

(h) If the Secretary continues to make a good faith attempt to provide appropriate treatment pursuant to subsection (c) (1), a drug dependent person who has been adjudged an immediate and continuing danger to the safety of other persons or of property pursuant to subsection (c) (2) shall not fail to be committed pursuant to subsection (a) or (b), or be released from commitment under subsection (e), (f), or (g), until the finding under subsection (c) (2 is no longer applicable.

(i) A committed person or a person detained for treatment may initially be placed in inpatient, intermediate care, or outpatient treatment, on the basis of sound clinical judgment, except that a person charged with or subject to a prison sentence for a felony shall initially be placed in inpatient treatment unless the court orders otherwise. The Secretary may transfer a committed person or a person detailed for treatment between inpatient, intermediate care, and outpatient services without court permission on the basis of sound clinical judgment, except that a court order must be obtained for the transfer from inpatient status of any person charged with or subject to a prison sentence for a felony. No committed person may be unconditionally released without a court order. A committed or detained person has a right to intermediate care and outpatient status, and to unconditional release, as quickly as is consistent with sound clinical judgment and with the safety of other persons and of property.

(j) If the respondent in any proceeding under this Act does not have an attorney and cannot afford one, the court shall appoint one to represent him. Counsel so appointed shall be compensated for his services by the Secretary in an amount determined by the court to be fair and reasonable.

(k) Neither mail nor other communications to or from a person committed pursuant to this section may be read by others or censored except when ordered by a physician for treatment reasons: *Provided*, That reasonable regulations regarding visiting hours and the use of telephone and telegraph facilities may be adopted, and reasonable precautions may be used to prevent persons from illegally obtaining controlled dangerous substances.

(l) Upon the institution of proceedings for the commitment of a person pursuant to section 403, 404, or 405, the Secretary shall give such person and his nearest known adult relative a written statement and explanation outlining in simple nontechnical language the procedures and rights set out in this section. If such person is committed, the Secretary shall give him and his nearest known adult relative a further written statement and explanation outlining all release procedures and other rights provided by this section, as well as by other statutes and general legal principles.

(m) A specific treatment plan, adapted to each individual, shall be prepared and maintained by the Secretary on a current basis for every patient committed pursuant to section 404 or 405. It shall show the treatment planned, and the treatment provided, in sufficient detail to permit an evaluation of the adequacy of the program for that individual. The plan shall be reviewed by the court in considering the findings required by subsections 404(b) (2) and 405(c) (1) and (c) (2).

(n) Each individual treatment plan prepared pursuant to subsection 405(m) may utilize inpatient, intermediate care, and outpatient services, in accordance with principles of medical care and treatment accepted by a responsible segment of the medical profession. All public and private community ef-

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forts, including but not limited to welfare services, vocational rehabilitation, and job replacement, shall be utilized as part of outpatient treatment programs to integrate drug dependent persons back into society as productive citizens.

(o) Any hearing held pursuant to subsections 405(c), (e), or (f) shall be conducted according to the provisions of subsections 404(c) through (f) and (h) of this Act.

FEDERAL YOUTH CORRECTIONS ACT

SEC. 406. Any person committed to or eligible for commitment to the custody of the Attorney General pursuant to the provisions of the Federal Youth Corrections Act (chapter 402 of title 18 of the United States Code) who is eligible for civil commitment under this title shall be handled pursuant to this title: *Provided*, That any person who was a youthful offender within the meaning of section 5006 of title 18 of the United States Code or who was eligible for sentencing under the Federal Youth Corrections Act pursuant to section 4209 of title 18 of the United States Code at the time of his commitment hearing under this title shall remain eligible for sentencing under the Federal Youth Corrections Act (1) if he should fail to be committed for treatment under this title or (2) if, having been committed, he is at any time returned to stand trial or to serve the remainder of his sentence under section 405(e)(3).

DRUG ABUSE SERVICES IN CORRECTIONAL INSTITUTIONS AND ON PROBATION AND PAROLE

SEC. 407. (a) The services established by this Act shall be used by the Bureau of Prisons and the Board of Parole for drug abuser or drug dependent offenders (including persons sentenced under the Federal Youth Corrections Act, chapter 402 of title 18 of the United States Code) placed on work release, probation, parole, or other conditional release. The Secretary and the Bureau of Prisons shall cooperate in establishing and encouraging the establishment of community based drug abuse treatment services and of drug abuse treatment services in Federal correction institutions.

(b) The conditional release of any drug abuser or drug dependent person convicted of any Federal offense may be conditioned on the person's agreement to periodic urine analyses or other means of detecting narcotic drugs within the body.

(c) The Bureau of Prisons and the Board of Parole may transfer an offender placed on conditional release from one treatment service to another depending upon his response to treatment. The decision whether to retain or to restrict or to revoke probation or parole or other conditional release after failure to conform to a schedule for rehabilitation shall be made on the basis of what is most consistent with both the rehabilitation of the individual and the safety of the community. All reasonable methods of treatment shall be used to prevent relapses and to promote rehabilitation. The Secretary shall provide periodic reports and recommendations to the Bureau of Prisons and the Board of Parole on persons being treated pursuant to this section.

AVAILABILITY OF CRIMINAL RECORDS

SEC. 408. (a) In order to facilitate the treatment and rehabilitation of drug abusers and drug dependent persons, any arrest for a criminal offense under the Controlled Dangerous Substances Act of 1969 or under the provisions of Federal law previously governing narcotics and dangerous drugs shall no longer be available as part of the person's public arrest and other public criminal records when the charges are withdrawn or dismissed or the person is acquitted of the charges.

(b) Any arrest or trial or conviction for a criminal offense under the Controlled Dangerous Substances Act of 1969 or under the provisions of Federal law previously governing narcotics and dangerous drugs may be made unavailable as part of a person's public criminal records by a court upon the filing of a petition supported by substantial evidence of good conduct since the petitioner's conviction. Copies of the petition shall be served on the United States attorney, who shall be responsible for consulting other appropriate public agencies and departments. If a Government attorney files a motion to dismiss the petition within sixty days, the court, without a jury, shall hold a hearing before ruling on the issue. The petitioner shall have the right to cross-examine any adverse witness or rebut any adverse evidence. The proceeding shall be closed to the public. The petition shall be granted if supported by substantial evidence of good conduct since the petitioner's conviction unless the court finds, on the basis of evidence of record, good cause not to accept the petitioner's allegations of good conduct. The petition may be filed and heard only after the following time lapses:

(1) For a Federal conviction involving any class A controlled drug, or any Federal offense under prior law involving any class A controlled drug, after five years from the date of conditional or unconditional release from a penal institution or from the date of conviction if not sent to a penal institution.

(2) For a Federal conviction involving any class B controlled drug, or any Federal offense under prior law involving any class B controlled drug, after three years from the date of conditional or unconditional release from a penal institution or from the date of conviction if not sent to a penal institution.

(3) For a Federal conviction involving any class C controlled drug, or any offense under prior law involving any class C controlled drug, after two years from the date of conditional or unconditional release from a penal institution or from the date of conviction if not sent to a penal institution.

(4) For a conviction for any Federal offense under prior law governing narcotics and dangerous drugs that would not now come within any of these provisions, after three years from the date of conditional or unconditional release from a penal institution or from the date of conviction if not sent to a penal institution.

(c) An arrest or trial or conviction that has been made unavailable to the public pursuant to this section shall not thereafter be regarded as an arrest or trial or conviction for the purpose of any statute or regulation or license or questionnaire or any other public or private purpose: *Provided*, That such a conviction shall continue to constitute an offense for purposes of any criminal statute under which the existence of a prior conviction is relevant to the penalty to be imposed. No Government employee shall divulge, nor shall any Government record available to the public reflect such arrest or trial or conviction, or a proceeding conducted pursuant to this section: *Provided*, That the judiciary, court personnel, and Government attorneys may be informed of such arrest or trial or conviction, and of such proceeding, where it becomes relevant to a penalty to be imposed in a subsequent case. Any Government employee who divulges such information in violation of this subsection shall be punished by a prison sentence of not more than ninety days, or a fine of not more than $1,000, or both.

RETENTION OF CIVIL RIGHTS AND LIBERTIES

SEC. 409. A person receiving care or treatment under the provisions of this Act shall retain his civil rights and liberties except as herein otherwise explicitly provided.

CONFIDENTIALITY OF RECORDS

SEC. 410. (a) A complete medical, social, occupational, and family history shall be obtained as part of the diagnosis, classification, and treatment of a patient pursuant to this title. Copies of all pertinent records from other agencies, practitioners, institutions, and medical facilities shall be obtained in order to develop a complete and permanent confidential personal history for purposes of the patient's treatment.

(b) All patient records (including all records relating to any commitment proceeding) prepared or obtained pursuant to this Act, and all information contained therein, shall remain confidential, and may be disclosed with the patient's consent only to medical personnel and only for purposes of diagnosis and treatment of the patient or to Government or other officials for the purpose of obtaining benefits due the patient as a result of his drug abuse or drug dependence. Disclosure may be made for purposes unrelated to such treatment or benefits upon an order of a court after application showing good cause therefor. In determining whether there is good cause for disclosure, the court shall weigh the need for the information sought to be disclosed against the possible harm of disclosure to the person to whom such information pertains, to the physician-patient relationship, and to the treatment services, and may condition disclosure of the information upon any appropriate safeguards. No such records or information may be used to initiate or substantiate charges against a patient under any circumstances.

(c) All patient records and all information contained therein relating to drug abuse or drug dependence prepared or obtained by a private practitioner shall remain confidential, and may be disclosed only with the patient's consent and only to medical personnel for purposes of diagnosis and treatment of the patient or to Government or other officials for the purpose of obtaining benefits due the patient as a result of his drug abuse or drug dependence.

TITLE V—PREVENTION AND TREATMENT FOR FEDERAL EMPLOYEES, MILITARY PERSONNEL, AND VETERANS

DRUG ABUSE AND DRUG DEPENDENCE AMONG FEDERAL GOVERNMENT EMPLOYEES

SEC. 501. (a) The Civil Service Commission shall be responsible for developing and maintaining, in cooperation with the Administration and other Federal agencies and departments, appropriate policies and services for the prevention and treatment of drug abuse and drug dependence among Federal employees, consistent with the purposes and intent of this Act. Government employees who are drug abusers or who are drug dependent shall retain the same employment and other benefits as other persons afflicted with serious health problems and illnesses, and shall not lose pension, retirement, medical, or other rights. A good faith attempt shall be made to find appropriate nonsensitive work within the Government during the employee's rehabilitative treatment, rather than placing him on sick leave: *Provided*, That acceptance of appropriate treatment shall be required as a condition of continued work.

(b) The Administration shall be responsible for fostering similar drug abuse prevention, treatment, and rehabilitation services in State and local governments and in private industry.

(c) No person may be denied or deprived of Federal employment or a Federal professional or other license or right solely on the ground of prior drug abuse or prior drug dependence, except with regard to extremely sensitive positions specified in regulations promulgated by the Secretary.

HEALTH AND DISABILITY INSURANCE PLANS FOR FEDERAL EMPLOYEES

SEC. 502. All health and disability insurance policies and plans for Federal employees shall cover drug abuse and drug dependence in the same way as other health problems, illnesses, and diseases that are not self-inflicted.

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DRUG ABUSE AND DRUG DEPENDENCE AMONG MILITARY PERSONNEL

Sec. 503. (a) For purposes of chapter 61 of title 10 of the United States Code, drug dependence shall be regarded as a physical disability and shall not be regarded as the result of intentional misconduct or willful neglect. A drug dependent person shall retain the same rights and benefits as any other person afflicted with serious illnesses, and shall not lose pension, retirement, medical, or other rights because of drug dependence. This subsection shall be retroactive.

(b) The medical care provided to military personnel and their dependents pursuant to chapter 55 of title 10 of the United States Code shall include appropriate treatment services for drug abuse and drug dependence.

(c) Any penalty or penalties imposed upon military personnel pursuant to the Uniform Code of Military Justice, for an offense that would otherwise fall within the Controlled Dangerous Substances Act of 1969, shall be no greater than or different from the penalty or penalties provided under the Federal Controlled Dangerous Substances Act of 1969.

DRUG ABUSE AND DRUG DEPENDENCE AMONG VETERANS

Sec. 504. (a) Appropriate treatment facilities and services for drug abuse and drug dependence shall be made available within Veterans' Administration hospitals as a matter of high priority.

(b) For purposes of chapters 11 and 17 of title 38 of the United States Code, drug dependence during military service shall be regarded as a service-connected disability, and shall not be regarded as due to willful misconduct.

(c) Section 602 of title 38 of the United States Code is amended to add "or drug dependence" in the title and in the body of the section after the word "psychosis."

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(d) A dishonorable discharge prior to the effective date of this Act shall not be a bar to treatment for drug abuse or drug dependence if the discharge was the result of drug abuse or drug dependence.

TITLE VI—PREVENTION AND TREATMENT UNDER FEDERAL HEALTH, WELFARE, AND REHABILITATION PROGRAMS

MEDICARE AND MEDICAID

Sec. 601. (a) A drug abuser or drug dependent person shall be regarded as a sick or disabled person eligible for treatment under medicare and medicaid (the Social Security Amendments of 1965, as amended).

(b) Section 1396a of title 42 of the United States Code is amended to add: "(a)(31) include provision for prevention and treatment of drug abuse and drug dependence."

SOCIAL SECURITY

Sec. 602. A drug abuser or drug dependent person shall be regarded as eligible for disability benefits under the Social Security Act, as amended, and benefits shall not be barred on the ground that drug abuse or drug dependence is a self-inflicted disability.

ECONOMIC OPPORTUNITY

Sec. 603. Drug abuse and drug dependence shall be a matter of high priority for programs undertaken under the Economic Opportunity Act of 1964, as amended.

VOCATIONAL REHABILITATION

Sec. 604. (a) A drug abuser or drug dependent person, or a facility or program or service for the prevention or treatment of drug abuse or drug dependence, shall be eligible for funds made available pursuant to chapter 4 of title 20 of the United States Code.

(b) Section 35(a) of title 29 of the United States Code is amended to add:

"(15) provide for the use of vocational rehabilitation in the prevention and treatment of drug abuse and drug dependence."

WELFARE

Sec. 605. Drug abuse and drug dependence shall, for the purposes of all Federal welfare programs and all State welfare programs that receive Federal participation, be regarded as a major health and economic problem.

(a) State and Federal agencies charged with administering such welfare programs shall take action to reduce the incidence of financial indigency and family disintegration caused by drug abuse and drug dependence, and shall provide for treatment and rehabilitation services for those persons enrolled in welfare programs whose financial eligibility for such assistance results, in part or in whole, from drug abuse or drug dependence.

(b) Drug abuse and drug dependence prevention and treatment programs and services for persons enrolled in such welfare programs whose financial eligibility for such assistance results, in whole or in part, from drug abuse or drug dependence, shall, if approved by the Secretary under the same procedure and criteria used for approving programs under title VII of this Act, be eligible for 75 per centum Federal funding participation. Application for funds under this subsection shall be made by the State agency charged with administering the aid program, which may conduct the program or may contract with any other appropriate State agency or private organization for the provision of any of the designated services.

(c) Persons otherwise eligible for such welfare assistance shall not be ineligible for such assistance because of drug abuse or drug dependence. Any person whose financial eligibility for such assistance results, in whole or in part, from drug abuse or drug dependence shall be provided the services of appropriate treatment and rehabilitation services upon a certification by a responsible medical officer that (1) the services will more likely than not be appropriate for the recipient, and (2) the services can accommodate the recipient. After such certification, participation by the recipient in the program shall be a requirement for continuing eligibility for such assistance, in the absence of good cause for nonparticipation. A certification by the director of the facility that the recipient is no longer amenable to treatment shall constitute such good cause.

(d) Any drug abuse or drug dependence treatment facility shall qualify as a medical institution within the meaning of section 306(a) of title 42 of the United States Code. The Secretary shall promulgate regulations specifying how such welfare benefits shall be used to contribute to the costs of treatment and rehabilitation of a drug abuser or drug dependent person receiving welfare assistance so far as practicable without imposing undue hardship on him or his family.

(e) Any recipient of welfare assistance whose inability to work or to participate in a work training program is the result of drug abuse or drug dependence shall be excused from such participation only on condition that he accept appropriate treatment and rehabilitation services made available to him.

(f) The Secretary shall promulgate appropriate regulations and offer technical assistance to States in providing, as part of the services rendered under section 705 of title 42 of the United States Code, programs of education about drug abuse and drug dependence for children of school age and adults responsible for them, and appropriate treatment for children physically or mentally damaged or otherwise affected as a result of drug abuse or drug dependence on the part of such children and other children or adults with whom they have significant contact.

Sec. 606. (a) Each State highway safety program approved pursuant to the Highway Safety Act of 1966 shall include provisions for the prevention and treatment of drug abuse and drug dependence among licensed drivers. Highway safety research conducted pursuant to that Act shall include research with respect to the prevention and treatment of drug abuse and drug dependence among licensed drivers.

(b) Any Federal funds used to assist State and local governments in the prevention and treatment of drug abuse and drug dependence among licensed drivers shall be expended for the purpose of education, treatment, and rehabilitation and not the purpose of punishment. Such funds shall be expended for programs and services that are coordinated with and integrated into comprehensive community health and rehabilitation programs and services.

GENERAL

Sec. 607. Drug abuse or drug dependence shall be regarded as a health problem, sickness, illness, disease, disability, or similar term, for purposes of all Federal legislation relating to health, welfare, and rehabilitation programs, services, funds and other benefits. Any Federal legislation providing for medical assistance, medical care, treatment, rehabilitation, or other similar services, shall be regarded as including programs and services for the prevention and treatment of drug abuse and drug dependence.

TITLE VII—FEDERAL ASSISTANCE FOR STATE AND LOCAL PROGRAMS

COMPREHENSIVE STATE PLANS

Sec. 701. Section 246(a)(2) of title 42 of the United States Code is amended to add:

"(L) provide for services for the prevention and treatment of drug abuse and drug dependence, commensurate with the extent of the problem, such plan to (i) estimate the number of drug abusers and drug dependent persons within the various areas within the State and the extent of the health problem caused, (ii) establish priorities for the improvement of the capabilities of State and local governments and public and private nonprofit agencies, institutions, and organizations with respect to prevention and treatment of drug abuse and drug dependence, and (iii) specify how all available community health, welfare, educational, and rehabilitation resources, and how funds, programs, services, and facilities authorized under existing Federal and State legislation, are to be used for these purposes."

STATE HOSPITAL AND MEDICAL FACILITIES CONSTRUCTION PLANS

Sec. 702. (a) Section 291c(a) of title 42 of the United States Code is amended to add:

"(4) to projects for construction and modernization of facilities for prevention and treatment of drug abuse and drug dependence;".

(b) Section 291d(a)(4) of title 42 of the United States Code is amended to add:

"(F) the facilities needed to provide adequate services for the prevention and treatment of drug abuse and drug dependence;".

STATE MENTAL HEALTH CENTERS PLANS

Sec. 703. (a) Section 2684 of title 42 of the United States Code is amended to add:

"(11) provide for services for the prevention and treatment of drug abuse and drug dependence, commensurate with the extent of the problem."

(b) Section 2691(c) of title 42 of the United States Code is amended by inserting after "mental illness;" the following: "drug abuse or drug dependence," and by inserting after "mentally ill patients," the following: "drug abusers or drug dependent persons,".

GRANTS AND CONTRACTS FOR THE PREVENTION AND TREATMENT OF DRUG ABUSE AND DRUG DEPENDENCE

Sec. 704. (a) The Secretary is authorized to make grants and enter into contracts for the prevention and treatment of drug abuse and drug dependence to assist State and local governments and public and private nonprofit agencies, institutions, and organizations to—

(1) meet the costs of constructing, equipping, and operating treatment and rehabilitation facilities including but not limited to emergency medical, inpatient, intermediate care, and outpatient facilities for drug abusers and drug dependent persons, and to assist them to meet, for the temporary periods specified in subsection (b) of this section, a portion of the costs of compensation of personnel for the initial operation of such facilities, and of new services in existing facilities for drug abusers and drug dependent persons;

(2) conduct research, demonstration, and evaluation projects, including surveys and field trials, looking toward the development of improved, expanded, and more effective methods of prevention and treatment of drug abuse and drug dependence;

(3) provide education and training for professional personnel, including medical, psychiatric, vocational rehabilitation, and social welfare personnel, in academic and professional institutions and in postgraduate courses, about the prevention and treatment of drug abuse and drug dependence, and provide training for such personnel in the administration, operation, and supervision of programs and services for the prevention and treatment of drug abuse and drug dependence;

(4) recruit, educate, train, organize, and employ community drug abuse and drug dependence prevention and treatment personnel to serve with and under the direction of professional medical, psychiatric, vocational rehabilitation, and social welfare personnel in drug abuse and drug dependence prevention, treatment, and rehabilitation programs. Prior drug abuse or drug dependence and prior criminal arrests or convictions shall not be a bar to such employment;

(5) provide services in correctional and penal institutions for the prevention and treatment of drug abuse and drug dependence;

(6) provide services, in cooperation with schools, law enforcement agencies, courts, and other public and private nonprofit agencies, institutions, and organizations, for the prevention and treatment of drug abuse and drug dependence among juveniles and young adults. These services, where feasible, shall include curricula for drug abuse education in elementary and secondary schools, and among parents and other adults;

(7) provide programs and services, in cooperation with local law enforcement agencies, the courts, and other public and private nonprofit agencies, institutions, and organizations, for the instruction of law enforcement officers, prosecuting attorneys, court personnel, the judiciary, probation and parole officers, correctional officials and legal aid, public defender, and neighborhood legal services attorneys with respect to the causes, effects, prevention, and treatment of drug abuse and drug dependence. Such programs and services shall include, where possible, a full range of services available to State and local courts for diagnosis, counseling, and treatment for drug abuse and drug dependence for persons coming before the courts;

(8) provide services for outpatient counseling of drug abusers and drug dependent persons to include employment, welfare, legal, education, and other assistance, in cooperation and coordination with welfare and rehabilitation personnel;

(9) develop or evaluate curriculums on drug abuse prevention and treatment, including the preparation of new and improved curricular materials for use in elementary, secondary, college, and adult education programs;

(10) develop or evaluate a program of dissemination of curricular material;

(11) provide training programs on drug abuse and drug dependence (including courses of study, institutes, seminars, films, workshops, and conferences) for teachers, counselors, and other educational personnel;

(12) provide community education programs on drug abuse (including courses of study, institutes, seminars, films, workshops, and conferences, especially for parents and other adults in the community;

(13) enable a State government agency to assist local education agencies in the planning, development, and implementation of drug abuse education programs; and

(14) develop educational material and programs about the prevention and treatment of, and problems arising from, drug abuse and drug dependence, for use or distribution by any form of mass media.

(b) The amount of any Federal grant made under subsection (a) of this section, except with regard to certain grants made under paragraph (1) of subsection (a), shall not exceed 90 per centum of the cost of the program or project specified in the application for such grant. The amount of any Federal grant made under paragraph (1) of subsection (a) of this section to meet costs of compensation of personnel may be made only for the period beginning with the first day for which such a grant is made and ending with the close of five years after such first day. Such grants may not exceed 90 per centum of such costs for the period ending with the close of the twenty-fourth month following such first day, 80 per centum of such costs for the first year thereafter, 70 per centum of such costs for the second year thereafter, and 60 per centum of such costs for the third year thereafter.

APPLICATION FOR FINANCIAL ASSISTANCE FROM UNITS OF LOCAL GOVERNMENT AND PRIVATE ORGANIZATIONS

SEC. 705. (a) In administering the provisions of this title, the Secretary shall require coordination of all applications for programs in a State and, in view of the local nature of the drug abuse problem, shall not give precedence to public agencies over private nonprofit agencies, institutions, and organizations, or to State agencies over local agencies.

(b) All applications from within a State shall first be submitted by the applicant for review by the State agency responsible for administering the State comprehensive plan for treatment and prevention of drug abuse, if such an agency exists. This agency shall be responsible for encouraging, coordinating, and initially reviewing appropriate applications for all localities within the State. All applications initially approved by such State agency shall promptly be forwarded to the Secretary.

(c) Approval of any application by the Secretary, including the earmarking of financial assistance for a program or project, may be granted only if the application substantially meets a set of criteria established by the Secretary that—

(1) provide that the activities and services for which assistance under this title is sought will be substantially administered by or under the supervision of the applicant;

(2) provide for such methods of administration as are necessary for the proper and efficient operation of such programs or projects;

(3) set forth policies and procedures which adequately provide that Federal funds made available for any fiscal year will be so used as to supplement and, to the extent practical, increase the level of funds that would, in the absence of such Federal funds, be made available by the applicant; and

(4) provide for such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the applicant.

(d) If a State drug abuse prevention and treatment agency finds an application to lack sufficient merit to warrant forwarding to the Secretary, it shall inform the applicant and shall give the applicant the reasons for disapproval in writing within thirty days after receiving the application. At such time the agency shall also inform the applicant in writing that if the applicant disagrees with this preliminary finding the application shall be forwarded to the Secretary with the State agency's recommendation of disapproval and the applicant's statement of disagreement.

(e) Upon notification by a State drug abuse prevention and treatment agency that an application has not been approved for forwarding to the Secretary, or upon notification by the Secretary that the application has been disapproved, the applicant may amend his application and resubmit it to the State drug abuse prevention and treatment agency, or to the Secretary if no such agency exists, for reconsideration. Amendments of applications shall, except as the Secretary may otherwise provide by regulation, be subject to approval in the same manner as original applications.

ADMINISTRATION OF GRANTS AND CONTRACTS

SEC. 706. The recipient of any grant or contract under this title shall make an annual report and such other reports to the Secretary in such form and containing such information as may reasonably be necessary to enable him to perform his functions under this title, and will keep such records and afford such access thereto as the Secretary may find necessary to permit the verification and assure the correctness of such reports.

SEC. 707. Payments under this title may be made in advance or by way of reimbursement and in such installments as the Secretary may determine.

SEC. 708. No funds shall be available under this title to any public or private nonprofit agency, institution, or organization, if the amount of funds committed by such agency, institution, or organization at the time of the effective date of this Act to programs for the prevention and treatment of drug abuse and drug dependence is thereafter reduced.

SEC. 709. (a) Whenever the Secretary finds a failure to comply with the terms of a grant or contract made or entered into under this title, he shall, after reasonable notice and opportunity for a hearing, terminate payments until he is satisfied that there will no longer be any failure to comply.

(b) The exclusive remedy of anyone adversely affected by a final action of the Secretary under subsection (a) of this section is to appeal to the United States court of appeals for the circuit in which it is located by filing a petition with such court within sixty days after such final action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary. The Secretary thereupon shall file with the court the record of the proceeding on which he based his action, as provided in section 2112 of title 28 of the United States Code. Upon the filing of such petition, the court shall have jurisdiction to affirm the action of the Secretary or set it aside, in whole or in part, temporarily or permanently. Until the filing of the record, the Secretary may modify or set aside his order. The findings of the Secretary as to the facts shall be conclusive if supported by substantial evidence, but the court, for good cause shown, may remand the case to the Secretary to take further evidence and the Secretary may thereupon make new or modified findings of fact and may modify his previous action, and shall file in the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence. The judgment of the court affirming or setting aside, in whole or in part, any action of the Secretary shall be final, subject to review by the Supreme Court of the United States upon certiorari as provided in section 1254

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of title 28 of the United States Code. The commencement of proceedings under this subsection shall not, unless so specifically ordered by the court, operate as a stay of the Secretary's action.

ADMISSION OF DRUG ABUSERS AND DRUG DEPENDENT PERSONS TO PRIVATE AND PUBLIC HOSPITALS

SEC. 710. (a) Drug abusers and drug dependent persons shall be admitted to and treated in private and public hospitals on the basis of medical need and shall not be discriminated against because of their drug abuse and drug dependence. No hospital that violates this section shall receive Federal financial assistance under the provisions of this Act or any other Federal law administered by the Secretary. No such action shall be taken until the Secretary has advised the appropriate person or persons of the failure to comply with this section, and provided an opportunity for correction or a hearing.

(b) Any action taken by the Secretary pursuant to this section shall be subject to such judicial review as is provided by section 709(b) of this title.

TITLE VIII—THE SECRETARY'S ADVISORY COMMITTEE ON DRUG ABUSE AND DRUG DEPENDENCE

SEC. 801 (a) The Secretary shall appoint an Advisory Committee on Drug Abuse and Drug Dependence, to consist of nine qualified persons who have knowledge of and an interest in the subject, who represent different geographical regions and occupations, and some of whom must formerly have been drug abusers or drug dependent persons, to advise and consult with the Secretary and the Administration and to assist them in carrying out the provisions of this Act.

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(b) The members of the Committee shall elect a Chairman, who shall serve a one-year term but may be reelected. The members of the Committee shall serve without compensation, except for expenses, for terms of three years, staggered so that three vacancies occur every year. A member may be reappointed immediately after serving less than a full term, and may be reappointed after a three-year hiatus after serving a full term.

(c) The Committee shall meet at least once every two months, and may meet more often. It shall consult at regular intervals with representatives of the Administration, the judiciary, corrections, probation, vocational rehabilitation, public welfare, parole, and such other agencies as may become involved in a total treatment and rehabilitation effort to control drug abuse and drug dependence.

SEC. 802. The Committee may appoint one or more technical consultants from experts throughout the country to assist in evaluating the progress of the Administration so that it will have the best possible prevention, treatment, and rehabilitation programs for drug abuse and drug dependence.

SEC. 803. The Committee shall employ a full-time executive director with a secretary, who shall not be employees of the Administration, to assist the Committee and coordinate its activities.

TITLE IX—INTERGOVERNMENT COORDINATING COUNCIL ON DRUG ABUSE AND DRUG DEPENDENCE

SEC. 901. (a) For the purpose of coordinating all Federal Government prevention, treatment, and rehabilitation efforts with respect to drug abuse and drug dependence, of coordinating such Federal efforts with State and local government efforts, and of developing an enlightened policy and appropriate programs for Federal employees for the prevention and treatment of drug abuse and the rehabilitation of drug dependent persons, there is hereby established an Intergovernment Coordinating Council on Drug Abuse Control consisting of the Commissioner who shall serve as Chairman, the executive director of the Secretary's Advisory Committee on Drug Abuse and Drug Dependence, four representatives of Federal departments or agencies, and five representatives of State and local government departments or agencies.

(b) The President shall designate four representatives of Federal departments or agencies who shall serve on the Coordinating Council, and shall appoint the five representatives of State and local government departments or agencies. The State and local government representatives shall serve for terms of five years, staggered so that one vacancy occurs each year. A State or local government representative may be reappointed immediately after serving less than a full term, and may be reappointed after a five-year hiatus after serving a full term.

(c) The Coordinating Council may appoint such technical consultants as are deemed appropriate for advising the Council in carrying out its functions.

SEC. 902. The Coordinating Council is authorized and directed to—

(a) assist the Secretary and the Administration in carrying out its function of coordinating all Federal prevention, treatment, and rehabilitation efforts to deal with the problems of drug abuse and drug dependence;

(b) assist the Administration in carrying out its function of coordinating such Federal efforts with State and local governments;

(c) engage in educational programs among Federal employees, and in other appropriate activities, designed to prevent drug abuse and drug dependence;

(d) implement programs for the rehabilitation of Federal employees who are drug dependent persons; and

(e) develop and maintain any other appropriate activities consistent with the purposes of this Act.

TITLE X—GENERAL

SEC. 1001. The Secretary may promulgate regulations pursuant to subchapter II of chapter 5 of title 5, United States Code to implement this Act.

SEC. 1002. If any section, provision, or term of this Act is adjudged invalid for any reason, such judgment shall not affect, impair, or invalidate any other section, provision, or term of this Act, and the remaining sections, provisions, and terms shall be and remain in full force and effect.

SEC. 1003. (a)(1) Chapter 175 of title 28, United States Code, Chapter 314 of title 18, United States Code, and title III of the Narcotic Addict Rehabilitation Act of 1966 (80 Stat. 1438), are repealed.

(2) In any case involving an individual committed pursuant to such Chapter 175, Chapter 314, or title III, on or before the date immediately preceding the effective date of the repeal of such chapters and title, such individual shall continue to be subject to the provisions thereof in the same manner and to the same extent as if they had not been repealed.

(b) Sections 341, 342, 343, 344 and 345 of the Public Health Service Act, and the provisions of the Act entitled "An Act to amend title 18 of the United States Code to enable the courts to deal more effectively with the problem of narcotic addition, and for other purposes", approved November 8, 1966 (80 Stat. 1438), other than title V thereof, are repealed.

SEC. 1004. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act. Any appropriated funds shall remain available until expended.

SEC. 1005. This Act shall take effect upon the expiration of one hundred and eighty days following the date of its enactment.

Mr. CRANSTON. Mr. President, I rise to speak on S. 3562, which Senator HUGHES has introduced today and which I am privileged to cosponsor. Senator HUGHES has performed an invaluable service to the Nation through his great efforts in drawing together this extraordinary comprehensive approach to the enormous problem of drug abuse and drug dependence.

On this vital issue, that is causing so much concern and anguish in so many American lives and homes, Senator HUGHES is providing truly great leadership—leadership characteristic of the capacity, courage, creativity, and compassion he is bringing to bear on a great many other vital issues confronting the people of America.

I am proud to work with Senator HUGHES on these issues.

I join in cosponsoring his drug bill because I wish to give maximum impetus to Senator HUGHES' effort to develop national solutions to the pervasive drug problem. The relationship of this problem to the increasing crime rate makes it especially grave.

I am very much in accord in general with much of the bill's approach.

I do want to say that it is a tremendously broad and intricate measure, and I have not yet had adequate opportunity to study all of its provisions or consult with advisers in the drug field whose counsel I value. Thus, I wish to make clear that I am reserving my option to propose or support changes and additions to aspects of the bill which, after hearings and time for adequate research, study and reflection, appear in need of change.

More specifically, I wish to offer caveats on the following provisions of the bill, many of which deal with veterans matters, on which the Veterans' Affairs Subcommittee, of which I am chairman, has held hearings and is studying.

As to provisions specifically affecting veterans, I have not yet had the opportunity to discuss them with appropriate officials in the Veterans' Administration or of the veterans service organizations. I thus plan to explore with these representatives the following provisions before coming to a judgment on them:

Sections 304, 306, and 308 as they relate to coordination between the Drug Abuse Prevention, Treatment, and Rehabilitation Administration, which section 102 of the bill would establish within HEW, and Veterans' Administration drug abuse and drug dependence programs, research, personnel training, and health education.

Section 401(b) as it relates to treatment and rehabilitation in Veterans' Administration facilities.

Section 901(b) as it relates to presidental designation of representatives of Federal departments and agencies to serve on the Intragovernmental Coordinating Council on Drug Abuse and Drug Dependence, which section 901(a) of the bill would establish, insofar as the Veterans' Administration might be one of the departments or agencies represented.

Section 504 of the bill, which deals specifically with drug abuse and dependence among veterans. I am unable to endorse any of these subsections, except subsection (c), until I have had opportunity to explore them in detail with all interested parties, including as to subsections (b). Senator HERMAN TALMADGE of Georgia, chairman of the Finance Committee's Subcommittee on Veterans Legislation, which has jurisdiction over chapter 11 of title 38 referred to in that subsection.

As to subsection (c), on January 9 and 27 at subcommittee hearings and on March 4 in a speech to the Joint National Legislative and Rehabilitation Commissions of the American Legion, I announced my intention to amend section 602 of title 38, regarding presumption of service connection for active psychosis, in a more comprehensive way than does subsection (d) of the bill; my bill will also cover the purpose of subsection (d).

Regarding subsection (d) I feel that there should be a thorough reevaluation, in coordination with the Veterans' Administration and the veterans service groups, of the exclusions from VA hospital and medical care of disabled veterans with less than honorable or general discharges. Such a study would, of course, be broader than the drug abuse focus of subsection (d), and I intend to work closely with Senator HUGHES, with whom I have already discussed this general problem several times, to carry out a thorough study and produce hopefully, a successful and acceptable resolution of the problem.

There are also some general provisions of the bill as to which I have reservations.

Section 309, relating to classification of controlled dangerous substances, insofar as its relationship is unclear to the classification for criminal enforcement purposes that may be carried out under any Controlled Dangerous Substances Act that may be finally enacted.

Sections 402 (a) and (b), insofar as they authorize, first, medical, rather than judicial, judgments with respect to the commission of misdemeanors or felonies and second, compulsory detention for emergency medical treatment and diagnosis of up to 5 or 10 days for so-called drug abusers or dependent persons who have been arrested but not presented for preliminary hearings.

Section 409 as it implies that civil rights and liberties would be withdrawn from certain classes of persons under the bill; I will want to insure that due process of law is accorded to any person so deprived.

Section 502 insofar as it might be construed to impose compulsory expansion of health coverage upon existing health insurance plans available to Federal employees, rather than merely directing the Civil Service Commission to negotiate such expansion through amendment or new contracts.

Finally, I know, from conversations with him, that Senator HUGHES recognizes that in consideration of this bill, the jurisdiction and views of the other concerned committees of the Senate—Judiciary, Armed Services, Finance, Post Office, and Civil Service—must be fully respected.

I hope and I believe that the monumental work which Senator HUGHES has done in introducing this bill will be but a prelude to a congressional and then a national coordinated and comprehensive effort to establish the programs needed to remove the drug scourge from our society.

Mr. JAVITS subsequently said: Mr. President, I have the great honor and pleasure of joining in the legislation introduced today by the Senator from Iowa with respect to Federal programs on alcoholism and narcotics addiction. I also have the honor of being the ranking member of the special subcommittee of the Committee on Labor and Public Welfare dealing with this problem which is chaired by the Senator from Iowa.

Mr. President, I live in the city and represent the State which contains that city, the largest in the country, which has the greatest problem; and I rise to affirm that if we are to make measurable progress, it will come on two fronts: First, law enforcement, which includes limitation of the incursion of drugs into the United States, especially heroin; and, second, the procedures of education, treatment, and research, which are called for in this very important, comprehensive bill.

There is no single problem connected with law enforcement and safety in the States and in the homes of our country which is more intimately related than this problem of drug addiction and alcoholism, Mr. President. I deeply feel that we could have a measurable reduction in crime in the big cities, of not less than 25 percent, if we got on top of this problem; and I believe that we are presented here with a comprehensive and intelligent approach which is going to cost a minimal amount of money and get a maximum amount of results.

Mr. President, many of our people complain that people in public office do a lot talking about this, but there is no appreciable action. I have answered by saying that if there seems to be no appreciable action, though much is being done both publicly and privately, with a tremendous emphasis on the vast extent of the private efforts as well as the public efforts, it is because we simply do not have the enabling legislation and the implementing appropriations to do what needs to be done.

The criminal depradations, aside from their social cost and their cost in lives—not only the lives of innocent victims of crime, but the lives of small children who are the victims of narcotics addiction, going down to the age of 10, Mr. President, as we know in my city and other large cities—have an economic cost which runs into the multibillions; and when you compare that with the price tags of the legislation as introduced, with the support of the majority leader, myself, and many others in this body, it becomes really a grave question as to our sense of responsibility, that we have not yet acted, notwithstanding the manifold opportunities in the way of legislation introduced as far back as when Robert Kennedy first came to the Senate, pressed by the Senator from Arkansas (Mr. MCCLELLAN) and many other Senators.

Mr. President, we must look to ourselves. "No division" should be the legend in this situation. As the ranking member of both the committee and the subcommittee, I shall do my utmost to bring this measure to most immediate hearings and report to the floor. The rest will rest with the conscience of every individual Senator and every individual Member of the House of Representatives.

There is only one answer to the people who say we talk a lot and do not do anything, and that is to act. We have a blueprint for action, in my judgment, of just the right magnitude and just the right nature before us now, in the bill presented by the Senator from Iowa.

Mr. PERCY. Mr. President, will the distinguished Senator yield?

Mr. JAVITS. I yield.

Mr. PERCY. Mr. President, I commend both the distinguished Senator from New York and the distinguished Senator from Iowa for their contribution in this very complex field.

The PRESIDING OFFICER. The time of the Senator from New York has expired.

Mr. JAVITS. I ask for 2 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PERCY. I think a very candid and frank admission was publicly made by the assistant to the President, Mr. John Ehrlichman, the other day when he indicated that there were many—and perhaps he might have included himself among them—who felt that stricter enforcement of the law might be an answer to these very complex problems. But the deeper we look into them, the more we realize the very complex nature of them. They are not just law enforcement questions. They are questions of medical, psychological, and social reactions. They get down to the causes of poverty. They get down to what makes man what he is.

Certainly, the approach taken by the distinguished Senator from New York and the distinguished Senator from Iowa in this regard is to be highly commended; and I for one, will do the best I can to try to understand the nature of these problems and discern what we can do, as lawmakers, in the whole complex picture, to get to the root of one of the most serious problems to face this Nation.

Mr. JAVITS. Mr. President, may I say to the Senator from Illinois that he shows what we would expect of him, considering his ability and his conscience, in respect of the grave problems in his own State, which contains one of the largest cities in the United States.

I say, too, that nothing that is advocated by the Senator from Iowa or by me or by the majority leader or by the Senator from Illinois obviates the strictest kind of law enforcement, the heaviest hand of the law.

The problem is that we do not have enough policemen, enough detectives, and enough customs guards to keep up with an overwhelming flood that is constantly fed by the insane craving of so many thousands of people.

Only by finding out what causes it and by curing it, even if we just have to dam the flow, as we do with methadone, by

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establishing half-way houses and other methods of treatment, and by corralling for civil commitment many of these terrible unfortunates, will we get on top of the problem.

I hope the public will not assume that because we advocate the medical approach, the preventive approach, the research approach, it means that we are oblivious to and will not support and will not be in the forefront of urging the strictest enforcement of the law and the heaviest penalties for the pushers and sellers, who are the worst enemies of the youth of America.

Mr. HUGHES. Mr. President, will the Senator yield?

Mr. JAVITS. Mr. President, I ask unanimous consent that I may proceed for 2 additional minutes.

The PRESIDING OFFICER (Mr. BYRD of West Virginia in the chair). Without objection, it is so ordered.

Mr. HUGHES. Mr. President, I thank the distinguished Senator from New York for his comments about the measure I presented earlier today.

The distinguished Senator from New York has for many years been introducing measures—he had bills already in the subcommittee of which I am chairman, of which he is the ranking minority member—and we have incorporated certain segments of legislation already proposed by the distinguished Senator from New York and the distinguished Senator from Texas (Mr. YARBOROUGH), who is not present today. They are incorporated in the proposed legislation.

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I wish to associate myself with the remarks of the distinguished Senator from New York in relation to the seriousness of the problem, the conscience of the individual Members of this body, and the necessity that we give this matter immediate action, both in hearings on the bill and in bringing this matter before the Senate as a whole, so that perhaps in this session of Congress we still can get action on this major piece of legislation. I know we all feel that this matter has reached epidemic proportions in the United States.

I also want to thank the distinguished majority leader for the encouragement he has given me over the last 14 months, in the comments he has made in encouraging and financing the subcommittee of which I am chairman, and in encouraging the work we have undertaken. With the encouragement of the majority leader and the distinguished Senator from New York, undoubtedly the junior Senator from Iowa, who is a new Member of the Senate, would have run into a great deal more difficulty in proceeding as far as we have today.

Mr. JAVITS. May I say to the Senator that that is the custom in the Senate. It is one of the finest traditions of the Senate that pride of authorship yields to getting things done; and, somehow or other, one's reputation never suffers in the process. I joined with others, after working for 16 years, to pass a bill for the U.S. Arts Foundation, and it finally got done. Similarly here, the majority leader has much ripe experience in the same way. Somehow or other, the people discern when a collaborative effort produces results, and no one need worry about the fact that he is being denied recognition on the credit. The thing to do is to get it done. So I joined with a full heart and with no reservation in the pledge to cooperate with the Senator from Iowa.

The PRESIDING OFFICER. Under the previous order, the Senator from Wisconsin is recognized for not to exceed 15 minutes.

Mr. KENNEDY. Mr. President, I am pleased to cosponsor the Federal Drug Abuse and Drug Dependence, Prevention, Treatment, and Rehabilitation Act of 1970. Passage of this bill would be a great step forward in developing the coordinated, comprehensive approach which is necessary to meet the serious drug abuse problems which our Nation faces today.

There was a time when drug abuse was something that happened in the shadows of the ghetto, or in the unknown worlds across our borders to the south, or in strange foreign countries with unpronounceable names.

But now we know better. Drug abuse is a modern American blight, tragically fixed to the inner city, the affluent suburb, and the rural back county. Drugs are being used by individuals from all walks of life—the poor, the middle class, the rich, the educated, the college student, white collar workers and especially the young. The problem of drug abuse is here, it is now, and it is an unwanted fact of life for millions of Americans.

I am acutely aware of the drug problems because of the situation in my own State of Massachusetts. In 1967–68, there were 1,323 heroin arrests statewide. In 1968–69 the figures jumped to 5,295 cases, and the projected figures for 1969–70 will bring the cases up to almost 7,000.

In Boston, the average age of a drug user has dropped from age 27, 5 years ago, to age 21 today. The rate of known drug use in Boston is rising at a higher rate than in any other city in America. Heroin use in Boston has increased 10 times since 1965. There are an estimated 4,000 heroin addicts in the city today.

Nationwide, the use—and abuse—of drugs has also skyrocketed. In the annual crime report of the FBI issued in August 1969, the Bureau of Narcotics and Dangerous Drugs revealed that the number of arrests for drug violations had increased by 329 percent since 1960.

For those persons over 18 years of age drug arrests were up 235 percent. The FBI further stated that drug arrests for persons under 18 years of age had risen by 1,860 percent during that period of time.

The question of marihuana is also important. An estimated 12 million Americans today have used marihuana at least once. From 30 to 40 percent of today's college undergraduates have smoked marihuana more than once, according to the best estimates of university health officials. An estimated 20 percent of high school seniors in urban areas have tried marihuana. In some areas, the use among high school students is over 50 percent.

These statistics indicate the need to rethink the whole question of marihuana—to learn more about its effects and to reexamine our laws and our approach toward its use.

On January 28, the Senate passed S. 3246, the Controlled Dangerous Substances Act of 1969. The bill dealt primarily with the regulation and control of drugs, and was directed to the question of penalties and ways to reduce illegal drug traffic.

But S. 3246 covered only one part of a many-faceted problem. As I said on the Senate floor at that time about S. 3246:

> The bill is an incomplete solution to the total drug abuse problem. Control of substances and methods of enforcement make up one dimension of the drug abuse phenomenon. But the bill does not address itself to the education of a drug-oriented society: It does not address itself to the rehabilitation and restoration of broken bodies and minds; it does not address itself to the training of professionals to deal effectively with the drug abuse crisis at the community level.

The overwhelming sentiment in the Senate was that S. 3246 was not intended to be the final answer, and that new legislation on education, prevention, rehabilitation, and research was also essential.

As a member of both the Judiciary Committee and the Labor and Public Welfare Committee, and of their respective subcommittees on drugs, I have seen the need for a comprehensive effort on the drug abuse problem. I feel that the bill introduced today by the distinguished Senator from Iowa (Mr. HUGHES) provides the framework and the authority for such an approach. It incorporates the vast background and knowledge which Senator HUGHES has developed as chairman of the Subcommittee on Alcoholism and Narcotics. Legislation along these lines is essential if we are to face up to this major domestic problem.

Finally, Mr. President, Time magazine this week carries a cover article entitled "Kids and Heroin: The Adolescent Epidemic." The personal stories and facts and background in that article confirm once again the seriousness and the immediacy of the whole drug question. I ask unanimous consent that the article be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

KIDS AND HEROIN: THE ADOLESCENT EPIDEMIC

Doctor. Do you think you'd like to die, Ralphie?

Ralph: No.

Doctor: Then why do you want to go home?

Ralph: 'Cause I want to.

Doctor: Are you going to shoot more heroin?

Ralph: I dunno.

An ex-addict, 16: You gonna shoot dope, Ralphie. You gonna be in jail or you gonna be dead. The Pushers ain't gonna disappear just 'cause you comin' home, Ralphie.

Ralph de Jesus is twelve years old, a 60-lb, wisp of a boy barely four feet tall, with gentle eyes and pale arms so thin that it is almost impossible to believe that they could take a needle. But Ralphie is a junkie. He has not only used heroin, but he has also taken part in muggings and sold drugs to his friends in order to support his habit. Last week Ralphie was in Manhattan's Odyssey House, in a group therapy session with a psychiatrist and a dozen ex-addicts aged 14 to

18. Ralphie wanted to go back home to The Bronx. The doctor, Judianne Densen-Gerber, founder of Odyssey House, and Ralphie's young friends there were trying to make him recognize that if he left them, he would have no choice to break out of the vicious circle of heroin addiction. Ralphie stayed for two more days. Then he went home.

The Odyssey House branch on Manhattan's East 87th Street, one of the few public or private facilities for treating young addicts, is a grubby tenement from the outside. Inside, it is crowded but neatly kept, the kids have replastered falling ceilings, and they do all the work of cleaning, cooking and asking for food from neighborhood merchants. Though discipline is strict, they are cheerful and friendly. The members huddle in frequent bull sessions and gather regularly for group therapy with a trained psychologist. In those agonizing meetings—the one with Ralphie is typical—the kids are by turns affectionate and caustic with one another. Whatever the mood at any one moment, they show a passionate seriousness and a deep mutual concern that is overwhelming to an outsider.

FROM GHETTO TO SUBURB

Ralphie got to Odyssey House from a hospital, where he had been seriously ill with hepatitus, contracted from a dirty needle he used to mainline heroin by injecting it into a vein in his arm. He is probably the youngest addict to surface for treatment in a terrifying wave of heroin use among youth, which has caught up teen-agers and even pre-adolescent children from city ghettos to fashionable suburbs, from New York—where the problem is still most severe—to the West Coast. One 17-year-old at Odyssey House knew Walter Vandermeer, 12, who died in Harlem of a heroin overdose last December (TIME, Dec. 26). He ask Ralphie what he think's of Walter's death. "That's his business," Ralphie mutters, staring grimly at the floor. It is plain that the ideas of death or imprisonment are beyond the twelve-year-old's grasp.

Less than a week before, Dr. Densen-Gerber—an outspoken, sometimes abrasive woman of 35, "Doctor Judy" to all who know her—took Ralphie to testify before a New York State legislative committee investigating addiction among the young. Now she asks him: "Why did I take you there?" "I guess you wanted to put me on TV," Ralphie answers. "No," she tells him. "The only reason I took you there is that only if they saw you would they understand that tiny little people like you are doing things they shouldn't do. You are an example of hundreds of other children, Ralphie. Ralphie is not special."

The gathering tragedy is that Ralphie is not special. Heroin, long considered the affliction of the criminal, the derelict, the debauched, is increasingly attacking America's children. Part of the dread and the danger of the problem is that it spread all too invisibly. No one knows how many heroin addicts of any age there are in the U.S. But in New York City alone, where most experts think roughly half the heroin users in the U.S. live, 224 teen-agers died from overdoses or heroin-related infections last year, about a quarter of the city's 900 deaths from heroin use. So far this year, over 40 teenagers have died because of heroin. There may be as many as 25,000 young addicts in New York City, and one expert fears the number may mushroom fantastically to 100,000 this summer. Cautious federal officials believe that heroin addiction below age 25 jumped 40% from 1968 to 1969. However imprecise the figures, there is no doubting the magnitude of the change, or the certitude that something frightening is sweeping into the corridors of U.S. schools and onto the pavements of America's playgrounds. It has not yet cropped up everywhere, but many experts believe that disaster looms large.

"A heroin epidemic has hit us. We must face that fact," says Dr. Donald Louria, president of the New York State Council on Drug Addiction and author of *Drug Scene*. Dr. Elliot Luby, associate director of Detroit's addict-treating Lafayette Clinic, concurs: "Addiction is really reaching epidemic proportions. You have to look at it as an infectious disease." Epidemic, of course, is a relative term, but as a Chicago psychiatrist, Dr. Marvin Schwarz, says: "Now we're seeing it clinically, whereas before we weren't. The kids on heroin all have long histories of drug use." At the California-based Synanon self-help centers for addicts, the teen-age population has risen from zero five years ago to 400 today. In San Francisco, Dr. Barry Ramer, director of the Study for Special Problems, calls hereoin now "the most readily available drug on the streets." He adds: "In my wildest nightmares, I never dreamed of what we are seeing today."

FROM RUSH TO SCRAMBLE

Heroin itself is a nightmare almost beyond description. By any of the names its users call it—scag, smack, the big H, horse, dope, junk, stuff—it is infamous as the hardest of drugs, the notorious nephenthe of the most hopeless narcotics addict, the toughest of monkeys for anyone to get off his back. On heroin, the user usually progresses from snorting (inhaling the bitter powder like some deadly snuff) to skin popping (injecting the liquefied drug just beneath the skin) to mainlining (sticking the stuff directly into the bloodstream).

First there is a "rush," a euphoric spasm of 60 seconds or so, which many addicts compare to sexual climax. Then comes a "high," which may last for several hours, a lethargic, withdrawn state in which the addicts nods drowsily, without appetite for food, companionship, sex—or life. Heroin, says one addict bitterly, "has all the advantages of death, without its permanence." After the high ends, there is the frantic scramble for a new supply in order to shoot up once again, to escape one more time into compulsive oblivion. As the junkie develops tolerance for the drug, he must use ever increasing amounts to reach the same high—thus the price of a habit can run as high as $100 a day. If he shoots too little, he does not get the kick he wants; if he shoots too much, he risks coma and death from an overdose. An overdose depresses the brain's control of breathing, slowing respiration to the point where the body simply does not get the oxygen it needs. If he tries to stop suddenly—cold turkey—he must endure the screaming, nauseating, sweating agonies of withdrawal.

Junk has been common even among teenagers in the ghetto for 20 years. Around 1950, Harlem-bred Claude Brown writes in *Manchild in the Promised Land*, "horse was a new thing. It was like horse had just taken over." Now, says Criminologist Roger Smith, director of a drug therapy center near San Francisco, "the emerging junkie of the 1970s is a middle-class junkie as well as a junior junkie." Here are some of those contemporary junkies who have shaken the habit—at least for now:

Sheera is 14, red-haired and wholesome-looking, the teenage girl next door. Her father manages a restaurant in New York City; her mother works in the records department of a city hospital. "I didn't start using heroin until I was 13. I guess I started using drugs to be like everyone else. There were older kids that I looked up to, but there were kids my age, they were also using drugs. I wanted to try it too. I messed around with pills and pot. Then I went to Israel for a summer and came back, and all my friends were on heroin. I snorted a couple of times, skinned a lot, and after that I mained it. I was sent to a school for emotionally disturbed children. Getting drugs there was easier for me than on the streets. Except for heroin. There wasn't too much of that.

"I don't know if I would have been accepted by my friends if I hadn't used drugs. My feelings are that I wouldn't have been. I wanted to be like them. They were all using drugs because they got bored with things. My parents never spoke to me once about drugs before I got involved. After I got involved, I used to see my father, but my father wouldn't say anything. My mother used to lay down a few rules. I talked to them about it. I used to go and tell my mother, kind of hoping that she'd say to me 'Stop and that's final.' But she never did."

Ted, 15, tall and somewhat gawky, is in serious trouble with the law: several burglary charges in a Chicago suburb where he lives, possession of narcotics, and truancy. He has taken overdoses twice in recent months; his parents found him sprawled out, unconscious. "In eighth grade I started glue sniffing. It was the only thing around and it was pretty widespread, but I got bored with it after the first few times. Drugs were starting to catch on then, and some older guys turned me on to marijuana." Then it was LSD and amphetamines, and finally heroin. "I knew people who shot, and I wanted to see how it affected them. I wanted to get stoned. I shot smack nine or ten times. After the first quarter of freshman year, I didn't care. I didn't have the will power and I just cut out. I was going for anything that would give me a high. I've shot a lot of cocaine and gotten stoned on smack. I never really worried about a habit because I'd known people who'd taken a lot more than me and stopped. After a while, though, kids don't care if they get hooked. I feel I can learn a lot from all this. It's like burning your hand. Now I really have no desire to go back on drugs. I want to stay clean."

Ted's father, a conservatively dressed public relations executive: "We asked about drugs, but he denied that he was taking anything. He's been burning incense for years, reading books about the East. And I thought was going Oriental. In late January, I saw needle marks in his arms. I'd say "Those look like needle marks," and he'd answer 'Just a bruise.' There just isn't any help—not the family doctor or the hospital or the police or the school."

Ted's fortyish, attractive mother: "It was like he was bewitched. People kept saying he'd grow out of it. It took a while to sink in. You just don't want to believe it. It's the helplessness that's the worst part. You're scared to get up in the morning. You don't know what you'll find. The real need is where to get help, someone to talk to, somewhere to turn."

Bill is 16, pale and a bit withdrawn; his father is a New York City librarian. "There were no big problems with my family. The main thing is that the friends I was with—there was so much drugs that everybody was using them. My friends would say let's get high. I didn't want to say no, so I got high with them. I'd just say all right. I got started through drinking and then smoking reefers. I started heroin when I was 14. I wasn't really strung out [badly addicted]. I wouldn't get sick and upset. I used to take money from my father's drawer and ask for money on the street, some change sometimes. I used to get heroin from anywhere. I'd get it in my building, the next building, on the street corners. I got arrested with my friends. We were shooting up in the hallway, and a cop came along and busted us.

"My sister used to tell me all the time that I was stupid. My father, he's 37 or 38. He used to talk to me when he found out; he used to sit down for about 45 minutes or an hour and talk to me and then I'd say O.K., I'm not going to use it no more. He used to touch me sometimes, and I would cry. Once I left the house and went back out, it might be in my mind for a little while not to use drugs, but once they showed it to me and I had

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money, I'd just say well, I'll get high. Right after my father talked to me, I'd go right if I have nothing left."

Bill's mother confesses: "We knew nothing. Billy used to come in after a high, but he would act animated and alert. A couple of times we found him passed out on the couch. We just figured he was tired. He could have stayed right on the couch and died of an overdose. We wouldn't have known." Adds his father: "Last summer, we thought Billy was on something. We hoped it was pills or pot. What if it's heroin? What can you do then? You just kind of wish it away. Now I feel as if I have nothing left."

Jeffrey, 19, slight and almost frail, started on marijuana at 15 and went through LSD and amphetamines before he got into heroin at 18. "I started on smack exactly on the third anniversary of the first time I smoked pot. I'd never stuck a needle in my arm before, and I was petrified. I didn't know what to expect. A friend hit us up. For me, it was a thrill thing. I spent whole weekends hitting up. I was enjoying it more and more. I started hitting up once a day, and a couple of months later I started shooting two and three times a day.

"It's not the high with heroin. It's that rush for the first minute, when it hits your bloodstream. It's one minute of heaven, that first jolt. Right after, you feel good. In two or three hours you get nervous, wondering where your next fix is coming from. I started begging, doing anything. All my time was spent raising money for a fix."

Except for marijuana, Jeffrey has now been clean—off drugs—for several months. "Heroin is a death trip," he says today. "I really enjoyed it. But once you get the habit, you're in trouble. One good friend is in the hospital with an $80-a-day habit. Another is almost dead from hepatitis. Two others I know, one a girl, died from overdoses. Every time you stick that needle in your arm, you're playing with your life."

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Jeffrey's father, a prosperous Chicago wholesaler: "A psychiatrist told me and our doctor that Jeff would grow out of it. I say if you feel they're on anything, that's the time to stop them. Explain to them that they'll go on to something worse. We never denied him anything. Maybe we were too easy. But we always felt he respected us. We don't drink. We don't run around. We lead a good conservative life. The hopeful thing to me: he does want help. My son? Ridiculous—until it happens to you."

Jeffrey's mother, expensively dressed, beautifully coiffed. "We have a religious home. We were totally ignorant. We knew he smoked marijuana, but he never got into trouble. He was always a good boy. He never gave us any problems. I don't think I'll ever be the same. I'm always wondering—is he taking it or not? If he starts again, it'll kill me. I couldn't take much more."

RESPECTABILITY FOR HEROIN

Obviously, one of the obstacles to early detection of heroin addiction in a teen-ager is the unwillingness of middle- or upper-class parents to acknowledge the idea that their son or daughter is seriously hooked on heroin. The customary last resorts in personal crisis are undependable. Parents tend to trust doctors implicitly, for example. But one 17-year-old girl from New York's suburban Westchester County arrived in a New York hospital for a checkup with fresh needle marks all over her arm. "The doctors kidded me about it," she says. "They said, 'Oh, oh, we know what you are doing.'" Yet they never told her parents.

Once parents discover that their child is using heroin, inevitably they blame themselves; in such tragedies, families can spend a lifetime unraveling the twisting threads of guilt without ever resolving where it lies. More immediately, however, it is important that parents learn how to recognize the symptoms of addiction. If they do not, or if they refuse to accept the harsh evidence, the chance of saving their child from an early death or a ruined life can be irretrievably lost. One well-to-do Washington, D.C., father, whose 16-year-old started on heroin at 14 and is now in a Virginia detention home, says bitterly: "I would not trust my son in my house. They'll just have to keep him away until he straightens himself out. I've been kicked in the teeth so many times."

HEROIN'S NEW IMAGE

Why have children and heroin come together now in this deadly combination? According to Dr. Eugene Schoenfeld, who has treated young addicts in San Francisco and writes a popular "Dr. HIPpocrates" column in the Berkeley Barb, explains: "There is a growing use of heroin among young people because young people tend to value the respect of their peers above everything else. Taking the most dangerous drug you can find is a way of gaining that respect. It's a kind of *Machismo* thing."

Says New York's Dr. Donald Louria: "We are seeing an ear of multiple use of any and every kind of drug. And it is moving so fast that it is different this year from last year." The traditional barriers between much of society and the users of such hard drugs as heroin, cocaine and morphine are collapsing. "Heroin has become respectable," says Mrs. Harriet Benjamin, a worker at Synanon in Santa Monica, Calif. "The image of the dirty old man in the schoolyard is dead." Ten years ago, middle-class high school kids looked down on heroin users; now it has shed the fear and the lower-class taint. Heroin users are no longer an exclusive club. Heroin is part of the larger drug scene.

Part of the problem is that to the young, the adult world sets only a hypocritical example. Parents warn their children against pot, which most kids find harmless. Many of the young smoke marijuana and leave it at that, although Dr. Louria warns that "if a young person smokes marijuana on more than ten occasions, the chances are one in five that he will go on to more dangerous drugs." As Larry Alan Bear, New York City's addiction services commissioner, sees it: "In some cases, the attitude toward the straight world is, 'Look, you kill yourselves with cigarettes and booze: let me use what I want to.' Other times, it's simply an 'up-yours' attitude."

In the ghetto, alienation from the rest of society is nothing new. The children of affluent middle-class America have just begun to turn to narcotics in frustration or perhaps boredom with the world. They may be taking the permissiveness in which they were raised too literally. Sociologists William Simon and John Gagnon suggest: "We have become, as a nation, a population of pill-takers. Both the actual miracle and the myth of modern medicine have made the use of drugs highly legitimate. Our children, in being casual about drugs, far from being in revolt against an older generation, may in fact be acknowledging how influential a model that generation was." Add to that the painful adjustments that every adolescent must endure—the physical and emotional challenges of puberty, the hazard-strewn search for self-discovery—and any drug can mean danger to all but the most stable. Like alcohol, marijuana may not be risky for a secure adult, but to an anxious teen-ager it offers a seductive release from the hard reality of growing up. His judgment is unformed, and he may all too readily go on to harder drugs.

A FLOWER AT THE BEGINNING

Rooting out illegal dealing in heroin poses vastly complex problems. The herion market is enormously profitable, and drying up the sources of supply involves an incredible tangle of such fractious forces as foreign governments and the U.S.'s own Cosa Nostra.

The flow begins with the white-to-purple-flowered opium poppy, *Papaver somniferum*, an annual plant grown as a cash crop in Turkey, Mexico and the "golden triangle" of Southeast Asia: the northern portions of Burma, Thailand and Laos. The U.S. is putting heavy pressure on Turkey to end legal poppy growing, so far without much success. Raw opium is converted into so-called morphine base; much of the U.S. supply is refined into heroin at simple clandestine laboratories in southern France. It has come into the U.S. concealed in the toilets of international jets, in cans carrying Spanish fish labels, in hollowed-out ski poles, in automobiles, in false-bottomed wine bottles and crates, in shipments of electronic equipment—the smugglers' ingenuity is inexhaustible, and the supply of lawmen to deal with it is not large. The Bureau of Narcotics and Dangerous Drugs has 850 agents. They have not always been above temptation: 14 were indicated in 1969 for drug trafficking. U.S. Customs men are spread thin; in New York there are only 15 on the drug beat at the airports and on the entire waterfront. Says one: "This is like being a blind goalie in a hockey game."

Much of the heroin traffic, notably in New York City and Miami, is financed and handled by the Mafia, but over the past five years more and more independents and amateurs have crowded into the act: Cubans, Puerto Ricans, blacks, even a few hippies. Top Mafia bosses supposedly banned all dope peddling in 1957 to clean up their image and avoid prosecutions, but, as Informer Joe Valachi said in 1963, "there is always somebody sneaking."

WHAT CAN EDUCATION DO?

That is not surprising, considering the temptation of astronomical profits. One kilogram—2.2 lbs.—of morphine base is worth $350 in Turkey; after it is refined to heroin in France, the price jumps to $3,500; unloaded in New York City, it is worth $18,000 before dilution. By the time the heroin gets to the street pusher, it is in one-ounce lots of 25% heroin—the rest is usually milk sugar or quinine—that cost the pusher $500 each. The pusher further cuts the diluted drug into glassine packets of 5% heroin, which he sells for $5 each—the so-called "nickel bag"—to the user. The original kilo has now grossed $225,000 for suppliers, traffickers, pushers and peddlers. The first user often splits the nickel bag into even smaller quantities that he resells for $2 or $3, making a profit that he himself can use to help support his habit. Because the addict often does not know just how strong the stuff he has bought really is, he can easily give himself an overdose that makes him unconscious or even kills him.

Federal officials concede that law enforcement alone is not enough. "To talk only in terms of eliminating the illicit drug supply is, in my judgment, a shortsighted approach," says John Ingersoll, the BNDD director. "What we need is a concomitant long-range program that will eliminate the demand." To that end, the bureau sends out speakers and brochures to teachers, school administrators and community leaders. In the New York City school system, drug education now starts in the fourth grade.

Irwin Tobin, who runs the New York City program, insists that "the drug problem was not created by the schools, and it will never be solved by the schools alone." He added: "Some principals still don't think they have a problem, or just don't want to admit it." At Manhattan's Robert F. Wagner Junior High School, Principal Bernard Walker has group sessions for parents and kids, and every day he reads a news article about drugs over the school public address system. Are drugs available at Wagner? "I don't think so," Walker answers carefully. "I don't *think* so."

Education programs are of no use to children who are already using drugs. "They can keep showing those movies in school for ten or 20 years and the kids are going to keep shooting up in the bathroom," says an 18-year-old New Yorker who has been on drugs most of his teen-age life. "When I was shooting up, I like to read about other junkies in the papers. It fed my sickness. I liked to hear about the ODs [overdose cases], and I'd think I was brave for taking it." For kids on junk, of all the forms of treatment or temporizing that have been tried, the residential group therapy center seems to provide the strongest support. The theory is that kids get each other on junk, and kids can help each other get off it. Parents are not quite helpless, but their children are often more immediately influenced by schoolmates and friends.

Blacks are understandably resentful that the problem of teen-age heroin addiction is suddenly getting attention because it has reached the white middle class. They have lived with it for two decades in the ghetto, and they are rightly enraged when a Narcotics Bureau official says that it was a problem—"but it was one we could live with." A 20-year-old in the New York City Phoenix House program, who started on heroin in Harlem at twelve, complains: "Up there it's easier to get it than to avoid it. This is a good reason why the blacks are so mad that the police don't bust all the very obvious pushers. They don't because they are paid off."

Warren Blake, a black police community relations officer in Harlem, asks: "You don't know what the people up here are saying? Now that white people's kids are involved, the politicians are worried." There is undoubtedly truth in that plaint, though everyone dealing with teen-age addiction vehemently agrees that governmental efforts in law enforcement, education, treatment and rehabilitation are so far barely more than a gesture; most U.S. cities have simply no facilities whatever for handling teen-age addicts, and even New York officially has no public funds specifically for treating addicts under 18.

At Synanon, where success with adult addicts who stay within the supportive framework of the house is high but sadly lower with those who leave completely, Synanon Official Bill Ullman contends: "There is no cure for heroin." Dr. Densen-Gerber believes that teen-agers will be easier to help than adult addicts, if only because they are more resilient physically and emotionally and highly responsive to peer group influence inside a treatment center. But she is at a loss to deal with the Ralphies, the pre-teen junkies who are unable to comprehend that the alternatives to treatment are jail or death. "The more children his age we get," she says, "the more new theories will we have to develop. How are we going to reach the Ralphies?" She adds: "Each child infects other children. We cannot let them walk around. We have to treat them. We have no choice. If there were thousands of kids afflicted with smallpox, would you let them roam the streets?"

THE SYMPTOMS OF YOUTHFUL ADDICTION

How can a parent tell if a child is using heroin? No single sign is certain proof. The drug affects individuals differently, and many symptoms can be indicators of other youthful maladies. But any sudden change in a child's manner or habits should put parents on guard. What to watch for:

Early stages of use are characterized by abrupt changes of mood and behavior, such as loss of interest in school, dates, sports and other activities, truancy, carelessness about personal appearance. Also by unusual seclusiveness, frequent talking or reading about drugs, loss of appetite, increased thirst, constipation. While "high," a user may act drowsy or intoxicated or show a lack of concern for pain. The pupils of his eyes may contract to pinpoints.

After developing tolerance to the drug, a user may be able to work and converse normally under its influence. Loss of appetite and constipation will continue; he may look pale and undernourished. Look for signs of injections: black and blue tattoolike marks, small scabs or long scars along veins, especially on forearms, backs of hands and insteps, small drops of blood on clothing. An addict may keep his sleeves rolled down to hide marks.

Withdrawal symptoms, when use of heroin has been interrupted, are the easiest indicators to spot: restlessness, nervousness, excessive yawning and sweating, running nose and eyes, twitching, cramps, vomiting and diarrhea. Pupils may be wide open. This period can last up to three days.

At all stages, a user may be desperate for money. Parents should watch for disappearance of salable objects from the house.

Heroin addicts are often extremely cunning in avoiding detection. The drug usually comes in little glassine bags. It is a fine white, gray or brown powder, very bitter to the taste. The tools needed for an injection usually consist of a hypodermic syringe, often made from an eyedropper and a needle, a spoon or bottle cap (to dissolve the heroin) and cotton balls (to strain it).

A parent should calmly confront a younger child with his suspicions without accusing or condemning him. He should take the child to a clinic, doctor or psychiatrist for an examination. If an older child flatly refuses examination, the parent should turn to juvenile court or social agencies for help. Some states have forced commitment to narcotics treatment centers, others permit voluntary rehabilitation.

In areas where such programs are inadequate, parents unfortunately have little choice but to go to the police. That step is a difficult one to contemplate, but a hooked child is almost certain to end up in police hands anyway as he steals to maintain his ever more expensive habit.

HOW ADDICTS ARE TREATED

Heroin was believed to be harmless when it was developed in Germany in 1898 as a morphine substitute and cough suppressant. Only later was it realized that it was twice as potent as morphine. No one treatment for heroin addiction works in all cases, and there are almost as many approaches to the problem as there are experts.

One method is the so-called "British system," based on the operating premise that heroin addiction is a sickness, not a crime. As originally conceived, the system allowed British physicians who were convinced that complete withdrawal would endanger the addict's physical and mental health to prescribe maintenance doses of the drug. This was permitted only if the addict patient could not be persuaded to undergo a cure or enter an institution. The program has one obvious advantage: by making drugs legally available, it eliminated the addict's dependence on black-market suppliers and made it unnecessary for him to steal to support his habit.

The law also had disadvantages. Continuing rather than curing drug addiction, it led to an increase in addict registration: the number of known heroin addicts rose from 454 in 1959 to 2,782 by 1968. The system was also subject to abuse. Some doctors grossly over-prescribed heroin to addicts, who sold what they did not use. Their action forced the government to change the law in 1968 so that only specially designated consultants at certain hospitals could prescribe drugs.

Another approach to the problem of heroin addiction is the methadone maintenance program. Pioneered in New York beginning in 1964 by Drs. Vincent Dole and Marie Nyswander, the program involves switching an addict from heroin, which can cost $50 or more a day on the black market, to methadone, a synthetic substitute that can be made available legally for about 15¢ for a day's dosage. Administered as part of a total rehabilitation program involving counseling and therapy, methadone eases heroin withdrawal and blocks heroin's euphoric effects. This enables an addict to function normally and hold a job, something that few heroin users can do. But methadone itself is addictive, which means that those who use it must either be helped to taper off from the synthetic, or continue their habit for the rest of their lives. Methadone advocates maintain that this is no worse than a diabetic's daily use of insulin.

Many medical and legal authorities object to substituting one form of addiction for another. Others are concerned about the lack of supervision in some treatment centers. Unless the centers check urine samples daily, addicts can continue to use heroin. But the program has solid support among those addicts enrolled, who see in it their only hope of leading a relatively normal life.

Their hope is justified by a recent study of New York's methadone program. According to Dr. Dole, 82% of those who originally enrolled in the New York program are still participating, and three-quarters are now either at school or at work. But funds and facilities are limited. Only 2,500 are participating in the New York program, and thousands of others are on a nine- to twelve-month waiting list for admission, a situation that Dr. Dole compares to "asking someone to wait for artificial respiration."

The most accepted means of dealing with the drug addict is through a small, controlled therapeutic community. These residential communities first detoxify, then attempt to rehabilitate the drug user by restructuring his ego and life pattern. Some, like California's famed Synanon, are run largely by former addicts. They accept only those who have proved their determination to kick the heroin habit, and seek to increase the addict's understanding of himself and his problems through often brutal group-encounter sessions. Others, like New York's city-run Phoenix and Horizon Houses, utilize both ex-addicts and professionals.

Still others, like Marathon House, serving the Providence, R.I.-Attleboro, Mass., area, rely heavily on addicts and ex-addicts to help one another under staff scrutiny. A few, like the two federal narcotics hospitals at Lexington, Ky., and Fort Worth, Texas, are more conservatively run; most of their patients are ordered there by the courts rather than entering voluntarily and have less motivation for reform. More than 90% eventually return to heroin.

The programs in a therapeutic community are long, running from 18 to 36 months for an individual. Though those who leave the communities often return to narcotics most of those who complete the programs stay on, forming a cadre to help other addicts through the ordeal of rehabilitation. A few go on to form similar communities. More than five Synanon chapters have sprung up across the country since Synanon was founded in 1958.

There is no agreement within the medical community as to which of these approaches is best, and there is serious competition for the relatively small amount of money available to combat addiction. "Everyone sees everyone else as a threat to his program," says one New York physician, and his observation is as accurate as it is unfortunate. For while the experts are arguing, people are becoming addicted and dying.

TELL THE PUBLIC THE TRUTH ABOUT THE COSTS OF THE VIETNAM WAR

Mr. PROXMIRE. Mr. President, during the political campaign of 1968, President Nixon complained about the credibility gap. He said:

> It is time we once again had an open administration—open to ideas *from* the people, and open in its communication *with* the people—an administration of open doors, open eyes and open minds.

And Candidate Nixon said:

> A President must, whenever he possibly can, make the decision for more knowledge rather than less.

He said:

> I have great confidence in what the American people are able to assimilate, and I think if you tell the American people the hard truth, they will make the hard decisions.

We can all agree with those statements. If we tell the American people the truth, they will make the hard decisions. We should trust them with more knowledge rather than less. It is time we had an open administration. Candidate Nixon was right in stating those principles.

But President Nixon has failed to follow the advice of Candidate Nixon.

VIETNAM COSTS WITHHELD

He has withheld from the American people the cost of the Vietnam War. Last year's budget disclosed the Vietnam costs in detail. But the budget for fiscal year 1971 does not include that information. In addition, the President's chief economic advisers—witness after witness—refused to give any estimates of the costs for the war in Vietnam and Southeast Asia in testimony before the Joint Economic Committee's hearings on the economic report.

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This failure may well be President Nixon's economic blooper of the seventies. It may parallel President Johnson's economic blunder of the past decade when in 1966 he refused to face the cost of the war and committed the economic blooper of the sixties.

Then, President Johnson underestimated the cost by $10 billion, failed to adopt timely fiscal and monetary policies, and set in motion the inflation for which we are still paying.

Only when the facts were blasted out of their Pentagon pigeonholes and made public was it possible to focus constructive criticism and public debate on the mistakes and bring a belated change in policy.

President Nixon's failure to reveal the facts could be the prelude to equally unhappy events for his administration and for the country. It could lead to President Nixon's economic "Dienbienphu."

WHY THE PUBLIC NEEDS TO KNOW THE FACTS

There are a dozen reasons why the American people should be told the costs of the Southeast Asian war.

The American people need to know those facts so that we can determine the great issues of war and peace, and how involved we intend to become in Laos and Vietnam and Southeast Asia. The American people have a right to make that decision and to make it with their eyes open.

The American people need to know the facts because the costs of Vietnam and the Southeast Asian war affects every important economic decision the Government, the business community, wage and salary earners, and those who consume the goods of industry, must make in the new fiscal year.

The American people need to know what the Vietnam war costs if they are to make intelligent decisions, choose between programs and policies, and determine the needs and priorities of the Nation through their elected representatives.

NEEDED TO ESTABLISH PRIORITIES

Intelligent judgments about the peace dividend cannot be made until the facts and figures about the costs of the Vietnam war are given to us by the President and his administration.

That information is needed to decide what plans should be made to meet unemployment or underemployment in the years ahead.

It is needed if the country is to make intelligent decisions about the conversion of the economy when or if major spending for the war comes to an end. In fact, how can we plan intelligently for the conversion of industry and for the rehabilitation of our soldiers if we are not told either whether or by how much the costs of the Vietnam war will decline?

We need the information to judge what plans we should make about programs which affect the balance of payments. Annual military expenditures for our balance-of-payments account have risen by $1.5 billion or more since the Vietnam war escalated in 1965–66, and now stand at an annual deficit of $4.8 billion.

In summary, we need the information to know what actions we should take to dampen inflation, stimulate economic growth, prevent unemployment, judge our defense needs for the remaining strategic and general forces for which we are asked to provide, determine what part we can properly play in helping to defend other parts of the world, and to choose what programs to meet our domestic needs will have priority.

There is no doubt that the information is needed and that the American people should have it.

CONTRADICTORY REASONS GIVEN FOR WITHHOLDING FACTS

But instead of getting the information, it is denied to us. And in denying it the spokesmen for this administration have given us a series of contradictory statements about why we have not received the facts.

On the one hand we are told that the figure exists but that we should not have it. The Budget message says explicitly:

> Our plan to end the fighting in Vietnam . . . is well underway.

But then it states:

> Because of the need to maintain the security of this plan, certain information included in recent budgets does not appear this year. (Page 81.)

That statement tells us first, that there is a plan which, by its nature, must be tied to some reasonable budget estimates. But second, it tells us that it is withheld for reasons of security.

Yet, when we asked Chairman McCracken of the Council of Economic Advisers, when he appeared at the annual hearings of the Joint Economic Committee, what figure the Council used for this fiscal year's cost of the war in Vietnam, he replied:

> I simply do not have that figure.

That I think is an incredible reply. It is not possible to make a reasonable annual economic report unless that figure is known.

And it is impossible to believe that the administration does not have some reasonable figure about the cost of the Vietnam war.

Secretary Laird himself said last October that by June 30, 1970, the costs of the war would be running at an annual rate of $17 billion, or $13 billion below the peak rate under President Johnson of $30 billion annually.

Many will recall that Secretary Laird made a considerable reputation for himself as a Member of the House as a critic of the figures given to the Congress and the public by the Johnson administration on the costs of the war.

ACCURACY DOWNGRADED

But in our hearings, representatives of the administration tried to downgrade the accuracy of any figure—past or present—about the cost of the Vietnam war.

Mr. Herbert Stein, a member of the Council, complained that because "it was always so difficult to segregate what part of the defense expenditure should be attributed to the Vietnam war" it was impossible to tell us what part of the reduction in Vietnam outlays went to increased domestic spending and what part went to non-Vietnam military spending.

Mr. Mayo, the Director of the Bureau of the Budget, in talking about the public estimates on the costs of the Vietnam war given by Secretary of Defense Laird, said that he did not "accept the premise of these figures on Vietnam spending being good, sound figures."

Are we really asked to believe that Mr. Laird's figures—old or new—are not sound?

Why was Mr. Laird an expert on the cost of the Vietnam war as a Member of Congress when he did not have access to all the figures? And why is he no longer an expert and his figures so downgraded when as the Secretary of Defense he does have access to all the figures?

I think neither the Congress nor the American people will accept any of these contradictory explanations.

There is no basis whatsoever for withholding the facts on the cost of the Vietnam war from the American people. It certainly cannot be accepted on the grounds of security.

IF TROOP WITHDRAWALS TOLD—CANNOT WITHHOLD FACTS ON GROUNDS OF SECURITY

The American people have been told from day to day the number of troops in Vietnam. It is public information that the authorized number of troops in Vietnam was 549,500. That is a public fact. It is public knowledge that the number of troops we had in Vietnam fell short of that number and that the total deployed there was about 540,000.

We were told first that 25,000 and then 30,000 troops would be withdrawn. On

December 15, 1969, we were told that another 50,000 would be withdrawn by April 15, 1970. On March 3, 1970, we were told that an additional announcement on withdrawals would be made in April.

Altogether the reduction of 105,000 troops from the total of 540,000 deployed in Vietnam has been announced.

If the number of our troops in Vietnam is made public and broadcast to the world, without harming security, the administration cannot withhold the cost of the Vietnam war on grounds that it would violate security.

WHAT ARE THE REAL REASONS?

Mr. President, what could be the real reasons for withholding the costs of the war in Vietnam? There are a number of straws in the wind.

First, the budget message states that U.S. actions in implementing the administration's plan "depend upon the actions of the other side in Paris and on the battlefield, as well as on progress in Vietnamization."

That seems to mean that the plan for the withdrawal of troops from Vietnam is up to others and may well be much slower than we have been led to believe.

Second, there is only a reduction of $5.3 billion in the military budget for fiscal year 1971. In my judgment, even with the most generous estimates for additional costs due to inflation and pay raises, there should have been a net reduction of at least $15 billion in the fiscal year 1971 Pentagon budget. This, too, indicates that the costs of some major elements in the military budget will be considerably higher than they should be.

Third, there is a most curious statement in the February 20, 1970, posture statement of the Secretary of Defense. On page 59 of that statement in the discussion of the general purpose forces program for fiscal year 1971, Secretary Laird makes the following statement:

> However, because of the uncertainties surrounding deployments in Southeast Asia beyond April 15, 1970, we cannot project the detailed structure of our land forces for FY 1971."

There is no way we can have an accurate budget until the projections for general purpose forces is made.

Finally, according to Under Secretary of the Treasury Paul H. Volcker, the balance-of-payments costs attributable to the Vietnam war for some years have been estimated roughly at a billion and a half dollars annually or more. In testimony February 19 before the Joint Economic Committee Secretary Volcker said that while he did not have the figure for this year, "I do not think there has been any appreciable change in that figure."

But the announced withdrawal of 105,000 troops, with further withdrawals anticipated, and the reduction in the annual costs of the war from a peak of $30 billion to a level of $17 billion by June 30 of this year, as stated in October by Secretary Laird, should mean an appreciable reduction in the balance-of-payments costs of the Vietnam war. That it has not raised serious questions about what is going to take place.

FAILURE TO GIVE FACTS ON COST RAISES SERIOUS QUESTIONS

Because of all of this, I think we must ask some questions ourselves.

Is it possible that the administration is not going to deescalate the war at the rate they have led the public to believe?

Perhaps we will not reduce our forces in Vietnam to 200,000 men or less and withdraw our combat troops.

Is the situation in Laos far more serious than we have been officially led to believe, and is the administration hiding the costs associated with that situation?

Is the build up of North Vietnam supplies very much greater and far more threatening than we have been led to believe? Is the cost of Vietnamization going to be much greater than we thought?

Is the logical explanation for the administration's refusals to give us the facts about the cost of our military operations in Southeast Asia that we do not intend to substantially reduce our forces or our expenditures in Southeast Asia, or reduce them at anything like the rate we have been led to believe?

Is there any other explanation as to why the administration is shoving the facts under the rug?

CONCEALMENT THREATENS CREDIBILITY OF ADMINISTRATION

The cost of the Vietnam war is being concealed from the American public. The reasons given for it bring into question the credibility of the administration. They stretch the credulity of the American people.

The President should carry out his campaign pledges. We need an administration which is "open in its communication with the people." We need an administration which practices what the President preached and has confidence that the American people will make hard decisions if they are told the hard truth.

The President should "make the decision for more knowledge, rather than less." President Nixon should tell the truth to the American people about the cost of Vietnam.

Mr. PERCY. Mr. President, will the Senator yield?

Mr. PROXMIRE. Mr. President, if I have time, I yield to the Senator from Illinois.

Mr. PERCY. I think the questions raised by the distinguished chairman of the Joint Economic Committee are most appropriate. As a member of that committee, I, too, would hope that we could have the President's figures on what the cost of the war will be, not just for this fiscal year, but the next fiscal year, and then project it into the future where, hopefully, it would be zero.

I do not think, however, there would be any motive in the administration's not disclosing the figures other than that it is extremely difficult to project such figures under circumstances when we are not escalating the war and combat activity is decreasing. Everyone has in mind a figure of $25 billion to $30 billion. We know it could not be larger than that, because we have drawn down U.S. troop levels considerably in Vietnam since this administration took over; the actual cost must be less than that. How rapidly the cost can be further reduced depends upon the circumstances the Senator from Wisconsin has mentioned—whether progress can be made in Paris, whether there will be an increase or decrease in the rate of infiltration, and what the level of hostilities will be. But certainly there is no reason why the administration would not want to disclose projections if it could disclose such figures under existing conditions.

We have had a forthright statement on Laos. The distinguished Senator from Wisconsin was not on the floor at the time the distinguished Senator from Kentucky (Mr. COOPER), a member of the Foreign Relations Committee, commended the President on his candor, forthrightness, and timeliness in making his statement. I cannot imagine that the Laotian situation will be allowed to increase the overall costs of U.S. involvement in Southeast Asia.

I join the Senator in hoping that we can obtain these figures, as we have in the past, at the earliest possible time. It would help us in our own work, and I feel the administration will release the figures when it can bring together all the pertinent data.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. PROXMIRE. Mr. President, I ask unanimous consent to have sufficient time to reply.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PROXMIRE. Mr. President, that is a statement which the administration has made in the past. We have heard it before. The situation in Vietnam was always subject to change and was indeterminate. The estimates made by the administrations in the past were always off, but at least there were estimates in an effort to determine what the cost of the war would be. But we do not have it now. After all this estimate has been made. It is in the 1971 defense budget. It is there. I am simply asking that they break it out and tell us.

I call further attention to the fact that last October Secretary Laird said that the cost of the war would be down to $17 billion a year by June 30 of this year—1970—on the basis of an annual rate. Now he does not seem to be able to give us this information, which we must have if we are to make the judgments that we have to make on anti-inflationary policies, budget policies, and priority policies, and which should be made on the basis of the most authoritative and responsible estimates we can get, and that means from this administration.

DEFENSE RESEARCH AND DEVELOPMENT

Mr. SCHWEIKER. Mr. President, for some time I have been concerned with the excessive cost overruns occurring in our defense procurement process. In particular, I have been bothered by the practice of commencing production of a defense system before research and development of that system is completed.

This is an unsatisfactory practice from a number of standpoints.

First of all, with the complexity and expense of the technology involved in weapons systems today, it is obvious that production models are expensive. If significant changes are made after production is commenced, a double expense occurs; incorporation of changes is expen-

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sive, and the money spent on the initial production model is wasted.

In addition, this process dilutes the savings obtained from authorizing only a small amount of money for research and development prior to proceeding with full production. Taking advantage of the benefits derived from research and development is an efficient practice which is diluted if we do not wait for production until we know what these benefits are.

From the standpoint of sound business practices, it is obvious that before production is commenced on sophisticated defense systems, we must know whether the system itself is workable, and what design is the most efficient and practical. If production is commenced before this information is known, it is obvious that enormous costs will be added by production changes after the results of research and development are known.

In my opinion, the practice of allowing concurrent research and production of a defense system is the most flagrant abuse in our defense procurement system, and the most significant cause of cost overruns.

Congress must take steps to restore control over the authorization process. One way is to prohibit authorization of funds for production of any defense system until research and development has produced a system that will work. The staggering costs that have resulted from commencing production before research is completed can no longer be tolerated.

Mr. President, an example of this problem of simultaneous production and research will be studied by the Senate Armed Services Committee this week, when we hear Deputy Secretary of Defense David R. Packard discuss the recent request by a major defense contractor for interim financing. Lockheed Corp. has described graphically the costs that this double financing practice brings about.

I do not want to weaken our national security in any form. But we have problems of inflation and unmet domestic needs that demand serious attention. We are also receiving reports of cost overruns on defense projects which are unacceptable. One way to solve these problems is to eliminate the fat on defense procurement contracts by eliminating inefficient practices and procedures.

Concurrent financing of production and research and development is just such an inefficient practice, and I will be studying this problem carefully. I feel it is a major job of the Congress.

PLAN FOR POWERPLANT SITES IN VERMONT

Mr. AIKEN. Mr. President, last week Vermont's private utilities, municipal power companies, and rural electric cooperatives announced a plan for powerplant siting which may well serve as a model for the electric industry, private and public, to follow in every State in the Nation.

Federal agencies and private power combines have held innumerable conferences and have done much talking about plant siting, but it is Vermont that is leading the way to the practical, cooperative solution of the problem.

Public attention was first focused on this problem in February 1968, when it was disclosed at a public hearing of the Joint Committee on Atomic Energy that the Edison Electric Institute, the trade organization for the Nation's leading private utilities, was working with the Atomic Energy Commission on a major study of all potential sites for nuclear plants.

Excluded from this study were the Federal Power Commission, the American Public Power Association, and the National Rural Electric Cooperative Association.

This disclosure caused a quick change in plans.

From that time on much has been written and said about the need for nuclear plant siting on a broad Federal interagency basis, in cooperation with organizations representing the private utilities, municipally owned companies and the rural electric cooperatives.

The Vermont plan, which was announced last week, approaches the problem realistically.

The Vermont private utilities, in cooperation with our Vermont municipals and rural electric cooperatives, have engaged one of the Nation's outstanding engineering, consulting, and architectural firms to carry out a site survey for future generating units to the middle 1970's.

The cost of the new study as of now is being shared by the Vermont Electric Power Co., the Central Vermont Public Service Corp., the Burlington Municipal Electric Co., the Washington Rural Electric Cooperative, and the Green Mountain Power Corp.

Mr. President, I have read the detailed description of this study.

It will attempt to meet the four basic requirements I laid down in 1968 when I introduced legislation to revise our entire approach to the problem of meeting the skyrocketing demands for electric energy.

These requirements, and they are clearly written into the guidelines of the Vermont plan, are:

First, to protect the public health and safety;

Second, to protect and conserve natural resources;

Third, to prevent regional monopoly of electric generation, and

Fourth, to insure an adequate supply of power in areas threatened by shortages.

The Vermont plan recognizes that in our State the demand for electricity is doubling every 6 years.

It therefore contemplates the need for a generating plant of 400,000-kilowatt capacity in 1975—probably an oil- or coal-fueled plant, and another plant in the 800,000-kilowatt range by about 1980.

The latter, it is expected, would be an atomic plant.

The precise specifications of the Vermont plan call for:

First, esthetic and environmental considerations relating to future land use, recreation, and multiple use concepts;

Second, accessible location and geologic considerations;

Third, complete air pollution control;

Fourth, the use of cooling towers and/or cooling ponds to control thermal effects, and

Fifth, necessary transmission lines with full attention to esthetic effects.

Most important of all is the fact that this is not another scheme by the private utilities to monopolize electric power and use this monopoly control to squeeze out the publicly owned companies and cooperatives, as well as the small privately owned utilities.

Vermont's private utilities have found by actual experience that cooperation with the publicly owned utilities means greater efficiency in serving the public and makes for higher earnings.

Cooperation, rather than cutthroat competition or outright monopoly, is the key to success for the electric industry.

The monopoly-minded big utility combines could learn a valuable lesson from the Vermont experience.

I therefore ask unanimous consent, Mr. President, that a press release and a detailed description of the Vermont plan be printed in the RECORD at this point.

There being no objection the press release and description were ordered to be printed in the RECORD, as follows:

VERMONT ELECTRIC POWER CO., INC.—PRESS RELEASE (No. 70–12)

RUTLAND, VT., March 4, 1970.—Commonwealth Associates Inc. of Jackson, Michigan, an engineering, consulting and architectural firm has been employed by Vermont Electric Power Company, Inc. to carry out a site survey for future electric generating units to help meet electrical needs of Vermont in the mid-1970's and early 1980's, according to an announcement today by Velco President, L. Douglas Meredith.

Meredith said that the initial survey in 1970 will be a review and evaluation of potential power plant sites. "We will study terrain and land usage data," he said. "Every effort will be made to bring government departments, conservation, resource, planning and other interested public groups into the site discovery process.

"We are making this announcement early so that the plant siting process will reflect all potential sites which meet the tests from a community planning and engineering feasibility point of view," he added.

"Green Mountain Power Corporation, the City of Burlington, the Washington Electric Cooperative, and Central Vermont Public Service Corporation have already indicated that they will share in the studies estimated to cost about $100,000, conducted by Commonwealth Associates, and other Vermont electric utilities may elect to join with us," Meredith added.

Howard Lewis, Velco Vice President and Chief Engineer, said that the initial study reflects the need for a new power station based on a demand for electrical energy that is compounding at an annual rate of 12 percent. This means that in about six years, we must have new electrical facilities that will meet our electric consumers' needs that are double what they are today, he commented.

Lewis further indicated that preliminary plans indicate a 400,000 kilowatt plant is needed in 1975 in an area within a 75 mile radius of Burlington. He said that another plant in the 800,000 kilowatt size may be necessary about 1980.

"The study to be conducted by Commonwealth Associates," Meredith commented, "will seek several plant site recommendations which will be the best sites for all concerned reflecting environmental, aesthetic, engineering and economic considerations.

"In choosing our consulting firm, we set specifications that will lead to site selection with environmental considerations prominent in the decision process," he said. "There were other specifications: (1) aesthetic and environmental considerations that relate to future land use, recreation and multiple use concepts; (2) plant size from 400,000 kilowatts; (3) general location in Vermont and within a 75 mile radius of Burlington, Vermont; (4) location to be accessible by either rail, highway, navigable waterway or pipeline; (5) geology—geological considerations; (6) air pollution control—meteorological considerations considered for each site; (7) hydrology and thermal effects—the use of cooling ponds and/or towers; (8) fuel to be used and transportation and storage; (9) transmission connections to relate to aesthetic and environmental effects as well as to general engineering aspects; (10) taxes to be studied; and time schedule."

"Our initial plans are directed toward the building about 1975, of a 400,000 kilowatt electric generating unit, termed a cycler," Lewis said.

"In meeting our hourly, daily and annual electrical needs we have to supply three distinct classes of electrical load," Lewis commented, "namely, the base load which is produced 24 hours a day and 365 days a year, the intermediate load which is produced 10 to 14 hours a day and about 5 days in every week, and the peak load which must be available and is usually needed 3 to 4 hours about 5 days in a week during the colder weeks in the year.

"The optimum economic mix of generation in Vermont's power supply to meet the indicated load requirements in the 1970's indicates that an intermediate producer or a cycler plant should be built. This would be a plant capable of starting up at 7 AM to carry load for 10 to 14 hours and then shut down overnight. It would meet the load requirement needs for Vermont best, all things considered, as we see the demands that Vermont's electrical customers will create by the mid 1970's," Lewis said.

Comprehensive Planning for Vermont's Power Generation Needs During the Next Decade

(By Vermont Electric Power Co., Inc., March 4, 1970)

INTRODUCTION

Vermont Electric Power Company has commissioned Commonwealth Associates Inc., a consulting engineering firm with headquarters in Jackson, Michigan, to make a preliminary inventory of potential sites for electric power plants within the State of Vermont. The ultimate object of the search is to identify and evaluate perhaps a dozen locations where generating plants can best be constructed, now or in the future, in order to meet growing needs for electric power.

In launching this undertaking, Vermont Electric Power Company has emphasized that the site search must take into account (1) the necessity to provide Vermont with an adequate, economical and reliable supply of electric power and (2) the necessity to preserve fully Vermont's scenic values and environmental qualities. The latter criterion will be stressed no less than the first.

The survey will center upon finding sites for large nuclear and fossil-fueled (coal, oil or gas) plants, although the possibilities for conjunctive development of pumped storage hydro capacity will not be overlooked. Location of plants on lakes and rivers to provide necessary cooling water will be considered. Consideration will also be given to the construction of artificial lakes and cooling towers. In either case, a primary objective will be to avoid damage to the existing ecology. In cases where artificial lakes may be created, their recreational and scenic value will be a factor to consider. In connection with this work, the consultant has been directed to exercise a maximum of modern engineering ingenuity in proposing measures to keep the power plant in harmony with its surroundings.

This preliminary search and identification of the most favorable sites will be conducted with the aid and advice of State, regional and Federal agencies. Any plans formulated will equal or surpass current rules and regulations for preservation of the environment. It is intended that the citizens of the State will be fully informed of progress and findings in connection with this undertaking.

The first steps toward implementing this survey have already been taken, and it is estimated that the work will be completed in mid-August 1970. At that time, VELCO's consultant will submit a final report describing the favored locations, the alternative possibilities considered, and the relative merits of the favored sites from all standpoints.

Action upon this final report, if any, will be taken pursuant to all rules and regulations, particularly with respect to 30 VSA 246, which provides for a public hearing and a Finding of Public Good by the Vermont Public Service Board before construction can be started on a large power plant.

NEED FOR SURVEY

In recent years, the people of Vermont have increased their demands for electric power at the rate of slightly over 12 percent per year. This means that the need for electric power doubles roughly every 6 years in our State. In other words, the Vermont utilities must plan, finance and construct a system of electric generation, transmission and distribution facilities so that, at the end of each 6 year period, there exists a system of double the capacity what it was before. This is an expansion rate greater than our electric industry's average.

Much of the electric power currently consumed in Vermont is generated outside of the State and carried into the State by means of high voltage transmission lines. But studies show that it is not practical to continue this practice very far into the future. Previous studies made by and for Vermont Electric Power Company have shown that, for economic and engineering reasons, more of the power consumed in Vermont must be generated in Vermont. These studies have shown that by 1975 additional generating capacity in the amount of about 400,000 kw is needed and should be located somewhere within the State boundaries. It is presently anticipated that this 400,000 kw addition will only need to be used 20% to 40% of the time and that, therefore, it should be fossil-fueled. The large and expensive stock pile of fuel contained in nuclear plants makes them unsuitable for this part time duty. The same studies indicate a subsequent need for another 800,000 kw addition by the early 1980's. The latter addition would probably be used a high percentage of the time and could be either a fossil-fueled or nuclear plant, depending upon the future state of the art and economic developments.

Mindful of this pressing need, Vermont Electric Power Company is taking the steps outlined herein to plan for the future in a disciplined and farsighted manner, taking into account the peoples' need for a healthful and pleasing environment as well as their need for electric power.

By means of thorough engineering study and clear identification of all of the factors involved and with the aid and advice of State, local and Federal agencies as well as concerned citizens, Vermont Electric Power Company hopes to develop an objective, orderly and long range plan for satisfying the total future needs of the community which it serves.

It should be noted briefly that while this study deals primarily with the siting of power plants, *the associated need for transmission lines will not be neglected*. It is logical to deal first with the power plant problem because this is the most important component of the electric system insofar as the environment is concerned. It should be stressed that similar measures are being taken to maintain transmission lines in proper harmony with the surroundings.

COMMONWEALTH ASSOCIATES INC.

Commonwealth Associates Inc. is an international firm of engineers, consultants and architects with headquarters in Jackson, Michigan. As an engineering group, Commonwealth has been in continuous operation for more than 50 years.

The total employment of Commonwealth Associates is nearly 750, and its technical staff approaches 600. More than 300 are engineers and architects, the majority holding professional registrations in one or more states. The technical organization is supported by an adequate staff of accounting, stenographic, data processing, reproduction and other administrative servce employees.

In Engineering News Record's report on the 1968 business volume of the top 500 design firms in the world, Commonwealth was rated 16th largest in its field of practice. Commonwealth's activities are international as well as domestic and a wide variety of assignments are currently being carried out in many parts of the world.

Engineering and economic studies, design engineering and construction management are the principal services provided by Commonwealth to utility, industral, governmental, commercial and institutional clients.

POWERPLANT NEEDS

. It was noted earlier that the main objective of the current undertaking is to find sites for thermal power plants, either nuclear or fossil-fueled. The fossil fuels include coal, oil and natural gas, and the possibilities for economic utilization of any of these fuels, alone or in combination, are to be considered in connection with the site search.

A description of the requirements for power plant siting may be of interest. The first and most obvious requirement is the land upon which to situate the plant. This land should be as flat and level as possible to avoid undue costs of grading and excavation.

There must be good access to the site, adequate for carrying in heavy equipment and materials needed for construction. Major power plant components, particularly nuclear plant components, tend to be extremely heavy and bulky. Access for bringing fuel in and transmitting electricity out, as well as ordinary vehicular traffic, is needed. Depending upon the situation, access by highway, railway, pipeline and barge may be involved.

One critical need is for cooling water to condense the steam leaving the turbine. A rule of thumb states that a barrel of cooling water must be circulated for every kilowatt-hour generated. Thus, a 400,000 kw plant might circulate up to 400,000 barrels of water per hour when operating at full output. This rule applies to a fossil fuel plant. Present-day nuclear plants require roughly 50 percent additional cooling water. It should be apparent that a substantial amount of cooling water is involved.

It must be stressed that the cooling water is not consumed to any significant degree. It simply passes through the plant for the purpose of absorbing heat. It is not contaminated in a chemical or sanitary sense. But cooling water is heated up as it circulates through the plant and this rise in temperature can, if not properly managed, disturb aquatic life processes. This is so-called "thermal pollution." The State of Vermont has established regulations to prevent serious injury to aquatic life, and these rules must be observed.

If there is ample river flow or large-volume lake water which can be used for cooling without substantial temperature rise, the lowest cost system can be utilized. But more costly measures could be resorted to if necessary to avoid unacceptable conditions. These include creation of an artificial lake or cooling pond or the use of cooling towers. These additional cooling facilities can be constructed but, of course, the cost of electricity thus produced will be increased.

The amount of water actually consumed by the plant, commonly called make-up water, is relatively insignificant compared to the amount circulated for cooling. Finding a source of make-up water normally presents no great problem. Make-up water can even be taken from wells if there is not another more practical source.

A nuclear plant site has one more special requirement. It must, to a degree, be isolated from heavily concentrated areas of population. The Atomic Energy Commission has established stringent rules governing the siting of nuclear plants to prevent any likelihood of public exposure to radioactive material and, needless to say, these rules will be observed.

In summary, a suitable power plant site must offer adequate land area, preferably relatively flat and level and providing a good foundation for heavy construction. There must be access to take materials and fuel in and electricity out. There must be a source of make-up water. To achieve maximum economy of production, it should ideally offer a natural source of cooling water, although deficiencies in this and other areas can be overcome by engineering measures, if necessary and warranted.

PLANT VERSUS ENVIRONMENT

Having described the plant's needs, let us consider its effect upon the surrounding environment.

The most obvious effect is appearance. A power plant can be made relatively attractive insofar as industrial installations are concerned, but will probably never be termed a scenic attraction by anyone except engineers.

Two measures can be taken to minimize any possible assault upon the eye. First, the potential plant sites will, if possible, be located in areas already zoned or characterized by industrial usage or in areas remote from normal scrutiny. Second, the plant can be positioned, constructed and landscaped so as to be as unobtrusive as possible. A maximum of engineering skill and ingenuity will be utilized to minimize any undesirable visual impact.

A second effect is the heating of natural waters if these are used for cooling purposes. This effect has been described before and it was noted that suitable engineering measures can and will be taken to conform with State regulations.

Air quality is another obvious concern in connection with power plant siting. Fossil-fueled plants must necessarily discharge combustion gases into the atmosphere. Methods are available, and more effective methods are being developed, to remove the elements which are objectionable from these effluent gases. An important part of the study under discussion will be to effect a proper reconciliation between the plant and its environment, applying suitable corrective measures as needed.

Nuclear plants do not normally affect air quality. However, Atomic Energy Commission criteria for plant licensing governs the safe dispersion of effluent gases and such prescribed precautions will necessarily be given full weight in the site selection process.

SITING ECONOMICS

It is noted in this paper that there is a definite relationship between aesthetic and environmental demands and the cost of electric power production, and hence the ultimate cost of electricity to the consumer. This is a subject deserving special emphasis since it is, in a sense, the "name of the game."

Any extra measures taken to avoid infringement upon the environment result in extra cost of the electricity to be produced. Fortuitous situations to the contrary are rare. It is Vermont Electric Power Company's purpose in instituting this investigation, to define, in cooperation with governmental agencies and the citizens of Vermont, a proper and reasonable balance between the public need for low cost electricity and the public need for a wholesome environment.

SUBSEQUENT STEPS

It is Vermont Electric Power Company's intent to conduct this study with the aid and cooperation of State, local and Federal agencies throughout. It is also intended that concerned citizens' groups will be kept informed. Upon completion of Commonwealth's survey, the results will be made available to these agencies and the public with the hope of finding broad areas of mutual understanding and agreement with respect to some of the sites.

Further action toward acquiring sites, investigating them in detail, and definitively planning actual construction may then be taken as the need develops.

The preliminary site search and evaluation to be made by Commonwealth Associates will include sites already owned. The merits of such previously identified sites will be weighed in the balance on an equal footing with any new sites to be discovered.

It should be stressed that the participants in this study do not intend to take steps to acquire an interest in new properties for the siting of a power plant until there has been open examination of the survey results. If there can be some unanimity of opinion as a result of this procedure, it is hoped by Vermont Electric Power Comany and its associated utilities that they will receive the support and cooperation of the citizens of Vermont.

This study is believed to be the first of its kind, but it is anticipated that similar efforts will be commonplace throughout the nation in the years ahead.

EXTENSION OF PROGRAMS OF ASSISTANCE FOR ELEMENTARY AND SECONDARY EDUCATION

Mr. MANSFIELD. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 514.

The **PRESIDING OFFICER** laid before the Senate a message from the House of Representatives announcing its disagreement to the amendment of the Senate to the bill (H.R. 514) to extend programs of assistance for elementary and secondary education, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. MANSFIELD. I move that the Senate insist upon its amendment and agree to the request of the House for a conference, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. PELL, Mr. YARBOROUGH, Mr. RANDOLPH, Mr. WILLIAMS of New Jersey, Mr. KENNEDY, Mr. MONDALE, Mr. EAGLETON, Mr. PROUTY, Mr. JAVITS, Mr. DOMINICK, Mr. MURPHY, and Mr. SCHWEIKER conferees on the part of the Senate.

S. 3563—INTRODUCTION OF A BILL TO PROVIDE IMPROVED IDENTIFICATION PROCEDURES IN CRIMINAL CASES

Mr. HRUSKA. Mr. President, I send to the desk a bill which I introduce on behalf of the Attorney General. I ask that the bill be appropriately referred, and I ask unanimous consent that the bill and the letter of transmittal be printed following my remarks.

The **PRESIDING OFFICER.** The bill will be received and appropriately referred; and, without objection, the bill and the letter of transmittal will be printed in the RECORD, in accordance with the Senator's request.

(See exhibits 1 and 2.)

Mr. HRUSKA. This is an identifications procedures bill similar to S. 2997, a bill which I had the privilege of cosponsoring with the Senator from Arkansas (Mr. MCCLELLAN) and the Senator from Colorado (Mr. ALLOTT). Hearings will begin tomorrow on S. 2997, before the Criminal Laws and Procedures Subcommittee of the Judiciary Committee.

This administration is firmly committed to an all-out and vigorous attack on crime. To that end the police need all reasonable weapons to combat crime, as long as those weapons do not infringe upon constitutionality protected rights.

One such weapon that will be of major assistance in crime solution is the administration's proposal to require a brief appearance, under court order, by suspects in criminal cases for the limited purpose of having these suspects participate in identification procedures such as fingerprinting.

In order to afford the utmost protection to those citizens required to participate in these procedures, the bill narrowly circumscribes the basis for issuance of the order, the conduct of the procedures, and the type of evidence which may be obtained and, in general, clearly defines the powers granted and the rights afforded. In so doing, the bill strikes the proper constitutional balance between the rights of the individual and the rights of society.

To date there is no statutory or case-developed method to require a suspect in a criminal investigation to participate in such quickly performed identification procedures as fingerprinting, appearing in lineups, or executing handwriting exemplars, unless there has first been an arrest on probable cause. It is, however, quite apparent that such authority, even though carefully circumscribed, would be of enormous benefit to law enforcement.

The procedures that will be required under our proposal are largely of proven reliability. The 20th century has seen a wide expansion of the use of science in crime solution. More and more often police and other investigative agencies call upon crime laboratories and scientists to examine and analyze clues and evidence. Nowhere has the impact of science on crime solution been greater than in the field of fingerprinting. Fingerprints are recognized as the most reliable form of personal identification known, and their use in this country dates from as early as 1904. This type of identification evidence can be taken quickly and easily and its use in the Nation's courtrooms is widespread.

Handwriting, blood analysis, hair samples, and the like, have all in recent years proved to be reliable methods of obtaining identification evidence in crime solution. The dependability of these methods of obtaining evidence is established and their use is also widespread

The bill (S. 3563) to amend title 18, United States Code, to provide for the issuance to certain persons of judicial orders to appear for the purpose of conducting nontestimonial identification procedures, and for other purposes introduced by Mr. Hruska, was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the Record, as follows:

Exhibit 1

S. 3563

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 223 of title 18, United States Code, is amended by inserting immediately after section 3502 the following new heading and section:

"§ 3503. Nontestimonial identification

"(a) If a judicial officer finds on the basis of an affidavit setting forth the underlying circumstances that:

"(1) there is probable cause to believe that an offense has been committed;

"(2) there are reasonable grounds, not amounting to probable cause to arrest, to suspect that the person named or described in the affidavit committed the offense and;

"(3) the results of specific nontestimonial identification procedures will be of material aid in determining whether the person named in the affidavit committed the offense—

the judicial officer shall issue an order requiring the person named in the affidavit to appear at a designated time and place for nontestimonial identification. At the request of the person named in the affidavit, the judicial officer shall modify the order with respect to time and place of appearance whenever it appears reasonable under the circumstances to do so.

"(b) If it appears from the affidavit that a person named or described in the affidavit may, upon service of the order to appear, either flee or alter or destroy the nontestimonial evidence ordered, the judicial officer may direct a marshal or other federal law enforcement officer to bring the person before the judicial officer. Such judicial officer shall then direct that the designated nontestimonial identification procedures be conducted expeditiously. After such identification procedures have been completed the person shall be released or charged with an offense.

"(c) Any person who fails without adequate excuse to obey an order to appear served upon him pursuant to this section may be held in contempt of the court which issued the order.

"(d) An order to appear pursuant to this section may be servd by a United States marshal or by any other officer authorized by law to execute a warrant. The order shall be served upon the person named in the affidavit by delivery of a copy to him personally. Service may be had at any place within the jurisdiction of the United States.

"(e) An order to appear shall be signed by the judicial officer and shall state—

"(1) that the presence of the person named in the affidavit is required for the purpose of permitting nontestimonial identification procedures in order to aid in the investigation of the offense specified therein;

"(2) the time and place of the required appearance;

"(3) the nontestimonial identification procedures to be conducted and the approximate length of time such procedures will require;

"(4) the grounds to suspect that the person named in the affidavit committed the offense specified therein;

"(5) that the person will be under no legal obligation to submit to any interrogation or to make any statement during the period of his appearance except for that required for voice identification;

"(6) that the person may request the judicial officer to make a reasonable modification of the order with respect to time and place of appearance, including a request to have any nontestimonial identification procedure other than a lineup conducted at his place of residence; and

"(7) that the person, if he fails to appear, may be held in contempt of court.

"(f) Nontestimonial identification procedures may be conducted by any Federal investigative agent or law enforcement officer or other person designated by the judicial officer. Blood tests shall be conducted under medical supervision, and the judicial officer may require medical supervision for any other test ordered pursuant to this section when he deems such supervision necessary. No person who appears under an order of appearance issued pursuant to this section shall be detained longer than is reasonably necessary to conduct the specified nontestimonial identification procedures unless he is arrested for an offense.

"(g) Within forty-five days after the nontestimonial identification procedure, a return shall be made to the court from which the order issued setting forth an inventory of the products of the nontestimonial identification procedures obtained from the person named in the affidavit. If, at the time of such return, probable cause does not exist to believe that such person has committed the offense named in the affidavit or any other offense, the person named in the affidavit shall be entitled to move that the court issue an order directing that the products of the nontestimonial identification procedures, and all copies thereof, be destroyed. Such motion shall, except for good cause shown, be granted by the court.

"(h) An order may issue under this section only for an offense as defined by any Act of Congress or triable in any court established by Act of Congress and which is punishable by imprionment for more than one year.

"(i) As used in this section—

"(1) the term 'nontestimonial identification' includes identification by fingerprints, palm prints, footprints, measurements, blood specimens, urine specimens, saliva samples, hair samples, handwriting exemplars, voice samples, photographs and lineups;

"(2) the term 'judicial officer' means any justice or judge of the United States, any United States commissioner or United States magistrate and any judge of a court of the District of Columbia."

Sec. 2. The analysis of chapter 223 of title 18 is amended by adding after the item relating to section 3502 the following:

"§ 3503. Nontestimonial identification."

SEVERABILITY

Sec. 3. If a provision of this Act is held invalid, the holding shall not affect the validity of provisions which are severable. If a provision of this Act is held invalid in one or more of its applications, the holding shall not affect any other application of the provision.

The letter, presented by Mr. Hruska, is as follows:

Exhibit 2

Office of the Attorney General,
Washington, D.C.

The Vice President,
U.S. Senate,
Washington, D.C.

Dear Mr. Vice President: Enclosed for your consideration and appropriate reference is a legislative proposal to amend title 18, United States Code, to authorize courts to issue orders requiring the appearance of certain persons for the purpose of having these persons participate in nontestimonial identification procedures.

Under present law no statutory method exists to require suspects in criminal cases to assist in such quickly performed identification procedures as fingerprinting, appearing in line-ups or executing handwriting exemplars unless they have first been arrested on probable cause. Often, however, without such identification probable cause to justify an arrest will be lacking. Similarly, the person will remain a suspect even though such procedures can be of great assistance in law enforcement and in crime solution.

Under the attached proposal a judicial officer will be authorized to issue an order requiring a person to submit to nontestimonial identification procedures. The order must be based on an affidavit which sets out probable cause to believe an offense has been committed, that there are reasonable grounds to suspect that the person named committed the offense even though probable cause to arrest is lacking and that specified nontestimonial identification procedures would be of material aid in determining whether the person named in the affidavit committed the offense. The court order would then issue requiring the person to appear at a reasonable time and place to undergo the specified identification procedures.

The proposal contemplates that the full range of reasonable identification procedures that can be designated nontestimonial and are not violative of the Fifth Amendment right against self-incrimination may be required under an order to appear. Thus, nontestimonial identification is defined to include fingerprints, handwriting exemplars, blood tests, photographs, line-ups and the like.

Care is taken to protect the rights and convenience of the person required to participate in indentification procedures. Thus, he is given the right to have the court direct that the products of his appearance be destroyed if they fail to provide probable cause to arrest him and to request the court for reasonable changes in the time and place of his appearance, including the right to ask that the procedures take place, where possible, at his place of residence.

Legislation similar to the enclosed, S. 2997, is presently pending with the Subcommittee on Criminal Laws and Procedures of the Judiciary Committee. While I support the objectives of S. 2997, I believe that the legislation now being proposed would provide a more effective tool for the investigation of criminal activity and the apprehension of criminals than would S. 2997. I urge early consideration and adoption of this proposed legislation.

The Bureau of the Budget has advised that enactment of this legislation is in accord with the Program of the President.

Sincerely,

——— ———,
Attorney General.

S. 3564—INTRODUCTION OF A BILL TO AMEND THE YOUTH CORRECTIONS ACT

Mr. HRUSKA. Mr. President, I send to the desk a bill which seeks to amend the

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Youth Corrections Act by authorizing the use of examiners to conduct interviews of youthful offenders who have been committed to Federal institutions. It is introduced at the request of the Attorney General.

I ask unanimous consent that the Attorney General's letter of transmittal and the text of the bill be printed at the conclusion of my remarks, and that the bill be appropriately referred.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill and the letter of transmittal will be printed in the Record, in accordance with the Senator's request.

(See exhibits 1 and 2.)

Mr. HRUSKA. The Youth Corrections Act provided for the establishment of a special division of the Board of Parole to deal with problems peculiar to youthful offenders. This Youth Corrections Division, composed of members of the Board of Parole, makes recommendations concerning the treatment and corrections policies for committed young offenders; it orders the release of offenders on parole; it orders the return to custody of offenders when appropriate; and it orders the unconditional release of those who have successfully completed 1 year on parole.

In addition to the foregoing, the Youth Corrections Act provides that the members of the Division will conduct interviews of young offenders after initial commitment and upon return to custody. The Division is located in Washington, D.C., and is therefore unavailable to conduct these interviews in many cases until long after a particular offender has been taken into custody. Examiners have been used to conduct these interviews, as they do for adult offenders, but only when the young offender waives his right to be interviewed by a member. If, however, the young offender refuses to sign a waiver, the interview must wait until member of the Division is available. This often results in substantial delays, which may minimize the value of these interviews.

The amendment which I offer would merely authorize the Division to designate examiners to conduct those interviews in the same manner as they do with adult offenders while the Division members remain in Washington to confer and make final decisions based on the information provided by the examiners.

This amendment was recommended by the Task Force on Corrections of the President's Commission on Law Enforcement and Administration of Justice, and is designed to make the operation of the Board of Parole and the Youth Corrections Division much more effective and efficient.

The bill (S. 3564) to amend the Federal Youth Corrections Act, 18 U.S.C. 5005 et seq., to permit examiners to conduct interviews with youth offenders, introduced by Mr. Hruska, was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the Record, as follows:

Exhibit 1

S. 3564

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 5014 of title 18, United States Code, is amended by inserting ", or an Examiner designated by the Division," after the words "of the Division".

Sec. 2. Section 5020 of title 18, United States Code, is amended by deleting the words "or a member thereof" and inserting in lieu thereof ", a member thereof, or an Examiner designated by the Division".

The letter, presented by Mr. Hruska, is as follows:

Exhibit 2

Office of the Attorney General,
Washington, D.C.

The Vice President,
U.S. Senate,
Washington, D.C.

Dear Mr. Vice President: Enclosed for your consideration and appropriate reference is a legislative proposal to amend the Federal Youth Correction Division within the Board to permit Examiners to interview youth offenders.

The Youth Corrections Act provides for a Youth Correction Division within the Board of Parole. That Division, composed of members of the Board of Parole as designated by the Attorney General, makes recommendations concerning the treatment and correction policies for committed youth offenders, orders the release of offenders on parole, the return to custody for further treatment of those who do not succeed when conditionally released, and the unconditional release of those who are successful for at least one year on parole.

Another function of the Division is to interview youth offenders after initial commitment and upon return to custody. Sections 5014 and 5020 of title 18, United States Code, provide for members of the Division to conduct these interviews. This proposal would permit the Division to designate Examiners to perform this function.

Presently, Examiners are used by the Board of Parole for interviews with adult offenders. However, since the Youth Corrections Act provides for Division members to interview youth offenders, it is necessary to obtain a waiver for an offender if an Examiner is to interview him. If a youth offender does not consent to a waiver, his interview must be delayed until a Division member can visit the institution where he is confined. This results in even greater delays when the youth offenders involved are confined in adult-type institutions.

The Board of Parole would like to institute a new program with Examiners conducting a majority of the interviews with youth offenders as well as adult offenders while Board members remain in Washington to confer and make final decisions based on the information provided by the Examiners. This program, which would be greatly facilitated by the enactment of this proposal, will make the operation of the Board and the Youth Division much more effective and efficient.

The Task Force on Corrections of the President's Commission on Law Enforcement and Administration of Justice recommended the use of Examiners along the lines proposed here.

The Department of Justice urges the early introduction and prompt enactment of this measure.

The Bureau of the Budget has advised that the submission of this recommendation is consistent with the Administration's objectives.

Sincerely,

——— ———,
Attorney General.

THE EXPERIENCE OF ILLINOIS UNDER THE FEDERAL OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968

Mr. PERCY. Mr. President, too frequently when we pass laws we fail to follow up to see what effect they have had. I am very pleased this morning to have the opportunity to report that the experience of Illinois to date under the Federal Omnibus Crime Control and Safe Streets Act of 1968 has been very successful and very encouraging. As a matter of fact, it is my understanding that Illinois has made the strongest financial commitment of any of the 50 States under the provisions of this act.

I ask unanimous consent to have printed at this point in the Record the report made by the Governor of the State of Illinois, Richard B. Ogilvie, before the Judiciary Subcommittee of the House of Representatives on February 19, as to his impressions of the impact of the law and how it should be administered in the future.

There being no objection the report was ordered to be printed in the Record, as follows:

Statement of Gov. Richard B. Ogilvie

Chairman Celler and members of this subcommittee: I greatly appreciate this opportunity to testify before your distinguished subcommittee today. My testimony is being offered both from the vantage point of my role as governor of Illinois, and also as a representative of the National Governors' Conference.

First, I am here to report the experience of Illinois under the Federal Omnibus Crime Control and Safe Streets Act of 1968.

Second, I appear in support of this act, and in opposition to H.R. 15676, the amendatory features of which would, in my judgment, seriously hamper the progressive efforts under way in Illinois and in many other states.

Under the federal act, you have looked to the states for planning leadership in strengthening our system of criminal justice. I feel that this is most appropriate, since the formation and administration of the organic criminal law is constitutionally the responsibility of the states. In Illinois, we have taken this responsibility seriously.

During the past decade, Illinois has made major strides in strengthening our system of criminal justice.

A new criminal code was adopted in 1961, and has served as a model to other states. In 1963, Illinois reorganized its basic laws of criminal procedure, and in 1965, a juvenile court reform program was adopted.

During the past year, a strong legislative program was enacted which has several key features: All correctional work for youths and for adults was consolidated in a single state department separate from our law enforcement agencies. For the first time, Illinois was given a fulltime, professional Parole and Pardon Board. We have also created a statewide Illinois Bureau of Investigation on the model of the FBI to consolidate and expand our efforts against organized crime and the traffic in drugs.

These actions reinforce the state's primary role, but we also recognize that the front line in the fight against crime is at the local level.

In Illinois, local enforcement is divided between sheriffs in 102 counties, and police departments in nearly 800 municipalities. Clearly, such a number of operating units require a high degree of coordination, cooperation, and new financial support.

The federal act of 1968 was a major first step in meeting these needs. My first executive order upon taking office 13 months ago established the Illinois Law Enforcement Commission as the official state agency required by the 1968 act.

The commission includes 32 members representing every facet of the state's system of criminal justice. Major emphasis has been placed on non-political or bi-partisan representation from concentrated urban areas, from the areas of high crime incidents, and from minority groups. Under the commission are 36 regional planning units through which the greatest allocation of planning funds, $212,000, has gone to the City of Chicago.

Action funds have been allocated chiefly on the criteria of crime rates. Supplemental emphasis has been given to such other factors as population density, the incidence of civil disorders or of organized crime activities, the progress made locally under previous grants, and local conditions requiring special attention.

Two facts about the Illinois Law Enforcement Commission deserve your attention. First, we have consistently exceeded the requirements of the federal act. Last year 50 per cent of the planning funds went to local governments, though only a level of 40 per cent was required. In the allocation of action funds, where there is a requirement that 75 per cent of the moneys go to local agencies, we have reached a level of 86 per cent during the past year and expect to continue this record of performance during 1970.

The second significant fact about our program is that Illinois, to my knowledge, has made the strongest financial commitment of any of the 50 states.

To meet the matching requirements of the federal act, the state appropriated $3,232,800 for fiscal 1970. But to this figure we added a total of $5 million for statewide programs to supplement our comprehensive state plan.

The program of Illinois, to a marked degree, augments and strengthens the block-grant concept embodied in the federal act. In special circumstances we have been able to supplement the financial resources of local governments which are unable to develop their own matching funds. For example, in the economically depressed City of Cairo, the commission awarded $25,000 in state money for a police-community relations program. Without this direct state assistance, the plan would have gone unfunded; it would have gone nowhere.

A broad program called "Action Now" is well under way in Illinois. And the state has assumed the entire local share of this $1 million special anti-crime program. Illinois has earmarked $732,000 in state funds to the program, and has already committed nearly $200,000 for three phases of "Action Now," namely, community relations, police management, and education and training in criminal justice.

Our own block-grant program, which is thoroughly consistent with the principles embodied in the federal act of 1968, is but one aspect of the commitment of Illinois to the broader principle of revenue sharing with local governments.

Illinois last year enacted the first income tax law in its history. An integral feature of the act is the direct payment of one-twelfth of state income tax revenues to cities and counties on a per-capita, no-strings basis. Concurrent with this action, the state increased the local share of the state sales tax from three-quarters of a cent to a full cent.

Thus I think it is apparent that Illinois can make a strong case before this subcommittee in support of the present federal act. Our experience has been highly rewarding, and it has produced many additional benefits to all concerned with the problems of crime in our state.

For the first time, for example, all elements of the criminal justice system are meeting on a regular basis to exchange views. They are participating directly in the development of a comprehensive and unified effort. Through this process, we have been able to open lines of communications between agencies which have in the past jealously guarded their specific areas of responsibility. We have begun to inventory our criminal justice problems and our resources so that we can rationally allocate our resources to matters which cut across jurisdictional lines. Major progress has been made in the standardization of statistics, emergency radio frequencies, computer techniques, and information retrieval.

In view of the record of progress in Illinois, therefore, I must oppose H.R. 15676.

It would, first of all, take from the states much of the means by which they can discharge their primary responsibility for creating and administering the criminal laws. It would diminish the degree of accountability which should be demanded of the states.

As proposed to you, the amendment would, in effect, set up another co-equal level of responsibility which conceivably could work at cross-purposes with state efforts.

It would deny to communities some of the expert assistance now available in Illinois through the professional staff of our Law Enforcement Commission. It would create twin paths for fund applications, and would further confuse local officials in their efforts to meet federal requirements.

The strong statewide program in Illinois is rooted in a high degree of local autonomy, coupled with effective statewide planning and assistance. Our entire program is oriented in community action, under local control. And I would be less than candid with you if I did not say today that we have created a workable system, a system that enjoys a high degree of support, a system that is getting the job done with a minimum of friction between state and local governments.

We have taken the hand you extended to us in 1968, and we have in turn extended our hand and our own funds to our communities.

Crime in our society is one of the most deadly challenges before us. I would urge that you strengthen, rather than weaken, the effectiveness of our response.

The role of the states is pivotal in the battle against crime. And I am hopeful that the record of Illinois will lead you to reject the amendment before you.

THE TRAGEDY OF WAR

Mr. PERCY. Mr. President, I was on a plane last Friday and met there a young Kokomo, Ind., man who had returned from Vietnam and was being treated at Walter Reed Hospital. The young man was missing both his legs, one arm, and one eye. It was, once again, a grim reminder that the tragic war in Vietnam continues, taking its toll day in and day out. It was a reminder of the many other young men I had seen in hospitals in Vietnam and in Japan, in my own State, and the 65 injured men from Vietnam with whom I flew back to this country in a hospital plane last year.

Although the war in Vietnam is not as much in the front pages of the newspapers these days and is not as heavily accounted for in the mail we receive, still I think we must never stop reflecting on the nature of this war. We must never forget that it is continuing and that we must persist in our efforts to end it at the earliest possible time.

It is for this reason that I wish to commend the administration for its positive effort in deescalating the war. Certainly, it has made clear its intention to turn this war over to the Vietnamese government and people and to deescalate steadily and in an irreversible fashion our involvement in the war.

As a grim reminder to my colleagues in the Congress, I ask unanimous consent to have printed in the RECORD following my remarks an article written by James P. Sterba, of the New York Times, which appeared in the San Francisco Chronicle on February 13, sent to me by a Marine Corps veteran who served in the front ranks in Vietnam. He stepped on a land mine at Christmastime and is now back in this country. He testifies to the fact that this article accurately and factually portrays the grim realities of the war continuing in Vietnam, a war that the Nixon administration is hoping to end at the earliest possible time. I trust that our rate of drawdown of U.S. forces can be accelerated and steadily implemented.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE GI IN VIETNAM—A REPORT ON HIS WAR

(By James P. Sterba)

SAIGON.—"When we were fighting up north, we got ambushed by a whole battalion of NVA (the North Vietnamese army) and there was so much stuff flying you couldn't tell if you killed anyone or not. But another time, I was on a patrol with a buddy and we stopped at this fork in the trail and we started smoking cigarettes and joking, and two gooks walked right down the trail at us. It was like time stood still. We looked at them and they looked at us and then we blew their ------ away.

"You walk up and see them dead, that you just killed them, and you say, 'Goddamn, I just killed that man.' But then you think, 'Well, Jesus Christ,' and you look at his gun and you know he'd have done the same thing to you if he'd had a chance. Before I came over here, I thought to myself, 'Damn, could I kill a man?' Well, you learn fast in Vietnam."

Specialist 4 Herbert McHenry, 21 years old, from Akron, Ohio—a grunt. (Grunt: GI slang for a front-line soldier, army or marine.)

If you hung around enough at the muddy firebases and in the jungles with the kids who pulled the triggers for the old men who ran this war in 1969, you sometimes got the feeling between the hours of boredom and the seconds of terror and the daily entrances by jet and nightly exits by aluminum box, that the kids could work things out with the kids on the other side.

That if the wires from the Pentagon to the South Vietnam command nerve centers and from Hanoi to the Cambodian caves had all of a sudden fallen still, the kids sent here to kill each other might have all stood up in the sun, dropped their guns and started picking flowers.

Of course that didn't happen in 1969, or in the opening days of 1970, and it would undoubtedly never happen in a modern war. But in 1969, Vietnam seemed like that kind of a war. It was not a war of national hate, but a hated, dreary struggle.

All the early idealism was gone. Its flickering lights were snuffed on June 8, when President Nixon announced withdrawal in a statement at Midway that must stick in the minds of every mother and father whose son has since left home for his year of war.

The touted air cavalries had gotten their big headlines years ago, swarming like locusts up the An Lao, the La Drang and a hundred other valleys. The marines had made their

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amphibious assaults and had fought their Khe Sans.

The airborne paratroopers had already saved both Hamburger Hill and the American Embassy, and the thought of saving them again was somewhat distasteful. The big medals had been distributed too often already and nobody came to the ceremonies any more to take pictures.

Now, the tactical operations centers and headquarters were air conditioned and computerized and filled with middle-aged career men who occasionally caught colds and wrote memos suggesting the cooling systems be turned down.

The sergeants pushing booze at base bars were making more money than the American generals pushing the war—but less money than some South Vietnamese generals pushing anything they could get their hands on.

The war was still costing more than $500 a second. University extension courses were being taught in classrooms on huge, paved and sometimes lawned rear bases, where old sergeants were getting tougher and tougher about unshined boots.

At these big bases, jogging was on the increase, along with sunbathing and softball tournaments. At Tan Son Nhut in November, the Army announced the formation of "Armed Forces Theater Vietnam, a touring military production group" that kicked off the 1969–70 theatrical season with "You're a Good Man, Charlie Brown."

Worlds away from all this, however, amid the mud and the dust and the mosquitoes and the blood and the dead and the dying, the Grunts—it was a proud name they had chosen (from the grunting sounds made by foot soldiers under heavy field packs)—were still getting their arms and their legs blown off.

But in 1969 they were not the same Grunts as before—the ones who filled the all-volunteer units a couple of years ago, not the gung-ho enlistees and toughened three-war sergeants whom information officers cited in 1966 as evidence of the professionalism of the American military machine. These Grunts did not come from the ranks of the post-World War II silent, or Jack Kerouac's Fifties, or the concerned early Sixties, or even the committed mid-Sixties.

No, these Grunts were somehow unlike those others. These Grunts were the class of 1968—they had come out of that America some of their commanders had seen only from the windows of the Pentagon. They were graduates of an American nightmare in 1968 that stemmed mostly from the war they had now come to fight—the year of riots and dissension, of assassinations and Chicago, the year America's ulcer burst.

What many of them didn't know was what the Army would do with them as draftees. It would make most of them Grunts. And the arithmetic was there on what happened to Grunts as they entered basic training: 15,000 dead and 45,000 wounded in 1968. The dead and wounded were not file clerks or grease monkeys or radio repairmen. The dead and wounded were Grunts, overwhelmingly.

The members of the class of 1968 went through advanced infantry training at places like Fort Polk, La., or the "shake and bake" school for instant non-commissioned officers at Fort Benning, Ga. Their MOS (Military Occupational Specialty) would be stamped on their records: 11B, which meant infantry rifleman. But most of them would have no real idea of what it meant to be an "11 Bush," even after they stepped off the troop planes at Bien Hoa and Cam Ranh Bay and the data-processing machines were matching them with units.

Many were scared when they were trucked or flown to their new units' headquarters, but they didn't pay much attention then, during those first days of "in-country processing," the re-enlistment sergeants gave their spiels about not having to stay "out there" very long if they would only sign up for another three years.

If they signed, then after only eight months in the Army, four or five of which had already been spent in training in the States, they could go home for a month and then come back and finish their year in Vietnam as a file clerk or a security guard.

It wouldn't be long, however, before many of them would be trying to remember what the reenlistment sergeant had said.

One of their first tasks was learning grunt language. As replacements, they weren't new members of the unit, they were "cherries." They learned that grunts never die, they get "greased." They never said yes, they said "that's a Roge," or "Roger That." Their opponents were not the enemy, they were "gooks" or "dinks." In fact, to many grunts, any Vietnamese was a "gook." Grunts would not put on their equipment, they would "saddle up." They didn't stage ambushes, they "blew bushes." They "humped the boonies" or "busted bush." Some of them never looked for the enemy, they went "chuck-hunting."

"My second day out, we blew a bush and four gooks were entirely wiped out. First dead ones I saw. You get a little sick, I ain't never shot one. Most of the time, you don't know who killed them 'cause everybody's just firing and you can't see them anyway.

Sergeant Nicholas Francic was 21 years old and had spent the first 11 months of 1969 on the line with the First Infantry near Dau Tieng as a draftee from Pittsburgh. With two weeks left in Vietnam, he was thinking about going home to "the world."

"I don't think I'll talk about it when I get back to the world because it would just be so far to believe. Before I came over here, guys would tell war stories and I'd say, 'Bull, just war stories.' But now I'd believe anything anybody ever told me about it over here. I don't think anybody could believe half the stuff that's going on here. I'm glad I'm getting out. I don't know what I'd do if I was just gettin' here now."

Private M. A. Dirr, a 21-year-old Marine from Cincinnati, lay on a bed in a ward room of the USS Repose, a hospital ship, off the coast of Da Nang in September.

"I don't know whether it was an RPG (rifle-propelled grenade) or one of our tanks. It was dark and some other guys (Marines) were about 50 meters away and they didn't know it was us and they opened up on us."

Was it worth it?

"Boy, after that, I don't see any sense in fighting over here," he said. Dirr wouldn't fight any more. At the end of his bed where his feet were supposed to be, there was only one lump in the sheet—his contribution to peace with honor having been one foot.

Maybe it was true that there were no real fronts in Vietnam, but there were definite levels of safety.

The 36 square miles of Army headquarters at Long Binh, for example, was safe, really safe, even though it was hit by rockets occasionally and somebody was killed or wounded.

The 50,000 men who spent their year at Long Binh were known to the grunts as "REMF's" (rear-echelon—mother ———). REMF's, the grunts said, were the ones who would go home being for the war and telling war stories, 99 per cent of which would be boloney. The biggest battles at Long Binh were fought between the MP's and drunken soldiers, and there were far more casualties from accidents there than from rockets.

But as you went toward the battlefields—from the division to the brigade to the battalion to the company—the proportions reversed.

At the company level in 1969, enlistees were rare, black faces were much more numerous, and draftees were everywhere. It was a rather neat dichotomy: between the men in the military and the kids in the war; the majority in the rear and the minority in the front; the comfortably bored and the miserably scared; the soldiers who had heeded their country's call and had become one of the military's "own" (the Army protects its own, they said), and the soldiers who had pretended not to heed it; the living and the dying.

Grunts in several line companies estimated that 80 to 90 per cent of the soldiers in their ranks were draftees and that from 20 to 40 per cent of them had some college.

Once you got down there on the ground in the boonies it was amazing how much your values changed. Despite what all the philosophers and politicians and social scientists said, you were an animal with one basic instinct dominating all others: survival.

The Grunts have a phrase for it: "Cover your ass."

It would take a book to describe the dehumanizing experience of being shot at. The barricades and billyclubs and tear gas at Columbia and Chicago seem so cheap after the first shot zings over your head.

Absolutely everything becomes at once irrelevant except survival. If there was ever an event that "blew your mind," being shot at was it. After it, you were not the same person. Those who had been through the experience would warn others away from it, but somehow think less of those who had not had the experience.

"I don't really have anything against demonstrators, or blame people for not coming here," said Lieutenant James Friedman, 21, of Burlington, Iowa, during Christmas dinner at Landing Zone Professional west of Chu Lai. "But after you get in the Army and are sort of jerked over here and have been through some bad stuff, it's almost like being older than those people."

To live, if you were a Grunt, you had to shoot back. You had to become a killer, or at least a potential killer in the most immediate sense. Thus, you could still find a lot of tough guys out there in 1969. And if you stuck a microphone in their faces, they'd say, "Bomb Hanoi" or "Invade the north" or Nuke the gooks."

And why not? When your life was on the line, you were for everything that helped preserve it right at that instant. Many of the concerned Grunts, before they get here, had serious qualms about the use of napalm. But, now, in the middle of combat, they would tell you there was absolutely nothing in the world more beautiful than the sight of those silver canisters tumbling end over end from a jet bomber and exploding in a huge ball of red flames and black smoke right where the gooks were shooting from. They felt like cheering, and sometimes they did.

Some Grunts would even say that they liked to kill. "I've killed 18 myself," said Sergeant Eddie Allen, a 23-year-old 75th Infantry Ranger from Muncie, Ind. "I don't talk about it much, but I don't mind it. In fact, I sort of enjoy it."

Shy, quiet and friendly, Staff Sergeant Patrick Tadina, 27, from Honolulu, had spent 44 months in Vietnam by 1970, mainly, he said, because he didn't know what else he could do.

He had become one of the most decorated enlisted men of the war; two silver stars, two Vietnamese crosses of gallantry, five bronze stars all with "V" for valor, three Army commendation medals all with "V" for valor, and three purple hearts.

Tadina said he didn't particularly like killing people, just outsmarting them. His personal body count was 109.

It was during the times when death was close—when an arm or a leg had to be lifted by a crying friend out of the dirt and placed on a litter next to a young soldier yelling, "Jesus Christ, Oh my God, it hurts, it hurts, it hurts," and the med evac chopper is still five minutes away as the medic's stained fingers fumble with the needle and the morphine bottle—that they all looked 12 years old.

It happened daily in 1969. Toward the end of the year, an average of 14 were killed and 100 wounded per day.

Sometimes the silliest things would happen out there in the boonies where the war was supposed to be such serious business. The battalion officers would spend hours in front of their maps, charting the next day's operation. The communications codes were set, the various coordinates were plotted, the strategy unveiled.

The next morning, as the countdown grew short, the plotters would appear nervous as they briefed the company officers. But when the company officer spread word to the Grunts to "saddle up," the Grunts would mope along, scowling and muttering about playing another "damned lifer game," the kind they'd been through dozens of times before, the kind they were still dirty and tired from doing a few days ago.

But for the planners, these productions were exhilarating, intricate affairs, in which the power of the huge American military might was almost visible—all that fire power, that "air-mobility."

Then the Grunts would move out, perhaps on foot, or by truck, or by the greatest kind of John Wayne move-out the Army had, the "combat assault" or "Eagle Flight." And the battalion commanders and majors would climb into their "Charley Bird" (command and control helicopter), and the artillery support would be poised, the Cobra gunships ready to scramble.

"As the Grunts neared the scene of their secret search for "Charley," the colonels would be hovering above in the cool morning air, hoping for a "good contact." Then the Grunts, if on an Eagle Flight, would be dropped in and quickly fan out as the radio networks were checked and everyone waited to see whether or not the "LZ" (landing zone) was hot." Is usually wasn't.

And so after 30 minutes, the majors and the colonels would fly back to their fire bases and tend to other business, while closely monitoring the radios to see if the Grunts made "contact." ("War is hell, but contact's a mother ———," the Grunts said.

On most days, the war for the Grunt was just plain miserable, as Specialist 4 Steve Dokey, a 21-year-old draftee from Benton Harbor, Mich., and Specialist McHenry explained:

"We were OK the first two months I was here and then Charlie started blowin' bushes on us," said Dokey. "Seen my buddies getting it. See one come out with no legs, started not likin' it so much."

McHenry: "Say you're a civilian back in the world and you ask a guy if he's been to Vietnam and he says yes and he doesn't care to talk about it. Well, you know he's seen some ——— because this ——— you don't want to talk about. You can't explain it to anyone who didn't go through it. Like when I first got in this country, I was scared. But after a while what really got me was that nobody told me you gotta live like an animal. You gotta sleep in a hole at night. And all the other ———."

Dokey: "Who wants to tell your parents that your buddy came out with his guts hangin' out, no legs?"

McHenry: "A couple of days ago I got chewed out by the CO 'cause my parents wrote to Red Cross saying they hadn't heard from me. Well, it's just the same old drag. There's nothin' to write about. It's monotonous. Day in, day out. You don't care what day it is. You don't know the date. You just know you got 365 days to keep from gettin' blown away."

In 1969 the world discovered that massacres could be committed by "us" as well as "them." After the revelations of My Lai, journalists scurried over the countryside looking for atrocity stories and dug into old notebooks trying to find incidents they had jotted down months before anybody seemed to be interested in "good-guy" brutality.

Instant-book writers, politicians, sociologists, psychologists all chipped in their two cents' worth of the most complex explanations. Scarcely a word was heard from the Grunts on the subject. But if you asked them, some of the most sensitive Grunts would politely suggest that all the researchers need do was read Joseph Heller and William Golding—it was all there.

"Sometimes, it's just like 'Lord of the Flies' out there," said Specialist 4 David Rogers, a 21-year-old Hamilton College graduate and conscientious objector who was serving as a combat medic.

"Eleven Bushes are wonderful people, but this is a very corrupting experience. Everyone is young here now. Some guys get weird at times. They don't want me to dust off (evacuate to a hospital) a wounded VC. They say they want to see him die. Then other times we'll run into some other unit of Americans, and I'll start throwing flowers and leaves at them and these same guys will join in."

At a hilltop landing zone in the Que Son Valley south of Da Nang in August, a helicopter sat down and unloaded two young black-pajamaed prisoners taken from the fighting in the valley below. One was taken into a bunker for questioning. The other squatted on his heels outside.

"If he moves," said the soldier who had brought them as he went inside, "blow the sonofabitch away." The prisoner didn't move much, but within 10 minutes some of the other soldiers at the landing zone had come over to take a look at him.

Within 15 minutes, somebody tossed him a canteen of water. Then somebody threw him some cigarettes. Then matches. Then some spearmint chewing gum. Then a candy bar.

Sipping scotch at a cocktail party in Saigon in late 1969, an Army colonel—unusually sensitive for a colonel—had a little too much to drink and began talking about an informal study he said he'd made with some classified statistics.

"It's amazing," he said. "You know how many guys are putting their lives on the line here every day—less than 80,000 out of a half a million. And I'll bet you three-quarters of them are draftees and 11B's. You know what the chances of an 11B getting killed or wounded in his year in Vietnam? About one in two."

The actual statistics, the military here insists, are not available.

In 1969, the grunts would take the rubber tire Ho Chi Minh sandals from the feet of their victims, but you never heard them talk about taking ears. They would dangle the sandals from their web canteen belts. Around their necks, they dangled chains with peace symbols and love beads that as they walked would sometimes click against the fragmentation grenades or ammunition clips on their chests. It was their helmets which revealed most.

Sometimes they would write "Rice Paddy Daddy," "I love my pig (M-60 machine gun)," or "Yeah, though I walk through the valley of the shadow of death, I fear no evil, for I'm the meanest mother ——— in the valley."

And somewhere on nearly every other helmet in 1969 would be written the word "peace" or "just give peace a chance," with peace symbols drawn around it. From 100 yards away, they looked like soliders. From 10 feet away, they almost looked like a tribe of flower children.

"None of my guys are gung ho," said 1st Lieutenant Bodie Delaney, leader of the Third Platoon, Alpha Company, First Battalion, 501st Brigade, 101st Airborne Division in Thua Thien Province west of Hue. "Out of 28 guys. I have six college graduates, one with a master's in zoology, 10 guys with some college and all but one with high-school diplomas. All but four of them were drafted. Everybody falls into the same category. All of them are reduced to the same level—cover your ass for a year."

At 21, Staff Sergeant Richard Metzger of Indianapolis was the old man of Charlie Company, Second Battalion, 28th Infantry, First Infantry Division, not because of his age but because 22 times in the last year he had inked in solid one or two days on the wallet calendar he always carried.

Those black days were the fire fights he had been in during the 11 months and 14 days he had spent on the line. In late November, he had six days left in the Army and was finally back in the rear—at Dau Tieng—preparing to go home.

"A lot of guys are re-upping now. When I came over here, nobody re-upped. But, I'll tell you, if I came over here right now, I'd re-up because I know what it's like out there. The only reason why I didn't re-up was because my wife would never forgive me if I did. But if it wasn't for her, I'd have done it and got the hell out of the field."

Sgt. 1st Class Graham E. Newshafter, 38 years old, 21 of them in the army, worked in the First Cavalry re-enlistment office in Phuoc Vinh in October.

"We have 19 career counselors here and we serve the people right out there on the LZ's" he said. We have a quota system for the first-termers—90 a month, or one-half of 1 per cent of our total division strength. I don't know how many men re-enlist to get out of the field. But, remember, this is the only war we've fought in which the Army gives you an opportunity to get out of the field."

In August, out of 138 First Cavalry draftees and enlistees on their first hitch who re-enlisted, 121 were 11 Bushes.

The Americal Division, the largest in Vietnam, has consistently fought sharp, bloody battles in the mountains to the west. It also has consistently had one of the highest re-enlistment rates in Vietnam.

"This month," said Sergeant Major Paul Shaffer, an enlistment noncommissioned officer for 10 years, "we have hopes of setting another record."

On a sizzling hot day in August, it was less than ironic, then, when a helicopter touched down on landing Zone Center, on a hill above the Hiep Duc valley northwest of Chu Lai, and dropped off a reenlistment sergeant.

That was the day that a ragged, demoralized, exhausted company—Alpha, Third Battalion, 21st Infantry, Americal Division—trudged up the hill from a week of hell in the valley below with only half the men it had started with.

World-famous Company A, the one that had refused, for an hour, to go to war, was being given the opportunity by the United States Army to re-enlist, to serve for three more years, but not "out there."

By the end of the day, the re-enlistment sergeant's results, remarked one officer, had been "outstanding."

Mr. MANSFIELD. Mr. President, I listened with interest to what the distinguished Senator from Illinois just said about the war in Vietnam. I hate to think of the casualties which already have been caused by that mistaken war, that continuing tragedy, in an area in the world in which we never should have become involved in the first place, because it is not and will not be vital to the security of this Nation.

I wonder how many of these youngsters coming back are going to be in the same category as the distinguished Senator from Illinois has just indicated one was—two legs missing, an eye missing, and perhaps more.

In this tragic war, 268,296 have been wounded up to last Thursday. There have been 40,750 combat deaths up to last Thursday. There have been 7,534 noncombat deaths in Vietnam up to last Thursday. That is a total of 316,588 young men. And for what?

I hope this is the last "Vietnam" in which this country will ever become involved, in any part of the world, because this is too high a price to pay for far too little. The lessons of Korea, in the first instance, and now Vietnam in the second, should be more than enough to imprint upon the minds of the American people of all political persuasions that this is just one too many.

Speaking of Vietnam, most of the youngsters over there happen to be under 21 years of age, and yet there are people in this body and elsewhere in the country, as well as in the legislatures of certain States, who would deny these youngsters between the ages of 18 and 21, unless they come from certain States, the right to vote, the right to exercise their franchise, the right to have a small voice in the making of the policies which they are now being called upon to carry out, not through any choice of their own, because they have no choice.

I was delighted to note that the distinguished Senator from Kentucky (Mr. Cook) this morning introduced a bill with a large number of cosponsors by means of which it will be possible, without going through the constitutional amendment process—the Senate and the House and the President all agree—to pass a law by statute which will make the youngsters of this country 18 years of age and above eligible to vote.

It is an amendment which I introduced with other Senators, which seeks to grant that privilege to these youngsters who have contributed so much. We ought to bear in mind that a great majority have contributed a great deal and only a very small, minuscule minority—pretty good on the headlines and publicity—have contributed very little.

I am thinking of the great number of young Americans whom we tend to underestimate, to pass by. I think it is a mistake. But this week, this body will have a chance to vote on an amendment to the Scott-Hart substitute which will allow us to state our position, as to whether we really believe in giving the 18-year-old the right to vote—the 18-year-olds who at that age can marry, who are subject to death on the battlefields after being drafted at that age and who are treated as mature people and as adults in the courts at that age.

Mr. President, the ability of Congress to lower the voting age from 21 to 18 by statute has been brought into sharp focus during recent days. I have proposed, with others, an amendment to the pending Voting Rights Act that would accomplish this long overdue proposal. Although there have been significant authorities on Constitutional law—including former Solicitor General Archibald Cox—who have concluded without equivocation that Congress has the constitutional power to lower the age by statute, I requested the opinion of another leading constitutional authority in our country—Paul A. Freund, professor of constitutional law, Harvard Law School. Today I received a reply. Professor Freund, who is on sabbatical at Center for Advanced Studies, Stanford, Calif., this year, concludes that Congress does have the constitutional authority to lower the voting age by statute.

The clarity of Professor Freund's reasoning is clear even to nonlawyers.

I ask unanimous consent that this letter from Professor Freund be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Center for Advanced Study in
the Behavioral Sciences,
Stanford, Calif., March 5, 1970.

Hon. Michael J. Mansfield,
U.S. Senate,
Washington, D.C.

Dear Senator Mansfield: I greatly appreciate your telegram inviting me to elaborate on the opinion which I expressed in an address in June 1968, that Congress might, by statute, lower the voting age for state and Federal elections to the age of eighteen.

The Constitution of 1787 left the question of suffrage basically to the several states. In Article I, section 2, it is provided that the electors in each state for the House of Representatives "shall have the qualifications requisite for electors of the most numerous branch of the state legislature." Article 1, section 4, provides that the times, places and manner of holding elections for Senators and Representatives shall be prescribed in each state; Congress is given the power by law to make or alter such regulations. My opinion does not at all rest on the last clause. Although "manner" has been given a generous construction, to include, for example, Federal corrupt practices laws applicable to national elections, the specific provision on "qualifications" in the earlier section would rule out any effort to absorb the requirement of a minimum age for voting into the "manner" of holding such elections. And so if the text of 1787 stood alone there would appear to be no basis for the legislative proposal.

But that original text does not stand alone. The Fourteenth Amendment, with its guarantee of equal protection of the laws (no less than the Fifteenth, prohibiting specifically disqualifications based on race or color) introduced a vital gloss on the authority of the states, namely that unreasonable classifications by law are unacceptable. This general standard applies to the laws of suffrage no less than to other laws, despite the fact that racial disqualifications are treated specifically in the Fifteenth Amendment. It is much too late to question this force of the Fourteenth Amendment in this area. Indeed, the first of the so-called white primary cases was decided on the basis of the Fourteenth rather than the Fifteenth. As Justice Reed later pointed out, "Without consideration of the Fifteenth, this Court held that the action of Texas in denying the ballot to Negroes by statute was in violation of the equal protection clause of the Fourteenth Amendment." *Smith* v. *Allwright*, 321 U.S. 649, 658 (1944), referring to *Nixon* v. *Herndon*, 273 U.S. 536 (1927). The whole line of reapportionment cases rests on the applicability of the equal-protection guarantee to the suffrage; and surely religious qualifications, which are impermissible for office-holding, would be equally forbidden for voting in light of the Fourteenth Amendment.

The essential question, then, is whether Congress, in its power and responsibility to enforce the guarantees of the Fourteenth Amendment, may properly conclude that the exclusion from the suffrage of those between 18 and 21 years of age now constitutes an unreasonable discrimination. That this is a judgment for the Congress to make is plain from the original conception of the Fourteenth Amendment and from recent decisions under it. Section 5 of that Amendment, empowering Congress to enforce its provisions "by appropriate legislation," was regarded as the cutting edge of the Amendment. It was expected that Congress would supply the substantive content for the deliberately general standards of equal protection, due process, and privileges and immunities.

Recent decisions have emphasized the propriety, indeed the responsibility, of Congressional action in the area of voting rights. In 1965, as you know, Congress enacted a provision of the Voting Rights Act that overrode state requirements of literacy in English, where a person had received a sixth-grade education in another language in a school under the American flag. It was argued, in contesting the Federal law, that Congress could so provide only if the English-literacy requirement were regarded by the Court itself as in violation of the equal-protection guaranty of the Fourteenth Amendment. Upholding the Federal law, the Supreme Court emphasized that the judgment of unreasonable discrimination was one that Congress had appropriately made for itself, and that its judgment would be upheld unless it were itself an unreasonable one. Any other view of the Court's function, said the Court, "would depreciate both Congressional resourcefulness and Congressional responsibility for implementing the Amendment. It would confine the legislative power in this context to the insignificant role of abrogating only those state laws that the judicial branch was prepared to adjudge unconstitutional, or of merely informing the judgment of the judiciary by particularizing the 'majestic generalities' of section 1 of the Amendment." "[I]t is enough," the Court added, "that we perceive a basis upon which Congress might predicate a judgment that the application of New York's literacy requirement . . . constituted an invidious discrimination in violation of the Equal Protection Clause." *Katzenbach* v. *Morgan*, 384 U.S. 641, 648–649 (1966).

The Supreme Court has held, in a six-to-three decision, that the poll tax as a condition of voting in state elections is unconstitutional even without a Congressional judgment on the matter. *Harper* v. *Virginia Board of Elections*, 383 U.S. 663 (1966). Whether or not one agrees with that decision, for present purposes the case has a twofold significance. The first relates to the dissenting opinions. Justice Black, protesting against the "activism" of the majority (as others have termed it), went on to say, "I have no doubt at all that Congress has the power under section 5 to pass legislation to abolish the poll tax in order to protect the citizens of this country if it believes that the poll tax is being used as a device to deny voters the equal protection of the laws . . . But this legislative power which was granted to Congress by section 5 of the Fourteenth Amendment is limited to Congress . . . For Congress to do this fits in precisely with the division of powers originally entrusted to the three branches of government—Executive, Legislative, and Judicial." *Id.* at 679–680. The other dissenters, Justices Harlan and Stewart, referred to the possible authority of Congress and said that they "intimate no view on that question." Id. at 680, n. 2. Thus it is entirely possible that had Congress itself acted, the decision might have been unanimous.

The second point of significance in the poll-tax case is the bearing of the constitutional amending power. There was then in effect, of course, the Twenty-Fourth Amendment, abolishing poll taxes in relation to Federal elections. Both the majority and minority opinions show that Congressional authority is not precluded because the subject might be committed, indeed had been committed, to the amending process.

It could be asked whether, on the basis of the views reflected here, it was actually necessary to have achieved woman suffrage through a constitutional amendment. At the time of the Nineteenth Amendment the power of Congress to enforce the equal-protection guaranty was in a dormant state. The alternatives were thought of as a judicial decision striking down exclusively male suffrage, or an amendment to the Constitution. In retrospect, it seems tolerably clear that from the standpoint of constitutional power (putting aside considerations of political expediency), Congress could have determined by law that exclusion from voting on the basis of sex was an unwarranted differentiation.

The question for Congress is essentially the same, whether the exclusion be on criteria of sex, residence, literacy, or age. It is not my purpose to review the considerations that have been brought forward in favor of reducing the voting age. They involve a judgment whether twenty-one has become an unreasonable line of demarcation in light of the level of education attained by younger persons, their involvement in political discussion, their capacity in many cases to marry, their criminal responsibility, their obligation for compulsory military service. Historically, we are told, twenty-one was fixed as the age of majority because a young man was deemed to have become capable at that age of bearing the heavy armor of a knight.

The cumulative effect of such considerations on the continued reasonableness of twenty-one as a minimum voting will, I am sure, be canvassed by the Congress. My purpose, responsive to your invitation, has been to indicate why I believe that Congress may properly make such a judgment and embody it in the form of a statute.

Yours very sincerely,

PAUL A. FREUND,
Professor, Harvard Law School.

THE WALKER FAMILY—DEVOTION TO DUTY

Mr. GRIFFIN. Mr. President, the State of Michigan has long been known as the "Arsenal of Democracy." But the contribution of the State to the defense of America has never been limited to supplying the arms and equipment to enable the men in our armed services to carry out their mission.

A symbol of Michigan's contribution to our Nation's defense, and an example to the entire Nation, is the family of Mr. and Mrs. James Walker, of Fremont, Mich. The Walkers have 10 sons and all of them have served in our Armed Forces. Six of their 10 sons are serving now in the Air Force. Of the four sons who are now civilians, three served in the Air Force and one in the Marine Corps.

Each and every one of the 10 sons enlisted in the service of his choice.

Currently on active duty are S. Sgt. Norman A. Walker, whose 6 years of service so far have taken him to Korea and Germany; S. Sgt. Charles W. Walker, now at Plattsburgh Air Force Base, N.Y., after serving in Vietnam and Okinawa; S. Sgt. Stephen J. Walker, presently stationed in Thailand; Sgt. Mark Walker, now in the Philippines after 18 months in Vietnam; Sgt. Richard Walker, on duty in Vietnam; and Airman Dennis L. Walker, of Sheppard Air Force Base, Tex.

The members of the Walker family who are veterans of our Nation's service are David D. Walker, a former staff sergeant who served in Thailand; Gerald C. Walker, a veteran of service in Vietnam, who is now living in Saigon and works as a jet engine mechanic with Lear-Seigler Aircraft Corp., of Grand Rapids; Frank B. Walker, whose service was as a marine sergeant, and Robert G. Walker, a former Air Force staff sergeant who was a radar technician.

Besides their 10 sons, Mr. and Mrs. Walker have two daughters, Mrs Carol Rice, of Muskegon Heights, Mich., and Mrs. Helen Wade, of Hopewell, Va.

In these trying times—resistence to the draft, demonstrations against military bases and, in some cases, outright refusal to fulfill military obligations—the Walker family stands as a bright and shining example of the loyalty, dedication, and devotion that most Americans feel for their country.

Like so many others, Mr. and Mrs. Walker are patriotic Americans who lead quiet lives, who pay their taxes and are rarely noticed outside their own communities and their own circle of friends. But they are being recognized as very special people this week.

They have been brought to our Nation's Capitol as the guests of the Veterans of Foreign Wars of the United States, now holding its annual midwinter conference in Washington. This organization of former servicemen deserves special praise for forming attention upon the contribution of James and Pearl Walker of all 10 of their sons to their Nation's service.

I am especially pleased to have been able to assist the Walkers and the VFW during their stay in Washington and to thank Raymond A. Gallagher commander in chief of the VFW, and James Milliron, commander of the VFW Department of Michigan, for enabling Mr. and Mrs. Walker to view the Nation's Capitol which their sons have so selflessly served.

The PRESIDING OFFICER (Mr. STENNIS in the chair). If the Senate will indulge the Chair at this time, the Chair would like to commend the Senator from Michigan for bringing these facts to the attention of the Senate as well as to the public. The Chair commends this wonderful family, particularly its 10 sons who exemplify with such fine spirit their dedication to the Armed Forces.

Mr. GRIFFIN. Mr. President, I thank the Presiding Officer for his generous remarks.

ONE AMERICAN'S HOPE FOR THE FUTURE

Mr. GRIFFIN. Mr. President, I was recently notified that one of my constituents, Richard W. Skinner, of Tecumseh, Mich., was selected as winner of the George Washington Honor Medal Award given by the Freedoms Foundation.

Mr. Skinner, an officer in the Air Force ROTC at the University of Michigan, wrote a letter entitled "My Hopes for America's Future."

This young man's love for his country, his assessment of its current condition, and his hope for its future are worthwhile reading.

I ask unanimous consent that the letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

MY HOPES FOR AMERICA'S FUTURE

My hopes for America's future are wider than the eastern seaboard, longer than the Mississippi, higher than Mount McKinley, and deeper than the Pacific. They are stronger than the granite of the Rockies, older than Plymouth Rock and shared by well over 200 million people. They are hopes for lasting peace, prosperity, and prominence. They are segments of American thought, goals which have been obtained only after years of struggle; targets that are often shot at and missed by people less fortunate than Americans; gifts that have been taken for granted by others and lost in the dusts of crumbling civilizations.

What else have Americans to dream on? Little in respect to that which our ancestors had and that which is shared by the majority of the people on earth. When once our parents hoped for personal freedoms—like freedom to worship, freedom to choose their leaders and to speak, freedom to produce and to sell, and freedom from tyranny and misjustice, modern America hopes for bigger cars, larger homes and longer vacations; small goals in consequence, though real goals, for unfortunately, modern Americans have fallen into the routine of "have," and have forgotten the "have not." We sometimes forget and have, indeed, little to remind us of the precarious position anything as fragile as freedom has in a world where choice is a costly possession. Yes, the modern American is born into a world where it is unnecessary to quest for freedoms, and we have lost perception of their importance.

I hope that man will strive to recover an understanding of his American Heritage, a knowledge of the gifts he has already attained—that he will seek out his most valuable possessions and guard them, and fight for them if necessary. I hope that man will be willing to sacrifice lesser riches for those that he must maintain. If he is willing to recognize these trusts to sustain the "American Dream" he will not have to worry about America's future, for it will be guided by the greatest pillars of civilization that man has known—the United States.

My hopes for America's future include a desire that modern man re-evaluate his position in society, that he reconsider his personal objectives and that he assert his goals for a greater and better America. He has had the foundation of freedom laid for him. He has toiled on that block for over one hundred and ninety years. I hope that he will continue where others have slowed or stopped—he must take that responsibility.

Yes, my hopes for America's future are great—but they are not too great, they are certainly not new but they will never be old. They dance across a whole continent and into a vast ocean, they flow into the far north, they are realities, and they are dreams—a hope for a bright tomorrow?

TRIBUTE TO THE COMMUNITY OF EAST CHICAGO HEIGHTS

Mr. PERCY. Mr. President, of the 250 communities in the Chicago metropolitan area, I do not think there would be much dispute that the community of East Chicago Heights would probably be at the bottom of the barrel so far as its economic and social statistics are concerned.

The gloomy statistics are as follows:

Education—median number of school years completed, 7.9, with only 10 percent of the population over age 25 having completed high school.

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Health—the highest infant mortality rate in Cook County; 39.7 deaths per 1,000 births.

Unemployment—9.85 percent of males over age 14 in work force; 19.5 percent of females in work force. Only 3.8 percent of employment in professions.

Poverty—more than a third of all families—36.1 percent—living on incomes below $3,000. Median family income, $4,421.

Housing—65.4 percent of all families living in substandard dwellings.

Welfare—28.8 percent under age 21 receive aid to dependent children, 26.5 percent over age 65 receive old age assistance.

These statistics would be discouraging and gloomy—and indeed they are—other than the fact that the spirit of the people in this community has not been crushed despite the crushing economic conditions they face. This is, as could probably be surmised, essentially a black community. But this community has determined that it is going to rise by its own bootstraps. And despite the fact that it is virtually devoid of industry or a tax base, it intends to do something for its own people, its own aged, its own children, its own undereducated people.

I have had occasion to visit this community on several occasions. And I am very pleased to indicate at this time their efforts to raise for themselves the one-third matching funds for an OEO grant that would enable them to construct a community center which has now essentially been completed.

I was there at the kickoff. Children contributed nickels, dimes, and pennies. They sold bottles and other objects to raise money for the center.

I do not think there is an individual in the community that has not been contacted. They have called on some of the neighboring communities and business establishments for assistance and help.

Mr. President, I ask unanimous consent that there be printed in the RECORD the report made by some of the leading citizens of this community on the heartening progress they have actually made in an otherwise very discouraging situation.

There being no objection the report was ordered to be printed in the RECORD, as follows:

THE TURNING POINT—1965–69

At midpoint of the decade of the '60s, we found our first funds for a community project all our own, which we could plan for and carry out. Before that, it was always other people coming in from outside the community to do "a little something" for us. Through the Cook County Office of Economic Opportunity, we applied for and received funds to begin two day care centers in the only available community space, the two public housing projects on either side of Highway 30, in which so many of our people live. The following year we obtained from the same source the necessary funds to remodel an old house and to begin our first Head Start program. Under our own Citizen Advisory Committee, these programs have successfully served children between the ages of 3 and 5, giving them the full range of medical, educational, nutritional and social services that so many of our children require if they are to begin to overcome the handicaps of poverty into which they are born. In addition to good care for children, the program has enabled mothers to become or to remain fully employed. We are very proud that all of the local people hired into these programs have received professional training, so that now it is entirely operated by local staff with good qualifications.

The involvement of mothers in this program has been excellent, giving the whole community a little army of concerned people who have learned from their own experience that they *can* make a difference. Our success and our increased self-confidence as a result, led us to encourage our Village government to apply for a Neighborhood Facilities grant from the Department of Housing and Urban Development. We began to see that we could stop our long skid into the seemingly bottomless pit of disadvantage if we could extend our day-care, head-start experiences into other services and upgrading programs for all age groups in the community. This would require suitable space, and money to hire and to train or retrain our own suitable staff. Our Village Board submitted the application for an N–F grant in December, 1966. Nothing happened.

Then, suddenly, in April, 1968, the Mayor of our Village received notice that HUD had made a reservation of $389,000, and that if we could match this amount with our local share of $195,000, we could build the multipurpose community center that we needed so badly.

The HUD requirements for a ⅓ matching share for a community like ours is, of course, ridiculous. With a total assessed valuation of only 4½ million dollars for the entire village, we couldn't possibly tax ourselves enough to raise it. But following an appearance of our Mayor on an evening news broadcast after the HUD announcement was made, we received an encouraging response from people outside the community who offered their help, including United States Senator Charles Percy. We were not sure that it could be done, but our elected officials decided that we would be no worse off if we tried and failed, so the Mayor appointed an Advisory Committee for a Community Center composed entirely of local citiens who, in turn, invited five people from outside the community to join us, and thus, this intercommunity, bi-racial board was born.

With the assistance of a volunteer attorney, we formed the East Chicago Heights Community Service Center, Inc., incorporated under the laws of the State of Illinois, and then applied for and received from the Internal Revenue Service, tax exempt status under sec. 501(c)(3). On Decoration Day, May 31, 1968, Senator Percy was our guest speaker and kicked off our campaign to raise the matching funds. From the nickles and dimes of school children and sale at our open air rally that day, we raised $500 . . . only $190,000 to go!

Despite discouragement from many people who were supopsed to know how such things are done, we raised $70,000 by the end of our first deadline; another $26,000 by the end of the second, and, finally, on December 31, or just six months after we started, we had raised $128,000 in cash and pledges. The Village government then followed through on their earlier commitment, and called for a referendum which our people approved by a three to one majority to issue $75,000 worth of bonds, and so by March 1, 1969, the local share was secured. This story of sacrifice, of setbacks, of strugles that are never encountered in cities because of their superior command of resources of all kinds, is unusual in the annals of HUD, and unheard of in our segregated suburbs. But we did prove to ourselves and to other people that a sense of community *does* exist, and that if we can continue to take the initiative, we will find support from individuals and institutions in the broader south suburban community.

We would like to report that after so astounding a success, everything had gone smoothly for us from then on. It has not, nor do we think it every will. We think that the struggles that have marked the end of the decade of the '60s will continue into the '70s. But we would point out that now, the nature of the struggle is different, because a few of us have "been to the mountain-top". We have stopped to skid. We are beginning to climb up and out. Whether we will "make it" remains unpredictable. We only know that we have more to build on, a lot more, as we go into the '70s than we had at the beginning of the last decade. We can now begin to see the ways to bring about substantial improvement in the quality of life for every man, woman, and child living in this community . . . still blighted, but not hopeless.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had disagreed to the amendment of the Senate to the bill (H.R. 514) to extend programs of assistance for elementary and secondary education, and for other purposes, asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. PERKINS, Mrs. GREEN, Mr. THOMPSON of New Jersey, Mr. DENT, Mr. PUCINSKI, Mr. DANIELS of New Jersey, Mr. BRADEMAS, Mr. O'HARA, Mr. CAREY, Mr. HAWKINS, Mr. WILLIAM D. FORD, Mr. HATHAWAY, Mrs. MINK, Mr. MEEDS, Mr. AYRES, Mr. QUIE, Mr. ASHBROOK, Mr. BELL, Mr. ERLENBORN, Mr. SCHERLE, Mr. DELLENBACK, Mr. ESCH, Mr. STEIGER of Wisconsin, and Mr. RUTH were appointed managers on the part of the House at the conference.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Acting President pro tempore (Mr. ALLEN):

H.R. 13300. An act to amend the Railroad Retirement Act of 1937 and the Railroad Retirement Tax Act to provide for the extension of supplemental annuities, and for other purposes; and

H.R. 14944. An act to authorize an adequate force for the protection of the Executive Mansion and foreign embassies, and for other purposes.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

REPORT OF AGREEMENTS SIGNED FOR FOREIGN COUNTRIES UNDER PUBLIC LAW 480

A letter from the Acting General Sales Manager, Export Marketing Service, U.S. Department of Agriculture, transmitting, pursuant to law, a report of agreement signed for foreign currencies under Public Law 480 (with an accompanying report); to the Committee on Agriculture and Forestry.

PROPOSED AUTHORIZATION OF APPROPRIATIONS FOR FEDERAL HOME LOAN BANK BOARD

A letter from the Chairman, Federal Home Loan Bank Board, transmitting a draft of proposed legislation to authorize the appropriation of funds to be utilized by the Federal Home Loan Banks for the purpose of adjusting the effective rate of interest to short-term and long-term borrowers on residential mortgages (with an accompanying paper); to the Committee on Banking and Currency.

Proposed Legislation To Establish a Federal Home Loan Mortgage Corporation

A letter from the Chairman, Federal Home Loan Bank Board, to create a Federal Home Loan Mortgage Corporation, and for other purposes (with an accompanying paper); to the Committee on Banking and Currency.

Report of National Aeronautics and Space Administration on the Disposal of Certain Foreign Excess Property

A letter from the Deputy Administrator, National Aeronautics and Space Administration, reporting, pursuant to law, on the disposal of certain foreign excess property; to the Committee on Government Operations.

Reports of the Comptroller General

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the examination of financial statements of the Virgin Islands Corporation (in final liquidation), for fiscal year 1969, Department of the Interior, dated March 6, 1970 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the combat readiness of the Strategic Air Command, Department of the Air Force, dated March 9, 1970 (with an accompanying report); to the Committee on Government Operations.

Proposed Grant Agreement With the University of Idaho, Moscow, Idaho

A letter from the Acting Director, Bureau of Mines, Department of the Interior, transmitting, pursuant to law, a proposed grant agreement with the University of Idaho, Moscow, Idaho, for a research project entitled "Development of Improved Ventilation Technology for Non-coal Mines and Other Underground Excavations" (with accompanying papers) to the Committee on Interior and Insular Affairs.

Proposed Legislation by the American Revolution Bicentennial Commission

A letter from the Chairman, American Revolution Bicentennial Commission, transmitting a draft of proposed legislation to amend the joint resolution establishing the American Revolution Bicentennial Commission, as amended (with accompanying papers); to the Committee on the Judiciary.

Reports of the Atomic Energy Commission

A letter from the Chairman Atomic Energy Commission, transmitting, pursuant to law, one copy each of the Commission's official reports—"Annual Report to Congress for 1969" and its supplement, "Fundamental Nuclear Energy Research—1969" (with accompanying reports); to the Joint Committee on Atomic Energy.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MAGNUSON, from the Committee on Commerce, without amendment:

H.R. 1497. An act to permit the vessel Marpole to be documented for use in the coastwise trade (91–719).

By Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, without amendment:

S. Res. 360. Resolution authorizing additional expenditures by the Committee on Labor and Public Welfare for inquiries into the United Mine Workers election of 1969 and pension and welfare funds generally (Rept. No. 91–720).

Mr. MANSFIELD subsequently said: Mr. President, earlier today the Senator from North Carolina (Mr. Jordan) reported from the Committee on Rules and Administration Senate Resolution 360, authorizing additional expenditures by the Committee on Labor and Public Welfare for inquiries into the United Mine Workers election of 1969 and pension and welfare funds generally.

I ask unanimous consent that the individual views of the Senator from Kentucky (Mr. Cooper) be printed as part of the report.

The PRESIDING OFFICER. Without objection, it is so ordered.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CHURCH:

S. 3557. A bill to require that after a certain date the General Services Administration and the Post Office Department purchase a certain type of motor vehicle; to the Committee on Government Operations.

By Mr. MAGNUSON (for himself, Mr. Pastore and Mr. Scott, by request):

S. 3558. A bill to amend the Communications Act of 1934 to provide continued financing for the Corporation for Public Broadcasting; to the Committee on Commerce.

(The remarks of Mr. Magnuson when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. PEARSON:

S. 3559. A bill to amend the Consolidated Farmers Home Administration Act of 1961 to make income on insured loans sold out of the Agricultural Credit Insurance Fund subject to Federal income taxes, and for other purposes to the Committee on Finance.

(The remarks of Mr. Pearson when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. COOK (for himself, Mr. Goldwater, Mr. Dominick, Mr. Scott, Mr. Javits, Mr. Packwood, Mr. Hatfield, Mr. Case, Mr. Boggs, Mr. Schweiker, Mr. Brooke, Mr. Fong, Mr. Percy, Mr. Young of Ohio, Mr. Bayh, Mr. Ribicoff, Mr. McGee, Mr. Church, Mr. Cranston, and Mr. Hughes):

S. 3560. A bill to provide for lowering the minimum age at which citizens shall be eligible to vote in elections; to the Committee on Rules and Administration.

(The remarks of Mr. Cook when he introduced the bill appear earlier in the Record under the appropriate heading.)

By Mr. BYRD of West Virginia:

S. 3561. A bill for the relief of Miss Christina Flores; to the Committee on the Judiciary.

By Mr. HUGHES (for himself, Mr. Mansfield, Mr. Yarborough, Mr. Javits, Mr. Williams of New Jersey, Mr. Pell, Mr. Kennedy, Mr. Nelson, Mr. Mondale, Mr. Eagleton, Mr. Cranston, and Mr. Schweiker):

S. 3562. A bill to provide a comprehensive Federal program for the prevention and treatment of drug abuse and drug dependence; to the Committee on Labor and Public Welfare, by unanimous consent, then title IV of the bill to be re-referred to the Committee on the Judiciary, and Title VI of the bill to be re-referred to the Committee on Finance, by unanimous consent.

(The remarks of Mr. Hughes when he introduced the bill appear earlier in the Record under the appropriate heading.)

By Mr. HRUSKA:

S. 3563. A bill to amend title 18, United States Code, to provide for the issuance to certain persons of judicial orders to appear monial identification procedures, and for other purposes; and

S. 3564. A bill to amend the Federal Youth Corrections Act, 18 U.S.C. 5005 et seq., to permit examiners to conduct interviews with youth offenders; to the Committee on the Judiciary.

(The remarks of Mr. Hruska when he introduced the bills appear earlier in the Record under the appropriate headings.)

By Mr. McINTYRE:

S. 3565. A bill to provide for the establishment of national standards for warranties made with respect to consumer goods distributed in or affecting interstate commerce, and for other purposes; to the Committee on Commerce.

(The remarks of Mr. McIntyre when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. SCOTT (for himself and Mr. Bayh, Mr. Brooke, Mr. Case, Mr. Cook, Mr. Dole, Mr. Hart, Mr. Inouye, Mr. McGee, Mr. Mansfield, Mr. Miller, Mr. Percy, Mr. Randolph, and Mr. Schweiker):

S. 3566. A bill to establish, within the National Foundation on the Arts and Humanities, a National Council on American Minority History and Culture; to the Committee on Labor and Public Welfare.

(The remarks of Mr. Scott when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. CURTIS:

S. 3567. A bill to amend the Consolidated Farmers Home Administration Act of 1961 and the Housing Act of 1949 so as to extend to veterans of the Vietnam era the same loan preference with respect to farm and farm housing loans as are extended under such arts to veterans of other wars; to the Committee on Agriculture and Forestry.

(The remarks of Mr. Curtis when he introduced the bill appear later in the Record under the appropriate heading.)

Mr. KENNEDY (for himself, Mr. Bayh, and Mr. Mathias):

S. 3568. A bill to amend chapter 7, title 5, United States Code with respect to procedure for judicial review of certain administrative agency action, and for other purposes; and

S. 3569. A bill to amend section 553, title 5, United States Code, relating to administrative practice and procedure, to remove certain exemptions from the requirement of notice of proposed rulemaking; to the Committee on the Judiciary.

(The remarks of Mr. Kennedy when he introduced the bills appear later in the Record under the appropriate headings.)

By Mr. MONDALE·

S. 3570. A bill for the relief of Dr. Vasu Dev Arora, his wife Kanchan Bala and son, Ajay Kumar; to the Committee on the Judiciary.

By Mr. COOPER:

S. 3571. A bill for the relief of Prof. Gunter Haslop; to the Committee on the Judiciary.

S. 3558—INTRODUCTION OF THE PUBLIC BROADCASTING FINANCING ACT OF 1970

Mr. MAGNUSON. Mr. President, by request, Senator Pastore, Senator Scott, and I introduce the following bill which would amend the Communications Act of 1934 to provide continued financing for the Corporation for Public Broadcasting.

I ask unanimous consent to have a letter that was submitted by the Department of Health, Education, and Welfare requesting the legislation as well as an explanation of the purpose of the legislation printed in the Record.

I am hopeful that hearings will be held very shortly on this legislation.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the letter and explanation will be printed in the RECORD.

The bill (S. 3558) to amend the Communications Act of 1934 to provide continued financing for the Corporation for Public Broadcasting, introduced by Mr. MAGNUSON, for himself and other Senators, by request, was received, read twice by its title and referred to the Committee on Commerce.

The material submitted by Mr. MAGNUSON is as follows:

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE,
March 3, 1970.

Hon. SPIRO T. AGNEW,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: We are enclosing herewith a draft bill, "To amend the Communications Act of 1934 to provide continued financing for the Corporation for Public Broadcasting." This bill would be cited as the "Public Broadcasting Financing Act of 1970."

The Corporation for Public Broadcasting was established by Public Law 90–129, enacted November 7, 1967, in order to facilitate the development of public radio and television broadcasting. The enclosed legislative proposal is designed to carry out the President's recommendation, as set forth in his Message on Education Reform, to extend Federal support of the Corporation.

The bill would authorize annual appropriations for the Corporation through fiscal year 1973, in order to provide a sound basis for its continued growth and improvement. Such sums as may be necessary would be authorized for each of the fiscal years 1971 through 1973.

The Congress did not intend the Corporation to derive its resources solely from the Federal Government. Accordingly, in line with the President's recommendations, the bill would also create an incentive for additional financial support for public broadcasting from non-Federal sources, by providing for federal matching (on a dollar for dollar basis) of non-Federal contributions to the Corporation.

Paragraph (2) of section 396(k) of the existing law, which limits grants or contracts to any one station or for any one project to $250,000 for fiscal years 1969 and 1970, would not be extended. This provision has an unduly restrictive effect on the operations of the Corporation.

We should appreciate it if you would refer this draft to the appropriate Committee for consideration.

We are advised by the Bureau of the Budget that enactment of this bill would be in accord with the program of the President.

Sincerely,

JOHN G. VENEMAN,
Acting Secretary.

PURPOSE

The purpose of the bill is to provide continued financing for the Corporation for Public Broadcasting. The bill authorizes annual appropriations for the Corporation through fiscal year 1973, thus allowing the Corporation time to develop more support by the general public for public broadcasting. The draft bill would also reflect such public support by providing for Federal matching of non-Federal contributions for public broadcasting. This would serve as an incentive for additional financial support from non-Federal sources.

DESCRIPTION

Appropriations would be authorized in two parts, drawing on the model used successfully for the National Foundation on the Arts and the Humanities.

The first part would be a definite annual appropriation.

The second part would be Federal matching on a $1 for $1 basis of the contributions, gifts, etc., made to the Corporation during each fiscal year.

Funds for Federal matching would also be appropriated annually, but within ceilings specified in appropriation language. Thus, the Corporation would be assured of annually receiving up to the ceiling, assuming that non-Federal contributions amount to as much as was estimated at the time the appropriation is requested.

Subsection (2) of section K of the existing law would be repealed by the draft bill. That subsection limits grants or contracts to any one station or for any one project to $250,000.

S. 3559—INTRODUCTION OF A BILL TO MAKE INCOME ON INSURED LOANS SOLD OUT OF THE AGRICULTURAL CREDIT INSURANCE FUND SUBJECT TO FEDERAL INCOME TAX PURPOSES

Mr. PEARSON. Mr. President, one of the most pressing needs facing thousands of our rural communities today is the development of adequate water and waste disposal systems.

The Department of Agriculture has estimated that there are over 44,000 rural towns without adequate waste disposal facilities and 34,000 rural towns without adequate water systems.

These estimates dramatically illustrate the enormous challenge facing rural communities in providing adequate public facilities for their residents.

Mr. President, the development of adequate water and waste disposal systems is of particular importance to the well-being of our farm communities and smaller towns and cities.

Lack of an adequate water and waste disposal system may very likely present a health hazard for the residents of the community.

Every rural community with an inadequate waste disposal system is very likely to be a source of pollution for our precious water resources.

Moreover, inadequate water and waste disposal systems severely hinder a community's efforts to attract new business and industry. Indeed, it is widely recognized, Mr. President, that the existence of adequate water and waste disposal systems is essential to a community's economic development efforts. If new job creating industries are to be located in rural communities, these communities must be able to provide necessary public facilities to serve the needs of these industries.

Several Government agencies offer assistance to communities for the development of water and waste disposal systems. One of the most effective such programs is one administered by the Farmers Home Administration. But, at the moment, the potential of this program is severely crippled.

The Farmers Home Administration first provided assistance to rural communities for the development of water facilities in 1937. However, it was with the enactment of Public Law 89–240 in 1965 that the Farmers Home Administration was given the tools to become involved in a major way with the development of water and waste disposal systems. This law authorized the Farmers Home Administration to make and insure loans to rural communities for water and waste disposal projects and also to make development grants for such projects.

Public and quasi-public agencies and private nonprofit corporations including cooperatives, water districts, towns, and other such organizations which serve residents of open country and rural towns of no more than 5,500 people, may receive financial and technical assistance for planning, developing, and improving facilities for extending water and waste disposal services, provided they are unable to obtain adequate credit from other sources at reasonable rates.

One of the most valuable instruments provided the Farmers Home Administration by Public Law 89–240 was the authority to purchase tax-exempt bonds of public and quasi-public bodies through the Agriculture Credit Insurance Fund and then to resell these bonds, with Farmers Home Administration insurance endorsement, to private investors. In the short period of time between the enactment of Public Law 89–240 and the end of the 1969 fiscal year, Farmers Home received 3,418 applications from rural communities to finance water and waste disposal projects through this mechanism of insured public bonds.

This program was so attractive to small rural towns because unlike larger cities they have great difficulty selling their bonds to private investors. However, the insurance endorsement by FHA assures their marketability and allows the town to proceed with the development of its water and waste disposal system.

This heavy demand for insured public loans triggered a study by the Treasury Department and Bureau of the Budget which resulted in the decision that it was not proper for the Government to insure loans to such public bodies if the interest income paid to the insured lenders was to be tax exempt.

As a result, FHA was limited in fiscal 1967 to $35,000,000 in insured loans of this type. No such loans have been authorized since then and the Farmers Home Administration has rejected over 3,100 applications—representing approximately $600 million—during that period

Mr. President, I am today introducing legislation which would overcome the objections of the Treasury Department. This legislation would permit the Farmers Home Administration to purchase through its Agriculture Credit Insurance Fund, tax-exempt bonds from public bodies that were issued to finance water and waste disposal facilities. These bonds would then be insured by the Farmers Home Administration and resold to private investors, but with the requirement that the purchaser pay income tax on the full amount of interest paid to him by the Farmers Home Administration. Under present law the Farmers Home Administration would pay the bond issuing authority an interest rate of not to exceed 5 percent.

In order to be competitive in today's market, the Farmers Home Administration would have to pay about 8 percent interest on these bonds. Thus, the agriculture and credit insurance fund would have to finance an interest subsidy of about 3 percent. However, it is quite likely that the flow of new tax revenue to the Federal Treasury would more than compensate for this subsidy.

For fiscal 1970 the Bureau of the Budget authorized the Farmers Home Administration to make insured loans of this type of up to $245,000,000 pending passage of legislation similar to that which I introduce today. This would permit approximately 1,300 additional loans for water and waste disposal facilities. Even this substantial increase would not meet the existing demands for this type of loan. However, for the purpose of illustration, we will use the $245 million figure which, as I say, is really very minimal considering the needs. A 3-percent interest subsidy on $245 million is $7,350,000. That is to say that this is the additional dollar cost to the agriculture credit insurance fund. However, an extremely high percentage of those who would be purchasing these bonds from the Farmers Home Administration are in a 50 percent or higher income tax bracket. Again for the purpose of illustration, we can multiply the $245 million figure by the anticipated 8 percent interest. This yields a total interest income of $19,600,000. If this were then taxed at the 50-percent rate, the new taxes to the Federal Treasury would equal $9,800,000 which is considerably more than the interest subsidy cost of operating the program.

But even if there were no new revenues generated, it would seem to me that the $7 million subsidy figure would be a small cost compared to the enormous benefits that would be gained by opening up this new money source to rural communities which so need to develop and improve water and waste disposal systems.

This legislation is clearly justified as a part of our overall effort to stimulate rural development and also as a part of our overall efforts to control the problem of water pollution.

Mr. President, the Senate passed legislation similar to that which I propose today late in the 1968 session. Similar legislation was introduced again last year by the distinguished Senator from New Mexico (Mr. Montoya) with the cosponsorship of the distinguished Senator from Vermont (Mr. Aiken). The bill I introduce today does not differ substantially; however, it does allow the Farmers Home Administration to purchase tax-exempt bonds used to finance irrigation and drainage projects as well as water and waste disposal projects.

Mr. President, the passage of this legislation would open up a valuable source of assistance which would be used by at least 100 rural communities in Kansas and several thousand across the Nation. This program would not likely result in any net drain on the Treasury. Indeed, a revenue surplus is quite probable. And most certainly the resulting development and improvement of rural water and waste disposal systems would contribute to improved rural health, reduce water pollution, and further the overall cause of rural economic development.

Thus the justification for this legislation is apparent and I hope that the Congress acts favorably upon it. Mr. President, I ask unanimous consent that the text of the bill be printed in the Record.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the Record.

The bill (S. 3559) to amend the Consolidated Farmers Home Administration Act of 1961 to make income on insured loans sold out of the Agricultural Credit Insurance Fund subject to Federal income taxes, and, for other purposes, introduced by Mr. Pearson, was received, read twice by its title, referred to the Committee on Finance, and ordered to be printed in the Record, as follows:

S. 3559

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 309 (d) of the Consolidated Farmers Home Administration Act of 1961 is amended by adding at the end of the following new sentence: "Interest or other income paid out of the fund to the insured holders of notes hereafter sold out of the fund shall not be exempt, under section 103 (a) of the Internal Revenue Code of 1954 or similar successor law, from Federal income taxation."

S. 3565—INTRODUCTION OF A BILL TO PROTECT THE CONSUMER FROM MISLEADING, UNDECIPHERABLE, AND UNTRUSTWORTHY WARRANTIES

Mr. McINTYRE. Mr. President, every day consumers purchase thousands of different kinds of appliances, personal products and automobiles, most of which are accompanied by some kind of warranty outlining what the manufacturer will do in case of defects in the products or failure to perform properly during a specific period.

These warranties constitute one of the major problems facing the consuming public. In many instances the purchasers are virtually unable to decipher the scope or coverage of the guarantee they receive when they make their purchase.

The technical language and format of the warranties on many products would send a Philadelphia lawyer scurrying for a textbook, and are totally incomprehensible to the average person. The consumer is not sure what protection the warranty gives him although the language conveys the impression that the repair of any defects in the product will be automatic, complete, and without charge. In all too many cases this blind optimism has proven unfounded.

In many cases, small type, appropriately hidden at the bottom of the large type, disclaims any implied warranty or fitness of the product for use and establishes all kinds of preconditions for obtaining the services listed. This is hardly consistent with the popular belief that warranties, whether implied or stated, mean that a manufacturer will stand behind his product.

When something does go awry with a warranted item the impact on the consumer is often disastrous. There may be unreasonable and excessive delays in providing repair service. Often, completely unrealistic procedures must be followed in order to obtain repair. For example, there have been warranties which require the return of the item in the original box in which the product was sold to the consumer. That box usually goes in the waste container on the night of the purchase or, at least, is destroyed before the warranty is read and understood or the product malfunctions.

In some instances, warranties require that the imperfect product must be returned to a distant and difficult to reach specific location to obtain repair under the guarantee. There are many instances of the unavailability of the proper parts to make needed repairs. Often there are unexpected "service charges." In other cases, even after repairs have supposedly been provided, the product still does not perform properly.

Public attention and concern has prompted some improvement in this area and many companies are attempting to improve the understandability of warranties and to fulfill the promises made under them. But such efforts are neither universal nor completely effective. As a result the consumer still does not know how long a product will last, nor can he have full confidence in the manufacturer's ability and willingness to provide repair service.

I am therefore introducing legislation, the goal of which is to enable the purchaser to understand a warranty and to insure that the manufacturer fulfills his obligations thereunder. This legislation would require clear and concise language as to what is covered and what is not covered in each warranty. The caveats, exclusions, and disclaimers by the manufacturers and the responsibilities of the purchaser will be readily apparent and understood under the provisions of this legislation.

This legislation would also protect against the now common practice of inserting a disclaimer of any implied warranty into an express warranty. I do not believe that manufacturers should be able to avoid in this manner legal obligations which they might otherwise have. I was happy to note that the Chairman of the Federal Trade Commission testified in this same vein when he appeared before the Senate Consumer Subcommittee of the Senate Commerce Committee.

There are several bills pending which deal with warranties. I would note especially the bill S. 3074 introduced by the distinguished chairman of the Senate Commerce Committee, the Senator from Washington (Mr. Magnuson). This is an excellent bill for the purposes for which it was drafted, and one which I can wholeheartedly support. It indicates once again the magnificent leadership the Senator from Washington has given in attempting to solve the problems of the consumer. However, I believe there

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are additional problems with respect to warranties which I hope will be solved by the national warranty standards and performance bill which I am introducing today.

Most of the existing proposals authorize the setting and publication of standards for warranties. However there appears to be some question as to whether such standards would have the force and effect of law. My bill, I believe, does provide the force and effect of law and offers a feasible means for enforcement.

Additionally, the standards proposed in most of the legislation previously offered will, I believe, hardly be pervasive enough to insure full disclosure on the myriad of products which might be covered. Another drawback to these proposals is that the regulations would have to be on a case by case basis using the cease and desist mechanism of the Federal Trade Commission. It would certainly be difficult to prove in court that a warranty is not clear and concise when serious attention is focused upon it and, indeed, there also seems room for argument as to what is clear and concise and to whom.

Another area not sufficiently defined in proposed legislation is what amount of service on a product is necessary in order to be considered adequate and whether a manufacturer can be prosecuted because one of several areas of service falls below accepted standards.

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The previously proposed legislation is laudable and worthwhile insofar as it goes, but I think these bills overlook the pragmatic problems of achieving compliance. I believe that the bill I am offering today alleviates many of the difficulties implicit in a regulatory program based on generalities. Registration of all warranties, such as I propose, giving the Federal Trade Commission a chance to review them for clarity, conciseness and full disclosure appears to me to be an efficient, easily administered and expeditious means of dealing with warranty problems. It would place the major responsibility on the manufacturers, where it belongs, to provide meaningful warranties which they could be required to back up.

Administrative safeguards would be provided to avoid arbitrary decisions by the FTC. There would be an initial period provided during which all existing warranties would be conditionally registered, pending review. I believe that this initial period for review by the FTC and the knowledge that registration could be revoked if warranties were found lacking would stimulate immediate improvements and accomplish much in a short time.

I hope that this plan of protecting the consumer from false, misleading and deceptive warranties will receive the strong and full support of my colleagues.

Mr. President, I introduce for appropriate reference a bill, the National Warranty Standards and Performance Act of 1970.

Mr. President, I further ask that the full text of this proposed legislation be printed at this point in the RECORD.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 3565) to provide for the establishment of national standards for warranties made with respect to consumer goods distributed in or affecting interstate commerce, and for other purposes, introduced by Mr. MCINTYRE, was received, read twice by its title, referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

S. 3565

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Warranty Standards and Performance Act of 1970".

DECLARATION OF POLICY

SEC. 2. The warranty accompanying an article of sale frequently comprises a major element of the total value represented to the consumer. Informative, accurate, clear, and fair warranties, backed up by warrantors with quality replacement parts or efficient services warranted, are essential elements of our free market economy. The presentation and content of the warranty prior to sale, and the consistency of performance of warranty obligations after sale, should facilitate value comparisons and promote fair competition. Therefore, it is hereby declared to be the policy of the Congress to assist consumers and business in reaching these goals in the marketing of consumer goods.

FINDINGS OF FACT

SEC. 3. The Congress finds that—

(1) those who warrant goods in an unfair manner or fail to provide for the performance, or fail to perform the warranty made, inhibit fair competition, frustrate value comparisons by consumers and promote disharmony between consumers and business;

(2) in order to facilitate value comparisons by consumers, promote fair competition within the business community, and promote harmony between consumers and the business community it is necessary to provide for the promulgation of standards governing the presentation, accuracy, clarity, and elements of disclosure of warranties, and to provide for the registration of warranties accompanying consumer goods;

(3) compliance with the standards set and provisions for performance of obligations of the warranty made should be conditions precedent to the granting of approval of any warranty accompanying consumer goods;

(4) actual performance of the obligations of a warranty should be a condition precedent to the continued registration of any warranty accompanying consumer goods;

(5) to make regulation of warranties for consumer goods in interstate commerce effective, it is necessary to provide for the standardization and registration of all warranties accompanying consumer goods which are likely to enter the channels of interstate commerce and directly affect such commerce; and

(6) regulation of warranties for consumer goods in interstate commerce without provision for standards and registration of warranties for consumer goods distributed only in intrastate commerce would discriminate against and depress interstate commerce in such goods and would adversely burden, obstruct, and affect such interstate commerce.

REQUIREMENTS AND PROHIBITIONS

SEC. 4. (a) Except as otherwise provided by this Act, it shall be unlawful for any person engaged in the manufacture or sale of consumer goods in interstate commerce or affecting interstate commerce to make with respect to such goods any oral or written representation purporting to be a guaranty or warranty unless (1) such representation is a warranty which has been determined by the Federal Trade Commission to conform to standards for presentation, accuracy, clarity, and disclosure for warranties which shall be established by the Federal Trade Commission under this Act, (2) such warranty has been registered with the Federal Trade Commission after its determination that the terms and conditions thereof, and the provisions made by the warrantor for the performance of the obligations thereof, conform to the requirements of this Act and of regulations which shall be promulgated by the Commission thereunder, and (3) such registration has not been revoked or suspended.

(b) The Federal Trade Commission shall promulgate such regulations as it shall determine to be necessary to provide effective notice to consumers as to the identity of particular items of consumer goods manufactured or sold in interstate commerce or affecting interstate commerce which, when offered for sale to consumers, are not subject to a registered warranty which is in effect in compliance with the requirements of subsection (a). Such regulations shall specify the identity of the parties required to furnish such notice, the manner in which such notice is to be given, and the contents or substance of such notice. Whenever any person is obligated by such regulations to give that notice, it shall be unlawful for such person to fail to give that notice in compliance with such regulations.

(c) If the Federal Trade Commission determines that, because of the nature, form, or quantity of any category of consumer goods or for any other reason which it determines to be good and sufficient, full compliance with all the requirements prescribed by this Act is impracticable or is not necessary for the adequate protection of consumers, the Commission may promulgate regulations exempting such category of consumer goods and warranties given with respect thereto from those requirements to the extent and under such conditions as it determines to be consistent with the purposes of this Act.

(d) Under such regulations as the Federal Trade Commission shall promulgate in conformity with the provisions of this Act, any person engaged in the manufacture or sale of any item of consumer goods may apply to the Commission for the registration of a warranty which such person intends to offer in connection with the sale of that item to consumers and for which such person proposes to assume responsibility for performance. Each such application shall be accompanied by five copies of the proposed warranty and such evidence of the willingness and capacity of the applicant to fulfill the obligations of the warranty as the Commission may require by regulation. After notice and an opportunity for hearing, the Commission at the earliest practicable time shall enter its order granting or denying the application and transmit a copy thereof to the applicant by registered mail. If the Commission grants the application made as to a warranty, it shall assign to that warranty a serial number which shall be placed upon each copy of the warranty furnished to consumers.

WARRANTY STANDARDS

SEC. 5. (a) Subject to the provisions of section 4(c), no warranty may be approved by the Federal Trade Commission for registration under this Act unless that warranty—

(1) is expressed in simple and readily understandable terms;

(2) clearly and conspicuously discloses the name and address of the warrantor and, where applicable, the name and address of any person or persons, or the identification of any class of persons, authorized to perform the obligations set forth in the warranty;

(3) contains a detailed statement of the terms and conditions of the warranty, in-

cluding any limitations on parts covered, the nature of damage or defects covered, the duration of the warranty, any obligations imposed upon the purchaser, and the time and manner of the warrantor's performance of his obligations under the warranty; and

(4) fulfills such other requirements as the Commission may determine to be necessary to provide a full and complete disclosure to consumers of the meaning of the warranty and the remedies provided thereby for the benefit of consumers.

(b) Subject to the provisions of section 4(c), no warranty may be approved by the Federal Trade Commission for registration under this Act if that warranty—

(1) provides or purports to provide for the transfer, by contract or otherwise, to any person other than the warrantor of the obligation of the warrantor to fulfill the terms and conditions of the warranty;

(2) relieves or purports to relieve the warrantor of any obligation—

(A) to correct any damage to or defect in any item of consumer goods which is present at the time of transfer of possession thereof to the first purchaser who is a consumer;

(B) arising under the law of any State with respect to any implied warranty of merchantability or fitness for a particular use; or

(C) with respect to the death of or personal injury to any person, resulting proximately from any damage to or defect attributable to the warrantor;

(3) imposes any legal obligation on a consumer of the product to indemnify or otherwise hold the warrantor harmless from any injury or harm which might arise from the use of any item of consumer goods; or

(4) imposes upon a consumer the responsibility for paying all or a portion of the cost of repairs or replacement which may be necessary within a reasonable period of time after the sale of the product to the first purchaser who is a consumer and which are required because of defects in designs, material, or workmanship.

(c) The Federal Trade Commission shall determine, upon the basis of good manufacturing practice within each industry engaged in the production of consumer goods, and prescribe by regulations as to each category of consumer goods, the period of time which shall be deemed to be a reasonable period of time after such sale in which items of each such category should not require repair or replacement.

PERFORMANCE STANDARDS

SEC. 6. (a) Subject to the provisions of this section and of section 4(c), no warranty may be approved by the Federal Trade Commission for registration under this Act unless—

(1) the Commission determines that the applicant for such approval has made adequate advance arrangements to insure that the obligations expressed in the warranty will be expeditiously performed;

(2) the Commission determines that such applicant is currently performing adequately the obligations expressed in the warranty;

(3) the applicant for such approval agrees, as a condition for registration, to take all reasonable measures prescribed by the Commission to inform potential retail purchasers of any limited or complete revocation, or limited approval, of the warranty registration directly affecting such a potential purchaser; and

(4) the applicant for such approval agrees to any special conditions or limitations on the manner of presentation, or reference to the approved registration in advertising or other promotional material, as the Commission shall determine to be required for the protection of consumers.

(b) Whenever the Commission determines that the capacity of an applicant to perform the obligations of a warranty is limited to particular geographical areas or sales outlets, the Commission may approve the warranty for registration subject to the limitation that it may be used only with respect to items of consumer goods which are offered for sale at retail in geographical areas in which, or through sales outlets at which, adequate facilities are maintained for the performance of the obligations of the warranty by or on behalf of the applicant.

(c) Whenever the Commission determines, after notice and an opportunity for hearing, that any person who has registered with the Commission a warranty approved under this Act has refused or failed to perform the obligations of that warranty, the Commission may order the revocation of that registration or the suspension thereof for such period of time as the Commission shall determine to be required to assure future fulfillment of the obligations of the warranty.

PENALTIES

SEC. 7. (a) the making, by any person engaged in the manufacture or distribution of any item of consumer goods in interstate commerce or affecting interstate commerce, of any oral or written representation purporting to be a guaranty or warranty of such item shall constitute an unfair or deceptive act or practice in commerce in violation of section 5(a) of the Federal Trade Commission Act (15 U.S.C. 45(a)), and shall be subject to enforcement under section 5(b) of that Act, unless that item is offered for sale to consumers subject to a warranty approved by and registered with the Federal Trade Commission under this Act and the registration of that warranty has not been revoked or suspended.

(b) Whoever, being a person obligated by regulations promulgated under section 4(b) to furnish any notice described therein, willfully fails to give such notice in compliance with such regulations shall be punished (1) for a first offense under this subsection by imprisonment for not more than one year, or a fine of not more than $1,000, or both, and (2) for each offense under this subsection committed subsequent to final conviction for a first such offense by imprisonment for not more than three years, or a fine of not more than $10,000, or both.

FEDERAL-STATE COOPERATION AND ENFORCEMENT

SEC. 8. (a) In carrying into effect the provisions of this Act the Federal Trade Commission is authorized to cooperate with any department or agency of the United States, with any State, Commonwealth, or possession of the United States, and with any department, agency, or political subdivision of any such State, Commonwealth, or possession.

(b) The Chairman of the Federal Trade Commission is authorized to conduct examinations of facilities for warranty service and investigations of the performance by warrantors of their obligations under warranties through the employment of officers, employees, and procedures of the Commission, or through the use of the services of any law enforcement officer of any State, Commonwealth, or possession of the United States, or any political subdivision thereof, made available to the Commission by such State, Commonwealth, possession, or political subdivision.

PROCEEDINGS OF THE COMMISSION

SEC. 9. (a) The promulgation of rules and regulations by the Federal Trade Commission under this Act shall be subject to the provisions of section 553, title 5, United States Code.

(b) Proceedings before the Federal Trade Commission upon applications made under this Act for the approval and registration of warranties, and for the revocation or suspension of warranty registrations under this Act, shall be taken in conformity with provisions of law governing proceedings for the issuance of cease and desist orders under section 15 of the Federal Trade Commission Act (15 U.S.C. 45). Any order of the Commission denying an application for the approval or registration of a warranty under this Act, or revoking or suspending the registration of a warranty under this Act, shall be subject to judicial review in the manner provided by that section with respect to orders issued thereunder.

(c) For the purpose of conducting surveys and investigations under this Act, the Commission shall have all powers which are conferred upon it by section 9 of the Federal Trade Commission Act with respect to the conduct of investigations made by that Commission under that Act. The provisions of section 10 of the Federal Trade Commission Act (15 U.S.C. 50) shall apply to the act or omission of any person with regard to any subpena, order, or requirement of the Commission under this Act to the same extent, and with the same effect, as if such act or omission had occurred with regard to a like subpena, order, or requirement issued under the Federal Trade Commission Act.

REPORTS TO THE CONGRESS

SEC. 10. The Federal Trade Commission shall transmit to the Congress beginning in the first January after enactment of this Act and in each January thereafter a full and complete description of the activities of the Commission for the administration and enforcement of this Act during the preceding calendar year.

DEFINITIONS

SEC. 11. For the purposes of this Act—

(1) "Commission" means the Federal Trade Commission.

(2) "Interstate commerce" means commerce within the District of Columbia, the Commonwealth of Puerto Rico, or any possession of the United States, or between any place in a State and any place in another State, or between places in the same State through another State.

(3) "Warranty" means a written instrument by which a manufacturer or distributor assumes legally enforceable liability to refund the purchase price or repair or replace without cost to the consumer, or upon specified terms, any damage to or defects in any item of consumer goods at or after the time of delivery of possession of such item to the first purchaser who is a consumer.

(4) "Warrantor" means a person who gives or has given a warranty respecting a consumer product.

(5) "Person" means an individual and any partnership, corporation, association, or other legal entity.

(6) "Consumer" means the retail purchaser of consumer goods to whom a warranty is given and any other person who is entitled by the terms of the warranty to enforce against the warrantor the obligations stated therein.

(7) "Consumer goods" means any motor vehicle, appliance, device, article or other product which is intended for use primarily by individuals, and which is normally sold at retail for $10 or more.

SAVING PROVISION

SEC. 12. Nothing contained in this Act shall be construed to repeal, invalidate, or supersede the Federal Trade Commission Act (15 U.S.C. 41 et seq.) or any statute defined therein as an antitrust Act.

EFFECTIVE DATE

SEC. 13. This Act shall take effect six calendar months from the date of enactment: *Provided, however,* that warranties in existence before the effective date shall be conditionally registered until such time as they can be reviewed by the Commission: *Provided further,* That such conditional registration is in the interest of the public and will not continue any frauds, deceptions, or misrepresentations. In no event shall a conditional registration be extended for more than eighteen months from the effective date of this Act.

S. 3566—INTRODUCTION OF A BILL TO ESTABLISH A NATIONAL COUNCIL ON AMERICAN MINORITY HISTORY AND CULTURE

Mr. SCOTT. Mr. President, I introduce for appropriate referral a bill to amend the Arts and Humanities Act of 1965 to provide for a National Council on American Minority History and Culture.

My bill would add an additional Council within the National Foundation on the Arts and Humanities. This new 11-member Council would be solely responsible for increasing the recognition of minority cultural contributions. The Council would study means by which the American public can achieve better understanding and knowledge of the history and culture of its minority groups whose contributions to our society have been neglected or inadequately presented.

The Council would submit a report of its findings and recommendations to the Chairman of the National Endowment for the Arts, the Chairman of the National Endowment for the Humanities, and the President and Congress within 1 year after its establishment. This first report would set forth recommendations for the most effective manner in which neglected minority history and culture can be disseminated to the American public.

It is my hope the new Council would draft plans to coordinate the data with the activities and programs of the Foundation, weaving in the minority experiences while promoting the purposes of the Foundation. The Council, I believe, could best do this if made up of members of the American minorities to whom this opportunity would say, "This is your challenge to explore the facts of your heritage and history over the American scene. It is up to you to do your own thing."

In previous Congresses, I introduced bills which would establish an independent Commission on Afro-American History and Culture, which would study neglected black history and culture and recommend the best methods of dissemination within the United States. Similar legislation was passed during the final days of the 90th Congress by the House of Representatives. My bill was approved by the Subcommittee on Arts and Humanities of the Senate Labor and Public Welfare Committee. The imminence of adjournment prevented the Senate from completing action on the measure.

These bills were the forerunners of the amendment I am introducing today. Although the original bill specified "Afro-American," the new amendment encompasses those American minorities which have been neglected, overlooked, and unrecognized in the story of the United States. The black minority, I believe, will constitute one of the largest minorities in this category.

I believe the approach taken in my new amendment is preferable also because the new Council would be installed under three existing Councils already engaged in the development and promotion of a national policy of support for the humanities and the arts, and would bring to them the benefits of minority inputs.

The history of suppression, disadvantage and inequity of the African-American especially is very well known. But the history of achievement, contribution, and participation is not a part of that American history commonly taught at all levels in all of our educational institutions. Nor has it been accurately portrayed by our entertainment media. We are at a point in our social development where it will no longer suffice simply to step from total neglect into crash programs with short life spans; these cannot adequately meet the challenge of dissemination of the black experience or that of other neglected minorities. There must be positive and deliberate programs of research, preservation and dissemination of the American minorities' history and culture. This can be done by the National Foundation on the Arts and Humanities.

The time is ripe for national leadership in fostering better understanding and knowledge of the contributions of American minorities and their heritages to American society.

This does not mean just including an African American, or other minority, history course in school curriculums; it also means highlighting the presence of these minorities in a wide range of activities such as literature, economics, music, or political science as the activity itself is studied or publicized. I believe the Council will serve best when it performs this task of identifying and dramatizing, in the classroom and out, the contribution of minorities to the total American experience. At its best, such an effort will support the long and often tragic struggles of our minorities to feel a part of this experience.

Mr. President, I ask unanimous consent that the text of my proposal be printed in the RECORD.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 3566) to establish, within the National Foundation on the Arts and Humanities, a National Council on American Minority History and Culture, introduced by Mr. SCOTT, for himself and other Senators, was received, read twice by its title, referred to the Committee on Labor and Public Welfare, and ordered to be printed in the RECORD, as follows:

S. 3566

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) there is hereby established, within the National Foundation on the Arts and Humanities, a National Council on American Minority History and Culture (hereafter referred to as the "Council").

(b) The Council shall study means by which the American public may achieve better understanding and knowledge of the cultural contributions and history of American minority groups whose contributions to the culture and history of the United States have been neglected or inadequately presented.

(c)(1) The Council shall submit a report of its findings and recommendations to the Chairman of the National Endowment for the Arts, the Chairman of the National Endowment for the Humanities, the President, and the Congress within one year after the date of enactment of this Act and from time to time thereafter as the Council deems necessary.

(2) The first such report shall give particular attention to the most effective manner in which the history and culture of such groups may be presented to the public. Each report shall make recommendations for carrying out the objectives of this Act, including, but not limited to, (1) utilizing programs and activities under subsection (c) of section 5 and subsection (c) of section 7 of the National Foundation on the Arts and Humanities Act of 1965, and (2) legislation or administrative action.

SEC. 2. (a) The Council shall be composed of eleven members appointed by the President from among persons whose training or experience qualifies them as authorities in education, journalism, communications, or related fields, and who are knowledgeable with respect to American minority history and culture.

(b) The President shall designate one of the members of the Council as Chairman, and one as Vice Chairman.

(c) Six members of the Council shall constitute a quorum and a vacancy in the Council shall not affect its powers.

(d) The Council shall meet at the call of the Chairman or at the call of a majority of the members serving on the Council.

(e)(1) Members of the Council who are otherwise employed by the Federal Government shall serve without compensation, but shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in carrying out the duties of the Council.

(2) Members of the Council not otherwise employed by the Federal Government shall receive compensation at the rate of $75 per day (including traveltime) for each day they are engaged in the performance of their duties as members of the Council and shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred by them in carrying out the duties of the Council.

SEC. 3. In order to carry out the provisions of this Act, the Council is authorized—

(1) to make, promulgate, issue, rescind, and amend rules and regulations governing the manner of the operations of the Council;

(2) to appoint and fix the compensation of such officers and employees as are necessary to carry out the provisions of this Act and to prescribe their authority and duties;

(3) to obtain the services of experts and consultants in accordance with section 3109 of title 5, United States Code, at rates for individuals not to exceed $75 per day for each day (including traveltime) during which they are engaged in the actual performance of their duties for the Council; and

(4) to use, with their consent, the services, equipment, personnel, and facilities of Federal and other agencies with or without reimbursement, and on a similar basis to cooperate with other public and private agencies and instrumentalities in the use of services, equipment, and facilities.

SEC. 4. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

S. 3567—INTRODUCTION OF A BILL TO EXTEND TO VETERANS OF THE VIETNAM ERA THE SAME LOAN PREFERENCE WITH RESPECT TO FARM AND FARM HOUSING LOANS EXTENDED TO VETERANS OF OTHER WARS

Mr. CURTIS. Mr. President, I introduce a bill to eliminate a very serious in-

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equity in determining the eligibility priority of farmers to obtain Farmers Home Administration loans.

This inequity denies to veterans of the Vietnam war the same loan preferences which are extended to veterans of all previous wars.

I did not learn of this difference in the treatment of our returning Vietnam veterans until it was pointed out to me recently by a person who works in the administration of the FHA loan programs.

I think every Member of the Senate and hopefully every Member of Congress will agree with me that it is unfair and should be corrected immediately.

The veterans of Vietnam have fought just as hard and in many cases just as long for their country as the veterans of previous wars.

They have carried the arms and the flag of America to the battlefield with as much courage and selfless dedication as the veterans of any war in our history.

They have performed on the field of battle, in the skies, and on the seas in the finest traditions of our country.

They do not deserve to be treated as second-class veterans when they return to civilian life.

They deserve equal treatment under the laws giving loan preference to veterans when they choose to go into farming as a business.

My bill would grant this equal treatment, Mr. President, by amending the Consolidated Farmers Home Administration Act of 1961 and the Housing Act of 1949 to extend to Vietnam veterans the same preferences that veterans of earlier wars receive for farmownership loans, soil, and water loans, farm operating loans, and home purchase loans.

There are substantial numbers of these Vietnam veterans who are returning and who want to go into agriculture. They deserve the full support of the Congress.

My bill should be passed by an overwhelming margin.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 3567) to amend the Consolidated Farmers Home Administration Act of 1961 and the Housing Act of 1949 so as to extend to veterans of the Vietnam era the same loan preference with respect to farm and farm housing loans as are extended under such acts to veterans of other wars, introduced by Mr. CURTIS, was received, read twice by its title, and referred to the Committee on Agriculture and Forestry.

S. 3568—INTRODUCTION OF A BILL RELATING TO SOVEREIGN IMMUNITY

Mr. KENNEDY. Mr. President, Chief Justice John Jay observed in 1793:

> I wish the State of society was so far improved, and the science of Government advanced to such a degree of perfection, as that the whole nation could in the peaceable course of law, be compelled to do justice, and be sued by individual citizens.

One hundred seventy-six years later, the wishes of the first Chief Justice remain unfulfilled. For while Congress has made great strides in establishing—through the Tucker Act and the Federal Tort Claims Act—systems of Federal monetary liability for contract and tort, the doctrine of sovereign immunity rests as a barrier to the redress of just grievances against the U.S. Government.

The ancient doctrine of sovereign immunity survived the American Revolution and was developed as court-made law with various foundations. Originally it was thought that the traditional immunity of the English sovereign was incorporated by implication in the article III grant of judicial power over "controversies to which the United States shall be a party." Conceptual arguments against sovereign accountability through the judicial processes involved the inability of courts to enforce a decree against the Federal executive without its assistance, and the abstraction that there could be no legal right against the authority making the law. These arguments have faded to antiquity, and the doctrine presently survives on the rationale that official actions of the Government must be protected from undue judicial interference.

Whatever its original justification, the immunity doctrine, as presently applied, is illogical, artificial, erratic, and confusing. In some cases where the rationale of the doctrine might be applicable, lawyers have had little difficulty sidestepping its application when challenging governmental regulatory activity. In others, such as quiet title actions or suits seeking judicial review of public land determinations, where the Government may have no substantive interest at stake, application of the sovereign immunity doctrine has been a source of frustration, uncertainty, and injustice.

Cases in which the doctrine has been invoked have included challenges to agricultural regulations, governmental employment, tax investigations, postal-rate matters, administration of labor legislation, control of subversive activities, food and drug regulation, administration of Federal grant-in-aid programs. The basic issues in each case, of course, should include assessment of the degree of judicial interference with governmental programs alongside the harm or threat of harm to individuals by governmental activities. But the immunity doctrine, rather than focussing the court's attention on these issues, instead diverts it toward sophistry and semantics. And this is the most fundamental objection to the present doctrine: it clouds the real issues whether a particular governmental activity should be subject to judicial review and, if so, what form of relief is appropriate.

Even with elimination of sovereign immunity as a general bar to suits against the Government, courts must still face the questions whether a particular activity is unreviewable because committed to agency discretion by law, because specific statutes preclude judicial review, because the particular suit is premature or not ripe, or because the plaintiff has failed to exhaust administrative remedies or lacks standing. But these questions should be met head on in each case, and not tucked under the umbrella of obsolete fictions.

I am introducing a bill that will give the citizen suffering legal wrong because of agency action, or adversely affected or aggrieved by agency action, his day in court. The bill would facilitate nonstatutory judicial review of Federal administrative action without affecting the existing pattern of statutory remedies, without exposing the Government to new liability for money damages, and without upsetting congressional judgments that a particular remedy in a given situation should be the exclusive remedy. I emphasize that the bill would not effectuate a total abolition of the doctrine of sovereign immunity, but only a limited abolition. Thus, expressed congressional intent in specific areas is left intact.

This bill will also eliminate the technical defects in the law of party defendants, by allowing a broad option to plaintiffs in terms of defendants, and will provide to every Federal agency the capacity to be sued if named in an action by its official title.

The specific language of the bill was embodied in major part in a recommendation of the Administrative Conference of the United States. This past October the Conference met in plenary session and discussed and debated the general proposal as well as the specific language. Every executive department and major independent agency is represented on the Conference, as are members of the bar and of the academic community. And I think the resulting recommendation overwhelmingly reflects the sentiment of the practicing bar and the academic community in an important area of administrative practice.

In accord with the responsibility of the Administrative Practice and Procedure Subcommittee to review recommendations of the Administrative Conference at the earliest possible opportunity, and I welcome the comments and suggestions of all Members of the Senate on this topic.

As Government programs grow, and agency activities continue to pervade every walk of life, judicial review of the administrative actions of Government officials becomes more and more important. Only if citizens are provided with access to judicial remedies against Government officials and agencies can we realize a government under law.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 3568) to amend chapter 7, title 5, United States Code with respect to procedure for judicial review of certain administrative agency action, and for other purposes, introduced by Mr. KENNEDY (for himself and other Senators), was received, read twice by its title, and referred to the Committee on the Judiciary.

S. 3569—INTRODUCTION OF BILL RELATING TO PUBLIC PROPERTY, LOANS, GRANTS, BENEFITS, OR CONTRACTS EXCEPTION TO ADMINISTRATIVE PROCEDURE ACT APPLICATION

Mr. KENNEDY. Mr. President, when Congress passed the Administrative

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Procedure Act in 1946, it exempted from the notice, hearing, and right-to-petition requirements all rulemaking related to public property, loans, grants, benefits, or contracts. This position was adopted despite the recommendation of the Attorney General's Committee on Administrative Procedure that the rulemaking processes of the Government should be adapted to giving adequate opportunity to all persons affected to present their views, the facts within their knowledge, and the dangers and benefits of alternative courses. As a result of this exception, while agencies have been given program after program to administer, involving billions of dollars and affecting millions of citizens, officials remain in many respects insulated from the views of those intimately affected by those programs.

Various justifications have been advanced through the years from maintaining the APA exemptions for public property, loans, grants, benefits, or contracts. Early justifications relied on an asserted distinction between rights and privileges of citizens and between proprietary and nonproprietary functions of Government. These distinctions now appear discredited both in law and in the public mind, as many consider governmental programs as part of their daily lives—a matter of entitlement, or in the least, necessity—and many programs affect us regardless of our own choosing.

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There can be no doubt that application of the APA to the excluded categories would provide administrators with more and better information, and would give affected citizens a feeling of participation and impact. In reality, the question to be asked is whether application of the Administrative Procedure Act provisions to this group of governmental activities will in some way substantially interfere with the orderly administration of Federal law, and if so, whether the level of such interference outweighs to both the Government and the public benefit of greater citizen participation in rulemaking.

Agencies have argued in the past that elimination of this exemption in issue would cause delay, would increase operating costs, would often be unjustified, would inhibit flexibility of agency actions, and would inject uncertainty into many phases of the rulemaking process. All of these objections have one thing in common—they apply with equal force to all other kinds of rulemaking included within the requirements of the Administrative Procedure Act. And indeed all rulemaking requirements would be intolerable if agencies had these alternatives to the formal rulemaking route for situations where notice and hearing requirements appear impracticable, unnecessary, or contrary to the public interest.

The Administrative Procedure Act already provides that when an agency finds that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest, the notice and comment procedures may be dispensed with upon the incorporation of such findings and a brief statement of reasons are incorporated in the rules issued. This provision fully and adequately protects the Government in areas where the administrative processes and the objectives of governmental regulation would be seriously impaired by rigid adherence to formal procedures in each case. And thus we need not tolerate the total exclusion of important rulemaking proceedings from usual procedural requirements.

The bill I am introducing would affect only the specific exemptions relating to public property, loans, grants, benefits, or contracts. It would in no way affect the exemptions for rulemaking involving a military or foreign affairs function, agency management, or personnel, interpretive rules and statements of policy. Similar proposals have been embodied in a number of bills introduced in this and past sessions, and the Administrative Practice and Procedure Subcommittee has had the occasion to examine them, but only in the context of proposals to overhaul completely the Administrative Procedure Act. My bill slices out this narrow but most important area which requires further investigation by Congress and merits priority for legislative reform.

The Administrative Conference of the United States met this past fall and strongly recommended the legislation I propose—see Congressional Record, volume 115, part 29, page 38623. An excellent study, involving a survey of the views and procedures of relevant Federal agencies, was undertaken by a consultant to the Conference and constitutes an important basic document for our initial consideration. Because the Conference membership is composed in part of the chairman of each independent agency and the head of each executive department, this recommendation carries with it the weight of the heads of many agencies to be directly affected by it. It, therefore, also reflects credit on the efforts of the agencies and departments toward self-analysis and self-reform. Congress should do its best to support those efforts by responding to the Conference's persuasive call for opening up the vital areas of the Government's rulemaking to greater public participation and involvement.

I introduce my bill and ask that it be printed in the Record.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the Record.

The bill (S. 3569) to amend section 553, title 5, United States Code, relating to administrative practice and procedure, to remove certain exemptions from the requirement of notice of proposed rulemaking, introduced by Mr. Kennedy (for himself and other Senators), was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the Record, as follows:

S. 3569

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That paragraph (2) of section 553(a), title 5, United States Code, is amended by striking out the words "or to public property, loans, grants, benefits, or contracts".

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTION

S. 3072

Mr. MAGNUSON. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from Pennsylvania (Mr. Scott) be added as a cosponsor of S. 3072, the Federal Low-Emission Vehicle Procurement Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 3517

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from Indiana (Mr. Hartke), I ask unanimous consent that, at the next printing, the name of the Senator from Michigan (Mr. Hart) be added to the bill, S. 3517, to provide Federal reinsurance of private pension plans.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 3522

Mr. JAVITS. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from Illinois (Mr. Percy) be added as a cosponsor of S. 3522, my vehicle disposal bill, of which I am chief sponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATE JOINT RESOLUTION 61

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from Minnesota (Mr. McCarthy), I ask unanimous consent that, at the next printing, the names of the Senator from South Carolina (Mr. Hollings), and the Senator from Virginia (Mr. Spong), be added as cosponsors of Senate Joint Resolution 61, proposing an amendment to the Constitution of the United States relative to equal rights for men and women.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATE RESOLUTION 366—RESOLUTION SUBMITTED AUTHORIZING EXPENDITURES BY THE SELECT COMMITTEE ON EQUAL EDUCATIONAL OPPORTUNITY

Mr. MONDALE submitted the following resolution (S. Res. 366); which was referred to the Committee on Rules and Administration:

S. Res. 366

Resolved, That the expenses of the Select Committee on Equal Educational Opportunity, established by S. Res. 359, Ninety First Congress, agreed to February 19, 1970, which shall not exceed $375,000 through January 31, 1971, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

ADDITIONAL COSPONSOR OF RESOLUTION

SENATE RESOLUTION 357

Mr. KENNEDY. Mr. President, on behalf of the Senator from Minnesota (Mr. Mondale), I ask unanimous consent that, at the next printing, the name of the Senator from New Hampshire (Mr. McIntyre) be added as a cosponsor of Senate Resolution 357, expressing the sense of the Senate on inflation.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

VOTING RIGHTS ACT AMENDMENTS OF 1969—AMENDMENTS

AMENDMENT NO. 549

Mr. **COOPER** submitted amendments, intended to be proposed by him, to the amendment in the nature of a substitute (No. 544) proposed by Mr. SCOTT (for himself and others) to the bill (H.R. 4249) to extend the Voting Rights Act of 1965 with respect to the discriminatory use of tests and devices, which were ordered to lie on the table and to be printed.

(The remarks of Mr. COOPER when he submitted the amendments appear earlier in the RECORD under the appropriate heading.)

IMPROVEMENT OF FEDERAL-STATE UNEMPLOYMENT COMPENSATION PROGRAM—AMENDMENT

AMENDMENT NO. 550

Mr. **HARTKE** submitted an amendment, intended to be proposed by him, to the bill (H.R. 14705) to extend and improve the Federal-State unemployment compensation program, which was referred to the Committee on Finance and ordered to be printed.

ADDITIONAL COSPONSORS OF AN AMENDMENT

AMENDMENT NO. 545

Mr. **KENNEDY.** Mr. President, I ask unanimous consent that, at the next printing, the names of the Senator from Texas (Mr. YARBOROUGH) and the Senator from Wisconsin (Mr. NELSON), be added as cosponsors of Amendment No. 545 to H.R. 4249, that would extend the right to vote to those 18 and over at its next printing.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

ADDITIONAL STATEMENTS OF SENATORS

K. A. RANDALL, RETIRING CHAIRMAN OF FDIC

Mr. **SPARKMAN.** Mr. President, K. A. Randall has served as a member of the Board of Directors of the Federal Deposit Insurance Corporation from March 10, 1964, to March 9, 1970, and as its Chairman since April 21, 1965. This has been a period characterized by great change in the economy which in many instances has had an impact on the operations of the Federal Deposit Insurance Corporation and on banking and bank supervision. Mr. Randall has been deeply involved in a number of these developments and he has contributed much to the strengthening of bank supervision and our financial institutions. His influence has been most beneficial and will continue to be felt in the years to come. As he returns to private life, I wish to extend to him our best wishes and our thanks for his cooperation and assistance in our legislative deliberations, particularly those of the Senate Committee on Banking and Currency.

For those who have not been privileged, as I have to work closely with Mr. Randall, I shall summarize briefly his contributions within the area particularly of bank supervision. Of very practical importance and significance are the changes within the operations of the Corporation itself that Chairman Randall has been instrumental in bringing about. The physical facilities of the Corporation have been modernized to provide better working conditions for the staff; the Corporation's field operations have been reallocated among 14 instead of 12 regional offices for greater operational efficiency; and some additional subsidiary field offices have been established in the larger regions. The supervisory process has been strengthened by an increase in the Corporation's staff with immediate responsibilities for bank examination activities from 1,013 in 1964 to 1,686 at present, while the number of field examinations and investigations jumped from 12,484 in 1964 to 16,412 in 1969. The increased manpower requirements are the result not of more supervisory problems but the growth in the size of banks and the increasing complexity of their operations in a rapidly changing environment with its consequent impact on the individual bank, the financial community and the entire economy. During the period, moreover, manpower requirements have been augmented by the added responsibilities given the Federal bank supervisory agencies. As a consequence of these developments, the Corporation now has on the average a relatively young examination staff but one with strong potential for further development. Such a staff, however, needs both generalized and specialized training—for example, in data processing, in examining computerized banks, as well as in developing the ability to recognize changes of significance when banks are undergoing examination—a program which Chairman Randall strongly supported. We can feel assured that the quality of Federal bank supervision has been substantially improved during his term of office.

Chairman Randall's efforts to improve bank supervision are also reflected in the Corporation's expanded research activities. As one particular illustration of this work, there is the biennial survey of bank deposits which not only serves the Corporation's needs as a supervisor and insurer but is a unique source of information for bank management. Similarly, the income and dividend reports and reports of condition required of banks by the Federal bank supervisory agencies provide a wealth of data which the Corporation has made available on an individualized basis for insured banks, providing a valauble feedback to them.

Some of the changes in banking and bank supervision during Chairman Randall's term of office cannot be attributable solely or in part to his efforts. But Mr. Randall's concern with the banking structure of the nation and the effectiveness of the banking industry in meeting the public's needs no doubt played a significant part in facilitating the changes demanded by the new environment. These changes included the provision of more information to bank stockholders and to bank customers, a movement toward rationalization and greater uniformity in bank reporting, extension of supervisory powers in the areas where needed and, possibly most important, increased cooperation among the supervisory authorities of the financial intermediaries at both the State and Federal level.

Furthermore, Chairman Randall has been most effective in presenting the current issues and problems of bank supervision to the banking community in the course of his term of office at the Federal Deposit Insurance Corporation. The resultant dialog with many banking groups and individual bankers has enabled him to enlist their cooperation in efforts to raise banking standards, to improve services to the public, and to facilitate the supervisory process. Chairman Randall has brought youth, vigor, intelligence, and imagination to his job. These are qualities that we all appreciate.

Mr. **BENNETT.** Mr. President, today a fellow Utahan who in my estimation has distinguished himself as one of the Nation's most dedicated public servants, retires as Chairman of the Federal Deposit Insurance Corporation. He is K. A. Randall, who came to the FDIC from Provo, Utah, on March 10, 1964.

At the time of his Federal appointment, Kay was president of the State Bank of Provo. It was my privilege to have recommended his name to President Johnson who selected Kay for the 6-year term on the Corporation's three-man Board of Directors. In fact, President Johnson on a number of occasions remarked to me that in Kay "You gave me one of my finest appointments." Kay was, incidentally, the first major appointment made by the President after he took office in 1963.

Kay was on the Board of Directors hardly more than 1 year when he became Chairman of the Board on April 21, 1965. Since then, under his tutelage the FDIC has expanded in personnel, services and outlook to meet the needs of a rapidly changing banking industry as it responded to increasing public demands.

Some of the changes the FDIC underwent during Chairman Randall's tenure included reorganization of the Corporation's field operations among 14 rather than 12 regional offices for greater operational efficiency; updating of the Corporation's physical facilities to provide better working conditions for its staff; and an increase in the number of field examinations and investigations conducted from 12,484 in 1964 to 16,412 in 1969. The Corporation under Kay has also strengthened the internal or interagency bank examiner schools; instituted special training programs in examination of computerized banks; increased information to banks as a byproduct of supervisory activities; and has also increased availability and accessibility of information to bank stockholders and bank customers.

Time will not permit a fuller listing of Kay's numerous contributions to the FDIC and the Government as a whole. Suffice it to say that Chairman Randall contributed tremendously to the stability of the banking community; he brought innovation attuned to the times to the FDIC; and he handled insurance payments extremely well. In short, Kay did an excellent job.

I think that for the first time in memory, in this political town where performances rise and fall almost on a daily basis, there has been near-unanimous approval and appreciation for the job turned in by Kay. Nowhere in my travels through the economic, banking and political community did I hear any adverse comments about the way he was handling his job and his general performance at the FDIC.

I know I echo the sentiments of this body and all who have been acquainted with Kay's work in Washington in wishing him and his family every success as they return to private life.

SENATOR MANSFIELD APPEARS ON "FACE THE NATION" PROGRAM

Mr. MANSFIELD. Mr. President, yesterday, I appeared on the CBS television network in the program, "Face the Nation." I was questioned at length by CBS news correspondent George Herman; Peter Lisagor, of the Chicago Daily News; and Marvin Kalb, also of CBS news.

The penetrating and persistent questioning of these able correspondents elicited a thorough discussion of the Laotian question, as it is developing in that country; the President's recent statement on the situation; and the Senate debate of the subject.

I ask unanimous consent that the transcript of the program be printed in the RECORD.

There being no objection the transcript was ordered to be printed in the RECORD, as follows:

FACE THE NATION AS BROADCAST OVER THE CBS TELEVISION NETWORK AND THE CBS RADIO NETWORK

Mr. HERMAN. Senator Mansfield, President Nixon has now responded to what he called grossly inaccurate reports on Laos with a lengthy message. Do you, sir, consider it a full, free, and frank report which dispels any possible credibility gap?

Senator MANSFIELD. I don't consider it a full report, by any means. I think it is a frank report, as far as it goes, but it doesn't go back far enough because I think the start of our involvement in Laos occurred in the time of the Eisenhower administration.

ANNOUNCER. From CBS/Washington, in color, "Face the Nation," a spontaneous and unrehearsed news interview with Senate Majority Leader Mike Mansfield, Democrat, of Montana. Senator Mansfield will be questioned by CBS News Diplomatic Correspondent Marvin Kalb, Peter Lisagor, Washington Bureau Chief of The Chicago Daily News, and CBS News Correspondent George Herman.

Mr. HERMAN. Senator, you questioned some of the historical parts of the President's report, how about the report on the present status of affairs in Laos? Are you satisfied that it is a full and really frank disclosure of what we have there now and what we are doing there now?

Senator MANSFIELD. No, I think there may be references but if they are they are very slight and indirect, relative to our participation with the Meos and others in the so-called clandestine war being waged against the Pathet Lao and the North Vietnamese.

Mr. LISAGOR. Senator, you said not long ago that we were up to our necks in Laos. Now the President says that we are there in a very limited way and that we have no plans to send in any ground combat troops. I take it that you don't quite either believe or trust that statement. Is that correct?

Senator MANSFIELD. I will stand by my original statement. We are up to our necks in Laos because we have sent in aid, we have sent in air power, we haven't sent in foot soldiers yet. I don't think we will; whereas, in Vietnam I think we are in over our heads.

Mr. HERMAN. Senator, it was debate in the Senate that produced the presidential statement on Laos. Do you feel that the statement will now end that debate?

Senator MANSFIELD. No, it depends on developments there, whether or not the Pathet Lao and the North Vietnamese go beyond the line which they have reached, which is the usual line, this seasonal warfare stratagem which both sides use. And, furthermore, I think that there ought to be a release—security reasons considered—of the hearings held by the Symington subcommittee. I am hopeful that that will be done, because I think there is a good possibility that an accord is being reached between the State Department and the Symington committee.

Mr. KALB. You mean as a result of new discussions between the department and the committee?

Senator MANSFIELD. Yes.

Mr. LISAGOR. But, Senator, if this is so important to us as a nation, our involvement in Laos, why can't you and other United States Senators who are privy tto that information make it available on your own?

Senator MANSFIELD. Well, we would like to do it in accord with the State Department, but as far as the knowledge is concerned, anyone who has read the press for the past seven or eight years or longer, who has been out there on occasion, has a pretty good idea of what is going on. And the press, I think, has done a remarkably good job in reporting on Laos.

Mr. HERMAN. Isn't that what the President calls "grossly inaccurate reports," and therefore he issued this message?

Senator MANSFIELD. No, I think he may have been referring to some of the statements made in the Senate—I am just guessing, I don't know—because some of us were trying to raise the alarm, so to speak, put up a warning sign and to try and get things in focus so that we and the American people would be better informed.

Mr. HERMAN. You think some of your Senatorial colleagues or you yourself perhaps were grossly inaccurate in this debate?

Senator MANSFIELD. Well, I don't know. I can't speak about persons. I have tried to be accurate; I tried to be factual and constructive and, hopefully, that has been the case. Maybe some fault has been found with my statement that we are up to our neck in Laos. This is my personal feeling on the matter, because it is following the same pattern—first, aid, then logistics support, then air power, and then GIs. I don't think the GIs will go into Laos.

Mr. LISAGOR. Senator, is the sticking point here—I would like to be clear on this—is the sticking point here, so far as the administration is concerned, the fact that the Central Intelligence Agency is involved in a major way in Laos in supporting this so-called clandestine army of Meo tribesmen?

Senator MANSFIELD. I would say that and, in part, also the possibility of the Soviet Union being used as a go-between to keep the flames from getting out of control.

Mr. KALB. Senator, is the maintenance of Laotian independence worth the lives of American troops?

Senator MANSFIELD. No.

Mr. KALB. Why do you think it is therefore so important for the administration to tie itself to the current government of Souvanna Phouma?

Senator MANSFIELD. Well, because, for one thing, the Ho Chi Minh Trail runs through the panhandle of eastern Laos. It is tied to the security and safety of our men in Vietnam. The Plaine des Jarres situation is something entirely different and I think that we should disassociate the two.

Mr. KALB. Well, if you disassociate the two, that would mean that you disassociate a good part of the administration's defense of its operations in Laos. The whole point of this thing was to try to say that it is all tied in to Vietnam. Are you suggesting that there are really two separate operations that we are involved in?

Senator MANSFIELD. I am.

Mr. KALB. Could you describe that second operation, the one around the Plaine des Jarres?

Senator MANSFIELD. Well, the second operation is the one whereby we, at the request of the Royal Lao government, give air support and probably some other kind of support to the Royal Lao Army in contacts with the Pathet Lao and the North Vietnamese. I was surprised at the President's statement, at the North Vietnamese number of 67,000, which is a decided increase. When I was there last August, the figure generally accepted was around 50,000.

Mr. LISAGOR. Senator, if the Meo tribesmen are fighting there with American aid and advice, isn't that a promulgation of the Nixon doctrine, as you understand it, which is to have other people defend themselves with such aid as we can give them, but not to supply American ground troops to do that fighting?

Senator MANSFIELD. That is right, a low profile, in accord with the Nixon doctrine, which I endorsed 100 percent, would mean that we would not send in advisers even, or combat troops, but that we would logistically give support to the people whom we are interested in seeing maintain their standing.

Mr. LISAGOR. Isn't that what we are doing now in Laos?

Senator MANSFIELD. Well, except that——

Mr. LISAGOR. Or have we gone beyond that?

Senator MANSFIELD. Well, I think we have gone beyond that, for reasons of which I do not comprehend, which may be thoroughly understandable, and that has to do with the advisers and the use of planes to supply the Meo and other tribesmen under Vang Pao.

Mr. HERMAN. Doesn't this, however, revolve on the question of what it is the North Vietnamese are doing, whether this is an unusual offense or not?

Senator MANSFIELD. That is right, and the question is will they go beyond the present line and go towards Luang Prabang and Vientiane or just stop where they are.

Mr. HERMAN. In that connection, I wanted to quote to you the words of Souvanna Phouma, in an interview done by CBS Correspondent Bill McLaughlin for a special show we are doing Tuesday. He said, "The North Vietnamese offensive is the usual dry season offensive. So far it does not go in degree beyond normal offensives." And then he says there are some new weapons. He says, "However, I do not think that the way the North Vietnamese act give any evidence that the North Vietnamese are willing to commit the U.S. more deeply in the war in Indochina." He doesn't seem to see anything unusual or anything more striking in this. Is that contradicted by American advisers?

Senator MANSFIELD. No, the American advisers have been there for a long time. I think that the number of attachés at the U.S. numbers somewhere around 90. There may be others, in addition. I just happened to read in the paper this morning where the air attaché acts as sort of a coordinator with his Laotian counterpart to indicate where the air strikes should take place.

Mr. Kalb. It also is pointed out by a number of White House officials, Senator, that the United States Ambassador, Mr. Godley, in Laos, acts as a kind of military commander and is, in part, responsible for the operation of American strikes.

Senator Mansfield. That is my understanding.

Mr. Lisagor. Senator, I am not clear about—excuse me, go ahead.

Mr. Kalb. I was just trying to understand how this fits in with an ambassadorial role. It is unusual.

Senator Mansfield. It is, but Laos is an unusual situation. It is an area which is not tied to our own security but is tied, in part, to the situation which—to the tragedy which has taken place in Vietnam, a mistaken war as far as I am concerned. But, as I have indicated earlier, you have to divide it in two, between what is happening along the trail and what is happening throughout the rest of Laos.

Incidentally, about two-thirds of Laos is occupied by the Pathet Lao and the North Vietnamese, plus the fact that you have got very significant Chinese concentrations there.

Mr. Lisagor. Would you advocate then, Senator, that we get out of Laos altogether, stopping these bombing raids, removing our advisers, and only concentrate on the Ho Chi Minh Trail?

Senator Mansfield. I would, and I would, in accord with the Nixon doctrine, give to the Royal Lao government the necessary support which it needs.

Mr. Lisagor. Now, let me ask you about a theory about why the North Vietnamese are in Laos. The going assumption is that they are trying to stop the Vietnamization process and stop the withdrawal of American troops in South Vietnam. Do you see any reason why they should want to stop the withdrawal of American forces in Vietnam?

Senator Mansfield. Quite the contrary. I should think they would want us to get out faster than we are.

Mr. Herman. To get us finally off the subject of Laos, let me just broaden it for a moment to the whole subject of Southeast Asia. Before you went on your trip for President Nixon last summer, you made a speech of considerable praise, which made some headlines, for the Nixon doctrine and Nixon's policies in the Southeast Asian area.

Senator Mansfield. Yes indeed.

Mr. Herman. When you came back, you had speeches which had some specifics. In your report, for example, you talked with considerable worry and not so much praise about our reinvolvement in Laos. Do you think that the Nixon doctrine has not been taking practical effect as well as you would like to see it? In other words, is it more a verbal doctrine than a practical actual fact in terms of troops being placed?

Senator Mansfield. Well, Laos was one of the places where I raised some question because of what was going on there and what might go on. That report still stands. I wouldn't back away from a word of it. And it was my belief they hadn't gotten the word, that President Nixon had enunciated a new doctrine at Guam, and——

Mr. Herman. Who is they?

Senator Mansfield. What? I misunderstand you. Who is they?

Mr. Herman. Who is they?

Senator Mansfield. The embassy staff there, the Ambassador and the others with whom I talked seem to have the idea that things were going to go along as usual and, in fact, be intensified. And at that time they were stepping up the sorties. Since that time, within the past several weeks, they have made one, only one B-52 strike on the Plaine des Jarres, which is indicative of a step up of the war, in my opinion, even though it was only one.

Mr. Lisagor. Senator Mansfield, considering the state of domestic public opinion about the Vietnam war, and considering all the statements that President Nixon has been making about getting out of that situation, is it conceivable to you that he could or would get into Laos in a major way?

Senator Mansfield. No.

Mr. Kalb. Why not?

Senator Mansfield. Because it would mean a broadening of the war, in my opinion, and it would go far beyond Vietnam. It would bring into play the Vietnamization of South Vietnam and perhaps the Americanization of South Vietnam and perhaps the Americanization of a war in which we should not really become involved in Laos. It would, I think, bring about a stop in the withdrawal of U.S. troops, which the President has his heart set on, from South Vietnam, and it would create a complete new set of factors.

Mr. Lisagor. But in that event, Senator, if you don't think he would get involved, what is all this clamor all about? Why are you and the other Senators clamoring about what is going on in Laos?

Senator Mansfield. A stop, look, and listen warning, based on the national commitments resolution passed by the Senate last year, and on the basis of the Church-Cooper amendment to the Defense Appropriation Act last year, which forbids the use of U.S. combat troops in Laos and Thailand.

Mr. Herman. Do you think you have served your purpose now? Do you think that this debate has called something to the President's attention and that this phase is now going to end?

Senator Mansfield. I couldn't say—I couldn't answer that, but I am sure the President has been aware of it all of the time. I think he felt that his hands have been tied because of circumstances which he had inherited. Now he has made a report to the American people going so far as he thinks he can go without violating any security relative to the war in Laos.

Mr. Lisagor. There is a disconcerting notion in what you say, Senator, that the President and the administration and the government is all somehow at the mercy of the "they" in Laos, some vague force. Is that what you intend to imply here?

Senator Mansfield. Oh, no, they are at the mercy of events. I am sorry about the use of the word "they," if you think if I am referring to some mythical group or some individuals. I am not. It is just a——

Mr. Herman. We were afraid you were referring to some real group.

Senator Mansfield. No. If I am referring to anybody, I will name them.

Mr. Lisagor. You are not referring to the CIA, to be specific, and their——

Senator Mansfield. Only insofar as they are tied up with the Meo tribesmen, the army of Vang Pao, and their connections with Air Continental and Air America.

Mr. Kalb. Senator Muskie has made a statement just this past week on Vietnamization of the whole war in Vietnam, and he may one day wish to be the President of the United States. Do you associate yourself with his comments and his criticisms?

Senator Mansfield. I can only associate myself with my own comments.

Mr. Kalb. Well, do you believe that Vietnamization is a working proposition in Vietnam.

Senator Mansfield. Well, I have seen so many programs operate in Vietnam since 1954 that I have got my fingers crossed. I hope it works; I have doubts.

Mr. Lisagor. One of the proposals that Senator Muskie made and described as crucial was that there ought to be a presidential representative appointed as a successor to Ambassador Lodge at the Paris peace negotiations.

Senator Mansfield. I agree.

Mr. Lisagor. Do you agree?

Senator Mansfield. I agree.

Mr. Lisagor. And why do you agree?

Senator Mansfield. Because I don't think you are going to get anywhere unless you put someone of stature heading that delegation in Paris. I think it is quite apparent, from the reaction of the North Vietnamese, that that will be the case.

Mr. Kalb. Why doesn't the administration do that?

Senator Mansfield. You will have to ask the administration.

Mr. Lisagor. But do you think Hanoi would deal with anyone else in Paris simply because he was a man of higher rank than the present negotiator there?

Senator Mansfield. Well, they won't deal with a man of lower rank. They have proved that. So what have we got to lose by sending a man of stature there?

Mr. Kalb. Do you feel that any kind of solution in Vietnam can be a solution associated only with Vietnam or must it be a Southeast Asian solution?

Senator Mansfield. I think eventually it will have to take in all of Southeast Asia, including Thailand and the three Indochinese states, for now. I would hope that there would be a reconvening of the Geneva conferees, those of 1954 and '62, and that out of it would come a guaranteed neutrality for all of that part of the world.

Mr. Herman. Do you think that Vietnamization, which you say you hope will succeed, is a proper and successful way to end this war?

Senator Mansfield. It is an attempt in a direction which holds some promise, but whether or not it will fulfill that promise remains to be seen.

Mr. Herman. A number of critics of the war, including Senator McCarthy, say that the only way it can really be ended without a lengthy American presence there, without a lengthy period of strife and death along the line, is an actual diplomatic settlement, and that implies a coalition government, and sooner or later we are going to have to bite that bullet.

Senator Mansfield. Oh, yes. I have said for a long time that the only answer in South Vietnam is a coalition government because, as far as the Viet Cong are concerned, they are South Vietnamese and they are made up of different political complexions. And as far as the present Thieu-Ky government is concerned, they happen to be North Vietnamese.

Mr. Herman. Well, then the question comes down to is Vietnamization of the Saigon regime, is Vietnamization of the Thieu-Ky government going to give us an end to the war?

Senator Mansfield. If it will broaden its base, the prospects will be enhanced.

Mr. Herman. If it will broaden its base?

Senator Mansfield. Yes.

Mr. Herman. To what extent?

Senator Mansfield. To take in all South Vietnamese—Viet Cong, Buddhists, gao Dai, Hoa Hoa, all of them.

Mr. Herman. And what does it require apparently to make them do that? They don't seem to be—they seem to be narrowing it at the moment, throwing some liberals in jail.

Senator Mansfield. Well, how it can be done, I do not know, but I think it will have to be done before there will be peace in South Vietnam.

Mr. Lisagor. Senator, isn't the thing that the critics of the Vietnamese process want is for America to get out of there and to get out of there as quickly as possible? And does it then not follow that the President would have to admit that we have failed in South Vietnam? And do you think he could do that?

Senator Mansfield. Yes, I think that he could, because there is a recognition that it is an area which is not vital to our security,

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in my opinion. It was a mistake to get involved, in my opinion. It is a continuing tragedy, in my opinion. And I would like to see some sort of a reasonable, responsible settlement arrived at by means of which we could withdraw from all of Southeast Asia, lock, stock and barrel, including bases.

Mr. Lisagor. You have been a great student of the area. Would you tell us briefly what you define as our interests in Southeast Asia, going back to an earlier time and today?

Senator Mansfield. In Southeast Asia, I would say that our interests are mainly economic, and even there they occupy a secondary position. I think our interests are far more concerned with the Western Pacific, including China, of Korea, Soviet Asia, Japan, and the island chain. But as far as Southeast Asia is concerned, I do not see where our vital interests are concerned in any way.

Mr. Kalb. Senator, could I shift to another part of the world for a moment.

Senator Mansfield. Surely.

Mr. Kalb. An issue that seems to be alive before the administration at this time is whether additional jet aircraft will be provided by this administration to Israel. Do you think Israel should get the jet aircraft it has asked for?

Senator Mansfield. That is something which the President has indicated he will arrive at a decision concerning within a matter of days now. My feeling is that, yes, it should get the jet aircraft if for no other reason than a counter reaction to the French sale of the 100-plus Mirages to Libya.

Mr. Kalb. And do you think that the President, by going on up to New York, overreacted in any sense or did something that you approve of?

Senator Mansfield. No, I think he did the right thing, and I was delighted that Senator Scott, the minority leader, and I, as majority leader, had the opportunity to accompany him and to appear at that dinner.

Mr. Lisagor. Senator, do you think that the supply of jets to Israel, if the President should decide to do that, will in any way affect the arms control talks with the Russians, that are about to resume in mid-April?

Senator Mansfield. I wouldn't think so. I would imagine that the ABM situation over here would have a more telling effect.

Mr. Lisagor. I was trying to sneak into an ABM question, but you have raised it now. What will be the impact of going into a second stage of ABM on those talks, in your judgment?

Senator Mansfield. Well, I have very strong feelings on the ABM. As you know, the Congress last year agreed to go ahead with the two bases in Montana and North Dakota. Those are accomplished facts. They will proceed regardless. The administration this year is asking for an additional ABM system to be established at Whiteman Air Force Base, in Missouri. I don't think that is as much as they had in mind in the beginning—I don't know, I am just guessing—I don't believe that one more system will have too great an effect, and I would hope that, in the meantime, if the system is approved, that something definite could be accomplished at the SALT talks. May I say that if the ABMs are needed, I will be for them. But I want to be certain that, if they are built, that they are reliable. At the present time the radar screen is very vulnerable. If it is hit, the whole system is knocked out, and the computer system, which will direct the ABMs, is far from accurate, far from reliable.

Mr. Kalb. Is that a question of which scientists you really wish to believe?

Senator Mansfield. Yes, I believe Panofsky and others like that, who are——

Mr. Kalb. Who are critics of the system?

Senator Mansfield (continuing). In this thing pretty deep and who have no axes to grind. And Dr. Panofsky, for whom I have the highest respect and regard, would be for the system, I understand, if it was reliable and accurate. But why should we spend money and waste it and put in a system which will lull the American people into a sense of false security, if it won't work if called on?

Mr. Lisagor. In other words, you wouldn't favor it, Senator, as a bargaining chip at all in these so-called SALT talks with the Russians?

Senator Mansfield. I don't think it is worth that much.

Mr. Herman. How much do we have to spend on the current system before we will get some realistic idea of what will work and what won't work?

Senator Mansfield. It is hard to say. The cost of the two systems in Montana and North Dakota have already increased tremendously from the initial estimates, and I would imagine that those costs would go up, especially in view of the fact that they lack reliability and accuracy.

Mr. Kalb. If those costs go up, how does the administration take care of certain domestic needs, which I believe you have described as urgent?

Senator Mansfield. Well, that is the question. I think we ought to be very sure of what we are doing in the field of security and achieve a balance between our security needs, on the one hand, and our domestic needs, on the other. The question is not—the word is not priority but balance. We could have the best security system in the world, but if we have an uneasy, a concerned population at home, and problems multiplying, it won't do us much good.

Mr. Kalb. Is the administration achieving that balance, in your view?

Senator Mansfield. I think it is endeavoring to, but not fast enough to suit me.

Mr. Herman. Which problems do you see as the chief multiplying problems to which you just referred?

Senator Mansfield. Oh, the problems of the ghettos, the problems of crime, drug addiction among the young, pollution, pornography, just to mention some.

Mr. Herman. That is a fairly good start. You said, when you saw the new budget, you thought you would be able to cut $10 billion from it. With all of these multiplying problems, with the ABM in the offing, do you still think you can cut $10 billion?

Senator Mansfield. Yes, indeed——

Mr. Herman. Where?

Senator Mansfield. And I am happy to note that the Congress last year did reduce the President's budget request by $5.6 billion, and for the next fiscal year already, last year we reduced the defense appropriation by approximately $1.3 billion more. I think that the Defense Department can be cut still more. I want to commend Secretary Laird and the President for the cuts which they have made themselves in the Defense Department since they assumed office. I think the space program can be cut considerably, and the objective still kept in sight.

Mr. Lisagor. Do you see any of the domestic programs that can or should be cut, those that you referred to a moment ago, Senator?

Senator Mansfield. Oh, I think that in the field of farm subsidies, there are some people who are getting entirely too much, and we ought to arrive at a more reasonable amount of subsidies. We can't do away with them, but we shouldn't go hog wild on them.

Mr. Lisagor. How about the family assistance program, if I may follow this up?

Senator Mansfield. That is something new.

Mr. Lisagor. Do you see the Senate passing that, as the House seems——

Senator Mansfield. Well, that is something new. We haven't had a chance to even look at it. It has just been reported out of the Ways and Means Committee, to the House, and in that area, as you well know, the Senate can take no action until the House committee has acted and the House decided. I don't know too much about it yet, but we will face up to it when it comes.

Mr. Herman. I would like to take you back to the Defense Department for a moment.

Senator Mansfield. Surely.

Mr. Herman. If you are going to cut apparently many billions from the Defense Department budget, what weapons or what system or where is it going to come from?

Senator Mansfield. Well, give us a chance to go into what is requested and we will try to do this year what we did last year. I would point out that it was brought out last year that something—no, this year, Senator Proxmire has brought out that, on the basis of weapons systems, there has already been an overestimate of something—an over-cost of something on the order of $21.8 billion, on the basis of figures furnished by the General Accounting Office, a congressional arm, and this is supposed to be a conservative estimate. So I think we can cut down some places, do away with programs which are not living up to expectations. But give us a chance to look at the budget before you ask for too definite an answer.

Mr. Kalb. Senator, the new Chairman of the Democratic National Committee, Mr. O'Brien, expressed great optimism about the elections this year. Was that party rhetoric or do you share that optimism?

Senator Mansfield. Well, we will see.

Mr. Lisagor. Is the party in as bad a shape as we keeping reading it is?

Senator Mansfield. We are not in the best possible shape. We have a $9.5 million debt, I understand. As usual, we have frictions and factions within the party. The Democratic Party never lacks troubles. It seems like we were born with them and that they accumulate as we go along, but, somehow or other, we will get out of them. I am delighted that Mr. O'Brien has consented to take on the job, because it is a most difficult undertaking.

Mr. Herman. Senator, we only have a little over a minute left, but I have to ask you one question. I remember in about 1966, it seems to me, you criticized the Johnson administration for going too fast on desegregation of schools. Now President Nixon has suggested some desegregation slow-down. Mr. Moynihan has talked about benign neglect. In the approximately one minute that we have left, can you tell us how you feel about the current pace of desegregation?

Senator Mansfield. I don't think—I don't recall that I criticized President Johnson along the lines of your suggestion. But I would point out that, as far as the Stennis-Ribicoff amendment is concerned, that will not stop desegregation. It will make the question more applicable on a nationwide basis, and I think all parts of the country ought to be brought into this thing, because the idea of de jure segregation being applicable only to the South just isn't true. We have elements of it in various parts of the North, and I would hope that this policy statement would be effective in bringing about a better understanding and a better acceptance of the law laid down by the Supreme Court, or the dictum.

Mr. Herman. In the about 15 seconds we have left, are you content with the current rate of desegregation?

Senator Mansfield. Well, we will have to follow—I hate to avoid that question, but this is something which will have to be carried out according to the law of the land in all parts of the country. I am satisfied in some parts, in others I am not.

Mr. Herman. You have successfully avoided it. Thank you very much for being with us today on Face the Nation.

Senator Mansfield. Well, I want to assure you I didn't intend to avoid it.

Announcer. Today, on FACE THE NATION, Senate Majority Leader Mike Mansfield, Democrat, of Montana, was interviewed by CBS News Diplomatic Correspondent Marvin Kalb, Peter Lisagor, Washington Chief of The Chicago Daily News, and CBS News Correspondent George Herman. Next week, another prominent figure in the news will Face the Nation. Face the Nation originated, in color, from CBS/Washington.

MAJ. ROBERT BECKEL AND COL. "BUZZ" ALDRIN RECEIVE BRONZE EAGLE AWARD

Mr. GOLDWATER. Mr. President, the Iron Gate Squadron of the Air Force Association held its annual ball on February 20 of this year in New York City. This function has become a tradition among supporters of the U.S. Air Force. Annually many of those dedicated to aviation gather to pay their respects to the individuals who have given so generously of their time and talent to assure the continuing leadership of our great Nation in aviation and space technology.

Walter Cronkite was the master of ceremonies, and he performed this task in his usual brilliant and competent manner. I ask unanimous consent that a portion of his remarks be printed in the Record.

There being no objection, the remarks were ordered to be printed in the Record, as follows:

Mr. Cronkite. It's nice to be back at another National Air Force Salute, an event that over a few short years has acquired great status and prominence, primarily, because it is dedicated to such a worthwhile cause.

The Theme of this year's Salute is "The Men in the Machines." This theme was selected to underscore that the technological affluence of our automated age notwithstanding, man with all his frailities continues as the key factor in the aerospace equation.

Man's Technical ingenuity creates machines that rival his brilliance, that can repair themselves . . . that check themselves . . . and that perform in the manner he tells them to.

But the most sophisticated, microminiaturized airborne computer is no substitute for the judgment and flexibility and genius yes the guts of the fighter pilot . . . or the astronaut who overrides the congeries of black boxes on his space ship because . . . in that one emergency situation that's not in the program . . . he alone can take that action that spells the difference between disaster and success.

So this evening is devoted to the men of aerospace. We pay tribute to that special breed of professionals who untiringly stand that cold and lonely vigil at the aerospace frontiers of freedom.

But as we do so we also note with a heavy heart seats that are vacant . . . vacant because a combat pilot in Southeast Asia had to give that last full measure of devotion to his country . . . because another pilot on a test or training mission perished in a machine that, at times, was less perfect than he . . . and because others have joined what the Air Force Magazine last October, in an article needed writing, termed "The Forgotten Americans" . . . our Prisoners of War in Vietnam who can't communicate with us . . . and with whom we are not permitted to communicate . . . whose families live in a limbo of anguish . . . not knowing if their husbands, fathers, sons or brothers are alive or dead.

A noted philosopher said that life and death have their determined appointments and that riches and honors depend on the heavens.

Tonight we commit to mind and to heart the determined appointments filled in behalf of liberty. . . . We express a universal hope that the anguish we have just stated will be erased by liberty . . . and are grateful that it is the heavens where we have found new riches, new honors, new horizons and new hope.

As we all know, there are two sides . . . or halves . . . to aerospace, the one that belongs to the airplane and the one that belongs to spacecraft.

In honoring the men of aerospace, the Iron Gate Chapter of the Air Force Association allowed for the duality of aerospace by honoring a representative pilot and a representative astronaut.

Vietnam has driven home the point that limited war can only be fought by unlimited men . . . and not by missiles which can perform one kind of mission, no more and no less.

The pilot who represents the flying Air Force is a graduate of the Air Force Academy class of '59 which, incidentally, was the first class to graduate. He was the Academy's first cadet wing commander. Following his commissioning, he completed flight training at Luke Air Force Base and was named the outstanding graduate in his class.

Following a tour in Germany as an F–100 pilot he was chosen as a member of the United States Air Force's Air Demonstration Squadron, Thunderbirds, the world famous ambassadors in blue.

After two years with the Thunderbirds he volunteered for combat duty in Southeast Asia. He flew more than 313 combat missions and was awarded the Silver Star, five Distinguished Flying Crosses, the Bronze Star and sixteen Air Medals.

The formal presentation of this award tonight was to be made by the Air Force Chief of Staff . . . General John D. Ryan. Unfortunately, a last minute requirement prevented General Ryan from being with us. We are very sorry.

We are happy, however, that General Ryan is most ably represented. And now . . . to present the first award of the evening . . . I call on a fighter pilot's fighter pilot. The leading American Ace in Europe during World War II . . . with 37 and ½ victories . . . the holder of the Distinguished Service Cross with two Oak Leaf Clusters, and the Silver Star with Oak Leaf Cluster . . .

Ladies and Gentlemen . . .

The Vice Chief of Staff of the United States Air Force . . . General John C. Meyer.

Mr. GOLDWATER. The coveted Bronze Eagle Award of the Air Force Association, Iron Gate Chapter, was presented in duplicate for the first time this year. The duality of aerospace was recognized and the honor went to a representative pilot and a representative astronaut. Maj. Robert Beckel was the pilot recipient of the Bronze Eagle and Gen. John C. Meyer, Vice Chief of Staff of the U.S. Air Force made the presentation. Major Beckel thanked the assemblage for this honor.

I ask unanimous consent that his moving and outstanding statement be inserted at this point in my remarks.

There being no objection the remarks were ordered to be printed in the Record, as follows:

Maj. Robert D. Beckel. Distinguished Ladies and Gentlemen. It's an honor to have the privilege of expressing the gratitude of that unique collection of men—if I may borrow from Mr. John Magee and "High Flight"—men who by their dedication and desire must slip the surly bonds of earth.

For men who have wheeled and soared and swung high—not in the sunlit silence, but in the hostile windswept heights of Southeast Asia.

For men who have gallantly put out their hands and touched the face of God—only to fall—here in their homeland and in the rice paddies of Vietnam.

For men who must daily face the uncertainties of harsh captivity.

For men—like myself—who have been fortunate and have returned to our loved ones.

And I know with absolute certainty—should the roll once again be called to carry this Nation's colors—that the spirit of these men will rise and cause countless others to proudly hold aloft the red, white, and blue.

None asking for the recognition that you have so graciously given this evening. But in response to this recognition, I know each would want me to convey to you a simple but most sincere—Thank you.

Mr. GOLDWATER. Col. "Buzz" Aldrin was presented the Golden Eagle as the outstanding astronaut. Mr. Cronkite introduced Colonel Aldrin who, in turn, was presented the Bronze Eagle Award by Secretary of the Air Force Robert Seamans. I ask unanimous consent that Mr. Cronkite's introduction of Colonel Aldrin and Secretary Seamans be printed at this point in my remarks. Unfortunately, Colonel Aldrin did not speak from a prepared text, nor was there any recording made, so it will not be possible for me to offer what was said by this second man on the moon. I do ask unanimous consent, though, to put Mr. Cronkite's concluding remarks in the Record at this point.

There being no objection, the remarks were ordered to be printed in the Record, as follows:

Mr. Cronkite. Thank you, General Meyer.

In the decade which has just passed America confronted and conquered the last, the greatest and the most dangerous frontier of all, space, man's new ocean without boundary. Sir Isaac Newton once said that if he saw further than other men, it was so because he stood on the shoulders of giants. Our reach for the moon, too, was only possible because we stood on the shoulders of giants, men like Copernicus, Galileo, Kepler, Newton and Goddard . . . and because of the cumulative genius, engineering know-how and meticulous devotion to detail that resulted from years of pioneering in Air Force, Navy, and NASA Laboratories and the superb pilot training without which our manned space program would not be possible.

The Air Force officer astronaut whom we honor this evening is a West Point Graduate who holds a doctorate from M.I.T. in science and astronautics—whose doctoral dissertation, fittingly and prophetically enough, was on manned orbital rendezvous.

Among his unique achievements which awed the world there was one particularly dear to my heart . . . he set up the first TV camera on the moon. For the presentation of this award I call on a scientist and aerospace leader who has been and is in the forefront of both space and Air Force Activities.

His last government assignment, before he assumed his present high office was that of Deputy Administrator of the National Aeronautics and Space Administration.

Ladies and Gentlemen . . . The Secretary of the Air Force . . . *the Honorable Robert C. Seamans, Jr.*

Thank you, Dr. Seamans.

As far as I am concerned the theme of this evening, "The Men in the Machines,"

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has been most impressively documented by the two outstanding Air Force officers whom we have honored here this evening.

Ladies and Gentlemen . . . it has been a privilege to officiate at this brief ceremony and I turn the rostrum back to our good friend, Gil Nettleton.

THE OIL LOBBY IS NOT DEPLETED

Mr. PROXMIRE. Mr. President, we who had the audacity to ask whether the expensive subsidies received by the oil industry could be justified often felt we were fighting an octopus.

Erwin Knoll explains why in a brilliant article published in the Sunday New York Times Magazine of March 8, 1970. It is a thorough, clear exposition of the oil industry's political power. Anyone who expects to deal with oil should read the article.

I ask unanimous consent that it be printed in the RECORD.

There being no objection the article was ordered to be printed in the RECORD, as follows:

THE OIL LOBBY IS NOT DEPLETED

(By Erwin Knoll)

WASHINGTON.—On Thursday evening, Nov. 6, 1969, the Governors of three states met over a quiet dinner at the Tavern Club in Washington with Frank N. Ikard, a former Texas Congressman who is now president of the American Petroleum Institute, the trade association of the nation's largest oil companies. There is no public record of what the four men discussed, although—by coincidence or otherwise—the same three Governors and a fourth were at the White House early the next morning to urge the Nixon Administration to retain the 11-year-old system of oil-import quotas, which costs consumers more than $5-billion a year in higher prices for petroleum products.

The Tavern Club tête-à-tête and the subsequent White House session are examples of the close and continuing contacts between oil and politics—an intimate relationship that has prompted some critics to describe the oil industry as "the fourth branch of government." In recent months those contacts have intensified, for the industry's privileged status is being attacked with unprecedented ferocity. Under the benign patronage of such influential figures as the late Senator Robert Kerr of Oklahoma, who rejoiced in being known as "the uncrowned king of the Senate"; the late House Speaker, Sam Rayburn of Texas; the late Senate Minority Leader, Everett McKinley Dirksen of Illinois, and former President Johnson—all of whom shared a profound and undisguised commitment to the industry's welfare—the petroleum producers enjoyed decades of virtually limitless power in Washington. Their strength probably still surpasses that of any other special-interest group. But with the departure of their most prominent and effective champions, their critics are for the first time emerging as a force to be reckoned with.

In one of the few genuine, although limited, reforms to survive the byzantine machinations that produced the final version of the Tax Reform Act of 1969, both houses of Congress voted decisively to reduce the sacrosanct oil-depletion allowance from 27.5 per cent to 22 per cent. The reduction—acquiesced in by a reluctant executive branch—constituted an acknowledgment that many Americans had come to regard depletion as the most flagrantly objectionable abuse in the loophole-riddled tax code.

In a statement that some of his colleagues thought was tinged with exaggeration, Senator Thomas J. McIntyre of New Hampshire declared that the vote to cut the depletion allowance signified that the Senate had "once and for all rejected its role as the bastion of the oil industry." The Senator was among those who had unsuccessfully sought a more drastic reduction to 20 per cent. "But the important thing," he said, "is that we have finally made a crack in oil's protection shield. If others develop in the days to come, American consumers and taxpayers may yet get a fair shake at the hands of this much-pampered industry."

The depletion allowance, which stood inviolate for more than four decades, has allowed an oil or gas company to deduct 27.5 per cent of its gross income from its taxable income, providing the deduction does not exceed 50 per cent of taxable income. With lesser depletion percentages provided for almost 100 other mineral products, depletion has cost the Treasury about $1.3-billion a year in lost revenues—a sum comparable to the "inflationary" spending increments that President Nixon cited as the reason for vetoing the Labor-H.E.W. appropriations bill for fiscal 1970. Special provisions in the tax laws also permit oil and gas producers to deduct many of their intangible costs for exploration, drilling and development, including off-shore drilling and production in many foreign countries. And oil companies are allowed to deduct against their United States taxes most of the royalties they pay to foreign powers—an arrangement cloaked in the convenient fiction that such royalty payments are "taxes."

The result of these privileges, according to Treasury Department calculations, is that oil and gas companies save in taxes 19 times their original investment for the average well. In 1968, American oil companies paid less than 8 per cent of their income in taxes, compared with more than 40 per cent for all corporations.

Clearly, the tax laws have played an important part in making the oil industry the formidable economic and political force it is. The industry's annual sales total more than $60-billion. Among the 2,250 largest American companies surveyed last April by the Economic Newsletter of the First National City Bank of New York, the 99 oil companies alone accounted for more than 25 per cent of the total profits. The industry's average profit of 9 per cent (based on net sales) is about double the average for all manufacturing companies; only one other industry—drugs—maintains a higher profit level. The 20 largest oil companies amassed profits of $8.1-billion in 1968 and paid 7.7 per cent of the net in taxes, according to U.S. Oil Week, an independent oil-marketing publication. Thanks to the generosity of the tax laws, one oil company—Atlantic-Richfield—avoided all Federal tax payments from 1964 to 1967, and actually managed to accumulate a Federal tax credit of $629,000 while earning profits of $465 million. Atlantic-Richfield's case is not unique.

A tax structure that lends itself to such egregious inequity is obviously worth defending. In Washington (and at state capitals across the country) the industry's interests are served by a costly and complex but closely coordinated lobbying apparatus. Among its principal components are these groups:

The American Petroleum Institute, whose membership roster of 400 companies and 8,000 individuals represents about 85 per cent of the total production, refining and marketing volume in the oil and gas industry. Despite its broad membership, A.P.I. is regarded as primarily the spokesman for the "Big Seven"—Standard Oil of New Jersey, Mobil, Shell, Standard Oil of Indiana, Texaco, Gulf and Standard Oil of California. Among these, Standard of New Jersey is the dominant force.

The institute's annual budget is a closely guarded secret, and its quarterly reports to the clerk of the House of Representatives on lobbying expenditures are incredibly modest—a total of $39,119 for 1968. Industry sources report that the institute spends between $5-million and $10-million a year, much of it for "research." It has a staff of more than 250 at offices in New York, Washington, Los Angeles and Dallas.

The chief A.P.I. lobbyist is former Congressman Ikard, who represented Wichita Falls, Tex., from 1952 to 1961 and was a protégé of the late Speaker Rayburn. When he resigned from the House to join the institute—a move that he said was "a question of economics"—Ikard was praised by Lyndon Johnson, then Vice President,. as "a heavy thinker and a heavy doer." Under his direction, says a Congressional source, the institute has been "a pace and precedent setter . . . vigorously seeking to adapt its positions and attitudes to the wave of the future."

The Independent Petroleum Association of America, with some 5,000 members representing about 60 percent of the independent oil producers. Its "experts"—a professional staff of six operating out of an impressive Washington office suite—were highly visible among the oil men who flitted in and out of the back door to the Senate Finance Committee's offices while the committee, in sessions closed to the public; considered the oil provisions of the Tax Reform Act. The immediate past president of the association, Harold M. McClure, the Republican National Committeeman from Michigan, has acknowledged making "personal" campaign contributions totaling $90,000 in 1968. He recently testified before a Federal grand jury investigation allegations of political bribery.

The same Congressional source who admires the A.P.I. for its flexibility describes the Independent Petroleum Association as "sticking to the traditional line that the existing state of oil privileges is essential to the national defense and must remain sacrosanct."

The National Petroleum Refiners Association, composed of domestic refining companies and representing about 90 per cent of the refinery production in the United States. Donald O'Hara, the association's executive vice president, was formerly a registered lobbyist for the Petroleum Institute, with which he maintains close liaison.

The Independent Natural Gas Association of America, representing major pipeline companies. Its executive director is a former Texas Representative, Walter E. Rogers. He served in Congress as Chairman of the House Subcommittee on Communications and Power, which handles gas-pipeline legislation. He gave up his Congressional seat in 1966 and registered as a lobbyist in 1967 to represent 12 pipeline companies in a vigorous—and successful—effort to water down a pending bill that would have established strict Federal safety standards for the nation's 800,000 miles of gas pipelines.

A formidable array of regional and state groups—among them the Mid-Continent Oil and Gas Association, the Western Oil and Gas Association, the Texas Independent Producers and Royalty Owners Association and the Kansas Independent Oil and Gas Association—augments the national contingent. Executives of these organizations are frequent visitors to Washington, and they can draw on the talents of the capital's most prestigious law firms for missions of special delicacy. Individual companies also mount their own lobbying efforts; John Knodell, a genial and knowledgeable lawyer who worked the Congressional beat until recently for Humble Oil, was credited with establishing a new beach-head for the industry in the last year or two by opening lines of communication with liberal members of the House and Senate. He is now assigned to Humble's legal department in Houston.

By pooling their efforts, the companies are able to marshal formidable forces. In the carefully orchestrated campaign against reducing the depletion rate, for instance, one concern urged all its stockholders to write to members of Congress; another focused on mobilizing its retired employes; a third concentrated on service-station operators; a fourth sent brochures to its credit-card holders. The companies claimed all these efforts as deductible business expenses, but the Internal Revenue Service is, at the request of Senator William Proxmire of Wisconsin, examining those claims.

Instances of disarray of the ranks of oil are relatively rare—and when they occur, the dominant companies usually manage to muffle the dissenters. Last year, the small independent producers in the Kansas Independent Oil and Gas Association broke ranks to support a proposal by Senator Proxmire that would have instituted a system of scaled depletion allowances—a plan emphatically resisted by the majors. The Kansas oilmen were unable to persuade even their own state's Senators to support the Proxmire plan. When two executives of the Kansas group flew to Washington to enlist one Senator's assistance, he kept them waiting in an outer office while a representative of Standard Oil of Indiana delivered the pitch for retaining full depletion. "The local boys just don't understand the situation," the Senator later said.

Depletion and tax preferences are hardly the only—or even the most significant—perquisites the industry is eager to protect. In fact, some Congressional critics suspect that the oilmen were not entirely displeased when Congress voted to reduce the depletion allowance, since they hope that this action will lease the pressures against other oil privileges now under attack.

Chief among such privileges is the import-quota system—the topic the four Governors took to the White House on Nov. 7. Their meeting took place in the office of Peter Flanigan, a Presidential assistant who has special responsibility for financial affairs and who serves as the President's staff expert on oil. The Governors present, representing the Interstate Oil Compact Commission,* were Preston Smith of Texas, Robert B. Docking of Kansas, Stanley K. Hathaway of Wyoming and Richard B. Ogilvie of Illinois; they brought with them telegrams of support from the chief executives of 13 other states. Among the Administration officials assembled to hear the Governors' views were Secretary of Labor George P. Shultz, who heads President Nixon's Task Force on Oil Import Control, and several key members of the task force—Secretary of the Treasury David M. Kennedy, Secretary of the Interior Walter J. Hickel and Secretary of Commerce Maurice H. Stans.

"This meeting," Senator Proxmire told the Senate on Nov. 17, "was clearly the result of a planned campaign of pressure by the oil industry through the Interstate Oil Compact Commission. Even a cursory examination of the telegrams from the Governors who could not attend the meeting shows they are almost all in identical language. . . .

"The pressure on the Governors must have been fierce. The most interesting example of this is a telegram sent [by the State Commissioner of Conservation and Natural Resources] on behalf of Gov. Nelson Rockefeller of New York. The telegram assures the White House that Governor Rockefeller supports oil-import quotas, though Mayor Lindsay has shown that the quotas cost New York City consumers a minimum of $95-million a year in increased prices and that the cost might go as high, just for New York City, as a quarter of a billion dollars."

Whether Governor Rockefeller was, in fact, subjected to "fierce pressure" is problematic; as a member of a family that founded its fortune in Standard Oil, he is presumably not entirely unsympathetic to the industry's point of view. But Senator Proxmire's reference to a "planned campaign of pressure" in behalf of the import-quota system was no exaggeration.

About the time the oil-state Governors were meeting at the White House with members of the President's task force, Michael L. Haider, the retired chairman of Standard Oil Company (New Jersey) and retiring chairman of the American Petroleum Institute, had a private audience with President Nixon. He emerged, according to the industry's trade journal, The Oil Daily, "feeling more optimistic about the handling of petroleum-industry problems in Washington." After a "very good conversation" with the President, the report said, Haider "believes Nixon has a good grasp of the problems surrounding oil-import controls and is more confident that the outcome will be favorable."

In the same interview, Haider offered a glimpse of the relative equanimity with which the industry viewed the reduction in the depletion allowance. "Of course we can live with new taxes," he said. "We obviously aren't going out of business." The Petroleum Institute has estimated that the Tax Reform Act will cost the industry $550-million to $600-million a year.

The import-quota system on the other hand, has been estimated by reputable economists to be worth between $5.2-billion and $7.2-billion a year. Using the more conservative projection of the quota system's cost, experts have calculated that the average family of four in New York State pays an excess of $102.32 a year for gasoline and heating oil. In Vermont, a family of four pays an additional $195.92. The comparable figure for Wyoming is $258.

President Eisenhower established the oil-import-quota system on March 10, 1959, as a "national security" measure designed to reduce American reliance on foreign petroleum production. In taking this step, Sherman Adams recalls in his memoirs of the Eisenhower Administration, "the President had to go against the principles that he had fought for in his foreign-trade policy." According to Adams, the departure was made necessary by "the unpredictable human factor . . . the men who headed two large oil-importing companies that refused to join in voluntary restraints and to heed the warning of the Government of what would happen if they failed to do so. Oil was coming into the United States from foreign fields at such a rate that the American oil-producing centers were being forced into desperate straits." Adams, who served as "deputy President" in the early Eisenhower years, candidly dismisses the notion that the national security was at stake: "The imposing of import quotas on oil was primarily an economic decision brought about by an economic emergency, but the acton . . . was based upon security considerations in accordance with the law."

The quota system restricts the entry of cheap foreign crude oil to 12.2 per cent of domestic production in states east of the Rockies (the quota does not apply in the Western states because even a maximum rate of domestic production there cannot meet the demand.) The system operates in tandem with state laws that closely regulate month-to-month oil production on the basis of demand estimates furnished by the major producers. The effect is to assure domestic companies of a demand for all production, and to push up the cost to American consumers. A barrel of Middle Eastern oil can be landed in New York harbor for about $1.50 less than a barrel of domestic oil of the same quality.

"Import quotas have been instituted in order to insulate the domestic oil market from the challenge of foreign competition," Prof. Walter J. Mead, an economist at the University of California at Santa Barbara, told the Senate Antitrust and Monopoly Subcommittee last spring. "Given this barrier of free entry into the United States market, the price of crude oil in the United States is approximately double the free-market world price." During the first half of 1968, Professor Mead said, Japan paid an average of $1.42 a barrel for Middle Eastern crude oil. The American price for a similar grade of crude was $3 a barrel.

A Department of the Interior study made public on Jan. 16, 1969—and challenged by some economists as too conservative—found that the removal of import quotas would cause a 95-cent-a-barrel decline in the price of crude oil east of the Rockies. John M. Blair, the Senate subcommittee's chief economist, estimates that the quotas "have cost the American public $40-billion to $70-billion in the last 10 years."

Among the quota system's bizarre by-products is a complex of exceptions and evasions designed to suit the oil industry. In the interests of "national security," for example, Canadian oil imports, which can be shipped overland to the United States, are curtailed, while no limitation is placed on tanker shipments from Texas and Louisiana. Senator Russell Long of Louisiana, who has inherited Senator Kerr's mantle as the Capitol's chief spokesman for oil, once defended the Canadian restriction by invoking the likelihood of war between the United States and its neighbor to the north.

Another odd and costly arrangement exacts about $14-million a year from Hawaiian consumers because oil shipped to their state from Indonesia and Venezuela is refined in Hawaii, but priced as though it had been refined from more expensive domestic crude on the West Coast, then shipped to Hawaii in American vessels, which traditionally collect a top dollar for their services. "It seems hard to understand," said Prof. Morris A. Adelman, an M.I.T. economist, during the Senate hearings last spring. "If I looked into it, maybe I would find it even harder to understand."

Consumers and their Congressional spokesmen, however—no matter how loud their complaints against the quota system—can claim only modest credit for the current assault. The Presidential task force whose work has worried the industry and preoccupied its lobbyists in recent months came into being as a result of competitive pressures among the companies themselves, which prompted some major producers to seek special Federal benefits under the quota system. The first important breach in the system came when the Johnson Administraton granted quotas to a Phillips Petroleum refinery in Puerto Rico and a Hess Oil refinery in the Virgin Islands. Then Occidental Petroleum, a relatively small but aggressive company, discovered vast oil pools in Libya and decided to seek increased access to the restricted American market by requesting a 100,000-barrel-a-day quota for a refinery to be built in a proposed foreign-trade zone at Machiasport, Me. To New Englanders, Occidental promised a reduction of at least 10 per cent in the swollen cost of home heating oil. To the major producers, however, Occidental's request raised the threat of a series of "Machiasports" around the country, dissolution of the import-quota system and substantial reductions in profits.

Confronted with strong and conflicting pressures, the Johnson Administration fumbled indecisively with the Machiasport application during its last year in office, then passed the problem on to its successor. On Feb. 5, 1969, Chairman Haider and President

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*The Interstate Oil Compact Commission is supposedly charged with one responsibility, conserving oil and gas within the continental United States. In theory it has nothing to do with the oil-import program, but it has engaged in heavy lobbying for retention of the quota system.

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Ikard of the American Petroleum Institute proposed to Dr. Arthur F. Burns, the President's principal economic adviser, that a Presidential task force be appointed to review the quota system. Their intent, it seems clear, was to block the Machiasport project, but surprisingly the task force took on some aspects of a runaway grand jury. The industry has not recovered from the shock.

In a forceful submission to the task force, the Antitrust Division of the Department of Justice challenged the major rationale for the quota system, arguing that "the import quotas themselves do nothing to preserve this nation's domestic oil reserves. Reserve productive capacity is maintained, if at all, by state regulatory action aimed primarily at other objectives, such as conservation. The resulting hodge-podge of Federal and state regulation seems ill-adapted for achievement of a coherent program designed to provide this country with sufficient emergency oil reserves." The import program, the Antitrust Division also noted, "is a keystone in preserving a dual price system as between the United States and the rest of the free world. By insulating the domestic market from the competitive pressures of world oil prices, the program intensifies the effects of the existing lack of competitive vigor in various domestic oil markets."

Under the direction of Prof. Philip Areeda, a Harvard economist, the task-force staff compiled what is generally regarded as a full, fair and thorough record (although some industry sources passed the word that the staff was dominated by a most dangerous element—"theoretical economists"). In assembling detailed position papers and rebuttals, the staff shunned *ex parte* contacts with the ubiquitous oil lobbyists and withstood formidable pressures, including a telegram from Representative Wilbur Mills of Arkansas, the Chairman of the powerful House Ways and Means Committee, who warned Professor Areeda against "tinkering with the matter of oil imports."

In its final report, the task-force staff found that the quota system has serious disadvantages, including "the hazards of fallible judgment, combined with the ever-present risks of corruption." These factors, the staff concluded, "counsel strongly in favor of getting the Government out of the allocation business as rapidly and as completely as possible." The staff recommended scrapping quotas in favor of a preferential tariff system for oil that would produce about $700-million a year in new Federal revenues and reduce prices by about 30 cents a barrel—a quarter to a third of the price reduction that might be realized by the total elimination of oil-import controls. Under a probable tariff schedule, consumers might save a cent or two on a gallon of gasoline and about a cent on a gallon of heating oil.

Such a reduction would have a measurable counterinflationary effect. According to Paul W. McCracken, the chairman of President Nixon's Council of Economic Advisers, "with annual consumption on the order of 80 billion gallons, a 2-cent cut at retail would translate into a reduction of about $1.6-billion in the total national bill for gasoline. Such a cut would be equivalent to a reduction of approximately 6 per cent in the average retail price."

The task force held its last full meeting in December, and a majority—five of the seven members, led by Secretary of Labor Shultz—was prepared to accept the staff's conclusions. The two dissenters were Secretary of the Interior Hickel and Secretary of Commerce Stans, who insisted, in what several participants have described as an angry confrontation, on retention of the quota system.

Present for the first time at a meeting of the task force was Attorney General John N. Mitchell, who emphatically told Secretary Shultz, "Don't box the President in." Some of those present interpreted the remark as a Presidential request for the retention of quotas. Following Mitchell's appeal, the task force tempered its recommendations, though it reached the basic conclusion that quotas should be scrapped in favor of a tariff schedule.

The broad conclusions of the task-force report leaked out long before it was officially made public, and the oil industry lost no time in stepping up its efforts to win friends and influence people. For many weeks it bombarded Congress and the White House with demands that the quota system be retained.

A retired oil executive who maintains close contact with the industry reported in a confidential memorandum early in February that representatives of the Independent Petroleum Association had made "quite an impression" in a meeting with Flanigan and Bryce Harlow, another Presidential aide. The memo continued: "Theme was—oil revenues are key to the prosperity and state budgets, such as schools (over 90 per cent in Louisiana), of the oil-producing states. Stall any decision until after the election and in this way the Republican party can capture the Senate. This policy will assure Republican Senators' election in questionable states of Alaska, California, Wyoming, New Mexico and Texas. Harlow assured the group that the President is well aware of all the facts and will act to the best interests of the country."

Even more reassuring to the industry was a report published Feb. 6 by Platt's Oilgram News Service, an "inside" newsletter for the industry, based on an interview with a "high Administration official known to be opposed" to the task-force majority's tariff recommendation. The official, who industry sources identify as Interior Secretary Hickel, said he was convinced that the Administration would not permit "anything drastic" to happen to oil imports.

Secretary Hickel's prediction proved accurate. When the 400-page task-force report, with its recommendation that the quota system be abolished was released by the White House on Feb. 20, it was accompanied by a Presidential announcement that no "major" change would be ordered now.

The President thanked the task-force members and staff for their "devoted and discerning effort," then announced the formation of a new Oil Policy Committee to conduct further studies. The only task-force member missing from the new group is Secretary Shultz, the original body's most vigorous critic of the quota system. He was replaced by Attorney General Mitchell who presumably will see to it that the President is not boxed in.

Understandably, the Petroleum Institute thought the President's action was "encouraging," while the Independent Petroleum Association declared that the move should "reassure consumers as to future supplies of both oil and natural gas at reasonable prices."

Meanwhile, the industry is reappraising its pressure tactics, assessing its past mistakes and preparing for such future battles as the developing national crusade against automotive pollution. Former Congressman Ikard predicts "a pretty substantial change" in the industry's expensive image-building program. "We aren't dedicated to anything we are doing simply because we have been doing it," he says. An industry committee headed by Howard Hardesty, senior vice president of Continental Oil, has been conducting an intensive study of oil's public-relations efforts.

In a speech last fall that attracted sympathetic attention in the industry—it was reprinted in full in The Oil Daily—Michel T. Halbouty, a Houston oil producer, engineer, banker and former president of the American Association of Petroleum Geologists, complained that the industry's trade associations had "simply failed to inform and educate the public properly."

"Frankly," Halbouty said, "all of us took it for granted that our little red house would never be blown down by those howling wolves. So we find ourselves behind the eight ball. We now see depletion being hammered down. We see serious attacks being made on other incentives. The mandatory import program is in trouble. . . . The shortcoming in our own case has been a lack of communication with the people who really count in this country—the people who vote.

"We have done little to tell the history of oil and gas or the industry or the men who have made it. We have said little about how this industry ignited and sustained the age of liquid fuel and thereby helped lift the shackles of toil from labor. . . . We simply haven't put this information out properly, without wrapping it in a package which had the sign 'support depletion' on the outside. The people would automatically support depletion if they knew what our industry means to them."

From a Washington perspective, Halbouty's apprehensions seem overblown, or at least premature. While the industry's critics are increasingly outspoken and have tasted a few small victories, they have also been subjected to large defeats. Though some of oil's most stalwart champions have been removed by the process of attrition, others remain, steadfast and loyal, in Congress and in the executive branch. Despite a few cracks in the solid front the industry was long able to maintain in its lobbying effort, it remains a potent force in the capital.

When the American Petroleum Institute convened in Houston in November, Administration officials on hand to deliver speeches included Treasury Secretary Kennedy, Interior Under Secretary Russell E. Train and John N. Nassikas, the new chairman of the Federal Power Commission. A few days later Interior Secretary Hickel, whose department has broad jurisdiction over matters of importance to the oil industry, was in Houston to inspect offshore drilling rigs and hold private conversation with industry leaders.

Hickel, the former Governor of Alaska whose intimate ties to oil were the subject of stormy confirmation hearings when he was named to the Cabinet, seemed for a time to fall short of the industry's glowing expectations. Mindful of his vulnerability to conflict-of-interest allegations, he appeared determined to stress his independence of the industry. When an offshore oil blowout in the Santa Barbara channel became a national pollution scandal, the Secretary issued relatively stringent controls on drilling procedures, and oilmen complained of official "overkill." Such industry complaints are no longer heard in Washington, however, and Mr. Hickel seems to have dropped his guard. It was reported recently that an Alaska investment firm owned by the Secretary and his wife and managed by his brother, Vernon, had received a $1-billion contract to build an addition to the building in which Atlantic-Richfield maintains its Anchorage headquarters.

President Nixon, too, was well acquainted with leading oil producers long before Michael Haider paid his cordial call at the White House in November. California oilmen were prominent contributors to the Nixon personal-expense fund that erupted into headlines during the 1952 Presidential campaign. In Congress, Mr. Nixon was a reliable supporter of such oil measures as the tidelands bill, which divested the Federal Government of the offshore petroleum reserves. As Vice President, Nixon worked closely with Senate Majority Leader Lyndon Johnson in 1956 to block a sweeping inquiry into disclosures by the late Senator Francis Case of South Dakota that he had been offered a $2,500 bribe for his vote in behalf of a bill to exempt natural-gas producers from Federal regulation. The law firm with which Nixon was associated before his 1968 candidacy had its share of oil clients, and oilmen—including president Robert O. Anderson of rapidly growing Atlantic-Richfield—ranked high among contributors to Nixon's Presidential campaign.

No one knows precisely—or even approximately—how much money oil pours into politics, though experts on campaign financing agree that the industry outspends all others. Official reporting requirements, which divulge only the tip of the iceberg, indicate that executives of oil companies and trade associations can be counted on for hundreds of thousands of dollars in contributions during Presidential campaigns—the bulk of it (except in 1964) to Republican candidates. The role of oil money in House and Senate campaigns is even more obscure, although occasional disclosures such as the 1956 charge of a bribe attempt and the more recent investigations of Former Senate Majority Secretary Robert G. Baker indicate that money is easily—and bipartisanly—available to legislators who can be counted on to vote the industry's way. Baker whose Senate mentors were Robert Kerr of Oklahoma and Lyndon Johnson of Texas, served as both collector and distributor of oil contributions funneled through the Democratic Senatorial Campaign Committee in the late nineteen-fifties and early sixties.

Periodic disclosures of political bribery, which have remarkably transitory effect on public opinion and political morality, are probably less significant than the day-in, day-out "legitimate" relations between Congress and the powerful oil industry. As Robert Engler observed in "The Politics of Oil," a classic study: "The spotlight here belongs more on lawmakers and respectable men with bulging brown briefcases entering the portals of government than on lawbreakers and furtive men with little black bags using side entrances of hotels. Government policy on oil has increasingly become indistinguishable from the private policies of oil. . . ."

For some lawmakers, of course, the wheel of self-interest need not be oiled, even by political contributions. The late Senator Kerr, who held a ranking position on the Finance Committee in the nineteen-fifties and early sixties and was always available to the oil industry, was simply advancing his own cause as a substantial shareholder in Kerr-McGee Oil Industries, Inc. "Why, hell," he said, "if everyone abstained from voting on grounds of personal interest, I doubt if you could get a quorum in the United States Senate on any subject."

Senator Long, who now presides over the Finance Committee and the loyal oil contingent on Capitol Hill, shares his illustrious predecessor's view. "Most of my income is from oil and gas," he says. "I don't regard it as any conflict of interest. My state produces more oil and gas per acre than any state in the Union. If I didn't represent the oil and gas industry, I wouldn't represent the state of Louisiana."

According to the records of the Louisiana Mineral Board, Senator Long has received income of $1,196,915 since 1964 from his interest in four state oil and gas leases, and almost $330,000 of that income has been exempt from Federal income taxes because of the oil-depletion allowance. The Senator is also a trustee of family trusts that have collected $961,443 from holdings in state leases since 1964; and he has an interest in at least seven private leases whose royalty reports are not available for public scrutiny.

Few of his colleagues can match Senator Long's oil holdings, but many share his solicitous concern for the industry's welfare. Among those on whom the oil moguls can generally count for unstinting support are Senators John G. Tower of Texas, Gordon Allott of Colorado, Clifford P. Hansen of Wyoming, Henry L. Bellmon of Oklahoma, Roman L. Hruska of Nebraska, Robert J. Dole of Kansas, Peter H. Dominick of Colorado, Allen J. Ellender of Louisiana, Theodore F. Stevens of Alaska, George Murphy of California and Karl E. Mundt, of South Dakota.

Most—but not all—of oil's fast friends in the Senate are stanch conservatives. Nonetheless, such liberals heroes as J. William Fulbright of Arkansas and Eugene J. McCarthy of Minnesota can usually be counted on to see oil's side. When a crucial vote on depletion came up in the Senate Finance Committee last fall and resulted in an eight-to-eight tie, Senator McCarthy, a member of the committee, was in a New York restaurant autographing copies of his book on the 1968 campaign, which includes a stern rebuttal of charges that he has favored the oil interests.

McCarthy, who voted consistently against oil privileges during most of his first Senate term, cast his first vote in favor of depletion in 1964 and has generally favored the industry's positions since. There were published reports in 1968 that he had raised about $40,000 for his Presidential campaign in one day at the Petroleum Club in Houston.

Senator Fulbright's unswerving loyalty to his state's oil and gas interests is perhaps more understandable, but he has occasionally carried it beyond mere routine support. When Senator Case of South Dakota disclosed the attempt to buy votes for the 1956 natural-gas bill, Fulbright accused him of being "irresponsible"; to jeopardize passage of the bill was "inexcusable," Fulbright explained.

In the House, the Ways and Means Committee, which writes the nation's tax laws, still has the essential make-up decreed for it by the late Speaker Rayburn, whose policy was to interview all candidates for assignment to the committee on issues relating to oil. (Former President Johnson exercised the same kind of control over the Senate Finance Committee in his days as Majority Leader.) Among those who passed Mr. Rayburn's test was former Congressman Ikard, who now serves as the industry's lobbyist in chief. With rare exceptions, the full House delegations from Texas, Oklahoma and Louisiana serve as the hard core of the oil bloc.

Those legislators who are not irrevocably committed to oil's interests can count on frequent, cordial contacts with the army of lobbyists the industry maintains in the capital. One aide to a Senator who is active in legislative matters affecting oil reports that he receives about 20 calls and several visits a day from industry spokesmen. Written communication is rare.

And the oil lobbyists are doing more than socializing during those visits on Capitol Hill. As soon as the thrust of the task-force report on import quotas became clear, they moved decisively to protect the quota system. Already scheduled are two Congressional committee inquiries designed to attack the task force's recommendations. In the House, the Interior Subcommittee on Mines and Mining plans an investigation of the "national security aspects" of the quota system under the direction of Representative Ed Edmondson of Oklahoma. "He is a Congressman representing an oil-producing and refining state," one of Edmondson's aides explains. "He feels the smaller independent operator gets squeezed first in this kind of issue." In the Senate, a planned investigation will, from the industry's point of view, be in equally reliable hands—those of Senator Long.

In his announcement that he would not immediately implement the task-force report, President Nixon said he expected that such Congressional hearings would produce "much additional valuable information."

As they make their cordial way through the corridors of the Capitol, the oil lobbyists complain that things just haven't been going right lately. Some predict the most drastic consequences—not just for the industry but for the nation—if the quota system is scrapped.

But they don't really look very worried. The well is not about to run dry.

THE LATE SENATOR KENNETH S. WHERRY AND THE ESTABLISHMENT OF THE SENATE SELECT COMMITTEE ON SMALL BUSINESS

Mr. HRUSKA. Mr. President, last week marked the 20th anniversary of the signing of a resolution which established the Senate Select Committee on Small Business. Although not a member of that committee, I am certainly appreciative of place and meaning of this committee. It has served well the interests of America's small businesses since its creation.

The 20th anniversary of the creation of the Small Business Committee also gives me an opportunity to make tribute to the late Senator Kenneth S. Wherry, from Nebraska, who has been credited with igniting support throughout the Nation for establishing a permanent body to hear and review the complexing problems of small business. Early in his first term as Senator from Nebraska, he championed the cause of the small businessman by participating in the drive to establish a temporary Special Committee on Small Business which specialized on small business problems created by postwar demands. Senator Wherry felt it was necessary to retain the committee on a permanent basis and to direct its efforts toward protecting the interests of smaller business in a war economy so as to maintain the American system of free competitive enterprise.

Senator Wherry stated on the Senate floor:

> I have made the statement that I would not seek the continuation or revival of a Special Senate Small Business Committee whenever a Standing Committee was able to take over its functions. I have become convinced, however, in my two years as Chairman of the Special Senate Small Business Committee, that no existing Standing Committee can take over these functions effectively . . . I intend to introduce a resolution seeking to set up a permanent Small Business Committee in order to cover adequately the urgent needs of American independent small business.

That resolution establishing the Senate Select Committee on Small Business was submitted and agreed to on February 20, 1950.

Mr. President, I ask unanimous consent to have printed in the Record an excerpt from "The Making of a Political Leader," written by Marvin E. Stromer, explaining in more detail Senator Wherry's role in the creation of the select committee.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

Senate Small Business Committee: Establishment

Ken Wherry expended a large portion of his energy in assisting the small businessmen of the United States.[34]

Wherry's crusade for the small businessman, as a member of the Senate's special small-business committee during the war,

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kept bureaucratic Washington on edge. He once went to bat for the Police Gazette and proved that it was not receiving its proper share of paper from the War Production Board (WPB).

Another time he escorted to the WPB offices a North Carolina furniture manufacturer who had complained that he was not being allotted fiber board necessary to packing his products. A WPB official kept the pair cooling their heels for about ten minutes as he shuffled through some papers. When Wherry approached him and emphasized that he was a senator and was eager to get back to the Capitol for an important vote, the bureaucrat retorted that he was busy studying some blueprints for outhouses. Wherry sat down and smoldered for another ten minutes. Then he demanded action. The official arose and remarked that he was tired of Senators asking for favors.

Sputtering, Wherry seized the bureaucrat by the throat and yelled, "You'll talk, and you'll talk right now!" The fellow turned red and then white, but remained speechless, so Wherry flung him into his chair and stormed back to the Senate. Later in the afternoon he telephoned the WPB that he had subpoenas ready for Charles E. Wilson, vice-chairman of the WPB; A. D. Whiteside, chief of the civilian supply division, and their obstinate underling. The WPB apologized immediately, and Wilson and Whiteside ironed out the fiberboard trouble with the North Carolina manufacturer.

One of the proudest moments of his political life came when the Senate agreed to the creation of a Standing Committee on Small Business. As in many of the other features of Wherry's career, the establishment of the committee came only after a vigorous and tiring struggle. Early in his first Senate term, he championed the cause of the small businessman by participating in the drive to establish a temporary Special Committee on Small Business which specialized on small-business problems created by postwar demands—taxation and finance; interstate and foreign commerce; growth of concentration and industry; antitrust legislation; education and labor; government and armed service procurement; and trade inspired by foreign economic programs and policies. The former special committee existed until January 31, 1949; its function then were assumed by subcommittees of the various standing committees of the Senate. Wherry felt, and so argued, that "the number and importance of the problems peculiar to small business warrants the establishment of a standing committee which will give full time and attention to the solution of these problems and which has authority to recommend remedial legislation to the Senate."[35] He believed that small business was a specialized field which required special talent to deal with its problems. He drew on his experience as a member of the Special Committee on Small Business when outlining his plans for a succeeding committee: "[T]he efforts have been consistently aimed toward maintaining the American system of free competitive enterprise. Established to protect the interests of smaller business in a war economy, in recent years its work has not diminished."[36]

He traced the services to small business which the committee had rendered:

> Relief was obtained for those caught by the conversion from a peacetime to war economy, securing assistance in carrying interest charges, and regulating disposal of goods for wholesalers and retailers whose stocks and funds were frozen. This committee secured passage of legislation setting up the Smaller War Plants Corporation, which channeled war contracts into small business establishments. This committee policed the regulatory machinery set up by the control agencies, War Production Board, Office of Price Administration. It obtained passage of the Federal Reports Act, setting up a control mechanism, which cut Government red tape by two-thirds in dealing with the Nation's business. An active part was taken in framing the surplus-property legislation, assuring priorities which made possible a fair share of surplus commodities for small business.[37]

He listed for the Senate the pending investigations which the committee had at its expiration: steel exports (concern over exports during a time when American business was suffering from lack of steel); soft drinks (general concern over the many failures in the business); aluminum conductor rod (complaints from officials in the rural-electrification program indicating that the supply of aluminum electric conductor rod was not sufficient). Future programs enumerated were these: basic metals—steel capacity and production (needs relating to the whole field of supply and resources of iron and steel, aluminum, copper, magnesium); basic chemicals; textiles (integration of production and distribution of textiles industries); petroleum; government procurement programs (furnishing of raw materials to large industries); financing (available capital and general tax structure).

Working from this background, Wherry introduced, with Senator Spessard L. Holland of Florida, legislation calling for a Special Standing Committee on Small Business. The proposal was originally referred by Vice-President Alben Barkley to the Senate Committee on Banking and Currency—this move precipitated the first conflict. Wherry believed the Senate Rules and Administration Committee, of which he was the ranking Republican member, should consider the legislation. He appealed the ruling made by Barkley, "It is with regret that the very first action I take as Minority Leader is in opposition to the former Majority Leader, and now our Vice-President, by appealing from the decision that he has made."[38]

He cited the precedent in the Eightieth Congress of a resolution creating another committee being referred to the rules committee for consideration. He argued that because his proposed committee covered such a wide range of problems and reached into the jurisdiction of nearly every standing committee of the Senate the rules committee should evaluate it. "All recommendations by the committee for legislation will be considered by the Standing Committee having jurisdiction over the particular subject matter. This makes the Senate Small Business Committee a valuable adjunct to the work of the Senate. It does not duplicate or take away from the work of the standing committees, but supplements them by pinpointing the problems of small business and calling them to the attention of the proper Standing Committees for inclusion in their overall considerations."

The outline for the direction of activity of the committee was as explained by Wherry:

(1) Supply and distribution of basic materials with particular reference to whether or not independent small business is obtaining its fair share of such materials under existing or future distribution methods and patterns.

(2) Policies of Federal Government departments, agencies, and corporations with respect to inclusion of independent small business in their present programs and future planning with particular reference to the procurement activities of such departments, agencies and corporations.

(3) Prices charged for materials needed and utilized by independent small business to determine whether they are fair and equitable to prices charged their larger competitors.

(4) Pressures by vertically and horizontally integrated combinations to eliminate independent small business in the American industrial and distributive systems.

(5) Inability of both new and old independent small businesses to adequately finance themselves from their own earnings due to tax structures and effect of such tax structures on the merger movement.

(6) Participation of independent American small business in Foreign Aid Programs and adequacy of representation of independent American Small Business by diplomatic and consular officials abroad.

(7) Development of programs to assure independent small business a fair share of raw and finished materials and services produced on and from publicly owned mineral resources, forest reservations, and irrigation and reclamation projects.

(8) Development of a sound program to safeguard the place of independent small business in the American economy.[39]

Wherry closed his appeal for reversal of the chair's ruling thus:

> I have made the statement that I would not seek the continuation or the revival of a Special Senate Small Business Committee whenever a Standing Committee was able to take over its functions. I have become convinced, however, in my two years as Chairman of the Special Senate Small Business Committee, that no existing Standing Committee *can* take over these functions effectively. . . . I refuse to stand by idly and see this Committee fumbled out of existence! . . . If this Resolution is not referred to the Rules Committee, to which it should go by already established precedent, as well as for the reasons advanced here today, then I intend to introduce a Resolution seeking to set up a permanent Small Business Committee in order to cover adequately the urgent needs of American independent small business.

Wherry lost this first round; the resolution was heard by the Banking and Currency Committee and was killed. He and Senator Holland then introduced legislation to establish a permanent standing committee—its language was much simpler than the first resolution: "[A committee] to study and survey by means of research all the problems of American small-business enterprises and to obtain all facts possible in relation thereto which would not only be of public interest, but would aid the Congress in enacting remedial legislation." This resolution was referred to the Rules and Administration Committee and was favorably reported to the Senate by a 6-2 vote. The committee recommended to the Senate that possible areas of work for the new standing committee should parallel those outlined by Wherry in this previous resolution. Wherry had lost a battle, but he was to win the "war."

On February 20, 1950, the Senate moved into full debate over the question. Wherry triggered the discussion: "[T]he special Senate Small Business Committee was permitted to expire by default on January 31, 1949. . . . When I came to the Senate in 1943, I was assigned to membership on the Small Business Committee, and was actively engaged in working on that committee until it was terminated by the majority party at the beginning of the Eighty-first Congress. They have refused to revise it until the election, which will occur next November, has come closer to hand."[40]

He explained why he introduced the second legislation after his first proposition was turned down:

> I think, once and for all, the Senate should decide whether it wishes to have a special committee on small business, with or without legislative authority. . . . I think the committee should be a permanent one. I do not believe that at each and every session of the Senate we should be confronted with the question of whether we shall have a special committee on small business at that particular session. . . . To authorize a temporary

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Footnotes at end of article.

small-business committee this late in the Eighty-first Congress, would be a make-shift arrangement, which could not be organized to take effective action before it expired.

Wherry turned his stiletto on those who criticized the past committees as little more than a paper organization:

> [W]hile I am glad to admit that the Senate Small Business Committee during the Eightieth Congress was more distinguished for direct action against monopolistic-trade practices in industry, which were throttling small business, it also made specific legislative proposals, which were enacted into law.
>
> The committee helped in the matter of newsprint distribution. It helped, and helped tremendously, in the field of petroleum distribution. We persuaded major oil companies to continue distribution to smaller, independent dealers on the basis of the same quotas as those in effect in prior years.
>
> Time and again the Small Business Committee secured help that was entirely outside the field of legislative authority. It is my plea that we support a proposal which will result in a continued service of that kind. If all we are going to do is set up an academic board to consider matters affecting small business, a board which will go into the field and conduct hearings in the four corners of the United States, with the idea of introducing legislation which will impose upon the backs of small business further controls and impositions, then I am decidedly against it. . . . I think the principal purpose is to have a place to which small-businessmen may come, register their complaints, and have them considered.[41]

Senator James Murray (Democrat-Montana) firmly supported Wherry, and he also provides a lighter view of Wherry:

> One of Wherry's favorite stories of his Senate career is the junket of the Small Business Committee to the West Coast for hearings. Under the chairmanship of Senator James Murray, of Montana, the committee traveled for three weeks, making speeches and listening to small businessmen. By the time they reached Seattle, the committeemen's speeches were well fixed. Wherry, who was named master of ceremonies to introduce his colleagues, always first introduced Senator Murray, who explained what the committee was doing.
>
> "Old Jim," Wherry recalls, "he always put an Administration twist on his speech. So in Seattle, I got up and I just gave his entire speech from memory, slanting it my way. *Then* I introduced him." Senator Murray, caught flat-footed, sat down in confusion.[42]

Murray agreed with Wherry's contention that it would be better to establish a permanent committee on small business rather than have a subcommittee of the Banking and Currency Committee handle small-business problems. He favored a permanent committee without legislative authority, which Wherry had offered in the form of an amendment to his original resolution.

The attack on the Wherry-Holland proposal was led by Senator Burnet R. Maybank (Democrat-South Carolina), chairman of the Banking and Currency Committee. He charged, "I would not question the sincerity of any Senator who makes an honest effort in behalf of small-businessmen. I would protest their motives, however, should they prove to be nothing more than a cloak of dogoodism enshoulding base political ambitions. My feeling would be the same regardless of the Senator's party affiliation. . . . The vote here this afternoon will not be a record of either political party. It will be a record of politics. The pending proposal is not an attempt to help small business."[43] Maybank was true to his attack-without-regard-for-politics statement:

> The majority leadership is flip-flopping to the support of a group of well-organized and highly vocal lobbyists who are clamoring for the creation of a special small-business committee. . . . And what will we get from this mess of pottage? We will get the same crop we reaped before the passage of the Reorganization Act. We will get inefficiency, waste, and duplication and confusion. The committee will issue reams of reports that will be read by but few Senators . . . let us not weep when there again breaks out a rash of special committees for wool, for mines, for liquor, for gold, and for $3 bills. . . .

Senator Holland split with Wherry on the question of whether or not the committee should have full legislative authority—Holland favored it whereas Wherry had offered the amendment making the Small Business Committee a standing one but without legislative authority. Here we see a faint criticism of Wherry:

> [H]e was a lovable chap, but at times he had a tendency to be rather impulsive and would jump from position to position. I introduced a resolution calling for a permanent Small Business Committee with complete legislative power—Wherry asked to join me and then changed his mind and offered legislation to strip it of its authority. I opposed him because I didn't want it to be toothless. . . . Maybe Wherry sensed the tone of the Senate, he was successful and I couldn't have gotten my idea through.[44]

Holland, during his appeal for the committee with full legislative power, had some cutting words for his own majority leader:

> If the Senator (Mr. Lucas) was so determined last year to eliminate special committees, which he was, and he voted to do so —and he did—and he played a part in doing so by his vote here in the Senate, which is a matter of record, it is difficult for the Senator from Florida to understand the change of heart and mind overnight of the able Senator from Illinois . . . I am not guilty of the type of inconsistency displayed by my friend from Illinois, who, after twitting the Senator from Michigan (Mr. Ferguson) with being inconsistent in having adopted an entirely different position from the one he had taken the year before, now finds that the question he leveled at the Senator from Michigan is when addressed to him now impossible of being answered, because it clearly shows the complete inconsistency of the present position of the Senator from Illinois as measured against his position in 1947, 1948, and 1949.[45]

Wherry's resolution was approved by a final vote of 55–27. No particular party lines were respected in the total vote—leading Democrats were found on both sides (voting for the resolution: Senators Douglas of Illinois, Green, Hayden, Lyndon B. Johnson of Texas, Lucas, and O'Mahoney; voting against the resolution: Senators Holland, Johnson of Colorado, Russell, and Maybank); key Republicans also were divided (in support of the proposal: Senators Ferguson, Knowland, Lodge, Saltonstall and Taft; in opposition: Senators Bricker of Ohio, Martin of Pennsylvania, and Tobey of New Hampshire.)

Wherry was involved in one final foray concerning his resolution—the appointment of members to the committee. Vice-President Barkley delayed the appointment of the group for nearly two months, Lucas sat quiet; pressure was applied by the small-business community:

> It goes without saying that when Senate Resolution 58 was on deadcenter it took the constructive leadership of Scott Lucas to give it a push, resulting in a vote of 55–27 favoring the resolution. The appointment of the committee is now stymied. Nearly two months have passed since the splendid action taken by the Senate and no appointments have been made. I am sure that if you give the same splendid push as you did in early February on the resolution to the Vice President, and insist this long overdue recognition be given to independent business your action again will be of untold value to the future of independent business of this nation.[46]

Barkley was requested to act:

> Under date of March 27, I wired you for information as to when you will designate the appointees on the Senate Small Business Committee which was voted for by the Senate on February 20th with the magnificent vote of 55–27. You believe me Mr. Vice President, we are being constantly quizzed by independent businessmen, members of the press and many others why there is delay in the appointment of the committee. We cannot answer the queries as that power rests with the Vice President. At this very moment independent business establishments throughout the nation need all possible moral support to their problems, and particularly the help of the United States Senate. Independent business has felt over the years that when it came to government help they have been the real forgotten man. We trust that you will take immediate action to make appointments on the committee.[47]

The next day Wherry took the floor and pleasantly chided the Vice-President for "goin' fishing" on the appointments; Barkley replied he would "take the bait." The following week the committee was appointed.

By the approving vote, the Senate constructed the machinery for giving assistance to American small business; the legislation provided for broad research and investigative powers, it could not have legislative jurisdiction, but could recommend legislative action to the Senate. Later, after Wherry's death, the Senate was to give the standing committee on small business, quasi-legislative powers—Holland was the leader in this action and, during the discussion, credited Wherry with igniting support throughout the nation for a permanent body to hear and review the complexing problems of small business.

FOOTNOTES

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[34] Healy, "Big Noise from Nebraska," p. 76.

[35] U.S., Congress, Senate Report 598, 81st Congress., 1st Sess., p. 2.

[36] U.S., Congress, Senate, *Report of Problems Facing American Small Business by the Chairman of the Special Committee to Study Problems of American Small Business*, 81st Cong., 1st Sess., Senate Doc. 7, pp. 1 ff.

[37] *Ibid.*, pp. 7 ff.

[38] Statement by Senator Kenneth S. Wherry on his Appeal from the Ruling of the Chair on referral of the Wherry Resolution, creating a Special Senate Small Business Committee, February 7, 1949, in the Wherry Papers.

[39] *Ibid.*, pp. 7–15.

[40] U.S. *Congressional Record*, 81st Cong., 2nd Sess., Senate Proceedings, February 20, 1950, Vol. 96, No. 35, 2013 ff.

[41] *Ibid., pp.* 2016–2017.

[42] See Milton Lehman, "Salesman in the Senate," in *Collier's* CXVIII (December 14, 1946), 56 ff.

[43] U.S. *Congressional Record*, 81st Cong., 2nd Sess., Senate Proceedings, February 20, 1950, Vol. 96, No. 35, 2020.

[44] Personal interview with Senator Spessard L. Holland, June 5, 1965, Washington, D.C.

[45] U.S. *Congressional Record*, 81st Cong., 2nd Sess., Senate Proceedings, February 20, 1950, Vol. 96, No. 35, 2024.

[46] Day letter from George J. Burger, Vice-President, National Federation of Independent Business, Washington, D.C., to Senator Lucas, April 4, 1950, in Wherry Papers.

[47] Day letter from Burger to Vice-President Barkley, April 4, 1950, in Wherry Papers.

COMMONWEAL RECOGNIZES OIL LOBBY'S HIDDEN POWER

Mr. McINTYRE. Mr. President, the testimony of Secretary of Labor George Schultz last week before the Subcommittee on Antitrust and Monopoly of the Committee on the Judiciary underscored the duplicity of the administration's oil import policy.

Commonweal, a journal well known for its incisive views, has, in an editorial entitled "Government of Oil," recognized this duplicity and the fact that the consumers of the Nation have again been sacrificed for the profits of the oil industry.

Commonweal correctly points out that the administration is on one hand cutting education funds while at the same time granting billion-dollar benefits to the government of oil.

I ask unanimous consent that the editorial published March 13, 1970, be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

GOVERNMENT OF OIL

Teapot Domes are out of style—which is too bad in a way. People could get excited about Teapot Domes, but it is hard to arouse much interest in the recent Nixon decision to retain existing oil import quotas. How much does it amount to, after all? A penny or two on a gallon of fuel oil to heat your house, a penny perhaps on a gallon of gasoline for your car. Maybe it's not worth fighting about.

But there's another way of putting it. When President Nixon turned down the recommendation of the majority of his Cabinet-level task force on oil import control, he opted for retaining a system that presently costs the United States consumer $5 billion a year. The industry was happy—why wouldn't it be? One-third of the industry's $6 billion domestic profit for 1968 derived directly from the protection afforded by the Nixon-approved quota system. According to the task force report, the quota system will cost $8.4 billion a year in 1980. Thus an Administration that finds a few million for education inflationary does not hesitate to let the consumer pay the piper for the next decade to the tune of $60 billion in extra oil costs. Talk about the Biblical mote and beam.

Five members of the task force recommended a major change in the present import-control system, with a switch to an ordinary tariff instead of the company-by-company import system which has been in effect for ten years—a switch, it should be noted, that would not have taken place overnight but which would have been gradual in order to prevent any possible disruption to the industry. The majority on the task force urged a tariff at a level that would have reduced the domestic price for a barrel of crude oil by only 30 cents, with a corresponding saving to the consumer. Three members favored change only after consultation with other nations, with only two members flatly opposing change, including Secretary of the Interior Walter J. Hickel, not famous for his enmity to oil interests.

Oil-state Senators not unnaturally hailed the Nixon decision, and those who looked for oil company campaign donations were less than downcast. More to the point, we think, were the comments of two Senators from vitally affected New England states, Senator Edward M. Kennedy of Massachusetts and Senator Thomas J. McIntyre of New Hampshire. The oil decision, Senator Kennedy said, was "astounding," or, as Senator McIntyre expressed it, "a crushing blow to those of us who hoped that relief was near at hand" and "another major victory for the government of oil." "Government of oil" is right, in more ways than one, and the moral is obvious: things are done more subtly now than in the days of Teapot Dome.

THE EXCELLENCE OF COLORADO SKIERS

Mr. ALLOTT. Mr. President, over the years a few teams have become synonomous with excellence in various sports. In recent years Notre Dame and Texas have symbolized collegiate football excellence. Kentucky and UCLA have been successful in collegiate basketball.

But none of these teams can match the record of Denver University's ski team. As the New York Times reported Saturday from Franconia, N.H.:

> Denver University's ski squad did today what it seems to do naturally. It won the National Collegiate Athletic Association championship for the ninth time in ten years.

Mr. President, this is an astonishing record of accomplishment. But it is an accurate reflection of the excellence of Colorado skiers.

In fact, the University of Colorado finished a strong third in the overall team standings, just one and a half points behind Dartmouth. Jay Rand, from the University of Colorado, won the jumping competition. He had a lot of home State company in that event: Four of the top five jumpers were from the University of Colorado and Denver University.

Mr. President, I join with other Coloradoans in saluting Coach Willy Schaeffler's Denver team and all the fine Colorado skiers who did so well in the NCAA competition.

THE COAST GUARD RESERVE

Mr. PELL. Mr. President, the decision of the administration to abolish the Reserve of our Coast Guard concerns me greatly.

I myself have been a member of the Coast Guard Reserve for 29 years, and my oldest son is at present serving in a Coast Guard cutter. So, I have a certain familiarity with the subject. I realize, too, that because of my love and respect for the Coast Guard, I may not be as objective as Senators who have not had the experience that I have had.

However, on balance, and after mulling over the executive branch's decision to eliminate the Coast Guard Reserve, I cannot help believe that this step is against our national interest.

I realize that it will be said that there still will be a Coast Guard Reserve, and the so-called Ready Reserve or unpaid members of the Active Reserve will not be affected. I must add parenthetically here that I have never been a member of a paid Reserve unit, but have always secured my promotions in the service by means of correspondence courses, equivalent duty, and, before I was in the Senate, training duty. But while I have always been in a fortunate enough position that I did not worry about the financial side of being in the Coast Guard Reserve, I do realize that most of the individuals in the present Select Reserve would have a hard time continuing their Coast Guard activities without their present proper and fair reimbursement.

The administration defends this decision on the general grounds of national priorities. It is said that a value judgment has been made, in which the relatively small cost of the Reserve was weighed against its worth as a part of the national defense.

When it comes to national priorities, it is the Coast Guard which really has to take the leading role in times of disaster or war. The Select Reserve of the Coast Guard has a definite mission assigned to it should there be a national emergency. This mission has not been changed. No evidence has been presented to us that this mission is any less essential today than when it was assigned. Should this decision be allowed to stand, however, the Coast Guard will not be able to carry it out.

No one denies that the role of the Coast Guard is just as important as any of the other armed services. Why, then, is it being singled out for this treatment? One cannot help feeling that this decision reflects less a judgment about national priorities than one about political realities. It is a fact that the Coast Guard Reserve is the smallest of the reserve components. It perhaps has few friends in high places. It does not take a large stretch of imagination to envision the storm of protest that would occur if the Army, the Navy, the Marine Corps, or the Air Force Reserves were to receive similar cavalier treatment.

What, then, is to be done? Personally, I believe this decision of the administration should be rescinded and that we should keep the Coast Guard Reserve as it is. In addition, we should consider funding the selected reserve through the Department of Defense budget, rather than that of the Department of Transportation, of which the Coast Guard is a part. Otherwise, I believe, we can expect future attacks on the reserve during the budgetary process.

The reality of the situation is simply that the Secretary of Transportation cannot be expected to defend the Coast Guard Reserve as vigorously as he should. In peacetime, the reserve is of no use to his Department; in wartime, it would, along with the rest of the Coast Guard, come under the Navy. The Navy, then, is the real beneficiary of the money spent on the Coast Guard Reserve. It is more reasonable, then, for the Department of Defense budget to reflect this fact.

Mr. President, I urge the administration to think again about this decision, which will disband a valuable, proud, and dedicated group of men. They do not deserve this.

A FORWARD LOOK IN URBAN DEVELOPMENT IN NEW YORK CITY

Mr. JAVITS. Mr. President, I invite the attention of the Senate to a new housing project that has great potential for the future.

In the Arden Heights section of Staten Island, in New York City, Mayor Lindsay announced last week, a community of 2,000 townhouses will soon be built. The community is to consist of nine villages arranged around green spaces. There will be no through roads in the entire 160-acre tract. This means that no child will have to cross a street on the way to school or to a play area. The developers have tried to leave the land in its natural condition as much as possible.

Mr. President, for everyone who is concerned with providing more housing and also with environmental problems, this development represents a most important advance in this area, especially since it involves such a large tract of land. I ask unanimous consent that a news story, describing the project, published in the New York Times of March 5, 1970, be printed in the RECORD.

There being no objection the article was ordered to be printed in the RECORD, as follows:

A Village of 2,000 Townhouses Will Rise in Staten Island's Arden Heights

(By Glenn Fowler)

A community of 2,000 town houses, the largest single-family home development ever to be built within the city limits, will soon begin to rise in the Arden Heights section of Staten Island.

Mayor Lindsay, announcing the start of work on the $100-million private venture yesterday, hailed it as the first large-scale example in the city of a "planned-unit development" of the kind that his administration has been advocating for residential areas in the outer boroughs.

Village Greens, as the project is called, will consist of nine "villages," each containing 225 attached town houses in rows of 7 to 12 arranged around green spaces. There will be no through-roads in the entire 160-acre tract, and no child will have to cross a street to reach a school or play areas.

The site is bounded by Arden Avenue on the north, Arthur Kill Road on the west, Huguenot Avenue on the south and Rosedale and Vespa Avenues on the east. It is on the west side of the island, about nine miles south of St. George at the northern tip and four and a half miles north of Tottenville at the southern end.

The development, in which prices will range from $30,000 for a three-bedroom house to $38,000 for the largest four-bedroom house, is a joint venture of Loew's Corporation, the hotel and theater chain, and the J. H. Snyder Company, a Los Angeles construction concern.

Loew's and Snyder are engaged in $300-million worth of residential buildings in California. Loew's has built high-rise luxury apartments in New York, but this is its first local venture in single-family housing.

Jerome H. Snyder, the 41-year-old head of the construction company, is a Brooklyn native who is returning to New York after two decades on the West Coast.

The developers said yesterday that Village Greens owed a great debt to the New York City Planning Commission, and particularly to its Urban Design Group, which has fought for controlled-environment planning on sizable tracts such as the one in Arden Heights.

In a planned-unit development, the conventional building lot is discarded in favor of clusters of dwellings. The individual homeowner gives up the typical 40-by-100-foot lot, retaining a modest-sized front yard and back yard. But he gains the use of commonly owned green space and facilities such as a park, playground, swimming pool, tennis courts and teen-age and adult meeting center administered by . . .

"Because we're abandoning the conventional street grid, we can plan an environment for living close to nature," Laurence A. Tisch, chairman of Loew's Corporation, said yesterday at a luncheon at the Regency Hotel announcing the start of Village Greens. "Until now this hasn't been thought possible in an urban setting."

SLICED BY GREEN BELT

A green belt will run through the center of Village Greens, with the nine Villages ranged around it in a style reminiscent of small New England towns. The architecture of the houses will reflect this feeling, with tone and clapboard to be the most prominent exterior materials.

The planned-unit development concept presupposes that all necessary services will be supplied when residents move into the house they buy.

Richmond Borough President Robert T. Connor said yesterday that a public school would be built on land set aside in Village Greens. Sewage-treatment arrangements are being made by the developers. Mayor Lindsay noted that in some other parts of Staten Island homeowners had complained bitterly about a lack of connections needed to link into the city sewerage system.

A shopping center will be started soon by another developer on an adjacent 6.5-acre site.

Plans for the project have already been approved by the Planning Commission and the Board of Estimate. The developers acquired the land for $9.5-million. Preston R. Tisch, president of Loew's and brother of the chairman, said that the developers would finance construction themselves and would not have to seek costly bank loans or backing from a large lending institution.

For buyers of the homes, financing will be available from local banks with mortgages insured by the Federal Housing Administration. The project is also approved for G.I. loans guaranteed by the Veterans Administration.

Norman Jaffe, who heads the New York architectural and planning firm that designed Village Greens, explained yesterday that the project's origins would be traced to changes in the city's zoning resolution, accomplished in 1967, making planned-unit development possible.

Village Greens will have 13 dwelling units to the acre. Conventional house-and-lot development, offering no common open space, could not accommodate as many families on the same tract. This is because the cluster arrangement of attached town houses omits the comparatively useless side-yard space.

Mr. Jaffe and Courtland Paul, a California landscape architect, planned the site with what they described as "meticulous care" for its natural qualities.

The site is one of rolling woodland, and the planners sought above all to preserve its natural character.

"We walked the site and we listened to it," Mr. Jaffe said. "We tried to relate its development to the surroundings, to the area's past history, and to the experience of new life styles that are influencing what people want in their communities."

The town houses will be of contemporary design, but Mr. Jaffe intends for them to be natural and "comfortable" in feeling—hence the predominance of wood and stone for the exteriors.

Mr Paul said his theory in landscaping was "to try tinkering as little as possible" with the natural attributes of the site. Where trees had to be removed, he said, the planners would see that they were shifted elsewhere in the tract or that other trees were planted to compensate for those that had to be destroyed.

The developers said that they hope that Village Greens would contribute toward preventing middle-income families from forsaking the city for the suburbs. Commuting to lower Manhattan by way of the Verrazano-Narrows Bridge should involve an automobile ride of no more than 45 minutes, they said. The trip by bus or Staten Island Rapid Transit, plus the ferryboat ride to the Battery would take about an hour.

Laurence A. Tisch, asked whether Loew's and its building partner would consider ventures in other parts of the city, said he felt that Staten Island offered a rare opportunity because of the vacant land, making possible development without uprooting existing homes.

"Frankly, we haven't any answer to the relocation problem," he said. "If we did, we might build in more crowded parts of town."

Staten Island, the city's third largest borough, is 57 square miles but has only 4 percent of the city's population.

THE GENOCIDE CONVENTION DOES NOT USURP CONSTITUTIONAL GUARANTEES

Mr. PROXMIRE. Mr. President, two of the principal objections raised against the Genocide Convention are that it would be self-executing and that it might infringe upon the first amendment guarantee of free speech and press. The American Bar Association's Standing Committee on World Order Through Law, in its recent report, completely dismisses both of these objections.

With regard to the self-executing argument, the standing committee ably points out that this convention itself requires the participating nations to enact enabling legislation. Under our Constitution, no treaty could support criminal prosecution without congressional action.

In the area of first amendment guarantees of free speech, in spite of the fact that the convention makes incitement to commit genocide a crime, it must be remembered that only Congress can make a crime punishable under U.S. law. Moreover, there is an important distinction between advocacy, which is protected by the first amendment, and incitement, which is not so protected.

In the words of the standing committee's report:

> Another objection to the ratification asserted is that the treaty would be self-executing. The result, it is claimed, would be to impose a law upon the citizens of this country without the Congress having enacted any implementing legislation. Article I does designate Genocide as "a crime under international law." But Article V requires the parties "to enact, in accordance with their . . . Convention and . . . to provide effective penalties . . ." Could anything be clearer?
>
> Even in the absence of the requirement of Article V, a treaty cannot support a criminal prosecution in the absence of Congressional action.
>
> "It is not the function of treaties to enact the fiscal or criminal law of a nation. For this purpose no treaty is self-executing . . ." The Over The Top, 5 F. 2d, 838 (1925).
>
> Because Article III makes "direct and public incitement to commit Genocide" a crime, it is claimed the treaty would constitute an infringement of 1st Amendment Constitutional guarantees of free speech and press. It should be noted again that the convention is not self-executing and does not make any act punishable under U.S. law. Only Congress can do this.
>
> There is a distinction between advocacy and incitement. The Convention seeks to prevent "incitement" to commit a crime.
>
> As the Court said in Giboney v. Empire Storage Co., 336 U.S. 490 (1949) at 498:
>
> "It has rarely been suggested that the constitutional freedom for speech and press ex-

tends to speech or writing as an integral part of conduct in violation of a valid criminal Statute."

More recently, in Brandenburg v. Ohio 395 U.S. 444 (1969) at 447 (89 S. Ct. at 1831) the Court said:

"The constitutional guarantees of free speech and free press do not permit a State to forbid or proscribe advocacy of the use of force or of law violation except where advocacy is directed to inciting or producing imminent lawless action and is likely to incite or produce such action."

POLLUTION CONTROL

Mr. DOLE. Mr. President, on February 10, 1970, the President of the United States summoned the Nation to act now to preserve and protect our environment. In his message, President Nixon emphasized that we could succeed in restoring our environment only through the cooperation of government at all levels and "with the aid of industry and private groups."

The successful efforts of the Campbell Soup Co., to design and build a water pollution control system has been called to my attention. For their efforts, the Campbell Soup Co., was awarded the Gold Medal Award by The Sports Foundation, Inc. This kind of constructive activity must be encouraged if we are to reach the goal outlined by President Nixon:

> The rescue of our natural habitat as a place both habitable and hospitable to man.

Mr. President, I ask unanimous consent that a release concerning Campbell Soup Co.'s efforts be printed in the Record.

XUM

There being no objection, the release was ordered to be printed in the Record, as follows:

Research Study of Award-Winning Water Pollution Control System Made Public by Campbell

Paris, Tex., February 6.—Based on a yearlong scientific evaluation of its unique industrial waste disposal system, the top award in a national competition for effective water pollution control was presented this week to Campbell Soup Company's Paris, Texas, plant.

Presented annually by The Sports Foundation, Inc., for corporate achievement in the control of water pollution, the top Gold Medal Award this year was accepted by W. B. Murphy, Campbell President, and Louis C. Gilde, Director of Environmental Engineering. A panel of water conservation experts served as judges in the competition.

According to Mr. Gilde, the exhaustive research study conducted during the past year was undertaken in order to obtain a scientific analysis of the treatment facilities which were conceived, designed and installed by Campbell at its Paris, Texas, plant. "This was a corporate effort to document the basic principles and key design factors necessary for effective handling of large volumes or organic waste water utilizing the overland flow method of BOD removal," Mr. Gilde said.

A major advance in land conservation practice as well, Campbell's overland flow spray irrigation system at Paris, Texas, is unusual in that it features surface filtration rather than infiltration or percolation of all water into the ground. It has the capacity to treat 3.6 million gallons per day of food company waste water with an efficiency which surpasses a tertiary treatment system as measured by biochemical oxygen demand (BOD).

The BOD index is used by sanitation engineers to describe the amount of oxygen that bacteria require to decompose organic material in waste water. A low BOD level, expressed in parts per million (ppm) is most desirable because the less oxygen consumed by bacteria, the more oxygen there will be to support fish life, for example.

Campbell's system is 99% efficient in removing BOD while bringing about a 90% reduction in nitrogen and phosphorus. It converts wastes originally 750–850 ppm BOD to a final 2½–10 ppm BOD, far below the minimum standards established by Texas laws and regulations.

In 1960, Campbell decided to build a soup processing plant in Paris, Texas, and a key factor in the plant site selection was its suitability for installation of an industrial waste disposal system.

Erosion gullies on the newly purchased plant site, a former cotton field, were often deep enough to hide a tractor. After extensive grading and terracing, a special grass necessary for the treatment of waste material, was sown. The plant, containing 22 acres under roof, began operations in October, 1964.

"We spent several years preparing the site for the spray irrigation system and we estimate that careful pre-planning has resulted in conservation of almost 500 acres of land, together with the release of high quality water in a semi-arid area," Mr. Gilde reported.

The process also reclaims a high percentage of plant nutrients. These nutrients fertilize the grasses, which are harvested as a by-product hay crop. An analysis of the grass grown on the disposal tract showed the mineral content to be nearly double that found in other good-quality hay with a high nutritional value ranging up to 23% crude protein. When feeding tests were conducted, cattle exhibited a definite preference for hay grown on the disposal sites.

An invaluable attribute of the surface filtration method of water treatment is its ability to function in all types of severe weather conditions without reduction in efficiency. At the Paris plant, as much as two feet of ice has accumulated under sprinklers in winter months with continued 99% efficiency.

Campbell's water pollution control system proved so successful that the Federal Water Pollution Control Administration's Robert S. Kerr Research Center in Ada, Oklahoma, requested scientific documentation of its performance. A cooperative study was undertaken in which the Kerr studies evaluated primarily hydrological data and chemical efficiencies. Campbell Soup Company also sponsored biological and bacteriological research by North Texas State University and climatological and agricultural investigations by C. W. Thornthwaite Associates in order to provide a comprehensive and objective research program.

GIVING EARTH A CHANCE: THEME OF MICHIGAN TEACH-IN ON THE ENVIRONMENT

Mr. HART. Mr. President, it is a great personal pleasure for me to call attention today to an event of national significance which will occur in a few days in Ann Arbor, Mich. There a massive teach-in on the environment is to be staged by a remarkable coalition of university students and faculty, community members, church groups, and high school and elementary school students.

A great deal is being heard from many forums these days about the crisis of our environment, about pollution, about overpopulation, and about the overall quality of American life. I believe no one has stated the issue more clearly or urgently than the sponsors of this teach-in, who have adopted as their theme the urgent plea: Give Earth a Chance.

In that simple request are hidden the great implications that must follow from any decision to seriously confront the crisis of environmental deterioration. To overcome that crisis and to reverse the frightful trends that ecologists and population experts predict will require changes of a fundamental kind in our lives as individuals, in our ways of doing business, and in our total life as a society and a species on this fragile planet.

Around the theme of "giving earth a chance," a small group of students at the University of Michigan began last September to plan for an environmental teach-in this spring. Their goal has been well expressed in the concluding statement in the planning prospectus which they established late last year:

> The basis planning philosophy for all activities affiliated with the Teach-In—before, during, after—is to contribute to the building of informed and action-oriented public concern for the human environment. This subject matter, effectively programmed in the Teach-In and follow-through activities, is an ideal vehicle to open communications between campuses and the general citizenry. Resolving in essence to the question of human survival and the quality of human life on a planet of fragile hospitality, this is an issue which must become of far more immediate concern to all sectors of society. Only in this way will effective action be motivated through the numerous channels—economic, political, and social—which contribute to environmental mis-use, and which are the necessary means to environmental improvement and protection.
>
> The University of Michigan 1970 Teach-In on the Environment, culminating a staged effort to inform and mobilize concern, can focus public attention on constructive action. Its planned follow-through can broaden and deepen the impact, carrying this urgent issue of environmental quality, with all of its implications for human life, far closer to the concerns and self-interests of all whom it touches.

The University of Michigan students who provided the leadership in this planning have formed a new group to organize and sponsor the teach-in on the environment. They chose the name Enact—Environmental Action for Survival—and established themselves as a broadly inclusive coalition of students and community members. Thus their movement has been unusually successful in bridging the sometimes broad chasm between college students and the communities within which their compuses are located. Clearly, concern for our deterioriating environment and demands for effective action are not limited to any one part of our population.

The University of Michigan Enact teach-in on the environment will be held during the week of March 9 through 14, 1970. The program includes a wide variety of events and a schedule of participation by the Nation's leading environmentalists. I think it is especially worthy of note that the teach-in organizers have defined the issue very broadly. While they will not neglect the traditional concerns of the conservation movement, they will seek also to broaden the conception of environmental concern to include the intimately related issues of urban environments, housing, poverty, civil rights, war and defoliation, and national priorities.

Mr. President, during the next few days I will be calling attention here to the details of this program and the activities of Enact. It is my hope that this will not only be of interest to my colleagues, but will provide a useful service in offering suggestions and directions for those planning similar events for the nationwide environmental teach-in on April 11.

Today I ask unanimous consent to have printed in the RECORD the full schedule for the program, the excellent environmental bibliography being distributed by Enact, and several relevant newspaper reports.

There being no objection the items were ordered to be printed in the RECORD, as follows:

PROGRAM FOR THE TEACH-IN ON THE ENVIRONMENT

(NOTE.—The information presented here does not include every event planned for the Teach-In period. Additional schedules will be distributed during the week and published in the local newspapers.)

TUESDAY, MARCH 10

Evening

Symposium on "Using Law to Protect the Environment." Sponsored by the U. of M. Environmental Law Society. 7:30 p.m., Room 100, Hutchins Hall.

Participants: Victor Yannacone, Jr. (formerly with the Environmental Defense Fund); Donald Harris (Lawyer with the Sierra Club); David Dominick (Federal Water Pollution Control Administration).

WEDNESDAY, MARCH 11

Evening

Teach-In Kick-Off Rally. 8:00 p.m. University of Michigan Events Building. Master of Ceremonies: University President Robben Fleming Participants:

Welcoming remarks: Governor William G. Milliken.

Keynote Addresses: Arthur Godfrey (CBS Radio entertainer and conservationist); Senator Gaylord Nelson (Wisconsin Democrat); James Shapiro; Barry Commoner (leading environmentalist).

Eco-Entertainment: Folksinger Gordon Lightfoot. The Cast of "HAIR" (Chicago Production).

THURSDAY, MARCH 12

Morning

1. High School assemblies—featuring Eddie Albert and Arthur Godfrey.

2. Meeting of Michigan Natural Resources Commission. 9:30, Union Ballroom.

3. Other events are planned by individual groups working in various departments and schools. There are also events sponsored by the ENACT Steering Committee and community groups. These will involve nationally known experts, as well as representatives of local industries, university faculty, students, and other members of the community. These events will occur throughout the day.

Afternoon

1. Symposium: "The Future of the Great Lakes," keynote addresses by an ecologist, limnologist, and an engineer. The talks will be followed by a panel discussion involving a legislator, a Water Resources Commission member, a regional planner, a representative of the power industry, and a Sea Grant representative.

2. Workshop: "The Bridge Between Ideals and Action."

1:30 PM—Union Ballroom. Participants will include:

Marvin Durning—Seattle Attorney.

Roger Hansen—Director, Rocky Mt. Center on the Environment.

Mrs. Barnard Flood—Environmental specialist for the League of Women Voters.

Murray Bookchin—author of "Crisis in the City."

Dr. Allan Guskin (moderator)—University of Michigan Institute of Social Research.

Bob Ross—University of Michigan Institute of Social Research.

Donald Jensen—Ford Motor Company.

Symposium on Pesticides: Participants:

Charles Wurster—Environmental Defense Fund.

Dr. Robert Reinhart—U.S. Bureau of Commercial Fisheries.

Dr. Bender—School of Public Health.

Dr. Hartung—School of Public Health.

Dr. Matson—School of Public Health.

3. Workshops are planned by several departments and groups throughout campus.

Evening

1. Environmental Town Meeting.

8 PM: Pioneer High School Auditorium (closed circuit TV to other rooms in the building will be provided).

Program: Keynote Addresses:

Eddie Albert—actor and conservationist.

C. C. Johnson—head of Consumer Protection, H.E.W.

Ralph MacMullan—Director, Michigan Department of Natural Resources.

Respondents:

Robert Harris—Mayor of Ann Arbor.

Marvin Esch—Congressional Representative from Ann Arbor.

Gilbert Bursley—State Senator from Ann Arbor.

Raymond Smit—State Representative from Ann Arbor.

Theodore Rokicki—Principal, Pioneer High School.

2. The Urban Condition: Individual and Community Perspectives. Leonard Duhl M.D.—psychiatrist from Berkeley, editor of *The Urban Condition*. Bertram Gross PhD.—Chairman of Dept. of Urban Studies, Wayne St. Univ.

FRIDAY, MARCH 13

Morning

Congressional Hearing. Topic: student attiudes toward environmental issues.

Afternoon

1. Eco-Rally.

12:00 noon—Diag (will be held indoors in event of bad weather).

Program:

Entertainment—Local Rock Band.

Keynote Addresses: Philip Hart—U.S. Senator, Michigan; Mr. Hugh Iltis—ecologist, University of Wisconsin.

Raising of the Ecology Banner.

2. Speeches, workshops and panels will be held throughout the community.

Evening

1. Panel Discussion: "Root Causes of the Environmental Crisis."

7:30 PM—Pioneer High School Auditorium (closed circuit TV to other rooms will be available).

Program: Each member of the panel will deliver a 10 minute talk followed by a panel discussion.

Participants:

Morton Darrow (moderator)—Vice President, Planning and Analysis, Prudential Life Insurance.

LaMont Cole—ecologist, Cornell University.

Walter Reuther—President, United Auto Workers.

Ted Doan—President, Dow Chemical Co.

Murray Bookchin—Urban Analyst, author of "Crisis in the City."

Ansley Coale—population expert, Princeton University.

Rene Dubos—microbiologist, humanist, Rockefeller University.

2. The panel discussion will be followed by a special address by Senator Edmund Muskie of Maine.

3. Workshops will follow the formal program.

SATURDAY, MARCH 14

Morning

Huron River Walk—9:00-12:00—begins at Huron High School.

Pollution Tours—Car Caravan leaving early morning.

Afternoon

1. Keynote speeches on citizens and political action.

1:30 PM—Hill Auditorium.

Ralph Nader—consumer protection expert.

2. Workshops and displays.

Evening

Panel discussion: "Man's Future: Struggle for Survival?"

7:30 PM—Hill Auditorium.

Program: Each member of the panel will give a 10 minute talk followed by a panel discussion and questions from the floor.

Participants:

Dr. Lawrence Slobodkin (moderator)—ecologist, Stoney Brook.

Dr. Charles Boulding—economist, University of Colorado.

Charles Luce—Chairman of the Board Consolidated Edison Company.

David Brower—President, Friends of the Earth, formerly with Sierra Club.

Dr. Richard Levins—ecologist, University of Chicago.

Rep. John Dingell—Congressman from Michigan.

Closing remarks: Mayor Richard Hatcher of Gary, Indiana.

TEACH-IN ON THE ENVIRONMENTAL—BOOK LIST

This is by no means an exhaustive listing, but it does suggest places to begin learning more about environmental problems. Suggestions for additions to later lists will be appreciated. This list is being distributed to libraries and to local bookstores. Further individual suggestions for in-depth readings are available through the Teach-In office.

ENVIRONMENTAL ROOTS OF ENVIRONMENTAL CONSERVATION

The Quiet Crisis. Stewart Udall 1963, Holt, Rinehart and Winston (also in paperback).

The American Environment, Readings in the History of Conservation. Roderick Nash (ed.) 1968 Addison-Wesley (paperback).

ECOLOGY, NATURAL HISTORY

The Nature of Natural History. Marston Bates 1950 (revised ed.) Scribner's (paperback).

Concepts of Ecology. Edward J. Kormondy 1968 Prentice-Hall (paperback).

The Great Chain of Life. Joseph Wood Krutch 1966 Pyramid Books.

Ecology. Eugene P. Odum 1963 Holt, Rinehart and Winston.

Downstream. John Bardach 1964 Harper and Row.

Harvest of the Sea. John Bardach 1968 Harper and Row.

The Subversive Science: Essays Toward an Ecology of Man. Paul Shepard and Daniel McKinley (eds.) 1969 Houghton-Mifflin, (paperback).

Readings in Conservation Ecology. George W. Cox (ed.) 1969 Appleton-Century-Crofts (paperback).

ENVIRONMENTAL OVERVIEW

America The Raped. Gene Marine 1969 Simon and Schuster.

Silent Spring. Rachel Carson 1962 Houghton-Mifflin (also in paperback).

Night Comes to the Cumberlands. Harry Caudill 1962 Little, Brown & Co. (paperback).

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The Destruction of California. Raymond Dasmann 1965 Macmillan (also in paperback).

A Different Kind of Country. Raymond Dasmann 1968 Macmillan.

Environmental Conservation. Raymond Dasmann 1959 John Wiley and Sons.

The Population Bomb. Paul Ehrlich 1968 Ballantine Books, (paperback).

Troubled Waters. Daniel P. Mannix 1969 Dutton Press.

The Frail Ocean. Wesley Marx 1967 Coward-McCann (also in a new, Ballantine/Sierra Club paperback).

Moment in the Sun. Robert Rienow and Leonora Train 1967 Dial Press (available soon in Ballantine/Sierra Club paperback).

1967: Agenda for Tomorrow. Stewart Udall 1969 Holt, Rinehart and Winston.

The View from the Road. Donald Appleyard, Kevin Lynch, and John Myer 1963 M.I.T. Press.

PHILOSOPHICAL BASIS

The Sand County Almanac. Aldo Leopold 1949 Oxford University Press. (There is also a newer edition including essays from *Round River*).

So Human An Animal. Rene Dubos 1969 Doubleday or Charles Scribner's Sons.

The Next Generation. Donald Michael 1963 Vintage Press (paperback).

The Unprepared Society. Donald Michael 1969 Vintage Press.

The Future as History. Robert Heilbroner 1959 Evergreen Press. (paperback).

The Public Happiness. August Heckscher 1962 Antheneum.

Science and Survival. Barry Commoner 1963 A Viking Compass Paperback.

URBAN ENVIRONMENTS AND DESIGN

The Last Landscape. William Whyte 1967; Doubleday.

Cities. A *Scientific American* Book 1966 Knopf (paperback).

Who Designs America?. Laurence B. Holland (ed.) 1966 Anchor Books.

The Death and Life of Great American Cities. Jane Jacobs 1961 Vintage (paperback).

Design and Nature. Ian McHarg 1969 Natural History Press.

The Urban Condition. Leonard Duhl 1963 Basic Books.

Ghetto Crisis. Henry Etzkowitz and Gerald M. Schaflander 1969 Little, Brown and Co.

Controlling Pollution: The Economics of a Cleaner Environment. Marshall I. Goldman 1967 Prentice-Hall (paperback). (BONUS: Tom Lehrer's lyrical ballad, "Pollution" is reprinted in full on the flyleaf!)

SYMPOSIA, PROCEEDINGS, ESSAY COLLECTIONS

American Academy of Arts and Sciences, "America's Changing Environment," *Daedalus* (Fall, 1967).

Smithsonian Institution, *The Fitness of Man's Environment*. 1967 Smithsonian Institution Press.

Environment for Man: The Next Fifty Years. 1968 Indiana University Press. American Institute of Planners 50th Anniv. Conference (paperback). William Ewald (ed.)

Environment and Change: The Next Fifty Years. William Ewald (ed.) 1968 Indiana University Press, AIP (paperback).

Environment and Policy: The Next Fifty Years. William Ewald (ed.) Indiana University Press 1968 AIP (paperback).

GOVERNMENT DOCUMENTS

Task Force on Environmental Health and Related Problems. *A Strategy for a Livable Environment* 1967 U.S. Department of Health, Education, and Welfare. (paperback, GPO 60¢).

Environmental Pollution Panel, President's Science Advisory Committee. *Restoring the Quality of our Environment* 1965 (The White House) (paperback, GPO $1.25).

National Academy of Sciences (*ad hoc* Panel on Technology Assessment). *Technology: Processes of Assessment and Choice* 1969 (prepared for Committee on Science and Astronautics, U.S. House of Representatives) (paperback, GPO 75¢).

Environmental Quality. Hearings Before the Subcommittee on Science, Research, and Development of the Committee on Science and Astronautics, U.S. House of Representatives, 90th Cong., 2nd sess. (Request from Committee Chairman, address U.S. House of Representatives, Washington, D.C. 20515).

Joint House-Senate Colloquim To Discuss A National Policy For The Environment. Hearing before the Committee on Interior and Insular Affairs, U.S. Senate and Committee on Science and Astronautics, House. 90th Cong., 2nd sess. July 17, 1968 (Request from either Committee Chairman).

A National Policy for the Environment. A Special Report to the Committee on Interior and Insular Affairs, U.S. Senate, July 11, 1968 (Request from Committee Chairman, U.S. Senate, Washington, D.C. 20510).

Managing the Environment. Report of the Subcommittee on Science, Research, and Development to the Committee on Science and Astronautics, U.S. House of Rep. 1968.

Items marked GPO are available at the price indicated from Superintendent of Documents, Government Printing Office, Washington D.C. Simply list items wanted by title. Valuable informational documents may also be available from Senators or Congressmen having committee chairmanships in this field (e.g. Senator Muskie, Senator Hart, Senator Jackson, Congressman Henry Reuss, Congressman Emilio Q. Daddario.

[From the Ann Arbor News, Jan. 6, 1970]

From Our Point Of View: Outdoor Teach-In Here Needs Citizen Backing

A chance for the entire Ann Arbor community to speak out on something that affects every last one of us is waiting to be seized, right now.

A new organization called ENACT (Environmental Action for Survival), Ann Arbor-born, is dedicated to a program of action and education to save the natural environment from the pollution peril. ENACT has scheduled a major Teach-In on the environment for March 11–14.

Here's what you the citizen—whether activisit student or member of the Silent Majority, whether in the professions or in the kitchen, no matter what—come in.

If this Teach-In, which may be the prototype of similar gatherings all across the country, is to be a success, it will need the ideas and support of many people from all walks of life. ENACT hopes to involve the entire Ann Arbor community in the scheduled lectures, workshops and local action projects.

So while the Teach-In is being set up as to format, participants and the topics of discussion, ENACT needs money, information on environemntal issues, ideas on priorities in environmental control and whether the aims of ENACT are best achieved through politics or the courts.

The purpose of the Teach-in is to educate adults and students in Ann Arbor about environmental issues. But it also seeks to unite the community for action on local and regional problems.

It is an opportunity for young and old activist and those who pick their targets infrequently if at all, to come together. We all breathe the same air. All of us share space on this increasingly crowded planet. All of us have a stake in making it more habitable.

Those interested in making Ann Arbor and this region an area of environmental quality and wishing to share ideas about what can be done locally are urged to contact the ENACT office, 764–4410, or the School of Natural Resources. If enough people care, the Teach-In will be a rousing success.

[From the Detroit Free Press, Jan. 4, 1970]

Activists Turn to Pollution Problem

(By Roberta Mackey)

The industries which contribute to pollution of natural resources soon are to feel the kind of pressure which University of Michigan activists once reserved for the war in Vietnam and the Ann Arbor police.

The big new cause on the university campus is the quality of the environment. Radical veterans of past causes and demonstrations and conservatives who have never carried a picket sign, are rallying in impressive numbers to a new organization called ENACT (Environmental Action for Survival). ENACT is dedicated to a program of action and education to save the natural environment from pollution and destruction.

ENACT grew out of plans for a teach-in March 11–14, at which nationally known authorities will discuss threats to the quality of life in this country.

Once again, university students appear to be in the vanguard of the new movement and this time they will have the blessing of nearly everybody. The university's president, Robben Fleming, granted the teach-in committee seed money.

ENACT is to be the forerunner of a national effort. An organization called Environmental Teach-In Inc., headed by Sen. Gaylord Nelson, D-Wis., is encouraging similar seminars on campuses all over the country on April 22, but because of the trimester system, U–M will be on vacation then.

The Ann Arbor group is working closely with Environmental Teach-In, Inc. "They feel that ours will be the prototype," says Art Hanson, a doctoral candidate in the School of Natural Resources and a member of the organizing committee.

The four-day meeting in Ann Arbor will include names from the fields of ecology that promise to become household words as environment grows in importance as a national issue.

On the schedule already are Barry Commoner of Washington University, one of the country's outstanding environmental scientists; Rene DuBos of Rockefeller University; Kenneth Boulding, an economist formerly at the U–M and now at the University of Colorado; LaMont Cole, ecologist, of Cornell University, and David Brower, former president of the Sierra Club, one of the oldest conservation organizations, and now president of Friends of the Earth, a similar society.

President Fleming has promised to participate, perhaps as moderator of a panel, and the program will include industrialists, governmental officials and entertainers.

"The idea didn't even originate in the school of Natural Resources," Hanson said. "Somebody in the School of Japanese Studies suggested the possibility, and about six guys got interested.

"The six grew up to 40, and the end of October we held a mass meeting—which is the way to attract attention on this campus. We were absolutely amazed when 300 people showed up."

Since then, he said, "The response has been phenomenal." And because it seemed too bad to let the effort and enthusiasm die with the end of the teach-in, ENACT was born.

The movement has attracted many campus radicals, Hanson concedes, but the committee hopes to keep all factions working together.

"It is a very unifying issue. Everybody is agreed on the problems, even though there may be divergence on the solutions," he said.

"We are pledged to constructive action. There is little to be gained by calling off classes, for instance," he said.

But some of their actions may shake the status quo.

"We plan a fairly radical examination of national goals and policies—the concept of growth, including population growth, and the idea that everything revolves around the dollar," Hanson said.

Because of the involvement of the Schools of Medicine, Public Health, Law, Architecture and Design and Engineering, as well as specialized departments within the various schools, many members of ENACT are specialists.

As specialists they perceive some more subtle, less publicized dangers to the environment—Hanson cited pesticides as one, but many other participants have only a layman's knowledge.

During January, the group will choose some specific targets. "We can do some things on the national level, such as circulate petitions and work for candidates, but we can be most effective on the local level," Hanson said.

"We may even do something like getting an injunction against the city or the university for breaking anti-pollution laws."

Faculty members and community leaders have joined up, and both Michigan senators have endorsed the movement.

The co-chairmen of ENACT are David Allan of Vancouver, B.C., a graduate zoology student, and Doug Scott of Ann Arbor, a graduate student in the School of Natural Resources.

Hanson is in charge of raising money for the teach-in. "We need lots of money because it is essential to approach this in a big-time way," he declared.

He has no doubt that the environment is "the next big cause."

"The Vietnam war could be ended in a day, theoretically," he says, "but we will be living with the environment 50 years from now."

[From Science, Jan. 16, 1970]

Environmental Teach-In: A New Round of Student Activism?

Growing student concern about pollution and other forms of environmental degradation shows signs of becoming institutionalized, though just what forms of expression this concern ultimately may take is not clear. Last September, Senator Gaylord Nelson (D–Wis.), who successfully campaigned for reelection in 1968 primarily on the environmental protection issue, called for an environmental "teach-in" to be held this spring on every university campus in the United States. The teach-in, he said, could take the form of symposiums, convocations, panel discussions or whatever the students decided upon. "The same concern [that students] took in changing this nation's priorities on the war in Vietnam and on civil rights can be shown for the problems of the environment," Senator Nelson said.

An environmental teach-in movement has in fact developed, with Nelson helping to organize it. That the teach-in idea has caught on seems due in part to the circumstance that, even before Nelson made his proposal, significant numbers of students felt strongly about environmental problems, as evident from the student conservation and environmental study groups springing up at various universities. And the idea of students turning next to the environmental problem as a major area of their concern has gained currency partly from the publicity accorded it by the news media, which are themselves taking up the environmental issue with fervor.

One of the first of the larger environmental teach-ins this year will be held at Northwestern University on 23 January. This is billed as an all-night affair (actually called a "teach-out" because it is meant to be directed outward to the community) that is to begin with speeches by environmental evangelists such as biologists Paul Ehrlich of Stanford and Barry Commoner of Washington University and by politicians such as Adlai Stevenson III, state treasurer of Illinois and candidate for the U.S. Senate.

Then there is to be a songfest, followed by a smorgasbord of group discussions (among which students will circulate) on topics such as environmental law, the politics of conservations, and pollution control technology. The discussions are expected to continue until dawn. The teach-out is being organized by Northwestern Students for a Better Environment, a nonradical group set up last October to investigate and take positions on environmental questions and to stimulate wider public interest in these issues.

From 8 to 11 February, Dickinson College, a liberal arts institution at Carlisle, Pennsylvania, will hold a 4-day symposium on environmental pollution, with classes to be suspended the last day. Senator Nelson, Commoner, and Stewart L. Udall (former Secretary of the Interior) will be among the speakers, who will also include specialists from science, industry, and volunteer groups on problems such as overpopulation and air pollution. Participants in the symposium, which was conceived last spring a student-faculty committee, will prepare workshop reports to be sent to major polluting industries and governmental bodies.

A nationwide teach-in is set for 22 April. According to Senator Nelson's office and the national teach-in headquarters in Washington, efforts to organize teach-ins are under way at at least a dozen major universities, and inquiries have been received from individuals or groups at well over 200 institutions. It is now believed virtually certain that teach-ins will be held by students at institutions in the Boston, St. Louis, and San Francisco Bay areas (with students from two or more universities making joint plans in some cases) and at a number of other schools (such as Indiana University, Minnesota, Wisconsin, Yale, Columbia, Southern California, and the University of Florida).

The movement is being promoted nationally by a newly chartered tax-exempt organization called Environmental Teach-In, Inc., of which Senator Nelson and Representative Paul N. McCloskey (R–Calif.) are the cochairmen. Others on the governing board include Sydney Howe (president of the Conservation Foundation), Ehrlich, and five other members, including three students. The student coordinator of the movement is Denis Hayes, a former president of the Stanford student body and now a law student at Harvard. Hayes and a half dozen other students are taking off a half year from their studies to work for the teach-in movement. Environmental Teach-In, Inc., will appeal to the public for funds to cover its expenses, which are not expected to be large.

Because of a problem of academic scheduling, the teach-in at the University of Michigan will be held from 11 to 14 March, more than a month earlier than the national teach-in. Michigan students have prepared an ambitious set of plans and goals for their event, and this prospectus is being sent by Environmental Teach-In, Inc., to students at other institutions to help them plan their own activities. Organizing the Michigan teach-in is a group called Environmental Action for Survival (ENACT), which includes some faculty members and people from Ann Arbor as well as students.

ENACT is to be a continuing organization that will carry on educational and action-oriented activities long after the teach-in itself has been held. The teach-in, which is reported to have strong support from Michigan's President Robben Fleming, will be an effort to promote programs of interdisciplinary study of environmental problems, draw public attention to those problems, encourage environmental educational education activities in the public schools of Ann Arbor, and discuss and carry out action projects.

According to the teach-in prospectus, action projects which might be undertaken before, during, or after the teach-in include the drafting and promoting of legislation, the reporting of pollution-law violators, the filing of environmental lawsuits, and active campaigning for elective officials who have sound positions on environmental issues.

If one may judge from the prospectus for the Michigan events, the teach-in movement will have a distinctly activist ring. And past experience with student activist movements has made it clear that these are dynamic and upredictable and tend to acquire a will of their own.

[From the Ann Arbor News]

Younger Generation Stirs Commissioners

Lansing.—Massive involvement of Michigan college students in "Environmental Action for Survival" (EnAct) was explained to the State Natural Resources Commission here Thursday in a stirring presentation by Douglas Scott, graduate student at the University of Michigan.

He thereupon invited the commission and the Department of Natural Resources "in" and urged them to demonstrate their leadership in a youth-led campaign to "make the world fit to live in."

Scott explained plans for a March 11–14 teach-in at the U of M and invited the commission to hold its March 12–13 monthly meeting on campus as part of it.

"This is a student and community action group and we enlist your support," Scott said. "This is more than just conservation. It's a movement to make the environment livable. The young are not interested in inheriting the earth only to find it's unfit to live in. We're not going to wait to see the world torn down for somebody's gain. The youth of America is taking up this campaign."

The U of M teach-in would precede, by timing necessity rather than design, he said, a national teach-in on environmental destruction and improvement set for Ann Arbor April 22.

Rupert Cutler, now at Michigan State University but a former assistant executive director of the Wilderness Society, echoed Scott's appeal and said MSU also will take part in the national movement and the April 22 teach-in with a teach-in of its own at East Lansing, to which national, state and university authorities on the subjects of water and air pollution are invited to speak.

When the young men were through, Commission Chairman August Scholle of Detroit remarked, "It's really heartening to a senior citizen like me to see you young people take up this issue that we have been involved in. Believe me, we need you!"

Added E. M. Laitala of Hancock, slated to become commission chairman at Friday's formal meeting: "After hearing these young men, I haven't as much fear any more as to what we're passing on to our grandchildren."

James L. Rouman, executive director of Michigan United Conservation clubs, said he had been consulting with Scott and Cutler and promised all possible assistance of the 360-club conservation organization on both state and local levels. "We're very much enthused," he said.

Scholle promised the commission would try to rearrange its meeting plans to accept Scott's invitation.

The ENACT presentation followed and was related by Scott to an earlier presentation (for population control as a necessary adjunct of environmental improvement) by Dr. David Bingham, an Ann Arbor obstetrician and spokesman for the Mackinac (Michigan) chapter of the national Sierra Club.

The American population is growing 50 percent with each generation and will add another 100 million people to the present 205 million by the turn of the century, he said.

"With our high standard of living, this will impose tremendous stresses on our resources and upon the environment in forms of pollution. The breaking point is now," Dr. Bingham said, urging the commission to press

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for population control as important to conservation of the natural resources.

CAMPUS DISORDERS

Mr. PERCY. Mr. President, campus unrest, which has all too often led to campus disorders, constitutes a grave problem for America. Just last week, we witnessed a series of disturbances at the University of Illinois at Champaign-Urbana, which caused thousands of dollars of damage to university property and led to scores of arrests.

The reasons behind the wave of campus violence associated with a new generation of young Americans are deep and complex. More than before, today's students seem to be focusing their protests and discontent on political issues. The war in Vietnam, the threat to our environment posed by pollution, and the question of civil liberties occupy tremendous interest on the campus, along with such issues as curriculum, formalism, faculty hiring, tenure, and "student rights."

As a member of the Committee on Government Operations, which has investigated various radical student movements, I have consistently denounced violence on campus as counter-productive and as an anathema to U.S. academic traditions. Great centers of learning and scholarship in both the East and West have literally been torn apart by such violent confrontations and by disrespect for law.

Edward H. Levi, the president of the University of Chicago, works with great determination, action and intelligence to do everything within his power to see that such a destructive explosion shall not occur on the campus that he heads. As one of the leading academic centers in America, the University of Chicago has not been free of student unrest.

A year ago, a series of sit-ins, precipitated by a decision not to retain a professor, created great tensions and severe strains on that campus. As a trustee of that institution, I kept in close touch with the situation as it evolved. I can attest to the fact that President Levi's masterful handling of that crisis prevented a serious disruption on campus from developing into a situation that could well have split the administration, the faculty, and the students for years to come and have pointed to his effective procedures and administration on the Senate floor on previous occasions.

Of particular interest was President Levi's ability to restore order without resorting to intervention by the Chicago police department, which is, for better or worse, a focal point of anger to some and whose presence on campus could well have led to widespread sympathy and support for the minority of student radicals who were active in the confrontation.

President Levi maintains a policy of meeting with student leaders at his home on a regular basis. I attended one of these sessions and I can report that such direct exchanges have done much to promote a spirit of mutual understanding at the University of Chicago.

On a recent visit to Chicago, Robert Novak, the syndicated Washington columnist and partner of Rowland Evans, surveyed the scene at my alma mater. For the benefit of Senators who did not see this interesting report, I ask unanimous consent that the Evans-Novak column of March 4, 1970, entitled, "Chicago Campus Is Like a Paradise With Confident, No-Nonsense Faculty," as published in the Washington Post and the Chicago Sun Times, be printed in the Record.

There being no objection the article was ordered to be printed in the Record, as follows:

Chicago Campus Is Like a Paradise, With Confident, No-Nonsense Faculty

(By Rowland Evans and Robert Novak)

Chicago.—At one of his regular breakfast conversations with students recently, president Edward H. Levi of the University of Chicago listened to a law student's vigorous demand that students be given a voice in determining tenure for professors—that is, who shall have permanent faculty status.

The student argued that ceding such powers to students would form an escape hatch for the university administration in touchy cases. At the large Midwestern state university where he was an undergraduate, the law student explained, students had been valuable allies siding with the administration against the board of trustees over tenure for a faculty member so controversial that he had become a "political" question.

Levi's reply was calm but firm. The trustees at Chicago, he explained, have no voice whatever in questions of hiring or firing professors. Furthermore, if any faculty member's tenure hinged on "political" considerations, Levi would walk out as president. In brief, the faculty will continue to judge itself without help from students.

That single encounter between president and student helps explain why Chicago, with a traditionally radical student body and surrounded by Chicago's black slums, has so far escaped the worst of the campus insurrection. Even more remarkable in an era when the academic community nationwide despairs for the future of liberal education, the administration and faculty here are in a state of self confident, high morale.

The basic reason is that the men who run the University of Chicago have decided that the business of higher education is much too important to be entrusted to post-adolescents. Although Levi breakfasts regularly with students and has formed student-faculty committees, he is dubious about the value of student participation. In three years as president, the former law professor has made it clear that students will not make academic decisions.

The dramatic testing of this policy came last spring when 400 student radicals, challenging the heart of faculty control, staged a 15 day sit-in at the administration building protesting the decision not to grant tenure to a radical professor. Resisting pressure, Levi refused to call the police. But in contrast to the permissiveness displayed that spring at Cornell and Harvard, the Chicago faculty expelled 37 students—and made it stick.

Only once since then has Chicago's firmness been tested. When students picketing a university cafeteria as a protest against working conditions there tried to forcibly prevent anybody from entering the building, the reaction was swift. Without fanfare, 14 more students were expelled.

Even so, the faculty still faces threats of academic freedom from student militants. In the last quarter, Maynard Krueger, a left-of-center economics professor, was harassed to the point of humiliation by radical students (and nonstudents, as well) in and out of class. Investigation failed to fix a basis for disciplinary action.

Moreover, there remain scattered threats of force to influence the content of courses. The classes of one Negro professor, himself a militant, are today being monitored by two Black Panther members (nonstudents) to guard against ideological deviation. The professor is furious at this challenge to his authority but can take no action until there is overt classroom disturbance.

Compared to often outrageous classroom intimidation practiced by student radicals across the country, however, the cool Chicago campus is paradise. Indeed, there have been recent signs that the students here are turning away from attempts to take over the university and concentrating on whatever national issue is in the headlines—Vietnam, the environment, ABM or, most recently, the Chicago conspiracy trial.

This is not because the Chicago students are particularly unusual. Faculty members confided to us that Chicago students, probably brighter and more alert than their predecessors, dislike contemplation and vastly prefer bull sessions to study. Had they been granted the concessions of the Santa Barbara or MIT students, they might now be rampaging here on the midway.

The secret of Chicago seems to lie in the fact that the faculty and Levi (deeply admired by faculty, though not by students) believe in themselves, unlike many educators across the country. With distinguished academicians ranging from political scientist Henry Morgenthau on the left to economist Milton Friedman on the right, the Chicago faculty believes it has an invaluable product that should not be denatured by student whims.

In an era of rampant student-worship on the nation's campuses, teachers and administrators here are unique in one vital respect. Unlike almost every college we have visited lately, nobody here told us: "You have to listen to the students; they have something important to say." Such academic self-confidence may be the starting point for the preservation of the university.

RURAL JOB DEVELOPMENT

Mr. HARRIS. Mr. President, since first coming to the U.S. Senate, one of my primary concerns has been the migration of our population from the small towns and rural communities of America into the already overcrowded metropolitan centers. More and more we are coming to realize that Government policies, consciously and unconsciously, have contributed to this movement. Fortunately, public officials at the local, State and Federal levels are coming to realize that it is unhealthy, both socially and economically, for 70 percent of our population to live on less than 3 percent of our land. Therefore, in the past few years, efforts have been undertaken to reverse the flow of this population migration and to encourage some people to return to the smaller cities, small towns and rural communities.

The pressing need in these areas is for private jobs. The availability of private jobs would give people already living there a chance to stay, and would provide incentive for others to return. In order to encourage industry to locate in small towns and rural communities I joined with the distinguished Senator from Kansas (Mr. Pearson) in introducing S. 15, the Rural Job Development Act, which provides for tax incentives to those industries which are willing to locate in such areas. On May 21 and 22 of last year the Committee on Finance, of which I am a member, held hearings on S. 15. At that time we received testimony from representatives of State and local governments and private industry endorsing its provisions and the overall concept of tax incentives for private job development.

I am happy to see that the distinguished majority leader (Mr. MANSFIELD) on March 4 requested that his name be added as a cosponsor of the Rural Job Development Act. I express my appreciation for the majority leader's support of this proposed legislation and say I am hopeful that his cosponsorship of the bill will help underscore the need for the legislation and will assist in obtaining favorable action on it by the committee and the Senate soon.

BLUEBONNET LITERARY CLUB OF GILMER, TEX., ENDORSES 100,000-ACRE BIG THICKET NATIONAL PARK BILL

Mr. YARBOROUGH. Mr. President, the Bluebonnet Literary Club of Gilmer, Tex., has joined with the ever-growing number of civic and conservation organizations throughout the country that have endorsed my bill, S. 4, that would create a 100,000-acre Big Thicket National Park in the southeast part of Texas.

This beautiful and unique area has long been the home of many forms of wildlife and plantlife. Among other species of birds that are found in the Big Thicket, this area is the last known refuge for the legendary ivory-billed woodpecker. This rare and beautiful bird was the largest known variety of woodpecker in America. For many years, the ivory-billed woodpecker was thought to be extinct; however, in recent years this bird was sighted in the Big Thicket area. Unless immediate action is taken to preserve the Big Thicket, the ivory-billed woodpecker and the many other forms of rare wildlife that are found there will be destroyed. With every day that goes by, another 50 acres of the Big Thicket disappears under the heartless blade of the bulldozer.

My bill, S. 4, would preserve forever at least 100,000 acres of this scenic wonderland. I urge Congress to take action immediately on S. 4 so that at least a portion of the Big Thicket can be preserved for future generations.

Mr. President, I ask unanimous consent that the resolution of the Bluebonnet Literary Club of Gilmer, Tex., be printed in the RECORD.

There being no objection the resolution was ordered to be printed in the RECORD, as follows:

RESOLUTION

Whereas, the Big Thicket of Texas is a remarkable wilderness area where eastern, western, and northern ecological elements meet; and

Whereas, this area contains the last stand of the near extinct Ivory-billed Woodpecker; and

Whereas, this area of pristine beauty is being destroyed by chain saw and bulldozer; therefore

Be it resolved that Bluebonnet Literary Club of Gilmer, Texas urges the preservation of at least 100,000 acres containing the most unique areas of the Big Thicket, these areas to be connected by environmental corridors; and

Be it further resolved that the Interior and Insular Affairs Committee of the Senate of the United States be requested to set immediate hearings on S4 which would create a Big Thicket National Area.

Mrs. JOHN R. CALLOWAY,
President.

December 5, 1969.

ANN CUNINGHAM: BEST OF A KIND

Mr. BROOKE. Mr. President, I have been blessed with a staff of which I can be very proud.

Ordinarily, persons who serve on Senate staffs remain nameless, hidden from public view. But once in a while a member of such a staff does something so spectacular, performs a deed so great, that individual recognition is overwhelmingly deserved.

Ann Cuningham is such a person. Primarily through her efforts, a human life has been saved, and the lives of countless others have been affected for the good.

Dick Stewart, of the Boston Globe, has captured her contribution, and her unexcelled dedication, in unforgettable terms. I ask unanimous consent that his article, published in the Boston Globe of Friday, March 6, 1970, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ANN CUNINGHAM: BEST OF A KIND

WASHINGTON.—Eddie Harrison is black, a convicted murderer and a product of the ghetto of the District of Columbia.

Ann Cuningham is white, a college graduate and the product of the affluence of Bronxville, N.Y.

Through a whim of fate their lives have crossed despite their totally different backgrounds.

And largely through the efforts of Ann Cuningham, Eddie Harrison no longer has to face the desolation of life in a prison cell. He is a free man because she cared what happened to him and saw to it that others cared, too.

Ann is a clerk in the office of Sen. Edward Brooke of Massachusetts, one of the more than 10,000 unknown Senate and House employees who are the anonymous backbone of the United States Congress.

Harrison, now 27, was convicted in 1960 of the shotgun slaying of a Washington gambler. His counsel turned out to be a phony, a man who posed as a lawyer and was appointed by the court to defend Harrison.

On this evidence a mistrial was declared but in the second trial Harrison was again convicted. He was sentenced to life in prison.

From 1960 until 1968 Harrison was in prison, part of that time on death row. In a rare exercise of judicial discretion, Harrison's exemplary prison record won his release from prison in 1968 on order of two Circuit Court judges while he was preparing his fourth and final appeal.

Harrison's record was so impressive that he was released without bond, the first time such a right had ever been given to a lifer.

On the day that Chief Justice Warren Burger was being sworn into office, June 27, 1969, one of his last opinions was being released by the Court of Appeals.

It rejected Harrison's appeal on grounds that there was no other alternative under the law.

But Appeals Judge Burger noted that Harrison had obviously benefitted from the rehabilitation processes of imprisonment.

He added a suggestion that the Harrison case be considered for Executive clemency. In the meantime Harrison continued to remain free, waiting only the appearance of the sheriff to return him to prison.

Ann Cuningham was attracted to Harrison's case by a story she read in the Washington Post. She called Harrison and then sought the aid of her boss, Sen. Brooke.

Brooke reviewed the case and at Ann's behest wrote a letter to Attorney General John Mitchell supporting the commutation petition filed in Harrison's behalf.

Ann was relentless. She enlisted the aid of Sen. Marlo Cook (R-Ky.) and Sen. Charles Mathias (R-Md.) who also intervened for Harrison with the administration.

In her spare time, on Saturdays, she would go to the White House to urge support for Harrison from her friends on the White House staff.

Last Monday President Nixon announced that Harrison's sentence had been commuted. He would not have to return to prison.

There was no mention of the selfless efforts of Ann Cuningham in the newspaper reports the next day. She didn't care. She was so happy that she cried.

But Eddie Harrison will remember her.

"Ann really, really pushed the whole effort on Capitol Hill," he said. "Dedication. That's the word. She was more concerned about this thing than I was. I've learned to live with it. Sen. Brooke is really fortunate to have her."

Ann Cuningham is not really unique on Capitol Hill. There are a lot of Ann Cuninghams among the more than 10,000 congressional aides here.

They are the ones that make sure your veterans pension check get taken care of or a Chinese citizen's immigration papers are handled properly.

They write the speeches, answer the mail, come up with the ideas and protect their big-name bosses from public harassment. They work in the backrooms huddled over typewriters and stacks of mail. They are unknown.

But as long as there are people like Ann Cuningham among them and people who benefit from their work, like Eddie Harrison, they will not go unrewarded.

A BURNABLE BOTTLE DEVELOPED

Mr. MOSS. Mr. President, one of the serious aspects of the mounting environmental pollution problem facing mankind is the rapidly growing amount of man-produced waste products. Our municipal garbage dumps threaten to engulf the very cities they were created to serve.

An encouraging note in the attempts to reverse this trend was published in the Washington Post this morning. A small but significant article mentioned that the Pepsi-Cola Co. has developed a burnable bottle suitable for use in the soft-drink market.

The problem of disposing of glass bottles and nonrusting cans is a part of the growing waste problem. I compliment the Pepsi-Cola Co. and ask unanimous consent that the article be printed in the RECORD.

There being no objection the article was ordered to be printed in the RECORD, as follows:

NEW DRINK BOTTLE CAN BE BURNED UP

A burnable bottle has been developed which could help solve highway litter and

XUM

solid waste problems, a top Pepsi-Cola executive said yesterday.

Pepsico president Donald M. Kendall explained to a National Press Club luncheon that plastic was an oil derivative, causing difficulty in that carbonation tended to leak from the bottle. If left on a shelf for two or three weeks there would be nothing left but sugar and water and no taste, Kendall said.

"This has been solved," he added, "and (the new) bottle can be destroyed in a normal incinerator."

EASIER RULES ON PRESIDENTIAL VOTING

Mr. FANNIN. Mr. President, last week I joined with my colleague from Arizona (Mr. GOLDWATER) in sponsoring legislation which would standardize the rules for voting in presidential elections.

It has been estimated that the benefits from this legislation might affect the voting rights of some 10 million voters. Certainly it is not a measure to be considered lightly.

Last Friday, the Wall Street Journal printed a lengthy article about this legislation, which I believe serves to help place its importance in the proper perspective. I ask unanimous consent that the article be printed in the RECORD.

There being no objection the article was ordered to be printed in the RECORD, as follows:

EASIER VOTING RULES IN PRESIDENTIAL RACES FOR NEW RESIDENTS MAY BE PASSED IN 1970

(By Arlen J. Large)

WASHINGTON.—This finally may be the year that Congress re-enfranchises people who lose the right to vote when the boss transfers them from place to place.

President Johnson in 1967 asked for a national law relaxing residency requirements for newly moved citizens wanting to vote for President and Vice President. But the proposal was blocked by Southern conservatives, who believed it would encroach on the Constitutional prerogative of states to set voting qualifications.

Now, odds have sharply improved that a national residency law for Presidential voters will be in force for the 1972 election. The idea is strongly backed by President Nixon. It has become caught up in the maneuvering over the much more controversial question of extending Federal protection of Negro voting rights. But instead of being trampled under in this fight, as often happens in such cases, the liberalized residency-requirement proposal is benefiting from the battle.

The House has already approved an easy test for newly moved Presidential voters as part of its version of the voting-rights bill. Chances are good that the Senate shortly will approve a still easier test, thus making it certain that some national residency standard will be included in the final version of the voting rights measure.

CHAMPIONED BY GOLDWATER

In part, the proposal's Senate chances are bright because it has a new champion. Barry Goldwater, who has taken keen interest in the plight of five million citizens he estimates are barred from Presidential voting because they have new addresses.

Sen. Goldwater last year followed conservative orthodoxy by sponsoring a Constitutional amendment to provide for a uniform residency requirement for Presidential voters. Nothing happened, and this year the Senator has decided the same thing can be accomplished by simple statute. While conceding the Constitution gives states power to set voter eligibility standards, he argues Congress can act under the 14th Amendment's "equal protection of the laws" clause. He also says Congress has power "to secure the rights inherent in national citizenship."

Opponents of a statute covering residency requirements don't quarrel with the argument that U.S. citizens anywhere should be able to vote for candidates for the two national offices, as distinct from state and local elections where residents should have time to learn state and local issues. But such Constitutional conservatives as Sen Ervin (D., N.C.) contend a national standard can be adopted only by Constitutional amendment.

Many state legislatures already have recognized the rights of mobile Presidential voters by permitting special registration deadlines for new residents. Currently, 31 states have such provisions, and more than half of these permit newcomers to register for a Presidential ballot as late as 15 days before Election Day. But 16 states still require everyone to have at least one year's residence before becoming eligible to register. All told, Sen. Goldwater calculates that four million citizens are prevented from voting in Presidential elections because they've moved to a new state, and another million can't get ballots because they have a new address within their home states.

The House-passed voting-rights bill contains President Nixon's proposal to permit anyone to vote in a November Presidential election who had established residence by the previous Sept. 1. The bill also would make it easier for people who have just moved to get absentee ballots from their former home states.

The Administration is pushing the relaxed residency rules as a sweetener to attract support for the more controversial parts of its voting-rights package. The bill would abolish literacy tests nationwide, beyond the six Southern states where such tests were outlawed by the 1965 voting rights law. It also would let lapse the 1965 requirement that these six Southern states get permission from the Justice Department before changing their election laws. The Administration's plan instead would authorize the Justice Department to challenge any new state election law in court, if the change was suspected of being designed to discourage Negro voters.

Civil-rights liberals in the Senate originally planned to oppose the President's bill outright, and to insist on a simple five-year extension of the 1965 law with its coverage limited to Dixie. But a bipartisan liberal group headed by GOP Leader Scott of Pennsylvania and Democrat Hart of Michigan has swung behind a broader plan. Part of their bill would reenact for five years the 1965 law, with its key provision for Federal clearance of election-law changes in the six Southern states. And the bill additionally picks up the two Nixon "sweeteners"; Abolition of literacy tests everywhere, and creation of a national residency standard for Presidential voters.

CURRENT SENATE DEBATE

The Senate currently is debating the voting-rights bill, with Southerners doing most of the talking. But earlier this week Sens. Scott and Hart junked their residency plan patterned after the House version and embraced Sen. Goldwater's much more liberal tests. His language thus is incorporated in the Scott-Hart measure, which at this point appears to have the best chance of Senate passage. On the first test vote, the Senate last evening refused 47 to 32 to table the Scott-Hart package. (Sen. Goldwater, who opposed the tabling motion, hasn't yet spelled out his position on the civil-rights aspects of the voting bill.)

Mr. Goldwater proposes letting anyone—newcomer or not—register for a Presidential ballot as late as 30 days before Election Day. This wouldn't benefit only citizens newly moved to a state, or to a new address within a state, but also stay-put residents who have missed the regular registration deadline. In Texas, for example, voters must register by Jan. 31 to be eligible to vote the following November. The Goldwater proposal would override this rule for Presidential voting, while leaving it intact for elections for other offices.

Sen. Goldwater also would let newcomers who miss his 30-day deadline get absentee Presidential ballots from their home states, no matter what a state's absentee rule is for other elections. The Senator estimates that besides the five million people currently disenfranchised by residency requirements, another three million to five million are barred from Presidential voting because of difficulty in getting absentee ballots.

DENTAL CARE FOR CHILDREN

Mr. EAGLETON. Mr. President, last week Congress passed and the President signed a bill making appropriations for the Department of Health, Education, and Welfare. As Senators know, the bill contained a provision limiting expenditures to 98 percent of appropriated funds while prohibiting the reduction of expenditures for any single item in the bill by more than 15 percent.

On March 4, prior to the Senate's vote on the conference report, I pointed out that the Department of Health, Education, and Welfare was planning to cut by more than 15 percent eight or nine items which were not line items in the bill but were items for which funds had been earmarked by the Senate Appropriations Committee. While these reductions would not violate the letter of the Cotton amendment as modified by the Eagleton amendment, I suggested then and I still believe that such reductions are contrary to the intent of the Senate in accepting my amendment.

One of the items which HEW plans to reduce by 100 percent is the $200,000 earmarked by the Senate Appropriations Committee for the dental health of children. This modest sum would have funded for the first time a program of pilot dental care projects for needy children authorized by Congress in the Social Security Amendments of 1967. This is the only Federal dental program specifically and solely authorized for preventive dental care for children, and the money earmarked for it by the Appropriations Committee would have made possible the beginning of comprehensive dental services for some 6,000 children of low-income families.

I commend the chairman of the Appropriations Subcommittee, the Senator from Washington (Mr. MAGNUSON), for his interest in the dental health of children and for his leadership in earmarking funds for this pilot program.

I regret that this administration, which has not revised its plans to spend $400,000 to plan a White House Conference on Children and Youth, has found it impossible to spend $200,000 for preventive dental care for children.

FREEDOM FOR THE BALTIC STATES

Mr. BROOKE. The people of the United States have always supported the people of Latvia, Lithuania, and Estonia in their determination to be free. I believe that continued support of this goal by the Government and the people of America can contribute greatly to its eventual achievement.

The people of the Baltic States are not only determined, but justified, in their struggle, and I heartily commend them for their efforts. Culturally and historically there are many ties which bind our lands together. It is with great pleasure, therefore, that I recognize the respective anniversary celebrations of independence for these nations, and extend to them my hopes and encouragement for success.

BLOW FOR THE SMALL INVESTOR

Mr. MOSS. Mr. President, I protest the action taken the other day by the Treasury Department in setting the minimum denomination on Tuesday bills at $10,000. This discriminates against the small investor, and is a body blow to his investment plans at a time when the money market is as uncertain as it has been in a long time.

With short-term Treasury bills paying from 7 to 8 percent, the small investor has found them a sound and inviting alternative to putting his money into a gyrating stock market. Now he has lost this alternative. But the wealthy American—the American who has $10,000 to invest at one time—can still continue to turn over his Treasury notes at a good profit.

Both the small and the large investor are suffering from an inflation-reduced dollar, but it is the small investor who is denied buying Treasury notes at a good and sound rate of profit to help him in his personal battle against inflation.

The Journal of Commerce on March 2, published an excellent editorial which discusses this Treasury move, and punches holes in the arguments which the Department offered as to why the action was necessary. I ask unanimous consent that the editorial, entitled "Small Investors: Unwelcome," be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Journal of Commerce, Mar. 2, 1970]

Small Investors: Unwelcome

It is sad that the Treasury has now done what so many advised it not to do: set the minimum denomination on Treasury bills at $10,000. Thereby the highly attractive Treasury bill market is reserved, if not to the wealthy, then to those people affluent enough to have $10,000 they can invest at one time. If there is 7 to 8 per cent to be had in these short-term government securities, the small investor henceforth can't get it, even though up to now, the Treasury has considered the individual buyer of its securities the most welcome and the least inflationary source of its money.

The Treasury has two reasons for the action is has now taken. One reason, which it seems to put first, is that the cost of handling a multiplicity of small investor orders has become too great now that the small fry investors have shown up at the Treasury gates in great numbers. This is a specious reason, for the bulk of the expense of servicing the small investor falls upon the Federal Reserve banks, which are making the most fabulous profits in their history.

At most, servicing small investors would only slightly reduce those profits, most of which are paid to the Treasury. If it is so costly to handle small investors the Treasury could drop its savings bond program for the same reason. The other reason is that by making attractive investments available to the small investor the Treasury is encouraging him to raid savings institutions.

Savings institutions can pay depositors from 5 to 6 per cent, the high rate being reserved for two-year deposits, and they can't compete with bonds which pay 8 to 10 per cent. The reason why they can't compete is that they invest mostly in single family home mortgages for 20- to 30-year terms and have to await maturity of the mortgages, or their amortization, before they can reinvest at higher money rates and earn enough to pay depositors more.

Savings and loan associations, it has been announced, lost a record $1.4 billion of deposits in January while their borrowings from the Federal Home Loan Banks also rose to a new record. Mutual savings banks also experienced net "disintermediation" of funds into the bond market. In the course of time mortgage financing will be more and more done through the sale of bonds backed by pools of mortgages, eliminating the savings institution's handicap of borrowing short and lending long, but that time has not yet come and the immediate problem is to protect the savings institutions.

We don't see how this can be done by raising the size of the chips the small investor has to buy in order to stay in the game. For there will be many borrowers of money who will provide small chips. The most desirable and safest investments may be, in time, closed to the small investor, but there will always be something in which he can invest, including those facilities offered by the less scrupulous.

The Treasury, of course, is only one, although the most recent one, among the doors which are closing on the small investor. Two government sponsored agencies, the Federal Home Loan Bank system and the Federal National Mortgage Association, previously had raised to $10,000 the minimum denomination on their security offerings.

Parenthetically, it is certainly strange that the Home Loan banks, and Fannie Mae, had to make their security offerings so lucrative to investors that they encouraged raids upon the savings and loans that the Home Loan banks were trying to aid while at the same time helping to dry up the supply of funds available for mortgage lending.

On another front the state superintendent of banks of New York, Frank Wille, announced that the State Banking Board had approved of a new ruling which sets a $20,000 minimum on short-term capital notes issued by banks. This is another unwelcome mat set out before the small investor and is destined to prevent actions such as that recently undertaken by a Philadelphia bank in selling small denomination capital notes to savers.

Meanwhile, the stock exchanges are planning to raise the cost of commissions paid by small investors in stocks while making stock trading less expensive for the big institutional stock investors who are, of course, the most lucrative customers of stock brokers. As Ralph S. Saul, president of the American Stock Exchange, said the other day, anent a proposed membership for institutions, the small investor may eventually be forced out of the stock market when the big boys take over.

They say one can't fight progress, but one wonders whether this is true when the progress appears to be one of moving backwards instead of forwards. In all countries of the world it has always been recognized that savings are the chief source of money for investment and also that the small saver, because of his numbers, is a keystone of the saving arch. Is it constructive progressively to bar him out of the game by raising the stakes which are the price of his participation? We are putting the question and, at this stage, not attempting to answer it.

BALANCE-OF-PAYMENTS DEFICIT

Mr. HARTKE. Mr. President, I address myself today to a most deplorable situation. In 1969, the United States suffered the worst balance-of-payments deficit in history. The stability of the dollar and the freedom of action of our Government in international affairs is being affected. We are a debtor nation in the world today and as such, we can be subjected to the wishes of our creditors. If the high deficits continue, we will be unable to maintain our position of strength in the world. Without foreign exchange we cannot maintain the present level of economic aid and security expenditures. I wish here to give a clearly defined position on what has happened, what may happen and what can be done with regard to our deficits.

BACKGROUND

From 1950 through 1956 inclusive, the U.S. balance-of-payments deficits had been running at a yearly rate of $1.5 billion. In 1957, the United States had a small surplus of $578 million and from 1958 through 1964 the deficits were running at a yearly rate of $3 billion. But from 1965 through 1968, the yearly deficits again fell back to an average $1.5 billion. Now, in 1969, the Commerce Department has recorded a $6.985-billion deficit—see table 1.

METHODS OF MEASUREMENT

There are two popular ways to measure the deficits. Before I go any further, these should be outlined. The official reserve transactions basis—The "official settlements" method—consist of any increase in U.S. official reserve assets and any decrease in liquid and certain nonliquid liabilities to foreign official agencies and central banks. The liquidity balance consists of any increase in U.S. official reserve assets and any decrease in liquid liabilities to all foreigners.

The liquidity balance is closer to the actual flow of funds between the United States and the world. This balance gives us a full view of the imbalance between our foreign exchange earnings and our expenditures. It is true that some adverse short-term flows, especially within the banking sector, are not an indication of major structural difficulties, but rather an indication of interest rate disparities between countries. Nevertheless, dollars that flows into Europe, even on a short-term basis, are claims against the reserves of the U.S. Government. Remember that it was volatile short-term flows which created extreme pressure on French reserves. When such short-term flows take on an air of permanency, then they do signal major structural difficulties whether psychological or actual.

The official settlements balance tends to understate the actual flow of money since it counts liquid and nonliquid liabilities to foreign official agencies only.

A switch of liquid liabilities to a nonliquid form—that is special bonds sold to foreign governments—will benefit the U.S. liquidity balance since there is a decrease in liquid liabilities. This action will not affect the official settlements basis if the shift from liquid to nonliquid remains in the official sector. But if the shift is into nonliquid liabilities in the private sector or certain offical sectors, the official settlements balance will look favorable also.

In 1968 and again in 1969, the official settlements balance has been in surplus. The Under Secretary of the Treasury for Monetary Affairs, Mr. Paul Volcker, seemed to stress this surplus in his appearance before the Subcommittee on International Finance of the House Banking and Currency Committee on August 6, 1969. What has actually taken place, both in 1968 and 1969, is a substantial shift from liabilities to foreign official agencies to liabilities to accounts other than foreign official agencies. This shift benefits the official settlements balance. Further, during 1968, some of the shift was from liquid to nonliquid liabilities. This benefits the liquidity balance as well.

Funds have been shifting back and forth from liquid to nonliquid, from private to official and vice versa. It would take long balance sheets to point out here all of the transactions. But one thing is certain, the U.S. Government spends more abroad than it earns. It is true that in 1969 there were large flows from the United States into the Eurodollar market which were precipitated by the high European interest rates. These flows can reverse quickly with an economic change in the United States or abroad. But even if we net out of the $6.985 billion deficit, these quick flows, the basic deficit, excluding any illusory and cosmetic "special transactions," would be about $4 billion. In fact, if we were to exclude the special transactions of years past, our basic deficit would average about $3.5 to $4 billion.

THE PRIVATE ACCOUNT

The net private sector in our balance of payments accounts have been in balance or surplus in every year since at least 1960. To blame this sector which includes U.S. direct foreign private investment for our deficits is a very grave mistake. The attached table 2 shows that direct investment alone has returned more to the United States than it has taken out. The Johnson administration controls were designed as a short-term palliative. As such they did their job mainly by getting U.S. industry to finance their foreign investments by borrowing overseas. This worked in 1968 but a borrowing limit will soon be reached. In addition, the interest payments to foreigners on an estimated $2.6 billion in borrowings through security issues alone during 1967, 1968, and 1969 can be expected to total roughly $182 million per year. There will come a time when the advantages in savings will diminish because borrowing capacity will be reached and interest payments to foreigners will continue at a high rate.

The controls on the private sector were indeed to be short term, but a new administration took over in 1969. The American public was treated to many promises of elimination of these controls. In a position paper released on October 3, 1968, Mr. Nixon stated:

> The gold-flow and the balance of payments deficit are but symptoms of the Administration's economic mismanagement.

It is hard to believe that in 1968 the President could so aptly describe our present situation in 1970. There is, indeed, "economic mismanagement" now under the present administration. Mr. Nixon indicates that the Johnson administration had "tried to hoodwink the American people" by the direct investment controls. I ask: Who is doing the hoodwinking now?

This policy paper is so unusual in its clairvoyance that I have attached a copy at the conclusion of my speech.

WHAT ACCOUNTS FOR THE BASIC DEFICITS

Government expenditures account for our basic deficits. The annual net foreign exchange cost of our U.S. military expenditures has been $3 billion and over since 1967. Even before 1967, these net costs ranged from $2.1 to $2.9 billion. The net foreign exchange cost of all U.S. Government grants for all foreign aid has been between $641 million and $753 million per year since 1904. Together, therefore, these two accounts have adversely affected our payments balance by about $3.6 billion annually.

REMEDIES

We, as a nation, must earn more foreign exchange. There are only two ways to do this: by selling more abroad or by buying less abroad. Since we live in a world where free trade is a worthy ideal, the latter approach, in trade, is not desirable. Several accounts on our balance of payments can be adjusted, however, so that we can earn more foreign exchange.

First, our trade account has slipped from a $6.6-billion surplus in 1964 to a $674-million surplus in 1969. What is happening is that we are losing markets all over the world. While our gross amount of exports is rising, our share of world trade is falling. In 1964, U.S. exports accounted for 16.6 percent of all world exports, but in 1969, U.S. exports accounted for 14.6 percent of all world exports. Combined with this loss of markets, we have had an unusual rise in our imports due, in part, to inflation. But when price differentials between foreign products and U.S. products are 25 percent or more, as is the case in some consumer products, inflation alone is not the culprit.

The United States has been fooled by the European talk of tariff cuts and free trade. While we here have been earnestly seeking free trade and reduced tariffs in the Dillon and Kennedy round GATT negotiations, the Europeans were busy devising ways to nullify their concessions. As soon as the Kennedy round was over, the border taxes and rebates began to creep up. Generally speaking about 10 to 12 percent of the price of a U.S. exported article is added at the border in Europe and 10 to 12 percent of the price of a European export is rebated to the local manufacturer at the border. This in itself can lead to a price differential of 12 percent.

I would urge that the United States take the necessary steps, to achieve a more equitable deal in achieving free trade with the European Common Market.

Second, it is possible to close the travel gap by bringing more foreign visitors to our shores. We can earn more foreign exchange with positive steps by strengthening the U.S. Travel Service. At present, there are two bills before the Senate Committee on Commerce which would help the U.S. Travel Service to encourage more inbound tourism.

Third, we should eliminate the direct investment controls. As President Nixon stated in his position paper:

> Every dollar of investment which is blocked by Administration edict costs us more than one and one-half dollars of future earnings.

Fourth, we should establish a mutual funding arrangement to cover the foreign exchange costs to our NATO Forces. This amounts to almost $1.5 billion annually in Western Europe. If our presence there is so important to their own defense, let us share the cost. In addition, there are troops stationed in the Pacific whose purpose is to defend Japan. It is about time for Japan to chip in and help pay the exchange costs of these forces. After all, they can afford the cost because the Japanese spend only 1 to 2 percent of their GNP on their defense budget, whereas we spend over 8 percent.

WHAT MAY HAPPEN

If we do not take decisive steps to attack the root of our payments deficits, the United States will be mortgaging the future to pay for the present. England, as you will remember, sustained heavy foreign exchange debts because of two world wars. To pay these debts, England was forced to put up her overseas private investments as collateral. After World War II, the United Kingdom retained its military presence around the world, especially in the Mideast. As foreign exchange debts mounted because of the past wars and her present commitments Britain found herself unable to solve her balance-of-payments deficits.

For years, direct overseas British private investments had provided enough repatriated foreign exchange to pay for the enormous Government expenditures abroad. But as old debts came due, the Government was forced to liquidate or pull in private foreign investments. As she did this, England earned less and less foreign exchange to pay present bills. The process snowballed. Now we in the United States have seen what has happened. The United Kingdom has had to pull back from active involvement around the world.

I am not predicting that tomorrow this series of events will happen to the United States, but I am scared for our Nation. Twenty or thirty years from now, we may be faced with the same situation.

I urge, therefore, Mr. President, that what we need now are solutions not options.

I ask unanimous consent that Presi-

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dent Nixon's statement and two tables be printed in the RECORD.

There being no objection the items were ordered to be printed in the RECORD, as follows:

(Statement by Richard M. Nixon, Oct. 3, 1968)

THE CASE FOR REMOVAL OF FOREIGN INVESTMENT RESTRICTIONS

The economy of our nation has suffered from the glaring mismanagement of fiscal and monetary affairs by this administration. Accelerating inflation caused by uncontrolled spending has eroded the living standards of millions of Americans, and undermined the integrity of the American dollar.

The "gold flow" and the balance of payments deficit are but symptoms of the administration's economic mismanagement.

Inflation makes it harder for us to sell American goods abroad and easier for imports to penetrate our markets.

Lack of confidence in the dollar makes foreign central banks reluctant to hold dollars and anxious to trade them in for our gold.

Because of inflation, inadequate stimulation of exports, and burgeoning overseas spending by the Federal Government, our "balance of payments" has been in chronic deficit and world acceptance of the dollar is diminishing along with American economic prestige.

This Administration has played statistical gamesmanship with the balance of payments crisis. It resisted attacking the basic causes because to do so only exposes the inadequacy of its economic policies.

Last January this Administration proposed new and severe restraints on overseas investments by American businessmen and attempted to impose travel restraints on the American people. At the same time, the administration created a new federal bureaucracy to tell American businessmen where and when they could invest their money abroad and what they had to do with their overseas earnings. All this was done without Congressional approval and was based on questionable legal authority.

The Administration has tried to hoodwink the American people into believing that it has solved the balance of payments problem by trading the short-term statistical advantages of investment limitation for the long-run advantages of free economic decisions and the future favorable Balance of Payments consequences resulting from American investment.

In 1967, before compulsory bureaucratic restrictions were imposed, returns of $4.5 billion on American investment abroad exceeded new investments by $1.5 billion. Much of the $3 billion which did flow abroad was used to stimulate American exports via credit sales and investments in overseas selling affiliates.

Thus, every dollar of investment which is blocked by Administration edict costs us more than one and one-half dollars of future earnings.

Tragically, the Administration's program is hurting for the most part the smaller companies and those who complied with the earlier voluntary program.

My Administration will be dedicated to solving the real causes of our balance of payments deficit, reestablishing the integrity of our fiscal and monetary policies, stimulating exports and encouraging travel to the United States. We will bring to an end self-defeating controls on investment at the earliest possible time. We will reestablish the spirit of cooperation with other nations which our investment curbs have damaged and we will encourage investments which stimulate U.S. exports and a healthy return flow of capital. For the greatest nation in the world to draw into its own shell and to stifle American commerce abroad is economic isolationism at its worst.

TABLE 1.—DIRECT INVESTMENT OUTFLOWS, INCOME AND NET BALANCE 1945-69

[In millions of dollars]

Year	Outflows[1]	Income	Royalties and fees	Balance (col. 2 plus 3 minus col. 1)
	(1)	(2)	(3)	(4)
1945	−100	426	(2)	326
1946	−230	589	(2)	359
1947	−749	869	(2)	120
1948	−721	1,064	(2)	343
1949	−660	1,112	(2)	452
1950	−621	1,294	126	799
1951	−508	1,492	130	1,114
1952	−852	1,419	130	697
1953	−735	1,442	128	835
1954	−667	1,725	136	1,194
1955	−823	1,912	258	1,347
1956	−1,951	2,171	229	449
1957	−2,442	2,249	238	45
1958	−1,181	2,121	245	1,185
1959	−1,372	2,228	349	1,205
1960	−1,694	2,335	344	1,005
1961	−1,598	2,672	448	1,522
1962	−1,557	3,050	548	2,041
1963	−1,976	3,134	660	1,818
1964	−2,328	3,674	756	2,102
1965	−3,468	3,963	924	1,419
1966	−3,523	4,045	1,030	1,452
1967	−3,020	4,517	1,140	2,637
1968	−3,025	4,085	1,179	3,239
1969[3]	−3,080	4,259	984	1,163
Totals	−38,981	58,767	10,082	29,686

[1] Includes funds borrowed abroad and actually used abroad to finance direct investment.

[2] Not available.

[3] First three quarters not on an annual basis.

Source: U.S. Department of Commerce, Balance of Payments Statistical Supplement and the Survey of Current Business, September, 1966, 1967, October 1968, and December 1969.

TABLE 2.—U.S. BALANCE OF PAYMENTS 1958-69[1]

	Liquidity basis	Official reserve transactions basis
1958	−3,365	(2)
1959	−3,870	(2)
1960	−3,901	−3,403
1961	−2,371	−1,347
1962	−2,204	−2,702
1963	−2,670	−2,011
1964	−2,800	−1,564
1965	−1,335	−1,289
1966	−1,357	+266
1967	−3,544	−3,418
1968	+93	+1,639
1969	−6,985	+2,777

[1] 1969 preliminary.

[2] Not available.

Sources: Survey of Current Business, U.S. Department of Commerce, Washington, D.C., June 1969, and release number OBE 70-7, February 1970.

VIEWS OF YOUTH OF TODAY

Mr. MONDALE. Mr. President, a number of adults have expressed reservations about the youth of today. They contend that young people are not responsible, that they are too selfish and self-serving, that they have withdrawn into their own culture and are not aware of what really is happening. They say that these signs portend ominously for our Nation's future.

In answer to these claims I offer for the Senate's attention three letters I recently received from two 11-year-olds and a 10-year-old from Coon Rapids, Minn. These students may be young, but they have a better understanding of what a nation's priorities should be than many of their elders in political life. When a 10-year-old can see the foolishness of spending millions on a supersonic transport plane when Indians go hungry and uneducated, I think we can be optimistic about the future of America.

Mr. President, I ask unanimous consent that these three letters, which are most articulate statements of one of the basic problems in our Nation today, be printed in the RECORD.

There being no objection the letters were ordered to be printed in the RECORD,

COON RAPIDS, MINN.,
February 5, 1970.

DEAR SENATOR MONDALE: As a right of being a citizen of the United States, I would like to express my opinion on what should be done with the tax money. The billions of dollars that are spent on the building of the supersonic transport plane, in my opinion is, needless and wasteful. I think that if this money was transferred to the building of schools for the Indians. We could educate every Indian in every reservation in the United States. And then their still be enough money to clothe, feed and shelter them in which they need desperately. Then too the Indians would know this is a free country. Thank you very much.

Sincerely,

SHARON KOLP,
10 yr. old, Epiphaney School, grade 5.

COON RAPIDS, MINN.,
February 6, 1970.

DEAR SENATOR MONDALE: I feel I should have the right, even though I am a young citizen, to express my feelings. I think it is good that you have an education program. But I think that before anything else is done that more should be done for the Indians in Minnesota. I have not seen them but have found out that they have little education and not enough food. Not so much should be sent for the space program but for the Indians in Minnesota.

Thank you.

Sincerely yours,

JODY KOEP.

P.S.—In school we had a debate in school about space. I was against it. Although I did not win I'm still against it and always will be.

COON RAPIDS, MINN.,
February 6, 1970.

DEAR SENATOR MONDALE: Even though I am young, I feel I have the right as a citizen to express my feelings. I am glad you are going to add to our education, but before you do that I would very much like you to do something about the education for the Indians in Minnesota. I have seen their reservation and they are treated like wild animals. We are spending to much money on needless things.

I know you are aware how much money goes to moon trips. And we would have many less poor people than what we do now. Please do something about the Indians and poor people. I would appreciate that.

Yours truly,

ROBIN BEAGER.

NOMINATION OF JUDGE CARSWELL TO THE SUPREME COURT

Mr. KENNEDY. Mr. President, Mr. Anthony Lewis of the New York Times has for many years been one of the most distinguished members of the fourth estate. As Supreme Court reporter for the Times, he brought to his readers an insight and a sensitivity which gave the cases and the Justice new fullness and new meaning. He showed his deep understanding of the law and its institutions in his landmark book "Gideon's Trumpet." And he astounded the professors at the Harvard Law School with his keen intelligence and his broad perspective during his year there as a Nieman Fellow.

Tony Lewis is now chief of the Times London Bureau, but his editors have wisely allowed him to continue to comment on U.S. affairs from that vantage point. During the past week he has used the platform of the Times editorial page to apply his knowledge and experience to the nomination of Judge G. Harrold Carswell to the Supreme Court. In his column last Saturday, Mr. Lewis provided a most concise and compelling summary of the undisputed proof that the nominee has displayed a consistent record of insensitivity to human rights and race relations throughout his adult life. He concludes as follows:

> Judge Carswell's record on race was obviously not known to President Nixon when he made the appointment. It is never easy for a political leader to admit a mistake, but in this instance the President could do so with grace and for the most urgent of reasons: the country's interest and his own.
>
> Withdrawal of the nomination now would not even, necessarily, do permanent damage to Mr. Nixon's relations with the South. It would be demeaning—and untrue—for any Southerner to suggest that there are no Southern lawyers better qualified to sit on the Supreme Court than G. Harrold Carswell.

In today's Times Mr. Lewis provides a careful and distressing contrast between the great demands on a Supreme Court Justice and the deficient professional qualifications of the nominee. He states his feeling that in view of the stature and responsibility of the Supreme Court—

> The nomination of Judge G. Harrold Carswell is an unusually depressing business. For even to think of having on the Supreme Court a man so utterly undistinguished a lawyer or thinker is to show disregard for the institution.

He concludes by agreeing that perhaps the Supreme Court needs some change.

I read from the Lewis article:

> But the tragedy is that the appointment of narrow men, men of limited capacity, will make things worse, not better. What that Court needs is not more war of doctrine, in which moderation is crushed.
>
> The Supreme Court today needs more reason, more understanding, more wisdom. If it has strayed too far from the true vision of American life, as the President believes, those are the qualities that will bring it back. There is nothing wrong with the Supreme Court that G. Harrold Carswell can cure.

Mr. President I believe that these two columns should be extremely persuasive to the Members of the Senate, and I ask unanimous consent that they be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the New York Times, Mar. 7, 1970]

THE SIGNIFICANCE OF JUDGE CARSWELL

(By Anthony Lewis)

LONDON, March 6.—The dilemma that President Nixon confronts on the racial issue is plain enough. Many white Americans have come to resent black demands, and the President wants to take account of their feelings. That is not inappropriate, for resentment and alienation among white people are a serious social danger.

But it hardly needs to be said that there are deep resentments on the other side as well. The intensity of black feelings at even an intimation of retreat from civil rights progress has been shown in the angry reaction to the memorandum by Daniel Patrick Moynihan, the President's counselor. Mr. Nixon knows how easily bitterness in the black community could destroy the racial peace he desires.

SYMBOL OF INDIFFERENCE

The nomination of G. Harrold Carswell to the Supreme Court has to be considered in this light among others. For it is becoming a symbol of indifference to racial justice.

When Judge Carswell was nominated two months ago, he appeared to be undistinguished but harmless, a Federal judge from Florida who would meet quietly the President's wish for a Southern appointment. But Senate hearings and newspaper explorations since then have changed that picture. Judge Carswell has a record in the racial field that cannot be overlooked.

In 1948, Harrold Carswell said in a political speech that he would yield to no one in his "belief in the principles of white supremacy." This year he termed that view "obnoxious" and said he no longer holds it.

ON THE RECORD

In 1953 he drafted a charter for a Florida State University boosters club that opened membership to "any white person interested in the purposes . . . "

In 1956, while he was a United States Attorney, he joined in a scheme to lease Tallahassee's municipal golf course, built with $35,000 in Federal funds, to a private segregated club for $1 a year. Although the local papers prominently displayed the racist purpose of the scheme, and the document he signed stated it, Judge Carswell said this year that he had been unaware of it.

In 1966, Judge Carswell sold land with a covenant attached that restricted its occupancy to "members of the Caucasian race."

Between 1962 and 1968 he was, according to Prof. Leroy D. Clark of the New York University Law School, "the most hostile Federal district judge I have ever appeared before with respect to civil rights matters." Professor Clark said Judge Carswell was "insulting" and "would shout at a black lawyer who appeared before him while extending every courtesy to white lawyers."

A young lawyer now working for the Justice Department, Norman C. Knopf, said that while acting as a civil rights attorney he had heard Judge Carswell express his disapproval of Negro voter registration projects. Another lawyer testified that he had heard Judge Carswell advise a city prosecutor how to "circumvent" a civil rights decision of the United States Court of Appeals for the Fifth Circuit. Judge Carswell denied any discourtesy or prejudice toward civil rights lawyers.

EVIDENCE OF INSENSITIVITY

In December, 1969, Judge Carswell reportedly told the following joke to a meeting of the Georgia Bar Association:

"I was out in the Far East a little while ago, and I ran into a dark-skinned fella. I asked him if he was from Indochina, and he said, "Naw, suh, I'se from Outdo' Gawja.' "

In a written statement last month, Judge Carswell denied that there were any racial overtones in that joke.

That record displays at the very least extraordinary insensitivity. It must raise questions about Judge Carswell's fitness for a lifetime position on a court that must decide some of the most sensitive and most important racial questions before the country. For the black community, the idea of Judge Carswell on the Supreme Court bench must now be a provocation.

ALTERNATIVE PROPOSED

Judge Carswell's record on race was obviously not known to President Nixon when he made the appointment. It is never easy for a political leader to admit a mistake, but in this instance the President could do so with grace and for the most urgent of reasons: the country's interest and his own.

Withdrawal of the nomination now would not even, necessarily, do permanent damage to Mr. Nixon's relations with the South. It would be demeaning—and untrue—for any Southerner to suggest that there are no Southern lawyers better qualified to sit on the Supreme Court than G. Harrold Carswell.

[From the New York Times, Mar. 9, 1970]

DOES ANYONE CARE ABOUT THE SUPREME COURT?

(By Anthony Lewis)

LONDON.—The Supreme Court of the United States has long been regarded as the unique American contribution to the art of democratic government. It has held a diverse continental country together by nourishing the gradual change in institutions needed for survival. No other court anywhere has had its power or its responsibility. Winston Churchill was stating the obvious when he called it "the most esteemed judicial tribunal in the world."

It is not just romantic, therefore, to feel a special reverence for that Court—and to expect greatness of its members. They are, after all, deciding the fundamental law of a nation.

DISREGARD FOR THE COURT

Considered in those terms, the nomination of Judge G. Harrold Carswell is an unusually depressing business. For even to think of having on the Supreme Court a man so utterly undistinguished as lawyer or thinker is to show disregard for the institution.

Judge Carswell has made literally no impression as a legal craftsman, much less philosopher. Reports from Washington and from his home state of Florida mention no opinions that his supporters can cite with pride. His record as a lower Federal judge has been marked by an unusual number of reversals on appeal. He has displayed no visible breadth of vision or scholarship.

INTELLECTUAL QUALIFICATIONS

Intellectual qualifications are not mere embroidery for the Supreme Court. A justice is faced, day after day, with questions of the most immense difficulty. There is no simple place to find the right answer, because the case would not be there unless there were conflicting rights, each with strong claims.

And more than any other Government official, a Supreme Court justice is on his own, without a cushioning bureaucracy. He has to draw on his own resources, moral and analytical, to find the answers. Not so long ago one member of the Court gave up the job after only a few years because he found the burden of decision so great.

The classic view, stated by Judge Learned Hand, is that a man who passes on questions of constitutional law should be as acquainted with history and philosophy and poetry as with the law.

"For in such matters," Judge Hand wrote, "everything turns upon the spirit in which he approaches the question before him. The words he must construe are empty vessels into which he can pour nearly anything he will. Men do not gather figs off thistles, nor supple institutions from judges whose outlook is limited by parish or class."

The worst of a bad Supreme Court appointment is that it is like a piece of bad architecture: we may be stuck with it for a long time. Presidents have very few decisions as important as their choice of men for the Court.

How, then, have we arrived at a point where a man with as minimal qualifications as Judge Carswell can be appointed? He was chosen, evidently, as an earnest of President

Nixon's declared intention to roll back Supreme Court decisions that he thinks have gone too far in a libertarian direction.

Criticism of the Court is not misplaced. Men with no political interest think its performance in recent years has too often been doctrinaire, infatuated with the joy of doing good, insufficiently conscious of the modesty due from appointed judges and to casual in the analysis whose persuasiveness alone can justify judicial power.

WHAT THE COURT NEEDS

But the tragedy is that the appointment of narrow men, men of limited capacity, will make things worse, not better. What that Court needs is not more war of doctrine, in which moderation is crushed.

The Supreme Court today needs more reason, more understanding, more wisdom. If it has strayed too far from the true vision of American life, as the President believes, those are the qualities that will bring it back. There is nothing wrong with the Supreme Court that G. Harrold Carswell can cure.

THE SITUATION IN LAOS

Mr. MONDALE. Mr. President, from the recent pages of the Congressional Record, from literally hundreds of articles, and from a flood of mail in probably every Senate office, I hear a strong and virtually unanimous declaration.

The American people are frightened by recent revelations of our increasing involvement in Laos. They are determined to know the full truth behind this involvement. And they will not tolerate another horrible Asian war "in spite of ourselves."

What has been happening in Laos has been happening for a long time. But thankfully, recent events seem to have stirred the American people to a point where a decision may still be made in time to halt another Vietnam.

The President has made a small step toward affirmation of his November 3 pledge that:

> The American people cannot and should not be asked to support a policy which involves the overriding issues of war and peace unless they know the truth about this policy.

He has told us that we are "involved" and that we have some 650 men engaged in military activities of some sort.

He has admitted that we are flying combat air operations at the request of the Laotian Government.

And he has admitted that such assistance has recently "risen in response to the growth of North Vietnamese combat activities."

These official admissions, however, tell us nothing new. We already know that and much more:

We know that these "noncombat troops" in Laos are largely CIA, who are, in turn, comprised to some degree of ex-Green Berets from Vietnam.

We know that we are flying F-4 Phantoms, F-105 Thunderchiefs, and B-52's in actual combat support deep in the interior of Laos. The level of air support has been estimated at from 200 to 400 sorties a day.

We know there is one of the least secret "secret bases" at Long Chien, generally run and equipped by Americans, from which Gen. Van Peo's irregular forces operate.

We know we are spending at least $250 to $300 million a year in these operations.

And we know that we are deeply immersed in a war involving some 70,000 Laotians, about 15,000 to 20,000 Pathet Lao Communist guerrillas, and about 60,000 North Vietnamese.

I readily acknowledge that this situation was inherited by the current administration. I also acknowledge that the North Vietnamese are clear aggressors in this Nation. But the administration's recent message, in dwelling almost entirely on these two points, completely misses the central issue.

That issue is this: Does the executive branch have the right to involve U.S. forces—whether Army, CIA, or in any other guise—in a war with neither the knowledge nor the consent of either Congress or the American people? I say very clearly that the administration has no such right.

I am not speaking of "aid," or "advisers," or of the bombing of the Ho Chi Minh Trail in Laos. I am referring to Americans directly involved in combat—whether air or ground—in the Laotian war.

The Geneva Accords forbid this involvement.

We have no defense treaties with Laos, such as the SEATO pact we have with South Vietnam, and Laos is not within any established defense perimeter.

There has been no Executive directive or resolution, such as the controversial Tonkin Gulf Resolution, and nothing about the current situation in Laos could be construed as the type of international emergency which could justify unilateral Executive action.

Congress made its views on ground action in Laos absolutely clear last session by passing a law prohibiting the use of any funds for the support of combat troops there or in Thailand. Now it appears that this law is being violated simply by a change of uniforms—from Green Beret to CIA.

But most important, the right to declare war belongs, by the Constitution of the United States, to Congress, and Congress alone. I had hoped that the National Commitments Resolution passed last spring reinforced that fact. But clearly, we are once again getting drawn into a war in spite of our best intentions, in spite of our disastrous experience in Vietnam, and in spite of the Constitution of this country.

I do not think that our national interest can possibly justify the introduction of ground troops in Laos. But if there are national interests which are somehow at stake, I have every confidence in the ability of Congress and the American people to decide upon the proper course of action.

And I have no confidence in the CIA, the Pentagon, or any other branch of Government which is not directly answerable to the American people to make that decision.

The Congress must regain control over this situation. We need to know what the CIA is doing in support of Gen. Van Peo's secret army and how this involvement can be justified in the light of clear prohibitions against ground involvement in Laos.

We need to know about the bombing sorties being flown in support of the Laotian Army.

We need to know what the administration plans to do if the North Vietnamese and the Pathet Lao move southward. Will "honor" and "commitments" again escalate our involvement from a handfull of advisers to a half million men?

And we need to know, above all, how long we must wait until we can recall our secret army and restore to Congress its constitutional responsibility for making such vital decisions.

DEPLORABLE CONDITIONS OF THE AMERICAN INDIAN

Mr. MONDALE. Mr. President, in recent months the Senate has clearly documented the deplorable conditions of the American Indian. First, the Special Subcommittee on Indian Education issued its report entitled, "Indian Education: A National Tragedy—A National Challenge." That monumental study of the manner in which we educate—noneducate may be a better word—Indian children made it very clear that Indians do not receive equal educational opportunities.

That report was followed in January by the release of the Joint Economic Committee's compendium, "Toward Economic Development for Native American Communities," which revealed some of the reasons why Indians are always first—in sickness, unemployment, suicides, and a host of other statistical categories.

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Today, I offer for your attention another study. This was not performed by the Federal Government, but by the Minneapolis Star & Tribune Co.'s metropoll. In a 600-person sampling in the Minneapolis-St. Paul metropolitan area, the poll, published in the Minneapolis Star of January 27, 1970, showed almost half of those interviewed believe the Indian is treated unfairly today. They pointed out that inferior jobs, job discrimination, and unequal education are some of the ways in which Indians are treated unfairly.

An overwhelming percentage—82 percent—said that special efforts should be made to train Indians and find jobs for them. This percentage would seem to indicate a willingness of a number of people to assist Indians in seeking employment and to support Federal endeavors to train and employ Indians. I hope that the information from polls such as this, as well as the documented materials in the two committee reports mentioned earlier, will assist us in planning and implementing programs for Indians.

Mr. President, I ask unanimous consent that the results of this poll be printed in the Record.

There being no objection, the poll was ordered to be printed in the Record, as follows:

Big Majority in Area Supports Giving Indians Job Advantages

Twin Cities-area Indians should be given preferential treatment in job training and placement, according to 8 of 10 area residents questioned by the Minneapolis Star's Metro-Poll.

In support of this view, just as many of those in the survey say the American Indian was treated poorly by the white man in the past, and almost half feel Minnesota Indians today still are treated unfairly.

The 600 adults polled, a representative sample of the five-county population, were asked to take an historical and then a present-day view of the Indian:

"As you understand it, in the days when the United States was being settled, was the American Indian generally treated fairly or unfairly by the white man?"

"In general, do you think Indians in Minnesota today are treated fairly or unfairly by white people? (If unfairly) How?"

Eighty-three percent agree that the Indian was abused in the past, compared with 12 percent who disagree and 5 percent with no opinion. Men are more inclined than women are to think the Indian was treated unfairly, and younger respondents more frequently think so than older ones. Those in the highest income group, over $15,000 a year, almost unanimously call historical treatment inequitable (96 percent).

By way of contrast, only 47 percent, but still a plurality, think the Indian in Minnesota today is treated unfairly. However, a strong minority (40 percent) disputes this. The remaining 13 percent have no opinion. Again, men more often than women call treatment unfair. The frequency of the "unfair" indictment increases directly with the amount of education the respondent has.

When the 47 perecnt were asked how Minnesota Indians are mistreated, more than a third (34 percent) cited job discrimination. "They are given inferior jobs and not as much help as other minority groups," said a 28-year-old Robbinsdale man.

Three of 10 persons (30 percent) pointed to unequal education. "They can't really take advantage of educational opportunities due to their poverty," commented a 49-year-old St. Paul woman.

Nearly as many (28 percent) criticized the reservations or official policy toward Indians. Said a 75-year-old Minneapolis man, "We've deprived them of the land that had any value and put them back in the rocks and swamps and haven't given them a chance." A 26-year-old Minneapolis resident added, "The whole U.S. Indian Affairs Bureau has been backward—reservations segregate."

About one in four (24 percent) noted prejudice, stereotypes or lack of opportunity in general. Twenty-one percent pointed to substandard housing or discrimination in renting, and 11 percent said Indians lag behind other minority groups because of lack of leadership and organization.

Of the remainder, 15 percent gave other answers, and 3 percent did not elaborate on their view that Minnesota Indians are treated unfairly.

Despite the 47–40 split in views on whether Indians are unfairly or fairly treated today, the people in the survey overwhelmingly approve of preferential treatment for Twin Cities-area Indians in job training and placement. They were told:

"One of the major problems of Indians living in the Twin Cities area is unemployment. Do you think special efforts should or should not be made to train Indians and find jobs for them?"

Of all people polled, 82 percent feel special efforts should be made. Fifteen percent say they should not, 2 percent are uncertain and 1 percent give other answers. Even of those who hold the view that Minnesota Indians are treated fairly these days, a large majority (71 percent) feel those in the Twin Cities area should be given extra help in getting jobs.

There are an estimated 8,000 to 12,000 Indians in the area, mostly in Minnesota.

WHITE TREATMENT OF THE INDIAN VIEWED

[In percent]

	Fair	Unfair	No opinion
In the past:			
All respondents	12	83	5
Men	9	86	5
Women	15	81	4
21 to 29 years	10	86	4
60 and over	17	72	11
Today:			
All respondents	40	47	13
Men	36	52	12
Women	45	42	13
Grade school education	54	32	14
High school	47	40	13
College	26	63	11

SHOULD SPECIAL EFFORTS BE MADE TO TRAIN AND FIND JOBS FOR LOCAL INDIANS?

[In percent]

	Yes	No	No opinion, other
All respondents	82	15	3
Grade school	73	22	5
High school	80	17	3
College	88	11	1

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is concluded.

VOTING RIGHTS ACT AMENDMENTS OF 1969

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the unfinished business be laid before the Senate.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (H.R. 4249) to extend the Voting Rights Act of 1965 with respect to the discriminatory use of tests and devices.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered.

The Senate resumed the consideration of the bill.

Mr. HOLLINGS. Mr. President, presently the Senate is considering alternative proposals on the subject of voting rights which, in my judgment, are designed to eliminate an impartial application of the electoral process. Although these measures are designed to enforce the guarantees of the 15th amendment to the Constitution, the debate in this Chamber centers on the approach to be considered—not the objective to be achieved.

The Scott-Hart substitute would retain the section of the 1965 Voting Rights Act that requires those regions of the country that in 1964 had fewer than 50 percent of voting-age persons registered or voting to secure the approval of the Attorney General prior to instituting any revision in its voting qualifications or procedures. The obvious effect of this language is to restrict applications of these sections to six States and portions of three others. The further effect is that even though the statute may be written to apply to all people in the Nation, the practical application of the statute is that the Attorney General will be called upon to enforce the statute only in those six or seven States. The civil rights statute, like any Federal statute, is enforced only against those who are committing the wrong which the statute is intended to prohibit.

When Congress writes a statute, it should apply to all people within the Nation and, obviously, it should be enforced only against those people in those States which are believed to be in violation of it. The scheme of including the section of a bill to give the appearance of a nationwide application insults the logic of this body.

For the past decade we have been witnessing a great national debate on the subject of discrimination. Under the provisions of statutes enacted by the Congress, there are a multitude of prohibitions for anyone to discriminate between individuals if there is a question of sex, national origin, religion, or race. The very thought that a State or local government might today legislatively adopt a provision which is deliberately, and by its own provisions discriminatory in nature, is obviously unthinkable. The courts and the Congress have lead us to believe that this type of action is impossible. On the other hand, however, we are told to "ignore" exceptions to this rule which all three branches of the Federal Government exert from time to time upon the system. For example, there are the special guidelines from HEW, the court rulings which have been motivated more by sociological concepts than by a firm desire to uphold the Constitution, and only recently has one branch of the Federal Government taken the first courageous step in breaking this pattern. I refer to the vote on February 18, 1970, when the U.S. Senate adopted an amendment which I was proud to cosponsor with the distinguished Senator from Mississippi, Senator STENNIS, which required nationwide application of the various statutes which outlawed discrimination in the public school system.

I submit, Mr. President, that the issue before this body is whether the majority will again display the wisdom, courage, and dedication to equal protection by moving away from the concept of equal discrimination legislation. It is imperative that when we look at the question of voting rights we should not allow it to become an instrument of discrimination.

This body cannot afford to permit such a precedent to be established where laws become instruments of the Government for use against the people rather than instruments of all the people for protection against arbitrary actions of the Government. Unless we protect the principles and precepts to block the abuse of power in what appears to the majority to be a "good cause," we shall establish a government which operates by means of exceptions, by means of rule of law rather than by the rule of law itself.

I hold a basic belief that no American citizen should be prevented from exercising his right to vote by any method. I do not believe that the right to vote should be limited to those of a certain color, race, creed, economic circumstances, or educational level. In short, I oppose discrimination against an individual with regard to voting rights.

Additionally, I oppose discrimination, not only against individuals of a particular creed or color, but against certain States or certain regions, or certain counties within those States and regions.

As I read the Scott-Hart substitute, it would discriminate against certain States in the South, my own included. However, that is not the reason for my opposition. I would oppose an amendment which discriminated against the State of Michigan or the State of Pennsylvania. If we are to accept the premise that the right to vote is basic in our democracy—and I believe it is—then we must also accept the premise that this right applies nationwide.

As I read the Scott-Hart amendment, should discrimination occur in Michigan or in Pennsylvania, the Attorney General would be precluded from moving to prevent that discrimination. Such a law would be discriminatory in itself. Therefore, I shall oppose the Scott-Hart substitute.

Just as basic constitutional rights apply nationwide, so should the laws passed by this Congress under the Constitution. I cannot, and I shall not support discriminatory legislation, regardless of what area of the country or group of people at which it may be aimed.

The very foundations of the law are rendered impotent when one part of our Nation is able to escape the burdens of these obligations. In my judgment, the precedence set by the 1965 Voting Rights Act on the issue of its application established a most dangerous precedent. We now have the opportunity to correct that wrong, at least in part, by replacing that unwise act and establish national application and enforcement.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ERVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The pending business before the Senate is the Scott amendment to the pending bill.

Mr. ERVIN. Mr. President, I yield myself such time as I may require.

The PRESIDING OFFICER. Does the Senator propose to call up his amendment?

AMENDMENT NO. 533

Mr. ERVIN. Mr. President, I call up my amendment No. 533 and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. The Senator from North Carolina (Mr. ERVIN) proposes amendment No. 533 to the pending Scott substitute amendment No. 544, as follows:

AMENDMENT NO. 533

Add a new section, appropriately numbered, as follows:

"SEC. —. That section 4(a) of the Voting Rights Act of 1965 is amended by striking out 'United States District Court for the District of Columbia' and inserting in lieu thereof 'the United States district court in which the capital of such State is located, or the United States district court in which such political subdivision is located'.

"(b) Section 5 of such Act is amended by striking out 'United States District Court for the District of Columbia' and inserting in lieu thereof 'the United States district court in which the capital of such State is located, or the United States district court in which such political subdivision is located'."

The PRESIDING OFFICER. The Senator has 1 hour.

Mr. ERVIN. Mr. President, the pending amendment is to amendment No. 544, formerly amendment 519.

Mr. President, as a North Carolinian I am glad that the constitution of my State does not permit the legislature of my State to take such a nefarious action as the Congress of the United States took when it enacted the Voting Rights Act of 1965. The Voting Rights Act of 1965 condemned six States, and 39 counties in my State, without a judicial trial, and punished them by depriving them of the power to exercise rights conferred upon them under four separate provisions of the Constitution. Then it closed every courthouse in which the States might have access except the District Court for the District of Columbia.

I rejoice in the fact that my State would not permit this to be done. Section 35 or article I of the constitution of North Carolina declares that:

> All courts shall be open and every person for an injury done him in his lands, goods, person, and reputation, shall have remedy by due course of law, and right and justice administered without sale, denial, or delay.

The Voting Rights Act of 1965, which is sought to be extended by an additional 5 years, or until 1975, by the Scott-Hart amendment, offends each one of these provisions as stated in the constitution of North Carolina.

In the first place the bill would provide that only one court shall be open and all other courts shall be closed. For another thing it says that none of these States and none of these counties shall have access to a temple of justice under circumstances where due process of law can be had. It denies right and justice. It delays right and justice for 5 years.

I will not say that it provides that justice shall be sold. I will leave all comment on that subject to what the Supreme Court said in the case of Cummings against Missouri. That case involved a bill of attainder. Before I do so, however, I would like to join Aldous Huxley, the philosopher, in a little philosophizing. He said the end cannot justify the means for the simple and obvious reason that the means deployed determine the nature of the ends produced. I ask the Senate to meditate on that thought just a moment. What that says in effect is that when you adopt evil means to reach a good end, you do not reach that good end by evil means because these evil means produce the end that is reached.

I do not know a statute enacted by Congress in this century that illustrates better what Huxley had in mind than this statute.

Those who advocate this kind of legislation claim they are trying to secure the right to vote for somebody, but they adopt evil means to accomplish what they think is a good result. So let us see what kind of result they attain. One of the results they attain is that they close the doors of all courthouses in the universe to those whom they condemn by legislative fiat without a judicial trial.

Certainly, a country which has always bragged—"justice, every season, summer, and every place a temple"—departs from its heritage when it resorts to the evil means of closing courthouse doors against pleas for justice.

It also would reach an evil result. I shall apply the meaning of the bill to my State of North Carolina. North Carolina, which had 39 counties condemned under this bill in 1965, has been unworthy of receiving the consideration and the rights that would be accorded as a matter of course to the worst criminal. It is denied the right to use the literacy test in 39 of its counties. Yet, in the presidential election of 1968 in many North Carolina counties a higher percentage voted than the national average, including these 43 States which go unscathed by this act. So, Mr. President, you have my State standing condemned under this act although many parts of it exceeded the national average in the percentage of its citizens of voting age who voted in the presidential election. But those things apparently mean nothing to the proponents of the bill.

As I pointed out Friday, in order to bring certain of my counties under the bill they had to count felons serving sentences in penitentiaries, students residing outside the boundaries of North Carolina, and military personnel. I know of no more glaring example of rank discrimination than enacted upon Cumberland County where military personnel from other States, constituting somewhere in the neighborhood of one-third of our people there of voting age, were counted in order to condemn that county.

I wish to go back to the case of Cummings against Missouri.

When I used to read this case, I would wonder how any legislative body and how any State and how any people of any State could become so inflamed that they would adopt a constitutional provision denying a minister of the gospel the right to preach the gospel of the Lord Jesus Christ to sinners because of past action on his part; namely, because he had sympathized with the Confederacy. In other words, the people of Missouri became so inflamed that they apparently reached the conclusion that it was better for sinners in Missouri to go to hell than to have their souls saved by the preaching of the gospel by a man who had sympathized with the Southern Confederacy.

But that is the kind of bill that was passed in 1965 and which is sought to be renewed for 5 more years by the Scott-Hart amendment. They nail shut the courthouse doors. They adopt an artificial formula to convict people. They pass an ex post facto law. They pass a bill of attainder. That is how inflamed we have become 100 years after the Cummings decision.

One of the greatest justices who ever sat upon the Supreme Court of the United States was Justice Field. He said something about the kind of climate in which bills of attainder and ex post facto laws are passed. I read from his opinion in Cummings against the State of Missouri, reported in 4 Wallace at page 277. On page 323 of this decision, Justice Field quoted a statement made by Mr. Justice Story with reference to bills like the one that prohibited one who had been a Confederate sympathizer in the past from preaching the gospel and one like the Voting Rights Act of 1965.

> Bills of this sort—

Said Mr. Justice Story—

> have been most usually passed in America in times of rebellion or greatest subserviency to the Crown or of violent political excitement, periods in which nations are most liable, as well the free as enslaved, to forget their duties and to trample upon the rights and liberties of others.

To bring Mr. Justice Story's statement down to date, I would paraphrase it to say bills of this sort are usually passed in times of greatest subserviency to pressure groups whose votes Senators and Congressmen seek.

Article I, section 9, clause 3 of the Constitution reads as follows:

> No bill of attainder or ex post facto law shall be passed.

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Now, what is a bill of attainder? It is defined in ex parte Garland, which is reported in 4 Wallace 333. It is defined in Cummings against State of Missouri, from which I have just quoted. It is also defined in simple language in the case of the *United States* v. *Lovett*, 328 U.S. 303. I quote the headnote 2(a) in the Lovett case:

> Legislative acts, no matter what their form, that apply either to named individuals or to easily ascertainable members of a group in such a way as to inflict a punishment on them without a judicial trial are bills of attainder prohibited by the Constitution.

This is clear: It is clear that the Voting Rights Act of 1965 constitutes both a bill of attainder and an ex post facto law, because an ex post facto law is a law which punishes someone for an act which was not a crime at the time the crime was committed. The Voting Rights Act punishes States, the people of the States, and the people of 39 counties of my State, by depriving them of the power to exercise a constitutional right which is secured to them by four separate and distinct provisions of the Constitution.

These cases say that you do not have to punish people criminally; you punish people within the prohibition of a bill of attainder whenever you deny them the power to exercise a right, whatever that right may be.

Let us see whether it applies to States. I would like to contrast the decision of the Supreme Court in *South Carolina* v. *Katzenbach*, 383 U.S. 301, with the decision of the Supreme Court when it handed down its most courageous and its most intelligent decision of all times, ex parte Milligan. The Supreme Court of the United States, speaking through Chief Justice Warren in the Katzenbach case, held that Congress could do exactly the opposite from what the Supreme Court of the United States held in ex parte Milligan. Justice David Davis said in that case, in reply to the argument that it had the right to suspend a civilian's constitutional right to trial by jury in times immediately after the Civil War and conduct the trial before a military tribunal, that the men who wrote the Constitution knew that what had been attempted in the past would be attempted in the future, unless it was prevented by irrepealable law, which the Government could not annul or suspend.

In replying to the argument that in those troublous days in our Nation's history Milligan's constitutional right to be tried by a civil court and a petit jury rather than by a military tribunal could be suspended, Justice David Davis said this, in substance: "No doctrine involving more pernicious consequences was ever invented by the wit of man than the notion that any provision of the Constitution could be suspended under any circumstances." So that decision freed Milligan from his death sentence imposed by a military tribunal.

When he wrote his opinion in South Carolina against Katzenbach, Chief Justice Warren nullified clause 3 of section 9 of article II of the Constitution. That article provides that no bill of attainder—not a single one—no bill of attainder applying to anybody or anything could be passed. So the Supreme Court would have had to strike down the Voting Rights Act of 1965 as an unconstitutional bill of attainder if it had held that the Constitution means what it says, and what it has always been interpreted to mean, namely, that no bill of attainder of any kind applying to anyone or anything can be passed.

But the way the Supreme Court dodged around—and I find no better word to express it—dodged the Constitution, was this—I quote from the Katzenbach case:

> The courts have consistently regarded the bill of attainder clause of Article I and the principle of separation of powers only as protections of individual persons and private groups—those who are peculiarly vulnerable to non-judicial determinations of guilt. See U.S. v. Brown, 381 U.S. 437; ex parte Garland, 4 Wallace 333.

Those are the two cases Chief Justice Warren cited to sustain his declaration that the prohibition on bills of attainder does not protect States.

Those two cases do not hold anything of the kind, and I challenge anyone in this Nation to find any decision prior to this one that says that the prohibition that no bill of attainder shall be passed does not protect States. The very definition used in all these cases is that it protects named individuals and individuals designated as a whole class of persons who are capable of being identified.

What does the word "State" mean, as set out in the Constitution? The word "State," as used in the Constitution, has been defined many times, but apparently Chief Justice Warren had never read about that, or he had forgotten about it if he ever did read it.

The clearest definition is that contained in the great opinion of Chief Justice Salmon P. Chase, in *Texas* v. *White*, 7 Wallace 700, and I shall read extracts from pages 720 and 721.

> Now, under every definition of the term "bill of attainder" to be found in any of the reports of the Supreme Court of the United States, or in any treatise of any textwriter on the subject, a bill of attainder is a legislative act, no matter what its form may be, that applies either to named individuals or to ascertainable members of a group, in such a way as to inflict punishment on them without a judicial trial.

Let us see if the people of a county or the people of a State are an identifiable class of human beings.

A State is not some kind of an intangible something, like an incorporeal heriditament floating around somewhere in outer space, as the Supreme Court of the United States, speaking through Chief Justice Warren, evidently assumed it was in the Katzenbach case.

> In the Constitution—

Says Chief Justice Salmon P. Chase in Texas against White, at page 721:

> In the Constitution, the term "State" most frequently expresses the combined idea just noticed, of people, territory, and government. A State, in the ordinary sense of the Constitution, is a political community of free citizens occupying a territory of defined boundaries, and organized under a government sanctioned and limited by a written constitution, and established by the consent of the governed. It is a union of such States under a common constitution which forms the distinct and greater political unit which that constitution designates as the United States, and makes of the people and States which compose it one people and one country.

Now, manifestly, a bill of attainder which is directed against a State is directed against the people of the State, and a bill of attainder which is directed against 39 counties is a bill of attainder directed against the people who are resident in those 39 counties. So it is just as obvious as the noonday sun in a cloudless sky that the Constitution means exactly what it said in clause 3 of section 9 of article 1, when it said:

> No bill of attainder or ex post facto law shall be passed.

In the Cummings case, Cummings was denied the right to preach the gospel because of a past act—sympathetic activities in behalf of the South. Garland, one of the greatest lawyers this country has ever known, was denied the right to practice law in the Federal courts because of his past act. And in the United States against Brown, the people, the union officials concerned, were denied the right to enjoy the benefits of the Taft-Hartley Act because of their past affiliations and with their present affiliations with the Communist Party. In each case there was a condemnation by legislative fiat without a judicial trial. In each case there was the denial as a result of this condemnation, to exercise a right or a privilege about which the parties invoking the protection of the bill of attainder and ex post facto law prohibition were concerned.

Now, what is the vice of a bill of attainder? Bills of attainder are very close akin to ex post facto laws, and sometimes the same legislative act constitutes both a bill of attainder and an ex post facto law; because, as the Supreme Court held in the Cummings and Garland cases, it is not the form of the punishment but the fact that there is punishment, and it is not whether it is a civil disability or a criminal punishment that makes it an ex post facto law or a bill of attainder. It is the fact that the punishment is made by legislative fiat without a judicial trial.

I read from Bernard Schwartz's recent book, "Rights of the Person," volume 1, page 164:

> The constitutional ban against bills of attainder was intended to prevent legislative trial and judgment in specific cases and the evil aimed at exists regardless of whether the sanction imposed be criminal in nature or not . . .
>
> It is not the nature of the deprivation, but the fact that a deprivation is being worked by the legislature upon a specified individual or group for misconduct on his or their part, without any trial or hearing before a tribunal competent to determine the question of guilt, that makes for a violation of the bill-of-attainder ban.

I read the following from pages 165 and 166:

> The essential aspect of the bill of attainder forbidden by the Framers is what is in substance trial by the legislature—evidenced by a legislative determination of guilt, without any trial or hearing in a court or administrative agency. What the bill-of-attainder ban reaches is action which amounts to legislative condemnation and punishment; as such, it is "a general safeguard against legislative exercises of the judicial function, or more simply—trial by legislature.

That is exactly the kind of trial they had under section 4(b) of the Voting Rights Act of 1965, which it is proposed to renew for 5 additional years. This bill, in effect, condemns States and counties and their election officials and their people if they had exercised their constitutional power under four sections of the Constitution to establish a literacy test, and if either less than 50 percent of their people of voting age registered in 1964 or less than 50 percent of their people of voting age actually voted in that election.

There is not a syllable in the Voting Rights Act of 1965 which is consistent with sound American tradition, which is consistent with fairplay, and which can be held consistent with the Constitution as interpreted by a court which was willing to give the Constitution the meaning its words convey and apply the precedents which were established by the Court itself prior to 1965.

One principle of fairplay is involved here, and it makes this act an ex post facto law; because a law which changes the evidence necessary to support a conviction or a condemnation after a fact is accomplished is an ex post facto law. So when this law was enacted in 1965, it abolished all the rules of evidence and said that a State or a county having a literacy test which fell under either category—less than 50 percent of voting age were registered or less than 50 percent of voting age voted in 1964—was condemned of violating the 15th amendment.

A State does not have the power to compel any citizen to register to vote. A State does not have the power to compel any citizen who has registered to go out and vote. By using the figures contained in section 4(b) of this act, one could condemn any State, on the basis of these figures of discriminating against more white people than against black people. Any State in the Union could come under that, because multitudes of people do not register, and multitudes of those who do register do not vote.

I have frequently told this story on the floor of the Senate because it illustrates the point when we deal with figures.

An old mountaineer in our county had been buying his groceries on credit. He went down to the neighborhood grocery store to pay his bill. The storekeeper told him the amount of his bill, and it seemed to be higher than the old mountaineer thought was right, so he started to protest.

The storekeeper got out his account books and spread them out on the counter and said, "Here are the figures, and you know figures don't lie."

The old mountaineer said, "I know figures don't lie, but liars do figure."

Not only do liars figure, but also, men who ordinarily are intellectually honest figure when they use figures to prove a point. Anything can be proved by figures. I could take the figures for registration and voting in any State of the Union; and on the basis that is used in section 4(b) of the Voting Rights Act, I could condemn those States of discriminating against multitudes of their citizens in the electoral process. But I do not believe in drawing inferences of that kind. It is bad enough for Congress to invent a formula for condemning the States for something they are powerless to prevent. They cannot force people to register. They cannot force people to vote.

One of the worst things about this bill is that it constitutes a rank prostitution of the judicial process. I do not know any other way to describe it. It says that these States and these counties which have been condemned by a congressional fiat, without a judicial trial, will continue to suffer under the disabilities imposed upon them by a specious formula, until they can come up to the District of Columbia and establish their innocence. I respectfully submit that when the Founding Fathers wrote the Constitution of the United States, they recognized that a man cannot get a fair trial when he has to produce witnesses in a court far removed from the place where the witnesses reside and where the witnesses are available; and yet, in this bill, Congress closed the door of every courthouse in the land to the States and the counties, except the District Court of the District of Columbia, and in the case of the States the Supreme Court of the United States.

This provision of the bill requires the transportation of witnesses to the District of Columbia for distances as great in some cases as a thousand miles. The court says that is all right, that Congress has the power to prescribe jurisdiction of the courts. It says that Congress passed the Norris-LaGuardia Act, depriving the courts of most of their equitable jurisdiction in labor controversies, but the court did not point out that the Norris-LaGuardia Act applied to every district court in the United States under exactly the same circumstances, instead of saying, as this act does, impliedly at least, that no district outside of the District of Columbia has enough character, or enough intelligence, or enough legal learning, or enough devotion to justice and truth to be allowed to try a case where a State or county seeks to escape from the congressional conditions of guilt.

It certainly is a far cry from the legal principle, like that which we have in North Carolina, where all courts are required to be open and where justice is not to be delayed or denied.

The pending amendment does nothing in the world but say that instead of having these trials in the District Court of the District of Columbia, Congress believes that Federal judges sitting in the capitals of the States which are condemned, or sitting in the districts in which are located the county which is condemned, are manned by men of character, men of legal learning, men who love justice, men who are just as capable of ascertaining the truth as judges in the District Court of the District of Columbia. As a matter of fact, I would say they have a far better opportunity to ascertain the truth because those courts that my amendment would permit to have jurisdiction of these cases sit in the areas where the witnesses who know something about the circumstances are available.

So, my amendment would simply open the doors of all the courthouses, and these are all courts of like jurisdiction, and give them the privilege of hearing these matters.

For the life of me I cannot understand how any man who loves justice, who believes that courts should act according to due process of law to those who are denied their rights, can oppose an amendment of this kind. There were many specious reasons given at the time of passage of this bill for denying all courts jurisdiction except the District Court of the District of Columbia. One was that was we needed a uniform interpretation. That was a specious reason, because we have 10 separate and distinct U.S. courts of appeals sitting in the 10 circuits handing down, in some cases, different interpretations of the law, and those interpretations are ultimately made uniform by appeals to the Supreme Court of the United States.

(At this point, Mr. DOLE took the chair as Presiding Officer.)

Mr. ERVIN. Mr. President, the truth is, and I say this advisedly, and I hate to say it, but the reason exclusive jurisdiction was vested in the District Court of the District of Columbia is because of the attitude of certain judges on questions of this kind.

Gaston County in my State is fair proof of that.

Gaston County, where within the memory of everyone living in North Carolina there has been no discrimination against any man in registering or

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voting on account of his race, came up here and asked for exoneration. The district court made a finding which would turn the most pronounced white supremacist green with envy, that because it had a segregated school system in Gaston County, that black people were handicapped in learning to read and write. They made a finding which meant this, if anything, that a black student cannot learn to read and write, or if he does learn to read and write, it is only with great difficulty, when he is taught by a black teacher in a school attended exclusively by other black students.

I deny the validity of that finding. I think it is an insult to the black race. I think it is not only an insult to the black race but it is also an insult to the courts of justice and an insult to justice itself.

My amendment asks very little. All it asks is that, in effect, we go on record as saying that Federal judges in Virginia, in North Carolina, in South Carolina, Georgia, Alabama, Mississippi, and Louisiana, all of whom have been confirmed by the Senate, have enough character, enough intelligence, enough knowledge of the law, and enough love for justice to be allowed to try these cases in the U.S. district courts sitting in the seven States where the witnesses are available.

It seems to me that is asking very little of the Senate. My amendment asks the Senate to give the States and trial judges, condemned by act of Congress rather than by judicial trial, access to the nearby courts to approve their innocence.

That is a plea, which Congress would not deny to a man charged with murder, rape, robbery, burglary, or any other crime.

I sincerely trust that Congress will not continue this exclusive jurisdiction in the District Court of the District of Columbia and, thereby, insult every Federal judge who happens to be an inhabitant of any one of the seven States in the Union.

Let us open the doors of the courthouses. Let us say once again, "For justice every season, summer, and every place a temple."

Mr. President, I appeal to the Senate to agree to the amendment.

Mr. STENNIS. Mr. President, will the Senate yield?

Mr. ERVIN. I yield.

Mr. STENNIS. Mr. President, I compliment the Senator and thank him for his very fine argument here.

As fine a justice as the Senator is and as learned in the Constitution as he is, he struck upon the fundamentals of our system of government. He struck at a vicious and discriminatory part of the pending bill.

Someday the Senator's argument will be heard. It is a great pity that not many Senators were present to hear the Senator. However, someday we will get back on the track.

Will the Senator yield me a few moments at an appropriate time?

Mr. ERVIN. Mr. President, I will do so after pointing out that in these cases the people really condemned are State election officials. They have said, in effect, that the bill of attainder clause does not protect State officials. Yet, in the United States against Lovett the same court held that the same clause does protect Federal officials.

I ask how in Heaven's name a bill could provide that a bill of attainder could protect Federal officials and not State officials. It shows where the discrimination is being practiced.

Mr. ALLEN. Mr. President, will the Senator yield?

Mr. ERVIN. I yield.

Mr. ALLEN. Mr. President, I commend the distinguished Senator from North Carolina on his very able, scholarly, and brilliant address.

I ask the distinguished Senator from North Carolina if these very sections of the Voting Rights Act—section 4(b) and 5—the Senator is seeking to modify or change are not the sections that caused Mr. Justice Black in the South Carolina against Katzenbach case to hold in a dissenting opinion that section 5 is unconstitutional and to point out that this very section 5 causes the States to come great distances to Washington and seek to get approval of a Federal court here?

Mr. Justice Black in his opinion compared this situation to the conditions that existed at the time of the Declaration of Independence. One of the grievances pointed out in that great document was the practice of King George III of requiring legislative and judicial bodies in the colonies to meet in distant places far removed from the places where they kept their records, and in that way seek to force the colonies to submit to his will.

Is that not the very section that the Senator is seeking to correct?

Mr. ERVIN. Mr. President, that is the practice that was given as one of the reasons why the colonies should sever their bond with the mother country. Another is that he took people beyond the seas to try them at a place far removed from where the case originated.

Mr. ALLEN. Mr. President, this is the kind of despotism that Mr. Justice Black compared to the despotism of King George III.

Mr. ERVIN. The Senator is correct. I will offer an amendment today in which I will give the legislatures of these seven States the right to do their own legislating without giving the Attorney General or the District Court of the District of Columbia the right to exercise veto power.

Mr. ALLEN. Mr. President, I thank the Senator. I ask the Senator if the amendment is not directed at section 4(b) of the act which requires a State to proceed in a Federal district court of the District of Columbia in order to come out from under the provisions of the act after not having been guilty of alleged discrimination for a period of 5 years—that being one phase of the matter, the other being the requirement that a State must come to Washington to get approval of its legislative acts.

Mr. ERVIN. A State has to come up here hat in hand and bow before the Attorney General of the United States to get permission to exercise a legislative power reserved to it by the fifth amendment to the U.S. Constitution.

Mr. ALLEN. Of course, the Senator's amendment still places that power in the Federal court. It does not remove it from the Federal court.

Mr. ERVIN. The Senator is correct. They have to establish their innocence. I give them the power to establish their innocence in a court of the United States that is presided over by a Federal judge appointed by the President of the United States and confirmed by the Senate of the United States before he took his seat.

Mr. ALLEN. Mr. President, I would certainly interpose no objection to the amendment. I hope the Senate will approve it be an overwhelming margin.

Mr. ERVIN. Mr. President, I thank the Senator. I yield the floor.

Mr. HART. Mr. President, I yield myself such time as I require.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. HART. Mr. President, the able Senator from North Carolina has brought to our attention again the concern he felt strongly should have required a different treatment at the time the 1965 act was adopted.

Notwithstanding his very effective argumentation, it was the judgment of the Congress that, for purposes of consistency and uniformity, the applications both for withdrawal from under the act and for changes in the election laws—if a State or county was under the act—should be subject to review by the district court of the District of Columbia, by three men sitting here in the District of Columbia.

The Supreme Court of the United States in the intervening several years has found that this was an appropriate exercise of judgment on our part. It does not quarrel with, but expresses understanding of the reasons that persuaded Congress to adopt the 1965 Act and to include in the act the provision about which the Senator from North Carolina complains.

We feel that promptness, uniformity, and consistency of application all argue for the approach that Congress took, the approach which the court has sustained.

For these reasons, I urge very much that the Senate, faced again with this proposition, maintain the position it took in the earlier debate and reject the pending amendment.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. On whose time?

Mr. HART. On the time allocated to the opponents.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clark proceeded to call the roll.

Mr. HART. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HART. Mr. President, I ask for the yeas and nays on the pending amendment.

The yeas and nays were ordered.

The PRESIDING OFFICER (Mr. PERCY in the chair). Who yields time?

Mr. ERVIN. Mr. President, how much time do I have remaining?

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The PRESIDING OFFICER. The Senator has 5 minutes remaining.

Mr. ERVIN. Mr. President, I would like to say that this is rather a queer world. In North Carolina, according to the figures, 426,955 whites are not registered and 245,925 blacks are not registered. Every one of those people, whether they could read and write or not has had 5 years to register. If this proves anything it proves North Carolina would be discriminating against whites rather than discriminating against blacks because far more whites are not registered than blacks. The truth is that North Carolina is not discriminating against anybody. Anyone of voting age who possesses the necessary qualifications for residence and age could register to vote for the past 5 years whether or not they could read or write.

Our literacy test is very simple. We print on a piece of paper the shortest clause in the North Carolina Constitution:

> Elections are to be free.

Then, we let the voter sit down and copy that. They give him as many hours as he want to copy it. Any child who knows his alphabet or any child who has gone to the fourth grade in school could do it.

This Voting Rights Act will not add a single person to the registration list of North Carolina. I oppose it because it is an insult to my State to say we are unworthy to be admitted to have access to our courts; that our judges are unworthy to be trusted.

This provision is not to attain uniformity of decisions under the act. I would say there is more divergence of view on the law among judges in the District of Columbia than in any other jurisdiction in the United States. If anyone does not believe that, he should read the decisions of the court of appeals of the District of Columbia.

As far as expediting matters is concerned, that is another argument totally lacking in validity. The docket of the District of Columbia is more congested than the docket of any other district court in the United States. Judges say the reason there is so much crime in the District of Columbia is that half the time they do not have enough courts to try the criminals. Therefore, why further congest those courts by bringing cases here that do not properly belong here and condemn people by legislative fiat by requiring them to come to the District of Columbia to establish their innocence?

Mr. President, I appeal to the Senate to adopt this very simple amendment and, as I say once more, proclaim—for justice all seasons—summer, and every place a temple.

I yield back the remainder of my time.

Mr. HART. Mr. President, there is no time on this side to yield back.

The PRESIDING OFFICER. All the time has been yielded back.

Mr. STENNIS. Mr. President, will the Senator yield?

Mr. HART. I yield.

Mr. STENNIS. The Senator from Mississippi wanted to make a few remarks and had so informed the Senator from North Carolina, who did not hear me.

The PRESIDING OFFICER. All time has been yielded back.

Mr. HART. Mr. President, I ask unanimous consent that 5 minutes be made available to the Senator from North Carolina.

Mr. ERVIN. I thank the Senator. That had escaped me.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STENNIS. Mr. President, I thank the Senator from Michigan and the Senator from North Carolina.

Mr. President, I heard the argument of the Senator from North Carolina in full. It ably and fully presents the entire matter in this serious question. I can hardly see how the Senate could pass on this matter with such scant attention. My remarks, by tone or content, are not of complaint but I direct myself only to one major point and I think that is the greatest mistake that we have made on any major bill since I have been in the Senate.

I speak of the law we passed here 5 years ago that had the provision in it of taking a step backward with reference to qualifications for voters. In other words, it destroyed all regulations whatever with reference to illiteracy. It makes no difference, in my thinking, with respect to that bill whether it be Indonesia, Canada, the United States, Mississippi, some country in South America, or anywhere else. Progress in our system of government can be made only with a more enlightened electorate. That day was one of the saddest days of my official life. That error was compounded, I respectfully submit, by votes here that were not willing to let the same law apply to their people in their own States; but rather singled out, as if punishing one area of the country. If not punishment, it is the result of unfairness. There was a willingness to impose this severe rule that goes to the very heart and soul and spirit of our self-government, on another area by those who were not willing to impose the same rules on their States.

I hope we get a better bill. I think some bill is going to pass but I hope we can have a better bill than we did 5 years ago. The Senator from North Carolina has so ably presented one of the major features.

With reference to the idea of the Senate not permitting the courts in the States to pass on these matters, the Senate has power with reference to these appointments. No one can become a judge until he receives the approval of the majority of this body. We are charged by the Constitution with this additional special responsibility.

How could we—just because it is the civil rights matter—come in here and take something lock, stock, and barrel that we ordinarily would not consider for 5 minutes, and close the doors of the Federal courts, courts over which we have a special responsibility in their selection? Why, it is a national disgrace.

I respectfully submit that I do not think such a measure would have passed here except in a moment of rashness when the Senate was so determined and the Congress so determined on the passage of anything labeled civil rights.

If this is going to be a precedent—as it will be to a degree—we will live to witness the day when States that are immune from the operation of this law will not be able to be immune next time from a law that is not sound fundamentally.

I thank the Senator again for yielding me time.

The PRESIDING OFFICER (Mr. Dole in the chair). All time on the amendment having been yielded back, the question is on agreeing to the amendment of the Senator from North Carolina (Mr. Ervin) to the Scott-Hart amendment in the nature of a substitute. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. STEVENS (after having voted in the affirmative). Mr. President, on this vote I have a pair with the Senator from Illinois (Mr. Smith). If he were present and voting, he would vote "yea." If I were permitted to vote, I would vote "nay." I withdraw my vote.

Mr. SPONG (after having voted in the affirmative). Mr. President, on this vote I have a pair with the senior Senator from Rhode Island (Mr. Pastore). If he were present and voting, he would vote "nay." If I were permitted to vote, I would vote "yea." Therefore I withdraw my vote.

Mr. KENNEDY. I announce that the Senator from Connecticut (Mr. Dodd), the Senator from South Dakota (Mr. McGovern), the Senator from Montana (Mr. Metcalf), the Senator from Rhode Island (Mr. Pastore), the Senator from West Virginia (Mr. Randolph), and the Senator from Georgia (Mr. Russell), are necessarily absent.

I further announce that the Senator from Alaska (Mr. Gravel) and the Senator from Washington (Mr. Jackson) are absent on official business.

On this vote, the Senator from Georgia (Mr. Russell), is paired with the Senator from Alaska (Mr. Gravel). If present and voting, the Senator from Georgia would vote "yea," and the Senator from Alaska would vote "nay."

I further announce that, if present and voting, the Senator from Washington (Mr. Jackson) and the Senator from West Virginia (Mr. Randolph) would each vote "nay."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. Baker), the Senator from Colorado (Mr. Dominick), the Senator from New York (Mr. Goodell), the Senator from Oregon (Mr. Packwood), the Senator from Illinois (Mr. Smith), and the Senator from Texas (Mr. Tower) are necessarily absent.

The Senator from Florida (Mr. Gurney) is absent because of illness in his family.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

The Senator from Idaho (Mr. Jordan) and the Senator from Ohio (Mr. Saxbe) are absent on official business.

If present and voting, the Senator from South Dakota (Mr. Mundt) would vote "yea."

The pair of the Senator from Illinois (Mr. Smith) has been previously announced.

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On this vote, the Senator from Texas (Mr. TOWER) is paired with the Senator from New York (Mr. GOODELL). If present and voting, the Senator from Texas would vote "yea," and the Senator from New York would vote "nay."

The result was announced—yeas 32, nays 48, as follows:

[No. 85 Leg.]

YEAS—32

Allen
Allott
Bellmon
Bennett
Byrd, Va.
Byrd, W. Va.
Cannon
Cooper
Cotton
Curtis
Dole
Eastland
Ellender
Ervin
Fannin
Fulbright
Gore
Hansen
Holland
Hollings
Hruska
Jordan, N.C.
Long
McClellan
Miller
Murphy
Sparkman
Stennis
Talmadge
Thurmond
Yarborough
Young, N. Dak.

NAYS—48

Aiken
Anderson
Bayh
Bible
Boggs
Brooke
Burdick
Case
Church
Cook
Cranston
Eagleton
Fong
Goldwater
Griffin
Harris
Hart
Hartke
Hatfield
Hughes
Inouye
Javits
Kennedy
Magnuson
Mansfield
Mathias
McCarthy
McGee
McIntyre
Mondale
Montoya
Moss
Muskie
Nelson
Pearson
Pell
Percy
Prouty
Proxmire
Ribicoff
Schweiker
Scott
Smith, Maine
Symington
Tydings
Williams, N.J.
Williams, Del.
Young, Ohio

PRESENT AND GIVING LIVE PAIRS, AS PREVIOUSLY RECORDED—2

Spong, for.
Stevens, against.

NOT VOTING—18

Baker
Dodd
Dominick
Goodell
Gravel
Gurney
Jackson
Jordan, Idaho
McGovern
Metcalf
Mundt
Packwood
Pastore
Randolph
Russell
Saxbe
Smith, Ill.
Tower

XUM

So Mr. ERVIN's amendment to the Scott-Hart substitute was rejected.

Mr. SCOTT. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. HART. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the Scott-Hart substitute.

Mr. ERVIN. Mr. President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The BILL CLERK. It is proposed to add a new section appropriately numbered, as follows:

> SEC. —. The first paragraph of section 4(b) of the Voting Rights Act of 1965 is amended to read as follows: "(b) The provisions of subsection (a) shall apply in any State or in any political subdivision of a State which (1) the Attorney General determines maintained on November 1, 1964, and on November 1 of each subsequent presidential election year, any test or device and with respect to which (2) the Director of the Census determines that less than 50 per centum of the persons of voting age residing therein were registered on November 1, 1964, or that less than 50 per centum of such persons voted in the presidential election of November 1964."

Mr. ERVIN. Mr. President, I shall not take more than 10 minutes, if that much, to explain the amendment. The purpose of the amendment is that any State which had a literacy test on the first of November 1964 and was condemned under section 4(b) of this act, which State abolished the literacy test, would be removed from coverage of the act.

I want to say to the Senate that if Senators do not want to take North Carolina out from under this coverage until the last lingering note of Gabriel's horn trembles into ultimate silence, then they should vote against the amendment.

Guilford County, in my State, elected a black representative to the North Carolina Legislature and he proposed a resolution to amend the North Carolina constitution to repeal the literacy test. The Legislature of the State of North Carolina approved that resolution and it will be submitted to a vote of the people in the forthcoming general election.

My amendment would allow North Carolina, or any other State which repealed its literacy test, to get out from under coverage of this act. Thus, any Senator who believes that North Carolina should be kept under the coverage of this act until the last lingering note of Gabriel's horn trembles into ultimate silence, he should vote against the amendment. But if any Senators believe that North Carolina should get out from under this act, he should approve the amendment. I ask that all Senators vote for my amendment.

Mr. SCOTT. Mr. President, the fault with this amendment is the same as that with previous ones. Aside from the fact that if the present formula works, tinkering with it would put upon the proponents of the change a burden of proof to indicate why multiplication would be necessary, and what counties or States would be left under the triggering device. The proposal in the amendment leaves all this very much in doubt. By contrast, the present formula is accurate, and, therefore, the amendment is confusing.

Moreover, there is nothing to prevent a State from removing a literacy test on a certain month just before election and then reinstituting it so that there would be a literacy test at the next election. Therefore, the proposal is simply another device to evade compliance with the law. I think it has no more merit than the previous amendments offered. There is a desire, and an understandable desire, to remove certain counties in North Carolina from the impact of this act but it would not remove other counties. Therefore, I think it is somewhat regional in its effect and I ask that the amendment be rejected.

Mr. ERVIN. The Senator from Pennsylvania is a very ingenious man. The North Carolina literacy test is in the Constitution. Once taken out of the Constitution, it will not be there any more. Under the amendment, it provides that at any subsequent presidential election, upon the first day of November, if North Carolina does not have a literacy test, it would no longer be under this act. The Senator from Pennsylvania says that we might reinstate the literacy test between the first day of November and the first Tuesday in November. The constitutional processes in North Carolina do not operate quite that fast.

I have engaged in a most profound study on this subject and have summoned to my aid the wisest men I could find on the Washington scene and attempted to get and devise an amendment that even the distinguished Senator from the great State of Pennsylvania could vote for. But I find that I have not persuaded him.

Thus, I would say to Members of the Senate, again, that all Senators who believe that North Carolina should be exempt, or any other State should be exempt from this law when it abolishes a literacy test, which is the only reason it is included in the law, is to vote for my amendment; but I hope that every Senator who thinks like the Senator from Pennsylvania, that North Carolina should be kept under bondage until the last note from Gabriel's horn trembles into ultimate silence, should, as the Senator from Pennsylvania intends, vote against the amendment.

Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. MILLER. Mr. President, will the Senator from North Carolina yield for a question?

Mr. ERVIN. I am happy to yield to the Senator from Iowa for that purpose.

Mr. MILLER. If I understood correctly the Senator's amendment, which I do not believe is printed, it reads substantially as follows:

> (a) shall apply in any State or in any political subdivision of a state which (1) the Attorney General determines maintained on November 1, 1964 and *on November 1 of each subsequent presidential election year*, any test or device . . .

I interpret that to mean that a State has not only to have had a test on November 1, 1964, but on November 1, 1968, and on November 1, 1972, completely on out. If a State did not have one on any one of those presidential years, then the State would not be covered.

Mr. ERVIN. That is correct.

Mr. MILLER. That would be my interpretation of it, and I understand the Senator has so stated. But what concerns me is, suppose there is a State that did not have a test or device on November 1, 1964, but did have one on November 1, 1968, or does have one on November 1, 1972.

Mr. ERVIN. My amendment would not deal with that situation at all. It deals only with one date, November 1, 1964, and one on November 1, 1968, but any State after November 1—in the past—which after November 1, 1968, abolished the literacy test, would be removed from coverage of the act, provided the Attorney General found that abolition of the literacy test was not discriminatory; otherwise, it would stay the law forever.

Mr. MILLER. I thank my colleague from North Carolina for his answer. My suggestion would be, however, that I am concerned about a State that did not have one, that is a literacy test, on November 1, 1964, but could well have had one on November 1, 1968, and may have one in 1972. I think that the use of the word "and" in the Senator's amendment brings that result about.

Mr. ERVIN. This would affect only a State that had a literacy test on November 1, 1964, but which thereafter abolished the literacy test. That is the only change it makes in the law. I think this is a very reasonable amendment, frankly.

Mr. SCOTT. The Senator from North Carolina has been perfectly candid about his amendment. They had a literacy test in November 1964. They abolished that literacy test. Therefore, they say, "Take us out from under the operation of this act."

Mr. ERVIN. We have not abolished it yet. The people will vote on it in November of this year.

Mr. SCOTT. They expect to abolish it shortly. They say, then, "Take us out from under operation of the act." This is a piecemeal approach, whereby if the amendment would be so formulated as to take first one State out of operation of the act and then another, this would be an attempt to accomplish piecemeal what some of the other amendments have attempted to accomplish en bloc.

Again, as the Senator from Iowa has pointed out, it does not protect against future action whereby a State might reimpose the literacy test.

I say the amendment should not stand.

Mr. ERVIN. Mr. President, I yield back the remainder of my time.

Mr. SCOTT. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time having expired, the question is on agreeing to the amendment of the Senator from North Carolina. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. KENNEDY. I announce that the Senator from Connecticut (Mr. Dodd), the Senator from Minnesota (Mr. McCarthy), the Senator from South Dakota (Mr. McGovern), the Senator from Montana (Mr. Metcalf), the Senator from West Virginia (Mr. Randolph), the Senator from Georgia (Mr. Russell), the Senator from Maryland (Mr. Tydings) are necessarily absent.

I further announce that the Senator from Alaska (Mr. Gravel), and the Senator from Washington (Mr. Jackson), are absent on official business.

On this vote, the Senator from Georgia (Mr. Russell) is paired with the Senator from Washington (Mr. Jackson). If present and voting, the Senator from Georgia would vote "yea" and the Senator from Washington would vote "nay."

I further announce that, if present and voting, the Senator from West Virginia (Mr. Randolph) would vote "nay".

Mr. SCOTT. I announce that the Senator from Tennessee (Mr. Baker), the Senator from Colorado (Mr. Dominick), the Senator from New York, Mr. Goodell), the Senator from Oregon (Mr. Packwood), the Senator from Illinois (Mr. Smith) and the Senator from Texas (Mr. Tower) are necessarily absent.

The Senator from Florida (Mr. Gurney) is absent because of illness in his family.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

The Senator from Idaho (Mr. Jordan) and the Senator from Ohio (Mr. Saxbe) are absent on official business.

The Senator from Michigan (Mr. Griffin) is detained on official business.

If present and voting, the Senator from South Dakota (Mr. Mundt) would vote "yea."

On this vote, the Senator from Texas (Mr. Tower) is paired with the Senator from New York (Mr. Goodell). If present and voting the Senator from Texas would vote "yea" and the Senator from New York would vote "nay"

The result was announced—yeas 26, nays 54, as follows:

[No. 86 Leg.]

YEAS—26

Allen
Bellmon
Bennett
Byrd, Va.
Byrd, W. Va.
Curtis
Dole
Eastland
Ellender
Ervin
Fannin
Fulbright
Hansen
Holland
Hollings
Hruska
Jordan, N.C.
Long
McClellan
Murphy
Sparkman
Spong
Stennis
Talmadge
Thurmond
Young, N. Dak.

NAYS—54

Aiken
Allott
Anderson
Bayh
Bible
Boggs
Brooke
Burdick
Cannon
Case
Church
Cook
Cooper
Cotton
Cranston
Eagleton
Fong
Goldwater
Gore
Harris
Hart
Hartke
Hatfield
Hughes
Inouye
Javits
Kennedy
Magnuson
Mansfield
Mathias
McGee
McIntyre
Miller
Mondale
Montoya
Moss
Muskie
Nelson
Pastore
Pearson
Pell
Percy
Prouty
Proxmire
Ribicoff
Schweiker
Scott
Smith, Maine
Stevens
Symington
Williams, N.J.
Williams, Del.
Yarborough
Young, Ohio

NOT VOTING—20

Baker
Dodd
Dominick
Goodell
Gravel
Griffin
Gurney
Jackson
Jordan, Idaho
McCarthy
McGovern
Metcalf
Mundt
Packwood
Randolph
Russell
Saxbe
Smith, Ill.
Tower
Tydings

So Mr. Ervin's amendment was rejected.

ORDER OF BUSINESS

Mr. SCOTT. Mr. President, would the distinguished majority leader be willing to discuss with me the state of the Union at this point?

The PRESIDING OFFICER. Does the Senator from Montana wish to discuss the state of the Union?

Mr. MANSFIELD. Mr. President, it is pretty much an all-embracing subject, but I will try to confine my discussion to this Chamber.

If I am not considered impertinent, I wish to ask the distinguished Senator from North Carolina how many more amendments he has.

Mr. ERVIN. Mr. President, in response to the Senator's question, I would first like to observe with respect to the state of the Union, that the Union is in a much stronger state than the Confederacy or the Constitution. I have several more amendments I could offer.

Mr. MANSFIELD. That is good enough. We just wanted an idea.

Mr. PASTORE. If the Senator will yield, the Senator from North Carolina said he had several amendments he "could" offer.

Mr. MANSFIELD. When I am ahead I do not push it.

Mr. ERVIN. I am not at all reluctant to give the Senate an opportunity to do right. If Senators do not avail themselves of it, it is not my fault.

Mr. MANSFIELD. The Senator is one of the most sagacious Members of this body.

If I may have the attention of the distinguished Senator from Kentucky, would the Senator from Kentucky agree to the same time limitation that applies to the Ervin amendments and the Mansfield amendment, which is 2 hours, 1 hour to a side?

Mr. COOPER. I certainly would.

Mr. MANSFIELD. Mr. President, I make that request with respect to the Cooper amendment.

The PRESIDING OFFICER (Mr. Hansen in the chair). Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, it is my understanding that the junior Senator from Alabama (Mr. Allen) has an amendment, which may or may not be called up immediately. I understand the Senator from Tennessee (Mr. Baker) has an amendment on which he may agree to a limitation tomorrow. The Senator from Iowa (Mr. Miller) has an amendment, I understand.

So I would hope that we would stay in session until a reasonable hour this evening and continue the good work which we have been doing as far as casting votes is concerned, regardless of what happens beyond, in order that we may get as much business out of the way as possible.

ORDER FOR ADJOURNMENT TO 10 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until 10 o'clock tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I hope it would be possible to finish consideration of this bill by Wednesday or Thursday, and then immediately to go into the Carswell nomination. That is about the best I can say at this time on the stated subject.

Mr. SCOTT. Mr. President, I would make very much the same expression of desire. No Senator wishes to interfere with the opportunity of any Senator to offer amendments, but so far as we know now on the part of the joint leadership, we have mentioned all of which we are aware.

Mr. President, I ask unanimous consent to have printed at this point in the Record a letter to me, under date of March 8, 1970, from Theodore M. Hesburgh, Chairman of the U.S. Commission on Civil Rights, which I will discuss at a later time.

There being no objection the letter was ordered to be printed in the Record, as follows:

XUM

U.S. Commission on Civil Rights,
Washington, D.C., March 8, 1970.
Hon. Hugh Scott,
U.S. Senate,
Washington, D.C.

Dear Senator Scott: I am writing you today to express to you the Commission's concern that the Senate vote to extend the Voting Rights Act of 1965 undiluted by destructive amendments. It is our belief that the Scott-Hart substitute would accomplish this and provide, in addition, other beneficial provisions.

The Commission met today for its regular monthly meeting. At this meeting, we discussed the current status of legislation to extend the Voting Rights Act. Because of the continual attention given to voting rights by the Commission since its creation in 1957, we all are familiar with the issues involved and we all feel a deep personal commitment to this cause. It is in this context that I would like to tell you what we feel are the basic questions involved.

H.R. 4249 removes Section 5, the preclearance provision, from the Voting Rights Act. In its place it proposes a provision which adds nothing to the existing powers of the Attorney General to protect voting rights. When Section 5 was passed in 1965, we, and the Department of Justice, believe that we finally had found an effective method to end the never-ceasing attempts of many Southern States to deny to their black citizens the right to vote. Experience has confirmed this belief. Nor have we seen evidence that the need for this method has come to an end; the record before the Senate makes this clear. We also find no evidence to support the suggestion that Section 5 is burdensome either on the States and political subdivisions affected by it, or on the Department of Justice.

XUM

It has been proposed that the Voting Rights Act's "trigger" be "updated" by the use of 1968 rather than 1964 presidential election statistics. This proposal has a false attraction and is based on faulty logic. The choice of a voter turnout rate or a registration rate of less than 50 percent in the presidential election of 1964 did not constitute a benchmark from which progress in voter registration and turnout was to be measured. The 1964 formula was the basis for a presumption that the right to vote was being denied on account of race or color in the affected States. Progress made under the Act is not a sufficient reason to discard the protection provided by the Act. The fact that—with the presence, or with the constant threat of the presence, of Federal voting examiners—black registration has increased in the seven States primarily affected by the Act is not evidence that need for the protection of the Act has evaporated. There simply has not been enough time under the 1964 formula to establish a tradition of effective black political participation. It is necessary, therefore, to extend the 1965 Act intact for another five years.

It is argued, finaly, that the Voting Rights Act is "regional" legislation. There is daily evidence of legislation that does not have the same impact or effect in every State. Defense spending, dams, agricultural support payments, urban renewal, impacted aid to education—all are at widely different levels in different States. The greatest impact of the Voting Rights Act has been in the South because that is the area of the greatest problem. We should keep in mind, however, that the Act has had varying degrees of effect on the States of Alaska, Arizona, Hawaii, Idaho, and New York, and has provided the basis for a lawsuit in my own State of Indiana.

The Commission strongly urges you to support the extension of the Voting Rights Act of 1965 without weakening its essential provisions.

Sincerely,

Theodore M. Hesburgh,
Chairman.

"THE HARP OF THE WEST"—SPEECH OF JENKIN LLOYD JONES, PRESIDENT, CHAMBER OF COMMERCE OF THE UNITED STATES

Mr. ALLOTT. Mr. President, in this great country of ours, composed of sons and grandsons and great grandsons and daughters of people of many, many races, descendants from those countries have a day which they celebrate here. The Italians in the country celebrate October 12 as Columbus Day. Of course, the Irish celebrate March 17 as St. Patrick's Day. But a little less known day celebrated in this country is March 1, which is St. David's Day, the day of the Welsh patron saint.

On February 28, St. David's Day falling on Sunday this year, Mr. Jenkin Lloyd Jones, president of the Chamber of Commerce of the United States, and editor and publisher of the Tulsa Tribune delivered an address before the St. David's Society of Washington, D.C. This paper is very informative concerning Welsh history and Welsh characteristics. It shows some of the flavor of the true Welshman, as Mr. Jones describes himself, in a great display of the use of words and alliteration. It has a delightful way of bringing human words and speech to the ear and mind.

Because of the interest which I am sure many people will have in the speech, I ask unanimous consent to have included in the Record as a part of my remarks the speech made by Jenkin Lloyd Jones, entitled "The Harp of the West."

There being no objection, the address was ordered to be printed in the Record, as follows:

The Harp of the West

(By Jenkin Lloyd Jones)

In the opening lines of the first canto of Lady of the Lake, Sir Walter Scott spoke of "Harp of the North that mouldering long has hung," and he expressed his determination to strike a few chords upon it in commemoration of the ancient heroes of the clans of Scotland.

Tonight we of Welsh descent have come together to strike some chords upon the Harp of the West. We have come to see once more the walls of Camelot, the misty towers of high Tintagel, and to hear the faint echoes of the defiant cry raised by the Men of Harlech.

Fourteen centuries ago St. David established the first of his 52 churches in what is now Cardiganshire. And it was from Cardiganshire that my ancestors emigrated to America 125 years ago. So, perhaps, St. David was an ancient neighbor.

George Santayana once said, "A man must know from whence he comes."

This is not necessarily the same as the sterile worship of one's ancestors. Noble tradition is what makes scared men stand fast. It keeps tempted men honest and angry men humane. The search for noble traditions provides a rationale for better living. As a man from Illinois once said, "It is altogether fitting and proper that we should do this."

But those of us who sing of ancient tribes from which we sprang tend to fall into a counter-evil. You might call it the Confederate Syndrome. The Confederate Syndrome comes about when a side that has been beaten with all the selective hindsight of frustration and rage, begins to imagine that all the virtues were lodged with the vanquished and all the vices with the victors.

Thus there arose in the American South the legend of the gay cavaliers, the snow-white womanhood, and the black-hearted, cowardly Yankees—all of which had its comfort factor, to be sure, but it wasn't exactly history.

You remember how Bobby Burns describes the wife of tippling Tam O'Shanter as "nursin' her wrath to keep it warm." Well, we have all kinds of people in this world nursin' their wrath.

No two peoples which have lived next to each other for a millenium lack authentic atrocities. Human beings do misbehave and those with long memories are condemned to live their lives in high dudgeon.

The most wonderful thing about America was that in the scramble for new riches, in the struggle to tame the wilderness lions and lambs became so busy with the hauling and the chopping that they forgot they were not supposed to live in peace.

Their offspring intermarried. The Hatfields and the McCoys became the Coyfields and the McHats. America was blessed by a long drink from the fountain of Lethe—a miraculous forgetting of Old World angers. Nothing sweetens life like a statute of limitations on one's hates.

It was with sadness, therefore, that I read the other day of a group of young Welsh demonstrators who had been caught in some senseless act of sabotage in London, and who were loudly demanding, in perfect English, a complete trial in the Welsh language.

I am well aware that Wendell Willkie's hopeful "One World" has been shot to atoms. His happy assumption that after World War II the peoples of the world would coalesce into larger, harmonious units turned out all wrong. We have been overcome by the separation madness.

The new states of Africa are degenerating into tribal enclaves. India is hopelessly divided and may subdivide again. The lighthearted rioting, which has been a tradition of little Ulster, has recently turned to murder. Our Black Panthers, once integrationists, have now reversed their field and want to set up an all-black nation. The Caribbean federation lasted just three months. And even conservative Scots applauded the swiping of the Stone of Scone as though this collegiate jape somehow revenged Culloden.

But of all irrational behavior brought about by the Confederate Syndrome nothing is more idiotic than the lunatic fringe of the Welsh separatists who dream, indeed, of a separate state and the reimposition of the Welsh language as the normal communication among its people.

In pursuit of this thesis I would like to lay down several propositions:

1. The Celtic peoples have been a great deal more successful than the sentimental mourners among them seem to imagine.

2. Much of this success has been due to the welding of their peculiar talents to wider literatures and broader methods of communication.

3. In the particular case of the Welsh, every time the Welsh genius tended to stultify itself by the rigidity of form it was jolted out of its rut by the force of the neighboring English culture.

4. Even the evil things that happened to Wales during the Industrial Revolution—the absentee landlordism, the miserable coal pits, the dirty foundries, the wage exploitation—in many cases turned out to be blessings in disguise, for they sent the Welsh forth into the world with marketable skills.

Weep not for the Celts. They conquered all of Spain as far south as Cadiz. They took northern Italy and had to be bought off by Roman gold. They levied tribute on the Byzantines. Although their kingdoms died quickly and their blood was absorbed into the native veins who can tell how much vigor they added to humankind?

A branch of them, the Brythons, overcame the primeval tribes of southern Britain, and they, in turn, were defeated by Caesar. To be defeated by Caesar was sort of like losing a hole to Jack Nicklaus or getting knocked down by Joe Louis. In other words, the Brythons fell to the finest pros. One wing fled into Cornwall, another to the mountains of Wales.

But it is a mistake to imagine that their defeat was complete. Their first cousins, who stayed in Brittany, made common cause with William of Normandy and probably supplied that weight that changed history on the beach at Hastings. One quarter of the small English army that won so brilliantly at Crecy consisted of Welshmen.

And let us not forget that it was a charming Welsh adventurer, one Owen Tudor, who attached himself to the household of the English Queen Catherine, and who succeeded in having five illegitimate children by her before anyone seemed to notice. This feat, unprecedented in history, began the Tudor dynasty which resulted in five monarchs.

It doesn't do to grow oversentimental about the Tudors, even if they were Welsh. They had small idiosyncracies, and heads rolled in all directions. But when Henry VII came to the throne he owed the King of France 40,000 livres. And when he left it he was not only highly solvent, but deep in the loan shark business.

I like to think that it was this peasant Welsh canniness that moved England away from the romantic blood bath of the War of the Roses and put her on the path of glory. Certainly by the time Elizabeth Tudor closed her eyes in 1603 the great days of the empire were well begun.

Far from taking much satisfaction in the Tudors, however, many professional Welshmen prefer to mourn two earlier Welsh princes who strove valiantly to throw off the British yoke and didn't quite make it.

There was Llewelyn Gruffyd who had 22 years of success before Edward I crushed him in 1277. And there was the sainted Owen Glendower, who, beginning in 1400, was able to maintain a court of sorts for 16 years before the roof fell in.

Had these gentlemen succeeded, Wales would have become another Albania, a mountainous fossil with a pickled culture. Because they failed, Wales was able to draw upon the sweetness of its differentness, without tasting the bitter dregs of stagnation.

Let me illustrate:

The eistedfodd, which goes back at least to the 12th century, was far more than a song-fest. It was an effort at quality control. It sought to classify the wandering minstrels according to degrees of excellence in the rigid bardic tradition. Those judged to have the least talent were regarded as mere tramps and ordered to lay down the lyre and pick up the ax or the scythe.

This was a noble aim, but so rigid were these bardic rules that men of imagination and ingenuity were discouraged, too. H. I. Bell of the British Museum, in his book on Welsh Poetry, draws that parallel with the iconography of medieval Greece which became so form-ridden that El Greco fled first to Venice and then to Spain.

It was, therefore, hardly coincidental that half a century after the defeat and death of Llewelyn, during a period when Norman influence had successfully muscled its way into South Wales, a new, lyric voice, that of Dafyd ap Gwilym, came out of this Norman-Welsh society. The old shackles were struck away and Welsh poetry leaped forward once again.

The tales of Chaucer filtered across the marches. The new power and vividness of Shakespeare and Marlowe and Ben Johnson washed against the hills of Wales. And so while the purists mourned the eclipse of old Welsh forms, what they were really witnessing were the seismic shocks of a neighboring genius. It had to happen to Wales. It was lucky that it did.

The important thing is not whether one speaks Welsh, but whether one speaks Welshly. I had always heard that the Welsh included a high percentage of people who have a way with words. But I never grasped it until one June Sunday morning when I stepped out of a rented car and entered the village church of my ancestors near the crossroads of Pren-Gwyn.

I understood nothing said by the earnest young preacher. But my spirits soared with his onomatopoeia, his alliteration, his lilting dectyis and sonorous spondees.

It had to be a good sermon, whether the text was from Genesis or Revelations. I was fortunate in the sense that the opera goer is fortunate who doesn't understand the language of the arias. One can concentrate on the music, and that was what the sermon was—music.

Welshmen who speak Welshly can ornament any language in the world. David Lloyd George wowed the British hustings by English spoken Welshly. Aneurin Bevan rose from the back bench seat representing Ebbw Vale and rocked the British Parliament speaking English Welshly. Dylan Thomas, in his brief sad hour, packed the students to the rafters all over the world as he read English Welshly. Whatever Richard Burton said to Elizabeth Taylor, I'll bet he said it Welshly.

But—and let's never forget this—had it not been for the English language these men would have lived obscurely. English was their window on the world.

It is a family tradition that when my great-Grandfather emigrated from Wales in 1845 he had two motives. As a small farmer he had sought to supplement his meager income by making hats during the long winter evenings—strong hats that he proudly stood on at the country fairs. Then someone over in Lancashire invented a hat machine and that finished another cottage industry.

Secondly, he was a defiant Unitarian, and as he, his wife and seven children marched home from church, his Methodist neighbors threw eggs at them. This outraged him on two counts—first, because it was an affront to freedom of the spirit and, second, because he could have used the eggs.

In those days, few Welsh peasants spoke English. On the day the family climbed aboard the ship at New Quay great-grandpa could talk to 800,000 people. Three years later he could have talked to 100 million. And today that new tongue is the lingua franca of the world. It is the No. 1 favorite of all language classes. It is the standard communication from every international airport control tower. It has replaced Latin as the language of culture, Italian as the language of the arts, French as the language of diplomacy, and German as the language of science. Happy is he who born into English. And the fact that the Welsh were dragged in—kicking and screaming—makes it no less a blessing.

Much has been written about the cruel industrial revolution and how it afflicted Wales. At the beginning of the 19th century Wales was a peaceful, pastoral little nation, its population spread evenly along the valleys and green slopes.

Then the age of steam discovered the great South Wales coal fields, right on navigable water. It was a cruel coal, quick to explode and one that powered the lungs with slow death. It sucked the population out of the rural cottages. It concentrated it in the jammed valleys where the piles of slate under the huge pit wheels threatened to engulf, and sometimes really did engulf, the dismal houses of the miners.

By 1880 Wales was exporting more coal than any country in the world. And the foundries had come. For a brief time the 20-mile strip from Pontypool to Hirwaun was the greatest iron-producing region on earth. For another brief hour Wales held virtually a monopoly on tin plate.

It couldn't last, of course. It didn't. Too many other parts of the world had superior natural resources. And the decay was painful—the cutting of the pay, the impoverishment of the company towns, the miserable queue-ups for dole. It is fashionable, in the tradition of "How Green Was My Valley," to look upon the short-lived Welsh industrial boom as a disaster.

Let me object. In countless thousands of cases it proved the Emancipation Proclamation for a locked-in peasantry.

Welshmen learned to gouge out coal right at the moment the world began to hunger for it. And so they went forth to show others how to do it. Welsh miners from Pennsylvania helped dig the huge powder magazine beneath the Confederate lines at Petersburg that came within an acre of ending the Civil War six months sooner.

Check over the old coal towns of America—Nanty Glo, Evans City, Hughesville, Bala Cynwyd, Griffithsville—yea, even Jenkinjones.

It is a step from digging coal to shoveling it into a firebox. It is another step from the shovel to the throttle. Welsh stokers went forth upon the high seas. In a few seasons they came back as second engineers and in a few seasons more as chiefs. The steam engine was an ugly, sweaty, oily thing but the Welsh had a feel for it.

The Welsh started with the hammer mills and grew through the open hearths and the converters to the difficult art of the continuous strip. Nearly every spot on earth that moved into the age of steel hired Welshmen.

It is easy to rhapsodize about the halcyon life of the Welsh countryman a century and a half ago. It wasn't so halcyon. Those hills were steep, those pastures small, those fields rocky. Practically every one of us who is here tonight is here because some desperate ancestor sought an alternative to the old, Welsh ways.

But even when the gray oceans were passed over, and the language was lost, and the new generation played in the school yards with the Murphys and MacTavishes, the Saxes and D'Antonios there remained the echo of what Tennyson called "old, forgotten far-off things and battles long ago."

This brings us back—even from the distant reaches of Oklahoma, which is eight times as large as Wales. There is that fey quality that hauled from Pembroke to the plains of Salisbury the stones of Stonehenge. There is the dim tradition of Taliesin, a contemporary of Merlin and nearly as hazy, that has endured into Methodist hymns. There is the faint echo of bearded men in crude leather armor, beating their swords on their shields and boasting before the smoky fires of primitive castles.

And across the wastes of time comes the song of Hywel ab Owain, prince of Gwynedd:

"I love today the land hated of England, the bright land, and within its border many a grove . . . . I love its sea marsh and its mountains, its fortress on the forest edge and its sunny leas. I cherish its white seagulls and lovely women; I love its warriors and its well-trained horses, its fastnesses and dwellings. And I love its fields and the fine clover that covers them, where great deeds won glory."

It has been eight centuries since the Prince sang this song. And here we gather on St. David's Eve in a mighty capital a quarter of a world away to remember.

For it is a proud thing to be a Welshman.

EXPRESSES OUTRAGE AT BUSING INCIDENT

Mr. ALLOTT. Mr. President, I want to join with President Nixon, Vice President

XUM

AGNEW, and other outraged Americans in expressing my concern at the recent assault on a schoolbus in Lamar, S.C.

This attack was cowardly, mad, and barbaric. Most of all, it was stupid beyond belief.

I cannot imagine a more disgusting spectacle than these putative adults—all of them demonstrable mental and moral midgets—attacking a school bus.

First they attacked this vehicle with clubs and chains, smashing the windows and spraying the children inside with broken glass. When they grew weary of beating on the bus and terrifying the children, they overturned the bus.

Were it not so utterly despicable, there would be something pathetic in this. Imagine adults venting their dumb rage on a piece of yellow metal.

Mr. President, I am glad to see that the Governor of South Carolina has denounced this outrage in the strongest language, and has undertaken a vigorous investigation that promises to bring the culprits to justice.

I am happy to see that the Senator from South Carolina (Mr. THURMOND) is speaking in the same vein.

I know the Federal Government is lending whatever aid is required.

I am sure the perpetrators of this montrous attack are not representative of the people of their State. However, they are representative of the spirit of malignant extremism that afflicts a minority in every region of the country.

The people of Colorado have had some experience with this kind of sickness. Last month in Denver more than 40 schoolbuses were dynamited in a parking lot.

Fortunately, this attack, which occurred early in the morning, did not involve children. But it had one thing in common with the attack in South Carolina. It was cowardly.

This is the way weak and cowardly people behave when they dislike some aspect of public policy. They do not have the courage, the patience, or the respect of their fellow citizens that would enable them to petition for redress of grievance in an orderly manner.

Instead, they skulk about in the early morning darkness, or they lose themselves in a rolling mob. Such mean-minded people mistake a temper tantrum for politics. They cannot be ignored. On the contrary, they must be prosecuted to the full extent possible. But we must not allow them even the slight triumph of distracting us from the orderly discussion and resolution of our differences.

If these sick people succeed in polarizing the community, they will have succeeded in their major objective, which is disrupting our community life.

There is a minority in this country—a tiny but potentially lethal minority—which is determined to bypass the normal political process and to make a shambles of our judicial process. If we respond to them severely but calmly, they will fail. If we respond with frenzy and misplaced recrimination, then the extremist minority will achieve its despicable ends.

XUM

AUTHORIZATION OF ADDITIONAL FUNDS FOR THE LIBRARY OF CONGRESS JAMES MADISON MEMORIAL BUILDING

Mr. JORDAN of North Carolina. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 2910.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 2910) to amend Public Law 89–260 to authorize additional funds for the Library of Congress James Madison Memorial Building, which was, after line 10, insert:

> SEC. 2. Nothing contained in the Act of October 19, 1965 (79 Stat. 986), shall be construed to authorize the use of the third Library of Congress building authorized by such Act for general office building purposes.

Mr. JORDAN of North Carolina. Mr. President, I move that the Senate concur in the amendment of the House.

Mr. COOPER. Mr. President, will the Senator yield?

Mr. JORDAN of North Carolina. I yield.

Mr. COOPER. This deals with an amendment placed on the bill by the House. Is that correct?

Mr. JORDAN of North Carolina. That is correct.

Mr. COOPER. This amendment does not increase the funds which had been authorized for the Congressional Library?

Mr. JORDAN of North Carolina. The amendment of the House merely provides that the funds cannot be used for another House Office Building.

Mr. COOPER. The amendment provides that the money cannot be used for another office building for the Congress. Is that correct?

Mr. JORDAN of North Carolina. That is correct.

Mr. SCOTT. Mr. President, if the Senator will yield, the Senator from Kentucky is the ranking Republican member of the committee. I am perfectly content with his assurance and the assurance of the chairman. I understand some members of the committee are absent, but I cannot conceive that they would have any objection to this measure.

Mr. JORDAN of North Carolina. The measure passed the Public Works Committee unanimously and the Senate unanimously. The amendment before us is just a little amendment put on the bill by the House.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from North Carolina that the Senate concur in the amendment of the House.

The motion was agreed to.

VOTING RIGHTS ACT AMENDMENTS OF 1969

The Senate resumed the consideration of the bill (H.R. 4249) to extend the Voting Rights Act of 1965 with respect to the discriminatory use of tests and devices.

AMENDMENT NO. 540

Mr. SCOTT. Mr. President, may I inquire of the Senator from North Carolina if he wants to be recognized?

Mr. ERVIN. Yes. I wish to call up another amendment. However, I am willing to yield to other Senators for that right, if they want to avail themselves of that right. If not, I call up my amendment No. 540 and ask that it be stated.

The PRESIDING OFFICER. The amendment of the Senator from North Carolina will be stated.

The bill clerk read amendment No. 540 as follows:

> Add a new section, appropriately numbered, as follows:
>
> SEC. —. That section 5 of the Voting Rights Act of 1965 (42 U.S.C. 1973c) is amended to read as follows:
>
> "SEC. 5. Whenever a State or political subdivision with respect to which the prohibitions set forth in section 4(a) are in effect shall enact or seek to administer any voting qualification or prerequisite to voting, or standard, practice, or procedure with respect to voting different from that in force or effect on November 1, 1964, such State or subdivision shall submit such qualification, prerequisite, standard, practice, or procedure through the chief legal officer or other appropriate official of such State or subdivision to the Attorney General which qualification, prerequisite, standard, practice, or procedure may be enforced after sixty days from such submission. If the Attorney General believes that such qualification, prerequisite, standard, practice, or procedure has the purpose and will have the effect of denying or abridging the right to vote on account of race or color, he may institute an action in the United States district court in which the capital or such State is located, or the United States district court in which such political subdivision is located for a restraining order or a preliminary or permanent injunction, or such other order as he deems appropriate, and unless and until the court enters such judgment, such qualification, prerequisite, standard, practice, or procedure may be enforced. Any action under this section shall be held and determined by a court of three judges in accordance with the provisions under section 2284 of title 28 of the United States Code and any appeal shall lie to the Supreme Court."

Mr. ERVIN. Mr. President, the purpose of this amendment is very simple. It is to give efficacy once more to four separate provisions of the Constitution which permit the States of the Union to legislate in this area.

Under the Voting Rights Act of 1965, a State is denied the right, or the power, to change its election laws in any respect without getting the prior consent of the Attorney General or the consent of a district court sitting in the District of Columbia.

The Constitution of the United States clearly gives States the power to legislate, and to make their legislative acts effective without the consent of the Attorney General and without the consent of the District Court of the District of Columbia.

When the Constitution was being considered by the Constitutional Convention of 1787, the proposal was made on several occasions, by such great men as James Madison of Virginia and James Wilson of Pennsylvania, that the Supreme Court of the United States be given the power to veto acts of State legislatures which the Supreme Court thought were unwise, no matter how much those acts might be in harmony with the Constitution itself.

The Constitutional Convention on repeated occasions rejected that proposal, and left the sole determination of the question of whether an act of a State legislature was valid to be determined in litigation before the Federal courts.

When Congress passed the Voting Rights Act of 1965, it departed from that constitutional principle and that practice, and provided, as I stated a moment ago, that no act of a State legislature changing its voting requirements should take effect unless it was approved by either the Attorney General of the United States, an executive officer here in Washington, or the District Court of the District of Columbia.

This is the first time, in the history of this Republic, as far as I have been able to determine, that Congress ever took such action as this. When he wrote his great opinion in the case of Texas against White, Chief Justice Salmon P. Chase said that the Constitution, in all its provisions, looks to an indestructible Union composed of indestructible States.

I respectfully submit that whenever Congress stipulates that legislation enacted by a State legislature with reference to a matter committed by the Constitution to the States cannot be effective without the permission of an executive officer of the Federal Government, or of a Federal court, the States are being destroyed.

Evidently some Members of Congress think the States ought to be destroyed, but I respectfully submit that if we are going to have sound government in America, we are going to have to respect the federal system of government established by the Constitution. Anyone who will give sound consideration to this question will come to the conclusion that the people can enjoy liberty only if they keep as much of their government as near at home as possible.

Manifestly, the political subdivisions of the country, such as States, municipalities, and counties, can know much better than the National Congress, sitting in Washington, what the problems of the various communities are, and what is the best way to solve those problems; and that was the genius of the Constitution: That the Founding Fathers provided that as much government should be kept near the people as was possible. They realized something which the American people are again coming to realize slowly, but are about to realize painfully and speedily: That when you concentrate all the powers of government in the Federal Government, you are going to find such concentration of powers incompatible with the continuance of the liberties of the people.

The greatest student of the American Government who ever occupied the White House was Woodrow Wilson; and Woodrow Wilson said this on that subject:

> Liberty has never come from government. Liberty has always come from the subjects of government.
>
> The history of liberty is a history of the limitations of governmental power, not the increase of it.
>
> When we resist . . . concentration of power, we are resisting the powers of death, because concentration of power is what always precedes the destruction of human liberties.

No other bill in the history of this Nation has gone so far to concentrate power—that is, the power of a few States—in the central government. One of the worst aspects of this bill is the provision which says that the legislature of a sovereign State cannot make legislation which it is authorized by the Constitution to adopt effective without the prior approval of the Attorney General or the prior approval of the U.S. District Court sitting in the District of Columbia.

This provision, the proponents of which claim is to secure the right to vote is inconsistent with at least four provisions of the Constitution. The 10th amendment says that powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people. Under this provision of the Constitution, State legislatures have undoubted power to enact legislation relating to elections and relating to voting, subject to the limitation that that legislation must not offend the 15th amendment or the 17th amendment, or the equal protection clause.

Then section 2 of article I of the Constitution says:

> The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature.

The provision of the Constitution confers upon States the power to prescribe the qualifications of those who are eligible to vote for Members of the national House of Representatives. It does this by saying that those electors shall possess the qualifications requisite for electors of the most numerous branch of the State legislature. Undoubtedly, the States have the power to prescribe the qualifications for those who are to vote for the most numerous branch of the State legislature.

Another provision of the Constitution, section 1 of article II, provides that the legislatures of the several States have the power, and they alone have the power, to prescribe how presidential and vice presidential electors shall be chosen.

The 17th amendment, which provides for the election of Senators, contains a similar provision. The 17th amendment says that to be eligible to vote for a Member of the U.S. Senate, a person must have the qualifications requisite for an elector of the most numerous branch of the State legislature.

These four provisions of the Constitution give the States of the Union the power to prescribe the qualifications for voting. They are subject only to the limitations that these qualifications must apply in like manner to all persons in like circumstances and shall not deny or abridge anyone's right to vote on account of race or sex.

Under the Voting Rights Act of 1965, the legislature of one of the States covered by this act has undoubted power to enact legislation relating to voting and to make it effective immediately. Yet, the Voting Rights Act of 1965 curtails and limits this undoubted constitutional power of the States to enact such legislation and to make it effective by stipulating that it cannot go into effect without the prior consent of the Attorney General of the United States or the District Court of the District of Columbia. Under this provision of the Voting Rights Act, we see the States covered by the act come into Washington with hat in hand, begging the Attorney General of the United States for the right to exercise their undoubted constitutional powers.

I could argue this matter at great length, but the point involved here has been stated very well by an Associate Justice of the Supreme Court of the United States, Mr. Justice Black. In his dissenting opinion in the case of *South Carolina* v. *Katzenbach*, 383 U.S. 301, Justice Black made some trenchant observations on this provision of the Voting Rights Act of 1965. He wrote a dissenting opinion in which he said, commencing at page 356:

> Section 4(a), to which § 5 is linked, suspends for five years all literacy tests and similar devices in those States coming within the formula of § 4(b). Section 5 goes on to provide that a State covered by § 4(b) can in no way amend its constitution or laws relating to voting without first trying to persuade the Attorney General of the United States or the Federal District Court for the District of Columbia that the new proposed laws do not have the purpose and will not have the effect of denying the right to vote to citizens on account of their race or color. I think this section is unconstitutional on at least two grounds.
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> (a) The Constitution gives federal courts jurisdiction over cases and controversies only. If it can be said that any case or controversy arises under this section which gives the District Court for the District of Columbia jurisdiction to approve or reject state laws or constitutional amendments, then the case or controversy must be between a State and the United States Government. But it is hard for me to believe that a justiciable controversy can arise in the constitutional sense from a desire by the United States Government or some of its officials to determine in advance what legislative provisions a State may enact or what constitutional amendments it may adopt. If this dispute between the Federal Government and the States amounts to a case or controversy it is a far cry from the traditional constitutional notion of a case or controversy as a dispute over the meaning of enforceable laws or the manner in which they are applied. And if by this section Congress has created a case or controversy, and I do not believe it has, then it seems to me that the most appropriate judicial forum for settling these important questions is this Court acting under its original Art. III, § 2, jurisdiction to try cases in which a State is a party.[1] At least a trial in this Court would treat the States with the dignity to which they should

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[1] If § 14(b) of the Act by stating that no court other than the District Court for the District of Columbia shall issue a judgment under § 5 is an attempt to limit the constitutionally created original jurisdiction of this Court, then I think that section is also unconstitutional.

be entitled as constituent members of our Federal Union.

The form of words and the manipulation of presumptions used in § 5 to create the illusion of a case or controversy should not be allowed to cloud the effect of that section. By requiring a State to ask a federal court to approve the validity of a proposed law which has in no way become operative, Congress has asked the State to secure precisely the type of advisory opinion our Constitution forbids. As I have pointed out elsewhere, see my dissenting opinion is *Griswold* v. *Connecticut*, 381 U.S. 479, 507, n. 6, pp. 513–515, some of those drafting our Constitution wanted to give the federal courts the power to issue advisory opinions and propose new laws to the legislative body. These suggestions were rejected. We should likewise reject any attempt by Congress to flout constitutional limitations by authorizing federal courts to render advisory opinions when there is no case or controversy before them. Congress has ample power to protect the rights of citizens to vote without resorting to the unnecessarily circuitous, indirect and unconstitutional route it has adopted in this section.

(b) My second and more basic objection to § 5 is that Congress has here exercised its power under § 2 of the Fifteenth Amendment through the adoption of means that conflict with the most basic principles of the Constitution. As the Court says the limitations of the power granted under § 2 are the same as the limitations imposed on the exercise of any of the powers expressly granted Congress by the Constitution. The classic formulation of these constitutional limitations was stated by Chief Justice Marshall when he said in *McCulloch* v. *Maryland*, 4 Wheat. 316, 421, "Let the end be legitimate, let it be within the scope of the constitution, and all means which are appropriate, which are plainly adapted to that end, *which are not prohibited, but consist with the letter and spirit of the constitution*, are constitutional." (Emphasis added.) Section 5, by providing that some of the States cannot pass state laws or adopt state constitutional amendments without first being compelled to beg federal authorities to approve their policies, so distorts our constitutional structure of government as to render any distinction drawn in the Constitution between state and federal power almost meaningless. One of the most basic premises upon which our structure of government was founded was that the Federal Government was to have certain specific and limited powers and no others, and all other power was to be reserved either "to the States respectively, or to the people." Certainly if all the provisions of our Constitution which limit the power of the Federal Government and reserve other power to the States are to mean anything, they mean at least that the States have power to pass laws and amend their constitutions without first sending their officials hundreds of miles away to beg federal authorities to approve them.[2] Moreover, it seems to me that § 5 which gives federal officials power to veto state laws they do not like is in direct conflict with the clear command of our Constitution that "The United States shall guarantee to every State in this Union a Republican Form of Government." I cannot help but believe that the inevitable effect of any such law which forces any one of the States to entreat federal authorities in far-away places for approval of local laws before they can become effective is to create the impression that the State or States treated in this way are little more than conquered provinces. And if one law concerning voting can make the States plead for this approval by a distant federal court or the United States Attorney General, other laws on different subjects can force the States to seek the advance approval not only of the Attorney General but of the President himself or any other chosen members of his staff. It is inconceivable to me that such a radical degradation of state power was intended in any of the provisions of our Constitution or its Amendments. Of course I do not mean to cast any doubt whatever upon the indisputable power of the Federal Government to invalidate a state law once enacted and operative on the ground that it intrudes into the area of supreme federal power. But the Federal Government has heretofore always been content to exercise this power to protect federal supremacy by authorizing its agents to bring lawsuits against state officials once an operative state law has created an actual case and controversy. A federal law which assumes the power to compel the States to submit in advance any proposed legislation they have for approval by federal agents approaches dangerously near to wiping the States out as useful and effective units in the government of our country. I cannot agree to any constitutional interpretation that leads inevitably to such a result.

I see no reason to read into the Constitution meanings it did not have when it was adopted and which have not been put into it since. The proceedings of the original Constitutional Convention show beyond all doubt that the power to veto or negative state laws was denied Congress. On several occasions proposals were submitted to the convention to grant this power to Congress. These proposals were debated extensively and on every occasion when submitted for vote they were overwhelmingly rejected.[3] The refusal to give Congress this extraordinary power to veto state laws was based on the belief that if such power resided in Congress the States would be helpless to function as effective governments.[4] Since that time neither the Fifteenth Amendment nor any other Amendment to the Constitution has given the slightest indication of a purpose to grant Congress the power to veto state laws either by itself or its agents. Nor does any provision in the Constitution endow the federal courts with power to participate with state legislative bodies in determining what state policies shall be enacted into law. The judicial power to invalidate a law in a case or controversy after the law has become effective is a long way from the power to prevent a State from passing a law. I cannot agree with the Court that Congress—denied a power in itself to veto a state law—can delegate this same power to the Attorney General or the District Court for the District of Columbia. For the effect on the States is the same in both cases—they cannot pass their laws without sending their agents to the City of Washington to plead to federal officials for their advance approval.

In this and other prior Acts Congress has quite properly vested the Attorney General with extremely broad power to protect voting rights of citizens against discrimination on account of race or color. Section 5 viewed in this context is of very minor importance and in my judgment is likely to serve more as an irritant to the States than as an aid to the enforcement of the Act. I would hold § 5 invalid for the reasons stated above with full confidence that the Attorney General has ample power to give vigorous, expeditious and effective protection to the voting rights of all citizens.[5]

(At this point Mr. BYRD of Virginia took the chair as Presiding Officer.)

Mr. ERVIN. Mr. President, I should like to state that on the hearings before the Subcommittee on Constitutional Rights, on the proposal to extend the Voting Rights Act of 1965 for 5 additional years, a representative from the Department of Justice appeared before the subcommittee and testified that the provisions of section 5 were a hindrance rather than a help in the enforcement of the act.

He pointed out that virtually all the changes in the State laws relating to voting matters were fair upon their face, and that it was necessary to conduct a great deal of investigation to determine how the statutes could deny anyone the right to vote on account of race or color. Thus, he advocated the elimination of this power from the law.

To illustrate how absurd the requirement is, he said that a State, under this section, could neither raise a filing fee from $5 to $6 or lower it from $5 to $4 without first getting the approval of the Attorney General, that as a practical matter this required the Attorney General to investigate how many dollars were in the pockets of the citizens of the community which wanted to change the fine.

He agreed with my observation that North Carolina could not have changed its laws which originally provided that the polls should open at sunrise and close at sunset to a provision that the polls would open at 6:30 in the morning and close at 6:30 in the evening without first getting the consent of the Attorney General had that law been passed after the 1965 Voting Rights Act went into effect.

This even contests the right to change district boundaries. Under this provision of the law, none of the seven States could change their congressional districts without first getting the consent of a district court in the District of Columbia or the Attorney General.

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[2] The requirement that States come to Washington to have their laws judged is reminiscent of the deeply resented practices used by the English crown in dealing with the American colonies. One of the abuses complained of most bitterly was the King's practice of holding legislative and judicial proceedings in inconvenient and distant places. The signers of the Declaration of Independence protested that the King "has called together legislative bodies at places unusual, uncomfortable, and distant from the depository of their public Records, for the sole purpose of fatiguing them into compliance with his measures," and they objected to the King's "transporting us beyond Seas to be tried for pretended offences." These abuses were fresh in the minds of the Framers of our Constitution and in part caused them to include in Art. 3, § 2, the provision that criminal trials "shall be held in the State where the said Crimes shall have been committed." Also included in the Sixth Amendment was the requirement that a defendant in a criminal prosecution be tried by a "jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law."

[3] See Debates in the Federal Convention of 1787 as reported by James Madison in Documents Illustrative of the Formation of the Union of the American States (1927), pp. 605, 789, 856.

[4] One speaker expressing what seemed to be the prevailing opinion of the delegates said of the proposal, "Will any State ever agree to be bound hand & foot in this manner. It is worse than making mere corporations of them . . . ." *Id.*, at 604.

[5] Section 19 of the Act provides as follows:

"If any provision of this Act or the application thereof to any person or circumstances is held invalid, the remainder of the Act and the application of the provision to other persons not similarly situated or to other circumstances shall not be affected thereby."

Congress is a creature of the Constitution. I do not care how many courts speak to the contrary, I do not think that Congress, a creature of the Constitution, has the power, as exercised in the Voting Rights Act of 1965, to nullify the provisions of the Constitution.

This is not only unwise from the constitutional standpoint, but it is also a disgrace. And I use that word advisedly. It is a national disgrace for Congress to single out seven States which, under the Constitution, are supposed to have equal power with all other States of the Union, and reduce those States to a second-class status and say to them, "The Constitution of the United States to the contrary notwithstanding, you cannot pass laws which you are authorized by the Constitution itself to pass and make them effective without getting prior approval of the Attorney General of the United States or of the district court of the United States sitting in the District of Columbia."

In an argument on an earlier amendment, I quoted what Justice Story said about the occasions on which laws like this were passed. He said that in England they were passed when Parliament was grossly subservient to the Crown, when Parliament had lost its independence, or when Parliament did not use its intelligence.

I would paraphrase that remark, as I did before, by saying that when laws like this get passed, they are passed because Members of the Congress of the United States are grossly subservient to the pressure groups which demand the passage of such law as the price of their support to those Members of Congress.

This is a tragic bill.

Mr. HANSEN. Mr. President, will the Senator yield?

Mr. ERVIN. I yield.

The PRESIDING OFFICER (Mr. SPONG in the chair). The Senator from Wyoming is recognized.

Mr. HANSEN. Mr. President, I would like to ask the distinguished Senator a question concerning the wording of the amendment which states:

> Whenever a State or political subdivision with respect to which the prohibitions set forth in section 4(a) are in effect shall enact or seek to administer any voting qualification or prerequisite to voting, or standard, practice, or procedure with respect to voting different from that in force or effect on November 1, 1964, such State or subdivision shall submit such qualification, prerequisite, standard, practice, or procedure through the chief legal officer or other appropriate official of such State or subdivision to the Attorney General which qualification, prerequisite, standard, practice, or procedure may be enforced after sixty days from such submission.

Would this amendment enable the Attorney General to institute an action in the U.S. district court of the capital of the State in which a provision was enacted which would have the effect of denying or abridging the right to vote in a manner that was contrary to the Voting Rights Act of 1965?

Mr. ERVIN. Mr. President, this amendment would change the provision of the Voting Rights Act of 1965 which requires States to get prior approval of the Attorney General or a district court of the District of Columbia. It would require the States to submit changes in the election laws to the Attorney General, and it would require that those changes would not become effective for 60 days and that during those 60 days if the Attorney General believed they were discriminatory in force or effect, he could bring a suit in the local Federal court and secure an injunction or a temporary restraining order invalidating them in the event the court agreed with him that they were discriminatory in purpose or effect.

Mr. HANSEN. If the local district court did not issue such a restraining order or preliminary or permanent injunction, despite the recommendations of the Attorney General that it should indeed do that, then do I correctly understand the thrust of the Senator's amendment to be that such prerequisite as may have been authorized by State legislative action would indeed have full force and effect?

Mr. ERVIN. It would have full force and effect as all other laws would have.

Mr. HANSEN. Do I understand further that there would be an appeal from the action of the Federal district court located in the capital of such State and that the appeal would be directly to the Supreme Court of the United States?

Mr. ERVIN. The Senator is correct. Since the question would involve the constitutionality of the change of a State election law, a three-judge district court would meet and the appeal would be directly from the three-judge district court to the Supreme Court of the United States. So, the matter could be very much expedited.

Mr. HANSEN. Further, is it correct that this amendment would afford each of the States, or any State that might be affected, the opportunity of being heard in the Federal district court nearest the State capital or where the actual difference exists?

Mr. ERVIN. The Senator is correct. It would do that instead of concentrating all the power in the District of Columbia, in the first place.

Mr. HANSEN. Mr. President, does the Senator believe that the district court judges throughout the United States are equally as competent as are those Federal district judges within the District of Columbia to hear cases and proceedings of this kind?

Mr. ERVIN. I do. And I think that all States ought to be put on an equality of legal right. And this provision would put them on not quite a basis of equality with all other States, but it would come nearer to equalizing the statutes of other States under the present bill.

Mr. HANSEN. Mr. President, does the distinguished Senator, who is also a very distinguished constitutional lawyer, find any difference in the qualifications that must be had by members of the Federal district judiciary in the several States and the qualifications that must be had by members of the Federal district judiciary within the District of Columbia?

Mr. ERVIN. Mr. President, the only difference I would find in the equipment of the judges is the fact that most of the Federal judges in the States are trained in the law of the State as well as the Federal law, while those in the District of Columbia sit in a district, where, if a law originates outside the district, there is no law on the subject.

I think from the standpoint of broad experience and knowledge of the law relating to matters of this kind, the Federal judges sitting in the States would probably have a broader competence to reach a correct decision.

Mr. HANSEN. So far as requirements are concerned, and the appointive power of the President, there is no greater qualification for membership on the district court in the District of Columbia than there would be for any other court. Is that correct?

Mr. ERVIN. The Senator is correct. All Federal judges are appointed by the President, usually on the advice of a Senator, they are confirmed by the Senate, and the overwhelming majority of them are very competent men.

Mr. HANSEN. In the Senator's judgment, would the possibility that a number of cases might be heard throughout the United States and be subject to the jurisdiction and judgments of different Federal judges throughout the United States be of any advantage to the members of the Supreme Court in reviewing a particular case and looking at the decisions that have been handed down if the area of jurisdiction and concern were to be spread more widely throughout the United States? Would this be of help to the Supreme Court?

Mr. ERVIN. I think undoubtedly it would be. No judges in the land are more overworked than judges in the District of Columbia because the District of Columbia has the biggest backlog of pending cases and it has more congestion than any other court in the country.

Mr. HANSEN. Is there any other instance in the Senator's knowledge wherein only Federal judges within the District of Columbia exclusively have the right to review cases, as is the case in the Voting Rights Act of 1965?

Mr. ERVIN. With the exception of the Voting Rights Act of 1965 there is no such distinction made by the Federal courts in the country now. In the days before we had airplanes, good railroads, and things of that kind, suits against Cabinet officers and other Federal officials had to be brought in the District of Columbia. That practice was to keep them from going to California or Louisiana to try cases. But as soon as we got expeditious modes of travel that system was changed.

The only other instance is the law that established the OPA at the time of World War II, and that was the Yakus case. That statute set up a court called the emergency court of appeals that sat here in the District of Columbia. That court passed on the original validity of OPA regulations. It had a provision that after they passed on the validity of those regulations their constitutionality could not be contested in any other court. Unfortunately, that law worked out very poorly because a lot of men later charged with violating OPA regulations were people who never had their cases con-

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tested in the District of Columbia and many of them were convicted notwithstanding the question of constitutionality.

I think it is tragic whenever Congress proceeds on the theory that justice must be administered in only one place in the United States. I think that is an insult to the judiciary throughout the United States. I think it is bad because witnesses were not available in the District of Columbia, and I think this act should be amended in these respects.

While this does not take care of all my objections to this measure, it makes sure there will be speedy adjudication of these laws. I think we should go back to our proud days and proclaim it just for all seasons, summer, and every place and temple.

Mr. HANSEN. Has there been any study made, to the Senator's knowledge, which would support a belief that over the years there has been a greater competence, based upon the number of reversals, and based upon the number of actions to sustain a lower court in the District of Columbia than there has been throughout the country?

Mr. ERVIN. I am not aware of any study ever having been made.

Mr. HANSEN. To the Senator's knowledge, has that allegation been made in support of the Voting Rights Act of 1965?

Mr. ERVIN. The only allegation they made was the excuse they gave for concentrating it here: That they would get a uniformity of interpretation. Again, that is a specious argument because our entire judicial structure is based on having 10 separate courts of appeal in 10 areas of the country and they depend on the Supreme Court to make interpretations uniform in the long run because circuits frequently differ in interpretation and they frequently differ in interpreting an act of Congress, or any other legal question. The Supreme Court readily grants certiorari and reviews the question.

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Mr. HANSEN. Does the Senator believe uniformity in judicial determinations of cases is the goal which we should seek or rather might we better seek justice and seek considerably broad experience which would be available to the Supreme Court in order that we might have the experience and the convictions of a number of persons brought to bear so that justice and fairness might be our goal and thereby, hopefully, it would be better if we had a broadening of opportunity for review?

Mr. ERVIN. I think the broadening of opportunity for review is conducive to the correct interpretation of law because in that way, with the 10 circuit courts of appeal, there is no danger of having sectional interpretations prevail. With the able men on the 10 circuit courts of appeal in the 10 different areas we get more brainpower devoted to the task and more viewpoints. Therefore, in the long run it results in a fairer, more just, and uniform interpretation because the more people we have studying the proposition the more likely we are to reach the correct solution.

Mr. HANSEN. I thank the Senator.

Mr. ERVIN. Mr. President, Mr. Justice Black dissented again on this point in the case of Allen against State Board of Elections, which is reported in 393 U.S. 544. In his dissenting opinion Mr. Justice Black reiterates what he had to say in very forceful language beginning on page 595. The opinion covers also pages 596 and 597. He stated:

> Assuming the validity of the Voting Rights Act of 1965, as the Court does, I would agree with its careful interpretation of the Act, and would further agree with its holding as to jurisdiction and with its disposition of the four cases now before us. But I am still of the opinion in *South Carolina* v. *Katzenbach*, 383 U.S. 301, 355–362 (1966), a part of § 5 violates the United States Constitution.
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> Section 5 provides that several Southern States cannot effectively amend either their constitutions or laws relating to voting without persuading the United States Attorney General or the United States District Court for the District of Columbia that the proposed changes in state laws do not have the purpose and will not have the effect of denying to citizens the right to vote on account of race or color.
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> This is reminiscent of old Reconstruction days when soldiers controlled the South and when those States were compelled to make reports to military commanders of what they did. The Southern States were at that time deprived of their right to pass laws on the premise that they were not then a part of the Union and therefore could be treated with all the harshness meted out to conquered provinces.
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> The constitutionality of that doctrine was certainly not clear at that time. And whether the doctrine was constitutional or not, I had thought that the whole Nation had long since repented of the application of this "conquered province" concept, even as to the time immediately following the bitter Civil War. I doubt that any of the 13 Colonies would have agreed to our Constitution if they had dreamed that the time might come when they would have to go to a United States Attorney General or a District of Columbia court with hat in hand begging for permission to change their laws. Still less would any of these Colonies have been willing to agree to a Constitution that gave the Federal Government power to force one Colony to go through such an onerous procedure while all the other former Colonies, now supposedly its sister States, were allowed to retain their full sovereignty.
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> While *Marbury* v. *Madison*, 1 Cranch 137 (1803), held that courts can pass on the constitutionality of state laws already enacted, it certainly did not decide to permit federal courts or federal executive officers to hold up the passage of state laws until federal courts or federal agencies in Washington could pass on them. Proposals to give judges a part in enacting or vetoing legislation before it passed were made and rejected in the Constitutional Convention; another proposal was made and rejected to permit the Chief Justice of this Court "from time to time [to] recommend such alterations of and additions to the laws of the U.S. as may in his opinion be necessary to the due administration of Justice, and such as may promote useful learning and inculcate sound morality throughout the Union. . . ." See my dissenting opinion in *Griswold* v. *Connecticut*, 381 U.S. 479, 515, n. 6 (1965).
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> It seems to me it would be wise for us to pause now and then and reflect on the fact that the separate Colonies were passing laws in their legislative bodies before they themselves created this Union, that history emphatically proves that in creating the Union the Colonies intended to retain their original independent power to pass laws, and that no justification can properly be found in the Constitution they created or in any amendment to it for degrading these States to the extent that they cannot even initiate an amendment to their constitutions or their laws without first asking the permission of a federal court in the District of Columbia or a United States governmental agency. I would hold § 5 of the 1965 Voting Rights Act unconstitutional insofar as it commands certain selected States to leave their laws in any field unchanged until they get the consent of federal agencies to pass new ones.

Some of my colleagues in the Senate perhaps wonder why I stand on the floor of the Senate and make appeals that the Senate adopt amendments to the Voting Rights Act of 1965, before extending it, which are fair, which are just, which are constitutional.

I deeply regret that I have not had more success in persuading my colleagues to adopt such amendments. I was astounded a moment ago when the Senate voted down a proposal made by me that a State which abolished its literacy test be taken out from under the coverage of the act, which was only based on the supposition that literacy tests are supposed to abuse the rights of the people to vote, and that those abuses ought to be curbed. I would have thought Senators would have supported an amendment to exempt a State from the coverage of the act if that State had abolished its literacy test.

My State has been trying to get back into the Union for 105 years. The Civil War is over. I wish I could say the same thing about Reconstruction.

I deeply regret that it is still politically profitable in this country, after one century and 5 years, to browbeat North Carolina and other Southern States. I hope that the day will arrive when it will be true that we will be back in the Union on an equality with other States. But I know that in the absence of faithful observance of the provisions of the Constitution by the Congress, the President, and the Supreme Court, neither our country nor the citizens within its borders will have protection against tyranny on the one hand and persecution on the other.

Thereby, I am going to stand by the Constitution. I have taken an oath to support the Constitution. However, I have not taken an oath to support judicial aberrations and usurpations. I shall fight usurpations of the Constitution whether they come from the President, from the Congress, or from the courts.

Unless we become aware of the importance of our Constitution, this country is on the road where it is soon to be without constitutional government, and we will have a government of men rather than a government of laws.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, may I inquire of the distinguished Senator from North Carolina whether he intends to ask for the yeas and nays?

Mr. ERVIN. Yes.

Mr. KENNEDY. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. KENNEDY. Mr. President, the distinguished Senator from North Carolina has made an extremely able and effective argument, again this afternoon, with reference to the amendment which he had submitted to the Senate.

The subject of the amendment was considered in the course of the hearings on the extension of the Voting Rights Act.

One provision of his amendment would change the burden of proof away from the States which wish to change voting laws, and place the burden of proof on the Attorney General to prove that such a change was discriminatory. The second major part of the amendment would change the venue from the district court in Washington to the Federal court in the affected State.

On the question of venue, the Senate has spoken this afternoon. I think the RECORD has been made quite complete in that area.

I feel the justification and constitutionality of section 5 has been expressed in the case of South Carolina against Katzenbach, in a most straightforward and most pertinent way. There the Supreme Court stated:

> For reasons already stated, there was nothing inappropriate about limiting litigation under this provision to the District Court for the District of Columbia, and in putting the burden of proof on the areas seeking relief.

In the earlier part of this very extensive case, the Court talks in detail about those reasons and clearly establishes the constitutionality of both provisions.

Regarding venue, the case made reference to the fact that at the present time, contractual claims against the United States for more than $10,000 must be brought in the Court of Claims, and until 1962, the District of Columbia was the sole venue of suits against Federal officers officially residing in the Nation's Capital. The court stated further:

> We have discovered no suggestion that Congress exceeded constitutional bounds in imposing these limitations on litigation against the Federal Government, and the Act is no less reasonable in this respect.

As to the second proposal, Mr. President, in terms of altering section 5 to change the burden of proof, once again, from the various States that are seeking the change to the Attorney General, I would also refer to the language of the South Carolina case, which reads:

> Congress knew that some of the States covered by § 4(b) of the Act had resorted to the extraordinary stratagem of contriving new rules of various kinds for the sole purpose of perpetuating voting discrimination in the face of adverse federal court decrees. Congress had reason to suppose that these States might try similar maneuvers in the future in order to evade the remedies for voting discrimination contained in the Act itself. Under the compulsion of these unique circumstances, Congress responded in a permissibly decisive manner.

It also states:

> Congress had found that case-by-case litigation was inadequate to combat widespread and persistent discrimination in voting, because of the inordinate amount of time and energy required to overcome the obstructionist tactics invariably encountered in these lawsuits. After enduring nearly a century of systematic resistance to the Fifteenth Amendment, Congress might well decide to shift the advantage of time and inertia from the perpetrators of the evil to its victims.

Mr. President, both of these provisions referred to in the statement of the distinguished Senator from North Carolina have been upheld in the Supreme Court, and the reasons for that, I think, were stated quite fully and amply in the course of earlier discussion and debate on a previous amendment.

But I think we get back to the fundamental reason why I would have reservations about accepting the provisions of the amendment of the Senator from North Carolina, which are that the law does work in the way that it now stands; that it works well, promptly, efficiently, and effectively; and that it has been upheld by the Supreme Court. I have yet to hear that there is really anything wrong with the way that it is working at the present time.

So for those reasons, for the reason that those particular provisions that would be changed or altered by the amendment of the Senator from North Carolina have been upheld by the Supreme Court as being within the purview and the power of Congress to legislate and for the other reasons I have stated, I would hope that the amendment would be defeated.

Mr. SPONG. Mr. President, will the Senator yield?

Mr. KENNEDY. I yield.

Mr. SPONG. The Senator has been speaking of the burden of proof requirements of the present law, which the Senator from North Carolina seeks to change by his amendment.

One of the States which would be relieved of the burden of proving its innocence under the law imposed upon it is my State of Virginia.

I ask the Senator from Massachusetts the same question I previously posed to the Senator from Michigan: If, in the course of his hearings or in the course of his research on this matter, he knows of any offenses that have taken place in the State of Virginia? I believe it is a matter of record that no Federal examiners have been sent into Virginia, and there have been no court judgments against it. However, if the substitute is passed, my State will continue to have the burden of proving its innocence, whereas 43 other States will not. So, I would ask the Senator from Massachusetts if he knows of any instance of legislation or any instance of complaint about the State of Virginia that would indicate discrimination in voting?

Mr. KENNEDY. Mr. President, I would respond to the inquiry of the distinguished Senator from Virginia in this way: As I understand it, there have been some 426 separate requests by various political subdivisions, counties and States, requesting approval of changes and alterations in voting rules. Of that total of 426 requests, there have been some 34 that have been rejected since 1965. The State of Virginia made 10 separate requests of the Attorney General to alter and change voting procedures in its various counties, none of which requests was found by the Attorney General to be in any way violative of the Voting Rights Act of 1965.

The question of the distinguished Senator from Virginia suggests the further question whether this provision does not place an undue burden upon his State, to make such a request of any Attorney General. It is my understanding, however, that such requests and such approvals have been made in such an informal way as by telephone calls, letters, and other informal procedures. Therefore, it would be my best information that the State of Virginia has not, in its various requests for alterations or changes, either been burdened with an intolerable task, nor has it in any way made a recommendation or a change which the Attorney General found to violate the spirit or the letter of the law.

Mr. SPONG. So the Senator from Massachusetts is saying that so far as he knows, in its relationship with the Attorney General's office, there has been no request for approval of a law that, in effect, has not been approved?

Mr. KENNEDY. That is my understanding, based upon the memorandum submitted by the Department of Justice, which lists the various States, the number of requests, the objections, and the reasons for such objections.

Mr. SPONG. I had occasion, on Thursday and Friday, to discuss with the Senator from Michigan a case in which Virginia participated, involving a regulation which was designed to aid the uneducated in voting. After the voting rights law went into effect, the State issued a regulation, which was subsequently approved by the Attorney General, seeking to assist those who lacked sufficient education to mark their ballots.

Mr. KENNEDY. Were they going to do that in the voting booth?

Mr. SPONG. Not in the booth, but in the polling place—to answer questions and assist in other ways, that hitherto they had not been able to do. The purpose of the law was actually to help more people exercise the franchise.

The Senator from Virginia is concerned, after the years that this law has had special application to his State, and in the absence of any marshals or any observers being sent into the State for any reason, that under the substitute which is before us, the burden of proof will remain with the State. It must continue to prove its innocence. In the course of this debate, I have tried to avail myself of every opportunity to ask those who advocate extension of the act if they know of abuses under the law in Virginia. I did not have an opportunity to question the Senator from Indiana, who made a very fine speech late Friday afternoon, and cited instances of voting violations. I have read his speech, and I see no reference to Virginia.

The Senator from Virginia cannot explain to his constituents why a burden of proof should be imposed upon them when it does not apply to 43 other States in the United States. For that reason, I have some sympathy and some regard for what the Senator from North Carolina has been saying. I do not intend to go back 100-and-some years, but I will

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say that in my judgment, some aspects of the proposed legislation are unequal in application, and I think we should be mindful of it.

Mr. KENNEDY. Let me respond very briefly to the Senator from Virginia; then the Senator from Michigan, I am sure, will give a more complete answer.

It is my understanding that where the 1965 act included, under its coverage, States and political subdivisions which were able to show that their literacy tests had not been used for the purpose of discrimination, those areas were able and permitted to remove themselves from the coverage of the act. This applied to Alaska, and some counties in Hawaii, Arizona, and Idaho. Today, the act still applies to the State of Virginia and they have not been able to remove themselves from this coverage. Thus the conclusion must be that Virginia cannot meet the statutory tests justifying noncoverage.

The spokesman for the administration appeared before the subcommittee and addressed this point. Even though the administration's bill sought to change and alter the burden of proof, he still had to admit, when pressed for explanations and responses, that it does place a much heavier burden upon an attorney general if that burden of proof is altered and changed. He was not able to give a satisfactory response, I thought, when questioned about the fact that with the present burden of proof, the covered States are slower, more reluctant, and more hesitant in making discriminatory changes or alterations in regulations and in their procedures, because they know that they would have a difficult burden to carry in the district court.

I can understand the Senator's position when he goes to the people of his State and says, "Well, we have had 10 changes. All 10 changes have been approved. If we have shown good faith in this, why cannot we get out from under?"

But I think we still would have to realize that the nature of the burden has served as an enormously important preventive procedure in many States. In the case of Virginia, perhaps it has not. But in terms of total legislation and even with respect to certain places or counties in that State, perhaps it has.

Perhaps the Senator from Michigan would like to comment on this.

Mr. HART. I think the Senator from Massachusetts has reacted to the able Senator from Virginia's question as I would have. I am sure that many factors operated on the decision made by Virginia not to seek removal from the bill.

Mr. SPONG. I think I owe it to the Senator from Michigan to say something on that point, because when it was brought up a week ago, the press of time did not permit a full explanation.

First of all, Virginia was under the bill by virtue of having less than 50 percent voter participation. Speaking for myself, I was very disturbed that we did not have 50 percent of our people participating in elections at that time. I have always supported measures to increase the electorate and broaden it in every way possible. But in the 1968 elections we exceeded that 50 percent mark. I think if Senators will look at the statistics that have been introduced in this debate, they will find a much higher degree of voter participation both among the white and the black and I find that very commendable.

Even though they were eligible to be removed from the act, the State still felt, as the able Senator from North Carolina has so ably stated on the floor of the Senate—and regardless of the Katzenbach decision—that some provisions of this act were unconstitutional and it awaited the outcome of court tests.

In the interim, I would say to the Senator from Michigan, the Gaston case was decided. Without belaboring the Senate or taking time to go into it, because it has been discussed, the Gaston case added a new dimension to the proof necessary. The Gaston case opened the door on the question of whether or not school systems had been unitary in the past and the State felt that, in view of this, it would be a hopeless task to seek judicial relief from the act.

One other reason—I say this very candidly—is that Virginia is a state of mind. Virginians are law-abiding people. They do not understand why they have to come up here to the district court to plead their case when there has been no complaint and no marshal has been sent into the State. All Virginia laws which were passed, as the Senator has said, have been approved by the Attorney General. I think there was a strong feeling among those making decisions at that time, that they did not want to take their hat in hand and come to the court designated. Frankly, they would prefer this bill or the amendment that has been rejected, under which they could go to the district court in Richmond and plead their case before a three-judge court. But first they waited for the decisions in the Katzenbach case and others, because they questioned the law's constitutionality.

Second, the Gaston case, which may be obviated as a result of this measure, was considered a bar; and frankly, there was some objection to the venue in the matter. But Virginia is eligible to be removed. Regardless of what action it takes, the question remains: Why should it be treated differently from 43 other States?

I thank the Senator from Massachusetts. I thank the Senator from Michigan. As long as the debate goes on, I shall continue to ask both Senators to justify the unequal treatment given Virginia by this act. It has not been justified to now.

Mr. HART. I will note in that connection that Virginia still registers fewer nonwhites than Louisiana or Mississippi.

Mr. ERVIN. Mr. President, Mark Twain said:

> Truth is very precious. Use it sparingly.

I am not going to do that. The truth is that this bill was sectional in conception. It has been sectional in execution.

It arises from the very unfortunate fact that it is still politically possible in the United States to browbeat the South. The bill was conceived by the administration then in power for the purpose of being sectional.

There were counties and areas in the North, including Harlem, that fell under the condemnation of this act. There were other areas outside the South. But this act contained a provision that could relieve those counties. All that the Department of Justice had to do was to enter consent judgments. The Department of Justice immediately entered a consent judgment dismissing from the provisions of this act every area of the country outside what is usually called the "Old Confederacy." That is the truth about this act. It is wholly a sectional act. It was conceived for political and sectional purposes and was executed in that way.

Despite the fact that truth is very precious and ought to be used sparingly, I make these remarks, which I am satisfied are the truth.

Mr. BYRD of Virginia. Mr. President, may I be yielded 1 minute?

Mr. KENNEDY. Mr. President, I yield 1 minute to the distinguished Senator from Virginia.

Mr. BYRD of Virginia. I thank the Senator from Massachusetts.

I should like the RECORD to show that according to evidence supplied the Committee on the Judiciary by the Department of Justice, not a single Federal registrar has been sent into a single precinct in a single county or city in Virginia. No Federal observers have been dispatched to oversee a single election anywhere in our State. This includes the period during which the act has been in existence.

This shows that Virginia has no irregularities in regard to voting, so far as the application of this law is concerned. It speaks well for the State of Virginia.

Yet the prevailing sentiment in the Senate is that despite Virginia's excellent record, she is being grossly and unfairly discriminated against. I think we are confronted with the fact that in this instance might makes right. There are enough votes in the Senate to pass a bill aimed only at seven States. That, of course, is permissible under the rules of the Senate. But I want the RECORD to show that I feel this is a grossly unfair proposition.

Mr. ERVIN. Mr. President, I can verify this fact of my own knowledge. Two attorneys who represented Gaston County in an effort to get Gaston County out from under the act informed me that they had negotiations with the Department of Justice, and that the Department of Justice told them that the Department had considered a consent judgment to dismiss Gaston County from the act if officials of Gaston County designed a statement to the effect that, if released from the act, they would not obey the State laws as to a literacy test.

Mr. KENNEDY. Mr. President, I yield back the remainder of my time.

Mr. ERVIN. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. SPONG in the chair). All time on this amendment has now been yielded back.

The question is on agreeing to the amendment of the Senator from North Carolina.

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On this question the yeas and nays have been ordered, and the clerk called the roll.

The legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from Connecticut (Mr. DODD), the Senator from Montana (Mr. MANSFIELD), the Senator from Minnesota (Mr. MCCARTHY), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Montana (Mr. METCALF), the Senator from West Virginia (Mr. RANDOLPH), the Senator from Georgia (Mr. RUSSELL), and the Senator from Maryland (Mr. TYDINGS), are necessarily absent.

I further announce that the Senator from Alaska (Mr. GRAVEL), and the Senator from Washington (Mr. JACKSON), are absent on official business.

On this vote, the Senator from Georgia (Mr. RUSSELL) is paired with the Senator from Alaska (Mr. GRAVEL). If present and voting, the Senator from Georgia would vote "yea" and the Senator from Alaska would vote "nay."

I further announce that, if present and voting, the Senator from Washington (Mr. JACKSON), the Senator from West Virginia (Mr. RANDOLPH), and the Senator from New Hampshire (Mr. MCINTYRE), would each vote "nay."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Colorado (Mr. DOMINICK), the Senator from New York (Mr. GOODELL), the Senator from Oregon (Mr. PACKWOOD), the Senator from Illinois (Mr. SMITH), and the Senator from Texas (Mr. TOWER), are necessarily absent.

The Senator from Florida (Mr. GURNEY) is absent because of illness in his family.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Idaho (Mr. JORDAN) and the Senator from Ohio (Mr. SAXBE) are absent on official business.

The Senator from Kentucky (Mr. COOK), the Senator from Arizona (Mr. GOLDWATER), the Senator from New York (Mr. JAVITS), the Senator from Vermont (Mr. PROUTY), and the Senator from North Dakota (Mr. YOUNG), are detained on official business.

The Senator from New York (Mr. JAVITS) would vote "nay."

On this vote, the Senator from South Dakota (Mr. MUNDT) is paired with the Senator from New York (Mr. GOODELL). If present and voting, the Senator from South Dakota would vote "yea" and the Senator from New York would vote "nay."

On this vote, the Senator from Texas (Mr. TOWER) is paired with the Senator from Illinois (Mr. SMITH). If present and voting, the Senator from Texas would vote "yea" and the Senator from Illinois would vote "nay."

The result was announced—yeas 27, nays 48, as follows:

[No. 87 Leg.]

YEAS—27

Allen
Bennett
Byrd, Va.
Byrd, W. Va.
Cooper
Cotton
Curtis
Dole
Eastland
Ellender
Ervin
Fannin
Fulbright
Hansen
Holland
Hollings
Hruska
Jordan, N.C.
Long
McClellan
Murphy
Sparkman
Spong
Stennis
Talmadge
Thurmond
Williams, Del.

NAYS—48

Aiken
Allott
Anderson
Bayh
Bellmon
Bible
Boggs
Brooke
Burdick
Cannon
Case
Church
Cranston
Eagleton
Fong
Gore
Griffin
Harris
Hart
Hartke
Hatfield
Hughes
Inouye
Kennedy
Magnuson
Mathias
McGee
McGovern
Miller
Mondale
Montoya
Moss
Muskie
Nelson
Pastore
Pearson
Pell
Percy
Proxmire
Ribicoff
Schweiker
Scott
Smith, Maine
Stevens
Symington
Williams, N.J.
Yarborough
Young, Ohio

NOT VOTING—25

Baker
Cook
Dodd
Dominick
Goldwater
Goodell
Gravel
Gurney
Jackson
Javits
Jordan, Idaho
Mansfield
McCarthy
McIntyre
Metcalf
Mundt
Packwood
Prouty
Randolph
Russell
Saxbe
Smith, Ill.
Tower
Tydings
Young, N. Dak.

So Mr. ERVIN's amendment was rejected.

Mr. KENNEDY. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. HART. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. KENNEDY. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

The Chair recognizes the Senator from North Carolina.

AMENDMENT NO. 345

Mr. ERVIN. Mr. President, I call up my amendment No. 534 to the Scott substitute amendment No. 544, and ask that it be stated.

The PRESIDING OFFICER (Mr. LONG in the chair). The amendment will be stated.

The bill clerk read as follows:

> SEC. . That 4(b) of the Voting Rights Act of 1964 is amended by striking "November 1, 1964" wherever it appears and submitting therefor "November 1, 1968", and by striking "November 1964" and submitting therefor 'November 1968".

The PRESIDING OFFICER. The Senate is not in order.

Senators desiring to carry on conversations will please retire to the cloakroom.

The Senator from North Carolina may proceed.

Mr. ERVIN. Mr. President, this amendment is to the Scott amendment No. 544.

Mr. KENNEDY. Mr. President, may I ask the distinguished Senator from North Carolina if he would like to make his amendment the pending amendment when the unfinished business is laid before the Senate tomorrow?

Mr. ERVIN. That is my purpose.

Mr. KENNEDY. Mr. President, I ask unanimous consent that when the unfinished business is laid before the Senate tomorrow, the pending amendment be amendment No. 534, offered by the distinguished Senator from North Carolina.

The PRESIDING OFFICER. The Chair inquires if the understanding of the Senator from Massachusetts is that his unanimous-consent request includes the fact that time on the amendment will not run until tomorrow.

Mr. KENNEDY. That is my understanding.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HART. Mr. President, many people in this country have a deep concern with respect to the subject matter that is engaging the attention of the Senate for this second week—the Voting Rights Act of 1965 and its future.

There are few men and women in this country who have been more intimately associated with the operation of the act than those who served in the Department of Justice from 1965 until tonight. Before the 1965 act became law there were other men and women in the Department of Justice who had sought to implement the promise of the 14th amendment and the 15th amendment under the acts of 1957, 1960, and 1964.

Together, the men and women who served in the Department of Justice in the past 12 years, I think, are qualified witnesses to express an opinion with respect to the desirability of extending intact the 1965 act. Three former Department of Justice attorneys with experience in the Civil Rights Division have filed with me, and I believe with the Senator from Pennsylvania (Mr. SCOTT), a letter which encloses as signatories more than 140 attorneys who served in the Department during that period, all of whom desire to join in this statement.

It reads, in part:

> "The undersigned attorneys who worked in the Department of Justice during the period 1957 to 1970 join together to support extension of the Voting Rights Act through August 1975.
>
> The Act has proven itself in operation to be the soundest and most successful guarantee of the right to register and vote free of discrimination in the history of the United States. Through it, the Nation is redeeming the pledge of the Fifteenth Amendment for the first time in 100 years.
>
> We believe there is a continuing need for the full protections of the Act which no lesser substitute would fulfill."

Mr. President, that letter was signed by and this effort was organized by Nathan Lewin, David H. Marlan, and Stephen J. Pollak. Their letter encloses a petition with additional signatures. Interestingly among the signers of this request, this council, this petition, are two former Attorneys General of the United States, Ramsey Clark and Nicholas Katzenbach, one former Deputy Attorney General, and also nine former Assistant Attorneys General, two former U.S. attorneys for the District of Columbia, more than 45 members of the Civil Rights Division of the Department of Justice, the head of the Civil Rights Section of the Criminal Division under the Eisenhower administration before it was a separate section, the two heads of the Civil Rights Division after it became a separate division under President Eisenhower are now Federal judges and, therefore, were not asked or solicited to participate in the expression and many lawyers who served in the Department of Justice during the Eisenhower and Kennedy administrations, some of whom served in the Department more than 25 years.

Mr. President, I ask unanimous consent that the letter from Nathan Lewin, David M. Marlin, and Stephen J. Pollak, the statement or petition, and the names of the 141 attorneys enclosed therewith be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

March 9, 1970.

Senator Philip A. Hart,
Washington, D.C.

Dear Senator Hart: As former Department of Justice attorneys with experience in the Civil Rights Division, we have been concerned about the fact that the Voting Rights Act of 1965 expires in August 1970 unless extended by the Congress.

We believe the Act has been the most successful piece of federal civil rights legislation in the history of our country. According to the most recent statement of the Department of Justice, black voter registration in the covered States and counties has doubled in the short space of 43 months since its passage. Expiration or dilution of the Voting Rights Act at this time would constitute a major setback for those who seek to make democracy work in meeting and resolving the problems of our time.

In the belief that the views of those who have been close to the problems of federal law enforcement since the enactment of the Civil Rights Act of 1957 might be helpful to the members of the Senate, we prepared a short statement of support for extension of the Voting Rights Act and invited former Justice Department attorneys to endorse it. To date 141 attorneys have signified their desire to join us in this statement:

"The undersigned attorneys who worked in the Department of Justice during the period 1957 to 1970 join together to support extension of the Voting Rights Act through August 1975.

"The Act has proven itself in operation to be the soundest and most successful guarantee of the right to register and vote free of discrimination in the history of the United States. Through it, the Nation is redeeming the pledge of the Fifteenth Amendment for the first time in 100 years.

"We believe there is a continuing need for the full protections of the Act which no lesser substitute would fulfill."

We enclose the names, dates of service, and divisions of these attorneys.

These 141 former Departmental attorneys, whose service in the Department spans the terms of Presidents Eisenhower, Kennedy, Johnson, and Nixon and covers every level in the Department from line attorney through Attorney General, have reason to know the practical consequences of a restriction of the Act's protections. We hope this expression of views will be of assistance to those members of the Senate who are presently determining the course to take with respect to this important national issue.

Sincerely yours,

Nathan Lewin.
David H. Marlin.
Stephen J. Pollak.

List of Attorneys, Dates of Service, and Division

The undersigned attorneys who worked in the Department of Justice during the period 1957 to 1970 join together to support extension of the Voting Rights Act through August 1975.

The Act has proven itself in operation to be the soundest and most successful guarantee of the right to register and vote free of discrimination in the history of the United States. Through it, the Nation is redeeming the pledge of the Fifteenth Amendment for the first time in 100 years.

We believe there is a continuing need for the full protections of the Act which no lesser substitute would fulfill.

Attorneys period of service, and division:

Abramson, Frederick B., November 1961 to December 1966, Civil.

Acheson, David C., 1961 to 1965, U.S. Attorney for District of Columbia.

Atmore, Robert, October 1964 to July 1967, Civil Rights.

Austin, Stephen G., 1 year, Civil Rights.

Beveridge, Albert, III, 1966 to 1968, Tax.

Bingler, John H., Jr., 1965 to 1967, Civil Rights, and 1967 to 1970, U.S. Attorney for Pittsburgh.

Bleakley, Peter K., 1966, Antitrust.

Block, Allen D., 1967 to 1968, Civil Rights.

Branton, Wiley A., 1965 to 1967, Special Assistant to Attorney General for Civil Rights.

Bray, John M., 1962 to 1966, Tax.

Brenner, Edgar H., 1954 to 1957, Civil.

Bress, David G., 1965 to 1969, U.S. Attorney for District of Columbia.

Caldwell, Arthur, 1935 to 1957, Criminal, and 1957 to 1968, Civil Rights.

Chapman, Jerome I., 1965 to 1967, Office of Solicitor General.

Christopher, Warren, 1967 to 1969, Deputy Attorney General.

Clark, Ramsey, 1961 to 1969, Attorney General.

Cohen, Jonathan S., 1963 to 1969, Tax.

Craven, James B., III, 1968 to 1969, Civil Rights.

Crossland, David, June 1966 to November 1968, Civil Rights.

Davidow, Joel, 3½ years, Antitrust.

Donnenfeld, Charles, 1960 to 1963, Civil.

Dootlittle, J. William, July 1961 to June 1963, Office of Solicitor General, and June 1963 to November 1966, Civil.

Douglas, John W., 1963 to 1966, Assistant Attorney General, Civil.

Dragula, Fred W., 1963 to 1969, Civil.

Dyk, Timothy B., 1963 to 1964, Tax.

Edelman, Peter, September 1963 to September 1964, Special Assistant to Assistant Attorney General, Civil.

Eilperin, Stephen, September 1964 to September 1966, Civil Rights.

Feldman, Howard J., June 1964 to September 1968, Tax.

Ferris, Charles, 1961–63, Civil.

Filvaroff, David B., 1963–66, Office of Attorney General, Office of Deputy Attorney General.

Finkelstein, Joel, 1964–67, Civil Rights.

Finley, William T., Jr., 1968–68, Associate Deputy Attorney General.

Flocken, P. Jay, 1960–63, Antitrust.

Foster, Thomas Michael, September 1965 to August 1967, Civil Rights.

Freed, Daniel J., 1959–64, Antitrust; 1964–1969, Acting Director, Office of Criminal Justice.

Friedman, Victor, 1958–60, Office of Deputy Attorney General.

Geoghegan, Wm. H., 1961–65, Assistant Deputy Attorney General.

Glick, Martin R., 1964–66, Civil Rights.

Goldfarb, Ronald L., 1961–64, Criminal.

Gottesman, J. Michael, 1966–68, Civil.

Gough, Kerry, October 1, 1966 to July 30, 1967, Civil Rights.

Granger, David, 1961–65, Tax.

Graybeal, John F., 1962–68, Antitrust.

Guilfoyle, Joseph D., 31 years, Antitrust and Civil.

Hammond, Robert A. III, 1956–69, Antitrust.

Hardison, Donald, 1959–65, Antitrust.

Harris, Sidney, 1957–62, Antitrust.

Hedland, John S., 1965–68, Civil Rights.

Heffron, Howard A., 1959–60, Tax; 1960–61, Assistant Deputy Attorney General.

Heilbronner, Edward, 1964–68, Tax.

Hill, Frank, 1966–69, Civil Rights.

Himmelman, Harold, 20 months, Civil Rights.

Hoerner, Robert J., July 1963 to January 1965, Antitrust.

Hoffman, Joel E., 1960–63, Antitrust.

Jacobs, L. W., Jr., 1964–65, Criminal.

Joelson, Mark R., 1958–63, Civil.

Johnson, Robert K., 1965–68, Antitrust.

Jones, John B., Jr., 1961–65, Tax.

Jones, Lyle L., 1939–68, Antitrust.

Kahn, Arthur, May 1960 to October 1962, Antitrust.

Katzenbach, Nicholas deB. 1961–69, Deputy Attorney General, Attorney General.

Kelley, James L., 1964–67, 1968–69, Civil Rights, Off. Legal Counsel.

Kestenbaum, Lionel, 1961–69, Antitrust.

Kirby, John J., Jr.., 1961–63, 1967–68, Civil Rights.

Klingsberg, David, 1958–59, Off. Deputy Atty. Gen'l.

Kolker, Peter R., 1968–69, Off. Deputy Atty. Gen'l.

Kramer, Victor H., 19 years, Antitrust.

Kucik, George R., 1961–65, Antitrust.

LaRue, Lewis H., August 1965 to August 1966, Civil Rights; August 1966 to August 1967, Civil.

Leifer, Elihu I., October 1964 to November 1967, Civil Rights.

Levenson, Diane Wayne, 1½ years, Civil Rights.

Lewin, Nathan, 1962–63, Criminal; 1963–67, Office of Solicitor General; 1968–69, Civil Rights.

Londrigan, Thomas F., 1963–64, Asst. U.S. Atty., So. D. Ill.

Lord, George E., 1967–68, Civil Rights.

Lucas, Louis R., June 1960 to December 1964, Asst. U.S. Atty. for New Orleans; December 1964 to June 1967, Civil Rights.

Lyon, John W., 1964–68, Civil Rights

Marer, Alan G., 1961–67, Civil Rights.

Marlin, David H., 1961–65, Civil Rights.

Marshall, Burke, 1961–65, Assistant Attorney General, Civil Rights.

Martin, John S., Jr., July 1967 to September 1969, Office of Solicitor General.

Mayers, Daniel K., 1961–62, Tax.

McIntyre, Kenneth G., July 1963 to February 1967, Civil Rights.

Medalie, Richard J., January 1960 to May 1962, Office of Solicitor General.

Miller, Jeffrey M., 2 years, Civil Rights.

Miron, George, 1959–65, Antitrust.

Montgomery, Bruce L., 1960–62, Antitrust.

Moore, Donald Page, 1964–66, Criminal.

Murphy, Terrence R., 1966–68, Civil.

Nathan, Marvin D., 1966–68, Civil Rights.

Neal, James F., 1961–66, U.S. Attorney, M.D., Tenn.

Nesson, Charles R., 1965–66, Civil Rights.

Newman, Jon O., 1964–69, U.S. Attorney, Conn.

Nolan, John E., Jr., 1963–64, Administrative Assistant to Attorney General.

Norris, Grady J., 1965–69, Civil Rights.

Oberdorfer, Louis F., 1961–65, Assistant Attorney General, Tax.

Ortenberg, Reuben, April 1965 to September 1967, Civil Rights.

Paley, Stephen H., 1964–68, Tax.

Pergam, Albert S., September 1965 to August 1966, Civil Rights.

Pollak, Stephen J., 1961–69, Assistant Attorney General, Civil Rights.

Pugh, Richard C., July 1966 to November 1968, Tax.

Quaintance, Charles, 1964–70, Civil Rights.

Raywid, Alan, 1957–66, Civil.

Redmond, Daniel M., 1961–63, Civil.

Reilly, John R., January 1961 to January 1964, Office of Deputy Attorney General.

Reis, Harold F., 25 years, Executive Assistant to Attorney General, Criminal.

Reycraft, George D., December 1952 to December 1961, Antitrust.

Rivlin, Lewis A., 1957–64, Civil (2 years), Antitrust (5 years).

Rogovin, Mitchell, January 1966 to January 1969, Assistant Attorney General, Tax.

Rotatori, Robert J., 1962–64, Antitrust; 1964–69, Office U.S. Attorney for Cleveland.

Rubin, David, 1959–65, Civil Rights.

Ryan, Leonard E., 1966–68, Civil Rights.

Salzman, Richard S., July 1962 to December 1967, Civil.

Sand, Leonard B., 1953–55, Assistant U.S. Attorney, South District of N.Y.; Assistant Solicitor General.

Schlei, Norbert A., August 1962 to March 1966, Assistant Attorney General, Office of Legal Counsel.

Sexton, John J., 1954–58, Tax.

Silk, Thomas, 1964–68, Tax.

Silver, Laurens H., 1963–65, Criminal.

Silver, Lawrence B., 1963–67, Tax.

Sisk, Marcus W., Jr., July 1964 to February 1965, Civil Rights.

Slawson, W. David, 1965–67, Office of Legal Counsel.

Smith, Jeffrey L., October 1966 to October 1969, Civil Rights.

Solomon, Richard A., February 1958 to May 1962, Antitrust.

Sonnenschein, Marco S., March 1964 to January 1969, Tax.

Spritzer, Ralph S., 1947–68, Office of Solicitor General.

Steiner, David A., October 1967 to May 1968, Civil Rights.

Stern, Gerald M., June 1961 to February 1964, Civil Rights.

Strout, Arthur, 2½ years, Tax.

Taylor, Leigh H., June 1966 to September 1968, Civil Rights.

Terris, Bruce J., 1957–65, Office of Solicitor General.

Terry, Joseph Ray, 4 years, Civil Rights.

Tirana, B. R., 1962–64, Civil.

Turner, Donald F., 1965–68, Assistant Attorney General, Antitrust.

Van Alstyne, William, 1958–59, Civil Rights.

Vinson, Fred M., 1965–69, Assistant Attorney General, Criminal.

Wasserstrom, Richard, 1963–64, Civil Rights.

Weinstein, Les J., 5 years, Antitrust.

Weissman, William R., 1966–69, Antitrust.

Wertheimer, Richard J., September 1960 to February 1965, Antitrust.

Wilkins, Roger W., April 1966 to January 1969, Director, Community Relations Service.

Wright, Robert, 15 years, Antitrust.

Zimmerman, Edwin M., July 1965 to January 1969, Antitrust.

Mr. HART. Mr. President, I believe that these men speak from a background of knowledge and understanding, and that should persuade Members who have had less association and, therefore, less experience with the difficulties that are thrown in the road of the Department of Justice personnel seeking to protect all of us equally in this country. This counsel is most helpful. I know it will be given very thoughtful consideration.

Mr. PERCY. Mr. President, I ask unanimous consent to have printed in the RECORD a letter I have received, and which I understand other Senators have received, from Mr. John W. Gardner, chairman of the Urban Coalition Action Council, signed also by Andrew Heiskell, A. Philip Randolph, Whitney M. Young, Jr., and W. D. Eberle.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE URBAN COALITION
ACTION COUNCIL,
Washington, D.C., March 6, 1970.

Hon. CHARLES H. PERCY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR: We are writing to urge you to support the Scott-Hart voting rights bill. We believe it is vital that the 1965 Voting Rights Act be extended without amendments that would allow many states to revert to discriminatory practices which prevented minority citizens from registering and voting.

We simply must not slow down in our efforts to insure that every citizen has access to the ballot box. If we tell our minority citizens to support the democratic process and work within the electoral system, then we must insure that they have full and free access to the voting rolls.

The 1965 Voting Rights Act was landmark legislation that has been remarkably successful in assuring the right to vote to hundreds of thousands of people. A change in this historic Act at this time would be a drastic step backward for the cause of human rights and the democratic process.

Sincerely,

JOHN W. GARDNER,
Chairman.

On behalf of the Urban Coalition Action Council and its Co-chairmen:

Andrew Heiskell, Chairman of the Board, Time, Inc.

A. Philip Randolph, International President-Emeritus, Brotherhood of Sleeping Car Porters.

Whitney M. Young, Jr., Executive Director, National Urban League.

W. D. Eberle, President, American Standard.

Mr. PERCY. Mr. President, I should think that the very dedicated men who have sent this letter can serve as an important guide to us. John W. Gardner's dedication to this country is particularly distinctive as is his concern about our future, his understanding of our cities, and understanding of people who live in those cities.

I believe the action of the Senate today and in recent days in standing firm on voting rights legislation which has been adopted in the past, successfully implemented and judicially upheld, must be very encouraging to him. It should also be encouraging to all Americans who believe in equal rights of expression and equal voting privileges, rights which are fundamental to our form of government.

ADJOURNMENT TO 10 A.M. TOMORROW

Mr. KENNEDY. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 10 o'clock tomorrow morning.

The motion was agreed to; and (at 6 o'clock and 28 minutes p.m.) the Senate adjourned until tomorrow, Tuesday, March 10, 1970, at 10 a.m.

NOMINATION

Executive nomination received by the Senate March 9, 1970:

DIPLOMATIC AND FOREIGN SERVICE

William D. Brewer, of Connecticut, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Mauritius.

EXTENSIONS OF REMARKS

VFW CONGRESSIONAL AWARD TO SENATOR JACKSON

HON. RICHARD L. ROUDEBUSH

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 9, 1970

Mr. ROUDEBUSH. Mr. Speaker, a former Member of this body who is a distinguished Member of the Senate will be honored tomorrow night by the Veterans of Foreign Wars of the United States. The 7th annual VFW Congressional Award will be presented at the 1,500,000-member organization's annual congressional banquet at the Sheraton-Park Hotel. I know that the great majority of Members of both the House and the Senate will be on hand to honor our distinguished colleague.

According to VFW Commander-in-Chief Ray Gallagher, of Redfield, S. Dak., the VFW chose "Senator JACKSON because of his studious and hard-working approach to the Nation's problems during his nearly 30 years in Washington. Senator JACKSON was prominent in passage last year of legislation for the antiballistic missile system. During Senate debate he warned that the Soviet Union is a 'dangerous, unpredictable opponent'."

Senator JACKSON was first elected to the House of Representatives in 1940. He served six terms and was elected to the Senate in 1952. In 1960, he was chairman of the Democratic National Committee. Presently, he serves on three major Senate committees, plus a joint committee. He is chairman of the Senate Interior and Insular Affairs Committee and has long fought pollution and for conservation of the Nation's natural resources. As a member of the Government Operations Committee he is chairman of a Subcommittee on National Security and International Operations, and a ranking member of the McClellan Investigations Subcommittee.

The Senator serves on the Armed Services Committee and is a member of the subcommittee which oversees the activities of the Central Intelligence Agency. He is chairman of the Subcommittee on Atomic Weapons of the Joint Committee on Atomic Energy. He also serves as ex officio member of the Defense Appropriations Subcommittee of the Committee on Appropriations.

Commander Gallagher said:

> I feel that we could not have made a better choice to receive the Congressional Award than Senator Jackson. He certainly embodies the aspirations for our Nation held by all members of the Veterans of Foreign Wars.

The congressional award is the highest honor presented by the VFW. It was first awarded to former Senator Carl Hayden of Arizona in 1964. Recipients since have been: Speaker of the House JOHN W. McCORMACK, of Massachusetts, former Senate minority leader Everett McK. Dirksen of Illinois, Representative WILBUR MILLS of Arkansas, Senator RICHARD RUSSELL of Georgia and in 1969, Representative OLIN E. TEAGUE of Texas.

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Gallagher said in his announcement:

> By awarding this honor, the VFW seeks to dramatize the importance of the role of a freely elected legislature to serve the great ends of the Republic.

Mr. Speaker, I am sure that I speak for all of my colleagues here in the House of Representatives when I congratulate the junior Senator from Washington and the VFW for choosing him to receive their coveted award.

BUSING TO ACHIEVE RACIAL BALANCE

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Monday, March 9, 1970

Mr. BYRD of Virginia. Mr. President, the Northern Virginia Daily of Strasburg, Va., on March 7 published an editorial based on a colloquy which I recently had with Under Secretary Veneman, of the Department of Health, Education, and Welfare. I believe the editorial, entitled "Many Hats," makes some important points on the subject of busing to achieve racial balance.

The editor of the Northern Virginia Daily is James J. Crawford.

I ask unanimous consent that the editorial be printed in the Extensions of Remarks.

There being no objection the editorial was ordered to be printed in the RECORD, as follows:

MANY HATS

Sen. Harry F. Byrd Jr. is a member of the Senate Finance Committee. Recently, Undersecretary of Health, Education, and Welfare Veneman appeared before the committee, at which time he was interrogated by Sen. Byrd.

The senator's questions to Mr. Veneman had to do with problems which had arisen in Newport News, in which HEW had threatened to withhold federal funds to force the busing of children to achieve integration in the schools.

The exchange which followed, which we reprint below, shows quite clearly that federal bureaucracy wears a number of hats, and apparently is not always entirely sure which one it has on:

"Senator Byrd: Now, Mr. Veneman, the Secretary has repeatedly been quoted as stating that your department, HEW, does not force localities to bus school children to achieve racial balance. Is that correct?

"Mr. Veneman: That is correct.

"Senator Byrd: But is it not a fact that your department has refused to approve desegregation plans of individual school districts while at the same time indicating that plans involving busing would be acceptable?

"Mr. Veneman: As a means of achieving desegregation.

"Senator Byrd: Would you in your capacity have an appropriate official in the department communicate with the city of Newport News and tell them that you have no right to require them to bus students?

"Mr. Veneman: We do not have a right to require them.

"Senator Byrd: Let me ask you this: What is the difference, legally or morally, between ordering busing to achieve racial balance and issuing rulings which, in effect, leave the community with no choice but to bus to achieve racial balance or lose federal funds? What is the difference?

"Mr. Veneman: The Department—I really would like to make this clear. The Department has not required the transportation of students to achieve racial balance. And I do not think there is a court decision on that as yet.

"Senator Byrd: Well, would you indicate what is different, legally or morally, between ordering busing to achieve racial balance, which you say you do not do, and issuing rulings which, in effect, leave the community with no choice but to bus or lose federal funds?

"Mr. Veneman: I do not think we have issued that ruling that leaves a community with no choice, Senator."

From the undersecretary's answers to Sen. Byrd's pointed questions we would judge that the particular hat HEW wears in any given circumstance is apparently dictated by the requirements of that occasion, geographical or otherwise.

Though, by the undersecretary's own admission, HEW has no right to require communities to bus students in order to achieve racial balance, it certainly acts as though it does. HEW officials have come into Virginia, and into the communities of other Southern states, and in Sen. Byrd's words, ". . . have browbeaten the local officials into thinking that HEW has a right to force them to bus all the way across cities and counties, for the purposes of achieving racial balance."

So, while a high official of HEW denies that his department requires busing, and in fact acknowledges that under the law HEW has no such authority, he cannot deny that this kind of pressure has been used countless times to force reluctant school districts into line.

LONGFELLOW NATIONAL HISTORIC SITE

HON. THOMAS P. O'NEILL, JR.

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 9, 1970

Mr. O'NEILL of Massachusetts. Mr. Speaker, today I have introduced a bill to authorize the establishment of the Longfellow National Historic Site in Cambridge, Mass. I am hopeful that speedy consideration will be given to this bill, and that in the very near future, the Longfellow house will be a national historic site.

Henry Wadsworth Longfellow is probably the favorite poet of schoolchildren throughout our Nation. Through his poetry, an historical event becomes a reality in the minds of children. Longfellow's description of the "Midnight Ride of Paul Revere," I am sure, means much more to a child than any historical account of the event, no matter how well written. His poetry gives us a feeling of an age gone by, the type of life encountered by those people who came to settle and build our Nation.

In 1843, Longfellow's father-in-law, a Boston merchant, bought the house at 105 Brattle Street in Cambridge and the adjoining ground as a gift for his daughter and her bridegroom. The Longfellow family lived there until 1882 and their descendants occupied the house thereafter. It was while sitting in that house that the inspiration for the "Children's Hour" came to Henry Wadsworth Longfellow, the father and the poet. In 1913 Longfellow's descendants conveyed the property and an endowment fund to a board of trustees who were obliged to keep the house as it was during the poet's life. It stands in Cambridge today with the same furnishings, filled with Longfellow's possessions and his works.

It is the wish of the trustees to transfer to the National Park Service of the Department of the Interior the Longfellow House so that it may be preserved for future generations of Americans as a national historic site. The bill I have introduced today would authorize the Secretary of the Interior to accept the donation of the Longfellow house and a sum of $200,000 for the Longfellow National Historic Site.

It was my honor and great privilege to serve as a member of the Boston Historical Sites Commission during the 86th and 87th Congresses. I know the intrinsic value of this property, and more importantly the historical and cultural value it holds for all Americans and for generations of Americans to come.

The board of trustees of the Longfellow house, Messrs. Parkman D. Howe of Boston, Henry L. de Rham of New York City and Brooks Beck of Boston, have asked my cooperation in this endeavor. I am very happy to work with them, and I commend them for this action.

I include the following description of the Longfellow house from the National Park Service:

PROPOSED LONGFELLOW NATIONAL HISTORIC SITE—CAMBRIDGE, MASSACHUSETTS

Henry Wadsworth Longfellow, beloved American poet, scholar and teacher, lived for 45 years in the old colonial house at 105 Brattle Street in Cambridge, Massachusetts. Here he resided from the time he was appointed Professor of Modern Languages at Harvard University in 1837, until his death in 1882. It was here that he composed most of his renowned works; here that his six children were born; here that he regaled the local school children with his stories of the American Revolution; and here that he entertained the Nation's great.

With fanciful and lively imagination, Longfellow created literary myths and figures that remain today as vital keys to the early American scene. Quotations from his poetry are familiar household expressions both in America and abroad.

Through the music of Longfellow's poetry, Paul Revere achieved immortality, as did the imaginary Village Blacksmith, Priscilla and John Alden, and Hiawatha. Many feel that Longfellow achieved his finest moment in the picture story of *Evangeline*, and few readers can forget Lake Atchafalaya—where lovers passed, each unaware of the other's presence.

In 1759, a wealthy young Royalist, Major John Vassall, built the imposing mansion known today as the Longfellow House. In 1774, his home on the street then known as "Troy Row" was surrounded by Revolutionists, and Vassall fled to Boston, and later to England. The house was next occupied by General George Washington, two weeks after his arrival in Cambridge on July 2, 1775, to take command of the Continental Forces. Here he made his headquarters as Commander-in-Chief of the Continental Army during the siege of Boston.

At the close of the Revolutionary War, the mansion changed hands several times. In 1791, Andrew Craigie bought the house, enlarged it in 1793, and enhanced the estate in other ways. He died in 1819, ruined by hard times and his own extravagance. To pay off debts, his widow rented rooms to Harvard students.

It was from Mrs. Craigie that Longfellow rented lodgings when he came to Cambridge. In 1843, Longfellow married Miss Frances Appleton, daughter of a Boston merchant, who bought the Craigie house and the grounds immediately adjoining as a gift to the bride and groom—and later added land across the street, reaching to the Charles River.

Since Longfellow's death in 1882, the house has been occupied by his descendants who, in 1913, conveyed the property and an endowment fund to trustees who were to keep it as it was during the poet's life. Today, the furnishings are the same, and the house is filled with first editions of the poet's works, his letters and books, mementos of his travels, portraits, and gifts from the world's leaders and noted men of letters.

Longfellow's Georgian house is presently located on approximately two acres of land in a fine old neighborhood of Colonial Greek revival and Victorian style homes. Most notable feature of the House is the ground floor study where in a far corner stands the high desk at which Longfellow stood to compose much of his poetry.

Behind the mansion is a well-preserved two-story carriage house and barn designed and built by Longfellow in 1845. To the rear of the well landscaped grounds is a formal garden designed by the poet to resemble one he had visited in Italy. In front of the house, and across Brattle Street, is a small formal park owned by the City of Cambridge extending almost to the Charles River. It was once a part of the original Longfellow property.

As early as 1940, the Secretary of the Interior's Advisory Board on National Parks, Historic Sites, Buildings and Monuments, declared the Longfellow House to be of national significance and a fine example of 18th century architecture in this country. In October 1962, the Board recommended that the Longfellow House be established as the Longfellow National Historic Site. Establishment of the area may be accomplished either by an Act of Congress or designation by the Secretary of the Interior. The Longfellow House Trustees, with whom title to the site now rests, and the heirs of Longfellow, have offered to donate the property to the Federal Government for administration as a national historic site.

As the Nation's principal conservation agency, the Department of the Interior works to assure that non-renewable resources are developed and used wisely, that park and recreational resources are conserved, and that renewable resources make their full contribution to the progress, prosperity and security of the United States, now and in the future.

The National Park System, of which the Longfellow National Historic Site would be a unit, is dedicated to conserving the natural, historic, and recreational heritage of the United States for the benefit and enjoyment of this and future generations.

JAYCEES ACT TO PREVENT VANDALISM

HON. PAUL J. FANNIN

OF ARIZONA

IN THE SENATE OF THE UNITED STATES

Monday, March 9, 1970

Mr. FANNIN. Mr. President, a very public spirited campaign in my State of Arizona has come to my attention. It is a project of the Glendale Jaycees, and I believe it deserves the attention and emulation of many, many other Americans.

Faced with continually increasing acts of vandalism, particularly in our parks and other public recreational areas, the Glendale Jaycees decided to do something about it. The result is a campaign called SAVE—Sportsmen Against Vandalism Everywhere.

Mr. Timothy J. Hicks is the chairman of this project and has written me a letter including some informational material that explains the purpose and work of this program.

I ask unanimous consent that the letter and the enclosed information be printed in the RECORD so that others may be informed of this highly worthwhile project. Perhaps other communities and organizations will find it worthwhile to start such a project on their own.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

GLENDALE JAYCEES,
Glendale, Ariz.

DEAR SENATOR PAUL FANNIN: It is now approaching that hour each and everyone of us must start to police the outdoors against acts of vandalism and take action against those we observe committing these acts.

The Glendale Jaycees are taking action against vandalism with the S.A.V.E. (Sportsmen Against Vandalism Everywhere) program. The idea of the SAVE campaign is to combat the vandalism problem; to promote a better sportsman, landowner relationship between the users of these lands in pursuit of their sports, hobbies, vacations recreation and other activities and the administrators of public and private lands.

We are taking this program nationally through every means available to us to help SAVE, Inc. promote and educate the public how to combat all acts of vandalism. This letter is being mailed to congressmen, Game and Fish directors of the United States, all Jaycee state presidents and other interested persons.

Basically the SAVE kit is being used to promote the SAVE campaign. This kit includes a SAVE window decal, a SAVE button, a pledge card and a letter explaining how each individual can stop vandalism. The proceeds from these SAVE kits are used to continue educating the public and to sustain the prosecution fund. This prosecution fund is maintained to pay only individual's expenses for lost time and wages to testify in court against acts of vandalism.

Other sources used are SAVE posters, signs, through game and fish department, television shows, statefair booths and various other ways.

The SAVE campaign has been judged 2nd in National competition in a public relations program the only reason it was not first is it did not receive enough national publicity.

You can help us. Promote Sportsmen Against Vandalism Everywhere (SAVE) with a local SAVE project of your own. Tomorrow may be too late our public and private lands are closing today. Stop vandalism now. Order your SAVE project materials today.

Yours truly,

TIMOTHY M. HICKS,
SAVE Chairman.

THE SAVE CAMPAIGN: SPORTSMEN AGAINST VANDALISM EVERYWHERE

The SAVE Campaign came into being in Arizona in 1963. Mr. Robert Hirsch was the originator of the idea and a member of the Arizona Varmint Callers. The slogan originated at that time, with the distinctive stop-sign emblem and the SAVE Kit coming later. The "Idea" of the SAVE Campaign was to combat the "Vandalism-Littering" problem; to reduce it to promote a better "Sportsman-Landowner" relationship between the users of these lands in pursuit of their outdoor activities and the owners or administrators of private and public lands.

It was through the promotion and efforts of the Arizona Varmint Callers Ass'n, Inc. (AVCA), that the aims and objectives of the SAVE Campaign have borne fruit to date. In 1963, the SAVE Campaign won second place in national competition in "Public Relations Program". The only reason it was not first was lack of national publicity. It has won a number of awards since.

The 25¢ SAVE Kit has been the main source of revenue to carry out the SAVE Campaign, plus other donations from time to time. The SAVE Kits, Posters, and Signs, plus word of mouth have spread the SAVE message across the nation. Over 20,000 Kits and over 30,000 SAVE Posters and Signs have been distributed to date by interested Sportsmen and Sportsmen groups. The SAVE Buttons have sprouted as bolo ties, key chains, and etc. The SAVE Campaign has been a rallying point for those *Who Want to Do Something* about the *Valdalism-Littering* problem.

The Arizona Varmit Callers Ass'n, Inc., realizing that they neither have the manpower nor funds to perpetuate and promote the SAVE Campaign nationally and extend it in Arizona, has licensed and released the SAVE Campaign to SAVE, INC. to conduct and transact its business. SAVE, INC. was chartered in Arizona on May 13, 1969 as a non-profit educational organization. The directors, officers, and committees are selected from statewide and nationally affiliated organizations or groups in Arizona.

THE SAVE COMMITTEE.

THE SAVE CAMPAIGN

Here is a sampling of costs nationally: Over $500,000.00 is needed each year of yours and my tax monies for vandalized areas of recreation and their facilities in this nation, as well as litter clean up on these areas, too. The National Forests budgets $2.5 million dollars each year for vandalism-littering acts. The National Parks and Monuments budgets $1.5 million dollars each year for this blight (since hunting is not allowed on these areas, it is hard to blame the hunter for these acts). Utah: One Ranger's area has over $500.00 each week in vandalism damage ($26,000.00 annually). Speaking of forests, Weyerhauser Lumber Company in the state of Washington has a vandalism-littering expenditure of over $150,000.00 annually on their lands and are considering the closure of their free camping areas or charging for their use.

Here is a sample of what it costs state highway departments due to vandalism and littering problems: State of Washington, $500,000.00 annually. Arizona, $250,000.00 annually. Maricopa County Highway Department replaces between 500–800 highway signs each month at an average cost of $15.00. Over $10,000.00 annually. They are spray painted, knocked down, chopped up, and shot up (each bullet hole costs an average of $35.00 each. Each piece of litter picked up costs (10¢) ten cents from the highway.

It cost the taxpayers of Arizona for Easter week-end vandalism in their Buckskin State Park over $1,200.00. Sprinkler heads, $25.00; towel dispensers in cabanas, $50.00; trees (3) $125.00; manhours of rangers $1,000.00 worth; plus more repairing and painting to be done when legislature appropriated more funds.

I hope that you understand why we can no longer afford or tolerate this evil and drain of our tax monies. This *UN*-necessary *EVIL* is a waste of your and my tax monies that could have been put to better use for more recreational areas and facilities in our great outdoors.

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SAVE MEANS: SPORTSMEN AGAINST VANDALISM EVERYWHERE

IMPORTANT!—PLEASE READ THIS TWICE

Public access to Arizona's outdoors is in danger. Each year more and more "No trespassing" signs go up—largely as a result of someone's thoughtless attitude. In recent years the use of our outdoors has more than doubled. Incidents of Vandalism, littering and other disrespect have risen accordingly.

We in Arizona are fortunate in having free access to vast areas of public lands. *But this could change!* You need look no further than nearby states to see a much smaller percentage of public land, and a much larger percentage of posted areas. In many areas of the West hunting and fishing privileges are available only on a fee basis.

Thank you for your support of the "SAVE" movement. By signing the pledge card you are joining in a giant effort by all the users of our priceless outdoors to keep Arizona lands open to use by this and future generations.

WHAT CAN YOU DO TO HELP?

YOU are the most important person in the fight against vandalism. Here are a few simple rules: if everyone follows them the problem can be licked!

1. Be sure your personal behavior is above reproach. Let farmers and ranchers know you're on their side. Treat their land and improvements with the same respect you'd expect a visitor in your home to show you.

2. Set a high standard for children to follow. They're our hope for the future, and they usually assume all adult actions—right or wrong—are the correct thing to do.

3. Go ahead and criticize a member of your own party if he does something you both know is wrong. He may be angry at first, but later he'll respect you for speaking up.

4. Finally, if you witness an act of vandalism, help protect your rights by doing whatever you can to help enforcement officers. Write down the license number and description, if a vehicle is involved, along with a description of the criminal (that's right, "criminal"), the location, and any other information that may be helpful. Turn this over to the first officer you can find, whether he's a game ranger, sheriff or city policeman. If you don't find an officer before you return home, call the Game and Fish Department (271-4781) and give them the information you have collected. If you're willing to sign a complaint and testify against the vandal in court, you can almost guarantee a conviction. These offenses, though serious, are legally classed as "misdemeanors" and unless the officer sees them happen his hands may be tied without your help.

Without your cooperation, all the posters, decals, hat buttons and other publicity won't mean much. The real need is to let the small percentage of vandals in our population know that the rest of the world will not tolerate their actions any longer. By wearing the hat button when you go on an outing, displaying the decal on your rear car window and following the above rules you'll truly be helping to "SAVE" your outdoor heritage.

The "SAVE" Committee: Arizona State Varmint Callers Assoc., Arizona Farm Bureau Federation, U.S. Brewers Association, Inc., Arizona State Parks Board, U.S. Fish and Wildlife Service, National Park Service.

U.S. Soil Conservation Service, House Fish and Game Committee, Arizona Legislature, U.S. Forest Service, Arizona Cattlegrowers, Maricopa Parks and Recreation Dept., Glendale Jaycees.

Mountain States Telephone Company, U.S. Bureau of Land Management, Arizona Highway Department, Arizona Game and Fish Department, Arizona Conservation Council, Arizona Public Service Company.

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SUBURBAN PROBLEMS

HON. HENRY HELSTOSKI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, March 9, 1970

Mr. HELSTOSKI. Mr. Speaker, I pose this question: Is concealment a disease of the executive department of our Government?

More and more it appears to me that it is, for week by week the Congress has to almost forcibly pry some information from representatives of the executive department.

Even we are not successful at times and we must rely on enterprising and diligent news reporters to get us information we are unable to get.

Through placement in the RECORD of a series of articles I will cite one most recent example of how the news-gathering and reporting fraternity again has been of help to us and the people we represent.

The articles, which will follow, were written by Mr. Edward J. Flynn and Miss Sharon Rosenhause of the Record of Hackensack, N.J. They bring to light the findings and recommendations of the President's Task Force on Suburban Problems, which have been locked within the inner-inner circles of the present administration and its predecessor administration.

I expect all will agree that the articles are most timely and Mr. Flynn and Miss Rosenhause are to be congratulated for their work and enterprise in bringing to light the hidden report and placing valuable information before the public and the Congress. Their newspaper, the Record, also merits our gratitude for publishing the informative and helpful articles.

The articles were carried by the Record of Hackensack, one of New Jersey's top-ranking daily newspapers, in its editions of March 2, 1970, under a copyright and permission has been granted me to have them reprinted in the CONGRESSIONAL RECORD. The articles follow:

REPORT UNVEILS SUBURBS CRISIS

(By Edward J. Flynn and Sharon Rosenhause)

A confidential report to former President Johnson shortly before he left office warns of a quiet crisis brewing in the suburbs and details a national strategy to cope with the mounting threat.

The seven-volume report—never publicly released—lists 15 major recommendations of the President's Task Force on Suburban Problems.

It suggests state and federal financing of local education and welfare costs, massive technical aid to guide suburban development, and financial support for long delayed municipal projects.

These solutions are addressed to the dozens of problems the Task Force finds in suburbia today, including:

Land prices are rising faster than consumer goods.

The countryside is being raped; air and water pollution are rampant.

Low density and helter-skelter development results in frenzied hours of commuting.

Escalating costs and scarce mortgage funds push housing prices higher, slow production, and substantially exclude low-income and minority groups.

Growth carries a high price tag, forcing hard choices between increasing taxes or reducing public expenditure.

These problems amount to a quiet suburban crisis, reports the Task Force.

"And this in itself is a problem. The 'typical' suburbanite perhaps senses some dissatisfaction with his life style and is disturbed at mounting costs and taxes. . . .

"He is virtually unaware of the hidden costs of sprawl, has little interest in patterns of human settlement or metropolitan growth, and has the normal human trait of worrying more about immediate family problems than planning for the civic future, especially if this planning seems not to involve or affect him."

The Task Force report, marked "Administratively Confidential," was submitted to President Johnson on Dec. 2, 1968, a few weeks before he left the White House. He appointed the study group on Oct. 11, 1967.

One Task Force proposal—creation of an urban development bank—was incorporated into President Johnson's final State of the Union Message to Congress. Urbank, as it's called by the Task Force would issue taxable bonds to finance projects at reduced rates to the municipalities.

In a letter accompanying the report, Charles M. Haar, Task Force chairman, said to the President:

"Our findings and proposals . . . make clear that beneath the popular image of the suburbs as middle class, happy and affluent, there is a quite crisis that threatens the quality of life to be enjoyed by millions of Americans."

Haar, then the Department of Housing and Urban Development's assistant secretary for metropolitan development, continued:

"Nor is the threat limited to the one out of four of us who live in the suburbs.

"The interdependence of our urban society makes it certain that the problems of our central cities cannot be fully resolved without finding answers in the suburbs."

The report advances specific proposals to meet the suburban challenge.

The Task Force recommends a new banking agency—a federal-state-local-private partnership—to accelerate the economic and social development of the nation's communities.

There are plans for public purchase of land to guide growth and to prevent suburban sprawl, a national urban waste management program, and measures to deal with the acute housing shortage, transportation, conservation, and crime.

The presidential study group offers its blueprint for change against a backdrop of crisis, the result of the proliferation of the suburbs.

The stereotyped suburb—"A manicured bedroom community with well-built homes owned by affluent, young, white Americans"—is particularly valid in the Northeast. However, the Task Force cautions:

"No general statement may be accurately used to define or classify the suburbs."

The report's extensive statistical data, most of it based on the 1960 census, indicates there are more white, wealthy, educated, young Americans in suburbs than in cities.

But this doesn't mean that suburbia is without problems. It has, explains the Task Force, substantial poverty, Negro ghettoes, substandard housing, blight, increasing welfare rolls, crime—all commonly associated with the urban crisis.

The Task Force concludes that problems of city and suburb can't be considered separately:

"Parts of the central city often look like its suburbs and vice versa. Furthermore, a metropolitan area has a physical and economic unity despite the forces that generally seem to be dividing it."

The report finds the nation's future in its suburbs:

"It is in the suburbs that industrial development increasingly will take place, buoyed by construction of new highways and beltways which support the decentralization of employment.

"It is here that growth is supported by federal policies of aiding and encouraging home ownership, and aiding such public improvements as parks and water and sewer facilities.

"And it is here, finally, that the dreams of a mobile population are most nearly met."

In his letter to President Johnson, Haar, now a Harvard Law School professor, comments:

"Fortunately there is still time to act . . . Choices and alternatives still are available to us."

The Task Force, in introducing its recommendations, says: "America has a chance in suburbia to avoid repeating the mistakes we made during the rise of the cities.

"We can, if we will, learn from the planlessness, overcrowding, slums, crime, pollution, dirt, noise, traffic and unjust treatment of minorities."

Specific suburban problems are sorted into the general categories of land, housing, public facilities and finance, and management.

While the supply of suburban raw land may seem inexhaustible, it is, in fact, a scarce resource and land values have risen steadily for the past 20 years.

Rising costs and tight money have priced many people out of the housing market. And soaring prices are reinforced by zoning and building regulations.

"Consciously or not," the report says, "zoning has been used to keep out people at the low end of the income scale."

At the same time, suburban locations for low-priced housing make sense because industrial growth is shifting from the cities to suburbs.

"The suburbs are only too willing to scramble for a share of the industrial and commercial tax base but are not at all anxious to assume the attendant costs of housing and education for the unskilled employes," comments the Task Force.

Property taxes are skyrocketing in suburbs and the presidential study group calls the suburban tax base a major source of irritation and worry.

Suburban management—the job of running a municipality—is big business, exceedingly complex, and requiring the support of specialists. But the Task Force finds:

"The policies, techniques, and procedures used in running little communities in the unhurried simple life of bygone years are totally unsuited to the needs of concentrations of mass society in the ever-expanding metropolitan areas."

HOUSING ILLS LOOK TO SUBURBIA

Any attempt to solve the nation's housing crisis must involve the suburbs, says the President's Task Force on Suburban Problems.

"Suburbia is where the land is, where costs can be kept within reason," the Task Force report says.

Apart from urging suburban sites for new housing, including homes for low-income families, the study group recommends measures to aid veterans, senior citizens, and current homeowners.

Here's a close look at the Task Force's housing program:

Vietnam veterans are younger than their World War II or Korean counterparts, often unprepared to compete in today's skilled job market, and they face historically high mortgage rates. Says the Task Force:

"Aggravating the problem today is the higher percentage of Negro veterans whose housing choices and employment opportunities are further limited by the discrimination, especially in suburban areas."

The Task Force proposes:

—Amend the Housing and Urban Development Act of 1968 to give veterans with low incomes increased mortgage assistance.

—Federal grants of $200 to a school district for each veteran's child in kindergarten through ninth grade, an attempt to avoid municipal fiscal imbalance so communities won't be reluctant to accept veterans' housing.

The Task Force also analyzed the senior citizens housing problem.

"For the senior citizen homeowner, his home equity usually represents the bulk of his savings and his greatest asset," the report says.

"At present, however, there is no way by which he can continue to live in his own home and utilize these desperately needed savings to supplement his meager income. These assets remain frozen until death, unless he sells his home before that time."

ANNUITY SUGGESTED

The Task Force suggests senior citizens be able to convert equity in a home to a lifetime annuity, a program partially developed by the President's Council on the Aging:

—The homeowner signs a note to the insuring agency, secured by a mortgage, agreeing to a decreasing obligation against the property payable to the agency on death.

—In return, the homeowner receives a guaranteed monthly income for the rest of his life and continues to live in his own home. The income would range from $15 to $50 a month.

Another recommendation would amend the Internal Revenue Code:

At age 55 a taxpayer could sell a home owned for at least 5 years without having to pay capital gains taxes on the first $20,000 of the sale price. The limit now is age 65.

Perhaps the most controversial measure deals with insurance against the loss of property values due to racial integration. Says the Task Force:

"An important factor in the initial reluctance of whites to sell to Negroes, and an even more significant factor in panic selling by whites after the first Negro families move in, is the fear that property values will decline because of the presence of Negroes.

"While this fear is real enough, numerous studies show that it has no foundation in fact. Even in those neighborhoods that do 'tip,' any decline in values is temporary and is actually a product of white panic."

The Task Force proposes that homeowners be able to buy such insurance with premiums based on a property's value and its actual sale price.

But the study group, aware the plan could aggravate fear by emphasizing the problem, cautions:

"Such adverse consequences can probably be avoided through appropriate and carefully developed public information programs.

"If however, further and more broadly-based considerations of this proposal should indicate that the danger of these side effects is substantial, this proposal should not be adopted in its present form."

Because of the tight money market, the Task Force recommends a plan to remove some blocks to housing mobility. Home loans would become transferable from property to property moving with the homeowner.

A homeowner with an unpaid loan on one house could transfer the unpaid balance to a new home. The remaining cost of the new home would be financed by a second loan.

So that the proposal would be palatable to lending institutions, federal guarantees are proposed for the second mortgage.

The Task Force would also reduce closing costs on the purchase of a home, such as title searches, title insurance, and surveys.

SUBURBAN CURE IS PRESCRIBED

The President's Task Force on Suburban Problems offered 15 major proposals to solve suburbia's quiet crisis. Here's a summary of the recommendations:

FINANCING

The Task Force isolated as the most urgent problem is the need for planning, building, and paying for community facilities—housing, schools, sewers, libraries, and hospitals.

To meet the challenge, it recommends a new partnership to help pay the bills, an Urban Development Bank (Urbank) to provide loans and technical assistance to communities.

Stockholders would be the federal, state, and local governments and private investors. Urbank's loanable funds would be obtained by issuing bonds in the private capital market. Communities could borrow at reasonable rates from Urbank just as underdeveloped nations borrow from the World Bank.

"In summary," the Task Force says, "the bank would represent a modernized way of making available an adequate and continuing supply of capital funds for community development at rates of interest and terms appropriate to this field."

LAND ACQUISITION

Legislation is urged to form a Federal Urban Parklands Corporation to buy substantial amounts of land for future parks and recreational areas. Within 20 years the land would be sold to state and local public agencies at cost. Land leasing would be allowed for interim periods and surplus land could be sold to private developers at fair value.

Grants and loans to State Land Development Corporations are proposed to acquire land in areas threatened by urban sprawl.

"Under public ownership, these sites can be saved, planned, and disposed for development as town centers, including such uses as shopping facilities, community colleges, public buildings, and apartments."

U.S. INSTALLATIONS

Noting that the timing, scale, and location of major federal installations often run counter to local development goals, the Task Force urges a presidential order to establish sounder planning procedures.

Federal project planners would be encouraged to follow existing local plans for urban development; recognize local views; and provide housing, transportation, and services for low-income workers.

HOUSING

To supplement existing legislation, the Task Force proposes:

Mortgages and rent subsidies to Vietnam veterans and federal grants to school districts to supplement costs of educating veterans' children.

A program whereby senior citizens can convert home equity to a guaranteed life-time income. Another proposal would reduce from 65 to 55 the age for receiving tax breaks when selling a home.

An experimental program of homeowner insurance would guard against property value losses when a neighborhood is integrated.

All homeowners would get an option to transfer an existing mortgage when moving to a new home.

TRANSPORTATION

Federal assistance would be given to aid lower-density areas, emphasizing access to employment centers, schools, shopping and recreation. Grants would be offered for technological breakthrough.

COMMUNITY CENTERS

Federal grants are proposed for community centers, including assembly halls, swimming pools, and libraries to supplement existing school and recreation facilities.

CONSERVATION

Federal support would be given to regional urban conservation programs, including subdivision controls to preserve open spaces.

SOLID WASTE

A national urban waste management program is outlined with federal grants for developing effective collection and disposal systems.

AIRCRAFT NOISE

Airport owners would pay local property owners affected by aircraft noise with funds from airport revenue.

SCHOOL-WELFARE

Instead of relying on federal aid to local government, the Task Force would:

1. Transfer educational and welfare costs directly to state and federal governments.
2. Allow payment of state and local taxes as net income deductions against federal income taxes.

The Task Force notes:

"A by-product of this proposal is that it would reduce the relative burden of the property tax on the poor—which is the principal tax of local governments."

STUDENT LOANS

A national loan fund would be established for higher education studies and living expenses. Students could borrow money regardless of family income and pay no interest until they complete their studies. Repayment would be based on annual income.

CRIME

The Task Force would beef up the Safe Streets Act to encourage crime-control planning on a metropolitan area basis.

PERSONNEL

To close the gap between the supply and demand for trained municipal manpower, grants would be offered to local and state governments. State and local agencies would be encouraged to recruit and train the hardcore unemployed.

RESEARCH

A sharp increase in federal support for research and development is proposed to increase efficiency and economy of urban services and facilities.

The Task Force proposes calling a White House conference on urban growth, to include international representation.

NIXON'S COUNSEL SAYS REPORT JUST MULTIPLIES THE PROBLEMS

An aide to former President Johnson says the report of the Task Force on Suburban Problems was never meant to be made public.

Mrs. Willie Day Taylor said: "The report was for his use in formulating programs. It had been a long-standing rule that task force reports are not made public."

In a telephone interview with The Record from Johnson's Austin, Tex., office, Mrs. Taylor said task force reports are designed to circulate within high government circles. The reports' main purpose was to allow Johnson to excerpt what he wanted to articulate as policy.

Clark R. Mollenhoff, deputy counsel to President Nixon said the President has taken no action on the seven-volume study.

He explained if Nixon were to release the report, the document might appear to have the President's stamp of approval.

Referring to recommendations in the report, with which Mollenhoff said is familiar, he said: "They're laudable goals, but from a practical standpoint they can cause more problems than they solve."

Frederick A. McLaughlin, who was executive director for the Suburban Task Force, said approximately 100 copies of the report were printed. Except for copies to task force members, McLaughlin noted:

"The copies were bundled up and delivered to the White House."

McLaughlin, director of plans, programs, and evaluation for the Housing and Urban Development Department, estimated printing costs were about $5,000. The total cost for the project was set at under $50,000. Most of the money was spent for special reports and for consultants' trips to Washington.

The report was given to Johnson Dec. 2, 1968, shortly before he left office. Today it is marked "Administratively Confidential."

This means it is under study and for use within an agency which requested it—in this case the White House.

Grady E. Clay, a task force member, told The Record he wanted the report made public. When asked why it is secret, he said: "I wish to hell I knew."

Clay, the editor of Landscape Architect Quarterly in Louisville, Ky., said: "I'm unhappy that a piece of work like this gets buried."

When asked to speculate on the secrecy, Clay offered a guess:

"Nixon is easy. Why should he fool with anything put out by his predecessor? He's not bound by it. He's got his own plans.

TASK FORCE MEMBERS

Former President Johnson named a 10-member Task Force on Suburban Problems on Oct. 11, 1967. The study group's findings were given to Johnson on Dec. 2, 1968.

The Task Force members and their affiliation at the time were:

Charles M. Haar, assistant secretary for metropolitan development, Department of Housing and Urban Development.

Grady E. Clay, editor, Landscape Architect Quarterly, Louisville, Ky.

Dr. A. Neil Galluzzo, superintendent, Inglewood Unified School District, California.

Phil G. Hammer, chairman, National Capital Planning Commission; president, Hammer, Greene, Siler Associates, Inc.

William P. Hobby Jr., president and executive editor, the Houston Post Company, Texas.

Everett Mattson, senior executive, vice president, Lomas and Nettleton West, Inc., Houston, Tex.

General James McCormack, chairman, Communications Satellite Corporation, Washington, D.C.

Mrs. Jean Picker, member, U.S. Delegation to the United Nations General Assembley; vice president, Interchange Foundation, Mamaroneck, N.Y.

Walter H. Shorenstein, president, Milton Meyer & Co., San Francisco, Calif.

ABOUT THE AUTHORS

Edward J. Flynn and Sharon Rosenhause know urban-suburban problems.

Flynn, a veteran reporter on the urban beat, has wrestled with more regional studies than most professional planners. Miss Rosenhause won a fellowship and studied urban problems at Stanford University for six months. These two reporters were working on a long range tax and zoning study which led them in part to a confidential and unpublished federal report on suburban problems.

The seven-volume study addresses problems that are real from Bergen County, N.J. to Orange County, Calif.

WE STILL NEED TRAINS

HON. LAURENCE J. BURTON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Monday, March 9, 1970

Mr. BURTON of Utah. Mr. Speaker, since imminent action is expected by the Senate Commerce Committee on legislation to guarantee some form of national passenger railroad service, either on a comprehensive bill to be reported out by the Commerce Committee, or on the long-awaited administration plan, the following article, "The Train, Alas," from the Christian Science Monitor of Saturday-Monday, March 7–9, 1970, seems appropriate at this time, and I commend it to my colleagues for their consideration:

THE TRAIN, ALAS

(By Erwin D. Canham)

It is undoubtedly significant to read in the same day's paper of the last-minute and highly unusual congressional moratorium on a strike against the nation's railroads, and the plan of the Penn Central to abandon all its New York-Chicago and New York-St. Louis passenger runs.

Sad, isn't it, what has happened to passenger trains? And is it really inevitable? Can nothing be done to restore the tempo of American life in which train travel was not only acceptable but delightful? On some runs, of course, vast expenditures may make high-speed trains possible. It is not yet clear that even such trains will be fully successful. But such rebuilding of roadbeds is hardly practicable over the whole continent.

In our concern with the environment, can we ever possibly disengage ourselves from the illusion of speed? Aren't comfort, and time for relaxation, of some value? Is it absolutely certain that never again will there be enough people to support long-distance train travel?

RIGHTS OF WAY REMAIN

Of course, the need for trains—as adapted into rapid-transit systems—is absolutely urgent for daily commuting in great urban areas. New York is the most massive example, but Boston, Chicago, and a few other cities still can do a great job with mass transport on rails. Other cities, such as Los Angeles, bitterly regret not having the available rails and rights of way.

There they are: the great transcontinental railroad systems, which have played such a vital role in the development of a nation. They still carry a lot of freight, much of it profitable, and effectively tied in piggybackwise with road transport. So presumably the railroad rights of way will be there for a long time yet.

Is it beyond our talent, and our taste, to revive a practicable and pleasant form of long-distance passenger service? Has the human emotion formed such an alliance with the automobile and the airplane that there is no place for trains?

CLEAN AND COZY

Of course, deterioration has been going on for a long time. It takes a stretch of memory to recall the really good old days, when the diners were first rate, the sleeping accommodations clean and cozy, the daytime travel comfortable and interesting. The last remaining examples were, naturally enough, the trains that went in the most beautiful places, from Chicago west. Every few months another run is abandoned. There's very little left.

Like most readers over, say, 40 I could paint a sentimentally nostalgic picture of how nice it was on the great trains of old. My own exposure came frequently on the campaign trains of American presidents or candidates for that office. These were special trains, of course, but not greatly unlike the crack trains that crossed the continent for anybody who had the fare. It was a far easier way for candidates and correspondents to campaign, of course, than on the jet planes of today. A candidate couldn't get to quite as many places, but he could get some rest and relaxation along the way. It was a good and reasonable system.

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SCALE AND TEMPO

I have nothing against the planes, of course. When they can keep their schedules, and that is much of the time, they are adequately comfortable and wonderfully swift. You save a lot of time. Whether you spend well the time you save is another matter. That's up to you. And that raises again the question of values.

Is it essential, and right, to cram so much into modern life? In our efforts to protect the environment, may we not also consider the tempo at which people live? Have we not a very great need for reflection? For meditation and quiet? For simple relaxation?

The problem of our time is not only scale, but tempo. Nobody proposes going back to the stagecoach, or to the horse and buggy. But the train is somewhere in between the SST and the hiker. It's revival might help us restore to life certain values of which we are being robbed. With the population rise, there will be ample need for various forms of transport. The air is crowded, new and immensely costly airfields are demanded, and the great railroad terminals are crumbling down. Does all this make sense?

NIXON NEWS COVERAGE

HON. ED FOREMAN

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Monday, March 9, 1970

Mr. FOREMAN. Mr. Speaker, I am sorry I waited so long to bring this up, but my feelings of sympathy for the Democratic Party, due to the terrible way the press treats it, have overwhelmed me until now.

Here I had gone along all these years watching the Kennedys and the Humphreys and the Johnsons and even lesser lights get headlines every time they so much as opened their mouths. I have seen the adulation for these men in the eyes, the voices, and the typewriters of many of those who disseminate the unbiased truth for the Nation's unintimidated news media.

And I had felt sorry for us Republicans.

But now that attitude is changed, because I see what I saw was merely a mirage, a figment of my imagination. All this time, I now learn, the press has quietly been pushing the Nixon line.

I learned this, I must hasten to add, from an unimpeachable source, the chairman of a committee of Democratic Senators who will, in the words of the Washington Post, try to counter an imbalance of newspaper and television coverage in favor of—you guessed it—the Nixon administration.

The Post—that longtime proponent of unbias—tells us that there is concern among my friends on the other side of the aisle, because the television networks have curtailed the practice of analyzing President Nixon's speeches immediately after they are broadcast. Because the networks are afraid of SPIRO AGNEW.

Mr. President, I am truly disturbed. As a Republican, I cannot bear to see the media fawning on my party. I cannot stand to see each Democratic Senator not get equal coverage with the President of the United States. I cannot bear it when the President is not second-guessed, belittled, and sneered at, because this is necessary if the people are to get both sides.

But, Mr. Speaker, I have no control over the news media. They have made these decisions without consulting our party. We are nearly helpless. Mr. Speaker, I offer my sympathy to those so cruelly betrayed. I have nothing else to offer.

RESOLUTIONS FROM MASSACHUSETTS

HON. THOMAS P. O'NEILL, JR.

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 9, 1970

Mr. O'NEILL of Massachusetts. Mr. Speaker, I have the honor of submitting two resolutions to the Congress from the Great and General Court of Massachusetts. One of these resolutions requests the Federal Government to take action to prevent damage to the Atlantic coastline by oil leakage. Another memorializes the Congress of the United States to enact legislation expanding the medicare program to include drug costs.

I believe these are worthy of the attention of my colleagues as they address themselves not only to issues affecting the Commonwealth but the entire Nation.

The resolutions follow:

RESOLUTIONS MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO ENACT LEGISLATION EXPANDING THE MEDICARE PROGRAM TO INCLUDE DRUG COSTS

Whereas, Millions of recipients of Medicare incur great and heavy financial expenses due to the high cost of drugs; now, therefore, be it

Resolved, That the General Court of Massachusetts hereby respectfully urges the Congress of the United States to enact legislation expanding the Medicare program to include drug costs; and be it further

Resolved, That a copy of these resolutions be transmitted forthwith by the State Secretary to the President of the United States, to the presiding officer of each branch of Congress and to the members thereof from this Commonwealth.

Senate, adopted, February 4, 1970.

NORMAN L. PIDGEON, *Clerk.*

House of Representatives, adopted in concurrence, February 9, 1970.

WALLACE C. MILLS, *Clerk.*

Attest:

JOHN F. X. DAVOREN,
Secretary of the Commonwealth.

RESOLUTIONS REQUESTING THE FEDERAL GOVERNMENT TO TAKE ACTION TO PREVENT DAMAGE TO THE ATLANTIC COASTLINE BY OIL LEAKAGE

Whereas, During World War II and at other times many tankers carrying large amounts of oil products have been sunk off the Atlantic Coast of the United States; and

Whereas, It now appears that due to the effects of rust and corrosion some of these tankers may be leaking or about to leak substantial quantities of oil; and

Whereas, The recreational use of beaches of the Atlantic Coast, especially those in Massachusetts, may be endangered by this oil; and

Whereas, The ecology of our coastline sea birds, shellfish beds, fish life and marshes may be seriously endangered or even wiped out; now, therefore, be it

Resolved, That the Senate of Massachusetts expresses its grave concern over the dangers presented by these large quantities of oil in such sunken vessels and respectfully requests the President and the Congress of the United States to direct the appropriate department of the federal government to take such action as may be necessary to prevent further damage to our beaches and the ecology of our coast by said oil; and be it further

Resolved, That the Secretary of the Commonwealth be requested to send a copy of these resolutions to the President of the United States, to the presiding officer of each branch of Congress and to the members thereof from this Commonwealth.

Senate, adopted, February 9, 1970.

NORMAN L. PIDGEON, *Clerk.*

Attest:

JOHN F. X. DAVOREN,
Secretary of the Commonwealth.

TRIBUTE TO OUTSTANDING BUSINESS AND PROFESSIONAL WOMEN

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 9, 1970

Mr. ANDERSON of California. Mr. Speaker, the business and professional women of this Nation are honored each year with the observance of National Business Women's Week.

I would like to give special recognition at this time to several outstanding professional women of California, whose activities have been called to my attention by Business and Professional Women's Clubs in my district.

For their accomplishments and worthwhile contributions, it is a real privilege for me to pay tribute to these women.

The Torrance Business and Professional Women's Club honored Mrs. Clifton Moore of Torrance, by selecting her to receive their 1969–70 Woman of Achievement Award in recognition of her contributions toward the physical and recreational development of the city of Torrance. She serves as office manager and supervisor of scheduling of recreational activities for the Torrance City Parks and Recreation Department and also participates actively in local school, church, and community youth organizations.

Mrs. John Kamboor of Wilmington, is a past president of the Wilmington Business and Professional Women's Club and has held all offices within the club—presently serving as the personal development chairman. In addition to her responsibilities as legal secretary to the law firm of Gorham, Wonder & Horn, of Wilmington, she works closely with the local YWCA.

She received the Outstanding Achievement Award in November of 1969 from the Wilmington Business and Professional Women's Club.

Mrs. John Conshafter of Lomita, office manager of the State Farm Insurance Agency in Lomita, has served as past president of the Lomita Business and Professional Women's Club and was honored by the club as their Woman of the Year for 1961. Mrs. Conshafter was

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formerly president of the Narbonne High School PTA and is currently serving as chairman of the Student Scholarship Committee for the Lomita Business and Professional Women's Club. She and her husband have been instrumental in forming a youth's employment service in Lomita, and consistent with their great interest in youth, in 1961 housed an American Field Service Exchange Student from Brazil as part of the foreign student exchange program.

Mrs. Pete King of San Pedro, was presented the Torrance Business and Professional Women's Club Woman of Achievement Award for 1969–70 for her outstanding participation in various humanitarian and civic organizations. She has worked on drives for both the YWCA and the YMCA, the Red Cross, retarded children, and others. She is a member of the San Pedro Chamber of Commerce, the San Pedro-Wilmington Insurance Association, and the San Pedro Women's Club. In addition to being past president of the San Pedro Board of Realtors, regional vice president for the California Real Estate Association, member of the Real Estate Certificate Institute, and the current president of the "30-Year Club of San Pedro," she is owner of the Hards Realty Co. Mrs. King is currently recognized in "Who's Who of American Women."

Mrs. Robert Helmschrott of Redondo Beach, was selected by the Torrance Business and Professional Women's Club as the Woman of Achievement for 1969–70 for her outstanding achievement in working with church and youth groups in the realm of educational and religious activities. In addition to her regular church responsibilities in the Immanuel Lutheran Church of Redondo Beach, she served for 4 years on the Speakers' Bureau of her District Missionary League, wrote "Women with a Mission," and for several years served on the Zone Board as contact chairman and program chairman. At her own expense, she attended conventions of the International Missionary League in order to bring back the proceeds to her local league. Mrs. Helmschrott has not served exclusively in her church; she has actively supported the YWCA and YMCA programs and the Children's Home Society of California Adoption Service.

Mrs. Lowell Dryden of Redondo Beach, was presented the Woman of Achievement Award for 1969–70 by the Torrance Business and Professional Women's Club in recognition of her outstanding community services in the fields of citizenship, social service, and fund raising activities for the Los Angeles Children's Hospital. She is a charter member of the National Charity League, a member of the Board of the Women's Division of the Los Angeles Chapter of the Freedoms Foundation at Valley Forge, a member of the Committee of Fifty for the Los Angeles Heart Association, and an organizing volunteer worker at the Torrance Memorial Hospital. One of Mrs. Dryden's outstanding accomplishments is that of the Portuguese Bend National Horse Show, licensed by the American Horse Show Association. From this show, contributions are given to the Los Angeles Children's Hospital. She was named by the Great Lakes Properties—landowners and developers—Inc., as the South Bay Citizen for the month of September 1969.

Mrs. C. B. Mitchell of Torrance, Calif., has rendered capable leadership in numerous youth and women's organizations. For her accomplishments, she was recently awarded the Woman of Achievement Award for 1969–70 by the Torrance Business and Professional Women's Club. Her various activities have included being president of the youth group of the Methodist Church in Torrance; treasurer and president of the Torrance Woman's Club and the Pilot Club of Torrance, a member and former treasurer of the Provisional Board of Directors of the YWCA, and she is presently chairman of the Advisory Board of Torrance YWCA, a group of community and business leaders who act as advisors.

Mrs. O. R. C. Grow of San Pedro, was recently awarded the Woman of the Year Award by the Torrance Business and Professional Women's Club for her contributions to philanthropic, beautification, and civic improvements in the South Bay area. Since 1932, she has lectured and taught flower arranging of sight therapy arrangements—feel and touch—and taught remedial reading for retarded children. She has written a newspaper column on gardening for the San Pedro News Pilot since 1943, received the State award for civic participation at the 1965 Conference of Garden Clubs, spurred the San Pedro beautiful campaign in 1968–69, and instigated the Lighted Christmas Homes Contest. She has devoted much of her time to the YWCA, serving continuously on its board of directors since 1934, and is a life member and former president of the San Pedro branch. She is a member of the San Pedro Assistance League, the San Pedro Woman's Club, and the National Federation of Republican Women. She also participates in the Long Beach Chapter of National Pen Women, the National League of Pen Women, the San Pedro Art Association, Rotary Anns, Friday Morning Study Club, the Chamber of Commerce, and has been a gray lady at Harbor General Hospital for 7 years. She is listed in the current edition of "Who's Who in American Women."

Mrs. R. O. Young was presented the title of Woman of the Year for 1969–70 by the Torrance Business and Professional Women's Club in recognition of her extensive contributions to the religious activities of youth organizations, her endeavors in "Creation of a Garden" for the benefit and enjoyment of her fellowman, and for the educational and literary programs for civic beautification in which she is engaged. To make possible the realization of her personal campaign, to make "South Bay a Garden Spot," the motto of the South Bay Garden Club of which she is a member, she became a founding member of the "Los Angeles Beautiful." She consults manufacturers of garden products, lectures, and writes many articles for local, regional, and national publications as a beautification expert and is listed in "Who's Who of American Women" as a gardening and beautification personality. In the late 1950's, she organized eight new garden clubs in the South Bay area and was also responsible for conceiving and developing the Los Angeles County Garden. Mrs. Young was president of the South Coast Botanic Garden Foundation from 1961–69, and for her efforts and numerous services, she has received over 100 awards, including one from the White House.

NEW FOOD PRODUCT SEEN AS BREAKTHROUGH

HON. JOHN J. McFALL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 9, 1970

Mr. McFALL. Mr. Speaker, with today's alarming high rate of death due to heart disease, the diet-conscious public will continue to seek more acceptable foods and suppliers will be hard put to meet this need. The American Heart Association says "the way to a man's heart is through his stomach." I wish to commend to you and my colleagues a notable breakthrough in food processing. Tillie Lewis Foods, Inc., an industry located in my congressional district, recently added a new food product which I believe is worthy of your attention at this time and expands a use for a valuable basic agricultural commodity.

"If you define a group that most needed to be reached by nutrition and health programs, it would be Members of Congress." This statement attributed to Dr. Jean Mayer, President Nixon's consultant on nutrition and health, in testimony before Chairman JOHN C. KLUCZYNSKI's House Administration Subcommittee on the House Restaurant, gives us cause to pause, look to the beltline, caution us to hold the line, and reassess our daily diet. The doctor made other reservations to indicate that Members of Congress could make a substantial contribution to the rest of the country in setting an example by adhering to a low-calorie, low-cholesterol diet, exercising, drinking less coffee, and smoking fewer cigarettes.

Mr. Speaker, I share Dr. Mayer's views and recently one of my most valued and successful constituents, Mrs. Tillie Lewis, introduced nationally a new product. Under the trade name of Eggstra, this new food product stirred interest among dietitions, doctors, nutritionists, food scientists, and food editors throughout the country. It was brought to their attention in the journals of the American Medical Association and the American Dietetic Association. For those persons now on special diets, Eggstra has less cholesterol than fresh or dried eggs, less fat and can claim less calories. An egg product marketed in dry-mix form, Eggstra, the fruit of 3 years of intensive research and testing, presents an effective response to the long-voiced demand by simpler, easier, less costly means and method to gain the functional influence

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and benefits of eggs in mass food processing and quantity meal preparation. A new market has opened up for egg producers by the development of this food product. It requires approximately one half whole egg and 2½ egg whites to market a serving equivalent to two fresh eggs of this new dietary food.

Mr. Speaker, there are those who might ask, who is Tillie Lewis? The success story of this remarkable woman and her story of rags-to-riches could fill volumes and I am sure my colleagues will enjoy the human interest side of Mrs. Lewis' life, but I would prefer to limit my comments to a few of her major achievements and contributions to our country.

The name Tillie Lewis has come to mean many things to many different people.

To the consuming public she is "First Lady of the Larder," "Duchess of Diet," "Most Famous Woman in Food."

For persons with a higher than average level of cholesterol and for persons with heart problems, her latest achievement is the addition of a new dimension in food, an egg product with 80 percent less cholesterol, 80 percent less fat and 50 percent fewer calories, "Eggstra."

In 1952, 600 women's page editors of the Associated Press voted her "Woman of the Year" in business.

To millions of Reader's Digest readers she is "Tillie of the Valley" as a result of a story which appeared in that magazine concerning her almost single-handed efforts in building a $40 million business in the canned food industry, starting only with a conviction that the pomodoro—the Italian pear-shaped tomato—could be grown in America.

To many she exemplifies the fact that America's frontiers have not yet been reached.

Her home, the city of Stockton, and San Joaquin County, Calif., publicly recognized her major contribution to the agricultural development by proclaiming a "Tillie Lewis Day."

To members of the satellite countries who heard her broadcast over the Voice of America program, she is a symbol of the American way of life, and the free enterprise system afforded by our great country.

Her story of achievement has been distributed to 21 countries, in 21 different languages, to show the opportunities that exist in America for women as well as men.

Tillie Lewis is a modern day pioneer. From time to time she went against all advice of agricultural experts, and planted Italy's zesty pomodoro in California's San Joaquin Valley—parlaying her conviction into Flotill Products, Inc., one of the largest tomato canning plants in the world—she has never waited for opportunity to knock. On the contrary, this woman with a will has gone right out, taken it by the hand, and led it through the door.

By 1937 she was sole owner and manager of Flotill Products. In 1941 she added a plant in Modesto in 1946 another in Stockton.

In 1951 Tasti-Diet Foods Division of Flotill Products was organized to produce the first artificially sweetened products. The line included not only low calorie fruits and vegetables, but salad dressings, puddings, gelatins, jellies, preserves, and—later—such delicacies as chocolate topping, pancake and waffle topping, and pie filling.

In 1960 Mrs. Lewis acquired a can manufacturing plant in Stockton. In 1961 Flotill Products, Inc., changed its name to Tillie Lewis Foods, Inc., and "went public." In 1962 Mrs. Lewis added the Andersen Soup line and in 1963, the Patterson Canning Co., a subsidiary. That same year she added at the Stockton main plant the first hydrostatic cooker to be manufactured in the United States.

In 1966 she joined her ever-expanding company to one of the most important of the billion dollar multimanagement companies, Ogden Corp., headquartered in New York City. Now, in addition to being a member of the Board of Directors of the Ogden Corp., she is chairman of the Ogden Food Products Corp.

In September of 1967 Mrs. Lewis went back to Italy. She's been there dozens of times but this time the trip was to Rome by appointment and request of the U.S. Department of State. She was the only woman advisor member of the American delegation to the third annual international conference being held to study and to raise the food standards of countries throughout the world. In October of 1968 she attended the F.A.O. Conference in Rome, again as an appointee of the U.S. State Department.

In June of 1968, Mrs. Lewis added another "first" to her list of achievements—she was appointed by the Stockton City Council to serve a 4-year term on the Stockton Port Commission, thus becoming the only woman serving on a governing board of a major port in the United States.

Does she believe that women have a future in big business? Definitely, yes; but it takes a lot of courage, fortitude, and stick-to-it-iveness.

In her opinion, however, there is only one major difference between men and women in business. "When a man makes a mistake," she will tell you with a smile, "it is accepted. With a woman, it is expected."

ENVIRONMENTAL POLLUTION

HON. CHESTER L. MIZE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 9, 1970

Mr. MIZE. Mr. Speaker, in the quest to improve the quality of our environment, many knowledgeable people are speaking out on the various aspects of pollution control. Recently, I had the good fortune to read a speech delivered by Mr. Keith Krause, executive director of the Water Resources Board for the State of Kansas. Mr. Krause delivered these remarks on "Environmental Pollution" to a student convocation at Tabor College, Hillsboro, Kans. They are thoughtful, they are factual, and they are provocative. I am sure my colleagues will appreciate the opportunity to acquaint themselves with the observations of an official who has been actively working in environmental matters for the past 35 years. Under leave to extend my remarks, I include Mr. Krause's speech on "Environmental Pollution" in the RECORD:

ENVIRONMENTAL POLLUTION

The environment has suddenly emerged from the wings of the stage to become the star of the production, but this production is unique because it also calls for the full participation of the audience. The audience has an uneasy feeling that it doesn't know its role, much less its lines. Hopefully, our exploration today will shed some light on that role if not on the lines.

The first thing we must do is define the terms that we are going to use. My definition of environment is that highly integrated and complex system of physical and social conditions which envelop us as individuals or as groups and influence our well-being. If you accept this definition, it follows then that environmental pollution is anything within this envelop which has an adverse effect upon our well-being. This definition may be considerably broader than any which you may have been exposed to, but our environment is an exceedingly complex system of which man still has only a superficial knowledge.

Environmental pollutants might be considered in three categories: (1) waste products, (2) intentional or unintentional additives, and (3) natural materials. Waste products are those remnants of materials expelled or lost from a process. Waste matter is usually lower in either the energy scale or the value scale of both than the process inputs. Wastes may be organic or inorganic, alive or dead; large or small.

Intentional or unintential additives are those such as pesticides, drugs, or they may be additives as the result of accidental spills, explosions. These represent the body of chemicals and biologics which man has developed, some portion of which have "gotten out of bounds."

Natural pollution stems from natural materials "out of place" and constitutes both living and inanimate matter. Bacteria and silt might be examples of such pollution.

Man has induced changes in his environment with little knowledge or thought of the consequences and usually for what he hopes will be gains. Man is beginning to realize that small changes in the environment affect the stability of the whole system. For a little better insight, we might compare the environment to that of a complex algebraic equation which, if it is to remain in balance, changes must be introduced at the proper points in the equation on both sides of the equal sign; or the 2nd law of physics—an unbalanced body tends to acelerate in the direction of the thrust. Left alone nature eventually balances the forces. (Example, longevity)

It is my hope this morning to point out to you what has given rise to our concerns and what we as individuals and as collective groups may be in a position to do about the adverse effects of a changing environment. First of all, I would ask the question, "Is pollution of our environment anything new?" The answer is definitely "No!" History records many catastrophic events such as the great plagues which decimated whole populations during the middle ages; and an explosion of Krakatua Island in the Indosian Archapelego on May 26, 1883, resulted in climatological changes over the entire world which caused snow in July in Massachusetts. The salt in the ocean is a result of the leaching of the land masses by water with the result that the ocean becomes a repository of these minerals. These are examples of environmental pollution of vastly

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differing origins. Your next question might logically be, "Well, if it is not new, why are we becoming so concerned about it now?" I believe the reason can be readily demonstrated. The complexity and volume of wastes and additives have increased proportional to the increase in numbers of man's activities and his technology. May I again use analogies to illustrate what is happening. One of these involves man's ability to propel himself. We know, for example, that for thousands of years of recorded history, man could travel no faster than the speed of a fast horse, which was something in the order of 35 miles per hour. This was true up until about 1840. Then came the steam locomotive, and by 1900 the speed increased to about 125 miles—a 3 fold increase in 60 years. Then came the propeller driven airplane and the speed jumped from 125 miles to 450 miles an hour by 1943. Another 3 fold increase in 40 years. Then came the jet engine and the speed of the plane leaped to 2,000 miles an hour within 15 years. The rocket engine came on the heels of the jet engine with almost unlimited capability. If we were to draw a line through these points of reference, we could readily see that the curve sharply increased from representing man's ability to propel himself in the early 1940's and is now climbing almost vertically. The change which took place within 30 years is vastly greater than any in recorded history. We have telescoped centuries into years! This great speed has resulted from the flood of new technology, the application of which has resulted in uses of our energy and other resources at an enormously accelerated rate. The same type of picture results from an examination of the growth of the world's populations. This, too, has been the result of technological advances in the medical and nutritional fields, which have enabled the reduction in the number of infant deaths, and the increase in longevity of the adult.

This knowledge explosion has resulted in our use of the natural resources at an unprecedented rate and unfortunately with unprecedented waste. Science and engineering have also produced and introduced the additives to our environment. Society accepted most of these as being beneficial in the absence of knowledge as to what their adverse effects might be. We cannot quarrel with the fact that millions of lives have been saved by the use of DDT. DDT can be accredited with stopping typhus epidemics in Europe and Asia during the 1940's which well could have devastated nations. Yet, we new know that there is a price to be paid. Our present concern and problems, therefore, stems from the fact that we have concentrated more activities into 30 years than in all the previous recorded history of man and we are still accelerating! We are wasting our resources at an unprecendented rate and we are polluting our environment at the same time and because of this, we may be approaching the overload limit of our environment. The situation might be compared to that of a man waving a two-edge sword with wild, uncontrolled swings.

Although there has been more knowledge generated and greater increase in man's activities in 30 years than occurred in the sum total of the entire previously recorded history of the earth, we well may find that the decade of the 1970's will again produce as much scientific advance as the previous 30 years did! This will further complicate our lives and further challenge our environmental systems.

You would be quite logical in asking whether we are capable of controlling our environment and if so, how?

I believe the answer to the question of whether we can be the master of our environment is *yes*. The *how* part of it depends on many things including our willingness to undertake the task.

If we go back to the classification of pollution, which I have used, the objectives of environmental control becomes those of stopping the waste of our resources; controlling the additives so they do not "get out of hand"; and keeping the natural matter "in its proper place".

Unfortunately, these words do not convey the enormity of the task required to reach these objectives, but fortunately we do have some precedence. Environmentalists of the 1920's and 1930's considered communicable disease control the goal to be reached. Pneumonia, smallpox, scarlet fever, diptheria and polio were all too common. Today, most of you are unaware of the fear that gripped the average family when an epidemic threatened. Bacteria and virus are pollutants "out of place" in the human body. They have been conquered for all intents and purposes at least in our nation. To achieve this goal, however, it was necessary that we all participate—the scientists, the physician, and particularly, you and I. We bore the pain of the shots, etc. which immunized us against the bacteria or destroyed them after they had already entered our bodies.

To curtail the waste of our resources necessitates a realization on the part of each of us that such inefficiencies exist. Because wastes often have their energy levels reduced, or the economic value impaired, society has in the past, thought that it was cheaper to throw the residue away than to recover it. We are beginning to realize that it is economic fallacy to load up the scavenger systems beyond their assimilative capacity. In doing so, we do pay the price in many subtle ways. Once this is generally recognized, we can then begin to function rationally and concentrate on greater and greater recovery and use of our resources. By doing so, we reduce the pollution and increase the resource base upon which life depends. We dull the two-edge sword and still its swing!

Increasing the efficiency of resource use necessitates a dedication by science and technology to as much or perhaps more effort to recover degraded materials than needed in the original development. For example, plastic containers, what does one do to reclaim them after their principle function has been accomplished. Not nearly enough people are thinking about this problem. As a result, the plastic containers go into our solid refuse disposal problem which is already of great magnitude. In my opinion, the cost of development must also include the cost of reuse or reclamation so that the cost of disposal does not become a public tax burden. I use this only as an example. There are thousands of items which are being handled in the same way. This will be changed only when each of us—whether he produces, transports, sells or buys—efficient use of the material resource.

Controlling the additive which "gets out of hand" is an equal challenge to society. These materials have, for the most part, large and immediate benefits. The increased life spand of man has come about as the result of many of these additives. We are learning, however, that they, too, are not all good. The medical sciences have probably come farther than any other in developing means of evaluating the adverse effects of environmental additives than anyone else, yet the real effects may not show up amongst those exposed for 3 or 4 generations. It may take that long for the biological magnification to concentrate the materials to levels which "are out of hand". Nature's scavenger system is a beautifully efficient system, but it can be overloaded and it requires time to degrade the materials to their original elements or to reach the sinks where they are deposited. Some of our new additives require hundreds, and even thousands, of years to degrade. If we are throwing nature a curve, the result will be a penalty against mankind. In my opinion, control of additives will necessitate a responsibility on the part of developers transcending even the best of motives, to determine all possible bad effects on mankind and to determine the risks of use involved. If this is not done at or before the additive is placed in use, the result may be irreversible and the real cost paid by future generations. One of science's greatest challenges lies in developing evaluation techniques which can encompass these two requirements. The individual is not spared from challenge either. Do you smoke? Probably no air pollution problem is known to have more serious consequences than smoke. It is up to you to determine as an individual whether you stop or not. Stopping could be one of the most important environmental controls for the benefit of mankind which any generation could provide. Are you willing to participate? Those of you who developed the habit know the personal dedication involved in quitting. I use this example because so many of us are inclined to point to the industry, or the government or our neighbors and say it is *their* responsibility, not mine. Unless we take these challenges personally, we as a society are not likely to succeed.

Controlling natural "additives" requires a massive effort. We will succeed to a high degree if man's efforts result in restricting the dislocation of the natural materials to the levels existing prior to man's meddling. It's been demonstrated that under certain conditions, man can control the errosive processes which cause the dislocation of materials. Again, success in this field requires the cooperation of every enlightened individual, some will have more responsibility than others but who knows when it will be our turn to do a bit for the control of the natural part of the environment to prevent its dislocation and subsequent classification as a pollutant.

The basic requirements of environmental pollution control is a recognition of the problem and a motivation to become a party to its solution.

Recognition requires knowledge. It's my opinion the awareness of the need to recognize and evaluate both the good and bad in the material would be essential. This philosophy can be introduced though the educational system. We have attempted to do this in a moral sense, but somehow forgot that while science and technology are amoral, men still employ them for their own gains generally without indepth analysis of the consequences. We must begin by teaching the teachers the principals of evaluating the consequences of decisions before they are implemented. I wish I could tick off these principles. Unfortunately, I know of no one who can. I can only illustrate what I mean by examples.

I will start with a somewhat facetious one, but it will illustrate the point. I once had a professor in industrial medicine, who during a class discussion of the health and care of the skin, advised that we would all be better physically if we took only one bath a week. He made this statement as a scientific fact, contrary to the exhortation of some of our better known advertisers.

Now, to illustrate an approach to evaluating the decision not to take a bath more than once a week. Obviously, each of us would save about 10 gallons of water 6 days out of 7; we would save one bar of soap per week; we would save the cost of the water and the soap; we would save the cost of treating the water together with its soap or detergent content; we would reduce the level of the residual phosphate and sulphonates in the treated water returned to the stream; we would save the paper the soap is wrapped in; we would save the energy needed to treat and heat the water. On the other side of the coin, we might offend our close associates; we would probably increase the use of deodorants. These are things which would occur to us as individuals. But now let's multiply the effects of this decision by 200 million, the population of the United States—the effect becomes staggering. Almost every facet of manufacturing, transportation, communication, and agriculture would be affected. People would be thrown out of work and a considerable sector of our economy would be dislocated. The stock market would certainly react, probably unfavorably, but we would increase the efficiency of our use of the resources without jeopardizing our physical well-being, and we would have prevented a degree of environmental pollution. Will you continue to take a bath everyday of the week?

But now—suppose you just invented the bath, how would you evaluate the consequences of the employment of your idea? Could you foresee the good, the bad, and the risks? Could you determine the optimum use? This is where we seem to need a great deal more attention from our scientists than we are getting.

In recent years, the decision to develop atomic energy probably received more attention than any other of record—yet so many things have happened which indicate the developers were, and still are, unable to fathom the depth of the consequences. I am sure it isn't because we do not wish to, it is because we do not know how! It is called lack of foresight!

You have probably noted, by now, that I have almost entirely directed my attention to environmental pollution, as it directly affects the human. It might surprise you to know that wastes and additives, and natural pollutants affect the purity of commercial and industrial products, life in the air and in the water, and on the land, other than the human. These uses and organisms are very often far more sensitive to pollutants than are humans, therefore, if we set up a standard for the human only, we are likely to find that he will shortly become the victim of secondary or tertiary effects resulting from the concentrations of the pollutant by the biological and physical processes which serve him.

I am sure you have grasped the complexity of the problem which faces us and, to some degree at least, the kind of attention in the scientific and in the social field required for its control. A great deal of progress has been made in the 35 years I have been interested in the environment. I can see the many advances made in pollution control. However, I am fearful that we have not yet been truly motivated to make the necessary hard decisions and to apply the discipline necessary to control those waste products and additives which man has introduced into the environment. However, environmental control, as I said earlier and I repeat, has been made necessary because we waste more of our resources than we use in achieving our progress. Increased efficiency of resource use in the long run may be our only solution to environmental waste control. We must stop wasting our resources. We must evaluate the additives and then determine whether we are willing to accept the level of risk which the best scientific evidence indicates.

Education seems to be the best means albeit a long term process, by which the message relative to the waste of our resources and the risks involved in the utilization of additives can be emblazoned in the minds of this and future generations. The scientific knowledge explosion has been a wonderful thing. Its application, however, leaves something to be desired. Every scientist and every executive, either in industry, on the farm, and in government, must strive to stabilize and equalize the environment through an evaluation of the consequences of every technological advance. This may call for an entirely new concept of scientific progress and may call for an entirely new concept of what the word "progress" means.

May I say in conclusion, that in spite of the dire predictions made by many writers about the sorry conditions of the environment, most of these predictions are not backed up by scientific fact. There is sufficient evidence, however, to stir larger and larger segments of scientific community to an awareness of the necessity to come to grips with the problem before the point of no return is reached. The decade of the 1970's will be a crucial period within which we will have to make some critical decisions. Many of them will be individual decisions and do-it-yourself type environmental control. Emotional response is not enough. We must be constructively concerned.

The past three decades will probably be known as the golden age of science, but it may also be known as the age of intellectual irresponsibility. Let's not let the intellectual irresponsibility continue into the 1970's.

JURISDICTION OF OCEAN FLOOR

HON. THOMAS P. O'NEILL, JR.

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 9, 1970

Mr. O'NEILL of Massachusetts. Mr. Speaker, on February 5, 1970, the Honorable Robert H. Quinn, attorney general of the Commonwealth of Massachusetts, spoke before the National Association of Attorneys General here in Washington. Attorney General Quinn is held in high regard, I know by the entire Massachusetts delegation, and it is pleasing to all of us, I am sure, to know that he has the respect of his peers in the National Association of Attorneys General and the Atlantic Seaboard Conference of Attorneys General.

On November 19, 1969, I introduced two bills at the request of Bob Quinn and the Atlantic Seaboard Conference of Attorneys General. The first of these is H.R. 15285, which would establish a marine resources conservation and development fund and provide that the revenues obtained from the lease of the Outer Continental Shelf be divided on a 60–40 basis, 60 percent going to the States. The second of these bills would grant to each coastal State mineral rights in the subsoil and seabed of the Outer Continental Shelf extending to a line which is 12 miles from the coast of such State. I was joined in sponsorship of these bills by Congressmen PHILBIN, BOLAND, HELSTOSKI, KEITH, GETTYS, SIKES, CHAPPELL, KYROS, HATHAWAY, FRIEDEL, MORSE, HARRINGTON, BURKE, ADDABBO, PODELL, ST GERMAIN, TIERNAN, WATSON, DORN, MANN, DOWNING, ABBITT, POFF, MARSH, SCOTT, WAMPLER, BROYHILL, FUQUA, FALLON, WHITEHURST, DONOHUE, SANDMAN, CRAMER, FREY, CONTE, and Congresswoman HECKLER.

In his speech on February 5, the attorney general of Massachusetts explained the purposes of this legislation and the need for both of these bills. I would like to bring his speech to the attention of my colleagues for its information and because Bob Quinn demonstrates his interest not only as the attorney general of our State, but also as an individual, for a quality environment and a feasible and sensible approach to the development of natural resources.

From the earliest days of our federal system, it has been shown that in certain areas, the Federal Government can more efficiently and more easily accomplish the goals of the Nation, but in other areas, we know that it is the States that must have the primary responsibility. I believe these bills address themselves to one of those instances where the State can better protect the rights of its citizens. In terms of pollution control, I believe the citizens of a State can more easily influence decisions of a State legislature and State authorities to prevent the tragic and wasteful destruction of environment that we have seen all too often in our history. I believe that if the State had control over the offshore drilling in California, the Santa Barbara disaster would not have occurred and certainly would not be allowed to continue.

I urge my colleagues to consider Attorney General Quinn's statement. His remarks follow:

REMARKS OF ATTORNEY GENERAL ROBERT H. QUINN OF MASSACHUSETTS

Gentlemen: I appreciate very much your kindness in permitting me to speak to you on the common effort of the Atlantic Seaboard states to increase and to clarify their jurisdictions over the ocean floor.

This being the decade of the environment there are few subjects within the powers of Attorneys General of more long-range importance than the ocean jurisdictions of our respective states. Man has not yet destroyed completely his ocean environment. If we act wisely this rich resource can be both developed and preserved.

If we act unwisely or do not act at all, then this beauteous, natural asset, this storehouse of useful minerals and necessary marine life will be despoiled as we have already despoiled so much of our land and so many of our rivers. This—our country and our people can no longer afford. As Adlai Stevenson said wisely and well, "We are passengers on a space ship; and our only resources are those we have on board."

The moral is clear: we use our resources wisely or we perish. We must declare an end to the days of the wanton rape of resources. It is my hope that Attorneys General can play a leading role in enforcing the old and new laws to protect the environment, and that we can recommend the new legislation that is needed to conserve and develop the riches of the sea.

We in New England and along the Atlantic Seaboard have been attempting to do this with the organization of the Atlantic Seaboard Conference of Attorneys General. For two years now, we have worked with remarkable harmony and unanimity to test our legal rights in the United States Supreme Court and to extend our legal rights through legislation now on file in Congress.

I have asked to talk to you today, because we want to make our cause your cause. We want the work of the Atlantic Seaboard Conference, of which I now have the honor to be president, to become the mission of the National Association of Attorneys General, and of other national and coastal groups who share our purposes.

First, may I bring you up to date on United States v. Maine, et al., which is destined to be one of the great landmark cases of original jurisdiction in the United States

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Supreme Court. It is only the 35th in the history of the court; we still hope it may be one of the most important.

The United States has begun this action to force the coastal states to accept the inequities of the Submerged Lands Act of 1953. This act says to the coastal states: your jurisdiction over your adjacent ocean floor is limited to three nautical miles, except for Florida and Texas which are granted nine nautical miles. This measure became law in 1953 because the Atlantic Coastal states were asleep to the possibilities of their off-shore resources.

We are not asleep now. After the Santa Barbara Channel disaster off California, we can make a good case now that the adjacent state governments are better able to weigh the diverse interests and better able to protect the people's resources than a far-away federal government in Washington, D.C.

In addition, the possibilities of natural gas and oil beneath our ocean floor are impressive. The immediate usefulness of seabed sand and gravel is all too apparent, and the need to protect our shores and marine life from indiscriminate dumping and from oil spills is urgent.

Most of the Atlantic States have hired the Washington law firm of Covington and Burling to present our case to the United States Supreme Court. We have just filed a motion urging that we be permitted to submit our substantial historical evidence to a master. We expect to file our brief by June of 1970 and to be heard in oral argument in the Fall of this year.

We hope that the Court can be persuaded that the coastal states are entitled to the ocean jurisdiction which they exercised when they entered the Federal Union, and we are satisfied that it was considerably more than three miles.

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The able Chairman of our Litigation Committee has been Attorney General James Erwin of Maine, and he and I have been assisted from time to time by General Sills of New Jersey, General DeSimone of Rhode Island, General Burch of Maryland, General Bolton of Georgia, and staff members of other offices along our coast.

The relationship has been friendly and co-operative to a remarkable degree. We hope that it will be productive as well.

At the same time, our Atlantic Seaboard Conference has made the deliberate decision that corrective legislative action is required. We are not convinced that there was ever any moral justification for Congress to award to Florida and to Texas three times as many seaward miles as to the other coastal states. Under the Constitution, the several states are entitled to equitable treatment from the Federal Union; this equitable treatment has been lacking, in our view, in the enactment of the Submerged Lands Act of 1953.

We feel that the ocean boundary of all the states should be set in the same manner, and that any benefits to be derived from mineral exploitation should be shared in the same manner. We seek to achieve these goals in two bills which have been filed in Congress by our Legislation Committee, which is chaired by General Burch of Maryland.

HR 15285 asks the Federal Government to share its mineral revenues with the adjacent states on a 60–40 basis, 60 percent going to the adjacent state.

H.R. 15286 asks Congress to amend the Submerged Lands Act from three nautical miles to twelve, to set an official coastal baseline in accordance with accepted international standards, and to determine lateral ocean boundaries between the states and between the United States and Canada, and the United States and Mexico.

We are grateful to Congressmen O'Neill, Donahue, and Conte of Massachusetts, Fallon of Maryland, Whitehurst of Virginia, Sandman of New Jersey, and Fuqua, Cramer and Frey of Florida for joining us in filing this legislation. The bills have been referred to the House Committee on the Judiciary, and we would welcome an early public hearing.

Particularly, I call your attention to the need for establishing once and for all along our coast an official coastal baseline, in accordance with the technical standards developed at the Geneva Convention on the Law of the Sea in 1958, a convention to which our country was a party.

We seek the benefits of the 24-mile bay closing lines agreed upon at that convention in article 7, section 4:

"If the distance between the low-water marks of the natural entrance points of a bay does not exceed twenty-four miles, a closing line may be drawn between these two low-water marks, and the waters enclosed thereby shall be considered as internal waters."

Such a baseline would permit Massachusetts to exercise jurisdiction over all of the northwesterly portion of Massachusetts Bay and all of Cape Cod Bay. There would be similar benefits to other coastal states with heavily-indented coastlines.

We have reached unofficial verbal agreements on this technical question with the United States Geodetic Survey and the National Geographer of the State Department, but we want the provision written into Federal and State laws. Also, we want this written into the decision to be rendered by the United States Supreme Court.

And then we hope that physical markers can be placed along this baseline, at the expense of the Federal Government.

We bring this information to your attention today, because we want you to know of the progress that has been made, and we want you to know the possibilities that can be realized with your support.

The spaceship that Adlai Stevenson talked about is getting more crowded all the time. Its destination is more uncertain; the life-sustaining capacity of its limited cargo becomes more questionable.

We, the Attorneys General of the several states of this country, in a very real sense are the astronauts of this spaceship. We are at the controls, the vital controls of legislation and litigation. The stakes, as on a real spaceship, are human survival.

Speaking on behalf of the Atlantic Seaboard Conference of Attorneys General, representing the states from Maine to Florida, I solicit your interest and your support.

OIC DINNER

HON. HERMAN T. SCHNEEBELI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 9, 1970

Mr. SCHNEEBELI. Mr. Speaker, it was my good fortune and exciting experience to attend the first annual "key dinner" of OIC of Dauphin County, Inc., on Friday, March 6.

OIC stands for Opportunities Industrialization Center and the Harrisburg center is one of 86 such centers in the Nation, founded originally by the Reverend Leon H. Sullivan in Philadelphia as a training program for the disadvantaged. In its short lifespan of about 6 years OIC nationally has trained and upgraded more than 35,000 of our disadvantaged citizens—certainly a remarkable figure—which indicates the driving force and dynamic appeal of this realistic approach to jobs. The rapid strides of this movement are an appropriate testimony and tribute to the tremendous drive and accomplishments of the Reverend Sullivan, a big man—6 foot 5 inches—with a brooding, intense, imaginative, and orderly approach to one of our great urban problems—meaningful jobs.

OIC's purpose is to instill desirable work habits, teach job training, develop marketable skills, and encourage self-confidence without regard to race, color, or creed. Rev. Sullivan adds:

> Too long our people have been dependent. I want them to be self-dependent and proud. I don't want them to be beggars.

His motivation:

> I believe God wants me to help men to live better on earth.

It is evident that he is trying to carry out this mandate, and certainly OIC's formula seems to be effective. Before nearly 500 religious, industrial, business, Government, and civic leaders, five recent graduates of the Harrisburg OIC arose and told the audience of their self-improvement as a result of their training by OIC. Here were five people who admitted to their previous insufficiencies to compete in society; who with an honest, soul-baring, direct, uninhibited statement told of their new faith and ability and accomplishment. They reached their audience dramatically and the emotional appeal of their forthright honesty and humility was a moving experience I shall not soon forget. Here was a great example of social uplift and a meaningful benefit for people who needed and received help.

Several times previously I have indicated my strong conviction of the great help that OIC continues to be in upgrading people through job retraining, and during our recent hearings and executive sessions in our Ways and Means Committee on the administration's welfare recommendations I have expressed my confidence that through agencies and organizations such as OIC we will be able to keep our commitment to the underprivileged and disadvantaged.

The first annual dinner of OIC in Harrisburg on March 6 confirmed my faith in this fine organization. Congratulations to the Reverend Leon Sullivan and his Harrisburg chapter, and its directors and staff. They are doing a tremendous and effective job in a difficult and troubled area.

SHALL WE MAKE PEACE WITH NATURE?

HON. JOHN W. BYRNES

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, March 9, 1970

Mr. BYRNES of Wisconsin. Mr. Speaker, Mr. Owen Phelps, associate editor of the Brown County Chronicle which is published in my district, recently wrote a perceptive column about President Nixon's remarks in his state of the Union address on the need to solve our environmental problems.

Mr. Phelps points out that man has won his age-old battle with nature. He writes:

> The problem is and has been for almost a century, that man has not realized he is reigning over a conquest. Instead, man lives as if he is still at war with nature, and because nature can no longer resist, man's ruthless wartime activity has left nature in a shambles.

Because Mr. Phelps has so cogently described the challenge facing us, I believe that the full text of his column will be of interest:

[From the Brown County Chronicle, Feb. 4, 1970]

STYX AND TOMES

(By Owen Phelps)

"Shall we surrender to our surroundings or shall we make peace with nature and begin to make reparations for the damage we have done to our air, our land and our water?"

The question is President Richard Nixon's, and it may be the most important thing he has ever said.

In his State of the Union address to Congress, Nixon made it clear that he regards environmental quality a very important issue in the next decade. But, even more important—and prior to any real "war on pollution"—is that we understand the terms of the question Nixon has put to us.

We must either make peace with nature or we must surrender to her. How ironic—for the situation comes not as it does in Vietnam, where we are at a stalemate of sorts, but on our own terrain, where a clearcut victory over nature was never more apparent.

Our alternatives in dealing with nature—peace or surrender—are the result of our winning man's age old battle over the old lady. There is no stalemate; there has been none for almost a century. We are the undisputed victor, and it is precisely in the lopsided victory that our alternatives are rooted.

For centuries man waged a battle with nature, expending to the very last his daily energy just trying to keep alive.

Unremittingly nature opposed his survival, destroying his crops, flooding his lands, freezing his limbs, breaking his plow and expending his cattle.

A few tornadoes, a couple of blizzards, a little disease and nature had her way. Man lived where nature permitted—in her river valleys in the temperate zone.

Her power was the most revered in the universe, and men knelt and worshiped her. Sometimes nature was kind, other times she was ruthless. But always she had her way.

Gradually, however, man expanded his arsenal of weapons with which to battle nature. He made clothes, he discovered the wheel; he learned to communicate, and thus share with others his wisdom and experience.

Man domesticated animals with more strength and endurance than his own. He made tools and used them to build houses to protect him from nature's climatic whims. He learned to harness the power of fire, neutralizing these whims.

Man refined and re-refined his tools, his knowledge, his power. He made progress—progress in his war with nature. But the battle remained a stalemate until the industrial revolution.

The rise of industrialization and mechanization were to man's war with nature what the atom bomb was to America's war with Japan. Mass production ended the conflict. Now man could call all the shots.

Today, with centralized heating on the one hand, and air conditioning—even in baseball parks—on the other, with the power of the atom, of electricity, of gasoline, and of a thousand other things, nature is no longer a master. Indeed, she is hardly an adversary at all; she is a conquest.

The problem is, and has been for almost a century that man has not realized he is reigning over a conquest. Instead, man lives as if he is still at war with nature, and because nature can no longer resist, man's ruthless wartime activity has left nature in a shambles.

In our earnest and greed we have plundered and pillaged the very things we once hoped to possess.

Like the over-greedy, unenlightened despot, our very power stands to eventually bring about our demise. And "eventually" is not far off. If our ruthless reign continues we will be turned over to our conquest—and she will enjoy an equally ruthless reign, at our expense.

Fortunately, and unlike many despots, we know the end is near unless we move to prevent it. A little enlightenment here, a little tribute there, and we can continue to reign in peace.

As Nixon so astutely observed—it is that or surrender.

THIS IS A FARMER

HON. RICHARD L. ROUDEBUSH

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 9, 1970

Mr. ROUDEBUSH. Mr. Speaker, the American farmer has made the United States the best-fed, best-clothed nation on the earth.

Our superabundance which has been shared with most of the nations of the world is due in great measure to the productivity and dedication of the American farmer.

Because of the decreasing number of American farms many elements of our society tend to overlook the overall importance of American farms.

However, the American farm is one of the real keystones to our economy and this will become increasingly apparent as the world population rises.

Mr. Oscar B. Smith, of Rural Route 5, Frankfort, Ind., has sent along an article concerning the American farmer which I believe is excellent.

In order to share this informative and philosophical assessment of the American farmer, I offer the article for the RECORD.

The article follows:

THIS IS A FARMER

This is not the first time this column has appeared in print—and it's pretty sure not to be the last. The original author is unknown but whoever he (or she) is, he knows a thing or two about farmers.

Farmers are found in fields plowing up, seeding down, returning from, planting to, fertilizing with, spraying for and harvesting it. Wives help them, little boys follow them, the Agriculture Department confuses them, city relatives visit them, salesmen detain them, meals wait for them, weather can delay them, but it takes Heaven to stop them.

When your car stalls along the way, a farmer is a considerate, courteous, inexpensive road service. When a farmer's wife suggests he buy a new suit, he can quote from memory every expense involved in operating the farm last year, plus the added expense he is certain will crop up this year. Or else he assumes the role of the indignant shopper, impressing upon everyone within earshot the pounds of pork he must produce in order to pay for a suit at today's prices.

A farmer is a paradox—he is an "overalled" executive with his home his office; a scientist using fertilizer attachments; a purchasing agent in an old straw hat; a personnel director with grease under his finger nails; a dietition with a passion for alfalfa, animals and antibiotics; a production expert faced with a surplus; and a manager battling a price-cost squeeze. He manages more capital than most of the businessmen in town.

He likes sunshine, good food, state fairs, dinner at noon, auctions, his neighbors, Saturday nights in town, his shirt collar unbuttoned, and above all a good soaking rain in August.

He is not much for droughts, ditches, throughways, experts, weeds, the eight-hour day, helping with the housework, or grasshoppers.

Nobody else is so far from the telephone or so close to God. Nobody else gets so much satisfaction out of modern plumbing, favorable weather and good ice cream.

Nobody else can remove all those things from his pockets and on washday still have overlooked: five "steeples," one cotter key, a rusty spike, three grains of corn, the stub end of a lead pencil, a square tape, a $4.98 pocket watch, and a cupful of chaff in each trouser cuff.

A farmer is both Faith and Fatalist—he must have faith to continually meet the challenges of his capacities amid an ever-present possibility that an act of God (a late spring, an early frost, tornado, flood, drought) can bring his business to a standstill. You can reduce his acreage but you can't restrain his ambition.

Might as well put up with him—he is your friend, your competitor, your customer, your source of food and fiber, and self-reliant young citizens to help replenish your cities.

He is your countryman—a denim-dressed, business-wise, fast-growing statesman of stature.

And when he comes in at noon having spent the energy of his hopes and dreams, he can be recharged anew with the magic words: "The Market's Up."

THE DEMOCRATS—IN MEMORIAM

HON. CHESTER L. MIZE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 9, 1970

Mr. MIZE. Mr. Speaker, many a true word is often spoken in jest. I believe this is the case with the attached column by humorist Arthur Hoppe. I am sure my friends in the Democratic Party will find the following article as funny and enlightening as I have:

[From the San Francisco Chronicle, Feb. 23, 1970]

THE DEMOCRATS (IN MEMORIAM)

(By Arthur Hoppe)

Scene: The headquarters of the Democratic National Committee. Its members are gathered to interview applicants for the now-vacant job of Committee Chairman.

Enter an applicant, Homer T. Pettibone. He is wearing a Brooks Brothers suit, a Southern planter's straw hat, a psychedelic shirt, a string tie and cowboy boots. In one hand he carries a lunch pail, in the other hand a vellum-bound collection of T. S. Eliot's poems.

FIRST MEMBER (admiringly). I like the cut of your jib, Pettibone. Something about you tells me you may be just the man we're looking for to take over and unify the party.

SECOND MEMBER. Not so fast, Al. He may look good. But who's he backing for top banana?

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Pettibone (proudly). I'm a founder of the Humphrey - Muskie - McGovern-Kennedy-Eastland-or-Whover-May-Turn-Up for President Club.

Third Member. I'll say this for him. He can pick a winner.

Second Member. Maybe. But where do you stand on the issues our great party, faces today, Pettibone?

Pettibone. Oh, I'm for States' Rights, sir. South of the Mason-Dixon line. Elsewhere, I feel that only increased Federal spending on an increasing number of Federal programs can solve the problems that beset the Nation.

First Member (approvingly). A chip off the old FDR bloc. What about racial equality?

Pettibone. Oh I'm for equality, sir. Integrated equality up North; separate equality down South. We Democrats must keep the uppity Nigras in their place in Biloxi and support the aspirations of all Americans, black or white, in Gary, Indiana.

Second Member (grudgingly). Not bad. But what about the war in Vietnam?

Pettibone. I've hewed to the party line on that for years, sir. I wasn't one of those Nervous Nellies who wanted to cut and run from President Johnson's glorious crusade to stem the tide of Communism in Asia.

Second Member (slyly). You're for the war, eh?

Pettibone (shocked). Oh, not now. Now I'm for Nixon getting us out of this rotten war of his immediately. With honor, of course. But if he lets Vietnam go Communist, so that our brave boys died in vain, he's in trouble.

Third Member. Spoken like a true Democrat. But do you think you can sell the party's program to the voters?

Pettibone (modestly). As a lad, I built a profitable summer resort business, selling cans of worms to fishermen.

First Member. An ideal background. But you realize the party's $8 million in debt. We need a sharp fund-raiser.

Pettibone. If you'll check my resume, sir, you'll see that I was instrumental in arranging the financing for the manufacture of the Edsel.

Second Member. By golly, Pettibone, you've convinced me. Do you want the job?

Pettibone (eagerly). I certainly do, sir. I can't think of a more challenging, rewarding position, I can't wait to get started.

(*At this, the members go into a huddle. There is much frowning and head-shaking. At last, they break*).

First Member. I'm sorry, Pettibone, you just won't do.

Pettibone (surprised). But, sir, I'm loyal, experienced and eager.

Second Member. I know. But we figure anybody who'd want this job must be some kind of nut.

XUM

THE INDEPENDENCE OF THE FEDERAL JUDICIARY

HON. FLETCHER THOMPSON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 9, 1970

Mr. THOMPSON of Georgia. Mr. Speaker, all Americans have a continuing interest in an able and independent Federal judiciary. In recent years it has become fashionable in some quarters to condemn the Federal Constitution as being out of date. Others have centered their attacks on the independence of Federal judges, arguing that Congress has both the power and duty to enact legislation to give some administrative agencies power to second-guess the House and the Senate, which have the sole constitutional power to impeach Federal judges for lack of good behavior, and evade the constitutional safeguards by an administrative determination respecting the tenure of office, judicial philosophy, or other characteristics of Federal judges under the guise of a determination of his "good behavior."

Legislation of this kind is now pending in the Congress, and the following statement of the District of Columbia National Republican committeeman, Carl Shipley, recently published by the Washington Post in response to an editorial supporting such legislation, is worthy of consideration by Members of Congress:

[From the Washington Post, Feb. 17, 1970]

THE INDEPENDENCE OF THE FEDERAL JUDICIARY

(By Carl L. Shipley)

Associate Editor Merlo J. Pusey's recent article on the question of whether judicial councils established by Congress to supervise certain housekeeping and administrative activities of Federal District Courts in each of the judicial circuits can defrock a federal judge by ordering him not to hear cases is misleading.

Mr. Pusey suggests that Congress has the power to authorize some administrative agency made up of other judges to pass on the fitness of a sitting federal judge. Mr. Pusey refers to the case of Chief Judge Stephen S. Chandler of the U.S. District Court for the Western District of Oklahoma, who was denied the right to hear cases by the Tenth Circuit Judicial Council on the grounds he was "unable or unwilling" to carry on the duties of his office. Mr. Pusey says "Judge Chandler was not removed from his office." While technically true, the duties of the office were removed from the judge, which is a distinction without a difference.

The men who wrote our Federal Constitution tried to guarantee an independent national judiciary by providing that judges shall hold office during good behavior, and that they cannot be intimidated by having their salaries reduced. The Colonial Declaration of Rights of Oct. 14, 1774, complained that judges were "dependent on the crown." A complaint in the Declaration of Independence was that King George III "has made judges dependent on his will alone for the tenure of their office." Our forefathers had a long and bitter quarrel with the king about the position of judges in the American colonies. The colonists wished them to hold office during good behavior to escape control by the crown. When the King of England demanded the surrender of colonial charters, the colonists resisted. A proceeding in *quo warranto* was commenced in the English courts (inquiring by what warrant they claimed rights) and it terminated predictably against the colonists by judges serving at the pleasure of the king.

Against this background of history, Randolph of Virginia proposed an independent national judiciary to serve during good behavior (i.e., for life) at the 1787 meeting to amend the Articles of Confederation. Dickinson of Delaware moved to make the tenure of judges terminable by the President on demand of both houses of Congress, similar to the British system, but the proposal was rejected, and the Federal Constitution was adopted in its present form.

It provides a special court made up of all members of the U.S. Senate, specially sworn on "oath of affirmation," to try judges who have been impeached (charged) by the House of Representatives for lack of good behavior. It takes two-thirds of the members present to convict, the President cannot pardon a convicted judge, who upon conviction can be removed from the office and disqualified for life to hold any other office of honor, trust or profit under the United States. Also, a judge may be tried criminally in addition to impeachment. A judge may be impeached for "treason, bribery, or other high crimes, and misdemeanors." The manager of the impeachment of President Andrew Jackson defined the scope of the language in the Constitution: "an impeachable crime or misdemeanor . . . may consist of a violation of the Constitution, of law, or an official oath, or of duty, by an act committed or omitted, or without violating a positive law, by abuse of discretionary powers from improper motives, or from any improper purpose." In short, the Constitution protects the independence of federal judges consistent with the lessons of history, yet provides a special court to protect against judges who are unfit, or even "unwilling or unable" to fulfill the duties of office. Indeed, the House Judiciary Committee report from which Mr. Pusey takes his highly selective excerpts recites numerous cases of federal judges being impeached for misdeeds from drunkenness to bribery, and outlines how well and quickly the constitutional safeguards work.

The report indicates that Congress has no power to circumvent the Constitution and pass on the fitness of judges until the Constitution is amended. It would be a grave undertaking for Americans to diminish the independence of the federal judiciary, which has been the one great bastion standing between oppressive and arrogant officials and the civil rights of citizens.

FIGHT AGAINST LOAN SHARKING

HON. HERMAN T. SCHNEEBELI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 9, 1970

Mr. SCHNEEBELI. Mr. Speaker, an excellent presentation published in the March 5, 1970, issue of the Machinist, the official publication of the International Association of Machinists and Aerospace Workers, points up the outstanding job done by my colleague, Joseph McDade, in his fight against loan sharking. This is proper recognition, well deserved, of a lot of hard work and effective legislating on Congressman McDade's part, to combat a practice that had become too widespread and harmful over our entire country.

The item follows:

TWO CONVICTED, 36 AWAIT TRIALS IN DRIVE ON LOAN SHARKING

A Federal campaign to stamp out loan sharking is picking up steam all over the country.

Loaning money at exorbitant interest rates collected by beatings or threats of physical harm has been a Federal offense since 1968. Congress added it, as an afterthought, to the Truth-in-Lending Act.

So far, the Feds have indicted at least 41 persons in nine states on loan-sharking charges. Two have been convicted under the new law; one was acquitted and two indictments have been dismissed. The other 36 cases are awaiting trial.

The constitutionality of the anti-loan-sharking law was upheld last month by the Seventh Circuit Court of Appeals in Illinois. The law had been challenged by Michael Biancofiori of Chicago, the first loan shark convicted under Federal law.

According to Rep. Joseph McDade of

Pennsylvania, whose bill was the basis for the legislation, the new law was directed against organized crime that preys on the poor who cannot find credit through normal channels.

ONE THOUSAND PERCENT INTEREST

Under the law, it is illegal for anyone to use or threaten violence in making, financing or collecting a loan. The Congressman explained that when direct evidence of violence is available, nothing else is required to prove the crime.

Congressional hearings revealed that a loan shark may charge up to 1,000 per cent interest a year and that loan-sharking is a multi-billion dollar source of income annually for the underworld.

Biancofiori, whose conviction was affirmed in Chicago, had been found guilty of making threats to collect a debt from George Wright and sentenced to seven years in prison. Testimony in that case showed how loan sharks operate.

According to the testimony, Biancofiori loaned Wright, a snack shop employee, $200 in November, 1967, telling him, "You know, this is a juice (high-interest) loan." Wright was required to pay $14 interest a week, payable every Tuesday.

This amounted to 364 per cent a year!

Biancofiori also warned Wright:

"Don't try to leave town on me, or the boys will find you and you'll be sorry."

In December, 1967, Wright was again in financial trouble and borrowed an additional $200 from Biancofiori.

Two months later, Wright and Biancofiori formed a partnership in a painting and decorating business, M&G Home Improvement. Biancofiori supplied $1,000 cash needed to start the enterprise and controlled the books. He deducted Wright's payments from his wages. Wright got two more loans shortly after the partnership was formed, borrowing a total of $75 from Biancofiori. His weekly interest payments amounted to $53.

In August, 1968, Wright stopped working for M&G. When Wright was unable to make interest payments, he and his family were harassed by Biancofiori.

Wright complained to the Federal Bureau of Investigation that Biancofiori repeatedly made threats of violence, in person and over the telephone. On a day a collection was scheduled, agents hid in Wright's apartment, overheard the threatening remarks and made the arrest.

Investigation of the Biancofiori case led Federal agents to smash what was described as "the largest blue-collar loan-shark ring in the country." Eleven men were indicted on charges of using or threatening violence in extending credit.

FIVE HUNDRED PERCENT INTEREST

The ring, which was based in Cicero, Ill., a Chicago suburb, netted an estimated $50,000 a week, loaning money to persons who lost heavily gambling. The victims, including some factory workers, were directed to loan sharks by bookies, agents said.

The loan sharks extended credit at interest rates of five to ten per cent a week. This would be an annual rate of about 250 to 500 per cent.

The victims were told they would be harmed if they did not meet payments, according to the indictments. Biancofiori operated as a collection agent for the lenders.

The second loan shark to be convicted under the new law is Alcides Perez. He was sentenced to 18 months in prison on Mar. 19, 1969, for threatening violence to collect a debt. Here are the facts in his case:

The victim opened a butcher shop in New York State. He borrowed money from Perez after he was unable to obtain credit from a supplier. Within four months the victim paid Perez three times the amount of the original loan and was still in debt. His business failed.

As a result of Perez's threats, the victim and his wife were forced to move out of their neighborhood. Eventually they reported the threats to authorities and testified at Perez's trial.

In another case, not yet come to trial, Eugene C. Dawson of Jersey City, N.J., charged that he was obliged to pay a loan shark 260 per cent interest on a debt. He had borrowed $400 to pay outstanding bills. A month later, he borrowed an additional $300. He was then required to pay $35 a week interest until he could repay the $700 lump sum.

When Dawson began to fall behind in his payments, he was driven to a store to "straighten out his loan." When Dawson explained that he had no money, he was beaten on the arms and hip with a heavy piece of wood.

Next day, Dawson entered a hospital with a broken elbow. He was hospitalized for 11 days.

Another victim of the loan sharks, Frank Gscheidle of New York City, told authorities he borrowed $1,000. Six months later he had repaid the loan plus $400 interest. Yet, the lenders told Gscheidle he still owed them $1,350. When he refused to pay up he was threatened with pistols and beaten with fists. Three men have been indicted for using violence to collect that loan.

The Justice Department has launched an investigation of underworld figures who are financing loan-sharking operations. According to officials, the new law has "provided a real deterrent to this type of activity."

FBI AIDS LOAN SHARK VICTIMS

Under Federal law, a loan shark is any money lender who threatens you or your family with beatings or other physical harm if you fail to make the payments. The penalty can run to $10,000 and 20 years in jail.

If you are victimized by a loan shark who threatens bodily harm, call the nearest office of the Federal Bureau of Investigation. The nearest office should be listed in the front pages of your telephone directory.

THREE AWARDS FOR HAVRE DE GRACE RECORD

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, March 9, 1970

Mr. LONG of Maryland. Mr. Speaker, the Havre de Grace Record has always done an outstanding job of presenting news and editorial comment to its readers. This year the paper has received recognition of its efforts by the Maryland-Delaware-District of Columbia Press Association, Inc.

I wish to honor the editors and the staff by including the following article in the RECORD:

THREE AWARDS FOR THE RECORD

The Havre de Grace Record was notified Monday that the newspaper has won three important prizes in the 1969 editorial contest of Maryland-Delaware-D.C. Press Association, Inc.

Editor J. Clark Samuel of The Record was awarded first place for the best editorial. The editorial was concerned with closed meetings of public bodies and the people's right to know.

The Record also won first place for the best editorial page makeup. This was a staff effort.

The Havre de Grace Record also won second place for the best front page makeup and headlines, which was a staff effort. First place in this category was won by the Dorchester News of Cambridge, Md.

This marks the third consecutive year that the Havre de Grace Record has won first and second awards.

Certificates and plaques will be presented to winners at the annual awards luncheon this Saturday in connection with the annual winter convention of the Maryland-Delaware-D.C. Press Association at the Sheraton-Park Hotel in Washington.

THIRTY SPINAL MENINGITIS CASES AT ARMY TRAINING POST

HON. THOMAS P. O'NEILL, JR.

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 9, 1970

Mr. O'NEILL of Massachusetts. Mr. Speaker, I have today sent a letter to Secretary of Defense Melvin Laird, calling his attention to a very serious situation at Fort Leonard Wood, Mo.

As you probably know, press reports this weekend state that three servicemen have died from spinal meningitis and 30 men are sick with the disease at the present time. Yet the Department of the Army, having this information, still intends to go forward with its plans to bring young men from all over the country to Fort Leonard Wood for basic training and reserve duty. I think this is an abominable situation. Twenty-seven members of the Massachusetts National Guard and an undisclosed number of Army Reserves from the Greater Boston area are destined for Fort Leonard Wood sometime this month.

When I spoke with an officer of the Department of the Army this morning, there were no plans to change the site for this training. I think the Army is only courting disaster. I am sure that the site for this training could easily be changed with little effort and expense on the part of the Army. However, even if the expense and effort were great, it would be worth it to prevent the spread of this disease and to possibly save the lives of more young men.

I include here in the RECORD a copy of my letter to Secretary Laird protesting this action and asking for a change in the Army's plans:

CONGRESS OF THE UNITED STATES,
Washington, D.C., March 9, 1970.

Hon. MELVIN R. LAIRD,
Secretary of Defense,
Department of Defense,
Washington, D.C.

DEAR MR. SECRETARY: I called your office today to register a protest with regard to Army policy, and my call was returned by a member of the staff of the Secretary of the Army.

It is my understanding that three men have died and 30 are sick at the present time with spinal meningitis at Fort Leonard Wood, Missouri. As you may know, the Sunday New York Times had an article to this effect. Since that article appeared, my Boston Office has been inundated with calls by concerned parents, and I received many calls at home over the weekend. It is presently planned that 27 members of the Massachusetts National Guard and an undisclosed number of Army Reserves from the Greater Boston area will be sent to Fort Leonard

XUM

Wood this month for basic training and reserve duty. I called your office to protest this action. The explanation I received from the officer to whom I spoke was absolutely unsatisfactory. I doubt that any explanation could be satisfactory as to why young men should be sent there now in the middle of an epidemic.

Personally, I think this is a ridiculous way to run an Army—to send additional men to an area where there is known to be an extremely serious and fatal disease. I understand that young men from all over the country are being sent to Fort Leonard Wood for their basic training. I think this is foolish. I am sure they could be sent to other camps with very little effort on the part of the Army.

I urge you to investigate this immediately and to make provision for the holding of basic training at another Army installation.

I look forward to hearing from you on this matter.

With best wishes from your old colleague,

Sincerely,

THOMAS P. O'NEILL, Jr.,
Member of Congress.

TESTIMONY CALLING FOR ESTABLISHMENT OF A POLICE EMERGENCY NUMBER

HON. JOHN V. TUNNEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 9, 1970

Mr. TUNNEY. Mr. Speaker, this morning I testified before the House Judiciary Committee urging the establishment of an emergency telephone number in order to facilitate citizen participation in the war against crime.

The text of my testimony and of my proposed amendment to the Safe Streets Act follows:

THE UNIFORMED EMERGENCY TELEPHONE NUMBER "911" ACT OF 1971

(By Congressman JOHN V. TUNNEY)

Last August when Mr. J. Edgar Hoover, Director of the FBI, issued his annual report on crime in America, his statistics—as was expected—told a grim story. The report, covering the year 1968, showed that there was a 17 per cent rise in serious crimes over 1967. In a follow-up report issued in September and covering the first six months of 1969, Mr. Hoover revealed that while the overall crime rate appeared to be leveling off, crimes of violence were still on the rise.

Confirmation of this trend toward crimes of violence has come from the Los Angeles police department—the largest police jurisdiction in my home State. In the first eight months of 1969, homicides increased by 15.4 per cent and forcible rape by 20.1 per cent. While the overall increase in crime in Los Angeles during the period was below the national average, these statistics make clear that the safety of the city's people is still threatened by violence.

It is because of this threat to the citizens of Los Angeles and the other cities and towns across California, and the need of police authorities for greater resources to provide our people with protection, that I have come to testify in favor of greater funding for the Crime Control and Safe Streets Act.

The roots of crime go very deep into our society. They can be traced to the inability of our institutions to cope with a massive shift of our population into the cities, to the rootlessness of some of our youth because of a lack of preparedness for urban lives, to attitudes toward authority that have developed in a period of moral uncertainty, and to frustrating conditions in our urban ghettos. These roots will not be eradicated by the money we appropriate this year, nor next year, nor the year after.

But we can, by appropriating three-quarters of a billion dollars requested for the Safe Streets Act, give our people a greater sense of security in knowing that the resources required to control crime are being committed to the task. In my testimony, I want to focus on an amendment that I am offering to the Safe Streets Act, an amendment which can enhance this sense of security and which could be funded from the expanded appropriations under discussion here today.

My proposal is a simple one. It is based on a belief that there is a relatively inexpensive action we can take to give our people a greater sense of security at a time when crime rates are continuing to escalate.

My proposal is that our citizens have the security of knowing that by telephoning a simple three-digit number "911" that they can immediately contact the police authorities having jurisdiction over their area. Quick communications can reduce police reaction time and thereby capture or deter criminals who otherwise would expect a leisurely getaway while victims fumble for a seven-digit police number or wait for an operator to answer.

During peak crime hours, telephone company switchboards become jammed as citizens try to reach an operator—some to make long-distance calls, some for information, and some frantic to get police or fire departments to help them. Operators, facing rows of blinking lights, can't tell an emergency from a request for the time of day.

Even when she does answer, the operator must take precious minutes to dial a seven-digit number, and in sprawling metropolitan areas like Los Angeles and the San Francisco bay, there are so many different numbers that she is unlikely to be familiar with all of them.

The 911 emergency number has been installed in over 50 cities ranging in size from New York City to Ilva, Oklahoma. Although this range covers a vast spectrum, there are some common features about these cities that make installation of 911 easier for them than other areas. They have a single police authority having jurisdiction over an entire Metropolitan area and a single telephone service that is co-terminous with this jurisdiction, the task is usually the simple action of supplementing an existing seven-digit police number with the easier-to-remember three-digit number.

In sprawling metropolitan areas like those in California, the 911 emergency number is extremely difficult to install because telephone service areas rarely are co-terminous with police jurisdiction and because of the enormous problems of establishing tie-lines or referral mechanisms between one jurisdiction and another.

But these difficulties are all the more reason why the 911 emergency number needs to be installed. These problems of communication are at present obstacles to the citizen being able to contact the appropriate police authority. For instance, in Los Angeles County there are 90 different seven-digit numbers for 47 separate city police departments, the county sheriff, and the state highway patrol. These are 102 telephone service areas spanning three area codes and having as many as eight police jurisdictions within one service area.

Because of the enormity of police communications in the Los Angeles area, I believe that if 911 can work there, it can work anywhere in America. Consider these facts:

Los Angeles County is unique in that it has a population of 7.2 million people residing in a 1,500 square mile area. This is a population greater than that of 42 states and an area that is not only half again as large as Rhode Island but also large enough to encompass the combined areas of New York, Chicago, Philadelphia, Detroit, Pittsburgh, St. Louis and Denver. The communications problems presented by the sprawling metropolis are obvious.

The police authorities of the Los Angeles area recognized early that an emergency number system could be of tremendous benefit in crime control. But the technical difficulties have also been tremendous and the necessary funds hard to acquire locally.

A pilot project using 911 was due to begin on March 1, 1970 but because of an adverse vote in the Los Angeles City Council the program has been delayed. I sincerely hope that the council will reconsider its actions and vote to support the project.

Because I am aware of the substantial financial and technical difficulties that localities in California's sprawling metropolitan areas face in instituting the 911 number, I am today introducing an amendment to the Crime Control and Safe Streets Act which would provide matching funds for the installation of the 911 number. My bill would authorize $50 million in the upcoming fiscal year. I believe this is about half the total amount required to establish the 911 number in every city in America. Another $50 million would be authorized for the next fiscal year and then a smaller amount would be authorized for operations and maintenance once the major installation expenses had been met.

Since the problems of installing 911 in Los Angeles County are the most extreme of any area of either California or elsewhere in America, I have earmarked in my bill an authorization for $5 million for assistance to localities in this metropolitan area.

I believe that 911 will make a decisive difference. That is why I have investigated the need for this legislation. I was moved to act by a criminal incident that occurred in my home town last summer which could have easily been avoided if the victim and the bystander had had the speed and motivation of a three-digit number.

But before introducing my bill I wrote to police chiefs in the Los Angeles area to ask their opinion of 911. Of those who responded, about 90 per cent were strongly enthusiastic and about 10 percent cited local conditions that would keep the system from being an advantage.

Nearly all of the responses cited the difficulties involved. Chief Robert McGowan of the Pasadena Police Department talked of the "technical magnitude of the undertaking." Chief Walter Koenig of the Torrance Police Department referred to "monumental problems." Chief Duane Baker of the Glendale Police Department was concerned about the routing of calls between different police jurisdictions, while Chief Rex Andrews of the Burbank Police Department pointed out that the telephone companies had emphasized expensive equipment requirements. And Chief Louis Sunyich of the Redondo Beach Police Department offered the important suggestion that 911 should be coupled with the capacity for dialing the number from a pay phone without depositing a coin.

All of these law enforcement officers were enthusiastic in their support for the 911 emergency number. And because of their support, I believe that I am right in saying that the expenditure of the money I am calling for in my uniform emergency telephone number 911 act will give a greater sense of security against crime to our citizens than any other comparable expenditure we will make under the Crime Control and Safe Streets Act.

In summary, I believe that there could be greater public safety and more effective citizen action against rising crime if all com-

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munities switched to the 911 universal police and emergency number.

Dialing this number from any home or public phone would immediately connect a citizen with a police switchboard, this would do away with the agonizing slowness of asking an operator who has to look up the number of the police or fire department serving the caller.

Few areas of the United States need the 911 system more than metropolitan Los Angeles and San Francisco. In Los Angeles county, there are over 150 seven-digit numbers for police and fire departments and in the San Francisco Bay area, there are over 50.

Under the 911 system, which communities could adopt only if they wanted it, a call for help would automatically be routed to the police and fire department serving the caller.

Mr. Chairman, I appreciate this opportunity of presenting this proposal of vital concern to Californians to this committee for its consideration.

H.R. —

A bill to amend the Omnibus Crime Control and Safe Streets Act to provide grants for the establishment, equipping, and operation of the emergency communication facilities to make the national emergency telephone number 911 available throughout the United States

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this section shall be known as the Uniform Emergency Telephone Number 911 Act of 1971.

That the Omnibus Crime Control and Safe Streets Act of 1968 is amended by redesignating title XI as title XII and by adding after title X the following new title:

"TITLE XI—GRANTS FOR EMERGENCY COMMUNICATIONS CENTERS ESTABLISHED TO MAKE AVAILABLE THE NATIONAL EMERGENCY TELEPHONE NUMBER 911

"FINDINGS AND PURPOSE

"SEC. 1101. (a) Congress finds that greater citizen participation is a critical necessity to halting the alarming rise in crime in the United States.

"(b) That at the present time, a major obstacle to citizen involvement in the war against crime is a lack of rapid communication with local law enforcement authorities, especially when numerous law enforcement jurisdictions exist within major metropolitan areas.

"(c) That to improve the coordination of law enforcement agency response in metropolitan areas and to establish more responsive facilities for citizen involvement this Act provides funds to establish the uniform emergency telephone number 911.

"AUTHORIZATION OF GRANTS

"SEC. 1102. (a) The Law Enforcement Assistance Administration (referred to in this title as the 'Administration') is authorized to make grants under this title to assist State governments and units of general local government in meeting the costs of establishing, equipping, and operating emergency communication facilities to make the national emergency telephone number 911 available in the areas served by such facilities. Grants under this title shall be allocated by the Administration among the States for distribution among the counties, cities and political subdivisions on such basis as the Administration determines will most effectively carry out the purposes of this title.

"(b) Grants under this title may only be made to an eligible State planning agency for disbursement to counties, cities and political subdivisions therein. The planning agency of a State that receives a grant under this title shall make the funds provided by such grant available to the government of that State and the units of general local government in that State in such manner as the chief executive of said State shall by regulation or executive order prescribe.

"ADMINISTRATIVE PROVISIONS

"SEC. 1103. (a) The amount of any grant made under this title to establish, equip, and operate emergency communications facilities shall not exceed one-half the cost (as determined in accordance with regulations prescribed by the Administration) of establishing, equipping, and operating such facilities.

"(b) Not more than one-half of any grant made under this title may be expended for the compensation of personnel. The amount of any such grant expended for the compensation of personnel shall not at any time exceed the amount of State or local funds actually expended for the compensation of personnel employed in such facilities.

"(c) Because Los Angeles County and its political subdivisions have, as do certain other metropolitan areas of California, complex police and emergency communications problems, at least $5 million in fiscal year 1971 should be earmarked for the use of Los Angeles County in a demonstration project.

"(d) The provisions of sections 509, 510, 511, 514, 516 (a), and 521 of this Act shall apply with respect to grants made under this title.

"(e) The Administration may prescribe such regulations as it determines are necessary to carry out the purposes of this title.

"DEFINITIONS

"SEC. 1104. As used in this title—

"(1) The term 'eligible State planning agency' means an agency of a State created or designated in accordance with section 203 of this Act which (A) has on file with the Administration an approved comprehensive State plan (not more than one year of age) which sets forth policies and procedures designed to assure that the national emergency telephone number 911 will be made available in the State; and (B) has made an application for a grant under this title in such manner as the Administration shall by regulation prescribe. (C) Provided, however, that if the eligible State planning agency does not have an approved plan on file, then a particular county, city, or other political subdivision may submit a plan directly to the Administration.

"(2) The term 'State' means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 1105. For the purpose of making grants under this title, there are authorized to be appropriated $5,000,000 for the fiscal Year ending June 30, 1970; $50,000,000 for the fiscal year ending June 30, 1971; and $50,000,000 for the fiscal year ending June 30, 1972."

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 9, 1970

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,400 American prisoners of war and their families.

How long?

OF CONCERN TO PARENTS

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Monday, March 9, 1970

Mr. WYMAN. Mr. Speaker, parents who are concerned, and rightly so, by the attitudes toward God and country evidenced by some young people these troubled days, ought to interest themselves in what literature is prescribed reading in the school systems of our land. An example of this situation in a Manchester, N.H., high school, is reported in an interesting editorial in the Manchester Union Leader of last week.

A balanced perspective requires exposure to both sides of any controversy. There is little that is "balanced" in the menu reported in the following editorial:

[From the Manchester Union Leader, March 6, 1970]

FOR PARENTS WHO CARE

The paperback books shown in the above photograph, although dissimilar in the scope of the issues discussed, have many similarities.

The authors are all left-of-center, ranging from far left to extremely liberal. There is nothing wrong, per se, with that.

The books are all highly opinionated. There is nothing wrong with that; we prefer people with strong convictions to those who have no definite views on anything.

The books are among a carefully selected group either being used, or originally scheduled for use, in a course in "Contemporary Problems" in a Manchester high school. There is nothing wrong, in itself, with that; a course in "Contemporary Problems" quite obviously should consider the views of those who hold provocative opinions on contemporary issues.

As a matter of fact, there would be nothing really remarkable about the use of these books in a classroom were it not for three additional considerations:

1. Textual material by authors who hold differing points of view are effectively barred from this course currently being taught at Immaculata High School.

2. This philosophy of "education"—we see it as indoctrination—is endorsed by the school administration.

3. The School Board has gone on record with "a vote of full confidence" in the school administration's endorsement of this incredible situation.

Although the general tenor of the books is undoubtedly familiar to many of our readers, particularly high school and college students, perhaps a brief summation would be helpful to an understanding of the basic issue we are raising. Again, we're NOT protesting the use of the books; our protest is directed to the fact that books representing opposing points of view are not being used. Thus, the students are denied access to a wider spectrum of opinion.

"The Black Panthers," a Ramparts Book, is authored by Gene Marine. The author, who admits that he is sympathetic to the Black Panthers, informs his readers that the press has lied about the Panthers. (In one chapter, he criticizes the Sacramento Bee, San Francisco Examiner, San Francisco Chronicle, Berkeley Gazette, Los Angeles Times and Oakland Tribune!) The truth, the author states, is that the Black Panthers are NOT racist—any more than the National Liberation Front or the Pathet Lao are Communist! The author, who attacks "white racist America" for supporting law enforcement authorities, says he has "no valid arguments" to offer against the Panthers' "simple neces-

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sity" to kill "policemen, to kill Uncle Toms, to kill anyone, ultimately, who stands in the way of black liberation."

"Confrontation on Campus," by Joanne Grant, author of "Black Protest," is a sympathetic account of S.D.S.-led riot at Columbia University in the Spring of 1968. The author excuses vandalism, obscenities scribbled on walls, even the destruction of files in President Kirk's office. As in the case of "The Black Panthers," the book contains repeated and vicious condemnation of the police. She quotes sympathetically a Columbia professor's comment: "They (the police) rank at or near the low point of every scale of personality characteristics deemed desirable by most academicians."

"Growing Up Absurd," by Paul Goodman. Another anti-Establishment book, critical of our society in almost every respect and sympathetic only to the malcontents. The author, who favors the liberalization of sex laws and standards, concludes that the answer to the problem of delinquency is "not to get them to belong to society" but rather for society "to accommodate itself" to the delinquents. Other views: Service in the armed forces is a "demented enterprise, with personnel and activities corresponding." The governors of our states "are likely to be men of mediocre humane gifts." The author quotes favorably the late Bertrand Russel's contention that it is better if students have sex—so they can give their undivided attention to mathematics.

"Chemical and Biological Warfare, America's Hidden Arsenal," by Seymour Hersh. (Former press secretary for Senator Eugene McCarthy who quit and said that McCarthy is part of the "Establishment" and not really sympathetic to "the revolution"). The book is a one-sided view accusing the United States of excessive use of chemicals and gas in Vietnam. The author is critical of the use of tear-gas—even to save the lives of innocent civilians used as "human shields" by the Communists. Uses the propagandist's familiar technique of quoting un-named sources—critical of the United States—throughout the book.

"The Free World Colossus," by David Horowitz. A critique of American foreign policy in the Cold War. The author contends that virtually everything the United States has done is wrong—in Vietnam, in Korea, in Cuba, in Turkey, in Iran, in Greece, in Guatemala. Author is critical of our anti-Communist stance since World War II and of former President Kennedy's view that "The cause of all mankind, is the cause of America." Instead, the author cites favorably the opinion that America is "the leader of a world-wide anti-revolutionary movement in defense of vested interests."

"Abuse of Power," by Theodore Draper. Criticism of U.S. policy of resisting Communist aggression in Vietnam, Cuba and the Dominican Republic. In Vietnam, the author would settle for an "independent" Communist nation a la Tito's Yugoslavia. (Tito, incidentally, has never rescinded his pledge to march "shoulder to shoulder" with the Soviet Union to fight "U.S. imperialism.")

Other books used include "The Soviet Union, the Fifty Years," by the editors of the New York Times, and "Sick Cities," by Mitchell Gordon. The latter is a good, largely ideologically neutral book; the former is about as close to a middle-of-the-road view as is permitted in the textual material used in the class at Immaculata. Books by authors who are right-of-center, or at least more moderate, on the issues cited above are not used. On the Vietnam issue, for example, the students could receive at least exposure to another point of view by reading one of the following: "No Exit from Vietnam," by Sir Robert Thompson, principal architect of the British victory over the Malayan Communist guerrillas, "Why Vietnam," by Professor Frank Trager, or the late Marguerite Higgins perceptive analysis, "Our Vietnam Nightmare."

In fact, there are competent authors, liberals as well as conservatives, who have presented opposing points of views on all of the issues cited above, ranging from criticism of the Black Panthers and S.D.S. to, for example, Mario Lazo's excellent tome, "American Policy Failures in Cuba."

However, their works are not permitted in this course on "Contemporary Problems" at Immaculata High School.

This newspaper has raised the issue, and that discharges our responsibility to our readers. It remains for others, hopefully including concerned parents, to determine how such a weird philosophy of "education" could be condoned by the Immaculata school administration.

SECURITY FOR WHOM?

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 9, 1970

Mr. WOLFF. Mr. Speaker, ever since entering Congress I have been concerned with the problem of excessive Defense spending which does not contribute to our national security. As you know, I seek only to eliminate waste and not to jeopardize our national security.

Although this problem has existed for a considerable length of time, I am pleased to see that efforts made by my colleagues and me have begun to elicit results. We are beginning to realize that a lean Defense budget can aid our ailing economy without starving our national security.

This does not mean, however, that our work with the Defense budget is now complete. For there are still unnecessary and misappropriated funds being granted to the Defense Department.

One area which still bears considerable neglect is Government contract bidding. The no-bid, nonnegotiation bids still threaten to undermine attempts to place the Defense budget in its proper perspective. Too often these contracts become a gravy train for those who seek to make a profit at the public's expense.

It is for this reason that I fully support the recent recommendation of the General Accounting Office that all Defense contracts be placed under a uniform accounting system. In this way, there will be a reliable guideline to determining where costs and savings lie in granting certain companies the right to obtain contracts.

Since this matter is important to all of us, I would like to extend my remarks to include a recent Times editorial on this matter.

Mr. Speaker, at this time I would also like to note that my support of eliminating excessive Defense spending does not mean I can condone the severe and biased Defense cutbacks that New York State has been experiencing. Pruning the Defense budget need not be synonomous with wiping out the Defense jobs of a disproportionate number of New Yorkers.

Let there be prudent Defense spending, but let our Defense Department stop using the State of New York as its whipping boy.

The editorial follows:

SECURITY FOR WHOM?

Almost exactly 90 per cent of the contracts let by the Department of Defense are nonbid, negotiated contracts which guarantee the contractor a profit over and above costs. The various contractors follow various methods of calculating their costs and, since there is no uniform accounting procedure, there is no effective governmental audit of these contracts.

Some contractors have been detected padding expenses in order to further increase their profits. Is it any wonder that defense costs have risen all out of proportion to the nation's security requirements—from only $13 billion before the Korean War, to $50 billion before the Vietnam war and to $80 billion today?

The recommendation of the General Accounting Office that all defense contractors follow uniform accounting procedures should be translated into law. To bring some reason into an irrational, runaway defense budget, Congress will have to arm itself with the expert knowledge required to weigh, to question and to challenge the proposals of the military-industrial complex for launching new weapons systems. As it is, Congress is almost wholly defenseless against the assertions by interested parties that any new weapon is essential to American survival.

The relationship between the weapons manufacturer and the military establishment has been, as some critics have charged, an unhealthy cozy one. The military may dream up the need for a weapon and then the manufacturer tools up to supply the need—at a profit. Or the manufacturer may dream up the idea for a weapon, suggest the need to the military and then tool up to supply it—at a profit. This mutually beneficial, backscratching arrangement excludes any effective check on the arms race.

Several possible checks have been suggested: expansion of the House Appropriations Committee to include staff experts on military matters; setting up a separate research think-tank operation, along the lines of the legislative reference service, which would be available to any member of Congress; establishing a new wing of the General Accounting Office to conduct effectiveness studies of weapons systems and make expert analyses of military proposals.

The subcommittee of the Joint Economic Committee now looking into defense spending, with Senator Proxmire serving ably as chairman, can be counted on to come up with its own recommendation. The nation must have an accurate audit of military spending to prevent profit-gouging, wasteful cost overruns and plain chicanery. It must also have some independent, expert opinion on whether proposed new weapons systems will really contribute to its security or only to that of the defense-related industry slated to get a contract.

ESTONIAN INDEPENDENCE DAY CELEBRATION

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, March 9, 1970

Mr. RODINO. Mr. Speaker, it is with great admiration that I rise today to pay tribute to the Estonian people. Although, for 30 years they have suffered the degradation and suppression of occupation, these undaunted people have never lost hope of regaining their freedom and independence.

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A free man is one who lives without fear of deprivation, oppression, and slavery, and all men are not free until each man is free. February 24 marked the celebration of the 52d anniversary of the Declaration of Independence of the Republic of Estonia. I share their concern for their self-determination and human dignity and I strongly support these principles.

PHIL ROWE SPEAKS ON FREEDOM'S CHALLENGE

HON. JOHN P. HAMMERSCHMIDT

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 9, 1970

Mr. HAMMERSCHMIDT. Mr. Speaker, Phillip David Rowe of Hot Springs, Ark., has won his State's contest for his speech on "Freedom's Challenge." The contest is part of the annual nationwide competition sponsored by the Veterans of Foreign Wars and its ladies auxiliary, in the Voice of Democracy program. More than 400,000 students took part around the country. The winners from each State compete in the national finals for five scholarship awards.

Phil Rowe's parents are Dr. and Mrs. L. V. Rowe of Hot Springs. He has a younger brother and an older sister. Phil plans to attend the University of Arkansas at Little Rock, and to follow a career in broadcasting.

At age 17, Phil has compiled a noteworthy record. He has won many public speaking contests, served as governor in a statewide model youth government program, narrated religious pageants, made many public speeches, and works professionally as a radio broadcaster in his hometown. He is a member of Gov. Winthrop Rockefeller's Youth Council.

I congratulate Phillip David Rowe for his winning speech, and commend to my colleagues his thoughts on Freedom's Challenge:

> A room! Silence! As I sit in this studio with sound proofing and recording equipment that reproduces and amplifies my voice and holds my thoughts for all to hear, I say to myself, "I must use these facilities to express my moods and feelings toward America."
>
> My instruments are simple. They have been with us from the beginning of civilized history. The voice and the almighty power of words! The instrument that has been with us for not such a long time is one that is most neglected; the freedom to speak at all.
>
> To have imagined vainly that I in my few short years have had the freedom to speak and am just now becoming aware of it!! I look to myself for the lack of feeling or emotion, the lack of interest and concern, the indifference. I look to myself and find the answer is myself.
>
> Why, how many times have I looked at the flag of my country with no more respect than for a common piece of cloth? (Many!) How many times have I failed to speak my opinion on issues that directly concern me? (The answer again, many!) And sometimes I think of the many times I have showed disrespect to my father and mother who bore me in a world of disrespect. (The answer is myself.)
>
> And now that I have discovered the beat of America's dilemma, shall I continue in the same key or write a new composition. The latter seems the best.
>
> As we think of a new song I would like to encourage all youth to tune to the spirit of a winner, to understand our noble heritage. The crimson skies at Bunker Hill, the smoking cannon at Gettysburg, the bloody deep of Pearl Harbor, the standing flag at Iwo Jima; all the battles of "Orchestrated Hell," making the music of a terrible symphony! A symphony that has made us free! Our noble heritage!
>
> The underlying theme should be cognizance that differences of opinion are not necessarily differences of principle, and not that all blessings are produced by superior wisdom and virtue of our own.
>
> Democracy can perform longer than two centuries! Its theme endures. The test of a nation is in the growth of its people physically, intellectually, and spiritually.
>
> Technology, great as it may be, must not stagnate our progress making us repeat the same notes with a sickening repetition. Youth must provide the catalyst to the ancestral components to prevent the demise of freedom's classical concert that we fought so hard to continue to play.
>
> Character, the improvisation on the theme, once obtained is the sweet and pure note with which much care must be taken to keep the infamous monotone of apathy from disrupting the symphony of solidarity of that developed character.
>
> Freedom's challenge! Whose challenge? My challenge! I'm tuning up right now for America. I'm beginning my symphony of character. Are you?

SUPERMARKET MATH—A POEM FROM THE WALL STREET JOURNAL

HON. LEONOR K. SULLIVAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, March 9, 1970

Mrs. SULLIVAN. Mr. Speaker, one does not usually turn to the Wall Street Journal for poetry. But today, that journal of applied mathematics carried a delightful item in its "pepper and salt" humor section on the editorial page, dealing, appropriately, with the subject of mathematics.

The author of this gem has apparently found the Truth in Packaging Act of 1966 not quite fully effective in solving her dilemma. Unfortunately, most of the teeth of the bill introduced by Senator PHILIP HART of Michigan were largely extracted on the way to enactment. The Wall Street Journal item, printed as humor, shares one of the characteristics of much humor in that it is so close to pain. All of us who shop in the supermarkets share the sentiments of the articulate writer of the following complaint:

[From the Wall Street Journal, Mar. 9, 1970]

SUPERMARKET MATH

A plump, juicy chicken is easily bought;
Selection of apples requires little thought.
But foods which are bottled or packaged or canned
Are measured in fractions, not easily scanned.
You're likely to feel mathematically inadequate,
Unless, of course, you are an MIT graduate.
Shopping per se, doesn't make me sick—
It's all that fifth grade arithmetic!

—*Annie Komorny.*

AN EXAMINATION OF IDEALS

HON. SEYMOUR HALPERN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 9, 1970

Mr. HALPERN. Mr. Speaker, this generation of Americans is one often noted for its many material advantages, but it is more significantly one lacking in too many assets of the spirit. Foremost, it seems to lack genuine ideals. So much of the present confusion seems to reflect this frustrating search for ideals in the final analysis. That there are many aspects of present American values which no longer suffice is obvious. What to replace them with is less obvious.

I believe one essential means to develop these new ideals is to have a firm understanding of our old ones. If we can understand what raised the sights of those members of past generations, maybe we can help formulate goals that will uplift us now.

At a time when it is not fashionable to look to the past, or to listen to differing viewpoints, I offer an article which invites us to do both. It is an article composed by Robertson Page, a freelance writer, with a true gift for expressing deeply felt emotions. I commend it to my colleagues and I feel it lucidly renders views that must be understood if we are to deal with the present division in our country:

A MARINE SPEAKS OUT

(By Robertson Page)

> (NOTE.—The views of the author are presented here, as he put it, "as one who enlisted in World War II, who remembers the gallantry, the hope, and the tears.")
>
> Hey you! Yes, you with the beard and long hair and marijuana! Sorry, I didn't know they called it "grass" these days. You see, I just haven't been around much lately. Not since I was killed more than 25 years ago at a place called Wake Island.
>
> You might say I'm on temporary leave from my grave. I've heard a lot of things about you and I wanted to see you for myself.
>
> For example, I understand you accuse my generation of hypocrisy. Therefore, I assume you mean me.
>
> Could be, Long Hair, I really don't know.
>
> What I do know is that I was plenty scared when that Jap lunged at me with a fixed bayonet. Because that was the end of everything for me.
>
> I also admit to being a little scared when I enlisted in the Marine Corps in wartime. But I did enlist—because I loved my country.
>
> Now I learn that you don't care much for my country! I hear you have a demeaning word for it—something about "the Establishment." And that some of our newspapers support you in your infamy.
>
> More than 30,000 tides have washed over the sand beaches near my grave at Wake, and 25 years is a long time. But I never expected this. Not in America!
>
> I further understand that you burned your draft card and ran for the sanctuary of a church. That others fled to Canada to escape the draft.
>
> All in the name of *Idealism!*
>
> It also has come to my attention that some of your bearded friends burned the American Flag in New York's Central Park That must have been a real blow at hypocrisy!
>
> Perhaps I'm too severe on you. It just so

happens that my grave is quite shallow and I hear many things.

For one, I understand you have led violent demonstrations for the right to use four-letter words. That's a joke, pal! We Marines invented them! But, I'll tell you one thing we didn't do; we never regarded them as a constitutional right.

And I hear you demand a voice in running the universities. Gosh! I guess you must be pretty smart to know more than the professional educators!

I also hear that in the summer of 1969 more than 400,000 of you went to a "rock festival" in the Catskills, living off narcotics and group sex and having a real ball, while your peers were getting killed fighting Communists in Vietnam.

You know, it used to be that people back home rolled bandages for the men up front. I don't think I like your response very much. But forget that. I knew so many dedicated, wonderful guys who died for their country at Wake—and at Anzio and Iwo Jima and Omaha Beach and Bastogne—that I can't get very upset over a draft card burner.

But I'll tell you one thing that I find repulsive.

In all of the disruptive protests you have fomented on the campus, you have consistently tried to destroy those institutions that have made the United States strong against its enemies—ROTC, military recruitment, and research to strengthen our national security.

It makes me wonder about you. Are you an unwitting pawn of the enemy? Or just unthinking?

That's for someone else to decide. Right now, my moment is up and I must get back to Wake Island; this time for ever.

In parting, I like to think that my death was not a waste; that in supporting my country on this narrow strip of sand I defended something worthwhile for a new and better generation of Americans.

But now that I've seen you, I begin to wonder. Perhaps I should have fled to Canada!

On second thought, I'm glad death came when it did.

You see, when I left this world I held a special belief, something you idealists would call square. It consisted of a deep-seated reverence for my God, for my heritage, for my parents, and for my country.

No one can take this from me. Not even in death.

I pity the fact you choose not to share this belief, to express this simple faith in America.

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TRIBUTE TO ELLIOT MARTIN

HON. THOMAS M. REES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 9, 1970

Mr. REES. Mr. Speaker, the cultural explosion which is helping to make America one of the world leaders in the arts can be credited to a handful of dedicated people who believe that the public is receptive to the best in the performing and graphic arts, and who strive to bring it to them.

One such person in my State of California deserves a special tribute for turning Los Angeles into an important theatrical center against historical odds. He is Elliot Martin, director of the Center Theater Group, which presents its plays in our beautiful new civic music center.

For too many years, and in spite of the professional, as well as public, interest inherent in the many thousands in our motion picture and television industries, Los Angeles has been content to consider itself a third-rate theatrical town. We were content with road companies of hit plays, almost always long after the original companies had finished their New York runs. Many of the New York and European stars never came to Los Angeles. We accepted New York as the American theatrical capital without any attempt to share that position on the west coast.

Elliot Martin is the one man to whom we are indebted for altering this condition. In less than 3 years, he has made the Center Theater Group one of the most important in the country, and has turned Los Angeles into an international theatrical center.

This fact was made very evident when Elliot Martin recently persuaded Sir Laurence Olivier to bring his renowned National Theater Company of Great Britain to Los Angeles for the first and only time in this country. It is a known fact that David Merrick had been trying to bring them to New York for the past 5 years, but Olivier chose to come to Los Angeles because of its healthy new attitude toward the theater which was largely created by Elliot Martin. The presentations of the restoration comedy, "The Beaux' Stratagem," and of Olivier's own production of Chekhov's "Three Sisters" were resounding artistic, social, and financial successes, attracting a wide segment of the southern California population.

The remarkable aspect of the success of the Center Theater Group is that it did not have to go through a long period of growth, but that under Elliot Martin's direction it was successful at its very beginning in September 1967. Mr. Martin at that time induced Ingrid Bergman to make her debut for them on the Los Angeles stage. Although Miss Bergman had long been associated with the Hollywood motion picture industry, and appeared on the stage in other theatrical centers, she had never before considered such an engagement in Los Angeles.

For her vehicle, Mr. Martin chose another "first," the Eugene O'Neill play, "More Stately Mansions," which had never before been performed in the United States. This American premiere of a play by a historically important playwright, and the debut by Miss Bergman on the Los Angeles stage was a great departure from the warmed-over Broadway hits with road company casts which had constituted most of our theatrical fare for many years. It found a ready and eager audience.

By establishing an immediate reputation for imaginative theater, devoid of any restricting set pattern, Elliot Martin was able to bring to the Center Theater Group a 6-week engagement of England's Royal Shakespeare Company. They were so delighted with the results and the responsive audience that they returned the following year for another engagement.

Another long neglected and untapped area which Mr. Martin entered was his use of the tremendous amount of resident talent in our motion picture industry. His first attempt at this brought Greer Garson to the Center Theater stage in a run of George Bernard Shaw's "Captain Brassbound's Conversion." Now he is preparing to present Jack Lemmon in "Idiot's Delight."

With the whole world and his hometown as sources of talent, and an open mind on the choice of plays, new and old, comedy and drama, modern and classic, Elliot Martin's talent in combining imaginative ingredients has resulted in drawing the eyes of the world to Los Angeles as an important audience for living theater.

Mr. Martin is deserving of high commendation not only for his service to my State in bringing international attention to Los Angeles as a world theater center, but also for adding to the cultural luster of America as a whole.

PROPOSALS FOR REDUCING BUDGETED 1971 SPENDING

HON. FRANK T. BOW

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, March 9, 1970

Mr. BOW. Mr. Speaker, over the years those of us who work for economy in Government and the reduction of unnecessary spending have had both a stanch ally and an expert adviser in the person of Eugene F. Rinta, research director of the Council of State Chambers of Commerce.

Mr. Rinta has just released his annual report on reducing the budget. It contains specific proposals that would cut 1971 appropriations by $4.8 billion and 1971 expenditures by $2.9 billion, thus assuring a budget surplus in 1971 even if the Congress fails to accept some of the revenue programs proposed in the budget by the President. Without endorsing the specifics of the report, I include it in the RECORD and recommend its serious consideration by all Members of the House.

The report follows:

PROPOSALS FOR REDUCING BUDGETED 1971 SPENDING

A budget surplus in 1971 is a keystone of the Nixon fiscal policy for the period ahead. The surplus is needed for two reasons, one psychological and the other economic. Psychologically, the budgeted surplus is intended to provide assurance here and abroad that our Government's finances are under control and that fiscal policy will continue to bear in the fight against inflation. For economic stability, the surplus will relieve the money market of any net demand for borrowing by the Treasury and will encourage relaxation of monetary controls to avoid a recession.

During the weeks since President Nixon submitted his fiscal 1971 budget to Congress, there has been little public dissent as to the need for a surplus. While there are some who believe the budgeted $1.3 billion surplus is inadequate under present economic conditions, few have questioned the need for some surplus. But, unfortunately, the surplus in the Nixon budget is based on expectations that stand small chance of being fully realized.

On the spending side, protection of the surplus would require concurrence of Congress in: (1) $2.1 billion of reductions of outlays in existing programs through program terminations, restructuring, or curtailment; (2) $1.2 billion savings in net postal outlays to result from proposed postal rate increase and other actions "under study"; and (3) postponement from July 1, 1970 to January 1, 1971 of Federal civilian and military pay increases at a saving of $1.2 billion in 1971 outlays. Additionally, the surplus is dependent on sufficient easing of the credit market to permit a doubling of the sales of Government held loan assets from the $2 billion level of 1969 and 1970 to $4 billion in 1971. The receipts from these sales are recorded as offsets against outlays.

These budget items which require affirmative Congressional response or more favorable economic conditions than now exist to produce the indicated outlay reductions total $6.5 billion. The probability that at least one-third of these outlay reductions will not materialize is great. That alone would more than eliminate the surplus. If one-half of these $6.5 billion outlay reductions failed to materialize, the $1.3 billion surplus would become a $2 billion deficit.

Moreover, protection of the surplus on the receipts side of the budget also appears shaky, particularly with respect to corporation income taxes. The revenue estimate assumes a reduction of only 5.6% in calendar 1970 corporate profits before tax as compared to the $94.3 billion 1969 total. Based on current indications, a more realistic estimate would be a reduction of at least 10% in corporate profits which would cause a revenue shortfall of at least $1.7 billion below the estimate.

Finally, there is the distinct possibility that major "uncontrollable" costs in the budget—such as interest, social security, medicare, public assistance, veterans benefits, and farm price supports—will run significantly higher than estimated. This is certainly the record of recent years.

From the foregoing it is clear that the currently budgeted surplus of $1.3 billion for 1971 will very likely become a deficit of at least a few billions unless taxes are increased or budgeted outlays are reduced. The Federal expenditures and taxation committee of the Council of State Chambers of Commerce believes a tax increase at this time is both politically impractical and undesirable. On the other hand, the committee believes substantial budget reduction is feasible and necessary. For this purpose it makes the following recommendations for reducing and controlling budgeted spending in fiscal 1971:

PROGRAMS TO BE HELD AT 1970 LEVELS

It is proposed with respect to 28 budget line items that obligations in 1971 be held at the 1970 program levels. This limitation could be accomplished in most instances by appropriation reductions in amounts equal to the proposed cuts in budgeted 1971 obligations. The total of the reductions proposed in this manner is $762 million.

Programs	Program levels, in millions			
	Actual, 1969	Estimated, 1970	Budgeted, 1971	Proposed reduction
Department of Agriculture:				
Cooperative State research	$58.8	$62.6	$72.5	$9.9
Cooperative extension work	97.1	131.7	171.6	39.9
Watershed works of improvement	64.3	66.7	74.3	7.6
Department of Commerce:				
Industrial development loans	50.0	50.0	56.4	6.4
Environmental Science Services Administration, salaries and expenses	117.8	130.0	146.7	16.7
Department of Health, Education, and Welfare:				
Food and drug control	60.4	74.3	89.5	15.2
Comprehensive health planning and services	166.1	223.5	251.5	28.0
National Institutes of Health, research institutes and divisions	1,008.6	958.6	1,035.5	76.9
Civil rights education	10.7	14.0	24.0	10.0
Rehabilitation services and facilities	396.3	542.4	571.6	29.2
Department of Housing and Urban Development:				
Grants for neighborhood facilities	33.0	41.0	48.0	9.0
Comprehensive metropolitan planning grants	41.7	52.2	60.0	7.8
Model cities	249.2	571.2	670.0	98.8
Department of the Interior:				
Geological Survey	$91.0	$100.2	$106.0	$5.8
Office of Coal Research	13.5	14.1	17.6	3.5
National Park Service, construction	11.6	8.8	20.0	11.2
Bureau of Reclamation, construction	181.1	135.0	197.8	62.8
Department of State: Educational and cultural exchange	31.4	32.1	40.0	7.9
Department of Transportation:				
Coast Guard, operating expenses	371.0	408.7	426.6	17.9
Coast Guard, R. & D.	3.9	14.6	24.0	9.4
Civil supersonic aircraft development	93.8	184.0	290.0	106.0
Traffic and highway safety	26.8	32.3	53.8	21.5
Atomic Energy, operating expenses	2,221.3	2,165.0	2,238.9	73.9
Civil Service Commission, salaries and expenses	45.1	52.0	57.0	5.0
Corporation for Public Broadcasting	5.0	15.0	22.5	7.5
Equal Employment Opportunity Commission	9.0	13.2	19.0	5.8
National Foundation on the Arts and Humanities	12.9	23.1	42.0	18.9
National Science Foundation	432.6	461.4	511.3	49.9
Total				762.4

SPECIAL SITUATIONS

Foreign Economic Assistance.—Last year Congress cut the $2,285 million Nixon request for 1970 grant and loan programs to $1,425 million, or $52 million more than was approved for 1969. This Council's Committee had proposed a reduction in the Johnson budget request which would have allowed $1,348 million for 1970. The request for 1971 is $1,913 million. It is suggested that this request be cut by $563 million, thus permitting program operations for another year at almost the current level, pending recommendations of a Presidental task force on foreign aid.

Economic Opportunity.—The 1971 appropriation request for all Office of Economic Opportunity programs is $2,079 million. This is an increase of $137 million over 1970 appropriations and $134 million over 1969. Of the total 1971 program, $881 million is for work and training programs including $192 million for the Job Corps. It is recommended that the Job Corps be abolished, leaving $689 million for O.E.O. work and training programs. An additional $747 million is budgeted by the Labor Department for its manpower development and training program. These two amounts totaling $1,436 million compare with the combined Labor Department and O.E.O. work training programs in 1970, including the Job Corps, amounting to $1,483 million. Thus, with the Job Corps abolished, all other work and training programs would be increased $145 million in 1971, as provided in the budget.

The 1971 program level budgeted for O.E.O. community development programs is $790 million. This is an increase of $86 million above the 1970 program and $103 million above 1969. It is recommended that these activities be held to the 1969 level for a reduction of $103 million.

Food Stamp Program.—The 1969 appropriation for the food stamp program was $280 million. The 1970 request in both the Johnson budget and the Nixon revisions was $340 million. In acting on the 1970 appropriation the House approved the $340 million as requested. The Senate, however, voted $750 million and the Conference Committee agreed on $610 million for 1970. Now the Nixon budget for 1971 proposes an appropriation of $1,250 million, or more than double the 1970 appropriation and more than 3½ times the original budget request for 1970. It is suggested that this request be cut by $500 million, which would be the same amount as the Senate approved for 1970 and would be an increase of $140 million above the amount Congress approved for 1970.

Rural Electrification.—Budget plans call for approval of $345 million loans for electrification purposes in 1971, the same amount as in 1970 and 1969. Based on most recent experience, it appears that about $100 million of this total is intended for power generating and transmission facility loans and the remainder for power distribution facility loans. It is recommended that funds for G & T loans be denied.

Corps of Engineers—Construction.—The overall program obligations level for Corps of Engineers civil works projects in 1968 was $952 million. The level was cut back to $795 million in 1969 for budget control and anti-inflationary reasons, and a further reduction to $725 million was effected by the Nixon Administration for 1970. But now a substantial increase to $1,015 million is budgeted for 1971. Because of the availability of an estimated $194 million of unobligated appropriations from prior years, the 1971 appropriation request is only $821 million. It is recommended that the 1971 appropriation be held to the same amount, $712 million, as Congress approved for 1970. The reduction of $109 million would still permit a 1971 obligations level of $906 million which would allow an increase in construction activity over 1969 and 1970, even with the inclusion of inflationary cost increases.

Family Assistance.—The budget proposes initiation in 1971 of a new Family Assistance program to replace the existing program of aid to families with dependent children. While the 1971 program level is budgeted at only $600 million, the first full-year cost is estimated at $4.4 billion in excess of the present Federal cost of aid to dependent children which is estimated at $2.5 billion in 1971.

This Council's Social Security Committee presentation to the House Ways and Means Committee on the Family Assistance program urged reform of the present AFDC program rather than its replacement by the Family Assistance program. Based on cost estimates of the Administration for various features of the Family Assistance program, the features recommended in the Council presentation as reforms to the present program would not exceed $1 billion in annual cost. If the Council's proposed reforms were made effective July 1, 1971—a reasonable date to permit the States to make necessary changes—there would be no cost in fiscal

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1971, and the full-year budget cost would be only $1 billion as compared to $4.4 billion for Family Assistance. It is recommended that Congress adopt the Council proposals and eliminate the $600 million Family Assistance budget item for 1971.

Recreational Land Acquisition.—An appropriation of $189 million for 1971 and a supplemental of $7 million for 1970 are budgeted under proposed legislation to authorize land acquisition for recreational purposes. This would be under the jurisdiction of the Bureau of Outdoor Recreation of the Interior Department. It is suggested that appropriations for this purpose, if found justified by Congress, be deferred at least to fiscal 1972.

Urban Mass Transportation.—Obligations under this program are expected to rise from $135 million in 1969 to $180 million in 1970, and a $214 million level is budgeted for 1971 with advance funding already having been provided by Congress last year. An additional $105 million obligations are planned in 1971 under proposed legislation which would authorize $2.8 billion as an initial increment for the first five years of a 12-year $10 billion program. It is recommended that the 1971 program be held at the $214 million level already funded and that the remaining $105 million budgeted for 1971 be deferred to 1972.

Federal-Aid Highways.—This program has been held at levels in 1969 and 1970 which are lower than existing authorizations and highway user revenues would permit both for expenditure control and anti-inflationary purposes. The obligations level was $4,660 million in 1969 and $4,016 million is estimated for 1970. A substantial increase to $4,900 million is budgeted for 1971. It is recommended that the 1971 level be held to $4,500 million for a reduction of $400 million. This would provide for a $484 million increase over 1970 but would still be $160 million under the 1969 level.

Military Personnel.—The budget plans for a reduction in military personnel strength from an average of 3,321,571 in fiscal 1970 to 3,005,160 in 1971. This is a cut of 316,411 personnel, or 9.5%. The funding of military personnel costs, however, reflects a reduction of only 6.5% from $22,491 million in 1970 to $21,033 million in 1971. The 1971 amount does not include anticipated military pay increase costs which are separately provided for in the budget. It is recommended that the budgeted appropriation be cut to 9.5% below the 1970 amount for a reduction of $679 million from the 1971 budget. This reduction contemplates absorption through greater efficiency of cost inflation in the relatively minor expenditures for transportation, clothing, and subsistence.

Military Family Housing.—Congress approved $125 million last year for construction of family housing for military personnel in 1970. This compared with $48 million for 1969 and $159 million for 1968. The request for 1971 is $220 million. It is suggested that the 1971 appropriation be held at the 1970 level of $125 million for a reduction of $95 million.

Military Construction.—In almost every year for some years the Congress has been able to reduce the budget requests for military construction funds by at least 10% and often much more. The request for 1971 is $1,416 million as compared to $959 million approved for 1970 and $1.168 million for 1969. It is recommended that the 1971 request be cut no less than 10% for a reduction of at least $142 million.

Revenue Sharing.—Initiation of the Administration's revenue sharing program is proposed in the budget, with the first distribution of revenues to be made to the States in the fourth quarter of fiscal 1971. This initial payment would be $275 million and the first full-year cost would be about $1.1 billion. By the fifth year the cost would be over $5 billion a year. It is recommended that this program not be initiated.

Recapitulation of proposed budget reductions—Cuts in proposed 1971 appropriations

[In millions]

Reductions from holding certain programs at 1970 obligations levels	$762
Foreign economic assistance	563
Economic opportunity:	
Job Corps	192
Community action programs	103
Food Stamp program	500
Rural electrification—G. & T. loans	100
Corps of Engineers civil construction	109
Family Assistance program	600
Recreational land acquisition	189
Urban mass transportation	105
Federal aid highways	400
Department of Defense:	
Military personnel	679
Military family housing construction	95
Military construction	142
Revenue sharing	275
Total reductions	4,814

EXPENDITURE LIMITATION

In 1968 Congress imposed a spending limitation with respect to the fiscal 1969 budget which applied to spending decisions of both the Congress and the Administration.

The limitation required reductions from the budget estimates in the amounts of $10 billion in new spending authority and $6 billion in actual expenditures. It was applicable only to relatively controllable programs and, thus, exempted such relatively uncontrollable budget items as interest, social insurance trust funds, veterans benefits, public assistance, and farm price supports. The 1968 limitation was fully effective in limiting controllable costs, with both new spending authority and expenditures being reduced more than the required $10 billion and $6 billion, respectively.

Last year, however, Congress enacted a flexible spending limitation with respect to the 1970 budget and applied its constraints only to the Administration. This ceiling proved to be a virtual failure in controlling spending.

It is recommended that Congress enact limitation provisions with respect to the 1971 budget, similar to the 1968 limitation, which would require reductions in appropriations and expenditures budgeted for relatively controllable programs. The limitation should require minimum reductions of $4.8 billion in appropriations and $2.9 billion in expenditures (60% of the appropriation cuts).

This Council's Committee urges Congress to support the President's budget proposals for reducing spending on existing programs by $2.1 billion. It further urges Congress to effect the appropriation reductions recommended in this report and to enact the proposed expenditure limitation for 1971. The Committee believes that favorable action by Congress on both the President's spending reduction proposals and the Committee's budget will be balanced in 1971.

EUGENE F. RINTA,
Research Director.

NARCOTICS SMUGGLING

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 9, 1970

Mr. CONTE. Mr. Speaker, in keeping with the current drive to cut down on the smuggling of narcotics and dangerous drugs, including marihuana, the Bureau of Customs is moving ahead rapidly to beef up its coverage of the borders and other ports of entry into the United States, making use of the most modern methods of enforcement and investigation.

A lucid exposition of how the Buréau is doing its job, utilizing the $8.75 million supplementary appropriation approved by Congress for this purpose, was the subject of an address by the U.S. Commissioner of Customs, Myles J. Ambrose, recently, at a meeting of the Exchange Club in Tarrytown, N.Y.

Under unanimous consent, I insert the text in the RECORD:

REMARKS BY U.S. COMMISSIONER OF CUSTOMS MYLES J. AMBROSE

I am delighted to be among many old friends and neighbors whom I have known for years.

The other day, our Public Information Officer at the Bureau of Customs asked me whether Tarrytown was the same town described by Washington Irving in his famous "Sketch Book." I told him, of course, but I hasten to add that it is no longer Sleepy Hollow where the headless horseman rides by night.

I assume from my good friend and fraternity brother George Barron I'm here to say something about the Bureau of Customs which I have the honor to head.

It is a remarkable service, if I must say so myself, with deep roots in American history. We go back not only to the Revolutionary War, but even before that—to the time when His Majesty King George collected the hated duty on tea in Boston Harbor.

Like Tarrytown, we in Customs have had our share of famous authors—Herman Melville was Collector in the Port of New York for 20 years. He spent so much of his time writing books, that he all but forgot about his job with Customs. Then, one fine day, out came one of the masterpieces of American literature—"Moby Dick" and all was forgiven.

Another one of our gifted Customs employees who received the munificent sum of $1,200 per annum, was Nathaniel Hawthorne—who was a weigher at Salem, Massachusetts, where his job consisted of measuring coal, salt and other bulky cargo on foreign vessels. His hand-written invoices and manifests show that he was a far better author than he was a Customs officer. You recall that his novels, such as "Scarlet Letter," "House of Seven Gables," "Tanglewood Tales," and so on, were the rage of their generation.

We even produced a President of the United States. This gentleman was appointed Collector of the Port of New York by Ulysses Grant in 1871 and was fired in 1878 by President Hayes for refusing to abstain from active political work. He was elected with Garfield and later became President when Garfield was shot. His name was Chester A. Arthur, and he is remembered, not for his work with Customs, but as the father of the modern Civil Service.

We are one of the major bureaus within the Treasury Department and older than our parent department by at least one month! Our agency was created by the 2nd Act of the First Congress of the United States on July 1, 1789. The *First* Act of the First Congress was an Act to Regulate the Time and Manner of Administering Certain Oaths.

But the *Second* Act passed on July 1, 1789, laid a duty on goods, wares and merchandise imported into the United States and thus created Customs.

For over 125 years after that, we provided the U.S. Government with its chief source of revenue . . . until IRS came along to steal that dubious "privilege" away from us!

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We may be small in size but gigantic in scope and in responsibility. Our personnel strength is under 10,000 nationwide (and we are a rather large nation). And may I add parenthetically that we have only recently overtaken the number of people we had in Customs during the administration of Calvin Coolidge 45 years ago.

We collect more than 3½ billions in revenue each year on a miniscule budget of about $125 million. To those of you who like to invest in good companies, we return $30 for every operating dollar we receive, a profit of about 96 percent! Unfortunately, we can't go public!

We enforce many laws that have been assigned to us by Congress. We even enforce some of the navigation acts on intercoastal waters. We have a sea-going flag. As Commissioner I am entitled to fly a flag on those occasions when someone gives me a boat.

We enforce the Neutrality Act which prohibits exportation of arms and ammunition without proper licensing. It is our job to try and keep some of our devoted friends who have arrived here from Cuba in the last 5 to 7 years from re-invading their homeland. You may be sure that this is not an easy task.

We also enforce the export control laws, and the food and drug laws, agriculture laws, and an unbelievable number of other statutes. One of our major problems is how to cope with the tremendous increase in international passenger traffic, as well as international trade in cargo of all sorts.

We are also required by law to do our best to prevent the smuggling of illicit narcotics, guns and ammo—contraband—into the United States. Most of you are particularly concerned with narcotics.

Last year we seized 623 pounds of hashish, and though this may not sound like much to the uninitiated, you should know that it takes about 625 pounds of marihuana to make one pound of hashish. It would take 389,000 pounds of marihuana to equal the amount of hashish we seized.

That may give you some idea of the problem we face. It is one of staggering proportions. It has now become the bane of our national existence.

The increased use of marihuana, narcotics, and dangerous drugs has been well publicized. This increased demand has generated increased smuggling. Customs has the responsibility for covering hundreds of border crossing points and thousands of miles of border. We have literally thousands of miles of docks, wharves, and seaport areas to cover, as well as many international airports. We have to process hundreds of millions of persons entering the United States and tremendous quantities of cargo and numbers of carriers. The statistics indicative of these increases are awesome and the growth will obviously continue.

In the past, we simply have not been able to do a really effective enforcement job. There is no doubt that much of the increased smuggling has been induced by the low level of Customs enforcement effort. Unfortunately, drugs will be used when they are available. "Operation Intercept" on the Mexican border has demonstrated that much of this smuggling can be stopped by an increase in our enforcement efforts. Certainly, after its inception, Mexican marihuana was virtually unobtainable in major cities throughout the United States. It also had a significant impact on the entrance of heroin into the United States from Mexico. While we don't pretend that we can now interdict all marihuana and narcotics entering the United States, we have proven that we can substantially reduce its availability to juveniles and others. Operation Intercept met all our planned objectives.

A cautious assessment of these objectives taught us many lessons, which we are applying to our stepped-up enforcement program now being developed.

The success of the action should not be measured only in kilograms of contraband seized at the border, nor in the number of arrests of would-be smugglers during the three weeks of intensive surveillance at ports of entry.

Nor should it be judged by the unpleasant but inevitable side effects of the operation—the strain on tempers, the high blood pressure reports, the drop in patrons at the casinos and game rooms.

The real measure of effectiveness of Operation Cooperation, the name to which Intercept was quite appropriately changed, is what it accomplished in the broad framework of our nation's critical drug problem.

One direct and immediate accomplishment is that the United States and Mexico have, following intensive conferences and study, by mutual consent agreed to crack down on the illicit growers, in the hills and mountains of Mexico itself, as well as on organized crime syndicates which are pushing and peddling the Stuff.

As a participant in these conferences, I can say that I have every confidence in and hope for the continued cooperation of the Mexican Government authorities.

President Nixon has shown his deep concern with the curse of heroin addiction in the United States by making it a basic policy of his administration to end the illegal cultivation of the opium poppy and the manufacture of heroin anywhere in the world.

To this end, the President has sought the cooperation of the Presidents of Mexico, France and Turkey in joint action to stop the flow of this insidious drug into this country.

I have just returned from two weeks of conferences in the major Western European countries whose cooperation is essential in our war against narcotics.

They are our necessary allies in this effort for the simple reason that 80 percent of the heroin smuggled into the U.S.A. starts out as raw opium in Turkey, and is refined into heroin in clandestine laboratories in or near Marseilles, France.

Fifteen percent is grown and produced in Mexico. France has pledged its help by sending narcotics officers to the United States for training, and by stamping out the underground labs.

Turkey has promised to put a stop to the cultivation of poppies. This is an important step.

Now, what are *we* doing to meet this problem?

Congress recently passed a supplemental appropriation bill that gives the Bureau of Customs eight and three-quarter million dollars. We will use this money to recruit and train over 900 new employees. Over 400 will be inspectors. About 400 will be agents. The remainder will be necessary back-up help that keep things moving.

We will purchase planes to beef up the observation of smugglers who bring in narcotics, marihuana and dangerous drugs by air. With only one plane in fiscal 1969, Customs made 25 arrests, seized over 4,000 pounds of marihuana, 12 pounds of heroin, two pounds of cocaine, 11 vehicles and three aircraft. With more planes and trained pilots, we will increase those seizures, and put a stop to the rapidly increasing air traffic in forbidden merchandise.

We will utilize more boats to keep a better watch on the shorelines where goods can be brought in and dropped to be picked up later.

We will activate an intelligence system that will make lookouts and other information readily available to Customs people everywhere.

Our inspectors will make more examinations, not only of baggage, but also of merchandise arriving. Every possible effort will be made to put a stop to this trade in drugs that is responsible for so much of the crime and the miseries of the present day and incidentally the country will derive additional revenues as a side benefit from these efforts.

In his July 14, 1969, Message to the Congress on the Control of Narcotics and Dangerous Drugs, President Nixon stated:

"The Department of the Treasury, through the Bureau of Customs, is charged with enforcing the nation's smuggling laws. I have directed the Secretary of the Treasury to initiate a major new effort to guard the nation's borders and ports against the growing volume of narcotics from abroad."

Secretary of Treasury David M. Kennedy told me when I was sworn in as Commissioner of Customs that my first order of business, the item of the highest importance was to carry out this directive from the President. I pledged that I would do my utmost to carry out this order. I will do this to the best of my ability.

VOICE OF DEMOCRACY CONTEST

HON. WILLIAM V. ROTH, JR.

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Monday, March 9, 1970

Mr. ROTH. Mr. Speaker, this year's Voice of Democracy contest, conducted by the Veterans of Foreign Wars, has produced a thoughtful and well-written message from the State of Delaware.

The author of the speech, Miss Roxann L. Wright, of Smyrna, is a student at John Bassett Moore High School. Her speech, on the subject of "Freedom's Challenge," stresses two very important points.

The first challenge, Miss Wright says, is to become involved in civic affairs. The second challenge is to use a most basic part of our heritage, the ballot box, and to vote on the basis of facts, not emotions.

As Miss Wright says, it is not always easy to meet freedom's challenge. But I do share her belief that this is the most important task we face if, in her words, "the United States is to continue to be the most esteemed and majestic nation on the earth."

I would like to insert Miss Wright's remarks at this point in the RECORD so my colleagues can share her thoughts. It follows:

FREEDOM'S CHALLENGE

We are all very fortunate to be living in a free society, yet how often do any of us show our gratitude for being able to worship, speak, gather, and exercise our other prerogatives, without restraint? These freedoms are taken for granted all too often with little or no consideration given to the consequences. Meeting freedom's challenge is not always a simple or an easy task. No one claims it to be so. Yet it is one of, if not the, most important challenges we must meet, if the United States is to continue to be the most esteemed and majestic nation on the earth.

How can we meet this challenge? By taking an interest in civic affairs. Do you attend meetings of your town council, school board, and state legislature? How often have all of us said, "Gee, I know I should go, but I'm

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too tired." We all need to take an active part in local affairs and government. Don't be afraid to speak out on an issue of interest in your community, or for a candidate for public office. Remember, our government is "of the people, by the people, and for the people." If we, the people do not speak out, who will?

Another important challenge of freedom is exercising our right to vote with intelligence and concern. Don't elect a man because he has an engaging smile, or tells amusing stories. Use your vote to its full extent, by exercising your right to its full power. We cannot expect to continue as the most respected country unless each individual cares sufficiently to vote, and for the most able man.

How can I as a student meet freedom's challenge? First of all, by learning as much as I can about our form of government, and its workings. How can I be expected to carry out my responsibilities as a citizen unless I understand just what those responsibilities are and how I can carry them out?

Secondly, I can begin listening carefully to what politicians have to say, not the way they say things. I should begin to learn to separate fact from emotionalism. The expert politician is adept at playing on people's emotions and convincing the public to cast its vote for him whether or not he is capable of doing the best job.

The real way to meet freedom's challenge is simply for everyone to think for himself; then, carry through his own beliefs by voting for the man he has decided, through careful sifting of facts, to be the most capable, and to learn as much as he can about the politics of his community.

After we have learned to think for ourselves, we need to read, listen, and study. None of us could be expected to be as informed on matters of national concern as the men who are already our national leaders, for we do not have the information and facts at hand to which they have access. Thus, we must listen to what these men have to say, believing only the facts which many leaders agree on. There is an old adage, "Believe a quarter of what you read and only half of what you see." Thus, by reading, and listening to a broad spectrum of views, we obtain our own opinions from a conglomeration of others.

No two people ever agree completely on every political view, but this is what is so great about our form of government. As long as we have reached our opinions by an intelligent process of reasoning, and are considering what is best for the majority, the right is ours to differ in opinions. One fallacy of which we must beware, though, is downgrading another because he has a different opinion. He has every right to our respect, just as we expect his courtesy. One other thing to remember is not to be unyielding in our opinions; not only a woman is allowed the prerogative of changing her mind. If everyone forms his or her opinion intelligently, our land will long remain the great dominion it is today.

PRISONER OF WAR IN VIETNAM

HON. JOSEPH M. McDADE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 9, 1970

Mr. McDADE. Mr. Speaker, I wish to bring to the attention of my colleagues the plight of another brave American who is currently being held as a prisoner of war. That brave American's name is Maj. David H. Duart. He has a wife and three small children who need him very much and are deeply concerned for his safety.

I have introduced legislation with many of my colleagues in the House, calling upon the President, the Department of State, the Department of Defense, and all other concerned departments of the U.S. Government, the United Nations, and the people of the world to appeal to North Vietnam and the National Liberation Front of South Vietnam to comply with the requirements of the Geneva Convention relative to the treatment of prisoners of war, to require the government of North Vietnam and its allies to identify the prisoners they hold, to release seriously sick or injured prisoners and to permit the free exchange of mail between families and prisoners.

I have today requested the Department of State and the Department of Defense to provide me with information regarding any responses they have received concerning the welfare of these prisoners which will allay the anxiety of their loved ones.

THE NEWSMEN'S PRIVILEGE ACT

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 9, 1970

Mr. MIKVA. Mr. Speaker, I am concerned, as many of us are, about an insidious situation which is developing between the institutions of government and the press—a situation which has threatening implications for the right of each of us to learn and to know.

Censorship is not the issue. I know that American journalists have too much energy and too much integrity to ever allow overt censorship to stifle the flow of their news.

What concerns me instead, is intimidation of those journalists—directly or indirectly—which brings about a censorship of its own: a self-censorship, the reluctance of a newsman to write or report information because he must be wary of personal, legal, or financial consequences to himself, his employer, or his sources. It is this situation—a Government-inspired mind-set which inhibits the journalist's work—which disturbs me, and should disturb all of us.

Since this country's inception, it has been a singular right of the American people to enjoy a free and unhampered press. But today, because of the subtle and not-so-subtle interplay of fear and governmental intervention, the press is no longer unhampered. And if we as legislators, and as citizens dependent on accurate and widely based information, do not stand up now, the press may soon not even be free.

The indirect forms of intimidation of newsmen by the Government came distressingly to light last November 13, when Vice President Agnew spoke out against the practices and "monopolistic power" of broadcast commentators.

He reminded them, ostensibly in passing, that they were "sanctioned and licensed by Government." Did he really feel that the meaning of those words would go unnoticed by the very newsmen he was goading?

And when, later in the week, Government officials called for transcripts of the networks' coverage of President Nixon's Vietnam speech of November 3, the event which had provoked the Vice President's wrath, did they not realize the defensive posture they were forcing on the commentators involved.

These tactics have worked. The nature of political reporting on the national television networks, both in content and style, has clearly changed since November, and the explanation is just as clearly this intimidation; velvet gloved, self-effacing maybe; but intimidation, nonetheless.

And the direct threat goes even deeper. In Vietnam, military newsmen who chose to tell accurate stories have been harassed, dismissed, transferred, and charged with court-martial offenses.

Here at home, Federal grand juries have subpenaed the unedited notes, tapes, and films of newsmen investigating the activities of certain politically controversial groups. This practice is something very new—not seeking specific information pertaining to criminal actions or legal proceedings, but going on "fishing expeditions" with facts and background material elicited by aggressive reporters—and a very serious threat to the journalistic profession.

As Ralph Graves, managing editor of Life magazine pointed out in a recent editorial:

> It appears to make the press an arm of law enforcement agencies, which is not its role. In some cases, indeed, we believe that law enforcement agencies have found it convenient to force the press to supply them with information that they should have obtained themselves.
>
> We clearly understand that our obligation to cooperate with judicial procedures is the same as that of any organization or citizen.
>
> It is our opinion, however, that the press has served the public interest on many occasions by publishing material that could not have been obtained without interviews conducted on a confidential basis between the reporter and his subject. The threat of frequent and indiscriminate subpoenas endangers that confidential relationship and could seriously undermine the ability of the press to search out and report the news.

That threat is not a small one. The assurance that a reporter will protect the identity of his sources and the confidential nature of his information is often his greatest asset in pursuing an investgation in the public interest. If notes, tapes, films, and files can be so easily tapped by governmental agencies, how long will this assurance be valid? Even a reporter of known integrity will lose the trust of his sources, and, as readers and viewers, our access to news will become narrow and one sided.

Could this indeed be the intent of recent harassment of members of the news media? Is the Government pursuing a head-in-the-sand attitude toward news reporting, hoping that the blind will follow the blind?

Vice President Agnew appears to believe this. Just this week he was quoted as saying:

> The overwhelming majority of Americans will follow the lead of their governors and other elected officials if we will just launch a campaign to exert the force of public opinion to drive these bizarre extremists from their pre-emptive positions on our television screens and on the front pages of our newspapers.

This attitude is an affront to the standards and ethics of journalism. The press is not supposed to be an agent of the Government or what it would like to see as news, but a service to the public, a source of the truth.

The job of the news media is not to be policemen, to seek out retribution or convictions, but to be teachers, to inform and to educate.

I feel very strongly that this function must be upheld, though it very often will be at the discomfort of those in power and those who would like to evade the truth. But if it is to be upheld, and if the flow of information is to remain free, even at the expense of those in power and those with narrow minds, we must act to insure the protection of the tactics and aims of journalists.

Therefore I am anxious today to express my support as a cosponsor of H.R. 16328, the Newsmen's Privilege Act. I think all of us owe a debt of gratitude to the gentleman from New York (Mr. OTTINGER) who is the principal sponsor. Senator McINTYRE is introducing an identical bill in the other body

This bill provides that newsmen may not be forced by any Federal official—in a court, grand jury, agency, commission, department, or the Congress—to disclose confidential information or the sources of their information.

Such shield laws exist today in a variety of forms in many States, but I feel there is a definite need for a uniform, trustworthy yardstick by which a reporter and his informant may judge the "safety" of their exchange, anywhere in the country.

This bill does not exempt the reporter from revealing information sources which are: First, libelous; second, illegally obtained; or third, a threat to human life or the national security. It does, however, protect him from the "fishing expedition" into his files, and the unwarranted harassment he may suffer on what appears to be strictly ideological grounds, which could dry up his sources and destroy his effectiveness as a journalist. It is a necessary congressional implementation of the first amendment's free press guarantee.

The provisions of this bill are straightforward. But the protection they offer can assure us all that the methods of investigative reporters will be secure and the independence of the press can be upheld.

In a democratic society, the press is the watchdog for the public. The recent blanket issuance of subpena's as well as the more indirect forms of intimidation could very well muzzle that watchdog, and that is a risk none of us can afford.

I urge my colleagues to consider carefully the need each of us has for the services of an informed and independent press, and in so considering, support the Newsmen's Privilege Act.

AMERICA'S RECORDING INDUSTRY

HON. JOHN V. TUNNEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 9, 1970

Mr. TUNNEY. Mr. Speaker, many people have attained great success in the recording industry. For some of them, it has simply meant another aspect of their careers; for others it has meant the focal point of their entertainment lives; for still others it has represented the only real chance that they ever have to utilize their creative abilities, their natural talents, to improve their station in life, their quality of living.

The number of people who have made the trip to Hollywood in my home State of California, New York, Nashville, Memphis, or Detroit to record a record and break into the limelight; the number of families that have made the trip from oblivion and hardship to success and economic stability via the recording industry are legion.

The recording industry in America is immense. Its impact is felt throughout our country and the world. American music has bridged the continents, crossed the Iron Curtain, and defeated the language barrier. For many people, our music represents our country; our artists represent our people. In short, it is an aspect of American industry that has long been overlooked and underestimated. Unfortunately, today, the recording industry is in the throes of a major crisis, one that threatens its very base, its stability.

This is the result of a nationwide counterfeiting process that has enveloped the industry and has drastically curtailed the incomes of both artists, composers, publishers, and producers. A counterfeiting process that might well destroy some individual record producers as well as negate any chance at financial success that some artists have only once in their life time, for many bitter years of deprivation go into the making of an overnight success. The total income of the recording industry last year was nearly $1,100 million. In this same year, there were more than $186 million worth of counterfeit records that were processed and sold through the tapings of unauthorized personnel. And it is believed that another $50 million worth of fraudulently duplicated tape cartridges of fully one-half of the industry output are pirated and sold to the unsuspecting consumer, who unwittingly becomes a member of the long list of victims already enumerated. This counterfeiting figure encompasses only the cases that the industry knows of; untold millions are probably counterfeited each year without its knowledge. Tape cartridges and records can be reproduced and sold by anyone with a little ingenuity, a tape recorder and a few other resources.

When a person is caught selling these illicit products, he is subject to a minimal fine, one which can be easily paid from the large profits that he will accrue through selling his illegal products at a heavily discounted rate, through his own outlets or directly to unsuspecting record dealers. In an attempt to solve this growing problem a group of prominent artists, publishers, and executives within the recording industry itself, recently formed the Ad Hoc Committee for Legislative Protection of Artists, Publishers, and Recording Companies. Sean Downey of Washington, D.C., is the group's legislative representative. Under the wise leadership of Mr. Downey and Florence Greenberg, president of Seepter Records and Mr. Al Bell, the president of Stax Records of Memphis, Tenn., this group is investigating the feasibility of legislative action which would correct this situation; a problem that in the past 20 years alone has deprived artists and companies of untold billions of income and royalties, and the Government of millions in anticipated tax revenue. The solution, as spelled out by Mr. Downey, could come from the institution of a Federal tax stamp imprint placed on the records and tape cartridges prior to its release to prevent any counterfeiting when it gets to the open maket. If a record or a tape were then counterfeited it would become a Federal offense subject to the same fines and/or imprisonment that counterfeiters of our currency, our cigarette stamps, or our liquor stamps are faced with.

In any event, I look forward to the course of action that Sean and the members of this committee outline for I am sure that it will go a long way toward amending a situation that has for too long gone unnoticed, for too long gone unpunished, for too long deprived the artists, composers, publishers, and producers of their fair and full livelihood, and for too long bilked the American consumer of the original recording quality he believes he has purchased.

KING: MONTGOMERY TO MEMPHIS

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 9, 1970

Mr. MIKVA. Mr. Speaker, it has been nearly 2 years since Dr. Martin Luther King, Jr., was shot down on the porch of a Memphis motel. But even today, there are few of us who do not remember vividly this courageous leader who worked so passionately for the peaceful brotherhood of all men.

Dr. Martin Luther King, Jr.'s impact on America was tremendous while he lived, but that impact has grown even greater since his death. Not only or even because he was a martyr—rather because the clarity of his vision and the strength of his determination have become more essential to us as we try to walk toward a single society.

On March 24, 1970, the Southern Christian Leadership Conference is going to present a nationwide tribute to the memory of Dr. King, commemorating his life and his work and making a commitment to the perpetuation of his goals.

On that night, in hundreds of movie theaters across the country, Americans will join together to see "King: Montgomery to Memphis," a documentary film prepared especially for this unique occasion.

The entire proceeds from this tribute will go to SCLC's Martin Luther King, Jr. special fund, established to continue Dr. King's intense struggle for nonviolent social change, through scholarship aid for young people and such economic action programs as Operation Breadbasket in Chicago. I urge every person hearing or reading this to go to see "King: Montgomery to Memphis" on March 24.

It is especially fitting and proper that this motion picture of Dr. King's life should be shown at this time of doubt and that in seeing it we can rededicate ourselves spiritually and dedicate the Martin Luther King, Jr. special fund financially.

The direction of the quest for human equality among all races, among the rich and the poor is often cloudy, often blocked. Perhaps by viewing and pondering "King: Montgomery to Memphis," we can all begin to find the road together.

We need the encouragement that a review of Dr. King's life will give to all who still believe that people "will one day live in a Nation where they will not be judged by the color of their skin but by the content of their character."

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RESPECT FOR VETERANS

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 9, 1970

Mr. WOLFF. Mr. Speaker, I am very much concerned about a newly instituted policy that limits military participation in funeral ceremonies for veterans buried in national cemeteries.

This new policy is a shameful way of treating these brave men who have served our country with great courage.

I have written to the distinguished and able chairman of the Committee on Veterans' Affairs about this situation and would like to include that letter in the RECORD so that all the Members may know of this unfortunate situation:

HOUSE OF REPRESENTATIVES,
Washington, D.C., March 6, 1970.

HON. OLIN E. TEAGUE,
Chairman, House of Veterans' Affairs Committee, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: I am writing to express my strong objection to the new policy, instituted this week, that limits military participation in veterans' burials at our national cemeteries.

As Chairman of the Committee on Veterans' Affairs you are well aware of the great sacrifices and fundamental contribution to our country made by the men who have served in the armed services. These men deserve our everlasing gratitude and any benefits we are able to provide them.

Discontinuing the traditional honor guard of pallbearers and the playing of taps at graveside ceremonies for most veterans is a shameful disregard of the debt owed the men who have served our country. The money saved in discontinuing these services is insignificant when weighed against the importance such ceremonies hold for veterans and their families.

The regrettable cutback in funeral participation is compounded by the fact that the policy discriminates against those men who do not remain on active duty until retirement. The fact that a man may have fought for his country and been wounded in action receives no consideration in the inequitable practice of providing funeral assistance for some veterans and not for others.

I would hope that your Committee, which has always shown compassion and understanding toward our deserving veterans, would investigate this situation immediately with the goal of restoring the minimal funeral ceremonies that mean so much to veterans and their families.

Thank you for your consideration of this matter. Kind regards.

Sincerely yours,

LESTER L. WOLFF,
Member of Congress.

HOUSING CRISIS IS INTOLERABLE, AND SOLUTIONS DO EXIST—ADDRESS BY CONGRESSWOMAN SULLIVAN TO NATIONAL HOUSING CONFERENCE

HON. LEONOR K. SULLIVAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, March 9, 1970

Mrs. SULLIVAN. Mr. Speaker, one of the privileges of serving on the Subcommittee on Housing of the House Committee on Banking and Currency is the opportunity it provides me to meet from time to time with members of the National Housing Conference, an organization which for 39 years has been developing imaginative new ideas for achieving the goal of a decent home for every American family. Many of the effective innovations in national housing programs of the past four decades have originated in this organization or among its members.

Yesterday afternoon, it was my pleasure to participate with Senator JOHN SPARKMAN of Alabama, chairman of the Senate Committee on Banking and Currency and of its Subcommittee on Housing, in a discussion of housing legislation at the opening session of the 39th annual convention of the National Housing Conference held at the Statler Hilton Hotel. The president of the NHC, who served as chairman at the session, is Nathaniel S. Keith, who has testified often before the House and Senate subcommittees. Another speaker was William L. Slayton, executive vice president of the American Institute of Architects, formerly Commissioner of Urban Renewal in the Housing and Home Finance Agency.

WE CANNOT JUST WAIT FOR SOMETHING TO HAPPEN

Mr. Speaker, I believe the housing industry in this country is in a crisis which requires government solutions. We just cannot continue to wait, as we have been waiting ever since the new administration took office, for tight money or some other economic magic to end inflation so that mortgages once again can compete for investment funds in the capital markets. If we do merely wait for that time to arrive, I am afraid we will see a "solution" for the housing shortage in the form of high unemployment and soaring rates of foreclosures. It is not just the low-income family which is blocked by high interest rates from obtaining better housing at this time—the middle-income family is in a similar situation.

Today, I understand that Bank of America announced it is reducing its yield on Government-insured or Government-guaranteed FHA and VA mortgages by a drop of 2 discount points on such mortgages—in other words, reducing the "points" from 6 to 4. On a $20,000 mortgage, that means that the seller—the buyer cannot legally pay these points under FHA or VA programs—would now have to pay Bank of America only $800 instead of $1,200 as a side payment in order to persuade the bank to issue a fully guaranteed or insured mortgage to a prospective home buyer at the legal maximum rate of 8½ percent. Of course, I welcome this reduction by one bank in its "points," but this is not the signal for a revival in housing. We must find means of channeling billions of additional dollars into housing.

In my remarks to the National Housing Conference on Sunday, I outlined some of the steps we can and should take, as follows:

STATEMENT BY MRS. SULLIVAN

In the 16 years I have been serving on the Subcommittee on Housing of the House Committee on Banking and Currency, beginning with my second term in the Congress, I am not sure how many times I have met with the members of this organization, but I do know we have met often—here at your annual meetings and also in our hearings on housing legislation. And it is always gratifying to me to know that we can sharpen our ideas on each other.

For, in the whole field of housing, you are the people who care—and do. You are the social conscience of housing, the innovators, the idea people. Some of you, perhaps, are still fuddy-duddying in the concept of public housing of the 1930's, as I indicated in the article I wrote for the annual Yearbook of your organization, and some of you perhaps still think of urban renewal in terms of the late 1940's or 1950's, and then there are undoubtedly some young militants among you here who feel that everything done in the 30's and the 40's or 50's was either so long ago as to be irrelevant or too dumb to be taken seriously. But most of you are in between those views, and thank heavens the majority here is not a silent one.

I like to come and visit with you because this is where the new ideas often come from—this organization. And we desperately continue to need new ideas in the housing field because I am convinced we will never—as long as we have a growing and dynamic country—ever solve these problems entirely.

SOLUTIONS TO OLD PROBLEMS BRING NEW PROBLEMS

Each partial solution leads to new problems in subsequent years—and that's all right as long as we have people and groups and organizations willing to try to cope with them as human problems rather than merely as exercises in making some money, not that there is anything wrong with making money legitimately. But in the housing field, the profit motive is only part of the motivation which is needed. And you people provide much of the humanization of the process.

So I want to thank you for what the National Housing Conference has contributed to America, and particularly to urban America, in the fateful 39 years of your existence, and to express my appreciation for being invited. It is always a great pleasure for me to renew friendships which have grown up over the years with so many of you. In company with all of you, I miss Mr. Charles Abrams this time, a man who always provoked us in the Housing Subcommittee into using our brains and thinking. Testimony during our annual hearings often tends to run to a pattern and be repetitious but Mr. Abrams never bored anyone.

MASTERS OF ARTS OF LEGISLATING

I am particularly pleased this afternoon to share the platform with Senator John Sparkman, who, in his gentle and courtly fashion has been a steel-driving man in the Senate in getting through some of the most important legislation in a generation. He never seems to raise his voice or evidence anger, but, oh what power there is within that man's quiet demeanor! As a Ranking Member of the House Banking and Currency Committee, I am usually a conferee from our side on the major bills from our Committee which go to Conference, and I can attest to the effectiveness of the gentleman from Alabama in persuading us to do some things, dissuading us from doing other things, and, if we are not careful, and do not read each word twice and keep track of where it is on the page, we sometimes find later we have agreed to something we hadn't ever planned to agree to. He never tricks us—he just lulls us into thinking that perhaps we are as smart as he is, and if we ever succumb to that theory we are lost. Watching John Sparkman, as chairman of the Senate Conferees and Wright Patman as chairman of the House Conferees operate in a Conference Committee is an education in Alabama peanut shelling and Texas cattle rustling techniques engaged in simultaneously by two of the sharpest horse traders south of the Mason-Dixon line. The results show in the law books in a manner which does honor to both of them.

GOOD HOUSING IDEAS CAN WIN ACCEPTANCE

What with seniority—and it has its advantages—and with some good luck, and the help of men like Congressmen Patman and Barrett, and former Congressman Albert Rains, and our Committee staff experts, and with the cooperation also of the able Senator from Alabama, I have had the great satisfaction of writing into the housing laws some of my own pet projects and programs, such as 221 (h) and its successor, 235, for low-income home ownership, the single-person eligibility of elderly persons for public housing, family counseling and social services in public housing, and so on. As many of you know, I am now intent on seeing carried out the language of the Conference Report on the 1969 Housing Act on management and tenant responsibility in public housing, to rescue the whole concept and save the program from political disaster before it is too late.

I have learned from these experiences in back-of-the-scenes horse trading and logrolling that a good idea may simmer for a while on the legislative back-burner but a good idea in the housing field never has to die. Sometimes you just have to bide your time and find an appropriate vehicle to hitch it on to as a trailer. So I never become discouraged when, on the first go-round of legislative hearings, an idea which I feel has merit doesn't set off any sparks of popular acclaim. There will always be other opportunities.

SHOULD WE JUST WAIT FOR INFLATION TO END?

We recently completed nearly a month of hearings in the full Committee on a series of emergency measures to try to revive and revitalize the home construction and the home financing industries. Much of the testimony was discouraging. Just wait for inflation to end, we were told,—just wait for interest rates to decline in response to the Nixon Administration's tight-money policy—and we will once again have some new housing being built. That was the theme of all of the Administration witnesses, and some of the others, too.

We heard the same thing—exactly—all of last year in the Commission to Study Mortgage Interest Rates—a Commission assigned the task of developing new programs for assuring adequate supplies of mortgage money for the average income family at *reasonable* rates of interest. The principal solution proposed by a majority of the members of that Commission consisted of taking the ceiling off FHA–VA mortgages and thus making these mortgages more "competitive" in the market place with other forms of investment. Congress did not repeal the FHA–VA interest rate ceilings, but it suspended for an additional two years the period in which the 6% ceiling could be breached—but then the rate went from 7½% to 8½% with almost as many "points" now being charged the sellers as had been charged when the ceiling was 7½%, or 6¼%. Yet, we still aren't getting FHA or VA mortages written in any volume.

But Secretary Romney tells us just to wait and be patient, and one of these days—or years—the tight money situation will solve the inflation problem and we will once again be able to build housing for the middle income family.

COMPETITION FOR LIMITED FUNDS

Patience and passivity are not characteristic of the American people when problems become intolerable while solutions are available which do not do violence to our basic principles. The housing crisis is socially intolerable and solutions do exist. So what are we waiting for? Let's get busy, *now!*

Fundamentally, the housing crisis rests in the great competition for limited funds. Unfortunately, housing competes poorly in today's investment market. I am speaking now of shelter, not opulence—I have heard no complaints about inability to get financing for Shangri La's and Watergates, or co-ops like the one President Nixon relinquished in New York when he *upgraded* his housing. Upgrading is not available to most families today, however, when the new construction is largely in the neighborhood of $30,000 or more.

Of course, there are always mobile homes—if you consider that a solution for the average sized family. While not many Americans grew up in the same size family I did—9 children—I think most families are still a bit large for mobile home living.

We can wring our hands and deplore the housing squeeze, as everyone does, and we can counsel patience in waiting for inflation to come to a halt, as the Administration urges, or we can recognize the situation for the crisis it really is and confront it head-on with practical solutions *now*. Short of a deep recession in which millions of wage earners are thrown on the unemployment compensation rolls and foreclosures start to soar, I do not see any early prospect for reversing the housing trend under a continuation of present economic pressures and national policies.

PREPAREDNESS OVER THE LONG RANGE

Twenty years ago, after we had junked much of our World War II government-owned industrial equipment and sold the rest at bargain rates to expanding corporations, the nation found itself suddenly in a new wartime situation—the Korean War—for which it was totally unprepared. There was a frantic rush to shape the necessary instruments of military power and economic defenses—including all kinds of anti-inflation measures, such as higher taxes, credit controls, and wage, price, salary and rent controls. Machinery was also set up for allocations, priorities, incentives for expansion in the basic industries, and for achievement of long range production goals in such areas as electric power. The legislative authority for all this was provided with remarkable speed between the time of the June 26 attack on South Korea and the enactment of the Defense Production Act of 1950 by September 9, and while not everything worked as well as hoped in that effort to redirect national priorities, most of these programs worked amazingly well in terms of the setting of production goals and their eventual achievement.

Most of all, however, we decided then that it was possible to *maintain* a state of defense preparation in the production and stockpiling of essential materials, the planning of power expansion, and so on. With reasonable effectiveness, we have continued ever since then to plan and project our defense support needs so as to be able to adopt the policies which would enable us to achieve them.

But it was twenty-five years after the enactment of the Employment Act of 1946 calling for the setting of employment and economic goals, and 19 years after the enactment of the Defense Production Act of 1950 calling for the setting of industrial capacity goals, that we finally adopted a similar device for projecting our housing needs year by year and into the future. But we are still leaving to chance the availability of financing for those housing objectives—to the vagaries of the investment market. Experience in the past year tells us this is not practical. Money is not flowing into housing—it must be drawn into it, either by pumping it or siphoning it.

PROPOSALS FOR ENDING MORTGAGE MONEY FAMINE

Congressman Patman and I, in our dissenting views in the report of the Commission to Study Mortgage Interest Rates, suggested a variety of means to accomplish this purpose—primarily by a redirecting of national priorities in the use of our limited investment funds. We suggested taping public and private pension funds, and the tax and loan accounts maintained by the Treasury in various banks, and using Federal Reserve assets and mutual funds—in other words, financial resources controlled by, or dominated by, or protected by or influenced by the Federal Government.

As was pointed out in that report, only 1 additional percent of our Gross National Product, if directed into insured housing paper, could assure achievement of our national housing goals. We also suggested that for that segment of the population which is worthy of mortgage credit but cannot obtain it through conventional lending institutions, we must provide direct government loans at reasonable rates—such as we do under the Farmers Home Administration and the Veterans Administration.

And those are the proposals to which the recent hearings of the Committee on Banking and Currency have been directed. One of the bills being considered is H.R. 13694, which I introduced on September 9, 1969, with the co-sponsorship of Congressman William A. Barrett of Philadelphia, chair-

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man of the Subcommittee on Housing. I am very optimistic about the chances of this legislation being passed this year, either on its own or, more likely, as part of a broader housing bill. I hope you will help me in promoting it and advancing it.

PROPOSED HOME OWNERS MORTGAGE LOAN CORPORATION IN H.R. 13694

The bill creates a new policy-making agency, the Home Owners Mortgage Loan Corporation, oriented toward the housing needs of the average family, and composed of a Presidentially-appointed and Senate-confirmed board of directors of 8 members, plus the Commissioner of FHA. The board would administer a revolving fund capitalized at $10 billion—created by appropriations of $2 billion a year for five years—to issue 30-year direct loans up to $24,000, at no more than 6½% interest, to "credit-worthy" moderate income families not able to obtain mortgages from other sources at *reasonable* rates of interest.

The target group mentioned in the bill is those families with incomes of $12,000 or less, but the maximum income limitation could be raised or lowered by the HOMLC based on changing conditions.

The Corporation would have little staff of its own and no lending offices; instead it would utilize the existing district offices of the Federal Housing Administration to process loan applications, so there would be no need for any new housing bureaucracy. Existing lending institutions could service the mortgages perhaps at ½%, which would entail profitable use of their bookkeeping equipment.

This new agency would have as its main responsibility the constant monitoring of the home market to determine when—during recurring periods of tight money or other barriers to home ownership by the average family—the government itself must step in as lender of last resort, in order to assure adequate supplies of mortgage money at reasonable rates of interest. This agency is needed, of course, right this moment—right now. If it did exist right now, its first year allocation of $2 billion certainly wouldn't meet and solve the mortgage needs of the unserved middle segment of the population all by itself, but it would have an impact, I am sure, far beyond the loans it handled directly. It would establish a Federal yardstick of what *is* a reasonable rate of interest on home mortgages during periods like the present for families usually able and willing to pay their own way in a *normal* market situation—the mailman, the milk man, the department store salesman, the bus driver, the public school teacher, the policeman.

PAY-THEIR-OWN-WAY FAMILIES NOW FROZEN OUT

These are the hard-working middle class families which not only pay their own way but, through their taxes, help pay for many of the social services for less advantaged Americans. No one is helping them today to obtain better housing—today's housing market completely passes them by.

They cannot afford the monthly payments on a mortgage pegged at 8½% or higher, even if they could find a seller willing to absorb the seven or eight points required as a sidepayment to the lender in order to obtain a mortgage fully guaranteed or insured by the government of the United States.

The savings and loans are certainly not the villains in this tight-money situation; they, too, are strapped for funds and what they can obtain for home mortgages is obtainable only at premium rates which must be reflected in the rates they charge.

Perhaps the interest rate bubble will suddenly burst and the prime rate will fall precipitately. A few small banks have voluntarily cut back to 8% or even 7½%—for which they deserve praise; but they are probably not really the trend-setters in this field. Government must exercise its power to *push rates down*, unless we are willing to resign ourselves once again to a repetition of the boom-and-bust cycle as our only device for economic readjustment. No field of economic activity in the United States has a greater stake in the outcome of this crisis than housing—not just low-income housing, not just assisted housing, but housing for the families which normally *never* have to depend upon the other fellow for their needs, but which today cannot provide themselves with the most basic of all family requirements, a decent home in which to live.

THE RUSTING TOOL OF CREDIT CONTROLS

Regardless of the degree of commitment with which the Administration faces up to this problem—and so far we have had nothing but expressions of sympathy and vague promises of future action from the Administration—I hope the Congress will act soon to provide some effective new tools which can be used to dig us out of this morass.

One of the most effective tools which could be used is already law, but it is rusting in disuse in the Executive Office of the President. It is an economic weapon of vast power—more power than was ever given to any President, even in the midst of all-out war, to control interest rates and the use of credit in this country. It is a law we passed last December, giving the President the power to ask the Federal Reserve to regulate any form of credit—including business credit such as commercial IOU's—when any form of credit is being extended in so excessive a manner as to be inflationary.

Perhaps there is no need for a crackdown on all forms of credit. Consumer credit outstanding is very high, up 8% over 1968 and up 19% over 1967, but with the doldrums in the automobile business, perhaps we don't need to limit the terms of consumer credit right now. But you in the housing field know where the inflation-causing funds are flowing, and into what kind of investment activity. If you want money for housing right now, it must be diverted to housing from credit channels not nearly as socially important or economically defensible at this time. The President can now, as of this minute, ask the Federal Reserve to take action to redirect some of this money from less essential purposes to the terribly vital area of housing.

EXISTING HOUSING PROGRAMS DIE FOR SUSTENANCE

The longer the President delays in using this vast power to solve the housing famine, the more urgent it becomes for the Congress to devise additional means to help solve the problem. If you have ideas we can use, pass them along. If you like our ideas, such as my Home Owners Mortgage Loan Corporation bill, please help us make them known, and get them through.

If we sit this one out—this latest in a recurring series of credit crunches destroying the prospect for housing the American people—the bills you ask us to pass for new housing programs will merely add a new crust of futility to what is already the greatest array of unused and unusable housing programs in history.

Almost every day, new bills go into the House and Senate hoppers proposing an improvement of one sort or another in our housing laws—a little bit more subsidy here, expanded income eligibility for another program over there, and so on.

Meanwhile those programs we have—the programs already in law—die for sustenance.

As I said earlier, the American people are neither patient nor passive when problems become intolerable while solutions are available which do not do violence to our basic principles. Am I wrong in thinking our housing crisis is *now* intolerable and must be solved by deeds and action rather than merely wringing our hands over them? If I'm wrong, then please let me know, because I have no desire to exaggerate a problem for political purposes. But, if you think I am right in my assessment of the dimensions of the crisis, then let's get going on some solutions before another month or year goes by. Thank you for the help you have given in the past. But forget past triumphs now—what's on the menu for the next course?

CONNECTICUT VETERANS' HOSPITAL

HON. JOHN S. MONAGAN

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, March 9, 1970

Mr. MONAGAN. Mr. Speaker, I have consistently directed my efforts toward the development and maintenance of adequate facilities and program in the Veterans' Administration hospitals to meet the continuing requirements as they relate most specifically to veterans with service connected wounds and disabilities. I have recently discussed the question of improving facilities in Connecticut's two VA hospitals with representatives of Connecticut veterans groups, and I have received word from Chairman Olin E. Teague of the House Veterans' Affairs Committee that he is planning to hold hearings on this subject and planning action to help relieve some of the serious problems.

I have assured Chairman Teague of my desire to cooperate with his committee and to assist him and Hospital Director David Anton, of the West Haven Veterans' Administration hospital, and Hospital Director Joseph M. DiPietro, of the Newington Veterans' Administration hospital, in the stated objective.

In this connection, Chairman Teague has issued a statement which I include herewith:

FUNDS AND STAFF SHORT IN CONNECTICUT VA HOSPITALS

Congressman Olin E. Teague (D-Tex.) Chairman of the House Veterans Affairs Committee said today that the Connecticut VA hospitals are not receiving sufficient support to provide the kind of medical care needed for its patients.

The House Veterans Affairs Committee Chairman said that searching in-depth hearings will get underway early in the second session of the 91st Congress on operation of the nation's 166 Veterans Administration hospitals. As a forerunner to the hearings, the Committee has recently undertaken an inquiry in an effort to learn whether VA hospitals are sufficiently staffed and funded to provide America's ex-servicemen and women with "second to none" medical care. Chairman Teague said that he was "seriously concerned about recent reports from a variety of sources indicating that many VA hospitals were being caught in an impossible squeeze between higher medical and drug costs and rising workloads without receiving proportionally higher funding and staffing allocations." "If this is true," Teague said,

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"such policies, if allowed to stand will wreck the VA hospital system and undermine the veterans medical program to the point of dangerous dilution in quality."

Chairman Teague said that the Veterans Administration is attempting to provide first class medical care with an inadequate staff. Teague pointed out that the general medical community hospitals and state and local government hospitals have an average staff ratio of 2.72 employees for each patient, while the Veterans Administration has only 1.5 staff for each patient. According to Teague, the university hospitals operated in connection with medical schools are even higher, and have a staff ratio of over 3 employees for each patient. Teague has written to President Nixon and advised that he expects to seek a minimum staffing ratio for the Veterans Administration of at least two employees for each patient in most VA general medical hospitals, and a one for one ratio in psychiatric hospitals.

The Veterans Affairs Committee investigation of Connecticut Veterans Administration hospitals in December 1969 revealed funding deficiencies in fiscal year 1970 or over $1.2 million to operate about 975 hospital beds serving 429,000 Connecticut veterans.

In Connecticut, Veterans Administration hospitals are located at Newington and West Haven.

The investigation conducted by the House Veterans Affairs Committee in December revealed that under the hospital staffing formulas advocated by Teague, Connecticut VA hospitals are approximately 325 positions short of needed staff. A few of these positions would be difficult to fill at current VA salary rates, but most are recruitable. Connecticut VA hospital directors also reported they were underfunded approximately $135,000 in the community nursing home care program. This program provides nursing care in private nursing homes at VA expense for veterans who have received maximum hospital care and are no longer in need of expensive hospital care. A projected deficit for timely issuance of fee basis authorizations for dental care totalled approximately $96,000, mostly for Vietnam veterans.

Hospital Director David Anton at the West Haven hospital reported the largest fund deficiency in December 1969. He reported that he was underfunded for 56 full time positions and 36 part time positions in his personnel ceilings, and that funds in the amount of $650,000 was required for these positions. Anton reported a shortage of $125,000 in other operating supplies, materials and services, and $185,000 was needed to restore funds diverted from new and replacement equipment and maintenance and repair services. Anton said to meet his funding deficiencies in salary and other operating expenses he would have to divert approximately $185,000 from much needed equipment and maintenance funds.

Director Anton reported that the community nursing home care program was underfunded by approximately $95,000. At the beginning of the fiscal year there were 28 patients remaining in community nursing home care facilities, but Anton stated in his report that "our community nursing home care program will be practically terminated by the end of the fiscal year unless additional funds are provided to support continued replacements for the remainder of the year."

To achieve the minimal staffing ratios of 2.0 staff for each hospital patient as advocated by Teague, Anton reported 245 more positions at an annual cost of $2.2 million would be needed. The staffing ratio at the West Haven hospital as of September 30, 1969, was 1.51.

The West Haven hospital received supplemental funding support in January 1970 in the total amount of $188,512. Of this amount, $175,000 would be applied to the personnel salary deficiencies to sustain current on duty employment. The remaining $13,512 received would be applied toward the reported $95,000 deficiency in the community nursing home care program.

In December 1969, hospital Director Joseph M. Di Pietro at the 213 bed Newington VA hospitals reported funding deficiencies at his hospital totalling $311,000. Of this amount, $211,000 was needed for staffing shortages and the remainder was needed in the community nursing home care and fee dental program.

To meet funding deficiencies in personnel salaries, Di Pietro said he would divert approximately $107,500 in new equipment and maintenance and repair funds.

The community nursing home care program was underfunded by aproximately $40,000 according to Di Pietro. The fiscal year allotment provided for an average of approximately 25 patients in community nursing home care facilities during the year if sufficient funds were provided.

To achieve minimal staffing ratios for the Newington hospital Di Pietro reported that 80 more positions at an annual cost of $733,000 would be needed. The staffing ratio as of September 30, 1969, was 1.4 at the Newington hospital.

Director Di Pietro notified the Veterans Affairs Committee that he had received additional funds in January 1970 in the amount of $67,500. He stated that funds in the amount of $17,500 were restricted to apply toward a deficiency in the fee basis dental program, mostly for Vietnam veterans, and the remainder, $50,000 would be utilized to restore amounts previously diverted from the new equipment and maintenance repair funds.

Chairman Teague emphasized that the Veterans Administration hospital system has long been considered among the best of government-operated medical facilities. "VA has been doing an exceptionally good job in operating its medical program, but they are not able to keep up with greatly increased workloads and vast improvements which are being made in medical treatment and technology under current funding and staffing formulas," Teague said.

Teague cited statistics indicating that:

In FY 70 VA will treat 780,000 patients—38,000 more than it did in FY 66—with almost 17,000 fewer hospital beds than were in operation in FY 66.

In FY 70 outpatient visits will total about 7,425,000, an increase of 1,243,000 over FY 66.

VA provides some training for about half of the nation's 7,500 new doctors which are graduated each year.

VA employs 4% of all doctors in the United States and is the world's largest employer for more than 10 different medical professions—including nurses, clinical and counseling psychologists, dietitians, medical and psychiatric social workers, physical therapists, and occupational therapists.

Conducts over 6,000 research projects covering almost every field of medicine.

Teague said that "the fine accomplishments which the VA medical system has achieved cannot be allowed to deteriorate so that they become a part of a second rate system."

Some curtailment of VA funding and staffing has been blamed on the "war on inflation" Teague stated. "I take the position the Vietnam veteran has contributed enough when he fights the shooting war and that he should not be expected to fight the inflation war also at the expense of his health," Teague said. "This nation has prided itself in its service to those who have borne the burden of battle. A bi-partisan attitude has long prevailed in Congress in the funding of an adequate medical program for America's veterans, and in providing for the educational and housing needs of returning servicemen. We in Congress of both parties have always acted in the belief that the finest medical care should be made available to those who served their country in uniform, and especially to those who returned home suffering wounds and service-connected disabilities," Teague stated.

"I do not intend to sit idly by and allow shortsighted policies to destroy a medical program that is absolutely necessary to care for America's veterans," Teague said, "and that's why we're conducting this survey so we can make a determination if we are doing all that needs to be done to properly and promptly serve America's ex-servicemen."

POLITICS AND THE ENVIRONMENT

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 9, 1970

Mr. UDALL. Mr. Speaker, this last month Edward C. Craft, past Director of the Bureau of Outdoor Recreation and one of the great environmentalists of our time, addressed an audience at the University of California, Berkeley, on politics and the environment. In his remarks Mr. Craft very ably put his finger on the major problems legislative bodies will be presented with the instituting effective antipollution programs. Mr. Craft's thoughts have needed saying for a long time, Mr. Speaker, and for the benefit of us all, I insert his address in the RECORD:

POLITICS AND THE ENVIRONMENT

This is not a partisan political talk. Its purpose is to persuade you that politics, not science, is the real key to environmental management. Possibly the President's recent State of the Union Message has done this already.

Environment has become a big political issue, but so far it has been more rhetoric than action. Environment has been a "motherhood" issue because the toughness and costs necessary to be effective have not been realized. Environment and ecology are today's catchwords, just as conservation was for yesteryear.

Politicians talk and make programs. Yet existing laws have been unenforced and underfinanced.

Major industrial polluters such as auto, oil and airlines are important financial contributors to both political parties. This is where the crunch comes.

The political business and social push for growth, jobs and profits means highrises, shopping centers, highways, and other environmental intrusions.

Clean air and water will cost billions. No one—neither the politician, corporate head nor man on the street—has really faced up. The industrialist is unwilling to share the cost and thus reduce profits. He is willing simply to pass on added costs to the consumer.

No one in power has yet proved willing to make the jolting revision of national priorities—foreign, domestic, and economic—that is necessary to get the job done. Unfortunately, in our governmental system of checks and balances, perhaps no one has the power to get the job done.

The issues are fraught with power politics of a high order, and the tough action required possibly is suicidal to the activist politician. When profits or key political support clash with environment, the latter usually goes down the drain.

Until there is gathered together at the

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same time in the power structure of American politics both the consensus and courage to truly reassess our national destiny, there will continue to be much talk, little do, and disillusionment.

These remarks point the finger at the Administration, Congress, Governors and State Legislatures, county and municipal councils, courts, public executive agencies, corporate directors, and indirectly, at affluent suburbanites—and yourselves.

This is neither a technical treatise nor a doomsday talk. There is no soaring rhetoric, just plain words. Neither are the remarks California-oriented, although environmental pollution appears to be a top issue in the upcoming California political elections.

The talk is an assessment of man's confrontation with nature. It outlines some basic truths about environmental degradation. It names the chief offenders. And it states the enormous price of man's living in peace with nature. It points out that—as with most major national problems—both initiative and leadership lie with the top political structure of the Nation, starting with the President and the Congress. Then comes the States, industrialists and labor unions.

The press, radio and TV have come alive at long last to world-wide environmental dangers. Such attention-getting titles as "Threatened America," "Last Chance to Save the Everglades," "Peaceful Atom Sparks a War," "Kill the Hill—Pave That Grass," "Oceans—Man's Last Great Resource," "Alaska—The Great Land Under Massive Attack," "Pesticide Pollution—An Assessment," "America the Beautiful," "The Garbage Can Crisis," "Northwest Passage to What?" "Noise—More Than a Nuisance," "The Ravaged Environment," and "Standing Room Only on Spaceship Earth" are intended to catch public attention and are succeeding.

Such well-known journals as Life, Look, Newsweek, Reader's Digest, Time, The Saturday Review, U.S. News and World Report, and practically all conservation magazines are speaking up. Leading papers like the New York Times, Christian Science Monitor, National Observer, Wall Street Journal and a host of others are running almost daily news reports or features on auto pollution, the Florida Everglades, municipal waste, environmental litigation, Lake Erie, the atmospheric sink, and so on ad infinitum.

A new magazine, "The Environment," published by the Committee on Environmental Information of St. Louis, and the "Environmental News letter" by the Conservation Foundation deserve special mention. They are scholarly, judicious, across-the-board and authoritative.

All this has started to awaken the national conscience. It has created a national awareness and lofty generalities, but not much downright concern when measured against willingness to pay more taxes, higher utility bills, or to accept lower profits or dividends. We are pretty much at the stage where environmental improvement is the thing we are for, provided it doesn't interfere with our own personal way of life.

Despite all the attention, only a handful of National leaders really understand and are prepared to accept the traumatic action that is necessary if the environmental crisis that is crashing down on the United States is to be weathered. In such situations we must accept that habits essential or acceptable in one age of the Nation's history—such as large families—may become disastrous in another.

In the meantime, environmental evangelists and students give vent to their beliefs and frustrations in speeches and teach-ins. Scientists disagree among themselves. Many politicians, industrialists and other men of power stay silent, go about their antisocial business as usual, or issue soothing statements and programs in reports to voters and stockholders.

TEN BASIC TRUTHS

There follow ten basic truths about environmental decline, which we would do well to ponder and accept.

1. *Man's environment is everything outside his own body.* The scope immediately becomes overwhelming and almost self-defeating. For rational handling, environment must be broken down into some of its more important components.

2. *The world's environment is unique in the solar system.* This appears to be supported by recent Apollo trips to the moon and photos of Mars. The world's environment is characterized by its unusual combination of atmosphere, water in liquid form, and land. Together they first spawned life and then man.

3. *The growing danger is that man will destroy himself by degrading the environment to where it is no longer livable.* This degradation is caused basically by man's failure to dispose adequately of his waste products. It results mainly not from lack of knowledge, but from misuse of his technological know-how.

4. *Failure to use properly man's scientific knowledge is causing serious water, air, and land pollution, pesticide poisoning and improper disposal of solid waste.* The worst polluter of all is the automobile with its internal combustion engine. Usually the finger is pointed most accusingly at the mining, chemical, steel, auto, oil, and utility industries as the leading villains. But let us not forget the road builders, construction industry, real estate developers, and timber depleters. Let us not forget also that regulatory and other public agencies are major contributors to environmental deterioration.

On the other hand, let us remember that these industries and agencies not only are promoting, but also are responding to the demands of you the consumer. The price of big auto engines, fancy homes, weedless lawns, and countless other creature comforts that you want and enjoy is environmental depletion.

5. *The motivations that cause environmental decline are the desire for large families, status living, social conformity, material affluence, creature comforts, and so-called "progress."* The United States has 6 percent of the world's population and uses 40 percent of the resources. Generally the higher the living standard the greater the consumptive use of resources. The affluent suburbanite is the worst offender of all. The United States is choking on its own affluence.

6. *Man can learn about, but he cannot alter, the natural laws of this earth nor the solar system.* To survive, he must control the technological apparatus by which knowledge of these laws is applied to his own well-being. Man's confrontation with nature is a war he cannot win. He not only must atone for past abuse, but also must reverse the trend. The President indicated that the number one domestic priority is to make peace with nature, and reparations for past damage to air, water, and land.

7. *If there are certain industrial "princes of pollution," the kings and queens of environmental decline are the men and women of the world who enjoy a high standard of living—namely you and I.* We have it in our power in countless ways to halt the downward trend and maintain the biotic balance between nature and man that is essential to survival of the species.

8. *The price runs against our grain.* It runs against progress, development, and the biological urge. The price is twofold. It includes: (1) control of the world's population, and (2) a social ethic that make environment the number one National priority in terms of performance as well as words. To achieve such priority means willingness to forswear profits and dividends, pay greater taxes and higher prices for consumer goods and services, reduction in the material standard of living, sacrifice of certain strongly-desired comforts, and educating ourselves and our children as to the environmental necessities. Major revision in national and social priorities means raising sufficient public opinion against principal offenders to compel change, challenging the politicians, and finally the ability by our leaders to recognize the point-of-no-return before it is too late.

In short, the people of this Nation must develop a consciousness and determination regardless of individual, corporate, or collective sacrifice.

We as a people must be willing to bite the "hot bullet." To illustrate and bring it close to home, we should look with disfavor on more than two children per family, on buying a new car every two years, on buying a V–8 instead of a Six, and on other conspicuous consumptions of contaminating consumer goods.

9. *The main deterrents to correction are neither scientific nor technological. They are political, social and economic.*

10. *At stake is man's survival.* The environmental threat is no less certain than that of unleashed nuclear weapons. But it is far less dramatic, less sudden, more insidious. Thus far more dangerous. Through simple disinterest, disbelief, or selfishness, man as a species may go down the drain—a victim of his own brain.

MAN AGAINST HIMSELF

Population

So much has been written and said about the world's population explosion that I can add nothing—only summarize. I do commend an article in the December Reader's Digest, "Our Spaceship Earth—Standing Room Only."

The United States took 180 years to go from 4 to 200 million Americans. By 2000 we will have over 300 million. There are one billion more people on this planet now than in 1950. In the last 5 years alone there have been added 250 million, or a greater increase than the total population at that time of either the Soviet Union or Continental Africa. The world's population is now 3.5 billion and due to double every 30 years.

What does this population increase mean in terms of environmental impact? Each new American adds 120 gallons of sewage, and 4 pounds of solid waste per day. In the course of a year each new American discards 250 cans and 135 bottles.

There long has been recognized the carrying capacity of a range for livestock or the sustained-yield capacity of a forest for timber. It is high time we recognized that the earth has a carrying capacity for humans.

Ecologists also long have recognized that an understocked range produces fatter and healthier cattle than a fully-grazed or overstocked range. In human terms this means there is an inverse relation between standard of living and numbers of people.

Population control is a touchy subject involving religion, race and invasion of privacy. But it is time to flush it out and do something. Voluntary control would be best. I doubt that it will work.

Deterrents to large families in terms of additional tax costs for more than two children, and property taxes graduated upward in relation to numbers of children have been discussed.

I have heard a Catholic attorney urge legalized abortion, and compulsory contraception by Congressional statute with sterilization as the penalty for violation. The same individual also urged a court test of the position of the Catholic Church.

True, there is growing awareness of population pressure. But how to reach that quarter of American families that produce two-thirds of America's children? Or the Puerto Rican fisherman with 16 children who is too poor even to feed his own children the fish he catches, and who obviously pays no taxes? How to change a culture which is extant in the United States and looks down on a bride who does not become pregnant shortly after marriage?

But even if the United States were to face up, what about the rest of the world? Frankly, I get a feeling of hopelessness when I think of the population problems of some continents other than North America. Nor do I believe the United States could become an island of isolation, nor survive in biotic balance if the rest of the world is out of tune and headed for disaster.

There are various voluntary action groups; there have been Congressional hearings; bills are pending; the President has established a Commission and sent a message to Congress. But the political clout to do something is missing. Reelection is more important.

The population issue is one example of what I mean by biting the "hot bullet." Solutions are definitely not for the chicken-hearted. Stabilizing U.S. population probably will prove the ultimate environmental test. The alternative might be catastrophe by numbers.

The abuse of nature

A stabilized population is certainly one part of the equation for environmental maintenance. The other is living in harmony with nature. If we fail on either count we are in trouble. So, turning now to the other part of the equation—what are we doing to America the Beautiful by our proud American way of life?

Generally speaking, there are three earth resources vulnerable to environmental pollution—air, water, and land. All of the air, nearly all of the water, and much of the land is in the public domain. The problem throughout is both a public and private responsibility. Do not comfort yourself that solutions lie only with a distant Congress, the President, the Governor or the Judiciary. It is a personal problem for which you as an individual have a responsibility, as do your neighbors and children.

Air has its visible and invisible contaminants, with the latter the more serious. Principal sources of air pollution include the auto, trucks, busses, jet planes, factories, garbage and city dumps, pesticides, steel mills, heating and power plants. All of us recall big city smog, heat inversion, haze, belching smokestacks, burning dumps, dust bowls, and forest fires.

The air over most of the East Coast from Maine to Florida is visibly polluted up to 20 or 30 thousand feet and often a hundred miles or more out to sea. The smog of southern California is infamous, with wisps and fingers reaching across the state into Arizona. San Francisco and Sacramento are not immune. Just east of the Front Range in Colorado from Colorado Springs through Denver north to Fort Collins, air pollution has become a recognized problem. City after city could be named.

Of all causes the automobile is the worst offender. But despite great talk of auto safety, little beyond research has yet been done about that most dangerous source of all—the exhaust pipe. General Motors in its report to stockholders of the 3rd quarter of 1969 reported on reductions made in vehicle emissions and research under way, and recently has made more forcible public statements of intent. Ford Motor Company has announced an "intensified effort to minimize pollution in its products and plants in the shortest possible time." New York State is suing major auto manufacturers, charging conspiracy to eliminate competition in the development of anti-pollution devices. Standard Oil of California has reported the discovery of a fuel additive that reduces undesirable emissions by half. Steam, electric and gas engines are being investigated .

It is hard to know where the truth lies between announcements by manufacturers and such charges as made by New York State.

The airlines now have an emission-free jet engine; but why do the airlines wish to install it only as part of an orderly rotation system, not on a crash basis? The answer is cost. Fortunately, the Administration has pushed up the target date from 1975 to 1972.

Direct action is available but the Nation is not ready. Smog in Los Angeles would be ended if gasoline sales were banned in southern California. A slower alternative would be to immediately ban the sale of new autos without the best corrective devices, and additionally require their installation and regular inspection on all existing vehicles, without waiting for gradual supersedure.

Noise is another form of air pollution that is increasingly serious. It is traceable to big city din, trucks, railroads, jet planes, jetports, sonic booms, interstates, turnpikes, beltways, expressways, and the construction industry.

One scientist has suggested that within 10 years air pollution may become so serious, urban Americans will be forced to wear plastic head hoods to breathe an artificial atmosphere, and such masks will become more essential than clothing.

Water is polluted from soil erosion, sewage, industrial, agricultural and consumer waste of all kinds, and of course the ever-present pesticides. Most major rivers of the nation are polluted as are many minor streams. Lake Erie may be dying. So may Lake Tahoe whose color is changing from blue to green.

The coho salmon of Lake Michigan are contaminated. So were your Thanksgiving and Christmas turkeys. The pollution of Long Island sound has doubled in 10 years. Ore waste continues to go into Lake Superior and some beaches of Monterey are unsafe for swimming.

Estuaries and wetlands are disappearing to high rises and condominiums. Even the oceans are becoming garbage pits and the end of the line for trash, of all sorts, sewage, industrial waste, the persistent pesticides, and other chemicals.

Disasters such as the oil leaks off Santa Barbara are fresh in mind, and uncorrected. Why does not Union Oil abandon drilling in the public interest? The State Assembly of California has, by resolution, urged the Administration to abort the leases, but why have not the Interior and Justice Departments taken action on their own initiative? Why cannot a restraining injunction be initiated by the State or other aggrieved parties?

The beautiful harbor of Charlotte Amalie on St. Thomas in the Virgin Islands stinks from raw sewage and is beset by slums. The proposed St. Thomas jetport will be at the expense of wetlands, lagoons, and island beauty.

The sugar mills built on the cliffs of the various Hawaiian islands dump their effluent into the blue Pacific, thereby making it look like the Muddy Missouri. The petro-chemical and other waste discharges into the ocean on the north and south coasts of Puerto Rico are visible for miles as one approaches by plane. So is the smoke hanging over San Juan and coming mainly from rum distilleries and a cement plant.

Thermal pollution from nuclear power generators raises the temperature of rivers and lakes and possibly in due time even the oceans to the point of affecting marine life in unknown ways. Should the polar ice caps melt either from this cause, air pollution, or Arctic development, the oceans would rise over 200 feet. Visualize what this would do to the great central valleys of California and other lowlands throughout the world. The peaceful use of nuclear energy is challenged by this fear of thermal contamination.

Land pollution is multitudinous and diverse in character. Pesticides upset the biotic balance. Erosion and construction tear the land apart and deface it. Examples are endless and include overcutting the forest, suburban sprawl, urban slums, overgrazing, misdesign of cities and structures, overcrowding the parks, highways splattering ribbons of concrete over the landscape, strip mines, utility lines, litter, advertising signs, trash, junkyards, industrial and urban decay, and so on.

Why is mining, for example, permitted to continue for 25 years after establishment of Forest Service wilderness areas? Why won't Congress intervene at Miner's Ridge to stop Kennecott Copper inside the Glacier Peak Wilderness Area? The answer in both cases is mining industry pressure on vote- and contribution-conscious members of Congress. The result is violation of wilderness of which there is so little left.

The construction of an expressway through Humboldt Redwood State Park caused such an outcry that hopefully the continuation of the expressway will by-pass two other redwood State parks further north, both of which are within the Redwood National Park.

People over-crowding of the National Parks is acute. The density will become greater as more and more people come to the parks on one hand, and as most acreage in the parks is classified as legal wilderness on the other. Here is real environmental conflict, the only solution appearing to be both restricting visitor numbers in the parks and accommodating over-night visitors on outside surrounding lands which often are national forests or other public land.

The Mineral King controversy between recreation for winter sports and keeping a wild valley wild as well as forestalling an access roads through a National Park has caused the Sierra Club to go to court with initial success. Here is a conflict between a people's varying cultural desires, one group for wilderness, the other for winter sports.

Finally there is Alaska. Must the oil of the northern slopes ruin the priceless domain under the care of the Interior Department, including the forests, wetlands, and irreplaceable habitat for wildlife? The balance of nature is delicate at best in Alaska. Here perhaps is the ultimate testing ground in the United States as to whether the American people can and will harmonize technological progress with a delicately balanced environment.

Meet yourself

What is being done in view of all that is happening—not only by your government, but also by you?

There is a baffling maze of Federal and State legislation, public programs, trade associations and other private groups, universities, foundations and research organizations, all either pushing one aspect or another of environmental improvement or conversely protecting a special interest.

Presently 11 Federal Departments, 16 independent agencies, 13 Congressional committees, 90 Federal programs, 26 quasi-governmental bodies, and 14 interagency comittees are engaged in environmental matters.

In 1972 the United Nations is convening a world conference on the environment. 1970 is European Conservation Year. NATO has adopted a goal of improved environment. UNESCO has held a conference. London and Paris have had smoke and noise clean-up campaigns.

DDT has been banned in Sweden, Denmark and Germany. About 11 states either has restricted its use or are considering such action. Michigan has impounded the salmon from Lake Michigan because of excessive DDT in its tissue.

There are other good signs. Maryland is the first state to require undergrounding of all utility lines in new construction.

The Federal government has cut back the use of persistent pesticides. But, in a vast disregard of the public interest, six of the major chemical producers and formulators of DDT have forced delay by appeal procedures. The food manufacturers responded to the ban on cyclamates. Lack of similar response by the chemical industry to DDT proves that environmental concerns have not really gotten home.

Jet planes and autos are scheduled for partially effective emission control devices, but not until 1972. California has taken steps to try to save San Francisco Bay. Reynolds Aluminum is paying 200 dollars a ton for discarded cans.

The jets versus the Everglades is a celebrated cause, and the Congress, through the Department of Transportation appropriation act, nudged the Administration to decisive action.

Actions of industry and foundations have been limited mainly to research or public relations. As an exception, DuPont claims it has invested 130 million in anti-pollution facilities and all known noxious gases are now restrained at all plants.

One of the bright hopes is the growing student war on pollution. Senator Gaylord Nelson and Congressman McCloskey are sponsoring a National environmental teach-in on April 22 in colleges and high schools. Ralph Nader has adopted environmental improvement as a worthy goal. Students with no investments, payrolls, nor profits to bother them are adopting environment as a cause and an outlet for their ideals, energies, intelligence and enthusiasm. And well they might, for students will be around to suffer the consequences of failure.

Also, students can do something about birth control, whereas it is too late for the bald and gray heads of my generation.

When appearing before student groups, the first question is usually Viet Nam, the second is environment. Student groups are springing up at colleges and universities everywhere under a variety of names. Many are not allied to any central movement.

All power to them, but let students become so fully committed that it carries over to when their generation becomes the establishment. Let them mobilize their strength, toughen their spirits for a long, hard struggle, and be prepared for disillusionment when environment fully flowers into the full-blown political issues of cost and action.

New organizations are springing up, such as the Environmental Defense Fund, an action-oriented organization seeking redress in the courts, the Committee for Environmental Information which publishes a top-notch magazine, and the Environmental Clearing House, an ad hoc committee on the environment consisting only of members of Congress. An Environmental Institute is being sponsored by the Conservation Foundation to publish an Environmental Law Reporter. Regional groups such as the Rocky Mountain Center for Environmental Information and various State open space councils are under way.

Environmental law is emerging as a new field with several law and natural resource schools showing special interest and some sponsoring inter-disciplinary programs. Numerous court tests are under way. The active interest of the Environmental Defense Fund, the Conservation Foundation, and Resources for the Future has helped to push environmental law into prominence. Several young and aggressive lawyers are seeking and developing national reputations and careers in the field. Some established law firms are loaning an attorney to environmental clients as a gesture of pro bono publico, but only if no conflict is seen with the firm's established business or clientele.

There is little body of environmental law; precedents usually favor defendants. The environmental lawyer is often a young turk with environmental dedication, impatient of administrative or legislative processes, and without professional natural-resource knowledge. The relatively few individuals of experience who are lawyers knowledgeable in natural-resources are mostly with public environmental agencies. Unfortunately, the young environmental lawyers have little liaison with these experienced attorneys, with conseqent mutual loss.

The National government, both legislative and executive, is stirring, but is fuddled, and the pace is too slow. In past years Congress has passed numerous major enactments such as the Air Quality, Clean Air, Water Pollution Control, Solid Waste Disposal, Water Resources, Land and Water Conservation Fund, Clean Waters Restoration, Federal Insecticide, Federal Food, Drug and Cosmetic, Fish and Wildlife Pesticide, and Pesticide Research Acts. Conspicuously absent is legislation on population control.

These enactments, forward-looking though they are, are piecemeal. Furthermore, the underfinancing of existing authorizations is colossal, mainly because the Administration won't recommend full authorizations and sometimes won't spend what Congress does appropriate. For example, the authorization in fiscal 1970 for water pollution control is $1 billion. The Nixon administration recommended about $250 million. The Congress overrode the Administration and voted $800 million.

With over 100 environmental-related bills before the Congress, Senators Jackson and Muskie and Congressman Dingell have led the way in developing the National Environmental Policy Act of 1969. This act, among other things, will establish a Council on Environmental Quality comparable to the Council of Economic Advisors. Senator Jackson predicts:

"The law will immediately hit the Atomic Energy Commission's nuclear power program by requiring the AEC to curb thermal pollution. It will have an immediate impact on all defense programs—everything from the siting of ABM missiles to chemical and biological warfare. It will affect federally financed highway programs and every Army Corps of Engineers project."

This bill, although initially opposed by the Administration, was signed by the President in his first official act of 1970. He declared the fight was a "now or never" task for the new decade.

In related action, bills by Senator Muskie and Mr. Fallon have passed both Houses and would establish an Office of Environmental Quality in the Executive Office of the President. The Senator has accused the Administration of being more interested in form than substance and said the new office would "reflect the national commitment we need if we are to avoid ecological disaster." The Senator also told a recent meeting of the American Association for the Advancement of Science that "man has so misused the fruits of scientific endeavor, he has threatened his own existence."

The President is reported as opposed to this additional environmental office. Regardless of the outcome, it is not unlikely the present session of the 91st Congress will create either a Joint Congressional or Senate Select Committee on the Environment.

Pending too are various reorganization bills, particularly those by Senators Case and Moss to reconstitute the Interior Department as a Department of Natural Resources and Environment. This would be a mistake, because environmental concerns are too widely dispersed throughout the Executive Branch to be concentrated in any one Department. Reshuffling of Bureaus is a cheap and easy way for the President to show the country he is doing something about the environment. But it is no substitute for money.

Last May the President by Executive Order created a coordinating Environmental Quality Council chaired by himself and with six cabinet officers and the Vice President as members. He also established a Citizens' Advisory Committee chaired by Laurance Rockefeller. The Council is staffed by the Office of Science and Technology, which is the wrong place, because the problems of environment are not primarily scientific.

So far the Council and Advisory Committee have met infrequently, done little, and created little enthusiasm. Funds were cut for staff support. Congress did not accept executive action as adequate and the future of this Council is uncertain in view of the more recent Council on Environmental Quality created by the Congress.

The President in his State of the Union message joined Congressional leaders in emphasizing environmental quality as the challenge of the '70's. But the message was largely non-specific, and also ignored population control. The real test of the President's concern will become more clear when details of the Budget Message are available, and when the dozen or more major programs are forthcoming that he promised to offer in this session.

Over the past 5 years Executive agencies have done a great deal of work on environmental matters. Reports of the National Research Council-National Academy of Sciences, the Environmental Pollution Panel of the President's Science Advisory Committee, the President's Council on Recreation and Natural Beauty, the Department of Agriculture, and the Office of Science and Technology are outstanding. The recommendations are there, but they are far from being implemented either legislatively or financially.

The HEW Commission on Pesticides and Their Relation to Environmental Health recently issued its report with 14 recommendations. These included the usual ones on cooperation, coordination, advisory committees, and standards. But the Commission also recommended that we "eliminate within two years all uses of DDT and DDD in the United States, excepting those uses essential to the preservation of human health or welfare . . ." It remains to be seen what actually happens.

And so the students, the conservationists, and your Congress and the Administration all are moving. What are you doing as an individual?

If you are a banker or businessman, take an environmental risk, absorb some costs, cut a dividend, reduce some profits. As a citizen, stop using persistent pesticides in your yard and garden, boycott no-return bottles, get along with one car to last 8 to 10 years, equip it with an emission-control device and avoid high-powered V–8's. Be willing to pay higher utility bills and taxes.

If you are young, limit the size of your family and educate yourselves and your children. Expect to pay more and get less as the price for pollution control is reflected in consumer goods.

Above all, educate your children to environmental dangers and values from the elementary level on up. Universities should respond to student demands for environmental study programs and should make an environmental course a prerequisite for every graduate.

Teach the young people to have a different sense of social and national values and priorities than the distorted ones of our generation. Teach them to look down on large families and those who pollute and befoul. Then perhaps when they are running this country, they will make peace with nature and reparations for damage.

A Gallup Poll shows that half of us believe we are spending too little on environment and most would cut defense spending to find the cash. But if not wholly at the expense of defense, what then?

Only 22 percent are willing to increase family expenses by as much as $200 per year to save the environment. Obviously, those questioned were not thinking in terms of survival. Only 14 percent are willing to pay

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$2 more per month on electric bills to reduce air and water pollution.

Too often, environmental impacts from apparently unrelated actions are not identified. New York City recently raised its bus and subway fares 50 percent. How many more commuter cars will this force into the already congested bumper-to-bumper traffic of smoggy Manhattan? One offset is to raise bridge and tunnel tolls and to charge for empty seats in cars entering Manhattan Island. A better solution might be free rapid transit at public expense in major metropolitan areas to reduce gasoline pollution. This makes as much sense as free public schools. Reforming attitudes and innovative approaches to the public business are absolutely essential.

POLITICS THE KEY

Statesmanship is a better word than politics. But it is clear that on national and overriding issues, such as the environment, leadership must come from the Congress, the Executives, and the State Houses. If one doesn't lead, the other must.

This is no partisan issue and the fact that different parties control the Executive and Legislative should be of no moment. Neither can duck their sobering responsibility for both sides of the equation—population stability and environmental management.

There is much we need to learn; but to say research and science hold the key to environmental quality is nonsense. Such a statement reflects either gross misunderstanding or deliberate intent to befog and confuse.

How much is enough is the real question, meaning how far do we dare push our environment downhill in order to enjoy the fruits of technological knowledge, and can we detect the point-of-no-return far enough ahead to not go over the brink of a snow-balling irreversibility? It all comes down finally to a judgment balance between what technology can supply and what biology can stand. As the President said, the wonders of science must be turned to the service of man. This is why politicians and other policy officials in all walks become the ultimate key rather than scientists and engineers.

Population and material affluence are overdrawing our natural resources and despoiling the environment. It may take a killing heat inversion along the eastern megalopolis, or some other catastrophe to shake up this Nation sufficiently to take action. Unfortunately, Americans usually react after crises rather than before.

Right now everyone is joining the environmental bandwagon. There is a plethora of pieties, messages, commissions, hearings, reports and recommendations. The issue lends itself to words, eyewash, government reshuffling, research and rhetoric.

Let us view these with skepticism. Let us watch for massive Federal and State expenditures to clean up the air and water, for corporations absorbing an important share of the social costs, for crack-downs on the major industrial polluters, for enforcement of existing laws and regulations, for real revision of National priorities, and for willingness to make personal sacrifice.

At this point, the people are ahead of the politicians who are being slowed up by private interests, jealous committees of the Congress, and the fiefdom bureaucracy of both Congress and the Executive.

The issue should be hotter on Capitol Hill and in the White House than civil rights, poverty, housing, hunger, inflation, or crime.

To paraphrase one commentator, when survival of the species is at stake, there can be no differentiation between Republican and Democrat, black and white, rich and poor, young and old.

Finally, as a reminder to yourself, may you bear forever in the recesses of your mind and on your conscience the recent words of Charles Lindbergh:

"I had become alarmed about the effect our civilization was having on continents and islands my military missions took me over—the slashed forests, the eroded mountains, the disappearing wilderness and wildlife. I believed some of the policies we were following to insure our near-future strength and survival were likely to lead to our distant-future weakness and destruction. Also I was tired of windowless briefing rooms, Pentagon corridors and the drabness of standardized air bases. I wanted to regain contact with the mystery and beauty of nature.

"After millions of years of successful evolution, human life is now deteriorating genetically and environmentally at an alarming and exponential rate. Basically, we seem to be retrograding rather than evolving. We have only to look about us to verify this fact: to see megalopolizing cities, the breakdown of nature, the pollution of air, water and earth; to see crime, vice and dissatisfaction webbing like a cancer across the surface of our world.

"We know that tens of thousands of years ago, man departed from both the hazards and the security of instinct's natural selection, and that his intellectual reactions have become too powerful to permit him ever to return.

"That is why I have turned my attention from technological progress to life, from the civilized to the wild. *In wildness there is a lens to the past,* to the present and to the future, offered to us for the looking—a direction, a successful selection, an awareness of values that confronts us with the need for and the means of our salvation. *Let us never forget that wildness has developed life, including the human species. By comparison, our own accomplishments are trivial.*"

CRAMER ANTIRIOT ACT VIOLATED BY KUNSTLER?

HON. WILLIAM C. CRAMER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 9, 1970

Mr. CRAMER. Mr. Speaker, the most recent activities of attorney William Kunstler, the infamous counsel for the Chicago riot conspiracy defendants convicted under the Antiriot Act, appear to present a clear case of Kunstler's violation of the act himself. Although sentenced to 4 years in jail for contempt of court, Kunstler was given a stay of sentence for the express purpose of preparing his clients' appeals. Instead, however, he has used this free time to travel in interstate commerce to make inflammatory speeches around the country, urging his listeners to exercise their "right to revolution," and thus has crossed State lines, inciting violent civil disturbances, in what appears to be a direct violation of the Cramer Antiriot Act.

I recently called upon the Department of Justice to investigate Kunstler's possible violation of the Antiriot Act and I shall continue to press for such action. In the interim, the Chicago Tribune, on February 28, carried an excellent editorial presenting the facts surrounding Kunstler's riotous activities, and urging that the stay of sentence be revoked and that he be jailed for continuing the contempt for which he was sentenced. Such action by Judge Hoffman is not only justified, it obviously is the only method of preventing Kunstler from continuing, not only his contemptuous behavior, but also his public exhortations to the people to take to the streets. In conclusion, the Chicago Tribune editorial states:

> If their counsel find renewed occasion to call for revolution and taking the law into the streets, these revolutionaries, if turned loose on bail, can be counted on to follow suit. Their only contribution would be more turmoil.

Mr. Speaker, as the author of the Antiriot Act, and as a deeply concerned American, I commend this excellent editorial to my colleagues for their reading and careful consideration. To those of us charged with the responsibility of legislating the laws of this great country, Kunstler's appeal for a peoples' revolution against the law must not go unnoticed. The full text of the editorial follows:

[From the Chicago Tribune, Feb. 23, 1976]

BEAT OF THE DRUMMER

William Kunstler, lawyer for the Chicago riot conspiracy defendants, professes to be "disturbed" that riots of revolutionary youth invariably attend speaking appearances for which he was booked upon the conclusion of the trial. He does not see any relationship between cause and effect. Indeed, he says, he disavows violence.

But if there is a self-evident fact, it is that wherever Kunstler goes a riot follows. He spoke at Northwestern university and urged students and faculty sympathizers to take to the streets to correct "injustice" and socialize property. They did, and $20,000 of window-breaking occurred in downtown Evanston. Nevertheless, his sponsors want him back and, as a substitute, have billed his colleague, Leonard Weinglass, for next Tuesday.

Kunstler went from Northwestern to the University of California at Santa Barbara. There he again called upon his student audience to "fill the streets," and he predicted that if resistance to the existing order, as exemplified by the convicted trial defendants, were not heeded "then it can lead to revolution." Three nights of violence followed. A bank was burned, with $400,000 property loss. A man was shot. The governor was obliged to call out the national guard. Nevertheless, Kunstler says he deplores violence.

It is true that he does not have to be around to stir up campus and town militancy. In the last two days there have been violent demonstrations, clashes with police, and seizure of buildings in half a dozen eastern colleges. But his presence is an infallible incitement to street action.

At the conclusion of the Chicago trial, in which five of the seven defendants were convicted of crossing state lines to incite riots, Atty. Kunstler was sentenced to more than four years in jail for contemptuous behavior in the courtroom. Weinglass was sentenced to one year and eight months for similar behavior.

Defendants and counsel during more than four months of the trial staged "guerrilla theater" in the courtroom in an attempt to degrade American justice and make it impossible for the court to function.

Kunstler and Weinglass were given a stay of sentence until May to draft appeals. Their peregrinations, incitements, and continuing attacks on the law and its administration indicate no interest in working on appeals but a determination to keep up a running war against our institutions. In the circumstances, Judge Hoffman would be justified in revoking the stay of sentence and putting them in jail, for their conduct is a continuation of the contempt for which they were sentenced.

This is what Rep. William C. Cramer, author of the anti-riot law under which the Chicago convictions were returned, recommends. He has not only asked the justice department to investigate the lawyers' post-trial activities but has urged that Kunstler be held in contempt anew for his statements since the trial.

Such behavior also could readily influence the United States Court of Appeals to deny petitions for bail filed by the convicted defendants, whom Judge Hoffman ordered jailed as "dangerous." If their counsel find renewed occasion to call for revolution and taking the law into the streets, these revolutionaries, if turned loose on bail, can be counted on to follow suit. Their only contribution would be more turmoil.

RHODESIA—A CIVILIZED NATION EMERGES IN AFRICA

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 9, 1970

Mr. RARICK. Mr. Speaker, for month after shameful month we have witnessed—and participated in—the perverted and foolish attempt to destroy civilization in the Republic of Rhodesia.

Rhodesia, called a threat to world peace by the new masters of the United Nations Organization, is considerably more peaceful than is the city of Washington, our Nation's Capital. Its Negroes enjoy a high standard of living compared to their brethren in the so-called emerging nations of Africa. It is a matter of great embarrassment to the Communist trained and armed guerrillas that the very blacks whom they professed to be willing to "liberate" were loyal to their government in Salisbury and bitterly fought the infiltrating terrorists.

To our shame, we bow meekly to the wrong perpetrated by the United Nations Organization. We endanger our own defense by placing strategic materials in the hands of our Soviet enemy. We seem to wait for someone in New York to demand that our own "unilateral Declaration of Independence" from the same British sovereignty be declared invalid, so that our own civilization can be ended.

I include in my remarks articles relating to Rhodesia, where there is no mass exodus, and the balance of eastern Africa, where the contrast is noteworthy, although seldom mentioned:

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AFRICANS WANT FORCE USED ON RHODESIA

The Foreign ministers of Algeria, Zambia and Senegal were preparing to fly to United Nations headquarters in New York yesterday to demand that the U.N. Security Council order Britain to use force to bring the self-styled Rhodesian republic to heel.

The three ministers were armed with a resolution adopted by the ministerial council of the Organization of African Unity calling on Britain to take military action to "restore legality," in the breakaway British colony.

Even in the unlikely event that the resolution were adopted, Britain still retains the power of veto and has consistently refused to use force against Rhodesia.

Rhodesian Prime Minister Smith himself announced the detention without trial of a "couple of hundred" political opponents. He said in a television interview that the reason for the detention of political opponents without trial was the difficulty of getting evidence in open court because of intimidation.

[From the Washington Post, Mar. 9, 1970]

EAST AFRICA'S HARRIED ASIANS CLAMORING FOR CIVIL RIGHTS

(By Jim Hoagland)

NAIROBI.—Independent black Africa's first significant civil rights movement appears to be taking shape here in Kenya and neighboring Uganda.

Frustration, impatience and dwindling funds are pushing many of East Africa's Asians into acts or threats of civil disobedience as they are squeezed out of jobs and homes.

The target of their bitterness is not the African governments cutting off their livelihoods, but Britain—which gave the Asians British citizenship six years ago and now discourages them from using it.

"The situation of some of our younger people is getting desperate," says a middle-aged physician who is a respected member of Nairobi's Indian community.

"They can't work, can't leave the country, and are running out of money. The number grows every day, and when it gets big enough, they will be in the streets."

The new militancy of East Africa's Asian minority is reflected in these recent events:

A sit-in and partial hunger strike at the British embassy by eight Asians is now in its sixth week in Uganda's capital, Kampala.

More than 65 Asians left East Africa last month, knowing they would never be readmitted, and tried to crash through Britain's immigration laws. Twenty-four are in prison in Britain, six have been admitted and the rest are floating around Europe stateless.

The worldwide publicity given to the odyssey of Miss Ranjan Vaid, 22, an Indian girl from Kenya who was bounced from airport to airport for two weeks before Britain admitted her, has convinced Asian leaders here that world opinion can be turned against Britain through peaceful protest.

COURT MOVE THREATENED

England's Joint Council for the Welfare of Immigrants threatened to take the case of the 24 jailed Asians to the European court in Strasburg. Although there appears to be little chance the court will hear the case, because Britain has failed to ratify the section of the European Convention for the Protection of Human Rights that covers citizenship, the council's threat helped mobilize public opinion in England.

Britain's Labor government, faced with elections in which race and immigration will be major issues, has been pressuring Kenya and Uganda to let the Asians stay in Africa.

The pressure has worked so far because Kenya and Uganda depend heavily on British aid. But there are signs that both governments are losing patience.

The newspaper of Uganda's ruling party said recently that Britain was in effect "renting Uganda" to keep its Asians in. The same day, a junior member of Kenya's cabinet accused Britain of trying to blackmail Kenya over the Asians and said his government might soon deport 5,000 or 10,000 of them to show Britain how serious the problem is.

If Kenya or Uganda deport the Asians—Britain is honor bound to admit them.

Until then, they are stuck. An estimated 1,500 Asians in East Africa are living off relatives or charity while waiting for the British to accept them. The story of how the Asians, who are East Africa's middle men—racially and economically—have been trapped in this position is more than a compelling human tale.

It is a story of Africa coming of age economically and its growing pains; of international conflicts that haunt former colonial powers and the newly emerging nations; and of the uncertainties that surround the concept of citizenship on this still developing continent—and in Britain, when the citizens involved are nonwhite.

It is also an emotional tale, clouded by charges of racism and double-dealing being hurled at each other by the English, Africans and Asians.

The Asians are in fact almost all persons whose ancestors came here from India. Together with a smaller group of Pakistanis and others from the Asian subcontinent, they have always been referred to collectively as Asians.

Their contact with Africa stretches back to the time, centuries ago when Indian traders from the Cutch and Sind regions plied the Arabian Sea and sailed to Africa.

The British brought 30,000 indentured laborers from their Indian colony to build a railroad linking of Kenya and Uganda at the end of the 19th century.

Indian traders, soldiers and others eager to get away from their overcrowded homeland followed, pushing into the remote interior which they helped to open up.

Industrious, thrifty and better educated than the African tribesmen with whom they dealt, the Asians quickly gained control of the petty and medium-scale commerce of East Africa that they still retain.

Like the Jewish merchants of America's ghettoes, to whom they are often compared, the Asian traders assert they have provided services that no one else would and as in America, many of their black customers say exploitation is rampant.

Placed above the African in the colonial order, the Asians were segregated into certain sections of towns and barred from settling on the rich farmlands that had been taken by the white colonialists.

Even now, they still live apart—from the whites and the Africans, and from each other.

The Asian community is divided along rigid social and religious lines that permit little mixing. This may have brought much of today's trouble on the community.

Perhaps 60 to 70 per cent of the estimated 350,000 Asians of East Africa are Hindus, who provide most of the area's shopkeepers and traders.

The smaller groups are mainly the bearded, turbaned sikhs, who are artisans; the Moslems (who form one of the richest segments of the Asian community) and a small number of Goans, whose ancestors were Christianized by the Portuguese when they came to Goa.

These groups are subdivided into castes and into groupings based on the town or area of origin in India, and keep very much to themselves. Outsiders are permitted only rare glimpses into their lives.

"These people are perpetuating the old rigid social order that we in India are now trying to change," says a young Indian diplomat posted in East Africa.

Each group maintains its own temples, schools, and living areas. Pretty young Indian women may replace their filmy saris with miniskirts when they go downtown, but they rarely if ever would date outside their own sub-grouping, much less outside the Asian community itself.

When I want to marry, I will have to go back to India to find a girl of my caste," says a young Indian.

RELIGIOUS BARRIER

Africans have also been suspicious of Asians because of the exclusive nature of their religion. The white man came to evangelize and spread Christianity. But Hinduism, an introspective religion, has not been shared with Africans. Many Asians admit that race relations here are bad.

"We have a conservative, stratified society," says a member of the Indian elite.

"It takes us much longer than the white man to change our attitudes. If an Indian shopkeeper has been kicking an African around, he cannot suddenly stop it and say what a great fellow the African is. The white man here have that talent, but we do not."

Estimates that Asian traders have controlled up to four-fifths of the retail and small wholesaling enterprises in this region are not scoffed at here, even though the Asian population is only a small percentage of the combined 32 million population of Kenya, Tanzania and Uganda.

Experts estimate that Kenya has about 150,000 Asians and Tanzania and Uganda have up to 100,000 each.

But the extent of the Asians' control of the economies of these countries has probably been exaggerated. The industries, major banks and big farms were, and in many cases still are, in the hands of white men.

WHITES' POSITION

The positions of the whites, whose capital is still needed by developing countries, seems secure for the time being. The Asians are much more vulnerable. They were not only the merchants but also the tailors, jewelers, repairmen and clerks of this society until independence.

It is their jobs and their shops that the Africans are demanding and getting as they become more educated and skillful. This, for the moment, is what Africanization is about.

Kenya and Uganda have begun to restrict trading licenses and jobs to their own citizens. This is the crux of the problem and the developing civil rights movement. Most of the Asians in these two countries are British citizens, not Kenyan or Ugandan.

When Britain gave Kenya independence in 1963, British citizenship was automatically granted to Asians who did not apply for Kenya citizenship.

Only about 20,000 Asians did, in fact, apply for Kenyan citizenship. This created new African resentment against the Asians.

"We were uncertain what would happen here under an African government," explained an Indian businessman. "This was just after the Congo and around the time that Asian traders were murdered and chased off Zanzibar during the revolution.

"It was much more of a gamble for us than for the whites. It became known fairly quickly that a white who took out Kenyan citizenship could always get his British passport back very easily. It also became known we would not."

BRITISH BLAMED

The most frequent criticism is short and bitter: "We thought we could believe the British."

Most of the estimated 120,000 Asians who had a right to British citizenship stayed in Kenya after independence, hoping for a few more years of making money and living in sunshine, with the British passport as an escape hatch if anything went wrong. But the hatch was slammed shut at about the time things began to go wrong.

In 1968, faced with what it perceived as growing racial tensions between colored immigrants and Britain's white population, parliament passed an immigration act that took away the Asians' absolute right to enter Britain.

Now they have to apply for permission, and entry permits are rationed at 1,500 a year for heads of families, meaning about 6,000 persons a year.

The British assert that this is not welshing on their offer of citizenship, but merely a fashion of making the Asians "form an orderly queue." Everyone in the line will get in, the British say—eventually.

LITTLE TIME LEFT

Time is in short supply to the Asians. They have been racing against Africanization of their jobs and shops since independence, and this is the year when they clearly will have lost the race.

In January, Uganda ordered about 3,000 Asian traders to close their shops immediately, and warned them they could be expelled from the country.

Kenya ordered also 1,000 Asian traders to wind up their businesses. Unlike Uganda, Kenya is giving them up to six months to settle their affairs.

In Tanzania, where the role of Asians is much different because many did apply for and receive Tanzanian citizenship and they have taken a more active part in supporting the African government, no direct action has been taken against Asian traders. But the nationalization of the wholesaling industry puts a severe financial squeeze on Asians, who had monopolized it.

The situation in Kenya will get worse in a few months, when, according to B.B. Bangeau, Kenya's principal immigration officer, many of the work permits held by Asians here will expire.

"It is not intended to renew the permits," Bangeau says.

Kenya does not expel the Asians as their permits are cancelled. Knowing that Britain will eventually take them, Kenya issues renewable three-month permits to remain in Kenya.

But they cannot work. Many assert they have already been reduced to living on charity. As their funds recede, and they have nothing left but the price of an airline ticket to London, they have little to lose by flying there and trying to embarrass the British government.

Britain is pressing major airlines not to carry Asians unless they have valid entry permits. Thus far the airlines have gone along, but there is growing resentment of the British tactics. There are reports that some Asians are planning to charter airliners to carry the gate-crashers to London to force a confrontation.

125 A MONTH

There are now more than 10,000 entry permits, which are doled out at the rate of 125 a month. Most of these represent families who are living on savings or charity.

Officials estimate that of the approximately 70,000 Asians in Kenya who hold British citizenship, about 40,000 would go to Britain.

The other 30,000 are expected to go back to India. They are mostly older people with solid ties and in better financial shape than the British-leaning group.

The Indian ambassador here, Avtar Singh, has said that India would welcome these people back and give them citizenship.

WAR IN ENEMY TERRITORY

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Monday, March 9, 1970

Mr. WYMAN. Mr. Speaker, as the editorial from the Dallas Morning News that follows points out, "war is a dirty business." This is particularly true for foot soldiers under combat conditions in areas inhabited by enemy civilians.

They never know who is going to shoot them, who is going to boobytrap them, or who may be an accessory before the fact to their own murder.

Justice must be leavened with basic understanding of the horrors of war under these circumstances in assessing blameworthiness.

Whether a jury or court-martial, the trier of fact needs take a good hard look at the situation actually confronted by individuals in combat in such areas before finally exercising final judgment in each case.

The editorial follows:

WAR IS A DIRTY BUSINESS

(NOTE.—This editorial from the Dallas Morning News was written by Don Moore, Dallas Businessman and an infantryman in WWII.)

I saw my best friend, an Italian youngster from New Jersey, fatally shot in the back by a 12-year-old German girl. He was inspecting a cellar in Cologne, Germany, 1944, as our 102nd Infantry moved into that enemy city.

War is the dirtiest game in the world.

Maybe I'm biased—but to court-martial American foot soldiers in Vietnam for killing civilians is ridiculous.

I saw an old German woman remain silent while an American GI inspected her house, the door of which had been booby-trapped. He is dead. Was she not just as much an enemy as a German in uniform—or just a kind old lady in a foreign country?

War is dirty—you're just as dead from the shot of a 12-year-old Germany girl as from a bomb dropped by a German plane.

I was yanked out of the University of Texas, trained and sent to Europe to defend the country I love. In no time I—and every other foot soldier—learned that you'd never get back unless you killed and got the thing over with.

If you turned your back a second, in an enemy city, your head would be blown off or your spine severed by a knife.

Yes—you killed. Your one objective was to get back to Austin, finish your education and resume a normal life. It's either you or the other fellow—and sometimes the "other fellow" is a helpless-looking old German you're trying to help. You turn your back and you're dead.

There is a difference between our experience 25 years ago and the current ordeal in Vietnam: At least we knew a German when we saw one. Those poor soldiers in Vietnam don't know a Communist Vietnamese from an American ally—they all look alike.

If righteous finger-pointers want to try you boys over there, the requirement is simple: Let the jury be composed of men who have had frontline infantry experience.

You can't judge the actions of a combat infantryman by standards of what is moral, kind and right today in Dallas, Texas.

It isn't easy to see your best buddies taken prisoner, then view their bodies later—all shot through the head.

No foot soldier, who had been through it can reconcile the difference in killing civilians—who'll kill you in a second—and killing the enemy in uniform. Also, why pick out the infantryman, when our bomber pilots would kill 5,000 German civilians in a single raid?

At a recent gathering of our infantry veterans, all were burned up over this—and particularly over this country tolerating those who spit on the flag, burn their draft cards and escape service through a loophole. Meanwhile, infantrymen get malaria, the mange, jungle rot or a free burial in Arlington Cemetery.

It is strange that the bleeding-heart, procommunist liberals didn't say a word in World War II when the Reds were our allies; but now that Americans are killing Vietnamese Reds, they think they should be courtmartialed. Their pink slips are showing.

These bleeding hearts, now screaming over alleged massacres, don't know the score. They haven't seen their buddies killed by a hand grenade thrown by a "harmless" civilian.

War is dirty. You kill or get killed. That's the sum or substance of it, and a civilian can put you in a coffin as quickly as an enemy in uniform.

CHICAGO'S PROPOSED LAKE AIRPORT—V

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 9, 1970

Mr. MIKVA. Mr. Speaker, during the past several weeks I have made remarks concerning the broad ecological, cost, and safety problems presented by the proposal to build an airport in Lake Michigan, off the shores of Chicago's southside.

A lake airport, if constructed, will influence the lives of millions of Chicagoans. The Chicago chapter of the American Institute of Architects has pointed out that:

> Experience has shown that airports are extremely powerful environmental factors that influence the lives of millions of people not directly associated with the airport.
>
> Airports, by their very presence, produced economic and social change. They relocate people and change the nature of communities. They produce air and water pollution and create a great problem of noise pollution. All of these factors affect people to a very real and extensive way.

One such effect of a lake airport which I have not previously mentioned is the traffic congestion it will generate. Frederick Blum, urban planner and coordinator of the Campaign to Stop the Airport in the Lake of the Businessmen for the Public Interest, a Chicago organization, has studied this traffic problem. His conclusions are ominous. I would like at this time to include his report in the RECORD.

The report follows:

TRAFFIC CONGESTION GENERATED BY AIRPORT IN LAKE

(By Frederick Blum)

The proposed airport in the lake will produce traffic tie-ups of monumental dimensions. In order to accommodate anticipated peak-hour traffic loads, over 24 multi-level expressway lanes would have to be constructed on the causeway between the airport and the shore. The extraordinary number of traffic lanes would be in addition to a rapid transit line linking the airport to the subway system.

The huge volumes of traffic generated by the airport would have to be absorbed by an already saturated expressway system which would cause auto and truck traffic to be at a virtual standstill during the morning and evening rush hours.

Rapid transit, which is capable of carrying a greater volume of passengers than by an expressway system, could not be expanded at the airport site beyond a two-lane system due to limits imposed by the number of lines in existing and proposed subway systems.

Traffic interchanges to be constructed at points linking existing and proposed expressways with airport traffic would require a complex of multi-level structures whose dimensions would overwhelm the urban landscape and the lake view.

Attempts to accommodate anticipated traffic loads would lead to absorption of large amounts of south-side residential land for expressway expansion and truck terminal facilities. Relocation loads will be large. Displaced populations will press south and south westward. A portion of displaced persons will be forced to move great distances to the northern part of the city and suburbs.

Added to the costs of constructing the airport will be the estimated $400 million needed to construct the 24 lane causeway including a surface rapid transit line.

With all the anticipated rhetoric about the existence of technical solutions to the traffic problem, it is inconceivable, in the light of traffic to be generated by McCormick Place and the commercial developments on I.C. air rights, that even vast expenditures on transportation could do anything but cripple the inner-city transportation system. The Loop would be strangled by traffic overloads.

TRAFFIC AND TRANSPORTATION ESTIMATES

Anticipated passenger traffic for 3rd airport by 1990: 75 million passengers per year; 200,000 passengers per day.

Total daily passengers who travel from airport: 45.

Percent of transfers who would travel from airport to city: 10.

Total daily passengers who travel from airport for city: 130,000.

For every originating or terminating passenger, 2 persons are at airport to send off or greet passengers: 260,000 persons times 130,000 passengers equals 390,000 persons.

Estimated number of persons who will be employed at airport: 50,000.

Number of persons traveling between airport and city: 440,000 persons per 24 hours.

Peak hour traffic loads—25 percent of 24 hour loads: 110,000 persons per peak hour.

Maximum expected CTA two-line rapid transit—peak hour: 40,000 persons.

Persons using cars and buses—peak hour: 70,000 persons.

Persons per car: 1.5.

Number of buses—peak hour: 100.

Capacity per expressway lane: 1,800 automobiles per hour.

Number of expressway lanes on causeway: 24.

Cost per mile four-lane causeway: $10 million.

Number of miles of causeway: 5 miles.

Total cost of causeway traffic lanes: $10 million per mile times 6 (4-lane causeway) times 5 miles equals $300 million.

Cost of rapid transit line: $100 million.

(No estimates were made of the large number of trucks which would carry air cargo and service materials between the airport and expressways.)

TELLING THE FARMER'S SIDE

HON. CHESTER L. MIZE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 9, 1970

Mr. MIZE. Mr. Speaker, at this time when the committees of Congress are deeply involved in drafting new farm legislation, it is important to take note of what a strong agricultural economy means to the Nation. Station KCMO, Kansas City, Mo., in a recent on-the-air editorial, has pointed out some of the facts we should keep in mind in assessing the role of agriculture and in fashioning a new farm program to bolster this economy. I wish to call attention to the following editorial, "Telling the Farmer's Side":

TELLING THE FARMER'S SIDE

(By George Stephens, KCMO farm director)

Urban citizens in Mid-America should be grateful for the good job their country cousins are doing. City folks are often tempted to leave town and start farming in order to get away from it all. Well, if you start farming now, you'd better take along your check book because a farm that will support a family today will cost you anywhere from $100,000 to a quarter of a million dollars. That's how much the nation's one million commercial farmers who produce over eighty percent of our Nation's food have invested, and it's a high risk, low-return business.

Farmers spend over $33,000,000,000 a year for goods and services to produce crops and livestock and another $12,000,000,000 for things we all use such as furniture, clothes, appliances etc. Three out of every ten jobs in the U.S. are related to agriculture in the so-called agri-business field. Farmers are important taxpayers with total farm real estate taxes over 1.7 billion dollars a year, to say nothing about all the other taxes farmers pay.

Agriculture is the Nation's biggest industry with assets of better than $273,000,000,000. U.S. agriculture is efficient enough that we pay only seventeen percent of our disposable income for food in this country, compared with thirty-five percent in Japan, twenty-five percent in England, etc. Your grocery bill may seem high, but when you compare it with those in other parts of the world, you can see that U.S. farmers are the most efficient anywhere. Unfortunately, farmers have not benefited much from food price increases that have occurred in the spiral of inflation the past few years.

This has been a KCMO editorial. Copies are available on written request. If you have a different opinion, we invite your comments. Send them to SPEAK UP, KCMO Broadcasting, Kansas City, Missouri.

VETERANS' PAL

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 9, 1970

Mr. WOLFF. Mr. Speaker, there is a gentleman on Long Island who has been giving a tremendous amount of help to our veterans of our armed services despite the unfortunate fact that the present Nixon administration has permitted the Veterans' Administration to overlook many of their needs. This gentleman is Jack Kluger, the director of the Veterans Service Agency, a Nassau County department which is liaison for the Veterans' Administration.

Since he continually provides a tremendous service to our veterans I would like to extend my remarks to include a recent article from the fine newspaper Newsday which exemplifies what a gift it is to have Jack Kluger helping our boys:

VETERAN'S PAL IN MINEOLA

(By Jack Altshul)

"Back our boys in Vietnam is the word you get from Washington. But when the boys come home, Washington turns it back on them."

The speaker was Jack Kluger, a natty mustached man who smokes a cigar and spends all his working days helping veterans and their families. He is director of the Veterans Service Agency, a Nassau County department that acts as a liaison for the Veterans Administration.

Kluger is perturbed at the present trend of the Nixon administration in its dealings with servicemen returning from Vietnam. "The word we hear is economy," he says. "And the one who suffers the most is the boy being discharged from service."

A case in point is the present level of aid for a discharged serviceman who wants to go to college under the GI Bill of Rights. The government will give him about $1,300 a year towards his college education and Kluger insists it isn't enough.

"Take a Long Island boy who wants to go to Hofstra," he says. "Even if he lives at home, tuition and books cost more than $1,800 a year. And if he wants to go away to college, the costs run anywhere from $2,000 to $4,500 a year. When I got out of the service after World War 2, we only got $65 a month, half of the present allotment, but tuition was one-third of what it is today."

There is a move in Congress, Kluger notes, to raise the allotment, but he said that President Nixon has indicated he will not sign the bills passed by the Senate and House. The Senate's bill calls for a 40 per cent increase in the educational allotment; the House has passed a 27 per cent increase; President Nixon has indicated he will veto any figure above 13 per cent.

Kluger is equally critical about the government's economy move that has cut down on graveside maintenance and honor guard ceremonies at national cemeteries. "I think it's a disgrace," he says, "to visit Pinelawn National Cemetery these days and find that it is cluttered with beer cans and refuse. I understand Washington has simply cut down on expenses necessary to keep the grounds tidy. There ought to be some dignity attached to a man who has died for his country or fought for it."

But it is the living veteran who occupies most of the attention of Kluger and his 17-man staff in offices at 320 Old Country Road, Mineola. In the six years that Kluger has been on the job, cases handled by his agency have doubled to the point that last year more than 40,000 "contacts" were processed. These would include any problem affecting a veteran or his family: pension and disability requests, aid in seeking employment and young men seeking an education.

About a third of the increase Kluger attributes to the Vietnam war. The rest reflects the county's increase in population and the problems brought on by old age and death for veterans of World War I.

Many of the younger veterans have little idea of how the Veterans Service Agency can help them, Kluger tells of a 22-year-old discharged Marine who came into the office recently and made it clear he didn't want any handouts. What, then, did he want? The boy said he was broke and thought maybe he could get a loan. He couldn't, but before he left, Kluger had put the wheels in motion to get him a $44 a month disability pension for life.

"He didn't even know his two Purple Hearts rated that," Kluger said.

Sometimes the director's work takes on investigative chores worthy of a detective. "We had a young veteran's widow in here, who was really hurting to make ends meet. She had three children. Her 40-year-old husband had died of a heart attack. If I could prove it was in any way service-connected, I could get her a sizable pension. Sure enough we found out by looking through his records, he had had a mild attack in the service when he was 19. We were able to get her a 30 per cent disability pension for life and the children will get educational benefits."

The phone rang. Kluger answered it, listened and said, "We'll get it." The request had been for six blood donors for a veteran's wife. At 320 Old Country Road, they care about veterans.

PREVENTIVE DETENTION

HON. RICHARD L. ROUDEBUSH

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 9, 1970

Mr. ROUDEBUSH. Mr. Speaker, in recent years at least three crime commissions have recommended the enactment of legislation for pretrial detention in the District of Columbia. A provision to implement these recommendations is included in the omnibus crime bill reported by the District Committee on Monday. The need for this provision is urgent, and I join with many others in the House in supporting its passage.

The policy questions raised by this legislation are of special importance to residents of the District. The crime bill authorizes courts in the District to consider a defendant's potential danger to the community in setting conditions of pretrial release. Further, if the court determines in an adversary hearing not only that there is a "substantial probability" that the defendant has committed a violent crime but also that "there is no condition or combination of conditions of release that will reasonably assure the safety of the community," the defendant may be detained. The time limit on this pretrial custody is 60 days.

This legislation is needed because the Bail Reform Act, which applies to every criminal offense in the District of Columbia, presently forbids courts to consider danger to the community in setting conditions for noncapital offenders. If there was ever any doubt about this, it was laid to rest last April in the case of *United States* v. *Leathers*, 412 F. 2d 169 (D.C. Cir. 1969). In Leathers, the Court of Appeals said:

> The Bail Reform Act specifies mandatorily that conditions of pretrial release be set for defendants accused of noncapital offenses. When imposing these conditions, the sole concern of the judicial officer charged with this duty is in establishing the minimal conditions which will "reasonably assure the appearance of the person for trial. . . ." The structure of the Act and its legislation history make it clear that in noncapital cases pretrial detention cannot be premised upon an assessment of danger to the public could the accused be released.

Pretrial release is highly desirable in most cases not only because it secures the liberty of a defendant before trial—a defendant who may not be convicted—but also because it eliminates the expense of unnecessary custody. There is no question but that Congress should continue to support pretrial release as the general rule.

There are, however, some cases in which mandatory pretrial release amounts to a reckless disregard of the public safety. This is why the law must be changed.

Noncapital offenses in the District of Columbia include such serious crimes as forcible rape, arson, kidnaping, armed robbery, burglary, bank robbery, mayhem, assault with intent to kill, manslaughter, and second-degree murder. It does not take much imagination to see that some of the men who perpetrate these crimes pose a clear and present danger to the public during the period of their pretrial release. Unfortunately, some of these people have nothing to do but make trouble.

Today, a defendant charged with any one of these serious offenses is entitled to pretrial release as a matter of law. The only possible exception is a defendant who is virtually certain to attempt escape. According to the language of the act, a defendant could be charged with any or all of these noncapital offenses—with second-degree murder, kidnaping, rape, armed robbery—and still be entitled to pretrial release. Under the Bail Reform Act, no significance whatever is attached to a defendant's propensities or viciousness. Courts are required to ignore the probability of future crimes.

A law so callously indifferent to the welare of the public demands the urgent attention of Congress.

Let me illustrate the absurdity of this law.

Several years ago, police in New York City arrested a man who was strongly suspected of committing more than 750 burglaries over a period of 2 years. At the time of his arrest, the man was carrying burglary tools and a stolen coat. In addition, the man fit perectly the description of a person who had pawned thousands of dollars of stolen property in the city. If this same defendant were arrested in the District of Columbia, he would be entitled to pretrial release as a matter of law simply by saying to the court, "I am not guilty."

A professional burglar regardless of his criminal credentials, regardless of his past record, is entitled to release as a matter of statutory law. All he has to do is to refuse to admit guilt.

More incredible is the fact that if a man like this, suspected of 750 burglaries, is released prior to trial, commits a new crime, and is caught in the act—he is still entitled to pretrial release, under the statute. He can be caught redhanded and he still goes free.

Prof. Herman Goldstein, of the University of Wisconsin Law School, cites a series of incidents involving a gentleman named Anthony Massari in Chicago:

> Massari was released from the Illinois State Penitentiary upon completion of a three-year term for burglary and armed robbery in 1961. On July 8, 1963, Massari was apprehended in the act of committing a burglary. He was indicted and released on bail totaling $7,500. On August 24, 1963, while free on bail, the subject was apprehended in the commission of a second burglary and was found to have in his possession the proceeds of still another burglary committed earlier in the day. He was indicted on two counts of burglary and released on $4,500 bail. The subject was again arrested on November 18, 1963, when he was found to be in possession of a loaded firearm and burglary tools. On January 16, 1964, he was arrested in the act of committing a burglary and found to have the proceeds of two other burglaries in his possession. He was indicted the following day and released on $15,000 bail, only to be again arrested on the same afternoon while committing still another burglary for which he was indicted and bail set at $5,000. Subsequently, he was arrested on February 8, 1964, with release on bail set at $10,000; again on February 21, 1964, with release on bail of $5,000; and again on March 5, 1964, when bail was set at $5,000.

On April 24, 1964, when Massari went to trial, he had been arrested nine times in the

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period from July 8, 1963, to March 5, 1964, indicted on ten counts and was free on $48,500 in bail. He entered a guilty plea to the 10 indictments and was sentenced to from five to 15 years in the penitentiary on each count—the sentences to run concurrently.

Not only would Massari have been released again and again in Washington, he would theoretically have been released without bond unless there was evidence that money bond was essential to secure his presence at trial.

The incidence of burglary is far too great in the District of Columbia for Congress to sit back and allow—even command—that people like Massari be released again and again and again.

But there is an even more serious deficiency in the law. The Bail Reform Act permits not only recidivism but violent recidivism. When we talk about armed robbery and rape, we are talking about violent crime. We are talking about criminals who pose a serious threat to the public.

Take the case of a defendant who is apprehended in the midst of an armed robbery—at a supermarket or a dairy store or a bank. Before he is arrested, he may trade shots with police. After he is arrested, he may prove to be a narcotics addict who is hooked on heroin. This man must steal to support his habit. He must commit crime to survive. And he may be reckless, dangerous, and violent. But all this is irrelevant under the present law, which mandates such a defendant's pretrial release.

Judge Tim Murphy of the court of general sessions was talking about this very problem last year when he told a Senate committee that:

> Many cases come before the court in which from the outset there is not a shadow of a doubt about the defendant's guilt. Many of these cases involve dangerous persons whom the judge knows to a moral certainty will repeat their criminal activity if released. Yet under the Bail Reform Act he must release these people to prey on the community. My immediate examples are the holdup man who is in on one, two, three or four gun point holdup charges, and, of course, your narcotic addicts, who because of their illness must commit a crime to support a habit.

These repeated crimes can lead to great tragedy. In Baltimore a few years back, a man named James Larry Bandy was charged with burglary, possession of a deadly weapon, and possession of narcotics. He was released on $5,000 bond. Shortly thereafter, he attempted to rob a Hot Shoppe Cafeteria. When Patrolman Charles W. Zeller intervened, Bandy shot him in the head, a bullet lodging in the officer's brain. Although the officer lived, surgeons were unable to remove the bullet. I insert two articles related to the case of James Larry Bandy:

[From the Baltimore News-American, Mar. 17, 1964]

ZELLER CASE SUSPECT PRESENTED

The Grand Jury today accused James Larry Bandy, 28, of the 1900 block N. Charles St. of assault with intent to murder a Baltimore policeman and attempted robbery with a deadly weapon.

Presentments alleged Bandy shot Patrolman Charles W. Zeller, a 38-year-old homicide detective, who attempted to break up an attempted holdup of a cafeteria in the 4500 block Edmondson Ave. last Jan. 8.

Bandy was returned from Long Beach, Calif., last week on charges of burglary, possession of a deadly weapon, and possession of narcotics, separate cases still pending in Baltimore County and Baltimore city courts.

State's Attorney William J. O'Donnell said the fare of one Baltimore detective to California was paid by his office because of the deadly weapon charge against Bandy in the city. The bail bondsman, H. Andy Oberfeld, paid the fare of the other detective from the Fugitive Squad.

Deputy State's Attorney, Charles E. Moylan, Jr., said that he would recommend that a total of $80,000 bail be set for Bandy, $50,000 on the charge of shooting Patrolman Zeller, and $30,000 on the attempted robbery accusation.

Mr. Moylan took Mrs. Nadine Engler, a cashier at the Hot Shoppe before the jurors. She was on duty when a holdup man attempted to rob her and then fled with Patrolman Zeller in pursuit. The fleeing bandit shot the officer in the head in front of the Upland Apartments in the 4500 block Manordene Rd., ending the chase.

Patrolman Zeller, still on sick leave, has made remarkable recovery despite the fact that he still carries the bullet in his brain, embedded in a "silent" area so near to vital centers that surgeons decided not to operate.

Lt. Anton Glover said that Bandy was wanted by Baltimore for bail jumping. He said that when officers reached the California city, they received information which led to Bandy's being placed in two police lineups in Baltimore over last weekend. After Bandy was identified in the lineups, one of which was viewed by Mrs. Zeller who was dining with her policeman husband when the holdup occurred, the Grand Jury presentment was arranged.

[From the Baltimore Sun, March 18, 1964]

BAIL JUMPER INDICTED IN ZELLER CASE

James Larry Bandy, 28-year-old bail jumper, was indicted by the grand jury yesterday on charges of attempted murder of Patrolman Charles W. Zeller and an attempt to rob a cafeteria last January 8.

Charles E. Moylan, Jr., deputy State's Attorney, said Bandy will be arraigned this morning before Judge Charles D. Harris in Criminal Court.

Bandy was taken into custody last week in Long Beach, Cal., during a traffic check, and it was learned then that he was wanted as a fugitive here for skipping $5,000 bail in connection with deadly weapon and barbiturate charges.

BAIL SET AT $80,000

New bail for the accused, who gave a local address in the 1900 block North Charles Street, was set at a total of $80,000 by William J. O'Donnell, State's Attorney.

Bandy is charged with attempting to murder Patrolman Zeller by shooting him in the head.

The police victim was shot while chasing a holdup man after the armed robbery try at the Hot Shoppe Cafeteria in the 4500 block Edmondson Avenue.

Patrolman Zeller, 38, was in critical condition for weeks. Doctors never removed the bullet and it remains lodged in his head.

A second indictment accuses Bandy of attempting to rob with a deadly weapon Mrs. Mildred N. Engler, cashier of the Edmondson Village eating place.

The indictments were returned by the grand jury after testimony was taken from Detective Lt. Anton Glover, Detective Sgt. Donald Sutton, and Sgt. Louis Brandt.

Mr. Speaker, what is truly shocking is that if someone like James Larry Bandy attempts to rob a cafeteria in the District of Columbia, and if he shoots a police officer in the head while trying to escape, the Bail Reform Act would require that he be given pretrial release. The Bail Reform Act would see to it that he was back on the streets, free to pursue his criminal activities.

The Congress of the United States cannot tolerate this irrational law any longer. The Bail Reform Act must be amended to take account of the dangerous defendant.

Washington, D.C., has become the Capital of fear, the Capital of terror, for thousands and thousands of our citizens. The Bail Reform Act is partly responsible.

This law must be changed to permit courts to consider a defendant's danger to the community. This is a duty we owe to the country.

FREEDOM'S CHALLENGE

HON. THOMAS P. O'NEILL, JR.

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 9, 1970

Mr. O'NEILL of Massachusetts. Mr. Speaker, each year the Veterans of Foreign Wars of the United States and its Ladies Auxiliary conducts a contest for students throughout the United States and U.S. territories. The winning speech for this year on "Freedom's Challenge" was written by Miss Jennie M. Veno, who resides in the Canal Zone. Her mother, a widow, is a legal resident of my congressional district.

Over 400,000 young students participated in this contest, competing for five scholarships, which are awarded to the top prizewinners.

I wish to draw the attention of my colleagues to Miss Veno's well-written and very perceptive essay. Miss Veno has as one of her major themes in this essay the idea that each man, every individual in this Nation, has a responsibility for seeing that democracy continues. This is something that should be stressed, and I commend her for discussing it. It is good to attempt to change things that are wrong, but at the same time, each American must practice democracy and just not talk about it.

Again, I commend this essay to my colleagues as an indication of the serious thought in which American students are engaged. It follows:

FREEDOM'S CHALLENGE

(By Jennie M. Veno, Curundu, C.Z.)

A Government by the people that strives for happiness, equality of rights, privileges and freedom, for the individual. This is Democracy and we are the people who are challenged to produce and maintain these ideals.

Some people seem to think that Democracy is faltering, maybe they just think it's old-fashioned and slow, but dreams don't come true over night. They also don't come true by sleeping. People who believe that Democracy is failing desire freedom, but what is Democracy if it does not mean freedom? They protest with riots, demonstrations, fighting and marching. People who do this can be compared to a spoiled child throwing a tantrum to get what he wants. These acts only help to destroy what we already have. Protesters say that they are attempting to secure freedom, yet they sometimes infringe upon the freedom of others. Instead of acting this way they should try to work out a set of standards, rules, or whatever it is they would like and to present them as civilized adults. They could propose reasonable possibilities of advancement that can be tossed around by all. That is the Democratic way.

There are certain ideals which our Democracy must preserve. Education is one of these. It determines the types of things a person can comprehend and enjoy. Every person has an equal opportunity to obtain the best form of education. We should take advantage of this convenience and we must maintain this opportunity for our children.

Our ideals of happiness and equality must also be saved. To do this we cannot allow people to become divided under any type of classification. When this happens one group is bound to feel deprived or superior, then conflicts arise. The freedom, well being and happiness of all concerned is then in danger. As we are all aware the racial problem is a split and must be sealed because it is threatening the ideals for which we are fighting.

It is up to us students, the future leaders, to continue this fight for freedom and not let it's progress be hindered by nationalism, imperialism, Communism or Fascism. We cannot let their voices become louder than our cry for a sound democracy that produces freedom.

In order to defend our freedom we must be willing to fight for it. We have to understand and believe in what we fight for. We must be patriotic and strong. We will have to uphold our self-esteem and America's great image in this modern world. It will be impossible to do so by turning our backs when some one threatens our way of life. We must be ready to defend any of our policies.

All through the ages mighty empires were created by people who were proud and had the desire to advance, to progress and they fought gratefully to obtain these.

Those of us who cannot have the privilege of fighting should do our part by keeping well informed in current events, by voting and writing to our Congressman or the President when we feel we should. We must keep our patriotic spirit alive by passing it on to our children and others, (by living every day as a model citizen, obeying laws, and having a genuine interest in the welfare of our Country). It is our duty to help obtain a secure freedom for ourselves and our children.

If we follow these steps, we will be meeting the challenge that our Democratic ideals present and we will also be setting an example for future generations to follow.

MILITARY CODE WILL NOT RECOGNIZE ITS OWN MISTAKES AND INJUSTICES

HON. RICHARD L. ROUDEBUSH

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 9, 1970

Mr. ROUDEBUSH. Mr. Speaker, one of America's true war heroes is now languishing in a naval stockade—the victim of our military system which is failing dismally to support fully our fighting men in Vietnam.

I refer, of course, to the celebrated and tragic case of Marine Lance Cpl. Denzil Allen, of Lebanon, Ind.

Denzil is a 22-year-old veteran of the Vietnam War where he was wounded and decorated.

Allen is receiving unjust treatment at the hands of the Nation which he so bravely and courageously represented on the battlefield.

While the shaggy draft dodgers cower in the traitors' dens of Canada and Sweden, men like Corporal Allen have fought and died against the Communist enemy in Southeast Asia.

Unless the American people are aroused, no doubt Corporal Allen will be in prison after the conflict has ended while the traitors in Canada and Sweden slink back to their affluent homeland for a chunk of the good life, unprosecuted and unmaligned.

I believe in all sincerity that Corporal Allen is the victim of a military code that will not recognize its own mistakes and injustices.

More than 70,000 residents of Indiana have petitioned President Nixon for the release of Corporal Allen. Countless resolutions have been passed, numerous meetings held, and the prayers of thousands of Americans have been offered for Allen.

Yet, he still is imprisoned.

Mr. Speaker, I wish to place in the RECORD a series of articles written by managing editor Owen P. Hansen, of the Lebanon, Ind., Reporter, who visited Corporal Allen in his prison cell and has prepared a fine résumé of the case.

I ask that every Member of Congress examine the circumstances of this case and join with me in insisting that Corporal Allen be free to enjoy the fruits and happiness of a land that he so ably and honorably represented.

The articles follow:

WHO CAN HELP DENZIL?

We are often asked here at The Reporter: "Who can do something for Denzil Allen?"

We believe most people are concerned with justice in the case but feel frustrated in any individual attempts to get anything done.

There was a time when it appeared politically popular to defend the young Lebanon Marine. At one juncture, at least two Indiana Congressmen, two Hoosier senators and three or four out-of-state solons were making noise in Allen's behalf.

At the present time, we know of only U.S. Congressman Richard L. Roudebush who seems genuinely sincere about following through in Allen's effort.

And, as much as we hate to think it may be the case, we fear that only our representatives and senators can eventually get the proper review of Allen's case that it deserves.

Elected officials from the President on down, we believe, have a false idea of the sentiment concerning Denzil Allen and those charged at My Lai. Too many of them, it seems, have the feeling that the American public is angered by what these men have done in combat situations. We feel differently. We believe the American public supports the Denzil Allens of the country and in fact those who were at My Lai.

For in both instances, conditions there were different than at the present. The Tet Offensive was underway and American troops were trained to trust no one. Hundreds of Americans were being killed weekly and the enemy Cong and the Vietnamese friend looked identical.

We sent American boys to Vietnam to defend this country and we taught them to kill. We believe the American public recognizes this and will bear the responsibility for their actions.

The concept to win has been built into all American men from the time they began playing marbles to the day they take the battlefield. The concept of war follows this same inate desire for it is there to kill or be killed, to win or lose, to defend a country or surrender it.

We believe the American public should make itself truly known regarding those we would punish. Only then will concerned Congressmen and Senators hear us.

Give us an Army of Denzil Allens as opposed to a league of bewiskered peace protesters when defending America and the war would have long ago ended.

Our country is treating Denzil Allen unjustly. And it is high time someone came to his aid.

DENZIL ALLEN SO ALONE IN CONFINEMENT

(By Owen P. Hansen)

(EDITOR'S NOTE—Reporter managing Editor Owen Hansen this week visited Denzil Allen, Lebanon Marine convicted of murder and sentenced to 20 years at the Naval Stockade in Portsmouth, New Hampshire. Here are his reactions:)

Yesterday's hero . . . and the war he braved,
Seems forgotten today . . . by those he saved.

U.S. NAVAL STOCKADE, PORTSMOUTH, N.H.

A remorseful yet reflective and learned yet lonely Denzil Allen met newsmen here Monday at an exclusive conference to discuss the Lebanon Marine's treatment and thoughts concerning alleged Vietnam atrocities.

"What happened with our platoon and what happened at My Lai are common practices . . . some of us just happen to get caught," Allen commented.

"When you are preparing for combat you are taught that the Vietnamese are gooks, and slant-eyes, and grunts, and goats . . . they are not human beings. And when you are conditioned to taking these lives, how are you going to know when to turn it off."

Allen has become quite philosophical during his 18 months confinement. He has requested to be housed in the block section which houses the cells for more privacy. "It's too noisy and there's too much yelling and fighting going on in the bays," he said.

Described as a model prisoner, Allen reads everything he can get his hands on while not working as a linotype operator in the prison print shop. "Descarte, Plato, Berkeley, Kant, I've gotten quite interested in philosophy," the good-looking, two-tour combat veteran recalled. "I know I can never get rich studying philosophy . . . if I could get out I'd just want to be left alone . . . I'm not interested in getting rich. I just want to learn, to absorb an education."

And Allen is getting an early start on the education. In addition to obtaining his high school diploma by correspondence, the 22-year-old confinee is taking an I.U. English course. He received his first paper back from IU last week having written on "Eating a Meal While Being Harassed In Boot Camp." His next paper will be on "Serving In a Combat Zone And The Absurdity Of War."

Allen is the last of the four convicted of killing five Vietnamese May 5–6 near Hue to be retained in prison. John B. Belknap was discharged two weeks ago and James Maushart and Anthony Liccardo went free last week.

Allen's attorney, George Martz, of Indianapolis, also present for the conference, contends that the other three were equally as guilty as Allen for the Hue slaying.

Allen pleaded guilty to premeditated murder and got a life sentence which was reduced to 20 years by agreement. Martz contends Allen had been ill-advised by his Marine attorney at the time. "Premeditation is built into war . . . it is built in during boot training to kill the enemy . . . that's the nature of war," Martz said. Martz has an appeal pending before the First U.S. Circuit Court of Appeals as well as pleas before the Marine Clemency Board and the Appeals Board.

So far, it has appeared to be a "pass the buck" type of legal lethargy which finds each court or board requiring one of the other two to take action before it will concern itself with the Allen case.

"The biggest mistake I've ever done is trying to do something for my country . . . the country doesn't appreciate it," Allen said when asked if he had regrets over what he had done.

The slim, 5'11'' 175 pound Boone native has always contended that he believed the Vietnamese he and his men slew and were convicted of were Viet Cong. He can recall explicit times and instances surrounding the killings.

Allen had put in 10 months of combat duty from 1956–66 and was once wounded. He was home until 1968 and was then told his company was ordered merely on a cruise to Hawaii. Once there, the group was off to its second term in Vietnam. The second tour came during the latter part of the Tet offensive when casualties were heavy. The day before Easter 13 of his platoon were killed and 17 injured when they walked into an ambush. Death was a frequent visitor to friends of Allen and by early May, only three men in Allen's original 5 man platoon were still fighting.

The night before the slayings, Allen found himself in charge of his platoon when his Sgt. for some reason didn't awake during a heavy assault by North Vietnamese troops. He called in an air assault immediately over his own men run back the NVA and save a vital crossing point which the enemy had hoped could be used for troop infiltration during a second Tet.

It was this setting that led up to what ultimately happened.

"I had no right to take another man's life . . . but I can't bring them back. Knowing what I know now, if I had my life to live over, I wouldn't go over there."

"When I was over there on my first tour, I had feelings for the Vietnamese people. I tried to bury one VC I found dead and got reprimanded for it . . . Little by little I changed and the second tour I hated them all."

Allen said he signed the guilty plea because he was scared. The defense counsel claimed that Allen asked to sign the pleading. Martz showed a letter Allen had written his mother the same night as he signed the document saying he was "not sure" he was doing the right thing and asking for advice here.

"Abolish the military all over the world. If I was advising a young man now who was about to go over there, I'd tell him to go to Canada before I'd advise him to fight."

Allen, it is evident, is becoming bitter. "I can take six more years in here mentally but physically, I'm not sure," he said appearing to be drained of desire.

Allen said he used to get letters. Only a few nowadays.

Allen said he had planned to marry a girl from South Bend while nearing his duty's end. She left him when he was confined.

A lonely ex-soldier walked back to his cell in the dismal and damp New Hampshire afternoon. He has no business there.

New Man Has Been Molded From Rigors of War, Pall of Prison

The Portsmouth Naval Stockade which Denzil Allen calls home, is located in the midst of a sprawling shipyard situated near the Maine-New Hampshire state boundaries.

No cameras are allowed at the fringe areas or on the grounds of the base because of the submarines which are serviced there.

And at the north end of the base is the three story white, cellblock section which identifies the prison compound. It is here Allen prefers to live rather than with others because of quietness.

Allen's schedule is simple.

He works at the base print shop from 9 a.m. to 11:30 a.m. and from 1:30 p.m. to 3:30 p.m. Monday through Friday. "We used to have enough to keep us busy all of the time but now we only have about a half day's work," Allen said. He learned to be a linotype operator while in confinement.

Allen looks physically fit and says he can't complain about the treatment. He seems liked by those around him. "We get enough to eat . . . beef three times a week . . . I can't complain."

Complaining is one thing Allen is not experienced in. In recalling incidents of his combat and of the death of the victims in his group's massacre, Allen is careful not to place blame on anyone other than himself nor will he mention names of others.

Prison routine: Sunday afternoon, Monday and Tuesday evenings there are movies . . . Wednesday and Saturday evenings are gym call for the 670 inmates and on Thursday and Friday evenings, good behavior permits watching television.

Little really interests Allen except reading. He says he reads newspapers sparingly because so much of them are localized. His favorite reading material next to his philosophy books are the weekly Time magazines he gets. "They do a good job of interpreting the events of the world and nation," Allen said.

But despite the fact that guards at the stockade seem friendly and conditions are tolerable, freedom is lost.

Each article sent to the Lebanon Marine must conform to authorized items or they won't be delivered to him. Last week, his mother, Mrs. Earl Allen, of Lebanon, sent a cartridge for his pen. They sent back the entire package and gave no reason. She returned it and they again would not make delivery. She is still perplexed as to what she might have done wrong.

His visitors have been few in the 18 months he has been at Portsmouth. His sister and brother and attorney have visited him there and his mother and father have been with him during a court hearing. Jack Shepherd, writer for Look Magazine, was also a special guest of Denzil's in May of 1969.

Allen's attitudes have changed drastically, spawned to a degree by loneliness and confinement. He says he has no desire to get married and wants no part of having any children. "The world has too many people in it without me adding to the problem," he commented.

So, while Allen in his 22 years of life has had little real time of his own, prison has provided him with more of an understanding of himself than he had as a youngster.

Leaving home after quitting junior high school, Allen has known only the regimentation of boot training, months of combat, and now confinement for what he felt was a career he wanted—to be a U.S. Marine.

You Just Can't Seem To Trust Anyone—Evidence Strong War Warps Minds

"Every individual has his own threshold at which point he loses control . . . hunger, lack of sleep, or a number of days of continual combat may lower the threshold."—Dr. Joyce Brothers.

There is strong evidence that Denzil Allen, a 20-year-old Lebanon Marine did not know right from wrong on May 5–6, 1968 when five Vietnamese were slain near Hue.

And this is the point which appeared to be overlooked when the good-looking Marine was encouraged to plead guilty to a count of premeditated murder in connection with their deaths.

Allen entered the plea upon advice from Capt. Sandy McMath, a court-appointed Marine Captain who had never before tried a murder case as either a Marine or civilian. Allen's civilian attorney, George Martz, of Indianapolis, has termed McMath's defense of Allen a fraud on the court and inexcusable.

Because of Allen's plea, he is destined to spend the next six years at confinement in the Portsmouth, NH stockade. Allen would then be 28 years old—he went into service as a volunteer at 17.

Since it was a week after the Vietnamese were slain that Allen was charged, no immediate psychiatric examination was conducted. And then Martz charged that Capt. McMath failed to have anyone at all examine the accused for possible mental disorders before pleading him guilty.

Although in retrospect, Martz twice has had Allen examined.

Dr. Robert Steavenson, of Columbus, Ohio, a 21 year veteran in the field concluded that Allen was "suffering a major mental illness at the time and was unable to distinguish right from wrong."

Dr. Louis Nie, of Indianapolis, 26 years in psychiatry and 21 years board certified, concluded that he could not definitely find a major mental illness but it seems probable that "hunger, anxiety, fear, and anger, had robbed him of his ability to distinguish between right and wrong and unable to adhere to what is considered right."

Allen's apparent break-down is not isolated from the incidents at My Lai now under investigation. The condition of the war at that time must first be brought into focus. Fighting was heavy. Casualties in 1968 had been high to the Americans. Every stranger was under suspect.

Dr. Robert J. Lifton, psychiatrist and professor of the Yale School of Medicine puts it this way: " . . . you must realize that many of these men had witnessed the death of buddies. That is a profound experience for any fighting man and something they feel directly. It automatically renders each of these men a kind of survivor. And the survivor has a special kind of psychology in which he finds some meaning in the death he has witnessed especially the death of a buddy. He seems guilty having survived while the other man died," he said when writing on the My Lai incident.

Is this type of behavior limited only to a few such as the Denzil Allens or the men who allegedly took part in the My Lai massacre?

"I think everything we know of human behavior shows that under extreme situations a large number of people are capable of this same behavior. So it doesn't reflect a lack of moral fiber or a moral inferiority of any kind but rather an impossible situation. And with the enormous stresses, anyone would be capable of this behavior, Dr. Lifton said.

Allen recalls that there was a great deal of difference between his first and second tour of duty in Vietnam. During the first the enemy was easily turned back and there was mostly light contact. "The second time was a lot different. They would stay and fight you just as long as you would . . . even longer."

Allen believes many of his enemy were high on dope or narcotics. He recalled some running at him with no apparent fear of death . . . "they would just keep coming no matter how many times you would hit them.

"One of the most frustrating things about the war is that you never know who the enemy is," a reflecting Allen commented. "You just can't seem to trust anyone."

What of Allen now? Could he adjust to normal civilian life if dismissed?

"Naturally," his attorney responded. He is much more stable than most of us. Who could have lived what he has gone through without breaking sooner than he did.

But, how long can this confinement and

resentment build up in a young man who is wasting away the best years of his life? is the question asked by those who know him.

How much must one individual endure?

THREE IRONS IN LEGAL FIRES—BUT FREEDOM FOR DENZIL ALLEN SLOW

What's ahead for Denzil Allen?

Facing a 20 year sentence imposed for the slaying of five Vietnamese, which Allen still regards as Viet Cong, the young Lebanon Marine can look forward only to a release after a minimum of eight years behind bars.

The only hope he and his family have is the efforts of his attorney and public sentiment.

Allen's attorney, George Martz, Indianapolis, is hopeful that either the civilian courts or the military review tribunal will give careful thought to his clients actions leading up to the incident May 5–6 at Hue or the allegedly faulty defense which followed in the case.

"Some type of organized effort with responsible leadership could help us immensely," Martz said. "We need a pressure group which can keep the issue alive."

Martz, who has made 11 trips to Portsmouth in the past eighteen months, has at least three irons in the fire. Martz hope first rests with the Court of Military Appeals which could grant a review of the case. There is a petition on file with this court claiming Allen's defense was faulty and that a fraud was committed in not allowing the young Marine a psychiatric examination before he was counseled to plead guilty to the charge.

Second, the First Circuit Court of Appeals has before it a petition for a writ of Habeas Corpus which asks that a civilian body look into the sentence. This court has refused to act earlier until the military remedies have been exhausted.

And thirdly, the Clemency Board of the U.S. Navy has been asked to review the case which could act if the Board of Clemency refuses.

Should the U.S. Court of Appeals refuse to consider the case, Martz says the door then would be open to see whether the U.S. Supreme Court will grant a hearing.

"It's a slow process and sometimes we get the feeling that there must be a quicker way," Martz said.

The secretary of the Navy won't intercede until others have reviewed the case and President Nixon, who was shown petitions bearing the names of 50,000 Hoosiers has declined to get into the matter until other avenues have been exhausted.

But, despite the delays, there seems evidence that the American public is aware of the imprisonment of the 22-year old combat veteran. "There isn't a day goes by that someone—a cab driver or a man on the street—doesn't ask me what's being done for Denzil," Martz says. The Indianapolis attorney believes the majority of the people—those called the silent majority—support American forces and what they do in a war called the most bizzare in the country's history.

Faith in the courts has not waned for the parents of Allen, Mr. and Mrs. Earl Allen, of Lebanon, who write to their son regularly. They are the only ones who can receive mail from Denzil although anyone may write to him by addressing their correspondence to Denzil Allen, 7462, Building 93, Naval Activities, Portsmouth, N.H. 03801. "We believe it would do much to cheer him up . . . to let him know that someone is thinking of him," Mrs Allen said.

Allen himself has his doubts.

When his attorney left him this week saying, "I'll see you again as soon as I can get back," Allen responded: "Don't worry . . . I'll be here."

SENATE—*Tuesday, March 10, 1970*

The Senate met at 10 o'clock a.m. and was called to order by Hon. JAMES B. ALLEN, a Senator from the State of Alabama.

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O God, our Father, without whose help we can do nothing great or good, help us so to live that we may bring help to others, credit to ourselves and to the Nation we serve.

Help us to be patient with those who are slow to learn and slow to understand. Give us a good disposition Lord, that in all our difficulties we may be part of the solution and not part of the problem. As we strive to follow Thee, wilt Thou follow us with Thy goodness and mercy that we may abide in Thy love eternally. For Thy name's sake. Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will read a communication to the Senate.

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., March 10, 1970.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. JAMES B. ALLEN, a Senator from the State of Alabama, to perform the duties of the Chair during my absence,

RICHARD B. RUSSELL,
President pro tempore.

Mr. ALLEN thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Monday, March 9, 1970, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. I ask unanimous consent that statements in relation to the transaction of morning business be limited to 3 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT UNTIL 10 O'CLOCK TOMORROW MORNING

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, when the Senate completes its business today, it stand in adjournment until 10 o'clock tomorrow morning.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(Subsequently, this order was modified to provide for an adjournment until 9:30 a.m. tomorrow.)

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

DEFENSE CONTRACTS AND LOCKHEED AIRCRAFT CORP.

Mr. PROXMIRE. Mr. President, by letter of March 2, 1970, Lockheed Aircraft Corp. informed Deputy Secretary of Defense David Packard that unless there was a quick resolution between Lockheed and the Department on a variety of differences between them amounting to $600 million, it would be "financially impossible for Lockheed to complete performance of these programs."

The company stated that for it to complete the delivery of 81 C–5A aircraft during 1971 and 1972, "an additional $435 to $500 million will be required to cover production expenditures."

This is a shocking and scandalous situation. But it is not the final event in a series of shocking and scandalous events which have shattered public confidence in defense contracting and in the military procurement system.

I rise to warn the Congress and the public that the Air Force and Department of Defense may once again take action which is not in the public interest. That they have done so in the past is attested to by a myriad of actions. Their unwise and improper actions include signing a bad contract, withholding information, providing misleading and erroneous data, and firing A. E. Fitzgerald, to name only a few.

The possible alternative answers to the Lockheed plea for a bailout proposed by Secretary Packard on behalf of the Pentagon, gives very little confidence that either the taxpayers' interest or the security of the country will be served.

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All of the proposed actions by Secretary Packard leave much to be desired. He proposed as one course that the issues between the company and the Pentagon be resolved by "established procedures." He gave two possibilities under that course of action.

One was the use of "V" loans. That means essentially that the Government would be a cosigner with Lockheed of a note to the banks. If Lockheed goes under or continues to meet further financial difficulties—which one can confidently predict—Uncle Sam foots the bill.

This is a particularly inadequate solution as the company has a net worth of only $300 to $400 million, already is in deep trouble over its commercial "air bus," and has a $400 million line of credit from a consortium of banks for the commercial side of its business. That means that prior creditors appear to have claims on the company in excess of its net worth.

A "V" loan for $600 million, or a large portion of $600 million, hardly protects the public interest. All that really means is that if Lockheed goes under, the Government holds the bag.

The second possible action under "established procedures" was that the national defense contracts provision of title 50, chapter 29 of the United States Code, be invoked. All that section does is to give the Defense Department the right to enter into or amend or modify contracts in virtually any way it wants to provided only that the action would "facilitate the national defense."

That method, listed as a possibility by Secretary Packard would merely legalize a bailout for Lockheed by advancing them the funds or amending or modifying the contract in a way which would otherwise not be allowed. It would merely legalize the bailout.

Secretary Packard also suggested that the Government might "negotiate an overall settlement with the company." Since the problem Lockheed faces is the vast difference of opinion between Lockheed and the Government over what Lockheed should be paid, it would be impossible to "negotiate" a settlement in which Lockheed's financial problems were solved without the Government ending up as the big loser. How could the Department of Defense "negotiate" a settlement without losing much, if not all, of the $600 million in dispute.

These are the only methods proposed by Secretary Packard. It would be difficult if not impossible, to carry out any one of them and yet protect the public interest. He dismisses other possibilities, including the reorganization of the company, merger possibilities, and bankruptcy proceedings. He states that they do not "appear to offer very attractive solutions to the problem, either from the standpoint of the Government or of the company."

Why is the Secretary proposing those alternatives? Mr. Packard admits that on the biggest single item, the C-5A costs have grown astronomically. Not including spares, the Secretary stated in his testimony that 115 C-5A's—excluding five research models—were to have cost $1.9 billion. That grew to $3.2 billion for the same 115 planes. Now, 81 planes are to cost almost $3.2 billion, excluding spares, and excluding the five research and development planes.

The Government, however, claims that it owes the company only $2.5 billion.

But where do we stand? The Government has already paid out $2.04 billion. Only 11 planes have been delivered. Only 26 more are in the final stages of assembly and are scheduled to be delivered before the end of July 1970. But that is a total of only 37 planes. And by then another large sum of money will have been eaten up.

This means that in July we will have only 37 of the 81 planes but will have paid out almost the entire $2.5 billion which the Government claims is the maximum amount it owes to Lockheed for 81 planes.

Thus, after having paid Lockheed everything we owe them on the C-5A contract, we will have less than half the planes contracted for.

Last September in the Senate, I warned that if we approved the $500 million in that bill as a downpayment on the fourth squadron of the C-5A, the company would be back again asking for $500 million more after the end of the year for the C-5A. The year has ended. That has now happened.

I want to warn now, that if another $435 to $500 million is advanced to the company for the C-5A, they will be back again for additional funds to complete the 81 planes. Even the $500 million the company asks for cannot provide 81 planes.

This plane is built in a Government-owned plant. Much of the machinery is owned by the Government. The Government has made progress payments of 90 percent of the "costs incurred," or according to the General Accounting Office's informal report to me, $2.04 billion of $2.27 billion of the costs incurred through March 6, 1970. Yet we have only 11 planes with 26 more in the pipeline.

In these circumstances, it appears impossible that the courses of action proposed by Secretary Packard could serve the public interest.

I think it is vital that no agreement be made by the Pentagon with the company for the outlay of another $600 million without the express legislative approval of the Congress. We should not be faced with a fait accompli. This should not be done behind closed doors between the Pentagon and the company. But we need more imaginative possible solutions than those proposed yesterday in Secretary Packard's testimony if the public interest in the investment in this company is to be served.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SENATE RESOLUTION 367—SUBMISSION OF A RESOLUTION TO EXPRESS THE SENSE OF THE SENATE RELATIVE TO SANCTIONS AGAINST RHODESIA

Mr. EASTLAND. Mr. President, yesterday the Secretary of State announced that the consulate in Salisbury, Rhodesia, will be closed on March 17. This decision will unquestionably be recorded as one of the most colossal and stupid follies of this administration. Not only does this decision represent a significant step backward in the effort to bring the rule of reason and law into our foreign policy, but it is absolutely preposterous in the context of international law. Rhodesia has clearly achieved sovereign status and its recent declaration of a republic, which apparently has unduly upset the State Department, was only the outward manifestation of a preexisting fact. Yet, even in light of indisputable evidence, which I shall later outline in detail, that Rhodesia has achieved sovereign status, we continue to insist that Great Britain is the lawful sovereign in Rhodesia. This position reflects our continuing unwillingness to abide by the principles of reason and international law in this situation. Rather we blindly follow the emotional dictates of African politics and ignore our own best interest. This type of foreign policy, Mr. President, is unquestionably stupid.

The irony of the decision to close the consulate in Rhodesia is that it was made in London and not at home. Once again we are dancing to the tune of Whitehall's Pied Piper in a game of follow the leader diplomacy. The time has now come to stop this blind adherence to the bidding of Great Britain, who has continually defied the best interests of the United States by trading with Cuba, maintaining a consulate in Hanoi, and according full and complete diplomatic honors to Communist China. We must put our own interests first.

We are courting disaster, Mr. President, when we let tiny African nations, through London, dictate our decisions. Our State Department has never been independent of British policymaking and it is now time to quit being the tail on Britain's kite. The record is abundantly clear that Rhodesia has achieved its sovereignty and that our own interests can only be protected by recognizing and establishing a business-as-usual relationship with Rhodesia.

The significance of Rhodesia's struggle and our own part in this historical conflict gained a new perspective when on November 11, 1969, Rhodesia marked the fourth year since its people declared themselves free and independent of the symbolic rule of the once mighty British Empire. In a document remarkably similar to that issued by the American colonists in 1776, the people of Rhodesia claimed their right to determine their own destiny unhindered by a foreign power. The Rhodesian people have exercised this right and for the past 4 years have prospered, even in the face of economic sanctions imposed by the United Nations. In fact, Mr. President, after deducting a 2½-percent inflation factor, the Rhodesian gross national product for

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this fiscal year is forecast to show an increase of 10 percent. The Salisbury stock exchange index has risen from 171.3 in October 1965 to a high of 434.2 attained in May 1969, and the record high number of visitors in 1968 showed a 17-percent increase in 1969.

Yet, Mr. President, in spite of the fact that Rhodesia has grown and prospered over the past 4 years and established effective and continuous control over its legal territory, the United States continues in its stubborn adherence to the United Nations imposed sanctions and as exemplified in its action yesterday, it unrealistically continues to refuse to recognize the existence of the Government of Rhodesia. This unrealistic approach in handling our foreign affairs is a self-defeating policy which has worked to the advantage of our enemies and to the detriment of our own interests. I submit, Mr. President, that the time has come for us to lay aside the myths and fictions surrounding the United Nations imposed moral and political condemnation of Rhodesia and adopt an enlightened position of full recognition of this tiny country which bears us no ill.

Mr. President, on September 25, 1969, the Senate passed Senate Resolution 205, which was submitted by the distinguished junior Senator from California (Mr. CRANSTON) and the senior Senator from Vermont (Mr. AIKEN). This resolution declares:

> That it is the sense of the Senate that when the United States recognizes a foreign government and exchanges diplomatic representatives with it, this does not of itself imply that the United States approves of the form, ideology, or policy of that foreign government.

Upon introducing this resolution, Senator CRANSTON made a number of pertinent comments concerning our present recognition policies. He pointed out that:

> The evidence is overwhelming that our present policy of withholding recognition from governments of which we disapprove, and with whom our relations are particularly hostile, has failed totally to advance our values or to achieve any other of its most significant intended purposes.

Senator CRANSTON, in calling for a return to our traditional liberal recognition polices very eloquently emphasized a number of valid points parallel to those which have long been a part of the dialogue of supporters of Rhodesian recognition. He said:

> In our diplomatic relations, we have become all too prone to take self-righteous and moralistic positions unrelated to the realities of power in the world . . . and as we have grown to be an enormous world power, we have become increasingly tempted to impose our moralistic views on our neighbors although our international responsibilities and our own security requirements do not really necessitate our acting as sheriff or ideological censor.

In calling for a more sensible basis to our recognition policy through a return to America's original recognition doctrine, Senator CRANSTON noted:

> We are by nature an idealitsic people, and this is all to the good. We cannot lose sight of the fact, however, that we are just one member of the world community, with finite resources. We cannot right all the injustice in the world. We cannot persist in our self-appointed role as the moral arbiter of other governments, a posture that puts us in the position of trespassing upon the sovereignty of other nations.

Thus, Senator CRANSTON said at the time of final passage of Senate Resolution 205:

> It is the withholding of recognition accompanied by statements stating that we do not recognize because the nation is deemed to be evil that substantiates the case that caused Senator Aiken and me to introduce the resolution.

Mr. President, these statements by my distinguished colleague, Senator CRANSTON, are applicable to the controversy over the recognition of Rhodesia. They reflect a rational solution to a problem surrounded by irrational words and deeds. Even the New York Times editorially endorsed Senator CRANSTON's position when on June 4, 1969, it stated:

> Traditionally, moral judgments of a government's worth have not been criteria for recognition in American and international practice. It was enough that a government had established itself, controlled its territory, enjoyed the support or acquiescence of its population and had prospects of permanency.
>
> But during this century, the United States Government and some others have broken with traditional practice from time to time, withholding recognition on moral grounds in an attempt to bring political pressure to bear on governments of which they disapprove. Such attempts almost invariably fail to achieve meaningful results.
>
> A Senate Resolution disavowing the approval doctrine could help eliminate some embarrassing contradictions in American diplomatic relations. . . .

Mr. President, I submit that the time has come for the Government of the United States to recognize the Government of Rhodesia. There is no justification for the position which our Government has taken in this matter and the sooner we recognize this small, friendly, pro-Western government, the closer we will be to returning to a sound, rational policy governing our foreign relations.

Even if our Government continues to refuse to recognize the Government of Rhodesia, there is precedent for the recognition based on the length of existence alone. As Senator CRANSTON said in introducing Senate Resolution 205:

> Over a rather predictable course of time, we generally recognize new governments if they last—not because of what they have done, but often in spite of what that (sic) have done, and our non-recognition policy, generally, has no effect on whether or not they last, nor on what they do or do not do.

Mr. President, surely 4 years of existence and progress under circumstances far more difficult than those faced by most other new countries, entitles Rhodesia to recognition by the United States.

Finally, Mr. President, the words of the distinguished Senator from Rhode Island (Mr. PELL), in endorsing the Cranston resolution and position, express a principle squarely in concurrence with the argument for recognizing Rhodesia. Senator PELL said:

> At this time, I am convinced that it is in our national self-interest to return to our original concept of recognition, and to recognize that when a government controls its people, and is in *de facto* control, it ought to receive *de jure* recognition. This applies to rightwing governments as well as to left-wing governments. . . . With any government in the world, whether we disapprove of it because it is too far to the right or the left for our tastes, we are better off having direct relations and open lines of communications.

Senator PELL further added:

> To my mind, the policy that we as a nation have followed in the past has been one, very often, of cutting off our nose to spite our face.

Time, Mr. President, as well as the rule of reason, dictate that our Government recognize the existence of the Government in Rhodesia and refrain from participating in the disastrous sanctions imposed by the United Nations. To do less is to deny our own self-interest as well as to put us in the position of trespassing on the sovereign rights of another state.

I have on many occasions in the past, Mr. President, pointed out to the American people, as well as to the Members of this distinguished body, the dangers and hypocrisy of the position which the United States has taken on the Rhodesian question in the United Nations. I have noted that our policy toward Rhodesia is inconsistent with our policy toward the rest of Africa and the Communist world. I have speculated that the continuing adherence to the United Nations' position on Rhodesia would be economically and militarily unsound for the United States and finally, Mr. President, I have pointed out that the executive branch, in applying economic sanctions and reprisals against Rhodesia, has actually violated the Constitution of the United States.

But not only has the United States violated its own laws in applying sanctions against Rhodesia, Mr. President, the United Nations itself has shown no desire to adhere to the principles of international law which are allegedly the guiding doctrines of this world body and are embodied in its own charter. By administrative interpretation and sheer avoidance, the United Nations has distorted the principles of international law which it purports to uphold.

Mr. President, I have researched this matter and have found no less than six blatant examples of how the United Nations has violated its own charter in applying sanctions against Southern Rhodesia.

Article 2 of the Charter of the United Nations sets out a number of principles upon which the United Nations is supposedly founded. Section 1 of article 2, Mr. President, states that the organization is based on the principle of the sovereign equality of all its members. The fact that a country such as Rhodesia is not a member of the United Nations does not mean that it lacks sovereign equality with all the other nations of the world. International law has long been dependent on the principle of sovereignty as a basis for ordering the relationships among nations. To decree that nonmembers of the United Nations have a status less than sovereign equality is, prima facie, a violation of the principles of international law as embodied in the Charter of the United Nations. Section 4 of article 2, Mr. President, points out

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that all members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state. It is obvious, Mr. President, that Great Britain violated this provision of the charter before it ever brought the situation to the United Nations. Great Britain, did, in fact, bring force, short of war, against the territorial integrity and political independence of Rhodesia. Upon failing to bring down the government of Mr. Ian Smith, Great Britain then turned to the United Nations to handle a situation which it could no longer control. Further, Mr. President, the Organization of African Unity, comprised of states which are members of the United Nations, is openly supporting, training and equipping guerrillas and terrorists who are presently involved in armed attacks against Rhodesia.

Article 2, section 7, of the United Nations Charter, Mr. President, is the most blatant example of how the United Nations has violated its own charter. This section says:

> Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state or shall require the members to submit such matters to settlement under the present Charter; but this principle shall not prejudice the application of enforcement measures under Chapter 7.

I am aware, Mr. President, that many of those who support the United Nations' Rhodesian sanctions try to give a narrow definition of the term "state" as found in article 2, section 7. These people claim that because other countries fail to recognize the Government of Rhodesia, it is thus not a state. But what these people fail to recognize is that the rebellious regime of Mr. George Washington, and others, in 1776, was only recognized by one country, France. And yet, there is no question in these people's minds that the United States had, in fact, achieved the status of a state at the time it declared its independence. The history of Rhodesia closely parallels the history of our own country and our breakaway from the British Commonwealth. Just as in our country in 1776, there is a stable government in Rhodesia today which is elected according to the established laws of the country and is capable of entering into relations with other states; and there are definite boundaries and permanent populations which owe allegiance to that government and over which the government exercises effective control.

The necessary qualifications which a state must possess in order to be considered as a state were outlined in the 1933 Montevideo Convention of Rights and Duties of States. Article 1 of that convention says:

> The State is a person of international law should possess the following qualifications: (a) a permanent population (b) a defined territory (c) government and (d) capacity to enter into relations with other states.

Rhodesia, Mr. President, clearly meets the qualifications of a "state." And there is even another factor, Mr. President, which must be considered in the current controversy over whether or not Rhodesia is a state. That is the fact that Rhodesia has continued to exist and prosper for a period of 4 years despite the sanctions brought against it by the United Nations. There can be no question that the de facto situation which existed in Rhodesia in 1965 has evolved into a de jure status for the government.

On August 9, 1968, Rhodesia High Court Justice Harold Davies ruled that the government has achieved internal de jure status and that the court was not bound by a judgment of the privy council in London that the Smith government and its laws were illegal. Justice Davies said:

> It is my view that the present government has achieved internal *de jure* status and that the court sits by virtue of its authority derived from recognition by the government in terms of the 1965 constitution.

This decision rendered by Justice Davies was reinforced on September 13, 1968, when Rhodesia's highest appeal court ruled that the government of Mr. Ian Smith is the only de jure administration and the 1965 constitution is the country's only constitution. This decision undoubtedly clears the air of any questions concerning the legal authority of the present government in Rhodesia as well as pointing out that the British do not have any surviving legal jurisdiction in relation to Rhodesia.

It might also be noted, Mr. President, that the British Government prior to 1965 had informed the United Nations on several occasions that it regarded Rhodesia as a self-governing territory in terms of the charter.

It is quite clear to those who recognize and understand the criteria upon which recognition is based that Rhodesia has, in fact, gained the status of a state as defined in article 2, section 7, of the United Nations Charter. This brings us back to the problem, Mr. President, of intervention by the United Nations in the domestic affairs of a state.

Article 2, section 7, notes that the principle of nonintervention does not prejudice application and enforcement measures under chapter 7. Under chapter 7, articles 39, 41, and 42, the Security Council is obligated to make a determination that there exists a threat to international peace and security and that upon this determination the Security Council may then take measures to avert an international crisis. It is upon the basis of a determination that Rhodesia presented a threat to international peace that the Security Council imposed economic sanctions against the Government of Rhodesia. It is beyond question, Mr. President, that Rhodesia is not the threat to international peace and security, but rather the some 39 other nations in Africa which threatened to break the peace unless the Government of Rhodesia is destroyed. This was amply shown when, on December 5, 1965, members of the Organization of African Unity threatened to declare war on Rhodesia if Britain failed to put down the revolt within 10 days. Rhodesia itself has never had aggressive designs on the rest of Africa, nor has it by covert or overt means sought to inflame the tensions already present in Africa. It is inconceivable how the Security Council could find such a country to be a threat to international peace and security and thus justify its intervention in this country's domestic affairs.

Mr. President, even former Chief Justice Earl Warren recognized the limitations of jurisdiction on the United Nations. In a speech which he made September 16, 1968, at the Palais des Nations in Geneva, Switzerland, on the occasion of the International Observance of World Law Day, he stated, while discussing the principles of the United Nations:

> But, it must be remembered that the United Nations is not endowed with the authority to enforce these principles. It is not an international code of laws enforceable as such. It is a Universal Declaration of Human Rights, and the only sanction the United Nations can exact is the influence it can bring to bear on world opinion. The remainder must come from the self-discipline of nations themselves and the aspirations of their people.

I submit that no clearer case could be made for refraining from participating in the interference with the Government of Rhodesia.

Intervention by force of arms or force short of war has been denounced by the United States in its relations with the Communist countries. We have adopted a hands-off attitude toward these countries, yet we blindly go along with the United Nations in this blatant attempt to overthrow the Government of Rhodesia.

Article 24 of the charter, Mr. President, says that the Security Council, in discharging the duties placed upon it, shall act in accordance with the purpose and principles of the United Nations. We pointed out that in article 2, the Security Council has violated one of the principles of the United Nations, thus the Security Council has also violated article 24 by not discharging its duties in accordance with the purpose and principles of the charter.

Article 32 states:

> Any Member of the United Nations which is not a member of the Security Council or any state which is not a Member of the United Nations, if it is a party to a dispute under consideration by the Security Council, shall be invited to participate, without vote, in the discussion relating to the dispute.

Not only has Rhodesia not been invited to participate in the many discussions relating to the dispute, but it has been denied that right even though the government of Mr. Ian Smith has specifically requested that it be heard at the United Nations.

I have already dealt, Mr. President, with articles 39 and 42 which outline the procedure by which the Security Council can take action to alleviate a situation which is a threat to international peace and security. The assumption that Rhodesia presents a threat to international peace and security cannot be justified in terms of articles 39 and 41, as well as article 42, which provides for armed measures to enforce the decisions of the Security Council.

The interpretation and meaning of the before-mentioned articles is clear, Mr.

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President, and I submit that these have been violated.

I challenge each Member of this body to study these articles, which I have briefly outlined, and determine the consistency of the United Nations' action with the requirements of international law.

In addition, Mr. President, I ask unanimous consent that there be printed in the RECORD a special supplement edition of "Rhodesian Viewpoint" which answers the State Department's official position on the question of Rhodesia.

There being no objection, the special supplement was ordered to be printed in the RECORD, as follows:

RHODESIAN VIEWPOINT—U.S. RHODESIA POLICY: A COMMENTARY ON OFFICIAL ATTITUDES

The Rhodesian Information Office has been made aware from time to time of the contents of a State Department letter addressed to American citizens (including Members of the Congress) who enquire into the motivations of official policy towards Rhodesia. The rationalisation offered in the letter is open to serious challenge on a number of grounds. It is the purpose of this publication to comment on the letter section by section in order to provide concerned Americans with another side of the Rhodesia story.

The State Department's position is set out in italics. The comments of the Rhodesian Information Office follow in regular type.

"The United States supports the United Nations and the United Kingdom in their continuing efforts to restore constitutional authority in Southern Rhodesia."

There is neither U.N. Charter authority nor precedent for the United Nations to take coercive action to restore what is described as *"constitutional authority"* in any national situation or in any situation in which a colonial territory asserts its independence from a colonial power. These are questions which are essentially within the domestic jurisdiction of a state and therefore immune from intervention by the United Nations. (Article 2, paragraph 7 of the United Nations Charter.)

Many countries today enjoying full membership in the United Nations have governments which came to power by rebellion, coup d'etat or other unconstitutional action. Historically the United States achieved its independence in this way. In a listing of 42 African governments in January 1969 "Africa Report" notes that 14 of them came to power by military coup or other unconstitutional means. None of them is subjected to hostile action or international disability on that account. Recently the constitutional government of Libya was overthrown by an act of rebellion. The new government was quickly recognised by the United States and other countries. No question of restoring the constitutional authority of the former government arose.

The present Rhodesian Government has exercised effective authority over the country before and for four years since its declaration of independence. It is more than a year since Rhodesia's independent judiciary declared that Mr. Ian Smith's Government must be regarded as the 'de jure' Government of Rhodesia.

Senator Cranston, introducing in the Senate in May of this year a resolution dealing with U.S. recognition policy, pointed out that 'the original American doctrine of recognition was quite simple. During the Jeffersonian era and up to the end of the 19th century, we used fairly objective tests in determining whether to recognise a new government. We merely ascertained whether or not it existed and was capable of sustaining itself. This policy (reflected) a belief that we had no right to interfere in the internal affairs of other nations.'

"The basis of our support (for the United Nations and the United Kingdom) is our concern for the threat to the peace in southern Africa posed by the denial of political rights to the 4.4 million Africans who comprise some 94 per cent of the territory's population. The present regime in Southern Rhodesia not only denies the African majority an effective voice in government but has proposed a constitution which seeks to perpetuate white minority rule and institutionalise racial separation."

There is no denial of political rights to Rhodesia's African population. Under the 1961 and 1965 constitutions there is a non-racial qualified franchise providing equal opportunities for all citizens to qualify and register as voters. Most of the more stable democracies have evolved through a qualified franchise, and it is perhaps worth recalling that at the time of America's independence about six per cent of the white population voted. (There was no question of extending the franchise to include black or Indian Americans.)

Rhodesia's proposed new constitution does not seek to perpetuate white minority rule. It provides for an immediate increase in black representation in the legislature (approximately doubling the present representation) and a progressive extension of this representation, based on income tax contributions to the national exchequer, until parity with white representatives in the legislature is reached.

"U.S. News and World Report" noted in January 1967 that at least 37 member nations of the U.N. had governments based on minority rule and at least 25 other members were open to suspicion in this respect. Fewer than half of the U.N. members had governments clearly based on majority rule.

As to the suggestion that Rhodesia's new constitution will *"institutionalize racial separation"*, it is of interest to note that Prime Minister Ian Smith has described it as "a multi-racial set-up in a multi-racial country." It is a fact that the proposed new constitution provides for the separate representation of the races in Parliament and for a basic division of land between the races. This may offend integrationists sentiment but is hardly a justification for offensive international action conceived as a penalty for aggression. The reservation of tribal lands is not unknown in the United States. Moreover, according to the Washington Post, a representative meeting of American Indians at Denver last August decided that they "want the right to be Indians, to preserve their tribal identities and tribal lands, to make their own mistakes, to have a say about their destiny." The separatist elements in Rhodesia's constitution stem from an acknowledgement of the same instincts in Rhodesian society.

The suggestion that Rhodesia's domestic policies constitute a threat to the peace in southern Africa cannot be regarded as a serious proposition. Mr. Dean Acheson describes it as reasoning worthy of the Red Queen in "Through the Looking Glass". "Rhodesia", he says, "in doing what the U.N. has no jurisdiction to forbid, annoys African members to the point where they may transgress against the first commandment of the U.N. (Chapter 1, article 4):

"All members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state."

"Since Rhodesia, by doing what it has always done and with which the United Nations cannot constitutionally interfere, incites less law-abiding members to violate their solemn obligation not to use force or the threat of force in their international relations, Rhodesia becomes a threat to the peace and must be coerced."

Mr. Acheson concludes: "If this reasoning leads the reader to ask, 'who's loony now?', don't blame Rhodesia, blame the Security Council and Harold Wilson."

Mr. Charles Burton Marshall, Professor of International Politics at Johns Hopkins School of Advanced International Studies, takes a similar view. He points out that Rhodesia has done literally nothing except sever its connection with the British Government. Mr. Marshall says that "this, while rebellion, is certainly not aggression. Rhodesia has made no attack or threat of attack against anyone."

Mr. Marshall's research of the United Nations record reveals that the original British resolution calling for mandatory sanctions against Rhodesia did not contain any finding of a threat to the peace, although such a finding is an essential condition for the imposition of sanctions. When the omission was pointed out, the desired conclusion was inserted without any supporting facts. Supporters of the U.N. position take refuge in the argument that the existence of a threat to the peace may not be questioned once the Security Council has made that determination. Professor Marshall asks if it is enough to stop criticism of a pie to say that a baker made it.

Dr. Walter Darnell Jacobs, Associate Professor of Government and Politics at the University of Maryland, concludes in an article in "World Affairs" (April/June 1967) that "Rhodesia, whatever her sins and shortcomings, cannot be said to represent a threat to the peace."

In spite of the danger of terrorist incursions over her northern border, Rhodesia spends a smaller proportion of her national income on defence than most countries. This is revealed in an analysis published in Britain by the Institute for Strategic Studies in September 1969. Rhodesia's 1968/69 expenditure of 1.9 per cent of gross national product is lower than all but a handful of the fifty-two nations enumerated. Britain's expenditure is 5.3 per cent of G.N.P. The United States and Russia both exceed 9 per cent.

The Organisation of African Unity (representing underdeveloped countries generally in receipt of foreign aid) is reported to have allocated over a million dollars in its current budget to equip guerrilla fighters for subversive operations in and against southern Africa, notwithstanding that the U.N. Charter enjoins member nations to "refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state."

Clearly Rhodesia represents no threat to the peace. Equally clearly the United Nations Organisation, if it is mindful of its Charter principles, has a plain responsibility to restrain the Organisation of African Unity and its members from initiating and subsidising forceful attempts to overthrow the government of Rhodesia.

An alternative and devious presumption suggests that the "threat to the peace" in Rhodesia derives from the danger of an internal upheaval in the country that would have repercussions outside its borders. It might be noted in passing that the same consideration has not been applied to Nigeria, which remains immune from U.N. intervention notwithstanding that for the past two years she has been experiencing a real and not merely presumptive internal upheaval. There has been a death toll in excess of a million and a half people but no threat to the peace has been inferred.

Many recent visitors to Rhodesia have testified to the country's conspicuous tranquility, to the absence of racial tension, to the fact that Rhodesia's unarmed police force is seldom seen and even more rarely needed. The Nigerian Editor-in-Chief of the Lagos Daily Times has said that the overseas pic-

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ture of Rhodesia as a grim, tense, police state is a "massive fraud."

South African liberal Laurens van der Post who visited Rhodesia since independence with what he described as "a profound emotional and intellectual bias towards finding nothing but evidence of impending Greek tragedy," found nothing to substantiate his apprehensions. Instead he found "a general preference among them (black Rhodesians) for an evolutionary rather than a violent revolutionary change of Rhodesian society."

Congressman John Ashbrook and two American colleagues who visited Rhodesia in 1966 found that the Rhodesian Government commanded "the virtually unanimous support of the white population and the respect of a preponderance of the Africans," also that "the tell-tale signs of racial tension are nowhere to be seen." They concluded that "American policy on Rhodesia represents the triumph of ideology over actuality."

In a letter to the Washington Daily News on December 23, 1966 Mr. Frank Johnson of the American Security Council refers to a cartoon implying that Rhodesia is an oppressive white police state. He writes: "I have just returned from a visit to Rhodesia and can personally vouch that the contrary is true. The few people to be seen on the streets are black as well as white, and none carry guns. Ian Smith drives his own car, has no bodyguard and is quite careless of the most elementary personal security. Perhaps one of the most impressive testimonials of African support for the Smith Government is the fact that communist-trained terrorists entering the country from Zambia are either killed or reported to the border guards by the local African population."

Another testimonial of black Rhodesian support for the Rhodesian Government is contained in a statement issued November 2, 1966 by the Council of Chiefs, recognised traditional leaders of tribal Africans under the British approved 1961 constitution. Part of the statement reads: "We wish to state quite clearly that we support the Government of Rhodesia and we do not accept the claim by the British Prime Minister that he has continuing responsibility and authority for and over our people through the Government and Parliament of the United Kingdom."

In January 1967 veteran Chief Simon Sigola sent letters to U.N. Secretary-General U. Thant, President Johnson and President de Gaulle inviting them to visit Rhodesia to see for themselves that it is not a "bad country and a threat to the peace."

Militant leaders of the Organization of African Unity have expressed diappointment at the apathy and lack of co-operation shown by black Rhodesians towards "freedom fighters" come to "liberate" them. Zambian Foreign Minister Reuben Kamanga was quoted as saying in April 1968—"Reports reaching us indicate that the Rhodesian African masses are accepting the Smith regime." In reporting this statement an AP correspondent noted that "Africans in Rhodesia have been relatively prosperous and their lack of enthusiasm for an anti-white revolution probably grows out of a desire to be left in peace to attend to their own affairs."

"The United States has supported a variety of peaceful measures designed to influence the Smith regime to change its policies and move towards majority rule. The United States voted for the Security Council's resolution of November 12, 1965, which condemned the illegal Smith regime. It also supported the Council's resolutions of December 16, 1966 and May 29, 1968, which called on all member nations to impose economic sanctions against Southern Rhodesia. Executive orders were subsequently issued to carry out the mandatory provisions of those two resolutions with respect to the United States."

It is open to very serious question whether it is a legitimate objective of national policy to seek by coercion to change the purely domestic policies of another country. Senator Cranston quotes with approval Daniel Webster: "From President Washington's time down to the present day it has been a principle, always acknowledged by the United States, that every nation possesses the right to govern itself according to its own will, to change institutions as discretion, and to transact its business through whatever agents it may think proper to employ."

There may be some who are willing to overlook a want of principle in public policy provided that it effectively serves an expedient purpose. Rhodesian policy is deficient on both counts.

In his book "The Discipline of Power" former Under Secretary of State and U.N. Ambassador George Ball shrewdly perceives the futility of sanctions, describing them as "a romantic delusion." "In the modern world," he says, "sanctions are not likely to work even when the siege of an economy is enforced by military power. Where military power is not employed and the enforcement of an embargo depends merely on the agreement of nations—whether or not expressed in a United Nations resolution—the result will more likely be annoyance than hardship. As disappointing as it may be to admit it, the siege of an economy is never total, the options of the beleaguered party are too broad, and the phychology of the besieged is too perverse and complex to make such sanctions more than a blunt instrument."

Reporting from Rhodesia, Mr. Ray Vicker confirms Mr. Ball's judgment in a recent issue (September 11, 1969) of The Wall Street Journal: "What happens when the United Nations leads a world-wide economic boycott of a little country with only 4.8 million people? If the country is Rhodesia, it has the biggest boom in its history, with a net inflow of new settlers, an economic revolution that launches dozens of new industries, sets off a boisterous stock market advance, and strengthens wills all around. That's the picture that emerges after talks with dozens of government figures, business men, bankers, farmers and ordinary citizens in this ruggedly individualistic land."

Mr. Vicker notes that U.S. support for sanctions is forcing American chrome buyers to deal with Communist Russia at prices 50 per cent higher than Rhodesian chrome. (Rhodesian chrome mines, possessing the free world's largest supply of high grade ore, are owned by American corporations now forbidden either to finance or export their production.)

The conclusion is inescapable that sanctions against Rhodesia have had a bizarre effect from the viewpoint of the sanctioneers. Whilst consolidating political support behind Mr. Smith's government they have somewhat discouraged the inflow of investment capital and thereby diminished job opportunities for black Rhodesians.

"The United Kingdom considers the territory of Southern Rhodesia to be in a state of rebellion and the United Nations has declared the Smith regime to be illegal. Not a single country has accorded recognition to the regime, and the continuing sovereign authority of the United Kingdom in Southern Rhodesia is universally recognised."

This is repetitive.

In addition to the comments made earlier, which include reference to the Rhodesian High Court's findings in September 1968 that Mr. Ian Smith's government must be regarded as the legitimate government of Rhodesia, it is worth noting that the Chief Justice concluded that he could "now predict with certainty that sanctions will not succeed in their objective of overthrowing the present government and of restoring the British government to the control of the government of Rhodesia."

In July 1968 Mr. Thomas McElhiney, a Senior State Department official, was asked in testimony before the Senate Foreign Relations Committee if he believed that the latest round of U.N. sanctions directed against Rhodesia would have more success than past efforts. Mr. McElhiney replied that he did not think there was likely to be any added effect "in the sense of forcing the present Rhodesian regime to come to terms with the British, which is the object of the sanctions."

Subsequent events have confirmed these judgments, and there can be no reasonable doubt that, four years after its declaration of independence, the Rhodesian government satisfies internationally accepted criteria for the recognition of governments holding office in these circumstances.

Testifying before the Senate Foreign Relations Committee on June 17, 1969 Mr. Adrian Fisher, Dean of Georgetown University Law Center, expressed the relevant rule of law as follows:

"So that is the situation you normally deal with when you have a recognition of a new government, and that (Mr. Chairman) only requires a determination that the regime is in control of the territory and population, or a substantial portion of it, and it has a reasonable likelihood of retaining control either of the part already in control or of the entire state."

It is of interest also to note that on September 25, 1969 the United States Senate resolved by a vote of 77 to 3 "that it is the sense of the Senate that when the United States recognizes a foreign government and exchanges diplomatic representatives with it, this does not of itself imply that the United States approves of the form, ideology or policy of that foreign government."

In commending this resolution to the Senate on May 27, 1969 Senator Cranston spoke as follows:

"And in the end the policy of nonrecognition is doomed to failure. It did not deter Japan. It did not isolate the Soviet Union. It has not isolated Red China. All too often it has tended to isolate us as much as, or more than, it has isolated various regimes we have not approved. It has never really succeeded in bringing hostile regimes either down or to terms. Often nonrecognition actually strengthens a regime it is supposed to weaken, causing the people to rally to the support of their government against the apparent threat posed by hostile foreign powers."

"The Smith regime represents an attempt by a minority to maintain its control over the great majority of the population. The question is not the right of Southern Rhodesia to independence and self-government, but whether a small minority should be allowed to prevent the achievement of these objectives for all the Rhodesian people. Current British proposals to end the impasse provide for British recognition of Southern Rhodesia independence under the present leadership, provided there are effective guarantees of unimpeded progress toward eventual majority rule. The regime has so far rejected these terms."

This is largely repetitive.

It is true that no agreement has been reached between the British and Rhodesian governments. The Rhodesian government considers that the British government has declined its reasonable proposals for a solution of the conflict between them. It has now decided, following a referendum, to proceed with the implementation of new constitutional proposals which will lead not to majority rule but to parity between the races in the legislature.

"Repressive legislation adopted by the Smith regime to bolster its position, such as that authorizing the arrest and detention of political opponents without benefit of bail or trial, creates its own climate for violence. African nationalist groups, denied peaceful

political expression within the colony, are increasingly inclined to resort to more violent methods, including the infiltration into Southern Rhodesia of guerrilla bands."

The methods used by states to protect themselves against subversion do not constitute grounds for taking punitive action against them. Many countries enjoying United States recognition resort to the practices mentioned. In some of these countries the government uses its powers to punish political nonconformity. This is not the position in Rhodesia. Persons are only detained or restricted if the government is satisfied beyond any reasonable doubt that they are prepared to resort to violence in order to achieve political objectives. Provision is made for regular review of these cases, and there has been a progressive reduction in the number of persons held in detention or restriction over the past four years.

There is an active parliamentary opposition, and there is no impediment to the formation of political parties with lawful objectives.

There have been terrorist incursions over Rhodesia's border in recent years with substantial communist backing. The terrorists have received no support from the local population, which has rather cooperated with government security forces in combating the intruders. This may account for a sharp decline in guerrilla activity. There have been no significant incursions for the past twelve months.

"We see no present direct communist threat to Southern Rhodesia, but we believe that the rebel regime, by seeking to perpetuate minority rule, creates conditions under which extremism, including communist influence among anti-regime groups, is almost certain to increase."

Whilst the compilers of the statement may not see any present direct communist threat to Rhodesia, other observers can. In 1968 military journalist Colonel Daniel T. Brigham was invited by the American-African Affairs Association to conduct an investigation into the nature, extent and origins of terrorist activity in southern Africa. Colonel Brigham carried out an intensive six-week survey of the terrorist fronts in Mozambique, Malawi, Rhodesia, Botswana and the Caprivi Strip of South-West Africa. He interviewed scores of officials, prisoners and others in possession of relevant information. His report, published by the Association in February 1969 under the title "Blueprint for Conflict," says:

"Backstage in this development of a blueprint for conflict are the Soviet and Chinese Communists. However their political and ideological quarrels may affect their actions elsewhere in the world, they are pooling technical, military and economic resources to set the stage for one of the bloodiest wars in history—one which they hope and believe will open the road to Cape Town, from which they can dominate the western gateway to the Indian Ocean. Their latest target date for that war is late 1970. Strategically, Red control of Cape Town would end the threat of Free World naval interference with communist long-range planning for conquest of the Far East, the Persian Gulf, and the African east coast. The critical importance of Cape Town has been amply demonstrated during the prolonged closure of the Suez Canal in the wake of the Israeli-Egyptian Six-Day War.

"Military analysts are, of course, aware of the strategic importance of southern Africa. Diplomats in the field have cabled warning reports on the African situation to their home governments, urging a cautious and realistic reappraisal of policy decisions. Free World intelligence is in possession of ample information concerning communist machinations in Africa, including the existence of a joint Red high-command headquarters in Dar-es-Salaam, capital of Tanzania. Judging from actions, however, there are few indications that warning signals have been getting through to top policymaking levels; or, if they have, no one up there seems to be listening. Quite the contrary. Both London and Washington have continued policies of outright hostility to the white-ruled countries of southern Africa, and through careless and injudicious public pronouncements in the United Nations have seemed to endorse the promotion of terrorist war by the Liberation Committee of the O.A.U."

The London Sunday Telegraph's Close-up Team of investigators, after completing a similar intensive survey, reported (April 1969) that "many of the so-called liberation movements are now largely controlled by the communist powers, and in many cases riddled with Communist party members. Guerrillas are armed with the Russian designed Kalashnik or AK 47 automatic rifles; they are steeped in the revolutionary war theories of Peking or Moscow." The report goes on to refer in detail to the guerrillas' communist affiliations.

U.S. military historian Brigadier General S.L.A. Marshall has pointed out (June 1969) that the small arms of the terrorists "are identical with what our troops are up against in Southeast Asia. Most are of Chinese Communist manufacture. Some are of Soviet make."

Mr. Dean Acheson has criticised (April 1969) "hostile harassment with our help of three friendly countries in southern Africa." "These countries," says Mr. Acheson, "were our allies in two world wars. Today with the Russian Navy in the eastern Mediterranean and the Indian Ocean they are more important to us and, as President Banda keeps telling his sub-Saharan black neighbors, more important to them than all the rest of Africa put together."

It is not unnatural that there should be communist influence in extremist groups seeking to overthrow western aligned governments. It may perhaps be questioned whether that is a good reason for the United States to offer the governments concerned a hostile confrontation.

"We feel a continuation of the present situation is likely to exacerbate racial tensions throughout southern Africa. The attempt by a racial minority to institutionalise and perpetuate its domination over the majority of Rhodesians threatens to lead to chaos and civil strife. Such violence might spread across international boundaries and involve other parties, including extremist elements on both sides. This would be a serious blow to African development and to world peace and security."

Unsubstantiated forecasts of future turmoil within the boundaries of a foreign country cannot by any stretched interpretation of international law or practice be held to justify coercive action against that country to compel a change in its political structure or government.

As to the validity of the forecast itself, it is possibly relevant to note once again the manifest evidence of racial harmony in Rhodesia, where not more than 35 lives have been lost in civil riot since the beginning of the century. (43 lives were lost in a few days of rioting in Detroit in July 1967). By any pragmatic test racial tensions in Rhodesia are minimal.

Mr. Ray Vicker, reporting from Rhodesia in The Wall Street Journal (September 22, 1969) shrewdly observed that "African nationalism never was a widespread yearning for liberty from black Africa's 230 million people. Rather it was the creation of Africa's thin stratum of Western educated intellectuals, a group never more than a tiny fraction of the total population."

It may be worth recalling in conclusion that several of America's leaders have acknowledged the diversity of political institutions across the world and have evinced a spirit of tolerance towards them. President Kennedy considered that "it is a mistake for the United States to fix its image of Africa in any single mold." President Eisenhower believed that "there is no single, best way of life that answers the needs of everyone, everywhere." President Johnson declared that "in Africa and Asia . . . we seek not fidelity to an iron faith but diversity of belief as varied as man himself."

In his Inaugural Address President Nixon spoke as follows:

> "Let all nations know that during this Administration our lines of communication will be open. We seek an open world—open to ideas, open to the exchange of goods and people, a world in which no people, great or small, will live in angry isolation. We cannot expect to make everyone our friend, but we can try to make no one our enemy."

Mr. EASTLAND. Mr. President, up to this point in my discussion relating to the situation in Southern Rhodesia, I have dealt mainly with questions of an academic nature. However, simple reality points out the uselessness of the United Nations as an organ of world democracy, as well as an administrator of justice. On August 20, 1968, Mr. President, the imperalistic forces of the Warsaw Pact, led by the Soviet Union, invaded and crushed the struggling liberal regime of Alexander Dubcek in Czechoslovakia. Never has the Fascist nature of the Soviet Union been revealed so clearly than in this move of desperation to preserve its own power without respect for the rights of others. This is the same Soviet Union, Mr. President, which accuses the United States and other Western democracies of imperialism, colonialism, and neocolonialism. This is the same Soviet Union, also, Mr. President, that has vigorously worked to bring down the Government of Rhodesia for the simple reason that Rhodesia represents, along with South Africa, the best hope on the dark continent for the preservation of Western ideals. I share the concern of my distinguished colleague, Senator GOLDWATER, who has been reliably quoted as saying:

> I was dumbfounded when my country went along with the U.N. position of boycotting Rhodesia. I disagreed when it happened . . . The boycott cannot be rationally or morally sanctioned so far as I can see. If moral, we would have to apply similar sanctions to such nations as the Soviet Union which practices barbarism far beyond even the wildest accusations against Rhodesia.

This brings me, Mr. President, to an issue which I feel is of vital concern to the United States, both economically and militarily. While we continue to trade with the Russians, knowing full well that Russia is supplying arms and materiel to North Vietnam, we have established sanctions against the little country of Rhodesia which has even offered troops to aid in our struggle against Communist aggression in Southeast Asia.

In addition, Mr. President, the recent easing of trade curbs with Red China has thrown new light on the inconsistencies of the U.S. policy toward Rhodesia. I ask unanimous consent that there be printed at this point in the RECORD,

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an article written by Willard Edwards in the January 13, 1970, Chicago Tribune.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

DOUBLE STANDARD IN U.S. POLICY

(By Willard Edwards)

WASHINGTON, January 12—When Congress reconvenes next week, some penetrating questions are going to be asked about the Nixon administration's warming up of relations with communist China.

At least one of them is going to be highly embarrassing and virtually unanswerable. It will be couched like this:

"Why are we easing trade curbs and resuming diplomatic talks on a cordial basis with a bloodthirsty and aggressive giant which threatens world order while we continue to boycott Rhodesia, a small land-locked African county, on the absurd claim that it is a threat to international peace?"

Some important new voices may be heard in noting the ludicrous nature of this double standard. Many in Congress have been hitherto reluctant to discuss the issue because they feared the appearance of seeming to advocate white minority rule in Rhodesia.

But a substantial number are reported now to be ready to recognize the hypocritical nature of sanctions designed to force the one-man, one-vote principle on an independent nation. They are ready to join former Secretary of State Dean Acheson in branding our position a bog into which we have been led by British folly.

It can be reported that many high government officials will hear congressional calls for a reappraisal of this policy with private approval. Only the state department continues to insist that Rhodesia must be strangled because it will not immeditaely thrust unconditional voting rights on 5 million tribal Africans.

Congress has been warned that the embargo is hurting the United States far more than Rhodesia, which seems, as a matter of fact, not to be hurting at all. Its economy is booming.

Meanwhile, supplies of chrome ore from Rhodesia have been cut off from the United States, leaving it totally depenednt on Russia for an ore vital to defense. The defense and commerce departments, plus the office of emergency preparedness, have warned Congress that this condition has placed the nation in peril.

President Johnson placed the country in this predicament with an executive order after the United Nations approved the sanctions, justifying the action with a nonsensical claim that Rhodesia threatened world peace. Constitutional authorities, led by Sen. Sam J. Ervin (D., N.C.), assert that Johnson usurped and exercised a power he did not possess.

Congress will have its first opportunity, when it returns January 19, to express an opinion on President Nixon's attempts to thaw the icy relations between Red China and the United States which have persisted for nearly two decades.

He announced December 19, as Congress was preparing to adjourn, a partial lifting of the embargo on trade imposed at the height of the Korean war. No quid pro quo was demanded or even suggested.

This was followed last week by the report of a "cordial" discussion between Chinese and American representatives which had led to agreement to resume former ambassadorial meetings in Warsaw January 20. They had been broken off by Peking two years ago.

Many in Congress will withhold judgment on these steps which may or may not improve national security. But a substantial group will call attention to the inconsistency of liberalizing trade with a nation which poses a genuine threat to world peace while furtively maintaining an embargo on trade with a small, friendly nation which threatens no other country.

A joint resolution, calling for the end of sanctions against Rhodesia, has been introduced by Rep. Thomas M. Pelly (R., Wash.). It will attract growing support. He rightly calls the present policy "sheer folly."

Mr. EASTLAND. Mr. President, these strange and inconsistent positions are reflected in an article by Ray Vicker in the Wall Street Journal on September 9, 1969, in which he quotes Prime Minister Ian Smith:

> "Why is America persecuting us?" he asks. "The United States is one of the most active countries in enforcing sanctions against us. Yet we are holding the line here against Communist encroachment in Africa through Zambia and Tanzania."
>
> Shaking his head again, he says: "We've fought alongside Americans in World War II. Now we've found the same weapons on Communist armed guerrillas here as are killing American boys in Vietnam. We aren't asking for a single dollar or a single American life or a single gun to help us. All we ask is that you leave us alone."
>
> "America is one of the worst in trying to make sanctions hurt us," says Prime Minister Smith. "The U.S. is even forcing American chrome buyers to deal with Communist Russia at prices 50% higher than Rhodesian chrome."

Mr. President, this country's stubborn insistence in observing the United Nation's sanctions against Rhodesia has caused us to lose our principal source of high grade metallurgical chromite ore, which we neretofore imported from Rhodesia. As a result, Mr. President, we have become almost wholly dependent on the Soviet Union for our supply of chromite ore. This fact is clearly pointed out by E. F. Andrews, vice president of Allegheny Ludlum Steel Corp., when in August 1969, he said:

> Outside of Rhodesia the Soviet Union has the best ore and we now get 70–80 percent of our needs from the Russians, with the balance almost entirely coming from Iran and Turkey.

Yet, Mr. President, our dependence on the Soviet Union for this militarily and industrially important chromite ore did not come as a surprise to our Government. In a letter to Congressman THOMAS B. CURTIS on July 1, 1968, William B. Macomber, Jr., Assistant Secretary for Congressional Relations, wrote that the Department of State expected imports of Soviet metallurgical grade chromite to "increase significantly." Mr. Macomber's expectation was correct, Mr. President. Soviet exports in 1968 showed an increase of 12.3 percent over 1967 and the current figures indicate that the increase for 1969 over 1968 will be approximately 20.4 percent. The United States, Mr. President, cannot count chromium as one of the resources with which it is blessed. We presently do not mine any high-grade metallurgical ore and, thus, are wholly dependent on imports to supply the necessary quantities of this vital material. In fact, testimony was given on October 31, 1969, by Fred J. Russell of the Office of Emergency Preparedness before the House Subcommittee on Africa to the effect that—

> There is no way to see the chromium ore needs of the United States being met without chromium ore from Rhodesia.

Yet, in the name of some undetermined national interest we are willing to prostrate ourselves at the feet of our enemies. This was clearly demonstrated in Mr. Macomber's letter to Congressman CURTIS in which he said:

> Your third question asks whether it is in the best interest of the United States to be dependent on the USSR for more than half of its metallurgical grade chromite imports. Generally speaking, we would not want to be overly dependent on any single source for any important commodity. We decided, however, that it was in our own national interest to support the December 16, 1966, Security Council resolution and forgo purchases of Rhodesian chromite.

If I interpret this reply to Congressman CURTIS' letter correctly, the State Department has accepted our dependency on the Soviet Union to supply chromite ore. Perhaps the administration feels that it is more in our overall national interest to support efforts to bring down the government of a small African country struggling to break the bonds of colonialism than it is to prevent our dependency on the Soviet Union for the supply of a strategic material. This position, Mr. President, is obviously both economically and militarily unsound. It is obvious also, Mr. President, that it is in the best interest of the Soviet Union to support the efforts to enforce the economic sanctions against Rhodesia because it is increasing its position as a supplier of chromite while increasing its balance-of-payments position which is necessary to build a strong and viable economy.

The Russians have taken advantage of the sanctions and the United States willingness to abide by them and have raised the price of Soviet ore to a minimum of $48 a ton. The deliveries coming from the Soviet Union are slow and subject to cutoff at the discretion of the Soviets. In fact, Mr. President, the profiteering by the Soviets is better labeled "extortion." Testimony given before the Subcommittee on Africa of the House Foreign Affairs Committee on October 31, 1969, by J. Clayton Stephenson, president of the mining and metals division of Union Carbide Corp., reveals how the Soviets are taking advantage of our position. Mr. Stephenson noted:

> Due to the Rhodesian sanctions, Union Carbide, like other free world ferroalloy producers, has become heavily dependent on Russian ore. Not only have the Russians substantially increased exports to the United States, but also they have taken advantage of their position to tie the purchase of undesirable ore to high grade ore. For instance, in 1969, Union Carbide had to take one ton of run-of-mine Russian ore in order to obtain one ton of high-grade lump Russian ore.

Yet, we continue to refuse to deal with the Rhodesians even though we are very nearly the only major industrial country which takes the sanctions seriously. Our European allies are said to be buying from the Rhodesians at a price of $25 per ton and thus undersell American producers in the ferroalloy industry by nearly 20 percent.

Even the Soviets, Mr. President, are allegedly buying Rhodesian chrome and selling it to us at a profit of almost 100 percent. The economic absurdity of

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blindly continuing our adherence to these sanctions in light of the overwhelming evidence that we are compromising the national security and literally wasting money has been protested by two of the most distinguished members of this body.

Senator GORDON ALLOTT, chairman of the Republican policy committee, said in May, 1969:

> I suppose it doesn't occur to many people how much chrome we use in the United States, but look around you and you will see. There are two principal producers of high-grade chrome in the world: one is the Soviet Union and the other is Rhodesia. In recent years we have purchased chrome exclusively from the Soviet Union at a greatly inflated price.
>
> Recently, news accounts have indicated that the Soviets have been purchasing chromium mined in Rhodesia through Mozambique and have apparently been re-selling it to the United States at a high profit. In effect, therefore, we are subsidizing the Soviet economy just to get around the purchase of chrome direct from Rhodesia. The chromium mines in Rhodesia, by the way, are owned by American firms. So, obviously, the policy we have adopted and have been pursuing over the last few years, does not make sense.

The distinguished ranking Republican member of the Senate Foreign Relations Committee (Mr. AIKEN) said on September 25, 1969, during the debate on Senate Resolution 205:

> I think it is ironic for the United States to discontinue its purchases of precious minerals—titanium, platinum and chromium—from Rhodesia, thus forcing Rhodesia to put those minerals on the world market, where they can be purchased by Russia and sold to us at a substantial profit. It does not make sense. In private business, that would not be considered good business at all.

It is also worth noting, Mr. President, that the United States, in refusing to buy Rhodesian chromite ore, is helping to destroy the investments which American firms have poured into the Rhodesian chromite mining industry.

At the time the sanctions took effect, American firms were prohibited from taking delivery on 200,000 tons of ore already mined and paid for. These firms continue to be forbidden to import the products of the mines which they operated before the sanctions. Obviously, since the sanctions their mines have become useless to them and the American economy because of the unavailability of obtaining the products of these investments. In addition, this nonoperation of their mines has created other problems for the two major American firms in Rhodesia—Foote Mineral Co. and Union Carbide Co. In the words of James J. Kilpatrick in the Evening Star on May 6, 1969:

> This lunacy has other aspects. The peculiar geological nature of Foote's serpentine mine demands continued operation. The hard-pressed government of Ian Smith has been providing some maintenance, but it is sheer folly—dangerous folly—to risk the loss of this important source of chromium.
>
> For roughly $1,000,000 a year, a sum too small to matter to anyone, the Foote mine could be saved. All that is required is a common sense decision on the part of our Government to let Foote spend it in Rhodesia. A second common sense decision would permit the companies to import the ore they already have stockpiled.

Yet, Mr. President, even in light of the traditional policy of the U.S. Government to provide tax relief for American interests which suffer losses as a result of international crises, the Treasury Department has so far refused to grant applications for relief by firms which were doing business in Rhodesia before the sanctions. It almost seems, Mr. President, that these firms are being punished for doing business in Rhodesia and with the Rhodesian Government before it was illegal to do so. Such action by our Government smacks of a bill of attainder—a clear violation of the Constitution.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD an article from the September 8, 1969, edition of the American Metal Market magazine which outlines the problem facing ferrochrome producers in this country as a result of the sanctions against Rhodesia, an article entitled "Soviet Export Strategy" which appeared in the November–December 1969 issue of Ordnance magazine, and an editorial entitled "Sanction for Deceit" which appeared in Barron's magazine on November 10, 1969.

There being no objection the material was ordered to be printed in the RECORD, as follows:

CHROMIUM EMBARGO HURTING UNITED STATES MORE THAN RHODESIA?

(By Lillian Tarpey)

Because of the Rhodesian embargo, ferrochrome producers have been caught in a web of political strategy which has backfired on the British Government at the expense of this country. The result is that U.S. ferroalloy producers are buying chrome ore from Soviet Russia at $48 a ton while France and West Germany are buying theirs at just about half the price from Rhodesia.

The current chromium ore squeeze had its origins in November, 1965. Britain had pressured Rhodesia to live up to its 1961 constitution and gradually give equal representation to blacks (who make up 95 percent of its population). The white-supremist Rhodesia government would have none of it and unilaterally declared independence.

In dealing with the rebels, the British government was caught between two fires: non-white Commonwealth nations demanding that Rhodesia be crushed with British troops and the British electorate which would not support a war against their white Rhodesian cousins. A middle course was decided upon: Britain would topple the Rhodesian government through economic sanctions (no British trade, an oil embargo, etc.). That was nearly four years ago and the sanctions have almost toppled the British position. Meanwhile, the Rhodesians have gotten on tolerably well (belt-tightening and rationing but no sign of collapse).

The United States has supported Britain's sanctions. At first, U.S. firms were asked not to deal with Rhodesia. A month after the official U.N. sanctions in December, 1966, U.S. firms were forbidden to deal with Rhodesia. While somewhat bolstering the U.S. image with non-white Africa, the action has had a damaging affect on the ferroalloy industry.

Unfortunately, Chromium is vital to the United States (i.e. used in alloy and stainless steel) and is not one of the resources America can count among its blessings. All Chromium ore must be imported.

Prior to Independence, Rhodesia supplied the United States with roughly 22 percent of its total Chromium ore imports (including half of the ore bought by the metallurgical industry). Rhodesian ore is of high quality (48 percent and sold for $31–35 per long ton before the embargo. Britain and the United States are very nearly alone among the major industrial nations in taking the embargo seriously. France and West Germany still deal with Rhodesia. Rhodesia still manages to export Chromium ore at about 70 percent of the pre-independence level but takes a beating on the price down to $25 a ton.

The lower ore price in Europe plus higher ore prices in the United States plus cheaper European labor have added up to put domestic ferroalloy producers in an extremely unfavorable competitive postion. The Europeans can under-sell American producers by nearly 20 percent and now account for 35–40 percent of the domestic ferroalloy market. The industry is prodding the Office of Emergency Preparedness (and failing that, Congress) to institute import quotas on the basis that a healthy ferroalloy industry is vital to national security.

The affects of the embargo on Rhodesia were not immediately felt because of a government stockpile surplus. Now, however, all surplus chromium ore has been sold for delivery through 1970. U.S. stockpile objectives will likely be raised and the government will become a purchaser rather than a supplier of ore. Such a move will further tighten the market for domestic firms and there could be a deficit between ore supply and alloy consumption amounting to about one-third of industry's demand this year.

When the Rhodesian embargo took effect, American firms were prevented from taking delivery of 200,000 tons of chromium ore already mined and paid for. Also, a number of American Firms, Union Carbide among them, operate mines in Rhodesia. If the mines are not properly maintained, a reserve of 100 years of high quality chromium ore could be permanently lost. Traditionally, the U.S. government has provided tax relief for American interests suffering losses during foreign upheavels (as in Cuba and Peru) but, so far, no applications submitted to the Treasury Department have been accepted. Likewise, the government has not approved any licenses for the importation of the paid-for Rhodesian ore.

The embargo has forced American ferroalloy firms to import more Russian chromite. The Russian ore is high grade (54–56 percent) and chiefly used in metallurgy. Taking advantage of the Rhodesian embargo, the Soviets have raised their chromite price to $48 a ton. Deliveries are slow and the supply may be cut off at any time due to diplomatic developments.

To some observers, our national policy with regard to Rhodesia seems increasingly contradictory in the light of Zambia's announced intention to take over 51 percent of the copper interests of Roan Selection Trust and Anglo-American Corp. L. G. Bliss, president of the Foote Mineral Company, one of the two American firms which own chromium mines in Rhodesia, points out that the Rhodesian government has made no move to expropriate American-owned property despite our continued boycott.

"The Rhodesian government has never questioned our ownership and has been consistently willing to release ore belonging to American-owned companies without any additional payments," Mr. Bliss said. "Rhodesia is willing to permit the rightful owners to have access to their property, whereas Zambia, a nation which we have attempted to befriend, is expropriating American-owned assets. In effect, we are penalizing those who honor their commitments and accept the responsibilities of a free enterprise system, in favor of those to whom private ownership is meaningless. Our experience in Cuba should provide some insight into where the game of expropriation can end."

As one ferroalloy producer, who wishes to remain anonymous, put it: "The rationale becomes hard to follow; we boycott Rhodesia because we don't approve of its white su-

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premist government. If we boycott governments we don't approve of, we must approve of governments we do trade with. Therefore, we must approve of South Africa and the Soviet Union."

He added, "this business of approving of governments could be dangerous, particularly if other governments decide to take the same tack. For example, if South Africa and the Soviet Union should simultaneously decide that they don't approve of us, we might suddenly find ourselves cut off from 75–85 percent of our chromium ore supplies."

CHROMIUM PROFILE

Chromium is a hard, brittle, tough, silvery metal that melts at 3,434 F. It was discovered in Siberia and first isolated by the French chemist Vauguelin about 1797. It provides the brilliance and corrosion resistance for stainless steel and plated metals. And most of its compounds have various bright colors. One day these may be the key to stainless steel in colors. Atomic weight of Cr is 52 as compared with 55.8 for iron:

Supply: Annual world production of chromium ore or chromite concentrates has been in the area of 4.5 to 5.4 million short tons in recent years.

U.N. sanctions against Rhodesia have resulted in no shipments to the U.S. Two ferro chromemakers seek ore which they own in Rhodesia.

The U.S. must depend practically entirely on imports. There has been no U.S. production in recent years although U.S. has low grade reserves of about 8 million tons. The principal producing areas and estimates in thousands of short tons are:

	1965	1966	1967	Reserves	Percent Cr
South Africa, Republic of	1,038	1,169	1,267	2,000,000	+44
Philippines	611	617	463	6,000	+30
South Rhodesia	625	550	(1)	600,000	35-50
Turkey	625	583	678	10,000	40-48
Other estimate	900	931	1,000	22,000	20-50
Russia	1,565	1,600	1,731	+15,000	35-55
Total, estimate	5,370	5,450	5,110	2,662,000	

[1] Not available.

The U.S. currently accounts for roughly one-third of the world's consumption of chromite. World production has been in a rising trend since 1945 and may have increased more than 5-fold in that period, but U.S. imports only about doubled.

Africa, Asia and possibly Russia have substantial reserves. Albania and Yugoslavia probably have moderate reserves.

U.S. imports of ore during 1961–66 ranged from about 1,330,000 short tons to 1,864,000 tons. They slipped in 1967 to about 1,240,000 tons. The leading ore suppliers to the U.S. are Russia, So. Africa, Rhodesia, Turkey, Iran and the Philippines. Two U.S. ferroalloy producers have mines in Rhodesia. Ferrochrome production is expected to be stepped up in So. Africa.

Consumption: U.S. consumption has been increasing steadily. In 1961 the figure was 1.2 million tons and in 1965, nearly 1.6 million tons. By 1967 it slipped to 1,200,000 tons. Stocks have ranged between about 1 and 1.7 million tons.

In 1967, the metal industry used about 827,000 tons of ore (49% average content), refractories took about 439,000 tons (34% gr.) and the chemical industry used 194,000 tons (45% gr.). Consumption in 1968 showed a modest decline.

Imports of ferrochromium have at times hurt the American alloy producers. Imports in 1967 were around 68,000 tons. In 1966 imports of Fe-Cr were nearly 98,000 (66,500 tons cont. Cr) in 1965. Generally imported items are not as well sized as domestic grades and may require more handling. There is an import duty on Fe-Cr but not on chrome ores.

Prices: Prices of ferroalloys have experienced changes in the past several years. Former price weakness was due partly to cut-price imports and relatively low demand from the steel industry. The chromium grades felt these influences, but there was firming in the past few years. Ore prices were increased this year.

Prices are influenced by labor costs and chromite ore values which have strengthened in the past few years. They were at very low levels in 1963. High quality chrome ore from Russia at low cost disturbed some of the traditional ore supplies, but it probably benefitted the American stainless steel industry.

Approximate long ton prices on chromite ore are shown here:

Source	Percent	1964	1965-66	1967-68	1969
Southern Rhodesia	48	$30-33	$31-35		
South Africa, Republic (Transvaal)	+44	18-19	19-22	$20-23	Norm. 27.
Turkey	48	30-32	31-34	33-35	Norm. 39.

Ore prices can vary considerably depending on sources, impurities, delivery time, transport costs, contract period, etc.

In 1966, Russia supplied about 5,866,000 tons of high grade ore (54–56%) to the U.S. probably at around $31.75 per ton. Last year the amount brought in was considerably lower, U.S.S.R. ore is now about $41 to $48.

Uses: In 1968 the metallurgical industry (seven ferroalloy makers) consumed about 61% of the ore supply. Eleven refractories companies took 25% and four others producing chemicals accounted for about 14%.

Chromium is used in stainless steels, other alloy steels, in some cast irons, in many kind of superalloys and other alloys. Chromite is used in refractory bricks for furnaces and in making many kinds of chemicals and pigments. Chromic acid is vital for plating and chromate films for anodizing aluminum.

In 1967 the consumption of chromium ferroalloys and metals was in short tons—

	LoC FeCr	HiC FeCr	FeCrSi	Total
Stainless steels	109,657	72,438	63,028	247,330
High-speed steels	766	1,617	51	2,447
Other tool steels	1,052	1,591	620	3,276
Other alloy steels	14,098	40,155	5,926	72,987
Gray and malleable castings	628	3,883	21	5,474
High-temperature alloys	8,669	1,012	509	13,344
Nickel-base alloys	509	30		615
Miscellaneous	6,213	11,030	1,230	22,196
Total	141,592	131,756	71,385	367,669

U.S. Stockpile: At the end of last year continued 1,426,671 tons refractory grade ore; 1,043,814 tons chemical grade and 4,151,690 tons metallurgical ore.

Because the metallurgical grade stock is theoretically rated 165% of the required objective stockpile further sales are indicated. The stockpile also contains about 787,000 tons of Fe-Cr alloys.

Growth: Industry projections indicate that stainless steel shipments will increase by 1970 to about 1,258,000 tons. Some forecasts are even more optimistic. One places stainless output at 2.3 million tons in 1980. Of course this means a substantial rise in needs for chromium since many stainless grades contain 16 to 20% Cr.

Chromite requirements for chemicals and refractories will also increase. Thus, it is possible that the U.S. may consume over 2 million tons of chromite before 1980. The metallurigcal needs might top 1.5 million tons.

Outlook: Future use may involve more dependence on fines and concentrates of lower grade ores. Some reserves—especially good refractory grades—may be seriously depleted within a decade.

Rhodesia, South Africa and U.S.S.R. have been major suppliers, but technical, economic and political problems could be disturbing. They might relate to government policy, transport, price fluctuations and switching from traditional sources to new supplies. There may be less dependency on ore with 48% dichromium trioxide. It is questionable whether low grade minerals in North America will be used in the near future because of economic factors. Maybe the Philippines will supply more?

Ferrochromium producers include Union Carbide, Airco Alloys, Foote Mineral Co., Ohio Ferro-Alloys, Shieldalloy Corp., Chromium M&S and Interlake Steel.

SOVIET EXPORT STRATEGY

(By A. C. Sutton)

Major Gen. A. N. Lagovskiy of the Red Army, a doctor of military science and a leading Soviet specialist in economic warfare, is also author of "Strategiya i Ekonomika"—a text of economic warfare recommended for study in the Soviet armed forces. Given Lagovskiy's considerable status and wide influence, it is conceivable that the strategies outlined in "Strategiya i Ekonomika" consitute, at least in part, the basis for the operational directives of Soviet foreign economic policies.

The purpose of this article is to relate one Lagovskiy principle—the "weak-link principle"—to the pattern of recent U.S. trade with the Soviet Union and thus to test a stated Soviet strategic principle against empirical observations.

In a section discussing foreign trade as a weak link in the economy during a war, Lagovskiy notes the great dependence of modern warfare on certain raw materials—such as chrome and platinum—and, simultaneously, notes the lack of major deposits of such raw materials in the United States and other capitalist countries.

As a consequence, he suggests, "the strategic material situation continues to be an urgent problem in war production for the U.S.A."

A clear distinction is drawn by Lagovskiy between such "weak-link" strategic minerals and machinery with a technological component. Application of Lagovskiy's principle would require the Soviet Union to avoid import of weak-link mineral commodities—while simultaneously encouraging a potential adversary, such as the United States, to accept such exports from the Soviet Union.

On the other hand, the Soviet Union would deny exports of its own technology embodied in machinery and equipment, while maximizing imports of a potential adversary's technology.

As for the technological side of U.S.-Soviet trade, there is no question that export of worth-while Soviet technology to the West (or even to fellow socialist countries) is virtually nil, while Western and East European export of technology to the Soviet Union is not only both historically and currently of immense proportions but also of critical importance to Soviet economic and military development. Therefore, it is only the "weak-link"—import aspect which is now of interest.

Except for synthetic rubber, the Soviets do not import such mineral commodities from the United States; i.e., they have avoided any strategic dependence on their own part. In distinct contrast, the U.S. is a remarkably heavy importer of "weak-link" commodities from the U.S.S.R.

Let us first review the argument in detail.

Lagovskiy takes an American jet plane as his principal example and lists the amount of critical materials required in construction of a single aircraft (see Table I).

TABLE I.—CRITICAL MATERIALS IN A U.S. MILITARY JET AIRPLANE (FROM LAGOVSKIY)

Material	Weight (pounds)	Percentages of material imported
Chrome	3,659	92.0
Nickel	2,117	97.0
Alumina (bauxite)	46,831	76.0
Cobalt	436	88.0

It is therefore clear, says Lagovskiy, that a jet aircraft cannot be produced in the United States by utilizing only domestic raw materials, "since domestic production of the most important types of raw materials for it amounts to only 3 to 24 per cent of requirements." This example of dependence on imported materials for military aircraft is followed by a listing of United States imports of these materials (see Table II).

TABLE II.—*Percentages of critical materials imported by the United States for military aircraft (after Lagovskiy)*

Material:	*Percentage imported by U.S.*
Natural rubber	100
Tin	100
Industrial diamonds	100
Chrome ore	99
Platinum	99
Manganese	95
Cobalt	80
Tungsten	72
Bauxite	70
Mercury	66

Many, but not all, of these raw materials *do* have imperfect substitutes: synthetic rubber, is more important to industry in the United States and butyl synthetics are equal in physical properties to natural rubber. It is rather the Soviet Union that is dependent on natural rubber as its own development of synthetics (it has no natural rubber) is backward.

On the other hand, although substitution is possible for materials like chrome, manganese, and tungsten, such substitution is not complete and would be difficult to undertake on short notice. It is in U.S. imports of these minerals that Lagovskiy's argument has some force.

It is interesting that Lagovskiy avoids any further discussion of rubber but devotes a full page of discussion to U.S. dependence on imported chrome and emphasizes that "the U.S.A. has almost no chrome in its own country."

Chrome is required for production of alloys for jet engines, gas turbines, guns, and armorpiercing projectiles; it is used in both aircraft and motor vehicle manufacture. The United States accounts for about two-thirds of the entire Western-world consumption. Lagovskiy points up as a "weak link" the "enormous geographic disparity" between world production and consumption regions:

"The imperialist countries, considering the enormous significance of chrome in war production and the lack of deposits of it in places where it is consumed, do not spare funds for the development of chrome reserves. However, this does not free them from the necessity of importing chrome ore in wartime as well."

Clearly, then, Lagovskiy lays great faith in his "weak-link" theory, and he might be expected to recommend its use in Soviet economic relations with the United States.

Although we have no direct way of knowing whether the Soviets have indeed made use of the principle, we can examine the structure of U.S. imports from the Soviet Union to determine if the structure conforms, or does not conform, to Lagovskiy's theory.

If it does not, then either the Soviets have made no attempt to utilize the principle, or—conversely—they have attempted to do so, but the United States, aware of its potential weaknesses, has avoided dependence by diverting its purchases elsewhere. This is possible, as there are free-world as well as Soviet sources.

Table III contains U.S. imports of Lagovskiy's "weak links." While Lagovskiy lists "platinum," the table includes "platinum group" metals. Nickel and titanium are not in Lagovskiy's listing, but fulfill the Lagovskiy criteria.

This table contains data for the first half of 1968 (latest available in the Quarterly Reports on Export Control). U.S. imports of weak-link commodities constituted no less than $20 million out of a total import from the Soviet Union of $35 million of all goods. *A remarkably high percentage—84 per cent—of our total imports from the U.S.S.R. fall within the very narrow range of commodities covered by the Lagovskiy weak-link principle.*

TABLE III.—*U.S. imports of Lagovskiy's "weak-link" commodities, January–June 1968*

Weak-link commodity:	*Amount of U.S. imports from U.S.S.R.*
Chrome ore	$3,433,000
Diamonds, cut but unset	5,681,000
Platinum	518,000
Palladium	15,540,000
Rhodium	2,348,000
Nickel	1,092,000
Titanium	899,000
Lagovskiy's "weak links	29,511,000
Total U.S. imports from U.S.S.R.	35,359,000

SOURCE: U.S. Department of Commerce, *Export Control*, 85th Quarterly Report, p. 19.

If the comparison is extended to cover the previous full year (1967), 65 per cent of our imports from the U.S.S.R. fall into the category.

In brief, our import structure is almost unbelievably consistent with a principle of economic warfare that is advanced by a general of the Red Army.

The next relevant question concerns the proportion these imports from the U.S.S.R. constitute of U.S. *total* imports from *all* sources for specific commodities. In 1966 about one-third of U.S. chrome ore imports came from the Soviet Union.

In the same year, about one-half of palladium imports and just less than one-third of the rhodium imports came from the U.S.S.R.; in the case of other platinum-group metals, the Soviet proportion was somewhat less. However, it cannot be argued that the relative dependence is in any way a minor matter.

In general, it may seem improbable that the dependence is critical. Alternate sources of supply are available, stockpiles presumably are adequate, substitution is possible—and in time of war there would be diversion from considerable civilian end uses to military end uses.

But the Soviets, in case of war, also could divert these Russian deposits (developed with the aid of Western equipment and peacetime purchases) to their own military use. Such diversion would be relatively more important to them, as civilian uses in the U.S.S.R. are much smaller and they do not have the same range of substitution options. Further, free-world sources are in areas earmarked for "liberation" by the Soviets—Rhodesia, for example.

It cannot be argued that this coincidence between a Soviet strategic principle and its implementation is accidental. The Soviets have a foreign trade monopoly and can bring about, by manipulation of price and quantities marketed, a militarily desirable pattern of trade.

Any trade pattern therefore must reflect a conscious objective on the part of the Soviet Union. It has not resulted from the free play of market forces in international commerce.

The evidence suggests that the Soviets adopted the weak-link theory and have endeavored to put it into practice. Private American firms then responded (as they have every right to do) to the lower Soviet prices and more favorable offers. This pattern was encouraged by the Johnson Administration when Rhodesia was cut off as a source of supply for chrome.

The United States therefore is becoming increasingly dependent on Soviet raw materials of a critical nature. The only valid conclusion is that this was a conscious effort on the part of the Soviet Union as part of a wider scheme. If not, the patern of U.S. imports from the U.S.S.R. would be distributed far more widely.

This also explains why the Soviet Union continued to ship chrome and manganese to the U.S. after the 1948 embargo and during the current Vietnamese war—*i.e.*, as a long-range effort to increase U.S. dependence. A few U.S. observers have noted the continuing import of Soviet chrome and concluded it is a sign of Soviet benevolence—a completely mistaken interpretation, inconsistent not only with Soviet strategy but also with our own defense posture.

For example, J. M. Chambers, testifying before the Senate Subcommittee on Banking and Currency (May 1969), argued: "The metallurgical-grade chrome consumed in the United States normally comes from two main sources; Rhodesia furnishes one-third, Russia one-third, and the balance from the rest of the world. With Rhodesia under sanction we cannot rely on them for any chrome and therefore the . . . availability of chrome ore from Russia is essential. . . .

"Since the importance of these materials to our industries is well known to the Russians, I think that some of those who worry about our 'national interest' should take heart that Russia has continued to supply us . . ."

There are indeed two ways of looking at dependence on the Soviet Union for strategic materials. One way—put forward in the early 1960's in the Rock report—is to accept a strategy of interdependence as leading to peace.

Unfortunately, it has never been explained how interdependence between two countries leads to absence of conflict. Indeed, the argument is refuted by Soviet actions and their reasons for these actions in Vietnam.

Examination of the trade history of the past decade suggests certain firm conclusions. As the "bridge-building" policy took hold in the mid-1960's, the Soviets had an opportunity to make a reciprocal response according to the prevailing theory of "graduated reciprocation in tension reduction." How did they respond?

If Soviet actions had been guided by responsive reciprocity, they would have increased neither their trade in weak-link commodities nor their logistic supply of world revolution. They would have made a determined and conscious effort to deemphasize any action capable of misinterpretation, and so have marked their intentions to reciprocate.

Given the monopoly of foreign trade in the Soviet Union, such a policy could have been effected very readily, and it would have shown up long before 1966–1967.

The facts presented complement the evidence provided by Soviet logistic support of the Vietnamese war and the Middle East conflict—that the Soviets not only made no effort at reciprocity, but also seized the opportunity to further an over-all offensive strategy, an *economic* strategy with *military* objectives.

It appears that the United States, under the illusion that it was making an initial invitation for reciprocal disarmament and trading for peace, actually may have traded and reciprocated itself into a potentially dangerous corner.

The coincidence between Soviet strategic objectives and our imports from the Soviet Union is too great and has continued for too long a period of time to be dismissed as accidental. There is little question that Soviet offers have been attractive enough to U.S. firms to induce such a dependence.

In "Strategiya i Economika," Lagovskiy makes explicit reference to this question: "Our strategy is a strategy of bold daring, always realistically considering the material, morale, and political capabilities of its accomplishment. In the Soviet Union, where economics and strategy are developed in an indissoluble dialectical unity under the leadership of the Communist Party, where the planned system of economy dominates, there is no expenditure of resources without plan, and never can be . . ."

It is the psychological effect on Soviet planners that contains a degree of danger. Although given to great realism, Soviet planners cannot help but observe the significant fullfillment of a strategic objective. If this be so, then it must weigh in the scale in consideration of future hostilities with the United States.

From the viewpoint of a Soviet planner it is a distinct signal of United States weakness, and as such is generally considered a sufficient invitation to initiate aggression. It makes little sense, then, to defend ourselves at a cost of $X billions against Soviet missiles, without accompanying this move by the logical action—taken at the almost negligible cost of shifting supply sources—to remove a potential source of Soviet miscalculation.

Sanction for Deceit: It's Time To End the Economic War on Rhodesia

Elder statesmen, in or outside of government, have one thing in common with middle-aged editors: unlike ordinary mortals, they can speak their mind and generally get away with it. After a long and distinguished diplomatic career, Dean Acheson, adviser to Democratic Presidents and one-time Secretary of State, lately has been making the most of the privilege. In an eyebrow-raising newspaper interview last month, Mr. Acheson took deadly pot shots at such sacred cows of the liberal establishment as John Kenneth Galbraith, J. Robert Oppenheimer, the Bulletin of the Atomic Scientists ("the greatest bit of nonsense since The New Republic") and Dr. Spock. Turning to foreign affairs, the ex-diplomat was savagely quotable: "France is more deeply split than appears, Italy is hardly a country and the Germans have a Government with a parliamentary majority of two . . . the British are a bankrupt people conducting a banking business, and they should get out of it." The world, he concluded waspishly, is "very largely a struggle" between long- and short-term views, between "intelligence and stupidity."

Vintage Acheson, and pretty heady stuff. For our money, however, nothing cited above, or in his new book, "Present at the Creation" (Norton, $12.50 until December 31, $15 thereafter), matches the force of his scathing denunciation 18 months ago of U.S. policy toward newly independent Rhodesia. "It will surprise some of our fellow citizens," so the senior partner of Covington and Burling told the American Bar Association, "though hardly anyone here, to (learn) that the United States is engaged in an international conspiracy, instigated by Britain and blessed by the United Nations, to overthrow the government of a country that has done us no harm and threatens no one." Since then, of course, Lyndon Johnson has left the White House, while Arthur Goldberg, renegade Democrat, is no longer U.S. Ambassador to the U.N. Late last month the Subcommittee on Africa of the House Committee on Foreign Affairs held hearings on the impact, at home and abroad, of Washington's sanctions against Salisbury. For perhaps the first time since they were imposed nearly three years ago, someone in authority is questioning their wisdom.

High time, too. By any standard of power politics, not to mention international law, sanctions have been a disaster. For one thing, they have dismally failed to achieve their purpose: far from bringing Rhodesia to her knees in a matter of "weeks, rather than months," as Prime Minister Harold Wilson once cockily forecast in London, they have served to unify the country and to stiffen its resolve. Today, on the eve of the fourth anniversary of independence, Rhodesia is richer and stronger than ever. What is worse, as executives of Foote Mineral and Union Carbide—as well as an Assistant Secretary of Commerce and the Deputy Director of the Office of Emergency Preparedness—testified the other day, sanctions have cut off the U.S. from its principal supply of strategic chromite, thereby raising the threat of a serious shortage by the end of next year and making industry and the national security dependent on the Soviet Union, which happens to be the only other major source. Finally, to appease the so-called Afro-Asian bloc, whose anti-Americanism is legion and whose racism makes any other look pale, Foggy Bottom, in Dean Acheson's eloquent words, has pursued a course of "barefaced aggression, unprovoked and unjustified by a single legal or moral principle." Even in the Parliament of Man, that's too much to pay for votes.

The Great Society evidently felt otherwise. Pursuant to a resolution of the U.N. Security Council in December 1966 (reaffirmed and strengthened in May 1968), President Johnson by Executive Order promptly imposed sanctions on Rhodesia, violations of which are punishable by fines of $10,000 and prison terms up to 10 years. Thereby Washington actively sought to oppose—"overthrow" in the Acheson view—a government the existence of which, by U.N. lights, constitutes an affront to humanity and a threat to world peace. Rhodesia, you see, rejects the concept of one man, one vote; indeed, in its newly approved constitution, it has taken pains to provide that the huge black majority, while amply represented in the legislature, can never rule. That's not apartheid; white and black mingle freely, in and outside of Parliament. It is white supremacy, enforced by a regime with perhaps more emergency power than it should have (Salisbury not long ago is reported to have jailed a financial editor for allegedly revealing state secrets, a move that strikes uncomfortably close to home). In liberal circles, not to mention those with more sinister motives, it is anathema.

Hence the sanctions, about which the first thing to note is their failure ("utter," according to the Secretary-General of the Organization of African Unity). True, they have had an impact, notably on Rhodesian tobacco farmers and their native help (many of whom, doubtless in their own best interests, have been thrown out of work). By and large, however, the country has never enjoyed greater prosperity. Industrial production last year increased by 5%, while consumption of electricity rose 15%. Compared with $986 million in 1965, the year of independence, gross national product in 1969 will reach an estimated $1.2 billion, up 10% from 1968. In foreign exchange markets the Rhodesian pound (still officially valued at $2.80, by the way) is firm, while local stocks have boomed. Foreign goods, supposedly banned by the U.N. resolution, are plentiful. Here is a recent first-hand account of Salisbury by a foreign correspondent of The Wall Street Journal: "The O.K. Bazaar, like other of the city's department stores, teems with shoppers. Appliance stores display Grundig and Zenith radios, Sony and Akai tape recorders and various other electronic gadgets from major nations of the world. New French-made Citroen and Peugeot automobiles vie with German-made BMW cars. There are so many automobiles on the streets that parking is a problem. A gasoline station attendant scoffs at suggestions of fuel rationing . . ."

From the U.S. standpoint, indeed, sanctions—to judge by last month's Congressional testimony—have backfired. Thus, according to the vice president, purchases, of Corning Glass Works, a growing scarcity of petalite, a unique lithium-bearing mineral available in commercial quantity only in Southern Rhodesia, threatens the continued output of glass-ceramic products and the jobs of over 20% of its 18,000-man domestic work force. Far more serious is the looming shortage of metallurgical-grade chromium ore, which, in ferro alloys, is vital to the production of stainless and high-temperature alloy steel. Since sanctions were imposed, U.S. industry has grown heavily dependent on chromite from the USSR; like the most rapacious capitalist, Moscow charges all that the traffic will bear (prices for a product of dubious quality have doubled). Nonetheless, according to industry and federal officials alike, the U.S. by the end of 1970 will face a shortfall of 200,000 tons, or roughly one third of total demand. Government stockpiles have been depleted to the point where cessation of Soviet shipments—such as occurred nearly a decade after the outbreak of the Korean war—would leave industrial users empty-handed barely in 12 months' time.

By boycotting Rhodesia, in short the U.S. has fostered trade with the Soviet Union, a mortal enemy in Vietnam and elsewhere, and a totalitarian state which denies its people freedom of any kind. There's a triumph of hypocrisy of which the State Department might well be proud. Any alleged threat to world peace, moreover, comes not from Salisbury (it wants only to be let alone), but from hostile neighbors which time and again have mounted terrorist forays across the border (while simultaneously doing a brisk business, in transportation, tourism and tobacco with the "racists"). As for Rhodesia's blacks, their plight periodically moves The New York Times to righteous wrath. Yet somehow—as even African Nationalist leaders concede—they shun their would-be liberators and line up with their alleged oppressors. Perhaps—like some in more progressive lands—they can't tell friend from foe. Perhaps they can.

In any case, as Dean Acheson has persau-

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sively argued, it's nobody's business but their own. President Nixon, another good lawyer, seems to agree. Thus, in his Inaugural Address, the Chief Executive observed: "Let all nations know that during this Administration our lines for communication will be open. We seek an open world—open to ideas, open to the exchange of goods and people, a world in which no people, great or small, will live in angry isolation. We cannot expect to make everyone our friend, but we can try to make no one our enemy." Rhodesia is a fine place to begin.

Mr. EASTLAND. Mr. President, the time has come for the Congress to take action in this matter. It is foolish for this country to be party to a scheme which destroys American investments abroad, which destroys a pro-Western ally on a continent theatened by Communist infiltration and subversion, which makes us dependent on the Soviet Union for a strategic military and industrial material and which puts us in the position of supporting the development of a major Soviet industry.

Accordingly, Mr. President, I submit a resolution which expresses the Sense of the Senate that the United States should forthwith abandon its adherence to the United Nations sanctions and accord full recognition to the Government of Southern Rhodesia.

The ACTING PRESIDENT pro tempore. The resoltuion will be received and appropriately referred.

The resolution (S. Res. 367), which reads as follows, was referred to the Committee on Foreign Relations:

S. Res. 367

Whereas the constitutionally elected Government of Rhodesia, with the full support of the Council of Chiefs, declared Rhodesia's independence on November 11, 1965;

Whereas on November 11, 1969 the Government of Rhodesia observed its fourth anniversary of continuous, effective and peaceful control over its legal territory and population;

Whereas Rhodesia has shown continuous economic growth and stability during the past four years while being subjected to unprecedented economic sanctions;

Whereas the Government of Rhodesia has clearly established itself as the *de jure* sovereign over the legal territory and population of Rhodesia;

Whereas Rhodesia is not hostile to the United States nor an enemy of the United States either under international law or under the laws of the United States;

Whereas United States citizens continue to be warmly welcomed in Rhodesia and our Government representatives there are still accorded full consular privileges;

Whereas Rhodesia is one of the very few countries in Africa which pays her own way and receives no United States aid and that trade between our two countries before sanctions had been running two to one in our favor, all on a commercial basis with no subsidies, thereby assisting our balance of payments;

Whereas, according to the Constitution (article I, section 8, paragraph 3), only the Congress has power to regulate commerce with foreign nations and the Executive has no legal authority to block trade except under laws which control trading with the enemy;

Whereas the United States Government, without any authority from the Congress or the American people, has adopted and encouraged a stringent policy of economic sanctions and has broken all diplomatic and consular contacts with Rhodesia;

Whereas these sanctions have caused the United States to lose a major source of high grade metallurgical chromite ore which is militarily and industrially vital to the security of the United States;

Whereas the United States has become almost wholly dependent on the Soviet Union for its supply of this high grade metallurgical chromite ore;

Whereas the United States and firms doing business therein are forced to purchase high grade metallurgical chromite ore from the Soviet Union at prices ranging as high as 100% greater than that at which high grade metallurgical chromite ore produced in Rhodesia can be purchased;

Whereas United States citizens have extensive commercial interests in Rhodesia which have been severely damaged by the arbitrary application of economic sanctions;

Whereas said United States citizens have even been prevented from performance of valid contracts and other legal and moral obligations, to their present and future great loss;

Whereas the economic sanctions have deprived Africans in Rhodesia and from neighboring countries of employment in occupations directly affected by the sanctions: Therefore be it

Resolved by the Senate, That it is the sense of the Senate of the United States that the United States Government immediately cease its inhumane, imprudent and economically and militarily disastrous policy of economic sanctions against Rhodesia; take necessary steps to restore normal trading relations; and accord full recognition and all diplomatic and consular rights attached thereto to the legal Government of Rhodesia.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore laid before the Senate the following communication and letters, which were referred as indicated:

Establishment of the Commission on Population Growth and the American Future

A communication from the President of the United States relating to Senate bill 2701, an act to establish the Commission on Population Growth and the American Future, and requesting the names of the two Members of the Senate that are recommended be appointed to said Commission; ordered to lie on the table.

Report on Contingencies, Defense Appropriations

A letter from the Deputy Secretary of Defense, reporting, pursuant to law, on disbursements made against the "Contingencies, Defense" appropriation for the current and prior fiscal year's obligations during the period July 1–December 31, 1969; to the Committee on Appropriations.

Report on Reapportionment of Appropriations

A letter from the Director, Bureau of the Budget, Executive Office of the President, transmitting, pursuant to law, a report stating that the appropriations to various departments and agencies have been apportioned on a basis which indicates a necessity for supplemental estimates of appropriations, in order to permit payment of pay increases granted (with an accompanying report); to the Committee on Appropriations.

Proposed Authorization to District of Columbia Commissioners To Utilize Volunteers for Active Police Duty

A letter from the Assistant to the Commissioner, Executive Office, Government of the District of Columbia, transmitting a draft of proposed legislation to authorize the commissioners of the District of Columbia to utilize volunteers for active police duty (with an accompanying paper); to the Committee on the District of Columbia.

Report of the Comptroller General

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on an examination into the transfer of 52 Federal supply classes from the Department of Defense to the General Services Administration, dated March 9, 1970 (with an accompanying report); to the Committee on Government Operations.

Report of the American Revolution Bicentennial Commission

A letter from the Chairman, American Revolution Bicentennial Commission, transmitting, pursuant to law, a financial report of the commission (with an accompanying report); to the Committee on the Judiciary.

Proposed Amendment of the Federal Youth Correction Act

A letter from the Attorney General of the United States transmitting a draft of proposed legislation to amend the Federal Youth Corrections Act, 18 U.S.C. 5005 et seq., to permit examiners to conduct interviews with youth offenders (with an accompanying paper); to the Committee on the Judiciary.

Proposed Legislation on Nontestimonial Identification Procedures

A letter from the Attorney General of the United States, transmitting a draft of proposed legislation to amend title 18, United States Code, to authorize courts to issue orders requiring the appearance of certain persons for the purpose of having these persons participate in nontestimonial identification procedures (with an accompanying paper); to the Committee on the Judiciary.

Report of Railroad Retirement Board

A letter from the chairman, Railroad Retirement Board, transmitting, pursuant to law, the annual report of the board for the fiscal year ended June 30, 1969 (with an accompanying report); to the Committee on Labor and Public Welfare.

Report on the Administration of the Welfare and Pension Plans Disclosure Act

A letter from the Secretary of Labor, transmitting, pursuant to law, a report on the administration of the Welfare and Pension Plans Disclosure Act covering the calendar year 1969 (with an accompanying report); to the Committee on Labor and Public Welfare.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the ACTING PRESIDENT pro tempore:

A resolution of the Legislature of Guam; to the Committee on Banking and Currency:

"Resolution No. 423

"Resolution relative to respectfully requesting the Congress of the United States to increase the ceiling for the Federal Special Assistance Program 2(Guam) so that home construction can continue in Guam and the many desperately needing residential housing can obtain amortgage financing

"Be it resolved by the Legislature of the Territory of Guam:

"Whereas, the Legislature is advised that under the present ceiling of $22 million in Federal Special Assistance Program 2(Guam) administered by the Government National Mortgage Association, the territory will soon run out of funds, even if all the $22 million authorized is made available since the total funds needed to support the construction and sale of homes and housing units which are scheduled to start within the immediate future are approximately $8 million while the balance of the fund is only $5 million; and

"Whereas, figures submitted to the Legislature further demonstrate that in fiscal year 1971 an additional $15 million will be required to maintain Guam's residential home construction program, and thus the increase of the ceiling under this Special Assistance Program is a matter of crucial importance, Guam being critically short in safe, sanitary, and decent homes, and at the same time having no credit facilities available for conventional mortgage financing, no local lending institution being willing to finance home construction unless the mortgages can be sold to the Government National Mortgage Association; and

"Whereas, the Congress of the United States in the past has always responded to the problems of Guam's people and has, when necessary, increased the ceiling under the Special Assistance Program to permit the residential construction program on Guam to continue, and therefore the people of Guam are hopeful that once again Congress will act to keep alive the availability of home construction loans on Guam; now therefore be it

"Resolved, that in view of the foregoing, the Tenth Guam Legislature does hereby on behalf of the people of Guam respectfully request and memorialize the Congress of the United States to increase substantially the ceiling under Federal Special Assistance Program 2 (Guam) so that the many families in Guam desperately needing housing and qualifying for FHA loans can obtain the homes they need and can afford; and be it further

"Resolved, that the Speaker certify to and the Legislative Secretary attest the adoption hereof and that copies of the same be thereafter transmitted to the President of the Senate, to the Speaker, House of Representatives, to the Chairmen, Committees on Interior and Insular Affairs, United States Senate and House of Representatives, to the Chairman, Committee on Housing, United States Senate and House of Representatives, to the Honorable Daniel K. Inouye, Senator from Hawaii, to the Honorable Hiram Fong, Senator from Hawaii, to the Honorable Spark Matsunaga, Representative from Hawaii, to the Honorable Patsy Mink, Representative from Hawaii, to Guam's Washington Representative, and to the Governor of Guam.

"Duly and regularly adopted on the 10th day of February 1970.

"JOAQUIN C. ARRIOLA,
"Speaker.

"JAMES T. SABLAN,
"Legislative Secretary."

A resolution of the Legislature of Guam; to the Committee on Finance:

"RESOLUTION NO. 350

"Relative to memorializing the Congress of the United States to enact welfare legislation to make uniform the national standards for all welfare assistance and to otherwise reform the national welfare programs

"Be it resolved by the Legislature of the Territory of Guam:

"Whereas, the question of welfare assistance is of paramount importance to the entire United States of America; and

"Whereas, the disparity of payments among the several states and territories and the lack of national standards of assistance have created crisis situations in states and territorial fiscal management; now therefore be it

"Resolved, that the Tenth Guam Legislature does hereby on behalf of the people of Guam respectfully request and memorialize the Congress of the United States to take action to enact legislation which will include the following: the financing by the Federal government of all welfare payments throughout our nation; the establishment of uniform national standards for all welfare assistance; the continued administration by the individual states, territories, and towns of welfare on the local level with emphasis on training and incentive programs as well as programs designed to reunite families receiving welfare assistance; and be it further

"Resolved, that the Speaker certify to and the Legislative Secretary attest the adoption hereof and that copies of the same be thereafter transmitted to the Speaker of the United States House of Representatives, to the President, United States Senate, to Guam's Washington Representative, and to the Governor of Guam.

"Duly and regularly adopted on the 4th day of February, 1970.

"JOAQUIN C. ARRIOLA,
"Speaker.

"JAMES T. SABLAN,
"Legislative Secretary."

A resolution of the General Assembly, State of Rhode Island and Providence Plantations; to the Committee on Finance:

"S. 60

"Resolution memorializing Congress to increase deductions allowed for mentally retarded and physically handicapped children

"Whereas, There are many physically handicapped and mentally retarded children who are unable to provide for themselves; and

"Whereas, Such unfortunate children oftentimes necessitate additional care and additional expense to their parents; and

"Whereas, Parents who bravely bear this additional burden of caring for their family should be given some assistance from the federal government by allowing for a $1,200. per year exemption for each mentally retarded or physically handicapped child; and

"Whereas, Congress should immediately begin a study of the feasibility of extending this helping hand to these parents by conducting public hearings; now, therefore, be it

"Resolved, That the general assembly of Rhode Island and Providence Plantations now requests the Congress of the United States to act with dispatch to increase the deductions allowed for mentally retarded and physically handicapped children up to $1,200. per child per year; and be it further

"Resolved, That the senators and representatives from Rhode Island in said congress be and they are hereby earnestly reqested to use concerted effort to bring about this greatly needed assistance to parents of mentally retarded and physically handicapped children; and the secretary of state is hereby authorized and directed to transmit duly certified copies of this resolution to the president of the senate, and speaker of the house, and the senators and representatives from Rhode Island in said congress."

Two joint resolutions of the Legislature of the State of California; to the Committee on Interior and Insular Affairs:

"SENATE JOINT RESOLUTION NO. 2

"Resolution relative to gas and oil drilling

"Whereas, The recent Santa Barbara oil disaster provided an unforgettable example of the terrible destruction an offshore oil leak can cause to the marine environment anywhere along the California coast; and

"Whereas, All new offshore oil wells are more than three miles offshore and therefore are not subject to strict California drilling regulations which might prevent such spillage; and

"Whereas, The federal government recently established a precedent in the field of environmental protection by allowing California to establish stricter automotive exhaust standards than existing federal standards; and

"Whereas, The State Lands Commission has imposed a moratorium on further gas and oil drilling operations and leasing of state tidelands and submerged lands for any such operation in state waters in the Santa Barbara Channel; now, therefore, be it

"Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California hereby endorses the moratorium imposed by the State Lands Commission on drilling operations on state tide and submerged lands in the Santa Barbara Channel and commends the commission for such action; and be it further

"Resolved, That the Legislature of the State of California respectfully memorializes the President, the Congress of the United States, and the Secretary of the Interior to allow California to control and apply stricter state regulations to all oil and gas drilling in federal waters more than three miles off the coast of California; and be it further

"Resloved, That with respect to oil and gas drilling on federal tidelands in the Santa Barbara Channel, the Legislature respectfully memorializes the federal goverment to act immediately to halt such drilling permanently; and be it further

"Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Secretary of the Interior, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

"SENATE JOINT RESOLUTION NO. 4

"Resolution relative to marine sanctuaries

"Whereas, The California Legislature, during the 1955 General Session, enacted a bill creating the Santa Barbara Oil Sanctuary in tidelands adjacent to the City of Santa Barbara; and

"Whereas, The Legislature has subsequently caused similar sanctuaries to be created in which leasing of state-owned tidelands for oil and gas development is prohibited or controlled; and

"Whereas, These sanctuaries and the coastal lands adjacent to them will be in serious jeopardy of pollution of disastrous proportions, such as occurred in the Santa Barbara Channel, if leases are granted for oil, gas, or other minerals exploration and exploitation in federal submerged lands oceanward of the existing state sanctuaries; and

"Whereas, The President's panel on oil spills, the Dubridge Panel, stated, 'as a general practice it would seem advisable that the federal standards for safety and possible environmental damage should be at least as strict as the standards in the state whose waters are contiguous to the federal waters'; and

"Whereas, After due and careful consideration of the public interest, legislation was introduced in the United States Senate, 91st Congress, which would create marine sanctuaries from leasing pursuant to the Outer Continental Shelf Lands Act in areas off the coast of California adjacent to state-owned submerged lands when California suspends leasing of such submerged lands for mineral purposes; and

"Whereas, Legislation was introduced in the House of Representatives, 91st Congress, which provides, in general, that when California notifies the Secretary of the Interior that it has enacted a law that provides that leases will not be issued by it for the exploration or extraction of oil, gas, or any other mineral in specified areas of the coastline of California, the secretary shall suspend, for the duration of such state law, any further leases, pursuant to the Outer Continental Shelf Lands Act, for the exploration or extraction of any such minerals seaward of any such state areas; and

"Whereas, The Subject will be heard by the Subcommittee on Oil, Gas, and Minerals of

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the Committee on Interior and Insular Affairs on March 13, 1970, and March 14, 1970, in Santa Barbara, California; and the Legislature of this state strongly urges action in this area; now, therefore, be it

"*Resolved* by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to support and enact the legislation that provides for creation of marine sanctuaries in federal submerged lands off the coast of California adjacent to marine sanctuaries that are in state-owned submerged lands; and be it further

"*Resolved*, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

A resolution of the General Assembly of the State of Georgia; to the Committee on the Judiciary:

"Resolution Ratifying and Approving the Nineteenth Amendment to the Constitution of the United States of America; and for Other Purposes

"*Whereas*, during 1970 tne League of Women Voters of Georgia will observe its 50th anniversary; and

"*Whereas*, the State of Georgia is proud of the outstanding record compiled by the female citizens of this State in the effective and informed use of the right to vote; and

"*Whereas*, the Nineteenth Amendment to the Constitution of the United States of America reads as follows:

" 'The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex.

" 'Congress shall have power to enforce this article by appropriate legislation.'; and

"*Whereas*, it is only fitting and proper that the Nineteenth Amendment to the Constitution of the United States of America be ratified and approved.

"*Now, therefore, be it resolved by the General Assembly of Georgia* that the Nineteenth Amendment to the Constitution of the United States of America be and the same is hereby ratified and approved.

"*Be it further resolved* that a certified copy of this Resolution be forwarded by the Governor of Georgia to the Secretary of State of the United States, to the Presiding Officer of the United States Senate, and to the Speaker of the House of Representatives of the United States.

"Senate Resolution 304 By: Senators Plunkett of the 30th and Webb of the 11th.

"Adopted in Senate February 18, 1970.

"Adopted in House February 20, 1970.

"George T. Smith,
"*President of the Senate.*
"Leo L. Smith,
"*Speaker of the House.*"

Resolutions of the Commonwealth of Massachusetts; to the Committee on Labor and Public Welfare:

"Resolution Memorializing the Congress of the United States To Enact Legislation Increasing the Federal Minimum Wage for Farm Workers and Extending Coverage to All Farm Workers

"*Whereas*, Massachusetts, through the action of the General Court, has become a leading state relative to the establishment of minimum wages paid farm workers; and

"*Whereas*, Other states and the Congress of the United States have failed to enact legislation bringing the state and federal minimum wages for farm workers in line with those paid such workers in Massachusetts; and

"*Whereas*, Agricultural employers in Massachusetts are placed at an economic disadvantage by low minimum wages or the absence of minimum wages in other states; therefore be it

"*Resolved*, That the General Court of Massachusetts hereby urges the Congress of the United States to take such action as may be necessary to raise the federal minimum wage to one dollar and fifty cents per hour for farm workers and to extend coverage to all farm workers; and be it further

"*Resolved*, That copies of these resolutions be transmitted forthwith by the State Secretary to the President of the United States, to the presiding officer of each branch of Congress and to the members thereof from this Commonwealth.

"House of Representatives, adopted, February 18, 1970.

"Wallace C. Mills,
"*Clerk.*

"Senate, adopted in concurrence, February 23, 1970.

"Norman L. Pidgeon,
"*Clerk.*

"Attest:

"John F. X. Davoren,
"*Secretary of the Commonwealth.*"

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. YOUNG of North Dakota:

S. 3572. A bill for the relief of Erika Frieda Bruntjen; to the Committee on the Judiciary.

By Mr. STEVENS:

S. 3573. A bill to credit certain service for purposes of subchapter III of chapter 83 of title 5, United States Code, relating to civil service retirement; and

S. 3574. A bill to provide a 5-percent increase in certain civil service retirement annuities; to the Committee on Post Office and Civil Service.

(The remarks of Mr. Stevens when he introduced S. 3574 appear later in the Record under the appropriate heading.)

By Mr. McGOVERN (for himself and Mr. Hart):

S. 3575. A bill to promote and protect the free flow of interstate commerce without unreasonable damage to the environment; to assure that activities which affect interstate commerce will not unreasonably injure environmental rights; to provide a right of action for relief for protection of the environment from unreasonable infringement by activities which affect interstate commerce and to establish the right of all citizens to the protection, preservation and enhancement of the environment; to the Committee on Commerce.

(The remarks of Mr. McGovern when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. FONG:

S. 3576. A bill to amend the Consolidated Farmers Home Administration Act of 1961 to increase the limitation on the total amount of indebtedness applicable to loans made or insured under subtitle A of such act; to the Committee on Agriculture and Forestry.

(The remarks of Mr. Fong when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. DODD:

S. 3577. A bill for the relief of Licia di Paola; to the Committee on the Judiciary.

By Mr. FULBRIGHT (by request):

S. 3578. A bill to give the consent of Congress to the construction of certain international bridges; to the Committee on Foreign Relations.

(The remarks of Mr. Fulbright when he introduced the bill appear later in the Record under the appropriate heading.)

S. 3574—INTRODUCTION OF A BILL TO PROVIDE A 5-PERCENT INCREASE IN CERTAIN CIVIL SERVICE RETIREMENT ANNUITIES

Mr. STEVENS. Mr. President, at the time Public Law 91-93 was passed, employees had until October 31 to take advantage of the opportunity to retire under its 5-percent annuity increase provisions. A main feature of this law was this opportunity to receive an additional 5 percent in retirement benefits.

Just before the deadline arrived, the Federal Government began what proved to be a continuing reduction of Federal employees in an effort to curb inflation and promote efficiency in Government. These RIF actions are still underway.

Many employees now affected by RIF actions could have elected to retire under Public Law 91-93 but chose not to prior to October 31, 1969. On a recent trip through my home State of Alaska, I talked with a large number of Federal employees on this situation. Each said, in effect:

> Had I known I was about to be RIFFED, I would have elected to retire in order to receive the 5% annuity increase.

Under the present circumstances, Mr. President, it would appear that those employees affected by RIF actions should be given the opportunity to retire under the provisions of Public Law 91-93. Therefore, I am today introducing a bill that would extend to those employees, who retire as a result of an involuntary separation, a 5-percent increase in their annuity.

Certainly these affected employees, who have given many years of loyal service to the Federal service and are now forced to retire, deserve special consideration. My bill will give this consideration to those employees so affected.

Mr. President, I ask unanimous consent that my bill be printed in the Record at the end of my statement.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the Record.

The bill (S. 3574) to provide a 5-percent increase in certain civil service retirement annuities, introduced by Mr. Stevens, was received, read twice by its title, referred to the Committee on Post Office and Civil Service, and ordered to be printed in the Record, as follows:

S. 3574

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That each annuity payable from the Civil Service Retirement and Disability Fund as the result of involuntary separation and having a commencing date after November 1, 1969, but before December 31, 1970, shall be increased, from the commencing date of the annuity, by 5 per centum.

S. 3575—INTRODUCTION OF THE ENVIRONMENTAL PROTECTION ACT OF 1970

Mr. McGOVERN. Mr. President, we are all, by now, keenly aware of the environmental crisis that our technological progress has generated.

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Crisis is often a phrase too soon and too much used to describe many of the problems we face. Sometimes it is employed to dramatize a problem that is not of the gravest nature.

"Crisis," in the context of our environmental problems, on the other hand, may be coming into play too late, instead of toon soon, and is not overreaching, to summarize our situation.

Perhaps the most disturbing aspect about the current public discussion on environmental issues is a sense of uncertainty. Not uncertainty about the sense that something is terribly wrong. But uncertainty about why it is wrong, what is causing the destruction of our environment and what or whether anything can be done to reverse the damage that has been done and is being done, or to prevent the damage that will be done.

There is no question that we are beginning to move but, in this, as in so many other areas, there is the uneasy feeling that we are like a man in a kyak suddenly aware he is approaching a waterfall, back-paddling furiously to keep from going over, but coming closer and closer to the edge of disaster.

In an interview recently with a national news magazine, the President's Science Advisor, Lee DuBridge, discussed the probabilities of two technologically caused environmental catastrophes for mankind. In the one instance, a steady buildup of carbon dioxide in the atmosphere would turn the earth into a hothouse, melt the polar ice caps, raise the levels of the oceans, and innundate the continental coastlines. In the other instance, an increase of particulate matter would screen out the warmth of the sun, cool the earth and create a new ice age.

When I consider these two equally unpleasant prospects, I am reminded of a particularly appropriate poem, "Fire and Ice" by Robert Frost:

"Some say," wrote Frost, "that the world will end in fire. Some say in ice. * * *"

These prospects of doomsday, of course, are more real to the scientific community than the average citizen. The average citizen is obviously less concerned with the survival of the entire earth in the long run, then he is with the survival of himself, his family, his community, in the short-run. He is aggravated daily by cars and buses that blow choking exhaust into his face and an irritating din into his ears, by plants and factories that turn a blue sky black or gray, by inadequate or absent sewage treatment facilities that infuse his rivers and streams with offensive odors, and by the mountains of garbage, junk, and trash that litter the land everywhere he looks.

The Government has begun to respond to these daily concerns of our citizens. The Congress is enacting laws setting quality standards for our air and water, subsidizing facilities to treat pollution to meet the standards, creating new regulatory agencies and strengthening the authority of existing regulatory agencies to enforce the standards. Recently, various colleagues in the Senate, particularly Senators NELSON and MUSKIE, for many years leaders in the fight to save our environment, have proposed further broad ranging legislation to insure every American his right to a livable environment, to clear the air of dust and dirt and take the soapsuds out of our streams and the oil out of the oceans, to plan for an intelligent use of our natural resources.

Responding to public concern and congressional leadership, the President has promised a priority effort on environmental problems. His message to the Congress outlined a 37-point program, including 23 major legislative proposals, embracing problems ranging from water and air pollution to parks and public recreation as well as administrative reorganization.

I intend, of course, to support every worthwhile proposal to protect and restore our natural heritage. I hope, also, to be able to make an individual contribution. It is, in this regard, that I am introducing today on behalf of myself and Senator HART, a bill that we believe can add an important tool to those already existing and recommended to protect the environment. The authority that we envision creating would flow from the activities of industry in or affecting interstate commerce, and would extend to environmental factors, including but not limited to land, water and air quality, noise levels, fish and wildlife, natural scenic and recreational assets and other factors affecting the environment.

I think it might be helpful in explaining this proposal by Senator HART and myself to first quote from the President's message.

The President said:

> The task of cleaning up our environment calls for a total mobilization by all of us. It involves governments at every level, it requires the help of every citizen. It cannot be a matter simply of sitting back and blaming somebody else. Neither is it one to be left to a few hundred leaders. Rather, it presents us with one of those rare situations in which each individual everywhere has an opportunity to make a special contribution to his country as well as his community.

I agree wholeheartedly with the President. Protecting our environment is the responsibility of each and every one of our citizens. Certainly it is a responsibility that more and more of our citizens, particulraly our young people, are ready and willing to take on. The environmental teach-ins taking place on campuses all across the country this month and next are clear evidence of that willingness to assume responsibility.

Our citizens are ready and willing to join the fight. Unfortunately no matter how willing, they are not always able to do so. Individual citizens, on their own behalf or on behalf of other citizens, have been prevented from exercising their responsibilities because of legal prohibitions raised against them by Government itself.

At this point, some history is useful.

Traditionally, environmental protection has been left to the Federal and State Governments and their regulatory agencies. They were supposed to act to protect the environment on behalf of the public. The individual citizen was prevented from intervening and participating in the regulatory process by a variety of legal and administrative roadblocks. Leave this business, the individual was told, to the experts. The individual citizen, it was said, has no right to challenge governmental action on their behalf.

More recently, however, these rigid prohibitions against individual citizens acting on their own or on behalf of others have begun to loosen. It has become, in certain instances, possible, though still exceedingly difficult, for citizens to challenge the actions of various regulatory agencies. Citizens are bringing suit to challenge highway departments on the locations of roads, pollution control agencies for not enforcing the law and private industries for activities that degrade the environment.

These cases indicate the discontent that many citizens feel with the public agencies that are supposed to be protecting the public interest. They indicate the widespread feeling the public agencies regulating private interests often end up not regulating but representing that private interest. This recognition of the inadequacies of much of the administrative process has reached into the courts as well. Before his elevation to the High Court, the present Chief Justice of the United States, wrote in a case involving a suit by citizens against a regulatory agency:

> The theory that the Commission can always effectively represent listener interests . . . without the aid and participation of legitimate . . . representatives fulfilling the role of private attorneys general is one of the assumptions we collectively try to work so long as they are reasonably adequate. When it becomes clear . . . that is no longer a valid assumption . . . neither we nor the Commission can continue to rely on it . . .

So we can see that private citizens are getting their foot in the door. But the doors is not yet really open and, more often than not, the door is still closed in their face on the traditional grounds that the public interest is being adequately protected by the regular proceses of responsible agencies. The unfortunate results of this closed door situation are sometimes painfully clear, such as in the Santa Barbara oil spill.

The citizens of Santa Barbara were worried about the oil leases for offshore drilling from the outset. They questioned the Department of the Interior and were informed that "maximum provision" was being made to protect the local environment. Behind closed doors, however, the Interior Department was being pressured by the Budget Bureau to issue the leases and was opposing plans for a public hearing by the Corps of Engineers.

An Interior Department official, describing in a memorandum his conversation with the corps, said he had warned the corps that a public hearing might "stir up the natives. . ."

The citizens of Santa Barbara were aware that all was not well. They were desperate to find the facts. They consulted with attorneys about the possibility of going to court to force the Interior Department to level with them.

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Their attorneys told them that, unfortunately, they did not have the right to take the Interior Department into court to protect their own interests. The Interior Department was the protector of their interests.

Despite this discouraging advice, the citizens went into court and their case was rejected immediately on the grounds that they did not have standing to sue.

After the disastrous blowout occurred, one Santa Barbaran, looking back on how powerless they were to protect themselves, said:

> We are so ——— frustrated. The whole democratic process seems to be falling apart. Nobody responds to us, and we end up doing things progressively less reasonable. Nothing seems to happen except that we lose.

If the proposal that Senator HART and I are introducing today had been effective during that period before the Interior Department granted the leases, the citizens of Santa Barbara would not have been frustrated. They would have been able to take their case to court. They could have, if they had convinced the court, stopped the granting of the leases until it could be demonstrated that the Interior Department was taking adequate safeguards to protect the local environment. At the very least, just the threat of having to go into court and present its case, might have spurred the Department onto instituting the necessary safeguards.

If this proposal had been in effect, the democratic process, instead of falling apart, would have actually worked.

This proposal would essentially do three things.

First, it would grant all citizens a federally guaranteed right to a pollution-free environment which they have not previously had;

Second, it would give all citizens an effective means of enforcing the right by opening up the Federal and State court system to antipollution suits by ordinary citizens against other citizens or Government agencies.

Third, it would give citizens a standing in Federal and State courts to challenge administrative decisionmaking where it is lax and in the implementation of environmental policy generally.

I recognize that this proposal will not be without controversy. I know that it will give pause to many government agencies responsible for protecting the environment and to industries struggling with the problem of pollution. I want to assure them that this proposal has been drafted, not to take any of their just rights away, but to grant long overdue rights to Americans at large.

This proposal, I hope, will be viewed not as a threat to existing procedures to protect the environment, but as a supplement, as an additional tool to protect us all. I think that it opens up another avenue, the judicial avenue, to resolve some of the difficult questions that we must face.

I introduce, on behalf of the Senator from Michigan (Mr. HART) and myself, this bill, entitled the Environmental Protection Act of 1970, and ask unanimous consent to have the bill and a detailed section-by-section analysis of the bill printed in the RECORD.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the bill and section-by-section analysis will be printed in the RECORD.

The bill (S. 3575) to promote and protect the free flow of interstate commerce without unreasonable damage to the environment; to assure that activities which affect interstate commerce will not unreasonably injure environmental rights; to provide a right of action for relief for protection of the environment from unreasonable infringement by activities which affect interstate commerce and to establish the right of all citizens to the protection, preservation, and enhancement of the environment, introduced by Mr. McGOVERN, for himself and Mr. HART, was received, read twice by its title, referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

S. 3575

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Environmental Protection Act of 1970".

SEC. 2. (a) The Congress finds and declares that each person is entitled by right to the protection, preservation, and enhancement of the air, water, land, and public trust of the United States and that each person has the responsibility to contribute to the protection and enhancement thereof.

(b) The Congress further finds and declares that it is in the public interest to provide each person with an adequate remedy to protect the air, water, land, and public trust of the United States from unreasonable pollution, impairment, or destruction.

(c) The Congress further finds and declares that hazards to the air, water, land, and public trust of the United States are caused largely by persons who are engaged in interstate commerce, or in activities which affect interstate commerce.

SEC. 3. (a) Any person may maintain an action for declaratory or equitable relief in his own behalf or in behalf of a class of persons similarly situated, for the protection of the air, water, land, or public trust of the United States from unreasonable pollution, impairment, or destruction which results from or reasonably may result from any activity which affects interstate commerce, wherever such activity and such action for relief constitute a case or controversy. Such action may be maintained against any person engaged in such activity and may be brought, without regard to the amount in controversy, in the district court of the United States for any judicial district in which the defendant resides, transacts business or may be found: *Provided*, That nothing herein shall be construed to prevent or preempt State courts from exercising jurisdiction in such action. Any complaint in any such action shall be supported by affidavits of not less than two technically qualified persons stating that to the best of their knowledge the activity which is the subject of the action damages or reasonably may damage the air, water, land, or public trust of the United States by pollution, impairment, or destruction.

(b) For the purpose of this section, the term "person" means any individual or organization; or any department, agency, or instrumentality of the United States, a State or local government, the District of Columbia, the Commonwealth of Puerto Rico, or a possession of the United States.

SEC. 4. (a) When the plaintiff has made a prima facie showing that the activity of the defendant affecting interstate commerce has resulted in or reasonably may result in unreasonable pollution, impairment, or destruction of the air, water, land, or public trust of the United States the defendant shall have the burden of establishing that there is no feasible and prudent alternative and that the activity at issue is consistent with and reasonably required for promotion of the public health, safety, and welfare in light of the paramount concern of the United States for the protection of its air, water, land, and public trust from unreasonable pollution, impairment, or destruction.

(b) The court may appoint a master to take testimony and make a report to the court in the action.

(c) The court or master, as well as the parties to the action, may subpena expert witnesses and require the production of records, documents, and all other information necessary to a just disposition of the case.

(d) Costs may be apportioned to the parties if the interests of justice require.

(e) No bond shall be required by the court of the plaintiff: *Provided,* That the court may, upon clear and convincing evidence offered by the defendant that the relief required will result in irreparable damage to the defendant, impose a requirement for security to cover the costs and damages as may be incurred by defendant when relief is wrongfully granted: *Provided further,* That such security shall not be required of plaintiff if the requirement thereof would unreasonably hinder plaintiff in the maintenance of his action or would tend unreasonably to prevent a full and fair hearing on the activities complained of.

SEC. 5. The court may grant declaratory relief, temporary and permanent equitable relief, or may impose conditions on the defendant which are required to protect the air, water, land, or public trust of the United States from pollution, impairment, or destruction.

SEC. 6. This Act shall be supplementary to existing administrative and regulatory procedures provided by law and in any action maintained under the Act, the court may remand the parties to such procedures: *Provided,* That nothing in this section shall be deemed to prevent the granting of interim equitable relief where required and so long as is necessary to protect the rights recognized herein: *Provided further,* That any person entitled to maintain an action under this Act may intervene as a part in all such procedures: *Provided further,* That nothing herein shall be deemed to prevent the maintenance of an action, as provided in this Act, to protect the rights recognized herein, where existing administrative and regulatory procedures are found by the court to be inadequate for the protection of such rights: *Provided further,* That, at the initiation of any person entitled to maintain an action under the Act, such procedures shall be reviewable in a court of competent jurisdiction to the extent necessary to protect the rights recognized herein; *and provided futher,* That in any such judicial review the court shall be bound by the provisions, standards, and procedures or sections 3, 4, and 5 of this Act, and may order that additional evidence be taken with respect to the environmental issues involved.

The material presented by Mr. McGOVERN for himself and Mr. HART is as follows:

SECTION-BY SECTION ANALYSIS

Section 1 establishes a short title for the Act. For the purpose of citation and reference, it shall be known as the "Environmental Protection Act of 1970."

Section 2 sets out Congressional findings and declarations with respect to the air, water, land and public trust of the United States. In Section 2(a) Congress find and declares that each person is entitled to the protection, preservation and enhancement of the environment of the United States, and

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that each person has a responsibility to contribute thereto. In Action 2(b) Congress finds and declares that the public interest necessitates that each person be provided with an adequate remedy to protect the air, water, land and public trust of the United States from unreasonable pollution, impairment or destruction. In Section 2(c) Congress further finds and declares that hazards to the air, water, land and public trust are caused largely by persons who are engaged in interstate commerce, or whose activities affect interstate commerce.

Section 3(a) establishes the right of any person to maintain a judicial action for declaratory or equitable relief, relief that would order the defendant to desist or moderate the practice or act in question, either individually or in behalf of a class of persons, without regard to the amount in controversy, to protect the environment or public trust from pollution, impairment or destruction which results from or reasonably may result from any activity and such action for relief constitute a case or controversy, a real issue with adverse parties. Section 3(a) also provides that such actions may be maintained against any person whose activities affect interstate commerce, and may be brought in any district court of the United States for any judicial district in which the defendant resides, transacts business or may be found. Section 3(a) further provides that State courts shall not be prevented or preempted from exercising jurisdiction in any such action. However, it is not the intent of Congress that actions brought in the United States District Courts shall be remanded to the State courts when jurisdiction is otherwise proper. Section 3(a) further provides that complaints in such actions shall be supported by affidavits of at least two technically qualified persons affirming that the defendant's activity damages or reasonably may damage the environment or public trust of the United States. This requirement for affidavits, which is not required by the Federal Rules of Civil Procedure will eliminate frivolous actions and alleviate the burden upon the courts. Section 3(b) defines the term "person" as any individual or organization; or any department, agency or instrumentality of the United States, a State or local government, the District of Columbia, the Commonwealth of Puerto Rico or a possession of the United States.

Section 4 prescribes the judicial procedures and standards under which the act is to be administered by the courts. Section 4(a) provides that when the plaintiff has made a showing that on first appearance the activity of the defendant has or reasonably may damage the air, water, land or public trust by unreasnoable pollution, impairment or destruction, the defendant then has the burden of proving that there is no feasible and prudent alternative and that the activity at issue is consistent with and reasonably required for promotion of the public health, safety and welfare when viewed in light of the paramount concern of the United States for the protection of the environment and the public trust. Section 4(b) authorize the court to appoint a master to take testimony and make a report to the court in the action. Section 4(c) grants to the court, master and the parties authority to subpoena expert witnesses and require the producing of records, documents and all other information necessary to a just disposition of the case. Section 4(d) provides that costs may be apportioned to the parties if the interests of justice require. Section 4(e) exempts the plaintiff from posting bond, except in those instances where clear and convincing evidence is presented to the court by the defendant that wrongfully granting relief will result in irreparable damage to the defendant. However, if requiring the plaintiff to post bond would unreasonably hinder the plaintiff in the maintenance of the suit or would tend unreasonably to prevent a full and fair hearing on the activities complained of, a bond shall not be required of the plaintiff.

Section 5 grants the court authority to provide declaratory relief, temporary and permanent equitable relief, or to impose conditions on the defendant's operations which are required for the protection of the air, water, land or public trust of the United States from unreasonable pollution, impairment or destruction.

Section 6 provides that the act shall be supplementary to existing administrative and regulatory procedures provided by law and grants the court authority to remand the parties to such procedures. Section 6 also provides that nothing in the section shall prevent the granting of appropriate interim equitable relief to protect the rights recognized under the act for as long as is necessary and further provides that any person entitled to maintain an action under the act may intervene as a party in all such administrative and regulatory procedures. Section 6 provides further that nothing in the section shall prevent the maintenance of an action to protect rights recognized in the act where the court finds existing administrative or regulatory procedures to be inadequate for the protection of such rights. Section 6 further provides that at the initiation of any person entitled to maintain an action under the act, such procedures shall be reviewable in a court of competent jurisdiction to the extent necessary to protect the rights recognized in the act. Finally, Section 6 provides that in any such judicial review the court shall be bound by the provisions, standards and procedures of Section 3, 4 and 5 of the act and may order that additional testimony be taken on the environmental issues.

Mr. HART. Mr. President, we are all consumers, not only of the products men make, but of the land and air and water around us.

For some time many of us have sought to give the consumer legal weapons to protect himself against unfair trade practices.

It seems to me that individuals should have the same type of weapon—a concerned citizen's lawsuit—to defend against practices unfair to the environment.

The bill that Senator McGOVERN and I introduced today will do just that.

Before discussing in some detail the provisions of the bill, I would first like to pay tribute to Prof. Joseph Sax, of the University of Michigan, who previously has drafted a similar bill for introduction in the Michigan State Legislature. We are indebted to Professor Sax for much of the language of this bill.

Mr. President, although much of the pollution which afflicts our environment can be traced to facilities or services involved in or which affect interstate commerce, many of our legislative and administrative restraints in this area have not been used effectively against pollution.

This failure is due, at least in part, to the difficulty of utilizing one of our most effective mechanisms—the concerned citizens' lawsuit.

Removal of traditional barriers to citizen suits dealing with environmental issues could make quick, decisive, and far-reaching relief possible.

Those barriers include:

First. Limits that courts traditionally have imposed on the standing of citizens bringing such suits, and

Second. The reluctance of courts to consider suits questioning decisions of governmental administrators affecting the environment.

Our bill would lower these barriers, making it easier for individuals to do something other than just complain about pollution which robs them of clear air or streams to swim or fish in.

Clearly, the bill would have broad ramifications in the fight against pollution.

In introducing the bill I endorse its objective while recognizing that the proposal must be the subject of extensive hearings to determine what safeguards may have to be added.

Mr. President, the bill deals with barriers to citizen environmental suits in these ways.

With respect to standing of citizens to sue, the language of section 3 constitutes an instruction to the judiciary that it is to go to the constitutional limits in defining that concept. The Constitutions of the United States and of State governments lay down threshold requirements for those who may initiate lawsuits. Although our bill, of course, continues to respect those requirements, additional limitations on standing which courts have traditionally imposed will no longer be sanctioned. As a result, any citizen whose environment is polluted unreasonably will be able to seek direct legal redress against the perpetrator of that pollution.

As for administrative discretion, the bill makes clear that courts will no longer be forced to dismiss actions which question the judgment of Government administrators. In the past, administrative decisions have been accorded extraordinary respect in the courts because the subject matter of those decisions has been thought to be within the expertise of the administrative agency involved.

However, the environmental matters which such agencies adjudicate often bear no relationship whatever to an agency's expertise.

The Federal Power Commission is expert in the area of energy production and consumption; the Corps of Engineers, in the construction of dams, bridges, and canals; the Federal Aviation Administration, in the need for airport and airway development. The question is whether the environmental decisions of the same agencies which promote these activities should be open to judicial review. We think they should be.

Of course, seldom will any judge be able to claim expertise in environmental matters. Yet the courts decisionmaking apparatus in this area has consistently produced intelligent decisions uninfluenced by the industrial bias or responsibility too often associated with administrative proceedings.

The judicial process is highly conducive to the fair exchange of ideas and the sharpening of issues. Moreover, I believe the general public will, when permitted, make effective use of this process to inspire needed corrective action. This belief in the willingness of the citizen to take effective action in court in his own behalf and in behalf of others similarly situated is the basis for proposing similar legislation for consumer protection.

The bill before us today and those bills which would establish the right to a consumer class action and an Independent Consumer Council all seek to give individuals the tools to defend themselves from incursions which have been tolerated too long.

The reliance which our bill places on the judicial process should not be taken to indicate any lack of concern on our part for reforms of other branches of government.

In the environmental area, this bill should be viewed as an extension of the efforts of many of us in Congress to improve administrative disposition of environmental issues. Last month, the Senate adopted two amendments I offered to major transportation bills which require both public hearings on environmental questions and determinations by the Secretary of Transportation on the environmental soundness of federally-financed projects. Under the terms of those amendments, no urban mass transportation or airport project may be approved until the Secretary has found, on the basis of a full and complete hearing record, that the proposed development is the best project possible from an environmental standpoint.

Today's bill would leave that procedure intact, but would allow citizens to initiate review of the Secretary's finding unfettered by the obstacles that have traditionally restricted such review.

Any disgruntled citizen would be able to require a Federal judge to review the record on which the administrative finding is based and to determine whether the former justifies the latter. If additional evidence is needed, the judge is permitted to call witnesses and take testimony necessary to decide whether the project will unreasonably pollute or impair the environment. His decision on that question is his own, and he is free to overrule the Secretary.

If the bill that we introduce today passes, the emergence of a common law of the environment will be a natural consequence. While the development of such a body of law will not, by itself put an end to our environmental problems, it holds considerable potential for helping to improve the quality of our environment.

The bill rests on the assumption that the courts, when prompted by concerned citizens, are fitting instruments for developing and enforcing society's rules of self-preservation.

It assumes people want a voice in determining the quality of their environment.

I believe the people should have that voice, whether they seek to defend themselves against unfair trade practices or seek to defend against practices unfair to the environment.

S. 3576—INTRODUCTION OF A BILL TO AMEND THE CONSOLIDATED FARMERS HOME ADMINISTRATION ACT OF 1961

Mr. FONG. Mr. President, I am introducing today for appropriate reference a bill to amend the Consolidated Farmers Home Administration Act of 1961, as amended (7 U.S.C. 1925), designed to increase the loan limitation for farm ownership program from the present $60,000 to $100,000. The limitation was established in 1961, and at that time it was considered adequate to finance the purchase of farm lands for individual family farmers who could not obtain credit from private sources. A higher loan limitation than the present ceiling is now needed to meet adequate credit requirements of eligible farmers who desire to buy new farmlands or to take over established farms but who do not have the cash, equity, or other financial resources.

The reasons are: First, the high cost of acquisition and development of land and increased building costs, as compared to the 1961 period, have combined for an urgent need for a substantial increase in the farm ownership loan limitation. Since 1961 changing economic conditions have increased land values and capital investments. According to studies of the USDA Economic Research Service, the national index of average value per acre was 176 on November 1, 1968, based on the 1957–9 index of 100 percent. Land values increased by 70 percent in the decade ending March 1, 1968, and increased 37 percent nationwide from November 1, 1962, to November 1, 1967. These studies show that commercial farms had an average value of $100,000, estimated on a 300-acre average size farm. Under Secretary of Agriculture J. Phil Campbell, in an address on May 2, 1969, in Swainsboro, Ga., stated that the average investment on 200 to 400 acres of land alone might run from $40,000 to $160,000. Buildings would cost from $20,000 to $40,000, and land improvements could cost an additional $20,000.

Second, because of varied investment costs and value of land for different farming enterprises in different sections of the Nation, the present loan limitation restricts the lending program more in some geographical areas than in others. For example, Hawaii farmland cost is one of the highest in the country, ranging from $2,500 to $12,000 per acre, whereas in continental areas the land cost per acre ranges from $25 to $2,000. In some sections of Hawaii the purchase of even a leasehold interest in land costs as much as $5,000 to $6,000 per acre. Accordingly, Hawaii farmers' credit needs are greater than the needs of other area farmers. Because of the present $60,000 limitation, however, interested Hawaii farmers cannot obtain adequate loans for the purchase of farmland.

Third, throughout the country an increasing number of young farmers are migrating to the cities because of difficulty of owning a farm. We must stop this trend for a better rural America. Unless the farm ownership loan limitation is increased substantially, to give opportunity to these men to become farm-owners, more will migrate.

Fourth, the Department of Agriculture recognizes the great demand for ownership loans during the past several years. We should meet this demand. A ceiling higher than the present one would mean greater participation by our farmers.

For these reasons, my bill proposes to increase the loan limitation from $60,000 to $100,000 for farm ownership under the Farmers Home Administration real estate program.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 3576) to amend the Consolidated Farmers Home Administration Act of 1961 to increase the limitation on the total amount of indebtedness applicable to loans made or insured under subtitle A of such act, introduced by Mr. FONG, was received, read twice by its title and referred to the Committee on Agriculture and Forestry.

S. 3578—INTRODUCTION OF THE INTERNATIONAL BRIDGE ACT

Mr. FULBRIGHT. Mr. President, I introduce for appropriate reference, a bill to give the consent of Congress to the construction of certain international bridges.

The basic text of this bill has been offered by me three times before and each time been passed by the Senate: as S. 3074 on August 4, 1964; as a substitute amendment to H.R. 10779 on October 13, 1965; and as S. 623 on August 4, 1967. Its intent is to relieve the Congress of the time-consuming process of having to approve each individual crossing of a river between us and our neighbors to the north and south. Such enterprises require the consent of the Congress because they involve dealing with a foreign nation.

I am introducing this bill again at this time because demands to obtain authorization for such bridges are again multiplying in the Congress and this bill would take care of these in an efficient and effective manner.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 3578) to give the consent of Congress to the construction of certain international bridges; introduced by Mr. FULBRIGHT, by request, was received, read twice by its title, and referred to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS OF BILLS

S. 3503

Mr. BYRD of West Virginia. Mr. President, at the request of the Senator from Wisconsin (Mr. PROXMIRE), I ask unanimous consent that at its next printing, the name of the Senator from Maryland (Mr. TYDINGS) be added as a cosponsor of S. 3503, the middle income mortgage credit bill.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

S. 3560

Mr. MANSFIELD. Mr. President, at the request of the distinguished Senator from Kentucky (Mr. COOK), I ask unanimous consent that, at the next printing, the name of the distinguished Senator from South Carolina (Mr. HOLLINGS) be added as a cosponsor of S. 3560, to provide for lowering the minimum age at which citizens shall be eligible to vote in elections.

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The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

S. 3566

Mr. BROOKE. Mr. President, on behalf of the Senator from Pennsylvania (Mr. SCOTT), I ask unanimous consent that, at the next printing, the names of the Senator from Kentucky (Mr. COOPER), the Senator from New York (Mr. GOODELL), the Senator from Minnesota (Mr. MONDALE), and the Senator from Maine (Mr. MUSKIE), be added as cosponsors of S. 3566, to establish, within the National Foundation on the Arts and Humanities, a National Council on American Minority History and Culture.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ADDITIONAL COSPONSORS OF A JOINT RESOLUTION

SENATE JOINT RESOLUTION 147

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from West Virginia (Mr. RANDOLPH), I ask unanimous consent that, at the next printing, the name of the Senator from Michigan (Mr. GRIFFIN) be added as a cosponsor of Senate Joint Resolution 147, proposing an amendment to the Constitution of the United States extending the right to vote to citizens 18 years of age or older.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from South Carolina (Mr. THURMOND) be added as a cosponsor of Senate Joint Resolution 147, proposing an amendment to the Constitution of the United States extending the right to vote to citizens 18 years of age or older.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

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S. RES. 367—RESOLUTION SUBMITTED TO EXPRESS THE SENSE OF THE SENATE RELATIVE TO SANCTIONS AGAINST RHODESIA

Mr. EASTLAND submitted a resolution (S. Res. 367) to express the sense of the Senate relative to sanctions against Rhodesia, which was referred to the Committee on Foreign Relations.

(The remarks of Mr. EASTLAND when he submitted the resolution appear earlier in the RECORD under the appropriate heading.)

ADDITIONAL COSPONSORS

AMENDMENT NO. 545

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, at the next printing, the names of the Senator from South Carolina (Mr. HOLLINGS), the Senator from Texas (Mr. YARBOROUGH), and the Senator from Wisconsin (Mr. NELSON) be added as cosponsors of amendment No. 545 to H.R. 4249, giving the vote to the 18-year-olds.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, at its next printing, the name of the Senator from New Mexico (Mr. ANDERSON) be added as a cosponsor of amendment No. 545 to H.R. 4249.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, March 10, 1970, he presented to the President of the United States the enrolled bill (S. 2910) to amend Public Law 89-260 to authorize additional funds for the Library of Congress James Madison Memorial Building.

NOTICE CONCERNING NOMINATIONS BEFORE THE COMMITTEE ON THE JUDICIARY

Mr. EASTLAND. Mr. President, the following nominations have been referred to and are now pending before the Committee on the Judiciary:

John A. Birknes, Jr., of Massachusetts, to be U.S. marshal for the district of Massachusetts for the term of 4 years, vice Albert A. Gammal, resigned.

Anthony T. Greski, of New Jersey, to be U.S. marshal for the district of New Jersey for the term of 4 years, vice Leo A. Mault.

On behalf of the Committee on the Judiciary, notice is hereby given to all persons interested in these nominations to file with the committee, in writing, on or before Tuesday, March 17, 1970, any representations or objections they may wish to present concerning the above nominations, with a further statement whether it is their intention to appear at any hearing which may be scheduled.

NOTICE OF HEARING ON OBSCENE MAIL MATTER

Mr. McGEE. Mr. President, the Committee on Post Office and Civil Service has scheduled a public hearing on S. 3220, a bill to protect a person's right of privacy by providing for the designation of obscene or offensive mail matter by the sender and for the return of such matter at the expense of the sender. The hearing will be held on Wednesday, March 18, 1970, in room 6202 of the New Senate Office Building beginning at 10 a.m.

ADDITIONAL STATEMENTS OF SENATORS

FORMER REPRESENTATIVE JOHN McSWEENEY, A GREAT OHIO STATESMAN AND PATRIOT

Mr. YOUNG of Ohio. Mr. President, it is with a feeling of sadness I report the death of a very great Ohioan who served our country in the Armed Forces and in the Congress of the United States and whose heroic career is a legend in my State of Ohio. John McSweeney was born in the beautiful college town of Wooster, Ohio, in 1890. His grandfather was regarded as one of the greatest trial lawyers in our State. John McSweeney, following his graduation from Wooster College in 1912, taught at Wooster High School. He volunteered for service in World War I serving in combat in France with the 37th Division.

He was awarded a commission and was promoted to captain and aide-de-camp to Maj. Gen. Charles S. Farnsworth, commanding the 37th Division. He was wounded in combat, awarded the Purple Heart, and later the Croix de Guerre from the French Republic.

Directly following the armistice in 1918, he studied law in the Inns of Court, London, as a U.S. Army officer exchange student. Then he returned home, resumed teaching at Wooster High School, and later served as president of the Wooster City Council. He completed his study of law in Ohio, was admitted to the bar in 1925, and practiced law in Wooster.

John McSweeney's Army service did not end with World War I. In 1942 he volunteered for service in the Army and served in combat in North Africa and Italy in World War II. He was honorably discharged in 1946 as a lieutenant colonel. His World War II decorations were Legion of Merit, Italian Red Cross Medal, the Order of Malta, and the Order of St. George.

John McSweeney became my personal friend in 1922, when we were both speaking at political meetings in Ohio. Our close personal friendship continued to the time of his death early this year.

John McSweeney represented the 16th Ohio District in Congress from 1923 to 1929. During that period he was coauthor of the McSweeney-McNary Forestry and Conservation Act. From 1931 to 1935 he served as director of the Department of Public Welfare of Ohio. In that position he put into operation Ohio's old age pension system. Following that he served as Ohio Congressman at large from 1937 to 1941, his final congressional service was as a Member of the 81st Congress. He was my colleague and close personal friend in that Congress throughout the years 1949 and 1950. In fact, he and his lovely wife, Abby, who died last year, and my wife of many years, Ruby, who died in 1952, became the closest of friends and companions. We lived in the same Washington apartment building, during most of the time he and I were both serving in the House of Representatives.

In addition to the outstanding service John McSweeney rendered in the U.S. Army and in Congress, he was the Democratic nominee for U.S. Senator in 1940 and the Democratic nominee for Governor of Ohio in 1942.

John McSweeney was a great patriotic American in every respect as his service to our State and Nation over many years attests. He was well beloved by those who knew him in Ohio and in Washington. It is with sorrow that I announce his passing.

THE SPACE PROGRAM

Mr. ANDERSON. Mr. President, last week the distinguished majority leader commented—in passing, I am certain—on the values of our Nation's space program. He said, in essence, that he was aware of no valuable returns, at least no tangible returns, from the great effort this country has expended over the past decade to reach and explore the moon with men. He spoke somewhat disparagingly of "moon dust," and of "60 pounds of rocks."

The distinguished majority leader has many important matters on his mind. He is unusually well informed on all aspects of the national interest. His voice and counsel bear great weight. This is why I feel I must take issue—not with the leader, but with the summary judgment he expressed—and which, unfortunately, has gained some currency among those who have not informed themselves fully about the exploration and exploitation of space, who have perhaps forgotten why we have reached the moon and who it was that made it possible.

To go back to the beginnings of the age of space, remember the circumstances: The Soviet Union took the first step with sputnik in 1957. They took the second step, also in 1957, sending the dog, Laika, into space as a forerunner to their later manned space flight activities. In April of 1961 the Soviets orbited Yuri Gagarin, the first man in space.

What was the impact on America? Do you not remember the feeling of national discouragement, even of failure, that this seizure of the technological high ground engendered? For the first time in our lives, America was proven "second best," and, following 1957, the gap appeared to be widening. Not only our technology, our science, our skills, but most importantly our system of life and goverment were challenged—publicly and successfully.

This is what President John F. Kennedy found: A complacement Nation had overlooked a frontier of incalculable importance and had been caught napping. His Vice President, Lyndon Baines Johnson, as head of the Space Council, offered the President an alternative to national humiliation: A program commitment, on a national scale and for a decade, to land men safely on the moon and return them safely to earth. This challenge to the Nation was made explicit by John F. Kennedy in May of 1961. The Congress of the United States and the citizens of the free world saw and understood that here was an opportunity to test, with vigor and in the full light of public view, the values and courage of America.

Lyndon Johnson, as President, kept the faith with this Nation's proud past and its rich future. He supported the Apollo program from the White House as he had guided the creation of a U.S. space program from this Senate, in which he served with such distinction as the Democratic leader. His Vice President, as Chairman of the Space Council, enthusiastically and successfully pressed for continuing national support of the continuing national commitment. President Nixon has not turned his back on the heritage created through the vision and tenacity of his predecessors: Just this past Saturday he has laid down the broad guidelines for our future national space activities—guidelines only possible in the light of our great achievements over the past 10 years.

The space program, spearheaded and motivated by the Apollo goal, has come to maturity. It is now an integral part of the national scene, not because space exploration is spectacular but because it is a valuable and necessary part of this country's life.

We have heard that Apollo has produced no "tangible" values. Is national pride not tangible? Is international respect not tangible? Is proof of our country's ability to set a goal of enormous difficulty and then to stick to it and accomplish what we set out to do not tangible? I believe they are. In 1960, you may remember, a worldwide poll showed the majority of the world believing that the dominant force in international affairs would be the Soviet Union. In 1970, the same survey now indicates the majority of the world believes that the United States is—and will continue to be—without peer in power and influence. Can we say that this change of view came about because of the war in Vietnam? Can we say it was caused by our diminishing foreign aid budgets? Can we say it resulted from the image of internal strife, violence, and dissension we have grown to accept as normal? Can we say it was the outcome of our senseless environmental destruction? We cannot. We can say, however—as does every informed observer of the international scene to whom I have spoken—that the policy of peaceful use of outer space, the wholly open civilian space program, the tremendous strides in space sciences and the continuing application thereof to human problems here on earth, and above all, the Apollo lunar landing—the victory of man over his terrestrial domain—these are the events and achievements that have moved the minds of men around the globe.

These are not inconsiderable values. Are you also aware that it was an astronaut's pressure suit that saved a young woman's life in California last year? That artificial limbs are now using Apollo transducers? That a whole new set of fireproof materials and flammability standards are now available? That Hurricane Camille was spotted and tracked by satellite, and that authorities were therefore able to warn and evacuate gulf coast residents? That a NASA centrifuge was used to dislodge a bullet in a man's brain? These, too, are values—the kind we have called spinoff or applications. But is not the greatest value we can identify that of knowledge, of understanding the phenomena that created our world, our solar system, our universe? It is that kind of knowledge we are gaining, and it is only with that kind of knowledge that we can hope to do something about our own future on our own planet. Those 60 pounds of rocks are giving up the secrets of their past to the analysis of our scientists; they may hold the first hard answers to the formation of the earth, and therefore to some of the forces with which we must contend successfully if we are to manage our environment.

We learn too about man in the laboratory of space: How much is he a creature of the unique surface conditions of earth, how adaptable is he to wholly foreign conditions, what are the limits and extent of his capabilities.

We have created, by dint of stubborn will, dedication, and farsighted policy, a space capability for the United States. We have proven to the world our own confidence in that capability by sending men to the moon and back; we have exercised that capability for new communications systems and new levels of accuracy in weather forecasting. We have been using it for science, probing deeper into the nature of the world. We have just begun. The values already accrued outstrip the costs to date; the values to be harvested from now on are measureless—because they are limited, not by technology, not by science, but by our lack of imagination and our ignorance.

We are in a new world because space exploration has made it possible. We must recognize the change, seize the opportunities, and learn to live with a future that, in reality, is the present.

LIMITATION ON CANADIAN OIL IMPORTS

Mr. JAVITS. Mr. President, the State Department has informed me that the President will soon issue a proclamation limiting our crude oil imports from Canada. I ask unanimous consent that my statement on this matter be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

The President's imminent decision to limit crude oil imports from Canada, if viewed in isolation, cannot be quarreled with. However, this decision should not be viewed in isolation, but against the backdrop of our overall oil import policy. And I must conclude that it again re-affirms my conviction that the overall policy is outdated and invalid. The invalidity of this policy was clearly set forth in the brilliant report Secretary Shultz sent to the President which pointed up the need for sweeping revisions in the existing import quota program.

In New York State, the workings of the present policy periodically threatens the supply of heating oil in the middle of the winter; threatens to force the domestic petrochemical industry to re-locate overseas where considerably cheaper oil feedstocks are available; and now we have another example of the abuses the present system can and does lead to—abuses that do have domestic and international repercussions.

I would think that the handwriting on the wall should be increasingly clear to our policymakers. The present oil import policy should be changed, and the elements for such a change is already on the President's desk. The oil policy of this nation should transcend regional interests and reflect our national interest.

ALABAMA'S PARTICIPATION IN THE PARTNERS OF THE ALLIANCE PROGRAM

Mr. SPARKMAN. Mr. President, Alabamians have been helpful in many ways to bridge the gap of understanding in the Western Hemisphere. It is entirely fitting and proper that many of our citizens are participating in an effort to learn more of not only the hopes and aspirations of our neighbors to the south, but also of their many talents and contributions to our way of life. It is heartening to see increasing interchange

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and interaction between people in North and South America. After all, understanding comes from knowing about problems and attempting to resolve them.

One of the important programs in which Alabamians participate is the Partners of the Alliance program. Alabama is one of 40 States joined in a citizen-to-citizen program now operating in 17 Latin American countries. It is logical that people in Alabama are playing an important role in the Partners because of our nearness to Central and South America.

Last May, in Salt Lake City, Utah, delegates to the fourth inter-American conference of the Partners of the Alliance selected Guatemala as the site for their next conference to be held in November of this year. We are especially happy with this selection because of the fact Alabama is joined in a strong partnership program with Guatemala. Numerous small projects have been implemented because of the involvement of Alabama citizens in the partnership with Guatemala. Self-help is the key to the partners program and the people of Alabama have shown a willingness to respond to self-help on the part of their partners. Thousands of ties are being established throughout the hemisphere under this program. It is therefore one of the more important efforts in establishing better relations and understanding among the peoples of the Americas. Last month, two outstanding citizens from Guatemala visited Alabama to discuss plans for the partners conference to be held later this year in Guatemala. The visitors were Sra. Mariflor de Solis and Hector Sanchez-Latour who spoke to service organizations in the State.

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Mr. President, I ask unanimous consent that an article from the Birmingham News relating to the visitors and the plans for the partners conference be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

PARTNERS PROGRAM IS PEOPLE-BRIDGE TO BETTER UNDERSTANDING

(By Pat McGuire)

"Help your brother across, and you will find that your own boat has reached the shore."

This old Hindu proverb, read by Mrs. Elizabeth Horne, president of the Quota Club of Birmingham, exemplified the spirit of the program president at a joint meeting of women's service clubs hosted by the Quota Club Monday at the Downtown Club.

Alabama's participation in the Partners of the Alliance program was discussed by John W. Bloomer, managing editor of The Birmingham News and member of the Alabama executive committee of the Guatemala-Alabama Partners of the Alliance.

"Alabama is on the doorstep of Central and South America," Bloomer said. "We are building a stronger, more effective bridge with the Latin American countries through the Partners program than through any big government program. This concept involves people, and the more people involved, the more understanding there is."

About 40 states are involved in the program, associated in a partner relationship with 40 Latin republics or sub-divisions. Committees of individual citizens are currently carrying out beneficial projects in education, public health, business and commerce and agriculture.

Bloomer told of visiting a Guatemalan farmer who had raised and educated five children, and of his pride in his children. "This man started out as an illiterate porter and ended up as president of a 100-man farm cooperative, but the biggest thing was his pride in his children and their futures. In him I saw the same thing that I would see in a farmer in Alabama. Right there is the story of Guatemala and how we can help. The best thing about the program is that because of people in Alabama, people in Guatemala can have a better life."

Introducing Senora Mariflor Solis, secretary general, Federation of Partners of the Alliance for Central America and Panama, Bloomer said, "She as much as anyone made an effective organization in Alabama possible."

"I felt from the beginning there was a certain affinity for Alabama in Guatemala," Senora Solis said, "and now it has developed into a love affair."

Senora Solis feels very strongly about the people to people concept. "This is a program which I would call an investment in human relations. We are extremely fortunate in having you as a partner. We hope sincerely that we can return what you have invested in us."

A community development program in Guatemala was cited by Senora Solis as an example of the help Alabama has given in teaching the people various aspects of public health, agriculture and home economics. She mentioned the possibility of a team from Samford University working in Guatemala for a six-week period.

Hector Sanchez-Latour, president of the Guatemala Partners organization, was introduced by Senora Solis as "one of the finest minds in our country."

Sanchez-Latour issued an invitation to the women at the meeting to be present at Fifth Inter-American Conference of the Partners of the Alliance to be held in Guatemala Nov. 9–12. "We would like to have a hundred Alabamians there!" he said. The conference is being organized by the Guatemala-Alabama Partners of the Alliance.

Five service groups were represented at the meeting, including Altrusa, Pilot, Soroptimist, Zonta and the sponsoring Quota Club. A project of the Quota Club has been the Guatemala Partners' booth at the International Fair.

U.S. INVOLVEMENT IN LAOS

Mr. WILLIAMS of New Jersey. Mr. President, the situation in Laos is becoming more serious every day. It has become clear that the United States is involved in an escalating military operation there and, furthermore, that our involvement has been concealed from the American people. To some degree it is still being concealed. President Nixon, while proclaiming his desire to disengage American fighting men from conflicts in Asia, has increased our military operations in Laos.

I wish I could state with some certainty precisely what that involvement now consists of. Unfortunately, because of the President's policy of secrecy, I cannot do so. Neither the American people nor the Congress have had sufficient explanation of the extent of this country's involvement in Laos.

The President's much heralded statement on the subject last Friday did very little to improve that situation. To make matters worse, the authenticity of what the President did say was very quickly thrown into doubt by revelations regarding Americans killed in Laos which have given to Mr. Nixon his own credibility gap. The President's latest release of information about U.S. casualties in Laos is no more than what should have been done all along.

Most of what we know about what is happening in Laos comes from reporters on the scene. They have reported American planes flying combat missions at the rate of more than 200 a day in direct support of Royal Laotian combat troops. They have reported American soldiers who were mustered out of the Army so they could go on the CIA payroll as advisers to Laotian troops. They have reported an entire army, independent of the Lao Government, which was recruited, trained, and equipped by the United States. And they have reported that President Nixon himself approved bombing raids by American B–52's on the Plain of Jars.

Last July, and again in November, Mr. Nixon declared his intention to disengage the United States from the war in Vietnam and to keep our fighting men out of future conflicts of that nature. His actions with regard to Laos cast doubt on just how he is going about avoiding any new Vietnam-type involvements.

I am afraid that the United States stands today in Laos precisely where we stood 5 years ago in Vietnam. The rhetoric we hear today bears a frightening resemblance to the rhetoric which preceded the tragic escalation of U.S. involvement in South Vietnam.

Mr. Nixon blames "previous administrations" for our presence in Laos but fails to recognize that it is folly to let the policies of the past dictate our future.

He says we increased our combat air operations in Laos only when the North Vietnamese increased their aggression. But the President forgets that this was the same argument used to justify increasing our role in Vietnam.

The President justifies our involvement in Laos by saying the Laotian Government asked for our help. This, of course, was the same reason we were given for escalating American involvement in Vietnam. But at least Vietnam was a signatory to the SEATO agreement, providing some framework for our response. Laos has specifically avoided any such mutual defense pacts.

The 1962 Geneva agreement on Laotian independence, which the United States was a party to, prohibits foreign military intervention in Laos. The President now says we are justified in violating that agreement because North Vietnam has done so. That argument falls of its own weight; it is like saying two wrongs make a right.

And President Nixon plays on semantic niceties to hide the fact that American military men are fighting and dying in Laos.

The similarities to the things our Government said and did in Vietnam are appalling. Already we are reading reports of bewildered, homeless refugees pouring into Vientiane as they flee from bombing raids by U.S. planes. Refugees have been pouring into Saigon for 5 years, many of them for the same reason.

Last week I urged that secret testimony on Laos given to Senator SYMINGTON's subcommittee be made public. I no longer believe that would be enough. That testimony is 4 months old, and events have progressed rapidly in that time. I believe the best informed administration officials, Secretary Rogers, Secretary Laird, and Mr. Helms, should report fully and publicly, to Congress and the Nation, on just what we are doing in Laos.

It is time that decisions regarding war and peace be returned from the administration to Congress. It is time that our administration stops committing our fighting men as an automatic response to decisions made in Hanoi. And, most important, it is time that Americans were filled in on just what their country is doing in Southeast Asia.

OIL IMPORTS AND 33 AFFECTED STATES

Mr. STEVENS. Mr. President, the debate concerning the U.S. oil import quota system is one that has been pursued with great interest and vigorous discussion both on the floor of the Senate and in the office of the administration. The President's Cabinet Task Force on Oil Import Control has now submitted the results of its review.

In response to the task force report, the Interstate Oil Compact Commission, representing 33 States, has voiced its opposition to the task force's proposed tariff concept by a statement and resolution adopted February 16, 1970.

I submit for the RECORD and call to the attention of Senators the statement and resolution adopted by the Interstate Oil Compact Commission. I ask unanimous consent that the statement and resolution be printed in the RECORD.

There being no objection, the statement and resolution were ordered to be printed in the RECORD, as follows:

STATEMENT

The President's Cabinet Task Force on Oil Import Control has submitted to the President the results of its review of the oil import control system.

The Task Force majority reportedly favors replacing the 11-year old quota system with a phased-in differential tariff on foreign oil as the restrictive mechanism for the specific purpose of reducing or manipulating the domestic wellhead price of crude oil.

The Secretaries of Commerce and Interior and the Chairman of the Federal Power Commission dissent from the majority in their staunch opposition to the tariff concept and urge the continuation and refinement of the present quota system.

During its 35 years of existence, the Interstate Oil Compact Commission has consistently fostered petroleum conservation policies, including foreign oil import control principles, that promote the orderly and adequate development of domestic oil and gas reserves, the prevention of waste, and the protection of correlative property rights.

These sound and time-tested policies, nurtured in the economic, social, and political environment of this nation, have stimulated the conception and improvement of petroleum industry technology in use throughout the world.

Moreover, these same policies have helped immeasurably this nation to maintain its economic and military strength and its energy independence through two world wars, two Middle East crises, the Far East involvement and the current tensions in the Arab world.

It is the firm conviction of this Compact that these proved sound policies must be continued and improved and that the national interest must *not* be jeopardized by the imposition of a full or even partial tariff factor in the foreign oil import control mechanism.

While it is not the purview of the Interstate Oil Compact Commission to concern itself with petroleum prices, inasmuch as it is the announced intention of the report of the Cabinet Task Force on Oil Imports to artificially manipulate the price of crude oil by a selective, arbitrary, and variable tariff system, it is only fitting and equitable that the impact of such a program be called to the attention of those who will eventually pass judgment on the Cabinet report.

Any foreign oil import tariff that forces lower crude oil prices can only result in damage and harm to the entire nation. Some of the more prominent victims of such destructive forces will be:

1. CONSUMERS OF PETROLEUM PRODUCTS

The cost of petroleum products to all domestic consumers will increase by an amount equal to or greater than the tariff imposed. Consumers located distances from coastal refining facilities will also be faced with added product transportation costs.

2. STATE AND LOCAL GOVERNMENTS AND SCHOOL SYSTEMS

The inevitable loss in revenues from ad valorem, severance and production taxes that will result from reduced crude oil prices and premature well abandonments will do great damage to the economy and to the educational systems of all of the oil producing states.

3. NATIONAL DEFENSE

Forced crude oil price productions will reduce this nation's petroleum producing ability to an amount that is *less* than our present military and civilian day-to-day needs. Dependence on foreign oil will result.

4. NATURAL GAS RESERVES

For the first time in the life of this Compact recent natural gas shortages have jeopardized the flow of gas to manufacturing plants. Reduced explorations drilling that will result from reduced crude oil prices will accelerate this coming natural gas supply crisis.

5. PETROCHEMICAL INDUSTRY

Domestic oil and natural gas liquids are the predominant feedstocks for the petrochemical industry that has invested over $19 billion in plants and employs some 320,000 persons in many states.

The huge liquefied petroleum gas industry furnishes fuel to industries and remote consumers in practically every state.

6. NEW PETROLEUM PROVINCES

The imposition of a tariff on foreign oil, even if a quota system base of import control is retained, will reduce the tremendous amounts of capital necessary to effectively explore: the Arctic areas of Alaska; the offshore areas of the East Coast, the submerged Gulf Coast and the West Coast of the United States; and the deep petroleum provinces that yet remain to be tested within the Continental United States.

7. EXISTING PETROLEUM RESERVES

The older high-cost producing reserves that now supply large quantities of oil, natural gas and natural gas liquids to domestic markets, will be abandoned prematurely. Victims of this great loss will be the independent producers, the smaller refiners and their customers, many industries and the ultimate consumers.

8. ALTERNATE ENERGY SOURCES

Of all of this nation's economically recoverable energy sources—coal, shale oil, tar sands, uranium and petroleum, oil and gas are the most abundant, most flexible, most desirable and cheapest due principally to the laws and regulations under which this industry has operated for so many years.

Reduced crude oil prices will postpone, even stagnate, the urgently needed development of all alternate energy sources. Dependence on foreign oil is therefore assured and accelerated.

9. BALANCE OF PAYMENTS

The intended objective of any tariff plan is to reduce domestic crude oil prices which will force abandonment of domestic wells and increase the quantity of foreign oil imported.

The United States balance of payments will therefore be affected adversely and add to the economic instability of the nation.

10. UNITED STATES FOREIGN POLICY

The differential tariff concept, reportedly provides for "low" Canadian, "intermediate" other Western Hemisphere, and "high" Eastern Hemisphere tariff levels, regardless of the quality of the crude oil imported.

This categorization of trade policies with free world nations can only invite punitive retaliation and strain the foreign relationships with all nations.

In the light of these consequences:

Be it resolved: The Executive Committee of the Interstate Oil Compact Commission meeting this 16th day of February, 1970 in Dallas, Texas, reaffirms its past positions on the subject of the Mandatory Oil Import Control Program and further urges:

The President of the United States, and the Congress of the United States to reject any type of complete or partial inclusion of a tariff factor intended to supplant the present volumetric import control principle inaugurated by President Eisenhower nearly 11 years ago. We urge its continuation, its refinement and its constant review to the end that its administration will be accomplished with fairness and justice and in the national interest.

I, W. Tmothy Dowd, Executive Secretary of the Interstate Oil Compact Commission, do hereby certify that the above and foregoing is a true and correct copy of a resolution adopted by the Executive Committee of the Interstate Oil Compact Commission, in meeting duly assembled at Dallas, Texas, on the 16th day of February, 1970.

W. TIMOTHY DOWD.

SENATOR ELLENDER LAUDS CREATION OF NATIONAL EDUCATIONAL INSTITUTE FOR AGRICULTURE

Mr. ELLENDER. Mr. President, on December 16 of last year, representatives of each of our major agriculture commodity groups—that is, cotton, corn, wheat, and sugar—met in Washington to lay the groundwork for the formation of a nonpartisan National Educational Institute for Agriculture. A charter was drawn up, official bylaws were adopted and a Board of Directors was elected. Following the first meeting of the Board, a large number of producer and agribusiness groups have been contacted concerning the approach, aim, and purpose of the Institute. At this date, it appears that membership will be considerably broadened over the scope of American agriculture and agriculture-related organizations.

This Educational Institute for Agriculture is not another lobby to be based here in Washington, nor is it to engage in lobbying-type activities. As a matter of fact, its bylaws prohibit the organization from taking part in such activities. Its primary purpose will be to implement a program of public information designed to upgrade public understanding. It will attempt to further the national appreciation of agriculture, farmers, and

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the small towns. The Institute will attempt to work closely with the national news media in an effort to change the almost constant focus on the negative picture which the producers of our food and fiber too often occupy in the public consciousness. The Institute will make every effort to develop and place before the public more positive themes to bring a fairer and clearer perspective to American agriculture and its contributions to our national greatness.

More specifically, the Institute plans to make research funds available for investigation of farm income problems, especially in such seldom-probed areas as the effect of farm income on total economic development. Other anticipated projects include an assessment of the attitudes of urban Americans toward agriculture and farmers, and how those misconceptions, which I know exist, may best be corrected.

It should be obvious that many interrelations and much overlapping exist between the problems of our rural areas and the problems which have grown up in our cities. The two cannot be separated. Too often, however, the bulk of the population—that is, the urban dweller—is totally uninformed, ill-informed, and misinformed concerning both the condition and contribution of those efficient food factories which our American farms have become.

I prefer to look to the future rather than to the past. But if fault must be found with the State that agriculture has come to occupy in the public's mind, I am forced to conclude that a large share of the blame must rest on the doorstep of the farm community itself. As chairman of the Senate Committee on Agriculture and Forestry, it seems to me, and I do not like saying it, that over the past few years American agriculture has endeavored primarily to make known the need for programs that directly affect only the farmer. Concern for issues that affect the Nation as a whole has been virtually excluded in the public debate on farm policies.

The word "polarization" has lately come to be overused. Nevertheless, as a partial result of the narrow view too often expressed by agricultural spokesmen, a polarization between urban dwellers and those who take their livelihoods from the soil has been allowed to grow up. To break down this polarity, to bring our people together again, in President Nixon's words, we must first establish in the public consciousness the fact that there is no real conflict between the interests of our rural and urban areas. The farmer can gain no benefit from large metropolitan areas that become more and more overcrowded and subject to decay. The urban dweller can gain no benefit from a system that allows its agricultural base to weaken and undermine our national wealth.

On January 27, in an address before this body, I cited figures detailing the pervasive influence of agriculture on our economy as a whole.

The point I would like to emphasize here today is that if properly maintained and improved, agricultural income can have a catalytic effect on national growth patterns. Farm income still represents the economic backbone of the small community and unless it is strengthened and improved, these communities cannot possibly offer the means for reducing present urban congestion, or preventing a serious deterioration in their conditions in the future.

These communities have much to offer, but their full potential cannot be developed while farm income still lags a full 40 percent behind city income. This, to me, underscores valid reasons why Senators from urban areas should seek to continue the fundamental agricultural support programs aimed at preventing not only further erosion of farm income, but also insurance of stable and plentiful supplies of excellent quality food and fiber.

In economic terms, the contributions of agriculture have a magnitude that is difficult to comprehend.

Yet, I would daresay any of us could leave this Chamber and ask the first person encountered to name the Nation's largest employer, and most likely the response would be autos, or steel, or utilities. The answer—agriculture—would earn a look of disbelief.

Yet, the most recent figures place agriculture far in front as the Nation's leading employer with about 5.2 million workers—more than the combined employment in transportation, public utilities, the steel industry and the automobile industry.

To measure agriculture's overall economic importance we find that:

It spends over $33 billion a year for goods and services to produce crops and livestock. In addition, farmers spend another $12 billion a year for the same items that others buy—such as food, clothing, drugs, furniture, and appliances.

Agriculture creates jobs for three out of 10 persons in private employment;

The industry ranks as one of our most important taxpayers, paying real estate taxes alone totaling more than $1.7 billion, and State and Federal income taxes of about $1.5 billion;

It also is the world's largest supplier of food, exporting the production from approximately 78 million of its 300 million acres of cropland. These exports have played an important part in keeping the peace in a number of nations.

In conclusion, I will state that at best, the farmer's story has been inadequately related in the past to the consuming public. I believe that all Senators will share my views that it is imperative that this story be told factually, and that much more stress simply must be placed on its positive aspects. Having been informed that the Educational Institute for Agriculture intends to face this problem squarely, I am not only encouraged that it has been formed, but I also intend to assist in every appropriate way to insure its success.

CITIZENS BANK OF JONESBORO, ARK., LOWERS PRIME INTEREST RATE

Mr. FULBRIGHT. Mr. President, I was most pleased to receive last week a telegram from Mr. Herbert H. McAdams, chairman of the board and president of the Citizens Bank of Jonesboro, Ark., stating that his bank has taken the initiative in our State in lowering the prime interest rate to 8 percent. I regard this as a healthy economic signal, and commend Mr. McAdams and the bank's board of directors for this leadership in this direction. I ask unanimous consent that the telegram from Mr. McAdams be printed in the RECORD.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

JONESBORO, ARK.,
March 5, 1970.

Senator J. WILLIAM FULBRIGHT,
U.S. Senate,
Washington, D.C.:

In cooperation with President Nixon's efforts to stem inflation, the Board of Directors of Citizens Bank today voted to lower the prime lending rate from 8½ to 8 percent.

This bank has been a leader in banking—sensitive and responsive to the needs of the people.

The reduction of the prime rate is another way we can put citizenship to work—responding to the plea of the President in battling inflation and helping in the development of our rapidly growing area. This is the least we can do for our Nation, economy and customers of our bank.

HERBERT H. MCADAMS,
Chairman of the Board and President,
Citizens Bank of Jonesboro.

DOES THE U.S. NEED A KING?

Mr. McGOVERN. Mr. President, the current issue of Look magazine includes a perceptive article written by Mr. George Reedy, the able former press secretary to President Johnson. The article is based on years of observation, reflection, and study which have gone into the authorship of an important new book by Mr. Reedy entitled "The Twilight of the Presidency."

As a brilliant newsman of wide experience and from his unique post inside the White House, George Reedy explores the limitations and hazards which the presidential system imposes on our Chief Executives.

He especially notes and illustrates with cogent examples selected from recent administrations the tendency of Presidents to lose their sense of political reality because of their isolation from ordinary citizens.

I ask unanimous consent that Mr. Reedy's article entitled "Does the U.S. Need a King?" be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

DOES THE U.S. NEED A KING?

(By George E. Reedy)

I think we should consider turning the White House over to a king or presiding President and then name a manager, working out of a nearby office where the doors are always open, to handle our affairs. I know this would not be a very popular idea with the aides, past or present, at 1600 Pennsylvania Avenue who have found their experience around the President "exciting" and "inspirational." It can be all that and more. It can also stifle idealism, separate a man from political reality and render him incapable of communicating with others. The setting of a royal court, purged of all emotions save awe and ambition—and that is what the White House has become—is not an appropriate place for the government of a free people.

Richard M. Nixon is still in a stage of the Presidency when the errors that flow from the White House environment are barely perceptible. He has the support—shallow perhaps, but very broad—of a majority of Americans. But I can already detect the beginnings of isolation from reality. The young, intense congressman I knew as a newspaperman in the late '40's could tell when to "shove in his stack." I can still recall the almost fruitless afternoon that I spent trudging the corridors of the House Office Building trying to find the members of the House Un-American Activities Committee after Alger Hiss had apparently smashed the case against himself. They had all taken off for the storm cellars, except one—Mr. Nixon. I found him without any trouble, and he was ready to fight. Even though I had some reservations at the time about the Committee's case, I admired the instinct that told him this was a time to persevere.

Judge Clement Haynsworth's nomination was not worth "shoving in his stack," and I do not believe the politically aware congressman of 1947 and 1948 would have done it. Senate animosities created by the traditional arm-twisting process may not seem important now, but they are going to plague him when he hits the lows that every President encounters sooner or later. He is going to be surprised how long such enmities last. His predecessor found that out—too late.

I do not believe President Nixon exercised political perception when he failed to take the initiative to arrange a personal meeting with the demonstrators against the Vietnamese war who assembled in Washington in November. He did not have to give in to them. He merely had to find some graceful way of listening. It would have been difficult and troublesome and probably not in accord with the feelings of most adults in this country. But the effort might have salvaged some of the leaders of a generation who left Washington with bitter feelings that "the system" would not even give them a hearing.

In a sense, they were right about "the system." Presidents all act remarkably alike when it comes to dealing with "people." Had Mr. Nixon even entertained the thought of some kind of meeting with the demonstrators (I hope he did; it would make me feel better), everyone in his vicinity would have assured him promptly that it was useless, dangerous and unbecoming the dignity of a President. I saw this happen to his predecessor when ten anti-Vietnam demonstrators staged a sit-down in the corridors of the Mansion. Lyndon Johnson's impulse was to go and talk to them. But both a majority of his staff and a couple of Cabinet officers advised him that Presidents do not do such things. The idea was dropped.

The White House has a habit of wrapping Presidents in a blanket of its own making. President Johnson tried to communicate with youth, and surrounded himself with young people whom he fondly imagined to represent the "real" spirit of this generation. They were progressive, mannerly, neatly groomed and ambitious. A stroll through the Executive Wing became very much like a walk through the corridors of the Harvard Business School. It was not a notably successful experiment, since the young people around Johnson seemed untouched by the passions that caused riots on college campuses across the country.

Lyndon Johnson was a victim of the inexorable White House mechanism that starts separating a man from political reality the day he enters the Mansion. As a Senate leader, he was superb, exhibiting the qualities, despite the differences in background and environment, that should have given him a place in history alongside Pitt, Disraeli and even Churchill. He was earthy, elemental and profoundly aware that the successful practice of democratic politics requires the recognition that every man, even the pariah, yearns for a place in the sun.

These were the qualities that enabled him to reassemble the shattered pieces of the Democratic party, torn by savage battles between North and South and liberal and conservative. These were also the qualities that made him such an eminent practitioner of the art of spreading good will among ordinary men and women in other nations. My fondest memories of my political years center around the fervent warmth with which he was greeted in Indian villages, the streets of Ankara and the shipyards of Naples. The people really responded to a politician who could communicate his sense of what it means to have your stomach flapping against your backbone.

As Senate leader, he was regarded as a "miracle" man who had somehow warded off conservative attacks against the health, education and welfare legislation and had succeeded, by means of some mysterious magic, in steering through the chamber the first civil rights bill passed in 82 years. There was neither miracle nor magic to it. The process consisted primarily of listening to people; probing what was in their hearts; finding out what really had to be done to put together effective majorities that could achieve worthwhile goals.

It was hard for me to reconcile the White House Johnson with the Johnson I had known in the Senate. The differences were not apparent to the public at first because he entered the office with "money in the bank"—the confidence he had inspired as a "can do" man whose moves might be difficult to comprehend but who usually wound up on the winning and the "right" side. Added to the customary willingness of Congress to give a new President almost anything he requests, it carried him to heights of popularity.

The first two years were years of triumph. An explosive argument with Panama was settled by an impulsive direct telephone call to the Republic's president. (I will never forget the startled look on the face of a holdover assistant who gasped: "You can't do *that!*" when Johnson picked up the telephone. "Why not?" was the unanswerable response while the call went through.) A serious threat by Fidel Castro against the American base at Guantánamo was deftly shoved into historical oblivion. A civil rights bill with teeth—unthinkable just two years earlier—went sailing through the Congress. Trailblazing antipoverty legislation, education legislation, welfare legislation, slum-clearance legislation became so commonplace that I am afraid the public almost lost interest in such accomplishments. The Great Society was sweeping everything before it, and the signs of approaching disaster were perceptible only in the press office, whose occupants must face the one part of the public that can enter the Mansion daily and say unpleasant things—the newspapermen.

At first, the signs were very small—what appeared to be minor crochets of no great significance. For example, there was the failure to send Vice President Hubert Humphrey to Great Britain to represent the United States at Winston Churchill's funeral. The President himself could not go because he had been confined to his bed a few days earlier with a bad cold and no one with any sense would expose him to the British weather. It was assumed automatically that he would send the Vice President instead. But I could not get an answer out of him—I do not know why to this day. At the last minute, he sent a routine delegation—a clear affront to the British—and I hastily recalled an unobtrusive aide I had sent to London, under conditions of secrecy that rivaled those that surrounded the atomic bomb in World War II, to handle vice presidential press arrangements. This is the one mistake I have ever known Lyndon Johnson to admit publicly, but he never said *why* he had stepped so heavily on the sensibilities of the British public.

Such lapses became more serious in events like the crisis in the Dominican Republic where, I am convinced, his instinctive policies were correct (at least, they ended in a free, democratic election and the restoration of stability to the island) but where his explanations were so confusing that I don't believe historians will ever straighten out the facts. One day the marines were going in to protect American lives; and another, to forestall a Communist takeover; at another point, the American ambassador was crouching under his desk ducking bullets flying into the window; and at another, hundreds of innocent civilians were having their heads chopped off. The whole thing culminated in an evening presidential television announcement that burst without previous notice, into the middle of a soap opera. He would not wait even ten minutes for a station break. It did not require a psychologist to come to the conclusion that the American people would be left in a state of complete bewilderment.

Protests by the press office were answered by designating the Pentagon as the only source of Dominican news. Then, when newspapermen in Washington relayed the nasty questions sent up by reporters in the Dominican Republic, who could look at the Embassy and count the bullet holes, the Pentagon could not give what the Washington press considered helpful or informative answers. The whole episode was quite a contribution to White House credibility.

There was also the strange statement implying that he hardly knew Bobby Baker when the former Majority Secretary of the Senate got into trouble. In many respects, this was the oddest of all. As close as I was, I could never find the faintest shred of evidence that Lyndon Johnson had any connection with Bobby's extracurricular activities, but he had certainly worked closely with him as a Senate official, and every newspaperman in Washington knew it. When I argued the point, I discovered I had reckoned without the predisposition of Presidents to believe that any of their statements automatically becomes a fact, not to be challenged by lesser mortals.

Somehow, he had lost his instinctive sense of what people would and would not believe. He had become accustomed to substituting command for persuasion. And he was not comfortable having around him people who would argue against an impulse, even though the same people would not reveal their disagreement in public.

That he had lost touch with political reality did not become publicly apparent until 1966. This was after I left, and I can only guess what happened when he brought the negotiations of the machinists' strike into the White House. It was a bad idea that culminated in the rejection, by members of the union, of a settlement that had been announced two days earlier with great fanfare by the President himself. The problem was that he had talked to nobody—and plenty of people were available—who would have told him that the rejection was inevitable. Somehow, things never went right for Johnson after that episode. The announcement of a settlement was the high-water mark of the euphoria, although not the power, of the Great Society. What had appeared to be invincible force diminished, not gradually, but in torrents. Proposal after proposal was watered down, conveniently lost or rejected altogether by Congress. The tempo of the war in Vietnam—and the opposition to it—stepped up sharply. A valid history of the Johnson Administration would have to dwell on the machinists' strike—not because it was

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the cause of the subsequent deterioration but because it was the turning point in his presidential career.

The trouble is that so many things can be obtained with a snap of the fingers —a cup of coffee; a massage; a telephone line to the Prime Minister of Great Britain; a jet flight to Hawaii. It is all too easy to slide into the feeling that *all* people can be moved by a few quick commands. Everyone is reluctant to tell a President "home truths," and therefore he does not learn how strongly others feel about a proposal until he has committed himself to it irrevocably and it is even too late to make sensible changes that might meet the objections.

I believe that President Kennedy, by his handling of the abortive steel-price increase in 1962, set in motion forces that would have been very troublesome if the tragedy of Dallas had not intervened against his almost certain candidacy for reelection in 1964. It was not what he did but how he did it. His moves were almost incomprehensible from my quiet vantage point of the Vice President's office.

The situation was messy. The President thought he had an agreement that the steel companies would keep their price structure within the economic guidelines. His anger, when a far higher increase was announced without previous notification to him, was understandable. However, a nation cannot be unified by angry leaders. The reaction was swift and sharp. The companies were denounced on nationwide TV. The wheels of the Justice Department's antitrust division began grinding. The increase was rescinded, despite the announcement, even before it went into effect. The President had won a battle he had to win. But he had won it at the price of striking terror into the heart of America's industrial community. It was a heavy, and needless, price to pay. There were other ways of doing it without humiliating the corporate heads and driving a wedge between them and the White House. The grandson of "Honey Fitz" had forgotten the most elementary lesson of politics—in order to win a point, it is not necessary to humiliate a man.

The examples can be pushed back through history—Harry S. Truman's inept handling of the Communist spy issue, which left this country in a state of paranoia; Franklin D. Roosevelt's futile effort to purge the Democratic party of dissidents and to pack the Supreme Court with pro-New Deal judges. Only Dwight D. Eisenhower seems to have been exempt from such mistakes, and that was probably because he devoted himself to the function of presiding and left the job of management to men who felt more immediate responsibilities than the pressure of history.

None of this is to suggest that we launch what would be a foredoomed effort to find mistake-free political leaders. Actually, when we take into account the type of decisions our Presidents are called upon to make, it is amazing that the errors are so few. The problem is that the mistakes are so irreversible and invariably leave in their wake a quality of abrasive bitterness that erodes the confidence of the people in their government. Other political leaders survive their bloopers; Presidents rarely do. There are many reasons for this situation. One point that is central is the dehumanizing influence of the White House itself as an institution. It *is* a court, and the decisions that emanate from it are made in the atmosphere of a throne room and issued with the air of a Czarist ukase. It is not an environment that fosters the supreme essential of the politicians' art—the capacity to sense the feelings of people—and a poll, which tells where they stand, is no substitute.

With the passage of a few years, my memories of the White House have lost some of their cutting edge, probably a defensive psychic mechanism. But the quality of life within its walls is unforgettable. It is governed by one overriding rule—the overwhelming drive to stand or walk in the closest possible proximity to the President when he is in a good mood. The spectacle of a euphoric President striding through the Mansion, followed by assistants shoulder-to-shoulder in quick lockstep, like bodyguards in a grade-B gangster movie, should be immortalized in film. Left, right! Left, right! Column right to the Rose Garden, column left to the gardener's room, company halt! It is a difficult exercise, as no one wants to be more than one pace to the rear and no one wants to step on the President's heels. Further, the commands only come by some form of extrasensory perception, a faculty White House aides develop to a fantastic degree.

When the presidential storm flags are flying, the picture is quite different. Then the President walks alone, observed only by the quietly competent White House police and Secret Service men, both of whom are secure in their mastery of an essential function and who need not compete in the scramble for crumbs from the royal table. It is the occasional glimpse of such moments that drives home the true pathos of the Presidency, a position so lonely that its occupant can only have sycophants or followers—not friends. Unfortunately, the mood of the walk is also the mood in which far too many decisions are made. A meeting of the Cabinet or the National Security Council is far different from the type of gathering in which men normally seek to arrive at a decision. This is inevitable from the very nature of the group. It comes together not to reach an agreement but to help one man make up his mind. And that man is not just presiding; he is the only person in the room whose opinion really matters.

Cabinet officers tend to be men of genuine distinction and forceful personalities. To bring them together under any other circumstances for a discussion of life-and-death issues would certainly provoke heated exchanges and face-to-face confrontations out of which there would be a modification of views. It should be an exciting experience to sit in on such a gathering. The reality, however, is agonizingly dull, the kind of session that fills any sensitive man with an almost overpowering desire to scream a four-letter fragment of the Old Saxon language.

The presentations are couched in the most aseptic of neutral words. The opening statements are like the first few rounds of a professional fight in which the boxer keeps vital points of his body covered while he seeks to gauge the reactions of his opponent. The first hint of approbation from the President determines the course of the meeting. There is a shift, which I believe to be subconscious, to the indicated position, and after that, the question becomes *how* a thing can be done; not whether it should be done at all.

Of course, there is always a dissenter, and some men glory in that position (although I would caution some skepticism for outsiders trying to determine who it is). But somehow, the dissent is rarely cogent, and never cutting. It is always welcome as evidence that "both sides" of an issue were discussed. I would feel considerably better about it if I knew of an occasion where such "dissent" actually had an impact on the course that was followed.

Inadequate as they may be, such meetings are still superior to what emerges from the White House staff. Cabinet officers at least have the inner security that comes from status and encourages a degree of independent thought. The presidential assistant does not have that blessing. His position depends entirely upon his capacity to please one man, and he either succeeds in doing so or leaves. This is basically the factor that gives life in the Mansion the air and the appearance of a Byzantine court in the early 15th century.

A day in the life of a successful White House assistant is a day in the successful practice of one-upmanship. It is like moving through a booby-trapped jungle where guerrillas lurk behind every banyan, armed with deadly memoranda and ready to open fire with verbal bullets first rubbed in garlic. Survival depends upon the ability to jump—jump when the red light flashes on the telephone; jump when the buzzers warn that the President is on his way from the Mansion to the Executive Wing; jump when the Cabinet is assembled, and at least be in the corridor if not in the Cabinet room itself.

The central figure is the President himself, the man for whom the whole structure was designed and built. It is *his* Rose Garden, *his* swimming pool, *his* kitchens, *his* State Dining Room. At his instant command is every luxury that human ingenuity can devise, and his slightest whim is met with immediate gratification, as long as the circumstances are within the physical control of the hundreds who surround him. It is an environment that would delight any immature personality and enhance any neurotic drive that a man possessed already.

Unfortunately, very few of the problems that a President must face are amenable to command. They involve human beings, most of whom do *not* jump at the snap of fingers and who have a tendency instead to dig in their heels when they are ordered. Despite all of the facilities with which we provide a President, what he needs most is withheld and, indeed, cannot be granted. It is an environment that will give him some "feel" of the reaction of ordinary people to their government. This he can only read in the newspapers—an institution that all Presidents come to distrust simply because the pictures of the world that they paint do not accord with what those in his vicinity assure him is the reality.

He does not have the personal adversary relationships with other human beings that keep most of us in touch with reality—the little signs of rising irritation; the necessity of dealing directly with unreasonable people; the invitation to "Go soak your head!" None of us enjoys such episodes, but they are as essential to our psychic health as exercise is to our physical well-being.

Nor is this simply a matter of the respect that is always given leaders. Every politician has his sycophants and hangers-on, and moves through a world where his entourage acts as a buffer against the harsher aspects of life. But he also has peers, other men who treat him with no awe whatsoever and don't mind telling him at once when either he or his staff steps over what they regard as "the line." Some Chief Executives go out of their way to invite dissent. But it is futile. No one is going to say what he really thinks, unless it is pleasant.

The trouble is that the President's status was built into the Constitution by the Founding Fathers. They established the position as a variety of monarchy when they combined in one man the functions of chief of state and chief of government—in more direct language, king and prime minister. They did not set up a dictatorship because they limited and divided the powers of government itself. But when they concentrated all executive authority in one pair of hands, they decided, in effect, that the U.S. would be run from a royal court, complete with all the trappings—save a monarchial studbook.

Can the situation be changed? Yes. There are many governments in this world that successfully divide the functions we combine in our President—in fact, there are very few governments outside the Western Hemisphere like ours. However, the necessary changes would be complex and profound. Much more would be necessary than merely moving the executive offices out of the White House, although this would be a good and healthy first step. But I have no illusions

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that it could be done easily and few hopes that it will be done at all.

The examples I have discussed are part of a pattern that is making deep inroads into the confidence that people should have in their government. Part of the reason for the loss of confidence is that we are in one of those frightening periods of history when we are beset by problems to which no one seems to have any answers and when all leaders look inadequate. But I am convinced that an equally important factor is the growing realization of the deep gulf between the Government and the people.

Like every other White House assistant, I hear most frequently one question: Do I miss the place? The answer is a heartfelt "No," without any reservation whatsoever. To me, it is a place of dull and tawdry intrigue, an institution that fosters the pettiest ambition and deprives men and women of normal instincts. I do not believe it makes great men; I only think that great men sometimes survive it, and I am not certain that the country can.

It is time to bring government out of the aura of sanctity with which we envelop our Presidents. It is time to restore their capacity to walk the streets that other men walk and to breathe the air that other men breathe. The government of a free people requires much more than computers and technicians. It rests upon the instincts of politicians who are sharing the daily lives of the people whom they govern. Such instincts cannot flourish in the atmosphere of a sacred shrine. Let us bring our Executives to the era of the open-door policy.

THE PROPOSED NATIONAL OCEANOGRAPHIC AND ATMOSPHERIC AGENCY

Mr. COOK. Mr. President, the remarks of the distinguished Senator from South Carolina (Mr. Hollings), presented on the floor of the Senate last Thursday, concerning his National Oceanographic and Atmospheric Agency proposal have caused me some concern. I certainly agree with the Senator that the importance of our national effort in the oceans should not be minimized or spread too thin and that some reorganization for oceanography at the Federal level may well be necessary.

However, his remarks have caused me some dismay because in the past and present administrations the mood of Congress has remained one of bipartisan support for a strong and viable national program for marine affairs.

I recognize the interest of the Senator from South Carolina in seeing his bill pass, but I believe that a loftier goal would be to take a more statesmanlike position and attempt to analyze all of the alternatives available for an improved U.S. effort in marine affairs. I, for one, do not feel that the current NOAA bill is broad enough, for I believe our inland waterways and lakes are also a part of a bigger picture, and I have been disturbed by the lack of emphasis on such an important segment of our total marine environment.

As a result, I regret that the Senator did not take an objective view of the alternatives we have been discussing to improve the coordination of marine affairs among Federal agencies. Instead, he relied on an old lawyer's trick of proving his point by shooting down all other alternatives. And so, one by one, he considered these alternatives and with the use of the hyperbole attempted to decimate them.

His remarks with respect to my good friend, Secretary of the Interior Walter Hickel, were unfortunate, for I believe that Secretary Hickel was sincere when he spoke to our Subcommittee on Oceanography about the Interior Department's interest in and competence for assuming additional responsibilities in the field of marine affairs. Here the Secretary's interest is personal and longstanding, dating back to his experience as Governor of Alaska. Secretary Hickel took the time to discuss with us the varied activities of his department in this field, particularly the work of his own blue ribbon advisory group on oceanography, the Marine Affairs Action Group. In his testimony, the Secretary specifically referred to the work of the Commission on Marine Science, Engineering, and Resources and the request in his own order—a part of the record—creating the Marine Affairs Action Group—that it review the Stratton Commission Report.

With respect to the Senator's reference to the Santa Barbara oil spill, I should like to point out that it was Secretary Hickel who acted vigorously to preserve the environment. He ordered the drilling stopped and directed a sweeping review of the rules and regulations under which the work was being done. As a result, these have been tightened and are in effect today. It is important also to bear in mind that these leases and rights made prior to Secretary Hickel's appointment are still in effect and cannot be canceled by administrative action.

That Mr. Hickel was slighted last Thursday by the distinguished Senator from South Carolina was disappointing.

Mr. President, if we deviate from the bipartisan effort that we have faithfully and steadfastly adhered to, and if we convert this important matter into a petty partisan effort, no one will gain anything. Worse yet, those who are interested in a greater effort on the part of the Federal Government in marine affairs will be the losers.

A SOLDIER IN VIETNAM WRITES TO HIS MOTHER

Mr. FULBRIGHT. Mr. President, I have just received a letter from Mr. Randy Southern, forwarded to me by his mother in Michigan. It is such an honest, straightforward letter by a young soldier that I think it should be placed in the Record. I may say that the feelings he expresses are shared by many of his fellow soldiers in Vietnam. I ask unanimous consent that the letter be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

February 18, 1970.

Hello, Ma: I know I wrote you yesterday but I am going to write again because I miss you and everyone else. Ma, I wish I had never joined the Army. Today we killed 18 V.C. If I would have known it was like this over here, I would have gone AWOL before I came over here. I know it is a job that has to be done. But I never thought I would have to take someone's life. And I don't care what anyone says, I will never think it is right. I know I have done some wrong things in my life, but never something like this. I don't see why we don't leave these people alone, and let them live the way they want to. They don't want us over here. All they want is our money. They hate us. We burn their homes and tear up their gardens. But they think we are trying to hurt them but we're not. Ma, you understand, don't you. I hope this war ends so Skeetar won't ever have to come over here. Well, Ma, how is everyone doing. The only letter I have received is from Becky. I can't wait to get back to the shop and get a new Corvette. Well, Mom, I guess I had better try and get a little sleep. I love you.

Randy.

P.S. Tell Skeetar I got him a knife like he wanted. I found it on a V.C., but I don't know if I can send it home. I may have to carry it home, but tell him I will get it home to him.

U.S. POLICY IN THE MIDDLE EAST

Mr. RIBICOFF. Mr. President, more Americans have been expressing their deep concern over the new direction of our Government's policies in the Middle East. The refusal, to date, of the Arab States to negotiate peace with Israel has created a situation with which the Israelis appear able to contend. However, our own country has recently displayed impatience with the lack of movement toward peace. By undercutting Israel's bargaining stance we have actually lessened the chances for an eventual settlement agreed upon by the parties directly concerned.

Last Sunday, I had the privilege of addressing a conference convened by the Connecticut Jewish Leadership on Peace in the Middle East. In my remarks I explained why Israel should be treated by the United States as a valuable asset which should not be squandered.

I ask unanimous consent that my remarks be printed in the Record.

There being no objection the statement was ordered to be printed in the Record, as follows:

U.S. Policy in the Middle East

The past three months have witnessed a number of significant developments in the Middle East and elsewhere. They affect all of us as Americans and as Jews.

Hitting closest to home perhaps was the Swissair tragedy which took the lives of Yale's Dr. Richard Weinerman and his wife, and Merton Myerson of Stamford.

Many of you, I am sure, were privileged to have been friends of these fine people. I had known Dick Weinerman for many years. I am impresed with the work he had done in the field of public health. His loss is a personal one for me.

It seems so strange that the voices which were so prompt and loud in their denunciation of the bloodless Israeli raid on the Beirut airport were so deafeningly silent here.

A lack of firm action by the international community against the Arab governments harboring these warped assassins could lead to more mass murders in the sky.

President Pompidou has come and gone. I would think he had considerable explaining to do concerning France's anti-American postures not only in the Middle East, but elsewhere in the world.

Monsieur Pompidou in his address to the Congress, I am told by those who were there,

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made a point of stressing the durability of Franco-American friendship. But, it takes *two* to make friends—and certainly French actions in recent years with regard to gold, Vietnam, NATO, and now jets to Libya have made many Americans perplexed and unhappy.

The Pompidou government's actions to date has shown that Gaullism has unfortunately survived De Gaulle. No wonder many Americans are asking—Lafayette—where are you?

French maneuverings in the Middle East since the 1967 war have been outrageous. There is a yawning gap between France's avowed neutrality and her actual deeds. At least the Russians are candid in their support of the Arabs.

The French government's speed in taking over American interests in Libya has truly been amazing. They might not even have to cut the grass around the runways at our Wheelus Air Force Base after we depart.

In much of the recent public discussion of United States policy towards Israel, emotion, and a lack of perspective have characterized much of the debate.

Too often overlooked is the bedrock issue of how Israel serves American interests in the Middle East: Israel's role as a definite strategic asset to the United States cannot be stressed strongly enough.

If we look at the basic interests of all the parties involved—what do we find?

It is clearly in the interest of the Soviet Union to aid and encourage Arab hostility against Israel stopping short of an armed confrontation with the United States.

It is in the interest of the Arab rulers to stoke the fires of hatred against Israel. This conceals their own shortcomings in caring for the needs of their own peoples. This also provides the only basis for the facade of Arab unity.

It is in the interest of Arab terrorist groups to perpetuate the illusion of the Middle East as a powder keg. Of all the parties concerned, they have the least to lose—and with this realization goes their cowardly and uncivilized behavior.

It is in the interest of Great Britain and France to preserve the illusion that they are on the same international level with the United States and Russia by promoting continued "Big Four" talks. At the same time, these two peace-makers are actually pursuing their own selfish interests in the area by selling French Mirage jets and British Chieftan tanks to the Arabs—while denying these weapons to Israel.

And, finally, we can describe Israel's overriding interest in one word—survival.

Israeli comments on the Administration's recent initiatives have been made more in sorrow than in anger. After all, what is there to do when a well-meaning but perhaps too nervous friend tries to do what he considers is best for everybody by giving away your most valued possession as a start?

In Israel's case, her trump card and crucial bargaining point in trying to get her Arab neighbors to negotiate has been the territory it occupied in June of 1967.

In essence, our government's latest proposal would pull the rug out from under Israel's feet.

By proposing a detailed, comprehensive settlement, including specific border arrangements, little is left to the parties themselves to hammer out.

These proposals represent a definite change from our previously stated positions since the Six-Day war. If peace is to finally come between Israel and the Arabs, it must be based upon explicit mutual recognition and respect—if not full reconcilation. This can be achieved only through negotiated agreements by the parties involved.

With the best of intentions and good faith, our State Department has allowed itself to be outclassed and outmaneuvered by the Soviets in the past few months.

We have been left with egg 'a la Russe on our faces as a result of the Soviet backtracking. The Israelis are faced with a serious undercutting of their bargaining position. Fortunately, is not too late to reverse ourselves and face up to the facts of life—and death in the Middle East. If this means countering lavish French and Russian arms shipments to the Arabs by selling more Skyhawks and Phantom jets to Israel—this must be done.

The planes aside—the message will not be lost on Israel's enemies. It is not necessary to invoke sentiment, guilt-feelings and past history to justify American support for Israel. In the cold light of international politics, Israel is America's most valuable asset in the Middle East today.

To get an understanding of this role, Israel may be viewed as a dam preventing Soviet pressures from building up against Turkey, Iran, and Ethiopia—as well as the more moderate Arab governments. But, it should be equally obvious that only a well-armed Israel, within secure borders, and with a strong economy can withstand the Soviet pressures.

If we attempt to abate the Soviet flood southward by punching small holes in the dam, temporary results might be achieved. But inevitably, the barrier would be weakened and the Russian tide would sweep throughout the Middle East and Africa.

Any deterioration of Israel's position as a result of American actions would be viewed by the Arabs as a *Soviet* triumph and a sign of Soviet strength. Unless the U.S. were to completely repudiate Israel and assume an active role in preparing for Israel's destruction, we cannot hope to compete on even terms with the Soviets in currying favor with the extremist governments in the Arab world. It is inconceivable that the United States should want to compete on these terms.

There is another aspect of U.S.-Middle East policy which is overemphasized and misunderstood—oil.

A basic truth here is that the United States is *not* dependent on Middle Eastern oil.

We hardly use any of it now—and there is little reason to think we ever will. Just look at our own vast resources and those of nearby Venezuela, Canada, and Alaska, for the reasons why.

For years now there has been a glut of oil in the world markets—and the prospects are that it will remain so. New oil development is proceeding rapidly all over the globe—in Indonesia, Nigeria, Alaska and the Soviet Union, just as a few examples.

Western Europe to be sure, would suffer somewhat from a cut-off of Middle East supplies. But past experience has shown that it is the "have-nots" of the Arab nations who shout the loudest—and the "haves" who sell their oil to the West because no one else will buy it.

The big American oil companies are in business to make profits. We cannot quarrel with them about this—even if they do pollute our beaches occasionally. They would seem to be ill-equipped and lack the proper perspective to make "even-handed" judgments on the national interests of the U.S. There is more to American foreign policy in the Middle East than the protection of oil investments.

There is another myth, sometimes expressed in the vicinity of Foggy Bottom—where our State Department is appropriately located. This is that Israel is at the root of the troubles plaguing our so-called "friends" in the Middle East.

Without a strong Israel these past twenty years, what would have been the chances of the Jordanian and Lebanese governments surviving until 1970? The winds of change sweeping over the Arab world probably would have toppled more Arab governments by now if not for Israel.

If our policies toward Israel are to be truly more "even-handed" this must mean that Israel will not be left "empty-handed".

At tremendous sacrifices to her economy and her people, Israel has been paying cash on the barrel-head for the sophisticated weaponry she needs to counter the huge number of planes and tanks in the hands of her enemies.

If our government is truly seeking a "better balanced" policy in this area, let it pay closer attention to the arms balance. The U.S. in its own best interests must assure that Israel does not fall behind in this critical race. How long can Israel bear the burden of spending 25% of her Gross National Product on defense? We spend 7%.

Courage, skill and blood can make up for vastly inferior numbers of weapons and men—but not forever and not without damage to the quality of Israeli society. I would hate to see another generation of Israelis growing up to be fighter pilots, tank commanders and artillerymen rather than physicists, musicians and doctors. But, as the Israelis say—"ein brera"—there is no choice for the time being, anyway.

With the realization of how Israel is steadfastly serving the interests of the United States in the Greater Middle East, a small investment now by our country in ensuring Israel's future security would yield considerable dividends.

If Israel is willing to endure until the Arab governments she has beaten three times on the battlefield are ready to negotiate, why is the U.S. in such a hurry? Israel is merely asking our country to be patient, and not to lessen her support.

The Russians have always shown an appreciation of military power as a factor in international relations.

They are not blind to the military prowess of the Israeli defense forces and the lack of it on the part of their own clients. The U.S. should exploit Israel's strength, not seek to dissipate and squander it in vain efforts to placate the Arab regimes.

While the United States in its global chess game with the Soviet Union can afford to "win a couple, and lose a couple", the Israelis with an area the size of New Jersey and a population roughly that of our own state of Connecticut lack this flexibility.

If Israel is pressured into a mistake by our own country at this critical juncture in her history, it could mean another 2,000 years of the Diaspora.

MILITARISM IN AMERICA

Mr. FULBRIGHT. Mr. President, the January issue of the Center magazine, published by the Center for the Study of Democratic Institutions, contains an article written by Donald McDonald, entitled "Militarism in America." It is a thoughtful and thorough study of the influence of the military on our society, our Government, and our foreign policy I commend it to the attention of Senators and other readers of the CONGRESSIONAL RECORD and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

MILITARISM IN AMERICA

(By Donald McDonald)

Is the United States a militarized society? Two quick—and contradictory—answers can be given to this question. The "yes" answer is usually based on a few pieces of evidence; military expenditures and the Vietnam war are the ones most often cited. The "no" an-

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swer rests on the fact that a civilian is Commander-in-Chief of our armed forces and that another civilian, the Secretary of Defense, exercises direct authority over the administration of these forces. The "yes" proceeds from insufficient evidence; the "no" evades the issue because it assumes that civilians really do control our armed forces and that the mere fact of civilian control—constitutional and/or actual—proves that the control is not leading to a militarization of American society.

Neither of the answers, of course, is satisfactory. I suspect that what must be done is to treat this question as a genuine query. That means we must let our answer develop out of an understanding of the meaning of the key term, "a militarized society," and out of an examination and critical analysis of the contemporary American experience to determine whether our experience fits the definition of such a society.

I

The following seem to be major characteristics of a militarized society:

(*1*) *A militarized society is an authoritarian society*. Free expression is a threat, dissent cannot be tolerated, and disobedience is met with swift repression.

(*2*) *In a militarized society, stability is a cardinal virtue*. Questions of social justice and human rights, when they are not altogether ignored, are viewed with sour suspicion because they cannot be entertained, even abstractly, without at least implying that in certain circumstances stability is not a virtue but a vice.

(*3*) *The militarized society is a fearful society*. The ultimate justification for a militarized society is that it is surrounded by enemies. In such an atmosphere, human trust withers, paranoia becomes a national disease, and it is never possible to have too many weapons.

(*4*) *The militarized society is a self-righteous society*. It regards its motives as the purest, its values as unquestionable, its ideals as unsurpassable. When it wages war or intervenes in the affairs of another people, it is sure it does so only to protect these qualities or enables others to enjoy them.

(*5*) *In a militarized society, the military is not a means to an end, it is the end itself*. Whatever is good for the military is good for society. Military logic is the national philosophy.

(*6*) *A militarized society gives to the military the highest priortiy in claims on the national resources*. In practice, the military consumes the lion's share of the government's revenues from taxes on the people; a substantial part of what is left over is spent to placate a restless people and to repress those who will not be placated.

(*7*) *A militarized society has an unchallengeable claim on the lives of its young men*. Conscription into military service becomes a natural—and, in time, almost an unnoticed—part of the political and social landscape.

(*8*) *In a militarized society, the military are beyond effective criticism and control*. The institutions that ordinarily exercise such critical control—legislative bodies, courts, press, universities, churches—are silenced, ignored, or drawn into acquiescence.

(*9*) *In a militarized society, deception is accepted as a normal fact of life*. Foreign and domestic espionage, sabotage, subversion, and other para-military activities are carefully cultivated within the military; these have the twofold effect of keeping the enemy off balance and one's own citizens ignorant and therefore unable to ask critical questions.

(*10*) *A militarized society perceives most political problems as military problems and the militarized solution is, therefore, the only realistic solution*. The options confronting such a society in a world community are determined and defined by the military. Civilian policymakers who consider other options do so at the risk of being labeled "soft-headed" if not "disloyal."

(11) *In a militarized society, the economy is dependent on the military*. The military constitutes the single biggest "industry" and its dissolution would be as catastrophic for the nation as the dismantling of the single industry in a one-industry town.

(12) *The militarized society is a sterile society*. Because it turns human and material resources into instruments of death and consequently neglects problems concerned with the quality of life, and because, in the process, it either suppresses or buys off with enormous rewards of money, prestige, and power the possibility of divergent views and voices, the militarized society deprives itself of the life-quickening energies of its artists and its philosophers, its critics and saints, its youth with their idealism, and its elders with their wisdom and experience. The result is sterility, emptiness, barrenness.

(13) *The militarized society is a barbaric society*. The barbarian is not necessarily covered with blood, nor does he have to wear a military uniform. In a technologized military society, it is possible for decent people to perform tasks at drawing boards and in laboratories that will insure the death of hundreds of thousands of people halfway around the world; it is possible for pilots and technicians, pressing buttons and switching on computers, to complete the killing process without seeing the faces of those they are killing. *Militarization inevitably makes one indifferent about taking human life*. A technologized militarization simply makes it easier and less painful to cultivate that indifference.

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If the above is an accurate profile of a militarized society, the question is: To what extent is it matched by the contemporary American experience? A review of the evidence is in order.

The size of the establishment

The most obvious evidence is the size of the military establishment itself. The Department of Defense has 3.4 million men in the armed forces and 1.3 million civilian workers; its defense contracts give jobs to another 3.8 million industrial workers. Altogether, the D.O.D. furnishes one out of every nine jobs in the United States. The eighty-billion-dollar Defense budget accounts for half the total annual expenditures of the national government. If one adds to this the cost of past wars (in veterans' pensions, military hospitals, etc.), the military receive seventy cents from every dollar of taxes levied on the American people. Military weapons projects backed up and awaiting the end of the Vietnam war carry an estimated price tag of one hundred billion dollars.

As the largest single activity in the country, the military has contracts with twenty-two thousand prime contractors and one hundred thousand subcontractors. It subsidizes research in hundreds of universities. Its money flows into three hundred and sixty-three of the nation's four hundred and thirty-five congressional districts. Some fifty-three hundred cities and towns have at least one defense plant or company. Entire towns are wholly dependent on military-industrial activity for their economic life.

Department of Defense research activities

As a measure of the extent to which the Department of Defense is involved in foreign policy, the Department spends 7.3 million dollars a year for foreign-area social and behavioral science research; and another six million dollars a year for policy-planning studies in foreign politico-military problems. This compares with the one hundred and twenty-five thousand dollars a year set aside for the State Department's research budget.

The total research budget for the Defense Department in 1968 was eight billion dollars, of which 1.6 billion was earmarked for basic research (as contrasted with, for example, research in weapons development). This 1.6 million dollars was about six times the two hundred and eighty million dollars allocated to the National Science Foundation for basic research in the same period of time.

Under pressure from some congressmen, the Department of Defense is trying to transfer several of its social and behavioral science research projects in foreign-policy problems to other agencies of the government. But Defense officials are opposed to any deep cutback in their own research activity.

The Department of Defense spends several hundred million dollars a year in funding research at American universities. In 1966, the top six were: Massachusetts Institute of Technology, $35,078,000; Stanford, $21,930,000; Michigan, $21,579,000; Columbia, $14,829,000; Illinois, $14,075,000; and the University of California at Los Angeles, $11,492,000.

According to Senator Eugene McCarthy, defense and space programs since 1960 have amounted to fifty-four per cent of total expenditures on research and development in the entire country. Undoubtedly the most controversial Defense-funded research program was Project Camelot, a 1.5 million dollar annual operation of American University's Special Operations Research Office (now its Center for Research in Social Systems, or CRESS). Through American University, the Department of Defense sought to recruit social scientists from the University of California, M.I.T., Princeton, and Michigan in order to discover ethnic and other motivational factors concerned with the cause and conduct of small wars. The social scientists' assigned mission was to build a model of a developing society, showing its breakdown possibilities as well as its manipulability. While some American researchers were surveying Chile in 1965, to see whether that country might not serve as a model, word of the project got to the press, some American social scientists started an uproar at finding their colleagues engaged in a project to help the American military manipulate people in small impoverished countries, and the United States canceled Camelot. But CRESS continues, and presumably such research activities are also continuing on American campuses across the country. When, for example, student and faculty protested the connection between a dozen of the top American universities (M.I.T., Stanford, California Institute of Technology, Princeton, et al.) and the Institute of Defense Analyses, the universities severed their institutional ties to the I.D.A., but they kept in touch with the defense organization through individual professors and university officials, who were ostensibly representing only themselves and not their institutions, on I.D.A.'s board of trustees. An estimated thirty to forty university professors continue to spend up to a fifth of their time doing I.D.A. work (analysis of defense problems, primarily) for fees of as much as two hundred dollars a day, plus expenses.

An indication of the extent to which universities have become dependent on the military for their operating budget was seen in October last year when the president of Stanford University revealed that as a result of some cutbacks in military research Stanford would have a budget deficit of six hundred thousand dollars this year with no prospect of making it up from other sources.

Despite the Defense Department's insistence on conducting social and behavioral science research, Admiral Hyman Rickover has testified before the Senate Foreign Relations Committee that the Department of Defense" has been able to involve itself in research having only the remotest relevance to the problems encountered by the armed services—matters at no previous time, nor anywhere else in the world, deemed to lie within the province of the defense function—just because it has the money; it has more money than any ther public agency. . . . Already the State Department is, to all intents and purposes, but a junior partner. . . . Although Congress alone has the constitutional authority to declare war, other branches of the government may confront it with situations that make war inevitable." Speaking of the entire social science research program funded by Defense, Rickover said: "No harm would have been done to the Republic if none of it had been done."

A global military presence, open and otherwise

Admiral Rickover's denial of the relevance of military research in social and psychological areas may have been technically valid a generation ago. Given the military's commitment to both conventional and paramilitary warfare and the military's massive and multifarious activities around the world, however, military logic alone would demand the support of this global presence with researched activity.

The United States now maintains three hundred and forty major bases and 1,930 minor bases abroad at an annual cost of five billion dollars. A million-and-a-half men staff these bases and U.S. fleets; two-thirds of these men are in Asia and the Pacific, the others are in Western Europe and Latin America.

Early in 1968, Senator William Fulbright asked the Department of Defense to make public a study done for it by Douglas Aircraft Corporation at a cost of $89,500. Senator Fulbright had a copy of the report of the study and wanted the American people to share it with him. The report was on how the United States could "maintain world hegemony in the future." It was originally titled "Pax Americana." But when the nature of the report became known, Defense renamed it "Strategic Alignments and Military Objectives." The D.O.D. refused to make its contents public.

American military pursues its tasks overseas in a variety of ways, some of them hidden from the scrutiny of both congressmen and citizens. Senator McCarthy revealed that in 1967, in addition to uniformed men under arms, the United States had 4,681 "military agents" scattered throughout the world under our military assistance program. These men, he noted, "are sent without any kind of formal congressional examination" and they "carry on, without publicity and without public awareness in the United States, missions which have strong political overtones."

Although the usual rationale for the American military presence in other countries is that it is in our national interests to be there and that we want to insure the freedom and the right of other peoples to choose their own form of government, a Senate Foreign Relations subcommitee revealed last June that U.S. armed forces had taken part in at least two major exercises in Spain in the last two years. The purpose of the exercises was to perfect techniques for the quelling of a possible internal insurrection against the Franco government. Several months before this disclosure, the full Senate Foreign Relations Committee warned that the United States, by its very military presence in Spain, had assumed a "quasi-commitment" to defend the Franco regime, possibly even in a civil war. The Committee disclosed that a high-ranking American officer had assured the Spanish government that "the presence of American armed forces in Spain constitutes a more significant security guaranty to Spain than would a written agreement."

Last October, Senator Fulbright revealed that the Department of Defense on its own motion had sent additional jet fighter planes to a base in Spain without informing either the State Department or the Defense Department's Section of International Security Affairs. The increase, he said, meant the stationing of two hundred and forty-two American servicemen and eighteen more fighter aircraft in Spain, adding up to a half-million-dollar "blow to our balance of payments." Fulbright said that the lesson of this incident is that "foreign policy has, in all too many instances, become the captive creature of decisions made by planners in the Defense Department."

Another method by which the American military plays a direct role in the affairs of other nations is by engaging in arms sales. According to Jack Raymond, in a *Harvard Business Review* article (May–June, 1968), from 1949 to 1962 the U.S. government alone sold 16.1 billion dollars worth of military arms to other countries and gave away about 30.2 billion dollars. "Since 1962, when the current arms-sales program began, Pentagon officials have been as aggressive as private arms merchants, with the result that the United States has sold over 11.1 billion dollars worth of arms. In a speech in Los Angeles in the spring of 1966, the Pentagon official in charge of the sales program proudly estimated that it had yielded one billion dollars in profits for American industry and 1.2 million man-years of employment for companies throughout the country." Despite the Congress's imposition in 1967 of a limit of twenty-five million dollars worth of arms sales to Africa and a fifty-million-dollar limitation on arms to Latin America, the arms business abroad, Raymond said, remains "very big."

As a result of the Pentagon's arms-sales program, it is not unusual for both sides in international disputes to be waging combat with American weapons: the Turks and the Greeks; the Pakistanis and the Indians; the Israelis and the Arabs. Military expenditures in poor and underdeveloped countries are now said to be rising faster than their gross national product. A study sponsored by the Stockholm International Peace Research Institute revealed last November that the world spent approximately one hundred and seventy-three billion dollars for military purposes in 1968. Of this, the United States spent about eighty billion dollars and the Soviet Union forty billion dollars. The share of the poor countries is small but rising faster than the average: arms spending in developing countries is rising at a rate of 7.5 per cent a year compared to the world average of six per cent. These figures must be put alongside the average annual rate of increase in the world's gross national product, which is five per cent. The Institute found that world production of non-military goods and services has multiplied about five times in the last fifty years, but that arms spending has multiplied about ten times in that period.

Perhaps the most far-flung, potentially the most lethal, and certainly the most difficult to verify of American military activities in other countries is the work of the secret Central Intelligence Agency. The C.I.A. was established in 1947 by the National Security Act, which placed the armed services under a new Department of Defense and created the National Security Council. Its original assignment was primarily that of gathering, coordinating, evaluating, and disseminating intelligence on behalf of the government, specifically the National Security Council. Today, the C.I.A. employs fifteen thousand persons, it has an annual budget of a half-billion dollars a year, and its activities go far beyond intelligence work.

Two years after it was established, the C.I.A.'s secrecy was officially sanctioned. By a specific act of Congress, the C.I.A. was allowed to:

Disregard laws that required disclosure of the organization, functions, names, official titles, salaries, or numbers of personnel employed by the agency.

Expend funds without regard to laws and regulations governing expenditures, and with no other accounting than the director's vouchers.

Make contracts and purchases without advertising.

Transfer funds to and from other government agencies.

Contract for research outside the government.

Provide special expense allowances for staff abroad.

Admit up to one hundred aliens and members of their families a year.

In the twenty-two years of its existence, more than one hundred and fifty resolutions have been introduced by congressmen to exercise tighter control over the C.I.A. Every one of these resolutions has been either defeated or tabled.

The uneasiness of congressmen centers on the suspicion that C.I.A. activities that go beyond intelligence work actually create international situations which then sharply limit the options of American civilian policymakers. Senator Stephen Young has charged that the C.I.A. has, in effect, been making foreign policy. Senator McCarthy echoed this charge and added that, in so doing, the C.I.A. "has assumed the roles of President and Congress." James Reston of *The New York Times* once flatly asserted: "The State Department does not know what the C.I.A. is doing."

Two kinds of evidence indicate the strongly interventionary and para-military subversion role played by C.I.A. agents in other countries. The first is found in the book *To Move a Nation*, By Roger Hilsman, an official of the State Department during the Kennedy Administration. Although he asserted that C.I.A.-type operations are justified by the need for national security, Hilsman said that too often the C.I.A. has been "over-used as an instrument of foreign policy." Elaborating, Hilsman referred to C.I.A. actions which included the instigation and carrying through of a coup in Iran against Premier Mohammed Mossadegh, the thousand-man invasion of Cuba, the "covert boost" to Ramon Magsaysay in the Philippines, the unsuccessful effort to create another "Magsaysay" in the person of the unpopular and weak General Phoumi Nosavan in Laos.

According to Hilsman, by the end of the Eisenhower Administration in 1960, secret C.I.A. political action had become a "fad" and United States agents abroad were as "ubiquitously busy" as communist agents. The cumulative effect of several hundred such covert actions, he added, was to tarnish the American image in the world community. "[It] corroded one of our major political assets, the belief in American intentions and integrity."

The second kind of evidence of interventionary (as distinguished from intelligence-gathering) activity by the C.I.A. came in the wake of the disclosures in 1966 that the C.I.A. had operated under cover of American universities, labor unions, book publishers, student organizations, and cultural and religious organizations. Following these stories, American wire services and newspaper correspondents overseas began filing dispatches telling of discontent in foreign capitals, a new wave of anti-American feeling, and allegations of C.I.A. intervention. These reports came from Chile, India, Mexico, Bolivia, West Berlin, Switzerland, France, Spain, British Guiana, and Canada.

Arms accumulation

One of the most accurate indices of its militarized state of mind is the size of a society's arsenal. According to Jeremy Stone, a member of the Institute for Strategic Studies in London and a Fellow of the Council on Foreign Relations, each of forty-one nuclear submarines will soon have the capability of destroying one hundred and sixty Russian cities. In addition, we have more than one thousand land-based intercontinental ballistic missiles which can take out those same Russian cities six times over. Finally, when, as appears likely, we attach from three to ten thermonuclear warheads to each ICBM, converting them to multiple independently targetable reentry vehicles (MIRVs), we again will have increased by up to tenfold our overkill capacity with regard to the Soviet Union.

Last March, after closed congressional hearings with Army spokesmen concerning the chemical-biological warfare arsenal in this country, Representative Richard D. McCarthy of New York told newsmen that the United States has enough of one deadly nerve agent—a substance labeled "GB" by the Army—to kill one hundred billion people, or to wipe out the present world population of 3.4 billion thirty times over. While Representative McCarthy was expressing alarm over both the existence and transportation by railcar of such deadly agents in the United States, Representative Robert L. F. Sikes of Florida told newsmen he thought the United States was not doing enough in this field. The Russians, said Sikes, have seven to eight times the capability of the United States in chemical-biological warfare. "I think our capability should be expanded," he said.

Last October, Robert M. Smith reported from Washington in *The New York Times* that the Army has produced and stockpiled more than twenty thousand poison bullets in the Pine Bluff Arsenal in central Arkansas. The bullets are "reliably reported" to contain botulin—a toxin that produces an acute, highly fatal disease of the nervous system. An Army manual says that "through repeated purification procedures [the toxin] has been obtained in a crystalline form and is one of the most powerful toxins known. Botulism is characterized by vomiting, thirst, general weakness, headache, fever, dizziness, double vision, and dilation of the pupils. Paralysis is the usual cause of death." The *Times* reporter added: "Knowledgeable sources indicate that the poison bullets could logically serve only one purpose: assassination. To kill an enemy leader with a poison bullet, it would be necessary to do no more than nick him."

In the face of mounting disclosures of the extent to which chemical poisons are stockpiled at eight bases from Maryland to Oregon, and against the background of the accidental killing of sixty-four hundred sheep in March, 1968, in Utah's Skull Valley as a result of an Army nerve gas test at the Dugway Proving Ground twenty-seven miles away, Secretary of Defense Melvin Laird is reported to have submitted, last October, a secret memorandum to the National Security Council urging that the United States stop producing biological agents for use in warfare. The position of the Joint Chiefs of Staff on the issue was not clear. Also not clear was whether Mr. Laird's recommendation, if approved, would leave intact the overkill capacity of our chemical and biological germ arsenal and whether only biological but not chemical production would be halted. Diseases which can be spread by weapons in Army warehouses now include the plague, anthrax, tularemia, psittacosis, Q-fever, botulism, Rocky Mountain spotted fever, brucellosis, and Venezuelan equine encephalitis. It is estimated that a single ounce of Q-fever rickettsia is enough to infect twenty-eight billion people with its debilitating symptoms. Pneumonic plague is close to one-hundred-per-cent fatal if treatment is not begun within twenty to twenty-four hours after exposure.

As recently as a month before Secretary Laird's reported recommendation to the National Security Council, Army officials insisted on the need to maintain chemical production on the ground that the best way to dissuade the enemy from using chemical weapons is to have a chemical retaliatory capacity of one's own. Last July, Secretary Laird himself, during a question-and-answer period with student interns in Washington, was quoted as saying that "as much as we deplore this kind of a weapon [chemical and biological], if we want to make sure this weapon is never used, we must have the capability to use it." He noted that the Administration was then conducting a review of the chemical and biological warfare program and said that he did not want to prejudge its results but that he "strongly believed the United States had to continue to develop offensive chemical and biological weapons."

Then, on November 25, 1969, President Nixon announced that he was renouncing the use of all biological warfare weapons, that he would destroy existing stockpiles of such germ weapons, and that he was renouncing "first use" of chemical warfare weapons that could either kill or incapacitate their victims. Excluded from his prohibition were chemical weapons such as defoliant herbicides and riot-control gases.

Although Mr. Nixon's announcement was generally received with favor in both the United States and foreign capitals, enthusiasm was guarded for the following reasons:

The huge American chemical-warfare arsenal will remain intact.

Renouncing "first use" of lethal and incapacitating chemical agents can be meaningless under wartime conditions; a desperate, or callous, nation can always claim that the other side initiated chemical warfare and, without proving its claim, launch a chemical attack of its own.

The United States will continue its research into biological weapons for "defensive" purposes, but in recent years universities and university research professors have justified their Pentagon-sponsored development of germ warfare weapons on precisely this ground—that they were needed in order to develop defensive immunization programs. Indeed, the line between what is offensive research and what is defensive research in this area is extremely difficult to draw. (An anonymous spokesman for the Nixon Administration has said that as much of this biological warfare research would be transferred from the Pentagon to the Department of Health, Education, and Welfare as possible.)

Unnamed Army officers told an Associated Press reporter that they "do not regard the present quantities of germ materials as weapons stockpiles, but rather as limited components for biological testing." If this view prevails, there will be no destruction of germ warfare stockpiles, despite Mr. Nixon's announcement.

One of the American riot-control gases, CS–2, is far more than a simple tear gas of earlier years; it is a lung gas causing extreme pain and is used in Vietnam to flush out enemy soldiers so they can be shot.

In addition to CS–2 gases and napalm, the United States will continue to use herbicides, as in Vietnam, chemicals that the *The New York Times* has called "triply reprehensible" because they "destroy food supply far into the future, upset the ecology, and threaten future generations with deformity."

Arms racing and war gaming

According to columnist James Reston, "the control of military arms is undoubtedly the most important political question in the world today, for the arms race devours the money and influences all other questions of poverty, race, jobs, and housing, both here and abroad." It is estimated that American taxpayers have contributed, since 1946, more than one trillion dollars for national security. The technique of arms racing and war gaming is fairly well known. The military, given the task of defending the nation, research, develop, and produce weapons and weapon systems. They must, they say, immediately assume that since our side can produce and has in fact produced a particular weapon or system, a potential enemy can produce the same weapon. Therefore, we must research, develop, and produce defensive weapons to counter these putative offensive weapons. At that stage, we must further assume that since we have produced a defensive system, the potential enemy can devise a similar defense. Therefore, our next task is to research, develop, and produce a new offensive weapon system which will overwhelm any possible defense devised by the enemy.

With this offense-defense pattern, there is no theoretical limit to the quantity or quality of weapon systems that the military may deem necessary to insure national security. The only limits are, on the one hand, the imagination of the war gamesmen and war planners and, on the other, the amount of tax money that can be placed at their disposal. The actual development and deployment of weapons by Soviet Russia, for example, is not ultimately a limiting factor in our own weapons program. If the Russians do not have a particular weapon, we must assume that they may soon have it, or certainly that they *should* have it in the future.

These "strategic assumptions" are open-ended and self-justifying. When, for example, American military men claimed in the mid-nineteen-sixties that the U.S.S.R. was building a thick anti-ballistic missile system, we proceeded to increase our offensive nuclear striking power by developing multiple warheads for both our submarine and landbased missiles. But when former Defense Secretary Robert McNamara reported in late 1967 that Russia in fact had no significant ABM capability, the Department of Defense did not halt its development of multiple warheads designed to counter the nonexistent Russian ABM threat. Instead, the D.O.D. said: "Nevertheless, knowing what we do about past Soviet predilections for defensive systems, we must, for the time being, plan our forces on the assumption that they will have deployed some sort of an ABM system around their major cities by the early nineteen seventies."

Mr. McNamara described this arms-racing approach to national security as a "kind of mad momentum" intrinsic to the development of all new nuclear weaponry. "If a weapon system works—and works well—there is strong pressure from many directions to produce and deploy the weapon out of all proportion to the prudent level required." The former Defense Secretary added that if the United States were to deploy a heavy anti-ballistic missile shield, that would constitute a "strong inducement for the Soviets to vastly increase their own offensive forces. That . . . would make it necessary for us to respond in turn—and so the arms race would rush hopelessly on to no sensible purpose on either side."

Since Mr. McNamara left the Defense Department, Congress has approved a "thin" ABM system. The MIRV system—fitting multiple warheads to our thermonuclear missiles—has gone ahead. Once MIRVs are fully deployed the Soviet Union will not know or have any way of knowing whether we have five thousand or ten thousand warheads in our offensive arsenal. We will be similarly ignorant about Russian offensive capabilities. It will then be difficult, if not impossible, to have meaningful strategic-arms limitation talks because there will be no way for either side to be sure that the other one is not cheating in any agreement.

Waste, profits, and accountability

In an activity of the magnitude of the Department of Defense, it would be sur-

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prising if there were no waste, no corruption, no profiteering. However, it may be worth looking at some of the evidence in this area as a reflection of a more significant side of the American military—that which concords its restraints and the extent to which it can be held in fact accountable under the constitutional prescription of civilian control.

Walter Adams, an economist at Michigan State University, in an important article entitled "The Military-Industrial Complex and the New Industrial State" (*The American Economic Review*, May, 1968), reported that "a summary of General Accounting Office studies covering the period from May, 1963, to May, 1964, [revealed] ascertainable waste of five hundred million dollars in a five per cent sample of procurements." He added that Merton Peck and Frederic Scherer found in their study (*The Weapons Acquisition Process*) that in twelve major weapon-system development programs, actual costs exceeded predicted costs 3.2 times on the average, with a range of actual versus predicted costs of from seventy to seven hundred per cent. Recent prediction errors in the F–111 and Apollo programs, Scherer reported, are of the same order of magnitude.

The Senate Committee on Government Operations, looking into the matter of the "pyramiding of profits and costs in the missile procurement program," concluded in 1964 that "even the most reputable and ethical contractor is placed in the conflicting position of managing a program where the feasibility, technical and economic decisions which should be made by the customer-government are made by the producer-contractor. . . . The absence of competition, coupled with the urgency to get the program under way, removes normal safeguards against large profits and weakens the government's negotiating position."

In 1965, the Comptroller General, an Eisenhower appointee, singled out the following characteristics of the military contract system for a House committee looking into the matter:

Excessive prices in relation to available pricing information,

Acceptance and payment by the government for defective equipment,

Charges to the government for costs applicable to contractors' commercial work.

Contractors' use of government-owned facilities for commercial work for extended periods without payment of rent to the government,

Duplicate billings to the government,

Unreasonable or excessive costs,

Excessive progress payments held by contractors without payment of interest thereon.

In the five years since the Comptroller General disclosed these practices in defense contracting, there has been little or no change in the system. In 1969, the "cost overrun" on the C–5A transport plane alone was a *cause célèbre*, but not, as it turned out, enough of a *cause célèbre* to reform conventional procurement procedures. The original price for one hundred and fifteen of the Lockheed C–5A's was 3.2 billion dollars. Final cost to the government was 5.2 billion dollars, or sixty-seven per cent more. Colonel A. W. Buesking, former director of management systems control in the office of the Assistant Secretary of Defense, has said that control systems essential to prevent excessive costs simply do not exist. According to Senator William Proxmire, "defense spending is out of control. The military-industrial complex now writes its own budgetary ticket."

Some samples of out-of-control defense procurement practices:

Richard A. Stubbing, a defense analyst with the Bureau of the Budget, after a study of the performance of complex weapon systems, concluded: "The low, over-all performance of electronics in major weapon systems developed and produced in the last decade should give pause to even the most outspoken advocates of military hardware programs." He found that in thirteen missile and aircraft programs produced since 1955 at a cost of forty billion dollars, more than sixty per cent of the electronic components failed to perform acceptably.

Defense Department figures in November, 1968, disclosed that over the past fifteen years, a total of 8.8 billion dollars has been invested in sixty-seven major military contracts which were subsequently canceled either because the weapons did not meet specifications or the military decided it had no use for them.

The cost of the Minuteman-2 missile increased from 3.2 billion dollars to seven billion dollars.

The cost of a rescue submarine increased from three million dollars to eighty million dollars (a 2,700% increase) but only, testified Barry Shillito, Assistant Secretary of Defense, because the submarine had been so improved it was "almost totally different from the one we embarked on."

A system to keep track of fuel sent to Vietnam broke down in 1967 and the Air Force was unable to account for twenty-one million dollars worth of gasoline and oil.

The cost of the Short-Range Attack Missile rose from three hundred and one million dollars in January, 1968, to six hundred and thirty-six million dollars in December, 1968.

When General Dynamics' plane, the F-111B (the Navy's fighter-bomber version of the T.F.X.) was found to be too heavy to meet the altitude and range requirements of the military, the government reimbursed 216.5 million dollars to the company to cover most of its costs, and imposed a small penalty.

A. E. Fitzgerald, former deputy for management systems of the Air Force, testified before the Joint Economic Subcommittee on Government Economy that Air Force officials in 1967 had submitted to then Defense Secretary Robert McNamara a cost estimate for the Mark II—the electronic "brain" system of the F-111—that was two hundred and twenty-nine million dollars below the figure they knew to be correct. They lied, he said, because they feared Mr. McNamara would abandon the system if its true costs were known.

The technique of "buying in" is the proximate explanation for the phenomena of excessive costs, high profits, and low product-reliability in the weapons industry. A defense contractor "buys in" on a prospective new weapon program by grossly underestimating the cost he quotes to the government, by overestimating the performance capability of the weapons, and by promising to deliver the weapon long before he knows it can be done. Ordinarily this would be a sure formula for going bankrupt. But in the defense industry the government and the industrialists have found ways to make sure that does not occur. "The defense industry," according to Richard Kaufman, a member of Senator Proxmire's staff, "is the most heavily subsidized in the nation's history. Thanks to Pentagon procurement policies, large contractors find their defense business to be most lucrative."

The government's subsidization and protection of the defense contractors take a number of forms. As Kaufman put it: "There are many ways to succeed in the defense business without really trying." For example, thirteen billion dollars worth of government-owned property, including land, buildings, and equipment is in contractors' hands, thereby greatly reducing—in some cases eliminating—the need for any fixed-capital investment by a defense contractor. Working-capital needs are also sharply reduced for the contractor through what is called "progress payments," which have no relation to progress in terms of contract objectives achieved, but correspond only to costs incurred. These two government-subsidized provisions minimize the contractor's investment in the defense business and permit him to use his assets for commercial business or for securing additional defense contracts.

There is also little or no supervision over the way in which contractors use government money and property. Some use it for their own purposes. As an example, Kaufman cited the case of Thiokol Chemical Corporation, Aerojet General (a subsidiary of General Tire & Rubber Company), and Hercules, Inc.: "From 1964 through 1967 they received a total of 22.4 million dollars to be used for work on the Air Force Minuteman missile program. Government accountants found that the three contractors misused more than eighteen million dollars of this money, spending it for research unrelated and inapplicable to Minuteman or any other defense program."

When a contractor's costs run higher than he had estimated (and they inevitably do when he has under-estimated them in order to get the contract), the Pentagon agrees to pay for the increased costs through the device of "contract-change notices." On a complex weapon system, the changes from original specifications will number in the thousands. Some of these changes are ordered by the Pentagon, some are authorized by the Pentagon at the request of the contractor. Kaufman reports that the opportunities for hiding real or phony cost increases in this system are obvious, "so much so that in defense circles contract-change notices are sometimes referred to as 'contract nourishment.'"

Contract nourishment comes under the more general heading of the "get well" strategem in defense-contracting circles. No matter how much difficulty a contractor may get into because of his "buying in" promises, he knows that the government will see to it that he "gets well." If his weapon program turns out to be unacceptable to the Pentagon, a contractor stands to lose tremendous sums should the contract be canceled for reason of default. However, if the government cancels his contract for "convenience," the contractor is reimbursed for the costs he has incurred. A classic example of a default overlooked by the government occurred in the case of General Dynamics' F–111B. When it became obvious that the F–111B would simply not come up to performance specifications, Gordon Rule, a civilian procurement official with responsibility for the plane, recommended that General Dynamics' contract be terminated for default. It was Paul H. Nitze, Deputy Secretary of Defense, under pressure from Assistant Secretary of the Air Force Robert H. Charles and Roger Lewis, chairman of General Dynamics, who made the 216.5 million dollar reimbursement to the company.

Mr. Rule has testified before a congressional subcommittee that he encountered opposition from both civilian defense officials and the Naval Air Systems Command in 1967 while he was conducting an investigation of inefficiency at the Hartford, Connecticut, plant of the Pratt and Whitney Aircraft Division of the United Aircraft Corporation. He had been sent there when the then Defense Secretary Robert McNamara had learned that Pratt and Whitney's price for F–111 engines had grown from an estimate of $273,910 each to $750,000.

According to Kaufman, profits on defense contracts are higher than those on related non-defense business, they are higher for the defense industry than for manufacturing as a whole, and the differential is increasing. The General Accounting Office found that the average negotiated profit rate had increased twenty-six per cent from the 1959–63 period to late 1966. Admiral Hyman G. Rickover has testified that makers of propulsion turbines are insisting on profits of from twenty to twenty-five percent, compared with ten per cent a few years ago, and that profits on shipbuilding contracts have doubled in two years.

Kaufman explains that even these profit figures, however, are not a true reflection of actual profits. It figured as a return on investment, rather than as a return on costs, true profits are often phenomenally higher. "An example of the difference was demonstrated in a 1962 tax-court case, *North American Aviation vs. Renegotiation Board*. The contracts provided for eight percent profits as a percentage of costs; the tax court found that the company had realized profits of six hundred and twelve percent and eight hundred and two percent on its investment in two succeeding years."

The reason for this tremendous return on investment was the Defense Department's policy of furnishing both fixed and working capital to large contractors. "In some cases," Kaufman wrote, "the amount of government-owned property exceeds the contractor's investment, which is sometimes minimal. It is no wonder that contractors prefer to talk about profits as a percentage of costs." A study by Murray Weidenbaum (now Assistant Secretary of the Navy) disclosed that between 1962 and 1965 a sample of large defense contractors earned 17.5 percent net profit (measured as a return on their investment), while companies of comparable size but doing business in the commercial market earned 10.6 percent.

If the proximate causes of excess cost, waste, inefficiency, and profits in the defense industry can be found in the operating arrangements and practices that have been developed by the Pentagon and the industrialists, the deeper causes of why these practices have been allowed to continue must be sought elsewhere.

Senator George McGovern touched on two of these causes in his statement in the Center Occasional Paper, *ABM: Yes or No?:* "Politically, the ability to get support for highly dubious multi-billion-dollar projects such as the ABM rests on two factors: first, exploitation of the national feeling of insecurity that comes anytime we debate a proposal with a defense label attached to it; and second, the perfectly legal and very substantial rewards the military sector can bestow upon communities and states whose congressmen are cooperative."

Thus, after the two-billion-dollar cost overrun on the C–5A plane had become a matter of common knowledge, the Senate defeated by a vote of sixty-four to twenty-three an amendment by Senator Proxmire to the 1970 military authorization bill which called for a reduction of five hundred and thirty-three million dollars in further procurement of the C–5A until the General Accounting Office could complete a comprehensive study of its cost—the study was to be finished within ninety days.

Again, after months of hearings disclosing the practices described above, the Senate passed a 20.1 billion dollar authorization bill for new military procurement last fall; the House passed a 21.3 billion dollar authorization bill (allowing its members two days to read the 2,660 pages of Armed Services Committee hearings on the bill, and forty-five seconds speaking time to each representative during the debate of the bill). The final compromise authorization bill came to 20.7 billion dollars. It included, at Representative Mendel Rivers' insistence, four hundred and fifteen million dollars for Navy ships that the Pentagon had not even requested. Senator John Stennis, chairman of the Senate Armed Services Committee, said: "No major weapon has been left out of this bill, and none has been seriously affected."

Just as significantly, the joint conference struck down or seriously impaired every amendment that senators had attached to the authorization bill to curb some of the excesses of the defense industry and the Pentagon and make them more accountable for their actions. The joint conference eliminated one amendment which required that all major Pentagon weapons contracts be subjected to an independent quarterly audit by the General Accounting Office, which is an arm of Congress. The joint conference did retain one amendment providing for the Comptroller General to study defense profits, but the amount of information defense contractors would be required to supply was limited, and the Comptroller General would have to go to the congressional Armed Services Committees (notoriously favorable to the Pentagon) in order to be able to subpoena the contractors' records. Also, a twenty per cent cut in the Defense Department's budget for independent research was reduced to a seven per cent cut.

Senator Proxmire identified two further factors serving to explain the resistance of military-procurement practices to reform. The procurement system, he has said, "permits almost ninety per cent of all contracts to be negotiated rather than awarded on a formally advertised competitive basis." This, coupled with the fact that the number of high-ranking retired military officers now working in defense industries has tripled in the last ten years (from seven hundred and twenty-one in 1959 to two thousand and seventy-two in 1969) represents, the Senator said, a "distinct threat to the public interest. How hard a bargain will officers involved in procurement, planning, or specifications drive with contractors when they are one or two years from retirement and have the example to look at of over two thousand fellow officers doing well on the outside after retirement?"

For a deeper probe of the causes of the present Pentagon and weapons-industry practices, we must turn our attention to their formal relationship.

The military-industrial interlock

The American military and American industry need each other. The military depends on industry to furnish its arsenal. Industry depends on the military for weapons ordered to maintain and improve its earnings. It would be surprising if there were an absence of a close, cooperative relationship between the two. The best brief description of this relationship has been provided by Walter Adams. In that relationship, Adams wrote, "government not only permits and facilitates the entrenchment of private power but serves as its fountainhead. It creates and institutionalizes power concentrations which tend to breed on themselves and to defy public control. The scenario of events should be familiar. The 'mad momentum' of an international weapons race militates toward large defense expenditures. This generates a demand not only for traditional, commercial, shelf items like food, clothing, fuel, and ammunition but also for the development and production of sophisticated weaponry. Lacking a network of government-owned arsenals, such as produced the shot and cannon in the days of American innocence, or having dismantled the arsenals it did have, the government is forced to buy what it no longer can make. It becomes a monopsonistic buyer of products which are not yet designed or for which production experience is lacking. It buys at prices for which there is little precedent and hardly any yardsticks. It deals with contractors, a large percentage of whose business is locked into supplying defense, space, or atomic energy needs. It confronts powerful oligopolists in a market where technical capability rather than price is the controlling variable—in an atmosphere shrouded by multilateral uncertainty and constant warnings about imminent aggression.

"In the process, government becomes almost totally dependent on the chosen instruments, i.e. creatures of its own making, for effectuating public policy. Lacking any viable in-house capabilities, competitive yardsticks, or the potential for institutional competition, the government becomes—in the extreme—subservient to the private and special interests whose entrenched power bears the government seal.

"This unique buyer-seller relationship, which defies analysis by conventional economic tools, lies at the root of the military-industrial complex and the new power configurations generated by it. The complex is not a conspiracy between the 'merchants of death' and a band of lusty generals, but a natural coalition of interest groups with an economic, political, or professional stake in defense and space. It includes the armed services, the industrial contractors who produce for them, the labor unions that represent their workers, the lobbyists who tout their wares in the name of 'free enterprise' and 'national security,' and the legislators who, for reasons of pork or patriotism, vote the sizable funds to underwrite the show. . . . Given the political reality of such a situation and the economic power of the constituencies involved, there is little hope that an interaction of special-interest groups will somehow cancel each other out and that there will emerge some compromise which serves the public interest." [*The American Economic Review*, May, 1968]

The example of Lockheed-Georgia illustrates the pervasive economic influence of a defense industry on a city, region, and state. Located at Marietta, Georgia, Lockheed does more than two billion dollars of defense business a year. It pays about two hundred million dollars a year in wages to twenty-six thousand workers who come from about one-third of the state's one hundred and fifty-nine counties. According to Jack Raymond in the *Harvard Business Review*, "Lockheed buys everything from soft drinks to metal parts from Georgia suppliers. Last year, the company spent one hundred and thirteen million dollars with about 1,730 suppliers, many of them small businesses."

Despite the economic rewards and the national-security argument, which have traditionally kept the military budget on an ever onward and upward course, revelations of waste, excess profits, and plain gouging have become widely known. So many congressmen have become outraged that, for the first time in many years, the future of military spending recently became uncertain. As a result, Secretary of Defense Laird was reported in June of last year to have determined to take a tougher approach toward both defense contracts and the military services.

Mr. Laird and Deputy Secretary David Packard were said to have begun to take steps to slow down the weapons-development cycle so that difficult technical problems could be solved before funds are freed to begin production. It was also reported that they intended to prohibit defense contractors from making unrealistically low bids in order to "buy into" a program and would order the armed forces to tighten up their supervision of contracts and not make costly change-orders once a production contract has been granted. As evidence of the sincerity of Mr. Laird's desire to eliminate gross losses, "knowledgeable sources" in the Pentagon pointed to the cancellation of a multi-million-dollar contract with Lockheed for the Cheyenne helicopter because of costly delays in its development, and the cancellation of several ships authorized by Congress in order to absorb a six-hundred-million- to seven-hundred-million-dollar cost overrun on Navy ships already under construction.

It was also pointed out that Mr. Packard had told an Aerospace Industries Association meeting: "You have to eliminate this business of 'buying in.' Neither the Department of Defense nor the Congress will continue to tolerate large cost overruns which relate to unrealistic pricing at the time of award, or to inadequate management of the job during the contract. In simple terms, you will find it much more difficult for us to consider upward price revisions—and you should plan your affairs accordingly."

However, to judge the sincerity of these *en famille* moves, one should consider the later actions by top Defense officials. The man who played a key role with his testimony disclosing billions of dollars of waste in defense contracting, one A. E. Fitzgerald, was relieved of his job in the Pentagon and was assigned to review construction of a bowling alley in Thailand. Then, in the fall of 1969, when Secretary Laird announced cutbacks in military bases and expenditures, Mr. Fitzgerald was among the first to lose his job.

Last July, Mr. Laird announced the formation of a blue-ribbon panel to make a twelve-month study of the Department of Defense and recommend reforms in its operation. An analysis of the composition of the blue-ribbon panel and its defense-industry connections was made by Senator Proxmire and published in the October 28, 1969, *Congressional Record*. Chairman of the panel is Gilbert W. Fitzhugh, who is also chairman of the board of Metropolitan Life Insurance Company. Metropolitan Life, the Wisconsin senator noted, "holds $34,000,783 worth of common stock in twenty-four of the one hundred largest companies doing defense business. The Metropolitan also has outstanding loans to twenty-four of these same defense contractors totaling over 1.3 billion dollars. Of the fifteen panel members selected, eight, representing a majority of the panel membership, still hold official positions with twelve different companies which have a combined total of over eight hundred and fifteen million dollars in defense contracts." Although the other panel members are "not plagued by direct personal interests in defense business," Senator Proxmire said, "a number of them lack the needed knowledge of defense procurement practices to counterbalance the long experience in these matters which the eight-man majority brings to the panel."

Senator Proxmire added that he was sorry to report that the panel's top staff man is not an outside critic, but a Pentagon official, J. Fred Buzhardt, a graduate of the U.S. Military Academy, and special assistant to Assistant Secretary of Defense Robert Froehlke. Senator Proxmire concluded, "The inescapable impression one gets . . . is that the panel is caught in the embrace of the very individuals it is supposed to evaluate and constructively criticize. . . . I have seen all this happen before. The script has become all too familiar. The final report will be carefully noted and highly publicized [for] a few weeks, only to be relegated to the shelf once its publicity value for the Pentagon has been exhausted. . . . The panel is at best a sham, at worst an indication of how powerful the Pentagon has actually become, so powerful that it is able to control those who would criticize it."

In the light of what is still a warm and symbiotic relationship between the military and the defense industries, it becomes for both a matter of the highest importance to keep public and congressional opinion favorably oriented toward "national security." The thousands of public-relations men employed by the defense industry are reënforced by the Pentagon's own public-relations manpower. Currently, the Pentagon has 6,140 public-relations men around the world. Within Washington itself the Pentagon employs another three hundred and thirty-nine "legislative liaison" lobbyists with an annual budget of more than four million dollars. The next biggest government-worker lobby in Washington is the postal clerk's union, which spent $277,524 in 1967.

The mutality of interest between Pentagon and industry was underlined last summer with the appearance of a prominently circulated newspaper advertisement to promote the Nixon Administration's antiballistic missile proposal. An analysis by *The New York Times'* Neil Sheehan of the business connections of the three hundred and forty-four persons who signed the full-page advertisement disclosed that fifty-five had defense-industry associations. Fourteen of these were directors, officers, or lawyers for companies already doing anti-ballistic missile business to the extent of more than one billion dollars in contracts awarded by the Defense Department. Another twenty signers of the advertisement had similar connections with companies among the top one hundred defense contractors in the country. The advertisement, which claimed that eighty-four per cent of the American people were in favor of the ABM (a figure publicly disavowed by Opinion Research whose poll, it said, had been misrepresented) made no mention that any of the signers had any defense-business connections.

The widely announced Pentagon cuts in defense spending last fall (e.g. three hundred and seven military bases to be "consolidated, reduced, realigned, or closed") were to effect a three-billion-dollar saving as part of a reported plan to keep total defense spending, after June 30, 1970, to seventy-one to seventy-three billion dollars a year and to enable the United States to fight one major war and one minor war simultaneously, instead of the two major and one minor war doctrine under which the Defense Department had been operating since 1959. However, several aspects of the new "austere" look clouded the picture and served to dampen the enthusiasm of economy advocates. For one thing, Air Force officials said that some of the reductions in missiles, planes, and bases were an acceleration of part of a modernization program announced in 1967; presumably the modernized weapons would be far more costly than the old and the reduction in the arms budget would be temporary, and true only until the new weapons were in production. For another, even though such planes as the B–58 Hustler were being retired, a new fighter-bomber which could cost as much as nine billion dollars was being recommended. Also, as Senator Proxmire was quick to point out, the Navy, to give the illusion of sharper and more extensive cutbacks, had announced on five different occasions the mothballing of several old ships while virtually ignoring the fact that new ships authorized by Congress would far exceed in cost the savings of those being retired. Finally, Defense Secretary Laird himself, two weeks after the first announcement of a military budget cutback, made what, under the circumstances, seemed a most curious public statement, when on October 31, 1969, he addressed an audience of eight hundred defense contractors and aerospace industrialists at the Los Angeles Chamber of Commerce aerospace luncheon. According to the *Los Angeles Times* report of the meeting (by its political writer, Richard Bergholz), Mr. Laird "called on the aerospace industry . . . to help him convince the American people they should not expect big spending cuts when the Vietnam war ends. . . . Laird said many of the defense contractors and aerospace industrialists had supported the Defense Department in its past policies 'and I know that we can count on this audience for the same kind of support in the future.' "

How foreign policy becomes militarized

American foreign policy becomes militarized in a number of ways. One of the most obvious is that a President of the United States and/or his Secretary of State want to militarize it. They have become convinced that, under certain circumstances and in some areas of the world, it is in the national interest to shoot or subvert first, and talk later. Or they become convinced that it is in the interest of the United States to send troops and planes into neutral countries and from there wage war against elements within those countries deemed dangerous to our interests or to wage war against other nations. These troop deployments are accomplished without the advice and consent of the Senate. The troops are deployed without a formal declaration of war, though they are used in the waging of war and their very use invites reprisal and the enlargement and inflaming of hostilities into a general war. Or a President and his Secretary of State may decide that it is in the interest of the United States to make secret commitments and have private understandings with dozens of nations (as the late Secretary of State John Foster Dulles did), which make the United States liable to an armed defense of those nations without a formal declaration of war.

Foreign policy also becomes militarized when a President is misled by his armed services and the Central Intelligence Agency into thinking that a particular military action (e.g. the 1961 invasion of the Bay of Pigs) is a viable option. President Kennedy said he would never again trust the C.I.A. as he had on that occasion.

Foreign policy becomes militarized when the C.I.A., in addition to its intelligence work, undertakes operational initiatives (as in the early years of the American intervention in South Vietnam; as in the Dominican Republic in 1965; as in the Congo) which present *faits accomplis* to Washington and from which Washington can extricate the country only with the greatest difficulty.

Foreign policy becomes militarized when the arms race escalates on both sides in the familiar action-reaction phenomenon—the "mad momentum," as Mr. McNamara described it. The continual piling up of thermonuclear, chemical, and biological weapons, with the consequent "catching up" always present, now on one side, now on the other, makes it increasingly difficult, politically and psychologically, to form a foreign policy in which strategic-arms limitation, and then gradual and progressive disarmament, will be both cornerstone and goal.

Foreign policy becomes militarized when both major American political parties seek partisan advantage in Presidential campaigns by accusing the other of permitting a "bomber gap," a "missile gap," or a "security gap" to develop. Even though each of these accusations has been found later to have been false and misleading, the winning party, to make good on its campaign promises, authorizes enormous new increments to the strategic-weapons stockpile and further deepens the militarization of policy.

Foreign policy becomes militarized when, at critical moments, it is the military who seem to offer the crisp, definite, tangible options—while those who argue for negotiation, diplomacy, and respect for the decent opinion of mankind seem to be offering the unattractive, endlessly prolonged, and inconclusive options. Arthur Schlesinger, Jr., recalling the Bay of Pigs crisis, once wrote: "I could not help feeling that the desire to prove to the C.I.A. and the Joint Chiefs that they were not soft-headed idealists but were really tough guys, too, influenced State's representatives at the Cabinet table."

Foreign policy becomes militarized by the national security managers, the men who have served as secretaries and assistant secretaries of Defense, State, Air, Army, and Navy; chairmen of the Atomic Energy Commission; directors of the C.I.A. Richard Barnet, in his book *The Economy of Death*, noted that out of ninety-one men who have held these offices from 1940 to 1967, seventy have come from the ranks of big business or high finance. The Brookings Institution revealed that eighty-six per cent of the Secretaries of the Army, Navy, and Air Force, from 1933 to 1965, had come from the ranks of either business or the law. The Washington assumption is that there is an inherent correlation between the ability to run a bank, a business, a defense industry, and a law firm, on the one hand, and, on the other, the ability to define the nation's interest and devise a program calculated to enhance it.

It is not easy to determine at what point the President or his Secretary of State, on their own motion, militarize foreign policy, and at what point they are merely responding to a set of conditions and options which are basically militaristic and are presented to them by persons, agencies, and institutions that have no constitutional authority to make foreign policy. Confronted by such options, a President, unless he is extraordinarily well informed, adroit, and agile, cannot go around the options but must work within them.

Authoritarianism, actual and potential

According to one view, military conscription, which has been in existence for almost thirty years, cannot be classified as evidence of authoritarianism. The Selective Service law is a law, democratically enacted, and like any law, it can be removed by due process. But to young men subject to induction into the armed forces and liable to be sent to fight in the Vietnam war which various senators have described as "insane," "immoral," "illegal," and "unconstitutional," the military draft and its five-year prison sentence for refusal to serve constitute an unquestioned example of authoritarianism and an unwarranted violation of the human conscience.

In actual practice, as Senator Edward Kennedy has pointed out, government and draft-board officials have used the Selective Service System to punish young men who protest against the Vietnam war and the draft itself by reclassifying them 1A and accelerating their call-up. Here, says Senator Kennedy, "the fundamental issue is whether the Selective Service System has the right to supplant the courts and substitute an administrative form of punishment."

With respect to freedom of speech and assembly, Americans—judging from the massive turnouts in the moratoriums late last year—do not find it necessary to summon heroic courage to register criticism and dissent on such issues as the Vietnam war. On the other hand, the House Committee on Internal Security (formerly the House Un-American Activities Committee) continues to be funded and it continues to pursue self-styled revolutionaries among the dissenters, such as Thomas Hayden, by holding hearings in the style of the Joseph McCarthy period of the nineteen-fifties. Also the Justice Department has instituted a number of "conspiracy" trials against pacifist leaders (e.g. Dr. Benjamin Spock, the Reverend William Sloan Coffin) which, regardless of their legal outcome, may well have the effect of intimidating other citizens and sharply reduce their activity in the peace movement.

Another possible portent of authoritarianism can be found in a report of Army teams which, in the summer of 1968, visited more than one hundred American cities to discuss riot-control plans with local officials. A hundred-and-eighty-man Directorate of Civil Disturbance Planning and Operations in the Pentagon maintains "city profile" books containing analyses of population composition, trouble spots, and layouts of police precincts and communications. More than a half-million Regular Army servicemen, reservists, and national guardsmen have been given riot training. Former Attorney General Ramsey Clark has said he is opposed to a federal police force and that the American tradition is against it because "there's no telling which way a monolithic military-police organization might go." While the Constitution empowers the federal government to "protect" a state against "domestic violence," the existence of half a million riot-trained troops, a directorate in the Pentagon, and the development of closely coordinated plans between Pentagon and city officials mean that the instruments of quick and massive military suppression are at hand should government officials interpret the constitutional provision in an authoritarian way.

In that connection, statements by Vice-President Spiro Agnew and actions by other members of Mr. Nixon's Administration last fall take on ominous overtones. After Mr. Agnew's widely reported New Orleans speech in which he described peace-protest leaders as an "effete corps of impudent snobs," Mr. Nixon said his Vice-President had "done a great job for this Administration." Later, Mr. Agnew, at a meeting of Republicans in Harrisburg, Pennsylvania, said that peace-protest organizers are "merchants of hate" and "parasites of passion" and asserted that the nation "can afford to separate them from our society with no more regret than we should feel over discarding rotten apples from a barrel." After Mr. Nixon's November 3rd speech on the Vietnam war, Mr. Agnew criticized the three national television networks for, among other things, their analysis and commentary following the speech. Although he affirmed that "every American has a right to disagree with the President of the United States and to express publicly that disagreement," Mr. Agnew said that "the President of the United States has a right to communicate directly with the people who elected him, and the people of this country have the right to make up their own minds and form their own opinions about a Presidential address without having a President's words and thoughts characterized through the prejudices of hostile critics before they can even be digested." Finally, Mr. Nixon's newly appointed chairman of the Federal Communications Commission, Dean Burch, telephoned the heads of the three national television networks two days after Mr. Nixon's Vietnam speech, asking for complete transcripts of the remarks of their reporters and commentators. Jack Gould, television editor of *The New York Times*, said that this procedure "was reported by many radio and TV station owners to be the first time an F.C.C. chairman departed from the protocol usually followed by the regulatory agency in handling complaints. Normally, the broadcasters noted, a complaint is forwarded by mail by Ben F. Waple, secretary of the F.C.C. The complaint is in written form, and the networks are allotted twenty or more days to reply."

Another potential extension of military authority, if not authoritarianism, lies in the Defense Department's involvement in domestic problems relating to the economy and to the health, education, and welfare of American citizens. Before leaving office, former Secretary of Defense Clark Clifford outlined an extensive Defense program—in being and in prospect—which would place the Defense Department directly into the business of building model housing and hospitals, using defense contracts to stimulate job opportunities in economically depressed areas, and educating hitherto neglected young men. The Nixon Administration kept several parts of this program, notably the involuntary induction of one hundred thousand poorly educated (and therefore ordinarily non-inductible) men each year into the armed forces and educating them under military auspices before returning them to civilian life.

A final indicator of authoritarian style and substance: In 1966, Senator Edward Kennedy demanded that the State Department explain its legal authority for "shadowing" American citizens traveling abroad. A *New York Times* dispatch from Washington (March 23, 1966) said that the Massachusetts senator had sent a "sternly worded letter" to Secretary of State Dean Rusk expressing his dismay on learning that some American travelers are subjected to surveillance by their government because of their political beliefs. "'I would have assumed that the granting of a passport carried with it for each citizen the privileges given to all citizens and that all passport bearers would have their privacy assured and be able to travel without embarrassment,' the Senator wrote." The *Times* explained that Mr. Kennedy's protest had been prompted by the disclosure that the State Department earlier that month had ordered the American embassies in Paris and Moscow to impose surveillance over the activities of H. Stuart Hughes, a professor of history at Harvard University, because of the Federal Bureau of Investigation's suspicions about his political beliefs. The State Department's order for surveillance was sent to its two embassies on March 8th, but was rescinded March 16th. The earlier message said that Dr. Hughes "reportedly in the past has had strong convictions toward communism." In his letter to Mr. Rusk, Senator Kennedy said: "'While I have had serious disagreements with (Professor Hughes) on matters of policy, I have always considered (him) to be a gentleman of integrity who has expressed his convictions in an honest and forthright fashion. . . . I feel it is most important to determine who makes the judgment that a traveling citizen is pro-communist, whether that judgment is confirmed by the Passport Office when it transmits a request for surveillance, and what further use is made of such a determination and of any information obtained by this investigatory activity among the various government agencies.'"

The *Times* said that State Department sources would not say how many such surveillance requests it receives, but "it was estimated they might run to hundreds a year."

III

This article began with a question: Is the United States a militarized society? I have listed what I think are dominant characteristics of a militarized society and have critically reviewed what I think is relevant evidence drawn from the contemporary American experience. Each of us must answer the question for himself.

For my part, I think that America has become to a considerable extent a militarized society. In a sense, the real question is whether the march toward a totally militarized America can be stopped and reversed. If it cannot, then we are in principle already a militarized people and it is only a matter of time until the details are all in place and we are militarized in fact. I think there is hope that the march of militarization can be stopped, but with each passing year that possibility dwindles. The combination of forces that have brought us this far down the road to complete militarization—the Pentagon, the weapons industry, military-minded congressmen—shows no sign of weakening. And the circumstances, or context, within which these forces have operated and drawn their strength—the mantling of militarism in "national security," the creation and sustaining of weapons-industry jobs in more than eighty per cent of the congressional districts of the nation, the weapons-research orientation of much of university life, the inability of congressmen to make informed technical judgments on complicated weapons and weapons programs—all these show no signs of abatement or reform. Finally, our great social problems—racism, poverty, the decay of our cities, our shameful treatment of the mentally ill and the elderly, the rage of our youth, environmental pollution, the decline and stagnation of our schools, inflation, rising taxes along with spreading public squalor—these pressurized problems may well explode and make an already largely ungovernable society chaotic, thus inviting the domestic military solution; order at the point of the bayonet, an enforced, police-state life if there is to be any life at all.

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My hope for a reversal of militarization is narrowly based. The close vote in the Senate on ABM reflected a new high level of senatorial awareness of spurious arguments for new weapons systems and a rebelliousness against traditional congressional rubber-stamping of Pentagon weapons requests. However, the Senate's later behavior on the arms authorization bill and on the amendments to impose some kind of rational restraint on the Pentagon and the defense industrialists more than canceled out the hopes we had reposed in it.

But the American people have begun to realize that, after spending a trillion dollars for national security since 1945, they have bought insecurity. There is hope, then, that they will demand a breakout from the old, now quite discredited arms-spiral approach to national security.

There is hope, too, in the youth movement which, with the intuitive directness of the young, has gone straight to the point: that militarization is a systemic and structural phenomenon and that it has not made a great deal of difference which man or party occupies the White House because the Vietnam war continues and the practices and presumptions that led to the Vietnam war continue.

Ten steps to a civilized society

It may be adventitious but it seems appropriate to end this inquiry with some subjective notes about what would, in the author's view, constitute a civilized, as contrasted with a militarized, society. These are the things I think our nation can and should do:

(1) Begin the end of the Vietnam war by announcing a unilateral ceasefire and simultaneously asking the United Nations to accept the responsibility, through U.N. inspection teams and police peaceforces, for insuring that no further bloodshed occurs and for the effective neutralizing of the country. This would be accompanied by a solemn and public pledge to abide by whatever troop withdrawal timetable the U.N. orders for both North Vietnamese and American forces in South Vietnam.

(2) A further pledge by the United States to contribute the major share of the financial support of the U.N. police force and inspection teams in Vietnam, this share to be computed as a percentage of the amount of money the United States has spent in destroying that country and its people since 1964.

(3) An order to the C.I.A. to confine its work to intelligence gathering and intelligence evaluating and to cease all para-military subversive and sabotage activities in all parts of the world.

(4) A critical review by appropriate congressional and Administration agencies of the practice of all clandestine military activities, and an empowering of the State Department to maintain continuing surveillance over these activities.

(5) Announcement by the United States of an immediate freeze on present strategic-arms level, with a bid to the Soviet Union to do the same with these two actions linked to a third: offering diplomatic recognition to Communist China and recommending to the United Nations that China be given a seat on the Security Council.

(6) Meaningful strategic-arms limitations talks with all the great powers, leading not only to limitation but also to stage-by-stage deescalation of the strategic-arms stockpile, with appropriate mutual, on-site inspection to prevent the possibility of cheating.

(7) Immediate congressional hearings leading to legislation providing for the phasing out of weapons industries and the conversion of these industries, where possible, into domestic welfare activities. Where conversion is not possible, the hearings must lead to the systematic creation of job opportunities for displaced weapon-industry workers. These opportunities should be sought first in high-priority domestic problem-areas: building of more schools; more mental hospitals; more facilities for the elderly; more parks and leisure-time facilities in the ghettos; more job-training schools for the present unemployables; attacking the problems of air and water pollution; creating national parks in wilderness preserves; revivifying and rebuilding the decaying central cities across the country.

(8) An end to military conscription.

(9) A pledge to the United Nations of a sizable percentage of our present arms budget (no longer needed as the Vietnam war ends—an annual saving of at least thirty billion dollars—and as we progressively cut back, along with Russia and the other powers, our strategic-arms stockpile). This money would be used by the U.N. for development of Third World countries and for the equipping and staffing of a highly mobile international police force able to put out, or at least isolate, brush-fire disputes in the international community, and prevent them from spreading or being spread by opportunistic nations.

(10) Repeal of the Connally Amendment, which allows us to decide which international disputes involving us we will submit to the World Court for adjudication. With this action, we will announce to the world that we recognize not only the existence of world law but the imperative necessity for all nations to abide by it.

The American mythology abounds in legends, some grounded in historical truth, some the product of our wishful thinking. Among the legends is the belief that America has always acted benevolently, unselfishly, nobly in the world community. That legend never was an unqualified truth, but there was truth in it. There has been much less truth in it during the last quarter of a century. I think that most Americans, if they honestly look at the record of these last twenty-five years, feel ashamed. They might even agree with Kilmer Myers, Episcopal Bishop of California, who said that America stands in imminent danger of "losing its soul." These are not easy things to say. And those who say them are too often accused of anti-Americanism.

Dietrich Bonhoeffer, a few years before he was hanged by his Nazi jailors, said that he prayed that Germany would lose the war. He added that this was the most painful thing he had ever done because he loved his country. But he loved it so much he could not bear to think of German atrocities being vindicated by a military victory. Today we revere Dietrich Bonhoeffer as a hero and a martyr.

I hope this nation will not make martyrs of its heroes. My ten-step approach to a demilitarized and civilized society would vindicate our heroes and redeem the American legend. More importantly, for me at least, is that if it were adopted it would represent a last-minute triumph of hope over experience, of reason over madness.

MAKE THE AIRWAYS SAFE

Mr. RIBICOFF. Mr. President, in the recent tragic crash of the Swiss jet airliner, two of the passengers were Dr. E. Richard Weinerman and his wife, Shirley. They were on the way to make a study of medical practices in Israel, Japan, and New Zealand, on behalf of the World Health Organization and the Harvard University Press. Dr. and Mrs. Weinerman were close friends of mine, for whom I had the highest respect. Dr. Weinerman was a great and dedicated physician.

Dr. Weinerman's brother, Robert A. Weinerman, recently sent a letter to the President. This letter sets out the necessity for positive action to make the airways safe for travel. I do hope that there is an opportunity for the President and the U.S. Government to take the lead in assuring worldwide air travel safety. I ask unanimous consent that Mr. Weinerman's letter be printed in the Record.

There being no objection the letter was ordered to be printed in the Record, as follows:

March 4, 1970.

The President,
The White House,
Washington, D.C.

My Dear Mr. President: My brother, Dr. E. Richard Weinerman, and his wife Shirley, were passengers on the ill-fated Swissjet Airliner which exploded over Zurich on February 21st, killing all on board.

My brother was on a trip sponsored by the World Health Organization and the Harvard University Press to make a study of medical practices in Israel, Japan and New Zealand. Because of the madness afoot in the world he and his wife were unable to be safely transported from the United States to Israel, the first leg of their journey.

I am outraged, Mr. President, because as an American citizen performing a health survey which might have been beneficial to all people of the world, he was struck down in a senseless and meaningless act of terrorism.

Our grief as a family over the loss of my brother and sister-in-law is obviously very great but our anguish will be even more intense if this incident becomes merely a footnote in history.

Something positive to once again make the airways safe for travel for all people must be done immediately.

It is my fervent hope that the Government of the United States will help take whatever steps are required to both protect its citizens and bring a measure of sanity back to the world.

Sincerely yours,
Robert A. Weinerman.

APPROPRIATION BILLS, 91ST CONGRESS, FIRST SESSION

Mr. ELLENDER. Mr. President, on December 20, 1969, I asked and received unanimous consent to have printed in the Record a tabulation of all appropriation bills handled during the first session of the 91st Congress. The tabulation was included in the Congressional Record, volume 115, part 30, page 40443. During the course of my remarks, I made it clear that the figures for the Departments of Labor and Health, Education, and Welfare were the figures agreed to in conference and that the President had informed the Congress that he intended to veto this particular appropriation bill. The foreign assistance bill conference report had not been agreed to in the Senate; so, the figures for this bill also were necessarily tentative.

Upon the return of Congress on January 19, the foreign assistance appropriation bill was sent back to conference by the Senate and a new figure was agreed to, eliminating $54,650,000, mostly for the controversial item of jet aircraft for the Republic of China. The Labor-Health, Education, and Welfare appropriation bill was agreed to by the Con-

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gress and the President promptly vetoed this bill.

Subsequent to this action, the Congress passed a new Labor-HEW appropriation bill, which the President signed on Thursday, March 5.

I asked the staff of the Committee on Appropriations to bring the tabulation up to date, with the new figures for foreign aid and for Labor-HEW, and I now ask unanimous consent that the revised final tabulation be printed in the Record.

It will be observed from the tabulation which I have just asked to have printed in the RECORD that the total budget estimates of appropriations for new obligational authority for fiscal year 1970 were reduced by the Congress in the amount of $6,370,935,390. This compares with a figure of $5,604,275,766, which was the total fiscal year 1970 reduction in the tabulation I included in the RECORD on December 20, 1969. In addition to the $54,650,000, to which I referred in the foreign aid bill, the further reduction was in the Labor-HEW appropriation bill and aggregated some $712,009,624.

There being no objection, the tabulation was ordered to be printed in the RECORD, as follows:

FINAL ACTIONS ON BUDGET ESTIMATES OF NEW BUDGET (OBLIGATIONAL) AUTHORITY IN APPROPRIATION BILLS, 91ST CONG., 1ST SESS. AND 91ST CONG., 2D SESS. AS TO LABOR-HEW APPROPRIATION BILL, H.R. 15931, AND FOREIGN AID APPROPRIATION BILL, H.R. 15149, AS OF MARCH 5, 1970

[Does not include any "back-door" type budget authority; or any permanent (Federal or trust) authority, under earlier or "permanent" law,[1] without further or annual action by the Congress]

Bill and fiscal year (1)	Budget requests considered by House (2)	Approved by House (3)	Budget requests considered by Senate (4)	Approved by Senate (5)	Public Law (6)	(+) or (−), Public Law amounts compared with budget requests to Senate (7)
Bills for fiscal 1970:						
1. Treasury-Post Office (H.R. 11582) (net of estimated postal revenues appropriated)	$2,314,714,000	$2,272,332,000	$2,314,714,000	$2,280,195,000	$2,276,232,000	−$38,482,000
(Memoranda: Total, including authorizations out of postal funds)	(8,821,727,000)	(8,779,345,000)	(8,821,727,000)	(8,787,208,000)	(8,783,245,000)	(−38,482,000)
2. Agriculture (H.R. 11612)	6,967,562,050	6,806,655,000	7,237,562,050	7,642,797,650	7,488,903,150	+251,341,100
3. Independent offices-HUD (H.R. 12307) (including 1971 advance)	15,380,413,600	14,909,089,000	15,512,969,600	[2] 14,985,449,000	15,111,870,500	−401,099,100
(Fiscal year 1970 amounts only)	(15,205,413,600)	(14,734,089,000)	(15,337,969,600)	[2] (14,985,449,000)	(15,111,870,500)	(−226,099,100)
4. Interior (H.R. 12781)	1,390,096,500	1,374,286,700	1,390,856,500	1,382,766,900	1,380,375,300	−10,481,200
5. State, Justice, Commerce, and Judiciary (H.R. 12964)	2,475,704,600	2,335,634,200	2,475,704,600	2,382,354,700	2,354,432,700	−121,271,900
6. Labor-HEW (H.R. 13111 vetoed by the President, Jan. 26, 1970)	(16,495,237,700)	(17,573,602,700)	(19,834,125,700)	(21,363,391,700)	(19,747,153,200)	[4] (−86,972,500)
(Fiscal year 1970 amounts only)	(16,495,237,700)	(17,573,602,700)	(18,608,125,700)	(20,245,811,700)	(19,747,153,200)	[4] (+1,139,027,500)
7. Labor-HEW (H.R. 15931 signed by President March 5, 1970)	18,608,125,700	19,381,920,200	19,834,125,600	19,381,920,200	19,381,920,200	[5] −452,205,500
Senator Cotton amendment Sec. 410; 2 percent reduction				−346,776,624	−346,776,624	−346,776,624
(Fiscal year 1970 amounts only)	(18,608,125,700)	(19,381,920,200)	(18,608,125,700)	(19,381,920,200)	(19,381,920,200)	(+773,794,500)
8. Legislative (H.R. 13763)	311,374,273	284,524,057	372,152,949	342,310,817	344,326,817	−27,826,132
9. Public works (and AEC) (H.R. 14159)	4,203,978,000	4,505,446,500	4,203,978,000	4,993,428,500	4,756,007,500	+552,029,500
10. Military construction (H.R. 14751)	1,917,300,000	1,450,559,000	1,917,300,000	1,603,446,000	1,560,456,000	−356,844,000
11. Transportation (H.R. 14794) (including 1971 advances)	2,090,473,630	2,095,019,630	2,090,473,630	2,147,152,630	2,143,738,630	+53,265,000
(Fiscal year 1970 amounts only)	(1,840,473,630)	(1,875,019,630)	(1,840,473,630)	(1,947,152,630)	(1,929,738,630)	(+89,265,000)
12. District of Columbia (H.R. 14916) (Federal funds)	228,842,000	188,691,000	228,842,000	173,547,000	168,510,000	−60,332,000
(District of Columbia funds)	(751,575,300)	(683,106,300)	(752,944,300)	(657,064,600)	(650,249,600)	(−102,694,700)
13. Defense (H.R. 15090)	75,278,200,000	69,960,048,000	75,278,200,000	69,322,656,000	69,640,568,000	−5,637,632,000
14. Foreign assistance (H.R. 15149)	3,679,564,000	2,608,020,000	3,679,564,000	2,718,785,000	2,504,260,000	−1,175,304,000
15. Supplemental (H.R. 15209)	298,547,261	244,225,933	314,597,852	296,877,318	278,281,318	−36,316,534
Total, these bills—						
As to fiscal 1970	134,719,895,614	128,021,451,220	135,200,040,881	[6] 129,106,910,091	[6] 128,829,105,491	[6] −6,370,935,390
As to fiscal 1971	425,000,000	395,000,000	1,651,000,000	200,000,000	214,000,000	−1,437,000,000
Total, 1970 bills including 1971 amounts	135,144,895,614	128,416,451,220	136,851,040,881	[6] 129,306,910,091	[6] 129,043,105,491	[6] −7,807,935,390
Bills for fiscal 1969:						
1. Unemployment compensation (H.J. Res. 414)	36,000,000	36,000,000	36,000,000	36,000,000	36,000,000	
2. Commodity Credit Corporation (H.J. Res. 584)	[3] 1,000,000,000	[3] 1,000,000,000	[3] 1,000,000,000	[3] 1,000,000,000	[3] 1,000,000,000	
3. 2d supplemental (H.R. 11400)	4,364,006,956	3,783,212,766	4,814,305,334	4,459,669,644	4,352,357,644	−461,947,690
Release of reserves (under Public Law 90-364)	(82,463,000)	(82,766,000)	(79,999,000)	(80,230,000)	(80,230,000)	(+231,000)
Total, 1969 bills	5,400,006,956	4,819,212,766	5,850,305,334	5,495,669,644	5,388,357,644	−461,947,690
Cumulative totals	140,544,902,570	133,235,663,986	142,701,346,215	[6] 134,802,579,735	[6] 134,431,463,135	[6] −8,269,883,080

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[1] In round amounts, the revised (April) budget for fiscal 1970 tentatively estimated total new budget (obligational) authority for 1970 at $219,600,000,000 gross ($205,900,000,000 net of certain offsets made for budget summary purposes only), of which about $80,700,000,000 would become available, through so-called permanent authorizations, without further action by Congress, and about $138,900,000,000 would require "current" action by Congress (mostly in the appropriation bills). Also, the April Review of the Budget contemplates budget requests for advance fiscal 1971 funding in 4 items totaling $1,661,000,000.

[2] Reflects reduction of $175,000,000 for Appalachian highway program for 1970 and $175,000,000 for advance funding for 1971. Authorization Act provided for contract authority in lieu of new obligational authority, with payments for liquidation to be appropriated later.

[3] Shifted from fiscal 1970 budget, a portion of which is technically classified in the budget as "liquidation of contract authorization" rather than as new budget (obligational) authority.

[4] Although a reduction in the budget estimate of $86,972,500 is reflected in the total column of the bill, it must be made clear that the budget estimate column to the Senate includes $1,226,000,000 advance funding for ESEA for 1971 whereas none of these funds were included in the conference agreement. Deducting the $1,226,000,000 from the budget estimate column gives a comparison for fiscal year 1970 only and reflects the conference agreement over the budget estimates in the amount of $1,139,027,500.

[5] The budget estimate column to the Senate includes $1,226,000,000 advance funding for fiscal year 1971 for ESEA denied by the Congress.

[6] Includes reduction of $346,776,624 in the Cotton amendment, Section 410 of Labor-HEW appropriation bill H.R. 15931.

THE ALL-VOLUNTEER ARMED FORCE

Mr. SCOTT. Mr. President, the President's Commission on an All-Volunteer Armed Force has completed its report, not yet a year after its creation. The commission unanimously recommended the adoption of an all-volunteer force, supported by an effective standby draft, following the expiration of the present draft law in 1971. The Commission's exhaustive study confirmed many of my earlier beliefs and clarified certain others. However, I wish to express my unqualified endorsement of the commission's report.

My interest in draft reform is not new. I have recognized the inequities and have spoken out against them. I have urged comprehensive draft reform proposals only until a volunteer force could be instituted. Now that the Commission has recommended that the regular draft be ended in 1971, without the accompanying political, economic and social pains that were once feared, I feel that we should move immediately, right now, to end the draft and get on with the volunteer approach.

The young people of this Nation cry out for justice. They are skeptical of their leaders in Government. They are apprehensive for the future. We must not ignore their pleas to be heard.

The draft has outlived its usefulness. It is archaic, unfair, discriminatory, and restrictive. It can be replaced. It must be replaced.

President Nixon has indicated, on many occasions, his support for an all-volunteer force. He is consistent. More important, he is right. We have met the President only halfway by instituting a lottery system. We must go further to meet his request for a volunteer army.

Congress must realize that the draft is a sorry obstacle on the road to justice and equality. We cannot talk about true civil rights until we do away with the draft, and do away with it next year.

Hearings on comprehensive draft reform, to be held shortly, should serve as a proper forum to discuss the recommendations made by the President's Commission. Congress must face up to its responsibility by favorably considering the adoption of an all-volunteer army in 1971.

Finally, I wish to commend the members of the Commission, especially its able chairman, former Secretary of Defense Thomas Gates, for doing such an outstanding job. The report should serve as the foundation upon which to build a volunteer army. The Commission's recommendations should be promptly considered.

I ask unanimous consent to have printed in the RECORD a column entitled "All-Volunteer Army Should Become a Reality," written by Crosby S. Noyes, and published in the Washington Evening Star of March 3, 1970.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Evening Star,
Mar. 3, 1970]

ALL-VOLUNTEER ARMY SHOULD BECOME A REALITY

(By Crosby S. Noyes)

In spite of the war in Vietnam, the goal of an all-volunteer Army and an end to the draft should be reachable in the relatively near future.

Realistically, it probably cannot be reached by July 1, 1971—the date recommended by the presidential commission headed by former Defense Secretary Thomas S. Gates Jr.

The main determining factor, it seems, is cost and the overall size of the armed services. According to the commission's estimates, the additional cost of an all-volunteer force of 3 million men would be $4.6 billion yearly. The cost of a 2.5 million-man force would be $2.1 billion, or less than half.

Unless these figures are proven to be wildly inaccurate—as some Pentagonians contend—it would seem that the nation could well afford the lower figure.

The armed forces last June were about 3.48 million men. Although the Pentagon plans to reduce that by over a half-million military personnel in the coming two years, this would not bring the cost down to what is likely to be considered a practical level.

The commission contends, to be sure, that the real cost of an all-volunteer force actually is less than the present mixed force. The difference, however, is made up of "hidden costs" in the present system borne by the conscripts themselves in loss of potential earnings as civilians and the disruption of their lives. Unfortunately, the budgetary figures are likely to weigh more heavily with the administration and the Congress.

Nevertheless, in a reasonably short time, additional cuts in military manpower should be possible. The decision to scale down the military establishment from a 2½-war capability to a 1½-war capability, while relatively meaningless, does imply significantly fewer men in uniform.

Once a manpower level of about 2.5 million is reached, there is a strong probability that the Nixon administration will push hard for an all-volunteer force. The arguments advanced by the Gates' commission in favor of such a move, it seems to me, are overwhelming. Many of the arguments against, dutifully and quite fairly presented in the report, appeared to be based either on emotion or on a completely different interpretation of the facts involved.

None of the facts and findings advanced in this study is especially new. Most of them were brought out last spring by Sen. Mark O. Hatfield, R-Ore., in introducing legislation to do away with the draft. But the unanimous backing given to the report by Gates' prestigious 15-man commission, including two four-star generals, should go far toward overcoming hesitations in the administration and on Capitol Hill.

Perhaps the most persistent—and also the strangest—argument against an all-volunteer force is that it would result in a professional Army, separated from the civilian population, and therefore dangerous to the survival of the democratic institutions of the nation. The fear of "professional militarism" underlies much of the opposition to doing away with the draft.

This, of course, is the purest nonsense. Except for the last 30 years, this country never has had anything but an all-volunteer Army in times of peace. As the report points out: "Historically, voluntary service and freedom have gone hand in hand. In the United States and England, where voluntarism has been used most consistently, there is also the strongest tradition of civilian control of the military."

In fact, the armed forces are very largely "professional" today. Over 2 million men, and particularly in the areas of command, fall into the category of career soldiers. The notion that some 75,000 additional volunteers in the lowest ranks will drastically change the loyalties and political character of the armed forces is simply absurd.

The strongest argument against the all-volunteer force is that it will not work. There are those who argue that whatever inducements may be offered, there never will be enough willing recruits in times of prosperity to fill the military manpower needs.

Maybe so. One suspects, however, that these predictions are based on the conviction of some military men that the draft is an essential and hopefully permanent feature of American life.

President Nixon, however, apparently doesn't agree. So far as he is concerned, the enormous injustice of the draft demands that it be abolished at the earliest possible moment. And the Gates' report suggests that the moment may not be too far off.

SCHOOLBUS RECALL

Mr. KENNEDY. Mr. President, the defects, malfunctions, and repeated repair problems experienced by schoolbus owners with their 1968 and 1969 General Motors V6 buses finally prompted General Motors to recall 4,269 schoolbuses to repair their braking systems. That incident underlines my concern that the safety of many of the 18 million youngsters traveling to school each day on schoolbuses has been compromised by the failure of the Department of Transportation to issue stringent safety standards for schoolbuses.

General Motors' decision to recall its schoolbuses was taken only after accounts were published of the unhappy experiences of schoolbus owners with their new buses. Colman McCarthy of the Washington Post was one of the first journalists to bring public attention to the problem. His articles prompted the President's Special Assistant for Consumer Affairs to ask General Motors to investigate the situation.

In a two-part series a week ago, Mr. McCarthy impressively summarized the reasons for the General Motors recall and cataloged the mechanical malfunctions in addition to the brake system defects which continue to plague the General Motors schoolbuses. General Motors has not agreed to correct these defects during the current recall.

It should be noted that the Department of Transportation's Defect Review Section started an investigation following the original complaints. The results of that investigation still have not been made public.

Mr. President, I ask unanimous consent that the two articles by Colman McCarthy, published in the Washington Post on February 23, 1970, and on March 4, 1970, be inserted in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington Post, Feb. 23, 1970]

BITTER TALES FROM THE GM LEMON GROVES

(By Colman McCarthy)

Last week, General Motors issued a recall of 4,269 school buses for possible brake defects. The recall followed a six-week nationwide survey by GM which was originally prompted by two articles on this page in December detailing the endless safety and mechanical breakdowns of three new GM school buses. These were owned by John Donovan, a local school teacher with an immense frustration capacity.

By taking a survey, GM wanted to know whether Donovan's problems were a local fluke or a national epidemic. If the latter, a recall would be made. Martin Caserio, a GM vice president and a Detroit veteran who had been through the recall ritual many times, said that GM was deeply concerned about safety. However, he told a Washington press conference in December he did not think John Donovan's repeated brake failures, rattling transmissions, hanging exhaust pipes, faulty tires, etc., were "safety-related" problems.

After some confusion and delay, GM supplied the press with a partial list of GM bus owners. Entitled "School Bus Owners operating five or more 1969 GMC conventional model school buses," it contained 44 names. These owners were from only 16 states and possessed a total of only 504 buses. This meant that some 3,500 other 1969 model buses could not readily be checked.

On receiving the list from General Motors, The Washington Post began contacting by phone the 44 owners. Apart from the one owner who couldn't be reached because he had been dead four years and the four others who were listed by GM as owning a total of 35 vehicles but in reality owned none, the majority of respondents were unhappy or frustrated over the performance of their new buses. Repeatedly, they told of the time and money wasted hauling the buses to garages for repairs; often they were repairs of repairs. It soon became clear that the safety and mechanical problems of the '69 GM school bus were not isolated in Washington. They were nationwide, all the way from the enraged owners of the Beirns Bus Service, Kenilworth, N.J., whose six new buses failed the New Jersey State inspection because of faulty brake equalization to the stoic in Roslyn, N.Y., who said, "I was a GM man at heart, but no more. I don't know what they've done to these buses, but I've bought my last one."

It was quickly discovered that GM's list was incomplete. Regularly, an owner on the list would supply the names of the other multiple-owners in his area who were not on the list. Often, it was obvious why they were omitted. Raymond Wilson—a pseudonym—is a GM dealer who owns 15 of the 1969 buses. He saw the stories about Donovan in his local paper in December and was "delighted that the truth was finally being told about GM." He has had massive safety and mechanical problems also. "The power steering cannot be fixed, no matter what;" one new bus being driven back from the factory nearly killed his driver because the gas tank had a hole in it that dropped the fuel onto a heated exhaust line; "the brakes aren't worth a damn and won't stay adjusted. Overall, things have gotten to the point that I hate to face customers."

Other people that Wilson hates to face are reporters. The same morning he read the story about Donovan, he was called by the local GM representative and told "to keep my mouth shut if any newsman called. The rep. told me this kind of publicity could hurt us all." Wilson agreed to talk to the Post only if strict anonymity was given his name and location of business. Even though he is a GM dealer, he is convinced that if the company finds out he has spoken to anyone they will "get even."

Another GM dealer—also not on the list—was so fed up with his seven 69s that this year he bought Fords. Asked if he thought it odd that a GM dealer would buy a competitor's product, he answered: "What should I do—keep on buying buses that I know are nothing but trouble?"

Not all the GM owners on the list were unhappy. A spokesman for the Long Island Bus Co., East Farmingdale, N.Y., said that his mechanics "have been big on preventive maintenance, so we have little trouble." Another owner, the Pace School Bus Service. Independence, Mo., said that aside from frequent clutch adjustments everything was fine. Asked about his exhaust pipe hangers, he replied: "Oh, them. They were so weak when the buses were sold to us that we just tied them up with baling wire. And that was that." The mechanic for the five buses owned by the Lake Orion, Mich., schools said he had no serious complaints. "The brakes are hard to push and get sluggish. But they're safe enough; the driver just has to get used to them."

With a few chilling exceptions, all the dissatisfied owners said they received prompt and polite service from the local GM dealers. Warranty repairs were paid for with little fuss. But what GM does not pay for is the large amounts of time needed to haul the buses to the garage or pick them up after highway breakdowns; nor is there compensation for the always-present frustration. Ben Stanski, with 10 of the 1969 models, of the Berkshire Gray Line, Pittsfield, Mass., has been constantly bedeviled by burned-out clutches. Some have gone at 3,000 miles, when they should have lasted 25,000 or more. But the main irk is getting the buses started in the morning during the winter. "Here they are," said Stanski, "brand new buses. And a crew has been having to come in at 4 a.m. to work on them so they start up. If we let the buses sit until the regular drivers come in, the kids would never get picked up."

One person who conceivably should have no trouble making his voice heard by GM is a mechanic for the Pontiac, Mich., School District, in the very town where GM makes its buses. The mechanic said that along with radiator, electrical and tail pipe problems, he is plagued with brake troubles. The buses on which many children of GM employees ride every day have had no accidents yet due to brake failure, but this may be due to the mechanic's diligence. "If I keep adjusting them every month, they're O.K. When the brakes are the least bit out of adjustment, which happens frequently, they are hard. When you put your foot on them, you think you have plenty of pedal left. But the only problem is you can't stop. So I adjust them every month."

The most recurring complaint of the 39 owners was the tail pipe hanger. This device is on the rear underside of the bus and keeps the exhaust pipe secure. When it is not strong enough, the pipe will jangle until it snaps. The poisonous exhaust fumes are then leaked forward under the passenger compartment. Most states consider a weak pipe hanger a safety hazard and inspectors will flunk any bus that has one. Two months ago, a Washington GM representative admitted to a reporter that the hangers on the '69 buses were too weak to hold the pipe safely. "The factory made them just too flimsy," he said. When Martin Caserio was asked at the December press conference about this problem, he said a weak pipe hanger was certainly a bother, "but it was not safety related." When a pipe broke, said Caserio, the bus driver would surely be alert enough to hear the thing cluttering along the ground and have repairs made before any harm might be done to occupants.

From the response of the 39 owners on the GM list, and the many others mysteriously excluded from the list, a fair conclusion is that something is inherently wrong with the 1969 GM school bus. Too many owners in too many places reported too many breakdowns for the problem to be passed off as "one of those things, sorry about that."

Last week, after General Motors had reached the same conclusion and ordered a recall of 4,269 new buses for "possible brake defects," a GM public relations man said that his company had made a survey of 850 buses in December and January and discovered that one bus—only one—had defective brakes. Evidently, though strangely, GM used a different list of owners from the one supplied the press, or else they would have found many more than "one" owner with brake problems—starting with their neighbor in Pontiac, Mich., and including the Beirns Bus Service, the Community Charter Bus Co., Stanton, Calif., the Schaunburg Trans. Co., Roselle, Ill., the Guasti School, Guasti, Calif., Morris Hills School District, Rockaway, N.J., the anonymous GM dealer, a private owner in Olean, N.Y., and others. Although none of these had the numbing scare of Mrs. Warren McConnell of Springfield, Va.—last fall, one of her '69 GM buses had total brake failure and ran into a pasture to stop—they all said their brakes had given, or are giving, them serious trouble.

Since the GM recall involves only brakes, questions are raised about other complaints of owners. First, the tail pipe hangers. In a letter to Virginia H. Knauer, special assistant to President Nixon for consumer affairs, on Feb. 11, Martin Caserio admitted that some 300 out of 850 1969 buses had their hangers replaced. Yet, in the recall, this defective part was not mentioned.

A second major complaint not mentioned in the recall involves clutches. Caserio's Feb. 11 letter acknowledges that in some cases "clutch durability (is) unsatisfactory." But rather than admitting the clutches are mechanically flawed, and then recalling them, the GM vice president repeats the standard implication that clutch trouble is usually caused either by foot-happy drivers or by lack of maintenance. But when the anonymous GM dealer has five of seven clutches burn out, even though he adjusts them "every day;" or when a Fullington, Tenn., owner has had to replace four out of six clutches—including one that didn't last 1,000 miles; or when an El Centro, Calif., owner has to adjust his clutches every 600 to 1,000 miles; when complaints like these are regularly heard, something more than foot-happy drivers are to blame.

Last December, GM president Edward Cole said that if his company's survey showed that a recall was necessary, well, a recall it would be. As Martin Caserio said during his press conference, "We'll step up to our responsibility." This is indeed praiseworthy, but the concept of a recall—an outrageous idea in itself, but which a cowed public now accepts calmly—raised fundamental questions. Where was GM's responsibility when their product was being made, Why wasn't it stepped up to then? This is the third consecutive year a recall has been made on GM's school buses, so the notion that something might be wrong in design or in the assembly line must have occurred to someone at GM.

Even when a recall is made, the question comes up about retribution for other things besides free labor and parts: such as time spent hauling broken buses in from the roadside waiting at the garage, the mental worry of driving children on vehicles that may be unreliable, the time lost to one's family because the bus needs to be tinkered with or carted to the garage.

[From the Washington Post, Mar. 4, 1970]

The Mark—Or Is It the Mock?—Of Excellence

(By Colman McCarthy)

For the third consecutive year, General Motors has ordered a recall on its school buses. That the world's largest maker of motor vehicles seems not only to make a habit of selling defective goods but, in effect, calmly admits that it does after the victimized owners and the press force the issue, doubtlessly puzzles the general public. But to many GM school bus owners, the recall ritual is no puzzle at all. "In 1967," said Tom Jones of Superior Sales, Omaha, Nebr., and who has new GM buses in his shop constantly, "there was a major model change—in style and engineering. That's where the trouble started." Other owners around the nation agree, saying that buses built earlier than 1967 have never been problems.

What actually happened mechanically between the 1966 model and those made since is unknown to anyone outside of GM. But with a plain ruler and average eyesight, a few facts can be learned. First, the front bumper on the '66 bus—if a local vehicle is representative—is ¼-inch thick; on the '69, it is ⅛-inch thick. Thus, in three years, the bumper's thickness is cut in half. A second discovery is that behind the front bumpers of earlier year models is a piece of steel extending from the frame in each direction for about one foot. This reinforces the bumper. On the '69 model, however, this piece of reinforcing steel is gone. A third difference was discovered by Thomas Gist of Sykesville, Md., a harried owner of two defective buses. Wondering why this year's models "ride as if they had solid rubber wheels, like back in the '20s," Gist measured the leaf springs that support the body of the '69 bus. They are seven inches shorter.

How much money GM saves on these simple reductions is known only to the people in the GM budget office and the officials to whom the savings are reported. But it does not appear that GM's pride in production is hurt. The Associated Press recently reported; "A General Motors executive said yesterday that bumpers on GM cars provide 100 percent protection from any damage—provided the speed of the car doesn't exceed 2.8 miles an hour."

A more serious question is raised by the trimming of the bumper and springs on the '69 bus, since lives and safety are involved. If GM cuts back on parts that a layman can detect, what may it have done to parts hidden under the hood and in the chassis? This is the real worry; and since recalls have been made three straight years—this year for brakes—it is also a frightening worry.

In a simpler day, long before the term *free enterprise system* replaced the term *corporate greed*, a consumer with a complaint—

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on shoes, say—had only to visit the local shoemaker to get justice. "Here," he would say, "these shoes are falling apart." The shoemaker, being both ethical and aware word would spread through the village about his sloppy work, quickly replaced or repaired the shoes. The exchange was pleasant; what's more the shoemaker was *there;* he had a familiar face; he breathed and the only separation between the consumer and him was a door.

Things have changed since yesterday's shoemaker and today's car-maker. The agony of seeking relief or redress from GM, with its 750,000 employees, is the same as seeking it from any large bureaucracy where more than one hand works on the final product and where job security is a main concern of the employees. The vice presidents at the top are protected from the consumer's complaints at the bottom by the mass of workers in between; the latter will catch it first if the brass learns the consumers are mad. So the vice presidents measure the company's success not by the consumer's voice—the way the shoemaker did—but by sales reports, profit charts and the smiles of stockholders. If tens of thousands of cars are sold every year, the high-ups conclude that the public must be happy, or else why are sales up? When sales aren't up, or when management thinks they can be better, a decision is inevitably made in favor of more chrome, more horses, more gismos.

Meanwhile, the consumer with a defective vehicle can stay trapped. Since no one in the huge corporation takes single responsibility for errors and since it is futile to switch to the competitors brand—it is just as poorly made—what can he do?

Occasionally, a consumer hits luck. John Donovan happened to catch a reporter's ear one day and told about the endless problems of his three new GM school buses. The story that eventually appeared in The Washington Post led not only to a national recall of 4,000 buses, but also to special treatment for Donovans three. Over the Christmas holidays, two GM engineers were flown in from Detroit and gave the buses a two-week overhaul, complete and meticulous.

Incredibly, since getting the buses back in early January, Donovan has hauled them into his local GM garage *eight* separate times; the wheels wobbled on two buses (an alarmed motorists spotted this one time), a horn and a governor broke on two, five quarts of oil were needed in one bus's rear end after being out of the shop only one day, the brakes needed adjustment on one, another—loaded with children—wouldn't start one afternoon, and finally one bus failed D.C. inspection.

As if that weren't enough, Donovan received a bill last week from the Firestone Tire Company for $349.62—even though in December, Kimball Firestone, Harvey's grandson, personally promised Donovan 18 new tires—at no cost—to replace some defective ones. With new tires on his buses that he was told were given free of charge, will Donovan pay Firestone? "Sure. The same day GM pays me for the hundreds of hours of work and bother their three lemons have caused me."

The ordeal of John Donovan and the other luckless owners with '69 GM school buses is reminiscent of the English folk tale about a faulty watch. "I can't understand it," said the watchmaker when confronted by the owner. "I make all my watches with the best butter in town."

CONVERT FORT DETRICK TO CIVILIAN USE

Mr. MATHIAS. Mr. President, shortly after the President announced that the United States would cease its offensive chemical-biological warfare research activities, I proposed that our chief CBW facility, Fort Detrick, be converted to civilian use while continuing defensive CBW research. This proposal is being studied by the President's Science Adviser, Dr. Lee Dubridge, and I have received the assurance of Army Secretary Stanley Resor that until the options available to the Government are decided, "the Army intends to do all it can to keep the research team at Fort Detrick intact."

Columnist Joshua Lederberg suggested in a recent column that Fort Detrick should be made into an international research center to help developing nations fight pestilences. I ask unanimous consent that the column be included in the RECORD and I recommend it to my colleagues.

There being no objection the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Mar. 7, 1970]

OUR CBW FACILITIES COULD HELP AGAINST PESTILENCES

(By Joshua Lederberg)

Chemical and radioactive pollution of the environment have so captured the popular imagination that the most serious threats to human welfare are sometimes overlooked. Throughout evolutionary history, infectious disease has been the overriding threat to the species. In contemporary life, only warfare makes a competing claim.

Antibiotics are often, but incorrectly, credited with a large share of the advances against disease. That credit belongs rather to environmental engineering. Procedures like the control of rats, fleas and lice, suppression of mosquitoes by drainage (and, let it be admitted, DDT), quarantine and the mechanical separation of drinking water from sewerage channels have prevented far more illnesses than medicine would know how to cure.

Bacterial infections are truly far less threatening now that antibiotics are available. However, to refute the cliche of the "conquest" of plague, one need merely look up the statistics of bubonic plague in Southeast Asia, of gonorrhea among teen-agers or of tuberculosis on Capitol Hill.

Virus infections remain as a global time bomb against which we have few defenses once it has erupted. We are all well acquainted with the periodic sweep of influenza across the earth as new strains of viruses evolve. This disease is not to be shrugged off, but a minor change in the biology of the virus could give it access to the brain and make it a scourge without precedent.

Every year or so, furthermore, we read of a new, exotic virus that has broken out as a small epidemic. Such incidents probably occur quite often in medically deprived communities where new diseases may escape notice. Last month, virologists at Yale University announced that work on "Lassa fever" was too dangerous to continue at a university laboratory and required the special facilities of the National Communicable Disease Center of the Public Health Service at Atlanta.

This caution responds to a terrible responsibility which goes beyond the risks of infection and death of more laboratory workers. What would prevent the escape of such a virus to the general population?

We now hear that further cases of a disease resembling Lassa fever have been reported from Jos, another town in Nigeria almost 300 miles away. If this is confirmed, we have to conclude that the virus is widespread in Nigeria, and we can hardly afford not to study it to forearm ourselves against its spread. And we cannot blind ourselves to the likelihood that a hundred similar viruses are being incubated in animal population reservoirs, and are evolving anew with genetic changes and hybridization of established viruses.

Public health officials have been loath to dramatize this superordinate threat. It has, however, been ventilated by the policy studies on biological warfare that led to President Nixon's renunciation of U. S. research on germ weapons. As he implied, to use human intelligence for the intentional design of new diseases is so blatantly suicidal that it cannot be justified by any fancied military advantage.

However, the abandonment of secret development work merely stops more mischief; we have still to establish an effective international defense against the remaining theats of natural pestilence. These are seriously aggravated by the paradox of the coexistence of jet transport, famine and squalor.

Dr. P. Dorolle, deputy director general of the World Health Organization, is one of the few to have spoken out about the gaps in our present response. He refers, for example, to the threat that yellow fever may penetrate into Asia, where "the virus would find ideal climatic conditions, an unvaccinated human population and its favorite vector," the Aedes mosquito.

In this circumstance, every single uncontrolled case of yellow fever is a threat to hundreds of millions of people. Much the same could be said for many other diseases, which demands a level of international cooperation in surveillance and control that transcends political differences.

The necessary control methods will remain uncertain and awkward until we learn much more about viruses, particularly about their biochemistry and genetics, for which the basic tools have recently been perfected. The United States could do a great deal to restore its historic reputation as a defender of human liberties and health if it reassigned our erstwhile biological warfare laboratories, as at Ft. Detrick, to make them an international research center for virological peacefare.

THE JUDGE CARSWELL NOMINATION

Mr. GOODELL. Mr. President, I ask unanimous consent to have printed in the RECORD an article entitled "Vote Against Carswell Is Vital for Progressive Republicans," written by David S. Broder, and published in today's Washington Post.

There being no objection the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Mar. 10, 1970]

VOTE AGAINST CARSWELL IS VITAL FOR PROGRESSIVE REPUBLICANS

(By David S. Broder)

CAMBRIDGE, MASS.—The approaching Senate vote on the nomination of Judge G. Harrold Carswell to the Supreme Court presents a particularly difficult political test for the dozen or so Republicans who now represent what is left of the progressive wing of their party.

Privately, it is clear, most of them share the "deep regret" Sen. Edward W. Brooke (R-Mass.) expressed at the President's selection of a man whose record, on and off the bench, in the past 20 years unfortunately confirms rather than contradicts the racist-segregationists views he vociferously expressed at the age of 28.

But, so far, only two of the 16 other Republicans who joined Brooke last year in voting to reject Judge Haynsworth have indicated publicly that they will, like Brooke, oppose this latest nomination.

Their agonizing is easily understood. It is no casual matter to oppose successive Supreme Court choices by a President of your own party. Some of the senators might be courting primary opposition from presidential loyalists in their states if they took a stand against Carswell. And even if there were no such threat of retribution, the danger to the depleted prestige of the Supreme Court from another prolonged and bitter nomination struggle would be enough to give any conscientious senator pause.

Nonetheless, there are other political considerations, perhaps of greater long-term import, that bear on the decision the progressive Republicans face. These stem from their power position in the party and the devices now available to them to defend their own tradition of Republicanism.

The progressive Republicans, I believe, have lost for the foreseeable future their power to nominate and elect presidential candidates of their own choosing. This power was lost when conservatives took control of the California GOP in the mid-1960s and when the progressive Eisenhower Republicans of the 1950s were supplanted in Southern state organizations by the Goldwater conservatives of 1964, many of them formerly segregationist Democrats.

With California and the South adding their voting weight to that of the traditionally conservative Plains and Mountain states, progressive Republican candidates were easily defeated at the last two Republican conventions.

It is clear that the policies of the Nixon administration are designed to expand Republicanism in the South, so there is no likelihood that the power balance in the party will be reversed in the coming decade.

That being the case, the progressive Republicans can exert their influence only to the degree that they can affect the actions and policies of a Republican President after he is in office. And their best leverage for exerting such influence is through their power positions in Congress, particularly the Senate. They need to become as conscious of the power realities as the Southern Democratic senators, who occupy a not dissimilar position in their own party.

Mr. Nixon needs the support of the dozen or so progressive Republican senators on a wide variety of fiscal, foreign policy and domestic issues. He has not been reluctant to ask for it.

He needs them, too, to achieve his goal of a Republican majority in the Senate this November.

But the progressive Republicans have not yet used their leverage in areas that are crucial to them. Particularly have they not slowed the administration's retreat from the challenge of segregation and discrimination in America.

The progressives have selfish reasons for being more assertive on civil rights. Minority Leader Hugh Scott (R-Pa.) would very likely not be in the Senate today had Clarence Mitchell, the head of the Washington office of the NAACP, not journeyed through Pennsylvania in 1964 at the senator's urgent requests, persuading enough Negroes to split their tickets for Scott to enable him to survive in that Republican disaster year. Why, in this election year, should Scott be put in the position by the President of defending a Supreme Court nominee with an ineradicable record as a segregationist?

The doctors, the oil men and other groups in Mr. Nixon's constituency have shown no hesitency in pressing their claims on this administration and opposing actions vital to their interests. Why should the progressives acquiesce silently while the traditional civil rights policies of their party are subverted and the men committed to them removed from the administration?

But defense of the party's historic position as an advocate of civil rights would not be simply selfish politics on the part of the progressives. In 1964, when a similarly painful choice presented itself, they preserved the Republican Party's fragile future prospect by publicly disavowing the Goldwater convention's actions on civil rights and extremism. Had they not done so, it is inconceivable that public opinion would have restored the Republicans to respectability in time for the GOP to win the elections of 1966 and 1968.

In similar fashion today, opposition to the Carswell nomination—however painful it might be for the progressive Republican senators—is a necessary step. It is necessary as a sign to the administration that there are limits to its compromising of the civil rights cause. It is necessary as a political corrective to the allout "Southern strategy" advocates. And it is necessary, most of all, if the Republicans are to be a national party capable and worthy of governing this country.

JUSTICE FOR EDDIE HARRISON

Mr. MATHIAS. Mr. President, on March 2, President Nixon commuted the life sentence of Eddie M. Harrison, of the District of Columbia.

The evidence indicates that Mr. Harrison is an extraordinary individual and I believe the President deserves great credit for considering and granting the extraordinary remedy of Executive clemency. Mr. President, I request unanimous consent that an editorial entitled "Justice for Eddie" from the Washington Daily News of March 5, 1970, be reprinted at the conclusion of my remarks.

I am pleased to report that our distinguished colleague, the junior Senator from Massachusetts, was instrumental in calling Mr. Harrison's case to the attention of the President. I ask unanimous consent that Senator BROOKE's letter of February 3, 1970, addressed to the Attorney General on behalf of Mr. Harrison, also be reprinted at the conclusion of my remarks.

Mr. President, as a member of the Committee on the District of Columbia, I want to thank the President and my colleague from Massachusetts for their actions in behalf of a citizen of the District.

Recognition is also owing to Washington Post Columnist William Raspberry, whose initial concern for Mr. Harrison led to this singular series of events.

I am confident that Mr. Harrison will continue his exemplary work with young people and extend him every good wish on this remarkable recognition of his rehabilitation.

There being no objection the material was ordered to be printed in the RECORD, as follows:

[From the Washington Daily News, Mar. 5, 1970]

JUSTICE FOR EDDIE

Actions, to quote the old law, speak louder than words. And we congratulate President Nixon today for perhaps one of the most significant actions he has taken since Jan. 20, 1969.

He pardoned Eddie Harrison.

He did so, Eddie's lawyer was told by the White House, for the best and simplest of reasons: "This kid just doesn't belong in jail. He's been doing a great job and there is just no reason he shouldn't be free." We like the way the pardon was granted, with a minimum of public posturing and fanfare. We like that because it seems to presage more such actions to come—when earned and deserved.

One of the reasons criminality is on the rise thruout the nation is that justice has not been swift; the guilty go too long unpunished. Another reason is that we have been unable to develop a successful way to rehabilitate significant numbers of those criminals who do wind up in prison.

Four juries of his Washington peers said Eddie killed a man. And somewhere along the line, despite all the odds against it, Eddie gave himself an overhaul.

He was spectacularly, nobly, excitingly successful. As with many a convert, who's been there, he became a zealous evangelist: by example as well as by 25-hour effort. He has ministered to the salvation, first, of his fellow inmates at Lorton, and, since his release on appeal, to numbers of disadvantaged, discouraged and disenchanted kids in our town.

His way of waging the War on Crime, in the long haul, will win more battles than any other.

President Nixon obviously recognizes this, even as he continues to seek to improve our arsenal for the overall war in other necessary ways. And so he commuted Eddie's sentence to allow him free and full reign in bringing erring kids back from the brink.

It was a just act. It offers hope to others who seek the sunlight thru the bars at Lorton.

U.S. SENATE,
COMMITTEE ON ARMED SERVICES,
Washington, D.C. February 3, 1970.

Hon. JOHN N. MITCHELL,
Attorney General of the United States,
Department of Justice,
Washington, D.C.

DEAR MR. ATTORNEY GENERAL: It has come to my attention that Mr. Eddie M. Harrison has a case pending before you for the commutation of his life sentence. In 1960, Mr. Harrison was charged with first degre murder in the shotgun slaying of George "Cider" Brown, a Washington, D.C. gambler.

After careful study of this case, I have come to the conclusion that justice would not be served by the continued imprisonment of this most unusual young man. I cannot imagine what—in a positive sense—further incarceration would prove. Mr. Harrison impresses me as a rehabilitated person who is presently proving his determination to lead a productive life.

The record speaks for itself. Mr. Harrison was a model prisoner—prison authorities have attested to that fact. During his confinement as well as his period of release on personal bond, Mr. Harrison has earned the respect of several members of the judicial community: in speaking of his "outstanding prison record", Circuit Judge McGowan and Leventhal released Harrison from prison on personal bond pending appeal of his case.

In his opinion handed down last June, Circuit Judge Burger (now Chief Justice of the Supreme Court) indicates:

"Representations made to this court in connection with that bail application, including those by correction officials, suggest that Appellant has gained the regard of the prison authorities and he may have some unique contribution to offer by reason of his own unusual experience. We are, therefore, in the position of affirming a conviction which, because it carries a mandatory sentence of life imprisonment, is beyond the power of any court to alter; at the same time we are aware of significant indications that some of the rehabilitative purposes of imprisonment may already have been achieved. *If we believe, as we must, in these concepts, there is a duty to recognize such manifestations and encourage such progress.* This would be no problem if the parole authorities were able to bring their powers to bear on Appellant's case, but the statutory limitations upon eligibility for parole in the case of a life sentence prevent that for several years to come. *It may be that consideration will be given outside the judicial process to a modification of Appellant's sentence which would give the parole authorities, in turn, an opportunity to review Appellant's situation; this is the purpose of executive clemency powers.*" (Slip Op., p. 9, June 27, 1969, italics added).

And lastly, Judge John Fauntleroy of the Juvenile Court of the District of Columbia writes of Mr. Harrison's "sincerity, intelligence and his desire to help young people who might run afoul of the law." Judge Fauntleroy has referred to Mr. Harrison for assistance delinquent youths who have come before his court.

At the present time, Mr. Harrison is working at the United Planning Organization giving on the job training to disadvantaged youth. The written testimony clearly indicates that his work has been effective and he has, in these past several months, earned the respect and admiration of the many people he serves.

Mr. Harrison has turned his unique experience into a useful contribution. He has appeared as a guest panelist at the Eighth Annual Conference of the Correctional Educational Association; he is a consultant to Learning Systems, Inc., an organization which works in the area of training and rehabilitation programs for federal and state prisons; and just last week he testified before Chairman John Dowdy's Subcommittee of the House District Committee. In this regard, he has submitted a proposal regarding the rehabilitation for first time offenders with which your own Bureau of Prisons is familiar.

I know you share my concern for the rehabilitation of our prison population. If, in fact, we are going to encourage and respect the concept of rehabilitation, Eddie Harrison's record speaks for itself. Based on the facts which are available to me, further imprisonment of this young man seems unnecessary.

I am very hopeful that you will take favorable action in this case so that Mr. Harrison can continue to be a productive and contributing member of our society.

With kind regards, I am

Sincerely yours,

EDWARD W. BROOKE.

TASK FORCE ON RURAL DEVELOPMENT

Mr. PEARSON. Mr. President, I have just received and quickly reviewed the report of the President's Task Force on Rural Development, "A New Life for the Country." This is a stimulating report and certainly makes a very worthwhile contribution to the overall rural development cause.

The President is to be commended for this and the task force itself and the members of the task force deserve commendation for the work they have done.

I agree with much of what the report says about rural development and much of what it recommends in the way of action. I was particularly pleased to see that the task force identifies the creation of new jobs as the heart of rural development. In introducing the Rural Job Development Act, first in 1967, and since that time, I have argued that unless we create sereval hundred thousand new jobs in rural America each year nothing else we do will have any lasting effect. In this connection, I was also encouraged by the recommendation of the task force that in order to encourage industries to locate in rural America, "accelerated tax depreciation or investment tax credit for companies located in designated rural development areas should be explored."

PRISONERS OF WAR

Mr. TOWER. Mr. President, I was immensely pleased when the Senate unanimously passed House Concurrent Resolution 454 on February 18. This resolution, similar to several introduced in the Senate last session, expresses the concern of Congress for American servicemen who are held captive in North Vietnam.

The refusal of the North Vietnamese even to reveal the names of those held prisoner is barbaric and inhumane. War is never very pretty, but calculated brutality for the purpose of undermining the morale of the innocent mothers and children who must undure for years the anguish of not knowing whether their husbands and fathers are alive or dead does nothing to improve war's awful visage. North Vietnam has recognized certain humane principles and obligations as a signatory of the Geneva convention, and she must be made to live up to them. The efforts of the International Red Cross to bring the North Vietnamese Government into compliance with the basic humanitarian standards set out in the Geneva convention have been laudable, and House Concurrent Resolution 454 properly praises those efforts. North Vietnam, however, remains recalcitrant. We must, therefore, redouble our efforts to bring the focus of world attention to the treacherous practices of the North Vietnamese Government.

We differ frequently in this body. We are divided many different ways on a variety of questions, but I think it is well that on this matter we have made our position crystal clear. We have raised a single voice against the callous and inhumane treatment of war prisoners. We are united.

LAOS

Mr. HANSEN. Mr. President, the senior Senator from Missouri (Mr. SYMINGTON) is quoted on the radio this morning as saying that the United States has fought two undeclared wars—in Korea and Vietnam—and has been fighting an undisclosed war in Laos.

I think my colleague is laboring under a slight misapprehension. He is confusing the present situation in Laos and the administration's handling of it with what transpired before 1969.

I grant you, Mr. President, that under the two previous administrations there was a great deal of secrecy about our foreign policy—particularly in Southeast Asia.

Indeed, the American people were not fully aware of how deeply we had been committed to Vietnam until August of 1944 when, suddenly, the President asked the Congress for the Gulf of Tonkin resolution. Only then did most Americans become aware of the situation—2½ years after the first American was killed in combat in Vietnam.

The same secrecy shrouded the Democrats' handling of Laos. They did not disclose to the American people one bit of information about what was going on. The famous Averell Harriman treaty negotiated in Paris directly involved the United States in that warring little country, but the full facts of this involvement were not disclosed by the Democratic administrations.

It was not until President Nixon made his disclosures in news conferences and through Cabinet officers that either the Congress or the people began to realize the depth of the Democratic administrations' commitment of American manpower and money in Laos.

Now the administration has made a full report to the people. The facts the White House outlined are not pleasant ones. But they are needed for the American people to determine for themselves what is happening. It took courage for this administration to make this kind of full disclosure. But this administration has demonstrated that it has the courage to do just that.

If the Senator from Missouri is to be critical of the situation in Laos, let him aim his criticism at the proper target—those in his own political party who controlled both the White House and Congress throughout the period when we became involved in Laos.

DISTRICT OF COLUMBIA CRIME

Mr. MATHIAS. Mr. President, I would like to remind Congress of our responsibility in facing and dealing with the serious crime problem in the District of Columbia, since Congress has chosen to retain virtually exclusive governmental authority within the District.

To this end, I ask unanimous consent to insert in the RECORD a listing of crimes committed within the District yesterday as reported by the Washington Post. Whether this list grows longer or shorter depends on this Congress.

There being no objection the list was ordered to be printed in the RECORD, as follows:

STORE ROBBED, EMPLOYEES ABDUCTED

A Northwest Washington market was robbed Sunday night and three employees abducted and one of them beaten by two armed youths, police reported.

William D. Kennedy, 25, a driver for the Community Market, 3305 45th St. NW., told police he left the store about 8 p.m. and started to climb into the company truck where he was confronted by two youths, one brandishing a revolver, the other displaying two revolvers.

When one of the gunmen ordered him to get into the truck, Kennedy said he yelled. Alerted by his cries, two other clerks at the market approached and were forced at gunpoint into the rear of the truck, according to police.

When one of the gunmen asked for the keys to the store and where the money was kept, Kenney replied that the owner had taken the keys and money home earlier in the afternoon, police said. Kenney said he was ordered to drive around Northwest Washington for about 1½ hours.

After releasing the other two employees at 14th and Irving Streets NW, the abductors told Kenney to drive to 1st Street and New York Avenue NE, where he was beaten over the head and robbed of his money holder containing over $400, according to police.

Kenney said the armed youths then climbed from the truck, warned him not to call police and ordered, "Drive away."

In other serious crimes reported by area police up to 6 p.m. yesterday:

STOLEN

Clothing and cash with a total value of $720 was reported stolen Saturday night from the home of Andrew Maher, 801 N. Pitt St., Alexandria. There was no sign of forced entry.

A tape recorder, two microphones, a guitar, an amplifier, a rhythm box and $40 cash were stolen about 9 p.m. Sunday from a car owned by Percy E. Jennette, of Trenton, N.J., parked in the 1200 block of 4th Street NW.

Approximately $230 in cash and $600 in checks were stolen from a trash can in the main office of the Talleyrand Restaurant, 2301 Calvert St. NW., sometime between 12:30 and 1:30 a.m. Sunday.

Two television sets, two shotguns, a rug, $500 in cash and five goldfish were taken early Monday from the apartment of Enis Camtore, 5913 Prince James Dr., Springfield.

VANDALIZED

The John L. Young playground, 10th and R Streets NW., was ransacked and heavily damaged about noon Sunday when the window of a building on the lot was forced open.

The recreation room and a classroom at Bryant Elementary School, Independence Avenue between 13th and 14th Streets SE., were ransacked sometime atfer 4 p.m. Friday when the door was hammered open.

ROBBED

Grocery store, 338 58th St. NE., was held up about 10 a.m. by a young man brandishing a pistol who told the owner to give him the money. The gunman then confronted Larry R. Payne, of Riverdale, a driver for the Bon Ton Potato Chip Co. and demanded his money. He then fled from the store and ran west on Dix Street.

Toddle House, 3400 Wisconsin Ave. NW., was held up about 3:55 a.m. yesterday by two young men. One of them asked the cook if he could use the men's room and came out wearing a stocking over his head and carrying a handgun. "Empty the cash register," the gunman told the employee and grabbed the paper bag full of money. Taking the bills from a drawer under the cash register and the paper sack, the pair fled from the shop.

Charles Alexander Turner, of 136 Kenilworth Ave NE., was held up about 7:05 a.m. Sunday by two men who approached him in front of his apartment building. One of them drew a gun, forced Turner to enter his car and drive to the 3300 block of Alden Place NE. The men then told him to hand over the money from his wallet, his watch and ring and removed a briefcase full of bills from the rear seat of the car. They then got out of the auto and escaped through an alley on Alden Place.

Brenda Savoy Peterson, of Maryland, was robbed and beaten about 11:10 a.m. Saturday by two men who grabbed her on a parking lot in the 3500 block of Jay Street NE. "Get in or I'll shoot you," ordered one of the men, brandishing a gun. When she refused to get into her car, the gunman struck her over the head with his weapon. The pair tried to force her into the car and beat her on the head again when she resisted. One of them took her pocketbook and drove off in Miss Peterson's car while his companion returned to the car the men arrived in and drove from the lot.

Mary Settle and Shirley Jones, both of Washington, were held up shortly after midnight Sunday at the intersection of 9th and Valley Streets SE. Two men driving a gold car struck the women's car at the intersection. When the women got out of their car to inspect the damage, one of the men climbed from the other auto and, drawing a gun, told them, "This is a stickup." Forcing both victims to give them their coats and purses, the two men drove off.

Jacqueline Gordon, of 2399 Goodhope Rd. SE, was held up Saturday as she was carrying groceries from her car, parked in the 2300 block of Goodhope Rd, to her home. A man wielding a gun warned her, "Don't yell. All we want is your money." Taking her bills and papers, the gunman fled into a wooded area nearby.

Elmira M. Curtis, of Washington, was held up about 8:20 p.m. Sunday as she was walking south on 15th Street NE, by four men One of them, holding a knife in his pocket, demanded, "Give me your money . . ." Taking her pocketbook, the four fled on foot, heading west on D Street NE.

Josetta Clark, of Washington, was held up about 9:50 p.m. Sunday as she was standing at Mississippi Avenue and Wayne Place SE, A man armed with a small gun ordered, "Give me your pocketbook," then wrested the bag from her. The gunman escaped in a brown car occupied by three other men.

Paul Davis, of Washington, was robbed about 9:30 p.m. Sunday in the first-floor hallway of a building in the 1400 block of Girard Street NW by seven men armed with revolvers. The gunmen forced Davis to surrender the portable television set he was carrying, his watch and a check, then fled on foot down the street.

Charles Leroy Russell, of Hyattsville, was held up at 14th and Quincy Streets NE about 4:55 p.m. Sunday by three men who pulled up to the curb beside him in a gold car. All three men stepped from the car and one of them pulled out a revolver, another a knife. Frisking Russell, the trio removed his money, then ran north on 14th Street.

Paul H. Parker, of Hyattsville, was held up about 7:50 p.m. Sunday by two youths who approached him at the bus stop at 14th Street and Colorado Avenue NW. One of them drew a revolver demanding, "Give me that money." "I have not got any money," Parker replied. The other man then threatened, "Give me that money or I'll blow you in half." Parker handed the pair $2 and they fled on foot.

Sadie L. Legg, of Washington, Virginia L. and Kenneth O. Holmes, both of Arlington, were held up about 8:20 p.m. Sunday while they were walking near Miss Legg's home in the 1200 block of Ingraham Street NW. Two youths, one displaying a gun, said, "This is a holdup," forced the three victims to surrender their money, and escaped on 13th Street.

Sue Evon McRay, of Washington, was held up Sunday as she was walking in the 4200 block of 6th Street SE, by four men in a car who pulled up to the curb beside her. One of them pointed a revolver at her demanding, "Give me everything you got." Taking her purse containing money, papers and a camera, the four drove away.

Josephine Jenkins, of Washington, was held up about 11:30 p.m. Sunday as she was walking at the intersection of Mississippi Avenue and Wheeler Road SE, by a youth who drove up beside her in a green car. Stepping from his car, the youth drew a handgun, and ordered, "Give me your pocketbook, lady." Grabbing her purse, the gunman reentered the auto and headed east on Mississippi Avenue.

George B. Lake, of 643 H St. NE, was admitted to Rogers Memorial Hospital after he was beaten and robbed about 8:35 p.m. Sunday. A man approached him in his home, struck him in the face and body, knocking him to the ground. The assailant removed Lake's wallet from his pocket, took his keys and made his escape.

Marion J. Shaffer, of Takoma Park, was held up about 8:05 p.m. Sunday at 16th and Newton Streets NW by five youths, one armed with a pistol, another with a knife. The teenagers grabbed her purse containing $2 and ran along the 3400 block of Center Street NW.

Jones Market, 1136 Florida Ave. NE, was held up about 10:45 p.m. Saturday by three youths who asked the owner for a pack of gum. Both of them then drew pistols, one stating, "Give me the money." Taking the cash, the pair fled from the front door and made their escape.

Cornell W. Hull and James D. Brinkley, both of Washington, were held up Sunday inside a building in the 1500 black of Monroe Street NW by five youths, one concealing a gun in his pocket. The youths surrounded Hull and Brinkley and forced the men to surrender their wallets before fleeing along the 1500 block of Monroe Street.

Andrew Rogers and Norman Washington, both of Washington, were robbed about 4:30 a.m. by two young men who stopped them in the 1200 block of D Street NE. One of them held a gun at Washington's head, demanding money, while his companion searched the victims' pockets and took their wallets. The pair fled on foot, heading west on D Street.

George S. Hanlin, 83, was beaten and robbed Sunday shortly after 8 p.m. as he was walking in front of his home at 3380 Curtis Dr., Hillcrest Heights, in Prince Georges County. He was attacked from behind, a policeman said, and was in fair condition early Monday at Cafritz Memorial Hospital.

Gwendolyn Ann Jenkins, of Washington, was beaten and robbed about 8:20 p.m. Sunday after she left the Langston Theater at 25th Street and Benning Road NE. A youth approached her as she was walking behind Phelps High School and said, "Come here." As Miss Jenkins tried to walk past him, the youth grabbed her and forced her to accompany him to an unknown address in the Langston Terrace area where they were joined by four young girls. Miss Jenkins told police the youth asked her for money and began slapping her. Then the four girls began pulling her hair and hitting her in the stomach. When the youth repeated his demand for money, she told him, "All I have is a quarter." He took the coin from her coat pocket and ordered, "Go home." The youth and the girls then entered a white car and drove off.

John Steven Sabota, of the Naval Air Station, was held up about 7 p.m. Sunday by two men who approached him on Atlantic Street SW. One of them pulled out a handgun and ordered, "Let me have all you got." The other man then removed Sabota's wallet. The pair fled south on South Capitol Street.

Vernice Conoly, listed at 245 Florida Ave. NW, was beaten and robbed in her home about 12:30 p.m. Sunday. A man entered Miss Conoly's home and when she told him to leave, he hit her in the face and chest, knocking her unconscious. When she regained consciousness, she discovered her wallet containing $2 was missing.

High's Dairy Products store, 1709 Kenilworth Ave., Tuxedo, was held up about 10:45 p.m. Sunday by two men who passed a note to the assistant manager and a clerk which said, "Put the money into a bag and be still." Grabbing the sack full of cash, the pair fled.

7-Eleven store, Keene Mill and Hanover Roads, Springfield, was robbed at 6:45 p.m. Sunday by two men, Fairfax County police reported. They said one of the gunmen was armed with an automatic pistol.

William Morris Burnett, of 422 6th St. NE, was held up about 10:30 a.m. by two men who beat him up in his home. Burnett told police the men grabbed him, hit him in the face and threw him to the floor. Taking his wallet, the pair fled from the building.

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EDUCATION REFORM

Mr. TOWER. Mr. President, in his message on education reform, President Nixon has made a full reassessment of the Federal role in education. He has made an overall delineation of the shortcomings of current programs. He has laid strong emphasis on what we do not know about the learning process and on what we must know if we are to spend the Federal education dollar effectively. Equal educational opportunity for all American can be a reality only if we understand how to provide quality education for all.

It is not pleasant for us to admit that the many Federal aid to education programs that we have developed over the years are inadequate, disjointed, and, broadly speaking, failures. But unpleasant facts are facts all the same. We have succeeded in piping some funds into the schools. In this way, we have succeeded in propping up an ailing system. But our programs and grants for specific ills have not proven to be adequate solutions. Despite a few signal successes we have largely fallen short of the mark. For these reasons the President's proposed National Institute of Education has become essential. We need a coordinated program of research in education and the learning processes if we are to discover how best to approach this problem of education. The current hit-or-miss, trial-and-error attack cannot deliver the right answers soon enough to avert disaster.

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The Commission on School Finance which the President has established should provide valuable information on a problem that has become increasingly difficult for all schools across the country. The emphasis which the President has placed on nonpublic schools is of great importance to the continued diversity which is one of the great strengths of education in this country. Private schools are finding it more and more difficult to survive and we must realize that it is ultimately in the best interest of us all that they do survive.

The President's commitment to the right to read is more than merely a slogan. The ability to read is basic to education and substantial Federal support for library programs demonstrates the clear and purposeful effort which the President is putting forth in this area.

The determination to harness the technological advances of the past 20 years to the purposes of education is long overdue. Everyone is aware of the tremendous influence of the electronic media, and yet too little has been done to adapt this technology to the purposes of education for which it is so well suited. It is time that television and radio and other electronic advances be explored and their potential as tools of education be fully examined. The Corporation for Public Broadcasting established by Congress in 1967 has broken ground in this important area of education. Its continued authorization by Congress will allow further growth and improvement and, working in concert with the National Institute of Education, the Corporation will expand its efforts into an examination of new educational uses for television technology.

The importance of early childhood to later educational development has only begun to be recognized. President Nixon has grasped this new appreciation and has proposed to make good use of it. The network of experimental centers for the examination of early childhood learning which the President has directed to be established jointly by the Department of Health, Education, and Welfare and the Office of Economic opportunity will be invaluable in determining the most fruitful teaching techniques to be employed during these all important early years. What is learned from this program will prove useful in planning the day care centers which are a part of the President's family assistance plan.

On the whole, the President's education message is eminently reasonable. He has brought a great deal of insight to the problems that beset education and the Federal involvement in education. It is an incisive message, and it challenges our imagination. The President has provided exceptional and inventive leadership on this extremely perplexing issue, and we should heed him well.

EMERGENCY STRIKE LEGISLATION

Mr. GRIFFIN. Mr. President, last week Congress was called upon to act on an emergency basis to head off a nationwide railroad strike a scant few hours before it was scheduled to begin. What we did was merely put off for 37 days another day of reckoning.

This underscores the need for Congress to act promptly on legislation to provide better tools for dealing with such situations.

President Nixon has submitted the administration's proposals and, whether or not one agrees with every particular, they provide a sound basis for the consideration of legislation in this area.

The President's proposals have aroused widespread interest. I ask unanimous consent that editorials from the Washington Post and the Buffalo Evening News dealing with them be printed in the RECORD.

There being no objection the editorials were ordered to be printed in the RECORD, as follows:

[From the Washington Post, Mar. 3, 1970]

THE EMERGENCY STRIKE PROBLEM

The country has waited so long for proposals to modernize the Railway Labor Act and the emergency-strike provisions of the Taft-Hartley Act that any message on the subject is likely to be welcomed by those who think first of the public interest. The specific message which President Nixon has sent to Capitol Hill has substantial merit, however, and it may well serve as the basis for constructive legislation if Congress is so disposed.

Because of the controversial nature of the subject in the past, the White House was probably well advised to concentrate for the present on the transportation industry. It is in this area where most of the trouble from emergency strikes has come. If the new procedures recommended are successful, it would be a relatively simple matter to extend their use to other industries which must be kept in operation to protect the national health and safety.

It makes sense also to bring the railroad, airline, maritime, longshore and trucking industries under the same rules. Certainly something must be done to improve procedures under the Railway Labor Act now applicable to the railroads and airlines only. In 45 years its emergency provisions have been invoked 187 times. "Designed as a last resort," the President noted, "the emergency procedures have become almost a first resort." And after a strike has been postponed for 60 days without a settlement, the only course open to the President is to go to Congress for emergency legislation, as happened most recently in 1967. This fact alone should spur Congress into enactment of more useful and effective machinery for handling emergency strikes.

The new law proposed would put railroad and airline strikes and lockouts under the Taft-Hartley procedures and broaden the options available to the President in dealing with them. Taft-Hartley now makes it possible for a federal court to enjoin a strike for 80 days, if it is found to threaten the nation's health or safety. That period is devoted to fact-finding, mediation and an employee vote on the employer's last offer. But if the dispute persists, the government is left helpless to protect the public interest at the end of the 80 days. Strikes have followed in 8 out of 29 cases in which the so-called "cooling-off" provisions of Taft-Hartley have been applied.

The administration seeks authority for three different means of meeting situations of this kind. First, it wants to be able to extend the cooling-off period for an additional 30 days if it appears that the dispute is near settlement. Second, it would allow the President, on the advice of a special board, to require partial operation of the industry in question. The idea here is to permit sufficient operation to safeguard the public interest, if that appears feasible, while leaving pressure on the parties for a settlement. If neither of these options seemed hopeful, the President could give the parties three days to submit one or two final offers to the Secretary of Labor. Bargaining on the new offers would be required for five days. As a last resort the parties, or the President, if they failed to agree, would name a "selector committee" to decide which one of the final offers would become binding on the parties.

Secretary Shultz makes much of the argument that this procedure would put both parties under great pressure to make reasonable offers. Each would be competing, it is said, to have its offer accepted. But both might also be in a gambling mood and offer only objectionable and arbitrary terms of settlement. The entire procedure would then tend to be discredited, as it would force a committee of three to impose unreasonable terms of settlement or allow a crippling strike. It seems to us that the proposed "selectors" should at least have a third option of choosing segments of the rival offers in the hope of putting together a reasonable package that would become binding for a limited period. If the government is going to force a settlement, it must be fair, and this can seldom be attained by acceptance of one party's terms in toto.

The objective of broadening the options available to the President is sound. Why, then, confront a board which may have to make the final decision with narrow options which might discredit both itself and the machinery under which it would be operating? This aspect of the proposal will need thorough scrutiny on Capitol Hill.

[From the Buffalo Evening News,
March 13, 1970]

NIXON'S SOUND LABOR PLAN

President Nixon's proposals to reshape the federal role in coping with big labor disputes that imperil the national welfare seem generally fair, responsible and inventive.

In urging Congress to amend the long-unchanged Taft-Hartley and National Railway

Labor Acts, Mr. Nixon both redeems a pledge of a year ago and enters a sensitive legislative field where some of his predecessors were notably reluctant to tread.

Experience, especially in the transportation industry, proves that new federal approaches are indeed desirable. Mr. Nixon is right to try to bolster the incentives of the contending parties to resolve their differences themselves—without government help and before they damage national health or safety. Federal intervention has often come too early and too easily when it wasn't fully justified, and the President's options have been too limited and predictable when intervention was justified.

To overcome these drawbacks, the Nixon plan would eliminate certain fact-finding and mediation provisions of the Railway Labor Act that have delayed serious bargaining until after a President had intervened.

Beyond that, the plan would expand the arsenal of weapons available to a President under Taft-Hartley once he had decided to intervene, thus making it more difficult for either party to the dispute to predict his response. Mr. Nixon wants the power to extend the present 80-day cooling-off period for an additional 30 days and to require partial operations amid a strike in areas which need essential services.

In his most controversial proposal, he wants authority as a last resort to have labor and management each make final offers, with the better one chosen by a third-party and imposed to settle the dispute. While this verges close to compulsory arbitration, which both labor and management dread, the presidential authority would be subject to congressional veto and should encourage each side to compromise in an effort to shape the final offer most likely to be selected.

Mr. Nixon, by laying his proposals on the congressional table, formally opens a dialogue for constructive change. This is a congressional election year, but hopefully the ensuing debate can still go beyond simplistic sloganeering to good-faith efforts to produce even freer collective bargaining with less risk to vital public interests.

THE PROBLEM OF PARASITIC INFECTION

Mr. HOLLINGS. Mr. President, South Carolina is one State which is trying to do something about its problems of hunger and disease among its poor. One way we can end malnutrition in the Southeast is to eliminate the horrible problem of parasitic infection. The University of South Carolina, under a grant from the Office of Economic Opportunity, has been conducting a series of tests to determine the prevalence of ascaris, or roundworm, infection. These studies have shown a surprisingly high degree of infection, particularly in the rural areas. I commend this report to the attention of the Senate and ask unanimous consent that it be printed in the RECORD.

There being no objection the report was ordered to be printed in the RECORD, as follows:

INTESTINAL PARASITES AND NUTRITIONAL STATUS

II. PARASITIC INFECTION IN CHILDREN IN SOUTH CAROLINA*

(By E. J. Lease, Ph. D.,**, B. W. Dudley, M.A., and M. F. Ziegler, B.A.)

This study is confined to the incidence of infection by the human parasite *Ascaris lumbricoides* in a specific segment of the population and within a given geographic area. Physicians acknowledge the presence of these large intestinal round worms of man, and local families frequently report that their children pass worms with bowel movements. However, there are no specific data published on the incidence within this region from which to determine the extent of the problem. The purpose of this study was to survey a limited number of children in the central part of the State of South Carolina to determine incidence and worm burden in a well-defined sample of this population.

A review of the literature reveals that surveys have been made in the Coastal area of South Carolina by Jeffery et al,[1] Bonner et al,[2] Lease et al,[3] and Carter et al.[4] In these studies quantitative egg counts were not made to determine whether the children harbored few worms or many worms. For practical application, there is little reason to undertake the laborious and time-consuming method of counting the number of ova per gram of feces when the presence of one *Ascaris* ovum justifies the administration of piperazine citrate; however, for academic research purposes, when sufficient sample was available, egg counts were made in this study

Nutritional status studies, dietary intake studies, prescription food demonstrations, and even school feeding programs lose their meaningful impact when the subjects harbor heavy burdens of intestinal parasites. Little is known about the effects of parasites on the nutrition of the host except the observations of livestock managers on the beneficial effects of deworming.[4]

In view of current technological achievements and the application of advanced scientific knowledge to public health and social welfare in the United States, the eradication of intestinal parasites in humans should have been an accomplished fact. However, this is not the case. It thus becomes necessary to review man's knowledge and experiences before developing and demonstrating a method of eradication. *Ascaris lumbricoides* has been known for many centuries to parasitize human beings, and publications on incidence in various parts of the world have appeared periodically.[5-9] During the period 1916 to 1920 emphasis was placed on ascariasis, because it was demonstrated at that time that during their life history the migrating larvae regularly pass through the liver and lungs, causing considerable pathology and a pneumonitis in heavy infections.[10-13] Previous studies have shown that endemic centers of ascariasis in the United States exist in the Appalachian Mountains and many coastal areas of the Southeast. Although there are no records of endemic centers in the Northern and Western states, the migration of southern labor to northern cities has transported at least temporary situations.

Chemotherapeutic treatment can effectively remove *Ascaris* from the human body if the subject consumes a drug such as piperazine on definite days spaced in accordance with that time required for the microscopic larvae to migrate through the bloodstream, return to the intestines, and grow to maturity. Correct personal hygiene practices and the sanitary disposal of fecal matter by all individuals is essential to prevent reinfection and to achieve the ultimate goal of eradication.

Materials and methods

Two methods are used for the collection of stools in the various centers tested. The apparatus for the preferred and most frequently used method consists of a portable toilet arrangement or, for smaller children, a portable commode chair, having a bucket-like bowl that is lined with a clear polyethylene bag. The bag is perforated along the bottom edge to allow drainage of urine. After the fecal specimen is deposited in the bag, it is closed at the top with a wire and placed in a plastic coated paper container labeled with the subject's name. The bags are then placed in a styrofoam chest with ice and transported to the laboratory.

The second method of collection is that by which the parent or guardian is supplied with small containers and asked to obtain specimens from all members of the family and return them to the center to be transported to the laboratory. This method is believed to be slightly less accurate than the first one described because generally a much smaller sample is available for testing and there is a possibility of receiving invalid samples. It does allow, however, for the testing of entire families rather than only those members of families who attend a specific school or center, thus facilitating the testing of larger groups of people.

Qualitative tests are conducted on all the samples once they are received in the laboratory. The direct fecal smear, by which method two slides from each specimen are examined microscopically, is used in checking samples collected by both methods. The zinc sulfate flotation, which concentrates the helminth ova from the fecal material,[14] is used in conjunction with the direct smear for checking samples collected by method I. Flotation is accomplished with zinc sulfate solution of specific gravity 1.20.[9] Where indicated, quantitative estimates of the intensity of helminth infections are made by the Stoll dilution egg count technique.[15]

With the cooperation of the county health departments, OEO personnel, and school nurses, home visits are made to provide information to parents or guardians, and to administer a flavored piperazine citrate syrup to every child found to harbor intestinal round worms. All medication is given under medical direction. Treatment to eliminate egg-laying worms is given on two consecutive days and every forty-fifth day thereafter for as long a period as possible in order to eliminate worms from the child and to reduce the *Ascaris* egg concentration in the dooryard soil.

An attempt is made to instruct the parents and each infected child in the requirements for personal hygiene and sanitation necessary to prevent reinfection. While several teaching devices such as films, lectures, games, etc., are employed to achieve this end, the most effective device for creating concerned interest is the display of a bottle containing several worms removed from a child dwelling in the community. Homes where children harbored *Ascaris* are pinpointed on a county map to aid delivery of services by the school nurses, OEO personnel, county agents, and Farmers Home Administration personnel.

Interpretation of data and discussion

A significant number of children living in the central part of the State of South Carolina harbor *ascaris* (Table I). The fact that few of the victims or their families have a comprehensive understanding of the nature of this infection and of adequate preventive measures is undoubtedly one reason for this high infection. The role of diet and general nutritional status as deterrents to infection and the intensity of infection are also believed to be important factors.

In some geographical areas intestinal parasites are more prevalent in the rural regions than within urban communities. The present studies indicate that more than twice as many (26.6%) of the rural South Carolina children surveyed have ascariasis as do the urban children (11.0%). The absence of central sewerage and water systems has been given as a primary reason for this situation.[12]

Quantitative data showing the number of parasite eggs per milliliter of feces make it possible to estimate the number of worms a child is harboring.[4] (Table II). The average number of parasite eggs per milliliter of fecal matter is directly related to the number of female worms.[11, 13] However, so many factors affect this figure that some investigators prefer to have the data average for an entire community.[14] In the present study these averages indicate that the infected rural child has more than twice the number of worms as the infected city child.

Footnotes at end of article.

TABLE 1.—LONG ROUND WORMS (ASCARIS) IN CHILDREN IN SOUTH CAROLINA

Code name of center	Miles from State capitol building	Age range of children attending	Population distribution (percent)	Number of stools examined	Number containing parasite eggs	Percentage of children harboring worms
Lee County	[1] 50	4 to 7	[2] 5 [3] 95	192	42	21.7
Lee County	[1] 50	8 months to 15 years.	[2] 100	28	5	17.8
Lexington County	[4] 6	4 to 12	([5])	35	5	14.3
Richland County:						
SL	[4] 2	3 to 5	[3] 100	44	10	22.7
	[6] 12	1 to 3	[2] 27	14	0	0
PG			[3] 73			
	[4] 0.2	4 to 5	[2] 41	22	0	0
ECE			[3] 59			
H	[1] 20	5 to 6	[3] 100	99	30	30.3
W	[4] 2	5 to 6	[3] 100	111	12	10.8
	[4] 2	3 to 5	[2] 12	17	1	5.9
CF			[3] 88			
Ar	[6] 5	3 to 5	[3] 100	20	1	5.0
Williamsburg County	[1] 80	8 months to 15 years.	[2] 1 [3] 99	302	88	29.2

Note: Total number of children in this study 884. Total number of children in this study who were harboring worms 194. Percentage of children in this study who were harboring worms, 21.9.

[1] Rural.

[2] White.

[3] Negro.

[4] Urban.

[5] Not available.

[6] Suburban.

TABLE 2.—*Intensity of ascariasis infection in children in South Carolina*

(Based on Stoll count technique)

RURAL

Subject No.	*Eggs per ml./feces*
H-2	60,433
H-7	127,900
H-14	69,166
H-16	63,800
H-17	190,766
H-27	28,733
H-30	19,466
H-33	37,033
H-46	6,200
H-48	166
H-52	73,700
H-60	46,700
H-44A	54,866
H-63	46,633
H-72	48,233
H-77	78,933
H-78	49,833
H-79	28,800
H-19A	104,900
H-85	255,400
H-86	47,933
H-94	57,400
H-95	2,733
H-97	123,833
H-98	40,766
H-99	1,600
H-101	2,600
H-102	34,100
	1,702,626

Average number of eggs per ml. of feces from this rural center was 60,808.

URBAN

Subject No.	*Eggs per ml./feces*
W-40	7,300
W-42	4,366
W-44	112,666
W-48	2,766
W-53	22,333
W-62	18,000
W-66	67,166
W-70	1,000
W-73	200
W-20A	25,733
W-97	7,500
W-102	2,367
SL-5	633
SL-12	5,533
SL-35	8,366
SL-33	9,300
SL-39	11,400
SL-9	12,633
SL-31	15,533
SL-19	22,966
SL-36	30,900
SL-41	39,966
A-16	50,567
CF-9	5,667
	484,861

Average number of eggs per ml. of feces from these urban centers was 20,202.

Samples were obtained from both white and Negro children. Stools from 52 white children showed 13.5 per cent harbored worms (*Ascaris*). While this may be compared to the study of 56 white preschool children in Beaufort County where 4.2% were found to be infected with *Ascaris* and *Trichuris*, the small number of white children present in the groups tested prevent the formulation of valid conclusions concerning the incidence of intestinal parasites within this group. These studies are being continued and expanded to obtain adequate and valid averages.

Summary

Over twenty per cent of the Head Start, Day Care Center, and elementary school Negro children tested in the central area of the State of South Carolina harbored intestinal large round worms (*Ascaris*). This study included both urban and rural areas and a total of 884 children.

Twice the number of rural Negro children had worms as did urban Negro children. Furthermore, the average infected rural child harbored twice as many worms as did the average infected city child. Possible explanations for this are discussed and are being studied further to determine the most feasible procedures for eradication.

To the extent possible the children found by this study to be harboring worms were given piperazine citrate syrup every 45 days to prevent female *Ascaris* from maturing to egg-laying adults.

The nutritional status of these children and their diets as well as the physiological response of recently dewormed children to a vitamin-protein concentrate diet supplement is under investigation and will be reported upon completion.

Acknowledgement

The Office of Economic Opportunity provided funds with which to make this study possible. The authors gratefully acknowledge the cooperation of the county health departments in Lee, Lexington, Richland, Sumter, and Williamsburg Counties, OEO personnel, school nurses, Head Start personnel, day care center personnel, and many others who helped to carry out this program.

FOOTNOTES

*This report concerns Phase II of an overall project being undertaken by the University of South Carolina. A preliminary report appeared in this Journal 65:63, March 1969.

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THE OIL IMPORT PROGRAM

Mr. BROOKE. Mr. President, this morning's Wall Street Journal contains a lead editorial which discusses some of the wider ramifications of our present mandatory oil import program.

It has been a well-documented fact that this unfair and inequitable program has placed an artificial floor under the price of crude oil and petroleum products sold in this country. This price has, in no small measure, contributed to the general inflationary spiral which now grips our Nation's economy.

Specifically, the Office of Emergency Preparedness has estimated that the per capita cost of this program to the people of Massachusetts was $37.50 in 1969. Ironically, this tribute paid by the resi-

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dents of an oil-consuming State was far exceeded by the per capita cost of $62.50 paid by the residents of Wyoming, an oil-producing State. There is little rhyme or reason to a program which charges those closest to the source of production even more than it takes from those residents of a region totally devoid of any oil production. It is unfair to both.

The Journal has succinctly stated the folly of continuing this inequitable program. I ask unanimous consent that this editorial be printed at this point in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Wall Street Journal, Mar. 10, 1970]

Review and Outlook: The Folly of Protectionism

Although President Nixon pigeonholed the plan to replace oil import quotas with tariffs, Labor Secretary George Shultz is still battling for the idea. In the process he's running into one of the fundamental follies of protectionism.

Mr. Shultz headed the Cabinet-level group that proposed the tariff system, which would be designed to permit a reduction in domestic crude oil prices. As he told a Senate committee, the aim was to find a system that would protect the national security at the lowest possible cost.

Lower domestic oil prices, the Secretary freely conceded, would probably push some "marginal" oil producers out of the business. That, unfortunately, is something that some protectionists think the Government must at all costs prevent.

"I will not stand for a system that will, in effect, confiscate these (marginal) wells," declared Senator Roman L. Hruska. The Nebraska Republican contended that the proposed reduction in the domestic crude price would probably halt all oil production in a dozen states.

What the protectionists want, in other words, is some sort of setup that will preserve not an industry as such but each and every producer in the industry, including the least efficient. The fact of the matter is that such a goal, even if it were in the nation's interest, is utterly unattainable.

Some protectionists presumably recognize as much. Yet they can hardly afford to ignore the marginal firms as they press Congress for fresh trade restrictions, since it is precisely those firms that provide the most harrowing stories of declining sales and employment.

It is those firms, and residents of the areas where they are located, that write letters to legislators like Senator Hruska. The problems of such businesses are substantial, deserving of sympathy, but they are not going to be solved either by tighter quotas or higher tariffs.

Any company, in oil, steel, shoes or other industries, may worry about foreign competition. But even if all imports are cut off the company will still have to face up to competition at home. If import curbs push up domestic prices, as they usually do, the higher prices will attract even more domestic competition, if the industry is one that new firms can enter fairly easily.

The company that is ill-equipped to cope with foreign rivals is no better fitted for domestic competition. Higher prices may help keep it going a while longer. The more efficient firms, however, can make satisfactory profits at lower prices and, as they strive to expand their own sales, they're not likely to worry overlong about the survival or nonsurvival of the marginal firms.

For a time, of course, the public pays for this exercise through considerably higher prices. As long as the import curbs are maintained, prices are likely to be higher than would be the case if competition were free and unfettered.

Mr. Shultz and his Cabinet committee more or less went along with the argument that competition in oil must be fettered to some extent in the interest of national security. The rationale is that the U.S. must maintain enough domestic production to carry it through any cutoff of foreign supplies in time of war or other emergency.

The Labor Secretary, though, stressed that the U.S. and Canada could meet 92% of their oil needs with no rationing, and all of their needs with modest rationing, even if all supplies from the Mideast, Africa and South America were cut off for a full year. The national security argument at best is not overwhelming.

"From a national point of view," Mr. Shultz said, "it is our conclusion that effects on the economy of a substantial relaxation of import controls would not be severe. Indeed, relaxed import controls would inure to the benefit of the national economy—by redirecting labor and capital to more efficient uses."

Indeed they would. They won't have a chance to do so, however, as long as the Government persists in the costly folly of trying to protect those whom no one can truly protect.

THE POLITICAL SPOILS SYSTEM

Mr. CANNON. Mr. President, most of us in public life learn before very long that the political spoils system is a very real and sometimes brutal fact of life. I would like, however, to call to the attention of Senators an instance in which the political spoils system has broken down and worked to the detriment of the public interest.

This is the case of James E. Baker, who for 10 years has been FHA Director in the State of Nevada. Mr. Baker, who came to his position eminently qualified as director of public housing for the city of Reno, is a man who has managed to grasp fully one of the most difficult areas of expertise that a public servant can face—that of equitably dealing with housing and all of its aspects and complexities. He has accomplished much in the State of Nevada in this field, dealing fairly with all who came to his office and genuinely seeking to be of service to citizens requesting assistance from the Nevada FHA office.

A few days ago, however, he was summarily ordered to be transferred to—of all places—New York City. I was urged by a number of Nevada citizens to protest this transfer, and I did so. Many Nevadans feel as I do, that it would be in the best interests of the Government not to lose Mr. Baker's expertise in Nevada, and therefore, because of political considerations, he might be able to continue his service in the No. 2 spot or at a lesser grade, which he was willing to accept.

This, however, was not to be, because the bureaucracy seldom works so logically. Instead, the administration has advised me that it appreciates the esteem in which Mr. Baker is held by the business community of Nevada. But they go on to say:

> The Department of Housing and Urban Development has decided that because of his fine service and experience in his field, Mr. Baker has been transferred to New York City where the Department can benefit from his FHA expertise.

Mr. Baker's entire experience and knowledge has been gained in the West, in the rural areas of my State. How this background can benefit the complex and entirely different situation in New York City—our greatest metropolitan center—escapes my understanding and is beyond logic.

It seems to me that this episode which I have detailed illustrates at least part of the reason why the housing situation in the United States today is so critical and almost unmanageable.

The President has clearly enunciated his intention of solving the housing crisis which confronts this country. It will not be solved—indeed it is certain to worsen—if bureaucratic blunders such as the one I have described are permitted to continue.

The President also promised the American people that he would not permit partisan politics to interfere with the welfare and proper operation of the Government. I believe his advisers are way off base and are doing the Chief Executive a grave injustice to permit the Baker case to be closed on so disastrous and unhappy a note.

SENATOR SCOTT VOTES HIS CONVICTIONS

Mr. GRIFFIN. Mr. President, this morning the Washington Post published a cartoon on its editorial page in which the distinguished Senator from Pennsylvania (Mr. Scott) is depicted as a messenger boy.

If there is one thing that my esteemed colleague from Pennsylvania is not, it is messenger boy for anybody, and any cartoonist who chooses to so depict the minority leader can claim no immunity from the accusation that the cartoon is tainted with venal politics.

Obviously no one in public life can consider himself above criticism. But to criticize Sentor Scott on the grounds of being a lackey for the administration or anyone else—is ridiculous in the extreme. One need only review the record of the positions taken by the Senator from Pennsylvania on various issues which have been before the Senate during the past 13 months. With respect to a great many, he supported the administration; but he opposed the administration position on a number of others. It will be recalled that he voted against the confirmation of the nomination of Judge Haynsworth, who failed to win confirmation to the very post for which Judge Carswell has been nominated.

I think I may have some appreciation of the searching, questioning turmoil through which Senator Scott passed in making up his mind as to the proper course with respect to Judge Haynsworth. The point is that Senator Scott voted then according to his convictions and his conscience, as he has always done, and as he swore to do when he entered the Senate of the United States. Furthermore, he shares the full responsibility for his every action under the glare of the pitiless scrutiny and sometimes obscure motives of political opposition. The same cannot be said for all of his detractors.

I doubt that Senator Scott will take any notice of the cartoon to which I refer. It is but another of the arrows he has learned to expect in political life. But as his friend and colleague, I feel that such an irresponsible and scurrilous attack ought not to be allowed to stand unchallenged.

TRIBUTE TO JOHN F. STEVENS: CIVIL ENGINEER, EXPLORER, AND STATESMAN

Mr. MUSKIE. Mr. President, the State of Maine has produced many eminent leaders on the national and international scene but few have attained such heights of constructive achievement of world significance as did John Frank Stevens, a native of West Gardiner.

Despite a lack of formal engineering education, Stevens, who decided in early life to be a civil engineer, rose rapidly in his profession and gained great distinction. Though his accomplishments were extensive, his fame rests mainly on four major contributions. He was—

A key builder of the Great Northern and other U.S. railroads, 1880–1903;

The discoverer of Marias Pass in Montana—1889—and Stevens Pass in Washington—1890—through which the Great Northern was constructed;

Chief engineer of the Isthmian Canal Commission, 1905–07, exercising the leadership directly responsible for adoption by the President and the Congress of the high-level lake and locks plan under which the Panama Canal was constructed and has since been operated, winning Stevens recognition in history as its "basic architect"; and

Rehabilitation of Russian and Manchurian railroads, 1917–23.

The accomplishments of Stevens show that he was a great civil engineer and also a man of statesmanlike vision who was respected and loved by all associated with him or worked under his guidance.

He was the recipient of many honors during his lifetime, including election as president of the American Society of Civil Engineers and the John Fritz Medal for Great Achievements. A farvisioned planner, he developed solutions for challenging problems, brought projects to the point where success was assured, and then sought new fields to conquer, letting others complete his works according to plans that he had developed.

Stevens died in 1943 as the age of 90, after a life of remarkable accomplishments. He has now been nominated for election in 1970 to the Hall of Fame for Great Americans at New York University. The combination of his important contributions to railroads and to the Panama Canal make him doubly eligible for that great honor.

The John F. Stevens Hall of Fame Committee has been formed to sponsor this election. I am privileged to serve as one of the honorary chairmen of this committee.

It was, therefore, with great interest that I read a fine summary and appraisal of Stevens' many contributions to the Panama Canal by Representative Daniel J. Flood, of Pennsylvania. The article appeared in the December 1969 issue of the Explorers Journal, a quarterly publication of the Explorers Club. Representative Flood is a recognized authority on interoceanic canal history and problems, and he writes with knowledge objectivity.

Mr. President, because Representative Flood's article is of historical interest, particularly in regard to the forthcoming campaign for the election of John F. Stevens to the Hall of Fame, I ask unanimous consent that it be printed in the Record.

There being no objection the article was ordered to be printed in the Record, as follows:

[From the Explorers Journal, December 1969]

Tribute to John F. Stevens

(By Daniel J. Flood) *

(Congressman Flood, a member from the 11th District of Pennsylvania has a long record of participation in civic and public affairs. He was Vice Chairman of a special Committee to investigate the Katyn massacre of Polish officers by Russian soldiers. Among his many interests are Panama Canal affairs and the proposal to elect John F. Stevens to the American Hall of Fame.)

More than 60 years ago, the Government of the United States, which had already chosen the Panama route as the best site for an Isthmian canal, was faced with the tremendous responsibility of deciding upon the best type. In a memorable struggle in the Congress in 1906 between advocates of a canal formed by elevated lakes and those for one at sea-level, later described by Colonel George W. Goethals as the "Battle of the Levels," victory went to the high-level-lake and lock type. That was the key decision by the President and the Congress in building the Panama Canal.

How was this result accomplished? The full story is long and complicated. However, when reduced to its essentials, the explanation is relatively brief, simple, and fascinating. It revolves around one sturdy man of extraordinary vision—Chief Engineer John F. Stevens of the Isthmian Canal Commission. Who was he and what was the path that led him to become associated with the famous project? The answers form an important section of American history.

A native of West Gardiner, Maine, after a try at teaching decided, despite his lack of technical training, to become a civil engineer. In 1874, at the age of 21, he moved to Minneapolis, Minnesota, where his uncle, Jesse Stevens, was an engineer, and started as an assistant engineer for the city—a rodman.

At that time, not long after the Civil War railway building in North America was booming. Finding municipal engineering too limited in scope, young Stevens, in 1876, shifted to railroading with a position as a section hand in Texas. Serving as axman, rodman, instrument man, surveyor, location engineer, and construction superintendent, he rose rapidly step by step to executive positions. Eventually attracting the attention of James J. Hill, the great railroad builder, Stevens made an enduring friendship based upon their deep common interests in transportation.

Sent by Hill to locate a route for the Great Northern Railway across the Rocky Mountains, Stevens, on December 11, 1889, in deep snow and bitter cold, made the dramatic discovery of Marias Pass in Montana, through which the railroad was constructed. For this extraordinary feat the engineer-explorer was honored in 1925 by the erection of a large bronze statue near the tracks at Summit, Montana, showing Stevens as he appeared at the time of the discovery.

In 1890, Stevens was assigned the task of locating the best line for a railroad from western Montana to Puget Sound in Washington. This involved the choice of a crossing of the Columbia River, the location of which in turn, depended upon the location of a pass in the Cascade Range.

Again Stevens found a suitable pass, this near the Wenatcee River, now called Stevens Pass. Today, this important region of the Northwest is served by the Great Northern railroad through this pass and by the Stevens Pass Highway.

Ever alert to great engineering undertakings in other parts of the world, Stevens naturally became interested in the centuries-old problem of constructing a canal across the American Isthmus, and he read extensively on the subject.

Meanwhile, events that would profoundly affect his career and Isthmian history were occurring. These included the historic voyage of the U.S.S. *Oregon* in 1898 around Cape Horn, which focused national attention on the necessity for an interoceanic canal, the extensive explorations and investigations by the Isthmian Canal Commission under Rear Admiral John G. Walker, 1899–1902, which finally recommended the Panama site, the choice by President Theodore Roosevelt and the Congress in 1902 of the Panama route in preference to the Nicaragua site, after a scorching debate in the Congress, known as the "Battle of the Routes," the Panama Revolution of 1903, which sealed the choice of the Panama location, acquisition by the United States in 1904 of the Canal Zone and the French Panama Canal Company's holdings, and, finally, assumption by the United States, also in 1904, of the vast task of completing the canal under the direction of an Isthmian Canal Commission. Admiral Walker was the first chairman, succeeded on April 1, 1905, by Theodore F. Shonts, president of the Clover Leaf Railroad.

Though not then expecting ever to be actively connected with the great construction project, Stevens had followed the unfolding of Isthmian events with increasing understanding. The grave problems likely to be encountered in constructing a navigation channel across treacherous mountain terrain in an undeveloped and disease-ridden region of heavy tropical rainfall and potential slides appealed to him as offering a singular challenge.

However, he had accepted an appointment with the Philippine Commission to head its railroad building program, and in June 1905 was in Chicago preparing to accompany Secretary of War Taft's Commission to the Islands. It then looked as if he had been definitely diverted from any association with the Panama Canal.

But momentous developments on the Isthmus over many months had culminated in a yellow fever epidemic followed by the unexpected resignation on June 26, 1906, of the Commission's first chief engineer, John F. Wallace. The Canal Zone promptly became a scene of hysteria, and chaos, for a time threatening the security of the canal project, which was still in the experimental and exploratory stage.

President Roosevelt, who had watched the crisis grow, became deeply concerned and sought a new chief engineer. Turning to leaders in the railroad industry for assistance, he consulted James J. Hill, who told the President of Stevens' ability and record of achievements. The President became interested in appointing Stevens as chief engineer of the Canal Commission.

Stevens, when advised of this opening at Panama, appears to have been rather hesitant because of his involvement in the Philippine situation, and wished time to consider. He mentioned the matter to his wife,

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*See also "William Lewis Herndon 1813–1857," *Explorers Journal*, XLIII, 1, 1965.

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Harriet T. (O'Brien) Stevens of Dallas, Texas, who since their marriage in 1877 had accompanied him during many travels on the frontiers and had shared the hardships of his upward climb as well as its compensating features.

Mrs. Stevens knew her husband's capacity and had always encouraged him in accepting greater tasks. She promptly replied, "Ever since you left Maine in 1874 you have been training yourself for this, the greatest engineering project in the world, and now it is offered you. Please telephone at once and tell the Secretary that you will accept." This ended Stevens' reluctance, and President Roosevelt appointed him as chief engineer of the Isthmian Canal Commission, effective July 1, 1905.

Before departing for the Canal Zone, the new Chief Engineer visited Oyster Bay, Long Island, to see the President, who described affairs on the Isthmus as being in a "devil of a mess." Stevens understood the difficulties likely to be encountered, but felt thoroughly competent to handle the situation. However, to avoid any possibility of later misunderstanding, he outlined to Roosevelt the conditions of his acceptance: That he was to have a "free hand in all matters"; that he was not to be unduly hampered by any authority, "high or low"; and that he would remain with the project until, in his own judgment, its success or failure was determined.

The President approved these terms and directed Stevens to communicate about the project directly with him rather than through routine channels. When Stevens pointed out that such procedure might result in conflicts with the War Department, Roosevelt waved this point aside, stating that everyone there knew his views.

Then, to impress his desire for action, President Roosevelt told the story of the man of sudden wealth speaking to his newly employed butler: "I don't know in the least what you are to do—but one thing I do know, you get busy and buttle like hell."

Arriving with Chairman Shonts at Colon on July 25, 1905, Chief Engineer Stevens found a most desperate condition indeed, with general disorganization in the canal work, and with employees "scared out of their boots, afraid of yellow fever, and afraid of everything." The only thing that had kept many on the Isthmus was lack of transportation to go home. In fact, more employees returned to the United States on the ship that carried Stevens to the Canal Zone than had been brought there on it.

At a conference of high officials the same evening on the spacious veranda of Governor Charles E. Magoon's home in Ancon on the Pacific side of the Isthmus, attended by the Governor, Chief Health Officer William C. Gorgas, and Chairman Shonts, Chief Engineer Stevens correctly estimated the most urgent needs: housing and feeding of employees, sanitation and health, recreation and morale, and an adequate and revitalized organization. Within the short period of one week Stevens correctly appraised the overall situation and decided what to do: rehabilitate and double track parts of the Panama Railroad, which he then described as a "phantom railroad," establish commissaries for all employees, build a hotel, the Tivoli, place available labor on housing and sanitary work, design proper track levels in Culebra Cut and a rail transportation system for the disposal of spoil in mass excavation, and organize the forces for construction. Stevens' extensive experience in comparable situations in frontier areas of the United Stats enabled him to form needed judgments accurately and quickly.

Stopping all unnecessary canal construction activities, he sent excess men to the United States, informed that they would be notified when to return. Others were placed on immediate necessities. Having previously accepted the mosquito theory of disease propagation, Stevens became an ardent supporter of Colonel Gorgas in health and sanitation matters.

A man of imposing stature and commanding personality, then 52, Chief Engineer Stevens tramped the entire length of the Canal Zone viewing the various works and observing the topography. Walking with the energy of youth, he radiated the confidence of the natural leader. Often speaking to employees, he told them that there were only three diseases on the Isthmus: "Yellow fever, malaria, and cold feet; and the greatest of these was cold feet."

Prior to the appointment of Stevens, President Roosevelt had designated an International Board of Consulting Engineers of 13 members to consider and recommend the type of canal. Until that question was answered, Stevens was seriously handicapped. Nevertheless, he went ahead with the excavation of Culebra Cut, which work would be useful no matter what the decision, and on alternate plans, which he wished to have ready in anticipation of whatever verdict the Government might reach.

Reporting to the President on January 10, 1906, this engineering board split. Eight members, including five Europeans, voted for the sea-level type; and the five remaining members—all Americans—for the high-level-lake and lock type. The minority report, which reflected the views of Chief Engineer Stevens, was prefaced by Alfred Noble, a distinguished American member of the International Board.

Meanwhile, on the Isthmus, Stevens thoughtfully examined the significant angles affecting the question of type. Though initially inclined on first arrival toward the popular idea of a sea-level canal, he approached the solution of the problem objectively. Interpreting the topography in the light of operational and navigational needs, as well as engineering and construction problems and the hazards involved, he decided for the high-level-lake plan with the Atlantic terminal dams and locks at Gatun, and the Pacific terminal dams and locks in one group at Aguadulce—a hill south of Miraflores. This was essentially the plan originally presented in 1879 by the French engineer Adolphe Godin de Lepinay, the originating and forgotten genius of the basic plan for the Panama Canal as eventually constructed.

In a special message to the Congress on February 19, 1906, transmitting the report of the International Board, President Roosevelt summarized its main points but strongly supported the high-level-lake plan. He invited special attention to the fact that "the chief engineer, who will be mainly responsible for the success of this mighty engineering feat, and who has therefore a peculiar personal interest in judging aright, is emphatically and earnestly in favor of the lock-canal project and against the sea-level project."

When testifying at Congressional hearings in Washington in January 1906, Stevens advocated the high-level plan with a conviction that no one could shake, and voiced his determined opposition to the sea-level idea. But one appearance as a witness by this engineering leader was not enough.

In June he was again called to Washington and led in the historic debate. Testifying before committees of the Congress, preparing refutations to statements by sea-level advocates, and drafting addresses for Senator Philander C. Knox, Chief Engineer Stevens faced the great crisis of his canal career.

He went to Roosevelt for assistance but discovered that the President had become lukewarm in his stand. As one who believed in the vigorous handling of superiors as well as subordinates, Stevens talked to him like a "Dutch uncle." Roosevelt was again convinced and thenceforth stood behind Stevens like a brick.

In the end, with the strong support of the President, Secretary of War Taft, and the Isthmian Canal Commission, the plans of Chief Engineer Stevens prevailed. In an act approved June 29, 1906, the Congress adopted the high-level-lake and lock plan. That was the great decision in building the Panama Canal that made its success possible. It is no wonder that the statesmanlike actions of Stevens won the admiration of informed and experienced engineers on the Isthmus!

Regardless of what may have been urged at the time as to the merits of the so-called sea-level design, the existing Panama Canal was constructed substantially in accordance with the plan recommended by Stevens, approved and accepted by the President and the Congress. It has proved an eminent success in both peace and war. The transit since opening the canal on August 15, 1914 through June 30, 1968 of 403,230 vessels of various types of all nations, with just tolls measurably reflecting the costs of construction, maintenance, operation, sanitation, and protection, completely establishes the wisdom of the 1906 decision. Moreover, in addition to its strategic value for national and hemispheric defense, the Panama Canal has been of incalculable benefit to world shipping and to the great ports of our country that serve such shipping. Moreover, the Canal Zone has been an island of stability in an area notorious for endemic revolution and endless political instability.

The day after approving the act of the Congress as to type, June 30, 1906, President Roosevelt showed his confidence in Stevens by appointing him as a member of the Isthmian Canal Commission in addition to his position as Chief Engineer. His star was ascendant.

Unfortunately, the minority report, following previous French studies, provided for the construction of the Pacific locks in two sets, separated by the small intermediate-level Miraflores Lake. Instinctively recognizing this division of locks as a serious error in operational design, Stevens, early in 1906, had recommended to Chairman Shonts in Washington the combination of all Pacific Locks at one location. But he did not present this well-founded proposal with the detailed functional justification required to secure the attention it merited. Nor had there been any ship-transit experience in the canal upon which to base such justification.

Returning to the Isthmus on July 4, 1906, Stevens resumed studies of the Pacific lock situation. A month later, on August 3, he approved a plan for placing all Pacific locks in one group of three lifts, south of Miraflores with the terminal dam and locks between two hills, Cerro Aguadulce on the west side of the sea-level section of the Canal, and Cerro de Puente on the east. This location would have provided the same lock arrangement at both ends of the canal, avoiding a traffic choke at Pedro Miguel, enabling uninterrupted summit-level navigation from the Atlantic locks to the Pacific, and supplied a lake-level traffic mobilization anchorage at the Pacific end of the canal to match that at the Atlantic end—a plan identical with the original conception of De Lepinay, afterward urged by Colonel William L. Sibert, a member of the last Isthmian Canal Commission.

At that time, however, Stevens was under great pressure to start construction. Opponents of any canal at all were seeking some means to delay the enterprise. Advocates of the sea-level idea, stung to the quick by their defeat in the Congress, were set, ready to strike at any change in the approved program as indicating weakness in the high-level plan of Stevens. These two forces together represented a political and economic power that he could not safely ignore.

In the light of subsequent events, it is indeed regrettable that Steven's foundation studies for the consolidation of the Pacific locks, which were necessarily made in great

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haste, proved unsatisfactory. He did not dare to jeopardize the project by further delay. Still confident, however, that this important question would rise again, he voided his plan twenty days later, on August 23, 1906, marking it, "not to be destroyed but kept in this office," and proceeded with the plan for separating the Pacific locks as approved by the minority of the International Board of Consulting Engineers.

Many years later, as a result of World War II experience, there was developed in the Panama Canal organization, following the suspension in May 1942 of the 1939 Third Locks project then under construction, what proved to have been the first comprehensive plan for the major increase of capacity and operational improvement of the Canal as derived from marine operations, known as the Third Locks—Terminal Lake Plan. Submitted to higher canal authority it attracted immediate attention and quickly won approval by the President as a post-war project.

Published as a technical paper in the February 1947 issue of the *Proceedings* of the American Society of Civil Engineers the Third Locks—Terminal Lake proposal, because of its inherent logic and "comparatively low cost," has had a wide appeal as the proper form for increasing the capacity of the Panama Canal. Moreover, it has been strongly supported in the House and Senate.

Let us now return to events of 1906. President Roosevelt, after the great decision as to type of canal had been made, was free to visit the Isthmus as he had long wished to do. Under an itinerary prepared by Chief Engineer Stevens, Roosevelt's visit in the U.S. Canal Zone and to the Republic of Panama, November 14–17, 1906, marks a highlight in Isthmian history—the first time any President of the United States had set foot on foreign soil.

In January 1907, in the midst of a crisis over construction contracts, Chairman Shonts, after receiving an offer to head a large transportation merger in New York, resigned effective March 4, 1907. News of this produced another sensation on the Isthmus. All promptly looked to Stevens as their natural leader and a man of destiny. But even he had been hard pressed for many months protecting the interests of the canal project. Realizing that he had brought order out of chaos, that all basic decisions had been made, that he had formed an effective organization for completing the canal, and that construction was well underway, Stevens felt his creative mission had been fulfilled and, on January 30, 1907, wrote his resignation to the President, expressing his desire to return to railroad work. To his close associates, however, he revealed his disgust and irritation at Washington officialdom, government red tape, and frustrations.

Of two civilian chief engineers, the first had left after one year's service and now the second was planning to leave after two years. The canal could not be satisfactorily constructed with such frequent changes in engineering leadership. Roosevelt acceded to Steven's request but, determined to secure continuity in direction, said "I propose now to put it in charge of men who will stay on the job till I get tired of having them there, or till I say they may abandon it."

He selected Major George W. Goethals, an outstanding engineer officer of the Army as Steven's successor, and reorganized the Canal Commission, effective April 1, 1907. The other engineering members were Majors William L. Sibert and David D. Gaillard, and Rear Admiral Harry H. Rousseau, a former chief of the Navy's Bureau of Yards and Docks. Col. William C. Gorgas, the great sanitarian, who had come to the Isthmus from Cuba in 1904 and had been appointed a member of the commission on recommendation of Stevens, was also named. Two civilian members, Jackson Smith and J. C. S. Blackburn, were later succeeded by Colonel H. F. Hodges and Maurice H. Thatcher, the latter afterward becoming a distinguished member of the Congress, after whom the Thatcher Ferry Bridge across the Pacific end of the Panama Canal is named.

Notwithstanding the resignation of Stevens, President Roosevelt, in recognition of his tremendous contributions, on March 4, 1907, appointed him Chairman of the Isthmian Canal Commission, making Stevens the first to hold both positions of Chairman and Chief Engineer. It is noteworthy that neither this reorganized commission nor its predecessor included members experienced in navigational operations.

Stevens planned to leave the Isthmus on April 7, 1907, when the employees arranged a mammoth farewell reception at Colon attended by many throughout the Canal Zone and from the Republic of Panama. In addressing the throng, he gave generous credit to his predecessor, John F. Wallace, for the organization that Stevens had inherited. He revealed that two years previously, on taking charge, he was almost as overwhelmed by the vastness of the preparatory work to be done as had been the President. He added that "until Colonel Gorgas had lifted the dark cloud which the unsanitary conditions placed over the work," he was doubtful of success.

Appealing to the men as their friend to take their "little differences and complaints" to Chief Engineer Goethals and not to Washington, Stevens predicted that the canal would be open to traffic by January 1, 1915. That was a very close estimate indeed, for it was opened on August 15, 1914.

As evidence of the esteem in which he was held canal employees presented Stevens with two bound volumes containing 10,000 signatures requesting him to reconsider his resignation and remain, a gold watch, a diamond ring, and a silver table set. The last included a tray showing the completed canal. Stevens was greatly moved by the exceptional demonstration. He knew that it marked the end of an outstanding chapter in his career.

Long before the departure of the S. S. *Panama*, full-dressed in honor of her distinguished passenger, the largest crowd since United States occupation of the Canal Zone gathered on the pier. At noon, the Isthmian Canal Commission band, which Stevens had established in 1905, played Auld Lang Syne. The *Panama* slowly left her dock and headed toward the sea, amid the cheers of the spectators and whistles on vessels in Limon Bay. Stevens, standing at the rail with his young son, John F., Jr., looked on, pale and sad.

After returning to the United States, Stevens continued his upward climb in the railroad industry, becoming one of the most distinguished railroad officials of the Nation. In 1917, after United States declaration of war against Germany, he went to President Wilson in search of an active assignment in the war. As Russia was then an ally and in urgent need of competent railroad advisers in connection with its war transport problems, the availability of Stevens was timely. Appointed as Minister Plenipotentiary and Chairman of the United States Railway Mission to Russia, he undertook the difficult tasks involved in operating and improving its rail systems. Later, from 1919 to 1923, he was president of the Inter-Allied Technical Board supervising Manchurian Railroads.

In these positions, he observed the start and early years of the Communist revolution. Accurately assessing the tremendous scope of that world conspiracy, he was among the first responsible observers to alert leaders in the United States as to its significance and dangers, among them his friend, Ira E. Bennett, distinguished editor of the *Washington Post*.

Returning home in 1923, Stevens later became president of the American Society of Civil Engineers, and received many honors, including the John Fritz Medal for great achievements. He died at Southern Pines, N.C., in 1943, at the age of 90, keen in mind to the end.

The significance of Stevens' canal contributions, though substantially obscured for a time, has gained stature with the years and has been recorded in authoritative writings. He rescued the project from probable disaster; assembled a major part of the plant and organized the engineering and construction forces, planned the main features of the waterway and brought about the great decision for the high-level-lake and lock type canal, launched the enterprise into the era of major construction, and guided the work until its success was a certainty. He clearly foresaw the necessity for a major change in the Pacific lock arrangement, for which he developed a plan. Subsequent studies of canal operations, in both peace and war, have established that this plan would have supplied the best operational canal practicable of economic attainment—striking evidence of the high quality of his insight. It is no wonder that the United States in 1962 honored the memory of Stevens at the scene of one of the great chapters of his career by the designation of Balboa's principal traffic circle as 'Stevens Circle,' having at its center a monument inscribed with Goethals' words, "The Canal Is His Monument."

A man of eminent vision whose great gifts were harnessed to practicality, Stevens, by his genius and industry, became the greatest construction engineer in American history. His tremendous services can now be viewed in historical perspective. They establish him as the basic architect of the Panama Canal.

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SENATOR BROOKE URGES PRESIDENT TO POSTPONE MIRV DEPLOYMENT

Mr. BROOKE. Secretary Seamans has testified today that the United States will begin deployment of the Minuteman III MIRV system in June of this year. The continued momentum deployment of this potentially destabilizing technology is highly disturbing. It could have the most unfortunate consequences for the impending SALT negotiations.

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I do not know how the Soviet Union will react to the United States continued efforts on this program but it is unlikely that they will abandon their own multiple warhead technology—the technology which poses the gravest threat to the U.S. deterrent—if our own country has deployed such systems.

There is no military justification for deployment of the U.S. MIRV on the timetable originally planned. The heavy Soviet defenses which it was designed to penetrate do not exist and could not be installed in the immediate future. In the interests of serious diplomacy and strategic stability, the United States has every reason to stretch out MIRV deployment.

We should refrain from premature commitment to weapons which add not to our security but only to the complexity of arms control. In a nuclear age genuine security must ultimately rest on mutual restraint, not mutual recklessness.

The tragic drift toward deployment of these dangerous weapons highlights the urgency of prompt Senate action on the resolution proposing a joint Soviet-American moratorium on MIRV testing. Unless a moratorium of this type is adopted in the coming months, continued testing of MIRV systems will surely lead to accurate counterforce weapons which will threaten the land-based missiles on which both countries depend so heavily. Forty-three Senators have cosponsored this proposal and I profoundly hope that the Committee on Foreign Relations will quickly report this vital resolution. It is essential that the Senate offer its counsel to the President on this matter.

I urge the President to postpone this unwise deployment. Such a postponement could afford time to explore controls over MIRV tests and deployment when the SALT talks resume next month. Coupled with other strategic arms limitations, these controls would be of inestimable value to world peace and security. Delaying MIRV deployment while these issues are examined will in no way jeopardize the national interest. I pray that the President will delay MIRV deployment in order to preserve the maximum opportunity for the discussions at Vienna to bear fruit. No decision of his presidency will be more momentous.

ABA'S POLITICAL OBJECTIONS TO THE GENOCIDE CONVENTION CARRY LITTLE WEIGHT

Mr. PROXMIRE. Mr. President, when the Committee on Foreign Relations considered the Genocide Convention in 1950, the opposition of the American Bar Association was of sufficient importance and weight to induce the committee to shelve the convention. The ABA's strong objection to ratification 20 years ago was based on its consideration of the constitutional issues involved. The weight and prestige of the ABA in constitutional matters was so great that not only did the Senate committee put aside further consideration of the convention, but the committee also let it be known that it was reluctant to reconsider the issue until the ABA shifted its position.

So, Mr. President, the Genocide Convention has remained in obscurity in the backroom of the Foreign Relations Committee for the last 20 years waiting for that moment when a shift in the ABA's position accompanied by a positive message from a new President strongly endorsing ratification would again bring it to life.

Hope for reconsideration of the Genocide Convention was reborn when Secretary of State Rogers asked Attorney General Mitchell for his views. The Attorney General, a strict constitutional constructionist, indicated to the Secretary of State that he found no objections to American ratification. Secretary of State Rogers thereupon sent the Genocide Convention to the White House urging the President to support and endorse it.

Shortly thereafter President Nixon strongly endorsed the Genocide Convention. He stated that 75 other nations had already ratified it, and that from the viewpoint of international prestige and moral leadership it was essential for the United States to ratify it as soon as possible.

I was confident that the strong backing of the President and his closest advisers in the areas of foreign affairs and domestic-constitutional law would overcome any remaining hesitation that might still exist in the American Bar Association. My confidence that the ABA would resoundingly reverse its 20-year-old opposition was heightened by the fact that those very divisions of the association intimately concerned with questions of criminal, constitutional, and international law all strongly came out in support of ratification.

By a slim four-vote margin, though, the ABA failed to reverse itself and failed to endorse the Genocide Convention. The association rejected the advice of its own constitutional, criminal, and international law experts such as Solicitor General Erwin Griswold and former Attorney General Nicholas Katzenbach.

But, unlike 1950, the ABA's objections were no longer based primarily on constitution or legal grounds. Even an opponent of the convention, who had formerly opposed it on a constitutional basis, stated at the ABA's February meeting that he now agrees that human rights conventions can properly be the subject of treaties.

This time, the ABA's prime concern on the Genocide Convention was its potential impact on certain groups—for example, Vietnam POW's, the My Lai perpetrators, or the Black Panthers and other dissident groups here at home. What is significant is that the ABA's newfound concern is essentially political and emotional. It is not legal, and it certainly is not constitutionally based.

Mr. President, while I may have disagreed with the Senate's reluctance to take up the Genocide Convention in the past, I have at least been able to understand the Senate's deference to the ABA's legal and constitutional objections. The ABA has great expertise and influence in this area, and it is possible to see why the ABA's position has been accorded considerable weight.

But the ABA is no longer basing its main objections solely on these grounds. It has ventured outside its area of expertise, and into the political arena. Of course, I do not question its right to do this. But I do question whether its opinion in the political sphere should be treated with the type of deference it has been accorded in the past.

Mr. President, where political judgments are to be made, the arbiter should be the U.S. Senate. For advice, the Senate can be expected to turn to the Chief Executive, and his Attorney General, and his Secretary of State. These offices have now come out squarely for ratification of the Genocide Convention. These are the views that should count; not those of the ABA.

I sincerely hope the Foreign Relations Committee will keep this in mind when hearings are held on the Genocide Convention—hopefully in the near future.

OUR ENVIRONMENT: WE CAN SAVE IT—SPEECH BY SENATOR EAGLETON

Mr. MUSKIE. Mr. President, the junior Senator from Missouri (Mr. EAGLETON) has been a valuable addition to the Subcommittee on Air and Water Pollution since he came to the Senate a year ago. He has quickly become a leader in the battle to protect our environment.

One of Senator EAGLETON's most valuable contributions to this effort has been his understanding of what is needed to turn back the tide of pollution and decay in America: money. There is no substitute for a strong and lasting financial commitment. In a speech which the Senator delivered at the Kansas City Press Club last month he made this point very well. "Both government and private purse strings must be loosened—now." I commend to the Senate Senator EAGLETON's analysis of the needs of our programs to protect and enhance the quality of our air, our water, and our land. I ask unanimous consent that his address be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

OUR ENVIRONMENT: WE CAN SAVE IT

(By Senator THOMAS F. EAGLETON)

Throughout history man has struggled against his environment, seeking to withstand nature's often capricious destructiveness and to harness the elements where possible and make them work for him.

Over the centuries we succeeded well at this vital game, learning to live in a sometimes uneasy but always respectful peace with our surroundings.

Man, with his intelligence, has more often been the user than the used, but nature always retained its mastery, bringing flood and drought, hurricane and tornado, at will.

But 20th century, technological man, unlike his forebears no respecter of nature has changed all that—hopefully not irrevocably, although we do not know.

Man is now beating his age-old rival—not consciously or fairly, not by direct attempts to control natural forces for some good purpose, but accidentally, indirectly, by the side-effects of a consumer-oriented technology that didn't think or care about what its garbage was doing to the elements on which we all depend for life.

XUM

You need only look around. America the Beautiful is rapidly becoming America the Noxious. We are the richest, most industrialized nation in the world. Befitting that lofty position, we produce one-half the world's industrial pollution—and a vast amount of human pollution. It is visible everywhere:

In the choking, brownish smogs that hover over our cities, blotting out what used to be blue skies. They are the visible part of the 172 million tons of smoke and fumes our factories "produce" every year, combined with the exhaust fumes from our 83 million cars, which alone are responsible for 60% of urban air pollution.

In the clogged highways—to build which we pave over 1,000,000 acres of oxygen-producing trees annually—and the even more packed auto junkyards, into which we discard 7 million cars each year.

In our once-beautiful rivers, lakes and streams, filled with human and industrial waste—50 trillion gallons of the latter annually. We all know that few of our waterways are fit for humans to swim in. Many of them are no longer fit for fish, either—more than 15 million fish were killed by water pollution last year. Or, for that matter, for the forms of aquatic plant life that keep waterways "living." As I am sure you know, ecologists say that Lake Erie is turning into a Dead Sea—aging long before its time—because the phosphates and nitrates dumped into it by municipal sewage plants and detergent manufacturers, as well as unrestricted agricultural wastes, have killed the plant life, which deprives the lake of oxygen and therefore fish, and allows weeds to take over. They predict it may turn into a swamp.

That's Lake Erie, not just some neighborhood fishing hole. It doesn't sound possible—but it is more than that. It is a fact.

The litany of doleful examples is virtually endless. So are the statistics: 28 million tons of waste paper, 48 billion used cans, 28 billion bottles each year.

XUM

You know the problem as well as I do. You only have to go outside and take a deep breath, or try to taste the drinking water in a glass through the chemicals needed to purify it.

The heartening thing is that the problem has finally been recognized—by the air-breathing, water drinking public—for the immense and serious one that it is. And a growing body of ecologists, with people listening at last, is capable of pointing out the dangers and showing ways to surmount them.

There is one essential component in the answer to the urgent question of how to reverse this dangerous path we have been following: Money. We must spend enough money on research, facilities and the enforcement of stringent anti-pollution standards to clean up our air and water. Anything less would be ineffective tokenism.

And the American people have made it clear that they don't want tokenism—they want clean air and clean water and more space for recreation and the removal of eyesore junkheaps. They know the cost will be heavy. They know they will have to bear that cost themselves, both as taxpayers and as consumers.

I think we are ready, as a nation, for a victory over pollution. While the anti-pollution field is new, the "state of the art" in terms of the necessary technical know-how is quite advanced in some fields.

Cement plant emissions, for instance, can be controlled almost entirely. The know-how is there. Only the will—or the public-generated demand—to spend the money is lacking among some cement plant owners. Electric power plants are among the worst industrial air polluters. Their dangerous emissions, too, can be controlled by existing anti-pollution devices, at the cost of only an extra few cents a month on our electricity bills.

Most of the federal legislation needed to fight pollution is already on the books, thanks almost entirely to Senator Edmund S. Muskie, who authored the 1963 Clean Air Act, the 1965 Water Quality Act, the 1967 Air Quality Act and now has legislation pending to improve the existing laws. He is the leading pollution authority in the Senate and my eyes have been opened by serving on the Air and Water Pollution Subcommittee, which he chairs.

Now President Nixon has joined the pollution fight. His environmental message to Congress Tuesday was welcome—it's good to have the White House with us.

I must point out that nearly all of the President's proposals either are contained in existing law or are logical extensions of existing law. Most of the new things he said are already embodied in pending legislative proposals introduced early this year by Senator Muskie. A few of his proposals were brand new and innovative and merit further study, but generally these relate to minor improvements, rounding off the rough edges, so to speak, although his proposal that lead be removed from gasoline was important and worthwhile.

I cannot overemphasize that what is really needed to make anti-pollution legislation work—whether it be current or new legislation—is the commitment of sufficient money. This is what is meant when we speak of priorities—we must commit more to environmental control, admittedly at the expense of other programs.

The federal government is going to have to make good on its promises to help local governments pay for secondary and tertiary sewage treatment facilities.

Also, government and the public combined are going to have to pressure reluctant industry to stop fouling our air and our water.

Industry must be made to accept the fact that it must treat as a cost of doing business its anti-pollution devices to clean up smokestack emissions and fluid wastes—which means, of course, that this extra cost will be passed right along to the consumer in the form of higher prices. A bitter pill to swallow? Perhaps, but I am convinced the public has decided it would rather swallow this than the kind of air it has been swallowing in recent years.

We must be discriminating in the way we apply the necessary funds to the problems, for the solutions to them differ markedly. Let me sketch the major pollution areas briefly, one by one.

Water Pollution.—The President's recommendations for river basin plans, regional treatment facilities, effluent standards, court action for the violation of standards, revision of enforcement procedures and extension of standards to navigable waters are consistent with proposals made by Senator Muskie earlier. I think all of these are good.

What we also need is a great deal more federal money. Sen. Muskie has proposed spending $12.5 billion in the next five years as the federal one-half share for building $25 million in municipal waste treatment facilities.

President Nixon has proposed $10 billion over the next four years, only $4 million federal and $6 million local. He recommends $1 billion for fiscal 1971. This is five times what he was satisfied to spend only one year ago when the popular appeal of pollution issues had not reached its present intensity. But it is still well below the $1.25 billion which Congress has already authorized for water pollution control in fiscal 1971.

Air Pollution.—The Air Quality Act of 1967 was a mechanism for combatting air pollution on a regional basis with the federal and state governments acting as partners.

Under the Act, 57 Air Quality Control Regions—covering the nation's major air pollution problem areas—will be established. These regions are meeting the timetable of the act by setting regional emission standards, and this year some of them, including Missouri's two regions, will take the final step by setting their implementation plans detailing enforcement procedures.

I think the Muskie regional concept is a sound approach, and I think it will work.

President Nixon has raised the question of national ambient air quality standards. His proposal is extremely ambiguous, but different formulas to accomplish this have been studied in the past and found severely wanting. If his proposal is a means of assuring early and equitable air pollution control, I am for it. If his proposal is a back-door attempt to eliminate public participation in determining the quality of air people will breathe, I am against it.

We need research to step up our technological capacity to stop pollution of our air. For fiscal 1970 Congress appropriated $45 million for research, but the President has asked for only $27 million for fiscal 1971. I think his sense of urgency is lagging.

The problem of enforcement of air pollution standards on a smokestack-to-smokestack basis is far too great a task for the federal government to try to cope with. That is one more reason I believe in the regional approach advocated by Sen. Muskie. But the federal government needs to provide more grant money to regional air conservation commissions to acquire the know-how and manpower to set proper emission standards and enforce them if the job is to be done. The Nixon proposal for stiff court fines for violators is a good one—and one which has been already proposed by Senator Muskie.

There are two other types of air pollution I think should be handled in different way.

The first is auto pollution, responsible for the majority of urban smog. When Detroit said recently it would take 10 years to fully develop the technology to make an emission-free internal combustion engine, I have to say I was astounded.

I have much more faith in the technological capability of the big auto makers than that. I think they can do it in much less time—with the proper encouragement. This is a case where stringent national emission standards set by Congress will be necessary—and on a strict timetable of achievement—if HEW will not force the issue itself. The President has now moved properly in this area and HEW is setting a tougher timetable of compliance with federal standards.

Consumers can be of inestimable help here, too. They must demand cars that do not pollute . . . and accept responsibility for keeping them that way.

Already it may be too late. Most of the cars built without anti-pollution devices in 1969—was sold by the millions—will still be polluting the air a decade from now, even if clean-exhaust cars are then the norm.

As we are toughening regulations on cars, we also should be regulating trucks and buses, as anyone who has ever waited behind a bus for a traffic light to change well knows.

Then there are emissions from jet planes—which the Nixon message failed to mention. The administration apparently does not want any legislation to be written giving HEW affirmative power to regulate jet emissions, as I found out in an Air and Water Pollution Subcommittee hearing I participated in last week.

Administration witnesses said they preferred to go by the current voluntary compliance agreement they have reached, applicable to about half of the commercial jet planes. This would have the effect of removing 70% of all *visible* jet pollution from engine smoke by 1972.

But here again the state of the art is not advanced. The voluntary agreement will do nothing about other, invisible, jet exhaust pollutants such as nitrous oxide and hydrocarbons because no way has yet been found to remove them and keep jet engines running. In fact, as smoke is reduced through higher temperatures of combustion, the production of oxides of nitrogen is increased. The technology must be developed.

We haven't even cleaned up normal jet engines and now we are going to have the SST. Not only is this multi-billion dollar airplane being subsidized by the taxpayers with the profit to go largely into private hands, not only are scientists concerned about the noise pollution it will cause, but now it also turns out the scientists fear that the exhaust pollution it creates will never dissipate. It will fly at a high level where the atmosphere is basically stable. The effect, some think, will be that its exhaust emissions will generate great expanses of clouds which will remain there indefinitely, reducing markedly the sunlight reaching the surface of the earth.

And consider this: The President, for fiscal 1971, has asked for $275 million for the SST—and only $106 million for the Air Pollution Control Administration.

Solid Waste Pollution.—We create trash—cans, bottles, paper, and so forth—faster than we can dispose of it, and we are running out of safe places to put it. We need to find innovative ways to recapture our solid waste. We must also demand that packagers stop making virtually indestructible containers and come up with ones that are easily and cheaply disposed of.

The Administration position on this problem last year was interesting, to say the least. Secretary Robert Finch of HEW testified about the critical nature of the problem during hearings on bipartisan legislation which would move toward recovery, recycling and reuse of the resources which today the nation burns, buries or dumps. He made an eloquent presentation of the scope of the problem. Then he flatly opposed spending the money required to implement the solutions.

In his message President Nixon also waxed eloquent on this problem, but he did not ask either for the necessary funds or legislation to deal with it. Instead, he suggested further study.

In Great Britain, a much poorer nation per capita than we, the citizenry decided a few years ago that it was tired of pollution and began paying the price of cleaning up its air. That price has been very dear to the average Britain. But it is paying dividends.

Now, while thick fog still rolls over London from the ocean, it no longer combines with air pollution to become the kind of killer smog for which that great city had become notorious.

There had been no fish in the Thames river for over a century. But the British went to work here, too, and by 1968 some 40 different species had come back.

It has been done in America, as well. Last year in the New Jersey Air Quality Region, where a great phalanx of chemical plants is situated, emissions of oxides of sulfur—the sulfur content of fuel—were down a full 50% from what they were in 1966, before there were regulations.

We can have clean air and clean water. This mighty technology of ours can produce pollution abatement in the same way it produced pollution.

What used to be lacking was the national will to do it. Now the will is present, and the public is willing to pay for it. And that means that both government and private purse strings must be loosed—now.

THE LAOTIAN SITUATION

Mr. GRIFFIN. Mr. President, recently the Senator from Arizona (Mr. Goldwater) delivered a perceptive, illuminating speech on the floor of the Senate concerning the situation in Laos. His speech was largely overlooked by the press at the time it was given. However, on March 5 the Omaha World-Herald carried a news story and an editorial and I ask unanimous consent that they be printed in the Record.

There being no objection the items were ordered to be printed in the Record, as follows:

[From the Omaha World-Herald, Mar. 5, 1970]

Goldwater Tells Truth About Laos Troubles

Congressional critics of the United States position in Laos, as well as some of the eastern press, have not been telling "the whole truth" about the situation, says Sen. Barry Goldwater, R–Ariz.

Goldwater is suggesting that they read the 1962 13-nation declaration on the neutrality of Laos, signers of which included the United States and Russia, and Red China, North Vietnam, Britain and France as well.

Goldwater pointed to a key phrase in the declaration:

"They (the signatories) will not introduce into the kingdom of Laos foreign troops or military personnel in any form whatsoever, nor will they in any way facilitate or connive at the introduction of any foreign troops or military personnel."

It was the Communists who breached that agreement, the Arizona senator said.

REDS RESPONSIBLE

It is the Communists who have sent troops across Laos, using it as a supply route for its troops in Vietnam, Goldwater pointed out.

No American ground forces are in Laos, Secretary of Defense Melvin R. Laird has said, but U.S. planes have operated there to try to cut off the supplies going across Laos bound for Vietnam and Red forces there.

"Lately," Goldwater told the Senate, "I have listened to some of my colleagues berate the United States for supposed activities in Laos and have read similar stories in the New York Times and Washington Post.

"I have kept wondering when some of that group would come out with the whole truth."

UNITED STATES NOT CULPRIT

Goldwater said he hadn't seen that whole truth "so far."

He said both Russia and Red China "pledged themselves to respect the neutrality of Laos."

"Now," he asked, "who is causing the trouble in Laos and, as long as we are at it, the trouble in South Vietnam and northwest Thailand? The Communists, whether they be Russian, North Vietnamese, or Red Chinese. The United States is not the culprit . . . So I would hope that in the future that when Senators or members of the press decide to ascribe all the trouble in Laos to the United States, that they point the finger at Russia, Red China and North Vietnam and ask the question, what are you doing upsetting the neutrality of Laos?"

Goldwater introduced in the Congressional Record the complete declaration of Laotian neutrality as adopted by the 13 powers July 23, 1962.

We Didn't Start It

Barry Goldwater has pointed out something his colleagues in the Senate and everyone else should remember as the war in Laos continues:

The President, the Pentagon and the CIA did not start the war. The Communists, particularly the North Vietnamese, are responsible for it, just as they are responsible for the war in Vietnam and the troubles in Thailand and other countries of Southeast Asia.

Goldwater pointed out that North Vietnam, not the United States, put a force of 50,000 to 60,000 soldiers in Laos.

And he recalled for the senators that the 1962 13-nation declaration on the neutrality of Laos was signed by Russia, Red China and North Vietnam as well as by the United States.

Goldwater's words were overdue, for it has appeared from the remarks of some senators that they thought the United States, on its own, was trying to get another major war going in Laos.

Sen. Mathias has warned, for example, that "every American escalation has been met by a North Vietnamese escalation" in Laos. That is the kind of intellectually dishonest blame-shifting that liberal politicians have been practicing for years in regard to the fighting in Vietnam.

Now Mathias appears to be trying to institute more of it in regard to Laos, talking about American "escalation" when it is perfectly clear that the Communist offensive across the Plain of Jars and beyond was the first step in the current intensification of the fighting.

Sen. Cooper has repeatedly described the fighting in Laos as "an internal war," recalling the attempts to pass off the conflict in South Vietnam as a "civil war" rather than a war of aggression launched by North Vietnam.

If it is strictly a Laotian war, as Cooper seems to imply, what are those 50,000 North Vietnamese doing there? Or would Sen. Cooper, like Hanoi, simply deny their existence?

Sen. Mike Mansfield has commented critically on the "decided enlargement of the number of sorties flown over Laos" by American warplanes. He did not comment, however, on the fact that the number of air strikes is in proportion to the increased efforts by the North Vietnamese and Pathet Lao guerrillas to take over Laos or significant parts of it.

Sen. Gore has said that "our activity in Laos is in violation of the Geneva agreements." He has not bothered to mention who first violated the agreements, or the magnitude of the Communist violations.

Said Goldwater:

"I would hope that in the future that when senators or members of the press decide to ascribe all the trouble in Laos to the United States, that they point the finger at Russia, Red China and North Vietnam and ask the question, what are you doing upsetting the neutrality of Laos."

We think that statement puts the Laotian situation in a clearer and much more honest perspective than some of the critical assessments made by other senators.

Laos seems unlikely to become another Vietnam militarily, but it easily could become one politically here at home, if the concerned senators are not more careful to acknowledge the truth of Communist aggression, and balance their criticisms accordingly.

OIL IMPORTS NO SECURITY THREAT

Mr. PROXMIRE. Mr. President, the Department of Defense official who is in charge of making sure that our Armed Forces have enough oil said yesterday that oil imports are no threat to our national security.

This statement by Barry J. Shillito, Assistant Secretary of Defense for Installations and Logistics, should put to rest any doubts about the national security justifications for the oil import program—there are none.

The only justification that the oil industry seems to be able to put forward is that what is good for the oil industry is good for the national security; an idea

XUM

that was thoroughly discredited a long time ago when the good of General Motors was confused with the good of the Nation.

Mr. President, there is no justification for continuing the present oil import program. According to the Nation's experts in national security, there is no justification for continuing this expensive, inflationary policy any longer. If the oil industry needs incentives, let us give them to the industry honestly. Let us appropriate the money, rather than give the industry handouts through the back door; then, at least we can see what kind of benefit we get from the money we give them as a subsidy and we can encourage the specific activities we want to.

I ask unanimous consent that the New York Times story of Mr. Shillito's testimony be printed in the RECORD.

There being no objection the article was ordered to be printed in the RECORD, as follows:

MORE OIL IMPORTS CALLED NO U.S. SECURITY THREAT

WASHINGTON, March 9.—The United States could have more imported oil, with preferences for such suppliers as Venezuela, and still not jeopardize its security during emergencies, a Defense Department official said today.

Barry J. Shillito, Assistant Secretary of Defense for Installations and Logistics, made the statement in testimony prepared for a House Mines and Mining Subcommittee hearing on oil-import controls.

Mr. Shillito said the Defense Department, as part of its share of the work of the recent Cabinet task force on oil imports, looked at the major military possibilities that would affect oil sources:

Nuclear war is unlikely, and if it broke out, "the continuity of oil supply would be of major significance," Mr. Shillito said.

Limited war may happen, but "dependence on foreign supplies in limited wars would not lead to protracted supply interruptions," Mr. Shillito said. He said the United States gets most of its oil for Southeast Asia operations from foreign sources, but defense petroleum plants could supply it if the need arose.

General non-nuclear war is "unlikely," but could bring a significant oil supply interruption, Mr. Shillito said. However, he added, a problem would come only if the war significantly obstructed tanker movements to United States ports.

"Analysis clearly indicated a relaxation in oil import controls over a time, coupled with appropriate Western Hemisphere preferences and a security adjustment to prevent undue would—if adequately monitored by systematic management surveillance—satisfactorily protect security of supply," Mr. Shillito said.

The Defense Department considers oil-development priorities to be first—the United States, second, the Western Hemisphere, and third—the non-Communist world beyond he said.

"We firmly believe that oil import controls can be gradually relaxed to permit increased oil imports, with the limits planned, without adversely affecting national security," he said.

Defense Secretary Melvin R. Laird was part of the cabinet task force majority recommending a tariff system to replace the oil import quota system. But Mr. Laird outlined his reservations—that the system be done so as to protect United States security and needs.

XUM

Representative Craig Hosmer, Republican of California, said the task force seemed to ignore the gold-outflow problem from increased imports.

George A. Lincoln, chairman of the new oil policy committee, told Representative Hosmer the outflow would not be significant, even with a tariff system, until 1975.

"Then the party gets rough," Representative Hosmer said. He suggested any oil import change be reviewed each six months.

The subcommittee chairman, Representative Ed Edmondson, Democrat of Oklahoma, told Mr. Lincoln the oil industry had been singled out for a harsh proposal, when the industry has been able to hold the line on costs and prices, supplies most of the nation's energy needs, and employs so many people that a widespread economy would be hurt by the tariff system.

RHODESIA

Mr. BROOKE. Mr. President, I was most pleased to learn yesterday of this administration's decision to close our consulate in Rhodesia.

I believe the Secretary of State has taken a wise step in withdrawing American support for the breakaway minority regime of Ian Smith. The perpetuation of such system is not in the interests of world peace or of the people of Rhodesia. Our refusal to recognize this government is a clear indication of our commitment to justice and equality, and I commend Secretary of State William P. Rogers for unequivocally issuing a personal statement of our decision in this regard.

TRIBUTE TO FDIC CHAIRMAN KENNETH A. RANDALL

Mr. PROXMIRE. Mr. President, I want to associate myself with the remarks of my colleagues on the Committee on Banking and Currency with respect to the outstanding public service performed by Mr. Randall. As a Director and then as Chairman of the Federal Deposit Insurance Corporation, his leadership has enabled the Corporation to meet expanded regulatory responsibilities with a high degree of efficiency and competence.

Mr. Randall has viewed bank regulation in the context of our overall financial requirements and has been an able and articulate spokesman before our committee and in public forums for continuing progress in improving our financial structure.

During our hearings on financial institutions and the urban crisis, I was especially impresed with the concern shown by Mr. Randall and the Corporation to develop programs to train examiners recruited from minority groups in preparation for managerial positions in the banking industry.

I wish Mr. Randall every success as he returns to private life and trust we will continue to receive the benefit of his counsel in the future.

EXPORTING JOBS A CONTINUING PROBLEM

Mr. FANNIN. Mr. President, earlier this week, Assistant Secretary of Commerce Kenneth N. Davis sounded a most urgent theme before a meeting of the Electronics Industries Association. Mr. Davis pointed to the alarming statistics in our foreign trade and repeated a point which I tried to sound here on the Senate floor, that by our trade policies we are scuttling our national economy and exporting jobs.

I want to make it clear that I am not taking a blind "protectionist" point of view here. But it is high time we realized that our trade policies border on the disastrous, and that the people who will most be affected by these policies will be the American who works for a living.

Mr. President, three major papers carried reports of Mr. Davis' speech. They are unanimous in their recognition of the seriousness of the subject which he treats. I ask unanimous consent that these articles be printed in the RECORD.

There being no objection the articles were ordered to be printed in the RECORD, as follows:

[From the Washington Star, Mar. 9, 1970]

U.S. TRADE OFFICIAL ASKS TOUGHER STAND IN TALKS

(By Lee Cohn)

The Nixon administration must take a tougher stand in trade negotiations with Japan and the European Common Market, a key official said today.

Kenneth N. Davis Jr., assistant secretary of commerce for domestic and international business, called on industry and labor to "put the heat on us" to make sure administration policy swings in that direction.

In an interview elaborating on a speech here to the Electronic Industries Association, Davis made it clear he hopes such pressure will help the Commerce Department prevail over agencies with softer positions on trade and international investment—notably the State and Justice departments and the Council of Economic Advisers.

APPROVED BY STANS

He said Commerce Secretary Maurice H. Stans had approved the speech, while expressing some concern that it might be interpreted as "protectionist."

"I don't think it's a protectionist speech," Davis said, maintaining that he was urging only a firmer stand by the United States in insisting on fair treatment of American industry, and realistic policies to safeguard business and labor.

Administration policies on trade and investment "are not fully coordinated," he said, acknowledging it is not yet clear which side will prevail in internal debates.

Besides underlining disputes within the administration, Davis accused the Common Market and Japan of treatng American exporters unfairly while insisting the United States move rapidly to lower trade barriers.

Press reports of a news conference by Edmund Wellenstein, the Common Market's director of external trade affairs, indicate a Common Market delegation misunderstood U.S. views expressed during informal talks here last week, Davis said.

CHEMICAL INDUSTRY CITED

Wellenstein was quoted as saying the United States no longer is concerned about European border taxes, that international trade relations will suffer a grave setback unless the United States repeals a customs system benefiting the chemical industry, that a proposed U.S.-Japan textile quota agreement should be limited, that the Common Market is alarmed by protectionist sentiment here and that negotiations to lower non-tariff trade barriers probably cannot start before 1972.

Actually, Davis said, he and other Commerce Department officials told the Common Market delegation that:

European border taxes are a major nontariff barrier.

Prospects for repealing the controversial chemical customs system are impaired by the failure so far to negotiate a textile agreement with Japan and by the lack of progress toward lowering European trade barriers.

TRADE ACCORDS HIT

The Common Market should not interfere in the textile negotiations with Japan.

Common Market trade agreements with other countries are a matter of grave concern because they discriminate against the United States.

A proposed agreement among Britain, Germany and France would discriminate against U.S. exports of electronic components and might turn Congress against liberal trade legislation.

"It is time for Japan and Europe to respond more fairly than heretofore to the 20 years of U.S. leadership in expansionist world trade policy," Davis said.

[From the New York Times]

U.S. AIDE CRITICAL OF TRADE MISSION

(By Edwin L. Dale, Jr.)

WASHINGTON, March 9.—A high official of the Commerce Department criticized Japan and the European Common Market in unusually blunt terms today for not giving "fair competitive treatment" to the United States.

Kenneth N. Davis Jr., Assistant Secretary of Commerce for domestic and international business, went so far as to accuse a Common Market trade mission that was here last week of giving newsmen a false report of the United States position on a number of trade issues.

As for Japan, he made public a letter, previously private, from Joseph S. Wright, chairman of the board of Zenith Radio Corporation to Secretary of Commerce Maurice H. Stans.

Mr. Wright said his industry "is engaged in a life-and-death struggle with the Japanese," and complained bitterly that his company had been kept out of the Japanese market "by denial of import and exchange licenses."

Mr. Wright said that his company's employment in the United States would be "down an average of 3,000 jobs in 1970 against 1969" and added that "due to seniority, 38 per cent of those laid off are blacks."

Mr. Davis told of the letter in a speech to the Electronics Industries Association here.

He was particularly critical of a group of European countries that he said were "about to impose a new nontariff barrier against the electronic component industry."

This results, he said, from a new accord between France, Germany and Britain that "would impose discriminatory inspection standards against outside manufactured components" and could reduce United States exports of these products by "as much as 35 per cent."

In running through a long list of complaints that he said were presented to the Common Market delegation last week, Mr. Davis said:

"Congress is not likely to repeal the American selling price system [of customs valuation] for chemicals just as Europe sets up a new nontariff barrier against the American electronics industry. Although the tripartite accord is technically not a Common Market proposal, we could not understand why Common Market officials appeared unwilling to intercede to stop the setting-up of this new barrier to free trade."

Basing his remarks on news accounts he had read of last week's meetings, Mr. Davis said:

"The Europeans appear to have misunderstood what we were trying to say to them."

At the Commerce Department at least, Mr. Davis said, the Common Market delegation was asked to stop "meddling" in the negotiations on textile imports "at this late date," was told that the United States viewed with "grave concern" some recent Common Market trade agreements with European and Mediterranean countries and was reminded that the United States "considers European border taxes a major nontariff barrier."

Citing other items such as the Common Market's farm policy, Mr. Davis said:

"As you can see, we appear to be far apart in our thinking. What could be particularly troublesome is that there does not appear to be recognition by the Europeans that there are serious differences between us which need attention now."

Europe and Japan, he said, "are failing to realize that sentiments like those expressed by Mr. Wright are becoming wide-spread here." They are not "protectionist" sentiments, he continued, "but rather an insistence that our Government obtain fair and equitable trading terms with other countries."

[From the Washington Post]

U.S. OFFICIAL WARNS JAPAN, EEC ON TRADE

(By Jan Nugent Pearce)

A high Commerce Department official bluntly warned Japan and Western Europe yesterday they must give fairer, more competitive treatment to American products sold in their marketplaces.

Assistant Commerce Secretary Kenneth N. Davis, Jr., cautioned U.S. trading partners not to underestimate the intention of the Nixon administration and American industry to achieve that goal.

Davis insisted there could be no return to protectionism. But the failure of Japan and European Common Market countries to liberalize their trade restrictions could trigger passage of quota legislation here, he said.

SEEKS BETTER DEAL

U.S. government, business and labor must close ranks to press for a better deal in world trade, Davis said.

The remarks, at a meeting of the Electronics Industries Association here, followed previously promulgated administration policy. But the language was the bluntest statement of U.S. trade aims to date.

"For the benefit of all the world's trade, it is time for Japan and Europe to respond more fairly than heretofore to 20 years of U.S. leadership in expansionist world trade policy!" Davis contended.

AGREES WITH BUSINESS

The assistant commerce secretary hinted that he agreed with certain U.S. business leaders' criticism that the government has not pressed hard enough to obtain "fair, competitive conditions for American industry in world trade."

The official also decried the lack of progress made in talks with a Common Market trade team here last week. Davis termed it "troublesome" that the Europeans fail to recognize "serious differences" between the two trading areas need attention now.

While European officials call for repeal of U.S. trade barriers, they are about to erect a new one discriminating against the American electronic component industry, Davis reported.

NEW AGREEMENT

A new agreement between France, Germany and Britain would impose "discriminatory inspection standards" against U.S. electronic components, Davis said. The accord could reduce U.S. exports of electronic components to Europe by 35 percent, the official estimated.

Reporting on European Economic Community-U.S. trade negotiations, Davis said, "We appear to be far apart in our thinking."

He also took issue with the more sanguine outlook expressed by EEC officials at a press conference here last week. After reciting various press accounts of that session, Davis said: "Frankly, it is hard for me to believe that this is an accurate report of the Common Market's understanding of the U.S. government attitude."

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Is there further morning business? If not, morning business is concluded.

VOTING RIGHTS ACT AMENDMENTS OF 1969

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the unfinished business be laid before the Senate.

The ACTING PRESIDENT pro tempore. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (H.R. 4249) to extend the Voting Rights Act of 1965 with respect to the discriminatory use of tests and devices.

The ACTING PRESIDENT pro tempore. Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered.

The Senate resumed the consideration of the bill.

The ACTING PRESIDENT pro tempore. The question is on agreeing to amendment No. 534, offered by the Senator from North Carolina, to the Scott-Hart substitute amendment, No. 544.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. To which side will the time be charged?

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the time not be charged to either side.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will call the roll.

The Legislative Clerk proceeded to call the roll.

Mr. ERVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AMENDMENT NO. 534

Mr. ERVIN. Mr. President, my amendment No. 534, which is now pending before the Senate, is extremely simple. The amendment reads as follows:

> SEC. —. That section 4(b) of the Voting Rights Act of 1965 is amended by striking "November 1, 1964" wherever it appears and substituting therefor "November 1, 1968," and by striking "November 1964" and substituting therefor "November 1968".

Mr. President, the Voting Rights Act of 1965, which is proposed to be extended for 5 additional years, condemns six Southern States and 39 counties in a seventh Southern State—namely, my State of North Carolina—on the basis of two facts. The first fact is that they had and used the literacy test on November 1, 1964; and the second fact, which is alter-

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native in character, is that they either had less than 50 percent of the voting age population registered on that day or less than 50 percent of their voting population actually voting in the presidential election a few days later, that is, the presidential election of November 1964.

Mr. President, I have pointed out in previous arguments that there really is no rational relationship whatever between the failure of 50 percent of the people of a State of voting age to register, or the failure of 50 percent of the people of voting age to go out and vote in a presidential election and the inference which this act draws from one or the other of those alternative facts that the failure in registration or the failure in actual voting was caused by a violation by the States, or the counties, or their election officials, or the people of the provisions of the 15th amendment which provides that the right of a person to vote shall not be denied or abridged on account of his race, color, or previous condition of servitude.

This is true simply because a State, or a county, or the election officials of a State or county cannot compel any American to take the trouble to register to vote or to take the trouble to vote in a presidential election after he has been registered. Here these alternative conditions are used to condemn a State or a county in a State and as a basis for denying a State or the county the power to exercise constitutional rights secured to it by at least four separate provisions of the Constitution.

During prohibition days my father, who was somewhat opposed to prohibition, used to say that John Barleycorn had more enemies in public and more friends in private than any gentleman of his acquaintance. I wish I could put the Constitution of the United States on a plane with John Barleycorn today. I would say that, judging by the proposal to extend the Voting Rights Act of 1965 and the proposal that Congress usurp and exercise the power of the States to prescribe the residential qualifications for voting for presidential and vice-presidential electors, and the proposal that Congress usurp and exercise the power of the States to prescribe the age at which persons shall be eligible to vote, the Constitution of the United States has an abundance of enemies in public and very, very few friends either in public or in private.

I am constrained to draw the conclusion that the Constitution of the United States is in about as low a repute in the Senate of the United States at this moment as it was in the Supreme Court of the United States when it handed down the decision in South Carolina against Katzenbach and Katzenbach against Morgan, and that means that its supporters here are too weak in number or oratorical ability to do much to save it from destruction.

Some years ago the late distinguished Senator from Illinois, Mr. Dirksen, had a resolution pending in the Judiciary Committee to set aside a certain week in September as Constitution Week. He was seated on the opposite side of the table from me, and he made this inquiry of me before the committee began its deliberations: "I trust that you will support my resolution to set aside a certain week in September as Constitution Week." I said, "I certainly will. I have always believed that we ought to pay homage and tribute to our beloved dead."

There is an old expression that sauce for the goose ought to be sauce for the gander. The Voting Rights Act of 1965 condemns six States and 39 counties in my State to what they call a triggering device based upon a formula. If a failure to comply with that formula in the presidential election of 1964 was sufficient to justify the conclusion that those six States and the 39 counties in my State were guilty of violating the prohibition of the 15th amendment, then the reverse of that formula—that is, compliance with that formula in 1968—ought to be sufficient to justify the conclusion that in 1968 and in 1969 and in 1970 those six States and the 39 counties in my State are not guilty of violating the prohibition of the 15th amendment.

In other words, if 2 plus 2 made 4 in 1964, then 2 plus 2 ought still to make 4 in 1968. And all my amendment does is to say when a fact justified a certain conclusion in 1964, then the reverse of that fact ought to justify a contrary conclusion in 1968.

If the Senate of the United States believes in fairness, and believes in justice, then it will vote for my amendment. If the Senate believes that a State or county ought to be condemned on a certain basis in 1964, and ought to remain condemned when the basis is entirely removed in 1968, of course the Senate has the power to vote against my amendment.

However, I respectfully submit that a legislative body which believes in fair play and in justice ought to be consistent, and that when a formula in 1964 condemned a State or county, the reverse of that formula in 1968 ought to exonerate a State or county of wrongdoing.

That is the whole question involved in this amendment. I could argue the amendment at great length, but the whole question is whether 2 plus 2 made 4 in 1964, and whether 2 plus 2 make something quite different in 1968.

Some Senators asked me how many States or how many counties the adoption of my amendment would release from the coverage of the Voting Rights Act. I do not know. Frankly, I do not think that is the question. I think there is a question of principle involved here, not a question of how many are going to be damned or how many are going to be exonerated by the adoption of the amendment.

I will say that my State had a very high voting record in 1968 and that some of the counties which were covered under the 1964 application of the formula will be released. But certainly, if it is a meritorious thing for States to increase their voting records or for counties to increase their voting records, they merit commendation for so doing, instead of condemnation.

As a matter of fact, North Carolina has been constantly increasing its voting record in the numbers going to the polls in recent years, whereas the United States, as a whole, has been constantly going down in the percentage of persons voting in presidential elections. The United States, as a whole, reached the lowest point in recent years in 1961, and North Carolina reached its highest point in recent years in 1960.

North Carolina did that notwithstanding that in many areas of North Carolina we have one-party counties. Prior to the Civil War, North Carolina had a strong Whig Party, and contests between the Whigs and the Democratic Party were very hard fought, and oftentimes close. As a result of the fact that during Reconstruction the Republicans in Congress passed legislation similar to the Voting Rights Act of 1965, which was directed solely toward the Southern States, most of the people of North Carolina united themselves with the Democratic Party. And as a result of that fact, large areas in North Carolina constitute substantially one-party areas.

The question of who is going to be sheriff of a county, or who is going to represent the county in the State senate or in the State house of representatives, or who is going to serve as clerk of the superior court, or who is going to serve on the board of county commissioners, is determined in the primary, because the people in a county such as that do not go out in large numbers to vote in a general election, because when a person is nominated in a primary in a one-party area, he needs only one vote to get elected in the general election; and he is not going to extend himself, he is not going to spend money, and he is not going to agitate to get large numbers of people to go to the polls and vote in the general election. For that reason, it is not fair to compare the voting record of States having large one-party areas with those where the election is exceedingly close between the two parties.

Nevertheless, North Carolina's record in voting has been improving constantly, while that of the United States as a whole has been going down. And the truth of the matter is that there has been no charge against my State, so far as I know, of any discrimination in registering or voting at any time within recent years, on the basis of race.

Mr. LONG. Mr. President, will the Senator yield?

Mr. ERVIN. And it is a gross injustice to my State to keep under the Voting Rights Act those counties which met the formula in 1968; and it is a gross injustice to take counties like Cumberland, Onslow, and Craven; and count all of the soldiers, sailors, and marines and their wives as constituting part of the voting population of North Carolina in order to condemn those three counties and deprive them of their right to exercise their constitutional powers.

I am delighted to yield to the distinguished Senator from Louisiana.

Mr. LONG. Mr. President, I shall vote for the Senator's amendment. I am satisfied that it is right. The Senator need make no further explanation to convince the Senator from Louisiana that his amendment ought to be agreed to.

I would hope that we might make a record that might attract the votes of some Senators who perhaps are not present at the moment, or may drift in during the course of this debate, and demonstrate to them that they should vote for the amendment, even though they may come from some other section of the country and see the provision differently from the people of the State of Louisiana or the State of North Carolina.

I would like to ask the Senator how his amendment would apply—and I hope he will direct his remarks, in answering, to those who want to be sure that the voting rights of all citizens will be protected—in Louisiana, let us say, with regard to some charge that someone might be denied the right to vote in the future, if this amendment should be agreed to. Will the Senator explain how the mechanics would work, under his amendment?

Mr. ERVIN. For the future, the adoption of this amendment would release from the coverage of the act those States and those counties which, in the 1968 election, complied with the provisions of the 1964 formula or triggering device—that is, those States which are now covered, but which voted as much as 50 percent of their voting age population in the presidential election of 1968, and those counties located in such States which voted as much as 50 percent in 1964, which also voted as much as 50 percent in the presidential election of 1968.

I might state to the Senator from Louisiana that the amendment leaves a multitude of statutes on the books to prevent discrimination in violation of the 15th amendment, in these States as well as in other States involved. For example, there are laws on the books which make it a criminal offense, punishable by a fine or imprisonment or both, for any election official willfully to deny any colored person the right to vote on account of his race. There are statutes on the books which would authorize any individual who is threatened with a denial of the right to register or the right to vote to bring a suit for injunctive relief, and obtain an injunction which would secure the right to him. There are statutes upon the books which give any citizen who was actually denied the right to register or to vote the power to bring a suit and collect damages against the offending election officials. There are statutes upon the books which allow the Attorney General of the United States to bring a suit in behalf of any individual who is threatened with the loss of the right to register or the right to vote, and to bring such suits wholly without expense to such citizens, and at the expense of the taxpayers of the United States, to secure injunctions under which a citizen's rights can be made secure.

In addition to that, there will be provisions left under which the Attorney General can procure the appointment of Federal registrars to go into any of these States or any of these counties and actually register the voters, and to compel the local officials to permit them to vote in local elections as well as in national elections.

Mr. LONG. Mr. President, if the Senator will yield further, may I say to the Senator that as far as I am concerned, I come to this problem with clean hands. I have never participated in any respect in any device to prevent any citizen from voting, and, quite to the contrary, back in the days before the passage of the 1965 Civil Rights Act occurred, I made public statements in my own State and was condemned by local officials—in one instance by all of the local officials of a State judicial district—for a statement that it is just not right to engage in any device to deny a qualified citizen his right to vote. I went on the program named "Meet the Press" and someone asked me, in 1964, if I could support any kind of a voting rights bill, and I said I certainly could, but it would have to be one that would be fair, one that I thought was a proper voting rights bill. I was dismayed that the administration came down with one I could not vote for. I would have been perfectly prepared to vote for some reasonable bill; but a bill that legislatively finds five States guilty where a logical application of the same principle would have found 10 States guilty, let us say, is unfair, particularly when it does not undertake to properly exempt those people who have done no wrong from the application of the statute.

What the Senator is saying is that today we are looking at a situation where the facts complained of do not exist. When I was discussing the situation in 1964, I could point out counties in my own State where Negroes were being discriminated against. I cannot do that today. Under those circumstances, it is totally unfair to have a legislative finding of guilt in 1968 when the State has served its sentence out, starting in 1965.

Mr. ERVIN. And it is particularly unfair, in my judgment, to have a legislative determination of guilt when the legislative body that adopted that procedure denies the people the right to go into court and establish their innocence in a court near where their witnesses are available, but, on the contrary, in the case of many parishes in Louisiana, for example, would require them to journey 1,000 miles to the District of Columbia in order to establish their innocence from a conviction which, I maintain, was visited upon them in violation of the provisions of the Constitution, which says that no bill of attainder shall be passed. The Supreme Court, of course, modified that provision of the Constitution. They have usurped and exercised a presumed authority to change its meaning, because they have now said that no bill of attainder shall be passed unless it is directed against a State or State officials, or the people of certain designated States, whose guilt has been predetermined by Congress.

Mr. LONG. It would seem to me that if you are going to pick out five States or seven States for a so-called legislative finding of guilt, and sentence them to serve a sentence under that finding, which is virtually the same as a bill of attainder, if you are going to do that kind of thing, when they have served out their sentence and when they have committed no further crime, one could hardly justify voting a further finding of guilt for something that happened back in 1964, if it has not happened since 1965.

Mr. ERVIN. In 1964 they exempted 43 States from the coverage of this act. All I am asking in my amendment is that those States and counties which have come up to the standard which exempted these 43 States be treated exactly like these 43 States are treated. After all, it is a familiar constitutional doctrine that the States of the Union have equality of rights and of powers. Any decision to the contrary is insupportable under the Constitution, because the Constitution gives every State in the Union identically the same power.

Mr. LONG. The Senator will recall that we saw at least a modicum of justice and fairness in the Senate at the time the 1965 Voting Rights Act was passed. This Senator explained that the bill would have made subject to this act a number of counties where 100 percent of all the Negroes of voting age were registered, and it is difficult to contend that a State should register more than 100 percent. That would be corruption by definition. That being the case, a county in which 100 percent of its Negro population of adult age had registered should not be punished under that act, by any stretch of the imagination.

Then the manager of the bill, the Senator from Michigan (Mr. HART), was willing to accept an amendment I proposed that provided that if a certain percentage of the Negro citizens registered and if there was no showing of any discrimination or showing of discrimination that had not been corrected, the Federal registrars could be removed. The State or country would have to come to the District of Columbia, but there would be some relief if a court would do its duty under the law to be fair and judicious. There was at least some modicum of justice in the Senate at that time, when confronted with compelling logic.

I submit to the Senate that it is appropriate to ask that the same sense of consistency and justice should prevail in the Senate on this occasion if there is no showing that anybody has failed to comply with the law. If the States toward which this law is directed are in compliance, they should be treated the same as all other States and should not be punished for something for which they have already been punished.

Mr. ERVIN. Certainly it would seem logical as well as fair and just that if this state of facts merits condemnation, exactly the reverse of that state of facts would merit commendation.

I know that the Senator from Louisiana and the Senator from North Carolina, throughout their political careers, have advocated that every qualified citizen of any race should be allowed to register and vote and that any election official who willfully denies him that right should be put in jail. They should be prosecuted, instead of laws like this being passed, which condemn the innocent instead of the guilty.

Mr. LONG. Mr. President, this Senator has from time to time thought that perhaps we ought to just require that some Federal official go down the road and register everybody he finds qualified, at their residence; that at election time

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we have the Australian system and fine a person $5 if he fails to vote. That would make them go out to vote. Look them up, drag them out of bed to register if need be, and fine them when they do not vote.

If you are going to do that, you ought to do it uniformly. This is one government. That is one thing the South learned the hard way. I would not have advocated the Civil War had I been here at the time. For the most part, my forebears had no slaves and thought it was a rich man's war and a poor man's fight. They would have nothing to do with it. At the same time, the principle decided was that it was one nation. If we are one nation, the law should apply uniformly. Can the Senator see any reason why it should be any different?

Mr. ERVIN. One of the tests of the wisdom of a law—and it used to be, under the Constitution, one of the tests of the constitutionality of a law—was whether it applied in like manner to all people in like circumstances. This law does not do that. This law is a sectional law. It was designed to be a sectional law, and it was so designed that they could predetermine who would be convicted under it.

The State of Texas, for example, has a voting record far inferior to that of Louisiana.

Mr. LONG. And that was the case at the time that law was passed, the Senator will recall.

Mr. ERVIN. Yes, we called attention to it. But the administration had the idea at the time that there was some political mileage to be gained by browbeating Louisiana, North Carolina, and the other States.

Mr. LONG. And exempting Texas.

Mr. ERVIN. And exempting Texas. So we got a formula that would exempt Texas.

To indicate how sectional the law is, they also provided that the Attorney General should be authorized to permit any State to be released from the application of the act by a consent judgment in the District Court here. That means a judgment entered without any contest and without any proof of innocence of the presumption raised against them. The Attorney General of the United States, so far as I have been able to ascertain, entered a consent judgment to release every State and every county in every State from the application of this act if that State and that county lay outside the boundaries of what we would call the 11 States of the Old Confederacy.

Mr. LONG. When that law was put on the statute books, Louisiana had no poll tax. We had abolished our poll tax more than 20 years prior to that. Texas was still operating under a poll tax and trying to keep it. When that bill was passed, Louisiana had a higher percentage of its people registered to vote than did Texas. I believe that by any fair standard one would pick, Louisiana had a better record on voting rights than did Texas.

In order to put Louisiana under it and leave Texas out, they had to come up with something to try to distinguish the two, and the test was the number of people voting in a particular presidential election.

As a practical matter, in that particular election, in that particular year, Texas was a pivotal State. Everybody knew that the outcome in Texas might very well determine who was to be President. It was well agreed that it would not make the least difference in Louisiana whether one voted or not, because if the Republican Party carried Louisiana on that occasion, it would be such an overwhelming landslide that it would not make any difference whether or not one voted. Texas historically had been one of those States which would be more inclined to go Republican than would Louisiana—far more so—in the event that the Republicans had a chance to win or that the Democrats had a chance to win in a close race. What difference does it make whether people go out to vote when it does not make any difference anyway, if one side gets about two-thirds of the vote and the other side one-third?

By contrast, where it would make a real difference to a citizen in Louisiana would be in the primary election of our Governor's race. Test our Governor's race, primary elections, against theirs, and in our case it would be the primary in which 99 percent of the people were registered. Test us primary for primary or test our biggest turnout against theirs.

They had to pick about the only race—and that is the one they did—in which Texas appeared to bring out more voters than did Louisiana.

As the former Senator from Virginia, the late Harry Byrd, Sr., explained on the floor of the Senate, it was ludicrous the way they undertook to put Virginia, one of the first States of the Union, which produced the author of the Declaration of Independence, into that category and leave Texas out. It was about as ridiculous as the mind of a man could contrive, and I understand that that injustice is still to be perpetrated under this bill.

Mr. ERVIN. That is true; Virginia is still totally covered by this bill.

One of the logical things to have done would have been to say that the State that had a poll tax, in which less than 50 percent of its voting population voted in the presidential election of 1964, should be condemned. But if the law had been phrased in that way, they would not have covered Louisiana and would not have covered North Carolina, because Louisiana and North Carolina many years before—in the case of North Carolina 45 years before—had abolished the poll tax as a prerequisite to voting. But that kind of bill would have caught Texas and, of course, the President, being a native of Texas, and the Attorney General of the United States being a native of Texas, could not have afforded to be caught by an artificial law so they had to get some other States, like Texas, to go free.

Mr. LONG. I do not care to single out any one person and certainly would not want to call names in regard to what I am going to say, but I can recall distinctly some of the civil rights measures when I heard one of my fellow Senators at that date explain to the President of the United States somewhat in this way:

"Now, Mr. President, you must understand this civil rights stuff is intended for the South. It is not intended to apply in our State because that could give us all kinds of headaches if the same laws were to apply in my State."

As one who is interested in the civil rights of Negroes, why would that Senator not be interested in the civil rights of his own people? Why would he want to have something for another State and be so zealous for the civil rights of Negroes in other States, like the Negroes in my State, whom I am representing the best way I know how, that that Senator would not like to have his own people have some of it?

In Caddo Parish in Louisiana, they were not satisfied that enough of the minority of citizens had been registered and without anyone standing in line, they nevertheless sent Federal registrars into the parish to go into the precinct to bring people out and register them.

If Senators want to show that kind of solicitous concern for Caddo Parish in Louisiana, why not show that same kind of concern for their own people and help their own people to register in their State?

Can the Senator explain why one would be so zealous as to the rights of a minority group in a distant State that they would not want to permit their own minority groups to have the same benefits?

Mr. ERVIN. Two things account for that. One is that it is not politically profitable to do any reform at home. Another is that if a man looks at the supposed sins of someone way off somewhere, it acts as a sort of opium and blinds him to the sins on his own doorstep.

I wish I could worry about the sins of someone far off because then I would not feel too badly about some of the things in North Carolina that need correcting. If I could just worry about the sins of Illinois or New York or California, I could blind myself to the need for correcting some of the things which afflict North Carolina and I would have a more peaceful existence. It certainly is more pleasant to weep about the supposed sins of someone else way off in the distance than it is to weep about the sins on our own doorstep.

Mr. LONG. That reminds me of the story of a man who had such a difficult problem that was troubling him that he went out to seek the answer. He went all over the world, north, south, east, and west, trying to find the answer to the perplexing problem which was driving him wild. He finally had to return home without the answer and then found it one night as he was reading his Bible. The answer had been there, in his own house, all the time, after he had searched the world over to find it. If some people would look homeward sometimes, and I applaud some of those Senators who look at some of the problems with courage, fortitude, consistency, and honor, and stand up here on the floor of the Senate and say, "Yes, sir; if that principle is right, it

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should apply to me as well as it should to you"—how much better that would be than those who stand up and point the finger of scorn, even when it is not justified, without looking at the mischief in their own backyards.

Mr. ERVIN. There is a story in the Bible, of course, about the Pharisees who thanked God that they were not like other men. There are too many politicians like that, who stand up and say, "Thank God we are superior to the southerners. Let us devote our attention to improving them instead of engaging in any self-improvement."

Mr. LONG. There is the admonition to he who would find the mote—which I understand to be a mere speck of dust and almost imperceptible—in the eye of his neighbor, while ignoring the beam—which I understand to be a piece of construction timber—that was in his own eye. The suggestion was that he should first remove that beam from his own eye and then, perhaps, he would be able to take out the mote from his neighbor's eye. I say that to my good friend as one who comes with clean hands to this matter, as one who knows what should be done about it.

As the Senator knows, I come from a family which removed the poll tax in Louisiana long before other States did.

Mr. ERVIN. The Senator from Louisiana shares the conviction of the Senator from North Carolina that the best way to clean up a household, whether it is in a house or a State, is for the people in that State to do it.

For that reason, I have never succumbed to the temptation to try to pass laws that would be enforced in other areas of the country.

I think it will be a happy day when all Senators will come to that conclusion, because then we will pass laws which will be uniform in application, and we will see to it that they are applied in a uniform manner so that all laws can apply in like manner to all people in like circumstances, regardless of the area of the country in which they happen to live.

Mr. LONG. I thank the Senator from North Carolina.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum, with the time to be taken out of neither side.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HART. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HOLLINGS in the chair). Without objection, it is so ordered.

Mr. HART. Mr. President, first, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Michigan will state it.

Mr. HART. Is the amendment now pending numbered 534?

The PRESIDING OFFICER. No. 534; the Senator is correct.

Mr. HART. Do I correctly understand that on Thursday of last week the yeas and nays were ordered on this amendment?

The PRESIDING OFFICER. That is correct.

Mr. HART. Although in the interval the amendment had been set aside, the order for the yeas and nays remains applicable?

The PRESIDING OFFICER. That is correct.

Mr. HART. Mr. President, I believe that the issue raised by this amendment has been discussed several times in the course of the debate. Specifically, on Thursday last, both the able senior Senator from North Carolina and the Senator from Michigan discussed it, and our positions are reflected in the RECORD of Thursday last.

I repeat now, but shall do so only briefly, the reasons the opponents assign against the adoption of the amendment. As the memorandum report filed by 10 members of the Committee on the Judiciary indicates, the means and dates selected for triggering the suspension of tests and devices were chosen because they were a valid indication of practices which had every appearance of violating the 15th amendment.

But the maintenance of a 50-percent measure of participation—registration or voting—was not intended to be a congressional judgment as to an adequate level of political enfranchisement. Nor did Congress find, when it enacted the means for determining coverage under section 4(b), that this same percentage would serve also as a criterion for determining when past practices had been sufficiently eradicated, and warrant removing safeguards which had made the progress and improvement possible.

We argued that the improvement in voter registration and turnout in the 1968 election, which would be the basis for the formula if the amendment now pending were adopted, reflects the effectiveness of the suspension of the tests and devices; the use or, at least, the availability for use of Federal examiners; and the requirement that States and local subdivisions submit changes in voting laws to the Attorney General or to the U.S. District Court for the District of Columbia.

We made the point, and have in the course of this debate, that there have been instances in which State legislatures have, since 1965, sought to enact new laws intended, it would appear, to keep down the number of registered Negro voters. This performance would not give basis for a conclusion that the progress shown in 1968 in the covered States represents gains so solid that they would not be undone by new practices and procedures.

In the debate last Thursday, the Senator from Michigan enumerated the States which had, in 1968, maintained acts and devices defined in the act. Only two—Georgia and South Carolina—had voter turnouts, in that year, of less than 50 percent.

In several of the remaining 19 States there are political subdivisions in which the turnout rate was less than 50 percent. If 1968 is used as the triggering year, which would be the effect of the amendment now pending, three States which have a history of persistent offenses prior to the 1965 act would not be covered. It is from these three States since 1965 act has been passed, one finds a majority of the proposed changes in voting laws under section 5 sent to the Attorney General which have been objected to. These States would be able to enact devices to disenfranchise or dilute the Negro vote. In addition, 22 counties cited by the U.S. Commission on Civil Rights in its 1968 report would not be covered, and some of the abuses include more than merely a modification of statutory language; they include violence.

It is perfectly fair to ask what kind of civil rights law it is that would eliminate, omit, and withdraw Hinds County, Miss., which includes Jackson, or Plaquemines Parish, La., Dallas County, Ala., which includes Selma, and Loundes County, Ala.

Mr. President, this is the amendment which more than any other amendment, I suggest, would gut the 1965 act of its effectiveness. Those who feel that the 1965 act represents the most effective legislative response this country has ever seen in our effort to deliver on the promises of the Constitution, as I do, and as I think history will show, should reject the amendment now pending.

Mr. President, I suggest the absence of a quorum.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the time for the quorum call not be charged to either side.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, is there controlled time?

The PRESIDING OFFICER. There is controlled time.

Mr. JAVITS. Will the Senator from Michigan yield me 5 minutes?

Mr. HART. I yield 5 minutes to the Senator from New York.

Mr. JAVITS. Mr. President, as a Senator who participated actively with respect to the Voting Rights Act when previously considered by the Senate, I have considered the pending amendment probably the ideological key to the whole situation, because what we are asked to decide as to the Voting Rights Act of 1965 is whether it was the purpose and intent of Congress to set a 5-year period during which, if the voters on the rolls went above 50 percent, that would be the end of the effort to correct an admitted situation of discrimination in respect to voting rights which the act found as a fact, or whether there was no such fundamental concept in the 1965 law.

My own feeling about the matter—and I was here and intimately involved in the passage of that law—was that it would depend upon events; and it seems to me that this issue has now been very definitely decided by events, and that the events justify the purpose of the statute. Even the administration has the same purpose, though many of us feel that it intends to dilute the effectiveness of the law by other changes. But the mere fact

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that they would propose that the Voting Rights Act be extended would seem to me to indicate a clear attitude on their part, as well as on the part of people like myself, that the process by which we sought to restore the full franchise in States where it had been denied on grounds contrary to the Constitution has not yet been fulfilled.

I call special attention to page 665 of the hearing record, which to me is very significant, showing a list of cases with respect to the applicability of section 5 of the act relating to alleged laws passed by States, or practices engaged in by States, which would tend toward a denial of the equal opportunity to vote.

One thing, Mr. President, which to me, always distinguished the Voting Rights Act, as contrasted with the other civil rights laws which we have passed, was that I felt there was quite general agreement, even by those who strongly opposed other civil rights measures, that certainly the right to vote was a way in which a tremendous number of injustices could be redressed without running afoul of the feeling which many held sincerely, and very sincerely argued in this Chamber, that other measures were unconstitutional in their view—though the court has held them to be constitutional—or were inadvisable in terms of policy, or represented coercion. Certainly the general feeling, as I always detected it, was that through the exercise of the power to vote, a whole people, to wit, the black people, could be lifted out of the slough of despond in which so many found themselves.

Therefore, I believe that the Voting Rights Act should be an object of special care for Congress. I believe the fact that there have been a number of cases, still indicating an effort to interfere with voting rights, as well as the fact that in some few cases—in the case of two States, to be precise, now—the 50-percent statute has not yet been attained, and that in at least three other States of those which would be affected, there have been efforts by the legislatures to pass voting laws objected to by the Attorney General under the very protections of this act—is proper evidence, especially since this also coincides with the findings of the U.S. Civil Rights Commission with respect to a considerable number of counties—22 to be exact—where specific incidents are reported as early as the 1968 report of that commission, of a very serious character, relating to efforts to deny the equal opportunity to vote—that the factual case is made for extending the act without changing the triggering device.

Of course, the Senator from Michigan (Mr. HART) has already argued the fundamental proposition that the triggering device and the length of time set forth in the act were not designed to be a criterion to determine when the evils sought to be reached——

The PRESIDING OFFICER. The Senator's time has expired.

Mr. JAVITS. I ask for 2 more minutes.

Mr. HART. I yield the Senator 5 additional minutes.

Mr. JAVITS (continuing). Had been overcome, but rather an anticipation that it would take at least that time, with the provision that if it took longer or if longer was required, it was then a question for Congress whether the act should be extended and whether a longer time would be given.

It is my judgment that a longer time is necessary, and that the built-in protections of the act, including the declaratory judgments provision, will give, as they have up to now, ample opportunity, including the various other provisions for court review, so that no State and no county can claim that it is locked in without any expectation of being relieved of the inhibitions of the statute, until the statute again expires at the end of another 5-year period.

For those reasons, Mr. President, I think this is a key amendment, one of the really critically important amendments with respect to the effort to extend this law in accordance with the Scott-Hart substitute, and really represents the focal point of factual finding as to experience with the act; and I hope very much that the Senate will reject the amendment.

Mr. ALLEN. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. ALLEN. I would like to call the distinguished Senator's attention to an article published in the Washington Post several days ago, commenting on the effect of this very amendment if it were adopted. Quoting from the article, it says:

> Among Southern States, only South Carolina and Georgia, which had fewer than 50 percent of the voting age persons voting in the 1968 Presidential election, would remain covered. All other Southern States would be free from coverage, although a handful of counties in each would stay covered. Thus, only 9 Alabama counties, 4 Louisiana counties, 15 Mississippi counties, 25 Virginia counties, and 7 North Carolina counties would be covered.
>
> However, some areas which had literacy tests in 1964 and dropped below 50 percent voting in 1968 would be brought under coverage for the first time: one county each in Arizona, California, Oregon, and Idaho; three in New York City—Manhattan, the Bronx, and Brooklyn; and three in Alaska.

I wonder whether the distinguished Senator from New York realizes that if the amendment of the distinguished Senator from North Carolina is adopted, it will bring three counties in the Senator's constituency under the provisions of the act.

Mr. JAVITS. I have been so advised. At the same time, I do not think that that affects the issue at all, because there was never any accusation—and I do not know of any—that the reason why they fell under the 50 percent in terms of voting was attributable to any discriminatory act now or at any time in even the remote past, in terms of voting. However, I deeply feel, without being invidious about this—we all understand that it was based upon a social order which is very different from what the Constitution orders—that in those areas which are reached by the 1964 trigger, there was very clear evidence, thoroughly documented time and time again, fully spread upon the record of Senate debates, that it was a calculated, political, and social policy to bar or discourage the Negro from voting. So I think that we had a right to do what we did. The courts have sustained it. I do not think that the fact that this amendment would draw in three counties in New York is relevant.

Mr. ALLEN. The Senator would prefer not to have them under the act, I assume.

Mr. JAVITS. I do not care. I have made that very clear in Senate debate after Senate debate. I do not exculpate nor exempt my own community at all. Such vestiges of segregation and discrimination as exists there I have fought against all my life, and I will continue to do so. They are reached by law. Discrimination—if any is practiced in New York, the Bronx, or any other county—is entirely reachable by law, by an action in any court.

We are only talking about automatic triggers and about presumptions when we talk about the 1964 trigger. I think it is irrelevant to the argument that the 1968 amendment would draw in three counties in New York which are reachable, anyway.

I think we have to keep our eye on the ball, which is the correction of a situation which went on for years and years. We finally found a way which has registered 800,000 Negroes in the South, and I think that is a good movement for our country and for the South; and I do not want to abort it by bringing in now some extraneous consideration which is not relevant to this issue.

Mr. ALLEN. I should like to ask the distinguished Senator a further question. Even if sections 4 and 5 of the act are dropped from the act, would not the States now covered by the automatic trigger be subject to being reached under the general law, in the same way that the counties in New York may be reached?

Mr. JAVITS. That is exactly right, except for this point: We have a history which has gone on, even during the time that the Voting Rights Act has been in effect, of a public climate and a legislative climate which was geared toward denying this right if it could. Under those circumstances, I think we are entitled—and the Supreme Court has upheld us in making that kind of law—to take cognizance of that special situation and to try to erect protections against it which are positive rather than negative in their character.

Indeed, the Senator's argument would obtain for the whole attitude of the administration, which people like myself oppose, and so do Senator HART and Senator SCOTT—and we hope the majority of the Senate—in that they are seeking to drown this enforcement proposition in a countrywide approach which eliminates and overlooks the fact that you did have a history of discrimination against the voting rights for blacks which went on for years and years, which is hard to root out, and it is not yet rooted out.

I do not expect the Senator from Alabama to agree with me in that, but it is my duty to make the affirmative point.

Mr. ALLEN. The Senator, then, would not be willing to see the State of Alabama covered by the same provisions of law that apply to the State of New York?

Mr. JAVITS. Because I think that if

we did make the change which the Senator has asked for, which is not the same provision of law—it only involves a series of presumptions which can be overturned in court—but if you did that, you would fly in the face of reality, and we do not fly in the face of reality here.

The Senator might as well tell me that if I pass a law for farm subsidies, it is not going to help New York very much but will help the cotton growing States, and, therefore, I should be against it. I think we have to legislate for what is best for the Nation, even though it may bear more heavily on one section than on another. That is the argument that the Senator from South Carolina would have made, if he were here, against the Civil Rights Acts going back to the first one in 1957. I understand that. But we cannot agree. And we honor him for being the stubborn fighter he is. But he is not going to draw me into the trap of saying that the situation in New York with respect to any inhibition on the opportunity to vote is analogous to that in a southern community where for years and years and years, to the extent of even lynching and murder, the right to vote was sought to be inhibited.

Mr. ALLEN. Mr. President, will the Senator yield further?

Mr. JAVITS. I yield.

Mr. ALLEN. Yet, the act requires, demands, accepts, and receives no proof of discrimination by the Southern States involved and convicts them of discrimination by a mathematical formula. Is that correct?

Mr. JAVITS. It does not convict them. It establishes a presumption, because the courts have sustained us in finding that, as a matter of reality, unless you did establish a presumption which had to be rebutted, it was practically impossible to prove these cases, so much was law in a conspiracy with the social order to perpetuate these discriminations. They are not convicted. It is a presumption. They can get out of it, and there are ample court proceedings for the purpose. But the presumption, I think, is a legitimate one, and the courts have sustained the law.

Mr. ALLEN. The Senator speaks of rebutting that presumption. Is not a State required to wait for 5 years before it goes into court and seeks to have that presumption rebutted? It has to prove nondiscrimination for a period of 5 years.

Mr. JAVITS. Again, the courts have sustained us in the view that, so long was the history of discrimination, we had to have a reasonable experience with nondiscrimination before the presumption could be rebutted.

Mr. ALLEN. I should like to raise another question, if the distinguishel Senator would yield.

Mr. KENNEDY. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. KENNEDY. There were a number of communities, like Alaska and some counties in Idaho, that escaped without waiting any time, because it was believed, and it was a finding, that the literacy test was not used as any means of discrimination. So that there were those procedures for a number of the communities in Alaska and a number of counties in Idaho to escape immediately.

Mr. JAVITS. Exactly.

Mr. KENNEDY. Without waiting a 5-year period.

Mr. JAVITS. We argued that when the bill was up.

Mr. ALLEN. The distinguished Senator has referred to the fact that the Voting Rights Act will expire if not renewed and that if the Scott amendment is adopted, it will expire at the end of 5 years. The Senator from Alabama is desirous of having cited to him any provision in this law as it now exists, or as the Scott amendment provides, that calls for an expiration of this law at any time.

I ask the distinguished Senator from New York to refer the junior Senator from Alabama to that citation.

Mr. JAVITS. I have not been following the question of the Senator too closely. As I understand it, the change made in section 4(a) is from 5 to 10 years with respect to this particular presumption. Is that what the Senator is referring to? That is the 5 years and the 10 years to which I am referring.

Mr. ALLEN. That is the very point that the Senator from Alabama would like to call to the Senator's attention. There is no provision whatsoever in the law that the Voting Rights Act of 1965 will expire at any time. There is no provision that sections 4 and 5 will expire at any time. What the Scott amendment seeks to do is not to extend the effective date of the date of applicability of the act for 5 years. What it seeks to do is to change the measure, the degree, or the amount of the proof of nondiscrimination from a 5-year period to a 10-year period so that the entire act as it now exists, or as it would exist under the Scott amendment, is on the statute books in perpetuity.

Mr. JAVITS. In the first place, no act is an act in perpetuity——

Mr. ALLEN. Unless changed.

Mr. JAVITS. It can always be repealed.

Mr. ALLEN. Until changed.

Mr. JAVITS. Until changed.

Second, the Attorney General of the United States cannot be mandated, or have mandamus, to send people into a given State if he does not believe that is required. But the important thing—what I thought we were arguing—is the question of the presumption, whether 5 or 10 years. I think the key point with respect to the amendment is the experience in the period that has intervened since the act became effective, whether justified or not justified. I believe that that experience justified the extension of the period to 10 years. Especially as the Senator from Massachusetts has pointed out, there has been an opportunity, even in the interim, to escape from the provisions of the act, and that has actually taken place in given cases. So, in my judgment, the act contains within itself fair means for dealing with the problem.

I would say, certainly, that the burden of proof would be on us. That is what we are arguing. That is why I stated that the factual situation makes it proper in terms of public policy that the 5-year period be extended to 10 years. So the Senator is entirely within his rights in pinpointing that fact. We must be put to the proof, which we are trying to bear. I believe that we have borne it. I thank the Senator from Alabama.

Mr. ALLEN. Mr. President, on behalf of the Senator from North Carolina, I yield myself 5 additional minutes.

The PRESIDING OFFICER (Mr. HUGHES in the chair). The Senator from Alabama is recognized for 5 minutes.

Mr. ALLEN. I thank the distinguished Senator from New York for his explanation and for his concession that the effect of the Scott amendment is not to extend the provision of the Voting Rights Act of 1965 but is to change those provisions. It is to change the degree, or the measure, or the amount of the proof of nondiscrimination. In effect it is the same as a prisoner being sentenced to prison for a period of 5 years for an offense he may have committed. As the prisoner comes to the end of his 5-year sentence, he thinks he sees daylight and that his sentence is about to expire, about to come to an end. Then the authorities come in and say, "Wait a minute, mister, you are serving a 5-year sentence here for an offense. In the case of the Southern States where there is alleged discrimination, and they have been convicted by a mathematical formula. So they say to the prisoner, "We are going to change your sentence to 10 years."

Mr. President, that is the effect of the Scott amendment. It is a change of sentence. It does not lengthen the term or duration of existence of the Voting Rights Act of 1965. To say that the Scott amendment seeks to extend the same provisions of the Voting Rights Act that we now have, that they say has done so much good down South that we are going to extend those same provisions, is absolutely incorrect, as a casual observer of the language will detect.

There is no indication whatsoever, that one section, one sentence, or any of the provisions in the 19 sections of this act will ever expire. Unless a State takes overt action by going into the Federal court in the District of Columbia to purge itself, to be relieved of this yoke around its neck, the act will apply to that State forever, unless the law is changed.

The effect of the Scott amendment, then, is to provide that a State has got to come in and show 10 years of nondiscrimination; whereas, in 1965, 5 years was deemed to be sufficient. So a change is being made in the basic concept of the law. It is not a mere extension of the existing provisions. It is a great change. It is a doubling of the sentence. It adds 5 years to a sentence that is being served and has almost ended.

The PRESIDING OFFICER. The time of the Senator from Alabama has expired.

Mr. ALLEN. Mr. President, on behalf of the Senator from North Carolina, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Alabama is recognized for 5 minutes.

Mr. ALLEN. It seems fair and right to the junior Senator from Alabama that

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the present amendment would update the criteria required for the triggering of the device to provide automatic coverage of the Southern States. It is not fair to continue to humiliate the South. It is not fair to apply to the year 1970 a situation that existed in 1964.

Mr. President, I submit that under the terms of the Scott amendment, if every person of voting age in a State has, since 1965, been registered, and if every person so registered participated in the 1968 election, still, under the provisions of the Scott amendment, which the distinguished Senator from North Carolina seeks to amend, that State, with every citizen registered to vote and every citizen voting, would still be held, as a matter of law, to be guilty of discrimination and to be automatically subject to the provisions of this act.

Mr. President, I hope that the amendment will be adopted. It does release many counties in the Southern States. It would reach out and take in counties in other States that fell below the 50-percent level in 1968, three of those counties being in the city of New York. It is only fair to use 1968 figures, not 1964 figures.

Mr. President, I hope that the amendment will be adopted.

The **PRESIDING OFFICER**. Who yields time?

Mr. **KENNEDY**. Mr. President, I yield myself 20 minutes.

The **PRESIDING OFFICER**. The Senator from Massachusetts is recognized for 20 minutes.

THE NEED TO KEEP THE 1965 ACT INTACT, AND PARTICULARLY AGAINST SWITCHING THE TRIGGER TO 1968

Mr. **KENNEDY**. Mr. President, the problem of equal access to the ballot box is not a new one for the Congress or the Nation. A century ago we adopted and enshrined in our Constitution the principle that all Americans, regardless of race, were entitled to participate fully in the electoral process. And it was over a decade ago that President Eisenhower and Attorney General Brownell sent to Capitol Hill legislation which became the Civil Rights Act of 1957, the first of a series of historic measures which have sought to fulfill all of our promises of equality and justice.

Among other steps, the 1957 act established the bipartisan U.S. Commission on Civil Rights, and charged it with the task of investigating and reporting to the Nation on discrimination in the voting process. Over the years, the Commission's findings have revealed a widespread and consistent pattern of discrimination in the registration process, of intimidation against Negro voting, and of interference with political activity by Negro candidates throughout large areas of the South. Until 1965, the only way these abuses could be challenged was through case-by-case litigation. The incidents would have to be brought to the attention of the Attorney General; he would have to find witnesses willing to testify; he would have to delve through all of the voting records, if there were any, to establish the pattern of discrimination; he would have to file suit, frequently in an inhospitable court; and usually he had to carry the matter through an appeal before obtaining a determinative ruling and firm relief. Until the 1960 Civil Rights Act made recordkeeping mandatory, the process was almost entirely impossible. And even when the records were required to be kept available, each case in a separte jurisdiction consumed up to 6,000 hours, the equivalent of six men working full time for 6 months.

Obviously, the limited staff of the Civil Rights Division made any effective effort along these lines impracticable. There were too many States, counties and municipalities to be monitored, and even those sued could find new strategems to evade their obligations once a first lawsuit had been completed. Moreover, and most important, even in the jurisdictions which were sued, the abuses continued while the litigation ran its lengthy course, and thus there was no chance at all to provide prompt vindication of rights to political participation in any case.

Congress in 1965 reviewed all of these facts through extensive hearings, through review of the results of the litigation which had been conducted, and through the detailed studies of the Civil Rights Commission. Our conclusions were clear and compelling:

First. Negroes in the South were still being prevented from registering and voting. While 73.2 percent of the white voting-age population was registered, only 33.1 percent of the Negro voting age population was registered, and in Alabama and Mississippi the black registration figures were below 25 percent and 8.3 percent, respectively.

Second. The chief source of electoral discrimination was the literacy test or other similar testing device which allowed white officials to disqualify black voters and qualify white voters. In fact we found that Negroes with advanced degrees were being declared illiterate while whites who could neither read nor write were being accepted for voting.

Third. Supporting this official discrimination was a pattern of semiofficial and private intimidation which made black citizens fearful of exercising their rights even when technically available.

Fourth. The desire to prevent black citizens from voting or holding office was so strong that if the discriminatorily applied tests and devices were eliminated, and even if Federal assistance was provided in registering and protecting black voters, other evasive tactics would be attempted, especially through the enactment of new laws, rules, regulations, and ordinances governing registration, voting, and holding office.

Fifth. Most importantly, case-by-case litigation could not answer the need. Only through a congressional finding of widespread abuse of tests and devices, and a statutory transfer of the burden of proof from the Attorney General to the offending jurisdictions was there any hope of vindicating the promises of the 15th amendment. And only if there was provision for prompt, definitive, and consistent judicial action could these promises be kept in a timely manner.

With these conclusions in mind, Congress enacted the 1965 act and built into it mechanisms which would meet these challenges most efficiently and effectively. The "trigger" mechanism was the most important. We had determined that the use of tests or devices was the primary source of racial exclusion. And we had seen that the result of such discrimination in areas with large Negro populations was a low overall registration rate or voting turnout. Thus we concluded that the combination of the existence of tests and a low registration or voting rate in any jurisdiction, in the last election before the act, would establish a presumption that there had been discrimination in the electoral process, and that new and drastic remedies were called for.

The two key facts about the trigger are, first, that it was reasonable, logical, and accurate, and second, that for any jurisdiction where the presumption was inappropriate, there was provided a quick and easy escape route. The logic and accuracy of the trigger is obvious when we see that almost all of the areas where the Federal courts, the Justice Department, and the Civil Rights Commission found discrimination were covered by the criteria. Moreover, very few areas where there had in fact been no discrimination were covered, and those areas quickly availed themselves of the removal provisions by proving that they had not used the tests or devices discriminatorily for the 5 years preceding the act.

Thus, while the trigger itself was national in scope, covering such places as Alaska and counties in Idaho, Hawaii, and Arizona, the impact of the act was felt only where there had been actual discrimination in the use of tests and devices.

It is important to note that the 50-percent trigger was not meant to be a measure of acceptable or unacceptable performance. It was designed and intended to reflect the past history of discrimination in the voting process before the passage of the act. Of course, those who drafted and passed the legislation hoped and expected that the act itself would improve the 1964 registration and voting rates. But such an improvement could in no way contradict the fact that the areas covered by the act were the areas where there had been a long history of discrimination and evasion and intimidation which the act was designed to end.

In the light of this background, and of the 4½ years of experience under the act, it is almost incredible that the suggestion can be made that the trigger measurements should be shifted from the 1964 presidential election to the 1968 election. This proposal has no logic whatsoever to support it; it flies in the face of the legislative purpose for the trigger; it ignores the continuing evidence of discrimination and evasion; and it would remove the protections of the act at the very time they are beginning to have the desired impact.

Of course, there is a slick, superficial veneer of attractiveness to the simplistic proposition that if we used 1964 figures in 1965, we ought to use 1968 figures in 1970. But only 1 minute's thought is required to see the total irrelevance of this nonsequitur.

As I have indicated, the whole purpose of the trigger was retrospective—to designate those areas where tests and devices had been used discriminatorily before the act, that is, while the State and local officials were in what might be called a state of nature, with no Federal constraints other than sporadic, slow, and separate lawsuits. The Supreme Court specifically found that this coverage formula is rational in both practice and theory, and that Congress has acted appropriately in its process of identifying past evils. But, of course, nothing that happened between 1964 and 1968 could have changed the fact that the covered areas were the areas where the most direct and blatant electoral discrimination had occurred before the protections of the act were applied.

It is true, of course, that in some places covered by the act the registration rate and voting rate were both above 50 percent in 1968. Yet, when we consider why this has happened, it is clear that this fact alone has no significance.

In some places, the registration and voting figures have risen in large part because more whites than ever before are voting. The white registration of 73.2 percent in the covered States before the act has risen to 83.8 percent, at the same time as black registration rose from 33.1 to 59.5 percent. Thus although the rise for Negroes is higher as a percentage of the previous figure, over one million new whites have registered as opposed to under 900,000 blacks. Thus, more of the improvement was due to white registration than black registration.

The second reason that the figures have risen is that State and local officials have felt the potential force of the 1965 act and have reluctantly obeyed its mandate rather than invite the presence of Federal examiners and observers by disobedience. For example, in at least one of the covered States there is, fortunately, a State official who has taken the act very seriously. Thus when local officials have come to him with tactics or strategems for diluting the black franchise, he has warned them that continued resistance and evasion would result in a quick and comprehensive Federal entry, and they have relented. Obviously, without the full force of the act to back him up, his powers of suasion would be nil. With the act behind him, he has helped make his State's record one of the better ones.

A third reason for higher registration and voting rates is the courageous and determined work, at times despite an atmosphere of intimidation and direct risks of bodily harm, of Negro leaders and voting rights workers in the covered areas. Obviously, the record is best where they have toiled the hardest, where they have refused to be intimidated, where they have ignored threats to themselves and their families, and where they have succeeded in convincing the people that the Federal Government under the 1965 act will back them up. Surely the fact that the act has enabled this effort to succeed in the face of such odds is an argument for maintaining coverage, not eliminating it.

The fourth reason why the 1968 figures are better than the 1964 figures is that the Federal Government has stepped directly into the registration and voting process. Under the act, when the Attorney General finds that there are continuing problems in insuring 15th amendment rights, he may require the appointment of Federal examiners to register voters and Federal observers to assure fairness at the polls.

This power was designed to cover situations where State and local officials were not sufficiently deterred by the words and self-operating sections of the act and where direct Federal enforcement was required. The power has been used in 64 counties or parishes in five States, where examiners have registered over 160,000 voters and observers have monitored dozens of elections. In the 1968 presidential election alone 530 Federal observers were assigned in five of the covered States. Thus a significant part of the improvement in registration and voting has occurred solely because of direct Federal intervention in the electoral process, intervention which was effective and timely only because of the 1965 act.

It is thus beyond doubt that apart from the irrelevance of the 1968 figures to the purpose of the "trigger," the rise in the 1968 figures bears no relationship to the disappearance of the conditions which the 1965 act was designed to relieve. On the contrary, it is plain that since the higher figures reflect a rapid increase in white registration, the in terrorem effect of the 1965 act on State and local officials, the hard work and courage in the face of danger of black citizens backed up by the act, and the direct registration of voters and monitoring of elections by Federal officers, the facts present powerful evidence that only through full maintenance of the act's coverage can the improvement be maintained, let alone continue upward.

But we need not speculate on the continuing necessity for the act's coverage. The facts are indisputable:

Despite the act, Negro registration is still far below white registration in the covered areas—59.5 percent against 83.8 percent.

Despite the act, discrimination and intimidation and evasion have continued in the voting rights field, and the general atmosphere of resistance to Constitutional demands has increased in many places.

The testimony we received in committee and the evidence presented in the House leaves no doubt that large numbers of State and local officials have attempted to circumvent the act and frustrate its purposes. They have enacted or adopted laws or rules and ordinances designed to reduce the Negro vote or dilute it. In 1968 and 1969, under Attorneys General of both parties, the Department of Justice has found it necessary to object to 22 State and local enactments clearly designed to interfere with Negro voting effectiveness. Registration and polling places have been changed or closed and hours reduced. Incumbent boards have been given the power to switch their own elections from district to at-large. Qualifications for office have been altered and new and more stringent procedures instituted for establishing candidacy. Only because these and other strategems were required to be brought to the Justice Department's attention, and only because that Department had the power under the 1965 act to suspend them immediately, were Negroes able to register, and vote, and run for office on a fair basis in the affected areas. These attempts to evade the Constitution and the act are continuing right now, but the act stands in the way. Any retreat in the act's coverage would bring forth a flood of such attempts, and we would never catch up with them.

The Attorney General's decision to send observers into several counties less than a year ago corroborates the continuing nature of the threat. And the testimony we received, detailing the efforts this past fall to intimidate Negroes from registering by giving them a choice between voting and keeping their jobs, make clear that the threat is not just from polite official machinations, but from a deeply rooted pattern of direct institutional discouragement.

These are the facts. These are the conditions which have persisted for a century, which have been ameliorated for the past 5 years by the act, and which will return in direct proportion to the withdrawal of the act.

And let there be no doubt that switching the trigger to 1968 figures would constitute a wholesale gutting of the act.

States which had 17 of the 22 objectionable voting laws in 1968–69 would be excused.

Nearly two dozen counties which were the sites of specific incidents described by the Civil Rights Commission in 1968 would no longer be covered. These incidents included murders, shootings, violence, and deliberate subterfuges to evade the 1965 act.

Only two States, Georgia and South Carolina, would remain covered as States.

Certainly on no rational basis can those two States remain fully covered while the others now covered are released. Surely, Mississippi and Alabama have established no claim for preferred treatment over Georgia and South Carolina. To let areas out for no good reason would be an ultimate act of bad faith by the Congress toward those who desperately need our support and our assistance. To pull the ground out from under those who have worked hardest to make the system work would surely invite them to work outside the system. To display contempt for those who have sought peacefully to obtain the fruits of our society, by participating in its political processes, could only encourage them to consider other less peaceful means.

Let us remember what is at stake here. On the one hand are the cherished constitutional rights of millions of Americans to register and vote and stand for office and hold office, rights central to our notion of democracy and basic to our goal of ordered liberty. On the other hand is a law which requires State and local officials merely to let those rights be exercised, to pass no laws which interfere with those rights, and to protect their exercise. The covered areas have had 5 years to prove that the trigger was unfairly applied to them, and thus that they should have been left to

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vindicate these rights on their own. They have not met that burden of proof and they cannot do so. And we in the Senate should not be parties to any strategem which, without logic or reason, allows them now to return to the abuses of the past.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, I wish to ask the distinguished Senator from North Carolina if he is prepared to yield back his time.

Mr. ERVIN. I have been ready to vote for an hour and a half to 2 hours. I yield back the remainder of my time.

Mr. KENNEDY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. KENNEDY. Mr. President, have the yeas and nays been ordered?

The PRESIDING OFFICER. They have been ordered.

Mr. KENNEDY. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to amendment No. 534. The yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BELLMON (when his name was called). On this vote I have a pair with the Senator from Texas (Mr. TOWER). If he were present and voting, he would vote "yea." If I were permitted to vote, I would vote "nay." Therefore, I withhold my vote.

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The rollcall was concluded.

Mr. KENNEDY. I announce that the Senator from Montana (Mr. METCALF), the Senator from West Virginia (Mr. RANDOLPH), and the Senator from Georgia (Mr. RUSSELL) are necessarily absent.

I further announce that the Senator from Alaska (Mr. GRAVEL) is absent on official business.

I further announce that, if present and voting, the Senator from West Virginia (Mr. RANDOLPH) would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Illinois (Mr. SMITH), and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from Delaware (Mr. BOGGS) is absent to attend the funeral of a friend.

The Senator from Florida (Mr. GURNEY) is absent because of illness in his family.

The Senator from Idaho (Mr. JORDAN) and the Senator from Ohio (Mr. SAXBE) are absent on official business.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Arizona (Mr. GOLDWATER) is detained on official business.

If present and voting, the Senator from Delaware (Mr. BOGGS) would vote "nay."

The pair of the Senator from Texas (Mr. TOWER) has been previously announced.

On this vote, the Senator from South Dakota (Mr. MUNDT) is paired with the Senator from Illinois (Mr. SMITH). If present and voting, the Senator from South Dakota would vote "yea" and the Senator from Illinois would vote "nay."

The result was announced—yeas 26, nays 60, as follows:

[No. 88 Leg.]

YEAS—26

Allen
Bennett
Byrd, Va.
Byrd, W. Va.
Curtis
Dominick
Eastland
Ellender
Ervin
Fannin
Fulbright
Hansen
Holland
Hollings
Hruska
Jordan, N.C.
Long
McClellan
Murphy
Sparkman
Spong
Stennis
Talmadge
Thurmond
Williams, Del.
Young, N. Dak.

NAYS—60

Aiken
Allott
Anderson
Bayh
Bible
Brooke
Burdick
Cannon
Case
Church
Cook
Cooper
Cotton
Cranston
Dodd
Dole
Eagleton
Fong
Goodell
Gore
Griffin
Harris
Hart
Hartke
Hatfield
Hughes
Inouye
Jackson
Javits
Kennedy
Magnuson
Mansfield
Mathias
McCarthy
McGee
McGovern
McIntyre
Miller
Mondale
Montoya
Moss
Muskie
Nelson
Packwood
Pastore
Pearson
Pell
Percy
Prouty
Proxmire
Ribicoff
Schweiker
Scott
Smith, Maine
Stevens
Symington
Tydings
Williams, N.J.
Yarborough
Young, Ohio

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Bellmon, against.

NOT VOTING—13

Baker
Boggs
Goldwater
Gravel
Gurney
Jordan, Idaho
Metcalf
Mundt
Randolph
Russell
Saxbe
Smith, Ill.
Tower

Mr. ERVIN's amendment was rejected.

Mr. KENNEDY. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. SCOTT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States submitting nominations were communicated to the Senate by Mr. Leonard, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the Committee on the District of Columbia.

(For nominations received today, see the end of Senate proceedings.)

MESSAGE FROM THE HOUSE—ENROLLED BILL SIGNED

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the Speaker had affixed his signature to the enrolled bill (S. 2910) to amend Public Law 89-260 to authorize additional funds for the Library of Congress James Madison Memorial Building, and it was signed by the Acting President pro tempore.

EXTENSION OF PUBLIC HEALTH PROTECTION WITH RESPECT TO CIGARETTE SMOKING—CONFERENCE REPORT

Mr. MAGNUSON. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 6543) to extend public health protection with respect to cigarette smoking, and for other purposes. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. The report will be read for the information of the Senate.

The legislative clerk read the report, as follows:

CONFERENCE REPORT (H. REPT. No. 91-—)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 6543) to extend public health protection with respect to cigarette smoking and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1, 4, 7, 8, 9, 10, 11, and 12, and agree to the same.

Amendment numbered 2:

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment, as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "The Surgeon General Has Determined That Cigarette Smoking Is Dangerous To Your Health."; and the Senate agree to the same.

Amendment numbered 3:

That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment, as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"(b) No requirement or prohibition based on smoking and health shall be imposed under State law with respect to the advertising or promotion of any cigarettes the packages of which are labeled in conformity with the provisions of this Act."

And the Senate agree to the same.

Amendment numbered 5:

That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment, as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"UNLAWFUL ADVERTISEMENTS

"SEC. 6. After January 1, 1971, it shall be unlawful to advertise cigarettes on any medium of electronic communication subject to the jurisdiction of the Federal Communications Commission."

And the Senate agree to the same.

Amendment numbered 6:

That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment, as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"Federal Trade Commission

"SEC. 7. (a) The Federal Trade Commission shall not take any action before July 1, 1971, with respect to its pending trade regulation rule proceeding relating to cigarette advertising. If at any time on or after July 1, 1971, the Federal Trade Commission determines it is necessary to take action with respect to such pending trade regulation rule proceeding, it shall notify the Congress of the determination. Such notification shall include the text of the trade regulation rule and a full statement of the basis for such determination. No trade regulation rule adopted in such proceeding may take effect until six months after the Commission has notified the Congress of the text of such rule, in order that the Congress may act if it so desires.

"(b) Except as provided in subsection (a), nothing in this Act shall be construed to limit, restrict, expand, or otherwise affect the authority of the Federal Trade Commission with respect to unfair or deceptive acts or practices in the advertising of cigarettes.

"(c) Nothing in this Act shall be construed to affirm or deny the Federal Trade Commission's holding that it has the authority to issue trade regulation rules or to require an affirmative statement in any cigarette advertisement."

And the Senate agree to the same.

The committee of conference reports in disagreement amendment numbered 13.

Harley O. Staggers,
John Jarman,
Paul G. Rogers,
David E. Satterfield III,
Peter N. Kyros,
Richardson Preyer,
William L. Springer,
Ancher Nelsen,
Tim Lee Carter,
Joe Skubitz,
James F. Hastings,
Managers on the Part of the House.

Warren G. Magnuson,
John O. Pastore,
Frank E. Moss,
Norris Cotton,
James B. Pearson,
Managers on the Part of the Senate.

Statement

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 6543) to extend public health protection with respect to cigarette smoking and for other purposes, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report.

BACKGROUND

The 1965 act

In 1965, the Congress enacted the Federal Cigarette Labeling and Advertising Act (Public Law 89–92; 15 U.S.C. 1331–1339) and made the Act effective on January 1, 1966.

Under the Act, (1) cigarette packages were required to bear a label stating "Caution: Cigarette Smoking May Be Hazardous to Your Health"; (2) other statements relating to smoking and health could not be required on packages bearing the label set forth in clause (1); (3) until July 1, 1969, no statement relating to smoking and health could be required in any advertisement of cigarettes the packages of which bore the label set forth in clause (1); and (4) the Secretary of Health, Education, and Welfare and the Federal Trade Commission were required to submit reports to the Congress by July 1 of each year with respect to matters of concern to them under the Act.

House action

On June 18, 1969, the House passed H.R. 6543 which amended the Federal Cigarette Labeling and Advertising Act in two respects. Under the House bill the label on cigarette packages was required to read "Warning: The Surgeon General Has Determined That Cigarette Smoking Is Dangerous to Your Health and May Cause Lung Cancer or Other Diseases". The House bill also postponed the termination date on preemption of certain aspects of regulation of cigarette advertising from July 1, 1969, to July 1, 1975. The House bill was made effective on July 1, 1969.

Senate action

On December 12, 1969, the Senate amended the House bill in the following significant respects. The statement required on cigarette packages was amended to read "Warning: Cigarette Smoking Is Dangerous to Your Health". The preemption provisions were revised to prohibit any State or political division thereof from imposing any requirement or prohibition based on smoking and health with respect to the advertising or promotion of cigarettes the packages of which were labeled in accordance with the legislation. In addition, the Senate amendment banned all cigarette advertising from radio and television on or after January 1, 1971, and permitted the Federal Trade Commission to resume its trade regulation rule proceeding relating to cigarette advertising after July 1, 1971, or earlier if advertising practices of the cigarette industry were found to be a gross abuse of the nonbroadcast media.

Except for section 5 of the legislation (relating to preemption) which was made effective July 1, 1969, the Senate amendment was made effective January 1, 1970.

CONFERENCE ACTION

A description of the action of the conferees follows in terms of the Senate numbered amendments.

Amendment numbered 1

This amendment defines the term "State" to include any political division of a State. This amendment was adopted in conjunction with a Senate amendment (see amendment numbered 3) which precludes the States from imposing any requirement or prohibition based on smoking and health with respect to the advertising or promotion of cigarettes the packages of which are labeled in accordance with the legislation. This amendment makes clear that the preemption applies to cities, counties, and other political divisions of the States as well as to the States themselves.

The House recedes.

Amendment numbered 2

This amendment relates to the statement which must appear on cigarette packages. The House provision would have required a label stating "Warning: The Surgeon General Has Determined That Cigarette Smoking Is Dangerous to Your Health and May Cause Lung Cancer or Other Diseases". Under the Senate amendment, the label would have read "Warning: Cigarette Smoking Is Dangerous to Your Health".

The label statement adopted by the conferees is a shortened version of the House provision. The label under the conference agreement would read "Warning: The Surgeon General Has Determined That Cigarette Smoking Is Dangerous To Your Health".

Amendment numbered 3

The House bill contained a blanket preemption (applicable to all Federal departments and agencies as well as State and local governments) with respect to requiring statements relating to smoking and health in advertisements of cigarettes the packages of which were labeled in conformity with the legislation.

The Senate preemption applied only to States and their political divisions. They were prevented from imposing any requirement or prohibition based on smoking and health on advertising and promotions of cigarettes in packages labeled in accordance with the Act. With minor technical amendments the conference version is the same as the Senate amendment.

Amendment numbered 4

The Senate amendment struck out certain language relating to the authority of the Federal Trade Commission. It also struck out the requirement that the Secretary of Health, Education, and Welfare and the Federal Trade Commission submit annual reports with respect to matters placed within their jurisdiction by the legislation. These matters are dealt with in connection with amendments numbered 6 and 7.

Amendment numbered 5

This Senate amendment would have prohibited cigarette advertisements, on or after January 1, 1971, on any medium of electronic communication subject to the jurisdiction of the Federal Communications Commission, e.g., radio, television, and cable television. The conference agreement is the same as the Senate amendment except that the prohibition applies after January 1, 1971.

Amendment numbered 6

In May 1969, the Federal Trade Commission reinstituted a proceeding which had been originally begun in 1964 for the promulgation of a trade regulation rule providing for a health warning in cigarette advertising. The enactment of the Federal Cigarette Labeling and Advertising Act in 1965 superseded the Commission's trade regulation rule proceeding until July 1, 1969 (see secs. 5(b) and 10).

Senate amendment numbered 6 would have prevented the Federal Trade Commission from moving forward with its trade regulation rule proceeding until July 1, 1971, unless it found that the advertising practices of the cigarette industry constituted a gross abuse of the nonbroadcast media in which case it could resume such proceeding at an earlier date. The Commission was also required to notify the Congress of its intention to resume the proceeding. The notice was required at least 6 months before any resulting trade regulation rule was to take effect and would have required a statement of the reasons for such resumption.

Because of concern on the part of the House managers about the meaning of "gross abuse of the nonbroadcast media" the conference agreement omits those provisions. Thus, the FTC may not resume action on its proposed trade regulation rule before July 1, 1971. Further, the conference substitute makes it clear that the Federal Trade Commission, in addition to including in its notice to the Congress a full statement of its reasons for resuming its proceedings for the promulgation of the trade regulation rule, must also include in that notice the actual text of the trade regulation rule. The notice would be required at least 6 months before such trade regulation rule goes into effect.

Before enactment of the Federal Cigarette Labeling and Advertising Act, the question was raised as to whether the FTC had authority to issue a trade regulation rule to require a health warning in cigarette advertisements. Section 5(c) of that Act made it clear that with the exception of sections 5(a) and 5(b) nothing in that Act was to limit, restrict, expand, or otherwise affect the authority of the Commission with respect to unfair or deceptive acts or practices in the advertising of cigarettes, nor to affirm or deny the Commission's holding that it has the authority to issue trade regulation rules or to require an affirmative statement in any cigarette advertisement. Through inadvertence, when Senate amendment numbered 6 was adopted on the Senate floor provisions almost identical to these were omitted.

The conference substitute includes new subsections (b) and (c) for section 7 of the amended Act which are almost identical to the provisions of section 5(c) of the original Act. These provisions make it clear that there is no intention to resolve the question as to whether the Commission has in fact the

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authority to issue a trade regulation rule regarding cigarette advertising.

The managers on the part of the House expect that the proceeding described in section 7(a) of the conference agreement will be the only basis on which any Federal department or agency could require a statement relating to smoking and health in cigarette advertising.

Amendment numbered 7

Section 5(d) of the Federal Cigarette Labeling and Advertisement Act as originally enacted required annual reports from the Secretary of Health, Education, and Welfare and the Federal Trade Commission with respect to matters placed within their respective jurisdictions by the Act. These reports were required to be submitted by June 30 of each year.

The Senate amendment places a new section 8 in the Act relating exclusively to the reports of the Secretary of Health, Education, and Welfare and the Federal Trade Commission. The only other difference between this Senate amendment and the original Act (which was not affected by the House bill) was that the Senate amendment required that the reports be submitted not later than January 1, 1971, and annually thereafter.

The managers on the part of the House concluded that with the significant changes now being made in the Act by the conference agreement it is desirable to postpone the reporting deadline to January 1 so as to have some period of operation under the Act as amended by the conference agreement before a report is required.

The conferees noted that the Secretary of Health, Education, and Welfare has informed the Congress that discussions have been held between officials of the cigarette industry and the Department of Health, Education, and Welfare in an effort to identify gaps in knowledge regarding smoking and health. The Secretary is urged to expedite such identification in a cooperative effort between the cigarette industry and the Department in order that priorities may be set for closing these gaps through appropriate research.

The House recedes.

Amendments numbered 8, 9, 10, and 11

These are technical and conforming amendments.

The House recedes.

Amendment numbered 12

This amendment struck out section 10 of the House passed bill which placed a termination date on the provisions of the legislation preempting the regulation of cigarette advertising. Since section 5(b) under the conference agreement preempts such regulation by the States and their local political divisions and is intended to be of permanent effect, and section 7(a) permits the Federal Trade Commission (if it determines it necessary) to resume consideration of its proposed trade regulation rule relating to cigarette advertising (without, of course, determining the basic question as to whether the FTC has the authority to issue such a trade regulation rule), section 10 of the House version was no longer appropriate.

The House recedes.

Amendment numbered 13

This amendment is reported in technical disagreement. The amendment struck out the effective date in the House bill which was July 1, 1969, and inserted in lieu thereof an effective date (with respect to all but section 5 of the Act) of January 1, 1970. Both dates have, of course, expired. The new warning on cigarette packages required by the conference agreement necessitates a transition period to permit cigarette packages to be imprinted with the warning. Accordingly the managers on the part of the House will offer an amendment in the House to recede and concur in Senate amendment numbered 13 with amendment as follows:

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In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

SEC. 3. Section 5 of the amendment made by this Act shall take effect as of July 1, 1969. Section 4 of the amendment made by this Act shall take effect on the first day of the seventh calendar month which begins after the date of the enactment of this Act. All other provisions of the amendment made by this Act except where otherwise specified shall take effect on January 1, 1970.

HARLEY O. STAGGERS,
JOHN JARMAN,
PAUL G. ROGERS,
DAVID E. SATTERFIELD III,
PETER N. KYROS,
RICHARDSON PREYER,
WILLIAM L. SPRINGER,
ANCHER NELSEN,
TIM LEE CARTER,
JOE SKUBITZ,
JAMES F. HASTINGS,
Managers on the Part of the House.

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. MAGNUSON. Mr. President, I have a very short statement. This is the conference report on the so-called cigarette bill, with which many Senators are quite familiar; and when I have finished with my short statement, I wish to yield to the Senator from Utah (Mr. Moss) and any other Senators who wish to make statements on this matter.

Mr. President, this conference report represents the last—and by all odds the most satisfying—chapter in the saga of congressional efforts to face up to the hazards of cigarette smoking. It has taken a long time but we are now about to do what we had to do.

The conference report represents substantial acquiescence by the House in the Senate amendments.

Most importantly, the conference report embodies the Senate passed mandatory ban on all broadcast advertising of cigarettes after January 1 of next year.

Second, the conference report adopts a strong new cautionary warning to be required on the package label: "Warning: The Surgeon General has determined that cigarette smoking is dangerous to your health."

The other bill that we passed two sessions ago provided a warning on cigarette packages, which is on them now, that cigarette smoking "may be dangerous to your health." The word "may" has been changed to "is," because of conclusive scientific evidence since that bill was passed.

Third, the preemption of the Federal Trade Commission imposes upon the commission only that limitation which the commission voluntarily adopted during testimony before the Senate Commerce Committee. Again substantially as passed by the Senate, the conference report provides that the Trade Commission may not revive its pending trade regulation rule to require warning in all print cigarette advertising, until it has had the opportunity to consider the impact of the termination of broadcast cigarette advertising and the subsequent behavior of the cigarette industry in the nonprint media, that is, before July 1971. The House bill had an open-end provision on the preemption, and they agreed to this date, which I think allows adequate time.

The FTC was not preempted by the terms of the conference report from otherwise exercising its jurisdiction over cigarette advertising which arises from its general powers to curb unfair or deceptive acts or practices in commerce, including should it deem necessary, requiring the listing of tar and nicotine content in advertising.

In short, the conference report is virtually identical with the Senate passed bill and fully consonant with the public interest.

Mr. President, at this time I would like to pay tribute to a Member of this body whose persistent, untiring efforts undoubtedly turned the tide of this legislation in the public interest. There is no need of my repeating that great economic forces were alined against passage of strong legislation. Hundreds of millions of dollars of advertising revenues were at stake—I think the figure was put at some $300 million a year—but our colleague, FRANK MOSS, as chairman of the Consumer Subcommittee of the Senate Commerce Committee, held firm. Because of his efforts and those of the other committee members, the public was aroused and alerted to the dangers of inadequate legislation, and because of his leadership new generations may yet be born into an environment untarnished by tobacco smoke.

Credit must also go to our colleague the Senator from New Hampshire (Mr. COTTON), the ranking Republican member of the Committee on Commerce. This bill bears the indelible mark of his conviction that Congress alone had the responsibility to take the initiative and set the course for the termination date of broadcast advertising.

Of course, this was subject to the most discussion in the conference, and without his active leadership I firmly believe the objective would not have been secured.

I compliment not only the Senator from New Hampshire but also the other members of the subcommittee and the members of the Committee on Commerce for their struggle with this measure over a long period.

We are going into a new era. I hope it will have the results we think it will have. We may have to review it again. But I am pleased with the bill, and I am sure that the members of the committee as a whole are also pleased. There was much discussion. Everybody had a fair chance to offer amendments. We had many conferences—I do not know how many—not only with the tobacco people but also with the broadcasting industry and others involved.

This is landmark legislation in the health field, and I am very pleased to ask for the consideration of the conference report today.

Mr. President, I ask for the yeas and nays on the conference report.

The yeas and nays were ordered.

Mr. MAGNUSON. Mr. President, I yield to the Senator from Utah (Mr. Moss).

Mr. MOSS. I thank the chairman.

Mr. President, for more years than any of us like to remember, the cigarette industry, through the broadcast media, has been bringing into every American home, hour after hour, day after day, the implicit message that cigarette smoking is a glamorous, normal, pleasurable concomitant of the good life.

During this period, thousands of Americans have died prematurely from lung cancer, emphysema, heart disease, or stroke because they were mesmerized by the ads and did not hear or did not heed the warning of the medical community.

Thanks to this bill, Marlboro Country will fade into television history—as of next January. Moreover, the brief preemption of this bill on the Federal Trade Commission's pending rule to require warnings in print advertising at least imposes upon the Trade Commission no restraints greater than that which the commission was willing to impose voluntarily upon itself: That is, that it suspend rulemaking action until July 1971, when it will have had the opportunity to analyze the impact of the termination of broadcast advertising of cigarettes.

I think we have made it clear that Congress will not tolerate any massive infusion of advertising dollars into magazines and newspapers to offset the shutting off of broadcast advertising. If such a diversion of advertising expenditures occurs, then I will urge and support the earlier imposition of an FTC rule.

Fortunately, the FTC preemption in the bill is limited: the FTC is not preempted from policing cigarette advertising for unfairness or deception generally under the Federal Trade Commission Act. There is nothing in the bill which would restrain the Trade Commission from moving immediately, if it saw fit, to require the listing of tar and nicotine in all cigarette ads to prevent the deception or confusion of the cigarette consuming public.

The new, clear language of warning printed on every cigarette package also represents a substantial victory for the public health forces. I hope to see, in the not too distant future, posters, and billboards from one end of the country to the other, reading something like this: "Congress cannot cure lung cancer, heart disease, or emphysema; it can only warn you against them"; and then an arrow pointing to the warning on the side of a cigarette pack, which under this law will now read: "Warning: The Surgeon General Has Determined That Cigarette Smoking Is Dangerous to Your Health."

I am grateful to the chairman, the Senator from Washington (Mr. MAGNUSON), for his kind words for my efforts; but the truth, as every Senator knows, is that legislation as strong and unequivocal as this would not have been possible without the chairman's leadership, his encouragement, his quiet, unobtrusive support. There are, of course, many others whose efforts contributed to this final act on this bill. I wish I could name them all. I am constrained to recognize the strong support at the crucial time given by the senior Senator from New Hampshire (Mr. COTTON), the ranking Republican member of our committee. Surely, no committee in Congress is blessed with more enlightened leadership from both sides of the aisle than is the Committee on Commerce. I am grateful to these two leaders and to all my colleagues on the committee and to the other Members of this body who have supported this long and arduous effort on the control of cigarette advertising, in the interest of public health.

Mr. CHURCH. Mr. President, will the Senator yield?

Mr. MOSS. I yield.

Mr. CHURCH. Mr. President, the Cigarette Labeling and Advertising Act is largely the work of one Senator.

Seldom does a Senator take up a cause and, almost singlehanded, bring his colleagues to his way of thinking and steer his vision into law.

But Senator FRANK E. MOSS, of Utah, did just that on the cigarette advertising bill.

Let me detail what happened:

Of course, we all remember that in 1964, the Surgeon General of the United States issued his report on the effects of smoking on health. It was this report that brought to the attention of the general public the actual health hazards involved in this habit. It also brought about action by Congress. In the first Cigarette Labeling Act of 1965, Congress officially recognized the hazard involved in cigarette smoking and required a warning to appear on all cigarette packages. This was generally hailed a step forward in the battle to educate the American public of the health hazards involved in smoking. But also contained in the bill was what turned out to be a giant step backward. Congress tied the hands of the regulatory agencies for a period of 4 years, and refused to allow these agencies to regulate in any way cigarette advertising.

While the 1964 report brought about the first concerted effort in Congress, Senator Moss had already developed an impressive record of work in this area. Senator Moss started in 1959, by cosponsoring a bill to provide funds for educating high school students on the health hazards of smoking. In 1963, he wrote the major television networks and cigarette companies, asking them to voluntarily take the glamour out of cigarette advertising and to lessen their appeal to young people. So by the time the Surgeon General's report called national attention to this problem, Senator Moss had already established an impressive record of work in this area.

Subsequent reports in 1967 and 1968 confirmed the earlier Surgeon General's report and increased the statistical data concerning the health hazards of smoking. But in spite of all this proof, the Federal Trade Commission and the Federal Communications Commission were unable to take action to regulate advertisements of cigarettes, because of the ban placed upon them by the 1965 law.

On January 31, 1969, Senator Moss made a very dramatic speech before the Senate, at which time he pointed out that the 4-year ban on the regulatory agencies would expire June 30, 1969. Whereas in the past he had been a constant supporter of anticigarette advertising legislation, he now called for a different approach. Knowing the desire of the FTC and the FCC to move in this area, he called for the passage of no legislation. "Rather," he said "let us let the ban expire and the regulatory agencies perform their constitutional function."

So intent was Senator Moss to see that the regulatory agencies were free to act, that he told the Senate that he would filibuster, if necessary, to assure that the regulatory agencies would be free to act.

The House took a different approach, and early in the year, passed a cigarette advertising bill which strengthened somewhat the warning on the cigarette package, but which would have continued for 6 more years the statutory ban on the regulatory agencies. The public outcry against this retreat was impressive, and supported Senator Moss' strong opposition to an extension of the ban. Knowing of Senator Moss' position, and of his strategic position as chairman of the Consumer Subcommittee in the Senate, the broadcasters sought a way out by proposing a 4-year voluntary phaseout of cigarette advertising. Senator Moss applauded the voluntary approach, but asked the obvious question, "Why wait 4 years?" He pointed out to us in the Senate and to the general public that by proposing a 4-year phaseout, the broadcasters had accepted the idea that cigarette advertising should end on television, but by asking 4 years to phase it out, they showed their first concern was making money, rather than safeguarding the health of the Nation.

In July of 1969, Senator Moss chaired hearings on the House-passed bill, and it was at that time that the tobacco industry made the dramatic appeal to be allowed to voluntarily end cigarette advertising on radio and television. Senator Moss welcomed their proposal, and in committee, proposed changes in the House-passed bill that would allow the cigarette industry to withdraw from radio and television advertising voluntarily. By the narrowest of margins, Senator Moss' proposals lost in committee, in a series of 10-to-9 rollcall votes. So, when the bill was reported by the committee, Senator Moss took his fight before the full Senate. In a very impressive manner, demonstrating his legislative ability, Senator Moss succeeded on December 13, 1969, in passing three vital amendments which changed the weak committee-approved bill into the strong health measure we are discussing here today.

Senator Moss carried his fight one step further, into the conference committee between the two Houses of Congress, getting the Senate version through the conference with only minor changes.

Senator Moss is recognized in the national press as the leader of the fight to control cigarette advertising. He has been honored in the District of Columbia by the Interagency Council on Smoking and Health, as the Man of the Year, the man who did the most to promote the health issue of cigarette smoking.

In this long battle, Senator Moss has demonstrated some very desirable qualities. First, he has shown himself to be a man of vision. In 1959, he was beginning his battle, a battle that was not joined by the general public for 6 long years. He has shown the ability to work hard, to persevere, and to follow through until his objectives were won.

He has shown the courage to stand alone and to fight the unpopular battle which he knew was right, and to eventually persuade the majority in Congress that his cause should prevail.

I am proud to have supported him throughout his long fight, and I extend to him my hearty congratulations on this occasion.

Mr. COTTON. Mr. President, will the Senator from Utah yield me one-half minute, as I have to leave the Chamber?

The PRESIDING OFFICER (Mr. Mondale in the chair). Does the Senator from Utah yield to the Senator from New Hampshire?

Mr. MOSS. First, let me just thank the distinguished Senator from Idaho for his kind words. I cherish his friendship and appreciate the long support he has given me in this matter.

I am very happy to yield to the Senator from New Hampshire.

Mr. COTTON. Mr. President, I thank the Senator for yielding to me at this time because I have to leave the Chamber for an important meeting.

I want to thank the distinguished chairman of the committee, the Senator from Washington (Mr. Magnuson) and the distinguished chairman of the subcommittee, the Senator from Utah (Mr. Moss) for their kind comments in regard to the Senator from New Hampshire.

I do not wish to interrupt the tributes which are now being paid to the Senator from Utah. In fact, I join in them. I shall make a statement on the conference report later in the day or subsequently.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. YOUNG of Ohio. Mr. President, will the Senator from Utah yield?

Mr. MOSS. I am happy to yield to the Senator from Ohio.

Mr. YOUNG of Ohio. Mr. President, I desire at this time to pay tribute to the distinguished Senator from Utah, and to express to him my devotion and admiration for the dedicated service he has rendered the people of the great State of Utah, the Senate, and the people of the country as a whole.

Over the years, to my knowledge, the Senator from Utah has fought against bitter opposition for legislation that would bring home forcibly to all Americans, especially to the young, the hard facts about the hazards of cigarette smoking and to try to curb the effect of cigarette advertising beamed into the Nation's homes over radio and television.

As the Senator from Utah knows, I have reason to feel deeply on this subject. My wife of many years smoked two packs of cigarettes a day. She died of lung cancer on October 28, 1952. Up to that time I was smoking cigarettes regularly. When she died, I ceased smoking almost immediately.

I am glad to say that the Senator from Utah and I came to the Senate on the same day. We took the oath of office within a few minutes of each other. We have been personal friends ever since that time. He has accomplished a very great service for all the American people in this field, despite the odds against him at the start.

I remember listening to some of his early speeches dealing with the dangers of cigarette smoking. I was a cosponsor of his first bill providing for a study of tobacco in the schools. That bill was introduced during the first year of the Senator's service in the Senate and was a forerunner of the splendid work he has done exposing the dangers of cigarette smoking since that time.

I happen to know that in 1963 he wrote letters to the television networks and to heads of the tobacco industry throughout the country. He was depressed over the glamor that seemed to pervade all cigarette advertising on television, and he asked the National Association of Broadcasters to adopt a voluntary code. Due to strong opposition, he was compelled to make a similar request in 1969.

I recall being in the Senate Chamber on many occasions when he advocated a ban on cigarette advertising, and that the ban be enforced. On one occasion, quite dramatically, he threatened a filibuster. He said he would continue to speak out, and speak out often, on the subject.

The people of Utah, whom he has represented so faithfully and industriously over the more than 11 years he has been in the Senate, know the great fight their Senator has made against cigarette smoking and the advertising of that product in this country.

Today, with the adoption of this conference report, I can take pride that I assisted him in a small way.

As his colleague in the Senate, I am very proud of the dedicated service that Senator Frank "Ted" Moss of Utah has rendered, not only to all of the citizens of his great State of Utah, but also to all of the citizens of the United States. It is a matter for rejoicing on our part that the conference report will be agreed to on a rollcall vote in just a few minutes.

I manifest my personal gratitude and thanks to the Senator from Utah.

Mr. MOSS. Mr. President, I thank my colleague, the Senator from Ohio. He has, indeed, been a steadfast supporter in this fight we have made to control the advertising and hence to lessen the incidence of cancer.

I am well aware of the great personal commitment the Senator from Ohio has had. He and I have spoken about the matter often. I thank him for the generous references he has made to me in this field.

Mr. President, I am happy to yield to the Senator from Texas.

Mr. YARBOROUGH. Mr. President, I rise to support H.R. 6543 which will ban all radio and television cigarette advertisements after January 2, 1971.

Mr. President, as a member of the Health Subcommittee of the Senate for the past 12 years and as the chairman of that subcommittee since January of last year, I thank the able and diligent Senator from Utah, who has fought so long and hard to improve the health of the American people.

Cancer is the biggest killer of the American people. Lung cancer is one of the leading killers. Tobacco causes lung cancer. Heart disease, cancer, and stroke kill 70 percent of all Americans who die every year. Tobacco is one of the causes that lead to the early deaths of many Americans.

This bill is a great step forward in the area of public health. It has reached fruition through the work of the Commerce Committee. The Commerce Committee reported the bill. We on the Health Subcommittee have worked on the matter very diligently.

I have supported the able Senator from Utah in this effort since he started this endeavor in 1959. The report of the Surgeon General was made in 1964. However, the Senator from Utah sponsored the first bill dealing with the harmful effects of tobacco in 1959—5 years before the Surgeon General issued his report.

For far too many years, the radio and television media have been saturated with commercial advertisements which have glamorized cigarettes and the smoking habit. Many young people have been influenced by these advertisements and acquired the smoking habit as a result. Consequently, millions of people in America today are faced with a serious health problem as a result of the adverse effects of smoking cigarettes. The bill we have before us today is a major step forward in the fight to eliminate this problem.

Much of the credit for this bill and the achievements we have made in the area of antismoking legislation is due to the hard work and diligent efforts of our colleague, Senator Frank Moss, of Utah. Senator Moss cosponsored the first bill dealing with the harmful effects of tobacco in 1959. Since that time he has sponsored every major cigarette bill and introduced many bills of his own on this subject.

In 1963, Senator Moss personally urged the television networks and tobacco industry to eliminate advertisements that glamorized smoking. As a result of his efforts, many television stations and newspapers voluntarily canceled cigarette ads. In July of 1969, Senator Moss chaired the Consumer Subcommittee hearings on cigarette advertisements. These hearings brought to the public attention for the first time many of the dangers of smoking. As a result of these efforts, Senator Moss in December of 1969 was successful in obtaining the passage of this bill which is before us today. The major portions of Senator Moss's bill were agreed to by the conference committee on March 3 of this year.

As we consider this committee's report, it is only fitting that we pause to honor Senator Moss for his efforts on behalf of the health of millions of Americans. As chairman of the Subcommittee on Health, I am familiar with the problems that prompted Senator Moss to wage his gallant fight to eliminate cigarette advertisements and I commend him for it. I urge all of my colleagues to give their full support to the committee report and to this legislation.

The advertisements of smoking on television and radio made it appear that all the beautiful people had to smoke to be with the "in" crowd. Consequently, millions of Americans are already dead or are going to have shorter lives because they picked up this habit.

This has been a fight of one man. Time after time I have had some constituent say to me, "Well, why cannot someone in Congress do something about this matter? Ralph Nader did it on the outside."

Senator Moss is an example of what one man in Congress can do out of 100 Members of the Senate, and 435 Members of the House. We do not have to sit down and wait. There are 535 national representatives of the people in Congress. One man waged this fight and succeeded. Many thought it was a lost cause and that one would be a Don Quixote to fight for it.

The Senator from Utah has fought and won a good fight. Millions of Americans who do not know about this fight will, as a result of his efforts, avoid the habit and thus avoid shortening their lives.

I take my hat off to the Senator from Utah. When I came to this body 12 years and 10 months ago, I knew three Members of the Senate. I knew Senator Moss because we had entered the armed services at the same time in World War II and served in the same unit when we first entered service. He went to the Air Force and achieved a notable service record. I went with the ground forces.

The Senator from Utah (Mr. Moss) graduated from the University of Utah magna cum laude and graduated from George Washington University Law School cum laude. These are two great universities.

His superior service with the Air Force has added to the self-discipline and character he has exemplified in his own life. He does not use tobacco or alcohol. He is an example of probity and rectitude that we are all proud of. His accomplishments have already been sufficient for an ordinary lifetime.

I take off my hat to one Senator who has done such an excellent piece of work for the benefit of more than 200 milllion Americans.

As chairman of the Health Subcommittee I again thank the Senator from Utah for what he has done for the health of the American people.

Mr. MOSS. Mr. President, I thank my colleague for his overly generous remarks. I commend him for the great record he has made on the Health Subcommittee and on the Labor and Public Welfare Committee.

The Senator and I have indeed been longtime friends. We were friends before we came to the Senate. Since I have become a Member of the Senate I have learned of his great efforts in the field of health and in many other aspects of the health field.

I am happy that my colleagues have made the comments they have. They have all stressed the fact that this is indeed a law directed at the health of our people. It is, therefore, in the public interest that we should enact this measure. That is the reason we have gone this far.

I pay tribute also to the chairman of the Commerce Committee, the senior Senator from Washington (Mr. MAGNUSON), for his great efforts in this field. His leadership has enabled us to guide the bill to passage.

Mr. MAGNUSON. Mr. President, I want to make a motion that we have a rollcall vote.

I appreciate what the Senator has said. I have just one line that I want to add. I am sure that in addition to the many things that have been said about Senator Moss, Senator COTTON and myself, I wish that former Senator Neuberger could have been here. She did such noble work in the early days of this effort.

Mr. MOSS. Mr. President, I concur with that statement. I am pleased that the chairman thought to mention Senator Neuberger. She is certainly deserving of the greatest degree of credit for the yeoman work she did while she served in the Senate.

Mr. MAGNUSON. Mr. President, I move that the Senate further insist on its amendment No. 13. That amendment is a mere technical amendment. All we do is insist on it. It is a matter of paperwork. It will go back to the House and then come back here.

The PRESIDING OFFICER. The Senator from Washington is advised that the report will be considered after the adoption of the conference report.

The Chair recognizes the Senator from Michigan.

Mr. HART. Mr. President, I was called briefly from the floor. However, I have heard several descriptions of the effective role the Senator from Utah played in bringing this measure to this point.

On the assumption that nothing would lessen the praise that has been voiced in my absence, I rise and say amen to all that has been said.

We indulge ourselves sometimes in the practice of puffing each other up around here. Fortunately, it has not become such a tradition that when we say something and mean it, it is double in spades. This is one of those situations.

A bookmaker would have given long odds that this effort would not have been achieved successfully.

The fact that the chairman of the committee, the Senator from Washington (Mr. MAGNUSON) gave it his full support, joined by the Senator from New Hampshire (Mr. COTTON), the ranking minority member on the committee, has helped to bring us to the point where we are today. But basically all of us acknowledge our debt to the Senator from Utah (Mr. Moss). This is a very significant achievement.

Mr. ERVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. ERVIN. Mr. President, I do not wish to detract in any manner from the tributes which have been paid to the chairman of the Committee on Commerce or to our distinguished colleague from Utah (Mr. Moss) who chaired the subcommittee which conducted the hearings on the question which resulted in this legislation. I would like to point out, however, that we had many agencies of Government for the first time in our history leading a crusade against a product which it is perfectly legal to sell to the general public in this country. We had the Surgeon General's office, we had other officials of HEW, and we had the Federal Trade Commission and the Federal Communications Commission. I think this is perhaps the first time in the history of the Nation that large sums of taxpayers' money have been spent by the Federal Government for the purpose of crusading against a product which it is legal to sell.

I have some misgiving about the Federal Government engaging in this kind of task because I feel it may set a precedent for the Government to try to brainwash the American people in the future in respect of their personal habits. I think that is something which would be rather disastrous in a free society. Furthermore, I hate to be a prophet of doom, but I do not believe that mankind would become immortal if mankind totally ceased smoking cigarettes.

We have had references made here to lung cancer. According to available figures, at least one-half of the people who have lung cancer have lung cancer which has its origin in other parts of the body, and not in the lungs. Furthermore, the sum total of the knowledge of the medical profession as to the cause of lung cancer as well as to other forms of the disease is summed up in the first sentence of an article on cancer in the Encyclopaedia Britannica. This first sentence states that cancer is an autonomous growth of new tissue without known basic cause.

A very substantial part of the medical profession will confess that the medical profession does not know the causes of lung cancer. The Surgeon General's report to which allusion has been made was based upon statistics; and one can take statistics and prove anything. One can take statistics and prove that smoking cigarettes is a very healthful thing in which to engage. I say that because the people of America smoke more cigarettes than any other people on the face of the earth and at the same time American people enjoy the longest life of any people on earth. Ever since the medical profession developed the capacity to diagnose lung cancer as a separate disease from pulmonary tuberculosis the medical profession has noted two things with reference to lung cancer. The first is that lung cancer is basically a disease of the male as distinguished from the female; the second is that lung cancer is a disease of the aging.

Despite the fact that during recent years the consumption of cigarettes by women has increased many fold, the medical profession has noted that there has been virtually no difference in the ratio by sex of those who become ill with lung cancer. In other words, the number of men who become ill with lung cancer still exceeds the number of women by virtually the same ratios that were noted before women started smoking cigarettes. That is one significant fact which has to be disproved before it can be truthfully asserted that smoking cigarettes causes lung cancer.

The other fact is that the age of the onset of lung cancer has not changed notwithstanding the fact that multi-

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tudes of the youth have smoked for many years. The average age of onset of lung cancer is still approximately 59 years of age. If there has been any increase in lung cancer in recent years, I think a very good case can be made for the proposition that the increase has been due to the increase in the longevity of Americans. In 1930, if I recall the date correctly, the average American lived to be about 59 years of age. Since that time the longevity of the average American has increased to somewhere in the early seventies. The result is that we have many more Americans who are of the age at which lung cancer has its onset and causes deaths. Therefore, if we want to be perfectly realistic and reduce the number of people dying of lung cancer, since it is a disease of the aging, we are going to have to arrange some way to kill off people earlier in life before they reach the age at which lung cancer has its highest incidence.

Physicians of the highest competence in this field assert that there is no evidence of any causal relation between smoking cigarettes and lung cancer, heart disease, and emphysema. Indeed, the National Institutes of Health has reported that its study of the subject compels it to say that the cause of emphysema is not known. And, incidentally, there was testimony before the Commerce Committee to the effect that 998 physicians out of 1,000 assert that it is not possible to tell the lung of a nonsmoker from that of a smoker.

I think we should not delude ourselves into believing that any man knows the cause of cancer. We need much more research in this field. It certainly is to be hoped that at some time in the not distant future the cause of this scourge of mankind will be discovered and that some effective method of curing it or at least alleviating its consequences will be found.

It is regrettable when a government, in order to brainwash its people in respect of their personal habits, indulges in statements that are not true. I have just been informed this morning that the Post Office Department is resuming the placing of posters on the vehicles it operates, stating that 100,000 doctors have quit smoking and suggesting that this is because they know something that the public does not know.

I had something in the nature of a confrontation with the Postmaster General a few years ago on that subject. I found that, instead of 100,000 doctors telling them they had quit smoking, they had hired a public relations firm to issue questionnaires to doctors; that they had issued questionnaires to perhaps in the neighborhood of 6,000 or 7,000, and they had received replies from about 2,000 of them. A substantial number of the 2,000, perhaps 1,800, said they had quit smoking, but they did not say why or when they had quit smoking.

I think the Government of the United States ought not stoop to putting out false propaganda like that, even for what it deems to be a laudable cause. It certainly should restrict its propaganda to what is true, instead of issuing propaganda which it had admitted to me, in substance, is false.

I felt like I ought to make these observations because my State has many people who are dependent on growing tobacco for their livelihood and many others who are dependent for their livelihood on the manufacture of tobacco products. I could not let this occasion pass without saying what is true and what is not. The Encyclopaedia Britannica defines cancer as the "autonomous growth of new tissue without known basic cause." That sums up—not theories, not opinions—but the truth on this matter. I am authorized by my colleague, Mr. JORDAN, to state that he shares the views expressed by me.

Mr. MOSS. Mr. President, I have just a very brief observation, because I have had my opportunity to speak. In the first place, the Surgeon General's report of 1964 has now been augmented by two subsequent reports, and they were not based on research done by the Surgeon General himself; he simply brought together the research being done by the whole medical profession. The subsequent reports confirm in every detail the conclusions he came to in his first report about the cause of lung cancer and other diseases resulting through cigarette smoking.

I think the Senator from North Carolina may have pointed out an interesting fact, in that the lung cancer incidence among women, which has been much less up to this point, but it is now climbing rapidly. All we have to do is go right back to the cigarette commercial, "You've come a long way, baby," to recognize that women up to 20 years ago or less, smoked cigarettes very little. The commercial would have one believe that women did it in the basement or somewhere else, in hiding. But the fact is that it has become a confirmed habit among women only in the last few years, and now lung cancer among them is on the increase.

Lung cancer has been induced in the lungs of dogs, so we know precisely now what causes it.

The 80-percent figure of doctors who used to smoke is now down to about 15 percent.

Mr. LONG. Mr. President, will the Senator yield?

Mr. MOSS. I yield.

Mr. LONG. I applaud the Senator for the stand he has taken with regard to the hazards of cigarette smoking. I think, with respect to the report before the Surgeon General, it should be stated that there was much evidence before the task was assigned. As I recall, even putting the task in the hands of the Surgeon General had to do with the fact that the Congress thought it ought to go to him on the basis of the evidence we had prior to that time. Some people regarded it as not being diligent that we should go to the point of assigning the task to the Surgeon General and await a report.

The Surgeon General found that heart and circulatory ailments related to cigarette smoking were causing even more deaths than lung cancer. So while lung cancer seemed to be primarily induced by cigarette smoking, it was only the beginning of the deaths that cigarette smoking seems to have induced.

Having applauded the Senator from Utah, let me say I am also concerned with our friends from North Carolina and our friends from other States that produce tobacco. I would not want to see them injured unnecessarily. It is a legitimate business. As a matter of fact, it was to some extent the producers of tobacco who first colonized this country.

I am going to introduce a bill proposing a way to buy this industry out, at a nice, big profit, not relating only to those who manufacture cigarettes, but the fellow who tills the soil and the fellow who sells the implements and the man who, directly or indirectly, is engaged in the industry, including, if need be, paying generously the television people to help direct all of them away from something that is not good for us and into something that is worthwhile.

I have discussed this matter with some of my friends, doctors and others who have been leaders in research into the question of cancer and circulatory and heart conditions. They feel it would be a cheap price to pay to get these people out of this endeavor and provide funds to help get them into something else, where they would be serving their fellow man and themselves better—at a profit, not at a loss.

I personally do not believe we ought to legislate to put someone out of a legitimate business for our advantage, and injure him unnecessarily, if we are capable, as a Nation, of helping such people get into something else.

I would not want to injure North Carolina, for a good many reasons, some of them having to do with the distinguished Senator from North Carolina, and I would certainly not want to injure Virginia, South Carolina, Kentucky, or any of the other tobacco-producing States. But I think we ought to encourage and help them achieve a transfer to a more useful and beneficial endeavor.

I shall be introducing a bill along that line, keeping in mind that my purpose is not to injure them but to do what I think all of us want to do, and that is to advance the national interest.

Mr. MOSS. I thank the Senator. I have indicated that I would be willing to go along with any kind of adjustment program that would ease the financial shift that will come about by reason of this bill. I certainly would be, because I do not think the financial blow ought to fall on any segment of the population by a fiat of Congress, and we ought to be able to prepare them to make that shift, although I do not think the tobacco industry is going to collapse overnight. The downturn, if it continues as now, will be a gradual one, over a long period of time, and there will be quite a long time to make the adjustment.

Mr. LONG. I hope everyone will recognize the problem, as the Senator from Utah and I do, and will be equally fair. We are not thinking about just dollars and cents, but we are thinking about the health and welfare of our people. We ought to be able to resolve the plight of the tobacco producers and help them get into something that will be more in the national interest and the interest of their fellow citizens. The case is self-evident. I would not want to in-

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troduce something that would do unnecessary injury to people who are doing the right as the good Lord gives them the light to see the right.

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. MOSS. I yield.

Mr. TYDINGS. Mr. President, I appreciate the Senator's yielding, and I would like to take this opportunity to add my voice to those of my colleagues' who have taken the opportunity today to comment on the remarkable legislative acumen and the success of the leadership of the distinguished Senator from Utah and his responsibility with respect to the legislation designed to help protect the health of the American people vis-a-vis the disease of lung cancer and other diseases as a result of smoking tobacco.

I do not think it would be an unfair statement to say that most knowledgeable observers would have doubted that the legislation being considered now, and which undoubtedly will come of the conference, would have been conceivable or possible 3 years ago. That such legislation is possible, and indeed will be enacted in this session of Congress, is a remarkable fact. It is a tribute to the Senator from Utah, to his tenacity, to his hard work, and to his exceptional ability in the legislative field. I think all Americans owe him a debt of gratitude.

I think I might say the young people of our Nation particularly are aware of just what his work has meant, and I think in many respects they are perhaps a step or two ahead of their elders in the recognition of the dangers resulting from excess tobacco inhalation.

So I add my voice to those of my colleagues who are paying tribute to the distinguished Senator from Utah at this time.

Mr. MOSS. I thank my colleague from Maryland for his generous remarks. I am happy to yield now to the Senator from Rhode Island.

Mr. PASTORE. Mr. President, I, too, associate myself with everything that has been said by the Senator from Utah. I do not know whether or not he made any observation along this line, but I think that we ought to remind all those who are sincerely skeptical about what we are doing here that this was no hasty action on the part of the committee. This has been in process for some time. We started way back more than 5 years ago looking into this matter in our committee. We had the foremost medical scientists before the committee to testify.

I cannot say of a certainty that excessive cigarette smoking does cause cancer in everyone, but there has been abundant evidence from the medical experts of this country that it is harmful to the health, that it does cause emphysema, and that it does produce injury to the lungs. We saw some pictures, frightening pictures showing what cigarette smoking does to a person's system.

I think we ought to emphasize at this point that the good Lord did not create the human body so that we could inhale hot smoke and get away with it forever. Naturally, it is going to hurt in the long run, and I think we have had abundant proof of that.

I think the record ought to be clear that this was not done in haste.

I believe the thing that impressed me more than anything else is the count of the number of doctors who have stopped smoking in the period since this matter became a subject of urgent consideration by the committee.

Mr. MOSS. I thank the Senator from Rhode Island.

Mr. COTTON subsequently said: Mr. President, on the first of April the President signed into law the Public Health Cigarette Smoking Act of 1969.

You may recall that last month when the Senate first considered the conference report on the enabling legislation, I requested permission, which was granted, to file this statement.

It was during the same Senate consideration of the conference report that the distinguished chairman of our Committee on Commerce (Senator MAGNUSON) and the chairman of its Consumer Subcommittee (Senator Moss) complimented the senior Senator from New Hampshire for his contribution in framing this act, which now is Public Law 91–222. I wish to thank both of these distinguished Senators for their kind words.

The contribution which I was able to make and which has been referred to concerned two amendments. Probably the most significant of these was that contained in section 6 of Public Law 91–222 prohibiting the advertising of cigarettes on any medium of electronic communication subject to the jurisdiction of the Federal Communications Commission after January 1, 1971.

Mr. President, there appears to have been much speculation as to what motivated the senior Senator from New Hampshire to offer this provision and what its probable effect might be. Quite frankly, I thought that I clearly stated my position in the following manner last December, during the course of Senate debate on the legislation:

> It is my position that the time has come when the country expects Congress to assert itself. We can talk all we want about setting a precedent with respect to other products, be it liquor or whatever. But the fact remains that during those years the case had been made all over this country about health hazard in connection with cigarette smoking. The time had come, so that the industry itself—and I want to give them credit for it—very generously and justly realized it and were willing to stop advertising on radio and television. It is particularly bad on television, which is watched by many young people—children and teenagers.

Mr. President, in a nutshell, it has been my personal observation that whereas young people—children and teenagers—frequently are glued to viewing the television or listening to the radio, the same is not true with respect to the attention given by them to newspapers and other printed media. My purpose, therefore, was to try to remedy the situation with respect to the promotion of the product over the airwaves in recognition of the infinite potential of such broadcasting to influence the lives of the young people of our nation with respect to the desirability of using this product.

I, therefore, would like to stress and make clear that what this Senator sought to remedy was the promotion of a product over the public airwaves, not a ban on the sale of this or any other specific product. Moreover, it was not the intention of this Senator to in any way, shape, or form, create any inference with respect to such promotion in the printed media, being all too mindful of the grave implications arising from such under the first amendment to our Constitution. Nor did this Senator intend that this legislation should indicate that the Congress had made an official determination as to the extent to which smoking causes respiratory and other diseases. Obviously, the Congress is not competent to form medical judgments. In this instance, it accepts the decision of the Surgeon General as the basis for its action.

In summary, Mr. President, it was the view of this Senator that the use of public property, to wit the airwaves, for the promotion of a product alleged to be the principal cause of fatal diseases and disabling illnesses could not by any measure be considered to be consistent where the concept of public interest guide the use of such public property. This is particularly so with respect to its recognized impact and influence in shaping the minds of our young people.

Mr. President, in conclusion, I believe that Public Law 91–222—the Public Health Cigarette Smoking Act of 1969—constitutes a hallmark in the long striving efforts of the distinguished chairman of our Committee on Commerce (Mr. MAGNUSON). He is to be congratulated on a job well done and one for which the future generations of this Nation will be deeply indebted to him. The senior Senator from New Hampshire is most pleased to have had the privilege and the honor to make a constructive contribution to this effort undertaken by the able senior Senator from Washington.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

THE "SANSINENA" AFFAIR

Mr. TYDINGS. Mr. President, yesterday morning I had the privilege of speaking at some length to Members of the Senate about a rather remarkable, extraordinary, and unprecedented action of the Secretary of the Treasury in permitting a foreign-flag tanker, the *Sansinena*, to come into the domestic oil trade, after the Department of Defense had turned down its request on the only legal ground; namely, the interests of national defense.

I pointed out to Members of this body some rather extraordinary circumstances surrounding this unprecedented decision of the Secretary of the Treasury. I pointed out that by the stroke of his pen, he created a multimillion-dollar windfall of between $5 and $7 million, and perhaps even more, for either of two entities—either for a tanker company domiciled in Bermuda, called the Barracuda Tanker Co., of which, according to the 1969 Directory of Shipowners, Shipbuilders, and Marine Engineers, the

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managing director was one Peter M. Flanigan, now special assistant to the President of the United States and responsible for liaison with the maritime industry, with corporate and financial interests, and with the oil interests, or for the Union Oil Co. of California, whose president and chief executive officer, Fred Hartley, is and has been a major Republican fundraiser in California and across the Nation for some years.

I put the facts in the RECORD, and I put the documentation in the RECORD—the letters from the Department of Defense turning down the waiver request, and a short, abrupt statement about the issuance of the waiver by an Assistant Secretary of the Treasury, together with a documentation on Mr. Flanigan's relationship with the Barracuda Tanker Corp. I noted the fact that Mr. Fred L. Hartley, the president of the Union Oil Co., actually chartered the freighter *Sansinena*.

I am delighted, Mr. President, to learn that 24 hours after I raised this issue in my Senate speech, the Secretary of the Treasury abruptly canceled the waiver, with the same lack of justification or explanation as when he issued the waiver 9 days ago. I am delighted that he has canceled that waiver, because this protects the jobs of some 4,000 shipworkers at the Sparrows Point Shipbuilding Yard and some 10,000 tin millworkers, milling millworkers, and steelworkers at the Sparrows Point Steel Mills in Maryland. This is a point of great concern to me, just as the integrity of the American shipbuilding industry is a point of great concern to me.

Let me relate again the history of the cabotage laws of this country, so that my colleagues may see the unprecedented nature of the action of the Secretary of the Treasury last week.

Historically, maritime nations, including the United States, have restricted domestic traffic, that is, traffic from port to port within this country, to American flag ships, as other countries have. Just as we do not permit airplanes of foreign countries to fly from Providence, R.I., to New York, and we do not permit British Overseas Airways to fly from Wheeling, W. Va., to Washington, D.C., we do not permit Liberian-flag tankers to compete in the lucrative domestic traffic within the coastal waters of the United States. That is why we still have a shipbuilding industry in this country. Otherwise, why should an American oil company pay $20 million to build a tanker at Bethlehem Steel yards in Baltimore, when he can go out on the open market overseas and buy a ship such as the *Sansinena*, a 60,000-ton vessel, at a market value of $4.4 million, or get a brand new vessel of the same type as the *Sansinena* for $8 million in a Japanese shipyard?

That is why we have cabotage laws. That is why we codified them in the Jones Act of 1920, and why we were specifically careful, in 1950, to say that the only circumstance under which a waiver could be issued was when the Secretary of Defense or some other agency or department head would certify that it was needed for the interest of national defense.

The only times in the history of the country that such waivers have been issued by the Secretary of Defense have been for a specific project, when a number of ships were permitted, as foreign flag ships, to do a specific job, such as building the St. Lawrence Seaway, or hauling equipment back and forth to Puerto Rico for a specific purpose. Never since the enactment of the act has a waiver been issued to a foreign-flag tanker to take a part of the lucrative American domestic traffic—that is, until March 2, when the Secretary of the Treasury, unexpectedly and without explanation, signed that letter and that waiver, and thus created a windfall of at least $5 million.

Mr. President, to bring the *Sansinena* in here and place it under the American flag, and then sell it, why that would result in a significant sum: some $11.5 million on the American market. If, however, the intent to use a similar size vessel and to duplicate it in American shipyards, it would cost $18 million or more to build a tanker like the *Sansinena*.

The history of the *Sansinena's* application for a waiver is rather interesting. Mr. Hartley, the president of the Union Oil Co. of California, began to request waivers from the Department of Defense as early as 1967. In 1968, he was formally turned down by the Under Secretary of the Navy, I put that letter in the RECORD in its entirety yesterday; but I would like to review it again with my colleagues, because it is important. This is the language of the Under Secretary of the Navy in denying the request for a waiver for the tanker *Sansinena*. The letter was dated March 5, 1968. Let me read it:

> I have carefully reviewed your request for a waiver which would permit the use of SS *Sansinena* for the carriage of crude oil to Alaska.
>
> I have concluded that the possible increase in U.S. flag tankers available to fulfill the requirements of the Department of Defense, which might result from a waiver, is too speculative to provide the basis for such a waiver. Further, as you are already aware, the Military Sea Transportation Service cannot utilize your vessel because of its size. Additionally, it has been established that there are American flag tankers available to you that do not meet the qualifications pertinent to the cabotage laws of this country.
>
> Therefore, since the serving of a national defense interest cannot be persuasively established, as required by the cabotage laws, I must deny your request.

Even more interesting, when I learned of this waiver, I went to the Department of Defense last weekend and got a letter from the office of the Assistant Secretary of Defense, dated last Saturday, March 7—I placed the letter in the RECORD yesterday—in which he says:

> In connection with the most recent application by the Union Oil Company, we did not believe the Defense Department should take a position, one way or another, inasmuch as the Defense Department has no direct or indirect interest in the outcome of any application which the Company might like to file.

Now let us look at the Barracuda Tanker Corp. The Barracuda Tanker Corp. was incorporated under the laws of Bermuda. Its president and managing director was Peter M. Flanigan. The tanker involved, the *Sansinena*, has flown the flag of convenience of Liberia since it was built. It has never paid 1 penny of income taxes to the United States, and it has employed foreign seamen.

Senators might be interested to know that another of the tankers owned by Barracuda was the *Torrey Canyon*. This is the vessel that broke apart off the British coast and polluted the shores of France and England with tons of petroleum and resulted in chemicals that were both toxic to wildlife and not particularly effective being sprayed on the oil soaked waters off the beaches.

Another interesting fact: I am advised that Mr. Flanigan resigned as president and managing director of the Barracuda Tanker Corp. before he went to work in the White House as Special Assistant to the President of the United States. However, I am also advised—this is even more interesting; this is noteworthy, I believe—that the stock that his family owned in trust in the Barracuda Tanker Corp., which was held in his father's name, was not disposed of until 5 days before the signature of the Secretary of the Treasury was placed on the waiver resulting in a multi-million-dollar windfall.

Mr. BROOKE. Mr. President, will the Senator yield?

Mr. TYDINGS. When I have finished, I shall be delighted to yield to the able Senator from Massachusetts.

It is all very well for the Secretary of the Treasury, 24 hours after I brought the facts to light on the floor of the Senate, to revoke that waiver. But there are some questions which should be answered. I made the request yesterday in my speech, and I want to set them forth again.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield for a unanimous-consent request?

Mr. TYDINGS. I yield, with the understanding that I will not lose my right to the floor.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the vote on the pending conference report occur today at 2:30 p.m.

Mr. COOPER. Mr. President, reserving the right to object, I have been waiting to make a short comment of about 3 minutes, and I want to be sure that I have the opportunity to make it.

Mr. BYRD of West Virginia. With the assurance that the Senator from Kentucky will have at least 3 minutes.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. TYDINGS. Mr. President, the questions to which I think the Senate is entitled to receive answers—answers which the shipbuilding workers of Sparrows Point and all the other people of the United States are entitled to receive—are as follows:

First, why did the Secretary of the Treasury take it upon himself to overrule the decision of the Department of Defense and issue this waiver, without so much as a "by your leave" or any explanation or any justification?

Second, who and what entities would

have received the multi-million-dollar windfall created by this act?

Third, what role, if any, did Peter M. Flanigan, formerly managing director of the Barracuda Tanker Corp., now one of the five special assistants to the President of the United States, play in this extraordinary sequence of events?

Fourth, what role, if any, was played by Fred L. Hartley and/or any officers, directors, or employees of the Union Oil Co. of California in this extraordinary series of events?

I am renewing my demand to the Treasury Department for the full disclosure of all facts, correspondence, and memorandums relating to this extraordinary incident.

Also, I shall request that the distinguished chairman of the Committee on Commerce, the Senator from Washington (Mr. MAGNUSON), and the distinguished chairman of the Subcommittee on the Merchant Marine (Mr. LONG) order and conduct a full-scale Senate inquiry into the entire matter, with two objectives:

One, the drafting of necessary legislation to protect the American shipbuilding industry from any similar threat in the future that could arise; I hope to have a measure on the floor of the Senate tomorrow which will accomplish this objective, and which will provide the inquiry with a bill to consider.

Two, to reveal the facts in the entire matter relating to how and why the waiver was granted to the *Sansinena*.

Mr. LONG. Mr. President, will the Senator yield?

Mr. TYDINGS. I am delighted to yield to the Senator from Louisiana.

Mr. LONG. Mr. President, I applaud the Senator for bringing the facts that he has discussed to the attention of the Senate.

I was notified by my office that the Senator was seeking to contact me over the weekend. I was out of town and did not receive the message. I regret that. I would have been pleased to have been present to hear his remarks when he made them.

This is a matter of which the Senator from Louisiana has some knowledge as chairman of the Subcommittee on Merchant Marine of the Committee on Commerce. There came to me, as chairman of the subcommittee, a protest from Mr. Andrew Pettis, the president of the largest single union of shipbuilding workers. I believe the Senator knows the gentleman. He is one of the outstanding labor leaders of America. He protested that this would displace a considerable number of American workers who would be interested in building such ships.

Subsequent to that, I sent an inquiry to the Department of the Treasury, and an inquiry was directed to me as to what my attitude about the matter would be.

The president of that oil company called upon me to explain his point of view, and I must say that he presented an argument which the Senator has not reflected at this point, which I think did give considerable support to his position. Nevertheless, it was the view of this Senator that the position taken by the president of the international labor union was probably correct—that a denial of this waiver would result in more jobs for people in American shipyards, and this Senator could see that his duty was to be in opposition to the waiver, and I so informed the Treasury Department.

I had no knowledge of any conflict of interest situation such as that which the Senator has discussed here. I did ask my administrative assistant to pass the word along to the Treasury Department—I am sure they had the word—that I would find myself in opposition to the granting of this waiver.

I would hope that the Senator would confine his criticism to those who are involved here and not cast aspersions in this instance upon a whole industry, such as the oil industry. I say that as one representing an oil-producing State, because there is nothing in this application for waiver that could do anything but hurt the oil industry in Louisiana. The more oil that is hauled from Alaska into the continental United States generally, the more it tends to displace oil production in the State of Louisiana. We compete with them. I do not want to hurt Alaska, but at the same time, looking at the facts of life, I do not think that the independent producers of Louisiana or any company except Union Oil Co. would have asked that this waiver be approved.

Mr. TYDINGS. The Senator is absolutely right. Let me say that today and yesterday I very carefully refrained from making or drawing any conclusions or making any specific allegations. I have tried to limit myself to the facts, to document the facts point by point in the Record, even to the names of the tankers that were sitting out on the west coast—American-flag tankers—trying to get oil cargoes when the waiver was granted. They could not get oil, and therefore had to leave with grain in their holds. I tried to limit myself to documenting the facts point by point in the Record, to state the questions point by point which should be answered. I do not make any accusations. Rather I raise questions that I believe deserve an answer.

It was disturbing that the waiver was issued. However, the facts are such that the answers should be forthcoming and the answers should be forthcoming from the parties which are involved. I can assure the distinguished Senator from Louisiana that that is my sole intention.

Mr. LONG. I should like the Record to reflect what little more I know about this matter. I personally have had inquiry made of the shipyard in Louisiana that was capable of building a similar ship to compete with this type of tanker, and those people were not particularly concerned about the matter one way or the other. But, since approval of the waiver, I have been called upon by those representing other shipbuilding yards and repair yards who were very much upset about this matter, which caused me to ask the question of them, "Why did you people come in only after the waiver had been approved and protest that this could have dire consequences for the merchant marine?"

Mr. TYDINGS. Let me answer that question. First of all, when the formal request for the waiver was made with the Secretary of Defense, he denied it. The protests were lodged. This is the first time in the history of this Nation that the Secretary of the Treasury has ever gone over the stated position of the Secretary of Defense to issue a general waiver, permitting foreign flag tankers to come in on this lucrative trade. No one held any hearings. No one consulted the Congress. They did not have as much as a "by your leave." He just signed a piece of paper with a short paragraph on it which said that for reasons of national defense he would permit a Liberian-flag tanker, the *Sansinena*, to come in and compete in the United States.

That signature meant over $5 million to someone and I think we are entitled to know who. One of the interesting points is that 24 hours after I raised this issue on the floor of the Senate, the Secretary rescinded the waiver, with the same lack of public hearing, and the same lack of explanation. That, in and of itself, requires an explanation.

Mr. LONG. I should like to complete the statement I was making to the Senator. Those who were speaking for the American shipyards are very much concerned about this matter and proceeded to explain to me that the reason they had not protested before was that it was inconceivable to them that the waiver would be granted.

Mr. TYDINGS. Right.

Mr. LONG. So that my reaction to those business people was to say that they should not sit back with such complacency if they thought something was being requested that they found amiss, and that they thought would be entirely wrong. It did seem to me that they were derelict in not making their views heard previously.

The statutes say—I just glanced at them, I have not studied them thoroughly—that this type of waiver is to be granted when the Secretary of Defense, not the Secretary of the Treasury, advises that——

Mr. TYDINGS. No. The language is sufficiently broad that the action of the Secretary of the Treasury was legal, so long as that when he grants the waiver he says it is "in the interest of national defense."

Mr. MAGNUSON. Mr. President, will the Senator from Maryland yield?

Mr. TYDINGS. I yield.

Mr. MAGNUSON. I would suggest to the chairman of the committee that possibly we should seriously consider some review of this section. The original section was the waiver section which was, of course, put in there so that the Defense Department, in case of dire need, could waive this. It was never intended to be waived, so far as I know, on economic grounds and things of that kind, although the law as written is pretty broad, as the Senator from Maryland says. Then, yesterday, the Secretary of the Treasury did tell some newspaper people—or at least their information was—that he was proceeding on economic grounds. Of course, that was never the intent of the statute.

I want to say to my good friend from Louisiana that this matter and similar matters have been around for some time. In this particular case, there was a protest lodged. The Secretary of Defense and the Defense Department have for months known that people in the shipping industry protested the application and consequently that they were turned down. As both Senators from Maryland and Louisiana have pointed out, no one even thought of the Secretary of the Treasury doing this. So they were aware of it and they have—I have known about this case for 7 or 8 months. Everyone has known about it. But I must say, frankly, that I have no experience with the Treasury Department.

Mr. LONG. I think that this paragraph in the statute, chapter 1, title 46, should appear in the RECORD so that everyone will know what it says, and I ask unanimous consent to have it printed in the RECORD.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

TITLE 46. SHIPPING

CHAPTER 1.—ADMINISTRATION OF SHIPPING LAWS

WAIVER OF COMPLIANCE WITH NAVIGATION AND INSPECTION LAWS; TERMINATION DATE

Act Dec. 2, 1950, ch. 1155, §§ 1, 2, 64 Stat. 1120, provided that:

"The head of each department or agency responsible for the administration of the navigation and vessel-inspection laws is directed to waive compliance with such laws upon the request of the Secretary of Defense to the extent deemed necessary in the interest of national defense by the Secretary of Defense. The head of such department or agency is authorized to waive compliance with such laws to such extent and in such manners and upon such terms as he may prescribe, either upon his own initiative or upon the written recommendation of the head of any other Government agency, whenever he deems that such action is necessary in the interest of national defense.

"SEC. 2. The authority granted by this Act shall terminate at such time as the Congress by concurrent resolution or the President may designate."

Similar provisions were contained in Joint Res. Mar. 31, 1947, ch. 27, 61 Stat. 33; July 31, 1947, ch. 408, 61 Stat. 685; Feb. 27, 1948, ch. 78, § 2, 62 Stat. 38; Feb. 28, 1949, ch. 12, 63 Stat. 9; Joint Res. June 29, 1949, ch. 281, § 1, 63 Stat. 349; June 30, 1950, ch. 427, § 4, 64 Stat. 309.

TEMPORARY SUSPENSION OF NAVIGATION AND INSPECTION LAWS

Act Mar. 31, 1947, ch. 28, 61 Stat. 33, providing for the suspension of navigation and inspection laws as applied to the Department of the Army upon the termination of section 635 of Title 50, Appendix, War and National Defense, was repealed by act Dec. 27, 1950, ch. 1155, § 3, 64 Stat. 1120.

§ 1. Bureau of Marine Inspection and Navigation; establishment.

CODIFICATION

Section, acts July 5, 1884, ch. 221, § 1, 23 Stat. 118; June 30, 1932, ch. 314, §§ 501, 502 (b), 47 Stat. 415; May 27, 1936, ch. 463, § 1, 49 Stat. 1380, provided for a Bureau of Marine Inspection and Navigation in the Department of Commerce.

This Bureau was created by act July 5, 1884, as the Bureau of Navigation. By act June 30, 1932, above, it was consolidated with the Steamboat Inspection Service to form a new bureau to be known as the Bureau of Navigation and Steamboat Inspection, which name was changed to Bureau of Marine Inspection and Navigation by act May 27, 1936. The "Director" of the Bureau of Marine Inspection and Navigation was the designation given to the chief of the bureau by the Secretary of Commerce under act June 30, 1932, § 502(b). The Bureau and the office of its Director was abolished by 1946 Reorg. Plan No. 3, § 104, set out under this section.

Mr. LONG. Mr. President, that being the case, it would seem to me that such action would require the approval of the Secretary of Defense. But I have noticed that there is additional language which perhaps would justify the conclusion that approval of the Secretary of Defense is not necessary, as a quick glance at the statute leads me to believe that perhaps the Secretary of Defense was expected to approve any such application.

Mr. TYDINGS. Certainly, that should be——

Mr. MAGNUSON. May I say this to both Senators, who are on the Merchant Marine Subcommittee, that surely we should take a look at this. The law is that if the Secretary of the Treasury could do it, that they have the approval of the Secretary of Defense or the recommendation of the Secretary of Defense in these cases. This is an old law and has not been invoked many times. I must say, someone asked me if exceptions had been made in the Jones case before. Every once in a while some little fishing boat was given an exception, for some specific purpose. The Defense Department at one time asked us to make an exception for a ship to haul some material to an island in the Caribbean that no other line went to. This has been done before, for fishing boats, for minor specific purposes. We have made temporary exemptions. One time, some years ago, I remember, we allowed a ferry boat to use the Chesapeake Bay until they could build their own ferries. But there was never a blanket thing like this.

Mr. DOLE. Mr. President, will the Senator from Maryland yield?

Mr. TYDINGS. I yield.

Mr. DOLE. I did not have an opportunity to hear all of the Senator's statement but I understand that he is not charging any impropriety here. Is that correct?

Mr. TYDINGS. That is correct. I merely state the facts.

Mr. DOLE. The Senator is merely suggesting an impropriety. Would that be more accurate?

Mr. TYDINGS. The Senator said that. I merely stated the facts and asked the questions. The Senator is the one that said "impropriety." I did not say "impropriety." I merely said there are facts which require an explanation.

Mr. DOLE. Is the Senator saying that the Jones Act was violated, that it was illegal to grant the waiver?

Mr. TYDINGS. I am saying that under the present language of the law, within the letter of the law, as long as the Secretary of the Treasury, after he said, "for reasons of national defense," was within the law.

I am saying it was extraordinarily unprecedented. It is the first time in the history of this Nation as a maritime nation that the entire shipbuilding industry of the United States is threatened, including the jobs of 4,000 shipyard workers at Sparrow Point, Md. The circumstances surrounding this signature are so extraordinary as to warrant considering a full inquiry into all matters relating to it.

Mr. DOLE. I have no quarrel with that if the Senator has just stated the facts.

Mr. TYDINGS. That is all.

Mr. DOLE. But he has indicated that there was a multimillion-dollar windfall which, to me, indicates perhaps more than a fact.

Mr. TYDINGS. It is a fact that granting the waiver creates the windfall. The Senator was not present when I outlined this matter point by point in the RECORD on yesterday.

Mr. DOLE. I read the Senator's statement.

Mr. TYDINGS. Then the Senator saw how I arrived at the $5 million figure. That is the most conservative figure which could be attached to the matter. I labeled it a windfall because it was a $5-million profit that was unprecedented, that someone would not have received except for the signature of the Secretary of the Treasury on that paper.

Mr. DOLE. Who received that $5 million?

Mr. TYDINGS. That is the question we should determine. I am glad the Senator from Kansas brought it up. The American people are entitled to know whether the Barracuda Corp., the stock of which was owned in trust by the father of the special assistant to the White House up to 5 days before this paper was issued, received that profit or whether the Union Oil Co. of California, headed by Mr. Fred L. Hartley, and others associated with the company, received the profit from the transaction.

We are entitled to know all of the facts with respect to the memoranda, the conference, and the letters which relate to this extraordinary decision.

Obviously from the standpoint of the Senator from Kansas, everything will be beautiful and rosy. However, we are entitled to know the facts.

Mr. DOLE. The Senator from Maryland has made a very eloquent statement. With respect to the point the Senator raised, I can recognize that we are splitting hairs. There has not been the suggestion of impropriety. However, the Senator has not left very much doubt in this Chamber.

I would hope that the facts would be brought out with respect to the charge that has been made regarding someone receiving a windfall.

Mr. TYDINGS. The Senator is correct. It might be that the Barracuda Corp. did not get the profit.

Mr. DOLE. I recognize it is worthy of consideration and investigation. I do not quarrel with that. However, it is clearly suggested, that high officials in this administration have been involved in improper action. That is the only implication which can be drawn. It is the Senator from Kansas who is saying this.

Mr. TYDINGS. I have carefully drafted my speech, stated and documented facts, raised questions and demanded answers.

Mr. DOLE. I have read the speech which indicates that Union Oil has had problems in Santa Barbara and that this in some way includes the oil spill that occurred there. If the Senator can tell us how that relates to Maryland, he can enlighten me.

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Mr. MAGNUSON. Mr. President, I say to my friend, the Senator from Kansas, that there is a violation of policy involved here.

As I read the administration recommendations for updating the American merchant marine, they have just sent up a proposal in which they make a great statement for some help for the American merchant marine, and in one fell swoop that is now rescinded, and they reward the very people who have been operating tankers under a foreign flag. When they are through with that, they let them come in and reap the benefit of the coastal trade. This is a direct violation of our efforts to update the American merchant marine.

If they do it for one tanker that flies a foreign flag, they will do it for others. And there are plenty. The Pan American vessels have more tonnage than the American merchant marine ever had. And it is a matter of tax evasion, and they frankly admit it and have so testified.

It is cheaper for them to operate in this way. I do not know of any way to get at it. But we try to encourage the flying of the American flag.

This is what they say they want to do, and the man in charge of the White House is one of the persons mentioned as handling the American merchant marine.

Mr. TYDINGS. Peter M. Flanigan.

Mr. MAGNUSON. He prided himself with working with the program for the American merchant marine.

Any tanker can fly the Pan American or the Greek or the Liberian flag and leave the money in Liberia and not put it in London.

After they get through with this work, after 12 long years, they come in and compete with the fellows who have struggled and tried to keep the American flag flying on ships. That is a violation of the principle we have tried to follow.

Mr. TYDINGS. Mr. President, let me be specific. Sparrows Point shipbuilding yard is in the negotiations stage for the construction of 10 tankers, some of the same size as the *Sansinena*, at an average cost of between $18 and $20 million.

If they are successful, the total amount will be over $200,000,000 for the construction of tankers at the Sparrows Point shipbuilding yard at Baltimore. That is a fact. The vice president in charge of shipbuilding at the Bethlehem Steel Co., Mr. D. D. Strohmeier, told me Saturday that if this waiver is allowed to stand, it is doubtful whether any of those tanker orders will be placed.

In all probability, if another such waiver were issued, the Sparrows Point shipbuilding yard would be seriously threatened and closed should a further waiver be granted.

Why should any American oil company pay $18 million or $20 million to build a tanker in the United States to ply the American coastal trade if they can go into the world market and build one in Japan or Germany for $8.5 million or buy one, like the *Sansinena*, which is 12 years old with half its life gone, for $4.5 million.

That is the whole purpose of the cabotage law of the United States.

With the discovery of oil on the North Slope of Alaska, there will be more American coastal traffic, to take the oil down to the domestic market.

On the strength and the integrity of the Jones Act, oil companies will place orders to build American tankers with American men and American material, tankers that will fly the American flag. What happens when companies have gone ahead on the strength of the Jones Act and placed orders for American tankers when another company can go in the foreign market and have one built or buy one for $4.5 million?

Mr. DOLE. Mr. President, I do not quarrel with the objective. The Senator has made the inference rather clearly that someone has done something that resulted in something.

Mr. TYDINGS. The Senator is correct.

Mr. DOLE. We have an obligation to look into this matter as well as others.

Mr. MURPHY. Mr. President, will the Senator yield?

Mr. TYDINGS. I yield.

Mr. MURPHY. Mr. President, was this tanker built in American shipyards?

Mr. TYDINGS. This tanker was built in Norfolk, Va., in 1958, shortly after the Suez oil crisis. During the Suez crisis, as Senators will recall, there was a major shortage of oil tankers.

The situation was so critical that the delay in the shipyards in Japan and Germany was 2 and 3 years. A number of syndicates were willing to pay the extra expense of building the tankers in America during the Suez oil crisis years in order to obtain the ships earlier. It would have taken 2 years longer if they had had them built in Japan or Germany.

There were more than 60 tankers flying flags of convenience which never paid a penny of American taxes and which employed foreign crews.

If this waiver were permitted to remain in effect, they would be only too happy to come back into the American field.

Of course, it would devastate the shipbuilding industry in the United States and result in millions and millions of dollars of profit to those tanker syndicates and those people chartering them but we would have no more shipbuilding industry in this country and there would be no work at Sparrows Point.

Mr. MURPHY. Mr. President, will the Senator yield further?

Mr. TYDINGS. I yield.

Mr. MURPHY. The Senator speaks with regard to profits. Was there not a problem during the Suez crisis that extended beyond the matter of profits? Was it not true that the American oil industry, including this particular company, was able to supply——

Mr. TYDINGS. Which company?

Mr. MURPHY. I believe this tanker is controlled by the Union Oil Co. Is that right?

Mr. TYDINGS. I believe it is owned by the Barracuda Tanker Corp. The Senator may know more about that. I will let the facts speak for themselves.

Mr. MURPHY. I thought it was the Union Oil Co. that controlled it. I know that for a long time they have been trying to return it to American ownership. The tanker was built in American yards by Americans and Union wants to return it to the American flag. I think this is healthy. I do not think they should be condemned for this. Previous to the discovery and development of oil on the North Slope, there was not much use for a tanker of this size.

As the Senator said, construction of this ship was an emergency job. A penalty was paid to get the tanker to supply the world with oil during the Suez crisis. The much-maligned oil industry did a remarkable job during that period. I know something about that because some of the companies are headquartered in my State.

With regard to the waiver, I think there is no question that somebody on the Treasury staff used bad judgment. The waiver has been canceled. Therefore that has been corrected. I can also say from knowledge that the White House knew nothing about this until it became public knowledge.

Since the waiver has now been canceled, and since we have a chance to bring back this tanker and put it under the American flag—it was made in American yards and belongs here—I do not think this company did anything other companies would not do.

They were almost forced into it because of economic conditions. If they want to bring this ship back here where it belongs and fly the American flag with American seamen, I think it should be done.

I thank the Senator for yielding to me.

Mr. TYDINGS. The Senator said he feels the *Sansinena* should be brought back and permitted to come under the American flag. Does the Senator think the other 60 or so tankers like the *Sansinena*, that have been flying a flag of convenience for the last 12 years, should be permitted to come back, too?

Mr. MURPHY. I do not know their background. Are they tankers built in American yards?

Mr. TYDINGS. There were 60 tankers built in American yards under the same circumstances, basically, as the *Sansinena* for use in world trade under foreign flags of convenience. They also were chartered by oil companies much in a manner similar to the *Sansinena*.

Does the Senator think all of those tankers should be permitted to come back like the *Sansinena?* I might ask what is so different from the *Sansinena* other than the fact that it was chartered by the Union Oil Co.?

Mr. MURPHY. To answer the Senator's question I do not know the details of the other tankers. I do not know how many were built under the American flag or how many were built for purposes that can be useful now. I would not recommend anything to hurt our shipbuilding industry. I think we build as many ships in the State of California as are built in the State of Maryland. I believe that possibly it is just as important an industry in my State. But under the circumstances the question becomes hypo-

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thetical. I do not know that any other tanker has asked to be returned to the American-flag registry.

Does the Senator have that information?

Mr. TYDINGS. Mr. President, I ask unanimous consent to have printed in the RECORD at this point a list of foreign-flag tankers built in the United States as of June 1969, which shows the name of the ship, year built, dead weight tons, gross tons, speed in knots and flag.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

FOREIGN-FLAG TANKERS BUILT IN THE UNITED STATES AS OF JUNE 1969

Name of ship	Year built	Dead-weight tons	Gross tons	Speed (knots)	Flag
Mona Pass	1945	16,761	10,225	14.0	Liberia.
Brighton	1959	48,542	26,544	17.0	Panama.
Texaco Maine	1959	46,442	26,544	17.0	Do.
Trinidad	1958	48,734	26,530	17.0	Do.
A. N. Kemp	1950	28,264	18,127	16.0	Liberia.
Atholl McBean	1950	28,276	18,127	16.0	Do.
Chevron Transporter	1950	28,264	18,127	16.0	Do.
Gage Lund	1952	28,264	18,125	16.0	Do.
Pail Pigott	1951	28,264	18,127	16.0	Do.
Robert Watt Miller	1951	29,680	18,125	16.0	Do.
Esso Chelsea	1945	5,374	4,352	8.0	United Kingdom.
Esso Fulham	1945	5,374	4,352	8.0	Do.
Esso Glasgow	1944	16,143	10,727	15.0	Do.
Esso Lambeth	1943	5,400	4,352	8.0	Do.
Esso Advance	1945	4,902	3,930	11.0	Panama.
Esso Centro America	1945	4,626	4,595	11.0	Do.
Esso Bogota	1949	27,403	17,612	16.0	Do.
Esso Brooklyn	1943	16,424	10,399	15.0	Do.
Esso Colon	1949	27,350	17,420	16.0	Do.
Esso Montevideo	1949	27,355	17,420	16.0	Do.
Esso Norfolk	1942	16,635	10,501	15.0	Do.
Esso Santos	1950	27,315	17,328	16.0	Do.
Cities Service Valley Forge	1954	39,254	22,595	18.0	Liberia.
Cradle of Liberty	1954	38,937	22,610	18.0	Do.
Liberty Bell	1954	38,937	22,610	18.0	Do.
Statue of Liberty	1954	39,255	22,610	18.0	Do.
Capiluna	1960	47,183	28,434	16.0	Do.
Capisteria	1960	47,183	28,435	17.0	Do.
Capulonix	1959	47,183	28,435	16.0	Do.
Waneta	1952	54,335	26,155	16.0	Panama.
Wapello	1953	53,221	30,626	17.0	Do.
Wenatchi	1939	19,254	11,977	13.0	Do.
Winamac	1939	19,254	11,981	15.0	Do.
Marine Chemist	1942	13,018	8,137	13.0	Liberia.
Mobil Bataan	1945	4,110	3,498	13.0	Philippines.
Mobil Micronesia	1945	4,110	3,155	13.0	Do.
Mobil Visayas	1945	1,350	1,165	10.0	Do.
Chevron Genoa	1944	16,547	10,448	15.0	Panama.
Chevron Venice	1945	22,646	13,991	15.0	Do.
Texaco Bombay	1945	23,334	13,899	14.0	United Kingdom.
Texaco Rome	1945	16,630	13,892	15.0	Do.
Texaco Saigon	1945	22,368	13,892	14.0	Do.
Texaco Wellington	1944	22,367	13,887	14.0	Do.
Texaco Melbourne	1945	22,381	13,899	15.0	Do.
Canopus	1945	4,000	3,143	10.0	Panama.
Deneb	1945	4,110	3,155	13.0	Do.
Procyon	1945	4,000	3,145	11.0	Do.
Regulus	1945	4,000	3,155	11.0	Do.
Sea Horse	1944	1,496	1,294	10.0	Do.
Sea Raven	1945	2,219	1,296	8.0	Do.
Philidora	1959	48,422	30,165	17.0	Liberia.
Philine	1959	48,422	29,742	17.0	Do.
Phillipia	1959	47,856	29,742	17.0	Do.
Standard Service	1923	1,500	1,324	8.0	Canada.
Texaco Bristol	1944	23,426	14,412	15.0	Panama.
Texaco Kentucky	1949	28,081	17,892	16.0	Do.
Texaco London	1944	23,500	14,397	15.0	Liberia.
Texaco Pennsylvania	1949	28,081	17,872	16.0	Panama.
Texaco Texas	1949	28,081	17,892	16.0	Do.
Raban	1949	7,342	5,011	10.0	Do.
Aldine	1943	16,423	10,670	14.0	Liberia.
Bulkoceanic	1949	30,016	17,328	16.0	Do.
Bulktrader	1950	30,004	15,798	16.0	Do.
Lake Palourde	1959	117,966	62,275	16.0	Do.
Chevron Leiden	1944	22,403	13,785	14.0	Netherlands.
Chevron The Hague	1945	22,352	13,894	14.0	Do.
Esso Caernarvon	1962	1,550	1,103	11.0	United Kingdom.
Barbara Jane Conway	1945	23,526	14,424	15.0	Panama.
Betty Conway	1943	23,524	14,424	15.0	Liberia.
Carolyn E. Conway	1945	23,580	14,450	15.0	Panama.
Eina N. Conway	1945	23,524	14,449	15.0	Do.
Mary Ellen Conway	1945	23,573	14,456	15.0	Do.
Phyllis T. Conway	1944	23,578	14,417	15.0	Panama.
Texaco Ohio	1949	28,081	17,892	16.0	Do.
Conoco Humber	1943	16,811	10,602	15.0	Liberia.
Sansinena	1958	66,883	38,562	17.0	Do.
Princess Sophie	1959	65,000	43,000	16.8	Greece.

VESSELS BUILT IN U.S. YARDS FOR FOREIGN REGISTRY

Year	Tankers		Cargo		Bulk		Others		Total	
	Number	Gross tons	Number	Gross tons	Number	Gross tons	Number	Gross tons	Number	Gross tons
1948	4	27,692	14	49,956	0		0		18	77,648
1949	30	484,773	0		0		1	3,100	31	487,873
1950	19	307,082	0		0		0		19	307,082
1951	2	32,142	0		1	3,425	0		3	35,597
1952	4	70,559	0		1	3,423	0		5	73,982
1953	7	123,500	0		0		0		7	123,500
1954	11	230,800	0		0		0		11	230,800
1955	1	18,790	0		0		0		1	18,790
1956	1	12,802			2	6,844	0		3	19,646
1957	3	63,800	0		0		0		3	63,800
1958	7	186,700	0		0		0		7	186,700
1959	11	345,400	0		0		0		11	345,400
1960	2	56,000	0		0		0		2	56,000
1961	0		0		0		0			
1962	0		0		0		0			
1963	0		0		0		0			
1964	0		0		0		0			
1965	0		0		0		0			
1966	0		0		0		0			
1967	0		0		0		0			
1968	0		0		0		0			
1969	0		0		0		0			
21-year totals	102	1,960,040	14	49,956	4	13,692	1	3,100	121	2,026,788

Mr. MURPHY. Does the Senator know if they asked to have their registries returned?

Mr. TYDINGS. I do not know whether they will ask for a similar waiver if the waiver for the *Sansinena* stands. There would be an increase of from $5 to $10 million per ship, so the law of economics would demand they come in and would result in the closing of every shipbuilding yard in this country. And as the distinguished chairman of the Commerce Committee noted at the same time the administration is coming up here with a maritime program asking us to subsidize the building of 30 additional ships a year.

Mr. LONG. Mr. President, will the Senator yield?

Mr. MURPHY. May I ask if at the present time the economic conditions would substantiate the injection of 60 tankers in the oil industry under the particular conditions that exist today?

Mr. TYDINGS. Economic conditions have nothing to do with the issuance of the waiver. The waiver can only be legally issued for the purpose of national defense. That is one of the reasons we need to inquire why that waiver was issued, because there was no relationship to national defense, since the Secretary of Defense already turned them down.

Mr. MURPHY. I have just as an intense interest in the rebuilding of the American merchant marine as the distinguished Senator from Maryland, and I would in no way wish to do anything that would deny contracts for ships and jobs for our workmen in our American shipyards or American seamen on the high seas.

I do wish to point out, however, that there was no knowledge of the granting of this waiver at the White House as has been suggested here. The waiver has been subsequently withdrawn by the Treasury Department, and so if there was thought to be a problem yesterday, it no longer exists, I am certain that my distinguished colleague will be as pleased as I am that this matter has been settled.

Mr. SCOTT subsequently said: Mr. President, I am in receipt of a letter from the Department of the Treasury under this date, whereby the Treasury announcement is that it has suspended the *Sansinena* waiver pending review of national defense aspects.

The Secretary makes the statement that he is suspending the waiver because of questions which have arisen over the merits of the case since the waiver was granted. He makes certain statements regarding the factors for the original grant of the waiver, and recites that after granting of the waiver on the 2d of March became public knowledge, Peter Flanigan of the White House sent a memorandum detailing his relationships with the Barracuda Corp. and a copy of that memorandum is attached. I have copies of the statement, Mr. President, available for anyone interested in looking at it, and ask unanimous consent that the statement and enclosure be printed in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Treasury Suspends Sansinena Waiver Pending Review of National Defense Aspects

(Statement by Secretary David M. Kennedy)

Treasury Department,
Washington, D.C., March 10, 1970.

I am suspending the waiver granted by Treasury to Union Oil Company to permit the SS Sansinena to engage in coastwise trade.

The waiver is being suspended because of questions which have arisen over the merits of the case since the waiver was granted. Because it has been alleged that the Sansinena waiver involves new implications for national maritime policy as well as broad national defense considerations, I intend to initiate an administrative review of the application for waiver under procedures assuring all interested parties a full opportunity to present their views.

Treasury received the application to grant a waiver for the Sansinena in August of 1969. The Sansinena is a 70,700 ton oil tanker built at Newport News, Va., in 1958. In its application, Union Oil stated that it wished to use the tanker to carry oil from developing Alaskan fields to the West Coast of the United States.

In originally granting the waiver, Treasury took into consideration the following factors:

The Sansinena was built in an American shipyard.

She was to be sold to an American company.

Currently, she is owned by a Liberian Corporation headquartered in Bermuda, Barracuda Tanker Corporation, but an American company is being formed to purchase the vessel.

The vessel is operated and would continue to be operated under charter by an American company, Union Oil.

She would be registered in the United States.

She would employ American crews.

The new company of ownership would pay United States taxes.

The intent of Congress in writing the 1950 Jones Act which regulates vessels engaged in coastwise trade was to prevent foreign ships from demoralizing existing services or delaying construction of new ships in American yards. There is no established Alaskan service, and the ship, as pointed out, was built in an American shipyard.

A recent federal district court decision said that the law was not intended to exclude from coastwise trade ships built in this country and then acquired by American companies from the foreign owner when the ship had never before acquired the right to engage in coastal trade in this country. In the absence of reversal on appeal, this decision would enable the Sansinena to engage in coastwise trade without a waiver of the Jones Act restrictions.

A broad interpretation of the national defense implications of the development of Alaskan oil indicated to Treasury, under its discretionary power to grant waivers, that the employment of the Sansinena in coastwise trade was in the interest of national defense.

Another question which has arisen in this case is the previous ownership of a small quantity of stock in Barracuda Tanker Corporation by Peter Flanigan, an assistant to to the President.

In its routine investigation following the application by Union Oil for the waiver, Treasury discovered that Mr. Flanigan had been an organizer of Barracuda, that he was the beneficial owner of less than 4 percent of the capital stock (308 shares). This stock had been placed in trust for Mr. Flanigan in 1969. He would not be a stockholder of the new company being formed to purchase the Sansinena.

Treasury officials determined that the application of Union Oil should be, and it was, considered solely on its merits without reference to the small ownership interest of Mr. Flanigan in Barracuda.

At no time prior to the granting of the waiver did anyone on the Treasury staff consult or discuss the waiver application with Mr. Flanigan or with anyone else in the White House.

After the granting of the waiver, on March 2, became public knowledge, Mr. Flanigan sent me a memorandum detailing his relationship with Barracuda. A copy of that memo is attached.

Memorandum for Secretary Kennedy

The White House,
Washington, D.C., March 9, 1970.

The following are the facts relating to my past association with Barracuda Tanker Corporation, the owner of the S/S Sansinena.

Prior to coming with the government I was an officer of Dillon, Read & Co. Inc., New York. Dillon, Read has for many years been investment bankers for Union Oil Company of California. From time to time over the years, officers of Dillon, Read have organized corporations for the purpose of acquiring and leasing ships and other assets to Union.

Barracuda Tanker Corporation was organized in 1956. Since its inception its sole activity has been the ownership of tankers and their charter to Union on long term charter contracts under which Barracuda receives a fixed charter rental plus certain expenses. The charter of the Sansinena extends until 1985 with a renewal option in Union until 1990.

I resigned as an officer and director of Barracuda before becoming an Assistant to the President on April 16, 1969.

In connection with my employment with the Government, a statement of my financial interests, disclosing securities that I owned, including my ownership of 308 shares of Barracuda (less than 4% of the outstanding shares) was filed with the Counsel to the President. In 1969, I assigned the Barracuda shares, together with other securities, to my father as Trustee of a revocable trust for my benefit, so as to give my father complete discretion in the management of the securities.

I am informed that on February 25, 1970, the President of Barracuda telephoned my father and said that to avoid my being placed in a position where there was any possibility of an appearance of conflict, he would buy the trust's shares for $20,020, and my father as Trustee agreed to the sale at this price without any consultation with me. He was informed that this price was determined solely with reference to Barracuda's liquid assets, the rentals under the existing charters, and estimated salvage values, following a method employed in determining price when certain shares were bought by Barracuda in 1966.

Most important, the price paid for the shares did not in any way reflect any possibility that the ship might at some time be used in coastwise trade.

Neither I nor the trust has obtained or can obtain any benefit from the Treasury's action on Union's application.

I did not discuss the application to the Treasury Department for waiver of the coastwise trading restrictions on the Sansinena with any government official or employee.

Peter M. Flanigan.

Mr. TYDINGS subsequently said: The Treasury announcement has just been communicated to this body. There has been no time for any of us to consider it fully. I do note with disappointment and disapproval that the Secretary "suspended" the waiver rather than "rescinded" it, I note also that the statement now presents an explanation for the granting of the waiver of March 2. And I note that the statement does not explain why a "broad interpretation of the national defense" requires the waiver. I point out that if it were "the intent of Congress in writing the 1950 Jones Act" not to demoralize ship construction in U.S. yards, as the statement says and I accept it, granting this waiver to the *Sansinena* is no way of going about carrying out this intent.

EXTENSION OF PUBLIC HEALTH PROTECTION WITH RESPECT TO CIGARETTE SMOKING—CONFERENCE REPORT

The Senate continued with the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 6543) to extend public health protection with respect to cigarette smoking, and for other purposes.

Mr. COOPER. Mr. President, I wish to ask the Senator from Washington, the manager of the report, questions for interpretation. As I understand the conference report, it preempts the States from any action restricting advertising.

Mr. MAGNUSON. Yes.

Mr. COOPER. The Senator may remember, and I know he does remember, that when the 1965 act was passed, questions were raised questioning the authority of the Federal Trade Commission to issue regulations concerning advertising.

Am I correct that this report does not confer upon the Federal Trade Commission any powers that it did not have previously from the Congress?

Mr. MAGNUSON. No, it does not. They still have the same powers left which they had before and they cannot move in this particular case except in connection with their general power in false adver-

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tising and things of that kind, on the cigarette matter, until July 1971.

Mr. COOPER. Then, in whatever way the FTC choose to move its power would be that if its general authority and its action could be reviewed by the courts?

Mr. MAGNUSON. Yes.

Mr. COOPER. Those are the questions I wanted to ask. I know that all of us are concerned about these health problems. The people of my State are concerned because of their large investment in the tobacco industry, and their concern about health. Efforts are being made in my State at the University of Kentucky, and through research by the tobacco industry, as well as many great scientists throughout the country to determine the truth or falsity of the claims of the relationship of tobacco to health.

I think we would all be happy to learn the truth or falsity of the claim made against cigarettes. I do not know. I do not think any of us know. From the research viewpoint three tests have been recognized: One is statistical association, which was the chief basis on which the Surgeon General's report was made but is not conclusive; the second test is identification of the agent which causes the disease, and it is known that research has not been able to identify such an agent; and the third test is the ability to produce the disease in human beings. This has not been accomplished to my knowledge. I know the work the committee has done on this matter and the efforts of everyone to try to solve this problem. I support the bill. But this act is to inform—it cannot legislate the cause of disease. Only qualified scientists and objective research will finally solve this issue.

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Mr. MAGNUSON. Mr. President, may I say to my friend from Kentucky that I hope the cigarette industry, which is working hard to produce what they call a safer cigarette, will be successful.

Mr. HOLLAND. Mr. President, first I wish to say that my position is in no sense based on lack of respect or admiration for the distinguished Senator from Utah. I respect anyone who has deep convictions. I also respect anyone who has the perseverance and willpower to stick by his convictions until he wins. And so I respect and admire the Senator from Utah. At the same time, Mr. President, I could not vote for this conference report, and I wish to state briefly for the record why I feel I should vote against it.

It seems hopelessly inconsistent to me for Congress to vote price supports in the millions of dollars to aid in the production of tobacco, and at the same time take a position such as is shown by this legislation.

In the second place, Mr. President, I think it is highly inconsistent for Congress to vote a ban on the advertising of cigarettes on the media of TV and radio only without exercising our undoubted jurisdiction to similarly ban such advertising in both the newspapers and magazines which move across State boundaries in interstate commerce. I cannot see any justification in such an inconsistency.

In the third place, I think we are hopelessly inconsistent in that nearly every time we get a tax bill, we vote a very high excise tax on cigarettes. My understanding is that from the Federal tax and the various State taxes on cigarettes there is realized in public revenue somewhere between $3 and $4 billion every year which go into the public coffers. To do that and follow that course and at the same time to vote this type of legislation seems to me to be hopelessly inconsistent.

For these reasons and others I will vote against the conference report.

Mr. CANNON. Mr. President, I welcome the agreement by House and Senate conferees on legislation which I was pleased to support to curb the effects of cigarette advertising on radio and television and illuminate all Americans about the hazards of smoking.

As one who worked closely with the Senator from Utah (Mr. Moss) I recognize his invaluable contribution to this victory for the American people.

Legislation that he has spearheaded will soon become law to ban all broadcast cigarette advertising after January 2, 1971, and leave the Federal Trade Commission free to insist upon adequate warnings on printed advertisement after July 1971. Finally the warning on cigarette packages has been strengthened so that all who smoke will better realize the gamble they are taking with their health.

Without the determined and steadfast efforts of Senator Moss, this agreement could not have been possible and yet it comes at a most appropriate time. Little doubt exists today about the harmful effects of smoking upon the human respiratory system and its connection with the dread diseases of our time—cancer and heart disease.

I would express the hope now that Congress will have the courage to go one further step and examine the rationale by which we continue to subsidize the growing of tobaco on the one hand while on the other we seek to curtail its use. I would hope that we would have the courage and intelligence to examine whether there may indeed be hypocrisy in permitting the tax dollars of all Americans to further the production of this dubious product. Perhaps the impressive beginning which is being made here to come to grips at long last with this problem will lead us to appropriate consideration of still new subjects on the smoking question.

Mr. BIBLE. Mr. President, no discussion of the conference report on H.R. 6543 would be complete without reference to the extraordinary efforts of Senator Frank Moss to provide new legislation to warn the American public—and particularly young people—about the hazards of smoking.

As we all know, this measure is virtually identical to the proposal guided through the Senate by our distinguished colleague from the State of Utah. It is a strong bill. Its language is unequivocal. In my judgment, it is one of the most significant pieces of legislation to come before the 91st Congress.

In a genuine sense, this bill reflects the thinking of a citizenry that in the last generation has become more mature, more enlightened, and more responsible. Education has made the individual American increasingly aware that he can play a role in shaping his own destiny and the destiny of the civilization of which he is a part. He now recognizes that the earth is perishable; that there is a limit to the pollutant that may be discharged into the air he breathes and the water he drinks unless he is reconciled to a sure course of self-destruction.

This same enlightenment has influenced his attitude toward human life. He now comprehends that while man, like the environment, is perishable, there is a great deal that may be done to sustain life far beyond the expectations of previous generations. More money was spent on medical research in the 1960's than during the entire first half of this century. The effect of this research has been new dimensions of knowledge and recognition that life may be extended through proper medical treatment and reasonable care of the body. We have perfected cures for previously incurable diseases. And, with isolated exceptions, we have diagnosed the causes of diseases for which there is yet no cure.

I return now to H.R. 6543 and the potential impact of Senator Moss's legislative proposal. We are aware that heart disease is the Nation's No. 1 killer and that lung cancer is not far behind. And we also are aware that there is a direct cause-and-effect correlation between smoking and these terrible diseases.

Given this knowledge, we have an obligation to make every American aware of the hazards of smoking, particularly since the welfare of our young people is at stake. If smoking were a habit cultivated later in life—during adulthood—perhaps our obligation would not be so imperative. But the statistics provide irrefutable proof that America's youth—responding to sophisticated advertising and emulating its elders—is a chief victim of the habit.

Mr. President, H.R. 6543 represents the capstone of a remarkable 11-year effort by Senator Frank Moss to bring the dangers of smoking to the attention of the public. If his current proposal promised to preserve even one human life, it would be worthy of enactment. But its potential is unlimited. It may well mean the difference between life and death for thousands, and ultimately millions, of American citizens. For this reason, the Congress and all the people of this Nation owe the distinguished Senator from Utah an enormous debt of gratitude.

Mr. McGEE. Mr. President, I want to join with my fellow Senators in calling attention to the accomplishment the passage of this conference report represents for my good friend and neighbor, Senator Frank E. Moss.

Out in our part of the country, one of the nicest things you can say about a man is that he works hard, that he stays with a job until it is finished, and that he is not afraid to take on something that might turn out to be a hard task.

By that definition, Senator Moss stands high today because we are about to pass the conference report on the Cigarette Advertising Act which he has worked so long and hard to bring before us.

It took hard work on his part, but he has proven in many ways that he is not afraid of hard work.

It has been a long battle. We started in this fight the first year he and I came to the Senate in 1959.

And it has been a tough fight. A single Senator, from a small State way out West, taking on not one but two multimillion dollar industries, the tobacco people and the broadcasters, did not present the best odds in his favor, but he stayed with it, utilizing a growing awareness of his position.

America will benefit from what we did here today, and we are doing it because of the efforts of Ted Moss.

Mr. INOUYE. Mr. President, I know of no single legislative event more perfectly in harmony with the public interest than this law bringing to an end the broadcast advertising of cigarettes. And this event would never have taken place without the single-minded persistence of the Senator from Utah (Mr. Moss).

It was he who brought home to the Senate through his speeches the dismal facts condemning smoking as a major public health hazard. It was he who alerted us early this year to the threat of weak legislation which had begun working its way through Congress. It was he who chaired the hearings of the Senate Commerce Committee which forced the cigarette and broadcast industries to face up to their social responsibility.

As of next January, thanks to his efforts, TV country will be "out of Salem." The cigarette for the "two of us" no longer will be beamed into the homes of the millions "of us" who have young children for whom television is a constant and trusted companion.

The public health service tells us that the smoking habit is on the way down; that the corner has been turned; that there are millions of ex-smokers who have heeded the objective medical judgment of the scientific community. And as the rate of cigarette smoking continues to decelerate and the toll in lives and misery begins to fall, one man will deserve our gratitude more than any other, Senator Ted Moss, of Utah.

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to vote on the conference report.

The clerk will call the roll.

The bill clerk called the roll.

Mr. KENNEDY. I announce that the Senator from Minnesota (Mr. McCarthy), the Senator from New Hampshire (Mr. McIntyre), the Senator from Montana (Mr. Metcalf), the Senator from West Virginia (Mr. Randolph), and the Senator from Georgia (Mr. Russell) are necessarily absent.

I further announce that the Senator from Alaska (Mr. Gravel) and the Senator from Idaho (Mr. Church) are absent on official business.

I further announce that, if present and voting, the Senator from Alaska (Mr. Gravel), the Senator from New Hampshire (Mr. McIntyre), and the Senator from West Virginia (Mr. Randolph) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. Baker) and the Senator from Illinois (Mr. Smith) are necessarily absent.

The Senator from Delaware (Mr. Boggs) is absent to attend the funeral of a friend.

The Senator from Florida (Mr. Gurney) is absent because of illness in his family.

The Senator from Idaho (Mr. Jordan) and the Senator from Ohio (Mr. Saxbe) are absent on official business.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

The Senator from Alaska (Mr. Stevens) and the Senator from Texas (Mr. Tower) are detained on official business.

If present and voting, the Senator from South Dakota (Mr. Mundt), the Senator from Illinois (Mr. Smith), the Senator from Delaware (Mr. Boggs), the Senator from Texas (Mr. Tower), and the Senator from Alaska (Mr. Stevens) would each vote "yea."

The result was announced—yeas 75, nays 9, as follows:

[No. 89 Leg.]

YEAS—75

Aiken
Allen
Allott
Anderson
Bayh
Bellmon
Bennett
Bible
Brooke
Burdick
Byrd, W. Va.
Cannon
Case
Cooper
Cotton
Cranston
Curtis
Dodd
Dole
Dominick
Eagleton
Ellender
Fannin
Fong
Fulbright
Goldwater
Goodell
Gore
Griffin
Hansen
Harris
Hart
Hartke
Hatfield
Hruska
Hughes
Inouye
Jackson
Javits
Kennedy
Long
Magnuson
Mansfield
Mathias
McClellan
McGee
McGovern
Miller
Mondale
Montoya
Moss
Murphy
Muskie
Nelson
Packwood
Pastore
Pearson
Pell
Percy
Prouty
Proxmire
Ribicoff
Schweiker
Scott
Smith, Maine
Sparkman
Spong
Symington
Talmadge
Tydings
Williams, N.J.
Williams, Del.
Yarborough
Young, N. Dak.
Young, Ohio

NAYS—9

Byrd, Va.
Cook
Eastland
Ervin
Holland
Hollings
Jordan, N.C.
Stennis
Thurmond

NOT VOTING—16

Baker
Boggs
Church
Gravel
Gurney
Jordan, Idaho
McCarthy
McIntyre
Metcalf
Mundt
Randolph
Russell
Saxbe
Smith, Ill.
Stevens
Tower

So the conference report was agreed to.

Mr. MAGNUSON. Mr. President, I move that the Senate further insist on its amendment No. 13. As I pointed out to the Senate earlier, this is merely a technical amendment the necessity for which was discovered by both the House of Representatives and the Senate after the report was printed; so it merely means that the amendment will go over there and be agreed to, and come right back here.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Washington.

The motion was agreed to.

Mr. MANSFIELD. Mr. President, there may be bills which pass Congress this year which have greater economic or social impact than the legislation embodied in this conference report. But, I can think of no law which keeps faith with the young people of America more than this one.

The Senator from Utah (Mr. Moss) has labored long and vigorously to achieve this goal. He has not assailed us with emotion but with scientific facts. He has not attacked the integrity of the cigarette industry or broadcast media but has focused upon the interest of our young people in being freed from the incessant message of cigarette commercials broadcast into their homes, assuring them by implication that cigarette smoking is harmless and part of the good life. He has been firm but patient. He has pursued a goal which only a few years ago seemed unreachable. For this we, his colleagues, owe him a substantial debt of gratitude.

VOTING RIGHTS ACT AMENDMENTS OF 1969

The Senate resumed the consideration of the bill (H.R. 4249) to extend the Voting Rights Act of 1965 with respect to the discriminatory use of tests and devices.

Mr. TYDINGS. Mr. President, the real subject of the debate this week is the right to vote, the most basic right in any democracy. Without the right to vote, any person or any group is automatically excluded from representative government. Without access to the voting booth, there is no power that the citizen or group can exercise—real or potential—over the course of government.

This fact is so basic as to be self-evident. Yet, nearly 200 years after the Declaration of Independence held that all men should be treated equally, and over 100 years after a bloody civil war was fought to enforce equal treatment, we are still engaged in the struggle to permit Negroes to exercise their franchise.

This record of continued denial of the vote in our Nation is a tragic chapter in our history and a bitter reminder of the gap that separates rhetoric from practice in the leading democratic nation of the world.

The importance of the right to vote is recognized by those who want to participate in the democratic process and by those who have so bitterly and persistently opposed that participation. Both sides realize that the vote for any minority means some degree of significant political power—power that will lead to better lives.

The legislative efforts to provide the franchise to Negroes in the South were failures until the 1965 Voting Rights Act was passed. The reason for the previous failures is clear—any enforcement of a voting rights law that depends solely on court suits is too slow and too easily circumvented to provide a remedy for the loss of the vote. The voting records prove this beyond any question.

Before the 1965 act the percentage of nonwhite voter registration in Alabama was 19.3 percent, in Georgia 27.4 percent, in Louisiana 31.6 percent, in Mississippi 6.7 percent, and in South Carolina 37.3

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percent. In every one of these States white voter registration was above 60 percent. The table from the Civil Rights Commission report "Voter Participation" sets these statistics out very starkly.

I ask unanimous consent to have the table printed in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

VOTER REGISTRATION BY RACE BEFORE AND AFTER PASSAGE OF THE VOTING RIGHTS ACT OF 1965

State	Preact registration	Postact registration	Preact percent of voting age population registered	Postact percent of voting age population registered
Alabama:				
Nonwhite	92,737	248,432	....	51.6
White	935,695	1,212,317	69.2	89.6
Arkansas:				
Nonwhite	77,714	121,000	40.4	62.8
White	555,944	616,000	65.5	72.4
Florida:				
Nonwhite	240,616	299,033	51.2	63.6
White	1,958,499	2,131,105	74.8	81.4
Georgia:				
Nonwhite	167,663	332,496	....	52.6
White	1,124,415	1,443,730	62.6	80.3
Louisiana:				
Nonwhite	164,601	303,148	....	58.9
White	1,037,184	1,200,517	80.5	93.1
Mississippi:				
Nonwhite	28,500	263,754	....	59.8
White	525,000	665,176	69.9	91.5
North Carolina:				
Nonwhite	258,000	277,404	46.8	51.3
White	1,942,000	1,602,980	96.8	83.0
South Carolina:				
Nonwhite	138,544	190,017	....	51.2
White	677,914	731,096	75.7	81.7
Tennessee:				
Nonwhite	218,000	225,000	69.5	71.7
White	1,297,000	1,434,000	72.9	80.6
Texas:				
Nonwhite	2,939,535	400,000	53.1	61.6
White		2,600,000		53.3
Virginia:				
Nonwhite	144,259	243,000	38.3	55.6
White	1,070,168	1,190,000	61.1	63.4

Mr. TYDINGS. In contrast, the 1965 Voting Rights Act has been a remarkable success. Since its enactment over 800,000 Negro voters have been registered without any disruption of the election system. The key to this success is contained in section 5 of the 1965 act which provides for a review by the District Court in the District of Columbia or the Attorney General of new voting procedures and practices in areas where literacy tests have been suspended under section 4. This unique procedure forces a decision about discrimination immediately, prevents delay in courts, and makes the right to vote a reality.

Since the passage of the Voting Rights Act there has been a significant increase in numbers of Negroes registered, voting, and running for office in the Southern States.

Records of the Civil Rights Commission show that as of December 31, 1967, Federal examiners had been assigned to 58 counties in Southern States and had listed as eligible to vote 158,094 persons, including 153,767 nonwhites and 7,327 whites. In addition, officials of the Department of Justice have estimated that as of May 3, 1967, an additional 416,000 Negro citizens had been registered by local voting registrars since the passage of the act.

Negro registration now is more than 50 percent of the voting age population in every Southern State. Before the act this was true only of Florida, Tennessee, and Texas. The biggest gain has been in Mississippi, where Negro registration has gone from 6.7 to 59.8 percent. But there also have been important gains in other States. In Alabama, the percentage has gone from 19.3 to 51.6; in Georgia, from 27.4 to 52.6; in Louisiana, from 31.6 to 58.9; and in South Carolina, from 37.3 to 51.2.

The substantial rise in Negro voter registration has been accompanied by a significant increase in the number of Negroes actually voting. A survey by the voter education project of the Southern Regional Council found that in 1966, the growing Negro vote was a major factor in elections across the South, supplying the winning margin for a U.S. Senator in South Carolina, at least one Governor, in Arkansas, and at least two Members of the U.S. House of Representatives. The project estimated that in Arkansas, 80,000 to 90,000 of a total of between 115,000 to 120,000 registered Negroes voted in the November 1966 general elections; in South Carolina, 100,000 of 191,000; and in Georgia, 150,000 of 300,000. In Alabama, the Negro turnout for the May 3, 1966, primary was estimated at 74 percent of the total Negro registration of just under 250,000; in the general election, faced with a choice between two segregationists who were the major candidates in the Governor's race, less than half the registered Negroes voted. In Mississippi an estimated 50,000 to 55,000 of an approximately 170,000 registered Negroes voted in the general election. In Louisiana, where there were no major statewide contests, a sampling of several Negro precincts indicated turnouts of 50 to 60 percent of those registered.

After the 1966 elections, the number of local Negro officeholders and legislators in the 11 Southern States was 159; after the 1967 elections the number exceeded 200—more than twice as many as were serving when the Voting Rights Act of 1965 was passed. Although the vast majority of Negro officeholders hold minor posts, in 1966, 20 Negroes—11 in Georgia, six in Tennessee, and three in Texas—were elected to State legislatures in the South, a total increase of nine. Negroes also were elected to posts at the county level in such Deep South States as Georgia, Louisiana, Alabama, and Mississippi. Lucius Amerson, elected sheriff of Macon County, Ala., became the first Negro sheriff in the South since Reconstruction.

In 1967, 22 Negroes were elected to office in Mississippi including the first Negro representative in the State legislature in almost 100 years.

Thus it is section 5 of the 1965 Voting Rights Act that means the difference between the right to vote or not to vote for nearly a million Americans. There is no evidence that I can perceive that would lead any observer to conclude that racial tension or discrimination has so diminished in this Nation that voting rights need no longer be protected. Many blacks have had the opportunity to vote for the first time in their lives because the 1965 law was effective—and not because of the magnanimity of local officials.

Indeed, despite this success, Negro voter registration is still low in numerous counties within these States. For example, in Alabama, less than 50 percent of Negroes of voting age are registered in 27 of 67 counties; in five counties, Negro registration is less than 35 percent; in Georgia, less than 50 percent of Negroes of voting age are registered in 68 of 152 counties; in 27 counties it is less than 35 percent; in Mississippi, less than 50 percent of Negroes of voting age are registered in 24 of 82 counties; in six counties it is less than 35 percent; in South Carolina, less than 50 percent of Negroes of voting age are registered in 23 of 46 counties; in three counties it is less than 35 percent.

The President's civil rights proposal, passed by the House last session, does not contain any provisions similar to section 5. It is a retreat on voting rights. By returning to the proven failure of remedial court action, the administration bill will end the right to vote of literally hundreds of thousands of Americans.

No amount of talk about regional legislation or equal application of the laws will hide the fact that the administration bill will gut the 1965 Voting Rights Act. The bill does not extend the procedures of the 1965 act across the Nation—this bill totally removes the only effective procedures we have to protect the right to vote, and provides no adequate substitute, regional or national.

I will not deny that these procedures are extraordinary nor that they are aimed at one region, because they are. I say they should be that way, because the denial of the right to vote caused by racial prejudice demands extraordinary action and because this massive voting discrimination has occurred in only one region in this country—the South.

The only way that the vote will be available to all Americans regardless of race is to extend the 1965 Voting Rights Act. We must do this if we are to preserve the bare shadow of equal treatment that we boast of so often.

I would also like to note today that two provisions of the administration's voting rights bill are excellent and are appropriately added to the extension of the 1965 act in the Hart-Scott substitute before us today.

First, the nationwide ban on literacy tests is long overdue. This device, just one of the many that have been used to deny the vote because of racial prejudice, should be eliminated nationally. Although it has not been used outside the South with the direct intent to disenfranchise particular minorities, the most recent studies of the Civil Rights Commission indicate that its effect has been to do just that. True equal treatment of all regions in the Nation demands that we strike down voter discrimination wherever it occurs—in this case discrimination because of one device—the literacy tests—occurs throughout the Nation, so its use should be ended throughout the Nation.

Second, the time has come for uniform residency requirements for voting in Federal elections. The high mobility of our citizens should not be used to penalize them when election day occurs. Familiarity with local issues and candidates

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has no relevance to the ability to vote intelligently for the President and Vice President. We should allow every American to vote for the Presidency no matter when he moves.

I would like to reemphasize my central point—if we are to continue to allow Negro citizens to vote, if we are going to permit minorities to participate in our political system, if we are to be a democracy as well as sound like one, we must extend the Voting Rights Act of 1965. It has been effective; it has provided the vote. Now is no time for a retreat from the right to vote. So I shall continue to fight against the crippling amendments being offered to gut the 1965 Voting Rights Act and will vote for the Hart-Scott substitute to insure the extension of the act.

Mr. BROOKE. Mr. President, for the past several days, intense and learned debate has filled this Chamber, encompassing some of the most complex elements of social and political concern. No listener has departed from these Halls unimpressed with the constitutional wisdom, the sense of history, the breadth and scope of knowledge possessed by the participants in the dialog. I know that I have been impressed—and fascinated—with many of the obscure or half-forgotten facts of American history and folklore which have come to light in the course of this erudite exposition.

But there is one basic issue which cannot be obscured or forgotten, no matter how lengthy or expressive the debate. This is the fact that all citizens have an inalienable right to participate in the process by which they are governed.

The other day I heard a recitation of grievances drawn from that most basic of all documents, the Declaration of Independence. But to me, the specific enumeration of grievances contained in that historic document is wholly subordinate to that most classic statement of principle which precedes them:

> We hold these truths to be self-evident, that *all* men are created equal, that they are endowed by their Creator with certain inalienable rights, that among these are Life, Liberty and the pursuit of Happiness.

I have heard it said in this debate that the Constitution specifically reserves to the individual States the power to regulate certain aspects of the lives of their people. But should the right of States take predominance over the right of the people themselves? The Constitution of the United States places primary responsibility for providing for "the common defense and general welfare" with the Congress of the United States. The 14th amendment makes that power more explicit by declaring that—

> No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States.

The 15th amendment even more clearly states that—

> The right of the citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

Those who argue that other sections of the Constitution appear to preserve the right to establish voter criteria to the various States should recall that the framers of the Constitution provided in the concluding article of the original document for instances in which doubts or conflicts of jurisdiction might arise. That article reads:

> This Constitution, and the Laws of the United States which shall be made in Pursuance thereof, and all Treaties made, or which shall be made, under the Authority of the United States, shall be the *supreme Law of the Land*, and the Judges in every State shall be bound thereby, *any Thing in the Constitution or Laws of any State to the Contrary notwithstanding*.

Nothing could be plainer than this. The Constitution of the United States gives to the Federal Government the power to guarantee our most fundamental and invaluable rights to all our citizens, even if this means overruling State law in the process.

Mr. President, no responsibility of any free government can be more essential than to guarantee equality under the law to all its citizens.

Mr. President, the Voting Rights Act of 1965 did not burst full-blown from the brows of latter-day abolitionists. Rather, this bill was enacted only after 100 years of constitutional amendments, court decisions, and three previous civil rights acts had failed to achieve the simple objective of letting black people vote. After such unconscionable procrastination, the burden of proof could no longer reasonably be placed on the poor and the underprivileged to demonstrate that they were the victims. The evidence was all too clear. Court proceedings were far too slow. And the demand for redress of grievances was reaching an explosive level. To provide for the common defense and general welfare, Federal action was imperative.

The 1965 Civil Rights Act provides that in instances where a literacy test was required as a precondition to voting, and where less than 50 percent of the voting age citizens of a State actually exercised that prerogative in the 1964 elections, the Federal Government was authorized to employ a variety of alternative remedies. Federal examiners can be sent in to register voters, and Federal observers can be delegated to observe the actual election process. In States where these conditions prevail, any changes in the voting laws must be submitted to the Attorney General of the United States for a determination as to their possible discriminatory nature.

Men of good conscience may argue that such provisions are unnecessarily punitive. But no one can dispute the fact that 800,000 Negroes have registered to vote during the last 5 years in the seven States affected by this law. No one can dispute the fact that Mississippi, which had 6.7 percent of its black population registered to vote in 1964, now has 60 percent of its black population on the rolls. And no one who has talked with the people from Mississippi or read the report of the Civil Rights Commission can doubt that the increased registration is largely the result of efforts of Federal officers. Yet despite all this progress, dilatory tactics, and efforts to circumvent or to inadequately enforce the law give clear evidence that the change may not be lasting. Constructive changes may not, in fact, last much longer than the act itself.

Mr. President, I do not want to see this country retreat to the circumstances of 1957, or 1960, or 1964. We have come too far for that. We have made too many gains. We have held out too many promises and given people a taste of their fulfillment. Men and women in this country have risked their jobs to vote. They have risked their lives and the lives of their families for freedoms which are the birthright of every American.

I believe that the 1965 Voting Rights Act has been one of the most effective provisions ever enacted by the Congress. It has done far more than any previous legislation to insure equal representation and participation in the political process. But its effects are not immutable. Time is required for blacks to become accustomed to the exercise of political responsibility—and for whites to accept their participation. Time is required for old customs to be changed, for people of all races and creeds to accept one another as equals. I do not suggest that all this will happen if this law is enacted for another 5 years. I do say that we will stand a far better chance of accomplishing this objective if there is no opportunity for backsliding.

If the present act is changed in any way, if the automatic triggering device of section 4, or the preclearance provisions of section 5, are allowed to expire, we will be back in the pre-1957 situation which clearly was inadequate. The burden of proof will once again be on the victims rather than the actual perpetrators of the crime. We will enter a period of lengthy court litigation, of innumerable devious efforts to prevent people from exercising their constitutional rights, of intimidation and fear. No good purpose can be served by such a course of action.

A far better alternative is to adopt the Scott-Hart compromise amendment, which would extend the 1965 act for 5 more years, and to add new titles to the bill as required.

Three such additional proposals are presently before us. One, of which I am a cosponsor, would abolish the residency requirement for voting in Federal elections. This amendment, introduced by the distinguished Senator from Arizona (Mr. GOLDWATER), would grant the right to vote in presidential elections to the nearly 5 million mobile Americans who are presently disenfranchised each year. This reform is long overdue, and I welcome its enactment.

Abolition of literacy tests is also a vital step forward. In this day of mass communication, many Americans derive the bulk of their information on current events from radio and television rather than from the printed media. Literacy is practically universal, but there is still no reason to discriminate against those who, through poverty, poor education, or foreign birth, are unable to meet this standard. Our laws affect such persons as much as the man who can read, and their voices deserve to be heard.

A third proposal involves the question of lowering the voting age to 18. This is

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a provision which I have long supported. Young men and women who are adults in the eyes of the law, who are allowed to marry and raise families, are obligated to pay taxes, are held responsible for their actions, and are required to defend their country, deserve at the very least the right to vote.

I am not convinced that an amendment to the present bill is the best way to achieve the objective. We have assurances from the subcommittee and from the full Judiciary Committee that hearings will be held and a bill reported within a very few weeks. We are also faced with the practical reality that no hearings have been held on this matter in the other body and opposition may therefore be strong. We cannot afford to jeopardize passage of the entire bill because of this one amendment. I would prefer, therefore, that we might withhold action at this time on the assurance that we will soon have an opportunity to vote on a separate bill. If this proves impossible, however, I will support the amendment.

Consideration of our voting rights laws has led to a momentous and basically constructive debate. It has served to focus widespread public attention on areas of our electoral laws which desperately need reform. What is more, it has raised into the full light of day the larger question of the rights and responsibilities of all citizens.

Political rights are essential to economic and social progress. Participation in the political process binds people together and give them a common forum for the presentation of their views. If we would bring this country together, if we would root out the underlying causes of discontent and deprivation, we can seek no better course than to guarantee to all our people full participation in the political process.

I commend those who are responsible for the pending legislation. I support the Scott-Hart compromise amendment, as amended by Senator GOLDWATER, and containing the provision for a nationwide abolition of literacy tests. And I urge the prompt adoption of these provisions which would move us forward in the direction of securing the rights of all.

AMENDMENT NO. 538

Mr. ERVIN. Mr. President, I call up my amendment No. 538, to the Scott-Hart substitute amendment No. 544, and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read the amendment, as follows:

Add a new section, appropriately numbered, as follows:

"SEC.—. That section 4 of the Voting Rights Act of 1965 is amended by adding at the end thereof the following new subsection:

"'(f) After July 1, 1969, no State or political subdivision with respect to which determinations have been made under subsection (b) of this section, shall continue to be subject to the prohibitions of subsection (a) of this section if the Director of the Census determines that at least 50 per centum of the persons of voting age residing therein were registered on November 1, 1968, and that at least 50 per centum of such persons voted in the presidential election of November 1968.'"

Mr. President, this is an amendment which ought to be adopted because it provides for the exoneration of a State or a county condemned by the triggering device in the Voting Rights Act of 1965 on exactly the same basis on which it is condemned by the act.

I am an optimist by nature, but in light of the previous vote on an amendment which would have accomplished the same result, I am not optimistic enough to think that the Senate would exercise the good intelligence to adopt this amendment. Moreover, I think the vote on the previous amendment was not such as to generate hope in my mind that the Senate would decide that whereas 2 plus 2 made 4 in 1964, it would accept the proposition that 2 plus 2 would make 4 in 1968, 1969, or 1970.

Having had this amendment reported, and having given the Members of the Senate an opportunity to ascertain what a just, fair, and reasonable amendment it is, I shall withdraw the amendment and not ask for a vote on it.

The PRESIDING OFFICER. The amendment is withdrawn.

AMENDMENT NO. 541

Mr. ERVIN. Mr. President, I call up my amendment No. 541 to the Scott-Hart substitute amendment No. 544, and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read the amendment, as follows:

On page 3, beginning with line 1, strike out down through line 8, on page 4.

Mr. ERVIN. Mr. President, I modify my amendment by changing the figure "8" to the figure "5" in line 2, and the figure "4" to the figure "7" in line 2.

It is necessary for me to do this in order to make my amendment correspond to the second substitute proposed by Senator SCOTT and Senator HART.

The PRESIDING OFFICER. The amendment is so modified.

The amendment, as modified, is as follows:

On page 3, beginning with line 1, strike out down through line 5, on page 7.

Mr. ERVIN. Mr. President, I ask unanimous consent that the portion of the Scott-Hart substitute beginning on line 1 on page 3 and ending with line 5 on page 7 be printed at this point in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

There being no objection, the section of the amendment was ordered to be printed in the RECORD, as follows:

"RESIDENCE REQUIREMENTS FOR VOTING

"SEC. 202. (a) The Congress hereby finds that the imposition and application of the durational residency requirement as a precondition to voting for the offices of President and Vice President, and the lack of sufficient opportunities for absentee registration and absentee balloting in presidential elections—

"(1) denies or abridges the inherent constitutional right of citizens to vote for their President and Vice President;

"(2) denies or abridges the inherent constitutional right of citizens to enjoy their free movement across State lines;

"(3) denies or abridges the privileges and immunities guaranteed to the citizens of each State under article IV, section 2, clause 1, of the Constitution;

"(4) in some instances has the impermissible purpose or effect of denying citizens the right to vote for such officers because of the way they may vote;

"(5) has the effect of denying to citizens the equality of civil rights, and due process and equal protection of the laws that are guaranteed to them under the fourteenth amendment; and

"(6) does not bear a reasonable relationship to any compelling State interest in the conduct of presidential elections.

"(b) Upon the basis of these findings, Congress declares that in order to secure and protect the above-stated rights of citizens under the Constitution, to enable citizens to better obtain the enjoyment of such rights, and to enforce the guarantees of the fourteenth amendment, it is necessary (1) to completely abolish the durational residency requirement as a precondition to voting for President and Vice President, and (2) to establish nationwide, uniform standards relative to absentee registration and absentee balloting in presidential elections.

"(c) No citizen of the United States who is otherwise qualified to vote in any election for President and Vice President shall be denied the right to vote for electors for President and Vice President, or for President and Vice President, in such election because of the failure of such citizen to comply with any durational residency requirement of such State or political subdivision; nor shall any citizen of the United States be denied the right to vote for electors for President and Vice President, or for President and Vice President, in such election because of the failure of such citizen to be physically present in such State or political subdivision at the time of such election, if such citizen shall have complied with the requirements prescribed by the law of such State or political subdivision providing for the casting of absentee ballots in such election.

"(d) For the purposes of this section, each State shall provide by law for the registration or other means of qualification of all duly qualified residents of such State who apply, not later than thirty days immediately prior to any presidential election, for registration or qualification to vote for the choice of electors for President and Vice President, or for President and Vice President in such election; and each State shall provide by law for the casting of absentee ballots for the choice of electors for President and Vice President, or for President and Vice President, by all duly qualified residents of such State who may be absent from their election district or unit in such State on the day such election is held and who have applied therefor not later than seven days immediately prior to such election and have returned such ballots to the appropriate election officials of such State not later than the time of closing of the polls in such State on the day of such election.

"(c) If any citizen of the United States who is otherwise qualified to vote in any State or political subdivision in any election for President and Vice President has begun residence in such State or political subdivision after the thirtieth day next preceding such election and, for that reason, does not satisfy the registration requirements of such State or political subdivision he shall be allowed to vote for the choice of electors for President and Vice President, or for President and Vice President, in such election, (1) in person in the State or political subdivision in which he resided immediately prior to his removal if he had satisfied, as of the date of his change of residence, the requirements to vote in that State or political subdivision, or (2) by absentee ballot in the State or political subdivision in which he resided immediately prior to his removal if he satisfies, but for his nonresident status and the reason for his absence, the requirements for absentee voting in that State or political subdivision.

"(f) No citizen of the United States who is otherwise qualified to vote by absentee ballot in any State or political subdivision in any election for President and Vice President shall be denied the right to vote for the choice of electors for President and Vice President, or for President and Vice President, in such election because of any requirement of registration that does not include a provision for absentee registration.

"(g) Nothing in this section shall prevent any State or political subdivision from adopting less restrictive voting practices than those that are prescribed herein.

"(h) The term 'State' as used in this section includes each of the several States and the District of Columbia.

"(i) The provisions of section 11(c) shall apply to false registration, and other fraudulent acts and conspiracies, committed under this section.

Mr. ERVIN. The substance of the provision that my amendment seeks to strike is that Congress shall prescribe the residence requirements for those who move from one State to another during the weeks preceding an election. In other words, this provision of the Scott-Hart substitute undertakes, for the first time in our history, to have Congress prescribe residence requirements for voting for presidential and vice-presidential electors.

I have already alluded on a previous occasion to the amendment proposed by the distinguished majority leader that Congress undertake to prescribe a uniform voting age of 18 years in all the States of the Union. When I see proposals of the character offered by the authors of the Scott-Hart substitute and by the distinguished majority leader, I think about the present plight of the Constitution of the United States and the regard which it apparently enjoys at this hour of our national history.

When I get to thinking about the disrepute into which our Constitution has fallen, I am reminded of the tragedy of one whom I shall call Jim.

Jim had the misfortune to be run over and killed by a train. His administrator brought suit against the railroad for damages for wrongful death. In order to prove that Jim had actually been run over and killed by a train, the administrator called as a witness a man who testified that immediately before the tragedy he saw Jim walking up the railroad track. Then he saw the train come up. He said that the train passed between him and Jim, and that after the train had passed, he could not see Jim anywhere.

The witness then testified that he walked up the track in the direction in which he had seen Jim walking; and as he got some little distance up the track, he looked over, and he saw Jim's right arm, dismembered from his body, lying on the right side of the track. He said that he walked a little further, looked on the left side of the track, and saw Jim's head and a part of his chest.

As he walked up the track just a little further, he saw the remainder of Jim's body lying there, severed, off to the right of the track.

Then the lawyer asked the witness, "When you saw those gruesome relics, what did you do?"

The witness replied, "I said to myself, 'Something serious must have happened to Jim.' "

Something very serious has happened to the Constitution of the United States.

(At this point Mr. BELLMON took the chair as Presiding Officer).

Mr. ERVIN. Mr. President, the most serious thing that ever happened to the Constitution of the United States, in my humble judgment, was the fantastic decision of the Supreme Court in Katzenbach against Morgan. This case involved the validity of the act of Congress constituting a part of the Voting Rights Act of 1965 which undertook to nullify, in part, the literacy test embodied in the New York constitution.

New York had a constitution which provided that no person could vote in New York unless he could read and write the English language. When the Voting Rights Act of 1965 was before the Senate, the Senate adopted an amendment which changed this test and provided that if a person had completed a sixth grade education in a school in Puerto Rico, he would be allowed to vote in New York, even though he could not read or write the English language, and even though the New York constitution said that he was not eligible to vote unless he could read and write the English language.

Well, it happens that this provision of the New York constitution was clearly in harmony with the equal protection clause, because it applied in like manner to all people in like circumstances. Furthermore, it was upheld by the Court of Appeals of New York State, the highest court in that State. Moreover, it had been upheld as valid by a three-judge district court of the United States sitting in the State of New York. And when the Supreme Court handed down its decision in Katzenbach against Morgan, even it agreed, in effect, that the New York literacy test was in perfect harmony with the equal protection clause of the 14th amendment.

There have been many queer decisions handed down by various courts in ages gone by, but the one in this particular case was the queerest ever handed down. Up to the time that case was decided, the Supreme Court had taken the position that the Constitution of the United States contained provisions of equal dignity, that the Constitution should be interpreted as a harmonious whole, and that each provision of the Constitution should be given its proper effect.

In the Morgan case, the Supreme Court adopted a very strange and new canon of construction. It held, in effect, that the Constitution of the United States consists of a set of mutually repugnant and mutually destructive provisions of unequal dignity, that in exercising its powers under one provision of the Constitution, Congress could destroy other provisions of the Constitution, even though Members of Congress had taken oaths to uphold all provisions of the Constitution.

The fifth section of the 14th amendment declares that Congress shall have the power to enforce the first section of the 14th amendment by appropriate legislation. The first section of the 14th amendment declares, among other things, that no State shall deny to any person within its jurisdiction the equal protection of the laws.

Now, up to the time of the Morgan case, the Supreme Court of the United States had held that the 14th amendment meant exactly what it said, and not something else. It held that as long as a State did not violate the provisions of the first section of the 14th amendment, no legislation enacted by Congress could be called into play. It held that the 14th amendment meant exactly what it said; that it was a prohibition upon unconstitutional State action and was not an affirmative grant of power to the Congress to nullify State action in harmony with the equal protection clause.

I submit that that was a proper interpretation because it is an interpretation exactly in harmony with what the 14th amendment says. In the Morgan case, however, the Supreme Court, by a split decision—and I thank God there were a couple of judges who still believe that the Constitution means what it says—held that under its power to enforce the first section of the 14th amendment, and for present purposes I restrict that to the equal protection clause of the 14th amendment, Congress could nullify State voting qualifications in perfect harmony with the equal protection clause and could substitute for them congressional qualifications which Congress was forbidden to pass by section 2 of article I of the Constitution, section 1 of article II of the Constitution, the 10th amendment, and the 17th amendment. The Court said it would not even pass on the question of whether the State law that was being nullified, and which in this instance, was in harmony with the equal protection clause of the 14th amendment, was in violation of the Constitution.

In fact, they said that the constitutionality of the State law being nullified was wholly immaterial; that it was not even the function of the Supreme Court to pass on the question of whether the State law being nullified was perfectly constitutional. They said the sole test was whether the Court could say that the act of Congress would prevent the State, which had never violated the Constitution before, from ever violating the equal protection clause in the future.

It may be that these proposals of the Scott-Hart amendment to let Congress usurp and exercise the power to prescribe residence qualifications for voting in a presidential and vice-presidential election in all of the States and the proposal embodied in the Mansfield amendment that Congress prescribe the age limit for all voters in all of the States by a statute, will be upheld by the Supreme Court of the United States as now constituted.

But if it is, the only conclusion we can come to is that Congress, the creature of the Constitution, which has no power apart from the Constitution, is given the power by the Constitution to nullify the Constitution. That is the effect of the

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decision written by Justice Brennan in Katzenbach against Morgan.

I frankly may be guilty of some kind of judicial heresy, but I do not think the Constitution is so fragile that Congress, a creature of the Constitution, can nullify the provisions of the Constitution.

I will have to admit, however, that the clear distortion of the provisions of the Constitution practiced in the majority opinion in Katzenbach against Morgan does seem to me to lead to the strange conclusion that Congress can absolutely deny a State of the power to exercise any of the powers the Constitution gives and reserves to the States. If Congress can pass any kind of law which would have a tendency to prevent a State from violating the equal protection clause of the 14th amendment, then Congress can pass a law that forbids a State from making any laws, enforcing any laws, and interpreting any laws—even those laws which the Constitution itself says States can pass.

That is the reason that I stated a while ago that I think something serious has happened to the Constitution.

I want to discuss now what the Constitution has to say on this subject and what the Supreme Court of the United States has said on this subjet in times past, just to show how lacking in wisdom the Founding Fathers were as compared with some of the present members of the Supreme Court of the United States. When they wrote the Constitution originally, the founders had something to say on this subject in very plain and simple language.

Section 2 of article I of the Constitution says:

> The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature.

That is stated in very simple language. And under that section, it has been held since this Republic came into being, at least to the time of the Morgan case, that the power to say what qualifications a person should have in order to be eligible to vote for a Representative in Congress belongs to the States exclusively, and that Congress is denied that power.

Section 1 of article II of the Constitution also has something to say on this subject. It says this:

> Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors, equal to the whole Number of Senators and Representatives to which the State may be entitled in the Congress:

These electors were the men empowered by other provisions of the Constitution to elect the President and Vice President of the United States.

From the time this Republic came into being in 1789 down to the time of the Morgan case, it was uniformly held that all of the power to prescribe the qualifications for voting for presidential and vice presidential electors belonged to the State and none of it to the Congress of the United States.

The 10th amendment provides as follows:

> The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

There is nothing in the Constitution which delegates to the United States the power to prescribe the qualifications for voting in the State elections. And there is nothing in the Constitution which prohibits the States from exercising the power to prescribe the qualifications for voting in State elections.

And so it was held without variation from the time of the creation of this Republic down to the time of the Katzenbach against Morgan case, that all of the power to prescribe the qualifications of those who are eligible to vote in State elections belongs to the States and that none of this power belongs to the Congress of the United States.

The 17th amendment provides for the election of Members of the U.S. Senate by the direct vote of the people, thereby changing the original provision of the Constitution which stipulated that Members of the U.S. Senate should be chosen by the legislatures of the several States.

In describing who shall be eligible to vote for Senators, the 17th amendment contains a clause similar to that embodied in section 2 of article I. This clause reads:

> The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislatures.

That section of the 17th amendment must mean exactly what it says, and it recognizes that the legislatures of the States have the power to prescribe the qualifications for electors of the most numerous branch of the State legislatures, and that those so qualified by State law are eligible to vote for Senators of the United States.

Yet we have proposals pending before the Senate at this moment that Congress prescribe by statute the age at which persons shall be allowed to vote not only for presidential and vice presidential electors, not only for Senators and Representatives in Congress, but also for all State and local officials who are elected. We have the proposal made in the pending substitute—that is, the Scott-Hart substitute—that Congress prescribe standards for voting for presidential and vice presidential electors.

In the case of *Lassiter* v. *North Hampton Election Board,* 360 U.S. 45, we find the following language at page 51:

> Residence requirements, age, previous criminal record are obvious examples indicating factors which a State may take into consideration in determining the qualifications of voters.

That would seem to say that the Constitution recognizes that the power to prescribe residence requirements and age requirements belong to the States and is denied to Congress.

Now, with respect to these residence requirements, I wish to call attention to the case *Pope* v. *Williams,* 193 U.S. 621. This case originated in the State of Maryland. The Maryland Legislature had passed an act providing that all persons who should thereafter move into the State from any other State, district, or territory should make a declaration of their intent to become citizens and residents of the State a year before they have the right to be registered as voters. That statute was contested on the ground that it was unconstitutional.

The Supreme Court of the United States handed down a unanimous decision holding the statute constitutional. Among other things, it called attention to the fact that there was only one qualification which the States were forbidden to prescribe by the Constitution in force at that time, and that was the 15th amendment which prohibits a State from denying or abridging a qualified voter's right to vote on account of race, color, or previous condition of servitude.

On page 629 the Court said:

> Since the Fifteenth Amendment, the whole control over suffrage and the power to regulate its exercise, is still left with and retained by the several States, with the single restriction that they must not deny or abridge it on account of race, color, or previous condition of servitude.

It is to be noted that since that time the Constitution has been amended so as to provide in the 19th amendment an additional limitation upon the power of the State, and that is the limitation that no State can deny or abridge the right to vote on the ground of sex.

I should like to emphasize to the Senate the statement in Pope against Williams:

> The whole control over suffrage and the power to regulate its exercise is still left with and retained by the several States—

Subject to the limitations based on race or sex.

I do not see how anything could be more emphatic than that. That statement clearly shows that the Constitution, as drafted and ratified by the Founding Fathers, and the amendments made to the Constitution after that time, leave the entire power to define qualifications for voting in all elections, Federal and State, to the legislatures of the several States, and deny that power to Congress.

The portion of the Scott-Hart substitute which my amendment seeks to strike relates to a residential requirement for voting for presidential and vice presidential electors. I respectfully submit that there is no power in Congress to so legislate, unless we are going to mangle the Constitution just as Jim's body was mangled after the train ran over him and killed him.

I invite the attention of the Senate again to the provision of the first section of the second article of the Constitution, relating to electors:

> Each State shall appoint, in such manner as the legislature thereof may direct, a number of electors, equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress:

When the State prescribes a residence requirement which is applicable to all citizens in the State in like manner, that requirement is in perfect harmony with the equal protection clause of the 14th amendment and is, therefore, consitutional.

The Supreme Court had the question of electors before it in the case of McPherson against Blacker, one of the famous decisions of the United States. In that case, the State of Michigan, through its legislature, had enacted a law providing that presidential electors should be elected by congressional districts; that is, the number of electors to be equivalent to the number of Members of Congress. The Supreme Court upheld that statute. It had this to say:

> The Constitution does not provide that the appointment of electors shall be by popular vote, nor that the electors shall be voted for upon a general ticket, nor that the majority of those who exercise the elective franchise can alone choose the electors. It recognizes that the people act through their representatives in the legislature and leaves it to the legislature exclusively to define the method of effecting the object.

I read that from page 27 of the decision in McPherson against Blacker, which is reported in 146 United States at page 1. I read this additional statement from the opinion as it appears on page 35 of the decision:

> In short, the appointment and mode of appointment of electors belong exclusively to the states under the Constitution of the United States.

I hold in my hand one of the recent works on constitutional law. It is written by a great liberal, in the modern acceptation of that term, Bernard Schwartz. Be it said to Mr. Schwartz' credit that, although he agrees at least with some of the provisions of the Constitution and would like to have them say something other than what they say, his intellectual honesty compels him to set forth, and he does set forth in very eloquent language, what the Constitution means and what it has been interpreted to mean. He has this observation on page 5 of volume 2 of the portion of his work on constitutional law which is entitled "The Powers of Government":

> The extent of state power over the method of selecting electors was emphasized by McPherson versus Blacker. At issue in it was a state law providing for the election of one elector from each of the state's Congressional districts. It was claimed that such selection by districts was not an appointment by the state, within the meaning of Article II. According to the highest Court, such claim could not be upheld, since, under the constitutional language, the legislature possesses plenary authority to direct the manner of appointment. The Constitution, in this respect, "recognizes that the people act through their representatives in the legislature, and leaves it to the legislature exclusively to define the method of effecting the object." In short, the appointment and mode of appointment of electors belong exclusively to the state legislatures under the Constitution.

I do not believe it would be possible to find a clearer or more understandable statement than the last sentence which I have just read. I repeat it:

> In short, the appointment and mode of appointment of electors belong exclusively to the state legislatures under the Constitution.

Notwithstanding that fact, the Scott-Hart substitute proposes that this Congress should usurp and exercise in part the power which belongs exclusively to the legislatures of the several States; that is, the power to prescribe the appointment and mode of appointment of presidential and vice presidential electors.

A great Michigan judge, Thomas M. Cooley, advised us, in his great work on constitutional limitations, why constitutions are written.

He stated, in substance, that constitutions are written for a twofold purpose: first, to set forth the fundamentals of the government they create; and second, to place the fundamentals of such governments beyond the reach of impatient and temporary majorities and beyond the reach of the shifting tides of public opinion. That is the reason why constitutions are written.

The Constitution under which we exist was written for the purpose, among other things, of keeping the Congress of the United States within due bounds. And to do this, it provided that the power to prescribe qualifications for voting belonged to the States.

Thomas M. Cooley had something else to say in that great work, and I think we would do well to heed what he said in that respect.

He pointed out that the duty to obey the Constitution is not only a duty imposed upon the courts, but is a duty imposed upon legislative bodies. He said this:

> A court or legislature which would allow a change in public sentiment to influence it in giving to a written constitution a construction not warranted by the intention of its founders would be justly chargeable with the reckless disregard of official oath and public duty.

Mr. TALMADGE. Mr. President, will the Senator yield that point?

Mr. ERVIN. I am delighted to yield to my good friend from Georgia.

Mr. TALMADGE. Did not every Member of this body, upon taking the oath of office, swear to uphold and defend the Constitution of the United States?

Mr. ERVIN. Before we were allowed to function as U.S. Senators, we were required to lift our hands in the direction of Almighty God and swear that we would support the Constitution of the United States.

Mr. TALMADGE. Will the Senator yield for a brief observation?

Mr. ERVIN. I yield.

Mr. TALMADGE. I have sat by the side of the distinguished senior Senator from North Carolina in this body for a number of years. I have long admired his tremendous ability as an able and eloquent lawyer. He has had the experience of trial work in all the courts of his State, and in the Federal courts. He served ably as a justice of the Supreme Court of North Carolina, the highest court in his State. He has served in the House of Representatives. Now he has served in the Senate for a number of years. He is a member of the Judiciary Committee, and also the chairman of the Subcommittee on Constitutional Rights. He has performed these duties in a most admirable manner.

I have listened to his wisdom and his eloquence here in what I think is one of the greatest speeches I have heard since I have been a Member of this body. He has read from the plain language of the Constitution—language which is written in such a way that even a child with a minimum of literacy in the English language could understand its meaning.

It is not obscure. It does not take high-priced lawyers to understand its significance.

I deeply regret that there is not a greater number of Senators in the Chamber to share with the Senator his wisdom, his learning, and his knowledge of the Constitution of the United States. I further regret that the reporters in the gallery are almost all absent. Unfortunately, when one mentions the Constitution of the United States today, many Members of this body and a large number of the people of the country seem to think it is some reactionary anachronism that ought to be discarded and eliminated, rather than upheld and defended.

I commend the distinguished Senator for his logic, his eloquence, and his wisdom; and I associate myself completely with the remarks he has made.

Mr. ERVIN. I thank my good friend from Georgia. I have offered a number of amendments to the Voting Rights Act which have been rejected. The object of the amendments that I have heretofore offered has been to bring the Scott-Hart substitute more in line with due process and fairplay and equal rights for the States. I offered those amendments to improve the bill, or at least to make it less onerous and less indefensible.

Those amendments have been voted on and have been rejected. I shall have the opportunity to vote against both the provisions of the Scott-Hart substitute, which the amendment now pending would strike, and the amendment offered by my good friend, the distinguished majority leader. For that reason, I do not see any necessity for putting the Members of the Senate to a vote on this particular amendment. Unless some of my colleagues wish to discuss the amendment in the time allotted to those who oppose the amendment, I shall now withdraw it; but if my good friend from Michigan wishes to discuss it, I shall postpone withdrawing it until he finishes whatever he may care to say on the subject.

Mr. HART. Mr. President——

The PRESIDING OFFICER. How much time does the Senator from Michigan yield himself?

Mr. HART. Five minutes.

I appreciate the willingness of the Senator from North Carolina momentarily to withhold the action he intends to take in withdrawing the amendment. There are those who read this RECORD, and I think it well to cite for them some very persuasive testimony in the hearings conducted by the Subcommittee on Constitutional Rights, as it relates to the constitutional base on which the residency requirement is premised.

I cite especially the testimony of the former Solicitor General of the United States under both the Kennedy and Johnson administrations, Archibald Cox. The former Solicitor General is now a distinguished professor of law at Harvard Law School. Beginning at page 330, and continuing for several pages in the printed record, is the opinion of Professor Cox as a lawyer, on the solid base that is available in the Constitution for the action that is reflected in the title of the substitute which is the subject of the amendment of the Senator from North Carolina.

I think Professor Cox makes a very able presentation of the point of view which those of us who offer the substitute hold, which indeed was the view of the administration when it filed its voting rights bill; namely, that the Constitution does indeed authorize Congress to make this finding, and that, the finding having been made, a court would sustain it.

Mr. ERVIN. Mr. President, I call to the attention of the Senator from Michigan that Mr. Cox, in his testimony, agreed with the Senator from North Carolina that from the time George Washington took his first oath as President of the United States down to the moment when the Supreme Court of the United States, as now constituted, handed down its decisions in South Carolina against Katzenbach and Katzenbach against Morgan, there was no authority whatever in the United States for the position that Congress could lower the voting age to 18 years, or that Congress could specify residence requirements for voting. He admitted that prior to those two cases, there was no authority whatever in the United States for his position. In other words, Congress has the power to pass this provision of the Scott-Hart amendment and the amendment of the distinguished majority leader only if the Supreme Court has power to change the meaning of the Constitution.

The Supreme Court has the power to interpret the Constitution. The power to amend the Constitution belongs to the States and to Congress. There is a great difference between the power to amend the Constitution and the power to interpret it. That difference is as wide as the great gulf which yawned between Lazarus in Abraham's bosom and Dives in hell.

The power to interpret the Constitution is the power to state its meaning. The power to amend it is the power to change its meaning. The Supreme Court of the United States does not have the power to change the meaning of the Constitution. It did not have that power when it handed down those two decisions, which are distinctly incompatible with the plain words of the Constitution and with the interpretations placed upon those words throughout the history of this Republic.

The greatest jurist who has ever lived in America, Chief Justice John Marshall, established the landmarks of constitutional interpretation in two great cases, Marbury against Madison and Gibbons against Ogden. Here are the fundamental interpretations of the Constitution, the standard by which it is to be interpreted.

First, Chief Justice Marshall said that the provisions of the Constitution are designed to be permanent. Second, he said that the wise patriots who framed the Constitution and the people who ratified it must be understood to have intended what they said. Third, he said that the oath which Supreme Court Justices take to support the Constitution places upon them an obligation to accept the Constitution as a rule for the government of their official actions.

These provisions of the Constitution, which in plain English provide that the power to prescribe the qualifications for voting belongs to the States and not to Congress, are clearly set out in the Constitution. They are clearly set out in all decisions construing them, down to these two cases.

George Washington told us this: If you want to change the Constitution, change it by an amendment as provided in article V:

> Let there be no change by usurpation, for usurpation is a weapon by which free government is destroyed.

If Congress will accept usurpations of Supreme Court Justices, especially by a divided Court, we will no longer have constitutional government in the United States.

I gave Mr. Cox some good advice, I think, just before he left. He said he had to get back to a class at Harvard Law School. I said, "I want to make one request of you, and it is that when you get back to that class at Harvard Law School, will you please teach them sounder and better constitutional law than you have been expounding here on the witness stand."

He said, "I will carry your message to them."

Mr. President, if no other Senator wishes to speak on the subject, I will withdraw my amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. COOPER obtained the floor.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. COOPER. I yield.

Mr. MANSFIELD. Mr. President, the distinguished senior Senator from North Carolina made reference to the amendment which would permit 18-year-olds to vote and which will be brought up in the Senate tomorrow for consideration and debate under a 2-hour time limitation.

The testimony yesterday of the distinguished Senator from Massachusetts (Mr. KENNEDY) before the Subcommittee on Constitutional Amendments presents an excellent factual basis upon which the Senate should proceed to give the franchise to our younger citizens. Along with the excellent testimony of Senator GOLDWATER yesterday before the same subcommittee, advocating the statutory method of lowering the age, I think this testimony will serve as ample foundation for the amendment which will be voted upon this week to the pending bill.

I ask unanimous consent that the testimony of Senator KENNEDY be printed in the RECORD at the conclusion of my remarks. Senator GOLDWATER's testimony was previously inserted in the RECORD.

There being no objection, the testimony was ordered to be printed in the RECORD, as follows:

TESTIMONY OF SENATOR KENNEDY ON LOWERING THE VOTING AGE TO 18

Mr. Chairman, I am pleased to have the opportunity to testify before this distinguished Subcommittee, and to give my strong support to the movement to lower the voting age to 18.

I believe the time has come to lower the voting age in the United States, and thereby to bring American youth into the mainstream of our political process. To me, this is the most important single principle we can pursue as a nation if we are to succeed in bringing our youth into full and lasting participation in our institutions of democratic government.

In recent years, a large number of Senators—now totalling 73, I believe—have expressed their support for Federal action to lower the voting age. In particular, I commend Senator Jennings Randolph, Senator Mike Mansfield, and Senator Birch Bayh for their extraordinary success in bringing this issue to the forefront among our contemporary national priorities. For nearly three decades, Senator Randolph has taken the lead in the movement to extend the franchise to our youth. For many years, Senator Mansfield, the distinguished majority leader in the Senate, has been one of the most eloquent advocates of reform in this area. Senator Bayh's extensive hearings in 1968, at which Senator Mansfield was the lead-off witness, helped generate strong and far-reaching support for the movement to lower the voting age, and his current hearings are giving the issue even greater momentum. The prospect of success is great, and I hope that we can move forward to accomplish our goal.

In my testimony today, there are three general areas I would like to discuss. The first deals with what I believe are the strong policy arguments in favor of lowering the voting age to 18. The second deals with my view that it is appropriate for Congress to achieve its goal by statute, rather than follow the route of Constitutional amendment. The third deals with the constitutional power of Congress to act by statute in this area.

I. THE MINIMUM VOTING AGE IN THE UNITED STATES SHOULD BE LOWERED TO 18

Members of the Senate are well aware of the many substantial considerations supporting the proposal to lower the voting age to 18 in the United States, and I shall do no more than summarize them briefly here.

First, our young people today are far better equipped—intellectually, physically, and emotionally—to make the type of choices involved in voting than were past generations of youth. Many experts believe that today's 18 year-old is at least the equal, physically and mentally, of a 21 year-old of his father's generation, or a 25 year-old of his grandfather's generation.

The contrast is clear in the case of education. Because of the enormous impact of modern communications, especially television, our youth are extremely well informed on all the crucial issues of our time, foreign and domestic, national and local, urban and rural.

Today's 18 year-olds, for example, have unparalleled opportunities for education at the high school level. Our 19 and 20 year-olds have significant university experience, in addition to their high school training. Indeed, in many cases, 18 to 21 year-olds already possess a better education than a large proportion of adults among our general electorate. And, they also possess a far better education than the vast majority of the electorate in all previous periods of our history. The statistics are dramatic:

—In 1920, just fifty years ago, only 17% of Americans between the ages of 18 and 21 were high school graduates. Only 8% went on to college.

—Today, by contrast 79% of Americans in this age group are high school graduates. 47% go on to college.

—Even these figures, however do not measure the enormous increase in the quality of education that has taken place in recent years, especially since World War II. We speak of the generation gap, the gap between the new policies and the old policies, but nowhere is the gap more clear than the gap we see as parents between our own education and the education of our children.

Only last week, we read that the winner of the annnal Westinghouse high school science talent search was the son of a Pennsylvania pipefitter. His parents never went to a college, and the prize he received was for the study of the interactions between two colliding beams of high-energy protons.

Equally significant, it is clear that the increased education of our youth is not measured merely by the quantitative amount of knowledge instilled. It is measured also by a corresponding increase in the priceless quality of judgment. Our 18 year-olds today are a great deal more mature and more sophisticated than former generations at the same stage of development. Their role in issues like civil rights, Vietnam and the environment is as current as today's headlines. Through their active social involvement and their participation in programs like the Peace Corps and Vista, our youth have taken the lead on many important questions at home and overseas. In hundreds of respects, they have set a far-reaching example of insight and commitment for us to emulate.

Second, by lowering the voting age to 18, we will encourage civic responsibility at an earlier age, and thereby promote lasting social involvement and political participation for our youth.

We know that there is already a high incidence of political activity today on campuses and among young people generally, even though they do not have the franchise. None of us who has visited a high school or college in recent years can fail to be impressed by their knowledge and dedication. By granting them the right to vote, we will demonstrate our recognition of their ability and our faith in their capacity for future growth within our political system.

In spite of the progress we have made in recent years, there can be no question that we do more to improve the political participation of our youth, especially our young adults.

Studies of voting behavior in recent elections have consistently shown that persons under 30 vote less often than those who are older. In 1963, President Kennedy's Commission on Registration and Voting Participation expressed its deep concern over the low voting participation in the 21–30 year-old age bracket. It attributed this low participation to the fact that: "by the time they have turned 21 . . . many young people are so far removed from the stimulation of the educational process that their interest in public affairs has waned. Some may be lost as voters for the rest of their lives."

I believe that both the exercise of the franchise and the expectation of the franchise provide a strong incentive for greater political involvement and understanding. By lowering the minimum voting age to 18, we will encourage political activity not only in the 18 to 21 year-old age group, but also in the pre-18 year-old group and the post-21 year-old group as well. By lowering the voting age, therefore, we will extend the franchise both downward and upward. We will enlarge the meaning of participatory democracy in our society. We will give our youth a new arena for their idealism, activism, and energy.

I do not agree with the basic objection raised by some that the recent participation of students in violent demonstrations shows that they lack the responsibility for mature exercise of the franchise. Those who have engaged in such demonstrations represent only a small percent of our students. It would be extremely unfair to penalize the vast majority of all students because of the reckless conduct of the few.

In recent years, there has been perhaps no more embattled institution of learning than San Francisco State University. Yet, as the president of the university, S. I. Hayakawa, eloquently testified in these hearings last month, no more than 1,000 of the 18,000 students on his campus—or about 5 percent—participated in the disturbances. And, of those arrested by the police, more than half were over 21, the present voting age in the State.

Obviously, the maturity of 18 to 21 year-olds varies from person to person, just as it varies for all age groups in our population. However, on the basis of our broad experience with 18 to 21 year-olds as a class, I believe they possess the requisite maturity, judgment, and stability for responsible exercise of the franchise. They deserve the right to vote and the stake in society it represents.

Third, 18 year-olds already have many rights and responsibilities in our society comparable to voting. It does not automatically follow, of course—simply because an 18 year-old goes to war, or works, or marries, or makes a contract, or pays taxes, or drives a car, or owns a gun, or is held criminally responsible, like an adult—that he should thereby be entitled to vote. Each right or responsibility in our society presents unique questions dependent on the particular issue at stake.

Nonetheless, the examples I have cited demonstrate that in many important respects and for many years, we have conferred far-reaching rights on our youth, comparable in substance and responsibility to the right to vote. Can we really maintain that it is fair to grant them all these rights, and yet withhold the right that matters most, the right to participate in choosing the government under which they live?

The well-known proposition—"old enough to fight, old enough to vote"—deserves special mention. To me, this part of the argument for granting the vtoe to 18 year-olds has great appeal. At the very least, the opportunity to vote should be granted in recognition of the risks an 18 year-old is obliged to assume when he is sent off to fight and perhaps die for his country. About 30 percent of our forces in Vietnam are under 21. Over 19,000, or almost half, of those who have died in action there were under 21. Can we really maintain that these young men did not deserve the right to vote?

Long ago, according to historians, the age of maturity was fixed at 21 because that was the age at which a young man was thought to be capable of bearing armor. Strange as it may seem, the weight of armor in the 11th century governs the right to vote of Americans in the 20th century. The medieval justification has an especially bitter relevance today, when millions of our 18 year-olds are compelled to bear arms as soldiers, and thousands are dead in Vietnam.

To be sure, as many critics have pointed out, the abilities required for good soldiers are not the same abilities required for good voters. Nevertheless, I believe that we can accept the logic of the argument without making it dispositive. A society that imposes the extraordinary burden of war and death on its youth should also grant the benefit of full citizenship and representation, especially in sensitive and basic areas like the right to vote.

In the course of the recent hearings I conducted on the draft, I was deeply impressed by the conviction and insight that our young citizens demonstrated in their constructive criticism of our present draft laws. There are many issues in the 91st Congress and in our society at large with comparable relevance and impact on the nation's youth. They have the capacity to counsel us wisely, and they should be heard at the polls.

Fourth, our present experience with voting by persons under 21 justifies its extension to the entire nation. By lowering the voting age we will improve the overall quality of our electorate, and make it more truly representative of our society. By adding our youth to the electorate, we will gain a group of enthusiastic, sensitive, idealistic and vigorous new voters.

Today, four states—Georgia, since 1943, Kentucky, since 1955, and Alaska and Hawaii since they entered the Union in 1959—grant the franchise to persons under 21. There is no evidence whatever that the reduced voting age has caused difficulty in the states where it is applicable. In fact, former governors Carl Sanders and Ellis Arnall of Georgia have testified in the past that giving the franchise to 18 year-olds in their states has been a highly successful experiment. Their views were strongly suggested by the present Governor of Georgia, Lester Maddox, who testified last month before the Senate Subcommittee on Constitutional Rights.

Moreover, a significant number of foreign nations now permit 18 year-olds to vote. This year, Great Britain lowered the voting age to 18. Even South Vietnam allows 18 year-olds to vote. I recognize that it may be difficult to rely on the experience of foreign nations, whose political conditions and experience may be quite different from our own. It is ironic, however, that at a time when a number of other countries, including Great Britain, have taken the lead in granting full political participation to 18 year-olds, the United States, a nation with one of the most well-developed traditions of democracy in the history of the world, continues to deny that participation.

I am aware that many arguments have been advanced to prevent the extension of the franchise to 18 year-olds. It may be that the issue is one—like woman suffrage in the early nineteen hundreds—that cannot be finally resolved by reason or logic alone. Attitudes on the question are more likely to be determined by an emotional or a political response. It is worth noting, however, that almost all of the arguments now made against extending the franchise to 18 year-olds were also made against the 19th Amendment, which granted suffrage to women. Yet, no one now seriously questions the wisdom of that Amendment.

There could, of course, be an important political dimension to 18 year-old voting. As the accompanying table indicates, enfranchisement of 18 year-olds would add approximately ten million persons to the voting age population in the United States. It would increase the eligible electorate in the nation by slightly more than 8%. If there were dominance of any one political party among this large new voting population, or among sub-groups within it, there might be an electoral advantage for that party or its candidates. As a result, 18 year-old voting would become a major partisan issue, and would probably not carry in the immediate future.

For my part, I believe that the risk is extremely small. Like their elders, the youth of America are all political persuasions. The nation as a whole would derive substantial benefits by granting them a meaningful voice in shaping their future within the established framework of our democracy.

The right to vote is the fundamental political right in our constitutional system. It is the cornerstone of all our other basic rights. It guarantees that our democracy will be government of the people and by the people, not just for the people. By securing the right to vote, we help to insure, in the historic words of the Massachusetts Bill of Rights, that our government "may be a government of laws, and not of men." Millions of young Americans have earned the right to vote, and we in Congress should respond.

II. THE FEDERAL GOVERNMENT SHOULD ACT TO REDUCE THE VOTING AGE TO 18 BY STATUTE, RATHER THAN BY CONSTITUTIONAL AMENDMENT

I believe not only that the reduction of the voting age to 18 is desirable, but also that Federal action is the best route to accomplish the change, and that the preferred method of Federal change should be by statute, rather than by constitutional amendment.

In the past, I have leaned toward placing the initiative on the States in this important area, and I have strongly supported the efforts currently being made in many states, including Massachusetts, to lower the voting age by amending the state constitution.

Progress on the issue in the states has been

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significant, even though it has not been as rapid as many of us had hoped. The issue has been extensively debated in all parts of the nation. Public opinion polls in recent years demonstrate that a substantial and increasing majority of our citizens favor extension of the franchise to 18 year-olds. In light of these important developments, the time is ripe for Congress to play a greater role.

Perhaps the most beneficial advantage of action by Congress is that it would insure national uniformity on this basic political issue. Indeed, the possible discrepancies that may result if the issue is left to the states are illustrated by the fact that of the four states which have already lowered the voting age below 21, two—Georgia and Kentucky—have fixed the minimum voting age at 18. The other two—Alaska and Hawaii—have fixed the age at 19 and 20, respectively. Left to state initiative, therefore, the result is likely at best to be an uneven pattern of unjustifiable variation.

There is another reason, however, why I feel that action by Congress is appropriate with respect to changes in voting qualifications, a reason that applies equally to changes in literacy requirements, residency requirements, or age requirements. All of these issues are now being widely debated in all parts of the nation. Too often, Congress has neglected its responsibility in these sensitive areas. Too often, when change has come, it has come through the slow and painstaking process of constitutional litigation in the federal courts. In the past, the validity of state voting requirements has been continually subject to judicial challenge, and similar challenges will undoubtedly continue in the future.

In our constitutional system, however, the judicial branch is ill-suited to the sort of detailed fact-finding investigation that is necessary to weigh the many complex considerations underlying one or another requirement for voting. Only Congress is equipped to make a complete investigation of the facts and to resolve the national issues involved. Too often, when a federal district court attempts to sift such issues, there is danger that a parochial local interest will shape the future course of litigation, with the result that paramount national interests receive inadequate consideration.

In sum, the legislative process in far more conducive to balancing conflicting social, economic, and political interests than the judicial process. The more Congress addresses itself to these complex contemporary problems, instead of leaving them for resolution by the courts, the better it will be for the nation as a whole.

Congressional action on the voting age at this time is therefore both necessary and appropriate. The most obvious method of Federal action is by amending the Constitution, but it is not the only method. As I shall discuss in greater detail in the third part of my statement, I believe that Congress has the authority to act in this area by statute, and to enact legislation establishing a uniform minimum voting age applicable to all states and to all elections, Federal, State and local.

The decision whether to proceed by constitutional amendment or by statute is a difficult one. One of the most important considerations is the procedure involved in actually passing a constitutional amendment by two-thirds of the Congress and three-fourths of the State legislatures. The lengthy delay involved is in the ratification of a constitutional amendment to lower the voting age before many years have elapsed.

On the other hand, it is clear that Congress should be slow to act by statute on matters traditionally reserved to the primary jurisdiction of the States under the Constitution. Where sensitive issues of great political importance are concerned, the path of constitutional amendment tends to insure wide discussion and broad acceptance at all levels—Federal, State and local—of whatever change eventually takes place. Indeed, at earlier times in our nation's history, a number of basic changes in voting qualifications were accomplished by constitutional amendment.

At the same time, however, it is worth emphasizing that in more recent years, changes of significant magnitude have been made by statute, one of the most important of which was the Federal Voting Rights Act of 1965. Unlike the question of direct popular election of the President, which is also now pending before the Senate, lowering the voting age does not work the sort of deep and fundamental structural change in our system of government that would require us to make the change by pursuing the arduous route of constitutional amendment.

Because of the urgency of the issue, and because of its gathering momentum, I believe that there are overriding considerations in favor of federal action by statute to accomplish the goal. Ideally, it would be appropriate to incorporate the proposal as an amendment to the bill now pending on the floor of the Senate to extend the Voting Rights Act of 1965. Already, the debate in the Senate is centered on three of the great contemporary issues over the effect of state voting qualifications on the right to vote—race, literacy, and residency. Surely, it is appropriate for Congress to consider the fourth great issue—age. Indeed, if enough support can be generated, it could be possible for 18-year-olds to go to the polls for the first time this fall—November 1970.

However, we must insure that no action we take on 18-year-old voting will interfere with the prompt consideration of the pending Voting Rights bill, or delay its enactment by the Senate or the House. We must guarantee that its many important provisions are enacted into law at the earliest opportunity.

We know that there is broad and bipartisan support for the principle of 18-year-old voting. Well over two-thirds of the Senate has joined in support of the principle. Last month, the Administration gave its firm support to the cause. I am hopeful that we can proceed to the rapid implementation of our goal.

III. CONGRESS HAS THE CONSTITUTIONAL POWER TO ACT BY STATUTE TO LOWER THE VOTING AGE TO 18

As I have indicated, I believe that Congress has ample authority under the Constitution to reduce the voting age to 18 by statute, without the necessity for a constitutional amendment. The historic decision by the Supreme Court in the case of *Katzenbach* v. *Morgan* in June 1966 provides a solid constitutional basis for legislation by Congress in this area. And, it is clear that the power exists not only for Federal elections, but for state and local elections as well.

There can be no question, of course, that the Constitution grants to the states the primary authority to establish qualifications for voting. Article I, Section 2, of the Constitution and the Seventeenth Amendment specifically provide that the voting qualifications established by a State for members of the most numerous branch of the State legislature shall also determine who may vote for United States Representatives and Senators. Although the Constitution contains no specific reference to qualifications for voting in Presidential elections or state elections, it has traditionally been accepted that the States also have primary authority to set voting qualifications in these areas as well.

At the same time, however, these constitutional provisions are only the beginning, not the end, of the analysis. They must be read in the light of all the other specific provisions of the Constiution, including the Amendments that have been adopted at various periods throughout the nation's history. Many of the great amendments to the Constitution, like the Fourteenth Amendment and the other Civil War Amendments, have become an extremely important part of the basic fabric of the document. Merely because they were adopted at a later date than the original Constitution, they are no less significant. Clearly, they must be read as a gloss on the earlier text, so that the entire document is interpreted as a unified whole.

Thus, although a State may have primary authority under Article I of the Constitution to set voting qualifications, it has long been clear that it has no power to condition the right to vote on qualifications prohibited by other provisions of the Constitution, including the Fourteenth Amendment. No one believes, for example, that a State could deny the right to vote to a person because of his race or his religion.

Indeed, the Supreme Court has specifically held that the Equal Protection Clause of the Fourteenth Amendment itself prohibits certain unreasonable state restrictions on the franchise. In *Carrington* v. *Rash* in 1965, the Court held that a State could not withhold the franchise from residents merely because they were members of the armed forces. In *Harper* v. *Virginia Board of Elections* in 1966, the Court held that a State could not impose a poll tax as a condition of voting. And, in *Kramer* v. *Union School District* in 1969, the court held that a State could not withhold the franchise from residents in school district elections merely because they owned no property or had no children attending the district schools.

As the text of the Fourteenth Amendment makes clear, however, the provisions of the Equal Protection Clause are not merely enforceable through litigation in the courts. They are also enforceable by Congress. Section 5 of the Fourteenth Amendment provides that:

'The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

In other words, Congress is given the power under Section 5 to enact legislation to enforce the Equal Protection Clause, the Due Process Clause, and all the other great provisions contained in Section 1 of the Amendment. It is Section 5 that gives Congress the power to legislate in the area of voting qualifications, as well as in many other areas affecting fundamental rights. Thus, the authority of Congress to reduce the voting age by statute is based on Congress' power to enforce the Equal Protection Clause by whatever legislation it believes is appropriate.

Historically, at the time the Fourteenth Amendment was enacted, the power conferred on Congress by Section 5 was viewed as the cardinal provision of the Amendment. Indeed, it was the original understanding at the time the amendment was adopted that Congress was being given far greater power under Section 5 than Congress has in fact exercised in subsequent years, and far greater power than it was thought the Supreme Court would have under the provisions of Section 1 of the Amendment. In other words, as a matter of history, it was originally expected that Congress would be the principal enforcer of the Fourteenth Amendment.

Prior to the Supreme Court's decision in *Katzenbach* v. *Morgan* in 1966, the scope of Congress' power under Section 5 to pre-empt State legislation was unclear. Obviously, if the State legislation was itself invalid under the Equal Protection Clause, Congress would have power under Section 5 to invalidate the legislation. But, if this were the limit of Congress' power, the authority would merely duplicate the power already possessed by the Supreme Court to declare the legislation invalid.

In *Katzenbach* v. *Morgan*, however, the Supreme Court explicitly recognized that Congress had broader power to legislate in the area of the Equal Protection Clause and state classifications for the suffrage.

The issue in the *Morgan* case was the constitutionality of Section 4(e) of the Voting Rights Act of 1965. The section in question, which originated as a Senate amendment sponsored by Senator Robert Kennedy and Senator Jacob Javits, was designed to enfranchise Puerto Ricans living in New York. The section provided, in effect, that any person who had completed the sixth grade in a Puerto Rican school could not be denied the right to vote in a Federal, State or local election because of his inability to pass a literacy test in English.

By a strong 7–2 majority, the Supreme Court sustained the constitutionality of Section 4(e) of the Voting Rights Act as a valid exercise by Congress of its power to enforce the Fourteenth Amendment, even though, in the absence of a declaration by Congress, the Court would not have held that the English literacy test was unconstitutional. Indeed, as recently as 1959, in a North Carolina test case, the Court had declined to hold that literacy tests were unconstitutional on their face as a qualification for voting.

Seen in perspective, the *Morgan* case was not a new departure in American constitutional law. Rather, it was a decision characterized by clear judicial restraint and exhibiting generous deference by the Supreme Court toward the actions of Congress.

As we know, Congress in this century has twice chosen to proceed by constitutional amendment in the area of voting rights in the nation. The Nineteenth Amendment, ratified in 1920, provided that a citizen of the United States could not be denied the right to vote in any election on account of sex. The Twenty-Fourth Amendment, ratified in 1964, provided that a citizen could not be denied the right to vote in Federal elections because of his failure to pay a poll tax.

Nevertheless, in spite of this past practice, *Katzenbach* v. *Morgan* and other decisions by the Supreme Court demonstrate that those particular amendments are in no way limitations on Congress' power under the Constitution to lower the voting age by statute, if Congress so chooses.

In essence, the *Morgan* case stands for the proposition that Congress has broad power to weigh the facts and make its own determination under the Equal Protection Clause. If the Supreme Court determines that there is a reasonable basis for legislation by Congress in this area, then the legislation will be sustained. As the Court itself stated in the *Morgan* case:

> "It was for Congress . . . to assess and weigh the various conflicting considerations—the risk of pervasiveness of the discrimination in governmental services, the effectiveness of eliminating the state restriction on the right to vote as a means of dealing with the evil, the adequacy or availability of alternative remedies, and the nature and significance of the state interests that would be affected . . . *It is not for us to review the congressional resolution of these factors. It is enough that we be able to perceive a basis upon which the Congress might resolve the conflict as it did.*" (Italics added.)

In other words, with respect to granting the vote to 18 year-olds, it is enough for Congress to weigh the justifications for and against extending the franchise to this age-group. If Congress concludes that the justifications in favor of extending the franchise outweigh the justifications for restricting the franchise, then Congress has the power to change the law by statute and grant the vote to 18 year-olds, even though in the absence of action by Congress, the Supreme Court would have upheld state laws setting the voting age at 21.

The power of Congress to legislate in the area of voting qualifications is enhanced by the preferred position the Supreme Court has consistently accorded the right to vote. In numerous decisions throughout its history, the Court has recognized the importance of the right to vote in our constitutional democracy, and has made clear that any alleged infringement of the right must be carefully and meticulously scrutinized. As the Court stated only last June, in its decision in *Kramer* v. *Union School District,:*

> "Statutes distributing the franchise constitute the foundation of our representative society. Any unjustified discrimination in determining who may participate in political affairs or in the selection of public officials undermines the legitimacy of representative government."

In fact, the Supreme Court's holding in the *Morgan* case is consistent with a long line of well-known decisions conferring broad authority on Congress to carry out its powers granted by the Constitution. Thus, in the *Morgan* case, the Court gave Section 5 the same construction given long ago to the Necessary and Proper Clause of the Constitution by Chief Justice John Marshall in the famous case of *McCulloch* v. *Maryland*, which was decided by the Supreme Court in 1819. In the historic words of Chief Justice Marshall in that case:

> "Let the end be legitimate, let it be within the scope of the Constitution, and all means which are not prohibited, but consistent with the letter and spirit of the constitution, are constitutional."

In the *Morgan* case the Supreme Court applied the test of John Marshall and upheld Section 4(e) of the Voting Rights Act for two separate and independent reasons. *First*, the Court said, Congress could reasonably have found that Section 4(e) was well adapted to enable the Puerto Rican community in New York to gain more nearly equal treatment in such public services as schools, housing, and law enforcement.

Second, the Court said, Congress could reasonably have found that Section 4(e) was well adapted to eliminate the unfairness against Spanish-speaking Americans caused by the mere existence of New York's literacy test as a voter qualification, even though there were legitimate state interests served by the test.

I believe that legislation by Congress to reduce the voting age can be justified on either ground of the *Morgan* decision. If Congress weighs the various interests and determines that a reasonable basis exists for granting the franchise to 18 year-olds, a statute reducing the voting age to 18 could not be successfully challenged as unconstitutional.

It is clear to me that such a basis exists. *First*, Congress could reasonably find that the reduction of the voting age to 18 is necessary in order to eliminate a very real discrimination that exists against the nation's youth in the public services they receive. By reducing the voting age to 18, we can enable young Americans to improve their social and political circumstances, just as the Supreme Court in the *Morgan* case accepted the determination by Congress that the enfranchisement of Puerto Ricans in New York would give them a role in influencing the laws and protect and affect them.

Although 18–21 year-olds are not subject to the same sort of discrimination in public services confronting Puerto Ricans in New York, the discriminations, actual and potential, worked against millions of young Americans in our society are no less real. We know that increasing numbers of Federal and State programs, especially in areas like education and manpower, are designed for the benefit of our youth. In connection with such approaches, we can no longer discriminate against our youth by denying them a voice in the political process that shapes these programs.

Equally important, a State's countervailing interest in denying the right to vote to 18–21 year-olds is not as substantial as its interest in requiring literacy in English, the language of the land. Yet, in the *Morgan* case, the Supreme Court made it unmistakably clear that Congress had the power to override the State interest. Surely, the power of Congress to reduce the voting age to 18 is as great.

Second, Congress could reasonably find that the disfranchisement of 18–21 year-olds constitutes on its face the sort of unfair treatment that outweighs any legitimate interest in maintaining a higher age limit, just as the Supreme Court in the *Morgan* case accepted the determination that the disfranchisement of Puerto Ricans was an unfair classification that outweighed New York's interest in maintaining its English literacy test.

There are obvious similarities between legislation to reduce the voting age and the enactment of Section 4(e) of the Voting Rights Act. Just as Congress has the power to find that an English literacy test discriminates against Spanish-speaking Americans, so Congress has the power to recognize the increased education and maturity of our youth, and to find discrimination in the fact that young Americans who fight, work, marry, and pay taxes like other citizens are denied the right to vote, the most basic right of all. The *Morgan* decision is thus a sound precedent for Congress to act by statute to eliminate this inequity in all elections—Federal, State and local.

It is worth emphasizing that no issue is raised here concerning the power of Congress to reduce the voting age even lower than 18. Essentially the sole focus of the current debate over the voting age is on whether *18 year-olds* should be entitled to vote. There is a growing national consensus that they deserve the franchise, and I feel that Congress has the power to act, and ought to act, on that consensus.

The legal position I have stated is supported by two of the most eminent constitutional authorities in America. Both Professor Archibald Cox of Harvard Law School, who served with distinction as Solicitor General of the United States under President Kennedy and President Johnson, and Professor Paul Freund of Harvard, the dean of the Nation's constitutional lawyers, have unequivocally stated their view that Congress has power under the Constitution to reduce the voting age by legislation, without the necessity of a constitutional amendment.

As long ago as 1966, in a lengthy and scholarly article in the Harvard Review, Professor Cox recognized and approved the breadth of the Supreme Court's decision in *Katzenbach* v. *Morgan*. As an example of Congress' power under the *Morgan* case, Professor Cox expressly wrote that Congress has the power to reduce the voting age to 18 by statute. As Professor Cox stated:

> "The desire to expand the electorate by . . . reducing the age for voting . . . can probably be realized by legislation without constitutional amendment. If Congress can make a conclusive legislative finding that ability to read and write English as distinguished from Spanish is constitutionally irrelevant to voting, then . . . Congress would seem to have power to make a similar finding about state laws denying the franchise to eighteen, nineteen, and twenty year-olds

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even though they work, pay taxes, raise families, and are subject to military service."

More recently in testimony last month before the Senate Subcommittee on Constitutional Rights, Professor Cox reaffirmed his view that Congress has power under the Constitution to reduce the voting age to 18 by statute. In the course of his testimony, Professor Cox emphasized that his views were not newly developed for the occasion of his testimony, since he had originally stated them in 1966.

The constitutional power of Congress to reduce the voting age by statute was approved by Professor Freund in 1968 in the course of an address at Cornell College in Iowa. In a brief but forceful passage emphasizing his belief that the voting age should be reduced, and that Congress has the power to do so by statute, Professor Freund stated:

"Not only the younger generation, but all of us, will be better if the vote is conferred below the age of twenty-one; we need to channel the idealism, honesty, and openhearted sympathies of these young men and women, and their informed judgments into responsible political influences. *In my judgment, as a lawyer, this uniform extension of the suffrage could be conferred by Congress under its power to enforce the equal protection guarantee of the Fourteenth Amendment without having to go through the process of a Constitutional amendment.*" (Italics added.)

If a statute to reduce the voting age is enacted, it should include a specific provision to insure rapid judicial determination of its validity, in order that litigation challenging the legislation may be completed at the earliest possible date. Similar expediting procedures were incorporated in the Voting Rights Act of 1965. In addition, to insure that litigation under the statute does not cloud the outcome of any election, it might be desirable to include a provision limiting the time within which a legal challenge could be initiated, or postponing the effective date of the statute for a period sufficient to guarantee that a final judgment of the Supreme Court as to its validity will be obtained before an election.

In closing, it is worth calling attention to the fact that essentially the same constitutional arguments I have made here for action by statute to lower the voting age must also be made by supporters, including the Administration, of the House-passed Voting Rights bill, if they are to justify two of the most important provisions in the bill:

First, the bill proposes a nationwide ban on the use of state literacy tests as a qualification for voting.

Second, the bill proposes to reduce the length of state residence requirements as a qualification for voting in Presidential elections.

Surely, the constitutional power of Congress to override State voting qualifications is as great in the case of age requirements as in the case of literacy requirements or residence requirements. With respect to both literacy and residence, the Supreme Court's decision in *Katzenbach* v. *Morgan* is the major constitutional justification for the power of Congress to act by statute in these areas. To be sure, it is possible to invoke additional constitutional arguments in each of these areas, but the distinctions are small, and the *Morgan* case must necessarily be the principal justification.

With respect to literacy, it can be argued that such tests would be held unconstitutional by the Supreme Court even in the absence of action by Congress, because they unfairly discriminate against black citizens and other minority groups who have received an inferior education. But, this position is not yet the law, even though the Supreme Court's decision last June in *Gaston County* v. *United States* points in that direction.

In any event, if constitutional justifications based on racial discrimination are invoked to support the power of Congress to bar literacy tests by statute, similar justifications can be invoked in the case of age. For example, Congress could reasonably find that reducing the voting age to 18 would bring black Americans and other minorities into fuller participation in the political process, and thereby promote the more rapid elimination of racial discrimination.

With respect to residency, as in the case of literacy, it can be argued that lengthy residence requirements for voting, at least in Presidential elections, would be held unconstitutional by the Supreme Court even in the absence of action by Congress. According to this argument, the issues in Presidential elections are national, and no substantial State interest is served by lengthy residence requirements. Also, it is argued, such requirements infringe upon a separate constitutional right, the right to move freely from State to State.

It is not clear to me, however, that no State interests are served by residence requirements in Presidential elections. In general, residence requirements for voting are justified on the ground that a State may reasonably require its voters to be familiar with the local interests affected by the election. Although the issues in Presidential elections may be national in large part, their resolution will inevitably have a substantial impact on local interests, so that a residence requirement for voting would not necessarily be declared unconstitutional by the Supreme Court. The issue was raised in the Supreme Court last year in *Hall* v. *Beals*, a case challenging a six month residence requirement imposed by Colorado. The majority of the Court disposed of the case on a procedural ground, without ruling on the constitutionality of the residence requirement. However, two of the Justices wrote a separate opinion stating their view that the requirement violated the Equal Protection Clause.

Nor is it clear that the Supreme Court would invalidate lengthy residence requirements because they infringe the right to move freely from State to State. The question was squarely raised in the *Hall* case, but the Court declined to decide it. Significantly, the two Justices who discussed the question and stated that the residence requirements was unconstitutional based their view solely on the Equal Protection Clause, and did not mention the right to move from State to State.

In sum, I believe that the basic constitutional arguments supporting the power of Congress to change voting qualifications by statute are the same in the case of literacy, residence, or age. So far as I am aware, the Administration proposals in the area of literacy and residence have encountered no substantial opposition on constitutional grounds. Both proposals were incorporated as amendments to the Voting Rights Act in the bill passed by the House of Representatives late last year, and they are now pending before the Senate. If Congress has the authority to act by statute in these areas, as it must if the Administration bill passed by the House is constitutional, then Congress also has the authority to act by statute to lower the voting age to 18.

I am hopeful, therefore, that we can achieve broad and bipartisan agreement on the statutory route to reach our vital goal of enlarging the franchise to include 18-year-olds.

INCREASE IN VOTING POPULATION BY LOWERING VOTING AGE TO 18

	Voting age population under current law	Population voting for President 1968		Increase in voting population by lowering age to 18	
		Number	Percent	Number	Percent
Alabama	2,056,000	1,033,740	50.3	194,000	9.4
Alaska	154,000	82,975	53.9	6,000	3.8
Arizona	948,000	486,936	51.3	91,000	9.5
Arkansas	1,176,000	609,590	51.8	101,000	8.5
California	11,904,000	7,251,550	60.9	1,054,000	8.8
Colorado	1,181,000	806,445	68.3	112,000	9.4
Connecticut	1,825,000	1,256,232	68.8	137,000	7.5
Delaware	306,000	214,367	70.0	27,000	8.8
District of Columbia	509,000	170,568	33.5	46,000	9.0
Florida	3,839,000	2,187,805	57.0	315,000	8.2
Georgia	2,883,000	1,236,600	42.9	0	0
Hawaii	424,000	236,218	55.8	34,000	8.2
Idaho	401,000	291,183	72.6	36,000	8.9
Illinois	6,605,000	4,619,749	69.9	507,000	7.6
Indiana	2,957,000	2,123,561	71.8	249,000	8.4
Iowa	1,650,000	1,167,539	70.8	130,000	7.6
Kansas	1,372,000	872,783	63.6	121,000	8.8
Kentucky	2,061,000	1,055,893	51.2	0	0
Louisiana	2,040,000	1,097,450	53.8	201,000	9.8
Maine	582,000	392,936	67.5	53,000	9.1
Maryland	2,187,000	1,235,039	56.5	204,000	8.3
Massachusetts	3,361,000	2,331,699	69.4	264,000	7.8
Michigan	4,965,000	3,306,250	66.6	419,000	8.4
Minnesota	2,091,000	1,588,340	76.0	174,000	8.3
Mississippi	1,292,000	654,510	50.6	132,000	10.2
Missouri	2,818,000	1,809,502	64.2	219,000	7.7
Montana	405,000	274,404	67.8	37,000	9.1
Nebraska	865,000	536,850	62.1	75,000	8.6
Nevada	282,000	154,218	54.8	26,000	9.2
New Hampshire	424,000	297,190	70.0	36,000	8.4
New Jersey	4,412,000	2,875,396	65.2	328,000	7.4
New Mexico	534,000	325,762	61.0	62,000	11.4
New York	11,731,000	6,790,066	57.9	854,000	7.2
North Carolina	2,948,000	1,587,493	53.9	298,000	10.1
North Dakota	366,000	247,848	67.8	35,000	9.5
Ohio	6,238,000	3,959,590	63.5	522,000	8.3
Oklahoma	1,533,000	948,086	61.9	129,000	8.4
Oregon	1,240,000	818,477	66.0	102,000	8.2
Pennsylvania	7,261,000	4,745,662	65.4	536,000	7.3
Rhode Island	561,000	384,938	68.6	49,000	8.7
South Carolina	1,453,000	666,978	45.9	165,000	11.3
South Dakota	386,000	281,264	72.8	35,000	9.0
Tennessee	2,367,000	1,248,617	52.7	212,000	8.9
Texas	6,346,000	3,079,406	48.5	609,000	9.5
Utah	555,000	422,299	76.1	57,000	10.2
Vermont	246,000	161,403	65.6	21,000	8.5
Virginia	2,698,000	1,359,928	50.4	286,000	10.6
Washington	1,836,000	1,304,281	71.0	170,000	9.2
West Virginia	1,079,000	754,206	69.9	90,000	8.3
Wisconsin	2,469,000	1,689,196	68.4	198,000	8.0
Wyoming	186,000	127,205	68.4	17,000	9.1
Total	120,006,000	73,160,223	61.0	9,778,000	8.1

UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, if I may have the attention of the Senator from North Carolina, I would like at this time to make a unanimous-consent request that the amendment to be offered by the distinguished Senator from Iowa (Mr. MILLER) be under the 2-hour limitation, as has been the case heretofore, with the exception of the amendment to be offered by the Senator from Alabama (Mr. ALLEN).

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SCOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 549

Mr. COOPER. Mr. President, I call up my amendment, No. 549 to the Scott-Hart substitute amendment No. 544.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk proceeded to read the amendment.

Mr. COOPER. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment is as follows:

AMENDMENT No. 549

On page 2, between lines 6 and 7, insert the following new section:

"SEC. 4. Section 4(b) of the Voting Rights Act of 1965 (79 Stat. 438; 42 U.S.C. 1973b) is amended by adding at the end of the first paragraph thereof the following new sentence: 'On and after August 6, 1970, in addition to any State or political subdivision of a State determined to be subject to subsection (a) pursuant to the previous sentence, the provisions of subsection (a) shall apply in any State or any political subdivision of a State which (i) the Attorney General determines maintained on November 1, 1968, any test or device, and with respect to which (ii) the Director of the Census determines that less than 50 per centum of the persons of voting age residing therein were registered on November 1, 1968, or that less than 50 per centum of such persons voted in the presidential election of November 1968.'"

On page 2, line 7, strike out "SEC. 4" and insert in lieu thereof "SEC. 5".

Mr. COOPER. Mr. President, I yield myself 15 minutes.

The PRESIDING OFFICER. The Senator from Kentucky is recognized for 15 minutes.

Mr. COOPER. Mr. President, I do not intend to discuss this at length. It is amendment No. 549 and is on the desk of each Senator. I have prepared a short statement as to the purpose of the amendment and its effect, which is also on the desk of each Senator. I have prepared another statement which lists the States or political subdivisions which would be affected if the amendment I propose is adopted.

I can explain the amendment very quickly. Amendment No. 549 to the Scott-Hart amendment which, as the Senate knows, is in the nature of a substitute to the pending bill, would not change the status of those States and political subdivisions which were brought under the coverage formula by section 4(b) of the Voting Rights Act of 1965 for having failed to register at least 50 percent of those residents of voting age in the State, or because less than 50 percent of the residents of voting age voted in the presidential election of 1964.

I repeat, the amendment offered does not change the status of those States and subdivisions. They remain covered by section 4(b) and other sections of the Voting Rights Act of 1965.

The pending amendment would bring under coverage of the Voting Rights Act of 1965, and under the triggering device, described in section 4(b), those States or political subdivisions which the Attorney General may determine as of November 1, 1968, employed a test or device and where less then 50 percent of persons of voting age were registered or less than 50 percent of such persons voted in the presidential election of November 1968.

The language of the amendment is clear, and I shall read the operative part.

"SEC. 4. Section 4(b) of the Voting Rights Act of 1965 (79 Stat. 438; 42 U.S.C. 1973b) is amended by adding at the end of the first paragraph thereof the following new sentence: 'On and after August 6, 1970, in addition to any State or political subdivision of a State determined to be subject to subsection (a) pursuant to the previous sentence, the provisions of subsection (a) shall apply in any State or any political subdivision of a State which (i) the Attorney General determines maintained on November 1, 1968, any test or device, and with respect to which (ii) the Director of the Census determines that less than 50 per centum of the persons of voting age residing therein were registered on November 1, 1968, or that less than 50 per centum of such persons voted in the presidential election of November 1968.'"

Mr. President, it may be asked, what is the object and effect of my amendment if it should be adopted?

One of its purposes is to establish the principle that the Voting Rights Act of 1965 and, in particular, its formula, section 4(b), which is called the trigger, is applicable to all States and political subdivisions and is not restricted to the Southern States.

I do not think it should be necessary for me to state this principle, because the Voting Rights Act of 1965, by its terms, covered all the States and political subdivisions in the country. The Attorney General found and the Director of the Census certified, in applying the trigger of section 4(b) at the time of the enactment of the act, it covered six Southern States, 40 North Carolina counties, and a few counties in Arizona, Hawaii, Idaho, and the State of Alaska.

The amendment also establishes the principle which has been approved in our debate—that legislation to secure the voting rights must apply to all the people of this country, and to all the States. It is not restricted to a fixed date in the past, whether 1964 or 1968. It is a continuing effort to secure and assure voting rights to all the people of our country. This is the reason for using the election year of 1968 to test the formula in the latest presidential elections, to determine if discrimination may be found.

I do not know that one constitutional right can be established as superior to any other, but many great judges have stated that the right to vote is one which must be preserved and assurred, as the base of securing other constitutional rights.

It may be argued that no record of past discrimination may be found in the States or political subdivisions which would be covered by my amendment, and I will respond to that argument. First, I will read the list of States which continue to be covered under the 1965 act, based on the 1964 registration, and voting record in the presidential election of that year.

My information is provided by the Civil Rights Division of the Department of Justice.

First, I shall name the States and counties which are covered by the 1965 act:

First. Alabama.

Second. Louisiana.

Third. Mississippi.

Fourth. Georgia.

Fifth. South Carolina.

Sixth. Virginia.

Seventh. North Carolina—40 counties, of which one county obtained a declaratory judgment provided under the act and obtain relief from the act's provisions. Thus, 39 counties in North Carolina are presently covered by the 1965 act.

Eighth. Arizona—four counties of which three have already obtained declaratory judgments, leaving one county, Yuma, presently covered by the 1965 act.

Ninth. Hawaii—one county which is still covered by the 1965 act. I am not aware that it has sought to obtain a declaratory judgment.

Tenth. Alaska—the State secured a declaratory judgment relieving it from the provisions of the act.

Eleventh. Idaho—one county, Elmore, obtained a declaratory judgment relieving it from the act's provisions.

Mr. President, if my amendment should be adopted, the States and subdivisions which I shall now name will be brought under the coverage of section 4(b) of the act. They are States and counties which registered fewer than 50 percent of their residents qualified to vote on November 1, 1968, or in which less than 50 percent of such residents voted in the presidential election of 1968.

I shall name them.

Alaska, three districts—districts 11, 12, and 16.

Arizona, one county, Apache.

California, one county, Imperial.

Idaho, one county, Elmore.

New York, three counties, Bronx, Kings, and New York.

Oregon, one county, Wheeler.

The States and subdivisions that I

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have named will be brought under the coverage of section 4 of the Voting Rights Act of 1965.

Mr. President, I do not think I need to explain further the purpose of the amendment. I have given my reasons for its adoption, and I shall repeat them.

First, it would establish that the Voting Rights Act of 1965 and the so-called "trigger" apply equally to all States and all counties in our country.

Second, it indicates the intention of the Senate and the House of Representatives to continue its effort, not limited by a certain year, to assure the enjoyment of voting rights throughout the country to all citizens.

That is all I care to say at this time.

Mr. ALLEN. Mr. President, will the Senator yield?

Mr. COOPER. I yield.

Mr. ALLEN. Mr. President, I would like to ask the distinguished Senator if it is the purpose of his amendment to retain coverage under the automatic trigger provision of the act of those States that did not come up to the prescribed criteria in 1964 and then to set up an entirely new classification consisting of those who do not come up to a similar formula based on 1968, but not giving any relief to those States affected by the figures in the 1964 elections that have come up to the level by 1968.

Mr. COOPER. I think that is a fair statement. That would be the effect of the amendment.

Mr. ALLEN. There is no relief for States presently covered.

Mr. COOPER. No. The Senator is correct.

Mr. ALLEN. Mr. President, there is only a reaching out by a similar trigger formula to bring in other States on a mathematical basis.

Mr. COOPER. The Senator is correct. I know it might be argued that there is an inconsistency in this approach, but I do not think so.

If I wanted to update the 1965 act by applying the 1968 elections to all States and counties in the Union, it may be asked why should not the Southern States now covered be treated in the same way, and judged by the records of 1968?

The Supreme Court in South Carolina against Katzenbach, in particular—and I do not like to debate this subject at length because it has been discussed in the debate again and again—has determined that a pattern of discrimination in many States had been practiced in these States for many years. Sometimes discrimination was carried out by means of tests and devices. In the field of education, it had been practiced under the doctrine of equal but separate schools.

With respect to this last category, Kentucky was one State which maintained separate schools until the Brown decision, with the exception of a few communities and colleges which had integrated.

This unequal education, discriminates against Negroes and others in the application of tests. It is a continuing problem, and a continuing struggle until we have, at the least, assured all citizens the right to vote.

Mr. ALLEN. Mr. President, much as I would like to agree with the distinguished senior Senator from Kentucky, and much as I would like to see the Scott amendment amended beyond recognition, I do not believe that adding an entirely new classification and bringing in more States by mathematical formula would be the best way to amend the Scott substitute.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. COOPER. Mr. President, I yield myself 1 additional minute.

The PRESIDING OFFICER. The Senator from Kentucky is recognized for 1 minute.

Mr. COOPER. I do not consider that the amendment establish two classifications of States or persons, because two presidential election years are used. We are talking about the same problem of discrimination, whether it occurred in 1964 or in 1968, and which persists today.

Mr. SPONG. Mr. President, will the Senator yield?

Mr. COOPER. I yield.

Mr. SPONG. Mr. President, in the answer the Senator from Kentucky gave the Senator from Alabama, he stated there would be two catagories.

I ask if the Senator has considered or would consider using the latest presidential election rather than using 1968.

I ask the question for this reason. Assuming that the Senator's amendment is agreed to and we have two categories, I am concerned over what would happen in the years between 1968 and 1972 if there were counties throughout the United States which, for one reason or another, fell below the criteria established and yet would not be brought under the law.

I wonder if consideration was given to designating the last presidential election instead of using a date.

Mr. COOPER. No. I used the 1968 presidential election results for two reasons. In the 1965 act we used the most recent election results—the 1964 presidential election. I think that as a general rule the largest number of votes cast have been cast in presidential elections. At least this is true in my State.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. COOPER. Mr. President, I yield myself an additional 2 minutes.

The PRESIDING OFFICER. The Senator from Kentucky is recognized for 2 minutes.

Mr. COOPER. If other States in the period between 1968 and 1972 discriminate in the case of voting rights, as the Senator knows, the Voting Rights Act provides a means for reaching discrimination. The Attorney General can exercise his power, to go into court, and secure proper orders and have examiners appointed.

Mr. SPONG. Mr. President, does the Senator from Kentucky have any time that he will yield to me?

Mr. COOPER. Mr. President, I yield 5 minutes to the Senator from Virginia.

Mr. SPONG. Mr. President, I thank the Senator from Kentucky. Earlier, I understood the Senator to say that the new political subdivisions that would be brought under the act—and he enumerated them—were in Alaska, Arizona, California, Idaho, New York, and Oregon.

The Senator from Kentucky also said it might be argued that those States should not be brought under the act because there has been no voter discrimination in the political subdivisions which will be brought in under this amendment.

I ask the Senator from Kentucky if he is aware that the State of Virginia has been under the act from the beginning without any recorded instance of violation? The State of Virginia has not in any way been found to have discriminated or to have violated the Voting Rights Act.

I would specifically refer to the 1961 report of the United States Civil Rights Commission where on page 102, it is stated that in Virginia there appears to be no voter discrimination.

I have some reservations about two categories. I would hope that there could be a national standard. I appreciate what the Senator from Kentucky is trying to do, because I think this law if it is to be extended should apply to every section of the United States wherein voter participation falls below the standard set.

Mr. COOPER. I do not believe the amendment I am presenting establishes two categories. It establishes a category of States and subdivisions, which at a particular time specified by Congress whether 1964 or 1968, are presumed to be practicing discrimination. I do not believe I am creating two categories.

The Senator is familiar with the decisions of the Supreme Court held in the case of South Carolina against Katzenbach, and also in Gaston County against United States. I do not know if the Senator agrees with the reasoning of the court, but it was argued that States with dual school systems, my State was one of them, had denied equality of education throughout the years, that the inequality continued and, therefore, discrimination persisted in the relative ability to meet voting tests. I believe the continuing inequality of education, and ability to meet voting tests is the reason so many vote for maintaining the Voting Rights Act of 1965 for at least 5 additional years.

The distinguished Senator from Pennsylvania can express his views, but a reason for voting to extend the act is to wipe out, as far as possible, those inequalities which arose from the use of tests and the inequalities in education, continue to deny equal voting rights.

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

Mr. COOPER. I yield the Senator an additional 2 minutes.

The PRESIDING OFFICER. The Senator is recognized for an additional 2 minutes.

Mr. SPONG. Mr. President, I thank the Senator from Kentucky. Perhaps the Senator from Pennsylvania can help us with this matter.

The Senator from Kentucky mentioned the Gaston case.

Mr. COOPER. Yes.

Mr. SPONG. Would the Senator from

Kentucky agree that if the Scott-Hart substitute in its entirety is agreed to, that the finding in the Gaston case might no longer be persuasive as far as States getting out from under the Voting Rights Act is concerned?

Mr. COOPER. No. The method of escaping from the provisions of the Voting Rights Act would remain the same.

Mr. SPONG. If I understand the Scott-Hart substitute, it would universally do away with literacy tests. Is that correct?

Mr. COOPER. It would suspend them.

Mr. SPONG. Suspend them. I am not saying with certainty, but I believe we should be mindful that the substitute might well affect some aspects of the holding in the Gaston case.

Mr. COOPER. I do not think it would deny any State its opportunity to come into court and seek to be relieved of its obligations under the Voting Rights Act. I must say, in reading the cases, it looks to me as if we may be approaching the time when the Supreme Court may hold that literacy and other voting tests may be eliminated entirely.

I would like to see the day come when restrictions of this nature would not have to be applied to States and political subdivisions and when they would not always be levied at the South.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. COOPER. I yield myself 2 additional minutes.

I voted for the amendment of the distinguished Senator from North Carolina to establish jurisdiction of these matters be tried in the Federal courts of the States. I thought it eminently fair to do so. I think it derogatory of the courts to provide in effect that one Federal court could be trusted and another could not.

I voted for another amendment offered by the distinguished Senator from North Carolina along the same line. I think it is bad for our Federal judicial system, when it is held that certain Federal courts cannot be trusted. I hope the time will come when we abandon the attitude which existed for such a long time after the Civil War and during the period of reconstruction and may persist in some degree today. I hope it will come soon.

When we had the HEW bill before us, the Senator from Mississippi (Mr. STENNIS) and the Senator from Connecticut (Mr. RIBICOFF) pointed out that discrimination does not exist solely in a few States. My amendment is directed toward the end, to provide that adequate measures will continue to be available to enforce voting rights which have been long denied in some States, and to apply the principle for the entire country.

Mr. SCOTT. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized for 5 minutes.

Mr. SCOTT. Mr. President, I have a great deal of sympathy and a great deal of understanding for the concern which the distinguished Senator from Kentucky has expressed. I would like to see this situation not only ameliorated but entirely ended. I personally do not like any regional application of laws or even the implication of it, except as laws necessarily may have to be applied to meet the problems which do exist.

The Senator from Virginia, for example, is in something of a statistical trap. I would hope to see the time when Virginia could present their case before the courts and, as the Senator from Kentucky indicated, find a way to extricate themselves from a situation which applies to a number of States. This may be true as we go along State by State, as the courts rule on these matters from time to time.

But with all due respect to the very high motives and excellent intent of the amendment offered by the distinguished Senator from Kentucky, it has the inherent difficulty within it of setting up a third level of administration.

It would turn a present two-level system into three levels. We would then have those States covered by the triggering device under the Voting Rights Act of 1965 in one classification. There would be another set of States or counties covered by the Senator's amendment with a triggering device using a different set of figures, the 1968 figures.

Then, there would be a third set of States which would be excluded from the first two categories, where the present situation would still apply, and they would be States not subject to the triggering device, where the burden of proof is not upon the States but upon the Attorney General to establish that voting rights are being denied some portion of the citizenry of those counties or States. That is the third category. The difference from the present law would be that under those circumstances the Attorney General has the onus probandi of establishing an act exists, contemplated by the act, which warrants judicial relief for the benefit of those who may be discriminated against.

Therefore, while the intent is excellent, while the purpose of the amendment is such that it can be argued for an equal application of the laws, nevertheless it provides, not two standards, under which we live now, but provides three standards, and therefore the law would become, not less equal, but more unequal than before.

Therefore, it is not surprising that those who oppose the Scott-Hart amendment appear to be speaking in support of the Cooper amendment. Yet those who oppose the Scott-Hart amendment ought to oppose the Cooper amendment because of the three-level insertion here, the three levels of categories covered, which would make the administration of the act that much more complex, that much more difficult, and therefore I at this time——

Mr. COOPER. Mr. President, will the Senator yield for a moment? I hope he is not getting ready to move to table.

Mr. SCOTT. No; I was about to yield the floor for the time being. I understand the Senator from Iowa (Mr. MILLER) is seeking recognition.

Mr. COOPER. I thank the Senator. Let me say, in reply, there are not three classifications. There are two classifications in the act. One results from the finding that fewer than 50 percent were registered on November 1, 1964, or that fewer than 50 percent voted in the presidential election of 1964. There is nothing in the trigger section of 4(b) that refers to discrimination. It simply provides that, if that formula applies, a presumption arises and powers are given to the Attorney General to move, which are not given to him, respecting other States, even though discrimination might be practiced in them.

A second classification is provided. The Attorney General is empowered—in fact, he has been empowered under previous voting rights acts—to go into court to establish discrimination to secure proper court order and appointment of examiners if necessary.

There are two classifications, both in the Voting Rights Act and the act as I would amend it.

The amendment I offer establishes the presumption of discrimination if the formula is found to prevail. I can only say what I said a few minutes ago, that if the formula used in 1964 was effective to hold those States under a presumption of discrimination, and no other States were found discriminating at that time, is it intended to let the one test stand forever? Would not we at some time in the future inquire again to see if new discrimination is being practiced? Or will we relate all to 1964? I do not think so and I think it is illogical to argue that is the intent of the act.

I say again that my amendment is an attempt to challenge continued discrimination, not only in the South but throughout the Nation. I believe I have voted for every civil rights bill that has been before us. The usual defensive arguments are made. I have introduced or joined in many of them, before they were adopted by the Congress. But, I have felt that the practice of applying them out against a few States forever, is not right. I voted for the Civil Rights Act of 1965, but I did not vote for title VI, even though I knew we needed means of enforcement. I remember I said on the floor that day that I could see looming ahead the shadows of Reconstruction.

If these States purge themselves, they should be set free at some time. Evidently, we do not think they have purged themselves fully and I agree because the black children who never got an equal chance in school cannot meet the voting tests. We hold the power of the Congress and the courts and the Attorney General over them and we should, but for the Lord's sake, let us put other States and subdivisions under the same standards, including my State. But I cannot understand the Senator's argument that my amendment will not reach discrimination in voting rights, the right which many have said is the most precious right of all, the right to vote.

Mr. SCOTT. Mr. President, I yield myself 1 minute only to say that the amendment offered by the Senator from Kentucky is a pro-civil rights amendment. It is a pro equality amendment. But I was pointing out that in its application and administration, it provides three

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ways of doing it, one under the 1964 figures, one under the 1968 election figures, and one that is not presently revealed by any figures, but which might be revealed by the Attorney General in the course of seeking to enforce a situation which does not exist under either of the two categories contemplated by the Senator.

The Senator has always supported civil rights legislation, courageously and often when he was not supported by as much volume of support as subsequently came about.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. SCOTT. I yield myself 1 additional minute.

But it is clearly a pro-civil rights amendment which he has offered. I am simply pointing out, with great respect, that he could be right and I could be wrong, but I happen to believe I am right.

I say, with a great deal of reluctance, in view of my great respect for the Senator, that, pro-civil rights though the amendment may be, and proequality though it may be, embracing the compassion that he always does, nevertheless I have the fear that it is not a very workable proposal.

I thank the Senator.

Mr. MILLER. Mr. President, will the Senator from Kentucky yield me 5 minutes?

Mr. SCOTT. Mr. Prsident, I will yield 5 minutes to the Senator from Iowa. The Senator from Kentucky has used up most of his time.

Mr. MILLER. Mr. President, I have listened with a great deal of interest to the comments made by the distinguished Senator from Pennsylvania. I frankly am not as concerned about the three-tier approach in the Cooper amendment as I am concerned about the point the Senator from Pennsylvania made about unequal treatment.

As I understand the Cooper amendment, the States that are covered under the 1964 triggering device are going to be covered for the duration of the extension of the Voting Rights Act that is now before us, but in his treatment of other States that do not meet the test as of November 1, 1968, there is indeed unequal treatment, because the Voting Rights Act would not apply to them for the duration of the pending act.

The only way we can get around that problem is to add some language, and I am going to suggest the language to be added, and I hope my colleague from Kentucky will carefully consider it, because I hope he would see fit to modify his amendment to include this language. If he does, then the unequal point the Senator from Pennsylvania makes will no longer be valid, it seems to me.

For example, in the case of other States than those covered by the 1964 triggering device, the coverage will apply to any State or political subdivision of a State which the Attorney General determines maintained on November 1, 1968, any test or device. But if they put one on in 1970, they are "home free," whereas the other States covered by the 1964 device are not "home free," under any circumstances, for the duration of the act.

If the Senator wants to make sure there is equal treatment, he should add after the words "on November 1, 1968" on line 2 the following, "or on November 1 of any subsequent presidential year." That means they have to measure up for the Voting Rights Act in 1970.

Then on line 5 of page 2, where we have the 50-percent test, the Cooper amendment provides for registration on November 1, 1968, but says nothing about November 1, 1972. In that case, the amendment, I think, should be modified to provide "on November 1, 1968, or on November 1 of any subsequent presidential election year." That will put them under the coverage for the duration of the act.

Finally, on line 7, he provides for the 50-percent vote in the Presidential election of November 1968, and I would suggest that if he modifies it, he add the words "or in any subsequent Presidential election year."

If the Cooper amendment is so modified, we will have three tiers, but the two tiers, the one with the triggering device of 1964 and the other with the triggering device of 1968, will be handled equally, because they will be covered for the duration of the act.

I hope that the Senator from Kentucky will see fit to modify his amendment, because I do think the Senator from Pennsylvania made a very telling point. We do not want these States that are going to be home free on November 1, 1968, to regress, so that on November 1, 1972, they are not covered by the special provisions which are applicable to the States covered by the 1964 triggering device. At least I hope we do not want them to regress. I know I do not.

This will nail it down so that any State or political subdivision which meets the test on November 1, 1968, will regress at its peril, because we will provide for coverage in any subsequent presidential year, and if they do regress, they are going to be met with the same treatment that those States covered by the 1964 triggering device are met with.

Mr. COOPER. Mr. President, as I said earlier, I would hope that at some point in the future these laws could be terminated. As I see it, the effect of the Senator's amendment is one which would apply the Voting Act in successive presidential elections and we would never end this act. I hope the good spirit and the good efforts of the people of this country will, at some point end discrimination and bring these acts to a close. I may be optimistic, but I would prefer to be than to believe that these acts will be imposed perpetually.

Mr. HRUSKA. Mr. President, will the Senator yield for a question?

Mr. COOPER. I yield.

Mr. HRUSKA. It was not my privilege to be on the floor when the Senator gave the main explanation of his amendment, but may I ask whether this is the fact: That the present coverage of the act, if it is extended for 5 years, would continue to apply to the six States that were affected by the original act, plus the several counties in the seventh State?

Mr. COOPER. That is correct.

Mr. HRUSKA. But in addition to that, if there are determined by the Attorney General to be States or political subdivisions within a State that maintain a test or device, and that have less than a 50-percent registration of persons of voting age registered as of November 1, 1968, then the coverage will apply to such State or political subdivision, and in addition thereto, if there are States determined by the Attorney General to have had less than 50 percent of the eligible persons voting in the presidential election of November 1968, that latter class will also fall within the coverage of the act. Is that a fair statement of the Senator's amendment?

Mr. COOPER. Not only fair, but correct.

Mr. HRUSKA. Well, that is fine. Under that interpretation, therefore, there will be equal coverage of other derelict States or political subdivisions, just the same as the six States, and the seventh in which some counties were affected, have heretofore been covered?

Mr. COOPER. The Senator is correct.

Mr. HRUSKA. Under that interpretation and with that confirmation of the way I read the amendment, I support the amendment. I think it would be a wonderful thing to have the beneficial features and characteristics that have been so highly praised and so greatly approved by everyone as applied to those several States down South applied universally. I think the rest of the country ought to have the benefit of those fine things. I highly commend the Senator from Kentucky for proposing such a fine amendment. I support it, and I urge its support.

Mr. COOPER. I thank the Senator for his support, and for his correct interpretation.

Mr. MILLER. Mr. President, will the Senator from Pennsylvania yield?

Mr. SCOTT. How much time does the Senator want?

Mr. MILLER. Two minutes.

Mr. SCOTT. I yield 2 minutes to the Senator from Iowa.

Mr. MILLER. Mr. President, the trouble with the Cooper amendment is that these States that do measure up on November 1, 1968, are off the hook, and they can regress; and in 1972, they can have under 50 percent voting and under 50 percent registration, and they can have a test or device, and there is no problem. That is the reason why I suggested—the Senator from Nebraska shakes his head; but I read the King's English, and that is what the Senator from Kentucky, the author of the amendment, recognized to be the case.

Mr. HRUSKA. Mr. President, if the Senator will yield, they are not off the hook, on two counts. One is that if there is a test or device, or any mechanism at all which results in discrimination, the Attorney General can bring them into court and bring into play registrars and examiners and everything else.

The second count is this: Whether or not there is a test or device, if there were fewer than 50 percent of the people of voting age who voted in the 1968 election, they would be on the hook just as severely as anyone else. On both counts, I would say there is no off-the-hook business.

We do have a vigilant Attorney General, who will see to it that they are brought to the bar of justice if there is any technical seeking to get away from this particular amendment whereby they come into collision with other provisions in the Voting Rights Act.

Mr. MILLER. Mr. President, perhaps we ought to make clear what we are talking about here. I did not mean they would be off the hook completely. I recognize that the Attorney General could bring such an action.

My point is that they would be off the same hook that the States covered by the 1964 triggering device would be on. My suggestion is that they be kept on the same hook, because if they are not, then the point of the Senator from Pennsylvania as to unequal treatment is a valid point.

Those States and political subdivisions that met the test on November 1, 1968, and fulfilled the requirements, can regress so that by 1972 they will be off the same hook that the States covered by the 1964 trigger device are on. My suggestion is that they be treated equally, and put on the same hook. That is why I deeply regret that my colleague from Kentucky cannot see fit to modify his amendment, because I know he offers it in the utmost good faith.

Mr. SCOTT. Mr. President, if the Senator from Kentucky has no further demands for time, I have not. I am prepared to yield back——

Mr. FONG. Mr. President, will the Senator yield?

Mr. SCOTT. Mr. President, I yield the Senator from Hawaii 3 minutes.

Mr. FONG. Mr. President, I ask unanimous consent that immediately after the vote on the Cooper amendment, I be allowed 15 minutes to answer what Columnist Jack Anderson wrote about me this morning in the Washington Post.

Mr. MANSFIELD. Mr. President, reserving the right to object—and I shall not object—will the Senator from Hawaii permit me, before he speaks, to offer an amendment and make it the pending busines for tomorrow?

Mr. FONG. Yes.

Mr. PRESIDING OFFICER. Is there objection to the request of the Senator from Hawaii? Without objection, it is so ordered.

Mr. DODD. Mr. President, will the Senator from Pennsylvania also yield me 5 minutes?

Mr. SCOTT. Does the Senator wish to speak after the vote? Is that my understanding?

Mr. DODD. I understood the Senator from Hawaii to say that——

Mr. SCOTT. The Senator from Hawaii requested permission to speak for 15 minutes at the conclusion of the vote on this amendment. Did the Senator from Connecticut wish to make a similar request for time, or to speak now?

Mr. DODD. Yes, for about 5 minutes.

Mr. SCOTT. The Senator from Connecticut is asking for 5 minutes at the conclusion of the vote, following the Senator from Hawaii?

Mr. DODD. That is correct.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. STEVENS. I ask for 5 minutes thereafter.

Mr. SCOTT. And I yield the Senator from Alaska 5 minutes after him.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCOTT. Mr. President, I yield back the remainder of my time.

Mr. MANSFIELD. Does the Senator request the yeas and nays?

Mr. SCOTT. I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

The PRESIDING OFFICER. Is all remaining time yielded back?

Mr. SCOTT. All remaining time has been yielded back, Mr. President.

The PRESIDING OFFICER. All remaining time having been yielded back, the question is on agreeing to the amendment (No. 549) of the Senator from Kentucky (Mr. Cooper). On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. KENNEDY. I announce that the Senator from Louisiana (Mr. Ellender), the Senator from Minnesota (Mr. McCarthy), the Senator from Montana (Mr. Metcalf), the Senator from West Virginia (Mr. Randolph), and the Senator from Georgia (Mr. Russell) are necessarily absent.

I further announce that the Senator from Alaska (Mr. Gravel) is absent on official business.

I further announce that, if present and voting, the Senator from Georgia (Mr. Russell) and the Senator from West Virginia (Mr. Randolph) would each vote "nay."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. Baker), the Senator from Illinois (Mr. Smith), and the Senator for Delaware (Mr. Williams) are necessarily absent.

The Senator from Delaware (Mr. Boggs) is absent to attend the funeral of a friend.

The Senator from Florida (Mr. Gurney) is absent because of illness in his family.

The Senator from Idaho (Mr. Jordan) and the Senator from Ohio (Mr. Saxbe) are absent on official business.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

If present and voting, the Senator from Illinois (Mr. Smith) would vote "nay."

On this vote, the Senator from South Dakota (Mr. Mundt) is paired with the Senator from Delaware (Mr. Boggs). If present and voting, the Senator from South Dakota would vote "yea" and the Senator from Delaware would vote "nay."

The result was announced—yeas 43, nays 43, as follows:

[No. 90 Leg.]

YEAS—43

Aiken
Allott
Anderson
Bellmon
Bennett
Burdick
Cannon
Cooper
Cotton
Cranston
Curtis
Dodd
Dole
Dominick
Eagleton
Eastland
Fong
Gore
Griffin
Hansen
Hruska
Hughes
Mansfield
Mathias
McGee
McIntyre
Miller
Montoya
Murphy
Packwood
Pearson
Pell
Prouty
Proxmire
Ribicoff
Smith, Maine
Sparkman
Spong
Stennis
Symington
Thurmond
Tower
Young, N. Dak.

NAYS—43

Allen
Bayh
Bible
Brooke
Byrd, Va.
Byrd, W. Va.
Case
Church
Cook
Ervin
Fannin
Fulbright
Goldwater
Goodell
Harris
Hart
Hartke
Hatfield
Holland
Hollings
Inouye
Jackson
Javits
Jordan, N.C.
Kennedy
Long
Magnuson
McClellan
McGovern
Mondale
Moss
Muskie
Nelson
Pastore
Percy
Schweiker
Scott
Stevens
Talmadge
Tydings
Williams, N.J.
Yarborough
Young, Ohio

NOT VOTING—14

Baker
Boggs
Ellender
Gravel
Gurney
Jordan, Idaho
McCarthy
Metcalf
Mundt
Randolph
Russell
Saxbe
Smith, Ill.
Williams, Del.

So Mr. Cooper's amendment was rejected.

Mr. MANSFIELD. Mr. President——

Mr. ALLEN. Mr. President, I ask for the yeas and nays on the motion to table.

The PRESIDING OFFICER (Mr. Eagleton in the chair). There is no motion to table before the Senate at the moment.

Mr. ALLEN. Mr. President, I move that the vote by which the amendment was rejected be reconsidered, and I ask for the yeas and nays, having voted with the prevailing side.

Mr. LONG. Mr. President, a point of order. Is the Senator who is moving to reconsider the vote one who voted on the prevailing side?

Mr. ALLEN. The prevailing side is nay. The Senator from Alabama voted nay.

The PRESIDING OFFICER. The Senator from Alabama is correct.

Is there a sufficient second? The yeas and nays were ordered.

Mr. COOPER. Mr. President——

The PRESIDING OFFICER. The Senate will be in order, so that we can hear the Senator from Kentucky.

Mr. COOPER. Mr. President, may I be heard for 5 minutes?

The PRESIDING OFFICER. The motion is debatable.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. COOPER. I yield.

Mr. MANSFIELD. Mr. President, I would like, on behalf of the joint leadership, to ask the attachés on both sides of the aisle to call the Senators' offices and tell them that the advice given to them earlier that there would be no more rollcall votes tonight is not correct, and that they should start to run back.

The PRESIDING OFFICER. The Senate will be in order, so that we can hear the Senator from Kentucky.

The Senator will please suspend until we have order in the Chamber.

The Senator from Kentucky may proceed.

Mr. COOPER. Mr. President, I shall be brief. I will explain the amendment because some Senators were not present in the Chamber when I called up the amendment.

The amendment has two effects. First, I want to make it very clear that all those Senators who either sponsored or supported the amendment offered by the Senator from Pennsylvania (Mr. SCOTT), the Senator from Michigan (Mr. HART), and others that my amendment does not change in any way the status of those States and divisions which come under the coverage of the Voting Rights Act of 1965 and are subject to the enforcement procedures of that act.

My amendment recognizes that the problem of enforcing the voting rights is a continuing problem. It is not one which rests upon the date of the presidential election of 1964. It may be years in this country before we can assure equal voting rights to everyone.

In addition to using the dates of November 1, 1964, to determine whether fewer than 50 percent of the eligible voters in a State were registered, whether fewer than 50 percent voted, my amendment then applies that same formula to November 1, 1968, to determine if fewer than 50 percent were registered on that date, or voted in the presidential election of 1968.

In either case, if fewer than 50 percent were found to have registered or to have voted in those States or political subdivisions, they would come under exactly the same conditions of enforcement as those six States and 39 counties in the South.

The consequence and effect of the amendment to that a limited number of States and counties will come under the trigger of section 4(b) of the act. But if the problem of securing equal rights to register and to vote is more than a sectional one, why should they not be enforced under the same provisions of the law?

There is no magic date and this is a continuing struggle, and I think my amendment helps.

If the States and counties which I shall name have not used these tests, they can come into court, as the other States have, and ask for a declaratory judgment and be relieved.

In Alaska three districts are involved, districts 11, 12, and 16.

In Arizona, there is one county, Apache.

In California, there is one county, Imperial.

In Idaho, there is one county, Elmore.

In New York, there are three counties, Bronx, Kings and New York.

In Oregon, there is one county, Wheeler.

This does not add up to a large number of States or counties. But, I speak for the principle of establishing that the Voting Rights Act actually applies to all States and subdivisions in this country. If a formula obtains in one situation, it should obtain in another. I would say to those who favor the Scott amendment that my amendment would not change the status of States covered by it at all. And those who believe that a continuing effort should be made to register voters and have citizens throughout the United States vote, I believe, should support the amendment.

Mr. KENNEDY. Mr. President, will the Senator yield?

Mr. COOPER. I yield.

Mr. KENNEDY. Mr. President, with respect to the areas the Senators identified in Alaska and Arizona, and those counties, is the reason that they would fall under the trigger of the act in those areas, the fact that there are a substantial number of Indians that have not registered or voted?

Could the Senator give us the information on those counties?

Mr. COOPER. My amendment was offered following a colloquy with the Senator from Nebraska (Mr. HRUSKA) and the Senator from Pennsylvania (Mr. SCOTT). The question was asked by me whether there was some way to assure the Voting Rights Act is applicable to all States. It was said that the matter was being considered. I drafted the amendment not knowing what countries or States would be affected. After I drafted the amendment, I then asked the Civil Rights Division of the Department of Justice to provide the names of counties and States that would be affected. This is the list.

I have since inquired into the conditions in several of these situations.

Alaska was covered by the 1965 act. It came into court, obtained a declaratory judgment and was relieved. Since the last election, districts 11, 12, and 16 would come under the formula provided by my amendment.

Mr. KENNEDY. Mr. President, I know it is very difficult to expect a detailed profile on any of these areas.

Mr. COOPER. I am ready to give it.

In Arizona there is one county. Four counties fell under the trigger of the 1965 act of which three counties have obtained relief. Yuma County remains under the act's coverage.

In California there is one county—Imperial. I think it is the first time it has been placed in this category. I asked the Senator from California (Mr. MURPHY) if this was a county in which the population was composed chiefly of people of Mexican descent. He told me today that it had a general population.

In Idaho, one county came under the 1965 act. It obtained a declaratory judgment.

In Oregon one county, Wheeler, came under the formula. I do not know what the circumstances arising from the 1968 presidential election were.

The chief State involved is the State of one of the best friends I have in the Senate, the Senator from New York (Mr. JAVITS). Three counties of New York were involved, Bronx, Kings, and New York. In the 1964 election more than 50 percent of the voters were registered and more than 50 percent voted. However, for some reason in the 1968 election 50 percent were not registered or voting.

One of its effects, if the amendment is agreed to, is that it would cause larger registration in these counties. That will be helpful. It is usually followed by a larger vote.

Arizona has one county, Apache County, and I understand that county is chiefly populated by Indians.

I think the amendment speaks for itself.

I do not believe my amendment should offend those who support the Scott amendment. I do not think the amendment could offend those who have been speaking for equal application of the laws throughout the country. I believe it will show a continuing interest in the problem of voting rights.

Mr. MONTOYA. Mr. President, I voted for the Senator's amendment. I voted for it because I am surely aware there are some States outside of the original application of this amendment where segments of the population are being deprived because of literacy tests. One of these States is Arizona, where the Navahos and the Hopis have been deprived of registration or failed to pass literacy tests that the State of Arizona provides as a preliminary requisite to voting.

In 1960 I went to New York to try to help in a registration campaign among the Spanish-speaking population, the Puerto Ricans. They are having difficulty satisfying the requirements of registration laws of New York because under either the constitution of New York or the laws of New York as a prerequisite they had to answer some questions relating to the constitution of the State of New York. It was because of this difficulty that Senator Robert Kennedy placed a rider on one of the voting rights laws that we considered here previously.

Many similar situations are occurring. I think the Senator's amendment is fair if applied to the entire country. I heartily endorse it.

Mr. COOPER. I thank the Senator. The Senator is correct. The efforts of the late Senator Kennedy and the distinguished senior Senator from New York (Mr. JAVITS) culminated in an amendment placed in the act of 1965 to enable persons of Puerto Rican birth to have an equal chance to vote. The court not only sustained that amendment but held these people should have the equal protection of the law, in exercising the right to vote. My amendment would provide also that equal right to vote.

Mr. RIBICOFF. Mr. President, will the Senator yield?

Mr. COOPER. I yield.

Mr. RIBICOFF. Mr. President, I commend the Senator from Kentucky on the points he has made and I commend the Senator from New Mexico. I think the amendment is eminently fair, and I am proud to vote for the proposal of the Senator from Kentucky.

Mr. COOPER. I thank the distinguished Senator from Connecticut.

Mr. LONG. Mr. President, will the Senator yield?

Mr. COOPER. I yield.

Mr. LONG. Mr. President, I regret to say I did not hear the entire debate prior to the previous vote. I voted against the Senator's amendment. I expect to vote with him on this amendment.

Mr. COOPER. I thank the Senator.

Mr. MURPHY. Mr. President, will the Senator yield?

Mr. COOPER. I yield.

Mr. MURPHY. Mr. President, in an effort to be consistent I think that when we write laws in this Chamber they should apply to everyone. I am amazed to learn I have a county in my State that would come under this category. Some of the people in the county may scold me but I expect to get out to make certain the right to vote is just as privileged in that county as in any other county in my State.

Later on I understand there will be a question about restrictions and the language barrier. I am going to have something to say about that because we have many, many people who come from Spanish-speaking homes. I think under present conditions many of these fine people are apt to know a good deal about the problems and the issues and they have the greatest regard for the right of franchisement, the right to vote. I want to make certain they are not denied the right to vote because of a lack of understanding.

I also wish to say that much has been done through the media. These people do have Spanish radio broadcasts, and Spanish-speaking programs. They are capable and knowledgeable and, therefore, they should not be denied the right to vote.

I enthusiastically endorse the Senator's amendment.

Mr. COOPER. I thank the Senator.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. COOPER. I yield.

Mr. JAVITS. Mr. President, in the first place, I wish to thank the Senator from Kentucky (Mr. COOPER) for recalling that Senator Kennedy and I sponsored what is now section 4(e) of the law which gave our Spanish-speaking people in New York the opportunity to vote.

Mr. MONTOYA. Mr. President, will the Senator yield at that point?

Mr. JAVITS. I have not made a point yet. However, I yield.

Mr. MONTOYA. I had forgotten to mention the senior Senator from New York and to give him credit for this amendment in conjunction with Senator Robert Kennedy. I apologize to the Senator for that omission.

Mr. JAVITS. The Senator is very kind.

Mr. President, I think the Senator is owed an explanation on my part because I voted no. I think my credentials in this Chamber—I presume and I hope I am right—are such that I would not necessarily vote against an amendment because I thought it would have an effect in my State. I have stated here publicly and, frankly, in connection with another matter, that in connection with a law our State legislature passed and which was signed by our Governor, I thought our State was wrong and that I would do my utmost to undo it.

But the reason I voted as I did and the point of explanation I wish to make is as follows: It will be noted that section 4(b), which the Senator from Kentucky (Mr. COOPER) seeks to amend, is not the only pertinent section. Section 4(b) refers back to section 4(a), and that is really the essence of why we legislated as we did.

Section 4(a) states that a State may get out of the inhibitions of this particular law if in a declaratory judgment suit it is determined:

> That no such test or device has been used during the past five years—

Now to be 10 years—

> preceding the filing of the action for the purpose with the effect of denying or abridging the right to vote on account of race or color.

Then, it goes on to state:

> If the Attorney General determines that he has no reason to believe that any such test or device has been used during the five years preceding the filing of the action for the purpose or with the effect of denying or abridging the right to vote on account of race or color, he shall consent to the entry of such judgment.

Mr. President, we do not pass laws just to pass laws. We pass laws where some factual basis has been shown to necessitate a law. There is no proof whatever that in any of the counties referred to by the Senator from Kentucky anything occurred other than the fact that less than 50 percent of the people have voted. He has already exculpated the New York counties he mentioned by pointing out that in the 1964 election more than 50 percent voted. So obviously we did not face this kind of condition in New York except regretfully and deplorably we face a condition where people do not vote as often as they should vote. I think this is a very key point. I do not think in Congress we have to strain to pass a law because we want people to take a placebo to make them feel better because if there is discrimination on account of race or color in any State it will not be reached if the Senator's amendment is agreed to. The only point is that the affirmative mechanisms of the Voting Rights Act do not apply because they are irrelevant.

Whether the Senate adopts the amendment or not, every Senator knows, when he votes for it—if he does—that it is extremely unlikely that in any of the counties which fall into the category where a test or a device has been used to deny or abridge the right to vote on account of race or color, it will do any more than to cause the Attorney General to pass on eight or 10 or more cases, so that the people will feel better.

So speaking only for myself, without any reference to my community, which I feel sure will succeed in any declaratory judgment suit that may be brought, I do not think it is necessary to vote for laws which are irrelevant and unnecessary to attain the objective which we seek to attain.

If any case had been made out, of any kind or character, showing the need for the Voting Rights Act of 1965, now sought to be extended to other areas which were not reached—we argued that point on the original amendment offered by the Senator from North Carolina (Mr. ERVIN)—because they were denied the right to vote, or their vote was abridged, on account of race or color, I should have voted for the Ervin amendment. For that reason, because I think it is necessary to state my position to the Senate, as my own city, a major city, seems, by all odds, to be the most populous place to be affected, I feel that I must vote "nay" on the amendment.

Mr. COOPER. Mr. President, I want to respond for a moment to the statement of the Senator from New York. I have not asked and I do not want to have adopted an amendment which has no useful purpose. But I do make these points: First, the formula of 461 which triggers the action says nothing about discrimination. It establishes a presumption of discrimination which can be overturned. It is equally applicable to all States.

Second—in the case of Katzenbach against Morgan, or Morgan against Katzenbach, the court held that the State of New York's tests were discriminatory. In fact, the court in the set aside a section of the Voting Rights Act of 1965 on the ground that it was discriminatory and denied the equal protection of the laws to its citizens. It referred to the debate at the time the laws had been passed by the State of New York where it was said for the protection of the Anglo-Saxon population against the infusion of immigrants and foreigners, it suggested that the laws enacted in 1922 were partly enacted out of prejudice. I do not like to do so, but have to make that statement, because I do not want to have a law passed merely for the sake of having it passed. But if these facts are correct, and the formula under my amendment comes into effect these tests and devices in the State of New York would be suspended. If there has been no discrimination, a State can come out from under the Act.

Mr. JAVITS. Mr. President, I would like to respond to that statement, if I may, by saying I do not believe anything in Katzenbach against Morgan set aside any provision of any law. All it did was to sustain the action of the Senate in respect to the particular provision which would qualify Spanish-speaking people who had gone to school under the American flag.

I find nothing except in a footnote of this law attributing some purpose to the New York State Legislature in 1922, which came out of the debate in the State legislature, by somebody who was arguing the case, which might have intimated a shadow of prejudice at that time.

If the States which are being reached by the Voting Rights Act of 1965 had discriminated in 1922—even assuming New York had, which is a broad assumption—they would not be under the Voting Rights Act of 1965 at all, because the trigger operates on a 5-year basis, not on a basis of 43 years.

So I repeat that this amendment is irrelevant to the issue which is sought to be met by the Voting Rights Act of 1965, and as I can see no relevancy, and no factual basis having been laid, except the idea that we want to make everybody the same whether there is any cause or not, I am not persuaded, and I do not think this case in any way sustains the point of view that the amendment should be adopted.

Mr. YARBOROUGH. Mr. President, I shall vote against the motion to reconsider, because this amendment as offered

XUM

makes no allowance for a disinclination of citizens to vote when they are so disinclined. In my State we had over 4 million qualified voters in 1968. The number of qualified voters was between 4 million and 4,100,000. In that presidential election somewhere between 3 million and 3,100,000 voted. One million who were registered and qualified to vote did not vote. I can speak from personal experience, because I was chairman of the statewide committee for the Humphrey-Muskie ticket. I was told by many people that they did not care to vote for either of the parties. I am not saying that in derogation of any individual, but only because it is a fact of life. A million voters in my State did not want to vote for either party or for either candidate, because of conflicting positions. The result was that the number of voters who participated was pulled down to below 50 percent; 40.8 percent of the qualified voters voted, but a million more could have voted and were not prevented from doing so.

The amendment would reach into a State when the people within that State may not have wanted to vote.

I think the motion to reconsider should be defeated.

Mr. HART. Mr. President, very briefly, the Senator from Pennsylvania and I have discussed our position with respect to this amendment. It is our continued feeling that it is not a helpful addition to the substitute. We hope that the Senate does not reconsider the vote. I think we should all be reminded that, under the substitute, literacy tests anywhere and everywhere are suspended.

There has been no suggestion that the test or device—the literacy test—in any of the areas that will be brought under the automatic trigger under the Cooper amendment have had a discriminatory purpose or consequence at least in the recent past.

I was not conscious, nor did I hear the full exchange between the Senator from Kentucky and the Senator from New York in their discussion of the 1922 New York statute, of the possibility that its purpose in part was discriminatory. No evidence of which I am aware was ever presented to the Attorney General which would persuade him to act, as he can, under the 1965 act, to go in and have the test lifted and preclearance established.

It would appear to us that the drastic mechanism of the 1965 act is simply not appropriate or needed in the areas that would be reached by the Cooper amendment.

In conclusion, and to repeat, the adoption of the subtitute will lift the literacy tests everywhere.

Mr. GRIFFIN. Mr. President, I find myself in agreement with the Senator from Kentucky. I voted for the amendment, and I shall vote for reconsideration.

It occurs to me that the Court found in the Gaston case that there was discrimination merely because in the South there were separate school systems. Now, then, if those who were educated in the South, or in situations where they were segregated in school, then chose to move to the North, whether it be Michigan, New York, or some other State, and they had not had equal education opportunities, and because of that fact they were then denied the right to register and vote in another State, it seems to me this should be as much a concern of the Congress as if they had moved from one county to another in a different State. It seems to me this is the minimum fairness that we could write into the law.

I have been personally troubled by the fact that we were extending the 1965 act to the South and using only the 1964 election results as the basis for doing it.

It seems to me that the minimum that we could do is apply the 1968 election statistics to the rest of the country, including the North. The answer to the arguments that have been made, it seems to me, is that if there is no discrimination, the courts will so rule; and there is a provision in subsection 4(a) for bringing that matter to a test in the courts.

Mr. SYMINGTON. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. SYMINGTON. A "yea" vote is a vote for the Cooper amendment; is that correct?

The PRESIDING OFFICER. A "yea" vote is a vote to reconsider the vote by which the amendment was rejected.

Mr. SYMINGTON. Mr. President, I shall vote for the Cooper amendment. I think the amendment is cogent and wise. I simply wanted to be sure .

The PRESIDING OFFICER. The question is on agreeing to the motion to reconsider the vote by which the amendment of the Senator from Kentucky (Mr. Cooper) was rejected. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MANSFIELD (after having voted in the affirmative). Mr. President, on this vote I have a pair with the distinguished senior Senator from Louisiana (Mr. Ellender). If he were present and voting, he would vote "nay." If I were at liberty to vote, I would vote "yea." Therefore, I withdraw my vote.

Mr. KENNEDY. I announce that the Senator from Louisiana (Mr. Ellender), the Senator from Montana (Mr. Metcalf), the Senator from West Virginia (Mr. Randolph), and the Senator from Georgia (Mr. Russell) are necessarily absent.

I further announce that the Senator from Alaska (Mr. Gravel) is absent on official business.

I further announce that, if present and voting, the Senator from West Virginia (Mr. Randolph), and the Senator from Georgia (Mr. Russell) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. Baker), the Senator from Illinois (Mr. Smith) and the Senator from Delaware (Mr. Williams) are necessarily absent.

The Senator from Delaware (Mr. Boggs) is absent to attend the funeral of a friend.

The Senator from Florida (Mr. Gurney) is absent because of illness in his family.

The Senator from Idaho (Mr. Jordan) and the Senator from Ohio (Mr. Saxbe) are absent on official business.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

The Senator from Arizona (Mr. Goldwater) is detained on official business.

If present and voting, the Senator from Illinois (Mr. Smith) would vote "nay."

On this vote, the Senator from South Dakota (Mr. Mundt) is paired with the Senator from Delaware (Mr. Boggs). If present and voting, the Senator from South Dakota would vote "yea" and the Senator from Delaware would vote "nay."

The result was announced—yeas 47, nays 38, as follows:

[No. 91 Leg.]

YEAS—47

Aiken
Allen
Allott
Anderson
Bellmon
Bennett
Burdick
Byrd, W. Va.
Cannon
Cooper
Cotton
Cranston
Curtis
Dodd
Dole
Dominick
Eagleton
Eastland
Fong
Gore
Griffin
Hansen
Hruska
Hughes
Long
Mathias
McGee
McIntyre
Miller
Montoya
Murphy
Packwood
Pearson
Pell
Prouty
Proxmire
Ribicoff
Smith, Maine
Sparkman
Spong
Stennis
Stevens
Symington
Talmadge
Thurmond
Tower
Young, N. Dak.

NAYS—38

Bayh
Bible
Brooke
Byrd, Va.
Case
Church
Cook
Ervin
Fannin
Fulbright
Goodell
Harris
Hart
Hartke
Hatfield
Holland
Hollings
Inouye
Jackson
Javits
Jordan, N.C.
Kennedy
Magnuson
McCarthy
McClellan
McGovern
Mondale
Moss
Muskie
Nelson
Pastore
Percy
Schweiker
Scott
Tydings
Williams, N.J.
Yarborough
Young, Ohio

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Mansfield, for.

NOT VOTING—14

Baker
Boggs
Ellender
Goldwater
Gravel
Gurney
Jordan, Idaho
Metcalf
Mundt
Randolph
Russell
Saxbe
Smith, Ill.
Williams, Del.

So the motion to reconsider was agreed to.

The PRESIDING OFFICER. The question now recurs on agreeing to the amendment of the Senator from Kentucky.

Mr. COOPER. Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. HATFIELD. Mr. President, is it possible to make a comment on this matter at this time?

The PRESIDING OFFICER. The amendment was under controlled time, and that time has been exhausted.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senator from Oregon may be permitted to speak for 2 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATFIELD. Mr. President, I

should like to refer to this matter as it relates to the county listed in the State of Oregon; namely, Wheeler County.

I have just been on the telephone with the county clerk of that county, Arlene Stegner, and I find that in that county of 1,800 population, 953 people are registered—over 50 percent of the people. In November 1968, 776 of them voted, which meant a 72-percent vote.

So I would like to make sure the Record is clear that Wheeler County, in Oregon, should not be listed as one such county in which a device was employed as of November 1968 and less than 50 percent of the eligible voters voted, because that is not the case.

Mr. COOPER. Mr. President, will the Senator yield?

Mr. HATFIELD. I yield.

Mr. COOPER. I do not doubt the statement of the Senator. The information was given to me by the Department of Justice.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays have been ordered.

The question is on agreeing to the amendment of the Senator from Kentucky. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. KENNEDY. I announce that the Senator from Montana (Mr. Metcalf), the Senator from West Virginia (Mr. Randolph), the Senator from Georgia (Mr. Russell), and the Senator from Texas (Mr. Yarborough) are necessarily absent.

I further announce that the Senator from Alaska (Mr. Gravel) is absent on official business.

On this vote, the Senator from Georgia (Mr. Russell) is paired with the Senator from West Virginia (Mr. Randolph). If present and voting, the Senator from Georgia would vote "nay" and the Senator from West Virginia would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. Baker), the Senator from Illinois (Mr. Smith), and the Senator from Delaware (Mr. Williams) are necessarily absent.

The Senator from Delaware (Mr. Boggs) is absent to attend the funeral of a friend.

The Senator from Florida (Mr. Gurney) is absent because of illness in his family.

The Senator from Idaho (Mr. Jordan) and the Senator from Ohio (Mr. Saxbe) are absent on official business.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

If present and voting, the Senator from Illinois (Mr. Smith) would vote "nay."

On this vote, the Senator from South Dakota (Mr. Mundt) is paired with the Senator from Delaware (Mr. Boggs). If present and voting, the Senator from South Dakota would vote "yea" and the Senator from Delaware would vote "nay."

The result was announced—yeas 50, nays 37, as follows:

[No. 92 Leg.]

YEAS—50

Aiken
Allen
Allott
Anderson
Bellmon
Bennett
Burdick
Byrd, W. Va.
Cannon
Cooper
Cotton
Cranston
Curtis
Dodd
Dole
Dominick
Eagleton
Eastland
Ellender
Fong
Gore
Griffin
Hansen
Hruska
Hughes
Jordan, N.C.
Long
Mansfield
Mathias
McClellan
McGee
McIntyre
Miller
Montoya
Murphy
Packwood
Pearson
Pell
Prouty
Proxmire
Ribicoff
Smith, Maine
Sparkman
Spong
Stennis
Stevens
Symington
Thurmond
Tower
Young, N. Dak.

NAYS—37

Bayh
Bible
Brooke
Byrd, Va.
Case
Church
Cook
Ervin
Fannin
Fulbright
Goldwater
Goodell
Harris
Hart
Hartke
Hatfield
Holland
Hollings
Inouye
Jackson
Javits
Kennedy
Magnuson
McCarthy
McGovern
Mondale
Moss
Muskie
Nelson
Pastore
Percy
Schweiker
Scott
Talmadge
Tydings
Williams, N.J.
Young, Ohio

NOT VOTING—13

Baker
Boggs
Gravel
Gurney
Jordan, Idaho
Metcalf
Mundt
Randolph
Russell
Saxbe
Smith, Ill.
Williams, Del.
Yarborough

So Mr. Cooper's amendment was agreed to.

Mr. MANSFIELD. Mr. President, I move that the vote by which the amendment was agreed to be reconsidered.

Mr. COOPER. Mr. President, I move that the motion to——

The PRESIDING OFFICER. The motions are not in order. It has occurred once.

Mr. MANSFIELD. All right. It has passed.

AMENDMENT NO. 545

Mr. MANSFIELD. Mr. President, on behalf of the Senator from Washington (Mr. Magnuson), the Senator from Massachusetts (Mr. Kennedy), the Senator from Nevada (Mr. Bible), the Senator from New York (Mr. Javits), the Senator from Rhode Island (Mr. Pell), the Senator from Alaska (Mr. Stevens), the Senator from Hawaii (Mr. Inouye), the Senator from West Virginia (Mr. Randolph), the Senator from Maryland (Mr. Tydings), the Senator from Indiana (Mr. Bayh), the Senator from Nevada (Mr. Cannon), the Senator from New Mexico (Mr. Anderson), the Senator from Utah (Mr. Moss), the Senator from Texas (Mr. Yarborough), the Senator from Wisconsin (Mr. Nelson), the Senator from South Carolina (Mr. Hollings), and myself, I call up my amendment No. 545. I do this so that the amendment will become the pending business.

The PRESIDING OFFICER. The amendment will be stated by title.

The Assistant Legislative Clerk. The Senator from Montana (Mr. Mansfield) proposes an amendment, for himself and other Senators identified as No. 545, as follows:

On page 2, line 9, strike out the word "title" and insert in lieu thereof "titles".

On page 8, line 8, strike out the quotation marks and the last period therein.

On page 8, after line 8, insert the following new title:

"TITLE III—REDUCING VOTING AGE TO EIGHTEEN IN FEDERAL, STATE, AND LOCAL ELECTIONS

"DECLARATION AND FINDINGS

"Sec. 301. (a) The Congress finds and declares that the imposition and application of the requirement that a citizen be twenty-one years of age as a precondition to voting in any primary or in any election—

"(1) denies and abridges the inherent constitutional rights of citizens eighteen years of age but not yet twenty-one years of age to vote—a particularly unfair treatment of such citizens in view of the national defense responsibilities imposed upon such citizens;

"(2) has the effect of denying to citizens eighteen years of age but not yet twenty-one years of age the due process and equal protection of the laws that are guaranteed to them under the fourteenth amendment of the Constitution; and

"(3) does not bear a reasonable relationship to any compelling State interest.

"(b) In order to secure the constitutional rights set forth in subsection (a), the Congress declares that it is necessary to prohibit the denial of the right to vote to citizens of the United States eighteen years of age or over.

"PROHIBITION

"Sec. 302. No citizen of the United States who is otherwise qualified to vote in any State or political subdivision in any primary or in any election shall be denied the right to vote in any such primary or election on account of age if such citizen is eighteen years of age or older.

"ENFORCEMENT

"Sec. 303. (a)(1) In the exercise of the powers of the Congress under the necessary and proper clause of section 8, article I of the Constitution, and section 5 of the fourteenth amendment of the Constitution, the Attorney General is authorized and directed to institute in the name of the United States such actions against States or political subdivisions, including actions for injunctive relief, as he may determine to be necessary to implement the purposes of this title.

"(2) The district courts of the United States shall have jurisdiction of proceedings instituted pursuant to this title, which shall be heard and determined by a court of three judges in accordance with the provisions of section 2284 of title 28 of the United States Code, and any appeal shall lie to the Supreme Court. It shall be the duty of the judges designated to hear the case to assign the case for hearing and determination thereof, and to cause the case to be in every way expedited.

"(b) Whoever shall deny or attempt to deny any person of any right secured by this title shall be fined not more than $5,000 or imprisoned not more than five years, or both.

"DEFINITION

"Sec. 304. As used in this title the term 'State' includes the District of Columbia."

Mr. MANSFIELD. Mr. President, this amendment is the so-called 18-year-old vote amendment.

There will be no discussion on it tonight.

We have taken the last vote for this evening.

ORDER FOR ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business this evening, it stand in adjournment until 9:30 tomorrow morning.

XUM

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR YOUNG OF OHIO, SENATOR BELLMON, AND SENATOR ALLOTT TOMORROW MORNING

Mr. MANSFIELD. Mr. President, I ask unanimous consent that after approval of the Journal on tomorrow, the Senator from Ohio (Mr. YOUNG) be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Following the remarks of the Senator from Ohio, I ask unanimous consent that the Senator from Oklahoma (Mr. BELLMON) be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLOTT. Mr. President, will the Senator from Montana yield?

Mr. MANSFIELD. I yield.

Mr. ALLOTT. I wonder whether the Senator from Montana would include in his unanimous-consent request that after the Senator from Oklahoma (Mr. BELLMON) has completed his remarks, I may be recognized for 30 minutes.

Mr. MANSFIELD. Mr. President, under the circumstances I shall be delighted, because we had thought we would start on the morning business at 10 o'clock. We can step it up one-half hour to take care of Senators BELLMON and YOUNG, and on that basis, Mr. President, I ask unanimous consent that after the Senator from Oklahoma has completed his remarks, the Senator from Colorado (Mr. ALLOTT) be recognized for not to exceed 30 minutes.

XUM

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that at the conclusion of the remarks of the Senator from Colorado (Mr. ALLOTT), there be a brief morning hour and that the time on the pending amendment will not run until the pending business has been laid down tomorrow at the conclusion of morning business.

LIMITATION OF STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I also ask unanimous consent that at the conclusion of the remarks of the distinguished Senator from Colorado (Mr. ALLOTT), there be a time limitation of 3 minutes during the period for the transaction of routine morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. GOLDWATER. Mr. President, what is the limitation on the Mansfield amendment?

Mr. MANSFIELD. Two hours, an hour to each side.

Mr. GOLDWATER. I thank the Senator. I have no objection.

Mr. FONG. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Hawaii will state it.

Mr. FONG. In accordance with the unanimous-consent agreement, was not the Senator from Hawaii to be granted the floor after the vote on the Cooper amendment?

The PRESIDING OFFICER. The Senator from Hawaii is correct. The Senator from Hawaii is recognized.

Mr. FONG. I thank the Chair.

JACK ANDERSON CHARGED WITH DISTORTING AND OMITTING FACTS AGAIN

Mr. DODD. Mr. President, when I opened the morning paper to the comic page to see what the Head Beagle was doing, I noted that Jack Anderson was at it again.

Anderson labeled me and two of my able colleagues as the "Three Musketeers."

It is a pleasure to be in such distinguished company for a change.

Mr. President, I do not want to belabor this nonsense. A transcript exists of the executive session of the Antitrust and Monopoly Subcommittee to which the Anderson column referred, and the chairman of the subcommittee issued a press release following the executive meeting of the subcommittee.

Since the press release provides an accurate report of what transpired at the meeting, I ask unanimous consent to have the text of the press release printed in the RECORD.

There being no objection, the press release was ordered to be printed in the RECORD, as follows:

FROM THE OFFICE OF SENATE ANTITRUST AND MONOPOLY SUBCOMMITTEE

The Senate Antitrust and Monopoly Subcommittee today voted to respect the right of Bernard Webb to appear as a private citizen before the Wisconsin Insurance Department Tuesday hearings on the conversion of Hardware Mutual Fire Insurance Company into a stock company.

"Webb would appear as a policyholder—not as a subcommittee consultant," said Chairman Philip A. Hart (D-Mich.).

Professor Webb, of Georgia State College, did an analysis of the conversion for the subcommittee as part of its 18-month study of auto insurers. Part of the subcommittee study centered on changes in ownership of insurers, including the move toward holding companies.

"We received Professor Webb's report in executive session on Monday," said Hart. "It will not be released until company officials have an opportunity to appear. Because our investigation is not complete, the subcommittee felt it inappropriate to forward the Webb report to the Wisconsin Department. There was also some concern over federal interference with state business.

"However, they did agree to let Professor Webb exercise his right to challenge the conversion as a private citizen, if he desires to do so."

Mr. DODD. Mr. President, for my own part, I had not read the document in question prior to the subcommittee meeting on December 11, and I still have not read it to date.

My position on the matter is quite clear, however. I felt that Professor Webb's testimony as presented to the subcommittee should not be released with official subcommittee sanction because:

First. The members of the subcommittee had not yet read the report or approved it, and it was not complete.

As I said on page 43 of the transcript:

> I have not read one word of these documents, but I think we have always been careful about giving the other party a chance to explain or defend himself.

Without an explanation from the other party, the report in question is "ex parte documentation."

Second. It is an established fact that Professor Webb was a policyholder in the company and an ex-employee, who was possibly disgruntled.

I had the distinct feeling during the subcommittee meeting, and the feeling remains with me, that Professor Webb could be "using" the subcommittee, especially because some of the material in Professor Webb's report was the result of the use of the subcommittee's subpena power.

I said on page 33:

> What I suspect and worry about is that he is a five- or six-year employee of one of these companies and the policyholder of a mutual, which means that he is a part-owner. All of this information that he puts in here could have gone directly to that Commission." (The Wisconsin State Insurance Commission.)

Third. I felt strongly, nonetheless, that Professor Webb should be allowed, as an individual, to testify before the Wisconsin State insurance commission, and I said so repeatedly in the transcript. On page 51, I said:

> I do not think we should do anything to interfere with his testimony before that Commission.

On page 55:

> What I am worried about is that there may be something very bad in here, and then it would look awful. Somebody could say, "You fellows could have let that be known, and you did not do so."

Fourth. With regard to the alleged secrecy of the subcommittee meeting, there was no secrecy at all. It was simply an executive session of a Senate subcommittee. There is an official Ward and Paul transcript of the proceedings. There were seven Senators present, and there were eight staff members present.

My concern at that meeting, and it is a concern which I hold right now, is over the fact that staff members of the subcommittee took it upon themselves to give copies of the report to the press without the prior approval of the members of the subcommittee. I said during the meeting that such action was a "disgrace" and I stand by that comment. As one of my colleagues said during the meeting, staffers "are not policymaking people, and decisions are to be made by the chairman in the first instance and by the subcommittee."

Fifth. Finally, it was not, as Anderson reported, the "Three Musketeers" who decided not to send the subcommittee report to the Wisconsin State Insurance Commission. The action was taken by unanimous vote of the subcommittee.

Frankly, Mr. President, I am much

more interested in what the head beagle is doing than anything Jack Anderson is doing ever.

Mr. FONG. Mr. President, an article published today in the Washington Post over the byline of columnist Jack Anderson is a gross distortion and omission of essential facts to fabricate a smear job against me and two of my colleagues, the distinguished Senator from Nebraska (Mr. HRUSKA) and the distinguished Senator from Connecticut (Mr. DODD).

I rise today to give the facts and set the record straight.

The headline itself sets the tone for the import and implication of the entire article. Under the heading "Insurance 'Skullduggery' in Congress," the article portrays me as one of a triumvirate of Senators trying to "hush up an insurance scandal."

This is not true.

The record shows this is not true.

At issue before the Senate Antitrust Subcommittee, on which I serve, was the question of how to apprise the Wisconsin insurance commissioner of information obtained by the subcommittee in a not-yet-completed investigation of auto insurance.

Some of the information had been obtained through the subcommittee's subpena power. Some had been obtained from a consultant to the subcommittee, who had prepared an analysis of a mutual insurance company's proposal to convert to a stock company. The proposal at the time was pending before the Wisconsin insurance commissioner.

Subcommittee members were asked whether the report of the consultant, Mr. Webb, should be forwarded to the commissioner, or whether Mr. Webb should be notified that he could appear as a private individual, not as a subcommittee representative, and testify to what he knew.

Anderson accuses me of trying to "hush up" the information. But the fact is, I voted in favor of notifying Webb that he was not precluded from appearing before the commissioner or from telling all he knew about the case.

All seven Senators on the subcommittee were unanimously in favor of doing so.

Anderson failed to report those very pertinent and essential facts in his column.

Anderson implied that the blame for not forwarding the Webb report to the Wisconsin commissioner rested with myself and two other Senators.

The fact is, every single one of the Senators on the Antitrust Subcommittee voted not to forward the Webb report.

Chairman HART, Senators KENNEDY, McCLELLAN, and ERVIN, voted to withhold the report, just as did Senators DODD, HRUSKA, and myself.

I and other Senators on the subcommittee unanimously agreed that the Webb report—unread by most of the Senators, unapproved and incomplete at that time—should not be forwarded, as it was not an official subcommittee document.

There was unanimous agreement that, as the subcommittee's investigation was still in progress and as the company's proposal was then pending before the Wisconsin insurance commissioner who has sole jurisdiction in these matters, the report should not be released to the public at that time.

Anderson also failed to report those very pertinent and essential facts. Had he done so, he would have had no sensational story. By omission of those vital facts, he actually manufactured a story which condemned me and two of my colleagues.

The Anderson column is particularly reprehensible inasmuch as Mr. Anderson claimed, in an advance copy of his article to the Honolulu Star-Bulletin, that he had a verbatim copy of the discussion in the Antitrust Subcommittee executive session on December 11.

The facts I have cited are in the verbatim transcript and therefore were available to Anderson if, as he claims, he has a copy of the transcript.

Now let me dissect and expose the Anderson article further.

In the first paragraph, Anderson stated that the decision was taken "in dark secrecy" and he implied in paragraph two that I and two other Senators were responsible for the secrecy. The fact is, this December 11 meeting was called by the chairman as an executive session, to which all subcommittee members were invited. All subcommittee members attended: Chairman HART, Senators KENNEDY, ERVIN, McCLELLAN, DODD, HRUSKA, and myself.

It was so "secret" that on page D1191 of the December 10 CONGRESSIONAL RECORD Daily Digest the following notice appeared—for all the world to read—under the heading "Committee Meeting for Thursday, December 11":

> Committee on the Judiciary, Antitrust and Monopoly Subcommittee, executive, to consider the transmittal of testimony by Bernard Webb to the Wisconsin Insurance Department, 10 a.m., room S-208, Capitol.

There it was, Mr. President, notice one day in advance that the subcommittee would meet, together with the specific subject of the meeting.

The meeting was so "secret" that soon after the meeting concluded, Chairman HART issued a press release available to all media for all the world to note, announcing the action of the subcommittee.

In addition, the CONGRESSIONAL RECORD Daily Digest page D1195 reporting on committee meetings held on December 11, carried the following item under the heading "Committee Meetings"—

> AUTO INSURANCE
>
> Committee on the Judiciary: Antitrust and Monopoly Subcommittee met in executive session to consider the transmittal of testimony of Bernard Webb, Georgia State College, to the Wisconsin Insurance Department. Subcommittee agreed that it would not forward such testimony, as their investigation was not complete, but gave its permission to let Professor Webb appear before the Wisconsin department in his capacity as a policy-holder, and not as a representative of the subcommittee.

All of Anderson's "dark secrecy" is baseless sensationalism. The meeting and subject were announced in advance. It was a typical executive session. The decisions were publicly announced soon after the meeting concluded.

Now for some further facts about the subcommittee meeting.

We met in the Capitol Building for the simple reason that the Senate was in session that morning and we anticipated rollcall votes and we wanted to be near the Senate Chamber to vote. As a matter of fact, there were two rollcall votes which interrupted our meeting.

At the meeting, I learned—for the first time—that a consultant hired by the subcommittee had prepared a staff report on auto insurance. Senators attending the meeting were told the report included an analysis of the proposal of Hardware Mutual Fire Insurance Co. to convert to a stock company. The proposal was then pending before the Wisconsin Insurance Department for approval.

I had not seen nor read the report—and I have not seen it to this day.

As the report had not been reviewed nor approved by subcommittee members, it was not an official report of the subcommittee, but only a staff consultant's report written before the subcommittee investigation had concluded.

After discussing the matter, the subcommittee members—unanimously—agreed not to intervene in an official capacity in the State hearing soon to be held.

At the same time, the subcommittee agreed—unanimously—not to preclude the consultant who prepared the report from testifying at the public hearing in Wisconsin.

This unanimous action—agreed to by Chairman HART and Senators KENNEDY, McCLELLAN, and ERVIN, as well as HRUSKA, DODD, and myself—proves that neither I nor my colleagues were trying to withhold any information or to protect anyone.

The question was: How should the information be supplied to the Wisconsin insurance department—in an unapproved staff report, or directly by testimony of the staff writer who prepared the report?

The subcommittee's decision was announced shortly after the meeting by Chairman HART in a press release stating the report would not be issued at that time. He revealed the subcommittee had voted not to prevent the consultant from appearing at the Wisconsin hearing.

Chairman HART explained:

> Because our investigation is not complete, the subcommittee felt it inappropriate to forward the Webb report to the Wisconsin Department. There was also some concern over federal interference with state business.

The consultant was permitted to testify as an individual and as a policyholder as to information within his knowledge, including if he chose, information gained by use of subcommittee subpenas.

I understand the consultant did testify. I also understand the proposal is still pending before the Wisconsin insurance commissioner.

The Anderson article quoted me as saying that I did not think the subcommittee had an "obligation" to tell the Wisconsin insurance commissioner of the information the subcommittee had and that I thought it would be "officious" on our part to do that.

XUM

The fact is, the McCarran-Ferguson Act of 1945 gave to the States, not the Federal Government, jurisdiction over insurance. It was enacted in response to a Supreme Court ruling that insurance is subject to Federal antitrust laws because it is interstate commerce.

Inasmuch as Congress has by law determined that insurance regulation is a State matter, the subcommittee members were concerned that our subcommittee should be careful not to inject itself into State business. All this is brought out in the verbatim transcript, which Anderson claimed he had obtained.

Again, Anderson failed to mention this essential fact.

The article also claims I "made no complaint about the company getting a copy of the critical—Webb—report" but claims I objected to letting the public and policyholders see it.

The fact is, I had no knowledge until the meeting that a copy of the report had gone to the company. This was done by a staff member, without my knowledge and without the knowledge of other subcommittee members. This, too, is plainly brought out in the transcript of the meeting, a copy of which Anderson indicated he had in his possession.

As I have already stated, there was no one on the subcommittee willing to release the Webb report to the public, as the transcript made very clear.

By identifying me as president of an insurance company and by singling me out as unwilling to make the report public, the Anderson article implied I am trying to protect a fellow insurance company.

The fact is, to my knowledge, I do not know any of the officers, employees, or policyholders of the company involved.

I have no knowledge of this matter other than what I was orally told at the subcommittee meeting on December 11.

I have no financial or other interest in this matter.

In paragraph two, the article labels me one of the "three musketeers of the insurance industry," leaving the impression I am acting jointly with my colleagues, Senator HRUSKA and Senator DODD on insurance matters.

The fact is, I act independently on these matters and have no arrangement, tacit or implied, with them regarding insurance matters of any kind or regarding any other matter.

The foregoing facts show how Jack Anderson, through gross distortion and omission of essential facts, has fabricated a smear job against me and two of my colleagues.

Mr. President, it is a known fact that in the 5 years I have been a member of the Antitrust Subcommittee, because I am the president of a life insurance company in Hawaii I have meticulously avoided participation in hearings on insurance so that my presence would not be misconstrued as trying to protect the insurance industry.

Mr. President, so that the record will be complete, I ask unanimous consent that the following items be inserted in the RECORD at this point: the Anderson article, the December 11 press release of Chairman HART, and the chairman's telegrams of December 11 to the staff consultant, Mr. Bernard L. Webb, Wisconsin insurance commissioner Stanley DuRose, and Mr. John Joanis, president of the Sentry Insurance Co., advising them of the subcommittee action.

There being no objection the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Mar. 10, 1970]

INSURANCE 'SKULLDUGGERY' IN CONGRESS

(By Jack Anderson)

The insurance industry, with its billions of dollars, has influential friends on Capitol Hill who do their best work against policyholders in dark secrecy.

Thus Senators Roman Hruska (R-Neb.), Hiram Fong (R-Hawaii), and Tom Dodd (D-Conn.), the three musketeers of the insurance industry, made sure the doors were shut tight when they tried to hush up an insurance scandal.

Sen. Phil Hart (D-Mich.), the antitrust subcommittee chairman, called the secret meeting to get approval to send an investigative report by staff consultant Bernard Webb to the Wisconsin Insurance Commission.

The Webb report blows the lid off a scheme by high Republicans, including Assistant Secretary of Defense Robert Froehlke, to convert Hardware Dealers Mutual Fire Insurance, a Wisconsin outfit with $86 million in assets, into a stock company. This would have transferred control of the mutual company from the 341,500 policyholders to president John Joanis, Froehlke, and 31 of their pals.

Froehlke resigned as a Hardware vice president when his friend, Secretary of Defense Melvin R. Laird, brought him into the Pentagon. Yet Froehlke attended a board meeting after his resignation and retained a $200,000 share in the stock company deal.

$10 MILLION DEAL

All told, the 33 stood to make a $10 million bonanza at the expense of the policyholders. The Webb report showed that the Wisconsin Insurance Department had actually helped with the planning. And the Chase Manhattan Bank assisted with a $4.5 million loan promise, worked out secretly in advance.

Hart convened the meeting in Senate Majority Leader Mike Mansfield's private conference room, explaining that Hruska had insisted on the secrecy to keep the Webb report from leaking out. Public disclosure of it, of course, would have foiled the take-over scheme.

"I thought," Hart said, "we would forward the testimony—but not officially—to the Wisconsin Commission," then about to hold hearings on the takeover.

But Hruska was ready with his objections. His committee aide, Pete Chumbris, had been primed by the company's general counsel and vice president who had been sent an advance copy of the report by the scrupulous Hart.

"I would say on ethical grounds we are on awfully skimpy, skimpy ice," scowled Hruska. Thus, ironically in the name of ethics, he objected to sending the report to the commission in order to protect the policyholders. Hruska is no expert on ethics. Only three weeks earlier, he had collected a $1,000 speaking fee from the insurance industry.

MORE SECRECY

Then Fong, the suave millionaire president of Grand Pacific Life Insurance of Hawaii, turned on Hart, too.

"First of all," he said blandly, "I do not think we have an obligation to do it. Secondly, I think it would be officious on our part to tell (the Wisconsin Commissioner) that we have something like this." Thus Fong, who made no complaint about the company getting a copy of the critical report, objected to letting the public and policyholders see it.

Dodd, the third musketeer, quickly sided with the other two. But he feared the public might learn of his secret efforts to muzzle the story of the attempted takeover. He warned of press leaks.

"There is too much of that around here. It is all a disgrace," he said, peering about, as if the dignified Negro serving coffee might be listening in.

Hart cautioned that if the coup succeeded in Wisconsin, it would open the floodgates to similar takeovers, costing millions of insured Americans hundreds of millions of dollars.

Already the counsel for County Mutual Insurance of Bloomington, Ill., had written confidentially to Hardware lawyers about "converting our mutual casualty and property insurance company to a stock company."

And Union Mutual Life Insurance of Portland, Me., with assets of $239 million and a board made up of leading GOP businessmen, had also written to Hardware for information on how-to-do-it.

Meanwhile, cracker-voiced Sen. John McClellan (D-Ark.), had been let in through the closed doors. Despite banking conflicts of his own, there was too much of the inquisitive cop in McClellan for Hruska to take him for granted.

"John . . . there is a matter of ethics involved here," said Hruska, again raising ethics to defend the unethical. "Here is . . . a pending proceeding in Wisconsin." McClellan cocked his old rooster eye at Hruska.

"It is being contested?"

"It is in full force and flower right now," soothed Hruska.

"It is being contested?" demanded McClellan, now skeptical.

"Oh," conceded Hruska, seeing another vote slip out of his hands, "I suppose it is."

Another installment, illustrating how the special interests pull political strings in the back rooms, will be published in a future column.

FROM THE OFFICE OF SENATE ANTITRUST AND MONOPOLY SUBCOMMITTEE, DECEMBER 11, 1969

The Senate Antitrust and Monopoly Subcommittee today voted to respect the right of Bernard Webb to appear as a private citizen before the Wisconsin Insurance Department Tuesday hearings on the conversion of Hardware Mutual Fire Insurance Company into a stock company.

"Webb would appear as a policyholder—not as a subcommittee consultant," said Chairman Philip A. Hart (D-Mich.).

Professor Webb, of Georgia State College, did an analysis of the conversion for the subcommittee as part of its 18-month study of auto insurers. Part of the subcommittee study centered on changes in ownership of insurers, including the move toward holding companies.

"We received Professor Webb's report in executive session on Monday," said Hart. "It will not be released until company officials have an opportunity to appear. Because our investigation is not complete, the subcommittee felt it inappropriate to forward the Webb report to the Wisconsin Department. There was also some concern over federal interference with state business.

"However, they did agree to let Professor Webb exercise his right to challenge the conversion as a private citizen, if he desires to do so."

SENATE ANTITRUST AND MONOPOLY
SUBCOMMITTEE,
December 11, 1969.

BERNARD L. WEBB,
Dunwoody, Ga.:

The Senate Antitrust and Monopoly Subcommittee voted today not to preclude you from testifying in your capacity as a policyholder and an individual before the Wisconsin State Insurance Commissioner re: The

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proposed Conversion Hardware Dealers Mutual Fire Insurance Company. Telegrams have been sent to the Wisconsin State Insurance Commissioner and the Hardware Dealers Mutual Fire Insurance Company notifying them that since the subcommittee investigation is still in progress, your views cannot be understood to necessarily represent those of the subcommittee. In addition, neither your report to the subcommittee or any documents obtained by subcommittee subpoena are to be released to the Wisconsin Insurance Commissioner or to the public.

PHILIP A. HART, *Chairman*.

SENATE ANTITRUST AND MONOPOLY
SUBCOMMITTEE,
December 11, 1969.

STANLEY DUROSE,
Commissioner of Insurance,
Wisconsin Department of Insurance
Madison, Wis.:

Bernard L. Webb has acted as a consultant to the Senate Antitrust and Monopoly Subcommittee in its automobile insurance study including the proposed conversion of Hardware Dealer Mutual Fire Insurance Company to a stock company. It is our understanding that Mr. Webb desires to testify before the Wisconsin Insurance Department re: Hardware Dealers Mutual proposal. The subcommittee does not desire to preclude him from testifying in his capacity as a policyholder and individual. However, Mr. Webb will not be testifying as a consultant to the subcommittee, and since the investigation is still in progress, his views cannot be understood to necessarily represent those of the subcommittee.

PHILIP A. HART, *Chairman*.

SENATE ANTITRUST AND MONOPOLY
SUBCOMMITTEE,
December 11, 1969.

JOHN JOANIS,
President, Sentry Insurance Co.,
Stevens Point, Wis.:

Bernard L. Webb has acted as a consultant to the Senate Antitrust and Monopoly Subcommittee on its automobile insurance study including the proposed conversion of Hardware Dealer Mutual Fire Insurance Company to a stock company. It is our understanding that Mr. Webb desires to testify before the Wisconsin Insurance Department re: Hardware Dealers Mutual proposal. The subcommittee does not desire to preclude him from testifying in his capacity as a policyholder and individual. However, Mr. Webb will not be testifying as a consultant to the subcommittee, and since the investigation is still in progress, his views cannot be understood to necessarily represent those of the subcommittee.

PHILIP A. HART, *Chairman*.

Mr. HRUSKA. Mr. President, will the Senator yield?

Mr. FONG. I am happy to yield to the Senator from Nebraska.

Mr. HRUSKA. Mr. President, the Senator from Hawaii has well described and documented the happenings during the meeting on December 11 referred to. The documents show without any question that there was not a secret meeting and that all of the steps were taken to not only publicize, but to publicize well in advance and report it after it was completed.

I wish to ask the Senator, is it not a fact that, in addition to the seven members of the subcommittee who attended that meeting there were an equal number or greater number of members of the staff present at that meeting.

Mr. FONG. That is very true.

Mr. HRUSKA. The Senator from Nebraska has no objection to anyone seeing the entire transcript of the meeting that was held. The author of the article to which the Senator from Hawaii refers claims he had a copy of the transcript. It seems to me that would have placed an added burden on him, not only to refrain from making selected and out-of-context references and quotations from it, but also, since he had a copy—so he claimed, and I do not know if he did or not—that he would faithfully and in context put the language and all the statements, together with an official and accurate account of what was done by way of a formal vote taken at the meeting.

I ask the Senator if such a faithful account was given in the article.

Mr. FONG. The article was given in advance to the Honolulu Star-Bulletin and was read to me on the telephone. I understand the author said he had a verbatim copy of the transcript of the meeting, but in the column in the Washington Post this morning it did not carry any statement that he had a verbatim copy of the transcript of the meeting. As I have said, he made no mention of the fact all seven members of the subcommittee voted to advise Webb he could testify, but not as a representative of the subcommittee.

Mr. HRUSKA. Inasmuch as the vote of the subcommittee was unanimous on the official action taken, is there any ground for singling out any one, two, or three Senators and saying they are the culprits and engaged in skullduggery, but not anyone else on the committee?

Mr. FONG. The action taken by the committee was unanimous. All members of the committee were present. However, he only chose to single out the Senator from Nebraska, the Senator from Connecticut, and me as trying to protect the insurance company. The only question was whether we would send the report to the commissioner or allow Mr. Webb to testify. We voted unanimously.

Mr. HRUSKA. Was this not to protect the integrity of the subcommittee? Had we forwarded it to the insurance commissioner or publicized to the world that it had the imprimatur of the subcommittee, we would have given it approval and respect which we could not in any way indulge.

I am in company with the Senator from Hawaii. I have not read the report. I have not read it to this day. Therefore, we voted not to forward it under any shape or form that would lead anyone to conclude we endorsed it or that it was official.

Mr. FONG. This was the unanimous vote of all present.

Mr. HRUSKA. It is regretted the completeness of the record was so neglected in the article.

Mr. HART. Mr. President, will the Senator yield?

Mr. FONG. I yield.

Mr. HART. Mr. President, I think this entire subject would have added depth in terms of content if we included some explanation why the Webb testimony was treated as executive. Although I do not have the dates clearly in mind, I do recall that Professor Webb was listed as a witness to be heard at an open session scheduled a day or two before the executive session to which the Senator from Hawaii referred.

When I arrived for that scheduled open hearing I was told—and the information was correct—by a staff counsel of the committee who had read the Webb testimony which had been filed pursuant to committee rules a day or two before, that it bore on a matter which was then pending for public hearing before the Wisconsin insurance commissioner; that it would suggest one course of action with respect to the case then pending in Wisconsin. Because of the pendency of the Wisconsin litigation it was my decision that the testimony be received in executive session.

It seemed to me then, and it does now, that to have received that kind of testimony, at least without time available for response and reply by those criticized in the study in the brief period of days before the Wisconsin hearing, would have prejudiced a proceeding in Wisconsin. It was I, then, who moved the committee into executive session and we received the Webb testimony in executive session.

Having received it, I then called a meeting of the subcommittee for an executive session, notice of which was given, as the Senator from Hawaii said, to consider what action we ought to take.

Having been informed by Professor Webb that an action was pending in Wisconsin, I was convinced we would perhaps have done a disservice, that we ought to insure that we not retain information which, if we had been the Wisconsin commissioner, we would have benefited from having.

As I recall, there were several suggestions made as to how we should respond—by sending the commissioner, but in an ex parte fashion, the testimony, explaining that we did not endorse it, and could not, and releasing the professor to free him to testify.

The desire the chairman had was that we not be in the position of appearing to disarm the Wisconsin commissioner by withholding from him testimony which might be relevant, having the commissioner make his decision, and then his learning, upon completion of our record, that we had material which, if it had been known to the commissioner, would have resulted in his having taken a different course of action. That was the concern I had.

After much discussion, the committee unanimously agreed that we assure that the information could be made available to the Wisconsin commissioner by releasing Professor Webb and freeing him to testify, as the Senator from Hawaii indicates the professor did. The subcommittee then advised the Wisconsin commissioner of our action. He was put on notice of it. We advised Professor Webb that he was testifying as a policy witness, and not as a spokesman for the committee. We advised the company that was involved, and invited the company to present for the subcommittee its position in respect to the Webb testimony which we had received; that upon receipt of that testimony, the committee then would be in a position to conclude the hearings and release the hearing record, which at that time would have a balanced presentation.

I am advised that the company responded by saying that as soon as the Wisconsin case had concluded, they did want an opportunity to file a statement regarding their position, because, as they put it, they did not want the record to stand as it was then.

Mr. FONG. Mr. President, I ask unanimous consent that we be given another 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HART. Mr. President, I think that describes fully the action taken unanimously by the committee. This does not mean there was not disagreement as to the appropriate course to be followed, and the transcript will show that; but, on balance, I think the decision was a sound one.

Mr. FONG. I agree that the decision was a sound one.

I want to ask the Senator if this was a secret hearing, as Mr. Anderson has described it—"in dark secrecy" his words were.

Mr. HART. It is probably true that not too many people read the record that we worry about each day, but there was public notice of the intention to take the testimony of Professor Webb initially. He was listed as a witness. That public notice was filed in the subsequent executive committee record, and a note attached to that notice described the subject matter, namely, what action should be taken on the Webb testimony.

Mr. FONG. I believe the Senator from Michigan issued a press release after that.

Mr. HART. Which I believe the Senator from Hawaii has put in the RECORD.

Mr. FONG. Yes; I have put it in the RECORD.

Mr. HART. One always hopes that press releases indicate that we would like attention to the subject matter, not suppression of it.

Mr. FONG. May I ask the distinguished Senator one more question? The decision of the committee was unanimous, was it not?

Mr. HART. I have said that. I repeat it. The Senator is quite correct.

Mr. FONG. The unanimous decision was to have Mr. Webb testify, but not to have the report sent.

Mr. HART. The Senator is correct.

Mr. FONG. I thank the distinguished Senator for clarifying this matter.

The PRESIDING OFFICER. Under the previous order, the Senator from Alaska (Mr. STEVENS), is recognized for 5 minutes.

NOMINATION OF JUDGE G. HARROLD CARSWELL TO BE AN ASSOCIATE JUSTICE OF THE SUPREME COURT

Mr. STEVENS. Mr. President, since President Nixon announced the nomination of Judge G. Harrold Carswell to be an Associate Justice of the Supreme Court, much has been said about the nominee. The principal characteristic of most of these comments on Judge Carswell has been a lack of any personal knowledge of Judge Carswell on the part of the commentators. As one of the few Members of the Senate who has known Judge Carswell in the past, I feel it important to share those experiences with my colleagues.

In 1953, I was appointed U.S. attorney for Fairbanks, Alaska, and served in that capacity until joining the staff of Secretary Fred Seaton in the Interior Department in 1956. During that period, Harrold Carswell was serving as U.S. attorney to the northern district of Florida. We had occasion to meet, at least annually, at the national U.S. attorney conferences during our service as U.S. attorneys. These were memorable days for me as a U.S. attorney. Not only was the law being changed dynamically by the Congress, but the direction of law enforcement and those charged with prosecution of violators were also changed under the leadership of Attorney General Brownell and his capable Deputy Attorney General, now Secretary of State Bill Rogers. We also were given great leadership in the field of Federal civil litigation by the then Assistant Attorney General in charge of the Civil Division, the present Chief Justice of the U.S. Supreme Court, Warren E. Burger.

As U.S. attorneys, our duty was to enforce the laws and to follow the policy guidance we received from Washington. Just as we all did, Harrold Carswell responded to that duty. I particularly remember during one of these conferences following the Supreme Court's decision in Brown against Board of Education, Harrold Carswell indicated his own sincere desire to enforce this decision. At that time, the whole Eisenhower administration was ready to assume the challenge and anxious to participate in complying with the Supreme Court's decision.

G. Harrold Carswell, a southerner by birth and rearing, was living in the South. Yet he responded to the challenge as a trial attorney would, and his actions led to his appointment as a U.S. district judge.

Now I do not want to leave the impression that I have been a long-time personal friend of Judge Carswell. I have not been. But those of us who served with him in the 1950's know he is not the man his detractors want us to believe he is.

Joseph H. Lesh, who served as a U.S. attorney during this same period and later here in Washington, D.C., reported in a telegram to the chairman of the Senate Judiciary Committee as follows:

> This will advise you that I have known Judge Harrold Carswell for approximately fifteen years. My acquaintance with him stems from my appointment by President Eisenhower as U.S. Attorney for northern Indiana, and later as Special Assistant to Attorney General Herbert Brownell and then William P. Rogers as executive officer in charge of all U.S. Attorneys. Shortly following the controversial *Brown* decision on segregation I held a conference in Washington of all the southern U.S. Attorneys to help the Department of Justice to implement the decision. Harrold Carswell was the only U.S. Attorney who was helpful to me and the department in this respect. I will be glad to substantiate this by personal testimony or affidavit. Please feel free to call upon me to assist your honorable committee in any way that I can.

Joe Lesh has come forward to stand up for Harrold Carswell, and I want to do the same thing. Judge Carswell was confirmed by this body as a U.S. attorney. He was confirmed as a U.S. district judge on March 26, 1958, and he was confirmed a judge of the U.S. court of appeals on June 19, 1969.

As I pointed out earlier, most of the criticism of Judge Carswell's record has stemmed, not from those who have had any personal contact with him, but rather from those whose political philosophy is clearly in conflict with that of the judge. It must be viewed in that light. Those who have known him feel, as I do, that his nomination should be confirmed. This is not to say that I agree or disagree with his philosophy but that I know he has the background and the training to be a distinguished member of the U.S. Supreme Court.

Separation of powers—and this is a fundamental part of our constitutional republic—is really the basic question we face. Our Constitution provides that the President shall appoint Justices to the Supreme Court and the Senate shall decide whether to advise and consent to those nominations. In the past few years the question has been raised whether the Senate can, by repeatedly rejecting the President's nominees, coerce the President into nominating the Senate's choice. In other words, can the Senate usurp the Presidential power of appointment and thus make the Supreme Court a product of this branch alone. Should this happen, a serious breach in the doctrine of separation of powers will have occurred.

Mr. President, I do not believe this Nation is best served by the Senate attempting to detract from the Presidential power of appointment. The Senate's function should be to assure that the President's nominee is qualified to be an Associate Justice. Judge Carswell has extensive experience, both as a U.S. attorney and as a district and appellate court judge. He has the endorsement of the American Bar Association, a prestigious assembly of peers. Those who have known him personally support his nomination. He is qualified.

An interesting fact has escaped many people. Judge Haynsworth and now Judge Carswell were nominated by President Nixon to fill the vacancy created by the resignation of Justice Abe Fortas of Tennessee. Somehow, many people read into these nominations by our new President ominous signs of a "southern strategy" or implications of a change of philosophy by this administration. I cannot subscribe to either theory. Geographical balance has been a fact of life on the Supreme Court, and acceptance of this fact by the Senate has not been detrimental to the Court in the past.

Some people apparently want us to count the pages of Judge Carswell's opinions to determine whether he was a good trial judge. Others decry the lack of published legal treatises by the Judge during his 17 years of public service. And there are those among us who appear to be saying that we should have another chance to vote on Judge Haynsworth.

I, for one—as a former U.S. attorney, as one who served as Solicitor of the Department of the Interior, and as a lawyer who stuck up his own shingle in a new State—am grateful to President Nixon for nominating to the Court a man whose complete background spells commonsense, and the crying need in our system today is for commonsense decisions. Commonsense is too often an uncommon virtue among lawyers and judges and law professors.

In any event, these attacks on Judge Carswell are misguided. The ultimate conclusion from them could only be that there is a senatorial-determined mold for Supreme Court Justices and, if the nominee does not fit the mold, he should be rejected. The fact remains that our role has not been, and should not be, either that of coercing the choice of the nominee or the establishment of a mold which in fact limits the freedom of choice of the Chief Executive.

I shall vote for the confirmation of G. Harrold Carswell to become a Justice of the Supreme Court.

Mr. HRUSKA. Mr. President, will the Senator yield?

Mr. STEVENS. I yield.

Mr. HRUSKA. Mr. President, I commend the Senator from Alaska for the statement he has made. He spoke as one who has followed the nomination and the nomination hearings in the Judiciary Committee very carefully, and who has scanned and studied the printed record in that respect.

The testimony of the Senator from Alaska is especially meaningful here on two counts, at least: First because of the research and the documentation that he has lent it by reason of his reference to the record, and second because his statement comes from a man who has known and observed the nominee.

Mr. President, when the testimony of some academicians and practitioners holding to the idea that Judge Carswell is a mediocre judge and that he does not possess the necessary quality to be a Supreme Court Justice is scanned, it is readily seen that it comes from men who have not known or observed the nominee. And that is very, very meaningful. There is ample testimony from many, including now the Senator from Alaska, who have known him, who have observed him, and who are acquainted with his record which will certainly be very helpful as a foundation for those who will support Judge Carswell.

I commend the Senator again, and thank him for that very serious and close study that he obviously has given to the record compiled in this connection.

Mr. STEVENS. Mr. President, I thank the Senator from Nebraska.

I think that the time for those who wished to object to Judge Carswell should have been at the time when we advanced him from the district judgeship to the court of appeals.

Mr. HRUSKA. Which was last June.

Mr. STEVENS. That is right. At that time he had 17 years' experience, or approximately that, in Federal service. He certainly had a record, and a record that was open to everyone. It was available for those who might want to object to his record. And yet we elevated him without opposition, as I understand it.

Mr. HRUSKA. That is correct.

Mr. STEVENS. To the position of judge of the court of appeals. That, to my knowledge, above everything else, means that today those who detract from this nomination are doing so on the basis, not of his judicial qualifications nor his experience, nor his ability to become a good Supreme Court Justice, but on the basis of what they consider to be his personal philosophy.

I think Joe Lesh's telegram demonstrates that those of us who knew him at the time of the very critical decisions of the Supreme Court in the early 1950's know that Harrold Carswell was willing to face up to the problem of implementing those court decisions in the Deep South, and he has done so.

Mr. ALLOTT. Mr. President, will the Senator yield?

Mr. STEVENS. I yield.

Mr. ALLOTT. I congratulate the Senator on his brilliant statement on Judge Carswell, which reflects my own attitude and beliefs.

I think the point the Senator has made that there are some who think perhaps they might carry on a continued vendetta against the President of the United States, in the hopes that eventually they could take away from the President, by resistance to his nominations, the right which he possesses under the Constitution to make such nominations, is a very pertinent one, and it is reflected quite often in the statements of those who have spoken against him.

I only want to say, as one who has known the distinguished Senator from Alaska for a long time, and who has observed particularly his work as U.S. attorney and as a solicitor for the Department of the Interior, that what he says should carry great weight. It does with me, and I am sure it will with all those who have known him.

I thank the Senator for making this statement.

SENSIBLE USE OF OUR OPEN LAND

Mr. STEVENS. Mr. President, at a time when the Nation is faced with serious environmental deterioration from overpopulated cities, poor use of mineral resources, and irreparable damage to streams, lakes, and forest lands, S. 3389, introduced by the Senator from Washington (Mr. JACKSON), opens the way for careful protection and enhancement of recreation values for unimproved public domain land in the United States.

To fulfill the demand for recreational areas within the public domain, the Secretary is empowered under S. 3389 to plan and build the necessary access roads and facilities for recreational use. This will eliminate the present dangerous practice whereby hunters and outdoor enthusiasts reach wilderness areas by dozens of trails which they have cleared themselves. Today refuse clutters popular wilderness sites because proper disposal facilities are lacking.

Under S. 3389 the Secretary of the Interior is furnished with the tools to practice orderly and planned development of the American public domain. He is authorized to apply the multiple use concept to Federal lands to insure its highest and best use. In conjunction with multiple use the sustained yield principle allows regular utilization and harvest of renewable resources as long as there is no impairment of the land.

Nowhere is this bill more important than in my State of Alaska where over 273 million acres, or 75 percent of the total 375 million acres of the State, are included in the public domain administered by the Bureau of Land Management Division of the Department of the Interior. Presently Federal lands in Alaska have been withdrawn from homesteading, purchase, or other transfers until Congress acts on the native land claims, or until December 31, 1970. But when the land freeze in my State expires, planned development of the public domain is essential both in terms of conservation and sound economies.

This is particularly important since the State is undergoing tremendous growth. New residents and tourists lured by the wilderness of the last huge undeveloped region in the United States, or attracted by the economic prospects of the rich oil reserves on the north slope, are coming to the north country. The demand for land to buy or to homestead has nearly exhausted the available supply and pushed prices up. When the land freeze expires, the Secretary of the Interior must be equipped with a logical program for use of its public domain land. Therefore, it is vitally important that he has the flexibility provided under S. 3389 to design a land use program for Alaska and the rest of the United States that meets the resource needs of the present and the future of our Nation as a whole.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. BYRD of Virginia. Mr. President, will the Senator yield?

Mr. ALLOTT. Mr. President, may I inquire of the distinguished Senator from Virginia how much time he wishes to take?

Mr. BYRD of Virginia. Three minutes.

Mr. ALLOTT. Mr. President, if I may, I will yield the floor to the distinguished Senator from Virginia, and ask that I be recognized at the end of his address.

The PRESIDING OFFICER. Without objection, it is so ordered.

VOTING RIGHTS ACT AMENDMENTS OF 1969

The Senate continued with the consideration of the bill (H.R. 4249) to extend the Voting Rights Act of 1965 with respect to the discriminatory use of tests and devices.

Mr. BYRD of Virginia. Mr. President, I firmly and strongly oppose the Kennedy-Mansfield plan to lower the voting age in each State by a simple statute of Congress.

In my opinion, this is a distortion of the constitutional process and is clearly wrong.

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Two years ago, Senator MANSFIELD introduced a constitutional amendment to lower the voting age. That is the proper procedure.

If we are to establish national age requirements for voting that are binding on all the States, it should be done with a constitutional amendment, rather than by an act of the Congress.

Senator MANSFIELD recognized this as being the proper procedure when he introduced such a constitutional amendment.

I feel very strongly that the matter of voting age is a matter to be determined by the individual States. Any State that wishes to lower the voting age may do so now. Every State has had this authority for nearly 200 years since the adoption of the Constitution.

Four States have lowered the voting age. Kentucky and Georgia, some years ago, lowered the age to 18. More recently, Alaska has lowered the age to 19, and Hawaii to 20.

A number of other States have rejected proposals to lower the voting age, either by legislative action or by public referendum.

One of the problems facing our Nation today is that too many Members of the Congress become impatient when something they want done is not achieved instantly. In order to get instant action, they then seek ways to circumvent the Constitution.

I say that the proposal which Senator KENNEDY sent to each Member of the Senate is a clear evasion of the Constitution and an attempt to circumvent the Constitution.

I feel constitutional government is important.

I feel that when we get away from constitutional government, then we are opening the door to the loss of individual liberty.

This proposal, I feel, is irresponsible. If the individual States are to be denied the right to determine the voting age of their citizens, then clearly this should be done with a constitutional amendment upon which the people themselves can pass, rather than by congressional action.

Do we not trust the people? For myself, I trust the people, and I feel that constitutional change should come about only by the vote of the people.

THE CLOSING OF THE U.S. CONSULATE IN RHODESIA

Mr. BYRD of Virginia. Mr. President, before the United States agreed to close its consulate in Rhodesia, it should have insisted that Great Britain close its consulate in Hanoi.

Furthermore, this Nation should have obtained from the British a commitment to stop sending ships flying their flag to North Vietnam. During 1969, 74 ships flying Britain's flag carried cargo to Haiphong.

I am greatly disappointed in this action toward Rhodesia on the part of the Nixon administration.

The Johnson administration was grossly unfair to Rhodesia in placing economic sanctions on that peaceful country.

Our Nation, I feel, has acted in a most unprincipled way toward Rhodesia. After all, that country has followed a course which the United States itself took in 1776—namely, sought its independence from Great Britain.

To the argument that Rhodesia is governed by a minority, it should be answered that most of the nations of the world are so governed.

The foremost example is the Soviet Union, where a relatively small Communist Party controls a nation of 200 million. Yet, we maintain a full-scale embassy in Moscow.

I feel strongly that the closing of our consulate in Rhodesia is both mistaken and unfair.

I appreciate the courtesy of the Senator from Colorado in yielding to me.

Mr. ALLOTT. Mr. President, I am always happy to accommodate the distinguished Senator from Virginia.

I must say that I agree with him generally on both counts in the statements he has made, and I hope to talk about the Rhodesian question at a later time.

I do want to say to the Senator from Virginia that I agree wholeheartedly with the statement he made with respect to the constitutional amendment phases and facets of the voting age. In fact, I was just about to make a statement on that subject, and I will proceed to do so now.

LOWERING THE VOTING AGE

Mr. ALLOTT. Mr. President, there is considerable interest these days in the idea of giving 18-year-olds the right to vote.

This is a subject about which honorable men and women—and not just honorable old men and women—disagree. There are powerful arguments on both sides of the issue.

I do not want to speak today on the wisdom of lowering the voting age. But I do want to indicate my belief that if the vote is to be given to 18-year-olds, it should be given by constitutional amendment rather than by simple act of Congress.

The reasons for preferring a constitutional amendment were explained with power and clarity today by Assistant Attorney General William H. Rehnquist in testimony before the Subcommittee on Constitutional Amendments.

I hope Mr. Rehnquist's testimony—a copy of which will be placed on the desk of each Senator tomorrow—will receive the careful consideration it deserves. I ask unanimous consent that his statement before the subcommittee be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. ALLOTT. There are two matters in this statement to which I specifically direct the attention of my colleagues.

The first is the Justice Department's analysis of the recent case of Katzenbach against Morgan. I have read the Morgan case and concur wholeheartedly in Mr. Rehnquist's conclusion that it does not mean that Congress, by a statutory enactment, may supersede State voting age requirements, contrary to some interpretations. It is clear to me that the Supreme Court went to considerable length in order to avoid establishing a precedent. So that the Morgan case can be evaluated on the basis of a reading of it, I ask unanimous consent that it be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. ALLOTT. Second, I want to call particular attention to Mr. Rehnquist's discussion in his section on constitutional validity. He asks:

> What is the "discrimination" which Congress would here seek to eliminate? Unless voting is to be done from the crib, the minimum age line must be drawn somewhere; can it really be said that to deny 20-, 19-, and 18-year-olds is "discrimination," while to deny the vote to 17-year-olds is sound legislative judgment?

Mr. President, when we are considering laws of questionable constitutionality, laws which we may not have constitutional authority to enact, we should proceed with caution. The end cannot justify the means, and it especially cannot justify unconstitutional means.

EXHIBIT 1

KATZENBACH, ATTORNEY GENERAL, ET AL. *v.* MORGAN ET UX.

APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

No. 847. Argued April 18, 1966.—Decided June 13, 1966*

MR. JUSTICE BRENNAN delivered the opinion of the Court.

These cases concern the constitutionality of § 4(e) of the Voting Rights Act of 1965.[1] That law, in the respects pertinent in these cases, provides that no person who has successfully completed the sixth primary grade in a public school in, or a private school accredited by, the Commonwealth of Puerto Rico in which the language of instruction was other than English shall be denied the right to vote in any election because of his inability to read or write English. Appellees, registered voters in New York City, brought this suit to challenge the constitutionality of § 4(e) insofar as it *pro tanto* prohibits the enforcement of the election laws of New York[2] requiring an ability to read and write English as a condition of voting. Under these laws many of the several hundred thousand New York City residents who have migrated there from the Commonwealth of Puerto Rico had previously been denied the right to vote, and appellees attack § 4(e) insofar as it would enable many of these citizens to vote.[3] Pursuant to § 14(b) of the Voting Rights Act of 1965, appellees commenced this proceeding in the District Court for the District of Columbia seeking a declaration that § 4(e) is invalid and an injunction prohibiting appellants, the Attorney General of the United States and the New York City Board of Elections, from either enforcing or complying with § 4(e).[4] A three-judge district court was designated. 28 U.S.C. §§ 2282, 2284 (1964 ed.). Upon cross motions for summary judgment, that court, one judge dissenting, granted the declaratory and injunctive relief appellees sought. The court held that in enacting § 4(e) Congress exceeded the powers granted to it by the Constitution and therefore usurped powers reserved to the States by the

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Footnotes at end of article.

Tenth Amendment. 247 F. Supp. 196. Appeals were taken directly to this Court, 28 U.S.C. §§ 1252, 1253 (1964 ed.), and we noted probable jurisdiction. 382 U.S. 1007. We reverse. We hold that, in the application challenged in these cases, § 4(e) is a proper exercise of the powers granted to Congress by § 5 of the Fourteenth Amendment[5] and that by force of the Supremacy Clause, Article VI, the New York English literacy requirement cannot be enforced to the extent that it is inconsistent with § 4(e).

Under the distribution of powers effected by the Constitution, the States establish qualifications for voting for state officers, and the qualifications established by the States for voting for members of the most numerous branch of the state legislature also determine who may vote for United States Representatives and Senators, Art. I, § 2; Seventeenth Amendment; *Ex parte Yarbrough*, 110 U.S. 651, 663. But, of course, the States have no power to grant or withhold the franchise on conditions that are forbidden by the Fourteenth Amendment, or any other provision of the Constitution. Such exercises of state power are no more immune to the limitations of the Fourteenth Amendment than any other state action. The Equal Protection Clause itself has been held to forbid some state laws that restrict the right to vote.[6]

The Attorney General of the State of New York argues that an exercise of congressional power under § 5 of the Fourteenth Amendment that prohibits the enforcement of a state law can only be sustained if the judicial branch determines that the state law is prohibited by the provisions of the Amendment that Congress sought to enforce. More specifically, he urges that § 4(e) cannot be sustained as appropriate legislation to enforce the Equal Protection Clause unless the judiciary decides—even with the guidance of a congressional judgment—that the application of the English literacy requirement prohibited by § 4(e) is forbidden by the Equal Protection Clause itself. We disagree. Neither the language nor history of § 5 supports such a construction.[7] As was said with regard to § 5 in *Ex parte Virginia*, 100 U.S. 339, 345, "It is the power of Congress which has been enlarged. Congress is authorized to *enforce* the prohibitions by appropriate legislation. Some legislation is contemplated to make the amendments fully effective." A construction of § 5 that would require a judicial determination that the enforcement of the state law precluded by Congress violated the Amendment, as a condition of sustaining the congressional enactment, would depreciate both congressional resourcefulness and congressional responsibility for implementing the Amendment.[8] It would confine the legislative power in this context to the insignificant role of abrogating only those state laws that the judicial branch was prepared to adjudge unconstitutional, or of merely informing the judgment of the judiciary by particularizing the "majestic generalities" of § 1 of the Amendment. See *Fay* v. *New York*, 332 U.S. 261, 282–284.

Thus our task in this case is not to determine whether the New York English literacy requirement as applied to deny the right to vote to a person who successfully completed the sixth grade in a Puerto Rican school violates the Equal Protection Clause. Accordingly, our decision in *Lassiter* v. *Northampton Election Bd.*, 360 U.S. 45, sustaining the North Carolina English literacy requirement as not in all circumstances prohibited by the first sections of the Fourteenth and Fifteenth Amendments is inapposite. Compare also *Guinn* v. *United States*, 238 U.S. 347, 366; *Camacho* v. *Doe*, 31 Misc. 2d 692, 221 N.Y.S. 2d 262 (1958), aff'd 7 N.Y. 2d 762, 163 N.E. 2d 140 (1959); *Camacho* v. *Rogers*, 199 F. Supp. 155 (D. C. S. D. N. Y. 1961). *Lassiter* did not present the question before us here: Without regard to whether the judiciary would find that the Equal Protection Clause itself nullifies New York's English literacy requirement as so applied, could Congress prohibit the enforcement of the state law by legislating under § 5 of the Fourteenth Amendment? In answering this question, our task is limited to determining whether such legislation is, as required by § 5, appropriate legislation to enforce the Equal Protection Clause.

By including § 5 the draftsmen sought to grant to Congress, by a specific provision applicable to the Fourteenth Amendment, the same broad powers expressed in the Necessary and Proper Clause, Art. I, § 8, cl. 18.[9] The classic formulation of the reach of those powers was established by Chief Justice Marshall in *McCulloch* v. *Maryland*, 4 Wheat. 316, 421:

> "Let the end be legitimate, let it be within the scope of the constitution, and all means which are appropriate, which are plainly adapted to that end, which are not prohibited, but consist with the letter and spirit of the constitution, are constitutional."

Ex parte Virginia, 100 U.S., at 345–346, decided 12 years after the adoption of the Fourteenth Amendment, held that congressional power under § 5 had this same broad scope:

> "Whatever legislation is appropriate, that is, adapted to carry out the objects the amendments have in view, whatever tends to enforce submission to the prohibitions they contain, and to secure to all persons the enjoyment of perfect equality of civil rights and the equal protection of the laws against State denial or invasion, if not prohibited, is brought within the domain of congressional power."

Strauder v. *West Virginia*, 100 U.S. 303, 311; *Virginia* v. *Rives*, 100 U.S. 313, 318. Section 2 of the Fifteenth Amendment grants Congress a similar power to enforce by "appropriate legislation" the provisions of that amendment; and we recently held in *South Carolina* v. *Katzenbach*, 383 U.S. 301, 326, that "[t]he basic test to be applied in a case involving § 2 of the Fifteenth Amendment is the same as in all cases concerning the express powers of Congress with relation to the reserved powers of the States." That test was identified as the one formulated in *McCulloch* v. *Maryland*. See also *James Everard's Breweries* v. *Day*, 265 U.S. 545, 558–559 (Eighteenth Amendment.) Thus the *McCulloch* v. *Maryland* standard is the measure of what constitutes "appropriate legislation" under § 5 of the Fourteenth Amendment. Correctly viewed, § 5 is a positive grant of legislative power authorizing Congress to exercise its discretion in determining whether and what legislation is needed to secure the guarantees of the Fourteenth Amendment.

We therefore proceed to the consideration whether § 4(e) is "appropriate legislation" to enforce the Equal Protection Clause, that is, under the *McCulloch* v. *Maryland* standard, whether § 4(e) may be regarded as an enactment to enforce the Equal Protection Clause, whether it is "plainly adapted to that end" and whether it is not prohibited by but is consistent with "the letter and spirit of the constitution."[10]

There can be no doubt that § 4(e) may be regarded as an enactment to enforce the Equal Protection Clause. Congress explicitly declared that it enacted § 4(e) "to secure the rights under the fourteenth amendment of persons educated in American-flag schools in which the predominant classroom language was other than English." The persons referred to include those who have migrated from the Commonwealth of Puerto Rico to New York and who have been denied the right to vote because of their inability to read and write English, and the Fourteenth Amendment rights referred to include those emanating from the Equal Protection Clause. More specifically, § 4(e) may be viewed as a measure to secure for the Puerto Rican community residing in New York nondiscriminatory treatment by government—both in the imposition of voting qualifications and the provision or administration of governmental services, such as public schools, public housing and law enforcement.

Section 4(e) may be readily seen as "plainly adapted" to furthering these aims of the Equal Protection Clause. The practical effect of § 4(e) is to prohibit New York from denying the right to vote to large segments of its Puerto Rican community. Congress has thus prohibited the State from denying to that community the right that is "preservative of all rights." *Yick Wo* v. *Hopkins*, 118 U.S. 365, 370. This enhanced political power will be helpful in gaining nondiscriminatory treatment in public services for the entire Puerto Rican community.[11] Section 4(e) thereby enables the Puerto Rican minority better to obtain "perfect equality of civil rights and the equal protection of the laws." It was well within congressional authority to say that this need of the Puerto Rican minority for the vote warranted federal intrusion upon any state interests served by the English literacy requirements. It was for Congress, as the branch that made this judgment, to assess and weight the various conflicting considerations—the risk or pervasiveness of the discrimination in governmental services, the effectiveness of eliminating the state restriction on the right to vote as a means of dealing with the evil, the adequacy or availability of alternative remedies, and the nature and significance of the state interests that would be affected by the nullifications of the English literacy requirement as applied to residents who have successfully completed the sixth grade in a Puerto Rican school. It is not for us to review the congressional resolution of these factors. It is enough that we be able to perceive a basis upon which the Congress might resolve the conflict as it did. There plainly was such a basis to support § 4(e) in the application in question in this case. Any contrary conclusion would require us to be blind to the realities familiar to the legislators.[12]

The result is no different if we confine our inquiry to the question whether § 4(e) was merely legislation aimed at the elimination of an invidious discrimination in establishing voter qualifications. We are told that New York's English literacy requirement originated in the desire to provide an incentive for non-English speaking immigrants to learn the English language and in order to assure the intelligent exercise of the franchise. Yet Congress might well have questioned, in light of the many exemptions provided,[13] and some evidence suggesting that prejudice played a prominent role in the enactment of the requirement,[14] whether these were actually the interests being served. Congress might have also questioned whether denial of a right deemed so precious and fundamental in our society was a necessary or appropriate means of encouraging persons to learn English, or of furthering the goal of an intelligent exercise of the franchise.[15] Finally, Congress might well have concluded that as a means of furthering the intelligent exercise of the franchise, an ability to read or understand Spanish is as effective as ability to read English for those to whom Spanish-language newspapers and Spanish-language radio and television programs are available to inform them of election issues and governmental affairs.[16] Since Congress undertook to legislate so as to preclude the enforcement of the state law, and did so in the context of a general appraisal of literacy requirements for voting, see *South Carolina* v. *Katzenbach*, *supra*, to which it brought a specially informed legislative competence,[17] it was Congress' prerogative to weigh these competing considerations. Here again, it is enough that we perceive a basis upon which Congress might predicate a judgment that the ap-

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plication of New York's English literacy requirement to deny the right to vote to a person with a sixth grade education in Puerto Rican schools in which the language of instruction was other than English constituted an invidious discrimination in violation of the Equal Protection Clause.

There remains the question whether the congressional remedies adopted in § 4(e) constitute means which are not prohibited by, but are consistent "with the letter and spirit of the constitution." The only respect in which appellees contend that § 4(e) fails in this regard is that the section itself works an invidious discrimination in violation of the Fifth Amendment by prohibiting the enforcement of the English literacy requirement only for those educated in American-flag schools (schools located within United States jurisdiction) in which the language of instruction was other than English, and not for those educated in schools beyond the territorial limits of the United States in which the language of instruction was also other than English. This is not a complaint that Congress, in enacting § 4(e), has unconstitutionally denied or diluted anyone's right to vote but rather that Congress violated the Constitution by not extending the relief effected in § 4(e) to those educated in non-American-flag schools. We need not pause to determine whether appellees have a sufficient personal interest to have § 4(e) invalidated on this ground, see generally *United States* v. *Raines,* 362 U.S. 17, since the argument, in our view, falls on the merits.

Section 4(e) does not restrict or deny the franchise but in effect extends the franchise to persons who otherwise would be denied it by state law. Thus we need not decide whether a state literacy law conditioning the right to vote on achieving a certain level of education in an American-flag school (regardless of the language of instruction) discriminates invidiously against those educated in non-American-flag schools. We need only decide whether the challenged limitation on the relief effected in § 4(e) was permissible. In deciding that question, the principle that calls for the closest scrutiny of distinctions in laws *denying fundamental* rights, see n. 15, *supra,* is inapplicable; for the distinction challenged by appellees is presented only as a limitation on a reform measure aimed at eliminating an existing barrier to the exercise of the franchise. Rather, it decided the constitutional propriety of the limitation in such a reform measure we are guided by the familiar principles that a "statute is not valid under the Constitution because it might have gone farther than it did," *Roschen* v. *Ward,* 279 U.S. 337, 339, that a legislature need not "strike at all evils at the same time," *Semler* v. *Dental Examiners,* 294 U.S. 608, 610, and that "reform may take one step at a time, addressing itself to the phase of the problem which seems most acute to the legislative mind," *Wiliamson* v. *Lee Optical Co.,* 348 U.S. 483, 489.

Guided by these principles, we are satisfied that appellees' challenge to this limitation in § 4(e) is without merit. In the context of the case before us, the congressional choice to limit the relief effected in § 4(e) may, for example, reflect Congress' greater familiarity with the quality of instruction in American-flag schools,[18] a recognition of the unique historic relationship between the Congress and the Commonwealth of Puerto Rico,[19] an awareness of the Federal Government's acceptance of the desirability of the use of Spanish as the language of instruction in Commonwealth schools,[20] and the fact that Congress has fostered policies encouraging migration from the Commonwealth to the States.[21] We have no occasion to determine in this case whether such factors would justify a similar distinction embodied in a voting-qualification law that denied the franchise to persons educated in non-American-flag schools. We hold only that the limitation on relief effected in § 4(e) does not constitute a forbidden discrimination since these factors might well have been the basis for the decision of Congress to go "no farther than it did."

We therefore conclude that § 4(e), in the application challenged in this case, is appropriate legislation to enforce the Equal Protection Clause and that the judgment of the District Court must be and hereby is *Reversed.*

Mr. Justice Douglas joins the Court's opinion except for the discussion, at pp. 656–658, of the question whether the congressional remedies adopted in § 4(e) constitute means which are not prohibited by, but are consistent with "the letter and spirit of the constitution." On that question, he reserves judgment until such time as it is presented by a member of the class against which that particular discrimination is directed.

Mr. Justice Harlan, whom Mr. Justice Stewart joins, dissenting.

Worthy as its purposes may be thought by many, I do not see how § 4(e) of the Voting Rights Act of 1965, 79 Stat. 439, 42 U.S.C. § 1973b(e) (1964 ed. Supp. I), can be sustained except at the sacrifice of fundamentals in the American constitutional system—the separation between the legislative and judicial function and the boundaries between federal and state political authority. By the same token I think that the validity of New York's literacy test, a question which the Court considers *only* in the context of the federal statute, must be upheld. It will conduce to analytical clarity if I discuss the second issue first.

I. The Cardona Case (No. 673)

This case presents a straightforward Equal Protection problem. Appellant, a resident and citizen of New York, sought to register to vote but was refused registration because she failed to meet the New York English literacy franchise.[1] She maintained that although she could not read or write English, she had been born and educated in Puerto Rico and was literate in Spanish. She alleges that New York's statute requiring satisfaction of an English literacy test is an arbitrary and irrational classification that violates the Equal Protection Clause at least as applied to someone who, like herself, is literate in Spanish.

Any analysis of this problem must begin with the established rule of law that the franchise is essentially a matter of state concern, *Minor* v. *Happersett*, 21 Wall. 162; *Lassiter* v. *Northampton Election Bd.*, 360 U.S. 45, subject only to the overriding requirements of various federal constitutional provisions dealing with the franchise, *e. g.,* the Fifteenth, Seventeenth, Nineteenth, and Twenty-fourth Amendments,[2] and, as more recently decided, to the general principles of the Fourteenth Amendment. *Reynolds* v. *Sims,* 377 U.S. 533; *Carrington* v. *Rash,* 380 U.S. 89.

The Equal Protection Clause of the Fourteenth Amendment, which alone concerns us here, forbids a State from arbitrarily discriminating among different classes of persons. Of course it has always been recognized that nearly all legislation involves some sort of classification, and the equal protection test applied by this Court is a narrow one: a state enactment or practice may be struck down under the clause only if it cannot be justified as founded upon a rational and permissible state policy. See *e. g., Powell* v. *Pennsylvania,* 127 U. S. 678; *Lindsley* v. *Natural Carbonic Gas Co.,* 220 U. S. 61; *Walters* v. *City of St. Louis,* 347 U. S. 231.

It is suggested that a different and broader equal protection standard applies in cases where "fundamental liberties and rights are threatened," see *ante*, p. 655, note 15; dissenting opinion of Douglas, J., in *Cardona, post,* pp. 676–677, which would require a State to show a need greater than mere rational policy to justify classifications in this area. No such dual-level test has ever been articulated by this Court, and I do not believe that any such approach is consistent with the purposes of the Equal Protection Clause, with the overwhelming weight of authority, or with well-established principles of federalism which underlie the Equal Protection Clause.

Thus for me, applying the basic equal protection standard, the issue in this case is whether New York has shown that its English-language literacy test is reasonably designed to serve a legitimate state interest. I think that it has.

In 1959, in *Lassiter* v. *Northampton Election Bd., supra,* this Court dealt with substantially the same question and resolved it unanimously in favor of the legitimacy of a state literacy qualification. There a North Carolina English literacy test was challenged. We held that there was "wide scope" for State qualifications of this sort. 360 U.S., at 51. Dealing with literacy tests generally, the Court there held:

"The ability to read and write . . . has some relation to standards designed to promote intelligent use of the ballot. . . . Literacy and intelligence are obviously not synonymous. Illiterate people may be intelligent voters. Yet in our society where newspapers, periodicals, books, and other printed matter canvass and debate campaign issues, a State might conclude that only those who are literate should exercise the franchise. . . . It was said last century in Massachusetts that a literacy test was designed to insure an 'independent and intelligent' exercise of the right of suffrage. *Stone* v. *Smith,* 159 Mass. 413–414, 34 N.E. 521. North Carolina agrees. We do not sit in judgment on the wisdom of that policy. We cannot say, however, that it is not an allowable one measured by constitutional standards." 360 U.S., at 51–53.

I believe the same interests recounted in *Lassiter* indubitably point toward upholding the rationality of the New York voting test. It is true that the issue here is not so simply drawn between literacy *per se* and illiteracy. Appellant alleges that she is literate in Spanish, and that she studied American history and government in United States Spanish-speaking schools in Puerto Rico. She alleges further that she is "a regular reader of the New York City Spanish-language daily newspapers and other periodicals which . . . provide proportionately more coverage of government and politics than do most English-language newspapers," and that she listens to Spanish-language radio broadcasts in New York which provide full treatment of governmental and political news. It is thus maintained that whatever may be the validity of literacy tests *per se* as a condition of voting, application of such a test to one literate in Spanish, in the context of the large and politically significant Spanish-speaking community in New York, serves no legitimate state interest, and is thus an arbitrary classification that violates the Equal Protection Clause.

Although to be sure there is a difference between a totally illiterate person and one who is literate in a foreign tongue, I do not believe that this added factor vitiates the constitutionality of the New York statute. Accepting appellant's allegations as true, it is nevertheless also true that the range of material available to a resident of New York literate only in Spanish is much more limited than what is available to an English-speaking resident, that the business of national, state, and local government is conducted in English, and that propositions, amendments, and offices for which candidates are running listed on the ballot are likewise in English. It is also true that most candidates, certainly those campaigning on a national or statewide level, make their speeches in Eng-

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lish. New York may justifiably want its voters to be able to understand candidates directly, rather than through possible imprecise translations or summaries reported in a limited number of Spanish news media. It is noteworthy that the Federal Government requires literacy in English as a prerequisite to naturalization, 66 Stat. 239, 8 U. S. C. § 1423 (1964 ed.), attesting to the national view of its importance as a prerequisite to full integration into the American political community. Relevant too is the fact that the New York English test is not complex,[3] that it is fairly administered,[4] and that New York maintains free adult education classes which appellant and members of her class are encouraged to attend.[5] Given the State's legitimate concern with promoting and safeguarding the intelligent use of the ballot, and given also New York's long experience with the process of integrating non-English-speaking residents into the mainstream of American life, I do not see how it can be said that this qualification for suffrage is unconstitutional. I would uphold the validity of the New York statute, unless the federal statute prevents that result, the question to which I now turn.

II. THE MORGAN CASES (NOS. 847 AND 877)

These cases involve the same New York suffrage restriction discussed above, but the challenge here comes not in the form of a suit to enjoin enforcement of the state statute, but in a test of the constitutionality of a federal enactment which declares that "to secure the rights under the fourteenth amendment of persons educated in American-flag schools in which the predominant classroom language was other than English, it is necessary to prohibit the States from conditioning the right to vote of such person on ability to read, write, understand, or interpret any matter in the English language." Section 4(e) of the Voting Rights Act of 1965. Section 4(e) declares that anyone who has successfully completed six grades of schooling in an "American-flag" school, in which the primary language is not English, shall not be denied the right to vote because of an inability to satisfy an English literacy test.[6] Although the statute is framed in general terms, so far as has been shown it applies in actual effect only to citizens of Puerto Rican background, and the Court so treats it.

The pivotal question in this instance is what effect the added factor of a congressional enactment has on the straight equal protection argument dealt with above. The Court declares that since § 5 of the Fourteenth Amendment[7] gives to the Congress power to "enforce" the prohibitions of the Amendment by "appropriate" legislation, the test for judicial review of any congressional determination in this area is simply one of rationality; that is, in effect, was Congress acting rationally in declaring that the New York statute is irrational? Although § 5 most certainly does give to the Congress wide powers in the field of devising remedial legislation to effectuate the Amendment's prohibition on arbitrary state action, *Ex parte Virginia*, 100 U.S. 339, I believe the Court has confused the issue of how much enforcement power Congress possesses under § 5 with the distinct issue of what questions are appropriate for congressional determination and what questions are essentially judicial in nature.

When recognized state violations of federal constitutional standards have occurred, Congress is of course empowered by § 5 to take appropriate remedial measures to redress and prevent the wrongs. See *Strauder* v. *West Virginia*, 100 U.S. 303, 310. But it is a judicial question whether the condition with which Congress has thus sought to deal is in truth an infringement of the Constitution, something that is the necessary prerequisite to bringing the § 5 power into play at all. Thus, in *Ex parte Virginia, supra*, involving a federal statute making it a federal crime to disqualify anyone from jury service because of race, the Court first held as a matter of constitutional law that "the Fourteenth Amendment secures, among other civil rights, to colored men, when charged with criminal offences against a State, an impartial jury trial, by jurors indifferently selected or chosen without discrimination against such jurors because of their color." 100 U.S., at 345. Only then did the Court hold that to enforce this prohibition upon state discrimination, Congress could enact a criminal statute of the type under consideration. See also *Clyatt* v. *United States*, 197 U.S. 207, sustaining the constitutionality of the anti-peonage laws, 14 Stat. 546, now 42 U.S.C. § 1994 (1964 ed.), under the Enforcement Clause of the Thirteenth Amendment.

A more recent Fifteenth Amendment case also serves to illustrate this distinction. In *South Carolina* v. *Katzenbach*, 383 U.S. 301, decided earlier this Term, we held certain remedial sections of this Voting Rights Act of 1965 constitutional under the Fifteenth Amendment, which is directed against deprivations of the right to vote on account of race. In enacting those sections of the Voting Rights Act the Congress made a detailed investigation of various state practices that had been used to deprive Negroes of the franchise. See 383 U.S., at 308–315. In passing upon the remedial provisions, we reviewed first the "voluminous legislative history" as well as judicial precedents supporting the basic congressional finding that the clear commands of the Fifteenth Amendment had been infringed by various state subterfuges. See 383 U.S., at 309, 329–330, 333–334. Given the existence of the evil, we held the remedial steps taken by the legislature under the Enforcement Clause of the Fifteenth Amend- to be a justifiable exercise of congressional initiative.

Section 4(e), however, presents a significantly different type of congressional enactment. The question here is not whether the statute is appropriate remedial legislation to cure an established violation of a constitutional command, but whether there has in fact been an infringement of that constitutional command, that is, whether a particular state practice, or, as here, a statute is so arbitrary or irrational as to offend the command of the Equal Protection Clause of the Fourteenth Amendment. That question is one for the judicial branch utimately to determine. Were the rule otherwise, Congress would be able to qualify this Court's constitutional decisions under the Fourteenth and Fifteenth Amendments, let alone those under other provisions of the Constitution, by resorting to congressional power under the Necessary and Proper Clause. In view of this Court's holding in *Lassiter, supra*, that an English literacy test is a permissible exercise of state supervision over its franchise, I do not think it is open to Congress to limit the effect of that decision as it has undertaken to do by § 4 (e). In effect the Court reads § 5 of the Fourteenth Amendment as giving Congress the power to define the *substantive* scope of the Amendment. If that indeed be the true reach of § 5, then I do not see why Congress should not be able as well to exercise its § 5 "discretion" by enacting statutes so as in effect to dilute equal protection and due process decisions of this Court. In all such cases there is room for reasonable men to differ as to whether or not a denial of equal protection or due process has occurred, and the final decision is one of judgment. Until today this judgment has always been one for the judiciary to resolve.

I do not mean to suggest in what has been said that a legislative judgment of the type incorporated in § 4(e) is without any force whatsoever. Decisions on questions of equal protection and due process are based not on abstract logic, but on empirical foundations. To the extent "legislative facts" are relevant to a judicial determination, Congress is well equipped to investigate them, and such determinations are of course entitled to due respect.[8] In *South Carolina* v. *Katzenbach, supra*, such legislative findings were made to show that racial discrimination in voting was actually occurring. Similarly, in *Heart of Atlanta Motel, Inc.* v. *United States*, 379 U.S. 241, and *Katzenbach* v. *McClung*, 379 U.S. 294, this Court upheld Title II of the Civil Rights Act of 1964 under the Commerce Clause. There again the congressional determination that racial discrimination in a clearly defined group of public accommodations did effectively impede interstate commerce was based on "voluminous testimony," 379 U.S., at 253, which had been put before the Congress and in the context of which it passed remedial legislation.

But no such factual data provide a legislative record supporting § 4(e)[9] by way of showing that Spanish-speaking citizens are fully as capable of making informed decisions in a New York election as are English-speaking citizens. Nor was there any showing whatever to support the Court's alternative argument that § 4(e) should be viewed as but a remedial measure designed to cure or assure against unconstitutional discrimination of other varieties, *e.g.*, in "public schools, public housing and law enforcement," *ante*, p. 652, to which Puerto Rican minorities might be subject in such communities as New York. There is simply no legislative record supporting such hypothesized discrimination of the sort we have hitherto insisted upon when congressional power is brought to bear on constitutionally reserved state concerns. See *Heart of Atlanta Motel, supra; South Carolina* v. *Katzenbach, supra*.

Thus, we have here not a matter of giving deference to a congressional estimate, based on its determination of legislative facts, bearing upon the validity *vel non* of a statute, but rather what can at most be called a legislative announcement that Congress believes a state law to entail an unconstitutional deprivation of equal protection. Although this kind of declaration is of course entitled to the most respectful consideration, coming as it does from a concurrent branch and one that is knowledgeable in matters of popular political participation. I do not believe it lessens our responsibility to decide the fundamental issue of whether in fact the state enactment violates federal constitutional rights.

In assessing the deference we should give to this kind of congressional expression of policy, it is relevant that the judiciary has always given to congressional enactments a presumption of validity. *The Propeller Genesee Chief* v. *Fitzhugh*, 12 How. 443, 457–458. However, it is also a canon of judicial review that state statutes are given a similar presumption, *Butler* v. *Commonwealth*, 10 How. 402, 415. Whichever way this case is decided, one statute will be rendered inoperative in whole or in part, and although it has been suggested that this Court should give somewhat more deference to Congress than to a state legislature,[10] such a simple weighing of presumptions is hardly a satisfying way of resolving a matter that touches the distribution of state and federal power in an area so sensitive as that of the regulation of the franchise. Rather it should be recognized that while the Fourteenth Amendment is a "brooding omnipresence" over all state legislation, the substantive matters which it touches are all within the primary legislative competence of the States. Federal authority, legislative no less than judicial, does not intrude unless there has been a denial by state action of Fourteenth Amendment limitations, in this instance a denial of equal protection. At least in the area of primary state concern a state stat-

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ute that passes constitutional muster under the judicial standard of rationality should not be permitted to be set at naught by a mere contrary congressional pronouncement unsupported by a legislative record justifying that conclusion.

To deny the effectiveness of this congressional enactment is not of course to disparage Congress' exertion of authority in the field of civil rights; it is simply to recognize that the Legislative Branch like the other branches of federal authority is subject to the governmental boundaries set by the Constitution. To hold, on this record, that § 4(e) overrides the New York literacy requirement seems to me tantamount to allowing the Fourteenth Amendment to swallow the State's constitutionally ordained primary authority in this field. For if Congress by what, as here, amounts to mere *ipse dixit* can set that otherwise permissible requirement partially at naught I see no reason why it could not also substitute its judgment for that of the States in other fields of their exclusive primary competence as well.

I would affirm the judgments in each of these cases.[11]

FOOTNOTES

*Together with No. 877, *New York City Board of Elections* v. *Morgan et ux.*, also on appeal from the same court.

[1] The full text of § 4(e) is as follows:

"(1) Congress hereby declares that to secure the rights under the fourteenth amendment of persons educated in American-flag schools in which the predominant classroom language was other than English, it is necessary to prohibit the States from conditioning the right to vote of such persons on ability to read, write, understand, or interpret any matter in the English language.

"(2) No person who demonstrates that he has successfully completed the sixth primary grade in a public school in, or a private school accredited by, any State or territory, the District of Columbia, or the Commonwealth of Puerto Rico in which the predominant classroom language was other than English, shall be denied the right to vote in any Federal, State, or local election because of his inability to read, write, understand, or interpret any matter in the English language, except that in States in which State law provides that a different level of education is presumptive of literacy, he shall demonstrate that he has successfully completed an equivalent level of education in a public school in, or a private school accredited by, any State or territory, the District of Columbia, or the Commonwealth of Puerto Rico in which the predominant classroom language was other than English." 79 Stat. 439, 42 U.S.C. § 1973b (e) (1964 ed., Supp. I).

[2] Article II, § 1, of the New York Constitution provides, in pertinent part:

"Notwithstanding the foregoing provisions, after January first, one thousand nine hundred twenty-two, no person shall become entitled to vote by attaining majority, by naturalization or otherwise, unless such person is also able, except for physical disability, to read and write English."

Section 150 of the New York Election Law provides, in pertinent part:

". . . In the case of a person who became entitled to vote in this state by attaining majority, by naturalization or otherwise after January first, nineteen hundred twenty-two, such person must, in addition to the foregoing provisions, be able, except for physical disability, to read and write English. A 'new voter,' within the meaning of this article, is a person who, if he is entitled to vote in this state, shall have become so entitled on or after January first, nineteen hundred twenty-two, and who has not already voted at a general election in the state of New York after making proof of ability to read and write English, in the manner provided in section one hundred sixty-eight."

Section 168 of the New York Election Law provides, in pertinent part:

"1. The board of regents of the state of New York shall make provisions for the giving of literacy tests.

* * * * *

"2. . . . But a new voter may present as evidence of literacy a certificate or diploma showing that he has completed the work up to and including the sixth grade of an approved elementary school or of an approved higher school in which English is the language of instruction or a certificate or diploma showing that he has completed the work up to and including the sixth grade in a public school or a private school accredited by the Commonwealth of Puerto Rico in which school instruction is carried on predominantly in the English language or a matriculation card issued by a college or university to a student then at such institution or a certificate or a letter signed by an official of the university or college certifying to such attendance."

Section 168 of the Election Law as it now reads was enacted while § 4(e) was under consideration in Congress. See CONGRESSIONAL RECORD, vol. 111, pt. 8, pp. 19376–19377. The prior law required the successful completion of the eighth rather than the sixth grade in a school in which the language of instruction was English.

[3] This limitation on appellees' challenge to § 4(e), and thus on the scope of our inquiry, does not distort the primary intent of § 4(e). The measure was sponsored in the Senate by Senators Javits and Kennedy and in the House by Representatives Gilbert and Ryan, all of New York, for the explicit purpose of dealing with the disenfranchisement of large segments of the Puerto Rican population in New York. Throughout the congressional debate it was repeatedly acknowledged that § 4(e) had particular reference to the Puerto Rican population in New York. That situation was the almost exclusive subject of discussion. See CONGRESSIONAL RECORD, vol. 111, pt. 8, pp. 11028, 11060–11074, 15666, 16235–16245, 16282–16283, 19192–19201, 19375–19378; see also Voting Rights, Hearings before Subcommittee No. 5 of the House Committee on the Judiciary on H.R. 6400, 89th Cong., 1st Sess., 100–101, 420–421, 508–517 (1965). The Solicitor General informs us in his brief to this Court, that in all probability the practical effect of § 4(e) will be limited to enfranchising those educated in Puerto Rican schools. He advises us that, aside from the schools in the Commonwealth of Puerto Rico, there are no public or parochial schools in the territorial limits of the United States in which the predominant language of instruction is other than English and which would have generally been attended by persons who are otherwise qualified to vote save for their lack of literacy in English.

[4] Section 14(b) provides, in pertinent part:

"No court other than the District Court for the District of Columbia . . . shall have jurisdiction to issue . . . any restraining order or temporary or permanent injunction against the . . . enforcement of any provision of this Act or any action of any Federal officer or employee pursuant hereto." 79 Stat. 445, 42 U.S.C. § 1973*l*(b) (1964 ed., Supp. I).

The Attorney General of the United States was initially named as the sole defendant. The New York City Board of Elections was joined as a defendant after it publicly announced its intention to comply with § 4(e); it has taken the position in these proceedings that § 4(e) is a proper exercise of congressional power. The Attorney General of the State of New York has participated as *amicus curiae* in the proceedings below and in this Court, urging § 4(e) be declared unconstitutional. The United States was granted leave to intervene as a defendant, 28 U.S.C. § 2403 (1964 ed.); Fed. Rule Civ. Proc. 24(a).

[5] "SECTION 5. The Congress shall have power to enforce, by appropriate legislation, the provisions of this article."

It is therefore unnecessary for us to consider whether § 4(e) could be sustained as an exercise of power under the Territorial Clause, Art. IV, § 3; see dissenting opinion of Judge McGowan below, 247 F. Supp., at 204; or as a measure to discharge certain treaty obligations of the United States, see Treaty of Paris of 1898, 30 Stat. 1754, 1759; United Nations Charter, Articles 55 and 56; Art. I, § 8, cl. 18. Nor need we consider whether § 4 (e) could be sustained insofar as it relates to the election of federal officers as an exercise of congressional power under Art. I, § 4, see *Minor* v. *Happersett*, 21 Wall. 162, 171; *United States* v. *Classic*, 313 U.S. 299, 315; Literacy Tests and Voter Requirements in Federal and State Elections, Hearings before the Subcommittee on Constitutional Rights of the Senate Committee on the Judiciary on S. 480, S. 2750, and S. 2979, 87th Cong., 2d Sess., 302, 306–311 (1962) (brief of the Attorney General); nor whether § 4(e) could be sustained, insofar as it relates to the election of state officers, as an exercise of congressional power to enforce the clause guaranteeing to each State a republican form of government, Art. IV, § 4; Art. I, § 8, cl. 18.

[6] *Harper* v. *Virginia Board of Elections*, 383 U.S. 663; *Carrington* v. *Rash*, 380 U.S. 89. See also *United States* v. *Mississippi*, 380 U.S. 128; *Louisiana* v. *United States*, 380 U.S. 145, 151; *Lassiter* v. *Northampton Election Bd.*, 360 U.S. 45; *Pope* v. *Williams*, 193 U.S. 621, 632–634; *Minor* v. *Happersett*, 21 Wall. 162; cf. *Burns* v. *Richardson*, *ante*, p. 73, at 92; *Reynolds* v. *Sims*, 377 U.S. 533.

[7] For the historical evidence suggesting that the sponsors and supporters of the Amendment were primarily interested in augmenting the power of Congress, rather than the judiciary, see generally Frantz, Congressional Power to Enforce the Fourteenth Amendment Against Private Acts, 73 Yale L. J. 1353, 1356–1357; Harris, The Quest for Equality, 33–56 (1960); tenBroek, The Antislavery Origins of the Fourteenth Amendment 187–217 (1951).

[8] Senator Howard, in introducing the proposed Amendment to the Senate, described § 5 as "a direct affirmative delegation of power to Congress," and added:

"It casts upon Congress the responsibility of seeing to it, for the future, that all the sections of the amendment are carried out in good faith, and that no State infringes the rights of persons or property. I look upon this clause as indispensable for the reason that it thus imposes upon Congress this power and this duty. It enables Congress, in case the States shall enact laws in conflict with the principles of the amendment, to correct that legislation by a formal congressional enactment." Cong. Globe, 39th Cong., 1st Sess., 2766, 2768 (1866).

This statment of § 5's purpose was not questioned by anyone in the course of the debate. Flack, The Adoption of the Fourteenth Amendment 138 (1908).

[9] In fact, earlier drafts of the proposed Amendment employed the "necessary and proper" terminology to describe the scope of congressional power under the Amendment. See tenBroek, The Antislavery Origins of the Fourteenth Amendment 187–190 (1951). The substitution of the "appropriate legislation" formula was never thought to have the effect of diminishing the scope of this congressional power. See, *e. g.*, Cong. Globe, 42d Cong., 1st Sess., App. 83 (Representative Bingham, a principal draftsman of the Amendment and the earlier proposals).

[10] Contrary to the suggestion of the dissent, *post*, p. 668, § 5 does not grant Congress power to exercise discretion in the other direction and to enact "statutes so as in ef-

fect to dilute equal protection and due process decisions of this Court." We emphasize that Congress' power under § 5 is limited to adopting measures to enforce the guarantees of the Amendment; § 5 grants Congress no power to restrict, abrogate, or dilute these guarantees. Thus, for example, an enactment authorizing the States to establish racially segregated systems of education would not be—as required by § 5—a measure "to enforce" the Equal Protection Clause since that clause of its own force prohibits such state laws.

[11] Cf. *James Everard's Breweries* v. *Day*, *supra*, which held that, under the Enforcement Clause of the Eighteenth Amendment, Congress could prohibit the prescription of intoxicating malt liquor for medicinal purposes even though the Amendment itself only prohibited the manufacture and sale of intoxicating liquors for beverage purposes. Cf. also the settled principle applied in the *Shreveport Case* (*Houston, E. & W. T. R. Co.* v. *United States*, 234 U.S. 342), and expressed in *United States* v. *Darby*, 312 U.S. 100, 118, that the power of Congress to regulate interstate commerce "extends to those activities intrastate which so affect interstate commerce or the exercise of the power of Congress over it as to make regulation of them appropriate means to the attainment of a legitimate end . . . ." Accord, *Atlanta Motel* v. *United States*, 379 U.S. 241, 258.

[12] See, *e.g.*, CONGRESSIONAL RECORD, vol. 111, pt. 8, pp. 11061–11062, 11065–11066, 16240; Literacy Tests and Voter Requirements in Federal and State Elections, Senate Hearings, n. 5, *supra*, 507–508.

[13] The principal exemption complained of is that for persons who had been eligible to vote before January 1, 1922. See n. 2, *supra*.

[14] This evidence consists in part of statements made in the Constitutional Convention first considering the English literacy requirement, such as the following made by the sponsor of the measure: "More precious even than the forms of government are the mental qualities of our race. While those stand unimpaired, all is safe. They are exposed to a single danger, and that is that by constantly changing our voting citizenship through the wholesale, but valuable and necessary infusion of Southern and Eastern European races . . . The danger has begun. . . . We should check it." III New York State Constitutional Convention 3012 (Rev. Record 1916).

See also *id.*, at 3015–3017, 3021–3055. This evidence was reinforced by an understanding of the cultural milieu at the time of proposal and enactment, spanning a period from 1915 to 1921—not one of the enlightened eras of our history. See generally Chafee, Free Speech in the United States 102, 237, 269–282 (1954 ed.). Congress was aware of this evidence. See, *e.g.*, Literacy Tests and Voter Requirements in Federal and State Elections, Senate Hearings, n. 5, *supra*, 507–513; Voting Rights, House Hearings, n. 3, *supra*, 508–513.

[15] Other States have found ways of assuring an intelligent exercise of the franchise short of total disenfranchisement of persons not literate in English. For example, in Hawaii, where literacy in either English or Hawaiian suffices, candidates' names may be printed in both languages, Hawaii Rev. Laws § 11–38 (1963 Supp.); New York itself already provides assistance for those exempt from the literacy requirement and are literate in no language, N.Y. Election Law § 169; and, of course, the problem of assuring the intelligent exercise of the franchise has been met by those States, more than 30 in number, that have no literacy requirement at all, see *e.g.*, Fla. Stat. Ann. §§ 97.061, 101.061 (1960) (form of personal assistance); New Mexico Stat. Ann. §§ 3–2–11, 3–3–13 (personal assistance for those literate in no language), §§ 3–3–7, 3–3–12, 3–2–41 (1953) (ballots and instructions authorized to be printed in English or Spanish). Section 4(e) does not preclude resort to these alternative methods of assuring the intelligent exercise of the franchise. True the statute precludes, for a certain class, disenfranchisement and thus limits the States' choice of means of satisfying a purported state interest. But our cases have held that the States can be required to tailor carefully the means of satisfying a legitimate state interest when fundamental liberties and rights are threatened, see, *e.g.*, *Carrington* v. *Rash*, 380 U.S. 89, 96; *Harper* v. *Virginia Board of Elections*, 383 U.S. 663, 670; *Thomas* v. *Collins*, 323 U.S. 516, 529–530; *Thornhill* v. *Alabama*, 310 U.S. 88, 95–96; *United States* v. *Carolene Products Co.*, 304 U.S. 144, 152–153, n. 4; *Meyer* v. *Nebraska*, 262 U.S. 390; and Congress is free to apply the same principle in the exercise of its powers.

[16] See, *e.g.*, CONGRESSIONAL RECORD, vol. 111, pt. 8, pp. 11060–11061, pt. 11, p. 15666, pt. 12, p. 16235. The record in this case includes affidavits describing the nature of New York's two major Spanish-language newspapers, one daily and one weekly, and its three full-time Spanish-language radio stations and affidavits from those who have campaigned in Spanish-speaking areas.

[17] See, *e.g.*, CONGRESSIONAL RECORD, vol. 111, pt. 8, p. 11061 (Senator Long of Louisiana and Senator Young), 11064 (Senator Holland), drawing on their experience with voters literate in a language other than English. See also an affidavit from Representative Willis of Louisiana expressing the view that on the basis of his thirty years' personal experience in politics he has "formed a definite opinion that French-speaking voters who are illiterate in English generally have as clear a grasp of the issues and an understanding of the candidates, as do people who read and write the English language."

[18] See *e.g.*, CONGRESSIONAL RECORD, vol. 111, pt. 8, pp. 11060–11061.

[19] See Magruder, The Commonwealth Status of Puerto Rico, 15 U. Pitt. L. Rev. 1 (1953).

[20] See, *e.g.*, CONGRESSIONAL RECORD, vol. 111, pt. 8, pp. 11060–11061, 11066, 11073, pt. 12, p. 16235. See Osuna, A History of Education in Puerto Rico (1949).

[21] See, *e.g.*, CONGRESSIONAL RECORD, vol. 111, pt. 12, p. 16235; Voting Rights, House Hearings, n. 3, *Supra*, 362. See also Jones Act of 1917, 39 Stat. 953, conferring United States citizenship on all citizens of Puerto Rico.

FOOTNOTES TO CARDONA CASE

* [This opinion applies also to *Cardona* v. *Power*, *post*, p. 672.]

[1] The pertinent portions of the New York Constitution, Art. II, § 1, and statutory provisions are reproduced in the Court's opinion, *ante*, pp. 644—645, n. 2.

[2] The Fifteenth Amendment forbids denial or abridgment of the franchise "on account of race, color, or previous condition of servitude"; the Seventeenth deals with popular election of members of the Senate; the Nineteenth provides for equal suffrage for women; the Twenty-fourth outlaws the poll tax as a qualification for participation in federal elections.

[3] The test is described in McGovney, The American Suffrage Medley 63 (1949) as follows: "The examination is based upon prose compositions of about ten lines each, prepared by the personnel of the State Department of Education, designed to be of the level of reading in the sixth grade . . . These are uniform for any single examination throughout the state. The examination is given by school authorities and graded by school superintendents or teachers under careful instructions from the central authority, to secure uniformity of grading as nearly as is possible." The 1943 test, submitted by the Attorney General of New York as representative, is reproduced below:

NEW YORK STATE REGENTS
LITERACY TEST

(To be filled in by the candidate in ink)

Write your name here--------------------
First name Middle initial Last name

Write your address here--------------------

Write the date here--------------------
Month Day Year

Read this and then write the answers to the questions

Read it as many times as you need to

The legislative branch of the National Government is called the Congress of the United States. Congress makes the laws of the Nation. Congress is composed of two houses. The upper house is called the Senate and its members are called Senators. There are 96 Senators in the upper house, two from each State. Each United States Senator is elected for a term of six years. The lower house of Congress is known as the House of Representatives. The number of Representatives from each state is determined by the population of that state. At present there are 435 members of the House of Representatives. Each Representative is elected for a term of two years. Congress meets in the Capitol at Washington.

The answers to the following questions are to be taken from the above paragraph

1 How many houses are there in Congress?--
2 What does Congress do?----------------
3 What is the lower house of Congress called? --------------------------------
4 How many members are there in the lower house? --------------------------------
5 How long is the term of office of a United States Senator?----------------------
6 How many Senators are there from each state? --------------------------------
7 For how long a period are members of the House of Representatives elected?--------
8 In what city does Congress meet?--------

[4] There is no allegation of discriminatory enforcement, and the method of examination, see n. 3, *supra*, makes unequal application virtually impossible, McGovney has noted, *op. cit. supra*, at 62, that "New York is the only state in the Union that both has a reasonable reading requirement and administers it in a manner that secures uniformity of application throughout the state and precludes discrimination, so far as is humanly possible." See *Camacho* v. *Rogers*, 199 F. Supp. 155, 159–160.

[5] See McKinney's Consolidated Laws of New York Ann., Education Law § 4605. See generally Handbook of Adult Education in the United States 455–465 (Knowles ed. 1960).

[6] The statute makes an exception to its sixth-grade rule so that where state law "provides that a different level of education is presumptive of literacy," the applicant must show that he has completed "an equivalent level of education" in the foreign-language United States school.

[7] Section 5 of the Fourteenth Amendment states that "The Congress shall have power to enforce, by appropriate legislation, the provisions of this article."

[8] See generally Karst, Legislative Facts in Constitutional Litigation, 1960 The Supreme Court Review 75 (Kurland ed.); Alfange, The Relevance of Legislative Facts in Constitutional Law, 114 U. Pa. L. Rev. 637 (1966).

[9] There were no committee hearings or reports referring to this section, which was introduced from the floor during debate on the full Voting Rights Act. See CONGRESSIONAL RECORD, vol. 111, pt. 8, pp. 11027, 15666, pt. 12, p. 16234.

[10] See Thayer, The Origin and Scope of the American Doctrine of Constitutional Law, 7 Harv. L. Rev. 129, 154–155 (1893).

[11] A number of other arguments have been suggested to sustain the constitutionality of § 4 (e). These are referred to in the Court's

opinion, *ante*, pp. 646–647, n. 5. Since all of such arguments are rendered superfluous by the Court's decision and none of them is considered by the majority, I deem it unnecessary to deal with them save to say that in my opinion none of those contentions provides an adequate constitutional basis for sustaining the statute.

EXHIBIT 2

STATEMENT OF ASSISTANT ATTORNEY GENERAL WILLIAM H. REHNQUIST, OFFICE OF LEGAL COUNSEL, ON PROPOSED STATUTE TO LOWER THE VOTING AGE, BEFORE SUBCOMMITTEE ON CONSTITUTIONAL AMENDMENTS, SENATE JUDICIARY COMMITTEE, MARCH 10, 1970

Mr. Chairman, I appreciate the opportunity to appear before this Subcommittee. Last month, Deputy Attorney General Kleindienst for the Department of Justice testified in support of a constitutional amendment to lower the voting age in national elections to eighteen. Since then the question has arisen as to whether this objective could be achieved equally well by an Act of Congress, rather than by a constitutional amendment. My testimony will be limited to this question.

The Department of Justice reaffirms its support of a constitutional amendment dealing with voting age in national elections. It opposes enactment of a statute for several reasons:

First, the constitutional validity of such a statute would be open to the most serious doubt;

Second, doubt as to the validity of the statute could create confusion and uncertainty as to the outcome of a presidential election;

Third, the amending process, with its requirement of extraordinary majorities both in Congress and among adopting states, is better suited than a statute to manifest the necessary consensus for the proposal in question.

I turn now to a more detailed consideration of these objections, in order to amplify what we believe to be the danger and the undesirability of taking the statutory rather than the constitutional amendment route.

1. *Constitutional Validity of Statute*. The precise question to be answered here, of course, is whether Congress, acting under the power conferred upon it by the Fourteenth Amendment, may by statute lower the voting age in national elections to eighteen. However, the inquiry must begin somewhat further back along the line, with the well-established proposition that a state-imposed voting age minimum of 21 violates no provision of the Federal Constitution. Prior to the adoption of the Constitution each state determined for itself who should have the right to vote, and the traditional age of "majority"—21 years—was in effect in all states. See *Minor* v. *Happersett*, 21 Wall. 162, 172–173 (1874). Far from intending that this matter be withdrawn from state regulation, the evidence is overwhelming that the Founding Fathers intended that the minimum voting age should be a matter to be determined by state law. This is indicated both by the actual provisions of Article I, section 2, respecting the qualifications of electors for representatives, and by debate during the Constitutional Convention in which efforts to set up a national standard for such electors were overwhelmingly defeated.

Repeated statements in recent decisions of the Supreme Court make clear the Court's view that no provision in the Civil War amendments to the Constitution invalidated minimum voting age requirements established by the various states. In *Lassiter* v. *Northampton Election Board*, 360 U.S. 45 (1959), the Court said (pp. 50–51):

"The States have long been held to have broad powers to determine the conditions under which the right of suffrage may be exercised . . . absent of course the discrimination which the Constitution condemns. . . .

"We do not suggest that any standards which a State desires to adopt may be required of voters. But there is wide scope for exercise of its jurisdiction. Residence requirements, *age*, previous criminal record . . . are obvious examples indicating factors which a State may take into consideration in determining the qualifications of voters. . . ." (Emphasis added.)

And while on several recent occasions the Supreme Court has invalidated state restrictions on the franchise because they were found to violate the Fourteenth Amendment, each of these opinions has contained language re-emphasizing the right of states to set, on a non-discriminatory basis, qualifications for the exercise of the franchise. *Carrington* v. *Rash*, 380 U.S. 89 (1965); *Kramer* v. *Union Free School District*, 395 U.S. 621 (1969).

Similar expressions as to the constitutional validity of state provisions limiting the franchise to those who have attained the age of 21 years are contained in recent expressions of the executive and legislative branch. Such expressions reinforce the settled view that such a requirement does not violate the Fourteenth Amendment.

The constitutional basis upon which supporters of the statutory measure proceed, however, is that even if all of this be so, Congress may under the legislative authority conferred upon it by the Fourteenth Amendment require states to grant the franchise to 18-year-olds, even though state refusal to do so would not by itself violate the Fourteenth Amendment. Certainly constitutional law, especially that pertaining to the Fourteenth Amendment, has changed substantially in recent years, and no informed observer could state unequivocally that the statutory approach would *not* pass muster with the Supreme Court. But even more surely, no informed observer can affirmatively state that the statutory approach *would* pass muster with the Supreme Court. Characterizing the chances of success as best I can, in my opinion, I would have to say that they are uncertain and dubious.

In urging that there is a constitutional basis for Congress to act by statute rather than by constitutional amendment, reliance is placed on *Katzenbach* v. *Morgan*, 384 U.S. 461 (1965). That case upheld the validity of section 4(e) of the Voting Rights Act of 1965 (42 U.S.C. 1973b (e) (Supp. IV, 1965–68)) which provides in effect, that no person who has successfully completed the sixth primary grade in a Puerto Rican school where the language of instruction was Spanish shall be denied the right to vote in any federal, state, or local election because of inability to read or write English. The recognized purpose and effect of this section was to give the right to vote to thousands of Spanish-speaking citizens who had moved to New York from Puerto Rico but were barred from voting by New York English literacy tests.

The point of departure in *Morgan* for the advocates of the validity of the statutory route for lowering the voting age is the fact that the Court held that it was unnecessary to decide whether the state's English literacy test denied the equal protection of the laws to its Spanish-speaking citizens, grounding its opinion instead on the conclusion that such constitutional invalidity was not a prerequisite to congressional prohibitions of such a requirement.

The Court concededly in *Morgan* carved out an area in which Congress might prohibit state action even though that state action did not in itself violate the Fourteenth Amendment. To state this, however, is but the beginning of the inquiry as to whether such congressional legislation could extend to the mandatory lowering of the voting age.

The precise rationale upon which the Court's majority rested its conclusion is perhaps as open to debate as the question now before this Subcommittee. There is a good deal of talk in the Court's opinion about how the congressional enactment can be viewed as a measure to secure "non-discriminatory" treatment by various governmental units to the Puerto Rican community. It was for Congress, the Court stated, to assess the "pervasiveness of the discrimination in governmental services" and other factors which had been brought home to Congress during the hearings and debates. It was not for the Court to review the congressional resolution of these factors; it was enough that there was a rational "basis upon which Congress could resolve the conflict as it did." 384 U.S. at 652–653.

An expansive reading of some of the Court's language would suggest that the "rational connection" tests applied to state economic legislation under the "due process" clause of the Fourteenth Amendment is likewise applicable to congressional legislation enforcing the Fourteenth Amendment: Is the means chosen by Congress reasonably related to the goal of lessening discrimination? On the other hand, a narrower but equally tenable reading of the Court's opinion would require a good deal tighter connection between the Congressional enactment and some form of discrimination prohibited by the Fourteenth Amendment itself.

The differences between the evil at which Congress aimed in section 4(e) of the Voting Rights Act and the aim of Congress in a statute lowering the voting age to eighteen are marked. The literacy tests administered to Spanish-speaking citizens of New York, though concededly administered in a non-discriminatory manner to all citizens, undoubtedly had the *effect* of denying the franchise to substantially more Puerto Ricans who had attended Puerto Rican schools than to residents of New York who had attended school in New York. Denial of the franchise to Puerto Ricans produced an unequal result, even though the result was produced by reason of factors other than a discriminatory intent on the part of those who devised and administered the tests. Since a classification which would distinguish *in terms* between Puerto Ricans and New York residents would be invalid, Congress was empowered to prohibit a system of classification which produced the same result, though not *in terms*.

By contrast, not only is the voting age requirement of 21 not discriminatory against any defined class by its terms, but it is not discriminatory in result, at all. We do not here have a situation where the test, though fair on its face, discriminates *in result* between classes which may not be discriminated between *in terms* under the Fourteenth Amendment. There is not the slightest indication that the 18- to 21-year-old voting group in any particular state or in the United States as a whole, is composed of markedly larger numbers of Negroes, women, Spanish-Americans, or any other group which has been the subject of overt discrimination. This, in my opinion, is the principal and very significant factual difference between the 18-year-old vote law and section 4(e) of the Voting Rights Act.

When we deal with 18-year-old voting, we reach no secondary result by applying the statutory voting age requirements—the only identifiable class affected is that set forth in the state voting law in so many words—the class of potential voters between the age of 18 and 21. In contrast, the New York literacy test, although by its terms barring only illiterates, had the result of discriminating against, if not barring, a secondary identifiable class against whom discrimina-

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tion was prohibited under the Fourteenth Amendment.

Finally, one may ask, what is the "discrimination" which Congress would here seek to eliminate? Unless voting is to be done from the crib, the minimum age line must be drawn somewhere; can it really be said that to deny 20, 19, and 18-year-olds the vote is "discrimination", while to deny the vote to 17-year-olds is sound legislative judgment?

It is pointless to further elaborate the matter. The Committee and the Congress is faced with one Supreme Court decision on the entire subject, and the reasoning of that decision is not one that he who runs may read. There are striking factual differences between the facts of *Morgan* and the facts that would be involved in determining the validity of a voting age statute; the fact that 46 states presently impose a 21-year-old voting requirement; the fact that 21 was the voting age requirement unanimously enforced by the states which adopted the Constitution; and the fact that a voting age law is one which applies to all citizens alike without resulting in any identifiable discrimination—my conclusion is that *Morgan* is not strong support for the validity of such a statute.

2. *A Statute of Doubtful Validity is Peculiarly Inappropriate in the Context of a National Election.* I have had the privilege of reading Professor Cox's testimony before I appeared here today before this Subcommittee, and am of the opinion that the Department's views are not greatly different from his as to the constitutional validity of the statutory approach. Building outward from the *Morgan* case, he is of the opinion that the statutory approach would be held constitutional, but concedes that other informed students of the subject very probably think otherwise. The practical question facing this Committee, and which will ultimately face the Congress as a whole, is whether to proceed by the statutory route because of the shorter time involved, rather than proceeding by the constitutional route because of the greater certainty involved. The Department is strongly of the view that a worse case for experimentation with a doubtful statute cannot be imagined than one dealing with a national election. While one would hope that the validity of such a statute would be conclusively settled well before any national election governed by the statute were to be held, there can be no guarantee that this will be the case. The elaborate provisions for judicial review and finality of determination suggested by Professor Cox in his testimony are, in my opinion, testimony to the unwisdom of the statutory approach to which its worst enemy would not wish to add a line.

Congress was recently faced with a similar dilemma in dealing with the problem of Presidential inability, and in that case chose the certainty of the constiutional amendment route over the speed of the statutory route.

Public discussion began focusing on the question of Presidential inability in the years following President Eisenhower's heart attack, and at this time there were many eminent scholars (including a number from leading law school faculties) who felt that Congress could deal with the matter by statute under the "necessary and proper" clause. Attorney General Brownell opposed the legislative route, saying:

"Ordinary legislation would only throw one more doubtful element into the picture for the statute's validity could not be tested until the occurrence of the Presidential inability, the very time at which uncertainty must be precluded." Brownell, "Presidential Inability: The Need for a Constitutional Amendment", 68 Yale Law Journal 189, 205 (1958).

Attorneys General Rogers and Kennedy concurred in Attorney General Brownell's conclusion. See 42 Ops. A.G. #5, p. 22 (1961).

3. *Desirability of Substantial Consensus.* Where Congress is dealing with a matter which has been left to the individual states since the adoption of the Constitution, where it is dealing with a question of minimum voting age about which fair minded individuals may reasonably differ, and which has been traditionally thought to be a matter of discretion that could be decided one way as easily as another, conformity to a uniform view should be imposed only by the process of constitutional amendment, rather than by legislative majority in Congress. The voting age bill is not an effort to cure longstanding shortcomings in the enforcement of standards imposed by the Fourteenth Amendment, but rather an effort to enlarge the accepted and traditional age requirement for voting. The Administration agrees that this step is desirable. But it is a step which may best be taken by the process of amending the Constitution.

Indeed, there is an element of disingenuousness, unintended no doubt, in the doctrine urged in support of the statutory route. It is claimed that while the Court itself might not be willing to make a finding that the denial of franchise to the 18- to 21-year-old age group is discriminatory, Congress is empowered to do so under the Fourteenth Amendment. But though the forum is a different one, presumably evidence must be adduced in either one to support such a finding. Can it fairly be said that the states are *discriminating* in violation of the Equal Protection clause in denying the franchise to those between 18 and 21 years of age?

This is not a case of discrimination, but instead a case of whether there is sufficient national consensus to warrant imposing a uniform lower voting age requirement for national elections. If it proves that such national consensus is not present, that in itself is a significant argument against imposing such a requirement by any other means.

I urge, therefore, that this Subcommittee report favorably on the proposed constitutional amendment to reduce the voting age in national elections to eighteen, and that it recommend against enactment of a statute for this purpose.

ALIEN LABOR SITUATION IN THE VIRGIN ISLANDS

Mr. ALLOTT. Mr. President, I take this opportunity to commend Secretary of Labor Shultz and Assistant Secretary of Labor Weber for their announcement on March 5 indicating that the Department of Labor will, for the first time, establish an office in the U.S. Virgin Islands to administer its alien worker certification program there. As Senators are aware, I have been deeply concerned for some time with regard to the alien labor situation in the Virgin Islands, and the Labor Department's announcement last week is one of the first positive steps that has come to my attention in this area.

Mr. President, I ask unanimous consent that the Labor Department's news release be printed at this point in the RECORD.

There being no objection, the news release was ordered to be printed in the RECORD, as follows:

U.S. LABOR DEPARTMENT OPENS ALIEN WORKER CERTIFYING OFFICE IN VIRGIN ISLANDS

The U.S. Department of Labor will establish an office for the first time in the U.S. Virgin Islands to administer its alien worker certification program there, according to Assistant Secretary of Labor Arnold R. Weber.

The new office is expected to be in operation before May 1. It will be under the direct supervision of the Manpower Administration in Washington.

The Assistant Secretary said the change is being made as a result of the size, complexity, and seriousness of the foreign worker situation in the Virgin Islands.

More than 40 percent of the U.S. Virgin Islands labor force is composed of alien workers in nonimmigrant status. Most of these workers cannot become immigrants and eventually citizens, at least within the foreseeable future, because they come from islands in the Caribbean which are dependencies of Eastern Hemisphere countries.

The Immigration and Nationality Act allots a maximum of 200 immigrant visas a year to each such dependent area, and many of this small number of visas are used to admit relatives of citizens or immigrants already in the U.S.

Assistant Secretary Weber said that he is concerned that "the ready availability of foreign workers has kept wage rates low, has impeded full and efficient utilization of American workers, and has resulted in inadequate housing, educational facilities and social services."

Mr. Weber recently visited the U.S. Virgin Islands to study the situation and to discuss the problems and possible solutions with Governor Melvin H. Evans and with a wide spectrum of employers, workers, and government officials.

Mr. ALLOTT. Mr. President, a recent issue of Look magazine contains a feature article with regard to the alien labor situation in the Virgin Islands. The author of the article, Mr. Jack Star, senior editor of Look, captures in many respects the seething atmosphere which I perceive to be growing in the Virgin Islands. I am deeply concerned that comprehensive efforts must be made both within the executive branch as well as by appropriate committees of Congress to develop an adequate program as it pertains to the Virgin Islands alien labor situation. In my judgment, this is a situation which is going to continue to deteriorate unless positive and forthright steps are taken by the Federal Government to deal constructively with the issue. Again, I commend the Department of Labor for assuming some leadership in this issue, and I urge other agencies of the Federal Government which are charged with the responsibility for finding practical solutions to this problem to follow the lead of the Department of Labor in this critical area.

Mr. President, I ask unanimous consent that the Look article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

VIRGIN ISLANDS: SHAME IN THE U.S. TROPICS

(By Jack Starr)

In 1948, the slaves were freed on the Virgin Islands—St. Thomas, St. Croix and St. John. Today, ugly echoes of the slave trade are stirring consciences on these predominantly black U.S. isles, only 40 miles east of Puerto Rico.

Some 16,000 so-called "bonded aliens"—a group of blacks as large as the entire resident labor force—have been imported from nearby foreign Caribbean islands under unique provisions of U.S. immigration and labor laws. Without the aliens, the Virgins' booming tourist and construction industries would collapse. But the way these blacks are treated is almost without parallel in our history. One has to go back to the days of slaves and indentured servants.

The aliens are attracted by the lure of wages higher than those of their impoverished home islands—St. Kitts, Antigua, Nevis, and St. Lucia are the main ones. The U.S. minimum wage of $1.60 an hour does not apply to the Virgin Islands. Some alien women are paid only 54 cents an hour; last year, it was estimated nearly 59 percent of the women earned less than $1.16 an hour. Of the alien men and women, nearly half earned less than $1.76. An alien working as a skilled mason or carpenter may find himself—for salary purposes—classified as a low-paid laborer. Few aliens get the fringe benefits—hospitalization, paid holidays, pensions—that are standard in the States, yet the cost of living is as much as 25 percent higher than on the mainland.

Aliens are powerless. If they complain, they can be fired, rounded up and deported in five days. When they go, some leave behind wives—should they happen to be U.S. citizens—and children. Most aliens come to the Virgin Islands without their families. The only way for an alien's wife to join her husband is either to sneak in, to get a job herself as a bonded alien or to have her temporary visitor's visa renewed every month or so. At any one time, an estimated 16,000 transient aliens—those with visitors' visas—roam the islands, living off relatives or working illegally with the connivance of island employers who regard them as a special bargain.

Living conditions are unspeakable. Many aliens sleep in ancient, abandoned slave quarters or in packing boxes and vermin-infested, leaking shacks. A score of neighbors share an outdoor toilet, some people just use the ground. They haul water from an outdoor spigot. The smell of garbage mingles with the fragrance of hibiscus and bougainvillea.

The aliens receive little in return for the taxes they pay. Only a few hundred of their children have been allowed to enter public schools—and it is estimated that 2,000 alien children whose parents can't afford inexpensive church schools are walking the streets. Alien parents aren't allowed tax deductions for dependents back on their home islands, nor (shades of *Catch-22*) can they collect unemployment compensation even though they pay for it, because they are deported when they lose their jobs. Most aliens will never get any of the Social Security for which they pay. Nor can they use public-welfare services, and they rarely get into public housing.

The pretense of government and employers has been that the aliens are some sort of migratory workers, that they are in the Virgin Islands for only a short while. Actually, many aliens have been around for five and even ten years. They constitute a huge, voteless, unintegrated bloc. Why aren't they more demanding?

"The average alien is terribly afraid," says Nathaniel Richardson, himself an alien black who is working with the Dutch Reformed Church in St. Thomas to help other aliens. "The alien isn't secure in his job. . . . If he asks for more money, his boss can fire him—he has to leave the country, and immediately his boss hires another man cheaper. He has no person to defend him. These blacks won't always be so passive. Someday, and soon, if life continues the way it is, they will become angry."

Franklin S. Anderson is a black labor organizer who was raised on St. Vincent's. "There is a racist mentality among the native blacks toward the alien blacks," he says. "The native blacks constitute 70–80 percent of the U.S. citizens; they are well-off economically and they feel superior. The aliens in turn resent the black Virgin Islanders; they feel their powerlessness. If changes aren't made, there will be an explosion."

Sociologist John W. McCollum knows as much about the islands' problems as anybody. Last summer his company, Social, Educational Research and Development, Inc., of Silver Spring, Md., completed a major study of the alien situation for the Office of Economic Opportunity. He agrees with Anderson: "There are all the ingredients for an explosion, like a case of spontaneous combustion. The people are cut off completely from the community. This is a classic case of alienation. There is nothing to give them a feeling of belonging to society. Remember, they don't compare themselves to how poorly they lived back on their home island but how life is in the Virgin Islands."

Curiously, the prosperity of recent years is responsible for the islands' problems. The U.S. bought the islands from Denmark for $25 million during World War I, to keep the German U-boats out of the Caribbean. For years, the islands were administered as a sleepy tropical colony by the U.S. Navy. Agriculture fizzled out nearly completely: the famous local rum is now made from imported molasses because sugarcane is no longer harvested. With Fidel Castro's take-over of Cuba came sudden hordes of displaced tourists, first by the thousands, then by the hundreds of thousands. Last fiscal year, the tourists increased 38 percent over 1968 to 1,279,292; they spent $125 million. With the tourists have come white "continentals" to take up a new life in semi-retirement or for seasonal stays in condominium apartments. They are not much interested in the islands' social problems. To run the hotels and to build the condominiums takes large numbers of aliens. Incredible as it seems, over 40 percent of the people who live here permanently have government jobs. The other permanents prefer owning taxis or businesses to working with their hands. That is where the aliens come in.

"We on the islands have been too tourist-oriented," says Ariel Melchior, Sr., publisher of the *Daily News of the Virgin Islands* and a local editor for 40 years. "We should have balanced the human interests—there has been too much emphasis placed on tourism and making money, too little on how human beings live."

Melchior charges that the islands have been guilty of "exploitation of poor people—like getting large numbers into construction work and then getting rid of them without any regard." He advocates slowing down the import of aliens to "absorb the more productive ones and give them many of the rights of citizens."

Melchior wants to de-emphasize tourism by attracting light industry. He says: "Condominiums and hotels produce profits for stockholders in the U.S., not for people in the V.I."

The Virgin Islands government has the power to subsidize new industry by offering it a 75 percent rebate on Federal-income and local taxes for a number of years. An aluminum plant and an oil refinery were built on St. Croix, but no other large enterprises have been attracted—except for tourist hotels and condominiums. These plow little back into the economy and contribute instead to the social problems because they require alien labor to build and maintain.

The most powerful man on the islands is Sen. Earle B. Ottley, former president of the Territorial Senate (which is three-quarters black), who also publishes an influential daily newspaper and is founder-president of the powerful Virgin Islands Labor Union, an affiliate of the AFL–CIO Seafarers International. He is also chairman of a governmental commission studying alien problems. Ottley says:

"Tourism is a tiger by the tail. If something happened nationally or internationally, the whole bottom would drop out." To him, the aliens' most important need is clear: "You have to give him self-respect, you have to get rid of the sword of Damocles—the bonding contract—that hangs over his head, so his employer no longer has life-and-death power."

The failure of the islands to provide public housing bothers the Senator. "There are probably 5,000 people on the housing waiting list," he says, "and there are only a couple of hundred units built every year. We should expand the Federal effort and also require more from the importers of alien labor in the way of providing housing for their workmen."

The lackadaisical attitude in Washington toward our former colony accounts for some of the aggravated problems. Sociologist John W. McCollum calls attention to the failure of the U.S. Department of Labor to use its powers to upgrade low wages and poor working conditions. The Immigration and Naturalization Service is also delinquent, he says, in permitting illegal aliens to remain on the islands and in putting up with laws that it knows to be unworkable.

Federal responsibility may receive some attention, at long last, in Congress. Sen. Quentin N. Burdick (D., N.D.), chairman of the Subcommittee on Territories and Insular Affairs, says: "We ought to have some hearings on the subject. There is no easy solution, but I think it is time we should look for some answers." Sen. Gordon Allott, of Colorado, ranking Republican member of the Interior and Insular Affairs Committee, has called upon the President to intervene, saying: "I am convinced that a Cabinet-level committee is the only unified and comprehensively responsible Federal vehicle for dealing with this important matter."

The Virgin Islands government, until very recently, has done nothing about the alien situation. But then, it seems overwhelmed by all the other problems of growth: the bumpy, muddy highway network; the schools, inadequate for citizens, let alone aliens; the 2.5 million gallons of raw sewage dumped daily into the beautiful St. Thomas harbor; lights and telephones that don't work.

"Despite the tourist dollar, this is an underdeveloped area, perpetually in crisis," Dr. Edward L. Towle tells me. He is director of the Caribbean Research Institute at the College of the Virgin Islands. (It is hard to take notes as we talk because his office is in semi-darkness because of one of the power plant's frequent failures.) "We suffer from sheer administrative inefficiency and inexperience," says Dr. Towle. "Sure, we had a 38 percent increase in tourism last year, but we didn't provide a one percent increase in the quality of housing, schools and roads."

Dr. Towle believes the islands are going to have to put a ceiling on tourism. He says: "We would be better advised to have only a ten percent increase in tourism annually and provide a good tourist experience than have a 20 percent increase in tourism that is a bad experience. . . . If we can't provide the vital services, we'll drown in tourism."

This kind of talk enrages civic boosters like Ralph M. Paiewonsky, who was governor from 1961 to 1969. Island-born, son of an immigrant, and a millionaire with many island interests, Paiewonsky—who owns one of the largest "duty free" tourist shops—says, "We're not going to turn the clock back and cut down on tourism. We have improved the quality of living here in every direction. Go down to the other islands and look."

The ex-governor defends the way aliens are treated. "They don't want to establish a permanent residence here," he asserts. "They make their money and go back home." He says that alien blacks "earn three times as much from tourism as from chopping cane" and that the money they send to their home islands (about $3 million a year) "constitutes our own Alliance for Progress."

The new governor, Dr. Melvin H. Evans, who was appointed by President Nixon only last June, disagrees: "We're going to say no! We're going to tighten up tax incentives on condominiums. We're past the state of welcoming everybody who wants to put up a hotel. We have to slow down. The Virgin Islander is getting angry. He is getting the blame for the alien problem. The money is going off to the mainland and down-island; our taxes and living costs are going up, and the schools deteriorate."

A black man, who gave up a lucrative career as a heart specialist for one in public health, Dr. Evans is a Republican in a place where members of the GOP are almost as rare as snowballs. Next November, the islands will for the first time elect a governor. With the Democrats so overwhelmingly powerful. Dr. Evans may not be around to see that all his promises are kept. For example:

"My policy is that next September, every child of school age 'legally' in the Virgin Islands will be in school. . . . Employers will be required to supply health insurance for aliens. . . . We have introduced legislation requiring employers to provide housing for new alien employees—government can't provide the housing. . . . We will have off-island recruitment of labor so that one hundred people won't be coming here for only ten jobs. . . ."

What the alien blacks seem to need, more than anything, is a bit more power, so they can negotiate with the government. But the very word "power" is frightening to them. Last December, four young VISTA workers who taught alien children unable to get into St. Thomas public schools were summarily ordered off the island. Their crime? They encouraged 100 parents of the children to form an organization whose function was to needle the schools into admitting more alien children. The group called itself People's Organization to Work for Equal Rights—POWER. The local OEO office accused the VISTA's of stirring up trouble.

Curiously, the transfer of the VISTA's received the tacit, if not active, support of the three alien organizations. "We have long observed the divisive actions of the VISTA volunteers involved," the organizations said in a joint statement, "and were cognizant of their attempts not only to pit one alien group against the other but to bring direct confrontation of the alien community and the local government and people."

Such timidity extends all the way into the ruined plantations, overgrown with brush and wild sugarcane. The alien blacks live there in filthy old slave quarters, long buildings of granite partitioned into tiny family hovels. At Castle Coakley, an old plantation on St. Croix, I watched with fascination as a civic-action group organized by the aliens attempted to elect a president. Nobody wanted the job because to become president means to attract the attention of the authorities. The presidency was finally accepted by a huge black man who reminded me of Porgy in the musical *Porgy and Bess*. His name is Jeremiah Joseph, he is 31, and he came here from Antigua ten years ago. He led his group in converting one of the plantation's hovels into a one-room "community center," but no sooner was it finished than squatters moved in. Now he is helping to build a new center in the estate's stables.

"These are people in despair—they think nobody cares," says Sister Marthe Van Rompay, a Belgium-born nun who runs a center for aliens and the native poor.

Rabbi Murray Blackman of the Hebrew Congregation of St. Thomas blames organized religion. "Until recently," he says, "the church was more concerned with salvation than in social issues. Finally, at long last, the churches are spurring government to do something."

The Right Rev. Cedric E. Mills, a black man who is Episcopal bishop of the islands and vice chairman of a commission seeking solutions to the alien problem, says: "There is a tendency here to sweep things under the carpet." At a conference the Bishop helped organise recently, the aliens themselves came up with some suggestions. The primary one was to help end their voicelessness by giving them five ironically voteless representatives in the 15-man legislature.

"I don't know what the answer should be," says Nathaniel Richardson, "but our people should be more free to participate in decision-making. There should be job security, with a real grievance procedure. There should be a place for us to live when we come over to take a job. I know we shouldn't have to live like this."

AMERICA'S ENVIRONMENT PROBLEMS

Mr. ALLOTT. Mr. President, it has been said that armies on the march are no match for an idea whose time has come. If that is true, then armies on the march had better be aware of the idea that the American environment is ailing.

Even if we assume—and we should—that people are only half as excited about this as the press says they are, it is still clear that an interest in environment problems is on the rise. In fact, interest in the problems is growing faster than the problems, and that is as encouraging as it is rare.

Ecology is a science that attempts to see the world as a system constantly changing as men and their surroundings interact.

Suddenly the word "ecology" has become the substitute, in political rhetoric, for the word "motherhood."

It is understandable why this has come to pass. The environment problems are quite real and they have a special meaning for Americans.

Environment is a profoundly meaningful issue for Americans. It speaks to our moral nature and to our own understanding of the meaning and greatness of our Nation. Ours was the first new Nation; ours was the virgin continent. America beckoned as the land of the fresh start, the nation free from the dead hand of mankind's accumulated mistakes.

America was the nation where men could start with vacant canvas and learn just how good free men could be when left to their own devices. For better or for worse, America would be what we made of it, starting from scratch. In short, America would measure human possibilities. America would be the definitive laboratory of liberty, the place where men learned whether they could govern themselves and remain free.

This has made the American experiment both inspiring and exacting. First, the stakes are the highest possible. Upon us rides the good name of free government. Second, this is an experiment without an end. We must justify ourselves in each generation. We must justify ourselves by using freedom well, and we can only do this by improving the world, by making sure the world is better for our having been here.

Thus environment is a special issue for all Americans.

And it is appropriate for the Republican Party to take the lead in confronting the problems of our environment. This is so for several reasons.

First, our environment problems are problems stemming from the fact that we are the world's foremost industrial nation. It was under almost exclusively Republican leadership in the decades from the Civil War until the First World War, that America changed from a predominantly rural and agricultural nation into a modern industrial giant. Moreover, it was at the end of this half century of unprecedented progress that concern for the American environment was put on the national agenda of pressing public business. It was put there by a great Republican President, Theodore Roosevelt. It was during T. R.'s administration that the Reclamation Act was passed. This was in 1902 and it launched Federal activity in the fields of reclamation and irrigation.

It was Teddy Roosevelt who founded the Forest Service and warned the Nation that the proper use of natural resources is "the fundamental problem which underlies almost every other problem of our national life."

Further, vigorous governmental action in the environment field is in accordance with Republican philosophy.

Perhaps the central doctrine of Republicanism is contained in Abraham Lincoln's famous statement of the purpose of government. Lincoln said:

> The legitimate object of government is to do for a community of people whatever they need to have done, but cannot do at all or cannot do so well for themselves in their separate and individual capacities.

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Clearly our environment problems have been created by us all and will only be cured by all of us acting together.

But before we can fashion intelligent environment policies, we must speak clearly about a few fundamental points.

There must be no confusion concerning the real origin and significance of environment problems. And there must be an early and candid assessment of the difficult choices involved in attacking these problems.

A crucial point about our environment problems is that they are the consequences of success.

And a crucial point about the choices that face us is that they are often not choices between good and evil, but choices between competing goods.

It is vital that we understand that many of our problems attest our national fruitfulness.

There is a tendency in America today to focus on the Nation's problems while ignoring its successes. Ignoring this is dangerous for two reasons.

First, if we misunderstand the causes of our problems, they will be just that much harder to cope with. A faulty diagnosis makes the cure more difficult.

Second, when a nation is exclusively preoccuped with its troubles, when it is unfashionable to acknowledge national achievements, then the people become dispirited. They lose their respect for their past and they lose their confidence in their future. The result is a kind of failure of nerve on a national scale. And it is especially disastrous as it affects the youth, who become cynical and indifferent to the responsibilities of citizenship.

If we rear a generation of young Americans who are aware only of American problems, and who are unaware of the solid achievements that often cause problems, then we will damage the Nation. We will be depriving the youth of a precious legacy—pride in the American capacity to achieve great works. This is important because a nation that does not believe in its own capacity for great works will not retain that capacity. Thus we do ourselves a favor when we recognize that our environment is ailing because our life is basically good.

A new American is born every 7½ seconds. This American has a life expectancy of 70 years. In that time he will consume a prodigious amount. He will want 21,000 gallons of gasoline, over 10,000 pounds of meat, 28,000 pounds of milk and cream, 9,000 pounds of wheat. He will even consume 210 pounds of peanuts.

One of the things that makes being an American pleasant is that we have approached a mastery of the art of using the earth.

According to one estimate—Fortune, February 1970:

> The three million high-technology U.S. farmers put more adverse pressure on their land and rivers than the hundred and fifty million low-productivity peasant families of China put upon their land and rivers.

Thirty years ago R. Buckminster Fuller estimated that the total energy generated in America was equal to the amount of muscular energy that would be generated if every American had 153 slaves. Today the energy-equivalency would be about 500 slaves for every American.

Americans are only one-fifteenth of the world's population. Yet we consume approximately half the world's total product. There really is no reason we Americans should be depressed by our good fortune. In fact, fortune did not have all that much to do with it. Primarily, we are prosperous by dint of hard work.

But we are prosperous, and we do consume a great many goods and services and, as the late Adlai Stevenson said, we must recognize that there are no gains without pains.

Americans have been extremely faithful to the Biblical command to "be fruitful, and multiply and replenish the earth and subdue it."

In our explosive productivity we have sometimes been a little partial to one part of that command. We have been more zealous in subduing the earth than we have been in replenishing it. And this partiality cannot go on. If we do not replenish our environment, it will cease to be fruitful. This is what the President meant when he said:

> The 1970's absolutely must be the years when America pays its debt to the past by reclaiming the purity of its air, its waters and our living environment.

It will take effort and money to get our "natural bank account" back into balance. Our hard working natural capital needs help. But this is a debt we should cheerfully pay. We should consider it a deferred payment on the Nation's prosperity, and an investment in tomorrow's progress.

We all know what happens to a business that lives beyond its means, always withdrawing from its investment fund and never replenishing that fund. Such a business is imperiling its future by squandering the resources it will require for future growth. In a word, that business is going broke.

The productivity of our agriculture and industry testifies to the fact that we have used our "natural bank account" of resources often and skillfully. But while we have been using our natural endowment of resources, we have been a little lax in providing for tomorrow's needs. And tomorrow has a way of becoming today.

A nation must be even more judicious than a business in husbanding its natural resources. A reasonably solvent business that runs into shortages can turn to a bank, or to some other outside source of capital.

But there is no similar outside source to which a nation can turn once it has squandered its resources, its "natural capital." A nation cannot borrow land to replace depleted or eroded soil. A polluted lake cannot be replaced by a loan. In short, there are no banks for natural resources.

It is worth recalling that there was a time, in the early years of this Nation, when Americans worried a great deal about whether it would be best for America to resist the growth of industry, and remain a rural nation of small farmers.

This is the sort of question that is really never resolved by a conscious national choice. The way things worked out, America, like Topsy, "just grow'd."

But if there was ever a time when we were content to measure national success simply in terms of a 4.4-percent annual growth in the gross national product, that time has passed.

As the President said in his state of the Union address:

> Our gross national product will increase by $500 billion in the next 10 years. This increase is greater than the entire growth of the American economy from 1790 to 1950.
>
> The critical question is not whether we will grow, but how we will use that growth.

One part of that question about the use of growth concerns the ways in which we make growth conform to our environment. This is what is at issue when the President says:

> In the next 10 years we shall increase our wealth by 50 percent. The profound question is—does this mean that we will be 50 percent richer in a real sense, 50 percent better off, 50 percent happier?

Throughout America people are looking critically at the implications of new growth.

In a coastal county in South Carolina a controversy recently erupted over the proposed construction of $200 million worth of chemical plants. Fishermen, resort owners, and plain citizens are worried about possible damage to the living environment. They are willing to forgo a needed stimulus to the local economy, if it must be purchased at a high cost to the ecological balance of the region.

Further up the coast, in Trenton, Maine, the citizens voted to block lucrative plans to locate a factory in the town. They, too, feared environmental contamination.

These examples could be multiplied from around the Nation. And the President is paying attention to them.

It is highly significant that President Nixon chose New Years Day, 1970, to sign the National Environmental Policy Act. This first Presidential act of the new decade established a three-man council of environmental advisers that will work closely with the President. It is similar to the Council of Economic Advisers, and that is appropriate.

The economic advisers help fashion the policies that keep America producing. The environment advisers will help fashion the policies by which we minimize the price we pay for the progress our economy brings.

It took Americans a long time to take seriously the idea that we would have to worry about the price of economic progress.

Alexis De Tocqueville, writing 135 years ago about "Democracy in America," said this about Americans:

> Their ancestors gave them love of equality and freedom; but God himself gave them the means of remaining equal and free by placing them upon a boundless continent.

And as the President said in his environment message to Congress:

> Conditioned by an expanding frontier, we came only late to a recognition of how precious and how vulnerable our resources of land, water and air really are.

Now we are not only aware of the pressure on our resources, we can hardly escape the most alarming predictions about our impending doom. And the proliferation of doom mongers should alert us to an important fact about the environment issues.

As we get further into the environment debate we must bear in mind that highly technical matters are involved.

This is a field in which there are legitimate experts. But it is also a field in which there are bogus experts. As environment problems become political issues, we can expect bogus experts to be enlisted by persons seeking to use the problems for partisan gain.

This makes it especially important that all laymen—and that includes most of us—understand that even the experts disagree in their predictions.

Let us consider just one issue. There are some people who delight in telling us that America is doomed because of population pressures stemming from skyrocketing birth rates. But it is quite wrong to try to frighten Americans with a Malthusian spector of unusually high birth rates that will inevitably lead to disaster.

The postwar population explosion—the famous "baby boom"—was real enough. Ninety million babies were born between 1946 and 1948. But today our birth rate is as low as it has been since 1940.

If one is looking for the prime source of our population growth, one should look at our improved death rate. People are not dying as fast as they once did. It is hard to feel bad about this.

American birth rates have been falling for 10 years, and it is possible that by the year 2020 our population may stabilize at not much above the current level.

It is true that between 1950 and 1960 the population of the United States grew by 28 million. But it is also true that during that same period over half our counties lost population.

This is why the President has voiced such interest in the problem of population distribution.

Unfortunately the false prophets of doom do not confine their doom mongering to population problems.

Some of the people say in seriousness what the poet Ogden Nash once said in a whimsical mood. He said:

> Progress was all right once—it just went on too long.

There is a lot of despairing talk about our affluent society becoming merely an effluent society.

A moral savant at the Center for the Study of Democratic Institutions, a think tank located in Santa Barbara, Calif., suggests that in "perhaps 10 years" things will be so bad that "economic growth may well have to be eliminated altogether."

The word from the gloom merchants these days is that America has a worse population problem than India. They say that an Indian peasant eats and otherwise consumes so little that he puts little strain on his environment. Perhaps they think it would be progressive to reduce the American's standard of living to that of an Indian peasant.

One professor has delivered himself of the opinion that "what this country needs is Buddhist economics." He would cure our environment problems by shrinking our gross national product until we lived like Tibetan villagers. One wonders what the professor would say if we began by shrinking faculty salaries.

Some suggest that carbon dioxide in the atmosphere is holding in the earth's heat. The result, we are told, will be a rise in the earth's temperature that will melt the polar ice caps and drown us all.

Others suggest that tiny particles of pollution hold out the heat of the sun. The result, we are told, will be a drop in the earth's temperature that will bring on a new Ice Age and we will all freeze to death.

There are two characters from children's stories whose experiences should give us pause. One is Chicken Little and the other is the little boy who cried, "Wolf."

Senators will recall that when an acorn fell on Chicken Little's head, he went tearing off shouting that the sky was falling. This refrain was promptly taken up by Henny-Penny, and others among Chicken Little's peers—Squirlly-Whirly and that crowd. But the sky was not falling, which might eventually have dawned on the alarmists and left them mortified by their behavior. For all we know, they would have lost all interest in the condition of the sky had they not been eaten by Foxy Loxy, who was not much of an environmentalist, either. The moral of the story is: exaggeration will get you nowhere and certainly will not do the sky any good.

The other instructive tale concerns the little boy who cried, "wolf" frequently and falsely, thus squandering his credibility with his neighbors. Then a live wolf came and ate his flock, while the little boy called in vain for help. The moral of the story is: Alarmists dull our capacity to respond to really urgent situations.

Predictions of environmental catastrophe are becoming commonplace and, like most commonplace things, we are learning to live with them, and even to ignore them.

The environmental scaremongers are like all American extremists. They make it harder for men of moderation to get to work on the problems we all want to solve.

The extremists make it difficult in two ways.

On the one hand their extremism seems absurd and thus they tend to discredit and frustrate serious discussion on the entire issue which excites them.

On the other hand, they convince some people. Persons who believe that the end is nigh, that only the form and not the fact of apocalypse is in doubt—such persons will not see any point in resisting the inevitable collapse. They will be useless in the patient efforts which moderate men will make to bring about piecemeal improvements in our environment.

Nothing is more certain than the fact that men who do not believe in the future will not invest in the present.

One thing is certain.

The doomsday prophets are in for a bitter disappointment. The end is not in sight. We are not going to choke to death on soot; we are not going to suffocate from lack of oxygen; we are not going to freeze in a new ice age; we are not going to drown as the polar ice caps melt; and, we are not going to drown in a sea of rising beer cans.

After all the gloomy speculations and alarmist predictions are heard, these questions remain: What are the real dimensions of our problems? What are the practical steps that modern men of good will can take toward solving them? How can we break our many problems down into bite-size units, and bring our Yankee know-how to bear on them?

Fortunately the gloom mongers are not the only persons thinking about these questions.

The burgeoning interest in environment problems is generating an intelligent literature on the subject. One example deserves special praise.

Fortune magazine recently—February 1970—devoted its 40th anniversary issue to these problems. The special issue features a lead article by one of its distinguished editors, Max Ways. Mr. Ways' article "How To Think About the Environment" should be required reading for every American who wishes to play a constructive role in the campaign to improve the environment.

As Mr. Ways has written:

> We did not get into this mess through such vices as gluttony, but rather through our virtues, our unbalanced and uncoordinated strengths. If we do not succeed in bringing under control our new-found powers, the failure will be attributable to the father of all vices, inattention to the consequences of our actions.

As the President says in his message to Congress on environment:

> The fight against pollution . . . is not a search for villains.

He correctly emphasizes that pollution "results not so much from choices made, as from choices neglected: not from malign intention, but from failure to take into account the full consequences of our actions."

Fortunately the worst environmental ravages may be over.

America has passed through industrialization. That is not the sort of thing that happens to any country twice. We are changing from an industrial society into a technological society. As a result, we have probably passed the period of peak pressure on our environment.

Mr. Ways explains this:

> Limits of growth are . . . in sight for the . . . important rate of mass-and-energy used. The heavy environmental pressures come from agriculture and manufacturing (including mining). We are already producing more food than we consume and more than we would need to feed all the hungry in the U.S. The total value of manufactured goods will probably continue to rise for several decades, although substantial reductions in this demand could result from better environmental policies. Many things (e.g., the second family car, the second home) that we now buy are made 'necessary' by wasteful environmental arrangements. The U.S. will probably reach saturation in manufactured goods in any event at some point in the next fifty years, if only because the time to use all the things we buy is becoming scarce.
>
> Meanwhile, this economy will be very hard pressed to keep up with its increasing needs on the 'services' front. A society that is both highly specialized and rapidly changing requires, as ours has already demonstrated, an elaborate 'nerve system,' employing millions, to maintain its cohesion and determine its direction. Among the elements of the 'nerve system' are education, communications, law, finance, etc., which burn little fuel and consume small tonnages of materials.

But Mr. Ways adds this caveat:

> The probability that gross pressure on the environment is due to stabilize does not of itself constitute a ground for optimism. It merely indicates that our prospect is not hopeless, and that by a huge and intelligent effort we might reverse the present devastation.

The administration has submitted to Congress the outlines of such an intelligent effort.

The President's 1970 environment message to Congress outlines a 37-point program. It includes 23 legislative proposals and 14 administrative measures or Executive orders.

Mr. President, in the coming days I will be speaking about various aspects of these proposals and the problems they are designed to meet in order to solve them.

CLOSING OF U.S. CONSULATE IN RHODESIA

Mr. BYRD of West Virginia. Mr. President, I am greatly concerned about the U.S. decision to close its consulate general in Salisbury, Rhodesia. In announcing the decision, Secretary of State William P. Rogers declared that the United States continues to regard the United Kingdom as the lawful sovereign in Rhodesia. Therefore, according to Mr. Rogers, the withdrawal of the American consulate has been necessitated by the final break between Rhodesia and Great Britain on March 2 when the new Rhodesian Constitution was officially implemented.

I regard the grounds upon which this decision has been made as ill founded. I call upon President Nixon to delay the State Department's action in regard to the consulate in Rhodesia until the question can be publicly discussed, all opinions aired, and a decision openly arrived at after adequate study of all the factors involved.

This is 1970 not 1770; it is not a time for our foreign policy decisions to be dictated by Whitehall. It is very well for Great Britain to request the United States to close its consulate in Salisbury because it suits the particular strategy which Great Britain has chosen to follow in dealing with a pressing foreign policy problem. But, what about Great Britain's continued trade with North Vietnam and Cuba while turning a deaf ear to American pleas to embargo trade with these nations?

Great Britain has acknowledged that the presence of the American consulate in Rhodesia does not acknowledge official recognition of the present Rhodesian Government. Until today the United States has also made this point clear in the defense of its diplomatic presence in Salisbury. Thirteen other nations have also retained official contacts in Rhodesia; it will be interesting to note if they are similarly led to follow Whitehall's dictates.

I am also appalled at the apparent disregard for the important functions carried out by the American mission in Salisbury. There are 1,500 Americans in Rhodesia who rely on the consulate for protection. Furthermore, there are considerable American investments in Rhodesia which merit protection. The valuable chrome mines owned by American industry represent a vital source of a scarce resource essential to the American economy. At present the United Nations sanctions against Rhodesia are forcing American firms to purchase chrome ore from Russia and Turkey, the only other significant sources of metallurgical chromite. Russian and Turkish chrome is inferior to the Rhodesian ore and is presently being purchased at a considerable premium to the costs of the Rhodesian product.

The decision to close the consulate in Rhodesia is shocking in light of the new turn toward realism that American foreign policy is supposedly taking in the 1970's. If we truly feel we have found new maturity and greater objectivity in our thinking on international problems, we have failed to demonstrate this outlook in reaching this decision. It is difficult to disregard the existence of Rhodesia as an independent sovereign state. Since the unilateral declaration of independence in 1965, the State of Rhodesia has continued to meet the accepted international definition of statehood. It has a permanent population, a defined territory, a working government, and the capacity to enter into international relations. It has done us no wrong.

In view of these facts, I see no other fair and rational course for the President to take than to reopen the question of continuing the operation of our consulate in Rhodesia.

PENDING QUESTION

Mr. BYRD of West Virginia. Mr. President, what is the pending question before the Senate?

The PRESIDING OFFICER. Amendment No. 545, the amendment of the Senator from Montana (Mr. MANSFIELD).

PROGRAM

Mr. BYRD of West Virginia. Mr. President, before I move to adjourn, I wish, by way of recapitulation, to review the orders that have been previously secured by the majority leader.

The Senate will shortly adjourn until 9:30 tomorrow morning.

Following the disposition of the reading of the Journal, the Senator from Ohio (Mr. YOUNG) will be recognized for not to exceed 15 minutes.

Following the Senator from Ohio, the Senator from Oklahoma (Mr. BELLMON) will be recognized for not to exceed 15 minutes.

Following the Senator from Oklahoma, the Senator from Colorado (Mr. ALLOTT) will be recognized for not to exceed 30 minutes.

Following the conclusion of the remarks of the Senator from Colorado, there will be a period for the transaction of routine morning business, with a limitation of 3 minutes on speeches.

When the unfinished business—H.R. 4249—is laid before the Senate, the pending question will be on Senator MANSFIELD's amendment No. 545.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the order previously entered, that the Senate adjourn until tomorrow, Wednesday, March 11, 1970, at 9:30 a.m.

The motion was agreed to; and (at 7 o'clock and 5 minutes p.m.) the Senate adjourned, in accordance with the previous order, until tomorrow, Wednesday, March 11, 1970, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate March 10, 1970:

D.C. COUNCIL

The following-named persons to be members of the District of Columbia Council for terms expiring February 1, 1973:

Stanley J. Anderson, of the District of Columbia. (Reappointment)

Henry S. Robinson, Jr., of the District of Columbia. (Reappointment)

Carlton W. Veazey, of the District of Columbia, vice Polly Shackleton, term expired.

HOUSE OF REPRESENTATIVES—*Tuesday, March 10, 1970*

The House met at 12 o'clock noon.

Rev. Noble M. Smith, Trinity Church, Oxford, Philadelphia, Pa., offered the following prayer:

Almighty and ever-living God, who hast given us this great country for our heritage, grant to these Representatives of the people wisdom, sincerity, and patience to continue in their undertakings as one of the world's greatest deliberative bodies. May Thy presence cause their discussions, debates, and decisions to be the result of a body feeling Thy Holy Spirit directing them wisely. May their presence in this House be a witness to the sincerity of each in his endeavor to return thanks for sharing the human responsibility of governing so great a country. Now, O Father, may both You the Heavenly and they the earthly be patient one with the other, never faltering at the desire to serve the needs of mankind the world over. Bless the families of our statesmen. Protect each Congressman through this day, lift whatever may burden him so that he may fulfill his duties with wisdom, sincerity, and patience; through Jesus Christ, our Lord. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate agrees to the amendment of the House to a bill of the Senate of the following title:

S. 2910. An act to amend Public Law 89–260 to authorize additional funds for the Library of Congress James Madison Memorial Building.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 514) entitled "An act to extend programs of assistance for elementary and secondary education, and for other purposes," disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. PELL, Mr. YARBOROUGH, Mr. RANDOLPH, Mr. WILLIAMS of New Jersey, Mr.

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KENNEDY, Mr. MONDALE, Mr. EAGLETON, Mr. PROUTY, Mr. JAVITS, Mr. DOMINICK, Mr. MURPHY, and Mr. SCHWEIKER to be the conferees on the part of the Senate.

THE REVEREND NOBLE M. SMITH

(Mr. EILBERG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EILBERG. Mr. Speaker, it is a special pleasure and privilege for me today to welcome the Reverend Noble M. Smith, the rector of Trinity Church, Oxford, in Philadelphia, to the House of Representatives. I want to thank him for his message of inspiration.

Father Smith, only 35, is a young, vigorous spirit who carries the torch of honored tradition ably and well. His appearance here today is not without historic precedent.

Trinity Church, the church Father Smith serves so well, was founded in 1698 and is among the oldest in our great land. One of its colonial rectors was Dr. William Smith, the founder of the College of Philadelphia, now the University of Pennsyvania.

Dr. Smith's missionary associate, Father Jacob Duche, offered the prayer before the first meeting of the First Continental Congress.

So nearly 200 years later another man of Trinity offers spiritual inspiration to the Congress.

But while honoring this proud past, Father Smith's commitment to youth and the community has made Trinity a church for our times, a church of the future.

In cooperation with our city's police department, Father Smith has counseled hundreds of boys, boys in the kind of small trouble that so often leads to serious delinquency and crime.

His patience, his interest, his obvious concern, his faith, and his advice have spared countless boys—and their parents—the anguish and despair of lives ruined too early. Under Father Smith's leadership, Trinity has become the only Philadelphia church to become home, physically as well as spiritually, to a police athletic league post.

So we in Philadelphia, a city where street delinquency and juvenile crime are hard and real and much too common, owe Father Smith a special thanks.

His energy in the community, his faith, and inspiration serve Trinity well. His parishioners and friends, many of whom are with us today in the gallery, have good reason to be proud of Father Smith. As of course does his lovely wife, Lillian, and their daughters, Susan and Barbara, also with us today.

I know all of us in Philadelphia are proud of this young, dedicated Episcopal father and we hope he is with us for many years to come.

OUR RELATIONSHIP WITH RHODESIA

(Mr. ABERNETHY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ABERNETHY. Mr. Speaker, after giving away multiplied billions of dollars on foreign aid to a hundred or more foreign nations, fighting endless wars, sending our young men to the four corners of the world, leaving the bodies of many of them in foreign cemeteries, and giving up a considerable portion of our domestic markets to foreign-made automobiles, textiles, wearing apparel, plywood products, shoes, watches, pianos, glass, steel, and numerous other items in an attempt to make, as well as purchase, the friendships of foreigners and foreign nations, the facts are that our wonderful country has fewer friends today than it has ever had in its entire history. And, Mr. Speaker, no doubt we have fewer foreign friends than any nation on earth.

In the face of this horrible situation, I was quite surprised this morning when I picked up a newspaper and noted in glaring type that we had just summarily and wrongfully severed our last tie with another little country which has sought no aid or assistance from the United States, the friendly little country of Rhodesia. All she sought was our friendship and good wishes for her existence in the world family of nations.

If there was ever a time that this Nation ought to be trying to get along with the world, particularly those who are trying to get along with us, it is now.

The headline served notice to the world that this administration has severed our last relationship with Rhodesia. I think I know the reason why, but that was not the reason given. The reason assigned by the State Department was that the United States has not recognized the withdrawal by Rhodesia from her status as a colonial possession of Great Britain, and further that we have not recognized the government of Ian Smith, the Prime Minister who fostered Rhodesian independence.

Now is that not absurd. Can anyone think of a more absurd position taken by a nation which in 1776 declared itself independent of Great Britain and fought a long war to make it stick. Of course, that nation was our own United States of America.

Mr. Speaker, what would be our answer if some responsible nation of this world would break off ties with us for the reason that they do not recognize and accept our throwing off a colonial status and declaring ourselves independent of the British Crown? Why we would laugh in their face. And Rhodesia, though small she may be, is now laughing at our inconsistency. In fact most of the world is laughing.

Rhodesia is the best supplier of chrome in all the world. We use a great abundance of this product. We need it. And we need it so badly that we are forced, because of our policy with Rhodesia, to purchase chrome from our worst enemy, the Soviet Union.

The Congress has not expressed itself as favoring the severance of all ties with Rhodesia. This severance was a unilateral action, taken by the administration, and more particularly by order of the State Department. It is very unfortunate. And I predict we will someday regret it.

I respectfully urge President Nixon to reverse the action of the Department of State.

ENVIRONMENT AND TECHNOLOGY

(Mr. PRICE of Illinois asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PRICE of Illinois. Mr. Speaker, I am pleased to be associated with the distinguished majority floor leader in the sponsorship of a joint resolution to establish a Joint Committee on Environment and Technology.

About a week ago, the Joint Committee on Atomic Energy, of which I have the honor to be a member, closed the second part of its extensive hearings on the environmental effects of producing electric power. From that large experience, and from my continuing association with environmental and ecological matters in the course of the discharge by the Joint Committee on Atomic Energy of its statutory responsibility for legislative oversight of the Atomic Energy Commission's programs, I am deeply aware of the general nature and scope of the problems that the Joint Committee on Environment and Technology will have to consider.

In my judgment, this new joint committee will assure full congressional focus on the total environmental situation and contribute to an effective national program to enable scientific and technological progress in harmony with the safeguarding and enhancement of our environment.

THE ADMINISTRATION'S ANSWER TO INFLATION

(Mr. ANDERSON of California asked and was given permission to address the House for 1 minute.)

Mr. ANDERSON of California. Mr. Speaker, for the past 14 months, I, like all Americans, have been both an observer and a victim of the administration's economic policy. At first glance, it appeared that the administration's fight against inflation was limited to encouraging both high interest rates and tight money.

This two-pronged fight has been less than a total success, since 1969 was the most inflationary period since the Korean war.

Now, a third factor has entered the picture. The administration's current answer to ending inflation seems to be increased unemployment. In the last 14 months, almost a million more American workers are out of jobs. Unemployment has jumped from 3.3 percent to 4.2 percent during this period.

Surely, this is not the answer.

Surely, the administration can come up with something better than higher prices, high interest rates, and growing unemployment as the answer to inflation.

ROGERS CAUTIONS AGAINST RECOGNITION OF CUBA

(Mr. ROGERS of Florida asked and was given permission to address the

House for 1 minute and to revise and extend his remarks.)

Mr. ROGERS of Florida. Mr. Speaker, I am interested to learn that the State Department has made some progress in negotiating with Cuba for the return of airline hijackers. This is certainly welcome news.

I would, however, caution against any agreement with Cuba which would in any manner give Cuba official recognition contrary to our present policy toward this Communist island nation.

I was concerned last month when several State Department personnel were quoted as saying the United States might be interested in allowing Cuba to regain her membership in the Organization of American States. I am immediately suspicious that this latest talk on hijackers may involve some form of recognition of Cuba.

Two South American nations have already proposed that Cuba be allowed to reenter the OAS. I am in complete disagreement with this proposition.

So long as Castro is the dictator in power and Russia dominates Cuban Government, I am against Cuban membership in the OAS. Of course, if Cuba were to be readmitted, it would mean the end to the economic boycott which was initiated and supported by the United States.

Castro, under communism and with Soviet support, has relegated Cuba into a slave state. And the people of Cuba know now better than any political science teacher what communism means.

Food and clothing are rationed, there are neighborhood spy networks which are seen only in dictatorships and Communist countries, and in general, the entire economic system has gone to ruin. We should not fall for any agreement which would bail Castro out of this mess and give his puppet regime any air of respectability.

I hope that the State Department is successful in assuring the return of air hijackers, but I would object strongly to any part of such a deal that would result in the recognition of Cuba.

STATE DEPARTMENT PUTS POOR PRICE ON AMERICA'S PRESTIGE

(Mr. PELLY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PELLY. Mr. Speaker, yesterday was a sorry day for U.S. foreign policy when it was announced by the State Department that our consulate in Salisbury, Southern Rhodesia, was being withdrawn.

Once again, Mr. Speaker, the State Department has demonstrated that it will assume the position of weakness under pressure. This was an extreme example of placing a pitifully poor price on America's prestige by exchanging it for pseudo-support of a handful of African votes in the United Nations or for appeasement of England who demonstrated her lack of support of the United States so clearly by trading with Cuba and North Vietnam.

Again, I am forced to say, as I have said for many years, it is time for a thorough change of personnel in all the policymaking positions in the Department of State.

It is time to put America first.

THE "TODAY SHOW"

(Mr. CEDERBERG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CEDERBERG. Mr. Speaker, yesterday morning, March 9, I watched with concern and disgust an interview on the National Broadcasting system nationwide "Today Show." On that show there was an interview with a Mr. Earl Anthony, an admitted former Black Panther and one who says he is still in sympathy with the Black Panther movement. He was there to be interviewed about a new book he wrote the title of which, if I picked it up correctly on the show, was "Picking Up the Gun." During this interview, during which, incidentally, they gave him probably about 15 minutes, he took that time to attack the U.S. Government, the system under which we live, to attack the President of the United States, to attack the police forces around the country, and to praise the actions of the defendants at the court trial in Chicago. He also said that he considers the Panthers to be the vanguard of the black liberation movement.

Now, Mr. Speaker, why the National Broadcasting System finds that it has to give almost 15 minutes of nationwide time to allow an individual to attack the institutions of this country under the guise of selling a book entitled "Picking Up the Gun," I do not know. How many times have you watched interviews on the "Today Show" and other shows where people were trying to promote something good for the country? I would say if someone wrote a book on "Laying Down the Gun," they might get about 5 minutes before being cut off for a commercial. I am concerned that our nationwide networks and the NBC in this instance would give the author of a book this kind of nationwide publicity which is designed to do nothing but create trouble and dissension in this country.

MEDDLING IN RHODESIA'S AFFAIRS IS DISGRACEFUL

(Mr. GROSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GROSS. Mr. Speaker, in a long-winded statement a few days ago, President Nixon announced "a new approach to foreign policy."

His first act under the "new approach" came yesterday when, at the behest of the leeching British Government in London, he ordered the U.S. consulate in Rhodesia closed, thus and for all practical purposes severing diplomatic relations with that friendly African country.

This means, in conjunction with the continuing economic boycott of Rhodesia, that American purchasers of chrome ore, formerly obtained from Rhodesia, will continue to pay Communist Russia double the per ton price. In other words, American manufacturers and consumers of their products will continue to pay through the nose to the Soviet Union.

Mr. Speaker, the United States needs friends, not enemies, around the world. The meddling in the internal affairs of the Republic of Rhodesia was a disgraceful act on the part of former President Johnson and it is no less disgraceful on the part of President Nixon.

THE CONTROVERSIAL BOOK "POINTS OF REBELLION" BY SUPREME COURT JUSTICE WILLIAM O. DOUGLAS

(Mr. SCOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCOTT. Mr. Speaker, over the weekend I read the controversial book "Points of Rebellion" by Supreme Court Justice William O. Douglas. The back page of the book indicates that it is the first of three volumes dealing with dissent and rebellion.

Now, of course, writing about dissent today is commonplace. But the author of this book is a Justice of our Highest Court and, in my opinion, the book not only justifies but encourages rebellion. Therefore, I urge each Member of the House to read the book and, as you find criticism of the Government on each page of the volume, ask yourself whether a man who devotes an entire volume to building a case against the establishment and criticizing various Government agencies, including those charged with law enforcement, can be impartial and fair in deciding issues between those agencies and the individual citizen. Is he competent to sit on the Supreme Court? Should he be impeached if he declines to resign?

Because some of you may not take time to read this book, I intend to review one of the three major sections each day for the next 3 days.

As you know, lawyers generally advocate the rule of law in our society but this man advocates revolution. I believe we should ask ourselves what are we going to do about it.

THE LATE HONORABLE JAMES B. UTT

(Mr. MAILLIARD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAILLIARD. Mr. Speaker, I have asked for this time in order to announce to the House that it is my intention to ask for a special order tomorrow afternoon after the finish of all legislative business so that all Members may have an opportunity to express their comments on the life and service of our late colleague, the gentleman from California, the Honorable James B. Utt.

PERMISSION FOR SUBCOMMITTEE ON MINES AND MINING TO SIT DURING GENERAL DEBATE TODAY

Mr. CAREY. Mr. Speaker, I ask unanimous consent that the Subcommittee on Mines and Mining of the Committee on Interior and Insular Affairs may have permission to sit during general debate this afternoon for the purpose of hearing Department witnesses.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

PERMISSION FOR SUBCOMMITTEE ON HOUSING TO SIT DURING GENERAL DEBATE TODAY

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the Subcommittee on Housing of the Committee on Banking and Currency may be permitted to sit during general debate today.

The SPEAKER. Is there objection to the request of the gentleman from Oklahome?

There was no objection.

AUTHORIZING DISPOSAL OF ACID GRADE FLUORSPAR FROM NATIONAL STOCKPILE AND SUPPLEMENTAL STOCKPILE

Mr. PHILBIN. Mr. Speaker, I ask unanimous consent that the Committee of the Whole House on the State of the Union be discharged from the further consideration of the bill (H.R. 15833) to authorize the disposal of acid grade fluorspar from the national stockpile and the supplemental stockpile, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts (Mr. PHILBIN)?

Mr. VANIK. Mr. Speaker, reserving the right to object, I would like to ask the distinguished gentleman from Massachusetts (Mr. PHILBIN) what the budget effect is? What will be the increment to the Treasury resulting from the adoption of this proposal?

Mr. PHILBIN. I might say to the distinguished gentleman that the increment to the Treasury will be $1.8 million.

Mr. VANIK. I thank the gentleman.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts (Mr. PHILBIN)?

There was no objection.

The Clerk read the bill, as follows:

H.R. 15833

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of General Services is hereby authorized to dispose of approximately two hundred thousand two hundred and seventy-one short dry tons of acid grade fluorspar now held in the national stockpile established pursuant to the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98–98h) and the supplemental stockpile established pursuant to section 104(b) of the Agricultural Trade Development and Assistance Act of 1954 (68 Stat. 456), as amended (78 Stat. 607). Such disposition may be made without regard to the requirements of section 3 of the Strategic and Critical Materials Stock Piling Act: *Provided,* That the time and method of disposition shall be fixed with due regard to the protection of the United States against avoidable loss and the protection of producers, processors, and consumers against avoidable disruption of their usual markets.

SEC. 2. (a) Disposals of the material covered by this Act may be made only after publicly advertising for bids, except as provided in subsection (b) of this section or as otherwise authorized by law. All bids may be rejected when it is in the public interest to do so.

(b) The material covered by this Act may be disposed of without advertising for bids if—

(1) the material is to be transferred to an agency of the United States;

(2) the Administrator determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors, and consumers against avoidable disruption of their usual markets; or

(3) sales are to be made pursuant to requests received from other agencies of the United States in furtherance of authorized program objectives of such agencies.

With the following committee amendment.

On page 1, lines 4 and 5, strike out "two hundred thousand, two seventy-one" and insert in lieu thereof, "two hundred twelve thousand, six hundred thirty-seven."

The committee amendment was agreed to.

The SPEAKER. The Chair recognizes the gentleman from Massachusetts.

Mr. PHILBIN. Mr. Speaker, H.R. 15833, would authorize the disposal of 212,637 short dry tons of acid grade fluorspar from the national stockpile and the supplemental stockpile.

This bill, as amended, would authorize the disposal, without regard to the 6 months' waiting period, of approximately 212,637 short dry tons of acid grade fluorspar from the national stockpile and the supplemental stockpile. Between the time the legislative proposal was submitted to Congress by the General Services Administration and the date of the subcommittee hearings, stockpile requirement for fluorspar had been reduced by an additional 12,366 short dry tons. The latter amount was contained in a bill introduced by the Honorable JOHN D. DINGELL, H.R. 14146. Upon recommendation of General Services Administration and the Office of Emergency Preparedness the subcommittee amended the bill, H.R. 15833, to include the amount reflected in H.R. 14146.

Presently we have in our two stockpiles a total of 1,102,637 short dry tons and a stockpile objective of 890,000 short dry tons. This objective was established on February 28, 1964.

Fluorspar is a mineral of calcium fluoride. Acid grade fluorspar is the commercial source of hydrofluoric acid. Important products requiring large quantities of hydrofluoric acid in their production are: aviation gasoline, freon gas, and synthetic cryolite. It is also used as a flux in the melting of aluminum and magnesium during alloying and in the refining of scrap of these metals.

There is no satisfactory commercial substitute for acid grade fluorspar.

Mexico is the principal foreign source; Canada, Spain, Italy, and Germany also contribute to the U.S. supply. Domestic production has held relatively steady in recent years while consumption has grown by an average of 10 percent a year since 1962. U.S. production of acid grade fluorspar amounted to 160,000 short dry tons in 1967 and 170,000 tons in 1968. Domestic consumption rose from 690,000 tons in 1967 to 743,000 tons in 1968, while imports rose from 594,000 tons to 638,000 tons in the same period.

Average acquisition cost of the acid grade fluorspar in the national and supplemental stockpiles was $52.43 per short dry ton. The present market value is about $57.50 per short dry ton.

The disposal program will be subject to continuous scrutiny and the Administrator of General Services Administration will consult with other Federal agencies concerned at any time he considers such action advisable, or at any time consultation is requested by such agencies. If any significant modification of the program appears necessary or advisable as a result of such consultation, the change will be publicly announced.

General Services Administration proposes to make the 212,637 short dry tons of excess fluorspar available for commercial sale over a period of years. The quantities and timing of disposals will be determined upon evaluation of previous sales and current market conditions. Quantities of this material required for transfer directly to Government agencies will be over and above those involved in the commercial sales program.

The subcommittee and the full committee recommended immediate action on this bill, as amended. I therefore respectfully urge the House to take favorable action on H.R. 15833.

Mr. GUBSER. Mr. Speaker, will the gentleman yield?

Mr. PHILBIN. I yield to the gentleman.

Mr. GUBSER. Mr. Speaker, I wish to concur in the remarks made by my distinguished colleague from Massachusetts (Mr. PHILBIN), who handled this matter before the Stockpile Subcommittee.

Witnesses who testified before the subcommittee strongly urged that this bill be acted upon as soon as possible.

This bill was unanimously approved by the subcommittee and reported to the full committee. The full committee, in turn, acted favorably upon the subcommittee recommendation that the bill be favorably reported.

I strongly urge the House to take favorable action on H.R. 15833, and I might say in order to avoid repetition, that these comments I have just made will apply to the eight succeeding stockpile bills which have been reported under the same circumstances from the subcommittee headed by the gentleman from Massachusetts (Mr. PHILBIN).

Mr. VANIK. Mr. Speaker, will the gentleman yield?

Mr. PHILBIN. I yield to the gentleman.

Mr. VANIK. Mr. Speaker, will the distinguished gentleman from Massachusetts (Mr. PHILBIN) tell me what the Treasury effect is with reference to the

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other bills, which will avoid my raising this question with reference to each bill. I would like to have the figures read into the RECORD, that is the increment to the Treasury as a result of these bills.

Mr. PHILBIN. I will put them into the RECORD for the distinguished gentleman.

The first bill has to do with bismuth, and shows an increment to the Treasury of $1,800,000.

The second bill has to do with castor oil which shows an increment to the Treasury of $2,800,000.

The next bill has to do with cobalt and the amount involved there is $88,400,000.

The next bill deals with flourspar and involves an increment to the Treasury of $11,800,000.

The next bill dealing with magnesium will result in an increment to the Treasury of $8,800,000.

The next bill having to do with manganese, type A, will result in an increment of $7,800,000.

The next bill dealing with manganese, type B, involves an increment of $3,300,000.

The next bill dealing with shellac involves an increment of $1,800,000.

The next bill dealing with tungsten involves an increment of $281,500,000.

Mr. VANIK. The figure on tungsten is $281,500,000?

Mr. PHILBIN. The gentleman is correct.

Mr. VANIK. I thank the gentleman.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AUTHORIZING DISPOSAL OF COBALT FROM NATIONAL STOCKPILE AND SUPPLEMENTAL STOCKPILE

Mr. PHILBIN. Mr. Speaker, I ask unanimous consent that the Committee of the Whole House on the State of the Union be discharged from further consideration of the bill (H.R. 15021) to authorize the release of forty million two hundred thousand pounds of cobalt from the national stockpile and the supplemental stockpile, and ask for its immediate consideration .

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts (Mr. PHILBIN)?

There was no objection.

The Clerk read the bill, as follows:

H.R. 15021

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of General Services is hereby authorized to dispose of approximately forty million two hundred thousand pounds of cobalt now held in the national stockpile established pursuant to the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98–98h) and the supplemental stockpile established pursuant to section 104(b) of the Agricultural Trade Development and Assistance Act of 1954 (68 Stat. 456, as amended by 73 Stat. 607). Such disposition may be made without regard to the requirements of section 3 of the Strategic and Critical Materials Stock Piling Act: *Provided,* That the time and method of disposition shall be fixed with due regard to the protection of the United States against avoidable loss and the protection of producers, processors, and consumers against avoidable disruption of their usual markets.

SEC. 2. (a) Disposals of the material covered by this Act may be made only after publicly advertising for bids, except as provided in subsection (b) of this section or as otherwise provided by law. All bids may be rejected when it is in the public interest to do so.

(b) The material covered by this Act may be disposed of without advertising for bids if—

(1) the material is to be transferred to an agency of the United States;

(2) the Administrator determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors, and consumers against avoidable disruption of their usual markets; or

(3) sales are to be made pursuant to requests received from other agencies of the United States in furtherance of authorized program objectives of such agencies.

Mr. PHILBIN. Mr. Speaker, H.R. 15021, introduced by our distinguished colleague, the Honorable WILLIAM S. BROOMFIELD, would authorize the release of 40,200,000 pounds of cobalt from the national stockpile and the supplemental stockpile.

An identical bill, H.R. 15717, was introduced by our distinguished colleague from Illinois, the Honorable ROBERT MCCLORY.

Cobalt is a dark grayish metal usually produced in the form of rondelles, granules, lumps, cones, or thin broken pieces. The chief ores are cobaltite and smaltite. However, virtually all cobalt is found associated with other metals such as copper, nickel, iron, zinc, silver, lead, and gold.

Cobalt is used primarily in high temperature alloys, permanent magnets, tool steels, corrosion resisting alloys, ammunition cores, enameled steel, ceramic pigments and driers, and as a chemical catalytic agent.

The Congo and northern Rhodesia are the chief producing countries of cobalt, followed by the United States, Canada, and French Morocco. These five countries contribute about 95 percent of the world output.

Cobalt has been used in research and development for some years as a substitute for nickel. It was not appealing as its price was about twice the normal producer price of nickel. During the recent nickel strike, nickel was in very short supply and its price was as high as $7 per pound. Under these conditions, cobalt, at about $1.85 to $2.20 per pound became more attractive as a substitute for nickel. Cobalt with nickel in a percentage of 10 to 50 percent, depending on the ultimate use of the plated article, can be used to advantage in extending the nickel supply.

The supply of cobalt, including GSA sales, has been sufficient for usual consumption, but not for the unprecedented demand which cannot be met by suppliers today. It would take many months of increased production to be effective, as is evidenced by the fact that nickel suppliers are still short and will continue to be for some months to come.

The total inventory held by the General Services Administration, as of January 31, 1970, was approximately 78,707,000 pounds. Of this quantity, 40,507,454 pounds were excess, with 334,870 pounds of the excess in the Defense Production Act inventory, already approved for disposal by the Director of the Office of Emergency Preparedness. The stockpile objectives, established March 27, 1969, is 38,200,000 pounds.

The average acquisition cost of the cobalt in the national and supplemental stockpiles is $2.21 per pound. The present market value of this cobalt is $2.20 per pound.

The subcommittee received detailed testimony from representatives of both Government and industry on the disposal action.

All the testimony received by the subcommittee urged the immediate enactment by the Congress of legislation which would authorize the disposal of cobalt from the stockpile in order to alleviate a shortage of this commodity now existing in the domestic market.

The subcommittee and the full committee were convinced that there is a severe shortage of cobalt in the domestic market and recommend immediate action on this bill in order that further hardship may be alleviated.

In view of these urgent needs I respectfully urge the House to take prompt, favorable action on H.R. 15021.

Mr. McCLORY. Mr. Speaker, I am pleased that the House leadership has moved with dispatch to bring the subject of the shortage of cobalt before the Members of this body. Both the leadership and the members of the Committee on Armed Services deserve our thanks for their cooperation in obtaining quick action.

The bill that we take up today, H.R. 15021, was originally introduced by my colleague from Michigan (Mr. BROOMFIELD) in early December. I introduced an identical bill, H.R. 15717, on February 5. Both would authorize the release of 40,200,000 pounds of cobalt from the national stockpile, an amount the Office of Emergency Preparedness has determined is not needed for security purposes.

Mr. Speaker, the serious plight of those in this country that utilize cobalt in manufacturing both defense and nondefense items was brought to my attention by my constituents at the Arnold Engineering Co. of Marengo, Ill. They manufacture permanent magnets which have a very wide application, ranging in use from inertial guidance systems to telephones and computers. At present, for a variety of reasons, including the use of cobalt as a substitute for nickel during the international nickel strike last year, the supply of cobalt available is nearly exhausted. Arnold Engineering has advised that, if stockpiled cobalt is not placed on the market within 4 weeks, their production will cease.

Mr. Speaker, the General Services Administration, the agency that administers the national stockpile, strongly recommends enactment of this legislation, and I have personally become convinced of its absolute necessity. I strongly urge my colleagues in the House to support it.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AUTHORIZING DISPOSAL OF TUNGSTEN FROM NATIONAL STOCKPILE AND SUPPLEMENTAL STOCKPILE

Mr. PHILBIN. Mr. Speaker, I ask unanimous consent that the Committee of the Whole House on the State of the Union be discharged from further consideration of the bill (H.R. 15839) to authorize the disposal of tungsten from the national stockpile and the supplemental stockpile, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

Mr. VANIK. Mr. Speaker, reserving the right to object—and I will not object—I would like to inquire of the gentleman what the effect of the sale of this tungsten would be for fiscal 1971. What is the Treasury effect for fiscal 1971?

Mr. PHILBIN. As I told the House before, at the end of the disposal, the effect will be the realization of $281.5 million.

Mr. VANIK. Will that be the effect in fiscal 1971?

Mr. PHILBIN. At this time we do not have information as to when it will be disposed of.

Mr. VANIK. Over what period of time is it anticipated that the disposition will take place?

Mr. PHILBIN. We cannot state a time period. We would not have a time period fixed on that. It would depend upon market conditions.

Mr. VANIK. So it would be entirely within the discretion of the Executive to dispose of the entire $281 million supply in either 1 year or over several years?

Mr. PHILBIN. It could be spread over several years, depending on market conditions. They would dispose of the amount when they could get the right price and be sure the economy and industry would be protected against an unfavorable impact from the sale.

Mr. VANIK. I thank the gentleman.

Mr. GROSS. Mr. Speaker, further reserving the right to object, I would like to ask the gentleman from Massachusetts if he has knowledge—and I understand that none of this metal is represented in any of the bills before the House today—if he has any knowledge concerning the stockpile, if any, of chrome, chromite or chromium ore, held by this Government.

Mr. PHILBIN. We do not have a bill pending here today relating to that subject, but I can give the gentleman a statement of the amount of chrome that is in the stockpile, if the gentleman will bear with me a moment.

Mr. GROSS. Does the gentleman know whether we are still buying chromium in any form for stockpiling purposes? I ask the question because of the fact that chromium is being purchased from Soviet Russia.

Mr. PHILBIN. There are different kinds of chrome. Is the gentleman addressing himself to all of them? We have metallurgical chromite, we have chromite, and we have chromium-ferro and others. Of the first mentioned, the metallurgical chromite, there is in the stockpile at present 3,889,682 short dry tons.

Mr. GROSS. How much?

Mr. PHILBIN. There is 3,889,682 short dry tons in the three stockpiles.

Mr. GROSS. Are we still stockpiling? Does the gentleman have any figures on that?

Mr. PHILBIN. To my belief, we are not stockpiling chrome at this time.

Mr. GROSS. We are not adding to the stockpile; is that what the gentleman is saying?

Mr. PHILBIN. I am saying that is my opinion and belief, we are not stockpiling chrome at this time. The committee does not have information that we are. We would be glad to get that information for you, however, if the gentleman would like to have it.

Mr. VANIK. Further reserving the right to object, will the gentleman advise me what plans there are, if any, for the release of cadmium, which is desperately needed in the domestic industry for plating?

Mr. PHILBIN. The House passed a bill on that subject last year. It is now pending in the Senate. When action will be taken on that bill, I do not have the information.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The Clerk read the bill, as follows:

H.R. 15839

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of General Services is hereby authorized to dispose of approximately one hundred million pounds (W content) of tungsten now held in the national stockpile established pursuant to the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98–98h) and the supplemental stockpile established pursuant to section 104(b) of the Agricultural Trade Development and Assistance Act of 1954 (68 Stat. 456), as amended (73 Stat. 607). Such disposition may be made without regard to the requirements of section 3 of the Strategic and Critical Materials Stock Piling Act: *Provided,* That the time and method of disposition shall be fixed with due regard to the protection of the United States against avoidable loss and the protection of producers, processors, and consumers against avoidable disruption of their usual markets.

SEC. 2. (a) Disposals of the material covered by this Act may be made only after publicly advertising for bids, except as provided in subsection (b) of this section or as otherwise authorized by law. All bids may be rejected when it is in the public interest to do so.

(b) The material covered by this Act may be disposed of without advertising for bids if—

(1) the material is to be transferred to an agency of the United States;

(2) the Administrator determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors, and consumers against avoidable disruption of their usual markets; or

(3) sales are to be made pursuant to requests received from other agencies of the United States in furtherance of authorized program objectives of such agenies.

Mr. PHILBIN. Mr. Speaker, H.R. 15839 would authorize the disposal of 100,000,000 pounds of tungsten from the national stockpile and the supplemental stockpile.

A similar bill, H.R. 15879, was introduced by our distinguished colleague, the Honorable JOHN H. DENT, to authorize the release of 50,000,000 pounds.

Tungsten is a grey-white, heavy, high-melting, ductile, hard, metallic element, derived from wolframite, scheelite, huebnerite or ferberite.

Tungsten is used for electrical purposes, such as for lamp filaments, contact points and lead-in wires for power tubes, for alloying, to increase hardness of other metals in making carbides for cutting tools, abrasives, and dies, and for special shapes such as tungsten nozzles in missiles.

World production of tungsten in 1967 was estimated at 66,000,000 pounds as compared with 65.3 million pounds for the previous year. China has been the source of about 35 percent of the world's output, with Russia also a major producer. Other major world tungsten production is found primarily in Bolivia, Republic of Korea, North Korea, Portugal, and Australia.

U.S. consumption of tungsten ores and concentrates range from 11.1 million pounds during 1961 to 18 million pounds in 1966, and was 13.9 million pounds in 1967.

The total inventory of tungsten held by GSA as of January 31, 1970, was 143,534,000 pounds. The present stockpile objective, established April 2, 1964, is 44 million pounds.

The average acquisition cost of the tungsten in the national stockpile and the supplemental stockpile was about $54 per short ton unit. The current domestic market price ranges between $46 and $55 per short ton unit. In recent months market prices abroad have risen sharply and are now considerably higher than the domestic market price.

GSA proposes to make the excess tungsten available over a period of years. The long-range program has been started with sales from the Defense Production Act inventory excess under a plan approved by the Administrator of GSA on February 18, 1966. When congressional approval to dispose of the excess tungsten in the national and supplemental stockpiles is granted, the quantity of this material to be made available for disposal will be determined by evaluation of the current DPA material sales program, current market conditions, and by consultations with the affected agencies.

The subcommittee received detailed testimony from representatives of both Government and industry on the disposal action. GSA advised that in the latter part of 1969, as a result of reduced availability of material in the world market, large quantities of available ma-

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terial were purchased for sale abroad, where prices were rising rapidly because of increased world consumption, tight world supply situation, and because the supply of available material was being depleted.

The subcommittee was advised that there is concern in the domestic industry about the assured availability of material to meet the shortfall between domestic production and consumption. GSA witnesses convinced the subcommittee that adequate provisions will be made in their disposal plans to assure availability for domestic consumption from the total quantities that will be available for sale.

All the testimony received by the subcommittee urged the immediate enactment by the Congress of legislation which would authorize the proposed disposal of tungsten from the national stockpile in order to alleviate a shortage of this commodity now existing in the domestic market.

The subcommittee was advised that the proposed disposal plan, concurred in by both Government and industry, represents an effort to achieve this disposal action with a minimum disruption of the market and yet provide the Federal Government with a maximum return from the sale of the material.

The subcommittee and the full committee recommended immediate action on this bill. Therefore, I respectfully urge the House to take prompt, favorable action on H.R. 15839.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

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AUTHORIZING DISPOSAL OF BISMUTH FROM NATIONAL STOCKPILE AND SUPPLEMENTAL STOCKPILE

Mr. PHILBIN. Mr. Speaker, I ask unanimous consent that the Committee of the Whole House on the State of the Union be discharged from further consideration of the bill (H.R. 15831) to authorize the disposal of bismuth from the national stockpile and the supplemental stockpile, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The Clerk read the bill, as follows:

H.R. 15831

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of General Services is hereby authorized to dispose of approximately three hundred thousand pounds of bismuth now held in the national stockpile established pursuant to the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98–98h) and the supplementary stockpile established pursuant to section 104(b) of the Agricultural Trade Development and Assistance Act of 1954 (68 Stat. 456), as amended (73 Stat. 607). Such disposition may be made without regard to the requirements of section 3 of the Strategic and Critical Materials Stock Piling Act: *Provided,* That the time and method of disposition shall be fixed with due regard to the protection of the United States against avoidable loss and the protection of producers, processors, and consumers against avoidable disruption of their usual markets.

SEC. 2 (a) Disposals of the material covered by this Act may be made only after publicly advertising for bids, except ase provided in subsection (b) of this section or as otherwise authorized by law. All bids may be rejected when it is in the public interest to do so.

(b) The material covered by this Act may be disposed of without advertising for bids if—

(1) the material is to be transferred to an agency of the United States;

(2) the Administrator determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors, and consumers against avoidable disruption of their usual markets; or

(3) sales are to be made pursuant to requests received from other agencies of the United States in furtherance of authorized program objectives of such agencies.

The SPEAKER. The Chair recognizes the gentleman from Massachusetts.

Mr. PHILBIN. Mr. Speaker, H.R. 15831 would authorize the disposal of 300,000 pounds of bismuth from the national stockpile and the supplemental stockpile.

Bismuth is a grayish white, brittle, hard, easily powered metal, with a reddish tinge. It is derived mainly from residue in lead and copper smelting, but is also sometimes found in native form. It has a low melting point and expands 3.3 percent on crystallization. The thermal conductivity of solid bismuth is less than that of any other metal except mercury.

About 20 percent of the bismuth produced is used in the form of salts in pharmaceuticals, such as stomach remedies, antiseptics, and astringents, emollients, and as aid to X-ray definition due to its opaqueness. It is used in metallurgy to lower the melting point of tin alloys, including ammunition and solders. It is also used to add luster and hardness to lead alloys and to regulate or eliminate shrinkage in casting metal in molds. The largest use is for fusible alloys containing high percentages of bismuths which are used in spotting and anchoring dies, in patternmaking, and in the bending of thin-wall tubing. These alloys are also used as release links or plugs in sprinkler and alarm systems, and other thermal safety devices. Bismuth is also used in tube drawing and as thermocouple wire. New uses include permanent magnets thermoelectric materials, and for temperature control apparatus.

U.S. domestic product of bismuth is a byproduct of the refining of lead and copper ores. Other principal sources are Peru and Mexico. Bismuth is also produced in Canada, Sweden, Spain, Yugoslavia, Japan, Korea, Argentina, France, Australia, and Africa.

The total inventory of bismuth as of January 31, 1970, held by GSA was approximately 2,758,000 pounds. The present stockpile objective, established December 3, 1969, is 2,100,000 pounds. With this objective there remains an excess of 658,000 pounds. Of this quantity 358,000 pounds were authorized for disposal by the Congress in Public Law 90–153, enacted November 24, 1967. H.R. 15831 would give disposal authority for all existing excess bismuth.

The average acquisition cost of the bismuth in the national and supplemental stockpiles was $2.14 per pound. The present market value is about $6 per pound.

GSA proposes to make the 300,000 pounds of excess bismuth available for commercial sale over a period of years. The quantities and timing of disposal will be determined upon evaluation of previous sales and current market conditions. When congressional approval for the 300,000 pounds is granted, this quantity will be considered for disposal together with the quantity remaining available under previously authorized programs. Quantities of this material required for transfer directly to Government agencies will be over and above those involved in the commercial sales program.

The subcommittee received detailed testimony from representatives of Government on the proposal action. There was no objection from industry on the the proposed disposal.

The subcommittee was informed that industrial demand for bismuth has been very strong. GSA sales of approximately 280,700 pounds of excess bismuth during fiscal year 1969, and 268,000 pounds during the first 7 months of fiscal year 1970 have provided some relief to a tight supply situation.

All the testimony received by the subcommittee urged the immediate enactment by the Congress of legislation which would authorize the proposed disposal of bismuth from the stockpiles in order to alleviate a shortage of this commodity now existing in the domestic market.

The subcommittee was advised that the proposed disposal plan, concurred in by both Government and industry, represents an effort to achieve this disposal action with a minimum disruption of the market, and yet provide the Federal Government with a maximum return from the sale of the material.

The subcommittee and the full committee recommended immediate action on this bill and I, therefore, respectfully urge the House to take prompt, favorable action on H.R. 15831.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. PHILBIN. I yield to the distinguished gentleman from Iowa.

Mr. GROSS. Mr. Speaker, will the gentleman help me with an explanation of the difference between the national stockpile and the supplemental stockpile?

Mr. PHILBIN. I will say to the gentleman from Iowa, there are three different stockpiles.

Mr. GROSS. Three different stockpiles?

Mr. PHILBIN. There are three different types of stockpiles: one is the national stockpile, which is the one that is used for the most part currently; and there is the supplemental stockpile, that is made up of materials we receive from foreign exchange of agricultural materials; and the third is the Defense Production Act stockpile, which contains materials which are used primarily for defense purposes.

Mr. GROSS. Who controls these stockpiles?

Mr. PHILBIN. The General Services Administration is responsible for the maintenance and storage of all material placed in the three stockpiles.

Mr. GROSS. All of the stockpiles?

Mr. PHILBIN. All of the stockpiles.

Mr. GROSS. They are controlled by the General Services Administration?

Mr. PHILBIN. Yes.

Mr. GROSS. Why do we have a national stockpile and a supplemental stockpile?

Mr. PHILBIN. The supplemental stockpile consists of materials that have been acquired from the exchange or barter of surplus agriculture commodities.

Mr. GROSS. Does the President have direct authority to dispose of materials from any of these stockpiles?

Mr. PHILBIN. The President has authority under section 5 of the Strategic and Critical Materials Stock Piling Act to release stockpile materials for use, sale, or other disposition when, in his judgment, such release is required for purposes of the common defense, either in time of war or during a national emergency.

Mr. GROSS. Does he do this by Executive order?

Mr. PHILBIN. He does it by his own order.

Mr. GROSS. By Executive order?

Mr. PHILBIN. By Executive order. He can and does issue orders and directions to the appropriate departments of the Government.

Mr. GROSS. Is the action he takes printed in the Federal Register?

Mr. PHILBIN. Yes, it would be printed in the Federal Register, and usually our committees are advised, and notice of this action is made public and appears in the press.

Mr. GROSS. So the President, by his own action, can dispose from which one of these stockpiles, or from all of them?

Mr. PRILBIN. He has authority to release material only from the National Stockpile. The Director of the Office of Emergency Preparedness has authority to release material from the Defense Production Act Inventory.

Mr. GROSS. Must he notify the Speaker of the House that he has disposed from these stockpiles?

Mr. PHILBIN. No. He usually notifies the Armed Services Committee, and his action is printed in the press, and there is widespread circulation and publicity given to the action when he takes it. He also notifies General Services Administration, the Commerce Department, and the Office of Emergency Preparedness.

Mr. GROSS. Does he notify the Speaker on the after-the-fact basis or before he makes the disposal?

Mr. PHILBIN. He is not required to notify the Speaker, but, as a matter of practice, anybody who is interested in these matters usually has that information from the public press and the announcements the President makes when he disposes of these critical materials and metals.

Mr. GROSS. Does the gentleman not think the President ought to at least notify Congress on a before-the-fact basis? Disposals from the various stockpiles could involve many millions of dollars and be of special benefit to certain purchasers.

Mr. PHILBIN. Yes, I have always thought he should, and actually he does in most cases. We receive information through the General Services Administration as a rule that he intends to do it, and then his order is carried out, and it is given to the press. Our committee is usually advised in advance of the disposal action.

There is no secrecy entailed regarding these matters of executive disposals from the stockpiles.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AUTHORIZING DISPOSAL OF MAGNESIUM FROM THE NATIONAL STOCKPILE

Mr. PHILBIN. Mr. Speaker, I ask unanimous consent that the Committee of the Whole House on the State of the Union be discharged from further consideration of the bill (H.R. 15835) to authorize the disposal of magnesium from the national stockpile, and ask for its immediate consideration.

The Clerk read the title of the bill.

The **SPEAKER.** Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The Clerk read the bill, as follows:

H.R. 15835

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of General Services is hereby authorized to dispose of approximately twelve thousand short tons of magnesium now held in the national stockpile established pursuant to the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98–98h). Such disposition may be made without regard to the requirements of section 3 of the Strategic and Critical Materials Stock Piling Act: *Provided,* That the time and method of disposition shall be fixed with due regard to the protection of the United States against avoidable loss and the protection of producers, processors, and consumers against avoidable disruption of their usual markets.

SEC. 2. (a) Disposals of the material covered by this Act may be made only after publicly advertising for bids, except as provided in subsection (b) of this section or as otherwise authorized by law. All bids may be rejected when it is in the public interest to do so.

(b) The material covered by this Act may be disposed of without advertising for bids if—

(1) the material is to be transferred to an agency of the United States;

(2) the Administrator determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors, and consumers against avoidable disruption of their usual markets; or

(3) sales are to be made pursuant to requests received from other agencies of the United States in furtherance of authorized program objectives of such agencies.

Mr. PHILBIN. Mr. Speaker, H.R. 15835 would authorize the disposal of 12,000 short tons of magnesium from the national stockpile.

Magnesium is the lightest of the commercial metals produced in quantity at relative low cost. The metal is ductile and easily machineable and imparts these qualities to iron and steel in alloys. It is silvery in color, but oxidizes and tarnishes in moist air. In finely divided form, it is easily ignited and burns with an intense white light. The solid form must be heated above its melting point before it will burn.

Magnesium is used in aircraft chiefly in structural forms and sheet. It enters into alloys of iron, zinc, and aluminum, and serves in castings, forgings, and extrusions. It is also used for recovery processing for titanium, cathodic protection from corrosion for steel, scavenger, and deoxidizing applications in metallurgy.

Magnesium is currently produced from sea water at two plants in Texas and from dolomite in a plant in Alabama. A facility in Connecticut produces high purity metal for special purposes.

The total inventory of magnesium as of January 31, 1970, held by GSA was approximately 113,000 short tons. Of this quantity 35,123 short tons are excess, including 23,123 short tons authorized for disposal by the Congress under Public Law 90–604, enacted October 18, 1968. The present stockpile objective, established December 3, 1969, is 78,000 short tons.

The average acquisition cost of the magnesium in the national stockpile was $726 per short ton. The present market value is about $726 per short ton.

U.S. production of primary magnesium was 98,376 short tons in 1968. This was a slight increase over 97,406 short tons in 1967. The demand is increasing at a very substantial rate, due to new commercial uses. Increased production is planned but a tight supply situation may exist for the next several years.

The United States, for years, has consumed most of the world's magnesium. In 1968 consumption of primary and secondary magnesium was 103,000 short tons, of which 4,086 short tons was imported material. Our major import sources in 1968 were: Canada, 80 percent; United Kingdom, 7 percent; Japan and 16 others, 13 percent.

GSA proposes to make the 12,000 short tons of excess magnesium available for commercial sale over a period of years. The quantities and timing of disposals will be determined upon evaluation of previous sales and current market conditions. When congressional approval for the 12,000 short tons is granted, this quantity will be considered for disposal together with the quantity remaining available under previously authorized programs. Quantities of this material required for transfer directly to Government agencies will be over and above those involved in the commercial sales program.

The subcommittee received detailed testimony from representatives of Government on the disposal action. There were no objections from industry representatives to the proposal.

GSA advised that the industrial demand for magnesium was very strong throughout 1969, causing a drawdown in industry stocks despite increased production and GSA sales. GSA sales of 31,877 short tons of excess magnesium

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during fiscal year 1969 and the first 7 months of fiscal year 1970 have provided some relief to a tight supply situation.

All the testimony received by the subcommittee urged the immediate enactment by the Congress of legislation which would authorize the proposed disposal of magnesium from the national stockpile.

The subcommittee was advised that the proposed disposal plan, concurred in by both Government and industry, represents an effort to achieve this disposal action with a minimum disruption of the market, and yet provide the Federal Government with a maximum return from the sale of the material.

The subcommittee and the full committee recommended immediate action on this bill and I, therefore, respectfully urge the House to take prompt, favorable action on H.R. 15835.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AUTHORIZING DISPOSAL OF CHEMICAL GRADE MANGANESE ORE, TYPE A, FROM NATIONAL STOCKPILE AND SUPPLEMENTAL STOCKPILE

Mr. PHILBIN. Mr. Speaker, I ask unanimous consent that the Committee of the Whole House on the State of the Union be discharged from further consideration of the bill (H.R. 15836) to authorize the disposal of type A chemical grade manganese ore from the national stockpile and the supplemental stockpile, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The Clerk read the bill, as follows:

H.R. 15836

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of General Services is hereby authorized to dispose of approximately seventy-eight thousand, four hundred short dry tons of type A, chemical grade manganese ore now held in the national stockpile established pursuant to the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98–98h) and the supplemental stockpile established pursuant to section 104(b) of the Agricultural Trade Development and Assistance Act of 1954 (68 Stat. 456), as amended (73 Stat. 607). Such disposition may be made without regard to the requirements of section 3 of the Strategic and Critical Materials Stock Piling Act: *Provided,* That the time and method of disposition shall be fixed with due regard to the protection of the United States against avoidable loss and the protection of producers, processors, and consumers against avoidable disruption of their usual markets.

SEC. 2. (a) Disposals of the material covered by this Act may be made only after publicly advertising for bids, except as provided in subsection (b) of this section or as otherwise authorized by law. All bids may be rejected when it is in the public interest to do so.

(b) The material covered by this Act may be disposed of without advertising for bids if—

(1) the material is to be transferred to an agency of the United States;

(2) the Administrator determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors, and consumers against avoidable disruption of their usual markets; or

(3) sales are to be made pursuant to requests received from other agencies of the United States in furtherance of authorized program objectives of such agencies.

With the following committee amendment:

On page 1, lines 4 and 5, strike out "seventy-eight thousand, four hundred", and insert in lieu thereof, "one hundred eleven thousand, nine hundred."

The committee amendment was agreed to.

Mr. PHILBIN. Mr. Speaker, H.R. 15836, as amended, would authorize the disposal of 111,900 short dry tons of chemical grade manganese ore, type A, from the national stockpile and the supplemental stockpile.

Originally the bill, as introduced, would have provided for the disposal of approximately 78,400 short dry tons. However, the Office of Emergency Preparedness completed a new review of the stockpile objective in May 1969, and at that time the objective was reduced from 68,500 short dry tons to 35,000 short dry tons. The subcommittee amended the bill as recommended by both General Services Administration and the Office of Emergency Preparedness, to include the excess created by the revision.

Chemical grade manganese covers two types of high dioxide manganese ores, types A and B. Type A calls for a predominance of pyrolusite.

Type A manganese ore is used as an oxidizing agent in the manufacture of hydroquinone by continuous process. The principal uses of hydroquinone are as a photographic developer, and as an antioxidant, or inhibitor in compounding rubber in finished products, and in gasoline and medicinal processes. No direct use of chemical grade manganese is attributed to the military.

The total supply of chemical grade manganese is from imports. The Imini Mine in French Morocco is the principal source of type A manganese for the United States. Cuba has substantial resources of both types.

The total inventory of chemical grade manganese ore, type A, held by General Services Administration as of January 31, 1970, was approximately 146,914 short dry tons. The national stockpile contained 29,307 short dry tons, and the supplemental stockpile contained 117,607 short dry tons. The present stockpile objective, established May 13, 1969, is 35,000 short dry tons.

The average acquisition cost of the chemical grade manganese ore, type A, in the national and supplemental stockpiles, was $68.44 per short dry ton. The present market value is about $70 per short dry ton.

General Services Administration proposes to make the entire quantity of excess chemical grade, type A, manganese ore available for disposal over a period of years. The quantities and timing of disposals will be determined in the light of market conditions. Quantities of this material required for direct Government use will be over and above those involved in the commercial sales program.

Witnesses from both the Office of Emergency Preparedness and General Services Administration recommended that H.R. 15836 be amended to reflect the total excess currently in the national stockpile and the supplemental stockpile of 111,900 short dry tons. They advised that a new stockpile objective was approved on May 13, 1969, at which time the objective was reduced from 68,500 short dry tons to 35,000 short dry tons. This review was conducted subsequent to the time the General Services Administration proposal was submitted to the Congress.

All testimony received by the subcommittee favored the immediate enactment by the Congress of legislation which would authorize the proposed disposal of chemical grade manganese ore, type A. from the stockpiles.

The subcommittee was advised that the proposed disposal plan, concurred in by both Government and industry, represents an effort to achieve this disposal action with a minimum disruption of the market, and yet provide the Federal Government with a maximum return from the sale of the materials.

The subcommittee and the full committee recommended immediate action on this bill, as amended, and I, therefore, respectfully urge the House to take prompt, favorable action on H.R. 15836.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AUTHORIZING DISPOSAL OF CHEMICAL GRADE MANGANESE ORE, TYPE B, FROM NATIONAL STOCKPILE AND SUPPLEMENTAL STOCKPILE

Mr. PHILBIN. Mr. Speaker, I ask unanimous consent that the Committee of the Whole House on the State of the Union be discharged from further consideration of the bill (H.R. 15837) to authorize the disposal of type B, chemical grade manganese ore from the national stockpile and the supplemental stockpile, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The Clerk read the bill, as follows:

H.R. 15837

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of General Services is hereby authorized to dispose of approximately thirty-six thousand eight hundred and fifty short dry tons of type B, chemical grade manganese ore now held in the national stockpile established pursuant to the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98–98h) and the supplemental stockpile established pursuant to section 104(b) of the Agricultural Trade Development and Assistance Act of 1954 (68 Stat. 456), as amended (73 Stat. 607). Such disposition may be made without regard to the requirement of section 3 of the Strategic and Critical Materials Stock Piling Act: *Provided*, That the time and method of disposition shall be fixed with due regard to the protection of the United States against avoidable loss and the protection of producers, processors, and consumers against avoidable disruption of their usual markets.

Sec. 2. (a) Disposals of the material covered by this Act may be made only after publicly advertising for bids, except as provided in subsection (b) of this section or as otherwise authorized by law. All bids may be rejected when it is in the public interest to do so.

(b) The material covered by this Act may be disposed of without advertising for bids if—

(1) the material is to be transferred to an agency of the United States;

(2) the Administrator determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors, and consumers against avoidable disruption of their usual markets; or

(3) sales are to made pursuant to requests received from other agencies of the United States in furtherance of authorized program objectives of such agencies.

With the following committee amendment:

On page 1, lines 4 and 5, strike out "thirty-six thousand eight hundred and fifty", and insert in lieu thereof, "sixty-five thousand eight hundred."

The committee amendment was agreed to.

Mr. PHILBIN. Mr. Speaker, H.R. 15837, as amended, would authorize the disposal of 65,800 short dry tons of chemical grade manganese ore, type B, from the national stockpile and the supplemental stockpile.

Originally the bill, as introduced, would have provided for the disposal of approximately 36,850 short dry tons. However, the Office of Emergency Preparedness completed a new review of the stockpile objective in May 1969, and at that time the objective was reduced from 64,000 short dry tons to 35,000 short dry tons. The subcommittee amended the bill as recommended by General Services Administration and the Office of Emergency Preparedness to include the excess created by the revision.

Chemical grade manganese covers two types of high dioxide manganese ore, types A and B. Type B—psilomelane—suitable for the production of permanganates and other chemicals is generally identified with certain acceptable battery grade ores, particularly those originating in Ghana.

Type B manganese is used principally in the permanganates, manganese chloride, dye intermediates, glass and pottery coloring, electric lamps, welding rod, enamel frit, and nicotinic acid. No direct use of chemical grade manganese is attributed to the military.

The total supply of chemical grade manganese is from imports. Ghana, India, and Chile are the sources for most of the type B ore. Cuba has substantial resources of both types.

The total inventory of chemical grade manganese ore, type B, held by General Services Administration as of January 31, 1970, was approximately 100,800 short dry tons. The present stockpile objective, established May 13, 1969, is 35,000 short dry tons.

The average acquisition cost of the chemical grade manganese ore, type B, in the national and supplemental stockpiles, was $67.46 per short dry ton. The present market value is about $50 per short dry ton.

GSA plans to make the chemical grade, type B, manganese ore available for disposal over a period of years. The quantities and timing of disposals will be determined in the light of market conditions. Quantities of this material required for direct Government use will be over and above those involved in the commercial sales program.

Witnesses from both the Office of Emergency Preparedness and General Services Administration recommended H.R. 15837 be amended to reflect the total excess currently in the national stockpile and the supplemental stockpile of 65,800 short dry tons. They advised that a new stockpile objective was approved May 13, 1969, at which time the objective was reduced from 64,000 short dry tons to 35,000 short dry tons. This review was conducted subsequent to the time the General Services Administration proposal was submitted to the Congress.

All testimony received by the subcommittee favored the immediate enactment by the Congress of the legislation, which would authorize the proposed disposal of chemical grade manganese ore, type B, from the stockpiles.

The subcommittee was advised that the proposed disposal plan, concurred in by both Government and industry, represents an effort to achieve this disposal action with a minimum disruption of the market, and yet provide the Federal Government with a maximum return from the sale of the material.

The subcommittee and the full committee recommended immediate action on this bill, as amended. I, therefore, respectfully urge the House to take prompt, favorable action on H.R. 15837.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AUTHORIZING DISPOSAL OF SHELLAC FROM NATIONAL STOCKPILE

Mr. PHILBIN. Mr. Speaker, I ask unanimous consent that the Committee of the Whole House on the State of the Union be discharged from further consideration of the bill (H.R. 15838) to authorize the disposal of shellac from the national stockpile, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The Clerk read the bill, as follows:

H.R. 15838

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of General Services is hereby authorized to dispose of approximately four million three hundred thousand pounds of shellac now held in the national stockpile established pursuant to the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98–98h). Such disposition may be made without regard to the requirements of section 3 of the Strategic and Critical Material Stock Piling Act: *Provided*, That the time and method of disposition shall be fixed with due regard to the protection of the United States against avoidable loss and the protection of producers, processors, and consumers against avoidable disruption of their usual markets.

Sec. 2. (a) Disposals of the material covered by this Act may be made only after publicly advertising for bids, except as provided in subsection (b) of this section or as otherwise authorized by law. All bids may be rejected when it is in the public interest to do so.

(b) The material covered by this Act may be disposed of without advertising for bids if—

(1) the material is to be transferred to an agency of the United States;

(2) the Administrator determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors, and consumers against avoidable disruption of their usual markets; or

(3) sales are to be made pursuant to requests received from other agencies of the United States in furtherance of authorized program objectives of such agencies.

Mr. PHILBIN. Mr. Speaker, H.R. 15838 would authorize the disposal of 4,300,000 pounds of shellac from the national stockpile.

Shellac is the purified form of the material known as lac or sticklac. It is the product of an insect that lives in southern Asia.

Shellac performs three functions: as a sealant, a binder, and a protective coating. It is used as a sealant for primers in ammunition, for binding abrasives and mica, in cements for basing electric bulbs and tubes. It is used in coatings on electrical parts and insulation; in engraving and printing inks; in floor wax; as a finish on foundry patterns; as a glaze for candy and medicinal tablets; as a felt hat stiffener; in paper, leather, and textile coatings; in surface coatings; and for many other uses. The largest present use is in self-polishing floor and furniture waxes.

The major part of the imports of shellac are from India and Thailand; the remainder of the U.S. imports are largely transshipments of shellac from European countries.

The total inventory of shellac held by the GSA as of January 31, 1970, was 8,829,723 pounds. The present stockpile objective is 3,900,000 pounds. The current excess totals approximately 4,929,000 pounds, of which 570,814 pounds will be offered for sale in early March.

The average acquisition cost of the shellac in the national stockpile was 50 cents per pound. The present market value is approximately 15 cents per pound.

World production of shellac in 1968 is estimated at 70 million pounds, produced principally in India and Thailand. India has maintained its position as the leading producer with an estimated 38.8 million pounds, and Thailand is second place with a population rate estimated at 30.9 million pounds. As a nonproducer of shellac, the United States imports 43

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percent of its requirements from Thailand, 49 percent from India, and 8 percent from West Germany.

U.S. consumption, because of the increasing use of satisfactory substitutes, has declined steadily from 44.9 million pounds in 1955, and 32 million pounds in 1961, to approximately 20 million pounds in 1968.

As published in the Federal Register of October 1961, the long-range program for shellac began with offering annually for sale 2,175,000 pounds of the 10.6 million pounds of excess shellac authorized for disposal. The unsold quantity as of January 31, 1969, was 1,956,452 pounds.

When congressional approval for the additional 4.3 million pounds is granted, this excess will be considered for disposal together with the excess remaining available under the previously authorized program.

The subcommittee received detailed testimony from representatives of Government on the disposal action. There were no objections from industry representatives to this proposal.

Witnesses from the Office of Emergency Preparedness advised that on January 17, 1969, a new stockpile objective for shellac was approved. At that time, the conventional objective for this material was reduced from 8,300,000 pounds to 1 million pounds; thus making the existing nuclear objective, established in 1967, of 3,900,000 pounds, the controlling objective.

The major reason for this sharp decline in the objective has been the sizable reduction in the requirement. In 1964 the 3-year requirements were calculated at about 8,300,000 pounds, with no supply available under the rules and policies of the Office of Emergency Preparedness at that time.

The current review, conducted in 1969, showed the requirements for the emergency period had dropped to 3,432,000 pounds. Ample allowance was made for any contingency that might arise in an emergency through the establishment of the 3,900,000 pounds controlling objective.

Shellac is an organic material and tends to deteriorate in storage and therefore the condition of this commodity will affect the selling price when disposal action is taken.

All the testimony received by the subcommittee urged the immediate enactment by the Congress of legislation which would authorize the proposed disposal of shellac from the national stockpile.

The subcommittee was advised that the proposed disposal plan, concurred in by both Government and industry, represents an effort to achieve this disposal action with a minimum disruption of the market, and yet provide the Federal Government with a maximum return from the sale of the material.

The subcommittee and the full committee recommended immediate action on this bill, and I, therefore, respectfully urge the House to take favorable action on H.R. 15838.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AUTHORIZING DISPOSAL OF CASTOR OIL FROM NATIONAL STOCKPILE

Mr. **PHILBIN**. Mr. Speaker, I ask unanimous consent that the Committee of the Whole House on the State of the Union be discharged from further consideration of the bill (H.R. 15832) to authorize the disposal or castor oil from the national stockpile, and ask for its immediate consideration.

The Clerk read the title of the bill.

The **SPEAKER**. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The Clerk read the bill, as follows:

H.R. 15832

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of General Services is hereby authorized to dispose of approximately forty-six million pounds of castor oil now held in the national stockpile established pursuant to the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98–98h). Such disposition may be made without regard to the requirements of section 3 of the Strategic and Critical Materials Stock Piling Act: *Provided,* That the time and method of disposition shall be fixed with due regard to the protection of the United States against avoidable loss and the protection of producers, processors, and consumers against avoidable disruption of their usual markets.

SEC. 2. (a) Disposals of the material covered by this Act may be made only after publicly advertising for bids, except as provided in subsection (b) of this section or as otherwise authorized by law. All bids may be rejected when it is in the public interest to do so.

(b) The material covered by this Act may be disposed of without advertising for bids if—

(1) the material is to be transferred to an agency of the United States;

(2) the Administrator determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors, and consumers against avoidable disruption of their usual markets; or

(3) sales are to be made pursuant to requests received from other agencies of the United States in furtherance of authorized program objectives of such agencies.

With the following committee amendment:

On page 1, line 4, strike out "forty-six million", and insert in lieu thereof, "eighteen million five hundred thousand".

The committee amendment was agreed to.

Mr. **PHILBIN**. Mr. Speaker, H.R. 15832, as amended, would authorize the disposal of 18,500,000 pounds of castor oil from the national stockpile.

Castor oil is a viscous oil obtained from castor beans by cold pressing or by solvent extraction. The beans average 45 percent of their weight in oil. The oil is pale-yellowish or almost colorless, transparent, and has a mild odor and usually nauseating taste.

Castor oil is used in paints and varnish, linoleum, oilcloth, printing ink, soap, for petroleum demulsification, in lubricants and greases, hydraulic brake fluids, synthetic resins, textiles, and for many other uses. One of the most important uses is as a raw material for the manufacture of sebacic acid. Two important uses of the latter are in making nylon-type plastic for communication wire and in derivatives of sebacic acid which are used as a lubricant in turbine and jet engines. Sebacic acid also has essential civilian uses for nylon bristles, plasticizers, synthetic resins, and certain miscellaneous uses.

A very small part of the U.S. supply is from domestic grown castor beans; Brazil and India supply the major part of U.S. needs. Smaller quantities are obtained from a number of countries, including Haiti, Ecuador, Angola, Thailand, Iran, and others.

The total inventory of castor oil held by General Services Administration as of January 31, 1970, was approximately 68.5 million pounds. The present stockpile objective is 50 million pounds.

The average acquisition cost of castor oil in the national stockpile was 25 cents per pound. The current market value is about 14.5 cents per pound.

World production of castor oil in terms of oil equivalent reached a peak of 827 million pounds in 1964 but declined to 675 million pounds in 1967. In 1968, world production again increased to a record estimated 860 million pounds.

Brazil is the principal U.S. source of castor oil and the world's leading producer, increasing output from 342 million pounds in 1968 to 367 million pounds in 1969. In second place is India with 108 million pounds in 1968 and 112 million pounds in 1969. It appears from export data that China's production has expanded sharply and she is probably the third largest producer. The Soviet Union is the fourth largest producer with a level of about 70 million pounds.

U.S. consumption has been at the level of approximately 150 million pounds annually since 1965, reaching 153 million in 1969. However, imports dropped from 129 million pounds in 1965 to 97 million pounds in 1967, and were about 100 million pounds in 1969. This disparity between imports and demand has resulted in recent years in a high level of sales from the national stockpile.

The current market for castor oil is strong and historically the market varies greatly from year to year, reflecting the supplies received from major exporting countries. The combined annual rate of commercial offerings will be determined in the light of existing market conditions. Quantities of this material required for direct Government use will be over and above those involved in the commercial sales program.

Witnesses from both the Office of Emergency Preparedness and General Services Administration recommended that H.R. 15832 be amended to reflect the reduced amount of 18.5 million pounds. The bill, as introduced, authorizes the disposal of 46 million pounds of castor oil; however, in July 1969, the Office of Emergency Preparedness approved a new stockpile objective of 50 million pounds. This review was conducted subsequent to the time the General Services Administration proposal was submitted to the Congress.

All testimony received by the subcommittee favored the immediate enactment by the Congress of legislation which would authorize the proposed disposal of castor oil from the national stockpile.

The subcommittee was advised that the proposed disposal plan, concurred in by both Government and industry, represents an effort to achieve this disposal action with a minimum disruption of the market, and yet provide the Federal Government with a maximum return from the sale of the material.

The subcommittee and the full committee recommended immediate action on this bill, as amended, and I, therefore, respectfully urge the House to take prompt, favorable action on H.R. 15832.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. PHILBIN. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to extend their remarks on the bills just passed.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

EXPANSION OF AGRICULTURAL EXPORTS

Mr. SISK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 860 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 860

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 14169) to amend section 402 of the Agricultural Trade Development and Assistance Act of 1954, as amended, in order to remove certain restrictions against domestic wine under title I of such Act, and all points of order against said bill are hereby waived. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Agriculture, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER. The gentleman from California (Mr. Sisk) is recognized for 1 hour.

Mr. SISK. Mr. Speaker, I yield 30 minutes to the gentleman from California (Mr. Smith) and pending that I yield myself such time as I may consume.

Mr. Speaker, House Resolution 860 provides an open rule with 1 hour of general debate for consideration of H.R. 14169 to amend section 402 of the Agricultural Trade Development and Assistance Act of 1954, as amended, in order to remove certain restrictions against domestic wine under title I of the act. The resolution also provides that all points of order are waived against the bill. The waiver was granted because the language in the bill involves the use of foreign currencies under the Public Law 480 program and permits their use for a new purpose.

The purpose of H.R. 14169 is to remove a restriction in present law which prevents the American wine industry from participating in export promotion activities under the Agricultural Trade Development and Assistance Act.

The present law specifically excludes all alcoholic beverages as "agricultural commodities" that are eligible for the benefits of the program. The Department of Agriculture has construed this provision as prohibiting the display or advertising of American wines at overseas trade fairs and market promotion activities sponsored by the Department.

It is the intent that the term "domestic wine" as used in the bill shall mean wine prepared from grapes and all other fruits, as well as from other agricultural or horticultural plants, such as berries and peaches. This would include sparkling burgundy, champagne, and brandy.

It is not anticipated that any material increase in Government costs will result from enactment of the bill.

Mr. Speaker, I urge the adoption of House Resolution 860 in order that H.R. 14169 may be considered.

Mr. SMITH of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I fully concur in the statements made by the distinguished gentleman from California (Mr. Sisk) in his explanation of the rule and the bill (H.R. 14169) to amend section 402 of the Agricultural Trade Development and Assistance Act of 1954, as amended.

The purpose of H.R. 14169 is to remove a restriction in present law which prevents the American wine industry from participating in export promotion activities under the Agricultural Trade Development and Assistance Act of 1954, as amended—Public Law 83-480, as amended.

Section 402 of Public Law 480 specifically excludes all alcoholic beverages as "agricultural commodities" that are eligible for the benefits of the program.

H.R. 14169 would merely remove the restriction on foreign market promotion activities for domestic wine. Under the bill, wine as well as all other alcoholic beverages, would continue to be ineligible for title I concessional sales, either for dollars or for foreign currency, and for donation programs under title II of the act.

The committee feels that the expansion of all agricultural exports is clearly in the national interest. The committee does not anticipate any material increase in Government cost as a result of the enactment of this bill.

Mr. SISK. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. Gonzalez). The question is on the resolution.

The resolution was agreed to.

Mr. de la GARZA. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 14169) to amend section 402 of the Agricultural Trade Development and Assistance Act of 1954, as amended, in order to remove certain restrictions against domestic wine under title I of such act.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 14169, with Mr. Brooks in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Texas (Mr. de la Garza) is recognized for 30 minutes and the gentleman from North Dakota (Mr. Kleppe) is recognized for 30 minutes.

The Chair now recognizes the gentleman from Texas (Mr. de la Garza).

Mr. de la GARZA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the purpose of H.R. 14169 is to remove a restriction in present law which prevents the American wine industry from participating in export promotion activities under the Agricultural Trade Development and Assistance Act of 1954, as amended—Public Law 83-480, as amended.

Section 402 of Public Law 480 specifically excludes all alcoholic beverages as "agricultural commodities" that are eligible for the benefits of the program. This provision has been construed by the U.S. Department of Agriculture not only to prohibit alcoholic beverages from being eligible for concessional sales and donations under the act, but also as prohibiting the display or advertising of American wines at overseas trade fairs and market promotion activities sponsored by the Department.

H.R. 14169 would merely remove the restriction on foreign market promotion activities for domestic wine. Under the bill, wine, as well as all other alcoholic beverages, would continue to be ineligible for title I concessional sales—either for dollars or for foreign currency—and for donation programs under title II of the act.

Mr. Chairman, the bill was approved unanimously by the committee.

Mr. Chairman, I reserve the balance of my time.

Mr. KLEPPE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, section 402 of the Agricultural Trade Development and Assistance Act of 1954, as amended—Public Law 83-480—provides that alcoholic beverages shall not be eligible for concessional sales or donation. The Department of Agriculture in its administration of this law has consistently taken the position that this prohibition also applies to the display or advertisement of American wine at overseas trade fairs and market promotion activities. This bill would, as a matter of law, change that interpretation.

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As most of my colleagues know, various American agricultural products are exhibited at trade fairs. Booths manned by representatives of American firms seeking to obtain contracts for the export of their products are the heart of these shows, and it is not uncommon for samples of the food to be given to visitors. This practice allows the citizens of other countries to gain an insight into our culinary habits—if you will, a glance at a portion of our culture. The Department's prohibition against the display of wine leaves the visitor free to draw one of two erroneous conclusions—that the United States does not produce wine of which it is proud or that the consumption of wine is a very irregular event in American cuisine.

I believe that the need to correct the situation is patent and moreover that by allowing our American wine manufacturers the opportunity to seek contracts for the export of wine we can partially offset the negative balance of payments insofar as alcoholic beverages are concerned.

I think we should understand clearly that this bill applies only to certain wine-type beverages and not to all alcoholic beverages.

We should also bear in mind that the bill does not bring wine into the donation or concessional sales programs under Public Law 480. It only relates to the market promotion activities under the act.

Thus the bill is very narrow in its application. It applies only to the overseas market promotion of domestically produced wine.

In view of the foregoing, I urge the Members of the House to vote favorably upon the bill.

Mr. BURLISON of Missouri. Mr. Chairman, I am opposed to the passage of H.R. 14169. This bill removes the present restriction which prevents the American wine industry from participating in export promotion activities under the Agrculture Trade Development and Assistance Act of 1954. The present law specifically excludes all alcoholic beverages as "agricultural commodities" that are eligible for the benefits of the program.

My opposition to the proposed legislation is grounded upon a number of factors. In the first place, the entire consideration of the bill has been under a subterfuge. For instance, the title of the committee report, No. 91-565, is "Expansion of Agriculture Exports." It is apparent to me that wine is not an agricultural product but rather an alcoholic beverage. It is just as obvious that the purpose of the legislation is not "expansion of agricultural exports" so much as it is to put the U.S. Government in the liquor promotion business. This will be of particular benefit to the liquor industry in foreign trade fairs and expositions.

Perhaps the most disquieting aspect of the proposal is that it puts the proverbial "foot in the door." In the not-too-far-distant future we can expect provisions covering the full spectrum of alcoholic beverages and not limited to wine. Of even more ominous portent, however, is the likelihood of further amendment to permit alcoholic beverages to be eligible for concessional sales and donations under the act, Public Law 480. This legislation is clearly not in the best interest of our Nation.

Mr. DE LA GARZA. Mr. Chairman, I have no further requests for time.

Mr. KLEPPE. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. There being no further requests for time, the Clerk will read.

The Clerk read as follows:

H.R. 14169

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 402 of the Agricultural Trade Development and Assistance Act of 1954, as amended (7 U.S.C. 1732), is amended by inserting after the first sentence thereof a new sentence as follows: "The foregoing proviso shall not be construed as prohibiting representatives of the domestic wine industry from participating in market development activities carried out with foreign currencies made available under title I of this Act which have as their purpose the expansion of export sales of United States agricultural commodities."

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. GONZALEZ) having resumed the chair, Mr. BROOKS, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 14169) to amend section 402 of the Agricultural Trade Development and Assistance Act of 1954, as amended, in order to remove certain restrictions against domestic wine under title I of such act, pursuant to House Resolution 860, he reported the bill back to the House.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DE LA GARZA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill H.R. 14169 which was just passed by the House.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

A SERIOUS BLOW FOR INDIVIDUAL LIBERTY

(Mr. PODELL asked and was given permission to address the House for 1 minute.)

Mr. PODELL. Mr. Speaker, today individual and constitutional rights have been dealt a serious blow by the man sworn to protect and uphold these rights. Attorney General Mitchell in his announced crime program seems to have reversed one of the cornerstones of the American legal system—the idea that an individual is innocent until proven guilty. In Mr. Mitchell's proposed program, an individual suspect appears guilty until proven innocent.

The Attorney General has introduced a program requiring suspects in criminal cases to submit to fingerprinting, handwriting analysis, medical tests, and identification lineups prior to being charged. As the rationale behind such action, the Attorney General has invoked a "rule of reason." His program states:

> Action can be taken against an individual *reasonably* suspected of criminal activity—in cases where the police lack probable cause to make an arrest.

Mr. Speaker, "reasonable" and "probable" are two terms which, if placed in the wrong hands, can deny untold numbers their constitutional rights. Such terms seem to be attempts to place a dangerous amount of authority in the hands of Justice officials without proper checks on the exercise of that power. What is reasonable suspicion? What is a probable cause? I shudder to think of the consequences of the "injudicious" use of these terms for individual rights.

I recognize that the increasing crime rates in our cities are one of the major domestic problems confronting this Nation. I am a strong advocate of reducing this crime rate so that our citizens will not live in any fear or danger. Yet I recognize too that the rights of the individual have been the cornerstone of liberty in this country. These rights are finite, and serious inroads into their exercise are not easily recaptured. The crime rate in this country is high and must be reduced, but not at the expense of individual liberties.

ARMED ATTACKS ON AIRCRAFT

(Mr. YATES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. YATES. Mr. Speaker, I am introducing today a resolution which requests the President to call upon the international community to unite for the purpose of stopping armed attacks on aircraft and passengers engaged in international air travel. The resolution specifically directs the President to seek international arrangements and agreements with other nations desiring to foster international air service—including the use of an international tribunal with appropriate jurisdiction—for the purpose of finding ways and means to prohibit and punish armed attacks on aircraft and passengers engaged in international commerce. The resolution further requests him to seek international arrangements and agreements for the imposition of sanctions—including but not limited to suspension or repeal of air landing rights—against any nation which approves or condones such

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attacks by sheltering or protecting individuals or organizations responsible for perpetrating such attacks.

Finally, the resolution requires of the President that he report back within 6 months from the day of enactment the results of his initiatives.

Mr. Speaker, it is essential that the civilized nations of the world bring an end to the vicious attacks which are jeopardizing air travel, attacks which are occurring with increasing frequency. Terrorist bands centered in Arab nations, asserting an alleged right to make war against Israel throughout the world apparently without regard to the consequences of their actions upon neutral nations or innocent bystanders, have used machineguns, hand grenades, and bombs to destroy passenger aircraft and to wound and kill passengers.

The most recent and heinous example was the destruction in midflight of a Swissair jetliner carrying 47 passengers to Israel. Five of those passengers were Americans, all of whom were innocent of any participation in the grim struggle between Israel and the Arab nations. They were not belligerents and they were totally unarmed. Yet, today they are dead, victims of a deliberate attack, responsibility for which was claimed by an Arab terrorist group and then later denied only when the enormous weight of the condemnation of the world settled upon them.

Their attempted and asserted blockade of airlines serving Israel calls to mind the statements of President Woodrow Wilson in 1917 at the time when Germany was sinking passenger vessels of neutral countries in an asserted blockade against England. President Wilson condemned such barbaric acts as "warfare against mankind."

He pointed out:

> International law had its origin in the attempt to set up some law which would be respected and observed upon the seas where no nation had right of dominion and where lay the free highways of the world. By painful stage after stage has that law been built up with meagre enough results, indeed, after all was accomplished that could be accomplished, but always with a clear view at least of what the heart and conscience of mankind demanded. This minimum of right the German government has swept aside under the plea of retaliation and necessity and because it had no weapons which it could use at sea except those which it is impossible to comply as it is employing them without throwing it to the winds all scruples of humanity or of respect for the understandings that were supposed to underlie the intercourse of the world. I am not now thinking of the loss of property involved, immense and serious as that is, but only of the wholesale and wanton destruction of the lives of noncombatants, men, women and children, engaged in pursuits which have always even in the darkest periods of modern history been deemed important and legitimate. Property can be paid for; the lives of peaceful and innocent people cannot be.

Mr. Speaker, the world is bound together by a network of open skyways. Freedom of the air is as much a cardinal principle of international law as freedom of the high seas, and violators of that principle must be condemned by every civilized nation which represents itself to abide by international law. The freedom of such skyways is threatened by terrorists, assassins and kidnapers.

The civilized world must make known to such criminals that their acts will be condemned and punished not only by the country where a plane may be attacked, but by every country, that every country will stand united with other nations in sustaining the sanctity of international law by condemning and punishing acts which place in jeopardy the lives of innocent people.

Similarly, Mr. Speaker, if an end is to be brought to such piratical attacks, nations which shelter and protect such criminals must know that they, too, will be the subject of condemnation by other nations and that sanctions may be imposed against them, sanctions which may include a boycott of their airports and the loss of landing rights for their air carriers in other nations.

Such a sanction would punish those who support this international criminality, rather than those who suffer its consequences. I well understand the seriousness of proposing international sanctions and it is a course that I do not take lightly, but something simply must be done to stem the tide of deliberate violence that has been harassing international air travel. It may be that at some point in civilization's evolution men will no longer resort to war to settle their differences. But until that day is reached our minimum responsibility as human beings is to wage war within a set of restraints that limits the suffering of innocents. The Geneva Convention stands as testimony to that responsibility and I offer this resolution today in that spirit.

Mr. Speaker, the resolution affirms two basic principles concerning the conduct of war. First, that the conflict must be confined to the territories of the belligerents; and, second, that civilians who are not in any way involved in the conflict must not be the target of armed attack.

I offer this resolution to sustain the validity of international law in the hope that it will in some way reestablish limits in which human beings will allow themselves to attack. To the extent that those limits are ignored, our claim to civilization is diluted and humanity is compromised.

TERRORISM AGAINST AIR CARRIERS

(Mr. PUCINSKI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PUCINSKI. Mr. Speaker, I am very pleased to join my colleague, the gentleman from Illinois (Mr. YATES), in cosponsoring the resolution calling upon the international community to deal with the rising incidence of terrorism against aircraft carriers throughout the world. I congratulate the gentleman from Illinois (Mr. YATES) for his initiative in bringing this resolution to the House.

Mr. Speaker, I hope the appropriate committee of Congress, to which this resolution is referred, will take immediate action to hold hearings. Earlier, 62 of the Members of the House cosponsored a resolution calling for mandatory extradition between nations of airplane hijackers whenever they hijack commercial aircraft. Hijacking of commercial aircraft continues to be a part of this international terrorism.

It is further my hope, Mr. Speaker, that we can bring the other systems of transportation into this campaign against terrorism and hijacking of aircraft carriers. Most of this terrorism is being organized by terrorist organizations which get their training and funding from the Arab world, and apparently this is being done with their support, because no great outrage or criticism has been voiced against these attacks by any of those countries.

It seems to me the time has come when other means of travel, particularly the longshoremen and those engaged in the steamship and water freight industries ought to get together and help us in a combined effort to boycott those Arab nations which have failed to take any action to deal with this modern type of terrorism against passengers and crews of aircraft flying to the Middle East. Air travel is only a limited matter in most of these Arab countries, but if we can, indeed, get the longshoremen and the seafarers to join in international boycotts against goods coming out of or going into those countries that tolerate hijacking, perhaps then the economic impact would have some results in bringing stability to the whole world.

ECLIPSE OF THE SUN

(Mr. MILLER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MILLER of California. Mr. Speaker, on Saturday, March 7, several of my colleagues and I were privileged to witness one of the most spectacular events we will ever see. I refer to the total eclipse of the sun, which we viewed from Wallops Island, Va., a rocket-launching facility of the National Aeronautics and Space Administration.

Not many of the millions of other people who watched the eclipse had the good fortune we had—to experience the eeriness of total eclipse while watching and hearing 17 sounding rockets booming from their launch pads to investigate the phenomenon with their scientific instrument packages. It was a tremendous display. It is almost indescribable.

Of course, the scientific investigation of the eclipse was not confined just to Wallops Island, although its role was perhaps the most dramatic. Hundreds of other scientists along the eclipse path also conducted experiments. Several NASA satellites also made important observations as the moon's shadow raced up the eastern seaboard. These were the orbiting geophysical observatories—OGO's—the orbiting solar observatories—OSO's—the applications technology satellite—ATS—and Mariner 6, which is over 200,000,000 miles from

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earth on its way around the sun after taking closeup pictures of Mars last summer.

The overall investigation of this rare event was in the hands of the National Science Foundation, with cooperation from other agencies—chiefly NASA. Dr. Albert Belon of the NSF was U.S. coordinator. Dr. Goetz Oertel was NASA coordinator. Both these gentlemen briefed us at Wallops, and we were further assisted in our understanding by Dr. Leo Goldberg, director of the Harvard College Observatory; Dr. Herbert Friedman, director of the Hulburt Center, Naval Research Laboratory; and Dr. Philip Handler, president of the National Academy of Sciences.

Mr. Speaker, as the shadow darkened and the temperature fell, as the peculiar dancing shadows played along the tree limbs, as the rockets blasted off, as the moon finally covered the solar disc, and the corona and the "beads" appeared, the crowd of viewers at Wallops was hushed and, I am certain, had feelings of great reverence and awe. For nearly a minute we were able to look directly toward the sun, for in totality nothing shows but the corona, the "beads," and the protuberance that gives a diamond-ring effect in appearance. And we saw Venus. At a signal we turned our eyes away, and the light began to increase and the temperature inched back upward. It was all over.

Mr. Speaker, I believe it is a lamentable fact that too many people too often overlook the scientific aspects of the space program and fail to give credit to the hard-working scientists who are finding out more and more about our universe. Saturday, March 7, was a great day for space science.

I cannot close without expressing thanks and paying tribute to Dr. Thomas O. Paine, NASA Administrator; Dr. John Naugle, NASA Associate Administrator for Space Science and Applications; Robert Krieger, Director of the Wallops Station; and, the whole team that bent their efforts to further man's understanding of this most significant event.

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PRESIDENTIAL COMMISSION ON MARIHUANA

(Mr. KLEPPE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KLEPPE. Mr. Speaker, I have joined with a number of my colleagues in sponsoring legislation which would create a Presidential Commission on Marihuana.

It is nearly impossible for a Member of Congress, in this day and age of enlightenment, to have responsible data upon which to evaluate the widespread use of marihuana and its effects upon our young people who claim that it will not have any damaging physical or psychological effects.

The Bureau of Narcotics and Dangerous Drugs tells us that marihuana acts upon the brain and the nervous system affecting the user's emotion and senses in widely varying degrees, and that when large doses are used, vivid hallucinations occur which may cause panic or an inordinate fear of death with periods of paranoia.

Testimony before the House Select Committee on Crime pointed out that while marihuana is thought by many to be a narcotic, it is not. Marihuana users are often classed in the public mind along with addicts; but they are not addicts to marihuana, because it is not an addicting drug. In the words of Dr. Roger O. Egeberg, Assistant Secretary of Health and Scientific Affairs, Department of Health, Education, and Welfare:

> There is no scientific evidence to demonstrate that the use of marihuana in itself predisposes an individual to progress to "hard" drugs.

Dr. Egeberg pointed out, in his testimony, the very serious problem we are faced with—the fact that millions of our citizens, mainly young people, are "tampering with a drug whose long-term effects neither they nor anyone fully understand."

The legislation which I am cosponsoring would address itself to a solution of this problem. We are confronted with the criminal side effects by sheer ignorance about a drug which is already in the marketplace, without any form of control, without scientific supportive data, without Federal agency approval, and without even adequate supervision.

The Presidential Commission on Marihuana would fully investigate the problem of marihuana, and submit a report to the President and the Congress on its study and recommendations for proposed legislation. The Commission would investigate the following areas:

First, the extent of use of marihuana in the United States, the number of users, arrests, convictions, amounts of marihuana seized, type of user, and nature of use;

Second, an evaluation of the efficacy of existing marihuana laws;

Third, a study of the pharmacology of marihuana and its immediate and long-term physiological and psychological effects;

Fourth, the relationship of marihuana use to aggressive behavior and crime; and

Fifth, the relationship between marihuana and the use of other drugs.

Mr. Speaker, I urge early action on this legislation. In this day and age when so many of our young people use mind-expanding drugs out of curiosity or desire to solve personal problems, it is our duty as elected officials to investigate these drugs and determine the physical and psychological harm which our young people could inflict upon themselves.

At this point, I would like to bring to the attention of my colleagues an outstanding example of what concerned citizens can accomplish. The National Rural Antidrug Foundation, with headquarters in Minot, N. Dak., was organized by Sylvan Hubrig to help society combat a rapidly spreading problem. Concentrating on educational programs, Mr. Hubrig has expressed the organization's purpose is to acquaint the residents of rural America with the threat of drugs and narcotics in communities across the Nation.

With cooperation from all civic organizations, including the chamber of commerce, Mr. Hubrig's foundation has already received inquiries from other communities. The Minot Police Department has viewed the foundation as one of the best in the community, and report that illegal drug movement is down to a bare minimum.

The National Rural Antidrug Foundation began in Minot, with a mere handful of people, led by Sylvan Hubrig and others, and is indicative of how desperately the American people want to solve the drug problem.

Let us, as elected officials, deal quickly with this legislation creating a Presidential Commission on Marihuana so that our citizens will know that we stand behind their efforts. Let us provide them with the tools they need—responsible data—so that they, in their communities can effectively fight this pollution of so many young minds and bodies.

FREE WORLD SHIPPING TO NORTH VIETNAM

(Mr. CHAMBERLAIN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. CHAMBERLAIN. Mr. Speaker, during the first 2 months of 1970, I am pleased to report, according to the Department of Defense, there has been a better than 50-percent reduction in the level of traffic of free world flag ships to North Vietnam.

This past February the number of such arrivals was six, five under the British flag and one under the registry of the Somali Republic. In January the total was four, two British flag, one Somali, and one Maltese. These combined 10 arrivals compare to 21 that steamed into North Vietnamese ports during January and February of 1969.

This is progress. It indicates that the decisively downward trend during 1969, when the level of this traffic dropped to 99 free world arrivals as opposed to 149 in 1968—will continue in 1970.

Still, so long as the Hanoi regime continues to send troops and supplies into South Vietnam; so long as Americans are putting their lives on the line; so long as North Vietnam finds it necessary to charter free world vessels to help maintain its war economy, we must not relax our efforts to deny the enemy this aid and comfort.

The importance of this trade is further underscored by the fact that last month, again, these cargoes included strategic goods. Exact information remains classified. However, the secret reports list one of the most essential ingredients for keeping a war machine well oiled.

I commend the administration for its efforts during the past year, and urge that every possible step be taken to end this immoral trade.

A table follows:

FREE WORLD-FLAG SHIP ARRIVALS IN NORTH VIETNAM

	United Kingdom	Cyprus	Italy	Singapore	Lebanon	Japan	Malta	Somali Republic	Kuwait	Total
Free World 1969:										
January	8	1						2		11
February	6	1		2		1				10
March	6							1		7
April	7			1		1				9
May	9	1					1	1		12
June	6	2		1				2		11
July	6							1		7
August	4	2								6
September	4	1		1						6
October	4	1				1				6
November	7									7
December	7									7
Total	74	9	0	5	0	3	1	7	0	99
Free World 1970:										
January	2						1	1		4
February	5							1		6

SOLVING THE RAILROAD CRISIS

(Mr. DEVINE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DEVINE. Mr. Speaker, today I have introduced a measure relating to the current railroad crisis which still hangs over the head of the country and of Congress. It is the same resolution sent to us by the President last week which would ratify and make binding upon the parties the agreement reached by the railroads and the brotherhoods through their designated representatives. When time and the parliamentary situation in the other body made it apparent that a substantive solution to the crisis could not be effected soon enough to prevent closing down the industry. I reluctantly went along with the 37-day moratorium. It is the poorest answer possible and one which I do not intend to support again. We now have until April 10 to work up enough gumption and resolve to pass either a permanent change in the labor laws to take care of all future crises of this nature or to accept the President's suggestion for solving this one only.

At long last we have a logical and courageous proposal from a President of the United States in the fact of a crippling strike on the railroads of this Nation. President Nixon has again displayed his willingness to put the good of the country ahead of the selfish interests of a few hundred people who would tie up the economy of the entire country for the satisfaction of having accomplished it.

The issues in the present railway dispute have been well aired and need no long explanation. The sheet metal workers refused to agree to a settlement which was considered fair and equitable by their own leaders. They rejected the contract, on a minor point, which had been accepted by most unions previously. It has been estimated that the actual number of sheet metal workers who could be affected, though not harmed, by allowing emergency sheet metal work to be done by other crafts is a few hundred. The rejection of the contract under the circumstances made no sense. Another example of rule by minorities. Some 2,000 telling 600,000 they can not go to work. To an observer looking at the whole broad picture of labor negotiation it would be a cruel joke upon the public and upon the railroad workers who were willing to agree to a fair and equitable settlement arrived at after long and concerned bargaining by the leaders of the craft brotherhoods.

Members of Congress and many persons outside of Congress have beat their breasts and railed against a legislative action which writes a labor contract into law. This was to be expected. It is not a desirable thing. It is, however, just as satisfactory and under present circumstances far more satisfactory than building any cumbersome temporary machinery to get the same result. In that case we would try to pretend that we had not tampered with the bargaining process when in fact we have butchered it. Here we are recognized a fact of life. A fair settlement was reached, and no amount of thrashing around will produce a better one. Why spout platitudes and hide behind imaginary bushes to save face? We are not fooling anyone including ourselves if we pursue such a futile course.

If congressional ratification of a labor contract is a new departure in this field, so be it. No better course can possibly be arrived at. We have no procedures in the law at the present time for the prevention of national emergency strikes. The President has proposed legislation for this purpose and prompt passage is one path open to us. However action must be taken now. April 10 sounds far away as of this moment, but with other commitments and the pending recess the committee and the House have less than 3 working weeks to wrap it up.

It is my purpose here to direct the attention of the members, of the press and of the country to the fact that the President of the United States has proposed sensible solutions to this and the broader problem of national emergency work stoppages. Both are before the Congress and specifically before the Committee on Interstate and Foreign Commerce. There is no excuse to come upon the deadline and find ourselves without legislation. Many members, and I must say mostly they are members of the majority, cannot bring themselves to face up to the issues involved in this situation. I am ready and I feel certain that I can speak for the most of my minority colleagues and say that we are ready to bite this bullet and approve legislation to deal with the problem. If my friends of the majority cannot quite go along with a permanent solution at this time, we can accept the President's resolution aimed at the present crisis only. Or we are ready to hammer out legislation which will protect the public from the threat of future stoppages. I do not want us to stand here on or about April 10 and hear it said that because collective bargaining has not worked in the interim that we must again chicken out with a further delay.

I think it should be reported here that the press reported, after the passage of the 37-day resolution, that negotiators for both sides claimed that under the circumstances the President's solution would have been the better one. There is no disagreement between the representatives of labor and management on the proposition that a few weeks of wishful thinking and hoping for a miracle will relieve us of the necessity of acting in the interests of the country. It should also be noted that the issue involved in the sheet metal workers dispute is not one which can be wished away by some ad hoc board putting a penny back there and taking away a penny there. It is a yes or no issue which cannot be resolved in favor of the one union without upsetting a result agreed upon by the others. The answer is so simple and the suggestion of the President so sensible that it appeals to almost anyone who considers it and I feel safe in thinking that this includes the bulk of railway labor and its leaders.

My purpose here is to urge prompt and decisive action on the part of the Committee on Interstate and Foreign Commerce and the Congress. This is one ball we cannot pass back.

WE SHOULD RECOGNIZE RHODESIA

(Mr. EDWARDS of Alabama asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EDWARDS of Alabama. Mr. Speaker, the United States has taken a wrong turn indeed in cutting off the last diplomatic contacts with the now sovereign state of Rhodesia. In doing so, we will appear to be inconsistent in our foreign policy, forgetful of our own historical beginnings and remiss in our duties to work toward world peace and prosperity.

How can we on the one hand be engaged in talks aimed at establishing diplomatic relations with Communist China and on the other hand be cutting off all relations with a non-Communist country? China has expressed over and over again its desire to overcome the United States by force if necessary in its quest to rule the world. Whereas, little Rhodesia has been a friend and ally of ours during its affiliation with Great Britain; and has no current foreign policy inimical to our overall interests.

One is also reminded of our own initial fight for independence. At that time various domestic policies of this country ran contrary to Mother England, yet freedom was achieved and other countries opened diplomatic channels with the fledgling America.

But far more important, Mr. Speaker, in our quest for world peace, this country must keep every channel of communication open to every country. This is why we are engaged in the SALT talks with Russia, this is why we have entered into negotiations with Red China, this is why we are at the peace table in Paris. Although we may be opposed to the foreign and domestic policies of the countries with which we are negotiating, we are at least trying to find a common ground for world peace. To deny Rhodesia this avenue of communication is a step backward.

Mr. Speaker, I fully believe the time has come for the United States to stop meddling in the internal affairs of those nations that pose no direct threat to our national security or independence. In the case of Rhodesia, rather than closing a counsulate we should be opening an embassy. We are at the point in world affairs where dialog, not diatribe, is the key to future peace. I would hope the United States would lead the way.

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PROPOSAL TO PAY TURKISH FARMERS SUBSIDIES NOT TO GROW POPPIES

(Mr. HUNT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUNT. Mr. Speaker, from time to time we obtain some information through the news media that does not come to our attention otherwise.

Last week I picked up a paper and read an article entitled "Profit in Poppies," and I must say that I was amazed at the exposé it contained.

It would appear that someone now in our great society and in our Government is proposing that we subsidize the Turkish farmers not to grow poppies. It is a well-known fact that Turks produce 80 percent of the opium poppies which finds its way into other countries, where it is processed into heroin and is then smuggled into this country in great quantities.

But, Mr. Speaker, to begin to pay a subsidy to Turkish farmers under the foreign aid program is beyond my comprehension.

The Turks have always been considered our friends. I am quite sure they are our friends and will do a better job if we approach this matter on a more realistic basis rather than to buy off the Turkish farmers by subsidies, because if we do that we will only promote farmers in other countries to follow suit.

Mr. Speaker, we know that 15 percent of all opium today comes from Mexico and we know that another 5 percent comes from Thailand. So, if we subsidize the Turkish farmers not to grow the poppies, then we will have other people increase their production in Mexico and Thailand. Thus, pretty soon we will have a tremendous program of foreign subsidy, much greater than the magnitude that we have for our American farmers.

I would like to get down to this little basic fact.

What are we going to do, then? Are we going into the process of paying those who grow it for not growing it? Are we going to pay the people who are converting it into heroin not to process the drug? Are we going to pay the smugglers, and subsidize them not to smuggle it? Are we going to pay the Mafia and other syndicates in the world not to distribute it? Are we going to pay the people not to peddle it? Are we going to subsidize the people who take it, the addicts, not to use it?

There must be some way out of this crazy problem without subsidizing the entire world through this ridiculous project.

I have been assured, though, as of this morning, that, having come under attack, now, that the plan will be abandoned. I hope that the Members of the House will keep close watch on this boondoggle to make sure that we do not start into such a worldwide subsidy in conjunction with the ones we already have in U.S. agriculture.

ALL-AMERICA CITY

(Mr. GETTYS asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. GETTYS. Mr. Speaker my hometown of Rock Hill, S.C., has been named an All-America City, a recognition of which I am understandably proud. I congratulate Mayor David Lyle and city council, civic and community organizations, and all the citizens of Rock Hill who are responsible for this fine achievement.

There follows excerpts from a presentation by my friend Robert R. Carpenter, a prominent Rock Hill lawyer, which played a part in the winning of this honor by Rock Hill:

ROCK HILL, S.C.

Rock Hill consists of some 37,000 fiercely independent individuals. Our City lies twenty-six (26) miles south of the major city of Charlotte, North Carolina. Our People are the legatees and devisees of all that is both good and bad of the Old South. Rock Hillians—traditionally skeptical of what we deem to be Federal interference—have put aside the passions of the past and have banded together to create a harmonious blend of federal, state, local and private effort in the building of a new community. . . Like all cities, Rock Hill has problems in abundance. Our achievement lies not in their solution—for that is yet to come—but in our approach to their solution—in the recognition by our people of their partnership with their government.

Three Urban Renewal projects comprising 598 acres are under way—and the face of our City is changing. Since 1967, 700 units of low-income housing have been built, are under construction or are under commitment to take care of displaced residents. A byproduct of urban renewal is the formation of the Midtown Shopping Center Corporation comprised primarily of negro merchants displaced by urban renewal. The result will be a modern shopping center in the heart of the formerly blighted area, created by private capital. Rock Hill's new million dollar City Hall, built with money saved by the City over the years, lies on part of the renewed land and plans are in the works for a new Civic Center and central library.

Not without influential opposition did Rock Hill become the first Model City in our State. The application resulting from citizen demand was cussed and discussed, debated and denounced, but the will of the people prevailed. Now, friend and foe alike have banded together to make the project a success. Some 115 Block Clubs and 7 Neighborhood Associations spread across our community have far surpassed the aims of government planning and have moved into the area of practical living.

In America of the 1960's the racial problems stand as the major cause of anguish. Rock Hill has shared in the national pain. In the early part of this decade, we took a good look at ourselves and being practical people, we began to make changes. Rock Hill's schools are in full compliance with Federal requirements. Our industries and governmental departments, commissions and committees have been integrated. This is to be expected. Less expected is the increasing effort on the part of voluntary civic, action and service groups to seek minority participation. These include such diverse groups as the Chamber of Commerce, the Hospital Auxiliary, the P.T.A. Councils and the American Association of University Women. The Mayor's Community Relations Committee has quietly led us in the entire spectrum of community life and the art of living together in peace and understanding. Have we licked our racial problems? Of course not—but we are working on it and we are doing it together.

The Rock Hill Jaycees, with broad community support, recently established the Boys Home, which operates with the advice and assistance of the Family Court and law enforcement agencies. In the works is the Half-Way House, a pre-release center for men scheduled to be released from the State's penal system who, with our help, will be retrained for civilian life.

In addition to a 4 million dollar bond issue for school improvement, our people immediately thereafter approved issuance of 3¼ million dollars in general obligation bonds for additional parks and playgrounds, fire stations and the elimination of troublesome railroad grade crossings. Also since 1964, the voters of our area have authorized the sale of more than a million dollars in general obligation bonds to first create, and now expand, our Technical Education Center.

I would be remiss if I did not mention that Rock Hill was one of the first cities in the nation to adopt a Council-Manager form of government (1913). We were the first city under 50,000 in the United States to institute an Area Transportation Study. We have just exceeded our United Fund goal for the 18th consecutive year.

Our people created an orthopedic school for handicapped children, a Tri-County Mental Health Clinic with a full time psychiatrist, and a Sheltered Workshop for training the mentally and physically handicapped. We have established a nationally known children's nature museum. A private garden donated to the City has received national recognition, and is the focal point of our annual Citywide Come-See-Me Festival. Our Law Enforcement Appreciation Day attracted national attention.

A South Carolinian has been defined as a man with fire in his eye, love in his heart and lead in his britches. In Rock Hill you will find South Carolinians who have gotten the lead out.

INTERNATIONAL DeMOLAY WEEK

(Mr. HANNA asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. HANNA. Mr. Speaker, I would like to introduce a resolution commending a notable organization of young men, the Order of DeMolay. The order does an excellent job of developing character in young people between the ages of 14 and 21, so that they may become tomorrow's better citizens and leaders. The order has 2,500 chapters throughout the world, and will be celebrating its 51st anniversary the week of March 15 through the 22.

The Order of DeMolay has an outstanding chapter in my own district, the La Mirada Chapter. This chapter builds character in its members through worthwhile programs of civic service, charitable projects, athletic competitions, and social activities. This chapter is also planning its own celebration of the DeMolay 51st anniversary.

I think it is most appropriate for the House of Representatives to recognize the caliber and achievements of the Order of DeMolay by proclaiming the week of March 15 through 22, 1970, as "International DeMolay Week," and I hereby submit the following resolution to that effect:

H. Res. 872

Resolved, That the Order of DeMolay deserves commendation as a character-building organization of young men fourteen to twenty-one years of age, and that the organization has carried out its laudable goals for fifty-one years through a variety of worthwhile programs.

Resolved, That the DeMolay members of the La Mirada Chapter who observe the week of March 15 to 22 as the "fifty-first anniversary commemoration of DeMolay," so as to exemplify to all citizens here and elsewhere their purpose and to show recognition to their millions of Senior DeMolays.

Resolved, That the House of Representatives proclaim the week of March 15 through 22 as "International DeMolay Week."

A LIMITED NATIONAL SERVICE PROPOSAL

(Mr. BINGHAM asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. BINGHAM. Mr. Speaker, I am today including in the RECORD a detailed summary of a national service plan to revise the draft. I placed a short summary of this plan and the draft of the legislation to carry it out in the RECORD on March 4, 1970—pages 5891 to 5896.

I will be holding a working meeting on Thursday, March 12, to discuss this conceptal then plan to revise the bill in light of the comments and suggestions I receive and circulate it for cosponsors. I hope that as many of my colleagues as possible will be able to attend and contribute to the development of this proposal to overhaul the draft.

The summary follows:

THE NATIONAL SERVICE ACT OF 1970: AN EXPLANATION AND COMMENTARY

(Prepared at the request of Congressman JONATHAN B. BINGHAM by Timothy W. Bingham, Yale Law School, 1970)

FOREWORD

The bill entitled the National Service Act of 1970 is the product of a Yale Law School seminar. The seminar was organized at the request of Congressman Jonathan Bingham to hammer out a bill providing a civilian alternative service to military service. The bill is a result of hundreds of man-hours, several drafts and extended debate.

Members of the seminar included: Woodson Besson, 1971; Timothy Bingham, 1970; Hamilton Fox, 1970; Peter Gregora, 1970; William Heckman, 1970; Donald Irwin, 1970; Allan Keiser, 1970; Klari Neuwelt, 1971; Irving Schloss, 1970; Richard Van Wagenen, 1970; Professor Daniel Freed; and Alfred Fitt, former Assistant Secretary of Defense for Manpower and Reserve Affairs. While all of these people helped in the drafting of the National Service Act of 1970 and contributed substantive ideas which have been incorporated into the act, a majority of the members of the seminar do not support the act in its entirety. A dissenting viewpoint, written by Richard Van Wagenen, is included as Section VI of this report. Responsibility for this commentary is mine.

This report outlines the proposals set forth in the bill and analyzes some of the more difficult policy questions which are reflected in it. In section III of this report, I have listed what we thought to be the crucial arguments for and against a volunteer army. At the outset of the seminar, we decided that a volunteer army was not desirable. Having read the Report of the President's Commission on an All-Volunteer Armed Force, I am still convinced that the arguments against a volunteer army outlined in Section III of this report strongly outweigh the positive gains of an all-volunteer force. The proposed act is a viable alternative for those who both wish to reform the present Selective Service Act and who do not think that an all-volunteer force is desirable or practical in the foreseeable future.

We hope that the National Service Act of 1970 and this commentary will contribute to an eclectic debate and consideration of the subject of civilian service.

I. OPERATION OF THE NATIONAL SERVICE ACT OF 1970

1. Premises

The National Service Act we are proposing is based on a series of seven premises:

1. We will have a military in the future, and

2. we will need some form of conscription to fill military manpower needs at least for the immediate future.

3. We wish to end those aspects of the present system which cause many young men to choose between draft evasion, a jail sentence, emmigration, or the spiritual agony of fighting what they consider to be an unjust war, and

4. we wish to end the economic and racial injustices in the present system.

5. We do not wish to have a volunteer army.

6. there are areas of socially valuable work to which the market economy and government programs presently supply inadequate amounts of manpower, and

7. there are young men of draftable age who have both the ability and the idealistic desire to serve in these areas.

2. Envisioned operation

Each male citizen of the United States will have to register with a local placement center of the National Service Agency at age seventeen. During the interval between seventeen and eighteen, the registrant will receive counselling from trained personnel at the placement center on the three options available to him. At age eighteen, he will choose one of these options: (1) enlistment in the military; (2) enrollment in the Civilian Service for a period of time "equivalent" to two years in the Armed Forces; or (3) the option to register for a military lottery similar to the one now in effect.

A registrant who elects civilian service will attempt to find a job with an employer who has previously "qualified" the job for participation in the Civilian Service Program. Local placement centers will maintain lists of qualified job categories as well as specific qualified jobs which exist throughout the nation. Each local placement center, therefore, will be able to direct interested registrants to civilian service job opportunities anywhere in the United States.

Jobs will qualify for participation in the Civilian Service system, if the Director and those to whom he delegates the task, find that the occupation fits within both standards outlined in the statute as well as standards promulgated by regulation. The statute specifices that suitable employers will include: (1) state, federal and local agencies; (2) public, private and parochial schools; (3) non-profit hospitals; (4) police; (5) penal and probation systems; (6) noncommercial organizations such as the Red Cross, whose principal purpose is social service; (7) VISTA; (8) Peace Corps; (9) Teacher Corps.

In order to qualify, employers will have to (a) meet requirements detailed by regulations promulgated by the Director, on the type of job and the amount of job training and supervision available; and (b) indicate to the extent possible, how they intend to insure that participation of Civilian Service registrants in the occupation will not interfere unreasonably with the regular labor force in that area. The Director will set up "reasonableness" guidelines for each qualified category of job detailing by how much existing hiring rates and wages may be allowed to change once Civilian Service workers are brought in.

Qualified employers will have to pay the "going rate" for the type of work that the registrant does. This salary, however, will be paid to the National Service Agency which, in turn, will return to the registrant an amount determined by the Director for "subsistence." This amount will vary depending on the cost of living in the area, and the number of dependents the registrant has to support. The difference between the subsistence allowance and the wages paid will go to the National Service Agency to offset the cost of administering the Civilian Service Program.

Registrants seeking jobs may be attractive to employers because of their youth (an asset especially in public school teaching). Most qualified job categories, such as elementary and high school teaching, will have clear manpower shortages. And many employers, such as police departments, will want to hire registrants in the hope that the registrants will then remain in police work.

The local placement center will provide to registrants who are employed in the geographical area, assistance in finding housing, recreation, and health care. Local government and community organizations will also be asked to take some responsibility for the welfare of Civilian Service workers in the area (e.g., housing in Y.M.C.A.'s or housing in local homes, police assistance in physical training, a lecture series, etc.)

A registrant unable to find a qualified job on his own initiative, will enter the National Service Corps. The Corps will directly operate federal programs in areas of social need such as reforestation and mass-produced housing for the poor. For example, the Corps might well operate an "environmental task force" as recommended recently by Secretary of the Interior Hickel (New York Times, March 6, 1970, 13:1). The Corps will also operate educational and training programs especially for registrants from deprived backgrounds. These programs will enable the registrant (a) to do useful and semi-skilled work for the remainder of his Civilian Service tour, and (b) to find skilled jobs following the completion of his service.

The enlistment and lottery options will be essentially unchanged from what they are now. Those who decide to take their chances with the lottery will undergo one year of liability. The lottery will proceed by the random selection of birthdays. Since the only deferments will be for high school, temporary physical reasons, and hardship, most of those chosen by the lottery will be inducted immediately. Those selected who turn out to have temporary physical deferments will have the deferment reviewed each year until they turn twenty-five.

Civilian Service is a voluntary choice of service which the nation honors as an *alternative* to military service or the lottery. If a registrant, therefore, is discharged from the Civilian Service "for cause" (after a full hearing and appeals), his name will be placed in the lottery next following the date of his discharge; he will be deemed to have waived the right to the alternative to the lottery.

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The length of time registrants have to serve in Civilian Service, and the extra benefit of military service (e.g., higher salary, travel, G.I. Bill), will be valves to check and control the flow of men into the three options. If, for example, the Director concludes that not enough men are choosing the lottery option because the Civilian Service option is too attractive, the length of time required for Civilian Service will be increased by six months. After some testing, a desired balance between the three options will be achieved by manipulating the positive and negative incentives.

If war is declared by Congress, Civilian Service will no longer be available as an option. Upon a formal declaration of war, all new registrants will be placed in the lottery. As manpower demand increases, those who were in the lottery pool in previous years but were *not* selected, will also be placed into the new lottery pool.

When the National Service Act takes effect (which will be upon its passage), those with student deferments will be able to complete the existing school year before they are required to select one of the three options. Those with occupational deferments will be able to retain them as long as they remain employed in the job which qualified them for the deferment. If these occupationally deferred registrants then keep their deferable jobs until they have served a total of three years, they will be deemed to have completed a Civilian Service tour of duty and will be discharged from further obligations.

(NOTE.—The seminar finally decided against allowing college deferments after swinging back and forth several times on the issue (see Part III, #4, for an explanation of the arguments on both sides of the question of college deferments). It would not, however, be difficult to modify the proposed Act to allow college deferment in return for an extra year of service. Medical school deferments also could be added without disrupting the scheme of the Act. Without medical school deferments, the Armed Forces would be required to fund special medical school scholarships, increase the pay of military physicians greatly, and expand the use of civilian doctors in the Armed Force (see the President's Commission on an All-Volunteer Armed Force, chapter 8).)

II. SECTION-BY-SECTION EXPLANATION AND COMMENTARY

Section 1. *Short Title:* "The National Service Act of 1970".

Section 2. Policy and Intent of Congress: This section explains the seven premises in the National Service System explained above.

Section 3. *National Service Agency:* This section attempts to end the inefficiency and lack of uniformity caused by the decentralized, uncompensated and part-time local draft boards of the Selective Service System.

A National Service Agency will replace the Selective Service Systems (#3a). The Agency shall be headed by a Director and three Deputy Directors. All four appointed by the President with the advice and consent of the Senate and will serve at the *pleasure* of the President. The agency will have three functions:

(1) The supervision of the Civilian Service from locating jobs in the private economy which "qualify," to running the federally operated Civilian Service Corps;

(2) The operation of a yearly birthday lottery similar to the lottery in effect today, including calling for induction when their number comes due; and

(3) The operation of local placement centers where registrants will be able to receive counselling on the options available to them, and where all classifications will be handled according to national regulations promulgated by the Director under the Administrative Procedure Act, (#3b–3f).

The country will be divided by the Director into regions. Each region of the country will have a Regional Registration and placement Administrator who shall appoint full-time civilian boards, whose members shall be compensated and none of whose members shall be employees of the National Service Agency (in order to get unbiased decision-makers). The Boards, with the assistance of hearing examiners, shall handle all appeals of classifications, also according to uniform national regulations (§ 3g).

Section 4. *Selections of Qualified Occupations:* This section is designed to create an orderly and open method of performing the difficult task of choosing which jobs in the economy will "qualify" for participation in the Civilian Service Program.

First, the section sets admittedly vague statutory guide-lines to the jobs—the jobs must be "of substantial social benefit," constitutionally permissible, and must not undercut the job market in that area (§ 4a, b). Second, the guidelines are clarified by examples within the statute of both suitable occupational categories (for example, "jobs in non-profit hospitals") and non-suitable occupational categories (for example, "jobs with commercial organizations") (§ 4c).

Third, the section creates a four-stage procedure that the Director is required to follow to determine which occupational categories and which specific jobs within the categories fit within the statutes guide-lines: (1) the Director solicits information from an initial list of potentially qualified employers on how many jobs and what types of jobs the employers think should qualify. (4 f). (2) The Director holds hearings and publishes regulations on which occupational categories and which specific jobs qualify. (4d1, 4g) After objections are filed, the Director holds hearings on objections raised to the regulations (§§ 4d 2, 3 and 4 g). (4) Any party aggrieved by a final order of the Director can appeal to the nearest federal Court of Appeals for judicial review (4 e). Presumably, the great majority of jobs will not require this third stage.

Fourth, jobs which have "qualified" will be compiled by the Director and be made available to young men at the time they register (§ 4 h).

Because the Director is responsible for the entire process of job selection (although he will, of course, delegate most of this responsibility), both the definition of precise job categories and the application of these categories to specific jobs will be under one authority.

Section 5. *Registration:* All male citizens shall be required to register at age seventeen at which time they will get detailed information on the options available to them. Since registrants will not have to select among the options until age eighteen (§ 8a), they will have a year to make a reasoned decision. For most registrants, this year will coincide approximately with the last year of high school.

Section 6. *Exemptions and Deferments:* In this section, only those exemptions and deferments of the present systems which were thought necessary were retained.

(A) Four exemptions and deferments were eliminated:

1. Undergraduate College Deferments. (See discussion below, Part III 4).

2. Sole Surviving Son. This exemption, designed to prevent a family from losing its last son, is no longer necessary since nonmilitary civilian service is available as an option.

3. Ministers and ministerial students. If the purpose of this exemption is to insure a supply of men who will do socially valuable work, this purpose is met by allowing a socially oriented, civilian alternative to the military service. Furthermore, there is a fairly persuasive objection that this selective exemption involves an unconstitutional establishment of religion.

4. Occupational deferments. Civilian Service in itself is a system of occupational exemptions. Unlike occupational deferments, however, Civilian Service jobs will be (a) determined on an articulated basis instead of by regulation alone; (b) chosen at a national level instead of at the descretion of local boards, (c) devoid of the regional variances and uncertainties that have resulted in the past from allowing local boards to determine which occupations to defer; and (d) jobs of direct social usefulness including jobs with elementary schools but not including jobs with private, defense-related industries.

(B) Those exemptions which were retained in the Act include:

1. Persons serving in the Armed Forces, Reserves, ROTC, etc. (#6a1).

2. Persons found physically, mentally, or morally unfit as a permanent basis. (A less rigorous standard will be set for civilian service which few will fail to meet, e.g., the blind, mentally retarded, seriously incapacitated) (#6a2).

3. Residents who do not become citizens until 25. (It seems unfair to burden those who have not yet enjoyed the benefits of citizenship with the service obligation to the country. If national service is thought of as a prepayment for citizenship, service would only be required of those residents *intending* to become citizens. A determination of this intent would be complex and could be oppressive) [§ 6(a)(3)].

4. Persons conscientiously opposed to service in either a military or civilian capacity 6(a)4.

(C) The deferments retained include:

1. Persons satisfactorily enrolled in high school (§6b);

2. Persons found physically or phychologically unfit on a temporary basis (§ 6b2); and

3. Persons granted hardship deferments. The hardship deferment will be granted only after a showing that either (a) additional financial compensation or (b) work enabling

the registrant to reside at home, or (c) both (a) and (b) together are insufficient to provide for the registrent's dependents. (§ 6b3).

Section 7. *Classification; Right to Appeal Classifications:* All routine classifications will be made initially by local placement centers. All classifications, including conscientious objectors and hardship classifications will be appealable: (1) to a hearing examiner who will take evidence and make conclusions of fact and law (§ 7b); (2) to the Regional Civilian Board, which will review the examiner's decision to determine if it is supported by "reliable and substantial evidence," and which at its discretion may hear further testimony (§§ 7c); (3) to the Director whose standard of review shall be the same as the Civilian Board (§ 7d); and finally (4) on judicial review to the nearest Federal District Court (§ 19).

Section 8. *Election of Service Option:* At age 18, the registrant must irrevocably choose one of the three options.

Section 9. *Length of Service:* This section creates a time differential between conscripted military service (up to 24 months), and Civilian Service (from 24 to 48 months). The exact differential will be modified to regulate the flow of manpower into the three options. If too many registrants are choosing Civilian Service, the time required for Civilian Service will be increased. The Civilian Service minimum of two years is the maximum for those conscripted into the military, and the Civilian Service maximum will be four years—serving longer than four years could work to great a hardship on registrants' lives—with varying lengths possible for different occupational categories.

Section 10. *Operation of the Military Lottery:* The same random birthday lottery that is in force today will be preserved. Unlike today, however, only those who elected to be exposed to the risks of the lottery will participate in it.

Section 11. *Civilian Service Jobs:* This section details the requirements of those who have elected the Civilian Service option. These registrants will be given six months to find a qualifying job, (§ 11a) and once hired must remain there for the required length of service (§ 11b). If unable to find a job, they will be placed in the Civilian Service Corps. (§ 11a3). Employers will retain the right to reject or dismiss registrants provided there is no discrimination on the basis of race or religion. (§ 11c) Registrants who are dismissed through no serious fault of their own will report to local placement centers where they will be able to choose a new job. (§ 11d)

Section 12. *Civilian Service Corps:* The Corps will train and employ in collective tasks those registrants unable to find a qualified job on their own. (§ 12a) In order to operate the Corps, the Director is authorized to request that private or public organizations assist the Corps in training registrants.

Sections 15–20. These sections provide: that there shall be no discrimination against or in favor of any registrant (§ 15); that whenever a registrant leaves or is removed from his employ, his employer must submit a report explaining the termination (§ 16); that a registrant who is removed from his job "for cause" (i.e., "highly unsatisfactory performance") may be dismissed from the Civilian Service after he has exhausted his appeal rights (§ 19); that a registrant so dismissed shall be deemed to have waived his Civilian Service option and shall be placed in the next military lottery (§ 18b); that those so placed in the lottery, who were dismissed after having completed at least half the time required in Civilian Service, will only be required to serve one additional year in the Armed Forces if selected by the lottery; and that all final decisions are subject to judicial review (§ 20).

Sections 22–26. *Repeals, Saving Clause, Severability, Appropriations and Effective Date:* These sections are self-explanatory.

III. THE MORE DIFFICULT POLICY QUESTIONS

The National Service Act of 1970 reflects the decisions to at least five difficult policy questions. Below is a quick outline of the arguments on either side of those issues.

1. *Volunteer (professional) army (?)*

An essential premise upon which the National Service Act stands is that a voluntary army is *not* desirable, at least not now. If one decides, on the other hand, that a voluntary army is desirable, then the debate on large scale civilian service ends right there. It would not be possible to enlist the low-cost services of thousands of young people for 2 to 4 years without offering the service as an alternative to conscription or the risk of conscription into the Armed Forces.

The arguments which militate *against* an all-volunteer army include:

1. A volunteer army would increase the threat of military intervention into the political process. If the present Armed Forces, most of the *officers* are short-termers, who become officers under the threat of the draft, and who remain essentially civilian at heart. In an army which has a draft, the non-career, draft-induced junior officers and the non-career enlisted men might well become "unstuck" from the chain of command if a military takeover were attempted. In a voluntary army, however, almost all the officers and enlisted men down the chain of command would be professional soldiers. The junior officers especially would be *more* likely to follow their superiors at a time of intervention because they would be more professional and career-minded. Even a slight increase in the chance of military intervention is a large risk for the United States because the stakes involved are so high.

2. An all-volunteer force could easily be composed disproportionately of Southern white officers (where the military tradition is the strongest) and of minority group enlisted men (who would be disproportionately attracted by the increase in wages at the low ranks). Racial troubles are already appearing with increasing frequency in the Armed Forces. Increased de facto segregation would increase the likelihood of racial trouble. Furthermore, as the recent Senate study pointed out:

"Staffing the military establishment is not a typical employment problem, because of the singular circumstance that fighting may be part of the job. If a volunteer force is to be maintained by increasing incentives only to a marginally sufficient level, it will tend to attract disproportionately those in civilian society who are most susceptible to marginal economic motivation from lack of opportunity as the result of prejudice, inadequate education, and so forth. This means that the obligation for the defense of the Nation will be largely imposed on those who have benefited least from its existence. In effect, therefore, an all volunteer force is likly to involve a pre-selection through the operation of economic and social factors which is just as discriminatory and probably less democratic than the present Selective Service System."[1]

3. An all-volunteer army by definition, requires that the government pay whatever is required to fill the manpower requirements. This is a costly and inflexible method of recruiting soldiers. When soldiers are needed most (time of a conflict), enlistments will go down because of the dangers. The fewer that enlist, the greater the danger per man. If Vitnam continued to require upwards of 400,000 men, even with the pay increases suggested by the Gates Commission, a sufficiently large number of men may not be attracted to meet the manpower needs. This, in turn, will require added pay increases.

4. In the past, whenever the United States has had an all volunteer force, the Army has been a relatively small standing army. In the Civil War, World War I, II, and the Korean War, when the Armed Forces approached the size of today's army, the United States had a draft in operation. An army of two to four million men is not a small standing army. Historical precedence, therefore, militates against the use of an all-volunteer force considering the size of today's Armed Forces.

5. The United States has one of the few governments which has not suffered from the loss of legitimacy which follows a direct military intervention. Since we must be "doing something right" (and no one knows quite what), we should not tamper with the balance we have achieved unless absolutely necessary.

Among the arguments in *favor* of the volunteer army, are:[2]

1. That with a volunteer army, there would not be the measure of direct governmental *coercion* that exists with conscription;

2. That the volunteer army, like every other occupation, would have to go to the *market place* to compete for the working force;

3. That the volunteer army would attract the same low income groups that end up in the military today but it would pay a more attractive "living" wage than is paid for the same "coerced" services today;

4. That the payment of higher wages to low income groups who enlisted in the volunteer army would effect a desirable distribution of income from the generally higher income groups that pay taxes.

5. And that since the senior officers who *control* the military will all be professional soldiers with or without a draft, an all professional army will *not* create any greater a political *threat* than exists today.

2. *Universal service (?)*

The proposed scheme allows each registrant three options at 18, one of which is subjection to the risk of the lottery. The system could be organized so that *all* young men would be required to serve and none would escape by means of a lucky draw in the lottery. This universal service scheme could be organized: (1) by placing all registrants in the Armed Forces, but creating military units which would do only civilian work; (2) by requiring every registrant to choose at some point between civilian or military service; (3) by arbitrarily determining by lottery which registrants serve in the Armed Forces and which in the Civilian Service; or (4) by some variation or combination of the above methods.

Arguments in *favor* of universal service, no matter how it is organized, include:

1. That the universality of service would emphasize that *all* men owe a duty of national service;

2. That with universal service, there would *not* exist the *inequalities* inherent in any system where some can avoid service (although there would still be inequalities in who got what types of jobs);

3. That universal service would create a huge pool of young men—4 million men

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[1] A Study of the Selective Service System: Its Operation, Practices and Procedures, Submitted by the Subcommittee on Administrative Practice and Procedure to the Committee on the Judiciary of the Senate, 1970, p. 37.

[2] For a full discussion of the positive side of the volunteer army, see the President's Commission on an All-Volunteer Force, February 1970.

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every two years—who would be available for civilian and/or military works. This pool, depending, of course, on whether registrants were given the option to choose military or civilian service, would obviate many uncertainties of manpower procurement.

The counter-arguments *against* universal service and in favor of the proposed scheme with the lottery as an escape option, include:

1. That with three options, each registrant has a larger choice and thereby perhaps a *less coerced* choice (the comparison of levels of coercion is subjective comparison and will, of course, vary with each registrant);

2. That the lottery option will attract a part of the non-motivated registrants whose main desire is to avoid any service—registrants who probably would be of little use to the Civilian Service—while the registrants who decided to undertake the added time requirements of Civilian Service, would, by a process of self-selection, tend to be more highly *motivated* and thereby more useful to Civilian Service;

3. That, as many registrants choose the lottery option, Civilian Service would be a more *manageable size*—somewhere in the order of 800,000 instead of 2 million—which would require less money and a smaller bureaucracy to operate than a Universal Service system would require.

4. That, as the Civilian Service would involve a slightly less coerced form of service than universal service, there would be less possibility of a constitutional threat under the 13th Amendment prohibition against "involuntary servitude."

3. Organization of the Civilian Service (?)

(A) Civilian Service could be organized in any number of ways:

(a) It could be operated as a *military* or *quasi-military* organization, such as the Army Corps of Engineers or the C.C.C. (b) It could be organized entirely under a *centralized civilian* bureaucracy with the major focus on collective work projects. (c) It could be organized entirely in a *decentralized* fashion so that only those who could find "qualifying" occupations would be deemed in the Civilian Service. Or (d) it could be organized, as the National Service Act of 1970 *is* organized, so that the Civilian Service Agency would serve both the *decentralized* clearinghouse function of "qualifying" jobs in the market that are socially useful to which registrants can apply, *and* the *centralized* function (of the Corps) of organizing collective work efforts across the country for those who can not find outside jobs.

(B) As a centralized, quasi-military organization, the Corps will have the *advantages* of:

(1) Being able to utilize military organizational experience (retired army personnel) and existing military facilities (old army barrack, old army bases);

(2) Being able to focus large amounts of manpower on aspects of problems which existing institutions, both private and public have not reached, such as conservation efforts, neighborhood safety patrols, drug addict rehabilitation centers, and massive housing projects for the poor.

Disadvantages of such collective efforts, however, will include:

(1) A possible dissatisfaction resulting from the discipline and regimentation among the eighteen-year old registrants of today;

(2) The difficulty of defining the legal status of the civilian registrants within the program and of maintaining necesary discipline;

(3) The difficulty of giving individualized training to each registrant.

(C) The combined clearinghouse and back-up employer structure of the National Service Act of 1970 was adopted because we felt that:

(1) Initially, it relies upon the preferences of registrants and the demands of "qualified" employers, both public and private, to match needs with skills;

(2) It focuses federal money and training on those registrants who, by the self-selecting process of not being able to land a job, need the attention the most;

(3) It requires a *smaller bureaucracy* than would a Civilian Service system that trained and directed the work of all Civilian Service registrants itself.

(4) It would be *easier* to *start* than would a massive bureaucracy, and easier to experiment with.

4. College Deferments (?)

Of all the issues, perhaps the most difficult to resolve is whether or not to allow college deferments. On the one hand, registrants who are college graduates will be more useful than 18 year olds: after a college education, they will be more highly trained, will qualify for a wider range of jobs (teachers, social workers, and program organizers), and will integrate more easily into the economy. On the other hand, allowing college deferments *benefits* the *advantaged* registrants who are able to go to college and thereby: (1) get a better civilian service job upon graduation; and (2) select their time of exposure to the lottery when perhaps the risks are lowest. (This second advantage would be especially valuable to a registrant if by gauging his year of liability to the lottery, a registrant could minimize his chances of having to serve in an actual conflict. Furthermore, allowing college deferments would create administrative complexities and concomitantly administrative loop-holes.

Luckily, this issue of college deferments can be resolved either way without seriously affecting the National Service Act of 1970. We ultimately decided to eliminate college deferments because we felt that, on balance, equity outweighed practicality on this issue.

5. Who Should Pay the Registrants Who Work in Civilian Service Jobs?

Under the proposed plan, private employers will pay to the government the "going rate" for the Civilian Service registrants whom he employes. The government in turn will return to the registrant a "subsistence" allowance, and will retain the difference between this allowance and the wages paid by the employer, in order to offset the cost of the Civilian Service program. The Civilian Service program will thereby be self-supporting to some extent. Of course, if the "going rate" is below subsistence level, the government will supplement the pay of the registrants.

As an alternative, however, it would be possible to have the government pay the subsistence allowance out of its own funds, thereby subsidizing the Civilian Service labor. This so-called "government pay" scheme would have the great *advantage of*, in effect, supplying *free* labor to socially valuable institutions which cannot afford to improve their deficient services (i.e., city schools, mental hospitals, drug rehabilitation units).

Unfortunately, however, the "government-pay" scheme has four serious *drawbacks* which require some detail to explain:

1. *Disruptive Effects on the Labor Structure*. Under the "government-pay" plan, the government would be effectively subsidizing up to 2 million jobs. This subsidy could well disrupt the labor structure in significant ways. Employer institutions, presumably economically rational, might not follow the desired pattern of utilizing the cost-free labor to improve services without increasing costs. Instead of improving services, the institutions might start utilizing the subsidized labor to lower costs by replacing existing and potential, regularly-paid employees with the cost-free registrants.

Whether this displacement occurred or not, existing and developing unions in hospitals, for example, might find that their bargaining position with their employer was undercut by an annual supply of costless labor available to the employer-institution.

2. *Larger Federal Bureaucracy*. In order for the "government-pay" plan to work without an *undue* amount of labor disruption, the Civilian Service would have to employ bureaucrats (a) to select and help employers create job slots which interfered as little as possible with the existing labor structure, (b) to negotiate with employing institutions and unions over jobs which would be the least disruptive, (c) to evaluate the effects over time of the subsidized jobs and (d) to check up on the fairness and effectiveness of the people doing the checking.

3. *The Costs to the Government*. Under the "government-pay" plan, the government would have to pay: (a) the costs of administering the selection, training, and placement of volunteers; (b) the costs of maintaining the "check-up" bureaucracy; and (c) the subsistence wages of up to two million volunteers. The subsistence pay alone could conceivably run from $3 to $6 billion—$3,000 per year times one to two million volunteers. To this must be added the various opportunity costs and loss in taxes.

4. *Back-Door Subsidy*. Many feel that federal subsidies, if they exist at all, should only involve the allocating of money or credit to benefiting institutions, to use, within limits, as they see fit. Those who feel this way will object to the "government-pay" scheme which, in effect, is a subsidy resulting indirectly and perhaps inefficiently from a scheme to reform the military draft. The proposed scheme includes no backdoor subsidies.

Under the present plan (1) institutional employers will have to pay the "going rate" for civilian service workers and, therefore, however economically rational, will not have cost incentives to replace existing employees; (2) since the government will not need to worry about the disruptive effects of Civilian Service jobs, a large part of the evaluative and check-up bureaucracy will no longer be needed; (3) a large part of the Civilian Service program may well pay for itself [the difference between the going wage and the subsistence allowance which accrues to the National Service Agency may cover the costs of administering the non-federal part of the programs. If, however, large numbers of volunteers cannot find qualified jobs and have to fall back on the government as "employer of the last resort," the costs will, of course, start to climb.]

6. Government interference with more lives(?)

Two dissenters of the group which drafted the National Service Act wrote:

"The bill brings some measure of direct government coercion into *more* lines than does the present system. While it provides a theoretically free choice between civilian and military service . . . it does not allow any escape from making the choice. It replaces today's occupational deferments with a standardized system of service in what amounts to a decentralized civilian army. If one of the major faults of the Selective Service System is "channelling," this criticism is stronger against the National Service system proposed in the bill." (Draft Statement of Dissent on National Service Act.)

One counter-argument to this criticism is that while the National Service Act of 1970 does affect *more* lives, the amount of coercion and spiritual agony of those affected will be *less* per person than with the present system. Every registrant will be faced with a difficult choice to make at age 18, but no registrant will be forced to go to jail or to Canada in order to flee military duty.

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A second counter-argument is that since under the proposed act every registrant *is* affected, there is not the inequality that exists today of some being required to serve in the most dangerous capacity while others are able to avoid any involvement with national service in any form.

IV. PROBLEM AREAS REQUIRING FURTHER RESEARCH

1. The difficulty of defining appropriate jobs

The following job categories seem obvious candidates for Civilian Service:

(A) Reforestation under state and federal forest services to end the 10 year backlog in areas where logging and natural disaster have destroyed the old forests;

(B) Inspection under federal, state, or local governments of sources of air and water *pollution* to enforce pollution standards;

(C) Para-professional *teaching* and teacher assistance at elementary and high school levels; staffing special educational programs; counselling the disadvantages, the drug addicted students, and the drop-outs;

(D) Police work, as regularly trained police officers, para-police extras, full-time neighborhood safety patrols in high density, urban areas (after an eight week training program on self-defense and the handling of minor criminal problems);

(E) Probation and Prison work, as aides to professionals in juvenile correctional institutions; vocational work in prisons;

(F) VISTA;

(G) Peace Corps;

(H) Hospital work, after six months training in state mental hospitals, long-term care facilities, and private, non-profit hospitals;

(I) Staffing assistance for otherwise understaffed state, federal and local governmental agencies.

The task of defining (a) exactly what civilian service registrants will do within their job categories, (b) how many registrants can be usefully employed in each category, and (c) what the effect the civilian service jobs will be on existing labor structures, must be performed before the National Service scheme can function properly.

Answering these questions is an extremely difficult task which requires consultation with potential employers and labor unions in the industry, and further requires the gathering of statistics many of which are not now available.

2. The danger of expanding the military exception to the 13th amendment

Traditionally, the military has been the one massive exception to the 13th Amendment's prohibition against "slavery" and "involuntary servitude". A Civilian Service which offers itself as an alternative to military service involves a certain degree of indirect coercion. The services that registrants perform in the Civilian Service will not be entirely voluntary. The more directly the coercion is applied and the less the service resembles the recognized duty of defense of the nation in time of emergency, the closer the Civilian Service comes to involving an unconstitutional degree of "involuntary servitude".

In the past, the constitutional prohibition against "involuntary servitude" has only been applied to situations where private individuals have compelled service from other individuals. The prohibition has never prevented legislative demands of service to the state. The 13th Amendment has never been held to prevent the government from conscripting men to military service. Court cases have consistently upheld civilian service as an alternative to military service for conscientious objectors. And in 1916, the Supreme Court in *Butler* v. *Perry* 240 U.S. 328 (1916) upheld a Florida statute which required all able-bodied men to work on roads and bridges six days per year on the grounds that the service was a matter of ancient usage.

The proposed Act organizes the Civilian Service in such a way as to minimize the existence of "involuntary servitude." Civilian service is offered as one of three options rather than being a directly coerced service. The option is essentially a conditional, occupational *exemption* from either military duty or the risk of the lottery. Civilian Service registrants do not face jail if they leave their work, but rather lose their conditional exemption from the lottery. All of these factors together, make the danger of a successful 13th Amendment challenge quite slight.

Even though it is unlikely that a court would declare the Civilian Service unconstitutional, it is important that a series of Constitution-related questions be answered before the Civilian Service is implemented:

(1) Do we want to allow the military exception to the 13th Amendment to be expanded to civilian jobs? What kinds of jobs?

(2) Are the civilian jobs of sufficient national importance to analogize a semicoerced civilian service in areas of social need to military service in defense of the country? Is the "war on poverty" analogous enough to a shooting war to require semicoerced service?

(3) How can we make civilian service effective while cutting down on the "involuntary" aspects of it?

(4) If we allow the civilian service as an exception to the 13th Amendment, what time limitations and work limitations should we put on this type of semi-coerced, civilian work for the future? Are we creating a dangerous precedent for the future?[3]

3. Does the lottery involve a self-destruct mechanism for the entire scheme?

The lottery option of the National Service Act will most likely function best when the military manpower demands are neither too great nor too weak. For example, a lottery which takes one man in twenty will probably make the three-option system work optimally.

In times of *great* military need, unless there is a wave of patriotic enthusiasm, there might well be a rush to the Civilian Service. As fewer registrants chose the lottery, the risks of choosing the lottery would become greater, and fewer in time would opt for the lottery. Soon the lottery would involve a 100% risk of selection. If the military was then *not* getting enough people to fill their manpower needs, the system would start to break down.

In times of very *low* military need (where almost all military manpower needs were taken up by volunteers), the risk of the lottery, perhaps down to 1 in 100, would be so low that only the very motivated would opt for Civilian Service. Possibly if the number of registrants choosing Civilian Service dropped off suddenly, it could lead to damaging shortages in areas of social need which had begun to rely on the services of Civilian Service registrants at a time when more registrants were opting for Civilian Service.

To cover the danger of the military not getting sufficient manpower, the National Service Act provides that if war is declared by Congress, the Civilian Service shall no longer be offered as an option. Instead, all those who do not enlist will have their names placed in the lottery. The second danger (of a sudden drop in Civilian Service optionees) is side-stepped by the presumption that changes in lottery risks will change slowly enough to enable institutions utilizing Civilian Service registrants to adjust to the changes in the flow of manpower.

The two dangers and the attempted solutions, however, require further analysis.

V. INTERIM RECOMMENDATION

As an interim measure, while the National Service Act is under consideration, the author of this report recommends that a "National Commission to Study a Civilian Service Alternative" be organized, either as a legislative or an executive commission, to answer, among other matters, the problems and questions outlined in this section. An accurate prediction of how successful a Civilian Service would be, cannot be made until more detailed research is made, especially on the types of jobs that would lend themselves to Civilian Service.

VI. STATEMENT OF DISSENT

(NOTE.—Prepared by Richard Van Wagenen on behalf of the members of the Seminar who at the end of the Seminar voted against the National Service Act of 1970.)

The amount of labor—as a group, in subcommittees, and individually—which was required to produce such an unsatisfactory answer to the Vietnam-or-jail dilemma as the National Service Act should indicate the enormous difficulty of real reform of the draft. The proposed bill appears to illustrate the many disadvantages that must be accepted in exchange for the advantage of a certain "choice" for those conscientiously opposed to a war like that in Vietnam. It is the product of a certain historical moment which may already have passed—the tremendous pressure put on American institutions and consciences by the undeclared war in Vietnam and its demands for manpower—and its relevance to or usefulness in the future is most doubtful.

In the final session of the group which drafted the proposed bill, seven of the ten people present decided that they did not personally support the legislation the group had developed. Some of the points made in opposition are stated below, along with arguments not advanced at that session:

1. Coercion

The bill brings some measure of direct government coercion into more lives than does the present Selective Service System. Whether it establishes involuntary servitude prohibited by the Thirteenth Amendment is uncertain; suffice it to note that there is a substantial possibility of unconstitutionality. But apart from the requirements of the Constitution, the enactment of this bill will introduce into the lives of far more young men than are now inducted into military or alternative service the requirement of several years of forced service in what the government decides is the national interest. That a choice may be made whether this service is to be military or civilian, that a choice may exist among military options and civilian jobs, even that there is a lottery mechanism which will allow some to take the option of leaving their fate to chance, are merely "softening" features of a system that is basically coercive. The military draft, at least in time of war, has consistently been upheld by the courts as justifiable coercion; it would be a major and unhealthy innovation to extend this principle to civilian service as well. While the present Selective Service System forces men to register, keep their draft boards informed of their status, apply for classifications, and otherwise comply with administrative formalities, it does not force virtually all of them, as the proposed system does, actually to serve.

And, while the proposed system provides a theoretically free choice between forms of service and even a lottery (whose meaning will vary greatly with the odds of being se-

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[3] The author of this report is presently researching these 13th Amendment questions with Professor Charles Black of the Yale Law School; a report will be available by June 1970.

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lected in it), it allows no avoidance of the choice. It replaces today's occupational deferments with a standarized system of service in what amounts to a decentralized civilian army. If one of the major complaints against the Selective Service is its effect of "channeling," this criticism is far stronger against the proposal.

Coercion may be justified by real military need, and an important criticism of Selective Service is that it is oriented in favor of white middle-class youth who are abler to get educational or occupational deferments than lower-income groups or racial minorities. The argument here is that military service is at least the responsibility of every segment of society and that the government's use of military power should be the direct concern (via the draft) of every group in society. Selective Service does a poor job of giving every family such a stake in the military; the propsed system, by providing an automatic civilian alternative except in times of real emergency, would do a worse job.

2. Social needs

The proposal is animated in part by a desire to meet social needs by providing civilian manpower for socially useful work. Another way to describe this is that it holds out the promise of "cheap" methods of dealing with social problems by the use of massive amounts of relatively unskilled labor. There is an accompanying temptation to use such labor instead of other methods, such as direct subsidies or structural reforms, in dealing with poverty, inadequate health care, poor education, inadequate protection of society against crime, the spoilage of the environment, and other serious problems. Take, for example, education—the proposal would make available a large number of teachers' aides, who would be employed when better solutions might require more teachers, better textbooks, longer sessions, or something else. By institutionalizing the automatic "solution-by-manpower," the proposal would lessen the flexibility of government and the private sector in finding other, perhaps better, solutions.

3. New agency

The proposal creates an entirely new and very large administrative agency, operating throughout the country, having a major impact on every community and nearly every family, and accountable neither to local government nor to the national electorate. Its impact would be more heavily felt than that of the Selective Service System because it would work uniformly and inescapably on each male citizen at specified times. The sheer power of the proposed National Service Agency, as exercised directly over virtually every family in the nation, is not exceeded by that of any presently existing public agency. Apart from the problem of individual coercion, the very establishment of such an agency should be undertaken only when the necessity for it is clear. This is by no means the case here.

4. Lottery

Two major objections to the proposed lottery may be advanced. The first applies as well to the present Selective Service lottery—that it is an evasion by the government of its responsibility to the people it is telling to become soldiers and fight. When a man is drafted he should be given a better explanation of why he and not someone else may die than simply that his number came up in a lottery. Society has a responsibility to find and use rational criteria which can be defended on their own merits in making this kind of demand of some citizens if it does not make the demand of all.

The second objection to the lottery applies only to the one proposed in this bill—that it will function as a self-destruct mechanism for the whole system whenever the pressure for military manpower becomes too strong (wartime) or too weak (pre-Vietnam peacetime). In times of full mobilization and great military need (absent, as seems likely, a wave of patriotic enthusiasm such as this country has not seen since 1917), there would be a rush to the civilian service option, almost no one would choose the lottery, and the system would have to be abandoned if the war were to be fought. On the other hand, in times of tranquillity when the military force was very small, the risks of the lottery would be minimized and very few people would choose civilian service. This could lead to a damaging shortage of workers in areas where the "solution-by-manpower" had become institutionalized.

It may be said that the Selective Service System, with its occupational deferments, presents a similar danger. But the existence of relatively few occupational deferments "in the national interest" for relatively few well-educated men is quite different from a system in which theoretically anyone can choose to avoid military service by taking up useful civilian work. It is conceivable, though the point should not be stretched, that the proposed system would bring pressure on the government to maintain a Vietnam-like foreign position so that the pressure would remain to go into useful and approved civilian jobs. Thus a scheme which is a product of our frustration and tension over Vietnam could become a means of encouraging future Vietnams with less frustration and tension.

THE BASIC DOCTRINE OF JUSTICE MUST INCLUDE FAIRPLAY

(Mr. KEE asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. KEE. Mr. Speaker, all the world knows that the United Mine Workers have recently experienced a most vigorous campaign for the presidency, the results have shown that the incumbent president, Mr. W. A. "Tony" Boyle won this election by approximately a 2-to-1 majority.

Subsequently, we were all shocked and grieved to learn of the murder of Mr. Joseph Alexander "Jock" Yablonski, the unsuccessful candidate for the presidency of the United Mine Workers of America, his wife, and his daughter, who were shot to death in their respective bedrooms in their Clarksville, Pa., home. It is alarming that in America such a tragedy should occur and we are all deeply grieved.

In this connection, Mr. Yablonski had every right to announce his candidacy for the presidency of the United Mine Workers of America and it was expected that both the late Mr. Yablonski and Mr. Boyle would vigorously put forth their reasons for seeking this post of such responsibility to our brave and dedicated men who are engaged in the mining of coal which is by far the most dangerous of any occupation in the United States.

In my opinion, I strongly feel that the election should properly have been conducted by members of the United Mine Workers of America, since it is an insult for outsiders to interfere with an internal union affair.

I have full and complete confidence that through the due process of law, those responsible for this disgraceful American tragedy will be clearly identified and prosecuted to the full extent of the law. The sooner that all of the facts are developed, the sooner the culprits will be brought before the bar of justice where they will have to answer for their disservice to the innocent, as well as to answer for their despicable deeds.

Mr. Speaker, in America it is essential that we have fairplay in accordance with the wisdom of our Founding Fathers.

While it is not my purpose to say anything that would detract from the character of the late Mr. Yablonski, I am concerned that efforts have been made to reflect upon the integrity of Mr. Boyle and in some vague way indicate that Mr. Boyle was involved in the execution of the Yablonskis. Such irresponsible allegations can only reflect upon all of organized labor. Therefore, Mr. Speaker, I insert at this point in the Record an article entitled "Equal Time for Tony Boyle," which appeared in the February 1970 issue of American Labor, the magazine of labor news:

Equal Time for Tony Boyle

Twelve bullets fired by three nobodies in Clarksville, Pennsylvania, on New Year's Eve last, killed not only the intended victims but—in the explosive aftermath—ended up wounding not only UMW's president W. A. (Tony) Boyle but injuring every leader in organized labor as well.

ALM carried the bare details of the story last month:

Joseph Alexander (Jock) Yablonski, unsuccessful candidate for the presidency of the Mine Workers, was found—with his wife and daughter—shot to death in their respective bedrooms in their Clarksville home on January 5. According to the local police who announced the murder, the trio had been dead since New Year's Eve. In the initial recap of the events that led to the discovery, it was Yablonski's son, Kenneth, who—unable to reach his father—had come to the family home to stumble upon the shocking tragedy.

The medical examination revealed that the assassins, apparently entering through the back door, had put five bullets into the 59-year-old Yablonski's head; an equal number into the body of his wife, Margaret, 57, and two into the brain of their only daughter, Charlotte, 25.

Nobody knew how many hands were involved in the slaughter but—with a dozen bullets accounted for—the assumption was that it had to be more than one.

The initial reaction of the coroner to this bloody and apparently senseless mass execution was that it "was the work of a maniac."

The reactions of the two remaining Yablonski brothers and of Joseph L. Rauh, the attorney of the slain labor leader were a lot more accusatory and succinct:

In their opinion, the evil genius behind the massacre was the UMW and—by extension of this reasoning—the UMW President, Tony Boyle.

Said Kenneth Yablonski bitterly of the murder, "there's a definite connection" between his father's death and an attack made on him during the campaign in Springfield, Illinois, where he was allegedly knocked out by a karate chop.

The second son, Joseph Jr., (known as Chip) was even more vitriolic. "You guys can't believe how rotten this union was."

Asked if he felt the UMW was involved in the murders, he replied:

"I'm convinced of it."

Washington attorney Joseph L. Rauh, echoed "Chip's" opinion. To a direct question on whether he believed the murder was union inspired, his answer was:

"I'm sure."

INDICTMENT BY HEADLINES

Though there was not a shred of evidence to back up any of these contentions (and there are still none as of this writing) the irresponsible and damaging statements of these three men (all of whom practice law and each of whom would have screamed "foul" if this sort of treatment were accorded one of their own clients) made page one copy all over the nation.

Boyle was indicted by invective even before the fourth estate took the opportunity to question him . . . weeks before the police announced a suspect . . . and 24 days before the FBI got a federal injunction in Cleveland, Ohio, covering three seedy individuals who are as unlikely a trio of professional killers as anything dreamed up in the worst type of casting in a Hollywood B movie.

And on who was behind it all: if there was a pay-off for the gruesome work of this sadistic triumverate, his name—as of press time—has not been divulged.

The event that triggered the search and the ultimate capture of the suspects by the FBI indicates not only the inexperience and immaturity of the trigger men involved, but the cupidity of the person who paid off as well.

One of the gang—James C. Phillips—reputedly backed out of the deal before its consummation and ratted on his co-conspirators. His reason, as he is alleged to have stated subsequently, was that he "hoped to collect the $50,000 reward" offered by the Mine Workers for information leading to the capture and conviction of the Yablonski murderers . . . which, reward incidentally, was offered immediately following the murders.

Said a spokesman for the UMW concerning this episode:

"Whoever did hire them—if they *were* hired (the price was reported to be approximately $4,000) sure didn't get a bargain even at this bargain basement price. Whether these fellows are guilty or not is for a jury to decide, but in choosing these men . . . if they did it . . . who ever paid the bill had even less sense than the killers."

ALL LABOR IS INDICTED

Shattering as the incident was to the reputation of Boyle, his was not the only name tarnished by this incident.

On January 12—better than two weeks before the capture of the present suspects—The New York Post saw fit to use the Yablonski killings as a smear engulfing the entire labor movement as well. Said the Post in an editorial:

"Now a week has passed since the discovery of the slain bodies of Jock Yablonski and his wife and daughter. The case remains unsolved and many questions are unanswered about the diligence with which the government will pursue issues of corruption and oppression within the UMW union that Yablonski challenged during his gallant, short-lived rebellion. But one thing is mournfully clear: the leaders of labor have lapsed into shameful silence.

"No major labor leader has uttered a word of public tribute to Yablonski's crusade or an expression of anguish over his death. No dignitary was present at his funeral or even sent a message for the occasion . . . the true discredit to labor stems from the failure of its leaders to exhibit any humane reactions to the death of this dedicated man."

Labor's immediate reaction to this editorial indictment was one of stunned disbelief.

"This type of reporting," said one official on the AFL–CIO Executive Council, "was—in its own way—perhaps as vicious and unconscionable as the murders themselves. Labor doesn't deserve such calumny."

"If ever I saw 'slanted reporting'," said another, "this is it! The Post did not choose to include in its editorial that the Yablonski family had made itself crystal clear it did not—*did not*—wish to have any union leaders present; that it wanted nothing from them but distance. The guy who wrote the editorial knew that as well as we did.

"Nor did it bother to report that those who might have wanted to go, stayed away out of respect for the wishes of the family. They felt it would be unseemingly to come to the church. And—from the looks of it now—just to have charges of 'hypocrisy' hurled at them."

As for the "gallant rebellion" as the newspaper defined Yablonski's efforts to overturn Boyle, a third labor leader stated caustically,

"That was just too much for my stomach. Yablonski was a Boyle lieutenant and before him—a Lewis lieutenant for over a quarter of a century. If all that dirt was going on, he saw it, he lived it and he knew everything that was happening. Suddenly—at 59—after he's fired from his job—he gets religion! I knew the man for many years—and the robes of a fighting monk just don't fit him at all."

GOVERNMENT SMEARED TOO

If the Post attacked only labor, Life Magazine broadened the scope to include two Departments of the Government as well.

Said the magazine in an article called "On The Yablonski Murders" written by Joe McGinniss:

"I sat in the office of one of the Secretary of Labor's assistants on the morning Oct. 27," (the words are attributed to Mike Trobavitch, Yablonski's campaign manager), "and I told him—*I told him*—that if they didn't do something to keep the election fair, that either Congressman Hechler [Kenneth Hechler, D.—W. V.] or Jock Yablonski was going to get killed.

"He was listening to me with a pad in front of him and he didn't write down a goddamned thing."

Thus—with the unverified statement of a man speaking of another man who was never named—and unable even to rebut the allegation—was the entire Labor Department put under a cloud.

"I don't know what happened," said a spokesman for the Labor Department questioned by ALM. "To begin with, we can't step in and hold up or oversee an election just on one man's word. And certainly Trobavitch could hardly be considered 'an impartial observer.' But if all he told us was that somebody might get killed—just what the hell was there to write? Would you call that evidence?"

As for the Justice Department, the McGinniss article summed up that agency's disinterest with a quote from Dr. Hawey Wells (whose wife is the daughter of Rep. Harley Staggers of West Virginia). How this relationship made Dr. Wells an authority on the operations of the Mine Workers is not stated. Said Dr. Wells:

"We went to the Justice Department too. All we wanted them to do was to announce that they were sending in observers. Hell, they didn't even have to *do* it. Just announcing it would have helped. John Mitchell didn't even return our calls."

If ALM reads this paragraph correctly Dr. Wells "visit" to the Justice Department was apparently not "in person" but via the telephone. Apparently he did not use the good offices of his father-in-law to help him attain an audience with Mr. Mitchell or, having assayed this route, was turned down.

Whatever the true accounting, Mr. Mitchell's failure to return a call—if he was ever even advised of it—somehow—in Mr. McGinniss' opinion—has been translated into a sellout.

"McGinniss didn't do his homework," was the reaction of a Washington labor reporter. "The Miners Committee for Boyle had offered to have the election monitored by a Fair Elections Committee made up of two people from Yablonski's camp, two from Boyle's plus an impartial chairman."

This offer was flatly rejected by Rauh, according to the UMW, "because acceptance would have deprived Yablonski of his major propaganda weapon."

ON YABLONSKI HIMSELF

Who was this "dedicated man" who had led this short-lived "gallant rebellion?" What made him tick?

The son of a coal miner whose own father had died after a long illness due to an accident on the job, Yablonski had spent all of his adult life as a member of the UMW rising to become a member of the Executive Board at the age of 31.

As Executive Board member and as President of District 5—a post he had held since 1955, his income had grown to a respectable $40,000 a year. As one of the most powerful leaders in the union, he was sitting on top of the world when—suddenly—in 1966, the boom was lowered. He was relieved from his post "because he had not properly enforced the union contract."

Very little was recorded publicly concerning this dismissal. Union affairs rarely make news unless a strike is involved, some major accident or—as in Yablonski's case—a murder.

The Mine Workers were loathe to open up the issue at this point. "He's dead now," said one. "Why talk about it. But let me tell you this: he was happy where he was and with things as they were until he suddenly announced his candidacy in May of 1969. And even as little as a few weeks before he announced his candidacy, he was singing the praises of Boyle."

"CLEVER" BUSINESS MAN

Some chapters in Yablonski's life, however, have been recorded and make for interesting reading. There are reports from Washington County, Pa., that make him out to be "quite a real estate operator," for openers.

In one transaction he is stated to have purchased land from the Washington County Commissioners for $1,257.50 "in a private tax sale on March 4, 1943." At the time the property was sold to Yablonski, the County had a back tax claim against it for $6,053.51.

Subsequently, Yablonski "sold a part of this land to the East Bethlehem, Pa., School District." The price was $13,772.

A deed filed in the Washington County, Pa., Courthouse shows that Republic Steel Corporation paid Yablonski $1,000 for "certain operating rights" on another part of this same property. Whatever these "operating rights" were, they were purchased for ten years (from 1956 through 1966) and were in force during the time Yablonski—as President of District 5—was responsible for enforcing the UMW contract with the Republic Steel mines in the district.

This may be one of the "why talk about it" items nobody wanted to talk about.

In another real estate deal Yablonski again demonstrated his uncanny ability to snag a bargain when (in 1951) he bought a 12-acre piece of property (again for delinquent taxes) in the Borough of Centerville at a total cost of $74.50—about $6.00 an acre. He sold the property three years later for better than $5,500.

Yablonski's brother Edward also seems to have inherited some of the family talent for turning over a dollar. He was a checkweighman before Jock Yablonski rose to his high position in the UMW.

Organizing a company that sells water for residential and commercial purposes in Washington County, Pa., the record shows that Consolidated Coal "transferred valuable rights to Edward Yablonski for the sum of one dollar." It shows further, according to the UMW, that similar rights were obtained from Jones & Laughlin Steel Co. for $50.00, and that rights were obtained "at bargain prices" from U.S. Steel, W. J. Rainey, Inc., Luzerne Land Co., Allison Land Co., and Puritan Land Co.

Jock Yablonski had been a member of the Executive Board of the "corrupt" (his word for it *after* he'd announced his candidacy) Mine Workers since 1942—a rather long stay, on the face of it, for an individual the New York Post sobbingly labeled "a dedicated man."

This "dedicated man" also served a term for robbery in his youth and—if that were forgiveable as a deviation during his early years, he was later found guilty in the courts of non-support of his child in the middle Thirties.

RAUH

Why Joe Rauh chose to throw in with Yablonski is the unanswered, yet fascinating question. ALM knows little about Rauh and has less desire to diminish him by the type of innuendo that Rauh, himself, so ably used in his battles with Boyle. But the more one delves into the odd relationship between this attorney and his late client, the more puzzling certain things become.

Rauh could not help but know that the individual he was so avidly sponsoring had a plethora of skeletons in his closet. The facts quoted above are all a matter of public record. And the word around is that "only the surface may have been scratched."

In the face of this solid (not inferential) evidence, if a clean-up of the UMW were in order, could Yablonski—in the sense of the scriptures—really cast the first stone? On the basis of his own history and record, was he the beacon to whom the miners could look? Did Rauh honestly feel that the New Yablonski, the belated saint who had shed himself of sin, was the best man qualified for the job?

What was in it for him if Yablonski had defeated Boyle or was he motivated purely by a burning sense of ideology?

Unanswered, too, is yet another question: what motivated Yablonski? Why—after 28 years of silence and acquiescence to all the "evils" that he claims he saw, did he suddenly become the voice of righteousness? Was it truly contrition or the move of frustration and/or ambition? If it was the former—who financed the change of character? If the latter—what did Yablonski promise in return? At issue here is not the tarnishing of a dead man's character but a need to get at the truth.

Even the highly publicized, Springfield, Illinois, karate chop demands clarification. Nobody saw it delivered. "And Jock—by his own admission didn't seek immediate medical treatment after he came to," said a UMW official. "He took a plane home, and then announced he'd been knocked out cold."

Was he truly hit or was this another invention designed to make headlines?

ON HEADLINE GRABBING

As a man who, in the Madison Avenue vernacular, has the ability to "grab space", Rauh's attainments in this area border on genius. One wonders at times whether this may not have been the underlying campaign strategy of the Washington attorney to begin with. Without Rauh, Yablonski's campaign would have been nowhere as newsworthy as it was; without Yablonski, Rauh would not have had the vehicle he needed to make front page copy almost as often as he chose.

His underlying theme was simplicity itself: "if we win, it's a miracle; if we lose, it's a fraud." Boyle was done in either way. Whatever he said put him—at best—on the defensive.

As one example: the day *before* the nominations petitions were to be totaled, Rauh called a press conference and charged (24 hours ahead of countdown) that Yablonski would be counted out. Claiming 85 petitions signed—much more than the 50 required to be placed on the ballot—he stated, in effect, that the fight had already been lost.

If the petitions had been less than 50, he had already said, "I told you so." If there were more, the implications was that he had forced Boyle's hand, via publicity, to release an honest count.

When the count was tallied, the record showed that Yablonski had received even more than Rauh had claimed for him (96) all of which were recorded in accordance with the union's constitutional requirements. This tally was *not* publicized and Rauh had won the first go-round hands down.

Shortly after that—using the same ploy once more—Rauh claimed that even though Yablonski was now on the ballot, he would not get an honest count in the election. Thus—was the propaganda continued and stage immediately set for a subsequent recount and an appeal.

On the eve of the election—in another brilliant public relations stroke—Rauh himself, a long-time and dedicated member of the "liberal" establishment, persuaded the American Civil Liberties Union to request its members to be poll watchers for Yablonski. He had (as noted previously) tossed aside Boyle's suggestion of monitoring the count via a Fair Elections Committee.

Once more he had tarred Boyle in advance—with the brush of deceit.

On Election Day (Dec. 9, 1969) the Yablonski forces announced that they had assembled 2,500 poll watchers. When it was all over and Boyle had won by a two-to-one majority, Rauh was ready with his cry of "foul," listing some 80 to 100 irregularities in his complaint to the Labor Department.

In its answer—for the record—the Labor Department formally notified both Yablonski and Rauh on Dec. 24 that "there was not enough evidence" to warrant impounding the ballots. From Rauh's cries of anguish, the inference might almost be made that Boyle had bought not only the election, but the entire Labor Department as well.

Under mounting pressure from many sources, including a prompt invitation from the UMW, the Labor Department is now looking more deeply into the matter and Boyle is cooperating every step of the way.

WHAT NEXT?

What turn the murder investigations will take is (as of press time) anyone's guess. Perhaps it will all be solved and some of the theorizing will have been little but exercise. But the betting is as of now—that no road will lead to Boyle.

As the noted labor columnist Victor Riesel pointed out: "It's outrageous for anyone to charge that the United Mine Workers leaders were involved in the execution of the Yablonskis . . . Jock Yablonski lost. The record shows that inside labor, losers fade away . . . Who feared Jock Yablonski . . . who would gain from his killing? Certainly not Tony Boyle or the UMW . . ."

Some observers believe the answers to the killings may come from a more thorough probing of Yablonski's outside affairs.

The considered estimates of authorities is that the slain labor leader spent at least $125,000 in the campaign's final months alone. Others say this is "conservative."

The UMW has stated that he had a private airplane at his disposal at all times. He maintained a number of headquarters in various coal regions; he paid for staff and campaign workers. The bill for his various court proceedings must have run into a lot of dollars. Then there was money for printing, mass media, phone bills and—one presumes—Joe Rauh.

It's a valid field of inquiry then—where did Yablonski's money come from? Was it his own? Did he get it from independent miners? Did he borrow it somewhere—and if so—from whom and under what terms? And where does Rauh fit into all of this—if he does?

SOME CONJECTURES

The more labor leaders discuss these perplexing questions, the more reasonable conjectures appear. If one can go by consensus in such matters, the majority opinion seems to be that none of the suspects involved were "hit men" for the Mafia.

"They're just too unprofessional," said one.

"Few syndicate boys rat and ever live to see a courtroom," offered a second.

As for the written contracts the suspects are supposed to have signed, no one would buy that concept of doing business with the Mafia at all.

If the Mafia is to be excluded then, who . . . what type of individual has to take its place? Some ideas are offered below by respondents, in no specific order:

"The contract is a fairy tale—unless whoever he was is a psycho."

"If they *signed* a contract, as was claimed why can't they identify the *signer?* Was he wearing a mask?

"A contract implies a signature. What about the signature? And where did the *signing* take place. Can't the police work from there?

"If you toss out insanity, there are only two reasons why a man gets killed—revenge or money. But why the wife and daughter?

All questions. No answers.

ON BOYLE HIMSELF

Coming to W. A. (Tony) Boyle personally, most labor leaders agree that he has his share of enemies. But—in all fairness—a good many feel the same way about themselves. It's a tough business, running a labor union, and it takes a lot of toughness to survive.

Whatever his personal endearing or unendearing qualities, however, Boyle—the labor leader—during the six years he has served as president of the UMW, has made solid advances for the miners. And that—when all is done—is the name of the game.

Boyle is responsible for negotiating the largest pension increase in UMW history. He is responsible for gaining the biggest boost in vacation pay, the first graduated vacation plan, the first paid holidays for mine workers, the first national seniority clause and the biggest wage hikes in the miners' annals as well. If he hasn't accomplished all that his enemies say he should have accomplished . . . who has? Weighing one against the other, his accomplishments *for the miners* are a pretty impressive statement.

If he has a better than average share of working ego—as is claimed—perhaps, on the record, he has earned a bit of it.

But like him or not, like his policies or not, like the way he runs his union or not, labor has rallied to the defense of Tony Boyle not because of his position as a labor leader but because he represents a symbol. And that symbol is called "justice."

As a man and a citizen of these United States, Tony Boyle—the symbol—deserves the same fair and impartial treatment as that accorded to any other man. To date, this has been shamefully not forthcoming. Even the alleged killers have been given a far fairer play.

Without a shred of evidence against him, the UMW president has been the victim of some of the sorriest yellow journalism of our times. If there are charges to be made against the UMW leadership—they should be made openly, with solid facts behind them for all to see.

But until there is concrete evidence that definitely ties Boyle in with the Yablonski murders, Labor believes that the basic doctrine of justice must include fair play, and that the time is long past due to say "enough."

MEXICAN HAYRIDE—STATE DEPARTMENT STYLE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. DENT) is recognized for 30 minutes.

Mr. DENT. Mr. Speaker, again I take the floor to discuss the impending crisis in our trade policies as they affect our employment in both the production of goods and the rendering of services.

For many years the textile, glass, and coal industries have led the fight for a reasonable approach to the demand for all-out free trade between nations.

In the early days, proponents of free trade used our own free trade—iron barrier conditions between the States. Many argued that this free trade between States was the real basis for our phenomenal growth both industrially and agriculturally.

This could have been true since we have a common money, common laws on labor and industry, common courts, and above all a set of laws that are at least a retraint on monopoly, marketing, price fixing, profiteering, franchising, and other protectionist statutes such as antitrust or cartel-type agreements that eliminate competition.

Much water has flowed over the dam since the free trade movement became this country's stated goal in international relations.

While we can point to figures with pride in our years of world supremacy in trade we are now much like the old fighter who has had many winning bouts but ends up punch drunk and unable to comprehend that he is living in the past.

He jumps every time a bell rings and the "friendly" people around him applaud while he goes on shadowboxing.

We, too, as a nation appear to be punch drunk on trade, we jump to attend every conference, we get applauded but come away with agreements that create greater losses in jobs, industry, services, and growth for our future needs.

The time finally must come when we must stop kidding ourselves and our trading partners.

First of all, Mr. Speaker, there is no free trade policy between our 50 States. We have restrictions on imports from other States; in fact, we restrict interstate trade in many instances while we allow foreign imports to flow from State to State with no barriers on the roadway.

A simple illustration is the case of cigarettes and liquor.

Most States allow a tourist coming back to the United States to bring back a carton of cigarettes and a gallon of liquor—reduced to a quart by President Kennedy from some areas—but will confiscate your car, put you in jail, and assess a stiff fine if you get caught bringing these items in from other States.

Try to get around paying sales taxes for items purchased in one State and transported into another.

Up until recently, Americans could not receive relief or welfare unless they lived in a State for a specified period of time.

Our system worked because we had both the free movement of goods and the free movement of people. There are many restrictions today on both.

The glass industry is no exception; all labor intensified industries are vulnerable and will, if not already hit, be hit by imports.

It cannot be otherwise. We promote foreign products as the official position of our State Department. Never in the history of the world have so few taken so much from so many in the name of peace, friendship, and misguided ideas of the U.S. economy.

Ask the 50,000 workers somewhere, in some home who are unemployed because 50,000 Mexicans were removed from the unemployment rolls by our State Department promotion to move industries from this side of the Rio Grande to the other side.

Let us take a look at the facts:

Just 3 years ago the State Department and Mexican officials worked out a hush-hush agreement, known only in the area of the activity for a long time. It would not have succeeded if labor had knowledge prior to the settlement of a sizable number of industries in the so-called Pronef territory.

This agreement called for U.S. concessions to U.S. manufacturers and processors allowing the exporting from the United States of components to a 12-mile-wide strip the entire length of the Rio Grande and including all of Baja California for assembly and final manufacturing free of tariff restitutions, with certain tax allowances given by the Mexicans.

The Journal of Commerce calls this "the biggest bargain ever negotiated between the two countries."

Let us examine this bargain and then decide who got the "Mexican hayride."

We lost 150 U.S. plants now situated in Mexico.

We created 50,000 Mexican jobs.

We lost 50,000 U.S. jobs.

We must export all products from Mexico.

No products produced in Pronef can be shipped into other sections of Mexico tax or tariff free.

Our country charges a specially designed border tax upon added value, based upon low-waged Mexican workers added value.

Millions of U.S. dollars flow into Mexico because of added curiosity and tourism.

For awhile Mexican labor crossed over into the United States to spend 40 to 60 percent of their earnings because of the lack of facilities and goods in Pronef. This is fast disappearing and even U.S. service industries are following the U.S. golden eagle across the river.

Soon the area will be completely supplied with all its needs to keep every U.S. dollar that skips across the river.

The electronic, garment and clothing, textile industries, and food processors are the vanguard of passengers on the "Mexican hayride."

Thanks to our State Department and mistaken U.S. border city officials, there will be plenty of room for many more of our light industries.

We know that the agriculture workers in the Rio Grande Valley have felt the sting of unemployment because of the "green card" imported workers who work for much less. This is true in the grape vineyards of California and is the main reason for the disastrous long strike in the grape areas.

My committee has been authorized to make a study for Pronef. We will do so. What we report may or may not change the course laid out by the State Department.

Whatever else it may do, one thing is sure, we will bring back a factual report and let Congress make the decisions.

I said before that the warning of President Roosevelt has been completely ignored. He admonished against "tying U.S. trade to the will of the whisp of foreign diplomacy."

We have to learn the hard way. We are not satisfied with the lessons of history.

Foreign imports force automation in the industrial complex before the need for products can supply the market with consumption. Imports reduce and lower the quality of U.S. products. The foreign producer can produce a better product with a much lower cost. We cannot compete on products requiring the same man-hours for production. We are therefore forced to increase production and this requires more automation with a greater loss of quality.

This is proven by the almost complete take-over of the U.S. transistor market by Japan. This is true of upright pianos, a relatively new victim to our free trade policy. In 1900, we imported 4,200 pianos, Japan then jumped into the U.S. dumping market and in 1969 we imported 29,000 pianos—equal to our entire consumption. Japan exported 94 percent of this total to the United States. Recently the President gave a 2-percent increase in tariff to the piano industry, as well as a promise of financial aid—out of the taxpayer's pocket—to both labor and industry.

In my humble opinion, this award was a concession to political power, not economic reasoning. It cannot be anything else; it will not have the piano industry that must pay at least the minimum wage of $1.60 an hour for 40 hours and $2.40 for all over 40 hours as against Japanese wages ranging from 18 to 63 cents an hour and no overtime pay. In the same breath, the President denied tariff relief to the flat glass industry, but did promise to pay the workers for not producing glass, and damages to the industry no longer able to produce glass in competition with Belgium, Russia, and others.

Mr. Speaker, I was young in politics when President Roosevelt was raked over the coals by the critics because he paid American farmers for not growing crops and for what was called "plowing under pigs."

What is the difference between that and paying both industry and labor for not producing goods that have a market and are consumer goods that we must have to exist. No other nation will allow

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this to happen, nor should they. Every nation must look unto itself for its welfare, just as all human beings must. A helping hand is one thing, to help a man help himself is one thing, but to starve your family so a neighbor may feed his family is not the way of life for either nation or human.

To share is one thing, to give what you have in excess is one thing, but to take away a man's opportunity to the self respect of a job; to give him relief without working is a most serious and dangerous thing to do.

I believe every industry, every service, every product, must be considered as an individual case or problem in international trade.

The rules must not allow the employment of one worker at the expense of the unemployment of another. Dollar balances of trade do not measure the true values of a trade policy. The only thing that counts is whether or not a nation can afford to use trade as a tool of diplomacy without regard to the exact sciences of the economics of employment and consumption, taxation, and services.

Nothing takes the place of a job, from the bottom to the top rung of the ladder, than we climb in our few years on earth. We created departments of Government so that each in its sphere of actuality and interest would promote the well being of our Nation.

The Labor Department, Commerce, HEW, Defense, State, and the many commissions and bureaus of Government are supposed to make decisions in the areas designated by the Congress or the Constitution.

What is happening is another picture. The State Department completely and without interference has taken over the Commerce Department functions on international trade, it sets tariffs, gives quotas, bankrupts one industry and makes others prosperous, takes a steelworker's job so that a cottonworker can work. The State Department runs our wars, our money policies, and in fact pulls most of the strings that makes the puppets move and perform.

Let us look at the recent action by the State Department in demanding that the Metro Authority in the District of Columbia get rid of its buy American policy. I quote from the Washington Post:

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> ### STATE DEPARTMENT HITS METRO ON BUYING
>
> (By Jack Eisen)
>
> Washington's Metro subway system, already caught in a crossfire of federal policies on freeways and racial hiring practices, was plunged yesterday into a new controversy involving U.S. foreign economic policy.
>
> The State Department asked the directors of the Washington Metropolitan Area Transit Authority to drop the agency's "buy American" policy and base its millions of dollars of purchases "on purely commercial considerations."
>
> Domestic purchasing restrictions, wrote Philip H. Tresize, assistant secretary for economic affairs, would "seriously handicap our efforts to eliminate trade barriers to American exports."
>
> He asserted that measures such as that adopted by the Metro board in 1968 are often cited during international negotiations as "indicative of a return to protectionism on the part of the United States."
>
> "This would be particularly true in the case of (Metro),". Tresize declared, "since its location in the nation's capital would attract special attention."
>
> While letters from Tresize and a subordinate were being distributed, the board members had before them a recommendation from Metro's general manager urging that the present domestic buying restriction be retained.
>
> * * * * *
>
> Up to now, Metro construction contracts have provided that American materials must be used unless foreign-made items could be bought for 15 per cent less.
>
> * * * * *
>
> "Such a (6 per cent) differential," Graham wrote, "will give a competitive advantage to domestic suppliers but should not eliminate foreign competition in most situations."
>
> The State Department letters and Graham's recommendation touched off a short but sharp debate, ending with a decision to vote on the issue next month.
>
> Director Herbert E. Harris II, a Democratic Fairfax County supervisor to whom one of the State Department letters was addressed, said he agreed firmly with President Nixon that trade barriers should be dropped.
>
> "I'd like to get the cheapest price I can wherever I can get it," observed Alexandria City Councilman Nicholas A. Colasanto, an alternate director.
>
> * * * * *

George Washington, the Father of our Country, counseled against foreign entanglements. This meant above all, to keep from becoming dependent upon other nations for anything we could produce for ourselves. Is it not strange that on the eve of his birthday, a Department of State official dealt the taxpayer of America a crowning insult. I refer, Mr. Speaker, to the article, appearing in the Washington Post, Friday, February 21, which reports Assistant Secretary of State for Economic Affairs, Philip H. Tresize, as saying that the Washington Metro subway systems' buy-America policy would seriously handicap the Department of State's effort to eliminate trade barriers to American exports. He also asserted that measures such as those adopted by the Metro board are often cited during international negotiations as "indicative of a return to protectionism on the part of the United States." And, further, Mr. Tresize states that since the Metro is located in the Nation's Capital a buy-America policy would attract special attention. Mr. Speaker, I asked that the entire article from the Washington Post be published in the CONGRESSIONAL RECORD so that the taxpayers of America will know that there is now a new and concerted effort on the part of certain officials of the State Department to spend their money outside the United States.

At a time, Mr. Speaker, when this administration is leading the Nation into increasing unemployment, economic hardship for the business community, and added tax burdens for the citizens, I am appalled that there is a State Department official who is so naive as to believe that American exports are dependent upon the elimination of a buy-America policy.

It is also worth noting that the Washington Metro subway system is currently involved in negotiations to insure democratic employment practices for minority groups. I would like to know how the State Department proposes to insure that when the taxpayers' dollar is spent abroad that fair and equitable employment policies will be followed and that the rights of minority groups will be met.

Mr. Speaker, I suggest that Mr. Tresize and the Department of State could best serve this Nation by collecting some of the millions of dollars which they have too often half-wittedly squandered throughout the world.

We are just starting upon a program of cleaning up our environment. This will cost billions of dollars. If we do not challenge the State Department's policies on foreign purchases, let us forget the U.S. industries engaged in producing the equipment for purifying our air and water, our streams and cities.

At this time I want to announce that next week I again intend to air figures, some old, some new, on the impact of imports on our welfare.

ANALYSIS OF S. 30, THE ORGANIZED CRIME CONTROL ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia (Mr. POFF) is recognized for 10 minutes.

Mr. POFF. Mr. Speaker, the Chamber of Commerce of the United States has long been a respected leader among business groups. It has also now taken a place in the forefront of private associations aiding Government efforts against organized crime.

Last year the national chamber published its "Deskbook on Organized Crime," a concise, well-documented, thorough, and practical summary of the threat posed by organized crime and the ways in which private citizens can respond to it.

Then, on November 13, 1969, the executive board of the national chamber expressed the chamber's support for the general thrust of S. 30, the "Organized Crime Control Act of 1969," and endorsed a number of specific legislative proposals found in the bill—see the CONGRESSIONAL RECORD, volume 115, part 27, page 36217. As Members know, after a full year of study and consideration, S. 30 subsequently passed the Senate by a vote of 73 to 1, and it is presently pending in the House Judiciary Committee.

Mr. Speaker, the national chamber has now elaborated upon its endorsement of the act by publishing two most instructive reports concerning S. 30—Legislative Department, Chamber of Commerce of United States, "Here's the Issue—Organized Crime Control," February 27, 1970, volume 9, No. 3; Chamber of Commerce of United States, "Congressional Action Special Report—Organized Crime Control," February 27, 1970.

The reports summarize the background of the measure, describe its major provisions and their various applications. They are thoughtful and accurate analyses of S. 30, and they should be of value both to local chapters and members of the chamber of commerce as well as to other citizens and Members of Congress interested in improving our means for dealing with organized crime.

A particularly excellent feature of one of the reports—"Congressional Action Special Report—Organized Crime Control"—is its inclusion of several specific hypothetical examples, which aid the reader in understanding concretely the provisions of S. 30 and their value in specific law enforcement situations.

One such example clarifies the precise effect title VII of the act would have in barring untenable objections that evidence is "fruit of a poisoned tree" and in restricting defendants' access to irrelevant confidential Government files. The example reads as follows:

> Jones is a major interstate bookie. The FBI wants to get evidence not only against Jones, but against the New York office where he and other major bookies "lay off" their bets. Therefore, in 1970 and again in 1974, the FBI taps Jones' telephone under court order, for one day each time. All the agents hear is Mrs. Jones gossiping with a friend about allegations that a Mrs. Brown is carrying on an extramarital romance. Each time Mr. Jones' telephone is tapped, he is given notice of that fact afterward, as required by law, but he is not told the gossip that was overheard.
>
> In 1977, Jones, driving while drunk, accidentally kills a pedestrian. Charged with manslaughter, he moves to suppress all evidence against him, claiming that it was derived from the wiretaps. The judge finds that the court orders for the wiretaps were defective. Under present law, Jones could inspect the transcripts for each wiretap.
>
> If Title VII of S. 30 is enacted, (1) motion to suppress evidence based on the 1970 wiretap is foreclosed completely, since a 1970 tap could not possibly have produced evidence of a car accident which did not occur until 7 years later; (2) the judge will examine the transcript of the 1974 tap in his chambers, will find it clearly irrelevant to the manslaughter charge, and will deny the motion to suppress. Thus, Mrs. Brown's reputation will have been protected from the disclosure of malicious gossip, and the court will have avoided needless delay of the manslaughter case.

Before the chamber published that example, authorities as prestigious as New York Mayor John Lindsay—Washington Post, Sunday, February 22, 1970, page D4, column 1; Tom Wicker, New York Times, Sunday, February 1, 1970, page 12E, column 5, the editors of the Washington Post, Friday, January 30, 1970, page A18, column 1, and the American Civil Liberties Union—statement placed in the CONGRESSIONAL RECORD at page 852 and following, of January 22, 1970, had made statements completely misinterpreting the provisions of title VII. They apparently had thought those provisions limited the fourth amendment's protection from unreasonable searches and seizures, by letting the police use illegal evidence after holding it for 5 years. Actually, a careful reading of those provisions shows they do not permit that, and the chamber has performed a real service for the public by demonstrating the title's real meaning in a concrete situation. While the affirmative need for title VII's enactment is more fully treated in the Senate Judiciary Committee report on S. 30—pages 62 to 69—the national chamber's hypothetical example is most useful in dispelling the exaggerated and inaccurate fears that title VII would impair individual rights.

Another aspect of the two reports is of special interest in light of the fascinating remarks on organized crime infiltration of race tracks and track concessions delivered last Wednesday by my distinguished colleague from Arizona (Mr. STEIGER) in the CONGRESSIONAL RECORD at page 5887 of March 4, 1970, the chamber reports explain and illustrate the provisions of title IX of S. 30, which would supply vital legal tools to do exactly what my colleague suggested be done when Mafia members have taken over racing or other business: "get them out." I congratulate the chamber on the public service they have performed by publishing these reports.

The chamber reports also remind the reader that control over S. 30, and responsibility for its future passage, now rest squarely in the House of Representatives and our Judiciary Committee. I hope that Members will discharge that responsibility by supporting the swift consideration, reporting, and passage of this much-needed legislation.

In order that Members and readers of the RECORD may see an example of the fine work of the chamber on organized crime, I would like to include pertinent portions of one of the recent reports in my remarks. The report follows:

[From Here's the Issue, Feb. 27, 1970]

ORGANIZED CRIME CONTROL

A major anti-crime bill is now pending in Congress.

"The Organized Crime Control Act" (S. 30, McClellan, D-Ark.) was passed by the Senate, 73-1, on January 23.

* * * * *

In large measure, organized crime is flourishing because its members can be too seldom brought to justice.

The problem posed is extremely difficult. How do you close "legal loopholes" through which organized crime leaders are escaping without jeopardizing the rights of all people in our society?

That is the problem with which the Senate Judiciary Committee's Subcommittee on Criminal Laws and Procedures, chaired by Sen. McClellan (D-Ark.) wrestled for almost a year.

The bill that was produced and passed by the Senate now incorporates the best recommendations of numerous organizations and specialists in law enforcement.

On the floor of the Senate, Senate Minority Leader Hugh Scott (R-Pa.) said:

> The Constitution requires that we consider individual liberties as well as the common good of society. S. 30 strikes the appropriate balance. S. 30 would help clear America of organized crime.

But there are those who say that the bill goes too far. They talk of undermining individual liberties.

* * * * *

MAJOR PROVISIONS

Half of the 10 Titles in the bill deal with the knotty problems relating to the testimony and appearances of witnesses; one, with the use of wiretaps, one is designed to hit organized gambling; one deals with the infiltration of racketeers into legitimate businesses, and one, with the sentencing of habitual offenders. Title I permits the setting up of special grand juries and enlarges their powers.

New Powers for Special Grand Juries

Organized crime investigators and prosecutors have found that there is no means of gathering and using evidence in organized crime cases as effective as a grand jury, with its powers to summons witnesses and documentary evidence, to compel the giving of evidence in appropriate cases, and to return indictments.

The President's Crime Commission, accordingly, recommended that laws governing the operations of investigative grand juries be amended, so as to authorize impaneling investigative grand juries for extended periods of time. It would give these special grand juries substantial independence from the prosecutor and the court in organized crime cases, and empower them to file reports or presentments.

These recommendations have been incorporated in the bill.

The questions that have been raised concern largely the last point—the authority to issue reports on cases of governmental misconduct, on governmental misconduct, or on organized crime conditions.

Both the Administration and the Senate Judiciary Committee, however, have concluded that this power is constitutional, and a challenge to that conclusion was rejected on the Senate floor, 59-13.

Witnesses and testimony

Titles II through VI deal with witnesses and testimony.

Immunity. "Taking the Fifth Amendment" has passed into the language. Under present law, a witness who refuses to testify on the grounds that it might incriminate him can often be given immunity and then be required to testify. One trouble is that when that happens he can no longer be prosecuted—even if the Government has completely separate evidence of his complicity.

Under the proposed bill, the witness would still be protected from prosecution on the basis of his testimony, but he would not be given a complete "immunity bath." He could be tried on the basis of completely independent evidence.

Title II unifies and expands existing law dealing with the granting of immunity from self-incrimination to witnesses in legislative, administrative, and court proceedings. The granting of immunity in court and legislative proceedings is made subject to court review, and notice to the Attorney General is required prior to granting it in administrative proceedings.

Critics of Title II have pointed out that a witness who is compelled to testify under an immunity grant is exposed to public knowledge and disapproval of his acts. Anglo-Saxon law, however, has long held that each citizen owes a duty to society to testify in the aid of justice.

Recalcitrant Witnesses. Title III is designed to deal with the witness who could not be incriminated by his testimony—or who has been given immunity—and yet refuses to give evidence, perhaps out of a desire to shield his friends or criminal accomplices.

It authorizes that such a recalcitrant witness in grand jury or court proceedings be confined without bail until he complies with the order of the court to testify. When he testifies, he is promptly released.

Federal law already covers witnesses who flee from a State to avoid testifying in State criminal proceedings. This Title further extends that statute to those who flee to avoid giving testimony before State investigative commissions—such as happened in New Jersey recently.

In view of the major contribution to public knowledge of organized crime conditions which such commissions have made in several

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states, the readiness of organized crime suspects to operate and to travel interstate, and the difficulties that State borders sometime pose, this provision should substantially assist the effort against organized crime.

Perjury. Existing rules make it difficult to obtain convictions in perjury cases. They require two witnesses or corroboration, limit reliance on circumstantial evidence, and prevent juries from inferring that one of two contradictory statements is false.

Title IV creates a new perjury provision for court and grand jury proceedings, and is advocated by those who point out that even though testimony can be obtained from the threat of contempt proceedings or a grant of immunity, the authorities can obtain truthful testimony only if the law punishing perjury can be enforced effectively.

Some people charge that Title IV will make it too easy to obtain perjury convictions, but its supporters point out that the Title retains the requirement that the Government prove an intentional and material falsehood beyond a reasonable doubt—so the perjury proof requirements will be as difficult to meet as the requirements in other criminal cases.

How it would help

Here is a case illustration of how these new provisions would help in the battle against organized crime.

An undercover narcotics agent engages in a series of dealings with a large local wholesaler of heroin to get his confidence. Then he arranges to buy ¼ kilo of heroin from him for $6,000. The day before the sale is to occur, other agents follow the wholesaler to New York and back. They believe he is buying the dope from Mafia members there, but cannot prove it so they cannot arrest him with his suppliers and the heroin.

The next day, when the wholesaler and the undercover agent complete the sale, the agents seize the heroin and money and arrest the wholesaler.

The wholesaler can be convicted under present law, on the basis of the seized drug and the testimony of the undercover agent. But there is no way to get at the Mafia suppliers as long as the wholesaler claims the Fifth amendment.

Once S. 30 is enacted into law, the wholesaler can be called before a special grand jury and given immunity from use of his testimony against him. But the immunity will not prevent him from being convicted on the basis of the independent evidence—the seized drug and the agent's testimony.

If the wholesaler refuses to talk, he could be sent to jail for civil contempt until he would talk—perhaps for as long as three years. If he were to lie about his New York transaction, he might be convicted of perjury.

Thus, S. 30 will give him a strong incentive to tell the truth, and his truthful testimony will help lead to his New York suppliers and their conviction.

Witness Protection. Titles V and VI are designed to protect witnesses and to remove the chief incentive that the mob has in harming them.

The President's Crime Commission found that organized crime leaders employ violence against witnesses for two purposes: "to destroy the particular prosecution at hand and to deter others from cooperating with police agencies."

The U.S. Attorney General testified in 1965 that even after cases had been developed, it was necessary to forgo prosecution hundreds of times because key witnesses would not testify for fear of being murdered. Indeed, he testified, the Department of Justice lost more than 25 informants in this way between 1961 and 1965.

It was in this context, therefore, that the President's Crime Commission concluded:

> The Federal Government should establish residential facilities for the protection of witnesses desiring such assistance during the pendency of organized crime litigation.
>
> After trial, the witness should be permitted to remain at the facility as long as he needs to be protected. Title V implements these recommendations, and has faced no significant opposition.

The primary purpose of Title VI is to remove the chief incentive the mob has in preventing witnesses from testifying, either through murder, assault, intimidation, bribes, or other factors. It may also be used by witnesses being held in protective custody to make their release feasible.

It would achieve this objective by expanding the defendant's existing right, on court order, to take depositions to preserve testimony of his own witnesses, and extending that right to the Government, subject to constitutional guarantees of counsel and cross-examination, where the taking of a deposition is in the interest of justice.

Obviously, a deposition serves a useful purpose if it preserves the testimony of a witness in a form which is admissible at trial—if for some reason his testimony becomes otherwise unavailable.

Frank S. Hogan, the highly respected district attorney of New York, for example, told the Subcommittee that under the deposition system, the "testimony of one Pete LaTempa who died on January 12, 1945, while in jail, would have been available in 1946 at the trial of Vito Genovese and four co-defendants for the crime of murder and would have thus precluded the direction of an acquittal by the Court. . . . If power to take depositions had been as broad as that which would be authorized in the public interest by the proposed amendment, the outcome of the Genovese case might have been different."

PROTECTION OF IRRELEVANT WIRETAPS

Title VII overrules a Supreme Court Decision, *Alderman v. United States, 394 U.S. 165 (1965)*. That case held that a Federal criminal defendant who claims that the evidence against him was derived indirectly from information shown to have been obtained by the government in violation of his rights must be allowed to examine all the illegally obtained information, even if it is obviously irrelevant to the prosecution and its disclosure will harm innocent persons and the public interest.

This requirement of automatic disclosure has permitted defendants, especially organized crime leaders which the government "bugged" from 1961 to 1965, unduly to delay and confuse their prosecutions with unlimited hearings and appeals of tenuous motions to suppress evidence.

It has, in addition, provided Mafia members with confidential information for which their only use is to bribe or threaten witnesses, destroy evidence, uncover secret agents, and otherwise ruin prosecutive efforts. And it has resulted in several massive public revelations of malicious and false private gossip that has harmed individual reputations.

Title VII replaces the existing flat rule with two provisions which assure a defendant's access to confidential files for which he has a legitimate use, but not to other files.

First, it forecloses such a claim entirely, where the violation of the defendant's rights, such as an illegal wiretap, took place more than five years before his crime. This provision is based on Justice Department experience that a tap cannot possibly lead to evidence of a crime not even committed until more than five years after the date of the alleged illegal surveillance.

For claims not foreclosed by the five-year period, the Title requires a judge to screen confidential government files, reveal them to the defendant only if they may be relevant and disclosure is in the interest of justice, and prevent public access to them if it is not in the interest of justice.

ATTACK ON SYNDICATED GAMBLING

Title VIII was initiated by the Nixon Administration and is designed to strike at organized gambling.

It makes it a Federal crime to operate a gambling business which (1) violates State law; (2) involves five or more persons, and (3) operates over 30 days or has gross revenue of $2,000 in one day.

It also makes it a Federal crime to obstruct enforcement of State law against such a business.

Non-profit, tax-exempt games of chance are exempted.

A commission is also set up to study national policy on gambling.

In his special message on organized crime, the President pointed out that the Administration had concluded that the major "thrust of its concerted anti-organized crime effort should be directed against gambling activities," because "gambling income is the lifeline of organized crime. If we can cut it or constrict it, we will be striking close to its heart."

Although most Americans may believe that gambling is the "least reprehensible of all the activities of organized crime," he noted, it provides "the bulk of the revenues that eventually go into usurious loans, bribes of police and local officials, 'campaign contributions' to politicians, the wholesale narcotics traffic, the infiltration of legitimate businesses, and to pay for the large stables of lawyers and accountants and assorted professional men who are in the hire of organized crime."

The President also indicated that one purpose of the proposals is to help root out cases of bribery and corruption of local law enforcement officials. He said:

> For most large-scale illegal gambling enterprises to continue operations over any extended period of time, the cooperation of corrupt police or local officials is necessary. This bribery and corruption of Government closest to the people is a deprival of one of a citizen's most basic rights.

INFILTRATION OF LEGITIMATE BUSINESS

Here is an example of a problem:

A Mafia boss accepts all the shares in a juke box corporation in payment for an illegal gambling debt. Then he expands the number of cafes in which his machines are placed by having the cafe owners threatened and beaten. Soon, he dominates the music machine business in his city, has ruined his competitors, and raises the share of the machine income which he demands that the cafes pay him.

Under present law, the government may be able to obtain a criminal conviction, imprisonment and fine.

The trouble is that while the Mafia boss serves his prison term, other members of the syndicate run the business for him, and upon his release he resumes his brutal and monopolistic methods.

Title IX is designed not only to curb infiltration of legitimate business, but to provide better remedies when it happens.

The Title thus contains a three-fold standard: (1) making it unlawful for a person to use income from his "racketeering activity" to acquire an interest in or establish an enterprise engaged in interstate commerce; (2) prohibiting the acquisition of any enterprise engaged in interstate commerce through a pattern of "racketeering activity"; and (3) proscribing the operation of any enterprise engaged in interstate commerce through a pattern of "racketeering activity."

"Racketeering activity" is defined in terms of specific State and Federal statutes now characteristically violated by members of organized crime. The offenses include murder,

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kidnapping, gambling, arson, robbery, bribery, extortion, dealing in narcotic drugs, counterfeiting, embezzlement, fraud, and white slave traffic.

A fine of $25,000 or imprisonment for not more than 20 years is provided for violation.

In addition, provision is made for the criminal forfeiture of the convicted person's interest in the enterprise. District courts are authorized to prevent and restrain by civil process violations of the standards by, among other things, (1) the issuance of orders of divestment; (2) prohibitions of business activity; and (3) orders of dissolution or reorganizations.

Thus, in the illustration used above, a criminal prosecution of the Mafia boss could also result in forfeiture to the government of his interest in the business, or a civil proceeding that could result in an order that he divest himself of the business and refrain from re-entering that line directly or indirectly. In either case, the court could supervise the sale of the business to see that it wound up in clean hands. A legitimate industry could be returned to lawful operation in a free enterprise system.

Closely paralleling its takeover of legitimate businesses, organized crime has moved into legitimate unions.

Control of labor supply through control of unions can prevent the unionization of some industries or can guarantee "sweetheart" contracts in others. It provides the opportunity for theft from union funds, extortion through the threat of economic pressure, and the profit to be gained from the manipulation of welfare and pension funds and insurance contracts.

The American Bar Association has concluded:

"Organized crime . . . is a major threat to the proper functioning of the American economic system, which is grounded in freedom of decision. When organized crime moves into a business, it customarily brings all the techniques of violence and intimidation which it used in its illegal businesses. The effect of competitive or monopoly power attained this way is even more unwholesome than other monopolies, because its position does not rest on economic superiority."

Title IX provides the means not only to punish racketeers who abuse interstate commerce, but to remove their disruptive influence upon it and to prevent their re-entry.

SPECIAL OFFENDER SENTENCING

Title X is designed mainly to ensure that organized criminals and other convicts presenting special dangers to society can and do receive prison terms that are long enough to ensure that they do not promptly renew their criminal careers. Rackets prosecutors have long known from experience that syndicate leaders seldom face or receive long terms—a fact supported by statistical evidence.

The bill provides for increased sentencing (up to 30 years) for dangerous adult special offenders, defined to include (1) a three-time felony offender who was previously incarcerated; (2) an offender whose felony was a part of a pattern of criminal conduct which constituted a substantial source of his income and in which he manifested special skill or expertise; and (3) an offender whose felony offense was in furtherance of a conspiracy with three or more persons to engage in a pattern of criminal conduct in which he would occupy a management level position or employ bribery or force.

The concept of authorizing increased prison terms for special offenders has come to be widely accepted. Constitutional objections have been voiced to these standards and procedures for special sentencing, but definitions and procedural guarantees have been placed in the Title which are designed to prevent constitutional difficulties, and which are generally parallel to those proposed by the professional and official bodies that have endorsed the concept.

TAKE PRIDE IN AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. MILLER) is recognized for 5 minutes.

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a nation. Based on 5 year average from 1962 to 1967, the United States produced 31.4 percent of the total world production of primary magnesium. The Soviet Union was second producing 25.7 percent.

MEXICAN AMERICANS PROTEST 1970 CENSUS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. TUNNEY) is recognized for 15 minutes.

Mr. TUNNEY. Mr. Speaker, on March 28, 1970, the Bureau of the Census will conduct the Nineteenth Decennial Census of the United States.

Under article 1, section II, paragraph III of the U.S. Constitution it is required that a census be taken of all persons, conducted every 10 years. It has been alleged that in the census of 1960, the Bureau of the Census admitted that they did in fact commit a 3 percent error, amounting to a miscount of 5,700,000 persons or more, and that this percentage of peoples, mainly in the minorities, were not apportioned funds in accordance with a correct population tabulation in any given poverty area, and were not provided the services that these communities were entitled to.

The Spanish-speaking communities in the United States are now contending that a large number of Spanish-speaking persons will not be included in the census of 1970.

They are further alleging that although the Bureau of the Census claims it is hiring bilingual census takers, in fact, it is not doing so. This is a violation of an agreement the Bureau of the Census made with the Chinese community in San Francisco in the northern district Federal court in San Francisco during February 1970. There is not at this time any Spanish-speaking, culturally associated person in the majority of the offices now being set up by the Bureau of the Census.

In accordance with the fifth amendment of the U.S. Constitution, all persons in the United States are entitled to due process and equal protection. The Bureau of the Census is conducting the census of the Spanish-speaking communities in the State of New York and the Commonwealth of Puerto Rico in Spanish, therefore, all Spanish-surnamed persons in the United States are entitled to like treatment.

Due to the lateness of correcting the 80 percent questionnaire, spokesmen for the Spanish-surnamed communities state that the Census Bureau can amend item four—race or color—to have households indicate under "other" that they are from a Spanish surnamed family, and further indicate their respective ethnic background; that is Mexican, Mexican American, Hispano, and so forth.

Bilingual census workers should be hired immediately to insure that bilingual census takers who are oriented to the Spanish speaking culturally as well as in language are used in the taking of the census of 1970.

Bilingual census employees should be hired by the Bureau of the Census on a permanent basis to send information and statistics which are related and relevant to the Spanish-speaking communities of the United States and its territories.

It has come to my attention that a large number of Spanish-speaking organizations, including the Mexican American Political Association, the Spanish Speaking Community Center in Hayward, Calif., the United Latins for Justice, the League of United Latin American Citizens, the G.I. Forum of the United States, the Community Service Organizations and many others from the Spanish-surnamed communities are greatly alarmed at the census as it is now being taken.

Based on past experience from previous censuses as taken in the United States, no less than 3 percent and possibly as high as 30 percent of the Spanish-surnamed peoples were missing from censuses that were taken. These errors are being perpetrated and fostered by the Bureau of the Census and should be corrected immediately.

I am placing in the CONGRESSIONAL RECORD some further information on the census and the Mexican American:

CALIFORNIA STATE SENATE RESOLUTION BY SENATORS SHERMAN AND PETRIS

Relative to Recognition of Mexican-Americans

Whereas, the 1970 United States decennial census is about to take place; and

Whereas, the Mexican-American citizens constitute the largest racial minority in the United States; and

Whereas, the census question on race does not include the derivation of "Mexican-American" or "Spanish, or any Latin derivation but does list the designations of white, Negro or black, Japanese, Chinese, Hawaiian, Puerto Rican, and others; and

Whereas, the census forms are already printed in Spanish to be used in the State of New York and the Commonwealth of Puerto Rico and other territories, and, therefore, the States such as California, and the southwest areas of the United States and other communities with large Spanish speaking populations, could use these forms without excessive additional cost; and

Whereas, large numbers of persons of Mexican-American ancestry and Spanish speaking people will not be accounted for properly unless the Census Bureau hires people at all levels, including the management level, who are bilingual in English and Spanish; and

Whereas, there are many such qualified persons ready and available; and

Whereas, an accurate count of the populace is vital to the political and economic life

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of our country and our State, and this requisite necessarily includes an accurate count of all segments of our society; now, therefore, be it resolved by the Senate of the State of California:

(1) To print additional census questionnaires in the Spanish language and the use of such forms in the areas of California, the Southwest United States, and other geographic areas of the United States where there are substantial numbers of Spanish speaking people.

(2) To hire persons at all levels of the Census Bureau, including the management level, who are bilingual in English and Spanish and to seek the aid of Spanish speaking organizations to fill these positions.

(3) Since it is impossible because of time to reprint the questionnaires, but to avoid obvious confusion, instructions should be given in the Spanish language to Mexican-Americans to answer the question of race as "other" and to fill in the blank as "Mexican-American."

(4) That the additional designation of Mexican-American should be programed into the computer so that an accurate count may be made of the Mexican-American population; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, and to the Census Bureau of the United States.

Whereas Mexican-American constitute the second largest minority in the United States and a substantial portion of the population of the South Western United States.

Whereas an accurate count of this group is of utmost importance in determining the financial, social, and political status of the Mexican-American and the assistance needed to resolve their manifold problems.

Whereas the 1970 census as presently constituted does not provide for a separate count of the Mexican-American in the mail out census form that will reach 80% of the households thus depriving the government, the Mexican-American community and other interested groups of vital information vitally necessary to adequately assist many Mexican-Americans who desperately need aid to be able to enjoy the rights and privileges guaranteed by our constitution and the democratic spirit of our Founding Fathers.

Therefore be it resolved that the American G.I. Forum National Board of Director duly convened in Omaha, Nebraska February 28th go on record supporting the legal action initiated by the Oakland G.I. Forum and the Spanish-Speaking Community Center against the Bureau of the Census to force their Bureau to include the Mexican-American as a separate entity and further support their action in trying to bring about on equitable and accurate enumeration.

This resolution was duly passed at Omaha. Nebraska Board of Directors meeting Saturday February 28, 1970.

Respectfully submitted.

MANUEL F. ALVARADO,
American G.I. Forum Oakland Chapter.

[U.S. District Court for the Northern District of California, Southern Division]

COMPLAINT (CIVIL RIGHTS)

(Original filed February 26, 1970, clerk, U.S. District Court, San Francisco.)

(*Augustin L. Prieto, Alfonso Fernandez, and Maria Trinidad Hurtado, on their own behalf and on behalf of all those similarly situated, Plaintiffs,* v. *Maurice Stans, Secretary of the U.S. Department of Commerce; George H. Brown, Director of the U.S. Bureau of the Census, and Richard J. Mullikan, area D director of northern California and northern Nevada for the U.S. Bureau of the Census, Defendants.*)

FIRST CAUSE OF ACTION

I

This is an action for mandamus, injunctive and declaratory relief to prevent defendants from carrying out their plan to deprive plaintiffs and all others similarly situated of their constitutional and statutory rights to be included and accurately represented in the 1970 federal Census, Jurisdiction is conferred upon this court by 28 U.S.C. S1331, 28 U.S.C. S1337, 28 U.S.C. S1343(4), 28 U.S.C. S1346, 28 U.S.C. S1361, 28 U.S.C. S2201, and 5 U.S.C. S702. Venue is properly in this Court pursuant to 28 U.S.C. S1391(e).

II

1. Defendant Maurice Stans, as Secretary of the U.S. Department of Commerce, is responsible for the administration and operation of the U.S. Bureau of the Census (hereinafter referred to as "Census Bureau").

2. Defendant George H. Brown, as Director of the Census Bureau, has been delegated by defendant Stans to direct the operation of the Census Bureau. As such, defendant Brown is directly responsible for the Census Bureau programs.

3. Defendant Richard J. Mullikan, as Area Director of Northern California and Northern Nevada for the Census Bureau, is directly responsible for the administration and operation of all Census Bureau programs in Northern California.

III

This is a proper class action under Rule 23 of the Federal Rules of Civil Procedure. Plaintiffs bring this action on behalf of themselves and all other residents of the United States and the State of California who are immigrants or descendants of immigrants from Mexico, impoverished, can neither read nor write English, and are aggrieved by defendants action in discriminating against and excluding them from the 1970 Census. The class is so numerous that joinder of all members is impracticable; there are questions of law and fact common to the class; the claims of the plaintiffs are typical of the claims of all members of the class; and plaintiffs will fairly and adequately represent the claims of all members of the class. Defendants have acted on grounds generally applicable to the class thereby making appropriate final injunctive relief and corresponding declaratory relief with respect to the class as a whole.

IV

Under Article I, Section 2, Paragraph 3, of the United States Constitution, defendants are required to take the Census of the United States in 1970, and are required to include plaintiffs and all others similarly situated in the 1970 Census.

V

Millions of Persons who reside in the United States will receive Census questionnaires and will be included in the taking of the 1970 U.S. Census.

VI

Plaintiff Prieto is a resident of the United States and the State of California. He is a descendant of immigrants from Mexico, impoverished, and can neither read nor write English. He resides in an area designated by the Census Bureau as a "metropolitan urban area".

VII

Plaintiff Prieto and all others similarly situated will receive no Census questionnaire since, as more fully described in the Affidavit attached hereto as Exhibit "A", they live in apartments or rooms which are not on any list of mailing addresses. In addition they will not respond to any follow-up procedure unless approached by persons who speak Spanish and are of descent similar to plaintiffs.

VIII

Defendants are deliberately refusing to employ persons who have no car or no telephone. This practice excludes a high percentage of persons who could locate and count plaintiff Prieto and all others similarly situated.

IX

As a consequence of the allegations in paragraphs VI–VIII supra, plaintiff Prieto and the class he represents will not be included in the taking of the 1970 Census.

X

The action of the defendants in including millions of persons in the taking of the 1970 Census and excluding and omitting plaintiff Prieto and the class he represents constitutes an invidious discrimination against plaintiffs and denies to the plaintiffs the equal protection of the laws in violation of the Due Process Clause of the Fifth Amendment to the Constitution of the United States.

XI

Article I, Section 2 Paragraph 3 of the United States Constitution provides that representatives to the U.S. House of Representatives shall be apportioned among the states on the basis of population as determined by the decennial census.

XII

Since plaintiff Prieto and all others similarly situated will not be included in the 1970 Census, they will not be included in determining the apportionment of representatives to the U.S. House of Reprsentatives and consequently will be underrepresented in the United States Congress.

XIII

Defendants are receiving Federal financial assistance to take the 1970 U.S. Census. Since plaintiff Prieto and all others similarly situated will not be included in the taking of the 1970 Census because of their race, color, and/or national origin, defendants are acting in direct violation of 42 U.S.C. S2000(D) which prohibits discrimination or exclusion from participation in Federal programs on the ground of race, color, or national origin.

XIV

The statistics which will be obtained by the Census Bureau as a result of the 1970 Census will be released to various federal, state, and local governmental agencies and will be used by such agencies for the next 10 years as the basis for allocating funds for voter registration, community action programs, manpower training, employment assistance, Model Cities programs, and dozens of other programs designed to help poor and minority groups. In addition, the Census Bureau will release statistics gained from the 1970 Census to private individuals and foundations who will use these statistics for the next 10 years, as the basis for their grants and donations to assist poor and minority groups. Since plaintiff Prieto and all others similarly situated will not be included in the 1970 Census, they will be deprived of valuable grants, donations, and governmental programs solely on the basis of their race, color, and/or national origin. This deprivation is in direct violation of the Due Process Clause of the Fifth Amendment to the Constitution of the United States and of 42 U.S.C. S2000(d).

XV

Plaintiff Prieto and all others similarly situated will suffer irreparable injury if defendants are allowed to proceed with the 1970 Census as planned. As demonstrated in paragraphs XI, XII and XIV, *supra,* plaintiffs will be deprived of valuable rights and the deprivation will last at least until the 1980 Census. Plaintiffs are unable to ascertain the amount of money which they will suffer if defendants are allowed to proceed as planned; no adequate remedy at law is available to plaintiffs; and no previous application for the relief sought herein has been made to this or to any other court.

SECOND CAUSE OF ACTION

I

Plaintiffs reallege and incorporate by reference as if fully set forth herein paragraphs I–V of the First Cause of Action.

II

Plaintiffs Prieto, Fernandez and Hurtado are residents of the United States and of the State of California. They are immigrants, or descendants of immigrants from Mexico. They are impoverished and are entitled to benefits under various governmental programs designed to assist poor and minority groups. They cannot read, write or speak English, but can read, write and speak Spanish.

III

Defendants intend to conduct the 1970 Census by mailing questionnaires to a list of households which presumably will include the households in which plaintiffs reside. Three Types of questionnaires will be used, and the Census Bureau intends that every household in the United States will receive one questionnaire. Questionnaire #1, attached hereto as Exhibit "D" will be sent to 80% of the households; Questionnaire #2, attached hereto as Exhibit "E" will be sent to 5% of the households; and Questionnaire 3, attached hereto as Exhibit "F", will be sent to 15% of the households. The selection of which household receives which on the Census Bureau list will receive Questionnaire #2, every 5th household will receive Questionnaire #3, and the remaining households will receive Questionnaire #1.

IV

The members of Seven minority groups will be specifically counted on an individual basis by the Census Bureau. Question #4, which appears on all 3 questionnaires, specifically asks if the individual is white, Negro or Black, Indian (American), Japanese, Chinese, Filipino, Hawaiian, or Korean. This individual count will produce a much more accurate count of members of the ethnic group than the estimate which defendants will use to determine the number of members in plaintiffs' ethnic group.

V

The Census Bureau will instruct plaintiffs and the class they represent to check the box marked "white" in response to question #4. Thus the responses to question #4 will provide no statistics on the ethnic group to which plaintiffs belong.

VI

No other question on Questionnaire #1 provide statistics on the ethnic group to which plaintiffs belong.

VII

Question #13(b), which appears only on Questionnaire #2 asks:

Is this person's origin or descent (Circle appropriate line):

Mexican
Puerto Rican
Cuban
Central or South American
Other Spanish
No, none of these

VIII

Plaintiffs and the class they represent consider their origin or descent to be Mexican-American rather than Mexican. Consequently plaintiffs and the group they represent will check "No, none of these."

IX

No question on any of the three questionnaires, other than question 4 and #13(b) will provide statistics on the ethnic group to which plaintiffs belong. Consequently, question #13(b) is the only census question relating to plaintiff's ethnic group.

X

The Census Bureau intends to estimate the number of persons in plaintiffs' ethnic group by use of a statistical formula based on the results from Question #13(b) which will be answered by only 5% of the households in the United States. This estimate will be inaccurate and will substantially underestimate the number of persons in plaintiffs' ethnic group.

XI

Defendants may use, as they have in the past, a count of "Spanish surnames" as shown on the census questionnaires as an additional method to determine the number of persons in the ethnic group to which plaintiffs belong. As demonstrated by Exhibit "G" attached hereto, this method is grossly inaccurate.

XII

Defendants intended to use the results of the responses to Question #13(b), and the "Spanish surname" method, to prepare an estimate of the number of persons in the ethnic group to which plaintiffs belong. Since seven minority groups will be individually counted (some are larger than plaintiffs' group, some are smaller) this action by defendants constitutes an invidious and arbitrary discrimination against plaintiffs and the class they represent and constitutes a denial of equal protection of the laws guaranteed to plaintiffs by the Due Process clause of the Fifth Amendment to the Constitution of the United States.

XIII

Defendants are receiving Federal financial assistance to take the 1970 Census. Since plaintiffs' ethnic background will not be directly determined, but only estimated, and underestimated, because of their race, color, and/or national origin, defendants are acting in direct violation of 42 U.S.C. § 2000(d) which prohibits discrimination or exclusion from participation in Federal programs on the ground of race, color, or national origin.

XIV

The statistics which will be obtained by the Census Bureau as a result of the 1970 Census will be released to various Federal, state, and local governmental agencies and will be used by such agencies for the next ten years as the basis for allocating funds for voter registration, community action programs, manpower training, employment assistance, Model Cities programs, and dozens of other programs designed to help poor and minority groups. In addition, the Census Bureau will release statistics gained from the 1970 Census to private individuals and foundations who will use these statistics for the next 10 years as the basis for their grants and donations to assist poor and minority groups. Since the ethnic background of plaintiffs and the class they represent will not be directly counted but only estimated while the ethnic backgrounds of other minority groups will be directly counted, plaintiffs and the class they represent will be deprived of valuable grants, donations, and governmental programs solely on the basis of their race, color, and/or national origin. This deprivation is in direct violation of the Due Process clause of the Fifth Amendment to the United States and of 42 U.S.C. § 2000(d).

XV

Plaintiffs and the class they represent will suffer irreparable injury if defendants are allowed to proceed with the 1970 Census as planned. As demonstrated in paragraphs X–XIV, *supra*, plaintiffs will be deprived of valuable rights and the deprivation will last at least until the 1980 Census. Plaintiffs are unable to ascertain the amount of money damages which they will suffer if defendants are allowed to proceed as planned; no adequate remedy at law is available to plaintiffs; and no previous application for the relief sought herein has been made to this or to any other court.

THIRD CAUSE OF ACTION

I

Plaintiffs reallege and incorporate by reference as if fully set forth herein paragraphs I–XV of the Second Cause of Action.

II

The 1970 Census will gather information on housing, employment, education, and income. This information will be inaccurately reported for the ethnic group to which plaintiffs belong because of the inaccurate methods being used by defendants to ascertain the number of persons in the ethnic group to which plaintiffs belong.

III

Since seven ethnic groups will have accurate information relating to housing, employment, education, and income of the members of their ethnic group, the denial of such information to plaintiffs solely on the basis of their race, color, and/or national origin is a violation of 42 U.S.C. § 2000(d) (Discrimination in Federal programs) and the Due Process clause of the Fifth Amendment to the Constitution of the United States.

FOURTH CAUSE OF ACTION

I

Plaintiffs reallege and incorporate by reference as if fully set forth herein paragraphs I–V of the First Cause of Action.

II

Plaintiffs and the class they represent are unable to read, write, or speak the English language; they are able to read and speak the Spanish language.

III

Plaintiffs and the class they represent will receive a 1970 Census questionnaire printed in English. They will be unable to complete this questionnaire; plaintiffs would be able to complete the questionnaire if it were printed in Spanish.

IV

In order to complete the Census questionnaire, plaintiffs will be required to use an interpreter.

V

The 1970 United States Census will include Puetro Rico, a United States possession. Residents of Puerto Rico will have an option of receiving a Census questionnaire printed in English or in Spanish.

VI

Thousands of residents of Puerto Rico who do not speak or read English will receive a 1970 Census questionnaire printed in Spanish and will be able to complete the questionnaire without assistance.

VII

Plaintiffs differ from the residents of Puerto Rico described in paragraphs V only in place of residence, yet plaintiffs are unable to obtain the 1970 Census questionnaire in Spanish.

VIII

As a consequence of the discrimination described in paragraphs V–VI above, plaintiffs will be forced to use an interpreter to complete the Census questionnaire; the use of an interpreter constitutes an invasion of plaintiffs' privacy and introduces an added possiblity of incorrect data reporting.

IX

Place of residence is not rational basis for refusing to give plaintiffs a Census questionnaire printed in Spanish and is a denial to plaintiffs of the equal protection of the laws as guaranteed by the Due Process clause of

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the Fifth Amendment to the Constitution of the United States.

Wherefore plaintiffs pray, on behalf of themselves and on behalf of all members of the class they represent, that this court:

1. Determine this to be a valid class action pursuant to Rule 23 of the Federal Rules of Civil Procedure.

2. Issue preliminary and permanent injunctions enjoining defendants from conducting the 1970 Census as presently planned or in any manner which will exclude plaintiffs and the class they represent from participating in the 1970 Census or which will discriminate against plaintiffs and class solely on the basis of race, color, and/or national origin.

3. Issue a Writ of Mandamus compelling defendants to include the following procedures in the taking of the 1970 Census:

(a) Personal visits by census enumerators to each head of household in the ethnic group to which plaintiffs belong.

(b) Require that census enumerators visiting households in the ethnic group to which plaintiffs belong, be member of that same ethnic group and speak Spanish.

(c) Require that census enumerators who visit households of the ethnic group to which plaintiffs belong ask whether the household prefers to answer the census questionnaire in English or Spanish; and if the response is "Spanish," then require the census enumerator to provide a census questionnaire printed in Spanish.

(d) Include in Question 4, the category "Mexican-American, Mexican, or Chicano."

4. In the alternative to paragraphs 2 and 3 that Writ of Mandamus issue compelling defendants to conduct a special census which will include the safeguards prayed for in paragraphs 2 and 3 of this prayer.

5. Issue preliminary and permanent injunctions enjoining defendants from releasing any statistics gathered from the 1970 Census unless and until plaintiffs and the class they represent are included in such the proper ethnic group, namely "Mexican-American, Mexican, or Chicano," either by revising the 1970 Census or by conducting a special census.

6. Order such other and further relief as the court deem proper and just.

Dated: February 25, 1970.

Legal Aid Society of Alameda County,
Loren Mitchell,
Attorney for Plaintiffs.

XUM

MARYVILLE, MO.: THE ALL AMERICA CITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Missouri (Mr. Hull) is recognized for 10 minutes.

Mr. HULL. Mr. Speaker, the dramatic record of the community of Maryville, Mo., in my congressional district as one of our Nation's most dynamic and progressive rural municipalities has been recognized by Look magazine when that publication awarded Maryville the title of All America City.

Look magazine cited Maryville for "the vigorous action of its citizens in bringing about major improvements in their city, and thus setting an example of good citizenship to the Nation."

The All America Cities Awards are cosponsored by the National Municipal League and Look magazine. Eleven communities in the United States are annually selected for the honor by a jury of distinguished citizens and experts on government impaneled by the league. The All America Cities program is in its 22d year.

Maryville, the county seat of Nodaway County in the Sixth Congressional District, was honored for various innovative approaches to problems which plague many communities in rural America.

Mr. Speaker, under leave to extend my remarks in the Record, I include an article from Look magazine announcing the selection of Maryville as an All America City:

Maryville, Mo.: A "Show Me" Farm Town Warms Up to Progress

The remedies for civic distress bringing Maryville All America recognition ths year are not very different from those of other small towns, but progress here has roused opposition that would have delighted de Tocqueville. In fact, when Dean Maiben, Maryvill's city manager since 1967, was in Philadelphia helping to present the town's case before the National Municipal League jury, almost 900 citizens back home were signing a petition to get rid of him. Reason: The city council had passed his "modern" plan to hire a public-safety director and combine the police and fire departments, and thus avoid higher insurance rates. This upset the proud, tradition-bound volunteer firemen and, along with another council action consolidating street and water divisions, provoked a disgruntled citizen effort to jam on the brakes. The protest failed. John Beeks, the Northwest Missouri State College professor who heads the Maryville Betterment Committee, smiles and says: "We have our 'pool hall' opposition here—a mixture of apathy and carping that naturally goes with talk of change and higher taxes. As we get results, the objectors grow fewer." Another advocate of change and reform is somewhat less charitable, confiding to Look: "I'd hate to think what this town would be like if certain members of the Establishment hadn't died."

A typical dispute in Maryville's tug-of-war for progress is whether to raze the old Nodaway County Courthouse. The hope is to keep customers from fleeing to outlying shopping centers by developing the square for downtown parking and commercial use. The old say no; most younger citizens, yes.

What Maryville proves is that democracy can't work in a vacuum. Take a 120-year-old farm center in the northwest corner of the "Show Me" state. Keep farm income high but cut the number of people who benefit, and increase the number of people on fixed incomes and in substandard housing. Double the enrollment of the local college from 2,500 to 5,000. Throw in the need for 2,000 jobs and vocational training, and you have Maryville (pop. 11,000) in the late 1960's. Mayor Harold Van Sickle, manager of a firm billed as "the world's largest producer of lightning rods," likes Maryville so much he refused a higher paying job in St. Louis. But he is candid about where the action has originated: "So much has been done by people who've adopted Maryville. At one luncheon for a new plant manager, only five natives showed up."

Maryville today has a full calendar of activities that indirectly springs from citizen participation in a 1966 hospital fund drive. Over 1,800 donors gave $450,000, and a new sense of community pride was born. Voluntary street improvements, a workable program for Federal housing and a bond issue for new water and sewage systems soon followed. While other school districts nearby were rejecting new tax levies, Maryville citizens passed a $440,000 bond issue in 1969, obtaining matching state funds for an area vocational program. When the college was caught short of money for two high-rise dormitories, a local bank purchased $600,000 worth of notes at six percent. The 300-member Nodaway Arts Council involves students and townsfolk in projects ranging from group guitar lessons to a high school film workshop.

How does the "opposition" feel about the bustle? Gerald Foster, a hardware dealer whose grandfather served on the city council before him, is cheerful about being in the minority on some issues: "If nobody disagreed, it wouldn't be democracy."

REPRESENTATIVE ASHLEY ADDRESSES NATIONAL HOUSING CONFERENCE HERE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. Gonzalez) is recognized for 10 minutes.

Mr. GONZALEZ. Mr. Speaker, last night I was privileged to attend the National Housing Conference held here in Washington, D.C., as an annual event and which throughout the years has been the occasion of enlightening and productive get-togethers by people intimately involved with the basic problems of housing Americans.

Last night I was privileged to listen to my distinguished colleague from Ohio, the Honorable Thomas Ludlow Ashley, as he addressed the gathering as the principal speaker. Those of us who have had the privilege to serve with "Lud" Ashley on the Banking and Currency Committee and in particular on the Subcommittee on Housing have learned to admire and respect the tremendous integrity and ability of "Lud" Ashley. The remarks made by Representative Ashley were not only appropriate but contained significant statistics and information that I believe we should share with every Member of this House. I therefore include in the Record at this point the remarks of Representative Ashley:

Remarks of Hon. Thomas Ludlow Ashley, Member of Congress to the National Housing Conference, Washington, D.C., March 9, 1970

At a press conference last month, two prominent Republicans, Milton Eisenhower and John Gardner, commented on the inadequacy of President Nixon's new budget by saying: "It is not enough to smile bravely and tighten the belts of the poor."

I think this observation might serve as the text for the first part of my talk this evening which concerns itself with some aspects of the housing crisis about which very little is being said.

We hear a good deal about the general dimensions of the current cutback in housing: that decent shelter is the scarcest since 1950, that new home payments are taking the largest portion of the average paycheck since the depression, that housing starts in the first half of this year will be the lowest since the period following World War II and will continue to drop, that the nation's vacancy rate, now 2.4%, is expected to dip to a 20 year low of 1.6%. Administration spokesmen readily admit that we are confronted with a national emergency in housing but I sometimes wonder if their public statements don't admit the obvious while remaining deliberately silent on the not so obvious.

Secretary Romney, for example, acknowledges that housing is the first victim of a tight money policy and he furnishes the mathematical proof: Net new residential mortgage lending from all purley private sources dropped from an annual rate of $17.5 billion in the last half of 1968 to a rate of only $5.8 billion in the final quarter of last year, accounting for a decline in conventional housing starts of some 44% during 1969, a decline which would have been much worse had it not been for the massive infusion of Federal funds through Fannie Mae and the Home Loan Bank Board.

While it is generally understood and admitted that the operation of market forces during a credit crunch shortchanges the housing industry generally, very little is said about what happens to housing for low and moderate income families in particular.

It's not a pretty picture, to say the least.

Last year there was a total of 1.9 million new housing starts, which included about 180,000 federally assisted units (65,000 of public housing and 115,000 under other HUD and Farmers Home Administration programs), and there were 400,000 mobile homes built and sold. The remaining 1.3 million units were conventional starts having a median price of about $27,000—which is within the reach of fewer than two out of every ten American families.

Pursuing this further, we find that of the total mortgage credit available last year, more than half was allocated to the fewer than 20% of American families having the highest incomes and that virtually no credit whatever was available for two-thirds of our families—numbering some 30 million—having an income of $10,000 or less.

Obviously this maldistribution of mortgage funds is the result of reliance on market forces which respond not to need but solely to ability to pay through the nose.

In my view, this malallocation of credit, which relegates the poor of America to a few thousand units of public housing or to the trailer camp, is the most serious and certainly the most scandalous evidence of a general breakdown in our housing delivery system.

The Administration's response to this situation is illuminating. I recently received a letter from Secretary Romney in which he said: "The tight conditions in the mortgage market and the slump in housing production have led to a sharp increase in recent weeks in the calls for the Government to do something to ease the situation. The more I talk with people about their specific proposals, however, the more I have been impressed with the lack of awareness of how much the Government already is doing." He went on to cite support of the mortgage market by the Federal National Mortgage Association (FNMA) and the Federal Home Loan Bank Board at a level of more than $12 billion a year, and he went on to say that "the steps taken so far are significant, and are a strong testament to the high priority attached to housing, by both the Administration and the Congress."

What Mr. Romney blithely overlooks is that Federal support of the mortgage market at the rate of $12 billion a year offers a unique opportunity to allocate housing funds on the basis of need, and that failure to do so has been largely responsible for the maldistribution of credit which favors the affluent and excludes the less affluent. Also illuminating are the repeated suggestions from the Administration that the responsibility for bringing inflation under control is largely one that falls on the public sector, and only to a considerably lesser extent on the private.

States and local governments are directed by the White House to cut back 75% on Federally assisted public improvements, but no such forebearance is asked of our private sector. In fact, quite the contrary. To finance the unchecked growth of big industry, the money center banks continue to undercut Federal Reserve policy by going to the Euromarket for high cost dollars and by issuing high yield commercial paper.

The result, as I have indicated, is that financing has been available for shopping centers but not for housing; for color television sets but not for sewage treatment facilities.

I agree with the Administration that the exercise of monetary and fiscal restraint are essential to combat inflation but it seems to me we should have learned that other weapons are needed in a more balanced attack on this problem. At the very least, wage-price guidelines should be reinstituted and at least minimum credit controls imposed to effectuate the reordering of our national priorities that we hear so much about.

The present alternative, as pointed out by Messrs. Gardner and Eisenhower, is "to smile bravely and tighten the belts of the poor."

With specific reference to the need to supply a steady flow of housing for low and moderate income families, I think there are several additional points to be made. First is that fewer and fewer American families can afford market housing because the components of the cost of shelter—land, labor, materials and high interest rates—have gone up much more rapidly than the increase in family incomes—and the gap continues to widen. What this means, of course, is that Federal policy is confronted with a choice. We can either allow the combination of mortgage market forces and limited Federal appropriations to limit the production of moderate cost housing until such time as the gap between market housing and average family income is reduced, on the one hand, or we can provide the increased Federal assistance needed to bridge this gap during the intervening period.

Inasmuch as high interest rates—by far the most important component in high cost housing today and the main reason for the widening gap—are the result of deliberate governmental policy, it seems to me that the choice between these alternatives is clear.

Unfortunately, the Administration seems to take a different view. In his recent testimony before our Committee, Secretary Romney said that low and moderate income families is not the area where the shortage of production is occurring.

"I want to stress that point," he said. "It is not the low and moderate income production that is down. That is up. It is the conventional housing that is down . . . in the past subsidized housing starts have represented less than 7% of the annual volume of all starts. Last year they were up to 15%."

According to tables supplied me by HUD on February 3 of this year, total public housing starts in 1968 numbered 59,200 as against 65,500 in 1969. And in 1968 the number of other HUD supported housing units which included only 100 units of 235 and 236 housing, totaled 68,400, as against 93,700 in 1969. What should be clear to Mr. Romney, since these are his own figures, is that HUD assisted housing increased only 25% from 1968 to 1969, a year during which many millions of moderate income families were being completely priced out of the private market.

A second point is that the goal set forth in the Housing Act of 1968 for 26 million new housing units in the next 10 years is widely recognized as having been understated. Most apparent, for the reasons I have just touched on, is that the ratio of 20 million unassisted units as against only 6 million assisted units has completely lost any validity it may have had.

This leads to a third observation, which is that we totally lack any reliable, up-todate means of accurately assessing our housing needs.

If there is any doubt about this, let me refer to a colloquy that took place when Secretary Romney appeared before the House Banking Committee two weeks ago:

"Mr. Ashley. Do we have any idea what today's housing needs are?

"Secretary Romney. Well, look, you had a Douglas Commission that was financed for some time, and you had a Kaiser Commission that was financed for some time, and they made the latest studies and they said they couldn't disagree with the 26 million figure.

"Now, I happen to think the 26 million figure understates it, doesn't overstate it.

"Mr. Ashley. That is for the next 10 years. I wonder what our backlog is today? . . . it should be possible, one would suppose, that the Department of Housing and Urban Development would be able to determine what our current housing needs are. If not, how in the name of the Good Lord are we going to be able to assess what our mortgage credit needs are, which is the purpose of this hearing?

"Secretary Romney. What do you want us to do, go out and canvass every family in the United States and find out what their needs are? Is that what you are talking about, in detail——

"Mr. Ashley. Is that what you did when you manufactured automobiles?

"Secretary Romney. No, and I didn't try to get at figures like you are trying to get at. I had general ideas and I had my estimates and these estimates are just as good as we had for automobiles, and nobody got down to the little picayune fine points you are trying to get at."

And then a few moments later:

"Mr. Ashley. You haven't given me any figures on what our housing needs are today.

"Secretary Romney. I told you that the housing needs of this country are 26 million or more, and that 6 million of them are in the lower income as between now and between 1978."

Now that is what we are working towards on the basis of needs over a 10 year period, as based on the best figures we have got.

Now, if you want to know exactly what the needs are today, then we are going to have to go out and make some surveys that haven't been made.

The point, of course, is that it's impossible for public policy to be responsive to national need if there is neither the means nor the inclination of assessing the dimensions of that need.

A final point I would like to stress tonight is the need for a national urban growth policy.

Today's urban crisis, in my view, is essentially the product of the unplanned patterns that our urban growth has taken, particularly in recent decades. A pronounced shift in the location of urban growth has taken place, and the concomitant process of industrial and commercial decentralization has had a transforming impact on the distribution of opportunities and rewards within urban areas.

Between 1950 and 1966, for example, the population of the nation's central cities increased by 7.5 million people. During the same period, the population of their suburban rings increased by 36.5 million people, so that by 1966, more Americans lived outside, in our suburban configurations, than inside central cities.

The nation's suburbs are also where 80% of the new jobs have been created during the past two decades, with central cities failing to win a significant share of new urban employment and in many cases experiencing a new outflow of jobs.

We know, too, that this decentralization has not been uniform. It is the white population that has benefited from the availability of jobs and housing opportunities, with the result that by 1966 only 42% of urban whites lived in central cities, as against 82% of all urban non-whites.

Still more significant, as an indication of recent demographic trends, is the fact that between 1960 and 1966, 100% of the urban white population gain of 10.1 million took place in the suburbs, while 90% of the nonwhite population gain of 2.7 million during the same period took place in central cities.

Clearly these remarkable population shifts have resulted in unbalanced population distribution in our metropolitan areas and offers one reason for the maldistribution of mortgage credit mentioned earlier.

If we are to accommodate America's urban growth in this last generation of the century, we must mount a three-pronged attack. First, we must allow existing cities to rebuild and reorganize so that, at the very minimum, they are livable. Second, we must rationalize suburban growth through community planning and design. Third, we must build new cities and strengthen smaller communities having demonstrated growth potential.

The need for these strategies is clear but in the absence of a coherent, comprehensive growth policy, the only apparent alternative is to proceed—as indeed we are—on the basis of uncertain and usually faulty assumptions, inadequate planning, and a spectrum of overlapping and often conflicting programs which together do little more than assure perpetuation of past growth patterns which have spawned the very problems we're now trying to solve.

Happily, there is reason for at least limited optimism. In his State of the Union Message, the President called for a national urban growth policy and I expect the Congress to respond. For the past 3 months a bill has been in the drafting process which I hope to introduce to establish a policy framework for a coherent, planned growth process designed to assure a wide range of participation, public as well as private, in new community development.

Primary responsibility for establishing a national urban growth policy perforce must rest with the Federal government. The actual mechanisms, however, must come from the States for implementation of such a policy.

As an alternative to private development, we certainly should be able to establish public development corporations with the power of eminent domain which will be able to acquire raw land, put in the infra-structure and prepare a development plan for a satellite or new suburban community, a free standing new town, or a new-town-in-town. Such a development corporation should be able to sell or lease the land to private developers who would agree to develop in accordance with the plan. This will have the benefit of providing builders with sites at nonspeculative prices with the assurance that development will be taking place on the basis of comprehensive planning and improved land use.

In short, the emphasis—as Bill Slayton has pointed out—should be on public determination of where growth should take place and the use of public instruments to encourage such development. This approach will offer the availability of housing for all income groups and, in my view, is absolutely essential if we are to break the present patterns of economic and racial segregation.

In my view, it is only through the development of an evolving national growth strategy that a living environment of quality can be achieved for ourselves and future generations that are to follow. It not only deserves but requires our total commitment.

INSURANCE AGAINST INSURANCE COMPANIES

(Mr. PODELL asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. PODELL. Mr. Speaker, I am proud to have introduced the Federal Guarantee Corporation Act during the last session of Congress. If passed, its provisions would go far toward eliminating some of the abuses suffered by the purchaser of insurance. The bill provides for the creation of a fund to reimburse the policyholders whose insurance companies have become insolvent.

The creation of such a Guarantee Corporation would be an important first step toward protecting the purchaser. Yet, in recent months, other problems with insurance have come to my attention, and I would like to share my ideas with you.

How many times have individual policyholders called up their insurance companies to report a claim, only to be told they are "not covered" for the loss or the injury? The individual who has been paying high insurance premiums for years suddenly finds himself without the proper insurance to cover his particular claim.

As provided in the Bill of Rights, the individual accused of a crime is told of his rights. He is told that he does not have to testify against himself; he is informed of his right to legal counsel.

The consumer has no comparable rights. He is often informed of his rights after he has been wronged. After being charged what the market will bear in premiums, he then does not receive the services for which he thought he was paying.

Insurance policies are usually couched in language to confound and confuse the policyholder. Obscurity and small print reach new heights—or depths—in many contracts. Insurance companies seem to speak in a secret language known only to those who are a member of the fraternity. The consumer finds himself alone when it is time to challenge these companies. Is there any insurance to cover insurance company abuses?

If an individual's safe is robbed and he has an insurance policy covering burglary, why is it only after he is robbed that he is told he lacks safe insurance?

If a thief enters, hides in a home, and then breaks out after committing a crime, what should the policyholder do after being told he is covered for breaking in—but not for breaking out—and has no claim?

If one is "in good hands" when one does not have a claim, why must the "squeeze" be put on when the individual has a claim?

I am calling for a new policy by insurance companies, and if necessary, legislation by the Congress. I am asking for a policy of letting the purchaser of insurance know what he is covered for, when he first buys his policy.

I am requesting that the purchaser of insurance be informed of his rights under a particular policy—which contingencies are covered and which are not. The purchaser could not then claim he was unaware of the limits of his policy, and the insurance company could not spring the "not covered" excuse.

Let us, once and for all, put an end to the need to insure the individual against the insurance company.

ROGERS SAYS U.N. TAX ON UNITED STATES IS PREPOSTEROUS

(Mr. ROGERS of Florida asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ROGERS of Florida. Mr. Speaker, at a time when all Americans are concerned over the rising cost of living and taxes, I find it astounding that we are now hearing about an international tax proposed by the United Nations.

Although the United Nations has done little to fulfill its original concept as a world peacemaker, it now has suggested that it should start collecting taxes from individual nation-states.

I find it hard to believe that such a proposal could be made and the idea of the United Nations taxing Americans for television sets and boats is preposterous.

I include in the RECORD at this time a column by William A. Mullen, editor of the Pompano Beach Sun-Sentinel, who states the situation very well. I certainly agree with Mr. Mullen that the whole idea is ridiculous.

The column follows:

U.N. GLOBAL SALES TAX AIMS AT U.S. WALLETS

(By William A. Mullen)

Perhaps it is par for the course, but the United Nations has under consideration the most ridiculous proposition yet since its inception in 1945, ostensibly to preserve the peace of the world.

Doing anything but keeping the world in peaceful harmony, the U.N. now thinks about a means of soaking the rich to support the poor.

All hell can be breaking loose in the Middle East; the war in Southeast Asia may be spreading to Laos, perhaps from there to Thailand; civilized nations such as Rhodesia and South Africa may be condemned for doing what they think is necessary for their preservation, and the war in Vietnam may go on and on because Hanoi and the Viet Cong are busier with propaganda than peace in Paris, but the United Nations is preoccupied with a plan.

What the U.N. has in mind, conveniently overlooking its responsibilities as intervenor for world peace, is a plan to redistribute a goodly chunk of the world's wealth, taking from the prospering nations to give to the indolent or the insouciant.

The scheme is a proposed global sales tax on "luxury" items, such as automobiles, airplanes, dishwashers, TV sets, washing machines, refrigerators, pleasure boats, and so on.

Monies derived from these tax sources would be channeled through the U.N. to any agency approved by the General Assembly and designated by the tax collecting nation.

Making the recommendation is the Preparatory Committee for Development Planning, which sees the global sales tax as a "world solidarity contribution" that would involve the common man everywhere in "endeavors to solve the formidable problems faced by the poor and handicapped nations."

As usually is the case with plans to redistribute the wealth, the U.N. group blithely ignores realities, such as if underdeveloped nations are granted generous handouts to improve their standard of living, they are going to be less and less concerned with self progress, as long as the money rolls in.

Worse still, are the hard realities of the redistribution proposition.

For one, the nature of the items to be

taxed at their purchase price indicates that the proposed levy would be directed mainly at the United States, which already pays some 40 per cent of financing that international debating society otherwise known as the United Nations.

In automobiles, for example, the U.S. outproduces Japan and West Germany, its closest rivals, by some five to one, and at that, a large percentage of the Japanese and German sales are within the U.S. So that means on this product alone, the U.S. would be paying the lion's share of a global sales tax.

And who else comes even close to the U.S. on dishwashers, washing machines, air conditioners, private planes, TV sets, pleasure boats, etc.?

Surely the Soviet Union and the remainder of the Communist bloc would pay one-hundredth of the percentage that would be drained from Americans through a sales tax on purchases on which federal excise and local sales taxes already would have been paid.

This gross unfairness is one aspect.

The other is the incursion of taxing authority sought by the U.N. proposition, one-sided as it is. If the U.N. can palm off a global sales tax to redistribute as it see fit, then it can go on to a per capita tax, and income tax, or any other form of impost that could contribute toward bleeding our economy and hastening the bankruptcy the envious and the inefficient nations so anxiously await.

The U.N. may assume for itself the authorities to propose and to dispose, but the United States must insist upon its prerogative to oppose. Otherwise, what our future might be, we can only suppose.

ROGERS POINTS TO BACKSLIDE IN HEALTH SERVICES

(Mr. ROGERS of Florida asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. ROGERS of Florida. Mr. Speaker, there has been much talk in the medical and health communities about the crisis that now exists in America concerning health and health services.

It is becoming more and more evident that something drastic and innovative must be done to stop this Nation's backslide into second-rate health service for its citizens.

There has been great concern among many that socialized medicine will be the end result unless something is done very quickly. This will require a joint effort on the part of Government and from the private sector.

Dr. H. Phillip Hampton of Tampa, Fla., recently spoke on the issue of the health crisis and I include his comments in the Record at this time.

I would particularly like to point to the section of the speech in which Dr. Hampton talks of the creation of an American medical communications and electronics network to utilize the capabilities of technology and computers in helping meet our manpower shortage. At the same time such a network would spread medical knowledge over a greater range and allow us to better utilize what information we have on individual patients.

Dr. Hampton warns that if the private sector does not act soon, we will see the Federal Government become more and more involved in health care to the point of a national medical program. I share Dr. Hampton's concern and would ask that my colleagues give this fine speech their consideration.

The address referred to follows:

Peer Utilization Review and the Crisis in Health Care

(By H. Phillip Hampton, M.D., Tampa, Fla.)

During 1970, Congress will be considering recommendations of the Health Cost Effectiveness proposals for changes in Titles XVIII and XIX of the Social Security Law (Medicare-Medicaid) in an attempt to solve some of the problems which the President has called a "Crisis in Health Care."

The rapidly mounting problems in the financing, delivery and utilization of medical care require prompt and effective action by the medical profession to find logical ways of solving them if we are to avoid more government control.

The financial aspects of the health care crisis are presented in the following three charts (not reproduced in the Record):

Chart I—since 1950 national personal health care expenditures have increased from $11.1 billion in 1950 to $49.8 billion in 1968 averaging increases of over five billion dollars annually since 1965. The color sectioned bars indicate the amount of funds from the four sources—private postpayment, private prepayment, public and philanthropy.

Chart II—since 1950 the three major methods of financing health care have demonstrated distinct trends characterized by a steady decline in private post-payment (out of pocket), an appreciable gain in private prepayment (health insurance) to 1965 and then a relative decrease as public expenditures (tax funds) rapidly increased.

Chart III—in fiscal year 1970 it is estimated the national personal health care expenditures will be $63.7 billion with 40% from public (tax) sources, approaching a $10 billion dollar increase over the previous year.

Government agency supervision and auditing are required for public expenditures and detailed guidelines for state agency utilization review of all elements of health care have been prepared by the Department of Health, Education and Welfare. If present financing trends continue, a tax supported government supervised health care delivery system inevitably will result within the decade of the 70's and physicians will be providing medical care under strict government control. This is the *danger* of the Crisis in Health Care.

The *question* of the crisis: Are the rapidly increasing expenditures for personal health care generated by the demand for modern health services, providing for the delivery of medical care to the entire population with the efficiency needed to achieve maximum effectiveness?

The *opportunity* of the health care crisis is to apply available knowledge and technology to improve the management and delivery of modern health care in the private sector.

In our society and form of government, personal services are more appropriately and efficiently delivered by the private sector. The method of financing most compatible with the private health care delivery system is a combination of voluntary health insurance and private postpayment.

After three years of study the American Medical Association Board of Trustees Committee on Health Care Financing concluded that in order for voluntary health insurance to finance tomorrow's health expenditures to the maximum of its ability we must develop:

1. Improved methods of financing prepayment (tax credits).
2. More efficient administration (community service agents).
3. More effective utilization (peer utilization review).

Improved methods of financing prepayment voluntary health insurance will require congressional action such as the tax credit proposal of the American Medical Association now under consideration by the Congress. But more efficient administration of health insurance and more effective utilization requires cooperative action by the medical profession and health insurors.

The obligation for organized medicine to supervise effectively the quality, adequate delivery and efficient utilization of medical care is readily apparent. The health care crisis has emphasized the urgent need for positive demonstration of methods by which these responsibilities can be fulfilled before there can be serious consideration of tax credits to aid in financing health insurance or indeed for voluntary health insurance to survive.

Therefore, it is action in this area now that will influence subsequent congressional legislation concerning the financing and delivery of health care and determine whether it will be public or private.

As a demonstration of positive action the Florida Medical Foundation has undertaken a project to create a model of a "Fourth Party" to aid the first, second and third parties (patient, physician and financing agent) in achieving the best possible medical care with the knowledge and resources available and promote methods to improve efficient delivery of health care.

An immediate objective of the fourth party must be the application of modern computer technology in transmitting and analysing the details of patient-physician encounters.

The multiple current efforts in this field should be coordinated and improved if this technology is to be used to full advantage in the near future. Therefore, as one element of the fourth party, we have created an American Medical Communications and Electronics Network, a non-profit corporation, to marshall the best in computer capabilities and develop programs to serve the patient, physician, and third party payers by means of community service agents under the guidance of state and county medical associations.

AMCEN would lease communication and electronic facilities and promote the development of programs to be made available through community service agents cooperating with medical associations to aid the physician in his medical practice.

Physicians would transimt the details of his patient encounters daily to the community service agents (CSA) who would provide by means of electronic data processing, current reports for the third party payer enabling proper payment to the patient or physician as indicated.

In addition the physician would receive a daily detailed account of his practice and periodic accumulated summaries. The patient would receive statements concerning his health care and aid in deriving the benefits of his health insurance.

AMCEN trained representatives would aid medical associations in developing services to physicians designed to improve the efficiency of his medical practice management and delivery through the use of modern communication and electronic technology.

AMCEN would develop agreements between medical associations and appropriate private organizations to create a network of communications and electronic services best designed to serve the physician in the delivery of health care.

Technical aid to medical associations would be provided in their performance of peer utilization review. Additional modules of service to the private physician in group or solo practice could be added to the electronic communications network as new techniques and systems are developed.

The assistance and executive action of an organization such as AMCEN is urgently needed in order for medical associations to accomplish the task of monitoring and improving the availability of health care that will be required if the delivery of health care services is to remain in the private sector.

I believe we still have time to demonstrate methods by which the private medical sector can provide for the health care of the entire population better than any government supervised tax supported medical program. I am convinced that the service of a conscientious well-trained private physician is the best buy on the market but to survive the environment of today he must maximize his time and efforts in order to fulfill the responsibility of making adequate health care available to all who need it.

INFLATION IS THE ISSUE

(Mr. FINDLEY asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter).

Mr. FINDLEY. Mr. Speaker, it is my privilege to meet several times a year with representatives of the various farm organizations.

Last week it was my privilege to meet with a group of 13 farmers from my district who were representing the views of the Farm Bureau. We talked about the full range of farm problems for more than 2 hours over lunch with particular emphasis on the need for a new farm program. Just before the meeting adjourned, a 30-year-old farmer from Hancock County, Ill., asked to speak.

I was so impressed by the statement he made and how precisely he identified the real issue we should all keep uppermost in our minds, that I made note of his statement following the meeting.

The young man—Don Rings, Burnside, Ill.—has been a farmer since he was 21. He reflected in his statement the positive and farsighted thinking that many farmers feel.

His statement sums up the greatest domestic issue of today, inflation. At the same time it shows that many people recognize that the entire answer to the problem cannot be found in the Federal Government. Don Rings recognizes that as individual citizens we all have a part to play in curbing inflation, in tightening our belts and doing our share to help return our Nation to a sound fiscal position.

Here is Mr. Rings' straight-from-the-heart statement:

Statement of Don Rings, Burnside, Ill.

A young Hancock County farmer in Washington recently said, "We're here to talk about farm legislation and how we can get the changes we want made, but we've got all kinds of problems we could talk about. We've already mentioned school milk, and ACP payments, and feed grains program payments, but there's something much more important to me than these. We can talk about these and we should, but I've got two young boys at home, age 5 and 7, that cause me to be concerned about something else much more important—it's inflation.

When I look at what's happened since I started farming nine years ago and see what's going on in the country, I look to the future for my two boys and it scares me to think of what they face. I don't know what kind of a chance they have in doing anything—going to school, getting a job, starting to farm or buy a home—if this inflation continues.

We talk about government spending for things that aren't needed and we need to take a closer look at ourselves. We *could* sell our milk if the school milk program was stopped if we wanted to. Many miles of terraces would *still* be built and we'd *buy* lime for our farms if the ACP payments were cut out. I think all of us would. We're as guilty of contributing to inflation as anyone and it's time we realize this. I know I sure do when I think of the future for my boys. That's the most important issue—what are we going to leave for our kids to live with and what chance will they have to make a go of it if we let this inflation continue."

TRUTH IN LENDING

(Mr. FINDLEY asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. FINDLEY. Mr. Speaker, agriculture has made tremendous strides in productivity over the years, and today the total assets of farming exceed $300 billion. This is more than 2½ times the combined assets of the 10 largest U.S. corporations.

Like any other business, commercial farms need large sums of credit at times to continue the efficient operation. The Truth-in-Lending Act, which was intended to deal with household and personal loans, unwisely now includes agriculture in its provisions. This is causing delay and burdensome detail for farmers as they seek credit for their operations.

Farmers are businessmen and they therefore should be entitled to business exemption from the law. The act fails to make a distinction between farmers as heads of households and farmers as heads of businesses. This discrimination ought to be removed so farmers can receive similar credit considerations as businessmen in town.

I am introducing today a bill to eliminate this discrepancy from the truth-in-lending law and to exclude from the law loans for agricultural purposes. Loans for farm business uses are made on a very personal nature with the farmer sitting down with his lending agent representative and discussing his need for credit and his plans to use it.

While my bill will place farmers in the same situation as nonfarmer businessmen regarding this legislation, it should be made clear that loans which my bill seeks to remove from the provisions of the law are only those for carrying on the business of farming and ranching. There is no intention on my part to remove from the act loans by farmers obtained for personal, household, or family purposes.

KEEP THE CONSULATE IN RHODESIA

(Mr. FINDLEY asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. FINDLEY. Mr. Speaker, today I have asked Secretary of State Rogers to reconsider the decision of the administration under which the consulate in Rhodesia has been closed.

While the desire of our Government to cooperate in policies affecting Great Britain is understandable and commendable, the Rhodesian decision, on balance, strikes me as against the interests of the United States.

Consular services are a convenience to U.S. citizens in Rhodesia, including many missionaries. Just yesterday I received a letter from a Methodist bishop, citing from his personal firsthand experience the value to Methodist missionaries in Rhodesia of the consulate and urging that it be kept open.

Closing the consulate certainly will have no measurable impact on the economy of that country or the stability of its Government.

Our Government of course does not wish, in any sense, to give endorsement or encouragement to apartheid. Certainly, I do not. Such is entirely repugnant to our traditions and ideals. But diplomatic relations, particularly, at the consular level, cannot reasonably be construed as complimentary.

It was a British Prime Minister, Winston Churchill, who once argued that diplomatic relations do not confer a compliment but instead secure a convenience. Furthermore, it is a widely accepted principle that consular relations do not imply diplomatic recognition.

It is incongruous that our Government should sever all communications with a friendly nation which has an elected government at a time when we swiftly accord recognition to regimes which win power entirely by intrigue and when we seek—wisely, I think—to establish regular diplomatic communication with Communist China.

THE HOUSING INDUSTRY IS IN A DEPRESSION

(Mr. McCORMACK (at the request of Mr. Albert) was granted permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. McCORMACK. Mr. Speaker, the housing industry is in a depression. This has been conceded by Paul McCracken, Chairman of the President's Council of Economic Advisers. During the past year, housing starts have plummeted by some 40 percent. No relief is in sight for the months ahead. Quite to the contrary, new building permits in January declined 23 percent from the previous month, the sharpest drop on record. Housing analysts agree that this permits report points to a further worsening of housing construction in the future.

The seriousness of the plight in which the homebuilding industry finds itself cannot be overemphasized. The impact of new residential construction is a major force in and spreads throughout the entire American economic structure. Each new home built provides about 2 man-years of employment, half offsite, half onsite. Last year, housing provided approximately 3 million jobs. In addition, what the economists call the multiplier effect of such expenditures is also enormous. For example, it has been calculated that the multiplier effect of construction activity as it spreads through the economy in economic terms is about double the direct dollar expenditures. The thousands of products used in new dwellings come from every area of the country and affect virtually every industry.

The difference between the 1,878,000 annual rate of housing starts in January of 1969 and the 1,166,000 annual rate for January 1970 means the loss of $8.5 billion in direct construction expenditures. It also means the loss of 1.5 million man-years of work, half of it onsite and half of it in materials production. This loss of some 700,000 houses, by way of example, means the loss of a market for 890,000 bathtubs, 511,000 furnaces, 224,000 garbage disposal units, 7 million kitchen cabinets, 8.4 million doors, 1.4 million tons of steel, and 66 billion pounds of cement.

Every reliable economic indicator now gives evidence that the country is slipping into an economic recession. We are thus witnessing an unfortunate replay of what happened to this Nation's economy during the 1950's. In 1957 the Republican administration, as has been the case during the past year, pursued economic policies which crippled the housing industry. The sickness in housing then spread like a virus through the entire economy. The result was the 1958 recession when unemployment reached 7 percent, our highest post-World War II level. So great was the economic slump that year that Government revenues were drastically reduced, resulting in a $13 billion deficit for fiscal year 1959. Unless action is taken and taken immediately by the President, I fear a similar economic catastrophe awaits this country.

While the executive branch has blithely presided over the strangulation of the homebuilding industry, the 91st Congress by way of contrast has striven to bring some measure of relief to this beleaguered industry. Last year's housing legislation, approved by the House, 339 to 9, contained a provision which makes available $2 billion to the Government National Mortgage Association to purchase FHA and VA mortgages on low-cost housing. The release of these funds would provide over 100,000 units of new housing to those most acutely in need of shelter, low- and moderate-income families. The President, however, refuses to utilize these funds. The Congress also in Public Law 91–151 granted the President authority to impose selective credit controls. The utilization of this authority would permit the channeling of available credit into those activities which national policy requires, such as low- and moderate-income housing. Other forms of credit, such as commercial paper, which are far more inflationary, could be sharply curtailed and thus reduce inflationary pressures. Although this measure received the near-unanimous approval of the House, 358 to 4, the President in signing the legislation declared he would never exercise the authority to establish credit controls.

I beseech the President in the interest of restoring national prosperity to abandon his stubborn refusal to utilize the tools which we have given him.

The administration's housing policy has as one of its chief victims our returning veterans. The administration's tight money policy denies them the opportunity to take advantage of the VA home loan program which the Congress has established. To rectify this situation the Committee on Veterans' Affairs has reported out H.R. 9476 which would authorize the investment of $5 billion of the veterans' own insurance moneys in the national service life insurance fund in VA mortgages. There is not a dime of Government money involved. This measure has received the endorsement of all veterans' organizations and enjoys widespread support from all elements of the housing industry. Opposition is confined to the Treasury Department. Apparently, largely at the behest of the administration, five of the 11 Republican members of the Veterans' Affairs Committee have filed a minority report in opposition to the measure. The opposition of the Republican administration to this worthwhile proposal I find inexplicable. Secretary of Housing and Urban Development Romney on the one hand speaks of requiring private trust funds to invest a certain portion of their moneys in mortgages. Yet the Treasury on the other hand condemns and resists efforts to do the identical same thing with the NSLI trust fund. Veterans would be two-way beneficiaries of H.R. 9476. First, over 250,000 additional homes would be provided for veterans. Secondly, the fund, now a captive market for Government bonds yielding a submarket 3.9 percent, would experience a return of 7½ percent, the VA mortgage rate of 8½ percent less 1 percent administration fee, on the $5 billion invested in mortgages.

Personally, I am wholeheartedly in accord with the objectives of this legislation and I pledge the full and unqualified support of the House Democratic leadership on behalf of its passage.

OUR FRIENDSHIP WITH SOUTH KOREA

(Mr. ALBERT asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. ALBERT. Mr. Speaker, even though it has been some 18 years since the end of the Korean war, strong ties still remain between our country and South Korea. No other nation is friendlier to the United States. More than any other country her sons have fought with our own troops in Vietnam.

About a year ago, it was my honor to accompany a delegation of Members of the House to South Korea on an interparliamentary exchange with the Korean National Assembly. A return visit, headed by the Vice Speaker, the Honorable Kyung Soon Chang, was paid us during the summer.

I am happy that the friendship which the Korean people have for the United States knows no party lines. Their political differences relate only to domestic matters.

Recently I was honored by a visit from the Honorable Hyung Moon Koh, National Assemblyman, and secretary general of the opposition's party, the New Democratic Party. He gave assurances of a united South Korea in the area of his country's relations with the United States. Today I had another distinguished Korean visitor, the Honorable Choong Han Park. He was one of those who participated in organizing the Korean Democratic Party out of which the National Democratic Party grew. He has had a very interesting life during which he has had close ties with the United States. He is a graduate of Union Seminary in New York and of the Japan Law School in Tokyo. He was arrested December 7, 1941, by the Japanese because he was pro-American. He has been a Member of the National Assembly and a Provincial Governor. Presently he is living in Los Angeles where he is writing for Korean newspapers in that part of America. He is also author of a new book called "From the Moon Country," which is soon to be published in Korea and will later be translated into English. This book is an effort to make it possible for Korean people to have a better understanding of the American people and our institutions and way of life.

Mr. Speaker, I have been impressed again and again by Korean visitors to our country whose only desire is to bridge the gap across the wide Pacific between our peoples. I am convinced, Mr. Speaker, that we have a friend in the little country which is called South Korea.

THE VICE PRESIDENT SPEAKS ON PRESIDENT NIXON'S "WORKFARE" PROGRAM

(Mr. GERALD R. FORD asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. GERALD R. FORD. Mr. Speaker, last night Vice President Spiro T. Agnew addressed the Order of Ahepa at its 19th national congressional banquet here in Washington. I was most impressed with the Vice President's speech. It was an eloquent appeal for support of President Nixon's "workfare" program, his program to replace the welfare system with a work incentive plan. As the Vice President pointed out, our present welfare system is nothing short of a scandal since it robs human beings of their dignity and tends to break up families. The new workfare program, the Vice President stressed, will give a man self-respect by giving him a chance. It establishes the principle that it pays to work. As I have often described it, it gives a man a hand up instead of a handout. I recommend to all of my colleagues in the House a reading of the Vice President's comments on the workfare program and the dignity of work.

The speech follows:

Address by the Vice President at the 19th National Congressional Banquet, Order of Ahepa, Washington, D.C., March 9, 1970

Whenever I speak to my brother Ahepans, I am reminded of one of the chores my father assigned me to do when I was a boy. As you know, he was once Secretary of the Worthington Chapter of Ahepa, in Baltimore. It was my job to help fold the meeting notices and address and stuff the envelopes.

Later on, in my teens, when he was President and then District Governor, I would help him write his speeches. He liked to speak of his pride in his Hellenic heritage, and of his pride and delight in being an American in a century when the great democratic principles laid down in ancient Greece were best expressed in this land of opportunity.

His speeches were never covered by television, but television hadn't been invented yet so I can't complain about that. At least he had one critic—my mother—but she was also his biggest fan.

One central point that he would make in

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those speeches that we worked on together has a special relevance to what I would like to talk to you about tonight.

He spoke of a "spirit of community" that existed within the Americans of Greek descent, and his life reflected a powerful example of that spirit.

Like so many others, my father lost all he had in the Depression. He went to work hauling vegetables, starting at 3:00 a.m. most mornings, to restaurants and food stores in the Baltimore area. He went into competition with the big suppliers of vegetables, who were able to offer better and faster service than he could offer. But he found customers, because of that spirit of community. These customers were men who were willing to give up the convenience the big suppliers had to offer, because in those hard times they were anxious to help a small supplier get started, to earn a living.

The men who ran the restaurants who bought those vegetables understood something about human dignity. They were not giving a man charity, they were giving a man a chance—and it was a charitable spirit that moved them to endure whatever inconvenience it cost, it was the kind of charity that never demeaned the recipient. And of course, when my father got back on his feet financially, he made sure that the help he gave others was the kind of help that enhanced rather than destroyed a man's self-respect.

That brings me to my subject tonight. Quite frankly, I want to enlist your help in a cause—a cause central to our desire to set this nation on a new path toward greater dignity of the individual.

You may have read recently that the House Ways and Means Committee overwhelmingly approved this Administration's Family Assistance Plan. That plan was designed by President Nixon to end the scandal that has been the welfare system in this country. I say "scandal" advisedly.

The way our welfare system encourages idleness is a scandal. The way our welfare system actually breaks up families is a scandal. The way our welfare system robs human beings of their dignity—binding succeeding generations in a lifetime of despair—is the worst scandal of all.

The President was determined to end that scandal, to reform a system that failed the taxpayer, insulted the working poor and placed people on a treadmill of dependency.

We call the new plan "workfare," rather than welfare, because it encourages people to work.

Under the old system, a poor man who is working can look across the street at a family on welfare getting more for not working than he makes at his job. In bureaucratic language, the rage that he feels is called a "disincentive"—in plain English, it is an open invitation for him to quit work and live on welfare. If a man can make more for his family on welfare than he can make working, you can bet that many men will quit work, sit back and watch the soap operas on television all day.

With workfare, the "disincentive" is removed. A family with a working member will always get more than a family without a working member. Work will always be rewarded, which—let's face it—is why most people go to work.

Under the old system, every dollar you earned was subtracted from your welfare payments. This is 100% taxation, and the social planners who dreamed this up forgot that a profit motive is a powerful thing. But under our system, you keep 50 cents out of every dollar you earn as you work your way out of poverty, and a welfare recipient who goes to work is better off than one who does not. It didn't take a genius to figure this out—which makes you wonder why it hasn't been suggested before.

Now, to put a program like this into operation, we are going to have to put a lot of people who are "working poor"—people who are struggling to get themselves out of poverty—onto the welfare rolls. We are proposing to add to their incomes to establish the basic principle that "it pays to work."

Here is where we run into opposition from some people who—quite properly—are concerned about adding to the welfare rolls and adding to the amount of money the government spends on welfare.

But this is what I say to those who are concerned about the extra cost:

Every businessman knows what "start-up costs" are. They are an investment made now to save money later. That is what this workfare program does—it invests in modernization, and we will reap the profits in dollars and in human dignity later.

First, the addition of the working poor to the list of those who receive benefits lays down the principle that it pays to work, that work is rewarded in America, that it is in your own self-interest to get a job. This is a principle that is enormously valuable to American society, and it is well worth the cost all by itself.

Second, look at the people it helps. It helps the man who is not looking for a handout, but who is trying to make ends meet by himself, and who just cannot quite make it. These are the proudest poor, the people who are striving in the best American tradition. This offers a boost to the man who is already trying to climb, and we all know that there can be no better investment toward ultimate independency and self-reliance.

Third, we have introduced—at long last—a work requirement into the welfare system. Every single able-bodied adult—who doesn't have pre-school children or sick adults to care for at home—would be required to register with the Secretary of Labor for work or work training.

Fourth, we are bolstering this family assistance plan with a whole new approach to manpower training—one that does not cost more money, but will deliver more jobs. For example, in cities all across the country, we are introducing a computerized job bank—a modern way of matching available jobs to men with the training to handle those jobs. And we are adding to our day-care center facilities, to make it possible for more welfare mothers to go to work while their children get good supervision.

And fifth, our program will surely save money in the long run. Within the next four years, if the old system were to be allowed to mushroom the way it has been, the cost to the taxpayer would be more than a billion dollars more than our family assistance plan—with none of the incentives toward work.

Those are some of the sound, sensible reasons that the Ways and Means Committee decided that our plan for welfare reform—for "workfare"—was worthy of support.

So when you hear someone say "The Nixon proposal will add two million families to the welfare rolls"—see it in perspective. It is the only way to stop the downhill slide toward a Welfare State—by rewarding the poor who are willing to work.

And when you hear the charge "it's going to cost over four billion dollars"—remember the cost of what the present system would be, if allowed to continue to balloon. We have to pay the start-up costs—the turnaround costs—if we are to start to get people moving off welfare rolls and onto payrolls.

Why am I making this case to the people here in this room? Because I know you understand, as well as anybody in this world, the "spirit of community"—the need to help somebody help himself. Especially in the face of the permissiveness that afflicts so much of our society, you understand the importance of building self-respect, self-reliance, the dignity that comes from the dollar that is earned.

And there is a second reason. To put it buntly, Greeks love to talk politics, and to take part in politics. We are born activists—and we know the difference between an activist and an agitator. Your help now, your active support of welfare reform is urgently needed. I don't have to tell you how to mobilize your support, or how to spread the word that it is welfare reform now or handouts forever.

In receiving your Socratic Award tonight, it is fitting to recall a point made by Socrates at the end of his life. As he lay dying, his last words were reported to be about a debt that he owed—he wanted to make sure that a man who had given him some food would be repaid.

In the same way, we all have debts to repay to our fellow men, in return for the opportunity our society has given us. To the helpless, we owe sustenance; to the able-bodied, we owe opportunity and training.

As we repay that debt, let us never forget what the dignity of work can do for a human being.

One reason the silent majority is so silent is this: They're too busy working to make a lot of noise.

All too often today, we see some young people—by no means all, but some—who take refuge in postgraduate study not to get a better education, not to prepare themselves for productive lives, not even to evade the draft—but to avoid going to work.

We see some welfare rights organizations denouncing our family assistance plan, not because it doesn't help the helpless, but because it requires able-bodied people to go to work.

We see some employees arriving at work in the morning with their minds fixed on the coffee break; we see people starting their careers with one goal in mind—early retirement; we see some union leaders promising their membership a golden era of a twenty-hour week.

I submit that the people with a phobia about working are missing one of the great satisfactions of life. The quality of life will not be determined by how much time off we have, it will be determined by the quality of the work we do.

Certainly, a menial job with no future, a dead-end job, would depress anybody and direct him away from work. That is why we, as a nation, must open up opportunities for people to fulfill themselves to the extent of their potential.

And that is why this Administration is guided by what could be termed a work-ethic.

We refuse to accept the kind of sustained unemployment that existed in the first five years of the Sixties—which, many people forget, ran close to an average of 6%.

We refuse to accept a manpower training program that trains people for dead-end jobs, creating resentment and discontent.

We refuse to accept a welfare program that penalizes the worker and tempts him to quit.

And we refuse to permit some unions to ration opportunity, as if it belonged to them alone—because opportunity in America is everybody's birthright.

To the able-bodied person who says "the world owes me a living," we say: Mister, you're wrong.

But to the person willing to work who says "this nation owes me a chance," we say: Friend, you're right.

That's the work ethic that guides the leaders of this country today. It does not make government the "employer of last resort," providing meaningless make-work jobs; it does make government responsible for enforcing equal opportunity, for ending discrimination based on race or sex or any other unfair basis, and for managing our economic affairs in a way that permits solid growth without inflation.

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We owe it to ourselves, and we owe it to our children, to reinstill this work ethic that builds a nation and builds a man's character.

This is no impossible dream. On the contrary, this is the American Dream, and it is up to every one of us—in and out of government—to be sure we make this dream come true.

In utilizing our great resources to help people, we must not forget the admonition of Socrates: "A horse cannot be safely used without a bridle, or wealth without reflection."

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. OBEY, for 30 minutes on Thursday, March 12, to revise and extend his remarks and to include extraneous matter.

Mr. HANNA, for 1 hour, on March 11; to revise and extend his remarks and include extraneous matter.

Mr. MAILLIARD, for 60 minutes on Wednesday, March 11.

(The following Members (at the request of Mr. FOREMAN) to revise and extend their remarks and include extraneous material:)

Mr. POFF, for 10 minutes, today.

Mr. MILLER of Ohio, for 5 minutes, today.

(The following Members (at the request of Mr. ANDERSON of California) to revise and extend their remarks and include extraneous material:)

Mr. TUNNEY, for 15 minutes, today.

Mr. HULL, for 10 minutes, today.

Mr. GONZALEZ, for 10 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. ALBERT, and to include extraneous matter.

Mr. PHILBIN to revise and extend his remarks on bills relating to disposal from stockpiles, today.

Mr. GROSS to revise and extend his remarks on the stockpile bills.

(The following Members (at the request of Mr. FOREMAN) and to include extraneous material:)

Mr. BUSH in two instances.
Mr. HARSHA in two instances.
Mr. GUBSER.
Mr. WYATT.
Mr. DERWINSKI in two instances.
Mr. MESKILL.
Mr. HOGAN.
Mr. STEIGER of Wisconsin.
Mr. PELLY in two instances.
Mr. HORTON in two instances.
Mr. CAMP in two instances.
Mr. ZWACH in two instances.
Mr. DUNCAN.
Mr. WYMAN in two instances.
Mr. AYRES.
Mr. CONTE in two instances.
Mr. PRICE of Texas in two instances.
Mr. RHODES in five instances.
Mr. GOODLING.
Mr. COWGER.
Mr. ASHBROOK in two instances.
Mr. LANDGREBE.
Mr. SCHERLE in two instances.

(The following Members (at the request of Mr. ANDERSON of California) and to include extraneous material:)

Mr. KYROS in two instances.
Mr. CLARK.
Mr. DINGELL in four instances.
Mr. FRASER in two instances.
Mr. BOLAND.
Mr. DIGGS.
Mr. RODINO.
Mr. WOLFF in three instances.
Mr. MATSUNAGA in two instances.
Mr. FOUNTAIN in three instances.
Mr. ALEXANDER.
Mr. GONZALEZ.
Mr. ROONEY of Pennsylvania in five instances.
Mr. WILLIAM D. FORD.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 2910. An act to amend Public Law 89-260 to authorize additional funds for the Library of Congress James Madison Memorial Building.

BILLS PRESENTED TO THE PRESIDENT

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee did on March 9, 1970, present to the President, for his approval, bills of the House of the following titles:

H.R. 13300. An act to amend the Railroad Retirement Act of 1937 and the Railroad Retirement Tax Act to provide for the extension of supplemental annuities, and for other purposes; and

H.R. 14944. An act to authorize an adequate force for the protection of the Executive Mansion and foreign embassies, and for other purposes.

ADJOURNMENT

Mr. ANDERSON of California. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 9 minutes, p.m.), the House adjourned until tomorrow, Wednesday, March 11, 1970, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1751. A letter from the Acting General Sales Manager, Export Marketing Service, Department of Agriculture, transmitting a report of agreements signed for foreign currencies under Public Law 380 for January and February 1970, pursuant to the provisions of Public Law 85-128; to the Committee on Agriculture.

1752. A letter from the Director, Bureau of the Budget, Executive Office of the President, transmitting a report that certain appropriations have been apportioned on a basis which indicates necessity for supplemental estimates of appropriations to permit payment of pay increases granted pursuant to law, pursuant to the provisions of section 3679 of the Revised Statutes, as amended (31 U.S.C. 665); to the Committee on Appropriations.

1753. A letter from the Deputy Secretary of Defense, transmitting a report relative to the Defense contingencies appropriation for the period July 1–December 31, 1969, pursuant to the provisions of the Department of Defense Appropriation Act for fiscal year 1970 (Public Law 91-171); to the Committee on Appropriations.

1754. A letter from the Secretary of Labor, transmitting the eighth annual report on the administration of the Welfare and Pension Plans Disclosure Act for calendar year 1969, pursuant to the provisions of section 14(b) of the act; to the Committee on Education and Labor.

1755. A letter from the Comptroller General of the United States, transmitting a report on the combat readiness of the Strategic Air Command, Department of the Air Force; to the Committee on Government Operations.

1756. A letter from the Chairman, Federal Maritime Commission, transmitting the eighth annual report of the Commission for the fiscal year 1969, pursuant to the provisions of section 103(e) or Reorganization Plan No. 7 of 1961 and section 208 of the Merchant Marine Act of 1936; to the Committee on Merchant Marine and Fisheries.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. TAYLOR: Committee on Interior and Insular Affairs. H.R. 14896. A bill to amend the act of October 15, 1966 (80 Stat. 915), establishing a program for the preservation of additional historic properties throughout the Nation, and for other purposes; with amendments (Rept. No. 91-886). Referred to the Committee of the Whole House on the State of the Union.

Mr. CELLER: Committee on the Judiciary. S. 952. An act to provide for the appointment of additional district judges, and for other purposes; with an amendment (Rept. No. 91-887). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. AYRES (for himself, Mr. QUIE, Mr. REID of New York, Mr. ERLENBORN, Mr. DELLENBACK, Mr. ESCH, and Mr. COLLINS):

H.R. 16365. A bill to extend, consolidate, and improve programs under the Library Services and Construction Act; to the Committee on Education and Labor.

By Mr. BROYHILL of Virginia (for himself, Mr. SCOTT, Mr. BIESTER, Mr. BUTTON, Mr. MCKNEALLY, Mr. WHITEHURST, and Mr. SANDMAN):

H.R. 16366. A bill to provide for payments in lieu of real property taxes, with respect to certain real property owned by the Federal Government; to the Committee on Interior and Insular Affairs.

By Mr. BURKE of Florida:

H.R. 16367. A bill to amend title XVIII of the Social Security Act to provide payment for chiropractors' services under the program of supplementary medical insurance benefits for the aged; to the Committee on Ways and Means.

By Mr. BURTON of Utah:

H.R. 16368. A bill to repeal the Gun Control Act of 1968; to the Committee on the Judiciary.

By Mr. BUSH:

H.R. 16369. A bill to amend the Wagner-

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O'Day Act to extend the provisions thereof to severely handicapped individuals who are not blind, and for other purposes; to the Committee on Government Operations.

H.R. 16370. A bill to amend title 38 of the United States Code to increase the rates and income limitations relating to payment of pension and parents' dependency and indemnity compensation, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. CORMAN:

H.R. 16371. A bill to authorize a program of research, development, and demonstration projects for non-air-polluting motor vehicles; to the Committee on Interstate and Foreign Commerce.

H.R. 16372. A bill to amend the Solid Waste Disposal Act in order to provide financial assistance for the construction of solid waste disposal facilities, to improve research programs pursuant to such act, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 16373. A bill to amend the act of August 1, 1958, to authorize restrictions and prohibitions on the use of insecticides, herbicides, fungicides, and pesticides which pollute the navigable waters of the United States; to the Committee on Merchant Marine and Fisheries.

H.R. 16374. A bill to amend the National Environmental Policy Act of 1969 to provide for class actions in the U.S. district courts against persons responsible for creating environmental hazards; to the Committee on Merchant Marine and Fisheries.

H.R. 16375. A bill to provide for advance consultation with the Fish and Wildlife Service and with State wildlife agencies before the beginning of any Federal program involving the use of pesticides or other chemicals designed for mass biological controls; to the Committee on Merchant Marine and Fisheries.

By Mr. COWGER (for himself, Mr. Button, Mr. Cunningham, Mr. Duncan, Mr. Johnson of Pennsylvania, Mr. Whalen, Mr. Pettis, Mr. Buchanan, Mr. Carter, Mr. Weicker, and Mr. Hogan):

H.R. 16376. A bill to improve law enforcement in urban areas by making available funds to improve the effectiveness of police services; to the Committee on the Judiciary.

By Mr. DENNEY:

H.R. 16377. A bill to amend the Internal Revenue Code of 1954 to provide for the continuation of the investment tax credit for small businesses, and for other purposes; to the Committee on Ways and Means.

By Mr. FINDLEY:

H.R. 16378. A bill to amend the Truth in Lending Act to eliminate the inclusion of agricultural credit; to the Committee on Banking and Currency.

By Mr. GARMATZ (for himself, Mr. Dingell, Mr. Lennon, Mr. Pollock, Mr. Downing, Mr. Goodling, Mr. McCloskey, and Mr. Murphy of New York):

H.R. 16379. A bill to amend the act entitled "An act to establish a contiguous fishery zone beyond the territorial sea of the United States", approved October 14, 1966, to require that the method of straight baselines shall be employed for the purpose of determining the boundaries of such fishery zone, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. HELSTOSKI:

H.R. 16380. A bill to provide for the establishment of the George Washington Memorial Institute of the Social Sciences to be located in the District of Columbia, to function primarily as a national center at which indivduals of outstanding ability will pursue studies anticipating, identifying, and isolating social problems in the United States; to the Committee on Education and Labor.

By Mr. KOCH (for himself and Mr. Harrington):

H.R. 16381. A bill to establish an urban mass transportation trust fund, and for other purposes; to the Committee on Banking and Currency.

By Mr. KOCH (for himself, Mr. Burke of Massachusetts, Mr. Conte, Mr. Cowger, Mr. Cunningham, Mr. Daniels of New Jersey, Mr. Esch, Mr. William D. Ford, Mr. Hosmer, Mr. Kleppe, Mr. Rooney of Pennsylvania, and Mr. Widnall):

H.R. 16382. A bill to provide for the establishment of a Commission on Marihuana; to the Committee on the Judiciary.

By Mr. LANDRUM:

H.R. 16383. A bill to encourage the growth of international trade on a fair and equitable basis; to the Committee on Ways and Means.

By Mr. QUIE (for himself, Mr. Bell of California, Mr. Erlenborn, and Mr. Esch):

H.R. 16384. A bill to revise and reform the program of Federal assistance for local educational agencies in areas affected by Federal activities; to the Committee on Education and Labor.

By Mr. SCOTT:

H.R. 16385. A bill to eliminate the residence requirements for officers and members of the Metropolitan Police Force of the District of Columbia; to the Committee on the District of Columbia.

By Mr. CHARLES H. WILSON:

H.R. 16386. A bill to provide for drug abuse and drug dependency prevention, treatment, and rehabilitation; to the Committee on Interstate and Foreign Commerce.

By Mr. ALBERT (for himself, Mr. Belcher, Mr. Hamilton, Mr. Hechler of West Virginia, Mr. Evans of Colorado, Mr. Baring, Mr. Bevill, Mr. Dellenback, Mr. Thompson of New Jersey, Mr. Morse, Mr. Rooney of Pennsylvania, Mr. Roe, Mr. McKneally, Mr. Widnall, and Mr. Clay):

H. J. Res. 1123. Joint resolution to establish a Joint Committee on Environment and Technology; to the Committee on Rules.

By Mr. DEVINE:

H.J. Res. 1124. Joint resolution to provide for the settlement of the labor dispute between certain carriers by railroad and certain of their employees; to the Committee on Interstate and Foreign Commerce.

By Mr. YATES (for himself, Mr. Biaggi, Mr. Adams, Mr. Abernethy, Mr. Addabbo, Mr. Andrews of Alabama, Mr. Annunzio, Mr. Bingham, Mr. Boland, Mr. Brooks, Mr. Brademas, Mr. Burton of California, Mr. Brown of California, Mr. Carey, Mr. Celler, Mr. Corman, Mr. Daddario, Mr. Daniels of New Jersey, Mr. Dulski, Mr. Evans of Colorado, Mr. Edwards of California, Mr. Friedel, Mr. Farbstein, Mr. Findley, and Mr. Gilbert):

H. Con. Res. 533. Concurrent resolution urging the President to determine and undertake appropriate actions with respect to stopping armed attacks on aircraft and passengers engaged in international travel; to the Committee on Foreign Affairs.

By Mr. YATES (for himself, Mr. Hamilton, Mr. Hanna, Mr. Hanley, Mrs. Hansen of Washington, Mr. Harrington, Mr. Hicks, Mr. Ichord, Mr. Jacobs, Mr. Long of Maryland, Mr. Lowenstein, Mr. McCarthy, Mr. McDade, Mr. Macdonald of Massachusetts, Mr. Madden, Mr. Matsunaga, Mr. Mikva, Mr. Monagan, Mr. Morse, Mr. Nedzi, Mr. Murphy of New York, Mr. Nix, Mr. O'Neal of Georgia, Mr. Ottinger, and Mr. Patten):

H. Con. Res. 534. Concurrent resolution urging the President to determine and undertake appropriate actions with respect to stopping armed attacks on aircraft and passengers engaged in international travel; to the Committee on Foreign Affairs.

By Mr. YATES (for himself, Mr. Price of Illinois, Mr. Podell, Mr. Pucinski, Mr. Rees, Mr. Reuss, Mr. Robison, Mr. Rodino, Mr. Roe, Mr. Rooney of Pennsylvania, Mr. Rosenthal, Mr. Rostenkowski, Mr. Roybal, Mr. Ryan, Mr. St. Onge, Mr. Scheuer, Mr. Sisk, Mr. Schneebeli, Mr. Slack, Mr. Stratton, Mr. Symington, Mr. Thompson of New Jersey, Mr. Tunney, Mr. Vanik, and Mr. Waldie):

H. Con. Res. 535. Concurrent resolution urging the President to determine and undertake appropriate actions with respect to stopping armed attacks on aircraft and passengers engaged in international travel; to the Committee on Foreign Affairs.

By Mr. YATES (for himself, Mr. Charles H. Wilson, Mr. Wydler, Mr. Zablocki, Mr. McClory, Mr. Weicker, Mr. Pike, Mr. Whitehurst, and Mr. Giaimo):

H. Con. Res. 536. Concurrent resolution urging the President to determine and undertake appropriate actions with respect to stopping armed attacks on aircraft and passengers engaged in international travel; to the Committee on Foreign Affairs.

By Mr. HANNA:

H. Res. 872. Resolution, International DeMolay Week; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BIAGGI:

H.R. 16387. A bill for the relief of Maria Licciardello; to the Committee on the Judiciary.

By Mr. PIRNIE:

H.R. 16388. A bill for the relief of Mrs. Julia Chambers; to the Committee on the Judiciary.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

323. By the SPEAKER: A memorial of the Legislature of the Territory of Guam, relative to increasing the ceiling under Federal special assistance program 2 (Guam) to permit residential construction; to the Committee on Banking and Currency.

324. Also, a memorial of the General Court of the Commonwealth of Massachusetts, relative to increasing the Federal minimum wage for farmworkers and extending coverage to all farmworkers; to the Committee on Education and Labor.

325. Also, a memorial of the Legislature of the State of Georgia, ratifying and approving the 19th amendment to the Constitution of the United States on February 20, 1970; to the Committee on the Judiciary.

326. Also, a memorial of the Legislature of the State of California, relative to oil and gas drilling in Federal waters; to the Committee on Interior and Insular Affairs.

PETITIONS, ETC.

Under clause 1 of rule XXII,

413. The SPEAKER presented petition of the city council of Santa Ana, Calif., transmitting a copy of a special resolution in memoriam to Congressman James B. Utt, which was referred to the Committee on House Administration.

EXTENSIONS OF REMARKS

THE ROLE OF RURAL TELEPHONE SERVICE IN RESTORING A POPULATION BALANCE

HON. BILL ALEXANDER

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 1970

Mr. ALEXANDER. Mr. Speaker, one of our distinguished colleagues, Congressman ED JONES of Tennessee, made some very excellent and incisive comments recently concerning the quality of life in rural America. Congressman JONES made these comments during a speech to the 16th annual meeting of the National Telephone Cooperative Association in New Orleans on February 4.

Several of his remarks were directed to one of the most pressing problems now facing both the people of rural America as well as those citizens who reside in our urban centers. This is the problem of out-migration of people from the farm to the city, from the rural towns and cities to the crowded and problem-plagued megalopolises.

This problem is creating major problems for both our rural areas which are losing population that they need, and it is creating problems for our cities which lack the facilities, the finances, and the opportunities to assimilate these new residents. This is a problem that deserves national attention, and Congressman JONES has helped us to bring this problem into a clearer focus.

Because Congressman JONES is an expert on this subject, and because his comments are worthy of consideration by every Member of this Congress, I request that they be printed in the RECORD at this point:

THE ROLE OF RURAL TELEPHONE SERVICE IN RESTORING A POPULATION BALANCE

(By Congressman ED JONES)

It is a genuine pleasure for me to be here with you ladies and gentlemen of the NTCA in this magnificent old Roosevelt Hotel. Many times I have listened to radio broadcasts from the famous Blue Room here. I suppose everyone in America is familiar with the clear channel voice of WWL, New Orleans.

Since I last saw many of you, I have had the good fortune of being elected to represent the Eighth District of Tennessee in Congress. This new responsibility has proved to be unusually hard work, but I believe I am in a better position now to serve the country, the people of my district, and those beliefs I hold concerning government.

Some of you will recall that I wrote an article for the August issue of "Phone Call." In that article I mentioned that I had been appointed to serve on the House Committee on Agriculture, the committee that I feel I am best qualified to serve on.

My service on this committee has enabled me to broaden my scope of understanding. I have had a fairly thorough grounding in the problems of agriculture, both in its specifics and in its general picture. What serving on the Agriculture Committee has done for me is to make me more aware of how agriculture fits into the overall picture of American life. And, frankly, I have become even more aware of the importance of rural America to the national scene.

Everyone is familiar with what has become known as the urban crisis or as the problem of the inner cities. But what is not clear to everyone is that the problems of the cities and the problems of rural America are bound together by a common cause.

Since World War II, there has been an unparalleled exodus of people from the countryside and small towns of this nation to the big cities. During this period of twenty-five years, more than twenty million Americans have left the rural areas for the urban centers. In 1940, our farm population was over thirty-and-a-half million, but at last count (1968) only slightly more than ten million remained on the farm. This tremendous decrease in the number of people living on farms has occurred in spite of a growth in our total population of fifty-five million persons in the same period of time.

Our population has shifted so drastically that more than seventy-two per cent of our people now live on just two per cent of our land. Our cities are literally bursting at the seams, while rural America is becoming deserted.

Many of our nation's problems can be traced to this shift in population patterns. For example, Former Secretary of Agriculture Orville Freeman feels that poverty and welfare, violence, unemployment, crime in the streets, housing and health problems "could be linked to a migration from rural America that resulted in too many people on too little space."

Psychologists tell us that when a human being becomes too crowded, he is likely to experience psychological turmoil, and his behavior is likely to become erratic. Is it any wonder, then, that our cities are having problems when nearly three-quarters of our people are packed into the urban centers?

On the other hand, small town merchants all across the country are finding fewer and fewer people to buy their wares. Small town industries in many areas are having trouble finding people to man their machines. The result of this, of course, is to encourage further migration to the cities and further drain on the resources of rural America. (I do not need to remind you that these ex-rural Americans no longer pay taxes where they formerly lived.)

The urban centers are crowded because most industries are located there, and that is where the industrial jobs are. Most government installations are also located in or near cities, and that is where the government jobs are. The simple fact is that people go where the jobs are.

Thus, we see that the problems of the cities and the problems of the rural areas can be traced back to the same cause: the migration of our people.

What we must do is to reverse the trend. We must induce people to move out of the cities and into the rural areas. We must seek to arrive at a population balance. We must do this not only to prevent the cities from exploding, but to prevent rural America from drying up.

Two weeks ago, those of us who are concerned with this problem received some encouragement. The president, in his State of the Union Message, publicly acknowledge the problem. In his speech, the president said:

"For the past thirty years our population has been growing and shifting. The result is exemplified in the vast areas of rural America emptying out of people and of promise—a third of our counties lost population in the 1960s.

"The violent and decayed central cities of our great metropolitan complexes are the most conspicuous areas of failure in American life.

"I propose that before these problems become insoluble, the nation develop a national growth policy. Our purpose will be to find those means by which Federal, state, and local government can influence the course of urban settlement and growth so as positively to affect the quality of American life.

"What rural America needs is a new kind of assistance. It needs to be dealt with not as a separate nation, but as a part of an overall growth policy for all America.

"We must create a new rural environment that will not only stem the migration to urban centers but reverse it."

I was especially happy to hear the president make this statement, since I obviously agree with him on this goal. Of course, Congress has not received his specific proposals as yet. It would be unreasonable for us to expect them so soon. But I do have some definite specifics in mind.

To reverse the population trend and to create this new rural environment the president speaks of, we must encourage rural industrialization, perhaps with tax incentives for industries which move out of the cities and into the rural areas. We can decentralize our government installations by moving some of them to the countryside. We can promote tourism; we can encourage agriculture; we can improve education and recreation in rural areas; and we can provide for the renewal and expansion of such services as central water, waste disposal, and telephone systems.

The means for many of these steps are already under our noses, especially the one concerning rural telephone service. I am referring to the program which has been the lifeblood of rural telephony in America, the REA two percent loan program.

Let us face the facts, gentlemen, this program is in danger. I know that our Executive Manager, Dave Fullerton, gave you a complete rundown on the current status of the supplemental financing bills at the general session this afternoon. He mentioned the danger that supplemental financing programs of any type have always presented to the two per cent loan program. I know for a fact that these dangers are very real. My support, and that of NTCA, for supplemental financing legislation has always been predicated on the assumption that the two per cent program would need to be continued as at present for at least another fifteen years. I know there are people in the Congress and within the Administration who view the supplemental bank as an opportunity to diminish or eliminate the traditional two per cent loan program. Until this time the Administration has offered no official recognition to this theory. In fact, the President's budget submitted to the Congress last Monday contains a fiscal year 1971 REA loan appropriations request for 125 million dollars.

This may be regarded as a minor victory because the program has not been drastically cut and it is widely known that the Bureau of the Budget has been looking with disfavor at all Federal direct loan programs.

However, everyone seriously interested in the rural telephone program—bringing modern, efficient service to rural America—realizes that this 125 million dollar annual appropriation is becoming increasingly inadequate.

I do not believe—based upon recent history—that this administration request will meet strong opposition in the Congress. Neither do I believe there will be any immediate groundswell of support for a major increase in the figure.

The rural telephone program is a part of the regular appropriations process. The approval of the loan program request, although far from sure is, to a certain extent, a part of the Congress's regular routine of business.

It will, of course, require considerable work on your part, and on mine and on that of our allies in Congress, to maintain the appropriation's present level, and will be even more difficult to convince members of the Appropriations Committees of the House and Senate of the need to raise the amount.

I talked at length last weekend with my fellow members of the NTCA Board and I know that they—and you—realize the need for an annual appropriation of at least 140 million dollars for next year. So do I.

I do not think there is any question that telephone borrowers, commercial as well as cooperative, urgently require considerably more government capital than they are presently receiving. As an additional statistic which I know you will find of interest, the current amount of telephone loan requests outstanding with REA as of December 31, 1969, is more than 394 million dollars. This represents an increase of more than 91 million dollars in a single year.

Despite this apparently obvious need, how convincing NTCA and its allies can be in persuading Congress to increase this amount is another matter.

Quite frankly, at this stage of the game, I feel that it will be very difficult to get the annual two per cent appropriation raised much above 125 million dollars. We may find, as the session moves along, that this becomes increasingly true as a supplemental financing bill comes closer to reality. You may rest assured that I personally will do all that I can to see that if an increase is possible, it will be accomplished. However, as a freshman Democrat elected from a district which the President's party had high hopes of capturing for the first time in history, I find that I do not possess a tremendous amount of pull with the Administration or with the Bureau of the Budget. I also should caution you that along with our apprehensions about the Bureau's plans for our program, they have also in the past demonstrated a reluctance to spend amounts in excess of that requested by the Administration.

What this means in terms of concrete realities is that each loan request made at REA has a built-in delay factor of three years before approval and even longer before any funds are actually advanced.

This is the background for the hard decisions that you the membership must make here at the Roosevelt. The needs for additional capital are painfully obvious. 1971 will probably represent the best chance we shall have for achieving passage of a telephone supplemental bank bill. As you know the bill reported by the Senate Agriculture Committee is not nearly so satisfactory as the bill currently bottled up in the House Rules Committee. Supporting passage of the supplemental financing bills does represent, as I have said, a very real hazard to our current two per cent loan program, regardless of how often we say, "It ain't so."

I intend to work for passage of H.R. 7. by the House in its current form. Chairman Colmer of the Rules Committee has recently stated he will act more promptly in 1970 to bring legislation favored by the House majority to the floor for action. I have been working with my fellow Tennessee delegates, Reps. Anderson and Quillen, on the Rules Committee and will continue to press for passage of H.R. 7.

We need this additional source of funds badly enough that I feel we must make a full effort to gain passage of the legislation during this session of Congress. The association leadership, quite frankly, is looking to you, the membership, for a definition of just what we can accept. I find changes the Administration proposed unacceptable and though the most harmful of these changes were deleted by the Senate Committee, some very significant alterations remain. Facing reality, we may not have the black-white option of choosing a bill with or without them, but rather an actual "shades of gray" position of having to determine how many changes we can accept in the legislation before it is judged to be not sufficiently useful to us to be worth the risk it entails to the two per cent program. The choice is still ours, ladies and gentlemen, but the time to act is here at the 16th Annual Meeting. By the 17th Meeting next year in Houston, this question will be, I predict, for good or otherwise, a matter of history.

That part of the president's State of the Union Message I quoted earlier does give us some hope. At least it gives us a lever. We must keep him reminded of his promise "to create a new rural environment" and keep him reminded that NTCA is already here and waiting for him to fulfill his promise. If he truly wants to start a movement back to the country, adequate funding of rural telephone cooperatives is the best starting point he will find.

If we are to solve the problems of the cities and the problems of rural America, we must have a redistribution of our population. To entice the people to move back to the country will cost money. I can conceive of no more logical place to spend this money than with the two per cent loan program.

In conclusion, I would like to leave you with a few thoughts about the value of your national association. As our president indicated in his kind introduction, over the years I have been active in a number of groups and associations and have been privileged to serve as an officer or board member of several. In truth I can say, however, that I have always particularly appreciated NTCA. During my years as a board member and as president of the Yorkville Telephone Cooperative and during the past years which I served as national director for Region III, I have had the opportunity to become uniquely familiar with our association. As a member and as an officer, while self-esteem no doubt colors my opinion, I have felt that NTCA has always done an outstanding job of representing the membership and, through the leadership of its officers, taking the lead in educating the membership to realize the problems we face in the industry.

During the past year in which I have served in the Congress, I have gained a new insight and appreciation into the value of NTCA to the membership. Consider the strides we have made as an association. We have increased the annual two per cent loan appropriation to the 125 million dollar level and have moved the supplemental financing bill to the promising position in which it is today. If there were such a thing as a "Lobbyist of the Year" award for the group which has accomplished the most for its membership with the least financial muscle and staff, NTCA should certainly get it. There does not seem to be any other group attempting to effectively represent the interests of the small, independent rural telephone company.

Lobbying, in the sense of supplying information and assistance to members of Congress, is a valid and necessary function. The volume of business of the Congress is just too large for the members and their staffs to handle alone.

In my office we enjoy a special relationship with the staff of NTCA, but I also welcome the assistance of other groups. I want to know who they are, who they represent, and what they want. On an association's part, this requires personal contact, getting to know me and my key staff people, writing positions statements for our files, assisting my staff with testimony drafts and statements, keeping us informed of a bill's progress through committees, etc. All of this type of work takes up association staff time and budget and does not bring the association a dime. But it is probably the most valuable work you can do.

I have spoken briefly about the need for increasing our effort in the area of legislative work—because it is a subject in which I have recently been undergoing a "crash course"—we have similar needs for expansion in many other areas of our association's activity. On the whole I think we have succeeded in accomplishing an amazing amount given our limited means at NTCA. But we need to do more. For this reason your Board of Directors has developed "Project-75", our long-range growth plan. I strongly supported this effort and am most gratified by the fine reception it has received by the membership. If the by-laws changes necessary to fully implement "Project-75" are approved at tomorrow's business session, I personally will consider it the single most important step forward the NTCA membership has taken in the years I have been associated with them.

Facing realities, as small, independent telephone companies, we are fighting what many people consider the inevitable trend of the future in our industry. During the next decade the pressure will be on every one of our systems to provide service fully comparable to the best in the nation, especially if we succeed in beginning a migration back to the country. Improving our position in the industry will take a major commitment from all of us. Building a stronger, more effective national association is a logical first step in the process.

Thank you.

THE TRADITIONALLY BLACK COLLEGE

HON. CHARLES C. DIGGS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 1970

Mr. DIGGS. Mr. Speaker, a great many people have over the last few years evinced great concern over the progress and problems within the black community. Of particular interest has been the network of traditionally black colleges which still enroll over one-half of the black youth in degree credit 4-year college courses. One hundred and sixty thousand were enrolled in the fall of 1968.

There are 111 of these colleges: 68 private and 43 public. Of these 89 4-year colleges and universities, 78 are accredited; a higher proportion than is true nationally. They are located mainly in the Southern and border States, but serve a national population. Sixty percent are from the South and 40 percent are from outside the South in the 4-year colleges and universities.

This paper sets forth the contributions of these institutions to the stability of the American social order. Without them, the black community would be akin to the underdeveloped communities of Asia and Africa in educational attainments. Out of families with an average income of $3,900, these colleges are producing over 20,000 graduates annually. I include the paper at this point in the RECORD:

THE FACE AMERICA PRESENTS TO THE WORLD

One-half of the fourteen black United Nations appointments graduated from black colleges.

Four of the eight most recent black Ambassadors graduated from black colleges, including Patricia Harris, Luxembourg, and Franklin Williams, Ghana. Three of the other four made their careers in black colleges as teachers and administrators.

Army Officers: At least 75% of the Black

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Army officers commissioned each year come from Black Colleges. A poll of Black Military Instructors in ROTC programs estimated at least the same percentage of the 5,594 Black officers now on active duty graduated from Black Colleges.

BLACK COLLEGES AND AMERICA'S IMAGE OF ITSELF

Executive Branch of The National Government: 64% of 80 federal officials currently serving and over the last five years (GS 14 up to Cabinet level) graduated from Black Colleges including Robert J. Brown, Special Assistant to The President; James Farmer, Assistant Secretary of the Department of Health, Education and Welfare; and Elizabeth Koontz, Director of the Women's Bureau Department of Labor.

Congress of The United States: Four of the nine Black Representatives in The House attended or graduated from Black Colleges as well as Senator Edward Brooke of Massachusetts.

State Legislators: 64% of the Black State Representatives who went to college went to Black Colleges. These include states such as Connecticut, Wisconsin, New Jersey, Kansas, Illinois, Michigan and Kentucky. In the South, 100% of those who attended or graduated from college went to Black Colleges.

Professions: 74% of a sample of 1,000 Black Ph.D. holders took their baccalaureate degrees in Black Colleges. 83% of all the Black physicians in America graduated from two Black Colleges—Howard University and Meharry Medical School. They still enroll about 68% of all Black physicians in the country.

ENROLLMENT IN COLLEGE VERSUS PRODUCTION OF COLLEGE GRADUATES

John Edgerton, in a study of the 100 largest state universities (they award 61% of all college degrees), found that they enrolled in May 1969 about 2 percent Black students. This was reinforced by an American Council on Education study showing 61% of white colleges enrolling less than 2% and 72% enrolling 4% or less.

Various estimates place the proportion of Black students in Black Colleges as between 45 and 55% of the total.

Enrollment is not the goal, but graduation. In output, Black Colleges produced 79% of the baccalaureate degrees estimated to have been awarded to Black youth. (17,242 of 21,700 degrees). The Black Colleges awarded 73% of all levels including M.A.'s and first professional degrees in Medicine, Law, Pharmacy, Dentistry and Architecture. These figures are for 1968.

It is clear that if these institutions are not strengthened, enrollment and graduation figures for Black youth could level off and decline. Any sharp reversal in the fortunes and functioning of these institutions will be a disaster to equal opportunity in the higher education of Black youth.

In 1968 less than half as many Black freshmen as should have enrolled in college. (84,000 versus 180,000). In the complete college population there should have been 811,000 Black youth enrolled. Various estimates for actual 1968 enrollment in degree credit courses were from 300,000 to 352,000. This 500,000 deficit will never be recovered. These youths have entered the unequal income distributions between white and black. Equal income will never be achieved without equal proportions of Blacks in those occupations requiring college degrees.

By 1975 1.3 million Black youth ought to be enrolled nationally. All the places now available for them must be expanded in black and white colleges since 319,000 freshmen (more than some estimates of current total enrollment) should be entering college in 1975. Anything adversely affecting an increased enrollment and graduation will prolong inequities in the society for the next four decades beyond the 1970's.

TRADITIONALLY BLACK COLLEGES AND THE DISADVANTAGED

All Black College students are not disadvantaged, educationally or economically. Some are advantaged in all areas. The general picture of the enrollment in Black Colleges, however, is a portrait of what equal opportunity is supposed to mean.

Input: Average family income is $3,900 with 65% below $5,200 income. On the average 34% are below $3,000 income and are from homes where 31% of the Mothers are domestics and 31% of the Fathers laborers. Nationally 30% of the parents of college students are businessmen and 40% earn more than $11,580 with 68% of the families above the median for family income.

Output: 20,000 graduates in 1968 who with an average income of $7,000 would return about $140 million in their first year of work.

Nationally 25% of American families were at $5,000 and below in income. Very few of the youth in these families go to college; as low as 7 percent according to the Carnegie Commission estimates. These include the Mexican-Americans, Indians, Puerto-Ricans, and poor whites.

Someone must take educational leadership in this arena. As the traditionally Black Colleges are strengthened, some of them will undoubtedly make major national contributions to these problems. For a hundred years they have worked in this area of higher education.

There is a massive failure of all levels of American education—first grade through graduate schools to educate any groups of the poor, black or non-black. Institutions which despite handicaps created by neglect and malicious intent have enabled hundreds of thousands shackled by poverty and racism to break free have earned the right to be of continuing service to the Nation.

In looking at the contributions of these schools, it is clear that they have been and still will be in the foreseeable future, the major force for integration of Black people into *all* levels of American life. It should therefore be the policy of the United States to declare these schools a National Resource for Equal Educational Opportunity. Their development should be supported to a level of leadership for the Nation in achieving its goal of equal access to education that is productive of success despite economic and racial origins.

GENERAL PROPOSALS

1. Increase Title III of the Higher Education Act of 1965 to $91 million authorized for FY 71 with earmarking of funds for developing institutions *now* producing significant numbers of graduates, not enrollees, from low-income minority groups and showing a pattern of production over time (say five years). Latter provision designed to discourage sudden interest in low-income youth stimulated by federal funds. Low-income defined as lowest quarter of national income distribution.

This program is the *only* program in the support programs in federal government that has been responsive to traditionally black colleges. Yet its resources have now been directed away from these schools. Though other schools may be entitled to relief, the proven and documented ability of these schools to *produce* success in a low-income minority population gives the black colleges top priority. (About 18 of the 30 million goes to non-black schools; 23% to Junior Colleges; and about half of the remaining 23 million to non-black schools.)

The redirecting of funds based on *performance now* not potential to the future in producing equal opportunity ought to be the criterion.

The cooperative requirements ought to be made optional. It has not been the experience of these schools that much of the expertise they need resides outside their own academic community. Educating the disadvantaged is not the forte of any major segment of higher education.

2. Improved student financial programs are needed to be responsive to low-income students. These, however, must be coupled with general institutional support programs to provide the superior educational services required to do better the job the black colleges have been doing. Institutional matching funds should be waived for schools graduating large numbers of low-income youth.

(a) *Student Financial Aid.* The E.O.G. program should be expanded and *matching provisions waived for low-income students* or matching with the NDSL allowed. It is crucial to have full support without working in the first two years.

Both the NDSL and work-study program should be expanded with the most ample funds available for the last two years of college.

Programs assuming parental contributions are ineffective. At Miles College in Birmingham (an urban area where incomes are slightly better) 62% of the students' families could contribute nothing to their children's expenses.

Entering Freshman Family Income in Black Colleges, 1968:

18% less than $2,000.
16% $2,000 to $2,999.
17% $3,000 to $3,999.
14% $4,000 to $5,199.
13% $5,200 to $6,199.
13% $6,200 to $9,999.
7% $10,000 plus.
34% below $3,000.
65% below $5,200.
91% below $10,000.
31% of the Mothers are in domestic service.
31% of the Fathers are laborers.

Student support to equalize educational opportunity should be separate from general aid to students in higher education, particularly guaranteed loan programs available to the general population.

(b) *Institutional Grants.* Graduating not just enrolling larger numbers of low-income minority group students requires *superior* educational services. Attrition can be reduced. Too many capable students drop-out from a combination of financial problems which complicate academic problems. The number of black graduates could almost be doubled if better educational services could be developed.

(1) General institutional support can be based on the number of students from the lowest-income quartile (25% are at $5,000 and below in 1968). A $500 per student subsidy would be adequate in schools with large numbers of these students and with four-year degree granting programs.

(2) Black colleges, public and private, average $423 per student less than the national average of per student educational and general expenditures which support basic instruction.

The coupling of these two programs leaves the student free to choose his school and the institutional support follows him there. Low-income minority youth will choose those schools with a continuing record of academic payoffs for them.

3. Higher Educational Facilities Act of 1963. If in any state a disproportionate number of low-income and minority group youth are enrolled *and graduating* from a college (compared to national norms) that college should be eligible for *direct federal funding* of facilities over and above state by state formula allotments. Institutions now doing an effective job in equalizing educational opportunity should be raised in priority and funds earmarked for that purpose. Over crowding is particularly detrimental to low-income students, given their need for sup-

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portive educational programs. In these special cases, matching funds could be waived or the amounts required negotiated with the colleges involved.

4. Higher Education Equipment, Title VI of HEA of 1965. Similar provisions to those above for facilities.

5. National Defense Education Act, Title IV Fellowships. This program should be shifted in emphasis to encourage development of "Teaching Doctorates". Higher education personnel truly interested in teaching versus research are badly needed to do the job of graduating the disadvantaged from college. Special emphasis must be placed on enrolling minority group candidates.

6. A National Education Foundation modeled after The National Science Foundation should be established. A first priority should be program development in the area of equal opportunity in higher education. Early emphasis should be on large scale experimental programs. It might designate colleges or clusters of colleges as equal opportunity experimental colleges. Priority should be given to comprehensive proposals from those institutions now enrolling and graduating large numbers of low-income minority youth.

A choice in favor of immediate attention on the post-secondary years is based on the fact that 4.4 million minority group youth were between the ages of 10 and 17 years of age in 1968. This is the pipeline for high school graduation by 1975.

Following this group is another group of some 4.5 million between the ages of 3 and 9 years, most of whom have already missed early childhood compensatory programs and are already in a failing school system.

Starts have been made at the level of childhood. Unless a massive start is made at the other end of the educational ladder, these kinds of youth may be the most destructive element in the society. Thus doing something about opportunities for adolescents and young adults is of the highest priority.

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SUMMARY

Running through these proposals is the simple idea that effective performance in an area of national need should be improved and built upon. Educational opportunity that produces success is needed by the nation. Our racial crisis demands the use of all the resources at our command.

The traditionally black colleges represent an existing mechanism that can be improved and used to intensify the positive efforts to equalize opportunity. Operational programs for the black college today are for all of higher education tomorrow. These proposals try to help these colleges, the major force for the integration of black youth into all levels of American society, maintain and improve their unparalleled record of achievement.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 1970

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,400 American prisoners of war and their families.

How long?

SACRED COWS OF EDUCATION

HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 1970

Mr. DUNCAN. Mr. Speaker, the notion that spending more and more money on Federal programs will automatically make them better has been detrimental to the Federal budget, and to the effectiveness of the programs themselves. Nowhere is this more true than in the field of education, where a virtual "sacred cow" has developed, leading many people within the field to believe that their decisions are unchallengeable and beyond question.

Fortunately, President Nixon is refuting this idea, and has called for a reexamination of our educational system to see how it can be improved, which programs fall down in the "accountability" test, and how the funds spent on education can be put to best use.

A recent column by Nick Thimmesch discusses this "sacred cow of education," and the improvements offered by the President's proposals. I insert this editorial in the Record:

Sacred Cow of Education

(By Nick Thimmesch)

President Nixon's message on education will cause much bellering from the high priests of pedagoguery and school supply mercenaries who insist on blind worship of the Sacred Cow of Education.

The President is saying that the $65 billion public school industry (second only to the Pentagon in spending) must show some results before it will get increased federal funding.

This notion of "accountability" will make school administrators, the National Education Assn., the fat instructional equipment lobby and assorted liberals-by-rote huff and puff and try to blow the Nixon house down. But in calling for "productivity" in public education, the President joins some avant-garde thinking on the matter, including that of the late Sen. Robert F. Kennedy.

Liberals don't like to hear this, but Robert F. Kennedy was one of the severest critics of public education, particularly as it dealt with poor children. In his 1967 book of essays, "To Seek a Newer World," Kennedy told of his frustration in proposing an amendment to the Elementary and Secondary Education Act of 1965 requiring that results of programs funded by the act be tested for pupil performance before and after the programs.

"School administrators around the country resisted the implementation of this amendment," Kennedy wrote. "Therefore . . . we do not yet know how much educational improvement our billions of dollars have bought, if any."

This is precisely why Mr. Nixon wants future federal funding for experimentation, research and testing of education. He is proposing a National Institute of Education to find out what's wrong, and will soon appoint Dr. Herman Goldberg, superintendent of the Rochester, N.Y., school system, to chair a National Advisory Council on Education of the disadvantaged.

Education just isn't the way it used to be. The high school graduate today has spent 11,000 hours in school but 15,000 hours watching television. He is getting much more education "outside" the classroom—from his buddies, the media, and the great assault on the senses by rock music and other lures.

Meanwhile, billions are poured into 40 federal categorical aid programs; an army of 9,000 Office of Education consultants draws big money writing reports and studies, many of which are useful only as dust catchers, and school administrators blithely maintain that if they only had more money, more audio-visual equipment and more, shinier buildings, why they could straighten out the whole education mess.

But conservatives, avant-garde educationalists and muckraking publications like "Hard Times" criticize the whole milieu of consultant and "educational hardware" firms, or what Democratic Congresswoman Edith Green calls the "educational-industrial" complex.

Their antieducational heresies are akin to those of Dr. Daniel Patrick Moynihan (Ph. D., education), a roundly cursed realist, who drafted much of the President's education message. The President wants education to go ahead, but in a new direction. He wants more money to be spent on education after education finds out what is wrong with itself, and moves toward reform. The President feels that if public school educators avoid "accountability," there will be a great push for imposition of "national standards."

The President and Dr. James E. Allen Jr., U.S. commissioner of education, also believe much more emphasis must be given to the first five years of a child's life, and that the needs of private and parochial schools must be explored extensively so that this resource of "diversity" is not lost.

Some of the "new" thinking is anathema to the aging liberals who are really our New Tories. NEA President George D. Fischer, whose cascade of highly rhetorical press releases makes it appear he is running for office, will righteously cry out about the needs of the nation's schoolchildren.

In some respects, the NEA is as out of touch with the realities of education as the American Medical Assn. was about its domain several years ago. Those who advocate more and more blind spending on the education which hasn't worked are about as backward as the Old-Guard Republicans who bitterly opposed Social Security a generation ago.

LETTER TO THE EDITOR

HON. FRANK M. CLARK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 1970

Mr. CLARK. Mr. Speaker, under leave to extend my remarks in the Record I include the following:

Robert Oliver & Associates,
Washington, D.C., February 26, 1970.

The Editor,
The Washington Post,
Washington, D.C.

Dear Sir: Apparently the person who wrote the headline on today's front-page story on United Mine Workers' Joseph Yablonski is not a member of the Newspaper Guild. If he were, he should have known that the president of a local union is by no stretch of the imagination a United Mine Workers' "AIDE." If he was president of Local 3228, as described in the body of the story, then he was a local union official, elected by the local union membership and not a "UMW AIDE."

There has been no evidence, at any time, that the national office of the United Mine Workers was in any way involved in the murder conspiracy and to suggest such an involvement by careless headline writing is an injustice to a great organization. The UMW has made a tremendous contribution toward improving working conditions not only for the mine workers but also in the leadership, financially and otherwise, in the successful move to bring the benefits of unionization to millions of industrial workers who are now infinitely better off because there was a United Mine Workers union.

Sincerely yours,

ROBERT OLIVER.

HARMFUL ASPECTS OF DEMONSTRATIONS

HON. WILLIAM H. HARSHA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 1970

Mr. HARSHA. Mr. Speaker, rudeness or the threat of violence has never been an effective way of changing national policy in a democratic, free society. The recent attempts we have seen to use these tactics are both frightening and discouraging.

The futility of these methods was seen again in the treatment of French President and Mrs. Pompidou, in their recent U.S. visit.

Two editorials, from the Houston Chronicle and the Birmingham News, point out the harmful aspects of these demonstrations, and the negative effect they might be expected to have on French policy. I commend these following articles to the attention of my colleagues:

[From the Birmingham News, Mar. 3, 1970]

COURTESY AND NATIONAL INTERESTS

One need not agree with French policy generally or with France's Middle East policy specifically to regret the discourteous treatment President Georges Pompidou got from some pro-Israeli demonstrators over the weekend.

President Nixon was right, in our opinion, to express the nation's apologies to M. Pompidou and to make an unscheduled flight to New York last night to attend a dinner in the French president's honor.

In the first place, there is the simple matter of courtesy and respect for the office M. Pompidou holds.

In the second place, President Nixon's efforts to improve relations between the two traditional allies are hardly assisted when the French president is jostled by an American crowd. Not only M. Pompidou but all Frenchmen—including Frenchmen who themselves are critical of French policy in the Middle East, and they are numerous—are certain to resent such treatment, just as Americans have resented discourteous treatment of their presidents in other lands.

In the third place, speaking from a purely pragmatic point of view, those people interested in influencing a change in French policy are not likely to do so through such tactics. If anything, human nature being what it is, M. Pompidou and the French government might become even less receptive to the idea of modifying their policy.

We well understand the feelings of Israel's friends in America and elsewhere that French policy under Charles de Gaulle and now under M. Pompidou has been harmful to Israel's interests. But we fail to see how rude treatment of the man in the best position to alter that policy, if anyone can, serves Israel's interests any more than it serves America's interests—which are, after all, the interests most directly the concern of this nation during the French president's visit here at our government's invitation.

[From the Houston Chronicle, Feb. 27, 1970]

POMPIDOU DESERVES COURTESY

The discourteous, sometimes abusive treatment some Americans have accorded French President Georges Pompidou is deplorable. This behavior is not consistent with Pompidou's respected position, nor is it consistent with the long record of friendship which exists between the United States and France. Indeed, were it not for France's assistance during the time of our Revolutionary War, there probably would not be a United States today.

Ironically, Pompidou's eight-day visit to this country was planned as a sort of healing mission—to heal the wounds in U.S.-French cordiality caused by Gen. Charles de Gaulle. During De Galle's long reginme, France and the United States developed several serious areas of disagreement—over Vietnam, over gold, over approaches to the Soviet Union, over NATO, and over Britain's entry into the Common Market. These disagreements are in the process of being resolved. Once again our two nation's are becoming allies.

Upon his arrival in Washington, Pompidou restated his people's desire for stronger ties with the United States despite recent disagreements. He said France wants to see the U.S. military and economic presence maintained in Western Europe. Under De Gaulle, it will be recalled, France forced NATO and the United States to move its troops and installations elsewhere.

The protests directed against Pompidou arise from France's sale of 108 Mirage jet planes to Libya. Libya has no trained pilots to fly them. Egypt hasn't enough, although it is feared the planes may eventually fall into the hands of the Egyptians to be used against Israel.

We don't agree with French action in this matter. And it strikes us that they bungled this jet sale pretty badly. Certainly the timing was bad, since the sale has injected an angry note to Pompidou's U.S. visit.

Yet worse things have happened between nations. This one incident should not be allowed to obstruct improved relations between our countries. We cannot expect every nation or every ally to agree with our own policies all the time—especially in a situation as confused and as paradoxical as the Middle East.

We might recall that many nations have strongly opposed our presence in Vietnam, yet the American people would not take kindly to having our President called a "murderer" or a "Hitler" were he the guest of a foreign country. President Pompidou should be accorded the same respect and courtesies as we would expect the French to accord President Nixon.

We find the boycott by some U.S. Congressmen of Pompidou's address to Congress inexcusable. This action was politically motivated, and it was petty. The net effect of it is merely to antagonize the French and to make harder the reconciliation which Mr. Nixon and M. Pompidou are attempting to achieve.

HORTON RECOMMENDS CHRISTIAN SCIENCE MONITOR ARTICLE ON OFFICE OF ECONOMIC OPPORTUNITY LEGAL SERVICE

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 1970

Mr. HORTON. Mr. Speaker, I would like to commend to my colleagues an article that recently appeared in the Christian Science Monitor describing some of the activities of OEO's legal services attorneys as they aid the poor. The legal services activities of OEO are much misunderstood and very controversial in some parts of the country. This brief article, which follows should help the reader to understand a little bit of what the program is about:

N.Y. LAWYERS FIGHT FOR POOR—MORE PAY SHUNNED FOR "RELEVANCY"

(By David Holmstrom)

NEW YORK.—To Stephen Wizner the distance from Wall Street to Rutgers Street is a loss of about $5,000 a year and a humanitarian gain of something called "relevancy."

As a Legal Services lawyer operating on Rutgers Street on Manhattan's lower East Side, Mr. Wizner is part of a phenomenon in the country: young lawyers who are turning their backs on prestigious law offices, big salaries, and going to battle for the poor.

"After two years of working here, my going to a Wall Street firm would be irrelevant," said Mr. Wizner.

Last year Mr. Wizner and nearly 1,800 other lawyers across the country sought to make the ringing phrase "equality under the law" more than mere rhetoric.

This new sense of "advocacy" among lawyers grew out of the Economic Opportunity Act of 1964 which stipulated the need "to represent indigent persons against unequal treatment under law." As a result a whole new area of "poverty law" has mushroomed within the last five years.

HELP FOR THE ASKING

"Anybody from the neighborhood who walks in this office will get free help," said Mr. Wizner from behind a cluttered desk. The Legal Services office here is an arm of Mobilization for Youth, Inc. During 1969 Mr. Wizner, attorneys Bill Volckhausen, Ping Lee, Bill Resnick, and social worker Marilyn Schafer joined forces at 24 Rutgers Street to handle 1,600 "legal problems," a rate far exceeding a comparable Wall Street firm.

"At our age, if we were working in a big office downtown, we would be writing memos," said Mr. Wizner, a graduate of the University of Chicago Law School and a former Justice Department lawyer now salaried at $15,000 a year.

"Here you are constantly under the gun and the problems are warm people. Poor people seldom come to a lawyer unless there is a crisis. We are practicing crisis intervention and lawyers have never done that before on a large scale."

Among other things, grappling with the problems of the poor means grappling with the city bureaucracy. "Our biggest problem is getting the city agencies to do the job they are supposed to do," said Miss Schafer. "The poor consider the Welfare Department the enemy."

LAWYERS ASSERT RIGHTS

"Welfare law was secret law," said Mr. Wizner, "until poverty lawyers began demanding that it be detailed and in the open. The poor have never had their welfare rights asserted before. Welfare is really their property because they don't have any other property."

Defending the poor has more often than not brought the young lawyers hostility from the courts. "The awareness that a case may be used to test a law has sent a lot of grumbling judges back to law books they haven't touched in years," said Mr. Wizner smiling.

A recent proposal in Congress, championed by Sen. George Murphy (R) of California, sought to weaken the impact of Legal Services by giving governors the power of veto over any part of the Office of Economic Opportunity (OEO) program.

"The Murphy amendment reflects the success of Legal Services," said Mr. Wizner. "The

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paradox is that we do not go to the streets and demonstrate. We go to the courts and do everything the way legislators like it done—orderly." Senator Murphy's measure failed to emerge from a Senate-House conference committee after being passed by the Senate.

While some city and state agencies around the country dislike the persistence of Legal Services lawyers, it has been estimated that nearly 600,000 poor families have received free legal help over the last two years. "Sometimes we'll have a social worker and a lawyer just trying to get a toilet fixed," said Mr. Wizner.

DIGNITY EMPHASIZED

The problems of the poor range from heatless apartments to evictions, to consumer fraud, to divorce, to homicide. "What you win sometimes isn't too much," said Bill Volckhausen. "Maybe just the right for someone to stay in a cold, seedy apartment."

"A lot of the problems stem from family tensions brought on by the physical environment and the Welfare Department," said Mr. Wizner.

"It's like a watchdog," said Miss Schafer referring to the Welfare Department. "Poor people are really tremendously interested in doing what's right when they are treated with dignity.

"But the Welfare Department is under tremendous pressure. It just doesn't have any esprit de corps." On several occasions Miss Schafer has learned of a new change in welfare law and has been the first to tell the welfare caseworker.

Because Rutgers Street borders Chinatown the work of Ping Lee, a native of China who formerly practiced law in Taiwan, centers around immigration and the housing problems of Chinese.

TYPICAL CASE CITED

The clients at the Rutgers Street office continue to be divided about evenly between Chinese, Puerto Ricans, and Jews. "One of our Puerto Rican clients bought $1,000 worth of furniture," said Mr. Wizner, citing an example typical of dishonest merchants in poverty areas.

"He made a down payment of $400, and when they delivered the furniture it wasn't what he had bought and he wanted his money back. I made a few calls and the furniture company wasn't too cooperative. So we filed a complaint. The day it was served the manager at the furniture company called and said, 'Do you want the check made out to you or your client?' "

Another common practice is to pressure welfare mothers into buying expensive encyclopedia sets for their children. Two salesmen will gain entrance by telling the mother that the "school" sent them.

"In one instance," said Mr. Wizner, "the two salesmen stayed for four hours until the woman was so upset she signed the order." Legal Services stepped in and had the order voided.

SOME WORK RACKETS

"Some salesman will check the obituaries in the papers," said Mr. Wizner, "and then approach the widow with a new Bible and tell her her husband ordered it for her just before he died. But naturally he didn't pay for it."

Mr. Ping recently prevented a young Chinese student from being jailed by raising a $1,000 bond. "He had been accused of having drugs," said Mr. Ping, "but he had pills for a cold." Through Mr. Ping's efforts the Chinese Consul put up half the money, "the first time it had ever been done," said a grinning Mr. Ping.

Statistics released in 1968 indicated that Legal Services lawyers across the country won 79 percent of their cases involving federal, state, and local agencies, 72 percent of their consumer-complaint cases and 60 percent of their appeals.

A MORATORIUM ON COMPLAINING

HON. GEORGE A. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 1970

Mr. GOODLING. Mr. Speaker, the right of dissent is basic to our American system but, like so many other things, there always is the chance that this right can be used to such an extreme that it has no constructive objective and, in effect, becomes little more than exercise in futility.

In brief, it might be well if we stopped a moment to examine what we are really complaining about. Perhaps a moratorium on dissent is in order. Maybe we should quiet ourselves sufficiently long to give our minds, rather than our muscles, a chance to function.

A timely article appeared in the March 9, 1970, issue of the National Observer with respect to this matter of dissent. Because of its unique nature, I submit it to the CONGRESSIONAL RECORD for the attention of my colleagues:

A MORATORIUM ON COMPLAINING

What this country needs, along with a good five-cent dime, is a moratorium on complaining. It might last only for a day but it would be a blessing. Imagine one whole day throughout the nation when nobody would blame his woes on somebody else.

The din of protest has now reached such a pitch that it is a kind of pollution in itself. And with so many groups complaining about so much, it is becoming difficult to sort out the reasonable complaints from the other kind.

What could we do with a day completely free of complaining? There are a number of things.

Black leaders, for instance, could remind their followers that racial-cultural antagonisms are among the toughest human problems to solve, but that the progress made in recent years is substantial. Not enough, but measurable and encouraging.

Rebellious students might re-read their college catalogs. Those catalogs, which they supposedly looked over before applying to the schools of their choice, contain the rules by which the institutions are administered. The students might ask themselves why they chose the schools they did if they disapprove of their regulations and customs. And if they intended to be rebels from the outset, perhaps they should meditate upon their own personalities, backgrounds, and motives.

The antiwar people who show how sincere they are by wrecking draft offices and burning buildings might spend the day considering their strange predisposition to violence. Isn't there some danger that destructive protesters will be fallen upon by other citizens with other views? And when civil order is gone, what will have been accomplished? There may be a kind of nobility in a bloody head, but there is a far greater nobility in arguing for change with a persuasive tongue instead of with a howling mob.

Behind these thoughts is the recognition that American society has serious problems and that all men don't agree on how or even when they should be solved. But our political system was designed exactly to accommodate diverse opinions. Because of this there is small need to be too patient with those of our countrymen who are so impatient to have their own way that they choose to scream and destroy.

In America today we protest too much. We have among us a record number of crybabies. The din of complaining may even be affecting the stability of society, and when society is rocked out of joint, the first casualties are the protections afforded complainers.

A one-day moratorium on complaining, aside from giving editorial writers a day off, would allow us all to get our bearings. And we might find that while we have a long way to go, our position is far better than the distractions of the complainers have permitted us to realize.

We value Pollyannas as little as we value violence, and we will blacken the eye of the man who disputes it. Of course dissent is part of our heritage, and so is dissent from dissent. But it would be a kindness to our country if all kinds of dissenters would rest their tonsils and unclench their fists, if only for a short time.

The complainers might be surprised. They might find that their return to civility will win them allies who appreciate their ideas but can't stand their noise.

After all, when one is subjected to a cat's concert, one doesn't throw a fish. One throws a shoe.

FREEDOM'S CHALLENGE

HON. EARL F. LANDGREBE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 1970

Mr. LANDGREBE. Mr. Speaker, today the Veterans of Foreign Wars, one of America's most respected veterans' organizations, is holding its annual congressional dinner here in Washington.

A remarkably intelligent and talented young lady from the Second Congressional District of Indiana, which I am proud to represent, is attending that dinner tonight as a guest of the VFW. Her name is Janet Conner of Otterbein, Ind., a student at Benton Central High School in Benton County.

Jan, as she is known to her friends, is in Washington tonight as the Indiana winner in the VFW's annual Voice of Democracy contest and is now a contestant in the national contest. I know I am joined by my colleagues from Indiana on both sides of the aisle in wishing Jan every success in the final judging.

We can often learn from our children and I believe that Jan's speech is an excellent example of this. There is food for thought for each of us in her speech, "Freedom's Challenge."

Mr. Speaker, I insert the text of Miss Conner's prize-winning speech at this point in the RECORD:

FREEDOM'S CHALLENGE

(By Janet Conner)

These two words kept turning over in my mind as I lost myself in a mental review of our great past, our turbulent present, and the unknown future. Suddenly, a television commercial blared colorfully on the television screen that stated, "Camel's are not for everyone!" and I received my answer, "Freedom is not for everyone!"

First, Freedom is for thinkers. Do I think for myself, or do I let others think for me? Am I capable of a way of life that lets me judge each person for himself, for his personality, for his integrity? I am not forced upon anyone, nor is anyone forced upon me. I choose my friends, and I choose my mate. This kind of freedom carries with it a challenge and responsibility.

Second, Freedom is for workers. Am I content to sit back and take from my country? Is it in me to accept President John F.

Kennedy's eloquently stated inaugural challenge that asked his countrymen not to take from this country, but to give all that they have in honor of their country? In the United States, I could be a respected and honorable Ditch Digger or I can be the President. Both require work, neither requires a special birthright nor special name. Just especially hard work. What a challenge!

Third, Freedom is for lovers. My Grandfather used to recite a poem that went somethink like this, "Breathes there a man with soul so dead, who never to himself has said, 'this is my own, my native land' ". Is my soul dead to the love of a country that led Washington's men across the Delaware, through a winter at Valley Forge, and on to Independence? Is my soul dead to the love of mankind that made Lincoln sign the Emancipation Proclamation? Is my soul dead to the thrill of the sight of Old Glory? And yet, can my love engulf any people anywhere in need?

Love of God brought the Pilgrims to America, Love of Freedom made the small band of colonists become the fathers of a great nation, Love of the land sent the farmers and trappers to settle the prairies to make an even greater nation. Do I have less love in my heart than they? Am I less dedicated to my country than were they?

Well, I am not paying any attention to the television now. I'm wide awake and very positive for my challenge. Freedom is not for everyone! Freedom is for the thinkers, the workers, and the lovers. God grant that I may be worthy enogh, that Freedom will be for me.

NUMBER OF FARMERS CONTINUES TO DROP

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 1970

Mr. ZWACH. Mr. Speaker, a matter of increasing concern to our people and the people of all of the world is the population growth.

Where will be put all of these people? How will we feed them?

At the same time as we express concern over our ability to feed this expanding population, we are losing farmers at a dangerous rate.

This should be of concern to all of us because we all know that without farmers we will be without food.

Mr. Speaker, a factual, well-written editorial by Gordon E. Duenow on this subject, recently appeared in the Little Falls Daily Transcript.

I hereby insert that editorial in the RECORD and commend its reading to my colleagues:

NUMBER OF FARMERS CONTINUES TO DROP

We sometimes wonder if we realize the seriousness of what is happening on our farms in Minnesota as well as in other states. The small towns have been losing good farmers at a tragic pace with the result that eventually we'll lose out all along the line. While industry is making some gains in the rural area, these industrial jobs fall far behind replacing the farmers who have been forced to move elsewhere—usually to the larger cities.

A recent news release from the Minnesota Department of Agriculture quotes an announcement from the State-Federal Crop and Livestock Reporting Service that the state has lost another 4,000 farming units—families—during 1969.

The result is that Minnesota begins 1970 with only 125,000 farming units, or 80,000 less than it had in 1935. Peak for farm population was 1935. The loss since that time is nearly 40 percent and represents a population shift of nearly 450,000 Minnesotans from the farms to the cities within the past 35 years.

This population shift has contributed to a situation where taxes are skyrocketing in the cities because there are too many people and in the rural community because there are too few people.

Loss of even one farm unit represents a serious economic setback to any rural community as farmers are required to spend a considerable amount to operate their business. Thus even though sometimes they cannot operate profitably, they are good customers just the same. It would require a number of industrial jobs just to replace the purchasing power generated by one farm.

While it is true that the smaller number of larger farms are producing an increasing abundance and quality of essential food and fiber necessary to sustain all of us, these larger farms do not make up for the loss of those forced off the farm. One big farmer is not as good a customer for the small towns as were the thousands who have left.

Maybe sme day we'll realize just what has happened but by that time it may be too late. Encouraging, however, is the fact that some of our governmental leaders are recognizing what is taking place. Eventually, and we hope not too late, something will be done.

WHAT THE CITIZEN CAN DO ABOUT ENVIRONMENTAL DETERIORATION

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 1970

Mr. HOGAN. Mr. Speaker, I recently had the opportunity to participate in a beautification award ceremony in College Park, Md., in my congressional district.

Certificates of appreciation were presented to individual citizens and to citizen groups who made outstanding contributions to beautification and improvement in the College Park area during the past year.

The citizens listed below have demonstrated that restoration of environmental quality can be, and must be, started on the local level involving groups of interested individuals. We have heard so much lately of the Federal Government's tremendous expenditures in fighting environmental pollution and the even greater amount which will be necessary in the future to eradicate the harm of the past. I think it is time we look at what can be done on a smaller and less expensive scale which nevertheless is equally effective.

Every day I receive inquiries from individuals who would like to know what they can do, in their own small way, to improve the quality of their surroundings.

The following list is, I believe, a good example of what can be done if the effort is put forth.

Mr. Speaker, I insert in the RECORD the names of the awardees from College Park and a listing of their contributions to beautification.

RECIPIENTS OF CERTIFICATES OF APPRECIATION

Alpha Gamma Rho Fraternity, 7511 Princeton Avenue, College Park, Maryland: Planting trees along City street during "Plant-In" week, May, 1969.

Mr. and Mrs. Merle E. Beall, 9024 49th Avenue, College Park, Maryland: Outstanding landscape architecture on their home grounds featuring fountains and Oriental decor.

College Park Boys Club, 8702 49th Avenue, College Park, Maryland: Cleaning up trash along Rhode Island Avenue.

College Park Lions Club: Organizing and subsidizing "Can-In" paying children for beverage cans picked up in a weekend campaign.

College Park Motel, 8419 Baltimore Avenue, College Park, Maryland: Attractive lighting and improvement of the front of their motel property.

Cub Scout Pack #408: Cleaning up area behind the Safeway Store.

Girl Scout Troop #1140: Planting area at Hollywood Elementary School and decorative painting of trash cans at the Rhode Island Recreation Field.

Mr. R. Doyle Grabarck, Graduate Student, 9010 Riggs Road, Adelphi, Maryland: Organizing the "Trash Bash" at the University of Maryland, May 3, 1969.

Hollywood Elementary School PTA: Brick wall and evergreen plantings to decorate flagpole area.

Mr. and Mrs. James V. Keister, 4804 Fox Street, College Park, Maryland: Utilizing skill in chrysanthemum culture in beautifying their home grounds.

S. Lachman & Son, 9517 Baltimore Avenue, College Park, Maryland: Attractive building, landscaping, and spot lighting of building at night.

Phi Delta Theta Fraternity, 4605 College Avenue, College Park, Maryland: Demolishing condemned buildings and cleaning up the debris.

Miss Penny Pometto, 5203 Paducah Road, College Park, Maryland: Entry in the Holy Redeemer School Progress Fair—a mobile on beautification.

Rollins Outdoor Advertising, Washington, D.C.: "Clean-Up, Paint-Up, Fix-Up" display on outdoor advertising billboard at Chaney's Esso Service Center.

Mrs. Barbara Schaffer, Beautification & Improvement Committee, College Park Citizens Advisory Planning Board: Outstanding leadership and dedication in her work on this committee particularly for editing the scrapbook, which won a Distinguished Achievement Award for College Park in the 1969 National Beautification Contest.

POLICE ASSISTANCE ACT OF 1970

HON. WILLIAM O. COWGER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 1970

Mr. COWGER. Mr. Speaker, today I appeared before the National League of Cities Congressional City Conference at the Washington-Hilton Hotel and delivered the following remarks:

REMARKS OF CONGRESSMAN
WILLIAM O. COWGER

Ladies and Gentlemen: It is indeed a pleasure to once again be meeting with a group of municipal officials. It is like homecoming for me. I not only had the experience of serving for four years as Mayor of Louisville, Kentucky, but also the pleasure of having been elected to a two-year term on

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the Executive Committee of the National League. Additional association with municipal officials was gained during my three years as President of the Inter-American Municipal Organization and my year as President of the Kentucky Municipal League. It is good to see many of my old friends and I can assure you that I know from experience of the great problems of our urban areas.

I would like to briefly explain to you the legislation that I have introduced in Congress, known as the "Police Assistance Act of 1970" (H.R. 15706). As Chairman of the Republican Task Force on Urban Affairs, I have been working for more than six months with various groups in drawing up this legislation. Basically it provides for direct federal assistance to local law enforcement agencies in the amount of half a billion dollars a year for five years, with a total grant of $2.5 billion. The money would be available to cities and counties with a population of 50,000 or more.

For instance, a city the size of Jackson, Michigan, with 50,000 population, would receive approximately $400,000 annually. Cities in the 100,000 population bracket, such as Wichita Falls, Texas, would receive $780,000. Omaha, Nebraska, with a population of 300,000 would receive $2,360,000. My own city of Louisville, Kentucky, with a population of 400,000, would receive $3,150,000. St. Louis, Missouri would receive $5,500,000, as would other cities in the 700,000 population bracket. Baltimore, Maryland, with a population of one million, would receive funds totaling $7,880,000.

In drafting this bill, I wanted a greater level of discretion and flexibility for local authorities in formulating ways to combat crime, setting priorities and in carrying out individualized programs suited to meet local needs. As a former Mayor, I know from experience that every metropolitan police force in the country is below complement. The problems of recruitment are, in large measure, the result of low salaries and inadequate pensions. In Louisville, where our budgeted police complement is 650 officers, we are over thirty men short. This legislation would make money available directly to the municipalities, where about 85 percent of the law enforcement budget is comprised of salaries.

The Safe Streets Act of 1968 has not functioned as a weapon to directly fight crime in our cities. For instance, in Kentucky the State government has allocated 75% of the state's action funds to local government on a "balanced geographical basis". Now please tell me, what does geography have to do with population and crime? My city provides approximately 34% of the total revenue for the State of Kentucky and receives in return about 18%. Almost every state legislature in the country has shortchanged its cities and Kentucky is no exception.

We know, you and I, that the pure physical evidence of officers on the street is a strong deterrent to crime. I can remember that in order to spread out our force we went to one man patrol cars. This soon had to be abandoned because of the danger involved. We reduced traffic fatalities on our expressways by increasing our motorcycle patrols. There isn't a person in America who hasn't slowed down when he has spotted a cruiser in his rear view mirror. Mayor Washington, of our capital city, recently doubled the police overtime pay in order to put an additional 102 men on the streets. Every department across the country is attempting to recruit with newspaper, radio and television advertising. In most instances the metropolitan departments have had to reduce their rookie requirements to increase recruitment.

So far, ten of my colleagues in the Congress have endorsed this legislation and we have received letters of backing from the National League of Cities and the U.S. Conference of Mayors. Those who have to fight crime on a day-to-day basis know, from cruel experience, where help is needed. I have discussed this problem with law enforcement officials who are almost unanimous in their endorsement. From the chiefs to the recruit patrolmen, it is known that crime is expensive. The taxpayer now realizes that public protection is a good investment.

On the other hand, we must expect opposition from the Conference of Governors and from the rural-oriented legislators in the Congress. The governors will resist any plan to weaken their authority over "block grants" to urban programs. As a matter of fact, with thirty-two governors of my own party in office, I can probably expect little gratitude for trying to help solve America's most important domestic problem. It is a matter of fact that a large majority of those who are serving in Congress have had as their previous governmental experience, service in the state legislatures. Many of my colleagues hold more dearly to "states rights" rather than "majority rights." As state legislators they really did not understand the problems of the cities. Only through true reapportionment will this change. As city officials we have traditionally had our problems with the rural oriented state capitals, but improvement is in sight.

To my knowledge, I am the only Republican in Congress who represents a strictly hard core urban district. My party could establish an important breakthrough and an excellent record on urban legislation by supporting my bill. But I hasten to add that anti-crime legislation is not of a partisan nature. Former Mayor and now U.S. Senator, Vance Hartke, has introduced an amendment to the Safe Streets Act which has gained endorsement from Republicans and Democrats alike. Yesterday I submitted testimony before the House Judiciary Committee in support of his amendment. Those of us with previous municipal experience have a strong obligation to fight with all of our strength for meaningful urban legislation in the field of crime prevention. With 80% of our population now living in the metropolitan areas of America, this contest must, and will be won. You may be assured, that I have fought against and upset the odds before, and I intend to win this one. Perhaps not today or tomorrow, but majority rights and needs will be understood and heard.

THE LIBRARY SERVICES AND CONSTRUCTION AMENDMENTS OF 1970

HON. WILLIAM H. AYRES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 1970

Mr. AYRES. Mr. Speaker, I am happy to introduce today the Library Services and Construction Amendments of 1970. This bill represents another step forward in the administration's drive to cut away entangling redtape from Federal assistance programs. By amending the Library Services and Construction Act to consolidate its four titles into a single State administered program for library services, the bill will turn each State's job of overseeing five narrow categorical programs into a responsibility for shaping a coherent, statewide approach to strengthening library services.

The President struck a deep chord in the public when he called for a halt to continued concentration of power in Washington. The American people know that the Federal Government cannot singlehandedly solve the Nation's problems. They sense that the more power concentrates in the Federal Government, the less responsive it grows to local needs and desires. It is appropriate, then, for us to seek ways to return some responsibility to the States, where local voices are better heard, local needs more clearly seen.

Mr. Speaker, this bill does precisely that. If it is adopted, the Federal Government would no longer tell each State how much it must spend for what kind of library services. Instead, the States would tell us what their library needs are. The States would determine what part of their library assistance allocation should go for the different kinds of library aid within the State. This bill would leave the States free to undertake a coordinated attack on deficiencies in library services. To put the issue in another light, the bill would insist that States take on responsibilities for which their experience under the existing act has prepared them.

The existing Library Services and Construction Act contains four titles, authorizing the five separate programs. Title I, public library services, extends improved library services to areas inadequately served. It has provided library materials, additional staff, specialized staff training, and other needed services to communities without strong libraries, and sometimes to communities without libraries at all. Title II, public library construction, has—matched with State and local resources—assisted in the construction, remodeling, and expansion of inadequate facilities. Title III, interlibrary cooperative networks, encourages libraries of all kinds to share resources and to work together for better services to each of their different clienteles.

Title IV–A, State institutional library services, offers assistance in establishing and strengthening library services in State residential institutions of all kinds: Prisons, orphanages, mental hospitals, and the like. Finally, title IV–B, library services to the physically handicapped, helps States to extend library services to citizens who, because of certain physical handicaps, cannot use regular library materials.

Each of these programs has served well in strengthening some aspect of library services. Precisely because the Library Services and Construction Act has encouraged the States to improving these areas, through commitment of their own matching resources as well as through Federal funds, the States are now experienced enough to make more fundamental decisions about the allocation of resources than they are now permitted to do. It is highhanded and, in the end, unrealistic for us in Washington to force States to spend so much on construction as opposed to so much on cooperative networks; we cannot set a standard that is appropriate for all States. Now the State agencies have behind them the kind of experience the Library Services and Construction Act has given them, we need not hold to a single national standard; we can ask each State to use its own judgment concerning its own library needs. The Library Services and Construction Amendments of 1970 proposes to do so.

Under its provision, each State would receive a base allocation of $200,000. The rest of the money would be apportioned among States on the basis of its overall population, just as it is under existing law. At this point, Mr. Speaker, the bill I am introducing differs from the draft bill submitted by the administration. The draft bill would have departed from existing law and introduced into the distribution formula a poverty factor somewhat akin to that found in title I of the Elementary and Secondary Education Act. I do not feel that this is wise or justified. This is not "poverty" legislation. Furthermore, it introduces a needlessly complicated factor based upon unsatisfactory data into a distribution pattern which has worked smoothly. While a program emphasis on library services to low-income families is desirable—and in large measure State and local library agencies have always served this purpose—it has little connection with the formula for distributing these funds between the States for carrying out statewide programs of services for all our citizens.

Funds would be used for the same kind of library assistance as those supported by the present law, except that each State would decide how much of its allocation would go for which purpose. Priority would be given to projects in areas with high concentrations of disadvantaged people, adding a new emphasis to services to the disadvantaged. The Secretary of Health, Education, and Welfare would be authorized to set aside up to 1 percent of each year's appropriation for evaluation of the programs supported under the act.

The amendments contained in this bill would become effective in fiscal year 1972, immediately after the expiration of the present law. However, some funds could be appropriated in fiscal year 1971 under the bill I am introducing, to aid States in making the transition from their responsibilities under the existing provisions of their mandate under the new provisions.

Mr. Speaker, I would conclude by commending to the attention of my colleagues this bill, as another step toward making Federal aid more responsive to the needs of its recipients, States, and local communities:

LIBRARY SERVICES AND CONSTRUCTION AMENDMENTS OF 1970—SECTION-BY-SECTION ANALYSIS

Section 1. Citation: This section of the bill provides that the Act may be cited as the "Library Services and Construction Amendments of 1970."

Section 2. Statement of Purpose: This section describes the purpose of the Act, to improve the administration and implementation of programs under the Library Services and Construction Act, by easing the administrative burden upon the States through reduction in the number of State plans and by affording the States greater discretion in the allocation of funds through program consolidation. The section further indicates that the Act is intended to offer greater encouragement for the extension of library services to areas with high concentrations of low-income families.

Section 3. Consolidation of Titles I, II, III, and IV of Library Services and Construction Act: This section of the bill would strike out everything after section 2 of the Library Services and Construction Act[1] and would insert in lieu thereof two new titles as follows:

TITLE I—FINANCIAL ASSISTANCE TO STATES FOR LIBRARY SERVICES AND CONSTRUCTION

Section 101. Appropriations Authorized.

Subsection (a) of section 101 directs the Commissioner of Education to make grants to the States for the purposes set forth in section 103.

Subsection (b) of such section authorizes the appropriation of such sums as may be necessary for the fiscal year ending June 30, 1972 and for each of the four succeeding fiscal years.

Section 102. Allotments to States: Subsection (a) of section 102 directs the Commissioner to reserve up to 1 percent of the sums appropriated in a fiscal year for carrying out Title I, and to allot this amount among Guam, American Samoa, the Virgin Islands, and Trust Territory of the Pacific Islands, according to his determination of their needs. The remainder of such sums is to be allotted by the Commissioner by allotting $200,000 to each of the other States. The balance would be allotted among such States on the basis of relative proportion of the population.

Subsection (b) of such section provides for reallotment authority.

Subsection (c) of such section provides that funds appropriated in any fiscal year shall be available for payments with respect to construction projects for that year and the succeeding fiscal year.

Section 103. Uses of Federal Funds: This section provides that payments under the title may be used, for programs or projects for any of the following purposes: (1) extension of public library services to areas without such services or with inadequate services; (2) construction of new or improved public library facilities (with priority for projects in areas without library facilities); (3) establishment and maintenance of interlibrary cooperation programs; (4) establishment or improvement of State institutional library services; (5) establishment or improvement of library services to the physically handicapped; and (6) comprehensive planning for the above-mentioned programs.

Subsection (b) of such section would define "public library services" to mean library services furnished by a public library free of charge; "State institutional library services" to mean provision of library materials and services for inmates, patients, or residents of certain designated State supported or operated institutions, or students in residential schools for the physically handicapped operated or substantially supported by the State; and "library services to the physically handicapped" to include the provision of special services to physically handicapped persons certified as unable to read or to use conventional printed materials as a result of physical limitations.

Subsection (c) of such section would authorize use of funds appropriated for Title I for evaluation and dissemination activities. It would also allow use of funds for proper and efficient administration of a State plan, and for technical, professional, clerical, and other assistance for a State advisory council, if appointed by the Governor and broadly representative of professional library interests and library users in the State and if vested with appropriate advisory functions.

Section 104. State Plans and Programs: Subsection (a) of setion 104 provides that a State which desires to receive grants under the title for a fiscal year must submit, for approval of the Commissioner, a State plan for that year. Such plan would have to include satisfactory assurances with respect to the adoption of procedures for fiscal control and accounting, evaluation and dissemination, and coordination of programs. It would also include assurances with respect to reporting requirements, procedures upon approval or disapproval of applications, and opportunity to participate in programs. In addition, the State plan would have to provide, subject to section 204 of the Intergovernmental Cooperation Act, for the administration of the plan by the State library administrative agency. The plan would set forth criteria for determining the order of approval of applications in the State, including criteria designed to assure that in the approval of applications for the extension and improvement of public library services, priority will be given to program or projects which serve areas with high concentrations of low-income families.

Paragraph (1) of subsection (b) of such section provides that the Commissioner shall not approve a plan unless such plan fulfills the conditions specified in subsection (a) and has, prior to its submission, been made public and subjected to comment by interested persons.

Paragraph (2) of such subsection provides that the plan shall be made public as finally approved.

Paragraph (3) of such subsection provides that the Commissioner shall not finally disapprove a plan without first affording the State reasonable notice and opportunity for hearing.

Subsection (c) of such section provides that, in order to be eligible for assistance under the title, a State must adopt, in consultation with the Office of Education, a long-range program for carrying out the title covering a period of from three to five years, to be annually updated. Prior to its final adoption, such program must be made public and a reasonable opportunity must be afforded for comments thereon by interested persons. The program must be made public as finally adopted.

Section 105. Withholding: This section provides that whenever the Commissioner, after notice and hearing, finds that a State plan has been so changed that it no longer complies with the title or that, in the administration of the plan, there is a failure to comply with any assurance or other provision of such plan, then the Commissioner shall make no further payments to the State or shall limit payments, as appropriate, until he is satisfied that there is no longer such failure to comply.

Section 106. Judicial Review: This section provides for judicial review of final action by the Commissioner with respect to a State plan.

Section 107. Payments to States: This section provides for payments to States of the Federal share of amounts expended by the States in accordance with the title.

Paragraph (1) of subsection (a) of section 107 directs the Commissioner to pay to a State, which complies with the plan and program requirements of section 104, from its allotment, an amount equal to the Federal share of the amount expended by the State and its political subdivisions during the applicable fiscal year for the uses referred to in section 103. With respect to administrative expenses, however, only the Federal share of the amount expended by the State will be paid.

Paragraph (2) of such subsection provides that payments may not be made to a State unless the Commissioner finds—

(A) that there will be available for expenditure from State or local sources during the applicable fiscal year (i) an amount sufficient to enable the State to receive payments of at least $200,000, and (ii) at least the total amount expended, in the areas covered by the plan, for public library services during the second preceding fiscal year;

(B) that there will be available for expenditure for public library and State insti-

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[1] Section 2 of the Library Services and Construction Act contains a declaration policy. Section 1 provides for citation of the Act.

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tutional library services from State sources during the applicable fiscal year not less than the total expended for such services from such sources in the second preceding fiscal year; and

(C) that there will be available for expenditure for library services to the physically handicapped from non-Federal sources during the applicable fiscal year not less than the total actually expended for such services from such sources in the second preceding fiscal year.

Paragraph (3) of such subsection provides for methods of payment under the title.

Subsection (b) of such section provides that the "Federal share" for a State shall be 100 percent less the State percentage, and the State percentage shall be that percentage which bears the same ratio to 50 percent as the per capita income of such State bears to the per capita income of all the States (excluding Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands), except that the Federal share shall not be more than 66 percent or less than 33 percent, and, for Puerto Rico, Guam, American Samoa and the Virgin Islands, shall be 66 percent, and for the Trust Territory, 100 percent.

Subsection (c) of such section provides for promulgation of the Federal shares by the Commissioner.

TITLE II—GENERAL PROVISIONS

Section 201. Evaluation: This section provides that the Secretary of Health, Education, and Welfare may use up to 1 percent of the total appropriations under the Act for evaluation of authorized programs.

Section 202. Recovery of Payments: This section provides that if, within 20 years after construction of a facility for which Federal funds have been expended under the Act, the facility ceases to be used for the purposes for which it was constructed or the owner of the facility ceases to be a State or local library service agency, the United States shall be entitled to recover a pro rata share of the value of the property from the applicant or other owner.

Section 203. Labor Standards: This section applies the usual labor standards provision to construction assisted under the Act. Provision is made for waiver of this requirement in certain cases where services are voluntarily donated.

Section 204. Definitions: This section defines for the purposes of this Act, the terms "State", "State library administrative agency," "public library," "construction" and "Secretary".

Section 4. Transitional Provisions: Subsection (a) of section 4 of the bill provides that amendments made by the Act shall be effective on July 1, 1971.

Subsection (b) of such section provides that during the fiscal year ending June 30, 1971, funds allotted to a State under the Library Services and Construction Act for any of the programs referred to in section 103 of that Act (as amended by this Act) and available for expenses of administration may, with the approval of the Commissioner, be used by the State for preparation of a State plan, for the development of a long-range program, and State advisory committee expenses, for purposes of the consolidated act for Fiscal Year 1972.

DRUG ADDICTION

HON. WILLIAM H. HARSHA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 1970

Mr. HARSHA. Mr. Speaker, it is not exactly known how great is the toll drug addiction takes in lives each year. Nor is it known how extensive are the effects of drug addiction on our national crime rate. But, even as these figures elude us, however, there are others which are much more alarming.

Countless numbers of our teenagers and high school students have been tragically "hooked" on narcotics, whether they started "taking trips" for fun and excitement or sought this lethal menace as an escape mechanism. The illegal use of drugs by the younger generation has become so commonplace that teenage addicts recently testified that obtaining drugs from a classmate is a simple process—"more like borrowing a book." Mr. Speaker, I am convinced that when the traffic in drugs has reached such ominous proportions, it is long past the time for not only the Congress, but the Nation as a whole, to do something to stop this dangerous invasion of drug abuse into the youngest segments of our society.

Certainly having more stringent, more effective laws controlling drug traffic is one method of abating drug abuse, but I believe that perhaps the best device for combatting drug addiction in our young is through education. We should educate them against the use of narcotics not only because it is illegal, but also because it is a potentially dangerous, deadly health hazard. Most importantly, we should instruct our young against these activities before the temporary "highs" of smoking marihuana or "popping pills" generate the more permanent tragedies of freak accidents of overdosage or the fierce bonds of addiction.

Kiwanis International is sponsoring such an instructive campaign. "Operation Drug Alert" is a yearlong program of drug education designed to reach high school students. In Clermont County, Ohio, the Kiwanis Club of Union Township recently conducted an essay contest on the subject of drug abuse, after holding an educational assembly at each of the area high schools.

I would like to take this opportunity to congratulate the Kiwanis Club for providing our young with this invaluable information and for their initiative in sponsoring this civic-minded program. I would also like to congratulate the two winners of this essay contest for their fine efforts. They illustrate some of the problems our young people face who are tempted to "turn on" with drugs, and I am greatly encouraged by their remarks, for they voice the sentiments of another "turned on" generation—one "turned on" to the dangers of drug abuse.

I commend these essays written by Miss Terri Jones and Miss Joyce Rusk to my colleagues, and I am including them in my remarks today with the hope that they will read them:

WHY RUIN YOUR LIFE?

(By Joyce Rusk, Amelia High School, Amelia, Ohio)

Drugs are now one of the most talked about subjects in the world. It is almost like one of the *in* things to do, but when you come right down to it, it is really very out. The older generation says that it is just showing how immature and stupid the teenagers are nowadays. It shows their true feelings: mean, anger, and hatred. The teenagers say that it really isn't wrong to take drugs. It is their life and their own privilege to live the way they want. Maybe both of these answers are right. There are some teenagers that are immature but there are also many adults the same way. Yes, you do have the privilege to live your own life the way you want but there is a limit to everything. You just can't cut your life off from the things that really get you down. You have to face them sooner or later because they will always be there. That is the way of life, it will probably always be. Most of the teenagers that take dope and become addicts say that this is the life they like not the other life, the real one. Sometimes it is good to get away from your problems but not by taking dope. It doesn't solve anything. Besides it ruins your health, maybe not everyone that has taken dope but the majority of them it has. Some of the adults want to do away with the drugs because they want to help the teenagers and their problems. A part of the adults don't mean to be so strict. If we didn't have regulations, this world would be in a much worse place than it is. It just isn't right to take narcotics because there are so many factors against it like: It is illegal, it is damaging to your health and it is just a fake way of living. Today more than ever we need real things. real thinking and real living. Is this so hard to do, you, the teenagers of the world today? Try it for once, don't use drugs to find your answer.

To me I wouldn't think of taking narcotics. It is very wrong, I care about myself and what happens to me. I want to live in this real world. I want to be someone before it is too late. I don't want a dream world that drugs give you. I want what the world can give me, and what I can give the world.

WHAT ABOUT DRUGS?

(By Terri Jones, Glen Este High School, Cincinnati, Ohio)

Today in our nations, we are faced with many problems. Some are wars, racial conflicts, and Communism. But not so far down on the list is the use of drugs. Usually when someone thinks of drugs, their first association with the word is teen-agers or hippies. But what those people don't realize is that adults, including physicians, housewives, businessmen and other solid citizens are among the regular drug takers. It is time that the people of this country stop and think about the dangers of drugs, both physically and mentally. It is time that people take time to find out about drugs and the damage they can cause . . . and then do something about them.

There are many different drugs taken. Among them are marijuana, amphetamines, barbiturates, LSD, heroin, morphine, cocaine, and glue sniffing.

Amphetamines, sometimes known as pep pills, bennies, dexies, copilots, wake-ups, peaches, footballs, and hearts, are medically used as stimulants. They give a good feeling, and they postpone fatigue. There are two ways they are taken. One is pills or capsules for swallowing, and the other is a liquid which is injected into the body and known as "speed" or "water" to abusers. Its medical name is methamphetamine or methedrine. Amphetamines are used in moderate doses by people who want the stimulating, anti-fatigue effect: students cramming for an exam, athletes trying to improve their performance, truck drivers on an all-night run. Since amphetamines create tolerance, the "good-feeling" seeker must take more and more pills. A moderate increase over the normal dose results in staggering, bleary eyes, incoherent speech, and poor muscular coordination. The dangers of amphetamines as well as other drugs are great. Long and excessive use may damage the heart and blood pressure. In "speed" users, irritability, loss of weight, and hallucinations are common among the worst addicts. All of the amphetamines, used heavily, can in the end create insanity equivalent to schizophrenia. Used this way, "speed" may cause definite brain damage and death. Users may be spotted by unusual liveliness and cheerfulness, heavy perspiration, bad breath, talkative, restless and irritability.

Barbiturates known as goofballs, downs, red birds, yellow jackets, blue heaven, barbs, candy, nimbies, seccy, rainbows, double trouble, blue devils, and sleeping pills, are most popular in the medical field as a treatment of sleeplessness. They also aid in treatment of mental disorders, including epilepsy, and for ailments of breathing, blood flow and digestive systems. A user takes it in pills or capsules, or he may prefer to dissolve the powder in water and inject it. The main danger is that it is very easy to take a "death-dealing" overdose, for two reasons: Barbiturate and alcohol reinforce each other's effects. Secondly, the stupor caused by the drug affects the memory, so that it may not be recalled that a dose was taken. A person anxious for sleep may take a second and even third—and fatal—dose. Its legal standing is like the amphetamines. Only attained legally from a doctor.

Heroin, known as H, horse, snow, stuff and junk has no accepted medical use. It could be valuable as a painkiller, but it is completely illegal. It's a white or brownish powder taken by injection. The injection may be made into the skin or muscle. This is "skin-popping." But it may also be taken directly into the vein for quicker and stronger results. It is known that more people die from heroin than any other drug.

Marijuana, nicknamed as pot, grass, hay, tea, weed, loco-weed, giggle, smoke, griffo, maryjane, hemp, rope, green, joy smoke (the cigarette: reefer, stick, goof butt, and joint), has no accepted medical use. It is taken in liquid, solid, or powdered form. Transporting, possession, and selling the drug is against Federal law, and has severe penalties.

These are a few of the most common drugs, nicknames, dangers, legal standings, and uses. A lot of the people that start on drugs of any kind do it to be "part of the gang" or because they were dared to try it just once. But a lot of them get "hooked," and it's no longer a game. Drugs are not only harmful to the user, but to his family. To the family, it's not physical harm, but it can do a lot to you mentally to know your son or daughter is on drugs, and is slowly destroying himself.

Girls should especially be aware of the effects of drugs. A girl who has been on drugs of any kind risks birth defects in any children she may have.

It would take a lot more time, ink and paper to write about all of the harmful effects drugs have, and no time at all to write of the good that comes from drugs, since there is no real good.

UNFAIRNESS AND HOT DOGS

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 1970

Mr. ZWACH. Mr. Speaker, a couple of weeks ago I introduced an amendment to the Wholesome Meat Act of 1967 which would make possible the continued operation of our small countryside combination locker meat processing and retail meat sales establishments.

As the law is now written, most of these economically vital rural community businesses would be forced to close, raising meat prices to those people they serve.

I recently read an editorial on this matter by Curtis Warnke of the Wood Lake News.

Mr. Speaker, Editor Warnke, a former State legislator, is a man of perception and good judgment.

I insert into the RECORD his editorial, "Unfairness and Hot Dogs"; and I urge my colleagues to read what he has to say:

UNFAIRNESS AND HOT DOGS!

Sometimes we wonder—the federal government does strange things. Recently they have been raising Cain with Minnesota locker plants; particularly our smaller ones. According to Robert W. Carlson, Minnesota Commissioner of Agriculture in a statement made January 24th, "Small locker plants which do custom meat slaughtering are threatened with extinction—because of federal refusal to compromise on a meat inspection law." The question is not proper or effective meat inspection—we have that here in Minnesota following the new 1969 law which passed the legislature—to the contrary, it involves a mere technicality. Our State law permits Custom slaughterers to sell *inspected meat* provided it is segregated from custom meat—that butchered and packaged for farmers and householders who bring in their own meat animals. Federal law prohibits custom slaughterers from selling inspected meats. This federal provision has no relationship to clean and wholesome meat, but is rather a regulation *directed to eliminating the custom slaughterers.*

Thus we can readily see that it's a matter of economics, pure and simple. The big boys want to do away with the custom slaughterers (all of our small locker plants) and the federal government very typically falls into the trap, and does the "dirty work" for the big boys. It happens time and again—over and over!

To add insult to injury, two days later, on January 26th, the federal government announced they were going to approve the sale of Cancerous chickens to the consuming public. In November, inspectors had condemned over 2 million frying chickens because they have leukosis which simply means they survived a bout with cancer but the virus developed lesions and tumors within the chicken. But now under the new announcement, the federal government would ban only chickens whose internal organs showed the disease, was active—a bird with tumors on one wing, for instance, is now considered unsafe. But the new recommendation says it would be safe to cut off the wing and use it in products like hot dogs, while selling the rest of the bird as cut-up chicken.

So they tighten up standards against the "little fellow" and loosen them for the "big fellow." (Most frying chickens are raised today in giant Corporative type operations.) Apparently somebody got stuck with a bunch of chickens and "got to" the right people within the federal government. How else can you explain such inconsistency? Think what they'd do to our small locker plant operators if they attempted to market similar trash! Hotdogs indeed!

COME ON OVER, SAM

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 1970

Mr. SCHERLE. Mr. Speaker, the majority of my constituents live quiet, peaceful lives. They abide by the law, they serve unprotestingly in the Armed Forces; their day-to-day activities rarely make the newspapers.

It was, therefore, of more than usual interest to me when a letter appeared in the Council Bluffs, Iowa, Nonpareil addressed to Sam Brown, Jr., by a former neighbor and classmate of his, Capt. Charles R. Hannan IV. The contrast between these two men is most revealing. Both are my constituents, yet one would have thought that they came from different countries, so separate and opposed are the worlds they now inhabit.

Sam Brown, Jr., is head of the moratorium committee, a national leader of youthful antiwar protesters, and a hunter of headlines. Captain Hannan, on the other hand, does not garner headlines. If he makes the news at all, it is as an anonymous member of the U.S. military forces serving in Vietnam. After reading an article about Brown in his hometown newspaper, however, Captain Hannan was moved to break his silence to step out of the shadows of anonymity. Acting as spokesman for all his companions who are dedicated to advancing the cause of freedom everywhere in the world, he framed this reply to Sam Brown's philosophy and to his protests, which I include here in its entirety. The chorus of protests we constantly hear should not deafen us to these quieter voices.

VOICE OF THE PEOPLE: OFFERS ASSISTANCE VIETNAM.

Sirs: Relative to the article (in The Nonpareil) on Sam Brown Jr. 23–24—Dec. '69.

Sam, after a number of years of education equal to your own, but in a different academic discipline, I do not feel competent to pass judgment on the complex issue now consuming both of us—Vietnam.

That discipline, I believe, taught me an appreciation of the facts, tempered by the concepts of a rule of just laws and an established, but not unquestioned moral code.

I am sorry that you encountered difficulty you could not surmount in attempting to come over here and gather the facts necessary for a moral judgment. Since I did not encounter the same problem about getting over there, I will be happy to act as your guide should you succeed in getting over here. I can guarantee it will be no more of a military tour than I am subject to at the present time.

I cannot guarantee that you'll be able to gather the facts you need to justify your moral judgment in the time you can spare from your busy schedule. But I have just about a year to devote to the project.

My only bias will be that created by my behalf that laws enacted by the properly constituted governing bodies of the United States should be followed. This includes those lawful orders given me by those the people elected have placed over me.

I will be glad to put up another bunk in our bunker at Fire Support Base Buell. I will be glad to hold your place in the chow line. I can show you the calm courage covering fear on the face of a 19-year-old kid who didn't have the education benefits we enjoyed. He does not have much of an insight into the morality of staying alive.

I can show you the strain of concern engraved on the faces of the officers responsible for implementing the policy set down by our elected representatives, and trying to get as many of those kids as possible to their rotation dates.

I can show you some of the strange country and people who seem to me like adolescents struggling with their own destiny against forces they can identify, but do not understand enough to control.

I can show you the heat, dust, mud and jungle. I can show you poverty, confusion, and waste. I can show you insects and rodents. I can show you hospitals stacked

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with broken bodies. I can show you young men who have seen many close brushes with death. I can show you evidence of the spirit these men draw on to keep going.

No, Sam, I can't show you sufficient facts to justify moral condemnation of the war. I can only show you what I can see. I hope you are able to come over. I'll do all I can to help at this end.

Capt. Charles R. Hannan IV.

MRS. LUCY ALBRIGHT

HON. TIM LEE CARTER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 1970

Mr. CARTER. Mr. Speaker, for many years Mrs. Lucy Albright has been a correspondent of the Glasgow Republican, a weekly newspaper in Glasgow, Ky.

Her writing reflects the feeling of the good people of Fountain Run, Ky., and its environs.

I am enclosing an editorial which expresses her inmost desires for the future of our country:

Lucy's Letter

(By Lucy Albright)

The 70's loom on the horizon, and what do they hold in their bag for the future? A century appears to be the greatest single period of time to tantalize man with its forecasts and predictions, but there are only a relative handful of people who live to see the beginning of years that end with double zeros. So the beginning of a decade with only one zero, provokes the greatest thoughts, and speculations with profound interest at each beginning; however even the best qualified historians are finding it difficult to formulate their prophecies for the incoming decade. There seem to be several schools of thought, and I am reminded of a man who could never be certain about anything, as he would say. "It mout and then agin, it mouten."

The 60s are too close at hand to correctly evaluate them, but they have been dubbed as frustrating, revolutionary, violent, criminal, shocking, intellectual, stupid, vexatious, among other adjectives. But still the past decade was a period of great acheivement with the heart transplant and the man on the moon probably the most outstanding. The pessimists contend that times will continue to grow more turbulent, more distressing, more complicated, more violent as the decade progresses, while the hopefuls on the other plane of prophecy foresee a transition into more normal, steadier, peaceful years. They even predict an upsurge in a Revival of Religion. They base their reckonings by mans innate nature, in that when he becomes thoroughly saturated with anything, it becomes so repulsive, that he wants to throw the whole caboodle over board. And the extremists will become so ill with vice they will vomit it up out of their system, and the other wing will be so full up to the hilt with lawlessness in our land, they will demand a solution to the problem, which may bring each camp a bit nearer center.

This old saying comes from the days of kings, "uneasy lies the head that wears the crown." This day of uncertainty is highly flavored with uneasiness for the individual as well as the leaders of our country. The high value of honesty, truth, integrity, decency, unselfishness, virtue (to name a few) never changes. It is only that man permits greed, selfishness, egotism, arrogance, and pride blind him to the real things of merit. And it is only when his thinking switches on to the right track, and he accepts the fact that God is still the Lord of the universe, and when man, individually and collectively moves in the realm of his will, then the web in which the world seems enmeshed will begin to untangle; right will become right; good will then be called good, and evil will be called evil.

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CANADA-UNITED STATES RELATIONS

HON. FRANK CHURCH

OF IDAHO

IN THE SENATE OF THE UNITED STATES

Tuesday, March 10, 1970

Mr. CHURCH. Mr. President, it is my pleasure to inform the Senate that the Canadian-United States Interparliamentary Group will open its 13th meeting tonight with an informal banquet at the National Portrait Gallery in honor of the Canadian delegation.

Representative Cornelius E. Gallagher and I are the cochairmen of the U.S. delegation. The Canadian delegation will be headed by the Honorable Jean-Paul Deschatelets, Speaker of the Senate of Canada, and Mr. J. Hugh Faulkner, Deputy Speaker of the Canadian House of Commons.

Meetings will take place in Washington, D.C., on Wednesday, March 11, dealing with trade and economic matters, plus defense and security issues of common interest. On March 12, the delegations will fly to Cape Kennedy, where they will inspect launch facilities, and then proceed to Houston, where, on March 13, they will tour the Manned Spacecraft Center.

Mr. President, Canada is on the move. This giant among nations is advancing rapidly into the 1970's with an optimism as broad as its far ranging frontiers and a buoyant belief that its future is unlimited. As Sir Wilfrid Laurier, Canada's Prime Minister at the turn of the present century, rightly predicted, "the 20th century belongs to Canada."

To better our understanding of contemporary Canada, I have assembled the following articles: an excellent, six-part series on "Canada in Transition" by James Nelson Goodsell of the Christian Science Monitor, a stimulating New York Times Magazine piece on Prime Minister Trudeau by Gerald Clark, editor of The Montreal Star, as well as recent newspaper clippings concerned with Canada's political life, economic developments, and foreign affairs.

I ask unanimous consent that these several articles on modern-day Canada be printed in the Extensions of Remarks.

There being no objection, the articles were ordered to be printed in the Record, as follows:

CANADA'S POLITICAL LIFE

[From the Christian Science Monitor, Nov. 5, 1969]

From Sea to Sea—The Changing Face of a Nation

(Canada, a land of distinct political, economic, and cultural differences, is undergoing a quiet revolution. It is waking to its own potential.)

(By James Nelson Goodsell)

Stretching from the Atlantic to the Pacific with a mighty window on the harsh Arctic frontier, Canada today reminds one of the giant, who, upon waking, flexes his muscles and shows his strength.

In a real sense, Canada is a giant among nations and in the recent past has come alive with a host of political, economic, and social advances.

In this second half of the 20th century, Canada is emerging as an industrial power of consequence. Moreover, it possesses a tremendous economic potential which is the envy of many another nation. And it now appears to have the political and social strength to match.

Canadian development amounts to a veritable revolution, confirming the forecast of Sir Wilfrid Laurier, Canada's prime minister at the turn of the century, who proclaimed that "the 24th century belongs to Canada."

DIMENSIONS ROUGHED IN

That bold and somewhat pretentious forecast may have seemed overoptimistic during the first half of the century. Many a Canadian wondered about its validity during those years. But Sir Wilfrid's forecast does not appear so odd and out of place today.

The visitor cannot fail to be impressed, as this writer is, with the vitality of the Canadian people and with the confidence they share in the future of their frontier nation, the largest in the Western Hemsiphere.

Here, in brief, are some of the dimensions of Canada's current development saga:

The nation's economy is growing at a healthy clip, somewhere in the neighborhood of 5.6 percent a year—and the economy is expected to register a 50 percent hike in the current eight-year period which began in 1967, Canada's centennial year, and ends in 1975. That would be a boost from $66 billion to $100 billion (Canadian dollars worth about 93 United States cents).

Mounting mineral production will show a doubling of the value of the ore taken from the soil in the 10-year period 1965–75. This should boost mineral-production totals from $12 billion in 1965 to $26.1 billion in 1975.

And perhaps most important, Canada possesses the world's largest known reserves of oil, gas, minerals, and water. And along with this, it has one of the half-dozen untapped land frontiers left in the world today. Only Russia's Siberia, Brazil's Amazon, Australia's interior, and core areas in Central Asia and Central Africa have frontiers comparable to the Canadian Arctic.

The view of geologists and others studying the difficulties of working and living in these harsh frontier lands is that Canada's Arctic may well prove the most hospitable and the easiest to develop.

"Canada's northern reaches are among the next to be opened up," a United Nations report said recently. "It will be necessary to overcome many hurdles, but the potential is there."

WHEAT AND NICKEL PROBLEMS

Canadians looking at the recent bidding on the Alaskan oil fields and on the voyage of the United States oil tanker Manhattan through the Northwest Passage are fast becoming aware of the potential wealth awaiting development in the north.

There are, of course, some storm clouds on the immediate horizon.

Wheat, for example, is being overproduced out on the prairies. The wheat-producing regions may even be headed for a depression. There are serious strikes at the moment, including that of the nickel workers, which is causing a worldwide pinch since Canada normally produces 80 percent of the Western world's nickel. But these are short-range problems.

Of more consequence is a list of other problems with a longer history and more meaning today as Canada faces up to its new role in the world as an important "middle power," a phrase being heard with increasing frequency in Ottawa, the Canadian capital.

At the top of the list of these problems are the harsh realities of Canada's geographical location. To the north lies that important Arctic frontier, an area that Prime Minister Pierre Elliott Trudeau recently called "the future of Canada."

And to the south lies the United States, a nation looked upon with mixed feelings by today's Canadian.

On the one hand, he values the generally friendly relations between the two countries. On the other hand, he worries about United States economic and political encroachment on Canada.

"In some ways, it is a love-hate relationship," a leading Canadian politician said recently. "Being so close, we are faced with the problem of 'keeping up with the Joneses,' who always seem to have a little more of everything—except land, and there comes the rub."

Many Canadians, however, probably feel much like the Winnipeg businessman who said: "If we have to live next to a great power, I'm glad it is the United States."

Still, the closeness of the United States and its preponderant influence in the world and particularly in the Western Hemisphere—politically, economically, and culturally—are an issue for Canadians. And the visitor hears it on all sides.

There are answers to the problem, of course. One of them lies in taking hold of the development of the Arctic frontier and in moving Canada's population and economic activity northward.

For 100 years, Canadian development has been largely confined to a 200-mile strip between the frontier and the United States—"hemmed in between two difficult realms," as a Calgary banker put it.

The vast bulk of Canada's 21.3 million people lives in this 200-mile-wide belt, leaving perhaps a million Canadians scattered elsewhere in the nearly 3.9 million square miles making up the nation. The transcontinental railways built in the last century stayed within the belt, as does the Trans-Canada highway.

All the principal cities are here also—from Ottawa and the big eastern industrial and population centers of Toronto and Montreal, to the prairie cities of Winnipeg, Regina, Saskatoon, Calgary, and Edmonton, and out west to mild Vancouver and its important Pacific port. Quebec and its French-speaking population, as well as the Maritime cities of Halifax and St. John's are in the belt, as are a host of other important towns with colorful names like Moose Jaw, Medicine Hat, and Red Deer.

EAST-WEST CLEAVAGE DESCRIBED

This narrow belt has its problems, too, "when you consider the east-west cleavage facing the nation," to use the words of a Toronto politician.

The people in the far west, in Vancouver and elsewhere in British Columbia, feel discriminated against in issues such as freight rates and representation in Ottawa. "In fact, there is budding separatism here," a Vancouver newspaperman said, adding quickly, however, that he doubts it will ever become "too serious.'

If the westerner feels isolated from the rest of Canada—partly owing to geography and distances over the prairies and through the mountains—the easterner often has the same feeling, particularly if he lives in parts of the Maritime Provinces which have become "Canada's Appalachia."

In the present boom era for the Canadian economy, the area to benefit the least is the Maritime region composed of the province of New Brunswick, Newfoundland, Nova Scotia, and Prince Edward Island (P.E.I.). Moreover, the region's traditional ties to the sea have weakened in recent decades, cutting off one of its sources of economic power.

Although the 200-mile-wide belt has provided one sense of unity to the Canadian nation, it may well have "given us a certain myopia about the total picture," an associate of Progressive Conservative Party leader Robert Staneld said here. "We put too much emphasis on parts of the whole and tended to forget even portions of the narrow corridor from ocean to ocean."

It may be that the new awareness of the northern Artic frontier will prove a boon to the more depressed areas of the Maritimes and to other parts of the corridor where there are economic and political problems.

But Canada's other big historical problem and perhaps the most pressing social and cultural dilemma today is the question of a French-speaking minority.

It is centered in Quebec and locked into a nation where the English language, ways, and customs predominate. The struggle between the two cultures dates back into the 1700's, when Britain and France warred over Canada. And it has never been fully or finally resolved.

Today, a serious separatist feeling exists among many French Canadians. The leaders of French-speaking Quebec, including Premier Jean-Jacques Bertrand, however, regard themselves as Canadian and have concentrated on efforts to heal the long cleavage between the "two Canadas."

But underneath, in the more impoverished and impassioned quarters of Quebec City and Montreal and some of the rural areas of the province, one hears the Quebecois speak with ardent feeling against Ottawa and all that it symbolizes.

All sorts of solutions have been advanced toward mending the breach. Some Canadians argue that Prime Minister Trudeau, himself from Quebec, may prove to be the Canadian leader who solves the separatist problem or at least goes a long way toward dampening it. Time will tell.

Meanwhile, the recent efforts of the federal government to make the nation more truly bilingual are stalled on many fronts. There are some doubts in Ottawa about the wisdom of imposing French on English-speaking people and English on French-speaking people.

One of the solutions which some observers think worthy of trying is a massive effort to get the Quebecois out of "the ghetto atmosphere" of Quebec, to use the words of a Toronto newspaper columnist. Dennis Braithwaite, in the Toronto Telegram, complained that "nothing is being done . . . to help rescue Quebec from its long night of ignorance." His solution: Get the Quebecois to travel about Canada, bring more industry and development to the province, and provide Quebec with better educational facilities.

TONE OF CONFIDENCE GROWS

Whatever the solution, Canadians know it must be found. And at this moment, despite pessimism in some quarters, there appears to be a degree of optimism in Ottawa and particularly in the Trudeau government about making progress in resolving the dispute.

And that optimism on the French-Canadian problem spills over into many other areas. The general malaise written about by many observers in Canada a few years ago has yielded to a growing tone of confidence in the future.

The centennial year, 1967, now appears to have marked a turning point. "We are more confident about tomorrow," an associate of Mr. Trudeau said, echoing almost the very words uttered by the opposition leader, Mr. Stanfield, during the course of a recent interview.

And this confidence seems to be shared and felt across Canada, even in Montreal, where serious riots erupted in mid-October, and the Maritimes, where there are signs that the economy may be coming out of the doldrums.

Yet as Canada moves into the 1970's, Canadians find themselves with the prospect of being on the doorstep of a future bright with promise, but still shackled by the legacy of the past which must be overcome if the future is to be fulfilled.

"We have to both utilize our heritage and overcome it," is how a Toronto banker put it.

[From the Christian Science Monitor, Nov. 12, 1969]

PRIME MINISTER TRUDEAU: RESHAPING A NATIONAL IMAGE

(To the Canadian public, Canada's prime ministers, beginning in 1867 with Sir John A. Macdonald, were often party leaders painted in traditional party colors. But Trudeau is shifting the emphasis, proving a colorful leader as well as an astute politician.)

(By James Nelson Goodsell)

Canadian politics is being significantly reshaped these days.

Here in Ottawa, the Canadian capital, Prime Minister Pierre Elliott Trudeau has taken firm control of government machinery and is slowly but clearly altering some of the traditional concepts of the Prime Minister's job.

"It would be fair to say," comments a newspaperman here who has watched governments come and go, "that Trudeau after a year and a half in office is more firmly in control of Canada and Canadian affairs than any leader since Mackenzie King."

Mr. Trudeau's emergence as a national leader came as a surprise to many Canadians who knew little of this politician-intellectual before he was tapped by the Liberal Party as successor to Lester B. Pearson in 1968.

Yet Mr. Trudeau is proving something of an enigma to Canadians—and to the Progressive Conservative Party, the main opposition force in Canadian politics which itself is headed by a new man, Robert L. Stanfield.

Mr. Stanfield took over as leader of the Progressive Conservatives shortly before Mr. Trudeau assumed leadership of the Liberals. He has not made the impact on Canada that Mr. Trudeau has but seems to be more and more taking an active and vigorous part in leadership of his own party and in challenging the Liberals and Prime Minister Trudeau.

Part of Mr. Stanfield's problem is that Mr. Trudeau continues to upstage the opposition leader. His upstaging comes in a variety of ways. Obviously the Prime Minister has a platform of importance denied the opposition. But, more importantly, Mr. Trudeau is proving a colorful leader.

"Trudeaujinks" was the coined word used by the Montreal Star last summer to describe the activities of the Prime Minister.

Pictures in Canadian newspapers, as well as throughout the world press, tell something of the man. He is shown in bathing trunks diving into a pool, throwing a football at a high school competition, riding horseback in the Canadian West, strapping himself into a two-seat jet aircraft, taking his tie and hanging it around his neck to suggest the strangling when he discussed a politically unpopular issue, and kissing pretty girls on the cheek.

A bachelor whose basic desire is to separate his public and private life—which he does with considerable success—Mr. Trudeau's less flamboyant self, that of a quiet, pensive intellectual, does not make the headlines. Yet it is there.

And it is this aspect of his makeup which is helping to reshape Canadian political life.

Under his aegis the Prime Minister's office is taking on an increasing amount of activity. He says he wants a staff around him that will be able to meet the challenges of the 1970's, a decade which he feels will require more specialization and more expert decision than any previous set of 10 years.

Mr. Trudeau, the enigma to Canadians, is proving the enigma to his fellow Liberal politicians.

NEW MARKET WANTED

His basic goal is one of altering Canada both at home and in the world. He envisages a Canada with quasi-neutralism as its international posture, an independent stand which will, or at least should help, keep Canada independent from the dominant United States neighbor next door.

But his neutralism is not a passive one. He wants to find new markets for Canada's products—items which the nation produces in large abundance, such as wheat, cod, forest products, and both light and heavy manufactured items. If this means selling to the Communist world and to areas not previously included in Canada's trade pattern, so much the better.

Part of the Trudeau effort is one of making Canada an important middle-power voice. This is seen in his downplaying of Canadian defense efforts overseas, cutbacks in the North Atlantic Treaty Organization commitment, and the restructuring of some of Canada's foreign service. While these steps were taken for economy reasons, they have another important aspect: They are designed to give Canada a greater sense of flexibility.

And this is the essence of the Trudeau approach to government. He wants Canada to have—both at home and abroad—a flexibility of approach for the 1970's which will allow Canada to roll with the punches and to be able to effectively adjust to changing conditions.

His own office style suggests this approach. He has a larger staff than any previous Canadian prime minister. He puts heavy importance on the staff system. And he tends to downplay the importance of parliamentary committees with their more formal procedures.

He is accused by his detractors of wanting to change the prime minister's office into a presidential office. And there does appear to be more of the executive system in operation under Mr. Trudeau than his predecessors. He argues that this is necessary in a time when decisions must be made quickly and with expertise.

As a middle power, not a major power, Canada in the Trudeau view can serve as a mediator between the major powers, an arbiter in East-West relations.

This role demands of Canada increasing domestic peace and solutions to a number of problems which have beset the nation for the 100 years since confederation back in 1867—a date Canadians regard as their year of independence.

Most prominent among these is the issue of French-Canadian separatism. Mr. Trudeau, a product of the French-Canadian system, sees the issue as dominant but perhaps not as impossible of solution as many Canadian officials and observers say.

Toward this end, he has followed a conciliatory course toward French-speaking Quebec and has gone out of his way to find ways to more effectively incorporate the Quebecois in national life. A language bill which hopefully will make Canada more truly bilingual has been passed. Members of the Trudeau government as well as civil servants in Ottawa are being called upon to learn both languages.

But this in only a beginning.

OPPOSITION FROM QUEBEC

Style and approach are important—and here Mr. Trudeau is carrying on the programs begun by his predecessor, Prime Minister Pearson, which aim at getting away from separatism in political treatment and in ministerial performance.

Some observers think that only a French-Canadian like Mr. Trudeau, although he is not a typical one, can effectively heal the separatist issue. Yet there is strong opposition to Mr. Trudeau—coming right from Quebec. Many of the Quebecois see him as more English than the English in Canada, something of an "Uncle Tom" among his fellow French Canadians.

Whatever the debate now under way, there seems little doubt that this basic issue of separatism is one that will continue to occupy Mr. Trudeau's thought and activity in the months ahead.

For his part, Mr. Stanfield has come to recognize the importance of greater attention to Quebec. A native Nova Scotian, he plugs away at learning French, but says it is difficult for a man in his 50's to do so (he is 55, Mr. Trudeau 50).

The Progessive Conservatives have not really had a strong foothold in Quebec and see little likelihood of gaining one in the immediate fture. But Mr. Stanfield and his fellow Conservatives hope that with time this can be broken down.

In the meantime, they see their role in this regard as one of "doing what is right on constitutional issues and on separatism and thinking and acting in bilingual ways," as a Stanfield associate put it.

Mr. Stanfield's party not only is an opposition force, but it is a minority party. In the 1968 general elections, Mr. Trudeau's Liberals won 151 seats to Mr. Stanfield's Progressive Conservatives who won only 72 seats.

The road to a return to power will be difficult, particularly if Mr. Trudeau succeeds in maintaining his control over his party and an effective hold on public opinion.

Yet Mr. Stanfield holds that the time will come again for Conservative leadership in the nation, reminiscent of the years of the last Conservative government, that of John G. Diefenbaker in the 1950's but much more "progressive" than that government.

Mr. Stanfield as a result emphasizes the "progressive" part of the Conservative name.

The term "conservative" is not entirely descriptive of the party as a result. Mr. Stanfield views the party as a political force which in many ways is to the left of Mr. Trudeau and his Liberal Party. He favors major social legislation, for example.

A recent party conference at Niagara Falls worked on new proposals—and before long Mr. Stanfield hopes to outline some basic changes in the federal tax law which he would like to see adopted. In addition he has ideas on social-welfare legislation. Without being entirely specific, he has talked of adopting a guaranteed annual income for all Canadians.

Some members of his staff, a young and aggressive group of men and women, many of whom are in their 20's, have given him concrete proposals on amounts and on sliding-scale increases to take into account inflationary pressures.

Mr. Stanfield is expected to incorporate some of these proposals into his public utterances in the months ahead as he campaigns against Mr. Trudeau and the Liberals.

Party designations are not entirely meaningful in Canadian politics. It more depends on base. And in this the Liberals have tended to be a broader-based party than the Conservatives, appealing throughout the country and in French-speaking Quebec.

At the same time, Canada has additional parties—particularly the socialist-oriented New Democratic Party (NDP), which has 23 seats in Parliament, and the French-oriented Le Railliement des Creditistes with 14 seats.

The NDP gained wide attention this past summer with a spectacular showing in Manitoba, where it won control of the provincial legislature and put a former Liberal in the provincial premier's post. The new Premier, Edward Schreyer, is a Roman Catholic, a political science professor, and a sharply individualistic and articulate speaker.

Yet the NDP in Manitoba, under Mr. Schreyer, is a far cry from the NDP nationally, under T. C. Douglas. The NDP with its socialist philosophy is anathema to many Canadians on a national level, but the NDP in Manitoba is attracting business support.

The reason is essentially Mr. Schreyer's moderate approach to the issues. He is not a doctrinaire socialist, but one interested in progressive government in Manitoba.

Moreover, it may be due in some measure to the political attitudes of the prairie provinces, which have always shown a degree of political independence. Saskatchewan had a socialist government from 1944 to 1964, and the socialists have made headway in a number of provincial elections.

In British Columbia, the NDP seemed to pose a serious threat this past August to the Social Credit Party of Premier W. A. Bennett, himself something of a maverick in Canadian politics. But Mr. Bennett withstood the NDP attack and came back stronger than ever, winning a total of 39 seats in the provincial Parliament—a gain of 7—in the 55-seat House. Most of his gain was at the expense of the NDP which had seemed to pose a serious threat.

But for all the variety in Canadian political life, the Liberal and Progressive Conservative Parties—with their leaders, Prime Minister Trudeau and Mr. Stanfield—are the major forces in the nation. They will probably remain that way, although the NDP stands to retain a significant minority position, one which could be particularly important when the parties are more evenly balanced than they are today.

POLITICAL HEADWAY

Mr. Stanfield looks toward 1973 and the next scheduled parliamentary election with considerable optimism. He can take some hope in the fact that Mr. Trudeau's star in popular opinion polls is not as great as it was a year ago. And he can be pleased that the Conservatives are once again making more political headway than seemed possible after their stunning 1968 defeat.

Yet Mr. Trudeau appears likely to continue to dominate Canadian political life in the months and years ahead.

He is a political leader of consequence with an independent style and approach, a somewhat elusive man who has already begun to make his mark on Canadian politics. He has long enjoyed the give and take of political argument, particularly in the grass roots with the voters. And he has something of a knack for winning public sentiment by informal sessions with the public.

Mr. Trudeau travels widely out of Ottawa and apparently likes to get away as often as he can from the official routine in the capital. In fact, those around him say he dislikes the routine of Ottawa life and prefers to be out in the hustings.

This attitude has served to show the difference between Mr. Trudeau and Mr. Stanfield. Yet the difference may not be as important as some observers think. Mr. Stanfield is a personable individual, even if he suffers sometimes in comparison with the more gregarious Prime Minister.

In the long run, Mr. Trudeau's personal assets will prove less important than his performance as a leader and his ability to heal the breaches in the nation. His top job is probably that of solving the dilemma over French Canada.

If he can satisfy both the French in their effort to retain an independent language and culture and the English in their desire to keep the nation together, his place in Canadian politics seems secure.

[From the Christian Science Monitor, Dec. 11, 1969]

CANADA FACES THE FUTURE WITH "A RAGE TO LIVE"

(Not since confederation in 1867 have so many vital issues confronted Canadians. The answers could foreshadow a country much changed from the familiar Canada of the past.)

(By James Nelson Goodsell)

A recent issue of Maclean's magazine contained a feature on redrawing the map of Canada. The article asked Canadians if they had to roll up the present map, "Which Canada would you choose?"

Suggesting that Canada of the future may have "an image that is far from familiar," Maclean's editors gave readers three options:

[Maps not printed in RECORD.]

Map 1 consolidates Canada's present 10 provinces and two territories into eight subdivisions—including two "city provinces" embracing what are now Montreal and Toronto, although calling the latter "York."

This map, based on population grouping and economic efficiency, leaves Ontario, Quebec, and Newfoundland pretty much intact. But it merges the small Maritime Provinces into one grouping, to be known as Atlantica. The prairie provinces and the Northwest Territories become a single subdivision, Alsaskaman, taking the first letters of Alberta, Saskatchewan, and Manitoba. British Columbia and the Yukon Territory become North Columbia.

DEBATE UNDER WAY

Map 2 handles the situation which would develop if Quebec went its own way. In a Pakistan-like redrawing of the map, the rest of the nation becomes Canada West and Canada East with a Polish-corridor-type highway linking the two. The highway crosses not only Quebec but part of Maine in the United States. In return, Canada grants a similar corridor linking the continental United States with Alaska.

Map 3 merges Canada into the United States, giving Washington four new states with Quebec becoming "a French-speaking enclave surrounded by a continent-sized American melting pot."

Maclean's disclaims any advocacy of such wholesale revision. But the magazine feature points up the debate under way in Canada over the constitutional future of this northern land.

It could well be that the map of Canada will not change one iota in the years ahead—except perhaps for turning the Yukon Territory and the Northwest Territories into full-fledged provinces. Yet the possibility of change does exist in a nation with only 21.3 million people, with vast unpopulated reaches, and with so mighty a nation as the United States and its 200 million people next door. Taken together with the separatist sentiment in Quebec and other divisions, Canada today is at something of a crossroads.

NEW CONCEPTS BREWED

The new look in political leadership in Ottawa, reflected in both the majority Liberals headed by Prime Minister Pierre Elliott Trudeau and the minority Progressive Conservatives led by Robert L. Stanfield, suggests this is a time of possible change for Canada and its governmental patterns.

The possibility, however, is abhorrent to many Canadians who like the comfortable, somewhat time-honored patterns that have worked reasonably well over the past 100 years since confederation in 1867.

But new concepts are brewing. Many of Canada's younger people—not those in universities, but those who already have begun to take a place in government, business, or the professions—are openly talking about changes in government.

They question, for example, whether Canada ought not to go it alone more regarding Commonwealth affairs. Some wonder whether or not the monarchy's usefulness is over. Still others actively champion the concept of a presidential system of government with its various checks and balances. Prime Minister Trudeau's handling of government in Ottawa leaves many to suspect he is moving in the direction of the presidential system.

All of these notions and concepts are little more than talk at this stage. But they are growing factors in Canada's political and social evolution. And observers throughout Canada expect these factors to become even more important as time goes on.

"The decade of the 1970's," says a prominent prairie editor, "will probably determine our future course." He continues:

"We have not been called upon to make such important decisions since the time that our ancestors set up Canada, as we know it today over a hundred years ago. We now need the wisdom of Solomon and the ability to foretell the needs of the future. Will we be better off remaining fully independent or working out some sort of liaison with the United States.? What of the Queen? Will we continue to sing 'God Save the Queen'? Or will we opt out of this tie as seems to be the trend in other places?"

MAJORITY OPPOSE TIE

The overwhelming majority of Canadians are clearly opposed to any tie with the United States, more than now somewhat unhappily exists in economic encroachment. But there is an articulate minority supporting such a tie. Thus this prospect seems remote. But some of the other prospects now being aired seem less so.

Maclean's map feature, as farfetched as it seems to some Canadians and as strange as it looks to the eye, well may presage changes in Canada's look and its governmental instruments. Time will tell.

Meanwhile, most Canadians are thinking about issues of more immediate consequence, although they are issues which will have a considerable impact on Canada's destiny. These issues involve the cities, the development of the northern frontier, and Canada's role in the world.

What of the cities? As the first map in Maclean's proposal suggests, today there are two major metropolitan areas in Canada: Montreal and Toronto. Both have populations of more than 2 million people, and Toronto probably can claim an additional million in the surrounding area. This population dimension means one of every four Canadians is a resident of either Toronto or Montreal! This fact alone cannot help but have consequences for Canada's future development.

Out here in the prairie provinces, five important metropolitan centers exist—all with populations passing or approaching a quarter of a million persons each. Calgary and Edmonton, the key cities of Alberta, have half a million each. Regina and Saskatoon in Saskatchewan boast 200,000 each. Winnipeg in Manitoba boasts 600,000.

Farther west metropolitan Vancouver and its more than 800,000 inhabitants dominate the western province of British-Columbia. And then there are such cities as the Canadian capital of Ottawa and Quebec City, as well as those in the Maritimes and others elsewhere across this nation, which all are metropolises of consequence.

While some Canadians wish that the growth of the cities could be curbed, such a wish seems rather vain. The city core may slow down in growth, but the metropolises as a whole seem certain to grow spectacularly in the years ahead.

Some Canadian commentators now see Canada in terms of a number of large city-states, with a central core around which are clustered an increasingly industrial area. Such is certainly the case for Toronto and Montreal. And in Calgary, the Calgarians see themselves as dominating a vast region of this western prairie province. Certainly Calgary is the center of Alberta's oil industry even though most of the oil drilling is north and west of Edmonton, Calgary's rival for dominance in the province.

SOLUTIONS UNDERTAKEN

The development of this city-and-region situation has brought a call for governmental structure to cope with the new arrangement. Some of it exists already, but more is needed. Yet Canadians are considerably ahead of their neighbors in the United States in this regard.

What city planners are grappling with is a whole list of urban problems ranging from inadequate transportation to inefficient housing. These are not dissimilar from the problems faced by large U.S. cities. For Canada, however, as evidenced in city planning in Calgary and Edmonton, something is being done to solve these problems before they become almost too big to solve. Both cities have concentrated industry away from living areas, and Calgary has fully adequate waste-disposal arrangements.

Turning to another area, Canadians—as previous articles in this series have indicated—are beginning to focus attention on the vast, unharnessed frontier lying north of the narrow east-west population zone in which most Canadians live.

In this connection, a series of task-force studies are being made concerning resources and potential for industrial and urban development in the broad belt from Newfoundland to the Mackenzie River Valley near the Alaskan border.

This belt, named the Mid-Canada Corridor, may well become the next area for Canadian growth. It sweeps down below Hudson Bay in Ontario, but runs well north of cities like Winnipeg, Regina, and Edmonton.

The result of these studies should provide a jumping-off point for developing the north. Once the mid-Canada frontier is opened up, the possibility of opening the far-northern frontier become more likely.

Thus, the present effort undoubtedly will be focused on opening up more accessible regions first. Developing the $900 million (U.S.) Churchill Falls hydroelectric-power project in Labrador is a significant first step.

This project, the biggest civil-engineering effort in North America, also is one of the largest single-site hydropower plants in the world. It is scheduled for completion in November, 1971. Its planned capacity is large enough to provide power equivalent to that utilized by the cities of Montreal, Toronto, and Vancouver. These cities have a combined population of about 6 million.

Canada is beginning to open up and use its wilderness and it also is opening up a new avenue of independence in the world.

Canada's voice long has been one of mediation in world councils. It now is becoming one of independence as well.

The Trudeau government may be cutting back on its overseas staffs as an economy measure, but the thrust of Canada is being felt in other parts of the world. Canada's independence on the issue of ties with Communist China nettles Washington.

More importantly there appears a trend toward Canada's alignment with such European nations as Germany and Italy and with Japan in resisting Washington's efforts on a number of issues. One of these areas is atomic testing.

Canada made a number of entreaties to Washington when the United States carried out its underground atomic test in the

Aleutians. Canada, moreover is providing a haven for many United States men who are resisting the draft and the war in Vietnam. Even if providing a haven is proving a touchy subject with many Canadians, it does suggest the trends now evident across this nation.

MUSCLES FLEXED

Numerous articles in Canadian journals of opinion recently have indicated something of the growing trend toward independence in thinking and in acting on foreign affairs. One commentator suggested that any government failing to give support to the "politics of independence" is not with the tide. He concluded, "This country has a rage to live."

One Canadian—Harold Horwood, the Newfoundland novelist—says that among Western nations, "Canada is the first truly 20th-century nation." That may stretch the point a little, but there is little doubt Canada is a vigorous and important 20th-century land.

And the next decade well could witness some major changes in Canada's role in the world and in the way it governs the vast reaches of its 3.9 million square miles.

[From the New York Times Magazine, Jan. 25, 1970]

TRUDEAU WITHOUT THE TRUDEAUMANIA—CANADA'S PRIME MINISTER IS NOT A SIMPLE SWINGER NOR A RADICAL REFORMER

(By Gerald Clark)

One evening last spring, Gordon Fairweather, a member of Parliament, left the House of Commons and strolled along Parliament Hill, enjoying the early flowers and the release from winter harshness. It was a quiet evening, and the collection of gray sandstone Gothic buildings looked unusually peaceful in the dusk. Fairweather, suddenly, was startled to see the Prime Minister, Pierre Elliott Trudeau, walking toward him. No one else was around, not even the Royal Canadian Mounted Police plainclothesman who normally accompanies the Prime Minister wherever he goes.

Trudeau was on his way from his office in the East Block to the other office in the Centre Block, which he uses when the Commons is in session. Fairweather, who had known Trudeau since his days as an ordinary M.P., had shared a bond as a fellow lawyer and upholder of civil liberties and, even though a member of a rival political party, had always admired and respected him. "Prime Minister," said Fairweather, "do they allow you out alone now?"

Fairweather does not remember the precise reply, but he says he will not forget the meaning of the gesture when Trudeau shrugged his shoulders. It was as if to say, "I wish it were so." Fairweather experienced a powerful sense of empathy, for here was Trudeau, an intensely individualistic person who in the past managed to escape periodically to a mountain retreat, Thoreau-style, to meditate alone, trying to cling to a moment of privacy. His brief flight in the spring was from a post that had made him a captive, but, typical of the enigma of Trudeau, no longer a reluctant one.

More recently, an interviewer found Trudeau in his Centre Block office—a formal, stiff setting—with the Prime Minister dressed appropriately in a dark suit. His collar was unbuttoned, his tie askew. This was not merely a concession to compromise. It was, instead, quite in keeping with Trudeau's innate conservatism yet demand for personal freedom. For the man who has on occasion worn as ascot and open sandals in the House of Commons, or—attired in white tie and tails—slid down the banister of Lancaster House, a British government mansion in London, there is no intrinsic contradiction between uninhibited behavior and a dedication to a solid, safe approach to government.

Besides, he slides down banisters to demonstrate he is physically fit. Trudeau is bewitched by a mark of vanity. But it is not necessarily about his formidable intellect, an I.Q. of 180 and an erudition piled up at l'Université de Montréal, Harvard, the London School of Economics and l'Ecole des Sciences Politiques, Paris. It is, rather, about his age—he is 50—and his determination to keep forever youthful and athletic.

If there is a contradiction it exists chiefly in the minds of those electors who chose Trudeau because they visualized him as a swinger, a wealthy bachelor who takes out dazzling actresses half his age, who arrived on the political front late but who would help Canada eliminate its image of stolidity. Things have not worked exactly that way, and the disenchanted include intellectuals who thought Trudeau would animate the country with radical social and economic reforms. Trudeau, as the 18 months since his election as Prime Minister have confirmed, is neither a simple swinger nor a radical reformer. Nor is it entirely right to dismiss the story ingenuously, as he himself attempted to do when he told his interviewer, "I am just trying to set myself up as some kind of modest efficiency expert in government."

Trudeau is a complex mixture, a man to himself and comparable to no other political figure. He has been called patrician, autocratic, cold, selfprotective and mysterious. He may be all of these, but he is also charming, warm, carefree, open, modest—and shy. Gordon Fairweather, who, as a Conservative spokesman, finds it difficult to criticize Trudeau, quotes a description once given by Lord Haldane, the British statesman, of Prime Minister Asquith—too much head, and not enough "fire in his belly." To a degree, it fits Trudeau. He has shown himself venturesome in foreign policy, but cautious in domestic affairs, prompting Fairweather and others to suggest that they would welcome more of a gambler and less of a precision-maker in Trudeau. He has given Canada its most efficient government in modern times. In the process, he has kept pace with the enormous growth of administrative needs by expanding the staff and apparatus of the Prime Minister's office, so that today it is twice as big as that of his predecessor, Lester Pearson.

Trudeau has been able to concentrate on the housekeeping and mechanics of management because he has been under no compulsion to deliver promptly on campaign promises—for the good reason that there were no specific campaign promises. Such was the enchantment of Trudeaumania in 1968 that he had no difficulty leading the Liberals into election victory as Canada's first majority government in six years. He did so on the strength of vaguely worded and philosophic approaches to national unity and regional disparity in the face of growing separatism in Quebec and a persistent gap between the affluent and poor provinces.

There has been some improvement in English-French relations, but less marked success in the fight against economic inequalities. This is not unintentional. In Trudeau's mind, national unity held priority, for without it there would be no country and consequently no other program could carry meaning. And in the deliberately calculated timetable of the technocrats with whom Trudeau has surrounded himself, the cutting of government expenses would have to precede the spending of more money. "The goodies"—as his principal aide, Marc Lalonde, puts it—will come later, by 1972.

Trudeau, whom France's Jean-Jacques Servan-Schreiber, editor-publisher of L'Express, has called "the first really modern politician in the West," has no doubts about the validity of his approach. "We're setting up machinery which will permit us to deal with the important and not only the urgent," he says. He has set up a multitude of study groups and task forces to delve into almost every aspect of Canadian life, from agriculture to the welfare structure, from constitutional revision to public information. In the past session of Parliament, 10 white papers were introduced, compared with an average of two or three in previous governments. It suits a computerized age, and it suits Trudeau's own personality. The result is an effusion in efforts, though not always in warmth. One of the lieutenants in the Prime Minister's office, who worked previously for Pearson, confesses there was more excitement in the old days: "It was like being in an ancient DC–3 with Pearson the pilot, a grin on his face, flying by the seat of his pants—coming in for a landing with the wings, wobbling, clipping hedges, but always touching down safely. Now it's like being in a DC–8, landing on instruments, everything efficient and calm—and impersonal."

There is a feeling here that, Lord Acton notwithstanding, power instead of corrupting Trudeau has made him more tolerant and subdued, as though he is aware of the limitations of any individual in the face of economic and social and political realities. A man who has worked closely with him for many years—previously when Trudeau was teaching law at l'Université de Montréal, and more recently when he became Justice Minister and Prime Minister—says, "Ten years ago he was, intellectually, an arrogant bastard. Now he has learned some humility."

At Cabinet meetings decorum is stiffer than it was under Pearson, but Trudeau presides much as a professor at a seminar. He arrives with a message containing perhaps three main points—the maximum, as any good lecturer knows, that can be absorbed in a single sitting. Trudeau makes his points, then listens to the discussions that ensue, in a technique that may have its origin in his Jesuit classical college training in Montreal—of not imposing views on others but letting them find their way to your position. In response to items raised by ministers, Trudeau frequently and candidly confesses he is not sure what action should be taken. He heeds arguments, does not necessarily act by consensus but has a knack for selecting the best reasoning offered around the table.

In the easy-going Pearson-administration, Cabinet leaks were frequent. Trudeau has imposed a ruling that no disclosures may be made to the news media—largely on the ground that these are designed to build the reputation of one minister at the expense of another. The prohibition has worked to a remarkable degree, and there have been no revelations of a substantive nature.

Once, Bryce Mackasey, the capable and strong Minister of Labor, who had been out of town and missed a couple of meetings, was asked by Trudeau to relate to the Cabinet the latest developments in a strike by grain handlers in the port of Vancouver, B.C. Mackasey said that on the basis of a quick fill-in from his deputies, he could report that all was well and there was no need for concern. Jean-Luc Pepin, Minister of Trade and Commerce, broke in to say this was not so that according to his information there was grave dislocation. Mackasey conceded that Pepin was speaking accurately, but he had thought it prudent to make an optimistic statement before the Cabinet; his intention was to tell the Prime Minister the gloomier facts later in private. A tense silence descended, the other Ministers watching for reaction from Trudeau, whom they knew to like frank discussions. Then Trudeau said icily, "Mr. Mackasey, in your absence there have been no Cabinet leaks."

Trudeau, at Cabinet meetings, can exhibit a boyish sense of humor. At one session, he was scheduled to leave at 12:20 p.m., in order to attend a formal lunch at 12:30. As the deadline arrived after a lengthy debate, a Minister said, "If I had the time, I could present two other points to support my case." Trudeau, whose high cheeks seem to reflect a special glow when he feels impish, grinned and said, "But you haven't the time."

In the House of Commons he is less whimsical. Just as he is impatient or ill at ease with small talk, he appears awkward and bored with prepared statements. He delivers fewer of them than any of his recent predecessors, and when he does, it is in a dull, classroom style. He becomes alive during a question period, when his intellect is challenged. He can give a bright, satisfactory answer—or engage in debate in impressive style—and then alienate everyone by being contemptuously sarcastic. Last July, during a particularly bitter exchange, some M.P.'s shouted, *"Heil Hitler."* Trudeau retaliated with such vindictive personal assaults that several members walked out of the chamber in protest. Trudeau urged them on: "I think we should encourage members of the Opposition to leave. Every time they do, the I.Q. of this house rises considerably."

Such haughtiness distresses old hands, among them David Lewis, deputy leader of the socialist New Democratic party and probably the finest parliamentary performer of all. "When I look across the aisle from time to time," Lewis commented in the House, "and observe the disdain with which the Prime Minister treats Parliament, and the way he looks at us in the Opposition, I often say to myself: there, but for the grace of Pierre Elliott Trudeau, sits God."

The people around Trudeau defend him pointing to his high target of perfection and idealism. He respects the parliamentary process—they argue—but has no tolerance for members whom he considers to reduce its level. Parliament, according to his view, should imply a lofty discussion of principles, of white papers, of the philosophy of politics. But to men like Lewis there is a disturbing inability in Trudeau to understand that Parliament in a real sense represents the people, mediocrities as well as geniuses. Members, like their constituents, are average mortals with hang-ups and parochial interests.

Lewis, during the election campaign, described Trudeau as "a suspended brain." Now he adds, "Time has proved it a not invalid description." Lewis, whom some correspondents judge to hold the most sagacious insight into Trudeau, says: "On the whole, he has not been, so far, an innovative Prime Minister. He talks the language of change but doesn't show he feels it. He's a highly intelligent 19th century liberal with an obsession for civil liberties which is 25 years behind the times."

Trudeau's preoccupation with civil liberties does indeed go back a quarter of a century, to the regime of Maurice Duplessis, who as Premier of Quebec in the nineteen-forties and fifties ruled with semi-dictatorial and repressive laws which Trudeau fought as a lawyer and co-founder of an outspoken review of opinion, Cité Libre. The mark of those years lingers in his wariness of political figures in Quebec, a province that has long shown a proclivity to authoritarianism. Thus today he is deeply committed to the establishment of an effective bill of rights that would cut across the rigidly held prerogatives of the provinces and become entrenched in a federal constitution.

His achievements in office up to now reflect this key to his character, his concern for the legal rights of the individual. A bill reforming the criminal code, introduced when Trudeau was Justice Minister and enacted when he was Prime Minister, eases the abortion laws and legalizes homosexual acts in private between consenting adults. In one of his most celebrated statements, he said: "The state has no place in the bedrooms of the nation." In similar fashion, Canada under Trudeau appears to be moving toward liberalization of marijuana laws.

Trudeau's feeling for individual rights is also discerned in his stand on political or military refugees. Canada was always lenient in allowing entry to draft resisters. But for a period there was ambiguity regarding American military deserters. It was left to the discretion of Canadian immigration officials at border points whether or not to admit deserters. Frequently the deserters were not only turned back, but were greeted by U.S. authorities, ready to arrest them, on tipoffs from Canadian Immigration people. Under the Trudeau Administration, the policy was clarified last May. Immigration men at the border no longer possess the power to forbid entry to an American simply because he is a deserter. His military status is not taken into account when Canadian Immigration officers assess his admissibility. On the lower level, United States Immigration and military officials may be unhappy, but the State Department has made no representations to the Canadian Government—largely, it is assumed, because the United States remembers how it provided sanctuary to Canadian deserters after Canada went to war in 1939, before the U.S. involvement.

The trend extends into the foreign field. Trudeau's steps toward recognition of Communist China came after a protracted analysis of whether Canada should have a two-China policy, a one-China-one-Formosa policy, or continue a line of ambiguity that would please Washington. Now negotiations with the Chinese are leading unequivocally to the recognition of Peking as the government of China. This is not inconsistent with Trudeau's attitudes about the world based on trips as a private citizen to China, before and after the Communist takeover, to Palestine during the 1948 war, to Indochina during the French war, to Cuba after Castro's entry into Havana, and to other areas in transition.

The decision to cut back on NATO—half of Canada's forces will be withdrawn starting next June—is part also of Trudeau's belief in facing reality and "the challenge of future world social and political events." He expressed his views a few months after taking office: "I am very concerned that the Canadian government, through its own policies and through influence on its friends and allies, should get people to understand that we are not so much threatened by fascists or Communist ideologies or even nuclear bombs as by the fact that two-thirds of the world goes to bed hungry every night."

In the 18 months of Trudeau's Premiership, Quebec representation has unquestionably shot up. In the Prime Minister's office (or P.M.O., as Canadians say), nearly half of the senior members are French-speaking, inspiring Western M.P.'s to refer, not always in good nature, to the "French Mafia" taking over.

However, the important point, in a country where the French number one in four, is not statistical. It is that all the personnel in the P.M.O., whether French-speaking or English-speaking in origin, are bilingual. Conversations begin in one language and end in the other. Equally important is the passage of a bill that makes French, as well as English, the official language of Canada, so that French Canadians, in communities outside Quebec, can have access to federal institutions, such as courts, in their mother tongue. The provinces, with education under their control, generally have indicated goodwill by expanding the teaching of French.

It is in Quebec itself that Trudeau has drawn the sharpest lines. For several years various gradations existed between "separatism" and "federalism," confusing many peopel into believing the province could achieve a highly privileged special status within confederation. But Trudeau, in a deliberately calculated push, has forced polarization. "The fuzziness has gone," he says. At least provincial Liberal leaders have been impelled to stand up and declare themselves "federalists," in other parties, the issue is less clear, and separatism itself has a vocal following. But in the overall, Trudeau's strategy is working. A Gallup poll of last November showed his popularity among French Canadians—always high—had risen compared with a year ago, even if, in the same period, it had dropped among English Canadians.

A principal reason for disenchantment is that Trudeau has not done much in the field of social welfare or in attacking the large patches of poverty that remain in an affluent society. Canada contains its Appalachias, particularly in parts of eastern Quebec and in the Atlantic provinces, where there are twice as many low-income families proportionately as in Ontario. Ottawa has established machinery for regional expansion and investment, but with negligible results.

As for the general weal—in a country that long has been mindful of welfarism, with children's allowances and old-age pensions for all, state-paid hospitalization for all, and spreading medicare regardless of age—Marc Lalonde has an answer. The 40-year-old Lalonde, who sometimes is identified as Trudeau's Ted Sorensen, speaks much as Trudeau: "Government by magic or magicians in the world is over. Look at France. After de Gaulle, the country settled down to steady government and to tackle practical economic problems. As soon as we've got the money, you'll see where the goodies go—to the underprivileged and homeless, and the start will be within the next two years. But we won't resort to gimmicks. We'd rather be thrown out of office."

A clue perhaps is contained in a white paper on taxation that envisages a better break for low-income groups. Trudeau people also promise that another white paper on social policy, scheduled for release early this year, will grab the imagination of youth and reformers and others who say that Trudeau—a millionaire's son who never experienced insecurity—lacks gut feeling for people's everyday needs. One of his aides admits that "it will be very hard for us to defuse this bit about Trudeau lacking humanity."

No one has proved that Trudeau is callous. Part of the trouble is his own impatience or flippancy in responding to serious questions. During the election campaign, the leader of the Conservative party, Robert Stanfield, called for a limited form of a guaranteed annual income; it was a vague promise but nonetheless indicated an effort to get at a growing issue. Trudeau shot back that Canada had "enough of this free stuff." Then, typically, when he became Prime Minister, he ordered a wide study on welfare which could result in a guaranteed annual income.

On another occasion, soon after the election, Ron Collister, a television reporter for the Canadian Broadcasting Corporation, awaited Trudeau when he emerged from the East Block. Also attending restlessly was a crowd of tourists, among them teen-age girls seeking his autograph or a buss on the cheek. Collister edged his way in to ask the Prime Minster about Canada's position on Biafra. Trudeau, trying to brush aside the reporter in the midst of an untidy melee, and obviously not realizing he was being recorded, said facetiously, "Biafra? Where's that?" It came out on television screens across Canada and looked terrible—Trudeau, so soon after confirmation in office, surrounded by giggling girls and appearing frivolous. Editorialists continue to fling the remark at him.

Trudeau long has harbored a disdain for most journalists, and his relations with the press have been spotty. He grants few interviews, but reporters know they can sometimes stop him for a minute or two of comment when he leaves the House of Commons or a conference room. He has no patience with trivial or personal questions. When a reporter asked him, "in the public interest," how large his fortune was, Trudeau just shrugged and said, "How rich is rich?"

But at other times he loses his temper. A notable example of this occurred in London in January, 1969, during a Commonwealth Prime Ministers' conference. Trudeau had made the rounds of some of London's fashionable spots in the company of an actress, Jennifer Hales, or of Mrs. Eva Rittinghausen, a blond who proclaimed her determination to marry the Prime Minister. Then, unexpectedly, Trudeau lit into correspondents, accusing them of invading his privacy and that of his companions by phoning them to ask questions. He said reporters were guilty of "pretty crummy behavior" and made a half-threat of instructing police to start files on them.

The press promptly fired back, pointing out that if Trudeau really wanted to keep his personal activities private he had no business selecting such places as Annabel's, London's most glittering discothèque, on the regular beat of gossip columnists, where people go to see and be seen. He could have chosen with more discretion. If he insisted on such exhibitionism—commentators said—why did he resent it when the news media catered to his ego?

The answer partly is that Trudeau is an odd blend. If not precisely an exhibitionist, he is unafraid of displaying his zest for airplanes, fast cars, leather coats, young women and breezy one-liners. (Was he, he was asked on becoming Prime Minister, going to give up his Mercedes? "Which one," he replied, "the car or the girl?") Then, just as quickly, he can demonstrate exquisite delicacy of timing and style. On a campaign trip out West, where he was busily assaulted by teenagers who wanted one of his famous pecks on the cheek, a photographer, spotting him chatting with a handsome woman in her 30's, shouted, "Kiss her." Trudeau obviously sensed her sophistication, held his hands together in veneration, Hindu-style, and bowed to her.

More recently, a Montreal woman who had done some committee work for him a couple of years before, walked up to him, at a reception and said, "Remember me?" She was an attractive, green-eyed brunette, and Trudeau said, "How could I ever forget you, my dear?" Plainly he did not remember her, and she said she felt silly on reflection but grateful he had not let her down.

Trudeau has lost much of the patrician manner which once branded him. At a Liberal fund-raising dinner recently he went from table to table shaking hands with strangers—an act he would have considered repulsive a few years ago. At the St Mary's ball in Montreal, he danced with each of the two dozen debutantes, and took his seat, when a young girl came over and said, Could she ask a favor? A dance—not with her but with her grandmother? Trudeau rose and said, "On one condition—that you'll dance with me, too."

The gracious touch, however, can swiftly turn the other way. Last October, when Montreal constitutents held a reception in honor of Trudeau's birthday, a radio reporter approached him and said, "Prime Minister, may I talk with you?" "Why not?" Trudeau said. "How does it feel to be 50?" the reporter asked. Trudeau, who was holding a drink, took a long sip, smiled benignly and said, "Will you—off!"

It is hard to know whether sensitivity about his age relates to his insatiable demand for privacy in personal matters or to touches of vanity. Certainly his physical daring has been highly publicized: he has swum the Bosporus, climbed mountains, undertaken canoe expenditions in the Arctic and earned a brown belt in judo. This month, escaping temporarily from public affairs, he spent a week skin-diving in the Gulf of Mexico on the British Honduras coast and from there flew off to a week's skiing in the French Alps.

He regards athletic challenges seriously. To get in shape for the official kickoff in the 1968 Grey Cup game—Canada's classic East-West football championship—Trudeau took coaching in punting from a member of his staff, Vic Chapman, formerly of the British Columbia Lions. But his big moment, in Toronto, was ruined when the ball popped into a crowd of photographers 10 yards away. Trudeau didn't take well to the jibes, and for last November's Grey Cup game, in Montreal, he spurned more lessons from Chapman, saying, "I'll do better without coaching." And he did. Dressed in a fur coat, and wearing white matching crocheted mitts, muffler and Dutch boy cap—with a red carnation tucked behind the brim—Trudeau marched onto the field and booted the ball 28 yards.

Three weeks earlier Trudeau had spent a quiet weekend in New York, in one engagement with U Thant—he had simply picked up the phone in Ottawa to call the U.N. Secretary-General directly, much to the horror of his protocol officers—and two dates with Barbra Streisand. The Prime Minister had met the singing star in London at a reception following the European film premiere of "Funny Girl." Now he dined and danced with her and escorted her to the theater. When a gossip columnist asked him whether it was serious, Trudeau grinned and said to an aide, "Arrest that man." It was a neat and relaxed play on his London effort to intimidate the press, and it designated a noticeable trend toward greater self-control in public.

Trudeau's frequent companion is a 25-year-old Montreal actress, Louise Marleau, who not long ago became the subject of a question in the House of Commons. Donald MacInnis, a Conservative, wanted to know if the Government intended, through a federal film-development agency, to finance a movie starring Miss Marleau. There was a hush in the chamber while members waited for Trudeau to explode. Instead, he placed one finger against his temple in the traditional sign indicating he thought MacInnis was crazy.

Even the image of a swinger has become somewhat subdued. Undoubtedly Trudeau likes the company of a woman young enough to be his daughter, and it may be that he enjoys the sensation this creates. But there is also more public awareness that Trudeau can be shy and distant. A disk jockey in Toronto quipped, "Say, did you hear the Prime Minister was out with Barbra Streisand? I'll bet he spent all evening saying, 'I run Canada.'"

Crowds no longer greet him as effusively as they once did. But this in itself may not be so surprising; an American resident in Ottawa points out that Adlai Stevenson lost some of his allure in the 1956 Presidential campaign compared with 1952, partly because of the inevitable repetition of many things said before. Trudeau today can sound stale when he talks of national unity or the need for a bill of rights. The Gallup poll reveals a slackening of attraction among the group aged 21 to 29, but the charisma is far from dead. Recently Trudeau, leaving his seat in the front bench of the House of Commons, glanced up and noticed a cluster of young people in the visitors' gallery. He waved. They let out a cheer and waved back.

But it can work in reverse. Two types of heckling sometimes confront Trudeau. In one—if it is verbal or impersonal—he responds easily and well and with quips. But in the other—if it involves either physical abuse or invasion of privacy—he reacts quite differently, and even violently.

Last August, on a visit to British Columbia, he did not like being jeered at by young demonstrators who held aloft placards, "Hustle grain, not women." But he retained control of himself until, in Vancouver, a group of Vietnam protesters jostled him and swore at him for not being critical enough of U.S. policy. The eyewitness accounts became confused, but it appeared that one demonstrator took a swing at Trudeau, who retaliated by seizing the youth's hat and squashing it down on his forehead.

Among teen-agers, however, Trudeaumania is still endemic. Cartoonist Jim Reidford in Toronto's Globe and Mail depicted Trudeau's birthday in a sketch showing two teen-age girls discussing their idol. One says: "So he's not 48. So he's 50. But that doesn't mean he's 50 like your father."

Quite representative of his unorthodox ways of behaving and reacting was the meeting in Ottawa last month with Beatle John Lennon and his wife, Yoko. Trudeau had planned to allow them 10 minutes; he was interested in Lennon's idealistic approach to world peace, even while considering it impractical. The session stretched into 50 minutes when Trudeau found himself fascinated by Lennon's personality and effort to change an image from a pop ideal into a serious figure: there was something of a parallel with his own case.

One or two commentators condemned Trudeau for granting so much time when, for instance, the Mennonites had long been attempting unsuccessfully to make an appointment on a similar mission of peace. Some of the dinosaurs in the Civil Service even wondered if it was proper for a Prime Minister to associate with a Beatle. But, as Trudeau himself remarked, informally, he was worried whether it would be bad for Lennon's image to call on a Prime Minister. Lennon, incidentally, found Trudeau a "beautiful" person and told reporters. "You don't know how lucky you are in Canada."

The magnetism is not confined to youth. At a social gathering in Montreal a few weeks ago, attended by some of the most elegant and wealthy members of English and French society, word spread that Trudeau would be dropping by around midnight. Most of the guests anticipated his arrival with the tremor of youngsters, and greeted him with an awed silence. "Hey, it's quiet in here," he declared, and immediately was surrounded by adult men and women—and small talk. Trudeau does not really enjoy such gatherings. He much prefers the intimate intellectual discussions he participated in as a professor or Justice Minister. Now he manages occasionally to conduct such sessions at his Prime Minister's residence in Ottawa.

When Trudeau first contemplated the move to the mansion, with its 30-foot drawing room and assorted living rooms, he exclaimed, "A great place for parties." But in fact he has held no frivolous parties there. Instead, most of the men and women who arrive at 24 Sussex Drive are scientists, philosophers, historians, economists, academics. And they arrive in small groups, not to be seated at the 24-place formal dining-room table but at the table for six in the half-circular bay window. Trudeau questions his guests intensely and works them; his dinner parties waste little time with small talk.

Despite his striving for privacy, despite his open resentment that the press and public sometimes intrude on his personal life, Trudeau likes being Prime Minister of Canada. As one of his oldest confidantes expressed it, "Trudeau never thought he would enjoy making things run. Certainly, he was not the type of man who would chase after a political career. But once it was offered to him, one should not be surprised it turned out this way."

When he first took office, a prevalent question was whether he would allow himself to stay on, or whether, with his hauteur and penchant for independence, he would walk out on whim or in disgust. Now it is rather more the traditional question of whether the public will want him to continue as Prime Minister when a general election is called, within the next three years. Despite the drop in his following, he still holds an overwhelming lead in popularity over other contenders. In any event, the public's response to him appears to be contained in the kind of mash note from teen-agers received almost automatically in every newspaper office whenever Pierre Elliott Trudeau is enmeshed in controversy: "We still love our Prime Minister, P.E.T."

[From the New York Times, Feb. 10, 1970]

TRUDEAU CITES NEED FOR "REAL SACRIFICES"

(By Edward Cowan)

OTTAWA, February 9.—A two-day national conference to persuade Canadian business leaders to restrain price rises this year, even if it means lower profits, opened today wtih an appeal for sacrifice by Prime Minister Pierre Elliott Trudeau.

The Prime Minister, in a hortatory address, acknowledged that the Government was asking for "real sacrifice" in some cases. He appealed to labor, which refused to attend the conference, business, represented by about 275 invited executives, the provinces, most of which were represented, and the cities to "hold back price and income increases."

Mr. Trudeau, who read his address sitting down and with little vocal color, got 18 seconds of perfunctory applause at the end. John H. Young, the chairman of the Prices and Incomes Commission, who spoke second, got no applause.

The audience, mostly men in their 50's and 60's, came to life only when one executive, conscripted by Mr. Young during a dull period in the discussion to voice his views, wittily expressed skepticism about the Government's approach.

By tomorrow afternoon, Mr. Young hopes to have forged, before the national press and the television cameras, the first link in an economy-wide commitment to restraint. Despite the evident lack of enthusiasm in some corners this morning, he is thought to have a fair chance of success.

Canada experienced a 4.6 per cent rise in retail prices last year, about one point less than in the United States. Nevertheless, there is deep concern in Ottawa because Canada's economy has been less strained by excessive spending since 1967 than was the guns-and-butter United States economy. The fear is that inflation in Canada has put down such deep psychological roots that tight-credit and a Government budget surplus will not check the trend short of a painful recession.

Prices have been climbing fastest in the labor-intensive services sector. An Ottawa hair salon charges $4 for a shampoo and-set that cost $3 two years ago. The cost of dry-cleaning a suit in Toronto has just risen to $1.65 from $1.50. The Canadian dollar is worth 92.5 United States cents.

Food and merchandise prices are generally higher in Canada than in the United States, as are interest rates on mortgages, which now run between 9 and 10 per cent in Canada.

As Ottawa's monetary and fiscal stringency have made themselves felt, some critics have charged that the country was being made to suffer needlessly because inflation was imported from the United States. Trade accounts for almost one-quarter of Canada's economy, and roughly 70 per cent of her imports come from the United States.

TRUDEAU REPLIES TO CHARGE

Mr. Trudeau replied to this argument today with the assertion that "we also have an internal problem of inflation."

"For the first time in our history," he said "inflationary attitudes and expectations have become firmly embedded in the minds of Canadians." This "pervasive inflationary psychology," he continued, "will not automatically disappear when inflation abroad is brought under control. We must be prepared to deal firmly with our part of it."

Delegates to the conference, held in the refurbished railroad station opposite the Chateau Laurier Hotel, had mixed reactions to the opening session.

UNEMPLOYMENT GROWS

A Quebec official privately expressed the tentative thought that inflation might be already receding and that the Government was grappling with the wrong problem. Unemployment climbed sharply in Quebec last year and the French Canadian province feels, as do most other provinces, that it is being made to suffer for the inflation generated by booming Ontario, Alberta and British Columbia.

Mr. Trudeau said the Government was looking at other measures to check the boom in these three provinces in addition to the tax disincentives it had applied to construction in them last summer.

There were public and private expressions of dissatisfaction with Mr. Young's central proposal, that business should accept some profit shrinkage in 1970 rather than pass on all cost increases to customers. Perhaps the most enthusiastic supporters of that proposition were the food executives, who said that competition had been forcing them to swallow cost increases for years.

[From the Washington Post, Feb. 22, 1970]

TRUDEAU NATIONALISM SEEN TURNING COUNTRY INWARD

Is Canada turning inward? Some people think so, and they date the phenomenon from the replacement of former Prime Minister Lester Pearson in 1968 by Pierre Elliott Trudeau, who is more of a political nationalist.

The surface evidence is persuasive. After World War II Canada cut a considerable swath as a middle power, and there was much talk of what it could contribute to world stability by such innovations as peace-keeping forces.

Under Trudeau such talk has diminished. Canadian forces in NATO are being reduced by half. The government has closed various diplomatic missions in Latin America and Asia, while opening one in the Vatican and making plans for another in Peking.

Morale in the much-respected Canadian foreign service has been severely shaken. Meanwhile, Trudeau has invited criticism of "government propaganda" by unveiling a new domestic agency to publicize federal activities—"Information Canada."

Some of the retrenchment is attributable to government efforts to combat inflation by holding spending to a minimum. A new prices and income commission is attempting to persuade business to absorb part of any cost increases and is asking similar restraint by unions.

But the new look also fits the philosophy of Trudeau, who concerns himself more with the quality of life at home than with overseas commitments. He seeks to reduce domestic economic disparities, and the government concentrates on pollution, the language issue and problems of the Canadian North.

At least in part, the trend coincides with a re-examination by the United States of its own world role. Middle powers also have had their frustrations with the Afro-Asian majority in the United Nations.

Nevertheless, the inward look bothers some astute analysts. Charles King writes in the Ottawa Citizen that Canadians will never convince others of the country's importance "until we begin to look outward again ourselves."

One piece of evidence cited to prove the preoccupation with parochial matters is the decision of the Times of London to close the Ottawa bureau it has operated for more than 40 years. Hilary Brigstocke, who has been its correspondent here more than 15 years after a period in Washington, is being reassigned to Europe.

Reportedly the Times was influenced in part by its own financial problems. But undoubtedly, the decision reflects less London interest in Canada, which in turn reflects less Canadian interest in the Comomnwealth and even in Britain.

Although many older citizens take pride in the fact that Canada remains technically a kingdom, younger Canadians find little excitement in the monarchy. Thus when Queen Elizabeth II visits Canada this summer in connection with the centennial of the Northwest Territories, the warmth of her reception is likely to be determined more by respect for her as a person than by the symbolism she connotes.

ROBERT H. ESTABROOK.

CANADA ECONOMY

[From the Christian Science Monitor, Jan. 30, 1970]

TRUDEAU STAKES POLITICAL FUTURE ON INFLATION STRUGGLE

(By Bruce Hutchison)

After many twists and turns, the Government of Canada has set a straight course and fixed a definite schedule in its fight against inflation.

Within the next six weeks the nation should begin to see whether this grand strategy will work. On it the government has staked not only its hopes but its credibility and political future.

As a first move it will meet about 250 business and professional leaders at Ottawa on Feb. 9 and ask them to restrain prices voluntarily.

On the following week a conference of the 10 provincial governments will be asked to restrain their expenditures and the wage increases of their employees.

If business and the provinces are willing to cooperate in restraint, the government will ask organized labor to do likewise.

UNKNOWN FACTOR

So far, the labor unions have flatly refused to consider any ceiling on their wage demands. But the government hopes they will change their minds if they are convinced that management is holding down profits and prices.

The continuing wage spiral is the big unknown factor in the government's equation. John Young, chairman of the Prices and Incomes Commission, says that unless the unions will cooperate, the whole attack on inflation will be in trouble.

"A one-sided arrangement," he warns, "could not exist for long."

Probably it could not last far beyond March 1. Until then, but no longer, various business concerns have agreed to postpone some intended price increases. If, on the target date, there is no sign of wage restraint the agreement will lapse.

Apparently, however, the government has other weapons in its arsenal to be disclosed, for the first time, at its meeting with the provinces.

Meanwhile, Mr. Young alerted and puzzled both management and labor by saying that "sanctions" would be enforced if voluntary measures failed.

"It is our intention to press for something much beyond the use of public opinion," he said. "It will not be a meaningful step if there is a flagrant price increase and nothing happens."

Whether sanctions mean direct wage and

price controls, as sometimes threatened by Prime Minister Pierre Elliott Trudeau, remains an unanswered question.

PROVINCIAL JURISDICTION

The provinces expect to get an answer at their meeting with the government next month. They, and not the federal authorities, have jurisdiction over most wages and prices.

Apart from the possibility of direct controls by joint federal-provincial action the prices and incomes commission intends to impose some direct sanctions of its own.

It will soon review prices in major industries, publicly report its conclusions, and submit them "to the appropriate level of government where the price increase could not be shown to be justified."

Mr. Young added that price restraint cannot mean the end of price increases, "but we intend to see that these price increases will be less than cost increases."

A pinch on profits was thus clearly signaled by the government, and business got the message. Just as clearly, the government has committed itself to an early and dangerous test.

[From the New York Times, Mar. 2, 1970]

Ottawa Will Pay Farmers to Keep Wheat Acres Idle

(By Edward Cowan)

TORONTO, March 1.—To work off a choking surplus of wheat, the Canadian Government is borrowing an American-style "soil bank" device—cash payments to farmers who do not plant—with the hope that this avowedly temporary, one-year program will not stretch out and mire Canada in American-style permanent costly subsidies to agriculture.

How many of last year's 24.4 million wheat acres will be taken out of production in 1970 is uncertain. The prairie's initial reaction to the program announced Friday has been cautious but not hostile.

T. C. Douglas, the leader of the left-wing New Democrats, smallest of the three national parties, commented that reducing wheat production while millions of people in the world "go to bed hungry" illustrated the "insanity of our political and economic system."

One result of the payments undoubtedly will be to help farmers diversify into livestock, a desire that has been frustrated by the cash shortage resulting from slow wheat exports and the high cost of credit, roughly 9 per cent.

Payments for not planting will give a lift to the sagging prairie economy this summer and perhaps remove some of the political tarnish that has dimmed Prime Minister Pierre Elliott Trudeau's luster in the wheat-growing region.

The payments also may moderate the switching of land from wheat to barley, oats and rapeseed. Such switching occurred last spring. With wheat barely trickling from farm to market this winter, much more could be expected, with perhaps much downward pressure on prices.

MINISTER COMMENTS

Otto E. Lang, the minister without portfolio responsible for grains, argued that the acreage cutback "will greatly enhance the continuing effort to strengthen international wheat prices. Foreign buyers are not willing to pay top prices when they know we are sitting on a mountain of grains."

Some quarters regarded Mr. Lang's optimism as premature in light of the International Grains Council's January estimate that by July 31 the carry over of the seven major exporting countries would rise above last summer's 2.4 billion bushels.

The principal aim of Operation LIFT (from Lower Inventory For Tomorrow) is not to prop up world prices but to reduce Canadian inventories that have been jamming prairie bins and elevators. Because of the resulting decline in the prairie economy, the few Liberals in Parliament, such as Mr. Lang, are worried for their political lives.

Some farmers, not necessarily big ones, are storing without compensation $15,000 or $25,000 worth of grains and cutting their family budgets to the bone. Wheat keeps well for several years, but to store a 1970 crop would require buying new bins.

HOW PLAN WILL WORK

Farmers will be paid $6 an acre for fallow land and $10 an acre for land devoted to forage, or grasses, for two years—1970 and 1971. The official estimate Friday was that farmers would qualify for $100-million of a maximum $140-million, thereby reducing the wheat harvest by 400 million bushels from last year's crop of 685 million. Premier Ed Schreyer of Manitoba said participation would be much less.

[From the New York Times, Feb. 20, 1970]

Canada to Ban All Phosphates in Detergents Over 2-Year Span

(By Jay Walz)

OTTAWA, February 19.—The government, confident that it has the full backing of the 10 provinces, plans to ban phosphates in detergents in two years.

J. J. Geene, Minister of Energy, Mines and Resources, said today that phosphate pollution of water would be made a criminal offense under the Canada water control legislation now before Parliament.

Mr. Greene announced a few days ago that the Canadian Government would join the United States in a cooperative drive against phosphates as a factor in contaminating boundary waters such as the St. Lawrence River and the Great Lakes. This week Mr. Greene discussed the problem with provincial premiers here for a conference with Federal authorities.

"There was a clear agreement—everyone said they would go for it," Mr. Greene said afterward.

Pollution control in Canada is mostly within the jurisdiction of the provinces, because they own most of the waters. Mr. Greene's pending bill would implement a Federal clean-up policy in waters that are outside provincial boundaries or are regarded as national waterways.

WOULD OFFER INCENTIVES

Under the bill, the Federal Government would offer aid and incentives to provinces undertaking antipollution projects in their own waters. It would also seek agreements with the provinces to establish specific areas of joint control where penalties under the Canada Criminal Code would be applied to violators of pollution controls.

Phosphates, used to give detergents their whitening powers, speed the growth of algae when washed into lakes or rivers. The increased algae upset the ecology and other marine life dies.

Mr. Greene said he would propose amending the pending bill to have phosphate eliminated progressively from detergents until they are completely outlawed by the end of 1972. The minister said he would notify the detergent-manufacturers that he expected the first cutbacks to begin Aug. 1.

A new concern among Canadians over the widespread use of laundry detergents resulted from a recent survey by Pollution Probe, a study group at the University of Toronto. It showed some leading brands of detergents containing more than 40 per cent phosphate. The laboratory analysis of 24 brands indicated also that some products had four times as much phosphate as others.

In Toronto, Brian Kelly, spokesman for the study, said the survey was aimed at informing consumers of the different phosphate levels in various products and to persuade them to switch to soap or low-phosphate detergents.

PRODUCTS ARE ANALYZED

The analysis showed that Whisk, a Lever Brothers product, had a phosphate content of only 10.5 per cent, compared with 41.5 per cent for the same company's Drive. Colgate-Palmolive's Bio-Ad was 49 percent phosphate compared with the same company's Ajax 2, which had 36 per cent phosphate. Procter & Gamble's Cheer showed 44.5 per cent phosphate in the analysis, while the same company's Bold had only 32.5 per cent.

Spokesmen for Procter & Gamble and Colgate-Palmolive have declined comment on the findings. However, Alan Rae, president of Lever Detergents, Ltd., (Toronto) said the company had introduced Whisk, the low-phosphate detergent, about 15 years ago without great success.

Housewives, he said, had not been attracted to it "although it is quite usable" in washing machines and "is effective as a pre-soaker." As a result, he said, the company has spent little money promoting Whisk. It might now consider spending more, he indicated.

Pollution Probe said in a brief release that copies of the analysis results might be obtained by sending stamped, self-addressed envelopes to Pollution Probe, University of Toronto, Toronto 181, Ontario. The news release urged citizens to write Prime Minister Pierre Elliott Trudeau and members of Parliament demanding early action to ban phosphate detergents.

The release also said that major amounts of pollutant phosphates were contained not only in detergents, but also in human waste, industrial effluents and agricultural runoff.

[From the New York Times, Feb. 22, 1970]

Lessons for United States in Canada's Inflation

TORONTO.—The Canadian Government is trying a psychological approach to what many experts now regard as a largely psychological problem in this country—inflation. If in the coming months the mild recession the United States seems to be experiencing does not slow the rate of price advance, Canada's effort to forge a national anti-inflation coalition of business, government and labor could look increasingly interesting to Washington.

At meetings in Ottawa in the past fortnight, the Government has elicited from business leaders and Premiers of the 10 provinces agreement to some general, unenforceable propositions about the desirability of restraint in prices, rents, professional fees, government spending and wages. Labor has refused to concur.

To set a good example, Prime Minister Pierre Trudeau announced that Ottawa was deferring national park fees and the introduction of an airport tax.

Mr. Trudeau had less difficulty getting the provincial Premiers to subscribe informally to his code of noninflationary conduct than John H. Young, chairman of the Prices and Incomes Commission, had with 235 business, farm and professional leaders.

The businessmen have a natural aversion to the proposition pressed on them—that they absorb part of 1970 cost increases out of profits rather than make fully offsetting price mark-ups.

LABOR MUST AGREE

To round out its exercise in economic-climate making, Ottawa must now get labor to agree that it, too, should practice restraint. The unions, having spurned Dr. Young once, show no inclination to sign up. The Canadian Labor Congress said last week that it would make no recommendations to affiliated unions because, like the exhortations of the Canadian Manufacturers

Association and the Chamber of Commerce to member companies, its advice would "have no binding effect on the individual unions and locals."

Inasmuch as the whole "restraint" exercise is vague and its efficacy in doubt, why did Ottawa bother to set up a Prices and Incomes Commission last year? The answer is that the Government became convinced that the principal tools for fighting inflation, tight credit and a budget surplus, were failing to do the job within politically tolerable limits.

WORSE THAN UNITED STATES

In a sense, inflation, having persisted despite some slack in the Canadian economy, has been a meaner headache than in the United States. Retail prices in Canada climbed 8.8 per cent in 1968–69 and unemployment averaged 4.75 per cent. That was a poorer "trade-off" than in the United States, where a two-year spurt of 9.8 per cent in consumer prices was accompanied by a 3.5 per cent jobless rate.

Canada could lick inflation by leaning even harder on the credit and fiscal brakes—but at what cost in unemployment and in further weakening of already strained bonds of national unity?

But it is doubtful that Canada can stop inflation so long as it persists in the United States. American prices influence, through imports, Canadian costs. More important, Canadian exports to the United States zoomed in 1968 and 1969, thanks to the American boom, thereby pouring fuel into an economy Ottawa wanted to keep in check.

Trends in the United States will determine one of the big 1970 labor settlements in Canada—autos, where the principle of Canada-United States wage parity is established—and will influence another, forest products. Canadian interest rate changes are even more closely linked to the American market.

LIMITATIONS

In the face of such limitations on Canada's ability to manage her own economy, will Ottawa's experiment in creating a counter-inflationary psychology have any actual effect on price trends?

It can't hurt. It might help. The effort coincides with the onset of recession in the American industrial sector and some slowdown of growth in Canadian industry, much of which consists of subsidiaries of American firms. On these grounds alone, some abatement in the rate of inflation can be expected.

Perhaps the psychological approach will extinguish inflationary expectations sooner, making possible an earlier switch to expansionary policies. Mr. Trudeau presumably would like to be able to switch before unemployment climbs to the politically sensitive 6 per cent level which he has pledged to tolerate if that's what combatting inflation requires.

EDWARD COWAN.

[From the Christian Science Monitor, Nov. 19, 1969]

CANADIAN DILEMMA: A BREADBASKET IN NEED OF LEAVEN

(Canada's living standard is high and its Arctic regions beckon with promises of great wealth. But all is not rosy. There is the gnawing problem of the grain glut.)

(By James Nelson Goodsell)

Harry Gray is a farmer with a problem.

This 45-year-old wheat farmer, who runs a 1,000-acre spread of rich Saskatchewan soil, is up against one more of those perennial dilemmas facing farmers in Canada's prairie breadbasket.

His problem is threefold: He produced too much wheat in this bumper year; he has been able to sell only a portion of it; and for what he sold, he had to take a low price.

This is the pattern one hears all over the prairie provinces of Manitoba, Saskatchewan, and Alberta, where agriculture remains a major factor in provincial livelihood, despite the growth of mineral and petroleum industries and related activities.

For this area is still Canada's breadbasket and one of the half-dozen major granaries in the world. It rivals that of the United States Midwest, the Soviet Ukraine, and the Argentine pampa.

POSSIBILITY OF DEPRESSION

Very few farmers this year or in recent years have sold all their crop—and most of what has been sold has been at a loss. The prairie provinces face serious depression possibilities. Were it not for the new industries and activities based on minerals and petroleum, there would be very little economic hope here.

Even at that, legislators and politicians and others in the prairie capitals of Winnipeg, Regina, and Edmonton are clamoring for some federal action to help the prairie farmers out of their dilemma.

But the government of Pierre Elliott Trudeau in Ottawa does not find the grain surplus an easy problem to solve. There simply is too much grain being produced, and there has been some rough sledding on international grain sales.

For example, the Soviet Union this fall defaulted on a major three-year wheat agreement with Canada, with the result that Canadians stand to lose somewhere close to $300 million.

Taken against a wheat surplus of more than 900 million bushels, a loss of this sort is serious—and it has only partially been offset this year with new sales to Japan and Communist China and such onetime-only sales as a recent shipment of 10 million bushels to Peru.

The basic problem facing the Canadian wheat and grain farmer is that farmers in the other major grain-producing areas of the world have been just as successful as they in bringing in large harvests.

Surplus wheat stocks for the three biggest wheat exporters—Canada, the United States, and Australia—have grown to 2.4 billion bushels.

Even the Soviet bloc countries, which for the past several years have been wheat importers, now are recording good harvests, and in the case of the Soviet Union, there is wheat to spare in the Ukraine prairies. Hence the Soviet default on the Canadian wheat agreement.

Putting it quite simply: The world has too much wheat. And here in Canada, the result is a much lower income for the farmer and a taste of lean years for the agricultural side of the prairie provinces.

NO PRICE SUPPORTS PROVIDED

The problem is compounded for Canada's farmers because they are more dependent on export sales than, say, farmers in the United States, who sell so much of their crop on the domestic market. Domestic users in the U.S. use up more than half the total production. In Canada domestic consumption is only about one-quarter of the total crop.

Even more important for the U.S. farmer are price supports, which keep their income up. But Canadian farmers have no such support. They simply receive the going price, and at present the price is about $1.80 a bushel for their top grade, down from almost $2 a couple of years ago. And from this Canadian price is deducted about 20 cents in freight handling charges.

Under law, the Canadian Wheat Board handles all wheat sales. This government agency takes only the amount of wheat it thinks it can sell—and this year it has agreed to take a flat 400 bushels per farmer, plus an additional five bushels per tillable acre.

That means the average farmer out here in the prairie provinces can get rid of only about half his crop.

In Mr. Gray's case, the facts are even worse. His excellent yield this year has left him with more than two-thirds of his crop and nowhere to go with it. Even some of the wheat he should have been able to dispose of remains: The local grain elevators used by the government to store the wheat it markets are full.

"The situation is getting worse year by year," Mr. Gray says. And the official explanations of improving crops in the Soviet Union and elsewhere mean little out here. "We're waiting for Ottawa to do something," Mr. Gray adds.

Looked at from the government point of view, there is little that "Ottawa" can do. Many Asian lands, once prime markets for surplus Canadian wheat, are becoming major wheat producers themselves and could within a year or so become wheat exporters, even if only on a moderate scale.

On a world market already glutted, "this spells trouble for our grain farmers," a provincial agricultural official here said this fall. In fact, we're facing the prospect of phasing out more and more of our farms. The big problem now is how to accomplish this.

Complicating the picture for Canadians is the fact that this nation has a high standard of living, partly the result of keeping up with the Joneses—the United States—next door, and yet it has a relatively limited population to carry out the vast task of moving away from agricultural efforts into other fields.

This overall economic dilemma is one of the key factors at present in an economic situation which on the surface looks like a boom.

The Economic Council of Canada foresees a boom situation through 1975 at least, with an average annual growth of 5.5 percent in the next five years, almost comparable to the 6 percent a year in the past five years.

The council, a 27-member nonpartisan group which has been a significant force in shaping policy and public attitudes in Canada, warns against inflationary pressures, unemployment, and the threat of a housing crisis.

The council says there are two factors which will ultimately determine the growth rate: economic conditions abroad, especially in the United States, to which Canada is clearly tied and government spending at home.

SPENDING CURB ASKED

In this regard, the council wants a curb placed on government spending—something which Prime Minister Trudeau has already started. In his speech to the nation last August, he announced some civil service cutbacks, and the fall has already brought a number of announcements from Ottawa indicating, among other things, that Canada is:

Cutting back on its military commitments, halving its forces with the North Atlantic Treaty Organization in Europe and closing half a dozen military installations at home.

Closing down some of its overseas embassies, including several in South America, and cutting back on the size of the embassy staffs in other locations.

Holding the line on government spending on many home-front programs, exempting, however, such key areas as Indian affairs, development programs in the north, and similar items.

In many ways, the Trudeau program appears an effort to spearhead Canadian development in the 1970's, a decade which almost certainly will see Canada's expansion into the harsh, somewhat forbidding north. This vast region, with its untapped mineral and petroleum riches, limitless expanse of waters, and other unknown potential, is seen by visionaries as holding the future for Canada.

"Canada's future lies in the north," a recent government report on mineral production stated. Much of the development already under way is in the hands of United States business—a fact which both galls and worries many Canadians.

But U.S. investors have not only the capital to invest but also the willingness to put their money into ventures which are not always certain of success. The Canadian invester tends to be more cautious and this very caution has played a role in opening the door more and more to the foreign investor.

Today, however, there appears to be a great willingness on the part of Canadian investors to pay attention to home-front "venture" investment. And while the limited resources in the hands of Canadians may not alter the pattern of heavy U.S. investment, there does appear to be more Canadian money and effort and thought going into development ventures at home.

But meanwhile, problems of a possible grain-glut depression in the prairie provinces are proving more important and more troublesome out here than any other issue.

OTTAWA ACTION TAKES TIME

"Who cares about development," complains one of Mr. Gray's fellow farmers, "when we can't sell our wheat. I say it is up to Ottawa to find new markets and to pay attention to our problems."

In fact, there is concern in Ottawa about the wheat surplus, but it takes time for this concern to be translated into any sort of action. "It will be a year or so before anything Ottawa does can reach us," Mr. Gray says. "And who knows what the next harvest will bring. If it's a bumper year, we're in trouble. If it's a lean year, we're in trouble. Anyway you slice it, the hard realities of farming keep coming back.

"There's one slight hope for some relief. The university [of Saskatchewan] where my daughter Susan will go next year will take barley in payment for tuition. The campus in Saskatoon uses 25,000 bushels a year for its feeding station, and some of my neighbors have paid their children's tuition this way. Susan's going to be a barley student."

[From the Christian Science Monitor, Mar. 7, 1970]

CANADIAN GRAIN-SURPLUS SOLUTION: OTTAWA PLANS TO PAY FARMERS NOT TO GROW WHEAT

(By James Post)

The administration of Prime Minister Pierre Elliott Trudeau has produced a radical solution for Canada's chronic wheat surplus. One result would be the strengthening of the already formidable links between the Canadian farmer and his government.

If the solution is radical, it is also startling in its simplicity: To halve the country's burdensome wheat stockpile, pay wheat growers in the prairie grain belt not to grow a 1970 crop.

Under the program growers in the four western provinces—Manitoba, Saskatchewan, Alberta, and small areas of British Columbia—would get payments for wheat acreage taken out of production.

PAYMENTS TO GROWERS VARY

The price would be $6 an acre for farmers who decide to let wheatland lie fallow at spring-planting time. The outlay from the federal treasury would be $10 an acre for farmers who switch wheatland to a forage crop such as hay.

Cost to the taxpayer would be $100 million or more. The exact figure is uncertain because federal officials are unsure how many of the 188,000 western farmers would go along with the drastic plan and to what extent.

But officials forecast at least a 70 percent reduction in last year's wheat acreage of 24.5 million acres.

TRUDEAU SHIFTS STAND

Farmers would not get rich on government transfer payments because there would be a $10,000 maximum for an individual farmer no matter how much land he switches from wheat.

Prime Minister Trudeau to date has shown a reluctance to assume more responsibility for the Canadian farmer, who has suffered from tight international wheat markets and prices that have hung consistently below the International Grain Arrangement minimums.

Whatever reluctance he had to shift more of the farmer's burden onto the backs of the taxpayer has apparently been dispelled by the seriousness of the situation.

At the end of the current crop year July 31, the wheat stockpile is expected to be 950 million bushels—a two-year supply. The wheat mountain has become a political millstone around the neck of the ruling Liberal Party. Unsold wheat on the prairies has always been bad political news for Ottawa, the usual whipping boy for anything that goes wrong in rural Canada.

As a powerful additional incentive for the western farmer to take wheatland out of production, the government plans to juggle the delivery quota system for the 1970–71 crop year that begins Aug. 1.

Although the two-sided incentive program is a one-shot affair, it will make it extremely difficult for the government to retreat from the greater responsibility it has assumed for the economic health of the western farm community.

[From the Christian Science Monitor, Dec. 3, 1969]

AIR, WATER, NO LONGER SO CLEAN: POLLUTION MUDDIES THE CANADIAN IMAGE

(Until recently pollution caused little concern in Canada. Canadians, shattered by the extent of the problem, may be one of the first peoples to legally guarantee all citizens the right to a decent environment.)

(By James Nelson Goodsell)

Visitors to Canada, particularly from the large metropolitan areas of the United States, are usually impressed with the tidiness of Canadian cities, the relatively low level of pollution, and the general air of cleanliness.

Yet increasing numbers of Canadians are expressing concern about pollution—and about the threat it poses to Canada's future development.

For Ontario residents, the pollution threat came home with full force this past summer as polluted streams and lakes were discovered in Algonquin Provincial Park, a wilderness area some 200 miles northwest of here.

And then beaches on the Rideau River, which runs through this capital city, were closed because of pollution at the height of the summer swimming season.

In fact, the summer brought the pollution problem right to the doorsteps of millions of Canadians who previously looked with a degree of smugness about the problem faced by their neighbors in the United States and elsewhere in the industrialized world.

Now the problem "has come home to roost," the Ottawa Citizen commented.

And there is a growing clamor for action—and for such action immediately. Provincial as well as federal study groups now are looking into the problem.

PROBLEMS RANGE WIDELY

What they have come up with so far is a list of pollution problems without quick and ready answers. These problems include:

Water pollution—"a significant and rapidly increasing threat to the health and prosperity of our people," according to Otto E. Lang, federal Minister of Energy and Water Resources. This pollution affects every province of the nation and is growing at rapid rates. It is not confined to the populated regions but spills over into the low-density population centers in the west as well.

Air pollution—mounting steadily, particularly in the large metropolitan areas like Toronto, Montreal, Winnipeg, and even Vancouver on the Pacific Coast. Airplane jet engines are a factor, as are smoky exhausts from some trucks and buses. But the threat comes also from factory fumes which, according to an initial survey by the Toronto metropolitan government, suggests a 150 percent increase in pollution levels in Toronto in the past five years.

Chemical pollution—a new complaint in such areas as DDT usage and food preservatives—as well as the use of other pesticides and fumigants. British Columbia's Agricultural Minister Cyril Shelford put it this way: "Everyday we get letters to my office from people concerned with food pollution." He says it is up to the Food and Drug Administration in Ottawa to handle the matter.

Highway litter, a growing problem particularly in the large metropolitan areas where wastepaper, soft-drink and beer cans, and cigarette butts are dumped from cars without any real concern by motorists. This problem is even found in western park areas where the cost of cleaning up litter "doubled last year," according to a park official in Banff.

There is hardly a day that some aspect of the pollution problem is not brought to the attention of newspaper readers, radio listeners, and television viewers. And it seems apparent to most observers that Canadians are being made quite aware of the pollution problem in all its aspects.

These same observers, both Canadians and foreigners, expect the government of Prime Minister Pierre Elliott Trudeau to move soon to solve some of the pollution problems. Already, it has taken action against DDT usage.

In this connection, Mr. Trudeau told the House of Commons that beginning Jan. 1 the use of DDT will be cut by 90 percent and that its use in various foodstuffs will be substantially reduced. The federal action follows similar steps taken by several provincial governments, and Mr. Trudeau encouraged other provincial governments to follow suit.

Earlier Mr. Trudeau issued what amounted to a discreet warning to provincial governments to clean up on pollution or face the threat of federal action.

Ottawa, he said, is prepared to make pollution a crime—and thus subject to federal law and action—if the provinces do not act.

The provinces, however, with only one or two exceptions have started action. The most noteworthy efforts are in Ontario and parts of Quebec, but there are evidences of pollution-control efforts elsewhere as well. Ontario, for example, has taken a number of steps. One of them involves putting labels on detergents marking them as a health hazard. Another step is the proposed 700-foot smokestack on Ontario Hydro's generating station in east Toronto which should "difuse and lower the concentration of pollution by the time it reaches the ground," according to Ontario Energy and Resources Minister George Kerr.

THREE CITIES CRITICIZED

But these are only limited efforts. Much more will be needed if pollution is to be brought under control, say observers, and in this regard it will take major government intervention to do something "about this growing hazard to our lives," as the Calgary Herald recently called pollution.

One dimension of the problem is contained in a report on city sewage conditions. Only 8 of the 18 largest metropolitan areas in Canada are said to have 100 percent treatment of their sewage and other waste water.

Three of the cities—Halifax, Nova Scotia; St. John's Newfoundland, and Quebec City—

do not treat their waste at all before it is discharged into nearby waters.

Partial treatment is carried on by Saint John, N.B.; Montreal; Windsor, Ont.; Saskatoon, Sask.; Edmonton, Alta.; and Vancouver and Victoria, B.C.

Only Toronto, Ottawa, Hamilton, Sudbury, and London in Ontario; Winnipeg, Man.; Regina, Sask.; and Calgary, Alta, treat their waste to a full 100 percent.

The survey singled out Montreal as a key offender, although other areas did less treatment than Montreal. This largest of Canadian cities gives only 8.4 percent of its 2,436,800 people full sewage treatment, the survey said.

But it is not only the cities that face pollution problems. The countryside also is being polluted. Take the case of the Spanish River in western Ontario. Flowing west through the towns of Massey and Espanola, it reaches the little town of Spanish and then empties into Lake Huron.

Back in the 1930's, it was a popular river for anglers and tourists who camped along its banks. The river provided a variety of fish, including walleye and pike, sold in Toronto and elsewhere.

Then in 1946, a paper mill was opened upstream at Espanola by the Kalamazoo Vegetable Parchment, Ltd., and things changed rapidly.

TOURIST BUSINESS DISAPPEARS

The river below Espanola became, as a local resident termed it, "a stinking mess." Untreated industrial waste poured from the paper mill with estimates as high as 16 million gallons daily.

The tourist business at Massey disappeared, as did the fish and the small commercial-fishing industry of the area. For 35 miles from the paper mill, now owned by Eddy Forest Products, Ltd., the river is a polluted stream.

Efforts to clean up the river have so far been of little avail. And even if efforts were begun at this writing, Ontario resources people say it would be 20 years before the river could, at best, be returned to its pre-1946 state—even if such a cleanup ran into no snags along the way. "We frankly don't know whether it is possible to clean up a river entirely once it is polluted," one Ontario official said.

Or take the case of Buttle Lake out on Vancouver Island in British Columbia. This lovely lake, which supplies water to the Campbell River community, now is so polluted that its lead contamination is only one point short of the level at which human consumption becomes dangerous. This lead contamination is caused by mine tailings which make their way into the water of Buttle Lake.

Yet when mining operations were begun by Western Mines, the public was assured that there would be hardly any contamination of Buttle Lake waters from wastes deposited in it by the mine, and that in any case, the toxic material would be placed on the lake bottom never to rise.

"How long does the contamination process have to proceed before wildlife and human beings are sufficiently endangered to bring an anxious government hurrying to their defense?" asked the Victoria Daily Times.

Not too long, if the ideas of many people in federal and provincial governments are put into action. Dr. D. R. Idler of the Fisheries Research Board said recently: "I feel when a new project is planned that is sufficiently large or unknown to merit attention, scientists in the federal government should sit down with the scientists in the industry to talk about what is known about toxicity (of the process) and other matters."

Against this growing clamor for government intervention is concern that some businesses might be forced to close down as a result of the drives to clean up pollution. And pollution control could in some instances increase prices. Resources Minister J. J. Greene says that the public is going to have to be prepared to accept these additional costs and perhaps higher prices "as what we must pay for an environment in which we can live normally healthy lives."

Whatever the cost, it now seems likely that Canada will move ahead smartly in the months and years to come to put effective curbs on pollution. The Trudeau government is committed to it as are Canadians in general.

In fact, Canada could well make major headway in pollution curbs, outdistancing many of its industrialized neighbors including the United States. The provincial premiers at their annual meeting in Quebec recently agreed to unite with the federal government in the battle against pollution.

The federal government has taken some early steps as well. It is announcing a water-quality program, the cost of which will run into millions of dollars. No one has any idea how much. But the hard facts of pollution are such that most Trudeau supporters and a good many people in the Progressive Conservative opposition see pollution control as not only a need, but a necessity.

SAFETY DEVICES ON OIL SHIPS?

Another step to be taken is legislation for the arctic areas which so far are virtually unspoiled by pollution. One aspect of this will be legislation to require safety devices on oil ships transiting the Northwest Passage so that Torrey Canyon-type disasters will be minimized. Sweeping land-use regulations are part of the package, according to Northern Development Minister Jean Chrétien.

Joint action by Canada and the United States, particularly in the Great Lakes area, now is being studied. Mr. Lang, for example, recently went to Washington to confer with his counterpart in the Nixon administration, Secretary of the Interior Walter J. Hickel.

Although there are as yet no constitutional safeguards on pollution matters, there is a feeling that this may well come about in the future. Gavin Henderson, executive director of the National and Provincial Parks Association of Canada, recently said: "It seems only a matter of time until we shall see such protection, provided of course we survive that long."

In a column in the Toronto Globe and Mail he asked:

"With the new-look conservation about to take hold in Canada, could it be that we shall write history by being the first country to guarantee under law to all citizens the right to a decent environment?"

Canada does indeed have that opportunity.

CANADA'S FOREIGN POLICY

[From the Christian Science Monitor, Jan. 26, 1970]

Development Research: Canada Takes New Approach

(By James Post)

Despite its current anti-inflation austerity drive, Canada has decided to invest a considerable sum of money into a new foreign aid approach.

The Liberal administration has committed itself to a minimum expenditure of $30,000,000 in the next five years on an agency to do scientific and technological research to benefit underdeveloped countries.

Beyond this minimum, External Affairs Minister Mitchell Sharp says he foresees eventually the allocation of up to 5 percent of Canada's foreign aid budget for the Ottawa-based International Development Research Center.

If the government holds firm to the 5 percent formula, some day the center could be getting $25,000,000 a year to find ways to close the gap between the wealthy, industrialized countries and underdeveloped nations.

The $25,000,000 figure would be 5 percent of a half-billion foreign-aid budget, a level which Canada could reach within a few years. The total Canadian foreign aid budget in 1969 was $338,000,000.

GAP HARD TO CLOSE

The new center is in effect an acknowledgement that mere transfer of capital and knowledge to underdeveloped countries just is not going to close the standard-of-living gap.

Mr. Sharp has called it "a scientific and technological gap." Almost all scientific and technological research is done by the wealthy countries, helping them outpace the poor ones more quickly year by year.

What is needed, in the Canadian view, is research that is applicable to the backward economies. Technological breakthroughs for the benefit of advanced economies do not help economies at a far more primitive stage.

"The relative position of the less-developed nations can only worsen if the balance in the deployment of the world's scientific and technological resources remains so heavily biased against them," Mr. Sharp says.

RESEARCH BOOST GIVEN

In addition to having the express purpose of helping underdeveloped nations, the center should provide a considerable boost to Canadian scientific research.

The center will soon start distributing research projects approved by the headquarters staff largely to Canadian institutions and individuals in areas of expertise where Canada is strong. Scientists from underdeveloped countries and indeed abroad generally will be called on to help out.

The international flavor of the center will be enhanced by the appointment of foreigners both to the governing board and to the staff. Despite the use of foreigners, most of the governing board and staff will be Canadian.

Also the Canadian hope is that Canadian scientists who left the country in search of greater opportunity might be lured back by the increased scientific activity as the years go by.

PRIORITIES STIPULATED

The center, in its choice of research programs, is supposed to give high priority to those that will assist poor nations to build their own scientific and technological capabilities so they can contribute to their own economic advancement as well as to the solution of their own problems.

At the outset, the center may start with five or six research programs. About two-thirds of the committed $30,000,000 from the Canadian Government will go into these and other later projects. The remaining third will pay for the operation of the center's headquarters.

The specific projects of the center are not known at this time. But possible areas of interest include development of techniques for identifying and evaluating mineral resources, development of genetically improved plants of high-protein value, population control, and so on.

Even though the center is not yet operating, officials are already talking about changing roles in the long-term future. Some see it as becoming even more international in scope than currently foreseen, possibly evolving into a United Nations agency.

Others see the center as evolving into a world clearinghouse for scientific information related to international development. But for the present the center is an attempt to break down some of the obstacles to change in less-developed societies.

[From the Washington (D.C.) Post, Feb. 10, 1970]

Canada and Peking Resume Dialogue

(By Roland Huntford)

Stockholm, February 9.—Canada and Communist China have resumed talks here on the establishment of diplomatic relations. This is understood to mean that the Chinese are prepared for a certain flexibility in dealing with the question of Taiwan.

The Stockholm talks started a year ago but were halted in December by Chinese intransigence over the issue. Canada was asked both to break off all relations with the exiled Nationalist government of Chiang Kai-shek and to recognize Peking's claim to sovereignty over Taiwan and the offshore islands—the socalled "one-China policy."

While the Canadians apparently were willing to discuss the issue of relations with Chiang they refused to accept the one-China policy. Since China had made this a condition of establishment diplomatic relations, there seemed no point in continuing the talks.

If the Chinese have shifted their position, it may be because they have changed their estimate of the position and motives of Canadian Prime Minister Trudeau. They are supposed to have assumed that he wanted to demonstrate independence of the United States and that he could be pressed to accept the one-China policy as a means of making his point.

But apparently the Chinese have decided that Trudeau is not prepared to go that far; that he may want to demonstrate his independence of the United States but would prefer not to alienate Washington by rejecting the independence of Taiwan.

Moreover, the Chinese probably realize that any willingness shown by them to compromise in the Stockholm talks might be taken as a sign that Peking is interested in improving communications with the West. Some diplomats point out that Ottawa would be a good base for contacts with the United States. It has been suggested that these need not be confined to the diplomatic sphere, but could be extended to such activities as political agitation and spying.

XUM

[From the New York Times, Feb. 15, 1970]

CANADA AND RED CHINA START SECOND YEAR OF TALKS ON RELATIONS

(By Jay Walz)

OTTAWA, February 14.—Canada and Communist China have begun the second year of their talks to establish diplomatic relations with no sign of an end to the deadlock over the paramount issue of Taiwan.

It was a year ago last Tuesday that Mitchell Sharp, Secretary of State for External Affairs, announced that the Peking Government had accepted Prime Minister Pierre Elliott Trudeau's proposal that contacts begin between ambassadors in Stockholm.

This week Mr. Sharp said that, with "great patience" being exercised on both sides, the ambassadorial meetings were continuing at monthly intervals.

"The major problem," he said in a statement, "is the problem of Formosa. We cannot get to the housekeeping details because this question of principle is still unsettled."

Peking is demanding that Canada recognize that Communist China includes the island of Taiwan, or Formosa, now held by the Nationalist Government of Chiang Kai-shek. Canada takes the position that recognition of Communist China does not oblige Canada to accept all of Peking's territorial claims, including Taiwan.

CANADIAN VIEW STATED

"The Canadian Government in general," Mr. Sharp said, "has taken the view that the question of the limits of sovereignty of any particular government is not at issue in the exchange of diplomats. And that is the problem around which we are having discussions."

Canada, during the last year, has made known to the Chinese Communists her readiness to break existing diplomatic relations with the Chinese Nationalists, who maintain an embassy in Ottawa. This would occur regardless of any accord on Taiwan because the Nationalists—who maintain they are the rightful government of China—have indicated they would not be willing to keep an embassy in Ottawa representing Taiwan only.

Mr. Sharp, commenting on the length of time the talks are taking, said that the Chinese were traditionally a people of "great patience." Now Canada, he said, "wants to match the patience of the Chinese."

In a talk with reporters he said it was impossible to predict how long both sides might be willing to exercise patience. It was not clear, he said, whether the Chinese negotiators would insist on their demand about Taiwan to the end, or draw the talks out to find out whether the Canadians would make further concessions.

TRUDEAU'S CAMPAIGN PLEDGE

At a recent news conference, Mr. Trudeau, who made diplomatic overtures to Communist China a campaign promise in 1968, said talks would continue until an accord was reached, or there was evidence that the negotiations were irretrievably stalemated.

The Stockholm talks are being carried on by Miss Margaret Meagher and Wang Tung, the Canadian and Chinese ambassadors to Sweden. It is assumed that if progress materialized each side would send in higher-ranking negotiators.

The return to Ottawa recently of Pu Chao-min, a correspondent of Peking's Hsinhua press agency, appears to have no immediate bearing on the progress, or lack of progress, of the Stockholm proceedings.

Mr. Pu and an assistant report from Canada under an arrangement of the middle nineteen-sixties for an exchange of correspondents—one Chinese reporter in Canada in exchange for one Canadian in Peking. The Canadian correspondent in Peking is Norman Webster of The Globe and Mail, Toronto.

Mr. Pu left Ottawa for home in late 1966, and his post was vacant until a few weeks ago, when the correspondent and a new assistant came back.

[Chicago Daily News Service, Feb. 3, 1970]

TRUDEAU IRKED BY U.S. PLAN FOR ABM SITES NEAR BORDER

OTTAWA, ONTARIO.—Prime Minister Pierre Trudeau has told the House of Commons he is unhappy about U.S. plans to install the Safeguard antiballistic missile on bases close to the Canadian-American border.

At the same time, however, he argued yesterday that there is no evidence the ABM project will contribute to an escalation of the arms race.

Trudeau was answering questions from Thomas C. Douglas, leader of the New Democratic (Socialist) party, who says Canada should protest against the installation of American defenses that might shoot down intercontinental missiles approaching the United States over Canadian territory. The first ABM sites will be in North Dakota and Montana.

Trudeau said the Canadian government is "unhappy that a friend and ally sees the way to peace in this direction" and added that "there has been some element of protest in my words."

"But," Trudeau said, "it might be felt that the Safeguard was necessary to protect the American nuclear deterrent from attack from an oriental direction."

[From "Common Debates" House of Commons of Canada, Feb. 2, 1970]

U.S. ABM SYSTEM—INQUIRY AS TO CANADIAN DECISION

Mr. T. C. Douglas (Nanaimo-Cowichan-The Islands): I wish to direct a question to the Prime Minister. It arises out of a statement by President Nixon that his administration now proposes to proceed with the second stage of the Safeguard ABM system. In view of the Prime Minister's statement of March 19 last that the Canadian government was reviewing the matter and would decide very soon whether they would condemn this ABM program or cooperate with it. I ask the Prime Minister whether the government has now reached a decision, whether it has conveyed any protest to the United States, against the ABM system or whether it has indicated its intention of cooperating with them in the construction of the Safeguard system?

Right Hon. P. E. Trudeau (Prime Minister): Mr. Speaker, the House will recall that on that occasion we were concerned that the announcement by the United States of America would create an escalation of the arms race. I must say that to date our evidence has not shown that this has resulted. Therefore our main concern at that time does not appear to have been well founded thus far.

This does not mean that on over-all grounds we are happy to see the project proceed. As far as we are concerned, we have no deterrent to protect on our soil. However, insofar, as it is important to protect not the deterrent but the civilian population, we feel—and I understand the fear felt by the United States is mostly coming from an Oriental direction—that our own approach to the People's Republic of China the negotiations going on in Stockholm are certainly a better way in the long run to protect the world from war than is a continuance of the arms race.

Some hon. Members: Hear, hear.

Mr. Douglas (Nanaimo-Cowichan-The Islands): In view of the fact that, as majority leader Mike Mansfield has said, this program will cost over $50 billion, which in itself is an escalation of the arms race, may I ask the Prime Minister whether we are to take his response as meaning that the Canadian government has now decided that this does not constitute any peril to the future peace of the world, and that the Canadian government does not propose to make any protest whatsoever with respect to the second phase of the Safeguard system being proceeded with?

Mr. Trudeau: I am afraid the hon. member has unintentionally misinterpreted my statement. It seems to me, on the contrary, that there was some form of protest in what I said; if the hon. member prefers to look at it otherwise, that is up to him. So far as the figure produced by Senator Mansfield is concerned, we only heard it this morning on the news and we have not had an opportunity to look into it. I also take issue with the hon. member's logic. When we talk of escalation we talk of escalation between countries rather than in terms of dollars and cents spent in one country. When we were answering this question last spring, it had to do with the danger of a decision by the United States resulting in a decision by the Soviet Union which would lead to a series of escalation. We have not seen this follow from the original United States decision. The Canadian government remains rather unhappy, however, that a friend and ally of such importance should be seeing its way to peace in this direction rather than in the direction I have just mentioned.

Mr. Douglas (Nanaimo-Cowichan-The Islands): May I ask the Prime Minister whether any member of the cabinet is at the present time carrying on any negotiations or discussions with the United States authorities with respect to the extension of the Safeguard system? If so, which ministers are concerned and what is the purpose of those discussions?

Mr. Trudeau: There has been no consultation on this item of news, which we learned about only this morning. To answer the hon. gentleman, there has been no consultation and there is no minister engaged in consultation. We have not, since this morning, made any decision.

Mr. J. M. Forrestall (Dartmouth-Halifax East): May I direct this supplementary question to the Secretary of State for External Affairs? Are we to infer from the reply just given that the presidential announcement in the United States does not involve any cooperation on the part of Canada whatsoever?

Hon. Mitchell Sharp (Secretary of State for External Affairs): I can certainly give that assurance. This decision by the United States was made quite independently of any consultation with us.

PROPOSED U.S. NUCLEAR TESTS

Mr. Mark Rose (Fraser Valley West): My supplementary question is also directed to the Secretary of State for External Affairs. In view of the announcement by the United States that further atomic explosions are to be set off in the Aleutians, reportedly three times as powerful as the one last October, does the Canadian government plan to make any formal protest regarding the continuation of these tests so close to Canada?

Hon. Mitchell Sharp (Secretary of State for External Affairs): With regard to this item also may I say I have just read the bulletin in which the announcement appeared. Again, this announcement by the United States was not made after any consultation with us. In the course of the announcement the United States authorities said they had no reason to fear, on the basis of the tests made on Amchitka Island earlier, that there would be any untoward effects—for example, the creation of an earthquake or a tidal wave. They are satisfied in this regard on the basis of previous tests. We have not had the opportunity of seeing the results of those tests yet and therefore we have had no opportunity to decide whether to make a formal protest this time as we did before.

[From the Christian Science Monitor, Jan. 23, 1970]

OIL-FOR-WATER PROPOSAL: HOW MUCH SHOULD CANADA AND UNITED STATES INTEGRATE ECONOMIES?

(By Bruce Hutchison)

After long slumber the oldest economic issue in Canadian life has awakened and reentered practical politics. It is whether Canada and the United States should further and perhaps totally integrate their already interdependent business.

Two recent developments have pushed this question to the forefront of the great debate now under way at Ottawa and throughout the nation.

When Washington dispatches indicated that the Nixon administration would soon offer Canada a large new oil market in return for Canadian water, Prime Minister Pierre Elliott Trudeau rejected this proposal in advance.

The Canadian Government does not intend to sell any water from the rivers flowing to its three seacoasts—not at least until it knows for sure how much water it will need for its own use centuries ahead.

Pending a long, detailed study of these needs, the government will not consider trading water for either an oil or any other American market.

UNANIMOUS SUPPORT

In this policy the government seems to have the almost unanimous support of all parties in Parliament and of the nation as a whole.

But excluding the alienation of primary resources, the government apparently is ready to discuss with the United States some form of continental energy program. It would cover the export of Canadian hydroelectric power and the movement of Alaskan oil by pipeline through Canada to the American market.

As these prospects were under investigation by a parliamentary committee, George W. Ball, former U.S. Under Secretary of State, carried the argument into a wider dimension.

Testifying at Ottawa, he recommended a free-trade area and later a full customs union between the two neighboring nations because, he said, the completely sovereign state already is economically obsolete in the modern world.

REMARK RECALLED

But he argued that Canada could still retain its own way of life in a continental economy freed of all trading barriers. He also modified his previous "speculative" opinion in a controversial book that Canada would ultimately seek political union with the United States to secure its superior living standard.

The angry reaction from Canada, he said, had purged his mind "of any lingering doubts as to the vitality and assertiveness of Canadian nationalism."

WESTERN RUMBLINGS

He urged Canada, however, to maintain its place in NATO and in continental defense and proposed some international instead of exclusively Canadian control over the Northwest Passage.

As Mr. Ball was arousing sensitivities at Ottawa, the government heard somewhat similar rumblings in the Canadian west.

There Mr. Trudeau's Liberal Party is mounting a strong campaign for a general tariff reduction. It has the support of four western provincial governments and is endorsed publicly by Jack Davis, the Prime Minister's leading colleague in British Columbia.

[From the New York Times, Feb. 16, 1970]

CANADA AND U.S. PRESS OIL TALKS—OTTAWA HINTS IT MAY SLOW DELIVERIES TO MIDWEST

(By Edward Cowan)

OTTAWA, February 15.—Canada and the United States are deeply immersed in negotiations over oil and natural gas and Canada hopes to announce results within weeks, the Minister of Energy, Mines and Resources has disclosed.

The Minister, J. J. Greene, in a speech last week to oil men in Calgary, Alberta, also hinted that the Canadian Government may make a new effort to curtail sharply rising deliveries of Canadian crude oil to United States Midwestern refiners.

Reporting "an abnormal surge in our oil exports" because "the demands of certain Chicago refiners have recently been added to those of established customers for Canadian oil," Mr. Greene said not only Washington but "the Canadian Government is also concerned."

Ottawa, he said, has always recognized that the exemption Canada enjoys from United States crude oil import quotas "carries with it the responsibility of avoiding disruption of United States markets."

CLEAR STRATEGY

The Minister left no doubt that his strategy is to help Washington avoid intense short-run pressure from the Texas-Louisiana oil producers in hopes of securing in the long run a larger American market for Canadian oil.

More directly than he has done in his speeches, Mr. Greene made plain in an interview in Ottawa this week that he regards access to Canadian natural gas, a fuel in short supply now in the United States, as a bargaining lever with which to pry open the American market for Canadian oil.

Mr. Greene said that depending on what Washington offers, Canada might revise her criteria of gas needs so that a larger "surplus" would be eligible for export.

He said he has had numerous talks recently with Walter J. Hickel, the Secretary of the Interior, in Washington, and by telephone. Out of these negotiations, in which the Canadian press has taken an intense interest, have come the phrases "common energy market" and "continental energy pool."

Mr. Greene and his staff, he said, have given no thought to establishing a joint energy board.

[From the Christian Science Monitor, Feb. 6, 1970]

CANADA PUSHES FOR SOVEREIGNTY—WHO OWNS NORTHWEST PASSAGE?

(By Bruce Hutchison)

Canada will soon assert its sovereignty over the islands and waters north of its Arctic coast. But how this claim will be made and enforced is not yet known.

Some Members of Parliament, including government supporters fear that Canadian action may be too timid and too late.

After a sudden, unscheduled debate, Mitchell Sharp, Minister of External Affairs, told the House of Commons only that forthcoming legislation would affirm control over "our natural heritage."

The government, he added, did not disagree with the bipartisan report of a parliamentary committee which urges immediate steps to clarify Canada's position in the far north. It is not "ready, however, to disclose its strategy in seeking the agreement of foreign nations, especially the United States."

OPPOSITION SKEPTICAL

Awaiting this strategy, Parliament is worried and the opposition skeptical. Robert Stanfield, the Conservative Party leader, said that each day of government silence "increases the conviction of other countries that Canada has doubts about her sovereignty in the north."

Doubts about the government's policy, if not its objectives, were raised last fall when Prime Minister Pierre Elliott Trudeau suggested an international agreement, with Canada as its trustee, to protect the Northwest Passage from pollution by oil tankers.

Members of the parliamentary committee refuse to concede that the passage is an international waterway as the United States Government apparently believes. Ian Watson, committee chairman and government supporter, said Canada itself must regulate shipping in this channel.

The present international authority that sets oil-spillage levels on the high seas is dominated by countries with a strong shipping lobby subservient to oil interests, Mr. Watson said.

CHALLENGE SEEN

In his view the U.S. tanker Manhattan had issued a challenge to Canadian sovereignty last summer by entering the passage without asking Ottawa's permission.

The government reserved its answer to these general complaints pending the declaration of a specific policy.

Meanwhile, outside Parliament, a vigorous debate on the future of the north is under way. Many newspapers have emphasized with or without approval, George Ball's recent warning that exclusive Canadian control of the passage would be "abrasive" to Americans.

Mr. Ball, former Undersecretary of State, told the parliamentary committee that the American Government definitely regards this water as international. How the Canadian Government will regard it in the promised legislation remains to be seen.

[From the Washington (D.C.) Post, Feb. 17, 1970]

ARCTIC WATERS LOBBY PRESSES OTTAWA

(By Gerald Waring)

OTTAWA.—A program for a fleet of new icebreakers for the U.S. Coast Guard and a serious oil spill from a wrecked tanker on the coast of Nova Scotia have provided new ammunition for the Canadian Arctic territorial waters lobby.

The pressure for a government assertion of Canadian sovereignty over waters between Canada's Arctic islands comes from opposition groups in Parliament, some Liberal members, the press, university activists and private citizens.

Prime Minister Pierre Elliott Trudeau has resisted the pressure on the grounds that other countries, notably the U.S., might reject a Canadian claim and insist that the inter-insular seas are international waters. In a recent forum confrontation with university students Trudeau was angered by charges that his Arctic sovereignty position was "anemic."

Canada, he retorted, has two choices. It can "go to the International Court at The Hague and maybe lose for all time its right to Arctic waters, or grab them and face the possibility of war. Do you want us to go to war over the matter?" he asked the suddenly sobered students. "Time and finesse," he explained, are needed to make Canada's case for Arctic waters control.

How far the government will go towards meeting the demands for sovereignty probably will not be known until the government introduces legislation, promised soon, dealing with protection of the Arctic environment from pollution, particularly by oil spills.

The recent wreck of the Liberian tanker Arrow in Chedabucto Bay, Nova Scotia, and the spill of a large part of her 3.8 million million gallons of bunker oil has given the sovereignty lobby a new case in point.

So has congressional criticism of the U.S. Coast Guard for not proceeding as quickly as possible to build a new fleet of Arctic icebreakers, a construction program that has raised questions in Parliament about whether the icebreakers are destined for use in what many Canadians consider are Canadian territorial waters.

XUM

Recently the government's position was outlined in a Commons debate by Foreign Minister Mitchell Sharp. He said there was "no fundamental difference" between the government and Members of Parliament who want the government to assert sovereignty over the sounds, straits and channels of the Northwest Passage.

However, he explained, the government is inhibited by uncertainty about whether such a claim would be internationally accepted.

The question of whether the inter-island waters are land locked territorial seas or international waters became important in light of the possibility that Alaskan North slope oil may be shipped by super-tanker through the passage to eastern U.S. markets.

This possibility gave rise to concern by the government, Parliament and the public that a Torry Canyon-type oil spill in the Arctic would have a calamitous effect on sea life, bird life and native food resources.

Trudeau promised "a policy for use of the Arctic waters which will be designed for environmental preservation" but which would "not be a restriction upon progress."

Sharp announced that legislation will soon be introduced in Parliament which "will vest in Canada the maritime jurisdiction which is essential for this purpose."

Canada's own oil interests, as well as those of the U.S. are involved in the question.

Panarctic Oils Ltd., a consortium in which the Canadian government has a 45 per cent interest, began a three-year drilling program in the high Arctic last spring, and already has found much gas and some oil on Melville Island.

Should Panarctic find oil in commercial quantities, it could be brought out only by tanker—either surface or submarine.

Equally significant, in a negative way, to the Northwest Passage question is the discovery of oil near the mouth of the Mackenzie River announced Jan. 15 by Imperial Oil Ltd.

The size of this oil pool on the Arctic coast has not yet been determined, but geological formations suggest it could be of major importance.

In that event, added impetus would be given to the proposal to build a pipeline from the North Slope to the Mackenzie River, and then south 1,300 miles to Edmonton, Alberta, to carry both Alaskan and Canadian Arctic oil to continental markets.

If North Slope oil went out by tanker, it might not be economically feasible for Canadian companies alone to build the pipeline.

[From the New York Times, Feb. 22, 1970]

CANADIANS STRESS CLAIMS ON ARCTIC—ISSUE LINKED TO FAILURE OF NIXON TO MENTION NATION

(By Jay Walz)

OTTAWA, Feb. 21—There is a certain amount of dissatisfaction in Canadian circles over the failure of President Nixon to mention Canada in his review of foreign affairs on Wednesday.

As a result of his silence officials here have issued stronger statements affirming Canadian sovereignty over the Arctic. At the same time, uneasiness about United States intentions in the Canadian far north, particularly the waters there, has been intensified.

The fresh concern expressed by both Government and Opposition officials grew out of Mr. Nixon's warning of the great need to "head off the threat of escalating national claims over the ocean." Did he, or didn't he, include Canada in that admonition?

When the Washington correspondent of The Globe and Mail, of Toronto, asked the State Department about the lack of any mention of Canada in Mr. Nixon's message, he said a spokesman had told him that the President's statement on the ocean applied to the Northwest Passage in the Arctic among areas regarded as "high seas."

CANADIAN OFFICIAL DIFFERS

However, in Canada, Mitchell Sharp, Secretary of State for External Affairs, told reporters that Mr. Nixon could not have been referring to Canada in this connection, because Canada had "never made any territorial claims over water regarded as part of the high seas."

"It would be difficult to argue that the Arctic waters between Canadian territory have been regarded as part of the high seas," Mr. Sharp said. He argued that the trip of the Manhattan, a United States supertanker, through "Canadian waters" last summer with Canadian acquiescence and the assistance of Canadian icebreakers "was evidence of that position."

Both Prime Minister Pierre Elliott Trudeau and Mr. Sharp have been pressed in the House of Commons for "assurances" that the Arctic land and waters both belong to Canada, and are not accepted in Ottawa as part of the "ocean."

"We have regarded the Arctic waters as our waters," Mr. Sharp said in one reply. Neither he nor Mr. Trudeau had ever made that flat a statement on this issue before.

GUARANTEE ON SPILLAGE

Answering another question, Mr. Trudeau indicated that if the Manhattan makes a second voyage through the Northwest Passage this spring, Canada would require a guarantee against the dangers of oil spillage.

This is regarded here as tantamount to saying that the Northwest Passage through the Canadian Arctic islands belongs to Canada. But Mr. Trudeau has never said so directly, and Mr. Sharp's statement about the passage being "our waters" is not backed by a proclamation of any kind. Nevertheless, when asked by reporters about his declaration before the House, he answered: "Well, I said it."

The United States takes the position that the Northwest Passage is an international sea lane.

The status of the Northwest Passage has been a delicate issue here since the discovery of vast oil deposits in Prudhoe Bay, Alaska. This has spurred American efforts to develop the sea lane as a short cut to markets on the Atlantic Coast. Supertankers, such as the icebreaking Manhattan, have been designed to cut their way through the ice.

Canadian Arctic specialists fear that heavy traffic by supertankers would result in large oil spills, which would contaminate vast areas for decades. And Mr. Trudeau has claimed for Canada the responsibility for protecting the Arctic against pollution.

[From the Washington (D.C.) Star, Feb. 24, 1970]

SECOND MANHATTAN ARCTIC TRIP STUDIED

HOUSTON.—The S.S. Manhattan, which proved in September the feasibility of a shipping lane via the Northwest Passage, was in Baton Rouge, La., last weekend to take on a load of crude for Humble Oil & Refining's Bayway, N.J., refinery.

Meanwhile, officials at Humble's Houston headquarters inched closer to a decision on the 1,005-foot tanker making a second fact-finding voyage across the top of North America.

"The decision must be made soon," Stanley B. Haas, project manager of Humble's Arctic task force, explained.

"The object is to get the ship into the ice before the start of the melt season so tests could be conducted in ice of uniform thickness", Haas said.

"We tested last fall in multi-year ice—ice that has survived more than one or two seasons," he said. "We want to test ice that has been formed this season that will be of fairly uniform thickness.

The variable ice thickness makes it difficult to get engineering data that could be treated with confidence," Haas said.

The 115,000 ton tanker (loaded) summoned up 43,000 horsepower to crunch its way through ice packs 30 feet thick.

The same route, north off the coast of Greenland to Davis Strait, Baffin Bay and Lancaster Sound to Viscount Melville Sound would be taken, eliminating the Prudhoe Bay leg.

"Ice thicknesses of six feet could be expected," Haas said.

The supertanker would sail about April 10 and get into the ice a week later if the decision is made to go, Haas said. The 5,000-mile roundtrip would take about six weeks and cost "only about 1-30th of the $43 million expended last time, mainly for converting the ship for ice-breaking duties.

"Atlantic-Richfield and British-petroleum would be entitled to have representatives aboard under the arrangements we made with them last year," Haas said.

"About 80 percent of the crew has volunteered to go again," Haas said.

A second voyage could act as a catalyst on the Canadian government, now debating a declaration of Canadian sovereignty over Asiatic waters and evaluating the oil disaster off Nova Scotia shore recently.

Supporters of the Asiatic shipping route say it can be an economic gain for Canada, and haggling over sovereignty of the iceberg choked waters is small-minded.

External Affairs Minister Mitchell Sharp said last week Canada would welcome and co-operate with any more Arctic voyages by the Manhattan, and he stressed Canada's permission was not required for any additional expeditions.

[From the Christian Science Monitor, Mar. 2, 1970]

SOME CANADIANS FAVOR TAX EXEMPTIONS FOR U.S. MAGAZINES

(By James Post)

The special committee of the Canadian Senate investigating the mass media has discovered that Time magazine's Canadian edition has at least some friends among Canadian magazine publishers.

At one time, Time Canada was almost universally feared in the magazine industry as a tough and unbeatable competitor for the advertiser's dollar. Testimony to the Senate committee has shown some softening in the opposition, although it is still well entrenched.

For example, the popular Canadian-owned monthly, Maclean's feels that Time Canada's privileged tax position should not be changed.

TAX-DEDUCTIBLE EXPENSE

Both Time and Reader's Digest are exempt from a five-year-old Canadian tax law that puts foreign periodicals sold in Canada at an economic disadvantage to Canadian periodicals.

Advertisers can treat advertising placed in Canadian periodicals and the exempt foreign publications as tax-deductible expense, but not in other imported magazines. The rule was applied to protect the financial health of Canadian media.

Time and Reader's Digest won exemptions after a considerable controversy in the early '60's. Now Time has piled success on success and has emerged as the dominant market for magazine advertising in Canada.

Ad revenue hit $9,545,752 for Time Canada last year, almost double that of 1960. Circulation now is 460,000. Time also puts out 12 regional editions in Canada to capture advertisers who want to hit a specific region or regions.

The arguments favoring continuation of Time's privileged position among foreign periodicals include the point that Time gives the whole Canadian magazine industry an appeal for advertisers as opposed to television, radio, and newspapers.

COOPERATIVE PROJECT

Time also has linked up with 11 other popular magazines sold in Canada in an organization to promote magazine advertising. It pays heavily into the project. Canadian magazines are said to benefit.

There also is the question of United States owned subsidiary businesses advertising in Canadian publications. The U.S. parents could regard any action against Time as anti-American and the resulting theory is that advertising budgets in Canadian magazines could suffer.

The telling argument against Time Canada's privileged position put forth by critics—and there are many of them—is that Time Canada has big cost advantage over Canadian periodicals on editorial content.

The bulk of the magazine distributed in Canada is the same as the U.S. edition with the addition of a Canadian section. So Time Canada gets much of its content for a song, the critics say, in that it is produced for non-Canadian editions of the magazine. Canadian magazines, on the other hand, have to pay the full cost of developing their own editorial material.

REMOVAL SUGGESTED

As a result, such organizations as the Toronto Star—Canada's biggest daily—have suggested the removal of the Reader's Digest and Time exemptions. So has Southam Business Publications, a prominent chain of trade magazines.

The Senate committee will have to weigh both sides of the question. After hearing so much evidence on the subject the committee can hardly avoid saying something about it in its report expected later this year.

Public hearings of the 15-member committee, which began in December, will continue until spring. After that, it is report-writing time, a job that will be done with a considerable amount of other research by committee investigators.

OTHER ISSUES STUDIED

So far the committee's other big concerns appear to be the dangers of a further concentration of ownership in the media, particularly newspaper chains. The committee also has heard sharply divided opinions from newpaper publishers on whether some form of press council is needed to police the industry.

But lately, the question of Time's powerful and growing presence has taken the committee's attention.

Time Canada's special status may or may not be on the line, but it is certainly getting a thorough airing in a country where there is considerable discontent about cultural and economic domination by the United States.

[From the New York Times, Feb. 15, 1970]

CANADA PLANNING LIMITS ON U.S. TV—CURBS LINKED TO CAMPAIGN TO SAVE NATION'S CULTURE

OTTAWA, February 14.—The Canadian Radio Television Commission served notice this week that broadcasters must give viewers more and better Canadian programs and rely less on productions from the United States.

Proposed regulations announced by the body, which oversees all broadcasting, may not deprive Canadians of some of their most popular programs such as "The Ed Sullivan Show," "I Love Lucy" and "Bonanza." However, the commission wants fewer such programs in the prime time between 6:30 P.M. and 11:30 P.M.

The five-member commission, which was established two years ago, has recently concentrated on "saving Canadian broadcasting from extinction." Under its chairman, Pierre Juneau, a former executive of the National Film Board, the commission has taken up the cause of many Canadian sociologists, who are alarmed over the great impact of United States television on what they call "Canada's distinctive culture."

A few weeks ago the commission set restrictions on operators wanting to send United States programs into the Canadian North by relays and cable television.

BIG CITIES GET U.S. TV

Viewers in Montreal, Toronto and Vancouver, Canada's three largest cities, pick up United States network programs easily. Recently, cable TV has brought United States programs to a growing number of subscribers in Ottawa.

This week the commission proposed to limit the amount of United State programing on Canadian stations. Subject to a final order after public hearings are completed, stations must gradually increase their "Canadian content" to 55 or 60 per cent of their service. They must, above all, hold the foreign content of their evening programs to 40 per cent. At present the situation is reversed, with stations required to maintain a 60–40 ratio in favor of non-Canadian shows.

Furthermore, Mr. Juneau wants programs "produced in any one country outside Canada" held within 30 per cent of total service. The United States is the "one country" exceeding that limit now. Britain, whose British Broadcasting Corporation is a large contributor to radio and television programing in Canada, has been under the commission's definition a "Canadian" source because of Commonwealth ties. But this will change under the new rules.

RADIO TO BE AFFECTED

Radio stations will be affected similarly. While they will be required to raise their Canadian content only to 30 per cent over a period of months, they may be harder hit because so much of their entertainment consists of recordings. Most of the records played by disc jockeys are from the United States.

Mr. Juneau said a Canadian content record might be one for which the music or lyrics had been written or performed by a Canadian, or which had been recorded in a Canadian studio.

Reaction is mixed. Officials of the Canadian Broadcasting Corporation said it would have little difficulty meeting the new requirements if given a little time.

However, Murray Chercouver, president of the privately owned C.T.V. network had reservations. To meet the standards, his network, he said, would have to create about four hours a week of new evening-hour entertainment, and this would be expensive. If weaker Canadian shows were programed, he said, audiences might change to other channels.

[From the Washington (D.C.) Post, Feb. 22, 1970]

U.S. POLICY CRITICIZED IN CANADA

OTTAWA.—Canadian opposition to American policies appears to be growing more outspoken on such issues as Cuba, the draft and Arctic sovereignty as direct criticism of Vietnam policy recedes.

A case in point concerns the group of 500 young Americans who went to Cuba to help the Castro regime with its sugar cane harvest. They left by boat from Saint John, New Brunswick, after arriving by chartered buses.

This expedition which followed other trips to Cuba by American students, were treated as important news in major Canadian papers.

The Montreal Star, usually friendly to the U.S., blamed Washington editorially for continuing the "quarantine" of Cuba and charged that State Department "perversity" rather than Castro's deeds led to the break in relations a decade ago.

"Castro has not only survived," the editorial said. "He has continued to hold the imagination and support of young people in his own country and other parts of Latin America. He offers relative altruism and involvement in challenging projects while other political figures in the West speak in redundant cliches."

Canada continued cordial relations with Cuba throughout the period in which the U.S. was imploring other countries in the hemisphere to join in the quarantine of Castro.

Some Americans who visited the Cuban Pavilion at Expo '67 in Montreal found that it was illegal to bring Cuban cigars back to the U.S.

Similarly, several Canadian papers recently mustered editorial indignation at reports that Canadian immigration authorities may have informed U.S. law enforcement agencies about American deserters and draft-dodgers entering Canada.

No one knows exactly how many such persons are now in Canada, because no tally is kept under Canadian immigration regulations, but the total is thought to be in the thousands. Recently these regulations were changed to make entry easier.

Canadian legislators as well as newspapers also have been making a substantial issue of the need to assert sovereignty over waters in the Arctic against possible U.S. encroachment, in light of the new interest in navigation that has attended oil discoveries.

The U.S. has made no claim but has not recognized some Canadian claims that certain straits constitute national waters.

Plucking the eagle's feathers is an old winter sport among some Canadian publications, and there is nothing about the present spate of criticism to suggest that it is very serious.

Nevertheless, it is noteworthy that one purpose of the visit by Queen Elizabeth to Canada's far Arctic in July will be to show the flag and thus, some persons hope, establish Canada's claim to the waters beyond dispute.

[From the Washington (D.C.) Post, Feb. 22, 1970]

United States Asks Canada for Assistance in Probing of UMW Election

(By George Lardner, Jr.)

The Labor Department has asked the Canadian government for help in investigating fresh charges of vote-padding and forgery in the controversial election of United Mine Workers President W. A. (Tony) Boyle.

UMW pensioners, especially in New Brunswick and Nova Scotia, were said to have voted illegally and UMW local officials there were allegedly offered $50 each to tabulate the "unlawful" ballots, according to complaints submited to federal officials.

"I guess they (UMW leaders) figured no one would ever look up there," said Joseph A. (Chip) Yablonski, son of the slain labor leader who was defeated by Boyle in a bitter contest Dec. 9.

By the UMW's tally, Boyle won the election over union dissident Joseph (Jock) Yablonski with a vote of 80,577 to 46,073.

Disclosure of the apparently unprecedented step to investigate alleged union irregularities in another country followed a sharply worded salvo from the Yablonski camp's lawyer, Washington attorney Joseph L. Rauh Jr.

In an impassioned 9-page letter to Shultz, Rauh accused the Labor Department of conducting "a woefully inadequate . . . wholly pusillanimous investigation." He said its investigators have completely ignored charges of most pre-election irregularities and not a few election-day improprieties.

"The Yablonski supporters will never let you sweep this under the rug," Rauh warned. He asserted that Boyle's election should be set aside "on the full record" rather than "the narrowest possible ground."

Pointing to Canada, Rauh declared that an accompanying affidavit, "now handed to you on a silver platter . . . shows that tally sheets were altered and another forged."

But so far, he protested to Shultz, no investigation has been undertaken there.

The deadline for a Labor Department decision on the election is less than three weeks away. The government's request for an investigation of the Canadian balloting, it was reliably reported, was sent through diplomatic channels to the Ministry of Labor in Ottawa Friday.

Protocol-conscious officials here, however, want Ottawa to make the announcement.

Yablonski charged before his death that Boyle "stole the election through massive violations" of the UMW constitution and federal labor laws, including intimidation, vote-padding and misuse of union funds.

Boyle has dismissed the allegations as "largely technicalities and trivialities" and called the election "entirely democratic."

Labor Secretary Shultz ordered an investigation of the balloting after Yablonski was found murdered with his wife and daughter Jan. 5.

The charges of election fraud in the UMW's two Canadian jurisdictions, Districts 18 and 26, were first mentioned briefly by Yablonski's son last Dec. 18. They were subsequently set out in detail by a Canadian newsman, Strang (Jock) Ferguson.

In a Feb. 19 affidavit that he said was based on interviews with hundreds of miners in Nova Scotia and New Brunswick (District 26), Ferguson charged that the irregularities he found were "due to the efforts of District President Bill Marsh . . ."

Ferguson accused Marsh of voting the pensioners on Boyle's orders although "they neither pay dues nor remain eligible to vote under the District's constitution." The newsman said he talked to "several hundred pensioners" and found only 11 who said they actually had cast ballots.

The official tally in the Feb. 15 UMW Journal lists that local simply as having "over voted." The Journal also showed a vote of 1,768 for Boyle to 350 for Yablonski in District 26—compared to an original tally in the Dec. 15 UMW Journal of 2,677 votes for Boyle to 470 for Yablonski.

"Chip" Yablonski maintained to a reporter yesterday that the District 26 vote for Boyle, as finally listed, was still improbably high.

Marsh could not be reached for comment.

Meanwhile, from Pittsburgh, UMW President Boyle was reported to have sent a telegram to the FBI there, asking them to be on hand when Yablonski's sons open safety deposit boxes that belonged to the union leader.

Boyle asserted in his telegram that the deposit boxes "may contain incriminating evidence . . . (such as) the names of those notorious persons with whom Jock Yablonski had financial dealings and obligations."

A federal grand jury in Cleveland investigating the murders is presently concentrating on a list of witnesses drawn exclusively from the ranks of the UMW.

[From the Christian Science Monitor, Mar. 2, 1970]

Canada Raps Water Deal

(By Bruce Hutchison)

The Canadian Government has assured its people that none of their fresh water will be sold to the United States in the foreseeable future.

It has told the United States that the salt waters north of Canada's Arctic coast "are our waters" and that American ships entering them must obey Canadian safety regulations.

These two official statements followed President Nixon's proposal that Canada and the United States negotiate a common energy policy "looking toward a freer exchange of petroleum, natural gas, and other energy resources between the two countries."

Some Canadians immediately suspected that the United States was willing to import Canadian energy without restriction provided that it also could divert Canadian rivers into dry American territory.

T. C. Douglas, leader of the left-wing New Democratic Party, even warned Parliament that the United States was conducting "a very refined form of blackmail."

To dispel these fears J. J. Greene, Minister of Resources, told the House of Commons that Canada is not considering any export of water.

APPROVAL HELD NECESSARY

"I reaffirm in the strongest possible terms," he said, "that no water could be sold to the United States without the approval of the Government of Canada. No contemplation of such approval is under consideration by the government."

He also said that an ice survey conducted by U.S. Army engineers on the Great Lakes last November "is in no way connected with any plan to divert waters."

None of the statements is intended to mean that Canada will not discuss a common energy policy with the United States; they mean only that water is excluded.

Nor is there any suggestion that American ships cannot enter Canadian waters in the Arctic, only that they must not pollute them by spilling oil.

Under parliamentary questioning, Prime Minister Pierre Elliott Trudeau made it clear that the United States tanker *Manhattan* will not be permitted to undertake a second voyage through the Northwest Passage unless her owners satisfy the government that she poses no risk of oil pollution.

GUARANTEE PROPOSED

The government will soon introduce a new antipollution law. If it has not been passed by Parliament before the *Manhattan* enters the Canadian Arctic her owners must guarantee that the ship will meet all the safety standards proposed in the legislation.

Robert Stanfield, leader of the Opposition, asked Mr. Trudeau how he regarded the claim of some American officials that Canada's sovereignty ends three miles from its mainland and island shores.

The Canadian position, Mr. Trudeau replied, would be "set out clearly" when the antipollution bill was introduced.

Meanwhile the government has ordered a feasibility study of an oil-transfer terminal on Herschel Island close to the Yukon-Alaska boundary. It could be used to gather American and Canadian oil for movement by ship or by pipeline through Canada to the American market.

Arthur Laing, Minister of Public Works, says he doubts that tankers will prove feasible in the Arctic and believes that the northern oil fields probably will be served by a Canadian pipeline up the Mackenzie River Valley.

[From the Christian Science Monitor, Nov. 26, 1969]

What Price Affluence? Canadians Ask

(Canada's high living standard is supported by foreign investment—mostly from the U.S. In fact, says any Ottawa study, "no advanced economy has as high a degree of foreign control of its industry." And this is causing growing concern to Canadians.)

(By James Nelson Goodsell)

Some weeks ago an official of the Royal Bank of Canada was talking to a visitor about his concern over foreign control of Canada's economy.

"Recent acquisitions by United States interests," he said, "pose a challenge to us, and I for one hope that we can meet it by holding the line against increasing United States investment here."

Yet just a week later the advertising department of the same bank inserted a substantial-size ad in a United States newspaper telling U.S. investors that the Royal Bank "can help you cash in where the action is."

The advertisement said, in part: "Whether you plan a survey, a reconnaissance in force, or a full-scale product invasion, . . . we can tell you where the prime opportunities lie and how to grasp them."

These two incidents help to explain the dilemma facing Canadians who want both to share in the material prosperity evident in the United States but to keep Canada for Canadians. It is a real problem for the government in Ottawa and a serious concern for most Canadians, who probably feel somewhat akin to the banker.

PRODUCTS PENETRATE FAR

Canadians today are alarmed at what they regard as growing foreign control of their economy.

The major threat, it is felt, comes from the United States, where investors are more willing to take risks than many Canadians. All that the 21.3 million Canadians need do is look around them to realize how extensive the U.S. product invasion is. And what is more, how much of Canada's development potential—in oil, gas, minerals, and water—appears to be slipping into foreign hands.

The problem is multifaceted. Many large Canadian firms are closely linked with United States firms either through direct ownership or interlocking arrangements which leave little room for Canadians to exert their own options on policy and product decisions.

The problem turns up in many subtle ways for Canadians. A local firm here, owned by United States interests but managed by Canadians, recently planned a sizable sale to Cuba of light industrial machinery made in Toronto. But when the deal became known to the U.S. owners, the international policies of the United States stopped the deal.

Under United States Government orders, businessmen and industrialists are not permitted to sell their goods to Cuba—a nation with which the United States does not have relations.

CAPITAL INFLOW DEFENDED

"But these are Canadian goods," a company spokesman here complained. "All the product and all the labor and all the management are Canadian. But 51 percent of the company is in United States hands and that's enough to cut out a good sale. I'm speaking out of turn, but I don't like it."

Neither does the Canadian Government—nor do most Canadians who resent not only the foreign control, but the implications involved.

Still, few Canadians with whom this reporter spoke in the course of two months in Canada would do away with foreign investment. "It's been important to our development. There's more money across the border, more capital for speculative ventures, than we have here," one noted Canadian writer said.

Yet, "No advanced economy [in the world] has as high a degree of foreign control of its industry as has Canada," a study published by the Economic Council of Canada said earlier this year.

The most recent figures suggest that outsiders, mainly from the United States, control something in the neighborhood of 60 percent of Canada's manufacturing industry. There is growing, but as yet unrecorded, foreign control of large segments of land in Canada.

Accumulated direct foreign investment is estimated at $25 billion, with fully $20 billion from the United States. Those new figures, released within the past two months, compare with the 1965 tally, which showed foreign investment at $17 billion and United States investment as $14 billion of that total.

TWO-YEAR TAKE-OVER TALLY

According to estimates by bankers and others here, about 500 Canadian firms have slipped into foreign control in the past two years. It was just under two years ago that a report on foreign ownership of Canadian industry stirred a massive ruckus in Parliament, in the press, and in public opinion.

The report, prepared by Melville Watkins, a University of Toronto economist, contained findings of an 18-month ownership survey he made for former Minister of Finance Walter Gordon.

The Watkins report urged Ottawa to do something quickly to halt the trend because of its disturbing implications for Canada's independence.

Prime Minister Pierre Elliott Trudeau recently appointed Herbert Gray, a Windsor, Ont., lawyer, to the Cabinet and charged him with the task of seeking ways to lessen United States economic domination.

The problem for Canadians is not academic, however; and most Ottawa observers say that the Trudeau government, or any government that follows in the next decade, is going to have to scramble fast if it is to hold the line against the mounting onslaught of foreign capital.

DIMENSIONS TRACED

Here are some of the immediate dimensions of the problem:

The effort of the United States-based Philip Morris tobacco firm to take over 50 percent control of Canadian Breweries, Ltd., Canada's largest beermaker. The price offered by Philip Morris is $120 million. And while the deal is not consummated, the effort of South Africa's Rothman tobacco empire to win such control has apparently failed, leaving the way open for the American firm.

The sale of one of Canada's largest investment firms, Royal Securities, Ltd., to the world's largest stockbroker, the New York-based Merrill Lynch, Pierce, Fenner & Smith. Though the sale touched off a furor, the deal went through with only minor concessions by the firm to Canadian interests.

The joint purchase of British Columbia Forest Products, Inc., by the Mead Corporation of the United States and Noranda Mines, Ltd., of Canada, a firm doing $100 million worth of business yearly. The firm is also partly owned by the Brunswick Pulp & Paper Company, which in turn is jointly owned by Scott Paper Company of Philadelphia and the Mead Corporation, headquartered in Dayton, Ohio.

MANY SHIFTS ELUDE HEADLINES

Many of the firms which have recently passed into U.S. or other foreign hands are not well known. They are small and relatively insignificant in terms of the overall Canadian market. Their sale to a foreign purchaser does not make the headlines, but observers here say such sales are steadily going on.

It is the big take overs, the big foreign investments, and the like that make the headlines. One way of looking at this is to realize that, according to recent figures released by the government, foreigners control more than half the total assets of Canada's 400 largest corporations.

Or that 97 percent of Canada's automobile industry is controlled by nonresidents, 97 percent of the rubber industry, 78 percent of the chemical industry, 77 percent of electrical-apparatus industry, 59 percent of the mining and smelting industry, and 74 percent of the petroleum and natural-gas industry.

NOT A ONE-WAY STREET

Part of the problem is quite simply geography. The undefended border between the United States and Canada, combined with over 100 years of relatively good relations between the two neighbors, has meant considerable interrelationship of politics, society, and the economies of the two nations.

And the trend for investment is not one-way. There are sizable Canadian investments in the United States. For example, the Massey-Ferguson complex, which manufactures farm machinery, is a Canadian-dominated organization. Several large whiskey makers, including Seagram, are Canadian in ownership. The Loblaw grocery stores of New York and other states are part of an organization based in Toronto Moreover, many small investors in Canada have holdings in U.S. firms and in mutual funds and the like.

But these investments, while large in their totals, are small in comparison with U.S. investments going the other way.

PRESSURE ON OTTAWA GROWS

Yet Canada needs this foreign investment to pace its development.

The Trudeau government does not worry much about foreign investment nor about United States investment itself. But it is under mounting pressure to do something about the situation, which some forces on the left charge with compromising Canadian sovereignty.

In Manitoba, where a New Democratic Party government is in the provincial saddle, there are growing calls for curbs on U.S. investment. In fact, there are some pretty strident voices being heard in Winnipeg, Manitoba's capital, where nationalist fervor is growing among leftists, among social democrats of the center, right-wing trade unions, and other conservative elements.

Such political protest may force the hand of the Trudeau government. The government could, for example, set up the proposed Canadian Development Corporation, which would provide a pool of government money to keep Canadian companies from falling into foreign hands. But it would not have the funds to fend off the vast take-over efforts of firms like Philip Morris and Merrill Lynch.

Another proposal to at least make the foreign investor think twice before investing would force the full disclosure of earnings and sales by privately owned companies. Thus, subsidiaries of Ford, General Motors, Procter & Gamble, General Foods, and others would have to divulge figures on their Canadian operations for the first time.

United States influence and the effect of a large superpower next door are felt in many other ways.

The recent voyage of the Standard Oil of New Jersey oil tanker Manhattan through Canadian Arctic waters stirred new Canadian protest and concern. The Toronto Globe and Mail, for example, has repeatedly called on the Trudeau government to act swiftly to assert Canada's sovereignty over the northern waterways.

Mitchell Sharp, Canada's Minister of External Affairs, suggests, however, that "this is not a time for wide-ranging assertions of Canadian sovereignty in the Arctic made without regard to the international political and legal considerations" which he regards as quite significant.

ATTENTION ON ARCTIC DEVELOPMENT

Rather, Mr. Sharp calls on Canadians to focus attention on "the opening up of the Canadian Arctic region for development," which will, he holds, do more for Canada than trying to test the sovereignty issue through unilateral declarations."

But not all Canadians are sure about these priorities. Many would agree with the influential Globe and Mail viewpoint.

Another worry for Canadians is a brain drain of top Canadian talent—a drain that funnels much of this talent to the United States. A government study recently said the problem is increasingly serious and suggested that Canada should woo back professionals who emigrate to the United States by paying their travel costs, waiving customs duties, and helping them find housing.

This concern about a brain drain, however, may be a little late. The biggest portion of the drain took place in the early 1960's; it has since slowed, owing to new American immigration quotas and growing Canadian disgust with the Vietnam war and what Canadians say it is doing to American life. The better-paying jobs in the United States are offset by this uneasiness about U.S. attitudes and values.

TRENDS IN WASHINGTON QUESTIONED

But if the talent drain has slowed, the uneasiness about the United States that has apparently helped slow it is reflected in Canada's attitudes on its big and powerful neighbor.

"There's a new concern about the United States felt here," said a Canadian politician in Ottawa. "We do not like the trends showing up in Washington, trends not confined to one party or another, which have their effect up here.

"Your young people may not know what is wrong, but they are sensitive to the failures of your society. It's not the foreign investment from the United States that I worry about, for heaven knows we need it and cannot develop alone without it, but it is the attitudes and the values which go along with it."

The problem of a superpower next door, one that offers a material prosperity and way of life which Canada has adopted and which Canadians enjoy even if not always agreeing with its full implications, is not an easy one to live with. And yet, live with it Canadians must.

ONTARIO DANGLES INCENTIVES

Toward this end, despite the growing crescendo of protest against foreign investment, Ontario's provincial government is offering all sorts of incentives to U.S. firms to come to Ontario. Last March, Union Carbide of Canada, Ltd., a subsidiary of the United States firm, was given $394,000 (Canadian dollars) by the Ontario government to help purchase equipment to produce dry batteries at its Walkerton plant in southwestern Ontario.

The Union Carbide "forgivable loan" was part of the government's "Equalization of Industrial Opportunity" program, which has granted $16.3 million to 77 foreign-owned firms, most of them American, to set up new facilities in Ontario.

The only condition on the company is that it must build or expand facilities in slow-growth areas designated by the government and that it not move for six years.

In a debate over this program, Ontario Trade and Development Minister Stanley Randall admitted that he "would like to find a solution where we did not need foreign capital.

"But at the moment nobody has any definite guidelines for us to follow, and until that happens I think we would be committing economic suicide to disturb the investment of foreign capital, whether it is from the United States, Great Britain, or any where else."

THE DISABLED VETERAN AS A MANPOWER RESOURCE IN MY COMMUNITY

HON. JOHN N. HAPPY CAMP

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 1970

Mr. CAMP. Mr. Speaker, it is a pleasure and honor for me to bring to the attention of my colleagues the presentation of an award to Miss Patricia Popham of Ponca City, Okla. Miss Popham was the top winner in the 1970 "Ability Counts" contest, for her essay entitled "The Disabled Veterans as a Manpower Resource in My Community," sponsored by the Oklahoma Governor's Committee on Employment of the Handicapped.

I would also like to congratulate Mr. Randell Gregory of Enid and Jim Schoeppel of Fairview, Okla., for their outstanding ability set forth in their essays and receiving honorable mention.

Miss Popham's essay is as follows:

THE DISABLED VETERAN AS A MANPOWER RESOURCE IN MY COMMUNITY

His name was John Michael Roark. He was twenty-four years old and a lieutenant in the United States Army. Lieutenant Roark was engaged in a war in the small Asian country of Vietnam. His job was to fight the enemy, and this he did, steadily and unquestioningly.

He had earned his rank and the respect of the men in his outfit. He had plans for his future and one of these was a blonde named Elizabeth.

When the lieutenant's tour of duty was over, he was going to exchange "Lieutenant" for "Mr." and his steaming rice paddy for a classroom.

He had his plans made. He would receive his honorable discharge and lease an apartment in the middle-rent district. He would marry Elizabeth and, starting in September, grade homework papers in high school calculus.

The tall lieutenant was struggling up a hill, leading his men through the rain and muck. They were after the Viet Cong but could not bring them into sight in the swampy terrain. Perhaps because he was tall, perhaps because he was in front, perhaps—the reason doesn't matter; as he neared the summit of the hill, John Roark caught pieces of flying shrapnel in both his legs. The invisible enemy had appeared and was gone again, leaving behind three of the lieutenant's men and his own legs, lifeless.

He was carried from the site of his nightmare of realities and flown to the United States. He awoke in a hospital room. He knew it was a hospital from the medicinal sterility of the white walls, the white sheets, and the white face of Elizabeth. As the fog in his brain cleared, Elizabeth smiled unsteadily. His unconscious grip on her hand tightened when the nurse came in, rolling the wheel chair and smiling too brightly.

John Michael Roark was no longer in the army, but he was still fighting. He battled with an engulfing mental depression and overwhelming self-pity. He struggled to bury his self-doubts and his feelings for Elizabeth. He succeeded steadily in the first and failed miserably in the second.

Four months later, he sat in the doctor's consultation room staring at his wedding ring. The doctor was saying all manner of encouraging things. Roark's thigh muscles, he said, were not so mutiliated as originally thought. It was his knees and lower leg muscles that presented the real problem. It might be possible to replace them with artificial limbs. Roark nodded dumbly and held Elizabeth's hand. There was no reason, said the doctor, why Roark should not go ahead and get his teaching job. The replacement, he said, could be done. It was only a matter of time.

Time, thought Roark savagely. Since they had been married, Elizabeth had supported them. They lived in the middle-rent district, and he mentally cringed at just who paid their rent.

"Well, Mr. Roark," said the members of the first school board, "you certainly have the qualifications. We wish we could hire you. But in view of your, ah, infirmity, we think things would be too difficult for you. The students, well, you know the students."

No, thought Roark, he didn't know the students and he wasn't going to get the chance to know them. He gritted his teeth at the waste.

The Roarks went to different towns with different school boards. The result was always the same. A kind dismissal, murmurs of sympathy as he maneuvered his wheel chair. He did not want sympathy. He wanted a job.

At length, more perfunctorily than hopefully, Roark and his wife traveled to another town, another middle-rent district. He presented himself to another school board, prepared for another failure.

"Yes, Mr. Roark," said the members of this school board, "your qualifications are admirable." Roark sighed at the familiar beginning and waited for the familiar exit.

"We are aware of your handicap," they said, "but if you can handle a class of seniors and manage to drill any calculus into them, then you're hired."

"You're hired," they said.

Roark shook their hands and went home to his wife.

His name is John Michael Roark. He is twenty-five years old. He has a blonde wife named Elizabeth and he pays the rent on their apartment in the middle-rent district. Because a group of people in my community gave him a chance, he is also a teacher of high school calculus. He is a singular example of the countless physically disabled veterans of the Vietnam war; through the efforts of the state employment agency and perceptive employers this man can be counted as a manpower resource in my community.

"Mr. Roark, sir," comes a voice among several in the room, "could you help me on that third problem? I mean, you can explain it so I get it."

There are twenty-eight senior boys in that class who with minimal duress are learning some higher mathematics.

Roark does his job well.

THE GATES COMMISSION REPORT ON ALL-VOLUNTEER ARMED FORCES—PART II, CHAPTER 6

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 1970

Mr. STEIGER of Wisconsin. Mr. Speaker, chapter 6 of the Gates Commission report deals with officer procurement and retention. The text of chapter 6 follows:

CHAPTER 6: OFFICER PROCUREMENT AND RETENTION

Regardless of the type of procurement system used, the officer corps is a crucial element in the effectiveness of any military establishment. An all-volunteer armed force must attract an adequate supply of officers from the limited number of individuals in the population who possess the necessary leadership qualities and motivation.

In recent years the major portion of the officer corps has been recruited from the ranks of college graduates. While it is important to continue to attract college-graduate officers, the decision to staff the officer corps almost entirely with college graduates was somewhat arbitrary and came about in part because of the favorable recruiting climate provided by the draft. Without the draft, a college-graduate officer corps will be more difficult to recruit and will require higher pay levels than one which includes some non-college graduates. To balance the need for high-quality officers with the extra cost that a voluntary all college-graduate force will entail, we assume in our estimates that about 90 percent of the officers entering the service each year will be college graduates. It is expected that most non-college graduates will either have graduated from two-year college programs or have at least two years of college.

Staffing the non-specialist portion of the officer corps in an all-volunteer armed force will be somewhat easier than recruiting the enlisted force. Two main reasons underlie our optimism. First, except during the Vietnam escalation of recent years, little difficulty has been encountered in recruiting new officers from among college graduates. While the draft has been an important positive factor in this recruiting, the flow of volunteers has been impressive in view of the relative ease with which college graduates could avoid military service through the middle 1960's.[1] Also to be taken into account is the relatively large proportion of first-term officers who remain in the military beyond their obligated period of service. Over 70 percent of officer personnel are currently beyond their obligated period of service and, therefore, can be considered career officers.

The second reason for optimism stems from the large and growing pool of educationally qualified young men who will be available in the 1970's for military service as officers. Since 1960, the number of male college graduates has grown from 230,000 per year to 390,000 per year—an increase of 70 percent. By 1980, this number will increase 25 percent more to 490,000 annually.[2] With an armed force of 2.5 million, the annual requirement for new officers is not likely to exceed 30,000. This number can be met by recruiting about 7 percent of the yearly graduating classes of U.S. colleges and universities in the mid-1970's.

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[1] Of those males reaching 26 years of age in 1964, 40 percent of the college graduates served in some capacity in the armed forces; many in the 4 to 6 month reserve program. In comparison, over 55 percent of those who did not continue their education past high school, and 60 percent of those with some college served. For those with less than a high school diploma the rate was 50 percent.

PROCUREMENT

Most commissioned officer procurement programs are designed chiefly to attract college gradautes. These sources of officers can be divided into four major groups: Reserve Officer Training Corps (ROTC) and other in-college programs. Officer Candidate programs, service academies, and direct appointments. In addition, there are a number of programs which provide Warrant Officers, Limited Duty Officers, and Temporary Officers. By and large this range of programs has met the needs of the services even when these have changed rather drastically. The same major programs, perhaps modified in form, can be expected to supply the bulk of new officers in an all-volunteer armed force.

RESERVE OFFICER TRAINING CORPS (ROTC) AND OTHER COLLEGE PROGRAMS

By far the largest single source of newly commissioned officers is the Reserve Officer Training Corps. Designed primarily for four-year colleges, it accounted for 26 percent of all new officers in the period just preceding the Vietnam war. (See table 6–I.) An additional 15 percent of officers commissioned in FY 1965 were obtained from a variety of in-college programs. Chief among these are the Reserve Officer Corps (ROC) in the Navy and the Platoon Leader Corps (PLC) in the Marine Corps. The major distinction between these programs and the ROTC program is that military training is provided entirely during the summer at special training centers run by the military, whereas the ROTC cadet receives a major portion of his training at his university during the school year. Because of the long lead time—two to four years—required for increasing the supply of officers from these sources, their relative importance declined during the rapid troop build-up in the early stages of the Vietnam War.

The importance of ROTC officers varies considerably from service to service. In FY 1965, they accounted for about 60 percent of newly commissioned Army officers, slightly less than 35 percent of new Air Force officers, and less than 15 percent of new Navy officers. In the Marine Corps only about 7 percent of the new officers were commissioned through the Navy-run ROTC program. The great majority of Marine officers were recruited from the PLC program.

TABLE 6-1.—OFFICER ACCESSIONS BY SERVICE AND SOURCE OF COMMISSION: SELECTED YEARS, 1960, 1965, 1968

	Fiscal year 1960		Fiscal year 1965		Fiscal year 1968	
	Number	Percent [1]	Number	Percent [1]	Number	Percent [1]
Total all services:						
Academies	1,546	5.0	1,896	4.7	2,131	3.0
ROTC and other college programs [2]	13,267	43.1	16,697	41.4	18,305	26.1
OCS	3,615	11.7	9,499	23.6	18,753	[3] 26.7
Noncollege graduate programs	3,464	11.2	1,454	3.6	13,874	[4] 19.8
Ad. from reserves	743	2.4	1,169	2.9	4,527	6.5
Direct appointment (medical) [5]	4,605	15.0	5,178	12.9	7,602	10.8
All others [6]	3,526	11.5	4,430	10.9	4,936	7.0
Total	30,766	100.0	40,322	100.0	70,128	100.0
Army:						
Academy	503	4.9	524	3.2	677	1.9
ROTC	6,252	60.8	9,886	60.5	10,176	28.1
OCS			1,527	9.3	4,398	12.1
Noncollege graduate programs	729	7.1	750	4.6	13,733	[3] 37.9
Ad. from reserves	525	5.1	595	3.6	1,517	4.2
Direct appointment (medical) [5]	1,418	13.8	1,664	10.2	3,123	8.6
All others [6]	850	8.2	1,392	8.6	2,590	7.1
Total	10,277	100.0	16,338	100.0	36,214	100.0
Air Force:						
Academy	325	3.5	579	5.3	624	3.5
ROTC	3,978	42.6	3,836	34.7	4,992	28.3
OCS (OTS)	322	3.4	3,656	33.1	6,283	35.6
Noncollegiate graduate programs	2,030	21.7	159	1.4		
Ad. from reserves					2,072	11.7
Air Force (cont.)						
Direct appointment (medical) [5]	2,149	23.0	2,548	23.1	2,466	14.0
All others [6]	529	5.7	262	2.4	1,221	6.9
Total	9,333	100.0	11,040	100.0	17,658	100.0
Navy:						
Academy	648	6.9	714	6.5	744	6.0
ROTC and other college programs	2,149	23.0	1,859	16.9	1,916	15.3
OCS	2,852	30.5	3,877	35.3	6,128	48.8
Noncollege graduate programs	522	5.6	361	3.3	58	.5
Ad. from reserves	110	1.2	515	4.7	811	6.5
Direct appointment (medical) [5]	1,038	11.1	966	8.8	2,013	16.0
All others [6]	2,041	21.8	2,678	24.2	882	7.0
Total	9,360	100.0	10,970	100.0	12,552	100.0
Marine Corps:						
Academy	70	.4	78	4.0	86	2.3
ROTC and other college programs [2]	888	49.4	1,116	56.5	1,221	33.0
OCS (OCC)	441	24.6	439	22.2	1,944	[4] 52.5
Noncollege graduate programs	183	10.2	184	9.3	83	2.2
Ad. from reserves	108	.6	59	3.0	127	3.4
Direct appointment						
All others	106	.6	98	4.9	243	6.6
Total	1,796	100.0	1,974	100.0	3,074	100.0

[1] Detail is not due to rounding.

[2] Includes Reserve Officer Corps graduates in the Navy and platoon leader graduates in Marine Corps.

[3] Includes many college graduates who entered OCS after enlisting or being drafted.

[4] Includes 2-year college graduates as well as some with no college degree.

[5] Includes physicians, dentists, and veterinarians.

[6] Comprises primarily professional appointment, including lawyers and other medical specialists. Also includes women officers and nurses. For the Navy and Marine Corps a variety of commissioning programs from the enlisted ranks is included.

At the completion of an ROTC student's college education he is required to serve a minimum term of obligated service. This minimum currently varies from service to service and according to the type of program. All scholarship recipients, regardless of service, must serve four years of active duty. For non-scholarship holders, the minimum is two years in the Army, three in the Navy and Marine Corps, and four in the Air Force. The two-year Army obligation was in part designed to be consistent with the active duty obligation of a draftee. We have assumed in our projections that in a voluntary force the minimum Army ROTC obligation will be three years.

During the last few years, a number of schools either ended their ROTC programs, or indicated they planned to do so in the near future. While it is not clear whether these are isolated events or the beginning of a trend, there is little doubt that some type of college recruiting program will continue in the future. For planning purposes, we assumed that ROTC will continue to be the major source of new officers for the Army and Air Force. The problem of declining ROTC enrollment is discussed later in the chapter.

A number of Department of Defense studies have recently been undertaken concerning the future of ROTC. While differing somewhat in goals and procedures, all recommend an increase in the number of ROTC college scholarships. We endorse this recommendation and encourage the use of such scholarships as a way of attracting applicants not likely to enter the program without them—especially those whose skills or aptitudes are in short supply in the military. In our projections of potential officer supply without a draft, we assumed an increase of 4,500 scholarships a year for each service (Marine Corps included in Navy total) producing 1,000 additional ROTC officers a year per service (See table 6–II). The total cost of such a program will be between $25 and $30 million per year and is included in our estimates of the increased budgetary expenditures associated with the creation of an all-volunteer officers corps.

With an all-volunteer armed force, one must expect that fewer students will volunteer for ROTC training, particularly in the first two years. Hence many schools may find that they can no longer operate viable programs. To insure that ROTC instruction remains available to interested students, it may be advisable in the future to establish area training centers. Thus students from a number of schools in one geographic region could participate in the same training program.

Serious consideration should also be given to the increased use of scholarship and non-scholarship Reserve Officer Corps and Platoon Leader Corps-type programs. Unlike the present ROTC, such programs do not require the stationing of permanent units on a great

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[2] Derived from U.S. Department of Health, Education and Welfare, Office of Education *Earned Degrees Conferred by Institutions of Higher Education.*

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many campuses. With the introduction of an all-volunteer force and the reduction in the size of each ROTC unit, the per-graduate expenses is likely to rise. If much of the military training can be provided during the summer in training stations which receive applicants from many schools, there is a good possibility that substantial savings can be realized.

TABLE 6-II.—ARMY COMMISSIONED OFFICER REQUIREMENTS AND POTENTIAL SUPPLY IN AN ALL-VOLUNTEER FORCE

[2.5 million man force level]

	Potential supply								
		ROTC		OCS					
Fiscal year	Academy[1]	Scholarship[2]	Nonscholarship[3]	College graduates[4]	Noncollege graduates[5]	Others[6]	Total	Required accessions	Estimated surplus or shortage
1971	900	1,400	11,200	200	1,000	1,400	16,100	16,800	−700
1972	900	1,500	8,000	300	1,000	500	12,200	5,300	+6,900
1973	1,000	2,000	5,700	300	1,000	600	10,600	7,100	+3,500
1974	1,000	2,500	3,200	400	1,000	1,000	9,100	11,400	−2,300
1975	1,000	2,500	3,100	500	1,000	700	8,800	8,700	+100
1976	1,000	2,500	4,100	500	1,000	700	9,800	8,500	+1,300
1977	1,000	2,500	5,100	500	1,000	800	10,900	9,900	+1,000
1978	1,000	2,500	6,000	600	1,000	800	11,900	9,500	+2,400
1979	1,000	2,500	6,800	600	1,000	800	12,700	9,000	+3,700
1980	1,000	2,500	7,300	600	1,000	800	13,200	9,400	+3,800

Note: Numbers rounded to nearest hundred.

[1] Based on current Army plans.

[2] Assumes an increase in current Army plans of 500 in 1973 and 1,000 thereafter.

[3] Assumes the additional 1,000 ROTC scholarships are given to new applicants and are not included in ROTC projections (original 1,500 were assumed to be included).

[4] Assumes growth in 1964 proportion of college graduates entering OCS in line with estimated growth in male college population adjusted for the war-induced decline in the rate estimated from ROTC. Estimated proportion of draft-induced volunteers among 1964 entrants equals 60 percent.

[5] Assumes approximately 10 percent of officer entrants will be noncollege graduates.

[6] Includes mostly direct appointments and entrants from special commissioning programs. Ratio of such officer to total requirements instituted at prewar level.

OFFICER CANDIDATE PROGRAMS

While officer candidate programs were originally established to train officers recruited from the enlisted ranks, they have increasingly been used in recent years to supplement the flow of new college graduates into the officer corps. The large demand for new officers created by the Vietnam buildup, however, required the Army, in particular, to allow significant numbers of non-college graduates to enter its OCS program. OCS programs are more responsive than ROTC to changes in military requirements, requiring a lead time of three to nine months as opposed to two to four years for the ROTC. With an all-volunteer force, each service will require more flexibility in the recruiting of officers. In addition to new college graduates, the services will doubtless seek to attract somewhat older civilians who desire to enter one of the more specialized and less physically demanding branches of the military. Such volunteers will require some military training, which is likely to be most efficiently provided through OCS-type programs.

ACADEMIES

A small but highly important number of new officers are commissioned annually by the service academies. Ranging in size from about 3 percent of the annual number of entering officers in the Army to more than 6 percent in the Navy, academy graduates form an important component of each service's officer corps. Their high career motivation is clearly shown by the fact that upon completion of their obligated tour of active duty (now 5 years), between 80 and 90 percent can be expected to remain in the service, as opposed to less than 50 percent for ROTC scholarship graduates and under 25 percent for OCS graduates.

With the planned expansion of the U.S. Military Academy and the Air Force Academy, academy graduates in 1973 will number about 2,840. For the foreseeable future, even with an all volunteer force, we do not anticipate a need to increase further the size of the academies. Such expansion would be very costly and it is also highly desirable that military officers continue to be recruited from a wide range of civilian colleges and universities.

DIRECT COMMISSIONING PROGRAMS

Each service requires many individuals possessing non-combat-type skills available in the civilian population. These include chaplains, lawyers, physicians, dentists, and specially trained technicians. Because of the importance and special problems connected with the recruitment of physicians, a separate study was undertaken by the Commission. The highlights of this study are reported in chapter 8. By and large, because appointment officers perform the same tasks in the military as in the civilian sector, they usually receive no extra military training. Such direct appointments have accounted for about 20 percent of new officers each year.

Since a major portion of these officers would not have entered military service without the draft, an all-volunteer force will necessitate more in-service training and further increases in the substitution of civilians for military personnel. In addition, we would suggest that procedures be established to attract civilians who already possess the necessary training, by offering advanced officer grades. Such lateral hiring generally should be limited to those specialties which require an individual to possess technical skills learned in the civilian sector and to those tasks and functions which must be performed by a military officer.

WARRANT, LIMITED DUTY AND TEMPORARY OFFICERS

Each service includes men who hold the rank of officer but who are not considered part of the regular commissioned officer corps. Included in this group are Warrant Officers, Limited Duty Officers and Temporary Officers. Such ranks are designed for noncollege graduates who occupy positions which require greater technical skills and carry larger responsibilities than the enlisted grades. In most instances, such officer ranks are awarded to superior enlisted personnel. The Army, however, actively recruits civilian two-year college graduates and men with some college for their helicopter pilot warrant officer program.

The increased availability of four-year college graduates during the 1960's resulted in a decline in the use of these programs. Expanded officer requirements during the Vietnam buildup have reversed this trend. To facilitate the transition to, and the maintenance of, an all-volunteer armed force, we assumed in our analysis that greater use will be made of these sources of officer manpower.

PROJECTED SUPPLY OF ARMY OFFICERS IN AN ALL-VOLUNTEER FORCE

The problem of maintaining a voluntary Officer Corps is more difficult in the Army than it is in the other services. If the level of officer compensation is high enough to meet Army accession requirements, it will also be adequate for the Air Force, Navy, and Marine Corps. For that reason the analysis of officer supply focuses on the Army.

The most important source of supply of Army officers is ROTC. We have derived estimates of the number of Army officers which ROTC will produce in an all-volunteer environment for the period 1971 to 1980, from an analysis of ROTC enrollments at schools where participation is voluntary. These projections are calculated on the assumption that: (1) the draft is ended in 1971; (2) the level of war intensity declines by 1972 to the pre-buildup level of 1964; and (3) military pay relative to civilian earnings is increased to comparability, as described in chapter 5, table 5–III.

The ROTC supply figures are shown in table 6–II along with estimates of supply from the other officer procurement programs. Because of the special benefits inherent in receiving an ROTC scholarship or enrolling in the U.S. Military Academy, we anticipate that both programs will continue to be fully subscribed in an all-volunteer armed force, and will produce the expected number of annual accessions. The technique for estimating output from the other procurement sources is summarized in the footnotes to table 6–I.

The total potential flow of men into the Army officer corps will continue at a high level through FY 1972 because of draft-induced volunteers remaining in the pipeline. The lowest level of Army ROTC entrants, we estimate, will be in FY 1975. Most officers commissioned in that year would have entered the ROTC program in 1971—a time when the negative impact of the war on enrollments will probably be at its height. After FY 1975, as the war's impact on past enrollments diminishes and more men enter as a result of the pay raise, potential supply will increase. Except for FY 1974, the estimated supply will be more than adequate to meet anticipated accession requirements to maintain the Army Officer Corps in a 2.5 million man force without the draft. This one year shortfall can easily be offset by permitting more accessions in the previous two years. Hence, we feel justified in concluding that the recommended all-volunteer pay profile plus anticipated increases in the ROTC scholarship program will be sufficient to maintain the officer corps for each service at required levels for an all-volunteer armed force of 2.5 million or less. In the late 1970's the supply estimates shown in table 6–II are sufficient to staff the officer corps in a 3.0 million volunteer armed force. To insure that the required number of accessions for such a larger force would be forthcoming, however, we have included in our cost estimates for the 3.0 million man force a further increase in officer pay.

RETENTION

In an all-volunteer force, more officers will stay beyond their initial obligated period of service than with a draft. Those who today constitute true volunteers—individuals who would have entered military service without the draft—will make up a larger proportion of first-term officers, and their demonstrated higher retention experience will increase overall first-term retention.

First-term retention in the current force varies considerably from one procurement source to another and from one service to another. For those procurement programs including a large concentration of draft-motivated volunteers, which will not be as important in an all-volunteer force, the proportion remaining beyond the obligated period of service is relatively low. In this category, in particular, are college-graduate OCS officers in the Army and Navy where first-term retention rates are less than 30 percent. At the other end of the spectrum, at least 80 out of every 100 academy graduates can be expected to remain beyond their obligated period of service. Overall, the Air Force has the highest first-term retention rate and the Army, the lowest.

The impact on turnover of eliminating the draft can be appreciated by analyzing the results of a Department of Defense survey of active duty personnel. As shown in table 6–III, among officers serving their original obligated tour of duty, 46 percent of those who indicated they would have entered the military without the draft said they planned to remain on active duty until retirement. Of those who were considered draft-motivated volunteers, only 16 percent said they expected to remain in the service.

The survey results generally confirm expected differences in retention between services and sources of commission. From all sources of commission, the Army is revealed to have the smallest proportion of career-motivated first-term officers, while the Air Force has the largest. For each service, even among those who were considered to be draft-motivated volunteers, academy graduates consistently record the highest overall expected retention rate. High retention rates are also shown for ROTC and OCS entrants into the Air Force and OCS graduates in the Army. During the period prior to the survey, both the Air Force and Army OCS programs included mostly non-college graduates. These results reveal the high career motivation of such officers and suggest that, if difficulty is experienced with recruiting new college graduate officers in an all-volunteer environment, serious consideration should be given to expanding the non-college officer commissioning programs.

Another interesting aspect of these results is that among the "true volunteers" recruited through the more draft-motivated procurement programs, such as college-graduate OCS, the proportion expecting to make a career in the military was relatively small. This suggests that even with an all-volunteer force and more career-oriented accessions, turnover still will be substantial and a continuous flow of civilian-educated college graduates will enter the force each year.

Although these derived career rates are lower than actual first-term rates, the relative differences between the true volunteer rate and the draft-motivated volunteer rate were used to estimate the increase in officer retention that will accompany a shift to an all-volunteer force.

TABLE 6-III.—EXPECTED CAREER RETENTION RATE OF FIRST-TERM OFFICERS BY SERVICE AND SOURCE OF COMMISSION,[1] 1964

Service	Source of Commission: All sources	Academy	ROTC[2]	OCS (college graduate)	OCS (noncollege graduate)[3]	Direct appointment
Total all services	0.31	0.60	0.26	0.18	0.44	0.16
True volunteers[4]	.46	.65	.42	.24	.62	.31
Draft motivated[5]	.16	.27	.10	.14	.27	.06
Army	.20	.64	.17		.48	.12
True volunteer	.38	.68	.31		.63	.31
Draft motivated	.13	.41	.06		.27	.04
Navy	.25	.59	.18	.15		.24
True volunteer	.37	.63	.28	.25		.36
Draft motivated	.13	.16	.09	.14		.13
Marine Corps	.27	.53	.36	.19		.67
True volunteer	.33	.53	.43	.24		.67
Draft motivated	.15		.21	.13		
Air Force	.40	.60	.43		.44	.15
True volunteer	.56	.67	.55		.62	.27
Draft motivated	.21	.26	.19		.27	.05

[1] Proportion of officers serving their original obligation who answered "yes" to the question, "Do you intend to remain in service until you are eligible to retire with pay?"

[2] Includes Navy scholarship holders.

[3] Includes some college gradutes in Air Force OCS.

[4] Answered "yes definitely" "or yes probably" to the question of whether they would have entered military service without the draft.

[5] Answered "no definitely" or "no probably" to the question of whether they would have entered military service without the draft.

Source: Department of Defense Survey of Active Duty Officers, November 1964.

MORE SUPPORT FOR A PRESIDENTIAL COMMISSION ON MARIHUANA

HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 1970

Mr. KOCH. Mr. Speaker, today the bill to establish a Presidential Commission on Marihuana is gaining 11 new House sponsors. This brings the total sponsorship of the bill to 97.

I know that many of our colleagues are hearing from constituents on the subject of marihuana and in my judgment, the establishment of a Presidential commission to consider the medical, social, and legal factors related to the use of marihuana, is the most rational approach to the problem. The commission would report in a year to the President and public with recommendations for legislative action at all levels of Government.

Hearings were held on this proposal by the House Judiciary Subcommittee No. 3, chaired by the distinguished gentleman from Wisconsin (Mr. Kastenmeier), in October of last year. And, I am pleased to report, Mr. Speaker, that today the bill was ordered reported to the full committee.

The bill's new sponsors include Mr. Burke of Massachusetts, Mr. Conte, Mr. Cowger, Mr. Cunningham, Mr. Daniels, Mr. Esch, Mr. William D. Ford, Mr. Hosmer, Mr. Kleppe, Mr. Rooney of Pennsylvania, and Mr. Widnall.

Recently, Mr. William F. Buckley, Jr., wrote another column supporting the commission proposal. I insert in the Record, his piece entitled "Back to the Marihuana Wars":

[From the Evening Star, Feb. 25, 1970]

BACK TO THE MARIHUANA WARS

(By William F. Buckley, Jr.)

The public anxiety over marihuana mounts at a rate for which I can think of no precedent in recent U.S. history. I have a letter from Rep. Edward Koch, of Manhattan, who has been trying to get a presidential commission into motion.

"What is so bizarre is that early last year, when I introduced the bill, which I considered a very reasoned and rational approach to a very controversial subject, I was considered by a number of my colleagues as a wild-eyed libertine. Only nine members would join me in co-sponsoring it at that time. Since the original introduction and the dialogue which ensued, there are now 85 co-sponsors. And most important, the House Judiciary Committee appears on the verge of reporting it out," Koch wrote.

One hopes that the half million dollars—that is the sum requested by Koch—will be forthcoming, so as to launch an authorative inquiry.

Meanwhile, there is big news in Canada. I was not aware until now that a commission of inquiry had been empanelled there to inquire into the non-medical use of drugs.

In charge of writing the report for that panel is Dr. Keith Yonge, president of the Canadian Psychiatric Association and head of the department of psychiatry at the University of Alberta. Yonge wrote last November a memorandum which puts together the substance of what will be said in the report when it is issued.

Someone got hold of that memo and published the entire thing in the Toronto Globe and Mail. It is as impressive—and as disturbing—a document as I have seen on the subject, and I hereby volunteer to send a copy of it to anyone who desires one and will enclose a self-addressed stamped envelope. Write to Mr. Buckley, NR, 150 East 35th St., New York 10016.

Meanwhile, here are just a very few passages from Yonge's preliminary report.

". . . The use of these drugs does indeed induce lasting changes in personality functioning, changes which are pathological in so much as they impair the mental and social well-being. . . .

"The harmful effects are of the same order as the pathology of serious mental illness (psychosis), namely in distorting the perceptual and thinking processes and in diverting awareness from reality, impairing the individual's capacity to deal with the realities of life.

"The argument that marihuana is no more harmful than alcohol is specious. Although alcohol does constitute a serious health hazard in our society because of its readiness to intoxication, its action on the mental processes cannot be simply equated with that of marihuana. The primary action of alcohol is that of a relaxant. Impairment of mental functioning occurs when intoxicating quantities are taken. Marihuana, as with all the psychotropic drugs, on the other hand, acts solely as an intoxicant, its effects being primarily the distortion of perception and reasoning.

"In psycho-social development man grows from the prevalence of self gratification and dependency, with little regard for reality, to the prevalence of self-determination and self-abnegatory involvement in his society. Against this progression, the trend toward 'instant' self-gratification and artifical self-exploration (by the use of psychotropic drugs) is distinctly regressive—a reversion to the immature, the primitive. The regression is further evidenced in the other trends in group behavior with which the non-medical use of drugs tends to be associated—reversion to the crude or primitive in speech, in sexual expression, and in taste for music forms—however much these may be rationalized as emancipation from socio-cultural oppression."

I do not know where Koch's commission will begin, but neither it, nor anyone who wishes to understand the implications of marihuana smoking, should ignore the extraordinary findings of Yonge's commission.

ESTONIAN INDEPENDENCE

HON. THOMAS J. MESKILL

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 1970

Mr. MESKILL. Mr. Speaker, the Estonians constitute the smallest of three stouthearted peoples of the Baltic countries numbering barely more than a million. After living under the czarist Russian regime for more than a century, they were among the first in Europe to regain their freedom and independence at the end of the First World War. Unfortunately, they were also among the first to be robbed of their freedom very early in the last war. But the intervening two decades were a rather short, but happy, interlude in their national history of mostly misfortune.

In the newly established democratic republic, patriotic and thrifty Estonians did wonders in the course of their free existence. Besides rebuilding their devastated and war-ravaged country, they advanced in every phase of their national activity. And they were quite content with their lot.

But this happy interlude was abruptly and cruelly broken by forces of destruction and oppression let loose by the last war. In mid-1940 the country was attacked and occupied by the Red army, and then made part of the Soviet Union. Since then, for 30 years, these gallant and gifted people have been living under totalitarian tyrants. Today, they are still hoping to regain their much-deserved freedom, and we all ardently pray for the realization of their goal, their deliverance from Communist totalitarian tyranny.

On February 24, Americans of Estonian descent celebrated the 52d anniversary of the declaration of independence of the Republic of Estonia. The United States has never recognized the Soviet annexation of Estonia. The people of Estonia have never lost hope that they will one day regain their precious freedom.

After extensive hearings, the 89th Congress unanimously adopted House Concurrent Resolution 416, which states that the Baltic peoples of Estonia, Latvia, and Lithuania have been forcibly deprived of the right to self-determination by the Government of the Soviet Union, and urged the President of the United States: First, to direct the attention of world opinion at the Nations and at other appropriate international forums and by such means as he deems appropriate, to the denial of the rights of self-determination for the people of Estonia, Latvia, and Lithuania, and second, to bring the force of world opinion to bear on behalf of the restoration of these rights to the Baltic peoples.

At this time Mr. Speaker, I wish to lend my support to these principles. The Baltic peoples have suffered for too long behind the Iron Curtain of the Soviet Union. It is time for them to breathe the fresh air of freedom.

VEEP AND HIS FRIENDS

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 1970

Mr. DERWINSKI. Mr. Speaker, one of the most penetrating observers of the Washington scene is Dumitru Danielopol, the distinguished international correspondent of the Copley News Service. In his February 19 column in the Elgin, Ill., Daily Courier-News, he discusses the constructive criticism that Vice President AGNEW has applied to the TV networks:

[From the Elgin (Ill.) Daily Courier-News, Feb. 19, 1970]

VEEP AND HIS FRIENDS

(By Dumitru Danielopol)

WASHINGTON.—Vice President Spiro Agnew called off his "war" on the TV networks. His criticism, he says, has had some success.

Other critics might postpone judgment, but the vice president put the spotlight on a sore which was festering for a long time. The plaudits come not only from the U.S. where the polls were heavily in his favor, but also from overseas.

Agnew's attack was legitimate, says the Manchester Guardian Weekly, and "contain more than a small grain of truth."

In Britain for instance there is no equivalent to American newscasters who "help put the news bulletins together and actually deliver them direct to the camera."

Thus, on American TV, it is often difficult to distinguish between news and commentary, the Guardian said.

"No superhuman attempt at impartiality can hide the fact that many American newscasters are opposed to the Vietnam war," it said.

It cited CBS Eric Sevareid who, it said. would not be allowed to "deliver his little homilies on British television—excellent though they are."

Neither would Tom Braden and Frank Mankiewicz get away with many of their value judgments in the context of a news program.

The Guardian also objects to allowing a former ambassador and politician W. Averell Harriman appearing after President Nixon's Nov. 3 Vietnam speech.

In Britain, it said, the interview with Harriman (or his equivalent) would at the very least have to be balanced by "an interview with a comparable figure on the other side: Someone acceptable to the Nixon administration."

The opinion is shared by other Britishers.

What would have happened, one Washington diplomat asked, if this had been allowed in Britain during the war.

He recalled Prime Minister Winston Churchill's fiery address of June 4, 1940:

"We shall fight on the seas and oceans . . . we shall fight on the beaches, we shall fight on the landing-grounds, we shall fight in the fields and in the streets . . ."

What would have happened, he asked, if a commentator came on the air immediately and said:

"The Prime Minister is talking through his hat, we have nothing to fight with."

The British approach to television news may be duller, the Guardian said, it may be less stimulating and entertaining but the "virtues of the British system should not be lightly dismissed."

In its quest for "theater" British critics fear American TV often goes beyond what is equitable and fair. They are particularly disturbed about the "ethics" of the CBS interview with Paul Meadlo concerning the alleged Pinkville massacre.

"What impact are programs like that going to have on the judicial process and how do they affect the individual's right to a fair trial?" asks one editorialist.

Agnew, says the Guardian, has raised important and legitimate problems . . . "He is expressing popular grievances and has focused on some vulnerable, unpopular targets."

Jenkin Lloyd Jones, the biting Oklahoma editor and president of the U.S. Chamber of Commerce finds TV by its nature uniquely qualified to get away with fraud.

"By cutting out the footage showing demonstrators hurling rocks . . . at the police and picking up only where the cop dashes forward and belts an apparently defensive bystander, you publish the truth, the half-truth and something but the truth," he complains.

He recalled David Brinkley's copy was straight, Jones says, "but the faint smirk, the barely lifted eyebrow, the momentary hesitation were devastating."

For his own good reasons, Vice President Agnew is withdrawing from the controversy, but the issue has not been resolved.

OIL POLLUTION

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 1970

Mr. DINGELL. Mr. Speaker, the March 1970 issue of the National Parks magazine carried a most timely article on the dangers posed by oil pollution by Dr. Ira N. Gabrielson. Dr. Gabrielson, a well known biologist, is chairman of the board of the Wildlife Management Institute, and former Director of the U.S. Fish and

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Wildlife Service of the Department of the Interior. Those of us who have long been associated with the conservation movement know Dr. Gabrielson to be one of the truly outstanding protectors of our natural heritage. So that my colleagues may have an opportunity to be aware of Dr. Gabrielson's views, I include the text of his article at this point in the CONGRESSIONAL RECORD:

OIL POLLUTION

(By Ira Gabrielson)

WE CAN'T SAIL ANYWHERE IN THE ATLANTIC WITHOUT FINDING OIL

The environment always has been trampled under in the rush for mineral resources as valuable as oil. In the past, damage from oil exploration, though often extensive, has tended to be confined to the locality of the industry. Modern oil industry practices, however, are changing the picture drastically. Oil is produced more and more from the ocean floor, it is carried by giant tankers, and its refined products fuel nearly all the ships afloat—a combination that now is polluting the seas.

For many years during residence on the Pacific Coast, another ornithologist and I took advantage of every opportunity to walk the beaches of Oregon, mostly in Lincoln and Tillamook Counties and less frequently in the more southern counties. We were studying birds and bird movements and made notes on all the birds we saw, including the dead ones found along the beaches.

There were few occasions over the 17 years that we lived there when we did not find oil-soaked and dead or dying birds. This amounted to only a few birds in some instances and to many thousands in others. Obviously even in those days oil was taking a steady toll of bird life. From what we know now, it also was killing or harming other animal and plant life of the ocean environment. We had no information as to where and how this oil originated, but we assumed from information given us by Navy friends that it came from the bilges of ships plying the Oregon coast.

It is obvious from this experience and those of many other ornithologists of my acquaintance that spilled oil, no matter its source, is taking a constant toll of bird life, particularly among the oceanic birds. We saw more of it along the Pacific Coast because we spent more time on the beaches there. During our studies we also found dead fur seals and fish. Some were covered with oil, but we had no way of proving what killed them.

There is no doubt in my mind that the problem is more acute today—all the legislation, safeguards, and agreements notwithstanding—simply because there are more ships plying the oceans; more underwater oil exploration and recovery; more refineries and terminals; and more of everything that accidentally or deliberately introduces oil into the aquatic environment.

Not long ago, a senior biologist at the Woods Hole Oceanographic Institution reported that: "Just in the past few years we are finding we can't sail anywhere in the Atlantic—even a thousand miles from land—without finding oil."

SPILLED OIL IS TAKING A CONSTANT TOLL OF BIRD LIFE

During the course of our early studies of Oregon bird life, we found specimens of practically every sea bird that is even occasionally found along that beautiful coast. If my memory serves me correctly, for example, the first records of a red-legged kittiwake south of the Aleutian Islands was an oil-soaked bird picked up on the Oregon coast. It now is a specimen at the Patuxent Wildlife Research Center of the U.S. Bureau of Sport Fisheries and Wildlife.

Not only did we find birds such as murres, puffins, auklets, gulls, cormorants, shearwaters, and others that had become victims of oil spills, but we found numerous ducks, mostly of the diving species, although I also recall picking up a few mallards and pintails. I have seen few birds affected by oil spills on land, but I have seen some, particularly in Texas.

None of the kills of birds I experienced along the Oregon coast occurred as a result of any spectacular disasters such as have filled the headlines in recent years. As damaging and as unfortunate as the major accidents are, I believe the industry will agree that oil slicks arising from the bilges and the ballasted fuel tanks of ocean vessels are the most serious offenders today. Oil comes, too, from wrecks and accidents, mechanical failures, and from careless handling at manufacturing plants, refineries, and terminals. All in all, a Woods Hole scientist has estimated that oil spills total at least 1,000,000 metric tons a year and perhaps much more.

The Torrey Canyon affair and the Santa Barbara oil spill greatly heightened public concern about the handling of oil. Those two incidents gave massive and visual proof of the direct impact of oil on the environment. I believe the public will remain sensitive to the problem and that the oil industry will be operating in more of a fishbowl than ever before. The industry is aware, I believe, that various aspects of the problem are attracting the attention of more and more well-qualified specialists in the environmental disciplines. We are only at the entering stages of understanding this whole problem.

Right now, there is national concern about the possible adverse effects of the development of oil on Alaska's Arctic coast. The Department of the Interior has issued stringent stipulations regarding the construction of the proposed 800-mile pipeline from Prudhoe Bay to Valdez, but it is not asking Congress for enough money to adequately police and inspect the project to see that the stipulations are obeyed. Apparently, the State of Alaska is even less concerned about what happens on its lands that are involved in the oil activity. Many conservationists have visited the area, and every one of them with whom I have talked has been very critical of the way in which the tundra is being manhandled.

I know that the oil companies fly newsmen and other writers up there to give them a firsthand look. The hope, of course, is that the industry's side of the story will get into the news. My staff has been contacted by some of these newsmen, and we find that they use a key phrase voiced so much by our friends in the oil industry. "The tundra is a wasteland," they argue, "so why does it matter what happens there?" That one point, I submit, is symptomatic of the larger environmental issue in which the oil industry finds itself involved.

ENGINEERS ARE NOT QUALIFIED TO PASS JUDGMENT ON WHETHER AN AREA IS A WASTELAND

That point is that engineers and bulldozer operators are not qualified to pass judgment on whether an area is a "wasteland" or of little or no moment in the overall scheme of things. They are not the ones to pass final judgment on the relationship of their activities to the environment. They may understand the physical relationships, but they do not know the ecological ones. They can converse knowingly about cubic yards and pumping capacities, but they know little or nothing about hydrocarbon concentration in aquatic organisms, the insulation shield of tundra vegetation, or any other of the complex environmental relationships.

The tundra lichen is one of the staple foods of the caribou, and the various species of berries that grow and ripen on the tundra provide much food for great populations of birds that nest there. This vegetation is slow growing, and many studies have indicated that lichens, for example, take 40 years or more for rehabilitation once destroyed. Destruction of this fragile vegetation is equivalent to destroying a forest area farther south on the continent.

Now, the oil industry can do a good job and has done a good job in a number of places that I have been shown. It can develop wells without defacing the countryside and without destroying the vegetation. It undoubtedly costs more to operate this way, but industry will be paying more and more to conduct its operations within the limitations of environment. Business leaders now state publicly that *effective* environmental protection—and I emphasize effective, long-term protection as opposed to public relations demonstrations—will be a paramount factor in deciding public acceptability in the future. It is my experience that the oil industry needs to be more uniformly responsive to this point of view.

In Alaska, I hope that the federal and state governments and the industry will achieve new breakthroughs in positive actions to protect the environment. It no longer is adequate to say only that the state needs the revenues that will be generated or that the country will benefit generally from the discovery and extraction of Arctic oil, if the whole activity is undertaken in such a way as to seriously impair the environment of that largely unspoiled land. Industry still has to prove that it can explore for and remove the oil in such a way as to make the least inroads on the environmental factors involved.

In fact, this is the challenge facing the industry everywhere—not just in Alaska, but everywhere it now operates and where it may be operating in the future. Americans, as well as the residents of some other of the world's developed nations, are environment-conscious. Today, more than ever before, people are acutely aware of the massive threat to the environment from the expansion of population and all that it entails. They are calling on their governments for the kinds of laws and regulations that will safeguard the environment from further deterioration. There is not the least question in my mind that we are only at the early stages of this awareness in the United States. Environmental matters will be receiving more and more consideration. These new considerations are going to require new investments and the discovery and use of new techniques. The oil industry prides itself on innovation and technological advancement. It knows that something is not necessarily right because of its practice or utility in the past. It is time that the industry embraces these environmental considerations in a more meaningful way.

Because of the extent and nature of its activities, the oil industry will feel this pressure for environmental awareness more sharply than others. More and more, as accessible oil reserves are charted and exploited, the industry is moving into the fragile and sensitive areas of the environment—on the continental shelves and in deep water—where conditions test man's technical knowledge and equipment to the fullest. There is movement, too, into remote areas, like the Arctic, where the forces of nature pose severe tests of man and their equipment. From what we know and have experienced, I believe it is safe to say that the constant threat of accident alone is adequate to keep the industry in a state of ready alert. But the things we do not understand fully or only now are beginning to grasp add greatly to this uncertainty.

In the coastal zone, where tides can move pollutants many miles from their point of introduction, and where the vagaries of nature constantly threaten the permanence of industry's operations, there are many more

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questions than answers. Operating risks are easily charted, and equipment and procedures are designed to lessen or minimize them. These are the physical sorts of things that are within the realm of the engineers and geologists. But let us consider the biological or environmental problems that are not susceptible to physical approach.

As the Torrey Canyon and the Santa Barbara incidents illustrated—and keep in mind that those two unfortunate incidents are only symbolic of the vastly greater problem of the constant pollution of the sea by oil—man lacks positive methods of dealing with oil once an accident has occurred. The usual approach is to try to contain or isolate the floating oil—an attack that works rarely, if at all—or to remove it from the public eye by sweeping it under the ocean's surface by means of detergents or dispersants. More animal life was killed by chemicals used in the Torrey Canyon accident than by the oil itself. Containment failed as an attack at Santa Barbara, and everyone knows the loss that followed when the oil floated ashore.

But let us give some thought to the total aquatic environment, that vast volume under the surface of the sea, where only patient prodding will reveal what may be going on and where currently we have only the sketchiest outline of what happens when hydrocarbon molecules enter the mainstream of the sensitive aquatic community. In the first place, detergents and dispersants are pollutants in themselves. In the volumes in which they may be used, they add much of an alien chemical nature to the aquatic environment. And as in the case of Torrey Canyon where the detergents were dissolved in low-boiling aromatic hydrocarbons—which are poisonous to man and all other organisms—the results can be immediate and catastrophic.

Crude oil and its finished products consist of various hydrocarbon fractions—low-boiling, high-boiling, olefinic—the implications of the introduction of which into the aquatic environment are not fully understood. In weak concentrations, the low-boiling hydrocarbons have been demonstrated to produce anesthesia and narcosis. At higher concentrations, they produce cell damage and death in many lower forms of marine animals. They also seem to be injurious to the larval and young forms of other marine life. Many of these organisms are at the thresholds of complex marine food chains, whereby larger and more advanced forms feed on and are dependent on the lower forms. Man, of course, is the ultimate beneficiary of marine productivity because he uses sea life for food and other purposes.

The higher boiling hydrocarbons apparently occur naturally in marine life. Although perhaps not directly toxic to exposed animals, they may interfere with nutrition and reception of the chemical clues that are necessary for communication between many marine animals. More research is needed to understand fully these interactions.

Suffice it to say that even if the detergents or dispersants are not toxic in themselves, their use apparently accelerates the exposure of marine life to the toxic hydrocarbons. Some of the hydrocarbon fractions are suspected of having carcinogenic activity. These hydrocarbons are stable and can be retained and concentrated in the marine food cycle as the lesser animals are consumed by those higher up the animal ladder. Some ultimately may end up in man.

These relationships are not known firmly. Only now are they beginning to be suspected. Unknown, too, is the long-term impact of dispersed oil on the marine environment itself. Limited research points to abrupt and substantial changes in animal populations. Virtually nothing is known about the effect of the oil on ocean bottoms, whether it remains in partial suspension, or where it moves.

Sweeping the oil under the ocean's surface is reminiscent of the old proverb, "out of sight, out of mind." It resolves nothing as far as environmental contamination is concerned.

The problem is more profound than just removing the stain from the ocean's surface. We need less enthusiastic claims by industry of miracle chemicals that neutralize or disperse oil slicks, supposedly making them harmless and noninjurious to man's interests. We need less of a defensive and apologetic posture on the part of both government and industry. We need recognition of the fact that the direct and allied activities of the oil industry represent a substantial threat to the environment and that precautions are needed at every stage of the exploration, extraction, and handling of oil. We need less reaction and more cooperation in pushing for research to get the answers that are required. The industry must insist on better cooperation from its own people and from allied operators who have and use petroleum products. The industry had better realize that an indifferent tanker captain, a rednecked bulldozer operator, or a glib public relations specialist can be among its greatest liabilities.

Concerned people—conservationists and industry personnel alike—acting in a spirit of cooperation can stimulate the action needed to overcome a serious problem. Let us work together to find a solution!

THE 77 YEARS OF DELAY

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 1970

Mr. UDALL. Mr. Speaker, the postmaster of Wyoming, R.I., Mr. Henry A. Boucher, recently sent me a letter which I believe makes the case for postal reform very eloquently. Mr. Boucher is a veteran in our postal service, now serving his 21st year as a postmaster, and until recently he did not favor the idea of a postal corporation.

Mr. Boucher changed his mind when he read a book published in 1893, which dramatically reminded him of how little progress has been made in meeting the many problems that beset the Post Office Department. Vast changes have swept this country in the past 77 years, but the postal service has remained virtually untouched by these advances—and its problems have been greatly exacerbated by a rapidly expanding population.

The letter from Mr. Boucher is succinct and pertinent. I am inserting it in the Record so that my colleagues may share the irony it presents:

Wyoming, R.I.,
February 3, 1970.

Congressman Morris K. Udall,
Post Office and Civil Service Commission,
345 Cannon House Office Building,
Washington, D.C.

Dear Sir: Having started my 21st year as a postmaster, I am aware of some of the problems that beset the Post Office Department today, and I had been definitely opposed to the corporation concept until very recently when I was given a copy of Cushing's *History of The Post Office* printed in 1893. After reading portions of this book several times, I have changed my objections to a corporation because the problems that confront the Post Office Department today are the same as they were 77 years ago, multiplied by the increased population and the growth of business.

The restrictions placed by Congress which prevented drastic improvements 77 years ago are still the same restrictions that prevent drastic improvements today, and it is extremely doubtful, if under the present system, if drastic improvements or changes would be possible. Pages 18 and 19 of Cushing's *History Of The Post Office* states, "The Post Office Department never has enough money to work with, also, the fact is that the American Postal Service, the greatest business in the world, is today, 1893, the worst conducted—the best conducted under the circumstances, but the worst conducted under the lack of means to work with." This was in 1893 and the same quotation could be made today, 77 years later. It would be presumptuous for me to comment that if conditions or restrictions cannot be improved or removed in 77 years, then something is radically wrong, and being only an unimportant person in the government, I would not presume to state where the fault lies.

Another area of which I am personally familiar with and know of causing delay in the delivery of mails is the subletting of Star Routes, and on page 37 of Cushing's *History Of The Post Office* there are considerable reasons why this should have been changed, but again, in 77 years, no alleviation of the situation has taken place. On page 395 there is a very interesting statement whereby the postal deficit could be removed and possibly a profit result, but again, this has not been tried or enacted. On page 20 of Cushing's *History Of The Post Office* is an interesting statement made by the then Postmaster General Wanamaker, "If the money really required to run the postal service could really be granted, we would guarantee to make 10 million dollars annually with it." Nobody familiar with the system doubted that this real businessman would do that, and besides, with a difference on the credit side would come increased and improved facilities, cheaper postage rates, and improved service again and again and again. (This is also an abstract from page 20.)

Any resulting changes will have little bearing on me as a postmaster, as I intend to put in for disability retirement in two years, but after 21 years in the postal service and realizing that only by very drastic changes, can the postal service be improved. I am concerned both as a postmaster and as a citizen for better service.

Respectfully,

Henry A. Boucher.

CHICAGO'S PROPOSED LAKE AIRPORT—VII

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 1970

Mr. MIKVA. Mr. Speaker, on March 5, 1970, I placed in the Congressional Record a statement by Donald Polston, a member of the Professional Air Traffic Controllers Organization—PATCO—on the air traffic problems which would be created by the construction of a major Chicago airport in Lake Michigan.

Mr. Fredrick Blum, an urban planner for the Businessmen for the Public Interest, has studied information provided by PATCO and by the Federal Aviation Administration report of August 1968, "Graphic Simulation Study of Sites for a Third Chicago Metropolitan Airport." He concludes from these two reports that a lake airport would reduce the air traffic capacity of both O'Hare Airport and a lake airport, saturate the airspace over Chicago, and cause increased noise levels over the entire Chicago metropolitan area.

At this time, I would like to place Mr. Blum's conclusions in the Record for the benefit of my colleagues who are concerned about the environmental effects of airport development.

The statement follows:

AIR TRAFFIC AND AIR SAFETY PROBLEMS PRODUCED BY THE PROPOSED LAKE AIRPORT

(By Fredrick Blum)

A primary objective in selecting a location for a third airport for the metropolitan area of Chicago is to maximize the amount of traffic which could be effectively handled by airport facilities without sacrificing air safety. Yet the proposed location for a third airport in Lake Michigan, 8 miles off 55th Street will saturate airspace over Chicago and considerably reduce air traffic capacities over both O'Hare and the lake airports according to reports by the Federal Aviation Administration and the Professional Air Traffic Controllers Organization (PATCO).

The FAA report of August 1968, *Graphic Simulation Study of Sites for a Third Chicago Metropolitan Airport*, which compared alternative land sites and an airport site then proposed by the Chicago municipality located in the lake off 31st Street, unequivocally concluded that the lake site represented the worst selection because it would generate undesirable conflicts with O'Hare flight patterns and airspace.

Furthermore, the FAA study states that the close interaction of the lake airport and O'Hare flights during the extensive periods of adverse wind conditions over the lake (7 months of the year), would prohibit simultaneous approaches and thereby reduce arrivals during periods of peak demand by 50 percent. According to PATCO, changing the location of the lake airport to 55th street at a point 8 miles from the shore will not alter the conflict with O'Hare air traffic and air space.

According to PATCO, an airport located at the lake site would give Chicago a worse airspace problem than exists in New York where three major airports handle less traffic than O'Hare alone. The face that O'Hare is the major airport for transfers unlike the heavier terminating flights of New York, the lake airport would produce an even greater crisscrossing of arrival and departing flight patterns in the Chicago area airspace. PATCO considered the southwest land site a superior location than the lake location while recommending a site 40 miles south of O'Hare as ideal.

PATCO states that "turns and altitude restrictions already exist on aircraft operating in and out of O'Hare and Midway airports due to the close proximity of the airports. This causes aircraft operating into and out of Midway to be restricted to low altitude (1500 feet above ground level) for long periods of time, and traffic departing O'Hare to complete turns within 4 miles of O'Hare."

An increase in air traffic produced by the lake airport and its close location to O'Hare and Midway flight patterns would further reduce altitude levels of departing and arrival flights for all three airports according to PATCO and considerably increase noise levels over the entire Chicago metropolitan area.

The Air Line Pilots Association report that weather conditions at a lake airport would increase the danger of landings. Fog and iceing of runways is more pronounced and would significantly reduce arrival and departure capacities when compared with a similar size land based airport.

The evidence indicates that the considerable disadvantage related to air congestion and flight safety of the lake airport imposes limits on techniques which might be proposed to overcome the obvious air flight hazards.

OUR DRUG CRISIS

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 1970

Mr. ROSENTHAL. Mr. Speaker, there is no more pressing problem than that of drug abuse in our cities today. The drug addict in his search for a supply of narcotics is turning our streets into a jungle. Our newspapers are filled with reports of deaths from overdoses of heroin and other dangerous drugs. Our high schools and even our grade schools are involved in the drug culture. There is a pressing need for remedial action both at the Federal and at the local level. My colleague, Congressman Richard D. McCarthy, in a statement this week at the New York State capitol in Albany has made a number of recommendations that can do much to remedy our drug crisis. The gentleman from New York (Mr. McCarthy) has performed a useful service in suggesting concrete steps that can be taken now. His statement follows:

THE NATIONAL DRUG DISASTER

(Statement of Representative Richard D. McCarthy, at State Capitol, Albany, N.Y., March 9, 1970)

In an age when continuing crisis numbs us to the tragedies of life, the testimony of a 12-year old drug addict in New York City still shocks us. The boy, a heroin addict, told how he had first used drugs in order to be like his friends. He described how he placed the heroin under his skin with a needle, using the addict's slang to "skin-pop". It will only be with luck that this young boy can be rescued from the hell in which he is involved.

If this were an isolated case, we would know what should be done to restore this boy to health. But his addiction is but one part of a plague of drug abuse sweeping our country. The newspapers are filled with reports of deaths from overdoses of drugs. A 12-year old boy was found dead from drugs in a room in Harlem. A Barnard College student died last month from an overdose of drugs. In New York City alone, over 900 people died from overdoses of drugs last year. And our hospitals are treating thousands who suffer from diseases, such as serus hepatitis, connected with drug addiction.

The National Institute of Mental Health estimates that there are half a million drug addicts in the United States today. Of these, 125,000 are addicted to hard drugs such as heroin and opium. These estimates are understated because of a lack of information. Various polls show, for example, that as many as 30% of our youth have tried marijuana, hashish, or inject drugs into their veins. What we do know is that we are facing a deadly peril on a scale not witnessed before.

The widespread social problem of drug abuse in the U.S. is no longer restricted to any one part of our society. It is found at all social and economic levels; in wealthy suburbs and rural areas as well as in the inner city. Drug abuse touches all age groups and generations. It involves not only college students but junior high and high school students as well; not only the underprivileged residents of the ghetto, but also middle-aged truck drivers and suburban housewives. There is no longer any doubt that addiction and drug abuse have penetrated all segments of our society.

The human toll of drug abuse cannot be accurately measured, for it affects not only the abuser but his family and the community around him. Drug abuse is closely bound up with both juvenile delinquency and the rising crime rate. A Federal judge tells us that 77% of the crimes committed in the District of Columbia are by addicts. Somewhere between 50 to 70% of the crime in New York City is committed by addicts. Misuse of drugs also contributes to the growing number of accidents on our nation's highways.

This problem is especially critical in New York City. In 1968 the President's Crime Commission reported that more than half the nation's known heroin addicts were in the New York metropolitan area. And the problem is expanding at an unbelievable rate. Arrests for narcotic drug law violations were over four times as great in 1969 as in 1960—an increase of 329%.

Arrests for the use of heroin in suburban neighborhoods—virtually unheard of only a few years ago—increased by approximately 90% in 1968 and continues to increase today. Arrests for drug offenses in rural areas are increasing at an even greater rate. Perhaps the significance of these increases is best reflected in a recent F.B.I. report which indicates that *in the past decade drug arrests for persons under 18 have risen by the shocking figure of 1860%*.

Even more shocking and more tragic is the growing number of deaths caused by drug overdose. Such deaths now occur daily throughout the country. Of the 900 people in New York City alone who died from an overdose of drugs last year, 224 were teenagers. This year the City is averaging nearly three deaths a day due to heroin overdoses.

Drug abuse is a broad term. It now appears that there are approximately 1000 different types of drugs which find their way into the hands of the American people. However, drugs liable to abuse are generally put into two classifications—narcotics and "dangerous drugs." A third category—marijuana—is still considered as a narcotic in many States. It is in New York but marijuana users are normally given lighter sentences than users of hard narcotics. The growing trend, however, is to treat marijuana separately from narcotics.

Narcotics generally refers to the "hard" drugs—opium, morphine and heroin—all of which are addictive. Foreign countries are the main sources of these hard drugs.

Dangerous drugs are those, which for the most part, have been developed during the past three decades. These include stimulants (amphetamines), more popularly known as pep pills, bennies, and diet pills and the depressants (barbiturates) such as tranquilizers and "golf-balls". The most recent development in this field is the hallucinogenic or psychedelic drugs, used mainly by younger people. Most well-known in this class of dangerous drugs is LSD. Most of these drugs are produced in this country.

Beginning with the first Food and Drug Act of 1906 the Federal Government has attempted to protect its citizens against dangerous drugs and narcotics. Present laws pro-

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hibit unlawful importation, manufacture and distribution or use of narcotics, dangerous drugs and marijuana. Both federal and State laws make mere unauthorized possession of most of these substances illegal. Yet, as we are all aware, the problem continues to grow at an alarming rate.

Federal laws presently in effect were, for the most part enacted as a result of widespread national dissatisfaction with the growth of narcotic addiction during the 1950s. The Narcotic Control Act passed in 1956 and still in effect today has three basic provisions. First, it provided for mandatory minimum sentences of five years for a first narcotic offense, and in doing so, removed from the hands of the judges all discretion in convicting offenders. Second, it barred any possibility of eventual parole for narcotics offenders, and third, it provided for sentencing ranging up to life imprisonment and death for adults convicted of selling narcotics to juveniles.

Until five years ago the federal government exercised almost no meaningful control over manufacture and distribution of dangerous drugs in the country. Adoption of the Drug Amendments to the Food and Drug and Cosmetic Act of 1965 finally enabled the federal government to require manufacturers and others engaged in receiving or disposing of these drugs to keep records of the quantities they handled and make these records available to federal inspectors. It also required manufacturers and handlers of dangerous drugs to register with the Department of Health, Education, and Welfare. This Law made it illegal to distribute any of the enumerated drugs to anyone other than specifically named parties such as warehousemen, wholesalers, specified researchers, and persons having a prescription for them. Penalties for violations range from one year and/or $1,000 to 3 years and/or $10,000.

These narcotics and the dangerous drug laws have certain shortcomings which prevent effective law enforcement and rehabilitation of offenders. Furthermore they have proved to be completely inadequate in controlling the illegal flow of dangerous drugs produced in this country.

The principal defect in the narcotics law is that it fails to make any distinction between the "professional criminal", narcotics dealers and the narcotics addicts themselves who, in order to pay for their own drugs, become small-time peddlers. The problem of the small-time addict is essentially a medical and psychological one and differs greatly from the problem of the large-scale nationwide criminal networks of professional narcotics dealers. However, the present laws allow the courts almost no discretion whatsoever in dealing with these two different types of offenders. Presently our federal courts are not allowed to distinguish between the young addict who may with proper treatment be cured from a life of despair and be converted into a normal law-abiding citizen, and the hardened professonal criminal, who may be responsible for the addiction of literally thousands of young Americans. One survey has indicated that over 90% of the federal prison wardens were opposed to these present laws which prohibit parole and probation and force the prisons to keep young offenders locked up with hardened criminals for a mandatory minimum of five years. The same survey indicated that approximately three out of every four federal district court judges are likewise opposed to the present laws.

The Director of the National Institute of Mental Health, Dr. Stanley Yolles, testified before Congress that "the effects of mandatory penalties defeats the whole purpose of treatment and rehabilitation of drug users it unnecessarily limits the courts and negates the traditional American expectancy that each individual will be heard by a court of law in terms of his intent, the circumstances of his alleged offense, and his potential ability to be rehabilitated."

For these reasons I shall continue to work for the adoption of revised narcotic laws which will eliminate all mandatory minimum sentences for narcotic violations except for a special class of professional criminals.

This will return the sentencing discretion to the judge and prevent any further hampering of the rehabilitation of drug addicts. New laws must also have distinct and separate provisions for narcotics offenses and marijuana offenses which will more accurately reflect the greater danger and threat of addiction imposed by the "hard drug" narcotics. These efforts if adopted will help mainly in the area of rehabilitation and more equitable law enforcement.

However, we must make a much more vigorous effort to cut off the sources of narcotics and dangerous drugs. This is a very crucial area in the current war on drug abuse, for if these drugs and narcotics were not so readily available, it would be quite reasonable to assume that the problem would not be so widespread.

Our government is currently making greater efforts to cut down on the influx of narcotics and marijuana smuggled into this country from abroad, and we must certainly continue our efforts in this area.

According to U.S. narcotics officials, most of the hard narcotics available in the United States comes from Europe. In New York, 80% of the hard drugs used came from or are processed in Turkey, Switzerland and France. Our government has taken some steps to stop the flow of drugs from these countries. We recently loaned $3 million to Turkey to compensate farmers for the destruction of poppy fields. Those familiar with Turkey point out that this money will have little effect for the Turkish farmer will continue to sell opium in the black market. Our recent efforts to cooperate with French narcotics agents in Marseilles merely highlights the fact that the French still permit the illegal transfer of drugs from Switzerland through their country and also allow clandestine laboratories to operate in France itself.

What we need is a crackdown on the production of heroin itself. This will require an agreement by the French and the Swiss to regulate the importation of morphine from Turkey and action by the Swiss Government to prohibit the manufacture of heroin except under strict licensing and supervision. The French Government can also enforce their own laws which prohibit the shipment of heroin capsules from Switzerland to the Riviera. And finally we can mobilize our Customs agents at John F. Kennedy International Airport to stop up this major source of smuggled drugs.

We can certainly expect these three nations, as well as our friends around the world, to take prompt steps to help us solve this drug problem. I have written to Secretary of State William Rogers urging him to exert the full influence to gain the cooperation of the French, Swiss and Turkish Governments in stopping the flow of hard narcotics either from or through their countries to the United States.

But perhaps the least publicized deficiencies in the current drug laws are those which cover the manufacturing, processing and distribution of the dangerous drugs—the stimulants and depressants or, in more familiar language, the pills.

Despite Amendments to the 1965 Food, Drug and Cosmetic Act, enormous quantities of drugs legitimately manufactured right in this country continue to find their way into illicit drug channels. For example, according to estimates of the National Institute of Mental Health, 50% of the over eight billion amphetamine (pep) pills produced each year find their way into nonmedical channels. While we hear much about illegally produced and manufactured drugs, the truth is that of all amphetamines and barbiturates seized from illicit drug channels only 8% are actually produced illegally. This means that in spite of present efforts to control dangerous drugs, 92% of the amphetamines and barbiturates found in the illicit drug market today are manufactured legally right here in this country and somehow diverted along the chain of distribution. However, because the present laws do not compel drug manufacturers to keep the necessary records, we are unable to trace these illicit drugs back to their source.

The drug industry is a highly profitable business, currently grossing an estimated $5 billion annually. Understandably, any industry doing this volume of business is reluctant to submit itself to government controls and the drug industry is no exception. It has consistently and vigorously opposed any new dangerous drug laws. I, for one, believe that the industry has contributed to our drug crisis through lack of cooperation.

However, the extent of this problem has now become so severe that only severe measures can be used to combat it if a reversal of current trends is to be expected.

For these reasons I believe that the Federal government must face up to its responsibility to the people and crack down on illegal and careless distribution of domestically produced drugs.

We must begin by:

Imposing tighter government restrictions and supervision on all drug manufacturers and distributors;

Requiring all handlers of dangerous drugs at every level to keep separate, accurate and comprehensive records;

Require and carry out Federal inspection of these records.

Another measure which must be taken is to broaden the coverage of our dangerous drug laws. These laws must be comprehensive enough to include many of the newer drugs which are presently being misused but which are subject to almost no federal regulation whatsoever. For example, present dangerous drug laws do not include two of the newer tranquilizers—librium and valium, sales of which totalled approximately $100 million in a recent year. In light of the drug industry's claim that these two drugs were not of the type which are subject to abuse, the Justice Department's Bureau of Narcotics and Dangerous Drugs conducted a limited study on the use of librium and valium which revealed evidence very much to the contrary. During a period of 2½ years in the 14 regions covered in the study, the Bureau found that 1353 people using one or the other of these two drugs attempted suicide and 97 succeeded. New York City alone had 173 cases of overdoses of librium in one year (1967) and 205 the next (1968).

The Federal government must also establish tighter export controls on dangerous drugs manufactured in this country. It is now common knowledge that many of the drugs legitimately manufactured here are exported to points outside the U.S., such as small towns in Mexico and later smuggled back in. Tighter export controls which would limit subsequent exports only to legitimate firms and prohibit shipments to "fly-by-night companies" would make significant strides in alleviating this part of the drug abuse problem.

Another area which must at least be considered is the possibility of production quotas on dangerous drugs. While the prospect of the federal government imposing a limit on the amount a private industry is allowed to produce may at first seem a drastic measure, I believe this should be balanced against the harm caused to society at large by the production and careless handling of drugs which are clearly not necessary for any legitimate use. And when at least 50% of the current production of certain dangerous drugs finds its way into illicit channels then the time is drawing near when the government may very well have to consider the measure.

A possible alternative might be strict federal licensing of all domestic drug manufacturers. Under this plan, strict requirements to control production and distribution would be set forth by the federal government and all producers and distributors would have to comply with them before they could legally operate their businesses.

Proper and vigorously enforced licensing procedures along with cooperation from all the responsible companies in the drug industry could very well help rid the industry of any of its members who are currently contributing either purposely or carelessly, to the drug abuse problem.

We must also recognize that the national drug crisis is a disaster just as destructive as a hurricane that sweeps across Louisiana and Mississippi or a flood that rages along the Missouri River Valley. Drug addiction threatens to blight an entire generation of youth that have suddenly been exposed to a danger that they are not prepared to handle. Many Americans that we would expect to avoid drugs do not do so because of a lack of knowledge. Others who have become addicted can only retake their place in society if they are given necessary medical and rehabilitative treatment. What is needed now are massive efforts in the areas of education, prevention, care and rehabilitation. This cannot be done on a business as usual basis. The same emergency or crash techniques that we would use to handle a natural disaster are called for at this time.

Federal funds are needed for the following purposes:

Massive public education campaigns to inform Americans about the dangers of drug abuse conducted by the schools, colleges, the media and governmental agencies.

Extensive Federal grants to states and cities with critical drug problems for the operations and in some cases the establishment of public and private medical and rehabilitation facilities for the care of addicts.

Added staff and overtime pay for Customs personnel involved in stopping the flow of illegal drugs into the United States.

Additional Department of Justice staff to stop the criminal element selling and distributing drugs.

Staff for the Department of Health, Education and Welfare to monitor drug production, distribution and bulk sales to prevent misuse of drugs.

Our already overburdened states and cities cannot meet the needs for additional money for this effort. Only the Federal Government has the resources to act immediately on the scale required. I have therefore proposed in a letter to President Nixon that he use the authority available to him under the Federal Disaster Act, P.L. 875, the Emergency Funds available to the President, and the discretionary funds available to him in the recently passed Health, Education and Welfare Appropriation Act to provide money during the rest of this fiscal year for this program. I have also proposed that he submit a supplemental budget request for next fiscal year so that there will be no delay in undertaking this effort.

I emphasize that these are steps that President Nixon can take now. We cannot wait for another budget year to pass to meet this problem. We must use the powers available to us to act, and to act now.

In making these proposals I do not mean to convey the idea that legislation, law enforcement or emergency action alone can provide a panacea for the terrible problem of drug abuse. Every American must take an honest look at the drug problem and do what he can to bring it under control. This means taking the time to educate ourselves about the dangers involved in drug abuse, learning to recognize the signs of narcotics addiction, cooperating with local law officials to put a halt to the sale of illegal drugs, showing by example that any drug should only be used with proper medical advice. Youth in particular, exposed as they are to the drug peddlers are called on to exercise their judgment and avoid becoming ensnarled in the tragedy of drug addiction.

With the cooperation of all and effective Federal, state and local action, I believe that we can meet and reverse the plague that is sweeping our nation. The future of our society depends on our success in this effort.

RHODESIAN SELLOUT—WHO PROFITS?

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 1970

Mr. RARICK. Mr. Speaker, I am astounded at the obvious and unnecessary blunder by our State Department in the handling of the Rhodesian independence issue. I am appalled at what seems to be an unbelievable breach of faith on the part of our Government—and I speak of understandings arising out of equally unbelievable diplomatic breaches in our consulate in Salisbury.

It is quite clear to me that the same crowd which has made political hay back home by selling out the South to bargain for bloc votes in the cities of the North has now inveigled the administration into playing the same perfidious game on an international scale—to the detriment of all Americans.

Within the past month we have seen the shameful attempts of insubordinate minor bureaucrats in the Department of Justice and in the Department of Health, Education, and Welfare to usurp the policymaking prerogatives of their superiors. I find it difficult to believe that the Secretary of State and the President, acting with full information, are responsible for so gross an error. I have, accordingly, addressed appropriate telegrams to each of them, which I include in my remarks for the information of our colleagues:

MARCH 10, 1970.

The PRESIDENT,
The White House,
Washington, D.C.:

Your action last June in refusing to assent to precipitate withdrawal of consul from Salisbury was both correct and proper. Withdrawal now is dangerous error. As civilized Nation attributing our own independence to severance of ties to same distant and unresponsive sovereign, our moral obligation is to recognize and support civilized men who peacefully accomplish same independence for same reason. Prestigious long poll shows eighty percent of American leaders support recognition. True interests of world peace demand that we exert our influence to raise rather than lower standards of international conduct and not lend the name of the United States to such a patent fallacy as that peaceful Rhodesia is a threat to world peace. The interests of this Nation including our defense needs are served by recognition of the Republic of Rhodesia damaged both in the long and short term by submission to either London or UNO dictates. Urgently request you personally give consideration to acting promptly in the best interests of the United States and the civilized world by granting full and prompt recognition to the Republic of Rhodesia.

JOHN R. RARICK,
Member of Congress

MARCH 10, 1970.

Hon. WILLIAM P. ROGERS,
State Department,
Washington, D.C.:

Local press this afternoon indicated decision to withdraw consul from Salisbury as indication of displeasure with so-called apartheid. Assuming consideration of Rhodesia internal racial practices is controlling, advise when withdrawal of recognition contemplated in cases of Liberia which refused citizenship to whites, Australia which refuses admission to non-whites, Soviet Union and satellites behind Iron Curtain which deny both majority rule and protection of minority rights.

JOHN R. RARICK,
Member of Congress.

ANN A. TROY HONORED BY NUTLEY, N.J.

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 1970

Mr. RODINO. Mr. Speaker, few individuals have devoted their talents toward serving a community consistently for almost half a century. One such rare individual is Ann A. Troy in whom Nutley, N.J., rightfully feels a special pride. And, I am proud to join in honoring her on her 80th birthday. A recent editorial in the Nutley Sun pays a deserved tribute to this remarkable lady:

ANN A. TROY: "ELDER STATESWOMAN"

Thursday, March 12, will mark a special day for Nutley people. That is the day when Ann Troy will celebrate her 80th birthday. Ann Troy is no stranger to those of us who have spent a lifetime in Nutley, the community which has been home for us for all the years of our lives.

Ann Troy has been counselor, mentor, confidential adviser, teacher, principal, and friend to thousands of citizens who have contributed much to make Nutley the good town that it is.

A few of Ann's friends have decided to share next Thursday evening with her to join in a toast for more happy and healthy years.

Forty-two years of Ann Troy's life have been spent in the Nutley school system. She joined the system in 1910 as a teacher in the Park School, our present high school. In 1919 she was appointed Principal of the Park School, and in 1934 she was appointed Principal of Washington School where she served out her years as an educator, retiring in 1952.

During her years as an educator, Ann Troy introduced many innovations in teaching approaches, student discipline and parent-teacher relationships.

In 1931 Ann Troy introduced a course in "Social Studies" which for the first time in the history of the New Jersey educational system combined the history and geography courses into one. The idea took hold in Nutley and was adopted as a progressive measure in education by the New Jersey State Educational System.

Ann Troy is the first woman President of the New Jersey State Principals' Association.

She served in that capacity for the years 1931–32.

Ann Troy was a co-founder of The Nutley Historical Society.

Perhaps her most important contribution as a Nutley resident was authorship of the book "History of Nutley." This historical masterpiece serves as an authoritative reference text for libraries across the country.

We know Ann Troy as a Washington School friend and neighbor. When she assumed the awesome responsibility of running that school, it was at the height of the greatest depression the world has ever known, and if ever there was a depressed area in this country, the Washington School area was it.

In common with Lincoln School, Washington School was a melting pot of the most varied ethnic groups. There were children of Jewish families, boys and girls of Italian families; there were children from Negro families, there were the freckle-faced Irish kids from the neighborhood, and there were a small number of Anglo-Saxons among the school population.

Ann Troy was the catalyst for this diverse group of kids who studied together, played together, lunched together, cried together, and smiled together.

In the memory of the undersigned there was never a single argument among the school children at Washington School that related to race, color or creed—quite a tribute to our leader of that day—Ann A. Troy.

Ann Troy has made Nutley her home for 59 years. This community is richer for her presence.

Nutley has been fortunate in many ways—and one of its good fortunes is to have Ann A. Troy as one of its leading citizens.

Ann—May God bless you with continued good health and happiness.

SECRETARY HICKLE SPEAKS IN TEXAS

HON. ROBERT PRICE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 1970

Mr. PRICE of Texas. Mr. Speaker, last Tuesday, Secretary of Interior Walter J. Hickle delivered an outstanding speech to the Chamber of Commerce in Midland, Tex.

In his remarks, the Secretary focused on what I think are two vital issues of the day; the importance of maintaining a healthy domestic oil and gas industry, and the threat to mankind posed by environmental pollution. Because of the perspective which the Secretary has on these two areas, and because his thoughts were so noteworthy, I commend his remarks to the attention of my colleagues.

Mr. Speaker, of particular interest was the well-deserved recognition Secretary Hickle gave to the activities of my good friend and distinguished colleague, GEORGE BUSH.

The remarks follow:

REMARKS BY SECRETARY OF THE INTERIOR WALTER J. HICKEL BEFORE THE CHAMBER OF COMMERCE, MIDLAND, TEX., MARCH 3, 1970

Typical of Texas hospitality, you've been nice enough to spare me too many jokes about your great State.

In return, let me start off by saying that I'm not going to shoot first . . . I'll keep quiet about the size of Alaska.

The fact of the matter is, Alaska has a lot in common with Texas and the Permian Basin:

Oil . . . lots of it.

Secretary Seward almost lost his job when he bought my State from the Russians for seven million dollars.

And I'm told that for years, textbooks said there was no oil in the Permian Basin.

Then some people who didn't know any better—or with more vision—went out and proved the experts wrong . . . in both Texas and Alaska.

They looked at the problems and saw them as challenges.

Today, as a result, two great states are even greater.

Today we face different problems . . . even bigger challanges.

And those who face them will set the tone for a new decade . . . a decade of decision . . . a decade of destiny.

For example, in the petroleum business, our supply of natural gas cannot keep up with the demand.

And our production capacity for oil—in what Alaskans call the Lower 48 States—is falling.

We are rapidly losing the vital reserve capacity of these resources we need for emergencies.

Oil producers are caught between costs that have risen 60 percent since 1959 and a price of crude that has risen only 10 percent.

So we must find ways to make the petroleum industry more productive, and—hopefully—less costly.

But this effort *must* recognize—and fit within—the framework of a new American attitude.

Today, Americans by the millions are determined to stop the abuse of their air—water—forests—land . . .

No matter what the cost—no matter how difficult it may be.

And *they are completely serious about it.*

We are beginning a new decade.

When it ends, we expect to have 25 million more Americans . . . people who will be just as concerned as we are about the quality of the environment.

To supply the energy needs of all these people, over the next 10 years, we will need 60 *billion* barrels of oil and 240 *trillion* cubic feet of gas.

There will be 14 million more households to be served . . . 25 million more drivers using our streets and roads.

Texas is already historically and deeply involved in meeting these basic resource needs.

And, from all indications, Alaska will move up sharply on the scale of major petroleum producing states in this decade.

The challenges of the 70's for the petroleum industry are to supply more oil and gas, to more people, than it ever has done in its history . . .

To do this in the context of protecting the environment . . .

And, at the same time, to earn a fair return on its investment.

These challenges include a major one for the federal government:

To develop ground rules that will protect the environment . . . and the public interest . . . while allowing the petroleum industry to do its job efficiently.

To assure an adequate energy base, we will need new sources of fuels.

Our best thinking is that synthetic fuels, such as shale oil, can help strengthen that base.

I have under consideration a planning program for oil shale development in Colorado, Wyoming, and Utah.

Most of the oil shale, around 80 percent, in these states is on federal lands.

Its oil content is estimated in the *hundreds* of billions of barrels. . . .

By any measure, this is far greater than our proven reserves of petroleum.

Frankly, I can't reveal many details of the oil shale planning program now on my desk.

But I will say this:

If we go ahead, the program will have to include very stringent safeguards—not merely to protect the environment of that area—but actually to enhance it.

Second . . . the public, state governments, and industry will be asked to take part in this planning.

Third . . . we believe we can find workable ways to avoid road blocks that have delayed oil shale development for so many years.

Finally, this would be a relatively small-scale project, at first, in terms of acreage and total production.

But a substantial investment would be required.

And we realize that incentives are needed . . . *along with a fair return to both federal and state treasuries.*

The theme of working together is everywhere in the present administration.

Having built houses—alone—I appreciate how much easier it is to build when you have help.

I am proud to be a member of an administration that is capable of focusing on many difficult problems at the same time—and doing something about them.

President Nixon is not an "ivory tower" chief executive. He has applied himself to the problems of the petroleum industry.

And he has brought to government the expertise needed to solve them fairly—*for all Americans.*

In a special message to the House and Senate last month, the President announced:

"I have sent to the Congress *a sweeping set of proposals*—to clean up our nation's air and water, and to make our land more livable.

"This," he said, "is the most far-reaching and comprehensive message on conservation and restoration of our natural resources ever submitted to the Congress by a President of the United States.

"We are taking these actions—not in some distant future—but *now* . . . *because we know it is now or never.*"

The strength of our country . . . or any country . . . is in the earth.

We have all the real estate we need.

Yet in developing the earth's resources we must make sure that we do not damage the environment or interfere with the rights of others.

But the right to use, does not carry with it the right to abuse.

And that's what we've been doing down through the years.

We now must see that users pay their fair share of using our resources—and using them in a truly civilized manner.

Up to this time we have not been charging the full costs of a resource.

We have overdue bills for dirty air . . . filthy streams and lakes . . . eroded hillsides.

There will be costs—heavy costs—in restoring the quality of the environment.

Good things are not cheap.

The federal government is getting the ball rolling, but the momentum will have to be maintained by those who are the greatest prime consumers.

First we must reach the break-even point in restoring our waters, land, and air to proper standards.

Then we must see that the full costs of keeping them acceptable are charged against the proper accounts.

This means standards, set by government, to make sure that everybody plays by the same rules.

In our competitive economy, we reward the producer who gets to market with the best item at the lowest price.

But if we allow him to do so while carelessly using and polluting our air, water, and land, then we penalize his competitior. . .

The competitor who leaves the water clean and unheated. . .

The competitor who installs anti-pollution equipment so the air will not be con-

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taminated, and who carefully restores the land.

The "cut-and-get-out days" are long gone.

We will refuse to subsidize the producer . . . or the consumer . . . who degrades our environment.

We will not tolerate him.

We are now witnessing a great public awakening of the overriding urgency of achieving a new quality of life in America.

That is visible everywhere.

Ten days ago, my office was swarming with college and graduate students from all over the country. . . . part of our program for "Student Councils On Pollution and Environment."

They flew to Washington to see what part they and the students at their colleges could play in the fight to save the environment.

I really enjoyed working with them.

When they came into my office, some of them said they were "up tight."

They made it clear they were going to participate on their own terms.

One of them, with hair to his shoulders, commented, "It is an act of political courage for us to come here. We are milktoast compared to some of the militants we represent. We don't trust the 'Feds'."

They spoke about the depth of concern among students for the future of the environment and our natural resources.

A biology major from Portland challenged me to set a personal example for the country by having all the trash from my house recycled. . . . so that the aluminum cans would get back to the manufacturer, the newspapers get turned back into pulp and so on.

I told them if they came up with a plan for doing it economically, so that others could follow my example, I would be delighted. They said they would work on it and get back to me.

I believe these young people were somewhat surprised to find a member of the Cabinet who could identify with their concerns, and who was committed to bringing change at the highest levels of government.

They didn't buy all of my ideas, and I didn't buy all of theirs.

But what excited me was that men were meeting with a common commitment.

How great it will be when an issue such as the environment can unite all the idealistic and even militant youth, with the sincere men of action in the government.

It is appropriate, at this time, to mention that Congressman George Bush was chosen as one of the 22 members of Congress to visit college campuses throughout the country.

This select group then reported personally to President Nixon on the problems of campus unrest.

The Congressman and his colleagues saw that everyone breathes the same questionable air, sees the same polluted rivers, and watches as our open space vanishes.

George knows that there is no generation gap when you're facing a now-or-never situation.

Congressman Bush recognizes this, because he is one of the prime movers in our efforts to stop pollution.

And he does not believe in the saying: "Let Washington do it all."

Awareness of our basic natural resource problems is not new.

In 1907, Theodore Roosevelt said that conservation of our resources . . . and their proper use . . . constitute the fundamental problem underlying all other problems of our national life.

I want to make it very clear that we're out to win the fight for a better, cleaner America.

The cost will be one of the challenges.

For example: A four-year federal program—costing billions—for cleaning up our lakes and rivers.

. . . And a multi-million dollar program for urban parks and larger national parks and creation areas.

It costs money to do these things. But it will cost a lot more if we don't.

This Administration has agreed to accept the challenge, in costs and sacrifices, to reclaim a living environment.

The conservation crusade will not move forward under a barrage of words, but with all the equipment we can muster among people who are tired of ugliness.

If you were to visit the mail room serving my office in Washington you'll see the story unfolding.

In January of this year alone . . . in that one month . . . the volume of incoming mail was larger than for all of 1968.

People want to be heard . . . they will be heard.

Regardless of your basic business interests, the best advice I can give you is to listen to these voices.

You will find it will help your business and your fellow man.

And, best of all, it will make *you* a better American.

JOAN HAYES' INVOLVEMENT RESULTS IN REPEAL OF HAWAII ABORTION LAW

HON. SPARK M. MATSUNAGA

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 1970

Mr. MATSUNAGA. Mr. Speaker, over 100 years ago, one of the most perceptive observers of the American scene, De Tocqueville, said:

> If I were asked . . . to what the singular prosperity and growing strength of the United States ought mainly to be attributed, I should have to reply, "To the superiority of its women."

This great tribute could very well be paid today to a remarkable woman in Hawaii, Mrs. Joan Hayes, chairman of the legislative committee of the Honolulu branch, American Association of University Women, who led the way this year to legislative repeal of Hawaii's archaic 1869 abortion law.

Doug Boswell, staff writer for the Honolulu Advertiser, dubbed Mrs. Hayes a "political miracle worker" in an excellent feature article which appeared in the March 2, 1970, issue of the paper. He credited her leadership in inspiring a concerted grassroots community movement as the key factor in bringing about the political climate which made possible the passage of the abortion reform bill in the current session of the Hawaii State Legislature.

I am amazed at what Mrs. Hayes accomplished in her crusade to have the issues involved in abortion law repeal better understood by the citizens of the Island State. She was able to enlist the community support which was needed to obtain enactment of this enlightened measure to strip from abortion its sordid clandestine character and make it a personal medical matter to be resolved between patient and physician.

In his article, Mr. Boswell comments that Hawaii legislators regard the recently enacted abortion repeal measure as a remarkable political development which could have occurred only with demonstrable public support. And, further:

> They view Mrs. Hayes' efforts as a classic example of what many legislators have been preaching for years when they urge private groups and organizations to "become involved."

This shows what can be achieved by individuals, both men and women, who commit themselves to work in the public interest by effecting needed changes in our society and its laws.

The article about Mrs. Hayes from the Honolulu Advertiser will, I am certain, be of considerable interest to every Member of the House. I therefore take pleasure in submitting it for inclusion at this point in the CONGRESSIONAL RECORD:

JOAN HAYES LED WAY TO ABORTION LAW REPEAL

(By Doug Boswell)

Key legislators have indicated they regard the passage of an abortion repeal law in Hawaii as an act approaching an authentic political miracle.

Miracle or not, many legislators attribute the success of the abortion bill to a woman who, little more than a year ago, was relatively unacquainted with the power structures of the State.

She is Joan Hayes, chairman of the legislative committee of the American Association of University Women, Honolulu Branch.

Most legislators who have followed the progress of the abortion bill for the past year credit Mrs. Hayes with a superb performance in creating a political climate in which the legislature could act.

Democratic Senators Nadao Yoshinaga and Vincent H. Yano and Republican Senator Percy Mirikitani have acknowledged that outright repeal of the abortion law would have been impossible a year ago.

Many legislators also believe that repeal of the law would be virtually impossible in 1971, or perhaps for many years in the future.

They reason that opponents of repeal were caught off-guard this year by the rapidly mushrooming support from more than two dozen different community organizations, and that given another year to marshal their forces the anti-repeal bloc could mount a formidable opposition.

Looking back over a year of intensive effort, Mrs. Hayes acknowledged a crucial decision made nearly 10 months ago.

"I was a lobbyist in Washington, D.C., for nearly six years, but in this move toward repeal of abortion laws I came to the conclusion that it was not lobbying that was needed, but community support," she said.

The hint, she said, came from Sen. Mirikitani, Manoa Valley Republican who at one time was president of the Association for Retarded Children.

"He warned us that we needed grass roots support, that his own mail was running five to one against any change," Mrs. Hayes said.

"He was right. Grass roots support was essential. We were unrealistic to expect that in an emotional issue like abortion reform any legislator would want to be out leading a parade unless he was pretty certain the parade was, in fact, there to be led."

Mrs. Hayes went to work on the problem during the 1969 legislative session.

She called on church groups, legislators and labor unions and made speaking engagements.

Her first audience, she said, was We, the Women of Hawaii, an organization which she said "might have been expected to be against any change.

"But they listened attentively and then voted to send letters to every Senator urging support of the House bill."

(The House bill at that time called for enactment of a model law liberalizing but not repealing the abortion laws.)

She said her initial approaches to the AFL-CIO unions and the ILWU produced a sympathetic but lukewarm response.

"One told us they preferred to emphasize legislative issues that seemed feasible.

"The other said there were many more other equally pressing areas of study. A reading list would be welcomed, but not much could be expected."

Mrs. Hayes said that after the close of the 1969 session, she asked Sen. Yano what could be done to help during the interim before the 1970 session.

Advised to conduct a survey among Island doctors, Mrs. Hayes worked out a questionnaire. A subsequent survey was conducted by the School of Public Health at the University of Hawaii.

Before turning the survey over to the University, Mrs. Hayes had covered 69 physicians in her own survey and learned that more doctors favored total repeal than a reform bill.

"The one shocker was that the only doctor in my list of 69 who wanted to keep the law intact was one of those whose names had been given as willing to perform an illegal abortion," Mrs. Hayes said.

In planning her drive to produce community acceptance of abortion law repeal, Mrs. Hayes set out to generate a seminar on the subject. She worked nearly three months to bring together as many elements of the community as possible.

In September, when the seminar was held, more than 200 persons representing a wide variety of local organizations appeared to take part. Most of those organizations later fell into line to support repeal.

It was at the seminar that Sen. Yano, a Catholic who had been skeptical of the abortion reform bill, announced his decision to go for total repeal.

The movement advanced and gained momentum a short time later when Gov. John A. Burns let it be known that he favored repeal of the present abortion law.

In a new approach to the labor unions, Mrs. Hayes pitched her appeal for support to economics.

"The logical point to emphasize for them was that this was a 'rich woman's law' now and that the model law was no improvement in that regard.

"For business leaders, I felt that the most telling point might be the unnecessary complications that accompany one illegal abortion in three, and the prolonged sick leave and lost time this could entail," she said.

To lend drama to her seminar, Mrs. Hayes located two young women who could tell of a first-hand abortion experience, one at the hands of a quack and the other of a do-it-yourself abortion.

"People still remember the story of Diane, the 18-year-old girl who nearly lost her life at the hands of a local illegal abortionist," she said.

"The first direct result of the seminar was a resolution in favor for repeal at the AFL-CIO annual meeting about 10 days afterward.

"Next was the decision of the Council of Churches and the Episcopal Church to consider, and take positions in favor of, abortion law repeal."

Meanwhile the survey of doctors by the School of Public Health was completed, showing that 94 per cent of the doctors replying favored a change in the law. A few more favored the model law over outright repeal.

"Obstetricians, however, voted unanimously in favor of total repeal," Mr. Hayes said.

She said the poll also revealed, for the first time some hard facts:

"Over 1,500 Island women had sought abortions from 425 different physicians who responded to the survey, all during the past year."

She said the doctors reported that nearly 700 of these women were referred to Japan.

"It was the first tangible clue to the size of the problem here," Mrs. Hayes said.

When she started out a year ago, Mrs. Hayes said, she regarded abortion repeal as a "hopeless cause" and that her efforts were pointed toward only a "political possibility."

"I can't claim to have been a long-time crusader for abortion law changes," she said.

"Until 10 months ago I really hadn't given it much thought.

"But perhaps because my conversion from apathy to crusading was so recent and so rapid, I may have been in a better position than most to understand what it would take to arouse others."

Legislators regard the repeal bill as a remarkable political development which could have occurred only with demonstrable public support, especially in an election year.

They view Mrs. Hayes' efforts as a classic example of what many legislators have been preaching for years when they urge private groups and organizations to "become involved."

THE KARAMANLIS STATEMENT ON GREECE

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 1970

Mr. FRASER. Mr. Speaker, the former Prime Minister of Greece, Constantine Karamanlis, issued a statement on September 30, 1969, on Greece and its Government. The Karamanlis statement has received support from a broad spectrum of political personalities and parties, and deserves careful consideration by all of us who are concerned with the situation in Greece. I am submitting an English translation of Karamanlis' statement, and an interview in Athens on October 5, 1969, with Prof. George Anastaplo of the University of Chicago. This interview was not in Greek newspapers. I urge my colleagues to read these comments:

INTERVIEW IN ATHENS: ON THE KARAMANLIS STATEMENT[*]

(By George Anastaplo)

Ecclesiastes 3: 1, 7-8: To every thing there is a season, and a time to every purpose under the heaven: . . . A time to rend, and a time to sew; a time to keep silence, and a time to speak; a time to love, and a time to hate; a time of war, and a time of peace.

Robert McDonald. Constantine Karamanlis, ex-prime minister of Greece, issued in Paris on September 30 a statement calling for the present Greek regime to withdraw from power. Dr. Anastaplo, you have published several articles, ever since the present government took over in April 1967, supporting the proposition that Mr. Karamanlis should be returned to power in Greece. I gather that you have met Mr. Karamanlis, that you have corresponded with him at various times and that you have some appreciation of the man. Why have you written as you have about him?

George Anastaplo. What I have written about Mr. Karamanlis has reflected my recognition of the attitude of many people here in Greece toward him as the only genuine Pan-Hellenic leader of Greece at this time. That is to say, he is the one man who, for a variety of reasons (some of them accidental), has remained in the position to speak for the country at large. He is the one man who, I believe, could lead the country through a peaceful period of transition back to constitutional government. In other words, my call has not been for something that's unusual or unappreciated by others but has been rather for a recognition of what is generally appreciated by many people in this country. It has been an effort on my part to express the sentiment of many, many silenced people here and abroad about how things stand in Greece today.

Mr. Karamanlis seems to be a man who can not only lead many people here but who can also be reassuring to those foreign governments who have or believe they have considerable interest in the way Greek affairs are conducted. Since Mr. Karamanlis served for eight years as prime minister of this country, the most successful administration of any Greek prime minister in the last thirty years (and some would even say, perhaps in the twentieth century), he is a man others besides Greeks can have confidence in. This means that foreign support should be available for the transition from the present government back to constitutional government, support which is necessary if this transition is to be effected peacefully. These are among the reasons why I have been speaking as I have about Mr. Karamanlis's unique place in Greek political life.

His standing in Greece is unique partly because he happened to be out of the country during the political crisis which created the conditions which permitted the present military regime to seize power. He has not been tainted by the repudiation of politicians which took place because of the 1965-1967 political crisis. It's a happy accident, in a way, that he was not here, that he was able to seem to be above the bitter strife which disfigured Greek political life during that period and which led to the repudiation of politics and politicians in the minds of many Greeks, a popular repudiation which the present government not only exploited in coming to power but continues to encourage.

McDonald. Dr. Anastaplo, why do you think Mr. Karamanlis should return to Greece?

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[*] This article is based on the transcript of an unrehearsed interview recorded in Athens, Greece on October 5, 1969. Editorial changes (including the elaboration or addition of some sentences and the elimination of repetitions) have been made by George Anastaplo to adapt the transcript of this interview for an audience other than the radio audience (outside of Greece) for which it was originally intended.

Robert McDonald is a Canadian press representative and free lance writer who has been living in Athens several years. His publications on contemporary Greek affairs include his eyewitness account of the seizure of power by the present government, "Greece: April 21, 1967," *Massachusetts Review*, vol. 9, p. 59 (Winter 1968).

George Anastaplo, who was born in St. Louis and who now lives in Chicago, is currently Lecturer in the Liberal Arts, The University of Chicago, Professor of Philosophy and of Political Science (and chairman of the Political Science Department), Rosary College and Professor of Politics and Literature, The University of Dallas. He has been awarded the A.B., J.D. and Ph.D. degrees by the University of Chicago. His articles on Greek affairs have been reprinted in Volume 116 of the *Congressional Record* at pages 6023 (March 11, 1969), 8460 (April 2, 1969), 8461 (April 2, 1969), 16878 (June 23, 1969), 19732 (July 15, 1969), 21018 (July 28, 1969), and 40495 (December 20, 1969).

The September 30, 1969 statement by Constantine Karamanlis discussed in this interview is appended to this article in its entirety.

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Anastaplo. Perhaps one could say he should return to Greece because he *can* return to power in Greece.

The principal means by which the removal of this present government can safely take place is with the aid—with the substantial aid, the deliberate and determined aid—of Greece's American ally. Only if the United States is willing to use its immense influence in Greece, to help the Greek people regain control of their destiny, is the present Greek government likely to be removed from power without recourse to civil war, without recourse to a long period of resistance, without recourse to all the uncertainties that such activities can mean.

Under what circumstances would the United States shift from its tacit support of the present Greek government and begin to help the Greek people rid themselves of their tyrants? The United States would help if it should be compelled to recognize that the present situation here might so deteriorate that the consequences would become disastrous or at least dangerously unpredictable. Even so, the United States would disavow the Greek government and help the Greek people only if the likely alternative to the present government is something the United States knows or can rely upon. This likely alternative today is clearly a government under the presidency of Mr. Karamanlis. The United States knows Mr. Karamanlis from long experience. The United States helped train him, in the sense that he was one of the men who got their political start at the time when the American economic and military missions were the most influential in the rehabilitation of this country after the Second World War. He's a man with whom, because of his long time in power, the United States is quite familiar. And he's a man who, as the United States has finally begun to appreciate, can count on support from people of the center and of the left in Greece as well as, of course, from people of the right (the people from which he himself originally came). In other words, I think Mr. Karamanlis is someone who is eminently available, eminently useful, and consequently someone the United States can safely rely upon, if it should become interested in preventing the general situation here and its own standing with the Greek people from deteriorating even further than they have already.

McDonald. Following Mr. Karamanlis's statement, there have been a number of statements made here in Greece approving his initiative. What do you think has been the overall effect of his call for the government to withdraw from power?

Anastaplo. The responses there have been to the Karamanlis statement are themselves significant indications that he is precisely the man who is needed if there is to be a successful effort to liberate Greece from the control of its present government. The overall effect of the statement has been that of a general raising of morale here in Greece among those in opposition to the government.

This general raising of morale need not be at the expense of the morale of sincere supporters of the present government.—That is to say, sincere supporters of the present government—those members of the Greek public who are conscientious in believing that the present government is doing something good for Greece or that it has saved Greece from something bad—cannot help but feel that Mr. Karamanlis would not undo the good the present government might have done or might be thought to have done. Consequently, these supporters of the present government would not be unhappy if he should be returned to power.

The Greeks who are in opposition to the present government are certainly heartened by Mr. Karamanlis's intervention. The remarkable hold which he has upon the country is, as I have noted, partly accidental—but accidents play a very important part in political matters and should be taken advantage of by prudent men. This hold is reflected in the fact that there has been here in the week since his statement was issued in Paris a wide endorsement of it by various political personalities and by representatives of all the leading parties in Greece.

The responses we have heard to his statement and the mood which now prevails here in Athens because of his statement are, as I have said, in themselves arguments for "the Karamanlis solution." The problem is, of course, what can be done to keep going the momentum of peaceful opposition which has now been built up but which cannot be counted on to be built up again if it should now be allowed to run down. What can be done to permit the present government to leave or what can be done to force the present government to leave? I put it both ways because there are obviously some supporters of the present government—perhaps some people who are even members of it—who would like, now that Mr. Karamanlis has intervened, to give power over to him. There are others in the present government—and this I'm afraid includes its leading figures—who do not intend to *give* power over to anyone but would be least reluctant to surrender it to him. What can be done to push them into surrendering? This is where the United States, I think, can play a critical part. The Greek politicians can do certain things. The Greek civil service can do certain things. But ultimately (if there is to be a peaceful transition) it will come down to what the United States does, because what will happen in the immediate future will depend in part on what the Greek Army does. What the Army of Greece will do, in circumstances which find that army under quite strict control by a conspiracy of usurpers, will depend in large part on what conscientious Army officers think the United States wants and will permit to happen. And, so, the American role in Greece, which has had to be very important for a generation, may well be decisive in the next few months, decisive as to the kind of life the Greek people will have for the next generation.

McDonald. Since you seem to think that more is needed, can you explain why the Karamanlis solution has not had such an immediate impact as to bring down the present government?

Anastaplo. The immediate impact *has* been considerable. One can detect it in people's mood: one can detect it in the switch from the helplessness of the days immediately before the statement was issued to the hopefulness that one now encounters among people who have been in opposition to the regime. In fact, one finds this hopefulness even among people who had previously been rather apathetic about this regime, perhaps because they had reconciled themselves to it and felt they might as well make the best of it, so much so that they had not dared (for their peace of mind) to recognize their own antipathy toward it.

Mr. Karamanlis's statement certainly has not been able to bring down the government. Such a statement as his could bring down a government only in a situation where there were some remnants of parliamentary government or where there were certain other institutions upon which the government relied for its perpetuation. Since the present government is a dictatorship which rests almost entirely upon the use of force, the Karamanlis statement cannot be enough in itself to compel this government to fall. But it may be enough to get forces moving which could lead immediately to the organization of significant activities in and out of the Army and which could lead ultimately to the replacement of this government by one which has some respect for constitutional processes.

McDonald. What political effect has the Karamanlis statement already had and what political effect could it have?

Anastaplo. It has had several political effects. It has moved various political personalities, as the Greeks call them, to declare themselves (in one form or another) in favor of Mr. Karamanlis. People who have never been with him—even people who have been bitter critics of his throughout their careers—have been obliged to acknowledge publicly, one way or another, the essential role Mr. Karamanlis has to play in Greece today. Another political effect is that he has created a crisis just by issuing his statement. He has created a crisis in the sense that the government of Greece has had to recognize and to face us to his intervention. It has had to recognize it by permitting this past week, at the press conferences prompted by the Karamanlis statement, questions relating to Mr. Karamanlis's criticisms of this regime.

Mr. Karamanlis has had to be spoken to. He cannot be ignored the way others of the Greek political world have been ignored during the past two and a half years. He is someone this government cannot lightly dismiss, partly because (as its Prime minister admitted during his press conference) many of those who support the present government were once supporters of Mr. Karamanlis. I think it's only a very small minority of Greeks who do support this government. But of that minority almost all of them could have been expected, ten years ago, to have been in the Karamanlis camp. He must still have among them great prestige because of qualities which they cannot help but recognize, no matter what the government now says against him. The leading members of the present government know that their own sincere supporters, except those who are directly benefiting by jobs or lucrative contracts or graft, must now be subject to a serious diversion of their loyalty away from the present government back to the old dispensation.

McDonald. If Mr. Karamanlis is this much of the right, how would his return be regarded by people of the liberal and left-wing camps of this country?

Anastaplo. The Karamanlis that the people of the right, particularly those who support this government, are moved by is the Karamanlis of the old days, someone whom they trust, someone whom they believe to be sober, prudent and so forth. This sobriety and prudence are reflected, by the way, in his statement, since care is taken therein not to depreciate too much the present regime, not to let his criticisms become too polemical, but rather to respect in effect some of the sentiments that move misguided supporters of the present regime.

On the other hand, people who are not supporters of the present regime remember Mr. Karamanlis as a man who, whatever differences they may have had with him, presided over a government which did have some respect for constitutional processes and which did permit itself to be defeated in a more or less free election. (I say "more or less" because Greek elections have always had serious problems about fairness.) They can remember him as someone who knows what it means to conduct an election in such a way that it is possible to lose it. These people know that Mr. Karamanlis would permit a decent government to be restored, a government which would move Greece away from the anomalies and the dangerous uncertainties and the sheer incompetence, to say nothing of the occasional brutality and the widespread suppression, of the present regime. They can reasonably anticipate his return to power as a distinct improvement, with the prospect through him of a long-run rejuvenation of constitutional government in Greece.

McDonald. Who has spoken out in favor of the Karamanlis initiative and what do their statements mean?

Anastaplo. Among those in Greece who have spoken out have been the leader of the party of the right, Mr. Kanellopoulos; the

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spokesman of the party of the center, Mr. Mavros; a leading personality of the center party, Mr. Zigdis; the leader of that faction of the Center Union which broke away from it in 1965, Mr. Stefanopoulos. In varying degrees, they and others (here and abroad) have endorsed the Karamanlis intervention. They can be understood to have said, one way or another, that it is welcome, that it is something around which all of them should mobilize, and that it provides a focus for serious opposition to an oppressive regime.

In a curious way, the Karamanlis intervention is being treated as though it were the intervention of a foreign power. He does have a special character among the Greek people today, a special status in the eyes of people of all political persuasions. There is nothing he has said that hasn't been said by many other people in Greece and out. But the fact that he has said it, after a silence of almost two years since his last intervention, is itself a political fact of great importance. The fact that it has been responded to the way it has, not only by the political people but by the country at large—even people one meets in the streets who have begun to hear of the statement despite its official exclusion from the Greek press—the fact that there has been this response is itself an indication of why Mr. Karamanlis is the only man who can provide at this time the means for a peaceful displacement of the present government without too great an uncertainty for the future of Greece and for the role here in the Mediterranean of its allies.

The question remains, however, whether the United States will do anything substantial, directly or indirectly, to help the oppressed Greek people exploit the Karamanlis intervention while there is time to do so effectively. I am afraid it will not.

ATHENS, GREECE, *October 5, 1969*.

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STATEMENT (ORIGINALLY IN GREEK) BY THE FORMER PRIME MINISTER OF GREECE, CONSTANTINE KARAMANLIS

It is now one year since the famous plebiscite and, instead of making progress, the cause of democracy in Greece has moved dangerously backwards. The government has become more tyrannical and now identifies itself with democracy in the most cynical possible manner. Arbitrary rule has now become entrenched and the despairing opposition of the people has reached new heights.

In this situation I feel obliged once again to break my silence and to call attention to the serious dangers which threaten the country by the continuation of the present abnormality.

As I said on a previous occasion, the military government of Athens made an additional mistake from the very beginning: their determination to create a situation of permanency. But, lacking the courage to make this purpose openly known, they attempted to conceal it by their clumsy claims to be the flag-bearers of democracy. And by this contradictory and unreasoned policy they have created a tyrannical and illegitimate regime in which both the government and the country are rotting away. For the Athens regime, lacking among other things any clear ideological orientation, conforms to no kind of political pattern or purpose—not even that of the classical form of dictatorship. And this gap is not filled, of course, either by the government's medievally theocratic notions of the organization of the state, nor by the slogan "Greece of Christian Greeks", especially when both concepts are expressed by methods which are anything but Christian.

As a result of this initial mistake, the government has made a whole series of further mistakes. Thus:

1. It has dismembered the armed forces of Greece by subjecting them to a process of Sovietisation and by the dismissal of hundreds of highranking battle-experienced officers who might have hindered their objectives.

2. It has continued in an even more acute form the demagogic policies of its predecessors, thereby undermining the economic future of the country, increasing without a care consumer expenditures at the expense of investment, widening the balance of payments gap (making good the deficiency by borrowing on the most onerous terms), and, finally, permitting an enormous increase in the country's foreign exchange debt, now estimated at 1,870 million dollars, of which 420 millions are in the form of short-term commercial credits. All this must give rise to the gravest anxiety for the future.

3. It has isolated the country politically and morally. Greece, nucleus of the European spirit, is now being pushed out of the family of free nations. And to appreciate the full significance of this isolation, we must bear in mind the critical geopolitical position of our country and the fact that Greece will find herself excluded from the European groupings which are now taking shape, to the detriment not only of the economy but of her national security.

Finally, by their tyrannical rule, their idle boasting and their hit or miss methods, they have created an explosive situation in Greece and deprived Greece of any international repute.

Worst of all, the government clings to its initial error and, instead of searching for a solution of the problem, seeks ways and means to ensure the indefinite continuation of the present regime. Until recently, it believed it could succeed by an electoral coup. Indeed, it went in search of collaborators for that purpose. Now it seeks the same objectives by terrorization of the Greek people and by hood-winking international public opinion.

And the government clings to its errors because it does not realize that if the reactions against it—both domestic and international—have so far been of a moderate nature, it is because of the expectations that were created by the repeated assurances it gave about the restoration of democracy. But the deception is now plain for all to see, and the government, under the pressure of the gathering storm, will be forced to make a choice.

It would be far preferable if the choice were made in good time and in accordance with the interests of the nation. For if the delay is too long, there will no longer be a choice available. History teaches us that illegitimate regimes do not prosper: they become weaker and sicker as time goes on and finally crash to destruction, dragging with them the country which has been subjected to them.

In any event, the whole future of the Greek nation will be profoundly influenced by the decisions to be taken in the next few months. It is vital that these decisions should be the right ones. Otherwise, Greece will suffer evil days without end.

Some two years ago, at another critical moment for the nation, I made public my views about the political problem of Greece. I condemned the past, expressed my anxiety about the present, and sketched out a course for the future. At that time, I said, among other things:

The present troubled situation gives rise to the need, and at the same time presents the opportunity, to re-shape democracy in Greece. The present government must therefore give way to an experienced and strong government which will permit the functioning of democracy in Greece and allow the country to go forward in safety.

I would counsel the government, now that it has more experience, to study my proposals before the impasse becomes impenetrable both for itself and the country. I believe that those proposals not only facilitate the safe restoration of democracy but the foundation of a new and healthy political life which will combine freedom with order and progress with social justice.

It is time that the military men who are in power realize that the geopolitical position of Greece and the character of our people do not lend themselves to dictatorship of any kind; and it is time that the political forces of Greece realized that a return to the habits and political formations of the past would not be a restoration to normality, but only another kind of abnormality.

Under conditions as they exist in Greece today, the restoration of democracy can be achieved by two methods: either by the voluntary retirement of the present government, or by its overthrow.

The first solution is not only without danger, but positively constructive. The second, which might even be brought about by uncontrolled forces, may subject the nation to new trials and tribulations.

The government bears the responsibility for deciding, along with those who, directly or indirectly, support it.

If, therefore, those who govern at present, captivated by power, fail to appreciate their duty, it will have to be pointed out to them by those officers who joined them in good faith. But, beyond them, the whole of the country's armed forces must undertake the task. It is they who, having their origins among the mass of the people, bear the grave responsibility, on behalf of the nation, of protecting its freedom, security and independence.

I must take this opportunity also of assuring those who are anxious about the future that I would not have broken silence if I did not believe that the country can be restored without danger to conditions of normalcy, and if I were not prepared to make my personal contribution, if need be, towards that end.

PARIS, FRANCE, *September 30, 1969*.

INDIAN AFFAIRS

HON. JOHN J. RHODES

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 1970

Mr. RHODES. Mr. Speaker, I read the remarks of Commissioner Bruce before the recent Conference on Modern American Indians with considerable interest. As my colleagues may be aware, Commissioner Bruce is restructuring the Bureau of Indian Affairs with a view toward delegating more responsibility to the Indians it is designed to assist.

Commissioner Bruce has taken a realistic look at the problems confronting Indian Americans and has concluded that their lasting solution depends upon the development of a sound economic base within every tribal community and family. Our goal should be one of eliminating the causes of Indian poverty and we should not be deterred in our efforts by those people who have discovered that it is both fashionable and profitable to use Indian misery as the rocket ride to personal publicity.

I include the remarks of Commissioner Bruce in the RECORD for the benefit of my colleagues:

Remarks by Commissioner of Indian Affairs Louis R. Bruce Before the Conference on Modern American Indians, Claremont Men's College, Claremont, Calif., February 27, 1970

My friends and fellow students: You were kind to offer me this platform today and invite me to present my views on issues and priorities affecting the lives and futures of Indian Americans. Other commitments prevented me from attending the opening of this conference, but I have followed the proceedings by moccasin telegraph. It is apparent from all accounts that the conferees are doing what they set out to do—that is, baring the modern-day realities of Indian life, good and bad. And who is more suited to undertake such a study than this assemblage of thoroughly modern American Indians?

Despite the fact that I have passed somewhat beyond the critical age of 30, I hope you will accept me, too, as a *modern* American Indian. I accept *these* times—not past history—as being the reality for all living Indians; and I, like you, know that what *we* do and say in our conduct of Indian affairs will establish the realities of the future.

You may think it whimsical of me to call myself one of your "fellow students." The dictionary offers more than one definition of the word. It says a student is "one who pursues learning in school." (That fits you.) But a student is also described as "one who is an attentive and systematic observer." (That fits me as well as you.)

I have been attentively and systematically observing the activities of Indian youth during the months since I became Commissioner of Indian Affairs. My new office has given me the opportunity to travel and visit in many parts of Indian America, and to become acquainted with the "now" generation of young Indian men and women.

One thing I have come to believe firmly: These young people should *not* be relegated to obscure functions, just because they are young. It isn't the number of gray hairs that counts, it's the gray matter *under* the hair we should value. Brainpower doesn't necessarily improve with age—and youthful minds need practice in the art of ideamaking.

We are making room for youthful Indian men and women in the Bureau of Indian Affairs. Young Indian lawyers, teachers, sociologists, trained business managers and others with more generalized backgrounds are being fitted into positions where their ideas and ideals can contribute to new policy. They are engaging in activities that will give them experience in administration and opportunity for leadership within Government and *beyond* Government.

I find their company and their style stimulating. I also find myself in agreement with nearly all the "new thought" views. For this reason, I was particularly eager to take part in this conference. It offers me a chance to become acquainted with the segment of Indian youth who are *not* part of the bureaucracy and who have been vocal anti-establishmentarians.

We might have some differences of opinion here, but diversity of views is *good* when it results in the creation of fresh perspectives. And we all can agree that a lot of *stale* stuff has cluttered Indian affairs for a long, long time.

For example, there's the threadbare slogan: "The only good BIA Indian is a dead one." Such irresponsible statements as this stir passions and obscure facts. They are the tools of the "professional Indians" and their fellow travelers—people who have discovered that it is both fashionable and profitable to use Indian misery as the rocket ride of personal publicity.

Despite their hammering at the BIA, the fact remains that the BIA is the most enduring supporter Indians have. It is the means by which the special obligations of the Government toward Indian tribes are administered. This is not to deny that there is plenty of room for new perspectives in the administration. I hope this conference will produce some constructive recommendations for modernization of programs.

The BIA suffers from anemia—it doesn't have enough young blood despite sizeable budgets in recent years, Government policies and programs have been less than prolific in their social and economic successes—partly because they are outmoded in concept and partly because they originate from mores that do not relate fully to the Indian way. The various kinds of human salvage operations function at best as stop-gap measures which temporarily meet the Indian's physical needs. But they fail to anticipate future economic requirements and they fail to provide cultural and emotional substance for the distinctness of Indians.

The fault is not altogether with the white man—at least not with the modern white man. With missionary zeal, he has tried to lead Indians toward the "Great Society." But we Indians haven't really tried to explain that some of these methods and goals are just not our thing. There's a short-circuit in the communication system between Indians and non-Indians, and it is time for you and me to try to fix it. It is time for us to start thinking and talking about what *we* believe to be the course which the BIA and Federal policies should follow for the future.

We Indians are a miniscule minority, but we have power far in excess of that which our numbers would seem to warrant. Our strength is in *being Indian*. Not just another minority, riding the monentary bandwagon of minorities, paraphrasing the slogans and aping the techniques of other groups. *We are Indian*. *We* know what it means, but it is time for us to articulate it for the rest of America.

The exercise of articulating it for others would also help us scrt out our own thoughts. We owe it to ourselves to strip away all the emotion from "issues" in Indian affairs, and enunciate a set of priorities to which we can turn our closest attention.

The plain, unadorned fact, the front-line priority problem, is that most Indians don't have enough income to live in decency and self-respect.

In many ways Indians were worse off in the affluent 1960's than they had been in the depressed 1930's. In the 1960's many Indian communities looked like relics of the great depression, even though a lot of people kept telling Indians they were a part of the so-called "Great Society."

With few conspicuous exceptions, Indians are close to the bottom of the Nation's economic totem pole. Even where ample resources exist, those resources have not been developed to their fullest and are therefore not producing the jobs or the income Indian tribal members need for financial security.

Indian unemployment is ten times and more the national average, which at present is under four percent. Children are suffering—perhaps irreparable damage to their mental and physical powers—because of malnutrition, cold, and inadequate health care. Shacks and shanties are the shelter for entirely too many Indian reservation families—the same kind of miserable housing that existed thirty years ago.

The single most insistent issue in Indian affairs today is: How can we *eliminate the causes of Indian poverty?*

Incredible though it may seem, the BIA has never in the past defined its priority goal as that of seeking to eliminate the causes of Indian poverty. The mission statements of such basic and all-important programs as education and resources management fall short of stating that the ultimate responsibility is to create a job-producing economy and employable people.

The BIA is currently undergoing a realignment that will result in giving priority attention to priority needs. It seems that BIA had been organized into teams playing under various program banners. I want you to know that *I* don't regard Indian affairs as a game, nor the BIA as a political football. It must be reshaped into a *viable* structure. I choose this word, viable, because it means capable of living. Instead of continuing to draw its life from the Indian people, the BIA must become capable of breathing new life into Indian communities—making them viable.

Indians will never arrive at a happy level of association with the rest of American society until the last barrier to economic opportunity has been dropped.

There isn't going to be any real solution to Indian problems—social or otherwise—until there is a sound economic base under each and every family.

The perfectly obvious cause of Indian poverty today is unemployment. Indians in rural reservation communities are jobless because industrial and commercial development of such areas has lagged far behind the Nation as a whole. There has been pitifully little priming of the pump—capital for development—on the reservation, from either Federal or private sources. However, in the past year, I am pleased to report, the rate of industrial growth in Indian areas has mushroomed. A new industry is opening up on the average of once every ten days— and many of them among the big five hundred in assets and growth rates.

Lack of preparedness for the skills and professions of today's job market is another obvious cause of excessively high Indian unemployment. This is the fault of chronic deficiencies in elementary and secondary schools serving Indians—whether they be BIA schools, public schools or most mission schools. According to some of our best Indian teachers and administrators the quality and modernity of education programs actually *declined* below pre-World War II levels; Indian culture-oriented curriculums and English taught as a second language were commonplace in many BIA schools a quarter-century ago, and they are just now, this year and last, again being provided for in the Federal budget for Indian schools.

Whether the Indian man or woman worker chooses to remain in the home community or to move to an urban and industrialized area, the need for skills in order to get a job remains the same. The capability of the BIA to fund and operate an employment assistance program is limited by an annual authorization of no more than $25 million. But there are other sources of training funds that I do not believe have been tapped to their fullest by Indians. The National Council on Indian Opportunity, under the Chairmanship of Vice President Agnew, is the coordinating body for Federal efforts, and much attention has been given this past year to the crisis problems of the thousands upon thousands of Indians now drifting into cities in search of new jobs and new lives.

I have outlined a four-point set of goals that seem to me to be the ones deserving priority effort from this moment forward. I hope we will work together toward their fulfillment.

Our goal is that each Indian community be given an opportunity to expand into an economically viable and socially progressive environment—a place that can pridefully be called home, a place that emanates the spirit of modern Indian America.

Our goal is that no Indian shall be relegated to the ranks of unemployables because of lack of opportunity for training in occupations that are relevant to these times and relevant to Indian hopes. This means that the land and all its resources will be put to full use as a base for the Indian economy—in the spirit of the old Indian ways, but in

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the forms that are meaningful for today and the future.

Our goal is that every Indian child shall have the *best* in education, suited to his needs and talents and interests, and that all the signs of the second-rate in teaching methods, curriculums, materials and facilities will be replaced.

And our goal of goals is to provide the base within Government and within the private sector for Indians to be full participants in the planning and execution of all policies and programs affecting their destinies.

In conclusion, may I offer a reminder: In six years this Nation will be celebrating its 200th Anniversary of Independence. In the ensuing two centuries since the Declaration of Independence, the spiritual and economic independence of *Indian* Americans has declined. Let us pledge that the year 1976 will signal the re-emergence of Indians to the forefront of American life.

THE LAW IS THE LAW

HON. JEFFERY COHELAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 1970

Mr. COHELAN. Mr. Speaker, the Nixon administration has not provided the moral leadership in implementing the promise of equality in America. The firing of the former head of HEW's Civil Rights Section, Leon Panetta, who attempted to implement court ordered desegregation, serves as a glaring symbol of this administration's lack of determination to end this unconscionable practice. It is fortunate that Mr. Panetta has not been silent on the issues involved in getting equal education for all our citizens. It is a sad commentary, however, that an ex-Nixon official is attempting to partially fill this moral leadership gap that should be filled by the President himself.

In the absence of any clearcut statement from the President, Mr. Panetta's statements on the problems facing the school system are a welcome and constructive addition to the discussion of these issues. For the readers of this RECORD I am including two of Mr. Panetta's statements on this topic:

HOW TO INTEGRATE: FORMER "RIGHTS" OFFICIAL OFFERS RECIPE TO IMPROVE EDUCATION FOR BLACKS

(By Robert P. Hey)

WASHINGTON.—Here is one recipe for school integration:

Desegregate faculty.

Provide classroom desegregation "where possible."

See that federal financial assistance really is used to improve local education, "not just to pay bills."

This is the three-prong approach Leon E. Panetta forcefully advocates for big-city school systems—the "real crunchy problems," he calls them.

He believes it would provide the maximum desegregation feasible, as well as be the best way to bring about much-needed improvement in education for slum children. He does not advocate massive bussing.

OTHERS ALSO RESIGN

Through February Mr. Panetta was chief desegregation enforcement official of the Department of Health, Education, and Welfare (HEW), resigning under conservative pressure. In his government position he was on the cutting edge of school desegregation efforts.

J. Stanley Pottinger, HEW's regional attorney in San Francisco, has been named to succeed Mr. Panetta.

Following hard on the heels of the Panetta resignation, Paul M. Rilling of Atlanta, head of HEW's southeast regional Office of Civil Rights, resigned with a blast at the administration. So, too, did C. Peter Gall, Panetta press aide in Washington. And some 125 members of HEW's Office of Civil Rights sent President Nixon a letter expressing "bitter disappointment" with his administration's civil-rights record to date.

SCHOOLING STRESSED

In an interview, Mr. Panetta expressed concern that current acrimony over school bussing, and the problems of achieving racial balance in Northern cities with heavily Negro systems have obscured the true issue of school desegregation—obtaining the best possible education.

He attempted to set the problem in perspective.

"The fight on education," he said, "has always been the spearhead of the civil-rights movement." He noted that the major civil-rights decision by the Supreme Court of the United States in 1954 concerned education; that schooling, too, was the subject of the first major civil-rights legislation of Congress in 1964. "So it really was education that broke the ground.

"The law became very clear on education—education alone. That's where the principal enforcement area was, because that's where the law was: education." The courts have firmly established that "deliberate discrimination has to be proceeded against because it is a violation of law."

The intense Mr. Panetta acknowledges that de facto segregation—which grew out of residential patterns, rather than segregation laws—represents "a gray area." There, he said, the issue is "moral" and "educational" more than it is legal.

LEGAL AREA CITED

But he points out that "the courts are beginning to turn to the legal area here, too." He cited Los Angeles, now under court order to end racial imbalance in its schools.

"I think, first of all, that even in discussing big urban systems in the North, you have to define the subject. Because at San Francisco, or Seattle, or even at Denver, where the black population is relatively small—less than 20 percent—dsegregation is viable, a practical approach." He praised San Francisco's plan of establishing educational parks. This had the effect simultaneously of achieving integration and improving education.

IMPROVEMENT URGED

Mr. Panetta believes the "real crunchy problems" of cities like Chicago, Washington, and New York City can be faced up to—and must be. Cities like these have student populations 50 percent or more black.

"It seems to me," he says, "that in these situations it's indeed true that you can't have the real salt-and-pepper (desegregation) mix that the rural community can have . . . and the concentration here should certainly be on improving, developing the schools that are there in the community.

"And taking what steps can be taken to do some desegregating." He mentions holding joint assemblies, or other meetings perhaps two or three times a week between black classes and white classes. He also believes faculty desegregation is achievable in all cities.

"Some pupil desegregation, plus faculty desegregation, can play an important role . . . You have teachers (black and white) talking to one another. You have kids seeing what's being done in other schools."

CURBS ASSAILED

Most importantly, "You're not locking kids in two separate systems. This experience becomes very restrictive. Their understanding of the other race becomes very restrictive. If education in our times is going to become very meaningful, It can't be restricted just to the three R's. It's got to encompass education that goes on not just between teacher and child, but also between child and child."

One of the things that distresses Mr. Panetta most is the charge that money won't solve urban schools' problems—with its frequent implication that no money is needed. "One-half to two-thirds of all federal money that now goes to schools is supposed to go to black schools . . . to improve their education.

"And the fact is that report after report now points out that the money isn't hitting the target . . . It's just being used to pay bills (rather than to improve the quality of education). It's supposed to lift the black schools to the level of the white schools.

CHANGES CALLED NEED

"The dream that you can lift up all black schools just by desegregating is just that—a dream." He stresses that massive changes must be made in the way black schools educate.

Specifically, Mr. Panetta recommends: smaller classes; more team teaching; "as many remedial, compensatory education programs as possible"; and using the newest techniques in education in slum schools. "Today you can find (those techniques) in white suburbia where the money is. . . . It's time that that kind of teaching became a reality in black schools."

In casual conversation the youthful Mr. Panetta—he is 31—is friendly, jovial, witty. But when he talks about education he is soberly earnest.

He says the current—and recurrent—storm over busing really centers on one point: "Taking a child to an inferior school. The real question we should center on is not the busing, but what's at the end of the bus ride . . . how good an education will the child have after the busing?"

GOAL REEMPHASIZED

In his view, "The real question here is one of increasing the educational opportunities for every child . . . The trouble is, we have all these emotional crosscurrents tending really to detract from what is the goal here.

"And the goal—even of desegregation—in this country has got to be better educational opportunity for all children involved.

"What's happening is we're becoming so tied up in all these little arguments here . . . arguments that appeal to anxieties and prejudices . . . and when somebody starts to cater to all these fears and anxieties, the tendency is to pull away from" the central question. He considers this possibility "the most dangerous element of this current debate."

DIFFICULT TASK

Focusing national attention where it should be—on quality education—and keeping it there, Mr. Panetta considers "the most difficult challenge of our time."

He sees "parent participation in the educational process"—often for the first time—as essential if this challenge is to be met.

That's contrary to our experience, he points out, in which "as long as the child brings home a good report card, the parent tends to be satisfied that 'it's all working out.'

"And that's not it at all . . . parents have got to start looking at their child, and seeing what kind of an education he should receive."

Should it be largely vocational, as in the past, designed to prepare him for some job or profession?

QUESTIONS OFFERED

Mr. Panetta holds "No. This is no longer just the simple task of training kids for (job) security. It's a question of making kids understand what society is all about . . . if all we're producing is kids that are trained for professions, and have the same anxieties as we have, then eductaion is not really doing its job."

He recommends that parents become involved by finding out such information about their schools as:

What is the pupil-teacher ratio?

Are they using new techniques?

If there are black children in the school—how are they being treated?

What about school discipline?

To achieve the needed national goal of good education for all children, he thinks "what we really need is an era of greater community participation in education. . . .

"We're at this turning point. We can either retreat into the sanctuaries of white suburbia and black cities, or we can try" to figure out how to come to terms with each other.

"Sure there are problems. But you don't solve problems by yelling and screaming about them . . . you solve problems by sitting down and working together."

THE LAW IS THE LAW

(By Leon Panetta)

I believe that America must decide now whether equality under law is still its goal or whether it will again heed, as it did a century ago, the ugly cries of defiance.

The law of the land, after all the bloodshed, the marches, the demonstrations and the legal and legislative battles, is quite simple: discrimination in education will not and cannot be tolerated under the Constitution and must be effectively and affirmatively corrected now. This is not simply an educational whim or a social experiment, as some would have us believe. It is the mandate of the law.

This is the law that as chief of the Office for Civil Rights at HEW I was responsible for enforcing, and it was the strong enforcement of that law that led to my departure as director of that office. With a dedicated staff of only 300 people spread North and South, our task under the Civil Rights Act of 1964 was to insure that federal funds were not going to school districts discriminating on the basis of race, color or national origin.

In 1954, 17 Southern and border states had such discrimination sanctioned by state law. Some three million black children were attending all-black schools. Ten years later, despite the Supreme Court, despite the repeal of many state laws and despite the Civil Rights Act, the situation remained relatively unchanged. But in 1965, the first staff members of the Office for Civil Rights began going from district to district—investigating instances of discrimination, negotiating desegregation plans, risking their lives in day-to-day confrontations. Their only support was the knowledge that their government and the courts were committed to the goal of equality.

The vast majority of the districts we have negotiated with since 1965—some 1,350—presented our office at HEW with voluntary plans for desegregation and proceeded to implement those plans. This process was not simple or free from challenge. But because of the cooperation, the will and the courage of thousands of local school officials, the challenges were successfully met.

The tragedy today is that the Administration is backing away from supporting exactly those who have worked so hard to achieve compliance with the law. By listening to the cries of the last recalcitrant districts, the Administration has undermined those superintendents and school board members who laid their personal prestige on the line when the going was the toughest. It has also encouraged the false hopes of the diehards that somehow compliance with the Civil Rights Act will not be required.

Southern congressmen and senators, White House aides, Southern Republican chairmen have pleaded for softer rules in key political districts. At HEW, campaign statements and White House promises were continually thrown in our faces as we attempted to negotiate desegregation plans. Each time an ambiguous, politically motivated statement came from a source with White House blessing, we had to try to correct the misunderstandings and confusion it created among state and local school officials who thought they knew what was required and were seeking to comply with the law.

In September of 1969, at the beginning of the school year, more than 300 voluntary plans negotiated by my office went into operation—the greatest amount of desegregation ever put into effect at one time. Today over 90% of the 4,466 school districts in the 17 Southern and border states are in compliance with the law or under a court or HEW commitment to comply with it. From less than one percent desegregation in 1954 and slightly more than one percent in 1964, more than one million of the three million black children in the South—between 35% and 40%—are now studying in desegregated schools. In addition, close to 100 Northern systems have been reviewed or investigated recently by HEW or the Justice Department with action brought on many of these to eliminate discrimination.

The present attack on the effort to end discrimination in education has focused chiefly on issues with high emotional content—busing, neighborhood schools, quality of education and desegregation—for which there are no easy answers. Many of the remaining 10% of school districts in the South, moreover, present some of the most difficult problems, either because they have heavy black majorities or because they are large urban systems. But it is important to recognize that the arguments are peripheral in that they have to do with details of how the law of the land is to be applied and not with what the law itself means. And it should also be clearly understood that every one of the objections now being raised has already been raised and faced, successfully, in communities all over the South, including some large cities.

Americans by nature appreciate straight talk, but they have not been getting it with regard to civil rights. The fact is that the 1964 Civil Rights Act is the law, that a tremendous amount of progress has already been made without disruption or violence, and that federal, state and local officials have shown that they can work together to give both black and white children a better and more equal educational opportunity.

There can be no strong or just enforcement without a national commitment to equal rights, and the time is long overdue for President Nixon to address himself squarely to this issue. His immediate predecessors each pledged their administrations to the vigorous enforcement of equal rights laws. Surely, he can do no less—and yet his promise to "bring us together" has long faded as a result of ambiguity and indirection, particularly as a result of Vice President Agnew's rhetoric that seeks to divide rather than unite, that seeks to wound rather than heal. And the total responsibility in this area cannot be placed on the already overburdened courts—they have for too long fought this battle alone. They have shown us what the Constitution requires. It is now the responsibility of both the executive and judicial branches of government to enforce that law.

OREGON VETERANS OF FOREIGN WARS

HON. WENDELL WYATT

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 1970

Mr. WYATT. Mr. Speaker, the Oregon Veterans of Foreign Wars sponsors a "Voice of Democracy" contest along with VFW chapters throughout the Nation. One of the district winners was Ranee Martin of Dallas, Oreg. I am including her essay in the RECORD:

FREEDOM'S CHALLENGE

(By Ranee Martin)

The streets of our country are in turmoil, Chicago, our colleges are full of angry students, looting, burning, rioting, Berkeley, crime is at its peak, Washington D.C., our embassies are being stoned, England, France, Israel. Our country's people are all too often in fear for their lives, New York City, and we've been involved in winless battles spilling American blood on foreign soil, Korea, Vietnam. Our young men are dying for ideals that don't seem to mean much to Americans anymore. Yes, this is America, and mister, we're in trouble.

But the trouble doesn't lie in the battle fields of Vietnam, or in the masses of Red China. Our real trouble lies in our cities, in our rural areas, in our town, in our schools, and in your homes. The disease which is slowly eating away at the heart of America is everywhere.

The constitution of our country is still the same, people say we still stand for the same things. No, the basic idealism structure of our country hasn't changed, we have, you and me.

This is the age of the American cynic, the modern spirit of tolerance of all things with no idea of what is being tolerated, the year of the unbeliever, the day of doubt and an appalling vagueness of what we stand for. We've torn down all our idols, forgotten our heroes, and rejected all of our old ways. We've nothing left to respect.

Our people are actually offended when asked to stand for the flag salute, they stare at their shoelaces when our national anthem is playing, they're ashamed to be caught with their eyes closed in prayer, they wouldn't dare be caught at a political rally or a demonstration, by not wanting to get involved, they stand by while a fellow citizen is being mugged, they've decided the only way into public office is to buy it, and their heroes are the fast guys that get away with things.

Patriotism is a lost ideal. To tear away the fancy frills of the word, patriotism is just a simple pride. It's like having a better car, bigger house, prettier girl, a pride in your country and for what it stands, but we've even lost that.

The majority of our people have lost their pride, they've lost their standards, they've forgotten their morals, and they've forgotten how to live.

Our country is crumbling, and in the cracks of our walls our enemies are putting their steel wedges. Steel wedges that build for them, what we've destroyed. Yes, our country is crumbling, and our enemies do know it, in fact the new idea is—don't attack America, let it wear itself down gradually, and did you know? It's working!

Rome rose and fell. America has risen, let's don't let it fall. We, as people can do something, we can become involved with our country, it's people, and their problems. You, as a person of the United States of America can first become involved in your

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community affairs, take part in elections, stand up for your rights, know what goes on at the school board meetings, and most of all, try to help solve community problems. You can do your part in uniting a nation, by bringing together your own community.

You can install in your children a pride—a simple pride—called patriotism. Be proud of our flag and for what it means. Wave it proudly on your home on holidays, or just display it to show that you are proud to be an American.

The key words to building back the walls of our nation are: faith, involvement, and patriotism.

We must have faith in our country, we must become involved with it, and we must stand behind it wholeheartedly.

We can use a lot of singing, flag waving, and a lot of Yankee ingenuity to set our country straight. We've got a nation full of people—with a nation full of hearts, minds, and hands. Let's use them, to help rebuild our nation's walls, for that truly is Freedom's Challenge.

MIXED EMOTIONS

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 1970

Mr. ASHBROOK. Mr. Speaker, this year will mark the 25th anniversary of the founding of the United Nations, and the celebration will be greeted with mixed emotions if various press accounts are any criterion. The U.N. announced in January that official commemorative medals to mark its silver jubilee would be produced in three sizes in silver and bronze for worldwide sale to the general public and to collectors. Another news item in January reported on plans for a U.N. youth parley of possibly 1,000 young people of all ideologies in the United States in July for the commemoration. Undoubtedly more news of this type will be forthcoming as July approaches.

Perhaps not as enthusiastic with the event will be approximately 700 families in New York City who might be uprooted from their homes if the proposal to build a development for U.N. diplomats becomes a reality. Situated near the present U.N. complex, the new addition will cost approximately $300 million and cover an area of two square blocks.

Definitely not enthusiastic about the forthcoming event is the nationally syndicated columnist, speaker and author, James J. Kilpatrick, who, in a recent column in the Washington Star, commented on U.N. liabilities as far as the United States is concerned. He pointed out that we now pay one-third of the U.N.'s regular budget and about 70 percent of its spending overall. He suggested that perhaps now is the time to consider picking up our moneybags and going home.

Following is the above-mentioned column by James J. Kilpatrick entitled "Why Don't We Call It a (Pay) Day at U.N.?":

WHY DON'T WE CALL IT A (PAY) DAY AT U.N.?

(By James J. Kilpatrick)

It probably is futile even to raise the question, for the United Nations still twines our national reason in its morning glory sweetness, but isn't it time for the United States, in this field, to stop playing Uncle Sucker?

Tucked away in the President's budget for the coming fiscal year are his requests for tax funds to be paid out to the U.N. and its progeny. It will come as no surprise to anyone to learn that the items are up, up, up. And it may well be that short of withdrawing from the U.N. altogether, there is nothing the Congress can do about it.

Even so, permit a slow burn:

In the 1969 fiscal year, the United States put up $41 million in dues to the United Nations. For fiscal '71, the bill will be $50,379,000, a tidy increase of 23 percent in a span of two years.

In the World Health Organization, our contribution, as it is euphemistically described, will jump from $18 million to $21.7 million. In fiscal '69, we turned over to the U.N.'s Food and Agriculture Organization some $8.7 million. Next year, we get hit for $10.1 million. All told, the taxpayers in the coming fiscal year will fork over $109,116,000 as our "assessed share of the expenses" of the U.N. and its satellite agencies.

One hates to appear picayune or captious. But at a time when a hard-pressed President is reduced to terminating the jobs of four tea-tasters in the Food and Drug Administration, in an effort to save every possible dollar, some hard questions ought to be asked about our continued support of the Great East River Debating and Flim-Flam Society.

Henry J. Taylor, former ambassador to Switzerland, is a cogent student of these matters. In a recent column, he pointed to the absurdity that has resulted from the admission of mini-nations by the dozen. Within the U.N.'s General Assembly, a two-thirds' majority now can be mustered by "nations' with less than 10 percent of the world's population—and these nations pay less than 5 percent of the U.N.'s budget.

At the Assembly's last session, by Taylor's count, these come-and-get-it boys introduced no fewer than 61 proposals for money to go to themselves—the bill to be footed by the United States. "They raid our U.S. Treasury like Mongols," Taylor added, "with a sort of special zeal which is inborn and absolutely unquenchable."

Of the U.N.'s 126 members, 77 have failed to pay their dues or assessments. In any well-run gentlemen's club, the deadbeats would have been posted for 60 days and then expelled. But this is not how things are done at the United Nations.

No one ever is booted out. The expense is simply shouldered off to dear old Uncle Sam. We now pay one-third of the U.N.'s regular budget, and about 70 percent of its spending over-all.

Taylor makes the point that ought to be made by critics on Capitol Hill. The United States gains nothing—absolutely nothing—by this misguided generosity. Was there ever a hustler, con man or pickpocket who regarded his victim with affection? Never. Only with contempt. "Nothing is so dangerous to American security," Taylor remarks, "as to permit others to believe that we are an easy mark for anything."

At one point in his budget message, speaking of domestic spending, Nixon remarked with eloquent understatement that "government programs, once begun, tend to live on—sometimes long after their original reason for existence."

On the home front, said the President, "we must begin to cull from the budget mass those programs that are ineffective or poorly designed." Whereupon he took his ax to hospital construction, student loans, and Appalachia; and it was off with the tea-tasters' heads.

Well, the same sound principles apply to international clubsmanship. After 25 years of lofty ineptitude, perhaps the U.N. has outlived its usefulness. The possibility ought at least to be considered that it's time to pick up our money bags and go home.

A CHANCE TO LEARN

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 1970

Mr. WILLIAM D. FORD. Mr. Speaker, in the heat of recent congressional debates over the proper levels of funding for Federal education programs I was gratified to see that the majority of the Members of the House never lost sight of the basic fact that the opportunity for an adequate education is one of the oldest and most treasured of American traditions. The American people are not eager to see that tradition abandoned.

A recent Washington Post editorial which appeared on March 6, 1970, restates this basic conviction as it affects the opportunity for higher education. I place this editorial in the RECORD at this point and commend it to the attention of my colleagues:

A CHANCE TO LEARN

Ignorance, it may reasonably be contended, is the root of all evil. From it flow poverty, pestilence, war and all the ills that man is heir to. Education is the obvious antidote. It is the most potent of all liberating forces. If men were universally educated, it is not too much to hope that they would find rational solutions to their conflicts and problems. From the beginning of the American political experiment, education has been recognized as the key to a capacity for self-government. Accordingly, schooling at the primary and secondary levels has been made universal and compulsory for American children; and higher education, at first the privilege of well-born elite, has gradually been made available to youth on an expandingly broad basis. "In 1900," the Carnegie Commission on Higher Education tells us, "four per cent of the 18- to 21-year olds in the United States were enrolled in higher education. In 1970, the figure is 40 per cent—a proportion greater than that of any other nation.

White Americans are more likely to get to college than black Americans; the children of families with income over $15,000 are five times as likely to get there as the children of families with income under $3,000. A lot of talent is wasted by this system of selection—apart from the inherent injustice of it. The Carnegie Commission recommends, therefore, as a goal for 1976, the 200th anniversary of the American Republic, that "all students with the motivation and ability to gain access to and complete higher education should receive the financial aid they need to do so; that economic barriers to college and university access be removed." And it wants to see all other barriers removed by the year 2000.

Much more than financial assistance will be necessary for realization of these goals. The commission points to the need for better trained and more sensitive teachers; and it puts in a good word for such neglected and under-funded programs as the Teacher

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Corps and the Educational Professions Development Act. It urges experimental programs to stimulate the early development of potential ability and, particularly, of verbal skills, with a specific endorsement for Education Commissioner James Allen's "Right to Read" program. The prerequisite for going to college is wanting to go there.

The commission favors universal access "for those who want to enter institutions of higher education, are able to make reasonable progress after enrollment, and can benefit from attendance." It opposes universal attendance as a goal. There is implicit in this distinction, we fear, an acceptance of the idea that there are some who were born to be hewers of wood and drawers of water. Of course, everyone who wants higher education should be able to obtain it—should have a chance, this is to say, to realize this maximum potential. But perhaps the ultimate goal should be to make everyone want this—to inculcate in the country's youth, through its system of elementary and secondary education, a love of learning and a capacity to pursue it.

Would it not be the very definition of Utopia to have a society in which every citizen had a broad knowledge and understanding of his intellectual and cultural heritage, a familiarity with history and political institutions, with the arts and sciences? There are differences, to be sure, in innate capacities among human beings. But capacities can be fostered; and the utmost is the least that should be sought. Perhaps all that need be said on this subject is said in the quotation from Thomas Carlyle at the commencement of the commission's report: "That there should one man die ignorant who had the capacity for knowledge, this I call a tragedy."

RESOLUTION ON ENVIRONMENTAL QUALITY

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 1970

Mr. DINGELL. Mr. Speaker, the Convention of the Protestant Episcopal Church of the diocese of Washington, at its 75th annual convention in January, voted to express publicly its deep concern about our environment.

The secretary of the convention, Hilary J. Deason, has made a copy of the resolution available to me and I would like to share it with my colleagues by having its text appear at this point in the CONGRESSIONAL RECORD:

RESOLUTION ON ENVIRONMENTAL QUALITY

Whereas, God has created the earth for His Glory, and for the use of man, and

Whereas, human life and that of plant and animal life is increasingly threatened by air and water pollution, destructive exploitation of natural resources to the point of crisis, and

Whereas, the Church has been rather indifferent to conservation and has not heretofore expressed a position regarding man's relation to his environment and his stewardship of Nature and natural resources, and

Whereas, there is ample scriptural and theological teaching which can enable Christians to develop an ethic in dealing with conservation, and

Whereas, there is sufficient technological knowledge and resources for cleansing air and water and preserving the earth's beauty and natural resources, be it

Resolved, that this Convention express publicly its deep concern for the conservation of our natural resources, the protection of our land from destructive exploitation, and the elimination of pollutants from air and water, especially in our urban centers, and be it

Resolved, that a Committee be appointed to develop ethical considerations which will assist the Church in teaching stewardship and responsibility toward Nature, so that our stand for conservation be informed and consistent; and be it further.

Resolved, that a copy of this resolution be circulated throughout the Church, a copy sent to the President of the United States in support of his concerns, to the Department of the Interior, and other copies sent to appropriate members of the Congress who are working on the crisis of conservation.

ANTI-INFLATIONARY SAVINGS

HON. GEORGE BUSH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 1970

Mr. BUSH. Mr. Speaker, UPI carried a story some time ago that implied that Paul McCracken, the Chairman of the President's Council of Economic Advisers, felt that acceptance of the Oil Import Task Force staff recommendation to use a tariff to break the price of crude to $2.50 would result in a large anti-inflationary savings. Admittedly, this implication was probably unintentional by UPI as the story concerned itself with one prominent Senator's analysis of a question he asked the Chairman regarding the price of gasoline. Nevertheless, the story has created widespread confusion in my State as to what the Chairman said.

In order to clarify the situation, Mr. Speaker, I would like this correspondence printed in the RECORD at this point:

THE CHAIRMAN OF THE COUNCIL OF
ECONOMIC ADVISERS,
Washington, D.C., February 23, 1970.

Hon. GEORGE BUSH,
House of Representatives,
Washington, D.C.

DEAR GEORGE: Thank you for your letter of February 17. You were correct in assuming that I was simply responding to an arithmetical question. The exact question Senator Proxmire asked me was:

"Could you tell me what the anti-inflationary impact would be of a decrease in the retail price of gasoline of 2¢ a gallon?"

You will find enclosed a copy of my response to Senator Proxmire.

Sincerely,

PAUL W. MCCRACKEN.

FEBRUARY 7, 1970.

Hon. WILLIAM PROXMIRE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR PROXMIRE: Thank you for your letter of January 29 asking for our estimate of the anti-inflationary impact of a 2 cent a gallon decrease in the price of gasoline.

The statistics involved are relatively simple. With annual consumption on the order of 80 billion gallons, a 2 cent cut at retail would translate into a reduction of about $1.6 billion in the total national bill for gasoline. Such a cut would be equivalent to a reduction of approximately 6 percent in the average retail price. This would affect the overall consumer price index directly by somewhat less than 0.2 percent.

Sincerely,

PAUL W. MCCRACKEN.

As you can see Chairman McCracken was simply asked an arithmetical question about what would happen if gasoline prices came down. In replying the Chairman did not address himself to the staff recommendation of the Oil Import Task Force. In other words, he did not suggest in any way that the staff recommendation would result in a 2-cent-per-gallon savings to consumers.

THE VOICE OF DEMOCRACY—FREEDOM'S CHALLENGE

HON. FLORENCE P. DWYER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 1970

Mrs. DWYER. Mr. Speaker, as many of our colleagues know, each year the Veterans of Foreign Wars of the United States and its ladies auxiliary conducts a Voice of Democracy contest.

This year, over 400,000 high school students participated in the contest competing for the five scholarships which are awarded as the top prizes. The contest theme was "Freedom's Challenge."

The winning contestants from each of the States have now been brought to Washington for the final judging as guests of the VFW.

Among those State winners, I am delighted to note, is Miss Christine Larson of Westfield, N.J., a young constituent I am extremely proud to represent, for Miss Larson's essay won for her the privilege of representing New Jersey in the national competition.

Miss Larson's essay is a strikingly imaginative and thoughtful one, and it goes to the heart of freedom in a particularly contemporary and meaningful way. Whether or not her essay is awarded a national prize, she and her family have every reason to be immensely proud of her contribution.

In fact, Mr. Speaker, I believe her essay is so good that I recommend it highly to the attention of our colleagues, and I am honored to include it herewith as a part of my remarks in the RECORD.

Miss Larson, a student at Westfield Senior High School, is one of three children of the Reverend and Mrs. Bruce Larson. Christine plans to attend the University of Pennsylvania and subsequently to work with the Peace Corps, a goal which, like her remarkable essay, typifies her very sensitive and responsible approach to life. I wish her the very best in the present competition and in her future career. As a representative of America's younger generation, she has given me great reason for hope and optimism.

The essay follows:

FREEDOM'S CHALLENGE

I should like to tell you what freedom's challenge could mean to two little boys that I know. They are very different. The first one, Stevie, is an extremely proud and independent ten year old. He has a brown face, wooly hair, and large, beautiful eyes. Stevie also happens to live in a drab ghetto area, outside of a nearby city. I met him there last year when a group of high school students, including me, helped to run a club for boys in his neighborhood. Stevie and his seven brothers and sisters live in substandard housing on a street where no one has a decent set of clothes in which to go to school. He has never even seen the ocean, although he lives less than an hour away by car.

The second boy, Robbie, is tiny, like a little elf, with pink cheeks and brown curly hair. However, Robbie lives in the wealthiest section of a big city, surrounded by every material possession a child could want. He is pampered, protected, fairly smothered with affection. I met him last summer when I served his family as a children's nurse. Although the situations of these two boys are dramatically different, both boys have something in common. Neither is fully aware of freedom's challenge. Neither can truly appreciate freedom.

In America, the mention of the word freedom generally brings to mind a picture of our founding fathers as they bent to sign the Declaration of Independence. Or perhaps in a few cases, Americans can recall the Bill of Rights and the types of freedoms mentioned in this document. We take for granted the fact that we can speak as we please, assemble peaceably, bear arms, and petition our government for redress of grievances. We are in such constant touch with these freedoms that we scarcely notice them. We no longer feel grateful for them. In fact, like Robbie, we are unaware of our freedom because we take it for granted. Freedom is not a right but a privilege to be protected and treasured.

On the other hand, in this affluent society we often forget that there are others like Stevie, for whom freedom is not a reality. A ghetto mother, with eight children, has no awareness of freedom and little appreciation for the Bill of Rights. Unless we are free from the basic human wants we are not free men, we are prisoners in our poverty. In short, Freedom's Challenge is a double obligation. Every single day we ought to wake up in the morning joyful and grateful that we live in a free country. Perhaps if we compared ourselves with others in countries where freedom is a forgotten word, we could appreciate our good fortune. Secondly, in a democracy we must take the responsibility for seeing that the freedoms of others are respected and defended. Each of us can oppose hunger, poverty and disease where we find them, in our own communities. By so doing, we can create an atmosphere in which freedom, justice and equality can and do grow. These are two important ways in which we can meet Freedom's Challenge.

BETTER NEIGHBORHOODS, INC.

HON. DANIEL E. BUTTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 1970

Mr. BUTTON. Mr. Speaker, much concern has been expressed over the housing crisis that faces America and it is a concern justified by the widening gap between the number of housing units being built and the number needed. Experts estimate that 26 million new housing units must be built in the next 10 years. Our current construction rate of 1 million-plus per year will fall far short of that objective.

There have been many suggestions advanced for solving this problem. Most of them fall into the category of further Federal incentives to homebuilders. Federal help is needed, but few solutions advanced look beyond that point. What is needed is involvement at all levels of our economy, in the true sense of commitment, so that we can meet our Nation's housing needs.

In my own district, residents of Schenectady have tackled the housing problem at a local level. They created a local, nonprofit group dedicated to fighting housing blight, Better Neighborhoods, Inc., and their success has been the subject of a special article in the Wall Street Journal.

The significance of this local effort and the fact that in Schenectady it has worked, prompts me to include the Journal article here for the benefit of my colleagues:

SCHENECTADY TACKLES ITS HOUSING PROBLEM WITH LOCAL RESOURCES

(By Ronald Kessler)

SCHENECTADY.—When Lewis A. Clay, a Negro sanitation worker, moved into a duplex in a largely white area here last summer, the neighbors started taking action.

The people on both sides were caught up in the excitement. The woman in the house on one side painted her porch and steps. The couple on the other side had their house rewired. Moreover, the man across the street painted his entire house and installed storm doors.

The improvements had nothing to do with Mr. Clay personally. He just happened to have moved into a house renovated by Better Neighborhoods, Inc., a local nonprofit group formed to fight slums in this manufacturing city of 88,000 on the Mohawk River. The renovation was so complete, says Mr. Clay, that "all the neighbors went into competition with me."

Most urban improvement schemes rely on Federal funds and programs. Better Neighborhoods doesn't. It is privately financed—some 75% by mortgages obtained on standard terms from a pool of seven local banks and the rest by no-interest or low-interest bonds sold to local businesses and church groups. And Better Neighborhoods has another thing going for it: It seems to work. In the past year, the group has purchased and renovated 34 two-family houses like Mr. Clay's, providing housing for 316 low-income and lower middle-income people.

A HOUSING SHORTAGE

This city's housing problems, of course, can't be compared with those of big-city slums. The area where deterioration has occurred, Schenectady's Hamilton Hill section, consists of two-family and three-family houses on broad, tree-lined streets. Most of the city's blacks, who make up 5% of Schenectady's population, are concentrated in the area, but they live side by side with whites.

The city does have problems, however. Some 90% of its housing dates from before World War II. About 4,000 units will need demolition or rehabilitation by the end of next year, the Schenectady County Planning Department estimates.

Many houses in Hamilton Hill have been abandoned. Their smashed or boarded-up windows stare vacantly at the street. Many other houses are uninhabitable, contributing to an acute shortage of low-rent housing. Because of the shortage, Mr. Clay formerly lived with his six children and his wife in a small, uninsulated apartment equipped with a space heater that did little more than take the chill off. The family periodically went without water when the pipes froze.

Better Neighborhoods acquired Mr. Clay's present house in Hamilton Hill for $1,100. The city had confiscated the property for unpaid taxes. It looked like a dump, and renovation of the two units cost Better Neighborhoods $17,500.

This included installation of wood-grained hardboard panels on all inner walls, ceiling tiles, new partitions, two complete bathrooms and kitchens, two new furnaces, a new electrical system and new windows, closets, back porches, storm windows and insulation. The house got three coats of paint outside, and inside floors were sanded and varnished. Mr. Clay says he takes good care of the house because "your effort shows."

"LIKE A PALACE"

Another tenant of a Better Neighborhoods house, Gloria Bozek, a welfare mother, says her former apartment's toilet wouldn't flush and the walls were falling in. "This place is like a palace," says Mrs. Bozak. "Once I clean here, I'm proud."

Eventual ownership by some tenants is one goal of Better Neighborhoods. In each two-family house, it tries to place at least one tenant who might be able to obtain a mortgage and buy the dwelling from the organization someday. Mr. Clay, who now pays $110 a month rent, hopes to buy his house eventually.

Better Neighborhoods is largely the work of Bruce R. Laumeister, the 34-year-old president of the group. Mr. Laumeister is a new products executive with General Electric Co., several of whose officials have played key roles in the housing renovation effort.

Better Neighborhoods was established in 1967 but made almost no headway until Mr. Laumeister joined early last year. He quickly concluded that the major obstacle was a plan to rely mainly on financing from the Federal Housing Administration, which offers low-interest loans for such ventures. Red tape was causing endless delays and rigid FHA specifications for materials were raising costs, he asserts.

So he developed his own plan for local financing with bonds and mortgages. He then proceeded to sell the undertaking by presenting a slick sales talk, complete with movies, to some 100 local groups. William T. Westcott, industrial affairs manager of the Schenectady Chamber of Commerce, says: "Bruce sold Better Neighborhoods the same way he approaches General Electric's chairman with a new product."

Better Neighborhoods has a five-year plan that calls for rehabilitating 250 two-family houses at a total cost of $2.5 million. While the numbers are small, the group figures its projects will spur nearby homeowners to improve their properties and thereby arrest blight—as has already happened on Mr. Clay's block.

Crucial to Better Neighborhoods' whole effort is the selection of tenants who will keep up their new homes. A similar venture in Boston's Roxbury section failed recently, according to the project's sponsors, because tenants didn't maintain the properties. Mr. Laumeister says Better Neighborhoods has had problems with only two tenants, one of whom has been evicted.

SETTING THE RECORD STRAIGHT

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 1970

Mr. ASHBROOK. Mr. Speaker, when a high Government official meets the issues head on, as in the manner of Vice President AGNEW, his support ranges across party lines, attracts independents and generally broadens his popular base. He has dared say what many politicians only venture to think, and his support, I believe, has been generally enthusiastic. To be sure, his statements, unlike Vice Presidents of recent vintage, are awaited, pondered, and digested. And, in the case of President Nixon's proposed family assistance plan, herein lies the problem.

In his prepared speech to the Order of Ahepa, on March 9 here in Washington the Vice President asserted that the idea of the work incentive proposal was a new idea "which makes you wonder why it has not been suggested before."

Unfortunately, it has been suggested before, and better still, tried. And, as a statement by the American Conservative Union indicates, the results were far from impressive. On an issue of such national importance our past experiences must be a basic part of our final judgment. For AGNEW supporters—and may their number continue to increase—and others, the record should be set straight. For this reason I insert at this point in the RECORD the statement by the American Conservative Union concerning Vice President AGNEW's March 9 speech here in Washington:

Statement of the American Conservative Union Concerning Vice President Agnew's Prepared Speech to the Order of Ahepa, March 9, 1970

We are the last to question the right of Vice President Agnew to speak out on the issues of the day—as he did in his speech to the Order of Ahepa in support of President Nixon's proposed Family Assistance Plan (FAP).

But we must question his judgment in issuing a text which shows a profound lack of knowledge of American welfare practice, past and proposed. We quote from what we believe to be the central paragraph—and central misapprehension—of Mr. Agnew's speech: "Under the old system, every dollar you earned was subtracted from your welfare payments. This is 100% taxation, and the social planners who dreamed this up forgot that a profit motive is a powerful thing. But under our system, you keep 50 cents out of every dollar you earn as you work your way out of poverty, and a welfare recipient who goes to work is better off than one who does not. It didn't take a genius to figure this out—which makes you wonder why it hasn't been suggested before."

But not only has this been "suggested before," it has been an integral part of Federal welfare law since 1967. In hearings before the House Ways and Means Committee, Dr. Alice M. Rivlin of the Brookings Institution—a former Assistant Secretary of Health, Education, and Welfare and an announced supporter of Family Assistance—says this about the Nixon plan: "It continues in the direction of the WIN program and other things that you have enacted before. There are no stronger incentives in this bill to go to work than we have now, in terms of the amount of earnings which can be kept by somebody who is on welfare and the conditions under which someone who is on the margin of working or not working can receive aid."

The argument that the 1967 WIN program has not had enough time to work properly is equally untenable. Well before the 1967 law, New York City had a program for welfare recipients offering work incentives more generous than those in either WIN or the Nixon plan. Of New York's 200,000 welfare families, exactly 235 worked their way off the welfare rolls in the two years of this huge demonstration project. At the same time, other families were joining the welfare rolls by the tens of thousands.

This is why Family Assistance represents, not a new approach to the welfare ills of our nation, but the institutionalization and expansion of present unsuccessful practices. The only "new" feature in FAP is the costly and unnecessary plan for income supplements to the working poor—precisely the group where no crisis whatsoever exists. According to a recent Census Bureau study, in the period 1959–68 the number of people in poor families headed by fathers declined from 27.5 million to 13.7 million. It is FAP's central failing that it directs most of its attention, most of its money, and most of its "reform" to a group of families rapidly leaving poverty behind with little or no Government aid.

This is why the American Conservative Union has opposed, and will oppose, the Nixon welfare plan: not because it represents true change, but because it institutionalizes the present system by putting 15 million more Americans under an obsolete structure that has already imprisoned 10 million. We protest Vice President Agnew's misstatement both of the present situation, and of the true issues underlying the continuing Congressional debate on welfare reform.

PRESIDENT KENNEDY, DÉTENTE, AND THE RAPACKI PLAN

HON. CHARLES S. GUBSER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 1970

Mr. GUBSER. Mr. Speaker, my constituent, Mr. Julius Epstein, who is research associate at the Hoover Institution on War, Revolution, and Peace, located at Stanford University, has requested that his article which appeared in the Central Europe Journal, special edition, February 1970, be printed in the CONGRESSIONAL RECORD.

In accordance with Mr. Epstein's request, I am submitting his article, entitled "President Kennedy, Détente, and the Rapacki Plan," at this time:

President Kennedy, Détente, and the Rapacki Plan

(NOTE.—Julius Epstein was born in Vienna on December 26, 1901. After studying in Jena and Leipzig he fled from Hitler Germany on March 17, 1933 to Prague. During the Munich crisis he left Prague for Zurich and Paris and arrived in New York on March 9, 1939. Epstein worked in New York as foreign correspondent for Swiss newspapers. During the war he worked as editor for the Office of War Information. After the war, he again became American foreign correspondent for many West Germany newspapers. Since 1963, Epstein is affiliated as Research Associate with the Hoover Institution on War, Revolution and Peace at Stanford University, Stanford, California. He has just finished the first comprehensive history of postwar forced repatriation of millions of anti-Stalinist prisoners of war and displaced persons.)

(By Julius Epstein)

One of the most interesting episodes in President Kennedy's attempts to accommodate the Soviet Union in the interest of a permanent détente has never been reported to the American people. Its documentary evidence is locked up in the vaults which house the Kennedy Papers in the Department of State. While this episode is a well guarded secret in the U.S., it is no secret to the Germans and other European peoples. It dominated the front pages of the German press for more than four years. During that time, the German Supreme Court in Karlsruhe tried to find out who the traitor was who had leaked secret cables and telegrams by the German ambassador in Washington, Professor Dr. *Wilhelm Grewe*, and the German ambassador to NATO in Paris, *von Walther*, to the press. Not until the Supreme Court had discovered that nobody else had leaked the secrets but Chancellor *Konrad Adenauer* himself, did the court cease to investigate the affair, an investigation which had cost the Federal Republic of Germany hundreds of thousands of D-marks. It will always remain a major puzzle, why for more than three years not a single American newspaper reported a single line about this German affair, since it has occupied the German press and the Bundestag for so long a time.

THE DOCUMENTARY EVIDENCE

What is the essence of the documentary evidence?—On October 3, 1961, the American ambassador to NATO, *Thomas K. Finletter*, asked the German ambassador to NATO, *Herr von Walther*—on behalf of President Kennedy and his Secretary of State, Dean Rusk, how the Adenauer Government would feel if Washington would propose the creation of controlled, demilitarized zones within the territory of the Bundesrepublik.

Finletter's question greatly irritated Bonn. Ambassador von Walther could hardly believe that the United States was serious about such a proposal which meant nothing less than the destruction of NATO. According to Herr von Walther's telegram to the Bonn Foreign Office, Ambassador Finletter told him in response to his boundless astonishment that "one can only understand this proposal if one has recently been in Washington. The people in Washington obviously have ideas as if they were living on the moon. Things which are unequivocally clear to us in Europe, are not clear to them; they simply don't understand them." This was, of course, nothing but a polite "explanation" of the unexplainable imputation, advanced by Washington.

President Kennedy's instruction to Ambassador Finletter to ask the question about such implementation of the Rapacki plan, not only shocked Bonn but was immediately recognized as a *ballon d'essay* whose real meaning could only be the start of a sellout of West Germany. To evaluate the shock Bonn suffered, it must be remembered that it had been the officially declared policy of the Truman, Eisenhower, and Kennedy Administrations to consider the Federal Republic of Germany and its Chancellor Adenauer as the staunchest European allies and the most important foundation of the North Atlantic Treaty Organization, NATO. Finletter's question indicated that Washington might now abandon this policy, so many times solemnly and publicly professed. Could it be true that Washington really wanted to embark upon such new policy in order to appease *Khrushchev*, a policy which would trade de-nuclearization of West Germany and renunciation of its active rôle within NATO for the pottage of some vague Khrushchev "guarantees" concerning Berlin?

The answer to this question has to be "yes." Kennedy had embarked upon an unprecedented course of appeasement of the Soviet Union without regard to the true interests of the Federal Republic of Germany as well as the U.S. Had he ever succeeded, he would have scuttled NATO, opened West Germany to Soviet conquest and also weakened the strategic position of the United States toward the Soviet Union.

This evolves from the documents in the possession of the Bonn Government. They show that President Kennedy had a long talk with the Soviet Union's Foreign Minister, *Gromyko*, part of which was held in the White House patio without the presence of an interpreter.

Foy Kohler, who later became the Ameri-

XUM

can ambassador in Moscow, reported on the Kennedy-Gromyko conversation on October 7, 1961, to the ambassadorial steering committee meeting at the Department of State. Kohler told the assembled ambassadors of Germany (*Grewe*), France (*Alphand*), United Kingdom (*Lord Hood*), who had met together with the spokesman of the Pentagon, *Nitze*, and the American ambassador to Moscow, *Thompson*, that the Kennedy-Gromyko talks proved to be in various respects "more detrimental than one had expected." As Foy Kohler reported, Gromyko had insisted "the German frontiers as they exist today must be legally formalized, including, of course, the Oder-Neisse line as the permanent German-Polish frontier, as well as the border between the two German states." As Kohler told the steering committee, Gromyko had said that "there is no reason whatsoever why the decision concerning the frontiers should not be made in an absolutely clear and formal way, independently from the question of a peace treaty."

Then, Gromyko repeated the well-known Soviet point of view that "both German states should be forbidden to have or to manufacture nuclear weapons or rockets. An agreement to this effect is in the interest of the United States as well as the Soviet Union and the other European peoples." Gromyko repeated Khrushchev's old demand according to which "revanchists and militarists must be deprived of any possibility to demand the revision of these frontiers." In addition, Gromyko repeated Khrushchev's sufficiently known proposals for the creation of a "Free City of West Berlin." Its status should be guaranteed by Ulbricht's so-called "German Democratic Republic." Besides this, the Soviet Union was ready "to guarantee" the "Free City," independent of the peace treaty. As Foy Kohler told the ambassadors, Gromyko immediately added that "naturally" the rights of West Berlin should not be allowed to cause any ill effect upon the interests of other states, including Ulbricht's East Germany. Kohler also reported Gromyko's demand that the guarantee of the rights of the "Free City of West Berlin" by the four powers should be valid only for "a specific period of time." Gromyko did not spell out what would happen in Berlin after the expiration of the four-power guarantee, e.g. in the case of an occupation of West Berlin by Khrushchev's puppet *Walter Ulbricht*. But he called his proposal the "best solution possible."

According to Kohler, Gromyko then broached the problem of West Berlin's relations to the Federal Republic of Germany. Gromyko categorically stated that any particular and separate connections cannot be recognized. All claims to such connections between West Berlin and the Federal Republic are "completely unfounded" and lack even the slightest foundation. This assertion of Gromyko's was of special interest since it was new as the idea of the limitation of the four-power guarantee for the "Free City of Berlin." Up to the day of Gromyko's conversation with President Kennedy, neither Khrushchev nor Gromyko had ever mentioned any time limit of the four-power guarantees for West Berlin, nor any limitations of West Berlin's relation to the Federal Republic of Germany. On the contrary: Khrushchev had always asserted that the "Free City of West Berlin" should be completely at liberty to form her own relations with the external world, including the Federal Republic.

At this juncture, the President declared that "the problem of Berlin and Germany was too narrow a basis" and he stated his desire to include questions of European security. Gromyko, according to Foy Kohler's report to the ambassadors, was elated by this statement and expressed his immediate consent.

XUM

The documentary evidence shows what Gromyko had in mind when he accepted the President's suggestion to include questions of European security in the talks about Berlin and West Germany. Gromyko wanted an American agreement along the following lines:

(1) A non-aggression pact between the NATO nations and the nations of the Warsaw pact. This could be, as Gromyko said, "the topic of meaningful discussions."

(2) The abolition of military bases on foreign soil.

(3) Withdrawal or reduction of foreign troops of NATO and the Warsaw pact countries.

(4) The gradual withdrawal of troops.

(5) The best protection against aggression would be to forbid West and East Germany to have any strong armies with modern weapons but only a militia with light weapons, sufficient for the maintenance of order.

(6) Creation of nuclear- and rocketfree zones in Europe in which no such weapons would be manufactured or stationed. The idea, first proposed by *Rapacki*, did not find an echo in the West, as Gromyko said. However, the Soviet Union strongly supports it. The nuclear- and rocketfree zones must include Poland, Czechoslovakia, the Federal Republic of Germany and the "DDR." Gromyko assured the President that such implementation of the Rapacki plan would have the most salutary effect upon the whole world.

Concluding, Gromyko said that it was by no means necessary to unify his proposals into a single "package" with the problem of Germany. However, Gromyko stressed the necessity to bring the second world war to a legal end. Therefore, a peace treaty must be concluded; the problem of West Berlin must be solved on the basis of this peace treaty. The Soviet Union would also be willing—should the West so desire—"to combine the discussion of the German problem with the discussion of European security and to discuss such problems of European security which could lead to appropriate solutions."

As Foy Kohler now reported, President Kennedy thanked Mr. Gromyko for his exposition and said that "precise definitions" are required for the further progress of the dialogue. The President informed Gromyko that ambassador *Thompson* would soon return to Moscow where he would like to continue the bilateral talks. And Mr. Kennedy added that after the emergence of a common basis among the four Western allies (including the Federal Republic of Germany) an East-West dialogue of the four powers (U.S., U.K., France and the U.S.S.R.) should take place. The President remarked that he was aware that the allies of the Soviet Union were also "involved". The President than discussed the meaning of the word "compromise" which presupposes the will to relent on both sides. He pointed out that the Berlin situation and the West's right to free access to the city were results of the second World War. The United States wants to be sure that her position in Berlin would not be weakened. He believed that a good compromise would be that both parties create a clear and stable situation. He said it was hard to believe that the Soviet proposals really meant a compromise. The reasons were the following:

"AN ORCHARD FOR AN APPLE"

(1) The Soviets proposed the garrisoning of Soviet troops in West Berlin, while they consigned East Berlin to the "DDR".

(2) The new arrangement is supposed to be valid only for a limited period. According to the Soviets, there would first be negotiations about the Western rights, then these rights would be shared by the Soviets and finally validity of these rights would be limited. They would only be temporary rights. In this way, the rights would be curtailed.

(3) Likewise, the acceptance of the Soviet proposals concerning the frontiers would just represent a Western concession.

(4) The same goes for the demand of recognition of the partition of Germany, the acceptance of two German states and the "sovereignty" of East Germany. All that means giving up something. That is the opposite of reunification of Germany.

(5) The prohibition of nuclear weapons for Germany is no compromise either. Up to now, the United States alone disposed of NATO's nuclear arsenal. In his (Kennedy's) eyes, all this is no compromise. The Soviet Union obviously wants "an orchard for an apple." Her proposals serve only the interests of the Soviet Union. She wants that the West accept her proposals without being ready to reciprocate and meet the West's interests halfway. That means not a compromise but a retreat. It is now necessary to deliberate this with the allies. (Why the President considered it necessary to "deliberate" the very same Soviet proposals which he had clearly recognized as a "retreat," he did not say.)

Not satisfied with this, the President summarized once more the points which he considered to be a deterioration rather than an improvement:

(1) The time-limit of the troop contingents. (2) The stationing of Soviet troops in West Berlin. (3) Recognition of the "DDR" frontiers. (4) Perpetuation of the partition of Germany by recognition of the sovereignty of the "DDR". (5) West Germany's renunciation of reunification of Germany.

After the President's re-enumeration of Gromyko's proposals, Gromyko said that the Soviet proposals nevertheless represent a positive answer, at least in two points to which the West has always ascribed great importance, namely:

(1) Concerning the freedom, meaning the sociological structure of Berlin; (2) Concerning the access.

Gromyko repeatedly stated that Kennedy completely failed to recognize the fact that the Soviet position on these two points means a "positive" answer; that he should pay more attention to this fact. The "symbolical" troop contingents in West Berlin are the solution. They are the only possible solution of the problem. Both sides are agreed on this point. Then, Gromyko stressed again that the frontier problem must soon be solved. "To solve this problem, is not difficult." Gromyko agreed with Kennedy that the discussions of the bilateral talks should be continued by Thompson. "If both parties want a solution, an agreement will be possible".

President Kennedy admitted that the difficulties resulted from the geographical position of Berlin and that this was the reason for Eisenhower and Khrushchev to characterize the situation as "abnormal". However, neither he nor Khrushchev had created this situation in 1945. Now, the question is, how the freedom of the city and the access to Berlin can be secured. If the United States should participate in the regulation, there must be real guarantees. Berlin should not become an empty shell. The President expressed his hope that an agreement concerning the definition of the "freedom" of Berlin could be reached and one has to see how this goal can be achieved. After that, the problem of the frontiers could be examined.

BONN IRRITATED

These remarks, as reported by Foy Kohler to the ambassadorial steering committee, especially Kennedy's remarks about the "frontiers" irritated Bonn. They were immediately interpreted by Bonn as an indication of Kennedy's willingness to discuss the question of the Oder-Neisse frontier.

Foy Kohler reported that the President then took Mr. Gromyko to the patio of the White House where they continued the conversation for another ten minutes. During that time, no interpreter was present. According to Kohler's report, nothing new was added. Gromyko again emphasized the importance of an agreement between the Soviet Union and the United States as well as the importance of the Soviet "concessions", whereupon the President replied that the United States could not afford a setback. He understood that the presence of Soviet troops in West Berlin would be the sign of such a setback.

Kohler then gave the following comment: The series of talks had the effect of making the Soviet Union aware of the dangers. The warning had "arrived". It is now up to the West to remain adamant. The time factor had become a little more fluid. One had not yet entered into the phase of negotiating positions. It would now be desirable to clarify the question whether or not a basis for negotiations had been achieved to prevent the Soviet Union from unilaterally impairing the existing situation. Besides, one would have to get rid of "this thing concerning Soviet troops in West Berlin". "We are selling Germany down the river."

Charles Bohlen, who also participated in the deliberations of the ambassadorial steering committee, remarked that some points had become clearer: The Soviets thought of a Four-Power Conference without the "DDR". The stationing of symbolical troops in West Berlin, suggested by the Soviets as a remedy, represents an "absolutely rigid position"; the frontier questions turned out to be a quid pro quo. There was no more such talk about the sovereignty of the "DDR".

Ambassador *Grewe* (Federal Republic of Germany) interjected whether he had correctly understood that the U.S. had already entered into a "second round". Taking up this question, ambassador *Alphand* (France) asked Mr. Kohler whether the President had already made a binding agreement about the continuation of the bilateral U.S.-Soviet talks by ambassador Thompson. Kohler answered Grewe's and Alphand's questions in the affirmative. He added that "one would like to know" what the other Governments thought of it.

Mr. Nitze, representing the Department of Defense, said that the further course of the discussion would now depend upon the way one would continue the contingency planning and the military arrangements. Ambassador Grewe, keen of hearing, perceived this remark as a warning, addressed to Bonn. He envisioned all the possibilities to be hidden under the term "contingency planning" and "military arrangement". Kohler used the opportunity to point out that the President was disturbed by news dispatches from Germany and France which reported that "we are selling Germany down the river". The President does not understand how such an interpretation was possible. Each Government represented at the table knew exactly as much as the American Government. Grewe replied that this was reciprocal. As long as the speculation in the Western press continues as in this past, it is impossible to prevent such reactions.

ENTER LORD HOOD

Now, *Lord Hood* took the floor. He stated that one has to examine which line should be pursued concerning the following problems:

(1) Status of Berlin and guarantee of access. (2) Frontiers. (3) Nuclear armament.

Lord Hood proposed to discuss the following problems: How an "agreement" could be arrived at; which form it should have; how it should be incorporated into a peace treaty between the Soviet Union and the "DDR" and how the negotiations should be conducted. Kohler said that the dialogue showed that a Four-Power Conference should be possible without participation of the "DDR".

The French ambassador Alphand expressed his grave doubts that the statement about the non-participation of the "DDR" was correct. He based his doubts upon the fact that Gromyko had repeatedly referred to the "allies of the Soviet Union". Alphand raised the question whether the Thompson talks in Moscow should be conducted on the basis of agreements between the four powers or whether they would rather be a continuation of the bilateral talks "without mandate." Alphand recalled that General *de Gaulle* had declared that, after preliminary inquiries, a decision about further proceedings should be made. Should Thompson go deeper into the substance in his talks with Gromyko, he would certainly lack any mandate from the four powers. Foreign Minister *Rusk*, too, had a guidance for his conversations with Gromyko.

When Alphand observed that the price asked by the Soviets seemed to be rather high, Foy Kohler replied that it was the "opening price". The goal of the exploratory talks had been to explore the possibility of negotiations. Now, certain outlines became visible. When Alphand said that he was unable to see them, Kohler asserted that he, too, did not see any basis and that he had never maintained that there was one, but nevertheless, certain outlines became visible.

Ambassador Grewe suggested to undertake a common interpretation of those "outlines". Kohler expressed his confidence that the East-West dialogue would yield "some kind of modus vivendi". If the price seems to be too high, one should try to lower it. Where vagueness appears, one has to ask questions.

Lord Hood's remarks on the position of the British Government, made on October 6, 1961, had the immediate effect of greatly irritating Bonn. They were nothing but outspoken appeasement of the Soviets. Lord Hood did not hesitate to inform the steering committee that her Majesty's Government's (Macmillan) position was the following one:

(1) The "next step" must be the agreement between the Western Governments. Such agreement should be the "basis of further proceedings". Ambassador Grewe said that President Kennedy saw fit even to wait for such an "agreement"; he preferred to prejudice further talks with Gromyko by his suggestion that Thompson should continue the talks in Moscow. Lord Hood did not object to this procedure in the committee's session of October 7, 1961. Instead, he made it clear that he agreed with the continuation of the purely bilateral talks. The French ambassador Alphand who, in accordance with de Gaulle's policy, shared the German point of view, suggested—in contrast to Lord Hood—to ignore the American-Soviet dialogue.

(2) As Lord Hood made it clear in his exposition of the British position, the British were very eager to see to it that "more substance" be introduced into the Moscow talks. Ambassador Grewe remarked that this would be a transition from purely "exploratory" discussions toward direct negotiations, a practice which he euphemistically called "questionable".

(3) Now, Lord Hood suggested that the demand for unification of Germany be substituted by a formula, expressing only "hope" for the "eventual reunification". Grewe declared this proposal as completely "unacceptable". The proposal is unacceptable for the Germans, Grewe said, because it would mean that the West yielded not only in the sphere of practical-technical arrangements concerning the control of access, the strength of the troop contingents, etc., but also concerning the pure essence of the German problem.

(4) Since Lord Hood spoke of the "retention of general relations of West Berlin with the West", ambassador Grewe wanted to know whether or not this formula would include the relations to the Federal Republic of Germany. Even if so, Lord Hood's formula would be unsatisfactory because it would exclude the future incorporation of West Berlin into the Federal Republic. It would take away from the Berliners any hope for reunification. All that would remain would be the view toward the "Free City".

(5) Lord Hood had spoken of the "reliable Soviet guarantees" which were needed. (As if there could be such "reliable Soviet guarantees" after the experience of forty-four years of Bolshevism!) Grewe wanted to know whether the Western rights should now be based upon a new treaty. He reminded the meeting of the Geneva Conference, 1959, where one was agreed that the only question was recognition and confirmation of the Western occupation rights.

(6) Ambassador Grewe—and also Bonn—irritated by Lord Hood's demand to "respect the authority of the Government in East Germany". The effect on Bonn was that of an ice cold shower since Lord Hood's proposal came very near, as ambassador Grewe euphemistically stated, to "de-facto recognition".

(7) In the same vein, Lord Hood did not leave any doubt whatsoever that the recognition of the Oder-Neisse frontier must be presupposed as self-evident. Whether the Lord was aware of the fact that recognition of the Soviet occupied zone's frontiers implied a de jure recognition of the perpetual partition of Germany, is unknown. On the basis of Lord Hood's quoted remarks as well as on the basis of pure logic, it must be taken for granted.

II

This, then, is the record. The diplomatic reports came to light in an article by this author which appeared under the headline: "The Source of the Evil: A Documentation Concerning the Genesis of the German-American Discord" in the *"Rheinischer Merkur"* of August 31, 1962. The Article was reprinted by *"Der Spiegel"* of September 12, 1962.

A few days after the appearance of the article in "Rheinischer Merkur", the West German Foreign Minister, *Gerhard Schroeder* instructed the German Supreme Court in Karlsruhe to bring a charge against the "unknown" traitor of state secrets. The Supreme Court's investigation lasted about three years. Then, the Supreme Court stopped the investigation, satisfied that no one else but Chancellor Adenauer himself had leaked the secret documents to an American citizen whose name I still do not feel free to reveal.

However, with the exception of the identity of the American who handed me the photostatic copies of the cables and telegrams to the German Foreign Ministry, I can now reveal for the first time the dramatic and sensational story my informer told me on March 25, 1962, a story which he repeated in the presence of a third person on April 16 of that year.

THE "EPSTEIN AFFAIR" EXPLODES

The American whom I will call Mr. X, visited Chancellor Adenauer on October 8 or 9, 1961 in the Chancellor's home at Rhoendorf. Also present was Adenauer's State Secretary, Dr. *Globke*. During Mr. X.'s visit, a messenger arrived by motorcycle and handed Adenauer the just decoded dispatches from ambassadors Grewe and von Walther, Adenauer read them, was visibly shocked and handed them to Mr. X, for his opinion. Mr. X. said he would like to take the papers to his hotel to study them overnight, so he could give the Chancellor his opinion the next morning. Adenauer agreed.

Mr. X. left Rhoendorf, took a taxi and drove to Duesseldorf (about forty-five miles) where he entered the Mannesmann office where he went straight into the photostat room to which he had the key. There, he made photostatic copies of all the documents, given to him by the Chancellor, and raced back to Bonn, arriving early in the morning. He unmade his unused bed, so that Dr. Globke who was due any minute, would not be suspicious. A few minutes later, Dr. Globke arrived, retrieved the original documents and took Mr. X. to Adenauer's Bonn offices in the Schaumburg Palais.

After having talked to Adenauer, Mr. X. went straight to the American Embassy and handed one set of the photostatic copies to the American ambassador to Bonn, Mr. *Dowling*. Ambassador Dowling was grateful to Mr. X. because he realized that the possession of the clear text of the decoded telegrams and cables most certainly would enable the C.I.A. to break the German code.

Neither the German Supreme Court at Karlsruhe nor the German press ever dealt with this aspect of the affair, although it was clear from the beginning that Adenauer must have reckoned with the probability of the breaking of the German code.

During the long time of the Supreme Court's proceedings against "unknown", innumerable questions were asked of the Bonn Government. Especially the Social Democrats asked time and again why it took so long to find out who had leaked the documents "to Epstein". The Government always answered in an evading way, most of the time just stating that the investigation was difficult and would need more time. During that time, the *"Epstein Affair"*—as it was called throughout Europe—was an almost daily feature on the front pages of the German press. Nobody could as yet explain how it was possible that the American press never did print a single line about it. This fact, hard to believe in an age of electronic communications, forces one to draw certain conclusions regarding the efficiency of American foreign correspondents.

On August 4, 1965, after the Supreme Court had stopped investigating the "Epstein Affair", "Der Spiegel" published an article under the title "Everybody's Duty". It was a review of the whole affair which had shaken the Bonn Republic for so long a time. I quote the following parts of the "Spiegel's" article:

"The Epstein Report aroused Bonn and affected deeply the confidence of the Kennedy Administration in the loyalty of its German partner. Called to account before the German Bundestag, Foreign Minister Gerhard Schroeder outlined the circle of potential Epstein informants. He enumerated the people to whom the pertinent telegrams were accessible and did not forget to mention Chancellor Adenauer, 'who as you know, determines the guiding political principles of the Federal Republic'.

"The Federal Attorney General, instructed by Gerhard Schroeder to investigate, overlooked this intimation. Instead, the Supreme Court interrogated almost all the officials working in the German embassies in Washington and at NATO in Paris as well as the experts and assistants in Bonn's Foreign Ministry.

"The minutes of this investigation grew bigger and bigger. The Social-Democrats in the Bundestag who represented the opposition to Adenauer's coalition government of the CDU/CSU and FDP parties, became impatient. Months after months, the Social-Democrats asked about the status of the Epstein investigation.

"Not until July of last year (1964) had the investigators a hunch where Epstein's source may have been: In the Chancellor's Palais Schaumburg or in the offices of the chairman of the CDU/CSU parliamentary club, *Heinrich von Brentano* who was at that time seriously ill and died in November 1964.

"The Attorney General hesitated to approach former Chancellor Adenauer. The official reason was that Adenauer's parliamentary immunity prohibited his involvement in the Court's investigation. Adenauer had spoken in connection with the 'Spiegel Affair' of an 'Abyss of treason'. To ask the Bundestag now to lift Adenauer's immunity appeared much too risky.

"Therefore, the Attorney General asked Chancellor *Erhard* to assist him by asking Adenauer. However, Adenauer could no longer remember the details: Either he himself had given the secret documents to his American Public Relations adviser General *Julius Klein* or had asked Brentano to do so.

"At that time Julius Epstein was working in the Washington offices of Julius Klein. However, the Epstein articles did not appear before he was dismissed by Klein in the summer.

"Adenauer justified the indiscretion by stating that the allied deliberations, reported in the secret cables and telegrams had not only endangered the well-being and the security of the Federal Republic, but also German-American relations. Therefore, he had given the documents to a prominent American for appropriate use in conversations with American politicians. This was the only way to stop the intrigue going on behind the scenes. This was in the interest of the Federal Republic as well as of the United States.

"After this explanation, Erhard invited the three chairmen of the parliamentary clubs in the Bundestag (SPD, FDP, and CDU/CSU). Erhard took them into his confidence and they promised never again to ask any questions.

"The Federal Attorney, too, respected Adenauer's motives. Adenauer had given away secrets about which he alone could dispose as supreme 'bearer of state secrets' ('Geheimnisherr') in order to prevent imminent harm to the Bundesrepublik, the leaked secrets could not have been state secrets.

"Material state secrets are forbidden to be revealed; their essential criterion is the fact that their release would result in great harm to the Federal Republic. Since Adenauer, by his action, had prevented harm to the Bundesrepublik, the leaked secrets could not have been state secrets.

THE ADENAUER DENIAL

"Finally, Adenauer acted true to his oath to prevent harm to the German people. And that, the State Secretary for Justice said, is 'everybody's duty'."

A week after this article had appeared in "Der Spiegel", on August 11, 1965, the magazine ran a second one on the "Epstein Affair". The title was "Everybody's Duty II". This second article dealt with Adenauer's reaction to the article of August 4, 1965 with its sensational revelations.

"Der Spiegel" reported that Chancellor Adenauer had completely and categorically denied all the facts reported by the magazine. The same was true of the deputy federal press information officer, *Werner Krueger*. Besides, Adenauer instructed his assistant, Senior Civil Servant *Selbach* to declare "that he was neither directly nor indirectly the source of Epstein". "Der Spiegel" continued: "In reality Adenauer had admitted, as can be seen by his deposition, now in the possession of the General Attorney, that either he himself had given the documents to General Klein or that this was done at his behest by Brentano.

"Adenauer's denial was intended to hush up the unique case in Germany's judicial history that a Federal Chancellor had watched for almost three years the Supreme Court investigate, while he himself was the source of the very leak to be investigated.

"The truth became known last year, after the Attorney General *Martin* had reported to the Minister of Justice, Dr. *Ewald Bucher*, that all traces in the investigation of the 'Epstein Affair' led to three gentlemen: *Adenauer, von Brentano* and the then Secretary of State in the Chancellor's office, *Globke*. The Attorney General wanted the Government to give permission to the Chancellor, Brentano and Globke to testify.

"To grant permission met with difficulties, since Adenauer and Brentano were protected as members of parliament. Besides, Globke's taciturnity was a well established fact. The retired Globke told 'Der Spiegel': 'I refuse to give any information about this affair. It does not make any sense to dilate upon these things'.

"Not before spring 1965—Heinrich von Brentano had died in November 1964—was a legal way found to get authentic information with the help of Chancellor *Ludwig Erhard* who, as reported in Der Spiegel of last week, was requested to ask his precursor in office.

"Deputy press chief Krueger denied everything and declared that there was no discussion at all between Adenauer and Erhard about the affair, an allegation never made by Der Spiegel.

"The truth was that Ludwig Erhard, at the request of the new Minister of Justice *Weber* (Bucher had in the meantime resigned because of the new law extending the statute of limitation for Nazi criminals) had written to Adenauer and had asked him in his letter about the 'Epstein Affair'. Adenauer's written answer was conveyed to the Attorney General.

"Krueger also denied the Spiegel's report that the three chairmen of the parliamentary parties had been taken into Ludwig Erhard's confidence concerning the progress of the Epstein investigation as well as that they had promised to keep silent and never again to ask any questions. To this denial, the SPD deputy Mueller-Emmert, who himself had orally asked the Federal Government a question which he had withdrawn after Chancellor Erhard's intervention, remarked: 'The denial is a monstrosity'.

"In reality, Bucher, at the request of the Federal Chancellor informed the leadership of his own FDP parliamentary club as well as the chairman of the SPD deputies, *Fritz Erler*. Bucher: Before I could mention a name, Fritz Erler said: 'Adenauer'. Bucher could not remember who Erler's informant had been.

"Bucher declared to Der Spiegel last week: 'One cannot legally blame Konrad Adenauer. The leak of a secret by the chief of Government is a political event, but not a criminal fact.'"

III

THE REST IS SILENCE—ALMOST

The "Epstein Affair", as documented in this article, represents an unique case in the history of Government affairs. While the Chief of Government solemnly denies any knowledge or participation in the affair, some of the highest officials admit Adenauer's participation and the Supreme Court stops a three-year old investigation after it had been satisfied that Adenauer himself was the only source of the leak.

In order to ascertain the accuracy of the Spiegel presentation, I wrote to Spiegel's informants, former State Secretary in the Ministry of Justice, *Buelow*, former Minister of Justice, Bucher, former Chancellor Ludwig Erhard, as well as to former Minister of Justice, Gustav Heinemann.

Professor Dr. *A. Buelow* answered in a letter of March 11, 1968. He wrote that he regretted not to be able to help me. Then he added: "As you will see from the letterhead, I have already been retired. The information you expect could only be given in an official capacity, if it would be possible at all. I could never give this information because I am still bound by secrecy regulations."

Buelow's letter raised several questions. I therefore, wrote him a second letter under the date of April 24, 1968 from which I quote the following parts: "You write that you participated in the affair 'only in your official capacity.' I have therefore to assume that you acted in your official capacity when Der Spiegel referred to you as the source of its information." (Spiegel, August 4, 1965)

"Since you informed the Spiegel in your official capacity, I do not understand why it should now be impossible to confirm or to deny an action which you allegedly performed in your official capacity. When Adenauer denied everything the Spiegel had written, he implicitly accused you of having given wrong information to Der Spiegel. I can understand that you kept silent about this frightful insinuation. That you should still keep silent is rather hard to understand. One day, when German historians, too, will deal with this affair, the documentary evidence in the possession of the Ministries for Foreign Affairs and Justice as well as of the Bundesgerichtshof in Karlsruhe, will see the light of day. As you know, nobody in Germany and abroad ever believed Adenauer's denial. The SPD Bundestag deputy Mueller-Emmert called the official denial of the Spiegel report, issued on the behest of Erhard, 'a monstrosity'."

Buelow answered my letter on May 20, 1968. In his answer he wrote: "You obviously assume that the total article (Spiegel, August 4, 1965) has been based upon the information which I must have given to Spiegel. This assumption, however, is not correct. When the suspension of the investigation became known, an editor of Der Spiegel visited me and said that he had already prepared an article, dealing with the suspension. He just wanted to learn my judicial opinion on how the suspension can be justified. Whereupon I explained in a *completely abstract* way that the bearer of secrecy (Geheimnistraeger) has the right to release secrets if he decides that this is in the higher interest of the state in order to prevent harm. But no name was ever mentioned who came in question as the 'bearer of secrecy'."

"The Spiegel article shows that the editor had interspersed my purely abstract judicial comments. The article quotes me three times. The magazine did this without my knowledge and consent. The editor told me that my opinion was only of theoretical interest to him as background material. I had no influence upon the way in which my judicial exposition had been used in the article. After the article appeared, I considered a protest against the use of my jurisprudential explanations. I also intended to protest the manner in which this was done. However, for reasons which had nothing to do with the subject itself, I abandoned this idea.

"I again stress the fact that the article has not been based upon my information. The best proof that this is so must be seen in the fact that I have never been accused of any violation of my official duty not to divulge an official secret (*Amtsverschwiegenheit*). I would have exposed myself to such an accusation if I had acted in any other way. You will now understand that I never felt hurt when the denial by the former Federal Chancellor appeared. Besides, that denial had no bearing upon the judicial arguments. I believe that I have cleared up in this letter your error concerning my role in relation to the article."

Professor Buelow's letter did not convince me. Especially unconvincing is the argument that the fact that Buelow has never been tried by the Government for indiscretion proves that he had never committed one. The Adenauer Government must have been well aware that any prosecution of Buelow would certainly have stirred up a hornet's nest of revelations which would only have proved the Adenauer's official denial of any knowledge or participation in the "Epstein Affair" was nothing but a lie. The Government could have no interest in having this fact documented in any public proceedings against Buelow. It was this fear alone which prevented the Adenauer Government from prosecuting any officials who had informed Der Spiegel. I then wrote to the Minister of Justice, Dr. *Gustav Heinemann*, today's President of the Federal Republic of Germany. I sent Mr. Heinemann copies of the two Spiegel articles as I had sent them to Mr. Buelow and others. I asked the same questions: whether the Spiegel presentation was correct or not. I also asked the Minister of Justice whether I could have access to the documentary evidence in the possession of the Ministry of Justice.

Dr. Heinemann answered my letter of April 18, 1968 on May 28, 1968. He wrote: "I regret to inform you that the prerequisites under which ministerial documents are accessible to scholarly research now or in the foreseeable future do not apply to the events you are interested in as explained in your letter of April 18, 1968".

On March 4, 1968, I had already written to Ex-Chancellor Dr. *Ludwig Erhard* and had submitted the same request to him. Since I did not receive any answer, I wrote again on April 25, 1968. On May 20th Erhard answered my letter. I quote the following parts: ". . . although I have nothing to hide, but on the contrary, want to serve the truth, I am in no position to say whether the Spiegel presentation correctly describes the development of events."

"There are no documents at my disposal, nor have I personally and subsequently dealt with the events which occurred during the Chancellorship of Konrad Adenauer. I can only say that I had no discussion about this topic with Federal Chancellor Adenauer and that I had not informed the three chairmen of the parliamentary parties, at least not personally, about the status of the investigations and negotiations. I am sorry that I am for reasons of objectivity not in the position to give you any further information or confirmations."

Erhard denied what the Spiegel had never asserted: That he had *talked* to Adenauer. The Spiegel had reported that Erhard had written to Adenauer. This, Erhard did not deny, a fact which amounts to confirmation, albeit an indirect one. Erhard then states that he "had not informed the three chairmen . . . *at least not personally*." This ambigious statement must be interpreted that he *did* inform the three party chairmen although not *personally*, a fact which is immaterial.

On March 6, 1968 I wrote to former Minister of Justice *Bucher* a letter almost identical with those I had written to Erhard, Buelow and Heinemann. Bucher's answer, dated March 22, 1968, distinguishes itself from all the answers I had received from the other high officials. Former Minister of Justice Bucher wrote:

"I regret to say that I am even as retired Minister unable to give information about events about which I had received information in my official capacity. However, I do believe that I am not violating my secrecy duty if I express *my* opinion that the presentations in 'Spiegel' of 4th and 11th August 1965 are essentially correct."

Bucher's letter was the *first* and *only admission* by a former Minister of Justice who was involved in the affair that the Spiegel's presentation was "essentially correct."

The year 1968 saw the publication of the fourth volume of Adenauer's memoirs. The volume covers the years 1959–1963. I checked the volume and especially the subject and name indices. There is no reference to the "Epstein Affair" in the volume. Nor does Adenauer deal with the "Spiegel Affair" in his memoirs.

A TRIBUTE TO BORGER, TEX.

HON. ROBERT PRICE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 1970

Mr. PRICE of Texas. Mr. Speaker, the city of Borger, a dynamic community in the 18th Congressional District of Texas, has been selected by Look magazine as an All-America City.

In my judgment, this tribute was a richly deserved one, for Borger, Tex., exemplifies the traditional qualities that have made our Nation great. The municipal government is dedicated to meeting community needs and providing community services rather than merely perpetuating its own existence. Local businesses strive to succeed within the guiding principles of private enterprise, rather than relying on the Federal Government as a commercial security blanket. Residents of Borger have a community spirit and pride which is singularly lacking in so many of our Nation's cities.

Taken together, the attitudes of Borger's government, its businesses, and its people, provide a creative combination which has been forcefully and directly brought to bear on community problems. As a result, Borger, Tex., has literally pulled itself up by its own bootstraps. It is a self-made community in the finest sense of the term. I am proud to represent the city and its people in Congress.

Mr. Speaker, at this time I insert in the RECORD, for the benefit of my colleagues, the comments that Look magazine made about this award-winning city:

BORGER, TEX.—FROM BUST TO BIRTH PANGS IN THE PANHANDLE

Sometimes the concern of a whole nation can be found in the palm of a man's hand. In Borger, Texas, Warren Acker, manager of the world's largest carbon-black plant, stands at a conference table holding a small glass vial containing powdery black pellets. He unscrews the cap, drops one pellet on a clean white sheet of paper and carefully closes the vial. "This is carbon, or 'furance black,'" he explains. "It's extracted from boiling petroleum gas and used in making rubber." With one index finger, Acker crushes the pellet and spreads a black film across the paper and the palm of his other hand. "When you realize we produce over 300 million pounds of these pellets a year, you see the job we face keeping our plant and Borger clean."

There was a time when no such demonstration of industrial dirtiness would have been necessary in Borger, a rowdy town that popped up on the north Texas plains as soon as oil and gas were discovered in 1926. Once, 16 carbon-black plants, in addition to oil and gas refineries there, were belching dark fumes and rotten odors. "I just couldn't believe the dirt that rained down on the streets and windowsills and cars," says Mrs. Charles Cooley, who came here in 1943 and is now the peppy Women's Division president of the Chamber of Commerce. "No one dared buy a white rug."

Although Phillips Petroleum and J. M. Huber Corp., the two largest producers, were working on pollution control in the 1950's, their officials admit the big push to remove "those last few percentage points" did not come until Texas passed a clean-air law in 1967. "When the legal maximums of 125 to

175 micrograms per cubic meter came out, and our first tests showed 4,000 micrograms," says Acker, "we thought it was the end of the world." But by establishing Texas' first air-control zone and spending millions of dollars on glass filter bags, the companies cleared Borger's skies. Just complying with the regulations may not seem very All America—until you compare it with industrial foot-dragging elsewhere in Texas and the U.S. "After all," explains Acker quietly, "we live here too."

Far more important in recent years has been the civic cleanup by the citizens of Borger, a town whose attitude used to be reflected in the story of the barber who complained to a client about the dirty air. "If you don't like carbon money," said the man in the chair, "get out of town."

Borger boomed in the 1920's, sagged during the Depression, went bankrupt in 1940, boomed again with wartime industry, and in 1964, when automation appeared, began another period of declining population. "We faced unique problems," says Mayor Ed Lewis. "Unused Federal housing, declining school enrollment, a townful of empty shacks and storefronts. Paradoxically, income remained high and unemployment low, since people who lost jobs just picked up and left. What made you blue was the feeling Borger was still not here to stay."

Borger decided to shrug off the past. Over 900 citizens attended meetings to revamp the school system, assigning unneeded buildings to imaginative projects like a senior citizens' center in the midst of the community. Women's groups started a day-care center in empty FHA apartments. While on strike, laborers helped remodel a ranch house for homeless girls. Businessmen joined the city in removing over 250 deteriorated buildings and have attracted three new industries.

Today, Borger has a downtown shopping mall, where once stood flophouses, poolrooms and bars.

EDUCATION INEQUITIES FOUND IN SOUTH AFRICA

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 1970

Mr. FRASER. Mr. Speaker, the "separate and unequal" conditions existing in apartheid South Africa continue. A news article that appeared March 1, 1970, in the New York Times reveals that a severe gap exists in South Africa between the educational opportunities available for black and white students.

Black schools reportedly are overcrowded, have very high dropout rates, are staffed by unskilled teachers who must work with inferior facilities, and these schools are often too costly for poor black African households to afford.

Today, when education is becoming increasingly important, it is indeed an outrageous situation when children are deprived of that essential education solely because of the color of their skin.

The Times story follows:

SCHOOL GAP FOUND IN SOUTH AFRICA—UNLIKE WHITES, BLACKS PAY FOR CHILDREN'S BOOKS

JOHANNESBURG, SOUTH AFRICA, February 28.—A black African woman earning $192 a year as a domestic servant pays $90 a year to keep her four children in school.

When schools opened last fall, thousands of black African pupils were turned away because there was no place for them.

An examination of the black school system in South Africa indicates a wide gap between official doctrine—"separate but equal" societies for the races under apartheid—and the reality of education for the black majority.

Black African schools are overcrowded, especially in urban areas where blacks go to work for the white man. Teachers are often badly qualified and teaching facilities rudimentary. The situation is improving but not nearly quickly enough, critics of the Government's education policy believe.

BLACKS PAY FEES

The average black African earns the equivalent of $44.80 a month, and many cannot afford the schooling provided by the Bantu Education Department.

Unlike other racial groups, black Africans pay for their children's text books, writing and handicraft materials, secondary school examination fees and sometimes registration and sports fees. Whites, Asians and coloreds, better able to afford the additional fees, pay few of them unless they send their children to private schools.

With too many pupils for too few schools, those who cannot afford the rising costs are consigned to illiteracy.

A recent survey in a township in coastal Port Elizabeth showed that black Africans pay a third to a half of their wages on educating their children.

Books alone cost about $10 for junior school pupils and $30 to $50 for high school pupils. One school principal said he insists his pupils buy books on the first day of term.

"I must do it because parents take too long to buy books for their children. Those who have no books create a problem at school."

VACANCIES IN HOMELANDS

Under the Government's "separate development" plan, black Africans are being encouraged to move from the cities to segregated tribal "homelands," where they are eventually to be granted limited autonomy. School building for blacks is therefore not being encouraged in white urban areas.

Officials say there are enough vacancies in homelands such as the Transkei for pupils unable to enroll in the cities. But black families often cannot afford travel costs.

The Government had more than 9,500 schools for the country's 13 million blacks in 1968, and school spokesmen said they were educating 78 percent of the school-age population.

Yet the dropout rate is so high that only 30 percent of the children are educated past the fourth school year. Although the number of high school graduates increased by 10 percent last year, the figure was still only 1,593 of a total school-age population of about 2.5 million. Only 65 qualified for entrance to one of the Government's segregated tribal university colleges.

Critics say the system is "bottom heavy" and concentrates mainly on eliminating outright illiteracy. They feel that adequate secondary education is needed if black community leaders are to be trained for the homelands.

FULL CURRICULUM SCARCE

Of the 9,500 schools for blacks in 1968, only 89 provided a full high school curriculum. There were seven technical secondary schools, 30 vocational-training schools and 34 teachers' colleges.

Of 31,705 black African teachers outside the Transkei homeland in 1968, 87 percent had not been graduated from high school.

An education commission backed jointly by the South African Council of Churches and the Christian Institute recently found that school children of all races are being taught that apartheid is the only acceptable policy for South Africa. There are about 3.5 million whites, compared with the 13 million blacks.

The commission, under the chairmanship of Raymond Tunmer, a senior education lecturer at Johannesburg's Witwatersrand University, criticized Government education for attempting to insure the continuation of racial division and the retardation of "processes of change within these groups."

The commission also criticized the authorities for "making the least privileged group pay to a large extent for their own education."

CORRECTING THE RECORD

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 1970

Mr. DERWINSKI. Mr. Speaker, I insert into the RECORD an editorial in the Rocky Mountain News along with a copy of a telegram which the president of the Massachusetts Medical Society directed to the attention of the senior Senator from Massachusetts. The two items which appeared in the March 9 American Medical News are basically self-explanatory.

It is my hope that congressional committee staff work be more objective and accurate than was evident in the case of the special Senate Finance Committee staff report. Perhaps it is not asking too much to have individual Members of Congress require accurate reporting from their subordinates.

The material referred to, follows:

FEBRUARY 12, 1970.

Senator EDWARD M. KENNEDY,
Senate Office Building,
Washington, D.C.:

The physicians of the Massachusetts Medical Society urgently request that you exert your influence to put into proper focus the role of the physician in the implementation of the Medicare and Medicaid programs and to determine whether or not there is a deliberate attempt to disparage physicians on a national level by continuous attacks on their integrity and dedication.

The publicity resulting from the release of the report of the Senate Finance Committee on Medicare and Medicaid is the most recent case in point.

We resent being singled out as being responsible for the financial faults of Medicare and Medicaid. We resent the implication that fraud by physicians is rife in these programs when in fact evidence of fraud by physicians is demonstrably small and insignificant in relation to the cost of the overall program. The evidence is that the great majority of physicians do not overcharge, are not abusing the program and are dedicated to making Medicare and Medicaid work.

We are discouraged. We dislike being scapegoats. We look to our statesmen in Congress to set the record straight, to let it be known that they have faith in the medical profession, and that the vast majority of physicians are honest and dedicated to providing high quality medical care to all persons.

JACOB H. FINE, M.D.,
President,
Massachusetts Medical Society.

[From the Rocky Mountain News]

CORRECTING THE RECORD

Last Saturday [Feb. 7] our Washington correspondent, Dan Bell, was given a special Senate Finance Committee staff report on

Medicare and Madicaid payments to Colorado doctors.

The names of the doctors were not disclosed. Instead, the doctors were identified by Blue Shield numbers. The report indicated that each number represented a single doctor.

One of these numbers indicated that one doctor in Colorado had received $326,262 in Medicare payments and an additional $39,526 for Medicaid, and another Colorado physician received $144,195 in Medicare and $30,740 in Medicaid.

The Rocky Mountain News published these figures in a page one article in Sunday's edition. We published them in the best of faith. While they are admittedly high figures, we were reminded that exceptionally high payments have been made by Medicare and Medicaid to some other physicians in other parts of the country.

Both Sen. Dominick and Sen. Allott were given to understand, just as we were, that these figures represented single, individual doctors.

Now it is revealed that the authors of the Congressional report were in error in indicating that these figures represented single doctors. Instead, the first set of figures reflected payments made to Colorado General Hospital and the second set to Denver General Hospital, representing in both cases services performed by a number of doctors.

This is what is always likely to happen when an effort is made to conceal information. Why were anonymous figures used instead of names? Certainly, if the report had stated that Colorado General and Denver General were recipients of Medicare and Medicaid payments we would have printed this.

After all, there is nothing whatever improper in hospitals and doctors receiving such payments; that's how the Medicare and Medicaid programs have been set up, as they should have been. There is no reason whatever for using numerals rather than letters in a report that is supposed to enlighten the public.

A number of physicians have written us to say that they have been offended by our Sunday article on the report. We sincerely regret this. We want the Medicare-Medicaid program to work, and it cannot work without the services of the competent physicians we are fortunate in having in Colorado.

If we were handling this article again, I think we would not rely so completely on the federal report, and turn to members of the Medical Society for their observations, if they are available.

UGANDA—THE TRIBES ARE RESTLESS HERE AGAIN

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 1970

Mr. RARICK. Mr. Speaker, although there seems to be more recent news on the Rhodesia story than that which appeared in Saturday's papers an attempt to make an honest evaluation of the facts makes last week's stories of interest to the House.

The lead story, of course, is that the so-called "emerging nations" of Africa are throwing their "one-man, one-vote" weight around in the United Nations organization to demolish civilization in Rhodesia. Not content with the British ostracism resolution, they want blood. It is not too difficult to guess that the blood would be American, as invasions from Tanzania and Zambia have failed, assaults from such ferocious powers as Guinea, Ghana, or Cameroon are a laugh, and the British seem disposed to fight Rhodesia only to the last American.

Speaking of Uganda, which has been under a state of emergency for 4 years—ever since one Obote declared himself President and threw out the Kabaka of the Baganda—the natives are still restless. It seems that recently, perhaps as a demonstration over the death of the Kabaka, someone tried to kill Obote. A month later the second most powerful commander of the army, one Okoya, was murdered.

The story is the same familiar African pattern. The Baganda are the most civilized and advanced of the tribes, but they are outnumbered by the Langi and the Acholi, who want what others have produced. Obote is a Langi and his army boss is an Acholi, who runs the military establishment largely by seeing to it that his noncommissioned officers are properly supplied with whiskey.

For us to give credibility to such a sideshow as the government of a civilized nation, while we spurn the truly civilized government of the Republic of Rhodesia, is almost unbelievable.

The great majority of the American people have indicated that they do not approve of such stupidity. We have a duty to remember who we represent. We represent the American people—not the tribal potentates of Africa even when they sit in the United Nations organization.

I include in my remarks the pertinent news clippings:

[From the Washington Post, Mar. 7, 1970]

AFRICAN NATIONS BLOCK U.N. RHODESIA MOVE

UNITED NATIONS, March 6.—The African members of the U.N. Security Council sidetracked today a British call for nonrecognition of the newly declared Republic of Rhodesia.

L. S. Mulka, delegate from Zambia, derided such a move as inadequate in dealing with the situation posed by the rebel white minority regime in Rhodesia. He declared the council should not be content "with merely creating pinpricks for the rebels" in Rhodesia.

"It will be disastrous if this council would prefer to entertain peddling in rhetoric rather than putting an end to that regime," he added.

At the request of the African members the Council adjourned until Tuesday without taking action on a British resolution asking U.N. members to refrain from extending recognition to the regime in Salisbury, and again expressing condemnation.

Lord Caradon, the chief British delegate, pleaded for immediate council action on the resolution. But he and other members of the 15-nation council did not oppose the request for adjournment put forth by Muika.

[From the Washington Post, Mar. 7, 1970]

UGANDA PLOT THEORIES GROW WITH NEW ARREST

(By Jim Hoagland)

KAMPALA.—Uganda's police have finally developed their first promising lead in the attempted assassination last December of the country's shrewd and tough president, Milton Obote, according to sources close to the government.

But the reported arrest and interrogation this week of a Ugandan soldier have shed little new light on one of Africa's strangest whodunits in recent times.

The suspect, reportedly is not talking. Until he does, sources say, the government, which so far has declined to confirm the arrest, will say nothing about the case.

MANY QUESTIONS ARISE

Since a would-be assassin shot and wounded Obote in the jaw on Dec. 19, this pleasant and handsomely landscaped East African country has been a bundle of jitters and questions which reinforce each other.

The main questions are:

Was the attempt on Obote part of a high-level plot to overthrow his government?

Was the still unsolved murder a month later of the second most powerful commander in the army related to the attack on the President?

Are the increasingly apparent fissures in Uganda's security forces related to these crimes and can Obote still count on the loyalty of the army?

When will Obote initiate his next purge of his government, as some informed sources here think is inevitable?

TENSION IS EASING

Much of the overt, widespread tension that gripped the country immediately after the assassination attempt and caused an estimated 20 to 30 deaths of civilians shot or beaten to death by panicky soldiers seems to have disappeared.

"Everything is back to normal," Uganda's Vice President John K. Babiiha insisted an interview this week. "People carry on their daily lives like always."

When asked about the state of emergency that has been declared throughout the country Babiiha pointed out that emergency conditions had been in effect in Kampala for four years, since Obote took power, and "people have become accustomed to them. It is nothing."

But there are some little signs of the apprehension that ripples beneath the surface. While Ugandans and foreigners resident here still discuss most of their ideas openly, and with a vigor rare in Africa, they ask not to be quoted in print.

TRAVEL RESTRICTED

Foreign diplomats now cannot travel outside of Kampala's city limits without written permission from the government. At least 40 persons have been jailed in the wake of the attack on Obote and the murder of Army Brig. P. Y. Okoya and his wife Jan. 26. Many of the detainees are political opponents of Obote.

"The way the government has handled the investigation makes it pretty clear that they think only a small group was involved," said one informed observer. "So there is no general tension among the people. But I've never seen people in this government so worried, or so unsure about what is going to happen next."

These events have arrested much of the apparent progress Obote had made in bringing stability and unity to this Oregon-sized country of 8 to 10 million people which attracted world attention last year by serving as host for the visit of Pope Paul VI.

The assassination attempt has frozen all political activity. Parliament has not met this year. Obote's heralded "move to the left" has been quietly shelved for the time being. More importantly, the President has wrapped himself in a shell, from which he began to emerge only this week with a scheduled public appearance and a meeting with a church leader.

His cabinet members have told friends that Obote seems to be completely recovered from the attack but that he seems to be

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deliberately hiding his feelings and plans from all but two or three associates.

"The President calls in his ministers, very abruptly and businesslike goes over a few points, and then dismiss them," said one source.

TWO WERE RELEASED

Few details of the investigation have leaked out. It is known that two civilians were arrested at the scene of the attack on Obote but were released within 10 days when police became convinced they were not involved.

Most observers discount one of the theories voiced when Obote was shot—that it was the work of a member of the Baganda tribe, which still resents Obote for having ousted their traditional ruler, the Kabaka, in 1966.

The Kabaka died in exile in London a few weeks before the shooting and it was feared that Obote might have been the target of a revenge attack. "But the government certainly does not seem to believe that," said one observer, "for it has made no moves against the Baganda."

In fact, the Baganda, who inhabit the south of Uganda and who provide many of the country's most educated and sophisticated people, have "been playing a passive role in this whole thing," says one diplomat, "watching with some satisfaction the family dispute between the northern tribes that dominate the army."

OTHER THEORIES

Some observers theorize that there is a link between unrest in the army and the two recent crimes.

The Acholi tribe traditionally dominated Uganda's armed forces, with their northern neighbors and often rivals, the Langi and West Nile tribesmen, playing subordinate roles. Four years ago, however Obote, who is Langi, ousted the Acholi head of the armed forces and made Maj. Gen. Idi Amin, who comes from the West Nile Region, commander. Amin and Obote have long and close relationship.

Since then, Acholi officers feel they have been bypassed in promotions and recruitment while the government brings in more West Nile and Langi soldiers.

There is another split in the armed forces that some observers rate as even more serious than the tribal frictions. Amin, a tough, slow-talking paratrooper who joined the army through the ranks, runs the army through his noncommissioned officers.

PLAYS UP TO NCO

"He knows the first name and birthday of every NCO in the army," says an acquaintance, "and on the birthday, he sees that a bottle of whiskey is at the sergeant's house."

But many younger officers here are well educated and have received advanced training from British, Soviet, Czechoslovakian or Israeli advisers. They would like to "modernize" the forces. They see Amin and his ally, Obote, as roadblocks.

One theory on the assassination attempt is that a small group of these officers thought that, with Obote out of the way, Amin could be removed and the army reorganized. Their aim would not have been to take over power.

The murders of Okoya and his wife in their home in Gulu in northern Uganda, could fit into this theory, some observers say. Okoya was an Acholi and one of the few alternatives in the army to Amin. He could have been viewed as a threat to the status quo.

But there is nothing approaching unanimity on these theories. For one thing, Okoya is also thought to have been close to Obote. "All we know about the murder is that it was well planned, well executed and committed by someone who knew the brigadier's habits."

"Unless it was an individual personal attack, which most people here do not believe, "he continued," then it would appear that it might have been planned by someone with enough confidence that, with Obote out of the way, the government would automatically fall to him or them.

CABINET PURGE EXPECTED

Such a theory would point the finger of suspicion at someone in Obote's cabinet, although there is no evidence to support it. But the general expectation here is that Obote is getting positioned for a purge of the cabinet.

In any event, the 44-year-old President, who is rated by observers here as one of the shrewdest politicians in Africa and who has an ability to turn crisis to his advantage, seems to have weathered his most severe challenge.

He even appears to have gained sympathy among the Baganda, who formerly were his severest critics, and he has provided some reassurance to them and others here by not using the tense situation as an excuse for a general wave of terror.

But even those close to him admit that uncertainties as thick as the morning mists that now rise above this city of seven hills cloud Uganda's immediate future, said one responsible source.

NO SIGNS OF REVOLT

Despite these splits in the army, most observers here do not think an open break or revolt will develop. "The northern tribes' first interest is to retain their hegemony over the country. If they start quarreling too much, they could lose everything and they know it. They may go to the brink, but they will pull back," says one of the keenest analysts of Uganda affairs.

To many, the most puzzling aspect of the attack on Obote is the fact that nothing else happened. "If you apply Western logic to the situation, it does not make sense. Obote was in the hospital for several hours and out of touch. Yet there was no attempt to follow the textbook coup pattern, no attempt to take the radio station or armories," a diplomat notes.

SPEECH BY HUGH C. RIDDLEBERGER

HON. JOHN J. RHODES

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 1970

Mr. RHODES. Mr. Speaker, the role of the private school has been discussed pro and con for many years. Recently I had the pleasure of hearing a speech by Mr. Hugh C. Riddleberger, who will shortly be installed as headmaster of Landon School. I thought the speech was good in many ways, but it was particularly pertinent as to the proper role and function of the private school in the scheme of total education in the 20th century. The speech follows:

LANDON SCHOOL FATHERS' CLUB SPEECH

Mr. Brown, Mr. and Mrs. Banfield, ladies and gentlemen, I am pleased to be able to join you for this meeting of the Landon Fathers' Club and to be given the privilege of speaking on any topic I wish. I hope I have something to say of importance and most certainly I hope to expose enough of my thoughts so that you go away from here with some indication of what sort of a man your trustees have chosen to carry on the traditions of Landon.

Before getting into the substance of my talk, may I say honestly how frightened I am at the prospect of following Banny. I hope I will avoid using cliches in describing the stature of this man, but it is sufficient to say that I would be a fool to believe that I could equal his leadership and his achievements. However, I am thrilled to have the opportunity to lead such a spendid institution.

Let me go back to a question which was asked me by a trustee one night in late December. What is the future of the independent school and what are the things which we can identify which we are doing or ought to do if we are going to survive as healthy and contributing institutions?

You know your history as well as I do, and you know that for most of the years of this republic, college preparatory work has been performed by independent schools. The effect that this small number of schools has had upon public education is enormous, and particularly upon the college preparatory portion of the system. It is equally true that there are literally hundreds and hundreds of outstanding public schools which today are providing a solid college preparatory education for those students who wish to profit by it. We have no monopoly in this day and age on that phase of our work.

Yet from the standpoint of preparation for college, this is still one of the very valid reasons for our continuing. All by itself, I doubt that this would be reason enough but that's an individual matter. Good schools, such as Landon, provide the teaching, the curriculum, the standards which are highly pleasing to colleges the country over, and there is little doubt in anyone's mind that graduates of this school have a competitive edge over most of their public school counterparts. The emphasis on top-notch college preparation will continue.

But there are changes that are taking place and we will have to keep abreast of those changes, sifting out the undesirable and incorporating the good ideas. We are keenly aware that we don't know very much about how a child learns, but we are certain that now and in the future we are going to emphasize learning rather than teaching. There are many media which we have only begun to learn how to use and to understand the effect upon the learning process and these media will have to be examined mose closely. There is no question that there is a healthy growth in the humanities and alert teachers will have to keep in touch with this development. When examined closely, it is difficult to dispute the premise that the major disciplines spring into life when they are studied as inter-related subjects and not treated in the fragmented way of the past.

Though we pride oursevles on a liberal arts curriculum in which relevance is not our major concern, we must be very sensitive to the part that relevance can play in some of our offerings. Such a case in point is the growth of ecology in our secondary curriculum. Many schools I know have been heavily involved in the creation of courses in ecology for at least two years, and the stimulation and the excitement engendered by this study are beginning to have a decidedly good effect upon college preparatory science programs. The additional excitement generated by the computer and its use in a variety of secondary school work, as well as elementary school work, is another development which adds to the exicting possibilities of our academic programs.

It is unfortunately true that courses in history, all too often, are deadly dull. We seem to cling to worn out methods and courses as though they were "holy writ". We are deeply disturbed by the failure of the young to understand the place of the past in the interpretation of the present. Of all the courses of study which permit opportunities for creative approaches to learning history is it. Independent schools have the chance of doing something better for their students and perhaps for all education and maybe even for society.

I can't hold you all night for you might impeach me before I even begin. But let me add one other thing to these few scraps I have tossed out before leaving the academic arena. We will not ever endanger the orderly process of learning the fundamentals and creating tough, disciplined minds. But we want to add such excitement that ultimately children will learn because they want to. Such a goal will demand imaginative teachers, eager to get back to graduate school and eager to learn everything that holds promise.

There is no question in my mind that independent schools have a uniqueness which will continue to make them a powerful force in the world of pre-college education and will continue to make them attractive to an increasing number of parents. That uniqueness is bound up in the constant emphasis we place upon the creation of good values. Good schools everywhere are deeply concerned about the actions and reactions of their students in their relationships to one another. I feel so deeply for young people who are thrust so quickly into the world of ugliness, shame and sorrow. The instancy of communications and the stripping away of what used to be either private or relatively distant from us, causes our young people to be so easily disenchanted. How can you think heroic things about a president who bares his abdomen for the television cameras to zero in on, and how can you think of war as anything but the bloodiest of catastrophies when it is brought into your living room in living color? How can we teach the simple quality of thrift when instant credit through the use of a simple card is available to anyone? How difficult it is to teach love and respect for one another when we have to resort to the courts for the creation of human rights.

The independent school has at its finger tips the freedom to use all that is available in assisting children to create a value system worth possessing. We can use the institution of the church, we can bring into our midst the finest of minds available to us, and we can use what materials we wish without fear of the law saying no. I shall be deeply concerned about the quality of our lives and particularly of the quality of our human relationships. I trust that as Landon students are seen and judged by outsiders, that the most discernible quality will be that of compassion and genuine concern for the welfare of others. And let me say with reference both to academic achievement as well as the creation of strong and supportive values, we will judge our successes and failures by viewing our children after they leave Landon. We know, while we have these young people under our thumbs, we can hold the reins so tight that we can lull ourselves into the belief that we have done our job well. The true test is that moment in time when there is freedom; freedom to choose any path at all, and it is only when these choices are well made that we can commend ourselves.

As most of you are mothers and fathers of children presently enrolled, let me talk briefly of our relationship in the months and years to come. Though I am thought by many to have some fairly strong convictions, I want to assure you that I am no autocrat. I need you and you need me, and we are going to have to learn a good deal about one another in a very short time and discover from one another what each can do to assist in providing the best for our children. It is imperative that you understand what we are doing here and why. We don't deny you the right to debate with us at the appropriate place and time. But once you do understand and we do agree upon paths of action, we hope that we will get the fullest support you can provide, for this is the greatness of the independent day school. It is home and school working together. It begins with trust and understanding and ends with young people who have the capacity to give unselfishly to their world.

The confusion that inevitably results when a headmaster seeks suggestions from every source, is that inevitably those making the suggestions are silly enough to think that all the suggestions will be acceptable. This is particularly true when you allow students to participate in discussions on policy matters. I believe in open forums for students as long as those participating know that ultimately a decision must be made and sometime you win and most of the time you lose. One of the problems of the militants on the college campus is that they are poor listeners. They don't dispute, but they abuse and they so frequently lack a sense of humor which is based on humility and the ability to accept stumbling human nature. Here, with all working together, we hope we can assist our young people to enter the next level of learning, ready to doubt constructively, ready to listen intelligently, and ready to act unselfishly.

I don't know how this talk has come through to you. I really don't like to speak so seriously on our first meeting. I sound too much like the politician making campaign promises which so often are not fulfilled. I trust you won't leave here tonight pinning a short label on me by saying such things as "he's radical" or "conservative" or "traditional" or "progressive" or "old-fashioned" or "contemporary". If you single out one or two of these you're quite wrong, for I believe that I have a little bit of all of these characteristics. But one thing you can tell your sons, and tell them very clearly, is that I will have a very genuine interest in them—in them as total human beings, and I have the capacity to give them countless hours in the solution of their problems.

I might close with a quote that should bring delight to all of your hearts. It is from a former president of Harvard University and he says: "There is no place so safe as a good college during the critical passage from boyhood to manhood". Thus sayeth Charles William Eliot at his inaugural address in 1869. I trust that my remarks tonight have been equally comforting to you.

CONSUMER CREDIT

HON. LAURENCE J. BURTON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 1970

Mr. BURTON of Utah. Mr. Speaker, Bill Gold, in his very readable column in the Washington Post, touches daily on a wide range of subjects that often spark thoughtful return comments from his readers. I found his column this morning on the subject of consumer credit of particular interest.

The article follows:

MONEY TALKS ALL RIGHT, BUT TO WHOM?

(By Bill Gold)

A man with a pretty good reputation for common sense charges that people like me haven't been doing right by people like you.

"You newspaper fellows don't hesitate to tell government people how to run their affairs, so I don't know why we shouldn't return the compliment occasionally," he says.

"But just to keep the peace, it would be best if you'd leave my name out of this.

"However, I do think you and your colleagues have been somewhat derelict in your coverage of the consumer credit situation.

"You refer to the consumer credit interest rate of 18 per cent a year as if it were monstrously excessive, and you do it in a way that shows little understanding of what is involved.

"If you take a taxi from Washington to Los Angeles and the driver charges you $500 for the trip, you might consider his price 'excessive' because it is much higher than plane fare; yet, considering the driver's time in deadheading back to Washington, he might lose money on the job. The driver would consider the price too low.

"Both parties to this kind of disagreement can be right, from their own viewpoint.

"A store may find that 18 per cent a year just barely covers the cost of credit investigations, bookkeeping, billing, collection expense, bad debts and 'hiring the money,' as Calvin Coolidge used to term it.

"From the customer's standpoint, on the other hand, 18 per cent is a mighty big chunk of expense. It should be avoided whenever possible—and very often it *can* be avoided through sensible planning and a modicum of restraint, just as common sense tells us to avoid running up 2,000-mile taxi fares.

"Don't complain that taxi fares are too high when the real problem is that you shouldn't have used a taxi in that instance. Don't complain that the cost of credit is too high when the real mistake is in using credit when it could have been avoided. The nub of all this is that it is foolish and expensive to use credit you don't need. This is what you writers should be stressing. Instead, you remain preoccupied with criticizing that 18 per cent rate, as if it were immoral per se. The real immorality is our tendency to go overboard on credit, to slip into 'easy credit' excesses that lay too heavy a mortgage on our futures.

"The cost of credit ought to be borne solely by those who use it, but these days we all pay for it. Its costs are becoming embedded in our pricing structure.

"Look at what has happened in one field after another. Restaurant meals used to be strictly cash transactions. Suddenly, it became the fashion to put them on the cuff. Now everybody pays more for his meal because so many meals are being bought on credit.

"Similarly, the corner filling station used to do a strictly cash business. So did the chain drug store and the supermarket. Now millions of people buy gasoline, cosmetics and food on credit, and retail prices edge higher to cover the cost. The cash buyer ends up subsidizing the credit buyer. He pays the same price for cash that the other fellow pays when he puts it on the cuff.

"What you newspaper people probably ought to do is urge people who buy for cash to ask the merchant for a cash discount. If he turns you down, say to him: 'Then put it on my charge card. That will cost you more than it would have cost you to give me a cash discount.' Money talks, and this is the cash buyer's opportunity to make himself heard."

Most of my friend's comments make sense. The only thing I would really challenge is his concluding suggestion. I think it is impractical.

He assumes that there is a face-to-face relationship between buyer and seller, and that the buyer is therefore able to negotiate with the seller. But for the most part, this is no longer a valid assumption.

Mr. Rockefeller doesn't fill your gas tank, Mr. High doesn't scoop ice cream into your cone, and Mr. Giant doesn't ring up your grocery order. The closest you'll come to meeting the "owner" of a department store will be when you're waited on by a clerk who is buying 10 shares of stock in the company through a deferred employee payment plan.

Yes, you can protest. But to whom? Who will listen, or care?

To achieve operating economies and efficiency, a business must grow to optimum size; but by the time it reaches that size, its owners and managers have lost their face-to-face relationship with customers. It just can't be helped.

So when your money talks, it talks to a clerk who doesn't make policy, doesn't know who does, isn't too sure what the policy is, doesn't really care whether the policy pleases you or displeases you, and wouldn't have the authority to do anything about it even if he did care. That's the situation at its best, when two human beings meet face to face. At something less than its best, the transaction is conducted by phone or mail. You don't even see a clerk, let alone the owner—but of course at the end of the month you do get to meet the store's computer.

I will concede that we writers have done little more than wring our hands about all this, and that we have not been clever enough to suggest any effective remedies. But then—who has?

SAFEGUARD ABM SYSTEM—PHASE II

HON. JEFFERY COHELAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 1970

Mr. COHELAN. Mr. Speaker, the House will soon have before it the Defense procurement bill. We will again be forced with a decision on the Safeguard anti-ballistic-missile system. This time discussion will center around the phase II plan which considers an extension of the curent ABM system to other sites.

This phase II plan still does not answer the central question raised by the entire ABM effort: Why should a complex weapons system be deployed before the most comprehensive tests have established that the entire system will work—the entire system, not just individual components. It was for this reason that I objected in 1966 to the preproduction of the Nike X, a precursor of the current ABM. At that time I voted against the Defense procurement conference report—on July 12, 1966.

Although the present ABM system is different from Nike X, I believe the same reasoning is valid: A weapons system should be completely operational before it is deployed. In addition, each weapons system should be analyzed taking into account its strategic and political implications. My own research has convinced me that the Safeguard system, as its predecessors Nike X and Sentinel, is not fully operational and, more importantly, serves to escalate the arms race in both the long and short run. Such an expenditure feeds the costly and, at times irrational, search for nuclear security. The final result of this search is usually an expensive and wasteful weapons system that ties up vast amounts of our scarce Federal resources which should be allocated for our more pressing domestic priorities. Thus, it was a serious mistake to proceed with the initial deployment of Safeguard and to proceed now with phase II merely compounds the initial error.

Considering our scarce resources, the $1.49 billion request for phase II seems to bring to graphic relief the fight to reorder our national priorities. How can a $1.49 billion request for an expanded ABM system be any less inflationary than the $1.2 billion this Congress voted to education and health? We are now asked to put these moneys into a system that many experts say is not functional. Incidentally, we must not fail to remember that the price tag for the entire system has been increased by $1.6 billion, although I am constrained to note that this announcement from the Department of Defense was not accompanied by the ruffles and flourishes that was used to herald the new Chinese threat used to justify phase II.

I wish at this point to insert two articles into the RECORD. The first is by William H. Stringer and deals with the first strike rationale used to justify the ABM; the second is by Ralph E. Lapp and deals with the Russian threat. I commend these articles to all readers of the RECORD:

"FIRST STRIKE" ILLUSION

(By William H. Stringer)

We have had so much speculation about the Soviet ability to reach a "first-strike capability"—to knock out the whole American nuclear arsenal in one fell onslaught with 20-megaton SS9 missiles—that some countervailing points seem to be wholly forgotten. To quote from Dr. Jerome Weisner, President Kennedy's science adviser, in a December speech:

"We have become numbed by the number games we play with nuclear weapons and have lost track of their power and what a few of them can do."

Let's get a few facts clear:

One, no amount of attainable "first strike" capability would prevent some missiles from being launched against the country attempting the all-out blow. At least a few retaliatory missiles would get launched and would get through. And one 1-megaton missile can knock out Moscow or Washington.

Two, in the days of Russia's rough-grained Joseph Stalin, it was quite clear that he was deterred from more serious aggression after World War II by the existence of a few "small" American atomic bombs, perhaps a half-dozen 20-kiloton, Hiroshima-size weapons.

How persuasive, then, is a so-called first-strike capability, in realistic terms? Dr. John Foster, Pentagon military scientist, has said that if the Soviets should build 420 SS9s and put multiple warheads on them, these could destroy 95 percent of America's 1,000-plus Minuteman arsenal in a first-strike onslaught. This however would seem to leave 50 Minutemen undestroyed.

If six Hiroshima-sized bombs deterred Stalin, what would 50 missiles of vastly greater power deter?

Or, if we or the Soviets are callously not impressed with that much deterrence, consider the fact that, in any present confrontation the American fleet of Polaris-type submarines, armed with multiple-warhead Poseidon missiles, would still be cruising undestroyed.

What then, in the name of common sense, is the Pentagon talking about when it suggests that the Soviets are nearing a successful first-strike capacity which can be defended against only by piling up more weapons of the independently-targeted MIRV variety, or by adding some rather ineffective ABM defensive missiles to the arsenal?

Of course there are generals who put their trust only in what has, perhaps inaccurately, been described as the Dr. Edward Teller strategy. This argues that the only safety for America is to run faster than the Soviets in nuclear weaponry—that since the United States has technological superiority it can build and develop and keep one jump ahead of Moscow. But considering the fact that the United States can deter without such escalation and considering all the domestic-urgency demands on government funds, this is rather sorry reasoning.

President Nixon has not quite embraced such a strategy. He apparently believes the United States can begin MIRVing its weapons and building an ABM system, and then call off the race if the Soviets seem genuinely ready to agree to arms limitation. The peril in this formula is that (a) it is desperately expensive, with domestic needs crying out, and (b) it could persuade the Soviets that they must continue escalating, so that the unhalted arms race spirals up still more.

Mr. Nixon says a "thin" system will protect against a limited Chinese onslaught. Actually, the existence of the massive American arsenal is more than enough to deter the Chinese unless they are madmen and then nothing will deter and nothing will protect.

We come back to the fact that today's nuclear weapons are so deadly that, if even a dozen "get through," the damage is such as to be unsustainable to any modern society. And the likelihood is that, given any combination of SS9s, MIRV's, or ABMs, more than a dozen missiles would "get through," in either direction. The sensible thing at, the next SALT talks, is to recognize this and get on with the business of cutting back—in the name of economy and common sense—on the overwhelming American and Soviet arsenals.

MISSILES 2: HOW GOOD ARE THE KREMLIN'S WEAPONS?

(By Ralph E. Zapp)

Marshal Andrei Grenchko, Soviet Defense Minister, last week added new superlatives to the war of words over the controversial issue of antiballistic missiles (ABM). "We possess weapons capable of reliably hitting enemy aircraft and missiles irrespective of height or speed of flight, at great distances from the defended targets," he asserted in Pravda, the Communist party newspaper.

During the past decade, Soviet spokesmen have boasted of their missile prowess, but the timing of Marshal Grenchko's pronouncement—one that interrupts a rather long stretch of silence on ABM—invites the speculation that it is:

(A) A riposte to President Nixon's claim on Jan. 30 for a "virtually infallible" area defense ABM system.

(B) A response to the Pentagon's expansion of the Safeguard ABM system into Phase 2.

(C) A gambit in the SALT (strategic arms limitation talks) set to resume next month in Vienna.

Soviet claims for possession of effective defense missiles are long standing. For example, C. L. Sulzberger's interview with Nikita Khrushchev in September, 1961, quoted the Soviet leader as follows: "I can only tell you that at the same time we told our scientists and engineers to develop intercontinental rocket, we told another group to work out means to combat such rockets."

Mr. Khrushchev expressed satisfaction with work on these defensive rockets and in the Oct. 25, 1961, issue of Pravda, his Defense Minister, Rodion Malinovsky, stated that "the problem of destroying missiles in flight has been successfully solved." This was a claim that Mr. Khrushchev dramatized in the summer of 1962 when he told a group of American editors that his antimissiles could "hit a fly in outer space."

United States orbiting cameras had by that time spotted the building of launchers at the Sary Shagan test range on Lake Balkash, where the Soviet ABM missile was first tested.

The NATO code name for this missile is Galosh.

A first generation ABM missile complex was started to protect Leningrad, but the Soviets had second thoughts about it and abandoned the project by 1962. Then, in October of that year, initial construction of Galosh launch sites and radars was begun around Moscow.

American observers got their first look at Galosh on Nov. 7, 1964, when a 65-foot-long missile, housed in a cigar-shaped cacoon, was trundled across red square.

The build-up of the Galosh ABM ring around Moscow continued through 1966 along with installation of radars. The Pentagon has designated this complex as ABM–1. The Soviet ABM–1 forced Defense Secretary Robert McNamara's hand, which had up to that time kept a firm leash on United States ABM deployment.

On Nov. 10, 1966, Mr. McNamara revealed that the Soviets had deployed their Galosh missiles and indicated the United States reaction would be production and deployment of Poseidon missiles. In other words, the Soviet defense measure would be counteracted by simply adding to the American missile power targeted at Soviet cities. Thus, the impact of the Soviet ABM innovation was to escalate the arms race.

The Galosh missile, itself, is not very formidable as a killer weapon. Last year, in the course of the great ABM debate, Mr. Herbert York, a noted weapons authority, said: "It is very much like the (American) Nike-Zeus system. Nike-Zeus was abandoned fairly early in United States ABM development and replaced by Spartan, a missile designed to explode a multi-megaton weapon at an altitude of over 100 miles and kill off incoming warheads with a huge burst of X-rays.

The Soviets are reported to be developing an improved Galosh but its characteristics are not known. So far the Soviets have not backed up their long-range Galosh with the equivalent of the United States Sprint—a short ranger killer missile. This is a severe defficiency in the Soviet ABM system, since their one-punch Galosh is easily outwitted in space by the deployment of radar-deflecting balloons or other decoys.

If the Soviets hope to cope with the retaliatory threat of United States missile power, they must find some way to fend off as many as 25,000 attacking "hostile" ballistic objects, i.e. nuclear warheads, MIRV's and decoys. The deployment of fewer than 70 Galosh missiles around Moscow must be expanded manyfold and duplicated at dozens of other sites in the Soviet Union if the Soviets plan a thick defense system. Actually, United States defense planners have already assumed the worst, namely, that this is what the Soviets will do.

VALUE QUESTIONED

In the vicious cycle of the arms race, the United States ABM program known as Safeguard is still embryonic. Its effectiveness was hotly contested in last summer's Senate debate and, in particular, the radars and missiles were challenged as to their real worth. Last week in testimony given before the Senate Armed Services Committee, Dr. John S. Foster Jr., the Pentagon's research chief, admitted that changes were necessary in Safeguard. Specifically, he indicated that a new Spartan missile would be needed to supplement the ABM defense and that more missiles and new radars would be required for Phase I of the Safeguard program. For both technical and political reasons the Administration has balked at plunging into a greatly expanded Safeguard program.

Soviet military experts like Gen. Talensky maintain that their ABM deployment is a purely defensive measure that is provocative only to a country committed to "an aggressive policy from positions of strength." But by now they must be aware that a sneeze in the Kremlin can produce pneumonia in the Pentagon.

The Soviet planners must also be aware that modern weapons often fail to live up to their notices. Their SAM (surface-to-air missiles) radio-controlled interceptors have scored only 2 per cent "kills" on aircraft over North Vietnam. Even if the improved version of their second-generation Galosh, reportedly now slated to be deployed, should chalk up a 10-fold better performance, it would take more than five cf them to kill a single United States nuclear warhead. Tens of thousands of Galosh missiles would be required to protect the Soviet Union from disaster.

A passion for defense was instilled into Soviet military thinking by Napoleon and Hitler. The Kremlin's obsession with defense is matched by the Pentagon's present obsession about a Soviet first-strike. Each nation seeks security through weapons whose sheer numbers represent overkill in staggering sum. More weapons do not spell more security—that's why the SALT talks next month are of critical importance to arresting the "mad momentum" of the arms race.

AMERICAN POLICY IN LAOS

HON. ALLARD K. LOWENSTEIN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 1970

Mr. LOWENSTEIN. Mr. Speaker, we finally have an official explanation of American policy in Laos. It is remarkable that this administration—which boasts almost as much about its "new policies" and "new approaches" as it does about the majority support it alleges these policies enjoy—it is remarkable that this administration's explanation of its policy in Laos should turn out to depend so heavily on the theory that its policy there is simply a continuation of the policies of preceding administrations. If that were true , it would not do much to sustain the thesis that the policy has wide support, since the Southeast Asian policy of at least the immediately preceding administration was not distinguished by the public's enthusiasm for it.

But it really does not matter very much who started this policy. It would be as unacceptable if it were a carryover as it is if it is an innovation. And the responsibility for current policy belongs to the current administration. If this administration cannot explain its policy to the satisfaction of the Congress and the country, it has no business pursuing it.

The President should therefore be put on notice that neither his policy in Laos nor his explanation of that policy is satisfactory. One wonders if he is impervious to the lessons of history, or if he simply thinks the American people are.

If it is not yet too late to reverse course in Laos it soon will be. Whoever should be blamed for putting us on the course we are now on, there will be no question about who is to blame for keeping us on that course when it became clear that it was leading us into deepening disaster. I am including in the RECORD at this point the brilliant lead editorial from Sunday's Washington Post. I hope everyone will read it carefully and thoughtfully, especially the President.

LAOS: THE SAME OLD SHELL GAME

No sooner had President Nixon launched his explanation of American policy on Laos than he went over the side. "When we came into office, this Administration found a highly precarious situation in Laos," he said, heading for the rail along about the fifth paragraph. And then over he went:

"Its basic legal framework had been established by the 1962 accords entered into by the Kennedy Administration . . .

"In approving the 1962 arrangements, the Kennedy Administration in effect accepted the basic formulation which had been advanced by North Vietnam and the Soviet Union for a Laotian political settlement . . .

"In January, 1961, we thus had a military assistance program reaching back over six years and air operations dating over four years . . .

"It would, of course, have posed no political problem for me to have disclosed in greater detail those military support activities which had been initiated by two previous Administrations . . ."

So there it is, more than a year after the start of the Nixon Administration—a full, rich year in foreign policy to hear the Vice President tell it. And yet, as critical as Laos apparently was when Mr. Nixon inherited it, the best he can do is to tell us: look, no hands; Kennedy sold Laos down the river to the Communists eight yeasr ago and then he and Lyndon Johnson moved in with military aid in an effort to recoup; and the reason that we haven't been told more about it lately is not politics, because it's not this Administration's war, but because it wouldn't have been "in the national interest."

This doesn't quite explain why, when a political storm kicked up over Laos, in the past few weeks, it suddenly became "in the national interest" to tell us more, but no matter—the President didn't tell us that much more in any case. And a lot of what he did tell us was the same old shell game, terribly misleading at the least, if not in fact untrue.

John F. Kennedy didn't invent a Laotian crisis; he too inherited it, from the Eisenhower Administration, which Mr. Nixon, who was Vice President at the time, ought to know better than most men. The difference was that Mr. Kennedy didn't have the luxury of more than a year to deal with his legacy. In March, 1961, he told a press conference that "in my last conversation with General Eisenhower, the day before the inauguration . . . we spent more time on this hard matter than on any other thing." What the President didn't reveal was that in that conversation President Eisenhower expressed an American commitment to Laos in the most binding terms, that the conversation actually dealt with the specific possibility that American ground troops might be needed, that there was even talk about how quickly an American expeditionary force could be brought in. American military aid was a fact of life in Laos then—and that was something more than six years ago.

So it really isn't enough to try to hang Laos around the necks of "two previous administrations," or to say that "aid" is, in each and every instance, "requested" (as if we would be furnishing unrequested help) and "defensive" and "limited" and in "pursuit of peace" because we have heard all that about another war. And we have heard all about policies that are somebody else's; Lyndon Johnson used to hang Vietnam around the necks of *four* previous Presidents, right back to Franklin D. Roosevelt, by way of trying to prove that he was merely carrying out, unaltered, somebody else's policy.

And it also isn't enough to pin the blame on the Communists—on their "increasingly

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massive presence," on their "particularly escalatory" buildup to 67,000 North Vietnamese regular troops. It isn't enough, either, to argue that this is aggression, that the outsiders have taken over from indigenous forces because, for one thing, we have heard all that before, too, in the Johnson Administration's celebrated White Paper on Vietnam. And for another thing, you can't really make that point, unfortunately, without also making the point that the threat is real, and increasingly menacing. Our commitment is clear—the President emphasized that. Our involvement is deep—although we still don't know how deep because Mr. Nixon still talks about reconnaissance flights and "combat support missions" when the reports all confirm saturation bombing raids by B-52s. In any case, when you've said all that, you've raised, inescapably, the critical question of how we are going to deal with a "massive" and increasing Communist threat without doing something more ourselves.

The President doesn't answer that; instead, having devoted great chunks of his Laos statement to documenting Soviet and North Vietnamese perfidy, he tells us he is hoping that the Russians, as co-chairman with Britain of the 1962 Geneva conference, will do something to help.

"But most of all," he adds in closing, "it will require realism and reasonableness from Hanoi, for it is the North Vietnamese, not we, who have escalated the fighting."

Well, great: we are banking on realism and reasonableness from Hanoi—that, and on the policy of two previous Administrations. And this comes from a President who has named a doctrine after himself and explained, in 40,000 words, a "new approach" to foreign policy, a clean break with the follies and frailties of past work in this field. It will be argued, of course, that Laos doesn't count, because it was there before Mr. Nixon wrote his foreign policy encyclical. And there is some justice in that. But if that is accepted, then Laos, just because it is central to our interests in Vietnam and the rest of Southeast Asia, is a powerful argument for not filling our heads with 119 pages of visions about a new, dynamic, all-purpose, low-profile foreign policy.

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GOD, MAN, AND POLLUTION

HON. GEORGE BUSH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 1970

Mr. BUSH. Mr. Speaker, although the problems of population growth and environmental degradation have received a great deal of attention lately, we have perhaps overlooked one major area of concern. To combat the vitiation of our environment we must certainly make the facts available to everyone; yet, to make any substantial contribution in this area, it will be necessary to reassess some of our current values. One propitious sign has been the interest expressed in our environmental perplexities by churches across the country. Many clergymen are using the pulpit to inform their congregations of these matters and lead them in a proper evaluation of their own part in this quandry.

A sermon given by Canon Michael Hamilton at the Washington Cathedral on Sunday, February 1, 1970, is an example of the church's contribution to environmental improvements. Canon Hamilton has delivered a very lucid and stimulating sermon, in which he commends us to the examination of some of the values we have previously taken for granted. Commenting on the population explosion, Canon Hamilton states:

> We must face up to the necessity which God has apparently built into this creation of his, that as parents we are not, and probably never intrinsically were morally free to have as many children as we would like.

If we are to abate the myriad of dilemmas that threaten the well-being of our environment, it is mandatory that both the public and the private sector share the responsibility. It is encouraging to see church leaders like Canon Hamilton addressing themselves to these matters and I have included his sermon for the benefit of my colleagues:

GOD, MAN, AND POLLUTION

Excerpts from President Nixon's State of the Union address—January, 1970.

"In the next ten years Americans shall increase our wealth by 50 per cent. The profound question is—does this mean that we will be 50 per cent richer in a real sense, 50 per cent better off, 50 per cent happier?

"Or does it mean that in the year 1980 we will look back on a decade in which 70 per cent of our people lived in metropolitan areas choked by traffic, suffocated by smog, poisoned by water, deafened by noise and terrorized by crime?

"These are not the great questions that concern world leaders at summit conferences. But people do not live at the summit. They live in the foothills of everyday experience. It is time for us all to concern ourselves with the way real people live in real life.

"The great question of the '70's is, shall we surrender to our surroundings, or shall we make our peace with nature and begin to make reparations for the damage we have done to our air, our land and our water?

"Restoring nature to it natural state is a cause beyond party and beyond factions. It has become a common cause of all people in America. It is a cause of particular concern to young Americans—because they more than we will reap the grim consequences of our failure to act on programs which are needed now if we are to prevent disaster later.

"Clean air, clean water, open spaces—these should once again be the birthright of every American. If we act now—they can be.

"We still think of air as free. But clean air is not, and neither is clean water. The price tag on pollution control is high. Through our years of past carelessness we incurred a debt to nature, and now that debt is being called."

When God walked the face of the earth in the person of Jesus of Nazareth and spoke to us about the meaning of human existence, it was no accident that he chose to illustrate his teaching with examples taken from the natural world around him. This was not only because he happened to live in a rural economy but also because the very things of nature lent themselves to be accurate conveyors of God's truth for man. The Jews deep within their hearts and minds, believed that man and the animals, man and his environment, man and the stars and heavens above him, were all one united creation made by a God who cherished every part of it. Thus sin in the book of Jeremiah in the Old Testament was likened to a pollution of the earth, and in the New Testament Paul says that not only do men cry out for help to rescue them from their enslavement to sin, but the very stones and ground seem to writhe in discomfort waiting for the day when a transformation would bring them to a total beauty and harmony. This morning when the story of the sower and the seed was read for the Gospel you remember we humans were likened to stony ground, or parched soil, or bare and inhospitable rock, or occasionally to receptive fertile soil. God's acts toward us were compared to grain seed which either was rejected by us or took root in the soil of good hearts and open minds.

However, is it not true that these metaphors, these kinds of stories are alien to our contemporary way of thinking? I suggest that this is for a deeper reason than because most of us happen to be city folk. Rather it is because we have changed our understanding of nature, our attitudes are different from the Jewish and early Christians as they looked at the world around them. If there were time one could trace the development of our present attitudes, and much of the story would be about Greek philosophy and how the Church appropriated some of their dualistic beliefs about body and spirit. The story would also speak about how the Church disowned their own children, the natural scientists of the Renaissance and later, who were often obliged to announce their truths about nature in conflict with ecclesiastical authorities. An so the great structure of scientific knowledge in the West developed largely without a conscious understanding of its religious roots and dimension, forgetful of a faith in the interdependance of man and the environment which God had created for him. Hence today we have a culture, one that is spreading over the face of the world, one that is technologically sophisticated but philosophically empty. Western technology does not have within its conscious knowledge the values and wisdom to know how best to use its own powers. Is it not true that until a crisis of smog or famine afflicts us we do not query the fundamental attitudes which have ultimately brought us to our present unhappy predicament?

And is it not also true, if we reflect upon our own national history, that we can recognize the signs of our alienation from nature? Granted life for our pioneers was not easy, they chose not just to cultivate the land where they settled, but to exploit it. The wilderness was not a place where they were to discover a reconciliation between their needs and ecological balance; rather they and the industries that followed them made war on the land as they did on the Indians. They harvested crops, cut down lumber, mined gold without concern for long-term agricultural and economic welfare. This attitude toward the resources of the earth as things to be used, exploited, was occasionally even justified as being a fulfillment of the Old Testament command of God to Adam to have dominion over the earth. What an ironic misuse of both the Bible and the land! If one-tenth of the energy and research funds which went into industrial development had been spent on learning how to conserve the raw materials upon which industry depended, we would be in a much healthier state today. If today we were willing to spend one-tenth of construction costs for buildings and roads on their beauty, we might begin again to learn what it is to feel and live like humans. In the ugliness of our present day cities we have become as savages, and the primitive cultures who have designed habitations with an eye to their esthetic, as well as functional aspects, have put us to shame.

But perhaps for the first time in our nation's history we have come to a public awareness of the plight we were in—a condition I suggest is a sickness not only of material pollution and scarcity, but also of a psychological and religious character. Hence today we welcome the President's State of the Union address and give thanks for the efforts and visions of many in the conservation, scientific and political world whose warnings over the past years we have at last become willing to hear. But words are not enough as the Gospel clearly tells us. They must be matched by deeds and in this case, by strong financial backing and legislation that will curb those industries and individuals who still strive to put private gain above public good. And these reforms, I believe, must be in addition to, not a substitute for, programs to remove poverty, crime, and racial discrimination, the major scourges of our nation.

I would be irresponsible, as a Christian or as a human, in speaking this morning about ecology and environmental controls if I did not also speak about population growth. If all the necessary funding was voted and made available (and I do believe the American public is willing to pay it), and if all the appropriate technology using that funding would indeed curb air, water and land pollution, if all this was done and we did not also reduce the size of American families, we would still be heading for disaster. I believe we must face up to the necessity which God has apparently built into this creation of his, that as parents we are not, and probably never intrinsically were morally free to have as many children as we would like. If as a nation we do not respond to influence in which parents would voluntarily have two or less children, then surely before the end of many of the lives of us who are here this morning, we will have to accept much more drastic measures including government intervention to achieve smaller families. I read with great apprehension the possibility of mass sterilization, through water or food, temporary and which can be reversed, or enforced therapeutic abortion if a mother has more than two children. These things are being discussed, not uncharitably, but rather out of charity because the alternatives are even more shocking to contemplate. The alternatives are overcrowding to a degree that only those who have lived in tenement slums understand, a low standard of living, and ultimately because of these kinds of pressures, political revolution and economic chaos. These conditions are already threatening some of the underdeveloped parts of the world today, particularly in larger cities.

What responsibility and what help can the Christian Church offer in relation to these problems? I can see three areas in which Church people can make significant contributions. Firstly, we must educate ourselves. We must bring together the information which has too long lain in the separated disciplines of demography or population analysis, agriculture theory, industrial technology and of psychology. We must bring these kinds of knowledge together so that any program planned is in relationship to the whole of our system of social organization.

Secondly, we must clean our own house and begin to rethink our theological beliefs about nature. We have relied too easily, too glibly, on Biblical passages without questioning their context in terms of time and place. For instance, the Old Testament command "to be fruitful and multiply and replenish the earth" meant good sense in its time, but today we have replenished the earth and need no longer go on being fruitful and multiplying in the ways we have! Or in the phrase that I quoted earlier that we should have "dominion over the earth" must no longer be understood as license to use nature as we wish, but rather it should be seen in the context of man being part of an interrelated biotic system in which our survival depends upon careful stewardship as opposed to selfish exploitation. If we Christians can regain our own heritage in which man is seen as part of God's total creation and that he is inseparably bound up with animals and matter in one evolution, if we can love our land as God Himself cherishes His universe, if we can realize that we were never intended to be free to procreate except in relationship to the needs, not only of our individual families, but to the family of Man, then we can provide some sorely needed ideas and values by which our secular culture can guide itself.

Thirdly, the Churches in their national and local congregational units should accept the challenge of doing something about stewardship in terms of family size, pollution control and the required legislative reforms for the best use of natural resources. I hope for a new movement in our country in which the Churches take as active a part as they did in the Civil rights movement of days gone by.

In closing I would like to illustrate this attitude to nature, the closeness of man to things, in terms of the Eucharist meal we are gathering together to eat. Here I would like to express my thanks to a theologian, Dr. Conrad Bonifazi, for much of what I am about to say. For the Jew his own personal identity was intricately bound up with the people, his relatives and those with whom he lived, and also the material and land which he possessed. Things became extensions of himself, they stood as symbols of him before others. If a man laid claim to an object it was readily understood that an intrinsic relationship was established between him and that object. Hence it was not difficult for the disciples as they gathered together at the Last Supper to understand Christ when He took a loaf of bread and a pitcher of wine, and having thanked God for providing the food for this occasion, said to them: "Take this bread and eat it, and from now on it is to be for you a sign of myself, my body, my presence with you. And when you gather together again remembering me, drink the wine, and it shall be for you my blood, my very life given for you." This morning we are his disciples and we gather together around this table. We shall take bread and share it amongst us, and in so doing Christ will be present with us in a clear and practical way. We shall take wine and drink it and by these acts understand a little better our closeness and dependence upon the things of nature, our closeness to Christ who is amongst us, and our dependence upon each other as members all of the one family of man.

POPPING OFF ON FOREIGN AFFAIRS

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 1970

Mr. WYMAN. Mr. Speaker, foreign policy used to be bipartisan in the days of Senator Arthur Vandenburg of Michigan. Issues best solved on a nonpolitical basis were handled in this manner in the interest of the country. In recent years there has been an increasing tendency on the part of Members of Congress in both bodies to try to make political capital out of sensational statements of a distinctly partisan nature relating to foreign affairs. As the distinguished columnist, David Lawrence, so well points out in the following from the Washington Star of March 9, 1970, such headline hunting is at the expense of the Nation and will likely create political problems with the constituency of the Member if the people back home understand the high cost to them of such slam-bang grandstanding.

Continuing highly irresponsible statements relating to the war in Vietnam and schedules for U.S. withdrawal therefrom do, indeed, as Mr. Lawrence says, give aid and comfort to the enemy.

The column follows:

"AID AND COMFORT" TO THE ENEMY

(By David Lawrence)

There are two ways for members of Congress to conduct themselves during a war. One is to seek answers to their criticisms privately from the executive branch of the government, and the other is to denounce policies openly and, in effect, give "aid and comfort" to the enemy.

Unfortunately, too many examples of the latter method—presumably a means of seeking popularity with uninformed citizens—have occurred recently in connection with America's alleged entry into "another war" in Laos.

President Nixon found it necessary to issue a 3,000-word statement giving the facts. But most newspapers printed only a summary, and the critics already had created disturbing impressions with fragmentary charges.

Why is it that some members of Congress consider their political speeches more important than the effect these utterances may have on the enemy, who has obviously been encouraged to believe that the United States will surrender in Southeast Asia? Military problems are not readily explained to the general public. Nor are the risks and dangers of letting the Communists believe the United States will throw in the sponge fully realized.

Nixon in his statement on Laos made these significant points:

1. North Vietnam in the last few months has raised the number of its troops in Laos to more than 67,000.

2. The North Vietnamese have been involved in Laos since 1961, when President Kennedy said:

"Laos is far away from America, but the world is small . . . the security of all Southeast Asia will be endangered if Laos loses its neutral independence."

3. In 1962, fourteen nations—including North Vietnam—signed the Geneva accords providing for the neutralization of Laos, but Hanoi has steadily violated the agreement.

4. Since 1964, over half a million North Vietnamese troops have moved down the Ho Chi Minh Trail in Laos to invade South Vietnam. This infiltration route "provides the great bulk of men and supplies for the war in South Vietnam."

5. The Nixon administration, on coming into office after six years of seasonal Communist attacks in Laos, continued the assistance program which dated back to 1963 and the air operations which began in 1964.

The President reiterated that the United States "has no ground combat forces in Laos," and that "we have used air power for the purpose of interdicting the flow of North Vietnamese troops and supplies on that part of the Ho Chi Minh Trail which runs through Laos."

The President made it clear that he has "no plans for introducing ground combat forces into Laos." He declared the total number of Americans directly employed by the U.S. government in Laos is 616. On the subject of air operations, the President asserted:

"As Commander-in-Chief of our armed forces, I consider it my responsibility to use our air power to interdict this flow of supplies and men (through Laos) into South Vietnam and thereby avoid a heavy toll of American and allied lives . . .

"In every instance our combat air operations have taken place only over those parts of Laos occupied and contested by North Vietnamese and other Communist forces. They have been flown only when requested by the Laotian government."

Nixon stated that he is continuing "the purposes and operations of two previous administrations," and that this has been necessary "to project American lives in Vietnam and to preserve a precarious but important balance in Laos."

Certainly every member of Congress, irrespective of party, has a responsibility to use his influence to prevent what he thinks is an unnecessary American participation in a war. But there is a right way and a wrong way to do it. Each house of Congress has a foreign affairs committee. When a majority of a committee thinks a resolution should be adopted limiting the power of the executive branch of the government to carry on any military operation, this can be adopted by a majority vote of Congress.

Under present practices, a small number of members of the House and Senate attack defense policies and give the enemy the impression that American public opinion is not supporting the executive. This encourages the Communists to prolong their warfare against American troops in Southeast Asia.

SEIZURE OF BALTICS RECALLED

HON. DANIEL E. BUTTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 1970

Mr. BUTTON. Mr. Speaker, Members of this great deliverative body have paid tribute to the preciousness of freedom by marking the observance of Lithuanian Independence Day on February 16. We join with Americans of Lithuanian descent in this celebration for 1970 is the 52d anniversary year of the Republic of Lithuania. It is a bittersweet observance, however, for 1970 also represents the 30th year since Russian occupation of the free States of Lithuania, Latvia, and Estonia.

Freedom is a precious thing. Its cost is dearly known to Lithuanians, who fought for over a century against czarist rule and fought again under Communist oppression. Freedom demands a reaffirmation in our belief that the right of self-determination belongs to all people. I addressed this principle in a statement conveyed through the Record on February 16, but a letter on this subject, published in the Schenectady Gazette, merits recognition. The sincerity and conviction of Mr. Edward W. Baranauskas has prompted me to offer his letter to the attention of my colleagues. It follows:

SEIZURE OF BALTICS RECALLED

EDITOR, GAZETTE:

The world's great powers have made proposals in the hope of achieving a settlement of the Middle East disputes between Israel and the Arab states. However, the Soviet Union insists that Israel must pull out of the areas it took from the Arabs in the 1967 war, before peace talks can begin. The Soviets emphasize that these lands were acquired by aggression; therefore, they must be returned to their former owners.

It is tragic, indeed, that while the Soviets do not hesitate to accuse other nations of aggression, or imperialism, they are content to overlook the fact that they occupied Lithuania, Latvia, and Estonia by military force and made the people of these once-free nations vassals within the Soviet Union against their will.

Because the passage of almost three decades may have somewhat dimmed the memory of some people, I would like to review a little bit of the history of Lithuania.

For more than a century, Lithuania endured the oppression of Czars of Russia before finally regaining her freedom and independence on Feb. 16, 1918. A year later, thanks to help from the United States, her small army mustered the strength to drive the advancing Red Army from her soil. In 1920, the rulers of the "new" Russia—the Soviet Union—signed a peace treaty with Lithuania, recognizing the self-rule and independence of Lithuania without prejudice.

Lithuania fared quite well during the years of peace that followed. She was recognized, de jure, by the United States in 1921, and became a member of the League of Nations some months later. Her agricultural productivity even amazed the Russians, for Lithuania produced more, and exported more, than the rich Ukraine.

The clouds of war gathered over Europe once more, and in June of 1940, as the Nazis marched across Western Europe, the Russians decided that they should do a little marching too. Stalin's Red Army quickly invaded and overran Lithuania, Latvia, and Estonia, and in one military sweep, the three Baltic States were swallowed up into the Soviet Empire.

This year, Feb. 16 will mark the 52nd anniversary of Lithuanian Independence Day. This would normally be a day of celebration, but instead, the people of Lithuania will commemorate this day in silence, and in fear. Once again, they are enduring another Russian occupation.

The Soviet Union must prove its concern for self-determination and independence of all nations, whether large or small. By withdrawing her own military forces and puppet rulers from Lithuania, Latvia and Estonia and restoring liberty to these lands, will the Soviet Union prove to the world that military conquest cannot be the basis for continued occupation of foreign territories.

EDWARD W. BARANAUSKAS.

SCHENECTADY.

A TRULY MERITORIOUS ANNIVERSARY CELEBRATION

HON. G. ELLIOTT HAGAN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 1970

Mr. HAGAN. Mr. Speaker, on Friday, March 6, the WMAL radio team of Harden and Weaver celebrated 10 years of working together on a show which is heard from 6 to 10 a.m. 6 days a week. This occasion was marked by a luncheon which it was my honor and privilege to attend.

I am sure that many of my esteemed colleagues and a host of my friends have not only listened to the lively antics and chatter of Frank Harden and Jackson Weaver, but have been thoroughly entertained and even enlightened in the early hours on the way to work as I have over the years.

For this reason, it is my feeling that living in the metropolitan area and having the opportunity to listen to this delightful team is certainly a fringe benefit to being on the Hill.

In these times of bold and risque material in much of the entertainment media, it is inspiring that we have here in the Nation's Capital two gentlemen whose humor is both amusing and clean. Not only can we feel free to tune them in during the early morning hours, but we can allow our wives and children to hear them also.

Harden and Weaver not only provide us with the time, news, weather, and miscellaneous items of interest including lost and found pets and the like, but also real entertainment over the airwaves which have in recent years in many instances been dull and lackluster since the advent of television.

While much more can be said in their honor, I, for one, think that you will agree with me that Frank Harden and Jackson Weaver are to be commended and congratulated for their fine show and their high degree of professionalism and fine spirit of public service. We are fortunate indeed to have two such excellent radio performers working together in this area and the First District of Georgia is especially proud of its native son, Frank Harden of Savannah and its adopted son, Jackson Weaver.

It is earnestly hoped that Harden and Weaver will continue on together as they have in the past to add to the joy and listening pleasure of early morning radio for they are a real credit to the broadcasting industry.

"BITING THE BULLET" OR JUST "BUZZ" WORDS?

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 1970

Mr. DINGELL. Mr. Speaker, the Hoosier Waltonian, published by the Indiana Division of the Izaak Walton League of America, in its 1970 winter issue carried a thoughtful article by Editor Thomas E. Dustin, entitled "President Nixon's Address, 'Biting the Bullet,' or Just 'Buzz' Words?" I would like to share this article with my colleagues and, therefore, request that its text appear at this point in the Record:

"BITING THE BULLET" OR JUST "BUZZ" WORDS?

(By Thomas E. Dustin)

On January 22, in a long-awaited State of the Union address, President Nixon said top priority is to be given to restoration of environmental qualities in America.

He said a $10-billion anti-pollution program is coming, and he included the need for open spaces and air quality among the highest priorities: he said the job has to be done "now".

Conservationists and the rest of the nation could only feel the greatest sense of support for such principles. But were principles enough? These problems have already been discussed for years. Was it not a time for clearing the desks of semantic uncertainties and for getting on with the job?

Conservationists have difficulty squaring the President's stated priorities with that portion of the record already established. They remember that although $200-million in dedicated money is now in the Land and Water Conservation Fund, the Administration is fighting use of anything more than $124-million—even though this Fund can be used for no other purpose than acquiring and developing the "open lands" the President says we must have now. They remember too the coolness of the Administration toward authorization of such "open space" proposals as Sleeping Bear Dunes National Lakeshore in Michigan, and Apostle Islands National Lakeshore in Wisconsin.

Also recalled was the recent and continuing fight the Administration waged against full funding the 1966 Clean Water Restoration Act. While the law authorized $1-bil-

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lion, the Administration proposed only $214-million be used this year—one fifth of what Congress promised in 1966. Though Congress overrode the President and provided $800-million, Administration spokesmen were now telling Indiana pollution officials that it will not spend more than $600-million, if that, depriving Indiana alone of $7-million in anti-pollution funds.

So what did the President mean when he said the job has to be done "now"?

While a non-defined $10-billion, five-year plan against water pollution has a clarion sound, the missing translation appeared less than hopeful. This would mean $2-billion for each year—about ten times more than the President asked only a few months ago, and more than twice the amount he is still fighting against as enacted in a bipartisan Congressional drive.

Is $800-million four times too high this year, but less than half as much as needed in each of the coming five years? It's a puzzlement.

Or is the Administration really talking about something else entirely? Pending Administration legislation now in Congress is causing many cities great concern. The money would largely be for long-term loans instead of the direct grants stressed in the 1966 law. This would mean the cities would have to raise much more of the money from their own resources; but many are severely restricted in how much they can do, or are already bonded over their heads. Further, the bonding market is now ill, and cities might not be able to float the long-term indebtedness needed to pay off anti-pollution loans.

If loans, rather than grants are what the Administration has in mind, then the Federal commitment is in reality nothing like $10-billion, and the cities will be facing costs they cannot meet.

While such provisions as industrial tax incentives could be a valuable adjunct in an Administration program, concern might be expressed over why it seems necessary to go through another long, wrenching and tedious round of basic legislation and political hassling for new programs, when what is really needed is vigorous support of the ones already on the books. Why shelve concepts that are barely three years old, and that are just beginning to show results? Why not work in the context of the 1965 Water Quality Act and the 1966 Clean Water Restoration Act, making such perfecting changes as experience indicates are advisable?

The words of the State of the Union address were unquestionably inspiring: "Shall we surrender to our surroundings, or begin making reparations?" and "nature is presenting its bill" for environmental abuses. But conservationists have heard all this before. One conservation leader, writing the President days before the address, said he wouldn't be listening to learn that Mr. Nixon was against pollution or for parks; he would be listening for the outline of an action program to meet the long-recognized problems, and for a schedule of implementation.

The time for reviewing broad principles is long past; the hour is even late for action.

Rather than more research, which some observers felt is a principle Administration intent, Waltonians more easily understood Federal Water Pollution Control enforcement commissioner Murray Stein, when he addressed the Indiana Izaak Walton League convention in 1966:

"Trust your nose," Stein said; "you know polluted water when you smell it.

"The first thing to do in fighting pollution," he added, "is to get the 'dead hogs' out of the water."

In the advance publicity on the Administration's intent, Mr. Nixon seemed to be asking "what's a 'dead hog'?"

The President said the job would be costly, which wasn't exactly news. What is equally to the point is that any delays will be even more costly. Such delays would certainly accompany any basic re-scrambling of the ground rules or more re-tinkering with the philosophy and semantics of pollution.

The nation now has a better grasp of pollution than at any time in its history; and Indiana alone has 125 major polluting towns and cities which have applied for clean water grants and which have well-advanced plans for their cleanups. Under the President's request of last year only four of them could have been implemented.

Is all this planning and substantive motion now to be placed in limbo while partisan advocates of all stripes struggle to see whose thumbprints are to be on yet-undefined new programs?

A bird in the hand really is worth two in the bush, most conservationists would contend; and the 1966 Clean Water Restoration Act is still the best implementation idea produced.

No one claims the direct grant program of the 1966 law has produced any clean water Eldorados. How could it when President Johnson backed it to the tune of only 20% and when President Nixon repeated the act for the current fiscal year, failing, however, because conservationists and the nation at large are through with pollution tokenism.

It can be granted that the President is right in principle in favoring a five-year plan, even if the idea were undiluted with unrelated considerations; but his statement that "a one-year plan is no plan at all" is specious.

If that were true, part of the causes reside on the President's doorstep for refusing to support the authorized implementation. Further, it seems unlikely that future Congresses will surrender their legislative prerogatives on any five-year plans proposed by their prodecessors, any more than the present Congress gave up in regard to the earlier laws.

The nation would admire any Administration which accelerates environmental improvement and the quality of life; but it would be foolish to abate the thrust of present programs while waiting for the action vacuum to fill up with still more new angles.

America has "studied" pollution and the disappearance of open space for 150 years, and has only recently started to do anything about it. The machinery and technologies exist, and so do the funds for further action. As the President himself is fond of saying: "It's time to bite the bullet."

CHICAGO'S PROPOSED LAKE AIRPORT—VI

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 1970

Mr. MIKVA. Mr. Speaker, numerous Chicago conservation organizations, including the Illinois Audubon Society and the Open Lands Project, have expressed their opposition to Chicago's proposed lake airport.

Recently, they issued a statement which summarizes well the reasons why many Chicagoans opposed the proposed lake airport. I would like to bring their statement to the attention of my colleagues who are concerned about the problems surrounding airport development.

Their statement follows:

STATEMENT OF ILLINOIS AUDUBON SOCIETY

The Illinois Audubon Society, with a score of scientific, conservation and civic organizations, led by the Open Lands Project, opposes the airport in the lake for these among many other reasons:

1. A land site surrounded by a growing population on all sides is certainly preferable to a site surrounded by water that can be reached from only one direction.

2. Operations at a water-based airport would suffer from safety hazards due to weather conditions and to conflict with operations of other area airports. The professional Air Traffic Controllers Organization at a recent meeting resolved to oppose construction of the lake airport because of "severe air space conflicts with present operations at O'Hare International Airport".

3. Noise hazards, particularly to residents of Chicago's densely populated South Side, would be extraordinarily severe.

4. Air pollution from the visible contaminant of jet aircraft (carbon smoke) would be unsightly, if not actually a health hazard.

5. Runoff water would necessarily flow or be pumped back into the lake and could hardly have failed to mix with pollutants such as kerosene and oil that spill at all airports. And what satisfactory arrangements, if any, for handling airport sewage have been provided?

6. Scientists agree that pollution, actual and potential, of the South end of the lake is the worst of any section of any of the Great Lakes, since it is a veritable cul de sac without free out-flowing drainage. The airport which would be four miles in diameter, with its miles-long access causeway, would act like a draw-string narrowing the channels for winds and currents, compounding this pollution.

7. The chief sea-lanes used by cargo ships serving the South Shore of the lake would be partially blocked, requiring circuitous routes at greater expense and with possibly less safety.

8. Great inconvenience would result and safety would be jeopardized for skippers of pleasure craft sailing from South to North Shores and vice versa.

9. The cost of such an airport in the lake would be far more (some engineering experts say twice as much), and the time needed for construction much greater, than one of similar size at a safe distance south of O'Hara and about the same distance from the loop.

A NEW REGIONALISM

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 1970

Mr. ROSENTHAL. Mr. Speaker, it is often the case that we in Congress are so involved in the detailed and complex problems of the Nation that we fail to give proper consideration to the more speculative approaches to government which are also our responsibility.

In occasional considerations of constitutional amendments we do examine the reasons why we have 50 States under a federal system. But we seldom seriously question whether another system might not, after 200 years, be better.

During a recent meeting of a Government Operations Subcommittee, I raised the question of whether our State governments were obsolete. I was surprised, and gratified, to find that my innocent question found a generous response among many scholars across the country who are examining exactly this question.

One of these men is Rexford G. Tugwell, a distinguished economist, political scientist, and author who served in the Roosevelt administration as Assistant Secretary of Agriculture and as Governor of Puerto Rico. Mr. Tugwell is now at the Center for the Study of Democratic Institutions of the Fund for the Republic at Santa Barbara, Calif. Working with him on studies of regionalism is Piers von Simson who brings to this task British legal training and an inquiring yet sympathetic analysis of why we Americans govern ourselves as we do.

Mr. Von Simson has prepared a most interesting paper on how our States might better serve us reorganized into republics under a new Federal constitution. He gives his persuasive account of the reasons for this plan in the paper which follows. Because of its length, I include below part I on the reasons for reorganization. Tomorrow I will introduce the second and final part on the structure of the republics.

The paper follows:

THE REORGANIZATION OF STATES INTO REPUBLICS: PART I

(By Piers von Simson)

I. INTRODUCTION

(NOTE.—Piers von Simson is a British barrister with law degrees from Oxford and the University of California at Berkeley. He is currently working at the Center for the Study of Democratic Institutions in Santa Barbara, California, with Governor Rexford G. Tugwell on a revised constitution for the United States. They have taken a basic premise the fact that the present constitution, a brilliantly ambiguous document concocted in difficult circumstances two hundred years ago to induce thirteen different states with widely diverging interests to unite against a common enemy, is an inadequate foundation for the present day government of a technological-urban society with a population of over two hundred million.)

A proposal central to this revised constitution is the abolition of the states as presently defined, and the substitution of a smaller number of regions entitled, for the purposes of discussion "Republics". The problems involved in such reorganisation are obviously enormous, and the present paper is intended merely as an outline of such a scheme. Whatever its shortcomings, however, it cannot fail to be more rational and less arbitrary than the present system of fifty states, widely differing in size, population and wealth.

II. CHANGED PURPOSES

The arguments for abandoning the states as presently constituted include assertions that states are inefficient and corrupt, that they have outlived their original purpose, and that they do not correspond to any actual economic or social interests, and that they no longer inspire either public interest or public confidence. Their validity as units of organization and representation is open to serious challenge.

A central argument for regionalism is that the agrarian society which Jefferson regarded as the only safeguard against corruption, and on which he based his elaborate distribution of powers, has long ceased to be a reality. He regarded the cities as sores upon the body politic and expressed fervent hopes that workshops be kept in Europe. The present reality is somewhat different: the sores have multiplied so that as of 1966 there are 125 Standard Metropolitan Statistical Areas in the United States with populations of over 250,000. Almost seventy percent of the population lives in urban areas and the 'manufactures' of which he was so skeptical have long since become the mainstay of the economy. His theory of distribution of powers, by which the country is divided into states, the states into counties, the counties into townships, the townships into wards and the wards into farms has resulted in the creation of approximately one hundred and twenty thousands governmental units in the United States, from mosquito abatement districts to the national government in Washington.

For Jefferson, distribution of powers meant that each government "might do for itself what concerns itself directly, and what it can so much better do than a distant authority". (1) [1]

In fact, however, the eleven governments to which the citizen of Park Forest, Illinois pays his taxes are not subject to a neat division of functions. A closer inspection reveals that almost all governments are involved in almost all functions. Education provides an example. There are something like 50,000 school districts in the United States, a fact which might give rise to the idea that education is exclusively a local responsibility. In fact, however, the schools in any given local district are dependent upon state financial aid, state teacher certification, state prescription of textbooks and state inspection of performance. To this may be added the various federal aid programs, from milk to surplus property supplies and the county and city governments which often act as tax collecting agencies for the school districts, who certify that standards of health and safety are maintained on school property and who provide police protection for students. Since the Jeffersonian neatly structured three-layer cake of distribution of powers is in reality far more closely related to the marble cake described by Morton Grodzins, there is inevitably duplication and inefficiency in government at all levels which merits some drastic reforms. The States should probably be the first casualty.

Criticism of state governments does not have the virtue of novelty but their many deficiencies do not seem to be tempered by the passage of time. The states have been criticized for their inefficiency and corruption. Thus Professor Jerome Ellison wrote that "Our state legislatures are the least competent and most corrupt of all our constituted political bodies". He claimed that state legislators are known neither for their magnanimity or their probity, that state governments had allowed municipalities and subdivisions to proliferate and thus hamstring and harass each other, that their political obsolescence was matched only by their geographic obsolescence, and that they neither legislated nor administered well: "They have rarely been able to carry through administrative jobs more complicated than mailing out license plates". (2)

The states suffer from weak executives, fragmented fiscal procedures, insufficiently professional administration, oversized, undersalaried, malapportioned and badly staffed legislatures, poorly administered and politically selected judiciaries, and multifarious constitutional restrictions on their ability to meet or respond to demands. Most states have managed to write election laws that effectively minimize the weight of the parties in state government and all but deny the people access to the government through the ballot. It was not apportionment that V. O. Key was complaining about when he wrote: "The institutions and electoral procedures (of the states) . . . have been more or less deliberately designed to frustrate popular majorities".

Whether state governments are actually criminally corrupt or not, and the Massachusetts State Crime Commission in 1965 clearly suggested that they are, the fact is that non-governmental constellations of power have greater influence and importance at the level of state government than they have at the level of either national or local government. This is partly attributable to a lack of a sense of community in state constituencies, and a lower degree of visibility in state politics, but principally due to the influence of the size relationship of interest groups, corporations, professions and economic groupings to the state government. The automobile industry in Michigan, oil in Texas, gambling in Nevada and grass and cattle in Wyoming are examples of this kind of undue influence.

This is not to deny that in certain circumstances private interests can dominate congressional committees and government agencies. But so many interests and constituencies are represented at the national level, and there are so many legislative and administrative interconnections and so much media coverage, that the power of private groups is more easily contained than at the state level. Similarly, at the local level, the wants and needs of large power groupings are both more simple and more easily accommodated. It is at the state level that the correct size relationship operates, as there is both sufficient power to be worth channeling in a particular direction, and the requisite absence of supervision, criticism and opposition. At this level, therefore, well-organized interest groups can, and frequently do, subvert the public interest.

The states have consistently failed to come to grips with the problems of the cities. As Professor Merriam puts it:

"In many instances the state is a fifth wheel so far as city government is concerned. The state will neither grant autonomy to the cities nor will it assume the burden of administrative supervision over them. The state will neither rule or permit anyone else to rule over metropolitan regions." (3)

Although the apportionment decision takes much of the steam out of the old argument that state legislatures dominated by rural interests cannot be expected to be unduly concerned with the welfare of metropolitan regions in which the majority of the population lives, the fact remains that state governments are notoriously slow to take any action with regard to the problems of the cities. A single example will suffice. It has taken Governor Reagan until November 1969 to discover the air pollution over the Los Angeles basin.

So far from being laboratories of social change, as Holmes, Cardozo and Woodrow Wilson so fervently claimed, the state governments are noted for their orthodoxy. It is an observable fact that state legislatures adhere to economic policies long since discarded by the federal government and private industry. The states are notorious for their instinct to play the role of defenders of old style purity of mind and body, attempting to suppress materials that have not been found titillating by any but the most backward for thirty years. State legislatures seem inordinately fond of ideological witch-hunts which, until the Nixon Administration at any rate, most people had hoped and believed to be a thing of the past. Closely related to this latter phenomenon, most state legislatures continue to indulge in legislative and administrative efforts to intrude into the internal affairs of institutions actually under public control. Attempts are made to screen textbooks and library books for subversive influences, and the hiring practices and teaching at state universities are subjected to endless criti-

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[1] The bibliography will appear at the end of part II.

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cism and tampering. Similarly, liberty (read State's Rights) consistently outweighs welfare as a value goal in state politics. In this respect the ideals of Holmes and Cardozo are scarcely if every realized, and one is forced to agree with the conclusions of Frank Trippett:

"As a source of humor alone, the state legislature fulfills a valid social function, and as custodians of the obsolete and passé it has proved itself indispensable." (4)

Not everyone shares Mr. Trippett's sense of humor, however, and to them the abolition of the States as presently constituted is a more tempting proposal than their preservation merely for the sake of hilarity.

III. THE STATES TODAY

The states in the present day United States do not constitute economic and social entities to anything like the extent that the nation and the cities do. An effective governmental area must not only possess a sufficient diversity of interests to ensure effective debate, but also a substantial degree of internal logic, and of a sense of community. Clearly the problems and tasks of a governmental unit have little or no meaning unless they have some relationship to the areal jurisdiction of the unit. Yet state boundaries have little relationship to economic reality. East Chicago is part of Indiana in only a very limited sense. Social, economic and environmental problems have scant respect for state lines.

Although no governmental unit can possibly have boundaries which fit all of its varied functions, a necessary condition to its operating at all effectively is its relationship to some kind of constituency. The nation and the city both have the advantage of being social and economic entities which inspire a sense of belonging to an identifiable whole. The states do not. Quite apart from this sense of community, however, which will be considered in more detail later, some of the smaller states are difficult to justify in the context of their relationship to other states, and indeed to some cities.

There can be no dispute that from any logical point of view, the continued existence of, for example, the state of Nevada is merely the perpetuation of an anachronism. With considerable justification, one may question the maintenance of a unit of government entitled to send two senators to Washington which represents a population of less than half a million. There are over thirty cities in the United States with no less than twice the population of the entire State of Nevada. This is by no means unusual. The same argument applies to the States of Maine, New Hampshire, Vermont, Rhode Island, North Dakota, South Dakota, Delaware, Montana, Idaho, Wyoming, Alaska and Hawaii. Nor is the argument confined to a mere head count. As early as 1930, when the urban migration had not progressed to present proportions, Professor Merriam wrote:

"Fiscally, the cities are more important than the states; the federal government outranks either. In 1930, the revenues of the national government were almost seven times greater than those of New York City, the second largest governmental unit in this country. The state of New York outranked Chicago and the State of Pennsylvania, but Los Angeles, Detroit and Philadelphia came ahead of California and Michigan. Thus the ten largest governments are the federal government, five cities and four states. One hundred and sixty-five governments must be listed to include all of the forty-eight states". (5)

These figures are clearly out of date, but the point is well taken, and a similar situation still prevails. Thus in 1967, of all of the fifty states, only New York State and California had greater revenues than New York City. The city with the next largest revenue, Los Angeles, surpassed seventeen states, and came within one hundred million dollars of another six states. Given the chaos of having fifty different state legislatures, the expense of maintaining as separate governmental units many which in terms of population and revenue are less important than metropolitan regions, and the unjust overrepresentation of the smaller states in the U.S. Senate, the arguments for abandoning the states in favor of regions becomes increasingly persuasive. To this one should couple the fact that the smaller states almost invariably are the most secure in terms of a Senate seat, and thus the seniority system ensures that senators from smaller states have disproportionate influence in Senate committees which makes the injustice of their mere presence in the Senate pale by comparison. The practical result of this is that rural and military interests are consistently favored over the cities and the poor. It leads to the fact that with over half the population living in cities and only 4.5% on farms, the Department of Agriculture still employs a vast bureaucracy of 86,000 but the Department of Housing and Urban Development, only 16,000. It leads to the fact that every cow in America must be tested every year for tuberculosis but children are not, and that the federal government spends over thirty-six million dollars annually to root out weeds on American farms, vastly more than it spends on rooting out juvenile delinquency. It leads to the situation in which Congress in 1968 increased farm subsidies by one billion dollars, and in the same year voted to slash food stamps, reduce spending on low income housing and reduce desperately needed Medicaid funds by $500,000,000.

At the same time, the continued existence of the states as presently constituted is hardly supported by the interest state government receives from its constituents. There is a marked disparity between James Madison's lofty claim that "the first and natural attachments of the people will be to the governments of their respective states", and Adlai Stevenson III's more down-to-earth assertion that "To a deplorable degree, the public lacks confidence in state government, particularly the legislature." While the delegates to the Constitutional Convention in Philadelphia may have been fiercely loyal to their states, the attitude of modern Americans can only be described as one of indifference. A survey conducted in a 1956 issue of Public Opinion Quarterly (6) revealed that no more than 4% of either category of persons interviewed (Active and Not Active in the Community) thought state problems more serious, interesting and absorbing of attention than local and national problems. In a similar vein, Key found that people hardly bothered to vote in state contests. He sampled the election returns of fifteen non-southern states over a long period, from 1926 to 1952. He found that in three out of four primaries not more than thirty-five percent of the potential electorate voted in the primaries of one or the other of the major parties. At best, more than fifty percent of the potential vote turned out in only one of the twelve primaries. The usual proportion of the potential electorate voting was twenty-five to thirty-five percent. It was with something of an understatement that he concluded that: "The American people are not boiling with concern about the workings of their state governments."

IV. INVISIBLE GOVERNMENT

Typically, state politics and state government operate at a low level of visibility. Press and television coverage of state capitals is minimal. The principal source of state revenue is special and general sales and use taxes; and these cause less concern and interest than either income or property taxes, the chief revenue sources for national and local governments respectively. The general tax structure therefore is of minimal interest.

It may be that this indifference is a product of the low quality of state government, or the reverse may be true. It may be that it is the inevitable result of a shifting of the political focus from state to national and international issues. Or it may be the result of the massive migration from rural areas to urban conglomerations that has taken place in this century. It may be the result of the incredible mobility of the American population which results in one person in five moving every year. Whatever the reasons, the fact is that a modern American is interested in two levels of government, the local level, where detailed decisions directly affecting his community are made, and the national level where decisions affecting his country are made.

* * * * *

There is no loyalty in most people towards their state government. They regard themselves as living and working together as units of a geographic region and are far more likely to think of themselves as living in the South or the West or the Northeast than they are to pride themselves in their citizenship of Utah. Their loyalty is local, regional and national. In none of these does the state figure. As John Burgess put it as early as 1886:

"The two natural elements in our system are now the community and the nation. The former is the point of real local self-government; the latter that of general self-government; and in the adjustments of the future these are the forces which will carry with them the determining power. The commonwealth government is now but a sort of middle instance. Too large for local government, too small for general, it is beginning to be regarded as a meddlesome intruder in both spheres." (8)

State government is distrusted, ignored, and irrational, and yet seemingly an indispensable part of the federal system, in a country which for all its dependence on the federal government, resents excessive centralization of power. A possible solution to the problem lies in regionalization, in the liquidation of existing states and the substitution of Republics with areas more closely corresponding to actual social and economic interests. The creation of such Republics would enable planning to be undertaken for regions as a whole, which are otherwise dissected by wholly arbitrary state lines. It would alleviate the chaos of fifty separate jurisdictions, while leaving ample opportunity for each republic to decide its own affairs and to act, to the extent that it is possible or desirable, as one of Cardozo's 'social laboratories'. The republics would be areas within which geographic fact, economic organization, social custom and political interest have established a sense of cohesiveness and community of interest which would revitalize and lend some logic to a unit of regional government which, within a federal system, must share the power and responsibility of governing the Union with a national government.

V. DE FACTO REGIONALISM

The fact that state governments have failed to respond to the needs of the people, and that regionalism is both possible and desirable, is illustrated by the development in recent years of a kind of *de facto* regionalism. This phenomenon takes two principal forms. The first is the increasing tendency of the federal government to bypass the states in its relationships with both local governments and individuals. The second is the increasingly widespread use of interstate compacts, the clearest possible demonstration that planning cannot intelligently respect state boundaries.

Direct federal-local relations have existed since the early nineteenth century but have multiplied many times over because of the increase in urban and hence local government problems in this century, as well as

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the vast increase in federal spending generally. The obstructionism of the states to many New Deal programs ultimately resulted in the Supreme Court performing an amazing volte face with regard to the limits of federal power under the commerce and general welfare clauses of the Constitution. It was perhaps an example of what de Tocqueville noted over a century ago: "I have never been more struck by the good sense and the practical judgment of the Americans than in the manner in which they elude the numberless difficulties resulting from their federal Constitution". It is no exaggeration to claim that the policy-making authorities of the national government have replaced the Supreme Court as the arbiter of the limits of the federal spending power. The cause of this spread of federal spending is, however, almost entirely the inability of state governments to see the writing on the wall. The result is a proliferation of between 400 and 1000 federal aid programs, depending on how they are classified. On the local level, the following is a by no means exhaustive list of federal activity, much of which wholly bypasses the state governments:

Old Age and Survivors Insurance.
Veterans Benefits.
Mail Delivery.
Taxation.
Licensing.
Soil Conservation.
Grazing Service Advice.
Selective Service.
Civil Defense.
Public Housing and Urban Redevelopment.
Welfare.
Highways.
Employment Security.
Vocational Education.
Public Health.
Airport Maintenance.
Flood Control.
School Construction.
Disaster Relief.
Technical assistance in many fields.
Services by contract.

It is clear that in most areas the federal government is closer to the people as a provider of services than any other. The farm sector of the population is clearly something of an exceptional case, but it is instructive to examine the farmers' relations with the federal government, of which Morton Grodzins (9) compiled such an impressive picture. If he wished to take full advantage of what was offered, an individual farmer could assemble a veritable convention of government helpers in his home and fields. He could have a soil-conservation technician make a survey of his property, prepare plans for conservation practices and watershed protection, and give advice on crops, growing practices, wood-lot plantings and wild-life maintenance. A Forest Service Officer collaboratively with a state forester would provide low-cost tree stock. Extension workers would aid the farmer's wife on all aspects of home management, including gardening, cooking and sewing; instruct the children with respect to a whole range of health, recreational and agricultural problems; provide the farmer himself with demonstrations and information aimed at reducing costs, increasing income, and adjusting production to market demands, and give the entire family instruction with respect to "social relations, adjustments, and cultural values".

An officer of the Agricultural Conservation Program would arrange federal grants for part of the cost of his soil and conservation practices, including ditching and building ponds. Another official would supply fish at little or no cost with which to stock the ponds. A Commodity Stabilization Service worker would arrange for loans on some crops, for government purchase of others, and for special incentive payments on still a third category; he would also pay the farmer for constructing crop storage facilities. Another officer from the same agency would arrange cash payments to the farmer under the soil-bank program, if he takes out of production acres devoted to designated basic crops (the "acreage reserve"), or puts the general cropland to conservation use (the "conservation reserve"). An official of the Farmers Home Administration, if credit is not elsewhere available, will make loans to the farmer for the operation, improvement and enlargement of his property, and will 'service' the farmer-borrower by providing him with comprehensive and continuous technical advice on how to make his operation as profitable as possible.

VI. FEDERAL EXPANSION

This lengthy, though only partial, list of the federal involvement with farming is admittedly an extreme illustration of federal spending at a purely local level. It gives food for thought however, when contrasted with Jefferson's elaborate hierarchy of division of powers, in which the state was assigned such a prominent position. In one exposition of this division, Jefferson ended with what to him must have seemed the argument to end all arguments on the matter: "Were we directed from Washington when to sow, and when to reap, we should soon want bread." (10) Now we can say with absolute certainty, partly as a result of the industrial revolution, partly due to the inability of the states to respond to changing circumstances, that were we *not* directed from Washington when to sow, and when to reap, we should soon want bread.

The illustration also serves to illustrate the fact that a number of federal employees are "on the scene" at the local level. This applies to every single federal program, and not just to agriculture. We thus find that in 1968, there were 2,709,872 paid civilian employees of the Federal Government, of which a mere 313,806 lived and worked in Washington, D.C., the remaining 2,396,066 being scattered over the fifty states. This has inevitably led to a process of administrative regionalization, because these employees are directed from regional offices and not from Washington. This *de facto* regionalization might be expected to be of great use in determining what, if any, definable regions of the United States there may be, with which the Republics could be drawn to correspond.

The difficulty, however, as will be seen in the second part of this paper, is that different regional structures obviously are required for different functions. A region which makes sense to the Bureau of Mines for safety districts, will clearly be of little value to the Department of Agriculture's Bureau of Animal Industry when deciding where to locate its regional meat inspection laboratories. The extent of the problems facing anyone attempting to define regions of the country from which to construct logically defensible Republics, may be illustrated by the fact that in the appendix of the National Resources Committee report on "Regional Factors in National Planning", there are no less than eighteen pages with six maps on each page showing various regional divisions of the country for administrative purposes. There are thus one hundred and eight different schemes discussed in a volume published in 1935, when the extent of federal spending and regulation had not yet reached anything like its present level.

VII. INTERSTATE COMPACTS

A second major form of *de facto* regionalism is the increasingly widespread use of interstate compacts. The legal and political problems inherent in interstate compacts, and their effectiveness or otherwise, are beyond the scope of the present paper. Nevertheless their mere existence indicates some measure of recognition by both state and federal governments, that state lines, being arbitrarily drawn, often interfere with the exploitation of natural resources, the control and effective use of the water in river basins, the management of transportation facilities, and the resolution of social and economic problems. There are four main types of compact.

Regulatory compacts exist to plan policies, to recommend adoption of regulations by compacting states, and to prescribe and enforce standards. Examples of this kind of compact are the Interstate Oil compact, the Atlantic States Marine Fisheries compact, the Ohio River Valley Water Sanitation compact, and the Waterfront of New York Harbor compact. Metropolitan area compacts which exist to plan and administer urban programs include the Port of New York Authority compact, the Delaware River Port Authority compact and the Bi-State Development Agency compact by which the states of Missouri and Illinois attempt to tackle some of the problems of the St. Louis metropolitan area. A third type of compact, to administer river basins and manage water resources is in operation with respect to the Colorado, the Delaware, the Tennessee-Tombigbee and Wabash Rivers among others. A final category is the State Service Compact, in which educational, crime control, health and welfare programs are coordinated.

The use of interstate compacts is clearly increasing. Between 1783 and 1920, the states entered into thirty-six compacts. Between 1921 and 1955, they entered intc sixty-five, and since then about twenty-five more have been established. These compacts illustrate both the need and the possibility of regional planning. The Republics, it is hoped, by embracing whole regions would be able to perform the same function as the various states with their compacts, but at the same time have the advantage of planning for the region as a whole and for a diversity of purposes, and not simply on the basis of one single function, and a part of the region. There is a tendency for both interstate compacts and governmental administrative regionalism to result in redundance and lack of coordination in administration and to self-seeking sectionalism in legislation. Too often, while the immediate function or region may have gained, the nation as a whole has lost. For this reason, there is much to be said for the creation of Republics. They offer an alternative to the many deficiencies of state governments already mentioned, which they would avoid by virtue of their greater size and more rational composition. They also offer an alternative to *de facto* regionalism, permitting the federal government to maximize its resources by channeling its programs through one region for a whole variety of purposes, and allowing regional planning to take place without the cumbersome and often ineffective device of interstate compacts.

Felix Frankfurter and J. M. Landis, in an article in the *Yale Law Journal*, on interstate compacts, stated the need for such compacts, and also, it is suggested, the ultimate justification for regionalism:

"No one state can control the power to feed or starve, possessed by a river flowing through several states . . . The whole economic region must be the unit of adjustment; continuity of supervision the technique . . . the regional characteristic of electric power as a social and engineering fact must find a counterpart in the effort of law to deal with it . . . The overwhelming difficulties confronting modern society must not be at the mercy of the false antithesis embodied in the shibboleths 'State's rights' and 'National supremacy' . . . Our regions are realities. Political thinking must respond to those realities. Instead of leading to parochialism it will bring a fresh ferment of political thought whereby national aims may be achieved through various forms of political adjustment." (11)

VIII. THE NOW REPUBLICS

This inability of single states to carry out planning programs necessary for conserving our national resources, both material and human, as illustrated by widespread use of interstate compacts dealing with watershed, oil conservation, labor standards and crime prevention; the development of an extensive interstate cooperation movement, the rise of interstate metropolitan planning, the establishment of more than one hundred types of federal regional areas dealing with administration and departmental planning, the creation and the success of the TVA, and the pressure of economic distress and unbalance in various agricultural areas of the United States, all point to the need for the kind of regional politics which would be possible under a system of Republics.

These Republics could not fail to be more effective general instruments of government. They could stand in a far more meaningful position in their relationship with the federal government. They would facilitate planning for a region and not just a part of it. They would have the motivation and the machinery to solve some of the problems of the city. They would by virtue of their size and importance alone, both encourage popular interest and support and govern on a greater level of visibility than state governments do now. They would be able to stave off private interest groups and at the same time be more responsive to the ballot box. They would constitute geographic, social and economic realities, and hence be founded on more logical grounds and enjoy a greater sense of community than do the present states. They would make a much greater contribution to the cohesion and social purpose of the nation as a whole.

AGE OF REASON

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 1970

Mr. DINGELL. Mr. Speaker, the CONGRESSIONAL RECORD of December 20, 1969, carried the text of an article from the Michigan Natural Resources magazine entitled "Ten Years To Save Mankind" by Ralph A. MacMullan, Director of the Michigan Natural Resources Department. The January–February 1970 issue of the Michigan Natural Resources magazine carries a followup article by Dr. MacMullan entitled "Age of Reason?" I include the text of the article at this point in the CONGRESSIONAL RECORD:

AGE OF REASON?

(By Ralph A. MacMullan)

Man is an animal who may very well be driven to extinction in this century by natural and physical forces over which he now exhibits almost no control. Man is also a higher form of life with reason, spirit, courage, and the will to survive.

In the decade ahead, in ten short years, the age-old struggle of man versus nature will pass through what may be a final crisis. In this decade, we will discover whether man the animal will ultimately be destroyed by nature, or whether man the reasoning spirit will once again conquer those vital earth forces with which he has grappled for nearly two million years. For all that enormous length of time—20,000 centuries—man's long struggle as a species has been to survive by producing more children at all times than disease, famine, weather, and all the adverse forces of nature could kill off. Man has been successful in this approach to survival, and the human population of the earth has increased steadily over the centuries. When plagues slashed at human populations, succeeding generations responded by sharp increases in reproduction. The same has been true following wars, with World War II providing the most notable recent example. In the U.S., for example, the gross birth rate shot up to record levels in the years immediately after World War II. Other nations, such as Russia, Germany, England, France, and Japan—all of which were hard hit in that war—experienced similar surges in the late 1940's and 1950's.

Now, however, in the brief span of this century, the struggle for survival has entered a new arena. It is a battleground on which man has only his reason to guide him, and virtually no experience whatever. The solution is simple, but not easy. Man must alter his basic approach to survival and bring population growth to a virtual standstill. He must do this now, in this century, if he intends to survive as a species on this planet. The next ten years will tell us whether man in fact intends to adopt this course, or whether nature will be allowed to provide the answer through starvation, pestilence, or—perhaps because of the horrors of crowding—through nuclear holocaust.

Signs of impending population disaster are everywhere. Already each year millions of humans on this earth die of starvation while man with his reasoning spirit does little or nothing to control population growth. Already the oceans of the earth are being changed by excesses of pollution and exploitation so insidious and so poorly understood that the future of those enormous bodies of water are in doubt. One-third of the earth's three billion people obtain their major source of animal protein from seafoods. Through pollution and exploitation, we are threatening the continued existence of both that seafood and that third of the world.

We continue to pollute the air as well, and are perhaps changing irretrievably this gaseous envelope surrounding the earth. We all see it happening, yet to date we have taken almost no collective action toward correction. One grimly humorous comment read recently: A newspaper columnist notes that our accomplishments in outer space may soon lead us to the planet Venus, where the possibility exists for life as we know it, except for the surrounding gases, which lack oxygen. Wouldn't it be interesting, he comments, if when we arrived there we found long lines of stalled automobiles, left when a previous civilization finally ran out of oxygen.

So we continue to pollute our air and water, and we fail to control population growth, and our appetite for ease and comfort and the good life requires exploitation and pollution of ever-increasing quantities of the earth's resources. Man, the animal, is indeed in charge of man the reasoning spirit.

In the decade ahead we will see these trends continue—at least for awhile. We are as yet, for example, nowhere near any sort of reasoning control over population growth, and this is the most serious natural resource problem we face as a world community. Man's reason, man's courage and will to survive, man's higher spirit will have no meaning or value when the food runs out, or pernicious man-made chemical combinations corrupt the environment, or the oxygen is depleted, or we are buried in our own garbage. The natural world offers us too many examples of what happens when the population of a species rolls ahead unchecked. The lemmings, those mouse-like creatures of the far north, over-populate their range disastrously every four or five years and then destroy themselves by migrating *en masse* to any nearby convenient open water. When the drowned carcasses clear away, a remnant lemming population starts the cycle all over again. The result is a predictable mass disaster to lemmings four or five years hence. Dozens of such examples exist in the annals of wildlife. Right here in Michigan we have been witnessing what is practically the same situation with the white-tailed deer. Back in the 1930's and 1940's, Michigan's deer herd thrived on the brushy new growing forest, and with sufficient food deer populations increased rapidly. Then the forest grew up, the food supplies thinned out, and annual starvation problems began to appear. At times in Michigan we have lost an estimated 50,000 to 75,000 deer in a single winter, most of that loss going to starvation. The deer that are lost, however, comprise only one portion of the problem. An even larger number of deer suffer extreme malnutrition and squeak through the winter by the narrowest margin. These deer then are marked for easy starvation the following winter, or are open to disease because of their weakened condition, or their ability to produce healthy fawns is severely damaged. Further, deer-food plants are so badly over-eaten each winter that the total supply of food gradually dwindles, thereby pinching the population downward even further. To overcome the worst of these problems, to create a healthier, if smaller deer herd, and to save what deer foods remain, the Department of Natural Resources began to hold special any-deer seasons in 1952 designed to harvest these "surplus" deer each fall before trouble develops. Here, then, in the deer herd, are all the classic aspects of the problem mankind now faces: Over-population and failure of food supplies leading directly to malnutrition, starvation, and disease. But man has added another problem that goes beyond the straight facts of biology faced by creatures such as lemmings and deer. Man's boundless yen for technology has added several extreme forms of pollution which in and of themselves may prove at least as destructive to the entire life process as over-population.

The picture I have painted for the coming decade is indeed gloomy, yet virtually every student of world population, of conservation affairs, of ecology and the environment agrees in principle with what I have said. Time and time again, these specialists have spoken out, yet we have not heeded their warnings, nor do we give even the vaguest indication that we ever will.

Nowhere on earth is there a nation known to me where the human population has stabilized at present levels. On the contrary, every nation is showing a steady, and in most cases, rapid increase in population. Mexico, a nation of 50 million, will double in 20 years. India, where starvation now claims an estimated three million persons per year, is adding 15 to 18 million new mouths each year. Already India is importing a large portion of the food it consumes, but how much longer this importation can continue is uncertain. Costa Rica will double its population in 20 years, Indonesia in 31 years, the Philippines in 20 years, Brazil in 22 years. The so-called "developed" nations of the earth are increasing in population more slowly, but rates are still high. At present rates, the U.S., Russia, and Japan will all double their populations in 63 years. Denmark, Norway, Poland and Spain will double in 88 years. The United Kingdom will require 140 years to double its population, and Austria, slowest of all, will double in 175 years.

Such human increases necessarily mean natural resources will be rapidly depleted, and that pollution of the environment will increase just as steadily. Under present patterns of use and technology, that conclusion is certain, clear, and inescapable.

There is now no hope that we can avoid

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additional serious damage to both our environment and to mankind in general during the coming decade. On the other hand, there has to be hope that we can apply the brakes soon, that we can slow down human population increases, and that we can begin to repair some of the damage to both our environment and to mankind in general during environment. This is the crucial task facing the coming generation. Right now, 40 percent of the world's population is 15 years old or younger. In the next ten years, most of these youngsters will enter their fertile, family-creating years. If they fail to control population, man with all his reason, his spirit, and his will to survive will go the same path as the lemmings and the deer.

It is not my position to suggest a program for carrying out the mandates nature is now demanding of us. I can offer no ready-made solutions, no panaceas nor utopias. Yet it is clear that all of us must contribute to the total effort in some way, and that the course of our little spaceship must be changed very, very soon.

Man has been described as a "reasoning animal." Thus far, he has proved himself an animal capable of reason on certain subjects, but blind on others. It remains to be seen whether there is yet time to learn, to correct, to overcome. Certainly, there isn't much time left. Will it be ten years or twenty? Will we go out with a whimper or a bang? Or will we begin now to control those forces that can decide man's destiny on this planet? The answers to these questions, I submit, will soon appear, provided if not by man, then by nature. It's the alternative that must frighten us all.

HOUSE OF REPRESENTATIVES—*Wednesday, March 11, 1970*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Exalt the Lord our God, and worship at His holy hill; for the Lord our God is holy.—Psalm 99: 9.

O Lord, our God, whose glory is in all the world and whose goodness continues forever, we commend ourselves and our Nation to Thee that being conscious of Thy presence, governed by Thy spirit, and living in Thy love we may dwell secure in peace and good will.

Bless our land with wise government, sound learning, and vital religion. Save us from discord and disunity, from pride and prejudice, and from vice and violence. Strengthen the bonds of friendliness between the citizens of our beloved land and make strong the ties of fellowship between the nations of the world. Plant love in every heart, truth in every home, faith in every church, justice in every nation, and peace in all our world. And may the love of Thy dear name hallow every noble endeavor for good.

In the spirit of Christ we pray. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 6543) entitled "An act to extend public health protection with respect to cigarette smoking, and for other purposes."

The message also announced that the Senate further insists on its amendment numbered 13 to the foregoing bill.

TRAVEL ALLOWANCES

(Mr. BINGHAM asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BINGHAM. Mr. Speaker, unlike many Federal executive agencies and most business corporations whose officials serve in locations far from their homes, the Congress makes no "home leave" provision for the immediate families of its Members. Particularly for Members whose home districts are far from Washington or who have large families living with them here in Washington, the expense of allowing their families even to go home for Christmas can be considerable. For those of our colleagues whose districts are outside the contiguous 48 States the cost is prohibitive.

I have made an informal survey of the policies of the various agencies of the Federal Government and a few corporations with regard to providing travel allowances for families to visit their homes. In general, such family travel allowances are provided every 2 years. This is true in effect, for example, of the Foreign Service. Some organizations underwrite a trip home for families of their officials once a year.

With these considerations in mind, it seems reasonable that Members should be reimbursed for one round trip each term for the members of his or her immediate family between Washington and the Member's home district, and I am introducing a bill to that effect tomorrow.

O'LORD

(Mr. HOWARD asked and was given permission to address the House for 1 minute, to revise and extend his remarks and to include extraneous matter.)

Mr. HOWARD. Mr. Speaker, in an age where we live in constant fear of a possible nuclear confrontation; where we read that life on this planet will end in the foreseeable future unless we end pollution; and when many of our people live in abject poverty, we are bound to feel that everything is going poorly.

Then along comes some young person whose generation will soon lead this world and help deescalate the fear of nuclear war—will do something meaningful to end pollution, and will see that all people are given the opportunity to live a decent life.

Such a person is Patricia Eileen Sullivan, an 8-year-old second grader at Marymount Junior School in Arlington, Va.

Patricia has written a simple poem entitled "O'Lord" and it is one of the most moving and inspiring poems I have ever read. Its author may be but 8 years old, but she sees life in the context which all of us wish we could. I commend it to my colleagues for reading:

O'LORD

O'Lord, thank you for my brothers and sisters.
O'Lord, thank you for my mother and father.
O'Lord, thank you for the flowers and grass and trees.
O'Lord, thank you for the moon and sun and stars above us.
O'Lord, thank you for my house and my teachers.
O'Lord, thank you for the love that I get from everyone, and winter and fall and summer.
Oh, and Lord, thank you for this lovely world.

1970 VOICE OF DEMOCRACY WINNERS

(Mr. McCLURE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McCLURE. Mr. Speaker, last night I was privileged to attend a dinner sponsored by the Veterans of Foreign Wars and honoring the 1970 Voice of Democracy winners. Seeing all of those young people at the table of honor, I was reminded again that the vast majority of today's youth are responsible and patriotic, and not in the mold that the news media so frequently paint them.

I would also like to comment on the unscheduled appearance of President Nixon at the dinner. Other men might have been content to speak briefly and then wave goodby. But not Mr. Nixon. Not only did he stay for the introduction of each State's Voice of Democracy winner, but he went to their table and shook the hand of each one as his or her name was called.

Such acts on the part of the President inevitably close the so-called generation gap. It gave me personally a deep sense of pride in my country, its President, and its youth.

TRIBUTE TO LEWIS DESCHLER

(Mr. STAGGERS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STAGGERS. Mr. Speaker, I rise in humble and sincere tribute to our Parliamentarian.

Statesman, yet friend to truth; of soul sincere,
In action faithful, and in honor clear;
Who broke no promise, serv'd no private end,
Who gained no title, and who lost no friend.
—*Alexander Pope.*

The occasion demands eloquence, and I have only sincerity to offer. "Truth is the secret of eloquence and of virtue; it is the highest summit of art and of life," said Amiel. My colleagues have spoken both eloquently and truthfully of his distinguished career. All that he has meant to them, and more, he has meant to me. As guardian of the fountain of decorous procedure, he has dispensed life-giving drafts to the thirsty impartially. And no one of his constituents has wandered more hopelessly in the arid desert of uncertainty than have I. His ministrations have given all of us courage and strength to proceed with confidence.

I would add a personal touch. Recently he and I were in the same hospital. I was undergoing a treatment which had serious possibilities. In the morning he met me with a handclasp and the words: "I prayed for you last night." Such is the measure of the man.

Lew Deschler is an institution almost as durable and as lasting as the marble and granite which embellish the scene of his activities. It seems incredible that though he was the companion of the ancients of our tribe, he has accumulated only a total of 65 years, every one of them crammed with days of service and of honor. "Panting time toiled after him in vain." On this occasion, I deem it an honor to join in a rousing salute to his dedication to a society based on dignity and order.

PERMISSION FOR SUBCOMMITTEE NO. 5 OF COMMITTEE ON THE JUDICIARY TO SIT DURING GENERAL DEBATE ON MARCH 12

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that Subcommittee No. 5 of the Committee on the Judiciary may sit during general debate on Thursday, March 12.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

PERMISSION FOR SUBCOMMITTEE ON HOUSING OF COMMITTEE ON BANKING AND CURRENCY TO SIT DURING GENERAL DEBATE TODAY

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the Subcommittee on Housing of the Committee on Banking and Currency may sit during general debate today.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

PROVIDING FOR THE CONSIDERATION OF H.R. 15945, MARITIME AUTHORIZATION FOR 1971

Mr. COLMER, from the Committee on Rules, reported the following privileged resolution (H. Res. 873, Rept. No. 91-896), which was referred to the House Calendar and ordered to be printed:

H. RES. 873

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 15945) to authorize appropriations for certain maritime programs of the Department of Commerce. After general debate, which shall be confined to the bill and shall continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Merchant Marine and Fisheries, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. COLMER. Mr. Speaker, I call up House Resolution 873 and ask for its immediate consideration.

The SPEAKER. The Clerk will report the resolution.

The Clerk read the resolution.

PARLIAMENTARY INQUIRY

Mr. GROSS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GROSS. Mr. Speaker, does this require a two-thirds vote or a majority vote?

The SPEAKER. The Chair will state that it requires a two-thirds vote to consider the resolution today.

Mr. GROSS. Mr. Speaker, I thank the Chair.

The SPEAKER. The question is, Will the House now consider the resolution 873?

The question was taken: and two-thirds having voted in favor thereof, the House agreed to consider House Resolution 873.

The gentleman from Mississippi is recognized for 1 hour.

Mr. COLMER. Mr. Speaker, I yield the customary 30 minutes to the gentleman from Illinois (Mr. ANDERSON) pending which I yield myself such time as I may consume.

Mr. Speaker, this resolution provides an open rule with 2 hours of general debate for consideration of H.R. 15945 to authorize appropriations for certain maritime programs of the Department of Commerce.

The bill as reported authorizes appropriations for the Maritime Administration within the Department of Commerce for fiscal year 1971 in the total amount of $429.3 million.

The sum of $199.5 milion is authorized for acquisition, construction, or reconstruction, construction-differential subsidy and cost of national defense features incident thereto.

There are $193 million authorized for payment of obligations incurred for ship operation subsidies.

There are $19 million authorized for expenses necessary for research and development.

The sum of $4.675 million is authorized for reserve fleet expenses.

There are $6.8 million authorized for the Merchant Marine Academy.

The sum of $2.325 million is authorized for financial assistance to State marine schools.

The sum of $4 million is authorized for continued operation of the nuclear ship *Savannah*, including reimbursement of the vessel operations revolving fund for losses resulting from expenses of experimental ship operations.

The authorization will permit the construction of 19 new ships and start to replace the merchant fleet to improve our balance-of-payments situation and to regain momentum toward making the United States once again a leading maritime nation of the world.

Mr. Speaker, I urge the adoption of House Resolution 873 in order that H.R. 15945 may be considered.

Mr. HALL. Mr. Speaker, will the gentleman yield to me at that point?

Mr. COLMER. If I may, if I still have the floor, I will be happy to yield to my friend from Missouri.

Mr. HALL. Mr. Speaker, I appreciate the distinguished gentleman from Mississippi yielding to me. He is always in control of the situation. I simply wanted to ask with regard to this rule, copies of which are not available, and which in the interest of expediting the business of the Congress we are taking up at this time under unusual circumstances because we believe in the authorization that is forthcoming as a result of this rule, whether or not there are any waivers of points of order in the rule that we are now considering?

Mr. COLMER. I will say to my friend from Missouri that no request was made for the waiving of points of order and none was granted.

Mr. HALL. None are inserted in the rule that we are considering under these unusual circumstances?

Mr. COLMER. That is correct.

Mr. HALL. It will be considered under the 5-minute rule? In other words, it is an open rule with no points of order waived?

Mr. COLMER. I thank the gentleman for his questions. I confess it is something I should have explained at the beginning.

Mr. Speaker, I now yield to the gentleman from Illinois (Mr. ANDERSON).

Mr. ANDERSON of Illinois. Mr. Speaker, this is an open rule providing for 2 hours of general debate on the authorization for the Maritime Administration with a total authorization of $429,300,000. It should be pointed out perhaps before we do adopt a rule, and I hope we will so that we can proceed with an orderly discussion of this matter, that this bill does differ in one very material respect from the bill that was recommended by the executive branch. Instead of providing the requested $1,700,000 for laying up the nuclear merchant ship *Savannah*, the committee deleted that request for funds and instead authorized $4 million for the continued operation of the *Savannah* during fiscal 1971. I was particularly interested in this item because I am a member of the Joint Committee on Atomic Energy and we have over the years considered the question of reactors for merchant ves-

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sels. There are only two such vessels in the world today, the *Savannah* and the *Otto Hahu*, constructed by the West German Government in cooperation with five NATO nations. The Joint Committee on Atomic Energy, in our report last year, when we authorized appropriations for the Atomic Energy Commission pointed out that the committee was not requesting any funds for merchant ship reactors and that this program had become inactive because of the lack of any formal policy on the subject of nuclear merchant ships by the administration. We did have some testimony before the Committee on Rules yesterday from the gentleman from Virginia (Mr. DOWNING), a member of the Committee on Merchant Marines and Fisheries, who I think will undertake to explain the matter further to the House today, that there is some justification for continued operation of the *Savannah* even at the very considerable subsidy which is provided for in this authorizing legislation. However, in view of this language in the report which I just quoted I would express the hope that we might have from the committee some policy in the future with respect to what our country intends to do in this field of nuclear-powered merchant ships so that rather than continuing to subsidize at great expense, as I indicated, some $4 million, the cost of operating this particular ship, we might know what the future plans of the administration are for a nuclear-powered merchant fleet for the United States.

I know of no other significant differences between the bill requested by the administration and the bill as passed out of the committee.

Mr. Speaker, I reserve the balance of my time.

Mr. COLMER. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

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PERMISSION FOR COMMITTEE ON RULES TO FILE CERTAIN PRIVILEGED REPORTS

Mr. COLMER. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file certain additional privileged reports.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

CALL OF THE HOUSE

Mr. DEVINE. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 45]

Adams
Ashley
Baring
Belcher
Blackburn
Bray
Brown, Calif.
Cabell
Camp
Casey
Celler
Clay
Collier
Cramer
Davis, Ga.
Dawson
Diggs
Dowdy
Dwyer
Edwards, La.
Evans, Colo.
Fallon
Fascell
Findley
Foley
Fulton, Tenn.
Gaydos
Giaimo
Gray
Gubser
Hastings
Hébert
Holifield
Jarman
Johnson, Pa.
Jones, Ala.
Kirwan
Kluczynski
Kyl
Long, La.
Lowenstein
Lukens
McCulloch
McEwen
Miller, Calif.
Montgomery
Moorhead
Morton
Mosher
Moss
Myers
O'Hara
Ottinger
Pryor, Ark.
Reid, Ill.
Rivers
Roudebush
Roybal
St Germain
St. Onge
Schadeberg
Sikes
Teague, Tex.
Tunney
Ullman
Vigorito
Weicker
Widnall

The SPEAKER. On this rollcall 362 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

PUBLIC HEALTH CIGARETTE-SMOKING ACT

Mr. STAGGERS submitted the following conference report and statement on the bill (H.R. 6543) to extend public health protection with respect to cigarette smoking, and for other purposes:

CONFERENCE REPORT (H. REPT. No. 91-897)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 6543) to extend public health protection with respect to cigarette smoking and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1, 4, 7, 8, 9, 10, 11, and 12, and agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "The Surgeon General Has Determined That Cigarette Smoking Is Dangerous To Your Health".; and the Senate agree to the same.

Amendment numbered 3: That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

" '(b) No requirement or prohibition based on smoking and health shall be imposed under State law with respect to the advertising or promotion of any cigarettes the packages of which are labeled in conformity with the provisions of this Act."

And the Senate agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

" 'UNLAWFUL ADVERTISEMENTS

" 'SEC. 6. After January 1, 1971, it shall be unlawful to advertise cigarettes on any medium of electronic communication subject to the jurisdiction of the Federal Communications Commission."

And the Senate agree to the same.

Amendment numbered 6: That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

" 'Federal Trade Commission

" 'SEC. 7. (a) The Federal Trade Commission shall not take any action before July 1, 1971, with respect to its pending trade regulation rule proceeding relating to cigarette advertising. If at any time on or after July 1, 1971, the Federal Trade Commission determines it is necessary to take action with respect to such pending trade regulation rule proceeding, it shall notify the Congress of that determination. Such notification shall include the text of the trade regulation rule and a full statement of the basis for such determination. No trade regulation rule adopted in such proceeding may take effect until six months after the Commission has notified the Congress of the text of such rule, in order that the Congress may act if it so desires.

" '(b) Except as provided in subsection (a), nothing in this Act shall be construed to limit, restrict, expand, or otherwise affect the authority of the Federal Trade Commission with respect to unfair or deceptive acts or practices in the advertising of cigarettes.

" '(c) Nothing in this Act shall be construed to affirm or deny the Federal Trade Commission's holding that it has the authority to issue trade regulation rules or to require an affirmative statement in any cigarette advertisement.' "

And the Senate agree to the same.

The committee of conference reports in disagreement amendment numbered 13.

Harley O. Staggers,
John Jarman,
Paul G. Rogers,
David E. Satterfield III,
Peter N. Kyros,
Richardson Preyer,
William L. Springer,
Ancher Nelsen,
Tim Lee Carter,
Joe Skubitz,
James F. Hastings,
Managers on the Part of the House.

Warren G. Magnuson,
John O. Pastore,
Frank E. Moss,
Norris Cotton,
James B. Pearson,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 6543) to extend public health protection with respect to cigarette smoking and for other purposes, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report.

BACKGROUND

The 1965 act

In 1965, the Congress enacted the Federal Cigarette Labeling and Advertising Act (Public Law 89-92; 15 U.S.C. 1331-1339) and made the Act effective on January 1, 1966.

Under the act, (1) cigarette packages were required to bear a label stating "Caution: Cigarette Smoking May Be Hazardous to Your Health"; (2) other statements relating to smoking and health could not be required on packages bearing the label set forth in clause (1); (3) until July 1, 1969, no statement relating to smoking and health could be required in any advertisement of cigarettes the packages of which bore the label set forth in clause (1); and (4) the Secretary of Health, Education, and Welfare and the Federal Trade Commission were required to submit reports to the Congress by July 1 of each year with respect to matters of concern to them under the act.

House action

On June 18, 1969, the House passed H.R. 6543 which amended the Federal Cigarette Labeling and Advertising Act in two respects. Under the House bill the label on cigarette packages were required to read "Warning: The Surgeon General Has Determined That Cigarette Smoking Is Dangerous to Your Health and May Cause Lung Cancer or Other Diseases". The House bill also postponed the termination date on preemption of certain aspects of regulation of cigarette advertising from July 1, 1969, to July 1, 1975. The House bill was made effective on July 1, 1969.

Senate action

On December 12, 1969, the Senate amended the House bill in the following significant respects. The statement required on cigarette packages was amended to read "Warning: Cigarette Smoking Is Dangerous to Your Health". The preemption provisions were revised to prohibit any State or political division thereof from imposing any requirement or prohibition based on smoking and health with respect to the advertising or promotion of cigarettes the packages of which were labeled in accordance with the legislation. In addition, the Senate amendment banned all cigarette advertising from radio and television on or after January 1, 1971, and permitted the Federal Trade Commission to resume its trade regulation rule proceeding relating to cigarette advertising after July 1, 1971, or earlier if advertising practices of the cigarette industry were found to be a gross abuse of the nonbroadcast media.

Except for section 5 of the legislation (relating to preemption) which was made effective July 1, 1969, the Senate amendment was made effective January 1, 1970.

CONFERENCE ACTION

A description of the action of the conferees follows in terms of the Senate numbered amendments.

Amendment numbered 1

This amendment defines the term "State" to include any political division of a State. This amendment was adopted in conjunction with a Senate amendment (see amendment numbered 3) which precludes the States from imposing any requirement or prohibition based on smoking and health with respect to the advertising or promotion of cigarettes the packages of which are labeled in accordance with the legislation. This amendment makes clear that the preemption applies to cities, counties, and other political divisions of the State as well as to the States themselves.

The House recedes.

Amendment numbered 2

This amendment relates to the statement which must appear on cigarette packages. The House provision would have required a label stating "Warning: The Surgeon General Has Determined That Cigarette Smoking Is Dangerous to Your Health and May Cause Lung Cancer or Other Diseases". Under the Senate amendment, the label would have read "Warning: Cigarette Smoking Is Dangerous to Your Health".

The label statement adopted by the conferees is a shortened version of the House provision. The label under the conference agreement would read "Warning: The Surgeon General Has Determined That Cigarette Smoking Is Dangerous To Your Health".

Amendment numbered 3

The House bill contained a blanket preemption (applicable to all Federal departments and agencies as well as State and local governments) with respect to requiring statements relating to smoking and health in advertisements of cigarettes the packages of which were labeled in conformity with the legislation.

The Senate preemption applied only to States and their political divisions. They were prevented from imposing any requirement or prohibition based on smoking and health on advertising and promotions of cigarettes in packages labeled in accordance with the Act. With minor technical amendments the conference version is the same as the Senate amendment.

Amendment numbered 4

The Senate amendment struck out certain language relating to the authority of the Federal Trade Commission. It also struck out the requirement that the Secretary of Health, Education, and Welfare and the Federal Trade Commission submit annual reports with respect to matters placed within their jurisdiction by the legislation. These matters are dealt with in connection with amendments numbered 6 and 7.

Amendment numbered 5

This Senate amendment would have prohibited cigarette advertisements, on or after January 1, 1971, on any medium of electronic communication subject to the jurisdiction of the Federal Communications Commission, e.g., radio, television, and cable television. The conference agreement is the same as the Senate amendment except that the prohibition applies after January 1, 1971.

Amendment numbered 6

In May 1969, the Federal Trade Commission reinstituted a proceeding which had been originally begun in 1964 for the promulgation of a trade regulation rule providing for a health warning in cigarette advertising. The enactment of the Federal Cigarette Labeling and Advertising Act in 1965 superseded the Commission's trade regulation rule proceeding until July 1, 1969 (see secs. 5(b) and 10).

Senate amendment numbered 6 would have prevented the Federal Trade Commission from moving forward with its trade regulation rule proceeding until July 1, 1971, unless it found that the advertising practices of the cigarette industry constituted a gross abuse of the nonbroadcast media in which case it could resume such proceeding at an earlier date. The Commission was also required to notify the Congress of its intention to resume the proceeding. The notice was required at least 6 months before any resulting trade regulation rule was to take effect and would have required a statement of the reasons for such resumption.

Because of concern on the part of the House managers about the meaning of "gross abuse of the nonbroadcast media" the conference agreement omits those provisions. Thus, the FTC may not resume action on its proposed trade regulation rule before July 1, 1971. Further, the conference substitute makes it clear that the Federal Trade Commission, in addition to including in its notice to the Congress a full statement of its reasons for resuming its proceedings for the promulgation of the trade regulation rule, must also include in that notice the actual text of the trade regulation rule. The notice would be required at least 6 months before such trade regulation rule goes into effect.

Before enactment of the Federal Cigarette Labeling and Advertising Act, the question was raised as to whether the FTC had authority to issue a trade regulation rule to require a health warning in cigarette advertisements. Section 5(c) of that Act made it clear that with the exception of sections 5(a) and 5(b) nothing in that Act was to limit, restrict, expand, or otherwise affect the authority of the Commission with respect to unfair or deceptive acts or practices in the advertising of cigarettes, nor to affirm or deny the Commission's holding that it has the authority to issue trade regulation rules or to require an affirmative statement in any cigarette advertisement. Through inadvertence, when Senate amendment numbered 6 was adopted on the Senate floor provisions almost identical to these were omitted.

The conference substitute includes new subsections (b) and (c) for section 7 of the amended Act which are almost identical to the provisions of section 5(c) of the original Act. These provisions make it clear that there is no intention to resolve the question as to whether the Commission has in fact the authority to issue a trade regulation rule regarding cigarette advertising.

The managers on the part of the House expect that the proceeding described in section 7(a) of the conference agreement will be the only basis on which any Federal department or agency could require a statement relating to smoking and health in cigarette advertising.

Amendment numbered 7

Section 5(d) of the Federal Cigarette Labeling and Advertising Act as originally enacted required annual reports from the Secretary of Health, Education, and Welfare and the Federal Trade Commission with respect to matters placed within their respective jurisdictions by the Act. These reports were required to be submitted by June 30 of each year.

The Senate amendment places a new section 8 in the Act relating exclusively to the reports of the Secretary of Health, Education, and Welfare and the Federal Trade Commission. The only other difference between this Senate amendment and the original Act (which was not affected by the House bill) was that the Senate amendment required that the reports be submitted not later than January 1, 1971, and annually thereafter.

The managers on the part of the House concluded that with the significant changes now being made in the Act by the conference agreement it is desirable to postpone the reporting deadline to January 1 so as to have some period of operation under the Act as amended by the conference agreement before a report is required.

The conferees noted that the Secretary of Health, Education, and Welfare has informed the Congress that discussions have been held between officials of the cigarette industry and the Department of Health, Education, and Welfare in an effort to identify gaps in knowledge regarding smoking and health. The Secretary is urged to expedite such identification in a cooperative effort between the cigarette industry and the Department in order that priorities may be set for closing these gaps through appropriate research.

The House recedes.

Amendments numbered 8, 9, 10, and 11

These are technical and conforming amendments.

The House recedes.

Amendment numbered 12

This amendment struck out section 10 of the House passed bill which placed a termination date on the provisions of the legislation preempting the regulation of cigarette advertising. Since section 5(b) under the conference agreement preempts such regulation by the States and their local political divisions and is intended to be of permanent effect, and section 7(a) permits the Federal Trade Commission (if it determines it necessary) to resume consideration of its proposed trade regulation rule relating to cigarette advertising (without, of course, determining the basic question as to whether the FTC has the authority to issue such a trade regulation rule), section 10 of the House version was no longer appropriate.

The House recedes.

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Amendment numbered 13

This amendment is reported in technical disagreement. The amendment struck out the effective date in the House bill which was July 1, 1969, and inserted in lieu thereof an effective date (with respect to all but section 5 of the Act) of January 1, 1970. Both dates have, of course, passed and technically the matter could not be resolved in the conference. The new warning on cigarette packages required by the conference agreement necessitates a transition period to permit cigarette packages to be imprinted with the warning. Accordingly the managers on the part of the House will offer an amendment in the House to recede and concur in Senate amendment numbered 13 with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

"SEC. 3. Section 5 of the amendment made by this Act shall take effect as of July 1, 1969. Section 4 of the amendment made by this Act shall take effect on the first day of the seventh calendar month which begins after the date of the enactment of this Act. All other provisions of the amendment made by this Act except where otherwise specified shall take effect on January 1, 1970."

HARLEY O. STAGGERS,
JOHN JARMAN,
PAUL G. ROGERS,
DAVID E. SATTERFIELD III,
PETER N. KYROS,
RICHARDSON PREYER,
WILLIAM L. SPRINGER,
ANCHER NELSEN,
TIM LEE CARTER,
JOE SKUBITZ,
JAMES F. HASTINGS,
Managers on the Part of the House.

MARITIME AUTHORIZATION, 1971

Mr. GARMATZ. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 15945) to authorize appropriations for certain maritime programs of the Department of Commerce.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 15945, with Mr. GILBERT in the chair.

The Clerk read the title of the bill.

By unanimous consent the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Maryland (Mr. GARMATZ) will be recognized for 1 hour and the gentleman from California (Mr. MAILLIARD) will be recognized for 1 hour.

The Chair recognizes the gentleman from Maryland (Mr. GARMATZ).

Mr. GARMATZ. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in strong support of H.R. 15945, which gives promise so long due of rehabilitating our U.S.-flag merchant marine to serve our national commerce and defense needs.

This bill, H.R. 15945, to "authorize appropriations for certain maritime programs of the Department of Commerce" is generally referred to as the maritime authorization bill.

The bill was reported by our committee in House Report 91-865 on March 4, 1970, with one important amendment.

Under existing law, only such sums as the Congress might specifically authorize may be appropriated for several specific programs administered by the Maritime Administration. They include such matters as vessel construction, vessel operations, reserve fleet expenses, research and development, maritime training at the Merchant Marine Academy and the State marine schools, and the vessel operations revolving fund.

H.R. 15945, introduced on February 17, 1970, is identical to the bill as recommended by Executive Communication 1648, dated February 12, 1970.

In summary, the administration recommended a maritime appropriation authorization in the sum of $427,000,000 in the following categories, and in the amounts indicated:

First, acquisition, construction, or reconstruction of vessels and construction-differential subsidy and cost of national defense features incident to the construction, reconstruction, or reconditioning of ships, $199,500,000;

Second, payments of obligations incurred for ship operation subsidies, $193,000,000;

Third, expenses necessary for research and development activities—including reimbursement of the vessel operations revolving fund for losses resulting from expenses of experimental ship operations, $20,700,000;

Fourth, reserve fleet expenses, $4,675,000;

Fifth, maritime training at the Merchant Marine Academy at Kings Point, N.Y., $6,800,000; and

Sixth, financial assistance to State marine schools, $2,325,000.

With only one significant change, the committee accepted all of the administration's recommendations.

The items dealing with ship construction subsidy, payment of obligations incurred for ship operation subsidies, reserve fleet expenses, maritime training at the Merchant Marine Academy and financial assistance to State marine schools remain unchanged.

In the category of expense for research and development, the authorization has been reduced by $1,700,000. This was the sum requested by the administration to lay up the nuclear ship *Savannah*. In this connection, the committee has added a new item for the continued operation of the *Savannah* and has authorized an appropriation of $4,000,000 to operate this nuclear merchant vessel. The net effect on the appropriations authorization is to increase the request by $2,300,000.

The bill as introduced would have authorized a total of $427,000,000 for the previously indicated activities of the Department of Commerce, administered by the Maritime Administration. The bill as reported increased the total amount by $2,300,000 to a total of $429,300,000.

The committee thought the nuclear ship *Savannah* should continue to sail and not be laid up as recommended by the Administration because the *Savannah* could continue to open up the maritime ports of the world to nuclear-powered ships. Also, we felt we should not lose the skills of the crew required to operate a nuclear-powered commercial vessel into the maritime ports of the world.

Nuclear ships require manpower with specialized training and experience. The pool of such manpower developed by the *Savannah* in all probability will be lost to a future program if the ship is laid up. Through continued operation of the *Savannah*, it would be maintained for application to future nuclear ships. This trained and experienced organization is needed to achieve the basis for reductions in manning, the lowering of regulatory requirements consistent with continued safe operation, and through continued operation of the ship, in opening of more ports in more countries for future ships.

Further, we thought the prestige of the United States as a maritime nation would continue to be enhanced as it continues to operate the world's first nuclear-powered commercial vessel. The efforts of maritime nations such as the Soviet Union, West Germany, and Japan, to develop and operate nuclear-powered commercial vessels lends further impetus to the need for the United States to continue to operate the *Savannah*.

Moreover, it did not seem especially thrifty to us to authorize appropriations of $1,700,000 to lay up the ship when the current cost to operate it is $3,400,000, particularly as it might cost as much as $9,000,000 to reactivate the *Savannah* if it is used later for other purposes, as contemplated.

In support of the appropriations authorization for construction and operating-differential subsidy, our committee noted that we have said over and over again that our merchant marine has to be rebuilt almost from the ground up if we are to meet our national objectives in national defense and foreign commerce.

The President agrees with us. He has said that we must rebuild our merchant marine. He recommended legislation to permit building 300 new merchant ships over a 10-year period, at the rate of 30 new ships each year.

The sum of $199,500,000 has been authorized for ship construction purposes. It is intended by this authorization to permit the building of 19 new vessels in fiscal year 1971, as compared with 10 ships projected for fiscal year 1970.

This authorization to build 19 new ships in fiscal year 1971 will get us on our way to replace the merchant fleet we so desperately need to improve our balance-of-payments situation and to regain momentum toward making the United States once again a leading maritime nation of the world.

This amount of appropriation is actually the initial phase of the President's 10-year program to revitalize our merchant marine by adding 300 new vessels in this 10-year period, at the rate of 30 ships per year. It is expected we will reach this rate of new shipbuilding in fiscal year 1973.

I should add that in approving the administration's authorization request for shipbuilding and ship operating subsidies, the committee has been conducting hearings on H.R. 15424. This is the bill to implement the President's long-range shipbuilding program. Our action, therefore, on this authorization bill now under consideration is also based on the associated record being made on H.R. 15424.

With respect to operating subsidy funds, for which $193,000,000 is requested, I am happy to say that this figure represents a reduction in comparison to operating subsidy for fiscal year 1970, which was in the amount of $213,738,000.

This reduction was made possible because of discontinued subsidy payments to American operators who became more efficient and no longer needed subsidy to remain competitive in certain trades in our foreign commerce. It also reflects the termination of subsidy agreements on profitable trade routes and other encouraging factors. The figure of $193,000,000 was not changed in the bill as reported by the committee.

There is also substantial appropriation authorization for research and development, in the amount of $19,000,000. This is $1,700,000 less than requested by the administration, as a result of saving the proposed layup costs of the *Savannah, as* explained. We feel that increased appropriations for research and development is essential, as requested by the administration, to help achieve our new shipbuilding goals as the benefits of advanced technology increase productivity in the shipbuilding industry and thus ultimately reduce unit costs.

Mr. Chairman, the committee report sets forth in greater detail the matters involved in this legislation.

The bill as amended to increase funds to continue the operation of the *Savannah* was approved unanimously by our committee and we feel this legislation is urgently needed to begin to rebuild our merchant fleet. Thus, we strongly urge the House to support this appropriation authorization.

There are members of both the majority and minority of our committee who are present and may wish to say a few words.

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. MAILLIARD).

Mr. MAILLIARD. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, Chairman GARMATZ of the Merchant Marine and Fisheries Committee has explained the provisions of the 1971 maritime authorization bill in detail, and I will only take a few more minutes to urge passage of this important legislation.

This bill calls for $199.5 million for ship construction in fiscal 1971. The Maritime Administrator, Mr. Gibson, has stated that this will be sufficient for the construction of 19 modern vessels. Because of the tremendous strides which have been made in marine engineering and technology, each of these 19 ships will each have the productive capacity of at least two and a half of the traditional break bulk type ships which now sustain most of our essential foreign trade. It is anticipated that by fiscal year 1973 the program will reach the level of 30 ships per year where it will remain until the 300-ship program contemplated by the President has been achieved.

At this time when every aspect of the budget is receiving close scrutiny in order to achieve the maximum degree of economy, this commitment of funds to the shipbuilding program is clear and convincing evidence that the Federal Government is now willing to carry out its part of the challenge laid down in the President's maritime message to Congress in October 1969.

We have concluded hearings on H.R. 15424, the maritime program, and hope to bring that bill before the House in the near future. This authorization bill is the first step in implementing the President's maritime program, as contained in H.R. 15424.

That legislation calls for an eventual reduction in construction-differential subsidy to the level of 35 percent, as compared to the present maximum of 55 percent. It is hoped that the 45-percent construction-differential subsidy level will apply in fiscal year 1971 to the 19 vessels to be authorized today. Herein lies the challenge to the maritime shipbuilding industry. In order to achieve those reductions in construction-differential subsidy levels, the industry must utilize the concept of large-scale production runs and automate the construction of ships to a far greater extent than is the case today.

Of course, such economies can only be realized if the ship operators agree to place orders for nearly identical vessels with a minimum of custom features. Recently, a number of operators have agreed upon common designs so that 11 nearly identical ships could be built in the same yard. All evidence received by the Merchant Marine Committee indicates that with a 10- to 12-ship program in a single yard, a substantial cost saving occurs with each succeeding vessel.

To further assist in attaining the economics of large-scale production, the Maritime Administration has instituted a design competition between several of our leading shipyards. These yards will soon deliver to the Maritime Administration plans for a number of standardized ship types. These designs will reflect the best judgment of these shipyards with respect to efficiency of construction and operation of the ships. They will not be works of art or monuments of naval architecture, but they will provide the beginning of a new generation of cargo liners and bulk carriers which will provide fast, efficient service on our trade routes at the least possible cost to the operators and to the taxpayer.

The authorization for operating-differential subsidy provides the funds to insure continuing American-flag participation on certain essential trade routes of the United States. It will enable these operators to compete with their foreign counterparts, notwithstanding the much higher cost of operating under the American flag. This higher cost is, of course, largely due to the wage scales on American ships which, in turn, are a reflection of the American standard of living.

The President's maritime program, when enacted, will establish a new system of determining operating-differential subsidy. Briefly, the new program calls for the initiation of an index system for determining wage subsidy. The index of wages will be established by the Bureau of Labor Statistics and will govern increases in operating-differential subsidy beginning with fiscal year 1972.

A comment is in order with respect to the committee amendment to restore funds for continued operation of the nuclear ship, *Savannah.* Your committee believes that the *Savannah,* our only nuclear-powered merchant ship, should continue to operate. It would be false economy to lay this vessel up. The cost of operating the *Savannah* to the Federal Government is approximately $4 million. It is estimated that to reactivate this ship would cost over $9 million. Additionally, layup of the *Savannah* would entail loss of the highly skilled nuclear engineers, who operate this vessel. Undoubtedly, the time will come during the course of this 10-year program when the United States will be able to produce nuclear-powered ships which are economically competitive with fossil-fueled ships. In the meantime, the *Savannah* enables us to maintain the essential knowledge and skills which will be needed for the manning and operation of future nuclear ships. Again, Mr. Chairman, I urge passage of the 1971 maritime authorization bill.

Mr. DON H. CLAUSEN. Mr. Chairman, I rise today in support of H.R. 15945, the Maritime Authorization Act of 1971, and wish to associate myself with the excellent remarks of my colleague and fellow Californian (Mr. MAILLIARD) whom we all look to for advice and guidance on matters dealing with the merchant marine.

As one who has long advocated and supported a total rebuilding of our merchant fleet in order to meet our national defense and foreign commerce objectives, I believe this legislation represents the first positive step in achieving President Nixon's programed goal of "restoring this country to a proud position in the shipping lanes of the world."

Passage of this bill, along with other maritime legislation now under serious consideration by the Committee on Merchant Marine and Fisheries, will go a long way toward implementing the President's long-range shipbuilding program of 300 new merchant ships at the rate of 30 ships per year for the next 10 years. This, in my judgment, is the course we must set and maintain in the Congress if the United States is to, once again, assume its once proud and enviable position on the high seas. And, in terms of competing in present and future worldwide commercial marketing, such a fleet of new and modern U.S. merchant ships is an absolute essentiality.

I further believe that the timing of this legislation presents a unique and outstanding opportunity for this country. At a time when cutbacks are being ordered for defense, I believe the time has arrived to divert some of these funds, at least, into an economic offensive that we are capable of mounting through a dynamic and viable merchant marine. Why cannot many of the jobs that will

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be abolished as a result of these ordered reductions in force, be diverted toward shipbuilding and related employment associated with restructuring our maritime service?

The possibilities and potentials that accompany favorable consideration of H.R. 15945 are great. With this and similar legislation in the immediate future, we, as a nation, can begin to move toward the kind of partnerships throughout the world that we have alluded to for so long. With Japan's merchant fleet rapidly expanding and with the vast market for trade in Southeast Asia and throughout the Pacific basin community now developing, I believe the time has arrived to start building a truly meaningful "partnership of the Pacific" that will help prevent future Vietnams from happening.

Mr. GARMATZ. Mr. Chairman, I yield 5 minutes to the gentleman from Pennsylvania (Mr. Clark).

Mr. CLARK. Mr. Chairman, first I want to congratulate the gentleman from Maryland (Mr. Garmatz), and the gentleman from California (Mr. Mailliard) for working together on this important piece of legislation. I would like to comment in support of H.R. 15945, the maritime authorization bill. All the aspects of this bill are positive, and of course the highlight of this legislation is the funding of a program to begin construction of 300 new, efficient merchant ships over the next 10 years.

There is another facet of this bill, however, which I believe merits attention. It is significant that the funding for research and development in this bill is over three times the R. & D. amount requested and appropriated in past years. It is, of course, necessary to adequately fund a ship construction and operating program, but such expenditures are wasted if the vessel construction is not backed up by a sound, progressive research and development program resulting in advanced technology and increased productivity.

In the past, the competitive ability of our merchant fleet has been hampered by a pathetic lack of funds for adequate construction and by a feeble program for research and development. New winds of change within the Maritime Administration show promise of fixing on the root causes of our merchant fleet decline. The new approach to an R. & D. program promises substantial funding, an attempt to attract financial participation by the industry, and a program directed toward the advancement of such things as commercial development in the Northwest Passage and high-speed displacement ships.

I believe that such a program merits our support, therefore, I urge passage of H.R. 15945.

Mr. MAILLIARD. Mr. Chairman, I yield 5 minutes to the gentleman from Washington (Mr. Pelly).

Mr. PELLY. Mr. Chairman, the 1971 maritime authorization bill, H.R. 15945, is the first step toward fulfilling the President's commitment to rebuild the American merchant marine. It was in my home city of Seattle, Wash., on September 25, 1968, that Mr. Nixon issued his commitment to restore our merchant marine to its rightful position on the high seas. He concluded that statement with the following words:

> We shall adopt a policy that recognizes the role of government in the well-being of an industry so vital to our national defense, and stimulate private enterprise to revitalize the industry.
>
> We shall adopt a policy that will enable American flagships to carry much more American trade at competitive world prices.
>
> The old ways have failed, to the detriment of the seamen, the businessmen, the balance of payments and the national defense.
>
> The time has come for new departures, new solutions and new vitality for American ships and American crews on the high seas of the world.

A year later, President Nixon submitted to Congress his message on the merchant marine. In it he stated:

> It is my hope and expectation that this program will introduce a new era in the maritime history of America, an era in which shipbuilding and ship operating industries take their place once again among the vigorous, competitive industries of this nation.

Legislation to implement that program has been the subject of extensive hearings before the Committee on Merchant Marine and Fisheries during the past months. The funds to be authorized for fiscal year 1971 will be utilized to begin the task which the President has laid down. It is a challenge to the maritime industry which has been accepted.

In 1968 the value of U.S. exports and imports was $67 billion, nearly one-third of the world's trade. Ships carried $41 billion of these exports and imports. The continued growth of U.S. trade with the world depends upon efficient and reasonably priced ocean transportation. We must rebuild our merchant fleet if continued access to such transportation is to be assured.

Mr. Chairman, I join my fellow members of the Committee on Merchant Marine and Fisheries in urging passage of this bill.

Mr. GARMATZ. Mr. Chairman, I yield 5 minutes to the gentleman from Virginia (Mr. Downing).

Mr. DOWNING. I thank the gentleman from Maryland for yielding.

Mr. Chairman, we have finally arrived at the dawn of a new era insofar as our merchant marine is concerned. Goodness knows, it is time. Our old merchant marine was going down the drain fast. Over 75 percent of our ships were over 25 years of age and they are slow and obsolete.

Mr. Chairman, I wish to congratulate the chairman of the committee, the gentleman from Maryland (Mr. Garmatz) and the ranking minority member, the gentleman from California (Mr. Mailliard), and, in fact, all of the members on both sides of the aisle of the committee for their most bipartisan work in getting this bill out.

We are going forward with the merchant marine now, and in the 1980's we should have a fleet of some 300 fast modern ships. This will not make us first as a maritime power, but we will be among the leaders. Hopefully, we will in the next 10 years do more so far as nuclear propulsion is concerned, because I believe that is the future of the merchant marine. I do not think we are going forward fast enough in this field. The Maritime Administrator himself, Mr. Gibson, said he had hoped funds could be found so that we could go forward with the second generation nuclear reactor, but that since governmental funds are so competitive now in these days of strict economy the funds just could not be provided. The NS *Savannah* then will be the first bridge between the first generation nuclear reactor and the third generation nuclear reactor which we hope will be the economical reactor.

Mr. Chairman, I believe this is a fine bill, and I am going to support it wholeheartedly, and I hope that my colleagues will do likewise.

Mr. Chairman, I would like to make a few remarks in support of H.R. 15945, fiscal year 1971 authorizations for certain maritime programs of the Department of Commerce.

I am personally convinced of the necessity of the general purposes of this bill to support and advance our flagging maritime industry. However, of particular interest to me is the portion of this bill authorizing funds for the Merchant Marine Academy at Kings Point and the financing of the State maritime schools. These educational institutions have done an excellent job not only of providing trained officers for our merchant marine but providing our country with well-educated, disciplined citizens. The graduates of these schools are employed throughout the maritime industry itself.

This bill would increase the authorization for funding for Kings Point from $6,164,000—appropriated for fiscal year 1970 by Public Law 91–153—to $6,800,000, an increase of $636,000. It would increase the authorization for the financing of State schools from $2,040,000—appropriated for fiscal year 1970 by Public Law 91–153—to $2,325,000, an increase of $285,000. The additional funds requested for Kings Point are "to intensify the Academy's modernization program for cadet housing and to replace outdated and obsolete waterfront facilities used for instruction." The 1971 program anticipates continuation of the current graduate rate of about 200 merchant marine officers. The authorization for appropriation covers individual cadet costs of $475 annually, which covers such items as uniforms and textbook allowances, food service, library books, and so forth.

The additional funds for the State maritime schools are for "some increased enrollment and for additional maintenance and repair needs on school training ships." Of the $2,325,000 called for in the bill, $375,000 is authorized for grants to the schools on the basis of $75,000 to each of the five State schools; $973,000 to enable payment of $600 to each cadet in attendance; and $977,000 to cover maintenance and repair and drydocking costs of Government-owned training vessels on loan to the State schools.

Several years ago we were faced with a critical situation in getting military supplies to Southeast Asia. Well-trained and qualified officers for this critical sealift were in short supply. Fortunately, we were able to get the job done thanks to these maritime academies. We must guard against being caught again in a situation in which there is an acute shortage of merchant marine officers. In addition, I would like to point out the existing capability and vast potential of these schools for also turning out well-educated marine scientists and well-trained future leaders for the marine industry.

In these days when the Congress and the administration are talking in terms of millions and millions of dollars for education, I think the few hundred thousand dollars we are talking about in this bill for these maritime academies is a small expenditure for the great return on our investment. Thus, I urge this body to support H.R. 15945.

Mr. MAILLIARD. Mr. Chairman, I yield 5 minutes to the gentleman from Massachusetts (Mr. KEITH).

Mr. KEITH. Mr. Chairman, I join my colleague, the gentleman from Virginia (Mr. DOWNING) in commending the chairman of the committee, and the ranking minority member. However, I would like to discuss with the gentleman, and perhaps with the chairman, one particular problem that confronts those of us who have maritime academies within our districts. I refer to the imbalance that currently exists between the amounts of money that are furnished to the State academies and to their students, as contrasted with the money that the Federal Academy at Kings Point receives.

I invite the attention of the Committee to the fact that the State academies receive a total of $2,325,000 per year from the Federal Government under the provisions of this act, and they graduate about 400 officers per year. This means that the cost of getting an officer into the ranks of the merchant marine through the State academies, insofar as the Federal Government is concerned, is about $6,000.

It costs about $7 million to graduate 200 officers from the Federal Academy, which works out to about $34,000 per graduate. It seems to me, that we are getting a pretty good bargain from the States, and that their share of the cost of educating these maritime officers is disproportionately high when you consider the interstate nature of maritime industry.

The costs to Massachusetts for supporting its academy have gone up 62 percent, and similarly the costs of other States have risen; I think New York State's costs have gone up 245 percent. It seems unfair to leave the Federal subsidy to these State maritime academies at $75,000 per year per academy. There is every reason to increase this, in proportion to the rise in Federal Academy appropriations, because of the wonderful job that the State academies are doing.

I have filed legislation, as has the gentleman from Virginia and the gentleman from Maine, to increase the Federal subsidy to the State academies, and to recognize, as well, the problems of the individual student.

It has been my understanding that an amendment could be offered to take care of this on the floor. But it is my further understanding that there is a Subcommittee on Maritime Education which has this proposal before it. I wonder if either the chairman of that subcommittee or of the full committee could comment on the need for redressing this imbalance, and if there is any possibility of action to take care of both the increases in cost to the students and to the academies?

Mr. DOWNING. Mr. Chairman, will the gentleman yield?

Mr. KEITH. I yield to the gentleman.

Mr. DOWNING. I, as chairman of the Subcommittee on Maritime Education and Training, am inclined to agree with the gentleman from Massachusetts. We have held preliminary hearings on this matter of increases in financial help to the State institutions, and it does appear they are deserving of an increase and we have five academies which the Federal Government gives $75,000 annually.

The States have increased their allocations to their respective academies by a tremendous percentage, and yet the Federal Government's share has been constant through all those years. It is pretty obvious to me that they do need an increase.

But I can say to the gentleman that this matter is still before the committee, not having been finally resolved, and we expect a study in depth from the Maritime Administrator momentarily, and in fact it should have been in by January 15 of this year, but for some reason it was delayed.

The chairman of the full committee has assured me that the subcommittee can resume these hearings on this important matter when the study is received, and as I said before, we expect it.

As soon as that study is received, the subcommittee may resume its sitting and hopefully we can come to some resolution of this matter of increased aid to the schools.

I know that the gentleman is sincere about this. He has been an advocate and a proponent of this for the last 3 or 4 years in trying to resolve it. But I think probably to try to amend this bill is not proper procedure at this time.

Mr. KEITH. I am encouraged by the fact that you expect a study. If the Federal Government had to fill the role that the States are now doing, we would have to educate 400 more officers at roughly $34,000 per graduate, as contrasted to the $6,000 per graduate it now costs us to subsidize the State schools.

These academies are operating very effectively, but on a shoestring, and they can use every bit of assistance that the Federal Government can give to them.

I would like to yield to the gentleman from California who has an academy in his district, for his observations.

Mr. LEGGETT. Mr. Chairman, I want to commend the gentleman from Massachusetts for his very appropriate remarks on the entire bill and particularly on the maritime school situation.

I know that the gentleman from Virginia has been conducting diligent hearings with his subcommittee. I would hope that we would have established by our testimony before the committee that the figures we are working with in this bill of $375,000 for grants to schools, on the basis of $75,000 to each school—that these figures are really 1950 figures. These were established back in the fifties and they are at least 35 percent out of line with our current cost of living as we are experiencing it at the present time.

It was my understanding that we are really not asking for any construction changes, but to improve the conditions of the merchant marine academies to allow them to keep pace with the cost of living which has escalated rather rapidly and radically over the past 10 years.

Mr. KEITH. It is my further recollection that the present Administrator of the Maritime Administration is a graduate of the Massachusetts Maritime Academy.

We need this kind of man in our maritime system. It would really be a tragedy if we were to lose the input from these State academies.

Mr. LEGGETT. It seems to me particularly, that when you think of having a gun in your back, and the merchant marine 30 ships a year, we ought to at least have the same manpower input for these ships.

I would hope that taking this action here today and making this authorization will not be mutually exclusive, but a further authorization might hopefully be forthcoming from the subcommittee which is currently holding hearings on this matter.

Mr. KEITH. I wonder if the chairman could give me any enlightenment as to when, if the subcommittee does conclude its hearings within the next 2 months, such a supplemental authorization would be in order?

Mr. DOWNING. Mr. Chairman, will the gentleman yield?

Mr. KEITH. I yield to the gentleman from Virginia.

Mr. DOWNING. I would assume that a supplemental authorization would be in order, but whether or not that would be the most practical method of getting such legislation passed I do not know. I can assure the gentleman that as soon as we receive the studies, we will resume sitting and we will pursue the matter vigorously.

If it is the judgment of the subcommittee that funds should be increased, we will do so in the most expeditious way possible.

Mr. KEITH. Then we will await some word as to when, for planning purposes, we might look forward to a favorable report to our committee.

Mr. DOWNING. I can assure the gentleman that we will give the matter study.

Mr. GARMATZ. Mr. Chairman, I yield 3 minutes to the gentleman from Georgia (Mr. HAGAN).

Mr. HAGAN. Mr. Chairman, I rise in support of H.R. 15945, to authorize appropriations for certain maritime programs.

This bill contains funds for, and spe-

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cifically directs, the continued operation of the nuclear ship *Savannah*, with an authorized appropriation of $4 million. This sum includes the $1,700,000 deleted from the request for funds for research and development.

The record reflects 8 years of highly successful and safe operation of the NS *Savannah*, and the continued operation of the ship would serve the most useful purpose by opening the world's martime ports to nuclear-powered commercial vessels.

Continued joint efforts of the Maritime Administration and the Atomic Energy Commission, through continued operation of the NS *Savannah*, would prove that a nuclear-powered ship could be operated at reduced cost, and show that drum-tight safety precautions are not required to put this ship into commercial ventures.

The prestige of the United States as a maritime nation would be enhanced by continued operation of the world's first nuclear-powered merchant vessel. Unrelenting efforts of such maritime nations as the Soviet Union, West Germany, and Japan to develop and operate nuclear-powered commercial vessels adds emphasis to the dire need for this country to continue operation of the NS *Savannah*.

I respectfully urge the support of my colleagues for H.R. 15945, to keep the NS *Savannah* on the high seas, charting the course for the future of nuclear-powered merchant vessels.

Mr. MAILLIARD. Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. HOSMER).

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Mr. HOSMER. Mr. Chairman, I rise to speak in connection with the subject mentioned by the gentleman immediately preceding me in the well, which is the continued operation of the NS *Savannah*. I am not going to offer an amendment to strike money for that out, but I do oppose the action by the Merchant Marine Committee to subsidize continued operation of the ship. I oppose it for several reasons, but mostly because each of the reasons given in the report of the Merchant Marine Committee for keeping the ship in operation is specious.

Let us look at the first one. It is contended that the *Savannah* will serve a useful purpose by opening up the maritime ports of the world to nuclear-powered merchant vessels. As a matter of fact, as of now the *Savannah* has opened up 73 ports in 25 different countries. It has done its job of opening up ports.

In addition to that we must realize that each ship with a new nuclear powerplant must open up its own ports. The *Savannah* has not opened up a single port for second generation merchant ships with nuclear power when they come along. The German nuclear ship *Otto Hahn* has been going essentially on cruises to nowhere. It has a different powerplant than the *Savannah* so the *Savannah* was unable to open up any ports for it. The Germans wish that instead of the *Otto Hahn* they had bought a 10-foot pole not to touch it with.

When we do get a second generation maritime nuclear powerplant, that will be the time to open up the ports to the second generation ships. It will not do this cause any service to continue operating the *Savannah*.

The second reason given in the committee's report for its action to continue operation is that they want to relax the safety rules and regulations under which the nuclear-powered *Savannah* is operated. If there is one thing that the American public does not want, and one thing that the rest of the world does not want, it is any diminishment of nuclear safety regulations. This ship to my knowledge is operating under regulations for safety which are no more stringent than required for public safety. If at any time we put to sea ships operating under less than stringent safety precautions, we are going to be in trouble. There are many conventional ships today under foreign flags not operating under stringent safety precautions. Those are the ships that are breaking up and spilling oil and getting into other troubles.

Mr. MAILLIARD. Mr. Chairman, will the gentleman yield for a question?

Mr. HOSMER. I yield to the gentleman from California (Mr. MAILLIARD).

Mr. MAILLIARD. Mr. Chairman, I would be inclined to agree with the gentleman that the wording in the committee report on safety is somewhat misleading. At least what I thought we brought out during the hearings was that the *Savannah* would be a continuing useful vehicle by which we might determine whether existing safety standards could be produced at less expense. We did not quite word it that way, but that is what we wanted to say.

Mr. HOSMER. Whenever they come, the second generation nuclear-powered plants will have different safety regulations and different safety features built into them, so the *Savannah* is not going to help us very much whenever the new plants come along.

I might say the *Savannah* has never been denied entry into any port on safety grounds. Two countries have denied the *Savannah* entry, they are Japan and Turkey, but not for safety reasons. The reason is their liability laws and ours are in conflict. They have unlimited liability and we operate the *Savannah* under a $500 million liability limit.

The third reason given by the committee for this extension of subsidized operation is that there would be a pool of manpower maintained, that is, nuclear trained manpower capable of manning future nuclear-powered ships. But there are not going to be any more nuclear-powered ships for at least 5 to 10 years, simply because it takes that long to do the research and development on a powerplant and longer to get a ship built.

You are not going to need this pool for a long time and it is wasteful, meanwhile, to maintain it. It would be much cheaper to train new nuclear sailors to man new maritime nuclear powerplants when they arrive on the scene.

The fourth reason given by the committee is that the prestige of the United States will be enhanced by the continued operation of the *Savannah* on the high seas. Let us look at this prestige matter. The *Savannah* was originally constructed on the argument that it was going to bring us a lot of prestige.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MAILLIARD. Mr. Chairman, I yield the gentleman 4 additional minutes.

Mr. HOSMER. I thank the gentleman for yielding me the additional time. It did bring us prestige. That mission has been accomplished by the *Savannah*. Actually, today, the way she has to operate, she has been turned from a silk purse into a sow's ear. She is not the showboat that she was and she is not the passenger carrier. This is a freighter operation by a ship which is not really designed for freight operation. Although you may contend that it is prestigious for us to have a ship like this on the high seas, I do not feel that way about it. I just do not see it.

Now, the fifth and last reason given by the committee for its action is that retiring the *Savannah* would not save much money. It cites a difference there of $1.7 million to lay her up and $4 million to operate her. But if you operate her this year for those reasons, then you will operate her next year and the year after that and the year after that for the same reasons. When you start adding the subsidies up for 5 years, the cost will be $17 million, compared to the $1.7 million cost to lay her up. In 10 years it would be $34 million, and so forth.

Let me say here that there is an answer to the nuclear merchant marine problem. I would hope that maybe this year and next year we can all get together on it. What you have to have to have a successful nuclear merchant marine is a powerplant that is economic—economic in cost, economic in size, and economic in weight. None of these are a characteristic of the *Savannah*'s powerplant. You have to make these powerplants smaller than they are. The shipping companies in this country have never agreed on what they want—what shaft horsepower, what geometry, and what weight they want—for their nuclear powerplant. If we can get them to agree on standard specifications, we can R.&D. and manufacture plants that can be carbon copied by the whole industry and thereby approach or actually become economic for general use. Then we will have something that we can work with.

Now the second thing we have to do to get the plant down in size and weight to where you have a reasonable amount of cargo space is to go up in the enrichment of the nuclear fuel. You are trying to operate these ships now with the same enrichment in fissionable U-235 as you operate big land-based central electrical power stations. That just does not make sense. You have to go up on enrichment so that you can go down in shipboard in powerplant size and weight. To do that the Navy will have to let loose of a few of the classified technologies that it has for doing this very thing.

Mr. Chairman, a third thing you need in order to bring a second generation of maritime nuclear plants into being—economic plants—is money. It will take from $50 to $100 million to R and D this through the land prototype stage to a second generation of nuclear maritime propulsion plants in being. This money is unlikely to come out of the Congress and unlikely to come out of the financially hard-pressed shipping industry. But it can come from a source that I think it should have come from a long time ago. We Americans have the knowhow to bring off this project successfully. The remainder of the free world maritime nations have a need for the powerplant. Let them put up the money and let us put up the knowhow. Then we can get on with the job of a standardized universal plant for maritime propulsion which can be carbon copied by ourselves and our allies in the free world. By this means we can solve a problem without any additional burden to American taxpayers. And, sharing this powerplant with others will not cause us to be disadvantaged competitively for the reason that in the competition between maritime vessels of the world engine room costs are a very small factor.

Mr. GARMATZ. Mr. Chairman, I yield 3 minutes to the gentleman from New York, a member of the committee (Mr. Biaggi).

Mr. BIAGGI. I thank the chairman.

Mr. Chairman, I rise in support of this bill and wish to associate myself with the remarks of the chairman of the committee, the gentleman from Maryland (Mr. Garmatz), and the ranking minority member, the gentleman from California (Mr. Mailliard).

Mr. Chairman, it is significant to note that while we are deliberating over this maritime authorization bill that the gentleman in the chair is celebrating the 10th anniversary of the day he was sworn into the Congress, where he has served his country and constituency with vigor and dedication. It is also more significant that the gentleman has presided over the Committee of the While House on the State of the Union while it was considering this authorization on two previous occasions.

Mr. Chairman, hopefully, this will mark the beginning of a complete turn around in the trend of the maritime industry. The maritime industry in the United States of America is bordering upon total obsolescence. This is a significant step which should reverse that trend.

Mr. Chairman, when the administration presented its proposals for the fiscal year 1971 maritime authorization to Chairman Garmatz' committee, that bill reflected the economic pressures faced by the administration, the Nation, and this Congress. But it also reflected a conviction that the American merchant marine must be revitalized. In other words, that bill was a realistic approach to a critical maritime need during a critical economic period.

I think it is important to emphasize that Chairman Garmatz' Committee on Merchant Marine and Fisheries also reported out a realistic bill, following its comprehensive executive sessions on this legislation. The bill now being considered by the House had only one increase—that was for $2.3 million, and that amount was added to retain the operation of the *Savannah*. Certainly that is a small amount to pay for the benefits—both direct and indirect—that can be achieved through continuing the operation of America's only and the world's first nuclear-powered commercial vessel. The chairman has already outlined these benefits, so there is no need to elaborate on the justification of this small increase in the administration's original budget request.

Mr. Chairman, I do not think it is really essential to further expound on the essential nature of the bill being considered by the House today. I therefore urge its expeditious passage.

Mr. MAILLIARD. Mr. Chairman, I have no further requests for time.

Mr. GARMATZ. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. Pickle).

Mr. PICKLE. I thank the chairman for yielding.

Mr. Chairman, when this bill was considered last year I raised the question as to what kind of vessels you were going to build, and what kind of materials you were going to haul once they were built. I never did get an answer to those questions although that occasion started a series of questions down at the Maritime Commission and there has been a series of letters with reference thereto.

Today I am concerned about this bill as I was concerned the last time.

The Congress is asked to appropriate $427 million for the revitalization of our merchant marine fleet.

I am not objecting to the building and strengthening of our marine fleet because obviously we do need a strong merchant marine fleet. What I am concerned with is the fact that the Congress is not told where the money goes. We are told that about $200 million goes for construction and acquisition of new ships. However, we are not told for what these new ships will be used, where they will come from, or what they will haul.

There is another $193 million allocated for subsidies. The question is: Who actually gets the subsidies and for what purpose and what kind of material will they be hauling?

I want to ask the chairman again if he has any idea as to what kind of vessels are going to be built for this kind of money.

Mr. GARMATZ. Mr. Chairman, will the gentleman yield?

Mr. PICKLE. I yield to the distinguished chairman.

Mr. GARMATZ. I do not think there is any way to tell the gentleman what type of vessel will be built. The administration will consider them on their merits as the applications are made. They could be passenger vessels, dry cargo vessels, tankers, or any other sort of ship. There is no way of telling what the Administrator is going to do.

Mr. PICKLE. In other words, the Congress is being asked to vote to authorize the expenditure of $427 million and yet we do not have any idea what kind of ship the Maritime Commission will approve and build?

Mr. MAILLIARD. Mr. Chairman, will the gentleman yield?

Mr. PICKLE. I yield to the gentleman from California.

Mr. MAILLIARD. I think what the chairman has said is correct, except if the gentleman will read our hearings, the gentleman will find that there were some discussions. We cannot ever be absolutely positive because the Government is not building these ships for its own use. It is a partnership arrangement between private industry and the Government. However, we do know from the Maritime Commission that we can anticipate for the first time, incidentally, in many years that some of this money will hopefully go for providing bulk dry cargo carriers which is our greatest deficiency. We have virtually none under the American flag at this time. We hope that under this program in the next few years we will build some of these carriers.

The gentleman also mentioned the operating subsidy. Well, we do know precisely what ships they will build, and according to the law it is to preserve the U.S. participation on essential trade routes which are designated to serve our foreign commerce.

According to the law, it is to preserve the U.S. participation on essential trade routes which are designated to service our foreign commerce. And at the moment these are all dry bulk cargo ships except for a few modern container ships and some other modern designs, but still basically general cargo, not bulk cargo.

Mr. PICKLE. Last year in contacting the Maritime Commission they admitted that they were perhaps trying to build two different types of vessels, one a vessel that would haul petroleum products, and at that time two big supertankers were contemplated for construction that could haul petroleum in the Northwest Passage.

The committee did not think they were included, yet in the hearings it did indicate, and the Maritime Commissioner indicated that was one of the types of construction.

If they are going to try to build primarily the dry bulk cargo type vessels, then I wonder what they are going to haul in them, and I want to know are they going to haul material into this country that would be in unfair competition to our domestic industries?

Before the chairman answers, I am mindful of the fact that if it is a foreign vessel we cannot control it, but if they are vessels that are going to be built and provided for with this differential subsidy, do we have any assurance that the Maritime Commission is not going to allow products to be hauled in those vessels in unfair competition with our own domestic industries——

Mr. MAILLIARD. Mr. Chairman, if the gentleman will yield, whether we build these ships or whether we do not, world shipping is going to provide ships for any commodities that can be sold competitively in this country. So this question is not involved here in any way because if they are not carried by American-flag ships they will be carried by foreign-flag ships.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. PICKLE. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Chairman, the gentleman from Texas is raising some very

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vital questions concerning this bill, and they are questions that deeply concern me also.

The gentleman from California speaks of hauling competitive products into this country. They are not competitive when they come in under low transportation costs, especially, in the first place, when they are made with cheap labor, and then come in under foreign flags, that is not competition in the sense of true competition.

I am also disturbed because it seems to me that the first-year costs of this, as I understand it, is about $200 million for 19 vessels. And if my mathematics are right that is around $10 million per vessel.

Mr. PICKLE. That is approximately correct.

Mr. GROSS. That is a lot of money, and I have not heard—and the gentleman has raised the question—what types of ships we are about to construct. I am afraid the gentleman from Texas has not received a very good answer up to this point.

Mr. PICKLE. I thank the gentleman from Iowa.

Last year, Mr. Chairman, you could not give me some indication of the type of vessel that was to be built, and again this time you cannot give a direct answer.

It seems to me that to say it depends upon what type of vessel we have applications to build is not a sufficient answer to the question of where the money is going. I think if the Congress is going to build 19 vessels—and that is what the gentleman from California has indicated—that we ought to know what type of vessels they are going to be, and what they are going to haul in them.

Mr. MAILLIARD. Mr. Chairman, if the gentleman will yield, we can tell approximately the type of vessels because they are spelled out in the hearings, if you wish to read them, because we know what applications have been submitted. Now, which ones will be taken up first we do not know with absolute certainty, but we know within the range of the few types of vessels what our size vessel capacity is going to be.

Exactly what they are going to carry, of course, we do not know, because we cannot control it. It depends on what cargoes are offered for them to carry in an internationally competitive situation, and nobody can determine with assurance what kind of cargo is going to be carried by vessels which possibly will not come off the ways and go into service for another 2 or 3 years, and we do not know what products will be moving in international trade at that point.

Mr. PICKLE. The gentleman is bound to know approximately the type vessel, and product to be hauled.

Mr. MAILLIARD. I think we already have indicated we know generally the type of vessel that is going to be built for general cargo—the type that is now carried by the dry bulk cargo fleet of ships which is being replaced in part.

We also know generally what kind of ores are now being hauled by the dry bulk cargo carriers. We would like to take that business now being carried by foreign flag vessels, at large a large cost to the U.S. balance of payments, and we would like to see some of that go to American flag vessels and keep money at home.

Mr. PICKLE. Mr. Chairman, I want to make it plain to this House that I think it is not appropriate that we have not spelled out more clearly the possibility of competition that these vessels might make to our own domestic industry. I raised the question a year ago. There were some plans afoot then to use the differential subsidy to actually haul in araganite from the Bahama Islands into the gulf coastal areas at almost half the cost that the limestone industry in the United States would compete against. I say that that would be unfair competition.

I want to have an assurance, if somebody can give it to me, that these 19 ships are not going to be hauling these kinds of products in competition with our own industries.

Mr. MAILLIARD. Mr. Chairman, you cannot give the Government such a guarantee, if this is an economical operation, it can be done under foreign flag ships with the cheaper labor both in construction and operation of the ships and unless we can get some kind of international agreement, we have no control over this.

These ships will not affect this situation one way or another, I can assure the gentleman.

Mr. PICKLE. If I can get some assurance out of this debate, I would appreciate that.

Mr. VANIK. Mr. Chairman, will the gentleman yield?

Mr. PICKLE. I yield to the gentleman.

Mr. VANIK. I think the gentleman from Texas is making a very helpful contribution to the discussion of this bill.

I am in support of a strong merchant marine. I think it is very important. But I am concerned about the priorities that this legislation provides.

Last year when we were talking about a 15-percent increase in social security benefits, it was called inflationary. We dealt with other programs that are of importance to the people, like an education bill and other issues, and it was called inflationary.

This bill authorizes some 1971 expenditures of rather considerable dimension.

I am just wondering whether the gentleman is satisfied that these are not deferrable and there is not something that can be put off until another year.

Going to the question of ships in mothballs, we have a good part of the usable merchant fleet still in mothballs.

Mr. PICKLE. May I answer the gentleman briefly. Of course, I am not as familiar with the figures as members of the committee.

But a reading of the report shows, I believe, construction funds are $81.2 million over fiscal year 1970 funding while operating subsidies are a little less.

Now the gentleman raised a good point because here we were asked not to override a veto of the education bill because it was inflationary. Yet, here we are with some $81 million over the funds requested last year and when the bill was considered last year, it was $29 million over and above what the committee recommended. The administration had recommended this extra money.

So the gentleman does raise an interesting question as to the proper priority. The point is that when we are ready to build 19 vessels, but not increase education and welfare spending, we may not be putting the proper emphasis on education and on increases in social security benefits and other needed benefits.

I just want to say, and I do not want to give the impression that I would not want to see a strong merchant fleet built here, but I think the Congress has the right and duty to ask exactly how $427 million is going to be spent. Also, when we ask this question I think we ought to get more than just a general answer. After all this questioning, I still do not know too much about the type of ships that will be built or what they will haul.

You are asking us to accept a lot on faith. I just think we ought to proceed a little bit more openly when we consider this type of legislation.

Mr. GARMATZ. Mr. Chairman, I yield 5 minutes to the gentleman from Maine (Mr. HATHAWAY), a member of the committee.

Mr. HATHAWAY. Mr. Chairman, I commend the chairman for the diligent effort he has made in bringing this bill before the House. I think it is equitable and should be passed.

I do have one reservation with respect to it, and I had planned to offer amendments to comply with that reservation. That was to increase the amount of money going to the State maritime academies. I intended to try to amend that particular section, to increase it to $2,700,000, which would give an increase of $75,000 per academy. This increase would require a second amendment, which I had intended to offer to amend the Maritime Schools Act to allow the Administration to pay up to $150 per school rather than the $75,000 which is in the act at the present time.

However, I understand that the second amendment would not be germane, and that that point of order would be raised against it.

Consequently, I shall not introduce either of the amendments, because an increase in the total authorization would do no good whatsoever without an increase in the authority of the Administration to pay the schools the additional amount.

However, I want to make clear to the committee and to the Members present that the additional funds are direly needed. The gentleman from Massachusetts (Mr. KEITH), the gentleman from California (Mr. LEGGETT), and the gentleman from Virginia (Mr. DOWNING), have amply presented the case for an increase which is long overdue. Unfortunately, we have not had a report from the Administration as yet. A report was due January 15. Otherwise, this bill would have been reported out and probably voted on on the floor by this time.

But I have been assured by the chairman of the subcommittee, the gentleman from Virginia (Mr. DOWNING), that we will get this report shortly and that this bill will be reported to the full committee and presumably will reach the floor sometime this spring.

Figures reviewed by the Committee on Merchant Marine and Fisheries indicate clearly, Mr. Chairman, the need for the increased authorization. These figures show that the original Federal grant to State maritime academies comprised some 23 percent of the maritime academy budget, and that when, in 1959, State contributions brought the Federal portion down to 5.4 percent, an increase was felt to be justified in the Federal grant. And so in 1960, the grant was increased to the current $75,000 level and the Federal percentage rose to 16.5 percent. Since that time, however, State support has accelerated to the point where the Federal percentage is about what it was in the mid-fifties, shortly before the adjustment to $75,000.

Not long ago, Mr. Chairman, I received the results of a survey of Maine Maritime Academy graduates, showing that 37.2 percent of the school's entire alumni is at sea and 58.9 percent is either in the Armed Forces or the merchant marine ashore. It would be interesting, I think, to learn what percentages of persons graduated from other federally aided institutions still remain in the vocation for which they were trained. I doubt they would even come close to those established by the Maritime Academy graduates.

These percentages, Mr. Chairman, are sound proof that the Federal money being invested in the young men at our five maritime schools and in the future of the merchant marine service is being invested wisely. And they offer a sound illustration that the academies in Maine and Massachusets, New York, California, and in Texas have indeed established impressive records of training and motivating the kind of young men who can meet the challenges of rebuilding a thriving and modern merchant marine.

In order for them to adequately continue to do so, however, the amount of Federal funding must be increased. These academies should not be expected to maintain their present level of quality while subsisting on a level of support that was established more than a decade ago.

Mr. ANNUNZIO. Mr. Chairman, I consider it an honor to support Congressman Garmatz in urging rapid passage of H.R. 15945. I believe as he does—and as do many Members on both sides of the aisle—that this is a most important piece of legislation. Certainly, it is far more than just another annual maritime authorization.

All of us are now aware, I am sure, of the administration's new maritime program, which calls for the construction of 300 new vessels to replace our dangerously obsolete and woefully inadequate commercial fleet of today. I am also sure that all of us are equally aware of the importance of that fleet to our Nation's economic health and national defense.

This 10-year program is an ambitious one and an essential one—but it is also a complex one, and it will take time to give it the necessary momentum. Time is one thing we are running out of rapidly. We need new ships. We need them now. This authorization bill will give us the momentum and give us enough ships to implement the initial thrust of the long-range program. This bill will authorize sufficient funds to provide approximately 19 new and nighly competitive vessels. In other words, it will bridge the gap, overcome our inertia and provide the momentum we need until we can reach the 30-ship-a-year level so widely recommended.

Mr. Chairman, a vote for this bill is a vote for the future success of the American merchant marine. I, for one, would not miss this opportunity to participate in what may well be a significant landmark in America's maritime history. I am confident that the House will agree with me in that sentiment, and pass this important legislation.

Mr. ROGERS of Florida. Mr. Chairman, I join my distinguished chairman in support of this bill, to authorize funds for maritime activities for the coming fiscal year. It is a sound, well thought out and well considered bill. Our committee examined, in detail, each item and questioned most exhaustively the Maritime Administrator in executive session hearings before our committee.

For a number of years past, the legislation authorizing the construction of merchant vessels has been on a hit-or-miss patchwork basis. We have authorized the construction of about 10 vessels a year—this at a time when many more than 10 vessels were being retired from the fleet each year because of age.

Each administration, over the past 20 years, has expressed firm belief in a strong American merchant marine, and each has expressed full support of the principles and policies of the Merchant Marine Act of 1936. But here is where the support for America's maritime industry has stopped.

Little or no concern has been given to the well publicized buildup of the merchant marines of the bloc countries, particularly the Soviet Union. Little concern has been given to the fact that over 75 percent of our merchant vessels were built during World War II and are, therefore, now over 25 years of age.

So, Mr. Chairman, it is with a great deal of enthusiasm that supporters of the merchant marine here in the Congress now see the light of a new day for America's maritime strength. We see in the new maritime program, which will be initiated by the passage of this bill, containing funds to get us on the way to the restoration of this country to its rightful place among the maritime nations of the world.

Mrs. MINK. Mr. Chairman, I rise in support of H.R. 15945, legislation to authorize appropriations for our Nation's merchant marine program in fiscal year 1971.

As a Representative from our Nation's No. 1 maritime State in terms of the impact of sea transportation on our State economy, I strongly favor the bill before us today. By enacting this legislation, we will be taking the first step toward revitalization of the U.S. merchant marine during the decade of the 1970's—a goal which I heartily endorse.

The visionary objective of this far-reaching program is to virtually rebuild our merchant marine fleet. We need to build 300 new merchant ships over a 10-year period, a rate equal to 30 ships per year.

The $199.5 million authorization in this bill anticipates contract awards for 19 ships in 1971, compared with 10 which can be funded in the current fiscal year. The Maritime Administrator has advised that the new maritime program calls for reaching a level of 30 ships per year by 1973. He anticipates maintaining that shipbuilding rate in the decade of the 1970's to accomplish the 300 ship goal.

This type of program is what has long been needed by our country to regain its position as the world's leading sea power. These new ships will be of immense benefit to Hawaii and the rest of the Nation as we expand our trade opportunities and contacts with the rest of the world over this challenging decade ahead.

During my entire service in Congress I have supported without fail each and every bill brought to the floor of this House to benefit and expand our Nation's merchant marine fleet. I am proud to continue that consistent record by voting today for H.R. 15945. I urge my colleagues to do likewise and give this much-needed bill overwhelming approval.

Mr. MURPHY of New York. Mr. Chairman, the House acts today to authorize certain appropriations for America's maritime program, covering acquisition, construction, and reconstruction of vessels; operating-differential subsidies; reserve fleet expenses; maritime training; aid to State marine schools; and the vessel operations revolving fund.

It is important that the House give this vital authorization a resounding vote of confidence and approval because it represents the first step in a new national commitment to rebuild and revitalize our merchant marine.

Our national objectives in foreign commerce and defense require a strong, diversified, and up-to-date merchant marine to compete in the world market, to maintain a favorable balance of trade and payments, and to augment the defense establishment in national emergencies.

This bill authorizes appropriations in the sum of $427 million, and includes a substantial increase of $81.2 million over 1970 funding for the acquisition, construction, or reconstruction of vessels. This money will provide funds for contract awards for 19 ships anticipated in 1971, compared to 10 which can be funded in the current fiscal year. As you know, the President's maritime program calls for reaching a building level of 30 ships per year by 1973. We should do nothing less than embrace the President's goal, which will provide 300 new ships by the early 1980's.

This authorization also includes funds for maritime training at the Merchant Marine Academy at Kings Point, N.Y., which I am honored to serve on the Board of Visitors. It further provides for assistance to State marine schools which serve a vital role in the Nation's maritime education effort.

This combined education authoriza-

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tion will permit an intensification of the Academy's modernization program for cadet housing, and replace outdated and obsolete waterfront facilities used for instruction.

The aid to State marine schools provides for some increased enrollment, and for additional maintenance and repair needs on school training ships. The five participating schools are located in California, Maine, Massachusetts, New York, and Texas, and provide a necessary and excellent source of well-trained marine officers.

Mr. Chairman, we must have a stronger and more capable U.S. merchant marine in the years ahead to carry our foreign commerce and to support our military departments in national emergencies. The time to begin replacement of our obsolete merchant fleet is upon us.

This bill is the opening shot in the new program. I support the objectives of this program because I support the return of the United States once again as the leading maritime nation in the world.

Mr. ANDERSON of California. Mr. Chairman, I rise in support of H.R. 15945, the 1971 maritime authorization.

In 1970, it is clear that American-flag ocean shipping is in trouble. Today, the privately-owned American merchant marine consists of about only 900 ships, and about three-quarters of these are 20 years of age, or older. In addition, only about 10 percent of these 900 ships have a speed of 20 knots or more.

We have stood by and watched the United States drop from first position as a merchant maritime power to sixth place. We rank a tired 15th as a merchant shipbuilding nation.

The net result is that while the world merchant fleet has increased slightly more than 60 percent in the last 15 years, the fleet flying the American flag has decreased by slightly more than 24 percent.

I do not want to dwell on the past—I am more interested in the future.

The maritime industry is vital to our national economy in terms of high employment and a healthy balance of payments. It is of equal importance to our national defense and the success of our foreign policy. We must start now to develop a national maritime policy which will build modern and competitive ships in American shipyards, to be registered under the American flag, and to be sailed by American seamen.

This bill, which increases the authorization for ship construction in 1971 by almost $55 million, is a much needed step in the right direction. I commend the members of the Merchant Marine and Fisheries Committee for their foresight and for their fine efforts in behalf of this dying industry.

In addition, I commend the President for recognizing the need for revitalizing the maritime industry. This is a problem of national concern and must be dealt with in a nonpartisan way.

I feel that the shipbuilding program envisioned in H.R. 15945 will do much to begin to replace the currently outmoded, unsafe, and uneconomical ships that now carry the American flag.

Mr. FEIGHAN. Mr. Chairman, I rise in support of the bill now pending before the House.

The funds which will be provided by this legislation will mark the cornerstone of a new era for our American merchant marine. After years of frustrating activity on the part of the Merchant Marine and Fisheries Committee, it has been most gratifying in the past 2 months to hear outlined in detail the plans which the new administration has proposed to the Congress for revitalizing our merchant shipping.

Of great significance to the program are the provisions in this bill for the construction of vessels and for research and development activities. Over the past years, we of the Merchant Marine Committee have struggled valiantly, but in vain, to make available adequate funds in these two areas. The new Maritime Administrator, Andrew Gibson, has demonstrated a keen awareness of the deficiencies with which we have struggled, and has proposed a real substantial beginning to what we all hope will be a successful rebuilding of America's maritime strength.

Mr. CONYERS. Mr. Chairman, I think an explanation is necessary to explain my vote against the Coast Guard authorization for fiscal year 1971. I am not against the development of the Coast Guard, or aids to navigation or oil spill cleanup equipment. However, the bulk of the money in this authorization bill, $59 million, will go toward the construction of polar icebreakers which lead oil tankers through the Northwest Passage. These, in my judgment, are at best of deferrable priority. The committee report on this bill states that operational improvements have been made on the present icebreakers which will make them usable until the middle of this decade. But I seriously question the Federal Government's seeming subsidy of the multibillion-dollar oil industry. Why cannot the oil industry finance their own icebreakers?

Can anyone say the need for icebreakers is as urgent a concern as the underfinanced programs to feed the hungry in America? Last Saturday in Chicago I joined with Rev. Jesse Jackson, the dynamic leader of Operation Breadbasket, in their war against hunger campaign. Before I cast my negative vote today, I asked myself, is $59 million for icebreakers consistent with a priority as urgent as feeding hungry Americans? I must say that it is not. It so happens there are over 20 million hungry people in this Nation. There have been reports, commissions, studies from medical authorities, local nutritional observers, and White House conferences all addressing themselves to the problem. But the pressing needs of the hungry in America remain.

Mr. BYRNE of Pennsylvania. Mr. Chairman, I strongly support this bill to provide funds for maritime activities for the fiscal year 1971. Indeed, this is probably the most forward looking fund legislation, so far as the American merchant marine is concerned, that any administration has proposed for over 20 years. During my long service on the Merchant Marine and Fisheries Committee, I have worked with several chairmen in what seemed at times futile endeavors to bring about a new birth for America's maritime prestige.

During all this time, it has been no secret to any of us that the real crux of the matter was the lack of adequate financial support from the Government. There are very few things that you can do these days without money; and building a merchant fleet is certainly not one of them.

I share the concern that was expressed here on the floor of the House that moneys we authorize in this bill be spent judiciously for the construction of the best and most efficient, and most technically advanced vessels that American ingenuity can devise. At the same time, it must be recognized that we, here in Congress, are not technically qualified to dictate types and designs of merchant vessels. That must be left to the executive branch of the Government, where we have placed the discretion and the responsibility to spend these moneys as best suits the public interest.

Fortunately, we have in the new Maritime Administrator a man who graduated from one of our maritime schools, and who spent a considerable time at sea before becoming one of the country's top shipping company executives. We, in the committee, have, in the short time of our experience with Mr. Gibson, found him to be intelligent and extremely capable. Thus, it is with confidence that we ask for the authorization of these moneys for the construction of vessels—confidence that Mr. Gibson and his extremely qualified team of maritime experts will insure that this country gets full value for the money spent toward the construction of new ships.

This bill is the forerunner of the new maritime program proposed by President Nixon. With the increased moneys for ship construction and research and development, we will have made at least a start on the rebuilding of our fleet. Heaven knows, this start is coming none too soon. Therefore, Mr. Chairman, I urge approval of this bill by an overwhelming vote.

Mr. PHILBIN. Mr. Chairman, I am strongly in support of the maritime authorization bill which we are now considering in the House, and I heartily congratulate the very distinguished gentleman from Maryland, Hon. EDWARD A. GARMATZ, and his great Committee on Merchant Marine and Fisheries for their outstanding work in reporting this matter to the House.

The condition of our merchant marine is deplorable. The shocking decline of our merchant marine fleet has confounded the American people and seriously impaired the prestige of this Nation throughout the world.

I recognize that there are many reasons for this that relate to competitive conditions caused by abnormally low construction and operating costs caused in large measure by wage, salary, and material differentials.

In addition, Congress over a long period of time has failed to act to strengthen and build up the American merchant marine so that we would have a great fleet of well-constructed, modern boats plying the high seas to every corner of the world.

This bill will give us an opportunity to reverse this sad, bewildering trend of decline which has affected our shipbuilding and oceangoing merchant marine.

While the time is long past for timely action—and indifference and neglect has taken its toll—this Congress must move now to lay the basis for the complete revival of our maritime strength, so that in time, if we persist, we will have the largest maritime fleet in the world carrying American-produced goods to all parts of the world.

I am sure that this bill will pass by an overwhelming margin, and I hope that it will be the beginning of our reawakening to the painful, dismal state of our merchant marine, and the first step in a massive effort to revitalize, renew, and build up our commercial seapower until it reaches the top-most peak.

Our position in the world, and our security needs, do not permit us to be anything but first in merchant marine strength and power. Our Nation is the freest. It must be the greatest.

Mr. GARMATZ. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. There being no further requests for time, the Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That funds are hereby authorized to be appropriated without fiscal year limitation as the appropriation Act may provide for the use of the Department of Commerce, for the fiscal year 1971, as follows:

(a) acquisition, construction, or reconstruction of vessels and construction-differential subsidy and cost of national defense features incident to the construction, reconstruction, or reconditioning of ships, $199,500,000;

(b) payment of obligations incurred for ship operation subsidies, $193,000,000;

(c) expenses necessary for research and development activities (including reimbursement of the Vessel Operations Revolving Fund for losses resulting from expenses of experimental ship operations), $20,700,000;

(d) reserve fleet expenses, $4,675,000;

(e) maritime training at the Merchant Marine Academy at Kings Point, New York, $6,800,000; and

(f) financial assistance to State marine schools, $2,325,000.

The CHAIRMAN. The Clerk will report the committee amendments.

COMMITTEE AMENDMENTS

The Clerk read as follows:

Committee amendment: On page 2, line 6, delete "$20,700,000;" and insert in lieu thereof "$19,000,000;"

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: On page 2, line 10, delete "and" at the end of line.

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: On page 2, line 12, delete the period, insert a semicolon and the word "and".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the last committee amendment.

The Clerk read as follows:

Committee amendment: On page 2, following line 13, insert the following:

"(g) continued operation of NS *Savannah* (including reimbursement of the Vessel Operations Revolving Fund for losses resulting from expenses of experimental ship operations), $4,000,000."

The committee amendment was agreed to.

Mr. GROSS. Mr. Chairman, I move to strike the necessary number of words.

We have been reading the last few days about the operation of an American-owned tanker under a foreign flag. What is there to prevent the operation of these costly vessels under foreign flags?

Mr. MAILLIARD. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from California.

Mr. MAILLIARD. Mr. Chairman, under existing law, these vessels cannot be transferred without the special permission of the Maritime Commission.

Mr. GROSS. So it is left to the discretion of the Maritime Commission whether these vessels, even though new, could be transferred and operated under foreign flags. Is that correct?

Mr. MAILLIARD. As I understand it, if there is a contract obligation of any kind—which there would be in the case of subsidized vessels—they cannot be transferred to foreign flags. I suppose if all those obligations are somehow settled—and as far as I know, this has never happened, and I cannot conceive it would happen on the vessels authorized here.

Mr. GROSS. But it could happen that the vessels to be constructed in this program could be so transferred and operated with all the low costs and tax preferences of such foreign operation.

Mr. MAILLIARD. I can assure the gentleman the Administrator would be in awfully hot water with our committee awfully fast—and I cannot conceive of it being done.

Mr. GROSS. I would hope so.

The CHAIRMAN. Are there any further amendments?

There being no further amendments, under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. GILBERT, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 15945) to authorize appropriations for certain maritime programs of the Department of Commerce, pursuant to House Resolution 873, he reported the bill back to the House with sundry amendments adopted by the Committee on the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken.

Mr. PICKLE. Mr. Speaker, I object to the vote on the ground that a quorum is not present, and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas, 371, nays 12, not voting 47, as follows:

[Roll No. 46]

YEAS—371

Abbitt
Abernethy
Adair
Adams
Addabbo
Albert
Alexander
Anderson, Calif.
Anderson, Ill.
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Arends
Aspinall
Ayres
Barrett
Beall, Md.
Bell, Calif.
Bennett
Berry
Betts
Bevill
Biaggi
Biester
Bingham
Blackburn
Blanton
Blatnik
Boggs
Boland
Bolling
Bow
Brademas
Brasco
Brinkley
Brooks
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton, Calif.
Burton, Utah
Bush
Button
Byrne, Pa.
Byrnes, Wis.
Caffery
Carey
Carter
Casey
Cederberg
Celler
Chamberlain
Chappell
Clancy
Clark
Clausen, Don H.
Clawson, Del
Cleveland
Cohelan
Collins
Colmer
Conable
Conte
Corbett
Corman
Coughlin
Cowger
Crane
Culver
Cunningham
Daddario
Daniel, Va.
Daniels, N.J.
Davis, Wis.
de la Garza
Delaney
Dellenback
Denney
Dennis
Dent
Derwinski
Devine
Dickinson
Dingell
Donohue
Dorn
Downing
Dulski
Duncan
Eckhardt
Edmondson
Edwards, Ala.
Edwards, Calif.
Edwards, La.
Eilberg
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Farbstein
Fascell
Fish
Fisher
Flood
Flowers
Flynt
Foley
Ford, Gerald R.
Ford, William D.
Foreman
Fountain
Fraser
Frelinghuysen
Frey
Friedel
Fulton, Pa.
Fuqua
Galifianakis
Gallagher
Garmatz
Gettys
Giaimo
Gibbons
Gilbert
Goldwater
Gonzalez
Goodling
Gray
Green, Oreg.
Green, Pa.
Griffin
Griffiths
Grover
Gubser
Gude
Hagan
Haley
Hall
Halpern
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Hansen, Wash.
Harrington
Harsha
Harvey
Hastings
Hathaway
Hays
Heckler, Mass.
Helstoski
Henderson
Hicks
Hogan
Holifield
Horton
Howard
Hull
Hungate
Hunt
Hutchinson
Ichord
Jarman
Johnson, Calif.
Jonas
Jones, N.C.
Jones, Tenn.
Karth
Kazen
Kee
Keith
King
Kleppe
Koch
Kuykendall
Kyros
Landgrebe
Landrum
Langen
Latta
Leggett
Lennon
Lloyd
Long, Md.
Lowenstein
Lujan
Lukens
McCarthy
McClory
McCloskey
McClure
McCulloch
McDade
McDonald, Mich.
McFall
McKneally
McMillan
Macdonald, Mass.
MacGregor
Madden
Mahon
Mailliard
Mann
Marsh
Martin
Mathias
Matsunaga
May
Mayne
Meeds
Melcher
Meskill
Michel
Mikva
Miller, Ohio
Mills
Minish
Mink

Minshall
Mize
Mizell
Mollohan
Monagan
Moorhead
Morgan
Morse
Mosher
Murphy, Ill.
Murphy, N.Y.
Natcher
Nedzi
Nelsen
Nichols
Nix
O'Konski
Olsen
O'Neal, Ga.
O'Neill, Mass.
Passman
Patman
Patten
Pelly
Pepper
Perkins
Pettis
Philbin
Pike
Pirnie
Poage
Podell
Poff
Pollock
Powell
Preyer, N.C.
Price, Ill.
Price, Tex.
Pryor, Ark.
Pucinski
Purcell
Quillen
Railsback
Randall
Rarick
Rees
Reid, N.Y.
Reifel
Rhodes
Riegle
Roberts
Robison
Rodino
Roe
Rogers, Colo.
Rogers, Fla.
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roth
Roybal
Ruppe
Ruth
Ryan
St. Onge
Sandman
Satterfield
Saylor
Scherle
Scheuer
Schneebeli
Schwengel
Scott
Sebelius
Shipley
Shriver
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Snyder
Springer
Stafford
Staggers
Stanton
Steed
Steiger, Ariz.
Stephens
Stokes
Stratton
Stubblefield
Stuckey
Sullivan
Symington
Taft
Talcott
Taylor
Teague, Calif.
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Tiernan
Tunney
Udall
Ullman
Van Deerlin
Vander Jagt
Vigorito
Waggonner
Waldie
Wampler
Watkins
Watson
Watts
Weicker
Whalen
Whalley
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Wilson, Charles H.
Winn
Wold
Wolff
Wright
Wyatt
Wydler
Wylie
Wyman
Yates
Yatron
Young
Zablocki
Zion
Zwach

NAYS—12

Ashbrook
Conyers
Gross
Hechler, W. Va.
Hosmer
Jacobs
Kastenmeier
Obey
Pickle
Reuss
Steiger, Wis.
Vanik

NOT VOTING—47

Ashley
Baring
Belcher
Bray
Brock
Brown, Calif.
Cabell
Camp
Chisholm
Clay
Collier
Cramer
Davis, Ga.
Dawson
Diggs
Dowdy
Dwyer
Erlenborn
Fallon
Feighan
Findley
Fulton, Tenn.
Gaydos
Hawkins
Hébert
Johnson, Pa.
Jones, Ala.
Kirwan
Kluczynski
Kyl
Long, La.
McEwen
Miller, Calif.
Montgomery
Morton
Moss
Myers
O'Hara
Ottinger
Quie
Reid, Ill.
Rivers
Roudebush
St Germain
Schadeberg
Sikes
Teague, Tex.

So the bill was passed.

The Clerk announced the following pairs:

Mr. Feighan with Mr. Belcher.
Mr. Sikes with Mr. Kyl.
Mr. Fallon with Mr. Morton.
Mr. Hébert with Mr. Roudebush.
Mr. Rivers with Mrs. Dwyer.
Mr. O'Hara with Mr. Erlenborn.
Mr. Baring with Mr. Cramer.
Mr. Teague of Texas with Mr. Bray.
Mr. Kluczynski with Mr. Brock.
Mr. Jones of Alabama with Mr. Myers.
Mr. Long of Louisiana with Mr. Camp.
Mr. Cabell with Mr. Collier.
Mr. Miller of California with Mr. Findley.
Mr. Davis of Georgia with Mr. Schadeberg.
Mr. Montgomery with Mrs. Reid of Illinois.
Mr. Gaydos with Mr. Johnson of Pennsylvania.
Mr. Dowdy with Mr. McEwen.
Mr. St Germain with Mr. Quie.
Mr. Brown of California with Mr. Clay.
Mr. Kirwan with Mrs. Chisholm.
Mr. Moss with Mr. Diggs.
Mr. Ashley with Mr. Dawson.
Mr. Ottinger with Mr. Hawkins.

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. GARMATZ. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore (Mr. MATSUNAGA). Is there objection to the request of the gentleman from Maryland?

There was no objection.

JUST THE FACTS, MR. PRESIDENT

(Mr. KOCH asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. KOCH. Mr. Speaker, candidate Nixon had a secret plan to end the war in Vietnam. President Nixon has a secret timetable for withdrawing our troops from Vietnam. Because his plans and timetables are secret, the administration now will not even tell us what the war will cost in fiscal year 1971.

We know the human cost—100 American men are being killed almost every week in Vietnam. The administration cannot hide that fact though I am sure they would like to if they could.

We are told that the budget has been censored for security reasons. The conduct of a war that has consumed $100 billion and 40,000 American lives now becomes so secret that the American people who must pay for it are no longer entitled to know its cost.

I suspect the real reason that the budget has been censored is to avoid any setback in the President's public relations effort. The so-called silent majority is apparently supposed to trust the President, pay its taxes and not ask questions.

Well let me say there are still plenty of Americans who do not trust the President, who pay their taxes and want some answers to the following questions:

First. How can we judge whether the war is being deescalated if we do not know its budgeted cost?

Second. How can we be sure that the cost of Vietnam is not being shifted to pay for the fighting in Laos?

Third. How can we know if there will be any peace dividend if troop withdrawal savings are not disclosed?

Fourth. Why should we support the President's antispending policy to combat inflation if he is not prepared to tell us how much he is spending in Vietnam?

President Nixon has said:

> If you tell the American people the hard truth, they will make the hard decisions.

So give us the hard truth, Mr. President, so we can make the hard decisions while there still is time.

THE ENVIRONMENTAL PROTECTION ACT OF 1970

(Mr. UDALL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. UDALL. Mr. Speaker, today I am introducing what I consider to be a most significant bill, the Environmental Protection Act of 1970. I believe this measure, if enacted, could be a great step forward in our fight to save this country's ravaged environment.

The bill would do essentially four things:

First, grant all citizens a federally guaranteed right to a pollution-free environment which they have not previously had;

Second, give all citizens an effective means of enforcing the right by opening up State and Federal courts to antipollution suits by ordinary citizens against other citizens or government agencies;

Third, give citizens standing before administrative agencies to present the environment's side of the coin in the administrative process; and

Fourth, give citizens standing in State and Federal courts to challenge administrative decisionmaking where it is lax in the enforcement of existing State and Federal antipollution standards and in the implementation of environmental policy generally.

We have heard a lot lately from our elected and appointed officials on the need for sweeping Government programs to fight pollution. I agree with the need for these programs, and I plan to introduce a few of my own at a later date. But by themselves, they are not enough.

Existing and planned antipollution programs have one problem in common—they are all to be implemented solely by Government agencies. It is no secret, Mr. Speaker, that administrative agencies often tend to be more sympathetic to the interests of the people they are charged with regulating than to the interest of the public generally. That this is so should not surprise us. The dynamics involved are diffuse public interests on the one hand versus the interests of tightly organized groups with clear and immediate goals on the other. But that this is so does not mean we must accept it.

Mr. Speaker, my bill addresses itself to this problem. It is meant to give citizens the right to participate directly in the environment fight by instituting suits, where appropriate, against polluters, be they private or governmental. It is also meant to give citizens the right to challenge administrative decisionmaking in order to make agencies more responsive to the public interest.

This bill does not represent an entirely new concept, Mr. Speaker. In other areas the Congress has given citizens the right to use the courts to redress grievances and solve social problems. One example is the antitrust laws. The treble damage section there, giving citizens a civil antitrust cause of action to compensate them for damages suffered as a result of anticompetitive business practices, has proven more effective than the section giving the Justice Department antitrust responsibilities. Why? The Justice Department must always concern itself with the political impact of its law enforcement activities on the President; the ordinary citizen is free from such illogical concerns.

Pressures of this kind undoubtedly will continue to affect decisionmaking by agencies charged with enforcing and administering our environment laws. I am not saying that these agencies are unimportant—they are vitally important. I am only saying that we need to do as much as we can to remove our environment from the political arena. It is too important a fight to do less. The bill I introduce today would accomplish this, Mr. Speaker, and I am hopeful it may be enacted into law.

LAOS

(Mr. ROSENTHAL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROSENTHAL. Mr. Speaker, the events in Laos graphically illustrate the need for Congress to keep a closer watch on the U.S. foreign commitments abroad.

On February 26, Secretary of Defense Melvin Laird publicly stated that President Nixon would never commit American ground forces to Laos without the consent of Congress. The House Foreign Affairs Committee, of which I am a member, should not sit back placidly and wait for the administration to keep its pledge. The committee—and the Congress—must make certain that hearings, a thorough examination of executive action, and congressional approval are prerequisites to extending American commitments overseas. Yet in Laos today this is not happening.

Mr. Speaker, no where can one observe a more flagrant disregard of public concern and congressional restraint than in Laos. President Nixon just the other day pledged to "continue to give Americans the fullest possible information on our involvement, consistent with national security."

I certainly hope this signals a new era in candor, for such a quality has been sadly lacking lately. Our sizable commitment in Laos in men and equipment has only recently been disclosed. One gets the uneasy feeling the information would have been withheld indefinitely under the catchall justification "national security" if some powerful, persistent Congressmen and enterprising newsmen had not applied pressure.

Yet it is difficult, Mr. Speaker, to have confidence in a policy which uses semantics not only to rationalize away our Government's performance but also to becloud the loss of American lives. For example, President Nixon sought to minimize U.S. involvement in Laos by declaring:

> No American stationed in Laos has ever been killed in ground combat operations.

The fact that this was not true was upsetting, even though it was later explained the President had been unaware of the death of an army captain under "combat conditions." What was really disturbing to me, however, was the administration's refusal to disclose the deaths of 25 other Americans who were killed in the line of duty in Laos.

Mr. Speaker, an American is just as dead, just as much a casualty of war, and no less a patriot, whether he is struck by an enemy shell 10 miles behind the lines or on the battlefield itself; whether he is wearing military or civilian garb; whether his duty is to fire a rifle or help the local residents plant rice.

Nevertheless, the administration chooses to make these artificial distinctions to legitimize its policies. This is a rather gratuitous if not downright contemptuous gesture to the deceased American and their families. It also chooses to rely on actions of prior administrations for justification in Laos today, not recognizing that precisely those actions have been questioned repeatedly and cogently in the case of Vietnam.

The administration's clandestine acceleration of military activity in Laos at the same time it publicly espouses a doctrine of reduction in our foreign military commitments has widened the credibility gap in this country.

Under these circumstances, Congress in general, and its foreign affairs committees in particular, must see that the President adheres to his pledge not to further extend our military obligations abroad without congressional approval. The President must also be pressed to treat his call for the reconvening of the Geneva Convention on Laos as more than mere rhetoric. Finally, Congress must exert pressure on the administration to negotiate a political settlement in Southeast Asia which, we should by now understand, will not yield to military firepower.

We can no longer sit passively by and let our blood and spirit be drained in a struggle we do not understand and sometimes out of fear or guilt do not want to understand.

If we do not snap out of our acquiescence now, we may not get another chance.

ALLAN HANCOCK COLLEGE, SANTA MARIA, CALIF., APPRECIATION WEEK

(Mr. TEAGUE of California asked and was given permission to address the House for 1 minute, to revise and extend his remarks and to include extraneous matter.)

Mr. TEAGUE of California. Mr. Speaker, under leave to extend my remarks in the CONGRESSIONAL RECORD I include the following proclamations setting aside March 9–15, 1970, as Allan Hancock College Appreciation Week:

PROCLAMATION

Whereas, Allan Hancock College this year embarks on its 50th year of outstanding service in the field of education, having first offered academic courses in 1920 as Santa Maria Junior College with six students enrolled in its Letters and Science Program, and

Whereas, it progressed under this name with ever increasing quality in instruction and curriculum until 1954 when with an enrollment of 254 students it was renamed "Allan Hancock College" in honor of its leading benefactor G. Allan Hancock, and

Whereas, the college in 1957 embarked on a special program designed to meet the educational needs of thousands of our nation's servicemen then being assigned to a new and important space facility which was to become Vandenberg Air Force Base; this program having graduated more than 1,200 base personnel, and extended as far as Johnston Island, and

Whereas, Allan Hancock College is noted throughout the United States for its high academic standards, outstanding record in intercollegiate athletics, innovative vocational training programs, and a fine arts program of such high quality that it has been acclaimed nationally by outstanding theatrical personalities.

Now, therefore, I, George S. Hobbs, Jr., as Mayor of the City of Santa Maria, and as a 1939 graduate of the aforementioned college, remembering the time spent there as some of the most cherished days of my life, commend Allan Hancock College for its outstanding contribution to this and surrounding communities during the past half-century and proclaim March 9 through 15, 1970 as "Allan Hancock College Appreciation Week," and urge all citizens to join with the college in celebrating to show that we are happy that it is here to enrich our lives.

It witness whereof, I have hereunto set my hand and caused the Seal of the City of Santa Maria to be affixed hereto on this 17th day of February, 1970.

GEORGE S. HOBBS, Jr.,
Mayor.

PROCLAIMING MARCH 9–15 ALLAN HANCOCK COLLEGE APPRECIATION WEEK

Whereas, Allan Hancock College is a community college serving the educational needs of more than 100,000 California citizens in the Lompoc, Santa Maria and central coast area of this state; and

Whereas, Allan Hancock College began offering academic courses in 1920 as a Junior College with six students enrolled in its Letters and Science Program; and

Whereas, the college continued to progress in terms of quality of instruction and curriculum until 1954 when it had 254 students enrolled and was renamed "Allan Hancock College" in honor of the great California benefactor and philanthropist G. Allan Hancock; and

Whereas, the college is noted for its high academic standards, outstanding record in intercollegiate athletics, innovative vocational training programs; and

Whereas, the college designed and produced a fine arts program of such high quality that it has been acclaimed nationally by outstanding theatrical personalities such as Director Alvina Krause and stage performers Helen Hayes and Irene Dunne; and

Whereas, the college in 1957 embarked on a special program designed to meet the educational needs of thousands of our nation's servicemen being assigned to a new and important space facility which was to become known as Vandenberg Air Force Base; and

Whereas, the special Vandenberg Division has graduated more than 1,200 base personnel and has now expanded to the extent that it is serving our nation's civilian and military personnel stationed on Johnston Island almost halfway around the earth from California; and

Whereas, the college is often used as an illustration of a fine community college with high academic standards, outstanding sports teams, innovative vocational training programs and a student body which sees college enrollment as a serious responsibility and, therefore, conducts itself in a mature manner while in quest of knowledge and understanding; and

Whereas, Allan Hancock College this year embarks on its 50th year of outstanding service in the field of education.

Now, therefore, the City Council of the City of Lompoc commends Allan Hancock College for its outstanding contributions to the peoples of California during the past

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half-century and proclaims March 9–15, 1970 "Allan Hancock College Appreciation Week."

ROBERT D. MACCLURE,
Mayor, City of Lompoc, Calif.

POINTS OF REBELLION—REVIEW OF THE FIRST THIRD OF JUSTICE DOUGLAS' BOOK

(Mr. SCOTT asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. SCOTT. Mr. Speaker, there are a number of reasons for us to question the fitness of Mr. Justice Douglas to continue to sit on the Supreme Court and perhaps we should question him on all of these. However, at this time I would like to review the first third of his book "Points of Rebellion" and mention a few excerpts from it.

The book starts out with a reference to the constitutional protection which surrounds a citizen's belief and states how wonderful it is to live in a land where even a riot may be tolerated.

The author then goes on as follows:

He gives a discussion of the alleged historic practice of police in breaking up gatherings of minority groups out of favor with the Establishment and charging them with "disorderly conduct" and "breach of the peace";

He states that lawful assembly often boils over into unlawful conduct because of people's emotions and irrational behavior, but blames this in part on the police arm of the Establishment saying:

> A speaker who resists arrest is acting as a free man. The police do not have *carte blanche* to interfere with his freedom.

A reference to national insecurity in international relations:

> We have become virtually paranoid. The world is filled with dangerous people. Every trouble maker across the globe is a communist.

He indicates:

> Domestic issues also have aroused people as seldom before. The release of the Blacks from the residual institutions of slavery has filled many white communities with fear.

A discussion of the corporation state and its desire "to convert all the riches of the earth into dollars" and "to produce climates of conformity that make any competing idea practically un-American."

He speaks of dilution of free speech:

> Although the First Amendment says that Congress shall make "no law" abridging freedom of speech and press, this has been construed to mean that Congress may make "some laws" that abridge that freedom.

He states:

> Our colleges and universities reflect primarily the interests of the Establishment and the status quo. Heavy infiltration of CIA funds has stilled critical thought in some areas. The use of Pentagon funds for classified research has developed enclaves within our universities for favored professors, excluding research participation by students.

He asserts:

> The university—symbol of the Establishment—is used to having its way in a community. Its pressure is commonly applied to Black areas; as it needs to expand, Black tenements provide an easy target.

He makes references to "goose stepping and the installation of conformity as king" and a statement that, "Our search for the ideological stray, through loyalty and security hearings, has vastly accelerated our trend to conformity.";

A recitation of various questions asked and the allegation that—

> Thousands lost their jobs because of these trivia. Others were suspended and turned into the outer darkness because of their membership in organizations deemed "subversive."

He is concerned with—

> An ominous trend is the increasing FBI activity on present-day college and university campuses. They put under complete surveillance a member or leader of the Students for a Democratic Society group—SDS—monitoring every minute of months of his life.

He charges:

> Big Brother in the form of an increasingly powerful government and in an increasingly powerful private sector will pile the records high with reasons why privacy should give way to national security, to law and order, to efficiency of operations, to scientific advancement, and the like.

He states:

> Electronic surveillance, as well as old-fashioned wire tapping, has brought Big Brother closer to everyone and has produced a like leveling effect.

He specifically charges:

> The FBI and the CIA are the most notorious offenders, but lesser lights also participate: Every phone in every federal or state agency is suspect. Every conference room in government buildings is assumed to be bugged. Every Embassy, phone is an open transmitter.

And he philosophically states:

> As a person of worth and creativity, as a being with an infinite potential, he retreats and battles the forces that make him inhuman. The dissent we witness is a reaffirmation of faith in man; it is a protest against living under rules and prejudices and attitudes that produce the extremes of wealth and poverty and that makes us dedicated to the destruction of people through arms, bombs, and gases, and that prepare us to think alike and be submissive objects for the regime of the computer.

The second section of the book to be reviewed tomorrow is entitled "The Legions of Dissent." The book grows in intensity and builds up at the end to a justification for revolt if the Government fails to submit to the dissenters.

Is this man competent to sit on the Supreme Court? Is he worth $62,500 per year as a Government employee? Should he be impeached? These are questions the Congress should face.

A BILL FOR THE PROTECTION OF CERTAIN LABOR DEPARTMENT EMPLOYEES

(Mr. McCULLOCH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr .McCULLOCH. Mr. Speaker, I am pleased to introduce today a bill which would extend to certain employees of the Labor Department the same protection of Federal law against assaults and homicides that is enjoyed by many other Federal employees.

As the Labor Department is given more law enforcement and investigative functions, it is only proper that assaults and homicides against its agents in the pursuit of criminals be treated as Federal offenses.

Other Federal employees currently enjoy such protection under section 1114 and, through reference, section 111 of title 18 of the United States Code. Section 1114 relates to homicides against particular classes of law enforcement and investigative personnel of the United States. Section 111 makes it a Federal crime to assault, resist, impede, oppose, intimidate, or interfere with any person designated in section 1114 while he is engaged in the performance of his duties.

Among Federal personnel to whom this protection has been extended are Federal judges, certain personnel of the National Park Service, the Bureau of Land Management, the Federal Indian field services, and the Bureau of Animal Industry of the Department of Agriculture.

The proposed bill would provide these same protections for officers or employees of the Department of Labor assigned to perform investigative, inspection, or law enforcement functions. Employees of the Department of Labor must assume many such duties under the Fair Labor Standards Act, the Walsh-Healey Public Contracts Act, the Landrum-Griffin Act, the longshore safety amendments and the Welfare and Pension Plans Disclosure Act amendments.

While it is true that assaults against the person, as well as homicides, are violations of law in every State, this has not been sufficient to deter aggressive acts against the persons of Labor Department agents in pursuit of their duties. Assaults against these Federal agents would be much more strongly deterred if it were well known that such acts would bring into play the full force of Federal crime detection and prosecution.

In short, Mr. Speaker, these men at the Labor Department are getting and will be receiving more assignments of a law enforcement nature. The risk to their persons accordingly is rising and, therefore, it is only proper that this additional protection, provided by the cover of Federal law, be given to them.

The bill is very much desired by the administration. I am glad to sponsor it and urge its prompt consideration by the House.

POLLUTION IN MERRIMACK RIVER

(Mr. MORSE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MORSE. Mr. Speaker, in September and October of last year, I had the pleasure of inserting into the RECORD a series of articles written by Franz Scholz, who heads the Washington bureau of the Lowell Sun, Lowell, Mass.

Mr. Scholz has long been actively concerned with the problems of pollution

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and specifically, the severe pollution in the Merrimack River which runs from the hills of New Hampshire through Massachusetts to the Atlantic Ocean at Newburyport. It is the same river down which Henry David Thoreau traveled in 1839, and at the time he called it a "silver cascade."

In August 1961, 130 years after Thoreau, Frank Sholz and a young photographer-helmsman, Richard Taffe, Jr., traveled the same route Thoreau had taken to "observe the changes in the rivers and their environment since the days of Thoreau." What Mr. Scholz found, as he stated in the opening of his first article, was no longer a "silver cascade," rather, it was "a dump for raw sewage and industrial waste."

In his penetrating, well-researched and compellingly written articles, Mr. Scholz dealt with the total dimension of the pollution problem as well as its causes and extent. He discussed, not only the adverse affects of Merrimack pollution on the surrounding environment, and on the residents of the area, but he also detailed the costs of this pollution, both in terms of income lost, recreation denied, and of the price of cleaning the river.

I was delighted to learn this week that Mr. Scholz, for this truly outstanding piece of investigative reporting, has been honored by a Scripps-Howard Foundation Meeman Conservation Award.

The Scripps-Howard Meeman Awards are made annually to reporters who do exceptional work in writing about conservation. The keen competition takes in the entire country.

I know that Frank Scholz will continue to maintain the high level of excellence in reporting that is characteristic of these articles, at once informing the public and calling attention to pressing issues of public policy.

DECISION OF THE ADMINISTRATION TO DEPLOY LAND-BASED MULTIPLE WARHEAD MISSILES

(Mr. COHELAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COHELAN. Mr. Speaker, it is with great alarm that I have heard of the decision of the administration to deploy land based multiple war-headed missiles, the Minuteman III starting on July 1. Although I was aware that there was a decision to deploy the MIRVed Poseidon aboard the nuclear submarines, the decision to deploy land based multiple war-headed missiles comes as a shock. I was hopeful that the deployment of this weapons system would be held in abeyance until the SALT talks were further along.

As many of my colleagues are aware, I joined with the gentleman from Illinois, Representative JOHN ANDERSON, in introducing a resolution that received over 100 cosponsors, which would have ceased testing of MIRV until all efforts at negotiations had failed. This and similar resolutions was the topic of extensive hearings on the foreign policy implications of MIRV conduct by the able chairman of the House Foreign Affairs Subcommittee on National Security Policy, CLEMENT ZABLOCKI. Although the Cohelan-Anderson resolution was not reported out, the subcommittee did recommend that a "high priority be given to obtaining a MIRV freeze during the SALT talks." This prudent recommendation does not seem to have been followed although I am informed that in testimony before the Senate Foreign Relations Committee Secretary of State Rogers endorsed this recommendation.

It seems clear that there is no necessity for deployment of a land based MIRV at this time. I am aware, as are my colleagues, that the Poseidon program is in full gear, and is destined to be a major deterrent. I see no reason to rush ahead now with a vulnerable land-based MIRV. We must also note the conflicting estimates of Soviet progress and intentions. In its justification for further work on the Safeguard ABM, the administration has stressed the capability of the SS-9 missile as a blockbusting hardsite destruction device utilizing a large warhead. This would presuppose for the time being that the Soviets are not engaged in MIRV deployment.

As I previously mentioned, the SALT negotiations are about to resume in Vienna. MIRV deployment now would certainly be a destabilizing factor. It is argued that MIRV deployment would give the United States added leverage in the SALT conference. I dispute this argument. If in fact such leverage is needed, the present research and development program gives all parties the knowledge that the United States is capable of and ready to deploy these weapons.

Actual deployment could clearly be viewed as blackmail rather than leverage. If SALT is to succeed, we must bargain openly and fairly. There is quite a difference between obtaining bargaining leverage and "stacking the deck." I am afraid that the planned deployment is in fact "stacking the deck," and could be viewed as a lack of good faith on the part of the United States.

Mr. Speaker, at this time I call for immediate and full hearing by the House Committee on Foreign Affairs. The time is drawing short for an end to the arms race. This new development could be crucial to the success or failure of our attempt to stop the cycle of escalation. We must have a full investigation of these developments by the Committee on Foreign Affairs with a view to determine the necessity for deployment now, the effects of such deployment on the SALT negotiations, and the effects of land based MIRVA deployment of our deterrent capability.

In the light of prior subcommittee action on the MIRV moratorium resolution, it would be most advantageous to analyze the implications of the present decision.

STATEMENT OF W. A. BOYLE, PRESIDENT, UNITED MINE WORKERS

(Mr. CLARK asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. CLARK. Mr. Speaker, on Monday, March 9, President W. A. Boyle, of the United Mine Workers, held a press conference to answer the charges that have been made against the United Mine Workers of America. Mr. Boyle made a detailed response to many of the allegations made against his union in the press and before the committee investigating the recent UMW election. In the interest of presenting evidence on both sides, I feel that Mr. Boyle's statement should be placed in the RECORD so that the Members of Congress may have the benefit of the UMW response to the charges made against it.

The statement follows:

STATEMENT OF W. A. BOYLE, PRESIDENT, UNITED MINE WORKERS OF AMERICA

Ladies and gentlemen, members of the press and guests:

You are well aware that during the last several months serious charges involving the United Mine Workers of America and myself have been promulgated in the newspapers. On February 5th, four witnesses testified before Senator Harrison Williams' labor subcommittee, indulging in wild, reckless assertions. I requested an opportunity to appear before that committee at an early date, so that under oath, reply could immediately be made to the dastardly charges levied against our union and myself.

Let me read to you the letter I sent Senator Williams on February 19th:

"DEAR SENATOR WILLIAMS: Certain statements have been made in the press and before your committee that are not only outrageously inaccurate and defamatory to the United Mine Workers of America but also damaging to the labor movement of this country.

"I, therefore, am eager to appear before your committee and testify under oath at a public hearing in order to place before the American people a true record of the operations of the UMWA, including the recent elections, and the conduct of its leadership. including myself.

"A case in federal court involving our union is to be heard on February 24 and may still be in progress at the end of this month. I respectfully request that you schedule the appearance of myself and some of my associates in the union on March 9 or as soon as possible thereafter."

Now, I sent a second letter in my effort to obtain the earliest possible appearance before the committee. That letter dated February 25 reads as follows:

"DEAR SENATOR WILLIAMS: On February 19th I wrote you requesting permission on behalf of myself and some of my associate officers to appear before the Senate subcommittee on labor in open hearing under oath to present testimony answering the outrageously inaccurate and defamatory charges made against the United Mine Workers of America in the press and before your subcommittee. We are most anxious in sworn testimony to place before the American people a true record of the UMWA including the events of the recent election of officers.

"My letter did not identify my associate officers who were also requesting permission to appear before your committee. They are John Owens, International Secretary-Treasurer, and UMW District Presidents Michael Budzanoski, Thomas Williams and John Eagan. We urge that early invitations be issued to us and that our appearance be scheduled at your very earliest convenience."

I want to make one additional point here. I released my first letter to the press and made every effort to obtain the widest possible publication, but I saw no mention of it in any newspaper or heard of any mention on any radio or TV program. Similarly the second letter was distributed to the press and I even read it at a news conference in Pittsburgh attended by some of you here. Still nowhere in the press, radio or TV was any mention made of my effort to appear be-

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fore the Senate committee and testify under oath. In fact, some news reports persisted in saying that I was unavailable.

Finally, last week, Senator Williams replied. His letter, which he released to the press, clearly indicates further prolonged delay. Since he made our communications public, I am releasing today my response. A copy will be available, but I just want to read you the opening paragraph in my response:

"Dear Senator Willliams: I was chagrined to receive your letter of March 3 advising that my testimony before your subcommittee will not be taken until after you have had an opportunity to peruse a number of documents."

As I said, the full text of the letter is available on the table at the end of the news conference.

For more than a month, I have desired a proper judicial forum to respond to the outrageous charges in the press and before the subcommittee involving complicity in murder, the increase in pensions by our trust fund, blacklisting, and lies asserted by those who should know better.

I came here today to set the record straight; to give you the facts. I recognize that this forum lacks the status of the legislative branch of government. Having been denied such a forum, I hereby solemnly swear to Almighty God to tell the truth, the whole truth, and nothing but the truth.

Arrangements have been made to have this entire press conference tape recorded in addition to having a written transcript made so that it will be available to the proper legislative body. I hope in this way to emphasize my determination to clear the air of misstatements and to lay down the entire truth as I know it.

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In early January, I, along with the entire country, was shocked to learn of the tragic criminal deaths of Joseph Yablonski, his wife and daughter. All too many other similar tragic, criminal deaths are occurring in this country.

During the past two months, I have been vilified by the news media to the extent that television networks have permitted individuals to accuse me of being involved in murder. A Washington, D.C. newspaper has editorially suggested that the international officers of this union should take lie detector tests to prove their innocence. I categorically deny these scandalous, insulting accusations.

Through the fine professional efforts of the Federal Bureau of Investigation, the suspected Yablonski murderers were quickly apprehended. Others allegedly involved in this criminal conspiracy have been apprehended and indicted. One of them is Silous Huddleston, father-in-law of one of the suspected murderers. According to our records, Huddleston is an officer of a local union in Tennessee. Since his indictment the press has consistently attempted to personally link me with this individual. I have repeatedly stated that I do not know Silous Huddleston and have no recollection of ever having met him.

This type of reporting has resulted in a report contained in the March 6th issue of Newsweek Magazine which states that Boyle is said to have given Huddleston a nickle-plated .38 pistol as a token of esteem. I would like to repeat that phrase "is said to have given." Who said? The article does not indicate. Ladies and gentlemen, has journalism fallen so low that an attack of this kind can be made by innuendo without attribution? Again, I emphasize, without attribution. The statement is an outright lie!

I have never owned or given anyone a pistol. What particularly bothers me is not merely the wild accusation involved, but the fact that a presumably responsible reporter made no attempt to ascertain the truth of the allegation prior to publication.

Moreover, at my press conference in Pittsburgh on February 26, in advance of the publication of the Newsweek article, I did answer a question about that pistol and denounced it as a lie. But the Newsweek article did not include that denial. This same article charged that Huddleston was a "disciplinarian" for W. A. Boyle. Another outright lie.

Last Thursday, at their invitation, we sat in lengthy council with representatives of the Secretary of Labor, to discuss the findings on the election. We attended them from 2 o'clock until 4:40 in the afternoon. In perhaps the cheapest fraud ever exercised by the United States government on the American labor movement, the Deputy Secretary of Labor and his deputy solicitor promised that Secretary of Labor Shultz would be advised of and would consider our factual and legal arguments.

Not once in the entire meeting of two hours and 40 minutes did they tell us that they already had undertaken to file a civil suit against the UMW. I know of only one parallel in recent history and that is when the Russian foreign minister sat with President Kennedy and lied about whether missiles were being placed in Cuba. Not once during that meeting did he acknowledge the offensive missiles which put the entire world on the brink of war. I had thought that only Communists were capable of such duplicity.

As you know, the U.S. District Court in this jurisdiction closes at 4 o'clock. At the precise moment the promise was made to us that our factual and legal arguments on the election subject would be brought to Secretary Shultz' attention for reappraisal, his messenger had already filed a civil suit seeking to disfranchise the more than eighty thousand coal miners who supported the candidacy of Boyle, Titler and Owens.

Let us consider this litigation which threatens to disfranchise the coal miners. Convinced of the honesty of our election, I invited the Department of Labor to investigate it, although I was unaware of their determination to upset the election. I should have known better.

Two weeks before the election, an important official of the Labor Department, whose sister works for Yablonski's campaign manager, released to the press a statement containing information on the salaries and expenses of certain UMW officials. This release, which constituted a completely one-sided attack on me, was deliberately designed to influence the election in favor of my opponent.

That purpose is obvious if you keep in mind that the release contained no mention of the salaries and expenses of my opponent and his relatives on the union payroll. Yet five weeks earlier investigators from the Labor Department showed us certain examples of false reports. These were the expense accounts of my opponent and his brother. Their expenses were cited as the highest in the union. Thus, I repeat, a Department of Labor official whose sister was working for my opponent released information on salaries and expenses designed to influence the election.

The government's pre-determined plan to influence this election was partially successful in that it has been estimated that Boyle, Titler and Owens were deprived of over twenty thousand votes. Without a shadow of doubt, the Secretary of Labor abdicated his responsibility to fairly investigate this election, and apparently lent the prestige of his office to my opponent's campaign.

Another word about that meeting last Thursday at the Department of Labor. The release they finally issued was considerably more sensational than the allegations that were made to us face-to-face. But let us take up these charges.

First, use of the United Mine Workers Journal as a campaign instrument for Boyle. Let me first explain to you the election procedures under our constitution.

Local unions nominate candidates for international office. The nomination or primary period commenced this past year on July 9th and ended August 9th. The results were published August 15th, following acceptance of nomination by the candidates. From that date until election day, December 9th, the campaign was conducted.

The federal court order issued August 28th prohibited any campaigning in the UMW Journal. On November 26th the federal court upheld our contention that the Journal was not used to promote my candidacy during the campaign.

Inhibited by a court decision with respect to the campaign itself, the Department of Labor now contends that the Journal was used in my behalf during the primary.

Second, the alleged reprisal in the removal of my opponent as acting director of Labor's Non-Partisan League, for having advocated legislative policies contrary to the union's.

You will be astounded to learn that these officials of the Department of Labor, as recently as last Thursday—although they claim to have made the most extensive investigation in the Department's history—were still under the impression that my opponent's salary had been stopped. Of course, that is absolutely not true. Do you wonder that all of us at the UMW have grave doubts concerning the sincerity of this alleged Labor Department investigation?

A third complaint involved alleged use of union funds and resources by certain districts during the campaign. The only items they specifically referred to were use of a mimeograph machine, use of storage space in a district office and a newsletter in District 5.

According to them, campaigning at the polls occurred in three percent of the local unions; therefore, the election should be voided. State laws generally prohibit campaigning within so many feet of the polling place in the general election. The distance is usually so small that as one approaches the voting area, he is besieged with sample ballots.

Neither the law nor the Secretary's own regulations prohibit campaigning at or near the polls in union elections. In fact, we know of instances in which our opponents, in their zeal to seize control of the union, campaigned at the polls. But regardless of that, are we alone to be penalized for laws and regulations that simply do not exist?

A fourth claim involved districts distributing souvenir ball point pens. Throughout the history of our organization, and most other organizations—including both labor and management—similar souvenirs have always been made available to the delegates to conventions, in the same way that such souvenirs have become traditional at the White House. Such souvenirs are also distributed to our district offices for the benefit of the many coal miners who are unable to attend the conventions. The Secretary has a low regard for the integrity of our coal miners if he believes their vote can be bought with a ball point pen. I have had, I now have, and I will always continue to have a high regard for the integrity and character of the coal miners throughout the land.

Fifth, the Secretary alleges a lack of adequate safeguards in the conduct of the election. My opposition had thousands of observers at the polls. We welcomed them. One local union even had to change its polling place from the bathhouse to a more suitable location because the observer was a young lady. Now they'll probably say the election wasn't held in the right place in that local union.

During the campaign the opposition dispatched cards to all local unions requesting the specific location of the polls. Many cards were returned; many were not. Neither our constitution, the law nor any regulation requires it. Despite the absence of any requirement to respond, we took the precautionary step of seeking advice from the Labor Department. A high official of the Department categorically advised us that the local unions were under no compulsion to see that these cards were returned. Yet, now, the Secretary says that I should have gone out and made every local union return these cards.

What they don't tell us is that when certain requests were made to us by our opponents for the location of specific local union polls, we went out, found the answer and so advised them.

I have no knowledge of any person being denied the right to vote or of any improper balloting, except where indicated in the official report of the international tellers.

Concerning the charges contained in the litigation, I am able to advise you only of the information which we were given at the conference. The Department of Labor officials refused to tell us what, if any, evidence they had to support the charges. Presumably, they will attempt to say more in court than they have been willing to say thus far. But, I assure you and the 200,000 coal miners of our union that their legally constituted election will be vigorously defended.

Now let us discuss Senator Harrison Williams' labor subcommittee that also has announced it is investigating the election. My opponent's son and three other witnesses appeared before that committee over a month ago. While I can understand my opponent's son's feelings, it gives him no right to slander the union and myself. Since Senator Williams has thus far denied me the opportunity to refute the reckless, scandalous and untruthful allegations made by these witnesses before his committee, I now am going to point out charge by charge their falsity.

These same allegations were investigated by the Department of Labor, but were not included in the suit. Obviously, the Labor Department's investigation could make nothing of them.

That same witness charged me with having increased the pension of retired bituminous coal miners from $115 to $150 per month, thus playing Russian roulette—he said—with the United Mine Workers of America Welfare & Retirement Fund.

Concerning this charge of alleged recklessness on my part, I should like to digress for a moment to inform you of a related incident during the campaign. In the anthracite region, my opponent promised the pensioners of the Anthracite Health & Welfare Fund that, if elected, he would increase their pensions from $30 to $200 a month. Although not a trustee of that Fund, I told the same people that it was economically impossible to increase their pensions and I could not and would not promise them something which I could not deliver. The election record shows that with this politically motivated promise, my opponent carried that district.

Some suggest that the trustees increased the bituminous miners' pensions for political purposes. You are probably unaware that at the end of the fiscal year—June 30, 1969—the bituminous welfare fund had an unexpended balance of over 179 million dollars. Projections by the industry showed substantial increased coal production in the immediate future. Upon becoming a trustee last summer, I saw no need to accumulate money for its own sake. Thus, the pensions were increased to give these men who have spent a lifetime in the depths of the earth a chance to live just a little better than before.

I am sure you are mindful of the fact that since 1950 the cost of living has increased tremendously. In 1950, a pensioner received $100 a month. To maintain that same purchasing power in 1969, that pensioner would have had to receive almost $144 a month. Since 1950, the rapid increase in the consumer price index has posed a severe and ever-growing hardship on our pensioners who have had to subsist on a relatively fixed income.

Now, let me give you some additional background on the pension fund in order to put this in its proper perspective. For a long time before last summer, I was under tremendous pressure and frequent criticism as president of the UMW for not influencing the Welfare Fund.

Many people did not realize that I was not a trustee of the fund. The late John L. Lewis was a trustee, and I was in no position to ursurp the authority of Mr. Lewis. Many callous people felt that I should. I could not do that. But I would like to point out that after Mr. Lewis died last June and I became his successor as a trustee, I moved within one day to respond to the appeal that the membership had made to me to raise pensions.

At his hearing, Senator Williams, without asking even the most fundamental questions of who, what, where and when, permitted Karl Kafton and William Savitsky to accuse the union of being guilty of, or conspiring with management in blacklisting. This charge is absolutely false. We are prepared to give the committee documents showing that Karl Kafton, one of the witnesses, induced coal miners to go on wildcat strikes in breach of their contract. He did not tell the committee of the union's efforts to find reemployment for him after his discharge by his employer. Nor did he tell the committee that his grievance was processed under the contract and that, in the final stage, the umpire ruled that he had properly been discharged. Mr. Kafton did not explain that until he voluntarily left last September he had a job as a coal miner with the same company that discharged him. Nor did he advise the committee that he failed to return to his former job.

Mr. Savitsky, the other witness who charged blacklisting, failed to tell the committee that his three grievance cases, which were processed under the contract with the assistance of the union, resulted in three decisions by the umpire adverse to him. Nor did he advise the committee that he charged the union with an unfair labor practice and that the Regional Director of the National Labor Relations Board refused to issue a complaint and, following his appeal, the Office of the General Counsel affirmed the ruling of the Regional Director.

My opponent's son and the other prophets of doom and despair coined a phrase "bogus locals." The charge is predicated upon a philosophy that the union should only consist of working, active members. They would put to pasture the elderly, giving them no vote or voice in the union. I do not subscribe to this philosophy. The retired coal miners built this union and made it what it is today. They have the benefit of wisdom and experience. Most important of all, they have a substantial interest in the collective bargaining agreement which their union negotiates with the coal operators, because these negotiations involve their trust funds. To cast them out of the union upon reaching retirement age is unjust and unlawful. Permitting pensioners to vote is not unusual in trade union practice. But more than that, it would be illegal under our constitution to deny pensioner members of the union their right to participate in elections. Moreover, I think it useful to point out that my opponent himself was the president of a local union composed entirely of pensioned members.

Other charges before the Senate subcommittee are that employees were forced to kick-in to my campaign; that campaign contributions could be financed through the National Bank of Washington; that employees would receive a pay increase to finance contributions, that union funds were used for postage and shipping, and that employees of the union campaigned for me on union time and at union expense. I absolutely deny these charges. They are false and the Department of Labor could find nothing to sustain them.

My opponent's son claimed that hundreds of employees were added to the union payroll. This charge has been proven false. He charged that the Anthracite Welfare Fund hired investigators whose function is to insure the proper reporting of coal tonnage produced by the operators. You will be interested to know that, during the year 1968, the largest number of investigators so employed on any given day was 33. In 1969, the election year, the largest number of investigators employed on any given day was 31. The employment of these investigators has resulted in the collection from the operators of tens of thousands of dollars in royalty payments which had not been paid by those coal operators who failed to file accurate tonnage reports.

My opponent's son complains of the appointment of dust committeemen in March 1969, three months before his father's candidacy was announced. He advocates elimination of these men although it would jeopardize the health and safety of our coal miners. He charges they were paid $65.00 a day. Again, he is in error. They were paid $32.74 per day.

This same individual told the committee that there was "hanky panky" in District 6 in Ohio as Bill Howard was left off the ballot. Again, he is wrong. That matter occurred in a district election in 1968, not in the 1969 international election.

My opponent's son told Senator Williams' committee that the Secretary of Labor sent a telegram to me threatening that if his father's name was not on the ballot there would be an investigation. Again, an outright distortion. No such telegram was ever received by me. His father's name appeared on the ballot solely because he secured the endorsement of 96 out of 1300 local unions.

The testimony of Joseph Yablonski, Jr. before the Williams Subcommittee did provide an interesting fact. He told the committee that the largest contributor to his father's campaign, outside the family, was John D. Rockefeller IV. During the campaign we offered, on at least three occasions, to publicly disclose the names of our campaign contributors and their contributions if our adversaries would do the same. They never accepted the challenge. I now know why. Had the coal miners of this country known that the campaign of my opponent was financed in part by a descendant of the man responsible for the Ludlow, Colorado massacre, I doubt if my opponent would have received one vote other than his own.

The committee heard this same witness testify under oath, that his father claimed no expenses from the union when he got into the heat of the campaign. From June 1 to December 15, 1969, my opponent claimed and received $3,662 in expenses.

The testimony of Yablonski's son, himself a lawyer, before the committee is replete with misrepresentations and slanderous assertions, all of which time does not permit me to answer. At the proper time, before the labor subcommittee, I will, however, detail each and every allegation so made and demonstrate beyond doubt its falsity.

This same individual only the other day held a press conference accusing me and others of plundering the treasury of this union. The charge is outrageous. I deny it. He claims to have proof, but fails to reveal it. Rest assured that if he had any evidence he would be screaming from the highest mountain.

Had the Senate subcommittee, under the

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chairmanship of Senator Harrison Williams, provided an immediate forum to respond to the vilifications which were foisted upon me and my union on February 5th, there would be no need for the press conference called here this afternoon.

However, inasmuch as the elements of fair play and decency were not extended to me by the subcommittee, I am compelled to reply in the detailed fashion I have this afternoon. The basic structure of the democratic process requires that when one's character has been attacked he should be provided equal time to defend himself as expeditiously as possible. This was not done, and as I have informed you this afternoon, repeated inquiries by me to the subcommittee have not produced the forum which I desired. I can only say that such refusal by the subcommittee makes one feel depressed. I was required to come to the National Press Club and provide my own pulpit. These are the cogent and compelling reasons, and I say the only reasons, which directed me to reply in detail to the charges hurled at me and the United Mine Workers by irresponsible misrepresenters of the truth. I trust that the documentary evidence which we have here today and my direct and categorical denials of all these allegations will be provided with as much publicity by the press, radio and TV as was extended to those who testified before the Senate Subcommittee. Thank you.

AMENDMENT TO ACADEMIC ASSISTANCE SECTION OF THE OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968

(Mr. MacGREGOR asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MacGREGOR. Mr. Speaker, one of the great goals of the Law Enforcement Assistance Administration is to increase the professionalization of law-enforcement personnel. This is the objective of the Administration's law enforcement education program which makes grants and loans to finance studies at institutions of higher education by law-enforcement personnel and by students preparing for careers in the profession.

This program has had such tremendous response that it has been termed the "sleeper" of the entire LEAA program. Few people suspected that this academic assistance program would receive the enthusiastic response which it was immediately accorded. For example, 485 colleges took part in the first year, fiscal year 1969. They received $6.5 million, which they awarded in grants and loans to 20,602 persons. There are now 747 colleges and universities participating; they have received nearly $18 million, which will finance the studies of an estimated 65,000 persons during fiscal year 1970.

There are two kinds of financial aid. Persons enrolled full time in programs leading to degrees related to law enforcement may get loans of up to $1,800 each academic year, with special consideration given to law-enforcement personnel on leave from their agencies. Grants of up to $200 per quarter or $300 per semester are made only to law-enforcement personnel studying full or part time in courses leading to degrees in areas suitable for persons employed in law enforcement. Last year, of the 20,602 persons receiving aid, 19,354 or 94 percent were criminal justice personnel, the overwhelming majority of them policemen.

A proposed amendment to section 406 of the Omnibus Crime Control and Safe Streets Act would make five changes in the section.

The most important change would enable the LEAA to exercise national leadership in law-enforcement education—leadership that is axiomatic to the improvement of such education. Subsection (f) of part (c) would enable the LEAA to develop and revise programs of law-enforcement education and to develop curriculum materials. This would benefit institutions of higher education which are developing, expanding and seeking to improve their police, court and correctional study programs. And it would, of course, benefit students at those institutions.

Under subsection (f), the LEAA would make grants to, or contracts with, institutions of higher education, or combinations of institutions, to aid them in developing, improving or carrying out programs such as: development or expansion of undergraduate or graduate programs in law enforcement; education and training of faculty members; strengthening the law enforcement aspects of various degree courses; or doing research on methods of educating students or faculty, including preparation of teaching materials and planning of curriculums.

Part (a) would clarify the language to make it certain that the types of degree and certificate programs that qualify are the same for both grants and loans.

Two provisions would provide for a more equitable expenditure of funds: Part (b) would permit grant funds to be used for buying books as well as for tuition and fees. This would permit participation by students at those State-supported colleges and universities which provide free tuition and fees, and would assure wider participation by low-paid law enforcement officers for whom the purchase of books is a real hardship. Part (c), subsection (d), would incorporate language which is standard in student aid legislation, to permit persons receiving Veterans' Administration or social security assistance to receive LEAA funds concurrently without endangering their VA or social security status.

Subsection (e) of part (c) would help relieve the great shortage of qualified law enforcement teachers who are needed to staff the new and developing degree programs. This subsection would permit the LEAA to authorize loans and grants—with the forgiveness and cancellation benefits as contained in the original act—for persons employed, or preparing for employment, as full-time teachers of courses related to law enforcement.

Mr. Speaker, the law enforcement education program is already one of major importance to law enforcement. These pending amendments now under consideration by our Judiciary Committee would not only improve its day-to-day operation but would promote a true professionalization of personnel nationwide.

PROPOSED MILITARY JUSTICE COMMISSION

(Mr. BIAGGI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BIAGGI. Mr. Speaker, for approximately 8 months, I have been investigating conditions on some military bases.

In a broad sense, I have been trying to determine whether we are doing all that should be done for young men who are inducted into the Armed Forces.

To make this determination, I have spoken to hundreds of enlisted men and ranking military officers. In addition, I have been deluged with mail from many of them. In some instances, I sought out the facts independently. As a result, my files are bulging with records that graphically illustrate the plight of young men serving our Nation.

During this era of advanced military technology and lunar landings, I regret to say that we have failed miserably in our responsibility to America's servicemen.

When we ask ourselves why we failed, it is important that we remember that many of these servicemen grew up during the years when the civil rights movement swept across the Nation and fostered new laws which opened new horizons for so many Americans. So their environment, education, and outlook understandably differs in many respects from their predecessors who served our Nation before the advent of the Vietnam war.

It is sad but true to say that America is now left with two entirely different standards in regard to individual human rights. One standard applies to civilian life and the other standard to military life.

This has happened because the military machinery governing the processing of complaints from enlisted men is inadequate, obsolete and, in many respects, grossly unfair.

Consequently, I have encountered case after case in which the rights of enlisted men were trampled on. Too often, the enlisted man with a legitimate complaint has not been given fair treatment because of the inadequacy of existing military procedures, regulations, and laws. So he has not only been forced to accept the idea that he cannot appeal the system, but he has also openly rebelled against the system many times in recent months.

I have found that morale is not what it should be in the Armed Forces.

We have seen demonstrations that have upset military routines and schedules. We have seen racial clashes that have left servicemen injured and on more than one occasion injuries that have been fatal. In short, we have seen within the last several years occurrences on military bases that should be a matter of deep concern to all good Americans.

It is a problem that must be recognized and dealt with if we are to restore pride and honor to military life.

I am, therefore, introducing today legislation that would overhaul the existing military laws and give civilians a voice in the administration of grievance machinery. In that connection, I have introduced a bill calling for the formation of what would be known as a Military Justice Commission. Eleven members will serve on the Commission and be appointed by the President. Five of these would be civilians and each of the other five would represent a branch of the Armed Forces—the Army, Navy, Marine Corps, Air Force, and Coast Guard. Another member would be appointed as Chairman. The Commission would have both investigative and punitive powers.

BENEFITS FOR OUR VETERANS

(Mr. HANLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. HANLEY. Mr. Speaker, I believe that the U.S. Government and its people have no greater obligation than to assure that America's ex-service men and women should never be forgotten or neglected. The United States, through the Congress, has developed the best and most comprehensive program for its veterans of any country in the world. The benefits provided include compensation and pensions for veterans—medical care for those who are sick and disabled—college or training benefits for those who want to further their education—and housing benefits for those veterans struggling to raise a family. Those who qualify for these benefits deserve the most prompt and efficient service possible, and it is incumbent upon the Government—mostly through the Veterans' Administration—to provide that service. It has been my privilege and pleasure to have served on the Veterans' Affairs Committee of the U.S. Congress, and to have played a part in developing the concepts and innovations which aid some 27 million American veterans.

It strikes me particularly hard, when I see those efforts undercut. The Nixon administration, while perhaps meaning well, has allowed a shocking situation to develop. Its misdirected fight against inflation will allow billions for new military hardware but will not provide adequate medical care for those charged with using that hardware. In New York alone, the VA hospitals are underfunded this year in the millions of dollars and grossly understaffed. The GI housing program for returning Vietnam veterans is a farce because of the administration's "tight money" policy, and ex-servicemen who want to further their education are finding that road increasingly difficult. Compensation and pension adjustments are also needed.

There is a dangerous dilution in the quality of care even in Syracuse. Hospitals in the private sector have an average 2.72 employees for each patient. Syracuse VA has 1.57. It has been reported that the VA's 400-bed Syracuse hospital will suffer funding deficiences of almost a half a million dollars for fiscal year 1970. There was a disclosed shortage of $233,000 to cover 10 critically needed full-time positions and 33 part-time positions in the authorized personnel ceiling; $68,000 was needed to cover the cost of other operating supplies. In addition, $191,000 was needed to cover underfunded dental care, to maintain care for veterans in community nursing homes, and to restore amounts diverted from needed equipment and maintenance funds. To achieve a minimal staffing ratio of two employees to each patient, Syracuse would need an additional $1.6 million annually.

Going back into history a little bit to the passage of the GI bill in World War II, it became apparent that the great influx of over 15 million veterans would place an unprecedented workload on the Veterans' Administration and that the VA hospital system was not equipped to handle the increased hospital patient load and many military service hospitals—some built as temporary was facilities—were transferred to the VA until permanent facilities could be constructed to handle the long-range problem. The entire VA medical program, as it existed after World War I, had to be revamped because it had not kept up with the progressive improvements of medical treatment or acquired up-to-date equipment and the necessary staff to care for the injured and sick veterans just back from the war.

President Truman ordered a crash program to revamp the VA and brought Gen. Omar Bradley to Washington as Veterans' Administrator. One of the most significant steps take was to affiliate veterans hospitals with university medical schools when they were in close proximity to each other. This enabled the VA to work in research and to establish teaching programs. It trained the doctors that would give our veterans the first-class care they deserved. The community in general benefited because the VA provided certain services to nonveteran patients and because medical students who interned at the VA often remained in the area to carry on their practices. The Upstate Medical Center, which annually treats thousands of central New Yorkers, is such a school. Their affiliation with the VA hospital in regard to the teaching and training of interns will suffer most heavily. The administration's cutback will force able students to look to other hospitals and communities for their training and employment. At least one research project has been cut to the point where it may be canceled entirely. Upstate patients receiving deep-cobalt treatment at the VA may have to be sent to New York City for that vital service. Upstate has done its best to compensate for the VA cutback. They were able to take on one chief of surgery who was ready to leave the area. However, the center is limited in what it can do in this respect. Both veterans and community suffer in this situation.

The distinguished chairman of the House Veterans' Affairs Committee, Congressman OLIN E. TEAGUE, Democrat, of Texas, has ordered a full-scale investigation of the VA medical program which is proceeding at this time. He stated a few weeks ago:

> In all my years in Congress (which has been more than 20 years) I have never been more disturbed about the VA medical program than I am today.

He further stated that:

> Many VA hospitals are being caught in an impossible squeeze between higher medical and drug costs and rising workloads without receiving proportionally higher funds and staffing allocation.

This year the VA will receive a smaller dollar amount than it did in 1969. Staffing shortages have caused some $20 million in specialized medical equipment to lie idle. It was in this vain that the VFW labeled the Nixon administration "antiveteran."

The housing benefits program for returning Vietnam veterans is equally farcical. The Veterans' Affairs Committee has reported a bill to use a billion dollars for 5 years from the national service life insurance trust funds to finance GI housing. This is money that veterans have paid to the Government to continue the insurance they took out when they were in the service. The committee's proposal would provide an increased yield to the fund in interest and some housing relief for these people. It is a good bill, and it is a step in the right direction. We are going to try to pass this legislation through the Congress during the current session, but it faces the threat of a Presidential veto. At the present time, the Senate and House are trying to resolve their respective differences in the GI education field. Both want substantial raises in the rates paid to veterans. The compromise will probably be in the neighborhood of 35 to 40 percent. The President has recommended an increase of 13 percent and again threatens a veto.

Inflation is again the issue that has been arised. However, it seems to me that inflation is primarily dangerous because it deprives people of necessities. Here is a situation where deserving people are lacking essential medical care, adequate housing, and fundamental education.

I believe the veteran has contributed enough when he fights the shooting war. He should not have to fight the inflationary war also.

DRUGS IN OUR SCHOOLS

(Mr. McCARTHY asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. McCARTHY. Mr. Speaker, one of the most disturbing trends in our society today is the increasingly wide misuse of drugs. Experimentation with hard drugs such as heroin and opium, with soft drugs such as amphetamines and barbiturates is carried out in our secondary and even in our primary schools. The New York City press daily reports the death of several individuals as a result of an overdose or misuse of drugs. As I indicated in my letter of March 9, 1970, to President Nixon, the problem of drugs has reached the crisis stage and calls for immediate remedial action.

One of the major difficulties in determining how best to deal with the drug crisis is the lack of concrete information. We do not know how many people use hard or soft drugs; we do not know what leads people to try drugs; we often do not know how many people have been able to break the drug habit. Without this information our efforts at control and elimination of drug abuse can only be rudimentary.

The Washington Post today carries the results of a study commissioned by the Montgomery County School Council on the use of drugs in local junior and senior high schools. The study shows the results of questions asked of 2,777 students in Montgomery County. It has been described as one of the most comprehensive given in the United States. The study cost Montgomery County approximately $86,000, money that at other times could have been used to improve the courses offered or to provide additional instruction for students in the school system. I understand that the study, or a modified version of the study will be conducted again in 2 years to determine the effectiveness of the county's drug abuse education program.

Of particular concern to me is the information contained in the study showing that many students expect to experiment with drugs of one kind or another in the future. As the report says:

> More than 15% of the junior high and 30% of the senior high school students think they may use marijuana in the future.

The report goes on to say that 8 percent of the senior high school students think that they may experiment with LSD. In addition to this willingness to experiment with drugs, the study showed that most students overestimated the use of drugs by their fellow students.

Also of concern is the indication of a trend. This suburban county does not show today the daily toll of deaths found in some of the inner city school districts. But it does show a widening of the use of harmful drugs into every area of our community. This spread calls for prompt countermeasures. This is why I have asked President Nixon to use his emergency authority to provide additional funds for a massive education campaign to counter the growing drug crisis. It is for this reason that I have asked Secretary of State Rogers to bring the full weight of U.S. diplomacy to stop the flow of hard drugs from Turkey, France, and Switzerland to the United States.

For the information of my colleagues, I am including in the RECORD the Washington Post article on the Montgomery County drug study. I believe that more information of this type can help us deal with the drug crisis.

The article follows:

MONTGOMERY STUDENTS: SCHOOL SURVEY REVEALS 12 PERCENT USED MARIHUANA, FEW ON HEROIN

(By Richard M. Cohen)

A landmark survey of drug use and drug attitudes in Montgomery County's junior and senior high schools shows that 12 per cent of the students have smoked marihuana but that heroin use is virtually nonexistent.

The survey's result indicated that drug use was less prevalent than had been anticipated by one recognized expert, less than most students themselves expected and, the survey team found, less than the public apparently believed.

However, the committee that requested the survey warned that a "climate for drugs" existed in Montgomery and that "a deteriorating trend on drug use and abuse is evident."

The survey, described by the committee as the most comprehensive ever conducted in the United States, was administered in questionnaire form last fall to 2,777 of the county's junior and senior high school students, 5 per cent of the total enrollment.

It was presented to the County Council and the board of education yesterday.

The survey by the Joint Advisory Committee on Drug Abuse reveals that:

Nearly 7 per cent of the county's 56,000 junior and senior high school students admitted to smoking marihuana at the time the survey was conducted last fall.

Another 5 per cent had tried the drug—or experimented with it—and quit.

A statistically insignificant percentage (0.07) of junior high school students reported using heroin and another 0.042 per cent said they had tried the drug but quit. heroin on a weekly or daily basis.

No junior high school students were using Slightly more than 1 per cent of the high school students reported having some experience with heroin but said they ceased using the drug before the survey was conducted.

Less than 1 per cent of the total student body (0.74) reported that they were continuing to use heroin.

The report says that cigarettes and alcoholic beverages play a larger role in adolescent society than any of the drugs surveyed—LSD, barbiturates, marihuana, amphetamines, glue and heroin.

Barbiturates usually are swallowed in pill form and produce a relaxation of anxiety or euphoria. Amphetamines drugs that induce alertness are taken in pill form. They sometimes are used by students cramming for examinations. LSD is a hallucinogen that induces a distortion of the senses. Glue is the common model airplane variety. It is sniffed. Toluene a solvent in the glue, induces intoxication.

About half the students say they never have had alcohol but a significant percentage—9.33—say they "use it almost once a week." Another 1.76 per cent say they "use it almost every day."

In the opinion of a National Institute of Mental Health expert, the drug abuse figures for Montgomery County define a smaller problem than had been expected.

"The figures surprise me a bit," said Dr. Sidney Cohen, director of NIMH's division of narcotic addiction and drug abuse. "In most surveys of high school kids," he said, "it's (marihuana use) running between 25 per cent and 40 per cent."

In the estimation of the committee that prepared the report, however, the statistics reveal an alarming situation since, they conclude, the climate for drug use is increasing in the county.

SELF-REPORT ON USE OF DRUGS, ALCOHOLIC DRINKS, AND CIGARETTES IN MONTGOMERY COUNTY SCHOOLS

[In percent]

Use of product	Marijuana			Heroin			Amphetamines			LSD		
	Junior high	Senior high	Total	Junior high	Senior high	Total	Junior high	Senior high	Total	Junior high	Senior high	Total
I've never tried it	93.28	79.67	86.68	96.57	95.10	95.86	96.38	90.28	93.41	96.71	92.06	94.45
I've tried but quit	2.73	7.27	4.93	0.42	1.19	0.79	1.12	4.53	2.77	0.70	2.15	1.40
I use it almost once a month	1.54	4.30	2.88	0.07	0.15	0.11	0.42	2.08	1.22	0.28	2.08	1.15
I use it almost once a week	0.63	4.30	2.41	0.0	0.22	0.11	0.07	0.82	0.43	0.07	1.19	0.61
I use it almost every day	0.0	2.82	1.37	0.0	0.37	0.18	0.0	0.37	0.18	0.07	0.37	0.22
No response	1.82	1.63	1.73	2.94	2.97	2.95	2.03	1.93	1.98	2.17	2.15	2.16

	Barbiturates			Glue			Alcoholic drinks			Cigarettes		
	Junior high	Senior high	Total	Junior high	Senior high	Total	Junior high	Senior high	Total	Junior high	Senior high	Total
I've never tried it	96.71	90.80	93.84	91.74	90.73	91.25	67.81	35.01	51.89	55.42	33.16	44.62
I've tried but quit	0.77	4.82	2.74	5.25	6.38	5.80	15.82	19.44	17.57	29.39	39.24	34.17
I use it almost once a month	0.28	1.85	1.04	0.77	0.59	0.68	9.03	26.85	17.68	3.71	3.41	3.56
I use it almost once a week	0.07	0.22	0.14	0.35	0.22	0.29	4.48	14.47	9.33	2.31	2.82	2.56
I use it almost every day	0.0	0.30	0.14	0.21	0.22	0.22	1.05	2.52	1.76	8.05	20.25	3.97
No response	2.17	2.00	2.09	1.68	1.85	1.76	1.82	1.71	1.76	1.12	1.11	1.12

The survey was conducted on Oct. 13, 1969, in all of the county's 45 junior and senior high schools. Five per cent of the secondary school enrollment of 56,000, or 2,777 students anonymously answered a 305-item questionnaire prepared by the school system's department of research. Consultants from the NIMH helped prepare the questionnaire.

A 5 per cent sample is considered sufficient to achieve reliable—but not necessarily precise—results.

"The 5 per cent countywide sample and the procedures used for obtaining it are valid and the method for carrying out the survey is adequate," wrote Dr. R. L. Derbyshire, a consultant to the committee and associate professor of sociology and psychiatry at the University of Maryland Medical School.

Anonymity was guaranteed to the students. The questionnaire, which took no more than 40 minutes to fill out, asked only for age, sex and class. Shortly before the survey was administered, every other student was arbitrarily taken from the pool of those to be surveyed and returned to his classrooms.

The study was commissioned by the Joint Committee on Drug Abuse, a 17-member panel consisting of seven persons appointed by the school board, seven by the County Council and three students selected from Montgomery College and the secondary schools.

Under an agreement between the committee and the school board, individual schools were not identified in the report.

It is therefore impossible to determine if the small amount of heroin use that was found is confined to a particular school or even a particular area where the student population might differ measurably from the countrywide norm of white, middle class.

The best estimates are that heroin—the most dreaded of the drugs—has made no measurable inroad into white, suburban youth culture at least as it exists in Montgomery County. Overwhelmingly, those surveyed—even those who admitted using marihuana—said they would never try heroin.

Derbyshire, the committee's consultant, pointed out in a telephone interview, however, that some heroin-addicted students might have been taken out of the school system by their parents and placed elsewhere. Private and parochial schools were not surveyed.

Despite some inconsistencies in the heroin figures, the committee found that "the use of heroin is seen as small with no indication it is on the increase."

STUDIED SEPARATELY

Twelve junior and senior high schools in different areas of the county were studied but the report did not say which results came separately from which school.

Ten of the schools are "downcounty," close to the Washington border and in the county's most heavily populated suburban areas. Two schools were located "upcounty," in less populated areas that are partially rural.

There was noticeable differences between the areas, but comparisons between individual schools are impossible because the report does not name them.

Police and court statistics gathered for the study however, show that the highest incidence of arrests for drug use occurs "downcounty." In general, the "downcounty" area traditionally has been considered more liberal and the secondary schools there more progressive.

The study showed that 48.17 per cent of high school students felt that more than one of their closest friends used marihuana. This, the committee said, "constitutes a dramatic over-estimate," a factor that leads the committee to report that a trend toward more drug use, and abuse, "is evident."

In addition, most of the students (74 per cent in the 12th grade) feel that marihuana use is increasing. The students held similar views about alcohol and cigarette use.

In his report, Derbyshire said that "as long as the perception of the student is that drug usage is on the increase, then the problem of a self-fulfilling prophecy becomes important."

"In other words," he wrote, "when adolescents feel that the use of a habit-forming substance is on the increase, their behavior . . . tends to accept usage as 'normal' and it establishes the expectation that others . . . 'can,' 'must,' and 'should' experiment."

EXPECT TO INDULGE

A significant percentage of the students suggested they might experiment with drugs at a future date. "More than 15 per cent of the junior high and 30 per cent of the senior high school students think they may use marihuana in the future," the report said.

The percentages are smaller for the other drugs. Five per cent of junior high students thought they might try LSD. Among senior high school students, the figure is 8 per cent.

Three per cent of the students in both junior and senior high thought they might try heroin in the future. This response is questionable, Derbyshire said, since a certain percentage of students will say they will try anything, especially if it is frowned upon by adults.

DRUGS IN MIND

Still, Samuel L. Goodman, the school system's director of research, comes to the conclusion that "students in both levels are thinking about drugs."

"The data . . . suggests that a 'climate for drugs' is developing among teenagers," he said.

Most students considered all the drugs and products in the survey dangerous except for cigarette, alcohol and glue. For instance, 78 per cent of the junior and 89 percent of the senior high school students thought the use of heroin would present either a "strong" or "moderate" danger.

Students are not as certain about marihuana. Here 80 per cent of the junior high school students thought its use dangerous. The figure among high school students slips to 65 per cent, however.

The student view, predicably, was not shared by the adult community that the same researchers surveyed by telephone in the summer of 1969.

MORE DANGEROUS

Of the 420 adults sampled, 48 per cent thought marihuana to be "more dangerous" than alcohol with an additional 27 per cent saying "about as dangerous."

Thirty-two per cent of the adults felt they were "well-informed" about drugs and another 55 per cent believed they were "slightly informed." Only 2 per cent said they did not know.

"Yet," wrote Dr. Derbyshire, "a significant number of these same respondents view marihuana as more dangerous than alcohol.

"There is absolutely, at this time, no scientific evidence to support this assumption."

In fact, Derbyshire said in a telephone interview, there is more reason for alarm in the figures pertaining to alcoholic beverages, especially since 14.47 per cent of the senior high students reported using it "almost once a week." The figure for marihuana use for the same group is 4.30 per cent.

OTHER ANSWERS

Despite the difference in attitude between the students and the adults over the presumed dangers of marihuana, the students answered most of the questions in a manner designed to warm a mother's heart.

For instance, fully 82 per cent of both junior and senior high students said they intended to go on to college. Since in recent years only 60 per cent of the county's high school graduates have gone on to college, this figure was interpreted in the report as "over optimistic."

Similarly, 46 per cent of the students reported that they have above-average grades. Another 42 per cent said their grades were average. Only 6 per cent admitted to below-average grades.

"The respondents as a group reflected considerable confidence in themselves academically and seem in overwhelming numbers to be committed to formal education beyond high school graduation," wrote Goodman.

LOTS OF AMBITION

Moreover, 48 per cent of the junior and 53 per cent of the senior high school students feel that drug use contributes to a loss of ambition. A significant minority, if not a clear majority, of all students blame drugs for a host of ills, including the gradual loss of the ability to think, increased anxiety, frightening hallucinations, dropping out of school, poorer grades and loss of friends who are nonusers.

Sixty-six per cent of the junior and 68 per cent of the senior high school students think that drugs lead to crime.

When asked what factors lead to drug use, between a third and a half of junior high and between one-fourth and one-third of high school students said they did not know.

Of those who did respond, the factor receiving the most endorsement was "the desire to be 'turned on.'" Factors such as "being bored in school," "preparing for exams" and "worries about war and riots" received little support.

Among the four sources of information listed as possibly influencing them to use drugs—television, magazines, underground newspapers and friends—the students overwhelmingly chose friends, with underground newspapers second.

TERMS NOT KNOWN

The report found the student population relatively unsophisticated in the use of drug terms. For instance, only 5 per cent of the junior and 21 per cent of the senior high school students knew that "smack" is a slang word for heroin.

Twenty-one per cent of the junior high school students thought "smack" was synonymous with "speed," a slang term for amphetamines.

The students surveyed exhibited what the report called "a conservative bent." They expressed highest approval of the student who gets good marks, abstains from drugs and is a "moderate."

"Overall," Goodman concludes, "one learns from a study of the survey data that the typical student believes that drug use and experimentation are to be found among a relatively small per cent of students—except for marihuana, alcohol, cigarettes and glue."

GENERAL PICTURE

He "is concerned that his immediate circle of friends and acquaintances are less involved with drugs than the teen-agers he knows only remotely; believes that drug use is increasing; is not fully convinced that drug use is dangerous and holds out the likelihood that he may try some drug or drugs some day . . ."

He "is unsophisticated about drugs and both needs and wants instruction . . ." He "is basically conservative in his social views, and hence a good target for guidance and enlightenment."

On the basis of the data, the drug abuse committee recommended that:

The county government create a drug abuse authority or commission to "coordinate . . . programs and activities in the drug field."

The county establish a drug abuse offenders school under the control of the county executive and directed by the drug abuse authority.

The use of marihuana remain illegal "but possession for personal use should be a misdemeanor rather than a felony."

The police department and detention center "establish a drug-user detection capability using laboratory analysis and/or medical examination."

That a special county post office box be established "so that residents may communicate in a confidential manner directly with the county executive on any phase of the drug abuse problem."

That the school system develop an education program based on the survey and that school-to-school comparisons be made to tailor the program to individual schools.

The Joint Advisory Committee on Drug Abuse presented its findings in two volumes. Cochairmen of the committee were James P. Gleason, a member of the County Council and Howard Penniman, a professor of government at Georgetown University.

In addition to the committee members themselves, individuals from the police department, health department, state's attorney's office, county manager's office and school system served as ex officio members.

Members of the committee included Henry L. Giordano, the retired associate director of the U.S. Bureau of Narcotics and Dangerous Drugs; Dr. David Trachtenberg, a psychiatrist and Jean Paul Smith, a lecturer at Stanford University and formerly with the Bureau of Narcotics and Dangerous Drugs.

TRIBUTE TO THE HONORABLE EUGENE R. BLACK

The **SPEAKER** pro tempore (Mr. MATSUNAGA). Under a previous order of the House the gentleman from California (Mr. HANNA) is recognized for 60 minutes.

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(Mr. HANNA asked and was given permission to revise and extend his remarks and to include pertinent material.)

Mr. HANNA. Mr. Speaker, I have taken this special order to bring to the attention of this House and the people of the United States the outstanding record of one of the great Americans of our time, the Honorable Eugene R. Black, an outstanding banker in private life; past president of the Bank of Reconstruction and International Development; past President of the World Bank; and former President Johnson's special consultant on Southeast Asia economic development.

Mr. Speaker, it can be said that Eugene R. Black helped to develop the resources of the emerging nations of the world in general and those of the Pacific and Southeast Asia in particular. He helped to build up institutions of cooperation where they did not exist. He has promoted the constructive interests of the nations struggling to break into the main stream of modern life.

Where there was a history of conflict, he promoted a commitment to cooperation. Surely in his time he has performed work worthy to be noted and marked by this great body and to be remembered by his countrymen and the citizens of many lands throughout the world.

Mr. Speaker, George Bernard Shaw once commented:

> He who has nothing to assert has no style and can have none: he who has something to assert will go as far in power of style . . . as his conviction will carry him.

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Eugene Black has style and conviction, and these assets have carried him far.

Mr. Black is today one of the most eminent and respected spokesmen for rational economic development. His impact on our national thinking, and the thinking of many leaders in the less developed world, has been immense.

It is both a personal pleasure and a great honor to recognize him for his contributions and service. It seems particularly appropriate to honor Mr. Black at this time. We are soon to consider the President's proposal to expand our participation in the Asian Development Bank—a vital institution which Eugene Black helped to create.

When Mr. Black consented to serve as President Johnson's special consultant on Southeast Asia economic development, he carefully examined the various proposals being considered by Asian leaders. Although many had talked in generalities about the need for a development lending institution in Southeast Asia, it was Eugene Black who breathed life into the program.

Taking the leadership, Mr. Black brought the concept of the Bank to the attention of the President. Arguing vigorously for a multinational self-help lending institution in Asia, he overcame many of the obstacles created by those who opposed any but the most rigidly traditional forms of economic assistance.

His foresight and conviction have proved correct. The Asian Development Bank, in its few short years of operation, has already made important contributions. It has demonstrated the veracity of Asian and Pacific nations, including the United States, working successfully together as partners.

President Nixon, in his February message to Congress asking for American participation in the special fund program of the Asian Development Bank, noted that the Bank "has demonstrated an ability to make a major contribution to Asian economic development. It—the Bank—gives evidence of a unique capability for acting as a catalyst for regional cooperation."

The President's words are a tribute to Gene Black's efforts. Without Mr. Black's expert guidance, and his ability to make a reality what others only dreamed about, the Bank would not be successfully functioning today.

Although Mr. Black is not now officially representing the United States on projects involving the economic upgrading of less developed nations, he still is actively contributing his knowledge and his efforts. Because he is recognized as a preeminent authority on development, he was invited, and now serves as the only American on the Advisory Committee Investigating the Lower Mekong potential.

He was specifically invited to serve on this important committee by the countries who have a riparian interest in the Mekong River Valley. Leaders in Thailand, South Vietnam, Cambodia, and Laos recognized that the complicated, but absolutely vital task of developing this important region requires the knowledge and ability possessed by Gene Black.

It is encouraging to me, and a credit to Mr. Black, that these four countries, so intimately involved in the future stability of Southeast Asia, would ask for his participation in developing programs for the all important Mekong Valley.

Of course, anyone familiar with Mr. Black's background will not be surprised that these countries specifically asked for his help. He has carefully studied and is familiar with the many complex problems involved in the Mekong.

In his recent book, "An Alternative in Southeast Asia," Mr. Black describes in detail his plan for developing the Mekong area. He urges that we discard our obsolete posture of crisis management in foreign affairs. In its place, he asks for a rational policy of programed development. This policy suggests dealing only with projects with provable problem solving potential. I certainly commend Mr. Black's important book to my colleagues. It is an excellent piece of work and should have a tremendous impact.

Many are frustrated with the current thrust of our aid program. The development banks have been one of the few areas of demonstrable success. And this has been the area where Eugene Black has taken the lead. As a matter of fact, the Peterson report, just released by the President, seems to me to confirm a great deal of what Eugene Black has been saying and doing for a number of years.

I think it can be fairly said that the thrust of Gene Black's work has made the development bank concept a respectable and important component of economic assistance. In his capacity as the President of the World Bank, and prior to that as President of the International Bank for Reconstruction and Development, he convinced private investors of the need to make capital available to the less developed world.

The fact of the matter is that, until Eugene Black put his fine hand to work, development bank bonds had little, if any, acceptability in private capital markets. Mr. Black's conviction that private capital should be channeled into economic assistance, and his successes in merchandising that conviction, is one of the most significant contributions in the whole field of development assistance.

From his detailed knowledge of private business operations, he was able to package his views and make them acceptable to the international business community. Serving on a wide number of company boards, including Chase Manhattan, International Telephone, Equitable Life, the New York Times, American Express, and Woolworth, to name but a few, he has had and used the opportunity to mobilize private resources and direct them into important development projects.

He also puts his considerable talents to work on problems posed by U.N. Secretary-General U Thant, whom he serves as a special financial consultant. When he deals with concerns and issues of the organizations he helps lead, such as Planned Parenthood, the Brookings Institution, Project Hope, or the Harvard University Center of International Affairs, Eugene Black brings a unique and indispensable style and talent to every effort.

Perhaps the most relevant testimonial to Eugene Black is expressed in a note I received from the Honorable Tun Razak, Deputy Prime Minister of Malaysia. In his letter to me of May 1969, Minister Tun Razak said of Mr. Black:

> We countries in Southeast Asia are fortunate to have such a distinguished and international-minded person as Mr. Eugene Black to help to promote the development of countries in this region.

Eugene Black well deserves that praise, and generous it is when it represents, as it does, the gratitude of such a vast area of the globe. But let us not allow the gratitude of Southeast Asia to be exclusive. We, too, benefit from the talents and devotion of this man. And, Mr. Speaker, if I may expand on Minister Razak's comment, I wish to say that we, too, are fortunate, fortunate to have as our recognized spokesman in international economic development a man who has the demonstrated intellectual stature and problem-solving capacity of Eugene Black. He has served and continues to serve with great distinction.

Mr. Speaker, I ask unanimous consent to further extend my remarks and to include therein letters from outstanding persons recognizing Mr. Black's worth, including the distinguished Speaker of this great House of Representatives; the distinguished majority leader, the Honorable CARL ALBERT; the distinguished minority leader, the Honorable GERALD R. FORD; and letters from leaders of many of the Pacific nations, including the Vice President of the Republic of China; the Premier and President of Laos; the Deputy Prime Miinster of Malaysia; and the Secretary of Foreign Affairs, the Honorable Carlos P. Romulos of the Philippines.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The letters follow:

THE SPEAKER'S ROOMS,
U.S. HOUSE OF REPRESENTATIVES,
Washington, D.C., March 11, 1970.

Hon. RICHARD T. HANNA,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN HANNA: It is with great pleasure that I join with you and our many other colleagues who are honoring Eugene R. Black.

He has served our nation in many important capacities, and has brought to all these offices great wisdom and the ability to get things done.

Mr. Black particularly deserves our thanks for his tremendous record of accomplishment while serving as the President of the International Bank for Development and Reconstruction, the World Bank, and during recent years, serving as President Johnson's consultant on economic development for Southeast Asia. In each of these positions, he distinguished himself.

Few Americans have had such an important impact on the less developed world, nor are there many who are so universally respected and well thought of.

Please convey my personal best wishes to Mr. Black.

Sincerely yours,
JOHN W. MCCORMACK.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES, OFFICE OF THE MAJORITY LEADER,
WASHINGTON, D.C., *March 11, 1970.*

Hon. RICHARD T. HANNA,
U.S. House of Representatives,
Washington, D.C.

DEAR DICK: I am very pleased to learn that you are taking time in the House of Representatives on Wednesday, March 11, to pay tribute to the Honorable Eugene R. Black.

Mr. Black is truly one of this nation's most distinguished citizens. A successful banker and business leader, he has also found the time to devote his considerable energies and intellect to a number of public causes. Even more outstanding than his record of business achievement and community service, however, is the remarkable career he has had in the public service of this country and indeed of the world.

It is impossible to enumerate—or even to know—all of the accomplishments of Eugene R. Black during his many years of service with the International Bank for Reconstruction and Development, as President of the World Bank, and as Special Advisor to President Johnson for Economic and Social Development of Southeast Asia. His ideas, his efforts, and the great force of his personality have contributed immeasurably to the unprecedented economic success of most of the nations of the world.

It is indeed fitting that the House of Representatives pause in its deliberations to pay tribute to his service. He has given much to his country and I am confident that he will continue to give of his best in the future.

Sincerely,
CARL ALBERT,
Majority Leader,
U.S. House of Representatives.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES, OFFICE OF THE MINORITY LEADER,
Washington, D.C., March 9, 1970.

Mr. EUGENE R. BLACK,
℅ Hon. RICHARD T. HANNA,
Cannon House Office Building,
Washington, D.C.

DEAR MR. BLACK: Please allow me to add my voice to those of my colleagues who are joining Rep. Richard T. Hanna in honoring you as the House approaches consideration of the Asian Development Bank legislation and the time draws near for the meeting of the Asian Development Bank in Seoul, Korea.

Few men have made the contribution you have in service to our Nation and the world. The peoples of the world are fortunate, indeed, to have your talents available to them.

I have watched your career with great interest. I would like to extend my personal thanks for the many services you have rendered the Nation and the world community. Work like yours is a tremendous contribution to the cause of world peace.

As Rep. Hanna has so well expressed it, there is "no man more worthy of the special recognition of Congress" than Eugene R. Black.

Best regards.
GERALD R. FORD,
Member of Congress.

OFFICE OF THE VICE PRESIDENT,
Republic of China, April 30, 1969.

Hon. JOHN W. MCCORMACK,
Speaker of the House of Representatives,
Washington, D.C.

MY DEAR MR. SPEAKER: It is my privilege to address a testimonial to Mr. Eugene R. Black, who is doubtlessly one of the most distinguished citizens not only of the United States but also of the whole world.

Mr. Black is a man of vision, judgment and ability. In the field of economic and social advancement, especially in developing countries, he has used these attributes to the fullest extent and, as a result, accomplished outstanding achievements. Peoples of Southeast Asia are most grateful to his advice and assistance which have been given, generously but wisely, during his long and eminent career, first as President of International Bank for Reconstruction and Development and then as President Johnson's Special Adviser on Southeast Asia.

The people and the Government of Republic of China appreciate very much the important role which Mr. Black has played in helping us in our efforts towards economic and social progress. We benefit from his experience, encouragement and inspiration. We believe his help is a significant factor in bringing about our preformance in these major fields of national life. Indeed, Mr. Black has helped set an excellent example of what can be done in most developing countries by the combination of their own conscientious endeavors and the assistance rendered by economically advanced nations.

I wish also to add that Mr. Black has contributed very fruitfully to further cementing the traditional friendship and cordial relationship between the American and Chinese peoples.

Sincerely yours,
YEN CHIA-KAN,
Vice President and concurrently President of the Executive Yuan.

KINGDOM OF LAOS,
Vientiane, April 23, 1969.

Hon. RICHARD T. HANNA,
Washington, D.C.

MR. CONGRESSMAN: It gave me great pleasure to take cognizance of your letter of April 14, 1969, in which you were so kind as to inform me of your plan to encourage your country to cooperate with the Asian leaders in the development programs and, as Prime Minister of a developing country, I can only thank you very sincerely for your personal interest in the economic future of my country.

Moreover, I am very happy to learn that you intend to introduce a resolution in the United States House of Representatives to honor His Excellency Mr. Eugene Black for the services rendered by him to his own country and to the International Community when he was President of the World Bank and Advisor to President Johnson on Southeast Asian Affairs. I congratulate you upon this fortunate initiative. His Excellency Mr. Eugene Black is a well known figure in Laos and greatly esteemed by the leaders of my country. I must say that he rendered on several occasions appreciable services to Laos.

I ask you, therefore, to convey to him my esteem and that of the Royal Government of Laos.

Please accept, Mr. Congressman, the assurance of my very distinguished sentiments.
Prince SOUVANNA PHOUMA.

DEPUTY PRIME MINISTER,
Malaysia, Kuala Lumpur, May 26, 1969.

Hon. RICHARD T. HANNA,
House of Representatives,
Washington, D.C.

DEAR MR. HANNA: Thank you for your letter of 14th April, 1969. I am pleased to learn that you plan to introduce a Resolution before the U.S. House of Representatives honouring Mr. Eugene Black for his long service both to his own country and to the international community.

I endorse your proposal as a very timely one and we countries in Southeast Asia are fortunate to have such a distinguished and international-minded person as Mr. Eugene Black to help to promote the development of countries in this region. He certainly deserves our gratitude and great appreciation, and I would like to associate myself and my Government with your proposal to accord Mr. Black the honour and recognition for his outstanding services to the U.S. and the developing countries.

Yours sincerely,
TUN HAJI ABDUL RAZAK BIN HUSSEIN.

THE SECRETARY OF FOREIGN AFFAIRS,
Manila, April 23, 1969.

Hon. RICHARD T. HANNA,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN HANNA: This is to acknowledge receipt of your letter of April 14th and to express my satisfaction that your visit to our region has given you an insight into the vast potential of Southeast Asia.

I have a high personal admiration for Mr. Eugene R. Black whom I have known for many years and who is a dedicated public servant and a statesman and diplomat.

It is my hope that you will continue your interest in our region to strengthen the bonds of friendship that unite us with the United States.

Sincerely yours,
CARLOS P. ROMULOS.

Mr. PICKLE. Mr. Speaker, I rise to join my colleague from California in honoring Eugene R. Black. It is appropriate that this honor originate with Congressman HANNA because he is a member of the House Banking and Currency Committee and a close friend of this great American.

With the national attention focusing on this country's role in the economic development in foreign lands, it is significant that we underline the successful efforts of Eugene Black. More than any single other man, Eugene Black forged the World Bank into a viable and efficient operation.

In banking circles throughout the en-

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tire world, Eugene Black is recognized as an expert who is concerned with the human side of the balance sheet as well as the debits and credits. This man's career would serve as a guide for any student of economic development.

I know, for example, the many times that Eugene Black served President Lyndon B. Johnson with crystal clear advice that cut to the heart of extremely complicated foreign and domestic economic programs.

Eugene Black is a banker's banker; but more than that, he is a man of conscience and heart and has given truly great service to this Nation.

The important thing to remember is that this banker used his office and talents to help other people. He recognized that we must help those not able to help themselves directly, but who could help if we gave them the means to become a sustaining and developing nation. Thus, Eugene Black has helped his fellow men here and throughout the world by affording them opportunity and dignity.

I am proud to be a part of the tribute to this man who has held the trust and confidence of the President of the United States.

Mr. HANNA. Mr. Speaker, I now yield to the gentleman from Georgia (Mr. Stephens).

Mr. STEPHENS. Mr. Speaker, I thank the gentleman for yielding to me.

I want to express my appreciation to the gentleman for the opportunity that he has given the Members of the House to express their real appreciation for Eugene R. Black. This appreciation should be extended to him by all Members of the Congress and by the people of the United States.

Mr. Speaker, I am delighted to join the gentleman from California because we in Georgia look upon Eugene Black, a native Georgian, as one of our distinguished sons. I have had a personal interest in Mr. Black because his mother's family comes from my hometown of Athens, Ga., and my mother was named for his great aunt. One of his ancestors was in Congress from my district when Andrew Jackson was President. His grandfather was Henry W. Grady, editor of the Atlanta Constitution, who did more to bring the North and South back together after the War Between the States than any other one person in America.

Eugene Black has done a great job in continuing that work which his grandfather started. However, as was recently said of him, there was no generation gap between Eugene Black and his grandfather, because his father was a distinguished public servant, having been a director of the Federal Reserve. Eugene Black's great-grandfather died as a Confederate soldier, and his name is on the Confederate Monument in my hometown.

But, Eugene Black, first World Bank president, has built a monument for himself as an international financial leader—a monument of which all the people of the United States should be proud.

Mr. Speaker, I had the pleasure of having Eugene Black visit in my home, and spend the night with me in Athens, Ga., this last fall when the Blue Key Society gave honor to him as a distinguished graduate of the University of Georgia. At that time Mr. Black told me that he had been graduated from the University of Georgia at the age of 17, and that he had, of all things, majored in Latin. I cannot imagine anyone today majoring in Latin.

I also had the opportunity of being with him on an earlier occasion with members of the Committee on Banking and Currency who went to the signing of the charter for the Asian Development Bank, which was one of Eugene Black's great and fond projects. Before I came to Congress, I had known of him for many years because of his prominence as the President of the World Bank. I am also proud to say that my immediate predecessor in Congress from the 10th District of Georgia, the Honorable Paul Brown, was the sponsor of the World Bank legislation.

I have just finished reading a book that Eugene Black wrote in 1969, entitled "Alternative in Southeast Asia." I recommend it highly for the Members of Congress.

The day before yesterday I read in the paper that the President had announced a new departure on foreign aid which recommends dismantling AID and creating a U.S. International Development Bank. Let me read an excerpt from the book of Eugene Black that I mentioned indicating his foresight on this:

> We need a new rationale for foreign aid and a new means of practicing development diplomacy. * * *
>
> Ten years hence, say, I personally would like to see most of what we call foreign aid channeled through international or regional banks or funds. I think it is going to be less and less possible for the United States to exercise economic power through bilateral foreign aid, even if this were deemed desirable. The more that other governments learn the rudiments of development finance, the less they are going to accept our participation in their domestic policy decisions. Nor is such participation necessarily desirable even if it can be made temporarily acceptable. I question whether the scale or the character of bilateral intervention that has characterized our foreign aid program in the past any longer represents a real national interest.
>
> As a development banker, I am frankly a partisan of multilateral and regional organizations, partly because while President of the World Bank I learned how effective they can be and partly because it is possible in such organizations to insulate the business of development finance somewhat from the competing and conflicting interests that beset all national governments.

What he wrote in 1969 are the recommendations that have been made to the President in 1970 for a commission. I heartily agree with this, and it is more indicia of the leadership and intelligence of Eugene R. Black in American policy so far as development of foreign countries is concerned.

Again, Mr. Speaker, I thank the gentleman from California for allowing me this opportunity to join with him in this tribute to Eugene R. Black.

Mr. HANNA. I thank the gentleman.

Mr. REUSS. Mr. Speaker, Eugene R. Black has devoted his considerable talents and energies to improving the circumstances of all men.

Few—there are few men whose lives have been as full of accomplishment as has Eugene R. Black's. The list of his achievements in all fields is long.

He is a past president of the World Bank. He served former President Johnson as Special Adviser for Economic and Social Development of Southeast Asia.

I am particularly proud to have worked with Eugene Black in helping set up the Asian Development Bank. If any one man's effort served as the catalyst that made the creation of this unique financial institution possible, it was Eugene R. Black's.

The Asian Development Bank is an international development financial institution established by 31 member countries to lend funds, promote, investment, and provide technical assistance in Asia, and generally to accelerate the economic progress of the developing member countries in the region, collectively, and individually.

The Bank has two features which make it unique. First, it is an Asian Bank, conceived by the United Nations Economic Commission for Asia and the Far East—ECAFE—it is located in the ECAFE region; over 60 percent of its capital is subscribed by 19 countries within the region; the President and seven of the 10 directors come from the region.

Second, unlike certain regional financial institutions, the membership of the Bank extends beyond the region; many countries outside Asia have contributed to the Bank's capital structure and are represented on the Board of Directors and professional staff on the Bank.

The doors of the Bank were officially opened for business on December 19, 1966. Without the efforts of Eugene R. Black, this might not have come to pass.

Today, the Asian Development Bank is playing an important role in spurring economic development in Asia and the Far East.

Mr. Speaker, it is too seldom that we take time to recognize the accomplishments of men like Eugene R. Black, who work long and hard, but all too often go unrecognized and unpraised.

I am glad to have had the chance to recognize Eugene R. Black today.

Mr. ZABLOCKI. Mr. Speaker, it is a privilege for me to join with our esteemed colleague, the gentleman from California (Mr. Hanna), and other colleagues in paying tribute to the renowned and distinguished American, the Honorable Eugene R. Black.

It is a particular strength of our United States that men of great talent and wisdom such as Eugene Black are willing to forgo opportunities for personal enrichment or a life of ease in order to contribute their skills to the welfare of the Nation.

There is no better example of such exemplary and patriotic conduct than the life of the man we honor here today. Beginning in 1937 when Mr. Black left a successful career as a banker to become executive director of the International Bank for Reconstruction and Development at the age of 39, until the present day, he has always put his country's interests ahead of his own.

More than that, however, he has been a world figure, first as head of the International Finance Corporation and then of the World Bank, who has symbolized the abiding interest of the United States in the economic development and progress of all the world's people.

It has been my privilege to be associated closely with Mr. Black in recent years during his service as special adviser to President Johnson on the economic and social development of Southeast Asia and I was chairman of the House Foreign Affairs Subcommittee on Asian and Pacific Affairs.

Vivid in my memory is an appearance which Mr. Black made before the subcommittee on March 4, 1968, to discuss the role which the United States would be required to play in Asia and the Pacific during the 1970's.

He had just returned from the last of three extensive and exhausting trips to east Asia taken during a 3-year period at the direction of the President. He shared with the committee his impressions of the capacity of countries of Asia for organizing their resources for growth and human welfare. This capacity was particularly enhanced when they had real confidence in their national security.

He emphasized that the United States should continue to have a sizable role in Asia during the 1970's but that role should stress peaceful and constructive purposes and should be exercised, as far as possible, through the private sector.

To foster orderly change in Asia, Mr. Black suggested the importance of the United States subscribing a large sum to the "soft loan" window of the Asian Development Bank, an institution he was instrumental in establishing.

To date, the United States has failed to make a substantial commitment to the special fund of the Asian Bank. President Nixon has asked that $100 million be authorized and appropriated by Congress for that purpose. I believe our national interest in Asian economic and social development requires a contribution of that magnitude at this time.

Favorable congressional action would be a concrete expression of U.S. sincerity in assisting nations and groups of nations intent on helping themselves. Aiding the less fortunate peoples of the world to a better future was the prime interest of Eugene Black. Although he has reached the age when men normally retire he is still serving the cause of human welfare. I am sure that in the years ahead Mr. Black will answer the call when there will be a need for his wise, expert judgment. Let us, therefore, wish him many more years of service to our country as we express our gratitude and esteem for the momentous tasks he already has accomplished.

Mr. MOORHEAD. Mr. Speaker, in "The Rich Nations and the Poor Nations," Barbara Ward said that the distinction between rich nations and poor nations is one of the great dominant political and international themes of our century. She might have added—the gap between rich people and poor people also, as this is surely one of the most tragic and urgent problems within our own country today.

I can think of no man who has done more to try to close this gap than the man we honor in the Congress today—Mr. Eugene Robert Black—who has devoted his great knowledge, energy, and enormous organizational talent to the role of economic development, in this country, and in the underdeveloped nations of the world.

Mr. Black comes from a banking family. He understands money and the use of capital; he understands the need for regional cooperation and integration of resources.

It was my privilege to be a congressional advisor at the Manila Conference which formally approved the charter establishing the Asian Development Bank in December of 1965, and I recall Mr. Black's great optimism about the future of Southeast Asia where he felt that our financial investment would provide a unifying force for peace. He understood the evolution of development and the concept of self-help whereby development assistance is used to help poor people and poor countries evolve the technologies and institutions appropriate to their circumstances, so that they can later stand on their own.

We could acclaim this distinguished and qualified public servant for his efforts and service as President of the International Bank for Reconstruction and Development, for his special role as Advisor for Economic and Social Development of Southeast Asia, for his leadership as president of the World Bank, for his achievements as one of the senior vice presidents in the civic-minded Chase Manhattan Bank, for serving on a long list of boards of financial, international, and charitable organizations.

But I feel it is in the role of financial adviser and motivator to the principle of self-help in the developing countries of the world that his star shines brightest, and for which we are most indebted.

Mr. BINGHAM. Mr. Speaker, I am pleased to join my colleagues today in honoring a great and distinguished American. Eugene R. Black is one of that select and remarkable group of Americans who have dedicated their skills to public and international service.

After a successful career in domestic banking, Mr. Black turned his considerable talents to the problems of international economic development. Serving as President of the World Bank for 16 years, Eugene R. Black's name has become synonymous with economic development. Under his guidance the World Bank evolved from its early postwar reconstruction orientation into the primary international lending institution for economic development. In so doing the World Bank gained a reputation for judgment and effectiveness seldom matched in international organizations. This reputation is directly attributable to Mr. Black's unrelenting pursuit of excellence.

Eugene R. Black's long list of honorary degrees from Yale, Columbia, Syracuse, Harvard, Princeton, and other American and foreign universities is a fitting testament to his long service in the promotion of improved standards of living among all people. It is equally fitting that the Members of Congress add their own praise to that already accorded this outstanding American.

In paying tribute to Eugene R. Black, we give recognition to a record of achievement and dedication that has contributed greatly to the cause of international well-being, understanding, and ultimately, world peace.

GENERAL LEAVE TO EXTEND

Mr. HANNA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks relative for this subject matter.

The SPEAKER pro tempore (Mr. MATSUNAGA). Without objection, it is so ordered.

There was no objection.

THE LATE HONORABLE JAMES B. UTT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. MAILLIARD) is recognized for 60 minutes.

Mr. MAILLIARD. Mr. Speaker, occasionally one finds in a man a special blend of courage, integrity, character, and principle. Our late colleague, Congressman JAMES B. UTT, was the embodiment of that rare blend.

As a citrus grower in southern California, Congressman UTT added to the development of that important industry. As a practicing attorney in Santa Ana, he contributed to the growth and prosperity of that community.

Congressman UTT's death comes as a particular blow to the people in his district, whom he faithfully served as an assemblyman and as a nine-term Representative of the U.S. Congress.

In life, Congressman UTT was a patriot of the first order. In death, he bequeaths to his countrymen a legacy of outstanding public service and civic achievement. Whether one agreed with him on any particular issue or not, one could not help admiring his steadfast adherence to belief and commitment.

Mr. Speaker, coming so soon after the passing of Glen Lipscomb, the death of JIMMY UTT is a real blow to the California delegation. Apart from his distinguished political career, JIMMY was a warm personal friend.

My heartfelt condolences go out to his wife, Charlena, and to his family.

Mr. Speaker, I know many Members will wish to express themselves, some of whom could not be here this afternoon—therefore I ask unanimous consent that all Members desiring to do so may have 5 legislative days to extend and revise their remarks and include extraneous material.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. GERALD R. FORD. Mr. Speaker, would the distinguished gentleman from California yield?

Mr. MAILLIARD. Mr. Speaker, I yield to the distinguished gentleman from Michigan, the minority leader.

XUM

Mr. GERALD R. FORD. Mr. Speaker, an individual who is loved by all is most blessed among men, and it is in that vein that I speak today about our dear, departed colleague, Jimmy Utt. Jimmy was that most enviable of men, one with scores of friends.

Jimmy was the friend of every man in this House, and we in turn responded to the obvious affection which Jimmy showered upon everyone. That was the key trait in Jimmy's personality, it seems to me—a genuine friendliness that expressed a respect for all other human beings.

We all know why we loved Jimmy. He was a humble man. He was unpretentious. He was honest. He was the soul of integrity. And he loved other people.

Jimmy was a man of principle. He knew what he believed in. Once you had Jimmy on your side, you knew he would stick by you no matter what. He was as solid as the Rock of Gibraltar.

Jimmy Utt was a strong anti-Communist. He was deeply disturbed by the permissiveness in our society, by the open anarchy we have witnessed in recent years, and by the revolutionary movement which has manifested itself in our country.

There was a time when many well-meaning and loyal Americans thought Jimmy Utt was greatly exaggerating the Communist danger in America. They now have come to believe otherwise.

This is the man we have lost—a fine human being and a fighter for the truth. I express my condolences to Jimmy's widow, Charlena and to his son. We shall all miss our beloved colleague.

Mr. ALBERT. Mr. Speaker, will the gentleman yield?

Mr. MAILLIARD. I yield to the distinguished majority leader.

Mr. ALBERT. I thank the gentleman for yielding.

Mr. Speaker, I desire to join my colleagues in paying tribute to our late departed friend and colleague. Jimmy Utt was a very wonderful person. Although he seldom voted with me, I always respected his deep sincerity, his devotion to principle, his love for his country, and his respect for this Chamber and its mission in our country. We have lost a very able and wonderful friend. I extend my deepest sympathies to his widow and loved ones.

Mr. TEAGUE of California. Mr. Speaker, will the gentleman yield?

Mr. MAILLIARD. I yield to my colleague from California.

Mr. TEAGUE of California. I am not at all good at delivering eulogies. However, I do wish to extend my deep sympathy to Charlena and other members of the Utt family. I have never known a more genuine, sincere, nonphony man than Jimmy Utt. More than that, he was kind, gentle, and yet very, very strong at the same time. That took some doing. Very few mortals, or indeed immortals, have or had those qualities.

Jimmy will be sorely missed and can never be replaced.

Mr. HANNA. Mr. Speaker, will the gentleman yield?

Mr. MAILLIARD. I yield to my colleague from California, Mr. Hanna.

Mr. HANNA. I thank the gentleman.

Mr. Speaker, I, too, would like to join in expressing sentiments on this sad occasion, and for obvious and sensible reasons. I represent a constituency that was once represented by Mr. Utt. He and I were joint colleagues in representing the interests of Orange County. We sat on different sides of the aisle. We voted often on different sides of a question. But when it came to serving the people of our area, I could always count on his support and his encouragement.

To me, Jimmy Utt was a combination of courage and courtesy. His courage had my respect and his courtesy was most welcome because of its genuineness and its readiness. I certainly will miss Jimmy Utt in this House as a colleague, as a friend, and as an ally.

I was greatly saddened to have to make my trip back home for such a sad occasion. My sympathy and that of my family goes out to his wife and his children.

Mr. DEVINE. Mr. Speaker, will the gentleman yield?

Mr. MAILLIARD. I yield to the gentleman from Ohio.

Mr. DEVINE. Mr. Speaker, although I am not a Californian, I had a deep affection for three of the great Congressmen from your State that we have lost in the last year or so. The first was Art Younger, behind whom I served on the Interstate and Foreign Commerce Committee. Then came Glen Lipscomb, another dear friend. Finally, Jimmy Utt.

I happen to have been honored to meet at a breakfast club each Wednesday morning here in the Capitol at 8 o'clock. Jimmy Utt presided over those meetings. It was known as the Younger Breakfast Club until we lost Art, and then it was called the Utt Breakfast Club. Last Wednesday we had a vacant seat at the breakfast table there, in honor of Jimmy. We have decided to call it the Younger-Utt Breakfast Club for whatever condolence it may be to the rest of us. But it was on these occasions that about a dozen of us each Wednesday morning would meet to discuss the affairs of the Nation and the great issues of our times. We would talk about what was going on before each committee.

Jimmy, as the unofficial chairman, normally presided over the meeting and made a great contribution because of his service on the very important Ways and Means Committee and the fact that he was known by our colleagues as Mr. "Conservative" and Mr. "Integrity."

We will all sorely miss him, and I do hope California can continue to provide us with great Congressmen like Jimmy Utt and Art Younger and Glen Lipscomb.

Mr. MAILLIARD. Mr. Speaker, I yield to the gentleman from California (Mr. Van Deerlin).

Mr. VAN DEERLIN. Mr. Speaker, like Congressman Hanna, who spoke a moment ago, I am privileged to represent a portion of San Diego County which was once represented by Mr. Utt. As a matter of fact, 18 years ago this very campaign season I was Mr. Utt's opponent. He gave me my first and, by far, my worst defeat. I suppose when I came back here, finally, 10 years later, I might have still felt some of the rough edges from that defeat. But Jim Utt was the sort of person against whom such feelings would have been utterly impossible to hold.

More than that, I have always felt that responsible views all along the political spectrum are entitled to the clearest and most articulate expression that can be given in a parliamentary body. As a spokesman for conservatism in this country, Mr. Utt always was a voice of independence, courage, and devotion to a cause—a cause not always popular. He was one who could be listened to with respect. And, although often disagreeing with Mr. Utt, I can say that I wish our Nation had more men of his independence and conviction.

My name starting with "V" and being the first of the "V's", and his name starting with "U" and being the last of the "U's," we voted back to back in House rollcalls. Jim used to have a private joke with me that when we both answered "aye" on the same rollcall, or when we both answered "nay," he would always immediately re-examine his position to see if it was a correct one.

I cherish that recollection, and I could not be more sincere when I say I shall miss him and remember him affectionately.

Mr. MAILLIARD. Mr. Speaker, I yield to the gentleman from California (Mr. Gubser).

Mr. GUBSER. Mr. Speaker, democracy, like the weather, is a subject which is often discussed but seldom understood. Jimmy Utt was one who understood it.

I was privileged to come to this body as a freshman in the same class with Jimmy Utt. Over the past 17 years I have enjoyed his friendship and valued his counsel. I shall hold many pleasant memories of him and during the rest of my life will constantly benefit from having known him. But my most vivid memory of our dear friend and colleague will always be his deep understanding and love of the freedom which is guaranteed by this representative democracy—our republican form of government.

The hallmark of our free system of government is its guarantee of the right to be different and the right to be an individual, regulated only by those laws which the common good requires. I believe this is what our Republic meant to Jimmy Utt.

Jimmy was dedicated to freedom. In the exercise of his conscience he insisted, with almost a religious fervor, that government should exert only a minimum of pressure to conform each individual in a government-prescribed mold. This was his philosophy.

We who knew Jimmy Utt well are familiar with his total commitment to this principle and his complete dedication to making the maximum freedom possible. He did not shirk from his responsibility and duty as a citizen beneficiary of free government. He was an activist in promoting the principles in which he believed.

His basic beliefs in free government were as solid as his religious precepts. They did not waver and vary with the changing climate of politics. His principles were never turned on and off with the ebb and flow of public opinion. They remained solidly implanted in his conscience, as enduring as the principles in the Sermon on the Mount.

This is what I will most remember of my friend and colleague, Jimmy Utt—his dedication to freedom and his persistent adherence to principle.

Free government has lost an important spokesman, let us hope that the example he set will inspire others in the future to fight for principle as he did.

I express my personal sorrow over the loss of Jimmy Utt and extend my sympathy to his good wife, Charlena, and all of his family. I hope they may bear this great loss with the determination and the strength which we knew in Jimmy Utt.

Mr. MAILLIARD. Mr. Speaker, I yield to the gentleman from Missouri (Mr. Randall).

Mr. RANDALL. Mr. Speaker, on that sorrowful Monday morning when we looked at the flag and saw it at half mast, the inquiry is always "Who is it?" When we found out, I am sure all of the Members of this House who knew Jimmy Utt were grieved. Our acquaintance with this good friend has grown steadily and blossomed over the years. When we first came here back in the 86th Congress our beliefs and his were diametrically opposed. He could not always understand our viewpoint and outlook.

We talked together frequently and walked through the tunnel together in the days before we had the little cars. Over the years we have discussed many problems. He was strong in his belief about conservatism. I am sure that we became better acquainted and better attuned to each other as the years went by. On many issues, I came to understand the alternatives better after talking to Jimmy Utt. We are going to miss him. I live a long ways from California but I respected and had high regard for Jim Utt. He was dear to the hearts of most of his fellow members because of his sincerity and his great courage. We all grieve his passing. We extend our sympathy to his wife, his sons and all of his survivors.

Mr. MAILLIARD. Mr. Speaker, I now yield to the gentleman from California (Mr. Don H. Clausen).

Mr. DON H. CLAUSEN. Mr. Speaker, this House has lost one of its most knowledgeable legislators and I have lost a highly respected and treasured friend.

Jimmy Utt was, first and foremost, "his own man." He believed very strongly in this great country and never failed to translate his strong beliefs into action, particularly on the House Ways and Means Committee.

Those of us who were regular attenders with Jimmy at the congressional prayer breakfast considered it an honor and privilege to share a few moments with him each week, because of his vital, vibrant, and wholesome outlook on life. He was a devout and practicing Christian.

I would like to extend my deepest sympathies to his wife, Charlena, and to his son, and to his very loyal staff that is present in the Chamber of the House.

There is no doubt in my mind that Jimmy's guiding principle was, "to thine ownself be true."

He was truly a dedicated American and a dynamic spokesman for the conservative philosophy who will not be soon forgotten by those who were associated with him. His friendship and his strength will be truly missed.

On a personal note, I want to record, permanently, in the Congressional Record, how much I appreciate what Jimmy Utt did for me and what he meant to me.

It was Jim that took the time to advise and counsel me when I first arrived in the Congress 8 years ago. We both believed strongly in our time-proven system of government and stanchly defended "the Republic for which it stands." On many occasions we would participate in meetings and forums where efforts to protect and preserve the basic precepts of our Constitution were being advanced.

It was Jim Utt that assisted me, as California's representative on the committee on committees, in obtaining the important Public Works and Interior Committee assignments, I now hold. Because of his willingness to have confidence in my efforts, I am convinced California will benefit from our joint efforts in the harbor and water development programs now pending before the congressional committees. I was delighted to hear Jimmy say, just a week ago,

> Don, I know that I can always count on the Clausens (Clausen and Clawson) to do their homework.

Coming from this dedicated, distinguished, and trustworthy congressional colleague from Orange County, Calif., I consider this to be one of the highest tributes ever bestowed upon me. Coming as it did, from a close friend—a man for whom I had the greatest admiration and respect—I shall remain eternally grateful to this outstanding American.

Jimmy, we will miss you immensely but the things you stood for will, I am convinced, live on forever.

Mr. MAILLIARD. I thank the distinguished gentleman for his comments.

Mr. DICKINSON. Mr. Speaker, will the gentleman yield?

Mr. MAILLIARD. I yield to the gentleman from Alabama.

Mr. DICKINSON. Mr. Speaker, I appreciate the gentleman yielding and giving me this opportunity to join in the remarks that are being made this afternoon in tribute to my good friend and departed colleague, Jimmy Utt.

Mr. Speaker, I came to this Congress almost 6 years ago. I do not think that I knew Jimmy for the first 2 years that I was here, except by name. We passed and he spoke. He always spoke softly. But over the years I got to know him and to know him well. I served on the Republican executive committee on committees with him, and the gentleman who has just spoken, the gentleman from California (Mr. Don H. Clausen), was certainly right when he referred to the influence that Jimmy had in the making of important committee assignments. The main thing which impressed me so much about Jimmy after I got to know him well was his strong resolve and dedication of purpose, his resourcefulness, and the fact that one always knew where he stood.

Mr. Speaker, I suppose it might be considered a little odd that I would have an affinity and a strong friendship for Jimmy since he came from the great State of California and I come from the great State of Alabama. But, one might say that Jim was my kind. He has come down on occasion to speak for me in my district in Alabama.

Mr. Speaker, I know of no man in this Congress for whom I had a higher regard than I did for Jimmy and a warmer affection than I did for Jimmy, nor do I know any man who merits the esteem and high regard any more than our good and departed friend Jimmy Utt.

Mr. Speaker, I would like to take this opportunity to offer my condolences to the family of my friend, a great American, Jimmy Utt, and to his other friends who will feel his loss so deeply.

Mr. MAILLIARD. I thank the distinguished gentleman from Alabama for those kind comments.

Mr. SMITH of California. Mr. Speaker, will the gentleman yield?

Mr. MAILLIARD. I yield to the distinguished gentleman from California.

Mr. SMITH of California. Mr. Speaker, I share the grief of my colleagues today in the passing of another friend. Within a month to the day, the State of California has lost two of its distinguished Members of Congress—my closest friend of 20 years' duration, the late Glen Lipscomb—and now my good friend, Jimmy Utt.

Every so often a man comes along who is completely honest, trustworthy, and courageous. Jimmy Utt was such a man. He believed in these things as well as the U.S. Constitution, freedom of the people and in God. He was willing to and did devote many years of his adult life in serving the people. He was a regular at the House prayer breakfast, and his final illness struck when he was attending the Sunday morning worship service of his church. Jimmy would have been 71 years of age today.

I remember so well it was Jimmy and Charlena Utt from whom I received the first expression of good wishes in the form of a handwritten, personal note at the time I suffered my heart attack in January 1967.

The last time I saw Glen Lipscomb was on Tuesday morning prior to February 1. I realized from our conversation he was, indeed, a very sick man. That afternoon on the House floor, Jimmy Utt asked me how Glen was doing and I stated he was very, very sick. Jimmy said to me:

> I am seventy years old. I have served most of my life, I wish there was some way that I could take his place. Glen has so much to live for.

Jimmy was a conscientious and cooperative gentleman who commanded the respect of all. He was always straightforward in his comments and all of his constituents knew exactly where he stood on each and every issue. At the same time, he was a soft-spoken and kindhearted gentleman. I do not recall his ever having said an unkind word about any other individual.

XUM

His effective service—especially as one of the ranking members of the very important House Ways and Means Committee—will be reflected for years to come. He worked with great dedication and great cooperation, not only with the members of the California delegation but with all other delegations in his position on the Republican committee on committees.

Congressman Utt was a devoted husband, a loving father and grandfather, and a distinguished Member of Congress. Elizabeth joins me in expressing our deepest sympathy to his wonderful wife, Charlena, his son James, and to his grandchildren, as well as to the other members of his family.

Mr. MAILLIARD. Mr. Speaker, I yield to the gentleman from California (Mr. Pettis).

Mr. PETTIS. Mr. Speaker, I am grateful to the gentleman for yielding to me. As I have been sitting here listening to these tributes to our good friend, Jimmy Utt, I have been thinking that probably I have a unique experience to relate in that I am probably the only Member of this body who for at least 15 or more years was a constituent of Jimmy Utt. He never knew at that time that I was going to be a Member of this body, and so therefore I consider in all honesty and candor that, as a constituent, Jimmy Utt was a very wonderful Congressman, and I know that all the constituents he had felt and feel the way I do. Whether you were a Republican or a Democrat, Jimmy Utt answered his mail and took care of the problems of his constituents. I remember very well the many problems I took to Jimmy Utt and the very responsive way he handled those problems.

XUM

So now that I am a Member of this body I can judge a little more fairly the kind of man that Jimmy Utt was in terms of the service that he rendered to his country, and to the people of his district, and I can truthfully say this afternoon that Jimmy Utt was a Congressman's Congressman.

I will sorely miss Jimmy Utt from this place. I wish to join with the other Members who have expressed their sorrow this afternoon, and to join in the tributes that have been paid to him.

Mr. Speaker, I would like to take another moment to pay tribute to this outstanding American.

Congressman James Utt, of California, was a true patriot, a valuable Member of Congress and a great friend.

With the passing of Congressman Utt, we have not only lost a man who at all times put his country first, but the conservative cause has lost one of its most prestigious leaders.

As the second ranking Republican on the House Ways and Means Committee, Mr. Utt was the conscience of those who were seeking a balanced budget and tightening of governmental spending.

There were many of us who knew that spending programs were OK, if Jimmy Utt said they were.

There were many of us who turned to Jimmy Utt for leadership against the rise of socialism in our Government.

We shall all miss Jimmy Utt.

We shall miss his soft spoken determination.

We shall miss his great love for country and flag.

There will never be another Jimmy Utt in this Congress.

But many Members of Congress will be better for having known him.

Mr. STEIGER of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. MAILLIARD. I yield to the gentleman.

Mr. STEIGER of Wisconsin. Mr. Speaker, I have listened this afternoon to the eloquent tributes being paid to Jimmy Utt. While I am not one who has served long in this body nor who was a close friend of Jim Utt, I am struck by how inadequate words are tc express the sense of loss and sorrow for the death of a man like Congressman Jim Utt.

I first remember learning of a Congressman from California named Jimmy Utt because of his efforts in the 1950's and his very deep convictions which were shared by many people in Wisconsin and in the Sixth District of the State of Wisconsin.

It seems to me that Jim Utt was an extraordinary politician in the very best sense of that word. Because of his principles, because of his convictions, because of his very deep belief in this Republic, he stood as a rock at a time when sands shifted or those in politics would take diffierent views from those which he held.

I felt a very deep personal sense of loss when the news of his death came. I know of no way that I, as one young Member of this Congress, can pay tribute to a man to whom I looked with respect and affection except to indicate simply that his deeds, his words and his beliefs have to stand as a guidepost, for those like myself who come after him. This gentleman of quiet conviction will be missed. Mrs. Steiger joins with me in extending our sympathy to Mrs. Utt and to his family.

Mr. DEL CLAWSON. Mr. Speaker, will the gentleman yield?

Mr. MAILLIARD. I yield to the gentleman.

Mr. DEL CLAWSON. Mr. Speaker, these are sorrowful occasions for all of us in having to lament the loss of another colleague, particularly in such a short time, from California.

Mr. Speaker, Jim Utt has endeared himself to all the Members of this House whether they were his political enemies or they were very favored friends.

Long before coming to Congress, it was my privilege to know personally and by reputation our friend and colleague, James B. Utt of California. His firm, unwavering position on problems and issues facing our country placed him in the category of a controversial figure. Even his enemies, however, never questioned his sincerity of purpose and personal integrity. Self-deception was never a quality of character of Jimmy, as we all affectionately knew him, and as a result he could in turn treat all men with complete honesty and candor.

Jimmy served this Nation during a period of upheaval and social revolution that frequently in more recent years erupted into violence and destruction. Unhesitatingly, he denounced these threats to our free and private enterprise system with strength, vigor, and personal conviction. His detractors were active in their criticism, yet his humble, spiritual strength seemed to always sustain him in the political battle arena. It can be said of Jimmy, as it was said over a hundred years ago about Jackson by Gen. Bernard E. Bee at the Battle of Bull Run, when he pointed to Jackson's line and shouted an immortal battle cry, "There is Jackson standing like a stone wall. Let us determine to die here and we will conquer."

Unyielding and resolute in his faith and conviction of the destiny of America, Jimmy stood like a stone wall against all opposition. His life is a permanent record affirming the right of the individual to determine his own course—to make his own choices—to succeed or fail as these decisions led him through life.

A deeply religious Christian, Jimmy was generous in giving of his substance and time to religious thought and spiritual action.

He became a valued confidant and friend during our association as Members of the House. Especially did he go the second mile in making my first few years of service here more fulfilling and satisfying because of his willingness to spend time with a junior Member. His counsel and advice will continue to help me in the years ahead and his passing leaves a void in our lives that is irreplaceable.

Today I think all of us ask that the Good Lord above pour out his spirit and sustaining influence on Charlena and the family with the Christian witness of life hereafter and the promise of the resurrection when we can all again be reunited in an eternal spirit of love and brotherhood. The spirit of James B. Utt will continue in immortality and will live with us throughout our lives.

Mr. ZION. Mr. Speaker, my parents were constituents of the Honorable Jim Utt. They and their friends felt a special attachment to their dedicated Congressman. This gave me a special reason to chat with Jimmy, too. He was the kind of man you sought out because of his knowledge, his integrity, and his forthright manner of expression.

I especially was impressed by his devotion to God and his quiet influence over the regular Thursday morning prayer breakfast.

There is no doubt but what my political philosophy was influenced by Jimmy Utt. I am sure many other Members of this body have been influenced in a similar manner.

There is a little bit of Jimmy Utt in each of us that were privileged to serve with him.

Many generations of legislators will be better people, and more competent in their work because they were able to sit at the feet and be inspired by the great gentleman from California, the Honorable Jimmy Utt.

Mr. LLOYD. Mr. Speaker, one of Jim Utt's last public appearances was made in my district. Inasmuch as he owned property in Iron County, Utah, I had invited him to attend and be the principal speaker at the Lincoln Day dinner in St. George, Utah, and he had very considerately consented. He was typically cooperative and came at his own expense where he visited his holdings in Iron County and then spent the night with us in St. George in Washington County.

As the principal speaker before an audience of nearly 300 persons who had gathered in his honor, he was typically forthright, honest, and on target in his defense of the constitutional principles to which he was so deeply dedicated.

At the conclusion of this address, there was a long and prolonged applause such as I have rarely heard for a speaker.

JIM UTT was a considerate and gentle American who articulated basic truths in a way which drew the understanding and appreciation of American citizens throughout the entire Nation.

To Mrs. Utt and to his family and friends, Mrs. Lloyd and I extend our sympathy and respect in this genuine expression of appreciation to a man who lived every day in the service of his country.

Mr. CRANE. Mr. Speaker, the death of Congressman JAMES B. UTT, of California, has taken from the ranks of the House a man of high principle and deep devotion to his country. For nine terms in the Congress, he was constant in his support of the traditional moral and ethical values of our society, and in his defense of the American political and economic system.

JAMES B. UTT was a man of great integrity and ability; he served his constituency well. He served a national constituency as well—representing all the millions of Americans who shared his concern that the "zeitgeist" of the mid-20th century cannot but erode our freedom at home and endanger it abroad. His was the voice of conscience, from the time he came to Washington, of the yet-to-be-identified "silent majority," raised in repeated warning whenever he saw a threat to liberty from the forces of international communism or domestic paternalism.

And yet on too many occasions JAMES B. UTT spoke out virtually alone. Too often his statements drew forth the ridicule of those who did not share his views. Distressing though that must have been for a man of his deep conviction, JAMES UTT believed himself to be right and thus could not be swayed. I think he would have agreed with another great American who was willing to stand alone in defense of an ideal. During his term in the White House, Abraham Lincoln said:

> I do the very best I know how—the very best I can; and I mean to keep doing so until the end. If the end brings me out all right, what is said against me won't amount to anything. If the end brings me out wrong, ten angels swearing I was right would make no difference.

I think that our departed colleague, the Honorable JAMES B. UTT, of California, might have echoed those words; and I am among those who believe that time will prove him right.

Mr. McCLORY. Mr. Speaker, it is a privilege to join in this final tribute to our colleague, Congressman JAMES B. UTT, of Santa Ana, Calif., who has represented California's 35th District for about 20 years.

If I were to describe JIM UTT in the simplest and most straightforward manner. I would say that JIM UTT was a "good man." In fact, I cannot think of any more eloquent expression than this. Congressman JIM UTT was guided by a deep and abiding spiritual faith. His unassuming manner indicated the absence of personal ego. His fundamental political philosophy which was dominated by the rights and interests of the individual citizen—in contrast to mass governmental and bureaucratic action—reflected his personal respect and high regard for his fellow man.

Congressman JIM UTT recognized that through individual and personal action, the best in mankind can be brought out and that it is only through combined individual actions that human benefits can be attained.

Congressman JIM UTT was never harsh nor inconsiderate with his fellow man. His convictions were borne out with reason and logic. He listened attentively. He responded without raising his voice, yet he stuck to his guns to the last in upholding what he believed. Above all things, he believed in divine providence and its power to sustain and heal mankind.

The reward of those whom he represented so courageously and assiduously, the reward of those of us who knew him intimately as a friend and colleague, is in the goodness which he characterized and communicated through his service and actions.

The rewards of his family are far greater, and the loss to them will be felt even more deeply.

Mrs. McClory and I extend to them our affection and heartfelt sympathy.

Mr. PELLY. Mr. Speaker, I join with my colleagues and other friends and the many admirers of Congressman JAMES B. UTT in paying sincere tribute to his life and public service.

JIMMY and I came to Congress in 1953, and the longer I knew him the more I appreciated his integrity and complete dedication to what he believed was right.

Almost every Wednesday morning when Congress was in session, I had breakfast with JIM and a few other Republicans, and we discussed current issues and legislation. He had acted as chairman of this group ever since the death of Congressman J. Arthur Younger.

His death is a real loss; a personal loss to me. But, of course, when the House of Representatives loses a Member of his stature, it is the Nation that suffers worse than any individual.

On behalf of my wife and myself, I extend deepest sympathy to JIM's wife, Charlena, and to the members of their family. May their grief be somewhat less because of their pride in what he stood for and his example to his fellow men.

Mr. BETTS. Mr. Speaker, I served with JIM UTT on the Ways and Means Committee for over 11 years and most of that time I sat beside him. I learned to know him well and formed a deep and sincere respect for him. He was a dedicated public servant and gave his talents and resources generously to his work as a Member of Congress. He had a philosophy of government which he believed in and which was the background of every decision he made. Whether he was alone or in the majority made no difference to him. When once he made up his mind that a position was the right one, no person or circumstances ever caused him to change his mind. The quiet manner in which he expressed himself always commanded the respect of his colleagues and contributed much to the decisions which the committee made.

JIM was a great American who believed in his country and he looked upon his congressional office as an opportunity to be of service to it. He was the complete Congressman, thoroughly familiar with legislative proposals and deeply committed to helping his constituents.

He was also a devout Christian. I think it is safe to say that he never missed a breakfast of the Thursday morning prayer group when he was able. Here he was a participant and never hesitated to express his views. I am sure that in these meetings as well as in his church activities he found the courage to take positions which he felt were right.

If one were to sum up his life in words, it could be said that he was a Christian gentleman and a public servant in the finest sense of these words.

In addition to these great qualities, he was my friend and I am proud to believe that I was his friend too. This means more than just being a colleague or a fellow member of a committee. It means that I had admiration and affection for him. And it also means that I will miss him very much along with his family, his country, and his church.

Mr. JOHNSON of California. Mr. Speaker, when I first came to Congress in January 1959, I became acquainted with JIMMY UTT, who in a few years had already established himself as a major force in the bipartisan delegation to Congress from the State of California.

Although we were on different sides of the aisle and often followed different political philosophies, JIMMY and I became very good friends and I have a great deal of admiration for the manner in which he served his people. He was dedicated to one sole responsibility, to represent the people of the 35th Congressional District.

He was a man who consistently did his homework, whose ability and authority was respected and admired by his colleagues in the House of Representatives.

The measure of this fine man is the fact that as a freshman Member he became a member of the Ways and Means Committee, which, as we all know, is normally the goal of more experienced Members. With the exception of the 84th and 85th Congresses. JIMMY served as a member of this committee, and it is my personal observation that he served with distinction.

A further measure of JIMMY's impressive record in Congress is how the people of the 35th Congressional District looked at him. Republicans and Democrats joined to give him strong majorities from his district. In most instances he captured three out of every four votes cast.

When Jimmy first ran for Congress in 1952 he made a solemn pledge, "to help protect your individual rights, to help defend your right to local government, to aid in preserving our national strength, to help place our Nation on a solid economic foundation, to speak and vote for the preservation of our constitutional government."

This was his one goal in government, and I think we all agree that Jimmy lived up to this goal each and every day he served as a Member of Congress.

Jimmy was conservative in his outlook, but certainly he was one of the most far sighted legislators I have known. Looking back over the years, I know that he recognized some time ago many of the problems we are facing today and urged this Nation to take the appropriate steps to prevent and correct such things as the soaring crime rate, the gold drain, inflation. He continuously urged us to seek an honorable peace in Vietnam and recognized that civil responsibilities must be met through State and local government, private industry and individual initiative before true civil rights will exist.

We are all going to miss Jimmy Utt—his wisdom, his leadership, but most of all we are going to miss his friendly smile, his stability, and his level mindedness.

Mrs. Johnson joins me in expressing deep and sincere sympathy to his widow, Charlena, and his family.

XUM

Mr. BOGGS. Mr. Speaker, permit me to join my colleagues on both sides of the aisle in honoring the memory of our good friend and able colleague, Congressman Jim Utt, of California.

Though Jim Utt and I were of different political parties, it was my honor to number him among by friends for 17 years and to serve with him for quite a number of those years on the Committee on Ways and Means. I knew him to be an able legislator of intelligence and insight and a human being of compassion and sensitivity.

The State of California—and indeed the United States—lost a devoted and gifted leader with the passing of Jim Utt.

Mrs. Boggs joins me in mourning the loss of a good friend and remarkable man.

Mr. SAYLOR. Mr. Speaker, few of our colleagues have so consistently and unashamedly waved the flag of the United States than did our departed colleague and friend from the Golden State of California. For some, his unabashed championship of Americanism was considered an anachronism in this day of the supersophisticated. In his speeches before the House and in appearances all over the country, Jim Utt reflected much of what the silent majority was thinking and feeling long before it became popular to recognize the great body of middle Americans as a group with which politicians should be concerned.

His comments were often dramatic, perhaps too dramatic, for he was ignored all too often. This was the price he paid to speak out on the issues which others were willing to forget. But Jim Utt knew this and was willing to suffer the indignities heaped upon him by an uncompromisingly antagonistic press because he felt it his responsibility and duty as a Congressman to exercise the freedom to speak when others were silent. Long before Vice President Agnew's name became a household word, Jim Utt was cognizant of the ideological predilections of many of the Nation's news handlers and warned us against them.

Jim Utt was my neighbor in the Rayburn House Office Building for many years; we walked the long corridors together discussing the issues of the day. While we did not see eye to eye on everything in spite of our common political party allegiance, we agreed on the dangers facing the country should our guard ever be lowered against the enemies of freedom.

Jim Utt's voice in Congress was raised for basic American patriotism and for values that many tend to forget or neglect. The citizens of Santa Ana, Orange County, Calif., have lost an effective voice in the Halls of Congress; the Nation has lost a patriot, and I have lost a friend.

Mr. HOSMER. Mr. Speaker, the passing of our colleague, the Honorable James B. Utt, was a tragic loss to the Nation, the State of California, this body, and particularly the California delegation, which has lost two of its distinguished members within a month.

Jimmy Utt was a fine Congressman and a fine friend. He served the people of his district and the Nation faithfully for 18 years. He held the respect of all his congressional colleagues for his unyielding adherence to the principles in which he believed, principles like good government, economy, protection of individual liberties, and a strong America.

You always knew where Jimmy Utt stood. He called himself a conservative, without mincing words or engaging in semantic debate. He was a quiet Congressman who spoke when he had something to say, and when he had something to say, it was worth listening to.

He was a vigilant watchdog of the taxpayers' dollars. From his positions as the second ranking minority member on the Ways and Means Committee, and a member of the Joint Committee on Internal Revenue Taxation, Jim played a forceful role in tax reform and reducing unnecessary Federal spending.

Before coming to Congress Jimmy had a varied, interesting, and rewarding career. At times during these years he was a grower of some of California's famous specialty vegetables, including avocados and asparagus, and also citrus fruit. At other times he was a businessman pursuing such varying trades as whaling and stock brokerage. I first met Jimmy when I was in high school and he was a respected member of the California Legislature representing his native Orange County. That was in 1932. Much later he took up the study of law and graduated from USC Law School in 1945. Later he both practiced law, in which profession he was highly successful and respected, and served as a California State inheritance tax appraiser.

Shortly before his death, the California Congressional Recognition Project, Inc., singled out Jimmy Utt for special commendation as an effective member of the State delegation. I include the article on the Honorable James B. Utt, Member of Congress from the 35th District of California, in the Record at the conclusion of my remarks.

Both Mrs. Hosmer and myself extend to his widow Charlena and to Jimmy's family our most profound sympathies. Their great loss and burden of grief must be lightened by the knowledge that it is shared by many thousands who knew, loved, and respected Jimmy Utt as I did.

The article referred to follows:

HON. JAMES B. UTT, 35TH DISTRICT

Congressman Utt is one of the most conservative Members of the House. He has been an insistent critic of the domestic policies of Democratic Administrations, and he has expressed forceful opposition to many liberal programs which, in his view, by further adding to the power of "big government", constitute a major threat to the freedom and liberty of the individual. A proponent of the "Liberty Amendment"—which would abolish the personal income tax and prohibit the Federal Government from engaging in activities not specifically authorized by the Constitution—he believes that certain social trends in the United States are sapping "the independence, the self-confidence and self-reliance of the individual, which have always constituted the solid foundation of liberty, justice, and good government". He believes, too, that the principal manifestations of "the sickness now sweeping America" are "the campus demonstrations, the defiance of law and order, and the destruction of property, both public and private." He recently warned that "leaders of the world-wide Communist conspiracy are too well aware of the great impetus given their plans by the destruction of moral standards, and they have taken full advantage of it with amazing, though unfortunate, success in our country."

Mr. Utt holds positions of considerable importance and influence in Congress. Second ranking Republican on the Committee on Ways and Means, he is also a member of the Joint Committee on Internal Revenue Taxation. In addition, as California's representative on the Republican Committee on Committees, he is able to exercise a significant degree of control over all minority assignments to House Committees. His influence is especially great, of course, in the case of assignments for junior members of the California Delegation. The excellent position of California Republicans in the Committee structure owes much to his efforts.

As a member of the prestigious Committee on Ways and Means, Mr. Utt is deeply involved in the consideration of many complex tax, tariff, and Social Security measures. His position on the Committee and his expertise enable him to give assistance to other members of the Delegation who wish to introduce legislation that falls within the jurisdiction of Ways and Means. Thus, Mr. Utt recently presented, for himself and Congressman Phillip Burton, a bill to repeal the limitation upon the number of children for whom Federal payments may be made under the "aid to families with dependent children" program. At the same time, he presented, for himself and Congressman Bob Wilson, a bill to remove civilian employees at naval air rework facilities and supporting personnel of the industrial naval air stations from classification under certain provisions of the 1968 Reserve and Expenditure Control Act.

The most important matter before the Committee on Ways and Means in 1969, of course, was tax reform. Mr. Utt took a strong stand against what he regarded as an irresponsible evasion of the Committee's responsibility to approach the matter of tax reform carefully and judiciously. In a major speech on August 6, he told the House:

"I am unable to share the enthusiasm of some of my colleagues over the legislation now pending . . . It has been said to be the greatest tax reform bill to come out of the Ways and Means Committee on the past 20 years. I cannot assign it that high appraisal . . . I will agree that the Committee worked diligently and has a great volume of testimony to which we paid little attention in the final analysis. There are many sections of the bill to which I can fully subscribe and others where there has been great improvement. But, even with that, there are loopholes . . . Our Committee legislated in a state of emergency because of the adamant position taken by the other body to the effect that, until a reform bill was on the floor, there would be no surtax. With six months of testimony and two months of executive sessions, we moved like a race horse in the final ten days just to get something, anything, to the floor. There were massive changes made two days before we reported the bill—and some corrections after it was reported—and we were given one day after reporting the bill to file any minority or additional views. Surely, the general public is entitled to know what is in a bill, how it affects them, and what changes can be made to relieve or ameliorate a situation so that they can communicate their views to their elected representatives."

Mr. Utt went on to review, section by section, the bill as reported and to point out its principal weaknesses. In particular, he noted his regret that the Committee had failed to consider the merits of an alternative tax system, known as "tax on value, added", which is used in the Common Market countries of Europe and most industrial nations. He expressed the view that such a system would serve not only to relieve the balance-of-payments problem, but also to equalize competition by the use of border taxes equal to the tax on value added. He told his colleagues that "this would be real tax reform and would show some progress in thinking on the part of our Committee".

Mr. Utt introduced and co-sponsored several bills during the current session. One of his bills would change postal laws to permit the sale of postage stamps at face value through private vending machine operators, expanding service and reducing Post Office Department costs by an estimated $150 million in the first year. Another of his bills would prohibit mineral leasing, and geological or geophysical surveys on the Outer Continental Shelf from Newport Beach south, in effect preventing oil drilling in that area. In addition, he sponsored legislation to amend the enforcement of the regulations imposed by the 1968 gun registration law, to establish Rancho Guajome as a National Historic Site, and to authorize a study of landslides and flood control in Los Angeles and Orange Counties. He also authored resolutions on a number of subjects, including the termination of controls over American investments abroad, provision for the resumption of trade with Rhodesia, and a prohibition on action that would place title to the ocean floor in the United Nations.

Mr. CORMAN. Mr. Speaker, I join my colleagues in expressing sorrow over the passing of our colleague, James Utt.

Jimmy Utt was a fine, decent gentleman, and one of the kindest men I ever knew. It was always a pleasure to have his friendly greeting whenever we met, for it was instinctively warm and generously given.

An unaffected, unpretentious person, one could say that Jimmy Utt was a genuinely humble man—a characteristic in very short supply in our sophisticated world. He possessed an extraordinary sense of commitment to the values he believed in. While independent of mind and possessive of the granitelike conscience, he was, above all, a kindly man and gracious in spirit.

Jimmy Utt was an expert in the complex congressional legislative process and spent 17 years of dedicated service in this House. As a highly principled legislator, he voted his conscience without regard to outside influence, and commanded the respect of his colleagues.

I was glad to be one of the Members who accompanied him to his final resting place. It seemed particularly appropriate that those of us who shared with him the same home State and those of us who served with him on the Ways and Means Committee should be there for a final goodby to this genial person.

Mrs. Corman and I extend our deepest sympathy to Mrs. Utt and the family.

Mr. ROSTENKOWSKI. Mr. Speaker, I am deeply grieved, as are all our colleagues in the House, by the untimely death of our good friend, the Honorable James B. Utt, late Congressman from the 35th District of California. He was a giant both in representing his beloved California district and in serving the best interests of his country. For 18 years he labored arduously to not only assure the continued development and prosperity of the West but also to bring economic security to all other Americans.

His work on the Ways and Means Committee has been a source of great inspiration to me as well as a wellspring of good for the country. No man that I have ever met in public life fought more vigorously for his personal convictions than did Congressman Utt; simultaneously, no man that I have ever known in public life worked more diligently at bringing to reality those beliefs. But beyond this we in this body who knew him and respected him also recognized that his passing denies us the continued privilege of working with a man whose word was his bond.

This House, which has for so long benefited by his good services and sound counsel, shall sorely miss his presence. We will not, however, soon forget either the man or his contributions.

On behalf of myself and Mrs. Rostenkowski, I would like to extend our deep felt condolences to Mrs. Utt and the entire Utt family.

Mr. SCHNEEBELI. Mr. Speaker, Jimmy Utt was a great fellow who was true to his ideals and worked hard for his objectives. Jimmy was unobtrusive and was of a rather retiring nature; however, he was the most concerned legislator and a strenuous proponent for what he felt was right. He did not mind being criticized for his position if he felt that it was to the national interest and furthered his objectives. He worked hard in behalf of his many legislative interests.

Jimmy was opposed to the trend toward centralization of Government and power at the Federal level, and with this philosophy, he was labeled a strong conservative and voted against much spending legislation which kept increasing the Federal authority and jurisdiction.

Jim spoke little of his private life and was generally objective in all of his conversations and discussions. You knew where Jim stood on legislative matters and he was a most reliable source of information in the matters that came before our committee. He made an extensive study of committee work and the members looked to him for his usual exercise of good judgment in the solution to some of the difficult problems. As a ranking member of the Ways and Means Committee, he was highly respected and for good reason. We shall miss Jim's solid advice and genial nature, and our Nation has lost a good advocate and exponent for less centralization of Federal power.

Jim was greatly admired by Members on both sides of the aisle for the steadfast devotion to his purpose. Many of the Democrat Members from California, his native State, were particularly profuse in their praise and admiration when I spoke with them about Jim. "He was a good man" was a frequently used phrase by most all the Members in their appraisal of his work and accomplishments. He was even-tempered and did not try to overwhelm anyone with any extreme viewpoints. He knew what he wanted and what he felt was good for this Nation—and "he stuck to his guns."

Jim has left us with a feeling of warm admiration and respect. Mrs. Schneebeli joins me in extending heartfelt sympathy to his fine family.

Mr. QUILLEN. Mr. Speaker, with the untimely passing of one of our most beloved colleagues—the late James B. Utt of California—his State and the Nation have lost a great man and statesman.

It is with deepest regret and a saddened heart that I join you today—we have all lost a good and loyal friend and colleague. His sudden and untimely death has left a deep void in our ranks.

James B. Utt was truly a great American. He was my friend and I was his. Jim Utt was a foe of communism and he will long be remembered for his constant and untiring efforts to defend our Constitution at every opportunity.

I feel that an article in Washington's morning newspaper after his passing truly exemplifies his character and way of life. The news story, which concerned his death, said he was a softspoken man who rarely engaged in arguments on the floor of the House. His presence was nonetheless recognized because he was second-ranking Republican on the powerful House Ways and Means Committee.

Jim Utt was a pronounced conservative. Once in a speech he outlined his political philosophy. Two paragraphs of his speech are contained in the news story I have mentioned above and I would like to quote these:

> As in a baseball game, someone has to play in right field and someone has to play in left field. I have chosen to play right field.
>
> The time has come when every American citizen must choose to live under the American Flag or the United Nations flag. They are incompatible and cannot coexist. I choose the American Flag.

Mrs. Quillen and I join in extending our deepest sympathies to his wife, Charlena, and their son, James.

Mr. BOB WILSON. Mr. Speaker, as we meet to say goodby to an old friend, it is most difficult for me to say what is in my heart.

Jimmy Utt and I came to Congress together in 1953. He was then the same age as I am now; yet, despite our age difference we felt a bond of friendship as close as most brothers do.

He was a gentleman and a gentle man. He believed fiercely in the fundamentals of his faith and of his country yet he was not so much a fighter as a solid Rock of Gibraltar that could withstand any storm or attack.

Jim Utt was a gentle, kind, considerate human being who listened quietly to problems and resolved them quickly, without handwringing or wailing, yet with thoughtful consideration of his decision.

Jimmy Utt did not hesitate to stand alone if necessary for the things in which he believed. And so often his minority position proved to be the right one in the long run. He put patriotism above politics and principle above expediency.

I remember Jimmy once telling me:

> Before every vote on every resolution let your knowledge never override wisdom, love, ethics, and sincerity.

We shall miss him. I join in extending condolences on this his birthday to his wife Charlena and son Jim, and his lovely grandchildren as well.

Mr. MILLER of Ohio. Mr. Speaker, I join my friends and colleagues in their expression of sorrow over the passing of Jimmy Utt.

It seems strange and unreal to be joining Jimmy's devoted friends and colleagues in paying respect to his memory and expressing our sympathy to his family. Though God in His wisdom has called him to a higher purpose and physically Jimmy is not with us, somehow he has never left this Chamber and this House of Representatives which he loved and served so well.

Jimmy Utt was a deeply conscientious legislator. He was a student of the legislative process who enjoyed his work. He was a statesman first and a politician second. He consistently voted the way his conscience and intellect dictated. He maintained an expert knowledge of the complex legislative problems facing his committee, and his judgment and reasoning were respected by all.

Jimmy Utt was a good man, fine and decent. He had a bright and wholesome outlook on life. He greeted everyone with a friendly smile and pleasant salutation. We are poorer for the loss of Jimmy, but we are richer because we knew him.

He served his Nation well.

He was my good friend.

I shall miss him.

Mr. GROSS. Mr. Speaker, the death of the Honorable James B. Utt has removed from Congress one of its most valuable Members.

Jimmy, as he was known to all of us who enjoyed his friendship, was small in stature but he was one of the hardest fighting, courageous, and capable Members of either the House or Senate. He was at one and the same time a conservative Republican, unyielding in his support of and loyalty to the Constitution and the Republic.

I am sure that it was his hard work and dedication that brought on his first heart attack and ultimately hastened his death.

In the passing of Jimmy Utt, the 35th District of California, the State of California and the Nation has lost a great public servant. And I have lost a friend.

Mrs. Gross joins me in extending deepest sympathy to Mrs. Utt and other members of the family.

Mr. FUQUA. Mr. Speaker, the passing of Congressman James B. Utt of California leaves us with deep sadness.

Mr. Utt was an individualist who had strong convictions. In the nine Congresses in which he was permitted to serve, he articulated those principles in which he believed and became a national figure with his forthrightness.

This native son of California enjoyed his work in the Congress. I personally enjoyed the occasions when we had the opportunity to visit. I particularly remember when I first came to Congress in 1963, he was one of the first Members to welcome me. He was an active participant in the congressional prayer breakfast group and enjoyed his association with all his fellow Members.

A graduate of the University of California Law School, he was engaged in citrus and agriculture most of his lifetime while practicing law at Santa Ana. He served his State for 4 years as an assemblyman.

Let me particularly express my condolances to his wife and family. I know they find solace in the knowledge that here was a man who lived a good and full life and that he will be missed in our ranks.

Mr. CLANCY. Mr. Speaker, I rise today to join with my colleagues in expressing deep sorrow over the loss of James B. Utt, a sincere, dedicated American and our friend.

Jimmy was a highly respected statesman and an effective, conscientious legislator. His expert knowledge of complex legislative issues enabled him to valiantly fight for the principles in which he believed. Jimmy was truly a good man in the true sense of the word. His outlook toward others and on life in general was bright and wholesome. Both his friendship and his presence in these Chambers will be sorely missed.

I know, Mr. Speaker, that each one of us here today joins in expressing deepest sympathy to his beloved wife and family.

Mr. HALEY. Mr. Speaker, I rise today to join in paying tribute to one of the most outstanding conservatives to serve as a Member of the House of Representatives, our departed colleague, the Honorable James B. Utt.

From his election to represent California's 37th District in the 83d Congress, his people had continued to return him to the House of Representatives in successive elections. Certainly this long tenure is a good measure of the effectiveness of an able legislator and shows his people's awareness of his courageous fight against the Communist influences in our country.

He was firm in his convictions and dedicated in his belief in our constitutional form of government. He expressed himself well in conveying his convictions and his dedication.

It is a tragedy to lose a man of such high caliber. We mourn his passing. The people of his home State will find it difficult to fill the seat he had held here so long.

Mrs. Haley and I extend to Mrs. Utt and their family our deepest sympathy and kindest thoughts.

Mr. MATSUNAGA. Mr. Speaker, the Nation and the House have sorrowed in the loss of our colleague, Congressman James B. Utt, and I wish to join with members of the California delegation and others in paying tribute to his memory.

Jim Utt's service during his nine terms as Congressman from the 35th District of California was indeed outstanding. He was deeply conscious of his responsibilities as a Member of this august body, and his political convictions and commitments were genuine and sincere. His courage and unquestionable integrity commanded the respect of all who knew him.

Jim was unsparing of himself in his work as the second-ranking minority member of the powerful Ways and Means Committee, and, without pretense or fanfare, he accomplished much for the good of the Nation both in committee and in this Chamber.

As a friend I found Jim to be a real gentleman—he was friendly, courteous, polite, and softspoken. He will be greatly missed by his colleagues from both political persuasions.

To Mrs. Utt and other members of his family I extend this expression of deepest sympathy in their, and the Nation's, great loss.

Mr. ROONEY of New York. Mr. Speaker, I join with my colleagues in tribute to the late Honorable James B. Utt who for 18 years represented the people of California's 35th Congressional District. Many times I found myself on a completely different side of the fence than Jim Utt but no one could ever challenge his sincerity and honesty. He was a man deeply concerned for his country and the people of his State, and he served both well. To his wife and son I extend my deepest sympathy.

Mr. BOB WILSON. Mr. Speaker, today as we take time out to honor one of our departed Members, Jimmy Utt, I wish to bring to my colleagues' attention two articles that tell so much about the human side of Jimmy Utt. His yearning for the simple life, his compassion toward others less fortunate, and his zest for living will always be remembered. The following front page editorial and article from the Anaheim Bulletin elaborate on Jimmy's warm and gentle ways:

James B. Utt—Trustworthy

Congressman James B. Utt was not a person that you had to know personally in order to respect. His reputation for honor towered above the partisan plane. Even his political enemies trusted him. There never was any doubt where "Jimmy" stood or would stand. His death Sunday, by a heart attack, leaves a blank spot on the horizon.

Mr. Utt held public office for 18 years. In that period he made five definite impressions.

First was the faithfulness with which he conducted his office. A successful businessman, he ran his office as a business should be run. You got an answer, a prompt one, when you wrote to Congressman Utt. Further, he rigorously refrained from enlarging his authority. To him, a representative was an agent; his constituency was the principal. And the former had no latitude to go beyond the authority possessed by the latter.

Second was his fairness. If the facts were on your side, you could rely that James B. Utt would be there also. If not, he would tell you.

Third was his grasp of principle. In this respect, Mr. Utt was not precisely a purist, in the sense of following a theory out the window. He was not a remaker of the world. He impressed us as retaining a bit of skepticism on the capacity of man to reason constructively very far. Yet he took his position on the basis of what is right and what is wrong, instead of any temporary benefit that might accrue. No amount of ridicule could divert him from the truth, once he fastened upon it. His assessment as to where the truth lay characteristically withstood the test of time and thrust opprubium back on the source whence it came.

Fourth was his practicality. Mr. Utt was not a politician in the common sense of the word. He retained the confidence of his constituents not from juggling their interest, but rather from the developed ability to explain to them what their true interest is. He had a remarkable talent for talking sense. He spoke the great common language of the market-place; he enlivened it with a vision of what America should be; like the good businessmen he was, he "sold" his program; he helped to shape the thought of Orange County. In that respect he was an educator.

Fifth, Mr. Utt was not ashamed of the Gospel of Jesus Christ, nor the fact that the United States of America were founded by people of Christian conviction. Just as you can respect the Jew who is true to the teaching of Moses, or the devout Moslem, so Mr. Utt offered a frankly Christian testimony.

Mr. Utt leaves a patriotic legacy. To the older generation 18 years of faithful service. To the younger generation, a pattern—faithful, fair, principled, practical, devout. He was a humble, strong, godly servant of the country. We salute his example.

HUMANITY OF JAMES UTT TOLD BY INDUSTRIALIST

(By John Steinbacher)

Rep. James Utt, R-Santa Ana, who died Sunday, had a dream that can never be fulfilled—to retire and live among the people he loved dearly in Alamos, Sonora, Mexico.

The often caustic world of politics, with its rough and tumble sparring for power, never changed a basically warm and humble human being, whose biggest thrill was "adopting" a whole series of less fortunate human beings and helping to make their lives a little easier.

That was the description of James Utt, the man, from one who knew him intimately for many years.

Ed Buster, Orange County industrialist, knew the real James Utt, the man who could sit in a cave and talk with his friends, the primitive Tahaumara Indians, or stand before the famous of the world as an equal.

Utt loved Mexico, and, being especially fluent in the Spanish language, he thought of that country as his second home.

RANCHES IN SONORA

In fact, he owned two small ranches in Sonora, where he continued experiments in agriculture first started by his father some 30 years ago, growing everything from oranges to giant sized grapefruit.

Everyone in Alamos knew him—and they remembered him in death with a collection sent to Orange County for the Heart Fund.

Buster said that one question was on everyone's lips whenever he went to Alamos without his friend.

That question was: "How's Jimmy?" To them he was just plain "Jimmy," not the political figure in the distant city at Washington, D.C.

Taxicab drivers, storekeepers, cobblers, the local Padre—they all knew James Utt—and many of them knew his generosity in a very personal way.

Buster, who flies his own plane, said that Utt's favorite food was barbecued doves which he shot himself in the rolling fields around his Mexican ranch.

"He was a good cook," said Buster, "and just loved those doves, barbecued with a Mexican sauce of doubtful ancestry."

FRIEND TO POOR

Utt was generous "to a fault," said Buster, "and we never went down there without taking along food and clothes for the poor of the town."

Most of all, he loved to take down a shoebox full of seeds—for vegetable seeds appeared to be in short supply most of the time.

With those seeds, literally hundreds of poor people were able to raise their own gardens.

"Jimmy had a great sense of humor," Buster said, "and he just loved to fly."

Buster recounted with emotion the times when they would fly in his small plane over the tossing waves, "just 50 feet over the water," with birds scattering before the whirling propeller.

"Then he was happiest," he said, "and he carried on like a kid."

"Mexico was a place to escape to," he said, "where Jimmy could get away from the world of politics and all that. He always planned to retire there but of course that's a dream that won't come true."

Utt was a man of the outdoors, a man of simplicity and ruggedness that belied his rather frail appearance, Buster said.

He loved to surf and skin dive on lonely beaches far from the crowded city streets and the cacophony of Washington's political scene.

Walter Knott remembers James Utt too and he talked about his friend on Monday.

"He wasn't a pretentious man at all," said Knott. "He always liked the simple things."

"His father," he added, "subdivided the Lemon Heights area of Orange County and the congressman was always interested in agriculture."

James Utt more than any other man, symbolized Orange County to the people of this nation.

Elected nine times to office, he spent a total of 17 years on the hill, and it is typical of him that he left instructions that no memorial services should be held for him at the capitol in the event of his death.

He didn't want the business of government suspended in his memory.

But Orange Countians will remember him on 'Wednesday at 2:30 p.m., when his funeral services will attract the obscure and the famous alike to the huge Garden Grove Community Church. His body is slated to arrive in the County Wednesday morning by military air transport.

Government was the business that Utt was concerned about for most of his adult life.

First elected to the California Assembly in 1932, he served for four years in that capacity and then held the position of Tax Appraiser in the State Controller's office for 16 years.

He was the first freshman congressman in many years to gain an appointment to the tax writing Ways and Means Committee. However, he was forced to relinquish that post in 1954 through opposition party gains.

Utt temporarily served on the Interior and Insular Affairs Committee, and by 1959, he had gained enough seniority to regain his old Ways and Means Committee post where he eventually became the second ranking Republican.

He also served on the Joint Committee on Internal Revenue Taxation and represented the California Republican delegation on the Committee on Committees, assigning Congressmen to standing committees of the house.

A former practicing attorney in Santa Ana, he belonged to the Lions Club; the Elks Club; the Izaak Walton League the Knights of Pythias; the Orange County Farm Bureau; the Orange County Shrine Club and Rotary.

Typically, Utt's last three legislative measures were all designed to aid young people, as was his last message to the district he served.

On Feb. 24 he introduced HR 16150 to aid school districts by providing payments in lieu of real property taxes on property owned by the federal government.

In another action, he joined in introducing a new title to the educational code and the creation of a new congressional select committee. The first would allow instruction in the area of morals and the second would investigate the extent of the pornography traffic aimed at young people.

On the Sunday before his death, Utt spoke by telephone to an estimated 10,000 young people attending a day-long event in Costa Mesa dealing with drugs and drug problems presented by the police department.

"He was a simple man in the best meaning of that term," said Buster, "a man you could count on."

Mr. BUSH. Mr. Speaker, the thing about Jim Utt was his decency—his plain common decency. It showed in so many ways.

He could disagree agreeably.

He could make a point and do it in such a way that those who disagreed respected him.

I loved to listen to Jim Utt in our executive sessions of Ways and Means. He had great respect for our Chairman Wilbur Mills, and I think Jimmy knew that Mr. Mills respected him.

More than once he would say quietly to one or the other of us, I just cannot go along with this. He would seek recognition and then he would express his conviction or his concern to the committee. He would make his point very clearly and forcefully, but always with a courteous regard for the feelings of others.

People liked Jim Utt. They liked him because he was a kind guy. He cared about others.

He had a twinkle and a sense of humor that made you feel good.

He was sick a few months ago and when he came back to this House that he loved, it was fun to watch the Members greeting this man that they cared about. There was so much affection there.

Sometimes Jim stood alone on an issue, but he never stood alone really, for he had the respect and affection of every Member of Congress that knew him.

We will miss this fine man—we will miss his warmth, his courtesy, his conviction; but most of all we will miss his common decency.

Mr. TALCOTT. Mr. Speaker, it is difficult for me to eulogize a friend—an intimate friend—who was also a colleague and valued associate.

Jimmie Utt was an able Congressman—committed to his high principles, dedicated to the betterment of our beloved Nation, proud of our Nation's history and achievements, fiercely protective of the rights, freedoms, and liberties of the individual citizen, compassionate in his dealings with his constituents, concerned with the taxpayer as well as the taxuser.

Jim Utt held to his views. He had the courage of his convictions which I highly respected. Although he was a sincere advocate of his beliefs, he never imposed his views upon others. This thoughtfulness won him many cohorts as well as friends.

America, the State of California, the 35th District, the Congress and the citizens of our Nation have lost a devoted servant and a valued friend. His many contributions, his example, and his character will live long. I grieve that he died so young, but I rejoice that he lived so long and so splendidly. I am grateful that I was privileged to know him for awhile.

Mrs. Talcott and I extend our condolences to Charlena and his son, Jim.

Mr. MILLS. Mr. Speaker, on Sunday of last week the House suffered the loss of a very able and devoted public servant and an exceedingly fine gentleman, our dear friend and colleague, the Honorable JAMES B. UTT, of Tustin, Calif.

JIM UTT was the second ranking minority member of the Committee on Ways and Means, having first served on this committee in 1953 and 1954, and continuously from 1959 until his death on March 1. While JIM UTT was well known for his soft-spoken aproach, there was never any doubt about his effectiveness in shaping the important legislation that emerged from the committee during his long and distinguished tenure of service on it. JIM's extensive experience in the difficult and technical areas of the committee's legislative jurisdiction, encompassing as it does the Internal Revenue Code, the Tariff Schedules of the United States and the Social Security Act, has been an invaluable asset to the committee, and we shall certainly miss his keen insight and sound judgment in these matters.

As a ranking member of the Committee on Ways and Means, JIM was also a member of the Joint Committee on Internal Revenue Taxation. Needless to say, he served that committee in the same dedicated and effective manner that he served the Committee on Ways and Means.

This House will also miss JIM UTT, Mr. Speaker. Because of his sincere and strongly held conservative convictions, JIM often found himself on the unpopular side of issues that arose in this Chamber, but that did not deter him from taking his quiet, gentlemanly stand for what he thought was right. As a result, JIM UTT was highly respected on both sides of the aisle and was undoubtedly one of the most personally well liked men in this body.

Mr. Speaker, we are profoundly sorrowful at JIM's passing. We shall all miss him, and our heartfelt sympathy is with Mrs. Utt and the family at this sad time.

Mr. Speaker, a number of members of the Committee on Ways and Means were among the delegation of Congressmen attending JIM's funeral March 4 in Tustin, Calif., and the committee has officially expressed its deep sorrow in a resoution adopted on Monday, March 2. This resolution is included in the RECORD following my remarks:

RESOLUTION

Whereas, the Honorable James Boyd Utt of Tustin, California, Representative of the Thirty-fifth Congressional District of the State of California, served as a Member of the United States House of Representatives with great distinction continuously from January, 1953, and as a Member of the House Committee on Ways and Means in 1953 and 1954 and continuously since January 19, 1959, and as second ranking Minority Member of said Committee on Ways and Means continuously since January 3, 1969; and

Whereas, the Honorable James Boyd Utt rendered to his Congressional District, his State, and his Nation throughout his tenure the highest degree of service; and

Whereas, the Honorable James Boyd Utt carried out his duties and responsibilities to the citizens of his Congressional District, the State of California, and the Nation with statesmanship, courage, and integrity; and

Whereas, the Honorable James Boyd Utt possessed not only those qualities of statesmanship which enabled him to be an outstanding leader, but also possessed those personal qualities which are admired, respected, and esteemed by all his friends and colleagues;

Now, be it therefore resolved by the Membership of the House Committee on Ways and Means assembled that said Committee Membership express its profound sorrow over the untimely passing of their beloved and admired colleague on March 1, 1970, and that the Committee on Ways and Means when it adjourns today adjourn in reverence to his memory; and

Be it further resolved by the Membership of the House Committee on Ways and Means that a copy of this Resolution be transmitted to the surviving family of our late distinguished colleague, the Honorable James Boyd Utt of Tustin, California.

Approved and adopted this 2d day of March, 1970, by the unanimous vote of the entire Membership of the Committee on Ways and Means, House of Representatives.

Attest:

WILBUR D. MILLS,
Chairman.
JOHN W. BYRNES,
Ranking Minority Member.

Mr. CEDERBERG. Mr. Speaker, it is with a sense of sadness I join my colleagues today in paying tribute to our late colleague, the Honorable JAMES UTT.

JIM, known to many of us as "Mr. Conservative," was a soft-spoken man who was always willing to help a fellow Member. We worked together since 1953 when we were both freshman Members. He was not only one of the kindest men I ever knew, but he was an intellectual giant and a scholar of the highest order.

I am pleased to have the opportunity to join with this body in paying respect to his memory.

JAMES UTT was fortunate to have lived a full, useful, and long life. He was an outstanding Member of this body and we shall miss this great American.

Mr. LANGEN. Mr. Speaker, I have known JAMES UTT for many years. I have benefited by his counsel and have been energized by his faithfulness. He was a man for whom I had the deepest respect and sincerest admiration. I miss him very much. The House of Representatives has lost one of its ablest Members.

The treasured qualities of sincerity, integrity, and energy were the very characteristics embodied in the Congressman from California. His example was a goal for all young Members of this body, and his dedication remained a goal for others. His enthusiastic reverence for God and his country is an example to all men everywhere.

I am indebted to JIMMY UTT for his contribution to my career and to my country. His memory will not soon fade from my memory. I cannot place a value on his presence here.

JAMES UTT's soft-spoken approach belied the fire of determination for which he became so well known. He zealously defended the ideas and principles upon which this Nation was built. His faith in God was complete. He practiced his faith diligently. He was uniquely honest, straightforward, and unbiased.

Lillian and I express our deep sympathy to his wife, Charlena, and his fine children. We treasure the life of Congressman UTT and regret his death. I am grateful to him for his effect on those he met during his 71 years and wish only that more people could have had the opportunity to share the inspiration he gave to me.

Mr. HALL. Mr. Speaker, many outstanding individuals have found their way into the Chambers of the House of Representatives in the almost 200 years since the birth of this Nation. Few, if any, have earned more respect, and been the recipient of more friendship than the Representative from the 35th Congressional District of California, JAMES B. UTT.

Although imbuded with the strong conservative principles of government that guided his legislative life, JIMMY was respected by liberals with whom he amicably disagreed as well as those who shared his philosophy. He was always firm, quiet, certain in his convictions, charming, kind, and gracious.

His quiet, even-tempered approach to the political problems of the day, found him an "oasis" when the debate became overheated. His kindness to newcomer Representatives of the people will never be forgotten.

His dedication to the Christian ideals which helped build this Republic were admired as was his dedication to the preservation of our constitutional liberties.

JIMMY UTT is gone, but will never be forgotten. I join with the other Members of this body in extending to his wife and children our heartfelt regrets. They have lost a husband and father. We have lost a friend, the Nation has lost a dedicated son, and statesman.

Mr. BURTON of California. Mr. Speaker, I join with my colleagues in expressing my most sincere and heartfelt sympathy to the family of our late distinguished colleague and my fellow Californian, JAMES UTT.

JAMES UTT served the people of his district with integrity. He was a warm human being. He understood the legislative process and he appreciated the role and the necessity of differing opinions in this great deliberative body.

It is a little known fact, but one to which I can personally attest, that JAMES UTT, as a minority member of the House Ways and Means Committee, played a key role in the successful effort to repeal the welfare freeze and thus improved the lot of the Nation's most needy children and families.

JAMES UTT was a man of principle. He served ably and he will be missed by all who served with him.

Mr. DERWINSKI. Mr. Speaker, I join my colleagues in expressing my regret over the sudden passing of our colleague the late Honorable James B. Utt, of California.

Jimmy Utt was an outstanding Member of the House who was respected by all who served with him for his personal integrity, strength of his political convictions, and the dedication with which he served.

We will miss Jimmy not only as a friend but as a strong, reliable, colleague whose counsel was most helpful and who was an inspiration to those of us who worked with him on legislative activities.

Mrs. Derwinski joins me in extending our deepest sympathy to Mrs. Utt and his family.

Mrs. MAY. Mr. Speaker, I wish to join with my colleagues in expressing my own deep sorrow over the passing of the Honorable James B. Utt, and in extending my heartfelt sympathy to Mrs. Utt, to their son, and to their grandchildren.

Jim will be long remembered and sorely missed. Indeed, the Halls of Congress are somehow lonelier and emptier without his courage, his fierce independence, his warm friendliness. I miss him. Yet, I shall always be glad that I had the opportunity to know him and to work with him. Jim was, in every way, a deeply conscientious, hard- working Member of Congress and a most wonderful human being.

Mr. CLEVELAND. Mr. Speaker, it is with real regret that I express regret on the passing of a good friend and a great public servant, Jimmy Utt.

During my 8 years in Congress, I have been concerned by the tendency of many sophisticated critics of America to deride patriotism as old-fashioned. Even beyond that, we have seen the glorification of those who would tear down America and those who complain that America is always wrong. Against this trend, Jimmy Utt stood firm and strong, always willing to declare his love of America, and his opposition to those who would destroy it. He was ready to stand up and be counted as an American, and proud of it.

In a decade when there was discussion in the news media as to whether God was dead, or out of date, Jimmy Utt's devout Christianity was refreshing and welcome. To his everlasting credit, he was as committed to his religious beliefs as he was to his country and the cause of good government.

Jimmy Utt's passing is all the more untimely because we as a Nation are just now waking up and realizing the soundness of many of his warnings. Those who warned with dismay of the developments in the 1960's are now being listened to and indeed heeded. It is a tribute to the strength of Jimmy Utt's character that he stood by his principles in the really tough times, almost alone—unheeded and even scorned, often by those who should have known better.

One of Jimmy's many enduring characteristics was his Christian friendliness. He bore no ill will toward those with whom he was in disagreement. As some of their mistakes unfold, I am sure he is smiling in a friendly way, and if he were here he would be helpful.

Mr. SISK. Mr. Speaker, I wish to join with my colleagues in their expressions regarding our good friend, Jimmy Utt. This body has lost a very able Member and certainly the country has lost a dedicated American. Jimmy was one of the most friendly people it has ever been my opportunity to meet. I well recall my arrival here as a freshman and his kindnesses to me. I realize that in many areas we had different opinions on political matters but I at all times admired his sincerity and honesty in fighting for the things he believed in very deeply. He represented his district and State in an outstanding manner and certainly his services will be greatly missed by our great State.

It was my privilege on several occasions to join Jim Utt in trips where we traveled together and he was one of the most pleasant and inspiring traveling companions I have ever had the opportunity to be with.

All of us here in the House will miss his smiling face and at this time on behalf of my wife, Reta, and myself, I wish to extend our deepest sympathy to Charlena and the balance of his family.

Mr. FISHER. Mr. Speaker, the death of Jimmy Utt came as a terrific blow to all who knew him. His friends in and out of the Congress were, in a manner of speaking, limited only by the number of people who knew him. He was a man of the highest integrity, a true patriot who always thought and acted in terms of what was best for the country. I have never known a more dedicated Member of this body.

I regarded Jimmy as a personal friend. Less than a week before he passed away it was my pleasure to talk with him at some length. At that time he was cheerful and optimistic, reflecting his faith in the capacity of the people to steer the ship of state in the right direction.

The loss of Jimmy Utt is a loss for the entire Nation. It will not be easy to replace him, certainly not with one so experienced and capable.

I extend to Mrs. Utt and the entire family my heartfelt condolences in their bereavement.

GENERAL LEAVE TO EXTEND

Mr. MAILLIARD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the life, character, and public service of the late Honorable James B. Utt.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

TRI-STATE YOUTH FOR CHRIST'S FAITH FESTIVAL

The SPEAKER pro tempore (Mr. Matsunaga). Under a previous order of the House, the gentleman from Indiana (Mr. Zion) is recognized for 60 minutes.

Mr. ZION. Mr. Speaker, I want to call attention to a most wholesome activity that will be occurring in my district on March 27–28. It is the "Tri-State Youth for Christ's Faith Festival" and it will be held in Evansville, Ind. As the "Tri-State" encompasses southern Indiana, southeastern Illinois, and northwestern Kentucky, the Governors of these three States have joined together to proclaim the week of March 22 to March 29, "Tri-State Youth for Christ Week."

At a time when much notoriety follows the antics of a few frenzied youths who are fighting established principles of conduct, it is singularly refreshing to eulogize the well-oriented and well-motivated youngsters who reflect the true spiritual and political strength of our great Nation.

The resolution follows:

Resolution

Whereas, Tri-State Youth for Christ, Incorporated of Evansville, Indiana is affiliated with Youth for Christ, International; and

Whereas, Youth for Christ Organizations seek to communicate Christianity in a contemporary manner to today's youth; and

Whereas, This objective is accomplished by the holding of weekly sessions for young people to provide leadership training and an opportunity for the involvement of young people in Christianity objectives; and

Whereas, Tri-State Youth for Christ, Incorporated, in furtherance of this objective, is sponsoring a Faith Festival on March 27 and 28 at Roberts Municipal Stadium in Evansville; and

Whereas, The objective of this Festival is the mobilization of teenage youths from the States of Indiana, Illinois, and Kentucky and college-age youths from across America through the medium of contemporary music; and

Whereas, The purpose of such mobilization is to introduce young people to a Christ who is as contemporary as the music of today; and

Whereas, This Faith Festival will be attended by national entertainment personalities who are identified by their close relationships to young people; and

Whereas, This Faith Festival, its music, and its participants have as an objective the bringing to the "Now" generation something of value for which this generation has been searching;

Now therefore be it resolved and proclaimed by the undersigned, being the governors of their respective States; that, The week of March 22 to March 29, 1970 is hereby designated "Tri-State Youths for Christ Week."

Edgar D. Whitcomb,
Governor of Indiana.
Richard B. Ogilvie,
Governor of Illinois.
Louie B. Nunn,
Governor of Kentucky.

Mr. SHIPLEY. Mr. Speaker, Congressman Roger Zion, of Indiana, has brought to my attention the forthcoming Faith Festival to be held in Evansville, Ind., on March 27 and 28.

In honor of this event, I would like to include in the Record the following article describing the Faith Festival:

[From Changing World, Feb. 21, 1970]

Faith Festival

(By Charles H. Davis, managing editor)

They're the "Now Generation," but if you're visualizing disheveled hair and dirty hands, dope and dirty minds—don't jump to conclusions.

They're planning a "festival" that could attract many thousands of youngsters from many sections of the nation for a weekend in Evansville—but before you start writing protest letters, look again.

"They" are Youth for Christ, and while the idea for their festival admittedly evolved from the "rock festivals" sweeping the nation, it will be a different kind of event: It will be a "Faith Festival."

And, says George Dooms, director of host organization Tri-State Youth for Christ, most of the young people expected to invade Evansville on the Friday and Saturday before Easter "will be the highest type of youngsters you can find anywhere."

The Faith Festival will be held March 27-28 in Roberts Stadium.

"We just don't know how many to expect," Dooms admits. "We'll be happy if we can just fill the stadium's 13,000 seats."

But he also admits that the fame of many of the speakers and singers being invited to participate in the festival might well attract 25,000, 50,000 or even 100,000 persons.

"After all, the 'rock festivals' are attracting huge crowds; we believe there are more youngsters looking for what we have than are looking for the dirt and dope of the rock festivals," Dooms declares.

He adds:

"This is, after all, what the Youth for Christ movement is—an attempt to give the 'Now Generation' what it's searching for—something worthwhile; a reason for being.

"Because that's what is behind the restless rootlessness of today's youth: They're looking for something; many of them don't even know what it is. We know what it is; we have it."

And so, Tri-State Youth for Christ headquarters on U.S. 41 North is bustling with activity as the organization prepares for a "happening" that it expects to completely overshadow its "Youth for Christ" march last Easter when more than a thousand youngsters staged a 12-mile hike to dramatize their belief.

A staff of 15 volunteers and hundreds of youngsters are busily writing leters, stuffing envelopes, drawing posters and a hundred other jobs.

Such as preparing lists of homes in which youngsters can stay overnight if the need arises.

"We've been promised the cooperation of three of our largest hotel-motels," says Dooms, "but not knowing how many people to expect we just don't know what we'll need. We want to be prepared for any eventuality."

Finding a place for the youngsters to stay apparently won't pose a big problem "We've already had many offers from people who say they'll take care of anywhere from one to a dozen youngsters," according to Dooms.

When the Faith Festival opens at 7:27 p.m. Friday, March 27, the youngsters will find themselves in the midst of a happening that will have some of the flavor of a rock festival

"The folk atmosphere will be music groups and personalities identified with young people on a national scale," says Dooms.

"But the purpose of their music is not just to entertain but to present music that says something—something eternal," he adds.

As was the case in last year's Easter march, police will be present, but hopefully student curses and head-busting will not.

"It is of course possible that we'll attract a few characters who might want to turn the festival into something it isn't meant to be," says Dooms.

"Our plans will include means of controlling such an eventuality, in the first place, but in the second place, well, if some such youngsters do attend—they're the ones we really need to reach, aren't they?"

Mr. STUBBLEFIELD. Mr. Speaker, I wish to join some of my colleagues in calling special attention to the Tri-State Youth for Christ Festival to be held at the Roberts Stadium in Evansville, Ind., on March 27 and 28—the Friday and Saturday before Easter. In these times of dissent, protests, and general unrest, it is both refreshing and encouraging to know that some 50,000 to 100,000 persons are expected to come together for what has been described as "A different kind of 'Happening.'"

It is significant, I think, that Pat Boone and his entire family are scheduled to participate in this Faith Festival. It is my understanding that the purpose of the festival is to give the "now generation" something worthwhile; a reason for being. Surely the exemplary lives of Pat Boone and his lovely family will add an extra dimension to this purpose. My congratulations to the farsighted people of Evansville who have arranged this worthwhile and wholesome event.

Mr. GRAY. Mr. Speaker, I was thrilled to learn of the plans being made by the Tri-State Youth for Christ organization of Evansville, Ind., and my friend and colleague, Congressman ROGER ZION, for the Faith Festival being planned for the youth of Tri-State area on March 27–28, 1970.

Mr. Speaker, this is a different kind of happening. While so many of our youth are having such a willful disregard for law and order, and are getting their kicks from dope, it is indeed refreshing to see the youth of southern Illinois, Indiana, and Kentucky get together to praise and practice the good clean, rural things of life.

Mr. Speaker, these young Americans will have a good time at this festival. You can have clean fun and serve your God at the same time. My friend Pat Boone and his lovely wife, Shirely, along with their four daughters, will be in Evansville for this great rally and festival, along with other entertainers.

I want to commend our colleague (Mr. ZION) for calling this matter to our attention and wish the participants of the March 27–28 Faith Festival the greatest success for his service royale.

GENERAL LEAVE TO EXTEND

Mr. ZION. Mr. Speaker, I ask unanimous consent that all Members may have 3 legislative days in which to revise and extend their remarks on the subject of my special order today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

IMPACT AND REFORM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. QUIE) is recognized for 20 minutes.

Mr. QUIE. Mr. Speaker, I was pleased to introduce a bill, H.R. 16384, yesterday to carry out President Nixon's recommendation for reform of Public Law 874, the impact aid program.

There has been increasing criticism of this program in recent years, on the grounds that the assistance it provides to school districts does not accurately reflect the burden imposed by federally connected students. In addition, the program does not adequately assist poor districts and tends to supply funds to districts which are relatively well off. To analyze the strengths and weaknesses of the program, Congress directed that a study be made, and that study, known as the Battelle report, forms the basis for the administration's reform proposals.

The Battelle report found that, while the basic features of the impact aid program are sound, it provides substantial overpayments to many districts and thereby creates serious inequities for other districts with equally serious needs.

It is difficult to justify, for example, $6 million in impact aid payments to one of the wealthiest areas in the Nation—Montgomery County, Md.—on the grounds of a federally caused financial burden, when the primary impact of the Federal Government has been to increase this county's affluence. Under the present program educational agencies with less than 3 percent of their students federally connected usually receive no payments. Similar districts which are just barely eligible, perhaps with 3.1 percent Federal children, receive payments not just on the one-tenth of 1 percent above the eligibility minimum, but on all their Federal students—even that percentage which ineligible districts must absorb out of their own funds. Additional points of substantial concern include the extremely complex administrative regulations; the formula which does not accurately reflect economic burden; and the fact that the program places the Federal Government in some instances in the business of running its own schools rather than relying on the principle of local responsibility for public education.

The bill I introduce today is designed to deal with these problems and correct the major inequities of the program. Under its provisions:

First. The Federal Government would be obligated for its share of the costs of educating those federally connected students which a district has above the 3 percent of enrollment—the national average for federally connected pupils—or 1,000 pupils, whichever is less. In this way all districts would be paid for any unusual burden caused by Federal activity.

Second. Special negotiated payments would be provided to districts in which the Federal impact is over 50 percent of total expenditures. This provision recognizes the limitations of a single formula applied on a national basis. Negotiated payment would permit adjustment of entitlements to reflect the needs of the heavily impacted districts.

Third. Category B students—whose parents work on Federal property but live on taxable property—would be treated identically in determining both payments and eligibility. Under the present program, each B student is weighted less than a category A student—whose parents live and work on Federal property—in calculating payments, but B's are weighted equal to A's in calculating eligibility. This separate treatment is illogical, and the reduced weights for B's should also apply to eligibility criteria.

Fourth. School districts would be paid for those B students whose parents work outside the county in which the school district is located—"B-outs"—at only one-half the rate of children whose parents work in the county in which the school district is located—"B-ins". This lower rate recognizes that the Federal burden on the community is not as great in the case of B-out children, since there is no Federal property removed from the tax rolls.

Fifth. The payment rate per eligible child would be 60 percent of the national average of per pupil expenditure in the year preceding the one for which entitlements are calculated. Unlike the present law, this method does not tend to reward the wealthiest districts which can afford the highest level of per pupil expenditures and which, considering their wealth, probably have the lowest Federal burden. The payment rate has been set at 60 percent since approximately 60 percent of all educational revenues come from local sources. The formula also provides recognition for States making a greater than average effort in terms of per pupil expenditure relative to per capita personal income. To eliminate underpayments or overpayments which arise from basing entitlements on data which are 2 years old, payments would be calculated using averages for the preceding fiscal year.

Sixth. Any payments accruing to a district from Federal properties for which pupils are claimed would be deducted from that district's impact aid payments. This would eliminate the inequity of double payments.

Seventh. Federally operated schools for children of military personnel would be phased out by 1974 and turned over to the school districts in which they are located except in cases where no school district is willing or able to provide suitable free public education.

Eighth. A hardship provision would assure that no district would have its payments reduced by more than 2 percent of its total budget in the first year of the new program. This should adequately protect districts against a too sudden decrease in total revenues.

RECOGNITION OF RHODESIA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. PRICE), is recognized for 5 minutes.

Mr. PRICE of Texas. Mr. Speaker, last week the tiny country of Rhodesia proclaimed its independence from Great Britain. By so doing, it declared as a matter of law what has been true as a matter of fact since 1965; namely, that Rhodesia has come of age and is prepared to join the world community of nations on an equal footing.

Rhodesia's declaration was particularly meaningful to me because in my mind, this valiant country has endured some of the same pangs of national birth as did the United States in 1776. While it is true Rhodesia's birth process was not bloody, as ours was, the underlying principles of freedom and self-determination remain the same, nevertheless.

It is for these reasons that I view with great dismay, Secretary of State William Rogers' just announced decision to close our consulate in Salisbury, Rhodesia and to withdraw U.S. diplomatic recognition from the infant Nation.

I urge my colleagues to join with me in requesting Secretary Rogers to reconsider this decision. I realize that a large part of his actions were motivated by a legitimate desire to strengthen and maintain United States ties with Great Britain. However, before we even consider agreeing to close our consulate in Rhodesia, Great Britain should agree to close its consulate in Hanoi and stop trading with our enemies. Last year 74 ships flying the British flag carried cargo to Haiphong Harbor in North Vietnam. In addition, Great Britain continues to carry on a thriving commercial relationship with Castro's Communist Cuba.

In another vein, critics of Rhodesian domestic policy both within and without the United States have based their objections on the fact that the country is governed by a minority. My response to that specious argument is simply this. Most nations of the world are governed in precisely the same fashion. The most noteworthy example of this is, of course, the Soviet Union. In that Communist stronghold, a relatively small number of dedicated individuals control with unbridled tyranny, a nation of over 200 million people. In spite of this dismal fact, however, we maintain a full scale embassy in Moscow.

Mr. Chairman, although the United States appears perfectly content to maintain diplomatic relations with Communist Russia, we do not attempt to maintain diplomatic relations with Rhodesia. What on earth can be going through the minds of our policymakers when they want us to recognize and consort with our sworn enemies, and ignore and isolate our friends?

Finally, and perhaps most importantly, I think the decision to close our consulate in Rhodesia flies in the face of the new shape of American foreign policy in the 1970's. Since 1965, Rhodesia has, on its own initiative, acted as an independent nation. During this time, its actions have been marked by a decorum and a consistency wholly appropriate to nations of much greater standing in the world community. Moreover, Rhodesia has fully met the accepted international legal definition of statehood; it has a permanent population, a defined territory, a working government, and the capacity to enter into international relations.

Rhodesia has earned our respect and our diplomatic recognition. To ignore this fact would be tantamount to ignoring our own heritage.

EMPRISE: A LITTLE MORE OF THE ICEBERG EXPOSED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona (Mr. STEIGER) is recognized for 10 minutes.

Mr. STEIGER of Arizona. Mr. Speaker, on Wednesday, March 4, I offered to the Members a rather broad picture of a family-owned corporate entity, headquarters in Buffalo, N.Y., named Emprise.

Today I offer a list of the States and other countries in which they operate and that portion of their operations I have been able to trace:

TRACKS INVOLVING PRESENT STOCK OWNERSHIP, LOANS, DEBTOR-CREDITOR RELATIONSHIPS, AND CONCESSIONS

[Key: L-Loan; S-Stock; C-Concession or other contractual status]

Arizona:	
Amado Greyhound Park (L–$750,000).	S–½ owner.
Apache Greyhound Park	S.
Greyhound Parks of Arizona	S.
Black Canyon Dog Track	S.
Phoenix Trotting Park	S.
Tucson Turf Club	S.
Prescot Race Track	S.
Western Racing, Inc	S.
Phoenix Greyhound	S.
Western Greyhound (L)	S.
Tucson Greyhound	S.
Rillito (L–$250,000)	Foreclosed.
Arkansas:	
Southland Racing Corp	S.
West Memphis Greyhound (L)	S Control.
California:	
Bay Meadows Race Track (C)	
Tanforan Race Track (C)	
Golden Gate Race Track (C)	
Colorado:	
Rocky Mt. Quarterhorse Racing Association.	S.
Centennial (L)	S Control.
Delaware: Georgetown Race Track (L)	S (position strong).
Florida:	
Pensacola (L)	Western racing.
Seminole Race Track (C)	
Daytona (L)	½S.
Daytona Fronton	S.
Sanford (C)	
Orlando Dog Track (C)	
West Palm Beach (L)	
Bonita Springs (C)	
Dania Fronton (C)	
Sarasota Dog Track (C)	
Florida Downs (C)	
Idaho: (XX) Coeur D'Alene	S.
Illinois:	
Hawthorne (C)	
Maywood (C)	
Aurora (L)	
Cahokia Downs	S.
Fox Valley Harness Association	S.
Kentucky:	
Kentucky Raceway (L)	
Latonia (L)	S.
Miles Park Race Track	S.
Lexington (C)	
(XX) Florence Race Track	S.
Audubon Race Track (C)	
Louisiana: Jefferson Downs (L)	½ S.
Maine:	
Hancock Park (L)	
Scarborough Downs (C)	
Massachusetts: Berkshire Downs (C)	
Michigan:	
Detroit Raceway (L)	
Hazel Park Race Track (L)	One of controller stockholders along with Jack Tocco and Tony Sineli, sons of Dons of Cosa Nostra.
Northville Race Trace (C)	
Nebraska: Ak-Sar-Ben (C)	
New Hampshire: Hinsdale Raceway (L)	
New Jersey: Freehold Raceway (L)	
New Mexico: Sunland Park (L)	S.
New York:	
Batavia	Personal loan to chief stockholder and President.
Finger Lakes (L)	
Vernon Downs (L)	
Buffalo Raceway	S.
Ohio:	
River Downs (L)	S.
Thistle Downs (L)	
Cranwood (L)	
Randall Park (L)	
Toledo (L)	
Akron (L)	S control.
Ascot Park (C)	
Maumee Downs (C)	
Oregon: Portland Meadows (L)	
Pennsylvania: Pocono Downs (L)	
Rhode Island:	
Narragansett Park	S.
Lincoln Downs (C)	
South Dakota:	
Shadrack Park (C)	
Park Jefferson Race Track (C)	
Rapid City Dog Track (C)	
Sioux City Dog Track (C)	
Washington: Yakima Meadows (L)	
West Virginia:	
Shenandoah Downs (L)	Stock disposed of.
Wheeling (L)	Stock at one time.

TRACKS INVOLVING PRESENT STOCK OWNERSHIP, LOANS, DEBTOR-CREDITOR RELATIONSHIPS, AND CONCESSIONS—Continued

[Key: L-Loan; S-Stock; C-Concession or other conractual status]

FOREIGN RACE TRACKS

Canada (Operating as Dominion Sportservice):	
Fort Erie	S.
Greenwood	S.
Woodbine Race Track	S.
Connaught Park (C)	
Winnipeg (L)	
Garden City Race Track	S.
Mohawk Race Track	S.
Assiniboia Downs	S.
British Columbia Turf and Country Club Ltd	S.
Rideau-Carleton Raceway (C)	
Puerto Rico: El Commandante Race Track.	Strong stock position at one time.
England:	
Wembley Dog Track (C)	
Ascot Race Track (C)	
Doncaster Race Track (C)	
Chester Race Track (C)	
Chepstow Race Track (C)	
Nottingham Race Track (C)	
Windslor Race Track (C)	
Wye Race Track (C)	
Leicester Race Track (C)	
Folkestone Race Track (C)	
Cheltenham Race Track (C)	
Colombia: Bogota Dog Track (C)	

**Tracks not operating.

State	Beer	Liquor	Beer and Wine
Arizona		7	
Arkansas	1		
California	1	11	
Colorado	1	1	
District of Columbia	2		
Florida	1	12	
Georgia	2		
Illinois	1	8	
Indiana	1	8	
Kentucky	36	19	
Louisiana	2	2	
Maryland			1
Massachusetts		1	
Michigan	1	24	
Missouri	4	3	
Montana	1		
Nebraska	1		
New Hampshire		1	
New York	40	17	
Ohio	7	24	
Oregon	8	2	
Pennsylvania	1		
South Dakota	2	1	
Texas	4		1
Tennessee	1		
Virginia	1		5
Washington	1	1	
West Virginia	1		

Note: The following information, received from a source of known reliability in regard to all alcoholic beverage licenses held by the Sportservice Emprise Complex.

	City			County	
State	Beer and Wine	Beer	Liquor	Beer	Liquor
Arizona		2	2		
Arkansas		1			
Colorado				2	
Florida	1	2	4		
Georgia		2			
Illinois		2	2		
Kentucky		17	7	29	17
Louisiana			1		1
Missouri		2	2	2	2
New Jersey			1		
Oregon					7
Rhode Island		1			
Tennessee		3			
Texas	1	4		1	
Utah		1			
Wisconsin			6		
Village Liquor:					
Illinois	5				3
County: Beer and wine:					
Texas	1				4

GENERAL CONCESSIONS CLASSIFICATIONS

Major and minor league baseball and football parks.

Municipally and privately owned sports buildings, stadia and auditoriums.

Airports.

Running and harness race tracks.

Dog tracks.

Automobile speedways.

Indoor theatres.

Drive in theatres.

Opera houses.

Jai-alai frontons.

Turnpike, expressway and throughway restaurants and rest stops.

Subway and travel terminal operations.

Motel restaurants.

Parking lots and ramps.

Bowling centers.

Miscellaneous operations, such as horse shows, golf tournaments, parks, zoos, etc.

BREAKDOWN OF FACILITIES WITHIN OPERATIONS

Refreshment stands.

Restaurants.

Dining rooms.

Coffee shops.

Bars.

Cocktail lounges and bars.

Soda fountains.

Drugstores.

Souvenir, gift and novelty stands.

Barber shops.

Snack bars.

Public and employee cafeterias.

Race track kitchens.

Airport inflight feeding kitchens and services.

Regular, valet and preferred parking services.

Publication and sale of programs and score cards.

Bulletins and program advertising.

Automatic vending and service devices.

Mobile vending personnel and equipment.

Private dining rooms, banquet rooms, general catering and incident services.

Public locker service.

Clothing checkrooms.

Tournaments and special events mobile and canvas facilities.

CROSS SECTION OF OPERATING UNITS, MAJOR LEAGUE BASEBALL[1]

Location	Period of operation	Approximate seating capacity
Baltimore Orioles	1948 to present	50,000
Chicago White Sox	1946 to present	47,000
Cincinnati Reds	1936 to present	30,000
Cleveland Indians	1947 to present	74,000
Detroit Tigers	1928 to present	53,000
Kansas City Athletics/Royals.	1951 to present[2]	32,000
Philadelphia Phillies	1951 to present	34,000
Pittsburgh Pirates	1929 to present	35,000
St. Louis Cardinals	1948 to present	30,000
Washington Senators	1961 to present	45,000

[1] Baseball operations also include numerous triple A and other minor league parks, as well as the servicing of league preseason training locations, and exhibition baseball events.

[2] Beginning when at Philadelphia.

FOOTBALL STADIUMS

Baltimore Colts.

Buffalo Bills.

Cleveland Browns.

Detroit Lions.

Kansas City Chiefs.

Pittsburgh Steelers.

St. Louis Cardinals.

Washington Redskins.

All of Major League Professional Football fame enjoy the benefits of Sportservice concession operations, as do many college and minor league pro football organizations.

BUILDINGS, ARENAS AND STADIUMS

LOCATION AND PERIOD OF OPERATION

Chicago Stadium, 1934 to present.

St. Louis Kiel Auditorium, 1957 to present.

Cincinnati Gardens, 1949 to present.

Milwaukee Arena, 1950 to present.

Cleveland Arena, 1936 to present.

Omaha Auditorium, 1954 to present.

Providence Arena, 1939 to present.

Together with more than forty other operations in this category across the United States and in Italy and England.

The Italian operations include the Stadio Olimpico, Stadio Flaminio and the Palazzo Sport—E.U.R. in Rome, and the English operations include the sports building and the stadium at Wembley near London, having a seating capacity well in excess of 100,000, to be enlarged in the near future to 150,000.

DOG TRACKS

While this fast-growing sport is as yet not legalized in a vast majority of our States, Sportservice already operates at dog tracks in Arkansas, Florida, Montana, South Dakota and Arizona.

DRIVE-IN AND INDOOR THEATERS

The Sportservice System operates the concessions at over three hundred theaters across the United States and as far away as Rome, Italy. Its domestic activities include extensive operations in the following States:

California, Connecticut, Florida, Illinois, Indiana, Maryland, Massachusetts, Michigan, Minnesota, New Jersey, New York, Ohio, Pennsylvania, Virginia, West Virginia, Wisconsin.

BOWLING ALLEYS AND RESTAURANTS

A relatively recent field for Sportservice, it is now intensively engaged in this area on both the East and West Coasts.

Restaurant chains in New York, New Jersey, Florida, Ohio.

The associations of the Jacobs, and therefore Emprise, with identified members of the underworld has been clearly established. Let us trace one longstanding relationship that ranges over a long period of time and involves several States.

The gentleman in question is John G. Masoni of Dania, Fla., and Cleveland, Ohio.

In the 1940's Mr. Masoni was one of the owners of North Randall Park Race Track at Cleveland. During his ownership he and his associates were accused of employing persons with criminal records and hoodlum reputations to do the policing at the track. These included: Part owner Matt Nelson, an identified front man for "Mushy" Wexler, Cleveland racketeer; Tony Civite, Cleveland Police Department picture No. 35319, alias "Muscle Tony," told what bookmakers and other undesirables would be permitted on the track; Nick Satulla, Cleveland Police Department picture No. 22890. Satulla served time for blackmail. He generally assisted Civite. Tom Sansfilippo, Cleveland Police Department No. 44579, was identified by Cleveland Police Lt. Martin P. Cooney, vice squad, as "a very bad actor, a killer, and a bookmaker." Lieutenant Cooney also made the identification of Civite and Satulla.

The Cleveland Press noted considerable information relative to the manner in which the mutual payoffs at Randall Park were calculated with regard to the place and show pools.

In 1951 Josiah B. Kirby attempted to start a dog track in North Carolina, set up in Moosehead Bluffs, N.C., and Moyock, N.C. Then Kirby was returned to prison—he had served 2 years in Atlanta for violation of Federal Securities

Exchange Act—for violating a court order not to act as a securities broker. Masoni and Sam Lombardo, his partner in Randall Park, took over as owners and brought in John Boggiano of New York.

Howard Forbes, former clerk of the court in Currituck County, N.C., stated that the money to finance the Moyock track came from Joe Adonis and Frank Costello of New York La Cosa Nostra. In March of 1953, Mrs. Vito Genovese stated, in a separation hearing in Superior Court of Freehold, N.J., that her husband was a high-ranking member of the Frank Costello La Cosa Nostra family and that Genovese had financial interests in dog tracks in North Carolina.

In December 1953, John G. Masoni, Sam Lombardo, and John Boggiano bought the Palm Beach Kennel Club. Boggiano was a partner in a nightclub with one Stephen Franse, who was found beaten and strangled to death, June 19, 1953, in a gangland-style execution. The murder is still unsolved. Masoni and his partners bought a controlling interest in Jefferson Downs Race Track in 1959, by purchasing 85 percent of the Jefferson stock. Carlos Marcello has been named by a New Orleans FBI agent as a part owner of Jefferson Downs. Marcello is also a recognized La Cosa Nostra kingpin.

Masoni currently operates the Daytona Beach dog track with a loan outstanding from Emprise and at least 50 percent stock participation by Emprise.

The present president of the newly organized Emprise, within the last 4 weeks, Jeremy Jacobs, owns 45 percent of the stock in a track that is being started Coeur D'Alene, Idaho. John G. Masoni owns 45 percent and Joseph Hanson, of Idaho, owns the other 10 percent.

I bring this out because Mr. Jeremy Jacobs has stated, when confronted with old associations of Emprise and hoodlums that "that is something my Dad—now deceased—must have done and I am not familiar with it." This is a situation in which Jeremy Jacobs has involved himself with John Masoni, who, in addition to the facts recited, has been linked with Big Bill Lias at Wheeling Downs, W. Va., and Dutch Schultz, gangleader at River Downs.

THE SENIORITY SYSTEM IN THE HOUSE OF REPRESENTATIVES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. HARRINGTON) is recognized for 30 minutes.

Mr. HARRINGTON. Mr. Speaker, the absolute reliance of the House of Representatives upon the seniority system has taken its toll upon the vigor with which this body responds to the needs of modern society.

It is not an accident that our constituents no longer have faith in the capacity of Congress to solve the complex problems of modern America. The House of Representatives by its own rules and traditions has removed itself from the mainstream of American life and has blighted its chances of focusing on those national issues most relevant to Americans today.

I make these statements today, Mr. Speaker, recognizing fully the shortness of my time in this body. But as a candidate only last fall, I ran on a platform committing me to support changes in the House of Representatives. My short experience has reinforced those views. The need for reconsideration of the congressional rules and traditions is obvious if this body is to regain its rightful place of leadership beside the executive and judicial branches of our Government.

The House of Representatives is a unique legislative body.

The Founding Fathers, by providing for the election of all the Members of the House of Representatives every 2 years, sought to establish an institution which would remain closely attuned to the current aspirations and current concerns of the voting public.

In James Madison's words, it was essential that the House of Representatives should have an "immediate dependence on, and an intimate sympathy with the people."

To the degree that Congress reflected this intention, the House of Representatives has been a significant force in the Government of the Republic.

For over a century of our national life the House of Representatives played a full role in the delicately balanced scheme so wisely devised by the Constitution. And accordingly, Members of this body were giants in the land, leaders of the Government, and architects of national policy.

Such was the position of the House of Representatives that Woodrow Wilson could still remark that the Congress at the close of the 19th century was "the dominant, nay the irresistible, power of the federal system."

But today, without being disrespectful of the many able men and women of the House of Representatives, it is abundantly clear that our branch of Government no longer commands the public role nor provides the platform for dynamic leadership which characterized this legislative body for so long.

This is not because less able citizens aspire to public office.

This is not because less capable and less creative men and women serve in the Congress.

This is not because our times are any less demanding upon the talents of those who have been elected to the Congress.

It is because the system of rules and traditions called "seniority" which has grown up in the House of Representatives during the last 50 years has distorted our constitutional mission, thwarted the expression of leadership, and frustrated attempts at reform within the Congress itself.

I speak, Mr. Speaker, of rules and traditions which we ourselves have adopted, measures which are not a constitutional part of our system.

I speak of rigid applications which, contrary to the understanding of many throughout the country, are only a major part of the tradition of the House of Representatives in recent times.

I speak of an almost total reliance upon a system which names committee chairmen on the basis of the number of years which they have served on their committee.

In 1960 President John F. Kennedy proclaimed that the torch of leadership had been passed to a new generation of Americans. The late President could not have been speaking of the House of Representatives. Here, to the contrary, leadership has been restricted to a senior generation of Americans. We select men as our committee chairmen who may or may not have leadership capacity, who may or may not reflect the current views of our country, who may or may not have the confidence of their committees. We select men who have been here a long time; that is why they are committee chairmen. Yet they exercise control over our most fundamental powers, namely the initiation and consideration of legislation.

Alexander Haymeyer wrote in his book "Time for Change" that "Congress is probably alone among private or governmental bodies charged with any kind of responsibility which lets leadership depend exclusively on the accident of tenure."

I do not disparage age. I do not disparage experience. I do not disparage seniority in itself. These are valuable criteria which should be considered when we seek to fill leadership positions. But length of service or seniority should not be the sole criteria for selection.

Presidents are not selected by seniority, nor are judges, cabinet members or business executives, nor are we elected by seniority. Only committee chairmen serve by virtue—exclusive virtue—of their length of service.

Only we have institutionalized age and length of service. In the executive branch the average age of Cabinet members under President Nixon is 55, under President Johnson, it was 50. And under President Kennedy it was 48. But in Congress, the average age of committee chairmen is 70, and the average seniority of the chairmen of the House of Representatives is 28 years.

What other institution requires that its members serve for 28 years before being elevated to positions of responsibility and direction?

Can we imagine either Ford Motor Co., the University of California, or the United Auto Workers stipulating that its executives be on the payroll for 28 consecutive years before being eligible for a position of authority?

And 28 years is merely the average length of service among our chairmen. One distinguished chairman—the chairman of the powerful Rules Committee—served 35 years before being named chairman of his committee 3 years ago. In other words he was 77 years old when he began his term as an executive in Congress.

I ask you, my colleagues, to look at the record today of the length of service of chairmen now serving in the House of Representatives. I ask you to look at this record without in any way equating seniority with either ability or lack of it, but to look only at the number of years of service which characterize the chairmenships:

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The chairman of the Agriculture Committee, 34 years of service.

The chairman of the Appropriations Committee, 36 years of service.

The chairman of the Armed Services Committee, 30 years of service.

The chairman of the Banking and Currency Committee, 42 years of service.

The chairman of the District of Columbia Committee, 32 years of service.

The chairman of the Education and Labor Committee, 26 years of service.

The chairman of the Government Operations Committee, 28 years of service.

The chairman of the House Administration Committee, 18 years of service.

The chairman of the Interior and Insular Affairs Committee, 22 years of service.

The chairman of the Internal Security Committee, 10 years of service.

The chairman of the Interstate and Foreign Commerce Committee, 22 years of service.

The chairman of the Judiciary Committee, 48 years of service.

The chairman of the Merchant Marine and Fisheries Committee, 23 years of service.

The chairman of the Post Office and Civil Service Committee, 12 years of service.

The chairman of the Public Works Committee, 26 years of service.

The chairman of the Rules Committee, 38 years of service.

The chairman of the Science and Astronautics Committee, 26 years of service.

The chairman of the Standards and Official Conduct Committee, 26 years of service.

The chairman of the Veterans' Affairs Committee, 24 years of service.

The chairman of the Ways and Means Committee 32 years of service.

Longevity of service was not always the criteria in the House of Representatives. The House was, as I indicated earlier, designed to be that body of government most responsive to our national electorate, most sensitive to national changes of interest and direction, and until the 20th century that was the case.

One hundred years ago committee chairmen had served an average of 6 years in the House. Today the average committee chairman has served 28 years.

One hundred years ago the average age of Representatives was 46; today the average age is 52. Not really so great a difference, but 100 years ago the average age of a committee chairman was 49. Today he is almost 70.

Seventy years old is the average age of our leadership, while in private business the average age for retirement is 65. If retirement rules were followed by this body all but five of the present committee chairmen would be forced to retire.

This body has itself passed rules requiring civil servants to step down at age 70. If we followed the rules we have laid down for others, half the committee chairmen would have to retire.

May I repeat, longevity of service may well—and often should be—included as criteria for leadership. But not the only criteria, and obviously, by establishing this as the only criteria, the House of Representatives has denied itself relevancy to an age where half our population will this year be under 25 years. We have ourselves, through our own rules, estranged ourselves from our constituency. It is time indeed for a change.

Mr. Speaker, I intend on later occasions to devote myself to specific examples of where this system I have described this afternoon has worked to the very strong disadvantage of what America is today. When I talk about urban America, I talk about the America where 80 percent of our population lives. I intend to address myself to suggestions made not by myself alone, but by others more thoughtful and of longer service who have had this problem before them and have dealt with it. I feel it incumbent upon myself to deal with this problem and to have the House address itself to this problem, which is the reason for my remarks this afternoon.

Mr. BURKE of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. HARRINGTON. I yield to the gentleman from Massachusetts (Mr. BURKE).

Mr. BURKE of Massachusetts. Mr. Speaker, I commend the gentleman for his scholarly statement.

I would like to tell the gentleman that I exercised the same concerns the gentleman has expressed today when I was first a Member of this House. I remember during my first term how I fought against the seniority system. I thought it grossly unfair.

I looked into the future and said that it would be 20 or 25 years before I would ever be able to attain the position of chairmanship. However, the second term came and I changed my position a little bit. Then a third term came and I started to look a little bit more favorably on the seniority system. Then my fourth term came and I started to favor the seniority system. Then came my fifth and sixth terms. Now I am fourth from chairman of the House Ways and Means Committee. I would hate to see these 12 years go down the drain because some powerful group might be able to come in on my House committee and prevail on them to defeat me as chairman. The AMA would like to bring about my defeat, opposing me as the chairman of the subcommittee. I can see the great chairman of the Committee on the Judiciary, MANNY CELLER, who in my opinion is one of the greatest legislators not only today, but throughout the entire history of America— I can see men who have served in this body through the years who have had to go back to their districts and had to meet the test year after year. I recall in 1959 when I came here there were about 25 freshman Members who took the rostrum every day and opposed the seniority system. Most of them were defeated when they came up for reelection. Some of them lasted two terms.

I say to the gentleman that he and I both served in the Massachusetts Legislature. I am not going to quarrel with the gentleman here today but I am pointing out some of the evils of the system, that do not occur under the seniority rule, where a speaker of a legislative body has it in his hands to hold complete life and death over a member of the legislature as to whether he will serve on a powerful committee or as the chairman of a committee, or just what his actions will be. I do not believe that this is the type of system we should have in Congress. The seniority system does produce an independence I believe on the part of the Member of the Congress because no one can remove him from the committee unless he resigns himself. Yes, we get all types and cross sections as members of these committees as my good friend pointed out, for example, the chairman of the Committee on Banking and Currency, WRIGHT PATMAN. Why, WRIGHT PATMAN has been the greatest voice in America against the gouging of the people on interest rates. Do you not think for one moment that the banking industry in this country, the greedy ones, would not like to see the removal of WRIGHT PATMAN as chairman of that committee? Do you think he could get elected as chairman of the committee with the powerful ABA opposing him? Do you think that JIM BURKE would get elected to the House Committee on Ways and Means with the AMA and all of those other powerful groups against him? I say that we have to be a little bit realistic. There is a future for men like myself here who come in here and do not depend on the powerful tycoons of this Nation to get elected.

And, that system in my opinion is the seniority system. It is the fairest system I know of that has been devised by a legislative body.

I am sorry I disagree with my good and able friend from Massachusetts. However, I want to point out to the gentleman the fact that as the second ranking member of the Committee on Armed Services the gentleman from Massachusetts (Mr. PHILBIN) has been here since 1942. It has taken him that long to get up into that position, but he is there. I would further point out the fact that the Honorable EDWARD BOLAND is a member of the powerful Committee on Appropriations and is now chairman of a subcommittee of that committee. There is also Congressman HAROLD DONOHUE, chairman of a Subcommittee on the Judiciary. You can read the roster all the way down. Hon. THOMAS P. O'NEILL, Jr., a ranking member of Rules, Hon. SILVIO CONTE in a ranking position on the Appropriations Committee. Hon. TORBERT MACDONALD, second from chairman of the Interstate and Foreign Commerce Committee. You can go down the entire litany of all the names of these men and you will find that the great State of Massachusetts has done an excellent, outstanding, and wonderful job insofar as its membership is concerned and their assignments to the committees.

The gentleman himself is on the Committee on Banking and Currency now, and I predict a great future for him on that committee. No doubt, possibly within 10 or 12 years, he could be chairman of the Committee on Banking and Currency. But there is one test we have to meet to reach up into the seniority system and that is to be reelected by the people of our respective districts every

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2 years when we step up to the plate. I hope the day never comes when the Speaker of the House of Representatives, or any individual, has the power of life and death over any individual Member as to what committee he will serve on and what position he will hold on that committee.

I would hate to see us having to jump up and down like a robot in this House and being tossed around like a yo-yo involved in wheeling and dealing in the election of a chairman as the result of lobbying activities or as a result of other activities on the part of those who have the power in this Nation.

Mr. HARRINGTON. Mr. Speaker, I appreciate the remarks of the gentleman from Massachusetts whose experience I recognize and whose opinions I value highly.

I hope, since the gentleman has pointed out his experience in earlier years, he will permit me to go one step further. I think of the examples which he has cited and they are ones which are laudable and commendable in many ways. I think, in general, there is a lot to be said about his position and the attempt to make certain there is a continuity of service here in the House of Representatives. However, I question seriously that the rest of the country shares the view the gentleman has expressed. I question whether continuity of service is the answer, and I question whether the country is, instead, looking increasingly to the Executive and the Judiciary for leadership rather than Congress. I do not say this because I want to take issue with the question of whether or not the Congress is able to be effective. I say this as a matter of course.

We are talking about a period when the citizens of this country are growing younger when one-half of the country's population is under 25 years of age and whether the seniority system itself best serves this group. I have referred to the reverse order where the question of age of its Members should automatically grant to them power and responsibilities. I question whether or not this makes sense. I question whether or not this should be our sole yardstick.

The gentleman from Massachusetts (Mr. BURKE) during the period of his lifetime has served a very useful purpose, but I would say in turn to the gentleman from Massachusetts or the gentleman at the mike this afternoon that I hope he does not have to stay in one committee assignment for 28, 30 or 40 years and still not be considered as being eligible for a chairmanship.

I raise these questions not because I have the answers to them but because I think there is legitimate reason to feel that a sizable segment of our population today, especially among the young people on both sides, are looking to the people in the executive and judicial branches of Government. People like former President Eisenhower have questioned seriously the seniority system and whether or not it makes a lot of sense insofar as this body being effective is concerned.

I realize also, in the abstract, that we do have to stand for reelection each year. However, I also realize that in 1968 during the political activities of that year the late Dr. Martin Luther King and the late Senator Robert Kennedy were killed. I also recall the disorder, disturbance, and confusion which followed and the campus riots and civil disorders which characterized that summer. Yet in this year of great discontent, only nine incumbent Congressmen were defeated.

Mr. BURKE of Massachusetts. Mr. Speaker, will the gentleman yield further?

Mr. HARRINGTON. I yield to the gentleman.

Mr. BURKE of Massachusetts. Of course, everyone in this Nation regrets these terrible assassinations, but I do not see how putting the power into one man as to the appointment to committees can substitute for a Committee on Committees today.

There are 15 Members on the Democrat side, elected from 15 regions of the country, who make their elections and their selections to assignment to the committee, then it comes before the caucus of that party and that caucus approves of this, or disapproves of it. It then comes into the House, and the House then approves or disapproves of the assignment of those Members of the committee. Now, I know—and I do not want to refer to any specific speaker in the Massachusetts Legislature—but the gentleman has served there, and we know that for many years it has been the policy up there by some of the speakers—and some of them have been very ruthless—if a member of the house did not agree or did not vote in the way that speaker wanted them to vote, that speaker the next year would take that member off the committee on ways and means, or off the committee on rules, or any other powerful committee, and would assign the member to the committee on waterways. That committee meets about three times a year, and it is the most insignificant legislative committee in the Commonwealth of Massachusetts. I hope that this Congress never gets down to that level. I hope that we have a democratic process, as we have here today in this House, where 15 Members on the Democrat side—and I am just speaking for our side, the Republicans have 10 Members on their side—where they choose the Members and assign them to the committee, and then that assignment has to have the approval of the party members, and then it has to come in here and be read in the House and have the approval of the House. That is the most democratic way I know of to have Members assigned to the committees.

As far as reaching seniority, why, out in Illinois we have BILL DAWSON, who is chairman of a committee. Can you imagine 15 years ago, or 10 or 12 years ago, BILL DAWSON getting elected chairman of a committee? Can you imagine ADAM CLAYTON POWELL being elected to the position of chairman of the Committee on Labor and Education? Those are the questions I want my good friend to keep in mind. ADAM CLAYTON POWELL rose up to that position and pushed through more legislation beneficial to labor and education than any chairman in the history of that committee, and it was brought about as a result of the seniority system.

BILL DAWSON is chairman of his committee as a result of the seniority system. And I say God help either one of them if it ever came down for an election of them to the post of chairman.

That is the only way that men like JIM BURKE or ADAM CLAYTON POWELL or BILL DAWSON or EMANUEL CELLER, anyone else who fights out can reach the position of chairman of a committee in this House, in my opinion, is through the seniority system. And the only way to be successful under the seniority system is to get reelected in your district, and get the approval of the people in your district, and then when you become chairman you are chairman there because you have been reelected over the period of years and you do not have to wear the collar of the Speaker, and you do not have to do the bidding of the White House, and you can serve there as an independent member, voting independently and acting independently, in the best interests of the American people.

Mr. BUSH. Mr. Speaker, will the gentleman from Massachusetts yield for a question?

Mr. BURKE of Massachusetts. The gentleman in the well has control of the time.

Mr. HARRINGTON. I yield to the gentleman from Texas.

Mr. BUSH. Mr. Speaker, I thank the gentleman for yielding. I think the gentleman knows that I serve on the Committee on Ways and Means with the gentleman from Massachusetts, and I believe that the gentleman from Massachusetts has underestimated his ability in there.

Let me direct this question to the gentleman: Would the gentleman object to a system where the committee chairman was chosen from, say, the top four or five or three members on that committee who, through their seniority, have gotten to that place, but were elected by their peers on the committee?

Mr. BURKE of Massachusetts. I would object to it. Of course, I would object to it. Because I know I would not have the chance of a snowball in Hades of getting elected, nor would anyone else who has spoken out for the people, because he would have the most powerful lobby in America working hard to make sure that he did not get elected. I am a practical and realistic man, and I believe that you have to be practical in this respect, and the seniority system is the only way that I know of that has been devised that will allow a man to rise to the top position of a committee without accepting the dictates of the Speaker, or the dictates of the White House, or the dictates of the powerful interests groups that try to control legislation in this body.

Mr. BUSH. I am not sure that I follow the gentleman. If you are being selected from those two or three or four members on the committee and are elected only by those members on the committee, I fail to see why there would be any excess pressures brought to bear on the members of the committee with whom you have served for many years and who certainly have respect for you.

Mr. BURKE of Massachusetts. When

I came here to the Congress, they were fighting for the Forand medicare bill. They were fighting for it. It took as long as 7 years to come up and get through. It was first originated under Harry Truman's administration and it was not until we got some more members on that committee who were concerned about the plight of the elderly that we were able to get 13 votes for medicare. That is the history of medicare. The greatest piece of legislation affecting the elderly in the last 50 years in this country. That was brought about as the result of the seniority system and the way it works.

When Joe Cannon was Speaker of this House, he was known as a dictator and tyrant. Why he went down to the restaurant one day and they did not have the type of soup—bean soup—that he wanted on the menu. He was so powerful that he was able to issue orders to the House restaurant to continue bean soup on the menu from that day forward. You go down there today, in this great year of 1970—and I believe that that took place in October 1904, and you will find out that he was such a tyrant and such a dictator that he was able to put forth his order and it is carried out even today on the menu of the House restaurant and bean soup is on that menu every day. I doubt very much if anybody in this Capitol has the courage to stand up and go down there and get it taken off.

Mr. BUSH. Mr. Speaker, if the gentleman in the well will yield further, I suggest that the gentleman is making a good case to improve on the seniority system.

XUM

Let me say this, getting back to the issue of medicare, in the Committee on Ways and Means if indeed that was a popular position today and the legislation was as popular as the gentleman suggests, it would seem to me that the gentleman who fought for this legislation would stand an excellent chance of having this recognized by his peers on the committee, and I would suggest that a man like the gentleman from Massachusetts with the regards that we all feel—and I do not have a vote—I am on the other side—with the regard that we feel for this gentleman would find that he would be a serious contender in his own party for this chairmanship. With all due respect to the extremely able chairman of the committee, that the chairman would be unanimously reelected by the people on your side because they recognize and know his expertise.

Mr. BURKE of Massachusetts. That is right—and I would be one of those leading the fight to elect him.

Mr. BUSH. Because he knows more.

Mr. BURKE of Massachusetts. Because he is recognized an able man—and he rose up through the seniority system.

Mr. BUSH. Mr. Speaker, if the gentleman in the well will yield further—and you would vote for him because he knows more about tax legislation than anybody on your side on the Congress.

Mr. BURKE of Massachusetts. And on your side, too.

Mr. BUSH. Perhaps more than the whole Congress.

Mr. HARRINGTON. Mr. Speaker, I would just like to make the comment that I can agree with the gentleman from Massachusetts in many instances and that there are many desirable aspects to seniority and length of service. But I would also point to the example we have today in the District of Columbia and to the problems that exist in the Nation's Capitol relative to effective Home Rule. When one considers the lack of this Home Rule in the District of Columbia and the deliberately hostile treatment of its residents, particularly the blacks, and when one considers the history of the Rules Committee in the 1960's when the chairman systematically refused to deal effectively with civil rights legislation to the detriment of 20 percent of the Nation's population, then so far as I am concerned, the evils of seniority far outweigh its assets.

There is always going to be an element of good or bad, but I do not want to get off the subject. I will just point out to the gentleman from Massachusetts, I appreciate getting the benefit of the time that he has had here and appreciate the remarks he has made. But may I suggest as one who comes from the urban north that he might consider whether or not our interests, if I may speak parochially for a moment, are being well served by the structure of the Congress today.

I do not want to say this to inject an element of divisiveness in this body, but I think the facts of life and the situation that exists is quite clear. Eighty percent of our population is urban. I seriously question whether their needs are being well met by the structure of the Congress.

Mr. LOWENSTEIN. Mr. Speaker, will the gentleman yield?

Mr. HARRINGTON. I yield to the gentleman from New York.

Mr. LOWENSTEIN. I want to thank the gentleman from Massachusetts (Mr. HARRINGTON), for raising this issue today. We are extremely fortunate—"we" meaning both the Congress and the American people—to have him here with us, bringing as he does such remarkable qualities of courage and intelligence to the work of this House.

Perhaps one day soon we should have a special order on the question of bean soup. I pledge meanwhile that not even the ghost of Joe Cannon will drive me to drinking any.

If the effort to make this House more efficient and democratic is to have any hope of success the seniority system will have to go. Those of us who are determined to see it go do not plan to restore Speaker Cannon in its place. We are mystified by the notion that the highest representative body in a nation committed to governing itself by democratic process—that the highest elective body in the United States is for some reason unfit to choose its leadership by election. As I have remarked before, not even societies that worship their ancestors automatically make them chairmen of their committees on armed services and whatnot. I include at this point in the RECORD part of a statement I made by some chance on the day that the then newly-elected Member from Massachusetts took his seat in the House, last October 3. How good it is to have that Member add his strong and reasoned voice today to the growing number of voices in the House, from both parties and from every part of the country, that are determined to make this place a more responsive and effective part of government.

Mr. Speaker, many of us have sat through this debate in increasing sadness and disbelief.

We are dealing with huge sums of money, with the security of the country, with the future of the planet. All of us were elected to deal with these matters by similar numbers of citizens, in procedures designed to give an effective voice to the voters and to gain respect for representative government as the way that a free people should conduct their business.

It is my view that what has been wrong during these past few days is what is wrong generally with the way the House operates, and that is not something that can be blamed on individuals or cured by expressions of personal hostility. The fault is in the way we view ourselves, the way we take our responsibilities. This ought to be a place of high debate. There ought to be a clear record of how elected representatives voted on great issues. The proceedings ought to be relevant to the pulse of the Nation, ought to reflect some of the mood and concern of the world around us. Sometimes these things hapen here, but more often they do not.

I love this place. To be elected to it is as high an honor as I expect to attain. But we demean this place—and ourselves—when we allow procedural tricks to throttle debate on the greatest issues facing the country and to prevent our votes being recorded on these questions. I think it is fair to say that for many Members the last few days have reinforced the determination to begin soon to correct the rules that produce situations like the one we are in now.

Can anyone justify rules that make it impossible for us to have a record vote now on whether or not the ABM should be deployed? Does anyone think it adds to the prestige or effectiveness of the House of Representatives when we are literally not permitted to vote on proposals that are supported by half the Members of the U.S. Senate? Does it add to our prestige or effectiveness when men elected to represent millions of Americans are not allowed to speak at all, or are told to confine their remarks to 45 seconds?

What it does do when these things occur is to deny the House the opportunity to hear the views of millions of Americans in even remote proportion to their strength outside this House. So the House deludes itself that it reflects the feelings of the public, and increasing numbers of citizens doubt that representative democracy is functioning in this country. This does little to weaken the efforts of those who prefer government by decree, or government by confrontation, to government by democratic legislative process.

We have heard speech after speech today supporting the national policy in Vietnam. But to conclude from these speeches that the American people are united behind this policy, one would have to be oblivious to what is going on in the country. I do not rise at this moment to discuss whether there should be unity behind this policy. I simply want to observe that we fool no one but ourselves when we allow this sort of discussion to create that sort of illusion.

Similarly, it is not primarily the merits of deploying the ABM that are in question in this situation. What is in question is a procedure that says we cannot vote on deploying the ABM so the people who elected us will know where we stood on this issue. Can anyone suggest that doing business this way will increase faith in, or respect for, either this House or the concept of representative democracy?

What, in fact, is wrong with letting the American people know where we stand? The ABM was an issue in many of our campaigns. We have a new Member from Massachusetts, just elected, and his opposition to deploying the ABM was a part of why he won. Can it be that the people who favor deploying the ABM are afraid they would lose on a rollcall? Or are they afraid of being on record for deployment when they come up for reelection? And in any case should their fears—whatever they may be—be determinative of our procedures?

Surely we can find ways to protect the public from this kind of transgression of democratic process, even if we do not respect ourselves enough to protect ourselves from it.

Too much that happens here simply reminds everyone that we are not conducting ourselves as we should, that we are not conducting the necessary business as this decade, this difficult period for the American people, requires us to do. We have greater obligations than we have met by our behavior today, or during this session generally, for that matter. Everything in our rules and traditions that impedes the efficient operation of democratic process—everything in committees and on the floor, everything from minority rights and seniority to how we determine if a quorum is present and how we record what occurs—all these things ought to be reexamined and overhauled soon.

The House of Representatives need not continue in its present condition. It dare not. I hope that if nothing else constructive comes of all the frustration and irritation of the past few days, a greater incentive—and resolve—to revise our procedures will survive. That would be an important gain, much more useful than acrimonious personal attacks.

I thank the gentleman for yielding. It took guts and discernment for him to make his maiden address here on this subject. I salute him for the skill and good judgment with which he has handled this discussion, as well as for his other valuable contributions to the effort to overhaul the way the House conducts its business.

Mr. BURKE of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. HARRINGTON. I yield to the gentleman from Massachusetts.

Mr. BURKE of Massachusetts. I merely wish to commend the gentleman for bringing this matter to the attention of the House. It should be discussed fully and openly. I know there are many areas in which we can bring about improvement. I am with him in seeking those improvements which will help the people as a whole throughout the Nation. I know the gentleman is interested in doing so. We may differ in our methods of approach. I may differ with him in blaming all the ills of this country on the seniority system in the House. I do not think the gentleman meant to imply that. We have too many other causes for the problems that we have. But I wish to commend the gentleman for the time he has given me to answer him in my own way. I hope we will have an opportunity to debate this issue further with our good friend from New York, because I know he has many ideas on the subject. I would like to discuss with him the so-called system of assignments to committees and returning, according to his advocacy, to turning back the clock to the days of Joe Cannon, the great dictator who served here as Speaker of the House.

PROPOSED PANAMA CANAL TREATIES: TIME FOR SECRETARY OF STATE TO SUPPORT THE CONSTITUTION

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. Flood) is recognized for 30 minutes.

Mr. FLOOD. Mr. Speaker, after a series of indications in both Panama and the United States that the question of the discredited new Panama Canal treaties, proposed in 1967 but never signed will be reopened, I addressed a letter to Secretary of State William P. Rogers. In it I urged him to make a forthright and resolute statement on our canal policies along the lines of those made by former Secretaries Hughes and Dulles with reasons therefor.

In this connection, I would invite the special attention of the Congress to what appeared to have been a trial balloon for reopening the Panama Canal treaty negotiations in the form of a letter to the editor in the Washington Post of January 4, 1970, by Foreign Service Officer Robert McClintock. This letter was discussed by me in an address to the House in the Congressional Record of February 10, 1970, page 3164, under the title of "Panama Canal Policies: State Department Confusions Clarified."

The present Secretary of State seems to be in deep water with respect to the Panama Canal. Evidently he has not made any deep or adequate study of the subject and must depend on holdovers from previous administrations who were responsible for the policies then followed. A public official is no better or wiser than those he has chosen as advisers.

The monstrous treaties proposed in the last administration were never accepted by either Panama or the United States; yet it is openly stated that they will be used as a basis for further negotiations.

Judging from many comments from Members of the Congress and informed citizens in various parts of the Nation, my February 5 letter has met with overwhelming approval. However, a few individuals have expressed the view that I was too hard on State Department officials as regards the conduct of our Panama Canal policies.

In reply to such comments, I would ask this one question: "How can officials of the executive department of our Government, who are bound by oath to support the Constitution of the United States—article VI, section 3—justify their actions in attempting to cede territory and other property of the United States known as the Canal Zone and Panama Canal without the authorization of the Congress—article IV, section 3, clause 2?"

The answer is obvious, for they cannot. The only possible explanation for such untoward conduct on their part is that they were attempting to accomplish by stealth and the treaty process what they could never do by forthrightness and the legislative process, on the fallacious assumption that treaties made by the President and the Senate are superior to the Constitution.

The Congress has not authorized the disposal of either the Canal Zone or the Panama Canal, but on the contrary, has, on a number of occasions, indicated its strong opposition to such surrenders. The last such opposition was the sponsorship by more than 100 members of the house of resolutions opposing any surrender at Panama. Any Secretary of State who undertakes to make a treaty or treaties in violation of express provisions of the Constitution might, indeed, subject himself to impeachment—article II, section 4.

In viewing the overall canal sovereignty situations, the Congress should never forget these historical facts: First, that the grant in perpetuity of all the rights, power, and authority of sovereignty over the Canal Zone territory was obtained by treaty with Panama, and second, that the ownership of all lands and property in the Zone was secured by purchases from individual property owners pursuant to an act of Congress—Spooner Act of 1902—all at the cost of our Nation's taxpayers. The Canal Zone was the most costly territorial acquisition in our history—House Document No. 474, 89th Congress, page 361.

The major terms of the Panama Canal Treaty of 1903 provide for a two-way street. Not only is Panama bound in perpetuity by its provisions, but also the United States. Thus our Nation is obligated to maintain and operate the Canal in the Canal Zone in perpetuity just as Panama is obligated in its indispensable grant of sovereignty in perpetuity. In fact, should the United States surrender its sovereignty over the Canal Zone as provided in the proposed treaties, the Panamanian Government could, with justice, take the position that the United States seeks to escape its obligations to Panama to operate such canal in perpetuity and claim a huge indemnity in damages. Thus the 1903 treaty carries lasting obligations on both countries and is to their best interest, as well as of other affected nations. The grave misfortune of Panama's unstable government fully reveals the wisdom of the basic provisions of the 1903 treaty both for that country and the United States.

I have now received a reply to my February 5 letter from the Department of State. Because it is not responsive to certain key points in my letter, I wish to comment on some of the features.

Regardless of whether Assistant Secretary Meyer made the remarks attributed to him, they were widely published and had the effect of having been made by a responsible official of the State Department.

As to the "broad study" by the present Atlantic-Pacific Interoceanic Canal Study Commission, this is not an independent body, but merely an employed consulting board conducting an inquiry rooted in the executive department with the statutory limitations of a predetermined objective of a canal at sea level—Public Law 88–609, 88th Congress. Moreover, the chairman of this study group was also the chief negotiator for the discredited 1967 treaties.

In regard to the assertion in the State Department's reply that "any action that might be taken will be subject to the full constitutional processes of our Government," I have no way of judging the future except by the past. In the drafting of the proposed 1967 treaties, the provision of article IV, section 3, clause 2 of the U.S. Constitution regarding the disposal of territory and other property of the United States was ignored. Nor do I know what the State Department's construction of "full constitutional processes" may be. That also is a vital question that I would like to have clarified.

The final position of our negotiating team as shown by the proposed 1967 treaties was for an eventual giveaway not only of the Canal Zone and the Panama Canal but also any new canal constructed at the expense of our taxpayers to replace it. As to such proposition, I am sure that the Congress, which is the ultimate authority, is unalterably opposed.

Since the subjects involved in the indicated exchange of letters are of vital importance not only to the United States but also to many other countries, including Great Britain, Colombia, and Panama, I quote them as part of my remarks as follows:

FEBRUARY 5, 1970.

Hon. WILLIAM P. ROGERS,
Secretary of State,
Washington, D.C.

DEAR MR. SECRETARY: The Spanish language press of Panama (El Panama America, Jan. 27, 1970) has reported Assistant Secretary of State for Latin America, Charles A. Meyer, as stating that the 1967 proposed new treaties with Panama will serve as a "basis for the continuation of a process to seek permanent solutions to U.S.-Panama relations in reference to the Canal". This statement, together with many others in the Panama Press and the appointment as U.S. Ambassador to Panama of Robert M. Sayre, an active participant with Walt W. Rostow in the formulation of the proposed treaties, points to a reopening of the treaty negotiations.

The records of the Congress show that the basic Panama Canal Treaty of 1903 (Hay-Bunau-Varilla Treaty) was negotiated pursuant to an Act of Congress, approved June 28, 1902 (Spooner Act) which authorized the President to acquire "perpetual control" of what is now the U.S. Canal Zone Territory, to "construct" and to "perpetually maintain, operate and protect" the Panama Canal. In addition to the grant of exclusive sovereign rights, power and authority over the Zone, the United States obtained title to all privately owned lands and property in the territory by purchases from the individual property owners. Moreover, the title to the Panama Canal and Railroad was also recognized by Colombia, the sovereign of the Isthmus before November 3, 1903, as being "vested entirely and absolutely in the United States" (Thomson-Urrutia Treaty of 1914–22).

Article IV, Section 3, Clause 2 of the U.S. Constitution vests the power to dispose of territory and other property of the United States in the Congress (Senate and House) and not alone in the treaty making power (President and Senate). Moreover, the Congress has not authorized the disposal of any territory or other property of the United States in the Canal Zone.

Starting on October 27, 1969 (Theodore Roosevelt's Birthday) more than 100 members of the House sponsored identical resolutions in opposition to any surrender at Panama to any other government or any international organization. From many conversations with leading members of the Congress, I can assure you that the House will never give up its powers in the premises, and that acquiescence by the House will never be forthcoming. The recent negotiations have absolutely ignored these facts and have espoused proposed treaties that would be impossible of execution.

In 1923, when Secretary of State Charles Evans Hughes was faced with demands by Panama for increased sovereignty and increased sovereignty attributes over the Canal Zone, he called in the Panamanian Minister and, with a refreshing degree of candor, made this statement: "Our country would never recede from the position which it had taken * * * in 1904. This Government could not, and would not, enter into any discussion affecting its full right to deal with the Canal Zone to the entire exclusion of any sovereign rights or authority on the part of Panama (Foreign Relations, 1923, Vol. III, p. 684). It was an absolute futility for the Panamanian Government to expect any American administration, any President or any Secretary of State, ever to surrender any part of these rights which the United States had acquired under the Treaty of 1903".

In 1956, following the Suez Canal nationalization by Egypt, Secretary of State John Foster Dulles made a public statement emphasizing that the status of the Panama Canal was entirely different from that of the Suez Canal. Moreover, he issued an order to the Foreign Service prohibiting the equating of the two.

As to the contention of those who say that conditions have changed, they have—but for the worse. There is greater need now than ever for extending the Canal Zone to include the entire watershed of the Chagres River as well as the retention by the United States of all the authority granted by the 1903 Treaty. Without such retention, a power vacuum would inevitably ensue which would be filled by Soviet power, destroying the independence of Panama and other Latin countries.

How can the timid souls in your department justify their actions in the proposed surrenders at Panama?

Aside from its strategic value as an artery of transportation, the Panama Canal represents a net total investment from 1904 through June 30, 1968, of more than $5 Billion of our taxpayer's money. This, if converted into present day dollars, would be far greater. Why should your department continue to support these unrealistic and impossible treaties in the overall situation?

I am deeply interested in the future welfare of Panama itself, and I know, if I know anything, that the conditions of revolutionary instability that Panama has evidenced throughout the years show that the only way to assure that country's freedom is by the continued presence of our country on the Isthmus. The Canal Zone serves as an island of stability in a sea of turmoil, absolutely essential for the well being and independence of Panama. We must not forget Cuba.

As a long time student of Isthmian Canal policy matters, I was led to oppose vigorously the surrender policies of the previous administration of our government by my own party. I had hoped that with the change in administration a reversal might be made. My duty is first to my country and I have not been motivated by any cheap, shabby or unrealistic considerations, but because of what I believe are fully objective and patriotic reasons. Except for the presence of the United States in the Canal Zone under the terms of the workable 1903 Treaty, that country could not exist as a free nation overnight. Its stability and independence would die immediately and the cause of free institutions everywhere would be harmed. Of all times, this is the worst for the projected surrenders to be made. Besides, there is no constitutional government in Panama, and the existing revolutionary government may be overthrown at any time with resulting chaos. The contemplated surrenders by treaty under present conditions would inevitably impair constitutional governments in other Latin American countries.

Assistant Secretary Meyer's recent views have already been widely interpreted as indicating the reopening of the 1967 negotiations. Because of this, the time has come for you to make a forthright and resolute public statement along the lines of Secretaries Hughes and Dulles with the reasons therefor.

Sincerely,

DANIEL J. FLOOD,
Member of Congress.

DEPARTMENT OF STATE,
Washington, D.C., March 3, 1970.

Hon. DANIEL J. FLOOD,
House of Representatives,
Washintgon, D.C.

DEAR CONGRESSMAN FLOOD: The Secretary has asked me to reply to your letter of February 5 concerning public statements about the Panama Canal, citing in particular the remarks of Secretaries of State Charles Evans Hughes in 1923 and John Foster Dulles in 1956.

We are, as always, pleased to have your views concerning canal matters. I should point out, however, that the remarks attributed to Assistant Secretary Meyer in the recent newspaper article you mention were not made by him. Similarly, Secretary Rogers does not have plans for a public statement concerning the canal.

As you know, the question of our relationship with the Republic of Panama concerning the Panama Canal is currently under intensive review within the Executive Branch. The Atlantic Pacific Interoceanic Canal Study Commission is also nearing the completion of its broad study of the various alternatives for the trans-Isthmian passage.

Your references to past and future U.S. investment in a trans-Isthmian canal and to the relationship with the Republic of Panama which will best protect our interests there go to the heart of the questions to which these studies are addressing themselves. The Congress will of course be apprised of developments in this field. Any action which might be taken following these studies will be subject to the full constitutional processes of our Government.

If the Department of State can be of further service to you, please do not hesitate to call on us.

Sincerely yours,

H. G. TORBERT, Jr.,
Acting Assistant Secretary for Congressional Relations.

UNITED STATES CHANGING MIDEAST POLICY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. Pepper) is recognized for 30 minutes.

Mr. PEPPER. Mr. Speaker, on January 13, 1970, the Honorable Burnett Roth, an eminent attorney of Miami Beach, Fla., delivered a notable address on the critical subject of "United States Changing Middle East Policy" before the B'nai B'rith Luncheon Club of Miami Beach.

Mr. Roth has been a resident of Florida all of his life and my friend for almost 40 years. He is a distinguished Miami Beach attorney, and has been a member of the city council and a vice mayor of Miami Beach. Mr. Roth is active in all meaningful community organizations and has been, for many years, a national leader of the Anti-Defamation League of B'nai B'rith and a National Commissioner of the Anti-Defamation League. He is presently national vice chairman of the civil rights committee of that organization.

The B'nai B'rith Luncheon Club has been sponsored for the past 20 years by the Miami Beach Lodge of B'nai B'rith. The club meets weekly and its chairman is another eminent citizen, Mr. Gershon Miller.

I commend this able address of Mr. Roth to my colleagues and my friends and countrymen, and include it in the Record immediately following my remarks:

United States Changing Mideast Policy

Ladies and gentlemen: I am delighted to have the opportunity to appear before you again this year to discuss a subject of immediate importance on the national and international scene.

This afternoon again, a most pressing problem, is the threat of hostilities and the threat to peace in the Middle East. Some of you will recall my appearance before you late in May, 1967, when the subject discussed was "War on the Horizon," about to be initiated by the United Arab Republic (UAR). At that time, Gamal Nasser, believing himself, with support from the Communists, to be strong enough to attempt to destroy the tiny democratic state of Israel, and in his words, "drive the Jews into the seas," ordered the United Nations Occupation Forces immediately to depart from the areas assigned to them as a peace-keeping force to preserve peace in th Middle East.

Without consultation, the United Nations Secretary General, U Thant, immediately ordered the removal of the United Nations Occupation Forces, leaving the way open for Gamal Nasser to bring his troops up to the borders of Israel, to close the Straits of Tiran by assuming control of Sharm El Sheik, and to defy the civilized nations of the world. At that time the United States raised its voice in protests vs. the illegal acts on the part of Nasser, and particularly decried the closing of the Straits of Tiran to which Israel had access to the waterways of the Red Sea and the Indian Ocean. The United States government sought support from the maritime nations of the world who had pledged their integrity and support and had recognized the Straits as an international waterway to all nations.

None of the maritime nations would resist the threat of boycott of the Arabs by joining the United States. The United States could not alone bring sufficient pressure upon the UAR to desist from the closing of the Straits and the moving of its forces to the Israel borders.

The world then saw on June 6th, 1969, the beginning of war, the invasion by Nasser of Israel, which invasion was immediately rebuffed.

The world applauded, except for the Communist-Arab-Afro bloc, the heroic, unprecedented defense of the nation by the tiny state of Israel, and the victorious end of a six (6)-day war. That was the third time in twenty (20) years that Israel had had to fight to protect itself.

Since that date, as they have for the past twenty-two (22) years, Israel has sought a real peace in the Middle East. And today it is threatened by a renewal of hostilities and under such circumstances that Israel may have no ally.

We have been witnessing, unfortunately, a deterioration in the policy of the US in the Middle East. It is shocking and amazing to observe, after a lifetime of study of the Middle East, the naivete of the US State Department in their effort to appease, not just the Arabs, but the Communist Bloc itself.

This afternoon I would like to discuss the background of and the present posture of our government position, vis-a-vis, Israel. I shall not have time to go into length into the historical background. It suffices to remind you that some fifty (50) years ago the Arabs raised their big stick of terrorism to force the nations by intimidation, into reneging on promises made for the establishment of a Homeland for the Jews in Palestine.

The Balfour Declaration issued near the end of World War I by the British Government, applauded by the US and the Western powers—and even by Arab leaders—assured the Jewish people that there would be in Palestine a Homeland for Jews. When the League of Nations mandate was being considered. Arab opposition and threats of terror resulted in the British insistence that their promise not be immediately realized and a Mandate was given to Great Britain to control Palestine.

At the same time, large protions of former Turkey were divided into the States in the Middle East as we now know them. These areas had never been independent states before, were never in existence, except for Egypt, and were created by the League of Nations. Only a Jewish Palestine was not created.

When Great Britain tired of the strife in the area and insisted upon terminating the Mandate, the United Nations did finally act in 1947. Again historically, the Palestine Question 22 years ago was one of the first challenges to the authority of the United Nations.

Partition was voted, not as the Jews urged it, but the decision was accepted. The Arabs resorted to terrorism, and commenced open warfare, intimidating the UN into failing to implement their own decision.

The Five Permanent members of the Security Council met to discuss alternatives. It was at this junction that the United States initiated the proposal to set aside the Partition Resolution, and to establish a UN Trusteeship to succeed the British Mandate.

This US reversal encouraged the Arabs. They recognized that they could disregard UN rulings with impunity, a philosophy which continues until today.

The UN Partition Resolution envisioned two States; one Arab and one Jewish. The Jews were willing to accept a virtual Trusteeship over Jerusalem, and the delimiting aspects of Partition. But the Arabs were adamant, and would accept no ruling which created a Jewish State. Disregarding the November 1947 Partition approval, they vowed to, and did go to war.

Egypt occupied the Gaza strip, and Jordan annexed the Western Bank and Jerusalem, contrary to Partition provisions. The UN did not attempt any censure of these acts. However, when in 1967 the Israelis drove the occupants out of these areas which were being used as the bases for attacks against Israel, the UN censured Israel for taking land from the "former owners." In fact Egypt and Jordan were "owners" only by virtue of conquest.

It is well to remember that three times since 1947 the Arabs were defeated. Each time, too, the UN stepped in to prevent a real peace, and forced Israel into accepting an armistice or cease fire. Each time the Arabs violated the cease fire but attained the protective umbrella of the UN which chastized Israel for its effort at self defense.

Again, historically, from the November 1947 UN Resolution until May 14, 1948, when the State of Israel was born, the Arabs maintained a constant state of hostilities against the Jews.

For months after its independence, Israel was subjected to a devastating attack from all sides. But Israeli fortitude won the day. And at the Greek island of Rhodes, as agreement was hammered out with UN negotiators, Dr. Ralph Bunche, running from the Israeli conference room to the Arab conference room in "direct negotiations" between the belligerents. An unsteady peace was reached, and the Rhodes formula was established.

Since that time in 1948, the Israelis have sought to insure a lasting, final peace in the Middle East, but the Arabs have refused to recognize the existence of the State.

In 1950, recognizing the expansionist policy of the Soviet regional interests in the Middle East, the United States, England, and France joined in a tripartite pledge to keep arms balance, and to guarantee the status quo. Nasser's confiscation of the Suez Canal led to the 1956 invasion of Egypt by Britain, France and Israel. But they were forced to withdraw because of U.S. and Soviet pressures. At that time, International guarantees were announced that the Suez Canal, the Straits of Iran and the Gulf of Aqaba would be recognized as international waterways open to all nations, especially Israel.

But Russia, now unfriendly to Israel, began her massive arms shipments to the Arabs in the hope of realizing their 19th Century aim to dominate the Mediterranean. We saw France shift its position from a Pro-Israel stance to Pro-Arab. Great Britain continued to stride the fence.

The political settlement in 1957 inevitably led to the War of 1967. International commitments were meaningless. The UAR control of the Gaza, the constant day to day attacks from the Syrian Golan Heights, the Jordanian border disputes, the constant threats from the Lebanese border, the UAR threats from the Sinai and at the Straits of Tiran, all kept Israel in a state of preparedness and on a war footing, seriously hurting her economy. There could be no assurance of peace without the UN and the US bringing pressure upon the Arabs to negotiate a final peace settlement with Israel.

The US hope of winning Arab favor by forcing the Israelis to withdraw from stable defense positions in 1957 was a futile hope.

Some two years before the 1967 debacle, the U.S. recognized that the $1.7 billion in aid we had given the UAR was money down the drain, and we had not purchased any friendship. When Nasser double-crossed the U.S. in our food agreements, and shipped 40% of his rice crop to Cuba and Red China, and said "To hell with America's aid", he was already fortified with Soviet assurance of support. The Soviets fulfilled their commitments by building up arms for the Arabs, bolstered their economy and supplied personnel. Today there are thousands of Russian specialists in Egypt.

The U.S. failed to realize that Israel was

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its one real ally in the Middle East. An examination of the votes in the UN itself will reflect the almost unanimity of Israel's support for U.S. positions, as distinguished from the contrary vote by the Arab-Communist-Afro bloc.

When in May, 1967, Nasser felt the time was ripe to "drive the Jews into the Sea", he ordered the United Nations to withdraw its peace-keeping troops from the borders of Israel, moved his forces up to the Israeli border, closed the International waterways at Sharm el Sheik, and the Straits of Tiran and Gulf of Aqaba were forbidden to all shipping destined to Israel, and so necessary for Israel's economy and future.

The world was silent. The Secretary General hastened with precipitate speed to withdraw the UN troops. The U.S. was unable to arouse other nations to the imminence of war and to the responsibility of nations to fulfill their commitments to Israel. So Nasser moved, and on June 6, 1967, hostilities broke out which Nasser thought would see the end of Israel.

Israel immediately literally begged Hussein of Jordan to stay out of the war, but Hussein jumped on the bandwagon he envisioned could not miss, and started shelling from Jerusalem and the West Bank, all of Israel's territory. The Syrians attacked from the Golan Heights. Only Lebanon remained silent. Other Arab nations poured their support of money and military into the belligerents to help exterminate the Jews in Israel. History will record that for the third time in twenty (20) years a tiny nation, at this time only two million strong, surrounded by a host of enemies a hundred times stronger, a David in our time, rebuffed the attackers and preserved the only democratic state in the Middle East.

Hopefully, the Israeli people cried, "You have tried War three times, why not try Peace one time?" But to no avail. Again the UN intervened in an effort to convert the victors into the vanquished.

Since the Six-Day War, 460 Israelis have been killed through hostilities; 405 along the Jordan, Egypt, Syrian and Lebanese borders, 28 others in the territories and 27 in Israel proper, with Israel crying in the wilderness for negotiations to insure Peace.

On November 22, 1967, the UN passed its Resolution urging peace in the Middle East, a Resolution which has gone unheeded by the Arabs who refuse to recognize the existence of Israel and persist in refusing to sit down to negotiate a peace, even one under the Rhodes Formula of Non-confrontation . . . which Israel is willing to accept as a kind of direct negotiation.

With the blocking of the Suez Canal in 1967, so it cannot be used for passage of ships, the economy of the UAR was affected. Not only did Russia rush to her aid, but Libya, Saudi Arabia and Kuwait began their annual subventions to the economy and war machines of Nasser and Hussein. The more than $321 million annually to bolster these machines was not increased at the Christmas, 1969 Conference of Arab leaders at Rabat, Morocco, and this reluctance to increase the subventions was almost solely responsible for the precipitate breaking up of that meeting.

Since the Six-Day War, Israel has constantly declared that it has no expansionist aims, that it is prepared to negotiate for the return of land occupied by them, that all areas of dispute . . . the Gaza strip, the West Bank of the Jordan, Jerusalem, the Syrian Border, the Sinai, the Refugee problem . . . everything is negotiable if the parties will sit down and negotiate.

It is this insistence upon a final lasting peace by direct negotiations which is the only security the world has for a resolution of the problem. But the world refuses to recognize this.

Encouraged by the deteriorating policy of the United States, bolstered by the Pro-Arab policy of the Communists, the already developed Pro-Arab Policy of France, the developing Pro-Arab policy of Great Britain, the Pro-Arab domination of the Security Council and the meaningless UN with the Arab-Communist-Afro bloc, causes the Arabs to continue to talk about the next invasion of Israel.

Communist China has for more than two years been training Syrian Palestine Liberation Organization (PLO) contingents, indoctrinating hundreds of Arab terrorists. On January 1st, 1970, Nasser told a rally in Sudan that the UAR has 500,000 men under arms and will arm a million, and with other Arabs, as one people, invade Israel. He talked of the "revolutionary alliance" with the Sudan and Libya, obtained promises of increased financial and troop support from Libya and the Sudan. On January 13, 1970 the UAR, Libya and Sudan announced plans at Cairo for economic and military consolidation. Two days before, Nasser praised Libyan revolutionaries who had ousted King Idris four months ago and directed the US to leave its bases in Libya, which will now become Communist bases.

Nasser formed a new military alliance in Tripoli two weeks ago, with assurances of meetings every four months to coordinate action against Israel in the military, political and economic fields, with Libya, Jordan, Sudan, Syria and Iraq. The next meeting is on February 8th. He keeps talking of "rivers flowing with blood and skies lit by fire" and that "a path of fire and blood" will ensue; and of aid by "our friend, the Soviet Union", in his speech reported on November 6th, 1969, in "The New York Times".

Yes, Nasser keeps calling the tune. His strategy is to create a mood of panic and crisis by escalating military action, terrorist outrages and diplomatic and economic threats, and he will continue doing so as long as the Big Four Talks continue, so long as he has any excuse for refusing to meet and negotiate a settlement.

Nasser's success encourages Lebanon to travel to the oil capitals for money to be advanced for her military purposes, to accept Soviet arms as she and Jordan seem about to do, and encourages Iraq, Libya, Algeria and Egypt to sign an oil cooperation act to "freeze Arab oil resources from foreign monopolies," as they did on January 8th, 1970.

It is time that the oil interests themselves, as well as the United States recognize the duplicity of the Arab leaders, a duplicity encouraged by the position of the UN and the United States, and by the competition of Great Britain and France to see which country can obtain Arab oil monies on the sales of military equipment.

Let us analyze the deteriorating US policy towards Israel. It is the US which has determined to seek a peaceful solution to the problem by imperialistic methods . . . that is the imposition by a foreign large power of its will upon a smaller nation. Instead of permitting the solution to be worked out by the belligerents, the US has suggested that not just the framework but the details of a settlement be set by the Four Powers . . . or perhaps just the two powers.

Israel candidly questions the moral right of the Soviet, as an active partisan, to play the role of a mediator when, in truth, it is an active partisan disputant in the Middle East and should not sit in judgment on itself. With France an espoused protagonist of the Arab cause, and Great Britain in a descending degree seeking favors from the Arabs, it is hardly likely that the Big Four Talks can be productive of Peace. Rather it has proven to be the single most important sign of encouragement to the Arabs to maintain their adamant insistence upon maintaining a state of War in the Middle East.

Over the past two years there have been some fifteen (15) proposals of the US to ameliorate the situation, and each one has been rejected, and each one has been fraught with more and more concessions and steps backward.

The "evenhandedness" being sought by the United States must not involve a complete sacrifice of the integrity and safety of the people of Israel.

As Americans we must remember that our first concern must be for the security of our Nation. What is best for the United States? And I say to you, as a student of the Middle East for more than forty (40) years, that the preservation of a Democratic State in the Middle East is of prime concern to us as Americans.

There is no dichotomy between concern for Israel and patriotism as an American. The present position of the United States, as enunciated by Secretary of State William P. Rogers, is frightening and is a diplomatic blunder which as Americans we must criticize.

Let me make it clear that I believe the mistakes being made by this Administration are not willfull mistakes but based upon a naive belief that the United States can make friends with money and other people's rights.

At the same time, we must be careful that our criticism is levelled against the United States proposals concerning the giving up of Israel's rights as distinguished from the public statements made by Secretary Rogers. The official public statements have not been released but we have cause for concern in what has leaked out concerning these proposals as evidenced by the Soviet response, Secretary Rogers' public statement and news releases.

It is one thing to consider sacrificing Israel for the purpose of advancing the cause of the United States (as distinguished from oil interests which are in a more precarious position if the U.S. continues to capitulate than if our backbone is strengthened) but the new U.S. Policy does further the cause of Communism in its expansionist policy in the Middle East.

America's interest does coincide with that of Israel. When Secretary Rogers takes away the bargaining points which are to the advantage of Israel, and capitulates in advance, then negotiations are meaningless . . . And that would be the end of democracy and friendship for the U.S. in the Middle East.

We must, in the interest of our country, oppose the present stance of our government . . . even if it means agreeing with the Israeli position.

Remember that Israel is waiting anxiously to concede on every one of the controversial issues, but the concession she insists must be hers, and given about a conference table for which there is no substitute.

President Johnson, on June 19, 1967, said, "Clearly the parties to the conflict must be the parties to the peace." And President Nixon said at the United Nations Assembly on September 18th, 1969, "We are equally convinced that peace cannot be achieved on the basis of anything less than a binding, irrevocable commitment by the parties to live together in peace."

Arab intransigence and Soviet designs have been strengthened by the efforts to impose a settlement. And when the U.S. continues to retreat from former positions, that diminishes the U.S. image and bolsters the Soviet position with the Arabs.

An examination of the several areas of dispute is important.

One critical point is the question of withdrawal of Israeli troops from positions gained as a result of the Six-Day War . . . which it won. Israel is satisfied to be placed in a position of having won the war and even losing the Peace, *provided* in the negotiations leading to a settlement a lasting Peace is assured. But to withdraw its troops before Peace is assured would be, in the words of Israeli Prime Minister Golda Meir, "Suicide", and that she insists Israel will not commit.

The United States approved the November 22nd resolution, only after the UN accepted its position that the word "the" be deleted from the proposal of withdrawal from positions held by Israel. The final Resolution urged Israel's "withdrawal of Israeli armed forces from territories (not *the* territories) occupied during the 1967 conflict." The purpose of this deletion of the word "the" was to assure that the boundaries to be set up would be "to secure, agree and recognized boundaries," not the old insecure boundaries.

This Israel has stated she is prepared to do. But today, in a change of US policy, Secretary Rogers wants a withdrawal to the 1967 lines, a complete reversal of position . . . except for the meaningless allusion by Secretary Rogers to "insubstantial alterations", in his December 9, 1969 speech.

In May 1969, the US said in delineating the Israeli-Egyptian border that the pre-armistice line was "not necessarily excluded." But in July there had been a softening to make the proposal read that the pre-war line was "not excluded as the final frontier." In the November proposals, the pre-war line is unequivocally stated as the frontier to which the pull-back should take place . . . setting the border, by December 11, 1969, specifically at the pre-war line.

Secretary Rogers' Egypt proposal was presented to the Soviets in a secret note on October 28th, 1969, publicly revealed in Rogers' December 9th speech. The Rogers-Jordanian paper given to Jordan on December 18th was made publicized on December 21st.

Actually when the US Policy Paper suggests returning Egypt's forces to the old Sinai boundary with demilitarization astride that line, Israel will be forced to give up even part of the territory in the Sinai and lower Negev it held before the Six-Day War, converting her territorial "conquest" into a defeat.

Not that the Israelis are committed to retain the land it holds. They have already indicated a desire to give back a part of the Sinai . . . a substantial part, upon assurances that her shipping rights, and they are bona fide rights to which she is entitled as a sovereign nation, are guaranteed thru the Suez.

Unhappily, the United States now is suggesting that the United Arab Republic "permit" shipping thru the Suez and Gulf of Aqaba, and that Sharm El Sheik be demilitarized. How incredible is that suggestion. Has the administration forgotten of the assurances of this identical nature obtained after the Israeli's victorious 1956 war . . . assurances so blatantly forgotten and never enforced when the UN quickly withdrew its troops in May, 1967 and Nasser cut off the international waterway.

Unfair as such a suggestion may be, unworkable as it may seem, nonetheless, it is for Israel to make this determination, which she might be prepared to make if in direct, not imposed negotiations, a real peace were achieved between the Arab States and Israel. Russia now even rejects the Rhodes formula of confrontation.

These U.S. policy papers apparently revealed that as to the Gaza Strip, Jordan was to work with Israel and Egypt on the administration of that area. Here we are involved in an area which had never been Jordanian, had never been Egyptian, but over which Egypt took control. Egypt's occupancy was never even recognized by the United Nations. This territory in the very heart of Israel, the US suggests be probably turned over to Jordan . . . another example of Jordan losing the war and then winning additional land by an imposed peace . . . a reward for losing. The US Resolution for the refugee problem envisions a Gaza freed from refugees but turned over to Jordan.

And a mention of the refugee problem raises the backs of so many Americans who just are not familiar with the manner in which refugees were initially created. The Israelis in 1948, in daily broadcasts, and statements, constantly entreated the Arabs to not leave Palestine. Israel welcomed the Arabs to remain as full citizens. But the Arab leaders, under constant threats of reprisals "when we return to the land after driving the Jews into the sea", forced the Arab people to rush out of Palestine . . . and some 550,000 of them fled and became refugees. A total now, by attrition after twenty-two (22) years, allegedly increased to over 1 million purported refugees, seventy (70) percent of whom never had set foot on Palestine soil . . . or the soil of Israel as it is presently constituted.

During the years the Arab leaders have kept these refugees in a state of degradation, refusing to allow them to become assimilated or resettled in the vast areas of the Arab nations, inflaming them and each generation of their children to a hatred of Israel, and insuring a propaganda weapon against the people of Israel. The refugees have been a fertile area for the Commandos and terrorists.

On November 12, 1969, the United Nations Relief and Works Agency, which has the responsibility of caring for the refugee camps, primarily with American money, said that Lebanese and Palestinian Commando flags fly side-to-side in fourteen (14) of the fifteen (15) refugee camps in Lebanon holding some 170,000 inhabitants. UNRWA funds have fed and trained terrorists, and the textbooks of UNESCO have been filled with hate literature against the Jews. The camps have become mobilization and training centers for guerrilla gangs paid by the UN.

The United Nations Resolution of 1948 which followed the cessation of hostilities then, did not recognize "the unconditional *right* to return" by the so-called refugees. As a matter of fact, there is no precedent in history for a mass repatriation of a hostile force. But today, in an outrageous reversal of US policy, the US government gives those who fled their homes in Palestine . . . and hundreds of thousands of others who are in refugee camps, the "right" to return. This erosion of American policy is unconscionable.

Instead of the refugee being integrated into the economic structure of the other Arab nations, instead of a "just settlement" of the refugee problem as sought even in the UN November 22, 1967 Resolution, the US has now reversed all former positions and is demanding that all persons in the refugee camps be given the free choice of going to Israel.

But does an Arab refugee really have a "free choice"? Is he not, after a lifetime, completely dominated by his Arab brothers who have kept him subjugated in a prison camp for twenty-two (22) years?

Israel has stated repeatedly it is prepared to repatriate substantial numbers of refugees of the 1948 war and assist in compensation for others. Israel has pointed out that more Jews from Arab lands have sought refuge in Israel than Arabs have sought refuge in the refugee camps and in other Arab lands. The numerical balance of refugees is in the Arabs' favor.

Does the US really contemplate that it is feasible or logical for the Israelis to willingly permit a dangerous Fifth Column, forced by Arab leaders to make the choice to return so that they can more readily dismember Israel from within? The US has suggested a Commission to handle the details of returning the Arabs to Israel . . . but can you not imagine how the Arabs would insist upon a full return of antagonistic Arabs to the borders of Israel at a rate to be determined not really by Israel, or any Commission, but by the same Arab forces which have tried to overrun Israel from without, and would now have US approval to overrunning her from within.

The solution certainly does not lie in the U.S. position today to flood Israel with a hostile force to be admitted within the boundaries by Israel. As Golda Meir has forcefully said, "This would be signing Israel's death warrant."

With the same kind of disregard for realities, the U.S. deteriorating, changing position is that the Israelis return the West Bank to Jordan. Remember that this never was part of Jordan in the Partition Resolution, or at any time. The United States used to say that peace was not feasible if the Israelis were required to return to "fragile" armistice lines. Yet now the U.S. proposes that the whole area be returned, except for "insubstantial alterations."

Transjordan, under the Hashemite Kingdom, was east of the Jordan, until the 1948 war, and part of it was annexed by Jordan. Actually, only Great Britain and Pakistan recognized the annexation. Jordan was within the borders of Israel, twelve (12) miles from Medi itself. Israel was completely vulnerable under the old armistice with the boundary weaving about her lifeline, making her an easy target and always a temptation to aggression.

But Israel has stated many times that she is prepared to give up some substantial portions of the West Bank. She has sought not "territorial aggrandizement," but insists upon "geographical boundaries" which will give her a margin of security. Israel has indicated a willingness to return the Eastern half of the West Bank which has the populated towns, but insists on retaining the rest for security reasons. And this willingness, she says, will be exemplified and carried out when the parties resolve the matters in controversy about their own peace table . . . not by an imposed peace by outside nations heavily weighed with outspoken protagonists of the Arab interests.

As for Jerusalem, here again we find a change in U.S. policy. Under the original Partition Plan Old Jerusalem was to be internationalized, a proposal which was apparently acceptable to the Israelis. But in the 1948 War, Jordan captured the old Eastern Sector and continued to occupy it by force. Jordan conducted itself outrageously, completely destroying all the ancient synagogues, Jewish shrines, and destroyed the old cemetery.

In 1967, Jordan forced Israel to fight as I have previously indicated, and Israel won the control of the old city. For the first time the holy places of all three (3) major religions were open freely to all worshippers.

President Johnson, after the Six-Day War, said on June 17, 1967, that Jerusalem should not be divided again, but that all religious and holy places should be open to all persons. Now we find a US switch in position. Our government is suggesting that Jordan be rewarded for its oppressions of the past by being given economic, religious and civic control, and a role in a United Jerusalem . . . a sort of condominium arrangement in the City administration, including the New Jerusalem which has always been part of Israel. A suggestion which envisions Israel sharing with Jordan, territory Jordan never before controlled.

At this point, there has been no suggestion from the United States as to the Golan Heights from which the Israelis suffered constant bombardment of their farmlands until the Six-Day War. Syria has never recognized even the armistice after the Six-Day War, or the November 22d UN Resolution rejected Jarring's efforts and promoted guerrilla attacks. It is difficult to predict what the US attitude on this area might be, but certainly Israel's security demands it keep the Golan Heights. Nonetheless, Israel has already conceded that it is prepared, about the conference table, to relinquish so much of former Syrian territory as has been taken, except for that which, for security reasons, no fairminded person would expect her to surrender.

After three (3) wars, Israel can no longer be expected to accept international guarantees alone.

The future will bring peace only if the belligerents are required to negotiate that peace. As "The Miami Herald" said, editorially, on December 13, 1969, in criticizing Secretary Rogers' statement that occupation of territory formerly occupied by the Arabs . . . (and not necessarily synonymous with Arab territory) ". . . is to suggest that the June war was one of aggression. The reverse is true. Nasser and company made deliberate war on Israel. The occupied areas make Israel proper more easily defensible. And it is not Israel that is breathing fire again but the same old Nasser and company. In due time we believe most of these territories will be returned. But to equate them with a war of conquest is to equate the same motive with say, the quarter century American occupation of Okinawa. We must have face-to-face negotiations with the clear understanding of the right of each to exist."

This sets forth with clarity the Israeli position.

The face-to-face negotiations are the only answer to the cauldron which is the Middle East.

The United States can perform a worthwhile service to attain this end by insisting upon such consultations instead of watering down the formulas for a settlement. When Russia called the newest proposals "unconstructive", in spite of their far-reaching effect, the State Department spoke of the Soviet reaction as an "irresponsiveness" and called the reply "retrogressive", especially on the issue of approving the so-called Rhodes formula to arrange talks between the belligerents. Russia has completely rejected the US proposals. She could not benefit by accepting the US policy statements for a MidEast Cauldron promotes her interest, and improves her position with the Arab states.

There is no constructive purpose in the US attempting to force a settlement at this juncture since it would be easier for the US interests, and Israeli interests, to wait it out while the Russians eventually attempt to bring an end to the Arab squabbling among themselves.

Their own leaders have been chided for their failure to resolve differences. The dismal failure of the Rabat, Morocco conference is a repetition of the internal conflicts among the Arabs over the years. There may not be another full Summit Conference for awhile, in the opinion of Arab leaders, because of the inability of the Arabs to agree upon anything except a hatred for Israel. And even there we found that at Rabat the Iraquis protested that the Egyptian's proposals did not set an objective as to the destruction of Israel as a State, but rather the recovery of territories lost in the Six-Day War.

It is Libya and the Sudan which have been meeting with the UAR and allying themselves with Iraq and Syria to force a greater mobilization for the destruction of Israel . . . alliances which even weeks ago were not readily envisioned.

The fact that Rabat failed was not due to Mr. Rogers' statement, nor to the pro-Western influences of some Arab states, but rather the refusal of Kuwait and Saudi Arabia to meet Nasser's demands for additional funds for his military purposes. Does this rule out an immediate coordinated military attack against Israel . . . or will the future reflect that this has given Nasser the freedom to maneuver and initiate another war against Israel as he, the terrorists and leftists' Arab leaders dictate.

It is difficult to really prognosticate as to what will happen. We know that this month a conference in Cairo will be held with the UAR, Syria, Jordan and Iraq. Will they have persuaded Saudi Arabia and Kuwait to have joined Libya in increasing the annual $321 million subvention to Jordan and Egypt? Will the new $400 million being spent in France for the 50 Mirage jets and the 200 large tanks be used to supplement the Communists' arms in the possession of the UAR? It is well known that the increasingly militant Libya and Iraq are both receiving tremendous arms and material from France, destined as they must be for the warring nations.

France has modified its embargo originally aimed at Jordan, Syria, UAR and Israel. Now they sell to Iraq and Libya which the world recognizes are two of the most militant of the forces against Israel. Libya, with a population of 1.3 million, with only 7,700 men in their armed forces, with airmen trained in the United States, cannot possibly need for their self-protection this arsenal. No one suggests that Libya or Iraq are in the slightest degree threatened by Israel, which they consider their enemy.

Iraq, which had its armed forces on the Syrian front during the Six Day War, and presently has 14,000 troops in Jordan, was one of the nations which walked out of the Rabat conference simply because it wanted to show that it was more militant than Syria. Syria also walked out of the Conference because not sufficient time was being devoted to discussing plans for preparing for war with Israel.

The Resolution of the Khartoum Conference of Arabs in August, 1967, therefore, remains the guiding signpost of the Arabs. The Conference sought to make impossible a political settlement with Israel. It sought to intensify internal revolutionary subversion, inspired the guerrillas to increase activities, and warned against direct negotiations or a formal peace.

All of these official governmental attitudes of the Arab nations increases the determination of the terrorists. In early 1965 the guerrilla gangs were organized out of the refugee camps. Today there are more than 1700 active fighters, backed up by more than 20,000 persons, and in training as saboteurs are young children of tender years.

Their leader, Yasir Arafat, as head of the Palestine Liberation Organization is welcomed at Arab conclaves with the same dignity as the head of a State. They are supplied arms and training personnel indirectly by Russia and directly by China, and are fully cooperated with by the Syrian Government, and to a lesser degree have the cooperation of the governments of Jordan and Lebanon. This year they have demanded $19 million to carry on their frightening and wanton activities, and are receiving this quite openly from so-called responsible Arab governments.

The world has quietly witnessed, and acquiesed in terrorists' plots to kidnap Jewish citizens around the rest of the world, have watched them blow up Embassies and offices located in neutral countries. The Israelis forewarned the Greeks that the El Al airline office might be bombed. We have been silent when planes have been highjacked, or bombed in Brussels, Zurich and Athens.

The terrorists have offices located in New York City. They distribute magazines and propaganda, they utilize the 10,000 visiting Arab student members of the Organization of Arab Students, and enter into fund raising activities. They affiliate themselves with the radical left organizations such as the Students for a Democratic Society, the Black Muslims, and the Black Panthers whose leaders vigorously support the activities of El Fatah.

It is shameful to find that the Fatah government within a government functions openly in Jordan and in Lebanon. After the thirteen (13)-day war between the guerrillas and the Lebanese army, an agreement was reached between them on November 3, 1969 which guarantees and permits the guerrillas to operate openly along the Israel-Lebanese border. Such effrontery for a government of 2.2 million people, half of them Christians, with an army of over 20,000 men, to concede to 4,000 commandos the right to maintain forward bases and supply bases, to permit daily shelling of Israel.

The only prohibition against their operations in Lebanon is that their camps shall not be closer than 1,000 yards to a Lebanese town, only to reduce the possibilities of injuring residents of villages when the retaliatory raids of the Israelis take place. The guerrillas fail to observe this precaution. Such restrictions aren't even prevalent in Jordan, where there is little opposition to the Commandos.

Lebanon cannot escape its responsibility for the raids against Israel when they originate in the Lebanese territory with Lebanese approval. Yet, when Israel retaliates and takes eighteen (18) Lebanese prisoners to force the release of an Israeli watchman abducted by the guerrillas, the UN Security Council is called upon to take action against Israel rather than Lebanon and the UN observer, General Odd Bull, must intervene to obtain the release of the Israeli.

How ironic that Lebanon, which had been repeatedly warned that its connivance with the terrorists would bring retaliatory actions, should talk about complaining to the Security Council. But Arabs can complain with assurances that the Arab-Afro-Communist bloc in the Council will adopt an ineffective resolution of censure, with a few abstentions from nations without the fortitude to speak out against Lebanese or other Arab provocations. Provocations which will in the future necessitate increased retaliatory raids by Israel if it is to defend its citizens and maintain its respect in the councils of the nations.

The guerrillas and the Arab nations are heavily armed by the Russians, the Communists and with purchases from the Communist bloc, France and Great Britain. However, Israel stands defenseless because of the embargoes of France, Great Britain, Germany and apparently an embargo developing in the United States which, until now, had been determined to maintain some degree of balance, as suggested by President Johnson.

As "The Miami News" said, editorially, on December 24, 1969, "If the U.S. thinks peace can be brought to the Mideast by permitting Arabs to import Soviet and French weapons while the Israelis are put off altogether, to act on the thought would be more than 'appeasement'. It would be totally immoral selling out to oil diplomacy.

"But conscience must place a limit on the concessions we are willing to make to gain a few minor points with people whose loyalties and commitments history proves fickle."

In the midst of the concern with the changing U.S. Mideast policy is the fuss and furore over the devious device of the Israelis to acquire the five (5) gunboats manufactured for them and paid for by them before the French embargo, may have excited many persons and encouraged them, but the effect of the addition of the five (5) French-built, small boats to the Israelis, may, was of no great moment. This brings to twelve (12) the number of Israeli gunboats, adding to her four (4) submarines, her single destroyer, her one anti-aircraft frigate, her four (4) landing crafts and her nine (9) motor torpedo boats. But the UAR alone has twelve (12) Russian subs, six (6) destroyers, many escort vessels, minesweepers, Soviet missile patrol boats, thirty-one (31) motor torpedo boats . . . Israel bought her tiny Navy . . . Egypt got hers as a gift from Russia.

Israel's armed forces are small compared to the Arabs. France alone has recently sold $800 million worth of weapons to Algeria, Iraq, Syria, Lebanon, Saudi Arabia, Morocco, Tunisia and is now entering into its contract for $400 million of planes and tanks to Libya and shipping more arms to Iraq . . . arms being shipped without any public outcry at the same time Israel got possession of its five (5) small gunboats.

With France indicating that it has reconsidered its embargo of arms to Israel, Egypt, Syria and Jordan purportedly belligerents, Foreign Minister Maurice Schumann says, "This policy varies according to the offensive character of the arms, the geographic position of the buyers, their direct participation in or not in the battles, and finally the course of the conflict itself."

Obviously, with Libya and Iraq purchasing arms in France, and both nations becoming increasingly involved in the war against Israel, France has reappraised its determination to expand its economic influence with Arab nations. This in spite of the real influence such action has in increasing the motivation of the Arabs to renew their attack against Israel.

The United States must realize that Israel's deterrent power of arms would more readily dissuade the Arabs from another reckless military attack. The U.S. must realize that the military aid we have given to Libya and other Arab nations has boomeranged. The Arabs cannot be expected to adopt a pro-Western attitude so long as the US and the Western powers capitulate to their threats. Libya leftists recently cancelled a $312 million order for an air defense system from Britain, originally intended by King Idris, who was displaced four (4) months ago. The order was given as a protection, ironically, against Egypt.

The U.S. must recognize that it should be sympathetic to Israel's needs for buying arms. Israel, since 1965, has not been able to purchase arms even from West Germany because of Arab pressure. So why has the US obviously cut off arms shipments to Israel? This is not in the interest of the U.S.

It was President Truman who assured that the US would be the first nation to recognize the integrity and existence of Israel . . . it was President Johnson, who, as Senate Majority Leader, spoke out against sanctions in 1957 when Dulles threatened to impose them . . . It was Nixon who said that the U.S. Policy had to be strengthened.

In October, 1968, during his campaign for the Presidency, Richard Nixon said it was in the US interest to support Israel. He warned that the US must support Israel and not with an exact balance of power because this policy would involve the risk that "potential aggressors might miscalculate"; instead he warned that the US must tip the balance in Israel's favor.

But by refusing to supply arms, the US has done the opposite. It had tipped the Mid-East balance against Israel at a time when the Soviets are flooding the area with arms and economic aid.

The "evenhandedness" recommended by Governor William Scranton has resulted in a weakening of Israel and a building up of the Arabs.

Candidate Nixon said, in speaking of furnishing Israel arms to have "sufficient military power to deter an attack. As long as the threat of Arab attack remains direct and imminent, sufficient power means the balance must be tipped in Israel's favor. An exact balance of power, which in any case is purely theoretical and not realistic, would run the risk that potential aggressors might miscalculate and would offer them to much of a temptation."

He went on to say that "if giving Israel a technological military margin to more than offset her hostile neighbors' numerical superiority requires phantoms," Nixon continued, "we should supply those phantom jets."

He stated that "during the past five years of active Soviet penetration, the US government has at times seemed to hide its head in the sands of the Middle East; this Administration (Johnson's) has failed to come to diplomatic grips with the scope and seriousness of the Soviet threat." He went on to state that "it is not realistic to expect Israel to surrender vital bargaining counters in the absence of a genuine peace and effective guarantees."

President Nixon has obviously forgotten his words. His Administration has buried its whole body, not just its head, in the Mideast sands. I am not prepared to believe that the position it is assuming is deliberate. For that reason, those of us who have a real understanding of the problems of the Mideast have the responsibility of warning the State Department of the dangers inherent in abandoning Israel, or adopting a stance inimical to Israel's ability to cope with the Arabs.

B'nai B'rith's International President, William Wexler, has decried the implications in the Rogers' statement, warning that it "would work to great disadvantage of American interests in that part of the world, and would seriously jeopardize Israel's security." Congressman Claude Pepper has joined other Congressmen in expressing his deep concern for the change in position, while Senator Charles E. Goodell of New York calls the new plan "dangerous to the United States."

We must "tip the balance," as suggested by President Nixon little more than a year ago to insure Israel's security. We have a chance of insuring peace in the Middle East if our policy is one of support of Israel's insistence that the belligerents themselves resolve the dispute.

Secretary Rogers is correct when he says, "We have to conduct our foreign policy in a way we think is best for our national interest."

It is the responsibility of the members of our Congress representing the people of the United States to help shape our foreign policy so that Secretary Rogers and the Nixon Administration will realize that our national interest requires renewed support for Israel, and the redevelopment of a policy which has as its purpose support for Israel while persuading the Arab leaders that their best interest lies in a confrontation with Israel around the Peace table.

Until the nations resolve their areas of disagreement, recognize each other's sovereign rights to exist peacefully, and together develop plans for the economic development of the entire Middle East with the people there living in Peace, we cannot afford to change and weaken the U.S. policy towards Israel.

PROTECT CHILDREN FROM GLUE SNIFFING

(Mrs. MINK asked and was given permission to extend her remarks at this point in the Record, and to include extraneous matter.)

Mrs. MINK. Mr. Speaker, I applaud the action of Congress in considering legislation directed against drug abuse. However, our actions to date have not touched on one important aspect of this problem that is of vital concern to the people of Hawaii and other States.

I refer to glue sniffing, or the wider field of inhalation of fumes from glue, paint, gasoline, and a wide variety of other products containing toxic solvents. This has been called a bigger problem in my State than marihuana, which along with heroin is the main subject of legislation currently being considered.

My bill, H.R. 12751, would protect our children from the potentially fatal dangers of glue sniffing. For the benefit of my colleagues, I insert at this point in the Record my testimony submitted to the House subcommittee considering drug abuse legislation during the current hearings.

The statement follows:

Testimony by Representative Patsy T. Mink, Before the Subcommittee on Public Health and Welfare of the House Committee on Interstate and Foreign Commerce on Legislation To Protect Children From Glue-Sniffing, February 17, 1970

Mr. Chairman and members of the Subcommittee, I appreciate this opportunity to testify in support of my bill, H.R. 12751. The purpose of this bill is to protect our children from glue-sniffing.

While H.R. 12751 is not among those formally included as subjects of these hearings, I think its provisions are worthy of consideration for inclusion in any legislation which the Subcommittee recommends to solve the overall problem of drug abuse.

Certainly, glue-sniffing is a significant aspect of the drug phenomenon of recent years which has seen a striking proportion of our young people turn to various forms of artificial stimulation. Most of the publicity seems to concern marijuana, heroin, and other substances such as LSD. Yet the deliberate inhalation of vapors from various solvents, such as those used in the manufacture of glue, is causing great damage to the health of thousands of children across our nation, and their story is not being told. It is difficult to find and apprehend children using these commonly-available substances, and it is conceivable that many who are now addicted to heroin or other drugs got their start sniffing glue in their early teens, or even before.

It may surprise some members of the Subcommittee to learn that glue-sniffing—or, really, wider area of inhalation from glue, paints, gasoline, and other solvent-containing substances—is a bigger problem in Hawaii than marijuana. It may be so in other States, as well. Members of Congress receive no letters urging "legalization" of the substances used, since they are already legal and freely available to anyone who wants them at the corner drug store or even in their own homes.

I ask the Subcommittee's permission to include in the record an article from the Honolulu, Hawaii, Advertiser newspaper of September 5, 1969, headlined, "Study Sees Glue-Sniffing As Worse Threat Than Pot". This article says, "A recent State study of teen-age drug offenders here points to paint- and glue-sniffing as the most serious aspect of the drug abuse problem and suggests the kids' choice in drugs may depend on their economic status."

"The Advertiser has learned that a survey of 223 youthful drug users conducted by Family Court consultant Dr. Christopher E. Barthel III depicts sniffing as a problem linked closely to poverty and other types of crime. Marijuana appears to be a more 'middle-class' drug, less related to other offenses."

There may be disagreement over whether glue-sniffing is a problem related to poverty areas, but if so it would seem discriminatory to draft legislation to benefit children in middle class areas where marijuana is used, and ignore the health problem posed in poverty areas by glue-sniffing.

The article goes on to describe the inhaling of vapors from paint and glue as "a far more alarming problem in Hawaii than is marijuana." It says that arrests of teenagers for drug offenses increased by more than 1,500 percent since 1964–5, with inhalants accounting for 815 offenses in 1967–8 compared with only 92 for marijuana.

I think it is well-documented that solvent-sniffing is an important problem, not only in Hawaii but in many other States as well, and I urge the Subcommittee to study the national statistics during its deliberations on this subject.

There is a clear danger to health from this practice. While full information is still being sought by scientists and law enforcement officials, it is clear that many of the toxic solvents in these substances can act as poisons, resulting in permanent damage to the nervous system and liver. Large enough doses can be fatal, and some children have died as a result of glue or paint "sniffing."

Children take up this habit in search of "thrills" or "kicks". A 1962 report by the National Clearinghouse for Poison Control Centers noted that "such inhalants can cause a syndrome resembling acute alcoholic intoxication . . ." A study of young boys using these products showed that all became "drunk", "dizzy", or euphoric. "A number described vivid dreams, often in color, or hallucinations . . . There was some evidence that these feelings either could or did lead to impulsive or destruotive behavior, possibly even more frequently than in persons acutely intoxicated by ethyl alcohol," the 1962 report said.

I have in my files a newspaper photograph showing a 16-year-old boy who was shot to death seconds after the picture was taken in Parville, Maryland. The caption says that the boy, who reportedly had been sniffing glue, grabbed a shotgun and threatened to kill his brother. As he ran from his house, he swung the shotgun toward a police officer and was shot by another policeman. He died a short time later—another victim of glue-sniffing.

In seeking some way to protect our children, I was struck by the misguided approach of most legislation on this subject. The glue manufacturing industry has been promoting a State law which would make it a misdemeanor to sniff glue. I understand such legislation is now on the statute books of several States. This seems to be directly opposite to the approach we are making in other areas of drug abuse, namely, to prosecute the *source* and not the victim. Why should our innocent children have to pay the price for the negligence of society in permitting free access to these substances, without any form of protection.

I believe that true protection lies in adding an obnoxious substance to these materials, so that children will not sniff them. Obviously, you cannot regulate all sales of glue, paint, and other solvent-containing materials in such way that they are prevented from getting into children's hands unless you ban them entirely.

In trying to implement my idea, I first contacted the manufacturers through the Hobby Industry Association, in New York, which represents leading manufacturers of glue used by hobbyists. I wrote to the association last May to inquire on prospects for inclusion of an obnoxious substance in glue, and was informed in reply that "The laboratories of our manufacturers are continuing research in an attempt to find an acceptable additive. Hopefully, the answer will be found at an early date."

After further correspondence the association informed me, on June 2, 1969, that "We are no more in a position to create a solution than other research bodies are able to create the answer to the existence of cancer."

On July 10, I introduced H.R. 12751, to amend the Federal Hazardous Substances Act to authorize the Secretary of Health, Education, and Welfare to ban glue and paint products containing toxic solvents from the market place. Under its provisions, the Secretary shall by regulation classify such glue or paint product as a banned hazardous substance unless the manufacturer of such glue or paint product either (1) manufactures his product without such solvent, or (2) manufactures it with a substance having an obnoxious odor.

The provisions of the Federal Hazardous Substances Act give the Secretary power to order removed from the market whatever is found to be a hazardous substance. Thus, under my bill, the manufacturers would be given full opportunity to solve the problem by the simple inclusion of an obnoxious substance, or face removal of their right to continue exposing our children to these dangers.

Five days after I introduced my bill, Testor Corporation, the nation's largest manufacturer of hobby glue, announced at a New York press conference that it had been adding a substance which would accomplish the purpose I had in mind, since May, 1968. The substance they chose was oil of mustard, which produces a stinging jolt in the nasal area when "sniffed" in large quantities as is done by glue-sniffers. The company offered to make its research findings available to any manufacturer whose products contain inhalable solvents. The products include nail polish remover, paint thinner, cleaning fluid, gasoline, and even the propellants in pressurized hair sprays, cocktail glass chillers, and the sprays that keep foods from sticking to pots and pans.

The president of Testor said, "solvent inhalation is the problem of all manufacturers whose products contain such ingredients. We are offering to these manufacturers whatever assistance we can give to help them add a deterrent to solvent-inhalation into their products too." With permission, I would like to include in the record a copy of the company's press release of July 15, 1969, announcing their additive, a background paper on this, questions and answers concerning solvent inhalation, and remarks by the company president all of which were released at the press conference.

Since a successful additive has been found, industry should have no objection to the adoption of my bill. There should be no objection of all responsible manufacturers of paint and other products containing similar solvents to a requirement that all of their products be required to contain this obnoxious additive so that our children can be protected.

Under provisions of my bill, the Secretary of Health, Education and Welfare would be able to identify the substances being used for solvent-sniffing and after giving manufacturers of them a chance to comply, take the necessary actions to force compliance. I think this is a sound approach to the glue-sniffing problem that is in the best interest of the public, our children, and legitimate manufacturers as well.

I urge the Subcommittee to give full consideration to including these provisions in whatever legislation it drafts on the subject of drug abuse.

Thank you for this opportunity to appear.

THE RECESSION BUDGET

(Mrs. MINK asked and was given permission to extend her remarks at this point in the RECORD, and to include extraneous matter.)

Mrs. MINK. Mr. Speaker, slowly, as we go over the minute detail of the mammoth budget document submitted by President Nixon to the Congress, we are discovering the extent of the slashes he has made in programs that are of vital importance to our people.

The Nixon budget, the first the President has compiled under his own administration, presents a shocking picture of retrenchment. There are wholesale and indiscriminate cuts in nearly every field, reflecting a philosophy of cancellation and retrogression.

These deep, tragic cuts are made at the expense of our people in such fields as health and education and employment. All across the broad expanse of Government activity, the emphasis is on marking time, or worse. We can only assume that the President seeks to revoke major functions of the Government as was once promised by Mr. GOLDWATER.

These wild slashes are necessary, we infer, in order that the President can maintain the tremendously high cost of the Vietnam war. Thus, our tax dollars go toward buying bombs and bullets instead of schools and hospitals.

One of the most meaningless and blind actions of Mr. Nixon's budget-cutting rampage is the proposed dismantling of the language and area studies program. This valuable program has provided "seed" money, often matched by universities at a ratio of 5–10 to 1, for the creation of 120 centers at outstanding campuses across the United States. In the decade that this effort has been sustained under title VI of the National Defense Education Act, we have trained students in the diverse cultures, politics, history, and languages of the nations of the earth. This has helped to produce the most highly educated generation of Americans in our history, a most important asset in these times of world crisis.

Our commitment at the start was $20 million in Federal funding, hardly comparable to the cost of 1 day's toll in shot-down aircraft in Vietnam. The President wants to reduce this to zero in fiscal year 1972, after which, presumably, a future administration will have to begin the expensive process of rebuilding what this one has torn down.

The President's action in eliminating the foreign language and area and international programs, in contrast to his lofty speeches on the "State of the World," eloquently demonstrates his real lack of understanding of the need for our participation in the relations with other countries which so largely shape our own destiny. The President's budget symbolizes his effort to withdraw America from international citizenship.

I predict it will not be long before our citizens realize that they are the ones being hurt by the President's reckless bludgeoning of the budget.

For the benefit of my colleagues, I insert at this point in the RECORD a letter from Stanley Spector, chairman of the East Asian Language and Area Center at Washington University in Missouri. His remarks eloquently tell the story of Mr .Nixon's blundering cut of the language and area studies budget:

WASHINGTON UNIVERSITY,
St. Louis, Mo., February 12, 1970.

Hon. PATSY MINK,
Representative from Hawaii,
House Office Building,
Washington, D.C.

DEAR MRS. MINK: I know you are very much interested in the state of higher education in our country and in the continuance of programs which equip our scholars, students, and citizens at large to cope with the problems of the contemporary world environment. Therefore, I should like to appeal to you to consider more carefully, and reconsider if necessary, the implications of the slashing of that section of the higher education budget request which deals with language and area studies. The language and area programs have been sustained for more than a decade under Title VI of the National Defense Education Act. In this period over 120 Centers were established on outstanding campuses in the United States. Intensive study of the cultures, politics, history and languages of all parts of the earth were undertaken, bringing into being the most highly educated generation of Americans in our national history. It is no luxury for this nation to train students and scholars in the diverse languages and cultures of the world. Although understandably, many citizens are unhappy or uncomfortable with our defense commitments throughout the world, it must be apparent to our national leaders and representatives that we cannot exist in this world without the most intimate relations with other nations.

I would beg you to reflect upon the implications of the environmental crisis which the President and his special Commission have recognized. Even as we attempt to improve, or rather *to save* our country from the disasters of pollution, reckless poisoning, ghettoization of the cities, etc., we must certainly be aware that most of the long-range solutions will have to come about through international cooperation, for environment and ecology are global. Mankind is about to meet its greatest challenge, and it cannot do so except on an international basis. No programs are contributing and have contributed more greatly to the ability of Americans to cooperate with their fellow inhabitants of the earth than the language and area programs. Indeed, should these programs be dismantled by reason of ill-advised and hasty "economies", it is a certainty that in the near future they will have to be painfully reinstituted at a high and unnecessary cost. It should be borne in mind that for every Federal dollar invested in the language and area programs, our universities, foundations, and communities have matched at a ratio of from 5–10 to 1. At my own University our closest estimate is that for the approximately $40,000 annual grant received by the Asian Language and Area Center, under the encouragement so offered by the United States Office of Education, the University has contributed well over $300,000 each year in accountable resources such as faculty salaries, scholarships, library acquisitions and processing services, and support of research and travel. The impact on the St. Louis Area and on the states of Illinois, Kansas, and Missouri, as well as several southeastern and southwestern states has been considerable. Consortia have been developed which have made it possible for a large number of universities in the midwest to pool resources for the international education of their students. Joint summer programs have been established; programs for overseas study have been set up in Europe and Asia; training of secondary school teachers has been accomplished; and significant and successful programs in the teaching of Chinese and Japanese at the secondary school level have been initiated and supported by the Center. Civil organizations, church groups and educational institutions on every level, as well as the news media have been the direct beneficiaries of this Center—which is only one of more than 100 in the United States.

It is most regrettable that just at the point where the greatest benefits of the language and area centers are being felt, when we have at last reached the point where we are being enabled to produce sufficient personnel to meet the needs of the new internationalized education necessary for survival in the twentieth century, at a stroke the program is threatened with annihilation. More than any pull-out of troops from various parts of the world, this would indeed seem to *symbolize American withdrawal from international citizenship* and abandonment of concern for those parts of the world which have heretofore been neglected in our concerns and in our education.

I write to you as a representative of the American people at large, as well as of your district or state, because the only hope for the rectification of a tragic error lies in your hands. I am fully sympathetic with the President's desire to achieve a balanced budget, and to trim out superfluous and outmoded programs. I fully understand that the Bureau of the Budget has accordingly found it necessary to reallocate funds and readjust priorities. But I feel it is my duty to point out to you that whatever the intention, the results of such a policy constitutes the kind of disaster which is all the more threatening because it will not manifest itself at once but result in a long-range deterioration that will eventually be felt in our State Department, in our business activities, in our military establishment, and in educational institutions of every level.

According to information I have obtained the original appropriation of $20,000,000 for such language and area and international programs was first cut to $18,000,000 and now has been cut to a $6,000,000 budget request for 1970–71, and will be cut to zero by 1972. I need not point out that such an attitude on the part of the government cannot fail to reduce the confidence of universities in international programs, and hence lead to corresponding reductions in their own allocations for such programs. Even the present rumors of the impending cuts are already producing a panic and resulting in cutbacks in employment. It is quite evident that in three years time, as a result of this misguided elimination of the NDEA title VI Program, large scale unemployment of the very people whom the program produced will occur. These people are specialists in foreign language and area fields whose skills are oriented very specifically (by terms of the Act itself) toward education and research. They cannot be absorbed in the ordinary job market or in parochial departments. That such a situation should occur at a time when the need for such people is increasing could only be attributable to a lack of sufficient consideration of this problem by the Executive Branch and by the Congress of the United States.

May I therefore urge you to investigate this matter and take any and all steps necessary to impress upon your colleagues and upon the administration, and particularly upon the Bureau of the Budget, the importance of the NDEA Title VI Centers and similar programs for international education and international exchange. As one who has been concerned with this field for almost twenty years in government, overseas, and in universities and high schools, I should like to offer my services to you and your staff at any time. I would be glad to submit further evidence or to testify at the hearings. As a member of the Midwest Panel of the Institute of International Education, of the American Association for University Professors, of the Association for Asian Studies, of the American Political Science Association, of the American Political and Social Science Association, of the International Studies Association, but especially of the American Historical Association, I shall do my utmost to persuade my colleagues in a concerted effort to bring this problem to the forefront of national attention. But the problem is urgent and immediate, and as a citizen I feel it is my duty to appeal to you to act at once. I look forward to hearing from you and to receiving your advice.

Sincerely yours,

STANLEY SPECTOR,
Chairman.

MIRV MINUTEMAN III MISSILES TO BE DEPLOYED JULY 1, 1970

(Mr. BINGHAM asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. BINGHAM. Mr. Speaker, the report in the Washington Post today that the United States will begin deploying its MIRV Minuteman III missiles on July 1, 1970, is most disturbing. Such a move would be at best ill-timed and shows a total lack of sensitivity by the military complex that bodes ill for the success of the SALT talks. At worst it could be construed as an effort to torpedo these vital talks.

Particularly shocking is the apparent fact that the decision to move forward with deployment, immediately upon completion of the testing phase, was not reviewed by the President. Surely the impact of this decision upon the SALT talks, and the possibility of postponing it, should have been given the most serious and thorough consideration. I can only hope that the President will do so now, and will quickly make clear that this deployment date is at least subject to deferment in response to any encouraging development that may occur when the SALT talks resume in April.

Even aside from the possible unfavorable impact of this move on the SALT talks, it is difficult to understand the purpose of an extensive test program if we move to deployment before a thorough and comprehensive review of the entire testing phase can be completed and studied by officials throughout the executive branch, and by the Congress. In view of the current concern over the need to limit offensive weapons, expressed by the President himself on several occasions, it seems reckless in the extreme to move with such haste from testing to deployment.

This rush to deployment might be understandable if the Soviet Union was even close to effecting a major shift in the United States-U.S.S.R. deterrent balance. Many observers will charge that the Soviet Union is doing just that by continuing to deploy its SS–9 at an alarming rate. Throughout the hearings on MIRV conducted by the National Security Policy and Scientific Developments; however, Defense Department witnesses argued that the purpose of MIRV is to counter the strategic effect of a Soviet ABM. It is not directed at Soviet MIRV's. As Dr. John S. Foster, Director of Defense Research and Engineering, said in his testimony:

> The U.S. MIRV is tied to Soviet ABM capability or a possible future ABM capability. The battle is between our MIRV and Soviet ABM, not between U.S. MIRV and Soviet MIRV.

I do not know of a single responsible official who would claim that the Soviet Union is on the verge of a significant ABM capability, nor are there any signs that the Soviets intend to push ahead on the ABM programs they started some years ago. On the contrary, several administration officials, as reported in this morning's Washington Post, stated that the one subject that the Soviets were particularly open on and seemed especially anxious to discuss in Helsinki and hopefully in Vienna is the need to limit ABM.

If the American people fully understood the implications of the reported decision, I believe there would be a hurricane of protest. They want the arms race turned down, not escalated.

BANKERS BENEFIT?

(Mr. PATMAN asked and was given permission to extend his remarks at this point in the RECORD, and to include extraneous material.)

Mr. PATMAN. Mr. Speaker, in the January 27, 1970, issue of the Springfield, Mo., Leader-Press, there appeared a letter to the editor from Mr. Mervin V. Blakely, commenting on the House Banking and Currency Committee's current efforts to limit the use of secret foreign bank accounts for illegal purposes.

Among other things, Mr. Blakely's letter raises some serious doubts about the administration's support in this endeavor. I am inclined to agree.

The letter follows:

[From the Springfield (Mo.) Leader-Press, Jan. 27, 1970]

BANKERS BENEFIT?

Are we again in the same old cycle of "give the public domain back to private industry"? I seem to remember "Teapot Dome" and Dixon-Yates among others. Then, under Nixon, the giveaway of uranium lands in the West. There are others.

The Administration has withdrawn its previously announced support for a House Bill (H.R. 15073) by Rep. Wright Patman of Texas, aimed at curbing the use of secret foreign bank accounts for illegal purposes. Now he, Nixon, undercuts the Swiss bank probe. The numbered bank accounts, a Congressional investigation revealed, have been used by rich Americans to dodge taxes and evade U.S. security laws; by gangsters to hide underworld gains; by foreign governments to pay off Americans for spying against the U.S. and for many illegal practices.

Robert M. Morgenthau, a Democrat who led the investigation of Swiss bank crimes, has been forced to resign as U.S. Attorney for Southern District of New York. He, Morgenthau, was forced to resign although his appointment did not expire until June 1971. Whitney N. Seymour, a Republican, has been nominated by President Nixon to succeed Morgenthau. Seymour is a law partner of William G. Dillon, a director of a Swiss bank.

One bank investigated by Morgenthau was the Manufacturers Hanover Trust Company of New York. It was allegedly used by racketeers in South Vietnam as a conduit for more than $1.5 million in black market money and kickbacks.

Seymour's law firm serves as counsel to Manufacturers Trust. Think it over.

MERVIN V. BLAKELY.

HUD ACTION RAISES INTEREST RATES AND POINTS

Mr. Speaker, last week, the Secretary of Housing and Urban Development, George Romney, appeared before the Banking and Currency Committee and once again attempted to put a good face on the administration's high-interest-rate policies.

In particular, the Secretary attempted to explain away his actions in raising the FHA-VA interest rates twice during his first year of office. At the time of the latest increase of 1 percent on December 30, administration spokesmen claimed that the action would reduce the discounts or the so-called "points" which are so burdensome on the homebuyer and the homeseller.

The truth is the points have remained high, changed little if any from the levels existing prior to the December 30 Romney interest rate increase.

Last week, the Secretary attempted to circle the issue by stating that "information available since the latest rise in the FHA-VA interest rate is too skimpy to provide an accurate reading of the results."

It is surprising that HUD's information is so skimpy. Members of Congress have received hundreds of letters from people all over the country establishing beyond any doubt that the discounts and the points have remained high following the latest increase in the FHA-VA interest rates. Letter after letter from homebuyers, homesellers, homebuilders, real estate, and financial experts, testify to this fact. Many of these letters have also gone to the Secretary of Housing and Urban Development and I am surprised that he claims that his information is "too skimpy."

Mr. Speaker, let me quote from a letter from Paterson, N.J., dated February 3, 1970:

> In October 1969 a mortgage commitment was obtained by us through a mortgage company in the principal amount of $17,500.00 at an interest rate of 7½%, together with a 10½% placement fee to be paid by us as sellers. We expect this transaction to close within the next several weeks, but at an interest rate of 8½% with a mere reduction of ½ of 1% placement fee, or a 10% placement fee. It seems highly inequitable that while the interest rate has increased a full 1% per annum on a thirty year mortgage, the placement fee has only decreased by ½ of 1%.

And across the country, Anaheim, Calif., comes a letter from a real estate company stating:

> Undoubtedly you are aware that lenders' discount fees (points) are the same today as they were at 7½ per cent interest in December. Most of the lenders feel points will be higher and will set new records in the very near future.

And I have received a copy of a letter addressed to Secretary Romney, dated February 2, from a New Jersey homebuilder. The letter states:

> The rising of the FHA rate to the very best of my knowledge did nothing to make available additional mortgage funds. It did temporarily, for perhaps two weeks or so, reduce the number of points required by the various FHA lending institutions. However, I believe that as of this date, the number of points being charged is identical to the number of points that were charged before the first of the year.

Mr. Speaker, I also place in the RECORD letters from San Jose, Calif.; Daly City, Calif.; and Cincinnati, Ohio; which touch on this same point. These are just a few of the hundreds of letters which I have received in reference to the FHA-VA interest rate in recent weeks:

VAN VLECK REALTY,
San Jose, Calif., February 10, 1970.

Hon. WRIGHT PATMAN,
House of Representatives,
Washington, D.C.

SIR: Your current stand regarding the monetary condition of the country's economy is admirable. Many of us deeply involved in the segment of the economy dealing with housing and the funds to help our people are acutely concerned.

Possibly the area most likely to be overlooked, is the longstanding system of penalizing the home seller by forcing him to subsidize the buyer's loan. This insidious practice robs the seller of much of his equity and frequently causes him to go it alone in the market bereft of professional help and at times resulting in expensive problems.

Perhaps you and your committee could devise a method whereby funds could be made available to a buyer without robbing the seller. Seem strange that this only happens in programs (FHA-VA) designed to help provide housing for those in need. Is it possible or thinkable to consider nation-wide interest rates applicable to all investors in the housing market? Any step in the right direction would be appreciated.

Respectfully,

IVAN H. LONG,
Realtor.

STANDARD BUILDING COMPANY, INC.,
Daily City, Calif., January 19, 1970.

Hon. WRIGHT PATMAN,
Chairman of Banking and Currency Committee, House Office Building, Washington, D.C.

DEAR CONGRESSMAN: In the past few weeks several interesting facts have appeared which shed new light on the cost of financing new moderate priced homes. [The government several weeks ago acknowledged the realities of the financing picture and raised F.H.A. rates, which action should in turn have reduced "points" by one-half, from 7–8% to 3–4%. Instead the prime conventional rate was raised to 9¼% and points raised higher. Thus the desire of bankers to continue their thirst for high profits was maintained through the manipulation of the conventional rate at a high cost to the public.]

Highlighting the above paragraph are reports of record profits by major lending institutions in our area. Net profit returns ranging from a low of 19% to a high of 27% clearly indicate the fabulous gains to be made by playing the points-interest rate game.

Government has regulated business in the public interest. It is our opinion that increased government action and regulations are required to increase the permissible rate lending institutions can pay depositors, and place a ceiling on prime interest rates to eliminate the evil points system and establish a fair return rate for bank profits.

It is our hope that our views will be of value to you in developing legislation to remedy this great problem.

Very truly yours,

JAMES P. SARGEN.

CINCINNATI, OHIO,
February 9, 1970.

Congressman WRIGHT PATMAN,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN PATMAN: As the only real friend that the little guy has in this country, I think that I should bring to your attention a matter that you are probably already aware of.

As you know, the latest rise in FHA interest rates was the biggest kick in the groin that the little man and poor person suffered since Coolidge's time. It was done for the supposedly justifiable reason of bringing fresh money into the Real Estate business. Well since that exorbitant boost in rates, fresh money has *not* entered the housing market. FNMA is still the only lender. So is there any sane reason for keeping the rates that high? The only one that benefits by the higher rates are the Mortgage Companies who take in a slightly higher servicing fee because the total loan amount is higher.

So why not force the Administration to roll back the rates to the previous level, which by the way were still too high. They cannot legitimately use the excuse about drawing money in because it obviously did not work. A real good campaign issue could develop out of this, i.e. "it costs 20 more a month for life to buy a house under republicans than democrats". And they have the nerve to appeal to a silent majority.

Here in Ohio we have a special problem because of the Usury laws. I would write to my own representatives but young Taft probably doesn't even know about it yet and Clancy is probably too busy attending John Birch meetings.

Cordially,

JOHN A. O'CONNOR.

FIVE PERCENT INTEREST FOR THE SAVER WHO IS POOR; 7½ PERCENT INTEREST FOR THE SAVER WHO IS RICH

Mr. Speaker, last week, the Washington Post and the New York Times both reported that the Treasury had made a decision to increase the minimum denomination of Treasury bills from $1,000 to $10,000. This, of course, had the immediate effect of forcing out of the market the many small savers, including retired persons, who had been buying these issues at unprecedented levels in recent months.

For the past 2 weeks, according to the newspapers, the Federal Reserve Bank of New York has been receiving an average of 750 calls a day from individuals asking for information about Treasury bills. Demand has been particularly high at Federal Reserve Banks because these institutions impose no service charge when selling the bills. In contrast, commercial banks frequently levy a fee for obtaining bills for customers and this fee, of course, very substantially cuts down the interest yield.

Even so, investors became the mainstay of the bond market this year. Indeed, an article in Sunday's New York Times indicated that the small investor has reshaped the bond market and that, without purchases, the small decline in interest rates this year would not have been possible. Mr. Speaker, this is one more tragic consequence of the administration's high-interest rate, help-the-big-banker policy. This is one of the more blatant examples of their tendency to favor the big powerful elements at the expense of the ordinary citizen. Now they have made the small saver suffer more than ever by closing one of the few routes through which he could attempt to preserve the real value of his savings.

It is impossible to believe the Treasury's complaint that the paperwork involved in the sale of $1,000 bills was too costly. Every State in the Union sells automobile licenses at fees ranging from $10 to $50, and these State governments seem to make a profit from such modest transactions. Why in this age of computers and punchcards could not the sale of small-denomination Treasury bills be automated in the same way? Certainly the Treasury did not make any serious effort to try to standardize and reduce the selling cost of $1,000 Treasury bills. Such behavior is not all that surprising from this rich man's administration.

The materials follow:

[From the New York Times, Feb. 26, 1970]

Treasury Puts Minimum on Bills; Sales Smaller Than $10,000 Halted To Stem Rising Orders and Costs

(By Edwin L. Dale, Jr.)

WASHINGTON, February 25.—The Treasury announced today that it would no longer sell Treasury bills in denominations of less than $10,000.

The move was taken to stem a flood of small orders for bills. The minimum denomination has been $1,000.

Individuals will continue to be able to buy Treasury notes and bonds in denominations as little as $1,000. These have a somewhat longer term of maturity and are not as "liquid" as bills, and must be purchased in the market. But at present their market rates, following a recent dip in the bill rate, are higher than those on bills, and this has normally been the case.

Today's move had two underlying purposes:

To cut mounting costs for the Treasury in processing the small orders for bills.

To help in some moderate degree to stem the massive outflow of funds from savings institutions, which are the primary source of mortgage funds for housing.

RECORD WITHDRAWALS

The Federal Home Loan Bank board reported today that savings-and-loan associations suffered a record net withdrawal of $1.4-billion in January, as savers sought higher returns elsewhere. Meanwhile, housing construction has been plummeting.

Paul A. Volcker, Under Secretary of the Treasury for Monetary Affairs, estimated that in January and the first week of February, small orders for bills—less than $10,000—amounted to between $250-million and $500-million.

The cost of processing the paperwork—estimated at $15 to $20 for each bill, regardless of its amount—falls initially to the Federal Reserve System. But because the Federal Reserve pays 90 per cent of its earnings to the Treasury, the effect is a cost to the Treasury.

The new policy will take effect for the next bill auction, next Monday. Outstanding bills can still be bought in $1,000 denominations until they mature. The last ones will mature about a year from now.

MINIMUMS INCREASED

Last week, two Federal agencies that issue large volumes of their own securities—the Federal National Mortgage Association and the Federal Home Loan Banks—also raised their minimum denomination to $10,000.

It is only very recently that individuals in large numbers have become buyers of Treasury bills. The normal holders of the approximately $80-billion outstanding are banks and other financial institutions, corporations and institutional investors with temporarily idle funds.

Not only have the small orders added to the Government's costs, Mr. Volcker said, but also the highly sophisticated Treasury bill market "has been laboring a bit under the volume of transactions."

He said it was of great importance to the Treasury that this market function smoothly.

The actual return to an investor on a Treasury bill is often less than it seems. This is because of the increasingly common practice of banks in imposing a service charge, typically $10.

George Romney, Secretary of Housing and Treasury Development, said today, "This Treasury action could substantially improve our housing outlook."

[From the Washington Post, Feb. 26, 1970]

Treasury Bill Minimum Elevated to $10,000

(By Robert J. Samuelson)

In another move to aid the nation's sagging housing market, the government yesterday lifted the minimum purchase requirement for Treasury Bills from $1,000 to $10,000.

The new investment floor becomes effective with the March 2 auction.

Interest rates on the bills—short-term securities sold by the government to raise temporary cash—have run as high as 8 per cent in the last six months.

Such high rates have prompted many small savers to withdraw their deposits from savings and loan associations, the largest single source of credit for residential housing, in favor of the Treasury bills.

Homebuilders and S&L officials, backed by the government's housing experts, have long been pushing for action to restrict small savers from the Treasury bill market. In fact, most housing experts would have preferred an investment floor as high as $25,000.

At the same time, yesterday's change was taken against the recommendation of Virginia Knauer, the President's special assistant for consumer affairs. She argued that the new minimum would unfairly discriminate against small savers.

Between these opposing views, the Treasury sought to strike a "compromise," Paul A. Volcker, under secretary of the Treasury for monetary affairs, told reporters yesterday.

Although it is raising the minimum purchase requirement for bills, Volcker said, the government will maintain the $1,000 denomination for U.S. bonds and notes with maturities of more than a year.

At a press meeting yesterday, Volcker attempted to deflate the argument that Treasury bills are especially lucrative to the very small investors.

Most banks, he said, are now imposing a charge—$10 is a frequent fee—for handling and servicing the bills. When the fee is deducted from the interest payment, the investor actually receives a lower yield than he anticipated.

On a three-month, $1,000 bill at 8 per cent, for example, the return to the investor would be approximately $20, but half of that would be consumed by the bank's fee. Because the fee customarily remains fixed despite the size or maturity of a purchase, this penalty declines as the amount of the security and its length increase.

This reasoning, Volcker said, prompted the government to distinguish between short-term bills (with maturities up to a year) and the longer-term notes and bonds.

It is possible for small bill buyers to make purchases without incurring service charges by dealing directly with the 12 regional Federal Reserve Banks, which handle the marketing of the bills.

But the upsurge of small, individual buyers contacting the regional banks provided the Treasury with its other justification for raising the minimum: skyrocketing costs.

According to Volcker, a typical transaction costs the government $15 to $20. Most would-be small purchasers of bills remain ignorant of the mechanics of buying, he said.

"You have to sit down, tell them (the purchasers) how to fill out the forms, hire new clerks . . . (and) send it (the bill) out by registered mail," he said. Compared to the tiny volume of actual money received from small investors, the extra costs couldn't be justified, Volcker contended.

Just what effect the move would have on housing remained unclear yesterday.

George Romney, Secretary of the Department of Housing and Urban Development, hailed the step and said it "should substantially improve our housing outlook."

Since the beginning of 1970, some $250 to $500 million in bill purchases would have been stopped if the new requirement had

XUM

been applied, Volcker estimated. And not all these funds, he added, would have come from thrift institutions, which specialize in mortgages.

Moreover, the change comes just as the bills may be losing some of their attraction for small investors. Though market rates passed 8 per cent early this year, they have recently declined. The last auction yielded a rate of 6.975 on 6-month bills, against 6.917 the previous week.

[From the New York Times, Mar. 1, 1970]

THE INDIVIDUAL IS RESHAPING BOND MARKET

(By John H. Allan)

The small individual investor, who is getting the cold shoulder from the New York Stock Exchange and the United States Treasury, has been a mainstay of the bond market this year.

His purchases have reshaped the bond market to an important extent. Without his purchases, much of the decline in interest rates this year would not have been possible.

It remains to be seen whether his purchasing power is strong enough to fuel a continued rise in bond prices, but there is no question that the large wire houses are making a bigger effort to interest their customers in bonds.

On Tuesday morning, Feb. 17, the Michigan Bell Telephone Company sold $150-million of bonds to raise money to finance more phone facilities for its customers.

Heading into the bond sale, the investment banking concerns that deal largely with institutions calculated that the issue could be sold quickly if it were priced to yield as much as 8.65 per cent. To win the bonds, they figured they would have to bid aggressively enough to price them to yield somewhat less—say 8.60 per cent or even 8.55 per cent.

Such small differences may not mean much to the average investor, but they are large enough to make or break a bond sale. If pension fund portfolio managers decide the underwriters have gone too far, they can hang back and wait for dealers to lower their price, thus raising the yield on the bonds.

EASY WIN SEEN

On the morning of the sale, however, some of the major securities firms with large networks of offices thought they could win the bonds easily by emphasizing sales to individuals. They decided to price the bonds at terms that would give investors a yield of 8.50 per cent—lower than anything that would interest most professionals but well above the interest rates on savings accounts.

To make sure that brokers would have some incentive to let their customers know about the bonds, the investment bankers set the "spread"—the difference between what they paid for the securities and the price for investors—at $14 for each $1,000 face amount. Normally, investment bankers work for less than $10 a bond.

Stockbrokers are a breed that frequently shies away from handling bonds because the commission is much smaller than it would be if an equal amount of money were invested in common stocks.

In the Michigan Bell Telephone bond sale, however, a portion of the $14 gross profit allotted a brokerage firm was set at $8.75, and the salesman got between a quarter and a third of this. Consequently, he could earn about $50 on a $20,000 sale—not far below the $58.50 he might get on a $10,000 stock sale. This stock commission is calculated on the hypothetical sale of 500 shares of a $40 stock through a firm that gives its salesmen 30 per cent of the gross commission.

This commission on the Michigan Bell bonds, moreover, was about twice as large as the fee paid salesmen on earlier Bell System sales.

When the 8.50 per cent yield was announced, professional bond dealers who are used to dealing in $100,000 lots and larger found the rate a shocker.

"When we first saw that yield," one veteran bond trader remarked at the time, "we thought it was a dead duck."

But the underwriters sold more than $38-million of the $150-million issue the first day, even though no major institutional investors placed orders. The next day, sales continued until it became apparent to the professionals that they would have to act fast if they wanted any of the bonds. So late that Wednesday, they stepped in and cleaned up the offering.

The Michigan Bell financing points up what has become an important shift within the capital markets. Individual investors, doubtful about the outlook for common stocks at a time of decreasing corporate earnings and squeezed profit margins, are finding bonds attractive.

HIGH YIELD SOUGHT

They also have become more willing to give up the convenience and the lack of market risk in savings accounts for the higher yield on bonds. According to data published by Salomon Brothers & Hutzler, one of the biggest bond houses, individuals directly invested about $25-billion in open market debt securities last year, about 75 per cent more than in the "credit crunch" year of 1966, their previous most active year.

Compared with 1968, individuals' bond purchases were up almost threefold last year.

Purchases of open market debt securities (a term encompassing all types of bonds, debentures, notes, bills, certificates and other marketable securities that are the physical evidence of lent money) increased to $25-billion in 1969 from $9-billion in 1968.

SEARCH FOR FRIENDS

At the same time the net increase in savings deposits dropped from $29-billion to $8-billion.

The bond market seems to be one of the few investment areas where the small investor is finding any friends these days.

The New York Stock Exchange on Friday, Feb. 13, proposed changes in its commission rate structure that would raise the fees on 100-share orders an average of 68 per cent while the costs on 1,000-share purchases and sales would be reduced an average of 38 per cent.

Last Wednesday the Treasury Department in Washington announced that it would no longer sell Treasury bills in denominations of less than $10,000. The move was made to dry up the flood of small orders for bills, which up till now could be bought in $1,000 lots.

MINIMUM ESTABLISHED

The Federal National Mortgage Association and the Federal Home Loan Banks, two Government-sponsored organizations, also put a $10,000 minimum on their securities sales.

These minimums may benefit the corporate and municipal bond market. In those sectors, some issues are still sold in $1,000 lots although the trend is toward $5,000. In Pennsylvania, a recent law raising the permissible interest rate ceiling on bond sales in the state calls for some newly sold bonds to be denominated in blocks as small as $100.

These steps came not long after the Federal Reserve and the Federal Home Loan Bank Board raised ceilings on rates paid on individual savings to a maximum 5.75 per cent at commercial banks (for two-year deposits) and 7½ per cent at savings and loan associations (for $100,000 deposits for a year or more). Even with these increases, however, the rates remained below bond yields.

DISCRIMINATION SEEN

J. Charles Partee, director of the division of research and statistics of the Federal Reserve Board, was asked last week whether, in view of all these changes, the small investor was not being treated perhaps unfairly.

"I think clearly we're discriminating against the small saver, and I think it's terrible," he replied candidly. He quickly added that there was "some logic" for a differential in rates based on the size of a transaction and differences in liquidity preferences.

These differentials have far exceeded "any reasonable kind of definition that should apply," Mr. Partee asserted.

Even with these factors pushing individual investors toward corporate and local government bond purchases, however, it appears doubtful that they will remain as vital a prop to the market throughout 1970 as they were in 1969.

Last year, individuals purchased nearly half of the new corporate bonds that were marketed, and they bought 70 per cent of the tax-exempt bonds sold by cities and states and other local governments. Moreover, they more than absorbed the $11-billion of new Federal securities issued and Federal securities liquidated by the pressured banking system, according to Salomon Brothers.

AREA OF EXPANSION

This year, however, the amount of corporate bond financing is expected to increase and the relative portion to be absorbed by individuals over the entire year is projected lower than in 1969. The same is true for state and local governments.

If corporations want to build all the facilities they have projected (up till now at any rate) and if they want to restore their liquidity from the currently depleted condition, their bond sales will remain large. Similarly, local governments have large backlogs of capital financing.

To raise all this money, corporate and governmental executives will need all the financial friends they can find. Individuals who want to buy bonds will remain welcome.

THE UNIVERSITY OF UTAH,
Salt Lake City, Utah, February 27, 1970.

FRANK E. MOSS,
Senator, Senate Building,
Washington, D.C.

DEAR SENATOR MOSS: I should like to register a strong protest against the discriminatory action recently taken by Federal supervisory agencies in raising the minimum denomination of treasury bills to $10,000. Obviously, this is just another of the many recent moves designed to deprive the small investor of some of the advantages enjoyed by the more wealthy individuals.

The recent changes made in Regulation Q also were designed to accomplish the same end. At a recent dinner meeting where K. A. Randall was the featured speaker, I raised the question as to how he, the Fed. and the Comptroller could justify the changes in Regulation Q which permitted the paying of as high as 7½% interest on time certificates of deposit of $100,000 or more, while only 5–5½% to the small depositor. I further pointed out that the most vulnerable deposits in a bank are the large time C.D.'s. He admitted that my statement regarding risk was correct and that the rate differentials were difficult to justify. The only explanation given was that the changes conformed to existing patterns. This seems like a very superficial excuse.

It is realized that a few "small voices" like mine will carry little weight when meeting head on with the powerful banking lobby, but if there is anything you can do about these developments, we want you to know that your efforts will be appreciated.

Sincerely yours,

ROLAND STUCKI,
Chairman, Department of Finance.

ELKINS PARK, PA.,
February 28, 1970.

Representative WRIGHT PATMAN,
Chairman, Banking Committee,
Washington, D.C.

DEAR REPRESENTATIVE PATMAN: I'd appreciate your publicizing another move against the little man, as the enclosure would indicate.

I have been buying Treasury bills, $2000 at a time, but now I am denied this opportunity. I've been getting 7 and 8% this way; now I have to be satisfied with 5 or 6%. The rich boys, of course, are getting the higher rates, and some are apparently evading taxes by sending their funds to Swiss banks, etc.

Respectfully yours,
EDWIN PAIST STEEBLE.

(P.S.—This move was predicted in the Kiplinger Letter, but the actual fact apparently was not mentioned in the Philadelphia papers!)

BANKS DEMAND "PIECE OF THE ACTION" AS CONDITION TO LOANS

Mr. Speaker, throughout this land, lending institutions are demanding a piece of the action as a condition to making loans.

The banks and other financial institutions are literally holding up builders and other small businessmen in this tight money market. The borrowers are desperate for the funds and they are being forced to give up part of their businesses in order to obtain the necessary loan funds.

Mr. Speaker, by grabbing part of the equity in an enterprise, the banks are of course greatly increasing their yield on loans. Thus, a stated prime interest rate of 8½ percent is often total fiction. By taking part of the business enterprise, the banks are actually getting 15 percent, 20 percent, and possibly even higher percentages on loans.

Mr. Speaker, this is a practice that should be stopped. There is no excuse for such highway robbery in a free enterprise system.

Mr. Speaker, I place in the RECORD two recent articles, one from the Atlanta, Ga., Journal, and the other from the San Francisco Examiner and Chronicle, describing what is happening on these so-called "equity kickers" or "piece of the action":

[From the San Francisco Examiner and Chronicle, Feb. 15, 1970]

THE LENDING GAME: BORROWING TECHNIQUES EXPLORED

(By William Flynn)

The banker asked the big question.

"Are you a depositor?"

"No," replied the businessman.

Both knew the meaning of that word—and the nature of the game.

The banker would refuse the $5 million loan, sought for plant expansion, creating new jobs, reducing production costs, increasing earnings—all legitimate objectives of the Free Enterprise System. The banker in this fictional situation loaned only to depositors.

"Sorry," said the banker.

"So am I," said the businessman.

HIGH RATES

Thus did implementation of the Nixon Administration's tight money policy, linked to high interest rates, force cancellation, or so it seemed, of another economic enterprise? The loan refusal, in theory, contributed to curbing inflation.

The Administration's anti-inflation policy has been defined by Treasury Secretary David M. Kennedy, a former Chicago banker. He says the Administration seeks restoration of economic stability; admits the policy of monetary restraint could be "unduly harsh," but contends it will "tame" inflation.

The banker and businessman of our fictional tale are all for taming the economic beast—if the other fellow does the taming.

But the "no" was not "The End" of the story. It was merely the beginning of negotiations. The real question to be answered about the loan was:

"How much are you willing to pay for it?"

The price could be plenty if any one or several methods available were used. These, as confidentially reported to The Examiner, intrigue the financially unsophisticated. They are based on a fact of life some insiders claim is a way of life on Montgomery Street, Wall Street, LaSalle Street, and Spring Street. It is:

"Money has no loyalty. It goes to the one who pays the highest price.

The question was:

"How much was the businessman willing to pay?"

The banker and the businessman agreed on the official interest rate—9.5 percent, just 1 percent over the so-called prime rate, established by bankers, not by government edict. The 9.5 percent interest charge amounts to $475,000 a year.

The two negotiators agree on a 20 percent "compensating balance," or $1 million, to remain on deposit in the bank. Frequently, such a balance is noninterest bearing. If this is so in this case, the businessman actually pays $475,000 for $4 million. Now the interest rate is 11.875 percent, not 9.5 percent.

"But there's one more thing," softly says the money man.

"Yes," said the businessman.

"This has to be a link loan," said the banker.

"I'll try," said the businessman.

He had to find someone with $5 million to deposit in the banker's bank. He did—by agreeing to pay the $5 million depositor 3 percent for making the deposit. Now the interest rate was up to 14.875 percent.

"Enough?" he asked.

"Almost," said the banker in the hypothetical situation which is reported to occur fairly often in such high level dealings.

The businessman sighed.

"And?" he said.

PART OF PROFIT

"Ten percent of the action," said the banker, "ten percent of your net."

"That's $200,000," said the businessman, "four percent on the $5 million.

"Right," said the Money Man.

The interest rate now was up to 18.875 percent.

"I'll raise my prices 20 percent," said the businessman.

Thus, inflation raised interest rates. Increased interest rates raised prices. Higher prices increased inflation.

EQUITY VIEW: FIXED LOAN RATE "GONE FOREVER"

(By Tom Walker)

The straight commercial real estate loan for a fixed rate of interest may be gone forever, the president of New England Life Insurance Co. believes.

And the reason, says Abram T. Collier of Boston, is the fact that the major life insurance companies—perhaps the primary source of long-term real estate mony—have found "equity financing" to their liking.

Equity financing is sometimes referred to as giving the lender "a piece of the action." This means that a real estate developer, in order to get the big loan he needs to pay for his shopping center or apartment complex, agrees to take the lender in as a part owner.

Another form of equity financing is to give the lender a certain portion of the annual gross income which is generated by the real estate project, whether it is a retail, residential, commercial, office or industrial development.

In the old days, a real estate developer who needed a million dollars could get a loan for a fixed interest rate which would be paid back to the lender over a 20-year term, for example. This meant his monthly, quarterly or annual payments were the same in the 19th years as they were in the first year of the loan repayment schedule.

In the meantime, however, inflation had cut the purchasing power of the dollar so that the lender was actually getting less value in the 19th year than he was in the first year, even though the number of dollars remained the same.

To get around this dilemma, lenders have in the last few years—the last two in particular—insisted that, as a condition for making a long-term loan to a developer, the developer or owner must agree to take the lender in as a virtual partner. That way, the amount of loan repayment will fluctuate with changing economic conditions, so that the repayment schedule will, in effect, rise along with inflation.

But what if the federal government is successful in putting the brakes on inflation? If this should occur, will the big lenders go back to the old way?

Collier doesn't think so. "Once burned, always shy," he said of the attitude of the insurance industry (not to mention the pension funds and banks and other sources of long-term lending).

"Equity lending will continue even if inflation is controlled," he said.

Two-thirds of New England Life's mortgage loans committed in 1969 required some form of equity participation, Collier said during an Atlanta interview.

The long-term lenders are going to be eager to have what he termed "convertible bonds or extendable bonds." This means, for example, that a loan would be made for five years only, but with a clause allowing it to be extended at a renegotiated interest rate to protect the lender against inflationary trends.

New England Life holds a number of Atlanta mortgages, including shopping centers and a ghetto housing development that is part of the company's commitment to the life insurance industry's "billion dollar" program of urban redevelopment.

What are the trends of the life insurance industry? For one thing, Collier said, the industry is broadening its scope into such things as investment counseling. Through the acquisition of another company, New England Life now has the largest investment counseling operation in the industry, he said.

"What we're doing is covering the waterfront, so to speak, as far as the accumulation and management of capital, and in the long-range building of capital investment," Collier said.

Touching on another trend which Collier said is not necessarily favorable from the policyholder's standpoint, the company president said more and more people have been borrowing against their life insurance policies because of tight money conditions elsewhere in the money market.

Some borrow money to meet everyday or unexpected expenses. Others borrow on their policies in order to reinvest the money in other forms of securities which they believe will return greater yields.

This isn't necessarily the case, Collier said. By the time the policyholder pays income tax on his new investment income, and takes other factors into account, he isn't making that much more than he would have by leaving his life insurance policy alone.

BIG BANK PROFITS RISE AGAIN

Mr. Speaker, during the past year, the Nation's press and airwaves have been filled with stories of the big banks' "courageous" fight against inflation.

Now that the 1969 earnings figures are in, it is clearly apparent that this fight against inflation was highly profitable for most banks.

The 1969 net income figures are even more startling when the new accounting methods imposed during the year are taken into consideration. In most cases, the new accounting procedures, adopted to meet bank regulations, actually minimize the 1969 profit figures.

Mr. Speaker, this list shows that Bank of America, the Nation's largest banking institution, had a 15-percent increase in the net income per share in 1969 as compared with 1968. And scattered through the profit figures for the 50 largest banks are increases of 25 percent, 46 percent, and even up to 62 percent. It should also be kept in mind that these profit percentages are increases over already swollen profits reported for the year 1968. Only three of the top 50 banks showed any type of decline from 1968—a year of record profits for most of these banks.

Mr. Speaker, I place in the RECORD a table describing the 1969 profit figures for the 50 largest commercial banks:

NET INCOME PER SHARE, 1969, COMPARED WITH 1968, FOR THE 50 LARGEST U.S. BANKS (RANKED BY DEPOSIT SIZE)

Deposit rank	Name of bank	Net income per share, 1969	Net income per share, 1968	Percent change
1	Bank of America NT&SA (San Francisco, Calif.)	$4.43	$3.87	+15
2	First National City Bank (New York City)	4.41	4.08	+8
3	Chase Manhattan Bank, N.A. (New York City)	2.93	3.12	[1] −6.3
4	Manufacturers Hanover Trust (New York City)	4.93	4.70	+4.7
5	Morgan Guaranty Trust Co. (New York City)	1.24	1.08	[2] +15
6	Chemical Bank New York Trust (New York City)	4.47		[3] +5.0
7	Bankers Trust Co. (New York City)	4.80	5.55	[4] −13.0
8	Continental-Illinois National (Chicago)	2.78	2.73	+1.8
9	First National Bank of Chicago	5.84	4.05	+44.5
10	Security Pacific National Bank (Los Angeles)	3.32	2.87	[5] +15.0
11	Irving Trust Co. (New York City)	3.35	2.82	+18.8
12	Wells Fargo Bank, N.A. (San Francisco, Calif.)	3.50	3.27	+7.0
13	Crocker-Citizens National Bank (San Francisco)	3.03	2.40	+26.0
14	United California Bank (Los Angeles)	4.76	3.27	+45.98
15	Mellon National Bank & Trust (Pittsburgh)	4.24	3.75	+13.0
16	National Bank of Detroit	7.08	5.63	[5] +25.0
17	First National Bank of Boston	5.75	5.38	+6.9
18	Marine Midland Grace Trust Co. (New York City)	6.19	5.80	+6.7
19	1st Pennsylvania Bank & Trust Co. (Philadelphia)	4.39	3.27	+34.0
20	Cleveland Trust Co	10.06	8.24	+22.1
21	Franklin National Bank (Mineola, N.Y.)	3.89	3.09	+25.0
22	Detroit Bank & Trust	7.53	5.56	+35.0
23	Philadelphia National Bank	3.28	2.83	+15.0
24	Manufacturers National Bank of Detroit	6.85	5.11	+35.0
25	Seattle-First National Bank	4.24	3.31	+28.0
26	Union Bank, Los Angeles	3.55	3.01	+17.0
27	Girard Trust Bank of Philadelphia	6.21	5.25	+18.0
28	First National Bank of Portland, Oreg	2.61	2.25	[5] +16.0
29	Bank of New York	4.81	3.89	[4] +23.0
30	Republic National Bank, Dallas	1.65	1.50	+10.0
31	Bank of California, N.A. (San Francisco, Calif.)	3.70	3.24	[5] +14.0
32	Pittsburgh National Bank	5.93	5.08	+16.7
33	Northern Trust Co., Chicago	8.05	6.81	[4] +18.0
34	U.S. National Bank of Oreg. (Portland)	3.08	2.67	[5] +15.0
35	National Bank of North America (Jamaica, N.Y.)	3.16	2.24	+41.0
36	Valley National Bank (Phoenix, Ariz.)	1.56	.96	+62.0
37	First National Bank of Dallas	3.02	2.65	+13.9
38	Harris Trust & Savings Bank (Chicago)	6.53	5.92	[5] +10.0
39	Wachovia Bank & Trust Co., N.A. (Winston-Salem, N.C.)	3.02	2.50	+20.0
40	Citizens & Southern National Bank, (Savannah, Ga)	2.72	2.34	+16.0
41	Fidelity Bank of Philadelphia	2.57	2.78	−7.0
42	National City Bank of Cleveland	4.57	3.89	+17.0
43	Marine Midland Trust Co. of Western New York (Buffalo)	3.70	2.78	+33.1
44	National Bank of Commerce (Seattle)			[6] +14.0
45	1st Wisconsin National Bank (Milwaukee)	9.67	7.72	+25.3
46	Bank of the Commonwealth (Detroit)	4.13	3.17	[4] +30
47	North Carolina National Bank (Charlotte)	1.69	1.21	+39.0
48	Michigan National Bank, Lansing			[7] +5.0
49	1st City National Bank (Houston)			[7] +8.0
50	Central National Bank of Cleveland	4.33	4.01	+7.9

[1] The 1969 net income figures are based on new accounting procedures prescribed by regulatory authorities. If the old accounting method had been used, Chase said its 1969 operating net would have been $122,500,000, up 2.5 percent from 1968.

[2] Figures represent net operating earnings per share from 4th quarters of 1968 and 1969.

[3] On the recommendation of their accountants, Chemical declined to restate 1968 figures. If computed on old net operating earnings basis, 1969 would have represented a 5.1 percent increase.

[4] Represents net operating earnings per share.

[5] Represents net operating income per share.

[6] Represents increase in consolidated net income; no breakdown per share available.

[7] Represents gain in surplus and undivided profits; no breakdown per share available.

STATEMENT OF WRIGHT PATMAN ON PRIVATELY CONTROLLED, TAX-EXEMPT FOUNDATIONS AND CHARITABLE TRUSTS

(Mr. PATMAN asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. PATMAN. Mr. Speaker, today I would like to unfold another chapter in the continuing story of privately controlled, tax-exempt foundations.

As we look upon our great country today, we can see the big corporations, the big banks, and the privately controlled, tax-exempt foundations closing their hold on the economic windpipe of America.

The average American citizen is overburdened with taxes and unable to obtain mortgage money, even at the present high interest rates, to buy a home. The small businessman is hamstrung by his inability to obtain a loan and is fighting against tax-exempt business.

We have the highest interest rates in our history, the greatest concentration in our history of economic and business power in the hands of the big banks and the conglomerates. Privately controlled, tax-exempt foundations and charitable trusts add a further dimension to our problems. Tax exemption places an additional burden on the taxpayer who must pay from his pocket what the tax-exempts do not pay, or what is lost through tax-deductible contributions to such organizations.

In 1962, in the original report of the Subcommittee on Foundations, which I as chairman issued, I pointed out that for the 10-year period from 1951 to 1960, almost $7 billion in receipts of 534 foundations had escaped taxation. In the 1 year, 1951, these receipts had amounted to $554 million, but by 1967, one and a quarter billion dollars in receipts of 647 foundations were being siphoned off, in that 1 year alone, from the taxable income of this Nation. From 1961 to 1967—a 7-year period—receipts totaled $8.7 billion or 25 percent more than for the preceding 10 years from 1951–1960.

On an accumulated basis from 1951 to 1967, almost $15.7 billion had been received by such organizations. Of this $15.7 billion, a little less than half, or $7.3 billion, came from such sources as business income, interest, dividends, rents, and royalties. Over half of the balance, or $4.1 billion, came from capital gains on the sale of assets and the remainder, $4.3 billion from contributions, gifts, and grants.

It is clear that foundation-controlled businesses are competing with tax-free dollars against the average businessman who is at a disadvantage because of his tax-paying requirements. Further, it is obvious that there is a great deal of speculative activity in the securities field—note the capital gains. Our latest report shows that 154 of 647 foundations or almost 25 percent held sizable amounts of stock, from 5 to 100 percent, in 313 corporations. At the close of 1967, the carrying value of these shares was $2.7 billion with an estimated market value of $6.2 million. These holdings have a powerful influence on control situations, in the marketplace and in proxy solicitations.

When we take a look at the market value of total corporate stockholdings by these foundations, we find that their holdings amount to the staggering sum of $13.1 billion, or almost 80 percent higher than the holdings at the end of 1960. In a similar vein, these foundations had total assets at market value at the end of 1967 of $17.8 billion as compared to some $10.2 billion at the end of 1960, an increase of almost 75 percent. To place this in perspective, the $17.8 billion valuation is half as much again as the $11.8 billion of the capital stock, surplus, undivided profits, and contingency reserves of the 50 largest banks in the United States.

What have these foundations done with these tax-free dollars? In the years 1951 through 1967, these foundations disbursed $9.9 billion of which $1.9 billion, or almost 20 percent was paid out for expenses, and $8 billion was distributed for contributions, gifts, and grants. In other words, it cost the foundations $25 in expenses for every $100 of contributions, gifts, and grants made. However, this is an overall figure. For 1967, it cost the foundations $33 in expenses—$253 million—for every dollar in contributions, gifts, and grants made—$754 million. Further, the $8 billion in contributions, gifts, and grants represent only about one-half of the receipts for this period.

Privately controlled, tax-exempt foundations and charitable trusts are established to distribute their tax-free dollars for the worthy purposes for which tax-exemption status was granted. Has this been done? No, indeed. As of the close of 1967, the accumulated—unspent—income exceeded $2 billion as compared to $367 million at the end of 1951, or an increase of almost 500 percent with no signs that such accumulations are at an end.

When we consider that this incredible tale covers only 647 of some 30,000 foundations, the tremendous impact can only begin to be realized.

The Internal Revenue Service and the Treasury Department have admittedly been extremely lax in their surveillance of these organizations. It took them years to supply the Subcommittee on Foundations study with a listing of these organizations. Shortly, thereafter, a large number of corrections were made. The Treasury Department has proven itself unable to exercise the close supervision and control over these organizations for which the average taxpayer and the small businessman of this country are crying aloud.

We have built a Frankenstein monster, which together with high interest rates, the big greedy banks and conglomerates will continue to choke economically our average taxpayer and small businessman. We cannot let this happen. We must take action now.

In 1962, I made a number of specific recommendations on this subject, based on the abuses which were uncovered. They are as applicable today as they were then.

I am, therefore, introducing legislation to control and supervise these organizations. Your support is solicited for the consideration and speedy action on this legislation to cure this ever-growing problem.

THE PROBLEMS OF HIGH INTEREST RATES DISCUSSED AT NATIONAL GOVERNORS CONFERENCE

(Mr. PATMAN asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. PATMAN. Mr. Speaker, last week, the Committee on Rural and Urban Development of the National Governors Conference met with several members of the Agriculture and Banking and Currency Committees of the House of Representatives.

This meeting provided for a valuable exchange of ideas and information between the Governors and the Congressmen on a wide range of urban and rural problems. The National Governors Conference is to be commended for setting up this committee and I hope that we can continue to exchange information between these committees of the House on problems of mutual importance to the States and the Federal Government.

The Committee on Rural and Urban Development of the National Governors Conference is composed of the following members:

The Honorable John Dempsey, Connecticut, chairman; the Honorable Norbert T. Tiemann, Nebraska, vice chairman; the Honorable Albert P. Brewer, Alabama; the Honorable Richard B. Ogilvie, Illinois; the Honorable William G. Milliken, Michigan; the Honorable Robert W. Scott, North Carolina; the Honorable James A. Rhodes, Ohio; the Honorable Frank L. Farrar, South Dakota; and the Honorable Preston Smith, Texas.

During the session last week, I discussed the problems being created for local and State governments by the current high-interest, tight-money policies.

Every State represented at this meeting faces more or less the same range of development needs.

I doubt that there is a single Governor in the Nation who does not need more schools, better pollution control programs, more roads, better water and sewage facilities, expanded parks and recreational facilities, and like projects.

And all of these needs require one great big factor—financing. And there is nothing that is in shorter supply today than financing at reasonable interest rates.

Mr. Speaker, there is not a single State or local community that will be able for long to meet its needs—the public's needs—without new sources of low-cost, large-scale credit. As we know all too well, the ability to finance worthwhile public projects at the State and local level is rapidly disappearing in today's high-interest, tight-money economy. Thousands of projects are being abandoned or postponed indefinitely because of a single factor—high interest rates.

And the States and localities that are able to meet the demands of the money lenders are wasting billions of dollars in unnecessary, usurious interest payments. These fantastic interest charges are not building a single schoolhouse nor a mile of highway. They are simply lining the money lender's pocket.

Today, if a State or local community decides to build a million-dollar public facility, it must also put up another million dollars or million and a half dollars to pay the interest. In other words, a dollar's worth of spending for public needs requires at least another dollar for interest.

Leaving the morals of such a situation aside, this represents a fantastic waste of tax money—of the people's money. And many people, already burdened by high taxes at all levels of government, are resisting the idea of paying these record high interest charges on bond issues. In some localities, the tax base simply will not carry this kind of interest rate burden.

Since this new administration took office, there has been a 44-percent increase in the yields on triple A State and local bonds—a 44-percent increase in 12 months and the rates are still going up. Today, the yields on the very best tax-exempt local and State bonds are in excess of 6½ percent. And if a State or a city happens not to have a triple A credit rating, it may well pay up to 7½ percent on a tax-exempt issue.

This situation is becoming one of the greatest threats to State and local governments throughout this Nation. It is nothing short of disastrous.

I am convinced that we must have a new source of credit—big credit—that will meet the needs of local and State governments under all conditions. A source that does not depend solely upon a handful of big banks and other money lenders.

In an effort to provide this kind of financing, last November I introduced a bill—H.R. 14639—which would create a National Development Bank. This bill would create a bank with the potential to make direct loans, as well as guarantee loans made by conventional lending institutions; to finance low- and moderate-income housing, public facilities, employment opportunities; and similar public activity.

It would be initially capitalized with $1 billion in stock subscribed by the Federal Government, have a debt limit of 20 times that amount, and make or guarantee loans at 6 percent interest. To some extent, the bank is patterned after the Reconstruction Finance Corp., which performed so well to bolster the Nation's economy and help the people during the 1930's and 1940's.

Specifically, the bank will make or guarantee loans for:

Housing under the insured and guaranteed low- and moderate-income housing programs of the Department of Housing and Urban Development, the Veterans' Administration, and the Farmers Home Administration;

Public facilities to meet social, health, education, transportation, and other needs in depressed urban and rural areas;

Improvement, expansion, and establishment of businesses and industries providing employment opportunities at adequate wage rates for unemployed and underemployed persons;

Supporting public facilities required by businesses and industries; and

Promoting private investment in such projects and facilities.

It is my belief that this bill not only will help to provide urgently needed resources for depressed urban and rural areas, but will show the way for the administration and the private sector to truly respond to the needs of the people by making available adequate funds at reasonable rates.

We cannot house the people without building houses. We cannot educate them without building schools. We cannot have employment opportunities unless business and industries can obtain the capital they need at reasonable prices. This bill will help to do these things. It is a beginning.

Of course, much more needs to be done than the establishment of a National Development Bank. Basically, we need to bring about a stable economy and a rollback of interest rates to rea-

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sonable levels that the people as well as local, State, and the Federal Government can afford. Nothing would aid the health of State governments more than an immediate rollback in interest rates. And this is something that could be accomplished overnight if the President and the administration acted in the public interest.

Unfortunately, too many in this administration are still running around talking about high interest rates as a means of fighting inflation. This is backward logic that makes no sense—common, book, or horse. The raising of interest rates, contrary to the bank economists' propaganda, pushes up the price of everything in the economy.

Every item on the shelves of the grocery store reflects an interest rate increase.

Demands for higher wages reflect the cost of higher interest rates.

Higher interest rates unbalance every budget, from the housewife's to the Federal Government's.

Higher interest costs force local and State governments to seek new taxes.

Higher interest rates fuel inflation. The idea of fighting inflation with high interest rates is as illogical as using gasoline to put out a fire.

Mr. Speaker, I urged these Governors to use their great influence to help bring about a rollback of interest rates and a return to a stable economy. Then and only then can we get on with the real job of developing our rural and urban areas.

NEED FOR BANK SECRECY LEGISLATION

(Mr. PATMAN asked and was given permission to extend his remarks at this point in the RECORD, and to include extraneous material.)

Mr. PATMAN. Mr. Speaker, the House Committee on Banking and Currency is holding hearings on legislation designed to limit the use of foreign secret bank accounts by American citizens for illegal and improper purposes. As these hearings continue, the need and urgency for such legislation is becoming more and more apparent.

It is appalling how the honest American taxpayer is being forced to support a luxury that enables members of organized crime, tax evaders, black-marketeers, stock manipulators, war profiteers, and agents of unfriendly foreign countries to operate outside our laws without detection.

Since our hearings began, there have been numerous newspaper accounts relating some of the instances where the unscrupulous have hidden behind the veil of secrecy afforded by these accounts.

Some of these newspaper articles follow:

[From the New York Times, Sunday, Nov. 30, 1969]

SWISS ACCOUNTS TEMPT SOME AMERICANS TO CHEAT

(By Neil Sheehan)

WASHINGTON.—More and more affluent Americans are discovering that the silence of a Swiss bank vault can be golden.

Under the certified secrecy of a Swiss account, many are cheating the tax collector and committing other felonies, such as illegal trading in stocks and bonds through Swiss banks.

The crimes are those of the rich. They are beyond the reach of the average citizen, even if he were tempted. The stock manipulations require large sums of money and the tax evasion schemes are impossible for a man whose income taxes are taken out of his pay check every week.

"The use of secret foreign bank accounts has become a national scandal," Representative Wright Patman, chairman of the House Banking and Currency Committee, says. Mr. Patman, a harrier of domestic and international bankers, intends to begin a full-scale committee investigation on Dec. 4.

The framework for the hearings will be a bill Mr. Patman, a Texas Democrat, is submitting that seeks to curb Swiss bank crime. The bill, would among other provisions, make it illegal for an American citizen or corporation to have a secret foreign bank account unless all transactions were reported annually to the Treasury. Violators would incur serious criminal and civil penalties.

The scope of the use of the secrecy provided by Swiss bank accounts for Americans wishing to make illegal financial gains has been disclosed in a two-month investigation by The New York Times among Federal law enforcement agencies, economists familiar with the operations, knowledgeable Swiss sources, and the records of many court cases.

NO COUNTERPART LAWS

Swiss legal authorities need not cooperate with the United States in apprehending violators of American tax and stock and bond trading laws because there are no counterpart statutes in Swiss penal codes. Tax frauds here are not considered crimes in Switzerland. Securities trading laws do not exist there, so no crime has occurred as far as the Swiss are concerned.

Most American Federal mail frauds, another source of American prosecutions in this area, are also nonexistent in Switzerland. A Swiss banker who helps an American client break these American laws thus breeches none of his own.

The Swiss banks generally have an outstanding reputation in the international financial community for stability and ethical standards. There is no evidence of widespread wrong-doing involved in the vast bulk of the business these banks do in the United States.

Prosperity, sophistication, the ease of travel in the jet age; the revolution in intercontinental telephone and teletype communications, and the growing size and complexity of the American economy and Wall Street finance—all are encouraging the special form of affluent criminality by way of Swiss banks.

The Mafia were among the first Americans to take up the Swiss device to bleach so-called "black money" from numbers, bookmaking and narcotics rackets, and undeclared profits "skimmed" off Las Vegas casinos, into "white money" for reinvestment in pseudolegitimate business.

The mobsters are still having their laundry done in Switzerland, but they are now a minority of American clients of Swiss banks. Hardly a week passes without some mention of a Swiss bank in the news columns—in a corporate merger fight, and bankruptcy proceeding where the bankrupt is apparently not as penniless as he claims, or a divorce case in which one of the partners accuses the other of sheltering money under the Matterhorn.

SECURITY IN ALPS

Some Americans not ordinarily thought to be affluent, Army sergeants, have also discovered the security of Alpine vaults. Army Sergeant Major William O. Wooldridge allegedly funneled $362,000 derived from military service club corruption into a Swiss account code named "Fish Head."

And a Federal prosecution in Washington this fall showed that Swiss banks were offering their services for crimes far more serious than slot-machine rakeoffs by Army sergeants or even widespread tax and securities violations.

With the active participation of two Swiss banks, one of them the Union Bank, the largest in Switzerland, two Americans committed the biggest theft from the public treasury since Billy Sol Estes bilked the Department of Agriculture out of millions around the turn of the decade with a mirage of liquid fertilizer tanks.

The two defrauded the Navy of $4.6-million on contracts to manufacture rocket launchers. Union Bank helped them smuggle another $500,000 worth of munitions to Europe, Latin America and possibly the Middle East. Then there were the garden variety offenses like opening accounts for Mafia bosses, evading taxes on other millions and wholesale disregard of securities laws.

BOTH PLEADED GUILTY

The details, have not been made public because both men pleaded guilty to fraud charges last October, averting the publicity of a trial and thereby hoping to gain a light sentence.

They are Francis N. Rosenbaum, a wealthy Washington lawyer with solid social and political connections, and his partner, Andrew L. Stone, a multimillionaire St. Louis furniture and munitions maker.

The Navy was defrauded of the $4.6-million with fictitious bills that both men obtained from the banks for imaginary raw materials and electrical components on the stationery of dummy companies.

Revealed in the evidence amassed by an assistant United States attorney, Seymour Glanzer, and his aides, Robert Ogren and John Risher, was a machinery of subterfuge that Swiss bankers have invented over the years to make corporate thievery by their clients.

There were the sham Liechtenstein and Swiss corporations whose assets are a desk drawer filled with letterheads and invoices: bankers, lawyers and accountants who will pose as anyone and sign anything for a commission; high speed automatic printer to shift dollars from one paper corporation to another; legal fictions to salve the conscience, and an attitude that anything goes as long as it looks legitimate on paper and reaps money.

The two Swiss banks fought the investigation doggedly.

Mr. Glanzer and other investigators found the banks unconcerned about what laws their clients were breaking, anxious only to protect bank secrecy. When the fraud was initially discovered, one bank even provided Messrs. Rosenbaum and Stone with spurious letters and other documents to attempt to deceive the Justice Department and the Federal Bureau of Investigation. The other bank kept silence at the instruction of its clients.

Fictitious invoices, Mr. Glanzer learned, are a standard service that Swiss banks, for a commission, offer clients. Rosenbaum was discovered to have arranged simliar siphoning operations with the banks for other businessmen, including the senior vice president of one of the 25 largest corporations in the United States.

The evidence revealed that Rosenbaum was an intermediary for corruption that went considerably beyond himself and Stone. Federal investigators are now in the process of following trails that were uncovered.

SECRECY IS BROKEN

Swiss bank secrecy was officially broken for the first time in this case.

Although the banks exert great political influence in Switzerland, many Swiss federal and cantonal legal authorities do not share the see-no-evil, hear-no-evil attitude of their bankers toward crimes like forgery and outright fraud. The Federal Government and cantonal prosecutors intervened and brought court action that forced the banks to surrender the records to the Justice Department. In return, the United States promised not to use the documents for tax and related prosecutions.

And Swiss bankers have no intention of telling or of halting the use of their banks. Bank secrecy is embedded in Swiss laws that make it a criminal offense for any officer or employe of a bank to disclose information or even for outsiders to seek it. This certified silence and Swiss political stability and neutrality in the midst of a troubled world have made the handling of other people's money the Swiss national industry.

FINANCIAL CAPITAL

They have transformed a small, landlocked country, with almost no natural resources and a gross national product one-fiftieth that of the United States, into a financial capital that ranks just below New York and London. Swiss bankers, for example, control about 25 per cent of the $30-billion Euro-Dollar Pool.

A single case prosecuted in New York last summer illustrates the volume of money that flows through Swiss bank crime. Coggeshall & Hicks, a small but old-line New York brokerage firm, illegally traded $20-million in stocks and bonds over a five-year period through one Swiss institution, the Arzi Bank of Zurich. Two other brokerage houses were discovered doing an equally brisk business with the same bank.

The brokerage firms and the bank were violating a United States securities trading law known as the margin requirement. This law makes it a felony for a stock exchange broker and prior intermediaries to extend credit for the purchase of stock beyond a specified percentage of the market value. This credit limit is set at various levels by the Federal Reserve Board but usually is kept in the neighborhood of 20 per cent of value. The law was passed in 1934 to prevent the kind of panic selling in a falling market that helped bring on the 1929 crash.

BIG CREDIT GIVEN

In this instance the Swiss bank, with the connivance of the brokerage firms and favored customers, was giving customers an average of 80 per cent and sometimes 90 per cent credit. A customer with $10,000 could thus purchase $100,000 worth of stock, instead of the legal $12,500.

The brokerage firms had arranged for these customers to open accounts with the bank that were carried on the trading records in New York as numbered subaccounts under the general account of the bank. When he wanted to buy or sell stock, the customer simply telephoned his broker and gave his order through a system of code words.

The buy or sell orders would then be placed for the numbered subaccounts of the Swiss bank and the customer's name would never appear on any of the transactions. The system also enabled customers to evade capital gains taxes on their profits.

The bank profited handsomely by charging interest rates of 10 to 12 per cent on the credit extended. Since it retained ultimate control, the bank protected itself against any loss by selling out the customer if the stock began to fall in value.

EMPLOYES TRADED

Some of the partners and employes of the brokerage firms were also utilizing the scheme to trade secretly for themselves and their families under the same easy credit terms.

There are a number of other American security laws, all designed to protect the ordinary stockholder against manipulation of the market by professionals with special knowledge and power, that businessmen are finding it convenient and lucrative to violate through Swiss banks.

One is a prohibition against "insider trading." This occurs when an officer or other control figure in a corporation buys stock in a company for himself without making a public declaration to the Securities and Exchange Commission of intent and of the firm's current assets and liabilities. Those controlling the company may not want stockholders to know these facts.

So the "insider" buys and sells the securities under the anonymity of a Swiss bank.

Max Orovitz, a Miami and New York multimillionaire "insider," was convicted last year of such violations. He first advantageously acquired $500,000 worth of securities in the General Development Corporation, a real estate concern of which he was the treasurer and a director, and then sold $250,000 of them for a profit in the $100,000 range.

ENVELOPE BROKE OPEN

A principal officer in four companies, a director of the Florida Light and Power Company and two banks and chairman of the executive committee of the University of Miami, Mr. Orovitz also operated through the biggest Swiss bank, the Union Bank of Switzerland. At his trial he professed ignorance of who owned the securities and recited a complicated explanation—which the judge did not believe—of another mysterious transaction—an airmail envelope from the bank with $50,000 in cash that embarrassingly broke open in the Miami post office.

A third violation of securities laws, for which Swiss bank secrecy is an ideal cloak, goes by the innocuous term of "trading in new issues." A broker who controls an attractive new stock issue secretly buys a large block for himself at a bargain basement price before public trading begins. He sells high after the stock goes on the market and the price climbs.

Then there is outright manipulation of the market with the Swiss secrecy device—driving the price of a stock up or down, whichever is desired, by placing buy and sell orders through Swiss accounts. Complicated variations on this theme have been used in several instances in recent years to bilk other investors out of tens of millions of dollars.

JUST AN OUTCROPPING

Evidence garnered from instances of tax and securities violations that have been prosecuted indicates they represent the mere outcropping of a large reef at high tide.

Nearly 30 Swiss banks, two American bank branches in Switzerland and 24 reputable brokerage houses in this country have been involved in one case or another, either through the simple use of their facilities, through one of their officers or employes, or because the firm itself was deliberately breaking the law.

Because Swiss bank cases, if prosecutable at all, are always complex; time-consuming research is required to obtain an indictment. The number of prosecutions therefore has by no means kept pace with the trails found.

The chairman of an American corporation that does $1.5-billion of business annually and whose products are a household word was recently discovered surreptitiously trading stock through a Swiss account.

One of the oldest and largest Wall Street brokerage firms was found this fall to be handling 127 numbered subaccounts for Swiss banks, a good indication that some, at least, are covers for illegal trading by Americans.

The bill that Representative Patman has drawn up would give American authorities stronger weapons in combating some of these practices. The measure would:

Require all banks, brokerage houses and similar institutions to microfilm checks and to see that any person transacting business through their facilities with a foreign bank properly identified himself and the persons for whom he was acting. The provision could end the common practice of signing false names and addresses on forms for cash transfers to Switzerland of hundreds of thousands of dollars at a time through American banks.

Direct any person carrying more than $5,000 in cash out of the United States at any one time, or $10,000 in a calendar year, to report these transfers to the Treasury.

Make it illegal for an American citizen or corporation to have a secret foreign bank account unless all transactions were reported annually to the Treasury.

Empower the Secretary of the Treasury to seek court injunctions against any individual or corporation who was violating, or appeared about to violate, the laws in this area.

Give United States attorneys the power to force a witness to testify by obtaining a court order that would grant the witness immunity from personal incrimination. The witness would thus not be able to invoke his Fifth Amendment right because he would not be incriminating himself by his testimony.

The bill would also create stiff criminal and civil penalties for infractions of its provisions. A simple violation could bring a fine of not more than twice the amount of money or a year in jail or both. Violations exceeding $100,000 in any 12-month period could result in a fine of $500,000 or five years' imprisonment or both.

Civil penalties would entail forfeiture of the entire transaction.

Except for the exhaustive investigation conducted by Mr. Glanzer in Washington in which Swiss Bank secrecy was ruptured for the first time, the only law enforcement agency to make a sustained effort to combat this new form of affluent crime has been the New York City office of Robert M. Morgenthau, United States Attorney for the Southern District of New York.

He and his assistants have originated virtually all the prosecutions thus far. The information they obtained has led to the forthcoming House Banking and Currency Committee investigation.

Mr. Morganthau considers the penchant for Swiss bank crime by supposedly reputable citizens as ominous erosion of tax and securities laws.

His efforts, he says, have been hampered by lack of funds and manpower. He can spare only three assistant attorneys and four investigators for the work.

"I think we've slowed Swiss bank crime up somewhat," he said in an interview, "but we're only touching a small part of it."

Dr. Frank Pick, a bespectacled economist of Austro-Hungarian ancestry who publishes information on international financial operations from his New York financial district office, disagrees with Mr. Morgenthau. He thinks there has not even been a slowdown in the scurrying for a Swiss shelter. On the contrary, he believes that inflation, high taxes and regulation of stock and bond trading are persuading more and more Americans to adopt the Swiss device.

He is convinced that not only businessmen but also others who acquire cash, such as doctors, lawyers, dentists, politicians or simply wealthy families seeking to safeguard an inheritance are turning to the Swiss haven.

As long ago as 1958, the New York regional office of the intelligence division of the Internal Revenue Service made a confidential investigation of the Swiss bank problem after $30-million in suspicious money transfers were made to Swiss accounts in one year through two New York banks.

The investigation unearthed enough evidence of large-scale tax and securities

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frauds and associated rackets like diamond smuggling to conclude that Swiss bank secrecy offered "a wide-open field" for such crime and posed "a serious threat to our tax system." The report recommended a grand jury or Congressional investigation and a tightening of American laws.

Neither recommendation was ever translated into action. Both before and since the investigation, the revenue service has usually shunned the prosecution of tax frauds involving Swiss banks because of time-consuming complications and the difficulty that Swiss secrecy poses in obtaining a conviction.

Since the 1958 investigation there have been only two indictments for tax fraud involving Swiss banks, both handed down by the grand jury in Mr. Morgenthau's district. The most recent, last December, accused two New York businessmen of swindling the Government out of $1.5-million in corporate and personal income taxes in three years.

Irving Braverman, vice president of Leeds Travelwear, and Sidney Rosenstein, his partner in two other companies that specialize in selling items to military post exchanges overseas, allegedly sent $3-million in sales commissions on an underground journey to the bank Leu of Zurich, the fifth largest in Switzerland, under the cover of the Continental Trade Establishment, of Vaduz, Liechtenstein.

This trading house turned out to be a dummy Liechtenstein corporation administered by Dr. Herbert Batliner and Dr. Alfred Buchler, who are among a number of lawyers who bustle between Switzerland and this tiny Swiss protectorate on the border with Austria.

About 20 other tax fraud cases have been recommended for prosecution by investigators in the New York-New Jersey area, but none have yet been approved by the Justice department and I.R.S. headquarters in Washington for submission to a grand jury.

[From the New York Times, Nov. 29, 1969]

HOW AMERICANS CAN OPEN SWISS BANK ACCOUNT HERE

WASHINGTON.—Anyone fortunate enough to be able to afford a Swiss bank account can open one by going to the branch or office of a number of Swiss banks in Lower Manhattan.

Five major Swiss banks have branches or representative offices there and a number of smaller banks also have representatives in New York.

The three biggest banks are the Union Bank of Switzerland, the Swiss Bank Corporation and the Swiss Credit Bank. The latter two also have offices in Los Angeles and San Francisco. If you live elsewhere, the whole procedure can be accomplished by mail.

A clerk working behind a desk on the street level of the Swiss Bank Corporation branch in the Equitable Building at 15 Nassau Street directs a visitor asking about opening an account to the fifth floor. There a polite young Swiss executive explains that regular time deposits, the equivalent of an American savings account, pay 5 per cent interest in amounts above $12,500. On a minimum time deposit of $25,000 at six months, however, you can obtain 10⅞ per cent interest because the bank will lend out the money for its own account on the Euro-Dollar market in London, where demand is high because of the credit pinch here.

(Most Americans probably would not want just a plain old-fashioned account in a Swiss bank. Swiss interest rates, at 3¾ per cent on deposits below $12,500 are not designed to attract modest savings.)

BANK BUYS AND SELLS STOCKS

The executive explains that for a fee, equivalent to that of an American broker, the bank will buy and sell stocks and bonds for you in the United States or elsewhere.

"I would like the account to be a numbered one," you say.

"You would have to go to Switzerland to do that," he says. "And we don't handle numbered accounts except for very large amounts of money."

"What is the minimum?" you ask. "$150,000," he says.

The numbered account (sometimes code words are used instead) is no different from a named one, as far as the protection of Swiss bank secrecy laws are concerned. It is, however, a super-discretionary device whereby the depositor's name is known only to the top three or four officers of the bank and the client can transact business by signing the number or code word in longhand on correspondence. This, however, creates more administrative work for the bank and so, the executive notes, sums smaller than $150,000 are not accepted.

The smaller Swiss banks are said to be more ready to open numbered accounts for Americans in the United States and to be willing to handle those below $150,000.

"Will the American authorities be able to find out that I have an account with you?" you ask.

"If you open the account here they will be able to," he says. "Our records here are subject to American law."

However, the fact of the account's existence can be denied to American authorities by mailing the forms to open it directly to Switzerland instead of returning them to a New York branch. Even if the existence of the account is learned, American law enforcement officials cannot obtain any information on subsequent deposits and other transactions from the bank if certain elementary precautions are taken.

IN CASH THROUGH AMERICAN BANKS

One usual method is to make the deposits in Switzerland by mail. Another is to make them in cash through any correspondent American bank and to sign a false name and address on the Treasury currency report that is supposed to be filled out for cash transfers above $2,500 in bills of $100 denomination or above $10,000 in bills of any denomination.

The Treasury regulation governing the reports is more or less voluntary and a bank incurs no more than a scolding for a lapse.

After you have made the transfer, you enclose a copy of the deposit slip in an airmail envelope to Switzerland along with a letter to your banker identifying the cash as your money and asking him to credit your account. He will do so.

There is nothing illegal about an American having a Swiss acount, receiving interest on it or using it to buy stocks or perform any other transaction, provided securities laws are not violated and proper declarations are made on taxable income.

In a visit to the office of another institution, the Union Bank of Switzerland, another executive explains that the bank deducts just two taxes—a 30 per cent Swiss tax on interest payments and an equalization tax for Americans who buy Swiss or other foreign securities. This second tax does not apply to American stocks and bonds. Switzerland also has no capital gains tax on the profits from securities trading and no inheritance taxes for foreigners.

[From the New York Times, Dec. 1, 1969]

CROOKED DEALS IN SWISS ACCOUNTS AIDED BY BANKS' INACTION HERE—BROKERS DECLINE TO QUERY CLIENTS—SECRECY FOILS ATTEMPTS TO STUDY TAX EVASION, STOCK FRAUD AND CRIME LOOT

(By Neil Sheehan)

WASHINGTON.—Last spring the senior partner in a New York brokerage house was told by the vice president of a Swiss bank with whom he regularly did business: "A fellow will come to your office in the next few days with $100,000 in cash. Take it. The money's for us."

Several days later a man appeared with $100,000 in cash in an envelope. The broker accepted it without demur and put the money in a safe. Other men came and went on the same errand a number of times in the next few weeks until the broker had accumulated $840,000 in cash.

The Swiss bank official flew to New York on one of his frequent trips to the United States to solicit business and to pick up this and other deposits.

Both he and the broker were summoned to the Manhattan office of Robert M. Morgenthau, United States Attorney for the Southern District of New York.

"Do you know what you've been doing?" they were asked. "No," the men replied in puzzlement.

"You've been taking payoffs for heroin."

The eyes of the banker and broker rounded in shocked surprise. "We didn't know that," they said.

"DIDN'T THINK ABOUT IT"

"What did you think you were doing," an assistant United States attorney asked.

"I didn't really think about it," the broker said.

"I thought it was something a bit illegal, maybe diamond smuggling," said the Swiss banker, a stock, well-scrubbed, neatly tailored man. "But I didn't know it was narcotics. If I had, I would never have accepted the money."

Mr. Morgenthau and other law enforcement authorities have found this close-your-eyes-and-pass-the-money attitude to be common to much of the Swiss and American banking and brokerage community.

Coupled with Swiss bank secrecy, the attitude has repeatedly frustrated the lawmen's efforts to restrict the use of Swiss banks, not only for massive tax evasion and securities frauds by supposedly respectable Americans, but also as the principal haven for illicit money from organized crime.

The late Louis Schrager, a principal figure in the Meyer Lansky organized crime syndicate who ran the numbers racket on Manhattan's West Side and in the garment district and part of Brooklyn until his death in 1967, negotiated one of many profitable arrangements for himself through a Swiss bank and an old line New York private bank and brokerage firm, Laidlaw & Company.

BONDS WERE COLLATERAL

In April of 1964, Schrager wanted to transform about $400,000 worth of 3 to 4 per cent interest, municipal bearer bonds, a negotiable type that does not carry the purchaser's name, into a better investment. He had the bonds turned over to the Nassau, Bahamas, subsidiary of a Geneva bank. Bahamian civil law protects bank secrecy there.

Using the bonds as collateral, a vice president of the Swiss bank negotiated a $375,000 loan from Laidlaw to the Bahamas subsidiary. The $375,000 became a time deposit for Schrager at the Bahamas subsidiary and paid 5 per cent interest. Laidlaw charged 5 per cent interest for the loan and the Swiss bank in turn got $375,000 to lend elsewhere at higher interest rates.

To prove it could negotiate the bonds, the Swiss bank gave Laidlaw the original of a letter of transmittal from the purported owner. The letter was signed, "I.S.I.S. Ltd., Gene Bernard." No address was given. Laidlaw's attorneys looked over the documents and approved the transaction as legally sound. No one asked what I.S.I.S. did or who Gene Bernard was.

Gene Bernard is an alias of a corrupt Miami accountant and I.S.I.S. Ltd., was a dummy corporation administered by him and a crooked lawyer-accountant team in Cleveland.

LETTER TRANSFERRED

In the summer of 1965, Schrager and his financial managers discovered that the Swiss bank had given Laidlaw the I.S.I.S. letter. They had assumed the Swiss bank would say it owned the bonds itself, and demanded that the bank retrieve the letter so that no link to themselves would exist in Laidlaw's files, where it could be subpoenaed.

The Swiss bank explained to Laidlaw in a series of complicated negotiations that its client, I.S.I.S. Ltd., did not want its name appearing in the loan file. Laidlaw protected itself financially by having the parent Swiss bank guarantee the loan to the subsidiary and returned the original I.S.I.S. letter. Again, Laidlaw did not inquire into I.S.I.S. and Gene Bernard. It did, however, keep a copy of the letter, which was subsequently subpoenaed by a New York grand jury.

The two-and-a-half-year loan was finally terminated in October of 1966. By that time, Laidlaw's interest charge had risen to 6¾ per cent.

American brokerage firms likewise restrain their inquisitiveness when buying or selling stock for a Swiss bank, although brokers readily concede their awareness that the Swiss are probably trading for a third party.

ONLY A SERVICE

When questioned about this attitude by law enforcement officials, bankers and brokers usually say they are merely performing a professional service and that question about the real participants would be inappropriate.

Swiss bankers elaborate this opinion more carefully. In a speech to a shareholders' meeting in 1969, F. W. Schulthess, chairman of the Swiss Credit Bank, one of the three largest, denounced scurrilous publicity alleging that Swiss bankers "were covering up crooks, that we were guarding the fortunes of corrupt dictators and international gangsters."

The question is: what is criminal? The answer seems to be, depending on which legal system you favor, that crime in the United States is legitimate profit in Switzerland.

Mr. Schulthess's bank was one of the six that allegedly helped Alfred M. Lerner, president of the First Hanover Corp., an ostensibly respectable Wall Street brokerage firm, reap $400,000 to $500,000 from stock frauds last year. The Swiss credit bank handles accounts for men who would be considered "crooks" in most Western societies—members of the Lansky syndicate, like Edward Levinson of Las Vegas casino renown, Bernard Bercuson and other purported hoteliers.

NO COOPERATION

"In the two major areas where Americans are breaking the law, tax and securities violations, the Swiss will not cooperate with us," Mr. Morgenthau says.

Swiss bank secrecy can be broken and a banker forced to give information on order from a Swiss court. Swiss courts will issue such orders, however, only for offenses recognized as crimes in Switzerland, and tax and securities violations are not considered criminal there.

Millions of dollars of Mafia "black money" flows into Swiss accounts each year and is, so the joke goes, "washed clean in the snows of the Alps."

MINIMUM BALANCE

Schrager ran a good deal of his numbers racket winnings through a Geneva account labeled "Winn's Trust." He kept a minimum balance of $400,000.

Schrager used the Mafia device of false mortgages and loans to launder the dollars into "white money" to purchase motels and other real estate in Florida. His heirs are now living comfortably from the income of these properties as well as from at least $400,000 still secure in Switzerland.

In this manner Swiss bank secrecy is fostering the growth of a phenomenon that law enforcement officials consider highly corrosive to the social fabric—partnerships between supposedly legitimate businessmen and organized criminals for mutual gain. The line between entrepreneur and crook blurs in this gray world.

One bank in Switzerland, owned by a cluster of American businessmen and organized criminals, functioned principally as just such a laundry shop for "black money" from illicit operations.

It was called the Exchange and Investment Bank and had well appointed Geneva offices. The major owners were Garson Reiner and Benjamin Wheeler, two New York brassiere manufacturers who helped start the peek-a-boo trend in women's fashion when their company, Exquisite Form Industries, Inc., introduced the see-through bra in 1964.

Other owners included Levinson, the Las Vegas casino operator for the Lansky syndicate; Benjamin Siegelbaum, a Lansky associate with like duties, and Lou Poller, a friend of the imprisoned teamster union leader, James R. Hoffa, and former president of the Miami National Bank.

From 1963 through 1967, millions of dollars in shady money flowed in and out of this Geneva bank each year through the Miami National Bank and various Bahamian and New York banks.

Samuel Cohen, a New York and Miami Beach multimillionaire who owns a share in the Flamingo Hotel in Las Vegas, allegedly "cleansed" in the neighborhood of $2-million in "skim," intaxed gambling profits and earnings from other enterprises through the Exchange and Investment Bank and another Geneva bank in the mid-1960's. He controls the Miami National Bank.

Besides its Las Vegas interests, Mr. Cohen's family firm owns a major share of the Eden Roc, Deauville and four other posh Miami Beach hotels and about 70 apartment buildings in New York City.

He repatriated the money from Switzerland as purported loans from the banks to meet his mortgage payments and deducted the interest on the loans in his tax returns.

OFFERED $15 MILLION

An estimate of how profitable the Exchange and Investment Bank's laundering work was can be ascertained from a proposal that Mr. Wheeler, who served as its vice president, is said to have made in 1964 to the Geneva representative of a leading Wall Street brokerage house. He offered the broker $15-million with which to trade stocks in the bank's name on New York exchanges.

In early 1967, one group of hoodlums attempted to defraud the Chase Manhattan Bank of nearly $12-million through this Geneva bank. The fraud was detected before the money could be transferred with a forged bank order and the Exchange and Investment Bank was named as a co-conspirator in the New York Federal grand jury indictment.

This abortive theft, and an intensive investigation by Mr. Morgenthau's office, comprised the Geneva bank's usefulness to the underworld. Messrs. Reiner, Wheeler and the other owners sold the bank's Swiss license to a French bank last March.

The bank records were reportedly destroyed before the sale.

OWN MONEY MANAGER

The Lansky organization keeps its own resident money manager in Switzerland. He is John Pullman, an old bootlegging compatriot of Lansky. Russian born, naturalized as an American citizen, then denaturalized in 1954, and renaturalized as a Canadian, Pullman lists his occupation as "retired." He lives in Lausanne when he is not busy in Geneva, Zurich, London or Toronto conferring with members of the Lansky apparatus, making investments for a commission and picking up cash deposits for the Swiss Credit Bank and other institutions.

When American officials argue that the Swiss should help them prosecute organized criminals for tax, securities or mail fraud, the Swiss answer that the United States should convict these men of some internationally recognized crime such as kidnapping or murder. But this is a difficult prospect, with the strict rules of court evidence and stringent limitations on wiretapping in the United States.

In their determination to carry on discreet business with American clients, the Swiss banks have also found powerful allies within the United States financial community.

The major American banks have been acting in concert to fight off any intrusion in the Swiss area. They, in turn, have rallied support at times from the State Department and the Treasury.

SEEK GOOD RELATIONS

The Treasury wants Swiss cooperation in maintaining the international balance of payments and monetary stability. The State Department is intent on preserving good relations because the Swiss have been helpful in American intelligence gathering activities, while the banks, and their allies, the brokerage houses, have a financial stake in unhampered commerce with the Swiss. They covet the commissions and interest charges on the enormous Swiss business.

Last year, for example, Swiss banks bought and sold $11.3-billion worth of American stocks and bonds, by far the largest foreign traders.

Many big American banks are, in fact, seeking legal precedents that would allow their Swiss branches the same immunity from American courts and authorities that Swiss banks have. If they are successful, an American grand jury or court will be unable to subpoena as evidence of crime the records of an American bank branch in Switzerland.

CERTIFICATE SUBPOENAED

Last summer the Federal grand jury for the Southern District of New York subpoenaed a $200,000 certificate of deposit from the First National City Bank as evidence in a stock fraud. The certificate was purchased from First National City's Geneva branch for an American broker.

In a counter-motion in court First National City attorneys argued that the certificate was in the physical possession of their Geneva branch and therefore could not be surrendered because this action would violate Swiss bank secrecy.

The Justice Department then halted Federal court litigation to pry loose the document and took the diplomatic route of attempting to obtain a surrender order from a Swiss court, a procedure that has rarely yielded results in a securities case.

Mr. Morgenthau and his aides say that First National City and Chase Manhattan also are not microfilming checks and other records to the extent they once did. Experienced Internal Revenue Service agents likewise say that in recent years they have encountered noticeably less cooperation and far quicker destruction of such bank records as deposit slips and teller cash sheets.

Mr. Morgenthau says this change gives the upper-class criminal another measure of protection by depriving law enforcement agencies of vital evidence.

The successful prosecution of the brokerage firm of Coggeshall & Hicks last August for violating the credit limitations on stock trading for five years through the Arzi Bank of Zurich originated with the discovery of microfilmed copies of canceled checks to the Swiss bank from American customers of the brokerage house.

"VIRTUALLY ALL" FILMED

A spokesman for First National City said the Bank still microfilmed "virtually all checks" except for "a relatively small number" that clear through its central office. Those checks not microfilmed are also confined to accounts "on which there has never been any investigation or inquiry," he said.

A Chase Manhattan official said the bank had not altered its checks microfilming procedures in 10 years. The bank does not microfilm all checks that originate and clear within New York, but does keep a record of others.

When the affluent are convicted of Swiss bank crimes, the punishment is often relatively lenient in comparison to sentences imposed on poor people for common crimes. The difference apparently stems from the general attitude of judges and the penalties prescribed by law.

The penalties for most stock and bond trading frauds are a $10,000 fine and two years in prison, or both, for each specific violation. The prosperous defendant invariably hires prestigious lawyers who litigate exhaustively.

Robert S. Keefer Jr., the principal partner in Coggeshall & Hicks, pleaded guilty to an indictment charging $20-million in illegal trading over five years. He was represented by Simon H. Rifkind, a judge for nine years in the United States District Court for the Southern District of New York, where the case was being tried.

"GREAT RESPECT"

"Judge, I might as well say it now. I will say it later anyway, that they have chosen well in having you." Irving Ben Cooper, the presiding judge, said prior to the sentencing. "You know you have the great respect of this court."

Mr. Rifkind compared his client's offense to breaking "a traffic regulation." Mr. Keefer, he said, was, like most of the defendants he has represented, "people who have had good careers, good reputations, and who have slipped on the ice of some regulation or some emotion or something of that kind, rather than hardened criminals who make crime a way of life."

In those five years of easy credit with the Arzi Bank, Mr. Keefer's firm had received $225,000 in illegal commissions, besides the profits accumulated by its customers and Mr. Keefer and his associates on their clandestine stock trading. During the grand jury investigation, Mr. Keefer had repeatedly perjured himself.

Judge Cooper gave him a tongue lashing, a $30,000 fine and a suspended sentence.

STOLE TV SET

Last August, a week after the Keefer sentencing, James C. Harris, an unemployed shipping clerk, appeared before Judge Cooper. Harris is a Negro, married, with two children and has a prior record for attempted armed robbery in 1964. He was now charged with stealing a Japanese television set worth less than $100 from an interstate shipment from a bus terminal. He got a year in jail.

This disparity in punishment is not a personal quirk of Judge Cooper's. It is common to his fellow judges on the New York District Court and to others in similar positions elsewhere. Judge Cooper and his colleagues regularly hand out minimum five-year jail terms for minor Federal narcotics violations, as they are required to do by law.

In the view of most students of the problem, any effective measures to mitigate Swiss bank crime will have to be taken unilaterally by the United States.

Mr. Morgenthau believes there must be systematic enforcement of the law through far greater scrutiny of Swiss transactions. This kind of enforcement would inturn require considerably more manpower and funds. The additional expense could more than pay for itself, however, in increased tax revenues.

COULD RECOVER EXPENSES

"I had a budget of $1-million a year to prosecute Swiss bank cases," one assistant United States attorney said. "I could easily make much more than that back for the government."

Mr. Morgenthau believes that far more is at stake in Swiss bank crime than simply illegitimate profit. He is convinced that the integrity of the American legal system and the willingness of the average citizen to obey the law are endangered.

"When you talk about the Swiss bank criminal, you are talking about people who hold positions of trust and responsibility, people whom the little man is supposed to look up to and who are now committing crimes," he says.

[From the Evening Star, Dec. 4, 1969]

Curbs Sought on Secret Bank Accounts

(By Jean Heller)

Congress begins work today on legislation to curb the illegal use of secret foreign bank accounts, an attack based in part on a multimillion-dollar swindle of the Navy—one of the biggest fraud cases ever cracked by federal authorities.

The House Banking Committee will start drafting legislation which would require record keeping and reporting by persons in the United States who deal with foreign banks protected by secrecy laws and by couriers who take secret cash from this country to the foreign bankers.

The fraud case involved a St. Louis company and several of its officers charged with defrauding the Navy on more than $47 million in contracts for rocket launchers and funneling more than $4 million in overcharges and kickbacks into secret Swiss bank accounts.

In gaining evidence that led to a 30-count indictment, the Justice Department was able, for the first time in history, to crack Swiss bank secrecy.

The principal defendants included Francis N. Rosenbaum, a Washington lawyer, and Andrew L. Stone, a multimillionaire St. Louis businessman. Both pleaded guilty to nine counts of the indictment.

With the other defendants they are due for sentencing here next month before U.S. Dist. Judge Oliver Gasch. Rosenbaum and Stone each could be sentenced to 45 years in jail and fined $90,000.

In addition, Rosenbaum was indicted yesterday in New York on perjury charges stemming from his 1966 testimony to a grand jury there which was looking into possible illegal use of secret Swiss bank accounts.

The indictment accuses Rosenbaum of lying when he told the jury he never had an account in the Banque Germann, of Basel, Switzerland.

Records in the rocket launcher case say that:

The conspiracy spanned a four-year period, from January 1963 to February 1967.

When it began, the Chromcraft Corp. of St. Louis had been receiving Navy contracts to manufacture 2.75-inch rocket launchers for a year. In 1963, Rosenbaum was a director of the special counsel to Chromcraft. Stone was the principal stockholder and chief executive officer.

They submitted cost estimates to the Navy for the rocket launchers, including invoices from a subcontractor, Scientific Electronics, Ltd., of Beverly Hills, Calif. The invoices were fraudulent and the Navy overpaid on the contracts for the launchers.

Scientific Electronics was nothing more than a desk drawer company and never did any work for Chromcraft.

Later, Scientific was dropped and another dummy corporation, Bregman Electronics, Inc., was incorporated in New York City to continue the fraud.

In 1966, Chromcraft was merged into Alsco, Inc., an Akron, Ohio, firm. Chromcraft's St. Louis rocket launcher manufacturing operation became the Techfab Division of Alsco. Rosenbaum and Stone retained with Alsco the positions they had held with Chromcraft.

The false pricing and overpayments by the Navy continued until 1967 under this new setup.

In addition, Stone and Rosenbaum demanded and received kickbacks totaling $663,481 from Western Molded Fibre Products, Inc., of Gardena, Calif. a legitimate subcontractor first for Chromcraft then for Techfab.

The defendants channeled this money into their Swiss bank accounts. They also channeled more than $2.2 million through Scientific Electronics and nearly $1.2 million through Bregman into Swiss banks.

The Associated Press disclosed in July 1968, that despite a grand jury probe, the Navy continued to give its rocket launcher contracts to Techfab on a sole-source basis—that is without competitive bidding.

In August, the indictment was returned and six weeks later the Navy backed away from Techfab and said all future contracts for the rocket launchers would be awarded through competitive bidding.

Two new contracts were awarded through competitive bidding earlier this year and could reduce the cost of the launchers by as much as 33 percent.

Alsco is now under new management.

[From the Machinist, Jan. 8, 1970]

Nixon Undercuts Swiss Bank Probe

The Nixon Administration has suddenly turned against the efforts to halt the illegal use of secret Swiss bank accounts by wealthy Americans. Hundreds of millions of dollars are involved.

These accounts, a Congressional investigation has revealed, have been used by rich Americans to dodge taxes and evade U.S. security laws, by gangsters to hide underworld gain, by foreign governments to pay off American military personnel for spying against the U.S.A., and by stockholders to hide the real identity of the owners of some major American industries, most notably U.S. railroads.

Here are recent developments:

Robert M. Morgenthau, a Democrat, who led the investigation of Swiss bank crimes, has been forced to resign as U.S. Attorney for the Southern District of New York. Morgenthau was notified by Attorney General John N. Mitchell that he was through although his appointment did not expire until June 1971.

Whitney N. Seymour, Jr., a Republican, has been nominated by President Nixon to succeed Morgenthau. Seymour is a law partner of William G. Dillon, a director of a Swiss bank.

The Administration has withdrawn its previously announced support for a House Bill (H.R. 15073) by Rep. Wright Patman of Texas, aimed at curbing the use of secret foreign bank accounts for illegal purposes. Patman is chairman of the House Committee on Banking and Currency.

The House Banking and Currency Committee has been investigating Swiss bank crime for more than a year. Morgenthau testified last month that "deposits in secret foreign bank accounts held for illegal purposes have a value in the hundreds of millions of dollars."

In seeking Morgenthau's removal, Patman said, "the Administration has gone so far as to attempt to silence the U.S. attorney most responsible for uncovering these illegal activities."

One bank investigated by Morgenthau was the Manufacturers' Hanover Trust Co. of New York. It was allegedly used by racketeers in South Vietnam as a conduit for more than $1,500,000 in black market money and kickbacks.

Seymour's law firm serves as counsel to Manufacturers Trust.

Rep. Charles A. Vanik of Ohio has asked the

House Ways and Means Committee to subpoena Morgenthau's files on secret foreign bank accounts. "It is incumbent upon Congress," he said, "to utilize this evidence of tax abuse before it disappears."

Patman's bill was drafted with the aid of Eugene T. Rossides, assistant secretary of the Treasury for enforcement and operations, and Randolph W. Thrower, commissioner of the Internal Revenue Service. The officials surprised Patman when they testified they could not support the measure because it "went too far."

Their testimony came after bankers, who objected to the bill's strict, new record-keeping practices, exerted pressure on the Administration.

The bill calls for tighter record-keeping on domestic bank account transactions and the identities of persons dealing with those accounts. It also requires stricter reporting by persons taking U.S. currency abroad and those doing business with foreign financial institutions.

The Banking and Currency Committee is scheduled to resume its investigation date this month. Defense Department witnesses are expected to testify that secret Swiss accounts have been used to cloak payoffs to American military personnel who supplied intelligence information to foreign powers.

"Foreign numbered accounts," according to an advance copy of testimony, "pose a security threat to the Department of Defense in that they may be used to support foreign agents targeted against the military establishment or they may be used to conceal payments to U.S. personnel recruited by foreign intelligence services."

In one case described, Soviet intelligence officials deposited $25,000 in a secret Swiss account for a U.S. Army sergeant who supplied them with classified information. The sergeant, who was not named, is serving a prison sentence for espionage.

[From the Wall Street Journal, Jan. 10, 1970]

FOREIGNERS SNAP UP FUNDS THAT PURCHASE PROPERTIES IN UNITED STATES—SOME NATIONS FEAR CURRENCY DRAIN; CRITICS COMPLAIN INVESTMENTS ARE CARELESS—EX-POLITICIANS ON THE PAYROLL

(By Russell Boner and Lorana O. Sullivan)

The year was 1626, and a crafty Dutchman named Peter Minuit pulled off the real estate coup of the age by purchasing Manhattan Island from the natives for $24 in beads, trinkets and bright cloth.

The buildings and land of Manhattan are now worth $40 billion, give or take a few billion. And although it's taken a few centuries, in the past year or so millions of investors in foreign lands have seen the wisdom of Peter's example. From Brazil to Sweden, they're pulling their money out of tin cans and conservative old banks and putting it into new mutual funds that purchase American properties.

Such funds, selling only to foreigners and often run by Americans abroad, are proliferating. The number selling to Europeans alone has tripled, to more than 200, in the past two years. And, according to some critics, many of them are promising their gullible clients capital appreciation to match the Minuit model. Although the majority of the new ventures are conventional stock funds, international investors can now choose among funds that purchase such exotica as gold, whisky, stamps, ships and even casinos, as well as some three dozen funds that specialize in real estate.

GETTING RICH QUICK

And while it isn't known just how many of the largely unregulated "offshore" funds concentrate on scooping up exclusively American properties, some disgruntled and startled U.S. businessmen competing for the same properties says the answer is "plenty." One New York fund manager figures that between $2 billion and $3 billion in offshore capital flooded into the U.S. stock and real estate markets last year, whereas "two or three years ago I doubt if it was even a tenth of that."

With action like that, the proliferating offshore funds help the American balance of payments, sometimes make investors rich and frequently make the men who run them rich.

But they're also making enemies among many older and more staid financial institutions abroad, along with increasing numbers of foreign governments. Wild promotion, critics charge, is often accompanied by slapdash investment and questionable accounting methods.

"One or more of these operators may in the not too distant future bring scandal and discredit on our entire industry," worries A. Richard Fincell, president of North American Plans Management Co., a Bahamas stock fund management company.

Governments from Greece to Brazil make another serious charge: They say the funds weaken already shaky national currencies by offering foreigners the means and secrecy to funnel cash out of their own countries and into shares redeemable in dollars or pounds or whatever. "The money comes from places where people traditionally have a lot of cash in their mattresses, and suddenly they're nervous about it being there," says an attorney familiar with the funds.

FOLLOWING BERNIE

The sudden surge of overseas mutual funds followed the spectacular success over the past decade of I.O.S. Ltd., Bernard Cornfeld's Canadian-incorporated, Geneva-headquartered company that manages 11 mutual funds. I.O.S. alone manages over $2 billion in mutual funds, and its assets have grown $1.8 billion in the past five years.

"Until Bernie came along, Europeans and Latins just let their money lie in banks or government bonds," says one fund adviser. "He showed there was a great hunger abroad for investment performance. Now everybody and his brother is hopping into the field, confident they can match the Cornfeld performance, or at least implying as much to their clients."

The new funds operate from such out-of-the-way places as Panama, the Bahamas and Luxembourg—countries where for the most part they are unhampered by regulation or taxes. They are not permitted by law to sell shares to U.S. citizens since they do not—and would not want to—meet Securities and Exchange Commission registration requirements.

That leaves considerable freedom for self-touting. In a kickoff ad last Nov. 27 in the International Herald Tribune, published in Paris, International Shipping Fund, a new Panama-based venture, proclaimed that the "fantastic profits" of shipping in the past have been matched by "no other industry." It assured readers that such "fabulous profits" would continue in years to come.

QUOTING ROCKEFELLER

The same ad writer may be working for International Real Estate Investment Fund, which in its prospectus equates land values with those of "diamonds and old masters." In the prospectus for Real Estate Fund of America, readers are served quotes from John D. Rockefeller (who made his money from oil) and Henry Ford, Sr. (who made his from cars) to the effect that real estate is the best and fastest way to get rich.

It is perhaps the blossoming real estate funds that have enjoyed the most spectacular growth and attracted the most attention. No real estate fund is riding higher than Nassau-based USIF Real Estate, which was launched in 1967 and has piled up net assets of over $180 million. Rafael G. Navarro, president of Gramco Management Ltd., which manages USIF, says the fund has purchased about 150 properties in the U.S. valued at around $650 million, including a state office building at Albany, N.Y., the LTV Tower in Dallas and the Town and Country office complex and shopping center in Los Angeles.

USIF's ads, like those of other real estate funds, feature pictures of the buildings it owns, presumably because the solidity of brick and mortar gives investors a feeling of security. But critics are quick to point out that fixed assets, such as buildings, ships and casinos lack the liquidity of stocks. The changing value of stocks can be computed daily, and, more importantly, stocks can be quickly sold to redeem inventors' shares. But a day-to-day value can't be accurately placed on fixed assets, and sale at a good price can take months.

Most real estate funds, to provide a cushion to meet redemptions, keep 25% to 30% of their assets in cash or government securities. The question, of course, is how well the funds would fare if redemptions of shares should exceed liquidity. So far, most funds have paid off redemptions with cash coming in from new sales. To cover themselves in the event of a "run" on shares, many of the funds' prospectuses reserve the right to suspend redemptions in an emergency.

The redemption perils of the new property funds worry other, more established financial institutions. Indeed, Bernard Cornfeld—hardly known, as the cautious type—decided against setting up an open-end fund to invest in U.S. real estate "after exploring the idea at great length," says a Cornfeld attorney. Liquidity problems, plus the inability to put an accurate value on the shares of such a fund, scared I.O.S. away, he says.

Many real estate men accuse the funds of gobbling up, at any price, property that will be hard to resell when the time comes. As share sales boom, the funds are hard-pressed to put the incoming cash to work. "Our only problem is finding properties to put all that money into," confesses one fund official.

"SELL US SOMETHING"

Amprop Inc., a Florida corporation that buys property for USIF, tries to buy a property a week, says Fred Stanton Smith, its owner. In a brochure directed to would-be sellers. Amprop boasts; Each month we select more than $30 million in properties. . . . With that amount of money, we must be able to make a quick decision on buying your property . . . Our speed is unequaled. If you are an owner of real estate, you will never find another buyer like us."

That's good news for property sellers, but some real estate men says it's risky for the investors who buy shares in the new funds. "These guys are buying anything where the photograph is attractive," says an amazed American real estate executive. Stories abound about frantic fund representatives who call major real estate companies and plead, "We've got to buy a building by the end of the month. Sell us something."

With such pressure to buy on a deadline basis, the funds have inflated real estate prices in the U.S.. "When an overseas fund starts bidding on a building, we drop out," says one New York real estate executive.

But the eager funds also provide a market for properties American real estate men are more than happy to part with—like the New York office building that was normally 80% vacant but was temporarily occupied by a short-term tenant waiting for completion of its own building. The president of the firm that sold the building to one of the hungry funds shakes his head in wonder when he tells the story.

INTERESTING FOOTNOTES

Some of the property funds compute their net asset value—the figure investors watch—in complex fashion. USIF, for example, initially values its buildings on the books at

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their down payment price. For tax purposes, it claims accelerated depreciation of the buildings—but when computing their value to report to shareholders, it adds the depreciation back in, on the theory that property is naturally rising, not depreciating, in value. Also included in total asset value is income from rentals, increase in equity from mortgage payments and bank interest on liquid funds.

Most funds have their properties appraised frequently—Mr. Navarro says USIF does so three months after a purchase and yearly thereafter—but few of them resort to boosting reported total asset value on the strength of appraisals, a practice frowned upon by accountants. They do, however, carry footnotes or reminders in their reports to impress upon shareholders that appraisals made indicate the value of properties held is going up, up, up. And, as any homeowner knows, property values can vary widely according to who does the appraising; every real estate man knows which appraisers come in high and which low.

Thus, critics say, any fund's valuations can appear to climb effortlessly until the moment of truth—the sale of the property at market value. Since most real estate funds are relatively new ventures, many of them have yet to sell a property. "They're riding a pretty flimsy bubble," says an accountant who recently left one fund.

Real Estate Fund of America, based in Bermuda, would seem to have even more difficulty with valuation—it intends to build most of its buildings from scratch. But Jerome D. Hoffman, executive vice president of the fund's sales and promotion arm, says that's no problem at all; indeed, under his method of accounting, the fund is guaranteed a rise of over 2% a month on properties under construction.

Mr. Hoffman figures buildings appreciate 30% in value just from start of construction to finish. So, he says, the fund increases total asset value on a weekly basis to match that assumption. Mr. Hoffman says there is a safeguard: When a building is completed, if its income and appraisals don't justify the assumed appeciation, its value is written down. The company began its first construction just two months ago, but even before it did its net asset value per share had risen to $10.50 from an initial offering price of $10.

Whatever the risks for investors in property funds, the rewards for managers are fat. As with most stock mutual funds, the management companies usually assess sales charges changes of up to 8.5% of the amount invested, plus annual management fees of about 1% of total net asset value of the fund managed.

THE BIG RAKE-IN

But that's only the beginning. In selecting and buying properties for their funds, management companies charge those funds real estate commissions. These fees are based on total value of properties purchased, even though the funds usually make a down payment of 25% or less and obtain a mortgage for the balance.

The extent of commissions awaiting real estate funds' management companies came to light last year when Gramco International S.A. issued a prospectus for its public offering of one million of the 10 million shares of Gramco Management it held. In the first quarter of 1969, nearly 90% of the management company's total income of $4 million came from fees paid by USIF to it for acquisition of properties. Traditional management fees and sales charges amounted to a mere 8.5% of the total take.

In the first half of 1969, Gramco Management took in $5.5 million in net income, quadruple its earnings of the year-earlier first half. Meanwhile, the value of USIF's shares held by investors in the fund rose a comparatively modest amount—to $6.59 from $5.69 a year earlier.

Management companies hotly deny the suggestion that they buy questionable properties for the funds at inflated fees simply to hike their own commission income, but "the chance to do so is certainly there," concedes one executive. USIF shareholders would never have learned of Gramco Management's profits had the company not gone public and issued a prospectus. The fund's own statement of income for 1968, for example, showed only a management fee of $246,397 paid to Gramco, with an attached footnote explaining that yes, there were some "unspecified" fees paid the management company for the acquisition of properties.

With profits like that at stake, the competition among funds can get cutthroat. Mr. Hoffman of Real Estate Fund of America says one of his employes skipped town a few weeks ago with a copy of a proposed prospectus for a new Hoffman shipping fund. He says a recent ad for another shipping fund reads suspiciously like his own prospectus. It's apparent Mr. Hoffman maintains an acute interest in industry happenings. In a recent interview in London, he interrupted a reporter to ask if the newsman had heard that "Gramco's office in Rome was raided and checks seized?"

There was no raid, but it's true that foreign governments are getting uneasy about the high-flying funds. Germany, Italy and Belgium are all moving to tighten control over fund activities within their borders and Greece has accused I.O.S. salesmen of helping citizens to smuggle money out of the country to buy funds. I.O.S. is still negotiating with Brazil, more than three years after that country closed the company's offices there and seized its records.

In some countries, officials worry that citizens secretly buying fund shares will siphon badly needed investment cash out of the country. "Inquiring about the mutual fund business in some countries is like coming to the United States and asking about the heroin business," admits the manager of one Nassau-based fund.

Such concern is particularly widespread in Latin American countries. USIF, for one, concedes that nearly half its total sales are to Latin American clients, but it contends such customers purchase shares with money already out of the country, in Swiss and American banks. Still, the prospectus of that fund, like those of most others, emphasizes that names and addresses of subscribers will be kept secret.

Many of the funds pack the boards of the management companies with well-known people—presumably to alleviate fears of government officials and doubts of potential clients. Indeed, the funds have become a source of employment for out-of-work politicians.

HIRING A CHANCELLOR

Among others, I.O.S. has attracted James Roosevelt, son of Franklin D. Roosevelt and a former ambassador to the United Nations, and Erich Mende, former German vice chancellor, to its executive ranks. The Casino Fund has Alfons Gorbach, former Austrian chancellor, heading its board of advisers, and the Gramco organization chart reads like an alumni list of the Kennedy administration; six one-time aides of the late President, including Pierre Salinger, are employed by the company, U.S.A. Management Co., which runs First International Realty/Securities Fund Ltd., counts among its directors a former SEC commissioner, a delegate to the UN, Walter Jenkins, former assistant to President Johnson, and Robert P. Daly, who was Vice President Agnew's campaign director.

If any of the big names drop out, it's easy to find replacements, Reginald Maulding, former British Chancellor of the Exchequer and deputy leader of the Conservative Party, resigned as president of Real Estate Fund of America's management committee last summer shortly after a London newspaper revealed that Mr. Hoffman, the executive vice president, was prohibited under a consent decree from doing any securities business in New York State. Over the course of last year, Mr. Hoffman's fund lost some other well-known directors, including Paul Henri Spaak, former Belgian prime minister and secretary general of NATO.

But since those resignations, Mr. Hoffman has managed to keep his executive roster star-studded by signing on such personages as Holmes Brown, chairman of the New York Board of Trade, and Robert F. Wagner, former mayor of New York.

[From the National Observer, Jan. 19, 1970]

A FINANCIAL DEAL CATCHES THE EYE OF CONGRESSMEN—MR. NIXON'S OLD PARTNER EMERGES AS CHAIRMAN OF A RAIDED COMPANY

WASHINGTON, D.C.—A congressional committee is investigating the financing of a take-over of one defense contractor by another in which two members of President Nixon's former law firm became principal officers of the raided company.

Involved is the take-over of UMC Industries, Inc., St. Louis, by Liquidonics Industries, Inc., Westbury, N.Y. UMC, formerly Universal Match Corp., produces matches and is a leading vending-machine maker along with its defense work. Liquidonics makes hydraulic components, electronics instruments, and heating devices.

UMC unwillingly succumbed last year to a short-lived take-over in which Liquidonics tried to achieve corporate growth through a classic guppy-swallows-whale maneuver. Liquidonics, whose net worth UMC reckoned at $6,100,000, borrowed $80,195,870 and bought the majority of the stock of UMC, which calculated its own net worth at $54,500,000.

FORCED TO SELL

Liquidonics' coup fell apart around Christmas, when it was unable to get long-term Eurodollar loans to repay the short-term loans, also mostly in these foreign-held dollars, that it had used to buy the UMC stock. Liquidonics had to sell its majority interest in UMC to pay back the banks, taking a thumping $16,600,000 loss on the stock sale alone. The buyer was a Luxembourgian affiliate of the Swiss branch of a Paris bank that had lent Liquidonics most of the money to begin with.

The lawyers for the Swiss bank, the Banque de Paris et des Pays-Bas (Suisse) S.A., in Geneva, were Mudge, Rose, Guthrie & Alexander, President Nixon's former New York City law firm. Mr. Nixon's partners bought out his share of the firm after he was elected President. He severed his connection with the firm, and his name was dropped from its title. Not in Washington, D.C., however. The new Washington telephone directory, revised nine months after Mr. Nixon's election, still lists the firm's local branch by its former name, Nixon, Mudge, Rose, Guthrie, Alexander & Mitchell. The Mitchell is Attorney General John Mitchell.

NEW COMPANY OFFICERS

When the Swiss bank bought control of UMC from Liquidonics, Randolph H. Guthrie, one of the Mudge, Rose partners, became UMC's chairman and a director, H. Ridgely Bullock, another member of the law firm, became UMC's secretary and a director. The 13 Liquidonics-elected UMC directors, who had ousted UMC's own directors after the take-over, resigned. Only John R. Morrill, who had become UMC's president a month before Liquidonics moved in, has survived both transitions. Liquidonics kept him as UMC president; so has the Banque de Paris.

The House Banking and Currency Committee has been looking into Liquidonics' maneuverings because $50,000,000 of the $80,195,870 borrowed came from foreign sources that are exempt from the strict Securities and Exchange Act provisions governing American lenders. Chairman Wright Patman, Texas Democrat, will focus on Liquidonics and "three or four other" foreign-financed deals next month in hearings on a proposed bill to tighten loopholes through which, he says, foreign money of dubious origin is invested in sensitive U.S. industries.

"The financing of corporate take-overs by banks from countries with secrecy laws is one of the more troublesome aspects of foreign bank secrecy," Representative Patman says. "When an institution lends money to one American firm to take over another, the Securities and Exchange Commission [SEC] is virtually powerless to discover the true source of the money. The foreign bank could be fronting for an American violating U.S. securities or income-tax laws; it could be fronting for a member of the organized underworld who uses these secret foreign banks to legalize so-called hot money.

"The problem is more dangerous," Mr. Patman adds, "where American companies are heavily involved in sensitive areas such as defense production. In Liquidonics' case, from what we have been able to learn, $50,000,000 of the $80,000,000 used to finance the take-over of UMC is shrouded with foreign secrecy." Mr. Patman has asked SEC officials to testify at the committee's hearings "as to the nature and extent of this problem."

Liquidonics and UMC together did about $35,000,000 worth of defense production during the past two years, committee records show. Their output included radar and missile equipment, machine tools, navigational instruments, artillery shells, 150mm. to 200mm. guns, grenades, chemical weapons, and missile warheads and launchers.

UMC's defense involvement is much greater than Liquidonics', the figures indicate. Defense work totaled about 12 per cent of UMC's sales, or $31,000,000 for two years. Liquidonics had $3,900,000 in defense business, or 4 per cent, in that period.

Liquidonics' latest available earnings report, for the six months ended Dec. 31, 1968, showed sales totaling $25,768,717, up from $23,727,215 in the year-earlier period. UMC's last earnings report, for the six months ended June 30, 1969, lists total sales at $71,509,696, up from $65,711,875 in the like period a year earlier.

NO EVIDENCE OF TAINTED DOLLARS

There has been no allegation that Mr. Guthrie, Liquidonics' officers, the Swiss bank, or a major American bank also involved in Liquidonics' take-over violated U.S. securities laws. Nor has any of the American principals been subpoenaed to testify before the House Committee. Moreover, there is no evidence that the Eurodollars lent to Liquidonics were tainted dollars but neither is there any way for U.S. regulatory agencies to find out where they, or any similar foreign-lent dollars, came from.

Mr. Guthrie, alone of those with an inside view of Liquidonics' take-over, readily discussed his role in it. He says he became involved only as a lawyer representing his client (the Swiss bank), that he had nothing to do with arranging the foreign loan, and that none of his actions was improper.

No one else involved would discuss the transactions at all. Liquidonics' officers would not return a telephoned request for an interview. Officials of Irving Trust Co., New York City, the nation's 12th largest bank, would not answer any of a list of questions submitted to them. Irving Trust handled the tender offer by which Liquidonics got most of its UMC stock, and later lent Liquidonics $15,095,870 to buy more.

A report published elsewhere said officials of the SEC and the Federal Reserve Board (the Fed) at first questioned the legality of Liquidonics' foreign-borrowing plans but decided not to try to block them after meeting with Mudge, Rose lawyers. The Federal officials involved would not confirm whether such a meeting took place. They said agency regulations forbade their discussing possible investigations or meetings unless a public announcement or action resulted from them. They did deny, however, that the SEC and the Fed held back because of Mr. Guthrie's relationship with President Nixon.

Mr. Guthrie denies this too.

DARING RAID SPEAKS FOR ITSELF

The public record of Liquidonics' daring raid on UMC speaks volubly for itself. It shows that Liquidonics used fully the shortcomings in U.S. securities regulations in order to get the most mileage from its borrowed Eurodollars. It also shows that this particular technique of conglomerate-building, while it is the fastest way to build an industrial empire when it works, can leave the raider saddled with debt when it doesn't.

Liquidonic's was a raid that didn't work. When it was over, Liquidonics had had to sell to its creditors for $57,800,000, or $22.25 a share, the 50.4 per cent of UMC's stock for which it had paid $74,400,000, or $28.70 a share. Besides the $16,600,000 lost there, Liquidonics had to pay the Swiss bank $3,804,875 of its $40,000,000 loan in "placement fees," plus another $881,500 in placement fees paid to Irving Trust for its $15,095,870 loan.

In eight months, Liquidonics thus lost $16,600,000 on the stock sale and $4,686,375 in placement fees, a total of $21,286,375. This does not count the interest—8½ per cent on the Banque de Paris loan, 1½ per cent over the New York prime rate for the bulk of Irving Trust's loan—or Liquidonics' own legal expenses.

Nor is that all. Before turning to the banks, Liquidonics first—in July 1968—sold $25,100,000 worth of 5½ per cent debentures, maturing in July 1983, to begin buying UMC's stock. Liquidonics paid $805,700 in underwriters' and other fees, netting $24,294,300 from the debentures (and adding $805,700 to the $21,286,375 minimum spent fruitlessly or lost later, raising Liquidonics' noninterest costs to at least $22,092,075).

WHO BOUGHT THE DEBENTURES

Sixteen purchasers—mutual funds, a Dallas bank, trusts, and individuals—bought these debentures. The major buyer was IIT, for International Investment Trust, which took $10,000,000 worth. This purchase is the one Mr. Patman alluded to (along with the $40,000,000 Swiss-bank loan) as "shrouded with foreign secrecy."

For IIT is one of the three-score duchies in the financial kingdom of Bernard Cornfeld, a former Philadelphia social worker who started from scratch in 1956 and today controls one of the world's largest financial organizations, managing assets exceeding $2 billion. Mr. Cornfeld rules it all through Investors Overseas Services, his Paris-born, Panama-chartered, Geneva-based holding company. The crown jewel is IOS' Fund of Funds, a mutual fund that invests in American mutual funds but whose shares the SEC forbids IOS to sell in America or to Americans.

Here the Liquidonics story becomes so complicated that it is necessary, in order to understand it, first to touch upon the broader issues that it involves. These issues are the locus of Mr. Patman's concern about "secret" foreign money, as well as SEC and Fed worries about their lack of control over foreign-bank loans.

In the United States, law forbids banking in secret by anonymous depositors whose accounts bear no names, only numbers identifiable solely by the depositor and the bank. Switzerland is the prime example of banking secrecy. Its banks attract besides legitimate depositors, persons whose accounts might prove embarrassing—perhaps fatal—if their own country's investigative agencies could discover them. Swiss banks are thus ready-made havens for ill-gotten dollars squirreled away by gangsters, tax evaders, foreign politicians skimming off U.S. aid funds, and the like.

SHAREHOLDERS HAVE ANONYMITY

Bernard Cornfeld is to the mutual-fund business what Swiss banks are to banking. His shareholders are guaranteed anonymity, no small inducement for, say, the Iron Curtain diplomat with access to dollars who wants to play capitalist without the folks in his politburo knowing about it.

Mr. Cornfeld boasted some months ago his IOS clients included six heads of state, whose anonymity he dutifully respected IOS now sells its mutual funds, insurance policies, annuities, and other investment programs in more than 100 countries. Investors live in nearly every United Nations country, all Communist U.N. nations included. While IOS cannot sell Fund of Funds shares here or to Americans, it is a major purchaser of American companies' shares. And its affiliates, like anyone else, can lend money to Americans.

IOS' apolitical operation, insofar as it is reflected in IIT's purchase of $10,000,000 in Liquidonics debentures, is what nettles Representative Patman. Because there is no way of knowing where IOS affiliates' money comes from, Mr. Patman says, "we have no way of knowing whether Mao Tse-tung or Leonid Brezhnev are buying into the American defense industry."

The SEC and the Federal Reserve are more concerned with another facet of Liquidonics' financing. Under Regulations G, T, and U of the Securities and Exchange Act, companies borrowing money from U.S. sources to buy stock must meet the same 80 per cent margin requirement that an individual must meet when he buys stock on credit from his broker. That is, the borrower must put up 80 per cent of the purchase price in order to borrow the other 20 per cent.

MGM'S FIGHT WITH KERKORIAN

Foreign loans evidently are exempt from these regulations, which the Fed writes and the SEC enforces. The matter arose last August, when Metro-Goldwyn-Mayer was trying to block Las Vegas multimillionaire Kirk Kerkorian's take-over attempt, which was financed partly by $62,000,000 lent to his Tracy Investment Co. by British and German banks.

MGM's lawyers argued in U.S. District Court in New York City that Tracy had posted collateral equal to only 1.5 times the loans' face amount. They said that Regulations G and T required fivefold collateral. Federal Judge Charles H. Tenney disagreed. He overruled MGM, saying that it had presented no "persuasive authority" that European banks are subject to SEC regulations.

Against this background, the complicated mechanics through which Liquidonics acquired—and then lost—control of UMC begin to make more sense. The trip into the thickets of international high finance began in July 1968.

On July 18, 1968, Liquidonics got busy. It sold its $25,100,000 in debentures, netting $24,294,300. It paid $20,545,350 of this for its first UMC shares, buying 805,700 shares from the United Corp., an investment company, for $25.50 each. United in turn took $900,000 worth of Liquidonics' debentures. That same day, Liquidonics announced a proposed offer for 1,875,000 UMC shares at $30 each, a $56,300,000 deal that would give it 51 per cent ownership of UMC.

UMC got busy too. John Morrill, its then-new president, had been scrambling to avoid Liquidonics' thrusts. He looked at 73 companies as possible merger candidates, opening exploratory talks with the Vare Corp., a diversified manufacturer. Only July 22 he wrote UMC shareholders, urging them not to act on Liquidonics proposed tender offer until the UMC-Vare merger clicked or didn't.

MERGER TALKS TERMINATED

Vare and UMC terminated merger talks in mid-August 1968. Liquidonics, which had held up on a proposed $25,000,000 Eurodollar

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borrowing until UMC's status became clear, was told by its underwriters that European money markets made borrowing there inadvisable. Liquidonics that month bought another 121,600 UMC shares, paying out $3,277,421 of its debenture money on the New York Stock Exchange.

On Sept. 6, 1968, UMC directors authorized the company to start talks with Liquidonics on a possible merger. On Oct. 22, both companies' directors approved an agreement in principle to merge. Each UMC shareholder would have received $34.50 in cash and new Liquidonics stock for each UMC share held. Liquidonics would have been the surviving company.

No more happened publicly until Jan. 10, 1969. That day UMC's directors voted 10 to 1 to cancel the agreement in principle. Liquidonics cut off from merger, now had to crank up its raiding party again.

Around this time, as best as can be reconstructed, Liquidonics president N. Norman Muller went to Studebaker Worthington, Inc., a maker of automotive and other products, and inquired about merging Liquidonics into it. Studebaker's board chairman is Randolph Guthrie, but he says he was not involved in Mr. Muller's first inquiry.

"I knew Muller—I'd met him somewhere—and Muller knew the Banque de Paris," Mr. Guthrie says. "He asked me, when Studebaker turned him down, whether or not I thought the Banque de Paris might be interested in making him a loan. 'Well,' I told him, 'they're in business; go and see them.' "

Mudge, Rose has been the Banque de Paris' U.S. counsel for a long time, Mr. Guthrie says, adding: "Incidentally, it's no secret." He says Mr. Muller, not he—"I wasn't borrowing the money"—arranged the Swiss loan. Mudge, Rose became involved only because it was a normal procedure in behalf of the firm's client, Mr. Guthrie contends.

"The reason we were there, rather than Swiss lawyers," he adds, "is because these things have to be set up, because they relate to an American company and the questions of enforcement and everything else involve American law."

The Geneva bank is a branch of the Banque de Paris et des Pays-Bas, of Paris. The Paris bank, in turn, is a subsidiary of the Compagnie Financiere de Paris et des Pays-Bas (*pays-bas* means "low countries" in French), one of Europe's largest financial-industrial holding companies. The Geneva branch, in its turn, has a Luxembourg subsidiary, Overseas International Corp. (Technically, it was this subsidiary to which Liquidonics sold its controlling interest in UMC.)

With its $40,000,000 Swiss-bank commitment, Liquidonics offered to pay UMC stockholders $30 a share for up to 1,158,000 shares, or 22 per cent of UMC's outstanding shares. Liquidonics already held 941,300 UMC shares, or 18 per cent, so initially Liquidonics wasn't aiming for a majority interest.

But UMC shareholders tendered 2,300,000 shares, so Liquidonics decided to buy control of UMC. Liquidonics went to Irving Trust Co., borrowed $15,095,870 to buy the extra shares, and ultimately purchased 1,653,120 shares. Finally, after nine months and $80,000,000, Liquidonics owned control of UMC.

Mr. Guthrie says that to his knowledge neither the SEC nor the Fed ever questioned the propriety of his Swiss client's loan. If it happened, he says, "I never heard of it." He adds, however, that "the UMC people went to the SEC to complain" about Liquidonics' borrowing plans.

"These regulations—and I would say we [Mudge, Rose] are something of experts on them—are all specifically related to what a bank can do," Mr. Guthrie continues. "Now the United States obviously cannot control what a bank can do in England or France or in Italy. They could control what Americans could do in borrowing from banks, but they don't even seek to do that."

"DON'T APPLY TO FOREIGN BANKS"

Mr. Guthrie says the Fed and the SEC hold the same opinion on SEC regulations—that they don't apply to foreign banks. "I think there was one of the boys down there [at the SEC] that thought they ought to take a look at this and that maybe there was something they could do. But the opinion of people here [at Mudge, Rose] who know the law was that, 'Listen, sonny, it may be that in fact you shouldn't have loans made here [to Liquidonics], whether they're made here or abroad, but the fact of the matter is that the Congress didn't say anything about the people abroad."

To allegations that the SEC and Fed were protecting him by not moving to stop Liquidonics' foreign borrowing, Mr. Guthrie replies: "Obviously that's a misstatement. Nobody's protecting me, and I don't have any need for protection, and furthermore, the President wouldn't do it anyway."

AN INSUPERABLE BURDEN

Whatever its merits, Liquidonics' heavy borrowing proved an insuperable burden. Of the $55,095,870 borrowed last March to buy UMC stock, Liquidonics promised to repay the Banque de Paris $27,000,000 and Irving Trust $10,189,712 last Oct. 31. Another $13,000,000 was due to the Swiss bank on Feb. 27, 1970, and Irving Trust's remaining $4,906,158 was due next May 31.

Liquidonics had planned to repay those short-term loans with long-term Eurodollar loans. The financing couldn't be arranged, however, so Liquidonics began talks with two American companies that expressed interest in buying its UMC holdings. Those talks proved fruitless, the first $37,189,712 was due the two banks on Oct. 31, and Liquidonics was in desperate straits.

November passed, and most of December, with the loans still unpaid and with Liquidonics—as Mr. Guthrie sees it—faced with the possibility of bankruptcy. On Christmas Eve the Banque de Paris, and presumably Mr. Guthrie as its lawyer, held Liquidonics' feet to the Yule log.

The Banque de Paris offered Liquidonics $57,800,000 for its UMC shares—enough to enable Liquidonics to pay off both bank loans in full and release the bank liens on Liquidonics' securities. As a sweetener, the Banque de Paris lent Liquidonics another $7,000,000 in Eurodollars for working capital. This loan is due in two payments, $3,000,000 in 1972 and $4,000,000 in 1975, and bears an 11 per cent interest rate.

At this point Liquidonics had no choice but to sign on the dotted line. Its officers and directors immediately resigned their UMC posts, and Mr. Guthrie and Mr. Bullock, his law-firm colleague, joined UMC President John Morrill in the St. Louis executive lists. Liquidonics' stock, which went on the market at $5 a share in 1966 and hit $155 share in 1967, closed out 1969 at $9.50 bid, $10.50 asked on the over-the-counter market.

As for UMC, Mr. Guthrie says, "we'll obviously expand the board, put good people on it." Nothing firm has been decided yet, he adds, because "we didn't know we were going to make a deal here until Dec. 24, when we actually closed [it] . . . At the moment I am the chairman because they haven't got anybody else."

UMCs new European owners "are first-class people," Mr. Guthrie says. "This is not some, you know, fellow sitting there in some little hole-in-the-wall bank or something. This is one of the great banks of Europe."

[From the Evening Star, Feb. 4, 1970]

U.S. PROBES PUZZLE OF LOST SWISS BANK CASH

(By Jean Heller)

BOSTON.—Federal investigators have reopened a case involving an abortive attempt to drain from a secret Swiss bank account more than a million dollars which may have belonged to the Mafia. It is, officials say, one of the strangest Swiss bank cases ever encountered.

The investigators are interested in where the money in the Swiss account came from in the first place and the possibility that tax evasions were involved.

The story, which was something of a comedy of errors, was detailed in a law suit filed in Massachusetts Superior Court here five years ago.

Soon after the suit was filed, a Superior Court judge impounded every document and fact in the case, including his own identity. It is still impounded.

D.C. LAWYER INVOLVED

The case involved a suit by a Washington, D.C., attorney, Francis X. McLaughlin, against his client, Francis A. Vitello, for a $50,000 legal fee McLaughlin said Vitello owed him. The papers on the suit tell this story:

Vitello, a convicted Boston bookmaker, discovered in February 1964 that a great deal of money was missing from his secret Swiss bank account.

Vitello may have been a little unnerved by the discovery because, government sources say, there are strong indications the money was not his, but might have belonged instead to Raymond Patriarca, head of the Boston-Rhode Island Cosa Nostra. Patriarca currently is serving a five-year sentence in federal prison in Atlanta for conspiracy to commit murder.

According to government investigators, Vitello turned for advice to an old friend, John Harris, an Internal Revenue Service agent who since has been convicted of bribery in an unrelated case.

CASE NOT REPORTED

Federal officials say there is no evidence that, even though Harris knew a secret Swiss bank account was involved in the Vitello case, he ever reported the matter to the IRS. Instead, according to McLaughlin's suit, Harris and Vitello contacted Lawrence F. O'Donnell, one of Boston's top criminal lawyers, who called McLaughlin in on the matter.

McLaughlin, a former Secret Service agent at the White House, was practicng law in Washington after gaining some measure of fame in 1958 as the House of Representatives investigator who uncovered Boston industrialist Bernard Goldfine's penchant for giving expensive gifts to Sherman Adams, an aide to President Eisenhower.

Vitello and Harris met with McLaughlin in McLaughlin's office in Washington on April 2, 1964.

McLaughlin said Vitello told him he had in the Aarau, Switzerland, branch of the Union Bank of Switzerland an account of $1,216,471.22.

Someone, Vitello said, had tried to take every penny in the account and, while not completely successful, had gotten $702,000. McLaughlin said Vitello asked him to find out who took the money and get it back, but to do so without any notoriety whatsoever.

Four days later, Vitello and McLaughlin met again, this time in O'Donnell's office in Boston. At that meeting, Vitello produced documents to back up his contentions, McLaughlin said.

CALLS LETTER FORGERY

The documents included a letter to the Union Bank of Switzerland instructing the transfer of all the funds in the Vitello account, called sub-account "Boston," to the International Credit Bank in Geneva. The letter was over Vitello's signature. Vitello said it was a forgery.

Vitello also produced a March 11, 1964, statement from the Union Bank of Switzerland showing a transfer of $857,471.22 from sub-account Boston to the International Credit Bank. It was from these transferred funds, Vitello told McLaughlin, that he lost the $702,000.

McLaughlin said in his suit that he accepted a retainer from Vitello and agreed to take the case for an additional fee of $50,000 upon recovery of the money.

McLaughlin left almost immediately for Europe to investigate the matter, according to the suit, and returned April 18, 1964, to report to Vitello that the transfer of funds had been accomplished by Francis N. Rosenbaum, another Washington attorney, with help from several other people, including an official of the Union Bank of Switzerland.

McLaughlin's suit also states that Rosenbaum admitted his part in this matter on several occasions, including a meeting in McLaughlin's office at which Vitello was present, and that Rosenbaum agreed to arrange for repayment of the money.

In support of this, McLaughlin filed with his suit a letter on Rosenbaum's law firm stationery which outlined Rosenbaum's proposal for settlement. The letter had a handwritten notation by McLaughlin at the bottom of page one. It said the papers had been delivered to his office by hand at 3:15 p.m., May 22, 1964, "as per telephone report by F. N. Rosenbaum." The letter proposed a private settlement in order to avoid court action.

At this same time, Rosenbaum was a director and special counsel for a St. Louis company doing a landslide business in Navy contracts for aircraft rocket launchers.

Between 1963 and 1967, Rosenbaum and others fraudulently overcharged the Navy on the contracts and funneled more than $4 million into secret accounts in Swiss banks, one of which was the Aarau, Switzerland branch of the Union Bank of Switzerland, the same bank that had held Vitello's account.

FAILS TO COLLECT FEE

That Navy fraud has since been uncovered and Rosenbaum and three other individuals have been convicted. But at the time of the Vitello incident, no one was aware of the Navy fraud.

According to McLaughlin's suit, as soon as Rosenbaum agreed to settle, McLaughlin expected to collect his $50,000 fee from Vitello. But Vitello didn't pay, so McLaughlin sued.

But the suit had no sooner been filed than it was decided that in delicate matters like secret Swiss bank accounts, discretion was of considerable importance and the transfer of funds was not a matter to be thrashed out in public courtrooms.

A Massachusetts Superior Court judge was asked to impound the records in the case to keep them secret.

The judge responded by permitting the impounding of not only the suit, but also the clerk of court's docket sheet—and in the process, his own identity.

Federal officials, now investigating the matter, say that since an unsuccessful 1966 court petition to open the case files, they have obtained evidence that the money in the Swiss account was not Vitello's but was Mafia money. And they still want to check, as before, for possible tax evasions.

They will not discuss, however, just how they plan to go about it.

McLaughlin and O'Donnell were asked for comment on the matter, but both refused to discuss any aspect of the case on the grounds that the court's impounding procedure represented a court order for them to remain silent.

Rosenbaum's Washington office said he was out of the country and unavailable for comment. A call to Vitello was returned by an attorney who said Vitello would have nothing to say about the matter.

[From the New York Times, Feb. 10, 1970]

NIXON ASSAILED FOR ENDING AID TO A BILL ON SWISS TAX HAVEN

(By Neil Sheehan)

WASHINGTON.—Robert M. Morgenthau, former United States Attorney for the Southern District of New York, today attacked the Nixon Administration's withdrawal of support for a bill designed to curb millions in tax evasion and wholesale violation of stock and bond trading laws through secret Swiss bank accounts.

In testimony this morning before the House Banking and Currency Committee, which is sponsoring the bill, Mr. Morgenthau strongly implied that the Nixon Administration practiced two forms of law enforcement—a tough one toward garden variety crime by the poor and a lax one toward economic crime by the rich.

"It would be unfortunate indeed if the Administration's war on crime were ever to be viewed as solely a war on the crimes of the poor and underprivileged," he said. "We cannot expect the millions of these honest Americans, black and white, young and old, to pay taxes without question, if their Government is willing to overlook the fraud of these wealthy and dispowerful citizens who have discovered in foreign bank secrecy an almost totally secure means by which to evade taxes on millions of dollars of yearly income."

CHARGE OF ILLEGAL TRADING

Mr. Morgenthau charged that Bernard Cornfeld, an American businessman who operates from Switzerland, had reaped a quick $9-million profit at the height of the gold crisis in the spring of 1968 by illegally trading in gold.

He said Mr. Cornfeld had bought $50-million worth of gold through one of his Swiss-based concerns and sold it a week later for the $9-million gain.

He attempted to have a grand jury subpoena served on Mr. Cornfeld two or three months ago to question him about the alleged speculation, Mr. Morgenthau said, but Mr. Cornfeld could not be found in New York at that time.

Representative Wright Patman, Democrat of Texas and chairman of the House Banking and Currency Committee, noted that Mr. Cornfeld had been in New York on Feb. 4 to make a speech and that no subpoena had apparently been served on him by Mr. Morgenthau's successor, Whitney North Seymour Jr.

Mr. Morgenthau, a holdover from the Democratic Administration, was dismissed by President Nixon in mid-January to make way for Mr. Seymour, a Republican.

In a telephone conversation, Mr. Seymour declined to say whether or not a subpoena had been served on Mr. Cornfeld.

"The matter is still very much under active investigation, but we are not at liberty to discuss proceedings involving the grand jury," he said.

It was learned, however, that the failure of Mr. Cornfeld to receive a subpoena on Feb. 4 did not indicate any lack of interest by Mr. Seymour and his office in pursuing the investigation of possibly illegal speculation in gold by Mr. Cornfeld and his corporations.

Mr. Cornfeld is president of Investors Overseas Services, a $2.5-billion mutual fund complex.

Mr. Seymour's office was simply not aware of Mr. Cornfeld's presence in New York in time to have the subpoena served. The subpoena must be served on the recipient or his representative by a United States marshal.

Treasury officials said it was illegal for United States citizens or corporations controlled by them to trade in gold for their profit.

WRONG-DOING DENIED

Edward Cowett, vice president of the Fund of Funds, the Cornfeld-controlled company concerned, denied any wrong-doing and called Mr. Morgenthau's accusation, "Nonsense."

He said the Geneva-based mutual fund bought and sold gold in 1968 for its foreign investors and contended this was perfectly legal because the trading was not being done for Americans. Fund of Funds also publicly declared its gold trading at the time, he said.

The Nixon Administration initially supported the House committee bill and then withdrew the support after most of the nation's largest banks protested to the Treasury Department.

Will Wilson, chief of the Criminal Investigation Division of the Justice Department, said the department favored the bill in testimony at the opening of the committee hearings last Dec. 4.

Treasury Department officials had also helped the committee staff write the bill, but after meeting with the banks, Eugene T. Rossides, Assistant Secretary of the Treasury for Enforcement and Operations, said in testimony six days later that the Administration did not support the bill. He contended Mr. Wilson's testimony had been misunderstood.

A Treasury Department spokesman said today that while the Treasury supported "the objectives of the bill, we think the bill as written is too broad and would create a mountain of paper that would defeat its purpose and that the bill also has the possibility of interfering with international commerce."

Mr. Rossides told Mr. Patman in a letter yesterday that the Treasury would submit other legislation to the committee "to devise an effective program for dealing with this very serious problem" after a scheduled meeting with Swiss Government representatives in mid-March.

In a letter of reply today, Mr. Patman accused Mr. Rossides of attempting to delay action on massive tax evasion and other economic crimes through Swiss banks long enough to see the committee's bill die with the scheduled adjournment of Congress this Labor Day.

Mr. Morgenthau accused the banking community of conniving at violations of American law through secret Swiss accounts for the profit they make on the transactions as intermediaries.

"I think it's common knowledge that there are clear ties between the financial community and this Administration," he added in a statement to reporters after the hearing.

[From the Wall Street Journal, Feb. 11, 1970]

PATMAN TO PRESS HARD FOR BILL RESTRICTING FOREIGN BANK ACCOUNTS DESPITE TREASURY

WASHINGTON.—Rep. Patman, chairman of the House Banking Committee, criticized the Nixon Administration for withdrawing its support from a bill to curb the use of foreign bank accounts for illegal purposes.

The Texas Democrat made clear his intention to seek prompt passage of the legislation, regardless of the Administration's attitude.

The bill, cosponsored by a majority of the committee, had been considered fairly noncontroversial until recently. It would require U.S. citizens and other persons doing business in the U.S. to report transactions with financial institutions in countries that don't allow normal inspection of records. It also would authorize the Treasury Secretary to require American banks to maintain copies of certain transactions of customers.

Early last December, when the Banking Committee opened hearings on the bill, Will Wilson, assistant attorney general in charge of the Justice Department's Criminal Division, testified that he supported the measure.

On Dec. 10, however, in what Mr. Patman describes as "an apparent reversal of the Justice Department and contrary to previous assurances given us," Treasury Department officials asked the committee to hold up action on the bill until a Treasury task force could develop recommendations.

Mr. Patman charged yesterday that the Administration's seeming reversal on the measure resulted from pressure that he assumes big banks put on Treasury officials in two private meetings last December.

Eugene T. Rossides, assistant Treasury secretary for enforcement and operations, said in an interview that the department "vehemently" denies charges that its position was "modified because of any alleged pressures."

Mr. Rossides said the department strongly supports the bill's "objectives" but isn't convinced that the measure represents the best way of solving the problems connected with secret bank accounts.

Mr. Rossides said the department's task force began studying the matter early last December. The study, including scheduled discussions with representatives of the Swiss government, will be completed by mid-March, he said. "We'll be available to testify before the committee then," Mr. Rossides added.

When informed of this schedule in a letter this week, Rep. Patman responded: "Mr. Rossides, your letter is quite disturbing." He added that delaying consideration of the bill to meet this schedule would make it doubtful that legislation could be passed this year.

"You are herewith notified," Mr. Patman continued, "of my intention to conclude these hearings no later than March 13" and to get the bill to the House floor "as early as possible."

In testimony before the committee yesterday, Robert M. Morgenthau, former U.S. Attorney for the Southern District of New York, reiterated his concern over the illegal use by Americans of foreign bank accounts and expressed strong support for the committee bill.

Detailed reasons for the banking industry's apparent objections to the measure haven't been stated, but banks evidently feel that one undesirable feature of the bill would be the additional record-keeping burden it would impose upon them.

Congressional sources said, however, they are convinced that the cost of copying checks and other documents that would be required under the bill would be negligible, perhaps running less than $500 per one million checks copied.

Witnesses have stated that Swiss banks are most widely used for various illegal purposes, because of the stiff bank-secrecy laws in Switzerland. But investigations also have traced similar criminal activity to banks in Panama, Nassau, Luxembourg, Liechtenstein, the Bahamas, West Germany and other countries.

[From the Los Angeles Times, Feb. 11, 1970]

PATMAN SAYS PRESIDENT GOES EASY ON BANKERS—CLAIMS POOR ARE PROSECUTED WHILE RICH TAKE ADVANTAGE OF SECRET SWISS ACCOUNTS

(By John J. Goldman and Robert L. Jackson)

WASHINGTON.—The Nixon Administration was accused Tuesday at a House hearing on Swiss bank secrecy of practicing a double standard in law enforcement—acting tough toward poor offenders while going easy on rich Wall Street bankers.

Rep. Wright Patman (D–Tex.) said the Administration, despite its pledges of tough law enforcement for all, has shied away from "stepping on the toes of somebody that's pretty important." He said he referred to the banking industry.

Patman has proposed strict legislation aimed at tighter record-keeping by U.S. banks dealing with overseas financial institutions. It is designed to help curb the illegal use of secret foreign bank accounts.

Patman and Robert M. Morgenthau, the former U.S. attorney in Manhattan, accused the Nixon Administration of softening—under bank pressure—its original endorsements of Patman's measure. It is under study by the House Banking and Currency Committee, which Patman heads.

Said Morgenthau, whose office obtained indictments of more than 75 persons for alleged criminal activities in connection with numbered Swiss bank accounts:

"I found less enthusiastic support from the Department of Justice after (John N.) Mitchell became attorney general. It was a general attitude. They were less interested in investigation of Swiss bank accounts held by people in the business community."

Morgenthau, the chief witness at Tuesday's hearing, said powerful businessmen and financiers are using Swiss bank accounts to cheat on taxes, trade stock illegally and to perpetrate frauds.

"We also have reason to believe that companies controlled by U.S. citizens may be illegally trading in gold, and information is needed to determine the dimensions of this problem," he said.

Morgenthau, a Democrat whose crime fighting record has won bipartisan praise, was replaced by the Nixon Administration last month as U.S. attorney for the Southern District of New York.

In discussing international dealings, Morgenthau revealed that his office had been investigating Bernard F. Cornfeld, who has built his Geneva-based Investors Overseas Services into a $2.2 billion financial empire.

Morgenthau said his inquiry centered on gold trading by firms controlled by Cornfeld, and possible violations of currency regulations.

He said Cornfeld, an American citizen, "made a profit of nearly $9 million by buying and selling gold in a one-week period during the spring of 1969."

Did you subpoena Mr. Cornfeld?" Patman asked.

"We were never successful in locating Cornfeld in the United States," Morgenthau said.

In New York, Whitney N. Seymour Jr., the new U.S. attorney, would not say whether a subpeona had been served on Cornfeld since Seymour took over from Morgenthau. But he said the matter was still under active investigation and he was not at liberty to discuss proceedings involving a grand jury.

Another witness, Robert R. Parker, a former American Embassy official in Saigon, said salesmen for one of Cornfeld's mutual funds attempted to solicit Americans in Vietnam in 1967 and 1968. Parker said he squelched the efforts.

In 1967, the Securities and Exchange Commission forced Cornfeld's funds to cut all ties to U.S. investors.

Patman said the Administration had gone over his bill "with a fine tooth comb" and that the Justice Department had publicly endorsed it last Dec. 4.

"But then the Administration began to pull punches," Patman charged. "We happen to know the secretary of the Treasury (David M. Kennedy), and I assume other important people, were visited by prominent New York bankers and others opposed to the bill.

"They were successful in persuading the Administration to do an about-face."

Morgenthau said:

"It is unfortunate that the domestic banks that have opposed the bill are to a large extent the very same banks that have opened foreign branches which provide secret numbered accounts to their customers, who in all too many instances are U.S. citizens intent on violating U.S. law."

[From the Washington Post, Feb. 11, 1970]

MORGENTHAU CLAIMS PROBES SLOWED BY JUSTICE DEPT.

(By Philip Greer)

The Justice Department showed "less enthusiastic support" for investigations of secret foreign bank accounts after Attorney General John N. Mitchell took office, Robert M. Morgenthau said yesterday.

Morgenthau also said that Justice asked him to postpone serving a subpoena on First National City Bank of New York in connection with another probe into foreign banks.

The former U.S. Attorney for the southern district of New York, who was ousted from his job last month, made his remarks at an impromptu press conference following testimony before the House Banking and Currency Committee on a bill to regulate the use of foreign banks by American citizens. He said that he was asked to defer enforcement of the subpoena because it might interfere with treaty negotiations between the U.S. and Switzerland.

Morgenthau insisted to reporters and before the committee that he did not know the reasons why the Nixon administration replaced him. He said however, that "We were conducting investigations into foreign bank accounts" and, he added "it's well-known that there are close ties between Wall Street and this administration."

New administrations traditionally replace U.S. attorneys with members of its own political party. Morgenthau is a Democrat.

The former prosecutor made his remarks standing alongside committee chairman Wright Patman (D–Tex.), who sharply criticized the administration for withdrawing support of the bill pending before the committee that would require U.S. banks to keep records of all transactions with foreign banks.

"The administration went over the bill," Patman said. "Every cabinet member who had anything to do with it. Will Wilson (assistant Attorney General in charge of the criminal division) said the administration was for it. Then the witnesses pulled their punches and said the administration was for its objectives, but not for the bill. During that time at least the Secretary of the Treasury was visited by prominent New York bankers. They were successful in persuading the administration to oppose the bill."

Morgenthau said the use of foreign banks to avoid U.S. tax and securities laws is growing, with American banks playing a large part in the activity.

CORNFELD SPOKESMAN DENIES GOLD CHARGE

One of the investigations left pending by Robert M. Morgenthau when he left office as U.S. Attorney for the Southern District of New York was a probe into activities of Investors Overseas Service, Ltd., the giant Geneva-based mutual fund complex.

The investigation, which Morgenthau revealed at the House Banking & Currency Committee's hearings on a new foreign bank law, centers on the company's trading in gold markets during the near-panic of 1968.

Morgenthau said that a subpoena had been issued for Bernard Cornfeld, head of the financial complex, but that the subpoena expired before it could be served.

According to Morgenthau, IOS made a profit of $9 million in one week by trading in gold.

Cornfeld, in Mexico, could not be reached for comment. Edward Cowett, senior vice president, issued a statement last night which denied that the gold transactions were illegal. The transactions, Cowett said, were made by Fund of Funds, Ltd., a mutual fund managed by IOS.

[From the Evening Star, Feb. 11, 1970]

SECRET SWISS BANK ACCOUNTS CALLED BIGGEST TAX LOOPHOLE

Use of secret foreign bank accounts probably constitutes the biggest single loophole in the entire field of tax evasion, according to a veteran investigator of hidden-funds operations involving overseas banks.

"Switzerland is a tax haven, no doubt about that," Robert Morgenthau told the House Banking Committee yesterday. "It isn't only for United States citizens—South Americans, Arab leaders, all are using Swiss banks for tax havens."

The former New York federal attorney who recently was fired by Nixon criticized the administration for what he called its withdrawal of support for a regulatory bill to curb use of secret foreign bank accounts by criminals and tax cheats.

Treasury officials have said the administration favors the bill's goals but fears it is so broad that it would do more harm than good.

The measure would require record-keeping and reports by persons maintaining accounts in foreign banks protected by secrecy laws, and by couriers who transport cash or securities to such foreign banks.

The Treasury's doubts apparently center on requirements for U.S. banks to keep detailed records, including microfilms, of checks cleared.

But Morgenthau said record-keeping provisions of the bill are essential for enforcement. He voiced concern over what he views as success of some large domestic banks in undercutting support for the legislation.

In response to Morgenthau's testimony, a Treasury Department spokesman summoned reporters and conceded that bankers had met with Treasury officials, but protested implications the bankers had forced the department to change its position.

Morgenthau said proliferation of branches and subsidiaries of U.S. banks overseas is linked with the rapid expansion of the market in Eurodollars—dollars held abroad and traded there.

"A portion of this growth is undoubtedly the result of illegal uses of foreign bank accounts," he said.

"But in many instances," he added, "these Eurodollar deposits are the result of tax loopholes that might well be plugged through legislation if the Congress had the information necessary to formulate and back up tax proposals."

Frank A. Bartimo, assistant general counsel of the Defense Department, told the committee that legislation that would help enforcement agencies get information about bank accounts could result in a tapping of money, otherwise subject to U.S. tax laws, which now escapes to numbered foreign bank accounts.

[From the New York Times, Feb. 15, 1970]

TREASURY OPPOSED TO BILL AFFECTING SWISS BANKS

(By Neil Sheehan)

WASHINGTON.—Stiff, 10-year sentences handed down here this week for a multi-million-dollar fraud that depended on the secrecy of Swiss bank accounts indicated the judiciary might be starting to take seriously the crooks in the Brooks Brothers suits.

But the Treasury Department, at the behest of the big American banks, is seeking to block passage of a bill that would make it far easier to prosecute massive economic crime by supposedly respectable businessmen.

The bill is a House Banking and Currency Committee measure to curb major tax evasion, wholesale violation of stock-market margin requirement and other securities trading laws and outright fraud by rich Americans, all under the cover of Swiss bank secrecy.

Judges have usually given lenient sentences to affluent defendants for such crimes, in contrast to rigorous punishments imposed on blue-collar criminals for run-of-the-mill felonies like burglary.

Possibly because of the growing attention economic crime has been receiving, Federal District Judge Oliver Gasch this week reflected a generally changed attitude. He sentenced Francis N. Rosenbaum, a Washington attorney with solid social and political connections, and his partner, Andrew L. Stone, a multi-millionaire furniture and munitions maker from St. Louis, to 10 years each for stealing $4.6-million from the Navy on rocket launcher contracts. Although they could be paroled far sooner, the sentence itself was considered significant.

The theft from the public treasury was perpetrated with the aid of two Swiss banks. One of them also helped the defendants smuggle $500,000 worth of rocket launchers to Europe, Latin America and possibly the Middle East, cheat on at least $5-million in taxes and ignore securities laws with impunity.

SIPHONING OPERATIONS

The investigation disclosed the banks had arranged similar siphoning operations for other prominent businessmen, including the former senior vice president of one of the 25 largest corporations in the United States. Swiss bank secrecy is frustrating prosecution in these cases as it has in numerous tax and securities frauds in the past.

The House bill would circumvent the secrecy roadblock by a number of provisions. One is a requirement that American citizens and corporations report annually to the Treasury their transactions with foreign banks that do not make records available to United States law-enforcement agencies.

Prosecutors would not have to obtain the Swiss bank records in a tax fraud, securities case or other suspected crime. The mere proof that the citizen or corporation had a secret foreign bank account that had not been reported would constitute a felony.

Treasury, Internal Revenue Service and Justice Department officials helped the committee staff to write the bill.

Will Wilson, chief of the Justice Department's criminal division, endorsed the bill when committee hearings opened last Dec. 4. Eugene T. Rossides, Assistant Secretary of the Treasury for Operations and Enforcement, and Randolph W. Thrower, Commissioner of the I.R.S., were to appear six days later.

Mr. Rossides sent the Justice Department an advance copy of his statement to the committee. The statement also endorsed the bill.

Mr. Thrower sent the committee a draft of his statement ahead of time. It said the I.R.S. "desperately" needed the bill to combat tax fraud and that the measure's record-keeping provisions would not impose an "unreasonable" burden on the banks.

In the meantime, the banks intervened. Mr. Rossides met representatives of the American Bankers Association and a number of major banks, including the Chase Manhattan, Morgan Guaranty and First National City.

On Dec. 10, he and Mr. Thrower appeared before the committee with completely different statements. The bill would be too burdensome on the banks and would interfere with international commerce, Mr. Rossides said.

SUPPORT EXPRESSED

Mr. Thrower echoed the view of Mr. Rossides. When Frank Bartimo, assistant general counsel of the Defense Department, supported the bill in testimony this week, calling it helpful in ferreting out military corruption, a Treasury spokesman said Mr. Bartimo "hasn't gotten the word" and that Treasury spoke for the Nixon Administration. The White House acquiesced.

Mr. Rossides said in a letter to the committee this week that the Treasury would submit new proposals, after a meeting with Swiss Government representatives in mid-March, which would provide a more "effective" way of attacking the secrecy problem.

Representative Wright Patman, Democrat of Texas, the committee chairman, accused Mr. Rossides of trying to delay action until the bill died with the adjournment of the incumbent Congress.

Mr. Patman and Robert M. Morgenthau, former United States Attorney for the Southern District of New York and an authority on crime and Swiss banks, contended the American banks opposed the bill from profit motives, not because the record keeping would prove unduly burdensome, as the bankers claim.

[From the Wall Street Journal, May 7, 1969]

ALSCO ADMITS FALSEHOOD IN ITS CLAIM FOR $14.7 MILLION DEFENSE-JOB EXPENSES

WASHINGTON.—Alsco Inc. pleaded guilty in Federal court here submitting a false statement to the Renegotiation Board in support of $14.7 million of expenses the company claimed were incurred in connection with a defense contract.

District Court Judge Oliver Gasch deferred sentencing of the maker of rocket launchers and other products. Court aides said a date for sentencing hasn't been set. Alsco could be fined a maximum of $10,000 for the false statement.

William D. Hurley, named president of Alsco last February after Harvard Industries acquired a 49% interest in the company, issued a statement through the company's attorney. He said the disposition of the District of Columbia action was "the first step in connection with the program being worked out with representatives of various branches and agencies of the Government, looking toward the continuation of Alsco's role as a qualified defense supplier."

Corporate headquarters of Alsco are in New York, with one division based in Akron and another in St. Louis.

Alsco and Chromcraft Corp., merged into Alsco in 1966, were indicted by a Federal grand jury here last August on charges of conspiring to obtain more than $4 million from the Government by fraud in connection with production of Navy rocket launchers. The indictment also named Andrew L. Stone, former president of Alsco, and three other individuals.

In addition to the conspiracy count, the 30-count indictment charged all the defendants with 20 counts of submitting false cost statements to the Navy, or the Renegotiation Board, a Federal agency that seeks to recover excessive profits from defense contractors. The indictment also charged two of the individual defendants in nine counts with illegally receiving kickbacks from Western Molded Fibre Products Inc., Gardena, Calif., a subcontractor for Alsco and Chromcraft.

Alsco pleaded guilty to one count of submitting a false statement to the Renegotiation Board. Normally, the other counts against a defendant who pleads guilty to one are dismissed at the time of sentencing, according to court aides.

The charges against the other defendants still are pending.

In addition, according to lawyers here, charges are pending against Alsco and certain other defendants in Federal district court in St. Louis for alleged violation of the Mutual Security Act. It's alleged that the defendants made unlicensed munitions shipments to Belgium by misdescribing such shipments as water-filter tanks.

[From the Washington Post, Oct. 14, 1969]

FOUR ADMIT BILKING U.S. IN ARMS CASE

(By William N. Curry)

Four persons, including a Washington attorney, admitted in U.S. District Court here yesterday that they conspired to swindle the United States out of millions of dollars in Vietnam arms contracts.

A minimum of $4 million in overcharges was alleged by the government in a 30-count grand jury indictment, involving charges of kickbacks, overcharges, fraud and secret Swiss bank accounts.

Francis N. Rosenbaum, a lawyer who lives at 3221 Woodland Dr. NW, was one of two men who pleaded guilty to the conspiracy charge. In addition, he and Andrew L. Stone, the former president and chief stockholder of Alsco, Inc. (formerly Chromcraft Corp.) of St. Louis, pleaded guilty to six charges of making false statements to the Department of Defense and two charges of making false statements to the Renegotiation Board.

The board is responsible for ferreting out and recouping losses due to war profiteering.

The false statements were involved in the execution of $47 million of Navy contracts for 2.75-inch rocket launchers used in Vietnam. Alsco signed negotiated contracts (cost plus fixed profit) with the Navy during a four-year period that began in 1963.

Besides Stone and Rosenbaum, two other defendants pleaded guilty to the charge of conspiring to use "craft, trickery, deceit and dishonest means" to "hamper, hinder, frustrate, defeat, impair and impede" the Navy and the Renegotiation Board.

They were Evelyn R. Price, a former executive secretary at Chromcraft-Alsco, and Robert B. Bregman, accused by the government of running the dummy corporation set up for Alsco's benefit.

As explained by Assistant U.S. Attorney Seymour Glanzer, the essence of the government's case was this:

Alsco would purchase component parts for the launchers from subcontractors. Then the dummy corporation would "sell" these same components to Alsco at a higher price. The difference in the two prices was sent to a Swiss bank account, after the Navy had paid Alsco the higher price.

The case marks the first time that a foreign government achieved access to a secret Swiss bank account. Swiss law provides that when an official of a bank breaks a law in connection with servicing a secret account that account can be opened to investigators.

The federal indictment in the case charged that two Swiss bank officials assisted Stone and Rosenbaum in setting up dummy Swiss companies through which to funnel the stolen money into the secret accounts.

Glanzer spent 10 days in Switzerland examining the accounts.

Rosenbaum and Stone each face a maximum penalty of 45 years in jail and a $90,000 fine, Glanzer said. Bregman and Mrs. Price face possible 5-year terms and $10,000 fines.

Judge Oliver Gasch will sentence the four in about 90 days. In August, Judge Gasch fined Alsco $5,000 for its corporate role after it pleaded guilty to one charge of conspiracy.

In Federal Court in St. Louis the government has filed a civil suit against the company in an effort to get back double the amount Alsco allegedly obtained illegally by its operations.

The Navy recently awarded contracts for future rocket launchers to two other companies, after it had said only Alsco could manufacture them. The Navy signed at least one contract with Alsco even after the company was under indictment.

[From the Evening Star, Oct. 13, 1969]

Four Plead Guilty in Arms Fraud

(By Donald Hirzel)

Four persons pleaded guilty today in U.S. District Court here to charges of conspiring to defraud the government of millions of dollars in defense contracts.

The government calculated that more than $4 million in excess profits was involved.

Seymour Glanzer and Robert W. Ogren, assistant U.S. attorneys who prepared the case, termed it one of the biggest contract fraud cases in the history of the court.

Pleading guilty were Andrew L. Stone, president of Alsco, Inc., headquartered in St. Louis, his executive secretary, Mrs. Evelyn Price; Francis N. Rosenbaum, a Washington tax attorney, and Robert B. Bregman, of New York.

Stone and Rosenbaum, through their attorney, Edward Bennett Williams, pleaded guilty to nine of 30 counts in the indictment, including conspiracy and charges of making false statements and claims to the government.

Mrs. Price, through her attorney Norman London, and Bregman, through his counsel, James C. Toomey, pleaded guilty to one count each of conspiracy.

Glanzer said Mrs. Price drew up the papers for various transactions on the instructions of the others and that Bregman was involved in a dummy corporation set up in New York City.

Judge Oliver Gasch advised each defendant that he could receive a five-year prison term or $10,000 fine or both, on each count.

The judge postponed sentencing for 90 days to get a presentencing report from the court's probation department.

The pleadings concluded an intensive investigation which began when reports of fraud were investigated by the FBI in the mid-1960's.

The U.S. attorney's office estimated that fraudulent statements were made in support of $47 million in negotiated contracts with the Defense Department between 1962 and 1967 for production of rocket launchers used in Vietnam.

Glanzer said there was no deficiency found in the quality of the launchers, only in the cost.

He said the parent company, Alsco, formerly known as Chromecraft, received the government contracts and had the launchers made by one company, but created dummy companies to submit false and exaggerated claims for work costs.

Bills and payments were chanelled through these nonexistent companies and the excess profits, estimated at more than $4 million, wound up in a Swiss bank account, the government claimed.

Glanzer said the money has now been removed from the Swiss account and civil suits are pending here and in federal court in St. Louis to regain it for the government.

[From the Wall Street Journal, May 23, 1969]

Alsco Is Fined $25,000 on Charge of Illegally Exporting Munitions—Some 16 Other Counts Against Firm, Controlled by Harvard Industries Inc., Are Dismissed

St. Louis.—Alsco Inc., currently controlled by Harvard Industries Inc., Farmingdale, N.J., pleaded guilty in Federal district court here to one of 17 counts in a Federal indictment charging the concern with unlawful export of munitions. Alsco was fined $25,000, the maximum penalty, by Judge John K. Regan.

The Justice department agreed to dismissal of the other 16 counts because, as a spokesman said, "Harvard Industries appears to have disassociated themselves with the past management of Alsco, and these are merely punitive matters in that case."

In Farmingdale, William D. Hurley, Alsco's recently named president, said all criminal proceedings against the company have been disposed of.

Mr. Hurley added he's "satisfied with the progress of the program being worked out with representatives of various branches and agencies of the Government looking towards the continuation of Alsco's role as a qualified defense supplier."

However, the Federal indictment of Andrew L. Stone, former president and chief executive officer of Alsco and his secretary, Evelyn Price, still stand and will be tried in Judge Regan's court in St. Louis. No trial date has been set. Mr. Stone and Miss Price could receive sentences of 34 years in prison, two years for each of the 17 counts. Also remaining under indictment are Amberbel Corp. and its successor, Joseph L. Wilmott & Co., New York, which, according to the indictment, exported the munitions.

The indictments charge the defendants with conspiring to ship and with shipping 2.75-inch rocket launchers for jet aircraft to Les Forges de Zeeburg S.A., a Belgian company, without obtaining export licenses or State Department approval. Eight of the counts allege shipment and eight charge use of false documents to conceal the nature of the shipment. Allegedly, the munitions were described as filter tanks or filter-tank parts. One count charges conspiracy.

In April 1968, when the Federal investigation was disclosed, Mr. Stone took an indefinite leave of absence from Alsco and put his Alsco stock in trust, precluding him from voting it. Harvard Industries then bought his 937,000 Class A common shares, a 49% interest in Alsco, for about $12 million.

U.S. Government Victimized—Swiss Bankers Tied to Fraud

(By Jean Heller)

Federal authorities have evidence that two Swiss bankers supplied hundreds of false documents from a string of shadow companies which became the backbone of a multimillion-dollar swindle of the U.S. Government.

With the aid of the bankers, the evidence says, a group of Americans was able to channel more than $4 million into secret Swiss bank accounts before the fraud was exposed and stopped.

ALL FOUR SENTENCED

The Americans, who pleaded guilty to their parts in the fraud, were sentenced today in U.S. District Court here.

They are Francis N. Rosenbaum, a Washington attorney; Andrew L. Stone, a wealthy St. Louis businessman; Evelyn Price of St. Louis, Stone's executive secretary; Robert B. Bregman, president of Bregman Electronics, Inc., of New York; the Chromcraft Corp. of St. Louis and Alsco Inc. of Akron, Ohio.

Stone and Rosenbaum each received 10 years, and Mrs. Price and Bregman 5 years.

Judge Oliver Gasch sentenced them all to 5 years for conspiracy. Stone and Rosenbaum, in addition, received concurrent five-year terms on each of eight counts of making false statements and claims to the government.

DUMMY FIRMS ESTABLISHED

The two Swiss bankers were named as co-conspirators but not defendants in the case.

The fraud has received much publicity but the evidence detailing the role of the Swiss bankers has remained in government files.

Simplified, the case worked this way: Stone and Rosenbaum were officers of a company which was the prime contractor on millions of dollars in Navy defense business.

They set up two dummy companies in the United States and fraudulently represented them as subcontractors on the Navy work. The Swiss bankers supplied those subcontractors with fraudulent bills from other dummy European firms for materials which were never ordered or shipped. The dummy subcontractors then "sold" the nonexistent material to the prime contractor, which charged the Navy for it.

SENT TO SWISS BANKS

In paying off the phony Swiss bills, Stone and Rosenbaum were able to siphon the fraudulent overcharges obtained on the defense contracts out of the country.

The money went to the Swiss bankers who routed it into the Americans' secret accounts in Switzerland.

The case was broken by Asst. U.S. Atty. Seymour Glanzer, chief of the Frauds Prosecutions Unit of the U.S. attorney's office here. He was able, through court action, to force Swiss banks to open their books and files.

A 30-count indictment was returned in August 1968 against the six defendants involved in the case. Stone and Rosenbaum pleaded guilty last October to nine counts each and the other defendants to one count each. Each count carried a maximum penalty of five years in prison and $10,000 in fines.

The indictment named as coconspirators Hans Senn, an officer and director of the Bank Fur Handel und Effekten of Zurich; that bank, and Walter A. Lips, vice director of the Union Bank of Switzerland branch at Aarau, Switzerland. Lips has since left the Union Bank and opened his own finance and business advisory service. Senn still is employed by the Bank Fur Handel.

Swiss authorities say no charges have been filed against anyone there, but Justice Department sources here say evidence is being turned over to Swiss authorities at their request. Swiss officials refused to comment when asked if an investigation is under way.

Between February 1962 and January 1967, the Navy awarded more than $47 million in contracts for 2.75-inch rocket launchers for air-to-air ground missiles widely used in Vietnam.

The contracts were awarded on a sole-source basis, that is, to one company without competitive bidding. In the beginning, that company was Chromcraft.

In June 1966, Chromcraft and Alsco merged, and the St. Louis rocket launcher operation changed its name to the Techfab Division of Alsco. Nothing else changed, however, and the Navy continued awarding the contracts to Techfab.

Rosenbaum was a director and special counsel first for Chromcraft and then for Alsco-Techfab from January 1963 through the time the fraud was discovered and stopped in early 1967. During this period, Stone was the principal stockholder and chief executive officer of the companies.

But Macoba never shipped anything to Scientific Electronics and Scientific Electronics never shipped anything to Chromcraft.

What did happen was that Rosenbaum wrote to Senn requesting only bills for the three items. The fraudulent Macoba invoices were sent to Scientific Electronics from Europe and Scientific Electronics billed Chromcraft for the items—bills which Chromcraft represented to the Navy as legitimate costs.

FAKE OFFICE SET UP

Stone and Rosenbaum created a dummy company in Beverly Hills, Calif., and called it Scientific Electronics, Ltd. The company was nothing more than a desk and a chair and piles of letterhead stationery. It never did any business with or for anyone.

Part way through the four-year fraud, Scientific was dropped and Rosenbaum and Stone replaced it with Bregman Electronics, another dummy company.

Scientific and Bregman were the American front companies for the fraud.

There were five more front companies in Europe: Geag; Elpag, A.G.; Alwatra, A.G.; Infina, A.G. and Etablisement Macoba.

During the four-year fraud, as Chromcraft and Alsco received the Navy rocket launcher contracts, the companies assigned some of the work on the weapons to legitimate subcontractors. Those subcontractors submitted bills to Chromcraft and Techfab.

Under honest practices, these bills would have been submitted to the Navy by Chromcraft and Techfab as part of the total cost of manufacturing the launchers.

Instead, Chromcraft and Techfab submitted false invoices from the two dummy American firms, Scientific Electronics and Bregman Electronics, stating that these were the subcontractors. These bills were substantially higher than the true charges by the real subcontractors. The Navy paid the higher costs.

The Swiss bankers' complicity in the fraud can best be shown by following through one typical transaction with the Americans.

DOCUMENTS SEIZED

Among the thousands of documents seized by the Justice Department in connection with the case was an invoice from Macoba, one of the dummy European companies, dated Dec. 1, 1964. It purported to show that Macoba had sold to Scientific Electronics three pieces of equipment at a total price of $10,565.

Three Chromcraft purchase forms, dated Dec. 7, 1964, showed that Chromcraft had ordered the same three pieces of equipment from Scientific Electronics. And there were three Scientific Electronics invoices dated Dec. 14, 1964, billing Chromcraft for the three pieces of equipment at a total cost of $11,000.

Leon Schwartz, the president of Scientific Electronics, sent an air mail letter to Senn on Feb. 16, 1965. It listed 21 bills to Scientific Electronics from Macoba and Alwatra, including one for the three items, and said checks covering the bills were enclosed.

The letter to Senn said the checks, which were made out to Macoba and Alwatra, were to be "applied to your invoices."

The total of the checks referred to in the letter was $160,235.

MONEY SENT TO BANKERS

Each bill listed in that letter and in many similar letters to Senn and the other Swiss banker, Lips, represented a fraudulent invoice. Each payment in which the checks were made out to one of the five foreign front companies, was sent not to the companies, but to the Swiss bankers or their agents.

And each payment was routed into secret Swiss bank accounts for the use of Stone and Rosenbaum.

By having fraudulent invoices from Europe sent to their two dummy American subcontractors, and by "paying" those bills, Stone and Rosenbaum were able to channel more than $2.2 million into secret Swiss accounts through scientific Electronics and nearly $1.2 million through Bregman Electronics.

In addition, fraudulent invoices were sent from foreign companies to Western Molded Fibre Products Inc., of Gardena, Calif., a legitimate subcontractor for Chromcraft and Alsco. Western Molded paid the bills although the materials listed on the invoices never were sent.

In that manner, Western Molded paid $663,481 in kickbacks to Stone and Rosenbaum. That money, too, was routed into their Swiss accounts.

A source within Western Molded first tipped off the Navy to the possibility of kickbacks. That alone would have been a violation of the law. The Navy relayed the information to the Justice Department and eventually the whole scheme was uncovered.

[From the Washington Post, Feb. 11, 1970]

U.S. Data Reveals Swiss Bankers' Role in Rocket Launcher Fraud

(By Jean Heller)

Federal authorities have evidence that two Swiss bankers—fully aware that they were accomplices in a fraud—supplied hundreds of false documents from a string of shadow companies which became the backbone of a multi-million-dollar swindle of the U.S. government.

With the aid of the bankers, the evidence shows, a group of Americans was able to channel more than $4 million into secret Swiss bank accounts before the fraud was exposed and stopped.

The Americans, who pleaded guilty to their parts in the fraud, received prison sentences in U.S. District Court here yesterday.

They are Francis N. Rosenbaum, a prominent Washington attorney; Andrew L. Stone, a wealthy St. Louis businessman; Evelyn Price of St. Louis, Stone's executive secretary, and Robert B. Bregman, president of Bregman Electronics, Inc., of New York. Two companies—the Chromcraft Corp. of St. Louis and Alsco, Inc., of Akron, Ohio—had previously been fined.

The two Swiss bankers were named as co-conspirators but not defendants in the case. The $4 million channeled into secret Swiss bank accounts has not been recovered.

The fraud has received much publicity, but the evidence detailing the role of the Swiss bankers has remained in government files.

The case, officials said, is just one example of the hundreds of frauds and tax evasions believed carried out each year with the knowledge and aid of discreet foreign bankers.

Simplified, the case worked this way: Stone and Rosenbaum were officers of a company that was the prime contractor on millions of dollars in Navy defense business.

They set up two dummy companies in the United States and fraudulently represented them as subcontractors on the Navy work. The Swiss bankers supplied those subcontractors with fraudulent bills from other dummy European firms for materials that were never ordered or shipped. The dummy subcontractors then "sold" the non-existent material to the prime contractor who charged the Navy for it.

In paying off the phoney Swiss bills, Stone and Rosenbaum were able to siphon the fraudulent overcharges obtained on the defense contracts out of the country.

The money went to the Swiss bankers who routed it into the Americans' secret accounts in Switzerland.

Government officials here say estimating the number of dollars fraudulently channeled into foreign bank accounts each year "defies imagination," but certainly runs into the hundreds of millions.

They say they find it almost impossible to break up such schemes unless someone on the inside cooperates.

The Navy fraud case was broken by Assistant U.S. Attorney Seymour Glanzer, chief of the Frauds Prosecutions Unit of the U.S. Attorney's office here. He was able, through court action, to force Swiss banks to open books and files.

A 30-count indictment was returned in August, 1968, against the six defendants involved in the case. Stone and Rosenbaum pleaded guilty last October to nine counts each and the other defendants to one count each.

The indictment named as co-conspirators Hans Senn, an officer and director of the Bank Fur Handel und Effekten of Zurich; that bank, and Walter A. Lips, vice director of the Union Bank of Switzerland branch at Aarau, Switzerland. Lips has since left the Union Bank and opened his own finance and business advisory service. Senn still is employed by the Bank Fur Handel.

Swiss authorities say no charge have been filed against anyone there, but Justice Department sources here say evidence is being turned over to Swiss authorities at their request. Swiss officials refused to comment when asked if an investigation was under way.

Between February, 1962, and January, 1967, the Navy awarded more than $47 million in contracts for 2.75-inch rocket launchers for air-to-air ground missiles widely used in Vietnam.

The contracts were awarded on a sole-source basis, that is, to one company without competitive bidding. In the beginning, that company was Chromcraft, which billed itself as "The Distinguished Name in Dinette Furniture."

In June, 1966, Chromcraft and Alsco merged, and the St. Louis rocket launcher operation changed its name to the Techfab Division of Alsco. Nothing else changed, however, and the Navy continued awarding the contracts to Techfab. The fraudulent overcharging on the defense contracts continued.

Despite the overcharging, the Navy received the rocket launchers and has voiced no complaints about the quality of the work.

Rosenbaum was a director and special counsel first for Chromcraft and then for Alsco-Techfab from January, 1963, through the time the fraud was discovered and stopped in early 1967. During this period, Stone was the principal stockholder and chief executive officer of the companies.

Stone and Rosenbaum were the prime movers in the fraud. They created a dummy company in Beverly Hills, Calif., and called it Scientific Electronics, Ltd. The company was nothing more than a desk and a chair and piles of letterhead stationery. It never did any business with or for anyone.

Part way through the four-year fraud, Scientific was dropped and Rosenbaum and Stone replaced it with Bregman Electronics, another dummy company. Scientific and Bregman were the American front companies for the fraud.

There were five more front companies in Europe: Geag; Elpag, A.G.; Alwatra, A.G.; Infina, A.G. and Etablisement Macoba.

During the four-year fraud, as Chromcraft and Alsco received the Navy rocket launcher contracts, the companies assigned some of the work on the weapons to legitimate subcontractors. Those subcontractors submitted bills to Chromcraft and Techfab.

Under honest practices, these bills would have been submitted to the Navy by Chromcraft and Techfab as part of the total cost of manufacturing the launchers.

Instead, Chromcraft and Techfab submitted false invoices from the two dummy American firms, Scientific Electronics and Bregman Electronics stating that these were the subcontractors. These bills were substantially higher than the true charges by the real subcontractors. The Navy paid the higher costs.

Although no formal charges have been filed anywhere against Senn, Lips or either bank, government files show that the two bankers supplied the fraudulent documents that became the backbone of the Rosenbaum-Stone swindle, knowing the documents were false and were being used in a crime.

The Swiss bankers' complicity in the fraud can best be shown by following through one example transaction with the Americans.

Among the thousands of documents seized by the Justice Department in connection with the case was an invoice from Macoba, one of the dummy European companies, dated Dec. 1, 1964. It purported to show that Macoba had sold to Scientific Electronics three pieces of equipment at a total price of $10,565.

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The total of the checks referred to in the letter was $160,235.

Each bill in that letter and in many similar letters to Senn and the other Swiss banker, Walter Lips, represented a fraudulent invoice. Each payment, in which the checks were made out to one of the five foreign front companies, was sent not to the companies, but to the Swiss bankers or their agents.

And each payment was routed into secret Swiss bank accounts for the use of Stone and Rosenbaum.

Also included in the material seized by the Justice Department were invoices from Macoba to the second American dummy subcontractor, Bregman Electronics. Macoba's letterhead said the company was located in Vaduz, Liechtenstein. But the envelopes neatly stapled to the bills to Bregman Electronics were postmarked Zurich, Switzerland, the home of Senn and the Bank Fur Handel.

By having fraudulent invoices from Europe sent to their two dummy American subcontractors, and by "paying" those bills, Stone and Rosenbaum were able to channel more than $2.2 million into secret Swiss accounts through Scientific Electronics and nearly $1.2 million through Bregman Electronics.

In addition, fraudulent invoices were sent from foreign companies to Western Molded Fibre Products Inc., of Gardena, Calif., a legitimate subcontractor for Chromcraft and Alsco. Western Molded paid the bills although the materials listed on the invoices never were sent.

In that manner, Western Molded paid $663,481 in kickbacks to Stone and Rosenbaum. That money, too, was routed into their Swiss accounts.

A source within Western Molded first tipped off the Navy to the possibility of kickbacks. That alone would have been a violation of the law. The Navy relayed the information to the Justice Department and eventually the whole scheme was uncovered.

[From the Los Angeles Times Feb. 11, 1970]

4 SENTENCED IN FRAUD ABETTED BY 2 BANKERS

WASHINGTON.—Two Americans received maximum prison sentences Tuesday for master-minding a multimillion-dollar fraud against the U.S. government—a fraud supported for four years by a steady flow of phony documents supplied by two Swiss bankers.

Two other Americans also were sentenced for supporting roles in the fraud.

U.S. Dist. Judge Oliver Gasch sentenced Francis N. Rosenbaum, 54, a prominent Washington attorney, and Andrew L. Stone, 54, a wealthy St. Louis businessman, to 10 years in prison each for their starring parts in the fraud involving $47 million in Navy defense contracts.

With the aid of the two Swiss bankers, Rosenbaum and Stone funneled $4 million in kickbacks and fraudulent overcharges into secret Swiss bank accounts. The money has not been recovered.

Evelyn Price, Stone's executive secretary, and Robert B. Bregman, 63, president of Bregman Electronics, Inc., of New York, were sentenced to five years in prison each for their parts in the fraud.

The federal indictment against the four also named as defendants, Alsco, Inc., of Akron, Ohio, and the Chromcraft Corp. of St. Louis. The two companies merged in 1966 and Alsco, the surviving company, answered for both firms in earlier court proceedings.

It pleaded guilty to its part in the fraud and was fined $10,000.

[From the Lost Angeles Times, Feb. 22, 1970]

HOW U.S. ACCOUNTS AID BLACK MARKET—PROBE REVEALS THE REAL NATURE OF "INNOCENCE" AND "PRYSUMEEN"

(By John J. Goldman and Robert L. Jackson)

WASHINGTON.—Early in February, 1965, a small round-faced Hong Kong "gem merchant" named Suyed Ameen opened a bank account by mail at the Manufacturers Hanover Trust Co. in New York.

It was called the Prysumeen account; its cable address was "Innocence."

There was nothing very innocent about the money going through the account, congressional investigators say.

For more than four years, according to testimony before a Congressional committee, it functioned as a huge funnel for black market dollars flowing mainly from Vietnam but also from Hong Kong, Singapore, Switzerland, Africa and the Middle East. More than $51 million changed hands—some of it collected secretly at an Indian mosque in downtown Saigon.

The Prysumeen account's 200 users included an Omaha architectural consultant, a San Francisco construction supervisor and an entrepreneur couple from Scottsdale, Ariz.—all working in Vietnam.

Doan Quoc Sy, a Vietnamese student who was brought to Washington at U.S. expense to study social science, used the account. So did 10 corporations doing business with the U.S. government. They deposited $725,000.

The Beirut branch of the Narodny Bank of Moscow received money from the Prysumeen, which government sources say it paid to a small Mideast charter airline suspected of smuggling gold.

"Prysumeen was just a little chunk of what was going on," said Robert R. Parker, former head of the American Embassy's irregular practices committee in Saigon.

Parker and other experts estimate hundreds of millions of dollars in fast illegal profits have been made through accounts like Prysumeen. Such transactions have sapped the strength of the Vietnamese economy, which is largely supported by American taxpayers, they say.

Such accounts, typically, worked like this:

A U.S. construction worker assigned to a job in Saigon would write a check against his own U.S. bank account and make it payable to Prysumeen. He would give this check to a collector for the operation in Saigon, who in turn would see that it got to New York for deposit in a code-named account.

When the money was deposited, the collector in Saigon would be notified by cable. The American construction worker then would be paid about twice the number of Vietnam piasters to which he would be entitled if he exchanged his dollars through normal channels.

As a result, the worker would obviously have more spending power in Saigon. The money changer, meantime, would have a good supply of dollars stashed away in a secure place outside of Vietnam. It's suspected that many of these dollars were used to buy gold.

Prysumeen now has become a principal symbol in a struggle between banking interests and some enforcement officials—a potential source of embarrassment to the Nixon Administration, which has pledged its dedication to law and order.

The Administration has been accused by Rep. Wright Patman (D-Tex.) and others of yielding to pressure from big banks and softening its position on legislation which would make accounts like Prysumeen easier to detect.

The Treasury Department has been meeting with executives of banks while two critical congressional committees—the Senate subcommittee and Patman's House Banking and Currency Committee—are seeking to eliminate the illegal use of unwitting banks.

Says Sen. Abraham A. Ribicoff (D-Conn.), acting chairman of the Senate subcommittee:

"There has obviously been a great deal of laxness on the part of our intelligence community, our Treasury Department and also various banks."

John Petty, assistant Treasury secretary for international affairs, offers a softer view. "You don't want to turn the bank into a policeman or stool pigeon," he told The Times. "On the other hand, you want the bank to be responsible and offer confidential service."

In Vietnam, the black market in currency is easy to find. At the lowest level, money

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changers operate from news stands, street corners, tailor shops and book stores.

They work boldly and with near immunity. There is even a citizen of India, nicknamed "The Ambassador," who shows up regularly to pay the fine whenever one of his money-changers is arrested.

U.S. officials estimate the volume at $150 million a year. They say the market's top operatives are a group of Indian businessmen—many of them Muslims—who come from the state of Madras. They have unpretentious offices in Saigon and Hong Kong. Ameen—who opened the Prysumeen account—was a member of this group.

Ameen originally wanted to call his account "Good Luck" when he wrote the Manufacturers Hanover Trust Co. at 44 Wall St. in Manhattan. But showing thoroughness, he also suggested seven alternate code names for the account—Freeman, Goodman, Waterman, William, Wilson, Victor and Vincent.

The bank wrote back that all these designations including "Good Luck," were already being used by other depositors. After some discussion, executives at Manufacturers Hanover suggested "Prysumeen"—an anagram of Ameen's and some of his partner's names.

"We are pleased to assist you in this matter," wrote Paul D. Lucas, one of the bank's vice presidents, "and look forward to serving you through the means of this new account."

To get in touch with Ameen, Manufacturers Hanover would cable "Innocence," in care of Post Office Box 2728, Hong Kong.

Lucas and others at the bank had never met Ameen or his partners. They relied on credit references from a Hong Kong bank and written assurances from Prysumeen's operators that they would not violate U.S. Treasury Dept. regulations by dealing with Red China or North Korea.

The account was busy from the first. Some $4.5 million flowed through it the first year; $7.9 million in 1966; $21.9 million in 1967, and $16.7 million in 1968.

Ameen complained regularly about delays and other alleged deficiencies in the bank's recording of deposits. Bank officials took pains to investigate and answer each written complaint.

It wasn't until Vietnamese police raided an Indian mosque in Saigon in late 1967 that U.S. officials learned of Prysumeen. The police found $83,000 in U.S. postal money orders in the mosque, plus checks and receipts showing transfers to the Prysumeen account, according to the Congressional testimony.

CHECKS TRACED

Gradually, by tracing the checks, it became clear how the account was being used.

Officials say the mosque was just one collection point in an international network. An American businessman in Saigon, for example, would give a money changer a check payable to "Prysumeen"—or even a check left blank on the payee's line.

Other depositors simply instructed their banks in the United States to transfer funds to the Prysumeen account—and the payoff in piasters took place in Vietnam after the transfer was made.

Where the money went once it reached Prysumeen is not precisely known. But federal investigators estimate that 82% of the $51 million went to banks in the city of Dubai, an Arab sheikdom on the Persian Gulf. Dubai, a seaport, is known for its gold smuggling.

Government experts believe this black market currency was converted into gold bullion or trinkets, then smuggled back into Vietnam or into India for safe-keeping.

Other funds from Prysumeen went to Swiss and Hong Kong banks, and in one instance to the Lebanese branch of the Narodny bank of Moscow.

Presumably, the leaders of the organization figured to profit through further speculation with the dollars or gold.

DIVERSE GROUP

Prysumeen's depositors were a diverse group drawn together by some common desires. Many, like Branden H. Backlund, an Omaha architectural consultant, were simply intent on cutting expenses in Vietnam.

Backlund, who put $20,000 into Prysumeen, told Ribicoff's Senate subcommittee he was introduced to a money vendor by Jack E. Sutherland, a well driller employed by the U.S. Agency for International Development (AID) in Saigon.

"This money exchange is an awful pain," Backlund wrote in his diary, describing the problems of dealing in Vietnam. "Must keep my briefcase in hand at all times, awake or asleep."

Ray and Isobel Evans of Scottsdale, who have sold supplies to military clubs and messes since the Korean war, declined to answer Senate questions about $243,000 they deposited in Prysumeen over a three-year period.

OTHER DEPOSITORS

Records show other depositors included at least two Swiss banks, the Italian Embassy in Saigon and Star Distributing Co., principal distributor of the Pacific edition of Stars and Stripes.

At its peak, traffic in the Prysumeen account totaled $1.5 million a month in 1968, congressional records show. But for such a large operation, Prysumeen's owners in Hong Kong were rather modest, plainly dressed men.

"Ameen was very polite," said Carmine S. Bellino, a veteran Senate investigator who traveled to Hong Kong. "He had a sort of nostalgic attitude on the whole thing. He said he was just the manager of the Precious Trading Co."

Lavern J. Duffy, assistant subcommittee counsel, added: "It was all very mysterious. They would not give us any information on how they dealt with New York."

Bellino and Duffy also interviewed Ameen's partner, Moulathambi Ohadhu, who goes by the name "Thambi." The interview took place in Hong Kong's Dragon Seed building. But they were unable to locate the reputed leader of the Prysumeen syndicate—B.S.A. Rahman, 42, a wealthy Indian with interests in shipping, textiles, precious stones and motion pictures.

STRONG CLUES

Government investigators say Manufacturers Hanover Trust should have had strong clues to the Prysumeen account's true activity.

One clue was the frequency of deposits in round numbers. Normal business generally isn't conducted that way. Another clue was letters from Prysumeen containing repeated concealed identities of persons or firms. "Our friend" was a favorite phrase Ameen used in writing the bank.

"Since many of the checks came from Vietnam, the bank officials must have understood that the account was a conduit for black market currency," Bellino said.

"Manufacturers Hanover had an office in the Philippines and people went to Hong Kong regularly. It would seem stupid for them not to know what's going on."

Adds Robert M. Morgenthau, the former U.S. attorney for the southern district of New York, whose office was involved in the Prysumeen investigation:

"The bank was operating a very questionable account, and it asked no questions."

Manufacturers Hanover Trust declined to discuss the Prysumeen account with The Times other than to say it was closed at Ameen's request last March—coincidental with government investigations. The bank told the Senate committee that Prysumeen was only one of 5,000 international accounts.

ACCOUNTS FLOURISHED

Congressional investigators say black market accounts flourished in at least seven American banks, but Prysumeen and three other accounts owned by the same men were the largest.

Their discovery clearly has raised two issues: What degree of confidentiality should exist between bankers and customers, and should banks be more law enforcement conscious?

These and other issues will be taken up when Ribicoff renews hearings on the black market early next month, and when Patman resumes hearings on his bill to tighten record-keeping and reporting by banks that deal with foreign financial institutions.

The Patman bill is not only aimed at reducing illegal uses of numbered Swiss bank accounts by Americans, but it would require banks to keep more thorough records of code-named U.S. accounts like Prysumeen.

DISTRICT AREA BANKERS NOT COOPERATING IN PUBLIC SERVICE EFFORTS OF CREDIT UNIONS

(Mr. PATMAN asked and was given permission to extend his remarks at this point in the Record.)

Mr. PATMAN. Mr. Speaker, every payday, credit unions throughout the Washington metropolitan area are called upon to cash thousands of payroll checks for both Federal and private employees. One of the biggest reasons that the credit unions are utilized by the employees is that the employee does not normally have to leave the premises to cash the check, thus not only saving the employee time but saving his employer, which in most cases is either the Federal or District of Columbia government, thousands of man-hours a year.

Of course, in order to cash these payroll checks, area credit unions must have large sums of cash on hand. In order to obtain these funds, the credit unions must borrow on a short-term basis, normally 1 or 2 days, from commercial banks in the area.

The credit unions perform the check-cashing services, for the most part, as a public service to the credit union members and in many cases do not even charge a service fee for the check cashing. Thus, in some cases the credit unions may actually lose money in performing this service but do so because it is the tradition of the credit union movement that these facilities operate not for profit but for service.

Unfortunately, some of the commercial banks in the Washington metropolitan area do not share the public spirit of the credit unions in the area. These banks have been charging annual rates as high as 7½ percent on a 2-day loan to credit unions. And, it has been reported to me that three other credit unions located in the District of Columbia were required to pay 7 percent for payday cash.

I realize that the banks are not in the business to give money away but since these are extremely short-term loans and are virtually fully secured by the fact that the paychecks will quickly be converted into cash by the credit unions, there is no reason why the banks should charge such a high rate, unless these bankers, realizing that the credit unions want to continue to perform this public service of borrowing checkcashing funds, are using the credit unions' needs to force a higher interest rate.

Since most of the payroll checks involved are from the Federal Government, I see no reason why credit unions should not be able to borrow payroll cash from either the Treasury or the Federal Reserve System at a rate equal to that granted commercial banks for short-term loans. Since the Government is receiving a major benefit from having credit unions cashing these checks, I do not feel it is asking too much to have the Government lend some assistance.

I sincerely hope that both Secretary of the Treasury Kennedy and Federal Reserve Board Chairman Burns will look into the possibility of making these 1- to 2-day check cashing loans available to credit unions at a reasonable rate.

BILL O'BRIEN, ASSISTANT DIRECTOR OF THE BUREAU OF FEDERAL CREDIT UNIONS, DIES

(Mr. PATMAN asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. PATMAN. Mr. Speaker, Bill O'Brien, who had been one of the guiding forces behind the consumer education programs developed by the Bureau of Federal Credit Unions, died last Friday in Suburban Hospital, Bethesda, Md., following a heart attack.

At the time of his death, Mr. O'Brien was Assistant Director for Education and Training for the Bureau and was the head of the Project Moneywise Task Force, a program to train low-income credit union leaders.

O'Brien and the task force were the recipients of numerous commendations and awards within the Department of Health, Education, and Welfare for the development and implementation of consumer training programs for leaders of low-income communities. The training combined general consumer topics with a concentrated course in credit union philosophy and operations.

O'Brien was named to head the task force in 1966. In 1967, he and the other members of the group received the Secretary's Special Citation from John W. Gardner, then Secretary of Health, Education, and Welfare. The group has also been recognized for superior performance by the Social Security Administration and the Bureau of Federal Credit Unions.

O'Brien came to Washington, D.C., to head the task force from BFCU's Boston regional office, where he had been associate regional representative since 1962. He joined BFCU in 1955, after serving with the Veterans' Administration, the Department of the Navy, and the Internal Revenue Service. He served with the U.S. Army Air Force in 1941–45, and had worked for the Federal Government briefly prior to that time.

O'Brien was born in South Boston, Mass., and attended Boston College and Boston University. He is survived by his wife, Anita, and two daughters, Rojean and Lael, all of the home address, 14007 Drake Drive, Rockville, Md., by four sisters, and by his mother, Mrs. Anna Marie O'Brien, all of Boston.

The credit union movement has lost a great friend but his contributions to credit unions throughout the country will long be remembered.

LEW DESCHLER: GUIDING LIGHT OF THE HOUSE

(Mr. PATMAN asked and was given permission to extend his remarks at this point in the RECORD, and to include extraneous material.)

Mr. PATMAN. Mr. Speaker, it is certainly fitting that we in the House pay tribute to the more than 40 years of outstanding service rendered by our distinguished and beloved Parliamentarian, Lew Deschler. I would like to join my colleagues in expressing my unbounded respect and admiration for him and for his wonderful guidance through the years.

In the more than four decades I have served with Lew Deschler, I have become firmly convinced that he is the world's greatest authority on the legislative process, and this is an opinion which has been shared by all of the great Speakers with whom he has worked so ably. During my time in the House, I have witnessed many stormy sessions which severely tested our rules of procedure. There have been many moments when I wondered whether we would be lost in procedural turmoil and powerless to reach a decision on matters which required immediate action. In every case the remarkable knowledge, ability, and judgment of our Parliamentarian have met the test and served as a beacon which has guided this House through difficult moments.

Mr. Speaker, it is often said that one of the greatest pleasures a man can have is pride in a job well done. I believe that this is true and that our Parliamentarian can find rich satisfaction in the knowledge that he has served in a critical and demanding position and that he has served in a critical and demanding position and that he has served with unprecedented ability and distinction. The words we say can probably add little to this, but I do want Lew to know how much I appreciate his meaningful contributions to the accomplishments of the House. We will continue to need him in the future, and I hope we will have the benefit of his wise and expert counsel for many more years to come.

PEOPLE BEING BULLDOZED IN CHARLESTON, W. VA.

(Mr. HECHLER of West Virginia asked and was given permission to extend his remarks at this point in the RECORD, and to include extraneous matter.)

Mr. HECHLER of West Virginia. Mr. Speaker, the roar of the bulldozer is drowning out the cries for help from people living in the paths of the planned routing of three interstate highways through Charleston, W. Va., the capital city of my great State. I wish to enclose a copy of my telegram to President Nixon urgently requesting a new and independent review of interstate routing through the city with a view to bypassing Charleston. I also wish to include a copy of Nicholas von Hoffman's commentary, entitled, " 'Destruction,' Construction," which appeared in the March 11 issue of the Washington Post.

Mr. von Hoffman's article gives an excellent insight into a particular urban renewal plan and how such a plan can be used and misused to the detriment of powerless, underprivileged people without a spokesman. There are many lessons to be learned from this experience, and we may only trust that we can reverse the mad rush to deprive many human beings of their rightful stake in a humane existence. The material follows:

TELEGRAM TO PRESIDENT NIXON—MARCH 5, 1970

The emphasis which you so well expressed in your state of the Union message, and subsequent statements on the environment, plus the determination of millions of Americans that we must take steps to protect our environment, prompts this highly important request.

There is an urgent necessity for a new and independent review of interstate highway routing through West Virginia's State capital city, Charleston, with a view to bypassing the city of Charleston. West Virginia's greatest assets are its people and our opportunity to provide a clean and attractive environment. Current plans for gouging out the valuable homes and businesses of a beautiful city to bulldoze three interstate highways—64, 77 and 79, which split up the city of Charleston, is not in the public interest. In the triangle area of Charleston, people are being ruthlessly pushed aside with no adequate housing provided for them, even though an alternate route a few hundred yards to the north would save a majority of the homes and businesses. In the Crede area, a route has been selected which is not defensible in terms of a feasible alternative available which would be far cheaper, more direct and less disruptive.

We are building highways which affect thousands of people in future generations. The mad rush to complete these highways on the basis of bad routing decisions made some years ago is to admit that we are powerless to recognize the imperative need to change because of new environmental factors which are now more urgent.

Consider the choking effects of the rising air pollution in the Kanawha Valley. Consider the added air pollution of the thousands of trucks and autos in the mixing bowl of Charleston where the Interstate Highways converge.

Human beings have the divine right to live, to breathe fresh air, and not be arbitrarily bulldozed out of their homes to serve decisions made when we were not cognizant of current facts and priorities.

I therefore strongly urge that the Interstate Highways by-pass rather than bifurcate Charleston, W. Va., and that you direct the Secretary of Transportation to make a fresh review of such a re-routing. To those who now claim that such a bold, new course of action is too late, I would suggest it is never too late in a democracy to proclaim that the people are indeed masters of their own destiny.

KEN HECHLER,
Member of Congress.

[From the Washington Post, Mar. 11, 1970]

"DESTRUCTION" CONSTRUCTION

(By Nicholas von Hoffman)

CHARLESTON, W. VA.—The diesel animal with caterpillar feet looked like a famished, steel-toothed hippopotamus. It would lift up its toothy mouth, grab a hunk of wall or a slice of roof, shake it and yank it, pull it off the building, and slam it on the ground and then run back and forth over it with its metal treads.

The hippo was demolishing buildings to make way for the soon-to-be-built Interstate 77. Its ferocious foraging among the small, shingled houses where black people once lived demonstrates how little practical connection the words of national politicians have with the operations they run. On every level the destructive grazing of the hippo should not have been permitted.

I-77 is absorbing valuable flatland, of which there is too little in hilly Charleston. There is no reason for it since the highway could have been built over a railroad right of way. This lack of economy extends to the wasteful hippo discharging gas, noise and energy into the air as it tears and rips, insuring that not one usable piece of wood will be salvageable from the ruin it causes.

I-77 will stand next to an urban renewal project on which there will be housing for low-income and old people and this will breed a new misfortune. Charleston is built in a narrow valley along a river where for 50 miles chemical plants discharge odorous, sulphurous, particulate ordure into the air where, sheltered from winds and strong breezes, it stays, bestowing sinusitis and emphysema on the wheezing populace. The people in the housing projects will be twice blessed for they will not only have the fithy air everyone must breathe, they will also have the fumes from the huge semis dragging their awesome tankards of chemicals out of Kanawha Valley to industrial customers far away.

The renewal plan itself is an assault on all we've learned about cities as well as what we're repeatedly told is public policy. The chosen instrument for carrying it out is total clearance. There are no provisions for the people who live or do business there to fix up their buildings.

They all must surrender their land, as *Architectural Forum* pointed out in a recent article, to such organizations as the Society of Colonial Dames and Beni Kedem Shrine. One of the original objections to urban renewal, one that was made a generation ago, was that it attacked the integrity of private property by taking a man's house and reselling it for another private purpose. As the plan here shows, this attack on the confidence people can have in ownership continues under the conservative George Romney, as it has under his liberal predecessors.

Aside from the favoritism and the unfair enrichment of real-estate racketeers which has been inseparable with urban renewal since its inception, the Charleston program folds back a point of view renewal planners can't rid themselves of; it's a distrust of the small efforts of many individuals. Instead, there is a desire to sweep everything clean.

The idea of using public money and public power to create a framework within which individuals can invest, improvise and build as may suit their needs and fancies is absent. The urban-renewal agency here pushes ahead with its projects when there are extensive sections of the city without paved streets, parks, sewers or even fire hydrants. The local planners and the people who okay and pay for these things in Washington prefer to use the big muscle, to let the steel hippo loose and proceed in the most wasteful fashion possible.

Everything they do engenders the maximum expenditure of energy. The relocation plans call for moving flatland people up into the hills and hollows, which they dislike and which frightens them. They resist with an angry energy discharge.

This administration has made much noise about bringing government to the people. The President even went yahooing off to Indiana to manifest the carrying out of this principle in his royal person, but read what the Charleston Urban Renewal Agency told HUD would be the nature of citizen participation here:

"Such participation can be too extensive resulting in confusion to the administration of a project. On the other hand, too little participation by affected citizens can result in belligerence toward Urban Renewal activities . . . involvement . . . gives residents the opportunity to actually participate in the improvement of their community. An example of resident involvement is a clean-up campaign whereby existing vacant lots can be cleared of dangerous rubbish, rusty nails, glass, etc. Of course, resident involvement in such aspects as planning, and other technical areas is not feasible, although creditable ideas from residents may well be considered and possibly used . . . mass meetings, it is recognized . . . can get out of hand with audience participation. Therefore, these meetings will include panels, speakers, etc. which do not require audience participation. Mass meetings will be infrequent . . ."

Under this method the role of the resident is to occupy a seat in the cheering section, a proposition which was proved out when local people hired an out-of-town planner whose technically feasible ideas were ignored. His propositions were of a low energy type, the kinds of things that rest on the slow perfection of individual endeavor and the quiet progress of the small neighborhood group.

The low energy, slow yield program that puts its emphasis on the efforts and thoughts of single people is inimical to the kind of administrator spawned by HUD. Yet it is he who must be renewed and made to understand that his kind of program not only doesn't work, as two decades show, but creates waste on a scale the society no longer can tolerate. The politicians would have us think that pollution control is merely a matter of spending money to clean up lakes and forests, a job that can be accomplished by the simple expenditure of money, but this city illustrates that's not so. Our whole way of doing business, of planning, of administration must change to insure that energy expenditure is kept low and that when we do spend our calories, it's done economically, on a one-time-only basis, so that it lasts, so that the product is usable and the hippos are kept quietly in the zoo.

ENVIRONMENT: THE CHALLENGE OF THE FUTURE

(Mr. TEAGUE of California asked and was given permission to extend his remarks at this point in the RECORD, and to include extraneous matter.)

Mr. TEAGUE of California. Mr. Speaker, I call to the attention of my colleagues the following speech which Mr. Ellis L. Armstrong, Commissioner of the Bureau of Reclamation, addressed to the Channel City Club in Santa Barbara, Calif., entitled "Environment: The Challenge of the Future":

ENVIRONMENT: THE CHALLENGE OF THE FUTURE

Any discussion of environment as a challenge of the future must be preceded by a definition of environment. What are we talking about?

Do we mean the geophysics of the world or any particular segment of the world as it exists today? Do we mean the manmade circumstances of living in this fast-moving civilization as we now have it? Or do we mean the natural environment in its pristine state when Adam and Eve first arrived in the Garden of Eden?

I believe any meaningful definition of environment as we relate it to today's circumstances and to the future must be a combination of the geophysical and the manmade surroundings we presently enjoy or decry depending on our individual circumstances and outlook.

But to put things in a proper perspective we must look backwards somewhat, maybe not as far as the Garden of Eden, but at least to the coming of man to this continent. Would we trade the country we know today for the land primitive man found presumably when he crossed the Bering Straits to become the original American?

Or consider Santa Barbara's own beginnings. The Mission of Santa Barbara which was established less than two centuries ago, is a delightful place and a historic treasure. But would any of you really want to go back to the environment of that day?

Santa Barbara is as good an example as I know of how man has worked with and used the favorable circumstances of the natural environment to carve out a delightful place to live.

Nature has contributed many favorable physical circumstances, bright warm sunlight most of the time, a limitless ocean for a front yard, a prevailing west wind which uses that ocean to air condition your city and a fertile coastal plain with the backdrop of the Santa Ynez mountains.

There was just one little problem. Nature neglected to provide a natural water supply which was a necessary catalyst to make all these other ingredients useful to man. And it was only the ingenuity of man utilizing his ability to think and to reason, which made possible a potable supply of water to make your city the garden spot it is today.

The founding fathers of the Santa Barbara mission first found it necessary to dam Mission Creek to supply water to make possible the growing of crops in the fertile fields. Soon population in the area increased to the point where a simple stream diversion was not sufficient. Springs were tapped and conveyance systems constructed. Wells were drilled into the coastal aquifer system but even these were not sufficient.

A transmountain diversion from the Santa Ynez River came next but even that supply was not sufficient for the growing needs of your metropolitan area. So at the request of the local people, the Bureau of Reclamation planned the Cachuma Project. It was authorized by Congress and by 1956 water was flowing through the Tecolote Tunnel. But that additional supply is nearing full use and Santa Barbara County is now looking forward to receiving supplemental water from the State Water Project.

All of these are manmade changes in the environment but without them. Santa Barbara, as you know it today, could not exist. We must recognize that in any discussion of the environment, man is here to stay. The challenge of the future is to learn to live with ourselves.

Of course, there are those who say that we might all be better off if many of the things which are symptomatic of California today had never come to pass. Automobiles, freeways, subdivisions, oil wells, dams and reservoirs are among them. Another is people themselves, just plain people, who have made all these accouterments necessary.

The trouble, from some viewpoints, is that there are too many of us, and most of us seem to want to crowd into the choicer places to live. But is there a Solomon among us who will dictate that this family shall have two children while another one may have four? Or that you may live here, but I must live there?

I do believe that unquestionably there will be a much greater effort made in the future to promote the practice of voluntary birth control. But here again, manmade environment enters the picture. We know that generally it is the educated and well-to-do who

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tend to limit their families. On a global scale overpopulation is most prevalent in the nations, and in this country, in the overcrowded ghettos and lower-income areas.

So it is that in any discussion of the environment we must consider not only the state of affairs in the preservation and/or development and use of our natural resources, but also the kind of manmade conditions in which we elect or are forced by circumstances to live.

To me the two are interrelated. Wishful thinking will not change the realities. We must consider and resolve our problems in this context. There is no argument as far as I am concerned, that the quality of life for millions of Americans must be raised. And I am certain that it can be, and that it will be raised. However, there must be billions of dollars invested in rebuilding the inner cities and providing better living opportunities for their inhabitants. The level of education must be upgraded to give a better start to our underprivileged youth. Our population growth rate has been slowing but nevertheless, there must be living space provided for the inevitably increasing total population.

There must be more millions and billions of dollars poured into clearing up man's mismanagement of the biosphere—that thin layer of air, water and land on our planet Earth where life exists. Pollution of air and water and erosion of mismanaged land must be rectified.

As we become aware of these needs, we are coming also to a realization that neither the Federal Treasury nor the taxpayer's purse is bottomless. Nor can we endure longer the wave on wave of inflation which is eating at the heart of our economy. I support the President's positive efforts to bring inflation under control even at the expense of a slowdown or delay in some of these much needed domestic programs. I hope and expect this slowdown will be short lived and that shortly we can get on, full steam, with this gigantic job we have ahead.

But in the long pull, how are these necessary steps to improve our environment to be financed? I expect it will be by a continued expansion of our economic base and productive capacity. This, in turn, has historically been accomplished by utilization of our natural resources.

Much of this use, I grant, has not been wisely planned or executed, but it nevertheless has been a major factor in achieving our present wealth productivity. One of our challenges is to use them better in the future. Thus, we come full circle in a discussion of conservation and/or our natural resources in order to provide the kind of environment most useful and desired by mankind.

Can we have both conservation and use? I believe we can, and turn to a noted environmentalist, Dr. Rene Dubos, for substantiation. Professor Dubos, of Rockefeller University in New York in a recent lecture and in a paper published in a recent issue of the United Nations publication, *The Courier*, discussed the delicate balance between Man and Nature in the Biosphere.

Concerning conservation, Dr. Dubos asserted:

"To be compatible with the spirit of modern civilization, the practices of conservation cannot be exclusively or even primarily concerned with saving parts of the natural world of manmade artifacts for the sake of preserving individual specimens of interest or beauty.

"Their goal should be the maintenance of conditions under which man can develop his most desirable potentialities. Since man relates to his total environment and especially is shaped by it, conservation implies a quality of relationship rather than a static condition."

Before anyone accuses me or Dr. Dubos of advocating a further plundering of our natural resources, I hasten to excerpt another quotation from him as follows:

"Before long, all parts of the globe will have become critical. Careful husbandry of the Spaceship Earth rather than exploitation of natural resources, will then be the key to human survival."

This, to me is the great environmental challenge of the future. The era of exploitation of our world is near an end. The era of husbandry is upon us.

This cannot be an overnight process. We have been slowing down the exploitation of our resource base for many years. I like to think that the husbandry of our water resources began nearly a century ago when Major John Wesley Powell first advocated the conservation and development of the West's water resources—which eventually led to what is now the Reclamation program. President Theodore Roosevelt and Gifford Pinchot initiated the husbandry of our forests by setting aside the great forest preserves which now form our national forest system.

The husbandry of our land resources emerged after the dust bowl days shocked the Nation into an awareness that careless land use was resulting in the destruction of this great resource. And only in the last decade have we suddenly become aware of the necessity of protecting and cleaning up the air around us.

With the possible exception of the forests, I believe we have barely scratched the surface in the husbanding of these natural resources which are so important to our environment and, indeed, to our very existence.

For water, I can foresee more efficient and greater multiple use of the existing supply even going beyond the cleanup of polluted rivers and streams to the full treatment and reuse of sewage waste water.

I can see us tapping the rivers of the sky to induce added precipitation in areas of shortage. Careful research has been underway for years. The Bureau of Reclamation is well along on an effort designed to induce additional snowfall in the Rocky Mountain headwaters of the Colorado River system. And this is being done with full consideration of the overall effect on existing conditions, ecology, and all possible side effects. We are not floundering head-on into the unknown.

The limitless resources of the ocean will be tapped by desalting plants before many more years to provide an additional water supply for cities and industries. New methods of long-distance transfer of water from areas of surplus to areas of shortage may prove out in the years ahead. Only last week, we submitted a first preliminary study to Congress of the possibilities of an undersea aqueduct to transport water from northern streams to southern California.

We should have total land zoning before too long to protect the more fertile and productive flatlands to grow our food, and push the cities and suburbs up against the hills and mountains. This will take wise and prudent adaptation to the environment, but we have the know-how and it can be done if we use the care we must.

Protection of the atmosphere is probably the greatest challenge of all but I have no doubt that it can be mastered and the first steps are being taken in that direction.

I cannot conceive that a civilization and a nation which have the resources and ingenuity to put a man on the moon and return him safely to Mother Earth, cannot plan and follow through with the necessary steps to insure a habitable environment within the biosphere.

I have full confidence that our civilization and our Nation, which has been able to improve the economic status of the common man to heights never approached before in all history, can also correct and improve the environment to give us all the high quality of life we would like.

Our big difficulty is facing up to the problem. This we are now doing. Now we must apply what we know to the solution and get with it, adding to our knowledge in the process. The time is now for this type of action.

As for me, after two months in the commissionership of the Bureau of Reclamation, I find the future dynamically challenging and exciting. I am looking forward to making my small contribution in making this a better world in which to live. I invite you all to come along on this great adventure into our future.

HOUSE REPUBLICANS URGE CONGRESSIONAL ACTION ON NIXON ADMINISTRATION ENVIRONMENT BILLS

(Mr. **ANDERSON** of Illinois asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. **ANDERSON** of Illinois. Mr. Speaker, yesterday afternoon following the adjournment of this body, the House Republican conference—the Republican membership of the House—met to consider environmental issues and problems. We were unanimous in commending the President for recognizing the urgency of our environmental crisis. His state of the Union and environmental messages, legislative recommendations to the Congress, and Executive order to curtail pollution by Federal installations are examples of finest type of Presidential leadership—the type of leadership these times require.

But solving our Nation's problems also requires leadership and action at this end of Pennsylvania Avenue. Those of us on this side of the aisle are becoming increasingly concerned about the prospects for congressional action this session on the seven bills which constitute the President's environmental program.

Although the Presidential message and draft legislation reached the Congress a month ago, hearings have been held on only two of the seven bills. The Committee on Interstate and Foreign Commerce has held hearings on the clean air and solid waste disposal legislation. The four clean water bills await scheduling for hearings, as does the bill to amend the Land and Water Conservation Fund Act.

Mr. Speaker, the Republican Members yesterday committed themselves unanimously to action on this legislation during this session. We urge our Democratic colleagues to do likewise.

Environmental problems become more serious as each day passes. As the President stated, we must act promptly because "it is literally now or never." It is our future which is at stake.

I include the House Republican conference resolution commending the President for his leadership in dealing with environmental problems and the conference's call for prompt consideration of the seven measures recommended by the President in the RECORD following my remarks:

Resolution

Whereas America's future and the quality of life to be enjoyed by each citizen is dependent upon what is done in this decade to restore and preserve our environment, and

Whereas the task of cleaning up our environment calls for the urgent and total mobilization of all Americans, and

Whereas President Nixon has provided positive leadership in this vital area and has recommended to the Congress a comprehensive environmental quality program embracing seven bills, and

Whereas the Congress of the United States has an obligation to act in a timely and thoughtful manner in finding legislative solutions to environmental problems,

Now therefore, we the duly elected Republican Members of the House of Representatives

Do hereby resolve: that we commend the President for the action he has taken in the fight against pollution, and

We urge that the House of Representatives give prompt consideration to the seven measures recommended by the President.

AUTHORITY TO ALLEVIATE FREIGHT CAR SHORTAGES

(Mr. KLEPPE asked and was given permission to extend his remarks at this point in the Record.)

Mr. KLEPPE. Mr. Speaker, I have today introduced legislation to amend the Interstate Commerce Act to give the ICC additional authority to alleviate freight car shortages. Similar legislation has been introduced previously both in the House and the Senate.

Enactment of this legislation, I believe, is essential if the railroads are to meet the needs of commerce and national defense. Basically, the objectives of the bill are to encourage the acquisition and maintenance of an adequate car supply, and to insure that these cars will be moved where they are needed, when they are needed.

Mr. Speaker, for many years the upper Midwest has been plagued with recurring boxcar shortages which have presented major problems both to grain producers and to the grain trade. The pinch has again become acutely serious in recent months and there are some indications that it may get worse before it gets better.

A contributing factor to the deepening problem is the scheduled callup by Commodity Credit Corporation of some 97 million bushels of wheat from 1966 and prior crops which had been resealed for storage by farmers. Unfortunately, some of this grain will be competing for car availability at the time the 1970 wheat crop begins moving to market.

I have urged Secretary of Agriculture Clifford M. Hardin to postpone at least a portion of this callup, involving the 1966 crop, until additional transportation is available. I remain hopeful that he will do this.

Day after day, I receive complaints from country elevator operators who have substantial investments in cash grain, on which they must continue to pay high interest rates until they can move it to market. Just yesterday, one country elevator operator told me he had not received a single car since February 19, although he has had more than 20 on order.

Part of the problem is that the railroads which serve my district, the Burlington Northern and the Soo Line, are unable to get back on their lines large numbers of cars which they own but are kept in service by other carriers. I suppose that no railroad is completely without sin in this matter of boxcar "pirating" but all of the figures I have seen indicate that the railroads operating in the upper Midwest are more sinned against than sinning.

Although the Interstate Commerce Commission has ordered return of all cars to lines of ownership, effective March 27, the penalties which would speed up this process will not be applied until June 1. For this reason, I do not believe the order will correct a situation which is desperate now. The American Association of Railroads has attempted to get cars back into the hands of owners more quickly and while these efforts have met with some success, the association simply cannot put the teeth in such recommendations the way the ICC could.

It is a frustrating experience for me, as I know it must be for many of my colleagues, to be unable to get enough boxcars back to our railroads to meet the needs of grain producers and the grain trade.

I do not believe the problems inherent in this rather complicated matter will be resolved until Congress moves to enact the proposals which have been introduced by myself and other Members. I believe this legislation deserves the highest priority.

A DISPASSIONATE DISCUSSION OF THE CURRENT SCHOOL CRISIS

(Mr. WAGGONNER asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. WAGGONNER. Mr. Speaker, I have been given by Mr. Franz O. Willenbucher, a copy of a letter which he and Mr. Benjamin Ginzburg wrote President Nixon on February 26, discussing in dispassionate terms the current school crisis and the allied tensions between the races which the Court's decisions have fostered. I have his permission to make this letter available to the Members and the public and I do so by including it here in the Record with these remarks.

Mr. Willenbucher is a retired Navy captain who for 18 years practiced law here in the District of Columbia following his retirement. In addition to an LL. B. degree, he was awarded the degree of J.D. from Georgetown University in 1937. The coauthor of the letter, Mr. Benjamin Ginzburg, Ph. D., Harvard 1926, served as assistant editor of the Encyclopedia of the Social Sciences and as research director for the Subcommittee on Constitutional Rights of the Senate. He is the author of "The Adventure of Science" and "Rededication to Freedom."

Both men are eminent scholars of the Constitution and the law. I believe you will find, as I have, that they have penned one of the most succinct arguments against the current policies of the Supreme Court as they affect the races that have been written in the years since Plessy against Ferguson.

I urge every Member and every subscriber to the Record to read their letter. Reasonable men will be moved by its clarity; moved, I hope, to support congressional action to reverse these wrongs.

The letter follows:

Arlington, Va.,
February 26, 1970.

President Richard M. Nixon,
The White House,
Washington, D.C.

Dear Mr. President: We, the undersigned, are retired public servants, who have been led by the mounting racial troubles to probe into both the legal basis and the practical effects of the integration rulings of the Supreme Court. We have no private axe to grind in our analysis of the school situation. We are not even Southerners seeking to present a sectional attitude to the problem. We are simply trying to speak on behalf of the public interest as we conscientiously see that interest.

We believe that your appointment of a Cabinet committee, under the chairmanship of the Vice President, to assist local communities facing integration problems, is a valuable first step. But in our opinion this committee, in its deliberations, will have to go beyond the terms of reference spelled out in your statement of February 16. It will have to consider not merely the matter of advice and assistance to communities in complying with Supreme Court integration orders, but the more basic question of whether the time has not come to register the failure of the forced integration program and to move for its lawful repeal.

When the administration of Prohibition broke down in the late twenties because of an internal fault in the law, no amount of money and expert advice could help in the situation. What was needed was a repeal of "the noble experiment," and the devising of new methods to deal with the liquor problem. At length the public opinion of the nation recognized this fact, and Prohibition was repealed through a rapidly enacted constitutional amendment.

We are confronted with a similar situation with regard to the forced integration decreed by the Supreme Court for Southern schools. Let us make ourselves clear: nobody wants a return to legal segregation and so-called separate but equal educational facilities. But it is one thing to annul the *Plessy* v. *Ferguson* decision and make the school laws nondiscriminatory with regard to race or color. It is quite another thing to require school boards to arrange school attendance so as to institute and maintain set ratios of white and Negro pupils.

When the *Plessy* v. *Ferguson* decision was promulgated, Justice Harlan (the grandfather of the present Supreme Court Justice) wrote an eloquent dissent in which he demanded that the law should be "color-blind." He would turn in his grave if he knew that the Supreme Court was now decreeing that the band must be removed from the eyes of Justice, and that this goddess must color-consciously administer a racial quota system that is reminiscent of the hated *numerus clausus* (closed quota) used by the Czarist government of Russia and similar despotic regimes.

If forced integration had been instituted as a result of a duly debated Congressional enactment or by a duly ratified constitutional amendment (as was the case with Prohibition), the American people, once they became conscious of the law's practical implications, would have no choice but to move for repeal. Religion teaches us to aspire to an ideal society of fraternal love and solidarity. But what religion teaches has to be

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achieved over the ages through moral and cultural development. In this moral and cultural development the agency of law plays a part, but only a part. A law which decrees that men should be perfect overnight is not an instrument of moral progress but an instrument of the basest tyranny. Look at Communist Russia, where fanatics thought that they would establish a society of perfect justice, and where in fact they succeeded only in putting the whole nation into a huge concentration camp, with barbed wire and machine guns to prevent escape from the supposed workers' paradise.

THE DOGMA OF RETROACTIVE CONSTITUTIONAL SIN

But forced integration has not come to us as a result of a duly enacted statute or constitutional amendment. It has not come to us even by way of the Supreme Court's construing of a constitutional provision. Incredible as it may seem, it has come to us as a result of an erroneous belief entertained by the Supreme Court Justices that the South must expiate its past wrong on segregation—even though in this matter the record shows it had acted in accordance with the law as laid down by a Northern-dominated Supreme Court.

This erroneous dogma was engendered by two factors. The first was the failure to keep in mind that a reversal of a constitutional interpretation—in this case the overturning of *Plessy* v. *Ferguson* after 60 years—does not condemn as wrong-doers those who lived and acted under an earlier interpretation. A reversal of constitutional interpretation has the same effect as the passage of a constitutional amendment or new Congressional statute. In both cases retroactivity is barred by the constitutional provision forbidding the enactment of *ex post facto* laws. Sober reasoning should have made the Court realize that it had no right to give retroactivity to a present constitutional interpretation.

Yet there is direct evidence (apart from indirect evidence) pointing to the fact that the members of the Supreme Court have interpreted the reversal of *Plessy* as a condemnation of past constitutional sin. Thus former Justice Abe Fortas, in his pamphlet, *Concerning Dissent and Civil Disobedience,* boldly stated that "we [the American people] have confessed that about twenty million people—Negroes—have been denied the rights and opportunities to which they are entitled." Of course the nation has not confessed this at all, any more than it confessed, when it enacted the Woman Suffrage Amendment, that for 130 years it had been guilty of depriving women of their rightful participation in the government of the country.

Another piece of evidence pointing to the judicial misinterpretation of the reversal of *Plessy* is found in the Supreme Court decisions freeing Negro sit-downers and mass confrontations, who sought by direct action to break down the non-school phases of the segregationist system. These people were freed *on the ground that they were protesting unconstitutional laws.* This indicates that the Court was so obsessed with the idea that school segregation was wrong from the very day it was instituted that it even transferred this belief to other aspects of segregation and regarded them all as sinfully unconstitutional even before it judicially ruled on many of them. The fact that the Court was led to throw aside the traditional doctrine that laws have to be obeyed until they are declared unconstitutional (and thus condoned violence in the streets) is certainly an indication of the gross confusion in the minds of Justices on the meaning to be attached to the reversal of *Plessy*. It is this confusion—this erroneous belief in the retroactive sin of the South—that prompted the Court to demand that the Southern States do something positive to expiate their sin, and this something positive meant moving towards forced integration.

The second psychological factor operating on the Court stemmed from the false reason given in the *Brown* decision for reversing *Plessy*. The Court had every right to say that in line with the present temper of the times it now holds that legal segregation of schools violates the clause of the 14th Amendment guaranteeing to all persons "the equal protection of the laws." But it went beyond that and held that the reason for overruling *Plessy* was the fact that modern psychologists had discovered that separate education inherently involves unequal educational opportunity and thus constitutes bad education.

How absurd this supposed scientific finding is can be judged from the fact that one of the psychological authorities relied on by the Supreme Court—Professor Chein—went to Philadelphia the year following the decision and argued before a Pennsylvania court that Girard College (established by Stephen Girard for the education of white male orphans) had to be desegregated. Why? Because, inasmuch as Stephen Girard believed in good education, he must have meant integrated education, since only integrated education is good education!

The belief that separate education was inferior education supplied a compelling (though erroneous) practical motivation for the Supreme Court's demand that the Southern States do something positive to expiate their past sin. The members of the Court evidently felt that every day that passed without a positive and intensive mingling of the races in the schools meant that the South was continuing to rob hundreds of thousands of Negro children of their birthright of a good education.

In view of this supposed fact the Supreme Court prided itself on its patience. It announced in the *Brown II* decision that Southern school boards must integrate "with all deliberate speed," and would be given all the time necessary for carrying through the administrative changes and the changes in plant required for arranging integration. The Court did not realize, and does not realize to this day, that in calling for affirmative integration it had overstepped its constitutional jurisdiction.

To see this, it is only necessary to use the Woman Suffrage Amendment as an analogy. Let us suppose that at the time of the passage of the amendment—which commanded the states as well as the nation to permit women to vote—there was great prejudice in certain sections of the country against women voting. The Federal courts, acting on complaints from injured parties, could have issued injunctions forbidding actions by election officials interfering with the right of women to vote. But could they have gone further, and demanded that the election boards in certain areas round up women and force them to vote whether they wanted to or not, on the ground that this was the only way for the boards to demonstrate their good faith administration of the law? Obviously not. But is the case any different with a constitutional decision invalidating legal segregation? The courts have the duty to forbid acts of discrimination in regard to the admission of Negro children to the public schools. They may even, for the purposes of public information and clarification, call on school boards to announce what method of nondiscriminatory admission they will follow—whether by setting up neighborhood schools requiring the attendance of all pupils regardless of race residing in the district, or by granting freedom to Negroes and white alike to attend schools of their own choosing across district lines.

But what business do the courts have to command school boards to line up Negro and white children and force them to attend various schools in accordance with set racial quotas? Where is the constitutional authority for issuing such a command?

In the years immediately following *Brown I* and *Brown II* the Federal courts, under Supreme Court direction, accepted minimal or token integration plans as sufficient compliance with the mandate to integrate with all deliberate speed. In border states and in districts where the racial distribution and other factors were favorable, much more than token integration was achieved, and would doubtless have been achieved by natural mingling (once legal segregation was annulled) without court suits. In these years the illusion was created that compulsory integration was constitutional and that it was producing salutary results in all areas save those where Southern bigotry was rampant.

NORTHERN DRIVE FOR FORCED INTEGRATION A DISASTER

Actually during those very years an experiment was being carried out which clearly demonstrated—to those who were willing to open their minds and their eyes—both the unconstitutionality of forced integration and the disastrous practical consequences which flowed from the pursuit of forced integration. We refer to the drive to eliminate so-called de facto segregation in Northern schools. The very term, de facto segregation, it is to be noted, arose from the trust which civil rights agitators put in the Supreme Court's dictum that separate education is inherently bad education. Accepting the dictum as gospel truth, they reasoned that if the quality of education suffers when Negro pupils attend one school and white pupils attend another, the proposition must hold good in the North as well as in the South. What difference did it make, they asked, whether pupils are separated into all-Negro and all-white schools by law, as in the South, or by neighborhood residential patterns, as in the North? In both cases we have segregation and inferior education for the Negro, even though for purposes of technical distinction we may speak in the one case of de jure segregation and in the other case of de facto segregation.

The civil rights agitators did not realize that by this reasoning they had reduced to absurdity the constitutional excuse for imposing forced integration on the South. That excuse was that, in line with the new interpretation of the 14th Amendment, the maintenance of legally segregated schools was in violation of the Constitution, and that to expiate this constitutional violation the Southern States had to submit to forced integration. But if every school board, North and South, had to submit to forced integration as a matter of social policy in promoting good education, regardless whether the school board was in violation of the 14th Amendment or not, how could forced integration continue to be inflicted on the South as a penalty for its supposed past sin in maintaining legally segregated schools? The least the South could demand under such circumstances would be that the courts stop stigmatizing the Southern school boards as criminals or descendants of criminals, and merely require that they submit to forced integration in company with Northern school boards as a requirement of national social policy.

But at this point the question would arise as to the legal or constitutional basis for the adoption of this social policy and its enforcement by the courts. What law or consitutional provision authorizes the application of this policy? Nobody could claim any longer that forced integration was demanded as the expiation of past violation of the 14th Amendment, since no such violation can be laid at the doors of Northern school boards, who have admitted all comers to the neighborhood schools without regard to race or color. Hence forced integration would become a legal and constitutional orphan. Or, more precisely, it would stand revealed as an illegitimate child sired by a false educational theory and mothered by the mistaken zeal of the Supreme Court in demanding that the South be punished for having in the past adhered in all legality to an earlier Supreme Court interpretation of the 14th Amendment.

It was doubtless a shrewd perception of the logical trap posed by the demand for forced integration in the North that kept the Supreme Court from heeding the pleas of civil rights zealots and ruling on the question of de facto segregation and the advocated remedy of forced integration. The Court showed its sympathy for forced integration in the North by letting stand without review a lower court pro-integration decision in the famous New Rochelle case. But it studiously declined to jump into the logical trap by rendering a clear-cut decision on the merits, either in the New Rochelle case or in various other cases.

The drive for Northern forced integration was, however, carried on with the support of politicians and lower court judges, both state and Federal. In many cities Negro and white pupils were bussed and counterbussed, school districts were paired and gerrymandered, and plans were even developed for giant "educational parks." These were to be school complexes, erected on the outskirts of cities and serving as blenders of white pupils from the outer rings and suburbs and Negro children from the inner cities. But before these plans could be put into operation, the campaign burned itself out. It left in its wake a harvest of racial bitterness, a destruction of the discipline of Negro pupils, and a mounting exodus of white families from the cities.

The failure of forced integration in the North helped create a frenzied black nationalism and a demand for community control of schools in black areas. This community control meant in practice the turning over of the schools to Negro agitators who preached anti-white hatred in general and anti-Jewish hatred in particular.

Far from being deterred by the logical reduction ad absurdum of the constitutional excuse for forced integration or by the demonstration of the disastrous practical effects, civil rights activitists pressed the campaign for forced integration in the South with renewed vigor. They succeeded in getting Congress to insert a section in the 1964 Civil Rights Act directing the Department of Health, Education and Welfare to withhold Federal educational funds from school boards that did not "desegregate" their schools. And though thanks to the voices of reason in the Congress "desegregation" was defined as nondiscriminatory admissions policy, and a specific ban was inserted in the law against school busing for correcting racial imbalance, these bars against forced integration were eventually ignored by the civil rights activists who staffed HEW and the Department of Justice.

FREEDOM OF CHOICE ACCEPTED AND THEN REJECTED

In the first year or so of the administration of the Civil Rights Act, HEW accepted in its guidelines desegregation plans based on freedom of choice of schools made available to both Negro and white pupils. Following the HEW lead, the courts also accepted such plans as sufficient compliance with the Supreme Court's mandate.

But this leniency was of short duration. In 1966 HEW issued new guidelines rejecting freedom of choice plans unless in practice such plans operated to achieve substantial progress towards total integration. HEW now demanded plans that were calculated to achieve racially balanced schools in rapid fashion through the use of busing and the gerrymandering of school districts. Also the HEW demanded faculty integration in all schools in accordance with the racial percentages prevailing in the area. If the school boards did not conform to these demands they would suffer the loss of Federal educational funds.

HEW officials did not stop with these draconian guidelines for the purpose of administering Federal educational funds. They maneuvered with Department of Justice officials and with private civil rights lawyers to bring new court suits challenging freedom of choice as sufficient compliance with the Supreme Court's policy on integration.

One of these cases, *Green* v. *School Board of Va.*, reached the Supreme Court in 1968, and by unanimous vote the Court held that school boards must develop plans which promise "realistically to convert promptly to a system without a 'white' school and a 'Negro' school, but just schools." In plain words, the decision decreed forced integration, and decreed that this forced integration should be carried out not "with all deliberate speed," but *instanter*, as was indeed made clear by the Supreme Court orders of recent weeks.

The *Green* decision is reminiscent of the story of the legendary Greek robber, Procrustes, who forced strangers into a special bed. If the stranger was too long for the bed, he cut off his extremities to make him fit. If he was too short, he stretched him. It is in this fashion that school boards are required to treat their pupils—force more children of this or that race into a particular school, and cut off this group or that group from attendance at another school—all this in order to meet the demands for Procrustean racial balance.

NO CONSTITUTIONAL BASIS FOR GREEN DECISION

What is the constitutional basis of the *Green* decision? None is given in the Supreme Court opinion. The only justification that is given is a citation from *Brown II*, requiring school boards "to effectuate a transition to a racially nondiscriminatory school system." The opinion implies that this direction to effectuate a new school system has the same constitutional justification as the *Brown I* decision declaring legally segregated schools to be unconstitutional. But this just isn't so. There is nothing in the Constitution, or in any reasonable interpretation thereof, that authorizes the Supreme Court to count the numbers of white and Negro pupils in a school and to demand that the racial numbers conform to the Court's idea of racial balance.

On the other hand there are several constitutional provisions which forbid what the Supreme Court is doing. There is, first of all, the very clause of the 14th Amendment—the guarantee of equal protection of the laws—which has been invoked to declare segregated schools illegal. If this clause means anything, it means that a child cannot be sent to a school 20 miles away in order to satisfy the concept of racial balance. There is also the First Amendment's right of association, which has been invoked by the Supreme Court to justify association with Communists, but which also guarantees the right of every parent to move to what he regards as a good neighborhood and have his children attend the school in that neighborhood.

Finally there are the due process clauses of the Fifth and 14th Amendments, which declare that no person can be deprived of his liberty without due process of law—that is to say, without a legal procedure justifying that deprivation. Conceivably an unruly child may be sent away from his neighborhood school to a special school miles away if a showing is made that he has behaved in a destructive manner. But neither the Federal Government nor the local school board has the right to send a child to "Siberia" to meet the needs of an arbitrary racial plan.

These guarantees of freedom were invoked by the Supreme Court itself when it struck down, 45 years ago, an Oregon education law that in effect closed down parochial and other private schools by forcing all children between the ages of eight and 16 to attend the public schools. Said the Court: "The fundamental theory of liberty upon which all governments in this Union repose excludes any general power of the State to standardize its children by forcing them to accept instruction from public teachers only. The child is not the mere creature of the State; those who nurture him and direct his destiny have the right, coupled with the high duty, to recognize and prepare him for additional obligations."

Forced integration violates the same liberties of parents to supervise the education of their children as were violated by the Oregon statute.

Mr. President, we recognize that in accordance with our moral and political tradition rulings of the Supreme Court—even bad rulings—must be obeyed until they are lawfully repealed or overcome. But as a free people we Americans have the right and duty to move for lawful relief from conditions that destroy our children's education, set group against group, and create a climate of violence that could lead to an outright civil war.

THREE ALTERNATIVE METHODS OF RELIEF

There are three lawful alternative methods that can be used to bring relief from the nation-destroying rulings of the Supreme Court. These alternative methods are not only thoroughly constitutional, but are, each one of them, sanctified by past usage.

The first method is that of a constitutional amendment. When the Supreme Court struck down an income tax law in the 1890's as unconstitutional (although it had been used before without constitutional objection), the Congress initiated, and the state legislatures ratified, the 16th Amendment to the Constitution legalizing the income tax.

The second method is to bring a new case before the Supreme Court in the hope that (in the words of Mr. Dooley) it will "follow the election returns" and overrule its stand on forced integration. This method was used in President Grant's Administration to overcome a disastrous Supreme Court decision which held that the issuance of greenbacks or legal tender notes was unconstitutional. In a new case a year later, the Supreme Court was persuaded to reverse its stand. Part of the process of persuasion consisted in the remaking of the Court by the appointment of a new Justice to fill a vacancy and the enlargement of the Court by statute to make room for another appointment.

The same method was used in 1936 to overcome a Supreme Court decision of 1923 which outlawed a minimum wage for women. A new case, involving a New York State minimum wage law, was brought before the Court, and the Court reversed itself and held the law constitutional.

The third method is for Congress to declare by statute the political will of the nation, and in accordance with Article III, Section 2 of the Constitution, remove this statute from the appellate jurisdiction of the Supreme Court. The existence of this provision in the Constitution indicates that the Founding Fathers never intended to allow the Supreme Court to rule on basically political questions—that is to say, questions as to how Congress should exercise its constitutional powers, questions which in a democracy must in the last analysis be settled by the political will of the nation as expressed by the voters in elections. In the past the Court sought, even in the absence of Congressional admonitions, to keep away from strictly political questions. But in recent years it has been emboldened to recognize no limits to its jurisdiction.

The power to expressly limit the jurisdiction of the Supreme Court has been exercised only once in our history—during the very difficult crisis attending the Reconstruction after the Civil War. Fearful of the possible interference of the Court in its reconstruction plan, Congress deprived the Court of appellate jurisdiction in this domain. The Court accepted the decision of Congress and made no effort to circumvent it.

In view of the mounting gravity of the school crisis, we believe that the third alternative, in combination with the second, should be used to secure legal relief from the present Supreme Court policies on integration. In other words, Congress, acting under the enforcement clause of the 14th Amendment, should affirm its opposition not only to school busing but to any and all measures of forced integration, and should at the same time lawfully deprive the Supreme Court of power to review the Congressional stand. Meanwhile, without waiting for Congressional action, Southern communities—and the Department of Justice itself—should bring new cases before the Court in order to give it an opportunity to reverse the *Green* decision.

The method of constitutional amendment is too cumbersome and time consuming to be used in the present crisis.

We believe that after the irritant of present Supreme Court policy is removed, the races will be able to go forward in voluntary cooperation and reciprocal good will to meet the problems of education, employment, housing, and general poverty in an intelligent and constructive fashion. It should be emphasized once more that the repeal of Supreme Court policy on forced integration will *not* mean the repeal of the constitutional decision invalidating the system of legally segregated schools. Nor will it mean the repeal of the civil rights act and other laws forbidding discrimination in employment, in public accommodations, and in the sale and rental of housing. On the contrary, these laws and their enforcement will stand out—after the confused glosses on these laws shall have been removed—as shining beacons of public policy, beacons which will invite, without compulsion, our citizens to work at their own moral pace towards the goal of a fraternal society.

We request that you transmit the enclosed duplicate copy of this statement to the Agnew committee, so that it may give thought to the points and issues we have raised.

Respectfully yours,

BENJAMIN GINZBURG,
FRANZ O. WILLENBUCHER.

TRIBUTE TO MARCELLUS M. MURDOCK, OF WICHITA, KANS.

(Mr. SHRIVER asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. SHRIVER. Mr. Speaker, Kansas and the Nation have lost a distinguished pioneer and outstanding journalist with the passing of Marcellus M. Murdock, of Wichita, on March 10, 1970. I have lost a good friend and supporter.

Mr. Murdock was publisher of the Wichita Eagle and Beacon, a newspaper founded by his father, Marshall M. Murdock, 98 years ago. Marcellus Murdock began his newspaper career on the Eagle while a high school student in Wichita.

Under his leadership and direction, the newspaper has been a driving force for progress in the community and State. Marcellus Murdock spoke with an affirmative voice in behalf of agriculture, aviation, industry, culture, education, conservation, and flood control. He was proud of Wichita and the Sunflower State.

He was a man of 87 at death, but he lived as a man who always was young at heart. He was an avid supporter of aviation and it was his spirited backing of the aviation industry which had much to do with making his hometown of Wichita the air capital of the Nation. At the age of 80, he flew a plane breaking the sound barrier.

His accomplishments and honors were numerous. He was the recipient in 1961 of the William Allen White Award in Journalism from the University of Kansas. In 1963, the degree of doctor of humane letters was bestowed upon him by Wichita State University, and in 1965 he received the Kansas Brotherhood Award of the National Conference of Christians and Jews.

His sincerity, good humor, and wise counsel were always a helpful inspiration to me whenever I visited with him in his office. Marcellus Murdock will be sorely missed by all who knew and worked with him. His passing is a great loss to Wichita, to the State of Kansas, and to the Nation. Through his long and active life, he has built a lasting memorial.

Mrs. Shriver and I join in extending our sincere and heartfelt sympathy to his wife; his son, Marsh; two daughters, Mrs. Victoria Bloom and Mrs. Foster Jennings; and other members of the Murdock family.

TAKE PRIDE IN AMERICA

(Mr. MILLER of Ohio asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a nation. The United States is the largest consumer of fertilizers in the world. Based on a 5-year average from 1962–67 the United States consumed 28 percent of the nitrogenous, 25.1 percent of the phosphate, and 24.5 percent of the potash fertilizers in the world. The Soviet Union was second with 8.4 percent, 8.1 percent, and 9 percent respectively.

UNEMPLOYMENT RATE

(Mr. GERALD R. FORD asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. GERALD R. FORD. Mr. Speaker, on Monday the distinguished majority leader of the House informed us that because the unemployment rate rose to 4.2 percent in January he had concluded this Nation is in the grip of a recession. This is a most interesting observation, Mr. Speaker, particularly if you look at the unemployment rates for the years 1961 through 1965, when Democrats were in control of both the White House and the Congress.

A look at the unemployment rates for those years tells us that the majority leader is making statements that are indefensible. Apparently he is trying to talk us into a recession.

If he is not trying to talk us into a recession, then he would have to assert that the United States suffered through a 5-year recession in the last decade—because in all of those years the unemployment rate exceeded the current rate of 4.2 percent.

In 1961, the unemployment rate was a shocking 6.7 percent. In 1962, it was 5.5 percent. In 1963, it was 5.7; in 1964, 5.2; and in 1965, 4.5.

In 1966, the unemployment rate dropped to 3.8, less than 4 percent, and it has remained below 4 percent until recently.

Now to what can we attribute this drop to less than 4 percent in unemployment—a most welcome decline if viewed as a bit of data unrelated to other economic factors.

One does not have to hold a doctor's degree in economics to recognize that the sharp decline in unemployment in 1966 coincided with a sharp surge in the economy triggered by the Vietnam war.

Conclusion—the only valid conclusion—is that we have been experiencing a false prosperity generated by a war into which we were led by the previous administration.

That same false prosperity generated inflationary pressures which steadily pushed up the cost of living for every man, woman and child in America. And, as former President Johnson said in his last Economic Report, transmitted to the Congress in January 1969:

> The problems of rising prices and wages remain intense as 1969 begins.

The majority leader now talks of a recession. In fact, he flatly asserts that "we are in a recession" because the unemployment rate has risen to 4.2 percent. Would he also say then that the years 1961 through 1965 were recession years?

The majority leader talks at the same time of "Nixon inflation," and yet Lyndon Johnson in his 1969 Economic Report freely admitted that—

> The first significant break in relative price stability occurred early in 1965.

And added that—

> More pervasive inflationary pressures started in the second half of 1965 when the military buildup in Vietnam began.

Mr. Johnson went on to say:

> Higher costs had been built into the economy during 1965 and 1966, and when the economy picked up speed in the second half of 1967, prices and wages again accelerated.

He said:

> Union settlements, which had lagged in the initial stage of the advance, rose especially sharply in late 1967 and in 1968.

And at that point Mr. Johnson stated that price and wage increases remained a severe problem at the beginning of 1969.

Mr. Speaker, President Nixon and others of us are fighting the inflation which was allowed to gather momentum under the previous Democratic administration. One of the unfortunate consequences of that fight is that we are in a temporary slowdown and unemployment has risen.

Mr. Speaker, rather than talking us into a recession it would better behoove the majority leader to lend his support to the fight against inflation. He knows full well that President Nixon inherited the inflation which still plagues us. He knows full well that it has been necessary to cool off the economy in an effort to slow the rise in prices. He knows full well that a rise in unemployment is an unfortunate but inevitable result of that cooling off.

The majority leader has been seeking to blame the present administration for the sins of the previous Democratic administration. This kind of "politicking" is bad for the entire country. And I doubt it is good politics because the American people know that our inflation problems were inherited from a Democratic administration, and our fellow citizens also know that the Nixon administration has made sound decisions which will avoid a recession, slow down inflation, and preclude unacceptable unemployment.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. Fallon (at the request of Mr. Albert), for today, on account of official business.

Mr. Jones of Alabama (at the request of Mr. Albert), for today, on account of official business.

Mr. Kluczynski (at the request of Mr. Albert), for today and the remainder of the week, on account of official business.

Mr. Horton (at the request of Mr. Gerald R. Ford), for today and the balance of the week, on account of official participant in the United States-Canadian Interparliamentary Group.

Mr. Randall, for Thursday, March 12, 1970, on account of out of city as host to Canadian Parliamentary Group.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. Harrington); to revise and extend their remarks and include extraneous matter:)

Mr. Harrington, for 30 minutes, today.

Mr. Tunney, for 15 minutes, today.

Mr. Rarick, for 15 minutes, today.

Mr. Flood, for 30 minutes, today.

Mr. Gonzalez, for 10 minutes, today.

Mr. Pepper, for 30 minutes, today.

Mr. Dent, for 60 minutes, on March 17.

(The following Members (at the request of Mr. Teague of California); to revise and extend their remarks and include extraneous matter:)

Mr. Zion, for 60 minutes, today.

Mr. Quie, for 20 minutes, today.

Mr. McClory, for 30 minutes, on March 18.

Mr. Price of Texas, for 5 minutes, today.

Mr. Steiger of Arizona, for 10 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the Appendix of the Record, or to revise and extend remarks was granted to:

Mr. Ichord in two instances and to include extraneous matter.

Mr. Michel in two instances and to include two articles.

Mr. Madden to revise and extend his remarks and include an editorial.

Mr. Colmer during his remarks on House Resolution 873.

Mr. Pickle immediately following the remarks of Mr. Hanna in his special order on Eugene R. Black today.

(The following Members (at the request of Mr. Teague of California) and to include extraneous matter:)

Mr. Steiger of Wisconsin.

Mr. Burke of Florida in two instances.

Mr. Hosmer in five instances.

Mr. Winn.

Mr. Derwinski.

Mr. Hall.

Mr. Brown of Ohio in three instances.

Mr. Kleppe.

Mr. Thompson of Georgia.

Mr. Stanton.

Mrs. May.

Mr. Wyman.

Mr. Ashbrook.

Mr. Wold.

Mr. Hogan in three instances.

Mr. McClure.

Mr. Don H. Clausen.

Mr. Whitehurst in two instances.

Mr. Zwach.

Mr. Bob Wilson in three instances.

Mr. Landgrebe.

Mr. McDonald of Michigan.

Mr. Price of Texas.

Mr. Davis of Wisconsin in two instances.

Mr. Keith in three instances.

Mr. Reid of New York.

Mr. Scherle.

Mr. Lloyd.

Mr. Button in two instances.

Mr. Langen.

Mr. Wiggins.

Mr. Broyhill of Virginia in two instances.

Mr. Brown of Michigan.

(The following Members (at the request of Mr. Harrington) and to include extraneous material:)

Mr. Rodino.

Mr. Hamilton in 10 instances.

Mr. Flowers in five instances.

Mr. Kyros in two instances.

Mr. Rivers in two instances.

Mr. Baring in two instances.

Mr. Farbstein in four instances.

Mr. Eilberg in two instances.

Mr. Rooney of Pennsylvania in 10 instances.

Mr. Giaimo in 10 instances.

Mr. Charles H. Wilson.

Mr. Rarick in four instances.

Mr. Ashley.

Mr. Reuss in six instances.

Mr. Celler.

Mr. Cohelan in five instances.

Mr. Johnson of California.

Mr. Anderson of California.

Mr. Nedzi.

Mr. Gonzalez.

Mr. O'Neill of Massachusetts.

Mr. Hungate in 10 instances.

Mr. Gibbons in two instances.

Mr. Fascell in two instances.

Mr. Galifianakis in two instances.

Mr. Poage in two instances.

Mr. Shipley.

Mr. Brasco.

Mr. Evins of Tennessee.

ADJOURNMENT

Mr. HARRINGTON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 8 minutes p.m.), the House adjourned until tomorrow, Thursday, March 12, 1970, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1757. A letter from the chief scout executive, Boy Scouts of America, transmitting the 60th annual report for the year 1969 (H. Doc. 91–271); to the Committee on Education and Labor and ordered to be printed, with illustrations.

1758. A letter from the Secretary of Defense, transmitting a draft of proposed legislation to authorize certain construction at military installations and for other purposes; to the Committee on Armed Services.

1759. A letter from the Secretary of Commerce, transmitting the 90th quarterly report on export control covering the fourth quarter of 1969, pursuant to the provisions of the Export Control Act of 1949; to the Committee on Banking and Currency.

1760. A letter from the Deputy Assistant Secretary of Defense, transmitting the report on Department of Defense procurement from small and other business firms for July–December 1969, pursuant to the provisions of section 10(d) of the Small Business Act, as amended; to the Committee on Banking and Currency.

1761. A letter from the Assistant to the Commissioner, District of Columbia, transmitting a draft of proposed legislation to authorize the District of Columbia to enter into the Interstate Agreement on Qualification of Educational Personnel; to the Committee on the District of Columbia.

1762. A letter from the Assistant to the Commissioner, District of Columbia, transmitting a draft of proposed legislation to revise and modernize the licensing by the District of Columbia of persons engaged in certain occupations, professions, businesses, trades, and callings, and for other purposes; to the Committee on the District of Columbia.

1763. A letter from the Attorney General, transmitting a draft of proposed legislation to amend section 504(a) of the Labor-Management Reporting and Disclosure Act of 1959 by adding to the list of offenses conviction of which bars the person convicted from holding union office; to the Committee on Education and Labor.

1764. A letter from the Comptroller General of the United States, transmitting a report on an examination into the transfer of 52 Federal supply classes from the Department of Defense to the General Services Administration; to the Committee on Government Operations.

1765. A letter from the Secretary of Labor, transmitting a draft of proposed legislation to include certain officers and employees of the Department of Labor within the provisions of sections 111 and 1114 of title 18 of the United States Code relating to assaults and homicides; to the Committee on the Judiciary.

1766. A letter from the Secretary of Health, Education, and Welfare, transmitting a report of claims paid by the Department for the calendar year 1969, pursuant to the provisions of the Military Personnel and Civilian Employees Claims Act of 1964; to the Committee on the Judiciary.

1767. A letter from the Deputy Assistant Secretary of the Interior, transmitting a report of claims of employees of the Department in the fiscal year 1969, pursuant to the provisions of the Military Personnel and Civilian Employee's Claims Act of 1964; to the Committee on the Judiciary.

1768. A letter from the Chairman, American Revolution Bicentennial Commission, transmitting a report of the activities of the Commission including an accounting of funds received and expended for the year 1969, pursuant to the provisions of Public Law 89–491; to the Committee on the Judiciary.

1769. A letter from the Administrator, General Services Administration, requesting withdrawal of a prospectus proposing acquisition of office, storage, and related space which was transmitted on June 18, 1969, and which no longer is subject to the special conditions in the General Provisions under the heading "General Services Administration" in the Independent Offices and Department of Housing and Urban Development Appropriation Act, 1969; to the Committee on Public Works.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. COLMER: Committee on Rules. House Resolution 873. Resolution for consideration of H.R. 15945, a bill to authorize appropriations for certain maritime programs of the Department of Commerce. (Rept. No. 91–896.) Referred to the House Calendar.

Mr. STAGGERS: Committee of Conference. Conference report on H.R. 6543 (Rept. No. 91–897). Ordered to be printed.

Mr. SISK: Committee on Rules. House Resolution 874. Resolution for consideration of S. 858, an act to amend the Agricultural Adjustment Act of 1938 with respect to wheat (Rept. No. 91–898). Referred to the House Calendar.

Mr. O'NEILL of Massachusetts: Committee on Rules. House Resolution 875. Resolution for consideration of H.R. 15694, a bill to authorize appropriations for procurement of vessels and aircraft and construction of shore and offshore establishments for the Coast Guard (Rept. No. 91–899). Referred to the House Calendar.

Mr. O'NEILL of Massachusetts: Committee on Rules. House Resolution 876. Resolution for consideration of H.R. 15728, a bill to authorize the extension of certain naval vessel loans now in existence and new loans, and for other purposes (Rept. No. 91–900). Referred to the House Calendar.

Mr. STAGGERS: Committee on Interstate and Foreign Commerce. H.R. 15349. A bill to amend the Railway Labor Act in order to change the number of carrier representatives and labor organization representatives on the National Railroad Adjustment Board, and for other purposes with an amendment (Rept. No. 91–901). Referred to the Committee of the Whole House on the state of the Union.

Mr. TAYLOR: Committee on Interior and Insular Affairs. H.R. 1187. A bill to amend the act of August 7, 1961, providing for the establishment of Cape Cod National Seashore with an amendment (Rept. No. 91–902). Referred to the Committee of the Whole House on the state of the Union.

Mr. TAYLOR: Committee on Interior and Insular Affairs. H.R. 4172. A bill to authorize the Secretary of the Interior to provide additional financial assistance for development and operation costs of the Ice Age National Scientific Reserve in the State of Wisconsin, and for other purposes, with amendments (Rept. No. 91–903). Referred to the Committee of the Whole House on the state of the Union.

Mr. MILLS: Committee on Ways and Means. H.R. 16311. A bill to authorize a family assistance plan providing basic benefits to low-income families with children, to provide incentives for employment and training to improve the capacity for employment of members of such families, to achieve greater uniformity of treatment of recipients under the Federal-State public assistance programs and to otherwise improve such programs, and for other purposes (Rept. No. 91–904). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. FEIGHAN: Committee on the Judiciary. S. 533. An act for the relief of Barbara Rogerson Marmor (Rept. No. 91–888). Referred to the Committee of the Whole House.

Mr. FEIGHAN: Committee on the Judiciary. S. 614. An act for the relief of Franz Charles Feldmeier (Rept. No. 91–889). Referred to the Committee of the Whole House.

Mr. FEIGHAN: Committee on the Judiciary. S. 1775. An act for the relief of Cora S. Villaruel (Rept. No. 91–890). Referred to the Committee of the Whole House.

Mr. FEIGHAN: Committee on the Judiciary. S. 1934. An act for the relief of Michael M. Goutmann (Rept. No. 91–891). Referred to the Committee of the Whole House.

Mr. FEIGHAN: Committee on the Judiciary. S. 1963. An act for the relief of Wu Hip (Rept. No. 91–892) Referred to the Committee of the Whole House.

Mr. FEIGHAN: Committee on the Judiciary. S. 2363. An act to confer U.S citizenship posthumously upon L. Cpl. Andre L. Knoppert (Rept. No. 91–893). Referred to the Committee of the Whole House.

Mr. RODINO: Committee on the Judiciary. H.R. 1747. A bill for the relief of Jose Luis Calleja-Perez; with an amendment (Rept. No. 91–894). Referred to the Committee of the Whole House.

Mr. MESKILL: Committee on the Judiciary. H.R. 12959. A bill for the relief of Gloria Jara Haase; with an amendment (Rept. No. 91–895). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ASHLEY (for himself, Mr. Annunzio, Mr. Blatnik, Mr. Byrnes of Wisconsin, Mr. Crane, Mr. Derwinski, Mr. Karth, Mr. Mikva, Mr. Murphy of Illinois, Mr. O'Konski, Mr. Pucinski, Mr. Reuss, Mr. Schadeberg, Mr. Steiger of Wisconsin, Mr. Yates, and Mr. Zablocki):

H.R. 16389. A bill to provide that ports on the Great Lakes shall be included in the ports described in section 809 of the Merchant Marine Act, 1936; to the Committee on Merchant Marine and Fisheries.

By Mr. ASHLEY (for himself, Mr. Betts, Mr. Brademas, Mr. Broomfield, Mr. Cederberg, Mr. Diggs, Mr. Dingell, Mr. Dulski, Mr. Feighan, Mr. William D. Ford, Mrs. Griffiths, Mr. Horton, Mr. Landgrebe, Mr. Latta, Mr. McDonald of Michigan, Mr. Mosher, Mr. Nedzi, Mr. O'Hara, Mr. Riegle, Mr. Stanton, Mr. Stokes, Mr. Vander Jagt, Mr. Vanik, and Mr. Vigorito):

H.R. 16390. A bill to provide that ports on the Great Lakes shall be included in the ports described in section 809 of the Merchant Marine Act, 1936; to the Committee on Merchant Marine and Fisheries.

By Mr. BIAGGI:

H.R. 16391. A bill to amend title 10 of the United States Code to establish procedures providing members of the Armed Forces redress of grievances arising from acts of brutality or other cruelties, and acts which abridge or deny rights guaranteed to them by the Constitution of the United States, suffered by them while serving in the Armed Forces, and for other purposes; to the Committee on Armed Services.

By Mr. BURKE of Florida:

H.R. 16392. A bill to amend title 38 of the United States Code to increase the rates and income limitations relating to payment of pension and parents' dependency and indemnity compensation, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. COHELAN (for himself, Mr. Hosmer, and Mr. Steed):

H.R. 16393. A bill to amend the Tariff Schedules of the United States to provide for a partial exemption from duty for certain transportation vehicles manufactured or produced in the United States with the use of foreign components imported under temporary importation bond; to the Committee on Ways and Means.

By Mr. DINGELL (for himself, Mr. Feighan, Mr. Karth, and Mr. McCloskey):

H.R. 16394. A bill to provide for the protection and conservation of certain areas within the boundaries of the National Park System, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. FARBSTEIN:

H.R. 16395. A bill to amend the Food Stamp Act of 1964 to authorize elderly persons to exchange food stamps under certain circumstances for meals prepared and served by private nonprofit organizations, and for other purposes; to the Committee on Agriculture.

By Mr. HUNGATE:

H.R. 16396. A bill to amend the act of June 27, 1960 (74 Stat. 220), relating to the preservation of historical and archeological data; to the Committee on Interior and Insular Affairs.

By Mr. KING:

H.R. 16397. A bill to amend the Internal Revenue Code of 1954 to exempt from income tax interest on deposits in financial institutions; to the Committee on Ways and Means.

By Mr. KLEPPE:

H.R. 16398. A bill to amend the act of June 27, 1960 (74 Stat. 220), relating to the preservation of historical and archeological data; to the Committee on Interior and Insular Affairs.

H.R. 16399. A bill to amend the Interstate Commerce Act in order to give the Interstate Commerce Commission additional authority to alleviate freight car shortages, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. KYROS:

H.R. 16400. A bill to amend the Public Health Service Act to provide for the making of grants to medical schools and hospitals to assist them in establishing special departments and programs in the field of family practice, and otherwise to encourage and promote the training of medical and paramedical personnel in the field of family medicine; to the Committee on Interstate and Foreign Commerce.

By Mr. LOWENSTEIN:

H.R. 16401. A bill to amend the Omnibus

Crime Control and Safe Streets Act of 1968, to improve the judicial administration of State criminal courts, and for other purposes; to the Committee on the Judiciary.

By Mr. McCULLOCH:

H.R. 16402. A bill to include certain officers and employees of the Department of Labor within the provisions of sections 111 and 1114 of title 18 of the United States Code relating to assaults and homicides; to the Committee on the Judiciary.

By Mr. McFALL:

H.R. 16403. A bill to prohibit equity participation financing by financial institutions and certain other lenders; to the Committee on Banking and Currency.

By Mr. MOORHEAD (for himself and Mr. Johnson of Pennsylvania):

H.R. 16404. A bill to create a Federal Insurance Guaranty Corporation to protect the American public against certain insurance company insolvencies; to the Committee on Banking and Currency.

By Mr. PERKINS:

H.R. 16405. A bill to amend the Railroad Retirement Act of 1937 to provide a 15-percent increase in annuities and to change the method of computing interest on investments of the railroad retirement accounts; to the Committee on Interstate and Foreign Commerce.

H.R. 16406. A bill to amend the Internal Revenue Code of 1954 to exclude certain miners' pensions from gross income; to the Committee on Ways and Means.

By Mr. QUIE (for himself and Mr. Ashbrook):

H.R. 16407. A bill to amend section 504(a) of the Labor-Management Reporting and Disclosure Act of 1959 by adding to the list of offenses conviction of which bars the person convicted from holding union office; to the Committee on Education and Labor.

By Mr. ROGERS of Colorado:

H.R. 16408. A bill to amend the joint resolution establishing the American Revolution Bicentennial Commission, as amended; to the Committee on the Judiciary.

By Mr. SAYLOR:

H.R. 16409. A bll to amend title 38 of the United States Code to provide hospital and medical care thereunder with respect to any disability of any veteran of World War I or a period of war thereafter who was a prisoner of war for 180 or more consecutive days; to the Committee on Veterans' Affairs.

By Mr. STAGGERS:

H.R. 16410. A bill to credit certain service rendered by District of Columbia substitute teachers for purposes of civil service retirement; to the Committee on the District of Columbia.

By Mr. STUCKEY:

H.R. 16411. A bill to amend the Interstate Commerce Act, as amended, in order to make unlawful, as unreasonable and unjust discrimination against and an undue burden upon interstate commerce, certain property tax assessments of common and contract carrier property, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. TUNNEY:

H.R. 16412. A bill to amend the Omnibus Crime Control and Safe Streets Act to provide grants for the establishment, equipping, and operation of the emergency communication facilities to make the national emergency telephone number 911 available throughout the United States; to the Committee on the Judiciary.

By Mr. UDALL:

H.R. 16413. A bill to amend the Federal Deposit Insurance Act to require insured banks to maintain certain records, to require that certain transactions in United States currency be reported to the Department of the Treasury, and for other purposes; to the Committee on Banking and Currency.

By Mr. WHITEHURST (for himself, Mr. Buchanan, Mr. Button, Mr. Derwinski, Mr. Halpern, and Mr. Pollock):

H.R. 16414. A bill to be known as the Pollution Abatement Act of 1970, to establish the National Environmental Control Commission as an independent agency of the Government, and to vest in that Commission jurisdiction over enviromental pollution programs; to the Committee on Government Operations.

My Mr. WOLFF:

H.R. 16415. A bill to amend the Internal Revenue Code of 1954 to exempt from income tax interest on certain deposits in thrift institutions; to the Committee on Ways and Means.

By Mr. BURTON of Utah:

H.R. 16416. A bill to reimburse the Ute Tribe of the Uintah and Ouray Reservation for tribal funds that were used to construct, operate, and maintain the Uintah Indian irrigation project, Utah, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. CELLER:

H.R. 16417. A bill to amend title 10, United States Code, to broaden the authority of the Secretaries of the military departments to settle certain admiralty claims administratively, and for other purposes; to the Committee on the Judiciary.

By Mr. DINGELL:

H.R. 16418. A bill to amend the Communications Act of 1934 so as to prohibit the broadcasting of pay television programs; to the Committee on Interstate and Foreign Commerce.

By Mr. FISHER:

H.R. 16419. A bill to prohibit the involuntary busing of schoolchildren and to adopt freedom of choice as a national policy; to the Committee on the Judiciary.

By Mr. FREY:

H.R. 16420. A bill to amend title 38 of the United States Code to increase the rates and income limitations relating to payment of pension and parents' dependency and indemnity compensation, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. GIAIMO:

H.R. 16421. A bill to increase the maximum mortgage amount insurable under section 242 of the National Housing Act; to the Committee on Banking and Currency.

By Mr. GIBBONS:

H.R. 16422. A bill to amend the Manpower Development and Training Act of 1962 to provide for training of persons to participate in programs to prevent, abate, or control environmental pollution; to the Committee on Education and Labor.

By Mr. HAYS:

H.R. 16423. A bill to provide that duly authenticated copies of State records relating to the birth of an individual shall be conclusive evidence of certain facts in connection with applications for U.S. passports; to the Committee on Foreign Affairs.

By Mr. LUKENS:

H.R. 16424. A bill to establish an educational assistance program for the children of police officers who died as a result of a disability or disease incurred in line of duty; to the Committee on Education and Labor.

By Mr. MADDEN:

H.R. 16425. A bill to amend title IX of the Public Health Service Act so as to extend and improve the existing program relating to education, research, training, and demonstrations in the fields of heart disease, cancer, stroke, and other major diseases and conditions, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. MURPHY of New York:

H.R. 16426. A bill to amend the Community Mental Health Centers Act to provide for the control of the amount of methadone that may be prescribed for administration to any individual in any 48-hour period; to the Committee on Interstate and Foreign Commerce.

H.R. 16427. A bill to require the establishment of marine sanctuaries and to prohibit the depositing of any harmful materials therein; to the Committee on Merchant Marine and Fisheries.

H.R. 16428. A bill to create a rebuttable presumption that a disability of a veteran of any war or certain other military service is service connected under certain circumstances; to the Committee on Veterans' Affairs.

H.R. 16429. A bill to amend title 38, United States Code, to deem veterans who were prisoners of war to have service-connected disabilities; to the Committee on Veterans' Affairs.

By Mr. PERKINS (for himself, Mr. Ayres, Mr. Thompson of New Jersey, Mr. Quie, Mr. O'Hara, Mr. Dellenback, Mr. Hathaway, Mr. Ruth, Mr. Hawkins, Mr. Pucinski, Mr. Stokes, Mr. Esch, Mr. Carey, Mr. Clay, Mr. Burton of California, Mrs. Hansen of Washington, Mr. Boland, Mr. Giaimo, Mr. Moorhead, Mr. Vanik, Mr. Reifel, Mr. Pryor of Arkansas, and Mr. Mayne):

H.R. 16430. A bill to amend the National Foundation on the Arts and the Humanities Act of 1965, as amended; to the Committee on Education and Labor.

By Mr. SCHNEEBELI:

H.R. 16431. A bill to amend title 38 of the United States Code to increase the rates and income limitations relating to payment of pension and parents' dependency and indemnity compensation, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 16432. A bill to amend the Internal Revenue Code of 1954 and title II of the Social Security Act to provide a full exemption (through credit or refund) from the employees' tax under the Federal Insurance Contributions Act, and an equivalent reduction in the self-employment tax, in the case of individuals who have attained age 65; to the Committee on Ways and Means.

By Mr. SPRINGER:

H.R. 16433. A bill to amend authority of the Secretary of the Interior under the act of July 19, 1940 (54 Stat. 773), to encourage through the National Park Services travel in the United States, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. TAFT:

H.R. 16434. A bill to amend title XVIII of the Social Security Act to provide payment for chiropractors' services under the program of supplementary medical insurance benefits for the aged; to the Committee on Ways and Means.

H.R. 16435. A bill to amend title XVIII of the Social Security Act to provide coverage under the supplementary medical insurance program for the cost of chiropractor's services; to the Committee on Ways and Means.

By Mr. UDALL:

H.R. 16436. A bill to promote and protect the free flow of interstate commerce without unreasonable damage to the environment; to assure that activities which affect interstate commerce will not unreasonably injure environmental rights; to provide a right of action for relief for protection of the environment from unreasonable infringement by activities which affect interstate commerce and to establish the right of all citizens to the protection, preservation, and enhancement of the environment; to the Committee on the Judiciary.

By Mr. ULLMAN:

H.R. 16437. A bill to establish the Hells Canyon National Recreation Area in the States of Idaho and Oregon, and for other purposes; to the Committee on Interior and Insular Affairs.

XUM

By Mr. BROTZMAN:

H.J. Res. 1125. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. FLYNT:

H.J. Res. 1126. Joint resolution proposing an amendment to the Constitution of the United States relating to powers reserved to the several States; to the Committee on the Judiciary.

By Mr. GALIFIANAKIS:

H.J. Res. 1127. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. NATCHER:

H.J. Res. 1128. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. SMITH of New York:

H.J. Res. 1129. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. SPRINGER:

H.J. Res. 1130. Joint resolution to establish a Joint Committee on Environment and Technology; to the Committee on Rules.

By Mr. CORMAN:

H. Con. Res. 537. Concurrent resolution providing for the printing as a House document the tributes of the Members of Congress to the service of Chief Justice Earl Warren; to the Committee on House Administration.

By Mr. FULTON of Pennsylvania:

H. Con. Res. 538. Concurrent resolution to request the President to call a Conference on the International Exploration of Space; to the Committee on Foreign Affairs.

By Mr. LOWENSTEIN:

H. Con. Res. 539. Concurrent resolution state of the Federal judiciary address; to the Committee on the Judiciary.

By Mr. McDONALD of Michigan:

H. Con. Res. 540. Concurrent resolution expressing the sense of Congress with respect to freedom of choice and compulsory transportation in connection with public schools; to the Committee on Education and Labor.

By Mr. O'NEILL of Massachusetts:

H. Con. Res. 541. Concurrent resolution to express the sense of the Congress on U.S. involvement in Laos; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BRASCO:

H.R. 16438. A bill for the relief of Lesley Earle Bryan; to the Committee on the Judiciary.

By Mr. CHAPPELL:

H.R. 16439. A bill for the relief of Penelope Nesbitt Wagner; to the Committee on the Judiciary.

By Mrs. MINK:

H.R. 16440. A bill for the relief of Barbara A. Dalkiran; to the Committee on the Judiciary.

By Mr. ROGERS of Florida (by request):

H.R. 16441. A bill for the relief of Michael J. DiRocco; to the Committee on the Judiciary.

By Mr. TEAGUE of California:

H.R. 16442. A bill directing the Administrator of the General Services Administration to convey certain surplus property to the county of Santa Barbara, Calif., for the use of the Boys' Club of Lompoc Valley, Inc.; to the Committee on Government Operations.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

327. By the SPEAKER: A memorial of the Legislature of the State of Mississippi, relative to amending the Constitution of the United States regarding attendance at public schools; to the Committee on the Judiciary.

328. Also, a memorial of the Legislature of the State of Tennessee, relative to amending the Constitution of the United States regarding taxation of interest paid on obligations of the United States, any State, or agency thereof; to the Committee on the Judiciary.

329. By Mr. KUYKENDALL: Memorial of the Legislature of the State of Tennessee, relative to amending the Constitution of the United States regarding the right of citizens to attend the public schools of their choice; to the Committee on the Judiciary.

SENATE—*Wednesday, March 11, 1970*

The Senate met at 9:30 o'clock a.m. and was called to order by Hon. JAMES B. ALLEN, a Senator from the State of Alabama.

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O Thou, who hast been our dwelling place in all generations, help us to treat this world as our Father's house wherein Thy family dwells. Deliver us from fear of making this earth our home. Give us wisdom this day and every day to create a dwelling where all may come and go with equity and justice. Help us so to order our lives that this Nation and the whole world may be an abode fit for Thy children to dwell in safety and in peace. Let goodness and mercy abide with us here that we may abide with Thee forever.

In Thy holy name we pray. Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will read a communication to the Senate.

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., March 11, 1970.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. JAMES B. ALLEN, a Senator from the State of Alabama, to perform the duties of the Chair during my absence.

RICHARD B. RUSSELL,
President pro tempore.

Mr. ALLEN thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Tuesday, March 10, 1970, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT TO TOMORROW AT 10 A.M.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 10 o'clock tomorrow morning.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR SCHWEIKER TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that tomorrow, immediately after the prayer, the distinguished Senator from Pennsylvania (Mr. SCHWEIKER) be recognized for not to exceed 30 minutes.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. In accordance with the previous order, the Senator from Ohio (Mr. YOUNG) is recognized for not to exceed 15 minutes.

U.S. SECRET WAR IN LAOS MUST END

Mr. YOUNG of Ohio. Mr. President, President Nixon ended a long administration silence about Laos last Friday by announcing that the United States has 1,040 ground forces in Laos, has lost 400 planes there, and has suffered approximately 300 casualties. That statement is, at best, a very conservative estimate of our involvement in Laos. At worst, it represents a massive effort by officials of the Defense Establishment of the United States to deceive the American people. That deception must not be allowed to continue. It is most unfortunate that President Nixon is escalating and expanding our involvement in a civil war in Vietnam by intensifying our fighting on the ground in Laos and bombing areas in Laos, sometimes 200 miles, and more, from the Ho Chi Minh trail. The Pathet Lao, seeking national liberation in Laos, have been fighting for 20 years, first against the French seeking to maintain their lush Indo-Chinese empire and now against the American CIA and air and ground forces waging a war of aggression seeking to continue the policies of the French in violation of the Geneva agreement, which we approved, to neutralize Laos as a neutral barrier nation.

President Nixon has announced that he is withdrawing combat troops from Vietnam on the basis of a secret timetable. Whatever may be the President's plan—and that plan is still his secret—our withdrawal has clearly been too slow. Now it is obvious that even our gradual disengagement is not a reality. What is really happening is a reengagement in Laos with new titles and different uniforms.

At present we are waging an air war on a tremendous scale in Laos. U.S. planes, including B–52's, are currently hurling more than 16,000 tons of bombs a month onto Laos. Without doubt, our bombing of North Vietnam, which considerably exceeded the bombing in World War II in both the Pacific and European areas, has not ceased as we had been told. That bombing has simply been shifted—as have some of our ground forces—across the border into Laos. Much of our recent bombing has been in the Plain of Jars, in areas more than 200 miles away from the Ho Chi Minh Trail. Therefore, that bombing could have nothing to do with infiltration from North Vietnam.

In October 1965 I spent approximately 10 days in Laos, and again in 1968 I was in every area of Laos, traveling to many places by helicopter in that landlocked country. By the way, Laos was the most underdeveloped country I have been in, and I have been in a great many. Laos is not worth the life of even one American youngster. I had learned from previous visits in Laos and Vietnam that they have a way of directing so-called VIP's over certain areas. I learned in a short time to get away from escort officers, say I was looking for Ohio GI's, and get on my own. With my eyes open, and with a lot of energy throughout the day, and sometimes at night, I tried my best to get away from the restrictions and from the travel programs stipulated by the top brass in Saigon. Less than 2 weeks ago, three American newspapermen did the same thing as I did, on a much larger scale. They walked 8 miles through the jungle without informing anyone of their intention and reached an airfield staffed by a small army of American soldiers dressed as civilians. They observed U.S. B–52 planes taking off from this airfield at the rate of one per minute loaded with tons of bombs.

Mr. President, the United States has lost more than 400 airplanes and many helicopters shot down over Laos or destroyed on the ground by Pathet Lao fire. Many airmen have been killed or are missing—some, no doubt, being held as prisoners of war.

The intervention of this country into the civil war in Laos, a civil war which has continued for more than 20 years, has been achieved without any congressional authority whatever. The discredited Tonkin Gulf Resolution of 1964 gives no authority to pursue military adventures not directly related to the war in Vietnam; our bombing of northern and central Laos clearly has no relation to the Vietnam conflict.

In fact, U.S. military activity in Laos is in direct violation of the National Commitments Resolution which requires specific congressional approval for every new engagement of American troops abroad. It is also contrary to the recent amendment to the defense appropriation bill prohibiting use of funds for U.S. ground combat troops in Laos or Thailand.

President Nixon attempted to make our conduct of the war in Laos as much a secret as his plan for ending the war in Vietnam, which he told about while a candidate for President. He tried to keep it a secret until adverse public opinion and editorial dissent caused him to disclose some of the facts relating to the operations of our CIA in Laos and of our air and ground forces. Primarily through the work of some enterprising correspondents and the persistence of several U.S. Senators, part of the cloak of secrecy has been penetrated. The facts that have been uncovered are shocking.

Military supplies and personnel are ferried throughout Laos by Air America and Continental Air Services, private companies under contract with the U.S. Government. Most of the pilots for these charters—which have come to be known as the "CIA airlines"—are former Air Force officers. Reporters are barred from observing military missions and information regarding our bombing in Laos.

In addition, Thailand-based American jets and bombers, under the euphemism of "armed reconnaissance flights," have mounted aerial bombardments equal to the pounding of North Vietnam just prior to the bombing halt of 1968.

American assistance to Laos is now reliably estimated at almost $300 million per year. Yet only the technical aid budget, about $60 million, is made public. The rest, disguised in the budgets of the Agency for International Development and other agencies, is earmarked almost exclusively for military purposes.

Mr. President, after many of the horrifying aspects of our involvement in Laos had been uncovered by unofficial sources, President Nixon on March 6 undertook an explanation of American policy there. That explanation leaves us more confused than before. The President declared in his report that not one American soldier has been killed in Laos. The next day, however, the Washington Post published an eyewitness report from an American writer disclosing that an American Army adviser, Capt. Joseph Bush, was killed in ground combat on the western edge of the Plain of Jars on February 11, 1969. This was almost 13 months ago. Then just recently White House officials announced that 27 American soldiers have been killed in Laos.

These revelations belie the President's statement early this March that no soldier has been killed in Laos. I hope that this is not a harbinger either of this administration's communication with the public on events in Southeast Asia or its ability to oversee affairs in that quagmire of despair.

Mr. President, I ask unanimous consent that the article entitled "GI Death Reported," written by Don A. Schanche and published in the Washington Post of March 8, 1970, be printed in the RECORD at the conclusion of my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. YOUNG of Ohio. President Nixon's "explanation" turns out to be nothing more than an attempt to shift the blame to two previous administrations and to the North Vietnamese. This kind of effort to shirk responsibility can only lead us further down the path toward full-scale massive involvement in another Asian civil war.

President Truman kept a sign on his desk in the White House which read, "The Buck Stops Here." That philosophy, to which President Truman was always faithful, should be adopted by the present President. President Nixon must recognize his responsibility to give the facts to the American people and to comply with congressional directives that prohibit U.S. involvement in Laos.

Mr. President, I yield the floor.

EXHIBIT 1

GI DEATH REPORTED

(By Don A. Schanche)

(NOTE.—Don A. Schanche, a free-lance writer and former managing editor of the Saturday Evening Post, was living among the embattled Meo tribesmen last winter, preparing his book, "Mr. Pop: The Adventures of a Peaceful Man in a Small War," to be published in April. Shortly after the fatal military action recounted here, he was ordered by the U.S. Embassy in Vientiane to leave the battle area. Embassy officials refused to discuss the affair or to acknowledge the death of Captain Bush.)

Capt. Joseph Bush, an American army adviser to the Royal Army of Laos, was killed by North Vietnamese soldiers in ground combat at Muong Soui, on the western edge of the Plain of Jars, on Feb. 11, 1969. Before he was almost literally cut in half by enemy automatic weapons fire, Bush, a light-haired, crewcut infantry officer, killed one Communist soldier.

I was spending the night in a Lao refugee village about 30 miles south of Muong Soui on the night Bush died.

Had I not been on hand early the next morning when his assistant, a Negro sergeant called "Smokes" was evacuated for treatment of a bullet wound in the right shoulder, I would never have learned of the incident. The U.S. embassy in Vientiane immediately declared the captain's brave death top secret and has not confirmed it since.

President Nixon's statement that "no American stationed in Laos has ever been killed in ground combat operations," is therefore incorrect.

Bush's death was not the only ground combat fatality in Laos. A half-dozen young Americans, working for USAID and international voluntary services, have been killed in ambushes since the Geneva accords of 1962. One of them, Don Sjustrom of Seattle, Wash., was hit in the head and killed instantly during a North Vietnamese raid on a Lao army base called Nha Khang, north of the Plain of Jars, in January, 1968.

Sjustrom, carrying a loaded shotgun for protection, was cut down as he tried to dash from the hut in which he had been sleeping to radio for help. As a refugee relief worker, he was not technically a combatant, but he did die in combat on the ground.

On Feb. 11, Bush and his sergeant helped coordinate ground action involving Thai artillery, U.S. air power and Lao infantrymen

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> against a Communist force dug in on a road a few miles east of Muong Soul. After the day's action, the two retired to their own barbedwire compound at the Muong Soul military headquarters. The Thai artillerymen and their adviser were bivouacked on a hill about 20 minutes' walk away.
>
> The midnight attack was a commando raid by a force of from 30 to 40 North Vietnamese soldiers armed with Soviet-made B–40 rockets and AK–47 automatic rifles. The first target was the Lao colonel's house, which collapsed in flames after a North Vietnamese tossed a hand grenade into an open window. The explosion wounded the colonel, his wife and 5-month-old son. His air force doctors saved the critically wounded infant.
>
> After the grenade attack the enemy shot all four Lao guards and began spraying the barbedwire enclosure with rocket and automatic weapons fire. "Smokes" said the hut in which he and Bush had been sleeping burst into flame in seconds.
>
> The raid ended about 20 minutes after the first explosion. Twelve persons, including Bush, were dead, and 20 others, most of them Lao civilians who lived in huts around the compound, were wounded.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Oklahoma is recognized for not to exceed 15 minutes.

THE MUSKIE PROPOSAL—A PREFABRICATED EXCUSE TO CUT AND RUN

Mr. BELLMON. Mr. President, the "let's cut and run in Vietnam" proposal is back with us again, only this time it is being couched in more subtle language than before.

Either that, or I have misinterpreted a recent speech by the junior Senator from Maine. In which case, I would be glad to have him set me straight.

Let me say first, however, that the Senator has put his proposition well and disguised it neatly with the statement that he believes a real end to the war can come only through negotiations. That point may or may not be valid. Suffice it to say that to date the North Vietnamese have shown little sign of wanting to negotiate on any realistic terms.

Largely, I suspect, because they have been encouraged, time after time, to believe that we will negotiate on their terms or, failing that, just plain cut out.

Certainly, these are the alternatives the Senator seems to be proposing, or, rather demanding. He tells the President he, and I quote, "must develop a proposal that is negotiable." That proposal he says is "a U.S. withdrawal timetable" coupled with "an informal arrangement regarding the withdrawal of North Vietnam forces."

Now there you have it. First we must work with the North Vietnamese and find for them a satisfactory time when we shall get out. In return, we get "an informal arrangement" regarding their withdrawal.

Mr. President, another President, a Democratic President, if you will, tried the same thing once before in Laos.

Except that in that case the North Vietnamese formally agreed to get out.

We now know what happened. We got out. The North Vietnamese did not. In fact, they now have 67,000 troops in that country. That fact shows how the North Vietnamese live up to their agreements.

Yet, the Senator from Maine would have us put our faith in them anyway. I respect his faith. But I fear it is misplaced.

Mr. President, perhaps another Member will stand up and tell me about the thousand-plus personnel we have in Laos and use that as an excuse for the North Vietnamese presence there.

Of course, there really is no comparison—for two reasons. One—we went back into Laos at the invitation of the lawful Laotian Government when it became obvious that the North Vietnamese would not leave. Two—67,000 troops with tanks and artillery is not quite the same as a thousand advisers and support personnel.

The Senator tells us that "there is some reason to believe that Hanoi would be receptive" to the negotiating approach he mentions. I am sure there is. But from their record, there is no reason to believe the North Vietnamese would live up to such an agreement should it be made.

The Senator must know this. Every thinking person in the country must know this. This is not the sure road to peace. This is just a prefabricated excuse to cut and run out on our commitments and on our allies.

Mr. President, as usual with those who put their trust in a foe who has an unbroken record of betrayals, the Senator seeks to put the onus on the back, not of the enemy, but of the American President, whomever he may be.

Again, I quote:

> We have been in Paris for over a year and a half, and it is obvious that Hanoi finds no incentives for compromise in our present policy.

Our present policy?

Mr. President, every compromise proposal in Paris since the talks began has not been made, not by Hanoi but by Washington.

On May 14 and again on November 3 the President set forth our peace proposals. I quote:

> We have offered the complete withdrawal of all outside forces within one year.
>
> We have proposed a cease-fire under international supervision.
>
> We have offered free elections under international supervision with the communists participating in the organization and conduct of the elections as an organized political force. The Saigon Government has pledged to accept the result of the elections.

Mr. President, that is what the United States has proposed. And the President goes on to say:

> We have indicated that we are willing to discuss the proposals that have been put forth by the other side and that anything is negotiable except the right of the people of South Vietnam to determine their own future.

What else could rightly be expected from the United States?

And yet the enemy, according to the Senator, finds no incentive to compromise.

I ask the Senator, "What is unreasonable about the President's approach?" I ask him, "What kind of incentives does he seek?"

I wish he could answer these questions or get the North Vietnamese to answer, because, as of last November 3, and I know of no change since then, Hanoi has refused even to discuss our proposals. They demand our unconditional acceptance of their terms; that we withdraw all American Forces immediately and unconditionally and that we overthrow the Government of South Vietnam as we leave.

How do I know this? President Nixon told us this on November 3.

Mr. President, it is obvious that there are those who would retreat from Vietnam at any cost. There are those who seem to seek to make Vietnam a political issue.

There are those who pretend that the massacres perpetrated by Ho Cho Minh after the partition of Vietnam did not happen. There are those who pretend that the atrocities at Hue—3,000 civilians shot and clubbed to death—did not happen.

There are those who ignore the effect of an American surrender in Vietnam on the peace of the rest of the world.

Fortunately for America and for the world the President of the United States is not one of those.

Fortunately for all of us the President has chosen a road to travel that freedom-loving people everywhere can live on and that the South Vietnamese will not have to die on.

It is a different road from the low-road to surrender or appeasement.

It is, instead, the highroad to an honorable and just peace.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SYMINGTON. Mr. President, without waiving the right of the distinguished Senator from Colorado (Mr. ALLOTT), I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

INFLATION ATTACKS EVERYBODY

Mr. SYMINGTON. Mr. President, many people believe that this continuing inflation, that is, further depreciation of the value of the dollar, is affecting only the poor and lower middle class income brackets. That is far from true, however, and in this connection I ask unanimous consent that an article by Sylvia Porter in the Washington Star of March 5, entitled "Affluent 'Scraping By,' Too" be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

AFFLUENT "SCRAPING BY," TOO

(By Sylvia Porter)

> A bright young executive with three children in the 12–16-year age range recently boasted that his family had adopted these money-saving measures:

Adjusted the engine on their fancy new foreign car to run on regular instead of high test gasoline.

Instructed the local druggist to cut by 20 percent the total of all prescriptions filled for the family.

Found a factory outlet store where the family can buy underwear at a saving of 20–50 percent.

Switched to trains for relatively short hops in which fares are considerably less than air fares.

Stopped home milk deliveries (at premium prices); started using cold water-plus special detergents in laundering to save on hot water; vowed to buy all ski equipment at bargain prices at season's end and all pool-purifying chemicals in bulk to save $20 a year.

ANGLES FASCINATING

Fascinating angles for saving, aren't they? And even more fascinating is the family, for the executive is a $40,000-a-year man—an income bracket occupied by less than ½ percent of U.S. households.

The plain fact is that the wealthier are feeling the pinch of climbing costs and soaring taxes at every level—federal, state and local—just as the less affluent are. True, they live on a more luxurious scale and are cutting costs on skiing, pools and high-test gas, but that doesn't make their pinch any less real to them. Here's the $40,000 budget:

Item	Monthly cost	Yearly cost
Food, incidentals	$750	$9,000
Car depreciation and upkeep	120	1,440
School tuition, transportation	456	5,472
Home mortgage; improvement loan	400	4,800
All insurance	149	1,788
Medical and dental bills	125	1,500
Social security and pension contribution	100	1,200
Property taxes	120	1,440
Federal and State income taxes	1,030	12,360
Savings and miscellaneous	83	1,000

THREE POINTS MADE

Immediately, three points out of this breakdown:

First, "school"—for three youngsters in private day school—is one of this family's biggest expenses. Reason: "The public schools in our area simply don't offer quality education." This family, like millions of others, pays increasingly steep school taxes—plus steep private tuitions. Private schooling is rapidly becoming a necessity rather than a luxury to many parents across the United States.

Second, all types of taxes, totaling $13,800 a year, amount to 35 percent of the budget. The importance of taxes in today's middle-upper income squeeze cannot be exaggerated.

Third, the budget makes no special provision for the costs of vacations (this family has simply stopped taking them), restaurant eating, gifts, clothes. And the scant amount a month for savings also seems dangerously low to me—in view of the likelihood that three children soon will be entering college.

OTHER PATHS TAKEN

In addition to finding exotic cost-cutting devices, what are upper-income families doing to ease the squeeze?

They're taking on more and more moonlighting jobs—in anything from teaching to consulting; demanding bigger and bigger raises; requesting transfers overseas where living costs are less; urging their wives to go back to work. Many, too, are simply using for day-to-day living the capital they have accumulated toward college costs or retirement.

How about simply cutting back living standards?

No, says the executive, despite his cost-cutting: "The big push instead is to find more sources of more income."

BEYOND VIETNAM: PUBLIC OPINION AND FOREIGN POLICY

Mr. SYMINGTON. Mr. President, in a brochure entitled "Beyond Vietnam: Public Opinion and Foreign Policy," a report of the National Policy Panel established by the United Nations Association of the United States of America, a committee chaired by the Honorable Arthur J. Goldberg, under the subheading "Congress, Foreign Policy, and the Public," there are some interesting comments.

After detailing some of the things that have happened in recent years, this part of said report concludes with the following statement:

> The democratic process is in danger of being warped by the seeming impotence of Congress in the foreign policy area. Apparent Congressional inattentiveness to the basic direction of American foreign policy has, all too often, denied the concerned citizen an important means through which he could relate in a direct and responsible manner to foreign policy decision-making. In particular the failure to develop procedures for the examination of the important agreements between the Executive and foreign governments is contributing seriously to an increase in the frustration of citizens concerned with foreign affairs.

I ask unanimous consent that this part of that report be printed in the RECORD.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

BEYOND VIETNAM: PUBLIC OPINION AND FOREIGN POLICY

CONGRESS, FOREIGN POLICY, AND THE PUBLIC

The last thirty years have been a period of increasing Executive ascendancy over Congress. The very nature of contemporary foreign policy—its crisis-orientation, its heavy operational content, its premium on secrecy—all work to accentuate the role of the Executive in its formulation and execution.

During the last decade Congress in most instances has failed to serve as a strong source of examination and advice on the basic philosophy and direction of U.S. foreign policy or as a *post hoc* audit on the performance of the Executive Branch in the foreign policy arena. The major aspect of recent Congressional involvement in the foreign policy process has been limited, in the main, to attempts directed at intervening in the operational aspects of foreign policy. This typically has taken the form of amendments to the foreign aid appropriation directing the President to withhold aid from certain countries or to stop aid in the event that a country expropriates without compensation property owned by Americans.

There are a few examples of Congress attempting to explore and advise on the basic direction of American foreign policy. In 1966 the Senate Foreign Relations Committee began to probe in public hearings the dimensions and implications of U.S. Asian policy. The Senate Government Operations Committee has probed the effectiveness of the national security policy machinery of the U.S. But these are largely exceptions to a general attitude of Congressional inattentiveness to the basic direction of U.S. foreign policy in the face of Executive ascendancy.

Congress particularly has failed to develop adequate procedures for examining the evolving nature of U.S. policy as expressed in agreements between the Executive Branch and foreign governments. The constitutionally sanctioned procedure of treaties once concluded being submitted to the Senate for their advice and consent largely has been bypassed by the nature and tempo of contemporary foreign relations. The recent Fulbright-Mansfield Senate Resolution regarding the manner in which our international commitments should be authorized is a late indicator that in this vital area of contemporary foreign affairs our constitutional and democratic processes for taking important decisions are in dispute and perhaps need revision. No agreed procedure has been found for subjecting to Congressional examination the numerous nontreaty agreements concluded between the Executive Branch and foreign governments.

As a result of this state of affairs a large and ill-defined proportion of U.S. foreign policy appears to have escaped the process of Congressional examination.

If agreements concluded solely by the Executive with a foreign government are later to be cited and accepted as controlling the course of U.S. foreign policy then Congress to a large extent appears to the concerned public to be irrelevant.

For the public this increasing tendency to conduct foreign policy by means of agreements concluded without the intervention of Congressional examination has meant the erection of an additional and highly effective barrier to citizen relationship to the process by which U.S. foreign policy is made. Congressional action on public policy issues raises it to a level of visibility where the opportunity for citizen concern becomes realizable. On the other hand, agreements between the Executive Branch and foreign governments, particularly if they are covert, provide little, if any, opportunity for the concerned citizen to express an informed opinion. If such agreements are to be later cited as the basis for additional U.S. action, one should not be surprised if the level of citizen frustration sharply increases.

The democratic process is in danger of being warped by the seeming impotence of Congress in the foreign policy area. Apparent Congressional inattentiveness to the basic direction of American foreign policy has, all too often, denied the concerned citizen an important means through which he could relate in a direct and responsible manner to foreign policy decision-making. In particular the failure to develop procedures for the examination of the important agreements between the Executive and foreign governments in contributing seriously to an increase in the frustration of citizens concerned with foreign affairs.

CHARLES ALLEN THOMAS AND ECOLOGY

Mr. SYMINGTON. Mr. President, in these days of pessimism about the environmental problems incident to ecology, it is refreshing to hear the words of a great expert in that field who is also one of the outstanding scientists and industrialists of our time.

Everybody in Missouri and other parts of this Nation is mighty proud of the record of Dr. Charles Allen Thomas, former head of the Monsanto Chemical Co. and recipient of the Priestly Medal, highest honor in his field.

I ask unanimous consent that an article published in the St. Louis Post Dispatch of Sunday, March 8, entitled "Technology Can Cure Social Ills, Says Monsanto's Charles Thomas" be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

TECHNOLOGY CAN CURE SOCIAL ILLS, SAYS MONSANTO'S CHARLES THOMAS

(By Curt Matthews)

Looking back on a 35-year career at Monsanto Co. that combined the excitement of

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scientific research with the satisfactions of corporate leadership, Charles Allen Thomas has but one regret.

"As the company got bigger and the organization more complex, I missed the daily contact—the give and take—with young people around the place," says the 69-year-old Thomas, a former president and chairman of the board of directors at Monsanto.

Thomas, who emerged as a nationally prominent scientist-executive at Monsanto at a time when this "new breed" of professional manager became the motivators that oriented American business toward innovation, saw positive "catalytic effects" in his relationship with younger scientists and managers.

"My personal contacts with young people I always looked upon as two-way streets—they gave me as much or more than I was able to give them," says Thomas who is retiring this month as a member of Monsanto's board of directors, his last official post with the company he joined in 1936 as a research chemist.

YOUNG STIMULUS

"It's a stimulating experience to talk with young people today," says Thomas noting that his role as chairman of Washington University's board of directors has been an avenue of close exposure—if not always close rapport—with youthful new attitudes. "We ought to devise some way for top executives to get away from their daily routines and engage more in the give and take with people throughout their companies. The output of such experiences would be very valuable."

Thomas believes that the current disenchantment many young people express toward big business and the commercial uses of technology will soon be diminished as a result of newly developed relationships between technology and social good.

"Technology is going to rescue the social scientist," Thomas said last week the day before his participation in a science symposium named in his honor and focused on "Science, Engineering and the Quality of Life."

"The image that many young people today have of the technically oriented company is that it provides the tools of war," Thomas observed. "There is no question that modern warfare depends on technology. But so do the solutions to many of our most pressing social problems. When young people realize the potential in the relationships between technology and social good, they will be drawn back to the major companies with good technical resources."

START AT GENERAL MOTORS

Throughout a career that reached back to 1923 when he became a research chemist for General Motors Corp., Thomas has seen corporate research laboratories produce new products and technical approaches as a result of shifting needs of society.

It was during his employment at General Motors that Thomas developed the tetraethyl lead compound used in motor fuels to make engines run smoothly.

Later, after joining Monsanto, he was one of the principal scientists involved in development of processes to purify plutonium, an element essential to production of the atomic bomb in World War II.

Thomas believes that just as the chemical industry produced "knock-free" gasoline and atomic energy to meet social demands of a motoring public or a war-threatened America, the industry will find ways to provide solutions to social problems—particularly the problem of pollution.

"There is no other industry that you could name that is better positioned to deal with the problem of pollution than the chemical industry," Thomas notes. "Chemical operations are present in practically every aspect of pollution—air, water and solids."

Thomas, who has received numerous industry and academic awards throughout his career, including the highest award for achievement in American industrial chemistry in 1953 and the Priestly Medal, the highest honor given by the American Chemical Society in 1955, views the chemical industry as "the only industry capable of tapping the full spectrum of opportunity that exists today."

"I have to be bullish about the chemical industry and its role in the future of America," says Thomas. "It has always been the genius of the industry to come up with new approaches to old problems. With the possible exception of electronics, I can't think of another industry that can address itself directly to almost any area of social need and find a market."

FATHER A MINISTER

Charles Allen Thomas was born on a farm in Scott County, Kentucky, the son of a Disciples of Christ minister. An early interest in chemistry and a natural boyish curiosity produced the expected reaction and Thomas recalls that he "blew up things several times" in the laboratory he assembled to conduct "basic" research.

At the age of 16, Thomas entered Transylvania College where he received a bachelor of arts degree in 1920. He went on to Massachusetts Institute of Technology and obtained a master of science degree in chemistry.

Thomas went to work for General Motors Research Corp. as a research chemist upon graduation from MIT. After helping with the development of tetraethyl lead compound for motor fuels, he joined the Ethyl Gasoline Corp. as a research chemist.

In 1926, Thomas combined his talents with those of an associate he met at General Motors, Carroll A. Hochwalt, and formed Thomas and Hochwalt Laboratories in Dayton, Ohio.

In 1936, Thomas & Hochwalt Laboratories was acquired by Monsanto and Thomas became the central research director at Monsanto and Hochwalt, who is now chairman of the St. Louis Research Council, was made associate director.

Thomas was elected to Monsanto's board of directors in 1942, was made executive vice president of the company five years later and in May, 1951, was elected president of the diversified international operation that today employs more than 64,000 persons.

He was chairman of the board from 1960 to 1965, when he was succeeded by Edward A. O'Neal, who served as chairman of the company until 1968.

Reflecting on the changes that have taken place at Monsanto since he joined the company in the depth of the Depression, Thomas notes, "Growth has been the most obvious change. When I started out, sales were only $34,000,000 a year. In 1969 Monsanto approached the two billion dollar sales mark."

ATTITUDE CHANGED

There have been other changes in Thomas's 35 years with Monsanto:

"They used to think that money spent on research was money out the window.

"The emphasis in the early years was on production. Now it has shifted to marketing and corporate development."

Although research was considered "strictly overhead" when Thomas joined Monsanto, the company's attitude has evolved significantly in the intervening years. In 1969, Monsanto spent $101,500,000 in research and development, up significantly from the $86,300,000 outlay for R&D the previous year.

Thomas, who personally holds more than 85 United States and foreign patents, believes that despite lagging interest by investors in the chemical industry, this expenditure in research will eventually pay great dividends for the industry as a whole, Monsanto in particular and society in the long run.

"The chemical industry is in line for a great renaissance," Thomas said reflectively last week. "There are many opportunities ahead that the chemical industry is in line to meet. It will require some changes in outlook and in organization, but the rewards to the industry and to society will be exciting to witness."

PROBLEMS OF THE ENVIRONMENT

Mr. ALLOTT. Mr. President, about 2,000 years ago, in 46 B.C., Julius Caesar was infuriated by chariot congestion in the streets of Rome. As a result, Caesar banned all wheeled vehicles from the streets during daylight hours.

Caesar was a dictator, which enabled him to fight Rome's environment problems with breathtaking directness. Of course, the fact that Caesar was a dictator did intolerable damage to the quality of life in Rome, damage much more insidious than traffic congestion could ever do.

If America were a dictatorship we could make some environmental improvements just by getting the dictator interested. But we are a democratic people, and we cannot act on a broad front in this fight until there is broad-based public support for the costly and often discomforting measures of environmental improvement.

The first step on the road to winning such broad-based support is to talk candid sense to the American people. Perhaps the way to begin talking sense is to explain why even a dictator could not achieve victory in the fight against pollution.

A dictator can be an awesome policeman. But it is quite wrong to think that environment problems call for nothing more than vigorous police action.

True, there are many areas in which we need more stringent laws curtailing or forbidding destructive activities. We need more laws with sharp teeth. But such steps—though necessary—are essentially negative. They require that people stop doing wrong. Hence, it is even more important that we learn how to do things right. This is a positive task. It requires the acquisition of new knowledge and technology. As a result, it is a more demanding task than the policing task of halting wrongdoing.

This positive task will require a creative partnership between government and the private sector. The private sector has great reservoirs of talent and inventiveness. The government can help elicit this.

The task of creative government is to devise incentive mechanisms that will encourage industry to turn its inventive genius, research talents and managerial techniques toward solution of the environmental problems that are directly and indirectly related to processes and products of industry.

We must then expect the private sector of the American economy to be as creative in helping solve environment problems as it has been in producing goods and services.

By the end of 1971 we may have the world's first trillion-dollar-a-year economy. As the gross national product grows, so does the inventive capacity of American industry.

There are now 570,000 scientists and

engineers employed in research and development in America. Approximately 70 percent of them are in private industry.

Research and development expenditures by government and nongovernment sources were only $5.2 billion in 1953. In 1970 they will be $27.2 billion. This is $1 billion more than last year, and $7 billion more than in 1965. Almost half of this year's $1 billion increase will go for research.

In 1970, Federal, State and local governments will provide 57 percent of all research and development funds. But industry will account for 70 percent of all research and development performance. This is made possible by the creative partnership between government and industry, whereby the Federal Government furnishes $8.5 billion, or 44 percent of the research and development funds spent by industry.

But it is worth noting that industry today is furnishing a larger percentage of the larger total of the research and development money it uses. In 1965 only 45 percent of such money came from industry's internal funds. Today the total is 56 percent.

The lesson we should learn is twofold. First, the fight against environmental decay is not just a government fight. The private sector has a vital role to play in the acquisition of necessary new knowledge.

Second, even where exercise of the police power is vital to solution of environment problems, we must avoid the tactics of confrontation. Any tactic which simply pits villains against victims is apt to be inappropriate. Environment problems involve complex processes and conflicts that are rarely simple collisions between two entirely separate interests.

This point has been made with exceptional clarity by Max Ways, an associate editor of Fortune magazine.

Writing in the special 40th anniversary issue of Fortune—February 1970—an issue devoted entirely to environment problems, Mr. Ways says:

> Better handling of the environment is going to require lots of legal innovation to shape the integrative forums and regulatory bodies where our new-found environmental concerns may be given concrete reality. These new legal devices will extend all the way from treaties forbidding oil pollution on the high seas down to the minute concerns of local government. But the present wave of conservationist interest among lawyers and law students does not seem to be headed along that constructive path. Rather, it appears intent on multiplying two-party conflicts between "polluters" and victims.
>
> When we read of some environmental atrocity—a sonic boom, a baby bitten in a rat-infested slum, a disease caused by polluted air—our sympathies instantly go out to the victims, just as our sympathies go out to those hurt in automobile accidents. This example should give us pause. The damage suit as a legal remedy in automobile accidents has clogged the courts and imposed on the public a $7-billion annual bill for liability insurance premiums. This huge cost contributes almost nothing to highway safety. For a fraction of the dollars and the legal brains drained off by damage suits we could have produced better highway codes and better regulations for car safety—and also provided compensation for the victims of a diminished number of accidents. If environmental law follows the dismal pattern of automobile tort cases, every business and perhaps every individual will be carrying insurance against pollution-damage suits. An army of pollution chasers, hot for those contingent fees, will join the present army of ambulance chasers. None of that is going to do the environment any good.
>
> From the civilizational standpoint, the expansion of the law of torts was a magnificent advance over the blood-feud, the code duello, and the retaliatory horsewhip. But out of respect for this achievement of our ancestors we are not required to go on multiplying damage suits ad infinitum, while ignoring the need for new legal forms more relevant to the problems of our own time. This is not intended to suggest that environmental tort cases should have no place in future law. It is meant to express the hope that such suits will be exceptional and that the main line of legal development in respect to the environment will break (if conservationists can forgive the metaphor) new ground.

Mr. Ways' reference to conservationists raises another aspect of the problem of thinking clearly about environmental problems. There is much confusion about the word "conservation."

If by "conservation" we mean just rigid preservation of the status quo in all of nature, then conservation is impossible and intolerable. Such a use of the word "conservation" would give the practice of conservation a bad name. Fortunately, there are more reasonable definitions of the word "conservation."

Milton M. Bryan, an official in the Forest Service, clarifies the matter when he says this:

> I believe we need to be concerned about the fact that the term "conservation", which really means a wise and balanced use of resources, is often interpreted in the narrower sense of "preservation" which excludes timber cutting, wildlife harvest, managed watersheds and forage for livestock. Conservation can and should go hand-in-hand with the multiple uses that make a forest a more profitable and productive resource for all concerned.

This is an illustration of workable and prudent conservation. It accords with commonsense and the national interest.

We can illustrate what it means in practice by considering some problems relating to the national need for conservation and for development of resources in the field of forestry.

Sixty-seven years ago President Theodore Roosevelt declared:

> The success of homemakers depends in the long run upon the wisdom with which the Nation takes care of its forests.

President Roosevelt understood that taking care of our forests involves more—much more—than just preserving existing forests. The fact about our demand for timber make it clear why the success of our economy as a whole is linked to sound forestry policies.

According to administration projections, we must build 26 million new homes in this decade. This means 2.6 million homes each year, a marked increase over the less than 1.5 million we averaged during the 1960's. Whether we will make this goal is uncertain. It depends upon many things, not least of all upon monetary policies. But if we are even going to come close we are going to need lumber in vast quantities.

Thus the idea of conservation that is applicable to forestry is a dynamic idea geared to meeting an ongoing and increasing demand for timber.

This demand is already huge.

In one year Americans use enough wood to build a boardwalk 10 feet wide and long enough to wrap around the earth 30 times at the equator.

Consider the appetite of just one member of one timber-using community, the publishing industry.

It takes 4,500 tons—9 million pounds—of newsprint to publish one Sunday edition of the New York Times. To produce that newsprint, it takes approximately 6,000 cords of wood. To get that wood might require the selective cutting of forest spruce from approximately 200 acres.

Now these statistics might cause some people to think that American forests are in mortal danger because of the Times pledge to publish "All the news that's fit to print." But it would be depressing—and quite wrong—to think that we must choose between a vigorous press and flourishing forests. We should remember several things.

First, some of the wood—used in America is grown elsewhere. For example, much of our pulpwood comes from Canada.

Second, the growth and harvesting of pulp wood is legitimate forest use that in no way conflicts with a sensible conservation program. On the contrary, it is the essence of meaningful conservation, understood as the sensible use and renewal of resources.

On the question of renewal of resources, there is another confusion that sometimes attaches itself to the word "conservation." Consider the matter of reclamation.

Mankind is not to blame for all pollution.

Soil erosion results in a form of water pollution, and nature inflicts this kind of pollution on itself with no help from man. Although, I might say that sometimes it gets too much help from us. As the President has noted:

> The Missouri River was known as "Big Muddy" long before towns and industries were built on its banks.

Reclamation programs, begun during President Theodore Roosevelt's administration, combat this natural environment problem.

Reclamation programs—including policies of sound soil and water use—do more than just restore balance to nature. They bring a balance to nature that nature never had before, and thereby improve whole regions and areas.

For example, without such reclamation the prosperous sun country of the American southwest would have an abundance of sun and shortages of most other things—including water, people and prosperity. Such programs, which go beyond mere preservation, are important conservation programs.

There is yet another sense in which reclamation programs are important for our national economic well-being. We can illustrate the point with reference to mining.

Currently there are 20,000 strip mines in America using more than 150,000 acres annually. But it is not true that the only way to avoid permanent scars or some other resulting evil is to stop all strip mining. In fact, State mine land reclamation laws, combined with Bureau of Land Management requirements, now insure that 90 percent of mining activity is covered by requirements regarding reclamation of used land. Thus our sensibly evolving mining policies recognize both the increasing national need for raw materials and the intensifying national interest in conservation of land. Here, again, we are using the word "conservation" to mean the sensible use of resources. Thus, when we speak of reclamation as part of the mining cycle, we are not saying that mined land must be restored to its original condition. Rather, we are saying that such land must be restored to usable condition—recognizing that many uses of land are compatible with a reasonable conservation program.

Twenty States have adopted mine land reclamation laws which require that reclamation be treated as part of the mining cycle.

Such a policy recognizes that land reclaimed after mining may be most suited for a purpose entirely different than what it was suited for before mining took place.

If we were not able to correct the effects of mining, there might be substantial public pressure to sharply limit mining activities. Such pressure might have some unintended victims. Consider the following case.

In the early 1960's, thanks largely to the publicity attending the 1960 Democratic Party primary in West Virginia, the Nation became aware of the poverty-stricken condition of many residents of Appalachia. Poverty was especially acute among coal miners. By the beginning of the 1970's, the coal industry was doing much better. There was still poverty in Appalachia, and not all coal miners shared in the increased prosperity. But the well-publicized plight of Appalachia residents was improved, and that was a good thing.

The trouble is that the increased demand for coal, which increased employment and wages, also increased the scale of strip mining, especially in Kentucky. But we have not yet fully mastered techniques of strip mining without disrupting the local ecology. And expensive regulations on coal mining in all its forms might make coal less competitive as an energy source. Thus, we might protect the environment at a direct and severe cost to the long-suffering coal miners.

One thing should be clear. In our complex society, relationships between things and policies are often far more complex than we realize. Because of this, we in Government especially must become more alert to the fact that there are hidden policies in many fields.

A hidden policy exists when a policy designed for one social problem has important ramifications on another social problem.

Let me give an example. When transportation policy calls for building superhighways into cities, this is also a hidden housing policy, because highway construction in these instances is going to displace some residents.

There are probably more hidden environment policies than any other kind. Just as the environment is all around us, a government can hardly turn around without creating a hidden environment policy. When New York City recently raised its subway fares 50 percent without increasing tolls on the tunnels and bridges coming into the city, it was reasonable to expect that some people might drive to work rather than take the increasingly expensive subway. More driving means more exhaust fumes and more air pollution.

Such hidden connections between seemingly unrelated policies and problems can be dangerous if we are not alert. But they can be turned to advantage by skillful planning.

This planning should take advantage of what Roger Starr and James Carlson call cross-commitment.

Mr. Starr is executive director of the Citizen's Housing and Planning Council; Mr. Carlson is an economist for F. W. Dodge Co. They explain their strategy of cross-commitment in an intriguing essay in the Public Interest—winter 1968.

Cross-commitment is the policy of designing two programs which aim at different goals, but which interact in such a way that each promotes the achievement of the other program's goal.

Mr. Starr and Mr. Carlson want to combine a clean waters program with an attack on poverty. This is how it would work in a program to eliminate combined sewer systems in major cities.

Combined sewer systems are systems that unite storm and sanitary sewers into a single system. Heavy rains often cause discharge of considerable raw sewage in water that is not processed by a treatment plant. Thus we could cut down on water pollution in and around cities if we could separate combined sewer systems into separate storm and sanitary systems.

This would be a clear environmental blessing to everyone. It would cost a great deal and Mr. Starr and Mr. Carlson argue that this cost could be a blessing in disguise. They penetrate the disguise with an argument I will explain.

It is common now to separate sanitary and storm sewers in new subdivisions. But it might cost $30 billion to separate them in older urban areas. Sample estimates are that it would cost $160 per resident in Washington, D.C.; $215 in Milwaukee; and $280 in Concord, N.H.

Mr. Starr and Mr. Carlson look upon this expense as a possible instance of crosscommitment between the wars against poverty and pollution. They speak somewhat jokingly about "the economic beauty of sewers" but the point they are making is very serious and what they say deserves quoting at length:

> Of all the major types of construction activity, the one that requires one of the highest proportions of unskilled labor is the placement of sewage lines. Labor Department studies indicate that common laborers account for over 40 percent of all on-site manhours involved in the construction of sewage lines. And on-site wages normally account for between one-fifth and one-fourth of the dollar value of a typical sewage-line contract. Adjusting for the fact that wage rates paid to laborers would be somewhat below the average for all employees on the job, the decision to undertake only the modest $30 billion expense of complete separation of sanitary and storm sewers would result in direct wage payments of around $2.5 billion to unskilled laborers. At an assumed annual wage of $5,000, this could generate half a million man-years of employment. That's enough to provide jobs of one year's duration for three-fourths of all males in the nation who are currently unemployed for five weeks or more.
>
> The point is: Aside from the tremendous benefits that such an undertaking would have in improving the nation's water resources, it could also be a formidable tool in any program bent on eradicating poverty.
>
> Roughly twenty-five cents of every dollar spent on sewer lines or treatment plants goes for direct wage payments. But, more important, almost half of these wages go to unskilled or semi-skilled employees. If putting people to work and the value of the work experience is recognized as a necessary first step in acquiring job skills, then expenditures for construction in this area, coupled with an active recruitment program of the unskilled unemployed, is a very efficient means of getting a lot of people to work in a relatively short space of time.

Mr. President, I feel compelled to add that while this material is used for the sake of illustrating the idea of cross-commitment, I must say personally that the one statement that $30 billion would be a modest expense somewhat cools me off as a member of the Committee on Appropriations. But it also illustrates one thing in this entire environmental problem and that is that we are not going to solve these problems without spending a lot of money.

Mr. President, whether Mr. Starr and Mr. Carlson are correct on this particular matter is a question that could only be settled by extensive and intensive investigation. But one thing is clear.

Their idea of cross-commitment is ingenious and intelligent. It should be examined by all of us as we prepare to embark on large-scale expenditures for environment improvement.

Our resources are limited. Our taxes are high. Our needs are many. Thus, if we can kill two birds with one stone—by attacking two problems or even more than two problems with one appropriation—we should do so.

Further, as we seek ways to implement the strategy of cross-commitment we will be alert to the existence of hidden environment policies, as well as to hidden policies in poverty, transportation, and many other areas.

Actually, we are already prepared to do this. The Cabinet Committee on the Environment, created in 1969, is coordinating departmental activities affecting the environment. This group should help us to be aware of hidden environment policies.

This will encourage clear thinking about environment problems and will enable us to get maximum mileage from our resources.

TRANSACTION OF ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order the Senate will proceed now to the consideration of routine morning business.

VIETNAM REPORT

Mr. YOUNG of Ohio. Mr. President, Americans should know that from January 1961 to March 1, 1970, in North Vietnam, South Vietnam, and Laos approximately 3,200 American warplanes have been destroyed and that during this same period more than 3,500 American helicopters have been destroyed.

Most of these were shot down by enemy action in and over South Vietnam. Some were destroyed on the ground by mortar fire. In the course of the bombing of North Vietnam many of our planes were destroyed by enemy fire before President Johnson stopped bombing north of the 17th parallel.

The results of our bombing targets in North Vietnam did not justify the losses of airmen and destruction of our planes. This, particularly in view of meager damage done by our bombing. American taxpayers should know that the average cost of every airplane destroyed was $2 million and the average cost of every helicopter was $250,000.

This total destruction exceeds $7.275 billion.

Recently in Laos newsmen who eluded our CIA operatives and walked nearly 10 miles through jungle trails observed American fighting men wearing civilian clothes. Even more important, they witnessed our B-52's flying from bases in Laos at 1-minute intervals. Since 1965 our bombers in Laos have hurled a greater tonnage of bombs than were hurled on North Vietnam throughout the entire period we were bombing north of the 17th parallel. It is estimated that our gigantic B-52's have not only bombed the Ho Chi Minh Trail in Laos which extends from North Vietnam along the border of Cambodia and Laos, but we have bombed areas in Laos more than 200 miles distant from the Ho Chi Minh Trail. On these bombing missions which are said to approximate 6,000, our casualties, mostly in airmen killed and missing in combat, are more than 400. In addition approximately 300 have been wounded in Laos. In October 1965 when I was in that underdeveloped country for nearly 10 days our warplanes were disguised. In 1962 and in previous years we had guaranteed the neutrality of Laos. Regardless of that, when I was in every area of this underdeveloped country for several days in 1968 traveling by helicopter throughout the entire length and breadth of Laos I observed then that our warplanes were no longer disguised as I had observed in 1965. We had violated an agreement to maintain Laos as a neutral country in 1965, so we disguised our planes at that time. However, we were openly intervening in a civil war in that unhappy inhospitable land. Furthermore, literally hundreds of CIA operatives were all over the place, calling the shots and conducting the war that we were waging.

ATTORNEY GENERAL JOHN N. MITCHELL'S PROPOSAL OUTRAGEOUS AND UNCONSTITUTIONAL

Mr. YOUNG of Ohio. Mr. President, on reading the first page of the Washington Post of March 10, I was astonished to learn that John N. Mitchell, the Attorney General of the United States, stated that he would ask Congress to permit courts to order fingerprints, voice prints, blood tests, and other identification checks of suspects even before they are formally accused of any offense.

No doubt the Attorney General of the United States was a very skilled lawyer, but his specialty as a partner in the law firm of Nixon, Mudge, Rose, Guthrie, Alexander, and Mitchell, up until the time of his appointment as Attorney General, was passing on the merits of municipal bonds and tax-exempt bonds.

It is evident to me, as former chief prosecuting attorney of Cuyahoga County, Ohio, and as a lawyer who practiced law for more than 40 years in the courts of Ohio, the U.S. courts, and the courts of neighboring States, that Attorney General Mitchell never tried a lawsuit in court in his entire career as a lawyer. Certainly, he does not know anything about criminal law.

Evidently the Attorney General of the United States, Mr. Mitchell, would do very well to read the first 10 amendments to the Constitution of our country, adopted on the demand of those patriots who fought and won the War of Independence and who felt outraged when the first draft of the Constitution, which was drafted by 55 men in Philadelphia, was announced. The first 10 amendments were adopted upon their demand, because of the uproar from the homes of every patriot in colonial times.

In my opinion, Attorney General John N. Mitchell would be well advised to study the fourth, fifth, sixth, and eighth amendments to the Constitution of our country, and then "cool it"—"cool it" a lot. He is advocating that a policeman, without any warrant whatever, be permitted to fingerprint and extract a blood sample from a man or woman accused or suspected of having committed a misdemeanor or some criminal action. This would include anyone taken in on a dragnet operation, in which hundreds of suspects are arrested.

The Attorney General's proposal would allow a policeman to go into the home of one suspected of committing a misdemeanor—driving while intoxicated, speeding, or anything else, then later place him in a lineup, with no charge against him, and have him fingerprinted. This proposal is offensive, unthinkable, and unconstitutional.

Then, under Attorney General Mitchell's program, a suspected person, not willing to go into a lineup or who would not permit a sample of his blood to be taken, could be brought before a judge, even though no charges has been brought against him, and punished for contempt of court.

Mr. President, no doubt this gentleman, in order to have become a partner in a great Wall Street law firm, must be a very well-educated and intellectual man. He might be a good man to be Secretary of Transportation, or in some less important administrative position, but very definitely he is lacking in knowledge of trial procedures.

Mr. President, in that connection, as chief criminal prosecuting attorney of Cuyahoga County for some years, I believed at that time, and very definitely I believe now, that certain punishment, like a shadow, should follow the commission of every act of violence against the laws of our country. We must at all times adhere to the guarantees giving complete civil rights and civil liberties to all Americans. These guarantees have been written into the Bill of Rights of our Constitution. They must be respected.

The proposals made by the Attorney General deserve no consideration. When we read all his statements, we are led to wonder what sort of extremist we have as Attorney General. It is very unfortunate, Mr. President. We do not need new, oppressive, un-American laws. What we need in Washington, what we need in every city in the United States, are more and better law enforcement officers. The policemen are not entirely to blame. Salaries of police officers and other law enforcement officers throughout the Nation should be increased, so that intelligent high school graduates will seek out law enforcement as a career.

In addition to that, in Washington, D.C., and elsewhere, too many judges who are appointed and elected lack integrity and have backbones like jellyfish when it comes to imposing adequate and proper sentences on those who violate our laws.

So let us start with cleaning that up, instead of having the chief law enforcement officer of the entire Nation advocating stupid, unconstitutional practices.

The ACTING PRESIDENT pro tempore. The Senator's time has expired. Is there further morning business?

S. 3579—INTRODUCTION OF THE NEW ENGLAND STATES FUEL OIL ACT OF 1970

Mr. PROUTY. Mr. President, I introduce for appropriate reference a bill to provide sorely needed relief to the citizens of our New England States, who are unfairly forced to pay artificially high prices for home heating fuel as a result of the mandatory oil import program. The bill is entitled the "New England States Fuel Oil Act of 1970." I ask unanimous consent that the text of the bill be printed in the RECORD at the conclusion of my remarks.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD in accordance with the Senator's request.

Mr. PROUTY. Mr. President, I represent a State and a region which depend almost entirely on home heating oil—commonly called "No. 2" home heating oil—to furnish heat during our severe winter months. Over 80 percent of the 11 million people living in New England depend upon oil burners for heating. Although we comprise 6 percent of the Nation's population, we consume 21 percent of all home heating oil consumed in the Nation. We have virtually no natural gas heating and relatively little electric heating. We depend on oil for approximately three-quarters of our total heating needs. Home heating oil is hardly a luxury item in the budget of

New Englanders. It is a necessity vital to the health and well-being of the people.

An adequate supply of heating oil at a reasonable cost is, therefore, of crucial importance to the area.

Yet, Mr. President, New England residents are the captive victims of an unfair system which in recent years has resulted in critical shortages of No. 2 oil during the peak consumption winter months. And the prices which our homeowners must pay for heat are nothing short of outrageous. Retail prices for home heating oil are higher in New England than in any other region of the country. In 1968 New Englanders paid 9 percent more for No. 2 oil than the national average.

During the recent winter of 1969–70, Vermont suffered severe cold weather and snowstorms. The per capita heating oil requirements rose, but the available supply declined.

Mr. President, why are the people of New England subjected to this intolerable and discriminatory burden? We are so severely disadvantaged that the need for relief fairly cries out, for in all good conscience the Congress cannot let this hardship persist for another winter if an answer to our plight can be found.

I believe a solution is available, Mr. President, in the bill I have introduced. Very simply, I propose a law to remedy the inequity arising out of the 1959 Presidential Proclamation No. 3279, which established mandatory oil import restrictions, by permitting the importation into the six-State New England region of all home heating fuel necessary to provide an adequate supply at a reasonable cost. My bill would not alter in any other way the existing quota restrictions.

Although my proposal is only part of the answer, it goes a long way because the mandatory import restrictions are the principal cause of the short supply and high cost of home heating oil in the Northeastern States. That this is so was borne out by the President's Cabinet task force report released last month. The task force determined that the nationwide cost we bear for restricting oil imports is $5 billion. The eastern seaboard States bear the biggest share of this cost, paying $2.1 billion more than they would if controls were lifted.

But even more startling, Mr. President, is the high cost to New England. Whereas the national per capita cost of import restrictions is $24, Vermonters must pay an extra $45; in Maine the figure is $41; in New Hampshire, $39. Mr. President, I ask unanimous consent that a table showing consumer costs in 1969 of the import program in different States be printed in the RECORD to accompany my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. PROUTY. Import controls, as they affect New England, create an obviously artificial and unnatural economic structure, whereby the area with the greatest market for home heating oil pays the highest price.

Why is New England singled out for such harsh treatment, Mr. President? The answer is simply that New England must depend entirely on heating oil produced in distant areas of the country and transported thousands of miles. Because of the import restrictions, we must use domestically produced oil, which at $3.30 a barrel wellhead price exceeds the world market price of $2 by over 30 percent. The New England region has no indigenous sources of crude oil, no oil refineries and no oil pipeline.

What New England needs, Mr. President, is not promises, not study committees and not makeshift solutions, but a rational solution now—in time for suppliers to obtain increased amounts of heating oil for the coming winter, which is only 7 months away.

Mr. President, I want to make it clear that I am not going so far as to propose at this time a total abolition of all import controls. Serious national security issues are at stake which must be carefully weighed. The President's Cabinet Task Force is to be commended for its balanced and thorough review of these issues. The Task Force, which recommends the replacement of the quota system with a tariff system, recognizes the national interest in fostering a safe domestic source of petroleum, and proposes a gradual procedure toward lowering trade barriers. President Nixon has not adopted the Task Force report, choosing instead to make a further review of the present system. It is encouraging that President Nixon did act promptly with respect to some of the Task Force recommendations by establishing an Oil Policy Committee to provide policy management in the administration of the import program.

But, Mr. President, New England cannot sit through another winter awaiting possible relief. We cannot depend on emergency allocations by the Oil Import Appeals Board, which in recent years has given us some, but not nearly enough, relief.

There is no question in my mind, Mr. President, that the present quota system is the culprit. New England depends for delivery of home heating fuel on a large number of independent dealer-distributors. These dealers sell over 70 percent of all of the home heating fuel in New England. Yet, they are severely disadvantaged by the operation of the import restrictions. Although they have an abundance of deepwater terminals which could receive foreign products, they cannot import cheaper foreign oil and must depend on the domestic supply made available by the major Gulf States producers. The quota system disfavors these independents, because it freezes imports at the 1957 level and allocates them according to import history. Thus, only the major, integrated companies can import any substantial amount of heating oil, and the independents must look to the majors for their supply. The independents are thus forced to rely on their competitors for an adequate supply—hardly a situation conducive to price competition.

Moreover, the major marketers, who unlike most independents deal in numerous oil products, do not find home heating fuel as profitable as gasoline and other refined products. They therefore have no special incentive to increase their sales of No. 2 oil to New England, which is located at the far end of geographic supply lines.

Since the imposition of mandatory controls in 1959, importation of all finished petroleum products other than residual fuels has been rigidly limited to about 76,000 barrels per day nationwide, more than one-third of which goes to the Defense Department. This leaves relatively little oil for private use, all of which goes to a few major marketers.

Each year the shortages grow more acute. Between 1968 and 1969, the deficit of demand over supply doubled—from 33 million barrels to 65 million barrels. The present outlook for 1970 is no brighter.

Mr. President, I could spend hours relating the details of this hardship situation. It affects every person in my region. It affects the homeowner in the towns; it affects the farmer in the cold remote countryside. It affects distributors and retailers who have no volume efficiency and often little cash flow because customers cannot always pay their bills right away. It affects the terminal operators who must make up shortages by purchasing oil on the open market at high prices and then pass on the cost to the homeowner.

Mr. President, the situation can be remedied. There is an abundant supply of cheap heating oil in the Caribbean area and in other foreign countries. There are available ports and means of transportation. But the quota system erects a wall between the source of supply and the customers.

I propose to tear down that wall. I propose to give New England the same treatment as the rest of the country.

I do not propose special favors; I am not asking for a special "break"; I am asking only that we equalize an existing inequity.

Mr. President, I intend to press for passage of this bill at the earliest possible time. It would be intolerable if the Congress does not make this measure a priority order of business. I know that many of my colleagues support a needed change, and I believe that every Senator appreciates the problem.

In the meantime, Mr. President, I intend to work on other fronts as well to alleviate New England's plight. I have urged the administration to act on this matter, and I shall continue to press for change. I am hopeful that the newly constituted Oil Policy Committee will also move to alleviate New England's plight.

The time to act is now before we face another hard winter. The need for action is clear.

The bill (S. 3579) to authorize the importation without regard to existing quotas of fuel oil to be used for residential heating purposes in the New England States, introduced by Mr. PROUTY, was received, read twice by its title, referred to the Committee on Finance, and ordered to be printed in the RECORD, as follows:

XUM

S. 3579

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "New England States Fuel Oil Act of 1970."

SEC. 2. The Congress finds that—

(1) the availability of fuel oil for residential heating at reasonable prices should be assured throughout the United States;

(2) fuel oil for residential heating is not available in the New England States at prices comparable to other regions of the United States;

(3) one of the major causes for the comparatively higher price for fuel oil for residential heating in New England is the limitations on imports of petroleum and petroleum products in effect under Presidential Proclamation No. 3279; and

(4) while limitations on imports of petroleum and petroleum products are necessary to the national security, measures must be taken to assure an adequate supply at reasonable prices of fuel oil for residential heating within the New England States.

SEC. 3. For purposes of this Act—

(1) The term "home heating fuel oil" means (A) No. 2 home heating oil and (B) any other refined product of crude petroleum, prescribed by regulations issued by the Secretary, which is used in significant quantities as fuel for heating single family residences.

(2) The term "New England States" means the States of Maine, New Hampshire, Vermont, Massachusetts, Connecticut, and Rhode Island.

(3) The term "Secretary" means the Secretary of the Interior.

SEC. 4. (a) Subject to the provisions of this Act, home heating fuel oil may be imported into the United States for use by ultimate consumers within the New England States without regard to any quantitative limitations or other import restrictions in effect under the authority of section 232 of the Trade Expansion Act of 1962.

(b) Home heating fuel oil may be imported under subsection (a) only—

(1) by or for the account of a person to whom a license has been issued by the Secretary under section 5, and

(2) in accordance with the terms and conditions of such license and with regulations issued by the Secretary under such section.

SEC. 5. (a) The Secretary shall issue licenses for the importation of home heating fuel oil pursuant to this Act. No license may be issued to any person unless such person established to the satisfaction of the Secretary that home heating fuel oil to be imported by him or for his account under such license will be sold for use by ultimate consumers only within the New England States.

(b) The Secretary is authorized to prescribe such terms and conditions for the issuance of licenses under subsection (a) as he determines necessary to assure that home heating fuel oil imported under such licenses will be sold for use by ultimate consumers only within the New England States.

(c) The Secretary is authorized to issue such regulations as may be necessary for purposes of this section.

SEC. 6. (a) The importation of home heating fuel oil under this Act shall not affect the allocation of imports and issuance of licenses under Presidential Proclamation No. 3279, as amended, or, except as provided in subsection (b), any action taken after the date of the enactment of this Act by the President pursuant to the authority conferred on him by section 232 of the Trade Expansion Act of 1962.

(b) No action inconsistent with the provisions of this Act may be taken by the President under section 232 of the Trade Expansion Act of 1962.

EXHIBIT 1.—ESTIMATES OF THE TOTAL AND PER CAPITA CONSUMER COSTS IN 1969 OF THE IMPORT PROGRAM IN DIFFERENT STATES

State	Total State cost (millions of dollars)	Per capita cost (dollars)
District I:		
Connecticut	88	29
Delaware	19	35
District of Columbia	17	21
Florida	153	25
Georgia	113	25
Maine	40	41
Maryland	96	25
Massachusetts	190	35
New Hampshire	27	39
New Jersey	230	32
New York	429	24
North Carolina	134	26
Pennsylvania	295	25
Rhode Island	29	32
South Carolina	63	24
Vermont	19	45
Virginia	119	26
West Virginia	36	20
District II:		
Illinois	245	22
Indiana	139	27
Iowa	83	30
Kansas	58	25
Kentucky	65	20
Michigan	209	24
Minnesota	105	29
Missouri	117	25
Nebraska	43	29
North Dakota	25	39
Ohio	227	21
Oklahoma	58	23
South Dakota	22	33
Tennessee	83	21
Wisconsin	114	27
District III:		
Alabama	67	19
Arkansas	43	22
Louisiana	72	19
Mississippi	47	20
New Mexico	27	27
Texas	256	23
District IV:		
Colorado	47	23
Idaho	27	38
Montana	22	32
Utah	27	26
Wyoming	18	57
District V:		
Alaska	9	33
Arizona	32	19
California	328	17
Hawaii	9	11
Nevada	13	27
Oregon	50	25
Washington	72	22
Total United States	4,848	24

Source: President's Cabinet Task Force Report on Oil Imports.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

PROPOSED LEGISLATION TO AUTHORIZE CERTAIN CONSTRUCTION AT MILITARY INSTALLATIONS

A letter from the Secretary of Defense, transmitting a draft of proposed legislation to authorize certain construction at military installations and for other purposes (with an accompanying paper); to the Committee on Armed Services.

PROPOSED LEGISLATION TO INCLUDE CERTAIN OFFICERS AND EMPLOYEES OF THE DEPARTMENT OF LABOR WITHIN PROVISIONS OF UNITED STATES CODE RELATING TO ASSAULTS AND HOMICIDES

A letter from the Secretary of Labor, transmitting a draft of proposed legislation to include certain officers and employees of the Department of Labor within the provisions of sections 111 and 1114 of title 18 of the United States Code relating to assaults and homicides (with accompanying papers); to the Committee on the Judiciary.

REPORT OF THE BOY SCOUTS OF AMERICA

A letter from the Chief Scout Executive, transmitting, pursuant to law, the 60th Annual Report of the Boy Scouts of America for the year 1969 (with an accompanying report); to the Committee on Labor and Public Welfare.

PETITIONS

The following petitions were presented to the Senate by Mr. PASTORE (for himself and Mr. PELL), and were referred as indicated:

A resolution of the State of Rhode Island and Providence Plantations; to the Committee on Finance:

"S. 60

"Resolution memorializing Congress to increase deductions allowed for mentally retarded and physically handicapped children

"Whereas, There are many physically handicapped and mentally retarded children who are unable to provide for themselves; and

"Whereas, Such unfortunate children oftentimes necessitate additional care and additional expense to their parents; and

"Whereas, Parents who bravely bear this additional burden of caring for their family should be given some assistance from the federal goverment by allowing for a $1,200. per year exemption for each mentally retarded or physically handicapped child; and

"Whereas, Congress should immediately begin a study of the feasibility of extending this helping hand to these parents by conducting public hearings; now, therefore, be it

"*Resolved,* That the general assembly of Rhode Island and Providence Plantation, now requests the congress of the United States to act with dispatch to increase the deductions allowed for mentally retarded and physically handicapped children up to $1,200 per child per year; and be it further

"*Resolved,* That the senators and representatives from Rhode Island in said congress be and they are hereby earnestly requested to use concerted effort to bring about this greatly needed assistance to parents of mentally retarded and physically handicapped children; and the secretary of state is hereby authorized and directed to transmit duly certified copies of this resolution to the president of the senate, and speaker of the house, and the senators and representatives from Rhode Island in said congress."

A resolution of the State of Rhode Island and Providence Plantations; to the Committee on the Judiciary:

"S. 204

"Resolution memorializing the Congress of the United States to adopt a substantial 'off shore limit' of not less than 100 miles

"Whereas, Our local fishing industry and the fishing industries of our neighboring coastal states are suffering financial reverses; and

"Whereas, Fleets from foreign countries are fishing close to our coastline to the detriment of this industry; now therefore be it

"*Resolved,* That the general assembly does memoralize the Congress of the United States to adopt a substantial 'off shore limit' of not less than 100 miles, and be it further

"*Resolved,* That the secretary of state be and he hereby is authorized and directed to transmit duly certified copies of this resolution to the senators and representatives of Rhode Island in the Congress of the United States."

A resolution of the State of Rhode Island and Providence Plantations; to the Committee on Post Office and Civil Service:

"H. 1350

"Resolution memorializing Congress to authorize the issuance of a commemorative stamp in recognition of the 1972 bicentennial anniversary of the Burning of the Gaspee

"*Resolved*, That the members of the Congress of the United States be and they are hereby respectfully requested to authorize the issuance of a commemorative stamp in recognition of the 1972 bicentennial anniversary of the burning of the Gaspee; and be it further

"*Resolved*, That the Secretary of state be and he hereby is authorized and directed to transmit a duly certified copy of this resolution to the senators and representatives from Rhode Island in the Congress of the United States."

A resolution of the State of Rhode Island and Providence Plantations; to the Committee on Public Works:

"H. 1327

"Resolution memorializing the Members of the U.S. Senate and House of Representatives from the State of Rhode Island to make every effort to see that action is taken to build a breakwater in Bristol Harbor in the town of Bristol, Rhode Island

"Whereas, Bristol, Rhode Island has suffered tremendous amounts of damage from past hurricanes, wave and tide action to its industry, business, railroad property, government property, and yachting facilities; and

"Whereas, A public hearing was held on this proposal on December 11, 1957, by the U.S. Army Corps of Engineers; and

"Whereas, Thereupon surveys and plans for this breakwater were made by the U.S. Army Corps of Engineers in 1958; now, therefore, be it

"*Resolved*, That the members of the United States senate and house of representatives from the state of Rhode Island are respectfully requested to take proper action to have such breakwater constructed as soon as possible in Bristol harbor in said town of Bristol, Rhode Island; and be it further

"*Resolved*, That the secretary of state be and hereby is authorized to transmit duly certified copies of this resolution to the Rhode Island delegation in congress."

EXECUTIVE REPORT OF A COMMITTEE

As in executive session, the following favorable report of a nomination was submitted:

By Mr. JORDAN of North Carolina, from the Committee on Rules and Administration:

Adolphus Nichols Spence II, of Virginia, to be Public Printer.

BILLS AND A JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. PROUTY:

S. 3579. A bill to authorize the importation without regard to existing quotas of fuel oil to be used for residential heating purposes in the New England States; to the Committee on Finance.

(The remarks of Mr. Prouty when he introduced the bill appear earlier in the Record under the appropriate heading.)

By Mr. HRUSKA:

S. 3580. A bill to include certain officers and employees of the Department of Labor within the provisions of section 1114 of title 18 of the United States Code relating to assaults and homicides; to the Committee on Labor and Public Welfare.

(The remarks of Mr. Hruska when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. JAVITS:

S. 3581. A bill to revise and reform the program of Federal assistance for local educational agencies in areas affected by Federal activities; to the Committee on Labor and Public Welfare.

(The remarks of Mr. Javits when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. TYDINGS (for himself, Mr. Spong, and Mr. Hollings):

S. 3582. A bill to amend the Act authorizing the waiver of the navigation and vessel-inspection laws in order to require in certain cases that the Secretary of Defense agree that such waiver is necessary in the interest of national defense; to the Committee on Commerce.

(The remarks of Mr. Tydings when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. JAVITS (for himself and Mr. Dominick):

S. 3583. A bill to amend Section 504(a) of the Labor-Management Reporting and Disclosure Act of 1959 by adding to the list of offenses conviction of which bars the person convicted from holding union office; to the Committee on Labor and Public Welfare.

(The remarks of Mr. Javits when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. PEARSON:

S.J. Res. 183. Joint resolution to rename the Department of Agriculture as the Department of Agriculture and Rural Development; to the Committee on Agriculture and Forestry.

(The remarks of Mr. Pearson when he introduced the joint resolution appear later in the Record under the appropriate heading.)

S. 3580—INTRODUCTION OF A BILL TO EXTEND TO CERTAIN INVESTIGATORS FOR THE DEPARTMENT OF LABOR THE PROTECTION OF FEDERAL LAW ENJOYED BY OTHER FEDERAL INVESTIGATIVE EMPLOYEES

Mr. HRUSKA. Mr. President, today I introduce a bill which would extend to certain investigators for the Department of Labor the protection of Federal law which is already enjoyed by many other Federal investigative employees. I offer this bill at the request of the Department of Labor.

Such protection is currently extended by section 1114 and, through reference, by section 111, of the Criminal Code of the United States.

Section 1114 relates to homicides against particular classes of law enforcement and investigative personnel of the United States who are killed in the performance of their duties. Section 111 makes it a Federal crime to assault, resist, impede, oppose, intimidate, or interfere with any person designated in section 1114 while he is engaged in the performance of his duties. Congress has seen fit to extend this protection to Federal judges, U.S. attorneys, FBI agents, and U.S. marshals; certain personnel of the National Park Service, the Bureau of Land Management, the Federal Indian field services, and some employees of the Bureau of Animal Industry of the Department of Agriculture, among others.

This bill simply would grant the same protection to employees of the Labor Department who are assigned investigative, inspection or law-enforcement functions.

These employees would include those conducting investigations under the Fair Labor Standards Act and the Walsh-Healy Public Contracts Act, the Landrum-Griffin Act, the Longshore Safety Amendments and the Welfare and Pension Plans Disclosure Act amendments.

While it is a crime in every State to commit assault against the person, this fact has proved in many instances to be an insufficient deterrent against the commission of assaults against investigative employees of the Department of Labor. The Department of Labor believes that the knowledge that an assault on a Federal investigator would bring in the full force of Federal law, would be a much more effective deterrent.

I ask unanimous consent that the text of the bill, the letter of transmittal and an explanation of the bill furnished by the Department of Labor be printed in the Record following my remarks.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the bill, letter, and explanation will be printed in the Record.

The bill (S. 3580) to include certain officers and employees of the Department of Labor within the provisions of sections 111 and 1114 of title 18 of the United States Code relating to assaults and homicides, introduced by Mr. Hruska, was received, read twice by its title, referred to the Committee on Labor and Public Welfare, and ordered to be printed in the Record, as follows:

S. 3580

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1114 of title 18, United States Code, is hereby amended by striking out "under the Federal Food, Drug and Cosmetic Act" and inserting in lieu thereof "under the Federal Food, Drug and Cosmetic Act, or any officer or employee of the Department of Labor assigned to perform investigative, inspection, or law enforcement functions."

The letter and explanation, presented by Mr. Hruska, are as follows:

U.S. Department of Labor,
Office of the Secretary,
Washington, 1970.

Hon. John W. McCormack,
Speaker of the House of Representatives,
Washington, D.C.
Hon. Spiro T. Agnew,
President of the Senate,
Washington, D.C.

Dear Mr. Speaker; Dear Mr. President: I am enclosing a draft bill to include certain officers and employees of the Department of Labor within the provisions of Sections 111 and 1114 of title 18 of the United States Code relating to assaults and homicides. I am also enclosing a brief statement explaining the purpose and effect of this legislation.

The draft bill was prompted by the need to provide investigatory personnel of the Department of Labor with the same protection against assault and threat of assault that is currently afforded certain other investigatory and enforcement officers of the United States Government. I urge that early favorable consideration be given to this proposal.

The Bureau of the Budget advises that it has no objection to the submission of this proposal from the standpoint of the Administration's legislative program.

Sincerely,

GEORGE P. SHULTZ,
Secretary of Labor.

EXPLANATION OF PROPOSED BILL TO INCLUDE CERTAIN OFFICERS AND EMPLOYEES OF THE DEPARTMENT OF LABOR WITHIN THE PROVISIONS OF SECTIONS 111 AND 1114 OF TITLE 18 OF THE UNITED STATES CODE, RELATING TO ASSAULTS AND HOMICIDES

When the performance of official duties in carrying out the provisions of Federal laws subjects an employee of the Government to the dangers of assaults or homicidal acts by others, there is sound reason for extending to these employees the protection of laws punishing such assaults or homicides as Federal offenses. Such protection has been extended to many such Federal employees by section 1114, and, through reference by section 111, of the Criminal Code of the United States.

Section 1114 relates to homicides against particular classes of law enforcement and investigative personnel of the United States. Section 111 makes it a Federal crime to assault, resist, impede, oppose, intimidate, or interfere with any person designated in section 1114 while he is engaged in the performance of his duties. Among others to whom these safeguards have been extended are Federal judges; certain personnel of the National Park Service, the Bureau of Land Management, and the Federal Indian field services; and some employees of the Bureau of Animal Industry of the Department of Agriculture.

The purpose of the proposed bill is to provide these same protections for officers or employees of the Department of Labor assigned to perform investigative, inspection, or law enforcement functions. Experience has clearly demonstrated the need for extending these protections to Labor Department personnel, such as investigators conducting investigations under the Fair Labor Standards Act and the Walsh-Healey Public Contracts Act, the Labor-Management Reporting and Disclosure Act, the Longshore Safety Amendments, and the Welfare and Pension Plans Disclosure Act Amendments. The broad investigative and law enforcement functions conferred on this Department by these laws make it imperative that the protections of the Federal Criminal Code be extended to the large group of investigators who are now and in the future will be engaged in the performance of these new functions.

The bill would amend section 1114 of title 18 of the United States Code so as to include the Department's personnel assigned to perform investigative, inspection or law enforcement duties. They would thereby receive the protection afforded by section 111 as well.

Assault against the person is a crime in all States. However, the possibility of prosecution for such crime under State law, in many instances, has not provided to be a sufficient deterrent to prevent interference by physical force with Federal employees performing investigative and enforcement duties for the Department of Labor. Persons contemplating interference with a Department investigator, it is believed, will tend to be deterred from such action by an awareness that a violation of a Federal criminal statute will be involved.

In the light of the material increase in the Department's investigative and enforcement functions, the duty of the Federal Government to provide personnel performing these functions with the same protection available to persons engaged in similar activities under other laws of the United States is strongly evident.

S. 3581—INTRODUCTION OF THE IMPACT AID REFORM ACT OF 1970

Mr. JAVITS. Mr. President, I introduce for appropriate reference the Impact Aid Reform Act of 1970, the proposal presented to the Congress by the President as part of his recent message on reforms in Federal programs. This bill provides for reforms in the school impact aid program—Public Law 874—and follows recommendations made in the recently-issued Battelle Report on School Assistance in Federally Affected Areas.

As President Nixon pointed out in his February 26 message to the Congress:

> While saving money for the nation's taxpayers, the new plan would direct Federal funds to the school districts in greatest need—considering both their income level and the Federal impact upon their schools.
>
> Reform of this program—which would make it fair once again to all the American people—would save $392 million in fiscal year 1971 appropriations.

I believe that the Congress should have an opportunity to consider long-overdue reforms to the impact aid program, which was first enacted in 1950. All should agree however the reforms are received, that now that the extensive study authorized by the Congress has been completed the time has finally come to commence action on updating this education aid program which already is stretching beyond $1 billion annually in entitlements. The fact that the reforms suggested are necessarily for the most part complex and technical in nature should not deter us from this task.

I ask unanimous consent that a section-by-section analysis of the bill be printed in the RECORD as part of my remarks.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the analysis will be printed in the RECORD.

The bill (S. 3581) to revise and reform the program of Federal assistance for local educational agencies in areas affected by Federal activities, introduced by Mr. JAVITS, was received, read twice by its title, and referred to the Committee on Labor and Public Welfare.

The section-by-section analysis, presented by Mr. JAVITS, is as follows:

IMPACT AID REFORM ACT OF 1970—SECTION-BY-SECTION ANALYSIS

Section 1

Section 1 of the bill provides that it may be cited as the "Impact Aid Reform Act of 1970."

Section 2

Title I of Public Law 81-874 presently contains the following seven sections:

Section 1.—Declaration of Policy.

Section 2.—Federal Acquisition of Real Property.

Section 3.—Children Residing on, or Whose Parents are Employed on, Federal Property.

Section 4.—Sudden and Substantial Increases in Attendance.

Section 5.—Method of Making Payments.

Section 6.—Children for Whom Local Agencies are Unable to Provide Education.

Section 7.—Assistance for Current School Expenditures in Cases of Certain Disasters.

Section 2 of the bill would strike out sections 1, 2, 3, and 4 of the present title and substitute in their place the provisions more fully described below. Section 2 would also renumber the present sections 5, 6, and 7 as sections 15, 21, and 31, respectively. (These sections are amended in subsequent provisions of the bill.) The following paragraphs describe the provisions of the revised title I as proposed by section 2:

Section 1. *Citation.*—This section would permit the revised title to be cited as the "Federal Impact Aid Act."

Section 2. *Declaration of Policy:* Section 2 of the revised title would declare it the policy of the United States to provide financial assistance to those local educational agencies upon which the United States has placed financial burdens. This declaration is made in recognition of the responsibility of the United States for the impact which Federal activities have upon certain local educational agencies. The language of the new section is similar to that found in section 1 of the present title. However, the new section would eliminate the discussion, contained in the present section, of the nature of the burden imposed by the Federal Government. The present section indicates that Federal responsibility is confined to local agencies situated in the areas in which the impact generating activities are carried out. This reference is omitted in the new section since the impact may extend beyond the immediate geographic areas in which the Federal activities are conducted.

PART A—ASSISTANCE TO LOCAL EDUCATIONAL AGENCIES

The revised title would contain a part A consisting of the following sections:

Section 11. *Determination of Adjusted Number of Federal Impact Pupils:* Section 11 of the revised title provides for the determination of the adjusted number of Federal impact pupils of a local educational agency for a fiscal year. This number is used in the revised title in measuring the burden of Federal activities upon the agency, and, more particularly, in determining whether the agency is eligible for assistance and, if so, the form and amount of that assistance. The adjusted number of Federal impact pupils of a local educational agency for a fiscal year would be determined by adding the following components:

(1) all pupils in average daily attendance during such year at the schools of the agency and residing with a parent on Federal property;

(2) 40 percent of the pupils in average daily attendance during such year at such schools and not residing on Federal property, but either (A) residing with a parent employed on Federal property located in whole or in part in the county or counties in which the school district of the agency is located, or (B) having a parent on duty in the uniformed services; and

(3) 20 percent of the pupils in average daily attendance during such year at such school and not residing on Federal property but residing with a parent employed on Federal property located wholly outside the county or counties in which the school district of the agency is located.

Pupils could not be counted in more than one category.

Section 12. *Assistance to Local Educational Agencies with Greater than Average Concentrations of Federal Impact Pupils:* Subsection (a) of section 12 of the revised title provides that a local education agency is eligible for assistance under that section for any fiscal year in which the adjusted number of its Federal impact pupils exceeds, by more than five, the lesser of the following two numbers:

(A) 1,000 or

(B) a number computed by multiplying by three percent the number of all the pupils in average daily attendance at the schools of such agency for such fiscal year minus its adjusted number of Federal impact pupils for that year. (In effect, the number is equal to three per cent of the agency's adjusted number of *non-Federal* impact pupils i.e., its total average daily attendance minus its adjusted number of Federal impact pupils.)

Subsection (b) of section 12 provides for the computation of the amount to which an eligible agency is entitled for a fiscal year. Under this subsection there must first be determined the excess of the agency's adjusted number of Federal impact pupils over the lesser of the two numbers described in (A) and (B) above. This excess is then multiplied by the payment rate determined under subsections (c) and (d), whichever is applicable. The amount to which an agency is entitled is determined by this computation after the deduction of certain resources of the agency described in subsection (e). In effect, under subsection (b), an agency is required to absorb costs relative to an adjusted number of Federal impact pupils equal to 1,000 or 3 per cent of its adjusted number of *non-Federal* impact pupils, whichever is the lesser.

Subsection (c) of section 12 provides for determining the payment rate to be used in computing entitlements under subsection (b), except in cases where the payment rate is to be determined under subsection (d) (dealing with payment rates for outlying territories and certain States). Under subsection (c) the payment rate for a local educational agency for a fiscal year is an amount equal to 60 per centum of the average per pupil expenditure in the United States which amount must be multiplied by the agency's "effort factor" if that factor is more than 1.00.

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For the purpose of this subsection, the effort factor is to be computed by first dividing the average per pupil expenditure in the applicable State by the per capita personal income in the State, by then dividing the average per pupil expenditure in the United States by the per capita personal income in the United States, and by finally dividing the quotient obtained under the first division by the quotient obtained under the second.

The average per pupil expenditure in a State and in the United States is defined in paragraph (3) of the subsection as the aggregate current expenditures, during the fiscal year preceding the fiscal year for which the computation is made, as estimated by the Commissioner, of all local educational agencies in the State, or in the United States, respectively, plus any direct current expenditures by the State and States, respectively, for the operation of such agencies divided by the aggregate number of pupils in average daily attendance during such preceding fiscal year. The definition is similar to that contained in section 3(d) of the existing statute, except that it would require the use of data from the preceding fiscal year rather than, as at present, the *second* preceding fiscal year.

Subsection (d) provides for determination by the Commissioner of the payment rate for local educational agencies in Puerto Rico, Wake Island, Guam, American Samoa, and the Virgin Islands, or in any State in which a substantial proportion of the land is in unorganized territory for which a State agency is the local educational agency.

Subsection (e) would direct the Commissioner to deduct from the amount to which a local agency was determined to be entitled under subsection (b), (1) the amounts which the agency derived, directly, or indirectly, for the particular fiscal year from taxes, payments in lieu of taxes shared revenues, or other payments, with respect to Federal property (or any improvements or property thereon, any interests therein, or any activity) thereon which is the basis of a determination of an adjusted number of Federal impact pupils for that year and (2) the value of transportation, custodial, or maintenance services furnished to the agency by the United States during that fiscal year. The deductions described would not include special purpose payments made directly or indirectly to the local educational agency by the Federal government, such as under Titles I and III, of the Elementary and Secondary Education Act or the Johnson-O'Malley Act.

Section 13. *Assistance to Local Educational Agencies with Very High Concentrations of Federal Impact Pupils:* Subsection (a) of section 13 provides that a local educational agency is eligible for assistance under that section for a fiscal year if its adjusted number of Federal impact pupils (computed on the basis of average daily membership in lieu of average daily attendance) for that year exceeds 50 per cent of the average daily membership of all its pupils for that year. An agency eligible for assistance under section 13 is not eligible under section 12.

Subsection (b) of section 13 provides that the Commissioner may pay to a local educational agency eligible under section 13 for a fiscal year an amount equal to (1) the current expenditures that the Commissioners determines to be necessary to provide a reasonable standard of free public education for such year in the school district of such agency less (2) the amount determined to be available for that purpose from local, State, and other Federal sources, for that year including the amount which would be so available if the agency were to levy taxes on its taxable property at the average tax rate of the State on equalized assessed valuation. The amount necessary to provide a reasonable standard of free public education in any agency is to be determined after consultation with the such agency and with the applicable State educational agency and consideration of standards in comparable school systems of the State or of other school systems in that State or another State whose schools the pupils in the school district of the particular agency have attended or may attend. The subsection also provides that a local agency may not receive assistance thereunder unless the eligibility of such agency for State aid with respect to the education of children residing on Federal property and the amount of such aid is determined on a basis as favorable as that used with respect to the free public education of children in the State.

Subsection (c) of section 13 provides that the level of current expenditures determined under subsection (b) shall not be less than 85 per cent of, nor exceed by 25 per cent, the average per pupil the expenditure in the preceding fiscal year (1) in the particular State or (2) in the 50 States of the Union and the District of Columbia, whichever is greater.

Section 14. *Sudden and Substantial Increases and Decreases in Attendance:* Subsection (a) of section 14 of the revised title would apply to a local educational agency if the Commissioner determined, after consultation with the affected State and local educational agency, that an increase in the adjusted number of Federal impact pupils has increased by 10 per cent or more the average daily attendance of all pupils of that agency as compared with such attendance during the preceding fiscal year. Such an agency would be eligible for assistance under the section if the Commissioner determined that the agency is making a reasonable tax effort and is exercising due diligence in availing itself of State and other financial assistance but is unable to meet the increased educational costs involved. Such an agency would be eligible to receive from the Commissioner for the applicable fiscal year additional assistance based on the number of pupils in average daily attendance determined to be the increase for such year (adjusted in accordance with section 11 with respect to Federal impact pupils). This number would be multiplied by the current expenditure per pupil necessary to provide free public education for such additional pupils less the amount per pupil which the Commissioner determined to be available for that purpose from State, local, and Federal sources.

Pursuant to subsection (b) of section 14, if the number of federally connected children to be provided free public education by a local educational agency has been substantially reduced because of a decrease in or cessation of Federal activities or an expected increase has not materialized because of a failure of such activities to occur, and the agency has made preparations, reasonable in the light of available information, to provide free public education for such federally connected children, then the amount for which that local educational agency is otherwise eligible shall be increased to an amount for which, in the judgment of the Commissioner, the agency would have been eligible but for such decrease in or cessation of Federal activities or the failure of such activities to occur less such reduction in current expenditures which the agency has effected, or reasonably should have effected, under the circumstances.

Section 3

Section 3 of the bill would make amendments to renumbered section 15 (presently section 5) of title I of Public Law 81–874. It would eliminate the present section 5(d)(2) which precludes impact aid payments under Public Law 874 to local agencies in States which take into account such payments in determining the eligibility for, or the amount of, State aid with respect to free public education. It would also eliminate the present section 5(c) relating to adjustments where necessitated by appropriations, which is treated in a separate section of the revised title.

Subsection (c) of section 15 of the revised title, as amended by paragraph (4) of section 3 of the bill, would permit eligibility requirements under part A of the revised title to be determined on the basis of estimates but permit underestimates to be later corrected.

Subsection (e) of section 15 of the revised title, as added by paragraph (6) of section 3 of the bill, would prohibit payments to a local educational agency if that agency or the State in which it is situated prohibits the expenditure of State or local tax revenues for the free public education of federally connected children (such as children living on Federal property) or refuses to allocate such revenues on an equitable basis for such education. The operation of this provision could be waived for up to 3 years if the State is determined to be taking reasonable steps to come into compliance. In such a case the penalty provisions of the present section 6(f) of PL. 81–874 would be applied during the 3-year period.

Subsection (a) of the present section 5 (pertaining to applications), subsection (b) (pertaining to payments), and subsection (d)(1) (pertaining to adjustments in case of overall reductions in State expenditures) are retained as subsections of section 15 of the revised title, with appropriate changes in cross-references as set forth in paragraphs (2), (3), and (5) of section 3. Paragraph (7) of the section amends the section heading to read: "Method of, and Limitations on, Payment."

Section 4

Section 4 of the bill would add to part A of the revised title I of Public Law 81–874 a new section 16 and a new section 17, described below.

Section 16. *Waiver of Eligibility and Ab-*

sorption Requirements in Special Cases: Section 16 of the revised title would permit the Commissioner, in order to facilitate a reorganization, consolidation, or merger of local educational agencies, offering a prospect of reduced payments under part A of the revised title, to waive for a period of up to 7 years the eligibility and absorption requirements with respect to the adjusted number of Federal impact pupils contained in sections 12(a) and 12(b) of the revised title.

Subsection (b) of section 16 would authorize the Commissioner to waive such requirements in order to avoid inequities defeating the purpose of the part.

Section 17. *Adjustments Where Necessitated by Appropriations:* The new section 17 makes provision for adjustments in the event appropriations are insufficient to pay amounts which the Commissioner determines will be payable under part A and B of the revised title. Priority would be given first to amounts payable under the new Part B (sections 21 and 22), relating to children for whom local agencies are unable to provide education and commitments for assistance with respect to certain transfers; second, to amounts payable under section 13, relating to assistance to local educational agencies with high concentrations of Federal impact pupils; and third, to section 12 entitlements with respect to Federal impact pupils residing with a parent on Federal property. Any remaining funds would be applied to all other entitlements on a pro rata basis.

Section 5

Section 5 of the bill would amend the present section 6 (to be redesignated as section 21) of Public Law 874 by eliminating the requirement (known as the Quantico Amendment) of a joint determination with the Secretary of a military department concerned that a local educational agency is able to provide suitable free public education for children residing on a military installation before terminating the arrangements made by the Commissioner for the education of such children.

Section 5 would also repeal the penalty provisions of subsection (f), subject to the provisions of new section 15(e) (as added by 3 of the bill) in cases which the Commissioner waives for a three year period the requirements of paragraph (1) of that subsection.

Paragraph (4) of section 5 of the bill would insert in section 21 a new subsection (f) under which the Commissioner would be given up to July 1, 1974 to terminate arrangements under Section 22 for the education of federally connected children in the Continental United States and Hawaii, except with respect to such children for whom no local agency is able or willing, as determined by the Commissioner, to provide suitable free public education. On that date his authority to make such arrangements in those areas would expire, except with respect to children educated under the Section for whom no local agency has undertaken to provide suitable free public education.

Section 22 of the revised title authorizes the Commissioner to pay, for a period of up to 7 years, to a local educational agency, which undertakes to provide education for federally connected children who otherwise would be covered under Section 21, an amount per pupil not in excess of the estimated cost of providing such education under arrangements by the Commissioner (pursuant to present section 6 of Public Law 874). Such payments would be paid out of the appropriation available for the year for which such payments are made.

Section 5(a)(5) of the bill designates sections 21 and 22 as "Part B" of the revised title.

Section 6

Section 6 of the bill would add at the end of the revised title a new section 41 authorizing the appropriation of such sums as may be necessary for the fiscal year ending June 30, 1971 and for each succeeding fiscal year in order to carry out the title.

Section 7

Section 7 of the bill would amend the statutory definitions in title III of Public Law 81–874 in the following respects:

Paragraph (1) of the section would limit the term "Federal property" to property situated in a State, thus excluding property in foreign countries.

Paragraph (2) would exclude from the definition of "Federal property" two categories found in present law: property which the United States has sold or transferred and which was Federal property prior to such sale or transfer (present sec. 303(1)(B)) and flight training schools owned by a State or its political subdivision (present sec. 303 (1)(C)).

Paragraph (3) would amend the definition of Federal property to exclude property of a character not taxed under State law if owned or leased by other than the United States.

Paragraph (4) would add to the definition section a definition of "Pupil". The term would be defined as a child for whom a local educational agency provided free public education during the applicable fiscal year.

Paragraph (5) would amend the definition of "free public education" so as to exclude from that term education provided beyond the twelfth grade.

Paragraph (6) would make an appropriate change in cross-references in the definition of "average daily attendance."

Section 8

Subsection (a) of section 8 of the bill would make the amendments made by the bills effective with respect to entitlements for local educational agencies for fiscal years beginning after June 30, 1970.

Subsection (b) of section 8 provides that if a local agency establishes to the satisfaction of the Commissioner (A) that payments to such agency made under part A of the revised title I of Public Law 874 for fiscal year 1971 will be less than the payments which would have been made for such year under sections 2, 3, and 4 of such title as in effect prior to the enactment of the Impact Aid Reform Act of 1970 and (B) that such difference exceeds two per cent of the total current expenditures of such agency for elementary and secondary education from all sources during fiscal year 1970, then payments under the revised title will be increased by such excess.

S. 3582—INTRODUCTION OF A BILL TO AMEND THE ACT AUTHORIZING THE WAIVER OF THE NAVIGATION AND VESSEL-INSPECTION LAWS

Mr. TYDINGS. Mr. President, the strange story of the *Sansinena* continues. The *Sansinena* is the 66,000-ton foreign flag tanker which on March 2, for no apparent reason and without explanation, received an unprecedented waiver from the Secretary of the Treasury permitting the ship to ply in the lucrative, domestic coastal trade.

Under the law only U.S.-built and U.S.-registered vessels can serve between American ports. Exception to this requirement is permitted by waiver if it is found to be in the "interest of national defense." By transferring this tanker from the foreign trade market where it is, relatively speaking, a small ship to the domestic trade, where it would be the sixth largest tanker in the U.S. flag fleet, the value of the ship is increased some $5 million.

Thus by a stroke of the pen, a multimillion dollar windfall was created.

Beneficiaries of this unusual transaction are either the owner of the vessel, the Barracuda Tanker Corp. of Bermuda, or the company to which the ship is time chartered, the Union Oil Co. of California.

That the granting of the waiver was not explained is outrageous. That the waiver tends to destroy the integrity of the Jones Act, the 1920 legislation that codified our traditional sabotage laws and whose weakening will devastate our shipbuilding industry is intolerable. That the waiver runs counter to the administration's rhetoric of revitalizing our merchant marine is curious.

Yesterday the Secretary announced that the waiver was "suspended." This sudden about face raises more questions than it answered. In any case, it should have been rescinded, not suspended. I again urge Senate review of the entire situation.

The authority for granting a waiver is found in an act of December 27, 1950. This can be located as a historical note preceding 46 U.S.C. 1. The provision reads:

> The head of each department or agency responsible for the administration of the navigation and vessel-inspection laws is directed to waive compliance with such laws upon the request of the Secretary of Defense to the extent deemed necessary in the interest of national defense by the Secretary of Defense. The head of such department or agency is authorized to waive compliance with such laws to such extent and in such manner and upon such terms as he may prescribe, either upon his own initiative or upon the written recommendation of the head of any other Government agency, whenever he deems that such action is necessary in the interest of national defense.

The Secretary of the Treasury was thus well within the law. What is questioned is not the legality of his action, just the wisdom.

As now written the provision allows the head of an agency or department "responsible for the administration of the navigation and vessel-inspection laws" to determine what is in the "interest of national defense" and issue the waiver by himself without either consulting the Secretary of Defense as to what constitutes the "interest of national defense" or holding a hearing to provide the opportunity for interested parties to express their views. The official can thus act unilaterally, running roughshod over those who might oppose the waiver and without even a by-your-leave of the Secretary of Defense, who, after all, is responsible for the Nation's security, and thus should know what constitutes the "interest of national defense."

I do not think this is a proper procedure. I do think we should prevent the possibility of another *Sansinena* incident occurring.

Given the scope of maritime affairs, a reasonable man will accept the need for officials other than the Secretary of Defense to issue the waiver, although we must remember to distinguish "national defense" from "national interest."

Yet a reasonable man will quickly see the need for a written determination by the Secretary of Defense that the "interest of national defense" is involved The Secretary of the Treasury, or the Secretary of Commerce should not be defining what a national defense interest is. This is properly the responsibility for the Secretary of Defense.

A reasonable man will also see the need for the opportunity to present opposing or supporting views when the granting of a waiver is under consideration by an official other than the Secretary of Defense. We live in a democracy where the presentation of contrary or similar views to officials is a basis of government. Such an opportunity must be provided for here since the consequences of issuing a waiver are significant. To those who dispute this need or consequences, I point to the *Sansinena.*

I am, therefore, introducing a bill designed to insure that when a waiver to the Jones Act is under consideration by an official other than the Secretary of Defense, a public hearing must be held and a "written determination" by the Secretary of Defense that such waiver is in the interest of national defense must be obtained.

This language should prevent another *Sansinena* incident from occurring.

I ask unanimous consent that the bill be printed in the RECORD.

I also ask unanimous consent that an article from the New York Times be printed in the RECORD.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the bill and article will be printed in the RECORD.

The bill (S. 3582) to amend the act authorizing the waiver of the navigation and vessel-inspection laws in order to require in certain cases that the Secretary of Defense agree that such waiver is necessary in the interest of national defense, introduced by Mr. TYDINGS (for himself and other Senators), was received, read twice by its title, referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

S. 3582

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first section of the Act entitled "An Act to authorize the waiver of the navigation and vessel-inspection laws," approved December 27, 1950 (64 Stat. 1120) is amended in the second sentence by inserting "(1) after public hearings" after "whenever" and by inserting before the period at the end thereof a comma and the following: "and (2) the Secretary of Defense agrees in a written statement that such action is necessary in the interest of national defense."

The article, presented by Mr. TYDINGS, is as follows:

WASHINGTON: ON THE ART OF BACKING INTO THE FUTURE

(By James Reston)

WASHINGTON, March 10.—Watching the Nixon Administration in action these days is a little like watching a good defensive football team. Mr. Nixon isn't very exciting, but he keeps the opposition off balance and he has mastered the art of the tactical retreat.

Two actions in recent days illustrate the point. When Secretary of the Treasury Kennedy was charged with approving a ruling that would have meant a million-dollar bonanza for a shipping company formerly headed by a White House aide, the President didn't wait more than a few hours before seeing that the ruling was suspended.

He waited longer before acting to spike the criticism that he was fighting a concealed war in Laos, but he did come out with two statements giving the precise number of men fighting there and defining the extent and the limits of their military activities.

NIXON'S TRADEMARK

These protective moves to correct wrong decisions or dangerous situations don't always satisfy his critics—as they have not in either of the above cases—but they limit the damage and keep the infection (or the truth, according to your view) from spreading.

This, in fact, is almost becoming the trademark of this Administration. Occasionally, it will grab the ball and throw the long bomb, as in its imaginative forward move on the welfare front, but usually it is on the defensive, backing into the future, watching its flanks and staving off disaster.

Mr. Nixon is not like Lyndon Johnson, who tended to get stubborn when he was challenged, and gave up nothing until he had to give up everything, including the White House. Mr. Nixon avoids sharp confrontations when he is vulnerable and retreats to more tenable ground, where he proclaims he has just made a spectacular advance.

This is what he did, under pressure, when he began pulling out of Vietnam, cutting the defense budget, limiting the antiballistic missile program, reducing U.S. commitments overseas, cutting the liberal majority on the Supreme Court, and lowering his voice.

NIBBLE AND SLIDE

It is a policy of nibble and slide. He is a master at identifying and exploiting the popular grievances and conservative tendencies of the day, and he is edging the country to the right, but he seldom lurches or leaps enough to startle the people.

Most everything is a little less war, a little slower inflation, a little less employment, a little less integration, all presented with elaborate sincerity, as a great deal of progress.

For admirers of the political art, who are numerous in the capital of the United States, this is gamesmanship of a very high order. His timing and his moves are so professional that he not only gets credit for generosity and compromise, but almost for inventing the idea of peace in Vietnam, friendship with the Russians, and clean water, clean air and clear living at home.

THE TWO MONSTERS

If it works, Mr. Nixon will be recognized as one of the most skillful politicians of the age. He is engaged in two extremely important and delicate operations: to cut America's losses in Vietnam and its commitments elsewhere in the world without stumbling into another era of isolation; and to fight the inflation at home without stumbling into another economic depression.

To control these two crucial movements abroad and at home, with an opposition Congress, a divided Republican party, a militant minority of students and blacks on the left, and a disgruntled minority of radicals on the right will take all the skill he has and can muster.

PUT IN UNITAS

What he has done so far is to avoid the worst of the booby traps by adept footwork. His defensive tactics have kept him on his feet, which is quite an achievement, but the main things are not that he has cut back a little in Vietnam, and slowed down the rate of inflation a little at home, and disclosed some of the facts in Laos, and rescued President Pompidou at the Waldorf, but that he is still trapped in Vietnam and Laos, caught with both rising inflation and unemployment, and facing a mounting crisis with the spread of Soviet power in the Middle East.

Everybody is saying that Mr. Nixon is doing better than they expected, which proves the success of past failures; but tactical retreats have their limitations. At some point he is going to have to take the ball and act like Johnny Unitas.

SENATE JOINT RESOLUTION 183—INTRODUCTION OF A JOINT RESOLUTION TO RENAME THE DEPARTMENT OF AGRICULTURE AS THE DEPARTMENT OF AGRICULTURE AND RURAL DEVELOPMENT

Mr. PEARSON. Mr. President, I introduce a joint resolution to change the name of the Department of Agriculture to the Department of Agriculture and Rural Development. Agriculture and agriculturally related programs constitute the bulk of the Department's activities, and this will continue to be the case. However, an increasingly significant part of the Department's activities may be more properly described as rural development programs. These programs have grown in number and importance in recent years.

In the last few years the Farmers Home Administration has been making more and more housing loans to residents in cities of under 5,500 population. And in the current fiscal year the Farmers Home Administration authority for housing was nearly doubled. During the last 4 years the Farmers Home Administration has been authorized to make grants and direct and insured loans to rural towns and cities for the development of water and waste disposal systems.

The Rural Electric Administration not only serves farmers but also a number of small rural towns and is increasingly involved in rural community development efforts.

The Farmer Cooperative Service has a community development division which has considerable potential for solid achievement.

The Federal Extension Service has now been charged with new responsibilities in assisting small towns and cities to plan development projects.

The newly created resource conservation and development project within the Soil Conservation Service, has considerable potential for stimulating community development efforts. Likewise, the rural area development program with the Forest Service is involved in community development efforts.

These and other programs are of such significance that the title of the Department of Agriculture is no longer really appropriate. In other words, given the functions now performed, the title of Department of Agriculture and Rural Development already is much more proper.

But, Mr. President, I would also sug-

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gest that without in any way reducing attention to agricultural matters, the Department should be expanding its rural development overall roll.

Certainly, if we are to achieve a more reasonable rural-urban balance a number of old programs will have to be strengthened and a number of new programs will have to be created. And surely a good number of these would properly fit within the overall jurisdictional responsibility of a Department of Agriculture and Rural Development.

The President's Rural Affairs Task Force has recommended expanded responsibility for the Department in the area of rural development. I intend to suggest several program changes at a later date.

Thus, given the activities of the Department of Agriculture at the present, and, particularly in view of the expanded functions it is likely to be charged with in the future. I believe that it is most appropriate that the Department's name be changed as I have proposed here today.

This change in title would not only serve to better describe the functions of this great Department but it would also, I think, in an intangible way, help to focus attention on what I consider to be one of the greatest challenges this Nation is facing today; namely, the expansion and improvement of economic, social, and cultural opportunities in rural America. Several departments will be involved in this great effort but surely the Department of Agriculture will play a significant role.

Having emphasized the great importance of the Department's rural development function I want to stress my firm belief that the attention to agricultural matters should in no way be diminished. Indeed, in discussing the policy objectives of rural development I always point to the need for renewed efforts to strengthen the family farm system. The family farm is not only a desired social institution, it is also the economic base on which so many of our rural towns rest. Thus a healthy family farm agriculture is an integral part of the rural development movement.

Thus in recommending a change in name we simply recognize the expanded functions of the Department. I do not propose a shifting of attention from agricultural matters. Indeed, I would vigorously oppose such a move.

Mr. President, I ask unanimous consent that the resolution be printed in the Record.

The ACTING PRESIDENT pro tempore. The joint resolution will be received and appropriately referred; and, without objection, the joint resolution will be printed in the Record.

The joint resolution (S.J. Res. 183) to rename the Department of Agriculture as the Department of Agriculture and Rural Development, introduced by Mr. Pearson, was received, read twice by its title, referred to the Committee on Agriculture and Forestry, and ordered to be printed in the Record, as follows:

S.J. Res. 183

Whereas the Department of Agriculture is and should continue to be primarily concerned with farmers and ranchers, with providing the American people with abundant supplies of food and fiber, and with agricultural matters generally; and

Whereas in recent years the scope of the Department of Agriculture's functions have necessarily been broadened to include rural development functions which in the traditional sense may not be considered agricultural; and

Whereas the functions of the Department of Agriculture and the scope of the programs administered by it are no longer limited strictly to agriculture; and

Whereas the present name of the Department of Agriculture is not totally descriptive of the department's functions, activities, and programs: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Department of Agriculture is hereby renamed the Department of Agriculture and Rural Development.

Sec. 2. All laws, orders, regulations, and other matters relating to the Department of Agriculture or the Secretary of Agriculture shall, on and after the date of enactment of this joint resolution, be deemed to relate to the Department of Agriculture and Rural Development and to the Secretary of Agriculture and Rural Development, respectively; and by any law, order, regulation, or other matter which makes reference to any other officer or employee of the Department of Agriculture shall, on and after the date of enactment of this joint resolution, be deemed to refer to such officer or employee as an officer or employee of the Department or Agriculture and Rural Development.

ADDITIONAL COSPONSORS OF BILLS

S. 3388

Mr. GRIFFIN. Mr. President, at the request of the Senator from Pennsylvania (Mr. Scott), I ask unanimous consent that, at the next printing, the names of the Senator from Montana (Mr. Mansfield), the Senator from Vermont (Mr. Prouty), the Senator from Massachusetts (Mr. Brooke), the Senator from Nebraska (Mr. Curtis), the Senator from Alaska (Mr. Gravel), the Senator from Oregon (Mr. Packwood), the Senator from Kansas (Mr. Dole), the Senator from West Virginia (Mr. Randolph), the Senator from Pennsylvania (Mr. Schweiker), and the Senator from Illinois (Mr. Percy), be added as cosponsors of S. 3388, to establish an Environmental Quality Administration.

The PRESIDING OFFICER (Mr. Schweiker). Without objection, it is so ordered.

S. 3417

Mr. McGEE. Mr. President, I ask unanimous consent that, at the next printing, the names of the Senator from Montana (Mr. Mansfield), the Senator from Alaska (Mr. Stevens), the Senator from Kansas (Mr. Dole), the Senators from Utah (Mr. Moss and Mr. Bennett), the Senator from South Carolina (Mr. Thurmond), the Senator from Arizona (Mr. Fannin), the Senator from Mississippi (Mr. Eastland), the Senator from Texas (Mr. Yarborough), and the Senator from Pennsylvania (Mr. Schweiker) be added as cosponsors of S. 3417, to amend the Gun Control Act of 1968, to permit the interstate transportation and shipment of firearms used for sporting purposes and in target competitions.

The PRESIDING OFFICER (Mr. Schweiker). Without objection, it is so ordered.

S. 3505

Mr. McGOVERN. Mr. President, I ask unanimous consent that, at the next printing, the names of the Senator from Idaho (Mr. Church), the Senator from Utah (Mr. Moss), and my name be added as cosponsors of S. 3505, to amend the Land and Water Conservation Act.

The PRESIDING OFFICER (Mr. Schweiker). Without objection, it is so ordered.

S. 3522

Mr. JAVITS. Mr. President, I ask unanimous consent that, at its next printing, the names of my colleague from New York, Mr. Goodell, and the Senator from Oregon (Mr. Hatfield) be added as cosponsors of S. 3522, the Motor Vehicle Disposal Act.

The PRESIDING OFFICER (Mr. Schweiker). Without objection, it is so ordered.

S. 3528

Mr. McINTYRE. Mr. President, I ask unanimous consent that, at the next printing, the names of the Senator from Alabama (Mr. Sparkman), the Senator from Washington (Mr. Magnuson), the Senator from Michigan (Mr. Hart), the Senator from Ohio (Mr. Young), the Senator from Texas (Mr. Yarborough), the Senator from Pennsylvania (Mr. Scott), the Senator from Hawaii (Mr. Inouye), and the Senator from Illinois (Mr. Percy) be added as cosponsors of S. 3528, to amend the Small Business Act to encourage the development and utilization of new and improved methods of waste disposal and pollution control; to assist small business concerns to effect conversions required to meet Federal or State pollution control standards; and for other purposes.

The PRESIDING OFFICER (Mr. Hughes). Without objection, it is so ordered.

S. 3541

Mr. HRUSKA. Mr. President, I ask unanimous consent that, at the next printing, the names of the senior Senator from South Carolina (Mr. Thurmond), the senior Senator from Texas (Mr. Yarborough), and the junior Senator from Rhode Island (Mr. Pell) be added as cosponsors of S. 3541, the amendments to the Omnibus Crime and Safe Streets Act of 1968.

The PRESIDING OFFICER (Mr. Schweiker). Without objection, it is so ordered.

S. 3546

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from Michigan (Mr. Hart) be added as a cosponsor of S. 3546, to amend the Clean Air Act.

The PRESIDING OFFICER (Mr. Hughes). Without objection, it is so ordered.

S. 3560

Mr. COOK. Mr. President, I ask unanimous consent that, at the next printing, the name of the distinguished Senator from Arizona (Mr. Fannin) be added as a cosponsor of S. 3560, to provide for lowering the minimum age at which citizens shall be eligible to vote in elections.

The PRESIDING OFFICER (Mr. Schweicker). Without objection, it is so ordered.

ADDITIONAL COSPONSOR OF A JOINT RESOLUTION

SENATE JOINT RESOLUTION 147

Mr. ALLEN. Mr. President, I ask unanimous consent that, at the next printing, my name be added as a cosponsor of Senate Journal Resolution 147, proposing an amendment to the Constitution of the United States extending the right to vote to citizens 18 years of age or older.

The PRESIDING OFFICER (Mr. Montoya). Without objection, it is so ordered.

SENATE RESOLUTION 368—RESOLUTION SUBMITTED TO EXPRESS THE SENSE OF THE SENATE ON ARMED FORCES IN LAOS

Mr. FULBRIGHT submitted a resolution (S. Res. 368) to express the sense of the Senate on Armed Forces in Laos, which was referred to the Committee on Foreign Relations.

(The remarks of Mr. Fulbright when he submitted the resolution appear later in the Record under the appropriate heading.)

SENATE CONCURRENT RESOLUTION 57—CONCURRENT RESOLUTION SUBMITTED REQUESTING THE CHIEF JUSTICE OF THE UNITED STATES TO MAKE AN ANNUAL APPEARANCE BEFORE A JOINT SESSION OF CONGRESS

Mr. BAYH. Mr. President, the work of the Federal courts in this country has been outstanding. For nearly 200 years, our Federal judiciary has demonstrated extraordinary vigor and strength in protecting society as a whole and the basic rights of individuals.

But there is now increasing concern about the needs of our Federal judiciary—concern about the unprecedented increase in civil and criminal litigation and other serious and wide-ranging problems. It is obvious that the courts require greater public scrutiny as well as more effective planning for their needs by the other branches of our Government.

In the belief that Congress can meet its constitutional obligation as a coordinate branch of the Government more fully by clearly determining the needs of the Federal judiciary, Senator Kennedy and I are submitting the following resolution: That Congress respectfully request the Chief Justice of the United States to appear annually before a joint session of the Congress to report on the state of the Federal judiciary. Congressman Allard Lowenstein, of New York, has already introduced a similar resolution in the House.

Such a "state of the judiciary" message, we believe, would enable both Congress and the public to become fully informed, from year to year, about the work and the progress of the Federal courts of our Nation. Such a plan would contribute materially to a better understanding among the three great branches of our Government.

It is time that the problems of our judicial system be presented, both to Congress and to the country, at the highest level. Not only does the work of the judiciary need explaining to the country as never before, but a new and frightening set of figures on the growth of litigation in the Federal courts bears witness to the need for long-range planning and congressional action.

The caseload in the Federal courts has reached an alltime high. Continuing a trend begun 10 years ago, new filings in the courts of appeals increased again in fiscal 1969—12.4 percent over the year before. Both the number of appeals docketed and the number pending have more than doubled in just 7 years. Until fiscal 1969, new filings in the Federal district courts had remained fairly constant for a number of years. Then last year, the combined civil and criminal cases newly docketed rose 8.4 percent over the year before.

Overall, both the courts of appeals and the district courts faced an across-the-board increase in judicial business in fiscal 1969 of approximately 10 percent. Pending caseloads increased 19 percent in the courts of appeals and 7 percent in the district courts.

Myriad problems stem from these heavy caseloads. There are too few judges, too few courtrooms, too few supporting personnel. It takes too long to prepare transcripts and records. Delays in criminal cases directly affect the fight against crime as well as the fair administration of justice, and delays in civil cases make the cost and inconvenience of litigation virtually prohibitive in many instances. Problems of bail, probation, judicial disability, the protracted case, and a hundred other subjects plague our courts. It would take an entire issue of the Congressional Record merely to list the litany of horrors inherent in the litigation and appeal of cases today.

I do not mean to imply that progress has not been achieved or that substantial changes are not taking place. On the contrary, new innovations are constantly being made, and dedicated men all over the country are striving for new and better answers. My colleague, Senator Tydings, of Maryland, has done an outstanding job in this area in his Subcommittee on Improvements in Judicial Machinery. The Chief Justices and the Judicial Conference of the United States have given much of their valuable time to the question of judicial problems and judicial improvements.

But the point that needs to be made is that neither the problems nor the answers are being brought into focus for the country and the Congress, and action is seldom galvanized even in the face of emergencies.

An annual address to the Congress by the Chief Justice might well allow the country its first realistic look at the state of its judiciary, pinpoint current and long-range problems, suggest solutions as well as areas for study, and motivate the Congress to effective action. An address by the Chief Justice would tend to focus everyone's attention on the priority items.

His address could range over as broad a field as the courts encompass. The entire problem of criminal sentencing, for example, would seem ripe for review. Programs for referees in bankruptcy and probation officers might be proposed. The issue of multidistrict cases still has not been finally resolved. Even a partial list of the table of contents of a recent Senate report indicates the extremely serious and wide-ranging nature of its recommendations, all of which might be commented upon by the Chief Justice: U.S. commissioner system; Federal jury selection legislation; appellate review of sentences; omnibus judgeship bill; National Law Foundation; administrative reforms in the Federal courts; preventive detention; and judicial disability, retirement, and tenure. These matters affect the entire country. They should properly be the concern of all of us.

The present system of presenting such matters to Congress is both unbecoming and unproductive. Suggested changes usually emanate from a committee of the Judicial Conference. They then follow a long and tortuous route through the offices of the Vice President, the Speaker of the House of Representatives, various Senate and House committees, and culminate in time-consuming congressional hearings that seldom attract the public attention they deserve.

And all too often, our judges are overly timid in their pleas for help and base their request to Congress on past problems rather than projections.

A well-constructed, well-supported, forceful, and public presentation to the Congress would enable the Chief Justice to draw attention not only to the needs and problems of the immediate future, but of the years ahead, the decade beyond. Such an address would be a dignified approach from the head of one coordinate branch of Government to the branch responsible for both legislation and appropriations. It would force the judges to face the failings of their system and to evolve new ideas for dealing with them. And it would provide an opportunity to demonstrate the extraordinary vigor and strength of our Federal courts, of the absolute necessity for an independent judiciary, and of the all-important role of the judicial branch in protecting society and human rights.

The PRESIDING OFFICER. The concurrent resolution will be received and appropriately referred.

The concurrent resolution (S. Con. Res. 57), which reads as follows, was referred to the Committee on the Judiciary:

S. Con. Res. 57

Whereas, the Congress finds that there is increasing concern about the needs of the federal judiciary; and

Whereas, the extraordinary increase in civil and criminal litigation in federal courts requires a comprehensive examination; and

Whereas, serious and wide-ranging problems of the federal judiciary bear witness to the need for public scrutiny and immediate and long-range planning by coordinate branches of government; and

Whereas, the Congress can meet its constitutional obligation as a coordinate branch of the Government more fully and increase public confidence by clearly determining the current and future needs of the federal judiciary; now therefore be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

That the Congress respectfully requests the Chief Justice of the United States to appear annually before a joint session of the Congress to report on the state of the federal judiciary.

Mr. KENNEDY. Mr. President, I am pleased to join the Senator from Indiana (Mr. BAYH) in submitting Senate Concurrent Resolution 57 requesting the Chief Justice of the United States to address a joint session of Congress on the state of the judiciary. A companion resolution is being offered today in the House of Representatives by Representative ALLARD LOWENSTEIN, of New York, and I am hopeful that both the Senate and the House will act on the concurrent resolution at the earliest opporunity.

As Members of Congress are well aware, these are critical times for our courts, particularly the Supreme Court. As long ago as 1913, Justice Oliver Wendell Holmes described the Supreme Court in the following words:

> We are very quiet there, but it is the quiet of a storm center.

Today, as never before, the winds of controversy are swirling around our courts—not only the Supreme Court, but all our courts, Federal, State, and local. For a year, the most exalted seat on the bench of the Supreme Court—the Holmes seat, the seat filled by Joseph Story and Oliver Wendell Holmes, by Benjamin Cardozo and Felix Frankfurter—has lain vacant. In recent months it has lain vacant because men in high places are conspiring to fill it with a man so unqualified to wear the mantle of those legal giants that the nomination has provoked an unprecedented outcry of protest from lawyers and law schools throughout the Nation.

Indeed, in many respects, the controversy over the nomination of Judge Carswell to the Supreme Court is a symbol of the general malaise that exists throughout our judicial system. The public decisions of judges are challenged on their merits. The private ethics of judges are scrutinized for impropriety or worse. Our courtrooms are in an uproar as judges, counsel, and defendants vie for headlines in a cauldron of mutual distrust and disrespect.

One place we can begin in our effort to restore the sense of national respect for our courts is by making a coherent attempt to understand the problems they face. And there is no one better qualified by position to establish an appropriate perspective than the Chief Justice of the United States. It is for this reason that Represenative LOWENSTEIN, Senator BAYH, and I have introduced a resolution inviting the Chief Justice to make an annual address to the Congress on the state of the judiciary.

To be sure, the idea for such an address is not entirely new. To my knowledge, it was first raised by the present Secretary of State, William P. Rogers, in 1953. At the time, Mr. Rogers was the Deputy Attorney General of the United States, and he later served with distinction under President Eisenhower as Attorney General. More recently, the same suggestion was eloquently presented by E. Barrett Prettyman, Jr., a distinguished private attorney in Washington. Only rarely, however, has the idea been widely discussed, and never has it been acted on by Congress.

An address by the Chief Justice to Congress on the state of the judiciary would be a fitting companion to the President's annual state of the Union address to Congress. Just as the President surveys the broad problems facing the Nation and proposes new approaches to meet them, so the Chief Justice would survey the problems of the judiciary and offer his guidance to Congress on their possible solution.

Too often in recent years, Congress has sought legislative solutions to judicial problems without adequate understanding of the complexity of the judicial branch of our Government, or the intricate relationships between its various parts. Too often, sensible and workable solutions to the problems of the courts have been prepared and neglected, because of the failure of commissions to survive and pursue their recommendations, or because of the lack of interest in their substance.

By lending the prestige and wisdom and continuity of the high office of the Chief Justice to the task, I believe that we can make a far better start toward achieving the understanding we need if we are to find satisfactory answers to the difficult problems of judicial administration and court reform, We in Congress must become far better informed of the needs and aspirations of our sister branch of Government. We know the general areas of the judiciary where many of the problems exist, but we are only dimly aware of the nature and extent of these problems:

Court calendars are clogged, and caseloads are at an alltime high. More than 110,000 cases were filed in 1969 alone in the Federal district courts, an average of better than 1,000 cases per court. More than 10,000 appeals were taken to the Federal courts of appeals, or, again, an average of 1,000 cases per court. Too often, however, the cry of "backlog" becomes the excuse for inaction, instead of the spur to reform. We know the problem is serious, and we simply must find better ways to handle it.

We know that justice delayed is justice denied, but still we fail to solve the difficult problem of granting every defendant his constitutional right to a speedy trial. At the end of 1969, 18,000 criminal cases were pending in the Federal courts. Over 6,000 of these cases—or one-third—had been waiting more than 6 months for trial. Over 2,500 had been waiting more than a year.

Hundreds of other problems infect the quality of justice in our courts. Many of the great domestic legal issues of the day—issues like bail and pretrial detention, confessions, and wiretapping—intimately involve the proper working of our judicial system. Every judge faces the dismal prospect of too many cases and too few personnel. Every judge knows the inadequacies of the sentencing and correction system, where too often the emphasis is on punishment instead of rehabilitation, on prison instead of probation or parole.

Nowhere, however, are these and other problems of our courts brought into focus with the sort of clarity that could be achieved in a formal presentation by the Chief Justice to Congress on the state of the Judiciary. Only he can turn the spotlight of public opinion on the problem.

By contrast, essentially the only effective redress that exists today for judges in attacking their problems is through the arduous route of recommendations by the Judicial Conference and the Administrative Office of the United States Courts. Often, the procedures are such that urgent and imaginative proposals are stalled for years in the complex machinery by which they must be approved.

I have no fear that an address by the Chief Justice to Congress will breach the wall of separation of powers between the legislative and judicial branches in our constitutional system of government. Article III of the Constitution confers on Congress the power to "ordain and establish" the lower Federal courts, and each year the appropriations committees of the Senate and the House consider and recommend legislation to fund all the Federal courts. Frequently, Federal judges—and even Justices of the Supreme Court—testify before congressional committees on appropriation bills or on substantive legislative proposals.

Every year, we in Congress are obliged to make our own determination of the priorities and problems of the judicial process, without the effective guidance of those who know the problems best. I believe that we can and will be aided by the thoughtful assistance of the Chief Justice in a formal address to Congress. I am hopeful, therefore, that Congress will act promptly on the concurrent resolution I have submitted.

VOTING RIGHTS ACT AMENDMENTS OF 1969—AMENDMENT

AMENDMENT NO. 551

Mr. MILLER submitted an amendment, intended to be proposed by him to the amendment (No. 545) proposed by Mr. MANSFIELD (for himself and other Senators) to the bill (H.R. 4249) to extend the Voting Rights Act of 1965 with respect to the discriminatory use of tests and devices, which was ordered to lie on the table and to be printed.

AMENDMENT NO. 552

Mr. ALLEN proposed an amendment to the amendment (No. 545) proposed by Mr. MANSFIELD (for himself and other Senators) to House bill 4249, supra, which was ordered to be printed.

(The remarks of Mr. ALLEN when he proposed the amendment appear later in the RECORD under the appropriate heading.)

NOTICE OF HEARING ON BILLS RELATING TO FUNDS AWARDED TO CERTAIN INDIANS OF ALASKA

Mr. McGOVERN. Mr. President, I wish to announce that the Subcommittee on Indian Affairs of the Committee on Interior and Insular Affairs will hold a hearing on Tuesday, March 17, on S. 2628 and S. 2650, providing for the disposition of certain funds awarded to the Tlingit and Haida Indians of Alaska by a judgment entered by the court of claims against the United States. The hearing will begin at 10 a.m. in room 3110, New Senate Office Building.

Time permitting, the subcommittee will also consider on that day the following measures: S. 885, to authorize the preparation of a roll of persons whose lineal ancestors were members of the Confederated Tribes of Weas, Piankashaws, Peorias, and Kaskaskias, merged under the treaty of May 30, 1854 (10 Stat. 1082), and to provide for the disposition of funds appropriated to pay a judgment in Indian Claims Commission Document No. 314, amended, and for other purposes; S. 887, to further extend the period of restrictions on lands of the Quapaw Indians, Oklahoma, and for other purposes; S. 3116, to authorize each of the Five Civilized Tribes of Oklahoma to select their principal officer, and for other purposes; S. 759, to declare that the United States holds in trust for the Washoe Tribe of Indians certain lands in Alpine County, Calif.; and S. 3291, to amend the act of August 9, 1955, to authorize longer term leases of Indian lands on the Yavapai-Prescott Community Reservation in Arizona.

Those who wish to testify on these proposals are requested to contact Mr. James Gamble, of the committee staff, in order that a witness list may be prepared.

NOTICE OF HEARING ON CERTAIN NOMINATIONS

Mr. EASTLAND. Mr. President, on behalf of the Committee on the Judiciary, I desire to give notice that a public hearing has been scheduled for Wednesday, March 18, 1970, at 10:30 a.m., in room 2228, New Senate Office Building, on the following nominations:

William E. Miller, of Tennessee, to be U.S. circuit judge, sixth circuit, vice Clifford O'Sullivan, retired.

Joseph F. Weis, Jr., of Pennsylvania, to be U.S. district judge for the western district of Pennsylvania, vice Joseph P. Willson, retired.

At the indicated time and place persons interested in the hearing may make such representations as may be pertinent.

The subcommittee consists of the Senator from North Dakota (Mr. BURDICK), the Senator from Nebraska (Mr. HRUSKA), and myself as chairman.

NOTICE OF HEARING ON H.R. 15980, RELATING TO THE DISTRICT OF COLUMBIA

Mr. EAGLETON. Mr. President, as chairman of the Fiscal Affairs Subcommittee of the Committee on the District of Columbia, I wish to give notice that a hearing on H.R. 15980, a bill to make certain revisions in the retirement benefits of District of Columbia public school teachers and other educational employees, will be held Tuesday, March 17, 1970. The hearings will begin at 12 noon in room 6226 of the New Senate Office Building.

Persons wishing to testify on this legislation should notify Mrs. Edith Moore in room 6218, New Senate Office Building, at 225-4161.

ADDITIONAL STATEMENTS OF SENATORS

WHITE HOUSE MEETING ON INDIAN OPPORTUNITY

Mr. GOLDWATER. Mr. President, an important event took place recently which I believe deserves our close attention. I am referring to the fact that the first full meeting of the National Council on Indian Opportunity was held on the 26th of January.

The setting for this significant occasion was the White House, and, almost all of the Federal and Indian members of the Council were present, including Vice President AGNEW, who is chairman of the group.

As a little background, I should like to remind Senators that the Indian Council was created on paper almost 2 years ago to this week. However, due to technical limitations of a budgetary and staffing nature, the Council was unable to begin actual operations until this year.

Consequently, the January meeting in fact marks the true moment when the Council has embarked on its assigned duties.

The National Council on Indian Opportunity was established with four principle aims in mind. It is supposed to encourage full use of all Federal programs which can be administered for the benefit of Indian Americans. It is intended to promote and oversee interagency coordination of the various Federal Indian programs. It is directed to appraise the effectiveness and success of these programs. And it is meant to develop and suggest ways of improving the Government's Indian programs.

Now, this is truly an impressive set of duties for any group to handle. And it is going to take a good supply of dedication, hard work, cooperation, and intelligent leadership to make it succeed.

One prime requisite to having the Council meet its goals, of course, is going to be the excellence of its actual membership. For this reason I would like to identify the current members of the Council. Once their names are known, I am sure Senators will agree that, on this basis, the Council is off to a flying start.

First, I would like to name the six Indian members of the Council. These persons all have been chosen by the President and will serve 2-year terms.

These members are Mrs. La Donna Harris, who is a member of the Comanche Tribe of Oklahoma and the wife of the Senator from Oklahoma (Mr. HARRIS); Mr. Roger Jourdain, who is chairman of the Red Lake Chippewa Tribal Council of Minnesota; Mr. Raymond Nakai, the distinguished chairman of the Navajo Tribal Council, which is the governing body of the Navajo Tribe of Arizona, New Mexico, and Utah; Mr. Cato Valandra, who is a member, and former chairman, of the Rosebud Sioux Tribe of South Dakota; Mr. Wendell Chino, who is chairman of the Mescalaro Apache Tribe and a former president of the National Congress of American Indians; and Mr. William Hensley, an Eskimo member of the Alaska Legislature.

Mr. President, I have first identified the Indian leaders who sit on the Council because it is obvious that Indian membership on the body is crucial to the whole essence and purpose of the Council.

It stands as an elemental truth that an organization which is supposed to be devoted to the supervision and formulation of our national Indian policies and programs should have a significant Indian representation on it. Clearly, the Indian Americans themselves should be consulted and informed before major steps are taken which will affect Indian lives.

Also, if the Council is going to prove capable of living up to its promise, it must have among its membership the Government officials who hold the reins of authority over Indian programs. These members should be able to make commitments and put into operation the actions which will implement these commitments.

This is why the remaining members of the Council are all Cabinet-level officers. Indeed, as I have mentioned, the chairman of the Council is the Vice President of the United States.

To be specific, these Cabinet heads are the Secretaries of Agriculture; Commerce; Interior; Labor; Health, Education, and Welfare; and Housing and Urban Development; and the Director of the Office of Economic Opportunity.

Mr. President, getting back to the January meeting, I want to note that the Indian members of the Council presented a very fine statement, together with recommendations, to the Vice President and the six Cabinet members. The Indian statement is a comprehensive, challenging, and very helpful document.

It sweeps across many vital areas of concern to the Indian members and lays out specific goals for positive Federal action which "will create Indian confidence in the sincerity and capability of the Federal Government."

These recommended actions cover administration, education, health, welfare, urban matters, economic development, legal services, agriculture, housing, and the Blue Lake religious sanctuary issue.

Mr. President, I wish to express my special pleasure at seeing that one of the educational goals proposed by the Indian members is the expansion of the Bilingual Education Act so that it will reach Indian and Eskimo children.

A bill that I introduced early last year would do just that, and I should like to note that the Senate recently passed my proposal as an amendment to the educa-

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tion authorization bill. The matter is now in joint conference between the two Houses.

My proposed legislation received excellent bipartisan endorsement in the Senate, and I believe that its enactment would be an important step forward by increasing Indian participation in, and establishment of, Indian-administered and Indian-controlled school programs.

The House-Senate conferees are meeting this week, and I hope that there will be swift approval of this significant, new concept.

Mr. President, I want to report that Vice President AGNEW was very much impressed with this report and that he instructed the other Federal members of the Council to report back to him within a short period. He asked to receive recommendations as to those goals which can be implemented immediately, those goals which should be implemented as soon as practical, and, if any, those which simply are not possible of being carried out.

It is my understanding that the Vice President intends to reconvene the Council shortly after receiving these reports from the other Cabinet members. He has announced that he will allow for full consultation between the Indian and Federal members of the Council when this meeting occurs.

Mr. President, I have been extremely pleased to see the Vice President and other Cabinet officials take such a keen interest in the problems of the American Indian, and I look forward with great interest to the actions and positive recommendations that I am confident will be forthcoming from the administration in this field.

Mr. President, the Vice President feels that the statement of the Indian members of Council is a major document, because it sets forth the definition of, and recommendations on, Indian problems by Indian citizens themselves. He has also indicated his belief that the statement should be available for reading by a nationwide audience. I agree, and in order that this piece may receive the wide distribution it deserves, I ask unanimous consent that it be printed in the RECORD.

There being no objection the statement was ordered to be printed in the RECORD, as follows:

Statement of the Indian Members of the National Council on Indian Opportunity to the Chairman and Federal Members, January 26, 1970

In 1970, when men have landed on the moon, many American Indians still do not have adequate roads to the nearest market.

In 1970, when almost every American baby can look forward to a life expectancy of 70 years, the Indian infant mortality rate is three times higher than the national average after the first month of life.

In 1970, when personal income in America is at an unprecedented level, unemployment among American Indians runs as high as 60%.

These are reasons why the National Council on Indian Opportunity—the first agency of the Federal Government where Indian leaders set as equals with members of the President's Cabinet in overseeing Federal Indian programs and in recommending Federal Indian policy—is of the most vital importance to Indians all across the Nation. Because the essential requirement of any Indian policy must be active and prior Indian consultation and input before major decisions are taken which affect Indian lives, Indian membership on the Council is not only of symbolic importance, but is insurance that such consultation will be sought.

We wonder if the Vice President and the Cabinet Officers fully appreciate the fact of their physical presence here today—the meaning that it has for Indian people? We realize that every group in America would like to have you arrayed before them, commanding your attention.

For the Indian People across the nation to know that at this moment the Vice President and Cabinet Officers are sitting in a working session with Indian leaders is to alleviate some of the cynicism and despair rife among them.

Thus, the Council and the visibility of its Federal members is of great symbolic importance to the Indian people. However, symbolism is not enough. We must be able to report that we have come away from this meeting with commitments on the part of the Federal members that Indian people and their problems will be considered even out of proportion to their numbers or political impact. Otherwise the distrust, the suspicion on the part of the Indians, which has dogged the Federal Government and has defeated its meager attempts to help the Indian people, will continue.

The National Council has a concern with the well being of all Indians everywhere—whether they live on the Reservation or off; in cities or rural areas; on Federal Indian Reservations or on those established by particular states.

Indian tribes have had a very long relationship with the Federal Government. However, in the last decade and a half, longstanding latent suspicion and fear brought about by broken promises, humiliation, and defeat have sharpened into an almost psychological dread of the termination of Federal responsibility. This fear permeates every negotiation, every meeting, every encounter with Indian tribes. Whether this fear can be overcome is debatable, but Federal agencies—especially those Departments represented on its Council—must understand it and be aware of its strangling implications.

The long Federal-Indian relationship was until recent years almost exclusively between the Tribes and the Bureau of Indian Affairs,. The provision of services by the Bureau in the past has at times been seriously deficient and its attitude paternalistic, leading to a long series of criticisms of the BIA. More than 150 years of dependency on the Federal Government is not easy to overcome. A paradox—fear of termination on one hand, and on the other the realization that federal services are grossly inadequate. This must be understood before any real progress can be made This also makes it imperative that other Departments and Agencies of the Federal Government take a more active role in Indian Affairs. In this way progress can be made in breaking Indian dependency on the Bureau of Indian Affairs. Progress can be made in building Indian confidence in themselves and in their ability to deal with a wider range of society—hopefully—help to overcome the termination psychology.

The Indian problem has been studied and restudied, stated and restated. There is little need for more study. In 1970, the Indian people are entitled to some action, some programs, and some results. To that end we are setting forth a series of specific goals. These goals can and must be met. Such positive federal action will create Indian confidence in the sincerity and capability of the Federal Government.

RECOMMENDATIONS

Administration

Special Assistant to the Secretary

In order to insure parity of opportunity for Indians in all Federal programs, we recommend that a position in the immediate office of each Departmental Secretary be established—which hopefully can be filled by an Indian. He will deal with policy and planning for Indian programs at the central, regional, and local levels; assure Indian input into legislative proposals, policy formulation, and program planning; and report accomplishments on a quarterly basis to the National Council on Indian Opportunity.

Indian Desks

We recommend that departments establish Indian desks at the program level.

Assistant Secretary for Indian Affairs

We recommend, that the Bureau of Indian Affairs have its own Assistant Secretary of the Interior, or that the Commissioner of Indian Affairs be given Assistant Secretary status.

Budget

Because no one person knows or is in a position to know what the various federal departments are planning for Indian expenditures, we have advised the Executive Director of the National Council to assign a staff member to acquaint himself with the Indian component in the budget proposals of the several departments and to follow the budget planning process through all decision-making levels in the Bureau of the Budget up to, but not including, the final director's review.

National Council Field Offices

To insure that the coordinative, evaluative and innovative responsibilities given to the National Council by the President are carried out; to maximize delivery of programs at the lowest local level; and to receive recommendations regarding policy and programs from local tribes, Indian organizations and individuals, we submit that Council field offices composed of a Director, Assistant Director, and Administrative Assistant are essential and must be established in each of the ten Human Resource Regions.

Demonstration Projects

In order to show that the Government is sincere in its commitments, and to assure greater opportunities available to Indians, we suggest that a demonstration project representing all services available to Indians in each department, be established in order that Indians may observe them and utilize them in their own communities.

BIA In-Service Training

We recommend that the Bureau of Indian Affairs effect as quickly as possible comprehensive in-service training programs to (1) expose all of its employees to the cultural heritages and the value systems of the Indian people they serve and (2) to increase and guarantee the upward mobility of its Indian employees.

Evaluation of BIA Staffing

We recommend that the administrative structure of the BIA be analyzed to determine areas of over-staffing and duplication—with a view toward elimination of "dead wood".

Indian Service on Federal Committees

We recommend that there be equal opportunity for Indians to serve on all appropriate Federal boards, councils, commissions, etc., (e.g., Equal Employment Opportunity, the President's Council on Youth Opportunity, the Civil Rights Commission, etc.)

Indian Youth

The Indian members of the Council recognize the value of having the input of young

Indians at policy making levels and in the operation of programs. We recommend that each department give specific attention to the establishment of a federal intern program for young Indians at the local, regional and national levels.

Education

It is an appalling fact that between 50 and 60% of all Indian children drop out of school. In some areas the figure is as high as 75%. This stands in sharp contrast to the national average of 23%. The suicide rate among all young Indians is over three times the national average. Estimates place it at five to seven times the national average for boarding school students.

A full generation of Indian adults have been severely damaged by an unresponsive and destructive educational system. At a time when economic survival in society requires increasing comprehension of both general knowledge and technical skills, Indians are lost at the lowest level of achievement of any group within our society. We must not lose this generation of Indian children as well. There is a desperate need for both a massive infusion of funds and complete restructuring of basic educational concepts. Therefore, the Indian members of this Council strongly recommend the following major policy initiatives:

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1. That a comprehensive Indian education act be submitted to Congress to meet the special education needs of Indians in both Federal and public schools in an effective and coordinated manner. This act will pull together all Indian education programs including set-aside programs. Provision would be made for Indian input, contracting authority with tribes and communities, submission of plans, accountability and evaluation procedures in the hope of correcting the glaring inadequacies and misdirections that exist in present programs such as the Johnson-O'Malley Act. The Indian members of this Council wish to express our strong support for the HEW appropriation bill. In particular, we want to make it known that a number of public schools with large percentages of Indian students will be forced to close if this bill is vetoed and the impacted aid funds are thereby imperiled.

2. That the Civil Rights Enforcement Office of HEW investigate discrimination against Indians in schools receiving federal funds.

3. That a permanent Indian education subcommittee be established in each house of the Congress.

4. That funding for Indian education be substantially increased. Funds at present are not adequate for even basic rudimentary requirements such as reasonable teacher-student and dormitory counselor-student ratios. It is a fact today that the average student-counselor ratio in BIA boarding schools is one to 60 during the day and one to 150 at night. Innovative program planning and implementation cannot be successfully carried out without the support of basic operational facilities and staff.

5. That the present reorganization of the BIA assign to the assistant commissioner for education the responsibilities of a superintendent of federal schools, having direct line control over the operation of the schools, including budgets, personnel systems and supporting services.

6. That the Bilingual Education Act receive sufficient funding so that an expanded program would be available for Indian and Eskimo children, including those at schools operated for Indians by non-profit institutions, and that the BIA undertake an expanded bilingual program of its own. This program can and should include the hiring of a greatly increased number of Indian teacher aides.

7. That courses in Indian languages, history and culture be established in all Indian schools including those slated for transfer to state control, and that a revision of textbooks be undertaken to make them relevant to an Indian child's experience and to eliminate derogatory references to his heritage.

8. That phasing out of BIA boarding schools become a policy goal. At present approximately 40,000 Indian children attend BIA boarding schools; 9,000 of these children are nine years of age or under. Additional students are housed in BIA border-town dormitories while they attend off-reservation public schools. These children are often sent several hundred miles from home (in case of Alaskan children, thousands of miles) due to the lack of facilities in their area. The schools which they attend are often emotionally disturbing and culturally destructive to some children and their families are educationally deficient as well. In order to eliminate boarding schools, roads must be constructed in rural areas; without sufficient road appropriations there cannot be realistic access to schools for these children on a daily attendance basis. A plan must be developed for the construction of a vast network of community schools and the present allocation of money for construction at existing boarding schools must be reallocated to the construction of community based schools.

9. That tribal control of schools with the continuation of federal funding be implemented upon the request of Indian communities. In conjunction with this, a report should be submitted by the BIA on the progress that has been made in the establishment of local Indian school boards and the powers which have been granted to these boards. The time has come for an end to the solely advisory role that has been played by the majority of these boards. The OEO–BIA joint experiment at the Rough Rock School on the Navajo reservation has shown that Indian control is both a feasible and desirable means of operation. Community located and controlled schools could also serve as adult education centers and would help to acquaint Indian parents with the importance of their involvement in the education of their children in a setting with which they can identify.

10. That training programs in Indian cultures and value systems be provided to teachers, administrators and dormitory counselors—be they Anglo or Indian. There is no excuse for a quiet shy Indian child being labeled and treated as dumb and unresponsive by an uncomprehending teacher.

11. That the need for a far greater number of Indian teachers must be recognized. At present, there are far too few Indians graduating from college to meet this need. Increased availability of scholarships to Indian students would enable a greater number to attend institutions of higher education. We support the establishment of a national scholarship clearinghouse for Indian students which would include the contracting of the BIA scholarship program. In order to obtain the highest quality teachers we recommend the elimination of the Civil Service Regulation that protects by tenure incompetent and prejudiced teachers from dismissal.

12. That Federal funds be provided for the establishment of tribal community colleges.

13. Recognizing the first five years of life as being of great importance in proper child development, that we request the expansion of HEADSTART and kindergarten programs for Indian schools rather than reduction. We also stress the necessity for a continuous process of Indian input into their organization and operation.

14. That modern educational communication techniques be utilized to enhance the educational opportunities for all Indian people.

Health

It is a recognized fact that despite considerable improvement the health status of the American Indian is far below that of the general population of the United States. Indian infant mortality after the first month of life is three times the national average. This means, in plain language, that children are dying needlessly. The average life span of Indian is 44 years, one third short of the national average of 64 years; in Alaska it is only 36 years. In light of the dire need for all health facilities and health needs, it is criminal to impose a personnel and budget freeze on Indian health programs. Even without a freeze, Indian hospitals are woefully understaffed and under supplied, even to the extent of lacking basic equipment and medicine. We deplore the budget decisions that have caused this state of inadequacy.

There are a number of specific actions that can be taken now to improve Indian health services:

1. An Indian health aide program has been established. A review should be undertaken of its recruitment, training and assignment policies.

2. The Division of Indian Health and the regular U.S. Public Health Service should establish communication for ascertaining their respective areas of responsibility. There is no excuse for the plight of a sick individual, who also happens to be Indian, to be denied access to health facilities due to jurisdictional conflicts.

3. The establishment of Indian advisory boards at hospitals should be continued and expanded. However, to be meaningful, these boards must be given actual authority in the administrative areas of patient care.

4. The establishment of a program to bring Indian health services into communities rather than simply at the central office location, e.g., traveling clinics.

5. Lastly, the Council goes on record in support of a national health insurance system.

Welfare

President Nixon's proposal for a Family Assistance Program is a major step toward restoring dignity to the individuals involved. We support the concept of this program and urge its enactment and adequate funding. We also request Indian input into its planning and delivery, for without a mutual exchange this new, innovative program will not satisfy the unique needs of the Indian people.

We specifically recommend today the following:

1. That an immediate investigation be undertaken of the system whereby many welfare recipients are exploited by trading post and grocery store owners. These trading post and grocery stores are the mailing addresses for large numbers of Indian welfare recipients in the surrounding areas. By isolated location, over-charging and credit, and the custom of dependency, the traders and store owners have complete control over the disbursement of the welfare checks;

2. That training programs in the culture and value systems of the Indian populations be required for social workers serving Indian people;

3. That Indian tribes be given the option of contracting with the Federal government for the administration of their own welfare programs.

Urban

A National Council on Indian Opportunity study conducted in 1968–69 has found that one-half of the Indian population in the United States is located in urban years. Yet none of the programs of the Federal government are aimed with any meaningful impact on the special problems which Indians in these urban environments face.

A majority of the urban Indians have arrived at their present location through the Federal government's relocation program. This program is seriously deficient in funds and in professional direction for economic, social and psychological adjustment to an environment that is almost totally strange, impersonal and alien. Aside from budgetary consideration, this raises the fundamental question of whether relocation is a proper policy or goal. In the study group's hearings, those Indians who testified expressed deep hostility for the program, its administrators, and its fallacious inducements. After serious analysis based on the hearings, the Indian Council members have concluded that viable economic development on or near present Indian communities is a goal much preferable to the artificial movement of individuals or families.

Immediate action must be taken to reevaluate the entire justification of this relocation policy. In addition, the needed services for these people presently situated in these urban societies must be created and it is therefore recommended that the following actions be taken:

1. The Departments of Commerce, HEW, HUD, and OEO must educate themselves to the location of urban Indian concentrations with the purpose of bringing their present services directly and effectively into these areas. In addition, they must develop new programs and initiatives to answer the special needs of Indians in an urban environment.

2. Reinforcement of existing urban Indian centers and active support for the development of new centers located in neighborhood Indian areas which would serve the two-fold purpose of community centers and programmatic referral agencies.

3. Establishment of legal aid offices in Indian ghetto areas.

Economic development

Indian people in general have been deprived of the opportunity of obtaining business acumen and have not participated in the benefits of the American free enterprise system. This fact has led to the present economic plight of the first Americans and has been an embarrassment to principles upon which this country was founded. But in recent years, because of a cooperative effort involving government agencies and of the private groups industrial development on Indian reservations is starting to become a reality. This development is greatly desired by most tribes to improve the economics of the communities and to provide jobs for the individuals of those communities.

However, where large industries have located in Indian communities, the inadequacies of the reservations to accommodate the sudden concentration of employee populations have created serious problems. In most of these new industrial communities there are inadequate schools, too few houses, insufficient hospital and medical capability and generally inadequate community facilities for the population. While Indians desire and deserve job opportunities near their homes, most of the industries thus far attracted to reservations have chiefly employed women. This leaves the male head of the family still unemployed and disrupts the family. Attention of those federal agencies concerned with industrial development should be directed to this problem and they should maximize employment for Indian men.

Most of the industries which locate in Indian country are subsidized by the government because they are to provide jobs for Indians. The government should make employment of a high percentage of Indians a condition of the federal subsidy to ensure increased Indian employment. High on the list of impediments to industrialization on Indian reservations is the lack of hard surfaced roads. Roads will have to be developed to handle the traffic of the work force and to provide a way to market goods produced and to procure necessary supplies.

A curious ruling of the Federal Aviation Agency is that Indian tribes are not public bodies. The legislation authorizing federal assistance in construction of airports limits that assistance to public bodies thereby excluding Indian tribes who wish to construct airports.

Finally, we wish to go on record supporting proposed legislation which would provide tax incentives to industry locating on Indian reservations. An exemption of industry from federal taxation for a period of years would provide much needed inducement to industry to come to Indian reservations. With regard to helping individual Indians into business for themselves, programs providing the necessary capital through loans at low interest rates and continuing technical assistance are essential to success.

Work must be done to create a climate and receptivity among Indian individuals to go into business and there must be a sustained vehicle to accomplish this if Indians are to overcome their lack of experience in business management. To complement this effort there is a need for developing a greater number of business opportunities. A program of sustained management and technical assistance as well as adequate financing is needed. A talent search is needed to locate and identify the potential Indian entrepreneur.

Therefore we recommend:

1. That there be developed a program of a 100% secured loan program for five years for Indians.

2. That there be attempts with the American Bankers Association with Federal program linkage to develop training to familiarize bankers with special and unique needs of the Indian communities and to involve selected Indians in banking training programs.

3. That a consumer education program be developed and implemented for all Indians.

4. That an Indian program to establish Indian credit unions and to implement credit union management training for Indians be organized and funded.

Legal

Independent Indian Legal Agency

Government lawyers in the Interior and Justice Departments handling Indian legal rights are caught in a conflict because they also represent government agencies in litigation affecting Indian rights. In many cases government lawyers have failed to pursue untested legal claims of the tribes that would yield substantial water rights.

Because of this conflict, we recommend the establishment of an agency independent from both the Interior and Justice Departments to represent the tribes in all legal services required in connection with all Indian rights to lands, water, and natural resources.

JURISDICTION

Another of the problems impeding development of Indian tribes is the confusion and dispute over who has jurisdiction over most Indian reservation areas. The question whether the states can levy taxes on individuals and businesses on reservations is raging in the courts at the present time. It appears that the question is being resolved in favor of the states. This flies in the face of history and legal precedent and may result in "termination" by judicial decision, rather than federal legislation as Indian tribes have long feared.

Indian tribes nearly unanimously wish to retain exclusive jurisdiction, vis a vis the states, over their own affairs. They believe this is necessary at present so that they may develop their communities to the point where they can participate on a parity with the other communities of the nation.

One aspect of jurisdiction which seems most unjust to the Indian tribes is the absence of tribal jurisdiction over non-Indians who commit offenses within reservation boundaries. This results in situations where a State's Attorney General's Office can rule that the "State has no jurisdiction or interest in highways on a reservation and any jurisdiction problems concerning the prosecution of non-Indian violations by tribal courts would be a problem between the tribe and the violator himself." On the other hand the Commissioner of Indian Affairs has told the tribes that the Solicitor's Office in the Interior Department has ruled that the nature of tribal jurisdiction precludes the exercise of tribal police jurisdiction over non-Indians. The result, of course, is that no one has jurisdiction and the non-Indian violator goes unpunished.

Because of the same jurisdiction problem, which conceivably could be solved by a change in Interior Department regulations, the anomaly exists that a non-Indian can sue an Indian in a tribal court and obtain an enforceable judgment, but the Indian cannot sue a non-Indian in a tribal court because tribal courts do not have jurisdiction over non-Indian defendants.

It is unlikely that any Indian tribe would wish to assume jurisdiction over non-Indian defendants in serious criminal cases today. However, they could and should have jurisdiction over non-Indian defendants at the present time to enforce parking regulations in Indian villages against non-Indians, or to enforce tribal regulations against pictures taken by non-Indians.

We believe that this jurisdiction problem can be solved by the lawyers in the Solicitor's Office of the Interior Department and we ask that they re-examine the problem with a view to its solution.

Alaska Native Land Rights

The enactment by Congress, in its current session, of legislation for the equitable settlement of the land rights of the Natives of Alaska—the Eskimos, Indians and Aleuts—is of highest priority. Justice requires that the settlement embrace the proposals set forth by the Alaska Federation of Natives which contemplates:

1. That fee simple title be confirmed in the Alaska Natives to a fair part of their ancestral lands.

2. That just compensation for the lands taken from the Natives include not only cash but also a continuing royalty share in the revenues derived from the resources of such lands.

We urge that the several departments of the government, and in particular the Secretaries of Interior and Agriculture, and the Bureau of the Budget, reassess their position and give their full support to the proposal of the Alaska Federation of Natives.

Agriculture

Indian members of the National Council on Indian Opportunity strongly urge the Farmers Home Administration to reemphasize its efforts to make economic opportunity and low-income housing loans available to Indians in rural areas. This effort can be aided a great deal by employing Indians as field workers in areas with high Indian concentration.

FHA should work closely with the Bureau of Indian Affairs to find a way to adjust its security requirements to the unique Indian situation. This will ensure that more loans will be made to Indians residing on trust land.

We commend the Extension Service for providing 60 professional extension workers in 17 states and 90 Indian aides on reservations and in Indian communities to explain and demonstrate nutrition programs and better use of resources to attain a better quality of living. (Expanded assistance to urban Indians should be emphasized in the future). Plans should proceed for conducting seminars and short courses for Indians on household management, budgeting and credit, and improved methods of breeding, feeding, and marketing of livestock.

The Farmer Cooperative Service assistance to Alaskan Native cooperatives and Indian cooperatives in Oklahoma has been very useful. We request that this service actively seek out opportunities for the use of cooperatives among Indian farmers and provide the technical assistance to keep the cooperatives afloat.

The Soil Conservation Service can provide an important service for Indians because land is their most valuable remaining resource. Wherever the Soil Conservation Service can cooperate with the Interior Department in preserving Indian land from erosion and flood it should actively offer to do so. Interior Department resources for soil and water conservation do not appear to be adequate to meet the total Indian need.

The Agricultural Stabilization and Conservation Service also provides an important service in encouraging soil and water conservation practices. This technical assistance should be made available to all Indian farmers. The federal payments for wool produced and marketed by Indians, especially in Arizona and New Mexico, is a beneficial program and efforts should be made to assure that all Indians eligible for these payments are made aware of the program.

The Donation Feed Program in Agriculture had no authority to purchase hay for starving Papago cattle in 1968, and as a result the tribal herd was devastated. If the weakened cattle had been able to consume Departmentally owned feed grain they would have been saved. The Department should not allow such a disaster to be repeated.

The Department of Agriculture has several other programs which can assist Indian progress. Without going into detail, the Consumer and Marketing Service, the Economic Research Service, Agricultural Research Service, Rural Electrification Administration, Food and Nutrition Service, and the Forest Service are useful to Indians, but special efforts should be made to improve the availability of services to Indians.

HOUSING

Housing among American Indians and Eskimos is deplorable. It is worse than that found in Appalachia or any slum. That this situation should exist in America in 1970, when many Americans are becoming two-home owner families, is a cruel paradox. Immediate action must be given by Federal departments to relieve this blight.

Even though some small breakthrough has been made in Indian housing, the need remaining is tremendous. There needs to be a review of financing to provide increased Indian participation in all housing programs. During the past year a tri-agency agreement involving the Department of Interior, HEW, and HUD was effected to provide for coordination of expanded housing and expanded Indian water and sanitation facilities programs. This represents an effort to seek a better way of dealing with difficult problems by a joint effort. However, these efforts need to be reviewed to increase production and emphasis and to maintain action.

We recommend, in order to put the Indian housing problem into clearer focus, that regional conferences be held with a cross-section of Indian representatives and appropriate Federal regional administrators, to determine what can practically and effectively be done with support of tribes and Indian organizations. These conferences should touch on the following needs:

Greater flexibility in determining types of housing programs appropriate to a situation.

A review of the effectiveness and status of housing authorities.

In cooperation with lending agencies, an analysis of the default rate and the causes for it.

We also point out that a solution to the Indian housing problem will help to solve corollary problems—family instability, health and sanitation problems, poor school attendance or even dropouts, juvenile delinquency, and others.

Blue Lake

For more than 60 years the Taos Pueblo Indians have been seeking—by peaceful and legal means—the return of their religious sanctuary—Blue Lake. Because the problem is unique and because it has persisted over so many decades, we feel that the Taos struggle merits the special attention of the Council.

In 1965 the Indian Claims Commission ruled that the Blue Lake area and an additional 130,000 acres were seized illegally. However, the Taos Indians are seeking the return of only the area containing the ancient shrine and holy places of their religion.

Once again, a bill introduced in Congress which would right this injustice has passed the House of Representatives and is pending in the Senate. We recommend that the full Council support this legislation and hope that Council members, individually will support the Taos Pueblo at every opportunity.

SOCIETY AND THE LAW NEGLECT VICTIMS OF CRIME

Mr. YARBOROUGH. Mr. President, for over 5 years I have proposed legislation in the Senate to right a terrible wrong we have allowed to exist in our system of criminal justice—the total neglect of innocent victims of crime.

We have enacted laws dealing with the criminal who inflicts injuries upon another, and we have enacted some very important legislation to assist the law-enforcement officers in their duties in preventing crime and in apprehending criminals. But we still neglect that person who usually suffers the most from an occurrence of violent crime—the innocent victim himself. This is an injustice we should not allow to exist in those jurisdictions where the Government exercises general police power and the special maritime and territorial jurisdiction of the United States.

On Monday evening, March 9, 1970, I had the privilege of addressing the Business and Professional Women's Club of the District of Columbia and discussing my bill which would provide compensation for personal injury or death suffered by innocent victims of crime here in our Nation's Capital, S. 2936. Due to the leadership of the Senator from Maryland (Mr. TYDINGS) hearings have been held and completed in the District of Columbia Committee on S. 2936.

Mr. President, in view of the urgent need for action on this subject, I ask unanimous consent that my remarks to the Business and Professional Women's Club of the District of Columbia be printed in the RECORD.

There being no objection the remarks were ordered to be printed in the RECORD, as follows:

S. 2936: THE DISTRICT OF COLUMBIA CRIMINAL INJURIES COMPENSATION ACT

(Remarks of Senator RALPH W. YARBOROUGH at the meeting of the Business and Professional Women's Club of the District of Columbia, Baker Hall, Y.W.C.A., Mar. 9, 1970)

It is a great pleasure to meet with you ladies this evening. Your invitation to discuss my bill on innocent victims of crime was most welcome.

The fundamental purpose of any government is to protect the people from injury, and this is the first measure by which a government is judged. Order and security are fundamental to any society, but in this nation we have also established justice as a basic goal. We seek to protect the individual, not only from foreign or domestic enemies, but from unjust treatment by the state itself. We have worked to protect the rights of each of our citizens, while providing for the protection of society as a whole.

In most respects, we have been successful. We can be proud of the institutions which administer justice in America. While imperfect, they represent the best system of justice ever achieved in man's history. But one aspect of our system is ironically "unjust"—we do nothing for victims of crime. We spend great sums to insure the accused a fair trial, and if convicted, even more to care for and to rehabilitate him, but we ignore the victim. The victim could sue the criminal, but this remedy is a useless one in most criminal cases. The aggressor either has no money, expends it in his defense, or may be sent to prison where he can earn nothing with which to repay.

This irony has disturbed me ever since I served as a District Judge in Texas over 30 years ago, and I have long thought that something must be done to correct this injustice. However, I must give credit where due. The person who brought recent public attention to this problem was a woman. The late Margery Fry of England was interested in penal reform. While the idea of victim compensation comes from some of our most ancient societies, she took the idea and revived active concern with the problem. In 1957 she wrote her views in the *London Observer*, on the responsibility of the State to compensate victims of crime. Her article was widely discussed, and governments acted.

The first jurisdiction to institute a system of victim compensation was New Zealand, in 1963. Great Britain instituted a plan in 1964.

In 1965 I introduced a bill in the Senate, S. 2155 of the 89th Congress, to create a Federal Violent Crimes Compensation Commission to consider claims and to provide up to $25,000 compensation for individuals injured by criminal violence. This was the first bill ever introduced in Congress to meet this problem. There was then no law in any American state providing for such compensation.

In the 90th Congress, in January of 1967, I introduced the "Criminal Injuries Compensation Act of 1967," S. 646, a refined version of my original bill.

In this Congress I have introduced two bills on the subject. The first, introduced in January of 1969, is S. 9, which would apply to all areas in which the federal government exercises general police power—the District of Columbia and the special maritime and territorial jurisdiction of the United States. Later, on September 19, 1969, I introduced S. 2936, which would apply only to the District of Columbia. While I think this law should have the broadest possible application, the situation in the District seemed to me to be critical. In effect, S. 2936, the District of Columbia Bill, is carved out of the larger jurisdiction of S. 9.

Senator Joseph D. Tydings of Maryland, as chairman of the District of Columbia Committee, has shown great interest in this bill. While unable to obtain hearings before the Judiciary Committee on my more general bill, Senator Tydings and his committee took swift action on the District of Columbia bill and held hearings on December 17, 1969. These hearings have been printed and I hope for favorable committee action on the bill within the next few weeks. The committee is aware that the situation is critical here in Washington.

We read in the papers every day the awful toll of violence in this city. The tremendous increases in crime rate in Washington are terrifying. Just this past year, in 1969, we had one of the greatest increases in the rate of crime of any major American city in history: In 1969 there were 163 murders, an increase of 50 percent over 1968; there were 186 rapes on our streets, a 30 percent increase; there were an astounding 12,423 robberies, a 44 percent increase over the year before.

There are many areas in the nation's capital city where one American citizen alone on the streets at night is in as great danger as a single American alone in a Viet Cong infested area of South Vietnam.

National interest in these plans to compensate victims of crime is growing. Several states have already acted. California instituted a plan in 1965 as a part of their welfare system. New York State enacted a compensation plan in 1966, then Hawaii and Massachusetts established theirs in 1967. Maryland approved a compensation plan in 1968.

The arguments for a program of compensation are compelling. In pioneer days, each man strapped on a six-gun and provided his own protection for himself and his family. As we have moved forward to a more civilized state in this society, we now oblige our citizens to go forth unarmed, and to rely upon the State for protection from criminal acts.

Society has assumed this responsibility of protecting the people. When it fails to fulfill that duty, it is only fair that the State should absorb at least some of the cost of the injury resulting from its failure of protection.

My bill would create a three-man commission, empowered to hear applications from victims of crime. These three men would be full-time, experienced, and well-qualified.

A victim who suffers loss as a result of personal injury would submit a claim, or in the case of death, his dependents would apply. There are 14 categories of crime which are compensable, such as homicide, assault, and rape.

My proposal does not compensate for property loss. Compensation would be paid for (1) expenses actually and reasonably incurred, such as hospital and medical expenses; (2) loss of earning power; (3) pecuniary loss to the dependents of a deceased victim; (4) pain and suffering of the victim, and (5) any other pecuniary loss resulting from the personal injury or death of the victim.

My plan is not dependent upon conviction of the aggressor. The commission would determine whether the injury was caused by a criminal act and make an award even though the aggressor was not apprehended, or was insane, drunk or a juvenile.

An important provision of the bill directs the commission to consider whether the person making the claim contributed to his own injury or death, and the commission may refuse to make an award, or reduce the amount of the award, to take the victim's conduct into account. Thus, the injured participant in a barroom brawl would not be compensated. However, the good Samaritan, injured when he goes to the aid of another, or helps the police, would be compensated.

The bill contains a limitation on awards of $25,000. In the case of death or permanent disability, the actual loss will be much greater than this. This limit is much too low, but its inclusion is a political necessity.

Many criminal injuries arise out of domestic strife, and another limitation is included in the bill to prevent unjust enrichment. No award is to be made to the spouse of the offender. If a man kills his wife, no award could be made to him but the innocent children might obtain an award for their loss, as long as no part of it goes to the husband.

These are some of the major provisions of my bill. We should have had this program over five years ago, when I first introduced the bill in Congress. It is my hope that it will be enacted very soon, as it is desperately needed.

Let me emphasize the basis for this legislation, and why the State should assume its responsibility to the innocent victim of crime. An act of violence occurs, and a person is injured. In this case there is generally a three person or three force involvement; the criminal, the law enforcement officer, and the innocent victim of crime. Of these three, the innocent victim usually suffers the most in terms of actual physical injury. The Congress has passed many laws in recent years dealing with crimes, criminals, law enforcement, and law officers, but Congress has not spoken a word about the one who suffers the cruelest loss, the one most unprepared and unprotected person—the innocent victim of crime. It is past time for the Congress to act.

Congress has dealt with the two other points of this three-way involvement, but the one person most likely to suffer the greatest harm is ignored by the law—the innocent victim of crime is subjected to total neglect by the law and by society. It is an almost uncivilized society which fails to protect, or at least to compensate, the innocent victims of its own uncivilized conduct.

In closing, I would like to pay tribute to the late Margery Fry of England. She studied this problem for years, she revived this idea and gave it new life. She convinced citizens and governments all over the world that it is a sound and just plan. Her actions provide an excellent example of what one concerned, thoughtful woman was able to do to help us deal with this aspect of the problem of crime in our society.

THE WAR IN VIETNAM—AND LESSONS OF HISTORY

Mr. HANSEN. Mr. President, the lessons of history are often difficult, and not pleasant to accept. Yet when we fail to learn from the mistakes of the past, we threaten ourselves with disaster and possible destruction.

The historical parallels between the current U.S. position in Vietnam and the positions of Rome and Carthage before the military defeats which led to the fall of those civilizations is traced in a perceptive article written by Ernest Cuneo and published in Human Events.

I commend this article, and the relevant, if frightening, truths it contains, to the attention of Senators and ask unanimous consent that it be printed in the RECORD.

There being no objection the article was ordered to be printed in the RECORD, as follows:

CHECKING THE HISTORY BOOKS: VIETNAM PULLOUT AND THE FALL OF CARTHAGE

(By Ernest Cuneo)

The early British saw the first Danish longboats as they coasted offshore, scouting the river mouths for their subsequent invasions, then watched them as they faded into the North Sea mists.

"After the manner of the British," Sir Winston Churchill wryly noted, "they concluded that the danger had passed by reason of the fact that it had not yet arrived." The Danes returned, conquered, and remained to merge with the Britons.

Both Rome and Carthage learned that lesson the hard way. When Hamilcar Barka marched on Rome through Sicily, the Romans managed to contain him on that island.

Hamilcar's sons, Hasdrubal and Hannibal, swore to continue the war, however, by attacking Rome through Spain. The Romans could easily have kept Hannibal in Africa with a Roman fleet in the Straits of Gibraltar, but Hannibal came over the Alps on elephants to ravage Italy.

But Hannibal got no support from Carthage. Perhaps some Carthagenian senators told prosperous Carthagenians that there was no need for them to spend their treasure or for their sons to die in a ruinous foreign war in far-off Italy.

Perhaps some Carthagenian senators vied with each other in claiming credit for the cutting off of home support to Hannibal.

If alive today, however, these Carthagenian senators might not so avidly contest credit for the policy, for the war was brought to Carthage. To this day the site is barren, sown to salt by the Romans after slaughtering the population. Rome's treaties were worthless; she merely bided her time for the fatal strike.

Hitler's treaties were worthless. Time and time again, he suddenly attacked countries with whom he had non-aggression pacts, including Russia itself.

Russia's treaties were worth no more. Czechoslovakia had one. China had one; it was a prelude to a Red takeover. Scores of Russian agreements have been broken, the latest in the Middle East within the last few weeks.

We had a treaty on Laos. Not one condition of it was kept for even a few hours. On the contrary, under its cover, the Ho Chi Minh Trail was opened. Red supplies were poured in. They brought no peace to Laos, but a new war to Viet Nam.

Averell Harriman negotiated that treaty, so, perhaps, the Ho Chi Minh Trail should be called the "Harriman Highway." Now Mr. Harriman urges a treaty for South Viet Nam, even as Laos itself is falling under heavy attack.

The direction of battle by a far-off parliamentary body is fraught with disaster. The Continental Congress nearly lost the Revolutionary War by retaining control of some troops, until the disastrous battles of Long Island and New York clearly indicated that the judgment of Gen. Washington, on the scene, was better.

Notwithstanding this, the present Senate has forced military decisions for a battlefield 7,000 miles away. Its political pressure was brought to bear to end the bombing of the enemy's line of supply.

This is a fearful responsibility for civilians to assume in the face of flat declaration by the Joint Chiefs of Staff that such action would compound American casualties.

And at the Senate's insistence the enemy has been informed that American resistance will be diminished by massive withdrawal of troops, together with a timetable of departure. This virtually furnishes an armed enemy in the field with the vital intelligence necessary to ascertain when the remaining American forces can be overwhelmed.

On the motion of a young lady magazine writer from New York, the Democratic Policy Committee set a deadline of 18 months for total departure. Neither her military qualifications nor that of the policy committee were set forth. To circumscribe the Joint Chiefs of Staff in weapons, in space and in time is a momentous decision. It is, indeed, a responsibility which few commanders-in-chief would accept.

It will be recalled that during the Wonsan Reservoir retreat, the Marines carried out their wounded. But it is not widely known that, in what Gen. Mark Clark calls one of the more remarkable examples of human devotion, the Marines asked permission to counterattack against overwhelming numbers solely to recover their dead. They did not abandon them—their lifeless bodies were brought out.

This raises the interesting question of

whether the Senate proposes to abandon the living Americans who are the prisoners of war of an enemy which inflicts torture as a policy.

From a historical standpoint, this is an unusual hour in American history. Nowhere, until this time, have senators vied for the credit of depriving American soldiers of weapons and air cover, of granting sanctuary to an enemy's line of supply, of leaving allies on the field of battle and of urging a treaty for a country when the "treaty" which the United States negotiated resulted in the destruction of its neighbor.

Perhaps some Carthagenian senators so urged, but if they did, their name was lost to history with the destruction of their country; the dust of Africa blows impartially over both the shame and the glory that once was Carthage.

THE END OF MAN

Mr. FULBRIGHT. Mr. President, today I read a startling statement by the noted actor, Mr. Eddie Albert, entitled "End of Man," Mr. Albert has described himself as a former conservationist who has become a survivalist. His assessment of the havoc man has wrought on his environment is an awesome and terrible indictment, and if some would call him an alarmist, I rather expect he might plead guilty. If the facts he cites regarding the pollution of our environment are valid—and I have no reason to challenge them—we should all be alarmists.

I ask unanimous consent that Mr. Albert's article be printed in the RECORD. I commend it to Senators, although I must confess it is not suitable for light, bedtime reading.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE END OF MAN

(By Eddie Albert)

Dr. Richard Felger, Senior Curator of the Los Angeles Museum of Natural History, and Professor Barry Commoner, Washington University, St. Louis, estimate that man has about 40 years left to live on this earth. Dr. P. C. Orloffs of Canada gives us only 15 years to live. A gloomy conclusion. Is it valid?

Let's Look around. A short news report.

Sign on Los Angeles schoolroom bulletin board. Warning!! Do not exercise strenuously or breathe too deeply during heavy smog conditions. APCD.

Announcement from National Cancer Institute: "DDT is a cancer causing agent."

Egypt: The Aswan Dam has slowed down the Nile. Six hundred miles down river sandbars have stopped building up on the delta. The Mediterranean is flooding the delta, and one million fertile acres have disappeared under salt water.

Below the dam, snails carry the blood kukes of schistosomicosis and thousands of men, women and children are going to die of this painful, cruel disease.

The Nile no longer carries its nutrient-rich sediments out to sea and the fish are disappearing. The fishing families are moving into the slums of Cairo and Alexandria. That source of food is disappearing. Also oxygen from loss of greenery, and water.

In Tokyo, traffic policemen take an oxygen break ever half hour.

Holland's agriculture needs water from the Rhine to flush the salt out of reclaimed areas. The Rhine has become Europe's filthiest, most contaminated river. Holland is now trapped between invasion from the salt sea, and the dirty, polluted Rhine. Less food.

Minamata Japan—100 people dead of poisoned clams.

South Pacific—Australia, Guam, Saipan, Panape, Truk, Palau, Hawaii—their coral is being killed by starfish which are proliferating in a puzzling ecological explosion. Dr. Bruce Halstead told me—that when the coral is dead, a weed will grow which will contaminate the fish, eliminating the fish as a food source. Natives who eat the fish then die of cigarua disease.

Over 15,000,000 fish died last year from water pollution.

The Missouri River is to become the Colon of America. The Mississippi carries signs, "Don't eat your lunch near the water."

Germany—the Rhine along with hundreds of other rivers, has been straightened out. This lowered the water table from 10 to 25 feet. 35,000 acres of productive Hungarian farmland have dried up and been taken out of production; 200,000 acres in Alsace. Same thing in the Sahara—water table lowered, 1,000,000 date palm dead and 120,000 natives face disaster.

The Apollo 10 astronauts easily picked out Los Angeles from hundreds of miles out. They could see the blotch of ugly, cancer-colored smog, 4,000,000 cars vomiting cancer-causing gases, 16 million tires vaporizing deadly asbestos particles, and the new, polychlorinated hydro-carbons onto the pavement—into the atmosphere and into the sea. New York, Chicago, Philadelphia, Denver, Washington, Boston, St. Louis, Mexico City and Tokyo. 100 cities, 100,000 towns, all making their permanent contributions to the atmosphere.

An important doctor from the American Medical Association said, "Unless the combustion engine goes in 5 years—we will."

How does smog affect man? Chronic bronchitis is seven times higher than it was ten years ago. Lung cancer is twice as prevalent in the cities as it is in the rural areas. Bronchial asthma and emphysema are up eight times in the last ten years and skyrocketing. One day's breathing of New York smog is equivalent to smoking 5 packages of cigarettes. It is anticipated that before many years have passed, ten thousand people will die daily of pollution. Doctors are advising 10,000 patients a year to leave California.

Zoology Professor Kenneth E. F. Watt said in a prepared statement, "It is now clear that air pollution concentrations are rising in California at such a rate that mass mortality incidents can be expected in specific areas, such as Long Beach, by the 1975–76 winter.

"The proportion of the population which will die in these incidents will at first equal, then exceed, that of the 1952 London smog disaster." (Nearly 4,000 Londoners died from the effects of smog during the Christmas season of that year).

During the 1966 Thanksgiving weekend in New York it has been estimated that 168 deaths were caused by smog.

Smog damages crops to the tune of ½ billion annually. In New Jersey alone 36 crops have been seriously damaged. Spinach, lettuce, beets, etc. Food gone and oxygen gone. Dr. O. C. Taylor, "If the pollutants in the air are unchecked it won't be many years before agriculture in certain parts of America ceases to exist." Less food.

Up in the Lake Arrowhead area about 10% of the Ponderosa pines, 1,300,000 trees, have died as a result of smog. It is estimated that 10% of our farm produce is being damaged by smog which means less oxygen, less food, and less water.

"One of the most tragic ironies of our age could be in the making, if certain tests at University of California, Los Angeles, prove correct. Scientists claim that the present anti-smog device placed on our cars may be increasing, not reducing air pollution." Engineer, Air Resources, Channel 7, 7/30/69.

The final contribution of the combustion engine to us, seems to be death by disease and starvation.

The gentle dust of DDT blows off the farms, ranches, plantations, into the sea for the plankton and the fish to absorb, which are then eaten by the birds. Last spring, with Dr. Risebrough and members and scientists of the Western Vertebrate Foundation, I went to the pelican rookeries on the island of Anacapa to observe the nesting of the pelicans and the 10,000 baby chicks that ordinarily are born in the spring in that rookery. We discovered that all the eggs had collapsed, and the embryos killed, because DDT ingested by the mother bird upset her calcium metabolic processes, causing her to lay thin-shelled eggs which could not support her weight. Three or four days after laying, they collapsed. Instead of 10,000 baby chicks only two were hatched there this year. The same was true of rookeries of the pelicans on the Mexican islands.

We also found the first thin-shelled cormorant eggs. Now they have become quite common. Recently I was told that the first seagull eggs, thin-shelled, had collapsed. The pelican, the osprey, the cormorant, the petrel, the seagull, the American Bald Eagle and the peregrine falcon, eggs all collapsing. No new generation is being born.

Now—who is going to discover the first collapsed hen's egg.

On the island of San Miguel about 50 of the seals aborted their young this year for the first time.

The San Francisco crabs are gone forever, the crab larvae full of DDT.

The herring are disappearing fast in Canada, which means the end of salmon. The Penasco shrimp disappeared this year.

The WHO began an anti-malarial campaign in Borneo. Thatched huts were sprayed with DDT. Cockroaches picked up DDT which became heavily concentrated in the lizards who lived off the roaches. The lizards were eaten up by the cats, who died. Villages were then overrun by rats, carrying fleas and parasites which spread silvatic plague. They had to drop cats in by plane to save the people. The DDT also killed the predators of caterpillars that lived in the thatched roofs, so the caterpillars multiplied and ate the roofs.

Scientists from the National Cancer Institute state, "DDT is a cancer-causing agent."

Hungarian scientists examined 1,000 mice for five generations. Leukemia appeared in 12.4% of the DDT mice, but only 2.5% of the non-DDT mice. Tumors appeared in 28.7% of the DDT mice, but only 3.8% of the non-DDT mice, and most of the malignancies were in the later generations, the children indicating genetic damage.

According to the University of Miami School of Medicine, people dying of cancer contained more than twice as much DDT in their fat, 20–35 ppm, as victims of accidental death, 9.7 ppm.

Dr. Donald Chant, Chairman of the University of Toronto Zoology Department, states, "Absolutely undebatable evidence that DDT causes cancer."

Jerome Gordon, president of a research firm in New York, added more fuel to the fire while testifying before the Senate Sub-Committee on Migratory Labor. He attacked parathion, methyl parathion, tepp and melathion, calling them "first cousins chemically to a German nerve gas used in biological warfare."

"Fifty million pounds are being spread unchecked on America's farms and gardens," said Gordon. "The result is that uncounted thousands of the nation's migrant farm workers, farmers and suburban homeowners have been fatally overcome or seriously disabled."

He said more than 100-thousand cases of pesticide poisonings and several hundred fatalities occur each year.

Dr. Samuel Simmons of the FDA states that 150 to 200 persons are killed annually by pesticides, and 100 times that many are injured.

DDT attacks the central nervous system,

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upsets the body chemistry, distorts cells, accelerates gene mutation, and affects calcium absorption by the bones.

DDT, being a poison, lodges in the liver. Being nonsoluble in water a frenzy of enzymatic action takes place to get rid of it. The enzymes are not discriminating, however, and attack other things, such as steroid sex hormones, estrogen, etc. What do you suppose our daily dose of DDT in small amounts is doing to us?

In Peru, the economy consists of cotton agriculture, some tobacco, guano fertilizer from the cormorant birds on 36 offshore islands, and the fish-meal industry from anchovies. The cotton growers, feeling that, if a little DDT was good, more was better, were finally up to 50 applications of DDT a year on their cotton acreage. The pink bole worm and other insects of course became resistant and came back in stronger waves until 50 applications yearly were applied. This, of course, pushed the cost of cotton out of sight. The DDT killed the soil bacteria and ruined the soil. The cotton went to hell. The DDT run-off into the rivers contaminated the fish, which killed the cormorants that manufactured the guano, reducing their numbers from twenty million down to six million, and the guano harvest from 170 million tons down to 35 million. The anchovies which feed off the plankton, that required the droppings from the guano birds for their nutrients, began to disappear, so the fish meal industry is being wrecked, and the guano birds which feed on the anchovies are starving to death, therefore, less nutrients for the plankton, less food for, etc., etc. Guano is the only fertilizer which seems to work in the harsh mountain soil. Half of Peru depends on this food production for survival. The result has been expropriation of American interests and a stepped-up hostility toward our American trawlers cruising in the open sea nearby. Their fishing boundary has now been pushed out to 200 miles. All of this has greatly harmed American-Peruvian relations and now becomes a political problem.

This brings up another folly of ours which contributes to disease and death from protein deficiency. Peru normally provides a catch of fish greater than all Europe's, and this catch would provide sufficient protein for the whole of South America.

We grind it up into fish-meal which we feed to our pigs and chickens, losing 70% of the protein.

I have mentioned plankton. These microscopic plants serve two purposes. First, plankton, microscopic sea-animals, are the base of the whole fish food chain from anchovies to whales. Without plankton there would be no fish, whatsoever. Secondly, plankton provides 70% of the earth's oxygen. 70%. Take 70% of the oxygen out of this room and you and I are soon gasping. Well, eleven parts per billion of DDT, that's at the ratio of about an ounce to a thousand railroad carloads, 11 ppm of DDT in water are sufficient to kill off the plankton. No oxygen. No fish. Already, this is happening in the estuarial areas close to land, but a couple of weeks ago, an FDA man told me they had picked up their first load of contaminated deep-water fish. DDT is now in the deep, blue sea. Another food source is in danger. It doesn't take much.

The Rhine disaster, which killed all the fish in the Rhine recently, was caused by one sack of insecticide falling off a dock into the water.

Should DDT be banned? Of course, but it may be too late. All of the above is the result of only $\frac{1}{3}$ of the DDT that has already been spread on the land. $\frac{2}{3}$ still hangs in the air, 1 billion pounds, and will be settling on us, slowly, for the next couple of years. One billion pounds left up there. Twice as much coming down like a ghastly dew on the sea, on the land, on us, for the next few years.

The Department of Agriculture says, "We control the spreading of DDT." How? Ninety percent of it blows into the air, all over the world. Polar bears in the Arctic, penguins in the Antarctic, eel pouts, 1,500 feet deep in McMurdo Sound at the South Pole are loaded with DDT. There isn't a cubic inch on earth free of DDT.

The prophet Isaiah graphically foretold of our day:

"The earth is drooping, withering . . . and the sky wanes with the earth, for earth has been polluted by the dwellers on its face . . . Therefore a curse is crushing the earth, alighting on its guilty folk; mortals are dying off, till few are left." (Isaiah 24: 4–6)

Mercury poisoning. The run off of mercury into the sea from industrial wastes is contaminating the North Sea, according to Dr. Bruce Halstead, to the degree that in three years the fish from the North Sea will be too poisonous to be edible. Mercury is used in the U.S. in the manufacture of plastics, paint and paper pulp, and as a fungicide for wheat seeds.

Dr. Halstead described cases of brain damage in the northern countries, kidney damage and damage to the central nervous system. The phrase, "Mad as a hatter," originally came from mercury poisoning from hat makers who used mercury in conditioning felt for hats. It affected their brains, damaging the cortical cells, hence the phrase, "Mad as a hatter."

In the little town of Minamata, in Japan, almost one hundred people have died as a result of eating clams contaminated by the mercury in water wastes from a nearby plastics factory.

Mercury poisoning is passed on from the wheat seed into the bread made from the wheat flour, into the mother and congenitally into the child, who dies at the age of two or three in convulsions with brain damage.

Animals, cats for example who eat the fish, contaminated clams, etc., die in convulsions.

Recently, in Lake Boone in Tennessee, millions of fish died as a result of mercury poisoning from barrels that had been used in the manufacture of paper pulp and then turned into floats for docks. Traces of mercury leached out of the barrels two and three years later, killing the fish.

Let's go for a short survey of inland water.

Rock Creek in Washington, D.C. once famous, is now a dump. The zoo uses it for a sewer. A health hazard.

Ohio River, zero oxygen. Septic. By the time the great river passes Cincinnati and is taken up for home use, every drop of it has been through at least 5 toilets.

Oil sludge foam was dumped into the Allegheny River in Pennsylvania recently. A 12-mile-long slug of pollution formed, and it held together all the way to the Mississippi. More than a million fish were killed.

Willamette River, Oregon—dying. Seven pulp mills, five of which use the sulphite pulping process produce 70% of the pollution, thousands of gallons of dark, chemical poison, daily. About cleaning up the river, the pulp mills pretty well control state politics on pollution.

Merrimack River. Reduced to sewage. Dying. Belching gaseous bubbles.

The Potomac is a sewer for every town it passes. It is drying up, and its ancient, historic bones are now desecrating the scene. Its mudflats are now showing, covered with garbage, old tires, junk, human sewage. During cherry blossom time it is the best-dressed cesspool in America.

The Army Corps of Engineers suggests putting up a large dam (here they come again) at Seneca, building up a huge head of water, and then releasing it suddenly to flush out the river, exactly as you would flush the john. One day flood waters, next day mudflats.

Why don't they suggest sewage equipment and complete removal of pollution? Why always a big dam?

The Engineer Corps is especially good at dams. Thirty years ago the slogan was, "dams, more dams for hydroelectric power," and they built dams, good dams. The dams held back the water and wiped out millions of acres of scenery, living room and productive land. The water slowed down, the lakes behind the dams silted up, and are now useless.

Here is a short rollcall of the silted-up dams. In Texas alone: Lake Austin, Lake Kemp, Lake Corpus Christi, Lake Dallas, Lake Bridgeport, Lake Waco, Eagle Lake, Possum Kingdom Res., and Lake Bernwood. Too thick to drink, too thin to plow. Two thousand silt-filled dams in America stand useless while upstream banks erode and destroy homes and arable acreage.

Lake Erie, 10,000 square miles, is biologically dead. Zero oxygen. Beaches are unsafe, algae coats the bodies of swimmers, and piles up in foul smelling reefs at the shoreline. Flies everywhere. Fishing, once a major industry, has dwindled to a small fleet of boats. The lake has aged a million years in the last fifty.

The "gook" doesn't break up or aerate, it settles to the bottom where it will lie forever. There is no flushing action. Fresh water from Lake Huron merely slithers across the top.

Dr. Paul Sears of Yale: "The lake has been used for dumps and industrial wastes." This dubious economy has been at the expense of a multi-million dollar fishing industry, potable, natural water, and facilities for recreation.

One ton of crud per minute flows into the lake carrying slaughterhouse wastes, oil sludge, chemical junk, human sewage.

The Cuyahoga River which flows into Lake Erie is so loaded with oil wastes that it has been declared a fire hazard. A river—a fire hazard? As a matter of fact it did catch fire. Burned two bridges. $50,000.00.

A fisherman who used to cruise across the lake in his boat watching the great schools of fish on his radar screen, swimming about, said that you can cruise all day now, go for miles, and nothing moves on the radar screen. It's all dead there. Silent. It's eerie. Lake Erie.

Secretary Udall says, "To fly over Erie and look down into the cloudy mess of pollution is like reading the fly leaf of a book on the end of civilization." Next Lake Michigan.

There is some talk of paving over Lake Erie with cement, as a dump for old cars.

Congressman Blatnik of Minnesota, author of the water pollution bill, points out that on the banks of the Mississippi, down below St. Louis, there are signs warning picnickers not to eat their lunch on or near the banks of the river. The spray from the river contains typhoid, colitis, hepatitis, diarrhea, anthrax, salmonella, tuberculosis and polio. In simple language it is an open, running sewer. This water is so toxic that if you place a fish in a container of river water the fish will die in 60 seconds. If you dilute the river water 100 times with clear water, the fish will die in 24-hours. The plain truth of the matter is that we all drink a chlorinated soup of dead bacteria that in some cases has passed through eight or ten people. It can only get worse.

Exodus: "And all the waters that were in the river turned to blood! And the fish that were in the rivers died; and the river stank."

The great, wide Missouri River is about to become a full-time sewer. The board phrases it beautifully. I quote:

Missouri: "Use of the Missouri River for removal of and ultimate disposal of the sewered wastes of cities and industries has economic value far greater than does the use of the river as a source of municipal and industrial water supply. Without exception cities and industries along the Mississippi River could obtain adequate supplies of water of good quality from sub-surface sources. (Sure they can). Likewise other means can be found for transportation, for fish, and wildlife propagation, livestock watering, and recreation."

Here is another good example of ignorance and indifference in our public leaders. Instead of cleaning up the pollution they shove it on down the river—chemicals, industrial crud, chicken guts, slaughterhouse waste, human sewage, on down the river, down to Memphis, on to Vicksburg, presents for Natchez, Baton Rouge, a bouquet for New Orleans. The wide Missouri, the new colon of America, evacuating it all into the Gulf of Mexico. Thank you consultant engineers of St. Louis. Thank you for poisoning the drinking water, destroying the land and livestock, for killing the beautiful river, and thank you for the disease and death of the children.

With all this pollution, the Administration has only used 214 million of a one billion dollar appropriation. This attitude, this behavior, is criminal, and it permeates local and national government. There is no need for it. The means to clean up this kind of pollution are known. This lethargic ignorance simply means death to America, to the world, and to our civilization. This is the way the world ends, not with a bang, but a whimper.

Speaking of arrogance—the Union Oil Public Relations Department told quite a few fibs about the amount of oil spilled at Santa Barbara, and the extent of the damage to beaches and wildlife. Our government went right along with them. Our Governor says not a word, Secretary Hickel talks of another 50 wells, Union continues to pump, and the oil, as of this minute, continues to smear and smell up the beaches, kill the wildlife on which we depend, and ruin the real estate. Union oil claims there is no danger.

XUM

Where do we go for unbiased, authoritative evaluation? Our research scientists at our universities? Let me quote the Chief Deputy Attorney General of California:

"The University experts all seem to be working on grants from the oil industry. There is an atmosphere of fear. The experts are afraid that if they assist us in our case on behalf of the people of California, they will lose their oil industry grants."

Los Angeles Regional Water Quality Control Board has the problem of harbor pollution by Union Oil. One of the Board's voting members is an employee of Union Oil.

A recent study at the University of Pittsburgh suggests that downwind from our atomic testing infant mortalities rise about 50%, and that since the Alamogordo blast in 1945 we have killed about 475,000 children in their first year of life. This, the result of 20 megatons. We continue the testing.

Currently, the Atomic Energy Commission is examining the feasibility of blasting out a new Panama Canal. 250 megatons. Fallout clouds 40,000 feet high. Evacuating tens of thousands of people for over two years. To where? To what end? What happens when the Pacific, 18 feet higher than the Atlantic, rushes across the Isthmus bearing millions of tons of water with a different salinity, a different temperature, a different population of sea organisms, thousands of species dying in the new environment, the climate being altered, agriculture suffering, the lives of nations being transformed . . . for what?

Schweitzer once said, "Man has lost the capacity to foresee and forestall. He will end by destroying the earth."

After the plankton the remaining 30% of our oxygen supply comes from our forests, our greenery. We have destroyed 93% of our forests, and we're losing one million acres of greenery each year. 1,300,000 Ponderosa pines up at Lake Arrowhead have been killed by smog.

We are paving over two acres each minute. Each Sunday edition of the New York Times consumes 150 acres of timber. Multiply that by 100 cities and 10,000 towns. Seven days in the week. There go the trees, oxygen, and water.

One car driven down one block consumes the oxygen one hundred people need to survive for one month.

The U.S. destroyed 340 million acres through urban spread, highways, erosion, dustbowls. With each acre gone we lose oxygen, food, water. In the major cities, in many areas, the production of carbon dioxide already exceeds that of oxygen. The moment is not far off when the oxygen content in our atmosphere will fall below the minimum required to support life.

It took several million years for the world to reach a population of two billion. 1930 was the year. The second two billion will only take 45 years. That year will be 1975. Half the food for each of us, half the water, half the oxygen. Twice the garbage, twice the emissions, the noise, the filth. This only in the next five years. Look ahead thirty years to your grandchildren.

There are on earth 3½ billion people, and about 3½ billion acres of productive land, one acre for each person for his year's supply of food.

Already today at one acre per person 60% of the world dies from starvation, 10 to 20 million a year, 10,000 children daily.

Thirty years from now there will be only ⅓ of an acre per person.

We will not be the first civilization to die. Much of China and India have gone back to sand as a result of man's greed. Syria and Turkey, by land misuse, have created poverty-stricken wastes. Very little topsoil is left in Greece. 2,000 years ago they cut down all the timber to build warships. The Sahara, once a land of rivers and grasslands—now a sea of sand.

In the past when man abused his environment he had a choice. He didn't have to die. He could migrate. Today there is no place to which we can migrate. We have only one choice left. Control our population, conserve our plant and animal life, or die.

The ancient controls of famine, disease and war are not standing by awaiting our decision. They are already moving in. America is not immune.

Six years from today we shall export our last grain of wheat. We will have no more wheat surplus. We will not have enough for ourselves.

Dr. Paul Ehrlich: "The battle to feed all of humanity is over. In the 1970's the world will undergo famines. Hundreds of millions of people are going to starve to death in spite of any crash program embarked upon now."

Adlai Stevenson: "We travel together, passengers on a little spaceship, dependable on its vulnerable reserves of air and soil; all committed for our safety to its security and peace; preserved from annihilation only by the care, the work, and the love we give our fragile craft."

Let me repeat our opening words. Drs. Felger and Commoner estimate that we have about 40 years left for us on this earth. Dr. Orloffs gives us only 15 years.

Good mother nature, spurned and ignored by man, the polluter, is turning on us like a mad bitch.

Our priority today is survival. Survival. It is not Viet Nam, nor the moon. It is not Mars, nor the SST, nor racism, nor communism.

It may not even be a life of quality any more. Just survival.

WHAT CAN WE DO?

Informing yourself about survival problems is another step you can take, and an important one. The following list serves merely as a sampler of the many timely books and articles to be found on library and bookstore shelves. Each book listed here will lead to another . . . and each suggests specific forms of survival action in which you can take part:

"The Silent Spring," by Rachel Carson, Houghton Mifflin Company, Boston, 1962.

"Science and Survival," by Barry Commoner, the Viking Press, Inc., New York, 1967.

"A Different Kind of Country," by Raymond F. Dasmann, the Macmillan Company, New York, 1968.

"So Human an Animal," by Rene Dubos, Charles Scribner's Sons, New York, 1968.

"Red Data Book," International Union for Conservation of Nature and Natural Resources, Survival Service Commission, Morges, Switzerland, 1969.

"Design With Nature," by Ian L. McHarg, the Natural History Press, New York, 1969.

"Famine—1975: America's Decision, Who Will Survive," by William and Paul Paddock, Little, Brown and Company, Boston, 1968.

"The Quiet Crisis," by Stewart Udall, Holt Rinehart & Winston, Inc., New York, 1963.

"Environment and Cultural Behavior," by Andrew P. Vayda, ed., the Natural History Press, New York, 1969.

HELP THE HANDICAPPED

Mr. LONG. Mr. President, I invite attention to an editorial entitled "Help Handicapped Help Self, State," published in the New Orleans Times Picayune of March 9, 1970, which indicates that a State can save money by helping to rehabilitate the handicapped.

It is my hope that one of these days we will think in terms of the economics suggested here. When people are put to work who otherwise would be idle, their earnings reduce what would otherwise be needed to provide for them, and in that regard it reflects a savings. It seems to me if that type of economics were related to our welfare program, we could justify putting many people to work who are on the dole.

Also, if that type of approach were used with regard to providing loans and guarantees to create new businesses and new enterprise, we could have the entire Nation prosperous, instead of having pockets of poverty and pockets of unemployment in an otherwise prosperous land.

I ask unanimous consent that the editorial be printed in the Record.

There being no objection the editorial was ordered to be printed in the Record, as follows:

Help Handicapped Help Self, State

Education Supt. William J. Dodd makes a convincing case for increased spending for his Vocational Rehabilitation Division—citing figures to show that the net effect of preparing and placing 3,256 Louisianians in jobs last year "will amount to a total annual savings of $2,542,000."

Estimating these citizens' annual earnings grew by $8 million, with resultant additional income taxes of $700,000 and sales taxes of $260,000 returned to government, Mr. Dodd said, "This is a sound business investment without attempting to consider the return in human happiness which cannot be measured in dollars and cents."

The division provided various services to 23,000 handicapped citizens last year, but the claim is that another 87,000 could be aided if funds were available.

For every dollar the Legislature provides the federal-state program, Uncle Sam covers it with about three.

The rehabilitation effort cannot be judged other than highly meritorious, but Mr. Dodd might explain why the program's $7,086,000 budget in 1967–68 showed a surplus of $397,000. This resulted, it seems, in a cut in the budget the following year to just under $7 million, and for this fiscal year the Legislature approved a budget of $8.16 million.

What gives, superintendent? Can we gear up to serve all potential beneficiaries if funds are provided?

THE PRESIDENT'S RURAL AFFAIRS COUNCIL

Mr. CURTIS. Mr. President, I have in my hand a very important document which has just come from the printer. It is a copy of the published report of the President's Task Force on Rural Development.

The task force was headed by Mrs. Haven Smith, of Chappell, Nebr. The report is very appropriately entitled "A New Life for the Country." I recommend that every Member of Congress who is interested in a better life for all Americans obtain a copy of this report and read it. I believe it contains solutions for millions of Americans who live in our overcrowded urban and suburban areas as well as the people who reside in rural America.

Secretary of Agriculture Clifford Hardin, who also is from Nebraska, is dedicated to the task of improving the lot of rural America. He embraces and espouses the concept that we must provide a better life for the people who now live in the congested metropolitan areas by making rural America more attractive economically to them. First and foremost, he is dedicated to increasing farm income.

"A New Life for the Country" is important because it is the blueprint not only for us but also for people at the State and local levels to follow in the years ahead.

It contains 13 chapters covering everything from the structure for implementing improvements to the types of improvements that are needed in such areas as education, jobs, and welfare.

It proposes a combination of government and private-enterprise approaches.

It provides the basis for moving forward with an effective rural development effort.

This effort should initially be concerned with the interests of farmers, ranchers, and persons living in rural-oriented communities up to 50,000 population.

It should have as its broad, long-range goal the dispersal of people from the large, overcrowded urban centers by providing them with a way of life far superior to what they have now.

In a single word, the lure of rural America is livability. We have more livability in rural America than anywhere else in the world.

Rural America has the talent and the resources. There are two economic needs—increasing farm income and providing more job-producing enterprises to supplement the income of rural areas.

The key to carrying the "New Life for the Country" plan forward is the Rural Affairs Council which was established by President Nixon at Cabinet level within the White House last year.

I proposed the establishment of the Council to the President after Dr. Everett Peterson, a University of Nebraska agricultural economist, suggested it to me.

The President's Rural Affairs Council is in a position to help provide the national leadership. State and local efforts now must be mobilized to implement the recommendations.

If properly and effectively implemented, Mr. President, I believe that these recommendations will provide not only a new life for the country but also a new life for millions of Americans now living in our problem-fraught urban and suburban areas.

FREEDOMS FOUNDATION AWARD TO S. SGT. WILLIAM H. GUNN, JR., U.S. AIR FORCE

Mr. TALMADGE. Mr. President, the Freedoms Foundation at Valley Forge has conducted an essay competition among members of the U.S. Armed Forces on "My Hopes for America's Future." I am pleased to note that one of the top 13 award-winning letters came from S. Sgt. William H. Gunn, Jr., U.S. Air Force, of Columbus, Ga. For his letter, Sergeant Gunn received $100 and a George Washington Honor Medal Award.

Sergeant Gunn's essay is an outstanding expression of patriotism and love of country, qualities which are very much in need in our Nation today. His thoughts reflect the kind of strength and spirit, and American self-reliance, that has made ours the greatest, most prosperous, and most free Nation on earth.

Sergeant Gunn is at present assigned to HQ 410th Bombardment, SAC, K. I. Sawyer Air Force Base, Mich. I take this opportunity to compliment him for the service he is rendering his country and for his very fine essay.

I bring Sergeant Gunn's letter to the attention of the Senate and ask unanimous consent that it be printed in the RECORD.

There being no objection the essay was ordered to be printed in the RECORD, as follows:

MY HOPES FOR AMERICA'S FUTURE

In a time of international warfare—in a time of internal strife—in a time of ever-increasing uncertainty—what are my hopes for America's future? Where do I stand, and what will I do in this era in American history where America needs me and every other loyal citizen most of all?

My hopes for America's future encompasses all human vistas imaginable. A democratic society such as ours did not become the gateway to freedom merely by a quirk of nature, but through unrelenting toil and bloodshed by our forefathers—who had only a dream and determination coupled with hope—to guide them. I am greatly inspired by their accomplishments. I intend to walk in the path that they have painstakingly cleared for me—hoping that I, too, may set an example for my children to follow. In the tumultuous years to come, I will keep faith in my country and do my part in her defense.

Internal strife has caused the downfall of many great civilizations. America is of no exception to this historical fact. However, America is akin to the many great civilizations of antiquity only in prosperity: they were at their height when they crumbled. Retrospectively, these old civilizations were not cognizant that they were heading on a cataclysmic path to self-destruction. America is aware of both her domestic, and international problems, and the majority of Americans are taking effective measures to curtail these two imposters.

While stationed in a foreign country I had an experience that is perhaps repeated many times with other servicemen throughout overseas bases. In this particular country, I was approached by one of the townspeople at a local carnival. Being willing to accept kindness, I was most receptive to his introduction of himself. A warm and informal conversation ensued and we talked about various issues that were not of a controversial nature. After the man assumed that he had acquired a great deal of my confidence he suddenly said: "You seem to be a rational young man why is it that you, a black man, chose to wear the uniform, and to pledge allegiance to the flag of a country that suppresses and exploits your people? Young man, I find your predicament quite ironic." Immediately sensing that he was obviously anti-American, and perhaps trying to take advantage of the much publicized accounts, and more than the less, distorted and extrinsic views of the racial dilemma in America, I countered by saying: "It is not ironic that I respect and honor America; because only in America could my race have been able to make the progress that it has made in the last decade or so, considering the fact that we were slaves only a little over a hundred years ago. I have a large stake in America's future, and I am just as much a part of her rich heritage as the descendants of George Washington, Thomas Jefferson, Abraham Lincoln, John Kennedy and Dwight Eisenhower. Because of the kind of government that exists in America, my wife, four children and I, can look forward to a very prosperous future if we take advantage of the many doors that are now being opened to us. It is true that America is not perfect—neither is any other country. In order to progress, there must be imperfections—otherwise, why not leave things as they are? Because America has provided me with hope, I will not let her down." Needless to say, my uninvited guest vanished as quickly as he had appeared.

What I am doing today, to help my country has a marked effect upon how my children will accept their responsibilities as adult citizens in the years to come, because it is in the home that children get their first lessons in democracy. My family is proud that I perform an important role in keeping America secure, and my hopes for a better America are their hopes, too.

Today, we are involved in the Vietnam war. Not only do we Americans have hope for ourselves, but we have hope for the entire world; including our adversaries. Aiding the Vietnamese people in their time of need, deterring the spread of communism has set a fine example of courage, loyalty and "plain ol' American redbloodedness." We owe a great deal of reverence to the many servicemen who have given their lives in Vietnam, because these martyrs gave of themselves so courageously, yet, humbly, to help preserve the flame of liberty glowing with everlasting brilliance. You see—these martyrs had the greatest hopes of all. As an American serviceman, I am prepared to make that divine sacrifice, too—to give my all to help maintain a free America.

America is truly an affluent society. For some of the people, the future looks prosperous. But, there's a large segment of our population that is still living in darkness and despair. Somehow, America with all her glory and achievement, hasn't succeeded in ending poverty and ignorance among all of her citizens. It takes more than legislation and the enactment of laws to change the bitterness, depression, and frustration that plague the hearts and souls of men, and eat at the very substance that makes a man—a man. There is bitter turmoil in the densely populated ghettos throughout this country. I think the largest responsibility lies within the ghettos. The people themselves must show a more realistic trend toward self-improvement, and become more oblivious to the agonized shouts of rebellion expounded by self-styled radicals of the far left. Leaders are needed whose main credo is: lead and not arouse.

Because of America's vast technological breakthrough in space research, she is the first nation to conquer the exploration of the moon. The recent moon landing was surely a phenomenal achievement; and of course, this feat could not have been possible without the indefatigable efforts of a lot of dedicated people—people with whom I, indirectly, share a great deal in common. My role in the space program, as a member of the Air Force may not have the same preeminence as the members of NASA; but, even if I don't have a ringside seat in the arena of space research and exploration; by accomplishing my military duties and responsibilities in a professional manner, I, too, have played an essential role in the overall mission.

I live in a country that has achieved affluency and technological advancement that is second-to-none. If America can invent the uninventable—if America can conquer the unconquerable—if America can explore the unexplorable; then, surely, she can make "My Hopes for America's Future," become a reality: Love and respect for the home, community, school, church, country, and foremost—love of God and all of His inhabitants of the universe.

SENATOR JACKSON RECEIVES AWARD FROM VETERANS OF FOREIGN WARS

Mr. McGEE. Mr. President, the distinguished Senator from the State of Washington (Mr. Jackson) last night received the seventh annual Congressional Award of the Veterans of Foreign Wars of the United States. The award was bestowed by President Nixon at a dinner culminating the VFW's 22d annual midwinter conference for national officers and department commanders. I was in the audience, Mr. President, and heard the excellent remarks by Senator Jackson on this occasion. He made great sense when he said that:

> Contrary to a prevalent notion, the issue of our priorities is not an either/or proposition. The choice before us is not a simple one of whether to devote our resources and energies either to national security or to domestic needs.

Senator Jackson said:

> Clearly, we can and must do both.

And he was optimistic, as I am, about our capabilities, pointing out that the common saying about the United States being a "young" country is matched by the fact that it also is the longest-lived republic in the world. As the Senator observed:

> This says something about the American people.

Mr. President, I ask unanimous consent that Senator Jackson's response on acceptance of the VFW Congressional Award last evening be printed in the Record.

There being no objection the speech was ordered to be printed in the Record, as follows:

Response by Senator Henry M. Jackson

Mr. President, Commander Gallagher, my colleagues in the Congress, Ladies and Gentlemen: Few events could give me as great satisfaction as this VFW Congressional Award. I thank you very sincerely. I am keenly aware of the honor thus done me by the Veterans of Foreign Wars of the United States—who have done so much for our country in peace and in war.

Mr. President, I am especially grateful for the honor you have done the Congress and me by your presence here tonight. It is indeed a singular privilege to receive this recognition at the hands of the Commander-in-Chief.

My thanks to all of you for your generous thought of me, and for your heartwarming courtesies here tonight.

Mr. President, I can't help observing: isn't it fortunate for both of us that the presentation you so kindly made to me this evening does not have to be confirmed by the Senate?

In responding to this Award, I am reminded of the young preacher who went to the Bishop for final words of advice before taking up his first pulpit.

The old Bishop said: Before you start your sermons say this prayer:

"Lord may I say some worthwhile stuff;
And Lord please nudge me when I've said enough."

We Senators don't get the nudge very often!

I must confess that my enjoyment this evening is heightened by knowing that your Award is accompanied by a $1000 scholarship to assist a worthy graduate student in the study of Political Science or Government. I take pride in designating as the institution to administer your scholarship the Graduate School of Public Affairs of the University of Washington, Seattle.

The Veterans of Foreign Wars is to be heartily commended for its imaginative sponsorship of this scholarship. My high praise goes to you for thus emphasizing the importance of the serious study of public issues. The need for this is quite apparent.

The present is one of those recurring periods in our history when illusions are in fashion. Once again many of our fellow countrymen are confusing their desires with the realities of the world in which we live. As Josh Billings has said: "It isn't ignorance that causes so much trouble; it's what people know that isn't so."

Careful study of the realities, of course, is not a guarantee of wisdom—but it helps. Our survival in freedom and our chance to leave to our children a better America in a better world depend on enough of us thinking clearly about our problems—and going beyond popular conceptions that lack a factual foundation.

Our country is currently experiencing a veritable torrent of talk about national priorities. This is, of course, a response to the dilemma which confronts public officials and citizens alike: namely, that there is much too much we need to do and too little resources, skills and imagination to accomplish it.

I for one welcome this concern with priorities. Institutions, like people, stagnate. Arteries harden. Basic aims are forgotten and a sense of purpose lost. This is true of any institution, including governments. The periodic examination of goals and missions, of roles and functions, is highly desirable—especially when what is at stake is our survival as a free people.

Contrary to a prevalent notion, the issue of our priorities is not an either/or proposition. The choice before us is not a simple one of whether to devote our resources and energies *either* to national security *or* to domestic needs.

Indeed, even the term "domestic" when applied to our priorities can be misleading: for nothing could be more "domestic" than the survival of our people or the freedom of this nation to choose its way of life free from outside interference.

There is something ludicrous about the notion that one kind of survival is more important than another. We must not only promote a just and healthy society, but safeguard national security as well. We cannot simply decide that one threat to our survival as a free people should command our resources while another goes unanswered.

Maintaining national security, promoting the general welfare and assuring justice and individual liberty are not distinct or divergent lines of national policy. They are not even parallel lines. They are, rather, joined in the mutually supporting sides of a traditional yet progressive triangle.

Much of the discussion of our priorities is carried on with a seriously distorted notion of our real investment in national defense. We need, therefore, to take a hard look at the actual defense budget and its relation to other public expenditures by municipalities, state governments and the federal government. Such an examination gives us a more accurate view of our relative investment in defense.

The fact is that the 1971 defense budget request amounts to some $72 billion, the greater part of which is spent on payroll, personnel support and operating costs. Of this amount, about 10% is for the support of our strategic deterrent posture—$7.9 billion. In the strategic area there has actually been a decline in our expenditures; and this has occurred in the face of extraordinary Soviet investment in the same area. These figures should be compared to the approximately $230 billion in public funds (federal, state and local) devoted to non-defense programs. If one sees the defense budget in this light a $72 billion expenditure takes on a new perspective.

We must, of course, scrutinize the defense budget more carefully than ever before; we must work to assure that funds for defense actually provide defense. But care in these matters cuts both ways. It is simply not enough to portray the defense budget as a great horn of plenty out of which a flourishing domestic program can lavishly flow. It is not enough to choose arbitrarily a figure for defense and then hope that the calculated risk it implies is a prudent one. We must make hard choices, or we shall be denied the easy ones.

In every program—defense, social, economic, and environmental—serious deliberation is essential. The issue is not so much whether a dollar is spent for defense or non-defense programs, but whether it is spent well—whether it contributes to the achievement of our multiple national objectives. Public investments which are vital to our national security and welfare must not be shirked simply because the claims on our resources are many and of great magnitude.

I believe that we can develop innovative and positive social and environmental policies while meeting our security requirements. The pressure on our resources that arises from a powerfully armed Soviet Union must not serve as an excuse for a failure to carry through other important national programs.

Of course money is required, and in larger amounts than ever before. But dollars for defense without wise diplomacy will not keep the nation safe and dollars alone will not save our domestic environment. Judgment and imagination, innovation and planning are required as well.

The new concern for the quality of our environment illustrates the challenge we face in making decisions as to our priorities and in using limited funds wisely. It is true that there are certain programs like air and water pollution control that will inevitably require large federal expenditures. But we have only begun to explore the many creative things we can do to enhance the quality of our environment through new guidelines for acceptable industrial practices, new standards for products which have the potential for damaging the environment, new institutions to assess the impact of technological developments, and new initiatives in such critical areas as population control.

Also, we may choose to give up some of the goods and services which have somehow become part of our way of life. We will have to consider whether we in fact need some of the products which waste our resources and degrade our environment without corresponding benefits to our well-being. It was Thoreau who wrote that: "Most of the luxuries, and many of the so-called comforts of life are . . . positive hindrances to the elevation of mankind."

In concluding let me add just this:

A common saying about the United States is that it is a "young" country. But the United States is also the longest-lived republic in the world.

This says something about the American people.

American democracy has succeeded because enough Americans have been reasonable enough, steady enough, and spirited enough to rise to the challenges in each succeeding generation.

The main question before us is still the one asked by Winston Churchill: Will the American people stay the course?

I am a Democrat. But I am proud that over the years I have supported my President—whether he was a Democrat or a Republican—in critical decisions, popular or unpopular, to provide for the security of our country and to protect and promote the future of individual liberty.

This is a time for all of us to demonstrate our will to stay the course and to give the President the kind of support that can steady his hand in this very unsteady world.

AUTO REPAIR PROGRAM

Mr. TYDINGS. Mr. President, last month the Senator from Michigan (Mr. HART) presented a 5-point program to overcome the problems involved with the auto repair industry. Senator HART has done a brilliant job of legislative investigation in this area of widespread abuse, and now he has offered a carefully considered and effectively drawn program to remedy this longstanding problem. This is another major step in our battle to protect the consumer. As usual, Senator HART is in the midst of the combat.

As our approach to consumer problems turns from words to action, we must have good legislation, built upon a foundation of understanding of what is wrong and a mastery of the means to set it right. Senator HART has done just this, and I hope that Senators will carefully consider this program to end the deplorable state of auto repairs.

I ask unanimous consent that the speech given by Senator HART be printed in the RECORD.

There being no objection the speech was ordered to be printed in the RECORD, as follows:

THE CONSUMER AND HIS CAR

(Remarks of Senator PHILIP A. HART, Democrat, of Michigan, to Society of Plastics Engineers, Rackham Building, Detroit, Mich., January 19, 1970)

It has come to my attention that the Senate investigation of repair costs is not going to get the auto industry's nomination as "Most Valuable Governmental Contribution of 1969."

But neither will the senior Senator from Michigan declare it "Most Pleasant Experience of 1969."

But, as we draw near the end I am happy for the chance to discuss with you some of the conclusions that seem to make sense—and to ask your help to make another such inquiry unlikely.

As you may know, the auto repair investigation is part of a trio. All are aimed at greasing the free enterprise system so it will deliver a lower-cost transportation system for the consumer.

The other two parts zero in on auto insurance and petroleum.

(As you see, when we think "consumer transportation" we think "auto." On that, score one for the industry that put together a product, production system and sales team that turned a plaything into a necessity in a relatively few years.)

The trio of studies was undertaken because of concern that the total cost of owning a car—both in dollars and frustration—was keeping some consumers out of the market. For others, the hardships were unacceptable.

The problems in the auto insurance area are simple—although I don't expect the solutions to be.

We are trying to give the consumer better odds for getting insurance coverage at a reasonable price—and for keeping it. The problems we uncovered have been extensively reported. So I'm sure you are familiar with those denied insurance because of occupation, marital status, housekeeping or some such arbitrary criteria. Perhaps you have had experience closer to home with policies that were canceled—or not renewed—for no apparent reason. And, unfortunately, any group this size contains those who have been socked with premiums up in the stratosphere for reasons other than a bad driving record.

In a few days all the statements for these hearings will be filed, the exhibit material catalogued and the record closed. Then will come a period of sorting out. In a couple of months, I hope to have ready legislative proposals to make this aspect of owning a car more pleasant.

In the petroleum hearings, we sought to nail down the true cost of government protection programs—such as the import quota—and to determine if they buy the protection promised.

So far we know the cost is high—and the protection is low.

The import quota has cost American consumers $40 to $50 billion in higher prices since it started in 1959. Yet it has been a failure in protecting the national security by assuring a large safe domestic supply of oil. Instead of enlarging our reserves by stimulating exploration and discovery at home, almost coincidental with the imposition of the quota, such indications of domestic activity as new oil found, number of wells started and the number of years' supply began to turn downward.

More meaningful to consumers is the fact that if the quota were eliminated gas at the pump could be five cents a gallon cheaper.

After another set of hearings, we will be ready to make recommendations for a more prudent way to protect our national security—while cutting consumer costs.

Which brings us back to auto repairs—and some tentative conclusions.

While many nuts and bolts need to be adjusted on these ideas, I think it is appropriate to let you take a look now at the broad-brush picture of what we are designing. At this stage you can contribute constructive criticism—which seems far better than having a finished government program later pronounced from on high.

There are two ways to look at the consumer and his car. One is to focus on all the commuters wending their way back and forth on the Ford Expressway daily and decide cars that run prove we have a satisfactory system.

The other is to look at the mail the subcommittee has received the past year or so. The latest figure is about 6,000 complaint letters. Commenting on this, Bob Irvin, auto editor of The Detroit News, noted that television networks estimate one letter equals the views of 1,000 persons. Applying that formula, the 6,000 letters could reflect six million unhappy car owners.

Focusing on the 58 million who didn't write is a poor way of guaranteeing the six million will disappear. More likely that approach would encourage the six to become seven, then eight, then nine or perhaps more millions of discontented.

The result of that isn't good for the industry. And when things aren't good for the industry they aren't good for employment—or Michigan or the nation.

So if we want to ease the problems that have grown up all along the line—from drawing board to service station bay—what do we do?

In problem solving, of course, the first step is to define the problem. This is what the subcommittee has been working on for 18 months.

Consumers put their overall complaint concisely: When the darn thing doesn't work right why can't someone simply tell me what is wrong and fix it—the first time?

Studies showed that this complaint was well-founded. The figure for unsatisfactory repair jobs ranged from 36 to 99 percent. But it was clear that the consumer who got his car fixed right the first try may be just plain lucky.

A second major concern of the consumer was the total cost he encountered in keeping his car operating. Too familiar was the situation where the car was hard to start so the shop replaced the battery. That didn't do it so they replaced the points and plugs. Then the wiring harness. And finally the distributor rotor for only $1.50—and magically it worked. Many times consumers suspected that if the rotor had been changed in the first place they could have saved $100 or so.

Other cost complaints zeroed in on the fact that the body of the car needed extensive cosmetic surgery every time bumpers kissed in a parking lot.

Solutions to these consumer complaints seems to require three things:

1. Cars designed to need less repairs—especially crash parts. Seventy-five percent of all collision claims are for $200 or under. Yet, in a recent study when cars were run into a wall at five miles an hour—easily parking lot speed—damage ranged from $134 to $305 and averaged out to $200.
2. Cars and systems which make it easier to make more accurate diagnosis of a car's ills. This should raise the batting average for satisfactory repairs.
3. Ways to cut total repair costs.

At this moment I see a four-front attack on these consumer problems.

The fronts are standards, inspection, licensing and training.

Standards: These would be minimum performance standards for both new and used vehicles. They would be established by the Department of Transportation under the Motor Vehicle Safety Act. Standards for new cars would be federally set and federally administered. Standards for used cars would be federally set and administered by both federal and state governments.

Included in the standards, I think, must necessarily be means to more easily use the present—and developing—diagnostic equipment to check on performance. Wouldn't it be great if the consumer could save costs because say the steering mechanism could be checked out by attaching the equipment to one point instead of maybe seven or eight? We know that Pontiac already has designed the Grand Prix so that its electrical system can be checked with one connection at the end of the assembly line. And methods are on the market—but not on all cars—for warning if the brake system is falling below a safe level of performance. One way is a red light that flashes on the dashboard.

Obviously if we are to cut consumer costs by keeping cars out of accidents, not to mention saving lives, the method of checking safety must be simple or inexpensive enough to assure cars on the road are sufficiently safe.

While cars are being designed to be more diagnosed for safety factors, I would hope the industry could smooth the way for checking other aspects of the car's performance.

This leads into point two:

INSPECTION

There are two types of inspection that seem necessary. We need to provide a system of inspection stations with up-to-date diagnostic equipment that can be used for periodic check-ups. This is the best way to assure safety—for the passengers and fellow travelers sharing the road. Also these diagnostic centers could be utilized by consumers who wish to know in advance of going to the shop what shape their car is in.

The inspection stations, I think, should be privately owned. Ideally they should not be tied in with any repair shop. I recognize that in the rural areas of our country that would not always be possible. However, where possible this seems like the best way to get the credibility necessary for any diagnosis made.

A network of diagnostic centers also would increase the likelihood of a consumer getting an accurate diagnosis on his car. Equipping such a center now, I'm told, runs about $200,000—or about the average investment an auto dealer makes in his entire plant. It would be unrealistic to expect every gas station or alley garage or dealer to have this equipment. Yet the possibility of having the car checked out completely for a few dollars—could save the consumer many needless repairs. A conservative estimate is that today consumers are wasting $8 to $10 billion paying for work not needed—or even not done. If the car-owner discovers after diagnosis that the bill might run high he has two choices—opt for replacing the car or shop around for the best price on the needed repairs. It's tough to shop around now once a garage has your car in pieces all over the floor.

Also needed, I think, is post-crash inspection.

Under this system, any car that suffers damage to safety-related equipment in a crash would be labeled. That car could then not go back on the road until it has passed a safety inspection. There has been much conversation about accidents caused by drivers, bad roads or bad weather. But no statistics are available for those caused by badly repaired cars. Yet if 36 to 99 percent of repairs are incorrectly done now it is reasonable to suspect some of this work ends up in a heap further down the road.

LICENSING

The night before we opened our hearings—based on staff investigation—I said here in Detroit that licensing of mechanics seemed a good way to make sure repairs were being done by someone who should be able to do them right. It has been made clear since that licensing of all mechanics may cause more problems than it would solve—such as raising the overall repair bill by prohibiting the use of trainees and apprentices for simpler repair work. So—my quality control having proved imperfect on that idea—I am recalling it.

Therefore, I am now thinking along the lines of licensing of shops, with at least one master mechanic in each. The remaining mechanics could be certified as competent by the automotive industry.

The shops would be required to have equipment capable of doing the work which would be attempted. This requirement, of course, would be less for a service station doing minor jobs than for a dealer offering full-line service.

The master mechanic would be responsible for overseeing—and/or reviewing each job turned out and ascertaining that the work was competently done.

TRAINING

Today we are at least 70,000 mechanics short. And while the vehicle population continues to explode the rate of increase in skilled mechanics is not keeping pace.

Obviously we need a massive training program. And I am happy to report that discussions are underway now between the industry and various governmental departments which could help organize this.

We will have a report on the progress during our final set of hearings in March.

But even a massive training program may not turn up the number of mechanics necessary. That makes other parts of this plan more essential. For given a network of diagnostic centers which can pinpoint the problems scientifically we will be able to use lesser-skilled persons to do some of the repair work.

This might have social benefits far beyond getting consumers' cars repaired more quickly—and better. For it could help cut into the unemployment rate for many of our high school dropouts.

In brief, that is the way thoughts are now running for solutions to the auto repair complaints.

This program isn't expected to deliver utopia. Nor can it be put to work overnight. However, if we get moving in the next few months, I would expect significant progress in three years. The full plan may be implemented by 1975. And I think all four parts are essential. The absence of even one would weaken all.

The best part of these four points is that I think most of them could be accomplished without new federal laws.

But there is a fifth part which is necessary if consumer complaints are to ebb. This one deals with the design of the car—design that will directly affect the frequency of repairs and their costs. This is one where the industry itself, I'm sure, can take the necessary steps and avoid the possibility of the government regulating design with "repair standards".

There is no doubt in my mind that the consumer today is deeply concerned over the fragility of his car. Having laid out anywhere from $2,000 to perhaps $9,000 for a beautiful machine he is a little sick to see it a few weeks later looking as if it has been in a bar-room brawl with all the parking-lot nicks and creases. Worse, of course, is the discovery that the cosmetic touches on the front or rear end will cost him $300 or $400 to replace when he nudges the car ahead in the traffic jam.

News that some 1971 models will have bumpers that will absorb up to five miles per hour of impact without body damage is a big step in the right direction. Insurance experts told us a bumper which absorbed 12 miles per hour would cut repair bills by 25 percent. That's one-billion dollars worth.

It seems to me that this group is especially equipped to help deliver the consumer a car which will stand up to normal wear and tear.

Plastics could have a great role in providing the beauty that consumers value in their cars without putting too high a price tag on its upkeep.

Clearly in mind is a picture I saw some time ago of a plastic-bodied car that had been crashed headlong into a tree. As we all know, if we did that with our own family buggy the body repair bill alone would total several hundred dollars—not to mention the cost of repairing the machinery under the hood. Yet this plastic job suffered only a six or eight inch separation where the right and left body components were glued together. The repair was simple: clear out the debris and re-glue the two pieces. The cost, I presume, would be equally easy to bear.

Maybe plastic bodies do not make sense at this time. I don't know. But I know you do—or you can dream up something that will make sense.

One thing is certain: the consumer and his car isn't today exactly the greatest love affair of the century. Yet he must rely on it in order to conduct his life.

Let's build escape machines—but let's remember that the one thing the consumer wants most to escape from are the frustrations of maintenance.

I know steps will be taken to make the consumer and his car a more pleasant relationship. If the right things are to be done we need the benefit of your expert advice.

FULL EDUCATIONAL BENEFITS FOR OUR VETERANS: WASHINGTON POST ARTICLE BY RICHARD HARWOOD POINTS OUT DEFICIENCIES

Mr. YARBOROUGH. Mr. President, today's issue of the Washington Post contains a penetrating and timely article entitled "Deficient GI Bill of Rights Adds to Viet Veterans' Woes," written by Richard Harwood. The article dramatizes the many problems and inequities that confront the returning Vietnam veteran. Many of these veterans, who were drafted into service, are from the segments of our society which has long been denied many of the advantages of a full and educated life. The only hope that many of these young men have to obtain a meaningful career is through the educational and training benefits provided under the cold war GI bill. As Mr. Harwood so accurately points out, the allowances paid to veterans under the present law are far too low to meet the inflationary costs of public and nonpublic education.

In 1959, the Senate by a vote of 57 to 31 passed a cold war GI bill to provide educational opportunity to veterans of the cold war. This bill was held up by the House Veterans' Committee, and never passed the House.

Time after time in the ensuing years, the Senate passed cold war GI bills, but the House Veterans' Committee held them up until 1966, when the House Veterans' Committee finally agreed to a reduced, watered-down version of the cold war GI bill.

In 1967, the Senate adopted amendments to the cold war GI bill in an attempt to bring the benefits up to the level of the benefits of the Korean GI bill. Again it was watered down in a compromise with the House, and the watered-down version passed.

Again in 1968, the Senate adopted amendments to the cold war GI bill in order to bring the educational opportunities of the veterans of the cold war up to the level of benefits paid to the veterans of the Korean war. Again it was watered down in conference with the House, and the watered-down version passed.

But each year we improved the cold war; each year ended with a better law than the previous year saw.

In 1969, the Senate passed a GI bill which is now in conference with the House.

During all of these years of effort by the U.S. Senate to pass a cold war GI bill, the great stumbling block in opposition to reasonable educational opportunities for cold war veterans have been the executive departments of the U.S. Government. In blocking the Senate-passed bills for reasonable educational opportunities for the cold war and Vietnam veterans, the House Veteran's Committee was doing this in the behest and request of the Defense Department, the Bureau of the Budget, and the Veterans' Administration,

All three executive departments have opposed every one of these cold war and Vietnam veterans GI bills.

I know, because I have been the Senate author of each of these bills. That department that drafts these young men and sends them into battle has vigorously opposed providing any educational opportunities to these young men after they return to civilian life.

At present, the Senate and the House are working toward reaching an agreement on an increase in these allowances. In October of last year—1969—the Senate passed its version of the GI bill rate increase by a vote of 77 to 0. Under this version of the bill, the allowance rates would be increased by 46 percent, and with this increase, the cold war GI bill benefits would be brought into line with those paid under the Korean conflict bill. The House-passed version of this bill provides for only a 27-percent increase in these important rates. I am hopeful that an agreement can soon be reached on an allowance rate which will be realistic in the light of today's cost of living and cost of education and which will encourage our returning servicemen to use their benefits.

Mr. President, because of the urgency of this matter, I ask unanimous consent that Mr. Harwood's article be printed in the Record.

There being no objection the article was ordered to be printed in the Record, as follows:

Deficient GI Bill of Rights Adds to Viet Veterans' Woes

The military draft has been a scandal since the beginning of the Vietnam war. It has been structured and administered to exempt from the fighting and, most particularly, from the dying, the sons of affluent America.

The principal burden of this war has thus been borne by the poor and by boys of the lower middle class who have lacked either the money, the wit or the desire to avoid military service. For those who survive the experience—as more than 99 per cent do—the system offers certain rewards and opportunities that are now the subject of desultory consideration within the Congress and within the Nixon administration.

It centers on the Vietnam "GI Bill," which was passed in 1966 as a pale copy of the World War II and Korean War models and which was designed, in theory, to permit the disadvantaged grunts who always do most of the dying in wartime to achieve a measure of upward social mobility and the better life than is presumed to go with it. Under the World War II bill, nearly 8 million veterans used government subsidies and scholarships to finish high school, go to college or get technical training. They emerged in subsequent years as the most successful elements of the new and broadened American middleclass.

Theoretically, the same opportunities are available today to the one million or so men who are being discharged each year from the military services. In practice, however, things are not working out all that well.

For one thing, the level of benefits for the Vietnam veteran has been relatively low. The 1966 version of the GI Bill offered a single veteran $900 a year for four years to buy whatever education and subsistence he could get for the price. That was $90 a year less than Korean veterans received in 1952 and was far below the World War II allowance which covered all tuition charges—whatever they might be—and provided living allowances of $75 a month.

In 1967, Congress raised the annual educational subsidy to $1,170 and is now arguing over whether it ought to be raised again to either $1,500 or $1,170. Whatever figure is settled upon won't buy admission to any of the first-rank private schools in the country, unless the ex-soldier has independent means. Tuition alone at the Ivy League schools is between $2,500 and $3,000 a year, not counting books and living costs.

The Government's reasoning is that the public universities, with their lower tuition charges, are as good as the private schools and that not everyone has to go to Harvard. Whatever figure is settled upon—$1,200, $1,500 or $1,700—will still leave the ex-grunts living below the government-defined poverty line while they try to buy an education.

An even more serious problem is the uneven distribution of these benefits. Those who most need education and training get the least of it.

The estimates are that in an average year, the Pentagon is sending back to civilian life 44,000 men with a college education, 147,000 with one to three years of college, 630,000 high school graduates, and 174,000 men with less than a high school education.

On the basis of the experience thus far, nearly 60 per cent of the most-educated returnees and only 8 per cent of the least educated take advantage of the Vietnam GI bill.

By the most optimistic estimates, fewer than half of the Vietnam veterans are expected to ever apply for educational benefits. And these lost opportunities are going to be translated one day, John Steinberg of the Senate Labor Committee has said, in "a glut on the unemployment rolls, the welfare rolls, and the crime rolls."

What is needed, in the opinion of people concerned with this prospect, is a spectacular effort, led by the President, to encourage and help the veterans of Vietnam find the opportunities they never had before they were asked to take on the burden of that dirty war. Alan Boyd, who was then Secretary of Transportation, urged President Johnson to tackle the problem in early 1968. Nothing ever happened. President Nixon also has been urged to tackle the job. His response many months ago was to appoint a commission with a reporting deadline of last Oct. 15. Nothing has ever been heard from that commission.

Meanwhile, thousands of returning veterans are going back each month to the lives of failure they have always known.

ABE ROSENFIELD, A WASHINGTON ASSET

Mr. PROXMIRE. Mr. President, this city is fortunate to have a distinguished citizen in Abe Rosenfield, who is giving it his considerable talent as a member of the District of Columbia School Board. Mr. Rosenfield is a fine example of the rare good citizen who is willing to devote countless hours, day after day and week after week, to make a better Capital City. And, of course, he does this with modest compensation. He accepts, as do all District of Columbia public officials, a very considerable share of abuse and criticism.

He gives the city a special conviction that the discipline and team play, the determination to excel that is required in highly competitive athletics, should be an important part of a successful educational program.

Mr. Rosenfield was a fine athlete and coach in the Washington area before he became a successful businessman. An eloquent tribute to him, written by Lewis F. Atchison, was published in the Washington Star last night. I ask unanimous consent that the article be printed in the Record.

There being no objection the article was ordered to be printed in the Record, as follows:

Rosenfield Retains Interest in Sports

(By Lewis F. Atchison)

Thirty-five years haven't dimmed Abe Rosenfield's enthusiasm for sports. Post-season basketball tournaments, as we know them, were just a dream in his era. Ned Irish hadn't thought of an invitational affair to drum up business for Madison Square Garden. The season ended with conference title playoffs.

Abe played for Catholic U., and the Cardinals were independent. So when he and Bernie Lieb, Hermie Schmarr, Eddie White and Babe Gearty played the last game of the season they turned to spring football, baseball or track. At CU, as at most schools, a fellow played at least two sports if he was on a scholarship, and helped out in a third if needed. Sometimes, when the going gets rough on the District's Board of Education, Abe remembers that era of the great depression and his problems become more bearable.

"Sports were good to me," he said, "and I'm grateful to CU, Dutch Bergman and the people who helped me. Washington has been good to me, and it's one reason I'm glad to serve on the school board. I'd like to make a contribution and I think everybody should become involved in making the city a better place to live."

WANTS EXPANDED ATHLETIC PROGRAM

Rosenfield, still as trim and straight as a West Pointer but with gray-flecked hair, was sorry to see the government turn thumbs down on funds for a summer recreation program for a sports arena. He wants an expanded, city-wide amateur athletic program and an all-purpose auditorium.

"Kids who participate in sports are too tired to be on the streets nights breaking windows and getting into trouble," he reasoned. "Sports would help solve many of our problems. On the field you don't ask a man's color or his background. You only ask can he hit, field and run? Can he block and tackle? Can he hand off or make a shot?"

Abe made news in the late 1940s as the Jewish coach of a Catholic team featuring a Negro star. The boy's name was Harold Freeman and he's now an M.D. in New York City.

Rosenfield can't understand why the government is willing to spend money for monuments and buildings, such as the Kennedy Center for Performing Arts, but not for an all-purpose auditorium which would house major sports events, conventions and trade shows. He believes it would attract visitors from all over the world and give the city's sagging economy a badly needed boost.

In education, Rosenfield compares teaching with coaching.

"I owe a debt to people like Dutch Bergman, who coached me at CU," he said, "and to Al Sundberg, my high school basketball coach, and Frances Ek, who taught mathematics. My two daughters still call Bergman 'Uncle Dutch,' and I keep in touch with Sundberg and Miss Ek. Teachers must motivate and inspire pupils just as coaches motivate and inspire athletes.

"Students must have the same desire, the same determination as athletes," he went on. "Not every play scores a touchdown, because somebody makes a mistake. But through repetition and hard work athletes perfect themselves and make winning teams. It has got to be the same in the classroom.

HAS NO TROUBLE WINNING JOB

An all-city high school fullback at St. Paul, Minn., Abe was shifted to end at CU, and sometimes played guard. Backs like Tommy Whalen, one of CU's all-time great runners, John (Jan) Jankowski and Bus Sheary made the shift advisable.

An all-state basketball player in high school, Abe had no trouble winning a starting berth on Fod Cotton's Cardinals. It was a good-sized group for those days, all standing over six feet. Abe was 6–2 and weighed 188. Lieb, a 6-foot-4 center, was a phenom who could cut and weave. Men of his height didn't do much more than stand under the basket and grab rebounds or dunk the ball.

"We won about 80 percent of our games," Abe remembers. "We beat Duke, Navy and N.C. State."

Rosenfield was born in Argentina, but the family moved to St. Paul when he was 10 and the father became a food broker. On his last visit Abe received the key to the city from the mayor. He also is a Kentucky Colonel.

Abe feels that his career illustrates the opportunities available to any youngster willing to get off his duff and try.

MRS. ROBERT BLACKWELL, MAYOR OF BENNETTSVILLE, S.C.

Mr. **HOLLINGS**. Mr. President, on Wednesday, March 11, the Christian Science Monitor published an article about Mrs. Robert Blackwell, the mayor of Bennettsville, S.C. This outstanding and dedicated lady has, since becoming mayor, made many outstanding contributions to that fine city. The article should be an inspiration to all women who consider seeking public office. I commend it to the attention of the Senate and ask unanimous consent that it be printed in the RECORD.

There being no objection the article was ordered to be printed in the RECORD, as follows:

MEET MRS. BLACKWELL, MAYOR OF BENNETTSVILLE

(By Eva G. Key)

BENNETTSVILLE, S.C.—Now serving a second term as Mayor of Bennettsville, "Just-Call-Me-Jessie" Blackwell is attracting wide attention for her accomplishments. She gave up a better paying teaching position in the public schools to serve her community as Mayor and she says she has not regretted it. In private life she is Mrs. Robert Blackwell, wife of a local businessman.

When Mrs. Blackwell decided to run for mayor the first time, Bennettsville, a town of 6,000 in Marlboro County, was badly in need of better housing, sanitary facilities, better streets, recreation facilities, more sidewalks, and new industries.

Before moving into her new office, she surveyed her town's needs, and like a woman cleaning house, she went to work. Placing primary emphasis on sanitation and beautification, she soon persuaded the town council to pass new garbage and junk ordinances. The new garbage ordinance requires the separation of all garbage and junk and establishes a uniform garbage can with lid for use by all citizens. This prevents scattering of refuse.

In some ways the entire town "was just sort of a junkyard," she relates, until the new junk ordinance went into effect. The ordinance provides for the removal of all old, junked cars and other litter from city streets; it also requires the removal of junk cars or other junked equipment from all private property.

And under her administration, Bennettsville has become the first city in South Carolina to have all standard signal lights. This has made for safer driving for all citizens.

The Mayor feels that her town has been free from riots, school unrest, and crime in the streets because of excellent law enforcement, good race relations, and the fact that Bennettsville residents take pride in their town and have respect for the law. She is proud of the cooperation which she receives from the city police department, club leaders, and all Marlboro County officials. She has a strong biracial committee.

She believes that the women of the United States can do much to influence law and order. "The lives of their loved ones are at stake," she says, "and as the mother of two sons I have always believed that we should take an interest in government and stay well informed on city, state, and national politics."

Since starting her second term, Mayor Blackwell has employed a community planner who also helps with a fine arts program and recreation for young people. Three new industries have been brought in and more are in the planning stage.

GILMAN NEWS FOR GUN CONTROL

Mr. **TYDINGS**. Mr. President, I would like to bring the attention of the Senate to a very thoughtful and perceptive article about gun control in the Gilman News, a student newspaper published by the Gilman School, in Baltimore. This article, written by Warren Marcus, a Gilman student, shows extraordinarily acute insight into the political problems surrounding this emotional issue. I hope that Senators will see that the young people in the Nation understand this issue quite clearly and that they ask for reasonable action. Someday, perhaps, we will respond. I ask unanimous consent that the article be printed in the RECORD.

There being no objection the article was ordered to be printed in the RECORD, as follows:

GUN CONTROL: A FORGOTTEN ISSUE?

(By Warren Marcus)

Pollution, Vietnam, over-population, the draft, hunger, poverty. . . .

These are all obvious problems of today's American society. Movements have been organized to deal with and bring attention to these dangers to our lives. Yet there still exists another matter of great concern to all of us, and it is an issue at this point which is as good as dead. It is a problem which could be eliminated to a great extent and is really totally unnecessary. I speak of the great number of guns in our society.

Gun control has been a very fashionable issue at times, as pollution is today. After the murder of John Kennedy in Dallas, seven years ago a great cry arose from the public for stricter measures. After months of hassling and entanglement in Congressional red tape, the issue virtually dropped from sight. In the spring of 1968, two great leaders were gunned down mercilessly. Again gun control was the talk of the day. Here a concerted effort by the NRA resulted in an avalanche of letters to Congress from thousands of redneck members of the organization. Effective arm-twisting by the professional lobbyists of the NRA soon watered down the bill which was eventually passed.

One of the bumper stickers I have seen around town is "If guns were outlawed, only outlaws would have guns." This, therefore, is the rationale for housewives learning how to fire pistols, for a gun of some sort is to be found in most homes today. The truth of the matter is that if guns were outlawed, criminals would have a much more difficult time obtaining firearms. Most important is the fact that the police will always have weapons. And if only the police and the underworld have guns, the police can do a better job of law enforcement because they will not have to waste time investigating the thousands of gun accidents which occur in the home.

How many times have you read about a child being killed because either he or his friend was playing with daddy's rifle? How many times have you read about a psychotic holding his family hostage with a deadly arsenal of machineguns and automatic rifles, and the eventual outcome being at least one death? How about a Charles Whitman climbing atop a tower in Texas and ruthlessly destroying 32 bystanders?

Another defense of the NRA is that the Second Amendment guarantees to each citizen the right to bear arms. The courts have ruled this actually permits the states to arm themselves, not the people individually. The Supreme Court has ruled that state and federal governments may regulate and restrict gun distribution.

Some people feel that we must have guns to protect ourselves. In Detroit, more people were killed in gun accidents in 1967 than by burglars in the past four-and-one-half years. The statistics on death by gunfire are just unbelievable. Again, in Detroit, in four years gun homicides tripled while the total population went down! An inspector for the Detroit police said, "these days Detroiters are killing mostly their friends, neighbors, and relatives." He says these crimes are virtually unpoliceable. Most occur after an argument of some kind.

Unfortunately there is a terrible climate of violence in this country. Children can watch a war every night on the evening news. In a week of television over 1000 acts of violence occur. The pages of the papers recount crimes every day. The crime rate still goes up. Minorities such as the Panthers and the Minutemen feel they must arm themselves, and they do so easily. For Christmas, children get toy soldiers, automatic tanks, and Johnny Seven rifles with which they can destroy someone in seven exciting ways. And strangely enough, lately people have been decrying this emphasis on violence. TV is trying to cut down the uproar. Yet what could be a better way to lessen the tension than to put guns out of reach?

It is high time some strict, tough gun control legislation was passed. It is really distasteful when a fine Congressman like Joe Tydings must risk his reputation and career to stand up on the issue for stricter laws. If people want to hunt, let them rent rifles from state-run armories. If people want protection, let only the police have weapons. If they think their right to bear arms has been infringed upon, let them read the court's interpretation of the Constitution.

Even if there were no war, if the skies and water were clean, we would still manage to wipe ourselves out.

THE NATURE CONSERVANCY: LAND FOR POSTERITY

Mr. YARBOROUGH. Mr. President, in the Wednesday, March 11, 1970, issue of the Wall Street Journal, an excellent article describes the activities of the Nature Conservancy, a unique private organization devoted to the worthy purpose of preserving lands having outstanding scientific or esthetic values. This private, nonprofit organization is made up of dedicated and concerned citizens who work to preserve our heritage of wild nature.

The Nature Conservancy is incorporated in the District of Columbia for nonprofit educational and scientific purposes. It began its work in 1917 as a national committee of the Ecological Society of America. It became an independent group in 1946 and adopted its present name in 1950.

The Nature Conservancy works closely, not only with many scientific and conservation groups, but also with the Federal Government and State governments in aiding in preserving outstanding natural wonders of our Nation.

The Nature Conservancy has, in its history, been involved in the preservation of some 140,000 acres of strategically and ecologically significant land in 41 States. This group was instrumental in the preservation of Ezell's cave, the subterranean home and last known habitat of the Texas blind salamander, *Typhlomolge rathbuni,* in Hays County, Tex.

This private conservation organization is often able to move more swiftly than the Government in order to preserve areas of great scientific and esthetic value, and to keep them safe from despoliation until the wheels of Government grind their slow course toward action.

The Nature Conservancy is to be commended for its past accomplishments in preserving the natural heritage of this Nation, and I want to encourage their efforts and wish them every success in the future.

Mr. President, in view of the outstanding conservation work being accomplished by the Nature Conservancy, I ask unanimous consent that this article, "Land for Posterity," written by my fellow Texan, Mr. Dennis Farney, which appears on page 1, volume 175 of the March 11, 1970, edition of the Wall Street Journal, be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Land for Posterity: A Conservation Group Preserves Choice Sites by Aggressive Tactics—Nature Conservancy Uses Loan Programs To Save Forests, Islands, Marshes—Bargaining for a Lush Valley

(By Dennis Farney)

Mason Neck, Va.—The Potomac River ice creaks and groans beneath the January sky. Cardinals flit across the beige and white of the snowy cattail marsh, and crows caw from nearby woods of beech and oak. A great blue heron lifts away on three-foot wings.

Mason Neck on a clear, cold morning is placid, unhurried now. But only five years ago this 10,000-acre peninsula of suburban Washington. Real estate speculators controlled the land; there were plans for asphalt streets through the woods, subdivsons near the restored mansion of a Colonial planter.

It didn't happen. And the main reason was the quiet work of an increasingly effective conservationist, the Nature Conservancy.

Three years ago, the Conservancy moved in and began buying up more than 3,000 acres here for about $5.6 millon, checkerboarding its holdings to block development of most of the peninsula. It was another successful application of one technique that helps make the Conservancy unique among national conservation groups—unique in what it does as well as what it doesn't do.

MOUNTAINS, PRAIRIES AND MARSHES

The Conservancy isn't the best known national conservation organization. It rarely makes headlines with dramatic protests or last-ditch lawsuits. It doesn't sponsor wilderness outings and it doesn't publish beautiful books.

It just preserves land, the kind of land that can't be replaced: Virgin woods in New Jersey, islands off the Atlantic Coast, ancient California redwoods, prairies, marshes and mountains. The Conservancy is the only national conservation group that puts its total resources into land preservation. So far, it has preserved about 150,000 acres in 41 states and the Virgin Islands—most of this since it really got rolling in the early 1960s.

The Conservancy traces its lineage to a 1917 committee formed to acquire natural acres for scientific research. Today, however, the Conservancy is interested in outstanding examples of the American environment for other purposes as well. It buys such land itself or lends money to private groups that wish to do so; tax-exempt and nonprofit, it accepts bequests and donations of land or cash. It has helped preserve everything from a 10,500-acre island off Georgia (now a Federal wildlife refuge) to Ezell's Cave, the subterranean home of *Typhlomolge Rathbuni,* the Texas blind salamander.

BEATING THE BULLDOZERS

Both public and private efforts to preserve natural areas threatened by development often founder for the same reason: A lack of ready cash. By the time a government agency can secure its appropriation or a citizens group can launch a fund-raising drive, the bulldozers have come and gone. The Conservancy is trying to fill this gap with three programs:

—From a revolving fund of more than $1.1 million, it makes quick loans to private groups, including its own chapters, organized for the purpose of acquiring specific areas. The groups may take up to three years to repay; the loans are interest-free for three months, then bear interest at an annual rate of 6½%.

—A separate endowment fund of about $800,000 guarantees bank loans to such groups when the revolving fund is being used to capacity.

—Under its newest program, which utilizes a $6 million line of credit guaranteed by the Ford Foundation, the Conservancy moves in fast to acquire tracts being sought (for parks or wildlife refuges, for example) by Federal, state or local government agencies. It resells the land to the agencies when their appropriations come through.

Requests for help are keeping all three funds busy. A loan to a citizens group, for example, recently helped preserve Clausland Mountain, a wooded rampart on the Hudson River near New York City. The $237,500 loan clinched offers of more than $1.1 million in additional money from other sources. Area artists have raised some of the money for repayment with an "Art for the Mountain" benefit.

BROAD SUPPORT

The program using the Ford-guaranteed credit line has acquired more than 11,000 acres since early 1969, sometimes nailing down tracts that slower-moving government agencies might have lost. A good example is the 3,215 acres of Michigan forest recently acquired for the U.S. Forest Service. The Federal agency turned to the Conservancy because the tract was being marketed by a concern that needed to sell quickly, and it might have taken the Forest Service as long as 18 months to secure the necessary appropriation.

Such successes are winning the Conservancy support from figures as diverse as Laurance Rockefeller, Charles A. Lindbergh, Arthur Godfrey ("Boy, they do a job") and Marshall Field. Says a top Federal conservationist: "They haven't tried to branch out and get involved in all aspects of the environment. They've stuck to land preservation—and they're doing it damned well."

Conservancy officials praise the efforts of such better-known organizations as the Sierra Club, which attempts to rouse public opinion and sometimes hauls developers and polluters into court. But the Conservancy generally avoids such fights. "The measure of our success is not how well we propagandize for or against a given issue," says Thomas W. Richards, president, "It's in those acres, and in the quality of those acres."

So it's no accident that Conservancy headquarters in downtown Washington rather resembles a high-powered real estate agency. It's the kind of place where Mr. Richards may interrupt an enthusiastic description of a contemplated project (enclosing both banks of a portion of the Potomac in a "green sheath," for example), to answer the telephone and bargain for an island, a marsh or a forest. The atmosphere seems a little like that cartoon above the desk of Edward R. Kingman, vice president and treasurer. The cartoon depicts an exasperated executive who bellows: "Whattya mean we don't have any capital. . . . The acquisition's already been approved."

The cartoon notwithstanding, the Conservancy is at home in the world of finance. Mr. Kingman has been a bank vice president, a financial consultant and a real estate broker; Mr. Richards has nine years of experience as an IBM department manager. Other staff members include ex-real estate agents, a NASA administrative assistant and an industrial engineer—all recruited for their management skills.

"Conservation problems today are no longer solved by a guy hiking around in the woods," says Alexander B. Adams, an ex-FBI agent who helped lead the Conservancy through most of the 1960s. "They're solved by guys sitting behind desks, thinking." Agrees Mr. Richards: "To win a land conservation battle today, you've got to use the same skills private industry uses."

Last year, its biggest yet, the Conservancy helped preserve nearly 40,000 acres through 101 projects and donations. The year also marked ceremonial completion of a major phase of the Conservancy's most spectacular project to date: The addition of about 10,000 acres to Hawaii's Haleakala National Park.

Before the project, Haleakala Park occupied about 14,000 acres atop a long-extinct volcano. Soon the park will contain about 2,000 acres and extend from the mountaintop to the sea, an enlargement that one conservationist calls a "dream come true." It all began with a 1967 challenge from Laurance Rockefeller. He would donate a $585,000 piece of shorefront to the park—if the Conservancy could acquire the eight-mile-long Kipahulu Valley between the shore and the mountaintop.

Often veiled in fog or drenched in torrential rainfall, the valley is a lush remnant of Hawaii as it used to be. More than 100 waterfalls roar in a rain forest abundant with wildlife, including a bird species presumed extinct for 80 years. The upper valley is a wilderness scarcely penetrated by modern man. Not surprisingly, the Conservancy took the challenge and went to work.

HARD BARGAINING

As negotiator, the Conservancy dispatched Huey Johnson, its western regional director. In two weeks of hectic bargaining, Mr. John-

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son reached agreements with the valley's three private landowners, then persuaded the state of Hawaii to donate about 3,000 additional acres it held.

The private owners eventually sold nearly 7,000 acres for $620,000, donating additional acreage valued at $300,000 as a tax deductible contribution. A mail solicitation, three cocktail parties and a luncheon raised the $620,000, with about $375,000 coming from a gathering in New York's Pan Am building. Mr. Lindbergh addressed that gathering, and Mr. Godfrey did a persuasive job, too. He describes catching a departing donor in the elevator and emerging at the end of the ride with a pledge of $100,000.

In January 1969, the Conservancy donated more than 7,000 acres to the National Park Service under an agreement that will preserve the upper valley as wilderness for scientific research and open the remainder of the valley to the public. (The state is in the process of conveying its 3,000 acres to the Park Service.) Then the Conservancy launched the project's second phase: A campaign to raise about $750,000 to purchase several hundred additional shorefront acres highly vulnerable to development. If this phase succeeds, Gov. John Burns has indicated, he'll work for the donation of additional state land. Says Mr. Richards: "We want to do this thing once and for all, and do it right."

The scope and expertise of the Kipahulu project was a far cry from the Conservancy of 1960. That year the organization preserved only about 4,000 acres, had an operating deficit and only about $100,000 in its revolving loan fund, and was mired in an ill-planned project that threatened to bankrupt it. Adds Mr. Adams, then president: "We were like practically every other conservation group—trying to do everything at once, and not doing anything as well as we might."

Spurred by Mr. Adams, the Conservancy reorganized. It beefed up its staff with the help of Ford Foundation grants, formed the endowment fund and secured the Ford-guaranteed line of credit. And after what Mr. Adams calls "a long battle within the organization," it phased out activities unrelated to land acquisition.

This meant leaving public protests to other conservation groups, a decision that still has its critics. One, for example, asserts that "too much concern about what major contributors might think" sometimes inhibits Conservancy activities and was a major factor in the policy change.

This critic is particularly disturbed because in the early 1960s the Conservancy dropped an active role in opposing a controversial pumped storage hydroelectric plant proposed by Consolidated Edison for New York's Storm King Mountain. He maintains: "Many Conservancy backers are stockholders of Con Ed or are interested in other forms of economic development along the Hudson and might have been offended."

Mr. Adams disagrees. "I know of no instance where our policy has been affected by a donor, and I can say that absolutely flatly," he declares. He calls the protest against the Storm King plant "the kind of project that could be much better handled by other groups" and notes that another group did take over after the Conservancy dropped out. The intent, he says, was to "disengage from things other organizations were already doing and concentrate on buying land."

There's no doubt that Conservancy fortunes soared after the reorganization. In 1969, it either bought or received as gifts land valued at nearly $20 million, up from about $750,000 in 1960; by 1975, it expects this amount to rise to $50 million. During 1969 it transferred ownership of $7.2 million worth of land to various Federal, State and local institutions, including universities.

Increasingly, the Conservancy is going into large-scale projects that will protect complex life chains in broad areas. A top priority for the 1970s will be the acquisition of coastal marshes and wetlands to protect spawning grounds for marine life and refuges for migratory birds. Separate projects, already well under way, aim to establish "coastal reserves" of islands off Georgia, Virginia, Maine and Florida. Other priorities: The acquisition of virgin prairie, water-filed "potholes" (needed by migrating ducks and geese) in the upper Midwest, and desert springs and streams.

NEEDED: $31 MILLION

This year the Conservancy will spend $7.5 to $10 million for land acquisition—a record but about $31 million short of what it would like to spend, says Mr. Richards. He estimates he would need at least $15 million more, for example, to buy up "some of the most critical inholdings" (private land) within national parks and other public areas; $10 million more to fully execute a new project to protect threatened wetlands around San Francisco Bay; $3 million more for Gulf Coast Florida islands and wetlands; and $3.5 million for Atlantic barrier islands and salt marshes.

Meanwhile, additional requests keep coming in. Illinois is asking help in buying a $7.8 million piece of open space in Chicago, for example. And Sen. Ralph Yarborough (D., Tex.) has asked for help in preserving something of East Texas' Big Thicket, a beautiful forest of pines and hardwoods.

Private donations and fund-raising drives by Conservancy chapters and project committees brought in nearly $5.5 million in cash and securities last year. Donors also contributed about $12.5 million worth of land, including a 74-acre ridge in Connecticut and 361 acres of forest (valued at $1 million) in Florida.

"We're willing to go to almost any lengths for a donor," says John F. Jaeger, the staff attorney who processes most of the gifts and bequests of land. Some donors retain the right to live on the donated property for their lifetimes, for example. Others donate only a portion of the value of their land and sell the remainder to the Conservancy, or assign ownership to the Conservancy over a 20-year period.

The Conservancy is looking for help from another area: Business. Last year, in what Mr. Richards called a "breakthrough for conservation," the Conservancy accepted a gift of two groves of California redwoods (worth about $6 million) from Georgia Pacific Corp., a concern that drew bitter attacks from some other conservation groups during the fight to establish the new Redwoods National Park. The gift, now a California state park, convinces Mr. Richards that business and the Conservancy can work together with mutual benefits.

"I'm anxious to work with other businesses, particularly the extractive industries," he says. "It's conceivable, for example, that a lumber company could assess its massive holdings and find some areas that aren't beneficial to it but which would be great from our standpoint. We could take management problems off their hands and enhance their public image in the process."

It's an irony of Mr. Richards' work that he seldom escapes his office to visit the landscapes he's helped preserve. (His most satisfying acquisition to date is a Georgia island he has yet to visit.) But he's an enthusiastic outdoorsman, as a winter hike here on Mason Neck well indicates.

A jaunty beret on his head and field glasses swinging from his neck, Mr. Richards strolls across the iced-over marsh and into the woods, checking tracks in the snow and training the glasses on birds that wing by. "Boy, isn't that great!" he exclaims, focusing in on a flying woodpecker—red and white and black against the sky. Still watching, he quips: "Look at that body!"

He studies a distant treeline, the last known nesting area of the bald eagle on this stretch of the Potomac. (The marsh and nesting area, part of the acreage acquired by the Conservancy, will soon be a Federal wildlife sanctuary; other tracts on the peninsula will become state and regional parks.) Then it's on to Gunston Hall, the restored mansion of George Mason, a close friend of Thomas Jefferson. Residential subdivisions had been planned near Gunston Hall before the Conservatory intervened.

Later, in the formal garden behind the red-brick mansion, Mr. Richards stops to savor the view: The 200-year-old hedge of English boxwood, the giant oaks, the uncluttered woods beyond.

"This will give you an idea why the Conservancy is here at Mason Neck," he says. "We're not just saving a bald eagle sanctuary. By God, this is part of this country's heritage, and it shouldn't be messed up."

INTERESTING ARTICLES AND EDITORIALS PUBLISHED IN CALIFORNIA NEWSPAPERS

Mr. MURPHY. Mr. President, within the past few days several interesting articles and editorials have appeared in California newspapers. I invite them the attention of Senators.

I ask unanimous consent that two editorials from the Los Angeles Times and the San Diego Union supporting the need for our ABM system be printed in the RECORD. I believe that both editorials succinctly state the need, although in different ways.

On another matter, I ask that an editorial by William Randolph Hearst in the Hearst newspaper entitled "Disorder in the Court" be printed in the RECORD. The editorial gives a most lucid appraisal of the "Chicago 7" trial.

An interesting article entitled "Nixon Frustrates the Leftists," by the distinguished Senator from Arizona (Mr. GOLDWATER) appeared in the Sunday, March 8, Los Angeles Times. I ask that it be printed in the RECORD along with another also appearing on Sunday, titled "Reds Broke Treaty Vows—That's Why Laos," by Joseph Alsop.

There being no objection the items were ordered to be printed in the RECORD, as follows:

[From the Los Angeles (Calif.) Times,
Feb. 27, 1970]

ABM CASE LOOKS PERSUASIVE

Congress has the right and the obligation to inquire closely into the need for going ahead with a second increment of the Safeguard antiballistic missile system. As of now, however, the Nixon Administration has made a persuasive case.

According to the overall blueprint submitted to Congress a year ago, the total Safeguard system—when and if completed—will include ABM complexes at 12 sites around the country. Last year, congressional approval was sought only for the first two.

What the Administration seeks now is money to go forward with construction of a third ABM complex and with site surveys (but no actual construction) of five more.

The battle lines are drawn, and it is clear that we face a repetition of last year's bitter, highly emotional ABM debate. There is room for honest disagreement on the issue. But one thing should be clear:

Notwithstanding objections by the critics to the contrary, President Nixon's current ABM proposal is consistent both with the effort to hold down military spending, and with American hopes for an agreement with the Soviet Union to end the missile race.

Mr. Nixon has already engineered a sharp change in the nation's priorities toward more emphasis on domestic problems.

Since he took office 13 months ago, spending for defense, space and foreign aid has gone substantially down, while the share of the budget devoted to housing, welfare, job training and other "human" concerns is up.

So far, defense spending cuts are being achieved mostly through reductions in military manpower, de-escalation in Vietnam, and closing of military installations. The Administration hopes to be able to slice spending for strategic weapons systems, too—but this depends upon Russian cooperation on mutual arms limitation.

Great hopes are being placed on the so-called SALT negotiations, or strategic arms limitation talks, which get under way in April. Meanwhile, however, the continuing Soviet missile buildup has to be viewed as a menacing and discouraging development.

In every year since 1965, Soviet missile construction and deployment has exceeded U.S. intelligence estimates. The buildup has been especially marked in the past year.

By the end of 1970, the United States will still lead in submarine-fired, Polaris-type missiles and in long-range bombers. But the Soviet Union will be substantially ahead in land-based ICBMs.

Defense Secretary Melvin Laird is not worried as long as this situation of relative parity exists. But by 1975 our aging bombers will be on the way to the scrap heap. And if the Soviets continue at the present rate, they will by that time enjoy superiority in Polaris-type missiles as well as ICBMs.

That big a tilt in the nuclear balance of power cannot be tolerated.

This country could react by deploying more offensive missiles to offset the Soviet buildup. But this would be costly, and might complicate the chances of success in the SALT talks.

By moving ahead with ABM protection of our Minuteman missiles, however, we can buy another year of time in which to persuade the Soviets to join us in stopping the arms race.

[From the San Diego (Calif.) Union, Feb. 26, 1970]

Need for ABM System Unchanged

Several peaks emerge from the valleys as the nation embarks upon another debate about President Nixon's decision to begin construction of the second phase of our Anti-Ballistic Missile defense.

One is that no principle really has changed since the United States of America began discussion of an anti-missile system a decade and a half ago.

Another is that President Nixon could have built the missiles with far less verbal confrontation, but that he chose to add a major dimension to his formula for pursuit of peace—the dimension of public support.

The fact is, our need for an Anti-Ballistic Missile defense is even greater today than when the Soviet Union attained an intercontinental strategic missile capability in 1958.

Today the Soviet Union has more land-based strategic missiles than the United States. It is continuing to test multiple warheads on missiles, is building eight Polaris-type submarines a year and now even boasts that its own anti-ballistic missile system is in place and ready.

Russia does not worry one whit that it might offend our sensibilities by its continuing developments.

Similarly, Communist China, which exploded its first thermonuclear device in 1967, is continuing to divert its relatively meager national fortune to intercontinental weapons. It is estimated that Peking will have 15 to 40 missiles capable of reaching the United States by the middle of this decade.

These were some of the facts that led to congressional authorization of the Sentinel ABM system in 1967. President Nixon could have used the same authority to continue the ABM program, but last year he wisely chose to propose the improved and modernized Safeguard system instead.

This strategy allows the President to show the Communist aggressors that we are indeed sincere about our determination to meet our own and world defense commitments.

It allows the President to show the world that the true threat to peace resides with the aggressive nature of the Communists. The ABM is, after all, completely defensive in nature.

Construction of the second phase of the Safeguard system will strengthen the position of the United States when the Strategic Arms Limitation Talks resume April 16 in Vienna. With the system in being, we would be dealing from strength. Without it we would be telling the Soviet Union that "you had better stop doing what you are doing or else we will stop doing what we are not going to do."

Apart from all its other values, the President's ABM decision also gives Americans a chance to reflect on whether survival is not, after all, our first national priority.

There are two ways in which we can seek that survival. We can take a Utopian gamble that if we appease the Communists they will respond with equal generosity. Or we can prepare for the minimum eventuality.

As we think about the options, we also can remember that nothing we have done to weaken ourselves has ever brought a peaceful response from the Communists. They respond to strength, not concessions.

Disorder in the Court

(By William Randolph Hearst, Jr.)

New York.—When the social history of our troubled times is written in perspective, the conspiracy trial of the Chicago Seven is likely to be noteworthy for an unexpected reason—the stunning series of contempt sentences imposed on the defendants and their two attorneys.

These technically peripheral sentences handed down by Federal Judge Julius Hoffman were far more important than the trial itself, or the verdict of the jury. They defined a major limit of tolerance by our democratic and all too permissive society.

For years, the militant radical movements in our midst have been united in one common goal—to assail the law and order of the so-called establishment in every way possible. In the jargon of the New Left, this is known as the "politics of confrontation."

It has taken many forms. Young people annoy their elders with crazy clothes and hair-dos. College students riot on campuses. Mob challenges are deliberately made to police. Churches are occupied. Terror bombs are exploded. Our enemies are praised and our leaders assailed.

When the Chicago conspiracy trial began almost five months ago, it is unlikely that the defendants had any prearranged plan for extending their violent confrontation politics into the actual courtroom. In the recent past, contempt for the judicial process had most often been expressed by picket lines outside the courthouse.

In this case, largely because of widespread publicity and a kind of inverted hero hippie worship, the defendants and their counsel quickly began trying to make a mockery of the court itself.

What resulted, and continued for some 20 tumultuous weeks, was a direct challenge to the rule of law in its own temple. The politics of confrontation was extended to the very machinery of justice.

It was a daring advance by the New Left in its search for ever more ways to attack and undermine the system which, ironically, guarantees them the freedom to do just that.

The guarantee, obviously, is good only up to a point, or series of points, if the system is to protect itself. Many of those points, unfortunately have yet to be clearly defined.

The socially important service performed by Judge Hoffman, and the single most important event of the Chicago conspiracy trial, was clearly redefining the sacrosanct nature of our courts.

By his stern series of contempt sentences, he has served notice to radicals and militants everywhere in the country that civil liberty under no circumstances can excuse bringing anarchy into a hall of justice.

Despite their cries of outrage and protest demonstrations—or perhaps because of them—it is obvious that the extremists have gotten the message.

Far from getting the medal he deserves for his clampdown, Judge Hoffman now faces a quite possible scaling down of his contempt sentences by a higher court. Many people who hold no brief for the Chicago Seven and their attorneys, in fact, think the jail terms of from 2½ months up to four years were too severe.

Should the sentences eventually—on appeal—be cut back, or even thrown out, it will be on a legal technicality—as yet untested—which may or may not limit the extent of contempt of court punishment.

Meanwhile there is no valid reason for any layman to think the sentences were too harsh. If anything, they were not severe enough.

Judge Hoffman did not simply order a man to jail for four years on a general finding of contempt. What he did was to keep score of particularly outrageous acts during the trial, impose penalties for each in his mind, then add up and announce the total at the end.

And the acts were indeed outrageous. To find even a pale equivalent in prolonged and deliberate courtroom disorder, one has to go all the way back to 1949 when Judge Harold Medina endured almost a year of taunts and insults at the trial of 10 Communist leaders.

What Judge Hoffman endured was much worse. Day after day his court was deliberately disrupted by the most flagrant defiance imaginable—by defendants and their lawyers alike. On one occasion the defendants even showed up in judicial robes to mock the bench.

Even worse than that, Judge Hoffman was attacked personally time and again in obscene gutter language. Some of the printable epithets hurled at him called him an idiot, an Adolf Hitler, a liar and a "schtunk."

It is a tribute to Judge Hoffman's forbearance that he refrained from tossing the whole lot into the jug months ago. Instead he merely informed his tormentors at each outburst that their actions were improper and subject to punishment.

Probably this was the best way to bring the trial to its conclusion. Still, there is a lot to be said for the British system of powdered-wig justice.

It is almost impossible to imagine a defendant in a British court standing up to shout obscenities at a judge—the ultimate embodiment of orderly process. Bailiffs would carry such a defendant to the rock pile so fast he would think he was flying.

Come to think of it, some of those Chicago Seven defendants frequently acted during the trial as though they were flying themselves on something or other.

Even if the contempt sentences meted out by Judge Hoffman are softened or canceled, the higher courts can in no way question his

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basic right—or downright obligation—to have inflicted punishment.

Either we are going to have a country where the law prevails, or we are not going to have any kind of organized country at all.

Thus if the actions of open defiance in Chicago are found by a higher court to be unpunishable because of a legal technicality, then the law must quickly be amended to correct the loophole.

Our whole system of jurisprudence otherwise will be opened again to the kind of mockery which Judge Hoffman has done his best to end once and for all.

It never should have started in the first place—and it would not if the would-be revolutionaries had a lick of common sense.

The only reason the radicals get away with all they do is because the ultra-liberal laws of this country too often permit their excesses.

They literally would use the very laws which protect them to destroy their own privileges.

It may sound nutty to us but it is doctrine to them.

Nixon Frustrates the Leftists

(By Senator Barry Goldwater)

In the crazy world of political semantics, President Nixon has been charged, tried and convicted of the brand-new "crime" of preemption.

Liberal newsmen and politicians are finding it fashionable to refer to the President as the Great Pre-Emptor.

Thus do the American liberals express their unhappiness over a President who shows the proper concern for domestic problems that afflict this nation.

You might think to hear them talk that only liberals and left-wing Democrats had any right to concern themselves with questions of health, education, welfare, urban renewal and pollution. It is almost as though the leftists feel that their utilization of domestic problems for political, vote-getting purposes was such an exclusive right that no Republican should ever dare to tackle these problems in the interests of improving the human condition.

The liberals were particularly upset at the President's strong leadership in the matter of environmental welfare. They charged him with pre-empting ground that they had previously staked out; air pollution, water pollution which are rapidly making life more difficult and more uncomfortable on our planet.

The mere fact that the liberals did not stand up and cheer when the President assumed the necessary leadership to come to grips with this grave problem shows that their concern is largely motivated by politics. To an American official seriously worried over what is happening to our environment, the President's assumption of leadership should have been cause for encouragement. Certainly such an official could find a better use for his time than running around accusing Mr. Nixon of pre-empting a "Democratic" issue.

A lot of the anger arises from the fact that President Nixon is not performing the way the liberals, the left-wing Democrats and many of the so-called intellectuals in our society confidently predicted. These critics expected the President to either take no action on domestic welfare problems or to move in a direction which would cause him to fall on his face politically.

The skill and determination which Mr. Nixon has brought to such outstanding problems as crime in the streets, the war in Vietnam, inflation, pollution and the ghettos can only be marked down as a tremendous political surprise.

None of his most outspoken opponents expected his popularity to be running at 64% approval one year after he took office. Indeed, many anti-Nixon liberals confidently believed that by this time in the Administration the President would be listed as one of the least popular of all chief executives ever to serve in the White House.

About the best the liberals can do after charging the President with pre-empting their issues and polarizing American opinion in behalf of his policies is to complain that he is not proposing enough money for domestic programs.

For example, former HEW Secretary John Gardner, who today heads the Urban Coalition Action Council, warns that dire consequences will follow unless additional billions are pumped into such programs as housing, health, education and job training.

Like many other liberals, he is perfectly willing to stand by and let the Democratic National Committee accuse President Nixon of not coming to grips with the problem of inflation. Gardner and all the rest of them know the connection between excessive federal spending and constantly rising prices in the supermarket. But they never let this interfere with their grandiose ideas for promoting their own pet welfare projects at the taxpayers' expense.

Reds Broke Treaty Vows—That's Why Laos

(By Joseph Alsop)

Where is Gov. Averell Harriman, one wonders? And why has he not been speaking up about the currently dangerous problem in Laos?

With great patience and astuteness, and under instruction from President Kennedy, Gov. Harriman negotiated the Geneva Accord on Laos in 1962. By Harriman's urging, the leading neutralist and Laotian patriot, Prince Souvanna Phouma, was therefore installed in the prime ministership, which he still holds.

The key features of the Harriman-negotiated accord further seemed to guarantee a free rein to Prince Souvanna in his own country. Both the United States and North Vietnam undertook to withdraw all their troops from Laos.

Hanoi further promised, most solemnly, to cease using Laos as a transit route for men bound for the war in South Vietnam. To make the outlook still more hopeful, the Soviet Union guaranteed that the North Vietnamese would keep these promises.

As soon as the accord was signed, the United States immediately withdrew every last one of the considerable number of its soldiers and officers who had been serving in Laos in advisory and supporting roles. Hanoi, meanwhile, had a far larger number of troops in Laos—no less than 6,000 at that time, and therefore quite enough to cause a decisive tilt in the military balance in such a tiny country. But of these 6,000 North Vietnamese troops, exactly 40 were withdrawn!

Hanoi's flagrant disregard for the accord that Harriman negotiated did not end there, either. The promise to cease using the so-called Ho Chi Minh Trail to South Vietnam was also broken before the ink on the treaty was dry. In this century's ugly history of such episodes, there has been no cruder, more open, more shameless instance of treaty violation.

Before long, the Soviet guarantees given to Harriman and embodied in the treaty in apparent good faith had also proved to be utterly worthless. In these circumstances, the neutralist Prince Souvanna Phouma had nowhere to turn except to the United States.

Prince Souvanna therefore asked for U.S. aid, though not for a return of any Americans in uniform. Granting the prince's request was urgently advised by Harriman's personal choice for the U.S. Embassy in Laos, the able William Sullivan, now in charge of the Vietnamese problem in the State Department.

Ambassador Sullivan's request was warmly approved by President Kennedy; and U.S. aid therefore began to be provided in the form of supplies, of additional money and of civilian volunteers capable of helping the Laotians in various ways. And as the North Vietnamese violations of Harriman's treaty continuously grew more massive, more outrageous and more dangerous to Laos, U.S. aid had to be increased.

This is the long and short of the U.S. role in Laos, which is now being "exposed" by certain senators and certain reporters. You could have no better illustration of the curious double standard invariably employed by people like Sen. J. William Fulbright.

One wonders why he and his friends are not rather more busy exposing the North Vietnamese violations of the Harriman-negotiated treaty. These violations, after all, are the sole cause of the U.S. role in Laos. But of these violations, nothing has been said by the expose experts.

Aside from these ironies, moreover, this is now an acutely dangerous situation. In the recurrent offensives in each year's dry season in Laos, Hanoi has never before employed more than elements of two North Vietnamese regiments.

This year, in sharp contrast, major elements of two North Vietnamese divisions, the 312th and the 316th, are being used in Laos, without counting the tens of thousands of North Vietnamese troops along the Ho Chi Minh Trail in eastern Laos. The North Vietnamese are also using tanks and heavy artillery for the first time. These are the reasons they are now two months ahead of past schedules in reaching the most advanced positions they have ever occupied.

The betting is at least even that Hanoi's men will continue to use their superior power to go forward. The aim, obviously, is to reap a cheap victory in Laos, to compensate for the setbacks being caused by the Vietnamization program in South Vietnam.

But North Vietnamese occupation of most or all of Laos will be too gross and damaging an act to be treated cheaply. Thailand cannot tolerate North Vietnamese control of the other bank of the Mekong. President Nixon will also have to think about withdrawing some or all of President Johnson's enormous, quite unrequited concessions to Hanoi. So the prevailing double standard had better be abandoned with some haste.

THE GENOCIDE CONVENTION: POLITICAL-EMOTIONAL BARRIERS TO RATIFICATION

Mr. PROXMIRE. Mr. President, among the more prominent fears expressed by the American Bar Association is that the Genocide Convention, if ratified by the United States, could be used as a club to harass or incarcerate Americans in foreign territories. For example, it has been suggested that the convention would permit North Vietnam to try American prisoners on charges of genocide. But the fact is that the North Vietnamese are right now physically capable of doing anything they might wish with their American captives. American ratification of the Genocide Convention will not place our POW's in any further jeopardy than they are right now.

Nor can the atrocities against a civilian population of which some American soldiers now stand accused; for example, in Mylai, be considered genocide. To establish genocide, a policy of systematic extermination would have to be proven beyond a reasonable doubt. We certainly do not have a policy of systematic extermination of Vietnamese or of any other group. Moreover, at this very moment, those Americans accused of the alleged murders are being charged and tried—for murder—by Americans under American law. Ratification of the Genocide Convention would not alter this.

The Genocide Convention does not empower any international tribunal to try American citizens on charges of genocide. Under the convention, the role of the International Court of Justice is limited to questions of interpretation only. Additional protection for American citizens on foreign soil is afforded by extradition treaties; American troops are protected by our Status of Forces agreements. Of course, even now an American abroad who happens to be within the grasp and jurisdiction of a foreign tribunal can be tried for any crime from reckless driving, to robbery, to murder.

Another emotional-political objection to the Genocide Convention is the fear that the Black Panthers or some other religious, racial, or ethnic group might seize upon the convention as a means of accusing American officials of genocide. The Panthers are already charging that genocide is being committed against them; they do not need to wait for ratification of the convention. And even if the convention were in effect in America, very little would be changed. Any American citizen or public official charged with murder of an individual or a group can now be arraigned, charged, and tried for the alleged crime in a local State court. Ratification of the Genocide Convention—assuming enabling legislation is passed which follows the general convention guidelines—would not create a new cause of action; it would merely move the jurisdiction for the trial from the State to the Federal courts.

In a sense, does not our failure to ratify the Genocide Convention serve only to give unfounded credence to the charges that we are committing genocide in Vietnam and at home? From the viewpoint of international politics and prestige can we afford not to ratify the Genocide Convention? I submit we cannot.

GOVERNOR REAGAN STATES: "ISRAEL MUST LIVE"

Mr. MURPHY. Mr. President, the B'nai B'rith Messenger of Los Angeles, for February 27, contains an exchange of correspondence between California Gov. Ronald Reagan and Joseph Cummins, editor-publisher of the Messenger, in which the Governor restates his position of full support for Israel. In his letter to Mr. Cummins, the Governor states that "Israel must live." I think the article and the correspondence underscore my position as well as the Governor's, and I salute him for his stand on the Middle East situation. I concur with Governor Reagan.

I ask unanimous consent that the article and both letters be printed in the RECORD.

There being no objection the items were ordered to be printed in the RECORD, as follows:

REAGAN SAYS "ISRAEL MUST LIVE"—GOVERNOR RESTATES POSITION OF FULL SUPPORT FOR ISRAEL

We are happy to report here that Gov. Ronald Reagan restates his full support of Israel by the United States, as has been his position these past several years.

As stated in our letter to the Governor, we hope to marshal all of Israel's friends in her defense—Now—when Israel sorely needs that support.

Gov. Reagan restated his grand position "that Israel, indeed, 'must live'" and that "They (the Israelis) deserve better from us. They must be provided the weapons to match the Soviet arms now aimed at their nation's heart." Further, the Governor incorporates by reference his singular pronouncements of May 5, 1968 at the Shrine Auditorium, showing that he has not wavered in his pro-Israel position.

We present these important instruments.

OUR LETTER TO THE GOVERNOR

JANUARY 26, 1970.

GOV. RONALD REAGAN,
State Capitol,
Sacramento, Calif.

DEAR GOVERNOR REAGAN: As a Jew who has spent a lifetime in the service of his people, in Jewish journalism, I am deeply concerned; concerned about the bold and adventurous successes of bolshevik Russia in the field of international relations and the subjugation of smaller countries.

Concerned I am as never before regarding the fate of Israel, because President Nixon made certain unequivocal pronouncements before his election to the Presidency, which are at complete variance with the more recent statement of Secretary of State Rogers vis-a-vis the Middle East.

Thus, the purpose of this letter is to marshal the friends of Israel that they may now stand up and be counted in her favor. In view of the foregoing, may I now ask you to express your opinion—

1) Do you agree that the United States should, in her own interest, support Israel to the fullest extent, viz.—with planes and guns, ammunition and materiel, and adequate economic aid to enable her to stand up before the Russian bear and his Arab stooges, as a bastion of freedom and a bulwark of democracy in that area?

2) And in the light of Secretary Rogers' recent statement declaring a policy of "evenhandedness," what are your views?

3) Should America continue its established policy as a friend of Israel, or abandon that tried and true policy by abandonment ala Rogers?

Believe me when I say to you that I am not alone in awaiting words of encouragement. The Jewish community of California and the Jewish community of America await heartening words from you and an exposition of your opinions on these momentous questions of these trying times.

My warm personal regards go out to you and all of yours.

Sincerely,

JOSEPH J. CUMMINS,
Editor-Publisher.

THE GOVERNOR'S ANSWER

FEBRUARY 17, 1970.

MR. JOSEPH JONAH CUMMINS,
Editor and Publisher,
B'nai B'rith Messenger,
Los Angeles, Calif.

DEAR MR. CUMMINS: Thank you for your letter asking for my comments on the current situation in the Middle East and America's position in support of Israel.

I'm sure you know that I have spoken out often on this subject. I have expressed my concern for the future of Israel and her sovereignty as a nation.

At a "Salute to Israel" observance in the Shrine Auditorium in May, 1968, I made a statement about the Middle East situation. It was my position then, as it is now, that Israel, indeed, "must live."

Because the sentiments I expressed in 1968 still apply, I am enclosing a transcript of that address for possible publication in the Messenger. The comments also answers the basic questions you raised in your letter.

Sincerely,

RONALD REAGAN,
Governor.

SALUTE TO ISRAEL, SHRINE AUDITORIUM, LOS ANGELES, MAY 5, 1968

We are gathered together to observe the Twentieth Anniversary of a young and tiny nation, if measured in years and square miles.

It has been a little less than a year since we faced each other in the Hollywood Bowl. We were brought together then by a concern for the fate of that nation as it underwent its "trial by fire." But, even as we met, I think all Americans acknowledged with great gratitude that that little nation, in the bloody days, had reminded us of something that is so much a part of our own heritage, and yet had been so far back in our minds of late, that it is well we should be reminded.

We should always remember, if we are to survive as a nation ourselves and fulfill God's purpose in the world, that man is not animal. He is a creature of the spirit, and there are things for which men must be willing to die.

In the year since we met, those who were then in full retreat have been re-armed by an enemy who would impose on the world his own belief that man is but a freak of nature, without a soul and born only for the ant heap. It is the way of that enemy to arm others and let others do the fighting as it relentlessly pursues its goal of world domination.

The Middle East is essential for that plan, and all the world has a stake in the Middle East. Indeed, the freedom of the world is at stake in the Middle East.

But who defends that freedom? Only that one tiny nation, born of a hunger for freedom and inspired by two decades of the taste of freedom. Those who made the desert flower have been forced to lay aside the tools of peace, and they have stood manning the ramparts "en garde" for these many months since last we met. They deserve better from us. They must be provided the weapons to match the Soviet arms now aimed at their nation's heart. . . .

While we do this and while there is still time, there is much more we can do. We as a nation can assert the leadership the world is crying for. It should be our national purpose to bring the nations of the Middle East to the conference table and there to settle permanently the problems of refugees and the problems of boundaries.

And for Israel, a guarantee of their borders, as well as the sovereignty of their nation.

Israel met its challenge. It is time for us to meet ours. And let that pledge be our birthday gift to those who have reminded all of us that the price of freedom is very high, but not so costly as the loss of it.

CANADA TO CONVERT TO THE METRIC SYSTEM

Mr. PELL. Mr. President, this past January the Honorable Jean-Luc Pepin, Minister of Industry, Trade, and Commerce, announced in the Canadian House of Commons plans to move toward conversion to the metric system. With this step, the United States remains the only major industrial country in the world which has not taken steps to convert to the metric system; 110 countries are now using the metric system. Australia, New Zealand, and Canada are now moving toward the conversion of their national system of measures to the metric system. Here, in the United States, we cannot afford sufficient funds for a study of the possibility of converting to the metric system.

In order that the Senate may be made aware of the reasons for Canada's step toward metric conversion, I ask unanimous consent that the statement by the Honorable Jean-Luc Pepin to the Canadian House of Commons be printed in the Record along with the English translation of the Canadian Government's "White Paper on Metric Conversion."

There being no objection, the items were ordered to be printed in the Record, as follows:

Statement Accompanying White Paper on Proposal for Metric Conversion in Canada, January 16, 1970

Mr. Speaker, I would like to make a statement concerning a White Paper entitled "Proposal for Metric Conversion in Canada." In this paper the Government sets out its proposed general policy for conversion to the metric system of measurement from the traditional inch-pound system. To quote from the White Paper: "The Government believes that adoption of the metric system is ultimately inevitable—and desirable—for Canada. We also consider it appropriate for the Government to assume a leading role in the planning for and in the implementation of this change."

This matter is of direct concern to all Canadians, to our industry and to all levels of government.

Today in Canada, although the metric system and units such as metres and grams are being used in many important sectors, it is the inch-pound system which predominates. In the world at large, however, the great majority of countries have already adopted the metric system or are now in the process of converting to it.

The White Paper addresses itself to the importance of timing in connection with metric conversion in Canada and to the complexities involved. For example, in a modern industrial country such as ours, there will be costs associated with a move to the metric system. These costs will be offset by benefits which are expected to accrue from metrication. They will also be reduced to the extent that the change takes place over a reasonable period of time in relation to the real needs in the various sectors of activity in Canada. We must be aware of the possibility of incurring even greater costs if we do not start to plan now for the ultimate adoption of the metric system.

Metric units today form the accepted basis for international measurement and standardization. A country employing the metric system is, therefore, in a favorable position in an increasing interdepartment world economy. The countries of the European Common Market are long established users of the metric system. Both Britain and Japan, two of Canada's leading trading partners, have already embarked on a changeover. The United States, our principal customer, is now conducting an extensive study of this subject.

As a matter of fact, just four countries—Canada, United States, Australia and New Zealand—are still using the inch-pound system at this time. Canada's ability to maintain and expand its vital export trade with countries in the metric sphere will directly benefit from the move we have decided to make.

Changing to the metric system will have important benefits for the Canadian consumer. These benefits will derive principally from the inherent simplicity of the system and its convenience in general use. The ease in converting from one metric unit to another—from kilograms to grams, for example—will simplify the arithmetic in making value comparisons of competitive consumer products.

For these reasons and many other, which are indicated in the White Paper, as I have remarked earlier, Mr. Speaker, the Government believes that adoption of the metric system is ultimately inevitable—and desirable—for Canada. However, no legislative action is contemplated which would make mandatory a general use of metric in place of inch-pound units.

The White Paper outlines what is the start of a long process on the road to metrication. It proposes certain organizational arrangements to plan for and encourage conversion. For example, the Government intends to appoint a preparatory commission which will act at the Federal level to coordinate the study and planning. A mandate will also be given to the proposed Standards Council of Canada—a bill on this subject is now before the House—so that it may fill a similar role in the more limited area of its responsibilities, that is, the industrial sector and physical standards. Planning and preparation will be encouraged so as to obtain the maximum benefits at the minimum cost to the consumer, to industry and to government at all levels.

Our intention is to study and consult extensively and so to determine what is the best process for this transition. It will be necessary, for example, to decide on the timing of changes appropriate to each individual sector of the economy. In issuing this White Paper the Government is inviting comments from all interested parties. We hope to obtain the widest possible involvement and co-operation of the community as a whole. Participation of other levels of government, of industry, and of the public at large in this effort will be welcomed and will be of the greatest importance in the attainment of the ultimate objectives for Canada in this area of measurement and standards.

Mr. Speaker, I wish now to table, in both official languages, under, Standing Order 41(2), copies of a White Paper entitled "Proposal for Metric Conversion in Canada."

White Paper on Metric Conversion in Canada

1. INTRODUCTION

1.1. In this White Paper the Government of Canada sets out a proposed general policy concerning metric conversion in Canada—a matter of concern to all Canadian individuals and organizations and all levels of government.

1.2. At this time, both metric and inch-pound measures are legal in Canada. Although the metric system is accepted and used in many important sectors, it is the inch-pound system which predominates.

1.3. In the world at large, however, a great majority of nations have already adopted, or are now converting to the metric system. To make such a change in a modern industrial national entails cost and inconvenience. However, many have concluded that the benefits offered by the metric system more than justify conversion.

1.4. These benefits derive principally from the inherent simplicity of the system, and its convenience in general use, in education and in commerce and industry, especially as a basis for standards. Metric units are the basis for international standardization and, hence, favourably affect the using nation's position in an interdependent world economy.

1.5. The Government believes that adoption of the metric system of measurement is ultimately inevitable—and desirable—for Canada. It would view with concern North America remaining as an inch-pound island in an otherwise metric world—a position which would be in conflict with Canadian industrial and trade interests and commercial policy objectives. The Government believes that the goal is clear; the problems lie in determining how to reach this goal so as to ensure the benefits with a minimum of cost.

1.6. It is appropriate that the federal government should assume a leading role in the planning and in the process of change. The Government accordingly accepts eventual conversion as a definite objective of Canadian policy, and proposes means of study and consultation whereby the pace and the methods of change may be determined in the national interest. No legislative action is contemplated which would make mandatory a general use of metric in place of inch-pound units, although some legislation may prove desirable to foster familiarity with metric units.

1.7. It is intended that the Government will appoint a Preparatory Commission which would act on behalf of government as a coordinator in the study and planning of conversion. Also, it is proposed that a suitable mandate be given to the projected Standards Council of Canada, so that it may fill a similar role in the area of its responsibilities.

2. THE MEANING OF METRIC CONVERSION

2.1. Processes of measurement enter nearly every area of human activity. Every culture within written history has employed units of some kind in order to measure at least length, weight and time. For the most part, these units have been arbitrary in their relations to one another; the exception is the metric system of measurement which, since it was first adopted in France in the 18th century, has steadily gained acceptance as a coherent and internationally uniform system of measurement. The metric system has many virtues, the most obvious of which is its decimal nature; to convert from a smaller to a larger unit of measure or vice versa it is necessary only to divide or multiply by 10, 100, 1000 and so on, as compared (for example) with 12, 3, and 1760 as conversion factors for units of length in the inch-pound system. Its advantages have led to steadily increasing adoption of the system internationally, with the result that metric measures have precisely the same significance in every country—unlike, for example, the gallon which has two values even within North America. A less obvious but equally important advantage lies in the fact that all measures are rationally related; as a result the metric system is already used universally in scientific work. The modern integrated metric system includes units of measurement of electricity, temperature and luminosity and, in its basic form, is referred to as the "Système International" or "SI".

2.2. In contrast, the inch-pound system, although still widely employed, is losing rather than gaining adherents, as exemplified by the recent British decision to convert to the metric system. Such a conversion, in any industrially advanced nation, is a complex and costly process: the conversion is undertaken in the expectation that the costs will be more than offset by the benefits. These will derive from the simplicity in use of the more rational system of units and from the improved ability to communicate both commercially and in other ways with the growing metric community.

2.3. Conversion is costly and complex because measurement systems profoundly affect the development of manufacturing standards and specifications. Although primarily based on physical properties or characteristics of products, standards also tend to reflect the convenience of users; a simple example is the preference for round numbers as dimensions—as in the standard four-by-eight foot size of plywood sheets. Thus application of one or another measurement system has led to important differences between the metric and nonmetric worlds in the development of engineering standards of design and performance characteristics. These differences have become embodied in physical forms and, over time, extensive investments have been accumulated in fixed assets and technological experience. In addition, a measurement system becomes embedded in legislation, regulations and jurisprudence. To convert to other standards means that much has to be scrapped and rebuilt.

2.4. It is possible to adopt the metric measurement system (as distinct from metric standards) and, by simply calculating equivalents, express in metric terms engineering standards originally evolved under the inch-pound system. In some industrial fields the use of measurement units foreign to the standards employed would disregard convenience and efficiency in design. In other industrial fields there already has been or can be developed a side-by-side usage of both metric and non-metric systems for definition of standards and for designing.

2.5. The influence of measurement systems on relations between nations or groups of nations is probably greatest in the sphere of industry and associated trade and commerce. Whether a product is accepted in a foreign market may depend on whether standards are met, both by the product itself and by its replaceable component parts. Differences in standards constitute more than a passive barrier to trade. For example, industrial countries, in their trade with the developing world, may promote their own national standards as a means of developing a larger share of those markets.

2.6. Whenever conversion to the metric system is contemplated, each industry sector must weigh the benefits of an internationally uniform and coherent system of measurement against the costs of changing from the existing system. The balancing of costs and benefits will influence the pace of the conversion process.

2.7. Experience abroad has shown that it is not essential that conversion should proceed equally and evenly in all sectors. The use of dual systems or the application of conversion equivalents permits adaptation to the new system without discarding physical assets before they become obsolete. It is therefore important to distinguish between the measurement system and related engineering standards. To do so permits each sector of industry to assess the problems of conversion and consider practical solutions, including timing, without the inhibitions which compulsory immediate changes in physical standards would involve. Metric conversion may be conceived as a variety of programmes extending over periods of years as determined by the needs and problems in different sectors of the economy.

3. CANADIAN GOVERNMENT POLICY

3.1. Study of the subject of metric conversion, including events abroad and the views of a number of industry, consumer and other associations in Canada, has led to acceptance by the Government of the following broad principles:

(i) The eventual adoption in Canadian usage of a single coherent measurement system based on metric units should be acknowledged as inevitable and in the national interest.

(ii) This single system should come to be used for all measurement purposes required under legislation, and generally be accepted for all measurement purposes.

(iii) Planning and preparation in the public and private sectors should be encouraged in such a manner as to achieve the maximum benefits at minimum cost to the public, to industry, and to government at all levels.

3.2. Information about the metric system should be disseminated to the general public, and introduction of the system should be fostered where it will have the maximum educational impact with relatively low costs.

3.3. The intent is to study and consult so as to determine the processes of transition and decide on the timing of changes which are most appropriate to each individual sector of the Canadian economy. Wide variations from sector to sector are inevitable. This will be evident from the following discussion of considerations which support acceptance of these principles.

4. BACKGROUND AND IMPLICATIONS OF POLICY

4.1. The situation in the world

4.1.1. In the world generally there has long been a trend toward conversion and the number of nations which has adopted the metric system as a national standard has steadily increased. Some 110 countries are now classified as metric-using countries. The important consideration is the trend noticeable among the industrially advanced countries. Of these only the United States, Canada, Australia, and New Zealand have not yet embarked upon conversion of their national system of measurement to some form of metric system. Australia and New Zealand are considering such a change.

4.1.2. The British decision to convert to the metric system, related in part to that country's decision to seek entry to the European Common Market, will be effected over a planned transition period which extends to 1975 and, in some respects, possibly even longer.

4.1.3. The process of conversion in Japan has been under way for some years and appears to be approaching completion.

4.1.4. Thus, most states have adopted metric measurement and most of the world's population now live in areas using some form of metric system. Because, however, the inch-pound system is dominant in the United States and was so previously in Britain, the proportion of goods and services produced under this system is higher than population figures might suggest. In fact, the industrial capability and technological leadership of the United States leads to dominance of inch-pound design and specifications in many fields.

4.1.5. The situation in the United States is in many respects similar to that in Canada. There has been a parallel increase in attention to the subject of metric conversion within professional and industrial associations. The pattern of metric usage in science and the extent of its application in industry and commerce appear generally the same in both countries. Because the United States is more self-sufficient and depends to a lesser degree than Canada on export trade, the increasing predominance of the metric system in world markets may give less cause for concern in that country. The greater scale of investment in inch-pound standards increases the sensitivity to costs of conversion. Nevertheless the subject is being actively considered.

4.1.6. In response to rising public interest, the United States Congress in 1968 authorized the Secretary of Commerce to conduct an extensive study of all aspects of possible increase in use of the metric system in the United States. Planning for a national metric survey is in its final stages. This survey is to be carried out by the National Bureau of Standards Metric Study Team under the guidance of a broadly representative Metric Advisory Panel. The study will examine costs and benefits, advantages and disadvantages of extension of metric usage in the United States. A preliminary report is looked for by the autumn of 1970. A number of special groups, private companies, trade and professional associations, including the American National Standards Institute, have set up specialist committees (some with Canadian participation) to study metric conversion problems. These committees will no doubt contribute to hearings planned as a part of the national metric survey.

4.1.7. Because of the close ties between the United States and Canada in science, technology, industry and commerce, each country has a special interest in the course likely to be followed by the other in respect of metric conversion.

4.2. The situation in Canada

4.2.1. The marked trend to the metric system outside North America, and the increasing importance to Canada of export markets, especially for manufactured goods, make it urgently necessary to consider the matter of conversion. The question is a complex one because the United States, which is Canada's main export market, has not made a decision to convert.

4.2.2. It is nevertheless clear that in the long term North America as a whole would have to find the most compelling reasons to remain aloof *indefinitely* as the sole surviving users of the inch-pound system. If the inevitability of eventual change is accepted, then the need to *begin* the process of change as soon as possible is obvious. To delay the decision to put the process in motion would increase the eventual cost of change. Accumulated investments around the older system increase with time, and opportunities for conversion are missed as obsolete assets are replaced.

4.2.3. Although both the customary inch-pound and metric units are legally acceptable for commercial purposes in Canada, in practice inch-pound units predominate, especially at the consumer level, where there is general familiarity only with inch-pound units for length, area, volume, weight and capacity.

4.2.4. In recent years the question of metric conversion for Canada has become increasingly a subject of public discussion and of representations to government. Considerable press coverage has been devoted to the subject. Representative national organizations have put their views on metric matters before the Government and suggested courses of action ranging from initiation of studies to immediate adoption. Among those expressing support for conversion are the Consumers Association of Canada, the Canadian Home and School and Parent-Teacher Federation, the Agricultural Institute of Canada and the Canadian Chamber of Commerce.

4.2.5. An examination of the Canadian situation is summarized below. For main sectors of Canadian society, the current practice, the views expressed, and the expected problems and benefits of conversion are described.

4.3. Implications for the consumer

4.3.1. One basic weakness of the inch-pound system and its related measures is that many adults forget the conversion factors, if they ever learned them, and this may create some confusion in the transactions of everyday living. Many people find it difficult to grasp immediately the relations between yards, rods, furlongs, acres and sections. Problems are often encountered in formulating liquid mixtures used for household or recreational purposes. This situation is further complicated by the difference between the United States and Imperial pint, quart and gallon. The ease of conversion in the metric system would benefit consumers by simplifying the arithmetic of value comparisons. Calculations in terms of grams and kilograms or millilitres and litres would be easier than those involving avoirdupois ounces and liquid ounces. Once again, the difference between the United States and the Imperial ounce, although small, is a legal and technical nuisance. Economies in the processing and distribution of consumer goods may be attainable if suitable metric standards are adopted in the packaging field. It would be simpler to attain a more rational distribution of container sizes if the historical precedents of the inch-pound system were absent.

4.3.2. In the process of changing consumer measurement practices, adult education and information programmes would be necessary, and some moderate costs would be involved. The direct financial cost of metric conversion to the individual and the public in general would be negligible. Costs for changes in measuring devices used in distributive trades dealing with consumer goods would not appear to be onerous for any one establishment—given sufficient notice of the required conversion.

4.3.3. There would, inevitably, be a disturbance of customary and familiar practices as the community adapted to the new measurement system.

4.4. Implications for education and science

4.4.1. Two general aspects may be distinguished when considering the subject of education as related to converting to the metric system:

(1) matters affecting usage by the general public and

(2) matters relating to formal teaching in schools and similar institutions.

An information programme directed to the general public would be particularly important in the early stages of conversion. Matters relating to formal education are the responsibility of the provinces.

4.4.2. Canadian primary education provides some teaching on both inch-pound and metric measurement systems. The inherent simplicity of the metric system speeds the process of instruction, and so frees time for other matters. At present, the educational system is cluttered with illogical and complex weights and measures. Young children are required to learn by rote a system of metrology which is picturesque but inconvenient. The learning of a large number of conversion factors is burdensome and absorbs time which could be used more profitably in other ways. The interrelations of measures of length and capacity in the inch-pound system result from historical or accidental developments but do not have any rational foundation. The simplicity of the metric system would be a boon to pupils and teachers and its adoption would lead to greater efficiency in the educational system. The sole use of the metric system would not only facilitate the teaching of mathematics, but would have an impact on other fields such as geography, biology and psychology as well as domestic science. In 1968, the Canadian Teachers' Federation passed a resolution "That the C.T.F. encourage conversion to the Metric System". Most provincial Departments of Education have reported a trend toward more metric teaching.

4.4.3. As a preparation for metric conversion, there would be an immediate need for greater emphasis on teaching the metric system and a consequent need for revision of textbooks. This is already an urgent matter for the benefit of the next generation because of the years which elapse between the introduction of new textbooks and the graduation of the student who has used them.

4.4.4. Canadian universities indicate that in the field of pure science the metric system is used almost exclusively while, in contrast, work in mechanical engineering is largely in inch-pound units. An important influence on the universities and individuals is the insistence, by many professional associations, on use of the metric system in their technical publications. In scientific work outside educational establishments there is also consistent use of metric units. Views in support of conversion have been formulated by such groups as the Canadian Pharmaceutical Association, The Canadian Council of Professional Engineers, the Chemical Institute of Canada and the Engineering Institute of Canada.

4.4.5. The metric system is already used extensively in the academic and scientific fields. Any costs of conversion should not be an undue burden.

4.5. Implications for industry

4.5.1. It is in the sectors of industry and trade that both the costs and benefits of conversion may be most substantial. Conversely, the eventual costs of not converting may be equally large in terms of market opportunities foregone. Although industry and trade are indivisible, this section concentrates on questions mainly concerning the producer, while the following section on trade emphasizes questions involving the market for Canadian goods and services.

4.5.2. In Canadian industry, including primary and secondary producers and the service and distributive industries, current attitudes embrace the extremes of total acceptance of the metric system and resistance to change from inch-pound units. Flowing from the practice in scientific research, there is increasing use of metric language to express dimensions and performance characteristics, most noticeably in areas of more rapidly evolving technology such as the electronic and pharmaceutical industries. Where export to widely dispersed foreign markets is important, as in certain forest industries, the urge is strong to seek maximum international standarization. This is apparent also in the construction industry. In other sectors of industry economic considerations tend to oppose conversion. This is particularly true of industries mainly engaged in the field of mechanical engineering.

4.5.3. In North America, the mechanical engineering industries as a group have great investments in physical plant, production technology and design. Very costly manufacturing equipment and machinery are employed in these industries. In sectors such as the transportation industry, established interest in existing standards is far-reaching in its influence. In sectors such as the petroleum industry, inch-pound based technology so dominates the world industry that North American standards could survive almost indefinitely in international usage. For the aircraft industry the world's largest market is now non-metric and the logistics of maintenance and service may for a considerable time influence the pace of change. It is clear that costs of conversion would be large in a number of industry sectors; it is equally clear that where conversion takes place the magnitude of costs would depend on the rate of conversion and could be minimized by phasing to coincide with cycles of tool, design and equipment obsolescence.

4.5.4. The view is held in certain sectors of industry that Canada should not attempt conversion independently of the United States. The Canadian automobile industry, with its close ties with the United States involving common designs, production, and marketing programmes, is cited as an illustration. Nevertheless Canada now provides a small though significant market for metric models, in part supplied by domestic assembly. It appears generally the practice of the larger international automobile companies to design in the measurement system of the different countries in which they manufacture. Metric or non-metric design may be translated and adapted as occasion demands. The same companies in their international operations are conscious of the great practical advantages of common standard stock sizes of metal materials, common standard fasteners and common designs for production and maintenance spares. In the somewhat similar farm machinery industry, parts for world-wide use are now designed in both metric and non-metric systems, with increasing preference for the use of metric system. In the final analysis, the mechanical engineering industries have as much to gain as any. In all such circumstances, a voluntary approach to metrication of industrial standards appears to be the necessary and wise course, with wide areas left for discretion to be exercised by management.

4.5.5. Canadian industry as a whole has not attempted any searching analysis of the advantages and disadvantages of Canadian metric conversion, but the Canadian Standards Association has surveyed industry opinion on the subject through its technical committees. The major advantages were seen to lie in simplification of calculations and measurement, and in international standardization. Some thought conversion would facilitate Canadian trade. Many expected a major problem in the re-education of technical, skilled and semi-skilled personnel. Other technical adjustment was not regarded as difficult. Some predicted a need to maintain duplicate production capabilities for a period. Producers of heavy equipment estimated the cost of conversion to new metric-based standards as substantial and onerous. This was not seen to be so much the case in light industries. Certain basic material industries foresaw the need for a period of dual-standard production. Estimates of the time required for changeover ranged from five to twenty years.

4.5.6. Metric usage in medical practice and administrative procedures will be a reality throughout Canada's hospitals within a very short period. This in turn has some industrial implications. The Canadian Hospital Association, at its own expense, has developed a handbook for conversion. It has been reported that use of metric systems has already been introduced in several major hospitals.

4.5.7. The annual meeting of the Canadian Construction Association held in January 1969, endorsed the following policy recommendation of its National Council: "The Association recommends that the Federal Government, through the proposed Standards Council of Canada, carry out a study of the implications of the conversion to the Metric System of Measurement in Canada. This study should include, in collaboration with the construction industry and allied professions, a proposed schedule and related requirements for the conversion to the Metric System in construction operations in Canada. Legislation should be enacted providing for the mandatory use of the Metric System of measurement in this country. This system of measurement is now in mandatory legal use in countries containing almost 90% of the world's population. Countries currently in the process of converting include the United Kingdom, Ireland and the Republic of South Africa."

4.5.8. Conversion costs connected with distribution would not appear burdensome on individual establishments, provided there is phased conversion. There would be benefits which, ultimately, would flow from the simplicity of the metric system.

4.5.9. It can be seen that across Canadian industry as a whole there is a very wide variation in current practice, in expressed attitudes, and in the expected benefits, costs and problems of conversion. In many sectors, coordination in planning the processes of change would materially affect the costs likely to be incurred. Wide flexibility in timing would appear to be necessary. In some sectors, change would likely be closely related to the progress in the United States towards conversion, reflecting the complex interlocking of industrial technology in North America. It is clearly not possible, however, to reach conclusions about industry without taking trade into consideration, since expanded markets are the basis for Canadian industrial growth.

4.6. Implication for trade

4.6.1. Important benefits of conversion are to be found in ability to maintain and expand Canadian trade with nations in the

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metric sphere. Because of the vital importance of foreign trade to Canada, especially the need for growth in exports of manufactured goods, there must be serious concern about damage to Canada's competitiveness in world markets as a result of the pace of changeover to the metric system in the world at large. Conversion in Britain (and other Commonwealth countries) and in Japan is affecting two of Canada's three main foreign customers. The countries of the European Common Market, of course, are long established users of the metric system.

4.6.2. There is no precise means of assessing the effects on trade of differences in the measurement practice of Canada and foreign buyers. In primary commodities, Canadian exporters have long been familiar with use of metric measurement, though conversion of units during commercial negotiations may be a handicap and a source of error. In the case of exports by secondary industries, however, the problem is with the differences in standards and therefore in the products themselves. Although it is difficult to quantify the extent of this influence, it is the practical judgement of many of those concerned with Canadian trade in established metric regions that the unfamiliar standards significantly hinder Canada's penetration of the market. Continued difference in measurement practices would lead to potentially wider disparity between standards systems.

4.6.3. For these reasons, if Canada were to continue indefinitely as part of an isolated inch-pound area, the full development of trade potential would become impossible. Such development must aim at the optimum ability to serve all markets, including the metric regions.

4.6.4. This was recognized by the Canadian Chamber of Commerce which, referring to the widespread use of the metric system and its effect on Canada's competitive position in world trade, formally recommended in 1968 "that the Government of Canada actively pursue a program to adopt the Metric Standard of Measurement as an integrated North American Plan."

4.6.5. At present, it is the United States market which absorbs a major and increasing share of Canada's exports of manufactured goods. Some major sectors of Canadian industry are closely involved, corporately and in respect of technology, with the United States. This linking of industry in the two countries extends to markets both in North America and beyond. In these cases, it may prove wise to allow the timing and process of conversion to be closely related to the development of United States practice.

4.6.6. A third area of potential trade, one likely to be of increasing importance, is that of the developing countries where the metric system has been widely adopted. The consequent emerging differences in standards may reduce the acceptability of inch-pound based engineering and reduce the ability of Canadian capital equipment exporters to follow up on the penetration of these markets made by Canadian consulting engineers.

4.6.7. During the process of conversion, standards authorities would play a most active and important role. Few trading countries would seem to have more to gain than Canada from advancing international standardization—an ideal counter to restrictive or protectionist use of national standards. Hitherto, Canadian activity in international standards work has been mostly in the field of basic standards and in sectors of special interest to primary commodity trades. There would need to be increased participation in international standards development if the long-run trade advantages of conversion are to be secured.

4.6.8. To sum up, since a trading nation must take account of the measurement and standards system of the buyer, the overwhelming world trend to the metric system is a powerful argument for Canadian conversion. It would improve Canada's ability to penetrate these world markets with manufactured goods. However, the need to service the United States market and associated inch-pound markets must affect the rate of any such conversion in certain industrial sectors. There will be wide variations from sector to sector. Costs in certain areas may be kept to a minimum by management of the rate of transition to suit Canadian industrial practices and also developments in the United States. With these provisions, it is expected that the benefits of conversion will far outweigh costs.

4.7. Implications for Government

4.7.1. The federal government has statutory responsibilities which would be affected by metric conversion. The most relevant of these flow from the Weights and Measures Act and the maintenance of primary standards. There would be important implications also for work under the Statistics Act. Departments and agencies such as those engaged in the geodetic survey and meteorological work would also face the necessity of planning for the transition.

4.7.2. The purpose of the Weights and Measures Act is to assure accurate measurement in all commercial transactions, and to provide controls for the manufacture, sale, and use of equipment used for such purposes. Inch-pound units or metric equivalents are now legally permitted. Metric standards are available in the general weights and measures field, and no current problems exist in meeting the needs of those industries which employ metric units. In the event of conversion, it would be possible to provide inspection standards fairly quickly. Gas measurement under the Gas Inspection Act operates largely on the inch-pound system; conversion of equipment here would not be as extensive as in the general weights and measures field. In the field of electrical measurement under the Electricity Inspection Act conversion would involve little, since units and instrumentation are already established in the metric system.

4.7.3. Insofar as the primary standards of Canada are concerned, the task of establishing them on an international and metric basis has been accomplished during the last twenty years. Although these primary standards do not directly affect many people, they are an essential first step in the process of general conversion.

4.7.4. As users federal agencies generally reported, in response to a survey, a preference for the metric system. A change to this system would be welcome and, in some cases, would pose no problem. The consensus appeared to favour gradual change in response to industry needs or international commitments. As in the private sector, it should be possible to keep costs down by phasing the changeover, for example in relation to obsolescence and normal replacement practice.

4.7.5. A major part of the work in the earlier stages of conversion would arise in the fields of specifications, statistics and records. Provision for comparability of old and new data would be essential.

4.7.6. Metric conversion would involve changes in areas where provincial governments have responsibilities. The subject of education is one of great importance. Changes in provincial highway traffic legislation would arise from change in measurement practice, and would require interprovincial coordination. In areas such as fire prevention and public safety a matter of standards enforcement arises. Certain provincial agencies, including provincial electric power commissions, are directly concerned in standards enforcement, and would have a strong interest and an important role in setting the pace of conversion to metric-based standards.

4.7.7. Provincial and municipal governments are concerned with standards in civil engineering generally, in construction practice and in public services and utilities. All these standards would be affected by conversion, at least in respect of units of measurement employed, and perhaps more radically if eventually they are replaced by different metric-based standards. The extent and the processes of transition would need to take into account the amount of existing private investment and the pace of industrial adjustment.

4.7.8. As in the case of industry and trade, it is a complex matter to assess the costs which would be incurred by federal, provincial and municipal governments in the process of conversion. Such costs would be minimized by adequate phasing. The benefits would be a due share of the general benefits of conversion, as these come to be realized by the industries and the individuals in each province or municipality.

4.8. Summary

4.8.1. The advantages already seen by others in metric conversion exist also for North America generally and for Canada in particular.

4.8.2. Within the nation, the metric system promises the benefits of ease and convenience in education, and in general commerce, where its inherent simplicity is attractive. Industry will benefit from improved trading abilities and opportunities in world markets. Special regard, however, must be paid to the decisions of the United States and to maintaining the ability to serve remaining inch-pound markets. Conversion entails costs, especially in some industries, but an examination of main sectors of Canadian society confirms the desirability of eventual conversion. Correct choice of the pace of conversion allows costs to be minimized. For this reason a process which may be varied to suit individual sectors is envisaged.

4.8.3. The Government has therefore concluded that the eventual adoption of the metric system should be an objective of Canadian policy. It remains to determine how best to reach this goal with a minimum of cost and inconvenience. It is believed that the determination of the methods and pace of conversion can best be accomplished in consultation and cooperation with all sectors of the Canadian economy. By these means it is hoped that the nation may reach a consensus on the most effective means of reaching this goal.

5. PROPOSED ACTIONS

5.1. The Government accepts its responsibility to provide leadership in planning for the processes of change. Conscious of the need for a transitional period, the Government will propose arrangements for the division of responsibilities in the public and private sectors for studies, planning, consultation and ultimate organization of a coordinated approach to conversion. This would involve development of programmes capable of flexible adjustment to the evolving situation in Canada and abroad. In this process, the views and proposals of all concerned would be considered. The Government would also begin the process of change within its own Departments.

5.2. It will be an important element of the process of conversion to ensure public understanding of the desirability of the objectives, of the nature of the changes intended, of the complexity and timing of the process of change.

5.3. The implementation of change would be rapid in some areas and long drawn out in others. Many organizations would necessarily be engaged in the process. To carry out its own responsibilities, the Government proposes to appoint a Preparatory Commission. To provide necessary organization in the private sector, including provision for expression of special sector interests, it is proposed that a suitable mandate be given to the Standards Council of Canada, the establishment of which is at present the subject of a Bill before Parliament.

5.4. Liaison with the provincial governments would be initiated and maintained by the Government and the proposed Commission as appropriate.

5.5. The Government therefore proposes the following principal actions in order to initiate the process of metric conversion in Canada:

(i) A full-time Preparatory Commission will be appointed to advise upon and coordinate overall planning of the conversion process.

(ii) The projected Standards Council of Canada will be given responsibility to develop and coordinate planning and preparation for conversion in industry, including change to metric standards.

5.6. The Government believes that the question of metric conversion is one on which it is no longer possible to suspend judgement. Given a clear direction in which to go, many sectors of the nation will have few problems in conversion, provided the transitional process is wisely phased. It is considered that industrial managers throughout the country will wish to plan ahead, to ensure that they do not find themselves faced later with necessity for abrupt and costly changes. The economic well being of Canada depends crucially on education, industrial development and world trade. Metric conversion can benefit them all.

DEATH OF DR. W. ROY CHURCHILL, HOLLYWOOD, CALIF.

Mr. MURPHY. Mr. President, I have recently learned of the passing of Dr. W. Roy Churchill, a prominent optometrist and longtime resident of California, whose continuous interest in serving others has been recognized and saluted throughout the Nation. Dr. Churchill volunteered much of his time and energies to training and guiding young opticians and aiding wounded servicemen, some 2,500 of whom he fitted with artificial eyes. In his work in education, optometry, films, and government he made numerous friends, and I am sure they join me today in mourning his loss.

Dr. Churchill, who died in his sleep on Friday, February 6, 1970, at his home in Hollywood, Calif., was the husband of Mildred Gibson Churchill, columnist, and the father of Reba and Bonnie Churchill, internationally syndicated newspaper columnists who coauthor "Youth Parade."

A distant relative of Sir Winston Churchill, he was an inventor and held patents on spectacle mountings and nonbreakable eyeglass cases.

Dr. Churchill was born in Golconda, Ill., and attended the University of Chicago, where he was also one of the youngest teachers in the State. He held the 174th optometry license issued in Illinois.

A resident of Hollywood for the past 36 years, he was president of the Re-Bon Publishing Co., which services educational material to newspaper, television, and radio media; this was in association with his two daughters and his wife.

Dr. Churchill's activities and interest in helping others have been praised by many and documented through special television reports across the United States. Though he will be sadly missed, his memory will live on in his accomplishments.

I ask unanimous consent that an article relating to Dr. Churchill be printed in the RECORD.

There being no objection the article was ordered to be printed in the RECORD, as follows:

DR. W. ROY CHURCHILL

Friends in the optical, education, film and government fields today learned of the passing of Dr. W. Roy Churchill, prominent optometrist, who fit over 2,500 wounded servicemen with artificial eyes.

Dr. Churchill, who died in his sleep Friday, February 6 at his Hollywood, California home, was the husband of Mildred Gibson Churchill, columnist, and father of Reba and Bonne Churchill, internationally syndicated newspaper columnists and co-authors of the column, "Youth Parade."

Dr. Churchill, a distant relative of Sir Winston Churchill, was an inventor and held patents on spectacle mountings and nonbreakable eye glass cases.

Born in Golconda, Illinois, Dr. Churchill attended the University of Chicago, where he was one of the youngest teachers in the state. He held the 174th Optometry License issued in Illinois.

A resident of Hollywood for the past 36 years, he was president of the Re-Bon Publishing Co., which services educational material to newspaper, television and radio media; this was in association with his two daughters and wife.

In addition to this activity, he devoted much of his time and energies to training and guiding young opticians. His continuous interest in serving others has been recognized and saluted via special television reports across the United States and by the Los Angeles Board of Supervisors who adjourned in his memory.

A BRIEF FOR PREVENTIVE DETENTION

Mr. TYDINGS. Mr. President, I invite the attention of the Senate to an article entitled "A Brief for Preventive Detention," published in part 1 of the New York Times magazine of Sunday, March 1, 1970, at page 28.

The author of the article, Ronald L. Goldfarb, is a distinguished attorney in the National Capital. He is likewise a recognized expert in the field of bail procedures. Mr. Goldfarb was formerly a special attorney with the Department of Justice and a staff consultant with the National Conference on Bail and Criminal Justice. He has authored an important work in this area—"Ransom: A Critique of the American Bail System"—and contributed valuable testimony at the time of the Senate's consideration of the Bail Reform Act of 1966.

The CONGRESSIONAL RECORD of late has been filled with reports of perilously mounting crime. Countless widows and orphans, the poor and the black of our metropolitan centers—these are most often the victims of this pernicious crime crisis. I dare say that not one Senator would deny the need for a swift and sure response.

Mr. Goldfarb recommends, as part of the response, legislation authorizing pretrial detention in lieu of bail for certain dangerous defendants. As I have made known in the past, I agree that such legislation is a vital part of the needed response to today's crisis.

Pretrial detention continues to be one of the controversial issues which Congress has yet to face. Moreover, the time draws near when the issue of pretrial detention will be squarely before us as a body. The Department of Justice and Senator GOODELL have proposed bills of nationwide applicability on the subject. The Committee on the District of Columbia of the House of Representatives has just this week approved pretrial legislation for the city of Washington.

For myself, I introduced a pretrial detention bill of nationwide applicability in January, 1969. On the basis of the experience gained and comments received in connection with this earlier legislation, I was able to redraft my proposal and introduce a further pretrial detention bill for the courts in the District of Columbia.

I am pleased to report that Mr. Goldfarb in his article discusses in depth several of the legislative proposals now pending, as well as the general problem of protecting the the public against pretrial recidivism. I ask unanimous consent that this enlightening article, with the informed and balanced viewpoint it conveys, be printed in the RECORD.

There being no objection the article was ordered to be printed in the RECORD, as follows:

A BRIEF FOR PREVENTIVE DETENTION

(By Ronald L. Goldfarb)

A 19-year-old drug addict with a long criminal record—his initials are P.D.—robs a savings and loan association in Washington, D.C., with the aid of two companions. As they leave, there is a gun battle with police and a bystander is wounded but not killed. Several blocks away, the getaway car crashes into a bus and the three men are captured. Arrested on assault and armed robbery charges, P.D. posts a $5,000 bond and is released while awaiting trial. Eleven days after that a local liquor store is held up, a janitor recognizes P.D. and he is rearrested at a friend's home. At his presentment a few days later, bail is set at $10,000; again P.D. is able to get a bond and goes free.

Before he comes to trial on any of the charges, he attempts to rob a neighborhood gas station at gunpoint, but an off-duty policeman who happens to be present subdues him after a struggle. This time, bail is set at $25,000. But P.D.'s lawyer pleads that his client cannot afford it and therefore will be incarcerated just because of his poverty. He also argues that P.D. has good ties in the community—for example, he is employed locally and has lived there all his life—and that he has never failed to show up in court when ordered in the past. Moreover, members of P.D.'s family and a clergyman appear to say that they will assure his presence in the future. Bail is reduced to $15,000, which P.D. can afford, and he is released.

Less than a month later, two men stick up a bank; when an alarm goes off, they panic and shoot into the crowd of customers, killing one person and wounding two others. Photographs taken by the bank's concealed camera identify P.D. as one of the robbers and he is arrested once again. Now, since he is charged with a capital offense, P.D. is denied bail and, during a court appearance, an angry judge tells him: "It is a disgrace that my colleagues on this court have had their hands tied and were unable to lock you up before this. Untold and unnecessary ravage has been wreaked upon this community as a result of our impotence."

Exaggerated as it may sound, this kind of case has happened countless times in just about every American city. It illustrates a problem which has been occurring in American courts with increasing frequency and which has provoked a passionate debate about criminal law reform that is likely to be resolved in Congress this year. The problem is the commission of repeated crimes (increasingly involving violence) by men already charged with other crimes and free on bail awaiting trial. The issue is whether to solve the problem by adopting some scheme of preventive detention, a loose and provocative term used to describe procedures under which defendants deemed dangerous could be incarcerated during the time between their arrest and trial.

In July, 1965, I was asked to testify before a Senate subcommittee which was holding hearings on bail reform. On the morning of my appearance, a subcommittee lawyer cornered me outside the hearing room to ask if I would discuss preventive detention when I testified, along with the other points I wished to make about the money bail system. No one else was willing to go on record regarding this touchy subject. Today, the subject is no longer taboo. Not only has the Nixon Administration submitted a bill to authorize consideration of danger to the community in setting conditions of pretrial release or as a basis for denying release, but so have Senators Charles Goodell, Joseph Tydings, Robert Byrd and Roman Hruska, and Representative William McCulloch, each joined by other colleagues. Chances are that one of these bills will be passed in 1970.

The subject is an explosive one and there has been considerable critical reaction. But the line-ups of opponents and proponents is full of surprises. For example, along with the Nixon Administration, the major advocates in the Senate of preventive detention are Maryland's Tydings—a young, liberal, Kennedy-esque legislator who has been a brave advocate of progressive legislation—and the present darling of the doves, New York's Goodell. Leading the opposition with the American Civil Liberties Union is Senator Sam Ervin Jr. of North Carolina, a conservative who is one of the Senate's leading spokesmen on constitutional matters. (Such straight-shooters as New York County District Attorney Frank Hogan have also come out against the procedure.)

No doubt, one reason for widespread, instinctive reactions against preventive detention is that it sounds like something it is not meant to be. Other countries that practice an inquisitorial form of criminal investigation condone a police practice of arrest for investigation (called in some places preventive detention) which is anathema to the sense and spirit of our accusatorial criminal justice system. Senator Ervin made this haunting comparison when he described recent proposals as reminiscent of "devices in other countries that have been tools of political repression" and a "facile police state tactic."

The preventive detention legislation that recently has been proposed in this country would vest the power to detain not in the police but in the courts, and, at that, would subject it to limitations and protections which make it different in kind from the foreign practices. A better label could probably be found which might more correctly reflect the content of the proposals and avoid emotional comparisons.

A problem which most perplexes the critics of preventive detention is that it would allow people's liberty to be taken away precipitously on the basis of predicted behavior. The inexact and unscientific nature of all prediction, they argue, militates against using such an inquisitorial technique. Furthermore, it is feared that cautious judges will over-predict danger to play it safe—and innocent men will inevitably go to jail without trials.

Suppose you are a judge confronted with this situation: A man is before you charged with committing a violent crime; he pleads not guilty and asks to be released until his trial. Your investigative report convinces you that he has ties in the community and will appear for trial. However, there is persuasive evidence indicating that if he is released, he would be likely to commit another violent crime. Thus the community would be in danger. You know that the traditional law of pretrial criminal procedure has been clear: The only proper purpose for denying a defendant his freedom before trial is to deter flight, not potential criminality. You are aware that the time between arrest and trial is critical to a defendant. With court delays of sometimes a year or more, a defendant obviously wants to be free to live with his family, earn a living and prepare his defense.

What do you do? Do you allow the defendant to go free because your judicial hands are tied by law? Or do you stretch your legal powers and restrain him because, by your own lights, you think he endangers public safety? Why should a judge not take into consideration a defendant's danger to the community in deciding what to do with him? It seems a natural and commonsensical step.

Former Supreme Court Justice Robert Jackson explained why not in a venerable dissent: "The practice of admission to bail, as it has evolved in Anglo-American law, is not a device for keeping persons in jail upon mere accusation until it is found convenient to give them a trial. On the contrary, the spirit of the procedure is to enable them to stay out of jail until a trial has found them guilty." And in another case two decades ago, Justice Jackson wrote: "Imprisonment to protect society from predicted but unconsummated offenses is so unprecedented in this country and so fraught with danger of excesses and injustice that I am loath to resort to it. . . ."

Yet, as a practical matter, judges often keep certain defendants whom they consider dangerous in jail. They do so by setting bail at such a high figure that the defendant cannot possibly pay it, or by denying him bail altogether. In both instances, the judge exceeds his lawful authority. Nevertheless, according to Prof. Abraham Goldstein of Yale Law School, this technique for pre-trial detention "has been so widespread that fewer persons are released on bail in most of our states, where there is nominally an absolute right to bail, than in England, where there is no such right."

Recent developments have highlighted the need for reform. Studies done in the early sixties demonstrated that money bail, as it has been administered in American courts:

Inherently discriminates against poor people and prejudices their subsequent trials and sentencing;

Allows judges to manipulate bail to punish, to proselytize, and for other ulterior purposes;

Sloughs off responsibility for pre-trial justice to bondsmen, who accumulate undue power and have a corrupting influence on justice officials;

Is less effective than simpler, fairer techniques for insuring against flight.

As a result of these disclosures, a Federal law—the Bail Reform Act of 1966—*required* Federal judges to release defendants before trial except in capital cases; henceforth, they could establish conditions for pre-trial release, but they could not deny it. While the Act only applied in Federal Courts, its supporters hoped that, if it worked, it would be a prototype for the states to adopt.

The act applied justice more evenly, but did not do anything about dangerous defendants and left the old, covert methods for dealing with the problem uncertain. By failing to authorize judges to consider potential danger to the community as a reason for denying pre-trial release, many observers feel that the Bail Reform Act focused on the problem with a hand over one eye. The blind spot, moreover, was nowhere more evident than in the Government's own back yard.

Because Washington, D.C., is governed by Federal law, because 40 per cent of all Federal offenses occur there, and because its crime rate receives nationwide attention, the new act had a particularly alarming impact in the District. Washington's able Chief of Police, Jerry V. Wilson, relates this telling episode of modern urban history:

Shortly before the beginning of 1969, armed robberies in the District had become a critical problem; they were occurring at a rate of about 700 a month. Only 11 days after his Inauguration, President Nixon promised in a message on crime that he would recommend legislation to permit preventive detention of hard-core recidivists. Shortly after that announcement, the number of armed robberies in the capital suddenly dropped off to around 300 a month. This steep slack lasted for several months.

Then, in April, the United States Court of Appeals for the District of Columbia noticed an upsurge in the number of appeals from high bail by defendants who had been imprisoned before trial because they could not raise the money; four times the usual number had been filed within a few months. Ruling in one of these appeals—*U.S.* v. *James E. Leathers*—the appellate court recognized the disquiet of trial judges who feel that the Bail Reform Act gives them no way to protect the public safety. Nevertheless, the court ruled that they must follow the letter of the law and assure pre-trial release.

Thereafter, armed robberies in the capital rose as precipitously as they had dropped four months earlier, reaching an all-time high in September of over 800 a month.

"What this suggests to me," says Donald Santarelli, an Associate Deputy Attorney General, "is that the trial judges, who had been critical of the Bail Reform Act, followed the President's endorsement of preventive detention and took a tougher stance on releasing defendants before trial in serious violent crimes." Santarelli, who framed the Administration's preventive detention bill, continues: "This resulted in many more detentions before trial of violent offenders through the setting of high money bonds—a practical evasion of the Bail Reform Act. It was followed by a significant reduction in armed robbery offenses during the following four months. But the Leathers decision in April resulted in the sharp rise because release of this type offender was ordered."

Judge Charles W. Halleck of the District's General Sessions Court agrees with this interpretation. According to Halleck, "a few judges effectively cut armed robbery rates about 40 per cent in a few months simply by denying pre-trial release to this predictable category of offenders."

Judge Tim Murphy of the General Sessions bench describes what happened this way:

"Before the Leathers case, there was a concentrated effort by the judges to 'sock it to 'em,' which we rationalized on our interpretation of the law and our reading of the recidivism problem. Leathers caught us between the eyes and took away our arguments, so we began to do our best to obey the law as it was laid out for us. We could no longer deny bail on the pretext of fear of flight. Nor could we justify high bonds by the section of the new law that allowed us to take into account the nature of the offense in determining pre-trial release." (This provision meant only that the judges could force men to report to the authorities each day, give up their driver's licenses until they appear for trial, or satisfy other, similar "conditions.")

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Judge Murphy is not alone in believing that, despite the Bail Reform Act, Federal judges in other parts of the United States (as well as state court judges all over) continue to detain defendants through the subterfuge of setting high bail or simply denying it outright, on the ground of risk of flight or danger. Most judges feel they must. Says Judge Murphy: "There are widows and orphans in this city who plague my conscience because I try to follow my oath of office and adhere to the Bail Reform Act strictly, even when releasing certain defendants violates my common sense, reason and experience."

Statistics on the dimensions of the problem are inconclusive. They are interpreted in different ways by friends and foes of preventive detention.

In 1966, a Presidential commission studying crime in the District of Columbia found that out of 2,776 defendants who were released on bail before their trial, 207 of them were later charged with committing another crime while they were free; of these, 124 were accused of violent crimes. The District of Columbia Police Department conducted a study of robbery holdups, the category of offense which is central to the present dispute. Between July 1, 1966, and June 30, 1967, the department found, 130 individuals were released on bond after being indicted on this charge. Of this group, 45 defendants—short of 35 per cent—were reindicted for at lease one additional felony while free on bond.

In testimony before the House Judiciary Committee last October, Attorney General John Mitchell referred to a study by the United States Attorney's office in D.C. showing that of 557 persons indicted in the District for robbery in 1968, 345 were released prior to trial and 242 of these—or 70 per cent—later re-arrested.

Those who oppose preventive detention point out that these figures relate to unproven charges, and not convictions. They claim, moreover, that the percentages are low and the problem therefore minimal. The pro's point out that the statistics include only reported crime, estimated to be about 50 per cent of the true picture, and cases in which police believe they have enough evidence to bring someone to trial (in the armed robbery category, this is a mere 14 per cent). Whatever the percentages, says Senator Tydings, "it is no consolation to the dead, the robbed, wounded, maimed or terrorized citizens against whom these crimes have been committed that this experience is part of what some people would call a 'statistically insignificant number of crimes.' "

Of the bills now before Congress that provide for some form of preventive detention, the most likely to survive are the Administration bill, the Tydings bill and the Goodell bill. Here is how all three would work: In prescribed cases, the prosecutor coud request the court to detain a dangerous defendant until the trial. He would have to demonstrate that the case meets the criteria spelled out in the law. Prior to any detention there must be a hearing immediately or within a few days, a record, a high standard of proof (clear and convincing), the right to appeal and to have counsel—all of which are more than defendants get under the present unofficial system. Each bill prefers conditional release when it is appropriate, and they all allow—not require—detention only in limited categories of cases. The two Senators' bills pertain only to felonies and repeaters, while the Administration bill covers some misdemeanors and first offenders. Only Senator Goodell's bill is limited to crimes involving actual force and not mere threats.

The Tydings bill would apply to the District of Columbia only, while the Goodell and Administration bills would reform the 1966 Bail Reform Act and affect all Federal jurisdictions. The Tydings and Administration bills cover more crimes and leave preventive detention in the hands of the appropriate "judicial official"; the Goodell bill would empower only a three-judge district court to order detention (a cumbersome, expensive procedure that would be impossible in many areas). Each bill requires a speedy trial (within 60 days under the Administration bill, 30 days under the Tydings and Goodell bills) for people preventively detained.

Senator Goodell argues that any preventive detention bill should be tied to court and correctional reform. He criticizes the Administration bill as "sloppily drawn and unconstitutional." He attempted to meet one key problem by including a provision requiring civil commitment of those detained—meaning they would be confined in some place other than an ordinary jail or prison. This element is important, since one of the most perplexing questions about any preventive detention scheme is how to rationalize throwing men into inadequate correctional institutions with hardened convicts before their guilt or innocence is determined. The civil commitment required by the Goodell bill would be similar to the procedures for confining a drug addict, a chronic alcoholic or the mentally ill in an institution.

The Tydings bill implies such a provision; the Administration bill suggests it, but does not require it. None of the bills provides financial compensation for those detained and then acquitted; the Administration bill gives credit on sentencing for time in jail before trial.

The logic of the foes of such legislation is sometimes hysterical. One civil liberties spokesman said during a recent conference on preventive detention that he would prefer the present money bail system's dishonesty and higher rates of detention to "this pernicious doctrine."

The standard argument made by opponents is that preventive detention would not be necessary at all if the time between arrest and trial could be shortened. The courts can only move so quickly, however; there will always be some period of time before trial—and many a defendant needs such a delay to prepare his defense. The preventive detention legislation proposed so far, moreover, requires the prosecution to go to trial within a specified time period, which is in all the proposals far shorter than normal delays.

Simply to say that speedy trials generally are the answer ignores the frustrating reality that trial delay is one of the most elusive and critical contemporary problems in the administration of justice. While reform of the whole trial system will take a very long time, a preventive detention statute inextricably tied to a speedy trial requirement is itself a way of accelerating trials in one of the most pressing categories of cases.

Opponents also argue that better alternatives exist. They say that it would be preferable to bring bail-jumping, contempt or other separate charges against defendants who commit crimes while free on bail or to punish them by adding to their sentences if they are convicted of the original offenses. But would more punishment be as humane as preventive measures aimed at cutting crime rates? Street-wise criminals take advantage of trial delays and other vagaries of the criminal justice system, and prosecutors often drop charges or recommend concurrent sentences for repeated crimes in return for guilty pleas. Once indicted for a robbery, many offenders feel that they have nothing to lose by committing other "free" ones.

Others contend that preventive detention is an anti-Negro measure, that it is part of a scheme to permit summary jailing of militant blacks for political reasons. Yet, it is the poor and black community in urban ghettos who are the most common victims of crime and who would be prime beneficiaries of preventive detention. Senator Tydings points out: "A Negro woman is three times more likely to be raped, a Negro man five times more likely to be burgled and three and one-half times more likely to be robbed than a white person."

William Raspberry, a Negro who is a reporter for The Washington Post and an urban expert, says that while he personally does not like the idea of preventive detention, he has little doubt that the black people residing in Washington (but not their leaders) would be in favor of locking up known criminals who victimize them. "Their reactions to this problem are not philosophical, they are practical," says Raspberry. "The poor people in the central cities react to this problem like 'the silent majority.' They are basically conservative, single-minded and prepared to make assumptions about guilt."

Black people in Washington, according to Raspberry, are as "alarmed and disgusted as whites at the increased frequency, audacity and viciousness of local crime." This impression was corroborated by six District grand juries which have already written to the Justice Department complaining about "the imbalanced pre-trial procedures which are concerned only with release and not at all with protection of the community." In Washington the majority of grand jurors are Negroes; on two of the grand juries that made this complaint, 36 out of 46 members were Negroes.

Advocates of preventive detention feel strongly that it would jail fewer people before trial—and also "the right ones"—than the unofficial, backdoor system now widely used. One experienced official calculated from recent surveys that 40 per cent of all felons indicted in the United States District Court for Washington, D.C., in 1965 (before the Bail Reform Act) were detained prior to trial; in 1967, the first full year after the new act, 26 per cent of the same class of defendants were detained, and in 1968 the figure rose to 34 per cent. In contrast, a Justice Department survey of cases brought by the United States Attorney in the D.C. General Sessions Court during a recent two-week period (including misdemeanors and most felonies) discovered that pre-trial detention would have been possible in only 10 per cent of the cases under the Administration's proposed preventive detention law. (Since some serious felonies were not included in these figures and since misdemeanors, which are for the most part excluded from the Administration's bill, compose roughly half the cases in General Sessions Court, a figure a little over 20 per cent would probably be a better projection.)

Those who favor some sort of legislation deny that permitting a judge to imprison a man on the basis of a prediction of future behavior is an egregious procedure.

However chancy it may be, they argue, humans engage in predictions in all of their affairs; if society fretted about the imperfect quality of its speculation, it would not dare to make progress. The criminal justice system especially is dependent on human estimates, such as are frequent in deciding guilt or innocence, sentencing, probation and parole. Indeed, under the present system, the judge may jail a defendant whom he fears may flee—and this, too, involves a prediction. Experienced trial judges argue that anyone familiar with the arraignment process can make very educated and generally correct judgments about the kind of defendants whom the authorities would want to retain. One judge recently stated the case this way:

"When a man with a long criminal record admits he has a $50-a-day narcotic habit and no job, and I have seen him arrested and released previously, and he comes before my court on a burglary or a robbery charge on Christmas Eve and is released, and then comes before me on New Year's Eve for another burglary, I can make a damn good prediction that if I do not lock him up, he is going to go out and commit another burglary or robbery pretty damn soon."

Whether prediction is possible or not, critics argue that preventive detention would be unconstitutional. They say that (1) it would deprive a man of his presumption of innocence; (2) it would deny due process of law by subjecting people to imprisonment without indictment and jury trial, and (3) it would violate the Eighth Amendment's guarantee against excessive bail.

There are readier answers to the first and the last objections than to the second.

The presumption of innocence—a sacred American value not mentioned in the Constitution—puts the burden on the prosecution to prove its case at trial; it is not an absolute demand that the judicial system always must act contrary to the strongest dictates of commonsense in exigent circumstances.

Whether there should be an absolute right to bail is doubtful. Actually, preventive detention is traceable to ancient Anglo-American legal history: In his "Commentaries," Blackstone referred to detaining men "not of good fame" as an example of preventive justice. One legal historian—Prof. Caleb Foote of the University of California, Berkeley—recently has stated that there are English antecedents that support the theory of an absolute right to bail. But this country has never proceeded as if that were so. In the United States, bail always has been a qualified right withheld by law in capital cases (where recidivism is relatively low), commonly refused during appeals of criminal cases and, in fact, denied unlawfully in many other cases through manipulation of the money bail system.

The most challenging argument against pre-trial detention is the one that says incarcerating a man without the traditional criminal trial protections of the Constitution is dangerous and threatens cherished guarantees. Indeed, any such practice must be limited to a bare minimum of cases, to situations where there is the strongest demonstrable need, surrounded by the most careful procedural protections and administered under extraordinary conditions. With such restrictions, the procedure will be very demanding. Without them, preventive detention would no doubt be deemed unconstitutional.

In my opinion, a pre-trial procedure would pass constitutional muster only if it were limited to cases involving repeated, violent offenses, if it required compelling proof of potential danger and could be imposed only as a last resort, if there were tight time limitations on confinement before trial, if special facilities were planned for these defendants to minimize the harm and inconvenience to them, if time in jail before trial were subtracted from any subsequent sentence and was compensated for when followed by acquittal.

Let us see how this proposed procedure would have worked in the case of P.D., whose escapades I described at the outset of this article. After the initial holdup of the savings and loan association, P.D. could not have been detained—thus demonstrating to opponents of such a measure that it will not result in confinement of masses of first offenders.

But pre-trial detention would have been likely after the liquor store heist that followed P.D.'s first arrest. Taking away P.D.'s freedom at this point would thus have averted the gas station holdup, and probably the bank robbery and felony murder that eventually led to his detention before trial anyway. In addition, P.D. would no doubt come to trial far sooner than if he were not confined under this kind of statute.

With the features that I have suggested, pre-trial release would properly be liberalized in the great majority of cases, while society would be afforded a method of self-protection. The procedure need not lead to what some fear would be the frightening extreme of imprisoning all allegedly dangerous people summarily. Quite the contrary. If allowed only in specific cases, and no others, the result would seem to lead to less pre-trial detention.

Such a statute, moreover, would not permit Gestapo-like arrests or the jailing of political dissenters, as so many people fear. One result of it would be to eliminate the very possibility of defendants being confined solely because of the personal predilections and unsubstantiated fears of judges and other officials. If a judge could not make a case for detention under the strict terms of the statute, he would have to release the defendant under the appropriate conditions of the Bail Reform Act.

The critical point remains that we already have an expansive and abusive, though informal, practice of preventive detention. The issue which needs to be faced is not whether, but how best to do it.

In his New Yorker series on the Justice Department in the sixties, Richard Harris described the strange political alignments in the preventive detention battle: "In the scrimmage over the issue," he said about the positions taken by liberals and conservatives, "the participants' jerseys became so muddied that it was difficult for spectators to tell who was on which team." But labels are less important than realities; and the symbolism of this battle is important for future treatment of the over-all crime problem. Many responsible people with good liberal credentials feel that in the very proper search for equal justice during the sixties, the concern over crime and law enforcement has been wrongly belittled as the paranoia of the far right. In Senator Tyding's words: "Liberals have to be realistic and credible in coming forward with programs to check crime and violence in this nation. We cannot vacate law enforcement to extremist groups. Such a difficult problem needs the best minds and not tricky clichés. Preventive detention can be one such commonsensical, partial solution to the crime problem if it can be handled in a cautious and a constitutional way."

FREDERICK B. LACEY, U.S. ATTORNEY FOR THE DISTRICT OF NEW JERSEY

Mr. CASE. Mr. President, I ask unanimous consent to have printed in the Record a resolution of the Jersey State Bar Association and an editorial from the New Jersey Law Journal, Thursday, February 26, 1970, in support of the Honorable Frederick B. Lacey, U.S. attorney for New Jersey.

The resolution and the editorial are representative of the respect in which members of the bar in New Jersey hold Mr. Lacey. I am glad to say also that support for his efforts to eliminate organized crime has been expressed to me in many letters from individual citizens of the State.

There being no objection the items were ordered to be printed in the Record, as follows:

Resolution of New Jersey State Bar Association

Whereas, certain stories have recently appeared in the news media reporting that an individual or individuals outside of the State of New Jersey have called for the resignation or removal of the Honorable Frederick B. Lacey as United States Attorney for the District of New Jersey; and

Whereas, we are completely satisfied that the request and reasons therefor are utterly without merit; Now therefore be it

Resolved, that the Board of Trustees of the New Jersey State Bar Association express their complete, unequivocal, and unreserved confidence in the ability and integrity of the Honorable Frederick B. Lacey, and our enthusiastic support for the manner in which he has performed the duties of his office. Be it further

Resolved, That copies of this resolution be sent to President Richard M. Nixon, the New Jersey congressional delegation, and the United States Department of Justice.

[From the New Jersey Law Journal, Feb. 26, 1970]

An Unjust Accusation

Any charge that U.S. Attorney Frederick B. Lacey is or was a communist ordinarily would not, could not, be taken seriously. It would not deserve to be dignified by the slightest attention. The bench and bar of New Jersey and important segments of the business community who have best known him as a member of the bar for the past 25 years are aware of his qualifications of exceptional competence as an advocate in the private sector and as a courageous defender of the public interest as a public official. This he evidenced when he served a few years ago as an assistant United States Attorney and more recently as the United States Attorney for the district of New Jersey. A graduate of Rutgers University with Phi Beta Kappa honors and of Cornell Law School, he served for over four years during World War II in the U.S. Navy, completing his service with the rank of lieutenant commander. He has served and is serving the cause of patriotism in its finest sense.

But when such an utterly baseless charge is made by a Louisiana congressman, John Rarick (D), and is perpetuated by insertion in the Congressional Record, then Fred Lacey's outraged indignation is understandable, particularly under the circumstances where as a father he is charged with responsibility for activities and beliefs of a 25-year old son in Louisiana. Sons of fathers in high places throughout the land are bringing embarrassment to their parents for one reason or another. It so happens that in the Lacey instance the social conditions and deprivation of civil rights in the congressman's state apparently were the factors that caused the son to react against the poverty and injustice he saw there.

It also appears that the criticism of Lacey by Louisiana Congressman John Rarick (D) was also based upon the release of DeCarlo tapes of wire-tapped conversations. Responsibility for their release rests, of course, upon Federal Judge Robert Shaw who authorized it. The coincidence of Congressman Rarick's charges inserted in the Congressional Record with their republication and distribution by an extreme right wing hate organization in New Jersey may well be indicative of a malevolence dangerous more to cause of law enforcement generally in this country than to Mr. Lacey and his family. For there can be no doubt that but for Mr. Lacey's fearless, two-fisted attack on organized crime (and if he were still engaged only in his successful and lucrative private practice), there would have been no irresponsible charges in the Congressional Record and no distribution of them by hate organizations.

Fred Lacey needs no defense by us or his friends. It is nevertheless important that the charges be refuted in the Congressional Record and that there be official condemnation of the tactics used by Mr. Lacey's foes. This is important to assure all dedicated law enforcement officials as well as good men who may be sought out to give up lucrative private careers to serve pro bono publico that they may count on the support of their superiors when they are foully attacked for doing an exemplary job.

We urge that there be a thorough investigation by an appropriate congressional com-

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mittee of Congressman Rarick's charges and conduct in inserting them in the Congressional Record, his relationship to their republication and distribution in New Jersey, the ulterior motives behind them and their ultimate sponsorship.

We also suggest that the New Jersey State Bar Association as well as the Essex County Bar Association investigate any local aspect of their publication and distribution within the state and particularly in Essex County.

SAFEGUARD, PHASE II

Mr. CASE. Mr. President, with the announcement from the White House and executive departments that the administration intends to move to phase II of the Safeguard anti-ballistic-missile system, the Senate is again called upon to make decisions vital to our national security and to our national welfare.

One of the rationales put forward in favor of moving to Safeguard, phase II, is that it is necessary for a credible Asian policy. We are told among other things that the mainland Chinese nuclear threat to the United States is of a different character than that of the Soviet Union, that our own nuclear strength will not deter the Chinese as it has the Soviets.

This seems to me an untenable proposition. It assumes that the Chinese Government is neither sane nor rational. I was fascinated to find, therefore, that my view as to the irrationality of this rationale was shared by such a distinguished authority on our Asian policy as William P. Bundy, the former Assistant Secretary of State for East Asian and Pacific Affairs.

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Mr. Bundy, in an article published in the Washington Post on February 22, asked:

> Above all, are the Chinese, in fact, irrational in matters nuclear?

And Mr. Bundy answers for us:

> Those who know China well are almost unanimous in believing that they are not.

As we approach again this momentous debate, I believe his analysis is worth all our reading. I ask unanimous consent that the portion of his article devoted to the ABM issue be printed in the Record.

There being no objection the item was ordered to be printed in the Record, as follows:

Fuse Sputters on ABM Time Bomb in 1971 Defense Budget

(By William P. Bundy)

Traditionally, a new American administration must serve a full year in office before its defense budget reflects basic changes in policy. In 1954, President Eisenhower moved to "massive retaliation," and in 1962 President Kennedy took major steps to build up conventional forces. Now, against a background of months of careful thinking, President Nixon has unveiled his 1971 defense budget. What does it do and what does it not do—and what time bombs capable of exploding into acute controversy with the Democratic majority in Congress does it contain?

In overall size, the $70 billion-plus allocated to defense is the smallest percentage of our gross national product in 20 years—just 7.2 per cent. Estimated spending is cut by more than $5 billion, and the request for new authority appears to indicate a clear downturn. Thus there is a crumb of hope for those at home who lock for higher priority for domestic needs and, doubtless by the same token, a concealed ripple of concern abroad among nations that rely on American military power and support.

On closer examination, neither of these reactions may prove valid. For where the defense budget actually comes out next summer will hang on whether one or both of two time bombs go off.

BUSILY BURNING FUSE

On one of these—the plan to expand antiballistic missiles to a "light area defense"—the fuse is already burning busily. Although this plan calls for only small initial costs in the present budget, Democratic Sen. Mike Mansfield is already leading a major attack, claiming that the ultimate cost would be as high as $50 billion. This seems far fetched, but careful research organizations do estimate $15 billion.

Moreover, President Nixon has apparently returned, at least in part, to the "Chinese argument," used by former Defense Secretary Robert McNamara to justify an ABM program in 1967, but largely put to one side when the program was cut back last year. Now the President argues that a credible foreign policy in Asia requires the ability to stop the Chinese from thinking in the '70's that they could inflict any significant damage on the U.S. in the awful contingency of a nuclear "crunch" in Asia.

Even if the expanded ABM system can be made infallible against the relatively small-scale Chinese attacks possible in this period—a big assumption from all I can learn—this line of argument seems no more appealing now than it did, frankly, in 1967.

If a future Peking government is irrational enough to need this degree of dissuasion, why is it not irrational enough to press its nuclear program at forced draft and, inevitably, soon thereafter reach the point where it has the capability to get a few bombs to the U.S. despite any area or other defense? Above all, are the Chinese, in fact, irrational in matters nuclear? Those who know China well are almost unanimous in believing that they are not.

RUMORS FROM WASHINGTON

Finally, the confidence of Japan and Asia does not appear to require the extra step proposed by Mr. Nixon. This need can surely be met by keeping up our present posture of massive superiority and quiet firmness.

I hope that the rumors from Washington that the Chinese argument will be dropped are right. If it is, the administration will still make a "Soviet case" for expansion in terms of the major comparable Soviet ABM effort and the Vienna SALT meetings starting in April. In these terms, the present plan for ABM defense of missile sites may make sense. Expanded "area defense" seems much more doubtful.

All in all, this item must surely lead to a major renewed debate. The President seems on difficult ground and likely to win, if at all, only because Congress is exhausted from last year's fight.

THE FACILITIES FOR MODERN JUSTICE

Mr. McINTYRE. Mr. President, a great deal has been said in the last few years about the necessity to improve the American judicial system. Experts have pointed to the fact that we need more judges and court personnel if we are to aid our severely overburdened court system.

There is another area of this same problem which has not received as much publicity. This area relates to the physical facilities available to the judicial process.

John W. King, the distinguished former Governor of New Hampshire and now a justice on the superior court of New Hampshire, has recognized this problem of the need for better court facilities and has spoken out in stating the problem and offering some suggestions for its solution.

In a speech given on February 23, 1970, to the American Judicature Society in Atlanta, Ga., Justice King stated that the judiciary cannot be truly improved until the physical environment in many courts is brought up to date.

I believe that Senators will find much in interest and importance in this speech, and I hope they will study it.

I ask unanimous consent that the speech by Justice King be printed in the Record.

There being no objection the speech was ordered to be printed in the Record, as follows:

A Standard for Modern Justice

(By John W. King, Justice, Superior Court, State of New Hampshire)

It is indeed a personal pleasure and a gratifying honor for me to have the opportunity this morning to share some thoughts with this distinguished society that long has been dedicated to the preservation, and advancement, of the American judicial system.

Like all facets of our society, that system in these turbulent years is being sorely tested in the crucible of change.

I need not underscore to the members of this Society, the absolute necessity for our judicial system to withstand the stresses placed upon it by the winds of change. You are more than sensitive to the fact, that without a viable judicial system, democracy, as we know it, cannot long survive.

I am confident that our system will prove equal to the challenge, and that in the long course of history we will be a stronger democracy for it.

In some areas our judicial system has been in the vanguard of social change—as a matter of fact, it has itself generated a substantial portion of it.

But, in other areas, our system is woefully, and even dangerously, behind the times, and I believe the American Judicature Society can, and should, do something about it.

I am referring specifically to the abysmal deterioration of the physical plant of our judicial system that cries out for modernization.

You and I come face to face with the problem every day.

Who of us has not visited a courthouse where there is either an inadequate library or no library?

Who of us has not visited courthouses where the personal client-lawyer relationship is mocked by intimate disclosures in public hallways because private counsel rooms are either unavailable or non-existent?

Who of us has not visited courthouses where important records are inadequately indexed, almost inaccessible, or improperly protected?

Who of us has not visited a courthouse that does not measure up to the minimum requirements of cleanliness and good repair?

And how often are brand new courthouses being constructed that are lacking in aesthetics and design and proper planning, and look more like warehouses than temples of justice?

I have personal knowledge of a beautiful new courthouse that is completely lacking in parking facilities for the judiciary, court personnel, jurors, and the public, while a new high school, not too far away, has a superb parking lot for students.

Admittedly these are mundane matters

that should possibly be outside the concern of this distinguished organization. But a viable judicial system is more than great legal minds and reasoned opinion. It is also a physical plant of bricks and mortar and equipment and people that encompasses our system and does have a tangible effect on its impression, its efficiency and its public acceptance.

A few months back, Jack Isaacs, legislative consultant of the New York State Judicial Conference, was quoted in the New York Times as saying that courtroom buildings in that city, with the exception of the Borough of Brooklyn, were a "disgrace." He said that the earliest dates at which new buildings will be available will be 1972 for Queens County, 1974 for New York City, and 1974 or 1976 for Bronx County.

"Until then," Mr. Isaacs said, "the judges must use cubbyholes as chambers, work without secretarial help, have psychological reports held up for weeks for lack of stenographic help to type them, and see children locked up for no reason—solely because no other shelter is available for them." And just eleven days ago a New York Supreme Court Judge complained to the Mayor of New York City that the Bronx County Courthouse was in a "filthy and shameful condition." Having once practiced law in New York City, I can, in a small way, attest to the validity of such complaints.

That is New York City. But surely New York City is not unique. Similar problems exist throughout the country.

One of the reasons that the judiciary does not receive the respect it is entitled to is that on many levels its solemn and important decisions are made from dirty and antiquated and rundown courtrooms and buildings that necessarily evoke public surprise and ridicule and disdain. Who of us would respect a medical and hospital staff working under similar conditions? And where would you find citizens who would not vote politicians and School Board members out of office who had failed to provide their children with modern classrooms, qualified staffing, adequate parking, convenient athletic facilities, and all the other ancillary requirements of a modern primary or secondary school? If the judges and lawyers of this country want a better public image and self respect, they must, among other things, improve the visible appearance and efficiency of their courthouses and facilities. Sound judicial reasoning is indispensable; but sound judicial reasoning is not enough to create and sustain public pride.

What is the answer to the problem?

In my considered judgment, the answer lies in the establishment of a national accreditation system of Courthouse Organization and facilities.

Such an accreditation system, in my opinion, would be the key for both stimulating and continuing the upgrading of the physical plant of our courts.

Such a system could be the "open sesame" to the expenditure of state and local and private funds in improving our judicial facilities and manpower needs to meet the minimum demands of a modern society.

The "accreditation" concept is neither new nor original. It abounds in the modern society.

The Executive Committee of the American Law Schools, whose purpose is the improvement of the legal profession through legal education, has the power to suspend member schools, if they do not meet certain standards. It is a proven accreditation procedure.

There is the National Commission on Accrediting, which is an independent educational agency, supported by the colleges and universities of the United States, to improve the effectiveness of accreditation in higher education. There are over 1400 colleges and universities as institutional members.

Recently, I was surprised to learn that a New Hampshire hospital was accredited again by the American Association of Blood Banks for another three years. The purpose of this program is to elevate the standards of practice within the transfusion service, to assist blood banks in determining whether procedures used meet the established standards, and to assure patients of increased safety in human blood transfusion.

The Joint Commission of the Accreditation of Hospitals, which was formed in 1952, early this year denied accreditation to the St. Louis City Hospital, and the Boston City Hospital, creating a furor in both cities.

Regardless of the individual merits of either case, it is widely acknowledged that the Hospital Accreditation Commission has been a tremendous force in the upgrading of hospital facilities throughout the country.

A similar commission in the field of courtroom facilities would, I am sure, achieve similar results in the judicial system.

At one time, I proposed, without success, such an accreditation system to be jointly operated by the States of New Hampshire, Vermont and Maine.

Previously, I made similar recommendations to national authorities without success.

Today, I would go further and state that a national accreditation program for state and local courts and courthouses would not only be in the public interest but is urgently needed.

I recommend the creation of such a program jointly sponsored by the American Judicature Society and the American Bar Association.

The purpose of the program would be to encourage high standards of courtroom organization, to conduct programs of research and education, to publish the results and outline basic principles and to set forth realistic goals for a practical accreditation of courthouse facilities.

Under a National Board of Accreditation of Courthouses could be Regional Accreditation Committees. The purpose of the Regional Committees would be to encourage voluntary participation in the accreditation programs, to interpret actual goals by specific recommendations and to recognize compliance with minimum judicial standards by issuing certificates of accreditation either annually or periodically.

The actual mechanics of an accreditation system can easily be worked out—if the value of such a program can first be recognized.

As Governor of New Hampshire, I had several experiences which brought home to me the powerful moral and social and political force that an accreditation program can exert on our State University system, our State Mental Health Institutions, and similar divisions of our State government.

Frequently I have witnessed instances, and I am sure you have too, where the threat of the loss of accreditation exerted a great influence in raising funds that were previously considered as completely unobtainable.

Even though Accreditation Boards have no legal authority and are voluntary independent organizations, they do have a great moral influence because in themselves they generate the forces of civic pride. The "quaint" courthouse built in 1890 loses some of its alleged rustic glamour when, because of a decision of a Regional Accreditation Committee, it becomes a non-accredited courthouse.

The problem of upgrading our judicial physical plant has not been completely neglected, and I recognize that important studies directed toward reform are already underway.

For example, the Committee on Courtroom Design and Court Facilities of the Section of Judicial Administration of the American Bar Association is working jointly with a Committee of the American Institute of Architects and the University of Michigan Law School and the School of Architecture on a project financed by the Ford Foundation to develop the speediest and the most efficient possible use of courthouse and courtroom space.

At the same time, the General Services Administration of the Federal Government and the Administrative Office of the United States Courts are conducting their own studies of architectural and structural revisions.

These are helpful, and are steps in the right direction, as is the court facilities check list printed in the November, 1968 issue of the American Judicature Society.

However, these programs concern only part of the whole area which urgently needs to be embraced by the umbrella of a meaningful accreditation program.

If law schools have to have a specific number and kind of law books to be accredited, should not our courthouses be required to have the reports of our Supreme and Federal Courts and other basic legal sources?

If high schools are required to have sufficient parking areas, should not our courthouses be required to have the same for court personnel, litigants and their counsel, jurors and the public.

If our states demand that our local schools maintain sufficient and adequate staffs, should not similar standards be required for judges and probation officers and interpreters and court personnel?

Who should initiate the machinery necessary to meet such obvious needs?

In my opinion, the answer is not in the judiciary.

I would recommend that it be in the Bar Associations and in the public.

If it is not a public oriented mechanism, it will never develop to its true potential. To designate such a function solely to lawyer controlled organizations will only result in hurting the courts, damaging the objectives, and making a bad situation worse.

Some of my judicial colleagues and friends feel that I should not, as it were, "rock the boat."

When I assure them that accreditation does not mean that I propose imposing the Missouri System of appointing judges on New York State or the State of New Hampshire or directly seek to influence the selection of judges, they say "Well, let well enough alone."

Yet, if we of the bench and bar do not choose to sponsor an accreditation program to upgrade the physical facilities of our judiciary system, then let us, at least, have the honesty to abdicate such sponsorship and direction and control to our State Legislatures and to our county and local officials.

In essence, for us to do nothing, to propose nothing, and to support nothing means to maintain the "status quo" . . .

And, to my mind, if we of the bench and bar have learned anything at all from the turbulent and churning years of the decade just completed, it is that in these times the "status quo" is a luxury that our judicial system, and indeed our whole fabric of government can ill afford.

DEATH OF A GREAT ILLUSION

Mr. LONG. Mr. President, I invite attention to an editorial entitled "Death of Great Illusion," published in the New Orleans Times-Picayune of March 9, 1970, which, significantly, was reprinted from the Chicago Tribune. This is a southern paper picking up an editorial that appeared in the Chicago Tribune.

The editorial points out that the illusion that integration—and compulsory

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integration at that—would solve our social problems has proved to be exactly that, and that we must now realize that freedom of choice is really the only answer to our school integration problem.

I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

DEATH OF GREAT ILLUSION

Sixteen years after the Warren Supreme Court's decision that compulsory racial segregation in the public schools is unconstitutional, it has been recognized, suddenly and almost by national consensus, that compulsory integration is an impossible dream.

Not only the Southern conservatives but Northern liberals and Negro civil rights leaders now oppose busing or other means of compulsion to effect integration, for the simple reason that it will not work.

Recognition of integration's failure has come with such a shattering impact upon the proponents of integration for integration's sake because they were wrong, not only in assuming that it was feasible but also in their insistence that education in all-Negro schools is necessarily inferior.

We agree with the National Observer that it is a gross insult to the Negro race to say, as many white liberals do, that it is necessary for black children to attend school with whites in order to get a good education.

So far the Supreme Court and most of the lower courts have failed to take note of the obvious fact that integration in cities with large Negro populations is a physical impossibility.

We believe the "freedom of choice" principle is the answer to this problem. Any pupil would have the right to attend any school of his choice, but not necessarily to be bused there. Some Southern states accepted this principle, but the lower courts rejected it as a subterfuge to evade integration and the Supreme Court refused to review their decisions.

Freedom of choice is the essence of the unitary school principle. The Supreme Court has held that racial discrimination is unconstitutional, but it has not held that integration is compulsory. When it recognizes that compulsory integration is impossible, as it must, perhaps we can expect greater efforts to improve the quality of education in all the public schools.

REPRESENTATIVE RAILSBACK TESTIFIES ON NEED FOR INCREASED FARMERS HOME ADMINISTRATION FUNDING

Mr. PERCY. Mr. President, this morning, Representative TOM RAILSBACK testified before the Subcommittee on Agriculture of the Senate Appropriations Committee on the need for increased Farmers Home Administration funding.

Representative RAILSBACK discussed particularly the need for increased funding for rural water and waste disposal loans and grants and for increased financing to enable young people to go into farming and for operating loans.

The budget recommendation for fiscal 1971 for rural water and waste disposal loans and grants is $24 million. This contrasts to $46 million actually appropriated last year. But Illinois alone needs $5.3 billion over the next 10 years and $350 million in the next 2 years to meet the deadline of 1972 water quality standards provided under the Water Quality Act of 1965. Representative RAILSBACK makes the urgent point that this program is vastly underfunded.

Mr. RAILSBACK also points up the need for more money to enable younger people to get started in farming and to give operating loans to help farmers over hard spells. But four out of five applications for younger farmers are rejected and one-half of operating loans are rejected for lack of funds. Also sufficient funds are not available to the Farmers Home Administration for rural housing loans.

Mr. President, Representative RAILSBACK's testimony is of great importance in pointing out the needs in our rural communities and how scarce the resources are to meet those needs. Because of its great value, I ask unanimous consent that his testimony before the Senate Appropriations Committee be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF HON. TOM RAILSBACK

Mr. Chairman and distinguished Members of the Subcommittee. I want to thank you for affording me the privilege and pleasure of appearing before you this morning. I have asked for the opportunity to present my recommendations to you concerning funding for the Farmers Home Administration of the United States Department of Agriculture. Specifically, I wish to discuss the programs for rural water and waste disposal loans and grants under the provisions of the Consolidated Farmers Home Administration Act of 1961 as amended by the Congress in 1965 by Public Law 89–240, and other FHA loan programs for financing assistance in improving the quality of life and environment in rural areas and smaller towns.

The Congress this past year demonstrated great leadership in doubling and tripling the requested appropriations on rural water and waste disposal. I would hazard a guess that you, as members of this Subcommittee, received very few if any citizen complaints over your fine treatment of the FHA rural water and waste disposal programs in the 1970 USDA appropriations. You will recall that your recommended appropriation, which was eventually signed into law, was a total of $46 million. This figure was $6 million over the amount which had been passed by the House and an increase of $18 million over the 1969 appropriation and the budget estimate for 1970. In your report, the Committee stated (S. Rept. 91–277, page 38) "The increased funds will enable the agency to accelerate the program and to meet more fully the backlog of requests for grants authorized under the program."

Last year the FHA Administrator, James V. Smith, testified, and I quote:

"Our rural communities are going through considerable change, as our urban areas. There is a great need for water and sewer loans in our communities under 5,500 population which we consider a rural community, to which we can make a loan. . . . We find a great need to accelerate this program and the demand is very, very strong. We have, as just mentioned in the testimony, projected a large number of loans and grant requests, and if we are to build rural America, it is quite evident that there will be a great need to bring industry back into our smaller communities."

As a further part of the hearing record for 1970 appropriations, the FHA submitted the following figures, based upon applications received, and other data indicating need:

Actual need for fiscal year 1970

Loans for water and sewer systems	$320,000,000
Construction grants for water and sewer systems	100,000,000
Grants for comprehensive water and sewer area plans	15,000,000

Mr. Chairman, I am sure that you were as shocked as I to learn that the budget for fiscal 1971 requests a paltry $24 million for these programs. This is a shocking disregard for a program which I know from first-hand knowledge is absolutely imperative to the viability of the rural areas and smaller towns. Mr. Chairman, the smaller towns almost by definition are simply without adequate funds or resources to engage in any meaningful self-help in planning and constructing water and waste disposal systems. With a little more disregard and inattention, we will turn these areas into "ghost towns" or "forgotten villages." I believe that this short-sighted budget reduction of nearly 45 percent cannot be allowed to stand and I sincerely urge this Subcommittee to once again take the initiative and demonstrate leadership by mandating adequate spending for these essential programs.

It was Congress that introduced the concept of water quality standards to be adopted by the States and complied with by the end of 1972. The Water Quality Act of 1965 (Public Law 89–234) gave the States two years to adopt water quality standards and prepare implementation plans to insure the maintenance of those quality standards. In his Message on Environmental Quality, President Nixon said: ". . . we have failed to keep our promises to ourselves." I would respectfully submit that the maintenance of adequate quality standards is an unfulfillable promise and an unattainable dream unless it is brought within the realm of reality through financial assistance to those rural areas and smaller towns that are involved.

The House Committee on Appropriations in its report on fiscal 1970 funds for USDA stated:

"The need to develop central water supplies and waste disposal systems in rural areas far exceeds the grant and loan resources available to the Farmers Home Administration. A priority system has been established to facilitate meeting the most urgent needs with funds currently available. This increase will significantly assist in meeting such needs." (H. Rpt. 91–265)

That report went on to state:

"A recent survey indicates that as of March 1, 1968, about 1,500 rural counties will require Farmers Home Administration grant assistance to finance the preparation of comprehensive water and sewer plans."

Having just returned from visiting localities in my District, I am reinforced in my strong belief that we would be making a serious mistake in Congress if we permitted our rural areas and smaller cities to be slighted. We may not have our own "Department of Housing and *Rural* Development," but we still have our Department of Agriculture and we have appropriations subcommittees which are aware of and sympathetic to the needs of rural areas.

Earlier this year I wrote to the Secretary of Agriculture, Clifford M. Hardin, expressing my sincere conviction that the FHA loan and grant programs, particularly the rural water and sewer programs, should receive increased funding. In his reply Secretary Hardin stated:

"We recognize the great need for the development of essential water and waste disposal facilities in rural communities as being an essential part of our nationwide pollution abatement effort for overall improved environmental quality. We believe that loans and grants from FHA should continue to provide a most significant source of funds to supplement local resources for the development of community facilities in rural areas."

I confess that I find it difficult to reconcile the Secretary's comments with the budget document for fiscal 1971.

Mr. Chairman and Members of the Subcommittee, I urge you to close ranks and carry on the battle for better funding of these programs. In the absence of the needed leadership by Congress I fear that the rural areas will suffer inattention while the huge cities continue to grow and drain the life from our rural communities.

President Nixon stated: "Clean air, clean water, open spaces—these should once again be the birthright of every American. If we act now—they can be." Gentlemen, my message to you this morning is that if, as the President says, it is "now or never" in the fight against pollution, then it is "Now" for more adequate funding of FHA loan and grant programs for rural water and waste disposal systems.

Mr. Chairman, to give this Subcommittee an idea of the problem as it exists in my own State of Illinois, I have just obtained statistical projections of dollar need for the next ten years. These figures were completed only three days ago. The data was prepared under the supervision of Clarence W. Klassen, Chief Sanitary Engineer for the State of Illinois. According to this data, Illinois will need $1,241,782,000 to provide an adequate water supply to its population by 1980. The ten-year needs for waste treatment amount to $2,300,000,000. And the ten-year needs for sewers is $1,800,000,000. This is a total of $5.3 billion over ten years. Mr. Chairman, even more astounding is the projected actual need of 675 Illinois Municipalities to have $350 million in the next two years to meet the deadline of 1972 water quality standards provided under the Water Quality Act of 1965. I submit for the Subcommittee's review a data sheet which I have prepared containing Mr. Klassen's figures. I might add that previous estimates made by Mr. Klassen have proven conservative and I would expect that these figures would also be on the conservative side.

State of Illinois: Total dollar projected needs for period 1970 to 1980

A. Water supply:

1. Source	$186,301,000
2. Treatment	474,326,000
3. Distribution	355,007,000
4. Miscellaneous	226,148,000
Total	1,241,782,000

NOTES.—Miscellaneous included mechanical pumps and other equipment. Water supply needs projected are for public systems serving ten or more housing or building units and are based upon a 10% per year increase in construction costs (equipment, labor etc.).

B. Waste treatment: To enlarge and construct new treatment facilities to serve increased population and to serve property not now served or connected. Total, $2,300,000,000.

C. Sewers: Not including the proposed shore plan for the Chicago Sanitary District, needs for sewers to collect waste are: Total, $1,800,000,000.

Total dollar projected needs to meet 1972 water quality stds. for 675 municipalities in Illinois, $350,000,000 to upgrade plants.

Localities total dollar projected needs—1970 to 1980

Water supply needs for Rock Island County:

1. Source	$2,432,000
2. Treatment	6,188,000
3. Distribution	4,636,000
4. Miscellaneous	2,945,000
Total	16,201,000

Water supply needs for the city of Peoria:

1. Source	$4,802,000
2. Treatment	12,153,000
3. Distribution	9,107,000
4. Miscellaneous	5,799,000
Total	31,861,000

Mr. Chairman, these figures are for only one State, they have been meticulously drawn and prepared, and they are freshly available and are a stark demonstration of the magnitude of the problem. Last year the appropriation was $46 million. This year the budget request is only $24 million. Mr. Chairman, the entire Federal funding of $24 million would hardly be sufficient for even this one State, let alone the entire nation. The need has been graphically pictured—rural areas desperately need Federal assistance and the budget request is a terrible disappointment. It makes me wonder whether our rural areas are being placed at the bottom of our priorities. I certainly hope that you Gentlemen on this Subcommittee will live up to your past performance and set the appropriations at a realistic level, despite the budget request.

I think it pertinent to examine the status and results of these FHA programs under the inadequate funding under which FHA has been forced to operate. Since 1966, the FHA has found it necessary to reject a total of 4,511 loan applications for rural water and sewer projects. These totaled $682 million dollars. In addition, the FHA had to reject 2,397 grant applications for rural water and sewer projects totaling a value of $283 million. And as of December 31, 1969, the FHA had on hand a total of 2,007 loan applications with a value of $476 million and a total of 710 grant applications with a value of $56 million. Mr. Chairman, these statistics reveal just how impossible the task of FHA is when they are expected to operate on such a reduced level of funding.

I personally would like to see the funds doubled and tripled for these essential FHA loan and grant programs for rural water and sewer projects.

Now, Mr. Chairman, I would like to turn my attention to the other FHA loan programs and to request your favorable treatment of funding for these programs. Virtually every one of the FHA loan programs is vital to American agriculture. These programs are not accidentally in existence—they were enacted by Congress in response to a need—and I submit they are still needed.

Mr. Chairman, the average age of the farmer is increasing. We are finding it difficult to get young people to go into farming. They are migrating to the cities, much to the dismay of their farmer fathers. It is too expensive to get started in the business of farming. One of the purposes of the legislation originally enacted by Congress was to make it possible for young people to go into farming. Now, the farmer is caught in the "credit crunch." Farm income is up, but farm costs are up as much or more.

In the past decade, there was a 28 percent decline in the number of farms. With one-third of the nation's population, rural America has nearly half of its poor—according to Clarence D. Palmby, Assistant Secretary of Agriculture. Of the 65 million total rural population, less than 10 million are actively engaged in farming. The migration to the cities has been counter-productive and now the President's Task Force on Rural Development is engaged in mapping a return to rural development.

The FHA loan programs are an investment. They are loans and not gifts. They bring a return far greater over the long range than the mere total of dollars involved.

The farm ownership loans at 5% interest over a 40-year period on up to $60,000 make it possible for young farmers to make the awesome initial investment in farming land. Without such help, it would be nearly impossible for a young farmer to get a start without already being rich beyond the family farm level. In 1969 there were 34,388 applications for farm ownership loans. Of this total, 293 direct loans and 13,409 insured loans were granted at values of $4,999,000 and $272,121,000 respectively. The budget for 1971 estimates that there will be 50,000 applications, out of which only 300 direct loans and 10,335 insured loans will be granted. This is a very sad situation, wherein only one of five applications has any hope of being funded. Mr. Chairman, I wonder what happens to the other four out of five?

Mr. Chairman, in the area of operating loans, it is estimated that in fiscal 1971 there will be 100,000 applications, out of which only about one-half can be approved, and these will amount to $275,000,000. As the Subcommittee knows, these loans permit the purchase of livestock, farm equipment, feed, seed, fertilizer, etc., as well as financing for land and water development, use and conservation, and for refinancing farm debt. These loans are made to family farm operators and are limited to $35,000 with a flexible interest rate (currently about 6.5%) for periods up to seven years. These are secured loans using crop and chattel liens and in some cases, real estate mortgages. But they are necessary loans. Mr. Chairman, I wonder what happens to those 49,000 family farmers who are unable to get their loan approved because of FHA funding problems?

Mr. Chairman, the rural housing loan program is estimated to receive 200,000 applications in fiscal 1971. Of this total only 157,000 can be expected to be approved because of funding limitations. As the Subcommittee knows, this program finances housing for low-to-moderate and for very low income applicants; for farm labor; and for farmers. Although the 1971 totals will be significantly greater than those for 1970, I can't help but urge that we should be batting 1,000, not just 750. In early January 1969 I was advised by FHA that it would require $30 billion "to replace the existing substandard rural homes with decent housing." At that time it was reported to me that there were 3 million dilapidated and substandard homes in rural America.

Mr. Chairman, these FHA loan programs are essential. These programs are designed to help, by definition, those who are family farmers and who are under terrific financial pressures. The loans are secured and the interest rates are subsidized; however, even this businesslike differentiation from the hand-out programs and the minimum income programs is welcomed by our rural population. They are a proud people. They would much prefer to engage in self-help and they do to the extent possible. When Governmental assistance becomes necessary they are pleased that it is by loan and not by gift. And yet, following a flood, drought, or similar occurrence, often the only alternatives to deserting the land is the FHA emergency loan program. Rural housing loans to communities of less than 5,500 population have been the "lifesaver" for many low-income farm workers and families. Operating loans have helped the family farms to remain in competition with corporate farming. Conservation loans, watershed loans, economic opportunity loans, rural renewal loans, flood prevention loans, and all of the other loan programs are simply essential to the rural communities. Without such loan programs as the FHA provides the rural areas, the family farmer might be a thing of the past. Mr. Chairman, I urge that this Subcommittee improve upon the budget document by providing for increased funding for these programs.

NATIONAL PRIORITIES

Mr. KENNEDY. Mr. President, in Massachusetts, and throughout the Nation, citizens are demanding that this country reorder its national priorities. The residents of Stockbridge, Mass., voiced their demand in a time-honored forum—the annual town meeting. I think their action is so significant that I ask unanimous consent that it be printed in the Record.

There being no objection the letter was ordered to be printed in the Record, as follows:

Town of Stockbridge,
February 26, 1970.

Edward M. Kennedy,
U.S. Senate,
Washington, D.C.

Dear Sir: The following article was voted for at our Annual Town Meeting held February 17, 1970:

Voted that the town of Stockbridge condemn the extraordinary high level of military spending and that it register with the Federal Government the wish to reduce this level very sharply and return the money saved to the individual communities to be spent for education, welfare, conservation, and the fight against pollution.

Vote: Unanimous.

A true copy, Attest:

Lilian C. Rathbun, *Town Clerk.*

EDUCATION OF HANDICAPPED CHILDREN

Mr. PELL. Mr. President, the passage of the 1970 Health, Education, and Welfare appropriations bill has caused a great deal of concern in education quarters as to the future of many of the ongoing programs.

To my mind, one of the most successful groups of programs and ones which I do not believe we are funding anywhere near an adequate level are those concerning the education of handicapped children.

I have been presented with a copy of a telegram sent to the President of the United States and Secretary of Health, Education, and Welfare, Robert H. Finch, by Mr. John Melcher, president of the council for exceptional children, where he not only speaks about the cutbacks in the programs of aid to education of handicapped children but speaks very telling about a cutback in the rubella—German measles—prevention program. I can see no greater example of shortsighted economy than a cutback in a program which would seek to prevent illness and, indeed prevent the birth of handicapped children because of a mother's contracting of this illness.

Mr. President, I ask unanimous consent that the text of Mr. Melcher's telegram be printed in the Record.

There being no objection the telegram was ordered to be printed in the Record, as follows:

Text of Telegram Sent to the President and Secretary of HEW Finch

On behalf of six million handicapped children and their families we strongly urge partial restoration of 1970 funds for education programs for handicapped children.

The March 3 HEW Plan to the Senate Appropriations Committee would reduce these programs below your original budget request and well below your February 2 administrative alternative.

If the HEW recommended expenditure for the education of the handicapped, only $85 million, becomes fact, it will be a shattering blow to these children. The crippling effects will be felt primarily in three areas—early childhood education, research, and personnel training. Mr. President, we find it difficult to reconcile this reduction in view of your interest in the handicapped and your recognition, expressed in your March 3 educational reform message, of the importance of federal involvement in these same three areas.

We are not suggesting that handicapped children be excused from the tightening of the federal budget. The HEW Plan of February 26 reducing these programs to $92 million appears reasonable; however, the present reduction must be considered inequitable in terms of other education expenditures. For handicapped children it is not a question of a supplemental education, but rather whether educational opportunity will be available at all.

Mr. President, at a time when a preventable rubella epidemic threatens the nation, we are also greatly concerned about the proposed HEW reduction in funds for rubella vaccine for children. The last epidemic produced 30,000 severely handicapped children. Our nation cannot allow this to happen again.

We appreciate your concern for handicapped children and we hope that you will restore these funds. Can't we afford to help these children and their parents?

Sincerely yours,

John Melcher,
President, The Council for Exceptional Children.

CONCLUSION OF MORNING BUSINESS

The **ACTING PRESIDENT** pro tempore. Is there further morning business? If not, morning business is concluded.

VOTING RIGHTS ACT AMENDMENTS OF 1969

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the unfinished business be laid before the Senate.

The **ACTING PRESIDENT** pro tempore. The bill will be stated by title.

The Legislative Clerk. A bill (H.R. 4249) to extend the Voting Rights Act of 1965 with respect to the discriminatory use of tests and devices.

The **ACTING PRESIDENT** pro tempore. Without objection, the Senate will proceed to its consideration.

AMENDMENT NO. 545

Mr. MANSFIELD. Mr. President, what is the number of the pending amendment?

The **ACTING PRESIDENT** pro tempore. No. 545.

Mr. MANSFIELD. I ask unanimous consent that the names of the distinguished Senator from North Dakota (Mr. Burdick) and the distinguished Senator from Massachusetts (Mr. Brooke) be added as cosponsors of the pending amendment.

The **ACTING PRESIDENT** pro tempore. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum, briefly, with no time to be taken out of either side, so that Senators will be aware that the unfinished business has been laid before the Senate.

The **ACTING PRESIDENT** pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **ACTING PRESIDENT** pro tempore. Without objection, it is so ordered. The question is on agreeing to the amendment (No. 545) offered by the Senator from Montana and other Senators to the Scott-Hart substitute amendment. All time is under control; who yields time?

Mr. COOK. Mr. President, I have an amendment to the amendment of the Senator from Montana.

The **ACTING PRESIDENT** pro tempore. Under Senate precedent, no such amendments may be offered until controlled time on the pending amendment has expired.

Mr. COOK. I withhold offering the amendment.

The **ACTING PRESIDENT** pro tempore. Who yields time?

Mr. MANSFIELD. Mr. President, again I suggest the absence of a quorum, and I urge attachés on both sides to request Senators to come over.

The **ACTING PRESIDENT** pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **ACTING PRESIDENT** pro tempore. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I yield 3 minutes to the Senator from Alabama (Mr. Sparkman).

Mr. SPARKMAN. Mr. President, I have another meeting that I feel compelled to attend, but before leaving, I do wish to say just a few words with reference to the pending amendment.

I have long advocated lowering the voting age. I have felt, however, that in keeping with the Constitution, it should be a matter for the States to decide. I have felt that the proper way for Congress to proceed would be to propose a constitutional amendment; and in the event a constitutional amendment were proposed and were before us, I would vote for it.

I feel very strongly that the Constitution provides that the proper method, if it is to be done by Federal action, should be through a constitutional amendment, or that, as actually intended by the framers of the Constitution, it be left up to the individual States to decide who, within their borders, should be given the right to vote, and at what age.

Mr. RANDOLPH. Mr. President, will the Senator yield for a question?

Mr. SPARKMAN. I yield.

Mr. RANDOLPH. Does the Senator feel that the vote for the 18-, 19-, and 20-year-olds should be given as we gave the vote to women in this country?

Mr. SPARKMAN. That is right.

Mr. RANDOLPH. Through Congress referring the matter to the States?

Mr. SPARKMAN. Through a proposed constitutional amendment.

Mr. RANDOLPH. I have such an amendment now pending, on which we

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have had adequate hearings in the Judiciary Subcommittee.

Mr. SPARKMAN. I am in favor of that, but I feel compelled to vote against the pending amendment, because it does not follow that route.

Mr. President, that is my entire speech. I thank the majority leader for yielding me this time.

The ACTING PRESIDENT pro tempore. The Chair inquires of the majority leader as to who is controlling the time in opposition to the amendment.

Mr. MANSFIELD. Mr. President, it is my belief that the time would be under the control of the sponsor of the amendment and, I presume, the minority leader or whomever he might designate. If that has not been made clear, I ask unanimous consent at this time that that be the procedure followed.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MANSFIELD. Now, Mr. President, again hoping to get some additional Senators over, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

Mr. RANDOLPH. Mr. President, may I inquire of the distinguished majority leader——

The ACTING PRESIDENT pro tempore. A quorum call has been ordered.

Mr. MANSFIELD. I withdraw that, Mr. President.

Mr. RANDOLPH. I feel that the continued desire of the majority leader to have Senators on the floor is a very valid one. This is a most important issue. I shall not press it, but I would suggest that we have a live quorum.

Mr. MANSFIELD. Mr. President, the Senator has suggested that before, and I thought I gave him the reason why not. We are operating under limited time, and we will not be able to keep all our Members here. Some have just come back; and I would suggest we go along and not use up too much time on that basis, though I do hope more Senators will come over, because this may be the most important amendment we will consider in connection with this measure.

Mr. RANDOLPH. I agree with the Senator.

Mr. MANSFIELD. The Senator from West Virginia, as the initiator of a resolution under the constitutional amendment route, ought to be aware of that above all others.

Mr. RANDOLPH. I am very much aware of it.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. On whose time?

Mr. MANSFIELD. With no time to be taken out of either side.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. COOK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. COOK. Mr. President, I ask for 2 minutes.

I shall support the Mansfield amendment to the Scott-Hart amendment which would lower the voting age to 18 in all elections, by statute.

I cannot do otherwise, having endorsed the principle that this purpose may be accomplished by act of Congress as well as by constitutional amendment, and urging this alternative as a more expeditious route to a desirable goal.

However, I am quite concerned about the fate of the Scott-Hart proposal in the House, if encumbered by a provision lowering the voting age. I expressed this concern in a letter I sent to many Senators on March 4, 1970, urging their support for my bill, S. 3560, which would treat the matter by statute, but separately and on its own merits. I ask unanimous consent that this letter be printed in the RECORD at this point.

There being no objection the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, D.C., March 4, 1970.

The Honorable U.S. SENATE,
Washington, D.C.

DEAR SENATOR: The possibility has been raised, within the past week, that the Senate might proceed with the issue of 18 year old voting by an amendment to the pending Voting Rights bill.

Let me make it quite clear that after reviewing the relevant cases which seem to bear upon the constitutionality of such a move, I do believe that Congress may, within the purview of the Constitution, lower the voting age to 18 in all elections by statute.

However, the passage of the Scott-Hart Voting Rights proposal, uninhibited by any further controversial provisions, would seem to be of utmost and immediate priority. To proceed with lowering the voting age by statute has not had the benefit of enough explanation at this stage to enable us to pass this provision without engaging in yet another controversy and possibly harming the prospects of passage of both the 18 year old voting provision and the Scott-Hart proposal.

No one in this body has a greater interest in lowering the voting age to 18 than have I. My state has an unblemished record of 14 years experience with 18 year old voter participation in all elections. However, I urge all Senators who favor lowering the voting age to refuse to encumber the Scott-Hart proposal with such a provision at this time. As an alternative, I urge you to support a bill which I will be offering shortly, which will treat this measure separately and on its own merits.

To resolve any doubts Senators may have about the constitutionality of the statutory approach to this issue. I refer you to *Carrington* v. *Rash,* 380 U.S. 89, *South Carolina* v. *Katzenbach,* 383 U.S. 301, *Katzenbach* v. *Morgan*, 384 U.S. 641, an excellent memorandum by Senator Kennedy circulated this past week, and the testimony of Professor Archibald Cox before the Constitutional Rights subcommittee on February 24, 1970. After doing so, if you conclude, as I have, that an attempt to lower the voting age by the statutory method is constitutional, a more expeditious alternative to the lengthy constitutional amendment route and more properly pursued at a more appropriate time, please have a member of your staff contact my Chief Legislative Assistant, Mitch McConnell at X4343, for the purpose of co-sponsorship.

With best wishes,

Sincererly yours,

MARLOW W. COOK.

Mr. COOK. I continue to question the advisability of a strategy which might endanger the passage of the Scott-Hart proposal, which I strongly favor. But I shall support the Mansfield amendment for two reasons:

First. I cannot oppose any proposal designed to enfranchise this group by statute. Since I strongly support this approach; and

Second. I defer to the judgment of the majority leader, who has assured us that the addition of this section will not endanger the Scott-Hart voting rights package in the House.

Consequently, I urge the supporters of S. 3560, which would by statute lower the voting age to 18 in all elections, to support the Mansfield amendment.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. COOK. I yield.

Mr. MANSFIELD. The Senator is aware of the fact that what I am expressing in regard to the fate in the House of the pending measure is only my own personal opinion.

Mr. COOK. That is correct.

Mr. President, I should like to make an inquiry of the majority leader and the controller of the time on this amendment. I have an amendment, of which the President is aware, which cannot be offered until all the time has expired on the pending amendment. The majority leader has read the amendment, and I have given an explanation of it. In effect, it would set an effective date on the amendment of the Senator from Montana. It adds a new section, section 305, which states that the provisions of title III shall take effect with respect to any primary election held on or after January 1, 1971, which the amendment does not cover.

I am wondering whether the Senator from Montana will accept this amendment, or whether it will be necessary to wait until all time has expired, so that the amendment may be offered.

Mr. MANSFIELD. Mr. President, I would be willing to accept that amendment now, because I think it adds strength to the amendment and takes away some legitimate questions which might have been raised.

So I ask unanimous consent that the Cook amendment to the pending amendment be in order and be made part of the record.

The ACTING PRESIDENT pro tempore. The Chair states to the Senator from Montana that he can modify his amendment, if he desires, in that fashion. Does the Senator wish to make that request?

Mr. MANSFIELD. Yes. I modify my amendment to incorporate the Cook amendment.

The ACTING PRESIDENT pro tempore. The amendment of the Senator from Montana is so modified.

Mr. COOK. I send the amendment to the desk.

Mr. RANDOLPH. Mr. President, may I inquire now what the modified amendment is?

The ACTING PRESIDENT pro tempore. The clerk will state the modification.

The legislative clerk read as follows:

At the end thereof add a new section:

"EFFECTIVE DATE

"SEC. 305. The provisions of title III shall take effect with respect to any primary or election held on or after January 1, 1971."

XUM

Mr. MAGNUSON. Mr. President, will the Senator yield me 5 minutes?

Mr. MANSFIELD. I yield 5 minutes to the distinguished senior Senator from Washington.

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from Washington.

Mr. RANDOLPH. Mr. President, I ask that the Senate be in order. We have indicated that this is a very important subject.

The ACTING PRESIDENT pro tempore. The Senate will be in order.

Mr. RANDOLPH. Mr. President, I hope we can listen to all Senators who speak on the issue in this body today.

Mr. MAGNUSON. Mr. President, I thoroughly agree with the Senator from West Virginia that this is a very important matter. Taking progressive action is long overdue.

I am a cosponsor, with the Senator from Montana, of this amendment. As a matter of fact, we discussed it at some length, the two of us, before offering the amendment. I feel responsible not only to make my position clear on this issue, but, because the Senator from Montana and I cosponsored the amendment originally, to clarify my position on its constitutionality.

There is no question about the legality of the constitutional amendment approach. But for many, many years this approach has failed and unless we act forthrightly with this amendment to the voting bill—it will drag along many, many more years.

My experience in this matter goes back a long, long time. I was a member of my State legislature in 1933, and at that time I introduced in the legislature a bill which would permit 18-year-olds to vote. I happened to be chairman of the Judiciary Committee of the House in my State at that time, and the committee passed it unanimously. But the Rules Committee of the House refused to allow it to come to the floor for a vote.

That was a long, long time ago, and we have never been able to get the Washington State Legislature to act on the matter until the last session—and then they did not pass it, but instead submitted it to the people, who will vote on it in November, at the general election.

That has been an issue in Washington State for some 36 years, and I think that the young people of my State and this Nation are justified in suggesting that they want some action on this matter, and they want it now. This is a method by which I think the Senate can express itself as to its conviction about the right of 18-year-olds to vote.

I need not go into all the reasons or arguments, I know that many of us have said on many occasions in our home States, in talking to groups of young people, that the most potent argument we can think of is that if a man is old enough to fight for his country, to bleed and die and serve his country, he or she is old enough to have a say in how this country is governed. That is one argument.

The next argument is this: I do not depreciate those of us who are a little older, but I think the young people today are better informed than we were at age 18, 19, 20, and 21.

I think they can assume this responsibility in a fuller way than we could have; in fact, the young people of America today are the best informed young people, in the entire world. They have a deep interest in politics, and in the political life of their communities, States, and the Nation. I think that it would be safe to say that their knowledge and ability to reason has doubled many times since 1933 when I introduced that first bill. I think they have strong beliefs about what this country should do. Their interest in the political life of their community and of the Nation entitles them to vote. They have been more active in the past decade than ever in all the years of our history, and I think they know what is going on, and are entitled to express their opinions at the ballot box.

I think there are many compelling reasons to change the age at which young people may vote. I share the opinion of Prof. Archibald Cox:

> Congress has the power to find the facts and to find that a distinction between those who are 18 to 21 and those who are over 21 is an invidious classification and denial of equal protection under the 14th amendment.

I think, at this time in this changing world and changing society, it is appropriate to review our past thinking on giving the vote to 18-year-olds. There has been great improvement in education. There has been great change in the age at which young people take jobs, marry, raise families, and have children.

This all bears on the propriety of concluding that these interests make waiting until one is 21 to vote an unreasonable requirement. I am privileged to say that I approve of this.

I remember, when I attended high school, we had only one government class. It was called civics, not political science, and was a course in which we learned basically that there were three branches of the Government—legislative, executive, and judicial—we also learned how they operated, and that was about all. There was no discussion about what really made things work, what the political issues of the day were, and where our Nation was heading.

Today, it is different. Just go into any high school in the United States today, or visit any community college, and you will find that students take many courses and attend many seminars about politics in the United States, and about the programs the issues, and so forth. This is something new in my State, it has happened in the last 10 years and I enjoy it. I go to some of their sessions. Students even have mock political conventions which are very exciting. I need not tell Members of the Senate how many young people now come to Washington, D.C., to learn about what is happening and at the same time are getting an education in the political life and activities of the Nation.

I do not question the sincerity of the great majority of Members of the Senate who agree on this issue. I think the argument today is over the method, because some believe valid legal questions are involved. I appreciate this, but believe we have a valid, constitutional technique that can be implemented by congressional action alone. Prof. Archibald Cox, testifying before the Subcommittee on Constitutional Rights, gave strong support for this legislative approach. The Supreme Court in the Kramer case uttered some language that seems to be very pertinent on this matter. It said that any unjustified discrimination in determining who may participate in political affairs or the selection of public officials undermines the legitimacy of representative government.

I think that constitutionally we are on proper footing. I am afraid that the Constitutional amendment process would just take too long. These amendments get bottled by a few States—three or four States can mean the difference in meeting the three-fourth requirement.

So, as a cosponsor along with the Senator from Montana on this amendment, I urge its adoption.

Mr. RANDOLPH. Mr. President, I think that the able Senator from Washington makes a continuing and valid argument for the ability of 18-, 19-, and 20-year-olds to vote.

The conclusion of the Washington Star editorial yesterday entitled "Voting and Age," reenforces what the Senator said today.

To paraphrase the editorial comment, their increased factual knowledge will result in increased maturity, so they certainly will grow in maturity with the actual use of the responsibility at the ballot box. I am sure that my colleague feels that strongly.

Mr. MAGNUSON. Yes, I do.

Mr. GRIFFIN. Mr. President, I yield 5 minutes to the Senator from Georgia.

The PRESIDING OFFICER (Mr. NELSON). The Senator from Georgia is recognized for 5 minutes.

Mr. TALMADGE. Mr. President, over a quarter century ago, my State extended the franchise to 18-year-olds. Since 1943, Georgia's young people have made the sophisticated decisions and have assumed the mature responsibilities of voting. Their performance has exceeded the greatest hopes and expectations.

Having witnessed youth power firsthand in my State, I earnestly believe that 18- to 20-year-old men and women throughout the country should be recognized as responsible and active citizens. However, Mr. President, as strongly as I feel that these young people should have the right to vote, I cannot support the legislation offered by the distinguished Senator from Montana. In my judgment, an attempt to lower the voting age through the statutory method is constitutionally unsound and flies in the face of our federal system.

Mr. President, the proponents of this amendment presume to exercise the authority granted Congress to enforce the 14th amendment guarantees by appropriate legislation. They would use this limited authority to enact legislation directly contrary to the Constitution. As we all know, no less than three specific provisions—article I, section 2; article II, section 1; and the 17th amendment—

give the States the power to set qualifications for voting.

Mr. President, I need not remind the Senate that the Constitution must be read as a whole. One section cannot be used to nullify other sections and, certainly, legislation enacted under the purported authority of one section cannot be inconsistent with the dictates of other sections. Should the Congress accept the legislation proposed by the Senator from Montana, a single act of Congress would render three major provisions in the Constitution a dead letter and inoperative.

Certainly, Mr. President, if such a fundamental change is to be worked on the Constitution, the orderly procedure outlined in that document to accomplish this purpose must be followed. The worthiness of a cause and the popularity of an issue should not and cannot be used to circumvent the process by which the Constitution can be amended.

I have joined over two-thirds of the Members of this body in cosponsoring a constitutional amendment extending the right to vote to 18-year-olds.

We have heard arguments that the ratification procedure can be a lengthy one. This possibility cannot be denied. But, in this instance, totally to disregard and abandon the very procedure previously used in abolishing the poll tax and extending the franchise to women would represent legislative gymnastics of the highest order.

Also, Mr. President, we must not lose sight of the fact that the statutory approach offered by the Senator from Montana would further emasculate the federal system and further disrupt the proper balance between the National and State governments. It would ignore the identity and political integrity of the individual States and deny the people of this country the right to affirm the actions of Congress otherwise afforded them through the constitutional amendment process.

Mr. President, I am in complete sympathy with the cause championed by the Senator from Montana. Eighteen-year-olds should have the right to vote. Our Nation's young people would welcome the opportunity, and I am confident that they would perform their duties admirably. However, in light of the damage which it would do to our federal system, and considering that it represents a usurpation of power denied to Congress by the Constitution, the hazards of lowering the voting age by the statutory method are too great. The Senate must exercise restraint. We must act within the confines of the Constitution and reject the amendment of the Senator from Montana.

Mr. President, I yield the floor.

Mr. **GRIFFIN**. Mr. President, I yield 5 minutes to the Senator from North Carolina.

The **PRESIDING OFFICER**. The Senator from North Carolina is recognized for 5 minutes.

Mr. **ERVIN**. Mr. President, I associate myself with the remarks just made by the distinguished junior Senator from Georgia. I would be glad to vote to submit a constitutional amendment to the States for ratification or rejection, providing that 18-year-olds should have the right to vote.

During the course of some remarks yesterday, I said that Chief Justice John Marshall, the greatest jurist North America has ever produced, laid down the three essentials of constitutional interpretation.

He declared that these three essentials were as follows:

First, that the provisions of the Constitution were designed to be permanent unless altered by an amendment adopted by the States and the Congress pursuant to the provisions of the fifth article.

Second, that the patriotic men who framed the Constitution and the people who ratified the Constitution must be understood to have meant what they said in that instance.

Third, that the Constitution prescribes a rule for the official action of all officers of Government who have taken an oath to support it.

Applying these landmarks of constitutional interpretation to the pending amendment shows that the adoption of the pending amendment would violate every one of these three rules stated by Chief Justice John Marshall.

As I construe the amendment offered by the distinguished majority leader and others, it would provide in effect that every 18-year-old in the United States meeting other qualifications would be entitled to vote in all elections, both Federal and State. Under this interpretation of the Constitution, the proposed amendment offends four separate provisions of the Constitution—the second section of article I, the first section of article II, the 10th amendment, and the 17th amendment.

The distinguished senior Senator from Washington said that to follow the amendatory process would be too slow. That was one reason that the Constitution was written—to keep those in authority, impatient Presidents, impatient Senators, impatient Representatives, and impatient judges from doing things in a hurry without due deliberation.

No truer statement was ever made than that made by George Washington in his farewell address to the American people. It seems ironic for us to have that Farewell Address read in the Senate each year and then for the Members of the Senate to ignore what George Washington had to say in that farewell address in respect to this very subject.

George Washington said in his Farewell Address that the Constitution was written because the occupants of public office suffered from the disease of tyrants, that is, love of power and the proneness to abuse it.

The **PRESIDING OFFICER**. The time of the Senator has expired.

Mr. **GRIFFIN**. Mr. President, I yield the Senator an additional 3 minutes.

The **PRESIDING OFFICER**. The Senator from North Carolina is recognized for an additional 3 minutes.

Mr. **ERVIN**. Mr. President, one reason that the Constitution was written was to restrain the Senate and the House of Representatives from usurping and exercising the power to prescribe the qualifications for voters.

There are only three limitations of that power in the Constitution—the equal protection clause, the 15th amendment, and the 19th amendment.

I implore the Senate not to ignore four separate provisions of the Constitution.

I would say that there are two reasons why the Senate should reject the amendment, irrespective of the merit which may underlie the purpose which inspires the offering of the amendment.

The first of these reasons is that the Constitution forbids the Senate to take this action by four separate provisions.

The second reason is that each Member of the Senate has taken an oath to support those four provsions of the Constitution.

I trust that in our zeal to do something fast, even though it may be a worthy objective, we do not disregard what George Washington said in his Farewell Address to the American people.

He said:

> If the Constitution should be changed, let it be changed by an amendment in the manner provided in Article V. Let there be no change by usurpation, for usurpation is the weapon by which free governments are destroyed.

And when the Constitution of the United States is nullified by those in authority because of their impatience or because of their zeal to do what they consider to be advisable, whenever it is destroyed, liberty in America has no chance to survive; because then we will have a government of men and not a government of laws.

Let us abide by our oaths to uphold the Constitution of the United States which forbids the passage of this law four separate times.

Mr. **KENNEDY**. Mr. President, I yield myself 5 minutes.

The **PRESIDING OFFICER**. The Senator from Massachusetts is recognized for 5 minutes.

Mr. **KENNEDY**. Mr. President, I think it has been well established that lowering the voting age to 18 is a desirable goal.

I think this is quite clearly reflected by the number of Senators who have cosponsored the various proposals that have been submitted, varying from constitutional amendments to the action by statute which has been suggested in the amendment now pending before the Senate.

The question of the constitutionalities of action by statute has been raised most emphatically by the distinguished Senator from North Carolina (Mr. ERVIN) and others. And as recently as yesterday, the same question was raised by the administration as to the appropriateness of achieving this goal by the means suggested by the majority leader, myself, and other Members of the Senate—amending the statute pending before the Senate today.

I would like to review very briefly the desirability of lowering the voting age to 18 from a policy standpoint. I think all of us have recognized, as the distinguished Senator from Washington pointed out, that young people today are better educated, are better informed, and have a better sense of feeling for the great issues before us than at any time in our Nation's history. The statistics on this point are striking evidence. In 1920 only 17 percent of 18- to 21-year-olds were high school graduates; now the figure is 79 percent. In 1920 only 8 percent of the 18-year-olds went on to college; now it is 41 percent. In terms of the degree of education of young people today, the statistics present an extremely convincing argument.

I think, in addition, a convincing case was made by the commission established by President Kennedy in 1963. The commission recommended a number of ways to develop a greater sense of political involvement in the processes of our Government. One of the recommendations made by the commission was to lower the voting age. A major observation made in the commission's report was that many of our young people are forever lost from the political process because the voting age is set at 21.

Young people in school and college today have the highest degree of interest in events and issues. There and after their graduation, they become involved in many worthwhile projects. In too many other instances, however, they are lost to the political process.

Mr. President, by lowering the age to 18, we will have greater participation by youth in our political processes. We will strengthen our institution of democratic government.

XUM

I think one of the significant arguments for lowering the voting age is that if young people are old enough to fight, they are old enough to vote. Thirty percent of our forces in Vietnam are under 21 years of age. Tragically, one-half of the deaths in Vietnam are of young Americans under the age of 21.

Moreover, we know there are many issues before us—issues like civil rights, education, health, the environment, and many questions of war, as in Vietnam and Laos, half a dozen different potential pressure points throughout the world—on which youth should be heard. There are important and impelling reasons for young people to be involved in these issues. They have earned the right to vote, and they can counsel us wisely at the polls.

Yet another justification for a finding by Congress that the voting age should be lowered is the fact that in a number of States the voting age has already been lowered, with no unsatisfactory results whatever. In Georgia and Kentucky the age has been lowered to 18. In Alaska it has been lowered to 19, and in Hawaii the voting age is 20. In England the voting age has been lowered to 18 this year. Even in South Vietnam the voting age is 18. Yet we have not heard presented on the floor this afternoon or in the hearings of the subcommittee of the Senator from Indiana (Mr. BAYH), any testimony to suggest that young persons now exercising the franchise in those States have not acted responsibly or in the best interest of the States or of the country. That is a further convincing argument on this question before us.

Finally, on this section of the argument, I think it is not inappropriate to go back in history to recall why the age of 21 was established as the age of maturity of young persons. It goes back to the 11th century.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. KENNEDY. Mr. President, will the Senator yield to me for 5 additional minutes?

Mr. MANSFIELD. I yield 5 additional minutes to the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized for 5 additional minutes.

Mr. KENNEDY. It was believed at that time that a young man had to be 21-years-old to carry the heavy armor of a knight. Why should the age of voting in the 20th century be governed by a rule established in the 11th century, that has no relevance to the extraordinary problems and opportunities this country faces in today's complex world?

Mr. President, I feel for these and many other reasons that there is a strong and compelling argument to extend the franchise to 18-year-olds.

Another basic question is the means of lowering the voting age. Do we have the power under the Constitution to extend the Voting Rights Act to include such an amendment as had been proposed by the distinguished Senator from Montana (Mr. MANSFIELD)? My good friend from North Carolina has suggested this afternoon that there are four places in the Constitution that explicitly or implicitly deny the right to change the voting age by statute.

I would recall to my good friend that the 14th amendment is also part of the Constitution, and section 5 of that amendment gives the power to Congress to enforce its provisions by any appropriate legislation. All we have to be able to do in the Senate is to find reasonable grounds for extending the suffrage to 18-year-olds. As the Morgan case makes clear, the Supreme Court will not look beyond the findings of Congress, but only determine whether there is a reasonable basis for the action by Congress.

If one reviews the history of constitutional decisions about the right to vote, he will find that the Supreme Court has stated time and time again that this is the first right protected by the Constitution, the first right of our democracy. And, when Congress acts, the Supreme Court defers to the Congress with respect to findings of reasonableness.

This is not just the interpretation of any Member of the Congress, nor is it just my interpretation. This is not just the interpretation of Prof. Archibald Cox or Prof. Paul Freund of the Harvard Law School. This is the holding of the Supreme Court in the famous case of Katzenbach against Morgan, in which the Court said:

> It was for Congress, as the branch that made this judgment, to assess and weigh the various conflicting considerations—the risk of pervasiveness of the discrimination in governmental services, the effectiveness of eliminating the state restriction on the right to vote as a means of dealing with the evil, the adequacy or availability of alternative remedies, and the nature and significance of the state interests that would be affected by the nullifications of the English literacy requirement as applied to residents who have successfully completed the sixth grade in a Puerto Rican school. It is not for us to review the congressional resolution of these factors. It is enough that we be able to perceive a basis upon which the Congress might resolve the conflict as it did.

Mr. ERVIN. Mr. President, will the Senator yield?

Mr. KENNEDY. I would like to conclude my statement in the time available, and, then, if there is any time remaining, I would be glad to yield to the Senator from North Carolina.

Mr. President, I think the Morgan case presents a convincing and compelling argument that the Supreme Court will respect the power of Congress to make the finding based on reasonableness that 18-year-olds deserve the franchise. I think the finding can be made based on many factors, especially the rapid changes that have taken place in our society, and the greater sense of responsibility of 18-year-olds.

We give responsibility to 18-year-olds in terms of contracting, in terms of criminal responsibility, in terms of being able to drive, and in terms of owning guns or weapons. It is generally agreed that 18 is the appropriate age of maturity with respect to many basic responsibilities. It is not unreasonable for Congress to make a finding that the 18 to 21 age group has been denied the equal protection of the laws by having been denied the opportunity to vote.

I yield to the Senator from North Carolina.

Mr. ERVIN. Mr. President, the Senator made reference to the case of Katzenbach against Morgan. In that case the Court said it was an "invidious" discrimination by the State of New York toward those who could not read and write the English language to make that a requirement of voting. There is no invidious discrimination here, because people are treated exactly alike.

Furthermore, the majority opinion in that case states that it is not the function of the Supreme Court, and it was not the function of the Supreme Court in that case, to interpret the Constitution and determine whether or not the literacy test of New York was valid under the equal protection clause. The Senator from Massachusetts may believe that that is a proper interpretation of the Constitution, but the Senator from North Carolina thinks it is not. It is the duty of the Supreme Court to interpret or review the Constitution of the United States, and they abdicated that duty in the Morgan case.

Mr. KENNEDY. The Senator from North Carolina is right in stating the holding of the Supreme Court with respect to the English literacy test in the Morgan case, but I disagree that the present case is different because all people are treated exactly alike. The fact of the matter is that 18-year-olds are treated differently from 21-year-olds with respect to the right to vote, and I believe that Congress has the power to find that this unequal treatment is unfair and violates the equal protection clause. The clear holding in the Morgan case is that the Supreme Court will look to Congress to make the findings. So long as they are reasonable, the Court will respect those findings. That holding was explicitly expressed in the lines I have read from the decision.

One final and concluding matter: I am surprised and distressed by the role the administration has taken on this question. Only yesterday we had before the Constitutional Amendments Subcommittee——

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. KENNEDY. Mr. President, I ask unanimous consent to have 2 additional minutes.

Mr. MANSFIELD. Mr. President, I yield 2 minutes to the Senator from Massachusetts.

Mr. KENNEDY. Mr. William Rehnquist, an assistant attorney general, testified yesterday for the administration and expressed serious doubt that the Morgan case was really applicable to the voting age.

Yet in two different memorandums submitted by the Department of Justice to Senator ERVIN's subcommittee—these memorandums are contained in the copies of the hearings, a copy of which is on the desk of each Senator—the administration is extremely generous in supporting action by statute to abolish State literacy tests and to change State residence requirements. These memos appear on page 662 and 684 of the hearings. I was going to read some passages from these memos, but our time is limited. In one passage there is a reference to the case of South Carolina against Katzenbach, which established the legitimacy of the 1965 act's suspension of literacy tests.

Let me just read briefly from the bottom of page 664 of the hearings:

> Even assuming that the 14th amendment does not itself bar lengthy State residence requirements in presidential elections, it seems clear that Congress may abolish such requirements in the exercise of its power to enforce the 14th amendment. The enforcement section of the amendment, as a "positive grant of legislative power" (*Morgan* v. *Katzenbach*, supra, at 651), authorizes Congress to expand the substantive reach of the amendment. Judicial review of congressional action is limited. The statute will be sustained if the court can "perceive a basis upon which Congress might predicate a judgment" that a State enactment "constitutes an invidious discrimination in violation of the equal protection clause."

I think the justification by the Department of Justice in the two memorandums it submitted for changing the law on literacy tests and residence requirements can be equally applied to extension of the franchise to 18-year-olds. I think the argument the administration made earlier for its own bill before the Judiciary Committee is powerful support for the Mansfield amendment. I hope my colleagues will have an opportunity to review it.

Mr. GRIFFIN. Mr. President, I yield myself 2 minutes for the purpose of asking the distinguished majority whip a question or two.

ADDITIONAL COSPONSOR

Mr. MATHIAS. Mr. President, will the Senator yield for a unanimous-consent request?

Mr. GRIFFIN. I yield.

Mr. MATHIAS. I ask unanimous consent that my name be included as one of the cosponsors of the Mansfield amendment, as modified by the Cook amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRIFFIN. Mr. President, the distinguished Senator from Massachusetts makes an argument and expresses his sincere conviction that it would be constitutional to lower the voting age to 18 by statute.

Mr. President, in my opinion, respectable authority does exist for this view, but, obviously, considerable arguments also exist on the other side of this question.

I have great respect for those who graduate from Harvard. And as is well known, both of the experts referred to by the Senator from Massachusetts are graduates of Harvard. But I am also aware that until just recently, legal scholars were unanimous in their opinion that lowering the voting age would require a constitutional amendment.

The best that can be said now, in view of the language of the Katzenbach decision, is that there is a division among legal experts as to whether the voting age can constitutionally be lowered by statute. Quite frankly, in light of this division of authority, I believe the Senate should consider carefully encumbering the vitally important voting rights bill with additional substantive legislation of this type.

I would like to ask the Senator from Massachusetts what will happen to the efforts being made to lower the voting age to 18 by a constitutional amendment if the amendment now pending is adopted? Does the Senator from Massachusetts perceive that the Judiciary Committee will continue its hearings and will continue to consider the possibility of a constitutional amendment? Is it reasonable to assume that this possibility will go down the drain and we will be left to rely completely on the arguably questionable course that the Senator from Massachusetts proposes?

Mr. KENNEDY. Let me respond to that question in two ways.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. GRIFFIN. Mr. President, I yield 3 additional minutes to myself.

Mr. KENNEDY. One of the great social movements in recent years has been for the extension of the franchise. All we have to do is look at the arguments we had on the floor of the Senate on the question of the poll tax. Then many of us urged that it was reasonable for the Senator to make a finding with respect to abolishing the poll tax. The Senate rejected our suggestion, and a year later the Supreme Court held that the poll tax was unconstitutional, even in the absence of action by Congress. The same point can be made on the whole question of congressional redistricting.

I think the Supreme Court, especially in the Morgan case, has demonstrated that it will sustain any reasonable finding that we make with respect to lowering the voting age.

The argument that the Mansfield amendment will delay action by constitutional amendment is a false issue. For nearly 30 years, many Senators have tried without success to give the vote to 18-year-olds. A delay of a few more months, while the validity of a statute to accomplish the change is challenged, is insignificant. If this amendment is defeated this afternoon, then we will have to take whatever steps are reasonable to achieve our goal. I am extremely hopeful and optimistic that it will pass, and that it will be upheld in the courts, and that there will be an expeditious ruling by the Supreme Court, as the amendment asks. I do not see how the pending amendment can be considered a setback to action by the constitutional amendment route.

Mr. GRIFFIN. If I may pursue that a step further, my concern with the 18-year-olds and their right to vote is not so much what would happen if the amendment were defeated. I realize that if the amendment is defeated, the Congress can proceed by constitutional amendment. But my concern is what happens if the amendment is adopted. If it is adopted, I anticipate that the Congress will drop its efforts to proceed by constitutional amendment. In such an event, our Nation's young people may be left for several years with their right to vote at 18 severely endangered if the Senator should be wrong in his argument on the constitutionality of the statutory approach.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. GRIFFIN. I yield myself 1 minute.

Mr. KENNEDY. I would say the evidence which has been presented before the Constitutional Rights Subcommittee is overwhelmingly in support of the view that Congress does have the power to lower the voting age by statute. A reading of the leading Supreme Court case on this question quite clearly establishes that power. The whole trend of Supreme Court decisions in recent years has been to expand the right to the franchise.

There will be no delay in other actions, whether the amendment is adopted or defeated.

I think we will have successful passage of this measure. If not, if we have to proceed by constitutional amendment, there will obviously be long delays. The State legislatures will have to meet to adopt a constitutional amendment. By statute, we will have changed the law by 1971, long before many State legislatures can act. If we have to have a constitutional amendment, it will be sometimes in the future also. So I do not think we are jeopardizing the right of the 18-year-olds to vote. I believe we are strengthening it.

Mr. GRIFFIN. Mr. President, may I inquire how much time remains?

XUM

The PRESIDING OFFICER. All time expires at 12:46. The Senator from Pennsylvania has 41 minutes remaining; the Senator from Montana has 25 minutes.

Mr. GRIFFIN. Mr. President, I yield 5 minutes to the distinguished Senator from Alabama.

Mr. ALLEN. Mr. President, if the distinguished Senator from Massachusetts will respond to a question, I would like to ask him if——

Mr. KENNEDY. May I respond on the Senator's time? I am afraid we are running out of time.

Mr. ALLEN. Fine. If the amendment which the Senator from Massachusetts is cosponsoring with the distinguished majority leader should pass and become law, and if, in a presidential election, some 10 million boys and girls of the ages of 18, 19, and 20 participated in that election, and then the Supreme Court, the day following the general election, were to hold that this statutory method is unconstitutional, where would that leave the status of the presidential election?

Mr. KENNEDY. Mr. President, let me just say to my good friend from Alabama, there are provisions within the amendment that provide for an expeditious testing of its constitutionality by the Supreme Court of the United States. All we have to do is look back over the recent history of the Voting Rights Act itself, where the Supreme Court acted on the question of the constitutionality of its provisions within 6 or 7 months. Since the effective date of the amendment has been deferred to 1971, I believe that a judicial test of its provisions will not jeopardize future elections. I refer the distinguished Senator to page 3 of the amendment, line 16—that would be section 303(a)(2)—which sets out the procedures for an expeditious judicial determination.

Mr. ALLEN. I am familiar with that; but the Senate does not have the capacity to tell the Supreme Court of the United States when it shall act or how it shall act; so it occurs to me that we would possibly open up a great area of uncertainty that would not be in the public interest.

Mr. COOK. Mr. President, will the Senator yield?

Mr. ALLEN. I do not have the floor.

Mr. COOK. Will the Senator from Massachusetts yield briefly?

Mr. KENNEDY. Yes; just let me speak briefly, and then I will yield.

It took only a few months for the constitutionality of the 1965 act to be tested. Possibly, this provision might be tested even prior to the time that it becomes applicable, which is January 1 of next year.

In conclusion, Mr. President, I ask unanimous consent to have printed at this point in the RECORD several of the documents and other materials I have mentioned on the appropriateness and constitutionality of this amendment: an address by Prof. Paul Freund in 1968, in which he clearly recognized the power of Congress to lower the voting age by statute, and in which he makes a number of perceptive observations on the maturity and responsibility of our youth; the recent testimony of Professor Cox before Senator ERVIN's subcommittee; my own recent testimony before Senator BAYH's subcommittee; and, the two Department of Justice memorandums supporting the constitutionality of action by Congress to change State literacy and residence requirements by statute.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE STUDENT GENERATION AND SOCIAL REGENERATION

(Commencement address of Paul A. Freund, Cornell College, Mount Vernon, Iowa, June 9, 1968)

It is a special privilege to participate in the first Commencement presided over by my good friend Samuel Stumpf. At a time of tragedy and travial, when the leaves are falling in season and out of season, I cannot help recalling the ancient Chinese doom: "May you live in an age of transition." But transitions can also be harbingers of blessings, and it is my confident hope that President Stumpf will lead these Commencements through years of more generous humanity and more full-hearted rejoicing.

It is a hazardous undertaking to speak to a gathering of several generations on the theme of the student and society. I ought to heed the advice of a certain Episcopal bishop in Virginia who was asked by a parishioner whether a non-Episcopalian could enter the Kingdom of Heaven. "Frankly," he said, "the idea had never occurred to me; but if he is a gentleman, he will not make the attempt."

It would be easy—much too easy—to dwell on the manifestations of disorder and violence that have marked student demonstrations around the world. Surely at this moment in our history the last thing we need is further episodes of lawlessness, of disregard of means in the pursuit of ends, and the last group from which such episodes should derive is the college generation. Mob rule is mob rule, by whomever perpetrated. The rifling of personal files is a detestable act, in whatever cause it is committed, as the student culprits would be the first to proclaim if their own belongings were ransacked by the university administration.

But this condemnation of student unrest is, as I have said, much too easy. It is also too superficial. A phenomenon of this magnitude calls for an inquiry into its causes, and an appraisal of its meaning.

In searching for causes Everyman is his own psychologist—as in judging the Supreme Court Everyman is his own constitutional lawyer. There are those who are convinced that the college generation has been corrupted by having been reared on the permissive doctrines of Dr. Spock and Dr. Gesell. Passing the question whether these counsellors were as permissive as they are accused of being, it is hard to believe that in Poland and France and Latin America these good American doctors determined the infant care and feeding of the present college generation. Other interpreters find in this generation strong evidence of the alienation of adolescence, the moratorium from omnipresent reality, that has come to be stereotyped as an identity crisis. The inventor of that term, Erik Erikson, is much too wise to explain all the protestant activity of youth in those terms. Sometimes the psychological explanation is transparently simplistic. When a healthy, engaging student approaches Professor Erikson on the campus and announces "I have an identity crisis," Erikson is likely to reply "Are you complaining or boasting?" More fundamentally, as in his psychobiography of that pioneer protestant the Young Luther, Erikson insists that behavior is produced not by the psyche alone but by its interaction with the society of the time and place. The same caution applies to the facile explanation in terms of a "generation gap." Of course there has always been that gap. Why do grandparents get along so well with their grandchildren? Perhaps because both can unite in their failure to understand the generation in between.

More basically, again, the gap theory fails to consider the social context, to explain why in the 1920's the disaffected escaped from school and college into exile on the Left Bank of Paris while today in much larger numbers they are turning to the inner city and Indian reservations and the schoolroom.

Unless we try to understand the objectives of this generation, the directions they are taking in their discontent, we shall miss their message, exacerbate the failure of communication, and above all we shall fail to see the historic turning point that they are both reflecting and creating in our world. For I believe that the student movement around the world is nothing less than the herald of an intellectual and moral revolution, which can portend a new enlightenment and a wider fraternity, or if repulsed and repressed can lead to a new cynicism and even deeper cleavages. The student generation, disillusioned with absolutist slogans and utopian dogmas, has long since marked the end of ideology: wars of competing isms are as intolerable to them as wars of religion became centuries ago. Youth turned to pragmatism, to the setting of specific manageable tasks and getting them done. But that has proved altogether too uninspiring, and youth has been restless for a new vision, a new set of ideals to supplant the discarded ideologies. If the new vision is not yet wholly clear, its essence is plain enough if we look at the objects of student revolt.

The student generation is in revolt, first of all, against hypocrisies, and in particular against the hypocrisies of three three-letter words: sex, war, and law. Taboos in sex impress this generation as being the product, in many cases, of prudery or class distinctions rather than mutual respect and love. "The Society for the Suppression of Vice," said Sidney Smith, the nineteenth-century English cleric and wit, "ought to be called 'The Society for the Suppression of the Vices of Those Who Earn Less Than a Thousand Pounds a Year';" and many young Americans, making the necessary conversion of currencies, would agree.

In war, youth sees the conscription of the services and even the lives of their own generation in a cause they do not understand, but not the conscription of property or even of excess profits to wage that war or to relieve the wretchedness about them that they are told cannot be relieved while the war is on.

In law, they observe the thunderous condemnation of their own number who disrupted a week of classes and caused a shutdown at Columbia University but they may also remember that the public schools in Prince Edward County, Virginia, were closed not for weeks or months but for years by a school board determined to resist the rule of desegregation, a shutdown that drew far less general rebuke because it was the work of respectable ladies and gentlemen defying the law while holding public office.

A second target of the revolt, in addition to hypocrisies, is irrelevance—irrelevance in education. John Maynard Keynes defined higher education as the inculcation of the incomprehensible into the ignorant by the incompetent. Today's generation would amend the definition in two respects: what is inculcated is not incomprehensible, it is only irrelevant, and it is not inculcated into the ignorant. Otherwise the definition might stand. Our students find too much of our educational content to be what Professor Whitehead called "inert knowledge," information having no apparent relation to the problems of living in our world or understanding it.

A third object of revolt is authoritarianism, governance superimposed from without.

What an English lord said about the Reform Bill of 1932 seems to the college generation to describe the attitude of their seniors toward the community of the university: "I don't know what the people have to do with the laws of a country except obey them." The age of majority was fixed at twenty-one, historians tell us, because at that age a young man was deemed capable of bearing the heavy armor of a knight. The moral needs no elaboration.

I have tried to put the drives of the student protesters as sympathetically and strongly as I can; in the process I have doubtless lost not only the parent generation in the audience but the grand parents as well. I do believe that if we fail to listen to the message of the student generation, strident though it be, we do so at our peril—I mean our spiritual peril.

But, as the Romans pointed out, the corruption of the best is the worst, and there is peril too in the pathology of youth's ideals. The revolt against hypocrisies can breed a form of assured self-righteousness that easily turns into cynicism. The danger is that having discovered that so-called neutral principles may not always be neutral in fact, that justice itself, by rewarding so-called merit and achievement may be perpetuating and reinforcing a system of inherited inequities—that having discovered these things the student generation will repudiate all principles in pursuit of a righteous end, forgetting that the end is tainted by the means, and that to jettison principles of law because your aims are pure, or holy, or patriotic, denudes you of defenses against those who are just as certain of their rectitude. Certitude and rectitude are in fact only acronyms, not synonyms. In *A Man For All Seasons* Sir Thomas More is arguing about the man's law and God's with his friend William Roper, who is described as a young man in his early thirties, with "an all-consuming rectitude which is his cross, his solace, and his hobby." More asks: "What would you do, cut a great road through the law to get after the Devil?" Roper replies: "I'd cut down every law in England to do that." More is roused to excitement: "Oh? And when the last law was down, and the Devil turned round on you—where would you hide, Roper, the laws all being flat? This country's planted thick with laws from coast to coast—man's laws, not God's—and if you cut them down—and you're just the man to do it—d'you really think you could stand upright in the winds that would blow then? Yes, I'd give the Devil the benefit of law, for my own safety's sake."

How are we to mediate between the revolt against hypocrisy and its pathology of self-righteousness? I suggest that we start by re-examining candidly the concept of justice, acknowledging that it can indeed serve merely as a reinforcement of the status quo, but recognizing also that it can powerfully promote social change by holding up the criteria of need and intrinsic human worth, so that in the end justice is no stranger to compassion and love, and in the anatomy of social regeneration law is the necessary backbone.

The revolt against irrelevance has its pathology too, in the form of egocentrism. The notion that nothing is really relevant unless it bears directly on today's decisions is a regressive concept, the relevance of the nursery. We understand ourselves and our problems by in some sense transcending them. Without the perspective of time and distance we are prisoners of the egocentric predicament, confusing the immediate and specific with the genuinely practical, like the plight of the stuttering boy who, having been sent away for a cure, reported sadly "I can say Peter Piper picked a peck of pickled peppers; b-b-but it r-r-rarely oc-c-curs in c-c-conversation." The art of relevant teaching is not to contract the range of inquiry but to expand the possibilities of relevance, to see the general in the particulars, to study the flower in the crannied wall in order, as Tennyson put it, to seek to know what God and man is.

The revolt against authoritarianism, finally, has its own pathology, which is anarchy or nihilism. The road to reconciliation here is to devise new forms of participation and shared responsibility. "Responsibility," said Justice Brandeis, the wisest man I have known, "is the great developer of men." When the struggle for woman suffrage was raging, Brandeis argued for the reform in his own distinctive terms: not that it is woman's right, but that we cannot afford to shield her from sharing in the responsibilities of citizenship. When the radical labor tactics of the I.W.W. brought pressures for repression, Brandeis' advice was to place representatives of the I.W.W. in positions of common responsibilities. If I make a similar suggestion in the case of students, I hope it will not be construed as a patronizing counsel, any more than Brandeis was patronizing toward women as voters or radical labor leaders as collaborators in the industrial community.

Not only the younger generation, but all of us, will be the better if the vote is conferred below the age of twenty-one; we need to channel the idealism, honesty, and openhearted sympathies of these young men and women, and their informed judgments, into responsible political influences. In my judgment as a lawyer, this uniform extension of the suffrage could be conferred by Congress under its power to enforce the equal-protection guarantee of the Fourteenth Amendment, without having to go through the process of a constitutional amendment.

In the academic community the issue of student participation in government is a complex one. However inappropriate it would be to give membership to students on the governing boards of colleges, given their transitory status among other disabilities, it does seem feasible and desirable to include on alumni governing bodies some representatives of the recent graduating classes; and on the campus itself new forms of participation through faculty-student committees are proving to be a constructive and rewarding institution.

Between World Wars One and Two, it has been said, the Allied powers showed that they would never listen to reason but would always yield to force. Let us not repeat domestically either part of this double-blind procedure.

We are met at a time of deep national mourning and self-searching. We have become so inured to violence on a massive scale that only when it singles out one of our best and most courageous do we stop to look it squarely in the face and ask whether generations have suffered and died to produce a civilization of inhumanity. This, I believe is the question that the college generation is, in its own way, holding up to us. Let us listen to their question with humility and to their answers with hope.

On Memorial Day 1884 Justice Oliver Wendell Holmes spoke these words, which I leave with you:

"Every year—in the full tide of spring, at the height of the symphony of flowers and love and life—there comes a pause, and through the silence we hear the lonely pipe of death. Year after year lovers wandering under the apple boughs and through the clover and deep grass are surprised with sudden tears as they see black veiled figures stealing through the morning to a soldier's grave. Year after year the comrades of the dead follow, with public honor, procession and commemorative flags, and funeral march—honor and grief from us who stand almost alone, and have seen the best and noblest of our generation pass away.

"But grief is not the end of all. I seem to hear the funeral march become a paean. I see beyond the forest the moving banners of a hidden column. Our dead brothers still live for us, and bid us think of life, not death—of life to which in their youth they lent the passion and glory of the spring. As I listen, the great chorus of life and joy begins again, and amid the awful orchestra of seen and unseen powers and destinies of good and evil our trumpets sound once more a note of daring, hope, and will."

Statement of Archibald Cox, Willison Professor of Law, Harvard Law School, Before the Subcommittee on Constitutional Rights, February 24, 1970

As a teacher and student of constitutional law, I have been asked to testify upon the constitutionality of two provisions of proposed voting rights legislation: the elimination of residence requirements as a condition of voting in Presidential elections and the nationwide abolition of literacy tests. I would like also to urge upon the Committee that Congress has power, under the very same constitutional theory to reduce the age for voting from twenty-one to eighteen years of age.

My chief qualification is study of constitutional law. As Solicitor General of the United States I briefed and argued a number of voting rights cases. I participated in drafting the Voting Rights Act of 1965 and defended its constitutionality as special counsel for Massachusetts in *South Carolina* v. *Katzenbach*, 383 U.S. 301.

My testimony will be confined to the constitutional questions. I would like to state, however, that I favor (1) the extension of the Voting Rights Act of 1965 without change; (2) the elimination of durational residency requirements in Presidential elections; (3) the abolition of all literacy tests; and (4) the reduction of the voting age to eighteen years of age, all by act of Congress without awaiting a constitutional amendment.

1. *Congress has constitutional power under Section 5 of the Fourteenth Amendment to abolish State durational residence requirements for voting in Presidential elections.*

Article II, Section 1 of the Constitution allows a State to determine its own method of choosing members of the Electoral College but that authority, like all other State powers, must be exercised in accordance with the Fourteenth Amendment. *Carrington* v. *Rash*, 380 U.S. 89.

Section 1 of the Fourteenth Amendment provides that no State—shall deny to any person within its jurisdiction the equal protection of the laws.

The Equal Protection Clause is violated by any State action that works an arbitrary and unreasonable discrimination or an invidious classification. It applies to State restrictions affecting the franchise and electoral process, including voting qualifications. *Gray* v. *Sanders*, 372 U.S. 368; *Reynolds* v. *Sims*, 377 U.S. 533; *Harper* v. *Virginia Board of Elections*, 383 U.S. 1244; *Kramer* v. *Union Free School District*, 395 U.S. 621. For example, the Supreme Court has invalidated State laws denying residents in military services the right to vote, *Carrington* v. *Rash*, *supra*, or excluding from school district elections persons who have neither an interest in real property nor children in the schools. *Kramer* v. *Union Free School District, supra*.

It is uncertain whether a State law establishing a 6 months or longer residency requirement for voting in a Presidential election is subject to judicial condemnation as a violation of the Equal Protection Clause even in the absence of congressional action. *Drueding* v. *Devlin*, 380 U.S. 125, affirming 2347. Supp. 721 (D. Md. 1964), upheld a one year residency requirement, but last November 24 Justices Brennan and Marshall stated that that decision was no longer good law. *Hall* v. *Beals*, 38 U.S. Law Week 4006, 4008. Since the majority dismissed the Halls' suit as moot, no other justices spoke to the issue.

The outcome of such an equal protection challenge depends upon balancing the interests of the putative voters against the interests the residency requirement is said to serve. The interests of the voters are twofold: participation in the most important aspect of democratic self-government and freedom to move to a new home. Both interests are so fundamental that any classification affecting them or discriminating against their exercise must be scrutinized meticulously. *Kramer* v. *Union Free School District, supra; Shapiro* v. *Thompson*, 394 U.S. 618, 634. In support of a six months' or one year's residency requirement, some States have invoked a concern for preventing fraudulent claims of residence for administrative convenience, and for familiarity with local interests affected by the outcome of even a national election. In striking the balance in the absence of Congressional action, the federal judiciary—ultimately the Supreme Court—must either find the pertinent facts and evaluate their significance for itself or else defer, at least to some extent, to the findings and evaluation of the legislature.

But the situation is different if Congress has legislated on the subject. The critical difference is that Congress has power under Section 5 of the Fourteenth Amendment to make the investigation, to find the facts, to make its own evaluation of the opposing interests, and to conclude, looking to the actual state of affairs in the country, that the citizen's interest in participation in the election of his President, as well as in freedom of movement, so greatly outweighs any State interest in the residency requirements as to make the requirement an instance of invidious or arbitrary and capricious classification in violation of the Equal Protection Clause. In this sense, Congress has constitutional power to determine what the Equal Protection Clause requires. It is an appropriate legislative function because it involves the finding and evaluation of facts. When Congress acts, the only question for the judiciary is whether it can perceive a basis upon which Congress *might* view the removal of the classification as necessary to secure equal protection of the laws.

The constitutional principle I am seeking to emphasize was established in *Katzenbach* v. *Morgan*, 384 U.S. 641. A New York statute made literacy in English a prerequisite to voting. The discrimination against Spanish-speaking citizens was claimed to be justified because of the State interest in assuring informed and intelligent use of the franchise as well as in encouraging immigrants to learn English. In the absence of a federal statute the Court might well have sustained the New York law. *Cardona* v. *Power*, 384 U.S. 672. Section 4(a) of the Voting Rights Act of 1965, however, provided that no person should be denied the franchise because of inability to read or write English, who had successfully completed the Sixth Grade in a Puerto Rican school where instruction was in Spanish. The Court sustained the congressional abolition of the English language literacy test, saying—

"Congress might well have questioned, in light of the many exemptions provided, and some evidence suggesting that prejudice played a prominent role in the enactment of the requirement, whether these were actually the interests being served. Congress might have also questioned whether denial of a right deemed so precious and fundamental in our society was a necessary or appropriate means of encouraging persons to learn English, or of furthering the goal of an intelligent exercise of the franchise. Finally, Congress might well have concluded that as a means of furthering the intelligent exercise of the franchise, an ability to read or understand Spanish is as effective as ability to read English for those to whom Spanish-language newspapers and Spanish-language radio and television programs are available to inform them of election issues and governmental affairs. Since Congress undertook to legislate so as to preclude the enforcement of the state law, and did so in the context of a general appraisal of literacy requirements for voting, see State of *South Carolina* v. *Katzenbach, supra*, to which it brought a specially informed legislative competence, it was Congress' prerogative to weigh these competing considerations. Here again, it is enough that we perceive a basis upon which Congress might predicate a judgment that the application of New York's English literacy requirement to deny the right to vote to a person with a sixth-grade education in Puerto Rican schools in which the language of instruction was other than English constituted an invidious discrimination in violation of the Equal Protection Clause."

The substance of the holding is that Congress may decide, within broad limits, how the general principle of equal protection applies to actual conditions. In other words, as Justice Harlan pointed out in dissent, Congress can invalidate State legislation upon the ground that it denies equal protection where the Court would uphold, or even has upheld, the constitutionality of the same State statute. 384 U.S. at 667–668.

Under this decision, it is for Congress to determine whether a right so precious and fundamental as casting a vote for President can be denied to new residents without invidious discrimination merely to serve supposed administrative convenience in registering voters and preventing fraudulent votes. Similarly, it is for Congress to weigh the significance of a longer opportunity to learn (or of continued attachment to) peculiar local interests. Personally, in my opinion, the supposed justifications are trivial but that is not for me to decide. From the standpoint of constitutionality it would be enough that Congress had a rational basis for the conclusion that requiring more than bona fide residence is an invidious classification.

Such a rational basis plainly exists. Accordingly, I have not the least doubt that Section 2(c) of H.R. 4249 is constitutional.

2. *Congress has constitutional power under Section 5 of the Fourteenth Amendment to abolish State literacy requirements for voting in State and federal elections.*

The same constitutional principles that sustain the power of Congress to abolish State residency requirements for voting in Presidential elections also sustain its power to abolish all literacy tests in all States for all elections. State voting laws are subject to the Equal Protection Clause of the Fourteenth Amendment. Congress has power, within broad limits to determine the requirements of equal protection in any given situation, if the judgment depends in any way upon appraisal of factual conditions.

If Congress finds that denying a vote to citizens who cannot read and write is so little justified as to be invidious, and therefore forbids the enforcement of contrary State laws, the judicial branch will uphold that statute under *Katzenbach* v. *Morgan* unless there is no rational support for the congressional conclusion.

In *Lassiter* v. *Northhampton Election Board*, 360 U.S. 45, the Court upheld a North Carolina literacy test where there was no claim that it had been used as an engine of racial discrimination. The issue turned upon whether denying the franchise to those classified as illiterates was justified by the contributions of the test towards ensuring an intelligent exercise of the right of suffrage. North Carolina found the justification sufficient. The Supreme Court, in the absence of federal legislation, concluded that North Carolina had made an allowable choice.

The *Lassiter* case does not stand in the way of congressional abolition of all literacy tests. Just as Congress was held in *Katzenbach* v. *Morgan* to have power upon its own review of the facts to overturn an English-speaking literacy requirement that might have withstood constitutional attack in the absence of Section 4(e) of the Voting Rights Act, so here Congress has power upon its own review of the facts to overturn the literacy test that withstood constitutional attack in *Lassiter* v. *Northhampton Board of Elections*. The critical difference in each instance is that the judicial branch will respect the constitutional function of Congress under Section 5 of the Fourteenth Amendment.

Under *Katzenbach* v. *Morgan*, therefore, it is for Congress to appraise whether a literacy test does in fact produce a more intelligent exercise of the franchise. The increasing reliance upon other media of communications, the opportunities to see and hear the candidates, and the experience of twenty-four States which have no literacy tests strongly suggest that the contribution is trivial. It is also for Congress to weigh the seriousness of exclusion from the processes of self-government and the extent to which the excluion of those denied an education is really based upon a prejudice against the poor—a classification which is plainly unconstitutional in relation to elections. *Harper* v. *Virginia Board of Elections*, 383 U.S. 663; *Kramer* v. *Union Free School District*, 395 U.S. 621. If the Congress, upon review of such facts, finds that literacy tests have so little justification under modern conditions as to work discrimination that is arbitrary and capricious in relation to the franchise, then Congress has ample power to require their elimination, under Section 5 of the Fourteenth Amendment.

I should emphasize that this power nowise depends upon a finding that literacy tests everywhere result in racial discrimination. The theory here is altogether different from the constitutional theory supporting Section 4 of the Voting Rights Act of 1965. Section 4 of the Voting Rights Act of 1965 was framed under Section 2 of the Fifteenth Amendment upon the theory that literacy tests and like devices had so widely been—and were so likely to be—used as engines of racial discrimination in certain States and counties as to warrant prohibiting their use unless and until the contrary was proved in a judicial proceeding. *South Carolina* v. *Katzenbach*, 383 U.S. 301. See also, *United States* v. *Mississippi* 380 U.S. 128; *Louisville* v. *United States*, 380 US. 148. The total abolition of literacy tests in all States should be based, as I view the matter, not upon any racial abuse but upon the finding that to separate out those who were denied an education in order to exclude them from voting works an invidious classification in violation of the Equal Protection Clause.

Before leaving the point I should add that I do not understand the basis for abolishing requirements of good moral character in places where such tests have not been engines of racial discrimination.

3. *Congress has the constitutional power under Section 5 of the Fourteenth Amendment to reduce the minimum age for voting from twenty-one to eighteen years.*

In my opinion, the constitutional underpinning for abolishing residency requirements and literacy tests is equally applicable to legislation reducing the voting age to eighteen. States in which the voting age is twenty-one put those who are 18, 19 and 20 in a separate class from those who have reached their twenty-first birthday. Under the Fourteenth Amendment the question is whether the classification is reasonable or arbitrary and capricious. Undoubtedly, the Supreme Court would sustain such a State rule in the absence of federal legislation. Under Section 5 of the Fourteenth Amendment, however, the Congress has the power to make its own determination.

The supposed justification for denying the franchise to those between eighteen and twenty-one is that they lack the maturity and appreciation of their stake in the community necessary for an intelligent and responsible vote. The Congress would wish to consider whether there is a compelling basis for this belief, bearing in mind the spread and improvement of education, the age at which young people take jobs, pay taxes, marry and have children, the tremendous interest of young people in government and public affairs, and their increased knowledge and sophistication as a result of new forms of mass communications. On this point, surely it is not irrevelant that the educational system draws a major line roughly at eighteen years of age, upon graduation from high school. The Congress would also wish to consider that "[a]ny unjustified discrimination in determining who may participate in political affairs or in the selection of public officials undermines the legitimacy of representative government" (*Kramer* v. *Union Free School District, supra*). The exclusion is uniquely bitter when one may be summoned to fight and perhaps to die in defense of a policy he had not even a citizen's indirect voice in making.

If Congress upon reviewing these and related facts should find the classification invidious under contemporary conditions, the Court, if it adhered to *Katzenbach* v. *Morgan*, should sustain the legislation.

These views are not newly developed for this occasion. I expressed them in an article published in November 1966 shortly after *Katzenbach* v. *Morgan* was decided (*Constitutional Adjudication and the Promotion of Human Rights*, 80 Harv. L. Rev. 91, 107):

"Much of President Johnson's desire to expand the electorate by outlawing all literacy tests, reducing the age for voting, and simplifying residence requirements can probably be realized by legislation without a constitutional amendment. If Congress can make a conclusive legislative finding that ability to read and write English as distinguished from Spanish is constitutionally irrelevant to voting, then a finding that all literacy requirements are barriers to equality should be equally conclusive. Congress would seem to have power to make a similar finding about state laws denying the franchise to eighteen, nineteen, and twenty years olds even though they work, pay taxes, raise families, and are subject to military service. The constitutionality of federal prescription of residence requirements would seem more doubtful because the differentiations made by state laws are more difficult to characterize as invidious."

The doubt expressed in the final sentence is plainly unwarranted when the federal prescription is confined, as in the present bills, to Presidential elections.

Before closing, I must add two notes of caution.

First, I suspect that some constitutional scholars would not share my view that Congress can reduce the voting age without a constitutional amendment. Possibly, my reasoning runs the logic of *Katzenbach* v. *Morgan* into the ground. Possibly, the case will be explained away upon the ground that the discrimination was invidious because it ran against Puerto Ricans. But that is not what the Court held and if a congressional finding that residency and literacy tests work a denial of equal protection would be binding upon the courts, then logically a finding that the present discrimination against 18–21 year olds is invidious should be equally conclusive.

Of course, constitutional decisions do not rest upon logic alone. Our mobility has outmoded residency requirements at least in Presidential elections, as radio and television have outmoded literacy tests. The traditional attitude towards the voting age seems to be more deeply ingrained, and it is not impossible that the Court would adhere to that tradition until changed by constitutional amendment.

Second, these doubts suggest that an act of Congress reducing the voting age might be the subject of serious constitutional litigation. Possibly, enough votes would be involved to cast doubt upon the outcome of a Presidential or major State election. It might be calamitous to have the doubt remain for the full time required for a Supreme Court decision.

I have not had time, since the problem occurred to me, to review the legal precedents bearing upon the difficulty. The Committee will undoubtedly wish to study them. I suggest, however, that any danger can probably be avoided by including in any legislation reducing the voting age a section declaring that, pending a final ruling by the Supreme Court, the decision of the highest election officials or federal court with jurisdiction in the premises, rendered prior to an election, shall be conclusive with respect to the validity of votes cast in that election.

Of course, this solution would leave open the possibility of different results in different States pending final Supreme Court resolution. That diversity could be avoided by providing that no challenge to a vote in any Presidential election upon grounds that the statute is unconstitutional shall be entertained unless an action against the United States for a declaratory judgment to determine the question of constitutionality shall have been filed in the United States District Court for the District of Columbia within one year after the effective date of the Act. The action should be triable before a three judge court. The decision of that court should be binding unless reversed by the Supreme Court more than three months in advance of the election.

Although candor obliges me to add these words of caution, I repeat that in my opinion congressional reduction of the voting age would be constitutional.

Testimony of Senator Kennedy on Lowering the Voting Age to 18 Before Senate Subcommittee on Constitutional Amendments

Mr. Chairman, I am pleased to have the opportunity to testify before this distinguished Subcommittee, and to give my strong support to the movement to lower the voting age to 18.

I believe the time has come to lower the voting age in the United States, and thereby to bring American youth into the mainstream of our political process. To me, this is the most important single principle we can pursue as a nation if we are to succeed in bringing our youth into full and lasting participation in our institutions of democratic government.

In recent years, a large number of Senators—now totalling 73, I believe—have expressed their support for Federal action to lower the voting age. In particular, I commend Senator Jennings Randolph, Senator Mike Mansfield, and Senator Birch Bayh for their extraordinary success in bringing this issue to the forefront among our contemporary national priorities. For nearly three decades, Senator Randolph has taken the lead in the movement to extend the franchise to our youth. For many years, Senator Mansfield, the distinguished majority leader in the Senate, has been one of the most eloquent advocates of reform in this area. Senator Bayh's extensive hearings in 1968, at which Senator Mansfield was the lead-off witness, helped generate strong and far-reaching support for the movement to lower the voting age, and his current hearings are giving the issue even greater momentum. The prospect of success is great, and I hope that we can move forward to accomplish our goal.

In my testimony today, there are three general areas I would like to discuss. The first deals with what I believe are the strong policy arguments in favor of lowering the voting age to 18. The second deals with my view that it is appropriate for Congress to achieve its goal by statute, rather than follow the route of Constitutional amendment. The third deals with the constitutional power of Congress to act by statute in this area.

I. THE MINIMUM VOTING AGE IN THE UNITED STATES SHOULD BE LOWERED TO 18

Members of the Senate are well aware of the many substantial considerations supporting the proposal to lower the voting age to 18 in the United States, and I shall do no more than summarize them briefly here.

First, our young people today are far better equipped—intellectually, physically, and emotionally—to make the type of choices involved in voting than were past generations of youth. Many experts believe that today's 18 year-old is at least the equal, physically and mentally, of a 21 year-old of his father's generation, or a 25 year-old of his grandfather's generation.

The contrast is clear in the case of education. Because of the enormous impact of modern communications, especially television, our youth are extremely well informed on all the crucial issues of our time, foreign and domestic, national and local, urban and rural.

Today's 18 year-olds, for example, have unparalleled opportunities for education at the high school level. Our 19 and 20 year-olds have significant university experience, in addition to their high school training. Indeed, in many cases, 18 to 21 year-olds already possess a better education than a large proportion of adults among our general electorate. And, they also possess a far better education than the vast majority of the electorate in all previous periods of our history. The statistics are dramatic:

In 1920, just fifty years ago, only 17% of Americans between the ages of 18 and 21 were high school graduates. Only 18% went on to college.

Today, by contrast 79% of Americans in this age group are high school graduates. 47% go on to college.

Even these figures, however, do not measure the enormous increase in the quality of education that has taken place in recent years, especially since World War II. We speak of the generation gap, the gap between the new politics and the old politics, but nowhere is the gap more clear than the gap we see as parents between our own education and education of our children.

Only last week, we read that the winner of the annual Westinghouse high school science talent search was the son of a Pennsylvania pipefitter. His parents never went to college, and the prize he received was for the study of the interactions between two colliding beams of high-energy protons.

Equally significant, it is clear that the increased education of our youth is not measured merely by the quantitative amount of knowledge instilled. It is measured also by a corresponding increase in the priceless quality of judgment. Our 18 year-olds today are a great deal more mature and more sophisticated than former generations at the same stage of development. Their role in issues like civil rights, Vietnam and the environment is as current as today's headlines. Through their active social involvement and their participation in programs like the Peace Corps and Vista, our youth have taken the lead on many important questions at home and overseas. In hundreds of respects, they have set a far-reaching example of insight and commitment for us to emulate.

Second, by lowering the voting age to 18, we will encourage civic responsibility at an earlier age, and thereby promote lasting social involvement and political participation for our youth.

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We know that there is already a high incidence of political activity today on campuses and among young people generally, even though they do not have the franchise. None of us who has visited a high school or college in recent years can fail to be impressed by their knowledge and dedication. By granting them the right to vote, we will demonstrate our recognition of their ability and our faith in their capacity for future growth within our political system.

In spite of the progress we have made in recent years, there can be no question that we must do more to improve the political participation of our youth, especially our young adults.

Studies of voting behavior in recent elections have consistently shown that persons under 30 vote less often than those who are older. In 1963, President Kennedy's Commission on Registration and Voting Participation expressed its deep concern over the low voting participation in the 21–30 year-old age bracket. It attributed this low participation to the fact that: "by the time they have turned 21 . . . many young people are so far removed from the stimulation of the educational process that their interest in public affairs has waned. Some may be lost as voters for the rest of their lives."

I believe that both the exercise of the franchise and the expectation of the franchise provide a strong incentive for greater political involvement and understanding. By lowering the minimum voting age to 18, we will encourage political activity not only in the 18 to 21 year-old age group, but also in the pre-18 year-old group and the post-21 year-old group as well. By lowering the voting age, therefore, we will extend the franchise both downward and upward. We will enlarge the meaning of participatory democracy in our society. We will give our youth a new arena for their idealism, activism and energy.

I do not agree with the basic objection raised by some that the recent participation of students in violent demonstrations shows that they lack the responsibility for mature exercise of the franchise. Those who have engaged in such demonstrations represent only a small percent of our students. It would be extremely unfair to penalize the vast majority of all students because of the reckless conduct of the few.

In recent years, there has been perhaps no more embattled institution of learning than San Francisco State University. Yet, as the president of the University, S. I. Hayakawa, eloquently testified in these hearings last month, no more than 1,000 of the 18,000 students on his campus—or about 5%—participated in the disturbances. And, of those arrested, by the police, more than half were over 21, the present voting age in the State.

Obviously, the maturity of 18- to 21-year-olds varies from person to person, just as it varies for all age groups in our population. However, on the basis of our broad experience with 18- to 21-year-olds as a class, I believe they possess the requisite maturity, judgment, and stability for responsible exercise of the franchise. They deserve the right to vote and the stake in society it represents.

Third, 18-year-olds already have many rights and responsibilities in our society comparable to voting. It does not automatically follow of course—simply because an 18 year-old goes to war, or works, or marries, or makes a contract, or pays taxes, or drives a car, or owns a gun, or is held criminally responsible, like an adult—that he should thereby be entitled to vote. Each right or responsibility in our society presents unique questions dependent on the particular issue at stake.

Nonetheless, the examples I have cited demonstrate that in many important respects and for many years, we have conferred far-reaching rights on our youth, comparable in substance and responsibility to the right to vote. Can we really maintain that it is fair to grant them all these rights, and yet withhold the right that matters most, the right to participate in choosing the government under which they live?

The well-known proposition—"old enough to fight, old enough to vote"—deserves special mention. To me, this part of the argument for granting the vote to 18-year-olds has great appeal. At the very least, the opportunity to vote should be granted in recognition of the risks an 18-year-old is obliged to assume when he is sent off to fight and perhaps die for his country. About 30% of our forces in Vietnam are under 21. Over 19,000, or almost half, of those who have died in action there were under 21. Can we really maintain that these young men did not deserve the right to vote?

Long ago, according to historians, the age of maturity was fixed at 21 because that was the age at which a young man was thought to be capable of bearing armor. Strange as it may seem, the weight of armor in the 11th century governs the right to vote of Americans in the 20th century. The medieval justification has an especially bitter relevance today, when millions of our 18-year-olds are compelled to bear arms as soldiers, and thousands are dead in Vietnam.

To be sure, as many critics have pointed out, the abilities required for good soldiers are not the same abilities required for good voters. Nevertheless, I believe that we can accept the logic of the argument without making it dispositive. A society that imposes the extraordinary burden of war and death on its youth should also grant the benefit of full citizenship and representation, especially in sensitive and basic areas like the right to vote.

In the course of the recent hearings I conducted on the draft, I was deeply impressed by the conviction and insight that our young citizens demonstrated in their constructive criticism of our present draft laws. There are many issues in the 91st Congress and in our society at large with comparable relevance and impact on the nation's youth. They have the capacity to counsel us wisely, and they should be heard at the polls.

Fourth, our present experience with voting by persons under 21 justifies its extension to the entire nation. By lowering the voting age we will improve the overall quality of our electorate, and make it more truly representative of our society. By adding our youth to the electorate, we will gain a group of enthusiastic, sensitive, idealistic and vigorous new voters.

Today, four states—Georgia since 1943, Kentucky since 1955, and Alaska and Hawaii since they entered the Union in 1959—grant the franchise to persons under 21. There is no evidence whatever that the reduced voting age has caused difficulty in the states where it is applicable. In fact, former governors Carl Sanders and Ellis Arnall of Georgia have testified in the past that giving the franchise to 18 year-olds in their states has been a highly successful experiment. Their views were strongly suggested by the present Governor of Georgia, Lester Maddox, who testified last month before the Senate Subcommittee on Constitutional Rights.

Moreover, a significant number of foreign nations now permit 18 year-olds to vote. This year, Great Britain lowered the voting age to 18. Even South Vietnam allows 18 year-olds to vote. I recognize that it may be difficult to rely on the experience of foreign nations, whose political conditions and experience may be quite different from our own. It is ironic, however, that at a time when a number of other countries, including Great Britain, have taken the lead in granting full political participation to 18 year-olds, the United States, a nation with one of the most well-developed traditions of democracy in the history of the world, continues to deny that participation.

I am aware that many arguments have been advanced to prevent the extension of the franchise to 18 year-olds. It may be that the issue is one—like woman suffrage in the early nineteen hundreds—that cannot be finally resolved by reason or logic alone. Attitudes on the question are more likely to be determined by an emotional or a political response. It is worth noting, however, that almost all of the arguments now made against extending the franchise to 18 year-olds were also made against the 19th Amendment, which granted suffrage to women. Yet, no one now seriously questions the wisdom of that Amendment.

There could, of course, be an important political dimension to 18 year-old voting. As the accompanying table indicates, enfranchisement of 18 year-olds would add approximately ten million persons to the voting age population in the United States. It would increase the eligible electorate in the nation by slightly more than 8%. If there were dominance of any one political party among this large new voting population, or among sub-groups within it, there might be an electoral advantage for that party or its candidates. As a result, 18 year-old voting would become a major partisan issue, and would probably not carry in the immediate future.

For my part, I believe that the risk is extremely small. Like their elders, the youth of America are all political persuasions. The nation as a whole would derive substantial benefits by granting them a meaningful voice in shaping their future within the established framework of our democracy.

The right to vote is the fundamental political right in our Constitutional system. It is the cornerstone of all our other basic rights. It guarantees that our democracy will be government of the people, and by the people, not just for the people. By securing the right to vote, we help to insure, in the historic words of the Massachusetts Bill of Rights, that our government "may be a government of laws, and not of men." Millions of young Americans have earned the right to vote, and we in Congress should respond.

II. THE FEDERAL GOVERNMENT SHOULD ACT TO REDUCE THE VOTING AGE TO 18 BY STATUTE, RATHER THAN BY CONSTITUTIONAL AMENDMENT

I believe not only that the reduction of the voting age to 18 is desirable, but also that Federal action is the best route to accomplish the change, and that the preferred method of Federal change should be by statute, rather than by constitutional amendment.

In the past, I have leaned toward placing the initiative on the States in this important area, and I have strongly supported the efforts currently being made in many states, including Massachusetts, to lower the voting age by amending the state constitution.

Progress on the issue in the states has been significant, even though it has not been as rapid as many of us had hoped. The issue has been extensively debated in all parts of the nation. Public opinion polls in recent years demonstrate that a substantial and increasing majority of our citizens favor extension of the franchise to 18 year-olds. In light of these important developments, the time is ripe for Congress to play a greater role.

Perhaps the most beneficial advantage of action by Congress is that it would insure national uniformity on this basic political issue. Indeed, the possible discrepancies that may result if the issue is left to the states are illustrated by the fact that of the four states which have already lowered the voting age below 21, two—Georgia and Kentucky—have fixed the minimum voting age at 18. The other two—Alaska and Hawaii—have fixed the age at 19 and 20, respectively.

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Left to state initiative, therefore, the result is likely at best to be an uneven pattern of unjustifiable variation.

There is another reason, however, why I feel that action by Congress is appropriate with respect to changes in voting qualifications, a reason that applies equally to changes in literacy requirements, residency requirements, or age requirements. All of these issues are now being widely debated in all parts of the nation. Too often, Congress has neglected its responsibility in these sensitive areas. Too often, when change has come, it has come through the slow and painstaking process of constitutional litigation in the federal courts. In the past, the validity of state voting requirements has been continually subject to judicial challenge, and similar challenges will undoubtedly continue in the future.

In our constitutional system, however, the judicial branch is ill-suited to the sort of detailed fact-finding investigation that is necessary to weigh the many complex considerations underlying one or another requirement for voting. Only Congress is equipped to make a complete investigation of the facts and to resolve the national issues involved. Too often, when a federal district court attempts to sift such issues, there is danger that a parochial local interest will shape the future course of litigation, with the result that paramount national interests receive inadequate consideration.

In sum, the legislative process is far more conducive to balancing conflicting social, economic, and political interests than the judicial process. The more Congress addresses itself to these complex contemporary problems, instead of leaving them for resolution by the courts, the better it will be for the nation as a whole.

Congressional action on the voting age at this time is therefore both necessary and appropriate. The most obvious method of Federal action is by amending the Constitution, but it is not the only method. As I shall discuss in greater detail in the third part of my statement, I believe that Congress has the authority to act in this area by statute, and to enact legislation establishing a uniform minimum voting age applicable to all states and to all elections, Federal, State and local.

The decision whether to proceed by constitutional amendment or by statute is a difficult one. One of the most important considerations is the procedure involved in actually passing a constitutional amendment by two-thirds of the Congress and three-fourths of the State legislatures. The lengthy delay involved in the ratification of a constitutional amendment to lower the voting age before many years have elapsed.

On the other hand, it is clear that Congress should be slow to act by statute on matters traditionally reserved to the primary jurisdiction of the States under the Constitution. Where sensitive issues of great political importance are concerned, the path of constitutional amendment tends to insure wide discussion and broad acceptance at all levels—Federal, State and local—of whatever change eventually takes place. Indeed, at earlier times in our nation's history, a number of basic changes in voting qualifications were accomplished by constitutional amendment.

At the same time, however, it is worth emphasizing that in more recent years, changes of significant magnitude have been made by statute, one of the most important of which was the Federal Voting Rights Act of 1965. Unlike the question of direct popular election of the President, which is also now pending before the Senate, lowering the voting age does not work the sort of deep and fundamental structural change in our system of government that would require us to make the change by pursuing the arduous route of constitutional amendment.

Because of the urgency of the issue, and because of its gathering momentum, I believe that there are overriding considerations in favor of federal action by statute to accomplish the goal. Ideally, it would be appropriate to incorporate the proposal as an amendment to the bill now pending on the floor of the Senate to extend the Voting Rights Act of 1965. Already, the debate in the Senate is centered on three of the great contemporary issues over the effect of state voting qualifications on the right to vote—race, literacy, and residency. Surely, it is appropriate for Congress to consider the fourth great issue—age. Indeed, if enough support can be generated, it could be possible for 18 year-olds to go to the polls for the first time this fall—November 1970.

However, we must insure that no action we take on 18 year-old voting will interfere with the prompt consideration of the pending Voting Rights bill, or delay its enactment by the Senate or the House. We must guarantee that its many important provisions are enacted into law at the earliest opportunity.

We know that there is broad and bipartisan support for the principle of 18 year-old voting. Well over two-thirds of the Senate has joined in support of the principle. Last month, the Administration gave its firm support to the cause. I am hopeful that we can proceed to the rapid implementation of our goal.

III. CONGRESS HAS THE CONSTITUTIONAL POWER TO ACT BY STATUTE TO LOWER THE VOTING AGE TO 18

As I have indicated, I believe that Congress has ample authority under the Constitution to reduce the voting age to 18 by statute without the necessity for a constitutional amendment. The historic decision by the Supreme Court in the case of *Katzenbach* v. *Morgan* in June 1966 provides a solid constitutional basis for legislation by Congress in this area. And, it is clear that the power exists not only for Federal elections, but for state and local elections as well.

There can be no question, of course, that the Constitution grants to the states the primary authority to establish qualifications for voting. Article I, Section 2, of the Constitution and the Seventeenth Amendment specifically provide that the voting qualifications established by a State for members of the most numerous branch of the State legislature shall also determine who may vote for United States Representatives and Senators. Although the Constitution contains no specific reference to qualifications for voting in Presidential elections or state elections, it has traditionally been accepted that the States also have primary authority to set voting qualifications in these areas as well.

At the same time, however, these constitutional provisions are only the beginning, not the end, of the analysis. They must be read in the light of all the other specific provisions of the Constitution, including the Amendments that have been adopted at various periods throughout the nation's history. Many of the great amendments to the Constitution, like the Fourteenth Amendment and the other Civil War Amendments, have become an extremely important part of the basic fabric of the document. Merely because they were adopted at a later date than the original Constitution, they are no less significant. Clearly, they must be read as a gloss on the earlier text, so that the entire document is interpreted as a unified whole.

Thus, although a State may have primary authority under Article I of the Constitution to set voting qualifications, it has long been clear that it has no power to condition the right to vote on qualifications prohibited by other provisions of the Constitution, including the Fourteenth Amendment. No one believes, for example, that a State could deny the right to vote to a person because of his race or his religion.

Indeed, the Supreme Court has specifically held that the Equal Protection Clause of the Fourteenth Amendment itself prohibits certain unreasonable state restrictions on the franchise. In *Carrington* v. *Rash* in 1965, the Court held that a State could not withhold the franchise from residents merely because they were members of the armed forces. In *Harper* v. *Virginia Board of Elections* in 1966, the Court held that a State could not impose a poll tax as a condition of voting. And, in *Kramer* v. *Union School District* in 1969, the court held that a State could not withhold the franchise from residents in school district elections merely because they owned no property or has no children attending the district schools.

As the text of the Fourteenth Amendment makes clear, however, the provisions of the Equal Protection Clause are not merely enforceable through litigation in the courts. They are also enforceable by Congress. Section 5 of the Fourteenth Amendment provides that:

"The Congress shall have power to enforce, by appropriate legislation, the provisions of this article."

In other words, Congress is given the power under Section 5 to enact legislation to enforce the Equal Protection Clause, the Due Process Clause, and all the other great provisions contained in Section 1 of the Amendment. It is Section 5 that gives Congress the power to legislate in the area of voting qualifications, as well as in many other areas affecting fundamental rights. Thus, the authority of Congress to reduce the voting age by statute is based on Congress' power to enforce the Equal protection clause by whatever legislation it believes is appropriate.

Historically, at the time the Fourteenth Amendment was enacted, the power conferred on Congress by Section 5 was viewed as the cardinal provision of the Amendment. Indeed, it was the original understanding at the time the amendment was adopted that Congress was being given far greater power under Section 5 than Congress has in fact exercised in subsequent years, and far greater power than it was thought the Supreme Court would have under the provisions of Section 1 of the Amendment. In other words, as a matter of history, it was originally expected that Congress would be the principal enforcer of the Fourteenth Amendment.

Prior to the Supreme Court's decision in *Katzenbach* v. *Morgan* in 1966, the scope of Congress' power under Section 5 to pre-empt State legislation was unclear. Obviously, if the State legislation was itself invalid under the Equal Protection Clause, Congress would have power under Section 5 to invalidate the legislation. But, if this were the limit of Congress' power, the authority would merely duplicate the power already possessed by the Supreme Court to declare the legislation invalid.

In *Katzenbach* v. *Morgan*, however, the Supreme Court explicitly recognized that Congress had broader power to legislate in the area of the Equal Protection Clause and state classifications for the suffrage.

The issue in the *Morgan* case was the constitutionality of Section 4(e) of the Voting Rights Act of 1965. The section in question, which originated as a Senate amendment sponsored by Senator Robert Kennedy and Senator Jacob Javits, was designed to enfranchise Puerto Ricans living in New York. The section provided, in effect, that any person who had completed the sixth grade in a Puerto Rican school could not be denied the right to vote in a Federal, State or local election because of his inability to pass a literacy test in English.

By a strong 7–2 majority, the Supreme

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Court sustained the constitutionality of Section 4(e) of the Voting Rights Act as a valid exercise by Congress of its power to enforce the Fourteenth Amendment, even though, in the absence of a declaration by Congress, the Court would not have held that the English literacy test was unconstitutional. Indeed, as recently as 1959, in a North Carolina test case, the Court had declined to hold that literacy tests were unconstitutional on their face as a qualification for voting.

Seen in perspective, the *Morgan* case was not a new departure in American constitutional law. Rather, it was a decision characterized by clear judicial restraint and exhibiting generous deference by the Supreme Court toward the actions of Congress.

As we know, Congress in this century has twice chosen to proceed by constitutional amendment in the area of voting rights in the nation. The Nineteenth Amendment, ratified in 1920, provided that a citizen of the United States could not be denied the right to vote in any election on account of sex. The Twenty-Fourth Amendment, ratified in 1964, provided that a citizen could not be denied the right to vote in Federal elections because of his failure to pay a poll tax.

Nevertheless, in spite of this past practice, *Katzenbach* v. *Morgan* and other decisions by the Supreme Court demonstrate that those particular amendments are in no way limitations on Congress' power under the Constitution to lower the voting age by statute, if Congress so chooses.

In essence, the *Morgan* case stands for the proposition that Congress has broad power to weigh the facts and make its own determination under the Equal Protection Clause. If the Supreme Court determines that there is a reasonable basis for legislation by Congress in this area, then the legislation will be sustained. As the Court itself stated in the *Morgan* case:

"It was for Congress . . . to assess and weigh the various conflicting considerations—the risk or pervasiveness of the discrimination in governmental services, the effectiveness of eliminating the state restriction on the right to vote as a means of dealing with the evil, the adequacy or availability of alternative remedies, and the nature and significance of the state interests that would be affected . . . *It is not for us to review the congressional resolution of these factors. It is enough that we be able to perceive a basis upon which the Congress might resolve the conflict as it did.*" (Emphasis added.)

In other words, with respect to granting the vote to 18 year-olds, it is enough for Congress to weigh the justifications for and against extending the franchise to this age-group. If Congress concludes that the justifications in favor of extending the franchise outweigh the justifications for restricting the franchise, then Congress has the power to change the law by statute and grant the vote to 18 year-olds, even though in the absence of action by Congress, the Supreme Court would have upheld state laws setting the voting age at 21.

The power of Congress to legislate in the area of voting qualifications is enhanced by the preferred position the Supreme Court has consistently accorded the right to vote. In numerous decisions throughout its history, the Court has recognized the importance of the right to vote in our constitutional democracy, and has made clear that any alleged infringement of the right must be carefully and meticulously scrutinized. As the Court stated only last June, in its decision in *Kramer* v. *Union School District*,:

"Statutes distributing the franchise constitute the foundation of our representative society. Any unjustified discrimination in determining who may participate in political affairs or in the selection of public officials undermines the legitimacy of representative government."

In fact, the Supreme Court's holding in the *Morgan* case is consistent with a long line of well-known decision conferring broad authority on Congress to carry out its powers granted by the Constitution. Thus, in the *Morgan* case, the Court gave Section 5 the same construction given long ago to the Necessary and Proper Clause of the Constitution by Chief Justice John Marshall in the famous case of *McCulloch* v. *Maryland*, which was decided by the Supreme Court in 1819. In the historic words of Chief Justice Marshall in that case:

"Let the end be legitimate, let it be within the scope of the Constitution, and all means which are not prohibited, but consistent with the letter and spirit of the constitution, are constitutional."

In the *Morgan* case the Supreme Court applied the test of John Marshall and upheld Section 4(e) of the Voting Rights Act for two separate and independent reasons. *First*, the Court said, Congress could reasonably have found that Section 4(e) was well adapted to enable the Puerto Rican community in New York to gain more nearly equal treatment in such public services as schools, housing, and law enforcement.

Second, the Court said, Congress could reasonably have found that Section 4(e) was well adapted to eliminate the unfairness against Spanish-speaking Americans caused by the mere existence of New York's literacy test as a voter qualification, even though there were legitimate state interests served by the test.

I believe that legislation by Congress to reduce the voting age can be justified on either ground of the *Morgan* decision. If Congress weighs the various interests and determines that a reasonable basis exists for granting the franchise to 18 year-olds, a statute reducing the voting age to 18 could not be successfully challenged as unconstitutional.

It is clear to me that such a basis exists. *First*, Congress could reasonably find that the reduction of the voting age to 18 is necessary in order to eliminate a very real discrimination that exists against the nation's youth in the public services they receive. By reducing the voting age to 18, we can enable young Americans to improve their social and political circumstances, just as the Supreme Court in the *Morgan* case accepted the determination by Congress that the enfranchisement of Puerto Ricans in New York would give them a role in influencing the laws and protect and affect them.

Although 18–21 year-olds are not subject to the same sort of discrimination in public services confronting Puerto Ricans in New York, the discriminations, actual and potential, worked against millions of young Americans in our society are no less real. We know that increasing numbers of Federal and State programs, especially in areas like education and manpower, are designed for the benefit of our youth. In connection with such approaches, we can no longer discriminate against our youth by denying them a voice in the political process that shapes these programs.

Equally important, a State's countervailing interest in denying the right to vote to 18–21 year-olds is not as substantial as its interest in requiring literacy in English, the language of the land. Yet, in the *Morgan* case, the Supreme Court made it unmistakably clear that Congress had the power to override the State interest. Surely, the power of Congress to reduce the voting age to 18 is as great.

Second, Congress could reasonably find that the disfranchisement of 18–21 year-olds constitutes on its face the sort of unfair treatment that outweighs any legitimate interest in maintaining a higher age limit, just as the Supreme Court in the *Morgan* case accepted the determination that the disfranchisement of Puerto Ricans was an unfair classification that outweighed New York's interest in maintaining its English literacy test.

There are obvious similarities between legislation to reduce the voting age and the enactment of Section 4(e) of the Voting Rights Act. Just as Congress has the power to find that an English literacy test discriminates against Spanish-speaking Americans, so Congress has the power to recognize the increased education and maturity of our youth, and to find discrimination in the fact that young Americans who flight, work, marry, and pay taxes like other citizens are denied the right to vote, the most basic right of all. The *Morgan* decision is thus a sound precedent for Congress to act by statute to eliminate this inequity in all elections—Federal, State and local.

It is worth emphasizing that no issue is raised here concerning the power of Congress to reduce the voting age even lower than 18. Essentially the sole focus of the current debate over the voting age is on whether *18 year-olds* should be entitled to vote. There is a growing national consensus that they deserve the franchise, and I feel that Congress has the power to act, and ought to act, on that consensus.

The legal position I have stated is supported by two of the most eminent constitutional authorities in America. Both Professor Archibald Cox of Harvard Law School, who served with distinction as Solicitor General of the United States under President Kennedy and President Johnson, and Professor Paul Freund of Harvard, the dean of the Nation's constitutional lawyers, have unequivocally stated their view that Congress has power under the Constitution to reduce the voting age by legislation, without the necessity of a constitutional amendment.

As long ago as 1966, in a lengthy and scholarly article in the Harvard Review, Professor Cox recognized and approved the breadth of the Supreme Court's decision in *Katzenbach* v. *Morgan*. As an example of Congress' power under the *Morgan* case, Professor Cox expressly wrote that Congress has the power to reduce the voting age to 18 by statute. As Professor Cox stated, the "desire to expand the electorate by . . . reducing the age for voting . . . can probably be realized by legislation without constitutional amendment. If Congress can make a conclusive legislative finding that ability to read and write English as distinguished from Spanish is constitutionally irrelevant to voting, then . . . Congress would seem to have power to make a similar finding about state laws denying the franchise to eighteen, nineteen, and twenty year-olds even though they work, pay taxes, raise families, and are subject to military service."

More recently in testimony last month before the Senate Subcommittee on Constitutional Rights, Professor Cox reaffirmed his view that Congress has power under the Constitution to reduce the voting age to 18 by statute. In the course of his testimony, Professor Cox emphasized that his views were not newly developed for the occasion of his testimony, since he had originally stated them in 1966.

The constitutional power of Congress to reduce the voting age by statute was approved by Professor Freund in 1968 in the course of an address at Cornell College in Iowa. In a brief but forceful passage emphasizing his belief that the voting age should be reduced, and that Congress has the power to do so by statute, Professor Freund stated:

"Not only the younger generation, but all of us, will be better if the vote is conferred below the age of twenty-one; we need to channel the idealism, honesty, and openhearted sympathies of these young men and women, and their informed judgments into responsible political influences. *In my judgment, as a lawyer, this uniform extension of* *the suffrage could be conferred by Congress under its power to enforce the equal protection guarantee of the Fourteenth Amendment, without having to go through the process of a Constitutional amendment.*" (Emphasis added.)

If a statute to reduce the voting age is enacted, it should include a specific provision to insure rapid judicial determination of its validity, in order that litigation challenging the legislation may be completed at the earliest possible date. Similar expediting procedures were incorporated in the Voting Rights Act of 1965. In addition, to insure that litigation under the statute does not cloud the outcome of any election, it might be desirable to include a provision limiting the time within which a legal challenge could be initiated, or postponing the effective date of the statute for a period sufficient to guarantee that a final judgment of the Supreme Court as to its validity will be obtained before an election.

In closing, it is worth calling attention to the fact that essentially the same constitutional arguments I have made here for action by statute to lower the voting age must also be made by supporters, including the Administration of the House-passed Voting Rights bill, if they are to justify two of the most important provisions in the bill:

First, the bill proposes a nationwide ban on the use of state literacy tests as a qualification for voting.

Second, the bill proposes to reduce the length of state residence requirements as a qualification for voting in Presidential elections.

Surely, the constitutional power of Congress to override State voting qualifications is as great in the case of age requirements as in the case of literacy requirements or residence requirements. With respect to both literacy and residence, the Supreme Court's decision in *Katzenbach* v. *Morgan* is the major constitutional justification for the power of Congress to act by statute in these areas. To be sure, it is possible to invoke additional constitutional arguments in each of these areas, but the distinctions are small, and the *Morgan* case must necessarily be the principal justification.

With respect to literacy, it can be argued that such tests would be held unconstitutional by the Supreme Court even . . . absence of action by Congress, because they unfairly discriminate against black citizens and other minority groups who have received an inferior education. But, this position is not yet the law, even though the Supreme Court's decision last June in *Gaston County* v. *United States* points in that direction.

In any event, if constitutional justifications based on racial discrimination are invoked to support the power of Congress to bar literacy tests by statute, similar justifications can be invoked in the case of age. For example, Congress could reasonably find that reducing the voting age to 18 would bring black Americans and other minorities into fuller participation in the political process, and thereby promote the more rapid elimination of racial discrimination.

With respect to residency, as in the case of literacy, it can be argued that lengthy residence requirements for voting, at least in Presidential elections, would be held unconstitutional by the Supreme Court even in the absence of action by Congress. According to this argument, the issues in Presidential elections are national, and no substantial State interest is served by lengthy residence requirements. Also, it is argued, such requirements infringe upon a separate constitutional right, the right to move freely from State to State.

It is not clear to me, however, that no State interests are served by residence requirements in Presidential elections. In general, residence requirements for voting are justified on the ground that a State may reasonably require its voters to be familiar with the local interests affected by the election. Although the issues in Presidential elections may be national in large part, their resolution will inevitably have a substantial impact on local interests, so that a residence requirement would not necessarily be declared unconstitutional by the Supreme Court. The issue was raised in the Supreme Court last year in *Hall* v. *Beals*, a case challenging a six-month residence requirement imposed by Colorado. The majority of the Court disposed of the case on a procedural ground, without ruling on the constitutionality of the residence requirement. However, two of the Justices wrote a separate opinion stating their view that the requirement violated the Equal Protection Clause.

Nor is it clear that the Supreme Court would invalidate lengthy residence requirements because they infringe the right to move freely from State to State. The question was squarely raised in the *Hall* case, but the Court declined to decide it. Significantly, the two Justices who discussed the question and stated that the residence requirement was unconstitutional based their views solely on the Equal Protection Clause, and did not mention the right to move from State to State.

In sum, I believe that the basic constitutional arguments supporting the power of Congress to change voting qualifications by statute are the same in the case of literacy, residence, or age. So far as I am aware, the Administration proposals in the area of literacy and residence have encountered no substantial opposition on constitutional grounds. Both proposals were incorporated as amendments to the Voting Rights Act in the bill passed by the House of Representatives late last year, and they are now pending before the Senate. If Congress has the authority to act by statute in these areas, as it must if the Administration bill passed by the House is constitutional, then Congress also has the authority to act by statute to lower the voting age to 18.

I am hopeful, therefore, that we can achieve broad and bipartisan agreement on the statutory route to reach our vital goal of enlarging the franchise to include 18-year-olds.

INCREASE IN VOTING POPULATION BY LOWERING VOTING AGE TO 18

	Voting age population under current law	Population voting for President, 1968		Increase in voting population by lowering age to 18	
		Number	Percent	Number	Percent
Alabama	2,056,000	1,033,740	50.3	194,000	9.4
Alaska	154,000	82,975	53.9	6,000	3.8
Arizona	948,000	486,936	51.3	91,000	9.5
Arkansas	1,176,000	609,590	51.8	101,000	8.5
California	11,904,000	7,251,550	60.9	1,054,000	8.8
Colorado	1,181,000	806,445	68.3	112,000	9.4
Connecticut	1,825,000	1,256,232	68.8	137,000	7.5
Delaware	306,000	214,367	70.0	27,000	8.8
District of Columbia	509,000	170,568	33.5	46,000	9.0
Florida	3,839,000	2,187,805	57.0	315,000	8.2
Georgia	2,883,000	1,236,600	42.9	0	0
Hawaii	424,000	236,218	55.8	34,000	8.2
Idaho	401,000	291,183	72.6	36,000	8.9
Illinois	6,605,000	4,619,749	69.9	507,000	7.6
Indiana	2,957,000	2,123,561	71.8	249,000	8.4
Iowa	1,650,000	1,167,539	70.8	130,000	7.8
Kansas	1,372,000	872,783	63.6	121,000	8.8
Kentucky	2,061,000	1,055,893	51.2	0	0
Louisiana	2,040,000	1,097,450	53.8	201,000	9.8
Maine	582,000	392,936	67.5	53,000	9.1
Maryland	2,187,000	1,235,039	56.5	204,000	8.3
Massachusetts	3,361,000	2,331,699	69.4	264,000	7.8
Michigan	4,965,000	3,306,250	66.6	419,000	8.4
Minnesota	2,091,000	1,588,340	76.0	174,000	8.3
Mississippi	1,292,000	654,510	50.6	132,000	10.2
Missouri	2,818,000	1,809,502	64.2	219,000	7.7
Montana	405,000	274,404	67.8	37,000	9.1
Nebraska	865,000	536,850	62.1	75,000	8.6
Nevada	282,000	154,218	54.8	26,000	9.2
New Hampshire	424,000	297,190	70.0	36,000	8.4
New Jersey	4,412,000	2,875,396	65.2	328,000	7.4
New Mexico	534,000	325,762	61.0	62,000	11.4
New York	11,731,000	6,790,066	57.9	854,000	7.2
North Carolina	2,948,000	1,587,493	53.9	298,000	10.1
North Dakota	366,000	247,848	67.8	35,000	9.5
Ohio	6,238,000	3,959,590	63.5	522,000	8.3
Oklahoma	1,533,000	948,086	61.9	129,000	8.4
Oregon	1,240,000	818,477	66.0	102,000	8.2
Pennsylvania	7,261,000	4,745,662	65.4	536,000	7.3
Rhode Island	561,000	384,938	68.6	49,000	8.7
South Carolina	1,453,000	666,978	45.9	165,000	11.3
South Dakota	386,000	281,264	72.8	35,000	9.0
Tennessee	2,367,000	1,248,617	52.7	212,000	8.9
Texas	6,346,000	3,079,406	48.5	609,000	9.5
Utah	555,000	422,299	76.1	57,000	10.2
Vermont	246,000	161,403	65.6	21,000	8.5
Virginia	2,698,000	1,359,928	50.4	286,000	10.6
Washington	1,836,000	1,304,281	71.0	170,000	9.2
West Virginia	1,079,000	754,206	69.9	90,000	8.3
Wisconsin	2,469,000	1,689,196	68.4	198,000	8.0
Wyoming	186,000	127,205	68.4	17,000	9.1
Total	120,006,000	73,160,223	61.0	9,778,000	8.1

DEPARTMENT OF JUSTICE MEMORANDUM NO. 1—CONSTITUTIONAL BASIS FOR PROPOSED VOTING RIGHTS ACT AMENDMENTS OF 1969

In general, the States are free to establish qualifications for voting in both State and Federal elections. *Pope* v. *Williams*, 193 U.S. 621 (1904). This principle is qualified, however, by the Fifteenth Amendment, which provides that the right to vote shall not be abridged on account of race, color, or previous condition of servitude, *Guinn* v. *United States*, 238 U.S. 347 (1915), and the Fourteenth Amendment, which provides that the States may not deny to persons within their jurisdiction the equal protection of the laws, *Carrington* v. *Rash*, 380 U.S. 89 (1965); *Harper* v. *Virginia Board of Elections*, 383 U.S. 663 (1966).[1]

Both the Fourteenth and the Fifteenth Amendments grant Congress the power to enforce their provisions by "appropriate legislation." These grants of legislative power, *i.e.*, § 5 of the Fourteenth Amendment and § 2 of the Fifteenth Amendment, provide the constitutional bases for the proposed Voting Rights Act Amendments of 1969.

In *South Carolina* v. *Katzenbach*, 383 U.S. 301 (1966), the Supreme Court upheld, against constitutional attack, certain provisions of the Voting Rights Act of 1965, including the section suspending tests and devices in covered jurisdictions [§ 4(a)], the procedure for review of new voting laws [§ 5], and the provision for administrative designation of federal examiners [§ 6]. To the extent that the proposed amendments continue in effect provisions like those considered in *South Carolina* v. *Katzenbach*, that decision supports the constitutionality of the proposed legislation.

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[1] The principle is also qualified by the Nineteenth Amendment (women's suffrage) and the Twenty-fourth Amendment (no poll tax in Federal elections), but these amendments are not relevant to our discussions.

The Supreme Court noted in *South Carolina* v. *Katzenbach*, 383 U.S. at 329, that, in most of the states covered by the 1965 Act, literacy tests had been instituted with the purpose of disfranchising Negroes and had been administered discriminately. The proposed amendments would suspend literacy tests in all states, including states where evidence of intentional abuse in administration of tests is lacking. However, the validity of this proposal is shown by recent decisions of the Supreme Court.

First, in *Katzenbach* v. *Morgan*, 384 U.S. 641 (1966), the Court held that the power of Congress under § 5 of the Fourteenth Amendment to enact legislation prohibiting enforcement of a state law is not limited to situations where the state law is unconstitutional.[2] The test as to the power of Congress in such a case is whether the federal statute is "appropriate legislation," that is, legislation "plainly adapted to [the end of implementing the Fourteenth Amendment] . . ." and consistent with the Constitution. 384 U.S. 651.

In *South Carolina* v. *Katzenbach*, *supra*, 383 U.S. at 326–327, the Court indicated that the same test is applicable to the power of Congress to enforce the Fifteenth Amendment. The proposed nationwide suspension of literacy tests is "appropriate legislation" to implement the guarantees of the Fourteenth and Fifteenth Amendments.

The reasoning of the Supreme Court in *Gaston County* v. *United States*, 37 L.W. 4478 (1969), bears directly upon use of literacy tests by any state or county which formerly restricted Negroes to inferior, de jure segregated schools.[3] And Congress can properly extend the Court's reasoning to states which did not themselves have laws requiring racially segregated schools, for large numbers of Negroes who were educated in the states which had such laws have moved to other parts of the country.

If we accept the conclusion of the Court that it is a denial of the right to vote on account of race to impose a literacy test on Negroes who have been denied an adequate education because of their race, then it should not make any difference whether the government which denies the right to vote is the same government as that which denied the education.[4] The effect upon the individual is the same in either case, and the abolition of literacy tests is intended to remedy a present evil and not to penalize a jurisdiction because of its past sins. At least, Congress could so reason.

But it might be argued that the bill would not be limited to literacy tests which adversely affect Negroes raised in the South but would apply to jurisdictions which do not have significant Negro populations and without any showing that their tests adversely affect Negro voting. However, Congress has a wide choice of means for accomplishing permitted ends, see *Gaston County* v. *United States*, *supra* at 4479–80, and in our highly mobile society Congress would be justified in assuming that the same problem exists or will exist to a measurable extent in all jurisdictions. Certainly, in view of the Broad scope which the court has given to Congress' power to implement the Thirteenth Amendment by removing the "badges and incidents of slavery," *cf. Jones* v. *Mayer Co.*, 392 U.S. 409, 441–44 (1968), the assertion of authority under the Fifteenth Amendment to ban literacy tests generally seems reasonable.

In addition to protecting Fifteenth Amendment rights, the proposed nationwide suspension of literacy tests would serve to implement the Fourteenth Amendment.

In *Katzenbach* v. *Morgan*, *supra*, 384 U.S. at 652, the Court reasoned that section 4(e) of the Voting Rights Act of 1965[5] implemented the Equal Protection Clause not only by requiring equality in voting rights but also by extending to the Puerto Rican community the political power necessary to prevent denials of equal protection in other areas. Thus, the Court's reasoning in *Katzenbach* v. *Morgan* has broad implications with respect to Congressional power to prevent limitations of the franchise. The Court recognizes that limitations on the right to vote, however reasonable they may be when viewed in isolation, tend to breed other inequities and that equalizing the franchise is a permissible means of preventing inequities. Similarly, in other cases the Court has pointed to a special status for the right to vote. "[S]ince the right to exercise the franchise in a free and unimpaired manner is preservative of other basic civil and political rights, any alleged infringement of the right of citizens to vote must be carefully and meticulously scrutinized." *Reynolds* v. *Sims*, 377 U.S. 533, 562 (1964); *Kramer* v. *Union Free School District*, 37 L.W. 4530, 4531 (1969).

If Congress determines, as Congress is justified in doing, that literacy tests deny to illiterates fundamental political rights and also work a potential denial of equal protection to those minority groups whose participation in the electoral process is adversely affected, Congress may, in our view, forbid such tests by virtue of its authority to enforce the Fourteenth Amendment.

The proposal to eliminate residency requirements for voting in Presidential elections would nullify laws in about half the States requiring substantial periods of residence as a precondition to voting in Presidential elections. This feature of the proposal is supportable as an exercise of Congress' authority to enforce the Fourteenth Amendment.

Although the Supreme Court has never discussed the precise question in an opinion, it may be conceded for purposes of this discussion that the Fourteenth Amendment does not, standing alone, prohibit residency requirements in Presidential elections. In contrast to Article I, Section 2, and the Seventeenth Amendment, dealing with qualifications of electors of members of the House of Representatives and the Senate, respectively, the Constitution is silent with respect to the power to prescribe qualifications of voters in Presidential elections. Article II, Section 1 merely provides that "Each State shall appoint, in such manner as the legislature thereof may direct, a number of electors" for the purpose of choosing the President and Vice President. The existence of the power to prescribe qualifications for voting in Presidential elections, however, has apparently long been assumed. See *McPherson* v. *Blacker*, 146 U.S. 1, 35 (1892). In *Pope* v. *Williams*, 193 U.S. 621 (1904), the Supreme Court sustained a one-year residency requirements as a reasonable classification with respect to voting generally, while expressly reserving the question whether the requirement could validly be applied to Presidential elections. In 1965 the Court summarily affirmed a lower court decision unholding a one-year residency requirement with respect to Presidential elections. *Drueding* v. *Devlin*, 234 F. Supp. 721 (D. Md. 1964), *aff'd per curiam*, 380 U.S. 125 (1965) However, during the last term, the Supreme Court noted probable jurisdiction in a case presenting essentially the same issue *Hall* v. *Beals, O.T.* 1968, No. 950.

Even assuming that the Fourteenth Amendment does not itself bar lengthy State residence requirements in Presidential elections, it seems clear that Congress may abolish such requirements in the exercise of its power to enforce the Fourteenth Amendment. The enforcement section of the Amendment, as a "positive grant of legislative power" (*Morgan* v. *Katzenbach, supra*, at 651), authorizes Congress to expand the substantive reach of the Amendment. Judicial review of Congressional action is limited. The statute will be sustained if the court can "perceive a basis upon which Congress might predicate a judgment" that a State enactment "constitutes an invidious discrimination in violation of the Equal Protection Clause." *Id.* at 656.

Residency requirements a prerequisite to voting are commonly justified as necessary to assure familiarity with issues and candidates, and to prevent fraud. However valid these considerations may be in State and local elections, Congerss might reasonably conclude that no substantial State interest is advanced by residency requirements in Presidential elections, or at least that narrower means exist to promote such interests. *Cf. Carrington* v. *Rash*, 380 U.S. 89 (1965).

The primary justification for residency requirements, familiarity with candidates and issues, is inapplicable to Presidential elections because the issues and personalities involved are national. The new resident is as familiar with them as the older resident.

A second justification commonly advanced for residency requirements, prevention of frauds such as double voting, may be a legitimate State concern with respect to Presidential elections, but a lengthy residence requirement is an unnecessarily broad and inefficient means to this end. Criminal sanctions for double voting or requiring surrender of registration certificates from former States of residence may be viewed as equally effective in preventing double voting.

It might also be suggested that residence requirements promote the administration of voter registration procedures, since registration must be closed at some time before elections to allow time for compilation and distribution of lists of voters to the polling places. However, registration deadlines are not, generally speaking, keyed to residence requirements. Most States having lengthy residency requirements allow registration until shortly before the elections. In any case, the legislative proposal takes this administrative problem into account. To be entitled to vote in the Presidential election, the new resident must have resided in the State for at least two months as of the date of the election. If he moved more recently, he may have to vote from his former residence. In either event the election officials have an ample opportunity to devise procedures for establishing his identity and qualifications.

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[2] *Katzenbach* v. *Morgan, supra*, involved the constitutionality of section 4(e) of the Voting Rights Act of 1965, which provides that persons who have completed the sixth grade in an American-flag school in which the predominant classroom language was other than English shall not be denied the right to vote because of inability to pass a literacy test in English. The primary purpose and effect of this provision was to enfranchise those residents of New York who were schooled in Puerto Rico and literate in Spanish but unable to pass New York's English literacy test.

[3] In *Gaston County* v. *United States*, 37 L.W. 4478 (1969), a suit under section 4(a) of the Voting Rights Act of 1965, the Court refused to permit the reinstitution of a literacy test on the ground that inasmuch as Negro educational facilities in the county had been inferior in quality to facilities for whites during the period in which the population presently of voting age had attended school, such literacy tests would have the effect of denying the right to vote on account of race or color.

[4] In the *Gaston County* case, the Supreme Court stated that it assumed that most of the adult residents of the county resided here as children, but the Court also stated that: "It would seem a matter of no legal significance that they may have been educated in other counties or States also maintaining segregated and unequal school systems." 37 L.W. at 4480, note 8.

In a prior footnote, the Court pointed out that it had "no occasion to decide whether the Act would permit reinstatement of a literacy test in the face of racially disparate educational or literacy achievements for which a government bore no responsibility." 37 L.W.

[5] See footnote 2, *supra*.

The States would be required to prepare separate ballots for persons only eligible to vote for Presidential electors. However, there is precedent for such separate ballot procedures under the Twenty-fourth Amendment, which outlawed the poll tax as a precondition to voting in federal elections. In any event, the convenience of printing a single ballot is, at best, a "remote administrative benefit" which cannot justify deprivation of the fundamental right to vote. *Carrington* v. *Rash, supra,* at 96.

Perhaps the strongest basis for a Congressional judgment that residence requirements in Presidential elections are invidiously discriminatory is the strength of the recent movement to repeal such requirements. In the past decade, repeal has been advocated by the Council of State Governments, the National Conference of Commissioners on Uniform State Laws, and other knowledgeable organizations. Largely in response to these initiatives, approximately half the States no longer bar new residents from voting in Presidential elections. See S. Rep. No. 1017, 88th Cong., 1st Sess. (1964); 9C *Uniform Laws Annotated* 202 (Supp. 1968).

In light of the foregoing consideration, the proposal to invalidate State residency requirements in Presidential elections is well within the power of Congress to enforce the equal protection of the laws.

Department of Justice Memorandum No. 2—The Constitutional Basis for Residency Provisions of the "Voting Rights Act Amendments of 1970"

1. Subsection 2(c) of the proposed "Voting Rights Act Amendments of 1970" [1] would effectively eliminate state residency requirements as a basis for denying the right to vote for President and Vice President.[2] Under the proposed legislation, no person otherwise qualified who has resided in a state or political subdivision since September 1 of the election year could be denied, because of failure to comply with a residency or registration requirement, the right to vote in the presidential election in that state or political subdivision. Any person otherwise qualified who changes his residence after September 1 of the election year (and does not meet the residence requirement of the new state or political subdivision) would be permitted to vote for President and Vice President in the state or political subdivision from which he moved.

Subsection 2(c) of the bill also provides that no person otherwise qualified to vote by absentee ballot in any state or political subdivision in a presidential election may be denied the right to vote in such election because of any requirement of registration that does not include a provision for absentee registration.

2. At the time of the November 1968 election, 42 states and the District of Columbia imposed some residence requirement with respect to presidential elections.[3] The minimum length of residence in the state required varied from 30 days to 2 years. According to a recent Bureau of the Census report, for more than 3 million of the persons who were not registered to vote as of the November 1968 election, the primary reason for not being registered was inability to satisfy residence requirements.[4]

Eight states had no residence requirement with regard to voting for President and Vice President. In 21 of the states which had a residence requirement for presidential elections, the time period was 60 days or shorter. Therefore, in those states and in the 8 which had no residence requirement as to presidential elections, any otherwise qualified person who moved to the state (or within the state) by September 1 of the election year would under the terms of existing state law be eligible to vote for President and Vice President. Thus, the proposed federal statute would not affect application of the residence requirement in such states.[5]

In the other 21 states and in the District of Columbia, the period of residence within the state required for presidential elections exceeded 60 days. Under the proposed legislation, such requirements could not be enforced. For example, a state law requiring one year's residence in the state with respect to all elections could not be used to prohibit an otherwise qualified person, who began residence in the state on or before September 1 of the election year, from voting for President and Vice President in that state.

The same would apply to requirements of residence within the county and/or precinct. Almost all of the states which had lengthy state residence requirements as to presidential elections also imposed county or precinct requirements (or both) with respect to such elections. Fourteen of those states had a county or precinct residence requirement which exceeded 60 days. Thus, where 6 months' residence in the county was required, a person who moved from one county to another within the state in June 1968 would have been barred from voting for President and Vice President in November 1968.[6] As noted above the proposed statute would bar application of any residence requirement—state, county or precinct—with respect to persons who moved on or before September 1 of the election year.

3. The constitutional basis for the proposed residency provisions is section 5 of the Fourteenth Amendment.[7] It is important to note, at the outset, that the power of Congress under section 5 to enact legislation prohibiting enforcement of a state law is not limited to situations where the state law is unconstitutional. *Katzenbach* v. *Morgan*, 384 U.S. 641, 651 (1966).[8]

The Constitution itself is silent with respect to the power of the states to prescribe qualifications of voters in presidential elections. In contrast to the provisions regarding voter qualifications for elections for members of Congress,[9] the provision regarding selection of the President (Article II, section 1) merely states that: "Each State shall appoint, in such manner as the legislature thereof may direct, a number of electors [that is, members of the electoral college] . . ." for the purpose of choosing the President and Vice President.[10] It has long been assumed, though, that the states have authority to prescribe qualifications for voters in presidential elections. See *McPherson* v. *Blacker*, 146 U.S. 1, 35 (1892).[11]

In *Pope* v. *Williams*, 193 U.S. 621, 633 (1904), the Supreme Court sustained a one-year residency requirement as a reasonable classification with respect to voting generally, but the Court expressly reserved the question whether the requirement could validly be applied to presidential elections. In 1965, the Supreme Court summarily affirmed a lower court decision upholding a one-year residency requirement with respect to presidential elections. *Drueding* v. *Devlin*, 234 F. Supp. 721 (D. Md. 1964), *aff'd per curiam*, 380 U.S. 125 (1965)

More recently, the Supreme Court decided *Hall* v. *Beals*, a case involving an attack on Colorado's six-month residency requirement with regard to voting in the presidential election.[12] 396 U.S. 45 (1969 (per curiam). The majority opinion did not discuss the merits of the constitutional challenge, but ruled that, because the 1968 election had been concluded and because, as of the time of the decision, the plaintiffs satisfied the residency requirement, the case had become moot and should be dismissed.[13]

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[1] A bill entitled the "Voting Rights Act Amendments of 1969" was introduced during the first session of the 91st Congress. See H.R. 12695 (introduced on July 9, 1969); S. 2507 (introduced on June 30, 1969).

On December 11, 1969, the House of Representatives adopted (as a substitute amendment to H.R. 4249) the provision of H.R. 12695. Thus, as passed by the House of Representatives, H.R. 4249 is identical in substance to H.R. 12695 as introduced.

[2] The proposed legislation would have no effect upon residency requirements in regard to voting for members of Congress or for state and local offices.

[3] See the U.S. Bureau of the Census, Current Population Reports, Series P-25, No. 406, Estimates of the Population of Voting Age (Oct. 4, 1968), table A-1.

[4] U.S. Bureau of the Census, Current Population Reports, series P-20, No. 192, Voting and Registration in the Election of November 1968 (Dec. 2, 1969), table 16. The above figure does not include military personnel.

[5] Of course, a person who moved from such a state after September 1 of the election year would, under the proposal, be able to vote in the presidential election in that state, assuming he could not satisfy the residence requirement of his new state. It should be noted that, as of November 1968, seven states permitted former residents to vote for President and Vice President if such persons were not qualified in the state to which they had moved.

[6] Three of the States with lengthy county (or township) requirements permitted persons to vote in their former place of residence within the state if they failed to meet the county requirement in regard to their new residence.

[7] Section 1 of the Fourteenth Amendment provides in part that: "No State shall . . . deny to any person within its jurisdiction the equal protection of the laws." Section 5 provides that: "The Congress shall have power to enforce, by appropriate legislation, the provisions of this article [*i.e.*, amendment]."

[8] *Katzenbach* v. *Morgan, supra,* involved the constitutionality of section 4(e) of the Voting Rights Act of 1965, 42 U.S.C. 1973b(e) (Supp. IV, 1965-68), which provides that persons who have completed the sixth grade in an American-flag school in which the predominant classroom language was other than English shall not be denied the right to vote because of inability to pass a literacy test in English. The primary purpose and effect of this provision was to enfranchise residents of New York who were schooled in Puerto Rico and literate in Spanish but unable to pass New York's English literacy test.

[9] Under Article I, section 2 and the Seventeenth Amendment, the states are empowered to set the qualifications for voters for members of the House of Representatives and the Senate, respectively.

[10] The procedures to be followed in the electoral college are set forth in the Twelfth Amendment.

[11] In *Williams* v. *Rhodes*, 393 U.S. 23, 29 (1968), the Court made clear that the authority of the states to legislate with respect to the selection of presidential electors is subject to the provisions of the Fourteenth Amendment (as well as the Fifteenth and Nineteenth Amendments).

[12] Subsequent to the November 1968 election, the Colorado Legislature reduced the residency requirement for presidential elections from six months to two months.

None of the above cases involved federal legislation implementing the Fourteenth Amendment. As mentioned previously, in exercising its power under section 5 of the Fourteenth Amendment, Congress may prohibit restrictions on the franchise even though the restrictions are not prohibited by the terms of the amendment itself. *Katzenbach* v. *Morgan, supra*. See also the dissent of Justice Black in *Harper* v. *State Board of Elections,* 383 U.S. 663, 678–680 (1966).

Section 5 is a "positive grant of legislative power authorizing Congress to exercise its discretion in determining whether and what legislation is needed to secure the guarantees of the Fourteenth Amendment." *Katzenbach* v. *Morgan, supra,* 384 U.S. at 651.

In assessing legislation intended to enforce the equal protection clause, the test applied by the Court is whether the statute is "appropriate legislation" under the *McCulloch* v. *Maryland* standard, that is "whether . . . [the statute] may be regarded as an enactment to enforce the Equal Protection Clause, whether it is 'plainly adapted to that end' and whether it is not prohibited by but is consistent with 'the letter and spirit of the constitution.'" *Katzenbach* v. *Morgan,* 384 U.S. at 651. Clearly, the proposed residency provisions are "appropriate legislation" within the meaning of the standard set forth above.

First, the proposal may properly be regarded as an enactment to implement the equal protection clause. It is firmly established that the equal protection clause itself prohibits certain types of restrictions on the franchise. See, *e.g., Kramer* v. *Union School District,* 395 U.S. 621 (1969); *Harper* v. *Virginia Board of Elections,* 383 U.S. 663 (1966); *Carrington* v. *Rash,* 380 U.S. 89 (1965). The state laws which would be affected by the proposed legislation operate so as to prevent a large class of citizens from voting for President and Vice President. The purpose of the proposal is to secure for that class the equal protection of the laws, that is, in regard to voting in presidential elections, to place such persons upon equal footing with persons who do not change their residence.

Secondly, the proposed residency provisions are "plainly adapted" to the end of enforcing the equal protection clause. The effect of the proposal would be to enable any otherwise qualified citizen to vote for President and Vice President, regardless of the date when he changes his residence. Here, as with regard to the provision at issue in *Katzenbach* v. *Morgan* (see 384 U.S. at 653), it is well within congressional authority to determine that the rights of individuals who are disfranchised by residency requirements warrant federal intrusion upon any state interests served by those requirements.

The Supreme Court has stressed repeatedly the fundamental importance of the right to vote, the right "preservative of other basic civil and political rights." *Reynolds* v. *Sims,* 377 U.S. 533, 562 (1964). See also, *e.g., Kramer* v. *Union School District, supra,* 395 U.S. at 626. Certainly, this is true with respect to selection of the President and Vice President.[14] *Burroughs* v. *United States,* 290 U.S. 534, 545 (1934); *Williams* v. *Rhodes,* 393 U.S. 23, 31 (1968).

Residency requirements as a prerequisite to voting are commonly justified as necessary to assure familiarity with issues and candidates and to prevent fraud. Congress could properly conclude that no substantial state interest is advanced by residency requirements in presidential elections or at least that narrower means exist to promote such interests. *Cf. Carrington* v. *Rash, supra.*

The primary justification for residency requirements, familiarity with candidates and issues, is largely inapplicable to presidential elections because the issues and personalities involved are national. The new resident is as familiar with them as the older resident.

Similarly, there is no merit in the notion that a state may require a lengthy period of residence on the ground that the presidential election may involve certain parochial interests of the state and, therefore, time is required to impress local viewpoints upon voters. *Cf. Carrington* v. *Rash, supra,* 380 U.S. at 94, where the Court stated that: "'Fencing out' from the franchise a sector of the population because of the way they may vote is constitutionally impermissible." See *Hall* v. *Beals, supra,* 396 U.S. at 53 (dissent of Justice Marshall).

A second justification often advanced for residency requirements, prevention of frauds such as double voting, may be a legitimate state concern with respect to presidential elections. However, a lengthy residence requirement is an unnecessarily broad and inefficient means to this end. Criminal sanctions for double voting or administrative safeguards such as requiring surrender of registration certificates from states of former residence may be viewed as equally effective in preventing abuse.

It might also be suggested that residence requirements promote the administration of voter registration procedures, since registration must be closed at some time before elections to allow time for compilation and distribution of lists of voters to the polling places. However, registration deadlines are not, generally speaking, keyed to residence requirements. . . .

Mr. COOK. If the Senator will yield, I think it is an interesting point which the Senator from Alabama has raised. I merely bring this up to show what I think is a great degree of courtesy on the part of the Supreme Court of the United States. If the Senator will remember, in the case of Katzenbach against South Carolina, South Carolina was very much interested about getting a ruling on the 1965 Voting Rights Act prior to its June 1966 primary election. The Supreme Court bent over backward. It did not assign anyone to hear testimony; it heard it itself. It asked any of the States which wished to join. It rendered an opinion in March of 1966, so that the law was clear to the State of South Carolina well prior to its primary in June of 1966.

I feel that the Supreme Court in that instance, regardless of the lack of power of the Senate—which, as we know, is absolutely none over the Supreme Court—realized the necessity of making a ruling for the benefit of the respective States which were disturbed about the Voting Rights Act of 1965. If it did it then, I am sure it will do it again.

The PRESIDING OFFICER. Who yields time?

Mr. ALLEN. May I have 1 minute?

Mr. GRIFFIN. I yield the Senator 1 minute.

Mr. ALLEN. In response to the statement of the distinguished Senator from Kentucky, the Senator from Alabama would suggest that possibly there is not the same rapport between the Supreme Court as it now exists and the present Chief Executive of the Nation as existed in 1965 between the Warren court and the then Chief Executive. So we might not have that quick hurry-up of action by the Supreme Court to prevent the opening up of such a Pandora's box.

Mr. COOK. Mr. President, will the Senator yield me 1 additional minute?

Mr. MANSFIELD. I yield 1 minute.

Mr. COOK. Mr. President, I think it is unnecessary for us to try to determine what the attitude of the Court is or what the attitude of the Chief Executive is on a matter on which the legislative history specifically says that we have established, by an amendment to this amendment, a deadline of January 1, 1971, for the benefit of the class involved, the 18-, 19-, and 20-year-olds, and also for the benefit of the courts, to give them time to make a determination so that no election in the United States, whether it be local or whether it be national, would in any way be put in jeopardy in relation to the eligibility of voters. There need be no discussion, I would think, on the basis of opening up a Pandora's box, when the legislative history shows it is based on giving the courts ample time to make a determination and come up with a decision on this particular subject.

The PRESIDING OFFICER. Who yields time?

Mr. GRIFFIN. Mr. President, I yield 5 minutes to the distinguished Senator from West Virginia.

Mr. RANDOLPH. Mr. President, the concern of Senators, with the exception, I am sure, of only a few of our colleagues, is not with the validity of 18-, 19-, and 20-year-olds voting. The Senate has shown its desire to enfranchise this segment of approximately 11 million persons of our population. Our discussion and our concern today is directed toward the methodology by which we will move forward on this issue, whether by the the statutory approach or by constitutional amendment.

I have a very genuine concern, and even now I am attempting to thread my way through the arguments. I am familiar with those that have been presented on both sides of this question, which is primarily a legal judgment.

I think it is important to underscore that the Senate is ready to act on the subject of a lower voting age. Senate Joint Resolution 147, which I introduced in August 1969, now has 70 cosponsors. In other words, there are at least 71 Members of this body who believe in 18-, 19-, and 20-year-olds voting via the constitutional amendment route. The most recent Member of this body to cosponsor the proposed constitutional amendment is the able assistant minority leader, the Senator from Michigan (Mr. GRIFFIN).

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[13] Two justices dissented, asserting that the case was not moot and that the Colorado statute was in violation of the equal protection clause of the Fourteenth Amendment. *Hall* v. *Beals, supra,* 396 U.S. at 50, 511.

In *Shapiro* v. *Thompson,* 394 U.S. 618 (1969), a majority of the Supreme Court held to be unconstitutional statutes imposing upon new residents a one-year waiting period for eligibility for welfare benefits. The Court expressed no view as to other types of waiting periods or residency requirements. 394 U.S. at 638, footnote 21.

[14] Application of the equal protection clause to voting in presidential elections is not affected by the fact that a state might provide for appointment, rather than election, of presidential electors. *Williams* v. *Rhodes, supra. Kramer* v. *Union School District, supra,* 395 U.S. at 628.

Mr. President, there is no question that the Senate could approve the constitutional amendment by the two-thirds plurality necessary. Now we ask, what is the situation within the Committee on the Judiciary?

Mr. President, I would point out for the RECORD that there are 11 members on the Subcommittee on Constitutional Amendments, chaired by the able Senator from Indiana (Mr. BAYH). There is at the present time a vacancy; therefore, there are 10 active members on that subcommittee. Seven of those 10 members are ready, not a month from now or 6 months from now, but within a matter of a few days, to vote favorably on Senate Joint Resolution 147.

Why do I say that? I say it because seven members of the subcommittee are cosponsors of Senate Joint Resolution 147. They are the Senator from Indiana (Mr. BAYH), the Senator from West Virginia (Mr. BYRD), the Senator from Kentucky (Mr. COOK), the Senator from Connecticut (Mr. DODD), the Senator from Hawaii (Mr. FONG), the Senator from South Carolina (Mr. THURMOND), and the Senator from Maryland (Mr. TYDINGS).

There will be no difficulty in reporting the Senate joint resolution from the Constitutional Amendments Subcommittee. We come now, Mr. President, to the question, What is the condition within the full committee?

Twelve members of the full committee are cosponsors of Senate Joint Resolution 147. They are the Senator from Connecticut (Mr. DODD), the Senator from Michigan (Mr. HART), the Senator from Indiana (Mr. BAYH), the Senator from North Dakota (Mr. BURDICK), the Senator from Maryland (Mr. TYDINGS), the Senator from West Virginia (Mr. BYRD), the Senator from Hawaii (Mr. FONG), the Senator from Pennsylvania (Mr. SCOTT), the Senator from South Carolina (Mr. THURMOND), the Senator from Kentucky (Mr. COOK), the Senator from Maryland (Mr. MATHIAS), and the Senator from Michigan (Mr. GRIFFFIN).

Not on the resolution are the names of the chairman, Senator EASTLAND, Senator MCCLELLAN, Senator ERVIN, Senator KENNEDY, and Senator HRUSKA.

Mr. President, I submit that with that support in the subcommittee and that support in the full committee, there will be no delay in reporting the Senate joint resolution, the constitutional amendment, to the Senate.

If the Senate works its will and approaches this problem through the statutory procedure, we, of course, realize that on a subsequent date another Senate, another Congress, could undo what this Congress had done in reference to voting for 18-, 19-, and 20-year-olds. But if we follow the constitutional approach, we can bring this issue to finality. If the Senate and House act affirmatively the amendment will then be referred to the States. If three-fourths of the States ratify it, then the constitutional amendment will be proclaimed. It would then be part of the basic law of our land—the Constitution.

It should be noted that voting age of 21 is recognized by 46 of the 50 States. Evidence of how deeply ingrained this voting age is in our democratic system is illustrated by the fact that every State excluding the four States which have lowered the voting age, provides for voting at age 21 in their State constitution except for one State.

In all but two of the 46 States, such a change in the voting age would have to be put to a referendum.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. GRIFFIN. I yield the Senator 3 additional minutes.

Mr. RANDOLPH. I think we must not forget that women were given the right and responsibility of the vote in this Republic through the constitutional amendment route. I remind by colleagues that there were doubts then that the States would ratify women's suffrage. But within a period of 15 months, a sufficient number of the States had ratified, and women's suffrage was proclaimed.

I feel that there certainly is cause for caution when I read in part what was said by Assistant Attorney General William Rehnquist, Office of Legal Counsel, Department of Justice, on March 10:

> The Department is strongly of the view that a worse case for experimentation with a doubtful statute cannot be imagined than one dealing with a national election.

Mr. GRIFFIN. Mr. President, will the Senator from West Virginia yield to me?

Mr. RANDOLPH. I yield.

Mr. GRIFFIN. The Senator has made some very important points, particularly in terms of the extent of support for a constitutional amendment to give the 18-year-olds the right to vote, both in the Subcommittee on Constitutional Amendments and in the Committee on the Judiciary. Possibly some will still say that despite that support, the constitutional amendment will not be reported by the Judiciary Committee.

Does the Senator agree with me that, although the procedure is seldom used, if it should become necessary, there is a procedure available in the Senate to discharge a committee and bring a matter immediately to the floor for consideration? Although discharging a committee is—and should be—used very sparingly, I believe that in this kind of situation it would be justified.

Mr. RANDOLPH. Yes, there is a way; but I think it is unnecessary——

Mr. GRIFFIN. I think it would be.

Mr. RANDOLPH. That we even anticipate a condition of that kind.

I feel it is important to say that the chairman of the Committee on the Judiciary, Senator EASTLAND, has assured me, as the sponsor of Senate Joint Resolution 147 which 70 Members are now cosponsoring, he is aware that this is the sentiment within the Senate, and he has indicated that he will allow the Judiciary Committee to work its will with dispatch.

Mr. GRIFFIN. I would point out that in connection with the very bill that is pending before the Senate now—the voting rights bill—the Senate, as a body, indicated its own judgment that it should be reported by a given date.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. GRIFFIN. I yield 1 additional minute.

So it would not be unusual for the Senate as a whole, particularly in view of the large number of cosponsors of this proposal, to make sure that this matter was reported within a reasonable time.

Mr. RANDOLPH. Mr. President, the Senator is correct.

I repeat what I said at the beginning of my remarks: The time for argument within the Senate as to the validity of giving the responsibility of the vote to 18-, 19-, and 20-year-olds really has passed. We have the sentiment of the Senate expressed—71 Members—on the proposed constitutional amendment. We have the word of the subcommittee chairman, the able Senator from Indiana (Mr. BAYH), that his subcommittee will act. We have the assurance of the able chairman of the Committee on the Judiciary that the full committee will act. So there will be no delay in the Senate in approving this plan.

Mr. MANSFIELD. Mr. President, I yield myself 1 minute. Then I will yield 3 minutes to the distinguished Senator from Arizona and 3 minutes to the distinguished Senator from Oklahoma.

Yes, the sentiment to lower the voting age to 18 is widespread here in the Senate. I wonder if the votes are. I am not at all sure that you can get even the constitutional amendment lowering the age out of the Judiciary Committee this year. And if you do get it out, what will its prospects be? What will the House Committee on the Judiciary be doing? Where will we end at the end of this sine die session? Right where we have been ending for the last 20 or 25 years, with great sentiment but no fact.

The distinguished Senator from West Virginia himself has been introducing resolutions since 1942, and where are they? Still in committee. Where are they when Congress adjourns? Dead.

This is a chance to put sentiment to the test, and if you believe in giving the vote to the 18-year-olds, this is the time and the way to do it. It is not only appropriate but our last clear chance in this Congress.

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield 3 minutes to the distinguished Senator from Arizona.

Mr. GOLDWATER. Mr. President, having expressed myself for many years in favor of the vote for 18-year-olds, I would be remiss if I failed to support this amendment, although I must say that I prefer the constitutional amendment approach. I am convinced, however, that, contrary to what my friends in the Jusice Department say, we would be constitutionally correct in passing a statute to accomplish it.

There is nothing magic about the age of 21. It is not in the Constitution. It is not mentioned any place in our founding papers. It was used back in the dark ages as an age at which people were supposed to reach maturity. I think that when my generation was 21, we were not too mature. I think this generation at 18 is better equipped, mentally and emotionally, to vote than my generation was at 25. After all, 25 percent of all the girls reaching 19 are married and saddled with the responsibility of raising a family. Eighteen-year-olds can work; they can be taxed; they can be tried in our courts.

I am not too much impressed by the argument that they have to fight for our country. This is a responsibility of every American, regardless of age. But we do not let them vote.

As I have said, I would like to see a constitutional amendment come out of the Judiciary Committee. I do not think it will. I think this will be a good test, to see what the sentiment of this body really is, although I do not believe that if this amendment is adopted today it will be in the ultimate bill. I think the House will reject it. Nevertheless, I think it will show the other House and this body what the sentiment really is, so that when the bill introduced by the distinguished Senator from Kentucky comes to the floor, we will have better knowledge of the chances and we will have a better understanding of the constitutional aspects of the entire matter.

Mr. GRIFFIN. Mr. President, will the Senator from Arizona yield?

Mr. GOLDWATER. I yield.

Mr. GRIFFIN. The Senator seems to imply that anyone who votes against the pending amendment may not favor the 18-year-old vote? I think the Senator will recognize that some who will vote against this amendment believe that there is a better, more effective and permanent way to accomplish the objective. Although I am not convinced that the constitutional amendment is the only means available to lower the voting age, I am concerned that our actions at this time without further study may be an exercise in futility.

Mr. GOLDWATER. I did not make my statement to intimidate anyone. I made the statement knowing that there are Members of this body who honestly and sincerely believe that the 18-year-olds should vote, but that it should be achieved by the constitutional process. I prefer it that way. I prefer it greatly over voting for the pending amendment. But I see nothing but frustration if we try to go the constitutional amendment route. The amendments get into the Judiciary Committee and they just seem to rot and die there. I have not seen many of them come out of that committee in the 13 years I have been in the Senate. Thus, I do not imply anything about a person's voting against this. I expect there will be quite a few voting for it. I am just being practical.

I talked to the distinguished majority leader earlier, when he first thought of submitting this amendment, and of what it might do to the ultimate bill we will pass when it gets to the House. Knowing the feelings of the chairman of the Judiciary Committee over there, I think that that amendment will certainly come out. I merely mention that as a practical matter. Just as that same gentleman would be opposed to a constitutional amendment, he just does not go along with the 18-year-olds voting. I think he would put the voting age up to about 90. That is all I have to say.

Mr. GRIFFIN. If the Senator would permit me 1 minute more for a further observation. Even if a Senator is convinced in his own mind that this can be accomplished by statute rather than by a constitutional amendment, he might well, in the interests of prompt passage of the voting rights bill, believe it would not be good procedure to tack this amendment on to the vitally, important voting rights bill.

What I am trying to say is that every Senator who votes against this amend— and I am sure he will agree with me on this—is not necessarily opposed to 18-year-olds voting. There is an honest and reasonable difference of opinion as to what is the best thing for the Senate to do in this particular situation.

Mr. GOLDWATER. I must confess that I spent a good long night last night trying to figure out how I would vote. I felt that I should vote against it, but I also came to the conclusion that, to be consistent—and I try to be consistent—I would have to express myself in favor of the amendment although, as I say, I do not think it will become the law of the land through this procedure.

Mr. MANSFIELD. Mr. President, I now yield 3 minutes to the Senator from Oklahoma (Mr. HARRIS), but before doing so, I yield myself one-half minute to say that I do not look upon this as an exercise in futility so far as the 18-year-old vote is concerned. I am serious. I realize that there are differences of opinion, honest differences of opinion, in this body; but if we are all as much in favor of 18-year-olds and above voting, as we say we are, we will have a chance to prove that this afternoon.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized for 3 minutes.

Mr. HARRIS. I thank the Chair.

Mr. President, I concur with the statement just made by the distinguished Senator from Montana (Mr. MANSFIELD) that now is the time to act.

Young people today are maturing, both physically and intellectually, at far earlier ages than they have in the past. Through television and better education, a young person today becomes aware at a rather early age of the real world and the problems of the real world; he becomes concerned about these problems and rightly wants to be involved in solving them. I think we must recognize this fact, and respond to it.

One very obvious way and fundamental is by allowing 18-years-old to vote. As have others, I have advocated this since I have been in the Senate, and I rise to support it now in the form of the amendment offered by the distinguished Senator from Montana, MIKE MANSFIELD, and others. I am also hopeful that action may come soon on the Youth Participation Act of which I am the sponsor, and which would establish an Office of Youth Participation, that would make grants for social action programs to youth-run public and private agencies, and would provide for an Advisory Commission on Youth Participation, authorized to hold hearings, conduct studies and make recommendations on issues which concern American youth today.

The newest generation of Americans is the largest, best educated, and most dedicated group of young people our Nation has ever produced. In 1940, 40 percent of our population was under age 25; today the proportion is 47 percent, and by 1972, over half of the American population will be under age 25. The number of Americans entering college has increased by fully one-third since 1960.

These young people of 18, 19, and 20 can be given the right to vote by statute passed by Congress in accordance with the 14th amendment. Prof. Archibald Cox of Harvard Law School testified in committee hearings that "the Supreme Court would recognize fully the power of the Congress to make this determination with respect to voting age, and to change the age limit by statute." I find these arguments, outlined in detail by the distinguished Senator from Montana (Mr. MANSFIELD) and the distinguished Senator from Massachusetts (Mr. KENNEDY) to be convincing and compelling.

I honor the distinguished Senator from West Virginia (Mr. RANDOLPH) for his longtime efforts in this field; I have supported him in them. If the present amendment fails to become law, I will continue to support him. But, I am convinced we can and should act now on the pending amendment.

Today, there has been a substantial increase in the educational attainment levels of young Americans. There has been a great change in the age at which young people take jobs, get married, and raise families. As Professor Cox points out, they have "greatly increased their knowledge and sophistication on all issues."

U.S. Bureau of Census figures show that lowering the voting age to 18 would extend the franchise to approximately 10 million additional citizens and increase the voting electorate by as much as 8 percent. The voting age population in the State of Oklahoma would be increased by 8.4 percent, representing some 129,000 new voters.

Mr. President, Senators know that of late I served as chairman of the Democratic National Committee and, while, as the distinguished Senator from Arizona (Mr. GOLDWATER), has just demonstrated, this is not a partisan matter. I call attention to the strength behind the support for 18-year-old vote by pointing out that it was endorsed in the 1968 Democratic platform and that the Commission on Party Structure and Delegate Selection, the McGovern commission, which I appointed, has recommended that, until the law can be changed, the Democratic Party at all levels allow 18-year-olds to participate fully in all decisionmaking processes. I strongly support that position and that recommendation.

Today, four States—Georgia since 1943, Kentucky since 1955, and Alaska and Hawaii since they entered the Union in 1959—grant the right to vote to persons under 21. There is no evidence

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that the reduced voting age has caused any special difficulty whatever in those States. In fact, former Governors Carl Sanders and Ellis Arnall of Georgia have testified in the past that permitting 18-year-olds to vote in their States has been a highly successful change.

With increasing activism on the part of the "below 25" generation concerning foreign and domestic affairs, and with the advent of new educational methods and techniques, coupled with television, this age group is perhaps the best informed age group in our society.

Many of the arguments used today against the right of 18-year-olds to vote were also used in the fight against women's suffrage 50-odd years ago. They are no longer acceptable.

Now is the time to give the youth of our Nation this additional opportunity for constructive participation in our system of government. We need them.

Mr. PASTORE. Mr. President, will the Senator from Montana yield me 2 minutes?

Mr. MANSFIELD. I am happy to yield 2 minutes to the Senator from Rhode Island, but then I will have to let the other side go, because we are getting too far behind here.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized for 2 minutes.

Mr. PASTORE. I thank the Senator from Montana.

Mr. President, certain questions may be raised as to the constitutionality of what we are doing today, but that should be left up to the courts, at any rate, at the proper time.

I am in favor of lowering the voting age to 18 years.

This is not a new position as far as the senior Senator from Rhode Island is concerned.

In January of 1946, as Governor of my State, and speaking to the General Assembly in Rhode Island, I said at that time:

> There is one other constitutional change that I recommend should be adopted. The voting age of citizens should be lowered from twenty-one years to eighteen years. This is the first time that this amendment has been proposed to you and you are entitled to know the reasons for my recommendation.
>
> The principal qualifications necessary to the intelligent exercise of the right of franchise lie in the ability of the voter to understand his civic obligations and appreciate the responsibilities as well as the functions of both the voter and the government. I believe that our average young man and woman of the age of eighteen years is eminently qualified in that respect. With the advances made in recent years in the field of education in Rhode Island rarely does an individual attain the age of eighteen years without having had some secondary school education. Moreover, the recent war has made tremendous demands upon our youth. Their assignments have called for initiative, dependability and intelligence. Our youth have not been found wanting. I am convinced that by their own actions they have demonstrated their qualifications to exercise the right of franchise. This should be no longer denied to them when we consider the part that our youth must play in moulding the future peace and prosperity of the world.

I said that in the General Assembly of Rhode Island in 1946. And I say that in the Senate on this, the 11th day of March 1970. I will be glad to vote for the amendment.

The PRESIDING OFFICER. Who yields time?

Mr. GRIFFIN. Mr. President, I yield 10 minutes to the Senator from Nebraska.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. HRUSKA. Mr. President, today we are considering an amendment to the Scott-Hart voting rights bill. This amendment would lower the voting age to 18 years old. Proposals to lower the voting age to 18 by a constitutional amendment rather than by statute have been considered for many years. President Nixon "strongly favored extension of the franchise to 18-year-olds in this country" prior to his election. Recently in hearings before the Constitutional Amendments Subcommittee, Deputy Attorney General Kliendienst testified that after careful study and consideration, the President has concluded that a constitutional amendment to permit 18-year-olds to vote in national elections is desirable. I agree with him. In my own State in the last election there was a proposed constitutional amendment on the ballot proposing that the voting age be lowered to 19. I supported that amendment and voted for it. It was narrowly defeated. This year there will again be an amendment on the ballot in Nebraska to lower the voting age and I believe that it will be passed.

I believe, however, that we must recognize the proper role which the States are called upon to play in our federal system.

The President feels, and I agree, that an amendment permitting 18-year-olds to vote in national elections only is the best solution. However, the most important question before us now is not the extent to which we enfranchise 18- to 21-year-olds, but the manner in which this is undertaken.

There are those who are impatient with the process of constitutional amendment. There are those who are impatient because of the lack of action on the part of the Judiciary Committee. However, they use that as a basis for saying, "Let's discard the process suggested by the American Constitution, the proper and sound and traditional way to do this. We will abandon that for the purpose of achieving an end which we temporarily in this Chamber consider very desirable." But it certainly would deny one of the most sacred and long-enduring principles of sound legislation and certainly of Senate procedures.

After all, it should be borne in mind when we think of our impatience at the lack of action, that any one of the 50 States could enact State legislation to lower the age to 18 years, and it would be valid in their jurisdiction.

There are only three or four States that have now done so. Why is it that they do not want it? If they wanted it, they would have it.

Let me suggest, Mr. President, that when a constitutional amendment is proposed, it is the same State legislature that would propose the constitutional amendment in its State that would act upon the ratification of a proposed amendment to the Federal Constitution. That is the way in which we proceed.

It is my belief that because of our federal system of government, we should travel the route of getting State approval to giving the right to vote to the 18-year-olds. There are two such routes. One is for the States respectively and severally to legislate and change their voting age by means of their State constitution. The other is to submit an amendment to the Federal Constitution by a two-thirds vote of the House and the Senate and then send it to the States for ratification.

But in either event, it would be the States that would be doing it.

If the voting age is to be lowered to 18, there is no question in my mind that this should be accomplished by a constitutional amendment rather than by Federal statute. There are several reasons why I believe an ordinary act of Congress reducing the voting age should be opposed. It is certainly vulnerable to constitutional attack; it may create confusion in a presidential election at the very time when there should be no doubt as to the winner; and the amending process is better suited than an act of Congress to manifest the necessary consensus for such a proposal.

I would like parenthetically to call attention to the fact that the term of the President of the United States does not run for 4 years and until his successor is elected and qualified. It ends on January 20 in the year following the presidential election.

If there is a hassle about an election or its validity, whether on account of State election with a direct vote of the people for the President or an attack on the constitutionality of this act of Congress, we would be without a President if that litigation extends beyond January 20.

A noted constitutional lawyer, Mr. Louis H. Pollak, dean and professor of law at Yale Law School, expressed similar reasons in his testimony before the Constitutional Amendments Subcommittee yesterday.

In summarizing his testimony he said:

> I have serious doubts about the power of Congress, by statute, to lower the voting age to 18 in state as well as national elections: (a) prior to the decision in *Katzenbach* v. *Morgan*, I would have supposed that no serious case could be made that such a statute would be constitutional: (b) in my judgment, *Katzenbach* v. *Morgan* provides the basis for a modestly plausible, but not for an ultimately persuasive, case for the constitutionality of such a statute.

Mr. Pollak continued saying:

> Even if I thought the case for the constitutionality of such a statute were substantially better than I believe it to be, I would think it imprudent to proceed in this area by statute rather than by Constitutional Amendment, provided there is a substantial chance that the amendment route would work: (a) it would be detrimental to our voting processes to have an extended period of doubt about the ground rules by which elections are to be conducted, pending a Supreme Court determination of the constitutionality of the proposed statute lowering the voting

> age; (b) assuming the Supreme Court were to uphold such a statute, the question whether Congress should make other statutory redefinitions of the electorate might become a continuously unsettling ingredient of American voting processes; (c) hitherto, we have made changes in the composition of the electorate only by Constitutional Amendment. We should continue to follow this course which recognizes how fundamental such decisions are.

I believe that only a brief discussion of the objections which have been raised is required to make clear the danger and undesirability of taking the statutory rather than the constitutional amendment route.

First, there is a question as to whether a legislative enactment by Congress in this field is likely to survive constitutional attack. If this were an area where the risk of invalidation by the courts were slight, that might indeed be a reasonable basis to accomplish the objective before us by ordinary legislation. The contrary, however, is the case. It has long been recognized by judicial decision, congressional reports, and by views expressed by the Department of Justice that the Constitution leaves to the States the authority to regulate voting qualifications, including voting age.

It may be recalled that when the Constitution was adopted the traditional "majority"—21 years—was in effect in all States. There is no intimation in the Constitution that this matter was to be withdrawn from State regulation. On the contrary, that the Founding Fathers intended that the minimum voting age was a qualification to be determined by the State. This was manifested by article I, section 2, respecting the qualifications of electors for representatives, and by debate during the Constitutional Convention in which efforts to set up a national standard for such electors were overwhelmingly defeated.

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Statements in recent decisions of the Supreme Court such as *Lassiter* v. *Northampton Election Board*, 360 U.S. 45 (1959), made clear the Court's view that no provision in the Civil War amendments to the Constitution invalidated minimum voting age requirements established by the various States.

The Lassiter case stated:

> The states have long been held to have broad powers to determine the conditions under which the right of suffrage may be exercised . . . absent of course the discrimination which the Constitution condemns. . . .
>
> We do not suggest that any standards which a state desires to adopt may be required of voters. But there is wide scope for exercise of its jurisdiction. Residence requirements, *age*, previous criminal record . . . are obvious examples indicating factors which a state may take into consideration in determining the qualifications of voters. . . . (Emphasis added.) (Pgs. 50–51)

In *Carrington* v. *Rash*, 380 U.S. 89, 91 (1965), the Supreme Court's opinion in Pope against Williams was cited with approval and followed, the court said:

> There can be no doubt . . . of the historic function of the states to establish, on a nondiscriminatory basis, and in accordance with the Constitution, qualifications for the exercise of the franchise.

In that case, however, the Court held that the Texas law which denied a ballot to a bona fide resident merely because he was a member of the armed services constituted an invidious discrimination against an identifiable group in violation of the 14th amendment. See also, *Kramer* v. *Union Free School District*, 395 U.S. 621, 625 (1969).

It has been urged, however, that the Supreme Court's decision in *Katzenbach* v. *Morgan*, 364, U.S. 461, decided in 1966, supports congressional legislation such as the kind being considered today. Reliance on the Morgan case for such support is misplaced. The Morgan case involved the validity of section 4(e) of the Voting Rights Act of 1965—42 U.S.C 1973b(e) (Supp. IV, 1965–68)—which provides in effect, that no person who has successfully completed the sixth primary grade in a Puerto Rican school where the language of instruction was Spanish shall be denied the right to vote in any Federal, State, or local election because of the inability to read or write English. The recognized purpose and effect of section 4(e) was to give the right to vote to thousands of Spanish-speaking citizens who had moved to New York from Puerto Rico, but were barred from voting by New York's English literacy tests. The Supreme Court held that section 4(e) was an appropriate exercise of congressional power under section 5 of the 14th amendment for the enforcement of the equal protection clause.

That is all it held. It did not undertake to go into that other area and into the the jurisdiction of the States to legislate as to the elector's qualifications in regard to residence or age or previous criminal record or things of that kind which are not involved in the 14th amendment or the equal protection clause.

It has to be construed in that way. There are those who would say, "Let us go ahead. The Supreme Court will, after all, take notice of this. They know of the trend through the poll tax and this, that, and the other thing. The one-man, one-vote rule is in that direction. So, they will go ahead and approve this congressional act."

This, Mr. President, I think is presuming too much. It is presuming too much beyond the well-established ways in which we are supposed to amend the Constitution. Now, in recent years, Congress has been faced with a similar dilemma.

Unlike the State law of New York which was held to be discriminatory in its effect in the Morgan case, and therefore contrary to the 14th amendment, invidious treatment in a constitutional sense is by no means so readily demonstrated when a State sets the voting age at 21 for all citizens, regardless of race, color or religion. A strong argument can and undoubtedly would be made that a State's decision to fix the voting age at 21 rather than at 18 was not an invidious discrimination, but a permissible legislative judgment.

In the light of these decisions, enactment of the amendment would merely be an invitation to lawsuits in which the validity of the act would be contested, lawsuits in which there would be a definite risk that the courts might hold such an act to be unconstitutional.

As a practical matter, where authority to move by legislation is less than clear, as it is here, it would be most unwise not to proceed by constitutional amendment.

The PRESIDING OFFICER (Mr. MONTOYA). The time of the Senator has expired.

Mr. GRIFFIN. Mr. President, I yield 4 minutes to the Senator from Nebraska.

The PRESIDING OFFICER. The Senator is recognized for 4 additional minutes.

Mr. HRUSKA. Mr. President, consider for a moment what is likely under the proposed statute. In the presidential election of 1972, for example, citizens 18 years old and over would vote. The constitutionality of the statute might not be tested until the election is near or over. Even if there is a decision by a lower court, review would be sought in the Supreme Court. At the very time when there should be certainty as to whose votes may be counted, the matter would be left in doubt. Regardless of which way the Supreme Court ruled, its decision affecting the highest offices of the land would be the subject of suspicion and criticism. If the votes of 18-year-old citizens were disregarded as invalid, an election might be thrown into the House of Representatives. This uncertainty and confusion would arise at the very time when the Nation can ill afford to await the outcome of protracted litigation, and even worse, be divided by it. Yet these would be inevitable byproducts of this amendment. These fearful consequences would be avoided by a constitutional amendment.

In recent years Congress, faced with a similar dilemma, has resolved it by choosing a certainty of the constitutional route over the speed of the statutory route.

When the question of providing for Presidential inability arose, there were many eminent scholars and statesmen who felt that Congress could deal with the matter by statute under the "necessary and proper clause." In opposing the legislative route, Attorney General Brownell said:

> Ordinary legislation would only throw one more doubtful element into the picture, for the statute's validity could not be tested until the occurrence of the presidential inability, the very time at which uncertainty must be precluded. Brownell, *Presidential Inability: The Need for a Constitutional Amendment*, 68 Yale L.J. 189, 205 (1958).

Attorney General Rogers took the same position in testimony before the Senate Committee on Constitutional Amendments. And Robert Kennedy, as Attorney General, concurred in Mr. Brownell's judgment in an opinion to the President. 42 Ops. A.G. No. 5, p. 22 (1961).

As experience has shown in each of those cases, ratification by the States was prompt, and difficult constitutional questions were avoided. So here, too, there can be no question at all that the constitutional amendment route is the preferable method of providing a right to vote for 18-year-old citizens.

Finally it seems fairly clear that this is not a matter, as in the case where voting rights are denied because of racial discrimination, of curing a longstanding failure to observe constitutional standards imposed by the 14th amendment. Rather, this is an effort to enlarge the accepted and traditional standards to vote. A measure with such an objective ought to have the support of a substantial national consensus before it is undertaken. The amending process is ideally suited to manifesting such a consensus if it truly exists.

Mr. President, I urge that this amendment to lower the voting age by statute be rejected.

Mr. RANDOLPH. Mr. President, will the Senator yield? I would like to ask a question without breaking the continuity of the Senator's remarks.

Mr. HRUSKA. I have very limited time, and I do have one more point I must make for the Record.

Mr. President, the junior Senator from Florida (Mr. Gurney) is absent on account of an illness in his immediate family. I have been authorized and requested by him to say that he strongly favors the administration-sponsored voting rights bill and spoke very impressively in support of it in this Chamber last week.

He wishes me to make clear his position on the Scott-Hart amendment. The Senator is opposed to that amendment and, if present, would have voted against it. His reasoning was made clear, I think, in his statement concerning H.R. 4249 last week.

Senator Gurney has also asked me to make known his views on amendment No. 545, sponsored by the distinguished majority leader.

Senator Gurney has joined in cosponsoring the constitutional amendment—Senate Joint Resolution 147—offered by the distinguished Senator from West Virginia (Mr. Randolph). He feels very strongly that 18-year-olds are entitled to, and should be granted the franchise, and that the proper means to accomplish this desired end is to put this proposal before the States in the form of a constitutional amendment, as prescribed by article V of the Constitution.

The Senator does not accept the notion that this change can properly be accomplished by a mere legislative enactment. Senator Gurney feels that traditionally, and by virtue of specific language of our Constitution, the States are charged with setting voting qualifications, including age qualifications. Some States favor and have already enacted legislation which sets the voting age below 21 years. That is their prerogative. In Senator Gurney's view, if this proposal to lower voting age on a nationwide basis were put before the States in the form of a Constitutional amendment, we would be honoring proper Constitutional procedures, and at the same time, be giving the States the opportunity to pass on the far-reaching measure. The Senator is confident that, if set before the States, the amendment would be enacted.

In making this very drastic change in our voting procedures, Senator Gurney feels that what is needed is full and comprehensive debate and discussion, of the kind that the Mansfield amendment will, in all likelihood, not receive.

In sum, then, the Senator from Florida (Mr. Gurney) feels that extending the franchise to 18-year-olds is a very desirable goal, but that there is specified in the Constitution a proper and lawful means to accomplish that goal: That is, by means of a Constitutional amendment. He feels very strongly that we should not take liberties with our Constitution, even when the goal is laudable and necessary. For these reasons, Senator Gurney would oppose amendment No. 545 if he were present and voting today. He would oppose it, not because he opposes the end it seeks, but because the means it employs are, in his view, improper and unsound.

Mr. STENNIS. Mr. President, I must register my strong opposition to the amendment proposed by the distinguished majority leader, the Senator from Montana, which would lower the voting age in national elections to 18. In doing so I want to make it clear I have no basic objections to considering evidence relating to the maturity of our young people and whether it would be proper and desirable to lower the voting age by proper methods. This is a question upon which I reserve judgment.

My basic objection to the Mansfield amendment is its postulate that the voting age can be lowered validly by a statute rather than by constitutional amendment. I think it is clear that the constitutional validity of such a statute would be open to such serious doubt that it would bring about an uncertain and dangerous situation.

I recognize that those who support the amendment argue that lowering the voting age by a constitutional amendment would be a lengthy and time-consuming process. I submit, however, that if we adopt the Mansfield amendment, we may be getting ourselves into the situation where haste would make waste.

The precise question involved, of course, is whether the Congress has the authority to lower the voting age in national elections to 18. We should begin this discussion with the well-established proposition that the State-imposed minimum voting age of 21 violates no provision of the Federal Constitution. In addition, the evidence is overwhelming that the Founding Fathers intended that the minimum voting age should be a matter to be determined by State law. This is indicated by the terms of the Constitution itself, and specifically by article 1, section 2, and by the debate during the constitutional convention in which efforts to set up a national standard for electors were overwhelmingly defeated.

Setting the minimum voting age at 21 years certainly does not discriminate against prospective voters on the grounds of race, creed, or national origin and, therefore, would not be violative of the 14th amendment.

If there is any meaning left to States rights at all, it would appear that the Mansfield amendment is infected with clear constitutional invalidity. At best, its constitutionality would be open to the most serious doubt. I cannot but feel that the adoption of this amendment would be taking an unnecessary and unwarranted constitutional risk.

The practical question facing us today is whether we should proceed by the shorter but very risky statutory route or by the surer if longer constitutional route which would give certainty to the validity of lowering the voting age. I cannot imagine a worse case for relying on a doubtful statute than one dealing with a national election.

This is particularly true in the case of the presidential elections While it may be that, if the Mansfield amendment is adopted, the validity of the statute would be settled by the Supreme Court before the presidential election in 1972, no one can be sure of this. We should not take a road that might leave the legality of the presidential election hanging in midair when there is a safer road by which we can proceed which would eliminate all doubt.

Let me emphasize again, Mr. President, that we are not dealing here with a case of discrimination. We are only dealing with a case of whether a uniform lower voting age requirement for national elections can be imposed by statute or whether it requires a constitutional amendment. In my opinion, the latter is the proper and correct interpretation. In any event, the Mansfield amendment presents such obvious and dangerous questions of validity that it would be most unwise for us to follow this course.

Mr. President, we have recognized in the past that changes in the composition and qualifications of the electorate should be made only by constitutional amendment. This shows how fundamental decisions in this area are. I think that both wisdom and prudence dictates that we continue to follow this course and, therefore, that the Mansfield amendment should be defeated.

Mr. YARBOROUGH. Mr. President, I support amendment 545 to the Voting Rights Act submitted by the Senator from Montana (Mr. Mansfield) and other Senators, which I have cosponsored. The amendment would provide for something that I have advocated for a long time—lowering the voting age to 18. In the 90th Congress, I was happy to cosponsor with the distinguished senior Senator from Montana, Senate Joint Resolution 8, which would provide for a constitutional amendment to achieve this purpose. In this Congress, on April 29, 1969, I introduced Senate Joint Resolution 102, which would also provide for a constitutional amendment to lower the voting age to 18. I ask unanimous consent that the full text of Senate Joint Resolution 102 be printed in the Record at the end of my remarks.

My reasons for supporting this amendment are simple. As I said in my statement on April 29, 1969, we are demanding of young men and women from the age 18 to 21 all the duties of citizenship, yet we deny them the most basic right—

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the right to vote. My particular concern about this is the obvious injustice of requiring young men to serve in the armed services, very often at the risk of their lives, and then deny to them any voice in the decisionmaking process which conscripted them and sent them off to battle. I think it is hypocritical to criticize young people for demonstrating in the streets and for not expressing their dissenting views through proper channels of dissent when we close to them the most widely accepted channel of dissent—the ballot box.

Sixteen years ago, as a candidate for the governorship of Texas, I advocated the vote for the 18-year-olds. I have advocated the vote for 18-year-olds ever since.

Mr. President, this amendment, which I enthusiastically support will, in my opinion, correct this glaring inequity in our political system. I commend the Senator from Montana for introducing it and I urge its adoption.

There being no objection the joint resolution (S.J. Res. 102) was ordered to be printed in the RECORD, as follows:

S.J. RES. 102

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is hereby proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States:

"ARTICLE —

"SECTION 1. The right of any citizen of the United States to vote shall not be denied or abridged by the United States or by any State on account of age if such a citizen is eighteen years of age or older. The Congress shall have power to enforce this article by appropriate legislation.

"SEC. 2. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within seven years from the date of its submission to the States by the Congress."

Mr. McGEE. Mr. President, as a longtime advocate of a lower voting age who has previously joined colleagues in proposing that we amend the U.S. Constitution to extend the franchise to citizens 18 years of age or older, I want to restate today my belief that the time has come for this Nation to recognize the responsibilities already carried by its younger citizens and admit them to full participation in our democratic processes. Indeed, my own State, Wyoming, will be voting later this year on a proposed amendment to its own constitution lowering the present 21-year-age limit for voting to 19. I applauded the legislature's move in proposing this amendment to the people. And I would hope that the people of Wyoming would give resounding approval to the proposition at the polls in November.

I am persuaded, however, that it would be better if all 50 States were to extend the franchise equally. The age of 18, rather than 19, has been proposed and I would not argue against it. I will, in fact, support it with my own vote. Recent developments make it reasonable for Congress to push ahead, as the excellent statement by the Senator from Massachusetts (Mr. KENNEDY) has detailed. There is supportable argument for this position that leads me to deduce that we have the power and that it would, if tested, be upheld. There is, I believe, a growing consensus in the country in favor of a lower voting age, as well as a general movement within the States, my own included, to act upon that consensus.

Our history, Mr. President, has been one of expanded democracy, of ever-widening participation in the affairs of society. The time has come, I believe, to expand the participation to include young adults, those under the age of 21, in full realization that today's young people are better equipped to exercise this responsibility than were the 21-year-olds of a generation or two back. In my mind, they have earned it. And our society has earned it for them. Never before has a generation been given such educational opportunity or been kept so well informed on the essential issues of their time. Never before has a generation been raised to maturity and sophistication in the affairs of society at this age. But today's young people are. What is more, Mr. President, they already shoulder many responsibilities. The old cliche about being old enough to vote if they were old enough to soldier for their country is valid, I believe. But there are even better arguments; those based on the judgment of a generation of young people better prepared for the responsibilities of citizenship than any people in history.

Nor should we fear that by adding 10 million people between the ages of 18 and 21 to the voter rolls will upset the political balance of America. Mr. President, I have found that our young people, just like those of us with more years on our heads, do not see everything alike.

In fact, a few years ago I sponsored an essay contest among Wyoming high school students on this very subject as part of my annual competition to select outstanding youths to come to Washington to intern in my office. We rather expected, as did the judges, to find an overwhelming number of students writing in favor of a lower voting age. But, in fact, some excellent entries did not see it that way at all. But we did find tremendous interest in the issue among young people. All evidence indicates that these new voters we are proposing to enfranchise would be of various political and ideological persuasions. Why stall any longer, Mr. President? By insisting upon a constitutional amendment, we only delay for 6 or 7 years, at least, the day when 18-, 19-, and 20-year-old citizens may vote. We can act now, under the powers given Congress in the 14th amendment. I think we should act now. We need only arrive at a finding that for the States to deny the vote to persons 18 or over because of age is unfair. Today, it is. Further, the Constitution makes nothing sacred out of the age of 21. It is an ancient and arbitrary standard which is being increasingly abandoned in other nations, as well as some of the States of the Union.

Mr. HARTKE. Mr. President, I am pleased to support the amendment offered by our distinguished majority leader extending the franchise in Federal elections to those 18 years old and above.

As I have long argued, the 21-year age requirement represents no particularly rational demarcation in the lives of today's citizens. It is generally believed to be an historical holdover from the medieval English tradition that set 21 as a qualification for knighthood. It has little or no relation to maturity, responsibility, or capacity of the modern American citizen.

Certainly there is no profound belief among the American people in the sanctity of 21. The failure of Congress and the various State governments to act in this matter over the years has not been related so much to the merits of the case as to the press of other business, procrastination, and the procedural difficulties facing attempted change in many States.

By the time an individual reaches the age of 18 today, he is expected in many significant ways to act the role of adult citizen, yet in every State but Kentucky and Georgia, he is deprived of the most fundamental privilege of full citizenship in a democracy—the voting privilege.

By the time most Americans are 18, they have completed their secondary education. They have embarked upon careers or further education. Some have taken up the responsibilities of marriage and rearing a family.

In the eyes of the law most Americans at 18 are held responsible as adults; they can sue and be sued; they may enter into contracts—marriage and otherwise; they are held accountable to the law, not before a juvenile court but before a court of their adult peers. They drive on our highways having adult responsibility for the lives and safety of their fellow citizens.

The tragedy in Vietnam has again made us painfully aware of the burden we place on the shoulders of our young people and the sacrifice we require of them. The misunderstanding about the draft and the unfairness of the draft makes us painfully aware of what it means for a young man to "celebrate" his 18th birthday.

These examples should be ample expression of the confidence that our society for some years has had in the maturity, responsibility, and capability of our young people. Yet there are still a few persons who would argue that somehow the act of voting embodies another kind of responsibility which requires special knowledge and special maturity. While I would not want to underestimate the qualities required of the good democratic citizen, I do not subscribe to the belief that our 18-year-olds, any more than any other age group, fail to meet such high standards. Indeed, various surveys have shown that 18-year-olds are at least as politically aware, and often times more so, than a cross section of adults over the age of 21. I think none of us would doubt that today's high school graduates—and the vast majority of young Americans today finish high school—are on the whole better informed about governmental affairs than our own generations at that age. In most of our high schools, students receive intensive civic training, particularly in their senior year; yet for many it is another 3 years before they may coordinate this training with the civic responsibility of voting.

Lowering the voting age to 18 would significantly increase the number of eligible voters in the United States. As of July 1967, the Census Bureau estimates that there are more than 10 million citizens who are aged 18, 19, or 20.

But the most significant consideration, it seems to me, is the problem we face today of growing alienation among young people—alienation from the political institutions that have served us so well for so long, and that still appear to many of us to be the crowning achievement of man's age-old struggle to find the means to govern himself.

I deeply believe that we are not mistaken in that view. Yet the young people who do not share it are not simply being frivolous or badtempered. They have ample reason to assume that in recent years our institutions have *not* served to translate the public will into public policy as effectively as they might. I do not say that the fault lies entirely, or even primarily, in the institutions themselves—still less that we can refurbish them to mint-new condition merely by lowering the voting age.

My point, instead, is that those who have a justifiable complaint about our institutions can only be enraged by being totally excluded from attempting to make them work better. Let me quickly add that this sense of alienation and rage is by no means confined to any one side of the ideological spectrum. Conservative as well as liberal young people are today profoundly dissatisfied with what social scientists call the "outputs" of the system. Both groups believe that the popular will is not being truly reflected in the policies of this government.

It, therefore, seems to me, Mr. President, that by agreeing to this amendment we would be taking a very significant, if not decisive, step toward relieving some of the legitimate grievances of a thoughtful and articulate minority among us, Americans aged 18 to 21. By extending the franchise to them, we would be inviting them to test for themselves the strength, flexibility, and responsiveness of the political institutions that have so much to do with shaping their destinies.

It is both morally right and politically prudent to take that step now, and I strongly urge my colleagues to join with us in doing so.

Mr. HATFIELD. Mr. President, I want to alert the distinguished majority leader of the support for this proposal by young leaders in my State of "GO–19." This group is heading the efforts in Oregon to lower the voting age to 19. A vote on this will be held in May and many young people are giving many hours in working toward this goal.

When I called the leadership of "GO-19" about an hour ago, they authorized me to give their full support to this amendment.

I might add, that in 1955, as an Oregon State senator, I introduced a bill to give 18-year-olds the right to vote. That bill, Senate Joint Resolution 1, did not pass, but I am hopeful that this amendment passes and that "GO–19" is successful in Oregon.

Mr. TYDINGS. Mr. President, I have long been a supporter of the right of the 18-year-old citizens to vote and have repeatedly testified in favor of a constitutional amendment to accomplish this purpose.

Twenty-one is the traditional voting age in 46 of the States.

Whatever justification existed for imposing 21 as the minimum age a century ago, however, the fact is that today's American young people are achieving physical, emotional, and mental maturity at an earlier age than ever before. While the traditional 21-year-old voting age has remained unchanged, the character of our population has changed dramatically, especially with regard to the education, maturity, and responsibilities assumed by our young people.

Some argue that since the common age for legal majority is 21, the minimum age for voting should be 21. There is no compelling connection between the age set as the minimum for voting and the age set as the minimum for other State-regulated activities, such as the purchase of alcohol or the administration of an estate. The law in each case should be shaped to the subject matter involved.

In the case of voting, the question is whether 18-, 19-, or 21-year-olds are mature enough to make an intelligent choice in the voting booth for the Government leaders who tax them, regulate their lives, and can send them to war. I think the answer is clearly that these young people are as qualified to make such political judgments as most of their elders.

Some people argue that lowering the voting age would add to the voting population many whose idealism has not been tempered by practical experiences in adult society.

I do not think that we should fear a little dream in politics. I think we should welcome it.

Moreover, although precise figures are unavailable, the Census Bureau has given me statistics which indicate in my own State of Maryland at least, that more than one of every five citizens between 18 and 21 is a full-time wage earner. Many others work part time while putting themselves through college. Thousands of Maryland boys between 18 and 21 are not only getting practical experience in adult society, they are getting it in a very hard school—in the jungles and on the battlefields of Vietnam.

The argument is made that reducing the voting age would add to the voting population persons highly influenced by their parents, schools, television, and special interests.

I reject the notion that young Americans are any more susceptible than their elders to parental political influences, political pitchmen, or special interests. My experience, as a Senator speaking to high school and college groups and answering their questions in every corner of the Nation, has been that these young people—as a group and as individuals—are as acutely aware of the world as anyone in society. They know their history and current events; they are earnest and informed; they are skeptical and searching; they are no more likely to be taken in by demagogues than anyone else. As a matter of fact, they are less likely. As for undue parental influence, if 18- to 21-year-olds take the advice of their parents on whom to vote for, it will be, if the testimony of many parents is to be believed, the only aspect of life on which parents advice is the prevailing factor at that age.

If a perfect test could be devised, we will have to continue to have an arbitrary minimum age limit. But that age limit should be based on today's realities, not those of a century ago or legalistic concepts developed during the Middle Ages.

All the arguments made against giving young adults the vote have been made against every expansion of the franchise. All of them were made, for example, against the 19th amendment, which gave women the right to vote.

The tradition of nearly every State was against it.

Other State laws were against it. Women had been legally deprived of certain rights—such as the right to make contracts—for centuries, and, it was argued this same legal inferiority should be continued in the case of the vote.

Giving the vote to women, it was said, would add to the voting population many persons whose idealism has not been tempered by practical experience. Women would be highly influenced by their parents, schools, and handsome rogues and demagogues.

Women, it was said, would affect elections even though they had little knowledge of, or interest in, local affairs.

Fifty years have now passed since these prophesies of doom, but the Republic still stands. I believe few would argue against the point that our political system is much richer and wiser because of the participation of women in the electoral process.

I think the fears expressed against extending the vote to persons under 21 are just as invalid today as these same arguments were a half century ago when they were used against the universal suffrage.

Thus I am fully convinced that we should provide the vote for all citizens over the age of 18. The amendment before us raises another question; namely, whether this change in voting age can and should be done by statute instead of constitutional amendment.

First I think it is clear that Congress has the Constitutional power to make this change in voting age.

Under section 5 of the 14th amendment, the U.S. Congress has the power by majority vote of both houses to suspend State voting age requirements in Federal elections. Section 5 of the 14th amendment provides that Congress shall have the power to enforce, by appropriate legislation, the provision of the 14th amendment. The voting rights act now being considered by the U.S. Senate suspends State literacy tests under the power granted to Congress by this section of the 14th amendment.

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Katzenbach v. *Morgan* (1966) 384 U.S. 641, upheld the validity of section 4(e) of the Voting Rights Act of 1965, which provided that no State could deny the vote to any person on the grounds of inability to read or write English if such person had completed the sixth grade in a Puerto Rican school in which the language of instruction was not English. Defendant argued that an exercise of congressional power under section 5 of the 14th amendment is invalid unless the Federal legislation is limited to prohibiting the enforcement of State laws which a court would in any event declare unconstitutional as being in conflict with the 14th amendment. This argument was rejected by the Supreme Court (384 U.S. at 648).

The Court reasoned that section 5 granted the same broad power to Congress regarding the 14th amendment as expressed in the necessary and proper clause (384 U.S. at 650). Correctly viewed section 5 is a positive grant of legislative power authorizing Congress to exercise its discretion in determining whether and what legislation is needed to secure the guarantees of the 14th amendment (384 U.S. at 651).

Section 4(e) of the Voting Rights Act was sustained on two separate grounds. First, the enhanced political power flowing from the partial abrogation of the literacy requirement would be helpful in gaining nondiscriminatory treatment in public services for the Puerto Rican community. It was up to Congress to assess and weigh the various conflicting considerations in this regard and to determine whether this need of the Puerto Rican community for the vote warranted Federal intrusion upon the State interests served by the literacy requirement—384 U.S. at 653. It was enough that the Court could "perceive a basis upon which Congress might resolve the conflict as it did"—384 U.S. at 653.

Section 4(e) was also sustained on the ground that Congress might conclude that the denial of a right deemed so precious and fundamental in our society was not necessary or appropriate either to further the goal of intelligent exercise of the franchise or to encourage people to speak English—384 U.S. at 654. Here again the Court could "perceive a basis" upon which Congress might predicate a judgment that the application of New York's literacy requirement to deny the right to vote to a person with a sixth-grade education in Puerto Rican schools in which the language of instruction was other than English constituted discrimination in violation of the equal protection clause—384 U.S. at 656.

Certainly one can perceive a basis for a congressional conclusion that the application of State voting requirements to deny the vote in Federal elections to that class of citizens who bear the total burden of compulsory military service constitutes discrimination in violation of the equal protection clause. Congress could legitimately conclude that as a matter of the equal protection of the laws, our young men ought to participate in the selection of the President, Congressmen, and Senators who determine whether the Nation shall wage war and the procedures for raising necessary military forces. Congress could also conclude that the interest in furthering the goal of intelligent exercise of the franchise in Federal elections was not sufficiently compelling to justify the denial of such a precious right on the basis of age alone to those who had reached 18 years.

Additional arguments can be made in favor of the constitutionality of congressional legislation lowering the voting age when the legislation is not applicable to the election of State and local officials. The Supreme Court has repeatedly held under the equal protection clause of the 14th amendment that the right to vote may not be denied to any citizen or class of citizens unless the denial is necessary to promote a compelling State interest (*Kramer* v. *Union School District* (1969) 395 U.S. 621). Any interest which a State may have in denying the right to vote to a class of its citizens would certainly be entitled to less consideration when only Federal elections are involved. The Court could not presume a national interest in denying the vote to a class of citizens if the Congress of the United States had concluded that the national interest lay in having that class vote in Federal elections.

For these reasons I conclude that the amendment before us is constitutional. Although a very strong argument can be made that it would be more prudent and traditional to use a constitutional amendment, the cold political reality that this avenue contains several major roadblocks leads me to conclude that our present course of action is best. We should delay no longer.

My only uneasiness concerning this amendment stems from its possible effect upon the successful extension of the 1965 Voting Rights Act. But since that choice has already been made by others, I am happy to cosponsor this measure and to vote for it.

Mr. CANNON. Mr. President, during the first session of the 91st Congress, I introduced Senate Joint Resolution 32 to give 18-year-old citizens the right to vote.

A reassessment of voter qualifications in the United States must cause any reasonable person to realize that 18-year-old citizens have reached a level of maturity and a breadth of knowledge sufficient to qualify for the voting franchise.

High school graduates today possess as much academic training as college graduates of a decade ago. They own property, hold licenses, conduct their own businesses, are legally liable for their acts, and serve in the Armed Forces.

Education, communications, travel, work, and all of life's factors have been quickened and compressed to speed up the maturation process.

Mere chronological age should no longer be a total barrier to one of the greatest basic privileges American citizens enjoy. The ability to understand the issues facing the States and the Nation is clearly within the grasp of our younger citizens. Their deep and sincere commitment to the Peace Corps and to other socioeconomic programs, as well as to political candidates, is proof of their desire and need to participate in the political process.

I am convinced that just as other barriers against voting—poll taxes, property taxes, sex, and so forth—have been eliminated, the requirement that citizens be 21 years of age before voting ought to be eliminated in favor of 18-year-old voting.

Four of our States—Georgia, Kentucky, Hawaii, and Alaska—have already lowered the age limit.

I support this amendment and hope that it will be approved by the Senate.

THE INTERPARLIAMENTARY UNION MEETING—APPOINTMENT BY THE VICE PRESIDENT

The PRESIDING OFFICER (Mr. MONTOYA). The Chair, on behalf of the Vice President, pursuant to title 22, United States Code, section 276, appoints the Senator from South Carolina (Mr. THURMOND) to attend the Interparliamentary Union Meeting, to be held at Monaco, March 30 to April 4, 1970.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States submitting nominations were communicated to the Senate by Mr. Leonard, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officers laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations received today, see the end of Senate proceedings.)

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 14169. An act to amend section 402 of the Agricultural Trade Development and Assistance Act of 1954, as amended, in order to remove certain restrictions against domestic wine under title I of such act;

H.R. 15021. An act to authorize the release of 40,200,000 pounds of cobalt from the national stockpile and the supplemental stockpile;

H.R. 15831. An act to authorize the disposal of bismuth from the national stockpile and the supplemental stockpile;

H.R. 15832. An act to authorize the disposal of castor oil from the national stockpile;

H.R. 15833. An act to authorize the disposal of acid grade fluorspar from the national stockpile and the supplemental stockpile;

H.R. 15835. An act to authorize the disposal of magnesium from the national stockpile;

H.R. 15836. An act to authorize the disposal of type A, chemical grade manganese ore from the national stockpile and the supplemental stockpile;

H.R. 15837. An act to authorize the disposal of type B, chemical grade manganese ore from the national stockpile and the supplemental stockpile;

H.R. 15838. An act to authorize the disposal of shellac from the national stockpile; and

H.R. 15839. An act to authorize the disposal of tungsten from the national stockpile and the supplemental stockpile.

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HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred as indicated:

H.R. 14169. An act to amend section 402 of the Agricultural Trade Development and Assistance Act of 1954, as amended, in order to remove certain restrictions against domestic wine under title I of such act; to the Committee on Agriculture and Forestry;

H.R. 15021. An act to authorize the release of 40,200,000 pounds of cobalt from the national stockpile and the supplemental stockpile;

H.R. 15831. An act to authorize the disposal of bismuth from the national stockpile and the supplemental stockpile;

H.R. 15832. An act to authorize the disposal of castor oil from the national stockpile;

H.R. 15833. An act to authorize the disposal of acid grade fluorspar from the national stockpile and the supplemental stockpile;

H.R. 15835. An act to authorize the disposal of magnesium from the national stockpile;

H.R. 15836. An act to authorize the disposal of type A, chemical grade manganese ore from the national stockpile and the supplemental stockpile;

H.R. 15837. An act to authorize the disposal of type B, chemical grade manganese ore from the national stockpile and the supplemental stockpile;

H.R. 15838. An act to authorize the disposal of shellac from the national stockpile; and

H.R. 15839. An act to authorize the disposal of tungsten from the national stockpile and the supplemental stockpile; to the Committee on Armed Services.

VOTING RIGHTS ACT AMENDMENTS OF 1969

The Senate continued with the consideration of the bill (H.R. 4249) to extend the Voting Rights Act of 1965 with respect to the discriminatory use of tests and devices.

Mr. MANSFIELD. I had told the Senator from Ohio, the Senator from Indiana, and the Senator from Kentucky that I would yield to them, and that will be all.

Mr. COOK. Mr. President, with the hope that the Senator from Indiana will treat the subject on a legal basis in regard to the presentation of the Senator from Nebraska, I would like to place in the RECORD the following information for the purpose of showing the availability of 18-year-olds, 19-year-olds, and 20-year-olds to assume this responsibility. Insurance companies hold a person to be an adult at the age of 18; 18-year-olds are treated as adults by the penal code; they are allowed to obtain a driver's license; they can enter the Federal civil service at the age of 18; they may be taxed at the age of 18; and they can be married at the age of 18.

Mr. President, I would like to have these facts in the RECORD so that it may be clear. As of June 1968 the statistics of the Department of Defense show there was a standing military force of 3,510,000 men. Of these 3,510,000 men the 18-year-olds constituted 123,000, the 19-year-olds constituted 266,000, and the 20-year-olds constituted 567,000. In other words, in those three age categories of 18-, 19-, and 20-year-olds, in a standing army of 3.5 million men, 956,000 of them were under 21 years of age and denied the right to vote.

I would also like to get into the RECORD that as of December 30, 1969, in the present conflict in Southeast Asia the United States had lost 40,028 men. Of these losses 2,413 were 18 years of age, 6,368 were 19 years of age, and 10,421 were 20-year-olds; or 19,202 out of 40,000 men.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio is recognized for 1 minute.

Mr. YOUNG of Ohio. Mr. President, the history of voting in America has been one of constant expansion ever since President Andrew Jackson called for the abandonment of property ownership as a requirement for voting. Since then the 14th, 15th, 19th, and 24th amendments have expanded the franchise by bringing suffrage to the American Negro and the American woman and by eliminating the poll tax as a qualification for voting.

The time has now come to lower the voting age to 18 in the United States and bring our youth into the mainstream of American political life.

Today's youth are more highly qualified then ever before to assume the responsibility of voter participation. Nearly 80 percent of our people graduate from high school and approximately 45 percent receive some form of higher education. By comparison, 43 percent completed high school in 1940 and only about 16 percent of high school graduates attended college.

It was during the Middle Ages that the age of 21 was selected to signify attaining adulthood. It was at that age that a young knight was considered capable of wearing a full suit of armor brandishing a sword and wielding a lance. Here in 1970, more than half a millennium later, it is common for young Americans between the ages of 18 and 21 to don flack jackets, carry M–16's and assume all the burdensome responsibilities of modern manhood. Many thousands of young Americans have made the supreme sacrifice in Vietnam, that quagmire of misery in Southeast Asia. The fact is that about three of every 10 men of our armed forces in Vietnam are under 21. More than 20,000, almost half of all our men who have died in action there, had not attained their 21st birthday.

Momentum is clearly building toward lowering the voting age. Four States have a voting age lower than 21 right now. In Georgia and Kentucky, the voting age is 18. In Alaska, the age is 19 and in Hawaii, 20. In the last 2 years bills have been introduced in every State legislature with the sole exception of Mississippi to enfranchise youth below 21 years of age. A growing number of foreign countries now permit 18-year-olds to vote.

The main argument here in America against lowering the voting age to 18 is the lingering doubt in the minds of many adults that our young people are not mature enough to accept the responsibility of electing our highest officials.

Let us take a close look at today's 18-year-old. In addition to fighting and dying in our wars the 18-year-old man can marry, rear a family, work for a living, contribute to the community, and pay taxes. Of each 100 young women 18 years of age, 26 are married. Often, little difference exists between a 21-year-old father or mother and the mother or mother who is 18 or 19 years of age except that the younger husband and wife cannot vote for the man who makes the policies affecting him and his children.

Mr. President, the enfranchisement of 18-year-olds would add approximately 10 million persons to the voting age population in the United States and increase the eligible electorate by almost 10 percent.

I believe that this generation of young people is the best ever—that they are healthier, quicker of mind, and better trained than their predecessors. Also, that there is a moral energy in this generation that exceeds that of 18-year-old boys and girls of any previous generation. Their interest in public affairs and their potential for public service at home and abroad has been clearly shown in their participation in the Peace Corps, VISTA, and through the active part that millions of young Americans have played in the political events of recent years.

At a time when there is so much talk of a generation gap and alienated youth threatening to overthrow the establishment and drop out of society, extending the franchise to 18-year-olds is a sensible counter measure that will help to keep the majority of our youth politically active in our society where they have important contributions to make.

Mr. HRUSKA. Mr. President, will the Senator from Michigan yield to me for 1 minute?

Mr. GRIFFIN. I yield 1 minute to the Senator from Nebraska.

Mr. HRUSKA. Mr. President, with reference to statistics such as those just cited by the Senator from Kentucky and other Senators, that 18-year-olds are old enough to fight, pay taxes, work, drive cars, I think that is all true. I accept it. This Senator is for having the voting age lowered. The question is by what means it should be done. However, I do not like to place my brief for the conclusion they should vote on the ground of being old enough to fight. I would prefer to put it on the basis on which President Nixon put it. He recited all of these things and then said these are not the reasons he favors lowering the voting age. The reason he favors lowering the voting age is that the 18-year-olds are smart enough to vote. They are in changed conditions in the matter of literacy tests. No longer is it necessary for people to be able to read in order to vote intelligently. Modern technology by communications has so improved that it is not necessary. Education has so improved that the 18-year-olds are intelligent enough to vote, and they should vote, and I want them to vote; but I want that job done properly, and not to the possible confusion and chaos in this country.

Mr. MANSFIELD. Mr. President, I yield 1 minute to the distinguished Senator from Rhode Island (Mr. PELL).

Mr. PELL. Mr. President, I wish to strongly support the concept of 18-year-olds being entitled to vote. I was particularly struck by the statement of the Senator from Massachusetts that more than half of those killed in Vietname would be eligible to vote under the present proposal.

It would seem to me that the question of constitutionality will soon be decided in the courts. If we are incorrect and it is unconstitutional, then the courts will decide otherwise. If we are correct—and I believe we are—in moving in this way, this would appear to be the most expeditious way in which to move. For those reasons, I am glad to support the amendment.

Mr. MANSFIELD. Mr. President, how much time do we have left?

The **PRESIDING OFFICER.** The Senator from Montana has 9 minutes remaining. The Senator from Pennsylvania has 7 minutes remaining.

Mr. MANSFIELD. Mr. President, I yield to the Senator from Nevada (Mr. BIBLE) such time as he may require.

Mr. BIBLE. Mr. President, I am pleased to be a cosponsor of this amendment, and rise to urge its adoption by the Senate.

Measures to lower the voting age have been introduced in the Congress frequently ever since the First World War. I have supported a lowering of the voting age to 18 throughout my service in the Senate, and I think the adoption of this amendment is long overdue.

Many of my colleagues in the Senate will recall that during the time I was honored to serve as chairman of the Committee on the District of Columbia, as we pressed repeatedly—on five occasions—for home rule here in the Nation's Capital, I actively supported legislative provisions to establish the voting age at 18 years.

In the 87th Congress, the Senate District Committee favorably reported District of Columbia elections legislation recommending that the vote be allowed at age 18. However, as passed, the bill—H.R. 8444—established the voting age at 21.

Again in 1965 on the 89th Congress, the District Committee reported and the Senate approved home rule legislation calling for 18-year-old voting. That legislation passed the Senate on a rollcall vote and by the very substantial margin of 63 to 29. Unfortunately, the measure failed in the House of Representatives.

To me, Mr. President, there has never been any sound argument offered in opposition to a lowering of the voting age. There is no special wisdom that is magically acquired on reaching age 21. And indeed, heavy responsibilities come to young Americans long before they reach the present magic age.

Our young men bear the grave obligation of military service. Too often they find themselves in armed combat facing death for their country nearly 3 years before they are permitted to vote.

But this "old enough to fight, old enough to vote" argument—however compelling it may be—is not by any means the sole rationale for a change in the voting age.

Our young citizens today are better educated, better informed, and better equipped to participate in our democratic form of government. The average person of 18 today undoubtedly knows more about issues, events, politics, and government than his counterparts and even many of his elders did at the turn of the century.

There is the question of maturity. When does a person become mature enough to cast a wise and intelligent ballot? Again, I say, there is no magic in age 21.

When an American citizen becomes mature enough to earn his living, pay taxes, start a family, become a soldier, and take on many other responsibilities at age 18, I say he or she is mature enough to vote.

I realize that certain events in the past few years seem to work against 18-year-old voting proposals. We have heard and read about irresponsible demonstrations on our college campuses and elsewhere by militant youngsters who seem to feel they are entitled to determine higher education policies and other matters. At times some demonstrations have degenerated into rowdyism, and were not the kind of performance to inspire confidence in the maturity of our younger generation.

These occurrences do not stand as a valid argument against a lowering of the voting age. We must maintain a proper perspective, and understand that the militants and renegades who foment and fuel campus and other disruptions are but a tiny minority of our young people. For every rowdy demonstrator there are thousands of serious, responsible, hardworking youngsters going about their daily business of earning a living or getting an education. They do not make television and newspaper headlines, but they constitute legions of socially minded men and women who are eager to register their opinions and have their views made known through the orderly democratic process of the ballot box.

Mr. President, I believe a lowering of the voting age to 18 will be a topic for the entire electoral system in the Nation. Today I understand that on the average some 30 percent or more of our registered voters fail to get to the polls on election day. Many others do not even bother to register.

I think the injection of a younger voting element would spark more activity among the present electorate, and would bring to bear on public issues a larger and better rounded public voice.

I realize that there are some who oppose this amendment not because they object to 18-year-olds voting, but because they feel this change should be brought about through a constitutional amendment rather than by statute. I will not undertake to restate the argument on this point. The distinguished majority leader has answered that argument, and I think he has done so correctly and effectively.

It is high time the law recognized that the bulk of the population of the United States is growing younger as the years pass. More and more of our younger citizens want to participate in their government. Their votes will enrich our democracy. I hope and urge that the Senate will act favorably on the amendment.

Mr. SCOTT. Mr. President, I yield myself 3 minutes.

Mr. President, I think the sentiment of Congress is to find some way to lower the voting age. The reasons are practical as well as emotional. The desire to do it has pretty well made manifest. At the same time my concern is that by adding the amendment to this bill—and I have said this candidly—if this sort of thing leads to a landslide toward this amendment, it might well be adopted, but at the same time it would create considerable problems in conference with the House of Representatives, where, I am told, a number of conferees feel very strongly about adding this particular amendment to the Voting Rights Act.

I favor doing something about it. I have looked kindly on the proposal of the Senator from Kentucky, for example.

I favor a constitutional amendment to lower the voting age. The proposed amendment of the pending bill to achieve this objective by a statute should be rejected. It is unwise; it is unsafe; it is contrary to the course taken by the Congress when it has sought to change a law in effect over a long period which has been recognized as being well within the authority of the States under the Constitution.

Beyond question, the age requirement is one of several factors which the Supreme Court has recognized a State may properly take into consideration in determining the qualifications of voters. The Supreme Court expressed this view in 1959 in *Lassiter* v. *Northhampton Election Board*, 360 U.S. 45. This position has not been shaken in any way since then; language in subsequent opinions of the Supreme Court has reemphasized the right of the States to set, on a nondiscriminatory basis, qualifications—specifically as to age—for the exercise of the franchise.

In a situation such as this, Congress in its wisdom and on the basis of its experience has taken the constitutional route.

For example, the 15th amendment bars the States from denying or abridging the right of citizens of the United States to vote on account of race, color, or previous condition of servitude. The 19th amendment precludes the States from denying the right of suffrage to women. The 24th amendment prevents the States from imposing a poll tax as a condition for voting in presidential and congressional elections. These amendments were proposed by Congress in recognition of the powers which the States have always exercised under the Constitution in determining the qualifications to vote.

Congress was faced with a decision similar to the one before it today when it was called on to decide in 1961 whether to recommend enactment of legislation to outlaw the poll tax as a condition for voting in national elections or to recommend a constitutional amendment with similar objectives. At that time, it was aware that from the recent trend in decisions the courts might ultimately uphold such a statute, but the matter was not free from doubt. However, as a practical matter, the Congress felt that the matter could be disposed of faster by constitutional amendment than by an attempt to enact and

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litigate the validity of a statute. In about a year and a half, after the 24th amendment was proposed, it was ratified.

More recently, Congress faced with a similar dilemma in dealing with the problem of Presidential inability, also adopted the constitutional route in preference to the statutory course. And again, the amendment took merely about a year and a half to be ratified after it was proposed.

The prompt action taken to ratify these two recent constitutional amendments and several others before it may be compared with the Presidential Succession Act of 1947 which took about 5 years to pass.

In the case of Presidential inability, the problem was resolved by constitutional amendment in order to avoid a test of the proposed statutory procedure at the very time when uncertainty should not exist. The same type of uncertainty could readily be presented here, shortly before or after a presidential election. An unfavorable Court decision might throw an election of the President into the House of Representatives. The Court's decision might be looked upon as influenced by political considerations. If the votes of those between 18 and 21 were nullified, the hopes of these young voters would be dealt a hard blow. No one can foresee what their frustration might lead to.

A vote against this amendment would in no way preclude a later favorable vote on a constitutional amendment lowering the voting age, or perhaps even on some very carefully drafted statute, although I admit to the difficulties of doing this by statute, in view of the definite uncertainty as to how the Supreme Court will react.

Therefore, I raise these cautionary remarks, fully aware of the political dangers of voting against motherhood, the flag, the veterans, the youth, or any other established and vocal group in America.

Mr. MANSFIELD. Mr. President, how goes the time?

The PRESIDING OFFICER. The Senator from Montana has 6 minutes remaining and the Senator from Pennsylvania has 3 minutes remaining.

Mr. MANSFIELD. Mr. President, I yield myself as much time as I may require within the 6 minutes.

Mr. President, so far as I am aware, not a Member of this body, to my knowledge, has spoken during this floor debate against extending the voting franchise to those 18 and above. There is a great deal of concern about the proper way to achieve this objective. Some persons think, very honestly, that the only way is through the constitutional process. Others think it is by statute.

There has been a lot of talk this morning about the Randolph constitutional amendment resolution, with 74 or 75 signatures, which now resides within the confines of the Judiciary Committee. There has been some talk, encouraging at least on the surface, that if we do not do anything about this, or let it slide by, it will not be long before the Randolph resolution will be reported out of the Judiciary Committee.

Frankly, I doubt that it will be reported shortly, under the very best of circumstances. Frankly, I know, as far as the House Judiciary Committee is concerned, no action will be taken this year, any more than was taken in previous years.

So what we are going to do if we do not face up to this issue on this basis, not only for this year but perhaps for years to come, is forgo the possibility of a constitutional amendment which will put into effect what every Member of this body desires, at least as far as I am aware——

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. AIKEN. I wonder if perhaps the Senator feels that if the amendment is defeated today the defeat will be taken as the sentiment of this body, and perhaps the constitutional amendment proposal will never come out of the Judiciary Committee at all, since the interpretation will be that the Senate has already voted against it, and so why bother?

Mr. MANSFIELD. That is correct. It is a good burial ground for certain types of legislation, and I do not think we ought to try to blink away the facts.

What we have now is the first chance and the only chance that I can recall, on a national scale, for this institution to face up to this issue squarely.

This amendment would extend the right to vote to every citizen of the United States who is 18 years old and older. It would afford that right in every election, Federal, State, or local.

Much has been said lately about extending the franchise by statute. It is argued by those that oppose this method that Congress does not have the power to act; only the Supreme Court can make those fine constitutional distinctions. The Supreme Court is the final arbiter of these questions, but it is about time that Congress assumed its responsibilities as well.

In an effort to determine the limits of Congress' constitutional authority, I sent a telegram to Prof. Paul Freund, probably the best constitutional lawyer in this country. In addition, I looked up the testimony of the former Solicitor General of the United States, Archibald Cox, talked to other people, and have received information which, to my way of thinking, as a nonlawyer, validates the procedure which we are following and does insure a possible way by means of which the 18-year-olds and above can achieve the right to vote.

At 18, 19, and 20, young people are in the forefront of the political process—working, listening, talking, participating. They are barred from voting.

I do not think they do enough talking. I do not think they do enough infiltrating into the established political parties. I think those of us above the age of 30 could stand a little educating from these youngsters—not the minuscule minority that always gets the publicity, but the conscientious, idealistic majority of young men and women who could bring our parties some new blood, some new vigor, some new ideas. Both parties could stand a pretty strong transfusion.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. MANSFIELD. If I may finish, first. I am on a tight schedule here.

They will not only bring us a fresh outlook, but will bring us their innovation, and will do what they can through acts of participation, to become a part of the whole, rather than on the outside, as is the case at the present time.

They fight our wars. You can brush aside that argument all you want, but that is a most important argument, and I think these youngsters who are called because of our responsibility, because we have laid down the policy, should have a right, at least in some small part, to influence the setting of that policy.

They are eligible to be treated as adults in the courts, in both civil and criminal actions. They marry at 18. They have children. They pay taxes. The hold down full-time jobs.

So I would hope that the Senate would approve the ballot for the 18-year-olds at this time, in this fashion, and on this, the voting measure to which it is germane. As a political forecaster, I possess no extraordinary capacities. But I am aware of the public reports by some in opposition to the extension of voting rights—by any method—to 18-year-olds. I know that some who have spoken out are in a position to thwart the efforts of the congressional proponents of this proposal. So this amendment on this bill will be, in my opinion, the only chance the Congress will have of enacting this proposal. Either it becomes law on this bill, or it is dead for this Congress.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD with my remarks a letter which I received from Prof. Paul A. Freund of Stanford University under date of March 5, 1970.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

CENTER FOR ADVANCED STUDY IN
THE BEHAVIORAL SCIENCES,
Stanford, Calif., March 5, 1970.

Hon. MICHAEL J. MANSFIELD,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MANSFIELD: I greatly appreciate your telegram inviting me to elaborate on the opinion which I expressed in an address in June 1968, that Congress might, by statute, lower the voting age for state and Federal elections to the age of eighteen.

The Constitution of 1787 left the question of suffrage basically to the several states. In Article I, section 2, it is provided that the electors in each state for the House of Representatives "shall have the qualifications requisite for electors of the most numerous branch of the state legislature." Article I, section 4, provides that the times, places and manner of holding elections for Senators and Representatives shall be prescribed in each state. Congress is given the power by law to make or alter such regulations. My opinion does not at all rest on the last clause Although "manner" has been given a generous construction to include, for example, Federal corrupt practices laws applicable to national elections, the specific provision on "qualifications" in the earlier section would rule out any effort to absorb the requirement of a minimum age for voting into the "manner" of holding such elections. And so if the text of 1787 stood alone there would appear to be no basis for the legislative proposal.

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But that original text does not stand alone. The Fourteenth Amendment, with its guarantee of equal protection of the laws (no less than the Fifteenth, prohibiting specifically disqualifications based on race or color) introduced a vital gloss on the authority of the states, namely that unreasonable classifications by law are unacceptable. This general standard applies to the laws of suffrage no less than to other laws, despite the fact that racial disqualifications are treated specifically in the Fifteenth Amendment. It is much too late to question this force of the Fourteenth Amendment in this area. Indeed, the first of the so-called white primary cases was decided on the basis of the Fourteenth rather than the Fifteenth. As Justice Reed later pointed out, "Without consideration of the Fifteenth, this Court held that the action of Texas in denying the ballot to Negroes by statute was in violation of the equal protection clause of the Fourteenth Amendment," *Smith* v. *Allwright*, 321 U.S. 649, 658 (1944), referring to *Nixon* v. *Herndon*, 273 U.S. 536 (1927). The whole line of reapportionment cases rests on the applicability of the equal-protection guarantee to the suffrage; and surely religious qualifications, which are impermissible for office-holding, would be equally forbidden for voting in light of the Fourteenth Amendment.

The essential question, then, is whether Congress, in its power and responsibility to enforce the guarantees of the Fourteenth Amendment, may properly conclude that the exclusion from the suffrage of those between 18 and 21 years of age now constitutes an unreasonable discrimination. That this is a judgment for the Congress to make is plain from the original conception of the Fourteenth Amendment and from recent decisions under it. Section 5 of that Amendment, empowering Congress to enforce its provisions "by appropriate legislation," was regarded as the cutting edge of the Amendment. It was expected that Congress would supply the substantive content for the deliberately general standards of equal protection, due process, and privileges and immunities.

Recent decisions have emphasized the propriety, indeed the responsibility, of Congressional action in the area of voting rights. In 1965, as you know, Congress enacted a provision of the Voting Rights Act that overrode state requirements of literacy in English, where a person had received a sixth-grade education in another language in a school under the American flag. It was argued, in contesting the Federal law, that Congress could so provide only if the English-literacy requirement were regarded by the Court itself as in violation of the equal-protection guaranty of the Fourteenth Amendment. Upholding the Federal law, the Supreme Court emphasized that the judgment of unreasonable discrimination was one that Congress had appropriately made for itself, and that its judgment would be upheld unless it were itself an unreasonable one. Any other view of the Court's function, said the Court, "would depreciate both Congressional resourcefulness and Congressional responsibility for implementing the Amendment. It would confine the legislative power in this context to the insignificant role of abrogating only those state laws that the judicial branch was prepared to adjudge unconstitutional, or of merely informing the judgment of the judiciary by particularizing the 'majestic generalities' of section 1 of the Amendment." "[I] is enough," the Court added, "that we perceive a basis upon which Congress might predicate a judgment that the application of New York's literacy requirement . . . constituted an invidious discrimination in violation of the Equal Protection Clause." *Katzenbach* v. *Morgan*, 384 U.S. 641, 648–649 (1966).

The Supreme Court has held, in a six-to-three decision, that the poll tax as a condition of voting in state elections is unconstitutional even without a Congressional judgment on the matter. *Harper* v. *Virginia Board of Elections*, 388 U.S. 663 (1966). Whether or not one agrees with that decision, for present purposes the case has a twofold significance. The first relates to the dissenting opinions. Justice Black, protesting against the "activism" of the majority (as others have termed it), went on to say, "I have no doubt at all that Congress has the power under section 5 to pass legislation to abolish the poll tax in order to protect the citizens of this country if it believes that the poll tax is being used as a device to deny voters the equal protection of the laws . . . But this legislative power which was granted to Congress by section 5 of the Fourteenth Amendment is limited to Congress . . . For Congress to do this fits in precisely with the division of powers originally entrusted to the three branches of government—Executive, Legislative, and Judicial." *Id.* at 679–680. The other dissenters, Justices Harlan and Stewart, referred to the possible authority of Congress and said that they "intimate no view on that question." Id. at 680, n. 2. Thus it is entirely possible that had Congress itself acted, the decision might have been unanimous.

The second point of significance in the poll-tax case is the bearing of the constitutional amending power. There was then in effect, of course, the Twenty-Fourth Amendment, abolishing poll taxes in relation to Federal elections. Both the majority and minority opinions show that Congressional authority is not precluded because the subject might be committed, indeed had been committed, to the amending process.

It could be asked whether, on the basis of the views reflected here, it was actually necessary to have achieved woman suffrage through a constitutional amendment. At the time of the Nineteenth Amendment the power of Congress to enforce the equal-protection guaranty was in a dormant state. The alternatives were thought of as a judicial decision striking down exclusively male suffrage, or an amendment to the Constitution. In retrospect, it seems tolerably clear that from the standpoint of constitutional power (putting aside considerations of political expediency), Congress could have determined by law that exclusion from voting on the basis of sex was an unwarranted differentiation.

The question for Congress is essentially the same, whether the exclusion be on criteria of sex, residence, literacy, or age. It is not my purpose to review the considerations that have been brought forward in favor of reducing the voting age. They involve a judgment whether twenty-one has become an unreasonable line of demarcation in light of the level of education attained by younger persons, their involvement in political discussion, their capacity in many cases to marry, their criminal responsibility, their obligation for compulsory military service. Historically, we are told, twenty-one was fixed as the age of majority because a young man was deemed to have become capable at that age of bearing the heavy armor of a knight.

The cumulative effect of such considerations on the continued reasonableness of twenty-one as a minimum voting will, I am sure, be canvassed by the Congress. My purpose, responsive to your invitation, has been to indicate why I believe that Congress may properly make such a judgment and embody it in the form of a statute.

Yours very sincerely,

PAUL A. FREUND,
Professor, Harvard Law School.

Mr. MANSFIELD. I am sorry I could not yield to the Senator from Florida.

Mr. SCOTT. Mr. President, I understand I have 3 minutes remaining. I yield it to the Senator from Iowa (Mr. MILLER).

Mr. MILLER. Mr. President, the pending amendment is an example of the philosophy that desirable ends warrant any means deemed expedient to attain them. Instead of amending the Constitution on a most fundamental aspect of citizenship, it is sought to do this by merely passing a statute. We went through all of this over the poll tax problem and finally decided to follow the constitutional amendment procedure. Poll taxes are now outlawed by the 24th amendment to the Constitution, three-fourths of the State legislatures having promptly ratified it. Why are the proponents of this pending amendment so reluctant to follow the same procedure? They seek to blame inaction on the Senate Judiciary Committee, but they well know that such an amendment as they propose could be offered as a constitutional amendment to a suitable House-passed vehicle—just as was done with the poll tax amendment.

The pending amendment is also an example of the philosophy that the State legislatures are incapable of properly deciding the question of age for voting and, indeed, for other privileges and responsibilities of citizenship. Such an attitude might have had some merit before the one-man, one-vote principle was established for State legislatures. It is no longer valid now.

Some of the States have already moved to lower the voting age for their citizens. Others have put the question on the ballot to be voted on by their people in a general election. Why are the proponents of this amendment so anxious for the Federal Government to usurp the power to make these decisions? Do they believe that the Members of Congress are specially endowed with a wisdom not to be found in the State legislatures or in the voting electorate of the States? Where do they plan to stop in this unseemly grab for power? Will their next move be to set a uniform age for jury service within the various States? A uniform age for making legal and binding contracts? A uniform age for marriage? A uniform age for consuming liquor?

Now we hear self-serving, gratuitous, and emotional statements that a vote on this amendment will be a test of whether a Senator favors lower the voting age. I hope that such contempt for the intelligence of the public will not be swallowed by the public. In 1955, as a Member of the Iowa Legislature, I voted for 18-year-old voting. However, that hardly suggests that, as a Member of the Federal Congress, I should now proceed to take away from my State's legislature and from the people of my State the power to decide this question. As a member of the Iowa Legislature I sought to modify our so-called right-to-work law, but, as a Member of the Federal Congress, that does not mean I should now proceed to take away from my State's legislature and from the people of my State the power to decide this question by voting to repeal section 14(b) of the Taft-Hartley law.

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These are questions which I wish the people of Iowa to decide for themselves rather than having them decided for them by Senators from Montana, Arizona, Oklahoma, or any other State. I say to the proponents of this power-grabbing amendment—go back to your own States and persuade your own State legislatures and your own people on this question. Keep your noses out of mine.

The PRESIDING OFFICER. All time has expired.

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. ALLEN. Mr. President, I offer an amendment to the amendment of the Senator from Montana, and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read the amendment, as follows:

> Amend Section 302 of Mansfield amendment by adding after the words and figures "Sec. 302" the following: "Except as required by the Constitution."

The PRESIDING OFFICER. Who yields time?

Mr. MANSFIELD. Mr. President, how much time does the Senator intend to use?

Mr. ALLEN. I intend to use the full hour.

Mr. MANSFIELD. I am wholeheartedly in agreement with the amendment.

The PRESIDING OFFICER. Who yields time.

Mr. ALLEN. Mr. President, I yield myself such time as I may require, with the understanding and the offer that I will yield to any Senator who wishes to discuss the measure, feeling that this matter is of such great importance that it should not be decided on a time limitation of 2 hours. The unanimous-consent agreement gives 2 additional hours for each additional amendment, which should entitle every Senator not only to discuss the amendment to the amendment, but the amendment itself.

Mr. President, this is a matter that the distinguished Senator from West Virginia (Mr. RANDOLPH) has been working on for many, many years. He is traveling the constitutional amendment route. I approve of the use of that route.

I favor voting by 18-, 19-, and 20-year-old young people. I favor it because in the judgment of the junior Senator from Alabama, they are qualified to reach the proper decisions in their exercise of the franchise.

I favor it, too, for the reason that in my own State of Alabama and six other Southern States, by act of Congress, our local registrars and the Federal registrars that are gratuitously sent to us in the South must register any person 21 years of age or over to vote, irrespective of any question of literacy, and irrespective of his degree of mental awareness. If they have the required age, our registrars and the Federal registrars do register them.

So certainly we should extend the franchise to 18-, 19-, and 20-year-old young men and women. I favor the constitutional amendment. I believe that is the only way this proposal can properly be enacted.

The force and effect of the amendment which has been offered is to put into effect the prohibition set forth on page 3, line 2, of the amendment:

> SEC. 302. No citizen of the United States who is otherwise qualified to vote in any State or political subdivision in any primary or in any election shall be denied the right to vote in any such primary or election on account of age if such citizen is eighteen years of age or older.

That is set forth in a little paragraph here just as though it were a constitutional amendment. But it is not. It does not purport to be. It is a proposed statute that would seek to prohibit the States from denying the right to vote to people who are as old as 18 years.

All that the amendment of the junior Senator from Alabama does is to insert a phrase that has been approved right in this Chamber on at least two occasions: "except as required by the Constitution."

What in the world can be wrong with that? We have heard the argument advanced by those who did not favor amendments to the HEW appropriation bill that certainly we would not want something that the Constitution does not permit. So all the proposed amendment says is that if the Constitution permits this, well and good.

Mr. RANDOLPH. Mr. President, will the Senator yield?

Mr. ALLEN. I am delighted to yield to the distinguished senior Senator from West Virginia.

Mr. RANDOLPH. Mr. President, I am grateful that my colleague yields at this point.

Members of the Senate will recall that earlier in the debate, I indicated that the distinguished chairman of the Committee on the Judiciary had assured me that he would not withhold action by that committee on Senate Joint Resolution 147. Of course, I realize that he speaks only for himself, and cannot speak for the other 16 members of that committee. Although I would remind Senators again that 12 of the 17 members of the committee are cosponsors of Senate Joint Resolution 147. In view of the comments which have been made regarding committee action, I think his comment is important and I would ask at this point that the Senator from Mississippi, the chairman of that committee, speak as to his feeling in this matter.

Mr. EASTLAND. Yes. As chairman, of course, I would not attempt to hold the bill up. I am bound to say that I am opposed to the amendment. The committee is at perfect liberty to work its will so far as the chairman is concerned.

Mr. RANDOLPH. Mr. President, I am grateful for the response of the chairman of the Judiciary Committee.

Mr. President, will the Senate be in order?

The PRESIDING OFFICER. Senators will take their seats, so that we may have order in the Chamber.

Mr. RANDOLPH.

Mr. RANDOLPH. As I said earlier, 12 members of the Committee on the Judiciary are cosponsors of Senate Joint Resolution 147. It is inconceivable to me that those Senators would not vote in favor of reporting the resolution, and I think they will do so promptly. Senator ERVIN, who is not a cosponsor of Senate Joint Resolution 147, has said in this forum today that he will vote to report this proposed constitutional amendment to the Senate floor.

Frankly, I seriously doubt—and I respect the conviction of any member of that committee and of the Senate on this subject—that these members of the committee would not report this constitutional amendment to the Senate floor.

Mr. ALLEN. I yield to the distinguished Senator from New Hampshire.

Mr. COTTON. I merely wanted to ask the Senator a question. I listened with deep interest to his explanation of his amendment. It seems to me that the matter of putting in the words referring to the Constitution—not only in this case, but also in the other cases that have been suggested—has no constructive effect. If Congress passes an act that is not constitutional, we could refer to the Constitution 15 times, and it would not make it so. If we pass an act that is constitutional, we do not need any reference to the Constitution.

It seems to me that the only effect of inserting these words—in my opinion, that applied also to the other situations not just that of the Senator from Alabama—is to proclaim to the world that we had some question in our own minds as to whether we were acting constitutionally.

Mr. ALLEN. I appreciate the suggestion of the distinguished Senator from New Hampshire. As the junior Senator from Alabama recalls, the distinguished Senator made the very same argument with respect to the Scott amendment to the Whitten amendments, and the Senate, in its wisdom, saw fit to vote against the recommendation of the Senator from New Hampshire.

All that the junior Senator from Alabama is suggesting is that we have a little uniformity, which we have been talking about on the floor of the Senate for some weeks, and that if "except as required by the Constitution" is good for the Whitten amendments, it is good for this amendment.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. ALLEN. I am delighted to yield to the distinguished majority leader.

Mr. MANSFIELD. First, I ask for the yeas and nays on the pending amendment.

The yeas and nays were ordered.

Mr. MANSFIELD. Second, I wish to compliment and commend the distinguished Senator from Alabama. I think that the amendment to the amendment is excellent, first rate, and in the best traditions; and how anybody could find fault with the language of the Allen amendment, is something I cannot understand.

So I just want to say how happy I am that this fortunate contribution has been made. I want to commend and compliment the distinguished Senator from Alabama and to tell him that I am 100

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percent with him in what he seeks to do in this instance.

Mr. ALLEN. I appreciate the words of my distinguished leader, and I am delighted in that only some 7 or 8 minutes the junior Senator from Alabama has been able to convince his distinguished leader of the wisdom of this amendment.

Mr. MANSFIELD. The Senator underestimates his capacity.

Mr. ALLEN. I thank my distinguished leader.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. ALLEN. I will yield in a moment.

I want to state that when the Senator spoke of the amendment having now come to a good or a favorable end——

Mr. MANSFIELD. Ending.

Mr. ALLEN. The junior Senator from Alabama would suggest that possibly some other Members of the Senate might need a little more of an educational campaign before they would be willing to vote favorably on this amendment.

At this time, I am happy to yield to the distinguished Senator from Florida.

Mr. HOLLAND. Mr. President, I thank my distinguished friend from Alabama. Unfortunately, I am tied up in a hearing downstairs and I will have to go down there before long, so that what I wish to say will not be directly on point.

As to the amendment offered by the Senator from Montana, I want to say, in the first instance, that I strongly support the belief that this subject can be dealt with effectively only by a constitutional amendment. I cannot conceive of the Senate's taking any other position at this time.

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The second thing I want to say is that I think for the Senate to adopt the Mansfield amendment at this time would be the most flagrant refusal to observe what has been done in the Nation——

Mr. ALLEN. If the Senator will yield there, the Senator is referring to the amendment, rather than to the amendment to the amendment, when he says it would be the most flagrant refusal——

Mr. HOLLAND. Yes, the amendment offered by the Senator from Montana.

Mr. ALLEN. I thank the Senator from Florida.

Mr. HOLLAND. Mr. President, it would be the most flagrant failure to observe what the people of this country in many States have shown how they feel about this matter over a period of several years.

There have been 11 States in recent years to which this question has been submitted by a proposed State constitutional amendment, as to whether they would reduce the voting age from 21 to 18, and I shall place those 11 States in the RECORD at this time:

First is Oklahoma, and the result of the election there was that the people clearly voted 639,000 to 233,000 not to adopt the 18-year voting age amendment.

Second is the State of South Dakota which, by the way, has passed on this matter twice. In the first instance, it was barely defeated by 128,916 to 128,231; but the second time it was submitted, and they had more time to think about it, they defeated the 18-year-old proposal as a constitutional amendment for that good State by 137,000 to 71,000.

The third State I mention is Hawaii where, after having adopted a Constitution which already provided for an age lower than 21 years, a constitutional convention submitted the proposal to the people on the basis of an 18-year-old amendment, along with other amendments, and that proposal was defeated heavily by a vote of the people of Hawaii. I do not have the exact vote.

The fourth State I mention is Idaho, where the proposal was put to the people in a referendum in November 1960, and it was defeated 155,000 to 113,000.

The next State I mention is Michigan, which put it to a referendum of the people, the voters of Michigan in 1966, and they defeated the proposal by 1,267,000 to 703,000.

The next State I mention is Nebraska which put it on the ballot and it was rejected by the people. I do not have the exact figure on the vote.

In 1969, it was placed on the ballots by the States of Ohio, New Jersey, and North Dakota, and in each instance was rejected by the vote of the people, although I do not have the exact figures of the votes.

In the State of New York it was submitted as a new provision by a constitutional convention, which allowed the legislature to reduce the voting age to 18 if they desired to do so. It was heavily rejected by the voters of the State of New York.

The last State I mention is Maryland where, by a vote of 283,400 for to 366,000 against, Maryland rejected a new constitution. Senators will remember that there were many letters published in the Washington Post, the Evening Star, and the Baltimore Sun shortly after that election, making clear that one of the major reasons for rejection of the new constitution was the provision to reduce the voting age in that constitution.

Thus, there are 11 States to which this question has been submitted and the sovereign voters of no State, since the State of Kentucky adopted their 18-year-old provision in 1955 in which the matter has been submitted by the legislatures to the voters of their States, which has adopted this reduction of the voting age.

To my mind, aside from any constitutional question, aside from any question of the personal views of any Senator, the adoption of this amendment as offered here now would be to most flagrantly ignore the general expressions of the voters of this country through solemn referendums in 11 different States in recent years without any single State having adopted it since 1955, when Kentucky adopted it.

Now, aside from that, I want to say that there is a compilation—and I am sure that my distinguished friend from Alabama will place it in the RECORD—prepared by the Library of Congress, which shows that in practically every State there have been efforts made in the legislatures to submit such constitutional amendments reducing the voting age. In my State of Florida, I think there has scarcely been a session for many years in which that has not been offered, but it has never been submitted by the legislature of my State—and many other States—so that the people have not had a chance to vote upon it, but, instead, have gladly accepted the verdict of those who represented them as members of their State legislatures.

There are other States in which constitutional conventions have been set up to draft new constitutions for submission to their people. I think of one of them now, Connecticut, where one of the efforts made, and a strong effort, in Connecticut, was to put the 18-year-old voting limit into their constitution, and it was made in that convention, but was defeated. There have been other States, including my own, in which we have had a constitutional commission set up on two occasions to draft a new constitution. A new one was recently adopted in my State, and one of the things argued heavily in that commission and later in the legislature was the question of reducing the voting age. It was defeated and eliminated from the proposed constitution which, when submitted, was adopted by the people of my State.

I know of no issue submitted so often to so many voters by so many legislatures which has been so generally and heavily repudiated and defeated as has been this one; yet, it is proposed here that we simply put it into legislation dealing with voting rights, as an amendment, which would express the wisdom or the unwisdom of the Senate, in such a way as to make it appear that we are not even knowledgeable about the many expressions of the people in the many States, the legislatures of the many States, and the constitutional conventions of the various States which, without exception, have knocked it out, or if they have not knocked it out, the people have knocked it out every time they have been given the chance since 1955.

I appreciate the fact that my distinguished friend from Alabama has yielded to me to make these remarks. I simply want the RECORD to show clearly what we are asked to do, which is to run upstream against the uniform expression of great numbers of our people, many millions in total, in recent years, since 1955, on this very subject.

I thank the Senator for yielding to me.

Mr. ALLEN. Mr. President, I thank the distinguished Senator from Florida for his remarks.

Mr. MILLER. Mr. President, will the Senator yield for a question?

Mr. ALLEN. In just a moment. If I may, I would like to state that while I agree with the senior Senator from Florida on the matter of not authorizing voting by 18-year-olds by statute, I certainly disagree with him on the wisdom of taking that action by constitutional amendment. By going the constitutional amendment route, since the constitutional amendment would have to be referred back to the States for their ratification, it would take three-fourths of the States to ratify it, that would be the States putting this qualification on, authorizing the 18-year-olds to vote. And therein lies the difference between the junior Senator from Alabama and the senior Senator from Florida.

I yield for a question to the distinguished Senator from Iowa.

Mr. MILLER. Mr. President, I understand the Senator's amendment to provide in effect that unless the Constitution so requires, no State can prohibit 18-year-olds voting.

Mr. ALLEN. The purpose of the amendment offered by the Senator from Alabama is to say that this action is not effective unless the Constitution does not forbid it. That is the effect of the amendment.

Mr. MILLER. Why does the Senator take the approach that unless it is prohibited by the Constitution, no State shall exclude 18-year-olds from voting? Why does he not say, unless it is permitted by the Constitution.

Mr. ALLEN. The reason the Senator from Alabama took this approach was that this very language in a similar situation, or a situation of comparable nature, has been approved by an overwhelming vote of the Senate—the exact six words in the case of the Scott amendment in one instance and the Mathias amendment in the other, to the Whitten amendments to the HEW appropriations bill.

Mr. MILLER. In other words, the Senator is saying that the "except as required by the Constitution" phrase incidental to the Scott-Hart amendment rests on the same rationale and the same logic as his amendment to the pending Mansfield amendment.

Mr. ALLEN. Exactly, because the Whitten amendment said that no portion of the funds made available by the HEW appropriations bill should be used for the purpose of busing students, closing schools, or forcing any child to go to a school not of the choice of his parents.

The Senate, in its wisdom, in 1968 added the phrase, "in order to overcome racial imbalance." And the HEW constructed that to mean, "in order to overcome de facto segregation."

So the Scott amendment, in effect, said that these things should not be done except as required by the Constitution, thus in effect protecting de facto segregation and outlawing de jure segregation.

The purpose of the amendment offered by the junior Senator from Alabama is to put this amendment on the very same basis.

Mr. MILLER. Mr. President, does the Senator believe that the Constitution requires the exclusion of 18-year-olds from voting?

Mr. ALLEN. No. However, I believe that the Constitution permits or requires the State to set the qualifications for those who vote within is boundaries.

Mr. MILLER. The Senator from Iowa shares that belief. But that is not what the Senator's amendment would make the pending amendment mean.

If I read the amendment correctly, the Senator provides that, "Except as required by the Constitution, no citizen of the United States otherwise qualified to vote in any State shall be denied the right to vote on account of age, if he is 18."

The very wording of the amendment suggests that there might be some constitutional requirement against the 18-year-olds voting.

Mr. ALLEN. No. The constitutional requirement is against Congress taking that action, because it places that power in the hands of the States in four different sections of the Constitution, as pointed out by the distinguished Senator from North Carolina this morning.

Mr. MILLER. The Senator is saying that notwithstanding those qualifications established by a State, if the State should establish as one of its qualifications the age of 19 years, then that is invalid.

Mr. ALLEN. Mr. President, the junior Senator from Alabama would point out to the distinguished Senator from Iowa that the distinguished majority leader, who is the author of the amendment to the Scott amendment has endorsed the amendment offered by the Senator from Alabama, as he stated, 100 percent, and he called on the Senate to accept the amendment of the Senator from Alabama.

The suggestion of the Senator from Alabama to the Senator from Iowa would be that if he would prefer a different wording, he prepare an amendment, and after action has been had on the amendment of the Senator from Alabama, he offer his amendment and get a vote on it.

Mr. MILLER. Mr. President, may I say that I have a great amount of respect for the distinguished majority leader, the Senator from Montana. But just because the Senator from Montana has concluded that the amendment of the Senator from Alabama has a great amount of wisdom and has applauded it, does not mean that the Senator from Iowa will support it, especially if the Senator from Iowa does not think it is responsive.

I would like to have a responsive answer from the Senator from Alabama to my question as to whether he thinks there is any prohibition in the Federal Constitution against 18-year-olds voting.

Mr. ALLEN. Mr. President, unless the States have authorized it, there is a prohibition against it, yes, because the Congress has no power to set that qualification.

Mr. MILLER. The Senator says, "Unless the States have authorized it."

Mr. ALLEN. The Senator is correct.

Mr. MILLER. Suppose the States authorize 19-year-olds to vote. Does the Senator believe there is a prohibition in the Constitution against that?

Mr. ALLEN. Of course, there is no prohibition in the Constitution against that. As the Senator from Alabama has just said, the States have the power to set the qualifications of electors.

Mr. MILLER. But the Senator's amendment now says, "Except as required by the Constitution, no State shall prohibit 18-year-olds from voting." Suppose we were to say 19-year-olds? Does the Senator suggest that the Constitution would prohibit that?

Mr. ALLEN. No. I do not suggest that.

Mr. MILLER. Well, with the Senator's amendment as suggested, this is what I might understand. That is why I would think the amendment would be much better if it were worded, "Except as permitted by the Constitution," instead of, "Except as required by the Constitution."

Mr. ALLEN. Mr. President, the Senator from Alabama cannot be responsible for the failure of the Senator from Iowa to understand the amendment. But the amendment, in the judgment of the junior Senator from Alabama, would make this provision be constitutional before it is effective. That is the effect of the amendment.

Mr. MILLER. The Senator says it would make it constitutional. However, I am trying to find out whether he thinks there is anything in the Constitution that requires the exclusion of 18-year-olds from voting.

Mr. ALLEN. No. I have said the exact opposite to the distinguished Senator on several occasions. The State has that authority. But in the absence of constitutional amendment, the Congress does not have that authority.

Mr. MILLER. Does the Senator think if a State establishes 19-year-old voting there is anything in the Constitution that requires they be excluded?

Mr. ALLEN. No.

Mr. MILLER. Does the Senator think if a State requires the age of 20 for voting there is anything in the Constitution that requires the exclusion of 20-year-olds?

Mr. ALLEN. No. There is nothing in the Constitution, as the Senator from Alabama has stated time and again, that provides that States, under the present law, under the present Constitution, do not have the right to set the qualifications of electors. Any change in that authority, in the judgment of the junior Senator from Alabama, would have to come by constitutional amendment. So the effect of the amendment is to say that unless the Constitution permits this route which the Mansfield amendment seeks to follow, it would be ineffective.

Mr. MILLER. May I say that the way I read the Senator's amendment, and I want to repeat it, I find it very difficult to find his answer responsive to my question, because if his amendment is agreed to, on page 3 of the pending Mansfield amendment we would have this language:

> Except as required by the Constitution, no citizen of the United States who is otherwise qualified to vote in any State or political subdivision in any primary or in any election shall be denied the right to vote in any such primary or election on account of age if such citizen is eighteen years of age or older.

What the Senator is saying is that if a State has on its statute books or in its Constitution a provision to be eligible to vote, one must be 21 years of age.

Mr. ALLEN. Yes, unless the Constitution permits the statute to change that, then this law would be ineffective.

Mr. MILLER. But the Senator does not say "unless the Constitution permits." He says "except as required by the Constitution." There is all the difference in the world.

The Senator has already used the language to which I suggest the amendment be changed, "except as permitted by the Constitution." However, I suggest he is not going to find anything in the Federal Constitution that requires a

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State to exclude 18-year-olds, 19-year-olds, and 20-year-olds.

I must say I do not see any substance to his amendment whatever.

Mr. ALLEN. The Senator has been saying the very same thing the Senator from Alabama is saying. I do not see a great deal of difference between the thoughts of the Senator from Iowa and the Senator from Alabama. But we have a similar provision now on the statute books on the HEW appropriation bill.

Mr. MILLER. Mr. President, I am looking at the language of the pending amendment to the Mansfield amendment. I suggest most respectfully there is nothing in the Federal Constitution that requires a State to exclude 18-year-olds from voting, to exclude 19-year-olds from voting, to exclude 20-year-olds from voting, or to exclude 15-year-olds from voting, that I know of. So I do not understand the purpose of the Senator's amendment.

Mr. ALLEN. I appreciate the comments and the interest of the distinguished Senator from Iowa. The junior Senator from Alabama will state to him that if this amendment is not adopted the Senator from Alabama would be happy to support an amendment by the Senator from Iowa seeking to adopt an amendment putting into effect the language he suggests the Senator from Alabama use.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, how much time does the Senator from Indiana desire?

Mr. BAYH. Ten or fifteen minutes.

Mr. FULBRIGHT. Could I have 3 or 4 minutes?

Mr. MANSFIELD. Without taking the time from the Senator from Indiana, I yield to the Senator from Arkansas.

Mr. FULBRIGHT. Mr. President, I have long favored lowering the voting age to 18, and I have expressed my feeling about this on numerous occasions. I think perhaps my sentiments were summed up in a letter last summer to a constituent wherein I stated:

> Extending the suffrage to eighteen, nineteen, and twenty year-olds will broaden the base of democracy not only by the number of young people which it immediately adds to our voting population, but also by encouraging the participation of these people at an age when they are enthusiastic and interested in government and politics. This will enable us to make real inroads on voter apathy in the United States and in Arkansas as well. Our young people could be more than mere passive voters—they could be a catalytic and informative force in American politics. They have the enthusiasm and the idealism of youth; they are fresh from our schools and colleges, with a lively interest in politics and social affairs; and they could take on their political responsibilities at a time when they will be more apt to place the national interest above those particular interests which they will later acquire. In our schools today, students develop an interest in politics that even their parents may not have. But when they graduate at 17 or 18, they find that they cannot put their knowledge to use. At this point, their political enthusiasm is in danger of waning. With a lowered voting age, this enthusiasm could be channeled into constructive, effective political actions.

So I do not quarrel with the merits of this issue. I have, nevertheless, listened to the questions raised about whether it would be constitutionally correct for the Congress to enact a statute to this effect in view of the constitutionally based premise that voter qualifications shall be set by the several States. However, as this issue has been developing in the Senate, and especially with regard to the new amendment just offered, I have been most impressed with the arguments made by such eminent legal authorities as Professors Freund and Cox, not to mention those made by the distinguished majority leader and the assistant majority leader. The reasoning supporting the amendment has been most eloquently expressed in the Chamber today and I need not elaborate upon it at this time. I am persuaded by these arguments and, accordingly, I shall vote for this amendment.

SENATE RESOLUTION 368—SUBMISSION OF A RESOLUTION TO EXPRESS THE SENSE OF THE SENATE ON ARMED FORCES IN LAOS

Mr. FULBRIGHT. Mr. President, I submit a resolution which states the sense of the Senate that the Constitution of the United States requires that the involvement of U.S. Armed Forces in combat in or over Laos must be predicated upon proper affirmative constitutional action.

The United States has no treaty or other national commitment to the Government of Laos or to any faction in that country.

The Congress has not granted authority to the President to wage war there.

As Commander in Chief, the President may use the Armed Forces of the United States to defend the United States. He may have authority to dispatch American Armed Forces abroad to protect American citizens.

The President does not have authority, however, nor has Congress given him authority, to engage in combat operations in Laos whether on the land, in the air, or from the sea.

An argument might be made that the Tonkin Gulf resolution is broad enough to authorize the President to engage the Armed Forces of the United States in stopping North Vietnamese traffic headed for South Vietnam over the Ho Chi Minh trail. But neither that resolution nor any other affirmative constitutional action by the Congress has authorized the use of any U.S. Armed Forces in action in Laos which is unrelated to the war in Vietnam.

Efforts have been made to distinguish between combat action in the air and combat action on the ground.

Mr. President, I submit that such a distinction is specious.

If the President has authority to engage American air forces in a country with which we have no treaty or other obligation, and without the approval of Congress, he has a similar authority to engage our ground combat forces.

The Constitution is clear. It is the Congress which has the power to declare war and to make rules for the Government and regulation of the land and naval forces of the United States.

If the Senate is to remain silent while the President uses air forces in an Asian country without authority of the Congress, we should remain silent about his use of ground combat forces.

Two years ago by an overwhelming vote, the Senate went on record stating that a national commitment to a foreign power arises only from affirmative action taken by the executive and legislative branches of the United States through means of a treaty, convention, or other legislative instrumentality intended to give effect to such commitment.

The Senate must not remain silent now while the President uses the Armed Forces of the United States to fight an undeclared and undisclosed war in Laos.

Acquiescence now in even a limited use of air power in Laos will mean the Senate has surrendered one more legislative power to the Executive.

Mr. President, I ask unanimous consent that the resolution may be printed in the RECORD at the conclusion of my remarks together with an article concerning Laos.

The PRESIDING OFFICER. The resolution will be received and appropriately referred; and, without objection the resolution and the article will be printed in the RECORD.

The resolution (S. Res. 368), which reads as follows, was referred to the Committee on Foreign Relations:

S. RES. 368

Whereas, the United States has not by treaty or other constitutional procedure undertaken to engage American military forces in combat in Laos; and

Whereas, United States Air Force and other American military personnel have nevertheless become increasingly involved in, and have suffered casualties as a result of, combat activities in Laos distinct from the interdiction of military supplies or forces destined for South Vietnam; and

Whereas, the full nature and extent of U.S. military involvement in Laos has not been completely communicated to the American people: Now, therefore, be it

Resolved, That it is the sense of the Senate that the Constitution of the United States requires that authority for the use of United States armed forces in combat in or over Laos must be predicated upon "affirmative action taken by the executive and legislative branches of the United States Government through means of a treaty, convention, or other legislative instrumentality specifically intended to give effect" to the commitment of American forces in Laos as agreed to by the Senate in the so-called commitment resolution (S. Res. 85, 91st Congress, first Session).

The article, ordered to be printed in the RECORD, is as follows:

[From the New York Times, Mar. 9, 1970]

DEATHS OF 27 AMERICANS IN LAOS DISCLOSED BY UNITED STATES

(Captain and 26 civilians reported killed in last 6 years—Nixon aides say he stands by earlier statement on role.)

(By James M. Naughton)

KEY BISCAYNE, FLA., March 8.—The Nixon Administration said today that an Army captain and 26 American civilians stationed in Laos on Government business had been killed by Communits troops or listed as missing as a result of enemy action over the last six years.

The disclosures came two days after President Nixon declared that "no American sta-

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tioned in Laos has ever been killed in ground combat operations."

PRESIDENT'S STATEMENT STANDS

Gerald L. Warren, deputy Presidential press secretary, said in a briefing for reporters at the Florida White House that Mr. Nixon stands by the assertion he made in a report to the nation on the conflict in Laos.

[In Washington, Senators Mike Mansfield of Montana and J. W. Fulbright of Arkansas called for an end of United States involvement in Laos and accused President Nixon of not having gone far enough in his statement on the American role.]

The death of the American captain, in a Communist commando raid last year against a Royal Laotian Army headquarters, was confirmed by Mr. Warren. Other Administration sources disclosed that 25 civilian employees of the United States or Government contractor and one civilian dependent were dead or missing in Laos.

Mr. Warren said the President was not aware, when he issued his statement about Laos on Friday, that Capt. Joseph Bush, described as an American Army adviser to Royal Laotian troops, had been killed Feb. 10, 1969, near Muon, Soul, on the western edge of the Plaine des Jarres. Captain Bush's death, in action against Communist troops, was reported in the Los Angeles Times this morning by Don A. Schanche, a freelance writer who has spent much of his time reporting in Laos.

NIXON REPORTED DISTURBED

The distinction, Mr. Warren maintained, was that Captain Bush had died as a result of "hostile action." The President's spokesman gave this account of the captain's death:

"Captain Bush was in his quarters, in the compound 10 miles to the rear of the expected line of contact with the enemy, when North Vietnamese commandos attacked the compound. Captain Bush took action immediately to attempt to protect other persons in the compound, exposing himself to enemy fire, and was killed.

"He was not engaged in combat operations."

Mr. Warren confirmed that Captain Bush fired at the enemy during the skirmish. Mr. Schanche's account said that Captain Bush killed one Communist soldier before he was "almost literally cut in half by enemy automatic weapons fire."

White House sources, who declined to be identified publicly, said that President Nixon had been disturbed by the account, which appeared to contradict his statement, and had ordered a check of records of all those who had served in Laos in the last six years.

According to these sources, no other cases were discovered in which American military personnel had been killed, but the records showed that 25 civilians and one dependent had been listed as dead or missing as a result of "hostile action."

The White House sources said that Mr. Nixon had been aware of the civilian casualties when he made his statement on Laos, but that he did not feel they were attributable to "ground combat operations."

Some of the casualties resulted from enemy ambushes or long-range artillery attacks and others may have occurred in the downing of American aircraft over Laos, the sources said.

REFERS TO "GROUND COMBAT"

When Mr. Nixon issued his report on Laos, the White House confirmed that 200 Americans had been killed and 193 listed as missing or captured as a result of air operations over Laos, but the officials insisted that Americans had not been engaged in ground combat operations.

They pointed, in fact, to the absence of casualties on the ground to emphasize the President's statement that the United States had no ground combat forces in Laos and no plans to introduce them.

In his account, Mr. Schanche referred to Captain Bush's death as a "ground combat" casualty. He said that when the captain was shot he was helping to "coordinate ground action involving Thai artillery, American air power and Meo infantrymen against a Communist force that was dug in on a road a few miles east of Muong Soui."

He said he learned of the captain's death the next day, from an Army sergeant he called "Smokes" and from some of the 62 Air Force radar technicians also stationed at the lightly-guarded Laotian compound.

The White House would not comment when asked if the President was disturbed about the possibility that the new information would raise questions about the credibility of Mr. Nixon's statement on Laos.

Nor would the sources disclose whether the captain had been receiving combat pay. They directed these and other questions—including one inquiry about the way in which similar casualties are listed in Vietnam—to the Defense Department.

[A Pentagon spokesman said that Captain Bush's records were locked up for the weekend in the Army records center in St. Louis and that military officials would not be able today to identify the captain's hometown or to determine whether he was receiving combat pay.

[The spokesman said that had Captain Bush's death occurred under the same circumstances in Vietnam it would have been classified a "death due to hostile action," a category that includes those killed in action as well as deaths that result from enemy action but not while victim was in combat.]

VOTING RIGHTS ACT AMENDMENTS OF 1969

The Senate continued with the consideration of the bill (H.R. 4249) to extend the Voting Rights Act of 1965 with respect to the discriminatory use of tests and devices.

Mr. BAYH. Mr. President, I rise to discuss the subject which has concerned our Subcommittee on Constitutional Amendments of the Committee on the Judiciary for a good many weeks, indeed for a period of years, the entire question of how we give our younger citizens the right to have some voice in determining their destiny.

During the last several weeks this subcommittee, which I have the privilege of serving as chairman, has held extensive hearings on the entire matter of lowering the voting age. More specifically, this week we have held hearings trying to determine not just the merits of lowering the voting age, but what vehicle it would be most appropriate to use; whether we should follow the course recommended by the distinguished majority leader and proceed by statute, or whether we should follow the course so vigorously pursued by our distinguished colleague from West Virginia (Mr. RANDOLPH).

I think it is important first to look at some of the facts disclosed by these hearings. I will try to summarize, to be totally honest, the Senator from Indiana's interpretation of these facts. It is quite conceivable that some of our colleagues might look at the same facts and reach a different interpretation.

I think it is fair to say we have been able to create a greater degree of national awareness of the need to lower the voting age. It is my judgment that the debate in which we are participating now can add to this awareness.

I think the hearings plus the dedicated efforts of the Senator from West Virginia, the Senator from Montana, the Senator from Massachusetts, and others have done more than has ever been done before to try to convince Members of this body that the time has come to lower the voting age. It has been difficult for me to believe that there are some Senators who, only in the last week, have added their names and influence to the effort to lower the voting age. Some of these Senators, before this time, would not even consider discussing it in executive session of the Judiciary Subcommittee on Constitutional Amendments.

I think the evidence before our subcommittee discloses a significant constitutional question as to whether the statutory approach will be upheld by the Supreme Court when it is ultimately tested. After looking at the constitutional arguments presented by witnesses pro and con, it is my judgment that there are constitutional grounds for proceeding by statute. The basis for this judgment must rely almost totally on the Supreme Court decision in Katzenbach against Morgan. Although we might differ as to whether that is a sufficient ground, I am inclined to believe it is.

I think it might be helpful to look at the crucial element in the Morgan case, the basis on which we must proceed in lowering the voting age by statute. In Morgan, the Court relies primarily on section 5 of the 14th amendment, the provision giving Congress "power to enforce, by appropriate legislation, the provisions of this article," including the equal protection and due process clauses. The Court in Morgan upheld congressional authority under section 5 to override State legislation as violative of the equal protection clause, even though the Court itself might well have been reluctant to declare the State law in question unconstitutional. It thus held in Morgan that the Congress has a broad grant of authority to enact such legislation as Congress reasonably believes necessary to establish and protect the guarantees of the equal protection clause. Such legislation will be sustained so long as it is fairly based on factual determination, and I would like to quote one paragraph from Katzenbach against Morgan in which the Court said that:

> It was for Congress . . . to assess and weigh the various conflicting considerations—the risk or pervasiveness of the discrimination in governmental services, the effectiveness of eliminating the state's restriction on the right to vote as a means of dealing with the evil, the adequacy or availability of alternative remedies, and the nature and significance of the state interests that would be affected by the nullifications . . .

Then the Court proceeded—

> It is not for us to review the congressional resolution of these factors. It is enough that we be able to perceive a basis upon which the Congress might resolve the conflict as it did.

Different views were presented to the committee. The distinguished dean of the

Yale Law School, Mr. Pollak, expressed deep reservations and opposition to proceeding by statute, and he is indeed, a learned scholar in this area. Two constitutional experts, Professor Freund and Professor Cox, former Solicitor General, as stated earlier, have expressed strong support for the method which we are pursuing here today.

The issue resolves to the old question of drawing the constitutional line between State rights and Federal rights? This is not a question the Senator from Indiana takes lightly. With all due respect, the Senator from Indiana must say he is not impressed by the argument made by the senior Senator from Florida that Congress should be timid about pursuing the lowering of the voting age because of actions by State legislatures and by referendums in which the States themselves denied the right of 18-, 19-, and 20-year-olds to vote.

If we had pursued that argument to its logical concluison, we must recognize that the 19th amendment, which gave to women the right to vote, would never have become law, because we had circumstances similar to those existing now which preceded ratification of the 19th amendment. Time after time referenda and State legislative actions said to women of voting age—who comprise more than half of the people of this Nation "You are not going to have the right to vote." But Congress initiated the activity which ultimately led to giving the women of our country the right to vote.

Mr. RANDOLPH. Mr. President, will the Senator yield?

Mr. BAYH. I yield.

Mr. RANDOLPH. I think it is very important that the Senator from Indiana has brought to our attention a constitutional amendment in which more than three-fourths of the States ratified the action of the Senate itself. In other words, the Senate referred the matter to the States, and although the States had failed to grant to women the responsibility and privilege of voting, it was only 15 months, under the impetus of the action of Congress, until a sufficient number of States ratified and the Secretary of State proclaimed the right to vote for the women of this country.

I think it is very important for us to realize what we are doing today. The methodology as we move this proposal to a conclusion, is very important. Sometimes, it is said, form is unimportant, but sometimes the batter of form is very important. I think in this case it is important that we give to the States the opportunity and the responsibility to speak on this matter after the Senate and the House—the Congress—has referred this challenge, as it were, to them.

That is what the Senator is saying, in other words.

At this point I want to explore with the able chairman of the Subcommittee on Constitutional Amendments what the situation will be if the amendment of the distinguished majority leader, or the amendment as amended by the Senator from Alabama (Mr. ALLEN), were to pass this body. What would be the Senator's feeling about pursuing the resolution in his subcommittee, in view of the 4 days of hearings which have been held on Senate Joint Resolution 147. I wonder if the Senator's subcommittee would be prepared to go forward, and if there would be sufficient votes in the subcommittee to go forward. I wonder whether the Senator would be inclined to feel it is his responsibility to have the Senate subcommittee which he so capably heads bring this matter to fruition, and then after it is brought to a vote affirmatively in subcommittee, to go to the full committee for action?

I am trying to determine what the situation will be, even if the amendment were adopted.

Mr. BAYH. I will proceed to try to substantiate my opinion concerning the amendment of the Senator from Montana, but I think the question raised by our distinguished colleague from West Virginia is a good one. As one Member of the Senate, and particularly as chairman of the subcommittee, I intend to do all I can, to use all the influence I might have, to move Senate Joint Resolution 147 speedily into executive session of the subcommittee, and into the full Committee on the Judiciary, and out to the Senate floor, and then to join with the Senator from West Virginia and other Senators at that time to see that we pass it and get the two-thirds vote necessary.

As the Senator from West Virginia knows, the Senator from Indiana can speak only for himself. But I think the times are so critical—and I shall touch on this in more detail in a moment—and the need to give young people the feeling of belonging, give them a meaningful piece of the action is so great—that we must act quickly in whatever parliamentary manner may be necessary to prevent this matter from being logjammed at any step along the way. I think we must proceed.

Mr. RANDOLPH. Will the Senator from Indiana indulge me one further comment?

Mr. BAYH. Yes; of course.

Mr. RANDOLPH. I realize the cogency of the argument now being presented for supporting the Mansfield amendment, which, frankly, I may support. I probably never have had a more difficult decision to make on a matter. I feel very strongly about the constitutional amendment route; I feel that that is the way we should proceed.

The Senator from Indiana is saying that if we support the Mansfield amendment, we would really be proclaiming the sense of the Senate, as it were, in support of a lower voting age, but we would not delay the process of the Subcommittee on Constitutional Amendments or the full Committee on the Judiciary in continuing to deal with Senate Joint Resolution 147. That has been said by the Senator from Indiana, and it has been said by the Senator from Mississippi (Mr. EASTLAND), the chairman of the Committee on the Judiciary.

The Senator from Indiana speaks for himself. But we do have in the subcommittee and full committee among those who are cosponsoring Senate Joint Resolution 147, a sufficient number to bring this matter to the floor of the Senate, and I think it would come here speedily. Would the Senator from Indiana respond? Does he feel that it would come here quickly?

Mr. BAYH. I do. The Senator from West Virginia and I have been working together on this subject, as has our distinguished majority leader. I came to the Senate 8 years ago. The Senator from West Virginia and the Senator from Montana, and other Senators, have been laboring at this level before that. Before I came to the Senate, I was working in the vineyard of the Indiana Legislature, unfortunately, to no avail. But now my barometer indicates that the environment in this body and in the country is much more in tune with giving the young people the right to vote.

I think we need to proceed as rapidly as we can with this constitutional amendment. I think that certainly, at the very least, the effort we are making now would explain to our colleagues in the House of Representatives the sense of the Senate.

I think the Senator from West Virginia, and all of us here who are so committed to giving young Americans the right to vote, agree that we will use any vehicle which we feel reasonably has the opportunity to succeed, whether it is by statute or by constitutional amendment. Frankly, I do not think any of us really are bound to one vehicle or the other. We may feel somewhat concerned about the constitutionality, about the possibility of acceptance at the State level or in the House of Representatives, or about reservations by one Member of the House of Representatives or another, but I feel we are determined to pursue this goal until we reach it.

Mr. RANDOLPH. One final comment. It has been said here that because we did not act 10 years ago, 15 years ago, or any other time on the constitutional amendment approach, we have no reason to believe we will have affirmative action now.

The **PRESIDING OFFICER.** The Senator's time has expired.

Mr. BAYH. Will the Senator yield me 10 additional minutes? I shall not use any more than necessary.

Mr. MANSFIELD. I yield 10 minutes.

Mr. RANDOLPH. There was a time when it was not the sense of the Senate or the sense of Congress that we act to control pollution in this country. But now Congress is active in that area. There is a time when a subject comes to the foreground, and when the Members of the Senate and the House of Representatives determine that the time has arrived to act.

I think the time has now arrived to act on this subject. I am only saying that the fact that we have not done it in the past is no reason that we will not do it now, by whatever route we find expedient and necessary, either by statute or by constitutional amendment. Irrespective of our action today I hope the Judiciary Committee will act in the manner we have discussed.

Mr. BAYH. As a former member of the Indiana State Legislature, I do not take the legislative interest or lack of interest lightly, very frankly. But I think, to keep this record absolutely clear, we should point out that poll after poll shows that more than 60 percent, sometimes as high as 70 or 80 percent, of the people of this country, when asked whether they want the voting age to be lowered, have said, "Yes." So we have a strong case, it seems to me, for looking at what the people of this country want. And we as Members of the Senate and of Congress surely have to take into consideration the desires of the people, and what they feel is important, as well as the desires of the individual State legislative bodies.

Mr. JORDAN of North Carolina. Mr. President, will the Senator yield?

Mr. BAYH. I yield.

Mr. JORDAN of North Carolina. If the Mansfield amendment passes, would that nullify any action on a constitutional amendment coming later out of the subcommittee of which the Senator is chairman, or the full Committee on the Judiciary?

Mr. BAYH. As far as I am concerned, no. We are going to proceed at full speed to try to get that matter to the floor of the Senate. We do not know as yet, of course, what is going to happen to the pending amendment when it gets to the House of Representatives. If they do not agree to it, I do not want us to look back here, at the end of the session, and say, "Oh, if we had only worked just a little harder to get that constitutional amendment out of the committee."

Mr. JORDAN of North Carolina. But if the Mansfield amendment is passed and adopted, and becomes law, constitutionally or otherwise, we would not have a constitutional amendment, if it becomes law and the Supreme Court upholds it.

Mr. BAYH. That is right.

Mr. JORDAN of North Carolina. I want to make just one very brief statement. I have no personal objection to the 18-year-olds voting. I know there is strong sentiment for it. But I am very much of the opinion, as was my colleague (Mr. ERVIN) in his statements yesterday, quoting various sections of the Constitution—in which I am convinced he was correct—that this body has no legal right to pass any kind of voting law for this Nation, because if we can do that, we could also say, "You are going to start voting at midnight," or 10 o'clock, or order them to close the polls at this time or that. That is reserved to the States. I do not want, by a vote on the Senate floor, to take away the right of my State to decide what it wants to do. That is my objection to the Mansfield amendment. I want the State to make that decision itself. I do not want to abridge the right of my State legislature to decide what it wants to do, and let the people vote on it.

I thank the Senator for yielding.

Mr. BAYH. I am always glad to yield to my friend from North Carolina.

We were discussing what might happen if the amendment of the Senator from Montana is passed by the Senate. I want the record to be clear that although the Senator from Indiana feels that there is a case that can be made, and a solid case, on the constitutionality of the statutory approach, we must all recognize that this is a gray area. A reasonable question can be raised. But in the past this body has not been timid, and Congress has not been timid, to move into gray areas where they thought a problem existed.

I think it is important to understand that in 1965, when we passed this Voting Rights Act itself, no one could be certain that it would be held constitutional, because we were plowing new ground—new ground designed to deal with critical problems that existed in the country as of that moment, and still exist today. In the case of South Carolina against Katzenbach, we found out that our efforts had been successful, and the doubts as to the constitutionality of the 1965 Voting Rights Act were removed.

We have the testimony of Professor Freund and Professor Cox to the effect that in their expert judgment a statute lowering the voting age would be constitutional, although I think we must point out that Professor Cox had some reservations. There is no clear right or wrong. The majority of the Members of the Senate, in looking at the measure which is presently before us, the Scott-Hart substitute, have indicated their willingness to support this provision. I think the Senate needs to recognize what we are saying in the Scott-Hart bill. We are saying that for the first time the Congress of the United States is ready to move into the whole area of residency. This is what the Senate is going to be saying by supporting the Scott-Hart bill. I think that Katzenbach against Morgan and the case of Shapiro against Thompson give us constitutional grounds to do this.

We are moving into the area of banning literacy tests nationwide, and we are saying that we are willing to abolish all literacy tests because there is something per se discriminatory about a literacy test. We base this view on Katzenbach against Morgan, but that case did not deal with all literacy tests; it dealt with certain specific literacy tests. So I think we are plowing new ground in all those areas.

I support these efforts because I think it is important for us to set a uniform test so far as residency and literacy are concerned. But we are plowing new ground.

I do not concur with the distinguished Senator from Nebraska when he suggests that the Lassiter case is contrary to the direction in which we are headed. The Lassiter case was decided in 1959. The act we are now seeking to extend and amend was passed in 1965, and the Morgan case came along in 1966. If the Lassiter case had any relevance before Morgan, there is no doubt that Morgan relegated Lassiter to oblivion on the issue we are here considering; namely, whether Congress can prescribe statutory voting standards contrary to State laws which the Supreme Court might not declare per se unconstitutional.

The administration, I might point out, has supported the constitutionality of moving into the area of residency and literacy tests. It seems to me that if we in the Senate can say that it is constitutional to move into the area of literacy and residency, as I am willing to say we can, then we must put the question of lowering the voting age in the same category. As was said in Morgan, it is for Congress to assess and weigh the various conflicting considerations.

In my judgment, a case has been made time and time again, by those who have spoken before and by statements that have been put in the RECORD, that there is critical need today to give young people meaningful participation in the system. There has been considerable discussion about the fact that young people are better qualified. Over half of our young people today attend college. In 1920, less than 20 percent were high school graduates; today, almost 80 percent are high school graduates.

I ask unanimous consent to have printed at this point in the RECORD very pertinent testimony given yesterday before our committee by Dr. Margaret Mead, the distinguished anthropologist, who is one of the leading experts, if not the leading expert, in the country in the whole field of the maturing of young people.

There being no objection, the testimony was ordered to be printed in the RECORD, as follows:

TESTIMONY OF DR. MARGARET MEAD

The history of freedom is the history of the extension of the franchise from an exclusive possession of the aristocratic and wealthy to a possession of every man, then every woman, within this country. At present there is a grievous discrepancy between what we ask of young men—and some young women—and the political roles we permit them to play. We draft them for wars about the conduct of which they have nothing to say, they are taxed on their earnings, they marry and maintain homes, they are entrusted with deadly weapons which may shatter the peace of the community or precipitate deadly conflict, they drive cars and fly planes, taking their own lives and that of thousands in their hands. Yet when it comes to the exercise of the franchise, we treat them as dependent children, boys instead of men, even until they are twenty, as *teen-agers*.

With today's universal education and nationwide exposure to the mass media, they are among some of our best informed citizenry, in step with the rapid changes in technology and organization which are the mark of our period in history. They have grown up with all of the things which older people have had to learn to understand and to use after they themselves were grown—the responsibilities of a world in which nuclear war is a danger that must be consciously avoided, the openness of a universe in which men go to the moon, the simultaneity of a world where television rings the globe, the possibilities of a world in which computers can both criticize and implement men's best or worst laid plans, the urgency of a world where the population has suddenly exploded and the careless use of technological power is threatening to suffocate us. In the world of today they are the native born, native to the third-quarter of the 20th century.

This nation was founded on our recognition that taxation without representation is tyranny. We know that powerlessness where there should be power, weakness where there should be responsible strength, voicelessness where one's voice is relevant, breed desperation, a distrust of the law and action outside the law. Lack of political responsibility can put the sanest men and women into

> a rebellious and frustrated state where they no longer trust the political process on which our freedom is built. As one of my students wrote:
>
> "Young people should be allowed to vote into office those politicians who may one day send them off to war to defend this country. Young people are more aware today of what's going on around them than they have ever been . . . You can't help but know what is going on in the world. Perhaps the same men would continue to be elected but we have a right to find out . . . We should be allowed to voice our feelings in the voting booth, not out in the streets. Let us vote!"
>
> I should not have to speak for them, they should be able to speak—and vote—for themselves.
>
> We recognize that those who are born in this country have a birthright citizenry. Those who are eighteen today have a birthright citizenry in time as well as in space. They have grown up in a world to which we elders come as immigrants from a simpler age. We need them as partners in the urgent task of catching up with the times in which we live, we need them to ask the timely questions, to release the latent power and strength of this country to deal responsibly with the present and the future, for the future is Now, just a day away, March 11, 1970, not 1973.

Mr. BAYH. Dr. Mead told us that in the last hundred years the age of maturing young people has lessened by 3 years. So we can say reasonably, scientifically, and medically that a young person today is as mature at 18 as a young person 100 years ago was at age 21.

We have discussed in some detail the question equity involved. We have talked about due process and equal protection. It seems to me that if we are concerned about due process and equal protection, we have to be concerned about the fact that half of the young men who die in Vietnam are not old enough to vote. All of them, and all young people, pay taxes; they are tried in our courts; and yet they do not have a voice in shaping policy.

I should like to close by suggesting that the most vital need for lowering the voting age today is the need to give young people a feeling of belonging and to bring the moral energy of their ideas and the force of their convictions into the system, to help us solve the great problems of our times. We need to let them know that this system can respond to their needs. We need to say to the far out fringe group which is appealing to their contemporaries to join in overthrowing the system, the group arguing that there is no place for them in the system, that this is not right. We must show that this system can purge itself, can do away with its inequities, and can give to the young people the right to vote and to participate in the decisionmaking process.

I, for one, salute our distinguished majority leader and will join him in this effort. I think it is extremely important for us to recognize, as I said before, that we are not absolutely certain. I concur in the concern expressed by the Senator from West Virginia (Mr. RANDOLPH). We cannot afford to fail in this effort. Whether it is by statute or by constitutional amendment, we must proceed until we succeed. We must not raise the expectations of young people that we are going to give them a place in the system and then fail them once more. We must show them that we mean what we say, and we must continue until they are full participatory partners in this great system of ours.

To that end, I intend not only to support the distinguished majority leader, the Senator from Montana, but also to pledge a continued effort to see that the constitutional amendment moves forward promptly.

Mr. MANSFIELD. I yield 10 minutes to the distinguished Senator from Utah.

Mr. MOSS. I thank the majority leader.

Mr. President, I intend to support the amendment of the majority leader, and I ask unanimous consent that my name be added as cosponsor of that amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MOSS. Mr. President, I follow the lead of the Senator from Montana (Mr. MANSFIELD) in his willingness and desire to accept the amendment that has been suggested by the Senator from Alabama (Mr. ALLEN). It seems to me that it is a perfectly good and proper amendment and one that I would be glad to see incorporated in the amendment offered by the Senator from Montana, which would give to the citizens of this country 18 years of age and older the right to vote in Federal elections.

I have listed many times the reasons why 18- to 21-year-olds should be given the vote. Young people already have other rights and responsibilities of citizenship except the most fundamental of all—the right to vote. Almost 1 million young people under 21 are already fulfilling perhaps the most burdensome responsibility of citizenship by serving in the Armed Forces. Over 19,000 young Americans between the ages of 18 and 21 have made the supreme sacrifice for their country in giving their lives in Vietnam.

Opponents of lowering the voting age, however, hold that despite the other rights and duties given to young people, they are still too immature to vote. Young people are said to be too rebellious and militant.

But such beliefs have no basis in fact. Of the millions of college students, studies show that less than one-half of 1 percent were engaged in any kind of disruptions that involved violence.

This image of immaturity and rebelliousness no doubt comes from watching the television news. But those older people sincerely concerned about maturity should remember that there are over 11 million young people in this age group and only a tiny minority of them ever get on television. Opponents of the 18-year-old vote should look around at their own children or grandchildren before concluding that all young people riot.

This country should stop penalizing the great majority of young people for the transgressions of a few. It is time to make young people full participants in the democratic process instead of preaching to them how good our democracy is.

We can give 18- to 21-year-olds the vote now, this session of Congress. We need not wait for the drawn-out process of a constitutional amendment.

I believe that it is not unconstitutional for Congress to lower the voting age by statute. It is not a violation of States rights. I should like to quote from a statement by Senator GOLDWATER, probably this Nation's foremost advocate of State's rights, in support of lowering the voting age by statute:

> But not even the strongest advocate of State's rights could claim that a State may limit the right to vote on arbitrary or unreasonable grounds. It would be nonsense to say that a State could fence out all left-handed persons from the polls. Or all Catholics. Or all males with long hair.
>
> Clearly there are limits as to how this authority may be used. To say that the States may establish voting qualifications is not to say that their power is absolute.
>
> To me, where there is a conflict between the fundamental, personal right to vote and the purely administrative power of a State to regulate its elections, the State power may prevail over the right of the individual citizen only if it serves a major and compelling State interest. Since no such interest has been shown in the case at hand, I believe it is entirely fitting for Congress to act to protect the freedom to vote of young Americans.

Simple justice demands that 18- to 21-year-olds be given the vote. To grant it would give them a sense that they indeed have a stake in their society and a political voice to protect it.

We hear that the young people of this generation are alienated, that there is a generation gap between the young and the old. If there is any way to bridge such a generation gap, it is to accord to our young people the full responsibilities of citizenship. They have most of the obligations now, and they are entitled to all the privileges and prerequisites of citizenship. As I indicated, the most precious of all these rights, perhaps, is the right to choose the officers who will lead this country and give direction to the course the Government will follow and the policies it will espouse.

I believe that we must give this right to our young people, because this generation of young people is more mature, more informed than any that has gone before, including, certainly, the time when the age of maturity and the age of voting became grafted into our law from the mother country. Then people were more immature and were bound to the regions in which they lived, and did not have the opportunities for experience and learning which the young people of today have. So I think it is long overdue that we should call them into our councils and let them become full citizens of our country when they become 18 years of age.

I therefore gladly support the amendment of the Senator from Montana, as it will be modified, I hope, by the amendment of the Senator from Alabama, and I urge that the Senate take speedy action on this matter to solve one of the pressing problems which plague us at this time; namely, the feeling of our young people that we do not include them, that we do not trust them, that we do not want their participation in the operations of our Government.

Mr. ALLEN. Mr. President, I yield 15 minutes to the Senator from South Carolina.

The PRESIDING OFFICER (Mr. HUGHES). The Senator from South Carolian is recognized for 15 minutes.

Mr. THURMOND. Mr. President, I am in favor of 18-year-olds voting.

Yesterday, at the hearing before the Subcommittee on Constitutional Amendments, I made this statement:

> I am of the opinion that most young people are responsible citizens who are aware of the vital issues of the day and are capable of casting an intelligent vote; therefore, I endorse a constitutional amendment to lower the voting age to 18.
>
> The disorder, destruction, and rebellion that has occurred on our college campuses recently has called for a reexamination of the questions of 18-year-old voting as many of the participants in these irresponsible activities have been between the age of 18 and 21; however, my experience in speaking on college campuses across the nation indicates that it is only a handful of students who are causing the trouble, and I have found that most students are intelligent, law-abiding, responsible people.
>
> I feel that a constitutional amendment is a proper way to bring about a lowering of the voting age as I am of the opinion that a statute passed by Congress would not be constitutional.

Mr. President, that statement, which I gave out yesterday, I think expresses my complete position.

First, I am in favor of 18-year-olds voting.

Second, I do not believe it can be done constitutionally by statute but must be done by amendment to the Constitution of the United States.

Mr. President, article I, section 2 of the Constitution states:

> The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature.

What does that mean, Mr. President?

It means this, that when the section states, "the electors in each State," of course that means the voters in each State "shall have the qualifications."

What qualifications? "requisite for electors of the most numerous branch of the State legislature."

Who fixes the qualifications for elections to the State legislature? The State does that. The Federal Government has never entered that field. It is not in that field now.

Thus, since the States fix the qualifications for a person who becomes a member of the most numerous branch of the legislature, which is known as the House of Representatives of the State, and since a Member of Congress is elected by the people having those qualifications, then it is clear that the Constitution leaves to the States the matter of fixing voter qualifications.

Since that is the case, I do not see how it would be proper, legal, or constitutional to pass a statute to allow 18-year-olds to vote.

I think that this matter was pointed out quite well yesterday in the hearing I referred to before, the Subcommittee on Constitutional Amendments, by the dean of the Yale Law School, who is by no means a conservative. He is known as a liberal. In fact, a few weeks ago, he testified against Judge Carswell. But even this liberal dean has taken a position that in State and Federal elections, it would be necessary to have a constitutional amendment and that it would not be proper to go forward by Federal statute.

Mr. President, I ask unanimous consent to have printed in the RECORD a summary outline and statement by Louis H. Pollak, dean and professor of law, Yale Law School, March 10, 1970, before the Subcommittee on Constitutional Amendments of the Senate Judiciary Committee.

There being no objection, the summary outline was ordered to be printed in the RECORD, as follows:

SUMMARY OUTLINE OF STATEMENT OF LOUIS H. POLLAK

1. I favor reduction of the voting age to 18, in state and federal elections, but I think this should be accomplished by Constitutional Amendment rather than by federal statute.

2. I have serious doubts about the power of Congress, by statute, to lower the voting age to 18 in state as well as national elections: a) prior to the decision in *Katzenbach* v. *Morgan*, I would have supposed that no serious case could be made that such a statute would be constitutional: b) in my judgement, *Katzenbach* v. *Morgan* provides the basis for a modestly plausible, but not for an ultimately persuasive, case for the constitutionality of such a statute.

3. Even if I thought the case for the constitutionality of such a statute were substantially better than I believe it to be, I would think it imprudent to proceed in this area by statute rather than by Constitutional Amendment, provided there is a substantial chance that the amendment route would work: a) it would be detrimental to our voting processes to have an extended period of doubt about the ground rules by which elections are to be conducted, pending a Supreme Court determination of the constitutionality of the proposed statute lowering the voting age; b) assuming the Supreme Court were to uphold such a statute, the question whether Congress should make other statutory redefinitions of the electorate might become a continuously unsettling ingredient of American voting processes; c) hitherto, we have made changes in the composition of the electorate only by Constitutional Amendment. We should continue to follow this course which recognizes how fundamental such decisions are.

Mr. THURMOND. Mr. President, also at the same hearing, Assistant Attorney General, William H. Rehnquist, of the Office of Legal Counsel, testified before the Subcommittee on Constitutional Amendments and took the position for the Department of Justice that it would be necessary to have a constitutional amendment and that this would be the proper way to proceed.

I call attention to his entire testimony and hope that Members of the Senate will take the opportunity to read it. I refer to a paragraph on page 1, in which he says:

> The Department of Justice reaffirms its support of a constitutional amendment dealing with voting age in national elections. It opposes enactment of a statute for several reasons . . .

And he goes on and gives those reasons.

Now, Mr. President, this administration, headed by President Nixon, is in favor of 18-year-olds voting; but this administration is also in favor of a constitutional amendment to accomplish this rather than through the enactment of a statute.

The Department of Justice has researched this matter most carefully. They have gone into it from every angle and they have reached the conclusion that it cannot be accomplished through a statute, that it must be accomplished by a constitutional amendment.

I want to say that the more one delves into this problem, the more he will be convinced that that is the case.

Now there is one case that has been referred as being authority for being able to proceed by statute, preventing the necessity to follow a constitutional amendment, which is a much longer procedure, and that is the case of *Katzenbach* v. *Morgan*, 384, U.S. 461.

However, Mr. Rehnquist considers this case in his statement, on page 5, and describes it carefully and goes into every facet of it. He also answers the questions, and he comes up with the conclusion that it would be necessary to have a constitutional amendment.

Mr. Rehnquist says in his last paragraph:

> I urge, therefore, that this Subcommittee report favorably on the proposed constitutional amendment to reduce the voting age in national elections to 18, and that it recommend against the enactment of a statute for this purpose.

Mr. President, that subcommittee has been hearing witnesses on this matter. And the witnesses who have testified, I believe, have all testified in favor of 18-year-olds voting. I see no reason why this Subcommittee on Constitutional Amendments cannot report this constitutional amendment promptly.

The argument is brought up that there would be delay and that it would be better to proceed by statute. Some say, "Let us go ahead. We want it so badly. This suggestion is for such a worthy purpose that we ought to go forward and enact a statute and also bring out a constitutional amendment."

I do not agree with this because each Senator has to judge for himself whether a matter is constitutional. I do not think we have to wait and let the Supreme Court pass on it.

I think that each Senator, having held up his hand and having taken an oath to support the Constitution of the United States, should decide for himself in his own opinion whether any bill he is voting on is or is not constitutional. And if it is not constitutional in his judgment, then he should not vote for it. I am convinced that we will be on sound ground, and that we will only be on sound ground, if we proceed in this way, by constitutional amendment.

I do not say that the Supreme Court of the United States as now constituted would not hold the statute to be constitutional. Why, they have reversed the Supreme Court on so many precedents of the past that one hardly knows what the law is. However, I am looking for changes on the Supreme Court in the next few years. And I am looking for sounder judgments with Chief Justice Burger on the Court and with Judge Carswell soon to be there, and other Justices when vacancies occur.

I look for the Supreme Court to assume a more balanced position on the

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subject matter and to adhere to the Constitution of the United States.

I think it would be a great mistake for us to say that simply because we favor the 18-year-olds voting, we are going to vote for a statute to accomplish that purpose quickly.

I think that first we ought to respect the Constitution enough so that we would not pass any law that is unconstitutional. I think second, that even if it takes longer to follow the constitutional route, we should realize that that is what our forefathers intended when they wrote the Constitution. If the Constitution is to be amended, they wanted the Congress to stop, look, and listen.

To amend the Constitution, we would have to get a two-thirds vote of both bodies, the House and the Senate, and then three-fourths of the States would have to ratify such an amendment. It is well that such is the case, because the Constitution is the organic law of the land. We should not toy with it. We should not play with it. We should abide by it and respect it.

I feel exceedingly strongly that the proper way to proceed here to give the 18-year-olds the right to vote is to follow the method of amending the Constitution that has been prescribed. And as I have stated, we have an amendment presently before our subcommittee to this effect, and since very member of that subcommittee is in favor of the 18-year-olds voting, there is no reason why this amendment could not be reported promptly.

I would like to see it reported today or tomorrow. There is no reason why it cannot be done tomorrow. The Judiciary Committee, I feel certain, would act favorably on it and report it to the Senate for prompt action.

I commend the distinguished and able Senator from West Virginia on being the chief sponsor of the proposed constitutional amendment. I am proud to join him as a cosponsor of the amendment to allow the 18-year-olds to vote.

I hope that the Senate will not try to take a shortcut and say, because of its appeal to the youth, that we will give them the vote right now.

I hope the Senate will not act on political expediency or attempt to follow a shortcut route that could end in striking down such a law.

I hope we will follow the constitutional method of submitting an amendment. If we do this, there will be no question. If we amend the Constitution in the proper way, as provided for in the Constitution, and give 18-year-olds the right to vote, that is all they can ask. That is fair. And that is just.

I hope the Senate will follow that procedure.

Mr. President, I ask unanimous consent that a statement by Assistant Attorney General William H. Rehnquist be printed at this point in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Statement of Assistant Attorney General William H. Rehnquist, Office of Legal Counsel, on Proposed Statute To Lower the Voting Age

Mr. Chairman: I appreciate the opportunity to appear before this Subcommittee. Last month, Deputy Attorney General Kleindienst for the Department of Justice testified in support of a constitutional amendment to lower the voting age in national elections to eighteen. Since then the question has arisen as to whether this objective could be achieved equally well by an Act of Congress, rather than by a constitutional amendment. My testimony will be limited to this question.

The Department of Justice reaffirms its support of a constitutional amendment dealing with voting age in national elections. It opposes enactment of a statute for several reasons:

First, the constitutional validity of such a statute would be open to the most serious doubt;

Second, any doubt as to the validity of the statute could create confusion and uncertainty as to the outcome of a presidential election;

Third, the amending process, with its requirement of extraordinary majorities both in Congress and among adopting states, is better suited than a statute to manifest the necessary consensus for the proposal in question.

I turn now to a more detailed consideration of these objections, in order to amplify what we believe to be the danger and the undesirability of taking the statutory rather than the constitutional amendment route.

1. *Constitutional Validity of Statute.*—The precise question to be answered here, of course, is whether Congress, acting under the power conferred upon it by the Fourteenth Amendment, may by statute lower the voting age in national elections to eighteen. However, the inquiry must begin somewhat further back along the line, with the well-established proposition that a state-imposed voting age minimum of 21 violates no provision of the Federal Constitution. Prior to the adoption of the Constitution each state determined for itself who should have the right to vote, and the traditional age of "majority"—21 years—was in effect in all states. See *Minor* v. *Happersett*, 21 Wall. 162, 172-173 (1874). Far from intending that this matter be withdrawn from state regulation, the evidence is overwhelming that the Founding Fathers intended that the minimum voting age should be a matter to be determined by state law. This is indicated both by the actual provisions of Article I, section 2, respecting the qualifications of electors for representatives, and by debate during the Constitutional Convention in which efforts to set up a national standard for such electors were overwhelmingly defeated.

Repeated statements in recent decisions of the Supreme Court make clear the Court's view that no provision in the Civil War amendments to the Constitution invalidated minimum voting age requirements established by the various states. In *Lassiter* v. *Northampton Election Board*, 360 U.S. 45 (1959), the Court said (pp. 50–51):

"The States have long been held to have broad powers to determine the conditions under which the right of suffrage may be exercised . . . absent of course the discrimination which the Constitution condemns. . : .

"We do not suggest that any standards which a State desires to adopt may be required of voters. But there is a wide scope for exercise of its jurisdiction. Residence requirements, *age*, previous criminal record . . . are obvious examples indicating factors which a State may take into consideration in determining the qualifications of voters. . . ." (Emphasis added.)

And while on several recent occasions the Supreme Court has invalidated state restrictions on the franchise because they were found to violate the Fourteenth Amendment, each of these opinions has contained language re-emphasizing the right of states to set, on a non-discriminatory basis, qualifications for the exercise of the franchise. *Carrington* v. *Rash*, 380 U.S. 89 (1965), *Kramer* v. *Union Free School District*, 395 U.S. 621 (1969).

Similar expressions as to the constitutional validity of state provisions limiting the franchise to those who have attained the age of 21 years are contained in recent expressions of the executive and legislative branch. Such expressions reinforce the settled view that such a requirement does not violate the Fourteenth Amendment.

The constitutional basis upon which supporters of the statutory measure proceed, however, is that even if all of this be so, Congress may under the legislative authority conferred upon it by the Fourteenth Amendment require states to grant the franchise to 18-year-olds, even though state refusal to do so would not by itself violate the Fourteenth Amendment. Certainly constitutional law, especially that pertaining to the Fourteenth Amendment, has changed substantially in recent years, and no informed observer could state unequivocally that the statutory approach would *not* pass muster with the Supreme Court. But even more surely, no informed observer can affirmatively state that the statutory approach *would* pass muster with the Supreme Court. Characterizing the chances of success as best I can, in my opinion, I would have to say that they are uncertain and dubious.

In urging that there is a constitutional basis for Congress to act by statute rather than by constitutional amendment, reliance is placed on *Katzenbach* v. *Morgan*, 384 U.S. 461 (1965). That case upheld the validity of section 4(e) of the Voting Rights Act of 1965 (42 U.S.C. 1973b (e) (Supp. IV, 1965–68)) which provides in effect, that no person who has successfully completed the sixth primary grade in a Puerto Rican school where the language of instruction was Spanish shall be denied the right to vote in any federal, state, or local election because of inability to read or write English. The recognized purpose and effect of this section was to give the right to vote to thousands of Spanish-speaking citizens who had moved to New York from Puerto Rico but were barred from voting by New York English literacy tests.

The point of departure in *Morgan* for the advocates of the validity of the statutory route for lowering the voting age is the fact that the Court held that it was unnecessary to decide whether the state's English literacy test denied the equal protection of the laws to its Spanish-speaking citizens, grounding its opinion instead on the conclusion that such constitutional invalidity was not a prerequisite to congressional prohibitions of such a requirement.

The Court concededly in *Morgan* carved out an area in which Congress might prohibit state action even though that state action did not in itself violate the Fourteenth Amendment. To state this, however, is but the beginning of the inquiry as to whether such congressional legislation could extend to the mandatory lowering of the voting age.

The precise rationale upon which the Court's majority rested its conclusion is perhaps as open to debate as the question now before this Subcommittee. There is a good deal of talk in the Court's opinion about how the congressional enactment can be viewed as a measure to secure "non-discriminatory" treatment by various governmental units to the Puerto Rican community. It was for Congress, the Court stated, to assess the "pervasiveness of the discrimination in governmental services" and other factors which had been brought home to Congress during the hearings and debates. It was not for the Court to review the congressional resolution of these factors; it was enough that there was a rational "basis upon which Congress could resolve the conflict as it did." 384 U.S. at 652–653.

An expansive reading of some of the Court's language would suggest that the "rational

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connection" tests applied to state economic legislation under the "due process" clause of the Fourteenth Amendment is likewise applicable to congressional legislation enforcing the Fourteenth Amendment: Is the means chosen by Congress reasonably related to the goal of lessening discrimination? On the other hand, a narrower but equally tenable reading of the Court's opinion would require a good deal tighter connection between the Congressional enactment and some form of discrimination prohibited by the Fourteenth Amendment itself.

The differences between the evil at which Congress aimed in section 4(e) of the Voting Rights Act and the aim of Congress in a statute lowering the voting age to eighteen are marked. The literacy tests administered to Spanish-speaking citizens of New York, though concededly administered in a nondiscriminatory manner to all citizens, undoubtedly had the effect of denying the franchise to substantially more Puerto Ricans who had attended Puerto Rican schools than to residents of New York who had attended school in New York. Denial of the franchise to Puerto Ricans produced an unequal result, even though the result was produced by reason of factors other than a discriminatory intent on the part of those who devised and administered the tests. Since a classification which would distinguish in terms between Puerto Ricans and New York empowered to prohibit a system of classification which produced the same result, though not in terms.

By contrast, not only is the voting age requirement of 21 not discriminatory against any defined class by its terms, but it is not discriminatory in result, at all. We do not here have a situation where the test, though fair on its face, discriminates *in result* between classes which may not be discriminated between *in terms* under the Fourteenth Amendment. There is not the slightest indication that the 18- to 21-year-old voting group in any particular state or in the United States as a whole, is composed of markedly larger numbers of Negroes, women, Spanish-Americans, or any other group which has been the subject of overt discrimination. This, in my opinion, is the principal and very significant factual difference between the 18-year-old vote law and section 4(e) of the Voting Rights Act.

When we deal with 18-year-old voting, we reach no secondary result by applying the statutory voting age requirements—the only identifiable class affected is that set fortn in the state voting law in so many words—the class of potential voters between the age of 18 and 21. In contrast, the New York literacy test, although by its terms barring only illiterates, had the result of discriminating against, if not barring, a secondary identifiable class against whom discrimination was prohibited under the Fourteenth Amendment.

Finally, one may ask, what is the "discrimination" which Congress would here seek to eliminate? Unless voting is to be done from the crib, the minimum age line must be drawn somewhere; can it really be said that to deny 20, 19, and 18-year-olds the vote is "discrimination", while to deny the vote to 17-year-olds is sound legislative judgment?

It is pointless to further elaborate the matter. The Committee and the Congress is faced with one Supreme Court decision on the entire subject, and the reasoning of that decision is not one that he who runs may read. There are striking factual differences between the facts of *Morgan* and the facts that would be involved in determining the validity of a voting age statute; the fact that 46 states presently impose a 21-year-old voting requirement; the fact that 21 was the voting age requirement unanimously enforced by the states which adopted the Constitution; and the fact that a voting age law is one which applies to all citizens alike without resulting in any identifiable discrimination—my conclusion is that *Morgan* is not strong support for the validity of such a statute.

2. *A Statute of Doubtful Validity is Peculiarly Inappropriate in the Context of a National Election.*—I have had the privilege of reading Professor Cox's testimony before I appeared here today before this Subcommittee, and am of the opinion that the Department's views are not greatly different from his as to the constitutional validity of the statutory approach. Building outward from the *Morgan* case, he is of the opinion that the statutory approach would be held constitutional, but concedes that other informed students of the subject very probably think otherwise. The practical question facing this Committee, and which will ultimately face the Congress as a whole, is whether to proceed by the statutory route because of the shorter time involved, rather than proceeding by the constitutional route because of the greater certainty involved. The Department is strongly of the view that a worse case for experimentation with a doubtful statute cannot be imagined than one dealing with a national election. While one would hope that the validity of such a statute would be conclusively settled well before any national election governed by the statute were to be held, there can be no guarantee that this will be the case. The elaborate provisions for judicial review and finality of determination suggested by Professor Cox in his testimony are, in my opinion, testimony to the unwisdom of the statutory approach to which its worst enemy would not wish to add a line.

Congress was recently faced with a similar dilemma in dealing with the problem of Presidential inability, and in that case chose the certainty of the constitutional amendment route over the speed of the statutory route.

Public discussion began focusing on the question of Presidential inability in the years following President Eisenhower's heart attack, and at this time there were many eminent scholars (including a number from leading law school faculties) who felt that Congress could deal with the matter by statute under the "necessary and proper" clause. Attorney General Brownell opposed the legislative route, saying:

"Ordinary legislation would only throw one more doubtful element into the picture for the statute's validity could not be tested until the occurrence of the Presidential inability, the very time at which uncertainty must be precluded." Brownell, "Presidential Inability: The Need for a Constitutional Amendment", 68 Yale Law Journal 189, 205 (1958).

Attorneys General Rogers and Kennedy concurred in Attorney General Brownell's conclusion. See 42 Ops. A.G. #5, p. 22 (1961).

3. *Desirability of Substantial Consensus.*—Where Congress is dealing with a matter which has been left to the individual states since the adoption of the Constitution, where it is dealing with a question of minimum voting age about which fair minded individuals may reasonably differ, and which has been traditionally thought to be a matter of discretion that could be decided one way as easily as another, conformity to a uniform view should be imposed only by the process of constitutional amendment, rather than by legislative majority in Congress. The voting age bill is not an effort to cure longstanding shortcomings in the enforcement of standards imposed by the Fourteenth Amendment, but rather an effort to enlarge the accepted and traditional age requirement for voting. The Administration agrees that this step is desirable. But it is a step which may best be taken by the process of amending the Constitution.

Indeed, there is an element of disingenuousness, unintended no doubt, in the doctrine urged in support of the statutory route. It is claimed that while the Court itself might not be willing to make a finding that the denial of franchise to the 18- to 21-year-old age group is discriminatory, Congress is empowered to do so under the Fourteenth Amendment. But though the forum is a different one, presumably evidence must be adduced in either one to support such a finding. Can it fairly be said that the states are *discriminating* in violation of the Equal Protection clause in denying the franchise to those between 18 and 21 years of age?

This is not a case of discrimination, but instead a case of whether there is sufficient national consensus to warrant imposing a uniform lower voting age requirement for national elections. If it proves that such national consensus is not present, that in itself is a significant argument against imposing such a requirement by any other means.

I urge, therefore, that this Subcommittee report favorably on the proposed constitutional amendment to reduce the voting age in national elections to eighteen, and that it recommend against enactment of a statute for this purpose.

The PRESIDING OFFICER. Who yields time?

Mr. MANSFIELD. Mr. President, I yield 5 minutes to the Senator from Kentucky.

The PRESIDING OFFICER. The Senator from Kentucky is recognized for 5 minutes.

Mr. COOK. Mr. President, I have listened to the remarks of the Senator from South Carolina. I had an opportunity during the course of the hearings to propound many questions to Mr. Rehnquist.

One of the amazing things to me is that somehow or other the Justice Department wants the Members of the Senate to make absolutely certain that what we pass will pass the test of the Supreme Court of the United States and will under all circumstances pass the test of the Constitution.

I asked the distinguished Attorney General, Mr. Rehnquist, why he cited the Lassiter against Northampton Election Board case and expressed the idea that age was one of the things that was reserved to the respective States when, had he read the entire paragraph, he would have seen that it said residence requirements, age, and previous criminal record. It says that the residency requirements are just as important as age.

If the Senate passes the Scott-Hart amendment, it will not only pass an extension of the 1965 act, but it will also pass a new section in the 1965 act that would require that everyone in this country be allowed to register for presidential elections on or before September 1, regardless of voting qualifications or voting restrictions that the Constitution of the United States would impose on any elector, which would probably run contrary to the voting requirements of almost every one of the 50 States.

I presume that not everyone would vote against that section, because it would as they contend violate the Constitution. If it violates the Constitution to say that 18-year-olds can vote, we have another section that says that we have, in fact, eliminated all literacy tests in the United States by statute, which I suppose they would contend, would deny a constitutional right.

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We are hung up on the question of age. We are not hung up on the question of residence, but we are hung up on age.

There is one other point that I think is important. We have had several Senators say they would back a constitutional amendment to allow 18-, 19-, and 20-year-olds to vote in presidential elections. What kind of a mess would that create in the United States?

When we submitted a constitutional amendment for women suffrage, we did not only say that they could vote in Federal elections, but we also said they could vote in every election.

Somehow or other, a constitutional amendment is to be proposed, I would expect, that would allow 18-, 19-, and 20-year-olds to vote in Federal elections only. That would mean that those States which do not want that matter submitted to their people as a referendum, will have to have a separate ballot in the Federal elections for the 18-, 19-, and 20-year-olds, but those 18-, 19-, and 20-year-olds can no longer vote in State elections.

No longer could we have a party ballot for President, Vice President, Senator, Representative, Governor, county judge, or whatever the local election may be because 18-, 19-, and 20-year-olds would be able to vote in Federal elections only but everyone else 21 years of age and older would be able to vote in all of them. What kind of situation would that cause?

I only propose these points to show that when we stand up here and say we want a constitutional amendment and we want to let 18-year-olds vote in Federal elections only, do we really know what we are causing? Do you really know we are not being responsible?

Let us take, for instance, the constitutional amendment we did pass, which was submitted to the States, and which the people approved, the 24th amendment, which eliminated the poll taxes in Federal elections. We did this because of the pressure of the respective States.

It was not long thereafter that the case of Texas against United States went to the Supreme Court, and in 1966 the Supreme Court said in that case that the right to participate and the right of liberty was so important that even in regard to State elections no State could impose a poll tax on the right of the individual voter as a prerequisite to voting. They were saying that if the Congress of the United States years ago had established a statutory record that they opposed poll taxes as a prerequisite to voting, the 24th amendment would never have been necessary.

I am saying only that we should look at these things logically and honestly. As a matter of fact, let us look at them honestly now.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. MANSFIELD. I yield the Senator 3 additional minutes.

The PRESIDING OFFICER. The Senator is recognized for 3 additional minutes.

Mr. COOK. If Congress had wanted to solve the problem in relation to the States, and if Congress had wanted to impose a penalty on those States that failed to allow minorities to register and vote years and years ago, why did they not live by the Constitution and impose article II of the 14th amendment which states in cold black terms that if a State fails to allow its male individuals 21 years of age and over to vote, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens 21 years of age in such State.

All of these fine constitutional lawyers did nothing about that for years because it was a penalty statute. We resolved the matter by the passage of the Voting Rights Act of 1965 and it was further resolved by the case of Katzenbach against Morgan. That is the basis on which this proposal is before the Senate today.

Mr. COOPER. Mr. President, will my colleague yield so that I may ask a question?

Mr. COOK. I yield.

Mr. COOPER. Mr. President, I wish to say at the outset that the experience of Kentucky in enfranchizing 18-year-olds to vote has been the greatest and most refreshing political act in my lifetime. The young votes have been brought into participation in government. They have contributed to the betterment of politics and government and have strengthened the processes of government.

I have been troubled about the constitutional question involved, though I am not as troubled as I have been about other measures whose constitutionality was doubtful. In order that the legislative record may be made clear, I would like to ask a few questions of my colleague, who is a fine lawyer, and who has studied this question carefully.

I think we agree that if Congress has the power to pass this statute——

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. COOPER. Mr. President, will the Senator yield to me for 3 minutes?

Mr. MANSFIELD. I yield 3 minutes to the Senator from Kentucky.

Mr. COOPER. Mr. President, if Congress has the power it arises from section 5 of the 14th amendment. The Senator has provided as examples of the exercise of that power several cases. One dealt with the poll tax case, and others concern the suspension of voting tests.

I would say there is a distinction between those cases and the question of the voting age. The poll tax and voting test cases involved prohibitions against voting which effected discrimination between one class against another or discrimination against persons in the same situation. I think the Senator will agree.

Mr. COOK. The Senator is correct. I agree.

Mr. COOPER. Also, I believe we will agree in the case of permitting all citizens to vote in a presidential primary, it can be argued that not doing so has resulted in discrimination among the same class of citizens.

Mr. BYRD of West Virginia. Mr. President, may we have order in the Senate and will the Chair ask attachés to be seated?

The PRESIDING OFFICER. The Senate will be in order. Attachés will be seated or leave the Chamber. The Sergeant at Arms is instructed to carry out the order of the Chair.

Mr. COOOPER. Our ability to enact a uniform voting age depends on the question as to whether citizens 18-, 19-, and 20-year-olds are denied the equal protection of the law. As far as those in the age of 18, 19, or 20 are concerned, there is no denial of the equal protection of the law to them. They are similarly situated. Does the Senator agree with me?

Mr. COOK. Yes, except I believe there is a denial as a class.

Mr. COOPER. To deny all 18-, 19-, and 20-year-olds the right to vote, in my view, is no discrimination between the persons in those age categories.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. MANSFIELD. Mr. President, I yield 1 additional minute.

Mr. COOPER. It may be argued there is discrimination between one class—those permitted to vote at the age of 21, and another class—those in the ages of 18, 19, and 20. It may be argued that the former class is equally capable of exercising the voting right as those in the 21-year-old class, and is denied the equal protection of the law. But even in this case it would be necessary for the Congress to make a strong case on the facts. I must say a grave constitutional issue is involved.

Mr. COOK. Mr. President, I wish to say to the Senator that I cannot disprove him, but it seems to me that never to my knowledge has there been evidence to support any conclusion that a person who is 21 years of age or over has greater electoral wisdom, or that a person, on the contrary, under 21 years of age, possesses electoral imprudence.

I have it in my mind that they are discriminated against as a group. I feel it comes in that classification. We have had this experience for 14 years in our State, and we have shown the wisdom of this action. But they do not really fall within a class because in Kentucky over 100,000 of the citizens who are 18, 19, and 20 years old, are allowed to participate in any election.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. MANSFIELD. I yield 1 additional minute to the Senator from Kentucky.

The PRESIDING OFFICER. The Senator is recognized for 1 additional minute.

Mr. COOK. In the State of Georgia I would assume that well better than 100,000 people who are 18, 19, or 20 years of age are allowed to participate in Federal and local elections. In Hawaii all of their population 20 years of age and older is allowed to vote. In Alaska 19 and 20 year olds are allowed to vote.

So it is discrimination to the rest of the 18, 19, 20 year olds in this United States who are not allowed to participate because a great many of them are not allowed to vote, even though they are allowed to do so in four States.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, without the time being taken from my time, the Senator from Idaho be recognized.

VISIT TO THE SENATE BY DISTINGUISHED MEMBERS OF THE CANADIAN PARLIAMENT

Mr. CHURCH. Mr. President, we are honored to have in the Chamber a number of distinguished members of the Canadian Parliament who are in Washington to participate in the 13th meeting of the Canada-United States Interparliamentary Group.

These annual meetings between members of the Canadian Parliament and the U.S. Congress have contributed much toward strengthening the bonds which unite our two countries, have helped to bridge our differences, and have deepened our understanding of common problems. They serve also to remind us that although our nations are interdependent, with similarities founded on a common heritage and mutual interests spanning the spectrum of international association, we must never take each other for granted.

The two delegations have been meeting all morning—in two committees—to consider a long list of items of common interest, and the meetings will continue this afternoon.

I must say that the discussions have been exceedingly frank and helpful. Many delegates have commented that they do not recall any previous discussions more productive than those that took place this morning. We look forward to our conversations this afternoon.

Actually, our Canadian friends should feel very much at home in this Chamber, what with the emphasis we so frequently place upon States' rights in our debates here.

I recall reading not so long ago of an essay contest, worldwide in scope, which dealt with the subject of elephants. The four national winners of the contest happened to be an American, an Englishman, a Frenchman, and a Canadian. The American's paper was captioned, "Bigger and Better Elephants." The Englishman's paper was entitled, "Elephants and the Empire." The Frenchman's paper bore the caption, "The Sex Life of Elephants." But the Canadian's paper was entitled "Elephants: a Provincial or a Federal Responsibility?" [Laughter.]

You gentlemen could step onto this floor, enter into the debate and never know you left home. (Laughter.)

I am very much honored to present this distinguished group of Canadian parliamentarians. I propose to introduce them by name, then give Senators an opportunity to applaud them, following which I ask unanimous consent that there may be a recess for 5 minutes, so that we may personally meet them in the rear of the Chamber.

The Canadian group is headed by two cochairmen, the President of the Canadian Senate, the Honorable J. P. Deschatelets, Speaker of the Senate, and the Deputy Speaker of the House of Commons, Mr. J. Hugh Faulkner.

Other members of the delegation include:

From the Senate: Hon. T. D. Leonard, Hon. Alan A. Macnaughton, Hon. M. Grattan O'Leary, Hon. L. Phillips, and Hon. H. A. Willis.

From the House of Commons: Mr. Lincoln Alexander, Mr. G. W. Baldwin, Mr. Les Benjamin, Mr. E. Corbin, Mr. André Fortin, Mr. Lloyd Francis, Mr. Philip Givens, Mr. Hu Harries, Hon. George Hees, Mr. Fernand Leblanc, Mr. T. Lefebvre, Mr. David Lewis, Mr. David MacDonald, Mr. James McGrath, Mr. Walter Deakon, Mr. John Roberts, and Dr. Paul Yewchuk.

We are much honored to have such a distinguished delegation of Canadian parliamentarians with us this afternoon. I invite Senators to welcome them at this time. [Applause, Senators rising.]

RECESS

The PRESIDING OFFICER. Without objection, the Senate will now stand in recess for 5 minutes.

Thereupon, at 2 o'clock and 34 minutes p.m., the Senate took a recess, during which Senators greeted members of the Canadian Parliament.

At the conclusion of the recess, the Senate was called to order by the Presiding Officer (Mr. HUGHES).

VOTING RIGHTS ACT AMENDMENTS OF 1969

The Senate continued with the consideration of the bill (H.R. 4249) to extend the Voting Rights Act of 1965 with respect to the discriminatory use of tests and devices.

The PRESIDING OFFICER. Who yields time?

Mr. ALLEN. I yield 5 minutes to the distinguished Senator from Michigan (Mr. GRIFFIN).

The PRESIDING OFFICER. The Senate will be in order. Senators will take their seats. The Senator from Michigan is recognized.

Mr. GRIFFIN. Mr. President, if I may have the attention of the junior Senator from Kentucky, when he spoke earlier, he may have left an impression which I am sure he did not intend to leave. I refer to his very eloquent argument that seemed to leave the impression that those who were supporting the proposed constitutional amendment to lower the voting age to 18 were doing so only as to Federal elections.

I want to make sure that the Senator from Kentucky understands and agrees, and that the Senate understands that the amendment of the distinguished Senator from West Virginia (Mr. RANDOLPH), in which some 72 or 74 Members of this body has joined, does not apply only to Federal elections, but would lower the voting age to 18 in Federal, State, and municipal elections.

I yield to the Senator from Kentucky.

Mr. COOK. Mr. President, the Senator is correct, and I would not want to leave that impression.

When I first rose to speak on the subject, I was speaking right after the distinguished Senator from South Carolina reaffirmed the position of Mr. Rehnquist, the Deputy Assistant Attorney General, and the position that the Deputy Assistant Attorney General had taken. He put his statement into the RECORD, and I was talking to that point, and to the support that the Senator from South Carolina gave to the Justice Department's position. On page 1 of that——

Mr. GRIFFIN. I understand. I believe there is no misunderstanding now.

Mr. COOK. Fine.

Mr. GRIFFIN. I just wanted to be sure that everyone understood that the proposed amndment of the Senator from West Virginia, which the overwhelming majority of the Members of this body have joined in sponsoring, does provide for lowering the age to 18 in State and local elections as well as Federal elections.

The Senator from Kentucky is absolutely correct; there is no reason in the world why we cannot do that if we want to amend the Constitution.

Mr. COOK. That is correct.

Mr. GRIFFIN. Mr. President, I supported the 18-year-old vote in 1966 in my State, when it was submitted to the pople of my State. I support the proposed constitutional amendment of the Senator from West Virginia. But I shall reluctantly votc against the pending amendment to this voting rights bill. I shall do so for two reasons.

First, I think that the question of constitutionality is substantial, and the Senator from Indiana (Mr. BAYH), the chairman of the subcommittee, has not only indicated as much, but has conceded that there is a substantial question of constitutionality as far as accomplishing this objective by statute is concerned.

That being the case, we should not take this route unless there is no other way to achieve the desired result. I do not see how anyone can believe, in view of what has transpired—and I would certainly say that this debate and the amendment have been very helpful and very useful in terms of advancing the cause of lowering the voting age—now that we have had this debate, I do not see how anyone can say that the chances are not good that the Committee on the Judiciary will act and the Senate will act on the proposed amendment to the Constitution.

Second, aside from the doubtful constitutionality——

The PRESIDING OFFICER. The Senator's time has expired.

Mr. GRIFFIN. Is there more time available?

Mr. ALLEN. I yield the Senator 3 additional minutes.

Mr. GRIFFIN. Aside from the doubtful constitutionality of this method, I would suggest that it is a very unwise procedure, in any event; in fact, I would say it is an affront to the other body of the legislative branch of this Government to tack on such a fundamental change as a rider to a bill which they have already passed, which rider their committees have not considered and which the House would not be able to consider in the normal way. I cannot conceive of the House of Representatives acceding to this kind of procedure. I think we are dealing with what is essentially an exercise in futility in trying to achieve the objective in that fashion.

I believe that those who want to achieve the vote for the 18-year-olds, put it in the proper order, and give it the meaning that it should have, will vote to

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put this amendment aside and get the voting rights bill through and behind us, and then proceed to consider and to pass a constitutional amendment which can be adopted in the regular way, and which will give the 18-year-olds the solid entitlement which they should have.

Mr. MANSFIELD. Mr. President, I yield myself 2 minutes.

I do not consider the action of the Senate an affront to the other body. I think we are facing up to our responsibility, and we are taking the only chance we have ever had to face up to this particular issue, and to try, through action on a bill which is germane, to give to the 18-, 19-, and 20-year-olds of this Nation the opportunity to exercise the franchise and to have at least a small, wee voice in the making of policies which they are called upon to carry out.

I am referring to Vietnam and Laos and other such places; and I am not pushing aside the fact that that is no argument, that simply because they are drafted at 18, they should not be given the rights of citizenship, including the right to vote. I think they should. I think they have earned it, and have earned it far better than many of us in this Chamber.

Maybe we are afraid of these youngsters, that they are too smart for us, they have too much on the ball, that they may in time take some of our jobs.

It might be a good thing if they did, because I think we need new vision. I think we need clearsightedness. I think we need people of open minds who are not tied to policies and vestiges of the past.

I am happy—win, lose or draw, and I do not care how any Member of this body votes—that at long last, and for the first time in my experience, on a national level we are having a chance to face up to and decide whether we mean or do not mean what we say.

Of course I do not doubt the sincerity of those Members that question proceeding by legislation; but that question will be settled in the courts. I shall vote for the Allen amendment to the original amendment, because I think it emphasizes that point clearly. I think it is a good amendment. I hope that every Member of this body will vote for it and for the original amendment itself.

Mr. ELLENDER. Mr. President, for several years now I have supported various constitutional proposals to extend voting rights to our 18-year-old citizens. It has seemed to me that as our educational system has expanded, an earlier maturity has been gained by the youth of our Nation. Today, in 1970, a far larger number of students finish high school than only 20 or 25 years ago. A far larger number go on to college and gain some higher education than only a short time ago.

In addition to formal education, the growth of mass communication, principally television, has brought all persons in our Nation into a greater contact with events taking place everywhere in this Nation and everywhere abroad. The operation of a successful democracy requires a fair amount of informed judgment on the part of its citizens. This, in turn, requires that ways and means be available to obtain that information and order it through education so that reasoned judgment can be formed.

I think that those between 18 and 21 years of age in our society are as able to take advantage of what is available to them as are many other groups of the country. Whether they will do so, of course, is up to them just as it is up to every other individual.

There are those who will argue that recent riotious activity and other forms of antisocial behavior indicate that our young people are not capable of exercising the responsibility of the ballot. It is true that these events and circumstances are much in the news. The point is that they make the headlines because they represent what is unusual in our society and not what is common. From my conversations with young people all over Louisiana, and in other areas as well, I am convinced that the vast majority of them are intent upon becoming productive law-abiding citizens, and a credit to their community and Nation.

Having said that, however, I regret that I cannot favor the pending proposal put forward by our majority leader, the distinguished Senator from Montana. Ever since I came to the Senate, I have consistently maintained the position that the Federal Government should not encroach upon the States in the establishment of voting rights. At one time I held the record in the Senate for the longest continuous and uninterrupted speech—May 12, 1944, 78th Congress, Record pages 4387 to 4401. It was delivered as part of an educational campaign against an early attempt to violate article I, section 2 of the Constitution and involve the Federal Government in establishing Federal voter qualifications in the States. I believe that it is a trend which should be resisted.

History tells us that the 13 Original States eagerly guarded the right to set voting qualifications for their citizens. It was only after constitutional guarantee was provided that such control would remain in State hands that the Constitution was ratified by the State legislatures.

Provision is made for changes in qualifications on a national basis to be accomplished through constitutional amendment. That has been done previously by outlawing the poll tax in Federal elections. I would favor such an amendment, although I see that it might cause problems to the States because of differences in State and Federal election laws. Nevertheless, I believe that the States themselves will move in this direction if given sufficient reason to by the Federal Government. I favor voting rights for 18-year-olds but I believe the proper constitutional procedure should be followed.

Mr. ALLEN. Mr. President, in order to get on with the consideration of the amendment, I yield back my remaining time.

The PRESIDING OFFICER. All time has been yielded back.

The question is on agreeing to the amendment of the Senator from Alabama (Mr. Allen) to the amendment of the Senator from Montana (Mr. Mansfield).

Mr. AIKEN. Mr. President, is the vote on the Allen amendment?

The PRESIDING OFFICER. The Senator from Vermont is correct.

The yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. KENNEDY. I announce that the Senator from Connecticut (Mr. Ribicoff), and the Senator from Georgia (Mr. Russell) are necessarily absent.

I further announce that the Senator from Alaska (Mr. Gravel) is absent on official business.

I further announce that, if present and voting, the Senator from Georgia (Mr. Russell), and the Senator from Connecticut (Mr. Ribicoff) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. Baker) and the Senator from Illinois (Mr. Smith) are necessarily absent.

The Senator from Florida (Mr. Gurney) is absent because of illness in his family.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

The Senator from Ohio (Mr. Saxbe) is absent on official business.

The Senator from Maryland (Mr. Mathias) is detained on official business.

If present and voting, the Senator from South Dakota (Mr. Mundt) would vote "yea."

On this vote, the Senator from Maryland (Mr. Mathias) is paired with the Senator from Illinois (Mr. Smith). If present and voting, the Senator from Maryland would vote "yea" and the Senator from Illinois would vote "nay."

The result was announced—yeas 84, nays 7, as follows:

[No. 93 Leg.]

YEAS—84

Aiken
Allen
Allott
Anderson
Bayh
Bellmon
Bennett
Bible
Boggs
Brooke
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Church
Cook
Cooper
Cranston
Curtis
Dodd
Dole
Dominick
Eagleton
Eastland
Ellender
Fannin
Fong
Fulbright
Goldwater
Goodell
Gore
Hansen
Hart
Hartke
Hatfield
Holland
Hollings
Hruska
Hughes
Inouye
Jackson
Javits
Jordan, N.C.
Jordan, Idaho
Kennedy
Long
Magnuson
Mansfield
McClellan
McGee
McGovern
McIntyre
Metcalf
Mondale
Montoya
Moss
Murphy
Muskie
Nelson
Packwood
Pastore
Pearson
Pell
Percy
Prouty
Proxmire
Randolph
Schweiker
Scott
Smith, Maine
Sparkman
Spong
Stennis
Stevens
Symington
Talmadge
Thurmond
Tower
Tydings
Williams, N.J.
Williams, Del.
Yarborough
Young, N. Dak.
Young, Ohio

NAYS—7

Case
Cotton
Ervin
Griffin
Harris
McCarthy
Miller

NOT VOTING—9

Baker
Gravel
Gurney
Mathias
Mundt
Ribicoff
Russell
Saxbe
Smith, Ill.

So Mr. Allen's amendment to Mr. Mansfield's amendment was agreed to.

Mr. MURPHY. Mr. President, yesterday, the distinguished senior Senator from Kentucky, in presenting his

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amendment No. 549 to the Voting Rights Act Amendments of 1969, stated that Imperial County, Calif., would be included under section 4(b). This, he said, was because either there were fewer than 50 percent of the residents of the county registered to vote on November 1, 1968, or there were less than 50 percent of such residents who voted in the presidential election of 1968.

Mr. President, I have learned from the Bureau of the Census that as of the 1960 census, there were 41,215 persons eligible to register to vote. I have also learned from the Office of the Secretary of State of California that on November 1, 1968, there were 24,963 persons registered to vote, or 60.6 percent.

In addition, I have learned that in the presidential election of 1968, 20,812 persons voted, or 50.5 percent.

Mr. President, based on these figures, it is my belief that under the amendment introduced by the distinguished senior Senator from Kentucky and adopted by the Senate yesterday, that Imperial County, Calif., would not be brought under the coverage of section 4(b) of the act.

Mr. ALLEN. Mr. President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. Mr. Schweiker). The amendment will be stated.

The Assistant Legislative Clerk. The Senator from Alabama (Mr. Allen) proposes an amendment to the amendment of the Senator from Montana (Mr. Mansfield), by striking section 303(b), as follows:

> (b) Whoever shall deny or attempt to deny any person of any right secured by this title shall be fined not more than $5,000 or imprisoned not more than five years, or both.

The PRESIDING OFFICER. Who yields time?

Mr. MANSFIELD. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Montana will state it.

Mr. MANSFIELD. Who has control of the time on the pending Allen amendment to the Mansfield amendment, outside of the sponsor of the amendment?

The PRESIDING OFFICER. Under the agreement, the time is to be equally divided and controlled by the proposer of the amendment and the minority leader.

Mr. ALLEN. Mr. President, I yield myself 15 minutes or such time as I may require.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. ALLEN. Mr. President, I yield 1 minute to the Senator from West Virginia.

The PRESIDING OFFICER. The Senator from West Virginia is recognized for 1 minute.

Mr. RANDOLPH. Mr. President, I am grateful to my colleague from Alabama.

I ask unanimous consent to have printed in the Record editorials and excerpts from articles and speeches, and other pertinent material which covers the varying points of view on this very important subject of voting for 18-, 19-, and 20-year-olds.

There being no objection, the material was ordered to be printed in the Record, as follows:

Senator Randolph Joined By 71 Senators in Sponsoring Constitutional Amendment to Lower Voting Age to 18

Our attention today is fixed on an issue directly affecting approximately 11 million Americans—our citizens between the ages of 18 and 21 and legislation pertaining to their right to participate in the democratic process by means of the ballot.

My interest and efforts in behalf of such a change are not new. They cover a span of over 28 years beginning when I was a member of the United States House of Representatives. I recall the first Congressional hearing on this issue conducted by the then ranking majority member of the House Judiciary Committee, Representative Emanuel Celler, October 20, 1943. These hearings were on a resolution I had introduced.

Numerous resolutions have been before the Congress to effect such a change. Hearings have been conducted. But only once has this issue reached the Floor of the Senate or House. That was in 1954. Late on a Friday afternoon in May—after 4:30—the Senate defeated a proposed Constitutional amendment by a vote of 34 yeas and 24 nays. The proposal failed by two votes.

The true test of American citizenship is the ability of an individual to use the ballot. The vote in each person's role in the governing process. It is the greatest responsibility available equally to all American citizens.

However, 14 million Americans—educated, motivated, and involved Americans—cannot participate in the electoral process. We tell them they are not ready for such responsibility. They are too immature.

Yet at 18—

In 39 states one or both sexes can marry without parental consent;

In 26 states they can make wills;

They can have unrestricted driver licenses;

They are subject to personal income tax;

They are covered by social security tax;

In 49 states they are treated as adults in our criminal courts of law.

I emphasize this. In all states except one an 18 year old by law is treated as an adult in criminal court, fully responsible for his or her actions. In all states juvenile rights can be waived at the discretion of the court for even younger defendants. These young people are certainly being held responsible for their actions and the outgrowth of their actions which in many cases will plague them for the rest of their lives. I submit for the Record a state by state rundown of the age at which young people are first treated as adults for purposes of prosecution for violation of criminal law, prepared by the Legislative Reference Service.

The Library of Congress—Legislative Reference Service

AGE AT WHICH MINORS ARE TO BE CONSIDERED AS ADULTS FOR PURPOSES OF PROSECUTION UNDER THE CRIMINAL LAW (FIRST FIGURE GIVEN); EXCEPTIONS

1. Alabama. 16. Juvenile court may waive jurisdiction of any child from 14 to 16, for any crime, to regular courts for trial as adult, in its discretion.

2. Alaska. 18. Juvenile court may waive jurisdiction of any minor under 18 for any crime and he then may be tried as an adult in the regular courts.

3. Arizona. 18.

4. Arkansas. 18. Juvenile court, in its discretion, may transfer to regular courts, for trial as adults, any child under 18, accused of any crime.

5. California. 21. Juvenile court may waive jurisdiction and transfer to regular courts, for trial as adult, all crimes of all minors age 16 to 21, in its discretion.

6. Colorado. 18. From 16 to 18. Juvenile court may waive to regular courts, for trial as adults, all felonies of minors, in its discretion. Juvenile court has no jurisdiction of minor's crimes punishable by death or life term, where minor is between 16 and 18; they are tried as adults.

7. Connecticut. 16. (or 18 where case transferred to juvenile court by regular court).

8. Delaware. Family Court for Kent and Sussex Counties: 18. This court has no jurisdiction over capital felonies of minors under 18; they are tried as adults. This court may waive jurisdiction of all crimes of minors age 16 to 18 to the regular courts for trial as adults.

Family Court for New Castle County: 18. The rest is same as above.

9. Florida. 17; 16 for capital crimes; 14 for other felonies in discretion of judge or upon demand of child and parents.

10. Georgia. 17. Court, in its discretion, may transfer to regular court any criminal case involving child of 15 and older.

11. Hawaii. 18. (Juvenile court has concurrent jurisdiction with criminal court of minors from 18 to 20). Juvenile court may waive jurisdiction of child 16 or over in felony cases and of minors 18 or over where crime committed prior to 18.

12. Idaho. 18; probate court may waive jurisdiction from 16 to 18 if a felony; pre-18 offenses after child reaches 18.

13. Illinois. 17 for males, 18 for females. Juvenile court may waive jurisdiction of crimes of those 13 and over.

14. Indiana. 18. Juvenile court may waive jurisdiction of crime of minors age 15 to 18. Juvenile court has no jurisdiction of crime of minors punishable by death or life terms.

15. Iowa. 18. May be tried as an adult for indictable offenses when under 18 and Juvenile court may waive any criminal case of any child under 18 in its discretion.

16. Kansas. 18. From 16 to 18 Juvenile court may waive jurisdiction if it concludes child is not amenable to treatment.

17. Kentucky. 18. From 16 to 18 child, in felony case, may be waived to regular courts in discretion of Juvenile court (in murder and rape, child may be under 16).

18. Louisiana. 17. (15 in cases of capital crimes and rape).

19. Maine. 17 (Juvenile court may bind over to regular courts any indictable offense or try such case itself).

20. Maryland. 18 (not including crimes punishable by death or life term). All crimes of juveniles are waivable to regular courts.

In Montgomery County, 18. From 16 to 18 Juvenile court may waive all offenses to the regular courts. Offenses punishable by death or life term not within jurisdiction of juvenile court.

21. Massachusetts. 17. From 14 to 17 Juvenile court may waive jurisdiction and send child to regular courts for trial.

22. Michigan. 17. From 15 to 17 Juvenile court may waive jurisdiction of any felony to the regular courts.

23. Minnesota. 18. From 14 to 18 Juvenile court may waive all offenses to regular courts.

24. Mississippi. 18. Juvenile court has no jurisdiction over capital and life term crimes of juveniles at all; it may waive felonies of children 13 to 18 to regular courts for trial.

25. Missouri. 17. Juvenile court may waive to general courts felonies of minors age 14 to 17.

26. Montana. 18. From 16 to 18, in certain serious felonies, minors may be prosecuted as adults in discretion of Juvenile court.

27. Nebraska. 18.

28. Nevada. 18. From 18 to 21 a minor may be prosecuted in Juvenile court (except in capital cases). From 16 to 18, in felony cases, child may be prosecuted in regular courts.

29. New Hampshire. 17. All felonies of all minors may be waived to regular courts for trial as adults.

30. New Jersey. 18. Juvenile court may

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waive to regular courts all offenses of minors 16 to 18 for trial as adults.

31. New Mexico. 18. 14 to 18, Juvenile court may waive felonies to regular courts.

32. New York. 16. From 15 to 16 minor may be prosecuted as adult for crimes punishable by death or life term.

33. North Carolina. 16. Juvenile court may waive to general courts felonies of children 14 to 16 which are punishable by not more than 10 years in prison.

34. North Dakota. 18. Juvenile court may waive to regular courts any crime of minor aged 16 to 18 for trial as adult, in its discretion.

35. Ohio. 18. In all felony cases Juvenile court may waive to regular courts for trial as adult any child under 18.

36. Oklahoma. 16 for males, 18 for females. Juvenile court may waive to general courts any crime of any child under 16 (male) or 18 (female) for trial as adult, in its discretion.

37. Oregon. 18. Juvenile court may waive to general courts all crimes of minors age 16 to 18 for trial as adult in its discretion.

38. Pennsylvania. 18. Criminal charges against minors from 16 to 18 may be prosecuted in regular courts or transferred to Juvenile court, not including murder charges which must be tried in regular courts; or they may be transferred to Juvenile court in discretion of court. Juvenile court may waive to general courts all offenses punishable by imprisonment in State penitentiary (except murder) charged to a minor aged 14 to 18, in its discretion.

39. Rhode Island. 18. Juvenile court may waive to regular courts any indictable offense of minor aged 16 to 18 for trial as adult, in its discretion.

40. South Carolina. 16[1] (in domestic relations courts), 17 (in Juvenile domestic relations courts). Excluded from Juvenile court jurisdiction are capital offenses and crimes punishable by life term. These courts may waive to regular court all crime of all minors in its discretion.

Greenville County: 16. All offenses of minors aged 14 to 16 may be waived to regular courts by Juvenile court in its discretion. Provision is made for trial in regular courts for trial as adult of serious crime of all minors, regardles of age (if over 7).

Greenwood County: 18. Provision is made for trial in regular courts for trial as adult of serious crimes of all minors. From 16 to 18 juvenile court may waive to regular courts all crimes of children, in its discretion.

41. South Dakota. 18. All crimes of minors may be waived to regular courts for trial as adult.

42. Tennessee. 18. Juvenile court may in its discretion waive to general courts for trial as adult any child of 16 to 18 who is charged with a felony. From 14 to 18 the Juvenile court must yield jurisdiction of murder, rape, robbery cases to regular courts for trial as adult. If child is under 14, in these cases, the juvenile may retain jurisdiction.

43. Texas. 10 through 17 (females), 10 through 16 (males). As to child 15 or over who commits a felony, Juvenile court may in its discretion waive jurisdiction to regular courts for trial as adult.

44. Utah. 18. Juvenile court may in its discretion waive jurisdiction of felonies of minors from 14 to 18 for trial as adult.

45. Vermont. 16. However, regular courts may send case of child of 16 to 18 to the Juvenile courts for trial.

46. Virginia. 18. From 14 to 18, in offense punishable by penitentiary term, Juvenile court may, in its discretion, waive jurisdiction to regular courts for trial as adult. For capital offenses and serious felonies, all minors up to 18 may, in discretion of district attorney, be prosecutable in regular courts as adults. For misdemeanors of minors of 14 to 18, such persons may be tried as adults in discretion of juvenile court.

47. Washington. 18. Juvenile court may waive jurisdiction of any crime of child under 18 to regular courts for trial as adult, in its discretion.

48. West Virginia. 18. Juvenile court may, in its discretion, waive to regular courts any crime of any minor age 16 to 18, for trial as adult.

49. Wisconsin. 18. From 16 to 18 Juvenile court may waive jurisdiction any crime of child to regular courts for trial as adult, in its discretion.

50. Wyoming. 18.

They are drafted into military service. They are on the battlefields faced with the alternatives of kill or be killed. Immaturity is incompatible with what we expect of them under these conditions. On January 28, 1968, the *Pueblo* with 83 men was captured by North Korea. There were 18 men aboard under age 21. We not only expected them to bear up under the physical and mental strain and torture while prisoners but we subjected them later to a court of inquiry. According to Department of Defense statistics, in 1968 there were 3,510,000 persons serving in the armed forces. 983,000 of these were under the age of 21. The Department of Defense as of December, 1969, reported 40,028 casualties in connection with the Vietnam War. Fifty percent, 19,211, were young Americans under the age of 21.

It takes time to change habits and customs. A voting age of 21 is a result of an old practice—centuries old—dating from the Roman empire when this was the age of majority. Slowly we have been changing this custom. It is past time that we act to lower the voting age. America has a changing society. It is certainly not static. Our progress justifies such a change.

America today is on the move by means of surface travel or by air. We are a mobile society.

World happenings and activities are at our fingertips in seconds through radio and television and the news media.

We have immediate communication with friends, neighbors, business associates and family by the telephone.

This is a changed and challenging country and world. The young people are aware of the world around them and are familiar with the issues before our government officials. In many cases they have a clearer view because it has not become clouded through time and involvement. They can be likened to outside consultants called in to take a fresh look at our problems.

Eighteen is the logical voting age in America. It signals the end and the beginning of many tasks. Foremost is the completion of the formal education process. There is logic to 18 year old voting.

There is no disputing the statement that America is her people. We are only as powerful and as progressive and as purposeful as we make ourselves. The youth of America are doing their share and we can be proud of their accomplishments.

Most political campaigns could not get off the ground today without the support and help in man-hours of youth.

Summer camps and Federal and state recreation areas would not be able to function in a manner responding to the demands of Americans without the input of youth in the summer.

What is VISTA? The Peace Corps?

We know of many programs and projects in which our young people are effective participants.

I call to your attention two very significant studies. The first was a House Task Force of 22 members headed by Representative William Brock, III, of Tennessee, which conducted a study and survey of the situation on our Nation's campuses. Among their recommendations to the President was one advocating that the voting age be lowered to 18. The report strongly recommends lowering the voting age to permit "active involement in the political process which can constructively focus youthful idealism on the most effective means of change in a free society."

The National Commission on the Causes and Prevention of Violence in their report last year recommended that the voting age be lowered to 18 through a Constitutional amendment.

State activity on this issue increases. Ten states will have referendums on this proposal in the fall. Two legislatures have approved it once but have the consecutive sessions rule.

To await individual action by 48 state legislatures and 48 referendums will be a slow process. It is my belief that action by the Congress would place this matter four-square before the states. States could then take immediate action either to accept or reject this amendemnt.

In our 193 year history we have worked to expand the base of our democracy. Full participation is the ideal for which we strive. We accomplished this in giving women the right to vote, in eliminating the poll tax, in passing the Voting Rights Act, and in other measures. We now should further extend our base by affording young people the opportunity and the responsibility for full participation.

The future, in large part, belongs to youth. It is imperative that they have the opportunity to help set the course of that future.

My estimate of young people is high. It continues to grow. I feel that our youth is equal to the challenges of today and tomorrow. They will aid in bringing into being a better world.

I repeat, there are 72 Senators now listed on Senate Joint Resolution 147. Yes, there is overwhelming evidence that the Senate is ready to act on an amendment to lower the voting age to 18.

[From the Evening Star, Mar. 10, 1970]

VOTING AND AGE

There's no doubt about it, the tide is running strong around the world toward a lower voting age. England has this year given the vote to 18-year-olds, Australia went from 21 to 19 in 1968. In Russia, where it really doesn't matter very much, 18-year-olds have been voting since 1936. Ten South American countries have set the voting age at 18. Sweden, New Zealand and Japan have opted for 20. In South Africa and Ceylon, 18-year-olds have been voting for more than a decade.

Every year, the list of countries that have broken the 21-year-old barrier grows. And there is a reasonable chance that among the next to lower the traditional age of presumed political maturity will be the United States.

The Senate is presently locked in battle over the issue. The dispute rages not over whether the vote should be lowered or maintained, but over how to go about lowering it. Senator Mansfield is pushing a bill that would set the voting age at 18 by simple legislation. Senator Randolph has introduced a constitutional amendment to do the job.

The Randolph route has the disadvantage of requiring a two-thirds majority to get through Congress, and ratification by three-fourths of the states to become law. Its appeal lies in the fact that it would avoid a serious question of constitutionality raised by the Mansfield short cut.

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[1] This figure applies only to those counties of South Carolina with population of between 60,000 and 70,000; the domestic relations courts are in counties with a city of over 70,000 population, the juvenile domestic relations courts are in counties with a population of from 60,000 to 70,000, both as of the 1940 census.

As to remaining counties age of criminal majority only will be given.

Lancaster County: 18.
Lexington County: 18
Orangeburg County: 17
Anderson County: 17

In either event, the votes are there in the Senate to deliver a bill or an amendment to the House. But in the House, the prospects are considerably less certain. Emanuel Celler, the 81-year-old chairman of the Judiciary Committee, has in effect told the teen-agers not to hold their breaths in anticipation of the vote.

A strong Senate vote in favor of the lower age coupled with unequivocal administration backing for the move would at least give the bill a fighting chance of survival. It should be given all the help it needs.

No one should assume that lowering the voting age will solve any major problems or that it will produce any upgrading of the electorate's choices. But the addition of millions of young voters is bound to have some effect—if only a matter of shading—on the coloration of American politics.

The vote should be lowered, regardless of the effect on the political process, because it is the right and fair thing to do. It should be lowered because those who are asked to fight for their country should have a hand in shaping the political structure of that country. It should be lowered because modern communication makes the present crop of teen-agers better informed—if not wiser—than was the case with previous generations.

Four states already have abandoned the 21-year-old requirement—Georgia gave the vote to 18-year-olds 27 years ago—and those states have survived with no discernible distress. There is no reason to suppose that the experience would be any more disastrous for the other 46. And there is always the chance that handing young men and women increased responsibility to go along with their increased factual knowledge will result in increased maturity.

[From the Charleston (W. Va.) Gazette, Mar. 2, 1970]

STOP WRINGING HANDS; LET 18-YEAR-OLDS VOTE

More and more it appears that West Virginia's Sen. Jennings Randolph may be destined to achieve a reform which over the years has generated much talk but no action: The extension of voting rights to all citizens 18 years of age or older.

Sen. Randolph is the father of a resolution proposing to amend the United States Constitution to that end. He has succeeded in winning the co-sponsorship of 67 other senators, thus apparently providing assurance of his resolution passing the Senate by the two-thirds majority required for a constitutional change. The measure must then pass the House by a two-thirds majority and be approved by three-fourths of the states before it becomes effective.

The Senate judiciary subcommittee on constitutional amendments recently held hearings on the Randolph resolution, and they produced this compelling testimony for its approval:

Sen. Birch Bayh of Indiana, subcommittee chairman: The surest—and most just—way to harness the energies and moral conscience of youth is to open the door to full citizenship by lowering the voting age. Youth cannot be expected to work within the system when they are denied that very opportunity.

Sen. Jennings Randolph: A citizen's use of the ballot is the greatest responsibility available equally to all Americans. Yet 14 million Americans—"educated, motivated and involved"—between the ages of 18 and 21 cannot participate in the electoral process. Young people are aware of the world around them and are familiar with the issues before government officials. In many cases they have a clear view because it has not become clouded through time and involvement. They can be likened to outside consultants called in to take a fresh look at our problems.

Theodore Sorenson, former special counsel to President Kennedy: Many statutes already recognize age 18 as the effective dividing line between children and adults with regard to employment, financial affairs, property, crime, alcoholic beverages, motor vehicles and family relations. "I support the proposition that the development of an informed social conscience, sense of public responsibility, and discriminatory intelligence deserves the franchise. Speaking as one who visits with college students frequently, I can testify first-hand to their analytical minds, skeptical outlooks and invulnerability to phony appeals."

Some young people—despairing of the society they are about to inherit—have misbehaved. But it is unfair to hold them to account for their acts if they are classified as children in terms of voting rights. "We cannot tell them their remedy lies in the ballot box rather than the streets if we continue to deny them the ballot. We cannot, in short, refuse to grant them political responsibility in this resolution and then act surprised if they act with political irresponsibility."

Ramsey Clark, former U.S. Attorney General: Young people must begin voting during their last year in high school to allow meaningful participation. If they do, the system will work. The fault is not with the system, but with the people. The 18-year-old vote is an essential element in the vitalization of American democracy.

Richard G. Kleindienst, deputy U.S. attorney general: The nation should follow the lead of England—which originated the traditional voting age of 21 but recently abandoned it. "The time has come for us also to measure the constraints of custom and tradition against the compelling force of reason and the everyday facts of life which surround us."

These are persuasive arguments, and we can think of no good reason why Sen. Randolph's resolution should not be acted upon promptly by the Senate, the House, and the states. It is high time for America to stop wringing its hands about the "irresponsibility" of youth, and give young people the responsibility that will make them participants in the democratic system.

[From the Wheeling (W. Va.) Intelligencer, Feb. 12, 1970]

GIVING BALLOT TO 18-YEAR-OLDS MIGHT ADD TO STABILITY

Committee hearings are scheduled to open on February 16 on a proposed Constitutional Amendment which would lower the voting age in national elections from 21 to 18 years.

West Virginia's Senator Randolph, chief sponsor of the proposal, says he believes he has the necessary votes to pass it. This would seem to be a safe assumption inasmuch as the Senator has 67 cosponsors back of him.

Here is one proposition which, it would seem, should receive prompt congressional approval—not in reaction to the popular chant to the effect that if a man is old enough to fight at 18 he is old enough to vote, but in recognition of the fact that, insofar as years are concerned, today's young men and women are sufficiently mature at age 18 to function as full-fledged citizens.

There is nothing magic about age 21 as the dividing line between childhood and adulthood. Any voting age is arbitrary and at best can be determined for practicable political purposes only by observation. But if 21 looked like a likely point of departure at the time it was adopted originally, the case for 18 years is equally valid today. Assuredly today's average 18-year-old is better informed and better equipped intellectually, if not emotionally, to assume the full duties of citizenship than his grandfather was at the same age.

Adding the votes of 18-year-olds to the election tally probably wouldn't alter election results, but it should tend to impress more of these young people with a sense of responsibility.

[From the Martinsburg (W. Va.) Journal, Aug. 16, 1969]

EIGHTEEN-YEAR-OLD VOTE NEEDED

Senator Jennings Randolph is pushing a measure which would ultimately result in granting voting privileges to all persons 18 years of age and older throughout the nation.

A recent report states he now has some 70 members of the Senate in support of a resolution which, if passed, would officially propose a constitutional amendment to this effect.

We are all in favor of granting the vote to these young people. The argument has long been that if they are old enough to be required to bear arms for their country, they are old enough to vote.

This, of course, is true but it goes much deeper than that. Today's person of 18 is usually more mature and better educated than the young person of 21 of a generation or so ago.

Our system of education has been advanced to the point that the 18-year-old has a better idea of local, national and world affairs than his father or grandfather had at 21.

The right to vote is also a responsibility and the youth of today is clamoring for "more of the action." Granting him the franchise would certainly be one of the most effective methods of cutting him in on helping to run the world.

CONGRESS LOOKS AT THE CAMPUS: THE BROCK REPORT ON STUDENT UNREST

(Remarks of Hon. W. E. "Bill" Brock of Tennessee in the House of Representatives, Tuesday, June 24, 1969)

Mr. BROCK. Mr. Speaker, I recently had the pleasure of leading a group of 22 colleagues in a volunteer tour of American campuses. Organizing into six regional groups, we visited over 50 universities of all types and sizes and personally met with over a thousand students, as well as many faculty, administrators, and other concerned adults. Our main purpose was to listen, not to lecture, and we came away with a new insight into student outlooks. One important result was the following written report, which we submitted to President Nixon on June 18.

Because of the publicity it has received in the national press, the high level of interest it has achieved, and the numerous requests we have received from fellow Members, I insert the report following my remarks.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., June 17, 1969.

The PRESIDENT,
The White House,
Washington, D.C.

MR. PRESIDENT: We submit to you the following report of campus unrest. The critical urgency of the problem cannot be overstated.

This report reflects our impressions of student attitudes and problems, along with some proposed solutions applicable at local, state and national levels. It represents a general consensus of our 22 man group. However, because each of us undertook this task as individuals, we must reserve the right of members to expand upon, or even disagree with, any specific point.

It is our hope that the findings included in this document will be of use to you in

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your continued efforts at solving what has become a major national problem.

Respectfully yours,

Bill Brock, Edward Biester, George Bush, Lou Frey, Donald Riegle, Bill Steiger, John Buchanan, Lawrence Coughlin, Marvin Esch, James Hastings, Larry Hogan, Manuel Lujan, Donald Lukens, Pete McCloskey, Jack McDonald, Jerry Pettis, Albert Quie, Tom Railsback, Phil Ruppe, Guy Vander Jagt, Lowell Weicker, William Whitehurst.

Report of the Brock Campus Tour

PREFACE

A deep concern about today's problem of unrest among our youth, and the realization that we possessed little reliable information about events on the American campus prompted us to go out to a variety of colleges and universities to talk with students, faculty, administrators, and other officials on their own ground. We had nothing to sell, no speeches to make, and offered only a desire to know and understand the factors which appear to threaten the destruction of many of our most respected institutions and the alienation of many of this nation's finest students.

The problems confronting higher education are so complex that no study or analytic effort yet mounted can really claim to be comprehensive. We recognize the need for continued in-depth research. Nonetheless, we believe we achieved substantial success with respect to our main concern—the acquisition of some degree of personal understanding of the nature of the problem.

We came away from our campus tour both alarmed and encouraged. We were alarmed to discover that this problem is far deeper and far more urgent than most realize, and that it goes far beyond the efforts of organized revolutionaries. By the same token, we were encouraged by the candor, sincerity and basic decency of the vast majority of students we met. Too often, however, we saw their idealism and concern vented in aimless or destructive ways.

If one point is to be emphasized in this report it is that violence in any form, in any measure, under any circumstances, is not a legitimate means of protest or mode of expression—and that it can no more be tolerated in the university community than in the community at large. If there is to be orderly progress and a redress of legitimate student grievances, student violence must be averted.

As Erwin N. Griswold, Solicitor General of the United States, has said:

"The right to disagree—and to manifest disagreement—which the Constitution allows to the individual . . . does not authorize them to carry on their campaign of education and persuasion at the expense of somebody else's liberty. . . ."

It is clear that if violence on our campuses does not end, and if the reaction to it is on the one extreme too lax, or on the other extreme too harsh and indiscriminate, the vast moderate student majority may be forced into the arms of the revolutionaries, and those few who seek to destroy the fabric of higher education will have succeeded.

We agree with the editorial in the June 8 *New York Times:*

"If lasting damage to the independence of the universities is to be avoided, if the society's attention is to be redirected to its larger, more serious problems, violence has to cease and tranquility has to be returned to the campuses."

There is on the campus today a new awareness of potential student power and the emergence of a large group, probably the vast majority of student leaders and a substantial number of intelligent, concerned and perplexed young people, which has genuine concern over what it feels is the difference between the promise and performance of America. While these students have no monolithic leadership or single set of goals, they are fairly united in questioning many of the values of our system. The revolutionaries on campus who desire to destroy our system are few in number. The vast majority of students are not poised on the edge of revolution and have not lost faith in our system. However, many students can be radicalized when violence or confrontation on campus occurs. Also disillusionment in our system by students can grow, even without violence, if we place one label on all students and fail to understand that they raise many areas of legitimate concern.

Perhaps our most important and pressing conclusion is that rash legislative action cutting off funds to entire institutions because of the actions of a minority of students would play directly into the hands of these hard-core revolutionaries. Legislation which treats innocent and guilty alike inadvertently confirms extremist charges that the "establishment" is repressive and indifferent to citizen needs and concerns. We must not put ourselves in the position of aiding the handful of anarchists.

In a period of conflict and turmoil, deep divisions on campus as well as between campus and community are understandable, but the danger exists that these divisions are polarizing America into two distinct camps. On neither side has there been enough willingness to listen and discuss problems before the fireworks have begun and emotions have been inflamed. Obviously it is time for our traditional American sense of fair play and tolerance to be evidenced by the responsible majority of this nation, young and old. The alternative of students, intolerant and unwilling to reason, and their elders, intolerant and unwilling to reason, constitutes the ingredients of chaos.

To the extent that our universities can foster an environment of trust, participation, involvement and interaction, we believe that the danger of violent confrontation (and the emotional climate which is its prelude) can be reduced. To the extent that this nation can foster an environment of quality, excitement and challenge throughout its total educational system, creative leadership can be developed. In this report we offer proposals aimed at implementing these goals. We can envision no greater tragedy for this nation and the free world than for us to allow our educational system to slowly settle into obsolescence, losing touch with reality and becoming incapable of responding to the needs of students and society.

We also suggest more positive contact between the campus community and the greater community—increased social action programs, volunteer projects and similar activities which provide students with an opportunity to work on pressing human problems side by side with other concerned citizens.

We are convinced that such experiences can be an important supplement to the classroom, acting to restore student faith in the basic soundness of the American system. Additionally, they can demonstrate in positive fashion the sincere good intentions of a significant portion of the adult community—which many students and faculty with whom we met so readily charged with hypocrisy.

Finally, this nation has an enormous stake in preserving our system of higher education. "The task of the university," as Alfred North Whitehead has written, "is the creation of the future as far as rational thought and civilized modes of appreciation can affect the issue." The creation of a better future will indeed be impossible if the free and orderly pursuit of knowledge is jeopardized by the destruction of our colleges and universities either through anarchy, or through a refusal to consider pleas for necessary improvements.

This report, in listing a series of ideas for consideration, is offered not as a panacea, but, hopefully, as a bridge to greater understanding of the problem.

FACTORS IN UNREST

In an effort to most accurately and clearly represent what students were saying and thinking on the campuses we visited, we have listed below areas of concern as they were described to us by the students themselves. In reporting student views, we are in no way passing judgment, but merely trying to convey a better understanding of what the students feel.

Where we have reached conclusions of our own, they have been specifically noted by indentation and italics, so that there can be no confusing the reportorial and analytical portions of this report.

Internal factors

Communication

On campus after campus we found widespread criticism from students who feel unable to communicate with administrators and faculty. They believe that no adequate channel is open to them to make their views known. Channels which do exist provide only limited access to individuals who will take responsibility for major decisions.

In some cases, the university structure itself seems at fault. In these instances the modern university is so large, and decision-making so fragmented, the student often finds it difficult to identify the individual or organization that has the final responsibility for a particular policy.

Operating within a large bureaucracy, administrators find it easy or necessary to avoid definitive answers to students inquiries; they pass the inquiries to the faculty, the regents, or the legislatures. These agencies in turn seem even more isolated from the student point of view and even less open to communication.

An immense frustration is built when the student feels he once again must go through a channel which is not "plugged into" the policy-making power of the university.

Charges of communication gaps are leveled against faculty, administrators, and governing boards alike. In many instances students charge that the actions of the overseeing bodies, i.e., regents, trustees, etc., are determined by outside business and political influences. Such boards are looked upon as keepers of the status quo who make no attempt to consult with students on any decisions, including those decisions which directly affect the students.

Students, in turn, seem unaware of the factors and pressures that the governing board must consider and endure.

Faculties are criticized for time spent on consulting work for the government or for private industry, and for spending too much time researching and publishing. These activities, however worthwhile, are seen as isolating the faculties from the concerns and problems of the students.

In our view the non-teaching activities of some faculty members, particularly in large universities, are excessive. The "publish or perish" phrase is not simply a cliche. In many areas it implies a valid criticism.

Responsiveness

Claims of inadequate channels of communication frequently were linked with complaints about the lack of responsiveness to student demands.

This situation is aggravated where there is a lack of agreement, or of shared perspective, between administration and faculty. Despite protestations to the contrary, such circumstances are hardly unusual. Faculty and administration often are at odds on every-

thing from the way to reply to student requests to the quality, method, and timing of university response to student protests.

When university action is taken, or problems are at least under serious review, students who are not involved in the step-by-step deliberations fail to understand the amount of planning required and the complexity involved in the solutions they propose to the university.

Since many universities do not seem to be geared to initiate or administer either quick or long lasting change, increasing passion mounts on both sides of an issue with resulting polarization and alienation of more moderate students who may or may not sympathize with some of the basic requests.

The students feel that it is the administration and the faculty who decide which students will be accepted as student spokesmen. Even when some students are in positions of consultation with the university, administration and faculty, a majority of students may deny that actual representation or communication occurs. On one large campus, for example, a list of student leaders drawn up by the Dean of Students and a list prepared by the editor of the student newspaper had no names in common.

We feel that these and similar situations can only lead to a conclusion that a lack of real or visible responsiveness has been an ingredient in campus conflict.

Student Intolerance

Although most students would deny it, and many would be genuinely surprised by the charge, the intolerance of a substantial portion of students is a contributing factor to the general unrest. Often insulated from day-to-day social responsibilities and contact with other age groups, some students seldom have the opportunity to see our society solving problems or meeting human needs. In the course of study and discussion, however, they are continually exposed to society's many real failures and seeming inconsistencies. The result for many has been a combination of deep social concern and a disenchantment with traditional institutions and approaches to problems.

Frequently students are strong in framing ideal solutions and weak in analyzing the factors involved in the problem and in its solution. Some demand immediate solutions and failing that, rush into confrontation as the "only alternative course". They may resort to "non-negotiable demands", a technique that is often cited as evidence of student intolerance.

The more militant students insist on acting as a group, feeling that their hope of success lies in refusing to deal with opponents on an individual basis. Refusal to negotiate may indeed indicate merely a desire to disrupt for the sake of disruption but it may also reflect a lack of understanding and a lack of skill and confidence in the bargaining techniques long vitally employed in a democratic society.

Such intolerance contains dangerous seeds of self-destruction. Unchecked, it can only breed a like degree of intolerance on the part of those who have made higher educational opportunity available to more young Americans than any society in history.

It should also be recognized that some of the intolerance displayed is purposeful and perhaps irreversible. The revolutionary is determined to remain unappeased in the hope of prompting administration reaction of a sufficiently excessive or violent nature to "radicalize" the moderate student majority. He must seek this goal because radicalism as a force to destroy can achieve no objectives, can obtain no real results on our campuses today without the tacit or even open support of far more responsible and moderate students who may be captured by the events of the moment. In order to be "radicalized", these students must have their emotions preconditioned by a situation (or series of situations) which would generate an initial expression of sympathy toward the avowed aims of the revolutionaries.

Hypocrisy

Students complained that the university, like society, fails to practice what it preaches. They point to teaching and the transmission of learning as the center of a university, and contrast this with faculty efforts to reduce teaching loads in order to have more time for research. Many students accused university administrations of applying a double standard in enforcing regulations. They claimed that students who violated rules as part of a politically motivated or anti-institutional protest were more heavily penalized than those who violated the same rules for other reasons. Replying to the university's often expressed concern for social problems in the community, students point to university expansion into ghetto neighborhoods through programs students call "urban removal."

They charge that academic freedom is a myth when the university's purpose and direction is "subverted" by massive infusion of funds for military and industrial research. In response to the effort to educate the disadvantaged, students charge that too few are admitted and that those admitted find the institution unresponsive to individual needs and problems.

Relevance

Underlying specific issues is a fundamental dispute about the structure of the university and its role in society. A vast gulf exists between the views of faculty and administrators and the views of the students.

It is characterized by the recently published statement of a university student:

"Most of them (the faculty) hold to the ideal that the university is a neutral institution, devoted to objective truth. But the people who have power in America have pervaded this institution. The university could never be neutral in our present society—profit making and war making—I'd be skeptical that the university could assume a neutral posture. The University ought to be a partisan of the progressive forces in society."

This student's view is an obvious departure from the generally held public view of a university as an isolated tower that transmits and enlarges knowledge in the process of preparing individuals for careers. This student opinion requires that the university be relevant to our era and its problems, that it be committed to an active role as a progressive force. What is important about this perspective is that it is expounded not by a minority of revolutionaries but by very large numbers of sincere and highly motivated young people.

For the student, a clear definition of this relevancy is very difficult, since its development is in a formative stage and its meaning changes from area to area. On one hand, for the university to be relevant, it is held that it must cease to uphold traditional "establishment" institutions and systems. In this context, many universities have seen demonstrations against campus recruiting by various corporations involved in defense contracts, against the inclusion of ROTC in the curriculum, and against certain research projects. On the other hand, it is suggested that these ties must be replaced with new commitments to support urban improvement, and the extension of civil rights. Clearly many complaints about specific course requirements are closely related to this concern for the university's relevance. The students ask, "What is a university? What should the relationship be between the university and the surrounding community?" They are asking to what extent higher education should be radically altered to prepare graduates to go into society to change things.

They are asking how much of what they learn is "relevant" to today's society. They would like to see a closer relationship between their courses and the problems they see. They are asking for courses which can provide answers to problems of race, poverty, and economic oppression, and they regard present course offerings as noticeably lacking in this relationship. In one notable instance these demands would be satisfied by nothing less than student control of the curriculum, but large numbers of students who do not make such radical demands are nonetheless asking for a more "relevant" education.

Some students appear to be more caught up in contemporary problems rather than in the difficult process of learning needed to toughen and strengthen their minds to achieve workable solutions to unsolved problems. In these students we found an impatience with and a lack of appreciation of method and process, whether it be the intellectual method of abstraction and generalization or the process of practicing democracy as a value in itself.

Over-reaction

The student voices deep concern about methods used to respond to student confrontations. Many feel that the university has over-reacted with excessive force. They point to incidents involving clubbing and gassing demonstrators and bystanders, as examples of an "oppressive system." On numerous occasions moderate leaders of peaceful demonstrations cited the subsequent inability to prevent individual acts of provocation and violence by radical students, thereby permitting a confrontation to erupt into violence. Likewise, students pointed to numerous instances of over-aggressive reaction by individual law officials which had the effect of radicalizing otherwise passive onlookers, turning a relatively small-scale disturbance into a general battle.[1]

Many individual students pointed to the Dartmouth procedure (a court injunction against the occupation of a building, and the peaceful and quiet arrest of demonstrators) as the best approach.

Lack of combined faculty-administration action aggravates a situation, and in some instances, a slow response due to a reluctance to act created further difficulties. In other instances an immediate resort to excessive force exaggerated the problem.

The student frequently complains of double jeopardy—prosecution by civil authorities and then by the university. He maintains that those who violate a university regulation in the more traditional manner, as a prank, are treated more lightly than those who violate the same rule for a political purpose.

Additional stress is borne by the administrator because of his role of buffer between the faculty and the governing board. He is subject to the direction of both and often the approval of neither.

Blacks at Predominantly Black Institutions

There is a depth of bitterness in even the most moderate of black students at black institutions that surpasses anything found among the whites.

The black student expresses bitterness about our system from personal experience. Many white students expressed concern about problems such as discrimination, poverty and hunger, but unlike the black students, most of them stated they had not personally experienced these problems. As more than one black student said—"You have to be black to understand."

A substantial number of black students at predominantly black institutions stated that they have lost faith in our political system, which over the years has promised them

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[1] For a more detailed treatment of this process, see the appendix "Dynamics of a Confrontation."

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much, but in their opinion, delivered little. They say there "are political wolves in the South and political foxes in the North." Many of the blacks want desperately to believe in the system, but can see no real progress being made. Their problem is more external than internal. They are concerned about non-college problems which they identify as discrimination, economic oppression, loss of identity, poverty, hunger and racism. They ask to be respected and desire true economic opportunity. Words and promises will no longer suffice.

In many cases the militant blacks at predominately black campuses are looking for a dramatic and, if necessary, violent upheaval in the United States. They would acknowledge our good intentions, but felt that the faster and more complete the failure of moderate programs, the sooner the final and absolute confrontation would occur. When asked how they would change the system, or what changes they would make, they didn't have an answer—but said that problem would take care of itself.

The black feels that the white radical is playing a game, and only need shave his beard and cut his hair in order to melt into the mainstream of the establishment, while the black student cannot.

The main goal of the majority of black students seemed to be service to their "black brothers and sisters". Some said that they would rather die for their people in the streets of the United States than in Vietnam.

The black students in most cases stated that their schools are inferior to white institutions, even when operated by the same authority, such as a state board of regents. In many cases, they also stated that, because of their inferior primary and secondary education, they are unable to compete with the white graduate or in predominately white schools. Many black educators and students felt that the H.E.W. guideline should be revised until our entire educational system is corrected, to allow for the continued existence of predominately black schools. The rationale offered was that the black schools would allow many blacks to attend college who couldn't get, or stay, in white colleges. Further it would allow the blacks to retain their own pride and identity and find themselves, instead of being submerged in predominantly white schools. The black schools would be able to offer many courses and programs in college which would allow the blacks to "catch up" to their white college counterparts who have received a better primary and secondary education.

The educators and students also suggested more programs, based on the Head Start concept, in the high schools or between high school and college to raise the educational level. They emphasized that the programs would work best if blacks were involved at all levels, i.e., they felt only a black could truly understand the problems faced by another black.

Relative to the relaxation of HEW guidelines, we discovered that the black institutions are making a concerted effort to recruit white students and faculty. While they have been moderately successful as far as faculty are concerned, they say it is extremely difficult to convince white students to attend a predominately black institution.

Non-White Student Issues

The primary concern of minority students is to acquire the kind of education they perceive as essential to being able to return to their communities and better the conditions of their people. They want their education to provide the training they need to deal with the problems of minority groups in America, and they see higher education as the best avenue to their personal development.

A particular example of the demand for relevance has been the widespread support for minority studies programs by blacks and other non-white minorities. Most of the activity in this area has taken place on predominately white campuses, and is often discussed within the framework of the problems of minority group students when they find themselves in a basically all-white environment. The students like to compare their position on a campus where they constitute less than two per cent of the student body, to the problems faced by a white student if he were to attend a university where the student body was 98 per cent black. Both faculty and students said that without thorough preparation of internal college processes and organization, increases in non-white admissions can result in the severe disillusionment of non-white students and a backlash among others on campus. They expressed the feeling that the courses offered by the university do not give adequate coverage to blacks and other minorities in American history and in other subjects dealing with the processes of American society. They feel that such courses are cast in terms and events totally foreign to the experience of most black students. It is claimed that an economics course which fails to present "accurate" views of economic conditions of ghetto life is not relevant, and history courses designed for middle class whites are not relevant for blacks.

The minority groups say that much of the difficulty turns on the inadequacies of the public school systems in deprived areas, as well as disadvantages which pervaded their early lives. Failure to respond to these concerns, we were told, would threaten to drive the black activists into the ranks of the revolutionaries.

Demands for Black Studies Departments, minority student centers and the admission of large numbers of minority students who often lack adequate preparation are issues not easily resolved. A number of universities are beginning creatively to make the kinds of adjustments needed. Of special interest are the programs now in operation at a few schools to accept students who do not meet normal requirements for entrance, to provide financial aid, special tutoring and courses, and enrollment in a five year program leading to a degree.

It is important to make a clear distinction between the purposes and goals of black militant students and white revolutionaries. Aside from similarities in tactics, there are substantial differences. Without doubt, the alienation and bitterness among some black students is so great that they have completely lost faith in the ability of the nation to remove obstacles to full equality (see preceding section). Many black student activists on predominantly white campuses, however, appear to be seeking to reform the university, to make it better suited to serve their needs and desires, to create the mechanism for training students from minority groups to go back into their communities to deal with major social and economic problems, and not to destroy the university. This is in contrast to the goal of destroying the institution held by some white and black revolutionaries. Thus black student militants have held the white revolutionaries at arm's length—forming alliances when useful but preserving their separate identity and independence. By the same token, the formal involvement of black student groups in issues not directly related to minority student problems has been, in most cases, limited.

Large Versus Small Institutions

An immediate difference appears in the ability of smaller institutions to deal with some problems more readily and with greater acuity than the multi-university. Size affects responsiveness, communications and many other needs. Meeting them at larger schools is more difficult, but it is not impossible, and the effort must be made.

Obviously, there are very good reasons for the tremendous growth of some institutions in recent years. The population explosion, increasing demand for mass education, university financing, and the national reputation of specific institutions have all resulted in the development of a number of very large schools.

The challenge is to find ways to preserve the benefits of size while overcoming its disadvantages. We must seek ways to strengthen the ability of our universities to provide close personal relationships and the experiences available in small group settings. Greater development of community colleges, and even cluster colleges around the large university, can also play an important part in "rehumanizing" the learning process.

External factors

As with the section on internal factors of student unrest, our main concern is to clearly depict what the students themselves told us. All interpretation and analysis by ourselves is included in separate indented, italicized passages.

Students relayed to us deep feelings about "the System", "the Establishment", etc. The word, System, covers a good deal and its components vary from campus to campus. In all we have discerned certain common threads. The System, as they define it, is characterized essentially as follows:

Racism

The student perceives the gulf between the promise and performance of this nation with respect to race relations. He sees inequality of opportunity, failure of the educational system, and he relates these to the country as a whole as well as to the university. For the most part, we found a perceived neglect of human problems to be the single largest motivating force behind the alienation of today's student. Whether in black studies questions, or in the university's relation with its surrounding community, an over-riding concern was the status of minority groups.

Military Industrial Complex

There is considerable student opposition to our formidable Defense budget. Why, they ask, do funds for domestic and educational programs get cut while the Defense budget goes almost unchallenged? They see a close relationship between the academic community and the military. They see university presidents sitting as members of boards of large industrial corporations. They see cuts being made in funds to hire teachers while boards of trustees authorize new building and facilities in order to receive greater Federal research funds.

Poverty and Hunger

In this age of affluence the medium of television brings home to people the gap between well-to-do and the poor. There is a growing dissatisfaction on the part of students with the response of the nation to the disadvantaged. They are not willing to wait to overcome decades of poverty and racial intolerance, and they question apparent past inaction. The immediate problems around the college campus often become the focal point for their attention. The failure of many institutions to act with regard for the neighborhood around them has caused the student to take as his own the cause of the Harlem or Woodlawn resident.

Certainly, student involvement in such matters is not new: witness the civil rights marches of the early 1960's. What is new is the intense impatience with change or the apparent lack of change in the lives of many Americans.

Imperialism and the Third World

On a number of campuses a recurring question related to the role of what is termed the "Third World" (blacks, Chinese, Puerto Ricans, Mexicans, etc.). The view expressed

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was that we are the imperialists in Vietnam, in Formosa, in Latin America, and that the emerging nations are a new force with whom we have not yet come to grips. Some feel we are not treating other people in the world fairly, and from the view of the student, we are paying the price of not heeding the views and needs of others. In their view, self-determination, as expressed by the United States, is a pious proclamation which relates only to those with whom we agree.

Police State

The experience of one school more clearly demonstrates this problem than any other. When the students left in the summer of 1968 the campus police wore no weapons. When the students returned in the Fall of 1968 the campus police were equipped with billy clubs, guns, and mace. For a school that had experienced no difficulty, the students questioned why this was done. As violence grows, and as counter-violence escalates, the student views his relationship with both the university and the outside world as increasingly beset by the police and National Guard. Each demonstration brings with it the threat of violence on both sides.

Economic Oppression

The readiness of legislatures and alumni to strike back at campus turbulence seems only to reinforce the student's view that big government and big industry more and more dominate the university and society. What has happened at Peoples Park in Berkeley, on Mifflin Street in Madison, and other places, are examples of a new concern for matters outside the university, yet, in which the university plays a role. Student housing, the increases in rent rates, merchants who charge higher prices to students (as they do to ghetto residents) are examples used by students to justify their claims of oppression.

Remoteness From Power

A very large part of the alienation of students stems from their feeling that they cannot control their own destiny. Institutions are too large, and too remote for the individual to have an opportunity to change that which he does not like. The multiversity concept is often pointed to here, as is the overwhelming size of government, industry, and labor unions.

Misplaced Priorities

Over and over again we heard about priorities and the feeling that these are "out of whack" in the United States. The space program, large farm subsidies, cuts in education, the Defense budget, and more, all were cited as examples of the failure of our society to meet its urgent domestic needs.

Vietnam

It is apparent that Vietnam originally served as one of the major factors in radicalizing students. It is still a major source of alienation and dissatisfaction with our society and our national government. Many consider the war immoral and unjust. An increasing number vow to take any steps necessary to avoid military service.

However, it was repeatedly brought home to us by radicals and moderates alike that an end to the Vietnam war would not mean an end to campus unrest—or even a major, long-range, reduction of tensions.

The Draft

Coupled with Vietnam the operations of the Selective Service System serve as a significant problem among students. The present administration of the draft is viewed as totally unsatisfactory, as being unjust to minority groups particularly, and as a tool of the Federal Government to enforce discipline. Faculty and students alike tend to equate expulsion from the university with compulsory service in Vietnam.

Values: Materialism

As one student put it, "This is a 'thing' culture, and I want it to be a 'people' culture." In the midst of affluence the students see a society in which a high value is placed on material things. There is a longing for a belief, a belief in something other than material things. There is a deep conviction on the part of many students that they want to do something to help others, not only themselves. This is part of a rejection of materialism as viewed by the student. Moreover, there is a questioning of the fundamental values of our society, and our system of government.

Over-reaction

As can be seen from the portion of this report which analyzes confrontation, the efforts to control violence—as well as those steps leading to violence—too often create an over-reaction on the part of all concerned. In our view there has been an over-reaction on the part of students to what they consider to be the unresponsiveness of the institutions to legitimate calls for change.

This compounds what under the best of circumstances is a complex problem. But an excessive reaction from the outside world, aroused and disturbed as it is, does little to help. In a violent situation, students, faculty, administration and the community, are caught in a tangled web of sympathy, fear, reaction and frustration. Obviously then, as the Eisenhower Commission on Violence has said in its most recent report: "Over reaction in response to a violent illegal situation can be very dangerous."

The idea that campus violence comes from only a few is a myth. There are many dedicated, bright students who are concerned about the problems but who are not yet violent. They have not, however, rejected completely the view that they should resort to violence. Unfortunately, they can point to some campuses where violence has produced results.

Hypocrisy

Through all the external and internal factors runs this thread. Each campus would produce differing examples of this theme, but it is an underlying feeling on the part of the students.

Students believe that our society is hypocritical. They point to the treatment of blacks while contrasting this to the ideal of the Declaration of Independence; they see poverty in the midst of plenty.

The Media

Most of the people we talked with stated the opinion that superficial mass media coverage was contributing to the widening disillusionment and misunderstanding between the public and the nation's campuses. The media, particularly that utilizing the visual impression, concentrates on the dramatic, the sensational, the vivid acts of violence or disorder.

There is altogether too little effort made to thoughtfully explore the underlying issues and problems that concern the vast majority of students and educators who genuinely want to change things for the better. Not only does this distorted coverage inflame the worst fears and stereotypes in the public mind, but it adds to the frustrations of those trying to work for progress and constructive change on campus.

We believe the media can and must become a more powerful forum for bridging the "perception and understanding" gap between the public and our universities.

The very nature of modern communications—visual, instantaneous—plays a role both in determining the tactics of demonstrators and in shaping public opinion about events on a campus. The public focuses on disorders, and these have occurred with sufficient frequency to leave the impression that little else is taking place in higher education.

The point to be made is that the media can offer a mechanism by which misconceptions can be corrected. Although some publications and broadcasting networks have devoted substantial time and effort to excellent indepth studies of the factors discussed in this report, more is required if understanding is to be created.

IDEAS FOR CONSIDERATION

As we learned, there is no single answer, nor any set of answers, to the problems faced by students or our society. The internal and external factors which we have tried to catalogue here lead us, nevertheless, to suggest for your consideration, Mr. President, a series of ideas which we believe merit urgent consideration.

1. No repressive legislation. Any action by the Congress or others which would, for example, penalize innocent and guilty alike by cutting off all aid to any institution which has experienced difficulty would only serve to confirm the cry of the revolutionaries and compound the problem for each university. This holds, also, for any action which would establish mediation or conciliation on the part of the Federal government. In our opinion, the fundamental responsibility for order and conduct on the campus lies with the university community.

2. Establish a Commission on Higher Education. In light of our findings we believe that a Presidential Commission on Higher Education would be a valuable step. Running through our report are examples of problems which students, faculty, and administrators have raised and which deserve further exploration. What is the role of the Federal government in research? What has this contributed to creating priorities within the university? How best can communication be opened and maintained? How well does this report reflect the reality of the American college scene? These and more would be appropriate questions for such a Commission which we believe should include a thoroughly representative selection of students, faculty, and administrators together with the general public. We do not foresee an investigative body but rather one which can help to create understanding among members of the academic community, as well as the general public.

3. Open communication to university community. We have found that many were surprised by our visit and by our willingness to listen and learn. There is a need to expand lines of communication. We urge that Cabinet officers, Members of Congress, the White House staff, and others in the Executive Branch begin an increasing effort for this kind of two-way street of listening, learning and responding. Once our communication has become established it will be important to sustain it. Some of the questions raised by students were truly the kind which deserve and demand answers. Some of the viewpoints expressed by students deserve understanding. And some of the misconceptions of the system of government within which we operate desperately need correction. This can best be done, we believe, through an ongoing program of communication.

4. Lower the voting age. There is no question that the American college student for the most part is better educated and more vitally concerned with contemporary problems in our country than at any previous time in our history. We feel that active involvement in the political process can constructively focus his idealism on the most effective means of change in a free society.

The right to vote will give Young America the chance to become a responsible, participating part of our system. In essence they will have the chance to put their performance where their words are.

Between the time they become eligible for the draft, and the time they presently become eligible to vote, there is a natural tendency to lose interest in politics and government because there is no right to participate. An extension of the franchise to the age of 18 when their interest is high can help engender in our youth (and our future leadership) an awareness of the full meaning of democracy.

5. Draft reform. In line with your own recommendations for reform of the Selective Service System, we believe Congress should move to act promptly on this important issue. It is a matter which affects hundreds of thousands of American young people and it is presently a sword over their heads. This can be improved and positive action on the matter would be significant.

6. Encourage student participation in politics. We found that the overwhelming majority of students with whom we visited hold little regard for either political party. The questioning of our system of government points to a loss of confidence in established institutions and that includes political parties. An increase in this loss of confidence poses a serious danger to the viable functioning of American government. Just as government must be responsive, so must political parties be responsive and open.

7. Expanding opportunities for involvement. We found an encouraging desire on the part of many students to do something to help overcome the problems of our society. This dedication or commitment to help others is a hopeful, important area which should be encouraged. Specifically, we recommend establishing a *National Youth Foundation*. We believe this concept should be initiated in order to better utilize the energy and resources of student groups. Models of student-community involvement were found at the University of South Carolina, Radicliffe and Michigan State University, among others, and we urge legislation to foster and encourage this opportunity for experience, learning and participation.

We also recommend establishing a *Student Teacher Corps*. Many more students are considering entering the teaching profession and this idea is one which we feel should be encouraged. In concert with the Teacher Corps, the student teacher concept can be a valuable tool to tap student potential and expand the learning opportunities for the disadvantaged.

Further, we recommend *increasing our support of the College Work-Study Program, National Defense Student Loan Program, and the Educational Opportunity Grant Program*. These three Federal programs would be beneficial in meeting the needs of students and the institutions in responding to student concerns. They are budgeted at levels far below the authorization, and we believe they should be increased.

From the community at large, American business, which has played such a large role in financially supporting higher education, must commit human resources as well. Expanded job-opportunity programs, work-studies programs, business men and other community leaders teaching on campus, intern and apprentice efforts, leadership in student-community problem solving, attendance at campus forums, among others, could measurably enhance the experience-learning process.

8. Coordinate youth programs. We think it would be helpful if an effort were made to coordinate all the present youth programs of the Federal government through one central office. At the moment there is considerable proliferation among many agencies as well as duplication of effort. In order to more effectively use the present resources of the Federal government we urge your consideration of a mechanism to coordinate and follow-through the work of our numerous programs and agencies.

9. Perspective. There is a need to mobilize opinion and resources. A sense of perspective is lacking on the part of the students and on the part of the public. What students are saying is, in some cases, the same as what the average American is saying regarding priorities, responsiveness, and humanization. Presidential leadership, governmental concern, and communication are all a part of the necessary work which must be undertaken if we are to replace revolution with reform, and despair with hope. Clearly we have found that violence is no answer, and that violence as a means to achieve an end is counter-productive. The crucial factor in the widening gap between students and others is the student's perception of reality. That must be understood by all who seek solutions. This requires of us comprehension, and of the student, understanding.

10. Balance. Henry Thoreau observed that, "There are a thousand hacking at the branches of evil to one who is striking at the root."

To take an isolated view of our universities as the one weak link in our educational system is to unfairly single out college students, their parents, professors and school administrators.

We must remember that the average college freshman has already undergone a dozen years of formal education before he enters the gates of the university. Obviously, he is going to reflect, at least in some measure, the strengths and weaknesses of the training he has already received. Many of his attitudes and many of the factors which may lead him into difficulties on campus, have already been implanted.

Therefore, a sweeping change in campus conditions alone is no guarantee of a return to orderly progress in our universities. There exist imperfections in our educational system from pre-school programs to graduate studies. These flaws in American education deserve the immediate and thorough attention of the nation. The problems which have already surfaced on the college campus exist in various dormant forms in our secondary schools, and the inadequacies which foster them can often be traced back even further. Until consistent, challenging, quality education becomes a reality, the problem will remain.

APPENDIX

Dynamics of Confrontation

Every stage of college confrontation—"before", "during" and "after"—is represented among the Task Force visits, including:

Tranquil campuses: With no history of, and little likelihood of, disruption.

Uneasy campuses: With some of the ingredients of discontent.

Troubled campuses: With various forms of group civil disobedience, e.g. sit-ins, protest rallies, occupation of buildings.

Paralyzed campuses: With civil war and open military siege.

Convalescent campuses: With diverse groups struggling to heal the wounds of confrontation and resolve differences. But the seeds of instability remain and there are conflicting opinions as to whether real progress or continuing instability will result.

Although schools vary widely in region, size, student body profile, structure, governance, and campus issues, there does emerge a common and almost predictable pattern of escalating circumstances through which a university can slide from dissent to open confrontation and chaos. This progressive breakdown is by no means inexorable on every campus, since only a few hundred of the nation's 2500 colleges have experienced disruption.

On many campuses a good mix of conditions, plus cooperation among students, faculty, and administration continues to make it possible to resolve differences without open confrontation and to make progress as a community. These influences toward rational progress are mentioned elsewhere in the report.

The temptation to oversimplify cause and effect relationships should be resisted—keeping in mind that some schools with much trouble have been working hardest, albeit unsuccessfully, to develop progressive change and self-governance.

However, the frequency of confrontation has increased at such an alarming rate over the last year, that it is well to look at the negative conditions which seem to accompany crisis. Once the dynamics of this process start to spiral ahead, the forward momentum and the fragility of any equilibrium lead to an almost inevitable escalation of risk, danger, and lack of coordinated civilized control over events.

Anatomy of conflict

1. The underlying malaise and frustration with both societal and personal issues—coupled with the existence of hardened revolutionaries among students and their sympathizers or even counterparts among the faculty.

2. Identification of an emotional issue which has broader appeal to the target group—non-violent moderates. The issue may be local and narrowly defined, e.g. minority studies, student participation, education reforms—or it may be broader and more symbolic, e.g. the "people's park," military involvement like ROTC or research, reaction to police or military force.

3. In most cases, confrontation comes only after frequent requests for change have failed or gotten bogged down. These attempts may cover several months during which there appears to be little or no action or responsiveness other than perhaps talk or committee wheel spinning. These complaints and/or demands may be legitimate, or they may be a deliberately escalating sequence designed to force confrontation. The reasons for slow action become less important than the absence of results—even though, ironically, the problems are sometimes not within the complete control of the immediate university community. Occasionally, militant radicals may seek violence and confrontation immediately, though this often fails from lack of moderate student support.

4. During this period, faculty and administration are unable to coalesce around initiation of prompt change. This usually results in increased polarization and alienation of more moderate students who sympathize with some of the basic ideas for change.

5. At some time, often almost spontaneously, there is a student-initiated provocation or minor confrontation, which might take the form of a sit-in or rally. Sometimes, incidents such as rock-throwing, yelling obscenities and destruction of property occur. Lack of good, clear, timely communications among faculty, students, and administration begins to exacerbate the crisis. Misinformation becomes more common than good information.

6. This provocation is then often met by excessive and/or indiscriminate rebuff, including the use of out-dated and unenforceable disciplinary procedures or even police in large numbers, weapons, etc. At this point, the moderates, carefully preconditioned to a general feeling of sympathy by events, by fellow students of a more radical orientation, and even by some faculty, and motivated by their lack of confidence and respect for the establishment, as well as by the immediate violation of "their community", join the fray in ever-increasing numbers. It is not difficult to imagine the recruits gained from witnessing a clubbing, tear-gassing, or firing of riot guns. Such an overwhelming situation can readily give the revolutionary cause legitimacy in the eyes of thousands of campus moderates. Thus, it accelerates the process of "radicalizing" a major portion of the student body. In most cases this change is irreversable once made. By this time, the original issue has given

way to far broader symbolic implications—and the original core of radicals, whether SDS or some other, have been swept aside by the tide of events. No matter—they have achieved their objective.

7. Positions of all parties become hardened, alternatives narrow as everyone stands on "principles", and virtually no one has full control over events. Finally, because of the excesses on both sides, there usually ensues a period of negotiations where all sides repond to pressures and some sort of compromise is worked out—but only because the pressures are so intense.

8. Relative calm returns, but left behind is an atmosphere of latent crisis. Student attitudes are more embittered and there may be a polarization among faculty, administrators, and most certainly, the surrounding public. To many, there is a general verification of the principle that only the strategy and tactics of confrontation can produce meaningful change, at least in the short run. Others sometimes see a few seeds of progress along with continuing, and perhaps more serious problems.

Mr. RANDOLPH. Mr. President, I shall not consume more time of the Senate except to say that this material is, I believe, important from the standpoint of the subject matter in general and a repetition, at least in part, of other speeches, articles, and material which have been prepared on this vital subject.

I appreciate the courtesy of the Senator from Alabama in yielding to me this time.

ORDER FOR RECOGNITION OF MRS. SMITH OF MAINE AFTER COMPLETION OF THE REMARKS OF SENATOR SCHWEIKER TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the distinguished Senator from Pennsylvania (Mr. SCHWEIKER) completes his remarks around 10:30 o'clock tomorrow morning, that the distinguished Senator from Maine (Mrs. SMITH) be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

MIRV DEPLOYMENT

Mr. PERCY. Mr. President, I am very much concerned about the news that MIRV deployment is scheduled to begin this June. This would dangerously escalate the arms race at a time when both the U.S. and U.S.S.R. agree that the arms race should be brought under control.

The U.S. readiness to deploy MIRV and ABM, and the administration estimates of accelerated Soviet ICBM construction, make it imperative that the arms race be stopped immediately.

I believe that, when the SALT talks resume in Vienna on April 16, the U.S. should propose a freeze on deployment of all strategic missiles, both offensive and defensive. Such a freeze on further strategic arms deployment is more feasible at the start of negotiations than trying to agree on weapons reductions. It is a logical first step at Vienna.

Moreover, the freeze would be fully verifiable through satellite reconnaissance and other intelligence methods. The need for a freeze on MIRV deployment is urgent because MIRV, once deployed, cannot be detected by present methods of surveillance.

This is a matter of great concern on the eve of the new round of SALT talks. It is our duty to halt the arms race if we possibly can.

NEW APPROACH ON LAOS

Mr. JAVITS. Mr. President, I ask unanimous consent to have printed in the RECORD a letter I sent to the New York Times on the subject of a new approach on Laos.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

SENATOR JAVITS URGES NEW APPROACH ON LAOS

WASHINGTON, D.C.,
March 5, 1970.

To the EDITOR:

The situation in Laos bears a disconcerting resemblance to the events preceding the Gulf of Tonkin Resolution of 1964. The Administration maintains that U.S. military activities in Laos are essential to the war in Vietnam. Our planes and pilots have already come under fire. The momentum of the struggle in Laos might, indeed, lead to the involvement of U.S. ground combat forces despite assurances to the contrary by Secretary Laird and Congressional intent as expressed in the military appropriations bill.

Congress should take the initiative lest we again find ourselves outmaneuvered by events. Pre-emptive action could be taken by repealing the Gulf of Tonkin Resolution, the only Congressional authorization for combat in Southeast Asia, which remains a blank check: ". . . as the President determines, to take all necessary steps, including the use of armed force, to assist any member or protocol state of the Southeast Asia Collective Defense Treaty requesting assistance in defense of its freedom." Laos as well as South Vietnam is a SEATO protocol state.

On Oct. 14, 1969, I introduced with Senator Claiborne Pell a resolution to terminate the Tonkin Gulf Resolution on Dec. 31, 1970. A recent visit to Vietnam reinforced my view that the Congress should impose a deadline for U.S. disengagement from the major combat responsibility.

This is the main purpose of the Javits-Pell resolution. Its legal effect would be to restore the *status quo ante* the Tonkin Gulf Resolution as regards Congressional authorization for U.S. combat operations in Southeast Asia.

Any further combat operations in Southeast Asia after Dec. 31, 1970, would need specific new Congressional authorization. But current legislation would permit giving continued aid, training and equipment to Vietnam, Laos and Thailand.

The President's "Guam Doctrine" has gained widespread support in Congress, and the setting is appropriate for a new approach. Enactment of the Javits-Pell resolution would require the Administration to justify U.S. military operations in Southeast Asia on the merits. Nothing could be more reasonable or salutary in my view.

If there are U.S. interests in Laos which justify our combat involvement there, the Administration should have no hesitancy in making its case to the Congress and to the people. Present U.S. policy actions in Laos have not been specifically authorized as such by Congress, and are, it is charged, even masked from public and Congressional scrutiny by a continuing policy of nondisclosure. [Editorial Feb. 8.]

I feel that the approach taken in the Javits-Pell resolution avoids potential pitfalls of other resolutions which seek to cut off funds for Vietnam after Dec. 31, 1970, or seek a blanket repeal of all Congressional authorizing resolutions—i.e., Cuba, the Mideast, Formosa and Berlin, as well as Tonkin Gulf.

The case in hand needing urgent attention is the situation in Vietnam and Laos. Resolutions dealing with other areas should be reviewed, preferably on a case-by-case basis to allow full time and attention to all the factors involved. At this stage, Congress should avoid an approach involving a constitutional confrontation which would impair the President's role as chief spokesman for the nation's foreign policy.

JACOB K. JAVITS,
U.S. Senator from New York.

ANNIVERSARY OF UNION COLLEGE OF SCHENECTADY

Mr. JAVITS. Mr. President, I take this occasion to observe an important date in the history of New York State, the 175th anniversary of the chartering of Union College in Schenectady. On February 25, 1795, the Board of Regents of the University of the State of New York issued its first collegiate charter to Union College, creating an institution that is junior in New York State only to Columbia.

For nearly two centuries, Union has served the community, the State, and the Nation as an innovator among colleges. The faculty and administration early recognized the importance of science and technology to our enterprising American society. As early as 1809, its students were taught the basics of chemistry. During the 1820s, the college offered a degree in scientific studies, and in 1845, Union became the first college of art in the country to offer training in engineering.

In the early years of the present century, when the "electrical wizard" Charles P. Steinmetz was a member of the faculty, Union led in developing the new field of electrical engineering.

More recently, the college's summer programs in science education provided the model for the all-important National Science Foundation institutes that today train high school science teachers in every State. Even now, Union's programs are providing innovative leadership for our Nation in fields ranging from aid to underdeveloped nations to new programs for reaching the educationally and socially disadvantaged. VITA, the Volunteers for International Technical Assistance, founded on the Union campus just 10 years ago, has responded to more than 14,000 requests for technical advice from more than 60 developing countries. Just last year, the Office of Economic Opportunity commissioned VITA to adapt its methods of aiding developing countries to the use of our own antipoverty program.

Last summer, Union combined with nearby Skidmore College and Rensselaer Polytechnic Institute to launch an academic opportunities program. The program enrolled economically disadvantaged students of strong motivation whose academic records did not qualify them for college enrollment through regular channels. These students received a summer session of intensive training in college work, coupled with close individual attention. Then they were enrolled in the regular freshman class last fall.

Thus Union, founded in the early years of the American Nation, has long reflected the ideals and aspirations of our own Union. I know my fellow Senators

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join me in offering congratulations on his anniversary and will wish for the college continued centuries of distinction and achievement.

REPORT OF TASK FORCE ON INTERNATIONAL DEVELOPMENT

Mr. JAVITS. Mr. President, the Peterson Commission, established under the authority of an amendment to the Foreign Assistance Act of 1968, which I proposed, has now made public its report on foreign aid: "U.S. Foreign Assistance in the 1970's: A New Approach." The purpose of the task force report was to provide the President and the Congress with comprehensive recommendations concerning the role the United States should play in assisting the less developed countries in the 1970's.

The Peterson Commission has done a brilliant job in fulfilling its mandate. The report, in my opinion, lays the basis for a continuing U.S. economic aid role in the world—a role based on international economic cooperation, self-help, and partnership.

The report is responsive to many of the criticisms made of the aid program in the Congress and elsewhere.

A basic concept of the report is its recognition that development is a world problem that must be tackled on a worldwide basis in close cooperation with other donor industrial countries. Concomitantly, the report recommends a greater multilateralization of our development effort with the IDC's. Similarly, implementation of the recommendation that the U.S. international economic development program should be independent of the U.S. military and economic aid programs that provide support assistance as an element of security; will help remove from our aid programs a factor that has inspired adverse reaction overseas and that has disillusioned our young people at home.

The authors of the report have truly blazed a trail. I refer in particular to their recommendation that the Hickenlooper amendment be repealed and their recognition that enlightened trade policies toward developing countries are an essential element in the peace and stability we feel through ultimate development in the world. When the Congress considers the trade legislation that will soon be before us, we would do well to give serious consideration to the trade recommendations in the report—the need of extending some worldwide trade preferences to the developing world, and the need for a continued support for regional markets among developing countries.

The administration should now act and make its proposals in these crucial trading areas known to the Congress in the form of administration-sponsored legislation.

In the investment area, the report's emphasis on the importance of developing the private sector in the developing countries of the world is most welcome. An invigorated private sector must be one of the key "engines of change." I have long labored to increase the flow of private foreign capital to the developing world and am gratified that this distinguished commission has not only recognized the important contribution that private investment companies such as the ADELA and the PICA—which I have put before the Senate and the country—have made to development, but also has recommended that similar organizations be established for Africa and the Middle East. The recommendation noticeably to expand the role of the International Finance Corporation and the vision of the role the newly established Overseas Private Investment Corporation—OPIC—will play in encouraging investment flows complements the report's recommendations in the fields of trade and AID.

The world now stands posed on the brink of the second development decade. The United Nations is making preparations for the celebration of its 25th anniversary. Expectations of the poorer two-thirds of the world continue to rise—as does the gap between their development and that of the industrial nations. The necessary reports and studies have now been made. The United States—as it approaches its 200th anniversary—is still searching for its proper world role. Somewhat more than 100 years ago, a great American in surveying the United States—noting the divisions of race, the divisions of the haves and the have-nots—observed that our Nation could not survive if it were half-slave and half-free. The dichotomy has now been transposed to the world scale, and this truth is even more meaningful. Today's slavery takes the form of hunger, illiteracy, overpopulation, lack of opportunity, a slow rate of development and the despair that envelops much of the world. To move the world toward a better, more stable balance of justice in the 1970's is what the Peterson Commission report is all about—and this is in the direct interest of every American of the destiny of our Nation.

Mr. President, I ask unanimous consent to have this report printed in the RECORD, together with the statement by the President released by the White House on March 8, 1970.

There being no objection, the report and statement were ordered to be printed in the RECORD, as follows:

U.S. FOREIGN ASSISTANCE IN THE 1970'S: A NEW APPROACH

(Report to the President of the United States from the Task Force on International Development, Mar. 4, 1970, Washington, D.C.)

PREFACE

In his first message to the Congress on foreign assistance, the President announced that he would establish a Task Force of private citizens to provide him with comprehensive recommendations concerning the role of the United States in assistance to less developed countries in the 1970s.

The Presidential Task Force on International Development was appointed on September 24, 1969.

In preparing its report, the Task Force met with the Cabinet members most concerned with these problems, with the Administrator of the Agency for International Development, and with the heads of other government agencies. It benefited from extensive discussions with their advisors and from excellent papers prepared by their staffs. It had meetings with members of Congress, business groups, university experts, journalists, and representatives of civic organizations, voluntary agencies, and foundations, around the country. It asked for, and received, carefully considered statements from labor and business and professional committees. It examined in detail the comprehensive report on this subject by the Commission of distinguished international experts headed by former Canadian Prime Minister Lester Pearson. It also studied reports by Governor Nelson Rockefeller, the Perkins Committee, the Committee for Economic Development, the National Planning Association, and other groups. And it commissioned studies on specific subjects from experts in the field.

The Task Force gratefully acknowledges this help.

The members of the Task Force are:

Rudolph A. Peterson (Chairman), President, Bank of America.

Earl L. Butz, Vice President, Purdue Research Foundation.

William J. Casey, Senior Partner, Hall, Casey, Dickler & Howley.

Terence Cardinal Cooke, Archbishop of New York.

John E. Countryman, Chairman, Del Monte Corporation.

Thomas B. Curtis, Vice President, Encyclopedia Britannica.

R. Burt Gookin, President, H. J. Heinz Company.

William T. Gossett, Last Retiring President, American Bar Association.

Walter A. Haas, Jr., President, Levi Strauss & Co.

Gottfried Haberler, Professor of International Trade, Harvard University.

William A. Hewitt, Chairman, Deere and Company.

Samuel P. Huntington, Professor of Government, Harvard University.

Edward S. Mason, Professor Emeritus, Harvard University.

David Rockefeller, Chairman, Chase Manhattan Bank.

Robert V. Roosa, Partner, Brown Brothers, Harriman & Company.

General Robert J. Wood, USA, (Ret.) Research Analysis Corporation.

Task Force Staff: Edward R. Fried, Executive Director; Donald S. Green, Deputy Executive Director; Reuben Sternfeld, William H. Lewis, Charles J. Siegman, Thomas J. Raveson.

Assistants to Task Force Members: Roland Pierotti, Ambassador Leland Barrows, William Butler, Joseph Dain, Jr., Richard Fischer, Msgr. William J. McCormack, Donald C. McVay, Al H. Nathe, Michael P. Roudnev.

MARCH 4, 1970.

DEAR MR. PRESIDENT: You asked us to examine U.S. foreign economic and military assistance programs, our trade and investment relations with the developing countries, and the fundamental problems that the United States faces in this area of foreign policy. You instructed us to look carefully into the underlying rationale for these programs, to take nothing for granted, and to recommend policies that will serve the best interests of our nation through the decade ahead.

Many with whom we consulted are deeply troubled by particular aspects of U.S. foreign assistance programs and by the apathy and misunderstanding that seem to surround the issues. Nevertheless, virtually all believe that the United States has a large stake and serious responsibilities in international development.

This feeling of commitment is natural in view of the distinguished role the United States has played for twenty-five years in this field. It has been a bipartisan endeavor. Many outstanding Americans have contributed direction, insight, and imagination to these programs in the past—and continue to do so today.

A Time for Change. We believe that the U.S. role in international development will

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be as important in the future as it has ever been in the past; and prospects for success, if looked at in the perspective of experience, are very favorable.

For the first time in history, it appears feasible to approach this world problem on a worldwide basis. International development can become a truly cooperative venture—with the countries that receive help eventually achieving the ability themselves to help others. The Marshall Plan countries and Japan, which join us today in providing assistance, were yesterday the recipients of assistance. And some of the developing countries of a decade ago, no longer needing assistance themselves, are beginning to help others.

This kind of cooperation in international development is not only possible but essential. Only a genuinely cooperative program can gain the necessary long-term public support in donor countries—the United States, as well as others. Only by being cooperative, furthermore, can international development succeed abroad.

What the United States does now through its policies and through its determination to persevere for the long haul will influence what others do—the developing countries, the international organizations, and other industrial countries.

This, therefore, is a time for change, a time for reappraising our programs and designing them for the decade ahead. It is also a time to stake out in the most positive terms America's involvement in the way mankind manages its common problems. In time, U.S. international development policies may well prove to be the most important—and the most rewarding—determinant of America's role in the world.

Conclusions. With these considerations in mind we have reached the following conclusions:

1. The United States has a profound national interest in cooperating with developing countries in their efforts to improve conditions of life in their societies.

2. All peoples, rich and poor alike, have common interests in peace, in the eradication of poverty and disease, in a healthful environment, and in higher living standards. It should be a cardinal aim of U.S. foreign policy to help build an equitable political and economic order in which the world's people, their governments, and other institutions can effectively share resources and knowledge.

This country should not look for gratitude or votes, or any specific short-term foreign policy gains from our participation in international development. Nor should it expect to influence others to adopt U.S. cultural values or institutions. Neither can it assume that development will necessarily bring political stability. Development implies change—political and social, as well as economic—and such change, for a time, may be disruptive.

What the United States should expect from participation in international development is steady progress toward its long-term goals: the building of self-reliant and healthy societies in developing countries, an expanding world economy from which all will benefit, and improved prospects for world peace.

3. The United States should keep to a steady course in foreign assistance, providing its fair share of resources to encourage those countries that show a determination to advance. Foreign assistance is a difficult but not an endless undertaking. Some countries already have become self-reliant and are beginning to help others; U.S. policies should aim at hastening this process.

4. *U.S. international development programs should be independent of U.S. military and economic programs that provide assistance for security purposes.* Both types of programs are essential, but each serves a different purpose. Confusing them in concept and connecting them in administration detract from the effectiveness of both.

5. All types of security assistance—military assistance grants, use of surplus military stocks, military credits, economic assistance in support of military and public safety programs, budget support for political purposes, and the Contingency Fund—should be covered in one legislative act. *The State Department should exercise firm policy guidance over these programs.*

6. Military and related economic assistance programs will strengthen military security only to the degree that they help move countries toward greater self-reliance. These U.S. programs should be geared to the resources that the receiving countries utlimately will be able to provide for their own security. In some cases, reduction of U.S. military forces overseas will require temporary offsetting increases in such assistance. The ultimate goal should be to phase out these grant programs.

7. The United States should help make development a truly international effort. A new environment exists: other industrial countries are now doing more, international organizations can take on greater responsibilities, trade and private investment are more active elements in development, and, most important, the developing countries have gained experience and competence. Recognizing these conditions, the United States should redesign its policies so that—

The developing countries stand at the center of the international development effort, establishing their own priorities and receiving assistance in relation to the efforts they are making on their own behalf;

The international lending institutions become the major channel for development assistance; and

U.S. bilateral assistance is provided largely within a framework set by the international organizations.

8. U.S. international development policies should seek to widen the use of private initiative, private skills, and private resources in the developing countries. The experience of industrial countries and of the currently developing nations demonstrates that rapid growth is usually associated with a dynamic private sector.

Development is more than economic growth. Popular participation and the dispersion of the benefits of development among all groups in society are essential to the building of dynamic and healthy nations. U.S. development policies should contribute to this end.

9. While the Task Force shares the aspirations of many who have endorsed high targets for development assistance, we have deliberately decided against recommending any specific annual level of U.S. assistance or any formula for determining how much it should be. We do not believe that it is possible to forecast with any assurance what volume of external resources will be needed five to ten years hence. No single formula can encompass all that must be done—in trade, in investment, and in the quality as well as the amount of assistance. Our recommendation is to establish a framework of principles, procedures, and institutions that will assure the effective use of assistance funds and the achievement of U.S. national interests.

10. The downward trend in U.S. development assistance appropriations should be reversed. Additional resources, primarily in support of international lending institutions, are needed now for a new approach to international development. We believe this, having fully in mind the current financial stringency and urgent domestic priorities in the United States, as well as this country's balance-of-payments position. Over the long term, U.S. assistance for development abroad will be small in relation to expenditures for development at home. Moreover, the two programs can prove to be mutually reinforcing.

11. The United States must be able to respond flexibly and effectively to changing requirements in the developing world, and in association with other industrial countries, help make possible the progress that individual developing countries show themselves determined to achieve. As the United States cuts back its involvement in Vietnam, reduces its forces abroad, and seeks to scale down the arms race, it can more easily carry such a policy as far and as fast as the resolve and the purpose of the developing countries can take it.

12. To carry out these policies, the Task Force recommends a new focus for U.S. programs, a new emphasis on multilateral organizations, and a new institutional framework consisting of:

A U.S. International Development Bank, responsible for making capital and related technical assistance loans in selected countries and for selected programs of special interest to the United States. Whenever it is feasible, U.S. lending should support cooperative programs worked out by developing countries and the international agencies. The Bank would have assured sources of financing, including authority to borrow in the public market, and a range of lending terms appropriate to the development requirements of each borrowing country. It would be run by a full-time Chairman and a mixed public-private Board of Directors.

A U.S. International Development Institute to seek new breakthroughs in the application of science and technology to resources and processes critical to the developing nations. The Institute would concentrate on research, training, population problems, and social and civic development. It would work largely through private organizations and would rely on highly skilled scientific and professional personnel. It would seek to multiply this corps of U.S. talent and experience by supporting local training and research institutions. The Institute would be managed by a full-time Director and a mixed public-priavte Board of Trustees.

The Overseas Private Investment Corporation (OPIC), as recently authorized by the Congress, to mobilize and facilitate the participation of U.S. private capital and business skills in international development.

A U.S. International Development Council to assure that international development receives greater emphasis in U.S. trade, investment, financial, agricultural, and export-promotion policies. It also would be responsible for making sure that U.S. assistance policies are effectively directed toward long-term development purposes and are coordinated with the work of international organizations. The Chairman of the Council would be a full-time appointee of the President, responsible for coordinating all development activities under the broad foreign-policy guidance of the Secretary of State, and would be located in the White House.

With this new institutional framework, the United States government would need fewer advisors and other personnel abroad. It could assume a supporting rather than a directing role in international development.

In the sections that follow we discuss the considerations underlying these general conclusions and offer specific recommendations for reshaping U.S. policies, programs, and organization.

I. FOREIGN ASSISTANCE AND NATIONAL PURPOSES

At present, there is not one U.S. foreign assistance program but several. They serve different purposes and should be weighed on their individual merits.

They fall into three categories:
Security assistance;
Welfare and emergency relief; and
International development assistance.

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To clarify the present aims of U.S. foreign assistance, we analyzed the programs in terms of the functions they serve. As is shown in the table below, security programs accounted for 52 percent of U.S. foreign assistance in 1969; welfare and emergency relief programs, 6 percent; and international development programs, 42 percent. Of the appropriations for economic programs under the Foreign Assistance Act, 26 percent was actually for security purposes.

How is each program related to U.S. national interests?

Security Assistance is an essential tool of U.S. foreign policy. Its goals are: to improve the military defenses of our allies and move them toward greater military self-reliance, to serve as a substitute for the deployment of U.S. forces abroad, to pay for U.S. base rights, and to deal with crisis situations. The size and specific objectives of these programs are subject to reassessment at any time. Their relation to national interests, however, is straightforward; they use resources for purposes essential to U.S. security.

U.S. FOREIGN ASSISTANCE, BY PURPOSE, FISCAL YEAR 1969

	Millions of dollars	Percent of total
Security:		
For Vietnam:		
Military equipment and supplies	2,129	
Supporting assistance in Southeast Asia	394	
Military assistance grants	450	
Military equipment loans	281	
Grant surplus military stocks	92	
Budget support and other political programs	50	
Total	3,396	52
Welfare and emergency relief (not including private assistance):		
Child and maternal feeding	240	
Emergency relief	88	
Refugees	40	
Total	368	6
International development (not including private investment):		
Bilateral:		
Development loans	729	
Technical assistance grants	340	
Peace Corps	101	
Agricultural commodity credit sales	870	
Food for work grants	62	
Multilateral.		
For lending institutions	516	
For technical assistance	88	
Total	2,706	42

Welfare and Emergency Relief activities reflect humanitarian values and international community interests. These programs are administered in large measure by private, non-profit organizations, both national and international, and the U.S. government funds expended on this kind of assistance are in addition to substantial resources that these organizations themselves provide. These programs follow a long-standing national tradition.

International Development Assistance serves long-term U.S. national interests. These interests should be redefined and brought into sharper focus.

In the past, the line of demarcation between security and development interests was blurred. The United States faced a divided world, in which foreign assistance was justified in terms of the conflict between East and West. Today all countries have a common interest in building and maintaining a global environment in which each can prosper.

Two reasons for an active U.S. role in international development are paramount:

First, the United States has an abiding interest in bringing nations together to serve common needs. It has consistently taken a position of leadership in creating institutions like the United Nations, the International Monetary Fund, and the World Bank, and in promoting cooperation in trade investment, and arms control. The size and power of the United States give us a special responsibility; if this country chooses not to play a major role, it necessarily endangers the success of such ventures.

Second, the developing countries contain two-thirds of the world's population. Their future success or failure will influence profoundly the kind of world we live in. The nations of the world are growing more interdependent—in trade, in finance, in technology, and in the critical area of political change. U.S. decision-making in such important areas as military expenditures will be influenced by the amounts of turburlence in the developing countries of the world, and U.S. prosperity will be influenced by their economic progress.

The United States shares with other nations concerns that call for common action. Problems related to population pressure, poverty, public health, nutrition, child development, literacy, natural resource exhaustion, rural backwardness, environmental pollution, and urban congestion exist in the United States as well as in the developing countries. Participation in both international development and domestic development can result in an exchange of useful experience. This has been demonstrated by government programs and by the work abroad of private organizations, such as universities, foundations, and voluntary agencies.

Participation in international development can promote progress toward the kind of world in which each country can enjoy the rewards of its own culture and the fruits of its own production in its own way, without impinging on the right of any other country to the same freedom for national fulfillment.

Finally, development can help make political and social change more orderly. There is at least a good prospect that more rapid development could facilitate more constructive social experiments, more open political procedures, and less disruptive international behavior.

Therefore, the United States has basic interests in intensifying its cooperation with other nations in a worldwide effort to accelerate international development. U.S. interests call for differing priorities among national organizations are concerned, the uses of resources are determined on a multinational basis. In its bilateral programs, the uses of U.S. resources should depend on U.S. interests in particular countries or particular areas, on where other industrial countries are poviding resources and on where the international institutions are concentrating their efforts.

II. THE CHANGING INTERNATIONAL ENVIRONMENT

The changes in international conditions that call for a new approach to U.S. foreign policy in general call for a new approach to foreign assistance as well.

The circumstances that shape U.S. security assistance programs today and are likely to shape them for the next decade differ markedly from those of the past. Most allies of the United States in Western Europe have been able for a long time to do without military assistance from the United States, although this country continues to share with them the costs of mutual defense. A growing number of developing countries now show a determination to assume greater responsibility for their own defense and to mobilize more resources for this purpose.

Threats to the peace will continue to exist. However, the security measures that once were needed in a sharply divided world of direct confrontation are not necessarily those that would be most effective in today's pluralistic world. All countries face the need to reexamine their national priorities in light of this new situation.

As for international development assistance policies and objectives, a number of significant new characteristics have emerged.

When the United States redesigned its international assistance activities in 1961, it dominated the field. Other industrial countries were doing relatively little, and mostly in areas of special interest to them. The World Bank was just beginning to lend to low-income countries on concessional terms, and regional financial institutions either did not yet exist or had not begun to operate. Many of the developing countries were newly independent, they lacked experts, and they were at a rudimentary stage in organizing national economic programs. There was an urgent need to coordinate internal and external investment resources.

Against this background, it seemed appropriate for the United States to assume a broad and active role in the development efforts of individual countries. The Agency for International Development (A.I.D.) formulated country programs to coordinate U.S. assistance with investment from other sources. These comprehensive programs were used to guide the developing countries toward more effective self-help and to monitor the use of U.S. funds to avoid waste. At the same time, the United States encouraged other industrial countries to provide more assistance and took the lead in supporting the growth of World Bank development activities and the establishment of regional lending institutions.

This ambitious U.S. role required a prominent U.S. presence in some countries; and friction with some governments resulted from attempts to influence sensitive areas of their national policy related to development.

U.S. policies, moreover, were heavily government-oriented and were based on the expectation that the transfer of U.S. resources and technology would bring immediate results as it had under the Marshall Plan.

These expectations proved to be unrealistic. Barriers in developing countries abound: unresponsible social and political systems, severe deficiencies of technical skills, poorly organized markets impaired in many cases by ill-conceived public policies, and limited local savings in an environment of deep poverty. Modernization is a long-term and much more difficult and complex process than was the reconstruction of war-damaged industrial economies.

Taking these limitations into account, U.S. assistance programs were remarkably successful in a number of countries, most conspicuously where local policies stimulated private savings, investment, and exports; where new technologies were adapated to the local environment and effectively disseminated; and where assistance was sizable. U.S. policies and resources also helped lay the foundation for making international development a worldwide program.

As a result in part of these earlier U.S. efforts, a new environment for development has now come into being. Today's environment calls for a significantly different role for the United States. In this connection, five new elements are of special importance:

New Capacities in the Developing Countries. Many developing countries now have the capacity and the experience needed to establish their own development priorities and a strong and understandable determination to do so. They are mobilizing more investment resources themselves, and they have many more well-trained, competent professionals and technicians. The developing countries themselves, therefore, should be at the center of the international development effort. The policies they pursue will be the most important determinant of their success or failure. What the United States and other industrial countries do will have only a secondary, though essential, influence on the outcome.

Assistance Efforts of Other Countries. Other industrial countries have steadily expanded their development assistance in recent years. Today their combined official development assistance is about as large as that of the United States. This country works with them through consortia or consultative groups to provide assistance in many developing countries, under the auspices of international agencies.

The Role of International Institutions. The international financial organizations, although they still provide a relatively small part of the total flow of resources to developing countries, now account for more than half of all development loans and are gaining greater influence in organizing development activities. The World Bank is now able to give development advice on a worldwide scale and to work with the developing countries in establishing guidelines for their national programs. The Bank is today a worldwide source of professional development experience.

The Impact of New Trade Potentials. Policies in international trade, investment, and finance can no longer be formulated without considering their consequences for development. Action to be taken in these areas calls for international cooperation.

In the future, the developing countries will have to export more manufactured goods. Their traditional exports of primary commodities have only limited growth possibilities, but the developing countries are becoming more competitive in manufactured goods. Whether they can capitalize on their new capabilities will depend on whether industrial countries open their markets to this competition; they are likely to do this only in concert.

The prospect of a stronger international monetary system in the 1970's should make it possible to reduce the restrictions that are imposed on the flow of development resources for balance-of-payments reasons.

The Debt Burden. The debt burden of many developing countries is now an urgent problem. It was foreseen, but not faced, a decade ago. It stems from a combination of causes: excessive export credits on terms that the developing countries cannot meet; insufficient attention to exports; and in some cases, excessive military purchases or financial mismanagement. Whatever the causes, future export earnings of some countries are so heavily mortgaged as to endanger continuing imports, investment, and development. All countries will have to address this problem together.

Programs for the 1970's

The United States should adopt a new approach to foreign assistance that takes into account the changes that have taken place in the international environment and the valid criticisms that have been made of its own current programs. In the sections that follow, recommendations are made for carrying out each of the three U.S. foreign assistance programs and for coordinating U.S. policies related to international development. Security assistance is discussed first, then welfare and emergency relief, and finally international development, which is the main focus of this report.

III. SECURITY ASSISTANCE

Security assistance programs have been an integral part of U.S. foreign policy for more than two decades. In addition to military grant and sales activities, they include economic assistance in support of military and public safety programs, and budget support for political purposes.

Security assistance has strengthened the defenses of some forty nations. It has also helped nations to cope with pressing internal security problems and to deal with crisis situations. In serving these purposes, such assistance has played an important role in helping the United States to pursue the goal of a world order in which each nation, large or small, aligned or unaligned, can develop in its own way.

Military assistance today is going in large measure to Vietnam, Laos, and Thailand in support of the Vietnam war effort. All military equipment and supplies for these countries at present are funded and administered by the Department of Defense.

The remainder of the military assistance program is funded in the Foreign Assistance Act, comes under the policy guidance of the Department of State, and is administered in the Department of Defense. It is provided on a grant basis and is concentrated largely in the Republics of Korea and China, Turkey, and Greece, where the United States has specific treaty obligations. Grants to these countries are designed to help U.S. allies maintain an adequate defense, and they serve as a substitute for the stationing of U.S. forces abroad. Small amounts are provided to forty-four other countries for internal defense and training purposes and to a few countries as payment for U.S. base rights.

Sixteen countries receive credits for military items under the Foreign Military Sales Act.

Economic assistance for Vietnam, Laos, and Thailand is appropriated under the economic section of the Foreign Assistance Act (Supporting Assistance) and is administered by A.I.D. It is used to contain inflationary pressures and to finance police, pacification, resettlement, and selected reconstruction programs.

Budget support for political purposes is another kind of economic assistance for security purposes administered by A.I.D. It helps other governments in crisis situations—such as those that have occurred in the Dominican Republic and the Congo in recent years. It also has enabled the United States to give temporary help to governments while regular U.S. development assistance programs were being prepared; the assistance given to Indonesia in 1965 is an example.

Public safety programs also are in the category of security assistance administered by A.I.D. Through these programs, the United States helps to train police, advise them in modern methods and organization, and provide modern police equipment and supplies. The purpose of this assistance is to strengthen the prospect of preserving internal order through greater reliance on civilian rather than military authority, and to develop the concept that the police function is to assist the people as much as it is to protect them against violators of the law.

How should the United States shape these security assistance programs over the decade ahead? Several questions are involved: goals, the design and conduct of the programs, and management.

1. *Goals.* A comprehensive analysis of U.S. security requirements in the world of the Seventies is beyond the scope of this report, as are assessments of the U.S. worldwide defense systems and security interests in particular countries. The Task Force accepts the fact that the United States has security responsibilities in certain countries that make it necessary to help them maintain a more effective military defense than they could provide from their own resources. The questions then are: how much help should be given, in what way, and for how long?

Each sovereign nation must decide for itself what it is prepared to do—with the means at its disposal—to defend against the threat of external attack and to maintain internal order.

One clear goal of security assistance is to help countries move toward a greater degree of self-reliance in the area of security. To be fully effective, the principle of self-reliance must govern the behavior of both the United States and the developing countries. Decisions on U.S. military assistance should be based on the amount of resources that the receiving countries think proper and ultimately will be able to allocate for security. It is equally important that these countries themselves—not the United States—make the decisions on how to use their resources for security.

As the United States reduces its forces overseas, increased security assistance may be needed for a time to cushion the effect and to improve local security capabilities. The ultimate goal, however, should be to phase out these grant programs.

2. *Programming.* Military grants should be determined on a cost-benefit basis. The risks involved for the United States and the need for U.S. forces that would arise if funds were not provided should be specified.

The following factors should be considered in determining the amount, kind, and terms of security assistance:

First, assessments of force requirements in forward defense countries should be related to possible changes in the size of U.S. General Purpose Forces, to local financial capabilities, and to the availability of U.S. funds. Moreover, these assessments should be approved by the Secretaries of State and Defense, since they serve as the principal basis for estimating funding requirements for U.S. grants, as well as for evaluating the effectiveness of existing programs.

Second, the amount of military assistance allocated among countries should be related to a realistic assessment of needs, not to historical assistance levels. Furthermore, U.S. programs should assist receiving nations in adapting their military force structure, the risks permitting, to what ultimately will be within their own capacity to maintain.

Three-fourths of the grant assistance that the United States is giving (outside Southeast Asia) is used to finance the costs of operating and maintaining equipment and weapons already provided. In these circumstances, it does not seem possible that the receiving nation can both become self-reliant and modernize its forces. Unless these problems receive careful attention, the United States faces the prospect of continuing the programs indefinitely, without any assurance of improvement in local force capabilities.

This procedure could be penny-wise and pound-foolish. It may make more sense in some countries, for example, to eliminate units that are only marginally effective and to provide modern equipment to the ones that are retained. The initial costs may be higher, but the long-term results could be more effective at a lower recurring cost.

Third, military assistance and related supporting assistance should be considered together in planning security programs. In a few countries, supporting assistance under the economic program is being terminated while military assistance grants continue. It is possible that U.S. interests might be served better in some cases by continuing supporting assistance while scaling down military assistance. This could be particularly useful as a transitional device to help countries assume the operating and maintenance costs now financed with military grant aid.

These three factors highlight the need to plan and coordinate the use of all available security assistance instruments. Special studies addressing these problems are underway within the National Security Council

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system, but firm policy guidance is needed. These issues probably will take on added importance in the adjustment from war to peace in Southeast Asia.

3. *Encouraging Self-Reliance.* The United States now makes the basic determination of the amount and kind of military equipment the receiving countries need, and U.S. military missions do most of the detailed logistical planning and costing for them. These decisions necessarily affect the size of their defense budgets. More should be done to enable these receiving countries to estimate their own requirements, to relate them to their budgetary priorities, and to make their military decisions in the light of available resources.

Service training programs in the United States can play an important role in strengthening planning skills and capabilities in the developing countries. Greater emphasis in training should be placed on force structure and logistics planning, and on fiscal and budget programming.

Moving military assistance from a grant to a credit basis also will serve this purpose. Unlike military grants, military credits are subject to the budgetary discipline of the receiving country. The current legislative ceiling on military credits is inconsistent with such a policy. As grants decline, more credits should be made available. Military credits, however, should be used only to finance the purchase of weapons that the developing countries need for their defense and that are within their financial capacity to maintain and operate.

To avoid both an unnecessary arms escalation and a waste of resources needed for development, it is U.S. policy to discourage developing countries from obtaining sophisticated military equipment. Legislative restrictions on the use of U.S. military and economic assistance designed to avoid these problems, however, have not proven effective. In many cases, as the Rockefeller Report points out, the military equipment is purchased elsewhere, while the restrictions leave a residue of ill-feeling toward the United States. Removing them would put the United States in a better position to work out with these countries, on a mature partnership basis, military equipment expenditure policies that are consistent with their means.

Finally, the Task Force believes that large military assistance advisory groups and missions are no longer necessary in many developing countries. In the past, these countries needed the close involvement of U.S. military advisors to ensure the effective integration of U.S. arms and equipment into their forces. By now, however, military officials in most of these countries have achieved adequate levels of professional competence and facility with modern arms. The United States now can reduce its supervision and advice to a minimum, thus encouraging progress toward self-reliance. U.S. military missions and advisory groups should be consolidated with other elements in our overseas missions as soon as possible.

4. *Organization and Management.* Changes in the organization and management of U.S. security programs would contribute to their effectiveness, clarify their relationship to U.S. foreign policy, and make our objectives and rationale more understandable to the Congress and the American public.

The Task Force recommends:

That security assistance programs be combined in one piece of legislation—an International Security Cooperation Act—separate from international development assistance. This Act should cover foreign military sales and grants, surplus military stocks, supporting assistance, public safety programs, and the Contingency Fund;

That responsibility be assigned to the Department of State for setting policy and for directing and coordinating security assistance programs. In carrying out this responsibility, the State Department should relate security programs to U.S. foreign policy, to global strategies, to changing military technologies, and to the financial capabilities of receiving countries. Administration of military grant and credt sales programs should remain with the Department of Defense; supporting assistance, public safety programs, and the Contingency Fund should be administered by the Department of State.

IV. WELFARE AND EMERGENCY RELIEF

The United States government provided some $360 million in 1969, mostly in agricultural commodities, for programs to relieve human suffering and improve nutrition in over one hundred countries. The largest part of this assistance was for maternal and child feeding and school food programs, aimed at raising nutritional levels. Most of these programs are initiated and administered by U.S. voluntary agencies, and the widespread local facilities of these agencies are used as essential distribution centers.

Important potentialities exist in this area. Recent biological research indicates that protein deficiencies in the early years of life have a depressing effect on future physical and mental development. Continued research on food supplements should be actively supported, and new programs should be considered where research results reveal promising opportunities.

Disaster and emergency relief and refugee assistance comprise the second major category under this type of assistance. These programs have helped in emergency situations resulting from civil war and natural disasters, such as drought, floods, and earthquakes. They also have helped in resettling and feeding refugees. They will be a continuing part of U.S. foreign assistance as the United States participates with other nations in meeting emergency situations.

These humanitarian assistance programs now are administered by A.I.D. and the Department of State in conjunction with the Department of Agriculture. Most of the food programs are conducted by U.S. affiliates of international voluntary agencies under arrangements made with A.I.D. The disaster relief and emergency programs are also the responsibility of A.I.D. The refugee program is administered by the Department of State, largely through international organizations.

The Task Force recommends that administration of these welfare programs be brought together under one office in the Department of State. This office could work effectively with the Advisory Committee on Voluntary Foreign Aid, which serves as a link between private organizations in this field and the U.S. government.

V. INTERNATIONAL DEVELOPMENT

U.S. policies relating to international development go beyond foreign assistance programs. Factors relating to trade, investment, the private sector, international finance, and population growth intimately affect the prospects of developing countries. Furthermore, the way in which the United States organizes and carries out its programs and the way these programs relate to those of other industrial countries and the international organizations will profoundly influence the results. In the sections below, we deal with this wider range of policies and programs influencing international development.

(We do not cover the work of: the Export-Import Bank, whose operations are designed to promote U.S. exports and only incidentally contribute to international development; the Peace Corps; and private, nonprofit organizations, which make a significant but largely non-quantifiable contribution to development. In making our recommendations, however, we have taken into account the possibilities for wider use of the private organizations.)

A. The Special Problem of Population

"No other phenomenon," the Pearson Commission said, "casts a darker shadow over the prospects for international development than the staggering growth of population." There is little dispute among experts as to the need to deal with this problem on an international basis. Countries cannot cope with the consequences for economic development, or social welfare, or political change of a doubling of the population every fifteen or twenty years. Population change at that pace threatens to dissipate the benefit of much that can be contributed from outside a developing country and indeed to offset some of the gains from the country's entire development effort.

Family planning assistance is an integral and necessary part of total development assistance and not a substitute for other development assistance. More rapid development itself can create a favorable environment for constructive action in the area of population. The developing countries that have made the most rapid economic advance and are approaching self-sustaining development—for example, the Republics of China and Korea—also have successful family planning programs.

More nations than is generally realized have faced up to the population problem and are undertaking programs to encourage responsible parenthood and to provide the means to ensure successful family planning.

The initiative and primary responsibility for action in the population area clearly lie with each country. Programs need to be adopted to the traditions and mores of each society and carried on with respect for the dignity and conscience of the individual. This is a sensitive area, and much needs to be learned about it. Nevertheless, there is a great deal of accumulated knowledge, and there are wide opportunities for providing help, through both U.S. programs and international efforts.

The U.S. government has allocated $75 million in 1970 for assistance to population programs and plans on $100 million next year. These funds are mainly to support the work of private organizations and international agencies. The Task Force believes that support for the development and implementation of acceptable programs addressing the population problem should have a high priority in the use of development resources.[1] The United States should be prepared to give more help abroad for this purpose when it is needed and requested, just as it is expanding similar programs at home.

The Task Force has received a number of careful studies, prepared by leading experts in this field, which outline new programs that the United States could support and

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[1] Terence Cardinal Cooke makes the following comment: "I am firmly convinced that the highest priority in our foreign assistance policy should be placed on those positive programs of economic and social development which are designed to improve the quality of life of those people presently living in conditions of extreme deprivation. I recognize that an accelerated population increase adds its own difficulties to the problem of human development. However, in this scientific age there seems little need to settle easily for a solely negative solution to this demographic problem. Major efforts in this area should be directed to research and the development of a sufficiently certain and morally acceptable solution to the problem. True economic and social progress can only be effected in an atmosphere that strengthens family life and preserves the dignity and freedom of man."

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which indicate a need for increased financial assistance. They recommend additional support for research on human reproduction and family attitudes, for training specialized personnel, for organizing and administering family planning programs, for mass communication facilities, and for related maternal and child health care.

There are no objective standards against which to measure the developing world's total requirements for assistance in the population field. This is an area in international development that could benefit greatly from strong international leadership. A worldwide study, prepared on a priority basis, could give the United States as well as other countries—industrial and developing nations alike—a professional and politically acceptable base for examining the resources needed and the ways in which each country could best contribute to this pressing world problem. The Task Force recommends that the United States propose that the U.N. Fund for Population Activities, in conjunction with the World Bank and other interested international agencies, prepare a careful and detailed study of world needs and potentialities in this area and of ways in which all elements of the international community can help.

B. Private incentives and market forces

Rapid economic progress usually has taken place within a favorable environment for private initiative, such as that which existed in the Republics of Korea and China, Mexico, and the Ivory Coast in the 1960s. Checking the pace of inflation and introducing more realistic exchange rates helped achieve an economic turnaround in Brazil and Argentina, and increased reliance on market incentives was essential to the success of the "Green Revolution" in India and Pakistan and to the diversification of Colombia's exports. Even Communist countries have, in their own way, been moving in the direction of allowing market forces more scope in allocating resources.

Both in the United States and abroad, there is misunderstanding about the contributions of the private sector, the role of profits, and the benefits of the price mechanism. In some developing countries, private foreign investment has been under attack, partly because of an anachronistic view of how foreign companies operate abroad. There are now encouraging signs of a change in attitudes, as exemplified by a recent report prepared for the United Nations Conference on Trade and Development (UNCTAD) on the role of private enterprise in development.

Each nation must fashion its own policies and institutions to meet its own needs. If the goal is economic development, the issue is one of efficiency, not ideology.

In the most successful countries the value of encouraging private initiative has been amply demnostrated. It has made possible more employment opportunities, an upgrading of labor and management skills, a rise in living standards, and wider participation in the benefits of development. Furthermore, a dynamic private sector has resulted in greater internal savings, more effective use of domestic and foreign investment resources and rapid economic growth, in which export industries have played an important role.

1. *Trade.* Expansion of trade enhances the scope of the private sector and stimulates private initiative and investment. Developing countries cannot be expected to reach the point of financing their own developments unless they are given the opportunity to earn the means for doing so through an increase in their exports.

However, if a policy of promoting exports is prescribed for developing economies, accepting imports is one of the responsibilities of industrial countries. Providing better access for the products of developing countries offers both advantages and difficulties for industrial countries.

Unlike grants and loans, opening the markets of industrial economies to the products of developing countries does not lead to debt-servicing problems for developing nations or financial burdens for industrial countries. On the contrary, cheaper imports and a larger volume of trade would add to the real incomes of all participating countries and help to contain inflationary pressures. Of course, they also might result in adjustment problems. But, difficult as such adjustment problems sometimes are, they are temporary. They occur continually in our dynamic society as an essential element of a competitive economy. They highlight the need for effective adjustment assistance measures as a foundation for constructive U.S. trade policies. The adjustment assistance provisions of the Trade Bill now before the Congress would help to meet this need.

Enlightened trade policies toward developing countries are an essential element in achieving international development. The Task Force urges continued U.S. leadership in working for the reduction of tariffs and other obstacles to trade and in avoiding the imposition of new restrictions.

In addition:

The Task Force strongly supports your proposal for an international agreement extending temporary tariff preferences to developing countries on a non-discriminatory basis, with no quantitative limits and a minimum of exceptions. If the United States cannot reach agreement with other industrial countries on this non-discriminatory approach, it should unilaterally extend such tariff preferences to all developing countries except those that choose to remain in existing preferential trade arrangements with industrial countries.

The Task Force favors larger quotas for products important to developing countries and imported under mandatory or voluntary restrictive arrangements. Sugar, textiles, and meat are notable examples. These quantitative restrictions should be removed as soon as it is feasible.

The Task Force favors continued U.S. support for the formation of regional markets among developing countries. Regional arrangements will increase competition, provide more opportunities for economies of scale, and promote a more efficient allocation of domestic resources among developing economies.

At present, most developing countries rely too heavily and for too long on protective import restrictions and subsidies for their industries. The result is high-cost production, which is a burden on the rest of the economy and retards development. Trade liberalization among developing countries through regional arrangements can be a desirable first step toward a general liberalization of import policies, which, over time, will be to the benefit of all countries.

2. *Assistance to the Private Sector.* Apart from trade, development of the private sector in developing countries can be encouraged by appropriate domestic policies, by foreign investment, and by an adequate infrastructure and public services. U.S. programs in the past have tended to concentrate too much either on public services or on stimulating foreign investment. Yet domestic industry and locally financed investment are the predominant elements in economic progress. The developing countries finance 85 percent of their investment from their own savings. Foreign private investment can stimulate and complement domestic investment, but its contribution must necessarily be secondary to that of local investment.

Some basic data provide useful perspective. Four-fifths of total production in developing countries comes from the private sector. Total self-financed private investment in these countries amounts to perhaps $30 billion a year. Net private foreign direct investment from all sources has recently averaged about $2.5 billion a year.

Internal policies that stimulate initiative and domestic investment should be a primary objective of international development efforts. They will also provide a favorable climate for the contribution of foreign investment.

The Task Force recommends that more be done to marshal local and private resources for productive use.

The United States should invest more capital in local development banks. This is a tested way of getting a multiplier effect in the private sector from the use of public funds. These banks provide equity and loan capital for private firms and underwrite their security issues.

The United States should encourage other governments and more private firms to support regional private investment companies, such as ADELA for Latin America and the Private Investment Corporation for Asia (PICA). Comparable organizations could be useful in the Middle East and Africa. These multi-nationally financed companies help to underwrite local investment in developing countries, taking up part of the equity with the expectation of future resale to local investors.

The United States should contribute more actively to the evolution of capital and credit markets in developing countries. It is ironic that some countries that are sorely in need of investment resources have a capital outflow. Stabilization policies are essential to retain capital at home, but better financial markets are also needed.

U.S. professional organizations and businesses should do more to exchange experience with their counterparts in developing countries. One form of cooperation is exemplified by the program of the International Executive Service Corps, under which highly qualified U.S. business experts work with individual foreign firms to solve specific problems.

3. *International Organizations and Private Investment.* The international organizations can help bridge the gap between attitudes in developing countries and those of private foreign investors, and between divergent views on the proper roles of the private and public sectors. Too much misunderstanding—and at times hostility—exists in this area.

The Task Force recommends that the United States propose that the paid-in capital of the International Finance Corporation (IFC) be increased from $100 million to perhaps $400 million. The U.S. share of such an increase would be $100 million—paid in over several years. The increase in capital would enable the IFC to encourage joint ventures in developing countries by taking up equity for later sale to local investors.

In general, the IFC can play a leading role in developing the private sector. It brings together local and foreign firms in joint ventures and can serve as a referee of the terms of specific private foreign investment in these countries.

The Task Force believes that establishing an international investment insurance program against the risks of expropriation would improve the climate or private foreign investment. The World Bank has proposed a program that might encourage more multinational investments and could reduce the degree of bilateral confrontation in disputes over investments. The Task Force recommends that the United States seek early completion of the negotiation of this pro-

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posal and obtain authority from the Congress for U.S. participation so that the agreement can go into effect as soon as the minimum required number of countries join.

U.S. Private Foreign Investment Policy. The policies of American firms operating abroad are an important determinant of the investment climate. In the past, the need to give more managerial responsibility to nationals of the host country and to establish good working conditions has been emphasized. Equally important to international development and good relations with the host country are active efforts by subsidiaries of U.S. companies and other foreign firms to export goods from developing countries, to build up local enterprise that can feed into their production, and to encourage widespread local participation in ownership. (However, we question the usefulness of rigid formulas for sharing ownership.) This approach will improve relations between U.S. firms and host countries. In the end it should make little difference to broadly based companies whether shareholders live in Mexico or Minnesota.

The new Overseas Private Investment Corporation (OPIC), recently authorized by the Congress, will be an effective instrument in encouraging U.S. private investment activities in developing countries—both through its guaranty programs and through advising American firms on how to make their investment more acceptable to the host country. The Task Force strongly supports establishment of this Corporation.

In addition—

The Task Force recommends elimination of the current restraints on U.S. direct private investment in developing countries. Although lifting this restriction would have a small short-run adverse effect on our balance of payments, it could remove an element of uncertainty that now discourages such investment.

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The Task Force recommends that OPIC make greater use of U.S. guaranty programs, in combination with those of other countries, to encourage international joint ventures. These multinational projects, open to investors in the host countries, help to reduce nationalist sensitivities to foreign investment.

The worldwide housing guaranty program, now administered by A.I.D., should be added to the other investment guaranty programs administered by OPIC.

The Hickenlooper Amendment to the Foreign Assistance Act was introduced to deter foreign governments from expropriating U.S. property without prompt and adequate compensation. If private investment is to contribute to international development, a more effective means of discouraging such expropriations must be found. The United States, other lending countries, and the international institutions should take such acts into consideration in determining whether their development assistance would be used effectively. The Hickenlooper Amendment, however, has outlived its usefulness. It provides no room for flexibility in dealing with this difficult and politically sensitive problem. A more fruitful approach would be to seek positive ways of making foreign investment mutually attractive, such as we have outlined above, and to rely on an international forum when disputes arise.

The Task Force urges that recommendations for facilitating an increase in the flow of private investment to the developing countries be considered in the examination of business taxation currently underway within the U.S. government.

C. Reliance on International Organizations

The Task Force believes that more reliance on international organizations should be built into all U.S. policies relating to international development—whether they concern development assistance, debt rescheduling, typing, trade, investment, or population. This is basic to the new approach to foreign assistance we recommend. A predominantly bilateral U.S. program is no longer politically tenable in our relations with many developing countries, nor is it advisable in view of what other countries are doing in international development.

The issue for the present, however, is not whether U.S. development assistance should be bilateral or multilateral. The United States needs both, since it will be some time before the industrial nations are willing to provide all development assistance through multilateral channels and before the international organizations have the capacity to take on the entire responsibility. Even now, however, long-term development can be made essentially international in character.

Experience shows that an international organization such as the World Bank, with no political or commercial interests of its own, is able to obtain good results from the investments it makes or encourages. Furthermore, bilateral assistance programs are themselves more effective when carried out under the leadership of these organizations and in a multilateral environment. Moving in this direction holds the promise of building better relations between borrowing and lending countries.

The Task Force recommends three actions on the part of the United States:

It should rely heavily on international organizations to work out programs and performance standards with developing countries and should provide most of its assistance within that framework. This will mean a fundamental change in the conduct of U.S. bilateral programs.

It should provide the necessary increase in resources, on a fair-share basis with other member countries, to permit the international development organizations to increase their current lending within the next few years as fast as their capabilities and the tested needs of the borrowing countries permit.

It should join with other members to strengthen the capabilities of these international organizations and to build more coherence into their operations.

Operation of an International System. The World Bank Group and the regional lending institutions now account for more than half of total official development lending. This lending is only a part of the total resource flow to developing countries, but it is a key element. It gives international organizations a basis for taking primary responsibility for setting the strategy under which all donors provide assistance to developing countries.

Under an international system of development, international agencies would assume primary responsibility for analyzing conditions and policies in developing countries, for establishing close working relations with appropriate officials in these countries, and for determining total capital and technical assistance requirements and the policies necessary for effective use of investment resources. This would set the framework for the bilateral assistance programs of the United States and other industrialized countries.

To do this, the international organizations will have to take a less parochial view of their mission. They will need to have wider representation abroad and more flexible lending policies, without lowering standards. They will have to give increasing attention to the management, social, technical, scientific cooperation, and popular participation aspects of development. Finally, they will have to be diplomatic, flexible, sympathetic, and persuasive—but prepared to say no and to withstand political pressure from both the creditor and the borrowing countries.

The World Bank and the International Monetary Fund (IMF) are well along on this course. In Latin America, the Inter-American Development Bank and the OAS Inter-American Committee for the Alliance for Progress have begun to move in these directions. The other regional institutions too are beginning to gain some experience. The United Nations Development Program (UNDP) has been very active in pre-investment surveys and in a variety of technical assistance programs. It has missions on a worldwide scale and has recently re-examined its role and performance. With necessary reorganization, the UNDP would have the potential for exercising greater responsibility for technical assistance in an international system.

Furthermore, as these organizations expand their operations, they will have to prepare for a parallel buildup in their control procedures so as to assure continued high operating standards. Also member governments will have to become more fully involved in the work of these international agencies.

It will take time and sustained support from the member countries for the international organizations to assume the leadership role. It is not necessary that the same international organization assume primary responsibility in every country. The World Bank Group can now exercise such leadership in the major developing countries, as well as in many others. Eventually, the regional organizations and the UNDP could assume this role in individual countries. A clear decision by the United States to rely on international organizations for this purpose, and action to support this decision, would spur the pace of the entire process.

Financing. The international organizations could roughly double their present rate of lending—from $2.5 billion a year to $5 billion a year—over the next several years while continuing to follow sound practices and maintain high standards. This judgment takes into account the capabilities of these organizations, the current international investment climate, the increasing availability of sound development projects, better planning and performance in both public and private sectors of the developing countries, and estimates of the level of foreign investment and bilateral assistance.

The actual rate of expansion would depend on demonstrated need and assurances on the effective use of funds.

This increase in lending would require an increase in U.S. funding from the current rate of $500 million a year to roughly $1 billion a year, assuming, as we should, no increase in the U.S. share in financing these organizations. In addition, there would be a need for the United States and other member countries to subscribe additional callable capital, enabling these organizations to increase their borrowings in the capital market. This callable capital would require U.S. budgetary outlays only in the event that these international organizations defaulted on their bonds.

An increase in International Development Association (IDA) lending is critical to establishing an international framework for development. In view of the debt-servicing problem in a number of the developing countries, concessional lending on IDA terms is badly needed. Furthermore, IDA lending is the foundation for international participation in some of the major development programs.

The current level of country contributions to IDA is $400 million annually. The Pearson Commission recommended that these contributions be increased to about $1 billion a year by 1972 and $1.5 billion by 1975. The Task Force recommends that the United States take the lead in supporting these suggested levels of financing. The U.S. share would be 40 percent of the total.

The Inter-American Development Bank (IDB) should be able to expand its rate of lending over the next few years by perhaps 50 percent—or, to indicate rough magnitudes, from $600 million a year to $900 million a year. The Task Force recommends that the United States support such an increase in line with the special consideration for Latin American development that is part of U.S. policy. This would involve an appropriate combination of contributions for concessional lending and subscriptions of paid-in and callable capital. In contrast to present practice, the IDB should reserve its concessional lending for its least developed member nations.

The Task Force also believes that the United States should support current initiatives to open membership in the IDB to other industrial nations. At present, the United States is the only industrial country member, and this makes for an awkward relationship. Since the Bank now borrows and obtains funds in Canada, Europe, and Japan, opening up its membership would both give it greater assurance of capital from these areas and make for more healthy relationships within the organization.

The Asian Development Bank is gaining experience and expanding its operations. It will be able to take on very large responsibilities in any postwar development effort in Southeast Asia.

The United States is not now a member of the African Development Bank, nor are other industrial countries. This country should work with other industrial countries to strengthen this Bank and eventually to provide it with financial support.

Four sub-regional lending institutions now exist: The Central American Bank for Economic Integration, the Caribbean Development Bank, the Andean Development Corporation, and the East African Development Bank. The United States is not now a member of any of these, but its policy, which the Task Force supports, is to assist such organizations through U.S. development loans.

The capabilities of the industrial countries for contributing to international development in general will be facilitated by the increase in international reserves made possible by the creation of Special Drawing Rights.[2]

However, other members believed that it is so important to the future of the world financial structure to establish firmly the SDRs as a new supplement to international reserves, absolutely independent of the balance of payments of any individual nation, or groups of nations, that no recommendation should be offered on the use of SDRs for international development finance.

Coordination. Bringing coherence to the work of international development organizations is essential to the success of the new approach to foreign assistance we recommend. The various international institutions do not now make up a system. A wide area of overlapping, and sometimes competing, responsibility exists. The same is true for the individual programs of the industrial countries. Furthermore, the work of other organizations, such as the IMF, the General Agreement on Tariffs and Trade (GATT), and the Organization for Economic Cooperation and Development (OECD), could be focused more effectively on international development.

This is a complex problem, involving a number of international agencies and many governments. Several proposals have been advanced to begin the process of creating an effective international system. What is important now, however, is to bring high-level attention to the problem. The Task Force, therefore, recommends that you, Mr. President, raise this issue with heads of selected governments—in both industrial and developing countries—and with heads of the major international organizations. Constructing an effective international system and establishing international development priorities in concert with others would do much to advance what must be a global enterprise.

D. Bilateral Development Lending: A U.S. International Development Bank

The Task Force sees a new role and a new organization for U.S. bilateral lending. If the international agencies are to carry expanded responsibilities for development, the U.S. program must assume a supporting role and not become involved in the entire range of country development policies and programs.

U.S. lending under such a system would be concentrated in selected countries, in selected programs—particularly in agriculture and education—and in multinational projects where long-term development is of special interest to the United States. This U.S. lending, however, would be made on the basis of development criteria. A bilateral lending program would put the United States in a better position to encourage countries demonstrating the ability to move rapidly toward self-reliance. It also would enable the United States to continue to take up its share, with other nations, of programs in India, Pakistan, Indonesia, and selected African countries and to support Latin American development, which is of special concern to the United States.

Whenever it is feasible, U.S. lending should support cooperative programs worked out by the developing countries and the international agencies. Current U.S. participation in World Bank consortia and consultative groups in India, Ghana, Indonesia, and Colombia are cases in point. The proposal in the Rockefeller Report to have the OAS Inter-American Committee for the Alliance for Progress assume larger responsibility for formulating programs and coordinating development assistance in Latin America is another example.

Method of Operations. The United States should manage its lending programs as a bank would, although the scope of lending necessarily would include all aspects of development.

Effective assistance for development requires that capital and related technical services be provided together. The U.S. lending agency should be able to finance pre-investment and feasibility studies. It also should finance training and expert advisors to strengthen the managerial and technical competence of the borrowing institutions. For example, a program for efficient water utilization might include funds for the purchase of equipment, for training workers, and for outside experts. A loan to finance fertilizer, seed, and pesticides could well include the provision of advice on agricultural marketing and distribution. In providing technical services related to its lending program, the lending agency would draw on its own staff or arrange for such services from outside sources.

In making loans for development purposes, the United States should recognize that development is more than an economic process. It should take into account not only the extent to which a loan will contribute to economic growth but also the extent to which it will encourage social and civic development and will result in a wide dispersion of benefits.

The U.S. program should emphasize loans in support of the local private sector and promote broad popular participation in development. It could include program loans, loans to development banks and regional private investment companies, and loans for infrastructure and other projects. The United States could also finance training institutes, such as vocational schools and scientific centers.

The United States should be able to provide a range of development lending facilities, with the terms of specific loans adjusted to individual country circumstances. Terms should range from the most concessional interest rates and repayment terms to near-market rates. The latter would be appropriate for countries that no longer need concessional lending but that do not yet have independent access to private capital markets. For these countries, the United States could provide, or join in providing, guaranty facilities that would enable them to borrow on international capital markets.

Financing. Funds for bilateral lending should be available on an assured basis and in ways that permit flexible use, and the characteristics of the sources of funds should correspond to the financing terms appropriate for each borrower. The Task Force recommends the following:

Appropriations should cover loans requiring the most concessional terms.

Borrowing from the public should be authorized for loans made on intermediate concessionary terms. The rate at which these funds are loaned would be lower than the rate at which they are borrowed.

Interest payments and repayments of principal on outstanding loans of A.I.D. and predecessor agencies should be available automatically to cover the interest differential on loans made at intermediate terms or for relending on the most concessional terms.

Guaranty of foreign official borrowing on international capital markets should be authorized as a transitional device to help countries become independent of U.S. concessional lending.

The Bank should have assured sources of financing. The Task Force recommends an initial capitalization of $2 billion through appropriations and authority to borrow $2 billion from the public as and when needed. In addition, the Bank should have available payments of interest and principal on existing loans. These payments are estimated at $200 million for 1970 and at about $300 million by 1975. As in the case of the Export-Import Bank, resources authorized should be available for the life of the Development Bank. This would relieve the pressure to make loans under fiscal-year limitations and thus encourage sound operations. The Bank should be in a position to go back to the Congress for additional resources when needed.

The level of Bank lending will depend on the rate at which the international institutions expand their programs and on a continuing assessment of the needs and performance of individual countries. In 1969, the U.S. bilateral lending program amounted to about $700 million.

Organization. The Task Force recommends the creation of a U.S. International Development Bank to carry out the bilateral lending program. The Bank should be an independent government corporation, with a full-time President serving also as Chairman of a Board of Directors, which would be composed of government officials and private members. The Secretaries of State and Treasury should be *ex officio* members of the Board.

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[2] The Task Force discussed the possibility of using these new reserves as a source of international development finance. Some members believe such a move should be explored with other industrial nations once the SDR system has been tested. There was agreement that time should be allowed to establish the new international reserves before proposals relating them to development finance are acted on. All agreed that the amount of SDRs created must be determined solely on the basis of liquidity needs—any tie-in to development would have to be clearly subordinate to the responsible operation of the SDR mechanism.

With independent status and a new mission, the Bank could attract a highly qualified professional staff and operate with a minimum of field representatives.

U.S. bilateral loans should be made under the broad foreign policy guidance of the Secretary of State, but independently of short-term foreign policy considerations.

The recommendation to establish a U.S. International Development Bank is based on an evaluation of the strengths and weaknesses of the existing and predecessor U.S. development agencies. One of the major issues involved is whether it is wise to separate the administration of capital assistance and of technical assistance. This is not an all-or-nothing proposition. Where the two are necessarily related, they would be provided together by a U.S. International Development Bank. There is a wide range of technical assistance activities, however, which require separate professional and managerial attention and which should not be submerged in a capital lending agency.

E. Research and Technical Cooperation: A U.S. International Development Institute

The Task Force recommends a basic change in the composition, method of operation, and administration of the current technical assistance program. As was noted above, part would be integrated into the lending operations of the U.S. International Development Bank. A new U.S. Institute would concentrate on four major areas:

Programs to deal with the population problem, which should be carefully designed and worked out with private groups, national authorities, and international agencies.

Research, both in the United States and abroad, with a heavy emphasis on strengthening local institutions in the developing countries. New technologies are urgently needed to provide breakthroughs in a variety of fields essential to broadbased development. They must be adapted to the needs of the developing countries and related to programs and local institutions that can ensure practical applications and evaluation of results. The successful combination of the development of new seeds for rice and wheat, and the programs to apply them, are a model. The United States should strongly support similar long-range efforts in agriculture, health, education, and other fields through national, regional, and international projects.

Training, both in the United States and in the developing countries. Strengthening local institutions for improving vocational, commercial, agricultural, industrial, scientific, and professional skills is of vital importance for modernizing societies.

Support of social development, designed to assure popular participation through organizations such as cooperatives, labor groups, trade associations, and civic associations and through community development programs.

Method of Operation. The United States should seek to operate these programs more as a private foundation would.

The current practice of employing large numbers of technicians and advisory personnel in many fields and in many countries should be changed. It has required high overhead and large field missions. Advisory personnel should be used far more selectively and only where a careful assessment indicates that they would be useful.

It would be more effective for the United States to concentrate on a limited number of specific problems, particularly those having regional or worldwide significance. In each program, it should seek agreement with the participating country or agency on specific goals, on cost-sharing arrangements, and on plans for the country to take over the program at some time in the future.

An increasing proportion of the work should be carried out largely through private channels—universities, scientific organizations, business firms, voluntary agencies, and special-purpose organizations in people-to-people and institution-to-institution programs. The program should rely heavily on scientific and professional experts from private institutions for specific assignments, rather than on permanent employees. This would permit the United States to draw on a broad range of talent around the country.

The Task Force believes that the United States should change the current practice of terminating technical assistance programs whenever concessional development loans end. Terminating both programs at the same time fails to take account of a possible continuing need for professional collaboration and training and of the mutual benefits of continuing such cooperation. Financing arrangements for technical assistance programs can always be adjusted to a nation's ability to pay.

The United States should continue to use funds for self-help community projects. These funds, in modest amounts, are available in a large number of countries on the approval of the U.S. Ambassador. They provide a useful element of flexibility in U.S. assistance programs.

Organization and Financing. The Task Force recommends creation of a U.S. International Development Institute to carry out the program described above. It should be an independent government agency with a full-time Director, who would act as Chairman of a Board of Trustees composed of public officials and private members. The Secretary of State should be an *ex officio* member of the Board. The Board could use specialized advisory groups to review particular projects, following the practice of the National Science Foundation in making research grants.

The Institute, in consultation with the Department of State, should be responsible for providing guidance to U.S. representatives on the Governing Board of the U.N. Development Program.

The Task Force recommends authorization of $1 billion for the Institue. In 1969, U.S. technical assistance programs, including contributions to international technical assistance programs, amounted to about $400 million.

As in the case of the Bank, these funds should be available over the life of the Institute, so that it can enter into long-term programs and avoid the pressure to spend funds under fiscal-year limitations. The Institute should have greater freedom in the use of funds than is now accorded to A.I.D. so that it can support innovative programs as the opportunity arises. It would go back to the Congress for additional funds when they are needed. At that time, the Congress could judge whether the flexibility in these arrangements was justified and should be continued.

The above guidelines would mean greater expenditures than under the present program for research, population programs, training, and support of local institutions and the U.N. Development Program, and considerably lower expenditures for American technicians and overhead services.

The Congress recently authorized an Inter-American Institute for Social Development to carry out various kinds of popular participation programs in Latin America. The Task Force suggests that these proposed functions be performed by the U.S. International Development Institute on a worldwide basis with a separate division for Latin America.

F. Agricultural commodity development assistance

Agricultural credit sales, Food-for-Work grants, and commodities provided for humanitarian purposes, all under the Public Law 480 program, are a significant part of U.S. foreign assistance. They also are an important element in our domestic agricultural policies. The cost to the U.S. taxpayer of this assistance is far less than its value to the recipient. More than half the budgetary cost would be required in any event to support farm incomes in the United States.

There is likely to be a continuing need for PL 480 development assistance for some time to come. This program now amounts to approximately $1 billion a year. There are no reliable forecasts of future needs; but the outlook is for a continued increase in agricultural production in the developing countries, combined with an increase in requirements arising out of population and income growth. The PL 480 program accounts for only a small fraction of total consumption in these countries. While needs vary from year to year, depending on production policies and on temporary factors, such as the weather, it is assumed that the program will continue at a level of about $1 billion a year on an average.

The Department of Agriculture now administers the sales programs under the foreign policy guidance of the Department of State and should continue to do so. First priority should be given to encouraging agricultural production in the developing countries and to self-help policies. In administering the sales program, the United States should recognize the need for developing countries to export agricultural commodities that they can produce efficiently. Competition from this quarter may hurt this country in the short run, but over time, income growth in the developing countries will make them better markets for those agricultural products that the United States can produce most efficiently.

Changes in Public Law 480 have provided for shifting the terms of assistance from local currency sales to dollar repayable loans. The terms for agricultural commodity loans should be consistent with those for development loans in each country. Both should take into account the debt-service burdens of developing nations.

The Food-for-Work program, in the form of grant commodity assistance, is now administered by A.I.D., partly in conjunction with the voluntary agencies. It is used in part to promote community development. The Task Force believes that this program should be administered by the proposed Institute and effectively coordinated with other social development programs.

Part of the local currency proceeds of credit sales agreements is available to borrowing nations for development purposes. Their use is subject to agreements reached with the U.S. government. These funds should be made available, as appropriate, to supplement the programs of the U.S. Development Bank and the Institute.

G. The quality of assistance

Over the past decade, most industrial countries have placed limitations on the use of their development assistance and have set terms for such assistance that have greatly reduced its value to developing countries. The most damaging of these practices are: the tying of development loans to procurement in the lending country, the promotion of exports by industrial countries on terms that lead to serious debt-servicing problems for developing countries, and the imposition of a wide range of cumbersome and costly administrative restrictions on lending.

If the United States were to act alone in changing many of these practices, it would yield trade and financial advantages to the other industrial countries, thus discouraging domestic political support for development assistance. Other industrial countries are in the same position. However, if all the lending countries acted together, they would minimize the cost to each of restoring more efficient procedures.

Untying Development Lending. Total bilateral development lending that is effectively tied to procurement in the lending countries is estimated at $2 billion—half from the United States and half from all the other industrial countries combined. This amount does not include agricultural commodity development assistance, or official export credits (which are necessarily tied), or technical assistance, supporting assistance, or budget subsidies. The restrictions in development lending are estimated to reduce the value to developing countries of these loans by about 15 percent—or $300 million a year.

The Task Force recommends that the United States propose that all industrial countries agree to untie their bilateral development lending—permitting the developing countries to use these loans for procurement from the cheapest source on a competitive-bid basis.

The balance-of-payments cost to the United States of this proposal is estimated to be relatively small. In any event, the full effect would not be felt until some years from now. It would be even smaller if the United States improved its competitive position in world trade. The creation of new international reserves, which improves worldwide liquidity and was designed to help countries remove restrictions on trade and payments, provides further support for actions to untie development lending on a multilateral basis.

Untying development lending would help to create a better international climate for development. It could stimulate investment, production, and trade in all developing countries.

The Task Force recommends two actions that the United States could take alone:

Permit goods and services financed under U.S. development loans to be purchased in all developing countries as well as in the United States. Latin American countries have recently been authorized to compete in the sale of goods and services under all U.S. development loans made in Latin America.

Remove the procurement restriction in the U.S. investment guarantee program. This restriction unfairly impinges on the flexibility of U.S. investors, discouraging such investment without providing significant balance-of-payments benefits to the United States.

Better Debt Rescheduling Arrangements. The current public and publicly guaranteed debt of developing countries is close to $50 billion—five times the level of a decade ago. The cost of servicing this debt has been increasing at the rate of 17 percent a year, or three times the rate at which the export earning of these countries have risen. It is clear that these trends cannot continue.

The procedure up to now has been to reschedule the debt of countries about to default, usually as a result of extensive reliance on commercial credits or of financial mismanagement. The relief is short-term in nature and inadequate for dealing with the problem.

The debt situation for a number of developing countries, however, is long-term in nature and partly a consequence of loan terms the countries cannot handle. Keeping these countries on a short leash by emergency debt-rescheduling operations does not show the necessary foresight. Countries with serious debt problems, in trying to avoid default, are likely to impose more internal and exchange restrictions and thereby intensify their future difficulties.

The Task Force recommends that the United States propose joint action—by the lending countries, the international lending institutions, and the developing countries concerned—to devise a comprehensive strategy for dealing with this problem. This strategy should be put into effect to prevent an emergency—not to deal with one after it has arisen.

Over the decade ahead, joint action probably will be required to deal with the debt problems of perhaps five to ten countries. These countries now account for at least one-third of the outstanding debt. Such action should be initiated soon on a case-by-case basis. It should consist of an interrelated package that includes the following elements:

The World Bank and the IMF should convene a meeting of representatives of the countries involved, these institutions should prepare debt-rescheduling proposals on the basis of the debtor country's long-term outlook—both for debt service and for export earnings.

Each debtor country seeking debt renegotiation should demonstrate by its plans and policies, that it is pursuing a coherent development program and appropriate fiscal and financial policies.

Bilateral government and government-guaranteed credits should be rescheduled over a long term. The international lending institutions, however, should not be required to reschedule their outstanding loans. Rescheduling their loans would endanger the ability of international institutions to continue borrowing in capital markets.

The IMF should be ready to provide standby credits as a part of this package. This would be useful for setting financial standards and for providing a transitional supplement to the countries' international reserves.

Governments should agree on a ceiling for guaranteed commercial credits to a participating debtor country in any one year. Minimum maturities for these supplier credits should also be set by multilateral agreement.

If agreement is reached on the above points, all bilateral lenders should agree to provide the most concessional terms on new lending to the participating debtor country. These countries should also be given priority in receiving IDA loans.

In addition to rescheduling the debts of countries that already have reached or exceeded the limits of serviceable indebtedness, the creditor countries should design their assistance policies to keep other developing countries from facing debt difficulties. The best way to do this is for all developed countries to improve the terms of their development assistance.

Administrative Flexibility. A large number of statutory and procedural requirements now make the administration of U.S. foreign assistance excessively cumbersome. An estimate prepared for the Task Force indicates that the equivalent of seven hundred full-time officials now is required to see that these regulations are followed.

Some of these restrictions reflect an attempt to use development assistance for foreign policy purposes that it never was designed to achieve. Others lead to an excessive multiplication of regulations. Often the complications arising out of these restrictions outweigh any intended benefits. However, some are designed to ensure good accounting practices.

A new approach to foreign assistance will provide an opportunity to make a fresh start. Procedural requirements and political limitations that are necessary for effective programs should be recast in forms that are manageable. Those that unnecessarily encumber the program and reduce its flexibility should not be carried forward.

In sum, the Task Force believes that legislation incorporating the proposals in this report should be based on the principle that administrators are accountable for achieving objectives. Restrictions on operations should be held to a minimum.

H. Coordination issues: A U.S. International Development Council

Presidential interests in international development are not adequately served by existing decision-making machinery. International development does not receive enough emphasis in the determination of U.S. trade, investment, financial, agricultural, and export-promotion policies. A number of departments and agencies have competing interests and responsibilities in this general area, with the result that too many issues go to the President for resolution. Furthermore, opportunities to take initiatives in policies toward developing countries are sometimes lost.

The Task Force recommends creation of a U.S. International Development Council to coordinate U.S. international development activities and relate them to U.S. foreign policy. The Chairman should be a full-time official appointed by the President. He should be located in the White House and be served by a small high-level staff.

The Council should consist of the Secretaries of State, Treasury, and Agriculture, the President's Special Trade Representative, the President of the Export-Import Bank, the Director of the Peace Corps, the President of the U.S. International Development Bank, The Director of the U.S. International Development Institute, and the President of the Overseas Private Investment Corporation.

As a means of keeping the Congress and the American public fully informed, the Council should prepare for the President an annual report on international development activities, which he would submit to the Congress. Establishment of a joint committee of the Congress to review the President's report would contribute to a better understanding of international development goals, policies, and results.

Responsibilities in Washington. The mission of the Council would be to assure consistency among U.S. development programs, the positions taken in international agencies and forums, and the actions taken on trade and financial issues, relating to developing countries.

The President would look to the Chairman and the Council to:

Formulate basic international development strategy;

Relate assistance programs to this strategy;

Review, on a continuing basis, bilateral and multilateral assistance policies and programs;

Focus high-level attention on the consequences for international development of U.S. policy decisions in agriculture, trade, investment, and international finance;

Deal with coordination problems among U.S. government agencies; and

Assure a consistent presentation of Administration views on international development to Congress and to international forums.

The Chairman of the Council would look to the Secretary of State for overall foreign policy guidance. The Secretary would continue to be responsible for assuring that U.S. programs in specific countries are consistent with U.S. foreign policy, and for conducting negotiations.

The Secretary of the Treasury would continue to have primary responsibility for dealing with international financial institutions. However, the Treasury Department, together with other agencies with responsibilities toward international organizations, would be guided on development aspects of policy by the U.S. International Development Council.

Responsibilities in the Field. The Ambassador would continue to have responsibility for all U.S. activities in the country to which he is accredited.

The recommended program for reorganizing foreign assistance calls for much smaller field representation than now exists. The U.S. International Development Bank and the U.S. International Development Institute will need regional representatives and in some cases country representatives, but the principal operating decisions will be made in Washington. In countries where the United States has large bilateral programs or special development interests, foreign service officers trained in development problems should be assigned to the U.S. Embassy. Furthermore, the State Department should look to leading outside experts in the development field to undertake such assignments. These specialists could make a substantial contribution to development planning and be responsible for discussing development problems, development projects, and development assistance with host governments.

VI. BUDGETARY IMPLICATIONS AND THE LEVEL OF U.S. FOREIGN ASSISTANCE

The appropriate level of U.S. foreign assistance must be examined in the context of national priorities and the means available to meet them. What the United States can afford now—given urgent domestic requirements, the cost of fighting the war, other high national security costs, the balance-of-payments position, and an overriding need to contain inflationary pressures—will differ from what would be appropriate under a more favorable environment.

Moreover, this is only one side of the coin. The other side is a convincing determination that these resources can, and will, be used effectively.

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Foreign assistance, like domestic programs, cannot be changed drastically from year to year without either a sacrifice of the goals the United States seeks or damage to the means for achieving them. Foreign assistance involves continuing programs, the actions of many other nations, and a functioning international framework—for all of which the position of the United States is of the greatest importance. This highlights the need for timely approval of the 1971 foreign assistance budget. Disruption of the U.S. program could undermine the entire system of international cooperation in this field.

The downward trend in U.S. development assistance appropriations should be reversed. Additional U.S. resources could be used effectively now for international development. To underwrite a new approach to foreign assistance, additional financing for international lending institutions and assured capitalization for U.S. bilateral lending and technical assistance are needed.

To sum up the budgetary implications, we have recommended:

An increase of $500 million in annual U.S. contributions to international financial institutions by 1972. Thereafter U.S. development assistance for international financial institutions should be increased as rapidly as is consistent with its effective use and with the willingness of other industrial countries to increase their contributions to such institutions;

An increase in U.S. subscriptions to the callable capital of these institutions, as needed;

Multi-year capitalization of $2 billion for a new U.S. International Development Bank through appropriations, and authority to borrow $2 billion from the public to be used as and when needed. In addition, the Bank would make use of payments of interest and principal on outstanding loans. These payments are about $200 million a year now and will be about $300 million by 1975;

Multi-year authorization of $1 billion for a new U.S. International Development Institute.

The amount of development assistance the United States would provide in any one year would depend on a continuing assessment of needs and performance in individual developing countries.

The Task Force has deliberately decided against recommending any specific annual level of foreign assistance. Assurance on how funds will be used and the establishment of organizations that can effectively further national interests should come first. We do believe, however, that the currently low level of economic development assistance must be raised substantially.

The Task Force shares the belief of the Pearson Commission that acceleration of international development is important to the well-being of the world and that over time a large increase in development assistance is necessary.

The Task Force has reservations, however, about the usefulness of any formula to determine how much assistance the industrial countries should provide. This approach puts the emphasis on the wrong side of the partnership. Instead, the starting point and the test should be the determination of developing countries to mobilize their own resources and to adopt policies that will ensure the effective use of funds. On evidence of good performance and of demonstrated need by the developing countries, the industrial countries should be prepared to make available the necessary amount of development assistance. In the end, this may mean greater or less assistance than would be called for by any predetermined formula.

These considerations aside, a uniform development assistance yardstick for all industrial countries would make no allowance for the international responsibilities the United States carries. The United States now devotes 7 percent of its GNP for defense expenditures. In part, these security responsibilities make it possible for our allies to spend less themselves on military security. As a group, their defense expenditures as a percentage of GNP are perhaps half those of the United States.

Other factors in burden sharing are worth noting. Despite a ten-year attempt in international forums to arrive at a uniform definition of development assistance, problems still exist. Each of the industrial countries in following its national interest emphasizes various kinds of resource flows. Development lending, however, should be the decisive element for all countries in burden sharing—not such special factors as loans to promote exports or political budget support of one kind or another.

Trade policy should also be taken into account—specifically, the value of preferential arrangements and measures taken to open markets to imports of manufactured and agricultural commodities from developing countries. Although they are difficult to measure, trade benefits have a multiplier effect on development.

In sum, the Task Force believes that the United States should keep to a steady course, prepared to help finance development in those countries demonstrating the will to advance. As the world's largest industrial power, the United States should participate fully with all other industrial countries in such an effort.

This country now spends $6.5 billion on foreign assistance, 40 percent of which is related directly to the war in Vietnam. As the United States moves from war to peace, a change in the mix of these programs from military assistance to international development assistance could give us more leeway to support to the full the resolve and the purpose that developing countries demonstrate.

With this approach, Mr. President, the Task Force believes that this country can take up the challenge of international development in a way that adds a new dimension to U.S. foreign policy and creates a broad and hopeful vision of the world and its future. Americans, young and old, can then take renewed pride in playing a constructive world role and in meeting the obligations of global citizenship.

The United States, in the future, can act more in partnership with others—the developing nations and the industrial nations. All are increasingly capable of assuming responsibilities and of providing resources. All have growing stakes in the results. As you said, "forging a new structure of world stability in which the burden as well as the benefits are fairly shared" is a primary aim of U.S. policy.

The members of your Task Force have found this assignment to be interesting and important. We hope this report will be useful to you and to the nation.

Respectfully submitted.

STATEMENT BY THE PRESIDENT

I have just received the report of my Task Force on International Development, chaired by Rudolph Peterson.

The Task Force has recommended sweeping changes in the foreign assistance programs of the United States: clarification of their fundamental objectives, changes in the overall role of the United States in the international development process, changes in the organization of the U.S. Government to carry out its responsibilities in contributing to that process.

A new approach to foreign assistance, based on the proposals of the Task Force, will be one of our major foreign policy initiatives in the coming years. I will propose this new approach in responding to the requirement of the Foreign Assistance Act of 1967 that I reappraise our present assistance effort and recommend changes for the future. Taking into account the discussion which will follow my proposals, including close consultation with the Congress, I will submit legislation in January 1971 to carry out the new U.S. approach.

To contribute to the discussion of this important subject, I am making the Peterson Report public immediately. I believe its ideas are fresh and exciting. They can provide new life and a new foundation for the U.S. role in this vitally important area of our relations with the developing countries.

The Task Force intensively examined our assistance programs of the past and present. Looking to the future, it concluded that "The United States has a profound national interest in cooperating with developing countries in their efforts to improve conditions of life in their societies." I agree. It is to enable the United States to best pursue that profound national interest that I will propose a new U.S. approach to foreign assistance for the 1970s.

ENHANCING THE RIGHT OF ALL AMERICANS TO CHOOSE THEIR PRESIDENT

Mr. GOLDWATER. Mr. President, the substitute amendment that is pending before us has been modified to include the amendment on presidential voting that I have offered for myself and 29 other Senators. This was a very gracious move on the part of the 10 Senators who have sponsored the substitute measure. It was a particularly happy moment for me because it signifies that there is a broad range of support for my amendment among Senators of all persuasions.

Frankly, this is the way I had hoped it would be. When I first presented my suggestions, I thought they should cut across party lines and political labels.

Everyone, it seemed to me, would be in favor of letting people vote.

And this—in a nutshell—is exactly what my amendment is designed to do. With one fell swoop it will clear away a barrier of outmoded legal technicalities that now deprive nearly 10 million American citizens of the basic right to vote for the leaders who will guide their country.

PURPOSES

Mr. President, I would like to explain today, in a layman's terms, just what the purposes of our amendment are and how our proposal differs from the House-passed language.

In short, my amendment will secure the right to vote for President and Vice President for every citizen of the United States without regard to lengthy residence requirements or where he may be in the world on election day.

In order to do this, my amendment will provide for the following reforms to be made in the Nation's election machinery.

First, it will completely abolish the durational residence requirement as a precondition to voting for President and Vice President. The provision will benefit both new residents and longtime residents of a State.

Second, it will permit new residents of a State who move after the voting rolls are closed to vote for such officers by absentee ballot or in person in their former State.

Third, it spells out the right of all citizens, both new residents and longtime residents of a State, to register absentee and to vote by absentee ballot for President and Vice President. One important facet of this provision is the fact that once the voting age is reduced to 18, the benefits of my amendment will be immediately available to all our young Americans who are attending college away from their homes.

Fourth, it will allow longtime residents of a State to register as voters for presidential elections at least up to 30 days before the election, whether or not they have moved their homes.

Fifth, it will expressly preserve the power of the States to adopt voting practices which are even more generous than those provided by the new law.

Sixth, it will authorize the Attorney General to institute court actions to insure compliance with the law.

Seventh, it will specifically prohibit double voting and false registration.

Eighth, it clearly sets out a congressional finding of the powers that Congress is exercising under the Constitution.

Ninth, it plainly is applicable to voting for the offices of President and Vice President alone.

HOUSE VERSION

Out of the nine features which I have listed, only the second one and half of the first one were contained in the House-passed bill.

The earlier version, as it was explained by its sponsors, would solely have benefited new residents of a State who moved across State lines.

Put in more tangible terms, the House provision would have helped approximately 5.5 million citizens gain the right to ballot for their President. My amendment will almost double that number of citizens.

Mr. President, I do not in any way mean to cast criticism on the approach used in the House version. It would be a major step forward in extending the right to vote. However, the suggestions which I had proposed in Senate Joint Resolution 59—which was introduced months before the House bill—would build upon the features set out in the House measure so that the broadest possible meaning could be given to the right to vote in presidential elections.

My present amendment, which is a refinement of our first proposal, goes even further in nailing down the objectives which I and 32 other Senators had in mind when we offered Senate Joint Resolution 59.

Mr. President, this is an appropriate place to express my deep appreciation to the many Senators who have joined with me in this effort, first in connection with the joint resolution and now in regard to the amendment. Without their assistance and endorsement, the idea would not have gotten as far as it has.

So, I want to say, in truth, that whatever credit is due for the contribution which the proposal might eventually make, should be shared by all of my colleagues who have kindly supported the election reforms I have suggested.

It is easy to explain my own great interest in improving the machinery by which the Chief Executive is selected. Having been my party's nominee for President in 1964, I perhaps have had more reason than most persons to examine the workings of that machinery.

REFORMS NEEDED

Mr. President, the more I have studied our national election system the more I have been convinced that it is in need of a major overhauling. To put it bluntly, the election system of the world's greatest republic and democracy is not geared to insuring that the maximum number of citizens will be eligible to vote. In many ways it even discourages or makes it impossible for citizens to register or to obtain ballots or to cast those ballots.

It is my belief that these restrictions are particularly arbitrary and injurious when they result in the denial of the fundamental right of an American citizen to choose the officers who will run the National Government.

Mr. President, I have outlined what the problems are when I described the primary features of my amendment. At this time I would like to develop the story at greater length so that there may be a solid legislative history of the problems which our amendment is designed to overcome.

STATE RESIDENCE REQUIREMENTS

The worst offender is the burden on voting imposed by lengthy residency requirements. Sixteen of our States require a full year's residence within their boundaries before they will allow a citizen to vote for President and Vice President. One of these States actually requires residence for as long as 2 years before a citizen can vote. Standing alone, the laws of these few States disqualify more than 620,000 Americans of voting age who move from State to State in an election year.

In addition, three States, to which over 150,000 adult citizens move each year, impose a 6-month waiting period as a precondition to voting for President.

Thirty-two other States require waiting periods for new residents ranging from 3 months down to zero. Even these shortened periods result in the disqualification of nearly half a million otherwise eligible voters.

Mr. President, the combined effect of the various State residence laws is the denial of the right to vote for President in the case of over 1,120,000 Americans. This total can be readily established on the basis of a table which I shall insert later in the RECORD.

LOCAL REQUIREMENTS

But this is only part of the story. Added to this obstruction to the free exercise of a citizen's franchise were numerous local rules that imposed a separate waiting period on persons who moved about inside a State. These laws affect both longtime residents of a State and newly arrived residents who may move after entering the State.

For example, if a citizen living in any one of 10 States changed his address to a different county or city in that same State as much as 6 months before the 1968 election, he would have lost his right to vote in that election. One might think that the cumulative effect of these strictly local rules would be small, but to the contrary they actually cause the disfranchisement of at least an additional 855,000 citizens.

CITIZENS DISQUALIFIED BY WAITING PERIODS

Mr. President, I have prepared a table which details the numbers of citizens who are disqualified from balloting in presidential elections and I request that it be inserted at the end of my remarks. It shows, State by State, a listing of the current residence periods applied by the several counties, cities, towns, precincts, and wards within each State, and identifies the number of citizens of voting age who moved to each State and within each State during the last election year.

Mr. President, it is clear from reading the table that no less than 2 million Americans are being denied a voice in the selection of their President solely because they have changed their residence. But let me emphasize that this figure is the bare bones minimum which can be proven.

Actually, the Gallup poll's in-depth analysis of the 1968 election claims that the true number of citizens who were disfranchised by restrictive residence laws exceeded 5 million persons. What is more, one estimate made by the Census Bureau indicates that 5.5 million Americans were caught by these restrictions.

Since there were more than 21 million citizens of voting age who in fact made a change of households during the year preceding the 1968 election, it is my feeling that 5 million is much closer to the truth.

ABSENTEE VOTING

But these are not all of the unfortunate citizens who find themselves without the

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vote because of out-of-date legal technicalities. Approximately 3 to 5 million more fully qualified American citizens were denied the right to vote for President because they were away from home on election day and were not allowed to obtain absentee ballots.

This gap in the law is often overlooked because most States do permit some form of absentee voting. But the catch is that some of these same States impose unrealistic cutoff dates on the time when persons can apply for absentee ballots. This results in the disqualification of great numbers of citizens who do not know early enough that they will be away at the time of voting. Another burdensome feature about these laws is the fact that in 10 States a person's absentee ballot will not be counted unless it is returned to the voting officials before election day.

But this is not all. For in three out of every five States civilians cannot register absentee. Only 20 States now allow civilians generally to register to vote if they are away from home.

This means that millions of Americans are denied a voice in choosing their President and Vice President merely because they are exercising their constitutional right to travel in interstate commerce.

This category of citizens not only includes those Americans who travel within the United States for various reasons at election time, but it also encompasses a great many Americans who are temporarily outside the United States.

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They may be serving overseas as Foreign Service officers or other governmental civil servants. They might be students who are attending foreign colleges. They include Americans who are working for U.S. businesses that have branches abroad. Or they may be plain tourists who are visiting friends or seeing new places overseas.

In any event, they are all fully qualified American citizens who find themselves without the right to vote solely because of outmoded legal technicalities.

UNFAIR LEGAL TECHNICALITIES

Mr. President, I want to state as firmly as I can that this hodgepodge of restrictive devices is unfair, outmoded, and unnecessary when applied to presidential elections.

In my opinion, every qualified citizen of the several States should be entitled to participate in the choice of his President. A citizen should be able to exercise this right regardless of where he is in the world on election day and regardless of how long he has been a resident of any particular State.

As Chief Justice Taney put it over a century ago:

> We are one people, with one common country *Passenger Cases*, 7 Howard 293; 492 (1849).

Being members of the same political community, it is my view that all citizens possess the same inherent right to have a voice in the selection of the leaders who will guide their Government.

Mr. President, I wish to emphasize that my comments are not aimed at the election of State and municipal officers. My amendment is specifically worded so as to apply only to the choosing of the President. Here there is no need to insure that new residents have had time to learn about local issues. Here the issues are national and cut across all areas and regions of our country.

It is true that all States limit the right to cast presidential ballots to bona fide residents or recent former residents. It is also true that most States require voters to register to vote within a few days before an election.

When these requirements are applied in a reasonable way, they can serve a valid purpose by protecting against fraudulent voting and allowing the election officials to carry out the paperwork and mechanics of holding an election.

But whatever the reasons for permitting a State to set a closeout date for registering to vote for President, there is no compelling reason for imposing a separate and additional requirement that voters also must have been residents of the State for a particular length of time. If a State can satisfy its logistical needs by keeping its voting lists open up to 30 days before an election—as 40 States now do—what is the justification for barring citizens from balloting for President unless they have been residents of that State for 6 months or 1 year?

So long as a citizen is a good-faith resident of a State and the State has adequate time to check on his qualifications, the duration of his residency should have no bearing on his right to participate in the election of the President.

REMEDIES PROVIDED

This is why my proposal provides for the complete abolishment of the durational residence requirement as a separate qualification for voting for President and Vice President. My amendment will, however, permit a State to require that its voters shall be bona fide residents who shall register or otherwise qualify for voting no later than 30 days preceding the election. Thereby the legitimate interests of the States will be protected at the same time that the fundamental right of citizens to vote will be given its broadest possible meaning.

This does not mean that most States will be left with rules which amount to the same thing as a 30-day waiting period. For example, 19 States now permit a new resident to apply for a presidential ballot as late as 2 weeks before the election. Fourteen States allow their new voters to register as late as 5 days before election day.

Now, under my amendment, new citizens who move into one of these States will be allowed to vote there with merely 2 weeks or 5 days of residence, as the case may be. But under the House-passed bill the same citizen will be denied the franchise in his new State unless he has more than 60 days' residence. So the terms of my proposal are really much more generous than a mere 30-day residency law would be.

Mr. President, the record should show that there is another important group of citizens who will benefit from the requirement that States shall keep their voting lists open until at least 30 days before a presidential election.

The point must be made absolutely clear that my amendment is intended to remove all the insidious effects which these archaic statutory limitations may have on a citizen's free exercise of his right to choose the President.

LONGTIME RESIDENTS

To this end, my proposal is expressly designed to help not only new residents of a State but also citizens who have lived for a long time in a State.

Mr. President, one of the most bizarre features now included in some State election laws is the fact that citizens who have just moved into a State may register to vote as late as 30 days or even 5 days before a presidential election, but longtime residents of that same State are required to apply for registration as much as 9 months before the election.

What nonsense. Nine months prior to the election few people may be thinking about that event. But by 30 days before the polls open, political interest will have reached a fever pitch.

So, I want to make it very clear that my proposal is intended to mean that all citizens, both new residents and longtime residents, shall be permitted to register or otherwise qualify to vote for their President at least until 30 days before the election.

Mr. President, returning to the problems of the new residents for a moment, I want to add that my amendment will completely close the gap for those persons among this group who would still be unable to qualify as voters because they have moved into a State after the voting rolls have closed. To do this, the amendment provides that former residents of a State who fail for this reason to become electors in their new State must be allowed to vote for President in their former State.

My proposal draws on the excellent example set by the States themselves. Ten States—including Arizona—now permit former residents to vote in presidential elections.

ABSENTEE VOTING

Next, in order to provide the greatest possible encouragement and meaning to the right to vote, my amendment will permit all categories of citizens, both civilian and military, to register absentee and to vote by absentee ballot.

Specifically, the amendment provides that citizens may apply for absentee ballots for President and Vice President up to 7 days before the election and may return their marked ballots as late as the close of the polls on election day. Once again, the features of my measure are drawn from the proven practice of the States themselves. At present 37 States allow certain voters to make application for absentee ballots up to a week before the election and 40 States provide that the marked ballots need not be returned until election day itself.

ABSENTEE REGISTRATION

My amendment will also allow citizens who are away from their homes to register absentee. Forty-nine States now permit servicemen to register absentee or do not even require them to register at all, and I believe this privilege should be extended nationwide to all citizens, both civilians and servicemen.

Mr. President, allow me to describe the full scope of this provision. What I intend is that civilians should be granted the very same privileges of absentee registration and voting that are extended to members of our military services.

As I have indicated, absentee registration is nothing novel in the case of servicemen. The general rule is as follows:

> The domicile of a person is not affected or changed by the mere fact that he has entered the military or naval service of his country. He does not thereby lose or abandon the domicile he had when he entered the service, nor does he acquire one at the place where he serves, irrespective of the duration of his actual residence at such place. His residence or domicile is a question of intent. (American Jurisprudence 2nd, Elections, section 75)

Accordingly, it seems entirely appropriate to ask that the same rule shall be applied on behalf of civilian citizens who are temporarily living away from their regular homes, whether they are visiting relatives or friends abroad, attending college outside their own State, working for a U.S. firm overseas, or serving as Federal employees away from their normal homes.

Thus, it is my purpose that the same standards that are applied to servicemen shall be applied to civilians. A person's "home" or "domicile" should depend upon his true intent to return to that home.

Mr. President, I should note in connection with this feature that, if Congress should eventually lower the voting age to 18, my amendment would be available to assist all of these young Americans who may be attending college away from home.

SPECIAL BALLOTS

Mr. President, I would also like to mention that the basic practice that a State will have to establish once my amendment takes effect is one which most States already have put into operation. To date, 31 of our States have created a special method for voting in presidential elections in the case of new residents who cannot meet the usual residence requirements. These citizens are allowed to vote for presidential electors, but not for other offices.

This proves beyond any doubt that the States can set up the separate system for voting that is required under my amendment.

In short, every standard set forth in the amendment has been modeled after practices that are used by the States themselves and are proven to be workable. Therefore, I can safely say to those of my colleagues who share with me a special respect and concern for the strength and diversity of our State and local governments that their interests were fully taken into account in the preparation of this measure. Mr. President, I ask that tables identifying the States whose practices I have followed be inserted at the end of my statement.

OTHER FEATURES

Mr. President, there are two remaining features of my amendment that should be discussed. One is the provision which authorizes the Attorney General to institute court actions to enforce compliance with the law. There is no general authority that permits the United States to seek injunctive relief and I wanted to see this power spelled out in the bill. Otherwise, the only way the section could be enforced would be through individual, private law suits. This point is handled in section 203 of the substitute amendment.

Finally, it is my belief that we should not leave any doubt as to whether there are sanctions in the case of double voting and false registration. Therefore, I have expressly provided that such conduct will be a Federal offense. What I have done is to utilize the existing provisions of section 11(c) of the original voting rights law.

Mr. President, up to here I have sought to identify the problem and to describe the ways in which I believe we can solve it. Now it is my purpose to state the grounds on which I think Congress can act in this field.

CONSTITUTIONAL AMENDMENT

In doing so, I wish to note that I have also considered the route of a constitutional amendment. Early last year I introduced a joint resolution, on behalf of myself and 32 other Senators, proposing an amendment to the Constitution which would have carried out the same purposes as my present measure. But even though our resolution was joined in by a third of the Senate's membership, we were unable to get any action on it.

Now we are a year closer to the next presidential election. In view of the fact that the time left before that election is fast running out, I have decided to pursue the alternative path of seeking a Federal statute.

By passing a law before the end of this year, we can give the States a full 2-year period during which they can bring their local laws into conformity with the national standards. This opportunity is very important to many States because their legislative chambers meet only in alternate years.

LEGAL ARGUMENTS

Mr. President, once the policy decision is made to cure the problem by means of a statute, rather than an amendment to the Constitution, I have no difficulty in finding that it is well within the authority of Congress to pass such a statute.

There are at least four distinct grounds for the exercise of congressional authority in this field, and I shall discuss each of them in turn. First, there is the power of Congress to secure the rights guaranteed by the 14th amendment.

FOURTEENTH AMENDMENT

The question here is parallel to the one before the Supreme Court in the recent case of *Katzenbach* v. *Morgan*, 384 U.S. 641 (1966). There the Court was faced with deciding whether Congress could prohibit the enforcement of New York's English language literacy test as applied to Puerto Rican residents of that State. The Court was also faced with its decision in *Lassiter* v. *Northampton Election Board*, 360 U.S. 45 (1959), in which it had rejected a challenge to the English literacy test of North Carolina.

Nevertheless the Court held that Congress could override the New York law. In writing the Court's opinion, Justice Brennan said that the true question was: "Without regard to whether the judiciary would find that the equal protection clause itself nullifies New York's English literacy requirement as so applied, could Congress prohibit the enforcement of the State law by legislating under section 5 of the 14th amendment?"—384 U.S. 649.

Justice Brennan proceeded by saying:

> In answering this question, our task is limited to determining whether such legislation is, as required by section 5, appropriate legislation to enforce the Equal Protection Clause. (384 U.S. 649–650.)

The basic test of what constitutes "appropriate legislation," according to the Morgan decision, is the same as the one formulated by Chief Justice Marshall in *McCulloch* v. *Maryland*, 4 Wheaton 316, 420 (1819), when he defined the powers of Congress under the necessary and proper clause.

In applying this test to legislation passed under section 5, the Court held that three questions must be asked: First, is the statute designed to enforce the 14th amendment? second, is it "plainly adapted" to that end? and third, is it consistent with "the letter and spirit of the Constitution?"—384 U.S. 651.

In deciding the answers to these questions, the Court said "it is enough that we are able to perceive a basis upon which the Congress might predicate a judgment" for acting as it did—384 U.S. 653.

Thus the Court upheld the power of Congress to preclude the enforcement of the New York literacy requirement. And so, I believe it would uphold the power of Congress to preclude the enforcement of State voting requirements which fall short of the standards created in my proposal.

It may be granted that the States have broad powers to determine the conditions under which the right of suffrage may be exercised. *Carrington* v. *Rash*, 380 U.S. 89, 91 (1965).

It may also be noted that the Supreme Court has affirmed, without opinion, a district court decision which upheld a 1-year residence requirement Maryland had imposed for voting in presidential elections. *Drueding* v. *Devlin*, 380 U.S. 125 (1965).

But, is this not the same situation that the facts presented in the Morgan case? There, too, the issue involved the power of Congress to preclude the enforcement of a State voting requirement. There, too, the Court was faced with an earlier decision that the requirement was permissible.

In Morgan, one crucial factor was present that changed the whole issue before the Court. That same factor is present here. According to the rule of Morgan, where the case involves an enactment of Congress designed to enforce the guarantees of the 14th amendment, the question is not whether the judicial branch itself would decide that the State law is prohibited by that amendment. Rather the question is whether or not the congressional measure is appropriate legislation under section 5 of the 14th amendment.

The thrust of the Morgan decision is that section 5 is a positive grant of legislative power authorizing Congress to use its discretion in determining what laws are needed to secure the guarantees of the 14th amendment. Under this doctrine, I have no difficulty in believing that the enactment of a uniform residence law is constitutional.

APPLYING TEST

First, there can be no doubt that the measure is intended to enforce the guarantees of the 14th amendment. It is designed to protect the right to vote for citizens who travel or move their households prior to a presidential election. The legislation clearly is meant to secure for this group of citizens freedom from a discriminatory classification in the imposition of voting qualifications that Congress has found to be unnecessary and unfair.

Second, the proposal is "plainly adapted" to furthering the purposes of the 14th amendment. By passing this law, Congress will effectively enhance the opportunities of millions of Americans to vote for President.

Third, the measure is not "prohibited by but is consistent with" the Constitution.

ELECTORAL VOTE

It may be argued that because the Constitution creates the electoral vote system of choosing the President, the Federal Government may not prevent a State from requiring that persons who vote for its electors shall be citizens of that State. This is true, in general, and my amendment will allow a State to provide that its voters be bona fide residents.

But this reasoning does not mean that a State can deprive citizens of their right to vote for electors merely because they are so newly arrived in the State that they might have a different outlook than longtime residents. This kind of effort at excluding a part of the population from the electorate because of the way they may vote is precisely the kind of thing the Supreme Court said was unconstitutional in *Carrington* v. *Rash*, 380 U.S. 89, 94 (1965).

STATE AUTHORITY NOT ABSOLUTE

It might also be argued that since the States possess authority to impose reasonable voting practices, a Federal statute that interferes with these local regulations is not consistent with "the letter and spirit of the Constitution." However, I believe that the rule of *United States* v. *State of Texas*, 252 Federal Supplement 234 (1966), settles the question.

In this case, a three-judge district court, convened under section 10 of the Voting Rights Act of 1965, sustained the power of Congress to prohibit the use of the poll tax as a prerequisite to voting in State elections.

While the court recognized that the poll tax system in Texas had the function of serving "as a substitute for a registration system," it held that payment of the tax as a precondition to voting must fall because it restricted "one of the fundamental rights included within the concept of liberty"—252 Federal Supplement 250.

In reaching its decision, the court said it was following the rule announced by the Supreme Court:

> Where there is a significant encroachment upon personal liberty, the State may prevail only upon showing a subordinating interest which is compelling. *Bates* v. *City of Little Rock*, 361 U.S. 516, 524 (1959).

Also, the lower court cited the principle of *McLaughlin* v. *State of Florida*, 379 U.S. 184, 196 (1964), that such a State law "will be upheld only if it is necessary, and not merely rationally related, to the accomplishment of a permissible State policy."

Since the judgment of the district court was affirmed by the Supreme Court, 384 U.S. 155 (1966), I believe it offers the controlling principle which the courts will apply to other cases involving a conflict between the assertion of an individual's constitutional right and a State law that touches on that right but serves a permissible State objective.

Another recent case that follows the same rule is *Shapiro* v. *Thompson*, 394 U.S. 618 (1969). This case holds particular interest because it concerns the validity of waiting periods imposed by the States to deny welfare assistance to new residents of the States.

The Court specifically rejected the argument that a mere showing of a rational relationship between the waiting period and a permissible State purpose is enough to justify the denial of welfare benefits to otherwise eligible applicants.

The Court held that "in moving from State to State or to the District of Columbia appellees were exercising a constitutional right, and any classification which serves to penalize the exercise of that right, unless shown to be necessary to promote a compelling governmental interest, is unconstitutional"—394 U.S. 634.

Since the State regulations involved here also touch on the fundamental right to vote, and other rights which I shall discuss in a moment, it is my belief that the same rule will be applied. Congress may clearly limit the use of such requirements, in order to protect these rights, unless the State laws are shown to promote a "compelling" State interest.

Under this standard, I must conclude that Congress may, consistent with the Constitution, establish the uniform practices that I have suggested. There simply is no compelling reason why a State should condition the right to vote for President on the duration of a citizen's residence or his actual presence on election day. The mere fact that 40 States have been able to satisfy their administrative needs by providing for only a 15- to 30-day period between the close of their voting rolls and election day demonstrates that the legitimate interests of the States can be met by other means than a separate lengthy residence requirement. In similar fashion, the fact that 37 States permit some voters to apply for absentee ballots 7 days before an election and that 40 States allow the marked ballots to be returned as late as election day indicates that more restrictive rules are not necessary.

Mr. President, this completes my analysis of the authority conferred on Congress by section 5 of the 14th amendment. But it by no means exhausts the grounds upon which Congress may act. For the interesting thing about this field is that Congress is not limited to action under the 14th amendment.

RIGHTS OF NATIONAL CITIZENSHIP

This leads to my discussion of the second ground upon which Congress can act—its power to secure the rights inherent in national citizenship.

Mr. President, one of the most firmly embedded concepts of constitutional law is the premise that there are certain fundamental rights of citizenship which arise out of the very nature and existence of the Federal Government. Without these basic rights there would be no National Government and no meaning to U.S. citizenship.

Thus, in the case of *Ward* v. *Maryland*, 12 Wallace 418 (1870), the rights of national citizenship were held to embrace "nearly every civil right for the establishment and protection of which organized government is instituted."

The Supreme Court has consistently interpreted these rights as belonging to U.S. citizenship, as distinguished from citizenship of a State. In *Paul* v. *Virginia*, 8 Wallace 168, 180 (1868), Justice Field declared that the inherent rights secured to citizens of the several States are those which are common to the citizens "by virtue of their being citizens."

And in the *Slaughter-House Cases*, 16 Wallace 36, 79 (1872), the Court remarked that these fundamental rights "are dependent upon citizenship of the United States, and not citizenship of a State."

Perhaps the best exposition of the scope of national citizenship is found in the opinion written by Justice Frankfurter in *United States* v. *Williams*, 341 U.S. 70 (1951). At pages 79 and 80, the learned Justice presents a history of the broad recognition accorded to what he calls the "rights which arise from the relationship of the individual with the Federal Government."

Consequently, the existence of a separate category of implied rights that are based upon the nature and character of the National Government has been confirmed in case after case throughout the history of the Nation.

INHERENT RIGHT TO VOTE

Furthermore, it is well settled that these rights include the right to vote in Federal elections. *Ex parte Yarbrough*, 110 U.S. 651, 663 (1884), is one of many decisions by the Court in which the right to vote for Federal officers has been held to be a right granted or secured by the Constitution and not one that is dependent upon State law.

The rule has been expanded recently in the case of *Texas* v. *United States*, 384 U.S. 155 (1966), in which the Supreme Court affirmed the holding of a three-judge district court that the right to vote in all elections, State or Federal, "clearly constitutes one of the most basic elements of our freedom—the 'core of our constitutional system.'"

It is clear that Congress may act to protect a national right under the necessary and proper clause. As it was said by Chief Justice Waite in *United States* v. *Reese*, 92 U.S. 214, 217 (1875):

> Rights and immunities created by or dependent upon the Constitution of the United States can be protected by Congress. The form and manner of the protection may be such as Congress in the legitimate exercise of its legislative discretion shall provide.

The doctrine was also defined in *Strauder* v. *West Virginia*, 100 U.S. 303, 310 (1879), where the Court held that:

> A right or an immunity, whether created by the Constitution or only guaranteed by it, even without any express delegation of power, may be protected by Congress.

RIGHT TO TRAVEL IN INTERSTATE COMMERCE

Mr. President, the third ground upon which I believe Congress may act is its power to protect the freedom of movement by citizens across State lines.

The right dates back to *Crandall* v. *Nevada*, 6 Wallace 35, 47 (1867), where the Court first held that "the right of passing through a State by a citizen of the United States is one guaranteed to him by the Constitution."

All decisions of the Supreme Court which are on point agree that the right exists. In delivering the opinion of the Court in *United States* v. *Guest*, 383 U.S. 745, 757 (1966), Justice Stewart wrote that the freedom to travel throughout the United States "occupies a position fundamental to the concept of our Federal Union. It is a right that has been firmly established and repeatedly recognized."

And in Shapiro against Thompson, cited above, the Court declared that it "long ago recognized that the nature of our Federal union and our constitutional concepts of personal liberty unite to require that all citizens be free to travel throughout the length and breadth of our land uninhibited by statutes, rules, or regulations which unreasonably burden or restrict this movement"—394 U.S. 629.

The connection between the enjoyment of this right and the enactment of a uniform law on voting in presidential elections is immediately apparent when one looks at the date available for the 1968 election. According to the Census Bureau almost 4 million citizens of voting age moved from one State to another in 1968. An additional 3 to 4 million citizens of voting age were engaged in visits and travel across State borders at the time of the 1968 election.

It seems entirely legitimate for Congress to decide upon these facts that the lack of uniformity among residence requirements and absentee balloting imposes a substantial burden on the free movement in interstate commerce of millions of Americans who will be disqualified from voting in presidential elections solely because they move or travel during a year when such elections are held. Congress might well conclude that by framing uniform voting practices, it can effectively protect the right of these citizens to travel interstate without sacrificing the right to vote for their President.

RIGHT TO ENJOY PRIVILEGES AND IMMUNITIES

Mr. President, the fourth basis of the power of Congress to adopt legislation in this field is its authority to enforce the privileges and immunities guaranteed to citizens of all the States.

Here I refer to the basic concept underlying the entire privileges and immunities clause which, in the words of the Supreme Court, is "to place the citizens of each State upon the same footing with citizens of other States, so far as the advantages resulting from citizenship in those States are concerned." *Paul* v. *Virginia*, 8 Wallace 168, 180 (1868).

The doctrine was also followed by the Court in *Ward* v. *Maryland*, 12 Wallace 418, 431 (1870), where it was said that the supreme law of the land "requires equality of burden."

Applying this principle to the facts at hand, I believe it is reasonable for Congress to determine that the hodgepodge of State and local requirements applicable to presidential elections creates exactly that kind of unequal treatment among citizens that the privileges and immunities clause was designed to prevent. I further believe that, in order to enable the citizens of one State to better have the same opportunity to choose the President that is enjoyed by citizens of most States, Congress may properly act under the necessary and proper clause to set uniform voting standards for presidential elections.

Mr. President, this completes my analysis of the constitutional issues involved.

SUMMARY

In summary, I can only say that the entire thrust of my proposal is to provide for the widest possible participation by our citizens in the election of their President. All our talk and labors about reforming the method of selecting the President will be for naught if the American citizens themselves cannot participate in such elections.

For this reason, I invite all my colleagues to join with me in this effort to advance the freedom of many millions of Americans by giving them a voice in the selection of the officers who will govern their country.

Mr. President, I ask unanimous consent that the tables which I have prepared be printed at this point in the RECORD, which is the end of my statement.

There being no objection the tables were ordered to be printed in the RECORD, as follows:

I.—TABLE OF STATE AND LOCAL RESIDENCE REQUIREMENTS APPLICABLE TO VOTING IN PRESIDENTIAL ELECTIONS JANUARY, 1970 [1]

1.—RULES APPLICABLE ONLY TO NEW RESIDENTS OF A STATE

State	Length in State	Length in county, city or town	Length in precinct or ward	Interstate migration 1968	Minimum number of citizens disqualified [2]
Alabama	1 year	6 months	3 months	56,400	56,400
Alaska [3]	4 days	(5)	(5)	23,900	270
Arizona [3]	60 days	(5)	(5)	85,200	14,200
Arkansas	1 year	6 months	30 days	40,700	40,700
California [3]	54 days	(5)	(5)	527,600	87,933
Colorado [3]	2 months	2 months	15 days	74,200	12,367
Connecticut [3]	60 days	(5)	60 days	57,500	9,583
Delaware [3]	3 months	(5)	(5)	16,200	4,050
District of Columbia	1 year	(5)	1 year	33,100	33,100
Florida [3]	30 days	(5)	(5)	341,200	28,433
Georgia [3]	do	(5)	(5)	88,500	7,375
Hawaii [3]	5 days	(5)	(5)	26,700	366
Idaho [3]	60 days	(5)	(5)	22,200	3,700
Illinois [3]	do	(5)	60 days	167,000	26,833
Indiana	6 months	60 days	30 days	84,900	42,450
Iowa	do	do	(5)	40,500	20,250
Kansas [3]	45 days	45 days	45 days	60,100	7,410
Kentucky	1 year	6 months	60 days	54,600	54,600
Louisiana [3]	60 days	(5)	(5)	53,400	8,900
Maine [3]	30 days	(5)	(5)	18,500	1,542
Maryland [3]	45 days	(5)	45 days	95,400	11,762
Massachussetts [3]	31 days	31 days	(5)	75,000	6,250
Michigan [3]	30 days	30 days	(5)	93,300	7,775
Minnesota [3]	do	(5)	(5)	54,200	4,517
Mississippi	2 years	1 year	6 months	35,500	35,500
Missouri [3]	60 days	(5)	(5)	87,900	14,650
Montana	1 year	30 days	(5)	18,300	18,300
Nebraska [3]	2 days	(5)	(5)	30,000	164
Nevada	6 months	30 days	10 days	22,400	11,200
New Hampshire [3]	30 days	(5)	(5)	17,900	1,492
New Jersey [3]	40 days	40 days	(5)	142,900	15,660
New Mexico [4]	1 year	90 days	90 days	48,100	48,100
New York [3]	90 days	do	30 days	173,200	43,300
North Carolina [3]	60 days	(5)	(5)	70,800	11,800
North Dakota [3]	10 days	(5)	(5)	11,400	312
Ohio [3]	40 days	(5)	(5)	155,600	17,051
Oklahoma [3]	15 days	(5)	(5)	58,400	2,400
Oregon [3]	None	None	None	52,800	
Pennsylvania	90 days	(5)	(5)	109,800	27,450
Rhode Island	1 year	6 months	(5)	18,200	18,200
South Carolina	do	do	3 months	42,400	42,400
South Dakota	do	(5)	(5)	14,000	14,000
Tennessee	do	3 months	(5)	65,900	65,900
Texas [3]	60 days	(5)	(5)	179,500	29,917
Utah	1 year	4 months	60 days	23,000	23,000
Vermont	do	(5)	(5)	8,800	8,800
Virginia	do	6 months	30 days	121,400	121,400
Washington [3]	60 days	(5)	(5)	87,600	14,600
West Virginia	1 year	60 days	(5)	25,000	25,000
Wisconsin [3]	1 day	(5)	(5)	54,900	150
Wyoming	1 year	60 days	(5)	15,200	15,200
Total				3,881,300	1,116,712

[1] In States where length of residence is not specified, the term "residence requirement" means cut-off time by which citizens must apply for, or execute affidavit to obtain, a Presidential ballot.

[2] This column is incomplete. It only includes new residents who are disqualified by State residence laws. It does not include new residents who are disqualified by local requirements because there are no statistics available to identify number of newly arrived residents who move within a State after their removal to that State.

[3] These States have enacted special residence rules which allow new residents to vote for President and Vice President, but no other offices, with less than regular length of residence.

[4] The special provisions of law in New Mexico that had permitted new residents to vote for Presidential electors were repealed by sec. 451, Ch. 240, New Mexico Laws 1969.

[5] Not applicable.

Source: Original State election laws as compiled by American Law Division, Library of Congress, Jan. 21, 1970, in case of special provisions of law relating to new residents. Date relative to regular residency laws of States obtained from Legislative Reference Service publication 69-228A, dated Sept. 25, 1969. Interstate migration figures obtained from Bureau of Census 1968 annual national survey.

2. RULES APPLICABLE TO BOTH NEW AND LONG-TIME RESIDENTS WHO MOVE WITHIN SAME STATE

State	Length in county, city, or town	Length in precinct or ward	Intercounty migration	Intracounty migration	Citizens disqualified by local rules
Alabama	6 months	(1)	53,900	246,800	26,950
Alaska		(1)	3,800	11,400	
Arizona	30 days	(1)	15,600	83,400	1,300
Arkansas	6 months	30 days	35,700	128,200	23,192
California	(1)	(1)	440,000	1,302,100	
Colorado	15 days	(1)	52,400	107,400	2,153
Connecticut	(1)		23,300	197,700	
Delaware	3 months	30 days	1,800	32,600	1,808
District of Columbia				75,300	
Florida	6 months		82,300	324,700	41,150
Georgia	30 days		106,600	310,800	8,883
Hawaii	3 months	(1)	4,400	47,100	1,100
Idaho	30 days		15,200	40,600	1,267
Illinois	90 days	30 days	145,300	875,000	72,783
Indiana	60 days	do.	85,500	339,500	28,396
Iowa	do.		63,600	183,100	10,600
Kansas	30 days	30 days	51,600	140,300	10,146
Kentucky	6 months	60 days	56,900	256,600	49,823
Louisiana	(1)	(1)	64,800	220,300	
Maine	3 months		14,300	64,700	3,575
Maryland	6 months	(1)	62,000	192,400	31,000
Massachusetts	(1)		85,200	373,200	
Michigan	(1)		166,600	567,200	
Minnesota		(1)	84,100	215,900	
Mississippi	1 year	6 months	41,800	140,300	76,875
Missouri	60 days		117,700	322,900	19,617
Montana	30 days		17,900	43,000	1,500
Nebraska	40 days	10 days	32,100	91,400	3,768
Nevada	30 days	10 days	3,400	20,100	558
New Hampshire	(1)		6,300	39,800	
New Jersey	40 days		125,400	392,800	13,741
New Mexico	90 days	30 days	15,300	52,600	6,017
New York	3 months		439,500	1,135,400	109,875
North Carolina		(1)	85,300	325,000	
North Dakota	90 days	(1)	13,900	34,500	3,475
Ohio	(1)	(1)	169,000	806,900	
Oklahoma	2 months	20 days	58,800	166,400	13,860
Oregon			52,500	124,900	
Pennsylvania		(1)	174,400	805,000	
Rhode Island	6 months	(1)	7,900	61,800	3,950
South Carolina	do.	3 months	34,600	163,100	37,937
South Dakota	(1)	(1)	16,600	38,100	
Tennessee	3 months		51,400	287,600	12,850
Texas	6 months		283,000	695,400	141,500
Utah	4 months	60 days	15,500	54,900	9,742
Vermont	(1)		5,200	26,200	
Virginia	6 months	(1)	109,100	223,600	54,550
Washington	90 days	30 days	65,700	208,300	25,105
West Virginia	60 days	(1)	29,300	129,000	4,883
Wisconsin		(1)	78,800	276,100	
Wyoming	60 days	(1)	6,600	21,200	1,100
Total			3,771,800	13,022,500	855,029

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[1] These are jurisdictions of a State which waive their usual residence laws by allowing newly arrived residents to vote in their former election district of the same State when move was solely within that State.

Note: In computing the effect of precinct and ward residence requirements, it is assumed that one-half of citizens who moved intracounty had crossed precinct or ward boundary lines.

Source: Data relative to regular residence laws of States obtained from Legislative Reference Service publication 69-228A, dated Sept. 25, 1969. Intercounty and intracounty migration figures obtained from 1968 annual national survey by Bureau of Census.

TOTAL NUMBER OF CITIZENS DISQUALIFIED IN EACH STATE BY BOTH STATE AND LOCAL RESIDENCE REQUIREMENTS

State	Minimum number of citizens disqualified
Alabama	83,350
Alaska	270
Arizona	15,500
Arkansas	63,892
California	87,933
Colorado	14,520
Connecticut	9,583
Delaware	5,858
District of Columbia	33,100
Florida	69,583
Georgia	16,258
Hawaii	1,466
Idaho	4,967
Illinois	99,616
Indiana	70,846
Iowa	30,850
Kansas	17,556
Kentucky	104,423
Louisiana	8,900
Maine	5,117
Maryland	42,762
Massachusetts	6,250
Michigan	7,775
Minnesota	4,517
Mississippi	112,375
Missouri	34,267
Montana	19,800
Nebraska	3,932
Nevada	11,758
New Hampshire	1,492
New Jersey	29,401
New Mexico	54,117
New York	153,175
North Carolina	11,800
North Dakota	3,787
Ohio	17,051
Oklahoma	16,260
Oregon	
Pennsylvania	27,450
Rhode Island	22,150
South Carolina	80,337
South Dakota	14,000
Tennessee	78,750
Texas	171,417
Utah	32,742
Vermont	8,800
Virginia	175,950
Washington	39,705
West Virginia	29,883
Wisconsin	150
Wyoming	16,300
Total	1,971,741

II

REGISTRATION CLOSING DATES FOR VOTING FOR PRESIDENT AND VICE PRESIDENT

I. SUMMARY

Forty States keep their voting rolls open for registration for some of their voters until at least the thirtieth day preceding a Presidential election.

Thirty-one States have special registration or application close out dates which apply only to new residents. Eighteen of these States permit a voter to apply for a special Presidential ballot as late as 15 days before the election.

Thirty-six States allow a voter who is a long-time resident to register at least up to 30 days preceding the election under their regular laws.

TABLE SHOWING NUMBER OF DAYS PRECEDING ELECTION BY WHICH VOTER MUST REGISTER OR APPLY TO VOTE

State	Special rules for new residents	Regular rules applicable to long-time residents
Alabama		10
Alaska	4	(2)
Arizona	4	43
Arkansas		20
California	54	53
Colorado	3	25
Connecticut	1	28
Delaware	16	16
District of Columbia		45
Florida	30	30
Georgia	14	50
Hawaii	5	20
Idaho	10	3
Illinois	30	28
Indiana		29
Iowa		10
Kansas	1	10-20
Kentucky		59
Louisiana	60	30
Maine	30	0-10
Maryland	(1)	28
Massachusetts	31	28
Michigan	3	30
Minnesota	30	20
Mississippi		(4)
Missouri	(3)	24-28
Montana		40
Nebraska	2	10
Nevada		38
New Hampshire	[3] 30	5-10
New Jersey	40	40
New Mexico		30
New York	25	23
North Carolina	3	21-24
North Dakota	10	(5)
Ohio	40	40
Oklahoma	15	10
Oregon	(3)	30
Pennsylvania		50
Rhode Island		60
South Carolina		30
South Dakota		20
Tennessee		45
Texas	30-45	(6)
Utah		10
Vermont		2
Virginia		30
Washington	1	30
West Virginia		30
Wisconsin	1	12-19
Wyoming		15

[1] Election day.
[2] No closing date specified.
[3] 30 days or less.
[4] 4 months.
[5] Registration not required.
[6] 9 months, 3 days.

Source: Original State election laws in case of special provisions applicable to new residents, as compiled by American Law Division, Library of Congress, Jan. 21, 1970. Digest of State election laws compiled by Legislative Reference Service, Library of Congress, June 5, 1968, in case of regular requirements of State law. (A-243)

III. STATES WHICH ALLOW FORMER RESIDENTS TO VOTE IN PRESIDENTIAL ELECTIONS

Ten States permit recent, former residents to vote for President and Vice President: Alaska, Arizona, Connecticut, Michigan, New Jersey, Tennessee, Texas, Vermont, Wisconsin, and Wyoming.

In addition, the New York State Constitution (Article 2, section 9) authorizes the State legislature to allow former residents of that State to vote for President and Vice President.

Source: Alaska Statutes 1962, sec. 15.05.020 (7); Arizona Revised Statutes Annotated 1956, section 16-171; Connecticut General Statutes Annotated 1960, section 9-158; Michigan Compiled Laws Annotated 1967, section 168-758a(1)(b); New Jersey Statutes Annotated 1952, section 19:58–3; Tennessee Code Annotated 1955, section 2–403; Civil Statutes of Texas Annotated (Vernon's 1968), Article 5.05b; Vermont Statutes Annotated 1958, title 17, section 67; Wisconsin Statutes Annotated (West's 1957), section 6.18; and Wyoming Statutes Annotated 1957, section 22–118.3(k)6.

IV. STATE REQUIREMENTS ON ABSENTEE BALLOTING

All States but three permit absentee voting by civilians generally. Alabama. Mississippi, and South Carolina allow only limited categories of civilians to vote absentee.

All States permit absentee balloting by servicemen.

The following 40 States[1] expressly permit absentee ballots of certain categories of their voters to be returned as late as the day of the election or even later:

Alabama, Alaska, Arizona, Arkansas, Colorado, Delaware, District of Columbia, Georgia, Idaho, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri.

Nebraska, Nevada, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin.

The following 37 States[2] expressly permit certain categories of their voters to make application for absentee ballots up to seven days or less before an election:

Alabama, Alaska, Arizona, Arkansas, California, Colorado, Delaware, Florida, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Louisiana, Massachusetts, Michigan, Minnesota, Mississippi, Montana.

Nebraska, Nevada, New Mexico, New York, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin.

Source: Legislative Reference Service, Library of Congress (1) Digest of major provisions of the laws of the States relative to absentee voting, dated September 24, 1969 (69–226A), and (2) Summary of Election Laws of the States, dated June 5, 1968 (A–243).

V. STATE REQUIREMENTS ON ABSENTEE REGISTRATION

1. Twenty-three States permit certain categories of their civilian voters to register absentee if they are away from home. One State, North Dakota, does not require civilian voters to register at all.

Twenty States allow civilians generally to register absentee: Alaska, Arizona, California, Hawaii, Idaho, Indiana, Iowa, Kansas, Michigan, Minnesota, Nebraska, New Mexico, New York, Oregon, South Dakota, Tennessee, Texas, West Virginia, Wisconsin, and Wyoming.

Two States, Florida and Georgia, grant the privilege of absentee registration only to Federal employees who are outside the United States.

One State, Colorado, will permit voters to register members of their families who are away from home.

2. Thirty-eight States permit servicemen to register absentee: Alaska, Arizona, California, Colorado, Connecticut, Delaware, District of Columbia, Florida, Georgia, Hawaii, Idaho, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Montana, Nebraska, Nevada, New Hampshire, New Mexico, New York, North Carolina, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Utah, Vermont, Washington, West Virginia, and Wyoming.

Thirteen of these States provide that a voter may apply for absentee registration at the same time he applies for an absentee ballot: California, Colorado, Connecticut, Delaware, Florida, Indiana, Massachusetts, Nevada, New Hampshire, New Mexico, New York, North Carolina, and South Dakota.

Nine of the thirty-eight States do not require registration by servicemen in advance of voting. These voters may register at the same time as they use their absentee ballot merely by completing an affidavit included with the ballot: Idaho, Iowa, Maryland, Nebraska, Oregon, Utah, Vermont, Washington, and Wyoming.

Eleven States do not require servicemen to register at all: Arkansas, Illinois, Kansas, Missouri, New Jersey, Ohio, Oklahoma, Rhode Island, Texas, Virginia, and Wisconsin.

Source: Legislative Reference Service, American Law Division, report dated September 24, 1969, as amended. (69–226A)

Mr. CANNON. Mr. President, in 1969, I introduced a bill, S. 654, to provide for voting by citizens who establish residence not later than the first day of September next prior to the date of a presidential election.

That bill also provides for voting by absentee procedures and prohibits denial of the voting privilege simply because of the absence of an absentee registration process.

During the year 1969, I cosponsored S. 2165, another bill to enfranchise citizens of the United States. This bill would permit citizens to vote for President and Vice President if they establish a residence in a State not later than 30 days next prior to the date of a presidential election.

Millions of Americans who move from one section of the Nation to another for reasons of health or economics or for any purpose are denied the right to vote even for national candidates because they are unable to meet lengthy and unreasonable residence requirements.

Pending before the Senate are measures to extend the Voting Rights Act of 1965 and to allow citizens to vote if they establish residence not later than the first day of September next prior to the date of a presidential election in a new State, or to vote in person or by absentee ballot in the State of former residence.

I approve of this provision of the bill and I will vote for it and hope that it will receive the support of every Member of this body.

VOTING RIGHTS ACT AMENDMENTS OF 1969

The Senate continued with the consideration of the bill (H.R. 4249) to extend the Voting Rights Act of 1965 with respect to the discriminatory use of tests and devices.

The PRESIDING OFFICER. The Senator from Alabama has the floor.

Mr. ALLEN. Mr. President, I appreciate the kindness and the courtesy of the distinguished majority leader and the distinguished minority leader in agreeing to accept the amendment which I offered earlier today, which the Senate has seen fit to agree to.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. ALLEN. I yield.

Mr. MANSFIELD. Mr. President, I understand the yeas and nays will be asked for on the pending amendment. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. ALLEN. Mr. President, this illustrates to my mind the desirability of and the constructive results that can be obtained from a full and thorough discussion of the matter under consideration by the Senate.

The amendment that we are discussing—the Mansfield amendment to the Scott substitute—does, of course, bear on the Voting Rights Act, since the Voting Rights Act is being used as a vehicle to secure the passage of this statutory method of amending the Constitution.

Yesterday, the Senate, after having rejected numerous amendments to the Voting Rights Act offered by the distinguished Senator from North Carolina, all of which had merit and all of which deserved adoption by the Senate, agreed to the amendment offered by the Senator from Kentucky (Mr. Cooper) which set up an additional classification to be covered by the trigger provisions of the Voting Rights Act. This was a class in addition to those brought under the act by use of the 1964 voter figures.

It looked for a time as if no amendment would be agreed to by the Senate. It looked as if no matter how meritorious an amendment was, the Senate would not accept it.

So, I am very much pleased that now we have come to an issue on which there is much greater unanimity of thought, much greater agreement on the end to be achieved—that is, to allow young people, 18 years of age and over, to vote.

The Mansfield amendment to the Scott substitute seeks to set the age requirement at 18 and to forbid the State from interfering with that limitation.

Since the Constitution gives the States the power to set the qualifications of voters, it would certainly seem to the junior Senator from Alabama that it would take a constitutional amendment to change that provision.

The senior Senator from West Virginia (Mr. Randolph) has introduced a proposed constitutional amendment that is now in a subcommittee of the Judiciary Committee headed by the distinguished Senator from Indiana (Mr. Bayh). That proposed constitutional amendment has 71 or 72 cosponsors. Of course it would only take 67 to submit a constitutional amendment to the State.

Upon such submission, of course, it would take a three-fourths vote of the States to obtain ratification.

I believe that this discussion here today on the age requirement has been constructive. I believe that it has highlighted and pointed out the fact that the required two-thirds majority of the Senate favors a constitutional amendment to accomplish this end.

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[1] This list includes only those States in which the statutory laws clearly satisfy this test. There may be additional States in which similar opportunities for return of absentee ballots are granted pursuant to rules or regulations issued under laws that are otherwise silent on this matter.

[2] This list includes only those States in which the statutory laws clearly permit certain voters to apply for absentee ballots within 7 days or less before an election. There may be additional States in which similar opportunities for absentee voting are granted pursuant to rules or regulations issued under laws that are otherwise silent on this matter.

XUM

The distinguished Senator from Indiana, favoring as he does the constitutional amendment, certainly would not be inclined to hold up the constitutional amendment in his subcommittee.

The chairman of the Senate Judiciary Committee, the distinguished Senator from Mississippi (Mr. EASTLAND), has stated that he is not going to hold up the reporting out of the proposed constitutional amendment. And we have seen how the Senate, when it decides to have a committee make a report, can do so.

On the Voting Rights Act, it was required that the chairman of that committee agree to report the bill out of his committee by March 1, before the bill was even allowed to go to his committee. So, the Senate does, in fact, have control of these situations. And there is no doubt that the amendment will be brought out of the Judiciary Committee. And with some 71 or 72 Senators as cosponsors of that proposed constitutional amendment, there seems to be little doubt that in the next few days, and if not in that time, certainly in the next few weeks, this constitutional amendment can be passed by the Senate.

So, I see no need of any haste in this matter. The only objection I have heard voiced on the floor of the Senate to reducing the voting age to 18 has been because the attempt is being made to do it by statute rather than by constitutional amendment.

Mr. RANDOLPH. Mr. President, will the Senator yield?

Mr. ALLEN. I yield.

Mr. RANDOLPH. Mr. President, I realize, as does the able Senator from Alabama, the difference of opinion on the matter of constitutionality. Our approach is the time-honored avenue of the constitutional amendment, as was the case in women's suffrage. Although this rate may be slow at times it has the advantage of finality.

I wish to reemphasize for the RECORD that there are sufficient votes, and in fact a substantial majority of votes, within the Judiciary Committee to report Senate Joint Resolution 147. There are now 12 members of the 17 members of the committee who are committed as cosponsors of the resolution which is supported also by my colleague who continues to discuss this matter constructively and helpfully. But I think it is absolutely in error to indicate we are not now in a position in the Senate to move ahead rapidly with the legislative procedures necessary to approve a constitutional amendment. To say we will not be able to secure favorable committee action on the proposed constitutional amendment, I repeat, is an error. I continue to hope that the subcommittee will act promptly and that then the full committee will act promptly, so that we will be prepared to proceed expeditiously under any eventuality.

The Senator indicated this could be done in a few days or in a few weeks. Certainly I would want to believe, and I would state strongly from conversations with members of the subcommittee and the full committee, that we could expect affirmative action by the committee not later than May 15, or in that approximate bracket of time. As we consider these matters today, even those that cling to the constitutional amendment approach are not clinging to it as a delaying tactic. This must be clearly understood for the record. They are wedded to it in a sense because they believe that in a matter of this kind, as in women's suffrage, the States themselves should participate in its approval through adoption of a constitutional amendment. I think we must repeat and repeat this fact for the record.

The Senate has shown its interest in this matter not only by the vote of a few minutes ago, but also by the cosponsors of Senate Joint Resolution 147, and by the expressions of Senators here today such as a constitutional lawyer of the stature of the distinguished Senator from North Carolina (Mr. ERVIN). Although he is not a cosponsor of Senate Joint Resolution 147, he is a member of the Committee on the Judiciary, and he has said he would vote for the resolution so the Senate could work its will. Regardless of the timing, be it today or tomorrow, it is only a matter of a relatively few weeks. It is not in the 92d Congress; it is in the 91st Congress that I believe action will come regardless of what we do here today with reference to the pending amendment which has been introduced by the distinguished majority leader.

I have a feeling, and it is one that stays within me, that although we are expressing the sense of the Senate through the methodology of the statute rather than by the Constitution, we may be doing a disservice to our cause. I hope this will not be true, because we must not do that in any sense of the word. There is a fundamental issue involved here, one in which I have expressed myself since 1942, the constitutional amendment approach.

I say over and over again that there are periods when the tides come in in this country on many subjects; and whereas the atmosphere of the climate would not be conducive to the development of an idea at a certain time, it seems only a few hours later the time for that new concept to flower has come into being. So it is with this constitutional amendment; so it is with the approach by the statutory method.

We are moving now toward an action too long delayed. I compliment all Members of the Senate, regardless of the methods to be pursued, for giving thought and attention to this vital issue this afternoon. I wish to comment, as a matter of parliamentary procedure, without going to the substance of the amendment offered by our distinguished colleague from Alabama, that I think he well serves the Senate in permitting the opportunity, if Senators so desire to continue to debate and discuss this important amendment to the voting rights bill.

I believe there is no issue within that framework which has the importance of the issue now pending. It is a very sincere compliment that I extend to my colleague from Alabama.

Mr. ALLEN. I thank the distinguished senior Senator from West Virginia for his kind remarks. I appreciate, too, his statement that the opposition to this amendment is not opposition that comes from any opposition to the constitutional amendment or any opposition to the thought that it is in the best interests of this country that young men and young ladies of the age of 18 years and upward be allowed the right to vote.

I appreciate, too, his statements to the effect that the constitutional amendment that he so ably is sponsoring is in no danger of being held up, and that it will come to the floor of the Senate; that there is sufficient sentiment in the subcommittee, in the full committee, and on the floor of the Senate to pass the proper approach to this problem, a constitutional amendment. If the bill is reported out of the subcommittee, the full committee, and reaches the floor of the Senate, I am sure our distinguished and able majority leader would schedule that constitutional amendment for early action by the Senate.

So there is no rush. There is no need for rushing into this thing, going out on the thin ice of trying a statute, when all other proposals granting the franchise to groups that had not theretofore enjoyed the franchise have been by constitutional amendments.

There were the amendments after the War Between the States, there was the women's suffrage amendment and there was the abolition of the poll-tax amendment. There again the Congress, in submitting the poll-tax bar amendment for ratification by the States, confined that bar to Federal elections, whereas the amendment offered by the distinguished majority leader refers to voting age in every election throughout the country, from constable on up. It is an invasion of States rights. It is in violation of the interpretation of the Constitution which the junior Senator from Alabama makes.

Then, too, we are critical of our judiciary, and rightly so, for disregarding the Constitution, for usurping the power of the legislative and the executive departments. We are critical of them for writing laws, rather than interpreting them.

Yet the Constitution of the United States prescribes a method for amending the Constitution. It gives the right to set qualifications for electors in the respective States to vote in elections. The great State of Georgia, some 30 years ago, lowered the voting age to 18 in that State.

Either leave this to the States or submit a constitutional amendment which will leave the matter to the States collectively, in that it would take three-fourths of the States to ratify the constitutional amendment, and would not infringe upon the constitutional provisions that the States have the power to set the qualifications of the electors in their respective States.

Let us assume that the statutory method—which I say is needless, which acts in too much haste, which runs a grave risk of being declared unconstitutional—is accepted by the Senate and then is accepted by the House of Representatives, and goes into effect, according to the modification of the Mansfield amendment, on January 1, 1971. The presidential election in 1972 is held. Shortly thereafter the Supreme Court rules that this statutory method of setting the voting age is unconstitutional. What sort of confusion would this country be in? Ten million boys and girls would have gone to the polls and voted under authority granted in this act.

Who are we to prejudge a decision of the Supreme Court? Indeed, whoever guesses at what the Supreme Court is going to hold is certainly taking a risk greater than the junior Senator from Alabama would care to take. The only thought the junior Senator from Alabama might advance would be that the Supreme Court would probably not decide a question in the same manner as the junior Senator from Alabama would decide it.

But suppose the Supreme Court, to the surprise of Senators who assure us that the Supreme Court would uphold this statute, had some changes in the Court—and we hope there will be some—and the Justices did not decide as Senators feel they would and they ruled this statutory method to be unconstitutional. There could be a near revolution in this country. Ten million voters would be disfranchised after having exercised the privilege of the franchise, nobody knowing how many had voted for which candidate or how many had voted for the other. There would be confusion compounded.

That is the risk, that is the danger, that we would run under this provision.

On the other hand, if a constitutional amendment is submitted to the States and a sufficient number ratify that amendment prior to the 1972 election, then the 18-year-old boys and girls would safely be within their rights in exercising the franchise. Yes, we want to give the young people the right of the franchise, the right to vote; but we want to do it in the right fashion. We want to do it in the manner prescribed by the Constitution.

Mr. President, one thing that has disappointed and disillusioned the junior Senator from Alabama in the short time that he has been a Member of the Senate is the tendency or the willingness on the part of a large number of elected representatives to feel that if the end, in their judgment, is meritorious and desirable, then they should adopt whatever means are necessary to accomplish that end.

The right to set the qualifications of electors or voters of the respective States is a right that is in the States, and it is not right, it is not proper, it is not constitutional, in the judgment of the junior Senator from Alabama, for the Senate, the House, or Congress itself to take that right away from the States. The junior Senator from Alabama will not vote to do this in the manner outlined in the amendment offered by the distinguished majority leader.

Yes, this is an important question. I do not know of any more important question that has come before the Senate during the time that I have served in the Senate than the main bill, House bill 4249; the Scott substitute therefor; and the Mansfield amendment to the Scott substitute. These are inherent, basic, fundamental questions. That is the reason why the junior Senator from Alabama has been unwilling to agree to a time limitation on amendments that he may desire to offer to the original bill and to the Scott substitute therefor, because the voting rights of the people are basic, fundamental, and highly important. The question of a congressional declaration that the people of my State and the people of other Southern States are, as a matter of law, discriminating against any of our citizens is a question that, I feel, deserves careful consideration.

As I suggested a moment ago, full debate on a question is good. But we have seen, although the indication was that no matter how good an amendment was, no matter how many Senators approached the sponsor and said, "I agree with you on this amendment, but I cannot vote for it—no matter how meritorious the amendments were at the outset, those amendments were voted down.

Now we have seen at least two amendments agreed to; and I believe that if this matter is discussed, if the need to perfect these amendments and these bills are pointed out, there may be hope that we can achieve a better bill on down the line.

So, Mr. President, I feel that the first step, then, is to offer such perfecting amendments as should be offered to the Mansfield amendment, get that amendment in as good shape as possible, with the Senate exercising its will on these amendments and, after getting it in as good shape as possible, then to get the Scott substitute in as good shape as possible with perfecting amendments. I see the distinguished Senator from Iowa in the Chamber; I believe he has an amendment to offer to the Scott amendment a little later. We need to get these amendments in the best possible shape before they come to a final vote.

Mr. President, as to this business of limiting time on amendments, and why the junior Senator from Alabama has been unwilling to limit the time on amendments, because of the basic and fundamental questions that are involved: Where you have an amendment, or a series of amendments, and you agree to limit time to an hour or 2 hours, and you add that time up, that means that, while you are not going to be executed today with this much time to discuss the amendments, at a time more or less certain, in the near future, you will have sentence executed against you. That is the reason I have felt that these amendments and these bills need careful and deliberate consideration.

Mr. President, I point out the fact that the Senate has used several hours here today in legitimate and constructive discussion with respect to the Mansfield amendment. Legitimate and constructive questions have been asked. I believe that the 2-hour limitation originally adopted was not sufficient to allow everyone to be heard. So the junior Senator from Alabama has offered amendments, and has been glad to share his time with any interested Senators, so that the matter can be fully heard and all avenues explored for a possible meeting of the minds with respect to this important legislation.

As I have stated, we criticize the Federal judiciary; and I suppose the junior Senator from Alabama has engaged in such criticism about as much as any other Senator, or perhaps any other citizen. But here we come along and, because everyone says, "Yes, we ought to allow the 18-year-olds to vote"—and the junior Senator from Alabama agrees with that thought—it is said, "A constitutional amendment takes too long; let us do it by statute. Let us show these young people how much we think of them. Let us show them that we are going to get them the right to vote by whatever means we deem appropriate."

But if we, the Senate, vote for the Mansfield amendment to the Scott substitute to H.R. 4249, we will be running roughshod over the Constitution of the United States.

I do not believe in breaking down State lines and making of this country one huge political entity, without giving some consideration, some respect, to the States. We have our federal system of Government. We have our 50 State governments. The Constitution of the United States placed certain powers, certain duties, certain responsibilities in those States, or in the people; and, of course, under the 10th amendment, all powers not granted to the Federal Government were reserved to the States or to the people.

We in Congress, in both the House of Representatives and the Senate, are gradually sweeping away any thought that we have got any unit of government except the monstrous bureaucratic Federal Government. I do not want to see the Constitution run over roughshod. I want to see the rights and the powers of the States protected. It is not right for us to ram anything, no matter how good we think it is, down the throats of the people, without giving them some voice in the matter. We give them voice in the matter by the constitutional amendment route. We deny them voice by going the statutory route; and that is contrary to the Constitution, in the judgment of the junior Senator from Alabama.

I was happy to ask unanimous consent today—I thought it had been granted, but on checking with the Senator from West Virginia, he advised me that while I had told him that I was in favor of his constitutional amendment, I had not asked to be named as a consponsor—to obtain unanimous consent to be named as a cosponsor of Senate Joint Resolution 147, the constitutional amendment setting the voting age at 18.

Mr. President, there is no doubt in the mind of the junior Senator from Alabama that the constitutional amendment proposed by the senior Senator from West Virginia setting the voting age at 18 will come back to the Senate, will be scheduled for early action by the majority leader, will be passed by the necessary two-thirds majority in the Senate, and that that action will take place this year.

What would be the status of this stat-

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ute if we went ahead with the constitutional amendment? Would it just be in limbo? Would it occupy any type of position if the constitutional amendment is allowed to proceed and to be ratified? Which would control? This amendment has many extraneous provisions in it, as I shall point out in a moment.

That brings me at this time to the amendment I have offered. I appreciate the distinguished majority leader remaining in the Chamber, and I hope that he will agree that the amendment offered by the junior Senator from Alabama has merit and that he will accept it and urge all Senators to vote in favor of the amendment. What it does is to remove, to my mind, a vicious provision.

We are supposed to be enacting some type of civil provision of law. This amendment would allow 18-year-olds to vote. But let us look at the section we are seeking to strike. It sets up the requirement that no State can deny an 18-year-old the right to vote for that reason, and this is the language that the amendment seeks to strike:

> Whoever shall deny or attempt to deny any person of any right secured by this title shall be fined not more than $5,000 or imprisoned not more than 5 years, or both.

We have here a proposed statute that would authorize the 18-year-olds to vote. Where in the world does this come from, to fine somebody $5,000 or imprison him for 5 years, or both, because he denies an 18-year-old the right to register? We have enough Federal registrars, Federal vote observers, Federal election officers, and Federal bureaucrats swarming over Alabama. They cover the State like locusts. We do not need somebody down there fining any of our citizens $5,000 or sending them to the penitentiary for not more than 5 years.

We are going to authorize by statute the voting at age 18. Let us go ahead and do that. But there is plenty of protection under the voting rights law.

I might add, with respect to the voting rights law, that last night I read a short article in a news magazine which stated in three different places that if this law is not extended by August 6 of this year, it will expire. That is absolutely incorrect and absolutely fallacious.

Not a single provision of the 19 provisions of the Voting Rights Act of 1965 expires. They are there, all 19 provisions, for all time, until repealed or changed in some way.

What the amendment offered by the distinguished Senator from Pennsylvania, the Republican leader, seeks to do is to change the measure or the degree of the amount of proof required by a State to come out from under the provisions, and they change that from 5 years' to 10 years' proof of nondiscrimination. So they say, "All we want to do is to extend the Voting Rights Act for another 5 years." That is not correct. What they are seeking to do is to change the measure of proof, change the length of the sentence, change the sentence from a 5-year sentence to a 10-year sentence.

It is as though a criminal convicted of an offense had been sentenced to the peniteniary for 5 years, and just when he gets near the end of his sentence, they come in and say, "Wait a minute. You're about ready to be turned loose here. We're changing that sentence from 5 years to 10 years." That is what the Scott amendment does.

Under the Voting Rights Act there are ample provisions in the law to protect any 18-year-old who desires to vote, if the Mansfield amendment to the Scott amendment is adopted, the Scott amendment to the House bill is then adopted, and then the bill is passed.

Mr. President, in connection with the injustice of a separate provision different from the general law with respect to rights conferred on those who are enfranchised under the provisions of this statute, as the junior Senator from Alabama has pointed out, he feels that a $5,000 fine and 5 years in a Federal penitentiary for denying or attempting to deny any person the right to vote is a special concession and provision that should not be given to 18-year-olds, any more than it should be given to 21-year-old citizens.

Why should a special section be set up?

So that is the purpose of the amendment offered by the junior Senator from Alabama, to eliminate that penal section and to put the 18-year-old boys and girls under the same general law as adults. We have enough already in the general law, and in the voting rights law, to send a man to the penitentiary for the rest of his life, so why do we need an added $5,000 fine and 5 years in the penitentiary?

So that is the effect of the amendment offered at this time by the junior Senator from Alabama.

Now, Mr. President, the Senator from Indiana (Mr. BAYH), who is chairman of the subcommittee on the Judiciary Committee that presently has this bill, and who is presently holding hearings on Senate Joint Resolution 147, the constitutional amendment authored by the Senator from West Virginia (Mr. RANDOLPH). I do not feel that it would be the thing to do to pass a statute in effect to take this issue, to take this grant of the franchise to 18-year-olds, away from the distinguished Senator from Indiana.

I know that he favors the constitutional amendment. I know that in a short while he will report out that amendment and that it will be reported, as promised, by the Senator from Mississippi (Mr. EASTLAND), chairman of the Judiciary Committee, at an early date, when it comes back to the full committee and, as he stated, I am sure that the distinguished majority leader would schedule the bill for early action. With 72 Senators cosponsors of the bill, I feel sure that there would be no difficulty in getting the required two-thirds vote. I do not believe, actually, that it would take 67. Senators will correct me if I am wrong. I do not believe it takes 67 votes, but only a two-thirds vote of those actually voting. So that if some few were missing, it would still be sufficient to pass the constitutional amendment.

Thus, Mr. President, I urge Members of the Senate to be patient with the committee system. The junior Senator from Alabama is very much impressed with the committee system of the Senate. He likes to see these measures considered by one of the able and outstanding Senate committees. The subcommittee headed by the Senator from Indiana (Mr. BAYH) is one of the ablest of our committees, as is the Judiciary Committee as a whole.

So that I feel sure that the constitutional amendment will be reported out in time to be voted on in the 91st Congress, and submitted to the States for such action as they might see fit. I do not believe—and here again, I am sure that if the junior Senator from Alabama is in error, he will be corrected—but I do not believe that this provision, important as it is, comes to the Senate with the recommendation of one of the Senate's standing committees. If I am wrong on that, I sincerely hope that I will be corrected. But this provision does not come to the Senate with the recommendation of a standing committee, whereas the constitutional amendment will come to the Senate with the recommendation of the Judiciary Committee.

I believe that, inexperienced as is the junior Senator from Alabama in the operation of the committee system, he believes in it implicitly and he would like to see one of the Senate's standing committees—I assume that the Judiciary Committee would have jurisdiction over that—consider and report this statute.

The PRESIDING OFFICER. All time of the Senator from Alabama has now expired.

Mr. ALLEN. Well, Mr. President, I hope, then, on a later amendment, that I will be able to conclude my remarks.

Mr. MANSFIELD. Mr. President, the amendment offered by the distinguished Senator from Alabama seeks to do away with the penalty provisions contained in the amendment which provisions coincide with the General Voting Rights Act of 1965 and which are also contained in the Scott-Hart amendment.

I think that what is contemplated is a defanging of the proposal to give 18-, 19-, and 20-year-olds the right to vote.

Mr. President, I yield back the remainder of my time and urge the defeat of the pending amendment.

The PRESIDING OFFICER. All time has been yielded back on this amendment.

The question is on agreeing to the amendment to the amendment of the Senator from Alabama.

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from Connecticut (Mr. DODD), the Senator from Minnesota (Mr. McCARTHY), the Senator from Montana (Mr. METCALF), the Senator from Wisconsin (Mr. NELSON), the Senator from Connecticut (Mr. RIBICOFF), and the Senator from Georgia (Mr. RUSSELL) are necessarily absent.

I further announce that the Senator from Alaska (Mr. GRAVEL) is absent on official business.

On this vote, the Senator from Georgia (Mr. RUSSELL) is paired with the Senator from Alaska (Mr. GRAVEL). If present and voting, the Senator from Georgia

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would vote "yea" and the Senator from Alaska would vote "nay."

I further announce that, if present and voting, the Senator from Connecticut (Mr. RIBICOFF) would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BAKER) and the Senator from Illinois (Mr. SMITH) are necessarily absent.

The Senator from Florida (Mr. GURNEY) is absent because of illness in his family.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Ohio (Mr. SAXBE) is absent on official business.

On this vote, the Senator from South Dakota (Mr. MUNDT) is paired with the Senator from Illinois (Mr. SMITH). If present and voting, the Senator from South Dakota would vote "yea," and the Senator from Illinois would vote "nay."

The result was announced—yeas 22, nays 66, as follows:

[No. 94 Leg.]

YEAS—22

Allen
Bennett
Byrd, Va.
Cotton
Curtis
Eastland
Ellender
Ervin
Fannin
Goldwater
Holland
Hollings
Hruska
Jordan, N.C.
Long
McClellan
Sparkman
Spong
Stennis
Talmadge
Thurmond
Tower

NAYS—66

Aiken
Allott
Anderson
Bayh
Bellmon
Bible
Boggs
Brooke
Burdick
Byrd, W. Va.
Cannon
Case
Church
Cook
Cooper
Cranston
Dole
Dominick
Eagleton
Fong
Fulbright
Goodell
Gore
Griffin
Hansen
Harris
Hart
Hartke
Hatfield
Hughes
Inouye
Jackson
Javits
Jordan, Idaho
Kennedy
Magnuson
Mansfield
Mathias
McGee
McGovern
McIntyre
Miller
Mondale
Montoya
Moss
Murphy
Muskie
Packwood
Pastore
Pearson
Pell
Percy
Prouty
Proxmire
Randolph
Schweiker
Scott
Smith, Maine
Stevens
Symington
Tydings
Williams, Del.
Williams, N.J.
Yarborough
Young, N. Dak.
Young, Ohio

NOT VOTING—12

Baker
Dodd
Gravel
Gurney
McCarthy
Metcalf
Mundt
Nelson
Ribicoff
Russell
Saxbe
Smith, Ill.

So Mr. ALLEN's amendment to Mr. MANSFIELD's amendment was rejected.

COSPONSORS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the names of the Senator from Pennsylvania (Mr. SCHWEIKER), the Senator from Illinois (Mr. PERCY), the Senator from Texas (Mr. YARBOROUGH), the Senator from North Dakota (Mr. YOUNG), the Senator from New York (Mr. GOODELL), and the Senator from Rhode Island (Mr. PASTORE) be added as cosponsors of amendment No. 545.

The PRESIDING OFFICER (Mr. SCHWEIKER). Without objection, it is so ordered.

Mr. ALLEN. Mr. President, I send to the desk a perfecting amendment to the Mansfield amendment and ask that it be stated.

Mr. PASTORE. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order. The amendment will be stated.

The legislative clerk read as follows:

> Amend section 305 to read as follows:
>
> Section 305. The provisions of title III shall take effect with respect to any primary or election held on or after January 1, 1973.

Mr. ALLEN. Mr. President, I yield myself 15 minutes.

The PRESIDING OFFICER. The Senator may proceed.

Mr. ALLEN. Mr. President, this is another perfecting amendment, being offered in an effort to literally help improve the amendment offered by the distinguished Senator from Montana, the able and eminent majority leader. It would postpone the operation date, the effective date of the amendment until January 1, 1973, the thought being that the presidential election of 1972 will have been held——

The PRESIDING OFFICER (Mr. SCHWEIKER). The Chair will state that the pending amendment has not been drafted properly. At this point in the procedure it is not in order.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there be a brief quorum call so that the Senator from Alabama may straighten out the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I yield 3 minutes to the distinguished Senator from Wyoming.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

ENERGY: RESEARCH AND DEVELOPMENT INCENTIVES

Mr. HANSEN. Mr. President, in the last several months, the Committee on Interior and Insular Affairs' Subcommittee on Minerals, Materials, and Fuels has conducted hearings into various methods of meeting our energy needs, both present and future.

Having attended these hearings of the subcommittee, I have become alarmed at the growing inability of the United States to meet its ever-increasing energy needs. The subcommittee has heard evidence of a potential natural gas shortage. The best available estimates are that today's electric generating capacity of 290 million kilowatts will at least double by 1980. It will be close to 1 billion kilowatts by 1990. While we recognize the need to increase generating capacity, we are now acutely aware of the need to prevent this increased capacity from adding to the pollution of our environment. Air and water pollution are no longer acceptable to our society, and we must pay the price necessary to protect our surroundings. Presently no one wants a powerplant built in his area. We must find a means of providing sufficient electric power to meet the growing demand in a manner that is consistent with the President's commitment to enhance the environment.

The answer is increased research and development to control the pollution aspects of power generating systems and to develop new systems which do not pollute the environment. This effort cannot be undertaken by government alone—industry must play its part.

I have read with great interest the comments of my good friend and colleague the distinguished junior Senator from Montana concerning the research efforts of the utility industry. Senator METCALF stated that utilities can include all research and development in their operating costs. First, I want to note with pride that Pacific Power & Light operating in my own State of Wyoming is one of the most progressive companies spending over $376,000 for research and development in 1968. But I do feel it necessary to point out that, far from encouraging research and development, some of the present Government-imposed accounting procedures for regulated utilities have hindered research and development efforts of utility companies.

The Federal Power Commission, under the able and farsighted leadership of its new Chairman, John Nassikas, has recently recognized that its accounting and ratemaking policies have created a misunderstanding regarding the treatment of unsuccessful research and development costs that may tend to inhibit activties. In addition, significant expenditures are deterred by uncertainty on the FPC's ratemaking and accounting policy. The general inability of utilities to earn a return on significant expenditures for special projects and the frequent inability of utilities to recover research expenditures when a project is abandoned or when the costs are not at the same level each year deter research and development efforts by the utility industry. The FPC has said that it believes a more flexible approach may meet the regulatory need to stimulate expenditures for research and development and yet remain within the boundaries of sound regulatory accounting. The Commission has published a rulemaking notice asking for comments on two alternative methods for the initial recording of research and development costs.

Mr. President, on Monday, February 23, 1970, the Minerals, Materials, and Fuels Subcommittee heard testimony from Hollis Dole, Assistant Secretary of the Interior for Mineral Resources regarding MHD, a revolutionary concept of power generation. During the course of the hearings, I asked Secretary Dole:

> Would it be your recommendation, if you were called upon to recommend, that the accounting rules and the treatment by IRS and by regulatory agencies, both state and federal, be changed to permit the inclusion of a research program as a proper expense that should be reflected in consumer power rates if we are going to have the kind of program you think is necessary in order to assure the adequacy of our future power supply?

Secretary Dole replied:

> Senator Hansen, this certainly would be my recommendation . . . We feel that there

must be a joint industry-government research effort that should be enlarged if we are going to meet the challenges of the environment of the producing of the materials that this increasing population demands, there has to be an increase in the amount of basic research being done by government and by industry. However the distinguished Chairman of the Subcommittee at this point stated: "It is my understanding this expenditure is an allowable expense applicable as part of the base rate. The Senator from Montana made a speech a while ago pointing out that this was a proper expense and properly treated it as such, and so it is available to utilities to do so. This is my understanding from his speech."

Mr. President, I am concerned that the statement of the junior Senator from Montana has left my colleagues with the mistaken impression that the accounting principles now set down by the Government should encourage research and development by utilities because utilities can include all research and development in the operating costs. This is not the same as including the expenditures as a rate base item and does not provide the same incentive.

I have here a release from the Federal Power Commission describing the FPC proposals to clarify accounting and ratemaking policies on research and development. I ask unanimous consent that this release be included in the RECORD at the close of my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HANSEN. Mr. President, I would like to point out that the money spent on research and development cannot presently be included in the rate base. The new proposal would permit the unamortized or undepreciated portion of the expenditures to be considered as a rate base item. Permitting the item to be included in the operating costs is misleading because expenditures for research and development fluctuate from year to year. The present ratemaking procedures do not take this fluctuation into account. The rates are set in a manner to permit a certain return on investment after expenses. The rate may be set to recognize a yearly expenditure by the utility for research and development of $100,000. But the rate is set to apply to a period of years. It is not changed from year to year because the actual expenditure for research and development varies. Therefore, if the utility spends $500,000 in 1 year for research, $400,000 of this expenditure must be paid for out of the regulated profit margin since only $100,000 per year was scheduled for research and development when the rates were established. This situation might continue for a number of years due to regulatory lag. Instead of passing the expense on to the user as is done by unregulated industries, the stockholders of the utility are forced to absorb the excess expenditure. Oftentimes, rather than cut profits, the decision is made not to make the expenditure at all.

Under the new FPC proposal, the $400,000 spent above the anticipated expenditure would be amortized over several years. The unamortized portion of the expenditure would be treated as a rate base item so that the utility can earn a fair return on the expenditure until it has been completely amortized.

Research and development costs are recognized as a legitimate expense of nonregulated companies. In addition, nonregulated companies can invest in research and development expecting it to increase their profits. However, the profits of a utility are set by the Government, and therefore an expenditure for research and development cannot be expected to increase the utility's profits.

I congratulate the FPC for its proposals to change the accounting methods and procedures presently used. All of our citizens are greatly concerned about environment control and the need to develop methods of pollution prevention. Our citizens are willing to pay the cost of controlling pollution. Up until now, we have deferred this cost for future generations to pay and have accepted pollution. We should now recognize that the rate charged to customers for electricity should contain a charge for pollution control. By permitting research and development to be accounted for in a manner which will be reflected in the rate base, the Federal Power Commission will stimulate greatly needed research and development by the regulated utility industry. In addition, we will be paying for the protection of our environment as we go, instead of deferring it for future generations to pay.

Mr. President, I hope that this statement will help set the record straight. It is important to recognize the contributions the utility industry has made to this Nation by providing adequate power to meet our energy needs.

It is important to recognize the fine work being done by the FPC to correct accounting and ratemaking policies which in the past have inhibited research and development activities.

I am sure that the FPC action will encourage and enable the utility industry to make a great contribution to the efforts to preserve and protect our environment.

EXHIBIT 1

FPC PROPOSES TO CLARIFY ACCOUNTING AND RATEMAKING POLICIES ON RESEARCH AND DEVELOPMENT

The Federal Power Commission announced today that it is proposing to clarify its accounting and ratemaking policies to encourage more extensive research and development activities by electric and gas utilities.

The FPC said it believes it would be beneficial to both the consumer and the industry if research and development expenditures were treated so that they are fully recoverable through charges to operating expenses either currently or over a period of years, and the utility can earn a return on unrecovered expenditures.

The Commission said its policy on accounting and ratemaking treatment of research and development expenditures should be consistent, provided it is consistent with evidence developed in individual cases. The FPC noted that under its regulations, utilities have the option of receiving a formal FPC ruling on their proposed accounting for research and development.

The Commission's rulemaking notice today proposes amendments to the FPC's Uniform Systems of Accounts for gas and electric utilities to aid in achieving a comprehensive research and development program. The FPC pointed out that the utilities' research and development activities have been at an "apparently low level" in recent years.

Technological advances must be made by the gas and power industries, the FPC said. The Commission said that clarification of its existing accounting and ratemaking policies "might well provide encouragement for more extensive research and development activities."

The FPC said it recognized that there is some misunderstanding in its present accounting treatment of unsuccessful research and development costs that may tend to inhibit activities. Primary research projects extending over a period of years involving significant expenditures are deterred by uncertainty on the FPC's ratemaking and accounting policies, the general inability of utilities to earn a return on significant expenditures for special projects, and the frequent inability of utilities to recover research expenditures when a project is abandoned or when the costs are not at the same level each year, the Commission said.

While strict accounting principles may dictate that research expenditures be charged off in the year incurred, the FPC said it believed a more flexible approach may meet the regulatory need to stimulate these expenditures and yet remain within the boundaries of sound regulatory accounting.

The Commission's rulemaking notice asks for comments on two alternative methods for the initial recording of research and development costs.

Under the first alternative the proposed accounting would treat these expenditures as deferred debits, recognizing that the account in this category is generally preferred under sound accounting principles. The remaining balance in the deferred debit account at the end of the accounting period would be given consideration as a rate base item in any rate proceeding before the FPC.

Another treatment proposed under the first alternative for the remaining balances in the deferred debit account at the end of the accounting period would be to allow the accumulation of "carrying charges" on these balances rather than allowing them to be considered as a rate base item. The accumulation of these carrying charges would cease when the research project is completed and the amounts have been transferred from this account.

The second alternative would place the proposed expenditures under a plant account category. While this is not a preferred accounting treatment, the FPC said, this method may give more assurance to utilities that these accounts will receive consideration as a rate base item.

In addition to the changes in the Uniform Systems of Accounts, the FPC is also proposing to revise the annual report forms used by electric and gas utilities to provide the new information on research and development activities.

Interested parties have until March 16 to submit their views and comments on the rulemaking proposal.

NOTICE OF PROPOSED AMENDMENTS OF THE UNIFORM SYSTEM OF ACCOUNTS UNDER THE FEDERAL POWER ACT AND THE NATURAL GAS ACT TO REFLECT CHANGES IN ACCOUNTING TREATMENT OF RESEARCH AND DEVELOPMENT EXPENDITURES

1. Notice is hereby given, pursuant to Section 553 of Title 5 of the United States Code and Sections 301, 302, 303, 304, 309 of the Federal Power Act, as amended, (49 Stat. 854, 855, 858; 16 U.S.C. 825, 825a, 825b, 825c, 825h) and Sections 8, 9, 10, and 16 of the Natural Gas Act, as amended (52 Stat. 825, 826, 830; 15 U.S.C. 717g, 717h, 717i, 717o) that the Federal Power Commission proposes to designate in its Uniform System of Accounts (USA) a specific account entitled "Research

and Development Expenditures". The Proposed Account would include all costs falling within the definition of research and development contained in the Uniform System of Accounts for Natural Gas Companies and Public Utilities and Licensees.

2. This proposed rulemaking originates from a review by the Commission of its accounting and ratemaking treatment of expenditures made by natural gas and electric utility companies for research and development activities. The following tabulation highlights the apparently low level of such expenditures by showing the relationship between expenditures for research and development and total utility operating revenues for the respective industries as reported to the Commission:

Year	Tota operating revenues	Research and development expenditures	Percentage of operating revenues	Year	Total operating revenues	Research and development expenditures	Percentage of operating revenues
Natural gas industry:				Electric power industry:			
1968	$6,686,982,000	$7,965,601	0.119	1968	$16,521,285,000	$38,389,361	0.232
1967	6,193,960,000	7,012,603	.113	1967	15,224,931,000	36,878,127	.242
1966	5,880,954,000	5,729,319	.097	1966	14,374,168,000	38,682,957	.269

The Commission believes that technological advances must be made by the respective industries and the Commission is considering adopting policies which will encourage a greater research commitment by industry. We believe that clarification of our existing accounting and rate-making policies might well provide encouragement for more extensive research and development activities.

3. At present, the Uniform Systems of Accounts have no requirement or provision for separate accounting treatment of research and development expenditures. The system contemplates such research and development expenditures will be charged in the year expended to Administrative and General Expenses, Account 930, Miscellaneous General Expense, an operating expense account. In the past the Uniform Systems of Accounts have specifically held "experimental and general research of the industry" properly chargeable to Miscellaneous General Expenses.

4. One exception to the above general rule that research and development expenditures are to be written off currently is found in the case of certain "preliminary survey and investigation charges" (Account 183). The cost of preliminary surveys and investigations that result in successful projects are presently capitalized by the Commission. The Commission's accounting and ratemaking procedures therefore provide for recovery of the costs of successful projects through periodic charges for depreciation and amortization. A reasonable rate of return on the investment represented by the remaining unrecovered costs is allowed in the company's rates. The costs of initial surveys and investigations that result in unsuccessful projects may be expensed and recovered in the cost of service. This policy was reiterated in the case of Northern States Power Company's "Pathfinder" Project. The Commission authorized the company to amortize a 9.5 million dollar loss resulting from termination of its experimental nuclear power plant, over a ten year period by charges to operating expenses. The Commission announced "utilities normally will be permitted to charge off as operating expenses for accounting purposes costs resulting from their research and development activities reasonably entered into for the benefit of their utility operations." The Commission indicated such expenditures would be given consideration as rate base items.

5. The Commission recognizes that there is some misunderstanding in its present accounting treatment of unsuccessful research and development costs that may tend to inhibit levels of research and development activity. Primary research projects extending over a period of years encompassing significant expenditures are deterred by (1) uncertainty of the Commission's ratemaking and accounting policies, (2) general inability of utilities to earn a return on significant expenditures for special research and development projects, and (3) the frequent inability of utilities to recover research and expenditures when a project is abandoned or when such expenditures are not at the same level each year.

6. The Commission is considering amendments to the Uniform Systems of Accounts to aid in achieving a comprehensive research and development program. While strict accounting principles may dictate that research expenditures be charged off in the year incurred, the Commission believes a more flexible approach may meet the regulatory need to stimulate such research and development expenditures, and yet remain within the boundaries of sound regulatory accounting. The Commission believes it to be beneficial to both the consumer and the industry that research and development expenditures should be treated whereby (1) the expenditures are fully recoverable through charges to operating expenses either currently or over a period of years, and (2) the utility will be able to earn a return on unrecovered expenditures. The utilities' research and development activities must be reasonably associated to the benefit of utility operations.

7. For the reasons above, the Commission is considering amending the Uniform Systems of Accounts for electric utility companies and licensees, and natural gas companies to designate a new account entitled "Research and Development Expenditures". The texts of proposed accounts are contained in Attachment A. In the proposals as set out in Attachment A there are two alternative methods for the initial recording of research and development costs. The Commission requests comments submitted by interested parties as to the most suitable method.

8a. Under the first alternative, the proposed accounting is to treat the expenditures as deferred debits (Account 188). This method recognizes that the account as a deferred debit category is generally preferred under sound accounting principles. The remaining balance in the deferred debit account at the end of any accounting period would be given consideration as a rate base item in any rate proceeding before the Commission.

8b. Another treatment that may be given to the remaining balances in the deferred debit account at the end of the accounting period is to allow the accumulation of "carrying charges" on such balances rather than allowing such balances to be considered as a rate base item. These carrying charges would be computed in the same manner as "interest during construction," as defined in gas (electric) plant instruction 3(17). The accumulation of carrying charges would cease when the research project is completed or the amounts have been transferred from this account.

9. The second alternative would place the proposed expenditures under a plant account category (Account 107.1). While this is not a preferred accounting treatment, this method may give more assurance to utilities that such amounts will receive consideration as a rate base item.

10. The present instructions in the Uniform System of Accounts limit the recording of research and development expenditures to account 930 which is an administrative and general expense category. However, the Commission believes that such charges should be made whenever possible to the functional operating classification related to such activity. Therefore, the Commission proposes the changes set forth in Attachment B that provide for such accounting.

11. In addition to the foregoing, the Commission will need additional reporting. Attachment C shows the modifications deemed necessary to the present reporting schedules for research and development activities that will provide such information.

12. It is the Commission's policy that the accounting and ratemaking treatment of research and development expenditures should be consistent, provided that such treatment is consistent with the evidence developed in the individual cases. Utilities do have the option, in a specific case, of receiving a formal Commission ruling on the utilities' proposed accounting for research and development in Part 41 of the Commission's Regulations under the Federal Power Act and Part 158 of the Regulations under the Natural Gas Act.

13. These amendments to the Commission's Uniform Systems of Accounts set out in Attachments A, B, and C are proposed to be issued under the authority granted by the Federal Power Act, as amended, particularly Sections 301, 302, 303, 304 and 309 thereof (49 Stat. 854, 855, 858; 16 U.S.C. 825, 825a, 825b, 825c, 825h) and by the Natural Gas Act as amended, particularly Sections 8, 9, 10 and 16 thereof (52 Stat. 825, 826, 830; 15 U.S.C. 717g, 717h, 717i, 717o).

14. Any interested party may submit to the Federal Power Commission, Washington, D.C. 20426, on or before March 16, 1970, views and comments in writing concerning the amendments here proposed and the attachments thereto. Any such submittal should contain the name, title, and mailing address of the person or persons to whom communications concerning the matter should be addressed. An original and fourteen conformed copies should be filed with the Secretary of the Commission. The Commission will consider all such written submittals before issuing an order in the proceeding.

15. The Secretary shall cause prompt publication of this notice in the Federal Register.

By direction of the Commission.

GORDON M. GRANT,
Secretary.

NATURAL GAS COMPANIES

The proposed changes would amend the Balance Sheet Accounts in Part 201, Subchapter F, Accounts, Natural Gas Act, Chapter 1, Title 18 of the Code of Federal Regulations to add the following new account:

Research and development expenditures

A. This account shall include the cost of all expenditures coming within the meaning of Definition 24.B of the Uniform System of Accounts. (18 CFR Part 201, Definitions).

B. Costs that are minor or of a general or recurring nature shall be transferred from this account of the appropriate operating expense function or if such costs are common to the overall operations or cannot be feasibly allocated to the various operating accounts, then such costs shall be recorded in Account 930, Miscellaneous General Expenses. (18 CFR Part 201, Operation and Maintenance Expense Accounts).

C. Expenditures on projects which the company believes will result in successful construction and are significant will be retained in this account until ready for service, at which time the total costs will be transferred to the appropriate plant account.

D. In certain instances a company may incur large and significant unsuccessful research expenditures which are nonrecurring and which would distort the annual research and development charges for the period. In such a case the portion of such amounts that cause the distortion may be amortized to the appropriate operating expense account over a period not to exceed five years.

E. The entries in this account must be so maintained as to show separately each project along with complete detail of the nature and purpose of the research and development project together with the related costs.

2. Additional note to be added to the above if "carrying charges" are allowed on successful projects as follows (applicable only to account 188):

Add: Note: Carrying charges may be accumulated on those projects which the company has good assurances will result in successful construction. The carrying charges will be computed in the same manner as "interest during construction" as defined in gas plant instruction 3(17). The accumulation of carrying charges must cease upon the completion of the construction and when it is ready to be placed in service. Detailed computations on the carrying charges must be maintained and readily available for Commission review.

Alternative 1. If this account is included in the group of Balance Sheet Accounts classified under "4. Deferred Debits" it will be given account number 188.

Alternative 2. If this account is included in the group of Balance Sheet Accounts classified under "1. Utility Plant" it will be given account number 107.1.

PUBLIC UTILITIES AND LICENSEES

The proposed changes would amend the Balance Sheet Accounts in Part 101, Subchapter C, Accounts, Federal Power Act, Chapter 1; Title 18 Of the Code of Federal Regulations to add the following new account.

Research and development expenditures

A. This account shall include the cost of all expenditures coming within the meaning of Definition 27.B of the Uniform System of Accounts. (18 CFR Part 101, Definitions).

B. Costs that are minor or of a general or recurring nature shall be transferred from this account to the appropriate operating expense function or if such costs are common to the overall operations or cannot be feasibly allocated to the various operating accounts, then such costs shall be recorded in Account 930, Miscellaneous General Expenses. (18 CFR Part 101, Operation and Maintenance Expense Accounts)

C. Expenditures on projects which the company believes will result in successful construction and are significant will be retained in this account until ready for service, at which time the total costs will be transferred to the appropriate plant account.

D. In certain instances a company may incur large and significant unsuccessful research expenditures which are nonrecurring and which would distort the annual research and development charges for the period. In such a case the portion of such amounts that cause the distortion may be amortized to the appropriate operating expense account over a period not to exceed five years.

E. The entries in this account must be so maintained as to show separately each project along with complete detail of the nature and purpose of the research and development project together with the related costs.

2. Additional note to be added to the above if "carrying charges" are allowed on successful projects as follows (applicable only to Account 188)

Add: Note: Carrying charges may be accumulated on those projects which the company has good assurances will result in successful construction. The carrying charges will be computed in the same manner as "interest during construction" as defined in electric plant instruction 3(17). The accumulation of carrying charges must cease upon the completion of the construction and when it is ready to be placed in service. Detailed computations on the carrying charges must be maintained and readily available for Commission review.

Alternative 1. If this account is included in the group of Balance Sheet Accounts classified under "4. Deferred Debits" it will be given account number 188.

Alternative 2. If this account is included in the group of Balance Sheet Accounts classified under "1. Utility Plant" it will be given account number 107.1.

The Commission proposes to make the following amendments to Part 101, Uniform System of Accounts prescribed for Class A and Class B Public Utilities and Licensees, Subchapter C, Account, Federal Power Act. Chapter 1, Title 18 of the Code of Federal Regulations:

Operation and maintenance expense accounts

* * * * *

506 Miscellaneous steam power expenses.

This account is amended by adding the following to the list of items:

14. Research and development expenses.

* * * * *

524 Miscellaneous nuclear power expenses.

This account is amended by adding the following to the list of items:

14. Research and development expenses.

* * * * *

539 Miscellaneous hydraulic power generation expenses.

This account is amended by adding the following to the list of items:

16. Research and development expenses.

* * * * *

549 Miscellaneous other power generation expenses.

This account is amended by adding the following to the list of accounts:

16. Research and development expenses.

* * * * *

566 Miscellaneous transmission expenses.

This account is amended by adding the following to the list of items:

14. Research and development expenses.

* * * * *

588 Miscellaneous distribution expenses.

This account is amended by adding the following to the list of items:

13. Research and development expenses.

* * * * *

930 Miscellaneous general expenses.

This account is amended by deleting item 4 from the list of items and substituting the following therefor:

4. Research and development expenses not charged to other operation and maintenance expense accounts on a functional basis.

The Commission proposes to make the following amendments to Part 201, Uniform System of Accounts for Natural Gas Companies, Subchapter F, Accounts, Natural Gas Act, Chapter I, Title 18 of the Code of Federal Regulations.

Operation and maintenance expense accounts

* * * * *

703 Miscellaneous steam expenses.

This account is amended by adding the following to the list of items:

12. Research and development expenses.

* * * * *

735 Miscellaneous production expenses.

This account is amended by adding the following to the list of items:

32. Research and development expenses.

* * * * *

759 Other expenses.

This account is amended by adding the following to the list of items:

5. Research and development expenses.

* * * * *

776 Operations supplies and expenses.

This account is amended by adding the following to the list of items:

8. Research and development expenses.

* * * * *

813 Other gas supply expenses.

Amend text of account to read as follows:

This account shall include the cost of labor and materials used and expenses incurred in connection with gas supply functions not provided for in any of the above accounts, including research and development expenses.

* * * * *

824 Other expenses.

Amend text of account to read as follows:

This account shall include the cost of labor, materials used and expenses incurred in operating underground storage plant, and other underground storage operating expenses, not includible in any of the foregoing accounts, including research and development expenses.

* * * * *

840 Operation labor and expenses.

This account is amended by adding the following item to the list of items:

17. Research and development expenses.

* * * * *

859 Other expenses.

Amend text of account to read as follows:

This account shall include the cost of labor, material used and expenses incurred in operating transmission system equipment and other transmission system expenses not includible in any of the foregoing accounts, to include research and development expenses.

* * * * *

880 Other expenses.

Amend text of account to read as follows:

This account shall include the cost of distribution maps and records, distribution office expenses, and the cost of labor and materials used and expenses incurred in distribution system operations not provided for elsewhere, including the expenses of operating street lighting systems and research and development expenses.

* * * * *

930 Miscellaneous general expenses.

This account is amended by deleting item 4 from the list of items and substituting the following therefor:

4. Research and development expenses not charged to other operation and maintenance expense accounts on a functional basis.

RESEARCH AND DEVELOPMENT ACTIVITIES

1. Describe and show below costs incurred and accounts charged during the year for technological research and development projects initiated, continued or concluded during the year. Report also support to others during the year for jointly-sponsored projects. (Recipient must be identified if affiliated.) For any research and development work carried on by the respondent in which there is a sharing of costs with others, show separately the respondent's cost for the year and cost chargeable to others. (See definition of research and development in Uniform System of Accounts.)

2. Indicate in column (a) applicable clas-

sification, as shown below; list in column (b) projects costing $5,000 or more, briefly describing the specific area of research or development (such as for safety, automation, type of appliance, pollution, corrosion, insulation, etc.). Items under $5,000 may be grouped by classifications.

A. Electric Utility R & D Performed Within Company:

(1) Power Plants—

a. Hydro.

b. Fossil Fuel Steam.

c. Internal Combustion.

d. Atomic.

e. Direct Conversion.

(2) System Planning, Engineering and Operation.

(3) Transmission (indicate overhead and underground projects separately).

(4) Distribution.

(5) Other (including items in excess of $5,000).

(6) Total Cost Incurred.

B. Electric Utility R & D Performed Outside the Company.

(1) Research Support to the Electric Research Council.

(2) Research Support to Edison Electric Institute.

(3) Research Support to Nuclear Power Groups.

(4) Research Support to Others.

(5) Other (including items in excess of $5,000).

(6) Total Cost Incurred.

3. Show in column (c) all costs incurred during the current year.

Show in column (d) the account number charged with expenses during the year or the account to which amounts were capitalized during the year. Show in column (e) the amounts related to the account charged in column (d). Show in column (f) the total unamortized accumulation of costs of projects considered will be "successful." The total of column (f) will equal the balance in Account 188, Research and Development Expenditures,* outstanding at the end of the year.

4. If costs have not been segregated for research and development activities or projects, estimates may be submitted for columns (c) and (e), with such amounts identified by "Est.".

5. Report separately research and related testing facilities operated by the respondent.

1. Describe and show below costs incurred and accounts charged during the year for technological research and development projects initiated, continued or concluded during the year. Report also support to others during the year for jointly-sponsored projects. (Recipient must be identified if affiliated.) For any research and development work carried on by the respondent in which there is a sharing of costs with others, show separately the respondent's cost for the year and cost chargeable to others. (See definition of research and development in Uniform System of Accounts.)

2. Indicate in column (a) applicable classification, as shown below; list in column (b) projects costing $5,000 or more, briefly describing the specific area of research or development (such as for safety, corrosion control, automation, measurement, type of appliance, etc.). Items under $5,000 may be grouped by classifications.

A. Gas R & D Performed Within Company:

(1) Pipeline—

a. Design.

b. Efficiency.

(2) Compressor Station—

a. Design.

b. Efficiency.

(3) System Planning, Engineering and Operation.

(4) Transmission Control and Dispatching.

(5) Underground Storage.

(6) Other storage.

(7) New Appliances and New Uses.

(8) Other.

(9) Total Cost Incurred.

B. Gas R & D Performed Outside the Company:

(1) Research Support to American Gas Association.

(2) Research Support Others.

(3) Other.

(4) Total cost incurred.

3. Show in column (c) all costs incurred during the current year.

Show in column (d) the account number charged with expenses during the year or the account to which amounts are capitalized during the year. Show in column (e) the amounts related to the account charged in column (d). Show in column (f) the total amortized accumulation of costs of projects considered will be "successful." The total of column (f) will equal the balance in Account 188, Research and Development Expenditures, outstanding at the end of the year.

4. If costs have not been segregated for research and development activities or projects, estimates may be submitted for columns (c) and (e), with such amounts identified by "Est."

5. Report separately research and related testing facilities operated by the respondent.

VOTING RIGHTS ACT AMENDMENTS OF 1969

The Senate continued with the consideration of the bill (H.R. 4249) to extend the Voting Rights Act of 1965 with respect to the discriminatory use of tests and devices.

Mr. ALLEN. Mr. President, I have an amendment at the desk and I ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

On page 2, strike out lines 19 and 20.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. ALLEN. Mr. President, the effect of this amendment is to strike out section (3), lines 19 and 20, on page 2 of the printed amendment.

This is a finding by the Congress that the setting of a voting age qualification throughout the country, in every single election, Federal, State, and local, from sheriff or constable on up to President of the United States, does not bear a reasonable relationship to any compelling State interest. If the States are not interested in setting the qualifications of their electors, they take no interest in a power and responsibility that is imposed upon them by the Constitution of the United States.

I do not believe that the Senate should go on record as making the finding that the setting of voter qualifications in the respective States does not bear a reasonable relationship to any compelling State interest.

It is a State interest that the States have had and enjoyed since 1789. It is a State interest that in every instance where a change was made by the National Government or initiated by Congress, a constitutional amendment was required and used. So if the States have no interest in this matter, they would be going contrary to the Constitution of the United States.

Since coming to the Senate, I have been somewhat disappointed and disillusioned by the willingness of many Members of Congress to use any means that they thought advisable in order to attain an end which to them seemed desirable.

Mr. KENNEDY. Mr. President, will the Senator yield for a request for the yeas and nays?

Mr. ALLEN. I yield for that purpose.

Mr. KENNEDY. Mr. President, without the Senator from Alabama (Mr. ALLEN) losing his right to the floor, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Alabama will proceed.

Mr. ALLEN. Mr. President, there are four sections of the U.S. Constitution that give to the States, or by necessary inference give to the States, the right to set the qualifications of voters within the boundaries of the respective States.

Article I, section 2, article II, section 1, the 17th amendment, and the 10th amendment—all of these provisions bear on the qualifications to be set by the respective States of the voters within the boundaries of their States.

This rule, this procedure, this policy, this constitutional requirement, has worked well under our Constitution since its adoption in 1789.

Some States have different qualifications. The State of Georgia has a provision that 18-year-olds may vote, and has had it for some 30 years. If the State of Georgia wants to provide an 18-age-voting requirement, it should have that right.

I favor setting the voting age at 18. I feel that boys and girls of that age are better informed, take a greater interest in government, in public affairs, in civic affairs, than many of us did when we were of that age.

Then, too, in my own State of Alabama, by act of Congress, our registrars, both State and Federal——

The PRESIDING OFFICER. Does the Senator from Alabama suggest the absence of a quorum?

Mr. ALLEN. Yes, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. ALLEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLEN. Would the Presiding Officer give a ruling on the original amendment which the junior Senator from Alabama offered, and which was ruled out of order?

The PRESIDING OFFICER (Mr. SCHWEIKER). The Chair will state that, in reviewing the parliamentary situation and in looking at the RECORD, the amendment of the Senator from Montana had been modified, and by that modification, the first amendment of the Senator from Alabama is in fact in order. Therefore, the Senator may proceed on the first amendment if he so desires.

Mr. ALLEN. Mr. President, I do not want to lose either amendment. Will the

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Chair give the Senator from Alabama the assurance that neither amendment will be lost if I proceed with the second amendment?

The PRESIDING OFFICER. The Senator may proceed with this amendment or offer the first amendment later. It is in his discretion.

Mr. ALLEN. Inasmuch as I have been proceeding with respect to the second amendment, I will proceed with the discussion of that and will leave the other amendment at the desk to be called up after this one has been either agreed to or not agreed to.

The PRESIDING OFFICER. The Senator may proceed.

Mr. ALLEN. Mr. President, the second amendment offered within the last few minutes by the junior Senator from Alabama strikes out the strange finding by Congress, with which the junior Senator from Alabama cannot agree, that the imposition and application of the requirement that a citizen be 21 years of age as a precondition to voting in any primary or in any election does not bear a reasonable relationship to any compelling State interest.

The purpose of the amendment offered by the Senator from Montana is to set up a basis by which the Senate would find that Congress has the authority, by statute, to set the voting age. The Senator from Alabama was pointing out that since the adoption of the U.S. Constitution in 1789, the power to set the qualifications of electors within the respective States has always reposed in the States, and that that right is protected by four different sections of the U.S. Constitution.

The Senator from West Virginia (Mr. RANDOLPH) has offered Senate Joint Resolution 147. That resolution, which the distinguished Senator is so ably sponsoring, provides for submitting to the States for ratification an amendment to the Constitution which would set the voting age at 18. That would give the States, which have the power to set the voting requirements in their respective jurisdictions, the right to say whether or not they wanted the law changed. If three-fourths of them choose to ratify that amendment, then the change would be made. If three-fourths fail to ratify the proposed amendment, then the amendment would fail of ratification.

Mr. RANDOLPH. Mr. President, will the Senator yield?

Mr. ALLEN. I am delighted to yield.

Mr. RANDOLPH. I think that the continuing comment of the Senator from Alabama, as I have said earlier, contributes very much to this discussion. In connection with the action of the States, I think it is important to point out that Senate Joint Resolution 147 would not ask the States to ratify the constitutional amendment referred to them from the Congress on the basis of just national elections, but also State and local elections. So in reality, we are going the full route here; are we not?

Mr. ALLEN. Yes.

Mr. RANDOLPH. And that is why I believe it is essential that the States must be brought into this picture, because it concerns not only the national officers, but the State and local officers upon which those bodies or persons within the respective States will make their judgments.

Mr. ALLEN. I thank the distinguished Senator for his comment that the States definitely do have an interest in this proposal, because it sets the qualifications for voting not only in Federal elections but in State and local elections as well.

Finally, then, is this amendment necessary? Why not wait on the constitutional amendment? The Senator from West Virginia feels that there is no substantial opposition in the Senate or in the Senate committee to his constitutional amendment. The subcommittee is headed by the distinguished Senator from Indiana (Mr. BAYH).

The PRESIDING OFFICER. The Chair will state that the Senator's 15 minutes have expired.

Mr. ALLEN. Mr. President, I yield myself such time, within the limits allotted me, as I may require.

The PRESIDING OFFICER. The Senator may proceed.

Mr. ALLEN. The distinguished Senator from Indiana is chairman of the subcommittee, and he favors the approval of the constitutional amendment. The distinguished Senator from Mississippi (Mr. EASTLAND), the chairman of the Committee on the Judiciary, stated earlier in the day that he would report the amendment out of the Committee on the Judiciary, that he would not stand in its way.

That would seem to guarantee that the constitutional amendment proposal will come out of the Committee on the Judiciary, and that it will go on the Senate calendar; and we all know that the distinguished majority leader of the Senate (Mr. MANSFIELD) would certainly schedule that proposal for early action by the Senate. Some 72 Senators are cosponsors of the constitutional amendment proposal of the distinguished Senator from West Virginia. The junior Senator from Alabama is proud to be one of its cosponsors, and would this very day, if the constitutional amendment were before the Senate, be happy and proud to vote for that constitutional amendment.

But, Mr. President, I do not want to go contrary to the provisions of the Constitution. I do not want to see the provisions of the Constitution flouted by statutory provisions. I do not want to see us destroy the provisions of the Constitution that place these powers and these rights within the States.

Mr. President, we are gradually—and I am not even sure it is too gradually—chipping away at this Federal system that we have, which recognizes State governments and which recognizes that under the Constitution of the United States the powers not delegated to the Federal Government are reserved to the States, or to the people.

I think that is a bad trend. We are critical of the judiciary for usurping or taking over some of the rights and some of the powers both of the legislative branch of the Government and the executive branch. We charge, and I believe rightly so, that the Federal judiciary, headed, of course, by the Supreme Court of the United States, has been guilty and is guilty of legislating rather than interpreting laws—enacting them rather than construing them.

Mr. RANDOLPH. Mr. President, will the Senator yield further?

Mr. ALLEN. I am delighted to yield.

Mr. RANDOLPH. I hope that the Senator from Montana (Mr. MANSFIELD) will accept the pending amendment offered by the Senator from Alabama. He seeks to strike from section 301 that portion which is bracketed as (3), that the age requirement "does not bear a reasonable relationship to any compelling State interest"; is that the language involved?

Mr. ALLEN. That is correct.

Mr. RANDOLPH. I feel, as I have said in other words, that the States do have an interest in the ratification of any amendment that changes the groups that participate in the political balance in those States. The States had an intense interest, for example, in connection with the franchise for women, which they ratified.

I would remind the Senator from Alabama that there was a feeling that because the States were not acting on the so-called woman suffrage proposition, they were not interested in so doing. But under the impact of congressional action, the referral to the States, the focusing of attention, the zeroing in, as it were, on a vital subject, the 19th amendment, was ratified, within 15 months.

I reiterate what I said earlier in the debate: That if this matter is referred to the States through a constitutional procedure—although at the present time only two States, Georgia and Kentucky, allow 18-year-olds to vote—in my opinion, those who serve as members of legislative bodies in the States will move promptly, and citizens generally will move in concert, toward action, because they do have, I think, confidence in Congress in matters of this kind.

The two Senators from Alabama (Mr. SPARKMAN and Mr. ALLEN) are cosponsors of Senate Joint Resolution 147. I think the citizenry of the State of Alabama would, in a sense, wish to have their affirmative votes as an expression of confidence, really, in the fact that the Senators had referred this matter to them.

This is very important for us to realize. So without attempting to say that the legislators would be mowed down, as it were, by the intention of Congress, the attention of the legislators would very properly be focused on what Congress had done, with practically every Member of the Senate, with very few exceptions, favoring such action. Of course, I respect the convictions of those Senators who might vote against a constitutional amendment. But let us say that 85 or 90 Senators would vote for a constitutional amendment to refer the matter to the States. Thus we could expect, realistically, that the States would act promptly. We would have returned here for proclamation this additional voting franchise, which in a sense is a franchise of freedom, not just a ballot—a franchise of freedom in which we want young people as well as older people to participate.

There is always a right way to do something. Although there may be those of us who will join in this because we want to have a sense of the Senate in this matter, I feel that we will be called on to have the constitutional amendment on the floor of the Senate.

The arguments presented by the able Senator during this debate have brought considerable strengthening, I think, to the Senate as we have gone into these matters. Form is something different from substance, but sometimes to do something in the form that it should be done contributes to the substance.

So I again commend the Senator from Alabama, as I have earlier—not in ways of pleasantry but in ways of truth—for the contributions he is making in this debate.

I reiterate that the Senator from Indiana (Mr. BAYH), the chairman of the Subcommittee on Constitutional Amendments, and the Senator from Mississippi (Mr. EASTLAND), the chairman of the Committee on the Judiciary, have made it abundantly clear in the Senate that they will proceed in this matter.

I see no reason why committee action should be delayed on the constitutional amendment, even though other action is taken in the statutory approach, because I think we are going to be called on to have it ready for Senate action. I hope it can be ready for the Senate within a very few weeks—certainly, as I have stated earlier, by the middle of May or approximately that date.

Mr. ALLEN. I appreciate very much the fine remarks of my distinguished colleague. His lofty ideals and high principles never fail to inspire me, and I am grateful to him for the contributions he has made to this discussion.

Mr. LONG. Mr. President, will the Senator yield?

Mr. ALLEN. I yield to the distinguished Senator from Louisiana.

Mr. LONG. Mr. President, I agree with the Senator that the constitutional approach is the proper approach to this problem.

I commend both the Senator from Alabama and the Senator from West Virginia for suggesting that. It has been my view down through the years that if Congress does see fit to invade this area, it is a decision reserved to the States, and should be done by means of constitutional amendment, which, of course, the Federal Government has a right to do, by proposing an amendment to be ratified by the States.

Mr. ALLEN. I thank the distinguished Senator.

Mr. HART. Mr. President, will the Senator yield?

Mr. ALLEN. I yield to the Senator from Michigan.

Mr. HART. I wonder whether the Senator from Alabama, who seeks to strike the finding that the 21-year-age requirement does not bear a reasonable relationship to a compelling State interest, would describe the compelling State interest that would be invaded.

Mr. ALLEN. I will answer the distinguished Senator from Michigan by saying that the province of the States, the compelling interest of the State, that would be invaded would be the right guaranteed to it by the Constitution to set qualifications of voters in the respective States.

Mr. HART. So the argument in support of the amendment is based solely on the proposition that the Constitution, as understood by the Senator from Alabama, prohibits the action proposed.

Mr. ALLEN. That, plus the fact——

Mr. HART. That is the hard question.

Mr. ALLEN. I want to give the rest of the answer, if the Senator will allow me.

Plus the fact that the amendment seeks to build up a case for handling by statute what should be handled by a constitutional amendment.

Mr. HART. Are we to understand that the Senator from Alabama proposes the striking of this language for the reason that we lack authority to enact a change in age down to 18? Are there other compelling State reasons?

Mr. ALLEN. The fact that this is a State prerogative means that we are invading the rights of the States.

Mr. HART. In a way that the Constitution would prohibit us?

Mr. ALLEN. Yes. That is the opinion of the junior Senator from Alabama. The junior Senator from Alabama would point out that, were there not considerable question about it, the authors of the amendment would not have gone to all this trouble to build up a case for themselves in their preamble.

Mr. HART. I wonder whether the Senator from Alabama would argue that there would be no case that would justify, or that a case could be made that would justify, which has not been made. I am trying to understand whether the Senator from Alabama would say, flat out, that we cannot do that. Does the Constitution prohibit it, or is it perhaps, that we have not yet reviewed them all?

Mr. ALLEN. It is the opinion of the junior Senator from Alabama that we are invading the rights of the States by this effort, no matter what wording is used, that it would be impossible for the Congress, in stating the case, to amend the Constitution and that is what——

Mr. HART. I think the Senator from Alabama has answered everything now, if I understand him correctly, by saying that he does not care what is assigned as the reason, that this is an action which constitutionally the Senate is barred from taking.

Mr. ALLEN. That is exactly right. That is exactly the position of the junior Senator from Alabama, plus the fact that the junior Senator from Alabama feels that the proponents of this measure are skating on very thin ice when they go the statutory route.

Mr. HART. That is not quite the same as saying that there is a bar to our actions.

Mr. ALLEN. That is the opinion of the——

Mr. HART. If there is a bar, then there is no ice; it is just water.

Mr. ALLEN. That is the opinion of the junior Senator from Alabama, but he is quick to point out to the Senator from Michigan that he is not abiding by the judgment of the junior Senator from Alabama; that when the Senator from Michigan seeks to build up a case which would authorize Congress by statute to amend the Constitution, the junior Senator from Alabama would feel that the Senator was skating on thin ice, irrespective of what the junior Senator from Alabama thought about it.

Mr. HART. Let the Senator from Michigan explain. He would not argue, has not, and does not now argue, that by a statute Congress can amend the Constitution. That would not be a case of thin ice. That would be, as I say, an air pocket—water; but the Senator from Alabama takes the position that the Constitution establishes a flat bar, an absolute prohibition, against the Senate's constitutionally adopting this amendment—the amendment as offered by the Senator from Montana, not the Senator from Michigan. But so far as the constitutional question is concerned, the Senator from Michigan inclines to the view that constitutionally it is within our right to adopt the amendment.

Mr. ALLEN. It admits of——

Mr. HART. I agree that——

Mr. ALLEN. It admits of no doubt, in the Senator's judgment, as to constitutionality,

Mr. HART. I have listened to us telling each other that we are great constitutional experts around here for 11 years, but the hard truth is, until the court writes its opinions, we at least, under truth serum, must acknowledge that our judgment must be tentative and wholly personal.

I have been advocating civil rights bills beginning in 1959, and I got long lectures about their not being constitutional; but finally, when the Court across the street gets around to doing it, they say that they are constitutional. This does not lessen my respect for the persons who, in the past, have argued that everything we are approaching to do is constitutional, but the hard truth is that there has not been a single enactment since I have been permitted to sit in the Senate in this area that has been held to be unconstitutional on those cases which have been reviewed. I think that all of them that have been reviewed have been sustained as being within the reach of Congress under the Constitution. We are hearing the same idea on the proposal offered by the Senator from Montana, when the Senator from Alabama asked if I am absolutely sure that it is constitutional. I have to make the same reply I have been making since 1955, that until the Court itself rules, we have to admit that our judgments are those of legislators and not Supreme Court Justices. But heretofore those of us who had advocated the constitutionality of these successive enactments have been sustained when the Supreme Court gets around to giving us the absolute answer. That is the best way I can answer the Senator from Alabama.

Mr. ALLEN. Will the Senator from Michigan answer one short question?

Mr. HART. Surely. I shall do my best.

Mr. ALLEN. What is the hurry?

XUM

Mr. HART. What is the hurry? Perhaps if the Senator had eight children, as the Senator from Michigan does, many of whom have very strong opinions about the overdue delay of their opportunities to participate in decisions that affect intimately their lives, the Senator would feel as I do, that the sooner we do this, the better.

Mr. ALLEN. The Senator is certain that it would be constitutional.

Mr. HART. I responded to that at considerable length and to the best of my ability.

Mr. LONG. Mr. President, the section the Senator would strike provides that the 21-year-old voting requirement does not bear any reasonable relationship to any compelling State interest.

Mr. ALLEN. That is right.

Mr. LONG. That leaves in doubt as to what is the purpose——

Mr. ALLEN. To build up a case for constitutionality of a highly doubtful question.

Mr. LONG. That makes me ask, why the words "compelling State interest"? Is it not correct that the majority of States have, historically, and do today, select the age of 21, which I believe is regarded as the age of maturity, when a person makes a contract and it is regarded as binding, and when a person cannot plead that because he was too young fully to understand the total consequences of his conduct, he should be forgiven; also as the age where a person would be also qualified to vote. Is it not correct that most States have picked that age of 21?

Mr. ALLEN. Yes, I believe that 48 out of the 50 States have done that.

Mr. LONG. So that it is not necessary that the States fix some age, but it would be necessary that they fix an age.

Mr. ALLEN. That would be necessary.

Mr. LONG. If it requires judgment for someone to fix an age, that is fine. Is there any doubt about the constitutionality that that is a question for the States to decide for themselves and is something which the Federal Government has not yet seen fit to pass a law to tell the States, in contradistinction of the Constitution, what age limit to fix.

Mr. ALLEN. That is correct.

Mr. LONG. Can the Senator explain what the word "compelling" is doing in there? It seems to me that on this question, it is the State's business.

Mr. ALLEN. About all the Senator from Alabama could say on that is that if they make the language strong enough, compelling enough, they obviously feel that it might compel the Supreme Court to a holding that this violation of constitutional rights is constitutional.

Mr. LONG. Well, would the Senator not agree that it is the State's business to fix some age?

Mr. ALLEN. It has been that for about 182 years.

Mr. LONG. When the States set an age, is there anything magic about the age of 18 as compared to 21?

Mr. ALLEN. No, not that the Senator from Alabama understands.

Mr. LONG. It seems to me that one has to set an age and it is left to the States to do that. It is bad enough to try to tell the State, in violation of the Constitution, what the age has to be, but to tell them that it is none of their business, when the Constitution says it is their business, and has been since this Nation was established, seems to me to go a little too far.

Mr. ALLEN. There is no question that if this statute passes, the Senator from Louisiana, if he tried to interfere with the right of any 18-year-old to vote, could be fined $5,000 and sent to the penitentiary for 5 years under this statute.

Mr. LONG. Well, now, if one can be fined $5,000 and put in jail for 5 years, would that not seem like the States' business, what the age should be?

Mr. ALLEN. That would compel me to think that.

Mr. LONG. I thank the Senator.

Mr. ALLEN. Mr. President, I appreciate the Senator from Louisiana's going on to the discussion of the propriety or the advisability of going the statutory route as compared to going the constitutional route.

The Senator from Michigan said that he has eight children and he would like to get them registered to vote as quickly as possible. I appreciate the concern of the distinguished Senator from Michigan.

This thought occurs to the junior Senator from Alabama, that if this statutory route is followed and it is provided by statute that the States cannot prevent the 18-year-olds from registering and they do, in fact, come in and register by literally millions and participate in the 1972 presidential election, and if on the day following the presidential election, or soon thereafter, the Supreme Court were to have a justiciable controversy over the provisions of the act, the Court may hold that the statute is unconstitutional.

We do not know what the philosophy of the Supreme Court is going to be in 1972. I hope that it will be a lot more conservative than it is now. However, suppose the Supreme Court outlaws this measure and rules unconstitutional the statutory approach of the distinguished majority leader. The votes of some 10 million people would be invalidated. And we could have the biggest contest over the next presidential election that has been heard of or imagined.

If 10 million young people unconstitutionally qualify to vote in an election did actually vote and it was then found out that the right given them by this act was unconstitutional, where in the world would we be?

Mr. LONG. Mr. President, will the Senator yield?

Mr. ALLEN. I yield.

Mr. LONG. Mr. President, I thank the Senator for mentioning a point I had never thought about before.

If I understand the Senator, he is saying that if this statute proves to be unconstitutional and if prior to the time the Supreme Court passed upon the measure, we were to hold a presidential election, we would not know whether in fact the man elected President was actually the President.

Mr. ALLEN. We say that one or the other of the candidates will get the young votes. We would not know where we would be.

Mr. LONG. Mr. President, no one would really know until the Supreme Court decided whether a man was President or not.

Mr. ALLEN. The Senator is correct.

Mr. LONG. So, we would be left in the impossible position then of letting the Supreme Court choose the President. It is bad enough to let them do some of the mischief they have done in recent years. But to let them pick the President would be really entrusting too much to them.

Mr. ALLEN. If that happened, it would make the Hayes-Tilden contest look like a Sunday school class election.

Mr. LONG. It never occurred to me before, but I would hate to see the Nation in the state of chaos that would result from no one knowing whether a major percentage of the votes had been illegally cast and no one being in a position to decide it.

It would be bad enough, would it not, if it happened during a congressional election? No one would know for sure who controlled Congress.

Mr. ALLEN. It certainly would. The situation is fraught with great peril for the existence of this Republic.

Mr. LONG. Mr. President, can the Senator tell me if it would not be true that if we would resolve this issue by constitutional amendment—and would the Senator agree with me—that would settle it and there would not be any doubt one way or the other.

Mr. ALLEN. That is the way to handle the matter. The Senator from Alabama agrees with the Senator from Louisiana. If a constitutional amendment is submitted and comes to a vote on the Senate floor, as I feel sure it will during the current year, the Senator from Alabama and the Senator from Louisiana will both vote for it.

Mr. LONG. I have not said I would vote for it. I have some doubts, even though the measure may have some popularity.

I always thought I was reasonably right for my age. I recall when I was 18 years old that my friends in college honored me by making me class president. And I can think of some foolish things I have done since I was 18 or, for that matter, since I have been 21. But they were not as childish or as immature as some of the things I did when I was 18.

Generally speaking, I think most young people gain by experience and maturity between the ages of 18 and 21.

Any young man that is bright by 18 is usually brighter and more mature when he reaches 21. And with respect to that age, I have signed some very ill-advised contracts after the age of 21 where, if I had talked with someone who had advised me about the decision I was making, I would have saved money. I lost quite a bit of money doing things of that sort until I learned better.

I do not see that it does anyone any harm to have these additional years of maturity when he is called upon to make a decision that might be fateful for the Nation.

Would the proposed amendment seek to change the requirement that one has to be 21 years of age in order to sign a binding contract?

Mr. ALLEN. No, it would not.

Mr. LONG. Does that not raise serious question? If one does not have the maturity to sign a binding contract, he certainly would not have the maturity to decide who the President should be.

Mr. ALLEN. I agree with the Senator from Louisiana. And if the Congress can tell a State at what age it ought to permit people to vote, it would be able to tell a State what age a person would have to be to enter into a binding contract.

Mr. LONG. Mr. President, once again, it seems to me that is none of our business. That is something that the States ought to be doing.

To begin with, I am perfectly content for the Legislature of the State of Louisiana to pass on the subject. They have to run for office more often than I do. They have to go and report to the people in every nook and cranny of Louisiana.

I have complete confidence in the members of my State Legislature to do what they think is right. If they are wrong, they are a lot closer to the people.

From my point of view, with all due deference to the people of the District of Columbia, I have very high regard for the people I represent.

Mr. ALLEN. Mr. President, I do not want to overwork the use of the word "compelling." However, one of the compelling reasons that causes me to be for the constitutional amendment to allow the 18-year-olds to vote is the fact that in the State of Louisiana and in the State of Alabama, by act of Congress, any illiterate person, any person who cannot read or write, any person who is bereft of reason, if he is 21 years of age can come in and register with the local or Federal registrars.

To say that people of 18 who do take an interest in government—and who are possibly more knowledgeable than we were at that age—are not capable of voting is more than the junior Senator from Alabama wants to say. But the junior Senator from Alabama wants to go the constitutional route.

And we can get this amendment submitted by Congress during the present year. The Senator from West Virginia pointed out a moment ago that in 15 months the 19th amendment to the Constitution was ratified. So if we could get anything like that speed with regard to the amendment permitting voting by the age of 18 years, they could vote in the next presidential election. That is what I would like to see them do.

Mr. LONG. Mr. President, if it took my vote to muster the necessary two-thirds so that the constitutional amendment could be submitted to the States to afford the States an opportunity to pass upon it, I suppose I would vote for it under those conditions, even though I have some doubt about the wisdom of it.

Would not the States be denied the opportunity to express themselves on it if it were done by statute? It is their responsibility. I say that as a lawyer who has read the Constitution several times and as a Senator who has participated in several of the voting rights debates in years gone by. It is clearly intended under the Constitution that the age at which one is regarded as having sufficient maturity to exercise the right of franchise is intended to be a State decision.

Mr. ALLEN. I thank the Senator. I certainly agree with his comments.

I would like to make this further suggestion with respect to the inadvisability of going the statutory route on this matter. I refer to the fact that in the sincere judgment, the considered judgment of the junior Senator from Alabama the enactment of this statute—and I say this to the distinguished Senator from Michigan—could be counterproductive because it has been stated here on the floor of the Senate that the constitutional amendment is going to be pushed, irrespective of whether or not the statute is adopted. Therefore, if the statute is adopted and the 18-year-olds come in and register and the constitutional amendment is submitted back to the people, what sort of attitude or opinion will the people of the respective States have about a constitutional amendment submitted to them by Congress when a statute is already on the books?

They would want to know what sort of charade this is. They would say, "Those fellows up there in Congress pass a statute saying the 18-year-olds are allowed to vote and then they come forward with a constitutional amendment and submit that." I can envision that the people of my State and the people of many States would resent the fact that we had little enough judgment, that we had the effrontery to submit to them something we said we had already accomplished. That would leave them in an unfavorable frame of mind with respect to the constitutional amendment; and the legislatures of the respective States, or the conventions called in connection with the constitutional amendment in the respective States, might well refuse to ratify that constitutional amendment. Then, if the Supreme Court in its great wisdom ruled this statute as being unconstitutional, as being an infringement of the powers given to the State governments, and that the statute was declared unconstitutional, we would end up with no provision whatever. The statute would have been knocked down and the constitutional amendment rejected by the people of the States on account of the charade conducted by Congress. Therefore, we would end up with nothing.

They talk about the 18-year-olds wanting some feeling of participation "in the action," as the Senator from Indiana called it. What sort of disillusionment do Senators think that would cause 18-year-olds when we pass a statute and say 18-year-olds can vote; and we pass a constitutional amendment for submission to the States and the States reject it, and the Supreme Court rejects the statute? You would give the young people the right to vote and then reach out and take it away from them. It would be much better, it would be much safer, and it would be much wiser to act in accordance with the Constitution and submit this matter by constitutional amendment.

The junior Senator from Alabama stands ready, willing, and anxious to support a constitutional amendment. I do not want to see the rights of the States interfered with, run roughshod over, or trampled upon by saying to the States, "You had this right for almost 200 years, to wit, the qualifications of your voters. Without submitting it back to you as called for in the Constitution we, in Congress, have passed this statute." I do not believe that is in the best interest of the country. I do not believe it is in the best interest of the young people. I believe that if we followed the constitutional amendment route we would have the safe method and a method that will not be dangerous and that will not be subject to the serious criticisms that the junior Senator from Alabama sought to make of this procedure.

Mr. HOLLAND. Mr. President, will the Senator yield

Mr. ALLEN. I yield.

Mr. HOLLAND. Mr. President, first, I wish to say I completely agree with the argument of the Senator that the constitutional amendment approach is the proper one. But I want to talk about the Senator's pending amendment, if I may. I notice it is addressed to striking that part of the amendment offered by the distinguished Senator from Montana, which includes the words:

> The Congress finds and declares that the imposition and application of the requirement that a citizen be twenty-one years of age as a precondition to voting in any primary or in any election—

Then, these are the words the Senator from Alabama would strike:

> (3) does not bear a reasonable relationship to any compelling State interest.

I am not prepared to make that declaration as to my own State. It seems to me that no one coming from a State which has the same provisions that we have in our State could make a declaration of that sort for these reasons.

The age of 21 is not only the age for voting purposes, but also it is the age for qualification for serving as a juror. It is the age of maturity for the purpose of making a binding agreement upon which a suit can be brought or against which a suit can be brought. The constitution of my State also requires that provisions for bonding in the State have to be submitted to qualified electors for their approval in certain fields.

Not long ago a constitutional amendment calling for the issuance of a $75 million bond for educational purposes was submitted and adopted.

Is it or is it not in the compelling interest of the State to have those persons who shall vote upon and determine a question of that kind, fixing or not fixing a solemn obligation upon a State in a large amount, to be persons who have reached, under the laws of the State, the age of business maturity? In my opinion it certainly is a matter of compelling interest to the people of Florida to have those who shall determine that question at least persons who are able to determine smaller questions for themselves. I would particularly refer to whether they can create a binding bill at a grocery store, or sign a binding note at a bank, or make any other decision that is enforceable or defensible, as the case may be, in the courts of the State.

I would hesitate very greatly to vote for an amendment which says that is not a matter of compelling interest to the State of Florida to have people of legal maturity, as well as have other qualifications, which we all understand and approve, as those who shall vote upon and approve what the State shall obligate itself for, in a large amount, in a bond issue.

For that reason, I am wondering if the Senator has thought of that point—that it certainly is a matter of great State interest to have as voters, possibly in a matter which may involve a close election, and in a matter which will bind a State in a very expensive course of action, people who are not of such an age as to make a binding agreement with respect to their own property, but which they could assert against someone else in a successful way.

Mr. ALLEN. I agree.

Mr. HOLLAND. I thank the Senator for yielding, and I want to say I could not vote for such a declaration.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. ALLEN. Mr. President, if the majority leader will yield to me very briefly, we have consumed all our time. I do have other remarks to make on the amendment, and possibly I will take occasion to do so on subsequent amendments.

Mr. MANSFIELD. Mr. President, I do not intend to take up too much of the time of the Senate, because the Senator from Michigan (Mr. HART) has stated the reasons why some of us, at least, would oppose the amendment by the distinguished junior Senator from Alabama.

One compelling reason I can think of is that the Federal Government can go down to any State, pick an 18-year-old up by the back of the neck, put him in uniform, send him overseas, and perhaps send him to his death.

I yield back my time.

Mr. GRIFFIN. Mr. President, will the Senator yield me 1 minute?

Mr. MANSFIELD. One minute, but then it is all gone.

Mr. GRIFFIN. Mr. President, I wonder if the Senator from Alabama could give us any idea as to how many more amendments he has and when we might be able to vote on the bill. Can he give us any idea on that?

Mr. ALLEN. Well, all the junior Senator from Alabama can say at this point is that all he can do is offer them one at a time.

Mr. GRIFFIN. I understand that is the procedure around here, that they are offered one at a time, but the Senator does not have any guidance as to how many more amendments he will have to offer?

Mr. ALLEN. A lot will depend, the junior Senator from Alabama will state respectfully, on the success we will have on amendments as we go along.

If we feel we can get the amendment in proper shape, we will be ready to vote.

The PRESIDING OFFICER. All time on the amendment of the Senator from Alabama to the Mansfield amendment has been yielded back. The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from Connecticut (Mr. DODD), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Hawaii (Mr. INOUYE), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Montana (Mr. METCALF), the Senator from Wisconsin (Mr. NELSON), the Senator from Georgia (Mr. RUSSELL), and the Senator from Missouri (Mr. SYMINGTON), are necessarily absent.

I further announce that the Senator from Alaska (Mr. GRAVEL) is absent on official business.

On this vote, the Senator from Georgia (Mr. RUSSELL) is paired with the Senator from Missouri (Mr. SYMINGTON). If present and voting, the Senator from Georgia would vote "yea" and the Senator from Missouri would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BAKER) and the Senator from Illinois (Mr. SMITH) are necessarily absent.

The Senator from Florida (Mr. GURNEY) is absent because of illness in his family.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Ohio (Mr. SAXBE) is absent on official business.

The Senator from Arizona (Mr. GOLDWATER) and the Senator from Texas (Mr. TOWER) are detained on official business.

If present and voting, the Senator from Texas (Mr. TOWER) would vote "yea."

On this vote, the Senator from Illinois (Mr. SMITH) is paired with the Senator from South Dakota (Mr. MUNDT). If present and voting, the Senator from Illinois would vote "yea" and the Senator from South Dakota would vote "nay."

The result was announced—yeas 20, nays 64, as follows:

[No. 95 Leg.]

YEAS—20

Allen
Byrd, Va.
Byrd, W. Va.
Eastland
Ellender
Ervin
Fannin
Holland
Hollings
Jordan, N.C.
Long
McClellan
Miller
Murphy
Randolph
Sparkman
Spong
Stennis
Talmadge
Thurmond

NAYS—64

Aiken
Allott
Anderson
Bayh
Bellmon
Bennett
Bible
Boggs
Brooke
Burdick
Cannon
Case
Church
Cook
Cooper
Cotton
Cranston
Curtis
Dole
Dominick
Eagleton
Fong
Goodell
Gore
Griffin
Hansen
Harris
Hart
Hartke
Hatfield
Hruska
Hughes
Jackson
Javits
Jordan, Idaho
Kennedy
Magnuson
Mansfield
Mathias
McGee
McGovern
McIntyre
Mondale
Montoya
Moss
Muskie
Packwood
Pastore
Pearson
Pell
Percy
Prouty
Proxmire
Ribicoff
Schweiker
Scott
Smith, Maine
Stevens
Tydings
Williams, N.J.
Williams, Del.
Yarborough
Young, N. Dak.
Young, Ohio

NOT VOTING—16

Baker
Dodd
Fulbright
Goldwater
Gravel
Gurney
Inouye
McCarthy
Metcalf
Mundt
Nelson
Russell
Saxbe
Smith, Ill.
Symington
Tower

So Mr. ALLEN's amendment was rejected.

Mr. LONG. Mr. President, I move that the amendment of the Senator from Montana (Mr. MANSFIELD) be laid on the table.

Mr. MANSFIELD. I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the amendment of the Senator from Montana (Mr. MANSFIELD). On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BELLMON (when his name was called). On this vote I have a pair with the junior Senator from Illinois (Mr. SMITH). If he were present and voting, he would vote "yea." If I were permitted to vote, I would vote "nay." I therefore withhold my vote.

Mr. LONG (after having voted in the affirmative). On this vote I have a pair with the Senator from Missouri (Mr. SYMINGTON). If he were present and voting, he would vote "nay." If I were permitted to vote, I would vote "yea." I therefore withdraw my vote.

The assistant legislative clerk concluded the call of the roll.

Mr. KENNEDY. I announce that the Senator from Connecticut (Mr. DODD), the Senator from Hawaii (Mr. INOUYE), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Montana (Mr. METCALF), the Senator from Wisconsin (Mr. NELSON), the Senator from Georgia (Mr. RUSSELL), and the Senator from Missouri (Mr. SYMINGTON) are necessarily absent.

I further announce that the Senator from Alaska (Mr. GRAVEL) is absent on official business.

On this vote, the Senator from Georgia (Mr. RUSSELL) is paired with the Senator from Montana (Mr. METCALF). If present and voting the Senator from Georgia would vote "yea" and the Senator from Montana would vote "nay."

I further announce that, if present and voting the Senator from Alaska (Mr. GRAVEL) would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BAKER) and the Senator from Illinois (Mr. SMITH) are necessarily absent.

The Senator from Florida (Mr. GURNEY) is absent because of illness in his family.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Ohio (Mr. SAXBE) is absent on official business.

The Senator from Arizona (Mr. GOLDWATER) and the Senator from Texas (Mr. TOWER) are detained on official business.

If present and voting, the Senator from Florida (Mr. GURNEY), and the Senator from Texas (Mr. TOWER) would each vote "yea."

The pair of the Senator from Illinois (Mr. Smith) has been previously announced.

The result was announced—yeas 21, nays 62, as follows:

[No. 96 Leg.]

YEAS—21

Allen
Allott
Bennett
Byrd, Va.
Curtis
Eastland
Ellender
Ervin
Fannin
Griffin
Holland
Hruska
Jordan, N.C.
McClellan
Miller
Murphy
Scott
Sparkman
Stennis
Talmadge
Thurmond

NAYS—62

Aiken
Anderson
Bayh
Bible
Boggs
Brooke
Burdick
Byrd, W. Va.
Cannon
Case
Church
Cook
Cooper
Cotton
Cranston
Dole
Dominick
Eagleton
Fong
Fulbright
Goodell
Gore
Hansen
Harris
Hart
Hartke
Hatfield
Hollings
Hughes
Jackson
Javits
Jordan, Idaho
Kennedy
Magnuson
Mansfield
Mathias
McGee
McGovern
McIntyre
Mondale
Montoya
Moss
Muskie
Packwood
Pastore
Pearson
Pell
Percy
Prouty
Proxmire
Randolph
Ribicoff
Schweiker
Smith, Maine
Spong
Stevens
Tydings
Williams, N.J.
Williams, Del.
Yarborough
Young, N. Dak.
Young, Ohio

PRESENT AND GIVING LIVE PAIRS, AS PREVIOUSLY RECORDED—2

Bellmon, against.
Long, for.

NOT VOTING—15

Baker
Dodd
Goldwater
Gravel
Gurney
Inouye
McCarthy
Metcalf
Mundt
Nelson
Russell
Saxbe
Smith, Ill.
Symington
Tower

So Mr. Long's motion to table Mr. Mansfield's amendment was rejected.

Mr. MANSFIELD. Mr. President, if I could have the attention of the Senate and the minority leader, is it my understanding that the distinguished Senator from Alabama (Mr. Allen) is prepared to offer another amendment to the pending amendment?

Mr. ALLEN. Yes, sir. That is correct.

Mr. MANSFIELD. I think that this has been a hard enough day for the Senate. There are other factors to be considered.

There will be no further votes tonight, but we do come in at 10 o'clock tomorrow morning, when the distinguished Senator from Pennsylvania (Mr. Schweiker) will proceed for not to exceed 30 minutes, to be followed by the distinguished Senator from Maine (Mrs. Smith) to proceed for another 15 minutes.

ORDER FOR RECESS UNTIL 10 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business tonight, it stand in recess until 10 o'clock tomorrow morning.

The PRESIDING OFFICER (Mr. Hughes). Without objection, it is so ordered.

Mr. MANSFIELD. I ask unanimous consent that at the conclusion of the remarks by the distinguished Senator from Maine (Mrs. Smith), there be a time limitation on the pending Allen amendment to the Mansfield amendment——

Mr. ALLEN. I have not asked that it be laid before the Senate as yet.

Mr. MANSFIELD. But we are going to?

Mr. ALLEN. Yes.

Mr. MANSFIELD. As to the time we start tomorrow.

Mr. GRIFFIN. Mr. President, will the Senator from Montana yield?

Mr. MANSFIELD. First, there will be no morning hour tomorrow. There will be a period for the transaction of routine business tonight.

The PRESIDING OFFICER (Mr. Hughes). The Chair would state that there will be no further debate tonight unless there is unanimous consent.

Mr. LONG. Mr. President, I ask the majority leader if he has any intention of withdrawing his amendment?

Mr. MANSFIELD. None whatsoever.

Mr. LONG. May I say to the Senator from Montana that the reason I made a motion to table his amendment is that I am not in favor of it. [Laughter.]

Mr. MANSFIELD. I understand that.

Mr. LONG. But if this amendment should be agreed to, I think we should get on with our business. The time we spend here debating on a preamble to a resolution——

The PRESIDING OFFICER. The Chair would state that the Senator from Louisiana is out of order. There is no further debate permitted unless there is unanimous consent.

Mr. LONG. Mr. President, I ask unanimous consent that I may proceed for 1 minute.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. LONG. Mr. President, I want to say that the time we spend here on arguing, debating, and voting on preambles to a resolution in March and April, will keep us here until November or December. It seems to me, in view of the fact that it is the will of the Senate that the pending amendment be agreed to, we should be getting on with our business and bring it to a vote. I am sure that all Senators will recognize that this is the will of the Senate. I am opposed to the amendment and I will vote against it, but we should all understand that it is the will of the Senate that the amendment should be agreed to.

Mr. MANSFIELD. I appreciate the Senator's remarks.

The PRESIDING OFFICER. The Chair would like to state that——

Mr. MANSFIELD. Mr. President, we are not operating under controlled time at the present time because there is no amendment pending——

The PRESIDING OFFICER. Time on the amendment is running. The question is on the pending amendment.

Mr. ALLEN. My amendment has not been offered.

The PRESIDING OFFICER. The question is pending.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the time limitation be set aside temporarily for the purpose of making a few remarks.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. MANSFIELD. Mr. President, again I want to say that I appreciate the usual candor and frankness of the distinguished Senator from Louisiana (Mr. Long). I think his suggestion is a good one but, of course, as he knows, it will take 99 other Senators to agree with him. As of now, I am the only one I am sure of who is willing to do so.

But I would like to set some statements at rest. There has been much talk about chicanery, about charades, and about political expediency so far as the pending amendment is concerned. I want to assure my colleagues that I was never more serious in my life. So far as I am concerned, I am prepared to stay here until Christmas or New Year's to do a little in the way of justice toward these youngsters who have done so much, suffered so much, and who have contributed so much to our welfare. Thus, I want that thoroughly understood.

If we get out early this year, fine. If we are in session beyond Labor Day, that is all right with me. If necessary we will take a week or two off during the election period and come back again, because this is the place where we work.

I am pleased to note the attitude of the Senate, that there has been nothing in the way of dilatory tactics as yet. There has been a good deal of cooperation and understanding, and I hope that together we can keep this institution functioning as it should function, to the end that we can do the kind of work for the people of this country which they expect us to do, and that hopefully, regardless of party, we can achieve the best possible results for the Republic as a whole.

Mr. GRIFFIN. Mr. President, will the Senator from Montana yield?

Mr. MANSFIELD. I yield.

Mr. GRIFFIN. I want to indicate that although I voted to table the amendment, and although I indicated that I am opposed to it, I believe that the Senator from Louisiana (Mr. Long) is right when he says we should get on with the Senate's business, that the will of the Senate is evident with regard to this amendment.

Certainly I, as one Senator, do not for 1 minute question the motives or the intentions of the distinguished majority leader in offering his amendment. I do not know of any other Senator who would do that, either. I hope that would not be the case.

I know that the distinguished Senator from Montana is very sincere in offering his amendment.

I wonder whether there is any possibility, as we have done in other situations as we near the end of consideration of a bill, that we could constrict the time on further amendments? If there are further amendments to be offered, they should be considered, of course; but do we need 2 hours of time for each amendment that will follow?

I wonder if we might give consideration to having all future amendments limited to 30 minutes.

Mr. MANSFIELD. There is only one man who can answer that, and on the basis of what he has said previously, I would doubt very much that he would change his mind at this time. Thus, I would assume that we had better go on as we are for the time being, and see what we can do to expedite the business of the Senate, keep our eyes on the calendar, and get ready for the nomination of Judge Carswell, which will follow immediately after disposal of the pending legislation.

Mr. President, if the distinguished Senator from Alabama will allow me to suggest it, I would appreciate his offering his amendment at this time. At the same time, I wish to assure Senators that there will be no further votes tonight.

AMENDMENT NO. 552

Mr. ALLEN. Mr. President, I offer my amendment, which is at the desk, and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

> Amend section 305 to read as follows:
>
> "SEC. 305. The provisions of title III shall take effect with respect to any primary or election held on or after January 1, 1973."

The PRESIDING OFFICER. Does the Senator from Alabama desire to have time run on his amendment tonight?

Mr. MANSFIELD. Mr. President, I ask unanimous consent that time not run on the amendment of the Senator from Alabama tonight.

The PRESIDING OFFICER. Without objection, time will not be counted on the amendment tonight.

ORDER FOR RECOGNITION OF SENATOR MURPHY TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that after the remarks of the distinguished Senator from Maine (Mrs. SMITH) tomorrow, the distinguished Senator from California (Mr. MURPHY) be recognized for 5 minutes; and that after that the time limitation begin on the pending amendment.

The PRESIDING OFFICER. Without objection, the Senator from California will be recognized for 5 minutes following the conclusion of the remarks of the senior Senator from Maine; and without objection, the request of the Senator from Montana as to the time limitation on the pending amendment is agreed to.

ORDER FOR TRANSACTION OF ROUTINE BUSINESS

Mr. KENNEDY. Mr. President, I ask unanimous consent that there now be a period for the transaction of routine business, with statements therein limited to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 3583—INTRODUCTION OF A BILL RELATING TO AMENDMENT OF LANDRUM-GRIFFIN ACT

Mr. JAVITS. Mr. President, the Attorney General has sent to the Vice President as presiding officer of the Senate a measure dealing with the Labor-Management Reporting and Disclosure Act of 1959—the so-called Landrum-Griffin Act—which will expand the definition of those who are ineligible for office as union officials, so as to exclude certain persons who are guilty of crimes or who have been convicted of crimes, which would therefore disqualify them from holding such offices for 5 years.

As the ranking member of the Committee on Labor and Public Welfare and of its Labor Subcommittee, I introduce this bill, and I ask unanimous consent that the Attorney General's message be printed at this point in the RECORD.

There being no objection, the Attorney General's message was ordered to be printed in the RECORD, as follows:

OFFICE OF THE ATTORNEY GENERAL,
Washington, D.C., March 11, 1970.

The VICE PRESIDENT,
U.S. Senate,
Washington, D.C.

DEAR MR. VICE PRESIDENT: Enclosed for your consideration and appropriate reference is a legislative proposal to broaden the scope of the prohibition against the holding of union office by persons convicted of crimes.

Section 504(a) of the Labor-Management Reporting and Disclosure Act of 1959 (29 U.S.C. 504(a)) lists certain offenses conviction of which will bar the person convicted from serving as an officer, agent or employee of a labor union for five years after his conviction or the end of his term of imprisonment, except that employees who perform exclusively clerical or custodial duties are not so banned.

Experience with the enforcement of this statute in the years since its enactment has demonstrated that the limited number of enumerated offenses, although broadly interpreted by the courts, is insufficient to insure that the unions are kept free from criminal influence. Accordingly, this bill would substantially expand the number and type of offenses presently included in Section 504(a). Of particular importance is the specific inclusion of offenses which relate to the conduct of union affairs and the management of union and benefit plan funds. In addition, the bill provides that the amendments will apply to convictions occurring before as well as after its enactment.

It is recommended that the Congress consider and enact this legislation.

The Bureau of the Budget has advised that there is no objection to the enactment of this legislation from the standpoint of the Administration's program.

Sincerely,

JOHN N. MITCHELL,
Attorney General.

Mr. JAVITS. Mr. President, I am introducing the measure because it is my duty to do so as the ranking member of the committee and the subcommittee. I have offered any member of the committee or subcommittee who wishes to cosponsor the measure an opportunity to do so. I reserve the right to deal with the bill and any amendments thereto as I may deem appropriate.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 3583) to amend section 504(a) of the Labor-Management Reporting and Disclosure Act of 1959 by adding to the list of offenses, conviction of which bars the person convicted from holding union office, introduced by Mr. JAVITS (for himself and Mr. DOMINICK), was received, read twice by its title, and referred to the Committee on Labor and Public Welfare.

RECESS UNTIL 10 A.M. TOMORROW

Mr. KENNEDY. Mr. President, if there is no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in recess until 10 o'clock tomorrow morning.

Mr. JAVITS. Mr. President, would the Senator withdraw that request?

Mr. KENNEDY. Mr. President, I withdraw the request.

Mr. JAVITS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, if there be no further business to come before the Senate, I move in accordance with the previous order that the Senate stand in recess until 10 o'clock tomorrow morning.

The motion was agreed to; and (at 6 o'clock and 15 minutes p.m.) the Senate recessed until Thursday, March 12, 1970, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate, March 11, 1970:

DEPARTMENT OF STATE

David M. Abshire, of Virginia, to be an Assistant Secretary of State.

U.S. DISTRICT JUDGE

Warren K. Urbom, of Nebraska, to be a U.S. district judge for the district of Nebraska, vice Robert Van Pelt, retiring.

Joseph F. Weis, Jr., of Pennsylvania, to be a U.S. district judge for the western district of Pennsylvania, vice Joseph P. Willson, retired.

U.S. ATTORNEY

Robert E. Hauberg, of Mississippi, to be U.S. attorney for the southern district of Mississippi for the term of 4 years; reappointment.

U.S. PATENT OFFICE

Lutrelle F. Parker, of Virginia, to be an examiner in chief, U.S. Patent Office, vice James L. Brewrink, resigned.

CABINET COMMITTEE ON OPPORTUNITIES FOR SPANISH-SPEAKING PEOPLE

Martin G. Castillo, of California, to be Chairman of the Cabinet Committee on Opportunities for Spanish-Speaking People; new position.

DIPLOMATIC AND FOREIGN SERVICE

The following-named person for appointment as a Foreign Service officer of class 1, a consular officer, and a secretary in the diplomatic service of the United States of America:

Helmut Sonnenfeldt, of Maryland.

For appointment as Foreign Service information officers of class 1, consular officers, and secretaries in the diplomatic service of the United States of America:

W. Beverly Carter, Jr., of Pennsylvania;
William D. Miller, of Pennsylvania.
Walter R. Roberts, of New York.

For appointment as Foreign Service information officers of class 2, consular officers, and secretaries in the diplomatic service of the United States of America:

John S. Barker, of Maryland.
Holbrook Bradley, of Florida.

Miss Dorothy Dillon, of New York.
Ben L. Ellington, of Texas.
Stanley D. Moss, of Maryland.
McKinney H. Russell, Sr., of the District of Columbia.
Gordon Winkler, of the District of Columbia.

For reappointment in the Foreign Service as a Foreign Service officer of class 3, a consular officer, and a secretary in the diplomatic service of the United States of America:

Henry R. Mills, of Kansas.

For appointment as a Foreign Service officer of class 3, a consular officer, and a secretary in the diplomatic service of the United States of America:

Harry H. Pollak, of New Mexico.

For appointment as Foreign Service information officers of class 3, consular officers, and secretaries in the diplomatic service of the United States of America:

Kenneth Bache, of New Jersey.
Ralph L. Boyce, of Virginia.
Joseph N. Braycich, of Washington.
William M. Childs, of Massachusetts.
F. Weston Fenhagen, of California.
Jules B. Grad, of Florida.
John E. Graves, of California.
Daniel J. Hafrey, of Minnesota.
Lloyd D. Hagen, of Virginia.
Sidney L. Hamolsky, of Maryland.
Hans Holzapfel, of Virginia.
Milton L. Iossi, of South Dakota.
Robert E. Kays, of the District of Columbia.
Martin Kushinsky, of New Jersey.
James L. Mack, of the District of Columbia.
James F. McKernan, of Massachusetts.
Ray E. Millette, Jr., of California.
Richard D. Moore, of Georgia.
George A. Naifeh, of Texas.
Douglas Pike, of North Dakota.
George W. Porter, of Florida.
Miss Dorothy B. Robins, of New Jersey.
John L. Sandstrom, of Minnesota.
Sol Schindler, of Pennsylvania.
Ronald Sher, of Minnesota.
Hakon D. Torjesen, of Minnesota.
Fitzhugh Turner, of Texas.
Robert B. Warner, of Michigan.
Hugh McL. Woodward, of Kentucky.

For promotion from a Foreign Service officer of class 5 to class 4:

Robert E. Day, Jr., of Virginia.

For appointment as Foreign Service information officers of class 4, consular officers, and secretaries in the diplomatic service of the United States of America:

John F. Cannon, of Massachusetts.
Philip C. Cohan, of Maryland.
Mrs. Mary Frances Cowan, of the District of Columbia.
Charles H. Dawson, of Tennessee.
Roburt Andre Dumas, of Pennsylvania.
Henry W. Grady, of California.
George P. Havens, of Maryland.
James A. Jensen, of Illinois.
William E. Jones, of Ohio.
Robert F. Jordan, of Maryland.
Gerald J. Kallas, of Illinois.
Bernie T. Marquis, Jr., of Washington.
Charles R. Meyer, of Ohio.
Alvaro Perez, of the District of Columbia.
Paul Polakoff, of California.
Irving E. Rantanen, of Illinois.
Miss Deirdre Mead Ryan, of Connecticut.
Edward H. Schulick, of New Jersey.
Ronald W. Stewart, of Illinois.
John C. Twitty, of New York.

For promotion from Foreign Service Officers of class 6 to class 5:

Robert B. Lane, of the District of Columbia.
Philip C. Wilcox, Jr., of Colorado.

For appointment as a Foreign Service officer of class 5, a consular officer, and a secretary in the Diplomatic Service of the United States of America:

Miss Margaret Ann Murphy, of California.

For appointment as Foreign Service information officers of class 5, consular officers, and secretaries in the Diplomatic service of the United States of America:

Edward J. Donovan, of Florida.
Colburn B. Lovett, of Virginia.
Elton Stepherson, Jr., of the District of Columbia.

For promotion from a Foreign Service officer of class 7 to class 6:

Roger A. Long, of Ohio.

For promotion from a Foreign Service information officer of class 7 to class 6:

Miss Natalie W. Hull, of Georgia.

For appointment as Foreign Service officers of class 7, consular officers, and secretaries in the diplomatic service of the United States of America:

Wayne Thomas Adams, of Maine.
Miss Donna Jean Downard, of Washington.
Lloyd R. George, of Pennsylvania.
John Randle Hamilton, of North Carolina.
Paul Andrew Inskeep, of the District of Columbia.
Ira R. Kornbluth, of the District of Columbia.
John Kriendler, of New York.
William J. Kushlis, of Maryland.
Miss Amelia Ellen Shippy, of New Mexico.
Harry L. Stein, of New Jersey.
Michael P. Strutzel, of Louisiana.

For appointment as Foreign Service information officers of class 7, consular officers, and secretaries in the diplomatic service of the United States of America:

Razvigor Bazala, of Virginia.
Robert Bemis, of the District of Columbia.
David F. Fitzgerald, of Massachusetts.
Bernard M. Hensgen, of the District of Columbia.
Miss Patricia M. Hogin, of California.
John A. Madigan, of Massachusetts.
Roy M. Payne, of Oklahoma.
Harry L. Ponder III, of Arkansas.
Roger C. Rasco, of Texas.
Richard C. Tyson, of California.

For appointment as Foreign Service officers of class 8, consular officers, and secretaries in the diplomatic service of the United States of America:

Alan Whittier Barr, of California.
George A. Kachmar, of New Jersey.
Jonathan E. Kranz, of New York.
Luciano Mangiafico, of Connecticut.
Clement Laurence Salvadori, of Massachusetts.

For appointment as Foreign Service information officers of class 8, consular officers, and secretaries in the diplomatic service of the United States of America:

Miss Barbara Joan Allen, of Missouri.
Brian E. Carlson, of Virginia.
Miss Paul J. Causey, of Virginia.
J. Alison Grabell, of New Jersey.
Miss Judith R. Jamison, of the District of Columbia.
Charles C. Loveridge, of Utah.
Michael D. Zimmerman, of North Carolina.

Foreign Service reserve officers to be consular officers of the United States of America:

Eric M. Griffel, of California.
Frederick H. Sligh, of Virginia.
Dean S. Vanden Bos, of California.

Foreign Service reserve officers to be consular officers and secretaries in the diplomatic service of the United States of America:

Victor A. Abeyta, of New Mexico.
Norman Alexander, Jr., of Louisiana.
Michael J. Dubbs, of Virginia.
Marvin H. Francis, of Virginia.
James W. Gamble, of Virginia.
Claris R. Halliwell, of California.
F. William Hawley III, of Maryland.
C. Philip Liechty, of Maryland.
Miss Jean Dandridge Logan, of the District of Columbia.
Richard M. Long, of Maryland.
Edward H. Mattos, of Ohio.
Miss Carol Carter Moor, of Florida.
George Mu, of California.
Donald R. Newman, of New York.
David Nickerson, of Maryland.
David A. Phillips, of Texas.
Jacob Sloan, of Virginia.
Charles E. Taber, of Maryland.
Miss Alma Lucille Thomas, of North Carolina.

Foreign Service reserve officers to be secretaries in the diplomatic service of the United States of America:

Robert Elmore Culbertson, of Maryland.
Joyce R. Herrmann, of Maryland.
Howard E. Houston, of Connecticut.
Russell Schnee McClure, of Oregon.
John R. Mossler, of Indiana.
Joseph C. Wheeler, of Virginia.

Foreign Service staff officers to be consular officers of the United States of America:

Thomas R. Flesher, of Maryland.
Arthur E. Goodwin, Jr., of Florida.
Richard M. Maresca, of Massachusetts.
David E. O'Leary, of Massachusetts.
Paul L. Thibault, of Virginia.
James C. Thorpe, of Wyoming.
La Rue H. Velott, of California.

EXTENSIONS OF REMARKS

THE PROBLEMS OF HEALTH CARE—ADDRESS BY SENATOR PERCY

HON. RICHARD S. SCHWEIKER

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

Wednesday, March 11, 1970

Mr. SCHWEIKER. Mr. President, I ask unanimous consent to have printed in the RECORD an important speech that the Senator from Illinois (Mr. PERCY) delivered at the National Convention of Protestant Health Assemblies in Washington, D.C., on March 4, 1970.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

THE PROBLEMS OF HEALTH CARE

(By Senator CHARLES PERCY)

I would like to discuss a topic of concern to everyone: security. We Americans are a security conscious people. We want to secure peace so we spend billions of dollars on weapons. We want safe streets, so we hire more police. We want financial security so we invest, save, insure. We want job security so we form unions. We lock our doors, avoid going out at night; in numerous ways our behavior is dominated by fear. In short, since we cannot see into the future we seek to protect ourselves now from possible misfortune.

Perhaps no fear is more universal than the fear of disease. Plague, stroke, heart attack or cancer evoke images of suffering, or unknown perils of death. Along with the suffering due to illness there is the pain of being dependent on others, of loss of income, and, increasingly, there is the fear of financial disaster due to huge medical bills.

Although these fears are probably common to all mankind, for some the threat is greater and there is less they can do about it. With illness, as with everything else, the poor have the worst of all possible worlds. The Public Health Service has shown that there is a direct correlation between low in-

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come and high infant and maternal mortality. The poor have a higher incidence of tuberculosis, heart disease, high blood pressure, diabetes, mental illness and arthritis. They also suffer the most from malnutrition and malnutrition raises susceptibility to many other diseases including mental retardation, an irreversible process.

Many specialists in public health believe that poverty itself is a disease. Certainly diseases generated by poverty perpetuate poverty. Sick people can't hold jobs; they can't get jobs; they have no way to obtain security. Sick people can't provide for themselves or their families and may eventually add to our burgeoning welfare rolls.

The environment of the poor also leads to disease. Poor education in dilapidated schools with scant educational resources means a reduced ability to secure a job; less understanding of personal health care, more difficulty with family planning; and an inability to find help when it is needed.

Poor housing means rats, flies, plumbing that doesn't work, lead paint that poisons children when eaten, no heat on the coldest days, garbage that doesn't get collected. It means polio, hepatitis, typhoid, malnutrition when untreated.

Does it make sense for us to treat these illnesses and then send the patient back to such an environment? Obvously it does not—but we do.

This brings us to the problem of health care. The cost of medical care is so high that without some form of health insurance practically no one could afford to have a prolonged illness. Certainly a few weeks in the hospital would greatly diminish the finances of all but the affluent. It seems as though we are headed toward the day when good medical care will be a luxury only the rich can afford. It is already beyond the means of most of the poor.

Why is medical care so expensive? Probably the most accurate answer is that there has been an explosion of medical knowledge in the past three decades. Even though we are essentially a healthy population, scientific breakthroughs have led to complex methods requiring highly trained personnel and expensive equipment that can make us healthier. Heart-lung machines, artificial kidneys, transplantation operations and expensive new drugs are saving lives—but at a phenomenal cost. In addition, hospital employees have traditionally been among the lowest paid people in the economy. Now they are organizing unions and their wages are becoming more competitive. It seems inevitable from these developments that the average daily charge for a hospital bed will soon exceed $100 a day. It does in some instances already.

The knowledge explosion in medicine has had more of an effect on the delivery of health services than merely increasing costs. It has led to a longer training period for physicians, more specialists, and a decline in the number of general practitioners. Thus although we can do more to treat disease than we ever could, it is now more difficult than ever to get to a doctor. This does not contribute to security against disease.

How then can we meet the problems of health care delivery at a reasonable cost? It seems to me we will need a multi-faceted approach.

To begin with, we must establish good health care as a national priority.

Although the passage of Medicare and Medicaid seemed to recognize a national right to medical care, these two programs have fallen far short of the mark. The known effect of these programs was to increase by $2,000 the income of the nation's 300,000 physicians, to shift a substantial portion of the payment for medical care from local and private money to state and federal money, and in many cases to prompt cities to reduce their health budgets. It is true that some people did receive health services they might not otherwise have obtained. But in general, there has not been a substantial improvement of treatment.

What we seem to require is some type of insurance or prepaid medical program that will result in a more equitable system for the delivery of adequate medical services to all. This should be a system that would eliminate such extreme dual standards that provide those who can pay with access to doctors and hospitals and those who are poor with whatever is left, which too frequently is next to nothing.

The second step we must take is to combat the shortage of physicians. One reason for the failure of Medicare and Medicaid is that they increased demand for physician services without increasing the supply.

The National Advisory Council of Health Manpower conservatively estimates a shortage of 50,000 doctors. That means that at present we have only about 80 per cent of the health manpower we require.

One reason for this shortage of physicians is the longer training period required as a result of improved methods of medical treatment. Another reason is that we are limited in our ability to produce doctors.

The fact is that the physicians now practicing in the United States, 40,000 were trained in foreign medical schools. Of the number of physicians newly licensed to practice last year, 24 per cent were graduates of foreign medical schools. One-third of all the interns and residents in this country are trained abroad. These doctors are not all from the prosperous Western nations. Most are from the so-called third world—Latin America, East Asia and the Midlde East. Such programs of medical education cost these countries a substantial sum of money. Perhaps we could help these countries more by training enough of our own doctors than through costly military assistance and aid programs. There is some irony in the richest nation in the world, a humanitarian people, depending on the developing nations to provide us with over 20 per cent of our new physicians. And we still are critically short and cannot provide adequate care for the American people.

Meanwhile, thousands of qualified American college graduates are being turned away from medical schools because there isn't enough room for them. Many of these students are forced to seek their training abroad. In fact, last year 2,000 Americans were studying in foreign medical schools.

We simply must increase our production of physicians or none of us will receive adequate care. There is no substitute or stopgap measure available.

Until we are able to produce more doctors, we must ensure that we are making the best use of those we do have. This means that the distribution of medical services must be improved.

For example, we must find a way to get physicians into doctor shortage areas. Today there is no inducement for a young physician, other than idealism, to set up practice in the inner city ghetto. There are no facilities; the patients can't pay; the doctors can't be sure his patients will get into a hospital.

With the middle-class exodus to the suburbs went the tax base that had previously funded construction of hospitals and schools. The physicians followed. It is a frightening fact that though there were more than 6,000 doctors in the City of Chicago in 1930, there are only about 4,000 practicing in that city today. To see one of these doctors, the poor must travel greater distances, wait longer hours, and put up with indignities that you and I would not tolerate.

The Congress has made a start in meeting this problem by forgiving a portion of any federal loan obtained by a medical student if he agrees to spend time practicing in the inner city. But this is only a start.

Physicians who do want to practice in low-income areas must have facilities, and patients must have someplace to go to receive care. The large community hospital is not the answer as the poor in Cook County discovered last week when Cook County General Hospital could not accommodate any more patients. An outbreak of winter illnesses, under-staffing, and financial problems forced the hospital to close its doors to all but the most critically ill.

Part of the answer lies in the neighborhood health center which will provide comprehensive care to patients in modern facilities readily accessible to their homes. I have visited such health centers in Chicago, Los Angeles, Alvison, California, San Francisco, Louisville, Kentucky, and have seen how well they work. Not only can they provide treatment for patients who might otherwise have to travel 15 miles on public transportation to the hospital, but they can also prevent people from entering the hospital. They can serve as a source of preventive medicine and remedial care.

I have introduced legislation that would permit the use of Hill-Burton funds for the construction of these comprehensive neighborhood health centers and I am grateful to the Labor and Public Welfare Committee that my proposal has been incorporated into the extension of the hospital construction act that will be considered by the Senate in the near future.

Finally, there must be an emphasis on group practice if we are to meet our health care needs. Only through the banding together of doctors and para-medical personnel will we achieve the efficient utilization of our medical technology and doctors.

In summary, the United States must reassess its priorities. We have to re-examine our various demands on our resources and rethink the value we place on each one. We must decide whether the apparent security from external military threat provided by a network of ABM's or a fleet of nuclear aircraft carriers is more important than dealing with the real danger from within.

It is worth thinking about the fact that for the money we spend on defense in just one month we could build 100 medical schools and operate them for four years. It is worth thinking about the possibility of some day training physicians to heal the people of other lands rather than having them train ours.

TWINE FACTORY TO CLOSE, NORTH DAKOTA PRISON SHORTHANDED

HON. THOMAS S. KLEPPE

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 1970

Mr. KLEPPE. Mr. Speaker, at a time when the soaring national crime rate has brought serious problems of overcrowding to prisons throughout the country, I invite the attention of my colleagues to the encouragingly different situation which prevails at the North Dakota State Penitentiary.

The inmate population there has declined to only 165, a drop of 85 since 1966. For the first time in 70 years, it will be necessary to shut down the prison twine factory because of a labor shortage.

Reasons cited by Warden Dwight Woodley for the decrease in the number of prisoners are better treatment centers for alcoholics and expanded and apparently successful use of the probation system. Clearly the record shows that it is possible to rehabilitate men who have been imprisoned for serious crimes.

I cannot pass up this opportunity for a chamber of commerce type plug for North Dakota. For Americans who are tired of smog, noise, and rampant crime, North Dakota beckons as the real "land of pleasant living."

The air is clean and fresh. There is more than enough elbow room. The schools are excellent. The crime rate is the lowest in the Nation. And the man who has never viewed a North Dakota sunset or a field of flax in bloom has not really lived.

It is a paradise for the fisherman and the hunter.

We probably could not accommodate all of our city cousins who would want to live in North Dakota if they only knew of the tremendous advantages and attractions our State offers. Nevertheless, I invite every American to pay us a visit this summer and see for himself.

I include in my remarks the following news story from the Fargo Forum of March 5, 1970:

TWINE FACTORY TO CLOSE NORTH DAKOTA PRISON SHORTHANDED

BISMARCK, N. DAK.—The state prison's twine factory is expected to shut down for lack of help this summer for the first time in its 70 year history.

Warden Dwight Woodley said the declining prison population may eventually force the twine factory out of business. He said 25 men now operate the business, but 50 are needed to make it profitable. Twine is now sold at 13½ cents a pound, but costs 15 cents a pound to make, he noted.

The warden said there are now 165 men in the penitentiary, 85 less than when he became head of the institution in 1966.

He theorized increased probation and better treatment centers for alcoholics are the main causes of the prison population decline.

Woodley said he expected the population to decrease by 25 or 30 by this summer, making a shutdown of at least one of the prison's operations necessary.

He said 20 men are now working in the license tag plant, 20 in the book shop, 30 in food services, 30 in farm activities, five on work release and the remainder in maintenance.

He said he plans to close the twine factory and cut down the number of prisoners in the tag plant in order to beef up the book shop during the next several months.

He explained that with schools closed for the summer, there is an increase in the demand for repairing texts.

RETURN OF URBAN ORDER NEEDED

HON. EARL F. LANDGREBE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 1970

Mr. LANDGREBE. Mr. Speaker, the District of Columbia faces many problems, but none is more desperate than the problem of crime. The rise in crime has had a devastating impact on the Nation's Capital, driving out the black and white middle class and seriously diminishing the quality of life. More than 71,000 serious offenses were recorded in the District in 1969. These offenses brought misery, hardship, and fear to thousands upon thousands of residents and visitors, and death to more than 290 people.

The Chicago Tribune's veteran correspondent Walter Trohan recently described both the causes and effects of this great tragedy. He also discussed pretrial detention, one of the many solutions to the problem which the District Committee has incorporated into the omnibus crime bill for the District of Columbia.

Mr. Trohan knows and I know that there is no easy answer to the problem of crime. But he is right in his assessment that "an amazing percentage of our crimes are committed by persons on bail." And he is indisputably correct that the Washington community "has a right to live without fear." If we can reduce crime and reduce fear through a fair and limited system of pretrial detention, then this is a course "devoutly to be wished."

Several basic reasons have been advanced for pretrial detention. First, it will reduce crime by restraining chronic recidivists prior to trial. Second, it will prevent tragedy by detaining dangerous defendants who would recklessly or compulsively engage in violence. Third, it will eliminate hypocrisy from the legal system by prohibiting the manipulation of money bail to achieve a legitimate but presently forbidden end.

Walter Trohan suggests an additional benefit. One thing is badly needed, he says, to reduce crime: Swift and certain justice.

> Criminals, as a group, are juveniles mentally and should be treated as such. No one would think of punishing a child who plays with matches or is disobedient a year or six months after his offense. Punishment is meted out at the time, so that the lesson may be learned.

Punishment is not the objective of pretrial detention. But pretrial custody of a defendant will greatly accelerate both his trial and the speed with which society expresses its disapproval of his conduct. In the end, the quickness of this disapprobation may teach a lesson that would otherwise be lost and thus contribute significantly to an offender's rehabilitation. This is, after all, what everyone desires.

I submit Mr. Trohan's article in full:

[From the Chicago Tribune, Mar. 4, 1970]

RETURN OF URBAN ORDER IS NEEDED

(By Walter Trohan)

WASHINGTON, March 3.—Almost everyone agrees that we must restore order to our cities. Without urban order there can be no progress in culture and living—no progress in health, education, job opportunities, the arts, and other avenues of endeavor.

Crime is the great destroyer of urban order. There has been a serious breakdown in our whole system of criminal justice, which is why our cities are crying for restoration of order.

There aren't enough police, and those there are haven't received the support from the public they should. Our courts have broken down, partly because of the law's delays and largely because some judges have become so obsessed with the rights of criminals that they have forgotten the rights of the good and true citizens. Finally, our prison system doesn't reform or even seem to punish.

One thing is needed and it is needed desperately: swift and certain justice. This doesn't necessarily mean that punishment should be stepped up, but that it be swift and sure.

Criminals, as a group, are juveniles mentally and should be treated as such. No one would think of punishing a child who plays with matches or is disobedient a year or six months after his offense. Punishment is meted out at the time, so that the lesson may be learned. The child might commit the crime many times if punishment is delayed.

So it is with criminals. If those caught in crime are not punished swiftly, they tend to repeat their crimes, if they are readily granted bail, or graduate to worse crimes. An amazing percentage of our crimes are committed by persons on bail.

To correct this situation Atty. Gen. John N. Mitchell has recommended pre-trial detention for defendants whose release may be dangerous in the national capital, where crime has zoomed to astronomical and frightening proportions. Mike Mansfield, Senate Democratic leader, recently characterized Washington as "a city of fear."

The question of pre-trial detention has met with weeping and wailing from bleeding hearts, who insist that it violates the 8th amendment of the Constitution, which states that excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishment be imposed.

It is to be regretted that the easy weepers cannot shed a few tears for the victims of the criminal—the dead, injured, and despoiled—or for the crime-stricken communities. It seems their tears flow easily for the wicked but not for outraged justice.

Mitchell has stressed that the amendment does not expressly grant or deny right to bail. Thus, he adds, it can be construed to mean that bail shall not be excessive in those cases in which it is proper and that the setting of bail in certain cases is not improper.

The 5th amendment of the Constitution states that no person shall be deprived of life, liberty, or property without due process of law. Mitchell argues that this provision is not a bar to official restraint of dangerous persons prior to trial and judgment.

Criminal law is at best a fine balance between the rights of individuals and the security of citizens as a whole. Mad dogs are locked up without regard to their individual rights. The community has a right to live without fear, which is a responsibility of all. If such protection spells the restraint of the dangerous, it would seem a course devoutly to be wished.

FREEDOM COULD USE SOME DEFENSE FROM LAWYERS

HON. RICHARD H. ICHORD

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 1970

Mr. ICHORD. Mr. Speaker, just a week ago I called the attention of this House to remarks made by the mayor of New York, John V. Lindsay, regarding the Defense Facilities and Industrial Security Act of 1970. I inserted in the RECORD, on March 2, copies of letters I wrote to Mayor Lindsay and to Dr. Russell D. Niles, president of the Association of the Bar of the City of New York. It was in a speech to that bar association that Mayor Lindsay made some misstatements of fact with respect to the defense facilities legislation and I was most anxious to see that the mistake was brought to light and not repeated.

I have not yet received a reply from the mayor and feel it best, at this time, to submit for the record the excerpts from the mayor's speech which were printed by the Washington Post on February 22, 1970.

It is most regrettable that such a vital piece of security legislation such as H.R. 14864, however unintentionally, should be misrepresented to the legal profession of New York City by a man who holds such an esteemed position in that city's political life and who, having served in this House of Representatives, should recognize the need for care and accuracy in describing measures approved by the House. The excerpts were headlined by the Post: "Freedom Could Use Some Defense From Lawyers." I might add—so could accuracy in referring to legislation.

The excerpts from the mayor's speech follow:

[From the New York Post, Feb. 22, 1970]

FREEDOM COULD USE SOME DEFENSE FROM LAWYERS

(By John V. Lindsay)

(NOTE.—The following is excerpted from a speech by the Mayor of New York at the centennial program of the Association of the Bar of the City of New York last week.)

This is, unhappily, a time to remind ourselves of our obligation as lawyers to protect our citizens' rights and liberties from threats and infringements. The blunt, hard fact is that we in this nation appear headed for a new period of repression more dangerous than at any time in years.

The frenzy, the bitterness, the tumult of the last few years have led many people—including many in positions of power—to expect peace and order to come by whittling away at the Bill of Rights of our Constitution.

Not long ago, the Senate passed a drug law. It would permit federal agents to enter the home of a private citizen with no warning whatsoever. Not one Senator voted against that bill.

At almost the same time, the Senate passed a crime bill which drastically limited a defendant's right to examine possibly illegal sources of evidence; which imposed a statute of limitations on the right to be free of illegal searches. Only one man stood up against that bill.

And a week later, the House passed a "Defense Facilities Bill" which would extend to private industry broad government investigatory powers. It would authorize federal agents to examine the political association and acts of people in private industry—and it would permit these private citizens to be fired from their jobs without even being told the basis for the dismissal.

And while this bill was being passed, the Justice Department issued—then retracted—a startling series of subpoenas asking for the notes and tapes of newsmen—a step which could basically endanger the traditional independence of our news media.

All of this has happened within the last few weeks. Yet where are the declarations of opposition? Where are the leaders, in politics, the bar, and academic life, speaking out against these new threats to our constitutional freedoms?

Of course these are controversial areas. The most dangerous threats to freedom always are. When government intrudes in a trivial field, we all enjoy laughter aimed at the clumsy workings of bureaucrats. But it is precisely when government treats real dangers—like crime, drugs and security—with dangerous means that government is most likely to endanger our freedoms by increasing repression. And it is at this point that the defense of freedoms must be made.

There is a similar duty, too, to speak out in defense of the judicial process itself.

All of us, I think, see the recent Chicago trial as a defeat for the integrity of the judicial process. All of us, I think, see in that trial a tawdry parody of our judicial system. But it is important to understand the roots of this disaster.

When you try political activists under a conspiracy charge—long considered to be the most dubious kind of criminal charge, difficult to define or to limit—and when a trial becomes fundamentally an examination of political acts and beliefs, then guilt or innocence becomes almost irrelvant. The process becomes a matter of political opinion instead of legal judgment, and the sense of a courtroom as an independent, open and judicious tribunal becomes lost.

And we lost something else, too. Whatever the ultimate verdicts, who has really won in this case? Think of yourself as a young man or woman emerging into political concern. If you had witnessed what happened in Chicago, which of you would believe that our system was open, fair-minded and humane? Which of you would come away from this trial with a renewed faith in our judicial system?

With this matter now on us—with the range of new laws of dubious value or legitimacy—what must concern us all as lawyers in this growing evidence of encroachment on our most cherished rights and liberties. And this concern must remain whether the threat comes from our executive, legislative or judicial branches of government or from individual citizens under the false notion that violence, disruption and repression of their own is the way to a bitter society.

This association has always had the courage to stand up for its beliefs, even at great cost. Exactly 50 years ago, led by Charles Evans Hughes, this very association spoke out against the unseating of five Socialist legislators by the State Assembly. The men who led this fight had nothing in common politically with the victims of that repression. But they did have a faith in freedom—and they acted on that faith.

Today, when the turmoil of the last few years has made repression a politically popular step, it is our obligation as lawyers to stand against it in whatever form it takes. It is time again to put our faith in the system of open and free debate and in full constitutional protection for those accused of crimes. It is time again to speak out in defense of these precious barriers between tyranny and liberty.

This is not an easy task. But there is none more vital today. And there is none more noble to begin your second century of life.

AIR POLLUTION CONTROL

HON. G. WILLIAM WHITEHURST

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 1970

Mr. WHITEHURST. Mr. Speaker, I have joined with five cosponsors in the introduction of a bill that would create a single independent agency in the Government to lead the attack on pollution. The Pollution Abatement Act of 1970 establishes the National Environment Control Commission, which would have the authority to generate and enforce pollution standards, have full power to promulgate all actions involved in the attack, incorporate all future and present programs dealing with pollution, and have jurisdiction over more than $10 billion in pollution funds.

Last February 25 Old Dominion University in Norfolk, Va., held a symposium on pollution. One of the speakers was Mr. Davis Monola, a citizen of great fortitude and courage, who has been tireless in his efforts to bring to the attention of the public the dangers of the growing pollution menace. Mr. Monola was one of the select few who led the fight years ago when such concern was labeled "antiprogress," and was synonymous with being anti-American.

Mr. Monola's speech reveals the need for the creation of a Central Government agency to protect the environment from pollution. At the time he gave his address to the symposium he was not aware of my efforts toward this goal, but has since given his full enthusiastic backing and endorsement to the Pollution Abatement Act of 1970, which accomplishes what he calls for.

I want to share Mr. Monola's speech with my colleagues, and insert the text of the speech at this point in the RECORD. I urge my fellow Members to read it.

AIR POLLUTION CONTROL

(By Davis Monola)

Looking about me on this panel, I find myself among those who are infinitely better qualified to advise you on both the health aspects of air pollution and the technical features of measurement and control.

Perhaps my only qualification for inclusion in this fine company is the mere fact that I have been on the pollution control "Soap Box" for over twenty years. While the podium has become extremely crowded—of late, in the early years we were acutely aware of how "Chicken Little" must have felt as he raced about shouting, "The sky is falling". Many laughed in those days—but the subject has long since lost its humorous aspects.

I must confess that this interest did not arise from intelligent foresight on my part, but rather from the burning conviction of one college professor—Dr. Hoy Wells whose students must have been among the first to appreciate the ecological implications of world wide pollution. ODU is to be applauded for its concern and involvement in this life or death issue. Such involvement will provide a "well spring" of young, intelligent, energetic citizens who may well profit from our past mistakes and restore sanity to the use of our environment.

Looking back over the past twenty years, I see little to recommend itself as a success; but, the years are strewn with the carcasses of well intentioned efforts—that never really had a chance of succeeding. In retrospect, with all the advantages of hindsight, the reasons for failure became shockingly clear. There have always been men of vision, interest, and ability; a mandate for change has been apparent for many years; and, all things considered, we have spent more than enough money to accomplish many of our objectives. A postmortem examination of our failures must surely implicate the system of administration as a lethal factor.

Let us examine that system. During man's early efforts to control pollution, the problems were limited in effect and the solutions came easy: "Burn the garbage outside of town", "Smoke in the sky means food in the pots," and the gem of all gems, "The solution to pollution is dilution". Those are some of our landmark decisions.

Again, these were simple solutions to simple problems. At that point in time, it appears there were no governmental agencies clamoring to safeguard our environment. Anyone who ventured a concern was labeled as being "anti-progress" which was synonymous with being "anti-prosperity" and "anti-American".

Contrast this situation with today's widespread fear and concern for our very survival. Compare this picture of governmental "non-concern" with today's multiple, overlapping, and duplicating efforts at all levels in nearly every governmental agency. We have come the full cycle—from no-one's business, to everyone's business. And, we are reminded by Ben Franklin—that everyone's business is still no-one's business.

In reality, we have attempted to adopt a management system, designed to cope with pit privies, overflowing septic tanks, erosion, sweat shops, garbage disposal, and rodent control to meet the complex and interrelated problems of sophisticated forms of environmental pollution.

Instead of providing a unified system of management and control capable of meeting the challenge—we have dissipated our potential through "piece-meal" assignments to some sixteen agencies, boards, commissions, and committees. The paradox is that each new crisis resulting from failure to consolidate these forces is met with still another agency, commission or committee—which only adds confusion and further fragment our capacity to deal effectively with the problem. There is a current epidemic of committees—it has been said that "A camel is a horse put together by a committee".

There are those who avow that a nation that can put men on the moon—can solve our environmental pollution problems. Consider, if you will, where our space program would be if we had divided the responsibility among the Army, Navy, Air Force, Department of Agriculture, Department of HEW, Department of Interior, Department of HUD, and a handful of boards, commissions and committees—without central direction to plan and coordinate. My guess is that we would have never agreed on a launching site.

What has been the results of lack of central direction? First, there has been a shameful waste of manpower. The precious few highly skilled scientists that will work for government pay have been walled into limited compartments of activity. Their efforts are duplicated by counterparts in other agencies. Sophisticated equipment and research facilities have been limited by the scope of their use.

Of even greater concern is the state of mass confusion resulting from the lack of uniform standards and program criteria. We still consider each form of pollution as a separate and independent variable. We continue treating environmental pollution as a local or regional problem. We have yet to devise a set of uniform standards or even suggest that such standards be applied uniformly throughout the nation. We have failed to come to the realization that we can no longer afford one more ounce of preventable pollution anywhere in this country. Each set of differing local or regional standards seem to be designed to test the outer limits of our physical tolerance. Each control system appears to function in a vacuum—oblivious to other systems or areas of involvement.

Aside from the obvious fragmentation by kinds of pollution, we have somehow arrived at the conclusion that each state; each area; and now, each county or municipality should somehow determine it's own pollution control standards.

Now I'm a strong believer in home rule and local option on many issues—but this is preposterous. How many counties, cities, or states for that matter have the technical or scientific competence to make such judgments on a scientific basis. It is predictable that such judgments would ultimately give way to political or economic self interest if left to local determination. Local option can be relied upon to perpetuate pollution from sources that contribute substantially to the local economic structure. As my old boss, Dr. Huff, used to say, "Nobody shoots Santa Claus!"

No condemnation is intended or apologies required for the dedicated efforts of the many control program administrators and their fellow workers. Each has contributed far beyond expectations under the most difficult circumstances. The success of each has been limited by the confines of administrative division and inadequate funding.

If all the high priced study and research of the past decade is to teach us anything of substance it is the fact that the time has long passed when we should have faced the issue squarely and recognized that the fragmented approach to environmental pollution control has been a dismal failure in the past and cannot hope to succeed in the future. The time has come to acknowledge that all forms of pollution are interrelated—both in the effects upon the environment, and in methods of control. There will never be a better time than now to set in motion the machinery to estabilsh an agency of Department rank whose sole and exclusive role will be to protect the total environment from all sources of pollution and to promote the reestablishment of the essential balances of nature.

Nothing less will equal the formidable task at hand.

A BRIEF FOR PREVENTIVE DETENTION

HON. CHARLES E. WIGGINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 1970

Mr. WIGGINS. Mr. Speaker, the House will soon commence debate of the various District of Columbia crime proposals. One of the most controversial is the so-called "preventive detention" issue.

Mr. Ronald L. Goldfarb, a practicing Washington attorney, has written an interesting article concerning this issue, which appeared recently in the New York Times magazine.

I commend the article, "A Brief for Preventive Detention," for the consideration of all Members. The article follows:

A Brief for Preventive Detention

(By Ronald L. Goldfarb)

A 19-year-old drug addict with a long criminal record—his initials are P.D.—robs a savings and loan association in Washington, D.C., with the aid of two companions. As they leave, there is a gun battle with police and a bystander is wounded but not killed. Several blocks away, the getaway car crashes into a bus and the three men are captured. Arrested on assault and armed robbery charges, P.D. posts a $5,000 bond and is released while awaiting trial. Eleven days after that a local liquor store is held up, a janitor recognizes P.D. and he is rearrested at a friend's home. At his presentment a few days later, bail is set at $10,000; again P.D. is able to get a bond and goes free.

Before he comes to trial on any of the charges, he attempts to rob a neighborhood gas station at gunpoint, but an off-duty policeman who happens to be present subdues him after a struggle. This time, bail is set at $25,000. But P.D.'s lawyer pleads that his client cannot afford it and therefore will be incarcerated just because of his poverty. He also argues that P.D. has good ties in the community—for example, he is employed locally and has lived there all his life—and that he has never failed to show up in court when ordered in the past. Moreover, members of P.D.'s family and a clergyman appear to say that they will assure his presence in the future. Bail is reduced to $15,000, which P.D. can afford, and he is released.

Less than a month later, two men stick up a bank; when an alarm goes off, they panic and shoot into the crowd of customers, killing one person and wounding two others. Photographs taken by the bank's concealed camera identify P.D. as one of the robbers and he is arrested once again. Now, since he is charged with a capital offense, P.D. is denied bail and, during a court appearance, an angry judge tells him: "It is a disgrace that my colleagues on this court have had their hands tied and were unable to lock you up before this. Untold and unnecessary ravage has been wreaked upon this community as a result of our impotence."

Exaggerated as it may sound, this kind of case has happened countless times in just about every American city. It illustrates a problem which has been occurring in American courts with increasing frequency and which has provoked a passionate debate about criminal law reform that is likely to be resolved in Congress this year. The problem is the commission of repeated crimes (increasingly involving violence) by men already charged with other crimes and free on bail awaiting trial. The issue is whether to solve the problem by adopting some scheme of preventive detention, a loose and provocative term used to describe procedures under which defendants deemed dangerous could be incarcerated during the time between their arrest and trial.

In July, 1965, I was asked to testify before a Senate subcommittee which was holding hearings on bail reform. On the morning of my appearance, a subcommittee lawyer cornered me outside the hearing room to ask if I would discuss preventive detention when I testified, along with the other points I wished to make about the money bail system. No one else was willing to go on record regarding this touchy subject. Today, the subject is no longer taboo. Not only has the Nixon administration submitted a bill to authorize consideration of danger to the community in setting conditions of pretrial release or as a basis fof denying release, but so have Senators Charles Goodell, Joseph Tydings, Robert Byrd and Roman Hruska, and Representative William McCulloch, each joined by other colleagues. Chances are that one of these bills will be passed in 1970.

The subject is an explosive one and there has been considerable critical reaction. But the line-ups of opponents and proponents is full of surprises. For example, along with the Nixon Administration, the major advocates in the Senate of preventive detention are Maryland's Tydings—a young, liberal, Kennedyesque legislator who has been a brave advocate of progressive legislation—and the present darling of the doves, New York's Goodell. Leading the opposition with the American Civil Liberties Union is Senator Sam Ervin Jr. of North Carolina, a conservative who is one of the Senate's leading spokesmen on constitutional matters. (Such straight-shooters as New York County District Attorney Frank Hogan have also come out against the procedure.)

No doubt, one reason for widespread, instinctive reactions against preventive detention is that it sounds like something it is not meant to be. Other countries that practice an inquisitorial form of criminal investigation condone a police practice of arrest for investigation (called in some places preventive detention) which is anathema to the sense and spirit of our accusatorial criminal justice system. Senator Ervin made this haunting comparison when he described recent proposals as reminiscent of "devices in other countries that have been tools of political repression" and a "facile police state tactic."

The preventive detention legislation that recently has been proposed in this country would vest the power to detain not in the police but in the courts, and, at that, would subject it to limitations and protections which make it different in kind from the foreign practices. A better label could probably be found which might more correctly reflect the content of the proposals and avoid emotional comparisons.

A problem which most perplexes the critics of preventive detention is that it would allow people's liberty to be taken away precipitously on the basis of predicted behavior. The inexact and unscientific nature of all prediction, they argue, militates against using such an inquisitorial technique. Furthermore, it is feared that cautious judges will over-predict danger to play it safe—and innocent men will inevitably go to jail without trials.

Suppose you are a judge confronted with this situation: A man is before you charged with committing a violent crime; he pleads not guilty and asks to be released until his trial. Your investigative report convinces you that he has ties in the community and will appear for trial. However, there is persuasive evidence indicating that if he is released, he would be likely to commit another violent crime. Thus the community would be in danger. You know that the traditional law of pretrial criminal procedure has been clear: The only proper purpose for denying a defendant his freedom before trial is to deter flight, not potential criminality. You are aware that the time between arrest and trial is critical to a defendant. With court delays of sometimes a year or more, a defendant obviously wants to be free to live with his family, earn a living and prepare his defense.

What do you do? Do you allow the defendant to go free because your judicial hands are tied by law? Or do you stretch your legal powers and restrain him because, by your own lights, you think he endangers public safety? Why should a judge not take into consideration a defendant's danger to the community in deciding what to do with him? It seems a natural and commonsensical step.

Former Supreme Court Justice Robert Jackson explained why not in a venerable dissent: "The practice of admission to bail, as it has evolved in Anglo-American law, is not a device for keeping persons in jail upon mere accusation until it is found convenient to give them a trial. On the contrary, the spirit of the procedure is to enable them to stay out of jail until a trial has found them guilty." And, in another case two decades ago, Justice Jackson wrote: "Imprisonment to protect society from predicted but unconsummated offenses is so unprecedented in this country and so fraught with danger of excesses and injustice that I am loathe to resort to it. . . ."

Yet, as a practical matter, judges often keep certain defendants whom they consider dangerous in jail. They do so by setting bail at such a high figure that the defendant cannot possibly pay it, or by denying him bail altogether. In both instances, the judge exceeds his lawful authority. Nevertheless, according to Prof. Abraham Goldstein of Yale Law School, this technique for pre-trial detention "has been so widespread that fewer persons are released on bail in most of our states, where there is nominally an absolute right to bail, than in England, where there is no such right."

Recent developments have highlighted the need for reform. Studies done in the early sixties demonstrated that money bail, as it has been administered in American courts:

Inherently discriminates against poor people and prejudices their subsequent trials and sentencing;

Allows judges to manipulate bail to punish, to proselytize, and for other ulterior purposes;

Sloughs off responsibility for pre-trial justice to bondsmen, who accumulate undue power and have a corrupting influence on justice officials;

Is less effective than simpler, fairer techniques for insuring against flight.

As a result of these disclosures, a Federal law—the Bail Reform Act of 1966—*required* Federal judges to release defendant before trial except in capital cases; henceforth, they could establish conditions for pre-trial release, but they could not deny it. While the Act only applied in the Federal Courts, its supporters hoped that, if it worked, it would be a prototype for the states to adopt.

The act applied justice more evenly, but did not do anything about dangerous defendants and left the old, covert methods for dealing with the problem uncertain. By failing to authorize judges to consider potential danger to the community as a reason for denying pre-trial release, many observers feel that the Bail Reform Act focused on the problem with a hand over one eye. The blind spot, moreover, was nowhere more evident than in the Government's own back yard.

Because Washington, D.C., is governed by Federal law, because 40 percent of all Federal offenses occur there, and because its crime rate receives nationwide attention, the new act had a particularly alarming impact in the District. Washington's able Chief of Police, Jerry V. Wilson, relates this telling episode of modern urban history:

Shortly before the beginning of 1969, armed robberies in the District had become a critical problem; they were occurring at a rate of about 700 a month. Only 11 days after his Inauguration, President Nixon promised in a message on crime that he would recommend legislation to permit preventive detention of hard-core recidivists. Shortly after that announcement, the number of armed robberies in the capital suddenly dropped off to around 300 a month. This steep slack lasted for several months.

Then, in April, the United States Court of Appeals for the District of Columbia noticed an upsurge in the number of appeals from high bail by defendants who had been imprisoned before trial because they could not raise the money; four times the usual number had been filed within a few months. Ruling in one of these appeals—*U.S.* v. *James E. Leathers*—the appellate court recognized the disquiet of trial judges who feel that the Bail Reform Act gives them no way to protect the public safety. Nevertheless, the court ruled that they must follow the letter of the law and assure pre-trial release.

Thereafter, armed robberies in the capital rose as precipitously as they had dropped four months earlier, reaching an all-time high in September of over 800 a month.

"What this suggests to me," says Donald Santarelli, an Associate Deputy Attorney General, "is that the trial judges, who had been critical of the Bail Reform Act, followed the President's endorsement of preventive detention and took a tougher stance on releasing defendants before trial in serious violent crimes." Santarelli, who framed the Administration's preventive detention bill, continues: "This resulted in many more detentions before trial of violent offenders through the setting of high money bonds—a practical evasion of the Bail Reform Act. It was followed by a significant reduction in armed robbery offenses during the following four months. But the Leathers decision in April resulted in the sharp rise because release of this type offender was ordered."

Judge Charles W. Halleck of the District's General Sessions Court agrees with this interpretation. According to Halleck, "a few judges effectively cut armed robbery rates about 40 per cent in a few months simply by denying pre-trial release to this predictable category of offenders."

Judge Tim Murphy of the General Sessions bench describes what happened this way:

"Before the Leathers case, there was a concentrated effort by the judges to 'sock it to 'em,' which we rationalized on our interpretation of the law and our reading of the recidivism problem. Leathers caught us between the eyes and took away our arguments, so we began to do our best to obey the law as it was laid out for us. We could no longer deny bail on the pretext of fear of flight. Nor could we justify high bonds by the section of the new law that allowed us to take into account the nature of the offense in determining pre-trial release." (This provision meant only that the judges could force men to report to the authorities each day, give up their driver's licenses until they appear for trial, or satisfy other, similar "conditions.")

Judge Murphy is not alone in believing that, despite the Bail Reform Act, Federal judges in other parts of the United States (as well as state court judges all over) continue to detain defendants through the subterfuge of setting high bail or simply denying it outright, on the ground of risk of flight or danger. Most judges feel they must. Says Judge Murphy: "There are widows and orphans in this city who plague my conscience because I try to follow my oath of office and adhere to the Bail Reform Act strictly, even when releasing certain defendants violates my common sense, reason and experience."

Statistics on the dimensions of the problem are inconclusive. They are interpreted in different ways by friends and foes of preventive detention.

In 1966, a Presidential commission studying crime in the District of Columbia found that out of 2,776 defendants who were released on bail before their trials, 207 of them were later charged with committing another crime while they were free; of these, 124 were accused of violent crimes. The District of Columbia Police Department conducted a study of robbery holdups, the category of offense which is central to the present dispute. Between July 1, 1966, and June 30, 1967, the department found, 130 individuals were released on bond after being indicted on this charge. Of this group, 45 defendants—just short of 35 per cent—were reindicted for at least one additional felony while free on bond.

In testimony before the House Judiciary Committee last October, Attorney General John Mitchell referred to a study by the United States Attorney's office in D.C. showing that of 557 persons indicted in the District for robbery in 1968, 345 were released prior to trial and 242 of these—or 70 per cent—later re-arrested.

Those who oppose preventive detention point out that these figures relate to unproven charges, and not convictions. They claim, moreover, that the percentages are low and the problem therefore minimal. The pro's point out that the statistics include only reported crime, estimated to be about 50 per cent of the true picture, and cases in which police believe they have enough evidence to bring someone to trial (in the armed robbery category, this is a mere 14 per cent). Whatever the percentages, says Senator Tydings, "it is no consolation to the dead, the robbed, wounded, maimed or terrorized citizens against whom these crimes have been committed that this experience is part of what some people would call a 'statistically insignificant number of crimes.'"

Of the bills now before Congress that provide for some form of preventive detention, the most likely to survive are the Administration bill, the Tydings bill and the Goodell bill. Here is how all three would work: In prescribed cases, the prosecutor could request the court to detain a dangerous defendant until the trial. He would have to demonstrate that the case meets the criteria spelled out in the law. Prior to any detention there must be a hearing immediately or within a few days, a record, a high standard of proof (clear and convincing), the right to appeal and to have counsel—all of which are more than defendants get under the present unofficial system. Each bill prefers conditional release when it is appropriate, and they all allow—not require—detention only in limited categories of cases. The two Senator's bills pertain only to felonies and repeaters, while the Administration bill covers some misdemeanors and first offenders. Only Senator Goodell's bill is limited to crimes involving actual force and not mere threats.

The Tydings bill would apply to the District of Columbia only, while the Goodell and Administration bill would reform the 1966 Bail Reform Act and affect all Federal jurisdictions. The Tydings and Administration bills cover more crimes and leave preventive detention in the hands of appropriate "judicial official"; the Goodell bill would empower only a three-judge district court to order detention (a cumbersome, expensive procedure that would be impossible in many areas). Each bill requires a speedy trial (within 60 days under the Administration bill, 30 days under the Tydings and Goodell bills) for people preventively detained.

Senator Goodell argues that any preventive detention bill should be tied to court and correctional reform. He criticizes the Administration bill as "slopply drawn and unconstitutional." He attempted to meet one key problem by including a provision requiring civil commitment of those detained—meaning they would be confined in some place other than an ordinary jail or prison. This element is important, since one of the most perplexing questions about any preventive detention scheme is how to rationalize throwing men into inadequate correctional institutions with hardened convicts before their guilt or innocence is determined. The civil commitment required by the Goodell bill would be similar to the procedures for confining a drug addict, a chronic alcoholic or the mentally ill in an institution.

The Tydings bill implies such a provision; the Administration bill suggests it, but does not require it. None of the bills provides financial compensation for those detained and then acquitted; the Administration bill gives credit on sentencing for time in jail before trial.

The logic of the foes of such legislation is sometimes hysterical. One civil liberties spokesman said during a recent conference on preventive detention that he would prefer the present money bail system's dishonesty and higher rates of detention to "this pernicious doctrine."

The standard argument made by opponents is that preventive detention would not be necessary at all if the time between arrest and trial could be shortened. The courts can only move so quickly, however; there will always be some period of time before trial—and many a defendant needs such a delay to prepare his defense. The preventive detention legislation proposed so far, moreover, requires the prosecution to go to trial within a specified time period, which is in all the proposals far shorter than normal delays.

Simply to say that speedy trials generally are the answer ignores the frustrating reality that trial delay is one of the most elusive and critical contemporary problems in the administration of justice. While reform of the whole trial system will take a very long time, a preventive detention statute inextricably tied to a speedy trial requirement is itself a way of accelerating trials in one of the most pressing categories of cases.

Opponents also argue that better alternatives exist. They say that it would be preferable to bring bail-jumping, contempt or other separate charges against defendants who commit crimes while free on bail or to punish them by adding to their sentences if they are convicted of the original offenses. But would more punishment be as humane as preventive measures aimed at cutting crime rates? Street-wise criminals take advantage of trial delays and other vagaries of the criminal justice system, and prosecutors often drop charges or recommend concurrent sentences for repeated crimes in return for guilty pleas. Once indicted for a robbery, many offenders feel that they have nothing to lose by committing other "free" ones.

Others contend that preventive detention is an anti-Negro measure, that it is part of a scheme to permit summary jailing of militant blacks for political reasons. Yet, it is the poor and black community in urban ghettos who are the most common victims of crime and who would be prime beneficiaries of preventive detention. Senator Tydings points out: "A Negro woman is three times more likely to be raped, a Negro man five times more likely to be burgled and three and one-half times more likely to be robbed than a white person."

William Raspberry, a Negro who is a reporter for The Washington Post and an urban expert, says that while he personally does not like the idea of preventive detention, he has little doubt that the black people residing in Washington (but not their leaders) would be in favor of locking up known criminals who victimize them. "Their reactions to this problem are not philosophical, they are practical," says Raspberry. "The poor people in the central cities react to this problem like 'the silent majority.' They are basically conservative, single-minded and prepared to make assumptions about guilt."

Black people in Washington, according to Raspberry, are as "alarmed and disgusted as whites at the increased frequency, audacity and viciousness of local crime." This impression was corrobated by six District grand juries which have already written to the Justice Department complaining about "the imbalanced pre-trial procedures which are concerned only with release and not at all with protection of the community." In Washington the majority of grand jurors are Negroes; on two of the grand juries that made this complaint, 36 out of 46 members were Negroes.

Advocates of preventive detention feel strongly that it would jail fewer people before trial—and also "the right ones"—than the unofficial, backdoor system now widely used. One experienced official calculated from recent surveys that 40 per cent of all felons indicted in the United States District Court for Washington, D.C., in 1965 (before the Bail Reform Act) were detained prior to trial; in 1967, the first full year after the new act, 26 per cent of the same class of defendants were detained, and in 1968 the figure rose to 34 per cent. In contrast, a Justice Department survey of cases brought by the United States Attorney in the D.C. General Sessions Court during a recent two-week period (including misdemeanors and most felonies) discovered that pre-trial detention would have been possible if only 10 per cent of the cases under the Administration's proposed preventive detention law. (Since some serious felonies were not included in these figures and since misdemeanors, which are for the most part excluded from the Administration's bill, compose roughly half the cases in General Sessions Court, a figure a little over 20 per cent would probably be a better projection.)

Those who favor some sort of legislation deny that permitting a judge to imprison a man on the basis of a prediction of future behavior is an egregious procedure.

However chancy it may be, they argue, humans engage in predictions in all of their affairs; if society fretted about the imperfect quality of its speculation, it would not dare to make progress. The criminal justice system especially is dependent on human estimates, such as are frequent in deciding guilt or innocence, sentencing, probation and parole. Indeed, under the present system, the judge may jail a defendant whom he fears may flee—and this, too, involves a prediction. Experienced trial judges argue that anyone familiar with the arraignment process can make very educated and generally correct judgments about the kind of defendants whom the authorities would want to detain. One judge recently stated the case this way:

"When a man with a long criminal record admits he has a $50-a-day narcotic habit and no job, and I have seen him arrested and released previously, and he comes before my court on a burglary or a robbery charge on Christmas Eve and is released, and then comes before me on New Year's Eve for another burglary, I can make a damn good prediction that if I do not lock him up, he is going to go out and commit another burglary or robbery pretty damn soon."

Whether prediction is possible or not, critics argue that preventive detention would be unconstitutional. They say that (1) it would deprive a man of his presumption of innocence; (2) it would deny due process of law by subjecting people to imprisonment without indictment and jury trial, and (3) it would violate the Eighth Amendment's guarantee against excessive bail.

There are readier answers to the first and the last objections than to the second.

The presumption of innocence—a sacred American value not mentioned in the Constitution—puts the burden on the prosecution to prove its case at trial; it is not an absolute demand that the judicial system always must act contrary to the strongest dictates of common sense in exigent circumstances.

Whether there should be an absolute right to bail is doubtful. Actually, preventive detention is traceable to ancient Anglo-American legal history: In his "Commentaries", Blackstone referred to detaining men "not of good fame" as an example of preventive justice. One legal historian—Prof. Caleb Foote of the University of California, Berkeley—recently has stated that there are English antecedents that support the theory of an absolute right to bail. But this country has never proceeded as if that were so. In the United States, bail always has been a qualified right withheld by law in capital cases (where recidivism is relatively low), commonly refused during appeals of criminal cases and, in fact, denied unlawfully in many other cases through manipulation of the money bail system.

The most challenging argument against pre-trial detention is the one that says incarcerating a man without the traditional criminal trial protections of the Constitution is dangerous and threatens cherished guarantees. Indeed, any such practice must be limited to a bare minimum of cases, to situations where there is the strongest demonstrable need, surrounded by the most careful procedural protections and administered under extraordinary conditions. With such restrictions, the procedure will be very demanding. Without them, preventive detention would no doubt be deemed unconstitutional.

In my opinion, a pre-trial procedure would pass constitutional muster only if it were limited to cases involving repeated, violent offenses, if it required compelling proof of potential danger and could be imposed only as a last resort, if there were tight time limitations on confinement before trial, if special facilities were planned for these defendants to minimize the harm and inconvenience to them, if time in jail before trial were subtracted from any subsequent sentence and was compensated for when followed by acquittal.

Let us see how this proposed procedure would have worked in the case of P.D., whose escapades I described at the outset of this article. After the initial holdup of the savings and loan association, P.D. could not have been detained—thus demonstrating to opponents of such a measure that it will not result in confinement of masses of first offenders.

But pre-trial detention would have been likely after the liquor store heist that followed P.D.'s first arrest. Taking away P.D.'s freedom at this point would thus have averted the gas station holdup and probably the bank robbery and felony murder that eventually led to his detention before trial anyway. In addition, P.D. would no doubt come to trial far sooner than if he were not confined under this kind of statute.

With the features that I have suggested, pre-trial release would properly be liberalized in the great majority of cases, while society would be afforded a method of self-protection. The procedure need not lead to what some fear would be the frightening extreme of imprisoning all allegedly dangerous people summarily. Quite the contrary. If allowed only in specific cases, and no others, the result would seem to lead to less pre-trial detention.

Such a statute, moreover, would not permit Gestapo-like arrests or the jailing of political dissenters, as so many people fear. One result of it would be to eliminate the very possibility of defendants being confined solely because of the personal predilections and unsubstantiated fears of judges and other officials. If a judge could not make a case for detention under the strict terms of the statute, he would have to release the defendant under the appropriate conditions of the Bail Reform Act.

The critical point remains that we already have an expansive and abusive, though informal, practice of preventive detention. The issue which needs to be faced is not whether, but how best to do it.

In his New Yorker series on the Justice Department in the sixties, Richard Harris described the strange political alignments in the preventive detention battle: "In the scrimmage over the issue," he said about the positions taken by liberals and conservatives, "the participants' jerseys became so muddied that it was difficult for spectators to tell who was on which team." But labels are less important than realities; and the symbolism of this battle is important for future treatment of the over-all crime problem." Many responsible people with good liberal credentials feel that in the very proper search for equal justice during the sixties, the concern over crime and law enforcement has been wrongly belittled as the paranoia of the far right. In Senator Tydings' words: "Liberals have to be realistic and credible in coming forward with programs to check crime and violence in this nation. We cannot vacate law enforcement to extremist groups. Such a difficult problem needs the best minds and not tricky clichés. Preventive detention can be one such commonsensical, partial solution to the crime problem if it can be handled in a cautious and a constitutional way."

CHARGES DISCRIMINATION WHERE NONE EXISTS

HON. JAMES A. McCLURE

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 1970

Mr. McCLURE. Mr. Speaker, the Senate has again pointed the finger at Elmore County, Idaho, by charging discrimination where none exists. This unjust charge both embarrasses and angers the good people of that area and, indeed, of the entire State.

Under the Cooper amendment, the existence of any county in which less than 50 percent of the adult population has participated in the last presidential election, automatically presupposes discrimination.

Mountain Home Air Force Base is located in Elmore County, and we are justly proud of the reputation of the base and the Air Force people who are stationed there. However, a great many of these people are registered and vote in other parts of the United States. The State of Idaho has been one of the leaders in the Nation in the percentage of qualified voters who actually go to the polls in the discharge of their responsibility as citizens. Our voter registration laws are among the best in the Nation and we were one of the first States to provide a special opportunity to vote for President to those who only recently moved to our State. Because of this fine record of positive achievement, we particularly resent the slur.

Fluctuations in base personnel, the fact that many vote in other States, and the fact that Elmore County is sparsely populated, thereby making the military personnel a higher proportion of the total population, have lead to the false charge. As a matter of fact, the 1960 census figures, upon which the charge is based, show that there were only 499 nonwhite adults in Elmore County at that time. What is particularly galling is that we have heard the charge before and answered it. We thought the matter was laid to rest once and for all. Evidently that is not the case.

Mr. Speaker, this is evidence that a charge is easily made and hard to refute. This charge is so far from the truth as to cast doubts as to the credibility of other facts which are used to bolster the arguments of the proponents of the legislation.

MUSKIE MOVES AHEAD

HON. PETER N. KYROS

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 1970

Mr. KYROS. Mr. Speaker, I had the opportunity to be present at the National Press Club luncheon last Thursday, March 5, when Senator EDMUND MUSKIE delivered a most thoughtful address concerning our policies in Vietnam. This address, which was placed in the CONGRESSIONAL RECORD of March 5, 1970, by the majority leader of the other body, was typical of the careful reasoning which Maine residents have long admired in ED MUSKIE, and which has won ED MUSKIE the respect of millions of Americans in recent months and years.

I was pleased to note that National Columnist Joseph Kraft has found considerable significance to Senator MUSKIE's recent Vietnam speech, as related in Mr. Kraft's column appearing in the March 8, 1970, Washington Post. I would like to bring this column to the attention of my colleagues, by inserting it in the RECORD:

MUSKIE MOVES AHEAD; VIETNAM SPEECH SEEN PUTTING HIM IN LEAD FOR PRESIDENTIAL NOMINATION IN 1972

(By Joseph Kraft)

The only serious doubt anybody has ever had about Ed Muskie concerned his determination to get out front and lead the way. And that doubt was considerably deflated at the National Press Club Thursday when the Senator emerged as a critic of the administration's Vietnam policy.

Sen. Muskie comes off his Vietnam speech way ahead in the race for the Democratic presidential nomination in 1972. He is more and more showing the qualities necessary to fill the Democratic leadership vacuum.

That vacuum, it should be understood, is not simply the by-product of two tragic assassinations. The underlying fact is a change in circumstance begetting a shift in national mood. A kind of cultural revolution encompassing blacks, kids, drugs, pornography, long hair and sloppy clothes has got most of us confused and worried. The country seeks leadership against the cultural revolution—leaderhip that is competent not controversial, articulate not shrill, modern but not unsetting.

Very few Democrats are in good position to offer that kind of leadership. For during the heady years up to 1968, most politicians in power became identified with evangelical stances and minority groups that have since gone out of fashion.

That is why nobody, not even the Democratic National Committee when it comes to picking a new chairman, pays much attention to Hubert Humphrey. That is why Chappaquiddick casts such a long, dark shadow over Edward Kennedy. That is why George McGovern, after basing a bid for the presidency on the support of blacks and kids, drops back saying: "I'm starting a policy of benign neglect."

But Edmund Muskie is something else again. Personally, he is a slow-speaking giant of simple ways, transparent honesty and much humor who exudes calm and reassurance. Politically, he has advanced in Maine by making the Democratic party seem safe to persons disposed to vote Republican. And thus by no mere accident, but because Maine afforded a preview of the present national mood, Sen. Muskie has for years been a recognized expert in what is now shaping up as a big issue of the 1970s—the issue of the environment.

But Sen. Muskie has been slow to step out on his own. On Vietnam, in particular, he has been exceedingly cautious. His views were for many years the views of the Johnson administration. While growing obliquely critical of the Nixon policy, the senator previously called for such safe nonstarters as a cease-fire on the ground and political mediation by Secretary General U Thant of the United Nations. One Muskie watcher predicted of the Thursday speech that the senator would "probably come out for land reform."

In fact, he positioned himself in direct confrontation with administration policy. He expressly committed himself to a proposition Mr. Nixon has sedulously avoided—namely, "that an end to the war and an end to our involvement in the war can be brought about only through a negotiated settlement." He flatly denied Henry Kissinger's claim that the threat of Vietnamization would cause the other side to move toward negotiations. He stigmatized Vietnamization as a "formula for perpetuating the war."

In order to promote a settlement, he proposed two major steps that are central to the negotiations. First, he called on the Nixon administration to name a senior representative to the Paris talks to take the place left vacant months ago by Henry Cabot Lodge. It is hard to see how the administration can avoid this step.

Next, Muskie asserted the critical importance of trying to negotiate with the other side a timetable for American withdrawal. Hints that such a procedure makes sense have been dropped by a number of North Vietnamese officials, including Foreign Minister Nguyen Duy Trinh. That Sen. Muskie has focused on the point is a tribute to his mastery of a hard subject.

As an added fillup there is the call on the press to be more active in reporting and commenting on Vietnam. Whatever the justice of the senator's analysis, it puts him in head-to-head combat with Vice President Spiro Agnew. And nobody prepared to tangle with that kind of antagonist is short on courage.

Thus the Muskie speech marks a turning point in Democratic fortunes. For the first time since the 1968 elections, there has come solidly into the political fray a Democrat who can hold the whip hand over Mr. Nixon on the central issues before the country.

TRIBUTE TO MR. JOHN STUART

HON. WALTER S. BARING

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 1970

Mr. BARING. Mr. Speaker, a few days ago a close friend of mine, Mr. Frank Upman, who now resides in Florida, wrote me a letter regarding the death of a mutual friend.

This mutual friend was affectionately known by his employees and admirers as "Mr. John." He was John Stuart, of Chicago, the director of the Quaker Oats Co. He was chairman and chief executive officer of the company until his retirement in 1955 and then remained director until his death, December 26, 1969.

Mr. Speaker, "Mr. John" Stuart, who was 92 years old on the day he died, began his career with the Quaker Oats Co. as a floor sweeper at 15 cents an hour and rose to the high positions during the years he served. His service to the company and successful career as a leader should be the basis for personal dedication for all men.

Much of what "Mr. John" said and did should be an example for some youths and some adults of today who do not understand what it means to work for a living and earn one's success in the world.

I am including this following news report from the Chicago Tribune of December 27, 1969, on Mr. Stuart's death:

[From the Chicago Tribune, Dec. 27, 1969]

JOHN STUART, QUAKER OATS DIRECTOR, DIES; ROSE TO CHAIRMAN FROM FLOOR SWEEPER

John Stuart, 92, who rose from a floor sweeper in the Quaker Oats company plant in Cedar Rapids, Ia., to chairman of the company, died last night in Lake Forest hospital. He lived at 1291 Elm Tree Rd., Lake Forest.

Mr. Stuart remained a director of the company after his retirement as chairman and chief executive officer in 1955. He was named chairman in 1948, after serving as president and chief executive officer since 1921.

Mr. Stuart joined the company in 1900 after graduating from Princeton university. He began sweeping the floors of its Cedar Rapids mill at 15 cents an hour.

HELD MANY POSTS

Over the years he served the company as mill hand, assistant plant superintendent, assistant operating manager, and second vice president.

Mr. Stuart served as a director of several large companies, including International Harvester, the Canadian Bank of Commerce, the Pennsylvania railroad, and the Northern Trust company, Chicago. He also was a life trustee of Princeton university and the University of Chicago.

He was named by President Truman as a member of the Hoover commission on reorganization of the federal executive branch of government. He also served as chairman of a similar commission named to study the Illinois executive branch.

AN AVID GOLFER

Stuart won the first Trans-Mississippi Golf tournament in 1903 and remained an avid golfer all his life.

Surviving are his widow, Ellen Shumway Stuart; two daughters, Mrs. Joan McAlvin and Mrs. Ellen Poole; a son, John Jr.; eight grandchildren; six great-grandchildren; and a brother, R. Douglas.

Memorial services will be held at 4 p.m. Monday in the First Presbyterian Church of Lake Forest. Burial will be private.

Mr. Speaker, in a column termed "Voice of the People," also appearing in the Chicago Tribune on that same date, there appeared this following letter to the newspaper written by another admirer of Mr. Stuart. I insert it at this point in the RECORD:

TODAY'S YOUNG MEN OF TALENT

AURORA, December 27.—I wonder how many hippies, Yippies, members of the Students for a Democratic Society, and college students who have had offers of jobs at fabulous starting salaries after graduation have noted the passing of John Stuart, the former chairman of the board of the Quaker Oats company.

As the Tribune pointed out, Stuart started out as a floor sweeper for Quaker Oats at 15 cents an hour after he graduated from Princeton University in 1900. In those days companies didn't send representatives to colleges and universities to recruit so-called talent. All young men, college graduates or otherwise, sought their jobs, and it took a good deal of pavement pounding until you got what you were looking for.

The hippies, Yippies, and S.D.S. members are an economic waste. They aren't worth even 15 cents an hour to any employer. As for today's college graduates who want job security at once, $12,000 to $15,000 starting salaries, and a shot at the presidency of the company they are working for before they are 30 years of age and have thoroughly learned the business, they should note the fact that it took Stuart 21 years to become the president and chief executive officer of Quaker Oats and another 27 years to become its chairman. In 1955 he retired after 55 years with the company.

Where will the hippies, Yippies, and S.D.S. members be in 55 years? And how many jobs will the so-called men of talent, who have company representatives clamoring for them, hold within the 40 to 50 years after their initial employment?

Mr. Speaker, I especially commend the above article to the reading of each and every Member of Congress.

I also inserted remarks in the CONGRESSIONAL RECORD, May 14, 1968, regarding Mr. Stuart. Mr. Stuart had been quoted in a February 1933 newsclipping from the Chicago Daily News regarding his call for leadership in this country that year. He said that leadership was needed in the country to put this country back on safe and sane ground. What Mr. Stuart said in 1933 held true then, held true in 1968, and holds true today, in 1970.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 1970

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,400 American prisoners of war and their families.

How long?

THE MICHIGAN WINNER OF THE VOICE OF DEMOCRACY CONTEST

HON. LUCIEN N. NEDZI

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 1970

Mr. NEDZI. Mr. Speaker, each year the Veterans of Foreign Wars and its Ladies Auxiliary conduct a Voice of Democracy Contest. This year over 400,000 high school students participated in the contest. Five scholarships are to be awarded as top prizes. The contest theme for 1970 is "Freedom's Challenge."

The winning contestant from the State of Michigan was Miss Linda Demkowski, 7502 Nuernberg, Detroit, Mich., a resident of my congressional district. Miss Demkowski is 17, a senior at St. Ladislaus High School in Hamtramck.

I insert for the RECORD Miss Demkowski's winning speech, as follows:

FREEDOM'S CHALLENGE

"Freedom isn't free
You've got to pay a price
You've got to sacrifice
For your liberty."

Thus go the words from the song *Freedom Isn't Free*. What would happen if I asked you people out there why freedom isn't free? Are you fumbling for an answer? Are you mumbling something, grabbing for your hat, rushing off with the excuse of catching bus or train or plane?

Is that what the trouble is with us today? Can't we appreciate our rights in this country? Have we grasped the concept of our freedom?

Look at me—here I am, a teenager, only a junior, trying to tell you that I know more about freedom than you! Well, I'm not saying that.

What I am trying to do, though, is convey my conviction that there may not be many people around that can throw fancy definitions back at me: "But I think I care more than many others."

"I care enough." Pretty big words. But that's what we need—people who care enough.

You people know you can't gain anything by just sitting around. Now I ask you if you care enough about this "sale on freedom" to be involved. This time instead of running away from the question do I hear you answering: "Why should I care? I could get blown up any minute by some bomb; why get involved?"

You're pretty smart after all, and you're right. How do we know when someone is going to push the button? Yet, friend, listen: are you logical?

We are a great nation. No one, even if he is afraid of being blown up by a bomb, can say that we aren't. We've grown from a mere thirteen colonies to a nation of fifty states.

Yet we don't seem to be a part of ourselves. As a nation, we do not agree on big things. Can't we do better, to be a truly united nation?

We aren't just all Germans or Poles or Italians. We're all Americans, yet we are not all the same. I, for one, think it's fantastic that we have come this far with all these people living together. Millions merging and mingling with all their different backgrounds, cultures, customs, ideas, points of view. And we've elected officials to give us the rules to lead us, to unite us.

But then we run into that big block—indifference, apathy. Too many do not agree with the rules the officials have set, yet have freely elected these officials as their own representatives.

Now I respect differences of opinion. But what amazes me is the person who complains about how lousy everyone else is, especially in government policies. Yet this same complainer will not even move out of his house on voting day! Could he do a better job in organizing our society? Could he exercise his freedom better if he had the chance to do it politically?

Listen to a statement from Winston Churchill:

"The whole history of the world is summed up in the fact that when nations are strong, they are not always just, and when they wish to be just they are often no longer strong . . . Let us have this blessed union of power and justice."

This is the ideal formula. Let's get it working today.

Now for the big question: What can I do? I've been rattling on about other people and their indifference—what must I do to prove I care and want to get involved?

Shortly I'll be out in the world really experiencing and living my freedom. Yes—my freedom as given to everyone. If I decide to go on with my education it will be my decision. Whatever field I choose will be my exercise of my God-given right. If I make a success of myself—it will be because of my free daily decisions. If I fail I will have my free daily choices to blame. What I'm saying is that all of us have this great freedom of ours to exercise, to live out fully. Let us love our country, let us give ourselves to it.

Let's disagree if we wish, let's protest when we must. Let's talk and examine and change. We can't do any of these things by just sitting around and complaining. Actions speak louder than words. But VIOLENCE is too noisy and rough to say anything. Violence destroys freedom. It antagonizes. It tears apart and separates. And then what happens to Churchill's "blessed union of power and justice"?

Let's you and I do something about this wonderful freedom, or our purpose in all living will be defeated.

I ask what I can do to make this country what we all want it to be. Let me begin to think I am now ready to meet "Freedom's Challenge." Am I ready to pay the price? Freedom isn't free.

THE FAMILY ASSISTANCE ACT

HON. CLARENCE J. BROWN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 1970

Mr. BROWN of Ohio. Mr. Speaker, the Family Assistance Act is designed to encourage work—not perpetuate welfare. H.R. 14173 assures the expansion of training opportunities for welfare clients and corrects many of the deficiencies in the present work incentive program.

Under present legislation, training incentives are too low. Therefore, training as a route to stable employment is often unpalatable. The Family Assistance Act substantially raises the stipend amount for most trainees.

Today, the U.S. Employment Service cannot directly help enrollees meet personal expenses, such as transportation, which are related to training. H.R. 14173 permits payments by the Employment Service directly to the trainee to cover the costs of participating in training.

Finally, under WIN the lack of adequate child care has been a barrier to training and employment. The Family Assistance Act makes a major attempt to remedy the current weakness in the present day care program: the burden of State matching is eliminated, authority is flexible as to who provides care and what form it takes and child care is continued for those who enter employment.

Training and employment is the real long term solution to making families self-supporting. The Family Assistance Act goes to the heart of the matter by strengthening the training program.

DIFFICULTIES EXPERIENCED WITH INSURANCE POLICIES

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 1970

Mr. HUNGATE. Mr. Speaker, many of us followed the hearings by Senator HART's Subcommittee on Monopoly and Antitrust Legislation concerning some of our Nation's largest insurance companies. In addition, many of my colleagues and I are continuing to receive more correspondence each day from our constituents concerning the difficulties they are experiencing with their insurance policies. In light of this situation, I thought that the following article by Art Buchwald would be of interest to the entire membership:

UNSUITABLE—IT'S AN EVIL DAY WHEN A MAN LOSES SIX SETS OF THREADS

(By Art Buchwald)

I had six suits stolen out of my house a few weeks ago. At least I think they were stolen. The cleaners left them in the kitchen, but no one saw them after that, so I had to assume that they were swiped. It took 10 days before I discovered the theft, because every time I asked my wife where my suits were, she said, "They're at the cleaner's."

My wife was naturally very upset when she discovered my suits were stolen, but I told her not to worry because our insurance policy probably covered such an eventuality and besides, I could use some new suits.

I called my insurance man and told him I was the victim of the theft of six suits.

He said, "What do you want me to do about it?"

I said, "Give me the money to replace the six suits."

"But if I do that, the insurance company will cancel your policy."

"Why?"

"Because they're looking for any excuse to cancel theft policies these days."

"But I've been paying premiums for 12 years and have never collected a cent from them."

"Yes, and they appreciate that. That's why you still have your policy. It's only when you try to collect from them that they cancel on you."

"I insist on being reimbursed for the six suits," I said

"All right. But let me warn you that if you collect for six suits, and they cancel your policy, and then you have a big robbery, you'll be in serious trouble."

"Well, how do I get six more suits?"

"You can deduct them as losses from your income tax. How much were they worth?"

"About $850."

"Good, just report it to the police and then deduct it from your income tax."

"Thanks for all your help."

I called the police department and reported I had six suits stolen. The man who answered the phone wanted to know when. I told him, "Ten days ago." It shook him up slightly. "Why didn't you report it then?" he inquired.

"Because I didn't know they were stolen. I thought they were at the cleaner's." There was a long silence on the other end of the line. Then he said, "Do you want us to find the man who stole your suits?"

"No, not exactly. I don't even want the suits. But I have to report it to the police or I can't deduct it from my income tax so I can buy new suits."

"Who told you that?"

"My insurance man. You see, he told me not to collect for the suits or they'd cancel my policy, but to report it to you instead."

There was another long pause on the phone. "I see. Well, I'll send a squad car to take the report."

The squad car arrived a few minutes later and two uniformed policemen took down the facts. They said they would be on the lookout for the suits, which I assured them wasn't necessary.

What I didn't realize was that their report would go on a teletype to the offices of the three newspapers in Washington. The three newspapers all thought there was something very funny about my losing my suits, and they reported the theft in their papers, including the fact that the police valued the loss at only $25 a suit, which is what they would bring at a hock shop.

Not only did I lose out on my insurance and my income tax deduction, but to make matters worse, the reporter from The Washington Post called up columnist Joe Alsop, with whom I had been having a feud and with whom I had been trying to make up, and said, "What have you done with Buchwald's suits?"

MR. QUAKER OATS

HON. DURWARD G. HALL

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 1970

Mr. HALL. Mr. Speaker, it was with heartfelt regret that I recently received word of the death of my dear friend, John Stuart.

Known in the business world as "Mr. Quaker Oats," John Stuart joined that company in 1900 as a 15-cent an hour floorsweeper, and rose to become chairman of the board.

"Mr. John's" life story could almost be written as a textbook on the opportunities of the "free enterprise system" he believed in so strongly, and fought so hard to preserve, as well as the greatness of the Nation he so ardently loved.

In 1910 he was named second vice president of the Quaker Oats Co.

In 1922 he became its president.

In 1942, the chairman of the board. He remained a director of the company after his retirement in 1956.

John Stuart was responsible for inaugurating one of the industry's first profit-sharing programs and many other employee benefits were established while he led the Quaker Oats Co.

He was named by President Truman to be a member of the Hoover Commission on Reorganization of the Federal Executive Branch of the Government, and also served as chairman of a similar commission to study the Illinois executive branch.

He was a director of a number of large corporations, including: Encyclopaedia Britannica, Inc., the Chicago Daily News, and the Elgin National Watch Co.

To his many friends who join with

me in mourning the passing on of John Stuart, I offer the words of William Shakespeare:

> His life was gentle, and the elements so mixed in him that nature might stand up and say to all the world, "There was a man—."

CRIMINALS WILL ALWAYS GET GUNS—A COMMENT ON GUN CONTROL

HON. JOHN WOLD

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 1970

Mr. WOLD. Mr. Speaker, as the rate of crime continues its upward climb in the United States, Congress may be moving in the direction President Nixon outlined last spring and summer. This certainly is commendable and my only regret is that we are acting so late in the year.

However, one dismaying aspect of the situation is that consideration of anti-crime legislation may be used as an opportunity to tack firearm control measures to the bills. The question has been debated and argued interminably, but the fact remains that stricter control over firearms would not halt acts of violence by the lawbreaker. Stricter controls, however, could cause a great deal of inconvenience for the law-abiding citizen and deny him a measure of legitimate defense.

The author of the best-selling Perry Mason mysteries, Erle Stanley Gardner, has written an incisive series of articles entitled "Cops on the Campus and Crime in the Streets" for the San Antonio Light. The 10th in the series is about firearms controls and his analysis of what further regulation would mean is an excellent analysis that should be read by every interested Member of this body. I respectfully include that article in the RECORD at this point:

[From the San Antonio Light, Feb. 3, 1970]

CRIMINALS WILL ALWAYS GET GUNS—HANDCUFFED POLICE

(Tenth in a series of 12 articles excerpted from the new book "Cops on the Campus and Crime in the Streets," in which the creator of the world-famous Perry Mason mysteries gives his views on the climate of violence in the United States.)

(By Erle Stanley Gardner)

There is an old expression which somehow indicates the subconscious thinking of the American people. It starts out, "There ought to be a law against . . ."

Whenever the American people want to stop something they want a law prohibiting the thing they want stopped, as if laws in themselves were a solution.

They wanted to stop the traffic in alcohol, so they had a law passed to prohibit it. No one has ever established the far-reaching, devastating effects of that law.

Now we are talking about laws against guns because crimes of violence are committed with guns.

Following the assassination of President Kennedy, the killing of Martin Luther King, and the murder of Senator Robert Kennedy, there was, of course, vast public outrage and resentment resulting in pressure being brought to bear on the legislators to outlaw guns.

MUCH LOGIC

There is much logic in what people who wish to abolish guns have to say.

Guns are manufactured as death-dealing weapons. Their purpose is to bring about death, and year after year many of those guns live up to their purpose.

A man in a fit of jealous rage kills his wife and her paramour.

An estranged husband, whose wife files suit for divorce, decides that if he can't have her no one else is going to have her and he kills his wife and commits suicide.

A man who keeps a gun only for his own protection is awakened at night by someone walking through his room. He pulls the gun from under his pillow, fires and kills his own father-in-law.

Another man who keeps a gun only for protection leaves it carefully "concealed" in the bureau drawer. But his youngster, as precocious as most 12-year-olds, knows where "Daddy keeps his gun," and deciding to play Wyatt Earp, he gets the gun and points it at his eleven-year-old companion.

Bang!

A citizen walks down the street at night. He is held up by armed thugs who take his money and then callously shoot him as they speed away in their automobile.

We can go on multiplying the list almost indefinitely. Many, many people are killed with guns in the United States.

ALL GUNS

If we could actually abolish all guns except those of the law-enforcement officer, we could save a lot of lives and stop a lot of crime.

We would also be sacrificing the pleasure of hundreds of thousands of hunters, and put out of business various legitimate interests such as many sporting goods stores, hunting lodges, and numerous packers and outfitters.

But we would be saving human lives. And life saving is more important than the things we would be giving up.

The question is, can we abolish guns?

That is a question which merits a lot of practical consideration.

In the first place, we realize that we would have comparatively little difficulty in taking guns away from some 80 or 90 per cent of the law-abiding citizens. It would be terribly annoying. The expense would be very, very high, but it could be done.

But the point is that by no conceivable stretch of the imagination can we ever eliminate guns from the hands of the criminal class.

By outlawing guns we can make their smuggling a highly lucrative source of income for organized crime. We can put a premium on the manufacture of homemade guns. And if anyone thinks that homemade guns can not be turned out, I can assure you that I have in my possession a collection which my friend, Jack Hargrave, of the Denver Police Force, picked up in the course of a short period of time several years ago while "frisking" juvenile gangsters.

These guns are good for only one shot at a time, but they are very lethal weapons as far as one shot is concerned.

I think all of us will agree on reflection that we could never abolish all guns, and if we try, the very people from whom we want most to take guns, the criminals, will be the only people left with them.

NO OBJECTION

Then why not require registration of guns? Surely people who have guns should have no objection to registering them.

All right, let's look at it from a practical standpoint. What good is it going to do to register guns, that is, what practical good?

When you register a gun you don't make it any less deadly as a weapon. The householder can still carelessly kill his father-in-law. Junior can still kill his eleven-year old friend.

But for the sake of argument let's say we're going to register the ninety million or so guns in the United States.

How are we going to register them and what are we going to do with the data once we have collected it? What is it going to cost in manpower and in money to register these guns?

No one knows for sure.

Proponents of the program say it will be "self-supporting," that they will charge two dollars for each registration.

There is no such thing as a program which is self-supporting when it comes to taking money from the public, any more than there is any such thing as a "new source of taxation." Taxes are paid by the taxpayer. Whenever the government starts any new activity on the scale of gun registration, the public has to pay the price.

Are we going to register guns by the name of the owner, by the make of the gun, by the number of the gun, by the caliber of the gun? If so, are we going to cross-index all of this information so that when the police pick up revolver number so-and-so, made by the Blank Firearms Company, they can immediately turn to a computer and determine who had the gun when it was registered?

Despite high-speed computers, that's going to take a powerful lot of filing, a lot of cross-indexing, a lot of bookkeeping, and a lot of full-time employees.

HIGHLY UNLIKELY

It is highly unlikely that two dollars per gun will cover the cost. Or are the police at regular intervals going to go to the house of John Q. Public and say, "Mr. Public, the records show that you have a gun, manufactured by the Blank Gun Company, number so-and-so. Produce that gun, please, so we can inspect it."

This will take up a lot more time on the part of the police. It will cut down on their mobility. It will be even worse than using the police to keep the campuses open.

The people who want to keep guns in their homes are fearful that registration of their guns will eventually lead to confiscation of them, and they may or may not, have some foundation for their fears. In fact, some of the proponents of the registration idea freely admit that confiscation is the real purpose of gun registration.

If this is so, then after we get all the guns registered, are we going to pass a law forbidding people to own guns? This would entail consulting the registrations and sending squads of police to the registrants saying, "The records show that you have five guns in this house, listed as follows . . . Surrender them, please and we'll give you a receipt. We are disarming all citizens so as to cut down crime."

Remember that when there is a big demand for something illegal, crime finds a way to supply it.

All these activities would open up highly profitable sources of criminal activity. There would be the resultant bribery of officials, the organization of gangs, the deterioration of adequate law enforcement, and all the other evils which we encountered during prohibition.

HAVE GUNS

Now if the criminals have guns and the householders don't, where do we stand?

If the householder is disarmed, it will cut down the number of accidents with guns. It will probably cut down the number of unpremeditated killings because of passion, but what will this do to the person who wants to protect his family and himself against intruders?

I personally have undergone one experience where two burglars broke into the house at night. I was a kid at the time. My older brother and I were in the house alone with my mother. My father was away on a business trip.

Fortunately the burglars became alarmed when they found the house was occupied and made their escape. But, for a ten-year-old boy, it was a devastating experience. For many, many nights I lay awake hour after hour, listening in terror to the sounds of the night, going to sleep only toward morning.

Ever since, I have had a horror of being unarmed and at the mercy of thugs who would break into the house at night.

I am a citizen who tries to keep a sane perspective on some of the legislation that is promulgated from time to time in fits of hysteria.

I'm not part of a "gun lobby."

I keep guns for my own protection.

Once when my automobile was broken down on a dark road in the days when there was little traffic I saved my life by pulling a gun on a man who was coming at me with a knife. I didn't have to shoot. Fortunately my assailant took one look at the gun which was pointed at his midriff and took to his heels.

If I hadn't had that gun in the automobile, my career would have been terminated long before I ever wrote my first story.

IN SUPPORT OF THE GOLDEN EAGLE PASSPORT

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 1970

Mr. ANDERSON of California. Mr. Speaker, 3 weeks from today the Golden Eagle Passport will have passed from the law books and into the history books, that is, unless Congress acts quickly to save this program

I believe that the Golden Eagle Passport, which has grown rapidly in popularity since its inception in 1965, deserves to be continued.

I include in the RECORD my statement on the "Golden Eagle Passport" which was presented to the House Committee on Interior and Insular Affairs:

STATEMENT OF CONGRESSMAN GLENN M. ANDERSON

Mr. Chairman, the Golden Eagle Passport program, which has been in existence since 1965, is due to expire on March 31, 1970, unless Congress acts quickly to extend its life.

The purchaser of this seven dollar passport, as well as anyone accompanying him in his automobile, is presently able to be admitted to over 3,000 national parks, forests and refuges, as well as other federally operated recreation areas, without paying an additional fee. Without this permit, users are charged a daily fee of one dollar, which is valid only at the site purchased. There are also a few highly improved campgrounds where the daily fee is two dollars per car, or one dollar with the Golden Eagle Passport.

This program deserves to be continued and I have introduced H.R. 11350, which would provide for its continuation. Many of our citizens who are now able to afford to visit our country's federal recreation areas would not be able to do so if the Golden Eagle Passport program is discontinued, as the single entry fee at each area would preclude many who wish to visit a number of areas several times in one year. These areas were originally designed for the use of the public—our natural wonders should not be denied by the prices of admission.

As an alternative, I would favor free admission to all areas. This would reflect a very small governmental cost on a per unit attendance basis and permit our citizens to make fuller use of our public areas.

The "Golden Eagle Passport" is a substitute for free national recreation areas. But the desire for funds to buy new park land and to maintain the outdoor playgrounds already in use seems to override the ideal of free admission. Thus, I feel that "the Golden Eagle Passport" program is much better than paying out cash every time a person wants to see a mountain, feel a cool breeze, or see at first hand some of our nation's wonders in favored spots of our land.

"MR. CALIFORNIA COUNTIES" COMES TO WASHINGTON

HON. HAROLD T. JOHNSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 1970

Mr. JOHNSON of California. Mr. Speaker, it is with great pleasure and pride that I welcome to the Nation's Capitol a native of the Second Congressional District who is recognized as one of the Nation's outstanding authorities on local government. He is Mr. William R. MacDougall, who is leaving the County Supervisors Association of California, after a distinguished career of some 25 years, to become the Executive Director of the Federal Advisory Commission on Intergovernmental Relations here in Washington, D.C.

Bill MacDougall, son of a hardrock gold miner immigrant from Nova Scotia, was born May 14, 1914, in the historic California gold mining town of Nevada City.

He graduated from Sacramento High School and from Sacramento City College.

His working career began at the depths of the great depression and at the bottom of California's State civil service system—as a $65-per-month page in the State library. In swift succession he worked as an account clerk for the State's emergency relief association and as assistant disbursing officer for the State controller's relief disbursing office, rising to senior claims auditor for the controller, then to chief of the bureau of collections for the State department of social welfare and assistant secretary to the State social welfare board.

During this period he took leave to attend the University of California at Berkeley and later graduated with distinction from the McGeorge College of Law in Sacramento. He was admitted to the practice of law in California in 1941 and is admitted to practice before the U.S. Supreme Court.

He entered the Navy in 1942 and saw service in the Pacific aboard the USS *Argus* and USS *Whitehurst*. He was a lieutenant at the time of his discharge in December 1945.

The following month he was retained for 90 days as temporary legal counsel for the County Supervisors Association of California in Sacramento. The temporary assignment lasted for a quarter of a century, 20 years of which he served as the association's general counsel and manager.

MacDougall is a founder and served two terms as the first permanent chairman of the National Conference of County Association Executives. He is also a founder of the National Association of County and Prosecuting Attorneys and of the Western Regional District of the National Association of Counties.

Since 1956 he has served as secretary of the Welfare Committee of the National Association of Counties.

In 1959, the Secretary of Health, Education, and Welfare appointed him to membership on the Federal Advisory Council on Public Assistance. The Council was created by Congress to make recommendations on the fiscal capacities of the States and the Federal Government to share responsibility of providing for the Nation's needy.

Mr. Speaker, in conclusion I feel that the best way in which I can convey to my colleagues here in Washington the admiration and respect held for Bill MacDougall by the people with whom he has worked over the past years is to include an article published in the County Supervisors Bulletin.

The article follows:

WILLIAM R. MACDOUGALL

Bill MacDougall is leaving CSAC!

He's going to Washington, D.C. to become the executive director of the Federal Advisory Commission on Intergovernmental Relations (ACIR).

Bill, himself, confirmed the news at the February 5–6, 1970 meeting of CSAC's Board of Directors in Sacramento.

"The job Bill has done for counties over the past 24 years is remarkable," declared Sig Sanchez, president of CSAC. "If he has to leave us, he's taking about the only job I would want to see him take," said past president Robert Boles. Another past president, Paul Anderson, put it this way: "Counties have undergone their greatest change since Bill has headed our organization. Over the years he has provided us with tremendously fine leadership."

On the motion of Dorothy Donnenwirth, whose late husband, Clair, served on ACIR, the Board unanimously adopted a resolution commending the CSAC general counsel for his exemplary record of service to the counties. The Board directed that a special recognition dinner be held prior to his departure. (It is scheduled for Thursday, March 19, 1970, at the Woodlake Inn, in Sacramento, details to be announced later.)

The Directors unanimously appointed a CSAC veteran—Jack M. Merelman—to the position of General Counsel and Manager, effective on Mr. MacDougall's departure.

Meantime, from Washington, D.C., came this statement from Robert E. Merriam, ACIR chairman:

"The Commission is fortunate, indeed, to secure the services of a person of Mr. MacDougall's caliber to head its professional staff. He brings to his new assignment a rich background in public service and many years of experience working with governmental officials at all levels."

MacDougall replaces Wm. G. Colman, retired, who served as ACIR's executive director since its inception in 1959.

ACIR is a 26-member national bi-partisan body established by Congress to maintain continuing review of the relationships among federal, state and local governments. Its membership includes governors, mayors, state legislators, county officials and representatives of both houses of Congress, the federal executive branch, and the general public.

MacDougall was appointed associate legal counsel of CSAC in 1946, and since 1951 has been general counsel and manager. Prior to joining CSAC he had spent 13 years in State service, holding positions in the State Department of Social Welfare and the State Controller's office.

He has served on numerous state and federal commissions, including the California Governor's Commission on Metropolitan Area Problems, the Federal Public Assistance Advisory Council, the Constitution Revision Commission of California, and the California Council on Criminal Justice.

Among his many activities, Mr. MacDougall was a founder of the National Association of County and Prosecuting Attorneys in 1951 (now the National District Attorney's Association); he authored "Principles of County Home Rule" adopted by California counties and later by the National Association of Counties; and he led the campaign in 1958 to reorganize NACO, converting the organization into a professional operation with a full time staff.

Mr. MacDougall attended Sacramento City College, University of California at Berkeley, and the McGeorge College of Law of the University of the Pacific. He is a member of the California State Bar, and the Bar of the United States Supreme Court.

DRUG ABUSE PROBLEMS CONFRONTING OUR SOCIETY

HON. FRANK J. BRASCO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 1970

Mr. BRASCO. Mr. Speaker, I must commend the activities of the Hempstead Chamber of Commerce of New York and Mr. Charles J. Hackett, chairman of the Narcotics Guidance Committee, who has been communicating with me concerning this very serious problem of drug addiction.

This insidious disorder plagues both the urban and suburban segments of society, the deprived and affluent communities, and respects no geographical border or ethnic origin. For many years, various government agencies, Federal and local, have dedicated themselves to the problem of narcotic addiction, with its associated ramifications. This syndrome has grown markedly out of control, and private agencies and community groups, as the Hempstead Chamber of Commerce, have felt the need to interest themselves and undertake corrective measures for the proper solution to an ever-increasing, pressing problem.

The Harrison Act, and many State laws have yet to prove a deterrent to the narcotic problem. A reevaluation of the Harrison Act is indicated, with a purpose to correct the attitudes toward the addict and his addiction, as not a crime but a disease, the most urgently in need of proper medical care. In the March 1968 report of the Joint Legislative Committee on Child Care Needs of the State of New York, Ephraim J. Felderman, M.D., chairman of the Advisory Subcommittee on Health Needs, stated:

> Since the enactment of the Harrison Act, the United States position has been that of a punitive nature. This police activity has not altered the numbers but probably has driven them underground, subject to exploitation by crime-ridden dealers of these materials. The drug user is decidedly a problem for the psychologist and the psychiatrist. The drug user crosses over many of the socio-economic strata. The drug user is not necessarily a criminal. He is forced to turn to crime by police action or archaic legislation—the Harrison Act.

In testimony before the House Judiciary Subcommittee, July 15, 1965, Senator Robert Kennedy said:

> We shall never make any headway toward helping the addict with alleviating the narcotic problem, until we can engender and facilitate a nationwide research and treatment program, carried out at all levels of government, and by as many private agencies as possible.
>
> A step beyond this is necessary and should involve also the World Health Organization, the countries whose crops supply the opium or heroin, and most of all an enlightened and altered view of what narcotic addict is and the method of therapy.

In a recent issue of a highly reputable nonprofit publication, "Medical Letter on Drugs and Therapeutics," volume 11, No. 24, issue 284, November 28, 1969, there is a projection of a possible method of therapy for the heroin addict, which I believe is in need of implementation:

> Methadone therapy now offers substantial hope of rehabilitation for heroin and other opiate addicts. Despite the fact that it substitutes one addiction for another, Medical Letter editors and consultants are convinced that no other presently available therapy offers, comparable promise for the many thousands of heroin addicts who are seeking help. Legally, methadone therapy is still experimental in the United States; practically, its effectiveness has been adequately established, and its benefits clearly outweigh its hazards.
>
> Methadone hydrochloride (Dolophine-Lilly) and others is an opiate type narcotic drug with analgesic effects similar to those of morphine. Its effectiveness against heroin addiction results from its ability to block the euphoriant effects of heroin and the craving for the opiate without heroin's deleterious physical and mental effects. Because methadone is addicting (though less so than heroin and morphine) its use in the treatment of addicts must be carefully supervised.
>
> Unlike most other narcotics, methadone is highly effective when taken orally and it is relatively long-acting (12 to 48 hours, depending on dose). Usually a single daily dose is sufficient to prevent euphoria if the patient uses heroin. This effect is specific for opiate type narcotic drugs; methadone offers no benefits to patients who are dependent on such drugs as barbiturates or amphetamines, or who are alcoholic.
>
> When properly administered, methadone allows the patient to function without sedation or euphoria, and with no impairment of vigilance, reaction time, effect, or intellectual function. The originators and chief investigators of methadone therapy, V. P. Dole and N. Nyswander have treated more than 2,000 heroin addicts since 1964. None of their patients became readdicted to heroin so long as they remained under methadone treatment, and most have been able to return to school or work. About 10 per cent use alcohol excessively. Almost all of the patients who left the program, about 17 per cent have shown a return or craving for heroin when the methadone was discontinued. Many treatment centers have been established in areas where heroin addiction is common, and their results have generally confirmed those reported by Dole and Nyswander. In all centers, the therapeutic program includes aid in social rehabilitation.
>
> Methadone maintenance has proved effective in the management of chronic addicts, in some studies with an average addiction of 10 years, with some who have failed with other treatments and who have volunteered for methadone therapy. It is not recommended for the occasional user of narcotics, or for those with a short history of dependence; with such persons, the effort should be made to cure heroin addiction by more conventional means, such as individual or group psychotherapy.
>
> There are ambiguities in both Federal and State laws governing the rights of physicians to prescribe narcotic drugs for the maintenance of the addicted patient. In any event, it is difficult for the physician in private practice to provide adequate medical supervision of the patient during therapy, or the social supervision and rehabilitation assistance most patients require. Nevertheless, where methadone therapy is unavailable for an addict who otherwise qualifies for therapy, there should be no legal barriers preventing the private physician from administering the drug with guidance from the experts. In New York State, methadone treatment programs are carried out by medical institutions who are accredited by the State Narcotic Addiction Control Commission. Similar accreditation has been obtained in other states.
>
> Methadone has proved highly effective in the treatment of heroin addiction, but it is still unavailable to most addicts. Government and private agencies concerned with the problem should do everything possible to speed the extension of treatment facilities.

Although it is readily apparent that the foregoing treatment is not the cure-all, yet it offers some direction and possible hope. But, as stated, the ambiguities in Federal and State law act as a deterrent to this valuable modality. I must emphasize that the addict must not be driven underground to criminal pursuit, but that help and aid be extended so that this treacherous illness can be eradicated from the horizon.

Mr. Speaker, I therefore submit that an in-depth study be undertaken to reevaluate the Harrison Act in its relationship to drug abuse problems that our society is confronted with. In conclusion, Mr. Speaker, I want to commend all private agencies for their tremendous efforts in this vitally important area.

POLICE CHIEF, JEFFERSON, OHIO, MAN OF THE YEAR

HON. J. WILLIAM STANTON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 1970

Mr. STANTON. Mr. Speaker, in today's world, where criticism of our police too often outweighs praise, it was a distinct privilege for me to learn that Art Ceder, police chief of Jefferson, has recently been named Jefferson, Ohio, Man of the Year.

Art Ceder was singled out for this high honor by his fellow citizens because of his outstanding achievement in the fields of law enforcement and civic service. Crime in the community has decreased in the 8 years that Art Ceder has been chief of police not only because of his dedication to duty, but also because of his sincere manner of human compassion and understanding.

In the words of his fellows:

> "Art" as he is known to all of us, instead of "fuzz," has shown the way for many youngsters and oldsters alike and always has time to spend a minute with anyone needing a helping hand, assistance or good advice. We here are proud to have a chief like him; and we that have served with him respect him as a man among men.

The measure of a man is not the num-

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ber of degrees he holds, the position he achieves, or the salary he makes, but his standing with those he lives and works with on a daily basis. This is the real significance of this tribute to Art Ceder. I am proud to represent him in the Congress.

NATIONAL EDUCATIONAL INSTITUTE FOR AGRICULTURE

HON. W. R. POAGE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 1970

Mr. POAGE. Mr. Speaker, I am pleased over the formation of the National Educational Institute for Agriculture, since its purpose is to deal with one of the most difficult of farm problems, the dissemination of knowledge in this whole general area.

The information is readily available; it is voluminous and convincing but the average nonfarm citizen—and these comprise about 95 percent of the population—does not hear about this information, and I am afraid that when the pertinent statistics are presented he finds them difficult to believe.

For example, food is cheaper in this country, in relation to income, than in any major nation in the world. The average consumer in the United States spends about 16.5 percent of his total disposable—take-home—earnings for food. In Russia, the consumer spends about 50 percent, and in the Orient about 75 percent. Canada is the closest to the United States, as I recall, in terms of the percent of consumer income spent for groceries: about 20 percent.

Yet, the average housewife thinks food prices are exorbitant. Since she goes to market once or twice a week, sometimes oftener, any increase in prices registers with her like an earthquake tremor. A lot of explanation and convincing will be necessary before she changes her mind—and even then, I recall, "a woman convinced against her will is of the same opinion still."

Agriculture is our largest industry and some of the figures are quite startling. For example, 4.6 million workers are employed on the farm. Farmers are first in spending for equipment, the total averaging close to $5.5 billion annually. Agriculture is first in assets with $307 billion; and fourth in sales with around $47.4 billion a year. Three out of every 10 jobs in private employment are related to agriculture.

Just the same, our news media, a marvel of organization and efficiency in many ways, is not, generally speaking, interested in agriculture. In January, as I remember, Senator ELLENDER, of Louisiana, made a remarkable speech about agriculture which was full of informative material, ably documented and, to me, at least, very, very interesting. I do not think any of our big eastern papers, or the TV chains, paid any attention to the ELLENDER address.

Even so, I think he proved most conclusively that the Nation has forced farmers to tote the proverbial short end of the stick and also that, without Government aid, there would very quickly be an agricultural debacle which would have widespread and alarming repercussions. As important a segment of our economy as agriculture cannot lag behind, or go into a depression, without affecting every other industry. Right now I fear I see a striking similarity to the situation which existed in the 1920's. For almost 8 years prior to the depression of the 1930's there had been full industrial employment at good wages, but farm prices had failed to keep step, just as is the present situation.

The automobile industry is having its troubles, which are reported in detail by the news media. Agriculture has had its difficulties for years, per capita farm income averaging only about 60 percent of city income. This situation, however, has been accepted quite calmly and most of the publicity about farmers and farming is focused on so-called big payments to some of the bigger farm operators.

It may be true that some big farmers, the most fortunate ones, are getting money from the Government they do not really need to buy shoes for the kids, but they do need it to maintain our adequate supplies of cheap food and fiber for the American consumers. One may regard the payments under the Federal farm programs as subsidies, but they are subsidies which enable the American housewife to buy more and better food for a smaller percent of the family disposable income than any housewife anywhere or at any time in history. Almost without exception, the yardstick to measure subsidies is quantitative. The bigger the company within a subsidized industry, the bigger the payments, or benefits, from the subsidy. For example, let us say that the Government helps make up the difference in costs between domestic shipbuilders and the foreign builders. The more tonnage which the shipbuilder turns out, the more he gets from the Government. But I do not think that it is so important who gets the subsidy as who gets the benefits of the subsidy, and clearly the American consumers are the ones who get the major benefits.

Over the years, farmers have managed to keep abreast of rapidly increasing production expenses and higher taxes through mechanization and other efficiencies, including increasing the size of farms. Meanwhile, acreage of quite a few major crops has decreased. Our annual corn harvest dropped in the 1960's from 71 million acres to under 55 million. During that time the crop has gone up from 3.9 billion bushels in 1960 to 4.6 billion bushels in 1969.

Our wheat acreage dropped from 52 million acres annually to 48 million acres in the past decade. Nevertheless, production has gone up steadily, from 1.35 billion bushels to 1.46 billion bushels. With the 1957–59 period as the index figure of 100, the total farm output rose to 121 in 1969, for a record high.

It was the third consecutive year in which a record high was reached. In that period the total acreage devoted to crop production dropped from 325 million acres in 1960 to 300 million in 1969.

Even with mechanization, more fertilizer, better seed and better management, the farmers have been hard pressed. As I have stated, farm income averages around 60 percent of city income. In 1959, production expenses were about $26 billion; in 1969, the estimate was $38 billion. I do some farming myself and I can tell you from experience that very few people are going to get rich at it. Comparatively speaking, farmer millionaires, unless their money comes from sources other than agriculture, are few and far between. How about taking a couple of days and trying to list as many as a dozen?

One could go on and on about the farm situation but, always, one comes back to the basic premise that, once again comparatively speaking, few of our citizens know about agriculture and still fewer care. This is no indictment of the people, or of the news media. There is an intense competition for news space, whether on the air or in print, and the citizens get most of their information from newspapers, the broadcasters, and the magazines.

Somehow farm leaders, including Members of Congress and officials of the farm organizations, just have not been able to get their story across. Maybe we have been too busy with our own particular problems and have not worked hard enough. Perhaps, an organization like the Institute, which devotes all its time to the educational process, is the answer.

I am confident that, if approached in the right way and with the figures and information which are needed, the concept of the farmer as a lazy, subsidized drone will change. This concept is completely wrong. The American farm plant is the best by far which the world has ever seen, and, given the assistance and understanding needed, it will get better every year. Our farm plant is the best advertisement for the free enterprise system which I know. The Communist failure in agriculture is the real barrier to Communist domination of the world. If 5 percent of the Russian people could turn out more than enough agricultural commodities for the entire population, I am afraid we would be in for real trouble. But I do not see any prospect whatever that any Communist agricultural system will ever attain anything like this—the present level of efficiency of our agriculture.

To repeat, I wish to commend the foresight and vision of the men who put the National Educational Institute for Agriculture together. All those interested in agriculture's welfare should give it all the help possible.

AN EX-RADICAL TELLS WHY SHE CAME BACK

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 1970

Mr. MICHEL. Mr. Speaker, an article by Miss Patricia Krizmis appearing in Sunday's edition of the Chicago Tribune tells the very moving story of a young girl whom Miss Krizmis met from time to time while covering demonstrations in and around the Chicago area. This young

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lady, who must remain anonymous, is only 20 years of age but has for 5 years been active in the so-called "antiestablishment" movement which has been in the news so much in recent years and which has also been instrumental in stirring up the riots and disorders which, unfortunately, have become simply an excuse for any bunch of rowdies who just simply want to raise "hell" and not concern themselves with finding solutions to the problems which plague our national life.

While there have been many excuses, theories, and alleged justifications for this type of outrageous behavior advanced by some quarters, it was interesting to me that this young lady—this veteran of the wars, if you please—refers several times in this article to the great need for parents to be more strict with their children—to bring an end to the premissiveness which has spilled out of our homes and into society at large.

She is married now, expecting a child, and trying to rebuild her life and, not surprisingly, she has some definite ideas as to how children should be raised. I quote her words so that parents everywhere might take heed to avoid the pain and sorrow which has been visited upon this young lady and her parents:

> We're going to be strict with our kids—many kids who leave the movement say the same thing. Our kids won't get away with what we did. But we're going to talk to them, and listen. I swear I'll never be too busy. But you can't start at 15. That's too late. You've got to say no and mean it. Maybe our children won't have to learn the way we did.

I include the entire articles in the RECORD at this point:

AN EX-RADICAL TELLS WHY SHE CAME BACK

(By Patricia Krizmis)

Freedom.

The word sounded strange coming from the young woman because she used it to describe the Establishment she had turned her back on five years ago.

She had worked and fought hard in the anti-Establishment movement, rising to positions of leadership, trying to tear down the system. And now—she wants back in.

WAS W.I.T.C.H. MEMBER

While covering demonstrations, this reporter met her several times. After she decided to leave the movement, she told the story of her involvement in it.

She described the transition which led her from a high school student, rebelling against school dress codes; to Chicago chairman of W.I.T.C.H. [Women's International Terrorists Conspiracy from Hell], a militant women's liberation organization; to leader of the Chicago Students for a Democratic Society bail fund drive—and back to the Establishment.

For her, those five years meant police confrontations, arrests, beatings, drugs, an abortion, and rape by two street gang members.

And as a W.I.T.C.H. she was forced into several fights with militant men whose radicalism did not extend to women's rights—and who enforced their views with their fists.

HOPES TO BUILD NEW LIFE

She is now married, expecting a child, and working as a secretary. Her husband, who also left the movement, still faces two of nine criminal charges stemming from radical activities.

They hope to build a new life, and at their request, her correct name will not be used. We'll call her Sue.

The words revolutionary, rebellion, socialism, and capitalism crop up constantly in her conversation, but the reasons behind those five years are not so simple as leafing thru a dictionary to define the terms.

This young woman, now 20, is from a white, upper middleclass family that lived in the Lincoln park area. Her parents struggled to get ahead, but couldn't say no to the demands of their daughter, then an impressionable, intelligent teenager.

The movement, as Sue sees it, advocates the take-over of the United States government by any means necessary and forming it into complete socialism.

"I thought it meant freedom for everyone," she said. "Helping the little people—the working class and the poor—who are slaves to capitalism.

'WE WEREN'T FREE'

"I finally realized what we were doing wasn't leading toward the things nicely written down in the books by Lenin and Marx, but toward the kind of communism in Russia and Cuba. We weren't free. We were the slaves. I felt like I was being used.

"Now I see the Establishment as freedom. You have a right to think for yourself—make your own decisions."

Sue was a high school sophomore when she was introduced to the movement thru the Student Organizing committee [S. O. C.], a high school branch of S. D. S.

"Dress codes and teachers were the main issues," she said, "the kind of things that attract kids. There was nothing political at that point. Then S. D. S. organizers talked about women's liberation—how women were slaves of capitalism—then about the cops and the people who run the cops.

SHOOTING CONVINCED HER

"We were told that schools are run by the same people who run the factories. We have to get the J. P. Morgans, but in order to get them, we have to get the cops first."

Just one major instance was needed to sell the students on the movement, Sue explained. And by some quirk of fate, that instance came when Sue and some 30 other students witnessed the fatal shooting of a teen-ager by a policeman on the north side.

She described the event as "an organizing tool against police brutality."

"We formed a youth council—with a nice, sweet name. We had study groups almost every night and talked to people from S. D. S. and members of the Communist party. We were being educated."

By her senior year, Sue was an organizer for S. D. S.

She learned the teachings of the communist leaders, Lenin, Marx and Mao Tse-tung, and with other girls was taught the use of firearms and methods of self-defense, including karate, by women in the Black Panther party, she said.

Meanwhile, her activities had her family in an uproar.

SHOCKS HER FAMILY

"I was wearing dirty blue jeans, carrying a gun, and going out every night," she said. "My father was having a fit, telling me it was all like Hitler and the Nazis."

The pretty, dark-haired girl took a long draw on a cigaret and looked down at the floor.

"My father said if it ever came down to fighting, I'd be the first one he'd kill."

She looked up now—her hazel eyes watering.

"He said he'd kill me. He threw me out of the house, and my mother would always call me back. I lived with other girls in the movement for awhile. I never doubted that my parents loved me. They just didn't know what to do.

ALWAYS HAD EVERYTHING

"They never did anything wrong. Except I always had everything I wanted. I guess they were lenient-strict. They said 'no,' but couldn't stick to it."

Sue was graduated from high school with a B average, attended a university for four weeks, and then dropped out and went to live in a movement house on the near north side.

There is always someone working in a movement house to sustain it, while others organize and teach classes, she said. Sue sold dope for awhile to raise money for the movement, she said.

NEVER ARRESTED HERE

The more times you are arrested, the higher you get in the movement, she explained. However, she avoided getting arrested during demonstrations here because she was afraid her father would lose his job.

"I got busted in demonstrations around the country, tho," she said. Her traveling expenses were always paid for, but she never knew where the money came from.

Sue handled the S. D. S. bail fund here, going to business men, ministers, and parents for money, always asking for more than was needed.

"There's a lot of money to be made in the movement," she said. "But most of the kids are sincere—the leaders are a different story.

SAYS LEADERS SLIP AWAY

"Watch and see when they get arrested—especially after the Chicago 7 trial. They provoke things and then blow before the cops come. I did it myself.

"A lot of the kids are getting hung up on dope to keep going. There are a lot of pressures."

Dope is not allowed in movement houses, she said. But Sue got hung up on heroin once, and her parents took her to St. Leonard's house rehabilitation center.

"You know, the cops don't have to do a damn thing but sit by and watch. The whole movement is eating itself up."

HELPED TAKE OVER CHURCH

The movement has its own kind of morality and rules, she said.

"Sleeping with different men is O. K. But inside the movement nobody goes along with rape."

Sue participated in the take-overs of the McCormick Theological seminary, 800 Belden av., and the Armitage Avenue Methodist church, 834 Armitage av. She was raped inside the seminary by two street gang members who took part in the take-over, she said.

"We put ourselves in that kind of a situation, dealing with the gangs and all," she said. "You don't say much about it because you don't want to cause trouble."

Months before the attack, Sue became pregnant and had an abortion thru an S. D. S. clinic, she said, because she felt she was not ready to have a child.

"I got beaten up by some of the guys because I had killed a future revolutionary," she said, speaking of the abortion. "Others raise their kids in the movement—everyone helping out."

Sue said she was clubbed many times by police during demonstrations, but was beaten more within the movement, especially when she tried to organize motorcycle gangs. She got into violent fist fights with men in the movement who resented her views on women's liberation.

"Many kids would just like to go back to a nice normal life. Sleeping around is O. K., you get pills and all that, but it goes deeper. You come from homes. We sat for hours after classes and talked about the family structure. Those are normal tendencies—you just don't get away from them."

The turning point was her husband's last arrest for mob action.

"He got stuck holding the rap—it could mean prison, and nobody wants to go to prison.

MARRIED IN CHURCH

"I started freaking out. Lenin and Marx look real good on paper. But it doesn't work that way."

Thru her husband's insistence, they got married in a church and left the movement.

"We talk to my father for hours—about the war and all. I still think it is political. There are a lot of problems in this country and a lot of things wrong." Her family now lives in the suburbs.

She stopped again and laughed.

"You know, my father agrees with me on many things."

Then she got serious again.

WILL BE STRICT PARENTS

"We're going to be strict with our kids—many kids who leave the movement say the same thing. Our kids won't get away with what we did. But we're going to talk to them and listen. I swear I'll never be too busy.

"But you can't start at 15. That's too late. You've got to say 'no' and mean it."

Sue does not want to forget those five years. After her husband's legal problems are settled, they hope to move away and start over.

"Maybe our children won't have to learn the way we did."

THE TAX REFORM ACT OF 1969

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 1970

Mr. HUNGATE. Mr. Speaker, since the most comprehensive tax reform in many years was recently enacted, I think the following summary which touches the highlights might be helpful:

[From Trial magazine, February/March, 1970]

THE TAX REFORM ACT OF 1969

The most important legal news of 1969 may be the Tax Reform Act, which was passed and signed by the President in the closing days of December, culminating months of marathon hearings and debates.

It is a long and complicated statute. There are 101 sections in the Tax Reform Act and the related "Social Security Amendments of 1969"; each amends or adds several sections to the Internal Revenue Code of 1954.

The legislation fills 277 pages prepared by the Congressional Conference Committee.

No brief summary can adequately describe the hundreds of provisions and points encompassed in the Act.

Some provisions of more general interest:

ANTITRUST DAMAGES RECOVERY DEDUCTIONS

Damages received as compensation for patent infringement, breach of contract, breach of fiduciary duty or an antitrust injury are at least partially deductible for tax purposes.

INCOME AVERAGING

The rules permitting use of income averaging are liberalized somewhat.

FOUNDATIONS

A tax of 4% is imposed upon the net investment income of tax-exempt private foundations. An additional tax of 15% may be imposed on the undistributed income of a private foundation. Foundations are required to divest themselves of "excess" investments in incorporated business enterprises, partnerships or joint ventures.

The Tax Reform Act also establishes detailed prohibitions against defined types of "self-dealing," such as loans or sales of property, between nonoperating private charitable foundations and "disqualified" persons (i.e., creators or substantial contributors to the foundation).

CHARITABLE DEDUCTIONS

The maximum tax deduction for individuals for gifts to public charities is raised from 30% to 50% of adjusted gross income, unless the gift is of property which contains unrealized capital gain. There are several restrictions on deductions of appreciated property.

MINIMUM TAX FOR TAX PREFERENCES

A new tax is imposed on every person who has specified tax preferences. The tax is 10% of the amount by which the tax preferences exceed $30,000, plus the federal income tax for the year.

RESTRICTED PROPERTY COMPENSATION

Where property such as stock is received as compensation, the value of the property is generally taxable in the year it is received, even though the property received is subject to restrictions which affect its value. However, if there is a substantial risk of forfeiture, the value of the property is taxable in the year in which the risk of forfeiture is removed unless the recipient has made a binding election of taxation in the year of receipt.

RELATED CORPORATIONS

The tax advantages for a group of controlled corporations in terms of surtax and accumulated earnings credit are to be reduced over a six-year period. After 1975, a controlled group of corporations will be limited to one $25,000 surtax exemption and one $100,000 accumulated earnings credit. The definition of brother-sister controlled corporations has been broadened.

DEBT FINANCED CORPORATE ACQUISITIONS

Under certain conditions, corporations will be denied a tax deduction for interest paid on bonds issued to acquire the stock or assets of another company. Also, the Internal Revenue Service is granted specific authority to issue Regulations establishing standards for distinguishing between debt and equity investments.

STOCK DIVIDENDS

Stock dividends are to be taxable under certain circumstances.

PERCENTAGE DEPLETION RATES FOR OIL AND GAS

The bitter controversy over oil and gas depletion allowances was resolved in the Act by reducing the percentage depletion from 27½% to 22%. There are comparable reductions in percentage-depletion rates for other specific minerals.

CAPITAL-GAINS TAXATION

The alternative capital-gains tax rate (25%) for individuals is raised over a three-year period to 35% for long-term capital gains over $50,000. On long-term capital losses the Act provides a three-year carryback for corporations in addition to the present five-year carry-forward. For individuals, the carry-forward of such losses is limited to one-half of the capital loss.

EMPLOYEE BENEFIT PLANS

Lump-sum payments to an employee from a qualified employee benefit program (qualified pension, profit-sharing, stock bonus and annuity plans) will be taxed as ordinary income and not as capital gain, as to the portion of the distribution attributable to contributions made by the employer.

REAL ESTATE DEPRECIATION

The availability of accelerated depreciation tax deductions on real estate has been substantially restricted as to real property acquired after July 24, 1969. Only straight-line depreciation is available as to used real property except for used residential rental property where a 125% accelerated rate is permitted.

RETIREMENT-PLAN REDUCTIONS

After 1971, limitations similar to those contained in H.R. 10-type retirement plans for individuals will apply to contributions made by Subchapter S corporations to the retirement plans for individuals who are "shareholder-employees." A shareholder-employee, defined as one who owns more than 5% of the corporation's stock, must include in his income the amount by which contributions by the corporation under a qualified plan exceed 10% of his salary or $2,500, whichever is less.

This provision may adversely affect professional corporations that have elected to be taxed under Subchapter S.

INVESTMENT TAX CREDIT

The investment credit has been ended as to property acquired or construction begun after April 18, 1969.

TAX SURCHARGE

The 10% tax surcharge has been extended to July 1, 1970 at a 5% rate. It then terminates.

POLLUTION CONTROL

Special amortization tax provisions are authorized for construction of pollution control facilities that meet minimum performance standards specified by the states according to national guidelines.

PERSONAL TAX EXEMPTIONS

The personal exemptions for individuals are increased. The new amounts: for 1970, $625; for 1971, $650; for 1972, $700; for 1973 and thereafter, $750 per person.

TAXATION OF SINGLE PERSONS

Starting in 1971 there will be new rate schedules which lower the tax rate on single persons significantly. The new schedules will also reduce the tax rates paid by heads of households to make both more comparable to the tax rate paid on a joint return.

MAXIMUM TAX ON EARNED INCOME

There is to be a 50% tax-rate limit on an individual's earned income for 1972 and subsequent years (maximum for 1971: 60%).

INSURANCE REIMBURSEMENT

A taxpayer who receives a reimbursement of actual living expenses from an insurer as a result of damage to or destruction of his residence may exclude such amounts from his gross income.

NEW PENALTY

A new penalty of one-half of 1% a month (maximum: 25%) has been added to the Code for failure to pay taxes shown due on a return—unless the failure is not due to willful conduct or unreasonable neglect.

WHEN ABILITY DOES NOT COUNT

HON. J. HERBERT BURKE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 1970

Mr. BURKE of Florida. Mr. Speaker, it is no wonder that the people of our country become confused with some of our switch-hitting politicians, and this is especially noticeable by the recent actions of some Senators and politicians in connection with President Nixon's nominations to the U.S. Supreme Court.

It is indeed strange that almost every person whom the President has suggested has been attacked by some of our ultraliberal columnists, politicians, and Senators. It must seem strange also for the people to find a former Supreme Court Justice making comment, by way of a personal legal interpretation through the press, concerning a case which is still under appeal.

I refer to the statement made a few days ago by former Justice Arthur Goldberg, that a conspiracy case is brought by a prosecutor only when the prosecutor has no evidence which warrants a conviction of the accused. I am quite sure that this comment is one more attempt

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to whitewash the "Chicago Seven" whose conviction is under appeal and who were released under bond; and who openly acknowledged that their intent was to bring our American judicial system to its knees.

We have had attacks made upon all three of the recommended appointees of President Nixon to the Supreme Court. Chief Justice Warren Burger came under attack but finally was reluctantly accepted by the liberals when they saw that they could not defeat his nomination.

Pressure was put on the President to withdraw his nomination of Judge Clement Haynsworth. Why? The attackers made charges of conflict of interest in two cases. One concerned litigation between a labor union and a textile firm which did business with a vending machine company in which Judge Haynsworth held a one-seventeenth interest. Although Judge Haynsworth cast the deciding vote in favor of the textile company, there was no evidence that he profited from the decision.

The other case was one in which the three-judge panel unanimously made a decision on a case, prior to the time Judge Haynsworth purchased stock in a company in whose favor he had voted. The company was foreclosing a bankrupt bowling alley for money which was owed to the company. After the decision, he purchased stock in the company.

To me, the real fault for the denial of Judge Haynsworth's nomination was simply because he was a conservative southerner.

Now we find Judge Harrold Carswell under attack, only this time the ultraliberals charge that he is a racist, and they predicate their claim on a speech he made while running for political office more than 20 years ago—and further that he sold property in northern Florida which contained a racial covenant in the deed.

In addition, charges of incompetence are now being made against Judge Carswell. They are now being made against a man who was formerly approved by the Senate to sit as a member of the U.S. Court of Appeals.

Is it not strange that those who now charge Judge Carswell with incompetence are the same persons who so openly advocated the appointment of Mr. Francis X. Morrisey, the pal and crony of President John F. Kennedy, who had such questionable legal training but who was nevertheless recommended to sit as a member of the highest court in our land.

It was only after the large public outcry against Mr. Morrisey that President Kennedy withdrew his name from consideration. But certainly the credit for the withdrawal of Mr. Morrisey's name can hardly go to those who then sat in mute silence but who now are so very loud in making known their objections to the seating of Judge Carswell.

Racial covenants in the State of Florida were legal and common practice for many years. In fact, my own home contained such a covenant at one time, as did much of the property in Hollywood where my home is located. It is true that the racial covenant in the deed was released prior to my purchasing the same, but there are many deeds existing in many parts of the country which still retain these covenants, although the Supreme Court has now declared them unconstitutional.

Is it not interesting then that in 1948 one Mr. and Mrs. Joseph Geerart sold to Mr. and Mrs. Hubert H. Humphrey property which contained a racial covenant that in the subdivision, including his own, none of the lots could be sold, leased to, or occupied by any person of Negro blood except as to the occupancy by domestic servants while employed on the premises by the owner.

This covenant remained on Mr. Humphrey's property from 1948 until 1964, when during the political campaign Mr. Humphrey executed a disclaimer on the same.

In 1957, Mr. and Mrs. Carl F. Poehlmann sold the residential property adjoining that of Hubert Humphrey to Senator and Mrs. GEORGE McGOVERN. The property purchased by McGOVERN was also covered by the same racial covenant and yet this great ultraliberal so-called fighter for civil rights lived in this racially protected residence for 12 years, until 1969 when he sold the property. The sale incidentally was made subject to this same racial covenant.

I am sure also many remember that President Lyndon B. Johnson, prior to becoming President, made many racist speeches, especially in 1948 when he ran in Texas for the U.S. Senate at a time when it was popular to talk of white supremacy in the South.

And now, despite all the clucking by these so-called "fighters" against social injustice, who have been vocal in their charges that Judge Carswell is a racist, they have been silent concerning the conduct of Justice William O. Douglas.

Justice Douglas received a total of nearly $85,000 in fees during the period that he acted as president and a board member of the Parvin Foundation from 1962 to 1969. The assets and principal income of the Parvin Foundation came from Las Vegas gambling casino sources. The foundation is presently under investigation by the Internal Revenue Service for falsification of its income tax return.

In addition, Douglas accepted a fee for an article published in the magazine Avant Garde owned by Ralph Ginsburg, who drew a 5-year sentence in 1963 on obscenity charges stemming from his publication. Douglas cast a dissenting vote in the Supreme Court's 5 to 4 decision which upheld Ginsburg's conviction in 1966.

But if this was not enough, all of us should be deeply concerned by the publication of Douglas' book "Points of Rebellion." There certainly is no question that many of the issues are those that are capable of improvement—all sectors of our management, labor, and Government, including the executive and legislative branches. Unfortunately, however, Justice Douglas not only indicates how he would decide cases which would come before him as a member of the Supreme Court involving free speech, dissent and even violence, but he publicly declares encouragement of violence to achieve changes in our society, if peaceful dissent is not effective.

It is true there will be those who argue Justice Douglas' right to his views as a matter of free speech. It is also true that these views from a citizen of the United States are constitutional when made by an average citizen, but Justice Douglas is not an average citizen. When he makes these statements as a member of the Supreme Court, they do grievous harm to our system of government and indeed encourage militancy as a substitute for law and order.

And there we have the politics of how the consideration is made for the appointment of one to sit on the Supreme Court of our land. To many of the ultraliberals, the right to sit on the Supreme Court is not to be judged by one's ability to interpret the law and the Constitution of the United States, nor is it to be in recognition of the courage of a judge nor the need today to return to law and order.

Rather, it is dependent on one's ability to render freewheeling ultraliberal decisions which usurp the legislative authority granted to the legislative branch of our Government under the Constitution and to one who will clothe himself with the judicial robes but who will become a member of the crew whose chart and direction will steer our ship of State into the turbulent waters of socialism.

PRESIDENT NIXON AND EUROPE

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 1970

Mr. ZWACH. Mr. Speaker, President Nixon's skillful handling of foreign affairs is winning wide acclaim throughout the Nation and the world. In this extremely sensitive field, Mr. Nixon has a keen feeling for the viewpoints and reactions of other peoples, and an ability to shape his policies and actions in accordance with these subtle factors.

A notable example of the President's sensitivity in this area is seen in his last-minute trip to New York, at the conclusion of President Pompidou's U.S. visit. The reaction of the Christian Science Monitor, stated in a recent editorial, summarizes well the true statesmanship expressed through this act of diplomacy. I insert this editorial in the RECORD:

[From the Christian Science Monitor, Mar. 7, 1970]

PRESIDENT NIXON AND EUROPE

The wave of praise in the French press for President Nixon's handling of the anti-Pompidou demonstrations has underlined an inadequately understood fact. This is the considerable decline in the volume of Western European attacks upon the occupant of the White House and upon Washington as a whole. And this fact becomes all the noteworthier when it is remembered that Richard Nixon, before his election, was very far from being either a popular or widely respected figure in Western Europe.

To have achieved this lessening of European criticism is a major diplomatic achievement. It is, in its way, as great an accomplishment as has been Mr. Nixon's success in achieving a gratifying high rating in current American public opinion polls.

Plainly, a key factor in this Nixon victory over much of the strong anti-American prejudice existing during the Johnson admin-

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istration is due the present President's success in steadily downwinding American participation in the Vietnam war. Here, of all the things which rubbed Western Europeans wrong, was the worst. Any president, who seemed to fall in line with Europe's own thinking on that war, was bound to benefit.

But this is only a partial explanation. A number of other factors entered in. And, without exception, they are traceable to a shrewd Nixonian instinct for what was needed under various circumstances. His hurried trip to New York Monday to show a special mark of honor to French President Pompidou, who would otherwise have left the country with a bitter taste in his mouth, was a token of this diplomatic fine-handedness.

Another was the unobtrusive way in which he carried off last winter's swing through Western Europe, and above all, the courtesy which he showed toward the then President de Gaulle. The European's new-found admiration for Mr. Nixon's abilities grew with the way in which he handled himself while walking a very slippery diplomatic tightrope on his visit to Romania.

But, foremost of all, is the fact that Mr. Nixon has appeared to studiously avoid either lecturing or pressuring Europe—something of which most Europeans have had their fill since the end of World War II.

American relations with the Continent cannot, by the very nature of today's troublesome world, be all sweetness and light. Disagreements will almost certainly arise to test still further Mr. Nixon's handling of European sensitivities. But this cannot conceal the fact that today, contrary to many persons' expectations, Europe can find very little to be angry with Mr. Nixon about.

BUREAUCRACY BURDEN CONTINUES

HON. ODIN LANGEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 1970

Mr. LANGEN. Mr. Speaker, each day the news media bombards the American people with a numbing dose of statistics—facts and figures concerning expenditures by Government that have become incomprehensible to the human mind. Sad to say, it would seem that we have arrived at the point where the American people accept almost blandly the appropriation of multiple billions of dollars of their hard earned tax money, with program stacked upon program, and agency upon agency. While at the same time, the Congress regards almost with suspicion any appropriation that carries a price tag of less than a billion dollars.

More than ever before, this is a time when we need a sense of national concern. The sobering thought of a $200 billion Federal budget, which proposes an expenditure by Government of $1,000 for every man, woman, and child in the United States at a time when taxes by all levels of government have reached an unprecedented high level and inflation continues to take a painful bite out of the household budgets across this land, must of necessity cause us to wonder, indeed to worry, about the direction in which we are headed.

I wish to share with my colleagues an editorial from the San Diego Union recently brought to my attention. The message is most timely for the understanding of all Americans—to those of us in the Congress, it is imperative:

[From the San Diego Union, Feb. 3, 1970]

BALANCED BUDGET OVERSHADOWED—BUREAUCRACY BURDEN CONTINUES

American people who worry about the rise of a few cents in the price of a pound of hamburger can be forgiven if they do not readily absorb the full magnitude of a $200.8 billion federal budget.

It is an almost incomprehensible sum that is in two major senses a measure of our times.

On the one hand it is a profound barometer reflecting the declining value of our currency, a visible measure of inflation.

On the other it is a mirror of the phenomenal growth of the federal bureaucracy that for a quarter of a century has thrust itself more and more into our lives.

Granted, most functions of the federal government are legitimate, and some increases in the costs of programs are inevitable.

But consider the fact that the federal payroll has increased 100 per cent in the last 10 years, community development and housing outlays are 180 per cent above 1960, health and welfare spending has risen 200 per cent, federal spending for education and manpower has increased 500 per cent and interest on the federal debt is up 85 per cent. At $17 billion a year this represents the third highest single expense item in the budget. The reasons for inflation are obvious.

And while many federal expenses are comprehensible, some are not. Consider the median family income on the Pine Ridge Indian Reservation in South Dakota, which is $1,810 a year. But for each Indian on the reservation the federal government spends $8,040 a year, and there are as many federal employes involved in the project as there are Indians.

The situation is not atypical. The State Department at the end of World War II had 7,632 employes. Today it has six times that number—four times as many workers as there were soldiers in the Continental Army in 1776.

The number of American farms has declined 25 per cent since World War II, but the number of employes in the Department of Agriculture has risen to about 130,000, or one for each 26 farms in the nation. Each federal department in the United States of America has its share of fat. Many grow disproportionately to need.

And the $200.8 billion budget presented this week, despite the fact that it is substantially less than the agencies themselves sought, will still continue the trend of growing intrusion into individual lives and pocketbooks.

As we consider this fact, we could ponder that the wealth of the United States consists of two things—its resources and the individual talents that develop them through ingenuity, initiative and competition.

Each growth of bureaucracy that stands between the resources and the people is a costly middleman.

THE RIGHT TO VOTE AT 18

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 1970

Mr. HUNGATE. Mr. Speaker, the question of the voting age is much before Congress at this time and I would call attention to the following study of the problem:

[From Trial Magazine, February/March 1970]

THE RIGHT TO VOTE AT 18

(By Bruce K. Chapman, Former National Director Ripon Society, Cambridge, Mass.)

The law discriminates against youth—particularly against those aged 18 to 21. Adult demands are made on them, but adult rights and privileges often are denied.

These young men and women are subject to trial as adults, but may not serve on juries. Men under 21 may be inducted into military service, but the law prohibits anyone under the age of 30 from serving on a Selective Service Board. Soldiers on leave find that they are not permitted to rent automobiles, unless they have local credit; in some places they must be 25 to rent a car even with credit.

The principal discrimination, however, is the exclusion of otherwise adult young people from legitimate participation in the democratic process. In all but four states, they may not vote. As Les Francis of the National Education Association has noted, in California a person may teach high school civics before he is able to vote!

The right to vote is society's most conspicuous symbol of adult treatment and adult prestige. The fact that a large share of youth is denied this privilege is a main source of distress.

In practice, close to 12 million American citizens between the ages of 18 and 21 lack a political voice in decisions that could affect them vitally and immediately. It is not understandable, if not excusable, that many resort to extra-political and even extra-legal methods to make themselves heard?

Years ago, it may have made good sense to postpone the right to vote. Today, however, when a majority of young people have high school diplomas and some already have college degrees, it is poor public policy to start the franchise at 21. In fact, some men and women must wait until they are 23 before they are allowed to cast their first ballot: i.e. those whose 21st birthday falls in December of an election year.

Why should a 20-year-old political science major at a university be denied a ballot when a 50-year-old functional illiterate who has finished the sixth grade is permitted to vote? Is this fair?

The Gallup Poll has surveyed public (adult) opinion on the issue of the 18-year-old vote for many years. In 1939, only 17% approved; in 1967, 64% indicated they favored the extension.

In two states—Georgia and Kentucky—one may vote at 18. In Alaska one may vote at 19 and in Hawaii the right starts at 20. In 1968, the voters of Hawaii, North Dakota and Nebraska narrowly defeated referenda on 18-year-old voting, and in 1969 New Jersey rejected 18 as the voting age and Ohio rejected 19.

Nevertheless, more and more people are pursuing the right-to-vote issue than ever before. Most of them are moderates who wish to show that the system is receptive to legitimate claims. In the past year every state government except that of Mississippi gave attention to the question.

By May 1969, the Montana and Wyoming legislatures had passed referenda onto the voters for decision in 1970, and Nevada's lawmakers were set to reapprove 18-year-old voting in the 1970 session prior to submission to the voters.

Governor Nelson Rockefeller of New York has announced he will ask the legislature to approve a constitutional amendment putting the question on the ballot. In his words:

"Clearly, today's 18-year-olds are educated, responsible and mature. Beyond that, they show a deep concern for, and understanding of, the contemporary problems of America. . . . In New York State, there are nearly a million young people within this age bracket [18 to 21]. And of these 67% have been graduated from high school, 66% of these high school graduates are going on to higher education, more than 50% are employed and pay taxes, nearly 20% are married and have assumed family responsibilities. The entire male population is, of course, subject to the military draft and nearly 70,000 New Yorkers under age 21 are now serving with the armed forces."

Numerous federal constitutional amend-

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ments have been introduced to guarantee the 18-year-old vote nationally—most recently Resolution 8 of January 12, 1969, sponsored by Majority Leader Mike Mansfield (D-Mont.) and the late Minority Leader Everett M. Dirksen, among other senators. President Truman opposed the vote for 18-year-olds, but the late President Eisenhower declared bluntly:

"If young men 18 or 19 are old enough to . . . fight their country's battles . . . then they are old enough to take part in the political life of their country and be full citizens with voting powers."

Presidents Nixon and Johnson and presidential candidates Humphrey and Goldwater all endorse the 18-year-old vote. The implementation of these leaders' view on youth has yet to eventuate.

It is interesting to consider how the age of 21 became accepted as the age of majority in America and in most of the Western world. (Eight Communist countries and eight South American nations permit voting at eighteen.)

In ancient Rome, a person was presumed to have sufficient judgment and understanding at age 14. In England before Magna Charta the age of majority was probably 15. Majority was then raised to 21, but according to recent study:

"[There] is evidence that this raising of the age was due not to a decrease in the maturity level of the youths of England, but to an increase in the weight of arms and armor and increased training necessary to use improved implement of war." (Note, 41 *Indiana L.J.* 139 (1965)).

Since ability to bear the weight of armor is hardly a significant test of maturity today, there would seem to be nothing sacred about age 21 for receiving the privileges of majority.

The British have, in fact, acknowledged the irrelevance of this criterion. On January 1, 1970 the age of majority was lowered to 18, giving 2.25 million youths the right to vote, to marry without parental consent and to buy on the installment plan.

In the United States, it seems education has already lowered the age of maturity from the average of 21 to 18.

Why 18, rather than 19 or 20, or for that matter, 16 or 17? In my judgment, 18 has become the natural dividing point in life. At 18, one is tried in court as an adult, qualified to marry without parental consent in most states and eligible for civil service.

The observation of former U.S. Senator Thruston B. Morton of Kentucky, a state that permits voting at 18, is enlightening:

"It has been my experience in Kentucky that the dropouts, the kids that are sent to reform school and the general deadbeats don't register and don't participate in political activities. The high school graduates, especially those that go on to college, do take advantage of the voting privilege. . . . From a standpoint of intelligence and educational background, they are probably better qualified to pass judgment on issues and to assess personalities than the average voter in the state."

Countering this stand is the charge that 18-year-olds lack the judgment and experience demanded of citizens in a free society. It is interesting to note that this is virtually the same argument raised against the enfranchisement of women 50 years ago, the enfranchisement of freed slaves 100 years ago, and the enfranchisement of men who didn't own property 150 years ago. All those groups probably were qualified in any case; through the act of exposure to the responsibility of the ballot they determined to become intelligent participants.

The proponents' argument that the duty to bear arms at 18 qualifies a man to vote has been legitimately criticized. As Rep. Emanuel Celler said in a radio debate some years ago: "To say that he who is old enough to fight is old enough to vote is to draw an utterly fallacious parallel."

However, anyone who is vulnerable to a law that can conscript his labor and to a government policy that can send him to war, should have a role in electing the men who make the laws and policies There might be less draft resistance, flight to Canada and draft-card burning if young people did not feel impotent to change the government's mind through the normal channels where they are totally without representation. Dr. Henry David Aiken of Brandeis University has written:

"I say . . . that if youth are old enough to go to jail for burning their draft cards, they are old enough to vote. If they are old enough to grasp the nature of mechanized and automated warfare, and to participate in it, they are old enough also to participate in something more than Young Republican and Young Democratic clubs in their schools and colleges."

Former Congressman Tom B. Curtis (R.-Mo) has opposed the vote for 18-year-olds because it would bring political organizations on to college campuses "I would much prefer to leave the first four years of higher education from these mundane tangles. There is time enough to get into the struggle."

Time enough for whom? Youth already feel caught up in the struggle. It would be an enormous plus for the political parties to come onto the camps in force. Students who now feel they must spin off into groups that demonstrate publicly in order to be heard might find the regular political apparatus more open to their grievances and needs That sort of constructive outlet is sorely needed.

The President should consider appointment of a Commission on the Age of Legal Maturity, with half its members from the 18–30 age group.

Legal rights for 18 to 21-year-olds—jury duty, the right to inherit and to will, and especially the vote—probably are essential to healing the breach between the generations. The leaven of new voters could change and improve the entire nature of American politics, and through it, the national policies that directly concern disenfranchised millions.

INVESTIGATING THE NATIONAL COLLEGIATE ATHLETIC ASSOCIATION

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 1970

Mr. MICHEL. Mr. Speaker, since introducing a resolution calling for a special committee to be set up for the purpose of investigating the National Collegiate Athletic Association, we have received expressions of interest and support from all sections of the country. The most recent is a copy of a letter to President Nixon from Mr. Daniel H. Jenkins, a graduate of Penn State University, calling attention to another example of the inconsistent and puzzling policies of the NCAA. I insert the letter in the RECORD at this point:

MARCH 5, 1970. .

Hon. RICHARD M. NIXON,
President of the United States,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: Yes, I am a graduate of Penn State, 1923.

I had expected that long 'ere this, that the President of the University of Texas would have declared every football game in which James Street had played this past year, forfeited to the teams against whom he played. You should demand the Plaque which you gave the University of Texas honoring them for being the Number One Football Team in the United States.

Mr. James Street was ineligible to play with the University of Texas Football Team this past Fall because of his flunking his courses, by his own admission, and unable to take the final examinations because, if he did, he would flunk them, which would prevent him from playing baseball with the University of Texas baseball team this Spring. A sad commentary on the educational system of the University of Texas.

In view of what the National Collegiate Athletic Association has done to Yale University by putting them under a two year probation for permitting one of their players to play in the Maccabiah Games in Israel last August, I can not understand why they haven't moved against the University of Texas. Too, where has the Amateur Athletic Union been all this time and does the Southwestern Conference, of which the University of Texas is a member, permit professionalism in its Conference.

I say professionalism because in my judgment, James Street definitely is a professional. He had a Scholarship to secure an education because of his ability to play Football. However, it turned out that his Scholarship was for the sole purpose of playing Football and not to secure an Education.

Certainly, each of his Professors knew that, Academically, Street was ineligible to play Football. His Coach must have known it and if he didn't he should have. How the President of the University of Texas could not have known it is a mystery, and, having known it and not done anything about it, is vicious cheating tantamount to fraud.

Jim Thorpe, in spite of his fame, had all of his Olympic Medals withdrawn from him because of his playing semi-professional baseball one Summer before the Olympic Games. Several College Basketball Players were arrested and fired from College because they shaved points. Even in Professional Baseball, the members of the White Sox Baseball Team involved in the so-called 'Black Sox' Scandal were removed from Baseball and disgraced forever. Paul Hornung, the Great Green Bay Packer's half back was penalized one year for an indiscretion and now it looks as if Dennis McLain, the outstanding Pitcher for the Detroit Tigers, will be removed from Baseball forever.

It would seem to me that if the President of the University of Texas had any decency in his body, of any nature whatsoever, he would return the Plaque to you and apologize for the inexcusable actions and conditions which may or could be commonplace in the Southwestern Conference.

Respectfully submitted,
DANIEL H. JENKINS.

P.S.—I am sending copies of this letter to the President of the University of Texas, the Head Coach of the University of Texas Football Team, Mr Street, The Governor of Pennsylvania, The Honorable Raymond P. Shafer, Head Coach Paterno of Penn State University, our local Newspapers, together with copies to the Congressman from Illinois, The Honorable Robert H. Michel, The Executive Director of the National Collegiate Athletic Asso., and the Executive Director of the Amateur Athletic Union.

D. H. J.

LEGISLATION TO DEAL WITH OBSCENE MAIL

HON. G. WILLIAM WHITEHURST

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 1970

Mr. WHITEHURST. Mr. Speaker, the growth of pornography and the increase of crime have gone hand in hand. The liberalized interpretation of obscenity laws has allowed the growth of pornography to the point where it is coming through the mail unsolicited, and our children are having pornography facing them at newsstands.

I have introduced legislation to deal with obscene mail, H.R. 13372, and urge the Committee on Post Office and Civil Service to act quickly on the bill.

The people are making their voice heard. One such group is the Coleman Place Parent Teacher Association of Norfolk. They have forwarded to me a copy of their resolution to the Virginia PTA urging that action be taken by the Supreme Court, Congress, and the Virginia General Assembly. I would like to share this resolution with my colleagues, and insert it at this point in the RECORD:

RESOLUTION OF COLEMAN PLACE PARENT TEACHER ASSOCIATION OF NORFOLK

Whereas, Pornographic materials are increasingly available to young people today, and misdirect naturally inquiring minds and hinder the development of satisfactory habits, healthy attitudes, and normal relationships; and

Whereas, Exposure of children and adolescents to pornographic materials can nullify the best efforts of parents, schools, and religious and social organizations to provide wholesome and responsible sex education of young people; therefore be it

Resolved, That the Virginia PTA go on record as encouraging the Supreme Court of the United States of America to refuse to review individual works to determine whether or not they are pornographic, and, be it further

Resolved, That the Virginia PTA go on record as encouraging the Congress of the United States of America to pass a law, or if necessary to institute proceedings for a Constitutional Amendment, empowering the highest courts of the 50 states, or subsidiary courts nominated by the states, to serve as courts of last appeal as to whether a work is pornographic. The United States Supreme Court would continue, of course, to review the legal proceedings of such courts to ensure protection under the law, but it would no longer be allowed to go behind the lower courts findings of facts. Thus, each state would return to the principle of "applying contemporary community standards" in judging pornography. Trials would be by a jury of citizens, who would be presumed to know what the standards of *their* community are, and be it further.

Resolved, That the Virginia PTA urge the General Assembly to enact adequate legislation for controlling the accessibility and distribution of pornographic materials; and be it further

Resolved, That copies of this resolution be sent to the General Assembly; and be it further

Resolved, That this resolution be submitted to the Resolutions Committee of the National PTA for appropriate action.

NEW MACHINERY TO STOP STRIKES

HON. SHERMAN P. LLOYD

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 1970

Mr. LLOYD. Mr. Speaker, although this Congress has extended negotiations temporarily in the railroad labor dispute, wildcat strikes are impeding transportation of freight, according to letters received in my office.

Adding to the threat of a nationwide railroad strike is the impending threat of a strike in the trucking industry at the end of this month.

This emphasizes the need for our early consideration of the President's proposals to deal with nationwide strikes in the transportation industries.

I have previously inserted editorials from many of the Nation's leading newspapers supporting the President's proposals, and the following editorial from the Chicago Tribune is also on target:

[From the Chicago Tribune, Mar. 1, 1970]

NEW MACHINERY TO STOP STRIKES

President Nixon has asked Congress to enact sweeping new legislation to prevent disastrous strikes or lockouts in the transportation industries—railroads, air lines, maritime, longshore, and trucking. He pointed out that work stoppages in these industries are more likely to imperil the national health or safety than stoppages in other industries.

"Yet it is in this same transportation area that the emergency procedures of present laws . . . have most frequently failed," he said.

The President was never more right. The railway labor act has broken down so often that its emergency procedures have become worse than useless. Another crisis is due next week in the long-threatened strike of the shopcraft unions, which was averted by a court order late last month. Contracts of the teamsters union expire March 31, when the trucking industry is expected to resist demands for a 75 per cent wage increase over three years.

President Nixon proposes a new approach to the problem, to be used after extended cooling-off periods and mediation efforts have failed. The President then would be empowered to give each of the parties three days to submit final offers to the secretary of labor. There would be five more days for negotiations, after which a three-member panel would study the final offers and choose one of them, declaring it to be the final and binding settlement.

Labor union leaders have always been strongly opposed to such binding arbitration. At their recent meeting in Miami Beach they made it clear that they not only were against tighter regulation of national emergency strikes; they want Congress to eliminate the existing curbs in the Taft-Hartley and railway labor acts.

Most of industry also has been against laws requiring binding arbitration, but the railroads are an exception. Time and again they have accepted the findings of Presidential emergency boards, only to have the findings rejected by the unions. Twice Congress has imposed compulsory arbitration after board reports were turned down by the unions. The railroads, discouraged by their experience, want a permanent arbitration procedure for all disputes.

In recent years leaders of industry have been dismayed by a tendency of union members to reject contracts agreed upon by their designated representatives. This is what happened in the rail shopcraft dispute, which involved four unions. Their representatives approved a contract and agreed that the wage provisions were generous. Members of three of the unions ratified the settlement, but the fourth union—the sheet metal workers—turned it down because of a change in work rules which would have improved efficiency.

The national mediation board, in its last annual report, took note of the practice of rejecting contract settlements and declared: "The board deplores the failure of the parties to cloak their representatives with sufficient authority to conduct negotiations to a conclusion."

The Nixon administration has followed a policy of nonintervention in labor-management disputes. The policy is sound, except when strikes affect the national welfare. If Congress rejects the President's proposals for settling such disputes, it will find them on the doorstep anyway. They simply can't be tolerated.

MANPOWER FOR ENVIRONMENTAL PROGRAMS

HON. SAM GIBBONS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 1970

Mr. GIBBONS. Mr. Speaker, our expanding efforts to control and abate pollution, call for increasing control technology. Throughout the country, more and more industries are investing in air pollution control equipment, waste treatment installations, water purification and cooling equipment, dust collectors and recycling mechanisms; municipalities and counties are turning to intensified use of monitoring stations, landfill operations, improved sewer and sanitation facilities, and better incineration practices. Because we are finally realizing that our resources are not limitless, new technology is becoming available for recycling and reuse of many materials used in fabricating, manufacturing, and processing operations.

The proliferation of these devices and installations is coincident with the programs in our institutions of higher education which have begun to motivate and train their students in the crafts of proper environmental management. Engineering schools, and departments of chemistry, physics, and biology, for instance, are graduating professionals who are capable of designing, installing and managing pollution control installations for both government and private enterprise. Indeed, the title: vice president, environmental management, may soon become an accepted and expected component of the professional roster of every sizable industrial enterprise.

However, despite the increasing availability of both the technology and the professional personnel, we face a problem which still remains to be solved; adequate manpower to operate, repair and service pollution control plants and machinery on a day-to-day basis. These persons need not be college graduates, but they must have sufficient education to understand the sophisticated machinery and instrumentation to keep such installation in good working order and insure continuous efficient performance which is as essential for them as much as it is for the operation of the industrial process it is connected with. Very soon, an industrial or municipal operation will be only as effective as the pollution abatement and control equipment which serves it.

I believe that one promising source of workers capable of operating pollution control equipment and instrumentation is the high school graduate who has received specialized training for another year or two in a vocational training institution or junior college in his community. He needs an incentive to tackle this type of additional training instead of entering the job market directly upon graduation from high school, for he probably has to earn a living immediately, and he should therefore be paid while training. As a matter of fact, the second half of his training should probably take place on the job, paving the way for independent work while under the supervision of an experienced man who is familiar with all phases of an operation and can impart his knowledge to a trainee.

A very fine vehicle to provide the training needed for workers in the antipollution field is the Manpower Development and Training Act. This legislation reaches right down to the community level, providing education and training to all classes of workers. They need not have college degrees nor special educational backgrounds to be considered for training under the Manpower Act. Persons who can be qualified to fill the shortages of personnel to operate antipollution devices can be sought out and trained.

As the communities and regions move into more programs to save our environment, more workers will be needed at the operational level. I believe the Manpower Development and Training Act can provide the impetus we need to be assured of trained workers.

The bill I am introducing today would amend the Manpower Development and Training Act by authorizing the Secretaries of Labor and of Health, Education, and Welfare to develop and carry out programs under the act in order to train individuals for employment in the maintenance and operation of sewage treatment works and air pollution control facilities.

Funds in the amount of $10,000,000 to carry out and develop the needed manpower programs would be authorized for fiscal year 1971, and for the 2 succeeding fiscal years.

As a former member of the House Education and Labor Committee, I helped in developing this legislation and believe it has been instrumental in providing trained persons for many vital job classifications. For instance, a recent Budget Bureau publication states that the Department of Labor through its Manpower Development and Training Program supports the training of the greatest number of paramedical personnel of any Federal agency. I believe we can do the same for our environmental programs. Certainly the need is great in this field.

FEW SEE NEED OF GOP CONGRESS

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 1970

Mr. HUNGATE. Mr. Speaker, yesterday morning's Washington Post carried an article I am sure will be of interest to all students of government

FEW SEE NEED OF GOP CONGRESS

(By Louis Harris)

In the first test run in the 1970 off-year elections, the Democrats hold a substantial 46 per cent to 33 per cent lead over the Republicans for Congress, with a sizable 21 per cent of the voters undecided. If the final voting for the House of Representatives parallels these trial run results, then the Democrats would maintain control of the House by approximately the 50-vote margin they now hold.

There appears to be only a minimum of support for the proposition that President Nixon, a Republican, should be backed up by a Republican-controlled Congress. When the cross-section of 1,341 voters was asked directly about it, only 36 per cent replied that they think it best to have a President and Congress of the same party, 32 per cent believe it is a good idea to have them from different parties, and 24 per cent say it doesn't make much difference either way.

The cross-section of likely voters was asked:

"If the 1970 vote for Congress were being held right now and you had to make a choice, right here in this district would you vote for the Democratic or Republican candidate for Congress? And (if undecided) Well, if you had to say, which way you would lean—toward the Democratic or Republican candidate for Congress here in this district?"

Vote for Congress

[In percentage]

	Total voters
Democratic	46
Republican	33
Not sure	21

The survey also asked the cross-section: "Do you feel it is better to have a President and a Congress controlled by the same political party, or is it better to have the President of one party and Congress controlled by another party, or doesn't it make much difference?"

Same or different?

[In percentage]

	Total voters
Both same party	36
Different parties better	32
Not much difference	24
Not sure	8

VIOLENCE IN AMERICA

HON. RICHARD H. ICHORD

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 1970

Mr. ICHORD. Mr. Speaker, the tactic of violence and disruption recently erupted in a manner to shock the Nation at Santa Barbara, Calif., where more than 800 protestors surged through the streets near the University of California throwing rocks and bottles, overturning a police car, and burning the nearby branch of the Bank of America until only a gutted skeleton remained.

The Bank of America, in a full-page ad that appeared in the Washington Evening Star of March 6, 1970, took a hard look at the riotous demonstrations and issued a statement that gets right to the heart of the matter. The ad pointed out:

> All of us, young or old, liberal or conservative, have for too long been silent on the issue of violence.

It further noted:

> Let us, as a Nation, find once again our ability to distinguish between protest and revolt; between dissent and chaos; between demonstration and destruction; between nonviolence and violence. Let us cease to condem those who disagree with us, but let us also be prompt and resolute in putting an end to violence in our land.

I could not agree more. The time has come to put an end to this type of anarchy. Ostensibly these riotous demonstrators were attacking the bank to dramatize their displeasure with the problems of our society. As has happened in so many other cases, those who are bent on violence commit their depredations without any sensible, reasonable motivation for their actions. Undoubtedly, there is a cause and case for those who participate in this disgraceful uprising, but let us recall once more the words of Abraham Lincoln:

> There is no grievance that is a fit object of redress by mob law.

I believe it is important that all Members of Congress and the public be informed about how far certain elements in our society will go to achieve their purpose—and how complete is their attack on our institutions. I commend the statement made by the Bank of America. I think it would be well if others would study the statement. I request to have it printed at this point in the RECORD:

VIOLENCE IN AMERICA: ONE COMPANY'S POSITION

Isla Vista, Calif., population 11,250. The business district consists of a couple of gas stations, a few small shops, some real estate offices—and a bank. A large campus of the University of California is nearby. All in all, a normal American suburban community—perhaps very much like the one you live or work in. Normal, that is until Wednesday, February 25, when violence shattered the peaceful calm of Isla Vista.

At about 8:30 p.m. on the night of February 25, rampaging demonstrators—students and non-students—protesting the "capitalist establishment" converged on the community's small business district.

Several protesters rolled a gasoline-soaked trash bin through a smashed front door in a Bank of America branch and set it ablaze. Other students extinguished the fire. But just before midnight, with the angry crowd in a frenzy, the branch was set ablaze again. While police and fire officials were held at bay by a rock-throwing mob, the bank was gutted by fire and totally destroyed. A police patrol car was overturned and burned. Numerous other fires were started. Windows were smashed and life and property threatened.

These events took place in a community called Isla Vista. They could have happened in your community. They can happen anywhere and with even more disastrous results.

Why did the eruption in Isla Vista take place?

Participants in the violence say it was a protest against the "capitalist establishment," "the war in Vietnam," "the Chicago trial," "student repression," "police brutality," and a list of other grievances against America in 1970. Some of these grievances are real, some are fanciful and others are false. But all deserve to be aired. To the degree that they are not aired, are not taken seriously, Americans break faith with their young.

But all Americans, young and old, liberal and conservative, lose by violence. Violence and destruction are the seeds of anarchy and tyranny—whether it be the tyranny of the extreme right or the extreme left.

We believe the time has come for Americans to unite in one cause; a rejection, total and complete, of violence as a means of political dissent.

All of us, young or old, liberal or conservative, have for too long been silent on the issue of violence. We have been afraid of labels or slogans that would brand us as either arch conservatives or traitors to a liberal cause.

Such sloganeering does all of us a grave injustice.

Let us, as a nation, find once again our ability to distinguish between protest and revolt; between dissent and chaos; between demonstration and destruction; between non-violence and violence.

Let us cease to condemn those who disagree with us, but let us also be prompt and resolute in putting an end to violence in our land.

To this end we applaud the courageous response of many dedicated public officials. They deserve the cooperation of all citizens. They will have ours.

Every American has a right to walk the streets in safety. No polemic should be allowed to obscure this right. Your wife or husband, son or daughter ought to be safe in visiting a supermarket, a filling station or a bank—regardless of whether another may choose to reject that institution as an onerous symbol.

It is for these reasons that we plan to reopen our Isla Vista branch on Monday, March 9. We realize that there is danger in this course of action. But we believe the greater danger to ourselves and to all of the people in this nation is to be intimidated by mob violence. We refuse to be so intimidated.

Is the branch worth this much? In monetary terms, the answer is no. It is not, and never has been particularly profitable. But it is there to serve the banking needs of the community and we refuse to be driven out of any community by a violent few.

Is this a bad business decision? Perhaps in a narrow sense it is. But we believe that at some time and in some place Americans must decide whether they intend to have their decisions, indeed their lives, ruled by a violent minority.

We are but one bank, but we have decided to take our stand in Isla Vista.

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RESEARCH TRIANGLE INSTITUTE WORKS ON NATION'S PROBLEMS

HON. NICK GALIFIANAKIS

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 1970

Mr. GALIFIANAKIS. Mr. Speaker, I should like to call to the attention of my colleagues in this body a recent progress review of one of our Nation's finest resources, the Research Triangle Institute, which I am proud to say is located in the heart of my congressional district in North Carolina.

As we take the first step into this decade of the 1970's, with new priorities, problems, and objectives, Research Triangle Institute is already making gigantic strides toward their establishment, solution, and attainment.

In documentation of this statement, and with a resounding vote of confidence for RTI's president, George R. Herbert, and the numerous other dedicated public servants who have contributed toward the success of this facility, I insert in the RECORD an article which recently appeared in my hometown newspaper, the Durham Morning Herald:

[From the Durham Morning Herald, Feb. 8, 1970]

RESEARCH TRIANGLE INSTITUTE WORKS ON NATION'S PROBLEMS

RESEARCH TRIANGLE PARK, N.C.—"Our first and primary purposes are to perform effective scientific research services for industry and government to help achieve national goals, and to aid in the advancement of human and economic development in the Research Triangle region and all of North Carolina." *Research Triangle Institute statement of basic operating policy.*

Turning steeply into the 1970s with new priorities, problems and objectives, the nation and state can find Research Triangle Institute already at work on many of them.

Education research, population and family planning studies, air pollution control, advances in medicinal chemistry and health care systems, aid and surface traffic safety, and planning for sound economic growth are among the most important tasks facing the U.S. and North Carolina in the decade ahead. President Nixon highlighted some of them in his January State of the Union message.

In all these areas, the needed action programs will have to be based on exhaustive research and analysis. All are areas in which Research Triangle Institute is heavily engaged.

RTI's year-end operations report heralded an increasing emphasis on the social sciences and public affairs research. The report showed RTI with steadily expanding revenues from research contracts that reached $7.8 million for calendar 1969, an eyecatching increase of 40 per cent over the previous year. Personnel rose from 350 to a payroll equivalent figure of 422 permanent, full-time employes in professional, technical and support categories.

Two-thirds of this staff and program effort was keyed directly towards attainment of social goals and to defining future economic needs and opportunities in North Carolina and the nation.

NEW GROUPS FORMED

Organizational changes made during the year to support the effort included the formation of several new subgroups within Research Triangle Institute's structure. These are new economics and health services sections, an office to aid in planning for state and regional development programs, and a population planning and population statistics group. Research on transportation and traffic systems also received attention on an Institute-wide basis.

Still in its initial stages was another new activity being formed to work with government regulatory agencies and manufacturers on problems relating to standards for the qualification and testing of medicinal drugs, pharmaceutical compounds, food and fuel additives, agricultural and industrial chemicals, and other products.

The expected development of this program is typical of RTI's problem-solving approach that cuts across and combines several scientific disciplines. The Institute's ability to assemble teams of researchers from a variety of specialized disciplines and backgrounds is especially apparent in studies on air pollution, medical systems, population and transportation.

"This flexibility, adjusting our sights in keeping with national priorities, is one of the invaluable assets that can be offered by organizations like RTI," says Institute president George R. Herbert.

He adds, "With the skills, experience, and personal interests of our staff, we have both the obligation and the desire to put our resources to work in research that will help to improve the quality of life and community well-being in all those subject areas where we have or can develop professional competence."

NATIONAL ASSESSMENT

Leading examples are in two education research projects. On a nationwide basis, RTI is conducting a survey of educational progress in the nation's schools. In North Carolina a data base is being developed that forecasts occupational categories and job requirements to aid the state in planning future directions for its community college system.

Started last winter under sponsorship of the Education Commission of the States, the national assessment is unprecedented in scope, method and purpose. Instead of comparing separate groups of students, or grading the educational achievement of certain individuals, the survey is concerned with over-all national averages.

In this it is like the consumer price index that measures changes in the cost of living, or bureau of labor statistics that show employment and wage levels as national averages.

The study covers schoolchildren and young adults in four age groups and will be conducted in successive six-year cycles. Approximately 90,000 individuals in 700 communities throughout the country participated in the study last year. With the first six years as a starting place, the results of later cycles will give educators a yardstick for measuring how much progress is being made in the nation's education programs, how much our students are learning, and how much improvement they are showing.

Sample survey specialists and statistical analysts at Research Triangle Institute began preparatory planning for the assessment in 1967. RTI was selected to do the work because of its national reputation for excellence in designing and carrying out reliable sampling studies in such areas as population trend analysis, economic indexes, health statistics and agricultural surveys.

Study results and the census-like data obtained from the assessment are seen as significant aids to schools of education, teacher training programs, local school officials, legislators and others concerned with future generations of students.

STATE PLANNING

For the State Board of Education, Institute economists are developing a long-range strategic planning model for North Carolina's community colleges. It includes analyses of projected changes in the state's population mix, employment categories, and job requirements and skill levels. The study is based on community college planning needs for estimates of the numbers and kinds of job openings that will occur through 1980, the amount of education they will require, and the availability of trained personnel.

It is one of a series of state planning projects at Research Triangle Institute that deal with recreation potentials, state park and state forest development, county population growth and employment levels, and forecasts of statewide economic activity to aid state agencies in making the most effective use of human, financial and natural resources.

INSTITUTE ORGANIZATION

These are among the research fields in which RTI has experienced solid growth and has achieved an established performance record during its 11 years of existence. Others are chemistry, biochemistry and pharmaceutical research, solid state physics, operations analysis, engineering, civil defense, the reliability of electronic systems and parts, polymer science and industrial processes.

Its programs span the physical, life and social sciences, and are organized into five major administrative groups. Individual projects and studies, however, routinely call upon the talents and skills of departments and sections within more than one of the major divisions and laboratories.

Three-quarters of RTI staff members have professional or technical training. Representing some 70 different graduate fields, 220 Institute researchers hold one or more college and university degrees, an unusually high ratio.

During the past year research was in progress in 164 separate project assignments. Working under contract with clients who have sought Institute research services, RTI has conducted over 500 projects since 1958.

Clients have included departments of federal, state and local governments, foundations, public service agencies, and industrial sponsor ranging in size from small companies to national corporations. Positive steps are now being planned for the near future to expand RTI's role in research for industry.

Cumulative contract billings over the Institute's 11-year life now amount to slightly more than $34 million, virtually all of it circulating through the state in the form of salaries, wages, and local purchases of materials and services.

Project performance varies widely in duration, effort and cost. Some projects call for only a few days or weeks of professional time, with costs of up to several thousand dollars.

Others are continuing programs that extend over four to five years or longer, with annual costs high into the hundreds of thousands.

MEDICINAL CHEMISTRY

These include research on fibers and other polymer-based materials, microelectronics, civil defense planning, information systems design, census evaluations, space engineering, air pollution and others.

Prominent among them, and gaining increased attention and effort, are long-term chemistry research programs in cancer chemotherapy and drug metabolism.

One aspect of cancer research is based on the idea that the plant kingdom may be a fertile source of many novel chemical compounds, some of which may have unusual anti-tumor properties. More than 5,000 plant samples have been investigated and analyzed at RTI in a program started nine years ago for the Cancer Chemotherapy National Service Center of the National Institutes of Health. Several chemical compounds thus obtained have shown promising experimental results. One of them, a hitherto unknown alkaloid called camptothecin, was successfully isolated and identified by Research Triangle Institute scientists. The substance showed significant potency against leukemia in experimental tests and has been the subject of intensive studies in a number of research laboratories since 1966.

Another program centers experimental activity on nitrogen mustards, a class of chemical compounds that were among the first synthetic agents to be used in cancer chemotherapy. Use of these agents in medical treatment, however, has been complicated and handicapped by their toxicity. Investigations at RTI have resulted in new steroid and nitrogen mustard combinations that show a reduction in toxic effects.

Public interest and controversy about the use and consequences of anti-fertility steroids (the pill and other drugs have led to major laboratory efforts at RTI and other organizations under sponsorship of the National Institute of General Medical Sciences and National Institute of Mental Health. When drugs are ingested by the human system, they frequently undergo complex, enzymatically-induced changes. The resulting products are called drug metabolites. Analyzing the chemical changes that take place and studies to trace the short- and long-term metabolic effect of these materials in the body are receiving major attention in RTI's chemistry and life sciences laboratory.

STARTED BY UNIVERSITIES

RTI was established by joint action of the University of North Carolina at Chapel Hill, Duke University in Durham, and North Carolina State University at Raleigh. The three schools are anchors at the points of the Research Triangle and have led development of the area as one of the world's leading science centers.

RTI was conceived as an integral component of the Research Triangle concept and as the focal point for building a new dimension of scientific enterprise into the economic, social, and educational life of North Carolina.

The Institute stands today as the namesake and symbol of regional growth. Although a separate organization with its own staff and facilities, and responsible for supporting itself through earnings from research operations, RTI maintains close affiliations with its parent universities. Half of the seats on RTI's board are held by university representatives, including the presidents, chancellors and other academic officials from all three campuses.

Also on the board are the institute's president, and executives and corporate research officers elected from business and industry.

On its 200-acre campus at the heart of the Research Triangle Park, RTI has a capital investment of nearly $4 million in buildings and equipment, with a new million-dollar laboratory now under construction and scheduled for completion early next year. The new structure is being made possible with the assistance of large gifts from retired industrialist Grover M. Hermann of Chicago, and Durham businessman and civic leader George Watts Hill.

STATE GRANTS

These and other gifts and contributions supplement the income that Research Triangle Institute generates through its research contracts. Like any other business, RTI has to show a year-end surplus to stay in operation, to grow and to develop the programs for fulfilling its role in the research industry and the regional economy.

However, RTI has no endowment or other regular source of outside income. It depends for growth entirely upon its own resources.

The State of North Carolina has aided Institute programs through grants for scientific equipment in RTI laboratories. A $160,000 equipment grant was announced in December by the State Board of Science and Technology. A part of the funds will be available during the current fiscal year and the balance in 1971.

Combined with earlier grants and appropriations from the Science and Technology board and the General Assembly in 1959, 1963 and 1967, the action brings total state awards to $860,000. The funds are specified for use in the purchase of laboratory and other scientific equipment.

Against RTI's cumulative revenues of $34 million, the return on public investment is highly favorably in terms of value received.

Initial funding to launch Institute operations at the end of 1958 was provided by a half-million dollar grant from the Research Triangle Foundation.

FACILITIES

Grants and RTI's earned surpluses have enabled the institute to build an excellent complement of specialized and general research equipment. It includes electron microscopes, gas liquid chromatography, infrared, nuclear magnetic resonance equipment, X-ray diffraction units and many other items.

The Institute has its own research computer, with full-time staff, and also has access to the giant Triangle Universities Computation Center located near RTI's campus in the Research Triangle Park.

Another special facility that underscores the close relationship between the Institute and the Triangle universities is a regional mass spectrometry center established at RTI and operated by the Institute in conjunction with chemistry departments at the three schools.

HEALTH RESEARCH

The universities and the Institute work together in many ways. Senior RTI staff scientists hold adjunct faculty appointments, faculty members from the schools are often involved in the projects as consultants and a growing number of research programs are undertaken jointly by the Institute and graduate departments at one or more of the three schools.

Research Triangle Institute's proximity to the medical centers at Duke and the University of North Carolina at Chapel Hill is of special importance as RTI expands its activities in health and medicine. About a half of current Institute projects are in health-related fields.

In addition to cancer and drug metabolism, these include work in progress on antimalaria compounds, hospital services, medical care costs, health manpower training and allocation, improved surgical and prosthetic materials, and community health care systems. In kidney disease research, Institute chemists are working towards development of improved membranes for use in dialysis treatment, while a team of systems analysts is compiling a computer registry that now contains the histories of over 2,500 kidney disease patients.

Improved materials, sensing devices and instrumentation for diagnostic and treatment purposes are also being developed and tested in institute engineering laboratories. Under NASA sponsorship, an RTI biomedical applications team works with space engineers and doctors of medicine in adapting technology advances in America's space program to medical uses. The work involves the institute, NASA space facilities throughout the country, and medical research centers at Duke, UNC, and the Bowman Gray School of Medicine in Winston-Salem.

Taken together, the three medical schools, RTI, and the private firms and federal government facilities being established in the Research Triangle Park make central North Carolina one of the nation's foremost health research centers. Three private companies are planning medically oriented laboratory activities in the Research Triangle Park. They include Burroughs Wellcome & Co. (USA), international leader in pharmaceuticals and medicinal drugs; Becton, Dickinson and Co., involved in medical electronics, health instrumentation and biologicals; and Richardson-Merrell, Inc., maker of pharmaceuticals and other health products.

Federal government agencies are the National Institute of Environmental Health Sciences, the National Center for Health Statistics, and the National Air Pollution Control Administration headquarters and laboratory complex now under construction.

Research on environmental pollution, air chemistry, and the health effects caused by a contaminated atmosphere links RTI closely with NAPCA air pollution detection, control and prevention programs.

POPULATION STUDIES

The federal health statistics center, the Carolina Population Center in Chapel Hill, and RTI studies in demography and family planning also serve to emphasize the region's capability in population research. At RTI, population planning and population statistics research is expected to become one of the institute's most intense areas of concentration.

In severity, magnitude and immediacy, the problems associated with population growth are facing the world with perhaps the greatest crisis in human history. RTI has commited itself to an increasing research role in demographic studies, forecasts of changing population patterns, analysis of food distribution and consumption, and the development of reliable techniques for measuring and evaluating the effects of family planning policies and methods.

The Institute's activities range from computer simulation of the dynamics of population change to studies of anti-fertility steroids, and from the statistical analysis of agricultural production in the world's developing countries to improved methods for collecting accurate data and for estimating changes in population growth rates. Much of

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RTI's research has used North Carolina and subgroups within the state as the basic units from which it draws much of its information and results.

Climaxing its entry into the new decade with formation of an Institute-wide population research group encompassing the full range of its scientific capabilities in all disciplines, RTI is demonstrating a clear commitment to aid in the social and economic advance of its nation and region.

THE REVEREND NOBLE M. SMITH

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 1970

Mr. EILBERG. Mr. Speaker, yesterday's session of Congress began with the eloquent prayer of Father Noble M. Smith, rector of Trinity Church, Oxford, in my district in Philadelphia.

Father Smith, only 35, speaks to us from the ageless wisdom of the Book. He understands and would have us understand. With the unanimous consent of my colleagues, I enter in the RECORD a sermon delivered by Father Smith from his Episcopal pulpit. His message is clear. Without discipline we cannot find God and without discipline we waste our lives:

ENTER, BUT WIPE YOUR FEET FIRST

As a little boy I had the privilege of knowing both sets of my grandparents. My grandparents on my Mother's side of the family lived only four doors up the street and on the same side of Fifth Ave. in Conshohocken. More often than not I would go up the street to play in my grandparents' yard. And when I would get thirsty, I would go into the house and my grandmother would give me a cold drink of spring water from the pump in the kitchen. Sometimes I would go into her house to get a piece of freshly baked pie or other times I would go in and sit on her lap and help her peel beans or shell peas or help in some other way. I can remember that she always was happy to see me . . . I have many fond memories of my grandmother. And there is one thing she said to me and anyone else who would come into her house . . . As often as I would go in and out the door, each time she saw me coming she would say, "Come in but wipe your feet first." Now I'm sure that there was nothing profound in this saying. I know that she simply meant to keep the house as clean as possible for as long a period of time as she could.

"Come in, but wipe your feet first," seems like a perfectly reasonable demand, but this saying took on a greater meaning to me when I read the portion of Scripture appointed as the Second lesson for today. I have chosen a text for this morning which carries the same idea as what my Grandmother said. "Enter ye in at the strait gate—Wide is the gate and broad is the way, that leadeth to destruction; but strait is the gate and narrow is the way which leadeth unto life for few there be that find it." What this text tells us is that before you can enter the Kingdom of God, *before* you can be at one with the Lord, you must satisfy the requirements which are made. Discipline is what is needed . . . You must show a willingness to do what is demanded of you. Just as I had to wipe my feet in order to gain entrance to my Grandmother's house, so must we do what God wants us to do before we can cross the threshold to Life Eternal. Certain things can be obtained in this life without discipline. Usually an undisciplined party is referred to as a good time, and infringement upon another person in any way is an undisciplined act. But every worthiness—everything that is worthwhile has a narrow entrance—that is what Jesus meant when He said, "Come in at the strait gate, narrow is the way which leadeth unto life." Football, for instance, demands arduous practice and a "training table." One studying to be a surgeon spends six or eight years in preparation and a life long fidelity. Discipline is an important part in our life. Yet it is strange that people are unwilling to pay for Christlikeness even a part of the price they pay to become athletes or scientists. If you were a football player and the coach told you to eat only tea and toast for supper before the game that night—I'm sure that is all that you'd eat . . . but if the Church asks you to fast before you come to the Holy Communion some of you would rebel.

You might say football is different; it's different because the players keep themselves in shape and can stand up under a light supper. The person who cannot make a fasting Communion may not be in shape spiritually—My point here is not fasting Communions: my point is that discipline is important to us—Jesus said, "Not everyone that saith unto me, Lord, Lord, shall enter into the kindom of heaven; but he that doeth (not thinks about) he that doeth the will of my Father which is in heaven." Renunciation is the rule of worthy life; we are so constituted that we must forgo many roads in order to walk the narrow road. To surrender worthiness is easy: that way is wide, and it is so well filled that we never lack neighbors to bolster our fictitious self-respect. The nature of the renunciation is not far to seek; it is dictated by the nature of the kingdom. If a man would enter into Christlikeness, he must surrender un-Christlikeness. The Pharisees gave up bodily comfort (standing long at street corners to pray, so as to build a reputation for piety) for the sake of pride; the Christian must forgo certain qualities which are good but not to one who professes Christ . . . We must yield to those qualities which would help discipline us so that we would have sense enough to wipe our feet, before we dared try to enter in. We must know the acceptable qualities. An illustration of this is seen in Philip, King of Macedon, 350 B.C., who was commended as a good fellow. King Philip was known to drink quite freely and often absorb more than his capacity. Demosthenes—his antagonist—answered that true this was a good quality in a sponge, but not in a king. 'Tis true that there are qualities in us which seem harmless but they are to be renounced by the Christian who is by his profession seeking to enter into Life Eternal through the narrow gate.

There are great demands placed on us as Christians . . . The sad and regrettable part is that we meet only the demands which interest us . . . This is not discipline—This is not discipleship—This is disregard for authority. Too many people have the attitude that they will deal with God directly—They don't need the church or the clergy or extra prayers . . . They want to go directly to God . . . This is fine if you know how to do it . . . The average person in the pew is no more ready to come before God than he is to stand before a judge in court . . . For legal matters you hire a lawyer, for sickness you go to the doctors and then chances are if he can't do anything for you you turn to the church and seek an avenue to God . . . The turn is proper, you should seek God through the church, but in order to do so you've got to be willing to accept the demands and the disciplines which are placed before you. To those who walk toward God in their own way—They know God is somewhere at the end of their road, but the path is so wide that they spend all of their time weaving and wandering from side to side and rarely do they reach the end . . . To those who walk toward God in the church's way—The disciplined way—wiping your feet where you must—The path is so strait and so narrow that you cannot go astray. For this path leads to life—The Eternal Life.

What can I do or what can I say that will wake you up and have you realize that as the moments of our life tick by here and out there each day we are travelling that road. Whether you let it lead you to destruction or to Life Eternal is up to you.

The demand by God on us is great—That is for us to do what he wills—The response to that demand is even greater—I hope that for you it will be rewarding.

GETTING ON WITH THE PROGRAM

HON. LARRY WINN, JR.

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 1970

Mr. WINN. Mr. Speaker, there has been much rhetoric and a great expenditure of funds but overall the Federal Government's water pollution abatement program has been ineffective and fraught with confusion and indecision. Mr. Tom Robinson, president-elect of Black and Veatch, consulting engineers of Kansas City, Mo., recently discussed the problem in remarks before the Water Pollution Control Federation Legislative Conference here in Washington. The remarks follow:

GETTING ON WITH THE PROGRAM

It is difficult in any discussion of water pollution control activities to avoid repeating statements already made in other meetings by more polished speakers; . . . and this seems to be true regardless of whether you are speaking for, or against, present programs.

Certainly, it will come as no surprise to this audience that U.S. consulting engineers are as concerned with the fight against water pollution as are most of you. If anything, our interest is greater, for if our treatment plant design is inadequate, or if our project fails to operate, we are not merely removed from office in the next election, we stand (as a result of several court decisions) to lose our jobs, our practice, our reputation—everything we own.

The Consulting Engineers Council, like the Water Pollution Control Federation, ASCE, and assorted other societies, has a water resources policy statement which pledges the talents of its members to all possible constructive efforts which contribute to the reduction and elimination of water pollution. Our policy, which encourages technological innovation, secondary treatment, separation of storm and sanitary sewers, government assistance, and encouragement to industry to halt pollution (among other things), has not been widely enunciated for the simple and frank reason that a number of editors and public agency officials regard it as self-promoting. In other words, in advocating biological or secondary treatment, we are encouraging work for our members. The same charge is made in connection with our encouragement of more expeditious Federal aid.

Thus you will appreciate the dilemma in which our Council found itself a few months ago when Michigan Congressman John Dingell launched his fight to boost appropriations for design and construction of treatment plants from the administration's proposed $214 million to $1 billion, as called for in the 1966 Water Quality Act. In assembling support for a floor fight in behalf of the larger sum, the Congressman and his supporters were suddenly beset by arguments to the effect that there were not enough qualified engineers in the United

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States to handle design of the treatment plants which would be generated by $1 billion in Federal assistance.

Agency personnel, apparently under instructions from the Bureau of the Budget, were quoted as believing there were insufficient engineers to design, insufficient contractors to build, and even insufficient government personnel to handle, the work that was sure to be involved in a $1 billion, plus matching funds, program. Within minutes, Congressmen, material suppliers, other associations, and editors were calling Consulting Engineers Council to ascertain if, in fact, the administration's claim was correct.

A flat "no" answer could easily have been passed off as a natural response by an organization whose members have a subjective interest in a four-times jump in the current program.

To authenticate what we already knew, our staff conducted a telephone sampling of just over 100 of our nearly 2300 member firms. Firms ranged in size from 15 to 800 employees and were picked somewhat at random in 26 states. Conservatively, this study revealed that American consultants could, if called upon, design in excess of $3 billion in waste treatment construction in the current fiscal year. Checking fewer than 10 firms in each of 20 different states revealed an existing capacity (by just the contacted firms) to handle the design of over $2 billion in waste treatment construction.

Taking my own firm, for example, we found we had prepared design for $182 million worth of waste treatment construction in the previous twelve months and could easily have handled $175 million in 1970 with no additional personnel. In fact, all of our current work is due for completion in the next three to four months. A similar situation existed in Denver, Colorado where one firm, which normally handled 8 to 10 projects a year, was completing plans and specifications for one treatment plant and actively looking for work in this field.

One of the largest sanitary engineering firms on the East Coast revealed it was currently handling 95 jobs totaling approximately $187 million in construction. This was approximately 25% below the firm's demonstrated capacity and the officers conservatively estimated they could handle another $40 million worth of projects with no additional personnel.

An 80-man firm in California advised us that it had 10 projects nearing completion with no new ones under contract. The sanitary engineering workload of the firm was extremely low. A similar situation existed with a Roanoke, Virginia consultant who was performing only five projects, mostly for communities whose requests for FWPCA funds were postponed forcing the city officials to proceed without Federal aid. The Roanoke firm was looking for treatment plant work and could have handled another $8 or $9 million with no increase in staff.

Virtually all the consultants we contacted—large firms and small firms—indicated that demand for sanitary engineering services was decreasing. This was blamed on the failure of the Federal government to "come through" with promised assistance, and upon the inability of many communities to fund projects in the light of high interest rates and tight money. Typical of the reports was one received from Minnesota where the State Pollution Control Agency advised it had applications totaling more than $15 million in grant requests to cover over $46 million of total construction. Minnesota, however, had only $3.92 million to distribute to applicants, or only 20 per cent of what it felt it needed.

Even without the compelling compilation of evidence produced by our spot survey, there should be no question but what U.S. Consulting engineers can easily assimilate well over $1 billion worth of waste treatment plan design if called upon to do so. Assuming the average engineering fee on waste treatment projects is 6 percent this would mean a total of $60 million in engineering fees on $1 billion worth of work. This fee, divided among the fifty states, would provide only $1.2 million worth of engineering design per state, hardly an imposing, or even burdensome, program.

Perhaps as a result of CEC's survey, or perhaps for other reasons, the argument that there were not enough engineers or contractors was quickly dropped when the FWPCA appropriation came to the House floor. Instead, Congress was advised there were insufficient administrative personnel to handle the paper work that would be generated by a larger appropriation. Certainly this must have seemed a unique position to a Congress accustomed to agencies asking for more money, not less.

As you all know, we now have an $800 million appropriation, plus funds for increased FWPCA staff to handle the expected avalanche of applications. Hopefully, the engineering profession will shortly begin to see some acceleration in grant processing so that the more than tripled program can be implemented. For the moment, however, most consulting firms report a continuing dearth of treatment plant work.

Part of the problem is, of course, the deepening woes of the municipal bond market—a subject being covered in more detail and with more expertise by other speakers on this program. But I should mention that consulting engineers, like most of you, were involved in the Senate Finance Committee fight last year to maintain the tax exemption on interest from municipal bonds. We, like you, were perplexed by the inconsistency of flowery statements from Capitol Hill in support of pollution abatement; often from the same Congressmen who were urging abolishment of the tax break for investors in municipal securities.

But the current difficulties with state and local bond sales cannot be blamed on the House version of the tax bill; the administration's policy of tight money to combat inflation was certain to have a negative impact on the municipal bond market. The big question is what happens next?

With many communities extended to the maximum of their debt limit, and with high interest rates, plus state-imposed interest ceilings, discouraging investment in bonds, there is nowhere to turn but to Uncle Sam: not just for grants or loans, but for legislation involving tax credits and accelerated amortization.

Appropriations and legislation will, of course, involve politics and it is here we view with apprehension the problem of getting our message to the general public. I think the average citizen needs to be made fully aware of the fact that: (1) there is not enough money in the Federal government alone to solve our pollution problems; and (2) that many of the problems of pollution abatement do not involve financial or technological solutions—they are basically legal, social, political and bureaucratic in nature. To the average man on the street, President Nixon and Senator Muskie are arguing the same thing—that we need to spend tens of billions of dollars to clean up our environment. The amount of money or the period of time involved may vary between speakers, but to Mrs. Housewife it is all the same and she wants to know why we aren't getting on with it.

It has become popular in political speeches to point to our space achievements and proclaim, "If government, science and industry can put men on the moon, why can't a similar commitment provide us with safe, clean air and water?" Before enactment of legislation to create a National Aeronautics and Space Administration for the attack on pollution, government officials might profit from a careful re-examination of NASA's success. Though money and ingenuity were essential to Apollo's achievement, a vital ingredient was the orderly direction and recognizable chain-of-command which characterized this effort. Even more significant, there was a single, definable, agreed-upon objective.

Everyone connected with the manned flight project had his eyes riveted on the goal of safely putting the United States on the moon in this decade. Congress, while concerned with the cost, seldom second-guessed or overruled the scientists-engineers responsible for the program. New ideas were encouraged and utilized. Fabricators and producers were rewarded for excellent products and performance. Buck passing was minimized and red-tape was something to be cut through.

Compare that commitment with the overlapping operation of 39 different Federal agencies or commissions currently concerned with water resources and quality. Regional administrators are permitted only minimal authority (even minor decisions are often made in Washington); many administrative appointments are based as much on political patronage as they are on qualifications for the task at hand; even members of Congress are not above revising priorities in midstream; funding is often whimsical and invariably belated; the glorious promise of programs frequently fades as delays occur in staffing and implementation of announced tasks; and there is the persistent problem of administrators inhibiting innovation by insisting that projects and designs go according to outdated standards.

All the money in the United States Treasury is not going to correct these defects.

For the most part consulting engineers would prefer to plan, design and coordinate projects that do *not* involve Federal financing. We have learned again that the Federal Government supervises that which it subsidizes! When government money is provided, so also is government restriction, control, red-tape and worst of all, procrastination.

I am sure there are legitimate reasons, but from the view of the communities seeking Federal aid, there seems to be little excuse for the delays, certifications, evaluations and just plain lack of decision which has long been associated with Federally-assisted water-sewer, and to a lesser extent, with sewage treatment programs. Admittedly there has been a great deal of improvement in the last two years, due primarily, I believe, to the efforts of the Interagency Council comprised of representatives of: the Farmers Home Administration, the Economic Development Administration, and Federal Water Pollution Control Administration, HUD's Metropolitan Development Administration, and the Bureau of the Budget.

Standardization of the SF101 has helped, as has the procedure for assigning agency responsibility for a given application. But there are still instances of agencies urging communities to seek money under theirs as well as other departments' programs, and there are still lengthy delays in some types of projects.

On top of all this we have, for example, local Farmers Home Administration supervisors distributing memoranda to mayors and to county officials telling them what materials they will use on their projects. In another example, we have EDA refusing to permit use of a specified material even when the community involved offers to pay the difference in cost.

Consulting engineers would like to see Federal agencies:

(1) adopt an attrition system to keep application backlogs at workable levels—not more than 25 per cent.

(2) eliminate the requirement for technical reviews of applications in Washington.

(3) revise and simplify the application processing procedure.

(4) eliminate, or at least reduce, repetitious requests for information and more data throughout the review and rating process.

(5) provide better guidelines on what factors specifically are given major consideration in the evaluation of applications.

(6) at the risk of being drummed out of the profession, I believe that government personnel are becoming overly sensitive to ecological, environmental and system aspects of projects.

The popular villain of the day is technology, and the answer to the danger of technology is to undertake comprehensive studies of all possible aspects of a project to avoid adverse effects on the environment. Certainly consulting engineers do not oppose a careful analysis of the cause and effect relation of their efforts, but they do view with alarm the attitude that all possible ramifications of a major public works undertaking be considered, weighed and tested in great detail before, during and after construction. Some people seem to feel that no project should commence which might endanger, irritate or displace either nature or people. Under these guidelines, a treatment plant in the Sahara Desert would be unacceptable. It is impossible to anticipate and protect everything. To attempt to do so will consume in cost of planning and studying most of the resources needed for the financing of design and construction.

The practice of consulting engineering is a profession in flux. A consultant is no longer the man who draws lines on paper for his clients, nor can he hold himself aloof from the political or financial woes of those he serves. Consulting engineers now must be prepared to bring together all the elements needed to complete a project. These include economic feasibility, financing, design, specification, construction and operation of the finished facility. Of all these, the most complex and time consuming activity is no longer design, it is financing. From our aspect, the gut issues in expediting a pollution control program are better administration, more authority to local government, and the possible, but totally improbable, elimination of political considerations that currently serve as stumbling blocks in our getting on with our objectives.

LEE ATWOOD RETIRES AFTER DISTINGUISHED CAREER

HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 1970

Mr. HOSMER. Mr. Speaker, one of the real giants of the aviation and aerospace industries—J. L. Lee Atwood of North American Rockwell—announced his retirement last month.

Lee Atwood was president of North American Rockwell—and its predecessor North American Aviation, Inc.—for 22 years and chief executive officer for the past 10. His aviation and aerospace career spanned 42 years, 36 of it with the company he so ably led.

He was a member of that small group of men who brought aviation into the modern era, both in terms of air transportation and military air power. Lee supervised the design of many famous aircraft, including the P–51 Mustang, the only fighter that could escort allied bombers all the way to Berlin in World War II.

Shortly after World War II, Lee and the late Dutch Kindleberger addressed the engineering, scientific, and technological talents of North American to the advanced fields of missilery, electronics, rocket engines, and the peaceful applications of atomic energy. Lee's talents and leadership were largely responsible for the company's success in these fields.

And under that leadership, North American served as the prime contractor for the Apollo moon landing program, which demonstrated conclusively that Lee Atwood can get the job done no matter how difficult.

In January 1969, NASA bestowed upon Atwood its Public Service Award, the highest honor that the agency can present to an individual not employed by the Federal Government. The award recognized his contributions as a key leader of the Government-industry team which accomplished the first manned lunar orbit mission, Apollo 8.

Mr. Speaker, I am pleased to take this opportunity to congratulate Lee Atwood on his distinguished career and service to his country, and wish him years of happiness in the future.

EVENING CHRONICLE REFLECTS 100TH ANNIVERSARY

HON. FRED B. ROONEY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 1970

Mr. ROONEY of Pennsylvania. Mr. Speaker, on March 3, 1970, the Evening Chronicle newspaper in Allentown, Pa., observed its 100th anniversary. On that date, I reviewed for my colleagues the history of the Chronicle's 100 years of news service in Allentown and surrounding communities.

In the March 3 edition and in a special anniversary edition, published March 7, 1970, the Evening Chronicle, in its editorial columns, reflected on its first 100 years and drew some observations of the future.

I am pleased to insert a column written by Editor Nelson Weiser and two Evening Chronicle editorials published in the anniversary editions because I believe they will be of interest to my colleagues:

THE SPOTLIGHT—WE MADE THAT 100

(By Nelson A. Weiser)

One hundred years is a long time.

Relatively few people live that long.

Indeed most people seem to be pretty tired of living before they are within striking distance of a centennial.

And many institutions don't last that long, either.

This makes all of us feel pretty proud that the Evening Chronicle has made it.

Having spent 45 years—40 on a full-time basis after five as a part-timer—as a member of the Evening Chronicle team, the writer has more than a passing interest in where it has been and where it is going.

Indeed, he has had some hand in shaping its destiny and trying to make it an accurate recorder of current events and opinion and an organ responsive to the needs and desires of the community.

Because it is our own handiwork, we of the Evening Chronicle perhaps are not competent to judge how well we have done our job and whether we are meeting our responsibilities.

But day after day, as we examine each edition and make comparisons with other newspapers we conclude that we are, at least doing as well as most and better than many.

While this judgment might appear to be biased, the fact that the Evening Chronicle has lasted 100 years indicates that perhaps we have been doing something right.

Some tremendous changes have been made in the mechanics of reporting and editing the news and the processes of converting raw copy into printed newspapers since the first edition of the Daily Chronicle appeared.

But what Robert Iredell Jr. was trying to do on March 3, 1870, we are trying to do on March 3, 1970, and hope that our successors will be attempting on March 3, 2070, and as long thereafter as the revolutions and evolutions of this old world will allow.

Stated simply, Robert Iredell was trying to fill the city's need for a lively afternoon daily newspaper, just as we are trying to do today.

It is hard to believe that 45 years have elapsed since I performed my first chores for what was then the Chronicle and News.

It is equally hard to believe so many changes have been made in the technology of producing a newspaper. The affect every facet of the operation from communications to putting the papers into the hands of readers.

It is even harder to believe that Robert Iredell and his contemporaries could do as well as they did with the primitive methods and equipment available to them.

But, those of us who have seen the remarkable changes of the last several decades are intrigued even more by what the future might hold for us and those who follow.

* * * * *

We won't be around when the Evening Chronicle celebrates its bicentenial.

But we hope those who are here will have as much fun assembling the bicentennial edition as we have had over the past several weeks putting together the special centennial edition which will appear Saturday as a supplemental to The Morning Call.

[From the Allentown (Pa.) Evening Chronicle, Mar. 3, 1970]

FIRST 100 ARE THE HARDEST

One hundred years ago today Robert Iredell Jr. introduced the Daily Chronicle to the people of Allentown.

They liked it and quickly bought up the initial press run of 1,000.

Through a series of mergers and name changes, the Daily Chronicle evolved into the Evening Chronicle and became a part of the Call-Chronicle family of newspapers.

But it is basically the same newspaper that Robert Iredell visualized when he started publication of a Republican-oriented newspaper in a Democratic-controlled city.

Politics have changed since then. So have editorial policies. Allentown is a two-party city and the Evening Chronicle is politically independent.

Nevertheless, the Iredell purpose of producing a lively newspaper which chronicled accurately and objectively the news of the day continues to be our purpose.

Times have changed in many ways since the Chronicle made its appearance on the Allentown scene. Gone is much of the provincialism that made each municipality a sort of island. The metropolitan concept has gained increasing acceptance and the interests of Allentown have become the interests of the communities surrounding it. Conversely, their interests have become Allentown's interests.

That is why news and editorial horizons have been broadened to embrace the suburban and rural areas which have such strong political, economic, social and cultural ties with Allentown.

We like to believe that is the way Robert Iredell would have broadened his own perspective if he could have been around for the whole 100 years during which the newspaper population of the city declined but the scope and volume of coverage expanded far beyond what the competing journals visualized when the Chronicle was founded and during the intervening years.

The first century in the life of the Evening Chronicle, nee Daily Chronicle, was not easy. There were good days and bad days. Sometimes it appeared the end must be close at hand. But the Chronicle has survived and enters its second century confident that the first 100 years were the hardest.

This does not mean we expect the second century to be any bed of roses. After all, if we expect to continue editing and publishing a lively newspaper with an accurate and objective coverage of the news, we will have to work hard at it.

And this is exactly what we pledge to do as we move into our 101st year as part of the Allentown scene.

Where Do We Go From Here?

Veteran employes of the Evening Chronicle remember with a great deal of affection Britain G. (Brit) Roth, who died 10 years ago at the age of 98.

One of his most memorable traits was the fact that he always looked ahead, hoping he would survive until another tomorrow to continue seeing and enjoying the wonders wrought through the creative genius of man.

He knew where he had been and he enjoyed most of what he had seen.

But he had the good reporter's curiosity about what was ahead.

We recall this wonderful quality now because we, like Brit Roth, have lived a long time—100 years—as a newspaper and, while some of the going has been rocky, we also know where we have been and have enjoyed most of the road we have traveled.

Also like Brit, we are ever looking ahead toward other tomorrows with their new adventures and their surprising new products of human creativity, not only products that will improve the production proceses of our newspaper, but also those that will make life better and more enjoyable for the people.

The Evening Chronicle, first published on March 3, 1870, has chronicled the current events of a century from the local, state, national, international and, in recent years, universal viewpoints.

So much of what was recorded during those years was exciting, ranging from items of purely local interest, including births, weddings and deaths to the introduction of the many inventions that have had a profound effect on the life of man.

The century of history reported by the Evening Chronicle was indeed a series of "ages"—horse and buggy, electric light, automobile, air, electronic, computer and, now, space.

As we look back over the past we can only wonder what the future will produce to top it.

Like Brit Roth, we ask ourselves:

Where do we go from here?

Also like him, we are not quite sure, but we do have our eyes and feet pointed ahead.

We have not forgotten the past. Nor do we intend to do so.

But, we feel that the past is prologue.

That idea is not original with us.

It was expressed by Robert Iredell Berger, grandson of the founder of the Daily Chronicle, out of which the Evening Chronicle evolved. He expressed it during one of many conversations about the Iredell family during preparation of the Centennial Edition.

In a special message to the Evening Chronicle he expressed this thought:

"There is little I can add to the plaudits you have paid my late grandfather, Robert Iredell Jr., in the March 3 issue of the Evening Chronicle, the 100th anniversary of its founding.

"You have carried on the tradition and broadened its base as time moved on.

"Speaking for the Iredell family, thank you all.

"Now, let's go to press!"

And that is exactly what we are doing—going to press with the idea that the past is, indeed, prologue, but the future is something to be faced with curiosity about what will happen next and a hope and confidence that we will be able to meet our responsibilities and fulfill our functions even better in the future than we have in the past.

Brit Roth would have liked that idea.

ERNIE PYLE

HON. HAROLD R. COLLIER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 1970

Mr. COLLIER. Mr. Speaker, April 18 will be the 25th anniversary of the death of Ernie Pyle, the famous war correspondent, who was killed by the Japanese on Ie Shima, an island near Okinawa. Pyle, who became a legend in his lifetime, had covered the Invasions of north Africa, Sicily, Italy, and Normandy before going to the Pacific theater.

The Veterans of Foreign Wars of the United States, an organization that represents more than 1,500,000 of those who have fought for our Nation on foreign soil, has expressed its support for a commemorative stamp in honor of this distinguished newsman.

We have, during the years that have elapsed since the end of World War II, paid postal tribute to the men who defeated the Japanese, the National Socialists, and the Fascists. During 1945, the last year of the war, postage stamps were issued in honor of the Army, the Navy, and the Coast Guard, and another stamp depicted the raising of the American flag on Mount Suribachi, on Iwo Jima. The merchant marine was honored in 1946, while another issue carried a representation of the Honorable Discharge Emblem that millions of former servicemen were proud to wear.

In 1948, a stamp commemorated the four heroic chaplains who went down with the SS *Dorchester*.

Individuals who were honored for their leadership during World War II were George S. Patton, remembered for his brilliant generalship against the Nazis and Fascists, George C. Marshall, the general who became Chief of Staff on September 1, 1939, the day the war began in Europe, and served throughout the conflict, and Dwight D. Eisenhower, who led the forces of America and her allies to victory in Europe and north Africa.

General Douglas MacArthur has yet to appear on an American stamp, although he was one of the outstanding figures of our day and led the forces that defeated the Japanese. I am the sponsor of House Joint Resolution 799, which provides for the issuance of a special postage stamp in commemoration of this great man.

Mr. Speaker, having honored the soldiers and sailors and those who led them to victory on all fronts during World War II, let us not forget the war correspondents who risked their lives in order that we might have news of our fighting men. By issuing a stamp that commemorates Ernie Pyle, we would be paying tribute to his fellow newsmen as well.

FROM NEW YORK TO LOUISIANA—FREEDOM OF CHOICE IS THE LAW OF THE LAND

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 1970

Mr. RARICK. Mr. Speaker, again, I arise to call to the attention of this House that freedom of choice is the law of the land.

A learned dissertation could be written on the subject; an eloquent brief replete with citations of authority could be prepared; and sooner or later an opinion of the Supreme Court of the United States will reaffirm this fundamental American truth.

In the meantime, the American people, great and small, from every part of the country, from all walks of life, recognize the heart of Americanism—that freedom of choice is the heart and soul of liberty.

They are keeping the pressure on.

An obviously educated and talented New Yorker wrote a letter to the editor of the New York Times, while one of my perceptive constituents wrote a letter to his Congressman, both clearly in accord that freedom of choice is the law of the land.

I include both of these letters in my remarks, and commend them to the attention of our colleagues and all others who may have the opportunity to read this Record:

New York, *February 23, 1970.*

Forced Integration

To the Editor:

Your recent editorials (the latest Feb. 22) on the problem of desegregation in our school system exhibit a surprising disregard for the principles that should animate a free society.

It is now thoroughly established that no state can maintain laws looking to a discriminatory and dual school system. This legal battle has been won.

What The Times apparently, and large sections of the press, now favor is something quite different: namely, the active integration of the races in our society by Government dictate, and insistence on a certain white-black mix in our schools through busing and other devices, whatever the consequences.

Thoughtful citizens, whether from North or South, will and should oppose this kind of Government intervention on the grounds that it is wholly impractical unless we contemplate the uprooting of whole communities; that it disregards what should be the principal aim of our school system—namely, the provision of quality education for all; and that it contravenes and challenges one of the basic premises of our constitutional system.

That premise is that within a broad framework of law individuals and families shall be free to associate or not to associate, according to their respective and mutual desires. This means that in schooling no less than in other matters we should maintain maximum freedom of choice for whites and blacks alike.

Respect for this voluntary principle may make actual integration of the races a slower process than the forced measures you seem to favor, but it is the only kind of integration worth having. It would be ironic indeed, if in your hot pursuit of integration by Government dictate you destroyed the freedoms to which both black and white legitimately aspire.

JOHN DAVENPORT.

DENHAM SPRINGS, LA.,
March 6, 1970.

DEAR MR. CONGRESSMAN: You asked me for my opinion on some important things that faces us and the whole U.S.A. First let me idenfy myself to you I am (———) age 44 Negro born in Tangphoah Parish reard in Livingston Parish except 14 years in E.B.R.P. 3 year in California. Have never been arrested or no trouble with the law I am a 3d Degree mason married two daughters both married. I moved back to my old home town Denham Springs last year.

* * * * *

And on the schools problem. You know the man who tryes to please everbody please noone. Let every child go to school at the closeset School Just tell them if he is in a good school he will have to go there it don't make Sence for a Negro to want to go to a White School if he is getting the same edecation at a all Negro school and just Vice Versus For a White Student. But if he don't take a stand on all of the serouis problems and take a firm no Retreat stand it going to get worse and out of hand. And if they would shoot a few of them who Refuse to go into the Army When he is called that would stop that thing including Cassus Clay Both Negro and White, Communisim thrive on Division amongest the People in the country Being divided. Let us Support our country ought not forget its peoples of both Races. The Best Way to stop Drugs and Crime is make the Punishement so severe that they will be afraided to use it. Let's the President and all of our officials stop arguing and tring to get Rich and think of the millions Who trust them with their Destineys.

* * * * *

Dear Congressman the U.S.A. beat Japan and Help Beat Jermany to Powful nations 41–45 Why we could not Beat north Korea and Defeat north Vetnam who is much Smaller and Weaker and count the Lives that have been Lost and mained Why potlicial Blundering and Advice.

* * * * *

Let Us Build America not Destroy it
Love it or Leave it
Let Freedom Ring

THE EFFECTS OF LIMITATIONS ON THE AVAILABILITY OF CREDIT ON U.S. TRADE WITH THE COMMUNIST BLOC

HON. OGDEN R. REID

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 1970

Mr. REID of New York. Mr. Speaker, Arthur Ross of New York is a respected and knowledgeable member of the international financial community who has contributed much to American positions on international trade and foreign affairs generally. He recently presented a brief paper at the Center of International Studies of New York University in which he outlined the need to remove legal obstacles that stand in the way of implementing a legal and financial framework of financing arrangements for trade with the Communist bloc. The encouragement of East-West trade "should be an important national goal," Mr. Ross states. Accordingly, I am inserting the full text of his paper in the RECORD at this point for consideration of the Members:

THE EFFECTS OF LIMITATIONS ON THE AVAILABILITY OF CREDIT ON U.S. TRADE WITH THE COMMUNIST BLOC

(By Arthur Ross)

The largest untapped source of greatly increased foreign trade that is available to the United States today lies in the Eastern Bloc countries. The European Communist countries alone make up an educated, disciplined and well organized market of 250 million people. It equals the Common Market in population, and is not far behind it in productivity and consumption. Yet less than 0.6% of American foreign trade is carried on with these countries.

As the credit of the developing countries is stretched ever closer to the breaking point by their great need for capital, and as the U.S. balance of trade deteriorates in the wake of domestic inflation, the Eastern Bloc countries offer an opportunity for expanded American trade that cannot be ignored. The opening is there. The Communist countries have a record of scrupulous fulfillment of their contracts with the West. Business law and business ethics in the Communist world are similar to ours, despite their diametrically opposed ideological and historical bases.

The economic advantages to both parties of increased East-West trade would almost certainly be accompanied by political advantages. Trade promotes familiarity and interdependence. It has a powerful softening effect on political differences. It tends to promote cultural interchange and to encourage that mutual respect which generates a favorable atmosphere for easing conflicts and negotiating agreements. The writer presents this brief review of the crippling effects on East-West trade of the limitations of credit available to finance that trade against the background of his strong belief that the encouragement of such trade should be an important national goal.

Practically all trade involves credit arrangements, and without such arrangements it will advance little beyond the level of barter. International trade involves difficulties and risks that make credit to either the buyer or seller or both and some kind of insurance to the seller almost essential. The major reasons for this are that there is usually a long time between the beginning and end of an international transaction during which circumstances may change and the fact that that change of circumstance may well only affect one of the parties, or will affect them quite differently. The risks are well known: insolvency of one party; devaluation; confiscation; war; revolution; changes in import regulations; and loss or damage to goods in transit. The longer the time during which the transaction takes place, the greater the risk, so all of these factors bear most acutely on the export of specially ordered and manufactured capital goods.

In addition, and again particularly with capital goods, the buyer wants to defer payment. Where he has a choice of buying a piece of equipment for cash or for payment over a number of years, there is little doubt which he will buy.

To meet these needs, all governments, I believe without exception, have set up agencies that will either grant credit directly to exporters or will rediscount a major part of the credit granted by banks or other private financial institutions to exporters. They have also established official or quasi-official agencies to insure credits granted in export negotiations. In the U. S. these functions are performed by the Export-Import Bank and the Foreign Credit Insurance Association. Long-term credits are usually granted by the Agency for International Development on sales to developing countries, and such credits are usually extended to the buyer rather than the seller.

Financing is such an important competitive tool in promoting exports that the major industrial countries, through the Berne Union, have set up rules limiting the amount of government-supported financing. Recommendations of the Union are not binding on member governments and are, in fact, often ignored.

Among major industrial nations of the Free World, only the U.S. has formal legislation differentiating between the credit available for exports to Communist countries from others. This legislation is more severe than is generally realized. In the first place, no government agency may participate in any credit being extended to a buyer in a Communist country. Secondly, a provision of the Johnson Act of 1934 forbids any person or corporation "within the United States" to make a loan to a foreign government or any organization or association acting in behalf of a foreign government where such government is in default in its payments of any debts to the U.S. In 1963, the Attorney General, in response to a request for clarification from the Acting Secretary of State, wrote that the Act did not appear to prevent sales made on a deferred payment basis since such sale did not constitute the making of a loan. However, the Attorney General cautioned that credits extended beyond normal commercial terms might constitute a loan and be prohibited under the Act. He did not define the point at which a normal commercial term became long enough to constitute a loan. Under these conditions, private credit is available to exporters to the Soviet Union and other Communist countries in default on only a short-term basis. And, in practice, nearly all U.S. trade with Communist countries is financed by letter of credit, where the buyer gets none of the advantages of deferred payment.

It is not hard to foresee the consequences of such a situation. The following figures are for 1968.

[U.S. dollars in billions]

	Total foreign trade	Trade with Communist Bloc countries	Dollars of foreign trade with Communist countries (percent)
United States	$67.1	$0.415	0.5
United Kingdom	34.3	1.4	4.0
France	22.8	1.1	4.8
West Germany	50.2	3.0	5.9
Japan	26.0	4.1	15.8

It is clear from these figures that liberalizing the availability of credit alone will not bring trade with the Communist countries to a level commensurate with the over-all economies of those countries. Only Japan has succeeded in approaching this level, and it has done so because of its substantial trade with China ($550 million) and because it has, for the past two years, run a trade deficit with the USSR of about $285 million. Its trade deficit with the Eastern Bloc as a whole in 1968 was $660 million.

For the most part, Communist countries have kept their exports and imports with individual countries remarkably closely in balance every year. This unilateral approach to foreign trade is a barrier to trade growth that credit will not overcome. But the situation is changing.

INCREASE IN TRADE WITH COMMUNIST COUNTRIES, 1965-68

[Dollars in millions]

	1968	1965	Percent increase
United States	415	279	49
United Kingdom	1,357	1,248	9
France	1,070	677	59
West Germany	2,948	2,205	33
Japan	4,125	2,780	48

Though the U.S. shows a percentage gain that compares favorably, the dollar increase of $136 million is not impressive. If we are to partake in the expansion of trade that a more liberal Communist attitude is leading to we will need a legal and institutional framework of financing arrangements to, help American exporters compete with those of other countries. The framework is there, on both a private and a public level. All that is needed is to remove the legal obstacles that exclude trade with the Communist countries from its operation. Those obstacles were enacted at a time when the world political situation was far different than it is today. Even when they were imposed, it is doubtful that they served the best interests of the United States, either economically or politically. Today they look like emotional anachronisms. The liberalized Trade Bill passed two weeks ago gives hope that their life expectancy may be short.

THE POWER OF THE OIL LOBBY

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 1970

Mr. CONTE. Mr. Speaker, on October 21, 1969, I took the floor of this House to warn against a determined effort on the part of lobbyists for the major oil companies to discredit the work of the professional staff of the Cabinet Task Force on Oil Import Control—Congressional Record, volume 115, part 23, page 30868.

More recently the distinguished Senator from New Hampshire (Mr. McIntyre) has referred to their success in creating what he called the "Secret Government of Oil."

I want to call to the attention of my colleagues today, a recent excellent article in the New York Times Magazine of March 8, 1970, by Mr. Erwin Knoll. It documents a most disturbing picture of the disproportionate political power of the oil barons and their special pleaders. Mr. Knoll concludes that there is little evidence that the power of this interest group has in any way diminished.

For those of us who have been struggling for years to put an end to the inequitable oil import program, so costly to the consumer, I regret that there is little basis for disputing his conclusion. The President's failure to accept his task force recommendation for immediate liberalization of imports was a deep disappointment.

Even more distressing was today's announcement placing an import quota on previously unrestricted Canadian oil imports. The President's own task force was unanimous in acknowledging that no foreign source is more secure.

Mr. Speaker, it remains to be seen whether recent events foreshadow the death of oil import reform. In any event, for all of us who will continue this battle for the consumer, I suggest it is well to know the nature of our adversaries. The article which follows does this job admirably:

The Oil Lobby Is Not Depleted

(By Erwin Knoll)

Washington.—On Thursday evening, Nov. 6, 1969, the Governors of three states met over a quiet dinner at the Tavern Club in Washington with Frank N. Ikard, a former Texas Congressman who is now president of the American Petroleum Institute, the trade association of the nation's largest oil companies. There is no public record of what the four men discussed, although—by coincidence or otherwise—the same three Governors and a fourth were at the White House early the next morning to urge the Nixon Administration to retain the 11-year-old system of oil-import quotas, which costs consumers more than $5-billion a year in higher prices for petroleum products.

The Tavern Club tête-à-tête and the subsequent White House session are examples of the close and continuing contacts between oil and politics—an intimate relationship that has prompted some critics to describe the oil industry as "the fourth branch of government." In recent months those contacts have intensified, for the industry's privileged status is being attacked with unprecedented ferocity. Under the benign patronage of such influential figures as the late Senator Robert Kerr of Oklahoma, who rejoiced in being known as "the uncrowned king of the Senate"; the late House Speaker, Sam Rayburn of Texas; the late Senate Minority Leader, Everett McKinley Dirksen of Illinois, and former President Johnson—all of whom shared a profound and undisguised commitment to the industry's welfare—the petroleum producers enjoyed decades of virtually limitless power in Washington. Their strength probably still surpasses that of any other special-interest group. But with the departure of their most prominent and effective champions, their critics are for the first time emerging as a force to be reckoned with.

In one of the few genuine, although limited, reforms to survive the byzantine machinations that produced the final version of the Tax Reform Act of 1969, both houses of Congress voted decisively to reduce the sacrosanct oil-depletion allowance from 27.5 per cent to 22 per cent. The reduction—acquiesced in by a reluctant executive branch—constituted an acknowledgement that many Americans had come to regard depletion as the most flagrantly objectionable abuse in the loophole-riddled tax code.

In a statement that some of his colleagues thought was tinged with exaggeration, Senator Thomas J. McIntyre of New Hampshire declared that the vote to cut the depletion allowance signified that the Senate had "once and for all rejected its role as the bastion of the oil industry." The Senator was among those who had unsuccessfully sought a more drastic reduction to 20 per cent. "But the important thing," he said, "is that we have finally made a crack in oil's protective shield. If others develop in the days to come, American consumers and taxpayers may yet get a fair shake at the hands of this much-pampered industry."

The depletion allowance, which stood inviolate for more than four decades, has allowed an oil or gas company to deduct 27.5 per cent of its gross income from its taxable income, providing the deduction does not exceed 50 per cent of taxable income. With lesser depletion percentages provided for almost 100 other mineral products, depletion has cost the Treasury about $1.3-billion a year in lost revenues—a sum comparable to the "inflationary" spending increments that President Nixon cited as the reason for vetoing the Labor-H.E.W. appropriations bill for fiscal 1970. Special provisions in the tax laws also permit oil and gas producers to deduct many of their intangible costs for exploration, drilling and development, including off-shore drilling and production in many foreign countries. And oil companies are allowed to deduct against their United States taxes most of the royalties they pay to foreign powers—an arrangement cloaked in the convenient fiction that such royalty payments are "taxes."

The result of these privileges, according to Treasury Department calculations, is that oil and gas companies save in taxes 19 times their original investment for the average well. In 1968, American oil companies paid less than 8 per cent of their income in taxes, compared with more than 40 per cent for all corporations.

Clearly, the tax laws have played an important part in making the oil industry the formidable economic and political force it is. The industry's annual sales total more than $60-billion. Among the 2,250 largest American companies surveyed last April by the Economic Newsletter of the First National City Bank of New York, the 99 oil companies alone accounted for more than 25 per cent of the total profits. The industry's average profit of 9 per cent (based on net sales) is about double the average for all manufacturing companies; only one other industry—drugs—maintains a higher profit level. The 20 largest oil companies amassed profits of $8.1-billion in 1968 and paid 7.7 per cent of the net in taxes, according to U.S. Oil Week, an independent oil-marketing publication. Thanks to the generosity of the tax laws, one oil company—Atlantic-Richfield—avoided all Federal tax payments from 1964 to 1967, and actually managed to accumulate a Federal tax credit of $629,000 while earning profits of $465-million. Atlantic-Richfield's case is not unique.

A tax structure that lends itself to such egregious inequity is obviously worth defending. In Washington (and at state capitals across the country) the industry's interests are served by a costly and complex but closely coordinated lobbying apparatus. Among its principal components are these groups:

The American Petroleum Institute, whose membership roster of 400 companies and 8,000 individuals represents about 85 per cent of the total production, refining and marketing volume in the oil and gas industry. Despite its broad membership, A.P.I. is regarded as primarily the spokesman for the "Big Seven"—Standard Oil of New Jersey, Mobil, Shell, Standard Oil of Indiana, Texaco, Gulf and Standard Oil of California. Among these, Standard of New Jersey is the dominant force.

The institute's annual budget is a closely guarded secret, and its quarterly reports to the clerk of the House of Representatives on lobbying expenditures are incredibly modest—a total of $39,119 for 1968. Industry sources report that the institute spends between $5-million and $10-million a year, much of it for "research." It has a staff of more than 250 at offices in New York, Washington, Los Angeles and Dallas.

The chief A.P.I. lobbyist is former Congressman Ikard, who represented Wichita Falls, Tex., from 1952 to 1961 and was a protégé of the late Speaker Rayburn. When he resigned from the House to join the institute—a move that he said was "a question of economics"—Ikard was praised by Lyndon Johnson, then Vice President, as "a heavy thinker and a heavy doer." Under his direction, says a Congressional source, the institute has been "a pace and precedent setter . . . vigorously seeking to adapt its positions and attitudes to the wave of the future."

The Independent Petroleum Association of America, with some 5,000 members representing about 60 per cent of the independent oil producers. Its "experts"—a professional staff of six operating out of an impressive Washington office suite—were highly visible among the oil men who flitted in and out of the back door to the Senate Finance Committee's offices while the committee, in sessions closed to the public, considered the oil provisions of the Tax Reform Act. The immediate past president of the association, Harold M. McClure, the Republican National Committeeman from Michigan, has acknowledged making "personal" campaign contributions totaling $90,000 in 1968. He recently testified before a Federal grand jury investigating allegations of political bribery.

The same Congressional source who admires the A.P.I. for its flexibility describes the Independent Petroleum Association as "sticking to the traditional line that the existing state of oil privileges is essential to the national defense and must remain sacrosanct."

The National Petroleum Refiners Association, composed of domestic refining companies and representing about 90 per cent of the refinery production in the United States. Donald O'Hara, the association's executive vice president, was formerly a registered lobbyist for the Petroleum Institute, with which he maintains close liaison.

The Independent Natural Gas Association of America, representing major pipeline companies. Its executive director is a former Texas Representative, Walter E. Rogers. He served in Congress as Chairman of the House Subcommittee on Communications and Power, which handles gas-pipeline legislation. He gave up his Congressional seat in 1966 and registered as a lobbyist in 1967 to represent 12 pipeline companies in a vigorous—and successful—effort to water down a pending bill that would have established strict Federal safety standards for the nation's 800,000 miles of gas pipelines.

A formidable array of regional and state groups—among them the Mid-Continent Oil and Gas Association, the Western Oil and Gas Association, the Texas Independent Producers and Royalty Owners Association and the Kansas Independent Oil and Gas Association—augments the national contingent. Executives of these organizations are frequent visitors to Washington, and they can draw on the talents of the capital's most prestigious law firms for missions of special delicacy. Individual companies also mount their own lobbying efforts; John Knodell, a genial and knowledgeable lawyer who worked the Congressional beat until recently for Humble Oil, was credited with establishing a new beachhead for the industry in the last year or two by opening lines of communication with liberal members of the House and Senate. He is now assigned to Humble's legal department in Houston.

By pooling their efforts, the companies are able to marshal formidable forces. In the carefully orchestrated campaign against reducing the depletion rate, for instance, one concern urged all its stockholders to write to members of Congress; another focused on mobilizing its retired employes; a third concentrated on service-station operators; a fourth sent brochures to its credit-card holders. The companies claimed all these efforts as deductible business expenses, but the Internal Revenue Service is, at the request of Senator William Proxmire of Wisconsin, examining those claims.

Instances of disarray in the ranks of oil are relatively rare—and when they occur, the dominant companies usually manage to muffle the dissenters. Last year, the small independent producers in the Kansas Independent Oil and Gas Association broke ranks to support a proposal by Senator Proxmire that would have instituted a system of scaled depletion allowances—a plan emphatically resisted by the majors. The Kansas oilmen were unable to persuade even their own state's Senator to support the Proxmire plan. When two executives of the Kansas group flew to Washington to enlist one Senator's assistance, he kept them waiting in an outer office while a representative of Standard Oil of Indiana delivered the pitch for retaining full depletion. "The local boys just don't understand the situation," the Senator later said.

Depletion and tax preferences are hardly the only—or even the most significant—prerequisites the industry is eager to protect. In fact, some Congressional critics suspect that oilmen were not entirely displeased when Congress voted to reduce the depletion allowance, since they hope that this action will ease the pressures against other oil privileges now under attack.

Chief among such privileges is the import-quota system—the topic the four Governors took to the White House on Nov. 7. Their meeting took place in the office of Peter Flanigan, a Presidential assistant who has special responsibility for financial affairs and who serves as the President's staff expert on oil. The Governors present, representing the Interstate Oil Compact Commission,* were Preston Smith of Texas, Robert B. Docking of Kansas, Stanley K. Hathaway of Wyoming and Richard B. Ogilvie of Illinois; they brought with them telegrams of support from the chief executives of 13 other states. Among the Administration officials assembled to hear the Governors' views were Secretary of Labor George P. Shultz, who heads President Nixon's Task Force on Oil Import Control, and several key members of the task force—Secretary of the Treasury David M. Kennedy, Secretary of the Interior Walter J. Hickel and Secretary of Commerce Maurice H. Stans.

"This meeting," Senator Proxmire told the Senate on Nov. 17, "was clearly the result of a planned campaign of pressure by the oil industry through the Interstate Oil Compact Commission. Even a cursory examination of the telegrams from the Governors who could not attend the meeting shows they are almost all in identical language. . . .

"The pressure on the Governors must have been fierce. The most interesting example of this is a telegram sent (by the State Commissioner of Conservation and Natural Resources) on behalf of Gov. Nelson Rockefeller of New York. The telegram assures the White House that Governor Rockefeller supports oil-import quotas, though Mayor Lindsay has shown that the quotas cost New York City consumers a minimum of $95-million a year in increased prices and that the cost might go as high, just for New York City, as a quarter of a billion dollars."

Whether Governor Rockefeller was, in fact, subjected to "fierce pressure" is problematic; as a member of a family that founded its fortune on Standard Oil, he is presumably not entirely unsympathetic to the industry's point of view. But Senator Proxmire's reference to a "planned campaign of pressure" in behalf of the import-quota system was no exaggeration.

About the time the oil-state Governors were meeting at the White House with members of the President's task force, Michael L. Haider, the retired chairman of Standard Oil Company (New Jersey) and retiring chairman of the American Petroleum Institute, had a private audience with President Nixon. He emerged, according to the industry's trade journal, The Oil Daily, "feeling more optimistic about the handling of petroleum-industry problems in Washington." After a "very good conversation" with the President, the report said, Haider "believes Nixon has a good grasp of the problems surrounding oil-import controls and is more confident that the outcome will be favorable."

In the same interview, Haider offered a glimpse of the relative equanimity with which the industry viewed the reduction in the depletion allowance. "Of course we can live with the new taxes," he said. "We obviously aren't going out of business." The Petroleum Institute has estimated that the Tax Reform Act will cost the industry $550-million to $600-million a year.

The import-quota system, on the other hand, has been estimated by reputable economists to be worth between $5.2-billion and $7.2-billion a year. Using the more conservative projection of the quota system's cost, experts have calculated that the average family of four in New York State pays an excess of $102.32 a year for gasoline and heating oil. In Vermont, a family of four pays an additional $195.92. The comparable figure for Wyoming is $258.

President Eisenhower established the oil-import-quota system on March 10, 1959, as a "national security" measure designed to reduce American reliance on foreign petroleum production. In taking this step, Sherman Adams recalls in his memoirs of the Eisenhower Administration, "the President had to go against the principles that he had fought for in his foreign-trade policy." According to Adams, the departure was made necessary by "the unpredictable human factor . . . the men who headed two large oil-importing companies that refused to join in voluntary restraints and to heed the warning of the Government of what would happen if they failed to do so. Oil was coming into the United States from foreign fields at such a rate that the American oil-producing centers were being forced into desperate straits." Adams, who served as "deputy President" in the early Eisenhower years, candidly dismisses the notion that the national security was at stake: "The imposing of import quotas on oil was primarily an economic decision brought about by an economic emergency, but the action . . . was based upon security considerations in accordance with the law."

The quota system restricts the entry of cheap foreign crude oil to 12.2 per cent of domestic production in states east of the Rockies. (The quota does not apply in the Western states because even a maximum rate of domestic production there cannot meet the demand.) The system operates in tandem with state laws that closely regulate month-to-month oil production on the basis of demand estimates furnished by the major producers. The effect is to assure domestic companies of a demand for all production, and to push up the cost to American consumers. A barrel of Middle Eastern oil can be landed in New York harbor for about $1.50 less than a barrel of domestic oil of the same quality.

"Import quotas have been instituted in order to insulate the domestic oil market from the challenge of foreign competition," Prof. Walter J. Mead, an economist at the University of California at Santa Barbara, told the Senate Antitrust and Monopoly Subcommittee last spring. "Given this barrier of free entry into the United States market, the price of crude oil in the United States is approximately double the free-market world price." During the first half of 1968, Professor Mead said, Japan paid an average of $1.42 a barrel for Middle Eastern crude oil. The American price for a similar grade of crude was $3 a barrel.

A Department of the Interior study made

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*The Interstate Oil Compact Commission is supposedly charged with one responsibility, conserving oil and gas within the continental United States. In theory it has nothing to do with the oil-import program, but it has engaged in heavy lobbying for retention of the quota system.

public on Jan. 16, 1969—and challenged by some economists as too conservative—found that the removal of import quotas would cause a 95-cent-a-barrel decline in the price of crude oil east of the Rockies. John M. Blair, the Senate subcommittee's chief economist, estimates that the quotas "have cost the American public $40-billion to $70-billion in the last 10 years."

Among the quota system's bizarre by-products is a complex of exceptions and evasions designed to suit the oil industry. In the interests of "national security," for example, Canadian oil imports, which can be shipped overland to the United States, are curtailed, while no limitation is placed on tanker shipments from Texas and Louisiana. Senator Russell Long of Louisiana, who has inherited Senator Kerr's mantle as the Capitol's chief spokesman for oil, once defended the Canadian restriction by invoking the likelihood of war between the United States and its neighbor to the north.

Another odd and costly arrangement exacts about $14-million a year from Hawaiian consumers because oil shipped to their state from Indonesia and Venezuela is refined in Hawaii, but priced as though it had been refined from more expensive domestic crude on the West Coast, then shipped to Hawaii in American vessels, which traditionally collect a top dollar for their services. "It seems hard to understand," said Prof. Morris A. Adelman, an M.I.T. economist, during the Senate hearings last spring. "If I looked into it, maybe I would find it even harder to understand."

Consumers and their Congressional spokesmen, however—no matter how loud their complaints against the quota system—can claim only modest credit for the current assault. The Presidential task force whose work has worried the industry and preoccupied its lobbyists in recent months came into being as a result of competitive pressures among the companies themselves, which prompted some major producers to seek special Federal benefits under the quota system. The first important breach in the system came when the Johnson Administration granted quotas to a Phillips Petroleum refinery in Puerto Rico and a Hess Oil refinery in the Virgin Islands. Then Occidental Petroleum, a relatively small but aggressive company, discovered vast oil pools in Libya and decided to seek increased access to the restricted American market by requesting a 100,000-barrel-a-day quota for a refinery to be built in a proposed foreign-trade zone at Machiasport, Me. To New Englanders, Occidental promised a reduction of at least 10 per cent in the swollen cost of home heating oil. To the major producers, however, Occidental's request raised the threat of a series of "Machiasports" around the country, dissolution of the import-quota system and substantial reductions in profits.

Confronted with strong and conflicting pressures, the Johnson Administration fumbled indecisively with the Machiasport application during its last year in office, then passed the problem on to its successor. On Feb. 5, 1969, Chairman Haider and President Ikard of the American Petroleum Institute proposed to Dr. Arthur F. Burns, the President's principal economic adviser, that a Presidential task force be appointed to review the quota system. Their intent, it seems clear, was to block the Machiasport project, but surprisingly the task force took on some aspects of a runaway grand jury. The industry has not recovered from the shock.

In a forceful submission to the task force, the Antitrust Division of the Department of Justice challenged the major rationale for the quota system, arguing that "the import quotas themselves do nothing to preserve this nation's domestic oil reserves. Reserve productive capacity is maintained, if at all, by state regulatory action aimed primarily at other objectives, such as conservation. The resulting hodgepodge of Federal and state regulation seems ill-adapted for achievement of a coherent program designed to provide this country with sufficient emergency oil reserves." The import program, the Antitrust Division also noted, "is a keystone in preserving a dual price system as between the United States and the rest of the free world. By insulating the domestic market from the competitive pressures of world oil prices, the program intensifies the effects of the existing lack of competitive vigor in various domestic oil markets."

Under the direction of Prof. Phillip Areeda, a Harvard economist, the task-force staff compiled what is generally regarded as a full, fair and thorough record (although some industry sources passed the word that the staff was dominated by a most dangerous element—"theoretical economists"). In assembling detailed position papers and rebuttals, the staff shunned *ex parte* contacts with the ubiquitous oil lobbyists and withstood formidable pressures, including a telegram from Representative Wilbur Mills of Arkansas, the Chairman of the powerful House Ways and Means Committee, who warned Professor Areeda against "tinkering with the matter of oil imports."

In its final report, the task-force staff found that the quota system has serious disadvantages, including "the hazards of fallible judgment, combined with the ever-present risks of corruption." These factors, the staff concluded, "counsel strongly in favor of getting the Government out of the allocation business as rapidly and as completely as possible." The staff recommended scrapping quotas in favor of a preferential tariff system for oil that would produce about $700-million a year in new Federal revenues and reduce prices by about 30 cents a barrel—a quarter to a third of the price reduction that might be realized by the total elimination of oil-import controls. Under a probable tariff schedule, consumers might save a cent or two on a gallon of gasoline and about a cent on a gallon of heating oil.

Such a reduction would have a measurable counterinflationary effect. According to Paul W. McCracken, the chairman of President Nixon's Council of Economic Advisers, "with annual consumption on the order of 80 billion gallons, a 2-cent cut at retail would translate into a reduction of about $1.6-billion in the total national bill for gasoline. Such a cut would be equivalent to a reduction of approximately 6 per cent in the average retail price."

The task force held its last full meeting in December, and a majority—five of the seven members, led by Secretary of Labor Shultz—was prepared to accept the staff's conclusions. The two dissenters were Secretary of the Interior Hickel and Secretary of Commerce Stans, who insisted, in what several participants have described as an angry confrontation, on retention of the quota system.

Present for the first time at a meeting of the task force was Attorney General John N. Mitchell, who emphatically told Secretary Shultz, "Don't box the President in." Some of those present interpreted the remark as a Presidential request for the retention of quotas. Following Mitchell's appeal, the task force tempered its recommendations, though it reached the basic conclusion that quotas should be scrapped in favor of a tariff schedule.

The broad conclusions of the task-force report leaked out before it was officially made public, and the oil industry lost no time in stepping up its efforts to win friends and influence people. For many weeks it bombarded Congress and the White House with demands that the quota system be retained.

A retired oil executive who maintains close contact with the industry reported in a confidential memorandum early in February that representatives of the Independent Petroleum Association had made "quite an impression" in a meeting with Flanigan and Bryce Harlow, another Presidential aide. The memo continues: "Theme was—oil revenues are key to the prosperity and state budgets, such as schools (over 90 per cent in Louisiana), of the oil-producing states. Stall any decision until after the election and in this way the Republican party can capture the Senate. This policy will assure Republican Senators' election in questionable states of Alaska, California, Wyoming, New Mexico and Texas Harlow assured the group that the President is well aware of all the facts and will act to the best interests of the country."

Even more reassuring to the industry was a report published Feb. 6 by Platt's Oilgram News Service, an "inside" newsletter for the industry, based on an interview with a "high Administration official known to be opposed" to the task-force majority's tariff recommendation. The official, whom industry sources identify as Interior Secretary Hickel, said he was convinced the the Administration would not permit "anything drastic" to happen to oil imports.

Secretary Hickel's prediction proved accurate. When the 4000-page task-force report, with its recommendation that the quota system be abolished, was released by the White House on Feb. 20, it was accompanied by a Presidential announcement that no "major" change would be ordered now.

The President thanked the task-force members and staff for their "devoted and discerning effort," then announced the formation of a new Oil Policy Committee to conduct further studies. The only task-force member missing from the new group is Secretary Shultz, the original body's most vigorous critic of the quota system. He was replaced by Attorney General Mitchell, who presumably will see to it that the President is not boxed in.

Understandably, the Petroleum Institute thought the President's action was "encouraging," while the Independent Petroleum Association declared that the move should "reassure consumers as to future supplies of both oil and natural gas at reasonable prices."

Meanwhile, the industry is reappraising its pressure tactics, assessing its past mistakes and preparing for such future battles as the developing national crusade against automotive pollution. Former Congressman Ikard predicts "a pretty substantial change" in the industry's expensive image-building program. "We aren't dedicated to anything we are doing simply because we have been doing it," he says. An industry committee headed by Howard Hardesty, senior vice president of Continental Oil, has been conducting an intensive study of oil's public-relations efforts.

In a speech last fall that attracted sympathetic attention in the industry—it was reprinted in full in The Oil Daily—Michel T. Halbouty, a Houston oil producer, engineer, banker and former president of the American Association of Petroleum Geologists, complained that the industry's trade associations had "simply failed to inform and educate the public properly."

"Frankly," Halbouty said, "all of us look it for granted that our little red house would never be blown down by those howling wolves. So we find ourselves behind the eight ball. We now see depletion being hammered down. We see serious attacks being made on other incentives. The mandatory import program is in trouble . . . The shortcoming in our own case has been a lack of communication with the people who really count in this country—the people who vote.

"We have done little to tell the history of oil and gas or the industry of the men who have made it. We have said little about how this industry ignited and sustained the age of liquid fuel and thereby helped lift the shackles of toil from labor. . . . We simply haven't put this information out properly, without wrapping it in a package which had

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the sign 'support depletion' on the outside. The people would automatically support depletion if they knew what our industry means to them."

From a Washington perspective, Halbouty's apprehensions seem overblown, or at least premature. While the industry's critics are increasingly outspoken and have tasted a few small victories, they have also been subjected to large defeats. Though some of oil's most stalwart champions have been removed by the process of attrition, others remain, steadfast and loyal, in Congress and in the executive branch. Despite a few cracks in the solid front the industry was long able to maintain in its lobbying effort, it remains a potent force in the capital.

When the American Petroleum Institute convened in Houston in November, Administration officials on hand to deliver speeches included Treasury Secretary Kennedy, Interior Under Secretary Russell E. Train and John N. Nassikas, the new chairman of the Federal Power Commission. A few days later Interior Secretary Hickel, whose department has broad jurisdiction over matters of importance to the oil industry, was in Houston to inspect offshore drilling rigs and hold private conversations with industry leaders.

Hickel, the former Governor of Alaska whose intimate ties to oil were the subject of stormy confirmation hearings when he was named to the Cabinet, seemed for a time to fall short of the industry's glowing expectations. Mindful of his vulnerability to conflict-of-interest allegations, he appeared determined to stress his independence of the industry. When an offshore oil blowout in the Santa Barbara channel became a national pollution scandal, the Secretary issued relatively stringent controls on drilling procedures, and oilmen complained of official "overkill." Such industry complaints are no longer heard in Washington, however, and Mr. Hickel seems to have dropped his guard. It was reported recently that an Alaska investment firm owned by the Secretary and his wife and managed by his brother, Vernon, had received a $1-billion contract to build an addition to the building in which Atlantic-Richfield maintains its Anchorage headquarters.

President Nixon, too, was well acquainted with leading oil producers long before Michael Haider paid his cordial call at the White House in November. California oilmen were prominent contributors to the Nixon personal-expense fund that erupted into headlines during the 1952 Presidential campaign. In Congress, Mr. Nixon was a reliable supporter of such oil measures as the tidelands bill, which divested the Federal Government of the offshore petroleum reserves. As Vice President, Nixon worked closely with Senate Majority Leader Lyndon Johnson in 1956 to block a sweeping inquiry into disclosures by the late Senator Francis Case of South Dakota that he had been offered a $2,500 bribe for his vote in behalf of a bill to exempt natural-gas producers from Federal regulation. The law firm with which Nixon was associated before his 1968 candidacy had its share of oil clients, and oilmen—including president Robert O. Anderson of rapidly growing Atlantic-Richfield—ranked high among contributors to Nixon's Presidential campaign.

No one knows precisely—or even approximately—how much money oil pours into politics, though experts on campaign financing agree that the industry outspends all others. Official reporting requirements, which divulge only the tip of the iceberg, indicate that executives of oil companies and trade associations can be counted on for hundreds of thousands of dollars in contributions during Presidential campaigns—the bulk of it (except in 1964) to Republican candidates. The role of oil money in House and Senate campaigns is even more obscure, although occasional disclosures such as the 1956 charge of a bribe attempt and the more recent investigations of former Senate Majority Secretary Robert G. Baker indicate that money is easily—and bipartisanly—available to legislators who can be counted on to vote the industry's way. Baker, whose Senate mentors were Robert Kerr of Oklahoma and Lyndon Johnson of Texas, served as both collector and distributor of oil contributions funneled through the Democratic Senatorial Campaign Committee in the late nineteen-fifties and early sixties.

Periodic disclosures of political bribery, which have a remarkably transitory effect on public opinion and political morality, are probably less significant than the day-in, day-out "legitimate" relations between Congress and the powerful oil industry. As Robert Engler observed in "The Politics of Oil," a classic study: "The spotlight here belongs more on lawmakers and respectable men with bulging brown briefcases entering the portals of government than on lawbreakers and furtive men with little black bags using side entrances of hotels. Government policy on oil has increasingly become indistinguishable from the private policies of oil. . . ."

For some lawmakers, of course, the wheel of self-interest need not be oiled, even by political contributions. The late Senator Kerr, who held a ranking position on the Finance Committee in the nineteen-fifties and early sixties and was always available to the oil industry was simply advancing his own cause as a substantial shareholder in Kerr-McGee Oil Industries, Inc. "Why, hell," he said, "if everyone abstained from voting on grounds of personal interest, I doubt if you could get a quorum in the United States Senate on any subject."

Senator Long, who now presides over the Finance Committee and the loyal oil contingent on Capitol Hill, shares his illustrious predecessor's view. "Most of my income is from oil and gas," he says. "I don't regard it as any conflict of interest. My state produces more oil and gas per acre than any state in the Union. If I didn't represent the oil and gas industry, I wouldn't represent the state of Louisiana."

According to records of the Louisiana Mineral Board, Senator Long has received income of $1,196,915 since 1964 from his interests in four state oil and gas leases, and almost $330,000 of that income has been exempt from Federal income taxes because of the oil-depletion allowance. The Senator is also a trustee of family trusts that have collected $961,443 from holdings in state leases since 1964; and he has an interest in at least seven private leases whose royalty reports are not available for public scrutiny.

Few of his colleagues can match Senator Long's oil holdings, but many share his solicitous concern for the industry's welfare. Among those on whom the oil moguls can generally count for unstinting support are Senators John G. Tower of Texas, Gordon Allott of Colorado, Clifford P. Hansen of Wyoming, Henry L. Bellmon of Oklahoma, Roman L. Hruska of Nebraska, Robert J. Dole of Kansas, Peter H. Dominick of Colorado, Allen J. Ellender of Louisiana, Theodore F. Stevens of Alaska, George Murphy of California and Karl E. Mundt of South Dakota.

Most—but not all—of oil's fast friends in the Senate are stanch conservatives. Nonetheless, such liberal heroes as J. William Fulbright of Arkansas and Eugene J. McCarthy of Minnesota can usually be counted on to see oil's side. When a crucial vote on depletion came up in the Senate Finance Committee last fall and resulted in an eight-to-eight tie, Senator McCarthy, a member of the committee, was in a New York restaurant autographing copies of his book on the 1968 campaign, which includes a stern rebuttal of charges that he has favored the oil interests.

McCarthy, who voted consistently against oil privileges during most of his first Senate term, cast his first vote in favor of depletion in 1964 and has generally favored the industry's positions since. There were published reports in 1968 that he had raised about $40,000 for his Presidential campaign in one day at the Petroleum Club in Houston.

Senator Fulbright's unswerving loyalty to his state's oil and gas interests is perhaps more understandable, but he has occasionally carried it beyond mere routine support. When Senator Case of South Dakota disclosed the attempt to buy votes for the 1956 natural-gas bill, Fulbright accused him of being "irresponsible"; to jeopardize passage of the bill was "inexcusible," Fulbright explained.

In the House, the Ways and Means Committee, which writes the nation's tax laws, still has the essential make-up decreed for it by the late Speaker Rayburn, whose policy was to interview all candidates for assignment to the committee on issues relating to oil. (Former President Johnson exercised the same kind of control over the Senate Finance Committee in his days as Majority Leader.) Among those who passed Mr. Rayburn's test was former Congressman Ikard, who now serves as the industry's lobbyist in chief. With rare exceptions, the full House delegations from Texas, Oklahoma and Louisiana serve as the hard core of the oil bloc.

Those legislators who are not irrevocably committed to oil's interests can count on frequent, cordial contacts with the army of lobbyists the industry maintains in the capital. One aide to a Senator who is active in legislative matters affecting oil reports that he receives about 20 calls and several visits a day from industry spokesmen. Written communication is rare.

And the oil lobbyists are doing more than socializing during those visits on Capitol Hill. As soon as the thrust of the task-force report on import quotas became clear, they moved decisively to protect the quota system. Already scheduled are two Congressional committee inquiries designed to attack the task force's recommendations. In the House, the Interior Subcommittee on Mines and Mining plans an investigation of the "national security aspects" of the quota system under the direction of Representative Ed Edmondson of Oklahoma. "He is a Congressman representing an oil-producing and refining state," one of Edmondson's aides explains. "He feels the smaller independent operator gets squeezed first in this kind of issue." In the Senate, a planned investigation will, from the industry's point of view, be in equally reliable hands—those of Senator Long.

In his announcement that he would not immediately implement the task-force report, President Nixon said he expected that such Congressional hearings would produce "much additional valuable information."

As they make their cordial way through the corridors of the Capitol, the oil lobbyists complain that things just haven't been going right lately. Some predict the most drastic consequences—not just for the industry but for the nation—if the quota system is scrapped.

But they don't really look very worried. The well is not about to run dry.

CHARLES J. ZINN

HON. EMANUEL CELLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 1970

Mr. CELLER. Mr. Speaker, on Tuesday, March 10, 1970, the Committee on the Judiciary adopted the following resolution in tribute to the memory of Charles J. Zinn, law revision counsel, who died suddenly on March 5, 1970. In keeping with the resolution, I herewith insert the text:

RESOLUTION

Whereas, Charles J. Zinn, having passed away on Thursday, March 5, 1970; and

Whereas, Charles J. Zinn was employed by this Committee in the capacity of Law Revision Counsel for the past twenty-three years; and

Whereas, Charles J. Zinn served as Law Revision Counsel with the Law Revision Committee from 1939 to 1947 before its incorporation into this Committee; and

Whereas, Charles J. Zinn served this Committee with the highest degree of professionalism and as a dedicated public servant.

Now, therefore, be it resolved that this Committee on the Judiciary of the House of Representatives expresses herein its sorrow at the passing of Charles J. Zinn and offers this Resolution in tribute to his memory; and

Be it further resolved that this Resolution be spread upon the minutes of this Committee and a copy thereof sent to his wife, Mrs. Ethel Zinn; and

Be it further resolved that a copy of this Resolution be inserted in the Congressional Record.

THE UPHILL FIGHT AGAINST PORNOGRAPHY

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 1970

Mr. RODINO. Mr. Speaker, a distinguished American appeared on last January 28 before a judiciary subcommittee of this House and made a statement of exceptional significance. It is an affirmation, I believe, which should be known and applauded by the Members of the House and by all citizens who believe in decency in American life.

Jack Valenti, president of the Motion Picture Association of America, told Judiciary Subcommittee No. 3 at hearings on antiobscenity bills of a personal campaign in which he is engaged, in these words:

> One of the campaigns I am embarking on in the interest, I think, of the public and in the long-range best interests of the responsible film industry, is to urge exhibitors and important theater chains throughout the country not to play the so-called skin-flicks in their neighborhood community houses and in their top-run, first-quality houses downtown.
>
> You can't run a voyeur theater one day and a family theater the next day.
>
> The responsible leaders of the motion picture industry are not going to allow this medium to be tarnished if we can avoid it. I am not going to cease, whatever the cost, to fight for self-regulation and self-restraint. I am going to condemn tastelessness no matter where it comes from or who cashes in on it.

Now, it would surely appear to Members of the House that Mr. Valenti's campaign deserves praise, not censure, and warrants support, not attack.

But let me relate a sequel.

Mr. Valenti and two other prominent leaders in American motion pictures on February 9 were named as defendants in a $30,000,000 damage suit in Federal court in Los Angeles by the distributor of a "skin-flick." The picture, made in and imported from Denmark, is heralded in its own advertising in this fashion:

> It is only now, with the legalization of pornography in Denmark, that this movie could be made. This is the first film to enter the U.S. from Denmark since its liberalization of permissiveness!

That surely says a lot about the picture.

Mr. Speaker, can any fair- and decent-minded American believe that this lawsuit reflects other than arrogance and contempt for the American public? It is an obvious and crude retaliatory attempt to silence a voice for decency.

As Members of this House know, I have not hesitated to speak out against obscenity and pornography. I am proud to be among those Members who have introduced legislation that, in accord with the latest Supreme Court decisions, seeks to protect minors from pornography. I strongly approve of strengthening the postal statutes to prevent the interstate transportation of obscene materials sent unsolicited to minors. At the same time, as a lawyer and a member of the Judiciary Committee, I am acutely aware of the interdiction of the first amendment to the Constitution and thus I shun statutory censorship.

It is for these reasons that I have regarded with warm approval the steps taken by the motion picture industry under the aegis of its president to bolster its voluntary and self-imposed control mechanisms. The new rating system, now more than a year old, has in the main proved a useful tool in informing parents about motion pictures and thus a guide to which pictures youngsters should see.

And by the same token I welcomed Mr. Valenti's testimony before our Judiciary Subcommittee in January. It recognized that trashy movies, like trashy books or trashy paintings, or trashy songs, have been and always will be a part of the human condition. There are people who prefer to create this sort of material and unfortunately there are other people who apparently enjoy it. In our country, unlike totalitarian states, we may not and of course should not control what adult citizens may see or hear or read or even say, although I remind myself of Justice Holmes comment that free speech does not entitle one to shout "fire" in a crowded theater.

Thus, in the case of movies, there are theaters that cater to those who patronize this sort of voyeur entertainment. Generally, except for a New York or Chicago or San Francisco, they are few in number and are located in an area not frequented by the ordinary movie goer. What Mr. Valenti told our committee is that he hoped that these kinds of pictures would not be played in first run, family type theaters and that he was strongly advocating such a policy publicly.

For so doing he and others in the motion picture industry who feel the same way are being sued. It is an ironic situation that one who advocates a policy clearly in the public interest finds himself a defendant in a legal action. Obviously, I am not going to comment on the merits of a legal matter yet to be adjudicated in the courts but I certainly hope that no one in or out of the motion picture industry will be intimidated by the suit. I hope that those who feel the way I do will continue to make their views known that trash belongs where trash is normally dispensed.

Jack Valenti will not be silenced and he will not be deterred by law suits or hectoring or badgering. His campaign is right and it will prevail. In the United States we are truly fortunate to have as a leader of the great American film industry a man of Jack Valenti's talents and sincerity, dedication and vision.

POLLUTION OF OUR COASTAL AREAS

HON. CLARENCE J. BROWN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 1970

Mr. BROWN of Ohio. Mr. Speaker, many scientists and political leaders look to the sea as a food source in the years ahead when an expanding population and limited land resources mean that mankind can no longer grow on land enough food to sustain himself. That this may be a slender reed to lean upon is discussed in the following article by John H. Ryther in the October 3, 1969, issue of Science, volume 166. Mr. Ryther points out that it is the shallow coastal waters of the Continental Shelf from which comes most of the productivity of the ocean. The sad truth is that we are rapidly destroying this coastal productivity by polluting coastal areas.

While this article is somewhat technical, it is relatively brief; and is certainly worthy of the interest and attention of those who must legislate in these complicated areas. It follows:

PHOTOSYNTHESIS AND FISH PRODUCTION IN THE SEA—THE PRODUCTION OF ORGANIC MATTER AND ITS CONVERSION TO HIGHER FORMS OF LIFE VARY THROUGHOUT THE WORLD OCEAN

(The author is a member of the staff of the Woods Hole Oceanographic Institution, Woods Hole, Mass.)

(By John H. Ryther)

Numerous attempts have been made to estimate the production in the sea of fish and other organisms of existing or potential food value to man (1–4). These exercises, for the most part, are based on estimates of primary (photosynthetic) organic production rates in the ocean (5) and various assumed trophic-dynamic relationships between the photosynthetic producers and the organisms of interest to man. Included in the latter are the number of steps or links in the food chains and the efficiency of conversion of organic matter from each trophic level or link in the food chain to the next. Different estimates result from different choices in the number of trophic levels and the efficiencies, as illustrated in Table 1 (2).

Implicit in the above approach is the concept of the ocean as a single eco-system in which the same food chains involving the same number of links and efficiencies apply throughout. However, the rate of primary production is known to be highly variable, differing by at least two full orders of magnitude from the richest to the most im-

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poverished regions. This in itself would be expected to result in a highly irregular pattern of food production. In addition, the ecological conditions which determine the trophic dynamics of marine food chains also vary widely and in direct relationship to the absolute level of primary organic production. As is shown below, the two sets of variables—primary production and the associated food chain dynamics—may act additively to produce differences in fish production which are far more pronounced and dramatic than the observed variability of the individual causative factors.

PRIMARY PRODUCTIVITY

Our knowledge of the primary organic productivity of the ocean began with the development of the C^{14}-tracer technique for *in situ* measurement of photosynthesis by marine plankton algae (6) and the application of the method on the 1950–52 *Galathea* expedition around the world (5). Despite obvious deficiencies in the coverage of the ocean by *Galathea* (the expedition made 194 observations, or an average of about one every 2 million square kilometers, most of which were made in the tropics or semitropics), our concept of the total productivity of the world ocean has changed little in the intervening years.

While there have been no more expeditions comparable to the *Galathea*, there have been numerous local or regional studies of productivity in many parts of the world. Most of these have been brought together by a group of Soviet scientists to provide up-to-date world coverage consisting of over 7000 productivity observations (7). The result has been modification of the estimate of primary production in the world ocean from 1.2 to 1.5 $\times 10^{10}$ tons of carbon fixed per year (5), to a new figure, 1.5 to 1.8 $\times 10^{10}$ tons.

Attempts have also been made by Steemann Nielsen and Jensen (5), Ryther (8), and Koblentz-Mishke *et al.* (7) to assign specific levels or ranges of productivity to different parts of the ocean. Although the approach was somewhat different in each case, in general the agreement between the three was good and, with appropriate condensation and combination, permit the following conclusions.

1) Annual primary production in the open sea varies, for the most part, between 25 and 75 grams of carbon fixed per square meter and averages about 50 grams of carbon per square meter per year. This is true for roughly 90 percent of the ocean, an area of 326 $\times$ 10 square kilometers.

2) Higher levels of primary production occur in shallow coastal waters, defined here as the area within the 100-fathom (180-meter) depth contour. The mean value for this region may be considered to be 100 grams of carbon fixed per square meter per year, and the area, according to Menard and Smith (9), is 7.5 percent of the total world ocean. In addition, certain off-shore waters are influenced by divergences, fronts, and other hydrographic features which bring nutrient-rich subsurface water into the euphotic zone. The equatorial divergences are examples of such regions. The productivity of these offshore areas is comparable to that of the coastal zone. Their total area is difficult to assess, but is considered here to be 2.5 percent of the total ocean. Thus, the coastal zone and the offshore regions of comparably high productivity together represent 10 percent of the total area of the oceans, or 36×10^6 square kilometers.

3) In a few restricted areas of the world, particularly along the west coasts of continents at subtropical latitudes where there are prevailing offshore winds and strong eastern boundary currents, surface waters are diverted offshore and are replaced by nutrient-rich deeper water. Such areas of coastal upwelling are biologically the richest parts of the ocean. They exist off Peru, California, northwest and southwest Africa, Somalia, and the Arabian coast, and in other more localized situations. Extensive coastal upwelling also is known to occur in various places around the continent of Antarctica, although its exact location and extent have not been well documented. During periods of active upwelling, primary production normally exceeds 1.0 and may exceed 10.0 grams of carbon per square meter per day. Some of the high values which have been reported from these locations are 3.9 grams for the southwest coast of Africa (5), 6.4 for the Arabian Sea (10), and 11.2 off Peru (11). However, the upwelling of subsurface water does not persist throughout the year in many of these places—for example, in the Arabian Sea, where the process is seasonal and related to the monsoon winds. In the Antarctic, high production is limited by solar radiation during half the year. For all these areas of coastal upwelling throughout the year, it is probably safe, if somewhat conservative, to assign an annual value of 300 grams of carbon per square meter. Their total area in the world is again difficult to assess. On the assumption that their total cumulative area is no greater than 10 times the well-documented upwelling area off Peru, this would amount to some 3.6×10^5 square kilometers, or 0.1 percent of the world ocean. These conclusions are summarized in Table 2.

FOOD CHAINS

Let us next examine the three provinces of the ocean which have been designated according to their differing levels of primary productivity from the standpoint of other possible major differences. These will include, in particular, differences which relate to the food chains and to trophic efficiencies involved in the transfer of organic matter from the photosynthetic organisms to fish and invertebrate species large and abundant enough to be of importance to man.

The first factor to be considered in this context is the size of the photosynthetic or producer organisms. It is generally agreed that, as one moves from coastal to offshore oceanic waters, the character of these organisms changes from large "microplankton" (100 microns or more in diameter) to the much smaller "nannoplankton" cells 5 to 25 microns in their largest dimensions (12, 13).

Since the size of an organism is an essential criterion of its potential usefulness to man, we have the following relationship: the larger the plant cells at the beginning of the food chain, the fewer the trophic levels that are required to convert the organic matter to a useful form. The oceanic nannoplankton cannot be effectively filtered from the water by most of the common zoo-plankton crustacea. For example, the euphausid *Euphausia pacifica*, which may function as a herbivore in the rich subarctic coastal waters of the Pacific, must turn to a carnivorous habit in the offshore waters where the phytoplankton become too small to be captured (13).

Intermediate between the nannoplankton and the carnivorous zoo-plankton are a group of herbivores, the microzooplankton, whose ecological significance is a subject of considerable current interest (14, 15). Representatives of this group include protozoans such as Radiolaria, Foraminifera, and Tintinnidae, and larval nuplii of microcrustaceans. These organisms, which may occur in concentrations of tens of thousands per cubic meter, are the primary herbivores of the open sea.

Feeding upon these tiny animals is a great host of carnivorous zooplankton, many of which have long been thought of as herbivores. Only by careful study of the mouthparts and feeding habits were Anraku and Omori (16) able to show that many common copepods are facultative if not obligate carnivores. Some of these predatory copepods may be no more than a millimeter or two in length.

Again, it is in the offshore environment that these small carnivorous zooplankton predominate. Grice and Hart (17) showed that the percentage of carnivorous species in the zooplankton increased from 16 to 39 percent in a transect from the coastal waters of the northeastern United States to the Sargasso Sea. Of very considerable importance in this group are the Chaetognatha. In terms of biomass, this group of animals, predominantly carnivorous, represents, on the average, 30 percent of the weight of copepods in the open sea (17). With such a distribution, it is clear that virtually all the copepods, many of which are themselves carnivores, must be preyed upon by chaetognaths.

The oceanic food chain thus far described involves three to four trophic levels from the photosynthetic nannoplankton to animals no more than 1 to 2 centimeters long. How many additional steps may be required to produce organisms of conceivable use to man is difficult to say, largely because there are so few known oceanic species large enough and (through schooling habits) abundant enough to fit this category. Familiar species such as the tunas, dolphins, and squid are all top carnivores which feed on fishes or invertebrates at least one, and probably two, trophic levels beyond such zooplankton as the chaetognaths. A food chain consisting of five trophic levels between photosynthetic organisms and man would therefore seem reasonable for the oceanic province.

As for the coastal zone, it has already been pointed out that the phytoplankton are quite commonly large enough to be filtered and consumed directly by the common crustacean zooplankton such as copepods and euphausids. However, the presence, in coastal waters, of protozoans and other microzooplankton in larger numbers and of greater biomass than those found in offshore waters (15) attests to the fact that much of the primary production here, too, passes through several steps of a microscopic food chain before reaching the macrozooplankton.

The large animals of the coastal province (that is, those directly useful to man) are certainly the most diverse with respect to feeding type. Some (mollusks and some fishes) are herbivores. Many others, including most of the pelagic clupeoid fishes, feed on zooplankton. Another large group, the demersal fishes, feed on bottom fauna which may be anywhere from one to several steps removed from the phytoplankton.

If the herbivorous clupeoid fishes are excluded (since these occur predominantly in the upwelling provinces and are therefore considered separately), it is probably safe to assume that the average food organism from coastal waters represents the end of at least a three-step food chain between phytoplankton and man.

It is in the upwelling areas of the world that food chains are the shortest, or—to put it another way—that the organisms are large enough to be directly utilizable by man from trophic levels very near the primary producers. This, again, is due to the large size of the phytoplankton, but it is due also to the fact that many of these species are colonial in habit, forming large gelatinous masses or long filaments. The eight most abundant species of phytoplankton in the upwelling region off Peru, in the spring of 1966, were *Chaetoceros socialis, C. debilis, C. lorenzianus, Skeletonema costatum, Nitzschia seriata, N. delicatissima, Schroederella delicatula*, and *Asterionella japonica* (11, 18). The first in this list, *C. socialis*, forms large gelatinous masses. The others all form long filamentous chains. *Thalossiosira subtilis*, another gelatinous colonial form like *Chaetoceros socialis*, occurs commonly off southwest Africa (19) and close to shore off the Azores (20).

TABLE 1.—ESTIMATES OF POTENTIAL YIELDS (PER YEAR) AT VARIOUS TROPHIC LEVELS, IN METRIC TONS

[After Schaeffer (2)]

Trophic level	Ecological efficiency factor					
	10 percent		15 percent		20 percent	
	Carbon	Total weight	Carbon	Total weight	Carbon	Total weight
0. Phytoplankton (net particulate production)	1.9×10^{10}		1.9×10^{10}		1.9×10^{10}	
1. Herbivores	1.9×10^{9}	1.9×10^{10}	2.8×10^{9}	2.8×10^{10}	3.8×10^{9}	3.8×10^{10}.
2. 1st stage carnivores	1.9×10^{8}	1.9×10^{9}	4.2×10^{8}	4.2×10^{9}	7.6×10^{8}	7.6×10^{9}.
3. 2d stage carnivores	1.9×10^{7}	1.9×10^{8}	6.4×10^{7}	6.4×10^{8}	15.2×10^{7}	15.2×10^{8}.
4. 3rd stage carnivores	1.9×10^{6}	1.9×10^{7}	9.6×10^{6}	9.6×10^{7}	30.4×10^{6}	30.4×10^{7}.

TABLE 2.—DIVISION OF THE OCEAN INTO PROVINCES ACCORDING TO THEIR LEVEL OF PRIMARY ORGANIC PRODUCTION

Province	Percentage of ocean	Area (km^2)	Mean productivity (grams of carbon/m^2/yr.)	Total productivity (10^9 tons of carbon/yr.)
Open ocean	90.0	326×10^{6}	50	16.3
Coastal zone[1]	9.9	36×10^{6}	100	3.6
Upwelling areas	.1	3.6×10^{5}	300	.1
Total				20.0

[1] Includes offshore areas of high productivity.

TABLE 3. ESTIMATED FISH PRODUCTION IN THE THREE OCEAN PROVINCES DEFINED IN TABLE 2

Province	Primary production [tons (organic carbon)]	Trophic levels	Efficiency (percent)	Fish production [tons (fresh wt.)]
Oceanic	16.3×10^{9}	5	10	16×10^{5}.
Coastal	3.6×10^{9}	3	15	12×10^{7}.
Upwelling	0.1×10^{9}	1½	20	12×10^{7}.
Total				24×10^{7}.

Hart (21) makes special mention of the colonial habit of all the most abundant species of phytoplankton in the Antarctic—*Fragiloriopsis antarctica, Encampia balaustrium, Rhizosalenia alata, R. antarctica, R. chunii, Thallosiothrix antarctica,* and *Phaeocystis brucei.*

Many of the above-mentioned species of phytoplankton form colonies several millimeters and, in some cases, several centimeters in diameter. Such aggregates of plant material can be readily eaten by large fishes without special feeding adaptation. In addition, however, many of the clupeoid fishes (sardines, anchovies, pilchards, menhaden, and so on) that are found most abundantly in upwelling areas and that make up the largest single component of the world's commercial fish landings, do have specially modified gill rakers for removing the larger species of phytoplankton from the water.

There seems little doubt that many of the fishes indigenous to upwelling regions are direct herbivores for at least most of their lives. There is some evidence that juveniles of the Peruvian anchovy (*Engraulis ringens*) may feed on zooplankton, but the adult is predominantly if not exclusively a herbivore (22). Small gobies (*Gobius bibarbatus*) found at mid-water in the coastal waters off southwest Africa had their stomachs filled with a large, chain-forming diatom of the genus *Fragilaria* (23). There is considerable interest at present in the possible commercial utilization of the large Antarctic krill, *Euphausia superba,* which feeds primarily on the colonial diatom *Fragilariopsis antarctica* (24).

In some of the upwelling regions of the world, such as the Arabian Sea, the species of fish are not well known, so it is not surprising that knowledge of their feeding habits and food chains is fragmentary. From what is known, however, the evidence would appear to be overwhelming that a one- or two-step food chain between phytoplankton and man is the rule. As a working compromise, let us assign the upwelling province a 1½-step food chain.

EFFICIENCY

The growth (that is, the net organic production) of an organism is a function of the food assimilated less metabolic losses or respiration. This efficiency of growth or food utilization (the ratio of growth to assimilation) has been found, by a large number of investigators and with a great variety of organisms, to be about 30 percent in young, actively growing animals. The efficiency decreases as animals approach their full growth, and reaches zero in fully mature or senescent individuals (25). Thus a figure of 30 percent can be considered a biological potential which may be approached in nature, although the growth efficiency of a population of animals of mixed ages under steady-state conditions must be lower.

Since there must obviously be a "maintenance ration" which is just sufficient to accommodate an organism's basal metabolic requirement (26), it must also be true that growth efficiency is a function of the absolute rate of assimilation. The effects of this factor will be most pronounced at low feeding rates, near the "maintenance ration," and will tend to become negligible at high feeding rates. Food conversion (that is, growth efficiency) will therefore obviously be related to food availability, or to the concentration of prey organisms when the latter are sparsely distributed.

In addition, the more available the food and the greater the quantity consumed, the greater the amount of "internal work" the animal must perform to digest, assimilate, convert, and store the food. Conversely, the less available the food, the greater the amount of "external work" the animal must perform to hunt, locate, and capture its prey. These concepts are discussed in some detail by Ivlev (27) and reviewed by Ricker (28). The two metabolic costs thus work in opposite ways with respect to food availability, tending thereby toward a constant total effect. However, when food availability is low, the added costs of basal metabolism and external work relative to assimilation may have a pronounced effect on growth efficiency.

When one turns from consideration of the individual and its physiological growth efficiency to the "ecological efficiency" of food conversion from one trophic level to the next (2, 29), there are additional losses to be taken into account. Any of the food consumed but not assimilated would be included here, though it is possible that undigested organic matter may be reassimilated by members of the same trophic level (2). Any other nonassimilatory losses, such as losses due to natural death, sedimentation, and emigration, will, if not otherwise accounted for, appear as a loss in trophic efficiency. In addition, when one considers a specific or selected part of a trophic level, such as a population of fish of use to man, the consumption of food by any other hidden member of the same trophic level will appear as a loss in efficiency. For example, the role of such animals as salps, medusae, and ctenophores in marine food chains is not well understood and is seldom even considered. Yet these animals may occur sporadically or periodically in swarms so dense that they dominate the plankton completely. Whether they represent a dead end or side branch in the normal food chain of the sea is not known, but their effect can hardly be negligible when they occur in abundance.

Finally, a further loss which may occur at any trophic level but is, again, of unknown or unpredictable magnitude is that of dissolved organic matter lost through excretion or other physiological processes by plants and animals. This has received particular attention at the level of primary production, some investigators concluding that 50 percent or more of the photoassimilated carbon may be released by phytoplankton into the water as dissolved compounds (30). There appears to be general agreement that the loss of dissolved organic matter is indirectly proportional to the absolute rate of organic production and is therefore most serious in the oligotrophic regions of the open sea (11, 31).

All of the various factors discussed above will affect the efficiency or apparent efficiency of the transfer of organic matter between trophic levels. Since they cannot, in most cases, be quantitatively estimated individually, their total effect cannot be assessed. It is known only that the maximum potential growth efficiency is about 30 per cent and that at least some of the factors which reduce this further are more pronounced in oligotrophic, low-productivity waters than in highly productive situations. Slobodkin (29) concludes that an ecological efficiency of about 10 percent is possible, and Schaeffer feels that the figure may be as high as 20 percent. Here, therefore, I assign efficiencies of 10, 15, and 20 percent, respectively, to the oceanic, the coastal, and the upwelling provinces, though it is quite possible that the actual values are considerably lower.

CONCLUSIONS AND DISCUSSION

With values assigned to the three marine provinces for primary productivity (Table 2), number of trophic levels, and efficiencies, it is now possible to calculate fish production in the three regions. The results are summarized in Table 3.

These calculations reveal several interesting features. The open sea—90 percent of the ocean and nearly three-fourths of the earth's surface—is essentially a biological desert. It produces a negligible fraction of the world's fish catch at present and has little or no potential for yielding more in the future.

Upwelling regions, totaling no more than about one-tenth of 1 percent of the ocean surface (an area roughly the size of California) produce about half the world's fish supply. The other half is produced in coastal waters and the few offshore regions of comparably high fertility.

One of the major uncertainties and possible sources of error in the calculation is the estimation of the areas of high, intermediate, and low productivity. This is particularly true of the upwelling area off the continent of Antarctica, an area which has never been well described or defined.

A figure of 360,000 square kilometers has been used for the total area of upwelling regions in the world (Table 2). If the upwelling regions off California, northwest and southwest Africa, and the Arabian Sea are of roughly the same area as that off the coast of Peru, these semitropical regions would total some 200,000 square kilometers. The remaining 160,000 square kilometers would represent about one-fourth the circumference of Antarctica seaward for a distance of 30 kilometers. This seems a not unreasonable inference. Certainly, the entire ocean south of the Antarctic Convergence is not highly productive, contrary to the estimates of El-Sayed (32). Extensive observations in this region by Saijo and Kawashima (33) yielded primary productivity values of 0.01 to 0.15 gram of carbon per square meter per day—a value no higher than the values used here for the open sea. Presumably, the discrepancy is the result of highly irregular, discontinuous, or "patchy" distribution of biological activity. In other words, the occurrence of extremely high productivity associated with upwelling conditions appears to be confined, in the Antarctic, as elsewhere, to restricted areas close to shore.

An area of 160,000 square kilometers of upwelling conditions with an annual productivity of 300 grams of carbon per square meter would result in the production of about 50×10^6 tons of "fish," if we follow the ground rules established above in making the estimate. Presumably these "fish" would consist for the most part of the Antarctic krill, which feeds directly upon phytoplankton, as noted above, and which is known to be extremely abundant in Antarctic waters. There have been numerous attempts to estimate the annual production of krill in the Antarctic, from the known number of whales at their peak of abundance and from various assumptions concerning their daily ration of krill. The evidence upon which such estimates are based is so tenuous that they are hardly worth discussing. It is interesting to note, however, that the more conservative of these estimates are rather close to figures derived independently by the method discussed here.

For example, Moiseev (34) calculated krill production for 1967 to be 60.5×10^6 tons, while Kasahara (3) considered a range of 24 to 36×10^6 tons to be a minimal figure. I consider the figure 50×60^6 tons to be on the high side, as the estimated area of upwelling is probably generous, the average productivity value of 300 grams of carbon per square meter per year is high for a region where photosynthesis can occur during only half the year, and much of the primary production is probably diverted into smaller crustacean herbivores (35). Clearly, the Antarctic must receive much more intensive study before its productive capacity can be assessed with any accuracy.

In all, I estimate that some 240 million tons (fresh weight) of fish are produced annually in the sea. As this figure is rough and subject to numerous sources of error, it should not be considered significantly different from Schaeffer's (2) figure of 200 million tons.

Production, however, is not equivalent to potential harvest. In the first place, man must share the production with other top-level carnivores. It has been estimated, for example, that guano birds alone eat some 4 million tons of anchovies annually off the coast of Peru, while tunas, squid, sea lions, and other predators probably consume an equivalent amount (22, 36). This is nearly equal to the amount taken by man from this once highly productive fishery. In addition, man must take care to leave a large enough fraction of the annual production of fish to permit utilization of the resource at something close to its maximum sustainable yield, both to protect the fishery and to provide a sound economic basis for the industry.

When these various factors are taken into consideration, it seems unlikely that the potential sustained yield of fish to man is appreciably greater than 100 million tons. The total world fish landings for 1967 were just over 60 million tons (37), and this figure has been increasing at an average rate of about 8 percent per year for the past 25 years. It is clear that, while the yield can be still further increased, the resource is not vast. At the present rate, the industry can continue to expand for no more than a decade.

Most of the existing fisheries of the world are probably incapable of contributing significantly to this expansion. Many are already overexploited, and most of the rest are utilized at or near their maximum sustainable yield. Evidence of fishing pressure is usually determined directly from fishery statistics, but it is of some interest, in connection with the present discussion, to compare landings with fish production as estimated by the methods developed in this article. I will make this comparison for two quite dissimilar fisheries, that of the continental shelf of the northwest Atlantic and that of the Peruvian coastal region.

According to Edwards (38), the continental shelf between Hudson Canyon and the southern end of the Nova Scotian shelf includes an area of 110,000 square miles (2.9×10^{11} square meters). From the information in Tables 2 and 3, it may be calculated that approximately 1 million tons of fish are produced annually in this region. Commercial landings from the same area were slightly in excess of 1 million tons per year for the 3-year period 1963 to 1965 before going into a decline. The decline has become more serious each year, until it is now proposed to regulate the landings of at least the more valuable species such as cod and haddock, now clearly over-exploited.

The coastal upwelling associated with the Peru Coastal Current gives rise to the world's most productive fishery, an annual harvest of some 10^7 metric tons of anchovies. The maximum sustainable yield is estimated at, or slightly below, this figure (39), and the fishery is carefully regulated. As mentioned above, mortality from other causes (such as predation from guano birds, bonito, squid, and so on) probably accounts for an additional 10^7 tons. This prodigious fishery is concentrated in an area no larger than about 800×30 miles (36), or 6×10^{10} square meters. By the methods developed in this article, it is estimated that such an upwelling area can be expected to produce 2×10^7 tons of fish, almost precisely the commercial yield as now regulated plus the amount attributed to natural mortality.

These are but two of the many recognized examples of well-developed commercial fisheries now being utilized at or above their levels of maximum sustainable yield. Any appreciable continued increase in the world's fish landings must clearly come from unexploited species and, for the most part, from undeveloped new fishing areas. Much of the potential expansion must consist of new products from remote regions, such as the Antarctic krill, for which no harvesting technology and no market yet exist.

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WATCH YOUR FACTS, MAYOR LINDSAY

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 1970

Mr. ASHBROOK. Mr. Speaker, I recognize that a mayor of New York City is so swamped with problems and misunderstandings in his conduct of municipal affairs that he barely has time to keep posted on the problems of the Nation.

But that is hardly reason for him to add to our problems as we seek to legislate intelligently and in the interests of protecting both our country and individual guarantees of liberty.

For Mayor Lindsay to speak to the Association of the Bar of the City of New York on such an important topic without knowing the facts is reprehensible. It is bad enough that some of our Nation's journalists twist the facts and misrepresent the nature of complicated legislation on vital subjects from time to time. It is even worse that an able political leader who has served with distinction in this House of Representatives and who has often been mentioned for even higher office should reflect the carelessness of either his staff or his own preparation in studying the truth about a piece of legislation he chooses to attack.

There are legitimate criticisms which may be made—in fact, very clearly were made during debate on the Defense Facilities Act—regarding provisions of H.R. 14864. But to make a criticism based on absolutely no fact and entirely on fancy is wrong and most unfortunate.

The bill this House passed which is now before the Senate specifically prevents what Mayor Lindsay tells his peers in the Bar Association of New York it permits—namely, to quote his own words—"permit private citizens to be fired from their jobs without even being told the basis for the dismissal."

LETTER FROM A CONSTITUENT

HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 1970

Mr. BROYHILL of Virginia. Mr. Speaker, at the request of one of my constituents, Mrs. Barry D. Brown, 4921 Seminary Road, No. 813, Alexandria, Va. 22311, I am including her letter on crime in the RECORD:

ALEXANDRIA, VA.,
February 27, 1970.

Hon. JOEL T. BROYHILL,
House of Representatives,
Washington, D.C.

DEAR MR. BROYHILL: Our President is aware, as are most other people, that crime is one of our country's worst problems. It is one that deeply concerns every individual more than almost any other of our nation's many grave troubles. We law-abiding citizens are plagued with it every day.

I am constantly hearing of someone I *know* being robbed, beaten, raped, threatened, etc. As I'm sure you know, crime has become so prevalent that each year almost every family is touched by it in some way. I am a good example. Just during the past year our car has been burglarized twice—first the battery, then the tires.

I live in constant fear of assault, theft, even murder, as killing young women is the latest wave of sensational crimes.

Please help the President, in every way possible, to stop the Supreme Court from protecting the criminal at the expense of the law-abiding public. I am convinced that this modern country's very inefficient method of dealing with crime is causing the loss of much hard-earned personal property and many lives.

I realize that criminals are largely a product of their physical and emotional environments, and that the best answer is to rehabilitate them. But in the event this is not possible—due to lack of funds, etc.—stiffer penalties and fewer paroles is the lesser of two evils (the lesser being taking away the rights of someone who is a threat to others; the greater being robberies, assaults, rapes, and murders perpetrated on hard-working citizens by people who should still be behind bars, or by those who have never been convicted of a crime and figure that if they do get caught, they'll get off pretty light.

It is easy to be liberal about crime as long as it affects other people, but when you think that a murderer's next victim may be you, it gets a little more difficult to advocate letting him go on some ridiculous technicality when you have evidence against him.

My contention is that, until such time as our whole system of meting out justice is reformed, it's a case of *either* protecting the criminal *or* protecting his potential victims. I don't see how you can possibly do both the way things are now. This is reflected in the great increase in crime accompanying the criminal-oriented decisions of the Supreme Court which place ever greater restrictions on police, resulting in a crippling frustration of their efforts.

In view of the choice presented, I believe the government is obligated to protect the law-abiding citizens. *Please* vote for *any* legislation designed to curb crime. Even a little relief is better than none.

Most sincerely,
MRS. KATHLEEN BROWN.

P.S.—I realize that bills in this area now being considered are feared by some as an invasion of privacy; but surely this would be a small price to pay for protection.

Also, as strongly as I feel about this, I would very much like to reach all Representatives and Senators. The only way I could do this would be to have my letter printed in the CONGRESSIONAL RECORD. I would be most grateful if you could arrange it.

MAN'S CHALLENGING ENVIRONMENT—THE SEAS

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 1970

Mr. BOB WILSON. Mr. Speaker, We in San Diego were very flattered by the recent visit to our city of Mrs. Helen Delich Bentley, the Chairman of the Federal Maritime Commission. Her speech before the Business Outlook Conference on February 27 is an outstanding and hard-hitting summary of the Nixon administration's interest in a wide spectrum of ocean activities—from maritime posture to environmental quality. I am pleased to include her remarks in the CONGRESSIONAL RECORD at this point:

MAN'S CHALLENGING ENVIRONMENT—THE SEAS

(Remarks of Mrs. Helen Delich Bentley, chairman, Federal Maritime Commission)

I am delighted to be here with you today, here in San Diego—home of one of the great ports of the world, home of one of the most important Navy establishments in the world, and home of one of the outstanding oceanographic institutions in the world.

All of these, of course, have one thing in common: they are all dependent on water. And I cannot address myself today to one aspect of the use of water without addressing myself to the myriad uses of water. For water along with our other resources is no longer one dimensional in its applications or its needs.

Gone is the day when scientists of the deep can be satisfied with concerning themselves with only their discoveries. Gone is the day when cities along America's coasts can limit their thinking to within the 3-mile limit. Gone is the day when the ships of the world can look upon the seas as simply a logistical pipeline transporting goods in commerce.

Today the sea is a concern of us all—and all its problems are our problems. We cannot solve one problem without acting in some form on all problems.

To put it simply—we must act synergistically so that the total effect of all our efforts is greater than the sum of the effects taken independently.

There is no resource upon which man is more dependent than water. Throughout history, civilizations with access to plentiful supplies of water especially fresh water, have prospered; those without have failed.

The combination of pollution and shortage has made water a national problem, one which crosses geographical boundaries, competitive interests, and political party lines.

Ample supplies of fresh water have been one of our nation's greatest assets and have significantly contributed to our industrial, cultural and sociological growth. Today that growth is threatened by the twin specter of water degradation and serious water shortage.

Our expanding population and agricultural and industrial output will be placing the severest strain on our existing water resources in the years ahead.

And aside from developing methods to treat

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our waste water for eventual reuse, it appears certain we will have to look to the sea to supplement our needs.

But man's greatest fascination has been looking skyward. Although probing the stars apparently strikes the public as more daring than probing the seas, many underseascapes 50 feet down are as mysterious as the moonscapes 240,000 miles up. Despite the new technology used in the deep, world oceans are virtually unexplored. They cover an area nine times that of the moon, and many marine biologists do not deny the irony that we actually know more about the lunar surface than the undersea surface.

Reflecting on this, one oceanographer said, "It just depends on what you'd rather study, the ocean's bottom or the moons' behind."

A report released last year by the Commission on Marine Science, Engineering and Resources said: "How fully and wisely the United States uses the sea in the decades ahead will affect profoundly its security, its economy, its ability to meet increasing demands for food and raw materials, its position and influence in the world community, and the quality of the environment in which its people live."

Let me be more specific. We will need to look to the sea for food, petroleum and mineral resources, improved recreation opportunities, better understanding and perhaps control of the weather, knowledge about the earth's formation, national defense, and pollution control.

Let me touch on those first two points now and return to that last point later.

As a source of inexpensive protein, fish can help meet world food needs. Over 50 million tons of fish are harvested from the oceans yearly around the world. Expansion to a half million tons annually is within reach, provided new varieties of fish are sought and advanced techniques are used.

Currently offshore oil production amounts to more than three quarters of a million barrels per day—or putting it another way, 16 percent of the world's oil is drilled from undersea. Within the next decade one third of the world's oil production probably will come from beneath the seas.

And the maritime industry can help here too. As a Washington paper editorialized last Friday: ". . . maritime ships are many and move quickly. Thus, in only a short time much of the sea's secrets could be learned."

But oceans have not only been used as a source of knowledge and resources, they have been used as an indispensable commercial highway. As FMC Chairman I am constantly reminded just how important that road is.

Of immediate interest to us is the fact that 90 percent of our international commerce is transported by ships. And yet American shipyards produced only one per cent of the world's oceangoing merchant shipping tonnage in 1967. I assure you that President Nixon is deeply interested in firmly establishing America as a maritime power, and his maritime program is testimony to this new commitment.

But those who manage the ports—both large and small—must also be party to this commitment. For those who operate smaller ports, such as San Diego, there is an opportunity to assume a greater far-reaching role in the maritime industry than might otherwise be indicated by their size.

Though San Diego is not one of the first ten ports on the West Coast in tonnage, your city is a leader in a far more important yardstick—quality of service.

San Diego is a prime example of the type of progressive thinking we need in the operation of some of our larger ports.

As technology improves we may require newer ports but those ports will have to be up to the standard of San Diego.

You have learned early that it is to your advantage to market what you do best. Sometimes what is best is not as glamorous or as quantitatively significant as what others may do. But if you can serve a useful function not only for your industry but for the entire community then you will emerge as a force of the future—to be reckoned with.

Not every port needs to be the container capitol of the world. The building of more containers, more container ships and more container cranes does not materially affect the total volume of goods which will be traded to the world. San Diego is diversified. One only has to look at Shelter and Harbour Islands to see that your tourist industry is prospering.

Your fishing industry has been consolidated and is now more efficient and sophisticated than ever.

And the same is true of your communications industry education, and other forms of transportation.

Just as other commercial centers have learned that reliance on one product, one industry, or one service can spell disaster for tens of thousands—so must the ports.

President Nixon is greatly disturbed about the critical slippage which was permitted to develop in all forms of our seapower—fishing, oceanography, naval, and mercantile—in the past decade.

This is why there is reason for concern: The Communist world is surging ahead in all four areas—far ahead of the United States and the Free World. They have vastly modern craft—and plenty of them—in all four sectors of seapower—fishing trawlers, oceanographic and scientific ships, navy ships, particularly submarines, and a still-rapidly-growing fleet of new merchant ships.

It is a paradox that this our nation—once a major seapower—in past years turned from the sea, while Russia—traditionally a land power—has turned to the sea.

The Russians now rank third in the world of fishing, while the United States is fifth.

The Russians now lead us in modern oceanographic ships with more than 165, while we have 112.

And our Defense Department already admits that the Russians have more new submarines than do we. In fact, while we are on the subject of the Navy, I might refer to an article published in this month's issue of Washington Monthly, which states that the United States Navy is preparing for World War II. The title of the article is "The Oldest Established Permanent Floating Anachronism on the Sea"—in reference to the United States Navy's aircraft carriers. Although the article is highly critical of the continued construction and use of aircraft carriers in particular, I think the title and inference could be interpreted in another way—namely that the United States Navy is not prepared much better than it was nearly thirty years ago when World War II was about to break out. I say not much better prepared in that it has a far greater proportion of obsolete ships—those of World War II vintage—than of the type ships needed in the seventies and eighties. Here again, the Russians are ahead of us both in types and numbers. Budget problems can be blamed primarily for this oversight.

And, of course, the Soviet position in merchant seapower has been discussed many times, so I will recant it only briefly.

While we are so worried that some 70 percent of the ships in our liner trade will be thrown out of business within the next two months because the British insurance market is threatening to lift the ceiling on premiums for all ships fifteen years and older—that means 70 per cent of the American vessels—the Soviets continued to add about one million new tons of merchant shipping each year to their already 13.5 million tons constructed in the past decade.

In other words, more than 80 per cent of the Russian merchant fleet is ten years old or younger, is projected to grow to 18 million tons by 1975 and 23 million tons by 1983.

Since 80 per cent of the American fleet dates back to World War II, it is in serious trouble because the ships not chartered by the Government for Vietnam supplies or AID movements, simply cannot afford to compete with the new foreign vessels.

The Soviets speak of the profits made by their ships in trade with the world.

They speak of the foreign ports they enter and boast of the fact that their seamen serve as ambassadors to other countries, cementing friendship for Russia and advancing the Communist view among people of foreign lands.

They speak of flying their flag in world ports and the prestige it brings to the USSR. They speak of the use of their swift, streamlined ships in developing trade ties with new and older nations alike.

What they do not speak of publicly—but what has become evident to maritime nations—is the extent to which modern, newly constructed Russian ships have now begun to undercut world shipping rates in competition with the ships of other nations.

Russian ships have entered third-flag trade—never touching Russian ports—between Japan and Canada, undercutting American-flag and other national shipping between Japan and the West Coast of the United States. In doing so, they provide a perfect example of the use of seapower as a key instrument of national policy.

Only this month, we learned that the Communist bloc—this time Polish and East German ships—by undercutting the rates have taken away the coffee trade from Africa to Western Europe from the old established lines. The British are very upset by this.

And, of course, the British and Norwegians lost out 18 months ago when the Soviets undercut them on the carriage of wool from Australia to Western Europe aboard the ships returning empty from North Vietnam.

Indeed, we are observing a nation-to-nation confrontation in the maritime arena.

As plain as the facts seem to all of us who have a weather eye fixed on the situation, we have not yet convinced more Americans that it is a bona fide Soviet intention to "bury us at sea."

I am hopeful that, through broadening educational endeavor, we shall be able to mobilize our valuable resources in time to cope with any mounting Soviet threat, both on the sea and beneath its surface—naval, merchant shipping, fishing, oceanography in its widest sense.

While we've been lagging behind in developing our maritime industry, we have been boring ahead in using our oceans themselves as a dump.

Your city has faced this situation and dealt with it decisively. I understand for years San Diego treated its sewage with chlorine and then deposited the sludge in the bay.

Mayor Frank Curran admirably summarized the problem not only for San Diego but for many parts of the Nation, when he said during his State of the City address on January 14:

"We treated the symptom and added immeasurably to the agony of the bay's ecology."

After much soul-searching, I am happy that your city did decide to construct a new metropolitan sewage system. But the elimination of one problem spawned another. Now your wastes are being dumped into the ocean.

I hope your city has this problem uppermost in its mind.

For I assure you that the Federal Government is not going to stand by while the boundless seas are made not so boundless from the dumpings.

There is a limit, as Mayor Curran has said, to the seas' capacity "to absorb defilement, desecretion and corruption".

Unfortunately not all cities agree.

I was deeply disturbed to read recently of a 20-mile square area, known as a "Dead Sea," offshore from a large eastern metropolitan city, where sewage plants have been dumping sludge for over 40 years. That area will no longer wash away. More importantly, that sludge is beginning to wash up on nearby sandy beaches.

Some Congressmen have suggested moving the dumping site 100 miles out into the ocean. I cannot accept this temporary solution. I am as concerned as the Ecologists, who are increasingly alarmed about the enormous quantities of wastes being dumped into the oceans.

This dumping has smothered seaweed and other vegetation on the ocean floor: fish caught in the murky waters are suffering from fin rot; lobsters and crabs have been found with clogged gills.

President Nixon said in his 37-point program to save our environment: "At present, Federal jurisdiction generally extends only to interstate waters. One result has been that as stricter State-Federal standards have been imposed, pollution has actually increased in some other waters—in underground aquifors and the oceans." To meet this problem, the President has asked for extension of Federal pollution control authority to include all navigable waters, both inter- and intra-state.

For all the attention paid a spectacular oil spill, the less dramatic but dangerous dumping of partially or untreated sewage, into countless bodies of water is only now receiving the spotlight it deserves.

This year the International Decade of Exploration begins. Yet even as we join in the search of the deep, we must also concentrate on coastal development. We must bring a better system of management to our coastal areas—a system that permits each use to be considered in its own right, with no single use to be more important than the total needs of the people as a whole.

We must serve an exploding population which is moving to the sea. Seventy-five per cent of our population lives in coastal cities; 50 million Americans look to our coastal waters for recreation.

By the year 2000 projections of the Urban Land Institute place 60 per cent of the country's population, or 187 million persons, in just four huge urban conglomerations. One of those four areas, says the Institute, is a Pacific strip between the San Francisco Bay area and the Mexican Border containing 44 million persons.

Not one of us here can claim that environmental quality is not his responsibility; not one of us here can claim that he has not contributed to the problem; and not one of us here can shrink from doing his share at restoring and preserving the quality of the world in which he lives. And that is man's challenge.

Let me address myself to the up-and-coming series of nation-wide environmental "teach-ins", which is planned for the spring. The militant left, having difficulty parlaying the fading Vietnam war issue into continuing profit, undoubtedly will take a piece of this action wherever it suits its purpose. There will probably be a wide range of headline-seeking demonstrations (such as the one the other day in San Jose, where a $2500 car was buried because it symbolized air pollution), picketing, funeral parades, marches on city halls, sit downs, petitions, walk outs, packing of corporate and other meeting halls with loud claques.

And what is the businessman and corporate executive going to do?

He must be prepared. He must address himself to the overwhelming majority of students who are less interested in performing before a television camera and more interested in finding constructive solutions. In short he can ill-afford to take a passive role.

I believe the American businessman must not back down from the challenge offered by the students. I believe the American businessman must meet the challenge head-on.

I believe he must show a willingness to speak with the students, to accept responsibility for feasible improvements and to show that the time for talking is past and the time for action is now.

Today the 1970 annual conference of college editors begins 4-days of meetings in Washington on the environmental campaign. Businessmen and corporate executives of varied stripes will be talking with them. This is a beginning.

I am not suggesting for a moment that the American businessman allow himself to be intimidated. But I am suggesting that the American businessman *show some measure of leadership* and not be frozen at the sight of demonstrators. If that means *taking your coat off and climbing* on top of a sound truck on "teach-in" day to discuss the issues, then I say do it. America is waiting to hear what you have to say.

Improvement of the environment is now a national goal. But this improvement is greatly dependent upon solving problems of water quality and availability for this and for future generations. The Government has launched an aggressive campaign to counteract the effects of increased use and degradation of our nation's waterways.

Scientists, educators, businessmen are being asked to join in a common effort to bring industrial expansion and water conservation in tandem to meet the needs of expected population growth ahead.

To encourage the development and preservation of the nation's water resources, the Government hopes that the private sector will utilize its capabilities in seeking out new technologies.

Already new voices are being raised across the land; education of the public is at its highest level; and attempts are being undertaken to identify, study, and find solutions to major problems.

As new pollution abatement technologies are being developed, new companies are entering the field, and old line companies are establishing new divisions.

I have been told of a study submitted to the Department of Interior on the potential use of desalting equipment to recover valuable products from industrial wastes. It would reduce stream pollution and create a new market for desalination equipment. In fact, the proper application of this technology could provide hundreds of millions of dollars of business in food and other by-products.

The findings thus far show that some 8000 industrial plants could use some form of desalting process to recover commercially valuable contents in their liquid wastes.

There are answers, and I believe we can find them. Environmentalists are worried, however, that the Nation's new-found concern over heading off ecological disaster will subside as quickly as it flowered. We must not allow this to hapepn.

Ecologically speaking, it is very late in the day. Pollution of the environment must be quickly reversed. And even though I have spent virtually my entire talk on water, all of you realize that we cannot limit our commitment to one resource. *We must declare a total war against ravaging our resources.* And we must declare war now.

The President put it very well when he said: ". . . The ecological system upon which we now depend may seriously deteriorate if our efforts to conserve and enhance the environment do not match the growth of the population . . . But I am confident that the same energy and skill which gave rise to these problems can also be marshalled for the purpose of conquering them. Together we have damaged the environment and together we can improve it. . . ."

Thank you.

WORLD BANK FOREIGN AID—WITH AMERICAN DOLLARS

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 1970

Mr. RARICK. Mr. Speaker, the administration's announcement that it would seek a new approach to foreign aid, based on fresh and exciting ideas, but gives an insight to the American people as to who is really running our country.

Last October 6—World Bank Manifesto International Socialist Goals, in the CONGRESSIONAL RECORD, volume 115, part 21, page 28736—I called to the attention of the Members the financial blueprint prepared by the World Bank and through its President, the Edsel and Vietnam expert Robert McNamara, presented to President Nixon as the guidelines for U.S. compliance with the dictates of the international bankers.

On October 8—World Bank Campaign, in the CONGRESSIONAL RECORD, volume 115, part 21, page 29311—I further commented "that no Member, to the knowledge of his constituents, would vote for such proposals," but "that if the same objectives were written in palatable language, thinly disguised, and labeled as 'progressive,' 'mature,' 'flexible,' and 'humanitarian,' many would feel constrained to vote."

The President's task force report, in its preface credits "the comprehensive report on this subject by the distinguished international experts headed by former Canadian Prime Minister Lester Pearson." This Pearson report is the same 400-page report prepared by and for the World Bank and to which I referred last October.

The task force report's proposals—if adopted by Congress—call for the creation of another new international bank for "selected programs of special interest to the United States" largely in a supporting role to international agencies such as the World Bank.

The thrust of the new foreign aid proposal would appear to remove even the thin camouflage of the U.S. Government handling the world welfare funds and finally to turn the entire operation over to the international bankers—but the money is still American, and doubted.

World taxes on U.S. taxpayers now loom as a real and immediate threat, and should raise the question with every Member, "Is the role of the World Bank in international finance in the interest of the U.S. taxpayer?"

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Not even a suggestion is offered as to where under the Constitution any such delegated power or authority is extended.

With the American people facing both increasing unemployment and ever-increasing inflation, it would seem impossible that such destructive ideas as this drain of our much-needed capital and jobs to foreign lands could have popular support. And, I do not believe they will, once our people understand who proposes to do what to whom—and with whose money.

And, those who have watched bureaucracies grow and grow are not surprised that with the coming of more international control over our tax dollars, the international bureaucracy known as the United Nations Organization is mushrooming at the expense of property owners as well as taxpayers.

I include the preface to the Peterson report and pertinent newsclippings:

REPORT TO THE PRESIDENT OF THE UNITED STATES FROM THE TASK FORCE ON INTERNATIONAL DEVELOPMENT

PREFACE

In his first message to the Congress on foreign assistance, the President announced that he would establish a Task Force of private citizens to provide him with comprehensive recommendations concerning the role of the United States in assistance to less developed countries in the 1970s.

The Presidential Task Force on International Development was appointed on September 24, 1969.

In preparing its report, the Task Force met with the Cabinet members most concerned with these problems, with the Administrator of the Agency for International Development, and with the heads of other government agencies. It benefited from extensive discussions with their advisors and from excellent papers prepared by their staffs. It had meetings with members of Congress, business groups, university experts, journalists, and representatives of civic organizations, voluntary agencies, and foundations, around the country. It asked for, and received, carefully considered statements from labor and business and professional committees. It examined in detail the comprehensive report on this subject by the Commission of distinguished international experts headed by former Canadian Prime Minister Lester Pearson. It also studied reports by Governor Nelson Rockefeller, the Perkins Committee, the Committee for Economic Development, the National Planning Association, and other groups. And it commissioned studies on specific subjects from experts in the field.

The Task Force gratefully acknowledges this help.

[From the Washington Star, Mar. 9, 1970]

NIXON WILL SEEK AID OVERHAUL: PANEL PROPOSES UNITED STATES ABANDON "DIRECTING" ROLE

(By Garnett D. Horner)

President Nixon says he will propose to Congress in January a "new approach" to foreign aid based on "fresh and exciting" ideas presented in a task force report to him.

The report said the Agency for International Development (AID) should be dismantled and foreign aid channeled through a more international framework.

If adopted by Nixon and Congress, the report's proposals would make U.S. foreign aid more "supportive" and cut America's "directing role" in other countries.

NEW BANK PROPOSED

The task force, headed by Rudolph A. Peterson, former president of the Bank of America, proposed:

1. Creation of a U.S. International Development Bank to make development loans "in selected countries and for selected programs of special interest to the United States"—largely in a "supporting role" to international agencies such as the World Bank.

The U.S. bank would have a multi-year capital of $2 billion through appropriations and authority to borrow another $2 billion from the public.

2. Multi-year authorization of $1 billion for a new U.S. International Development Institute "to seek new breakthroughs in the application of science and technology to resources and processes critical to the developing nations." Research on population control would be one of its functions.

DOUBLE CONTRIBUTIONS

3. Doubling, to $1 billion a year, annual U.S. contributions to international financial institutions by 1972.

4. A new U.S. International Development Council to coordinate aid policies and "assure that international development receives greater emphasis in U.S. trade, investment, financial, agricultural and export-promotion policies."

5. Combining in one separate piece of legislation "security assistance" programs, covering foreign military sales and grants, supporting economic assistance, public safety aid and the contingency fund. The Defense Department would continue to administer military grant and credit sales programs; the others would be administered by the State Department.

6. Military assistance would move from a grant to a credit basis to encourage self-reliance by recipient countries.

"Large U.S. military assistance advisory groups and missions are no longer necessary in many developing countries.

U.S. SHARE WOULD GROW

7. The U.S. would propose that the "paid-in" capital of the International Finance Corporation be increased from $100 million to $400 million. The U.S. share of the increase would be $100 million—paid in over several years.

8. Altogether, the international lending organizations could roughly double their present rate of lending—from $2.5 billion a year to $5 billion a year. This would require an increase in U.S. funding from the current rate of $500 million a year to roughly $1 billion a year.

Nixon did not adopt the specific recommendations of the report—which he made public yesterday at his winter home in Key Biscayne, Fla., before flying back to the White House after a long weekend there.

But he said the recommendations "can provide new life and a new foundation for the U.S. role" in foreign aid. He said his legislative proposals, based on the report's recommendations, will be framed after close consultation with Congress.

WOULD REDUCE PERSONNEL

The Peterson report's proposals would result in drastically reducing, perhaps by over 90 percent, the personnel supervising American aid programs abroad in scrapping present AID machinery.

At the same time, the proposals call for a substantial increase in U.S. development assistance through the new programs putting more reliance on international machinery.

But the report said the task force "deliberately decided against recommending any specific annual level of foreign assistance." It said that would be up to Congress to decide after seeing how the proposed new machinery works.

With the proposed new "institutional framework," the group said, the U.S. "could assume a supporting, rather than a directing, role in international development" and would need fewer advisers and other personnel abroad.

BILATERAL PROGRAM HIT

The major thrust of the report was that "more reliance on international organizations should be built into all U.S. policies relating to international development"—whether they concern development assistance, debt rescheduling, trade, investment or population.

"This is basic to the new approach to foreign assistance we recommend. A predominantly bilateral U.S. program is no longer political tenable in our relations with many developing countries, nor is it advisable in view of what other countries are doing in international development."

While helping finance the multi-lateral institutions, the report said, the United States needs to continue some bilateral development aid to "selected" countries.

Peterson, briefing reporters on the report, said there has been considerable confusion about objectives of the foreign aid program, with "apathy and misunderstanding" surrounding the issues.

"CALLED IN U.S. INTEREST"

While it "is a time for change" in the thrust of the program, his task force concluded that "the U.S. has a profound national interest in cooperating with the developing countries in their efforts to improve conditions of life in their societies."

The White House also disclosed a private paper from Edward M. Korry, ambassador to Chile, to Secretary of State William P. Rogers asserting that current aid programs often are misguided and self-defeating.

Many of Korry's recommendations coincided with the Peterson report. Korry suggested economic development should be a shared responsibility between the United States and the developing nation.

THE UNITED NATIONS' LAND GRAB ACT

The United Nations has a new theme song: "I'll Take Manhattan." It fits right in with the U.N.'s ambitious plans for expansion to provide new offices and quarters for its representatives on two square blocks of choice Manhattan real estate near the U.N. building.

The U.N.'s plans have generated a lot of controversy in New York City, largely because these plans will call for the eviction of 700 families and the relocation of several businesses. When first proposed, the plans included construction of a development called Waterside to take care of the dislocated families, but that was the last heard of Waterside. No designs for that development have been presented.

Naturally, the United States will be called upon to foot a large part of the costs of the $300-million office and apartment-hotel development for the U.N. The proposed budget for fiscal 1971 carries an entry of $20 million for this purpose. U.N. spokesmen say that delegates and representatives badly need the additional 4.2-million square feet that expansion would provide.

Not so, says one opponent, State Assemblyman Andres Stein: "You can read the U.N. Charter from end to end, and you will find nothing in that charter that guarantees to its personnel and officials the privilege of rolling out of bed directly into their offices." Much of the opposition stems from the traffic problems in the area that would be intensified by the U.N.'s expansion and from the proposed dislocation of 700 families in a city with a critical housing shortage.

New York City's planning commission has approved the U.N.'s plans by a vote of 4 to 3, but the fight continues. The opposition clearly has its work cut out for it, though; the United Nations has proved adept at empire-building, if at little else. If, for some reason, a last-minute reprieve should save the two square blocks from the U.N.'s imperialism, the U.N. probably would react by claiming air rights over the East River. That's probably what the self-important debating society has in mind anyway.

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LEW MORLEY

HON. MARGARET M. HECKLER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 1970

Mrs. HECKLER of Massachusetts. Mr. Speaker, Lew Morley was recently presented the "Outstanding Citizen's Award" by the Fall River Chamber of Commerce. Over the years, the Fall River area has reaped the benefits of his unprecedented community leadership. I wish to include in today's RECORD a speech delivered by Mr. Morley and an article in the Somerset Spectator as a tribute to the efforts, achievements, experience, and popularity of this exceptional man:

LEW MORLEY AT THE ANNUAL DINNER OF THE FALL RIVER CHAMBER OF COMMERCE

I must say that this tribute came as a pleasant surprise. After being retired for thirteen years and, in fact, I thought into oblivion, you may understand why I say this. Actually oblivion wasn't bad, I was enjoying it. I have had some honors bestowed on me and being named President Emeritus of the Boys' Club was not the least of these, but this one, and considering its source, as I deem that your's is the voice of Fall River, is the greatest I have ever received. Sincerely, I thank the Chamber for it. Now may I give you a few wayward thoughts of a slightly antiquated Fall Riverite.

As one looks back over the years one wonders what he had in mind for a career. I confess I had no ideas for the future. In the course of 57 years I held four jobs and enjoyed every one of them. I never had the opportunity to earn a coveted high school diploma for the simple reason that I did not have the opportunity to go to high school. Boys in my neighborhood found it necessary to go to work. If I lacked in the rudiments that make for quick success I was imbued with boundless energy and used it to the full. Some one asked Thomas Edison to what he would attribute his success and he said 25% inspiration and 75% perspiration. I was long on perspiration. With Tom Chew's help, at the age of fifteen, I got my start as an office boy in a cotton broker's office at $2.50 for a six-day week. Thirty-seven years later I was appointed Executive Secretary of the Fall River Textile Manufacturers Association. It took a long time but I felt that I had arrived. Ten years later I delivered a paper before the Fall River Historical Society. The title: The Passing of Brokers' Row. In it I mentioned the demise of the whip industry with the advent of automobiles. The mataphor did not exactly describe the textile situation but the handwriting on the wall indicated that textiles were on the way out. The fact that we were completely unionized and the south not at all did not help matters. When I tell you that Fall River's appraised valuation shrank from 214 million to 99 million, when this happened, you will have some idea of its impact. We were not alone. New Bedford, Lowell and Lawrence were in the same boat.

In 1915 Fall River was the largest textile city in the world—liquidation was almost complete in 1960.

The needle shops did much to alleviate a very bad situation when they came here and occupied the empty mills and Fall River owes much to this successful industry. Unfortunately, the working force is made up mostly of women, nevertheless it brought much needed revenue to the city at a very critical stage. One outstanding example of this was the Avon Curtain Company. Harry Gottlieb, a very close friend, brought a dying business here from New York City and nourished it into a successful enterprise. Harry admits that moving to Fall River was the key that accomplished it. If this is so he has repaid the debt in full. He has been a dynamo in his charitable efforts. When we gave him the Man and Boy Award mind you, it wasn't for his labors for the Boys' Club, that was to come later, it was for his fine work with the Boy Scouts. When we paid homage to Harry and Meyer Jaffe for their individual efforts we considered them as representatives of a group that made a timely entrance into a dire situation in the industrial life of the city.

In the late 30s I was elected to the City Council where I served for four years. We did the usual things that a council is called on to do but the importance of our actions was somewhat nullified by the fact that upstairs in the City Hall was a small group of men that held the purse strings—the State appointed Finance Board. Nothing that we could take pride in but because the city had defaulted on its bonds, a necessity. We were suffering from an illness that aspirin could not cure. It required an operation and, this time, the patient lived. Their first drastic action was a 20 percent wage cut for municipal employees. After the Finance Board had departed, our long suffering municipal employees began to stir themselves. There came a request from the Teachers' Association asking for a conference. They came and presented a plan. It had to do with refinancing or deficit financing that would aid in upping their wages. I confess it was over my head—I had been a broker not a banker. The next morning I had a call from Doug Richardson, the Council president. He said he had been thinking about the suggestion offered by Andrew Duffy for the teachers and wondered if there might be some merit in it. I asked him what he had in mind and he thought it might be well if we visited John Brayton to get his views. John had been instrumental in bringing the Finance Board to Fall River. He had not heard of the teachers' request as the papers had not gone to press. To our amazement, he said Fine—OK, but with one provision, we bring back the Finance Board. You should have seen Doug and I emerge from the Durfee Trust. Emerge is hardly the word. John may as well have said "Let's call in Attila the Hun."

In 1948 a certain member of the City Council, who seemed to have considerable influence over that body, persuaded his fellow members to dissolve the Traffic Commission. It appears that he had made certain demands of them which they ignored and as a result the commission ceased to exist. As a member of the Executive Committee of the Chamber I brought this to their attention and suggested that a committee be appointed to consider traffic. This brought about the formation of the Chamber's Transportation Committee. It comprised Frank Reilly, Al Sherwin, Morgan Thompson, Ken Riley, Tom Hudner, John Cusack and myself. I was selected as chairman. We met regularly with all members present and discussed a great many ideas to improve traffic. Our main purpose, however, was to reestablish the Traffic Commission and in the course of a few months we were successful. Bill Grant appointed Earl Griffith, Frank Sousa, and me with Police Chief Ed McMahon and Public Works Commissioner Joe Logan, by virtue of their office. I was selected as chairman. When we took over there was one working member whose duty it was to paint crosswalks. We immediately appointed four workers with one as foreman. When they took over the section assigned them at the City Barn they found an inventory of one 4 inch brush and five gallons of white paint. We then purchased a truck, a striping machine and 1360 meters.

In preparing to purchase the meters one thing puzzled me—all meters were practically at one price—$60 and when bids were received no substantial change was noted. It was plain, however, that the agent could circumvent this by means of a deal. For years I had heard of under-the-table deals in the purchase of equipment. It was my first experience. We started off by purchasing 120 each of three different meters. As I look back now I would not recommend this idea but it was a new field for us and we were honestly trying to get good results. Two of these were spring meters that you started with a coin, the other one actuated by a lever. Earl Griffith suggested that we get some expert to disassemble them and give us an opinion as to their quality. Wagner, the watch man at Mullen Jewelry, offered his services and advised us that the machine with the level was the best one. We had traveled to Taunton and Brockton to see how they handled their meters. In Brockton we found that they used two Harley-Davidson motor cycles with side cars which were operated by policemen. The agent for the meter that we had selected as the best one approached me with a proposition. He offered to give us a jeep for every 500 meters purchased. I told him I had a different idea—would he furnish a Harley-Davidson with side car for every 300 meters purchased. He asked what the cost of one of these would be and I said $700. He asked for time to think it over and we parted. After he had gone I decided it might be a good idea to learn what the Mayor would think of this before I got into it too deeply. I went to the City Hall and found Bill Grant in his office and, fortunately, the Corporation Counsel, John Farrell, was with him. We discussed the matter at length and, they, feeling that the story might leak out and be misinterpreted, decided not to take advantage of the offer. The decision was to buy the meters without any strings.

Thus, a proposition which in my opinion was legitimate, was rejected. In the course of our traffic studies we came to the Flint section where we felt that something should be done about one-way streets. We asked Capt. Ray Murphy of the Eastern Division to set up a plan for us then we visited Pierre Picard, the clothier, who for some years had been quite a leader there. He said he had withdrawn from active leadership and referred us to another merchant who had stepped into his spot—his name we will not mention for reasons you will understand. We asked him to bring a committee to our next meeting to consider the plan prepared by Capt. Murphy. He promised a committee of seven but at the meeting only one, Norman Zalkind of the Strand Theatre appeared. We went ahead with the plan and sent the working crew to put it into effect. A few days later the merchant called to say they did not approve of the plan. When I asked what the objections were he said "We would prefer that all of the one-way streets come into Pleasant." I asked how do you get the traffic out. This, he didn't think was important, the object was to get them in. You will pardon my flippancy when I suggested that we could run a one-way street into his back shop. This gives you some idea of the support you might get from the public. One little humorous note—standing in front of the City Hall one day watching the traffic pile up at Pocasset Street, a voice hailed me from the line headed south. The speaker asked "would you like to relieve the traffic situation?" I traced the call—it was from Jim Collins. Not too seriously I said "of course." He said "remove every second car from the road." "Jim," I said, "you should be more careful, you are No. 4." If the Traffic Commission is an important adjunct to the city's orderly and efficient use of its streets, and I do believe it is, then the Chamber should get some credit for its reestablishment.

I saw an item of interest in the paper last week. It was a suggestion by Councillor Grace that some proposed streets in the Industrial Park be named for individuals who had made substantial contributions to the

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city's welfare, and one name in particular pleased me—John Riggenbach. It takes me back some 25 years or so ago when two men, newcomers, became members of our community, playing a major roll in our civic endeavors and, significantly so, in the Redevelopment Corporation. The other man was Jim Bullock. If you would like a 20th century version of Damon and Pythias you have it in the names Bullock and Riggenbach. I would suggest hopefully that the Councillor would add Bullock's name to his roll of honor.

I am a strong believer in that old adage that behind every successful man there is always a good woman. I have been blessed with two from the top of the list. If I should tell you the story of my wife, Catherine, I am sure that I could make you weep, in relating the story of a lady whose spirit sustained me during a depression that could tear your heart out. I do not have to say much about my wife Cecilia—since coming from Providence twenty years or so ago as Director of the District Nurses Association she has made her own personal imprint in a field of mercy second to none. There is one little fact that I would like to mention, which could engender domestic problems in our household tomorrow, because I have never heard her mention this to a soul. In 1939 she was given the Florence Nightingale Award for the United States which entitled her to a year's course in advanced nursing at a leading London hospital. Unfortunately the day she arrived in England war was declared. The difficult task facing her was to procure a passage home. I never did learn whether her arrival there and the declaration of war was just a coincidence.

Now may I present my family, or at least, some of them. My three sons all served in the 2nd world war, the army, navy and air force. My son-in-law John Greene, fresh out of Providence College, joined the Air Force, became a navigator on a B24 and made 25 missions over Germany. He is now a Major in the Air Force Reserve. In addition he raised a nice family of six so I guess you could say he served in two wars. And there are two grandsons, Jackey Greene, just discharged from a two-year army hitch, the other David J. Morley, Jr. who received the George Caplan Award for 1969 as a member of the Durfee Basketball Squad. Now stationed in Vietnam. All six of them volunteered to serve their country. None of them had the questionable honor of tearing up a draft card. John Greene and my son Dave have made it possible for me to become a great grandfather three times.

One last wayward thought. Seventy-five years ago I quit smoking cigarettes. I doubt if many of you would know that 75 years ago a kid could go into almost any candy store and buy two Sweet Caporal cigarettes for a penny. My decision had nothing to do with the question of health. The hazards surrounding cigarette smoking had not been exploited then. Physical fitness became an obsession with me back there and I was convinced that a basic requirement for an athlete was a good wind. After listening to this lengthy diatribe I think you will admit that I qualified.

In closing let me assure you that while physically I reside in Tiverton my heart has been and always will be in the city where I was born, Fall River.

Swansea Motes and Musings

(By Irene Storey Myles)

"The only things I live for today are the things I have to do tomorrow." That was the remark of 85 year old Lewis R. Morley, named "Outstanding Citizen," at last week's Chamber of Commerce annual dinner.

There is a proverb or saying "The man with time to burn never gave the world any light." It was nice to have that light turned on Mr. Morley as a reward for all the time he gave particularly to youth, through a great many years.

A tall Lincolnesque man, Lew Morley was well known all his life to everyone in the Highland section of Fall River. Living in the New Boston Road area, the Morleys were a friendly and witty family. It has been a good many years since we saw him and found very little change in his appearance which is certainly an argument for involvement in the life of one's community. What a heartening thing it must be to have over 1000 people turn out to recognize your contribution to your neighbors at a time when most octogenarians must begin to believe they are forgotten.

His remarks on the lean years in Fall River must have seemed unbelievable to the young listeners who do not remember anything similar. He told how the appraised valuation in Fall River shrank from $214 million to $99 million during the depression thirties. How the city was forced to default on its bonds and how city employees took 20% wage cuts. The arrival and growth of the needle trades was the beginning of survival for the area. Rep. Margaret Heckler, paying tribute to Mr. Morley, said he had certainly "been part of the solution" and how true this is. And what a fine example to all the young men who remember him at the Boys Club.

Two of the boys were there with gifts, and were introduced by John Dator, man of many hats and himself a former Boys Club member, still working for its welfare. Al Michaud presented an award from the United Fund, along with some personal memories of the guest of honor. Governor Francis Sargent warned that it "seems the land is having a nervous breakdown" and warned that we must do something about pollution now. Touching on the future of Battleship Cove and SMU, he said that we must restore respect for laws, families and traditions and it must be done by every citizen, not by government or appropriations.

CONGRESSMAN PETTIS URGES NEW FEDERAL PROCUREMENT PRACTICES

HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 1970

Mr. HOSMER. Mr. Speaker, as a Californian, I am particularly proud of some of the creative innovations in State management that are being made in my home State by Governor Reagan. I am also pleased and encouraged that the Government Executive magazine has been paying close attention to these developments, particularly as they related to government purchasing.

In their March issue, the editors of Government Executive talked with my distinguished California colleague, Congressman Jerry Pettis, about how the example and experience of California could be applied to Federal procurement.

Mr. Pettis points out that the General Services Administration could effect large savings of Federal tax dollars by implementing the competitive contracting system now used in California.

I am including the article with Mr. Pettis' remarks in the Record for the information of the Congress, the public, and the GSA:

California— GAO: A Switch in Time?

A sophomore California Congressman with a business background read *Government Executive's* November 1969 cover story, "Is California a Well-run State?" and the follow-up article in the January 1970 issue, "State Procurement: The Quiet Revolution in California," and called us in to propound further on the Golden State's advances in the procurement field.

Jerry L. Pettis, 53, a Republican who has been a rancher, a founder of Magnetic Tape Duplicators, Los Angeles, founder of the Audio-Digest Foundation and special assistant to the president of a major airline, represents 600,000 people in San Bernardino County. He said:

"A relatively painless switch in Federal procurement practices would save millions of dollars and thus aid the Administration's battle against inflationary Government spending."

Specifically, Pettis recommended that Federal purchasing policy, wherever possible, be patterned after California's program, which is based on competitive bidding rather than negotiated contracts. The system saved the state $80 million in 1969 without any sacrifice in quality, he said, adding that it could easily be adopted by the General Services Administration almost entirely and by the heavier-spending military agencies in many instances.

"The Federal Government policy apparently is wedded to some ridiculous concept which allows shaky, mismanaged companies to receive large Government contracts which they cannot fulfill, and we have seen too many times how easy it is for contractors to run costs beyond reasonable bounds, or to weasel out of the contract terms," Pettis said.

The California experience with competitive bidding, he noted, has shown that the state was able to buy goods for 10 to 40 percent cheaper than the Federal Government, even though it was buying, in many cases, identical products from identical distributors and in far less volume.

Pettis acknowledged that a competitive contracting system could not be applied to the purchase of much of the sophisticated equipment needed by the military. "However," he said, "GSA alone accounts for about $2 billion in annual expenditures for goods and services, and there are many products in common use by both the civilian and military agencies which could be bought solely by one or the other to effect substantial savings."

In fact, Pettis pointed out, the General Accounting Office realized 20 percent savings, totaling about $4 million, in the last fiscal year by copying the California system on purchase of electric light bulbs and tubes. He added:

"In its recent annual report to Congress, GAO said it saved $187 million in the last fiscal year, and the amount could be higher if there was a wholesale shift to the California program—with a resulting tax cut, possibly, for the taxpayers."

ASIAN DEVELOPMENTS

HON. JAMES M. COLLINS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 1970

Mr. COLLINS. Mr. Speaker, we had a thought-provoking report in the Dallas Morning News written by William B. Ruggles on March 3, 1970. Mr. Ruggles, who is the editor emeritus of the editorial page, was commenting on our foreign affairs history as it relates to the Communist program in China.

You will be interested in the analysis of Dr. Anthony Kubek on this historical development:

ASIAN DEVELOPMENT

(By William B. Ruggles)

In mid-February the Internal Security subcommittee of the U.S. Senate released two thick volumes of documents a quarter of a century old under the accurate designation of "The Amerasia Papers: A Clue to the Catastrophe of China."

Unfortunately, official government publications are never found on the best-seller lists. Only dedicated buffs plow through the catalog of the Government Printing Office.

Also, with some exceptions, official compilations, as in the case, are made well after the events with which the papers deal. Usually, but fortunately not in this instance, the reader has only the dry documents without an experienced guiding hand to analyze and stress importance.

Probably the best summary of what these two volumes present is from the cogent foreword of Sen. James O. Eastland, chairman of the subcommittee:

"The primary importance of this publication lies in its value to historians as a basic source book. It will be valuable to the Senate in the same area. The introduction is important. It sheds new light on the Amerasia case and provides what I believe to be the first published analysis of the John Stewart Service reports from China from the standpoint of an historian.

"Dr. Anthony Kubek, chairman of the Department of History at the University of Dallas, as well as consultant to the Internal Security subcommittee, is a recognized authority in the field of Far East relations and Chinese history. His analysis of the Amerasia case and its connection with the complex political situation involving both China and this country's attitude toward China during the years of the Second World War is of high interest.

"Dr. Kubek has examined 1,700 documents seized on June 6, 1945, by the Federal Bureau of Investigation from the office of Amerasia, then an obscure New York City magazine specializing in Asian affairs. Many of the seized documents were classified 'Secret' or 'Confidential,' some stamped 'Top Secret, for Eyes Only.' The ease with which hundreds of secret and confidential documents were channeled into unauthorized hands, as evidenced by these subcommittee documents, is both astonishing and frightening."

For the thoughtful American as well as the casual reader, the meat in the coconut is Dr. Kubek's 113-page "introduction," really the gripping story of the case, its why and wherefore.

This is divided into three parts. He begins with a careful historical survey of the relations between the two adversary parties in China, the Kuomintang and the Communists.

This is followed by a thorough study of the Amerasia case, which reads like a spy thriller.

The final section analyzes the documents that stock these two thick volumes and, if you are not frightened, you are not very concerned about the future of this country in a communist-assaulted world.

The long struggle in China began around the turn of this century in the Boxer Rebellion. An undoubtedly oppressed and enslaved population wanted relief from almost age-old dynasty rule.

In the succeeding decades communism was making its threatening presence under its illusory promises felt to the downtrodden. Although initial moves toward ousting imperial rule had nothing to do with communism, communism made its way with familiar methods. The Communists in China were aided by the difficult situation created through Japanese efforts to possess Asia. The softness in Washington tended to make Uncle Sam a patsy.

The Chinese Nationalist government holds today only the limited area of Formosa. The Communists control the mainland.

We have lost Asia. It is not a stretch of the imagination to say that you can blame Vietnam, Thailand, Laos, Cambodia on the events of the 1940s, to which few American citizens paid real attention.

Nor was such attention given by our own government as is shown in the complete story of the documents blithely passed on to the Amerasia offices by government hired hands more loyal to their Marxian convictions than to the traditional U.S.A. government.

Kubek points out in his discussion of the international relations that, since John Paton Davies and John Stewart Service were career diplomats assigned to China, the State Department accepted their reports as gospel. "Their slanted words released the steam to change the direction of the United States in the Far East." So today Chiang Kai-shek can credit them with his Formosan residence.

Kubek also stresses the appearance of such reports in the Amerasia files. Today it seems incredible that dire punishment was not inflicted on any of the channelers to communist hands of secret documents.

One "career diplomat" blithely explained that although he knew documents were secret, he did not think that applied to material he had written himself—an absurdity.

There has even been reinstatement of a career man fired because of the Amerasia disclosures.

The story is a long and detailed one. It has to be read to be completely understood.

Dr. Kubek has told it succinctly and graphically.

"PEACEMAKERS" ARE VIOLENCE-MAKERS

HON. GLENN R. DAVIS

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 1970

Mr. DAVIS of Wisconsin. Mr. Speaker, many of the people today who talk about peace and love have violence and hate in their hearts. They claim they are "telling it like it is." But I think the following editorial aired recently by WITI–TV in Milwaukee, Wis., tells it like it really is:

AGAIN THE SO-CALLED "PEACEMAKERS" TURN TO VIOLENCE!

These are the peacemakers. These are the students at Madison who talk of peace, tranquility, love and brotherhood. And, this is how they try to convince others that war and violence must be abandoned. These are not peacemakers. These are hoodlums . . . anarchists . . . and they should be dealt with as the arrogant, lawbreakers they are.

The revolt was organized by the Students for a Democratic Society and the Young Socialist Alliance. It began as a protest against General Electric Company recruiters who were on the campus seeking future employees for their firm. Since General Electric is engaged in the manufacture of some war materials, the anti-war factions on campus insisted the recruiters get out.

They shout for freedom . . . yet, they would deny freedom to others. It all started out as a peaceful march . . . then turned into a wild, two-hour revolution . . . with students and police injured . . . arrests made . . . and thousands of dollars of deliberate destruction of private property. Again, hundreds of students permitted themselves to be duped . . . to be used . . . by a small group of radicals who were there for no other purpose but to incite riot. The same brand of anarchists succeeded again . . . because they were permitted, even helped . . . to succeed.

University of Wisconsin Chancellor, Edwin Young, should be commended for his quick action. He wasted no time in declaring those who have been arrested will be expelled from school. As Young said: "The rioting and senseless destruction is an offense against the great body of students and faculty whose very freedom and purpose was endangered."

That will take care of those arrested. But, the organizers, the instigators of riot and destruction will still be there. The Chancellor talks of the "great body of students and faculty" . . . the majority of those on campus who want no part of revolution. TV6 turns to them and asks them to join with University officials in a thorough housecleaning of the hoodlums. Stop giving them a platform. Stop buying their phony line. Students have a right to protest, to demonstrate against the war . . . but, we say to them: Be the peacemakers you say you are.

SOUNDING THE SEVENTIES

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 1970

Mr. HAMILTON. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following article by Mr. Henry B. Schacht, president of the Cummins Engine Co. in Columbus, Ind. In it, Mr. Schacht warns that our ever-accelerating rate of knowledge and the accompanying technical and scientific explosions will be creating new challenges in the decade ahead.

He warns that we must now decide which national priorities warrant our attention, our talent and our treasury.

I submit Mr. Schacht's excellent article to the attention of my colleagues:

SOUNDING THE SEVENTIES—KNOWLEDGE IS POWER TO BE USED

(By Henry B. Schacht)

The key trend in the 1970's is the acceleration of the acquisition of knowledge.

This new knowledge will produce changes in our institutions, in our way of living and in our values, at a rate only hinted at during the 1960's.

The main challenge of the 70's for all segments of our world society will be to learn how to make productive use of all the new knowledge and how to channel creatively the change it implies. We have every reason to look forward to the exciting prospects that new ideas, new concepts, new products will bring to all our lives.

For our nation, expanding knowledge means that promising new proposals for attacking our pressing needs will be brought forward for debate and consideration.

The challenge will be to establish national priorities soon and then find the mechanism whereby we can use our rapidly increasing wealth of knowledge to bring improvement in the most critical areas of our society.

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Specifically, this means that with a sense of urgency we must set the national debate in motion. We must decide which national priorities warrant our concentrated attention in terms of both talent and funds. We must realize that we cannot fight a war in Vietnam, maintain a cold war striking force, clean up our environment, redress social inequities, maintain our standards of education, and resurrect our cities—and at the same time reduce taxes.

We must face up to the choice of solving our problems or reducing taxes.

In short, we must change our fundamental way of thinking about the national needs so that we can bring our wealth of knowledge to bear on the keystone problems whose solutions are so necessary to the continuation of our society as we know it. We must substitute action for empty rhetoric.

In the 60's, Columbus has become a leadership-type community, recognized for the excellence of our institutions and the quality of our life throughout the state and nation. However, as in all dynamic communities, progress must continue. We must insist on a clear definition of our community priorities and a creative marshaling of resources to meet those needs.

Excellence in education is a hallmark of this community. It must be maintained and even improved.

Downtown revitalization, thoroughfare expansion, water and sewage expansion, annexation, expanded health care, all must be eagerly faced and solutions found.

While it is important to look at individual project and program costs, sole concentration on costs can lead to endless debate without solution and a less than whole community. We must instead forcefully decide what is needed in the community to sustain its excellence, decide what the priorities are, and then creatively fund them.

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The pace of change is accelerating and successful communities will embrace this and be challenged by it. Columbus can, must, and will accept this challenge.

As for industry in general, the pace of change will be equally quick. Given relative stability in the nation and in local communities, business will have unparalleled growth opportunities. To take advantage of these changes, business must adopt the same aggressive posture as other institutions. Business must be an active force promoting change. New products, new forms of management, new technologies will abound.

In particular the challenge will be to provide an environment which will stimulate all the creative talents of every individual in every work place. We must free up the individual so that he can contribute to the full extent of his abilities.

For Cummins the 70's will also be a period of change.

Most of all it means embracing and forcing change so that competitors have to react to the consequences of our actions rather than letting competition force us to react.

This means the development of contagious enthusiasm for change and of opportunities for each individual regardless of position to participate and contribute to the growth of the company.

This means promoting rapid product obsolescence—for always being first with the most economical new product. It means smoke and noise-free power packages; it means turbines and natural gas engines and socially acceptable internal combustion engines in a yet undetermined mix; it means doubling in size every five years; it means acceleration of our world-wide activities.

The key trend in all of this is the acceleration of the acquisition of knowledge. Knowledge will provide new and exciting challenges for all of us in the seventies.

DEVELOPMENT OF AIR TRANSPORTATION

HON. HENRY S. REUSS

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 1970

Mr. REUSS. Mr. Speaker, the Honorable Whitney Gillilland, Vice Chairman, Civil Aeronautics Board, spoke at the "Seminar for State Travel Agents" at General Mitchell Field, Milwaukee, Wis., on March 2. Mr. Gillilland touched on some of the accomplishments of the air travel industry and some of the problems it must face in the future:

REMARKS OF THE HONORABLE WHITNEY GILLILLAND, VICE CHAIRMAN, CIVIL AERONAUTICS BOARD

It is my plan to speak to you about some aspects of the development of air transportation and, as you no doubt anticipate with a little particular attention to events in this great north central part of the United States.

I must observe to begin with that I notice some changes hereabouts since the pleasant two years, quite some time ago, when I was a local resident. I was then a young employee of a very fine company, the TMER & L. This experience, of course, had little direct connection with air transportation, but I did learn something about public utilities which has stood me in good stead. That included some economics, some problems of management, of labor, of safety and how to use a monkey wrench. I also learned something about surface transportation for on occasion it was my duty to operate the electric dinkey car at the Lakeside Power Plant. Furthermore, I learned something about passenger complaints for that old dinky would rock and roll when the outbound shift was in a hurry to connect with the northbound "Ruban" from Racine. Indeed it was not unknown to jump the track. I became very fond of Milwaukee and Wisconsin and it is good to be back.

There have been, since those days some very great changes in man's ways and means of getting about. There have also been some changes in the numbers and extent of his efforts to do so. What were then regarded as considerable journeys are now regarded as commonplace, and what were then regarded as unusual events are now commonly accepted as usual.

Actually there was then very little air transportation available. But it was a time of happenings significantly contributory to air transportation's subsequent dramatic development. One of them was Charles Lindbergh's flight to Paris. It was my good fortune to participate in Milwaukee's welcome to him upon his return, and to witness from my front yard his triumphal progression, waving from the back seat of an open automobile, down Kinnickinnic Avenue.

Actually commercial air transportation of goods and passengers in numbers worthy of note may be identified as beginning about the time of the introduction of the ten-passenger, fully enclosed, all metal Ford trimotor. This aircraft could cruise at 110 miles an hour and operate over stage lengths of 200 miles. For passenger transportation purposes this was a most important introduction. It was soon followed by other trimotors. This was about 1926 and in that year scheduled passenger air service generated approximately 1.2 million revenue passenger miles. In the ensuing two years that annual rate was multiplied by ten and as of the present time by about 100,000. This growth has closely paralleled the introduction of constantly improving types of aircraft, the two courses of events feeding on each other *i.e.*, the better aircraft stimulating the design of aircraft capable of carrying bigger and bigger loads, over longer and longer stage lengths, and at even greater speeds and degrees of safety and comfort. The result has been a new kind of world.

There are, of course, several other identifiable units of activity contributing to the result. Many are represented here today. Certainly there have been the pilots and the crews, the airport planners, builders, and operators, the planners and operators of the airways, the operating companies and their employees, the travel agents, the controllers, the communications people, the financial people, the mayors, city councils and boards of supervisors, the legislators and congressmen, and I believe there is a little place somewhere for the Civil Aeronautics Board.

The Board was created pursuant to the Civil Aeronautics Act of 1938 for the purpose of establishing and maintaining orderliness in the development of the route structure, and for the regulation of rates and charges and other operations of what was already recognized as a rapidly burgeoning industry. The statute differs, however, from other regulatory statutes in one significant respect,—that of its strong and specific promotional features. Thus the Declaration of Purpose speaks of encouragement and speaks several times of promotion. In pertinent part the Board is required to consider as being in the public interest, the encouragement and development of a system properly adapted to the needs of commerce, the promotion of adequate economical and efficient services at reasonable charges, the promotion of safety, and the promotion, encouragement and development of civil aeronautics.

Fulfillment of these objectives is no easy task for the factual elements pertinent to the several coequal duties of promotion seldom present themselves in similar proportions. The Board's objective, I believe, may be broadly stated as the evenheaded distribution of the best services at the lowest reasonable rates to the greatest number of people. This means adequate services to all communities which can support them. But if we overload the system in any market, resulting in uneconomical operations, pressure is inevitably created toward higher fares than would otherwise obtain, and affecting parts of the country which do not gain the benefit of the services. In short losses in any market must be made up somewhere.

One of the first tasks of the Board following enactment of this statute was the certification, under the "grandfather" provision of the Act, of those air carriers whose major function it was to provide commercial air transportation between the larger population centers and over long distances. These have become known as trunk carriers and two such carriers, Northwest and what was then known as Pennsylvania-Central Airlines, were "grandfathered" into much of the north central area, including Milwaukee.

In connection with the "grandfather" proceedings, the Board undertook to refine the then existing system of air routes. As I have pointed out the growth of the industry was proving to be considerable and it was evident that new system elements were required.

In the early 1940's the Board began to give particular attention to the needs of the smaller communities, especially of smaller communities not located in proximity to the routes of the long-haul carriers, and to the identification of ways and means to extend air carrier services to them.[1] The plan which evolved was that of a junior system of what were at first very short-haul carriers, and then called feeder airlines. It was contemplated that routes would be established with terminals in the stronger communities of the short-haul carrier's area, and that all intermediate communities possessing airport facilities, and apparent potential to produce a reasonable amount of traffic, would be served on each flight between the terminals. Thus, it would be possible, however monotonous the delays occasioned by the required stops might be, for residents of smaller communities to have feeder carrier access to points where trunk carrier services would be available.

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[1] Local, Feeder, and Pick-Up Air Service, 6 C.A.B. 1 (1944).

A long series of cases were set down to examine and consider the potentials in various parts of the country. The needs of this one were investigated in the *North Central Case*[2] decided in 1946. The Board's opinion stated:

"In northern Illinois, eastern Wisconsin, Minnesota and upper Michigan there are numerous uncertificated cities with populations ranging between 5,000 and 40,000 which could be provided direct air service to Chicago, Milwaukee, and the Twin Cities on a system connecting the Twin Cities and Duluth, Duluth and Chicago, Duluth and Marquette, and Marquette and Chicago.

"Rail transportation in this area was originally established to facilitate logging operations and not to provide convenient transportation to the neighboring metropolitan areas. Consequently railroad service, for the most part, is slow and inconvenient and many cities in this area are comparatively isolated."[3]

To meet the need for services the Board then selected Wisconsin Central Airlines, later to become North Central Airlines, and in so doing, among other things, stated the following:

"This applicant submitted detailed plans for its proposed operation based upon the use of 10-passenger Beechcraft equipment and estimated that it would incur operating expenses of 44.11 cents per mile and that it would receive nonmail revenue of 23.54 cents per mile. . . .

"Capital requirements are estimated at $329,000 and $260,000, respectively, for two round trips and one round trip daily. The necessary funds would be obtained by the sale of $200,000 worth of stock. Any additional funds required would be obtained from the parent company, which has capital surplus in excess of $2,000,000 and which stated a willingness to provide any necessary financing."[4]

The subsequent progress of events is shown in North Central's Annual Report. It states that in 1968, 3,013,816 passengers flew the "Route of the Northliners"—an all time high, and over three times as many in that one year as North Central carried altogether in its first thirteen years of operation. Furthermore, on December 20, 1968 the airline enplaned on that single day 1,354 more passengers than in its entire first year of operation.

Although some weight must be given to North Central's system expansions, and to the modification or removal of operating restrictions, the figures remain impressive. Moreover, in 1968 these passengers were carried some 518 million passenger-miles representing a 35 percent increase over the previous year. That is more passenger-miles than were flown by all of the domestic air carriers, trunks, and everybody, in 1938, the year the Civil Aeronautics Act was passed.

These statistics, although many more could be cited, demonstrate the fact that the characteristics of the local service industry have changed greatly since the beginnings. No longer must every plane stop at every intermediate point on every flight. Many nonstop flights over considerable distances are available, and some compare very favorably in quality and convenience with any to be found. This has happened, in part, because of liberalized and expanded opportunities granted in response to the constantly increasing traffic and capability of the carriers, and as I have pointed out, in part for other but very much interrelated reasons, foremost among them being the constantly improving types of aircraft available. For example, instead of the 10-passenger Beechcrafts proposed in the *North Central Case*, North Central now operates an all jet-powered fleet of 100-passenger DC-9 fan jets and Convair 580 prop-jets valued on the books at $66.6 million.

Perhaps the most significant distinction from the strictly feeder line concept of former times is that the Board now, in a proper case, may authorize a local carrier, now usually called a regional carrier, to perform air transportation from points within its region to a major transportation center outside thereof. Indeed, we are here today in part to give recognition to one such recent route award—the inauguration of service by North Central between Milwaukee and Columbus, Dayton and Cincinnati, Ohio. North Central's original framework included no routes similar to that.

The reasons for the liberalization are found in the Board's experience that single-carrier, and particularly single-plane services, have advantages in efficiency and passenger conveniences over inter-carrier connecting services, in the constantly increasing capability of the local service carriers to provide the services, in the carrier's "native son" motivation to provide the best for their own regions, in the prospect of improvement of economic fortunes and reductions in subsidy, and in the lessening of congestion at the great city terminals.

But air carriers and air routes do not, in and of themselves, provide a complete system. All passengers and freight must find their way to and from an airplane by some other means. To facilitate such movement, airports must first be located and built by local and state governments, with benefits of the advice and often with the assistance of the Federal Government. Airports must be located with a purpose to provide convenient access for the traveling public but require assessment of the environmental impact upon all people. Problems of availability of real estate and of mounting costs are formidable. Furthermore, once built, airports must be constantly improved and expanded to match the ever advancing technology of the aircraft manufacturers. Likewise, terminal facilities must be designed and built to handle the present and future demand for air travel. The recent opening of the unique new circular concourse here at General Mitchell Field is a good example of the expansion which such demand necessitates. But the total system does not and here, for however fortunately located an airport may be, there are constantly increasing requirements for high-speed, often costly, means of moving people and cargo between downtown centers and the airports, and such requirements must be considered with an awareness that demand will continue to grow.

These matters together with the need for improved and safer air navigation facilities, required by growing traffic and changing technology, and essential to the continuing development of an air transportation system, have placed great financial pressures upon the carriers and upon all levels of government.

It was for this reason that the Congress has recently undertaken the enactment of a comprehensive airport and airways bill. Under its contemplated provisions, future costs of airports, terminals and airways—all necessary to the development of the system—will be more equitably distributed among the users of air transportation.

However formidable these tasks may be it is apparent that upon their success depends the continuing extension of the benefits of air transportation to include persons who have not heretofore enjoyed them and that, in turn, to support them the response of such persons must be approximately in parallel. In this connection the contributions of the travel agents to stimulation are of first line importance.

According to figures I have available, travel agents book about 32 percent of the total domestic air travel market and 60 percent of the pleasure trips. These statistics, viewed in light of the more than $5 billion annual domestic passenger business of the U.S. certificated carriers, leave no doubt as to the significance of the efforts of the travel agents to air transportation.

The urge to travel which has been so stimulated by you as travel agents is a fundamental human desire. Throughout the ages men have dreamed and fought to extend their individual spheres of life to strange and distant places. It was this very desire which accounts for the coming of our ancestors to this country. Likewise the 1673 canoe trip of Father Marquette and Louis Joliet down the Western Shore of Lake Michigan and the discovery and mapping of Milwaukee Bay. Travel has always been an adventure and a kind of pioneering which attracted the interests of man.

During my time in Milwaukee, travel to the northern section of this State during winter months was regarded with caution. Engaged in it was, and engaged in with joy but not casually.

In contrast, I have recently seen a copy of *The Rhinelander Daily News* which indicates that upward of 40,000 people were expected to attend the Sixth Annual Snowmobile Marathon held in Rhinelander during January this year. In part, the article reports that:

"Chamber of Commerce Secretary, Dennis Hastreiter, said all hotels and motels within a 30-mile radius of Rhinelander have been booked solid for the week of the Marathon with resorts and private homes in the area filling up rapidly."

Now it seems to me that this brief paragraph highlights the fact that travel once regarded as formidable is now undertaken routinely, and it points up the benefits which have accrued as a result of the collective contributions toward the full development of a transportation system. Pursuant to what is often referred to as the "multiplier effect" a travel dollar turns over many times in a local economy, benefiting not only hotel catering industries, but local transport, shops, supply and entertainment enterprises as well, and together with all other enterprises with which they in turn do business. New jobs are created and unemployment reduced.

In short, your individual contributions to the development of the air transportation system within the great north central region, collectively represent a major contribution to general economic development. From what I have observed I would say that you are succeeding very well.

METRO DEVELOPMENT BANK ACT OF 1970

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 1970

Mr. FRASER. Mr. Speaker, I am introducing a very important bill that will

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[2] North Central Case, 7 C.A.B. 639 (1946).

[3] *Ibid.* 663, 664.

[4] *Ibid.* 672, 673.

provide assistance to local and State governments in their search for financing for necessary public facilities.

It is called the National Metropolitan Development Bank Act of 1970. It is a proposal first sponsored by former Vice President Hubert Humphrey 3 years ago and contains several very valuable innovations.

The bill will set up an independent bank sponsored by the Federal Government and designed to float bonds on the national market and make loans for three purposes.

First. Cities and States will be permitted to borrow money for basic community facilities.

Second. Twenty-year loans will be available to quasi-governmental organizations for construction of housing, medical facilities, and other public facilities.

Third. Soft loans over a 60-year period will be made to business organizations and others for economic development purposes.

Technical assistance will be provided to the borrowers in order to guarantee the best practices for borrowing and financing these projects.

Besides the central bank there will be regional banks established in those areas where the amount of loaning is heavy enough to require a separate staff.

As you know, Mr. Speaker, there have been proposals made by the administration for new institutions to make financing easier for State and local government. One proposal submitted with the President's speech on the environment calls for an environmental financing act which is of such limited extent and restricted in authority. I believe the Metro Bank would be a much broader and more effective approach.

Chairman **Wright Patman** is the author of H.R. 14639, the "Development Bank Act," which has many excellent features for financing housing, public facilities and projects for employment of low-income and unemployed people.

This Congress should take action to expand the availability of money and to promote construction and development. I hope the Metro Bank Act can contribute to fashioning legislation for this purpose.

INDUSTRIALIST CHALLENGES CITY TO PLAN FOR THE FUTURE

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 1970

Mr. HAMILTON. Mr. Speaker, remarks by J. Irwin Miller, whose guidance and consultation is sought not only by the citizens of Columbus, Ind., but by the Federal Government on several important study commissions.

Mr. Miller, in a recent talk to the Columbus, Ind., Junior Chamber of Commerce, called for vision and vigor in meeting the future. In his challenge to the young executives of the community, Mr. Miller urges them to devote their time and talent to no problems less than the most important ones.

The text of his excellent talk, reprinted in the Columbus Republic, is submitted for the attention of my colleagues:

DREAM AND DEDICATE FOR FUTURE, MILLER CHALLENGES

Twice the last week, members of the Columbus community have been challenged in similar speeches to plan and dream and dedicate themselves individually to the future.

The speaker was J. Irwin Miller, chairman of the board of Cummins Engine company and of the Irwin Union Bank and Trust company, and the man whose interest and financing of quality architecture brought Columbus the title of "Athens of the Prairie."

"The price of delay is enormous," he says in calling for development for the long-term human good of the generation ahead in the speeches which were made a week ago Thursday to the Junior Chamber of Commerce and then again Tuesday to Irwin Union Bank shareholders. He calls for a new period such as that in the 1950's when, he recalls, Columbus was for a time a united, effective community.

Here is the text of the speech, much as it was delivered to the Junior Chamber.

TEXT OF THE SPEECH

(By J. Irwin Miller)

I want to talk to you tonight about Columbus—and specifically about the Jaycees and Columbus.

My first point is that "None of us knows very much about our town." If we knew as little about our businesses, they would all be in desperate trouble, indeed.

The Jaycees have the open opportunity to serve by knowing more about Columbus and Bartholomew county than anyone else. I mean knowing not alone the statistics, but knowing this community in depth, in human terms. Such knowledge is the only proper foundation for sensible community action.

Now the second point is that "None of us feels as responsible for the direction and the action in Columbus as we will have to, if our community is to get on top of its problems and remain a good place to live for any of its citizens."

The Jaycees by means of knowledge and determination can be more influential than any other group in making and keeping Columbus a good community. Your members are still young. You have fewer ingrained prejudices about "going back to the good old days." You have energy; you have first-class training. You have the ability—and the opportunity—to transform Columbus if you set your minds to it, if you aim very high, if you go for the big, vital, difficult problems and do not waste your valuable efforts, which are unique in the community, on projects less than the most important.

I wish I were one of you. I am jealous of you and your chance.

About 70 per cent of all Americans live in cities today, and this figure will soon rise to more than 80 per cent. Not one of these cities is really preparing for the more than 50 per cent increase in population which is a certainty to happen to them in less than 30 years. In fact most of them are not even keeping up with today's problems.

To those of us who live in this town and regularly travel to larger cities, it is clear that American cities are rapidly losing ground in managing traffic, sanitation, controlling building decay, or crime on the streets. We even wonder whether today it is possible to rebuild, manage and control the growth of a big city.

Fortunately, you and I don't have to answer that question. But merely asking it brings us face to face with a very embarrassing fact: If any city in the country could solve its problems, surely that city would be one of the size and relative per capita wealth and abilities of Columbus.

But who is to say we are not solving our problems? Over a wide area of the Midwest we are beginning to be considered something of a model of today's progressive city. People even take trips to come to see us.

That area of admiration stops, however, pretty much at the Bartholomew county line. Within the county, one has only to read letters to the editor, attend community meetings, listen to conversations at parties and above all observe the changing city to discover that in the immortal words of Doctor Cue we are not "every day in every way getting better and better."

Shall I specify? Well, only a few examples. The rapid increase in traffic congestion. Try to approach Columbus from the south and west when it is time to go to work in the morning. Try to move at all in the downtown area around 5 o'clock in the evening or on Fridays through the traffic arteries at the shopping centers. What will this congestion be in only five more years? And what plans are underway now to handle known substantial increases?

The increase in smoke and smell. Columbus lies in a pocket at the confluence of three streams, a natural for smog some day when the volume of industrial gases builds higher. Even now, on days when the wind is right, a smell that has to be explained to every visitor blankets the whole town.

Just about every manufacturing plant in town, including all the major ones (that means Cummins, too) puts out more smoke than is tolerable and contributes to stream pollution. Question: Who would be willing to swim near the mouth of Hawcreek or in White river just below town? Dirt and garbage.

Who thinks the principle of lining street after street with exposed sacks of garbage is the answer of the future? Who thinks city streets are clean? If you do, walk down Washington street or Franklin or Jackson—with your eyes open—or over any parking lot of any shopping center and ask is this America the beautiful? And what will it be like in five more years?

When approaching Columbus from the air, visiting pilots who have lost their way are now told by those who know to look for the permanent column of smoke rising from the city dump. As relatively simple a problem as solid waste disposal has been debated without an answer for over four years. At this rate how will we do on big problems?

Forgetting other physical problems—the slow pace of redevelopment, plans for a southern by-pass and others, let us mention just one more matter before asking ourselves what ought we to do.

That matter is SCHOOLS. We are with reason proud of our schools and we have been more active in school construction during the last 20 years than at any time in the town's history. However, during this active period we have been able to make no serious reduction in classroom population, and our pupil/teacher ratio remains higher than desirable.

Our building plans will do not much more than stay even with probable county growth. And, if we are to believe general conversation of the high school young, we are not free from the serious nationwide problems of drugs, liquor, and sex, though we do not openly discuss them.

Well—so we have many problems. Who doesn't? Why have I not balanced them with a discussion of our achievements and strengths? We are talking among ourselves, and, just as in our own businesses, we spend our time on our problems (or should), so

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our best service to our community consists in identifying problems and weaknesses and moving to correct them before they overwhelm us.

Lest you think I am not aware of the strengths of our town, I will tell you that I am very proud indeed that we are a relatively open and unpolarized community where people may differ and still remain friends; that we have worked harder than any of our neighbors to make this a good place for minorities to live and work, though we still have far to go. And I am proud that we have always been a generous community, setting a statewide example in general private giving to community causes. We have, therefore, a tradition and a per capita income which in theory could be combined to set the pace among American cities. We are clearly not setting that pace.

Construction costs in this country, and that means school buildings, highways and streets, waste and sewage disposal plants, are all increasing nowadays at a rate of nearly 15 per cent each year. This means they will come close to doubling within five years, unless the pace of cost increase slows.

The price of delay, therefore, is enormous. The most expensive solid waste disposal plant, or senior high school, if it had been built three years ago would look like a bargain today. There has not been a time in the last 25 years when we should not have built more, and built it bigger. Had we done so, our children would be better served today; we would live in a better, safer, cleaner, community; and our future tax burden would be much lower. There is no reason to expect this situation to be different in the years ahead. In fact, inflation seems more likely at a higher than at a lower rate.

If Columbus were our business, and if we were the responsible management, this would say to us such things as, always be one elementary school and at least half a high school ahead. Classes will be smaller. Teachers will do a better job and long-term capital costs will be reduced. It would say keep sewage and solid waste disposal plants growing and according to plan—and always with extra capacity.

It would say complete downtown redevelopment as swiftly as possible. Identify now the areas that will next need redeveloping or developing, and it would say redevelop or develop for the long term human good of the generation ahead and never with single-minded concern for the short-term one-time economic advantage of the present generation.

It would say plan far ahead and construct now adequate and attractive traffic arteries, for city approaches and for internal traffic.

It would say identify and purchase now all the proper park and recreation areas needed in the county during the next 30 years.

It would say many more things, too.

It would require us to ask what answers should be found now: To the existence of slum property; to the difficulty of building enough low-cost housing of a quality which will not turn into tomorrow's slums. It would require us to plan and seek funds for branch libraries, cultural facilities, industrial expansion, and the like.

Now your reaction to all this is but it would all cost too much. Taxes are too high anyhow. Taxpayers are already rebelling.

There is a more important answer to this. The cost of getting Columbus on top of its problems and keeping it there will be higher than it should be simply because we have fallen behind. We have neglected to keep up. And, for all the reasons every businessman knows so well, it will cost very much more to catch up than to keep up.

What, then is our choice? Well, we can in today's mobile society move on when things get too bad for us or too threatening for our children, and we can try to locate somewhere less badly off, or we can try to do something about it.

Consider the paradox: Most parents with teen-age and college-age children are worried about lack of respect, no interest in business, critical attitudes toward traditional American values, and a whole host of other things. And what is our response? More often than not it is to lecture the children. And how do they respond? To most lectures today, whether lectures on how many miles I had to walk through the snow to school every day, or homework lectures, or Americanism lectures, or anti-Communism lectures, their reaction is most generally to be found in one word—Bull.

This, of course, may be because of some basic ingratitude in this affluent group. But, it may also have another cause. It may be because all children from the beginning of time have been influenced not so much by what their elders say, as by what they see them do—by their examples.

What kind of example of traditional American values do we offer our children, if we let this community run down, when we quite clearly have both the wealth and the human resources to make ourselves best?

Most of the people in this room subscribe to President Nixon's determination to place more government responsibility at local levels. But do we understand that, once we begin not to look to Washington for answers, we shall have to look to ourselves for both the money and the action, and that time is on the short side?

If local responsibility means anything, it means that each citizen, no matter how many times he moves, must put down his roots in the community in which he is located, involve himself and work for its necessary improvement. Simply complaining has never been an adequate definition of acceptance of responsibility.

Our way ahead is not easy, though it is easier than that of most cities. In Indiana we have major tax inequities, and serious difficulty in financing long-term improvements. But very little is impossible. Shortly after the second world war we put on the best performance in the history of the town. When we were not allowed to increase school taxes fast enough to keep up with need, Lowell Engelking and a committee of concerned men and women organized a tax board hearing that nearly filled the Pearl street gym and in that one hearing turned the town around.

B. F. Hamilton, shortly after, got the town's industries to pledge enough money, over and above taxes, to build the new Jefferson school.

Glenn Thompson organized a community-wide drive to build the new gym and even factory workers pledged a week's pay, payable over three years.

Q. G. Noblitt came to industry to give the money to dredge Hawcreek and build Hawcreek boulevard.

These years were Columbus at its best. We were for a period a united effective community. Industry, merchants, government, worked together—determined to solve problems. And we offered the unique example of a community willing to shell out beyond the demands of the tax assessor, if that was what it took to get things done.

A principle reason why I have looked forward to being here with you tonight is my feeling that Columbus is once again in need of a comparable major community effort, and that this effort will be best undertaken and seen through to conclusion by the younger generation who form this group—the Jaycees. You Jaycees have an opportunity to determine the priorities of the 1970's for Columbus and to get city government, industry, merchants pledged to accomplish them within specific limits of time. How should you go about this?

If you decide to accept such a service to your home community, your organization should be sure it represents well the whole community and not simply one point of view or one set of interests. Perhaps you are well ahead of me on this. But there are in the community contemporaries of yours, of minority races who have a concern for good living and decent opportunity for themselves and their children. You need them in your membership. They too are Columbus. They see problems and needs from a point of view which must bear on final choices, if they are to be good choices.

There are also many more workers in this community than managers. The leaders of many of the unions in Columbus are contemporaries of yours. They are able to view the community in ways the manager cannot, and often has difficulty understanding. You need them in your membership. You need the view of women in your studies, if you are to serve as Columbus needs serving. You need a full cross-section of Columbus in your membership, because your first job is to understand our community in depth and as a whole.

In all this you will have to think primarily in human terms, in terms of a city wherein each young child born and raised here has an equal chance at the starting line. This is what America is all about.

Do you know the words of Thomas Wolfe? "To every man his chance—to every man, regardless of his birth, his shining golden opportunity. To every man the right to live, to work, to be himself and to become whatever thing his manhood and his vision can combine to make him. This is the promise of America."

Every program for Columbus, if it is to be true to this country, has to be rooted in such a promise. And those who are now in possession of the promise by accident of family and birth have the American duty to give time, money, and effort to guarantee that other Americans who are by a different accident deprived and disadvantaged may not be denied the same promise.

So every hungry baby—white or black; every educationally deprived boy and girl; individual unable by his own efforts to get decent health care, housing, diet, jobs—the existence of each such human in Columbus is a denial by you and me of the values and promise of America.

Why "By us?" Because generally speaking we, in this room, are a group who could change things for the deprived, the frustrated, the blocked in our community.

Upon this foundation then you have a chance to take exciting action.

What might such action be? A few examples. You might choose others.

In response to your leadership the industries and businesses in this town might be persuaded to agree voluntarily to eliminate smoke and smell, stop polluting the stream, and by landscaping or other means to present a clean and attractive appearance to those who live and travel nearby and do it within five years.

City government might be persuaded to enact ordinances with enforcement powers sufficient to assure compliance by future industries that come to town. It is very clear from President Nixon's message that we shall all soon be required to clean up our environment. How much better to do it voluntarily—and now!

You might consult the school board to see whether the State Street school building (one of our most inadequate facilities, serving many children who most need a good start in their education) with help from the whole community might not be replaced now with facilities and student/teacher ratios and a curriculum specifically designed to give first rate public school education to those children who have least advantages and are truly most isolated from the rest of the community.

Or (as I noted earlier) you might work

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with city government, industry and private citizens to acquire now all the park and recreation areas that this county ought to have during the next 30 years.

You might address yourselves to the frightening increases in health and hospital costs of the last decade, to the difficulties in Columbus which the poor and all newcomers have in obtaining health care.

You might discover the degree to which there is genuine hunger in the county and determine a true answer.

You might assist in implementing the open housing ordinance and through thoughtful education and personal example help make it truly effective.

You could maintain a continuous inventory of needed projects. You could set priorities based on knowledge. And you could push for public commitments by government, industry, merchants to accomplish them with specific time limits.

I know that many programs for Columbus have existed and always will exist. I know that among others the "senior" Chamber has some vigorous committees.

But we need much more. Present efforts aren't enough. We can see, every day, that we are falling behind. We can see that as each of us gains more private prosperity, each of us also lives, works, and travels every day in the midst of growing public decay.

Therefore I suggest that you—because of your intelligence, your youth, your lack of complacency—can change this and that under your prodding, government, merchants, industry and your bosses, will not fire you but will respond as this community has always responded to intelligent proposals, vigorously pushed by responsible men and women.

Try us!

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LAW AND ORDER—ITS PLACE IN THE DEMOCRACY

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 1970

Mr. HOGAN. Mr. Speaker, while the adult world is involved on the question of law and order, some of our young who are conscious of this great national problem are expressing their thoughts. A child of 13 years from my district has written a paper which displays thinking far beyond her years.

It is encouraging to know that the emerging generation has an awareness of this situation. I hope and trust that we shall not disappoint those young who are looking to us to discharge our responsibilities in this area.

I am proud to place in the RECORD a speech made by Patrice Shipley, a constituent from Beltsville, Md., before a new citizens' ceremony sponsored by the College Park American Legion Post. I was pleased to also participate in this program.

LAW AND ORDER—ITS PLACE IN THE DEMOCRACY

"In the beginning, God created the heaven and the earth." After the creation, however, God deemed it necessary to provide the world with certain laws to live by. It was not until Moses and the Ten Commandments that the Lord gave men a written moral code of laws. These laws were based on God's supreme law of love. Since then, laws have been constantly changing and developing with the times.

The United States broke away from England to escape the rule of one man who had almost complete control over the making of laws. Our country formed a democracy "for the people and by the people" of the United States. The people elect the officials of our country and those officials are obliged constantly to be interested in the welfare of the people.

In our democracy we have more freedom than in any other country in the world. However, having freedom and rights as a citizen doesn't mean a person is allowed to do everything he wants to do. We have laws to stop us from harming one another.

Laws are a modernized version of the Ten Commandments made to fit the situations of today, but with the same idea in mind.

There are different kinds of laws. Criminal laws are made to protect people from those who for greed or hatred, are willing to steal, cheat, lie and even kill to get what they want. Civil and social laws preserve and protect the rights of each individual and allow each person to exercise his rights freely. Laws were made to help guide us in keeping peaceful, prosperous and orderly conduct among all the people of this nation.

A suggestion for a law is called a bill. A bill must go through a lot of red tape to become a law. Our elected officials are responsible for setting up laws that benefit the majority of the people.

To enforce laws we have the courts. If a person has ignored or disobeyed a law, the police are authorized to arrest him and if, after a fair trial he is found guilty, he may be fined or punished.

Order is important in a democracy because when people have a lot of freedom they often take advantage and ignore their responsibilities. Without order our country would become confused and chaotic.

To sum it all up, laws are the rules of life, and order is the key to a peaceful and prosperous atmosphere. Law and order's place in the democracy is simply to teach peoples' minds what their hearts should already know.

GENERAL WESTMORELAND SPEAKS ON ROTC PROGRAMS

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 1970

Mr. EVINS of Tennessee. Mr. Speaker, the Association of Military Colleges and Schools of the United States held its 54th annual meeting in Washington, D.C., on March 8, 9, and 10, 1970, and I had the opportunity and pleasure of attending their reception on the evening of March 9. This was a distinct pleasure for me inasmuch as Castle Heights Military Academy, located in Lebanon, Tenn., Columbia Military Academy of Columbia, Tenn., and Sewanee Military Academy, Sewanee, Tenn., are members of this outstanding association.

The principal speaker at the association's banquet was the former commander of U.S. forces in Vietnam and the present Chief of Staff, U.S. Army, Gen. William C. Westmoreland, General Westmoreland, a distinguished soldier and great American, presented a very thoughtful and informative speech regarding military schools and the ROTC program.

Because of the timeliness and importance of this subject, I am inserting the general's remarks in the CONGRESSIONAL RECORD and commend their reading to my colleagues. The remarks follow:

ADDRESS BY GEN. W. C. WESTMORELAND

Ladies and gentlemen, I appreciate this opportunity to address your 54th Annual Meeting of the Association of Military Colleges and Schools of the United States. I feel particularly close to this group. My grandfather on my mother's side was a graduate of VMI, and my father was a graduate of The Citadel. Being either too late or too old, neither served on active duty. My grandfather graduated shortly after the War Between the States (sometimes called the Civil War), and my father, even though he volunteered for the Infantry in World War I, was turned down as too old. Nevertheless, both had great interest in the military and supported the military throughout their lifetimes.

During nearly thirty-four years of active service, I have come into contact with hundreds of officers who were alumni of the schools, institutes and colleges represented here tonight. And the vast majority of those officers reflected the contributions which your institutions make to America.

In my opinion you play two vital national roles. You undeniably contribute to the defense and preparedness of the United States. And during a time that dissent against national policy, disregard for the law, mob rule, and pot make the headlines, you develop discipline, character, leadership, and patriotism in young people . . . young people who will be among the future leaders of this Nation.

In the Junior ROTC Program many young people first learn camaraderie, leadership, discipline, and respect for authority . . . traits which some of our young people sorely need. Today, in my opinion, the Junior Program is required more than ever before. Yet in recognizing your problems as they pertain to the Army, we have taken additional steps to insure that we provide the Junior ROTC Program the best qualified instructors available.

To achieve this, the Army has adopted a new procedure for the initial and continued employment of retired Army personnel as instructors in the Junior Program. This procedure requires the approval of both the Secretary of the Army and the institution. In addition, similar qualifications and procedures will be used for assignment of active duty personnel.

Selection of instructors will be on a continuing competitive basis, employing the "total man" concept. Standards for selection have recently been established and will be published soon in new Army Regulations.

In response to your request last year, we are establishing a centralized system in order to identify the best men available. Naturally, your special requirements will be considered.

The Army in selecting qualified instructor personnel for Junior ROTC, will review the complete military personnel file of the individual. Moreover, each applicant will receive a personal interview. And following initial approval by the Army, the school will have the opportunity to determine the applicant's final suitability.

Naturally, both the Army and the institution desire the continued development of each instructor. Therefore, the Army will require all Junior ROTC instructors, both active duty and retired, to maintain their qualifications and military proficiency. And a review board will be convened at least once every two years for the purpose of verifying qualifications. The review board will provide the institution with lists of validated instructors as well as those selected as outstanding.

In addition, we are providing more major command level personnel to work with Junior ROTC institutions in solving mutual problems. Each major Army command will establish an advisory council. Each council in turn will have an Army executive secretary and members representing both the staff and faculty of institutions in the area. In addition, a school president or principal and one of his cadets will be selected as representative-at-large. Hopefully, this council will provide a better means of communications among all concerned.

Our new approach should improve Junior ROTC instructors. And with better instructors, the curriculum should improve as well. Moreover, I am certain higher instructor standards will motivate many young Junior ROTC cadets to continue in Senior ROTC in college.

Today it takes a man of determination and motivation to wear a military uniform on many of our campuses across the land. The student in many cases today is not as readily drawn to an environment where discipline and controls are exercised as was his counterpart of some years ago. Apparently, the "Profession of Arms" no longer is as nationally attractive as it was in previous years. And herein lies our basic problem concerning officer recruitment. Our military force must be disciplined and dedicated to high standards of personal conduct and service to country. An army without discipline and dedication is a menace to the nation, institutions, and ideals that it is expected to secure. In a society which is growing more permissive, the selection of leaders not only becomes more difficult but more important.

ROTC is our major source of newly commissioned officers each year. We seek in this program to develop enlightened leadership in young men and motivate them towards service to country.

Our overriding concern must be that our soldiers are led by the very best. And if we cannot obtain the best from the campuses of America, where do we as a nation turn for quality leadership in the quantity we require in our Armed Forces?

I feel so strongly about the importance of ROTC to our national defense that I personally visited every one of our Summer Camps last year. I was impressed with what I saw, but at the same time my visits revealed certain areas that could be improved in not only Summer Camps but in the ROTC Program as a whole. Conseqently, we have reexamined the entire ROTC Program. Our Summer Camp Program has been revitalized . . . this summer the thrust will be toward "Preparation for Leadership." Emphasis will be placed on cadet leadership development. Skill-level instruction will be limited to that essential for meaningful cadet participation in tactical exercises. I am certain this new program will challenge young men physically, mentally, and psychologically. It will be an experience they will never forget.

Additional emphasis will be placed on soldiering, and discipline will be tightened—but not to the extent that it is harassing. The atmosphere will be clearly military—not academic. And no cadet will lack personal challenge.

Summer training it vital to the leadership development of future officers. Accordingly, each ROTC Summer Camp will be commanded by a selected brigadier general. He will devote his full attention to this important mission. The deputy camp commander of each advanced camp will be a senior professor of military science.

On campuses, we are modernizing the curriculum to meet the requirements and philosophy of each institution now hosting ROTC. No college student should be deprived of his freedom of choice to select a career or satisfy his obligation to his country. For this reason, we are working closely with college administrators and institutional officials so that young men may continue to have the opportunity to complete degree requirements in their chosen academic discipline and at the same time satisfy requirements for a commission in the Army.

The fact is that some of our instruction by its nature is intrinsically military and may not be considered appropriate by some institutions for the award of academic credit. In those instances, we negotiate on a case by case basis to satisfy the needs of the Nations, the institution, and the individual.

On the other hand, some of our ROTC cadet critics say we place too much emphasis in ROTC on large unit tactics and management.

The outgrowth of our examination of the program is a new curriculum concept which we hope to implement during school year 70–71. This concept recognizes that three parts of the ROTC student education: his chosen degree field, institutional courses of value to the Army, and necessary courses in military science. This curriculum is unified by the subject areas: leadership, management, the role of the military in support of national policy, and military history. Those institutions which utilize the regular, modified, or developmental options can continue their current programs with little modification. Very simply stated, the new curriculum unifies and modernizes all three options.

I believe this curriculum represents a strong, viable effort to insure the continuation of the total ROTC Program. It represents our effort to stay abreast of the fast moving changes being made in institutions of higher education. Moreover, it enables ROTC to complete for student time in the educational process.

Other critcs question the basic objective of our program—to attract college graduates with the potential of becoming quality junior leaders. They say we are only interested in training platoon leaders . . . in producing gold bars.

Contrary to their beliefs, the Army does not expect from ROTC a trained second lieutenant with diploma in hand on graduation day. What the Army expects from the ROTC graduate is a well-educated, motivated young man with good character that will allow him to develop into a responsible commissioned officer. We need men who are capable of meeting the challenges of technology and leadership demanded by our sophisticated modern-day Army.

We seek men schooled in a variety of disciplines, from managerial and applied natural sciences to the social sciences. We seek men who possess a wide range of academic experience—sociologists, anthropologists, economists to name a few. . . . We seek men who are eager and interested in different things, men who want to play a significant role in the future, and men who want to repay their country for its blessings.

In order for our officers to handle the complexities of the modern Army, they must possess those qualities and attributes that I have mentioned. But to possess these, they must have a firm foundation—a foundation which can only come from a liberal education.

At present, the majority of our young officers receive such a foundation in the colleges and universities throughout the Nation. And those who have not been so fortunate to receive a college education— and who are selected for an Army career—are given an opportunity to obtain college degrees as they continue to serve.

But for continued growth and for long term benefit to the Service, we need college graduates. And the ROTC Program provides us with young men who have the background of a liberal education, are motivated to serve, and have demonstrated their leadership potential.

Ladies and gentlemen, "good generals come from good lieutenants," and education, leadership, and experience are the keys to success. Consequently, we are interested in the continued education of our officers. And our Army school system attests to that. The Army provides the specialized training and practical leadership training that make the officer, after he comes on active duty. In fact, each newly commissioned officer attends his basic branch course for several months prior to his first assignment. There the new Army officer receives the training necessary to make him an effective officer in his branch. He then continues his career practicing leadership and gaining experience . . . all the while periodically attending Army or other Service schools to guarantee his continued development toward positions of greater responsibility.

Recently I was reminiscing with General Handy, General George C. Marshall's Operations Deputy in World War II, who echoed Churchill's remarks that our small Army of the thirties was only able to rise to the challenge of World War II because of the Army school system. Today I attribute the success and professionalism of our Army in Vietnam in no small part to an even better Army school system. Our Army school system continues to prepare our officers for the future. But I am certain all of you present tonight are concerned about the future of ROTC and the military college.

First, we should note that most college and university officials agree that the campus has a responsibility to provide leaders for the national defense. Their only discussion deals with the form and content. However, those educators who reject the basic thesis of "Partnership in Education with the Military Services" present a philosophy that we cannot accept, and no amount of discussion can resolve the issue. In those cases, the only solution may ultimately be *disestablishment*. In two colleges (Harvard and Dartmouth) Army ROTC units will be terminated this summer. A few others may follow suit. But during the past two years, the Senior ROTC Program has grown by the addition of 27 new units to raise our total to 283 participating institutions. An additional 42 colleges have formally applied for ROTC units.

In all fairness to those institutions standing in line, we may be forced to reassess those institutions hosting ROTC that do not produce enough officers to make the investment worthwhile.

Where does the all-military school with its traditional cadet corps fit into this environment? Does it dissolve its corps? Does it maintain a separate corps on a coed campus like Texas A&M or VPI? Or does it continue its role as The Citadel, Norwich, VMI, North Georgia College and Pennsylvania Military College? These are questions I am sure all of you have asked yourselves many times. I have no answers. However, I do know that the Army needs and supports your service to the Nation. Many of our outstanding officers come from your campuses. There they gained their initial impression of military life, developed a camaraderie with the soldier and . . . most important . . . acquired the spirit of "Duty-Honor-Country."

In view of Army interest in military colleges, many ask why the Army does not provide some additional financial reimbursement to these institutions. This issue has been raised in various forms by the Army many times not only for military colleges but for all institutions that host ROTC. Considering the present climate and the serious cuts in the Defense budget, I see no hope in the near future for such a proposal. The pressures of new national priorities have challenged us to do better with less. We have decided to concentrate our efforts on the individual student. For example, branch selection and graduate school delay procedures have been recently changed. We have proposed an increase in the cadet subsistence allowance and an increase in the total number of scholarships from the current 5,500. Moreover, we are assigning officers of the highest quality to ROTC duty as instructors. And, where possible, we are individualizing cadet leadership development oppor-

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tunities. Hopefully, these efforts will result in a favorable secondary effect on host institutions. The essence of ROTC and its continued life on the American campus is: The individual and his leadership development.

We continue to recognize the importance of the individual in our society. But at the same time, we recognize the need for responsibility and discipline not only in our Army but in all our citizens as well. Nowhere are these fundamentals better developed than in our military schools and colleges.

It has been my pleasure to address you. I congratulate you on your service to America and wish you continued success.

VETERANS' HEALTH CARE

HON. DANIEL E. BUTTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 1970

Mr. BUTTON. Mr. Speaker, disturbing reports about the conditions in veterans hospitals have come to my attention. I have received numerous complaints from people in my district about understaffing, poor conditions, even neglect of the patients. And these reports are not isolated phenomenon.

VA health care was the subject of a CBS news special with Joseph Benti, broadcast last week, and the conditions reported in that program were shocking. The blame does not lie with the Veterans' Administration, however. As Mr. Benti discovered:

> A Congressional committee recently found $20 million worth of unused equipment in VA hospitals, unused, because there was no one to use it. Of the nine operating rooms in Miami hospital, only five can be staffed.

Staff cutbacks in veterans hospitals, resulting from unrealistic economy measures now seemingly in vogue, have caused crippling personnel shortages in VA hospitals across the country.

Mr. Benti reported that in one VA installation paralyzed patients are turned over once every 8 hours. Before the staff cutbacks, patients were turned over once every 2 hours to prevent bed sores and infection. Similar budget cuts, according to the report, forced the removal of orange juice from the daily menu; now it is allowed only on doctor's prescriptions.

Such conditions are shocking. Our colleague, Mr. TEAGUE, who has championed the rights of veterans for many years, said during the broadcast that conditions in VA hospitals are the worst he has witnessed during 23 years in Congress.

The tragedy is that we care so little for those who have given so much. I was really overwhelmed by the picture presented in that CBS broadcast.

The VA hospitals in this country form the largest hospital system in the world. It is disturbing to learn that this system is not being utilized because not enough money is being appropriated to staff these facilities adequately.

I feel others should be made aware of these conditions so that action can be taken. For those of my colleagues who may have missed the broadcast on VA health care, I am including a transcript of the show at this point:

CBS MORNING NEWS WITH JOSEPH BENTI—MARCH 2, 1970

BENTI. Dozens of doctors, nurses and other employees of the Veterans Hospital in Boston have signed charges that health care in their hospital is inadequate and that conditions will deteriorate unless they insist on major improvements. The complaints range over a wide area of normal hospital operations, from a shortage of doctors and nurses to incidents of poorly handled routine procedures.

A copy of this letter has been received by Congressman Olin Teague, a Texas Democrat, who is Chairman of the House Veterans Committee. Teague says he has been told that 5,000 VA hospital beds will be taken out of service July 1st, because of money and personnel shortages.

The head of the VA—Donald Johnson—says there is no danger that any war wounded veteran will receive slow or second-rate care. Teague disagrees. He says the job needs to be done; and cannot be done with half a budget and half the personnel required, and that he is going to ask for more money than was requested by the Nixon Administration.

Much of the problem facing the VA hospitals begins in one place, Vietnam.

This scene has been repeated tens of thousands of times in Vietnam. It represents a miracle of technology and human effort; one that has saved the lives of more American fighting men in this war than in any war this country has ever fought. Yet the miracle leaves many of the survivors with more severe and disabling battle scars than ever before. What can be done about that is far removed from here. Life-saving is the first consideration at the beginning. The human effort continues at the emergency field hospitals. Surgery is the best possible, and immediate. Then as soon as possible the wounded leave the battle zone and are taken to military hospitals, usually in this country, where again the care is the best possible.

If the wounded can be repaired for service they stay in the military hospitals. If not, they are discharged to be cared for by the Veterans' Administration in one of its 166 hospitals. This report is about what happens there to those many of our politicians laud as heroes. What happens when the best possible gives way to the shock of reality?

MATTHEW RAIBLE. I have slept in rice paddles eight days at a time, dirty, filthy, dodging bullets; and I've slept in a bed here that hasn't been changed days at a time or if my urine bag's overflowing you have to wait quite a while before it's changed—and the stench is unbearable.

ROBERT MULLER. I'm a very proud person and I hate to be humiliated. When I have to ask an aide three times or I have to go for a call button for an hour being unanswered, suddenly it just chokes me up and I really—I can't take it. It blows my mind—the frustration, everything.

PATRICK SHEEHAN. It's a really dejected and lonely feeling to be laying in a bed, to be completely helpless and not have anybody there to help you.

RON KOVIC. Well, the thing that bugs me is the fact that the country can bid everybody for a war and send everybody marching on their way. And we go over there and we can fight and die for our country but we come back to the United States and we can't get the proper medical facilities and medical help that we need. And this is the biggest hypocrisy.

BENTI. In all the billions of dollars America spends each year, another million or so less here or there in a Federal budget request gets lost in a trail of zeroes. But lost dollars in a Veterans' Hospital can be seen in lost care.

Here in this Veterans' Hospital, a few years ago, paralyzed veterans were visited three times a day by a therapist, and received 90 minutes' exercise each day. Now there is only one therapist for 25 patients.

THERAPIST. Up again—feel my fingers—all the way—25. All right, now let's try to straighten that knee. Come on.

BENTI. She can provide only 15 or 20 minutes exercise each day. Every two hours—day and night—paralyzed patients should be turned over to prevent bed sores and infection. It takes two persons to turn a patient. The personnel have been reduced here, so patients now are turned only once every eight hours. For the paralyzed patient any major movement requires assistance. Even the simple act of feeding often requires other hands. If those hands are not there, the patient must wait.

Dr. Peter Hofstra is the physician responsible for the care of these men.

Dr. PETER HOFSTRA. We try to do our best. Many of the men are well-motivated and if you ask what the important thing is, I guess, that hits us every day is the morale of the veteran. They feel that they would like to make a good recovery, they feel like they would like to cooperate with us but when they see around them the disadvantages under which we are trying to gain their recovery, many times they become demoralized and in some instances even refuse to carry out the therapy sessions as we would outline for them just because of their poor morale.

BENTI. What's going on inside Veterans' Hospitals is not visible from the outside. The exterior gives every sign of the best of everything. This hospital in Washington cost $22 million. This one in Miami, behind the exterior—the best of everything is not available. One budget cut forced the removal of orange juice from the daily menu; now it's given only with a doctor's prescription. The shortage of personnel forces the wounded who can wait to fall back into that old military habit—waiting for hours to be called or cared for.

The end of the day at any Veterans' hospital looks much like the end of a work day anywhere else. Staffs, which already are half those per patient compared to community hospitals, leave en masse. When they leave so too does the assurance of adequate care. In a VA hospital care is at its best on a five-day 40-hour week—Monday through Friday. At night and on week-ends, care is at a minimum. On weekdays, for eight hours, this laboratory has 25 technicians. At night and on weekends, only one.

Dr. ALBERT TOMASULO. All of the doctors' orders cannot be followed, and people with lesser training, lesser educational backgrounds, lesser competence, if you wish, are making a decision of which orders should be given priority.

BENTI. Isn't that dangerous for the patient?

TOMASULO. It does approach danger, though these people do have competences of their own; they're somewhat less, of course, than those of a physician, and this is not a desirable situation. I would say that to do the job with the load, may I predict we should have a hundred more people, open an additional 40 to 60 beds and need another million dollars.

BENTI. In any average community hospital there are three employees for every one patient. In VA hospitals the ratio is three employees to every two patients. This nurse, for example, alone, cares for between 60 to 80 patients. That means she can do little more than to dispense medicine. One emergency, and she's in trouble.

A few weeks ago, this hospital dropped 65 employees; it didn't have the money to pay them. More or less the same is true in all the VA hospitals—a situation described by Dr. Beverly Oliphant in Washington.

Dr. BEVERLY OLIPHANT. Working here is really one of the most frustrating experiences I've ever had. If I were the patient, and I can only speak in those terms, I think that I

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would not like it very well here, and I think that because we're often so busy and harassed and trying to get things done on time, that we have very little time to show any compassion for the people that we're caring for. I can say it no more bluntly than this, is that patients suffer. They don't get the proper care as they should get.

BENTI. The personnel problem is matched by other shortages. Of the nine operating rooms in the Miami Hospital, only five can be staffed. A Congressional committee recently found $20 million worth of unused equipment in VA hospitals, unused, because there was no one to use it. Miami has equipment for three intensive care units, and yet a staff for only two. The rest of the equipment lies unused.

America's Veterans' Hospitals are the largest hospital system in the world. There once was no question that they were also the best. That is no longer true.

Representative OLIN TEAGUE. Well, I think the present conditions of our VA Hospitals is that they're in the worst condition they've been in my 23 years in Congress.

Senator ALAN CRANSTON. There're not enough doctors, nurses, psychiatrists. I think the worst single thing I've heard came from the head of psychiatry at the University of California at Los Angeles who said that in the psychiatric ward in a Veterans' Hospital there, because they don't have enough psychiatrists to give adequate individual attention, they started administering tranquilizers, drugs and chemicals and simply put men off on the shelf. He said we put young men into chemical cocoons because we are not spending the money necessary to give them adequate psychiatric care.

DONALD E. JOHNSON. Certainly, we're not above criticism. We welcome criticism, constructive criticism. We do believe, however, that we are giving the care that is necessary and while there has been some changes made in the number of operating beds and so on, this has come about more because of updated admissions policies, discharge policies, the advances of medical technology which allows for less time in the hospital per patient, this sort of thing. And this is what is happening. In 1971, we project, 851,000 patients to be treated as compared with 816,000 in fiscal '70.

BENTI. One veteran who believes his rehabilitation was delayed several months in a VA Hospital, is former Army Captain Max Cleland of Georgia, a 27-year-old Vietnam veteran who lost both legs and an arm in a grenade explosion at Khesanh.

Captain MAX CLELAND. In one sense, we're, like I say, if you breathe, a serviceman. We're younger, more determined, and we're not going to give up easily even though we present new problems to the VA, to anybody that deals with us—new physical problems, because we come back more physically disabled than anybody else in past wars, simply because of new life-saving techniques on the battlefield. I wouldn't have made it in World War II or Korea, I can state. Probably not. So we're coming back more physically disabled, which means you have to go that extra mile in therapy that you didn't have to go to. We're coming back with psychological problems, anxieties and doubts. It stems directly from the nature of the war—half in and half out.

So we present special problems to the VA.

BENTI. A Congressional committee recently asked the directors of VA Hospitals what they needed just to maintain the present levels of care. The answer: nearly 6,000 more personnel and another $100 million. Unless Congress and the Administration change their budget requests for the next fiscal year, there's no sign the directors will get what they say they need. The $1½ billion now being spent on the VA hospitals is to care for more than 800,000 veterans. Yet hospital staffs have been cut back to a level of four years ago, when there were 100,000 fewer patients.

The facts stand in sharp contrast to the motto of the Veterans' Administration, which was taken from Abraham Lincoln's second Inaugural Address: "To care for him who shall have borne the battle."

DRUGS ATTACK CHILDREN AS ABUSE CRISIS WIDENS; COMPREHENSIVE NEW BILL INTRODUCED

HON. CHARLES H. WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 1970

Mr. CHARLES H. WILSON. Mr. Speaker, the drug problem remains with us and it is getting worse—much worse. No one who picked up this week's issue of Time magazine and read the cover story on kids and heroin—a topic and title which would have seemed incredible a few years ago—can fail to realize the critical nature of today's drug abuse situation. I have frequently quoted the irrefutable statistics on this problem to underline my concern and to point out how serious this matter is. Perhaps, however, the single example of Ralphie, from the Time article, most effectively epitomizes what we have come to:

> Ralph de Jesus is twelve years old, a 60-pound wisp of a boy barely four feet tall, with gentle eyes and pale arms so thin that it is almost impossible to believe that they could take a needle. But Ralphie is a junkie. He has not only used heroin, but he has also taken part in muggings and sold drugs to his friends in order to support his habit.

Lest we delude ourselves into believing that Ralphie is an extraordinary case not typical of the drug abuse scene, consider this statement which the article attributes to Dr. Judianne Densen-Gerber of New York City:

> You are an example of hundreds of other children, Ralphie. Ralphie is not special.
>
> The gathering tragedy is that Ralphie is not special. Heroin, long considered the affliction of the criminal, the derelict, the debauched, is increasingly attacking America's children.

Mr. Speaker, to borrow the vernacular of the young, we are "up against it" as far as this grotesque situation is concerned. There is every reason to believe that we will either act now or brace ourselves for a final scene of widespread addiction and ruin as the drug net descends over more and more of our people, young and old, rich and poor, black and white, urban and suburban. I know it pleases no one to find that the drug problem has suddenly mushroomed and worsened nearly beyond belief, but we must deal with reality as we find it, not fantasy as we wish it and this means tackling the drug menace forcefully now.

As far back as 1963, the President's Advisory Commission on Narcotic and Drug Abuse found that public and professional education in the field was hopelessly inadequate. Unfortunately, misinformation about drugs and their effects is still prevalent and the measures taken by the Federal Government are still limited, fragmented and sporadic.

Part of the problem in the past has been an over-reliance on law enforcement as a panacea. Clearly, this aspect of the antidrug effort is a vital one but it is a part, not the whole. The skyrocketing drug abuse and narcotic addiction statistics make it painfully obvious that drug laws by themselves will not solve the problem. The new "no-knock" provision, for instance, raises serious constitutional questions and can be described as representing an overemphasis on the domestic law-enforcement approach to drug abuse while an underemphasis on other areas, such as care, treatment, rehabilitation and research, is allowed to continue. While new laws may bring about increased arrests they can also disrupt the lives of many innocent people and will do nothing to get down to the root causes of the drug rampages. What we need here is the skill of a surgeon, not the force of a butcher.

Drugs involve their victims socially, psychologically and medically, not merely legally or illegally. Desperately needed is an attack on the root causes of this menace to replace the bankrupt policy of continuing to pay the gargantuan costs of drug-induced crime and counterproductive imprisonment which has given us no return on our investment except more costs. We have reacted to this spreading sickness by punishing it rather than curing it. For too long we have spent too much for too little. It is high time to pursue the avenue of developing programs which use our resources to combat the causes instead of the effects.

I was heartened last year when the Members of this body unanimously passed the landmark Drug Abuse Education Act of 1969, of which I was a sponsor. This act constitutes a limited but significant step toward the ultimate goal of reversing the rising tide of drug abuse among our extraordinarily vulnerable young people. Believing as I do that drug abuse is an indisputably serious threat to our society, however, I have introduced a number of other drug measures which go considerably further toward dealing with the entire spectrum of this crisis. Education, in my judgment, can and will play a major role in the effort to bring the problem under control but, as with law enforcement, it will be a part, not the whole.

Accordingly, other measures I have sponsored include: Legislation to create a Commission To Study Marihuana and Other Hallucinogenic Drugs; a bill authorizing the Secretary of Health, Education, and Welfare to make grants to conduct special educational programs and activities concerning the use of drugs and for other related activities; a measure which authorizes the appropriation of increased annual amounts for the conduct of research by the Division of Narcotic Addiction and Drug Abuse in the National Institute of Mental Health; and, finally, the Comprehensive Narcotic Addiction and Drug Abuse Care and Control Act of 1969, designed to offer an "umbrella" approach to drug abuse by including provisions for treatment facilities, trained, qualified personnel staffing, proper care methods and facilities, research funds and realistic law-enforcement procedures. My purpose in sponsoring this wide range of measures is to bring about a comprehensive, overall approach aimed at successfully confronting the drug abuse problem at all levels.

Therefore, Mr. Speaker, today I am introducing in this body the Federal Drug Abuse and Drug Dependence Prevention, Treatment, and Rehabilitation Act of 1970, introduced in the other body recently by the distinguished junior Senator from Iowa, Harold Hughes. This broad measure embodies a number of approaches contained in the Comprehensive Narcotic Addition and Drug Abuse Care and Control Act of 1969, sponsored by myself in this body and Senator Yarborough of Texas in the other body, while offering a number of new provisions as well. This bill, along with others already introduced, will provide a blanket approach from which effective legislation can emerge. The new act is the product of hard-hitting hearings by Senator Hughes' Subcommittee on Alcohol and Narcotics and is a laudable addition to constructive drug legislation now before this Congress. I would like to include at this point in the Record the summary of the bill which Senator Hughes offered for his colleagues' consideration in the other body. I respectfully urge my colleagues to consider the merits of this legislation.

First, it would establish within the Public Health Service of the Department of Health, Education, and Welfare, a Drug Abuse Prevention, Treatment, and Rehabilitation Administration, which would have a completely comprehensive range of responsibilities with respect to the prevention, treatment, and rehabilitation of drug dependents and drug abusers.

Second, it would replace present legislation governing treatment and rehabilitation services available to drug dependent persons charged with, or convicted of, violating Federal criminal laws with updated and stronger legislation, which, while continuing the same basic policy of treatment and rehabilitation, would greatly expand the number of persons eligible for such treatment and rehabilitation and would make more definite the Federal Government's obligations to carry out that policy.

Third, it would require the establishment of programs of prevention and the recognition and encouragement of treatment and rehabilitation programs for all Federal employees, and members of the armed services. It would also require the establishment of treatment and rehabilitation programs for veterans and the inclusion of drug abuse and drug dependence in group health and disability insurance policies made available to Federal employees.

Fourth, it would require the recognition of drug abuse and drug dependence as a significant health problem in a broad range of programs affecting health matters, including vocational rehabilitation programs, the Economic Opportunity Act programs, welfare programs, highway safety planning programs, medicare, medicaid, and social security.

Fifth, it would authorize the Secretary of Health, Education, and Welfare to make grants to and enter into contracts with State and local organizations, agencies, institutions, and individuals to carry out a comprehensive range of activities in the drug education, prevention, treatment, and rehabilitation areas.

Sixth, it would establish an independent Secretary's Advisory Committee on Drug Abuse and Drug Dependence, appointed by the Secretary of Health, Education, and Welfare, to advise and consult with the newly created Administration and to assist it to carry out the purposes of this act. It would also establish an intergovernmental Coordinating Council on Drug Abuse and Drug Dependence to assist the Secretary of Health, Education, and Welfare to coordinate all Federal prevention, treatment, and rehabilitation efforts dealing with problems of drug dependence and drug abuse.

This particular piece of legislation is very comprehensive. I should say that there are at least two sections of the legislation which I myself raise questions about. I think, however, that it is very important to present it at this time and that it be debated appropriately in the committees and on the floor of the Senate. By virtue of the comprehensiveness of the legislation, it enables us to take an entirely new approach to the problem of drug abuse and drug dependence in the United States.

In designing legislation to get at the roots of the drug problem from the health standpoint, it seemed absolutely essential to me that such legislation be thorough and comprehensive.

A theme common to this measure and the other comprehensive act introduced last year is the concept that the Secretary of Health, Education, and Welfare should have the primary responsibility for carrying out the antidrug effort. Others would continue the practice of making the Attorney General responsible across the board. As I have indicated previously, that approach seems overly oppressive and misdirected for coping with what is basically a sickness. The Secretary of Health, Education, and Welfare is, in my view, the most qualified to determine which substances have high potentials for abuse, which substances have no accepted medical use in the United States, and to what degree physical and/or psychological dependence will result from use of such substances. Naturally, the Secretary of Health, Education, and Welfare would coordinate his activities with the Attorney General. Enforcement and police aspects of the problem would still remain within the control of the Department of Justice. I might add that the Health, Education, and Welfare approach is evidently favored by Dr. Roger O. Egeberg, Health, Education, and Welfare Assistant Secretary for Health and Scientific Affairs and Dr. Stanley Yolles, Director of the National Institute of Mental Health.

Mr. Speaker, it is my sincere hope that a growing awareness of the serious nature of the drug abuse crisis in the United States today will lead us to passage of far-reaching and meaningful legislation in this critical area. To that end, I believe the introduction of the Federal Drug Abuse and Drug Dependence Prevention, Treatment and Rehabilitation Act of 1970 is a worthwhile step in the right direction and will be well received.

WHEATGROWERS FOURTH ANNUAL CONGRESSIONAL BREAKFAST

HON. CATHERINE MAY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 1970

Mrs. MAY. Mr. Speaker, each year the National Association of Wheat Growers, Great Plains Wheat, Inc., and Western Wheat Associates, USA, Inc., sponsor a wheatgrowers congressional breakfast here in Washington, D.C., to give wheatgrower representatives from all over the country the opportunity to sit down, informally, and discuss matters of mutual interest with their Congressmen and other Government officials.

This morning, my colleague from Washington (Mr. Foley) and I had the pleasure of attending the fourth of these annual events, and on behalf of both Mr. Foley and myself, I want to commend the members and officers of these three outstanding organizations for their efforts to keep the lines of communications open between Government and their industry. Certainly, those of us here in Congress who represent wheatgrowers welcome every opportunity to listen to and exchange views and ideas with them. Because the actions, programs, and policies of the Federal Government have such a major impact on U.S. agriculture, this kind of interchange is vitally important.

One of the speakers this morning was John Thomsen of Mansfield, Wash. Mr. Thomsen is president of Western Wheat Associates, USA, Inc., and Mr. Foley and I believe that his remarks will be of interest to all our colleagues in the House.

The statement follows:

Remarks by John Thomsen

Senator Packwood, friends of wheat in Congress, guests and fellow wheat producers. I have been asked to say a few words this morning on behalf of Western Wheat Associates and Great Plains Wheat.

The two organizations were founded by wheat producers in a self-help effort to develop and expand export markets for U.S. wheat. We are regionally oriented because of our natural export market outlets. Western Wheat Associates in the Asian market and Great Plains Wheat in Latin America, Europe and Africa. During the past 13 years of operation, we have learned that we must promote *every* class of wheat in each market to do our job. While both organizations maintain their regional identity and market promotion areas, we cooperate very closely in meeting our overall objectives.

Foreign wheat market development is a joint effort between all of us here today. We producers contribute our own dollars through local and regional organizations. The U.S. government contributes foreign currencies generated by PL 480, which are administered by the Foreign Agricultural Service of U.S.D.A. Secretary Hardin, Assistant Secretary Palmby and other Department decision makers have supported our market development efforts as a matter of policy.

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The necessary actions that have been taken by the Export Marketing Service, Commodity Credit Corporation and the Foreign Agricultural Service have been extremely beneficial in maintaining our markets abroad.

Last year we reported the serious imbalance of the world wheat supply and demand. I am sorry to report that this situation has improved very little. The combined supply of wheat available for export and carry-over as of January 1, in Canada, Australia, Argentina, the European Economic Community and the United States (the major exporting countries) stood at 3.6 billion bushels. This is well above the 3.1 billion of last year. Current world-wide import requirements are only between 1.7 and 2.0 billion bushels.

Recent production estimates put this year's world wheat crop at 10.8 billion bushels, down 5 per cent from last year's record crop. World wheat acreage is off slightly but further reductions to more closely approximate requirements is needed. Significant progress is now being made in this direction. A program to limit wheat exports was initiated several months ago by Australia. Canada has recently announced a plan to reduce their wheat production. It is encouraging to note that the U.S. is no longer expected to shoulder this responsibility alone.

The continued liberalization of U.S. trade policies will be extremely helpful in expanding markets for U.S. wheat. The President of the Chicago Board of Trade recently stated that "the agriculture sector of our own country has always been in the forefront of the movement to liberalize our trade policies. This is readily understood when one looks at the impact of exports on agriculture products throughout the United States." Every one of our states, except Alaska, exports agricultural products. Crops from one out of every four acres in production are exported. In states where wheat is the major crop this ratio runs much higher.

U.S. agriculture exports are a big exchange earner. During the 1960's, agriculture—through its export earnings—contributed significantly to the favorable balance of trade. Wheat plays a significant role in the trade balance. Even last year, when exports were down, total export sales of all wheat and wheat products was 830 million dollars.

Agriculture exports last year totaled 5.7 billion dollars compared to the 1961–1965 annual average of 5.5 billion dollars. Recent projections indicate that they will reach 6.1 billion dollars in fiscal year 1970. The U.S. balance of payments, often in the red in recent years, would be in much greater trouble were it not for the helpful black ink offsets made by American agriculture. We as wheat producers would like to contribute further to the balance of trade. Further expansion of export markets is one way this can be accomplished. Another would be improved prices for wheat in world markets.

Now I would like to talk about a program that is very important to us, PL 480. PL 480 has been a useful tool in developing cash markets. As a concessional sales country progresses toward cash purchases, it tends to maintain established trade relationships. Recipient countries have developed a liking for our quality wheat and they have grown to appreciate our marketing system. In addition, PL 480 sales generate income just as do cash sales.

Senator Dole recently reflected our view when he asked for greater use of the Food for Peace program. He called it "a great basic tool of foreign aid" and said that it generates better farm income and tax receipts, ups employment, reduces government farm program costs, improves nutrition in developing countries and improves peace prospects. A recent study using Kansas data for 1950 to 1969 concludes that, on the average, $1 of farm income generates $3.33 of total income, whereas $1 of non-farm income generates only $1.46.

In the area of PL 480, we have two concerns. One is the extension of the law beyond 1970 and the other is the adequate appropriation of funds for fiscal year 1971. Although we primarily direct our efforts toward expanding cash markets, about 50 per cent of our wheat exports move under concessional sale programs. Reduction of PL 480 funds in time of both national and world surpluses would further undermine our marketing structure. The resultant reduction in sales would compound an already serious economic problem by further increasing total supplies and would subsequently lower export prices while they are already more than 50 per cent *below* parity.

The U.S.D.A. budget for PL 480 for 1970–71 is 118.4 million dollars less than for the current year. The cut-back on major commodities are projected at 69.3 million dollars and over half of this reduction (35.6 million dollars) is wheat and wheat products. The proposed expenditures for five commodities—cotton, feed grains, vegetable oil, dairy products and tobacco—are higher. Our projections for wheat indicate little reduction in the *needs* of recipient countries. We actually foresee a slight increase in requirements because of current crop and economic conditions since adjustments have already been made to offset increased production in recipient countries.

In summary, the real future for the U.S. wheat producer lies in further expansion of export markets. To accomplish this objective, all of us here must work together to multiply and perfect the tools we have to work with. These implements are part of a total package, each segment dependent or related to the other. They are:

An aggressive, expanded, well-conceived market development effort between wheat producer organizations and the U.S. Department of Agriculture;

Adequate quantities and qualities of wheat readily available to the world market at competitive prices;

Stronger efforts by major exporting countries to improve world prices and to bring supplies into closer relationship with demand;

Further liberalization of trade policies by both the U.S. and importing countries; and

The continuation and adequate funding of PL 480.

If all of us here today cooperate to accomplish these objectives, America's wheat industry will survive and its contribution to the balance of payments and to the total welfare of our country will be significant.

Thank you for "breaking bread" with us here today.

THE GATES COMMISSION REPORT ON ALL-VOLUNTEER FORCES—PART II, CHAPTERS 7 AND 8

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 1970

Mr. STEIGER of Wisconsin. Mr. Speaker, chapter 7 of the Gates Commission report deals with the need to expand and make more effective the recruiting efforts of the armed services, and particularly the Army. Chapter 8 is concerned with steps that could be taken to reduce the need for conscription of physicians. The texts of the two chapters follow:

PART II

CHAPTER 7—RECRUITMENT

An expanded and more effective recruiting effort will help supply an all-volunteer force with the desired quality of enlistees. The Commission therefore suggests that the armed services devote an increased proportion of their resources to recruiting and especially to Army recruiting. Studies indicate that a relatively small increase in recruiting expenditures would produce as much as a 10 to 20 percent rise in enlistment rates. Also, modification of existing procedures and increased financial support should yield substantial gains in recruiter productivity.

Since 1961, as shown in table 7-I, the relative proportion of the military's manpower budget devoted to recruiting has remained constant and the number of recruiters has also not increased.

In view of the increased need for enlistments since 1965, the stability of relative recruiting expenditures and the number of recruiters are surprising. They reflect the low priority assigned to recruiting so long as the draft is available to ensure an adequate supply of manpower for the lower ranks. Clearly, elimination of the draft will increase the need for effective recruiting and the budget required. Even if conscription were to continue, the services should devote increased resources to attracting "true" volunteers rather than settling for draftees because the former are more likely to make the military a career.

TABLE 7-1.—RECRUITING RESOURCES, 1961–69

Fiscal year	Recruiting expenditure as percent of active-duty manpower budget	Total recruiters all services
1961	0.0064	7,114
1962	.0056	7,219
1963	.0056	7,070
1964	.0052	6,903
1965	.0057	7,056
1966	.0063	7,241
1967	.0057	7,371
1968	.0054	7,176
1969	.0062	6,987

Obviously, the military benefits more from its investment in an individual who chooses to enlist for three years than from another who is drafted for two. If instead of drafting 33 men who will serve for a total of 66 years (2 years each), the Army can recruit 22 men for a total of 66 years (three years of service each), it will need to train 11 less men over that three-year period. Since one trainer (or supporting person) is required for 11 recruits each year, enlisting rather than conscripting 22 men will save one trainer. In fiscal 1965, average enlistments per recruiter were roughly 55. A study conducted that year indicated that additional recruiters easily achieved an annual minimum of 22 enlistments and thus "saved" one trainer. Therefore, regardless of whether the draft is maintained, there seems substantial opportunity for the productive addition of more recruiters.

Recruiters play an important role in influencing young men to enlist in the armed services. Ideally, recruiters should be dedicated career men who are skilled in the art of salesmanship. Highly qualified men are in great demand within any institution and the services cannot necessarily have their best men serve as recruiters. Nevertheless, a prospective recruiter should have a positive attitude toward the military as a profession, some aptitude for a public rela-

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tions role and a genuine desire to undertake recruiting duty. There is no reason why able recruiters should be automatically rotated to other assignments. Instead, successful recruiters should be allowed to extend their tours of duty, while the unsuccessful are assigned elsewhere.

Every recruiter should receive adequate training before assignment to the field. Such training may be more valuable if it involves greater student participation and less memorization of information and procedures. It would also be desirable for recruiters in the field to share their experience with trainees in school.

Also recommended is an improved incentive system for recruiters. Recognition of successful recruiters could take the form of financial compensation such as extra pay or bonuses as well as accelerated promotions.

We also advocate elimination of the present system under which each district, city and individual recruiter receives an enlistment quota. Substantial evidence indicates that this system eliminates the incentive to seek enlistees in excess of one's quota.

In addition, the quotas are not always set at appropriate levels. Studies show that cities which do not meet their quotas usually have significantly higher enlistment rates, and that additional recruiters in cities where quotas are met would substantially increase enlistment rates. Elimination of the quota system and institution of more positive incentives should result in higher productivity per recruiter.

In allocating additional resources to recruiting, two- and three-man offices in cities should receive greater priority than one-man offices in smaller communities. Studies have shown that more recruiters at stations in large cities yield greater returns than an equal increase in the number of recruiters in one-man offices in small towns. A greater concentration of recruiting efforts at such stations should be coordinated with more indirect selling and advertising in these larger markets. More advertising in mass media will be both required and rewarding once an all-volunteer force has been instituted, for the elimination of conscription will coincide with improved incentives in the military. Visits to high schools by recruiters, films, performances by special military units, and other appearances will continue to contribute to a positive image for the military.

The British have used such supplementary techniques as the "buddy" system in which enlisted men help persuade their friends to volunteer. This and other new techniques should be tested, especially during the transition to an all-volunteer force.

CHAPTER 8—CONSCRIPTION OF PHYSICIANS

The very troublesome problem of conscription of medical doctors has been the subject of independent inquiry by the Commission. Our studies suggest that a variety of steps can be taken to reduce the need for such conscription. Each of these measures will individually contribute something toward eliminating the doctor draft, but we are not certain that they are adequate. Fortunately, given the reduction in forces now planned and the students already committed to military service, there is time not only for further study, but for experimentation with some of the measures suggested, such as increased compensation for military physicians and fellowship programs for medical students.

Eighty percent of all male physicians in the United States under 35 have served in the armed forces or have held reserve commissions. No other group in our society has had such heavy relative demands placed upon it for military service. Only four percent of male physicians under 35 who are eligible for service have not yet served. In the last four years, more than 4,500 doctors entered active duty service annually—fully 60 percent of the number graduating from medical school each year.

Physicians also suffer the greatest financial loss by having to serve. The pay and allowances received by a young doctor entering military service are approximately one-half the amount he could earn as a civilian. Despite relatively rapid promotions, special pay, continuation pay, etc., a medical officer is significantly underpaid throughout his career. Primarily for this reason, doctors do not usually remain in the military. Sixty percent of all military doctors have served less than two years.

Table 8–I summarizes the size and character of the health service in the armed forces as of January 1, 1969. It encompassed 242 hospitals and 450 reporting dispensaries, and employed over 200,000 people. The patient population slightly exceeded 10,000,000, only 3½ million of whom were active duty personnel. The other 6½ million were civilians; either dependents of active duty personnel or retirees or their dependents.

Official accounting for medical services puts the annual budget at $2 billion. Our studies place the expenditures at a considerably higher figure—about $3.25 billion. Moreover, the latter estimates accept military earnings as the cost of both enlisted and officer personnel. If the services of those personnel were priced correctly, that is, at their value in the civilian economy, the cost of military medical service would be even larger. We estimate that the expenditure on medical services rendered by the military medical corps is about $325 per capita as compared to $254 per capita for the entire U.S. population in 1967. The quality of the health care rendered by the military medical corps is generally considered to be very high.

Both the size of the patient population and the personnel requirements in table 8–I reflect the build-up for Vietnam. Those magnitudes will decline with active duty force reductions.

Table 8–II represents data on the utilization of military medical facilities by type of beneficiary in 1969, and highlights a neglected aspect of conscription. Perhaps one-half of the physicians now conscripted into service are actually serving a civilian population. Despite the increased need for medical services for active duty personnel as a result of Vietnam, 47 percent of hospital admissions and 48 percent of outpatient visits involved dependents and retired personnel. Presumably, the proportion will be even larger in the post-war environment.

A large centralized health organization has been developed, not just to serve active duty military personnel, but to serve a broad clientele in specialties ranging from obstetrics (146,000 babies delivered in 1969) and pediatrics to geriatrics. Indeed, patient care is only a part of the organization's activity. It sponsors a variety of medical education and training programs as well as an extensive program of medical research. The desirability of these services is not in question. Good medical care is an attractive inducement to prospective volunteers, and it is one of the more important morale factors for career military personnel. What is the question, however, is whether it is either necessary or advisable to sustain that care with doctors who are compelled to serve.

The professional manpower required to provide these services is drawn from a wide variety of sources but virtually none of the entrants are true volunteers. All but a handful enter because of the threat of being drafted. If the draft is eliminated, dramatic action will be required to insure the continuation of health care now provided by the military medical system.

TABLE 8–I—*Department of defense medical services*

Facilities:	
Hospitals	242
Dispensaries, large reporting	Over 450
Plus laboratories, dental clinics and other activities.	
Manpower:	
Medical Corps	15,972
Dental Corps	6,717
Nurse Corps	11,321
Medical Service Corps	9,397
Biomedical Science Corps	1,043
Army Medical Specialist	613
Veterinary Corps	1,040
Enlisted	109,027
Civil Service*	47,665
Total	202,795

*Includes U.S. and foreign hires, direct and indirect for Army.

Expenditures (fiscal year 70 estimate):	*Millions*
Health research	$104.3
Training and education	132.3
Construction	63.0
Direct hospital and medical services	1,476.8
Indirect hospital and medical services	209.8
Prevention-control of health problems	21.5
Total	2,007.7

Population eligible for care:	
Active-duty personnel	3.4
Dependents of active-duty personnel	4.1
Retired, dependents of retired and dependents of deceased members	2.5
Civilians overseas and their dependents	0.025 to 0.035
Total	(1)

[1] Total 10,025,000 to 10,035,000.

Date: Mar. 19, 1969.

Source: Office of the Deputy Assistant Secretary of Defense for Health Affairs.

TABLE 8–II.—*Medical care provided at fixed medical facilities in fiscal year 1969*

Total number of operating beds	57,477
Beds occupied by the active-duty military (daily average)	31,710
Beds occupied by retired uniformed personnel	2,172
Beds occupied by dependents	8,262
Beds occupied by other beneficiaries	1,466
Total number of beds occupied	43,610
Outpatient visits by dependents	23,677,873
Outpatient visits by retired uniformed personnel	1,813,575
Total outpatient visits	54,376,229
Admissions of dependents	505,899
Admissions of retired uniformed personnel	59,537
Total admissions	1,272,142
Number of live births	146,145

Source: Office of the Deputy Assistant Secretary of Defense for Health Affairs Data exclude operations in Southeast Asia.

We have assumed that, whatever steps are taken to convert to a fully voluntary military medical service, the quantity and quality of care supplied to the present patient population will be maintained. Within that constraint there are two courses of action open in converting the system to volunteers. One is to decrease the requirement for military physicians by substituting civilians in their stead. The other is to increase the number of physicians willing to volunteer by improving earnings and other conditions of employment.

Expanded use of civilians to provide medical care

A shift of some fraction of military patient care to civilian physicians can be accomplished in either of two ways: (1) by establishing a medical insurance program for some portion of the patient population—the most likely candidates being retirees and their dependents or the dependents of active duty servicemen, or (2) by engaging civilian physicians to staff some military medical facilities.

A medical insurance scheme is already in effect for retired personnel, and for dependents who can demonstrate that care provided by the military is not available to them. Patients under such a plan obtain medical services from a civilian physician or in a civilian hospital and are reimbursed for the costs. While the substitution of private medical insurance for directly rendered health care is an appealing possibility, it has a number of disadvantages. Shifting patients to the civilian sector would, at least in the near term, further raise costs there. Physicians released from the military could shift to civilian health care, but the hospitals, equipment, etc. could not readily be shifted. To the extent that these military facilities are replaced by a system of private medical insurance, the armed services would reduce their ability to expand available medical care to meet a crisis. Also, substitution of private medical insurance would mean losing the advantages of a unified health care system for the highly mobile population of active duty dependents.

The substitution of civilian physicians for military doctors within the existing organization could be effected on an individual position basis, but substitution on the scale required is probably possible only through contracting with organized groups of doctors to operate military hospitals or other medical facilities. The present organizational format for most of the health service of the armed forces can best be described as hospital-based group practice.[1] Hospital-based group practice has proved a most efficient form of medical organization in the civilian economy. The Permanente medical groups, for example, provide economical health care for 2 million subscribers in the facilities of the Kaiser Health Foundation. The Defense Department might on a similar basis negotiate contracts with groups of physicians to care for patients in existing military hospitals. Such civilian medical groups would have a number of advantages. They would preserve the hospital-based organizational format, and the advantage of a unified system. They could eliminate duplication of facilities in areas where more than one service maintains health facilities. Where military facilities are under-used, the group practice might be expanded to include otherwise ineligible civilians. There would be less turnover of medical personnel and more female doctors. Professional staffing would be easier and less expensive because the physicians would not have to experience many of the disadvantages associated with medical service in the military.

But there are also some disadvantages. With the size of the military medical corps reduced, the number of physicians available for service in a conflict like Vietnam will be smaller. Also, the peacetime rotation of those remaining may be increased and their assignments made less attractive. Conversion of military hospitals to civilian contract operation can proceed only on the basis of careful study of each individual installation Moreover, care must be taken to preserve desirable assignments for career medical officers and to provide bases for medical education and training. In addition, a careful analysis will be necessary to determine the minimum number of doctors required on active duty by length of service—an analysis based on realistic contingency plans and on rotation base requirements for planned force levels.

Increasing the number of physicians who volunteer

Physicians, like other active duty personnel, make career decisions on the basis of a wide variety of pecuniary and non-pecuniary aspects of the careers under consideration. These include potential earnings, available facilities and equipment, security, prestige, opportunities for further education and research, type of patient, patient/physician relationships, etc. The attractiveness of military medical careers can no doubt be enhanced by improving some of the non-pecuniary factors.

However, the gap between civilian and military medical income is now so large, and the number of true volunteers is so small, that such improvements do not touch the heart of the problem. Something substantial must be done about pecuniary rewards for military physicians to obtain a voluntary military medical corps. There are again two major alternatives. One is to provide stipends to medical students in exchange for a commitment to serve for a specified period. The other is to raise the pay of medical officers.[2] The extent to which reliance is placed on one or the other of these two depends upon the size career medical force it is desirable to maintain. Stipends for medical students will provide a broad base of young physicians, most of whom will not elect careers in the military. Increasing the pay for medical officers on the other hand will significantly effect retention. Indeed the compensation schedule for physicians should be designed specifically to provide efficiently the desired number and length of service distribution of doctors. In this regard, the military's retirement system is inefficient within the context of the medical corps because it permits military physicians to retire with full benefits (about half salary) after 20 years of service and embark on a civilian career. After twenty years, these doctors are relatively young and still capable of serving effectively.

TABLE 8-III.—PROPOSED COMPENSATION FOR MEDICAL OFFICERS

Active service	Officer rank	Annual salary [1]	Physician continuation pay [2]	Physician pay	Medical officer total salary
1	0-3	$11,034.36	0	$1,800	$12,834
2	0-3	11,455.56	0	1,800	13,256
3	0-3	11,455.56	0	3,600	15,056
4	0-3	11,793.96	0	5,400	17,194
5	0-4	12,319.56	0	7,200	19,520
6	0-4	12,999.96	0	9,000	22,000
7	0-4	12,999.96	0	10,800	23,800
8	0-4	13,601.16	0	12,600	26,201
9	0-4	13,601.16	$2,822	12,600	29,023
10	0-4	14,115.96	2,950	12,600	29,666
11	0-5	14,952.96	3,120	12,600	30,673
12	0-5	15,888.96	3,356	12,600	31,845
13	0-5	15,888.96	3,356	12,600	31,845
14	0-5	16,659.12	3,549	12,600	32,808
15	0-5	16,659.12	3,549	12,600	32,808
16	0-5	17,084.16	3,655	12,600	33,339
17	0-6	18,779.76	4,041	12,600	35,421
18	0-6	19,719.36	4,276	12,600	36,595
19	0-6	19,719.36	4,276	12,600	36,595
20	0-6	19,719.36	5,701	12,600	38,020
21	0-6	19,719.36	5,701	12,600	38,020
22	0-6	21,170.16	6,185	12,600	39,955

[1] This is as of July 1, 1969, and includes basic pay plus basic allowance for quarters and basic allowance for subsistence. Total compensation would be higher due to various special pays and retirement benefits. Special pays can be used to reward doctors for advanced certification.

[2] Continuation pay is already in effect.

A variety of forms of subsidies to medical students are feasible. Differences between civilian and military earnings for doctors suggest that a stipend of $5,000 per year paid to medical students over seven years (four years of medical school, one year of internship, and two years of residency) would produce a significant flow of volunteers willing to commit themselves to three years of active duty. Variations on this basic arrangement could include larger stipends for shorter periods or smaller stipends for shorter service commitments. Such stipends could be tied into already existing plans for bringing medical students into the military.

Data to use as a basis for reliable estimates of the effect of compensation on the number of physicians who would enter the military or the number who would remain there are not available. For that reason, a provisional approach to medical pay seems advisable. Data on civilian earnings for medical doctors are available, and have been used to develop the compensation profiles shown in table 8–III. Columns 3 and 4 of table 8–III give the annual salary and continuation pay for medical officers as of July 1, 1969. At present medical officers with 2–6 years of active duty also receive an additional $150 a month as special physician pay. Column 5 sets forth a new schedule of physician pay as follows:

Third year of duty: $300 a month.
Fourth year of duty: $450 a month.
Fifth year of duty: $600 a month.
Sixth year of duty: $750 a month.
Seventh year of duty: $900 a month.
Eighth year of duty: $1,050 a month.

The last column of table 8–III gives the sum of these three components of compensation. The total salaries shown in column 6 compare reasonably well with those of physicians in group practice, except in the early years where they are lower to take account of the student stipends discussed above. If student support is not undertaken, or if individuals wish to join the military who have not participated in the fellowship program, the total salary in the early years would have to be adjusted upward.

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[1] The remainder consists of large and small medical units in direct support of combat units.

[2] Another possibility, the establishment of a military medical college, has been proposed a number of times in the past. While this may be desirable, the number of doctors such a college would produce is very small relative to the number required and the first graduates probably would not be available for a decade.

We believe that the salary schedule derived in table 8–III is a major step towards a fully voluntary medical corps, and recommend that it be put into effect at the same time as the recommended pay increase for the rest of the force, July 1, 1970.

Transition to a voluntary medical corps

The transition to a voluntary medical corps will be greatly facilitated by planned reductions in force levels. As a result of draft pressure, many medical students have already committed themselves to service under the various programs now in effect. With those already committed and with prompt action on stipends for graduate students and increased pay for military physicians, it should be possible to eliminate the conscription of doctors concurrently with the ending of the draft for other military personnel.

Because of uncertainties over the extent to which substitution of civilians will be possible, our estimates of the budget increase required to move to a voluntary medical service are imprecise. Given the recommended pay increase, the fellowship program, and the cost of civilian staffed hospitals, we estimate that an additional $150 million to $200 million of expenditures will be required.[3]

THREE NEW WINGS AT THE HADASSAH-HEBREW UNIVERSITY MEDICAL CENTER IN JERUSALEM AND BUILT WITH U.S. AID GRANT

HON. LEONARD FARBSTEIN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 1970

Mr. FARBSTEIN. Mr. Speaker, three new wings to the Hadassah-Hebrew University Medical Center in Jerusalem, made possible by a gift of the U.S. Government to Hadassah, were dedicated in Jerusalem on February 25, 1970, in the presence of His Excellency, the U.S. Ambassador to Israel, Mr. Walworth Barbour; Mr. Pinhas Sapir, Israel's Minister of Finance; Mrs. Faye Schenk, the national president of Hadassah, the Women's Zionist Organization of America; Dr. Kalman J. Mann, director-general of Hadassah in Jerusalem; 23 regional presidents of Hadassah; and friends of Hadassah in Israel.

The new buildings, built at a cost of $1 million, granted by the Agency for International Development—AID—comprise the Department of Public Health and Social Medicine, a physicians' residence for overseas doctors working at Hadassah, and an addition to the Hadassah-Henrietta Szold School of Nursing. The grant was made under the Foreign Assistance Act of 1967, section 214.

The Hadassah-Hebrew University Medical Center is the largest center of healing, teaching, and medical research in the Middle East; it serves Jews and Arabs alike, as well as patients who come from countries in Africa, Asia, and Europe.

The Department of Public Health and Social Medicine provides the link between the individual, the family, and the community with the medical center. The physicians' residence is essential because of large numbers of physicians from African and Asian countries who study at Hadassah and American physicians who spend their sabbatical leave there. The nursing school, which has already produced over 1,000 graduates, is now deepening its study program in accord with new concepts in nursing.

At the ceremony, speakers said:

Mrs. Faye Schenk, national president of Hadassah, the Women's Zionist Organization of America:

The clasped hands—the meaningful symbol of United States aid and concern for smaller underdeveloped and developing nations of the world—is a perfect characterization! Please note the symbol—see what it is—also see what it is not! You do not see a disparity in the size of the hands—one larger, stronger than the other—as it might well be if it were depicting the donor as the dispenser of largesse to the other, the weak and cowering recipient. Not at all: The hands are of equal size denoting mutual exchange, the proffering of aid, of encouragement leading to self-help, to self-sufficiency, and, in turn, to the help of others.

I am reminded of the words spoken by Prime Minister Golda Meir to President Nixon at the White House dinner tendered to her during her recent visit to the United States—and I quote very freely: "I have come," she said, "the leader of a tiny country to the largest, most affluent country in the world, and as I talked with the President of this rich and powerful nation, I felt all the while that I was talking to a friend who listened and who cared."

Indeed the Government and the people of the United States have cared and continue to care and these areas which we dedicate today are only a small but to Hadassah a very important and significant part of the tangible, visible evidence of that great sense of caring, a caring which helped build this sturdy little land of Israel—a caring which has helped make the United States the great nation it is, a worthy inheritor of the legacy of its founding fathers dedicated to the support of the democratic rights of men and nations and to the betterment of the human condition wherever man has his being.

Mr. Barbour, to you, as the much beloved Ambassador of the United States to Israel, I, as President of Hadassah, the Women's Zionist Organization of America, say to you: I am more than proud and privileged, I am humbly grateful that these two nations—the United States of America and Israel, so beloved by the 318,000 members of Hadassah—stand in mutual accord and not only figuratively, but literally clasp hands and join hearts on these premises today as we dedicate these gifts of the American Government to Hadassah and to the weal of mankind.

This business in which we are engaged together we believe to be the most effective means to peace and today when peace is the most complicated and most essential business on earth, may we say that we would like to engage in more of this kind of good business together.

Mrs. Charlotte Jacobson, national chairman of the Hadassah Medical Organization Committee, who presided:

There is no event which can bring satisfaction to the members of Hadassah than one dedicating new buildings to serve the people of Israel. It represents the physical evidence of plans fulfilled, years of hard labor and perseverance rewarded, and faith triumphant.

In this case, our gratification is intensified because the funds for these buildings were given to Hadassah by the United States Government thru the Agency for International Development program. This is not the first grant that Hadassah has been privileged to receive from the U.S. Government, and certainly our expectations are great that it will not be the last. While we have always been proud of the high regard for our medical activities as expressed by many American statesmen, it is nevertheless a great tribute to our work that in 1966 the United States Congress voted the equivalent in Israel currency of one million dollars to help us carry out essential areas of development.

A Medical Center exists to study, understand and cure the common enemy of man everywhere—disease—and to enhance the common good for all men everywhere—good health. Indeed, in one of his messages to a Hadassah National Convention, John F. Kennedy wrote: "Not only Israel but the entire free world benefits from projects such as the Hadassah-Hebrew University Medical Center." Only last year, when Mr. Robert H. Finch, U.S. Secretary of Health, Education, and Welfare, was in Israel, he wrote us that "The Medical Center near Jerusalem, for which Hadassah can take so much credit, was a particular highlight of my trip. Its physical plant alone represents a breakthrough of major proportions, and its approach to the delivery of a total package of health, training and services will figure directly in our future planning here at HEW. We can learn much from our friends in Israel, and I intend to see that the opportunity is not wasted."

His Excellency, Mr. Walworth Barbour, the U.S. Ambassador to Israel, said:

I have participated in a number of dedications here in the Hadassah-Hebrew University Medical Center in Jerusalem. It has invariably been a pleasure to do so, as they have been historic occasions commemorative of the so-well expressed clasped hands symbol, which signifies the solidity and activities of the aid program, and of Israel's willingness and ability to cooperate and aid itself with a minimum of our help. On this occasion, particularly, the American Government has participated directly through the Congress in making possible these additions to this magnificent plant. The use of these monies and the fact that the Congress appropriated them is an indication of several things, not the least of which is the general recognition of the important role Hadassah has played in world medicine, not only in Israel, but throughout the world, scientifically and otherwise. I congratulate Hadassah. I sincerely support the action of Congress in making these monies available.

The Israel Minister of Finance, Mr. Pinhas Sapir, said:

I am really indebted to you, my dear ladies and friends of Hadassah, for the chance you give me—in a world so troubled with anxiety and worry—to get together with all of you representing both sides of the ocean on this happy occasion. I must congratulate you most heartily upon the successful carrying-out of new projects at this Hadassah-Hebrew University Medical Center in Jerusalem through the international cooperation of the United States and Israel.

Fifty years of pioneering in the health field in this land are an asset and credit to the great Hadassah movement in the United States. I wish to say to the dedicated members of Hadassah in America and to the devoted physicians, nurses and general staff of Hadassah Medical Organization in Israel: the work you have carried out has justly won acclaim in the United States as well as many other far-flung continents. It is thus no surprise that the American Government

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[3] While this chapter has addressed only the question of achieving an all-volunteer force of physicians, the procurement and retention of professionals for the military in other health disciplines pose similar, though somewhat less severe, problems which must also be addressed.

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and people have sought to associate themselves in so generous a way with the further development of your humanitarian work on behalf of patients of all races and creeds.

By their infinite devotion to these holy tasks, the leaders and members of Hadassah have created the closest personal links between the Jewish communities of the United States and of Israel and also between the leading medical institutions of both countries. Thus, you have attracted valuable support from U.S. public funds for the expansion of medical service, training and research activities at Hadassah in Jerusalem.

As a movement, you have always remained loyal to Jerusalem, and shared the fortunes of its residents in times of peace and emergency alike. You are now on the threshold of great expansion at the Ein Karem Center and of reconstruction at your impressive Medical Center on magnificent Mount Scopus—the purpose of which is to bring the blessing of health to tens of thousands of Arabs and Jews from East and West Jerusalem and, indeed, from all over the country, and even—as was the case throughout the history of Hadassah—from neighboring countries.

It is a real privilege for me to bring to you on this occasion the warm greetings of the Government of Israel and to express the hope that you may reach the fulfillment of your dreams and projects within a lasting peace—both for Jerusalem, the city of peace, and for the Middle East as a whole.

Mrs. Vera Tsur, chairman of the Hadassah Council in Israel, said:

It is no coincidence that Hadassah pioneered in the setting up of a country-wide network of maternity, child health and school hygiene services. The concern for the welfare of the family is deeply rooted in Jewish tradition and was always a pivotal factor in the structure of Jewish community life. An abiding concern for the physical and spiritual well-being of the family has preserved the unity and the survival of our people throughout the centuries and has guarded it against the trials and tribulations to which it has been exposed. Inspired by this tradition, Hadassah, from its inception, placed the emphasis not only on treating and curing the sick but emphasized the prevention of disease by entering into the problems of the family—its living conditions and environment—through its public health program and later focused in its Family and Community Health Center and Department of Social Medicine.

As an Israeli mother whose family has benefited from Hadassah's blessed facilities, may I, on behalf of the motherhood of this country, express deep gratitude to Hadassah and to the American Government for the generations to come.

Prof. Sidney L. Kark, head of the Department of Public Health and Social Medicine, said:

I am very honoured to speak on behalf of those who have received accommodation as a result of this very fine gift of the U.S. Government to Hadassah.

What is social medicine? The social medicine developed at this school has included three important related elements:

Firstly—Epidemiology which is its basic science;

Secondly—Studies of the health care systerm; and

Thirdly—The practice of community medicine, which itself includes several elements, namely family practice, family nursing, care of the chronic sick at home and maternal and child health care in a community.

I would like to refer to something that has happened since we moved to the Medical Center to our new wing. In the last academic year we have had twelve United States medical students, mostly in their senior year of studies, undertaking a clerkship in community medicine in our department for periods ranging between six weeks and three months. This clerkship in community medicine was recognized by their various faculties in the U.S. and it has apparently stimulated so much interest that we have had a number of enquiries from students in the United States who wish to come and spend a period of three and sometimes more months in a community medicine clerkship.

What will the transfer of our department to the Medical Center mean for social medicine and its various fields, like the practice of medicine in the community—a transfer which has been made possible by the U.S. Government funding and the imagination of Hadassah itself, for which we are very grateful? It is my hope that this will lead to a gradual coming together of the community health activities of Hadassah and its hospital and basic sciences of the Medical School. It is true that the social medicine aspects is at present but a tiny part of the totality that exists here in Ein Karem, but this is a reflection of the state of medicine at the present time where all emphasis is on the hospital and the basic sciences integrating the clinical sciences in the hospital.

The advent of social medicine into the University Medical itself adds a third dimension. While only a small beginning, I am sure that it will in time develop the same relationship with the basic sciences as has been developed by the clinical departments of the hospital and any association with these clinical departments will broaden the scope of the University Medical Center to include more advanced teaching and research in a much needed field of community medicine. Through this research and through the practice which is growing in the community, the medical center will be enabled to provide a scientific foundation on which policy decisions by government and other agencies can be made.

We cannot in Israel afford petrifaction in our health center system and must seek new ways. As in other fields of medicine, these new ways can he helped by suitably supported reserach.

Prof. Kalman J. Mann, director-general of the Hadassah Medical Organization, said:

Our work in the field of Public Health and Social Medicine is the end result of a long road of growth and development that has its beginning in this country over 3,000 years ago, when there were enunciated here the earliest laws for the promotion of health by the initiation of a weekly day of rest; for the prevention of physical disease by the introduction of laws governing personal hygiene and the isolation of infectious cases; for the elimination of Social Pathology by the formulation of inter-human patterns of behavior.

This road continued its westward course throughout the 19th century with the development of Medical Sciences and a deeper understanding of infectious diseases. It broadened in the twentieth century to include the psychological and social causes of community ill-health in addition to those of physical origin, and in 1918, with the help of Hadassah, it made the return journey from the United States to its starting point—to Israel—where it changed the image of health of Man and Environment.

Yet, Hadassah's contribution to health extends far and beyond the field of Public Health. As you stroll around the Medical Center, you will perceive that the area for Public Health which we are now dedicating is less than one percent of the area housing the totality of our medical work; that the subjects of our care are not only social groups and environment, but also 400,000 individuals who are being taken care of annually in the Outpatient departments, Dental Clinics, Student Health Services, Emergency Rooms, Traumatic Unit and Hospital wards.

You will note that the subjects of our care reflect the demographic structure of Israel's population, including Christians, Moslems, and Jews; children and adults, friends and enemies, whether stricken by God or human hand.

And interwoven within this mass of suffering humanity you will find our 8,000 undergraduate subjects training in the Schools of Medicine, Dentistry, Nursing, Occupational Therapy, Public Health and others, so that they are able, once qualified, to undertake the responsibility for Israel's health.

While wandering through the hive of activity, you will meet its 2,400 workers, adding the third dimension of Research to that of Service and Teaching; extending the fruits of their labour to medical institutions in Jerusalem, in Israel and beyond to African and Asian countries; enriching Man's health and the pool of his scientific knowledge.

Today we are dedicating the physical facilities for Public Health, which were given to us by the American people. Is not the totality of this center a tribute to the greatness of the American people and to the Jewish community within them which made that greatness available to us?

Today we pay homage to the United States for being the source from which we draw our knowledge and know-how in the field of Public Health.

Should we not recognize the enormous benefits that have accrued to Mankind through this partnership of the American people, the American Jewish community and Israel?

Let us deepen and strengthen this partnership so that, together, we can bring health to Man and his environment and Peace to a war-torn region and its people.

GREAT LAKES

HON. THOMAS L. ASHLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 1970

Mr. ASHLEY. Mr. Speaker, today I have been joined by 38 of my colleagues from Great Lakes districts in sponsoring legislation to designate the Great Lakes as a fourth seacoast of the United States.

Specifically, the bill would amend section 809 of the Merchant Marine Act of 1936 by adding the words "Great Lakes" so that the opening sentence of this section would read:

> Contracts under this act shall be entered into so as to equitably serve, insofar as possible, the foreign trade requirements of the Atlantic, Gulf, Great Lakes and Pacific ports of the United States.

This amendment would recognize the fact that the St. Lawrence Seaway has transformed the Great Lakes seaports into international centers and the heartland of America into a coastal region with world ports ready to accept shipping to and from every nation. It would grant the Great Lakes full port range status and thus assure them equal treatment in all maritime matters with the Atlantic, gulf, and Pacific seaports.

The Great Lakes were barely considered when the Merchant Marine Act was passed in 1936 because, at that time, there was no such thing as the St. Lawrence Seaway. In 1936 we had a waterway from the sea into the Great Lakes which could accommodate vessels with drafts not greater than 14 feet. Since the opening of the Seaway in 1959, however, the system has been expanded so that it can now accommodate deep draft ocean going vessels.

The Great Lakes-St. Lawrence Seaway system today stands as one of the world's great commercial traffic arteries, penetrating midcontinent United States and affording waterborne access to and from all ports of the world. In North America, the midcontinent is the most important section for agriculture, population, industrial production, and employment. Indeed, our region outproduces all six nations in the European Common Market and the whole of the Soviet Union.

The contribution of the Great Lakes-St. Lawrence Seaway system can be measured quantitatively in terms of increased tonnage carried by the system. Total tonnage carried has moved up from 10 to 12 million tons as a pre-Seaway average to over 49 million tons in 1966, before leveling off in the face of disabling strikes. Overseas tonnage has moved up from 300,000 tons carried in ocean miniatures in the pre-Seaway 1950's to over 14.6 million tons in 1967. In the same time the value of the overseas trade has expanded dramatically from $100 million in the early 1950's to over $1.6 billion at the present time .

With the advent of the Seaway, the midcontinent's exports have become larger than any other section of the United States. Most of the export expansion has occurred in metropolitan areas around the lakes directly accessible to Seaway service. Thus, Chicago has become the leading export city of the Nation, Detroit is second, Rochester is seventh, and Milwaukee is tenth. Yet the lake ports appear to be handling less than 18 percent of the value of exports originating in its midcontinent hinterland. If the U.S. lake ports were to carry a third of midcontinent trade, they would double their existing traffic; if they were to accommodate a seasonable two-thirds, they would quadruple their present traffic.

My bill would simply recognize the Great Lakes as a separate port range and thus assure their equal treatment with other major coastal sections of the Nation in regard to such matters as trade routes and the sufficiency of service.

In short, this legislation would grant long overdue recognition of the growth of our midcontinent into the largest exporting section of the United States and would facilitate trade between this region and the rest of the world.

The legislation is supported by the Great Lakes Task Force, which is composed of the Council of Lake Erie Ports, the Great Lakes Commission, the Great Lakes Terminals Association, the International Association of Great Lakes Ports—U.S. section—the International Longshoremen's Association—Great Lakes district—and the U.S. Great Lakes Shipping Association.

Mr. Speaker, the time has come to recognize the contributions of the Great Lakes region and to end their status as a stepchild of the Eastern seaboard. The measure is most timely as the House Merchant Marine and Fisheries Committee is presently considering legislation designed to rejuvenate our maritime industry. Chairman GARMATZ has set forth a schedule for comprehensive hearings in an attempt to avoid "doing half a job—when a whole job is needed to sustain and strengthen our maritime industry." I fully agree with the chairman and submit that any legislation that does not recognize the present economic position of the Great Lakes-St. Lawrence Seaway system is not comprehensive legislation.

Mr. Speaker, following is a list of those who have joined in introduction of this much needed legislation:

Annunzio of Illinois.
Betts of Ohio.
Blatnik of Minnesota.
Brademas of Indiana.
Broomfield of Michigan.
Byrnes of Wisconsin.
Cederberg of Michigan.
Crane of Illinois.
Derwinski of Illinois.
Diggs of Michigan.
Dingell of Michigan.
Dulski of New York.
Feighan of Ohio.
William D. Ford of Michigan.
Griffiths of Michigan.
Horton of New York.
Karth of Minnesota.
Landgrebe of Indiana.
Latta of Ohio.
McDonald of Michigan.
Mikva of Illinois.
Mosher of Ohio.
Murphy of Illinois.
Nedzi of Michigan.
O'Hara of Michigan.
O'Konski of Wisconsin.
Pucinski of Illinois.
Reuss of Wisconsin.
Riegle of Michigan.
Schadeberg of Wisconsin.
Stanton of Ohio.
Steiger of Wisconsin.
Stokes of Ohio.
Vander Jagt of Michigan.
Vanik of Ohio.
Vigorito of Pennsylvania.
Yates of Illinois.
Zablocki of Wisconsin.

FREEDOM'S CHALLENGE

HON. L. MENDEL RIVERS

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 1970

Mr. RIVERS. Mr. Speaker, last night in the city of Washington, the Veterans of Foreign Wars held their annual Congressional Night Dinner as a part of their annual convention. At this magnificent event, the first prize winner of the VFW Voice of Democracy Contest was awarded a $5,000 scholarship. Four hundred thousand young Americans participated in this contest.

Mr. Speaker, the winner of this scholarship was Lawrence Slaughter of North Charleston, S.C. Not only is North Charleston my boyhood home, not only is North Charleston an important part of my congressional district, but the Slaughter family has been friends of my family since they moved to this community over 30 years ago.

Young Lawrence Slaughter is the son of my dear friend, Crayton N. "Buster" Slaughter, of North Charleston. His father is a distinguished Mason and retired assistant postmaster.

At the banquet last night, young Slaughter delivered his award-winning address to the convention. His subject was unusual, imaginative, thought-provoking and of most timely importance.

I consider it a great privilege to insert in the CONGRESSIONAL RECORD for future generations to read this magnificent address of this outstanding and promising young American:

FREEDOM'S CHALLENGE

Well, what is it? I mean. I hear you talking all the time about it, but I don't know what you mean. I just don't get it. What is this thing—"freedom?"

It isn't that I haven't tried to find out what it is; I looked it up in the dictionary and it said that it was the "lack of restraint." That sounded good to me—"lack of restraint." But then I got confused all over again. You told me that I had freedom. But I can't drive on the left side of the street. I can't scream and yell out side if I want to. There's a lot of things that I can't do. Who's lying, you or Noah Webster?

I wonder if I'll ever know what it means. I wonder if anyone ever knew what it really means. I know that I'm not the only one that was ever told that he had freedom. What did freedom mean to the man that enlisted in the army of Adolf Hitler and was told that he was of the superior race and he should kill to have freedom. What did freedom mean to the Russian peasant whose land was burned—for freedom? What does freedom mean to the Vietnamese whose family is killed—for freedom? What is freedom to the poverty stricken American who is bound by hunger in this the "land of the free?" But what I really want to know is what is freedom to me? You say that I have freedom; but the militants tell me that I don't, and I ought to kill you to get it and the radical right says I ought to kill the militant so that I can keep this freedom that I'm not sure I even have. I'm confused.

Wait you say that my freedom "stops when another man's freedom begins." Hey now that makes sense. That's why I can't exercise my freedom to scream and yell, because it violates another man's freedom to have peace. I can have freedom as long as I let another man have his. That means I can have freedom of speech as long as I don't yell "fire" in a crowded theater. I can have freedom of the press as long as I don't use it to use the paper to lie about someone else. Now, that makes sense; I guess you could say that I'm "free and bound."

That's quite a responsibility, isn't it? I've been given this freedom and I guess it was given to me so that I might keep it long enough to give it to someone else. That must be what you mean by this "Freedom's Challenge" bit. It is a challenge and the challenge seems twofold. I've got to keep this freedom and I've got to give it away, too. Now that's a paradox. I've got to protect my freedom so that someone else may have it after I'm gone. I've got to cherish this thing, freedom; but then again, I can't cherish it so much that I won't let others have this right that I enjoy. I guess I've got to protect his freedom as much as I have to protect mine. If that means that I've got to work with him to save our freedom together, I

guess that's what I'll have to do. If it means that I have to leave him alone because he doesn't like me, that's his freedom, and I've got to protect it.

Now I know what freedom means and this worries me more than not knowing. Now that I know, I'm worried. It's staggering to think that I have this responsibility of protecting both mine and others' freedom. I am free—and I am bound to protect this freedom. What a responsibility; and what a challenge! I hope I can live up to it. Can you?

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